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Alcohol	Alcohol, Drug Abuse, and Mental Health Administration. Alcohol, Tobacco and Firearms Bureau. Drug Abuse Prevention, Special Action Office for. National Highway Traffic Safety Administration. Public Health Service. Transportation Department.
Aliens	Immigration and Naturalization Service. Manpower Administration. State Department.
Animals	Agricultural Marketing Service. Agricultural Research Service. Animal and Plant Health Inspection Service. Commerce Department. Fish and Wildlife Service. Food and Drug Administration. National Oceanic and Atmospheric Administration. Presidential Executive Order. Public Health Service. Small Business Administration
Armed Forces	Air Force Department. Arms Control and Disarmament Agency. Army Department. Civil Aeronautics Board. Defense Civil Preparedness Agency. Defense Communications Agency. Defense Department. Defense Intelligence Agency. Defense Manpower Commission. Defense Nuclear Agency. Defense Supply Agency. Domestic and International Business Administration. Federal Maritime Commission. Navy Department.

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## INQUIRIES AND SUGGESTIONS

This publication was prepared under the editorial direction of Rose Steinman, with Uriel Schoenbach and Carol Blanchard as Chief Editors. INQUIRIES, telephone 202-523-5227.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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4 Appendix A amended	14056
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60 Revised	19810
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265 Added to Subchapter F; transferred from Subchapter E	32830

## TITLE 15—COMMERCE AND FOREIGN TRADE

## Subtitle A—Office of the Secretary of Commerce

4 Revised	11553
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## Chapter I—Bureau of the Census, Department of Commerce

30.55 (1) added	32116
50.10 Revised	6324
60 Revised	19810

## Chapter II—National Bureau of Standards, Department of Commerce

Subchapter F established	32830
265 Added to Subchapter F; transferred from Subchapter E	32830

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256 Added	33436
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8.510 (d), (e) and (h) (1)	44813	(e) (2) and (3) revised	22541
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8.4070 (c) revised	18167	(b) (2) corrected	26267
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9.40 Revised	44813	51.21 (a) (2), (b) (3), and (c) (3)	30940
9.62 Revised	44813	revised; (a) (1), (b), and (c)	30940
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9.81 Revised	44813	51.32 Revised	30941
9.103 Revised	44813	80.1 (b) (4) revised*	23035
9.104 Revised	18167	Comment time extended	26027
9.105 Removed	44813	Effective date stayed	34586
9.159 Removed	44813	90.2 (a) revised*	23036
9.174 Removed	44813	Comment time extended	26027
9.184 Removed	44813	100.2 Revised*	23036
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121) Effective date stayed	31606	Comment time extended	26027
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10.5 Revised	21722	121 Comment time extended	26027
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11 Technical correction	23725	revised*	23036
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18.555 Effective date amended	18549	121.74 Revised*	23036
		121.210 (c) table amended	22131

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121.276 Removed	41085	310.3 (n) added	31307
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121.295 (b) revised	39857	310.4 Revised	31312
(b) corrected	42866	310.200 (b) revised*	23036
121.266 Added	30639	310.303 (b) revised*	23037
121.2502 (a) (8) added; (b) table		310.503 (d) revised; (f), (g) and	
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121.2511 (b) amended	14905	76	43488
121.2514 (b) (3) (viii) (b) amend-		(f) (4) and (h) corrected	44543
ed	23997	310.505 (d) (3) (iii) revised; (k)	
(b) (3) (xxxi) amended	25205	(1) and (2) amended	34110
121.2520 (c) (5) amended	21934	312 Technical correction	18993
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156 Added	32333
158 Revised	17713
166 Revised	17950
166.4 (b) amended	34115
166.6 Amended	34115
166.12 (e) amended	34115
166.22 (a) (1) and (2) amended	34115
166.52 (d) (4) amended	34115
166 Appendix C added	22230
169 Revised	23858
169.28 (a) corrected	40518
173 Revised	12081
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176.20 (e) (3) amended	37987
176.21 (a) amended	37987
177.1 (e) and (g) revised; (l) and (r) added	7593
177.4 (c) (3) (xxi) revised	36967
(c) (3) (xxii) added	2813
(c) (3) (xxiii) added	18556
(c) (3) (xxiv) added	30820
177.6 (b) revised	34115
177.12 (a) (1) (vi) revised	34115
177.46 (c) and (d) revised; (c-1) added	7594
177.50 Removed	7595

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177.71—177.78 (Subpart G) Added	7597
180 Revised	25208
182 Added	20274
183 Appendix (Guidelines) amended	21957
183.1 (a) and (b) amended	12990
183.2 Amended	12990
184 Added	21955
185.02 (c) added; (k) and (n) revised	25173
185.11 (b) (3), (c) (1) and (2), and (d) (1) and (2) (ii) revised; (b) (6) and (c) (4) added	25173
185.13 (k) introductory text and authority and (l) (2) and (n) revised	25173
185.14 (a) revised	25174
185.21 Revised	25174
185.24 (a) revised	25174
185.31 (a) authority and (a) (1) and (b) authority and (b) (1) revised; (c) removed	25175
185.32 (c) removed	25175
185.33 Revised	25175
185.34 (c) revised	25175
185.36 Removed	25175
185.37 (b) (1) revised	25175
185.41—185.45 (Subpart E) Heading revised	25175
185.41 (c) (3) and (d) revised	25175
185.44 (d) (3) and (g) revised	25176
185.45 (a) (6), (b), (c) (1), and (a) and (c) authority citations revised	25176
185.46 Added	25176
185.51 Revised	25176
185.53 (c) (2) revised	25177
185.54 (a) and (c) revised	25177
185.55 (a) (2) (iv) and (b) (2) (iii) revised	25177
185.56 Revised	25177
185.61 (a) and (d) (1) revised	25177
185.62 Introductory text and (a), (d), (e), (g), (h), (i), (j) and (k) revised	25178
185.63 (b) (4), (6), and (7) revised	25178
185.64 (a), (b) (1) (i), and (b) (3) (iv) revised; (c) (3) removed	25178
185.65 (b) (3) revised	25178
185.71—185.77 (Subpart H) Re-	
vised	25178
185.83 Heading, (a) heading and introductory text revised	25181
185.84 (b) revised	25181
185.91—185.94-4 (Subpart J) Revised	25181
185.95 (a) removed; (b) authority and (b) (1) revised	25186
189 Revised	23301
190.1—190.5 (Subpart A) Added	39413
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190.31—190.39 (Subpart C) Revised	15249
190.41—190.48 (Subpart D) Revised	15251
190.51 (Subpart E) Added	39416
190.61—190.66 (Subpart F) Added	39416
190.71—190.86 (Subpart G) Added	41800
192.2 Amended	17844
192.3 (e) and (f) added	17844
(e) revised	27459
192.4 (a) amended; (b) added	17845
192.5 (b) (3) and (4) amended; (b) (5) through (9) added	17845
192.9 Revised	17845
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201.1 (h) corrected	36114
201.14 Added	34597
Effective date corrected; (d) (12) and (13), and (e) revised	44326
205.25 Effective date postponed to 7-1-76	33217
205.40 Revised	37195
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205.41 Revised	37195
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205.50 (a) revised; (b) redesignated as (d); (b) and (c) added	27154
Effective date postponed	31766
205.102 CFR correction	4000
206.10 (a) (1) (iv) and (a) (9) revised; (a) (1) (v) added	27660
(a) (9) and (b) revised	32958
212.4 (d) revised	43218
213.21 Revised	40850
220 Effective date	45238

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220.36 Removed	†	43182
220.48 Removed	†	27030
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220.61 (f) (1) amended	†	38380
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222 Effective date	†	45238
224 Added; eff. 3-16-76	†	43182
226 Effective date	†	45238
228 Added	†	27354
232 Added	†	27154
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233.10 (b) (3) revised; (b) (5) added	†	32958
233.11 Removed	†	43182
233.20 (a) (3) revised	†	12507, 30965
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233.70 (a) (2) and (3), and (b) (1) revised	†	25819
233.90 (b) (4) revised	†	27156
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233.140 Removed	†	38902
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234.60 (a) (1) revised; (a) (13) added	†	27156
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235.70 Revised	†	27156
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237.60 Removed	†	16667
248.3 (b) (5) and (c) (2) (i) and (ii) amended	†	36590
248.21 (a) (3) (i) (A) and (B) amended	†	36590
248.70 (a) (2) and (3) and (c) (1) revised	†	25819
249.10 (b) (6) revised	†	37637
(b) (4) (i) (B) revised; (b) (15) (vi) added	†	40019
(b) (1) and (14) (i) (A) revised	†	41611
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249.33 (a) (1) amended	†	41611
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(a) (7) removed	†	28793
249.40 (a) (2) and (b) revised	†	36590
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249.82 Revised	†	20517
250.18 Added	†	41611
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(a) (1) (iii) revised	†	30819
250.19 Added	†	41612
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250.20 Amended; (a) (3) added	†	35778
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250.23 Amended	†	41618
(a) (1) (ii) revised; (b) (2) removed; (b) (1) redesignated as (b) (3); (c) added	†	41618
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250.24 (a) (1) (ii) revised	†	41618
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302 Added	†	27159
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303 Added	†	27164
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613 Added	†	44510
650 Added	†	41982
650.8 (c) (6) redesignated as (7); new (c) (6) added	†	34598
650.9 (c) (2) and (3) redesignated as (c) (3) and (4); new (c) (2) added; new (c) (4) amended	†	34598
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801 Appendix A amended	†	37056, 40157
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1005 Removed; new (Interim) Part 1005 added	†	7929
1060.2-1—1060.2-3 (Subpart) Heading and text revised	†	14317
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1060.2-4 Added	†	28793
1060.5-1—1060.5-3 (Subpart) Added	†	3213
1061.20-1—1061.20-11 (Subpart) Added	†	27661
1061.30-1—1061.30-10 Added; correctly designated	†	31603, 44327
1067.4-1—1067.4-3 (Subpart) Added	†	27031
1067.4-1—1067.4-7 (Subpart) Revised	†	28794
1067.5-1—1067.5-3 Corrected	†	44327
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1069.4-7 Removed (in Subpart revision)	†	30461
1069.7-1—1069.7-3 (Subpart) Added	†	39722
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74.466 Revised	25461	(a) (4) and (7) amended	28805
74.566 Revised	25461	(c) revised	30661
74.666 Revised	25461	76.253 Added	43310
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74.733 (j) note added	25022	76.305 (a) (7) and (c) revised	43310
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74.763 (c) revised	38653	(a) (2) and (3), and (b) and	
74.765 (b) revised	24901	(c) revised; (a) (8) added	25024
74.767 Revised	25461	(a) (7) and (c) revised	30656
74.781 (c) revised	24901, 28610	76.405 Revised	33665
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74.1250 (i) revised	29863	(a) (4) amended	2690
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74.1281 (c) revised	24901, 28610	78.101 (c) added	36014
76.5 (dd) removed	2690	Amended	36590
76.8 Added	12797	78.105 (c) added	36014
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76.51 (b) (64) amended	37988	81.32 (d) amended	44142
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76.57 (c) revised; eff. 10-2-75	39511	81.42 (a) (1) and (b) (2) re-	
76.59 (d) (3) revised; eff. 10-2-		vised	20924
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76.61 (e) (3) revised; eff. 10-2-		amended	44142
75	39511	81.104 (b) and (c) revised; (d)	
76.67 Added	30649	and (e) added	37488
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76.93 Removed	17739	(a) amended	44142
76.94 Added	17739	81.133 (d) revised	20924
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76.97 Revised	17739	81.136 (d) revised	44142
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76.161 Added; eff. 10-30-75	44551	(d) amended	44142
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81.209 Amended	44143	83.328 (b) and (c) amended; (d) revised	44146
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81.304 (a) table amended; (b) (9) added	44984	(a) amended; (b) (15) revised	2987
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81.607 Revised	20924	83.453 (b) (1) removed	44148
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83.3 (f) (2) (ii) and (iii) amended	44145	83.550 Heading added	21031
83.20 Added	5366	83.554 (a) introductory text, (1) (i) and (ii), (2) (i) (a) and (5) (i) revised	19645
83.23 Revised	5366	(a) technical amendment (Annex)	21877, 23281
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83.139 (c) amended; (d) and (e) revised	44146	87.65 (a) (3) through (8) amended	8951
83.140 (c) revised	44146	87.67 (b) (2) revised	20924
83.157 Heading and (a) revised	19647	87.77 (d) (6) revised	20924
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		87.183 (m) removed	8951

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(c) revised	33667	89.523 (d) revised	38904
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87.293 (b), (c) and (d) revised	25215	(e) table amended; (f) (15) removed; (f) (16) revised	45265
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(b) table amended	14469		
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91.302 (e) added	40764	vised; (h) removed	20927
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revised; (o) added	45241
173.394 (a) and (b)(1) and (2)	
revised; (c)(4) and (b)(5)	
and (6) added	45241
(a)(1) corrected	† 2435
173.395 (a) introductory text and	
(1) through (4) revised; (a)	
(5) through (8) removed; (b)	
(4) added	45242
(a)(1) corrected	† 2435
173.396 (b)(1) and (c)(1) and	
(2)(ii) revised; (b)(6), (7),	
and (8), (c)(5), and (f)(1)	
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(f)(2) corrected	† 2435
(c)(1) and tables of (b)(6)	
through (b)(8), and (c)(2)	
(ii) amended; (f)(2) re-	
vised	† 44327
173.397 Revised	45243
173.398 (a)(4) notes 1 and 2	
added	45244
(a)(4) corrected	† 2435
173.399 (a)(3)(ii) revised; (a)	
(3)(iii) removed	45244
173.401 Effective date amended	37488
(f) added	45244
Effective date postponed	† 22263, 25024
(a)(2) CFR correction; effective	
date 1-1-76	† 27939
173.404 (a) revised	45244
173.416 (d) added	45244
173.427 (a)(3) revised	† 24903
174 Effective date: 7-1-76	† 41527
174.525 (b)(1), (3), (4), (6),	
(11) through (14), and (c)	
(1) and (3) revised	41366
174.541 Effective date amended	37488
Effective date postponed	† 22263, 25024
(a)(2) and (3) CFR correction;	
effective date 1-1-76	† 27939
174.584 Effective date amended	37489
(i) added	45244
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174.586 (h) (1) revised; (h) (2) amended	45244	178.103 Revised	45246
174.589 Emergency order	38230	178.103-1 Revised	45246
175 Effective date: 7-1-76	41527	178.103-2 (b) added	45246
175.652a (c) revised	45244	178.103-3 (a), (b), (c) (1) and (2) (i), (ii), (iii) and (3), and (d) revised	45246
175.655 (j) (1) revised; (j) (2) amended	45244	(c) (1) corrected	2435
177 Effective date: 7-1-76	41527	(c) (3) amended	44327
177.814 Added	41742	178.103-4 Revised	45246
177.815 (g) removed	41742	178.103-5 (a) revised	45246
177.817 (a) introductory text revised	45245	178.104-3 (a), (b), and (c) revised; (e) added	45246
(a) (1) revised; (a) (2) redesignated as (a) (3); new (a) (2) added	24903	(a) and (b) amended	44327
(a) (1) and (2) amended	44821	178.107-6 Table amended	44990
177.823 Effective date amended	37488	178.108-6 Table amended	44990
Effective date postponed	22263, 25024	178.109-6 Table amended	44990
(a) (1) CFR correction; effective date 1-1-75	27939	178.120—178.120-5 Added	45247
177.824 (d) revised	41742	178.121—178.121-4 Added	45250
(f) introductory text, (f) (1) (ii) and (iii), and (f) (2) revised	24904	178.121-1 Added	45250
177.834 (i) and (1) revised	41743	(c) corrected	2435
(a) revised	45245	178.194—178.194-7 Added	45252
(1) (39 FR 41743) effective date delayed until Oct. 1, 1975	12269	178.194-7 Added	45252
177.835 (e) (1) removed	41743	Corrected	2435
177.837 (e) added	41743	178.195—178.195-5 Added	45253
177.839 (d) added	41743	178.195-6 Correctly added	2435
177.841 (d) added	41743	178.250 Removed	45253
177.842 (a) and (b) revised	45245	178.337 Heading revised	24904
177.854 (a) amended; (f) (1) and (2) and (g) revised	41743	178.337-1 (c) (2) revised	41744
(g) (39 FR 41743) effective date postponed until Oct. 1, 1975	12269	(f) amended	24904
(g) effective date postponed to 7-1-76	44821	178.337-2 (b) revised	41744
177.856 (d) amended	41743	178.337-8 (b) revised	41744
177.859 (b) amended	41743	178.337-10 (c) revised	41744
178 Effective date: 7-1-76	41527	178.337-18 (a) (1) added	24904
178.34—178.34-4 Revised	45245	Subchapter D added; redesignated from Subchapter B, with heading revised	31767
178.34-4 Revised	45245	192.59 (a) (1) and (b) (1) revised; (c) added	10472
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(a) (2) (ii) table amended	44327	192.225 (a) revised	10182
178.81-7 Table amended	44990	192.227 (a) (2) revised	10182
178.83-7 Table amended	44990	(a) (2) (i) revised	27222
178.84-7 Table amended	44990	192.229 (c) revised	10182
178.87-7 Table amended	44990	(c) (1) revised	27223
178.88-6 Table amended	44990	192.241 (c) revised	10182, 27223
178.90-6 Table amended	44990	192.625 (g) (1) amended	45254
178.91-7 Table amended	44990	(a) and (b) revised	20282
178.97-5 Table amended	44990	192.705 (a) and (b) revised; (c) removed	20283
178.98-5 Table amended	44990	192.706 Added	20283
178.99-5 Table amended	44990	192.707 Revised	13505
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215.5 (f) added	42367	395.6 Removed	31770
215.7 Revised	17574	395.8 (t) (2) revised	10685
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215 Appendix D added	8952	396.7 Amended	10685
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236.0 (c) (6) and (7) revised	41747		
255 Added	4234		
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310 Authority citation revised	14919	571.101 Std. No. 101 amended; eff. 7-29-75	31770
310.1 Revised	14919	571.103 Std. No. 103 amended; eff. 9-1-75	12992, 32336
310.2 Revised	14919	571.105 Std. No. 105 amended; eff. 6-9-75	24526, 25215
310.3 Revised	14919	571.105-75 Std. No. 105-75 amended; eff. 9-1-75	11585, 18411
310.4 Revised	14920	Std. No. 105-75 amended; eff. 1-1-76	24526
325 Added; eff. 10-15-75	42437	Amended; eff. 9-17-75	42872
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385.2 Revised	40810	Amended; eff. 3-17-75	12089
385.3 Amended	40810	Amended; eff. 3-1-76	32336
385.4 (a) (1) and (b) (3) amended	40810	Amended; eff. 8-31-76	38159
385.5 Amended	40810	571.108 Std. No. 108 amended; eff. 4-21-75	17574
385.6 (a) (6) and (b) amended	40810	Amended; eff. 6-18-75	25677
390.17 Added	10684	571.109 Std. No. 109 Appendix A amended; eff. 11-21-74	37489
390.40 Table amended	44555	Authority citation corrected	42367
391.62 Revised	10684		
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392.10 (a) (3) (xi), (4) and (5) revised	44555		
392.22 (b) (2) (vii) added	10685		
392.69 Added	31770		
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571.110 Std. No. 110 Appendix A amended; eff. 11-21-74	37489
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Amended	5530
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571.110 Appendix A amended; eff. 8-6-75	28458
571.111 Revised	33826
571.116 Std. No. 116 amended; eff. 3-25-75	13219
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571.117 Std. No. 117 corrected	36016
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571.118 Std. No. 118 amended; eff. 7-29-75	31773
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571.122 Std. No. 122 amended; eff. 12-10-74	43075
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577 Authority citation revised	21031
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## list of cfr parts affected

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## presidential documents

### Title 3—The President

Memorandum of August 17, 1975

Classification of National Security Information

Memorandum for the Secretary of Commerce; the Director, Office of Investigations and Security, Department of Commerce

THE WHITE HOUSE,  
Washington, August 17, 1975.

Pursuant to the provisions of paragraph (A), section 2 of Executive Order No. 11652, I hereby designate the following officials in the Department of Commerce to originally classify national security information or material as "Top Secret":

- (a) The Secretary of Commerce.
  - (b) The Director, Office of Investigations and Security.
- This designation shall be published in the FEDERAL REGISTER.

*Gerard R. Ford*

[FR Doc.75-23361 Filed 8-29-75;11:08 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions  
CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER  
CFR CHECKLIST  
1975 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1975. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1975 is \$350 domestic, \$75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1975):

Title	Price
1	\$1.45
2	.70
3A 1974 Compilation	2.75
4	2.70
5	4.35
6 [Reserved]	
7 Parts:	
0-45	6.15
46-51	4.10
52	6.15
53-209	6.10
210-699	5.65
700-749	4.25
750-899	2.95
900-944	4.50
945-980	2.30
981-999	2.55
1000-1059	4.35
1060-1119	4.80
1120-1199	3.75
1200-1499	4.05
1500-end	6.30
8	2.45
9	6.25
10 Parts:	
0-199	4.90
200-end	3.00
11	1.35
12 Parts:	
1-299	6.35
300-end	6.40
13	3.60
14 Parts:	
1-59	5.85
60-199	6.10
200-end	7.15
15	4.50
16 Parts:	
0-149	6.05
150-end	5.50
CFR Unit (Rev. as of April 1, 1975):	
17	\$6.30

Title	Price
18 Parts:	
1-149	4.65
150-end	4.65
19	5.40
20 Parts:	
1-399	\$2.45
400-end	9.70
21 Parts:	
1-9	2.10
200-299	1.60
300-499	5.80
500-599	3.60
600-1299	2.95
1300-end	1.90
22	4.75
23	3.55
24 Parts:	
0-499	5.80
500-end	5.45
25	4.40
26 Parts:	
1 (§§ 1.0-1-1.169)	5.90
1 (§§ 1.170-1.300)	3.65
1 (§§ 1.301-1.400)	2.90
1 (§§ 1.501-1.640)	3.45
1 (§§ 1.641-1.850)	4.00
1 (§§ 1.851-1.1200)	5.80
1 (§ 1.1201-end)	6.90
2-29	3.40
30-39	3.40
40-299	5.25
300-499	3.55
500-599 (Retain CFR Vol. Rev. 4-1-74)	3.15
600-end	1.70
27 (Rev. May 1, 1975)	7.70
CFR Unit (Rev. as of July 1, 1975):	
28	\$2.70
32 Parts:	
400-589	4.90
590-699	2.35
1000-1399	2.05
1600-end	1.80
32A	2.85
40 Parts:	
0-49	2.90
41 Chapters:	
7	1.80
8	1.80
1974 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:	
CFR Unit (Rev. as of Oct. 1, 1974):	
Title	Price
42	\$4.45
43 Parts:	
1-999	3.95
1000-end	5.65
44 [Reserved]	
45 Parts:	
1-99	3.00
100-199	5.30
200-499	3.15
500-end	3.65

Title	Price
46 Parts:	
1-29	\$2.05
30-40	2.05
41-69	3.85
70-89	2.05
90-109	1.90
110-139	1.90
140-149	7.60
150-165	3.70
166-199	2.55
200-end	6.20
47 Parts:	
0-19	4.10
20-69	5.20
70-79	4.45
80-end	6.05
48 [Reserved]	
49 Parts:	
1-99	1.90
100-199	7.20
200-999	5.85
1000-1199	3.40
1200-1299 (Rev. Nov. 1, 1974)	7.55
1300-end	2.75
50	3.80

Title 7—Agriculture  
CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE  
PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA  
Change in List of Varietal Types To Include Dipped Seedless Raisins and Applicable Grade Standards

Correction  
In FR Doc. 75-19663 appearing at page 31739 in the issue for Tuesday, July 29, 1975, in the eighth line of § 989.110, the word "Zante" should read "Zante".

Title 10—Energy  
CHAPTER II—FEDERAL ENERGY ADMINISTRATION  
PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Remedies  
The Federal Energy Administration hereby amends, effective immediately, § 205.195 of Chapter II, Title 10, Code of Federal Regulations with respect to remedies which may be incorporated in a remedial order, a remedial order for immediate compliance, an order of disallowance or a consent order. The purpose of this amendment is to provide a clarification, in the form of specific examples, of the exercise of the authority already contained in § 205.195.

Section 205.195 presently permits the FEA, among other things, to order a firm to refund amounts paid to such firm that

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are in excess of the amount permitted under Part 212, or to "take such other action as the FEA determines is necessary to eliminate or to compensate for the effects of a violation or any cost disallowance pursuant to §§ 212.83 or 212.84."

Currently, and pursuant to § 205.195, FEA practice is to order firms to refund the amount of overcharges to their immediate customers. The amendment to the regulation clarifies the FEA's authority to order refunds not only to a firm's immediate customers, but to the ultimate customers who have purchased the covered product, subject to the overcharges, from a middle level distributor of the firm's products. In addition, the amendment clarifies the FEA's authority, in cases where it orders refunds to wholesalers and other middle level distributors, to require that those wholesalers and distributors pass through the refund amount to their purchasers of the covered products which were subject to the overcharge. Finally, the amendment clarifies the FEA's authority to require, as part of a rollback or refund, that the violator include appropriate interest and compensation to downstream distributors for the administrative expenses of passing through refunds to the ultimate victims of an overcharge.

The principal aim of these amendments is to make it clear that the FEA can and will continue to provide meaningful relief from the effects of price overcharges, even if price controls should expire. To allow the FEA to carry out its enforcement responsibilities effectively, it is necessary to utilize appropriate means to insure that refunds are channeled directly to the ultimate consumers who, in the end, bear the brunt of price overcharges. As an illustration, during the period of price controls, refunds by a refiner to a reseller have been treated by the FEA in some cases as a downward adjustment of the reseller's cost of product. The reseller's customers (i.e., the refiner's ultimate customers) benefit from the refund because the reseller is often compelled by the price regulations to adjust his own prices accordingly.

The termination of price controls will eliminate this use of price controls as one tool in assuring that the ultimate victims of an overcharge receive to the extent possible the benefits of a refund or rollback ordered by the FEA. However, under section 4(g) (1) and section 5 of the Emergency Petroleum Allocation Act of 1973 ("EPAA"), as amended, the FEA has authority to achieve appropriate remedies of price and allocation violations even after the expiration of the EPAA. In order to accomplish appropriate remedies after controls have expired, the FEA intends, as it has in the past, to require by order whatever action is necessary on the part of offenders and downstream resellers to assure, to the extent possible, that refunds and rollbacks flow to those persons who were the victims of the overcharge. Thus, section 205.195 is being amended to clarify the FEA's authority to require, for example, that refunds be paid directly to ultimate

consumers, that the recipients of refunds pass through such refunds to their customers, and that offenders and their intermediate customers hold their prices at designated levels until such time as a particular violation has been fully remedied.

Because of the expiration on August 31, 1975 of authority to promulgate regulations pursuant to section 4(a) of the EPAA, strict compliance with the provisions of section 7(4) (1) (B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), regarding notice and opportunity to comment would not be possible prior to such expiration, and therefore compliance could result in serious injury to the public welfare. Thus, the FEA is hereby waiving notice and public comment.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 205 of Chapter II, Title 10 of the Code of Federal Regulations is amended, effective immediately, as set forth below.

Issued in Washington, D.C., August 28, 1975.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

Section 205.195 is revised to read as follows:

§ 205.195 Remedies.

(a) A remedial order, a remedial order for immediate compliance, an order of disallowance, or a consent order may require the person to whom it is directed to roll back prices, to make refunds equal to the amount (plus interest) charged in excess of those amounts permitted under Part 212, to make appropriate compensation to third persons for administrative expenses of effectuating appropriate remedies, and to take such other actions as the FEA determines is necessary to eliminate or to compensate for the effects of a violation or any cost disallowance pursuant to §§ 212.83 or 212.84. Such action may include a direction to the person to whom the order is issued to make refunds directly to any purchasers of the products involved, notwithstanding that those purchasers obtained such products from an intermediate distributor of such person's products, and may require as part of the remedy that the person to whom the order is issued maintain his prices at certain designated levels, notwithstanding the presence or absence of other regulatory controls on such person's prices.

(b) The FEA may, when it deems it appropriate, issue orders ancillary to a remedial order, remedial order for immediate compliance, order of disallowance, or consent order requiring that a direct or indirect recipient of a refund pass through, by such means as the FEA deems appropriate, including those described in paragraph (a) of this section, all or a portion of the refund, on a pro rata basis, to those customers of the re-

ipient who were adversely affected by the initial overcharge.

[FR Doc.75-23236 Filed 8-28-75; 10:59 am]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Landed Costs; Remedies

On August 18, 1975, the Federal Energy Administration (FEA) issued a proposed amendment in order to establish appropriate authority for making refunds pursuant to § 212.84 if FEA's authority to promulgate regulations under Section 4 of the Emergency Petroleum Allocation Act should expire. (40 FR 36389, August 20, 1975). The public comments received with respect to this proposal have now been evaluated. The public hearing, scheduled for August 28, was cancelled for lack of interest. The principal concern of the comments was the need to consider unrecouped or "banked" costs in ordering adjustments. Under the amended regulation, FEA retains considerable flexibility, in order that it may exercise its discretion in a manner that permits the fashioning of equitable remedies. This would include the recognition of refiners' "banks" of unrecouped prior costs, where appropriate.

As explained in the proposal, even if FEA's price control authority expires, FEA will continue to make whatever adjustments may be necessary to transfer prices for periods prior to the expiration of controls. Prior to this amendment, refiners notified of disallowed costs subtracted the net amount disallowed from the landed cost computed for the month of measurement in which the refiner received notice of disallowance. However, if general price control authority expires, this action would no longer have any significance since prices in the months in which the notice would be received would no longer be subject to control. In order to permit FEA to carry out its enforcement responsibilities after the expiration of control authority, it will be necessary to use other means to provide refunds to injured customers, to roll back prices, or to order such other action as may be necessary to compensate for the cost disallowance. Accordingly, § 212.84(d) (3) is amended to authorize the use of such other appropriate remedies if price control authority expires.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., August 28, 1975.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

1. Section 212.84 is amended by revising paragraph (d) (3) to read as follows:

§ 212.84 Disallowance of costs.

(d) . . .

(3) Upon notification by the FEA that its costs have been disallowed, a refiner shall recalculate its costs for the month of measurement in which the disallowed costs were incurred, using the representative price for that month. The difference between the refiner's disallowed costs and its recalculated costs shall then be subtracted from the landed costs computed for the month of measurement in which the refiner receives an order of disallowance; provided, That if such action by the refiner would not be effective to remedy any overcharge attributable to the net amount disallowed because of the expiration of FEA's authority to control petroleum product prices pursuant to this part, FEA may require the refiner to roll back prices, refund to identifiable purchasers amounts paid to the refiner in excess of the amount permitted under Part 212 after adjustment for any disallowance, or to take such other action as FEA determines is necessary to eliminate or compensate for the effects of any cost overcharge which has been disallowed and which is authorized by § 205.195.

[FR Doc.75-23234 Filed 8-28-75; 10:57 am]

PART 213—OIL IMPORT REGULATIONS

Reduction of Import License Fee Payments

On August 5, 1975, the Federal Energy Administration (FEA) issued proposed technical amendments to the Oil Import Regulations (40 FR 33474, August 8, 1975). Twenty-three comments were received, and further presentations were made at public hearings held on August 20, 1975. FEA is now evaluating the various issues raised by the public with respect to each of its proposed amendments. However, in order that FEA may implement that portion of its proposal with respect to which there was general approval, without awaiting the evaluation of all proposed changes, FEA hereby adds § 213.35(a) (10), and amends § 213.35(e) (2) (i) and § 213.35(f) (2) (iii) as proposed, except for a technical clarification of § 213.35(a) (10).

Under these amended regulations § 213.35(a) (10) will now authorize importers holding a license not issued by prepayment to reduce payments of fees and supplemental fees, on a monthly basis, by an amount equal to the net duties paid less any applicable drawback attributable to imports made after February 1, received during that period. This procedure eliminates the necessity of applying for a refund of sums equivalent to tariffs paid, which has contributed to cash flow problems and was costly in terms of the time-value of money. In order to facilitate this procedure, FEA has changed the previous requirement of calculating duties in terms of those "found payable upon liquidation" to a calculation based on net duties (that is, estimated duties as adjusted). This is necessary because liquidation data would not,

ordinarily, be available in time to permit net-out of duties on a current basis. Importers pursuant to a license issued upon prepayment are not authorized to net out sums equivalent to the tariffs potentially payable. However, § 213.35(e) (2) (i) is amended so that such importers, in applying for refunds, may also calculate duties paid on a "net duty," rather than "liquidation" basis. This will maintain consistency between both groups of importers, and also increase the speed with which such refunds could be made available.

Also in this connection, FEA is amending § 213.35(f) (2) (iii) in order to permit bonded importers paying a tax to Puerto Rico pursuant to the Proclamation, to tender simultaneously their respective payments to the United States and Puerto Rico on a basis permitting the net-out of tariffs paid. Under this amendment, the necessity to furnish tax-paid receipts to FEA is eliminated. Instead, the importer may furnish certified documents prepared for the Government of Puerto Rico containing computations of the volumes of material subject to tax, and calculations based thereon of the amounts owing to Puerto Rico for payment of the tax.

It should be noted that implementation of this proposal with respect to the reduction of license fee payments by the amount of net tariffs paid, does not constitute any determination by FEA with respect to comments urging that refunds due for exports should receive the same treatment. This issue is still being evaluated.

(Federal Energy Administration Act of 1974, Pub. L. 93275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, P. L. 87794, as amended; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 38 FR 9645, Proclamation No. 4227, 38 FR 16195, Proclamation No. 4317, 38 FR 35103, Proclamation No. 4341, 40 FR 3956, Proclamation No. 4355, 40 FR 10437, Proclamation No. 4370, 40 FR 19421, and Proclamation No. 4377, 40 FR 23429)

In consideration of the foregoing, Part 213 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., August 27, 1975.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

Section 213.35 is amended by adding a new paragraph (a) (10) and by revising paragraphs (e) (2) (i) and (f) (2) (iii) to read as follows:

§ 213.35 Allocations and fee-paid licenses for imports of crude oil, unfinished oils, and finished products.

(a) . . .

(10) An importer of record who holds a license not issued upon prepayment, may reduce the payments made pursuant to paragraphs (c) and (d) of this section, on a monthly basis, by sums equal to the sums collected by way of net duties paid to the United States Customs Service, less any duty drawbacks of tariffs paid

on imports made on or after February 1, 1975 received during the same period, provided, That said importer certifies the amount of net duties paid and drawback received during that period. Where the duty drawback exceeds the net duty paid during that period, the net difference shall be applied to subsequent periods, provided, That when the duty less drawback exceeds the fee imposed, any excess duty may be used to reduce fees payable during the subsequent six months.

(e) . . .

(2) . . .

(i) In the case of licenses issued upon prepayment, for payment to the importer of record, on a monthly basis, of sums equal to the sums collected by way of net duties paid to the United States Customs Service, less any drawbacks of tariffs paid on imports made on or after February 1, 1975 received during the same period, provided, That said importer certifies the amount of net duties paid and drawback received during that period. Where the duty drawback exceeds the net duty paid during that period, the net difference shall be applied to subsequent periods, provided, That when the duty less drawback exceeds the fee imposed, any excess duty may be used to reduce fees payable during the subsequent six months;

(f) . . .

(2) . . .

(iii) Certified copies of documents prepared for the Government of Puerto Rico containing computations of the volumes of material subject to a tax or other levy in effect after January 31, 1975 on crude oil, unfinished oils, or finished products not shipped to Districts I-V, and calculations based thereon of the amounts owing to Puerto Rico for payment of said tax or other levy, provided, That such computations and calculations shall be subject to adjustment based on a determination of their accuracy by the Federal Energy Administration and the Government of Puerto Rico.

[FR Doc.23235 Filed 8-28-75; 10:58 am]

Title 16—Commercial Practices  
CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2705]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Allora, Ltd., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures. Subpart—Importing, Manufacturing, selling or transporting flammable wear, and/or other merchandise: § 13.1060 Importing, manufacturing, selling or transporting flammable wear, and/or other merchandise. Subpart—Misbranding or mislabeling: § 13.1185 Composition; § 13.1185-90 Wool Products Labeling Act; § 13.1212 Formal regula-



tory and statutory requirements; 13.1212-90 Wool Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 Composition; 13.1590-90 Wool Products Labeling Act; § 13.1623 Formal regulatory and statutory requirements; 13.1623-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; 13.1845-80 Wool Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

*In the Matter of Allora Ltd., a corporation, trading under its own name or as Allora-Tex, and Oscar Bobis, individually and as officer of said corporation.*

Consent order requiring a New York City importer of wool fabrics, among other things to discontinue false and deceptive labeling; to notify those who purchased the misbranded wool products of the fact that they were misbranded; and prohibiting the importation of wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of the wool products and any duty thereon conditioned upon compliance with the Wool Products Labeling Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

## ORDER

*It is ordered,* That respondents Allora Ltd., a corporation, trading under its own name or as Allora-Tex, its successors and assigns, and its officers, and Oscar Bobis, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or any other device in connection with the introduction, or importing for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

*It is further ordered,* That respondents Allora Ltd., a corporation, trading under its own name or as Allora-Tex, its successors and assigns, and its officers, and

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

Oscar Bobis, individually and as an officer of Allora Ltd., and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from importing or participating in the importation of wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of the Wool Products Labeling Act of 1939.

*It is further ordered,* That respondents notify, by delivery of a copy of this order by registered mail, each of their customers that purchased the products which gave rise to this complaint of the fact that such products were misbranded.

*It is further ordered,* That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

*It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

The Decision and Order was issued by the Commission, July 21, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc 75-23100 Filed 8-29-75; 8:45 am]

[Docket No. C-2697]

# **PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

Alpert Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or

deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719 as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

*In the Matter of Alpert Corporation, a corporation, and Harvey B. Alpert, Leland J. Alpert, and Theodore J. Alpert, individually and as an officer of said corporation.*

Consent order requiring an Aurora, Colo., mortgage loan broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

## ORDER

*It is ordered,* That respondents Alpert Corporation, a corporation, its successors and assigns, its officers, and Harvey B. Alpert, Leland J. Alpert and Theodore J. Alpert, individually and as officers of said corporation, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any instalment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of instalments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d)(2) of Regulation Z:

(a) The cash price; [the amount of the loan;]

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Stating in any advertisement the rate of a finance charge unless said rate is expressed as an annual percentage

<sup>1</sup> Copies of the Complaint, Decision and Order filed with the original document.

rate, using the term "annual percentage rate", as "finance charge" and "annual percentage rate" are defined in Section 226.2 and as required by Section 226.10(d)(1) of Regulation Z.

3. Failing, in any advertisement, to make all disclosures as required by Sections 226.6, 226.8 and 226.10 of Regulation Z.

*It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

*It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That the respondents herein shall within sixty (60) days after service, upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission July 21, 1975.

By the Commission.

CHARLES A. TOBIN,  
Secretary.

[FR Doc 75-23101 Filed 8-29-75; 8:45 am]

[Docket No. C-2703]

# **PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

Carlile-Agee & Associates, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

*In the Matter of Carlile-Agee & Associates, Inc., a Corporation, Concept 80 Development Corporation, a Corporation, and Joseph B. Agee, Sidney H. Sweet, and Charles T. Leverett, Jr., individually and as Officers of Said Corporations.*

Consent order requiring a Denver, Colo., mortgage loan broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

## ORDER

*It is ordered,* That respondents Carlile-Agee & Associates, Inc., a corporation, its successors and assigns, its officers, Concept 80 Development Corporation, a corporation, its successors and assigns, its officers, and Joseph B. Agee, Sidney H. Sweet and Charles T. Leverett, Jr., individually and as officers of said corporations, and respondents' agents, representatives, salesmen and employees, directly or through an corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d)(2) of Regulation Z:

(a) The cash price; [the amount of the loan;]

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Failing, in any advertisement, to make all disclosures as required by Sections 226.6, 226.8 and 226.10 of Regulation Z.

*It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dis-

<sup>1</sup> Copies of the Complaint, Decision and Order filed with the original document.

solution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

*It is further ordered,* That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

*It is further ordered,* That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

*It is further ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and Order issued by the Commission July 21, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc 75-23102 Filed 8-29-75; 8:45 am]

[Docket No. C-2699]

# **PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

Golden Key Homes Bldg. Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719 as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

*In the matter of Golden Key Homes Bldg. Corp., a corporation, and Michael K. Cooper, Richard M. Cooper, and Gary Cooper, individually and as officers of said corporation.*

Consent order requiring an Englewood, Colo., mortgage loan company broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such

<sup>1</sup> Copies of the Complaint, Decision, and Order filed with the original document.



information as required by regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

## ORDER

It is ordered, That respondents Golden Key Homes Bldg. Corp., a corporation, its successors and assigns, its officers, and Michael K. Cooper, Richard M. Cooper and Gary Cooper, individually and as officers of said corporation, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d)(2) of Regulation Z:

(a) The cash price; [the amount of the loan;]

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Stating in any advertisement the rate of a finance charge unless said rate is expressed as an annual percentage rate, using the term "annual percentage rate", as "finance charge" and "annual percentage rate" are defined in Section 226.2 and as required by Section 226.10(d)(1) of Regulation Z.

3. Stating in any advertisement the simple annual rate of interest in conjunction with the "annual percentage rate" unless the "annual percentage rate" is printed as conspicuously as the simple annual rate as required by Section 226.10(d)(1) of Regulation Z.

4. Failing, in any advertisement, to make all disclosures as required by Section 226.10 in the manner prescribed by Sections 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries

or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission July 21, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc 75-23103 Filed 8-29-75; 8:45 am]

[Docket No. C-2708]

## PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Guthrie Construction Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Guthrie Construction Company, a Corporation, and Malcolm E. Guthrie, Individually and as an Officer of Said Corporation.

Consent order requiring an Englewood, Colo., mortgage loan broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

<sup>1</sup> Copies of the Complaint, Decision, and Order filed with the original document.

## ORDER

It is ordered, That respondents Guthrie Construction Company, a corporation, its successors and assigns, its officers, and Malcolm E. Guthrie, individually and as an officer of said corporation, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d)(2) of Regulation Z:

(a) The cash price; [the amount of the loan;]

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Stating in any advertisement the simple annual rate of interest in conjunction with the "annual percentage rate" unless the "annual percentage rate" is printed as conspicuously as the simple annual rate as required by Section 226.10(d)(1) of Regulation Z.

3. Failing, in any advertisement, to make all disclosures as required by Section 226.10 in the manner prescribed by Sections 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission July 21, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc 75-23104 Filed 8-29-75; 8:45 am]

[Docket No. C-2709]

## PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hallcraft Homes, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Hallcraft Homes, Inc., and Hallcraft Homes of Denver, Inc., corporations.

Consent order requiring a Phoenix, Ariz., and a Denver, Colo., mortgage loan company, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

## ORDER

It is ordered, That respondents Hallcraft Homes, Inc., a corporation, and Hallcraft Homes of Denver, Inc., a corporation, their successors and assigns, their officers, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Reg-

<sup>1</sup> Copies of the Complaint, Decision and Order filed with the original document.

[Docket No. C-2702]

## PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Medema Homes, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Medema Homes, Inc., a corporation, and C. J. Medema, and Richard D. Jones, individually and as officers of said corporation.

Consent order requiring a Littleton, Colo., mortgage loan broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

## ORDER

It is ordered, That respondents Medema Homes, Inc., a corporation, its successors and assigns, its officers, and C. J. Medema and Richard D. Jones, individually and as officers of said corporation, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required

CHARLES A. TOBIN,  
Secretary.

[FR Doc 75-23105 Filed 8-29-75; 8:45 am]



[Docket No. C-2700]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

Moore Realty Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the matter of *Moore Realty Co., a corporation, and William M. Moore, individually and as an officer of said corporation.*

Consent order requiring a Denver, Colo., mortgage loan broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

**ORDER**

It is ordered, That respondents Moore Realty Co., a corporation, its successors and assigns, and its officers, and William M. Moore, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and

<sup>1</sup> Copies of the Complaint, Decision and Order are filed with the original document.

conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d)(2) of Regulation Z:

(a) The cash price; (the amount of the loan);

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Stating in any advertisement the rate of a finance charge unless said rate is expressed as an annual percentage rate, using the term "annual percentage rate", as "finance charge" and "annual percentage rate" are defined in Section 226.2 and as required by Section 226.10(d)(1) of Regulation Z.

3. Failing, in any consumer credit transaction, to print in the disclosures the terms "finance charge" and "annual percentage rate" more conspicuously than other required terminology as required by Section 226.6(a) of Regulation Z.

4. Failing, in any consumer credit transaction, to accurately disclose the amount financed as required by Section 226.8 of Regulation Z.

5. Failing, in any consumer credit transaction, to compute and disclose accurately the annual percentage rate to the nearest quarter of one percent as prescribed by Sections 226.5(b) and 226.8(b)(2) of Regulation Z.

6. Failing, in any consumer credit transaction, to accurately disclose the number, amount and due dates or periods of payments scheduled to repay the indebtedness as required by Section 226.8(b)(3) of Regulation Z.

7. Failing, in any consumer credit transaction, to accurately disclose the amount of a balloon payment and state the conditions, if any, under which that payment may be refinanced if not paid when due as required in Section 226.8(b)(3) of Regulation Z.

8. Failing, in any consumer credit transaction, to disclose whether a rebate of the unearned finance charges upon prepayment in full is available, and, if available, the method of computation as required by Section 226.8(b)(7) of Regulation Z.

9. Failing, in any consumer credit transaction, to disclose penalty charges for prepayment of the obligation, if any exist, as required by Section 226.8(b)(6) of Regulation Z.

10. Failing, in any consumer credit transaction, to provide information in addition to disclosures required by Regulation Z without contradicting, obscuring or detracting attention from the required disclosures or misleading or confusing the customer, as prescribed by Section 226.6(c) of Regulation Z.

11. Failing, in any consumer credit transaction, to make all required disclosures clearly, conspicuously and in meaningful sequence as required by Section 226.6(a) of Regulation Z.

12. Failing, in any consumer credit transaction subject to Section 226.9 of Regulation Z, to accurately state the date by which the customer must give notice of his desire to exercise his right of rescission, as prescribed by Section 226.9(b) of Regulation Z.

13. Failing, in any advertisement or consumer credit transaction, to make all disclosures determined in accordance with Sections 226.4 and 226.5 of Regulation Z, in the form, manner and amount prescribed by Sections 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission July 21, 1975.

CHARLES A. TOBIN,

Secretary.

[FR Doc. 75-23107 Filed 8-29-75; 8:45 am]

[Docket No. C-2707]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

Morton-Norwich Products, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.205 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the matter of *Morton-Norwich Products, Inc., a corporation and Needham, Harper & Steers Advertising, Inc., a corporation.*

Consent order requiring a Chicago, Ill., salt manufacturer and its advertising agency, among other things to cease failing to disclose in all advertisements for Morton Lite Salt that the product is not to be used by persons on sodium or potassium restricted diets, and misrepresenting that there is a connection between sodium intake and water retention or high blood pressure or that a reduction in sodium intake will promote or maintain good health.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

**ORDER**

It is ordered, That respondent Morton-Norwich Products, Inc., a corporation, and respondent Needham, Harper & Steers Advertising, Inc., a corporation, their successors and assigns, either jointly or individually, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, of Morton Lite Salt, or any product of similar composition, do forthwith cease and desist from disseminating any advertisement which:

1. Fails to clearly and conspicuously disclose, in the following words or in words of similar import, that such product is "Not To Be Used By Persons on Sodium Or Potassium Restricted Diets Unless Approved By A Physician"; or

2. Makes any representation, directly or indirectly, that medical researchers or doctors have established (a) a connection between sodium intake and high blood pressure or water retention, or (b) that a reduction in the level of sodium intake will promote or maintain good health.

Nothing in this order shall be construed to prohibit respondents from disseminating any advertisement of Morton Lite Salt which:

A. Indicates that Morton Lite Salt contains one-half the sodium of regular salt; or

B. Indicates that Morton Lite Salt is intended for persons (not including those on sodium or potassium restricted diets) who desire to reduce their intake of salt or sodium.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each officer or employee having direct responsibility for either the marketing or advertising of Morton Lite Salt.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent shall, within sixty (60) days after the effective date of the order served upon it, file with the Commission a report, in writing, signed by respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist contained herein.

The Decision and Order was issued by the Commission July 21, 1975.

CHARLES A. TOBIN,

Secretary.

[FR Doc. 75-23108 Filed 8-29-75; 8:45 am]

[Docket No. C-2701]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

Perl-Mack Enterprises, Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the matter of *Perl-Mack Enterprises, Co., a corporation, and Samuel Primack, and Jordan Perlmutter, individually and as officers of said corporation.*

Consent order requiring a Denver, Colo., mortgage loan broker among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

**ORDER**

It is ordered, That respondents Perl-Mack Enterprises, Co., a corporation, its successors and assigns, its officers, and Samuel Primack and Jordan Perlmutter, individually and as officers of said corporation, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of con-

<sup>1</sup> Copies of the Complaint, Decision and Order filed with the original document.



## RULES AND REGULATIONS

sumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d) (2) of Regulation Z:

(a) The cash price; [the amount of the loan];

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Stating in any advertisement the rate of a finance charge unless said rate is expressed as an annual percentage rate, using the term "annual percentage rate", as "finance charge" and "annual percentage rate" are defined in Section 226.2 and as required by Section 226.10(d) (1) of Regulation Z.

3. Stating in any advertisement the simple annual rate of interest in conjunction with the "annual percentage rate" unless the "annual percentage rate" is printed as conspicuously as the simple annual rate as required by Section 226.10(d) (1) of Regulation Z.

4. Failing, in any advertisement, to make all disclosures as required by Sections 226.6, 226.8 and 226.10 of Regulation Z.

*It is further ordered.* That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered.* That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

*It is further ordered.* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered.* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission July 21, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23109 Filed 8-29-75; 8:45 am]

[Docket No. C-2696]

# PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Ridgewood Realty, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719 as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

*In the matter of Ridgewood Realty, Inc., a corporation, and Mike A. Leprino, individually and as an officer of said corporation.*

Consent order requiring a Golden, Colo., mortgage loan broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

## ORDER

*It is ordered.* That respondents Ridgewood Realty, Inc., a corporation, its successors and assigns, its officers, and Mike A. Leprino, individually and as an officer of said corporation, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601

<sup>1</sup> Copies of the Complaint, Decision and Order filed with the original document.

et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d) (2) of Regulation Z:

(a) The cash price; (the amount of the loan);

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Stating in any advertisement the rate of a finance charge unless said rate is expressed as an annual percentage rate, using the term "annual percentage rate", as "finance charge" and "annual percentage rate" are defined in Section 226.2 and as required by Section 226.10(d) (1) of Regulation Z.

3. Stating in any advertisement the simple annual rate of interest in conjunction with the "annual percentage rate" unless the "annual percentage rate" is printed as conspicuously as the simple annual rate as required by Section 226.10(d) (1) of Regulation Z.

4. Failing, in any advertisement, to make all disclosures as required by Section 226.10 in the manner prescribed by Sections 226.6, 226.8 and 226.10 of Regulation Z.

*It is further ordered.* That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered.* That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

*It is further ordered.* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered.* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the

manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, July 21, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23110 Filed 8-29-75; 8:45 am]

[Docket No. C-2698]

# PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Walden Realty Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act; Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719 as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

*In the matter of Walden Realty Company, a corporation, and Paul S. Walden, individually and as an officer of said corporation.*

Consent order requiring a Lakewood, Colo., mortgage loan broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

## ORDER

*It is ordered.* That respondents Walden Realty Company, a corporation, its successors and assigns, its officers, and Paul S. Walden, individually and as an officer of said corporation, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the

<sup>1</sup> Copies of the Complaint, Decision and Order filed with the original document.

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amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d) (2) of Regulation Z:

(a) The cash price; (the amount of the loan);

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Failing, in any advertisement, to make all disclosures as required by Sections 226.6, 226.8 and 226.10 of Regulation Z.

*It is further ordered.* That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered.* That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

*It is further ordered.* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered.* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission July 21, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23111 Filed 8-29-75; 8:45 am]

[Docket No. C-2704]

# PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Witkin Homes, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth

in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

*In the Matter of Witkin Homes, Inc., a corporation, and Jack A. Witkin, and Philip D. Winn, individually and as officers of said corporation.*

Consent order requiring a Denver, Colo., mortgage loan broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

## ORDER

*It is ordered.* That respondents Witkin Homes, Inc., a corporation, its successors and assigns, its officers, and Jack A. Witkin and Philip D. Winn, individually and as officers of said corporation, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d) (2) of Regulation Z:

(a) The cash price or the amount of the loan, as applicable;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount and the due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

<sup>1</sup> Copies of the Complaint, Decision and Order filed with the original document.



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2. Failing, in any advertisement, to make all disclosures as required by Section 226.10 in the manner prescribed by Sections 226.6, 226.8 and 226.10 of Regulation Z.

*It is further ordered.* That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered.* That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

*It is further ordered.* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered.* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission July 21, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23112 Filed 8-29-75; 8:45 am]

[Docket No. C-2710]

### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Zodiac Construction, Ltd., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

*In the Matter of Zodiac Construction Ltd., a corporation, and Sol Dichter, individually and as an officer of said corporation.*

Consent order requiring an Aurora, Colo., mortgage loan company, among other things to cease violating the Truth in Lending Act by failing to disclose to

consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

#### ORDER

*It is ordered.* That respondents Zodiac Construction, Ltd., a corporation, its successors and assigns, its officers, and Sol Dichter, individually and as an officer of said corporation, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d) (2) of Regulation Z:

(a) The cash price; (the amount of the loan);

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Stating in any advertisement the rate of a finance charge unless said rate is expressed as an annual percentage rate, using the term "annual percentage rate", as "finance charge" and "annual percentage rate" are defined in Section 226.2 and as required by Section 226.10 (d) (1) of Regulation Z.

3. Failing, in any advertisement, to make all disclosures as required by Section 226.10 in the manner prescribed by Sections 226.6, 226.8 and 226.10 of Regulation Z.

*It is further ordered.* That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered.* That the individual respondent named herein promptly

<sup>1</sup> Copies of the Complaint, Decision and Order filed with the original document.

notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

*It is further ordered.* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered.* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission July 21, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23113 Filed 8-29-75; 8:45 am]

[Docket No. 8922 o]

### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Beneficial Corp., et al.

Subpart—Misrepresenting oneself and goods—Business, status, advantages, or connections: § 13.1490 Nature; § 13.1520 Personnel or staff; § 13.1535 Qualifications. —Goods: § 13.1647 Guarantees; § 13.1725 Refunds; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions. —Services: § 13.1843 Terms and conditions. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 Guarantee, in general; § 13.2040 Returns and reimbursements; § 13.2063 Scientific or other relevant facts. Subpart—Securing information by subterfuge: § 13.2168 Securing information by subterfuge.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

*In the Matter of Beneficial Corporation, a Corporation, and Beneficial Management Corporation, a Corporation*

Order requiring a Wilmington, Del., seller of personal income tax preparation services and its wholly-owned subsidiary located in Morristown, N.J., among other things to cease misrepresenting the terms and conditions of its guarantees, using the term "instant tax refund," and misusing confidential information obtained from taxpayer customers.

The Final Order, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

<sup>1</sup> Copies of the Complaint, Initial Decision, Opinion and Final Order, filed with the original document.

#### FINAL ORDER

This matter having been heard by the Commission upon respondents' appeal from the initial decision; and

The Commission having considered the oral arguments of counsel, their briefs, and the whole record; and

The Commission, for reasons stated in the accompanying Opinion, having denied in part and granted in part the appeal; accordingly

*It is ordered.* That, except to the extent that it is inconsistent with the Commission's Opinion, the Initial Decision of the Administrative Law Judge be, and it hereby is, adopted together with the Opinion accompanying this Order as the Commission's final findings of fact and conclusions of law in this matter:

*It is further ordered.* That the following cease and desist order be, and it hereby is, entered:

*It is ordered.* That respondents Beneficial Corporation and Beneficial Management Corporation, corporations, and their successors and assigns, and their officers, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the preparation of income tax returns or the extension of consumer credit in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "instant tax refund," or any other word or words of similar import or meaning.

2. Using any guarantee without clearly and conspicuously disclosing the terms, conditions and limitations of any such guarantee; or misrepresenting, in any manner, the terms and conditions of any guarantee.

3. Representing, directly or by implication, that respondents will reimburse their customers for any payments the customer may be required to make in addition to his initial tax payment, in instances where such additional payment results from an error by respondents in the preparation of the tax return, *provided, however*, That it shall be a defense in any enforcement proceeding for respondents to establish that they make such payments.

4. Failing to disclose, clearly and conspicuously, whenever respondents make any representation, directly or by implication, as to their responsibility for, or obligation resulting from, errors attributable to respondents in the preparation of tax returns, that respondents will not reimburse the taxpayer for any deficiency payment which results from said errors, *provided, however*, That it shall be a defense in any enforcement proceeding for respondents to establish that they make such payments.

5. Representing, directly or by implication, that the percentage of respondents' customers who receive tax refunds is demonstrably greater than the percentage of individual taxpayers at large who receive refunds; or misrepresenting, in any manner, the magnitude or frequency of refunds received by respondents' tax preparation customers.

## RULES AND REGULATIONS

6. Representing, directly or by implication, that respondents' tax preparing personnel are tax experts or unusually competent in the preparation of tax returns or the rendering of tax advice; or misrepresenting, in any manner, the competence or ability of respondents' tax preparing personnel.

7. Using information concerning any customers of respondents, including the name and or address of the customer, for any purpose which is not essential or necessary to the preparation of a tax return if such information was obtained by respondents as a result of the preparation of the customer's tax return which includes any information given by the customer after he has indicated, in any way, that he is interested in utilizing respondents' tax preparation services, unless prior to obtaining such information respondents have both (1) specifically requested from the customer the right to use the tax return information of the customer and (2) have executed a separate written consent signed by the customer which shall contain:

1. Respondent's name;

2. The name of the customer;

3. The specific purpose for which the consent is being signed;

4. The exact information which will be used;

5. The particular use which will be made of such information;

6. The parties or entities to whom the information will be made available;

7. The date on which such consent is signed;

8. A statement that the tax return information may not be used by the tax return preparer for any purpose other than that stated in the consent, and

9. A statement by the taxpayer that he consents to the use of such information for the specific purpose described in subparagraph (3) of this paragraph.

*Provided, however*, That nothing herein shall prohibit respondents from using names and addresses only of customers for the purpose of communication with such customers solely concerning respondents' income tax preparation business.

Nothing in the above provision is intended to relieve respondents of any further requirements imposed on them by the Revenue Act of 1971, Pub. L. 92-178, title III, § 316(a), December 10, 1971; 26 U.S.C. § 7216 or regulations issued pursuant to it.

*It is further ordered.* That respondents herein shall notify the Commission at least 30 days prior to any proposed change in the structure of the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent corporations which may affect compliance obligations arising out of this order.

*It is further ordered.* That respondents shall, within 60 days after service of this order, file with the Commission a written report, signed by the respondents, setting forth in detail the manner and form of their compliance with this order.

The final order was issued by the Commission July 15, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23141 Filed 8-29-75; 8:45 am]

[Docket No. C-2676]

### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Marshall Cavendish Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-50 Maintain means of communication; 13.533-55 Refunds, rebates and/or credits. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 Scientific or other relevant facts; § 13.1823 Terms and conditions—Promotional sales plans; § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

*In the Matter of Marshall Cavendish Corporation, a corporation.* Consent order requiring a New York City seller and distributor of encyclopedia and other educational material, among other things to cease distributing any product through the use of a continuity program that provides for the delivery on approval any product at intervals with the balance being sent in one or more multi-unit shipments.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows.

#### ORDER

*It is ordered.* That respondent Marshall Cavendish Corporation, a corporation, its successors and assigns, and its officers, and its agents, representatives, employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale or sale, inducing or collecting payments for, and distribution of any encyclopedia or educational series of books, or of any merchandise, hereinafter such books and merchandise sometimes collectively referred to as products, through the use of a continuity program that provides contrac-

<sup>1</sup> Copies of the complaint, decision and order filed with the original document



tually for the delivery, on an approval basis, of any of said products to any person at intervals, with the balance of the program sent in one or more multi-unit shipments, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Any person has the option to receive each product, separately and individually, and to accept or reject same, unless such representation is true.

(b) Any person will not receive any further products after the respondent has received and processed a properly identified notice of his cancellation of any such continuity program, unless such representation is true; or misrepresenting, in any manner, the consequences resulting from any person's cancellation of his participation in any such continuity program.

(c) Any person incurs no risk or obligation by joining any such continuity program unless such representation is true; or misrepresenting, in any manner, any condition, right, duty or obligation imposed on said person.

2. Disseminating, or causing the dissemination of, any advertisement for such continuity program by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to disclose in a clear and conspicuous manner a description of the material conditions and terms of any such continuity program, and the material duties and obligations of any subscriber thereto, including:

(a) A description of each product, the billing charge to be made therefor, the anticipated total number of products included in any such continuity program, the number of products included in each shipment, except that as to the last two shipments, respondent may instead disclose the approximate number of volumes in the second to last shipment and the fact that the last shipment contains the balance of the products to be sent, and the number of and the approximate intervals between each such shipment.

(b) A description of the procedures, including any time limitations, for cancellation prior to delivery, and for rejecting after examination by returning any product, and the fact that the respondent will grant an allowance or credit against billing charges for any unwanted product that has been rejected or returned pursuant to the terms of the continuity program; and

(c) That in order for any communication, including any cancellation, to be processed by the respondent prior to the shipment of any product, such communication must be received by the respondent within the time period provided to the subscriber in accordance with paragraph 4, *infra*.

3. Failing to disclose, clearly and conspicuously, on any return coupon, order form or any other document used for responding to any such continuity program offered, and, in magazine or newspaper

advertising, in immediate and close conjunction with any return coupon, order form or any other document used for responding to any such continuity program offered, the following information:

(a) The anticipated total number of products included in any such continuity program;

(b) The number of products included in each shipment, except that as to the last two shipments, respondent may instead disclose the approximate number of volumes in the second to last shipment and the fact that the last shipment contains the balance of the products to be sent; and

(c) The number of and the approximate intervals between each such shipment.

4. Failing to notify the subscriber subsequent to enrollment, clearly and conspicuously, in conjunction with the delivery of products sent to any subscribers, of the time period or periods after which the respondent will initiate processing of any future shipment or shipments.

5. Failing to establish and implement adequate procedures so that the subscriber will be provided with any such notifications required by paragraph 4, *supra*, at least 15 days prior to the anticipated processing date of any subsequent shipment.

6. Failing to advise the subscriber, clearly and conspicuously, in close conjunction with the notification required in paragraph 4, *supra*, that the subscriber must advise the respondent prior to the anticipated processing date if any change is desired in the status of the subscriber's account.

7. Preparing shipping labels for any shipment of any product in such continuity program for which the recipient will incur a monetary obligation, until at least 4 days after the anticipated processing date established pursuant to paragraph 4, *supra*, in connection with that shipment.

8. Failing to establish and implement adequate procedures to credit, for the full invoiced amount thereof, any properly identified return of any product sent to a subscriber to any such continuity program, and to guarantee to the postal service or the subscriber postage adequate to return such product to the respondent, when:

(a) The product is sent to a subscriber after the respondent has received and processed such notice of cancellation prior to the anticipated processing date established in conjunction with the shipment of such product as required by paragraph 4, *supra*; or

(b) Such notice of cancellation is received by the respondent within 4 days of the anticipated processing date established pursuant to paragraph 4, *supra*, but has been mailed by the subscriber and postmarked at least three days prior to the date disclosed as aforesaid.

9. Failing to establish and implement adequate procedures to prevent the sending of any product to any subscriber to any such continuity program, or mailing any bill or invoice therefor, after the respondent has received and processed any

properly identified notice of cancellation from said subscriber prior to the date upon which the respondent may initiate the processing for the shipment of said product pursuant to paragraph 7, *supra*.

10. Failing to establish and implement adequate procedures to do the following, after receipt of any properly identified claim for adjustment in connection with any bill or invoice or any defense raised by any alleged debtor in connection with any such continuity program:

(a) Make any such adjustment within 14 days of receipt of such claim; or

(b) Acknowledge the receipt of the claim or defense within 14 days of receipt by the respondent and suspend all collection procedures with such alleged debtor until 25 days after complying with the procedures set forth in (c), below; and

(c) Make the requested adjustment within 60 days, or, within said period, inform the alleged debtor in writing of the respondent's understanding of the facts alleged in the claim or defense.

*It is further ordered*, That respondent shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered*, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered*, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

The Decision and Order was issued by the Commission July 14, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23143 Filed 8-29-75; 8:45 am]

[Docket No. C-2708]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lumberjack Meats, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; § 13.45 Content; § 13.135 Nature of product or service; § 13.155 Prices; § 13.155-15 Comparative; § 13.170 Qualities or properties of product or service; § 13.170-64 Nutritive; § 13.205 Scientific or other relevant facts. Subpart — Misrepresenting oneself and goods—Goods: § 13.1575 Comparative data or merits; § 13.1605 Content; § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

*In the Matter of Lumberjack Meats, Inc., a Corporation, and Harold Abroms, Individually and as an Officer of Said Corporation.*

Consent order requiring a Birmingham, Ala., manufacturer of packaged meat and meat soy protein concentrate products, among other things to cease misrepresenting that its product Bun Pals is all-meat or solely a meat product; exaggerating the products protein content in comparison with other food products; understating the products fat content in comparison with other food products; and making price comparisons between its products and other products only in equivalent units of quantity.

The order to cease and desist, including further order requiring reports of compliance therewith, is as follows:

#### ORDER

*It is ordered*, That respondents Lumberjack Meats, Inc., a corporation, its successors and assigns, and its officers, and Harold Abroms, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale or sale of the product "Bun Pals" or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or indirectly that the product "Bun Pals" or any other soy protein concentrate product is all meat or solely a meat product.

2. Representing directly or indirectly, that the protein content of the product "Bun Pals" is equal to or higher than that of boneless round, canned ham, roast beef, pork chops, chuck roast and steak, or misrepresenting in any manner the protein content of respondents' products.

3. Representing directly or indirectly that the fat content of the product "Bun Pals" is equal to or less than that of boneless round, boneless chuck roast, and steak, or misrepresenting in any manner the fat content of respondents' products.

4. Comparing the price of any given quantity of the product "Bun Pals" or any other product with that of another product unless such price comparison is expressed in equal quantities using equivalent units whether the compared product be described in generic terms or as a particular brand.

*It is further ordered*, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered*, That the individual respondent named herein shall promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

*It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, partnership or other business entity, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission July 21, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23142 Filed 8-29-75; 8:45 am]

#### Title 29—Labor

#### CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

#### PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

##### California Plan; Approval of Plan Supplements

1. *Background*. Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On May 1, 1973, a notice was published in the FEDERAL REGISTER (38 FR 10717) of the approval of the California plan and of the adoption of Subpart K of Part 1952 containing the decision of approval. On September 11, 1974, and November 7, 1974, the State of California submitted supplements to its plan involving developmental changes and the completion and extension of developmental steps (see Subpart B of 29 CFR Part 1953), and State initiated changes (see Subpart E of 29 CFR Part 1953). Notices of the receipt of these supplements were published in the FEDERAL REGISTER on November 5, 1974, (39 FR 39045) and January 27, 1975, (40 FR 4022) respectively. In addition, on March 13, 1975, the State submitted a revised poster, and on May 21, 1975 the State submitted a change in the schedule for the completion of its compliance manual of which no notices of receipts have been published in the FEDERAL REGISTER.

2. *Description of the supplements*. The supplements submitted by the State on September 11, 1974, concerned the completion of 4 developmental steps. The

first of these is that the Occupational Safety and Health Standards Board has begun operations. The Board has adopted regulations pertaining to its responsibilities in the area of variances which are set forth in Title 8 of the California Administrative Code.

The Occupational Safety and Health Appeals Board, which is responsible for the review of contested citations, has also begun operations. The Board has adopted procedural regulations and has commenced adjudicating contested cases. The Board has adopted regulations, Articles 1 through 5 in Chapter 1.5, Title 8, California Administrative Code. The Board began receiving and hearing appeals and rendering decisions in early 1974.

The State has completed its major initial effort in education and training for employers, employees and the general public. This effort consisted, for the most part, of 23 one-day seminars covering the State Occupational Safety and Health Act, safety orders, recordkeeping requirements, and the role of the Department of Health in providing technical support for enforcement activities.

Recordkeeping and reporting requirements have been extended to State and local governments. Regulations for these requirements, which appear in sections 14700-14710 of Title 8 of the California Administrative Code, were adopted and became effective June 1, 1974. State and local public agencies were required to begin their recordkeeping on July 1, 1974.

The State also requested a change in the developmental schedule for the completion of a fully functioning inspection scheduling system which was initially set for one year following plan approval. Delays caused by difficulties in recruitment and a major computer conversion necessitated the postponement of the completion of the system until March 31, 1975.

The supplements submitted on November 7, 1974, concerned amendments to the California enabling legislation and the establishment of a Management Information System. The California enabling legislation was passed by the California Assembly on October 23, 1973. However, it was discerned by the State that there were certain errors and inconsistencies in that legislation which needed to be rectified. Accordingly, Assembly Bill 3335 was enacted by the California Legislature and was signed by the Governor on September 23, 1974, and became effective on January 1, 1975. Among other things, the Bill revises the jurisdiction of the Bureau of Investigations in the Division of Industrial Safety to those investigations for accidents involving serious injury to 5 or more employees rather than for any serious injury, as originally enacted, thus making it more consistent with section 5313 of the California Labor Code; extends citation and penalty provisions to recordkeeping violations, and clarifies the authority of the Occupational Safety and Health Appeals Board where an employer files an appeal but fails to appear at the hearing.

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The second supplement involves the establishment of the Management Information System. The State has established a complete system for providing evaluation data required by the Assistant Secretary of Labor for Occupational Safety and Health on a timely basis.

The State poster was revised and resubmitted on March 13, 1975. The State originally submitted a poster in May 1974, but certain deficiencies were noted in our internal review. In response to those deficiencies, the State revised its poster augmenting it with an elaboration on the citation procedure, amplification of the walk-around provisions, a statement on complainant anonymity and a statement on where to file complaints alleging discrimination under Federal and State law. In addition to the above amplifications, the California poster, which is printed in both English and Spanish, informs employees of their rights and obligations under the California Act, their right to request inspections, their right to participate in the inspections and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration.

Finally, on May 21, 1975, the State requested a change in the developmental schedule for completion of its Policy and Procedure Manual (compliance manual) from October 1974, to September 30, 1975. Additional time was requested to allow for a revision in the organization and content of the manual in order to produce a comprehensive document relating to enforcement procedures.

3. *Issues.* No public comments were submitted concerning the supplements of September 11, and November 7, 1974. However, in-house review discerned an issue concerning the Rules of Procedure for the Occupational Safety and Health Appeals Board. The discovery rules of the Board, Rules 141 and 142, appear to be somewhat broader in providing for the disclosure of employee informants' names than is the practice under the Federal program. Pending resolution of this apparent conflict, approval of Rules 141 and 142 will be withheld at this time. However, all other Rules of the Appeals Board are approved.

4. *Location of the plan supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 9410, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; California Occupational Safety and Health Administration, 1006 4th Street, Third Floor Sacramento, California 95814; California Occupational Safety and Health Administration, 455 Golden Gate Avenue, Room 2152, San Francisco, California 94102; and Division of

Industrial Safety, 3460 Wilshire Boulevard, Los Angeles, California 90010.

5. *Public participation.* Interested persons were given 30 days to submit written data, views and arguments concerning the September 11, and November 7, 1974, supplements. As to the March 13, and May 21, 1975, supplements, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the California poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39306) and that the change in the developmental schedule is minor in nature. Accordingly, it is determined that further public comment is unnecessary.

6. *Decision.* After careful consideration of the California plan supplements in relation to the requirements of the Act and 29 CFR Part 1902, they are hereby approved, except that approval of Rules 141 and 142 of the California Occupational Safety and Health Appeals Board are being withheld until a satisfactory resolution of the issue has been reached. The decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In accordance with this decision, Subpart K of 29 CFR Part 1952 is amended as set forth below, effective September 2, 1975.

Section 1952.173(h) is revised to read as follows:

§ 1952.173 Developmental schedule.

(h) The Inspection Scheduling System will be fully implemented and in operation March 31, 1975.

Section 1952.174(d)-(h) is revised to read as follows:

§ 1952.174 Completed developmental steps.

(d) In accordance with the requirements of § 1952.10, the California State poster was approved by the Assistant Secretary on August 27, 1975.

(e) The Occupational Safety and Health Standards Board began functioning in January 1974.

(f) The initial major training and education of employers, employees and the general public was completed by 1974.

(g) In accordance with § 1952.173(a), recordkeeping and reporting requirements were extended to State and local governments effective January 1, 1975.

(h) The Management Information System was established by November 1974.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 27th day of August 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc.75-23152 Filed 8-29-75; 8:45 am]

#### PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

##### Iowa Plan; Approval of Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act, for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 20, 1973, a notice was published in the FEDERAL REGISTER (38 FR 19368) of the approval of the Iowa Plan and the adoption of Subpart J of Part 1952 containing the decision and describing the plan. By a letter containing a notice dated June 16, 1975, from Jerry Addy, Commissioner of Labor for the State of Iowa, a State Plan Modification Package was transmitted to the Assistant Secretary for his determination as to whether these supplements should be approved.

2. *Description of the supplements.* (a) *Legislation.* In accordance with the commitment expressed in 29 CFR 1952.163 (b), the State submitted amendments to its enabling legislation (Iowa S.F. 1218—Chapter 88), which were designed to bring the plan into conformity with the requirements of 29 CFR Part 1902 and the Act. The enacted legislative amendments (Iowa S.E. 92, consisting of section 88.5, subsections 4 and 7, and section 88.14, subsection 3 of Iowa Code 1975) provide the following:

(1) The results of examinations or tests needed to monitor or measure hazards in the workplace shall be furnished to the Commissioner, and if released by the employee, shall be furnished to the employee's physician and the employer's physician.

(2) In case of conflicts with standards or rules promulgated by any Federal agency other than the United States Department of Labor, the Commissioner may issue a special variance until the conflict is resolved.

(3) Any employer who has received a citation for a non-serious violation may be assessed a civil penalty of up to one thousand dollars (\$1000) for each violation.

(b) *Plan change.* In accordance with item 2(a)(3) above, regarding the passage of legislation authorizing penalties for each non-serious violation, notice was given under the same transmittal mentioned in item 1 of this notice (*Background*) that "the section dealing with Non-Serious Violations found on pages 3 and 4 of Appendix A, Addendum A of the original plan should be deleted," thereby bringing the plan into conformity with the legislative amendment.

3. *Location of the plan and its supplement for inspection and copying.* A copy of these supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, 200 Constitution Avenue, N.W., Room N-3608, Washington, D.C. 20210;

Office of the Assistant Regional Director, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106; Iowa Bureau of Labor, State House, East 7th and Court Avenue, Des Moines, Iowa 50319.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Iowa plan supplements described above are identical to parallel Federal provisions and procedures, and are consistent with Federal policy and practice. Further, they have been subject to formal State rulemaking procedures. Accordingly, it is found that further public comment is unnecessary.

5. *Decision.* After careful consideration, the Iowa plan supplements outlined above are approved under Part 1953. The decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart J of 29 CFR Part 1952 is amended to reflect the completion of a developmental step by redesignating the existing text of § 1952.164 as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 1952.164 Completed developmental step.

(b) In accordance with the requirements of § 1952.163(b), the Iowa Occupational Safety and Health Act of 1972 (Iowa S.F. 1218—Chapter 88) is amended by Iowa Act S.F. 92, with an effective date of July 1, 1975.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 27th day of August 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc.75-23154 Filed 8-29-75; 8:45 am]

#### PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

##### Iowa Plan Supplements; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and Part 1902 of this title. On July 20, 1973, a notice was published in the FEDERAL REGISTER (38 FR 19368) of the approval of the Iowa plan and of the adoption of Subpart J of Part 1952 describing the plan. On June 24, 1975, the State of Iowa submitted a supplement to the plan involving a State-initiated change (see Subpart E of 29 CFR Part 1953).

2. *Description of the supplement.* The supplement concerns the Iowa State

poster which is to be posted at all covered workplaces in the State. Among other things, the poster contains provisions notifying employees of their obligations and protections under the Iowa Act, their right to request workplace inspections and their right to remain anonymous as a result, their right to participate in inspections, their protection against discharge or discrimination under both Federal and State laws for the exercise of their rights under the Federal and State laws, and their right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the poster, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106; Bureau of Labor, State House, East and 7th Avenue, Des Moines, Iowa 50319.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Iowa poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39306, November 5, 1974). Accordingly, it is believed that further public comment is unnecessary.

5. *Decision.* After careful consideration, the Iowa plan supplement outlined above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart J of 29 CFR Part 1952 is amended to reflect the completion of a developmental step upon the approval of the State poster. Accordingly, Subpart J of Part 1952 is amended by adding a new section as follows:

§ 1952.164 Completed developmental steps.

In accordance with the requirements of § 1952.10, the Iowa State poster was approved by the Assistant Secretary on August 26, 1975.

(Secs. 8(g)(2), Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 26th day of August 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc.75-23153 Filed 8-29-75; 8:45 am]

#### PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

##### Alaska Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. *Notice of Alaska operational agreement.* (a) In accordance with the provisions of § 1954.3(f) of this chapter, notice is hereby given that it has been determined that Alaska has met the following conditions for operational status:

(1) Enactment of amendments to Title 18, chapter 60 of Alaska Statutes (Senate Bill No. 46) effective July 24, 1973;

(2) Promulgation of State standards covering all issues as defined by Subparts B thru F; H thru Q; R-Sawmills, Pulpwood Logging, Agriculture and S of 29 CFR Part 1910 and by 29 CFR Part 1926, which were found in the professional judgment of the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) to provide overall protection equal to the comparable Federal standards in such issues;

(3) A sufficient number of qualified safety personnel who are enforcing State standards in accordance with the State's legislation; namely, fourteen (14) safety inspectors as of March 31, 1975;

(4) A review and appeals system before the Occupational Safety and Health Review Board of the Alaska Department of Labor (hereinafter called the Board), providing the mechanism for employers



and employees to contest enforcement actions and/or abatement dates, in operation since July 27, 1973. Prior to January 10, 1975, hearings before the Board were conducted in accordance with the provisions of the Alaska Administrative Procedures Act. Specific regulations covering Board procedures for handling contested cases filed pursuant to Title 18, Chapter 60 of Alaska Statutes became effective January 10, 1975 (8 Alaska Administrative Code, Sections 61.160-61.220).

(5) State enforcement since October 1, 1973, of the State standards, monitored under Subpart C of 29 CFR Part 1954, including three on-site evaluations, covering the period from October 1, 1973, to March 31, 1975.

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees since January 10, 1975, of rights and responsibilities under Title 18, Chapter 60 of Alaska Statutes by requiring display in all work places covered by the plan of a State job safety poster which was recommended for approval by the Assistant Regional Director on November 27, 1974;

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan, effective January 10, 1975 (8 Alaska Administrative Code, Sections 61.230 to 61.295);

(3) Responding to complaints filed with or referred to the Alaska Occupational Safety and Health Review Board for violation of the prohibition against employer discrimination against employees for exercising their rights under Title 18, Alaska Statutes (section 60.089);

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective June 5, 1975, and incorporated as part of the Alaska plan has been entered into between Edmund N. Orbeck, Commissioner, Alaska Department of Labor, and James W. Lake, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement authority under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered by Subparts B thru F; H thru Q; R-Sawmills, Pulpwood Logging, Agriculture and S of 29 CFR Part 1910, including 29 CFR Parts 1915 through 1918 and part 1926, where State standards are in effect and operational, except those areas listed below retained and/or exercised by the Federal Government under the Act.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to: complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees as in the case of temporary

emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655 (c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards contained in the issue covered by 29 CFR Part 1910 Subpart G until a total of two (2) qualified industrial hygienists have been hired to enforce the State standards comprising this issue; enforcement of Federal standards contained in the issues covered by 29 CFR Part 1910 Subpart R—Pulp, Paper and Paperboard Mills, Textiles, Bakery Equipment and Laundry Machinery and Operations until the State shall have adopted equivalent standards; enforcement of Federal standards contained in the issues covered by Subpart B—Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal Government on the navigable waters of the United States, including dry docks and marine railways, further defined by memorandum attached to agreement dated December 18, 1972; and investigations and inspections for the purpose of evaluation of the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fall in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of June 5, 1975, Subpart R of 29 CFR Part 1952 is hereby amended, as set forth below:

Section 1952.242 is revised to read as follows:

§ 1952.242 Level of Federal enforcement.

(a) Pursuant to § 1902.20(b)(1)(III) and § 1954.3 of this chapter under which an agreement has been entered into with Alaska effective June 5, 1975, and based on a determination that Alaska is operational in the issues covered by the Alaska occupational safety and health plan, the U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Federal standards promulgated subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)) in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926, until such time as Alaska shall have adopted equivalent standards in accordance with 29 CFR Part 1953, Subpart C; Federal standards in the issue covered under 29 CFR Part 1910 Subpart G until a total of two (2) qualified industrial hygienists have been hired; Federal standards in issues covered under 29 CFR Part 1910 Subpart R—Pulp, Paper

and Paperboard Mills, Textiles, Bakery Equipment and Laundry Machinery and Operations until such time as Alaska shall adopt equivalent standards; complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards contained in the issues covered by Subpart B—Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal Government on the navigable waters of the United States, including dry docks and marine railways, further defined by memorandum attached to agreement dated December 18, 1972 and investigation and inspection for the purpose of evaluation of the Alaska plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

(b) The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in the State of Alaska. (Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608; (29 U.S.C. 657(g), 667)).

Signed at Washington, D.C. this 27th day of August 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc. 75-23156 Filed 8-28-75; 8:45 am]

#### Title 40—Protection of Environment [FRL 406-6]

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### SUBCHAPTER C—AIR PROGRAMS

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

#### Kentucky; Category Compliance Schedules

On August 15, 1974 (39 FR 29357), the Administrator announced his approval of most of the Kentucky "Implementation Plan for the Attainment and Maintenance of the National and State Ambient Air Quality Standards." Except for its newly added indirect source provisions, this plan was virtually identical to the one which the Administrator had previously approved for Kentucky on May 31, 1972 (73 FR 10842). The original approval action had been vacated on June 28, 1973, by a decision of the U.S. Circuit Court of Appeals for the Sixth Circuit. The Court held that the Agency had not complied with section 553 of the Administrative Procedure Act in its original approval.

Prior to this decision, the Administrator had announced, on June 20, 1973 (38 FR 16144), his disapproval of the compliance schedule portion of the Kentucky plan in that it did not provide for increments of progress for all sources as required by 40 CFR 51.15(c). In particular, compliance schedules with adequate in-

crements of progress had not been submitted for every sulfur dioxide source affected by Kentucky Air Pollution Control Regulation AP-4, section 1, Emissions from Indirect Heat Exchangers. In accordance with section 110(c) of the Clean Air Act, the Administrator at the same time proposed (38 FR 16171) a regulation to correct this deficiency.

On January 22, 1975 (40 CFR 3417), the Administrator approved a number of individual compliance schedules which had been submitted with the resubmitted plan. The Administrator has determined that neither those schedules nor those which have been submitted subsequently suffice to remedy the deficiency just mentioned. Consequently, the Administrator repropose, on December 5, 1974 (39 FR 42377), a categorical compliance schedule for indirect heat exchangers. Written comments have been received, and statements regarding the schedules were heard at a public hearing held in Frankfort, Kentucky, on February 25, 1975.

#### DISCUSSION OF COMMENTS

Pertinent comments addressed five basic points.

The first of these is the short time provided for compliance. The final compliance dates specified in the regulation set forth below were established on the basis of Kentucky Air Pollution Control Regulation AP-4. These dates have been approved by EPA as part of the Kentucky implementation plan, and they reflect a two-year extension for the attainment of the standards for sulfur oxides. The final date is July 1, 1977. This is consistent with the air pollution regulations now in effect in the Commonwealth of Kentucky. The regulation further established March 15, 1975 as the initial response date by which a source should notify the Regional Administrator of his intent to utilize either low-sulfur fuel or flue gas desulfurization (FGD). By virtue of the June 20, 1973, proposal of this regulation (38 FR 16176), sources have been on notice for about two years that compliance schedules for indirect heat exchangers would eventually be required, and have known what control techniques would be approvable under those schedules.

Although the time required for the installation of FGD equipment is longer than that needed to switch to low-sulfur fuel, the Administrator feels that the early initial response date for the latter allows adequate time for alternative action. A facility electing to control sulfur oxides by switching to a low-sulfur fuel and subsequently failing to secure a contract for such fuel would have sufficient time for alternative action within the regulatory time constraints.

Some utilities have indicated that scheduling of off-line time for equipment modification or installation of FGD equipment within the time constraints imposed by the regulation set forth below could result in a total facility shutdown. Where this problem or other problems which may be unique to a particular facility may exist, the Administrator strongly urges that affected facilities contact EPA's Regional Office so that a

reasonable individual schedule can be developed.

The other points raised did not relate directly to the promulgation of this regulation; consequently, they are not addressed in as much detail as the first.

Two of the sources affected by the proposal requested a full-scale adjudicatory hearing on its adoption. They objected to the fact that hearing testimony was not taken under oath and the hearing was of a non-adversary type, thus, they claimed, depriving them of constitutional due process.

The issue of whether the Administrator is required by the Clean Air Act and the Administrative Procedure Act to afford a full-scale evidentiary hearing on proposed regulations such as this has been judicially settled in the U.S. Court of Appeals for the Sixth Circuit, which directed the Administrator only to give interested persons an opportunity to participate in rulemaking through the submission of written data, views, or arguments, with or without opportunity for oral presentation (see *Buckeye Power v. EPA*, 481 F.2d 162 (6th Cir. 1973)). This had been done. Therefore, there will be no adjudicatory hearing in this matter.

A third point raised was the use of an alternate control strategy. On August 15, 1974, the Administrator specifically disapproved the Kentucky plan's provision (AP 1-1(b)) pertaining to the use of alternate controls. It was the Administrator's opinion that this provision of the Kentucky plan could be construed to improperly allow intermittent control measures and/or tall stacks under circumstances where constant emission controls were available. Although the merits of that disapproval action were challenged in petitions for review filed with and still pending before the Sixth Circuit Court of Appeals, AP-1-1(b) no longer exists as part of the Kentucky regulations, its operative life having terminated as a matter of Kentucky law on July 1, 1975. Accordingly, the propriety (or lack thereof) of utilizing the pre-July 1, 1975 alternative control provisions of that section is no longer a live issue.

One comment referred to an agreement between the Administrator and the Chairman of the Energy Resources Council. The agreement, which bears the Agency's endorsement and which has been proposed as a revision to the Clean Air Act, moves toward the formulation of an Administration policy on use of alternate control strategies under certain specified conditions. Consideration of the agreement in the present context, however, would be premature at this time.

The next point raised by the comments is the availability of low-sulfur fuels. One utility provided a report on the results of its attempt to obtain low-sulfur coal for consumption at electrical generating facilities located in Western Kentucky. This report contained the following conclusions:

1. The majority of the currently developed supplies of low-sulfur coal are either committed or semi-committed (not under

contract but bound by a tacit agreement).

2. Undeveloped supplies are available through the following mechanisms:

a. Arrangements which include the purchase of mining rights by the utility.

b. Advancement by the utility of initial development capital required by owners of undeveloped reserves.

3. Contract quantities smaller than 0.5 million tons per year appear more readily available.

4. The logistics involved in transporting the fuel coal are a significant factor.

The above noted factors tend to strengthen the case for establishing an early response time for a facility electing to utilize low-sulfur fuel as a control technique. To obtain supplies that are committed or semi-committed, one must make it known that such supplies are needed and that bids would be submitted once the supplies were freed for distribution.

In short, while the acquisition of low-sulfur coal will not be easy, supplies are nevertheless competitively available.

Finally, many facilities affected by the categorical regulation on December 5, 1974, have concluded that its provisions specifically preclude the use of any control techniques except the use of low-sulfur fuel or FGD. As in his proposal of December 5, 1974, the Administrator encourages both the Commonwealth of Kentucky and sources affected by the proposal to continue the development of individual compliance schedules. These individually negotiated compliance plans may include any control technique (e.g., coal washing, blending, etc., but not an "alternate control strategy" such as tall stacks or intermittent control systems) which can be shown to satisfy the requirements of Kentucky air pollution control regulation. If the Administrator approves such schedules, the sources involved will automatically be exempt from the compliance schedule set forth below.

#### IMPLEMENTATION

The compliance schedule set forth herein requires that sources not now in compliance with Kentucky Air Pollution Control Regulation AP-4, section 1.2(2), 1.3(3), or 1.4(4), take specific action to achieve compliance by the dates specified in the State regulation. A source that is in compliance, or believes itself to be in compliance, may be exempted from this regulation and the attendant actions only by certifying compliance to the Regional Administrator by October 2, 1975. The Commonwealth of Kentucky has recently adopted, and will soon submit to EPA, a new regulatory package which, among other things, changes sulfur dioxide emission limitations. These regulations are available from the Kentucky Division of Air Pollution. For those sources which wish to certify compliance with, or submit a compliance schedule to obtain compliance with, these new regulations, the Regional Administrator will conditionally accept such certification or schedule pending approval/disapproval action on the regulatory revision. These schedules should comply with



the July 1, 1977, compliance date specified in the new regulations. Sources should, however, be aware that disapproval of the regulations would negate the certification or schedule. The Regional Administrator will, should such disapproval occur, negotiate revised compliance schedules with those sources whose certification or schedule is so voided.

For this certification, OMB Forms 159-TT5, APER forms, are to be used. These may be obtained by writing to Jesse Baskerville, Air Enforcement Branch, EPA, Region IV, 1421 Peachtree Street, Atlanta, Georgia 30309. As noted earlier, development of individual compliance schedules is encouraged. These may be submitted to EPA at any time, and, if approved by the Administrator, will exempt the source(s) involved from the schedule set forth below. Additionally, of course, all sources on schedules approved by EPA are so exempted.

In the opinion of the Administrator, this regulation will enhance the attainment and maintenance of the national ambient air quality standards in the Commonwealth of Kentucky, and it is hereby promulgated.

This action is effective October 2, 1975.

Dated: August 27, 1975.

RUSSELL E. TRAIN,  
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### Subpart S—Kentucky

1. Section 52.927 is amended by adding a new paragraph (b), as follows:

§ 52.927 Compliance schedules.

(b) Federal compliance schedules.

(1) Except as provided in paragraph (b) (5) of this section, the owner or operator of any fuel-burning facility subject to the requirements of the Kentucky Air Pollution Control Regulations as they apply to sulfur dioxide sources, shall notify the Regional Administrator, by no later than November 3, 1975, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(2) Any owner or operator of a stationary source subject to paragraph (b) (1) of this section who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) December 1, 1975—Submit to the Regional Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1977, and for at least one year thereafter, as well as a statement as to whether boiler modifications will be required. If so, final plans for such modifications must be submitted simultaneously.

(ii) December 31, 1975—Sign contracts with fuel suppliers for projected fuel requirements as projected above.

(iii) December 31, 1975—Let contracts for necessary boiler modifications, if applicable.

(iv) January 30, 1976—Initiate onsite modifications, if applicable.

(v) May 1, 1977—Complete onsite modifications, if applicable.

(vi) July 1, 1977—Achieve compliance with the applicable regulations, and certify such compliance to the Regional Administrator.

(3) Any owner or operator subject to subparagraph (1) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) December 1, 1975—Submit to the Regional Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 31, 1975—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modifications.

(iii) January 30, 1976—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1977—Complete onsite construction or installation or emission control equipment or process modification.

(v) July 1, 1977—Complete shutdown operations and performance tests for the applicable unit(s); achieve compliance with Kentucky Division of Air Pollution Regulation for sulfur dioxide sources and certify such compliance to the Regional Administrator. Ten days prior to any performance testing, notice must be given to the Regional Administrator to afford him the opportunity to have an observer present.

(4) Five days after the deadline for completing increments in paragraphs (b) (2) (i) through (b) (2) (v) and (b) (3) (i) through (b) (3) (iv) of this section, certify to the Regional Administrator whether the increment has been met.

(5) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations. The owner or operator of any fuel-burning facility with an aggregate heat input of more than 250 million BTU per hour which is presently in compliance, shall certify such compliance to the Regional Administrator by November 3, 1975. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Regional Administrator no later than December 1, 1975, a proposed alternative compliance sched-

ule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If approved by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(Sec. 110(c), Clean Air Act, as amended (42 U.S.C. 1857c-5(c)))

[FR Doc. 75-23191 Filed 8-29-75; 8:45 am]

[FRL 423-5]

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### Maintenance of National Ambient Air Quality Standards; Correction

In the FEDERAL REGISTER of June 19, 1975 (40 FR 25814), EPA amended 40 CFR 51.12 regarding the maintenance of national ambient air quality standards (NAAQSs). The action rescinded the June 18, 1975, date for submission of analyses and plans required to ensure maintenance of the NAAQSs in air quality maintenance areas (AQMA) identified under 40 CFR 51.12. The regulations as amended required submission of the AQMA analyses and plans on individual schedules to be established by the Administrator for each AQMA. The reader can consult that FEDERAL REGISTER notice for more background information on this matter. After that action was published, EPA learned that it had overlooked the fact that 40 CFR 52.22(a) (the disapproval of all implementation plans for failing to provide adequately for maintenance of the NAAQSs) refers to the June 18, 1975, date for submission of the AQMA analyses and plans. EPA had neglected to delete reference to this date in the June 19, 1975, action. The action herein corrects the June 19, 1975 action by the publishing of a conforming amendment that deletes this reference.

In the FEDERAL REGISTER of Thursday, June 19, 1975, the following should be added on page 25815 after the amendment to 40 CFR 51.12:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### Maintenance of National Ambient Air Quality Standards

§ 52.22 Amended.

40 CFR Part 52, Chapter I is amended by deleting the last sentence of § 52.22(a).

Dated: August 25, 1975.

EDWARD F. TUERKE,  
Acting Assistant Administrator  
for Air and Waste Management.

[FR Doc. 75-23070 Filed 8-29-75; 8:45 am]

#### SUBCHAPTER E—PESTICIDE PROGRAMS

[OPP-300005A; FRL 422-3]

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Exemptions from Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

On July 18, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 30289) notice of proposed rulemaking to amend 40 CFR 180.1001 to exempt certain pesticide chemicals which are additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408(e) of the Federal Food, Drug, and Cosmetic Act. No comments or requests for referral to an advisory committee were received with regard to this notice, and it has, therefore, been concluded that the amendment to the regulations (40 CFR 180.1001) be adopted as proposed with editorial changes as noted.

Any person adversely affected by this regulation may, on or before October 2, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in triplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on September 2, 1975, Part 180, Subpart D, § 180.1001, is amended as set forth below.

Dated: August 26, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a (e)).

Part 180, § 180.1001 is amended by (1) revising the item "Castor oil . . ." in paragraphs (c) and (e), the item "Dodecylphenol . . ." in paragraph (d), and the item "Sodium monoalkyl . . ." in paragraph (c); (2) deleting the items "Calcium chloride . . ." and "Octyl and decyl . . ." from paragraph (d); (3) alphabetically inserting new items in paragraphs (c), (d), and (e); and (4) making the consequent editorial changes. The proposed regulation as published is editorially revised by inserting five asterisks between the words "Castor oil . . ." and "dodecylbenzenesulfonic acid . . ." in paragraph (e), and replacing the abbreviation "Do." in the "Uses" column opposite the words "Dodecylbenzenesulfonic acid . . ." in paragraph (e) with the words "Surfactants, related adjuvants of surfactants" to read as follows:

#### § 180.1001 Exemptions from the requirement of a tolerance.

(c) . . .

Inert Ingredients	Limits	Uses
Calcium chloride . . . . .		Stabilizer.
Calcium citrate . . . . .		Solid diluent, carrier.
Castor oil, polyoxyethylated; the poly(oxyethylene) content averages 5-54 moles. . . . .		Surfactants, related adjuvants of surfactants.
Dodecylbenzenesulfonic acid, amine salts . . . . .		Surfactants, related adjuvants of surfactants.
Hexamethylenetetramine . . . . .	For use in citrus washing solutions only at not more than 1 percent.	Preservative.
Octyl and decyl glucosides mixture with a mixture of octyl and decyl oligosaccharides and related reaction products (primarily n-decanol) produced as an aqueous-based liquid (68-72 percent solids) from the reaction of straight chain alcohols (C <sub>12</sub> (45 percent), C <sub>16</sub> (55 percent)) with anhydrous glucose. . . . .		Surfactants, related adjuvants of surfactants.
Polyglycerol esters of fatty acids conforming to title 21, sec. 121.120. . . . .		Surfactants, related adjuvants of surfactants.
Poly(vinylpyrrolidone); molecular weight 40,000 or over . . . . .		Surfactants, related adjuvants of surfactants.
Sodium monoalkyl and dialkyl (C <sub>8</sub> -C <sub>16</sub> ) phenoxylbenzene disulfonate mixtures containing not less than 70 percent of monoalkylated product. . . . .		Surfactants, related adjuvants of surfactants.
Sodium mono- and dimethyl naphthalene sulfonates, molecular weight 245-260. . . . .		Surfactants, related adjuvants of surfactants.
Zinc stearate (basic and monohydrate) . . . . .		Solid diluent, carrier.

(d) . . .

Inert Ingredients	Limits	Uses
Acrylamide-acrylic acid resins . . . . .		Thickeners.
Acrylamide-sodium acrylate resins . . . . .		Do.
Barium sulfate . . . . .		Carrier.
Coffee . . . . .		Attractant.
Dodecylphenol . . . . .		Coupling agent in emulsifier.
Isobutylene-butene copolymers . . . . .	For soil application only	Binder.

(e) . . .

Inert Ingredients	Limits	Uses
Acetylated lanolin alcohol . . . . .		Moisturizer.
Calcium chloride . . . . .		Stabilizer.
Castor oil, polyoxyethylated; the poly(oxyethylene) content averages 5-54 moles. . . . .		Surfactants, related adjuvants of surfactants.
Dodecylbenzenesulfonic acid, amine salts . . . . .		Surfactants, and related adjuvants of surfactants.
Octyl and decyl glucosides mixture with a mixture of octyl and decyl oligosaccharides and related reaction products (primarily n-decanol) produced as an aqueous-based liquid (68-72 percent solids) from the reaction of straight chain alcohols (C <sub>12</sub> (45 percent), C <sub>16</sub> (55 percent)) with anhydrous glucose. . . . .		Surfactants, related adjuvants of surfactants.

[FR Doc. 75-23071 Filed 8-29-75; 8:45 am]



## Department of the Interior

## Title 43—Public Lands: Interior

## CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF INTERIOR

## APPENDIX—PUBLIC LAND ORDERS

[P.L.O. 5512; Colorado 8840]

## COLORADO

## Partial Revocation of Powersite Reserve No. 27, Powersite Restoration No. 678

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 847; 43 U.S.C. 141, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and the determination of the Federal Power Commission in DA-493-Colorado, it is ordered as follows:

1. The departmental order of July 7, 1909, creating temporary Powersite Withdrawal No. 27, as confirmed by Executive Order of July 2, 1910, is hereby revoked so far as it affects the following described lands:

New Mexico Principal Meridian

T. 51 N., R. 1 E.,  
Sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 13, lot 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate approximately 319.75 acres in Gunnison County.

2. All of the above described lands were restored to entry, location or selection, and subsequently patented, subject to section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1063, 1075.

JACK O. HORTON,

Assistant Secretary of the Interior.

August 26, 1975.

[FR Doc. 75-23144 Filed 8-29-75; 8:45 am]

[P.L.O. 5511; New Mexico 10953]

## NEW MEXICO

## Withdrawal for National Forest Recreation Area; Partial Revocation of Public Land Order No. 4643

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

GILA NATIONAL FOREST

Principal Meridian

Lake Roberts Recreation Area

T. 15 S., R. 13 W.,  
Sec. 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ .

The area described contains 80 acres in Grant County.

2. The withdrawal made by this order does not alter the applicability of those

public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. Public Land Order No. 4643 of April 18, 1969, reserving lands within the Gila National Forest for use of the Forest Service as a recreation area is hereby revoked so far as it affects the following described land:

PRINCIPLE MERIDIAN

Lake Roberts Recreation Area

T. 15 S., R. 13 W., Sec. 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Containing 40 acres in Grant County.  
4. At 10 a.m. on October 1, 1975, the land described in paragraph 3 of this order shall be open to such forms of disposition as may by law be made of national forest land.

JACK O. HORTON,

Assistant Secretary of the Interior.

August 26, 1975.

[FR Doc. 75-23145 Filed 8-29-75; 8:45 am]

[P.L.O. 5513; NM-12720]

## NEW MEXICO

## Withdrawal of National Forest Lands for Bird Habitat and Research Natural Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

GILA NATIONAL FOREST

Principal Meridian

Gila River Bird Habitat and Natural Area

T. 17 S., R. 17 W.,  
Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 16, W $\frac{1}{2}$ E $\frac{1}{4}$ , W $\frac{1}{2}$ ;  
Sec. 17, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, W $\frac{1}{2}$ E $\frac{1}{4}$ , W $\frac{1}{2}$ ;  
Sec. 27, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 28, E $\frac{1}{2}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 32, E $\frac{1}{2}$ E $\frac{1}{4}$ ;  
Sec. 33, N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ .

The area described aggregates approximately 2,480 acres in Grant County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,

Assistant Secretary of the Interior.

August 26, 1975.

[FR Doc. 75-23146 Filed 8-29-75; 8:45 am]

## Title 45—Public Welfare

## SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

## PART 30—CLAIMS COLLECTION

## Delegation of Authority

In order to reflect the redelegation by the Department Claims Officer of additional authority to compromise, suspend, and terminate, pursuant to the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 951-953) claims of less than \$800, as well as other redelegations which are in effect, § 30.3 of Title 45 of the Code of Federal Regulations, 33 FR 17292, November 22, 1968) is hereby amended. Since the amendment herein involves internal management, notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest under 5 U.S.C. (b) (5). The amendment herein is therefore made without a period for public comment. The amendment reads as follows:

## § 30.3 Delegation of Authority.

(a) The Secretary delegated to the Department Claims Officer the authority to perform the duties vested in him by the Federal Claims Collection Act of 1966 (31 U.S.C. 951-953) as amended, except with respect to erroneous payments under Titles II and XVIII of the Social Security Act.

(b) The Department Claims Officer shall compromise, suspend or terminate claims referred to him after administrative collection efforts have been exhausted in accordance with the provisions of this part.

(c) The appropriate office, local, regional or headquarters, shall take all necessary administrative action required under the Act and Joint Regulations, except that, with respect to claims of \$800 or more, no compromise of a claim shall be effected, nor collection action suspended or terminated without the prior approval of the Department Claims Officer, or the following specific delegates:

(1) The Deputy Assistant General Counsel, Business and Administrative Law Division, Office of General Counsel;  
(2) The Chief, Litigation and Claims Branch, Business and Administrative Law Division, Office of General Counsel;  
(3) The Regional Attorneys except with respect to claims arising out of activities of the Public Health Service.

*Effective date.* This amendment is effective August 22, 1975.

Dated: August 22, 1975.

BERNARD FEINER,  
Department Claims Officer.

[FR Doc. 75-23124 Filed 8-29-75; 8:45 am]

## PART 46—PROTECTION OF HUMAN SUBJECTS

## Fetuses, Pregnant Women, in Vitro Fertilization

## Correction

In FR Doc. 75-20474, appearing at page 33526 in the issue for Friday, August 8, 1975, make the following changes:

1. On page 33526, in the third column, the second full paragraph, the ninth line from the bottom should read: "of this subpart by the Ethical Advisory".

2. On page 33527, in the second column, paragraph B, the third line, the word "on" should read "or".

## Title 46—Shipping

## CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER D—TANK VESSELS

## SUBCHAPTER F—MARINE ENGINEERING

[CGD 73-254]

## MARINE ENGINEERING SYSTEMS AND COMPONENTS

## Miscellaneous Amendments

On April 3, 1975, a document was published in the FEDERAL REGISTER (40 FR 14935) proposing to update Coast Guard marine engineering regulations to reflect revisions in the American National Standard Code for Pressure Piping (ANSI B31.1 Power Piping) and The American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

A public hearing was held on April 30, 1975, and interested persons were given until May 15, 1975, to submit written comments. A total of nine comments were received. After full and careful consideration of each comment, the proposal was revised, as set forth below.

Four written comments questioned the need to specify, in § 56.97-30, the temperature for the material and test medium. In consideration of these comments and a pending change to ANSI B31.1, the requirements for a temperature of 70° F. or higher has been deleted.

One written comment questioned requiring water as the only test medium for the hydrostatic leak test in § 56.97-30. The comment indicated that under certain circumstances, such as low ambient temperatures, mediums other than water would be more suitable and the test results would be equally valid. This section has been revised to allow the use of other mediums, if they are specifically approved by the Commandant.

Another written comment questioned the need for galvanized or extra heavy pipe in § 56.60-3(a). This amendment relocates an already existing regulation in § 56.60-5(e) and makes no substantive change. However, the Coast Guard considers this comment to be a petition for the amendment or repeal of a rule under 5 U.S.C. 553(e), and will evaluate the need for galvanized or extra-heavy piping in future public rulemaking.

Three written comments questioned the prohibition, in § 56.50-60(g), on placing means for draining cargo pumps and

piping in pump rooms. A number of objections to the prohibition were also raised at the public hearing. The operational requirements of some types of tank vessels necessitate the removal of all traces of cargo from tanks, piping and pumps. The lowest points in these piping systems are located in pump rooms; the location of drains in pump rooms would facilitate the required cleaning of these piping systems. Accordingly, the prohibition on drains in pump rooms has been removed from this amendment to the regulations, but this matter will be further evaluated and be made the subject of future public rulemaking.

In consideration of the foregoing, 46 CFR Chapter I is amended as set forth below.

(46 U.S.C. 375, 391a, 416; 49 U.S.C. 1655(b) (1), 49 CFR 1.46(b))

*Effective date.* These amendments become effective on September 29, 1975.

Dated: August 20, 1975.

O. W. SILER,

Admiral,

U.S. Coast Guard Commandant.

## PART 32—SPECIAL EQUIPMENT MACHINERY AND HULL REQUIREMENTS

1. In § 32.50-5, the heading has been revised and paragraph (a) is revoked and reserved to read as follows:

§ 32.50-5 Cargo pump gauges on tank vessels constructed on or after November 10, 1936—TB/ALL.

(a) [Reserved]

## PART 35—OPERATIONS

§ 35.25-10 [Amended]

2. In § 35.25-10(a), change the figure "150° F" to read "140° F".

## PART 50—GENERAL PROVISIONS

§ 50.25-30 [Amended]

3. In § 50.25-30, change the last word of the title from "pressures" to "pressure" and change the reference to § 56.35-10 in paragraph (a) to read "§ 56.35-15."

## PART 52—POWER BOILERS

§ 52.01-1 [Amended]

4. The table in § 52.01-1(a) is amended by striking lines 8 through 10 which refer to PG-63 through PG-65 and by revising the 37th line to read: "PR-30 through PR-40 modified by ----- 52.10-15".

§ 52.01-90 [Amended]

5. In § 52.01-90(d) change "(Modified PG-5.5.1)" to read "(Modifies PG-5.5)" and in paragraph (e) strike "(Modifies PG-5.5.2)", the entire first sentence and revise the remaining sentence to read:

"Non-ferrous materials are not permitted for pipes up to the first joint on all outlets but are permitted for instrument piping and may be used in blowoff

or drain service provided pressure is below 250 pounds per square-inch gage and temperature is below 400° F."

6. In § 52.01-100, by revising the title to read as follows:

§ 52.01-100 Openings and compensation (modifies PG-32 through PG-39, PG-43 through PG-55, replaces PG-42).

7. Add a new paragraph (h) to § 52.01-110 to read as follows:

§ 52.01-110 Water level indicators, water columns, gage glass connections, gage cocks, and pressure gages (modifies PG-60).

(h) (Modifies PG-60) Piping referred to in this section must meet the requirement of Part 56 of this subchapter.

§ 52.05-45 [Amended]

8. In § 52.05-45(b), revise the parenthetical phrase in the last line to read as follows: "(PW-41.1.1-PW-41.1.4)."

§ 52.10-15 [Amended]

9. In § 52.10-15, revise the parenthetical phrase in the heading to read as follows: "(modifies PR-30 through PR-40)".

10. Section 52.20-17 is added to read as follows:

§ 52.20-17 Opening between boiler and safety valve (Modifies PT-14).

(a) When a discharge pipe is used, it must be installed in accordance with the requirements of Part 56 of this chapter.

## PART 53—HEATING BOILERS

§ 53.10-3 [Amended]

11. In § 53.10-3(a), by revising the parenthetical phrase in the last line to read as follows: "(See HG-510 and HC-410 of the ASME Code.)"

## PART 54—PRESSURE VESSELS

§ 54.01-1 [Amended]

12. In Table 54.01-1(a), revise the third line to read as follows:

U-1(d) replaced by ----- 54.01-5(a) and 54.01-15 and insert the following new line between the present eighth and ninth lines: UG-28 modified by ----- 54.01-40.

13. Section 54.05-5(a) is amended by revising the sixth and seventh sentences to read as follows:

§ 54.05-5 Toughness test specimens.

(a) . . . Except where otherwise specified, transversely oriented specimens must be used. When longitudinal specimens are used, the required energy values may not be less than 1.5 times the values required for transversely oriented specimens. . . .

14. Section 54.05-10 is amended by replacing the fourth and fifth sentences of paragraph (a) with one new sentence and by making an addition to the last sentence of paragraph (d) to read as follows:



### § 54.05-10 Certification of material toughness tests.

(a) . . . The long axis of the Charpy specimen must be perpendicular to the final direction of rolling.

(d) . . . with the axis of the specimens parallel to the axis of the bar or shape.

15. In § 54.05-17, revise (a) (1), (2), and (3) to read as follows:

### § 54.05-17 Weld toughness test acceptance criteria.

(1) For weld metal specimens, not less than the transverse values required for the parent material.

(2) For heat affected zone specimens, when the specimens are transversely oriented, not less than the transverse values required for the parent material.

(3) For heat affected zone specimens, when the specimens are longitudinally oriented, not less than 1.5 times the transverse values required for the parent material.

16. Section 54.05-20 is revised to read as follows:

### § 54.05-20 Impact test properties for service of 0° F and below.

(a) *Test energy.* The impact energies of each set of transverse Charpy specimens may not be less than the values shown in Table 54.05-20(a). Only one specimen in a set may be below the required average and the value of that specimen must be above the minimum impact value permitted on one specimen only. See § 54.05-5(a) for retest requirements.

TABLE 54.05-20 (a)—Charpy impact test requirements

Specimen	Minimum impact value required for average of each set of 3 specimens, foot-pounds	Minimum impact value permitted on one specimen only of a set, foot-pounds
10 x 10 mm.....	20.0	13.5
10 x 7.5 mm.....	16.5	11.0
10 x 5 mm.....	13.5	9.0
10 x 2.5 mm.....	10.0	6.5

Interpolated values for intermediate sizes are permitted.

(b) Transversely oriented Charpy V-notch impact specimens of ASTM A-203 nickel steels must exhibit energies not less than the values shown in § 54.05-20 (a). Requirements for 9 percent nickel steels are contained in § 54.25-20. Other nickel alloy steels, when specially approved by the Commandant, must exhibit a no-break performance when tested in accordance with the drop weight procedure. If, for such materials, there are data indicating suitable correlation with drop-weight tests, Charpy V-notch tests may be specially considered by the Commandant in lieu of drop-weight tests. If the drop-weight test cannot be performed because of material

thickness limitations (less than one-half inch), or product shape, or is otherwise inapplicable (because of heat treatment, chemistry etc.) other tests or test criteria will be specified by the Commandant.

(c) Where sufficient data are available to warrant such waiver, the Commandant may waive the requirements for toughness testing austenitic stainless steel materials. Where required, austenitic stainless steels are to be tested using the drop-weight procedure and must exhibit a no-break performance. Where data are available indicating suitable correlation of Charpy V-notch results with drop-weight NDT or no-break performance, Charpy V-notch tests may be specially considered by the Commandant in lieu of drop-weight tests. If the drop-weight test cannot be performed because of material thickness limitations (less than one-half inch), or product shape, or is otherwise inapplicable (because of heat treatment, chemistry, etc.) other tests and/or test criteria will be specified by the Commandant.

17. Section 54.05-25 is revoked and reserved.

### § 54.10-17 [Amended]

18. In § 54.10-17, strike out the words "and (5) (d)" in the first sentence.

### § 54.20-10 [Amended]

19. In § 54.20-10(a), insert a semicolon between the words "radiograph" and "and".

20. Section 54.25-15(b) is amended by making an addition to the last sentence to read as follows:

§ 54.25-15 Low temperature operation—high alloy steels (modifies VIIA-23 (b) and UHA-51).

(b) . . . except that the Charpy V-notch testing acceptance criteria will be in accordance with UHT-6(a) (4) and (5) of the ASME Code."

## PART 56—PIPING SYSTEMS AND APPURTENANCES

21. A new § 56.01-3 is added to read as follows:

### § 56.01-3 Power boiler external piping (Replaces 100.1.1, 100.1.2, 102.1.7, 111.6, 122.1, 132 and 133).

(a) Piping system components associated with power boilers are covered by the requirements of this part and §§ 52.01-105, 52.01-110, 52.01-115, and 52.01-120.

(b) Specific requirements for power boiler external piping and appurtenances, as defined in §§ 100.1.1 and 100.1.2, appearing in the various paragraphs of ANSI-B31.1, are, therefore, not adopted unless otherwise specifically indicated elsewhere in this part.

### § 56.01-5 [Amended]

22. The table in § 56.01-5(a) is amended by revising the first line and re-

locating it between the present third and fourth line to read as follows:

101 through 104.7 modified by ----- 56.07-10

### § 56.04-2 [Amended]

23. In Table § 56.04-2, under "Class B and C poisons", amended by striking out the lines "II ----- not permitted; and "II-L ----- not permitted" and inserting the following two lines in place thereof: "II ----- not permitted except inside cargo tanks approved for Class B and C poisons," and "II-L ----- not permitted except inside cargo tanks approved for Class B and C poisons."

24. In § 56.07-10, the first and second sentence of paragraph (c) and the seventh sentence of paragraph (e) are amended as follows:

### § 56.07-10 Design conditions and criteria (modifies 101 through 104.7).

(c) . . . In Class I, I-L, II-L and nuclear piping systems, where the effect of . . . Where these factors are not considered for such systems, the maximum allowable stress will be 80 percent of the tabulated value for all materials.

(e) . . . For Class I, I-L, II-L and nuclear piping systems . . .

25. A new § 56.20-1(d) is added to read as follows:

### § 56.20-1 General.

(d) Where liquid trapped in a closed valve can be heated, and uncontrollable rise in pressure can result, means must be provided in the design, installation and operation of the valve to ensure that the pressure in the valve does not exceed that allowed by this part for the attained temperature (An example might be a flexible wedge gate valve, installed with the stem horizontal; should the valve be closed while liquid from testing, cleaning or condensation of fluid fills the valve this liquid would be trapped in the bonnet section of the closed valve). Any resulting penetration of the pressure wall of the valve must meet the requirements of this part and of drains in ANSI-B16.5.

### § 56.30-10 [Amended]

26. Section 56.30-10(b) (3) is amended by striking out the words "exceeding 4 inches nominal pipe size" in the first sentence.

(b) Revising the words "or Class II" in the first sentence to read "Class II, or Class II-L".

(c) And striking out the second sentence entirely.

### § 56.30-20 [Amended]

27. In table 56.30-20(c) the heading is revised and a second footnote is added to read as follows:

TABLE 56.30-20(c)—THREADED JOINTS<sup>1,2</sup>

28. In § 56.50-15, paragraph (e) is revised to read as follows:

<sup>1</sup>Size limits are not applicable to hydraulic systems.

### § 56.50-15 Steam and exhaust piping.

(e) Main and auxiliary steam stop valves must be readily accessible, operable by one person and arranged to seat against boiler pressure.

### § 56.50-40 [Amended]

29. Section 56.50-40(a) (1) is amended by striking out the words "and drain" in the first sentence.

30. In § 56.50-60, strike out the last sentence of paragraph (f) and add new paragraph (g) to read as follows:

### § 56.50-60 Cargo oil systems and fuel oil systems for boilers and internal combustion engines; transfer systems, and general arrangement.

(g) Test cocks must not be fitted to fuel oil or cargo oil tanks.

31. In § 56.50-97, paragraph (a) is revised to read as follows:

### § 56.50-97 Instrument, control and sampling piping (modifies 122.3).

(a) Instrument, control and sampling piping must comply with paragraph 122.3 of ANSI-B31.1 except that:

(1) Soldered type fittings may not be used

(2) The outside diameter of takeoff connections may not be less than 0.840 inches for service conditions up to 900 psi or 800° F, and 1.050 inches for conditions that exceed either of these limits.

### § 56.50-105 [Amended]

32. In § 56.50-105(b) (3), strike out the period at the end of the second sentence and add the words "where the weld thickness does not exceed that exempted by this table."

33. In Table 56.50-105, by revising the title to read as follows:

TABLE 56.50-105—ACCEPTABLE MATERIALS AND TOUGHNESS TEST CRITERIA<sup>1</sup>

### § 56.60-1 [Amended]

34. In Table 56.60-1(a):

(a) In the first item under "Casting, iron:" strike out "UCN-23" and insert "UCD-23" in place thereof;

(b) In Note 13 strike out "UCN-23" and insert "UCD-23" in place thereof;

(c) In Note 14 strike out "UCN3" and insert "UCD-3" in place thereof;

(d) In the second item under "Tubes, seamless and welded," revise the description of A334 to read as follows: "A334 Seamless and welded (no added filler metal) carbon and low alloy tubing for low temperature"; and

(e) In the final item, under "Castings, iron," strike out "UCN-23" and insert "UCD-23" in place thereof.

<sup>1</sup>Other material specifications for product forms acceptable under Part 54 for use at low temperatures may also be used for piping systems provided the applicable toughness requirements of this Table are also met.

35. In Table 56.60-1(b), by:

(a) Strike out the line "B16.2 C.I. Flanges and Fittings 250 lb." under ANSI Standards.

(b) Revise the line "B16.1 -----" under ANSI Standards to read: "B16.1 C.I. Flanges and Fittings—125 and 250 lbs."

(c) Under B16.3, B16.4 and B16.15, strike out "Sec." and insert "Threaded" in place thereof.

(d) Revise the address of the Fluid Controls Institute to read: "(Fluid Controls Institute, Inc., 12 Bank Street, Summit, New Jersey, 07901)"

(e) Strike out the following listed MSS Standards: SP-46, SP-48, SP-49, SP-50, SP-54, SP-59 and SP-63; and by

(f) Add the line "SP-69 Pipe Hangers and Supports—Selection and Application", under MSS Standards.

36. Section 56.60-2 (a) is amended by revising the second sentence to read as follows:

### § 56.60-2 Ferrrous materials.

(a) . . . Further limitations on allowable stress values are contained in paragraphs 56.07-10(c) and (e). . .

37. A new § 56.60-3 is added to read as follows:

### § 56.60-3 Ferrrous Materials.

(a) Ferrrous pipe used for salt water service must be protected against corrosion by hotdip galvanizing or by the use of extra heavy schedule material.

(b) (Reproduces 123.2.3(c)). Carbon or alloy steel having a carbon content of more than 0.35 percent may not be used in welded construction or be shaped by oxygen cutting process or other thermal cutting process.

38. In § 56.60-5 paragraphs (c) and (e) are revoked and reserved as follows:

### § 56.60-5 Steel (high temperature applications).

(c) [Reserved]

(e) [Reserved]

### § 56.60-10 [Amended]

39. In § 56.60-10(a), in the last sentences by striking out the words "and B16.2."

### § 56.60-15 [Amended]

40. In § 56.60-15(a) (1) is amended in the first sentence by striking out the words "B16.2."

### § 56.60-25 [Amended]

41. In § 56.60-25(e) is amended by inserting the following sentence before the present final sentence: "Joint movements may not exceed the limits set by the joint manufacturer."

42. Section 56.70-5(a) is revised to read as follows:

### § 56.70-5 Material.

(a) *Filler metal.* All filler metal, including consumable insert material, must comply with the requirements of

section IX, ASME Boiler and Pressure Vessel Code and § 57.02-4 of this subchapter.

43. A new § 56.70-3 is added to read as follows:

### § 56.70-3 Limitations.

(a) Backing rings. Backing strips used at longitudinal welded joints must be removed.

44. Section 56.70-10 is amended by inserting the words "or outside" after the word "inside" in the second sentence of (a) (1) (iii), by revising (a) (3) and by inserting an additional sentence in front of the first sentence of paragraph (b) to read as follows:

### § 56.70-10 Preparation (reproduces 127.3).

(a) . . .

(3) *Alignment.* The inside diameters of piping components to be joined must be aligned as accurately as practicable within existing commercial tolerances on diameters, wall thicknesses, and out of roundness. Alignment must be preserved during welding. Where ends are to be joined and the internal misalignment exceeds 1/16-inch, it is preferred that the component with the wall extending internally be internally trimmed (see Fig. 127.3.1) so that adjoining internal surfaces are approximately flush. However, this trimming must not reduce a piping component wall thickness below the minimum design thickness and the change in the contour may not exceed 30°.

(b) In making fillet welds, the weld metal must be deposited in such a way as to obtain adequate penetration into the base metal at the root of the weld. . . .

### § 56.70-15 [Amended]

45. Section 56.70-15 is amended as follows:

a. By revising § 56.70-15(b) (1) to read as follows:

(b) *Girth butt welds.* (1) (Reproduces 127.4.2(a)). Girth butt welds must be complete penetration welds and may be made with a single vee, double vee, or other suitable type of groove, with or without backing rings or consumable inserts."

b. In § 56.70-15(b) (2), by inserting: ". . . (note restrictions in subdivision (iv) of this subparagraph) . . ." between the words "ring" and "on" in the second sentence; and by inserting after the last sentence: "Ultrasonic testing may be utilized in lieu of radiographic examination if the procedures are approved."

c. In § 56.70-15(b) (3), by inserting the following sentence before the last sentence: "Their stopping and starting ends must be properly prepared by grinding or other suitable means so that they may be satisfactorily incorporated into the final weld."

d. By revising § 56.70-15 (b) (5), (b) (6), (c) (2) and (f) to read as follows:



## RULES AND REGULATIONS

(b) . . . .

(5) (Reproduces 127.4(c)). When components of different outside diameters are welded together, the weld joint must be filled to the outside surface of the component having the larger diameter. There must be a gradual transition, not exceeding a slope of 1:3, in the weld between the two surfaces. To avoid unnecessary weld deposit, the outside surface of the component having the larger diameter must be tapered at an angle not to exceed thirty degrees with the axis of the pipe. (See Fig. 127.4.2.)

(6) (Modifies 127.4.2(d)). As-welded surfaces are permitted, however, the surface of welds must be sufficiently free from coarse ripple, grooves, overlaps, abrupt ridges and valleys to meet the following:

(i) The surface condition of the finished welds must be suitable for the proper interpretation of radiographic and other nondestructive examinations when nondestructive examinations are required by § 56.95-10. In those cases where there is a question regarding the surface condition on the interpretation of a radiographic film, the film must be compared to the actual weld surface for interpretation and determination of acceptability.

(ii) Reinforcements are permitted in accordance with Table 56.70-15.

(iii) Undercuts must not exceed 1/32-inch and must not encroach on the minimum required section thickness.

(iv) If the surface of the weld requires grinding to meet the above criteria, care must be taken to avoid reducing the weld or base material below the minimum required thickness.

(e) Seal welds. . . . .

(2) The limitation on cracks and undercutting set forth in § 56.70-15(b) (8) for girth welds are also applicable to seal welds.

(f) Weld defect repairs (Reproduces 127.4.11q). (1) All defects in welds requiring repair must be removed by flame or arc gouging, grinding, chipping, or machining. Repair welds must be made in accordance with the same procedure used for original welds or by another welding process if it is a part of a qualified procedure, recognizing that the cavity to be repaired may differ in contour and dimensions from the original joint. The types, extent and method of examination and limits of imperfections of repair welds must be the same as for the original weld.

(2) Preheating may be required for flame-gouging or arc-gouging on certain alloy materials of the air hardening type in order to prevent surface checking or cracking adjacent to the flame or arc-gouged surface.

e. In § 56.70-15(g) (2), by inserting the words "and F" after the words "Fig. 127.4.8D" in the last sentence.

f. In § 56.70-15(g) (3), in the first sentence by inserting the words "and F"

after the words "Fig. 127.4.8D", and by inserting "t<sub>w</sub>=dimension of partial penetration weld, inches," as a separate line after "t<sub>min</sub>=the smaller of t<sub>1</sub> or t<sub>2</sub>."

g. In § 56.70-15(g) (4), by striking out the period at the end of the first sentence and inserting the words "except as otherwise permitted in subparagraph 56.70-15(g) (7) of this paragraph."

h. By adding a new § 56.70-15(g) (7) as follows:

TABLE 56.70-15.—Reinforcement of girth and longitudinal butt welds

Thickness of base metal (inch)	Maximum thickness of reinforcement for design temperature (inches) below 0° F. or above—		
	750° F.	350° to 750° F.	0° F. and above but less than 350° F.
Up to 1/8, inclusive	1/8	3/32	3/16
Over 1/8 to 1/4, inclusive	1/8	1/4	3/16
Over 1/4 to 3/8, inclusive	1/8	3/32	3/16
Over 3/8 to 1, inclusive	3/32	3/16	3/16
Over 1 to 2, inclusive	1/4	1/4	3/16
Over 2	3/8	(1)	(1)

1 The greater of 1/4 in. or 1/3 times the width of the weld in inches.

## NOTES

- For double welded butt joints, this limitation on reinforcement given above applies separately to both inside and outside surfaces of the joint.
- For single welded butt joints, the reinforcement limits given above apply to the outside surface of the joint only.
- The thickness of weld reinforcement is based on the thickness of the thinner of the materials being joined.
- The weld reinforcement thicknesses must be determined for the higher of the abutting surfaces involved.
- For boiler external piping use the column titled "Below 0° F. or above 750° F. for weld reinforcement thicknesses."

46. Section 56.80-15(e) is amended by inserting the word "heat" between the words "the" and "treatment" and by adding the following new paragraph (g) as follows:

§ 56.80-15 Heat treatment of heads and formed components.

(g) (Reproduces 129.3.6). Austenitic stainless steel pipe that has been heated for bending or other forming may be used in the "as-bent" condition unless the design specification requires post bending heat treatment.

47. Section 56.85-10 is amended by revising paragraphs (a) and (b) and Table 56.85-10 and by revoking and reserving paragraph (d) to read as follows:

(7) Branch connections 2 in. NPS and smaller that do not require reinforcement may be constructed as shown in Fig. 127.4.8F of ANSI B31.1. This construction is limited to use in Class I and II piping systems at a maximum design temperature of 750° F. or a maximum pressure of 1025 psi."

1. By adding a new Table 56.70-15 as follows:

TABLE 56.70-15.—Reinforcement of girth and longitudinal butt welds

Thickness of base metal (inch)	Maximum thickness of reinforcement for design temperature (inches) below 0° F. or above—		
	750° F.	350° to 750° F.	0° F. and above but less than 350° F.
Up to 1/8, inclusive	1/8	3/32	3/16
Over 1/8 to 1/4, inclusive	1/8	1/4	3/16
Over 1/4 to 3/8, inclusive	1/8	3/32	3/16
Over 3/8 to 1, inclusive	3/32	3/16	3/16
Over 1 to 2, inclusive	1/4	1/4	3/16
Over 2	3/8	(1)	(1)

1 The greater of 1/4 in. or 1/3 times the width of the weld in inches.

## NOTES

- For double welded butt joints, this limitation on reinforcement given above applies separately to both inside and outside surfaces of the joint.
- For single welded butt joints, the reinforcement limits given above apply to the outside surface of the joint only.
- The thickness of weld reinforcement is based on the thickness of the thinner of the materials being joined.
- The weld reinforcement thicknesses must be determined for the higher of the abutting surfaces involved.
- For boiler external piping use the column titled "Below 0° F. or above 750° F. for weld reinforcement thicknesses."

46. Section 56.80-15(e) is amended by inserting the word "heat" between the words "the" and "treatment" and by adding the following new paragraph (g) as follows:

§ 56.85-10 Preheating.

(a) The minimum preheat temperatures listed in Table 56.85-10 for P-number materials groupings are mandatory minimum pre-heat temperatures. Preheat is required for Class I, I-L, I-N, II-N and II-L piping when the ambient temperature is below 50° F.

(b) (Modifies 131.2.2) When welding dissimilar materials the minimum preheat temperature may not be lower than the highest temperature listed in Table 56.85-10 for any of the materials to be welded or the temperature established in the qualified welding procedure.

(d) [Reserved]

TABLE 56.85-10.—PREHEAT AND POSTHEAT TREATMENT OF WELDS

ASME Sec. IX Nos.	Preheat required		Post heat treatment requirement (1) (2)			
	Minimum wall (3) (4) (inch)	Minimum temperature (5) (6) (° F.)	Minimum wall and other (3) (4) (17) (inch)	Temperature (7) (8) (9) (10) (11) (° F.)	Hour per inch of wall (3) (4)	Minimum time within range (hour)
P-1 (16)	All	50 (for .30 C. maximum or less) (13).	Over 1/4 in.	1,100 to 1,200 (minimum) (maximum)		
P-1 (16)	All	175 minimum (for over .30 C.) (13) and wall thickness over 1 in.	do.	do.		
P-3 (15)	All walls	175 minimum	Over 1/2 in.	1,200 to 1,350 (minimum) (maximum)		
P-4 (15)	Up to 1/4 in. inclusive	300 minimum	Over 1/4 in. or over 1/2 in. nom. size or.	1,350 to 1,400 (minimum) (maximum)		
	Over 1/4 in.	400 minimum	Over 1/2 in. C. maximum.			
P-5 (15) (less than 5 cr.)	Up to 1/4 in.	300 minimum	Over 1/4 in. or over 1/2 in. nom. size or.	1,300 to 1,425 (minimum) (maximum)		
	Over 1/4 in.	400	Over 0.15 C. maximum			
P-5 (15) (5 cr. and higher)	Up to 1/4 in. inclusive	300 minimum	All walls	do.		
	Over 1/4 in.	400	Over 0.15 C. maximum			
P-6	All walls	300 minimum (14).	All walls	1,400 to 1,500 (minimum) (maximum)		
P-8	do.	None required	do.	None required		

## RULES AND REGULATIONS

For P-7, P-9A, P-9B, P-10C and other materials not listed the Preheat and Postheat Treatment is to be in accordance with the qualified procedure.

Notes Applicable to Table 56.85-10:

(1) Not applicable to dissimilar metal welds.

(2) When postheat treatment by annealing or normalizing is used, the postheat treatment temperatures must be in accordance with the qualified welding procedure.

(3) Wall thickness of a butt weld is defined as the thicker of the two abutting ends after end preparation including I.D. machining.

(4) The thickness of socket, fillet, and seal welds is defined as the throat thicknesses for pressure and nonpressure retaining welds.

(5) Preheat temperatures must be checked by use of temperature indicating crayons, thermocouple pyrometers, or other suitable method.

(6) For inert gas tungsten arc root pass welding lower preheat in accordance with the qualified procedure may be used.

(7) The maximum postheat treatment temperature listed for each P number is a recommended maximum temperature.

(8) Postheat treatment temperatures must be checked by use of thermocouple pyrometers or other suitable means.

(9) Heating rate for furnace, gas, electric resistance, and other surface heating methods must not exceed: (1) 600° F. per hour for thicknesses 2 inches and under.

(11) 600° F. per hour divided by 1/2 the thickness in inches for thickness over 2 inches.

(10) Heating route for induction heating must not exceed:

(1) 600° F. per hour for thickness less than 1 1/2 inches (60 and 400 cycles).

(11) 500° F. per hour when using 60 cycles and 400° F. per hour when using 400 cycles for thicknesses 1 1/2 inches and over.

(11) When local heating is used, the weld must be allowed to cool slowly from the postheat treatment temperature. A suggested method of retarding cooling is to wrap the weld with asbestos and allow to cool in still air. When furnace cooling is used, the pipe sections must be cooled in the furnace to 1000° F. and may then be cooled further in still air.

(12) Local postheat treatment of butt welded joints must be performed on a circumferential band of the pipe. The minimum width of this band, centered on the weld, must be the width of the weld plus 2 inches.

Local postheat treatment of welded branch connections must be performed by heating a circumferential band of the pipe to which the branch is welded. The width of the heated band must extend at least 1 inch beyond the weld joining the branch.

(13) 0.30 C. max applies to specified ladle analysis.

(14) 600° F. maximum interpass temperature.

(15) Welding on P-3, P-4, and P-5 with 3 Cr max may be interrupted only if—

(1) At least 3/4 inch thickness of weld is deposited or 25 percent of welding groove is filled, whichever is greater;

(11) The weld is allowed to cool slowly to room temperature; and

(11) The required preheat is resumed before welding is continued.

(16) When attaching welding carbon steel non-pressure parts to steel pressure parts and the throat thickness of the fillet or partial or full penetration weld is 1/2 in. or less, post heat treatment of the fillet weld is not required for Class I and II piping if preheat to a minimum temperature of 175° F. is applied when the thickness of the pressure part exceeds 3/4 in.

(17) For Class I-L and II-L piping systems, relief from postweld heat treatment may not be dependent upon wall thickness. See also

paragraphs 56.50-105(a) (3) and 56.50-105(b) (3) of this chapter.

§ 56.85-15 [Amended]

48. Section 56.85-15 is amended as follows:

(a) By striking the first sentence of paragraph (a), and by inserting the words "pressure retaining" after "Where" in the existing second sentence.

(b) By amending the last sentence of § 56.85-15(d) to read " . . . band heating of welded joints in accordance with § 56.85-15(j) (3) and note (12) of Table 56.85-10."

(c) By revoking and reserving § 56.85-15 (f), (g) and (h).

(d) In § 56.85-15(i), by revising the parenthetical expression to read "(Reproduces 131.3.4)" and by amending the last sentence to read " . . . wall thickness is 3/4 in. or less, postheat treatment is not required."

(e) By revoking and reserving § 56.85-15(j) (1) and 56.85-15(j) (2).

(f) By revising § 56.85-15(j) (3) to read as follows:

(j) . . . .

(3) In local postheat treatment the entire band must be brought up to uniform specified temperature over the complete circumference of the pipe section, with a gradual diminishing of the temperature outward from the edges of the band.

49. By revising § 56.97-1:

§ 56.97-1 General (replaces 137).

(a) Scope. The requirements in this subpart apply to pressure tests of piping in lieu of 137 of ANSI-B31.1. Those paragraphs reproduced are so noted.

(b) Leak tightness. It is mandatory that the design, fabrication and erection of piping constructed under the regulations in this subchapter demonstrate leak tightness. Except where otherwise permitted in this subpart, this requirement must be met by a hydrostatic leak test prior to initial operations. Where a hydrostatic test is not practicable, a pneumatic test (section 56.97-35) or initial service leak test (section 56.97-38) may be substituted if approved by the Commandant.

(1) At no time during the hydrostatic test may any part of the piping system be subjected to a stress greater than 90 percent of its yield strength (0.2 percent offset) at test temperature.

(2) Pneumatic tests may be used in lieu of the required hydrostatic test (except as permitted in subparagraph (3) below), only when—

(1) piping subassemblies or systems are so designed or supported that they cannot be safely filled with water; <sup>1</sup> or

(11) piping subassemblies or systems are to be used in services where traces of the testing medium cannot be tolerated and, whenever possible, the piping subassemblies or system have been previously hydrostatically tested to the pressure required in paragraph 56.97-30(e).

<sup>1</sup>These tests may be made with the item being tested partially filled with water, if desired.

(3) A pneumatic test at a pressure not to exceed 25 psig may be applied before a hydrostatic or a pneumatic test as a means of locating major leaks. The preliminary pneumatic test must be carried out in accordance with the requirements of section 56.97-35.

Note.—Compressed gas is hazardous when used as a testing medium. It is, therefore, recommended that special precautions for protection of personnel be taken whenever gas under pressure is used as the test medium.

(4) The hydrostatic test of the piping system, when conducted in accordance with the requirements of this part, is acceptable as the test for piping subassemblies and may also be used in lieu of any such test required by the material specification for material used in the piping subassembly or system provided the minimum test pressure required for the piping system is met, except where the installation would prevent performing any nondestructive examination required by the material specification to be performed subsequent to the hydrostatic or pneumatic test.

50. Section 56.97-25 is revised to read as follows:

§ 56.97-25 Preparation for testing (Reproduces 137.3).

(a) Exposure of joints. All joints including welds must be left uninsulated and exposed for examination during the test.

(b) Addition of temporary supports. Piping systems designed for vapor or gas may be provided with additional temporary supports, if necessary, to support the weight of the test liquid.

(c) Restraint or isolation of expansion joints. Expansion joints must be provided with temporary restraint, if required for the additional pressure load under test, or they must be isolated from the test.

(d) Isolation of equipment not subjected to pressure test. Equipment that is not to be subjected to the pressure test must be either disconnected from the piping subassembly or system or isolated by a blank flange or similar means. Valves may be used if the valve with its closure is suitable for the proposed test pressure.

(e) Treatment of flanged joints containing blinds. Flanged joints at which blinds are inserted to blank off other equipment during the test need not be tested.

(f) Precautions against test medium expansion. If a pressure test is to be maintained for a period of time and the test medium in the system is subject to thermal expansion, precautions must be taken to avoid excessive pressure. A small relief valve set to 1 1/2 times the test pressure is recommended during the pressure test.

51. Section 56.97-30 is revised to read as follows:

§ 56.97-30 Hydrostatic tests (Reproduces 137.4).

(a) Provision of air vents at high points. Vents must be provided at all



high points of the piping subassembly or system in the position in which the test is to be conducted to purge air pockets while the component or system is filling.

(b) *Test medium and test temperature.* (1) Water will be used for a hydrostatic leak test unless another medium is approved by the Commandant.

(2) The temperature of the test medium will be that of the available source unless otherwise approved by the Commandant upon review of the metallurgical aspects of the piping materials with respect to its brittle fracture properties.

(c) *Check of test equipment before applying pressure.* The test equipment must be examined before pressure is applied to ensure that it is tight and that all low-pressure filling lines and other items that should not be subjected to the test pressure have been disconnected or isolated by valves or other suitable means.

(d) *Examination for leakage after application of pressure.* Following the application of the hydrostatic test pressure for a minimum of 10 minutes (see § 56.97-30(g)), examination for leakage must be made of all joints, connections and of all regions of high stress, such as regions around openings and thickness-transition sections.

(e) *Minimum required hydrostatic test pressure.* Except as otherwise permitted in § 56.97-30(f) or § 56.97-40, piping systems must be subjected to a hydrostatic test pressure that at every point in the system is not less than 1.5 times the maximum allowable working pressure.

(f) *Maximum permissible hydrostatic test pressure.* (1) When a system is tested hydrostatically, the test pressure must not exceed the maximum test pressure of any component such as vessels, pumps, or valves in the system.

(2) At no time during the hydrostatic test may any part of the piping system be subjected to a stress greater than 90 percent of its yield strength (0.2 percent offset) at test temperature.

(g) *Hydrostatic test pressure holding time.* The hydrostatic test pressure must be maintained for a minimum total time of 10 minutes and for such additional time as may be necessary to conduct the examination for leakage required by paragraph 56.97-30(d).

52. Section 56.97-35 is revised to read as follows:

§ 56.97-35 *Pneumatic tests* (Replaces 137.5).

(a) *General Requirements.* When a pneumatic test is performed, it must be conducted in accordance with the requirements of this section.

(b) *Test medium and test temperature.* (1) The gas used as the test medium must not be flammable.

(2) The temperature of the test medium will be that of the available source unless otherwise approved by the Commandant upon review of the metallurgical aspects of the piping materials with respect to its brittle fracture properties.

(c) *Check of test equipment before applying pressure.* The test equipment must be examined before pressure is applied to ensure that it is tight and that

all items that should not be subjected to the test pressure have been disconnected or isolated by valves or other suitable means.

(d) *Procedure for applying pressure.* The pressure in the system must gradually be increased to not more than one-half of the test pressure, after which the pressure is increased in steps of approximately one-tenth of the test pressure until the required test pressure has been reached.

(e) *Examination for leakage after application of pressure.* Following the application of pressure for the time specified in § 56.97-35(h), examination for leakage in accordance with paragraph 56.97-30(d) must be conducted.

(f) *Minimum required pneumatic test pressure.* Except as provided in § 56.97-35(g) or § 56.97-40, the pneumatic test pressure may not be less than 1.20 nor more than 1.25 times the maximum allowable working pressure of the piping subassembly system.

(g) *Maximum permissible pneumatic test pressure.* When a system is tested pneumatically, the test pressure may not exceed the maximum test pressure of any component such as vessels, pumps or valves in the system.

(h) *Pneumatic test pressure holding time.* The pneumatic test pressure must be maintained for a minimum total time of 10 minutes and for such additional time as may be necessary to conduct the examination for leakage required in paragraph 56.97-30(d).

53. A new § 56.97-38 is added to read as follows:

§ 56.97-38 *Initial service leak test* (Replaces 137.7).

(a) An initial service leak test and inspection is acceptable when other types of test are not practical or when leak tightness is conveniently demonstrable due to the nature of the service. One example is turbine extraction piping where shut-off valves are not available for isolating a line and where temporary closures are impractical. Others may be systems for service water, low pressure condensate, plant and instrument air, etc., where checking out of pumps and compressors afford ample opportunity for leak tightness inspection prior to fullscale operation.

(b) The piping system must be gradually brought up to design pressure. After inspection of the piping system has proven that the installation is complete and all joints are leak-tight, the piping has met the requirements of section 56.97-1.

§ 56.97-40 [Amended]

54. In § 56.97-40(c), the end of the sentence is revised to read: "... test, § 56.97-38."

#### PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

§ 58.01-15 [Amended]

55. Section 58.01-15 is amended by revising the figure "150° F" to read "140° F."

56. In § 58.30-1(a) a new subparagraph (14) is added to read as follows:

§ 58.30-1 *Scope.*

(a) ...  
(14) Any other hydraulic or pneumatic system on board that, in the judgment of the Commandant, constitutes a hazard to the seaworthiness of the ship or the safety of personnel either in normal operation or in case of failure.

57. In § 58.30-1(b) is revised to read as follows:

§ 58.30-1 *Scope.*

(b) Other fluid power and control systems do not have to comply with the detailed requirements of this Subpart but must meet the requirements of § 58.30-50.

58. In § 58.30-5(a); by revising the first sentence to read as follows:

§ 58.30-5 *Design requirements.*

(a) The requirements of Part 56 are also applicable, except as modified herein.

§ 58.30-15 [Amended]

59. Section 58.30-15(d) is amended by: Placing a period after "6" in the first sentence and deleting the remainder of the sentence and changing the second sentence to read: "... acceptable to the Commandant using the allowable stress values specified in paragraph 56.07-10(e) of this subchapter."

60. Section 58.30-40 is revised to read as follows:

§ 58.30-40 *Plans.*

(a) Diagrammatic plans and lists of materials must be submitted for each of the fluid power and control systems listed in paragraph 58.30-1(a) that is installed on the vessel. Plan submission must be in accordance with Subpart 50.20 of this Subchapter and must include the following:

- (1) The purpose of the system.
- (2) Its location on the vessel.
- (3) The maximum allowable working pressure.
- (4) The fluid used in the system.
- (5) The velocity of the fluid flow in the system.
- (6) Details of the system components in accordance with § 56.01-10(d) of this subchapter.

61. A new § 58.30-50 is added to read as follows:

§ 58.30-50 *Requirements for miscellaneous fluid power and control systems.*

(a) All fluid power and control systems installed on a vessel, except those listed in § 58.30-1(a), must meet the following requirements:

- (1) Diagrams of the system providing the information required by § 58.30-40 (a) (1) through (4) must be submitted. These are not approved but are needed for records and for evaluation of the system in accordance with § 58.30-1(a) (14).

(2) The hydraulic fluid used in the system must comply with § 58.30-10.

(3) The installed system must be tested in accordance with § 58.30-35(c) (2).

(4) All pneumatic cylinders must comply with § 48.30-30.

(5) Additional plans may be required for "fail-safe" equipment and for cargo hatch systems with alternate means of operation.

62. In § 58.50 the title is revised to read as follows:

§ 58.50 *Independent fuel tanks.*

63. Section 58.50-1(a) is revised to read as follows:

§ 58.50-1 *General requirements.*

(a) The regulations in this subpart contain requirements for independent fuel tanks.

64. A new § 58.30-50 is added to read as follows:

§ 58.30-50 *Requirements for miscellaneous fluid power and control systems.*

(a) All fluid power and control systems installed on a vessel, except those listed in paragraph 58.30-1(a), must meet the following requirements:

- (1) Diagrams of the system providing the information required by § 58.30-40 (a) (1) through (4) must be submitted. These are not approved but are needed for records and for evaluation of the system in accordance with § 58.30-1(a) (14).
- (2) The hydraulic fluid used in the system must comply with § 58.30-10.
- (3) The installed system must be tested in accordance with § 58.30-35(c) (2).
- (4) All pneumatic cylinders must comply with § 58.30-30.
- (5) Additional plans may be required for "fail-safe" equipment and for cargo hatch systems with alternate means of operation.

65. In § 58.50 the title is revised to read as follows:

§ 58.50 *Independent fuel tanks.*

66. Section 58.50-1(a) is revised to read as follows:

§ 58.50-1 *General requirements.*

(a) The regulations in this subpart contain requirements for independent fuel tanks.

67. In § 63.01-5 a new paragraph (f) is added to read as follows:

§ 63.01-5 *Adoption of standards and specifications.*

(f) *American National Standards Institute (ANSI).* The standards of the American National Standards Institute, referenced in this part are adopted and form a part of this subchapter.

68. Section 63.15-30 is revised to read as follows:

§ 63.15-30 *Temperature-pressure relief devices.*

(a) A suitable temperature-pressure relief valve must be provided which will operate to relieve the pressure in the water tank to prevent a pressure rise of more than 3 pounds per square inch above the maximum allowable working pressure and to prevent a temperature rise above 210°F with the heating elements operating continuously at the maximum rating.

(b) Temperature-pressure relief valves meeting the requirements of ANSI standard Z 21.22 must be utilized.

[FR Doc. 75-23028 Filed 8-29-75; 8:45 am]

Title 47—Telecommunications

#### CHAPTER 1—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20149]

#### PART 91—INDUSTRIAL RADIO SERVICES

Availability of Splitter Frequencies; Correction

In the matter of amendment of Parts 2, 89, and 91 of the Commission's rules and regulations to make available four 173 MHz splitter frequencies to the Local Government and Manufacturers Radio Services for telemetry and remote control operations.

The last page of the Appendix to the Commission's Report and Order (FCC 75-867) in Docket 20149 adopted July 22, 1975, 40 FR 33454, was inadvertently omitted. Consequently the material in § 91.730(b) (26) and (27) was dropped. That material should have read as follows:

§ 91.730 *Frequencies available.*

(b) ...  
(26) This frequency band is available on a shared basis with the Local Government and several Industrial Radio Services. Evidence of interservice coordination is required.

(27) Operational fixed stations must employ directional antennas having a front-to-back ratio of at least 20 db. Omnidirectional antennas having unity gain may be employed for stations communicating with at least three receiving locations separated by 160° of azimuth.

Released August 26, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

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## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

##### [ 7 CFR Part 931 ]

#### FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

##### Expenses and Fixing of Rate of Assessment and Carryover of Unexpended Funds for the 1975-76 Fiscal Period

This notice invites written comments relative to the proposed expenses of \$25,324.90, and rate of assessment of one cent per standard western pear box to support the activities of the Northwest Fresh Bartlett Pear Marketing Committee for the 1975-76 fiscal period under marketing Order No. 931. The committee also proposes to carry over unexpended assessment income as a committee reserve.

Consideration is being given to the following proposals submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

##### § 931.210 Expenses, rate of assessment, and carryover of unexpended funds.

(a) That expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee, during the period July 1, 1975, through June 30, 1976, will amount to \$25,324.90.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 931.41 be fixed at \$0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) That assessments in excess of expenses incurred during the 1974-75 fiscal period be carried over as a reserve.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Administration Building, Washington, D.C. 20250, not later than September 30, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the

Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 27, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-23173 Filed 8-29-75; 8:45 am]

### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

##### [ 29 CFR Parts 1910, 1926 ]

[Docket No. S-102]

#### GROUND-FAULT CIRCUIT PROTECTION

##### Notice of Hearing

On April 7, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 15390-15392; correction notice, 40 FR 18468) by the Occupational Safety and Health Administration (OSHA). It was proposed to amend Title 29, Code of Federal Regulations, §§ 1910.309 and 1926.400 by revoking the requirement for ground-fault circuit protection for personnel on construction sites. This requirement is contained in the last paragraph of section 210-7 of the National Electrical Code (NEC) (ANSI C1-1971, NFPA No. 70-1971), which is adopted by reference in the current §§ 1910.309 and 1926.400.

Interested persons were given until June 6, 1975, to submit written data, views, and arguments and to file objections to the proposal and request a hearing. In response to the notice, OSHA received 131 comments, including 6 requests for a public hearing. The major issues raised by the commenters are discussed separately as follows:

1. *Field experience.* Much of the evidence received related to actual field experience with ground-fault circuit interrupters (GFCI's). Fifty-eight comments were received from local authorities having experience with requiring GFCI's on construction sites. All but one assert that the devices can be used with little trouble, if certain procedures are followed. These include cleaning and repairing old and defective tools and extension cords, putting in more circuits to evenly and adequately handle the load, and keeping connectors out of water. There were also minor reports of tripping due to utility company switching and radio transmission, but sensi-

tivity to these sources varies with the make of the GFCI. Other commenters, one of which was a local enforcement authority, asserted that there was excessive nuisance tripping.

2. *Cost estimates.* There were many general estimates of the cost of installing ground-fault circuit protection. For the small residential contractors, the commenters assert that the extra cost is between \$25 and \$50 per jobsite, since there are few circuits to protect. Larger contractors with dozens of 15- and 20-ampere, 120-volt circuits claimed costs in the thousands of dollars. One association asserted GFCI's would cost over \$12 million for its member companies. None of the commenters provided specific supporting cost data for GFCI's or gave specifications for the temporary wiring on typical jobsites.

3. *Accidents.* Few of the commenters gave specific details of accidents which occurred without GFCI's. However, some data was obtained by OSHA in a continuing survey of states, which added 10 fatalities to the 31 fatalities listed in the notice of proposed revocation.

4. *Alternate methods.* Many commenters claimed that equipment grounding conductors provide the necessary protection from shock hazards, and that a GFCI requirement is therefore unnecessary. Other commenters claimed that their tool inspection programs ensure the use of safe equipment and contribute to their excellent safety records. However, one commenter pointed out that 25 percent of all electrical violations found by OSHA inspectors were for noncompliance with the grounding requirements, indicating a need for GFCI's.

The comments received have enhanced the body of knowledge on the subject of GFCI's, especially with respect to field experience. However, more information would still be helpful to evaluate the cost of a GFCI requirement, the number of deaths or serious injuries occurring, and the total effectiveness of alternate approaches to the problem. While some commenters point out that a significant number of fatalities are occurring and that many of these could be prevented by using GFCI's or by conforming with existing standards, other commenters suggest that a tool, cord, and wiring inspection program can adequately ensure that equipment is in safe operating condition.

On the basis of all the information received to date in this proceeding, it appears that there are several alternatives

available to OSHA with regard to ground fault circuit protection. These include, but are not necessarily limited to: (a) revocation of the existing requirement; (b) retention of the existing requirement; or (c) a requirement for GFCI's or an alternate grounding maintenance program.

Accordingly, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96, 40 U.S.C. 333), and 29 CFR Part 1911, OSHA will hold an informal public hearing on the proposal. Oral and written data, views, and arguments may be presented at the informal public hearing to begin at 9:30 a.m. on December 9, 1975, in the U.S. Department of Labor Auditorium, Room C-1000, 200 Constitution Avenue, NW., Washington, D.C.

Comments to be presented at the hearing may address any of the issues raised in the proceeding, including the following:

(1) Actual field experience with ground-fault circuit interrupters, with specific details concerning the number of trips per GFCI and the exact cause of each trip;

(2) Cost of utilizing GFCI's per jobsite including a description of the circuits equipped and the types of GFCI's used;

(3) Specific details of ground fault electrical accidents, giving the approximate date, place, cause, name of the tool, if any, causing the injury, whether the tool was grounded and the means used to protect against ground fault electrical accidents, if any. This information should indicate, if possible, whether GFCI's would have prevented these accidents, and whether other means such as maintenance and inspection of equipment would have prevented these accidents;

(4) A possible requirement that employers provide either:

(a) ground-fault circuit protection for personnel on construction sites, or

(b) a scheduled and recorded equipment inspection and maintenance program, covering all tools, cords, and wiring on the jobsite;

(5) The appropriate trip level, if GFCI's are required; and

(6) Any other relevant information.

Persons desiring to appear at the hearing must file a notice of intention to appear, postmarked on or before October 17, 1975, with Nancy Huckle, OSHA Committee Management Office, Room N3633, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. (Telephone: 202-523-8024). The notice of intention to appear, which will be available for inspection and copying at the above address, must contain the following information:

(1) The name and address of the person to appear;

(2) The capacity in which the person will appear;

(3) The approximate amount of time requested for the presentation;

### PROPOSED RULES

(4) A detailed statement of the position that will be taken with respect to the issues raised by the proposal; and

(5) A detailed statement of the evidence to be adduced in support of the position or positions.

OSHA has determined that strict enforcement of its procedural rules contained in 29 CFR 1911.10 and 1911.11 is necessary for an expeditious and orderly proceeding. Therefore, the notices of intent to appear will be scrutinized closely for sufficiently detailed information concerning the position to be taken with regard to the issues raised by this proceeding and the evidence to be adduced in support of the position. Persons filing notices of intent to appear which are not sufficiently detailed will be so informed and given fifteen (15) days from the date they are so informed to file a proper notice of intent to appear. In addition, the amount of time requested for each presentation will be reviewed in light of the contents of the notice of intention to appear. In those cases where the information contained in the notice of intention to appear does not seem to warrant the amount of time requested, the participant will be allocated a more appropriate amount of time and notified of this fact. The participant will have fifteen (15) days from the date on which he is so informed to demonstrate why the allocated time is inappropriate.

The hearing will commence at 9:30 a.m. on December 9, 1975, with the establishment of the order for the presentation of statements and the resolution of any other procedural matters relating to the proceeding. The hearing will be conducted, and the decisions made, in accordance with 29 CFR Part 1911. The oral proceedings will be reported verbatim, and a transcript will be made available to interested persons. Prepared statements and documents that are intended to be submitted for the record at the hearing shall be submitted in quadruplicate before such testimony is presented.

The Administrative Law Judge who will be designated to preside at the hearing shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(1) To regulate the course of the proceedings;

(2) To dispose of procedural requests, objections, and comparable matters;

(3) To confine the presentations to the issues relevant to the proceedings;

(4) To regulate the conduct of those present at the hearing by appropriate means;

(5) In his discretion, to question and permit questioning of any witnesses; and

(6) In his discretion, to keep the record open for a reasonable, stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Secretary of Labor. The proposal will

be reviewed in the light of all oral and written submissions received as part of the record in this and related proceedings, and appropriate action will be taken.

(Sec. 6(b), Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); sec. 107, Pub. L. 91-54, 83 Stat. 96 (40 U.S.C. 333); 29 CFR Part 1911)

Signed at Washington, D.C. this 22nd day of August 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc. 75-23155 Filed 8-29-75; 8:45 am]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Social Security Administration

##### [ 20 CFR Part 405 ]

[Reg. No. 5]

#### FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

##### Principles of Reimbursement for Cost-Bias Health Maintenance Organizations

##### Correction

In FR Doc. 71-19491, appearing at page 31795 in the issue for Tuesday, July 29, 1975, in the table on page 31799, the fourth entry under column (5) which reads "8.23" should be corrected to read "8.33".

### DEPARTMENT OF TRANSPORTATION

#### Materials Transportation Bureau

##### [ 49 CFR Part 171 ]

[Docket No. HM-22; Notice No. 75-8]

#### MATTER INCORPORATED BY REFERENCE

##### Notice of Proposed Rule Making

The Materials Transportation Bureau of the Department of Transportation is considering amending § 171.7(d)(1) of the Hazardous Materials Regulations to update the reference to the addenda to sections VIII (Division I) and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

The Compressed Gas Association, Inc., has petitioned this Office to effect this change.

In consideration of the foregoing, it is proposed to revise paragraph (d)(1) in § 171.7 to read as follows:

§ 171.7 Matter incorporated by reference.

(d) . . . . .

(1) ASME Code means sections VIII (Division I) and IX of the 1974 edition of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code," and addenda thereto through June 30, 1975.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the

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Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Communications received on or before September 30, 1975 will be considered before final action is taken on this proposal. All comments received will be available for examination by interested persons at the Office of Hazardous Materials Operations, room 6215 Trans Point Building, Second and V Streets, SW., Washington, D.C. both before and after the closing date for comments.

(18 U.S.C. 831-835; Section 6 Pub. L. 89-670, 89 Stat. 937 (49 U.S.C. 1655; Title VI, Section 902(h)), Pub. L. 85-723; 49 U.S.C. 14-1431, 1472(h))

Issued in Washington, D.C. on August 25, 1975.

ALAN I. ROBERTS,  
Director, Office of  
Hazardous Materials Operations.

[FR Doc. 75-23130 Filed 8-29-75; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 423-8]

### APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

#### Notice of Public Hearing

Notice is hereby given that a public hearing concerning a proposed revision to the State of Idaho Implementation Plan (SIP) will be held on September 25, 1975, at 7 p.m., at the Holiday Inn, Conference Room A, Pocatello, Idaho.

Section 110(c) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(c)), directs the Administrator of the Environmental Protection Agency (EPA) to publish proposed regulations setting forth a portion of an Implementation Plan for a State if a portion of that plan is determined by the Administrator not to be in accordance with the requirements of Section 110 of the Act. On August 20, 1975 (40 CFR 36385), the Administrator proposed disapproval of Regulation R, Regulation for Control of Sulfur Oxides Emissions from Sulfuric Acid Plants, as the regulation applies to The J. R. Simplot Company in Pocatello, Idaho; Regulation R is part of the Idaho Implementation Plan. The Administrator also proposed a federal regulation to apply to that plant. The hearing is being held to receive public comment on the proposed EPA regulation. Please see the August 20 FEDERAL REGISTER for a detailed discussion of the proposed regulation.

Interested persons wishing to make a statement at the hearing will be afforded the opportunity to do so. The time for making a statement will be limited. Such persons are requested to file a notice of their intention to make a statement no later than 5 days prior to the hearing and, if practicable, submit 5 copies of the proposed statement to the Regional Administrator, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Ms. L. Smith.

The Presiding Officer for the hearing will be designated at a later date. He will have the responsibility for maintaining order, excluding irrelevant or repetitious material and, to the extent possible, notifying participants of the time at which they may appear. The hearing will be conducted informally.

Copies of the proposed regulation may be reviewed at the following locations: Pocatello Public Library, 812 E. Clark, Pocatello, Idaho 83201.

Department of Health and Welfare, Statehouse, Boise, Idaho 83720.

Environmental Protection Agency, Idaho Operations Office, 422 W. Washington Street, Boise, Idaho 83720.

Public Affairs Office, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101.

Freedom of Information Center, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

This notice is issued under section 110 of the Clean Air Act, as amended. (42 USC 1857c-5).

Dated: August 27, 1975.

EDWARD F. TUERK,  
Acting Assistant Administrator  
for Air and Waste Management.

[FR Doc. 75-23132 Filed 8-29-75; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20548]

### MULTIPLE OWNERSHIP OF STANDARD FM, AND TELEVISION BROADCAST STATIONS

#### Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of §§ 73.35, 73.240 and 73.636 of the Commission's rules relating to multiple ownership of standard, FM, and television broadcast stations (40 FR 31632).

1. On August 13, 1975, Brown County Broadcasting Company, Petzer Broadcasting Company, Midcontinent Broadcasting Co., Palmer Broadcasting Company, and Sigmor Corporation (hereafter "Brown, et al.") and on August 15, 1975, the law firm of McKenna, Wilkinson & Kittner, on behalf of various clients, separately filed motions for extension of time in which to file comments and reply comments in the above-captioned proceeding. The Notice of Proposed Rule Making was adopted on July 16, 1975, and publication was made in the FEDERAL REGISTER on July 28, 1975, 40 FR 31632. The dates for filing comments and reply comments are presently August 29, 1975, and September 9, 1975, respectively.

2. Brown, et al. requests that the time be extended to September 29, 1975, and October 9, 1975, for comments and reply comments. McKenna, Wilkinson, and Kittner request dates of September 29, 1975, and October 29, 1975, respectively, for comments and reply comments. Both parties base their request for additional time on the complex and highly important matter in this proceeding and the

fact that they are involved in several other rule making proceedings which have comment dates in this period.

3. We recognize that the proposals made in this docket require detailed study. We find that the public interest would be served by an extension of the comment and reply comments dates. However, we are granting the request of Brown, et al. for a reply comment date of October 9, 1975, in lieu of the request of McKenna, Wilkinson & Kittner, in view of the Commission's desire to proceed as expeditiously as possible in its resolution of this proceeding.

4. Therefore, it is ordered, That the request of Brown, et al. is granted and the request of McKenna, Wilkinson & Kittner is granted in part and is denied in part, and the dates for filing comments and reply comments are extended to and including September 29, 1975, and October 9, 1975, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: August 25, 1975.

Released: August 26, 1975.

FEDERAL COMMUNICATIONS COMMISSION,  
NEAL K. McNAUGHTEN,  
Acting Chief,  
Broadcast Bureau.

[FR Doc. 75-23133 Filed 8-29-75; 8:45 am]

[47 CFR Part 73]

[Docket No. 20485]

### UHF TV "TABOO" TABLE

#### Order Extending Time To File Comments and Reply Comments

In the matter of re-evaluation and revision of the UHF TV "taboo" table (40 FR 23925).

1. The Electronics Industries Association's (EIA) Consumer Electronics Group has requested an extension of time within which comments and reply comments in this proceeding might be filed.

2. In view of the importance of this proceeding to the future of television broadcasting and because of the Commission's desire to have the most definitive response possible, an extension of time to October 31, 1975 for the filing of Original Comments and December 1, 1975 for the filing of Reply Comments is ordered, pursuant to § 0.251(b) of the Commission's Rules.

Adopted: August 25, 1975.

Released: August 26, 1975.

[SEAL] ASHTON R. HARDY,  
General Counsel.

[FR Doc. 75-23134 Filed 8-29-75; 8:45 am]

FR Doc. 75-14325, appearing at 40 FR 23925, June 3, 1975, was incorrectly published as a Notice document. It should have been carried in Proposed Rules section of that issue.

## INTERNATIONAL TRADE COMMISSION

[19 CFR Parts 201, 210]

### RULES OF PRACTICE AND PROCEDURE

#### Notice of Proposed Rulemaking

Notice is hereby given that the United States International Trade Commission is considering amendments and additions to its Rules of Practice and Procedure 19 CFR Chapter II.

This rule is proposed under the authority of sections 333 and 335 of the Tariff Act of 1930, 19 U.S.C. 1333 and 1335, and the Administrative Procedure Act, 5 U.S.C. 551 et seq. The proposed regulations implement section 337 and 337a of the Tariff Act of 1930, as amended by section 341 of the Trade Act of 1974, 88 Stat. 2053 (19 U.S.C. 1337 and 1337a).

Interested persons may participate in the rule making proceeding by submitting written comments in triplicate to:

Secretary, United States International Trade Commission, 701 E. Street NW., Washington, D.C. 20436.

All comments received on or before October 2, 1975, will be considered. Comments received after publication of this proposal will be available for public inspection during normal working hours at the Office of the Secretary, United States International Trade Commission. The relatively short time period for public participation results from the urgency of proceeding under section 337 in the investigation of complaints pending before the Commission.

Final regulations, modified as the Commission deems appropriate after consideration of comments, will be adopted as soon as practicable after such consideration. The Commission presently intends to make the final regulations effective immediately upon publication in the FEDERAL REGISTER on good cause found and published with the rule. It is anticipated that publication of the final regulations as effective will take place on or about the twentieth of October, 1975.

It is hereby proposed that:

(1) The provisions contained in Part 203 of the Commission's Rules be deleted;

(2) 19 CFR Chapter II be divided into three subchapters, as follows: Subchapter A—General, containing Part 201; Subchapter B—Nonadjudicative Investigations, beginning with Part 202; and Subchapter C—Adjudicative Investigations, to follow Part 208; and

(3) Sections 201.2, 201.8, 201.14, and 201.16 of Part 201 be amended, and new section 201.5 and new Part 210 be added, as follows:

### PART 201—RULES OF GENERAL APPLICATION

#### § 201.2 Definitions.

As used in this chapter—

(a) "Commission" means the United States International Trade Commission.

(b) "Tariff Act" means the Tariff Act of 1930, as amended (19 U.S.C. 1202, et seq.).

(c) "Trade Expansion Act" means the Trade Expansion Act of 1962, as amended (19 U.S.C. 1801, et seq.).

(d) "Antidumping Act" means the Antidumping Act, 1921, as amended (19 U.S.C. 160, et seq.).

(e) "Trade Act" means the Trade Act of 1974 (19 U.S.C. 2101, et seq.).

#### § 201.5 Attendance fees and mileage.

(a) *Deponents and witnesses.* Any person compelled to appear in person to depose or testify in response to a subpoena shall be paid the same fees and mileage as are paid witnesses in the courts of the United States: Provided, that salaried employees of the United States summoned to depose or testify as to matters related to their public employment, irrespective of at whose instance they are summoned, shall be paid in accordance with applicable government regulations.

(b) *Stenographers and officers.* Stenographers and officers before whom depositions are taken shall be entitled to the same fees as are paid for like services in the courts of the United States.

(c) *Responsibility.* The fees and mileage referred to in this section shall be paid by the party at whose instance deponents or witnesses appear: Provided, that where it is the Commission, or one or more Commissioners, or one of its employees, at whose instance deponents or witnesses appear, such fees and mileage shall be paid by the Commission.

#### § 201.8 Filing of documents.

(a) *Where to file; date of filing.* Documents shall be filed at the office of the Secretary of the Commission in Washington, D.C. Such documents, if properly filed, will be deemed to be filed on the date on which they are actually received in the Commission.

(b) *Conformity with rules.* Each document filed with the Commission for the purpose of initiating any investigation shall be considered properly filed only if it conforms with the pertinent rules prescribed in this chapter. Substantial compliance with the pertinent rules may be accepted by the Commission provided good and sufficient reason is stated in the document for inability to comply fully with the pertinent rules.

(c) *Specifications for documents.* Each document filed under this chapter shall be double-spaced, typed or printed on strong, durable paper not larger than 8½ by 11 inches in size, except that tables, charts, and similar materials may be larger but folded (if practicable) to the size of the document to which attached. The left margin shall be at least 1½ inches wide, and if the document is bound it shall be bound on the left side. Documents may be reproduced by printing or any other process, provided all copies are clear and legible. Any document filed under this chapter susceptible of being indexed shall contain a subject index (or table of contents) of the matter in such document, with page references.

(d) *Number of copies.* A signed original and 19 true copies of each document shall

be filed unless otherwise indicated. The name of the person signing the original shall be typewritten or otherwise reproduced on each copy.

(e) *Identification of party filing document.* Each document filed with the Commission for the purpose of initiating any investigation shall show on the first page thereof the name, address, and telephone number of the party or parties by whom, or on whose behalf the document is filed and shall be signed by the party filing the document or by a duly authorized officer, attorney, or agent of such party. (Also, any attorney or agent filing the document shall give his address and telephone number.) The signature of the person signing such a document constitutes a certification that he has read the document, that to the best of his knowledge and belief of the statements contained therein are true, and that the person signing the document was duly authorized to sign it.

§ 201.14 Computation of time, additional hearings, postponements, continuances, and extensions of time.

(a) *Time; computation.* Computation of any period of time prescribed or allowed by the rules in this chapter, by order of the Commission, or by order of the presiding officer under Part 210 of this chapter shall begin with the first business day following the day on which the act or event initiating such period of time shall have occurred. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or Federal legal holiday, in which event the period runs until the end of the next business day. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computation. As used in this rule, a Federal legal holiday refers to any full calendar day designated as a legal holiday by the President or the Congress of the United States.

(b) *Additional hearings, postponements, continuances, and extensions of time.* Prior to its final determination in any investigation, the Commission may in its discretion for good cause shown grant additional hearings, postponements, or continuances of hearings, or extend the time for performing any act required by or pursuant to the rules contained in this chapter. Motions or requests for postponements or extensions of time must be filed at least 10 days in advance of the time otherwise prescribed. The Commission may on its own motion order such additional hearings, postponements, or continuances of hearings as it may deem necessary for a full presentation of the facts in any investigation.

§ 201.16 Service of process and other documents.

(a) *By the Commission.*—(1) *Certified or registered mail.* Except when service by another method shall be specifically ordered by the Commission, the service of a process or other document of the Commission shall be effected by the



## SUBCHAPTER C—ADJUDICATIVE INVESTIGATIONS

## PART 210—INVESTIGATIONS OF ALLEGED UNFAIR PRACTICES IN IMPORT TRADE

Sec. 210.1	Applicability of part.
210.2	General policy.
Subpart A—General Provisions	
210.4	Definitions.
210.5	Written submissions.
210.6	Intervention.

## Subpart B—Commencement of Proceedings

210.10	Commencement of proceedings upon receipt of complaint.
210.11	Action of Commission upon receipt of complaint.
210.12	Institution of investigation.
210.13	Service of complaint.
210.14	Commission action, public interest factor, and bonding.
210.15	Period for concluding Commission investigation.

## Subpart C—Pleadings and Motions

210.20	The complaint.
210.21	The response.
210.22	The reply.
210.23	Amendments to pleadings and notice of investigation.
210.24	Supplemental submissions.
210.25	Motions.

## Subpart D—Discovery and Compulsory Process

210.30	General provisions governing discovery.
210.31	Depositions.
210.32	Interrogatories.
210.33	Request for production of documents.
210.34	Request for admission.
210.35	Subpoenas.
210.36	Failure to make discovery; sanctions.

## Subpart E—Prehearing Conferences and Hearings

210.40	Prehearing conferences.
210.41	General provisions for hearings.
210.42	Evidence.
210.43	Record.
210.44	In camera orders.

## Subpart F—Determinations and Actions Taken

210.50	Summary determinations.
210.51	Termination of investigation.
210.52	Proposed findings and conclusions.
210.53	Recommended determination.
210.54	Filing of exceptions to the recommended determination and alternative findings of fact and conclusions of law.
210.55	Commission determination and action.
210.56	Petition for reconsideration.
210.57	Disposition of petition for reconsideration.

## Subpart G—Appeals

210.60	Appeals of final determination to the United States Court of Customs and Patent Appeals.
210.61	Interlocutory Appeals.

Authority: Secs. 333, 335, 19 U.S.C. 1333, 1335; 5 U.S.C. 551 et seq.

## § 210.1 Applicability of part.

The rules in this part govern procedure relating to proceedings under § 337 of the Tariff Act of 1930, as amended, and Pub. L. 710, July 2, 1940 (88 Stat. 2053, 54 Stat. 724, respectively; 19 U.S.C. 1337 and 1337a, respectively).

For other applicable rules see Part 201 of subchapter A.

## § 210.2 General policy.

It is the policy of the Commission that, to the extent practicable and consistent with requirements of law, such proceedings shall be conducted expeditiously. In the conduct of such proceedings, the presiding officer and counsel or other representatives for each party shall make every effort at each stage of the proceedings to avoid delay.

## Subpart A—General Provisions

## § 210.4 Definitions.

For the purpose of this part—  
(a) "Complainant" means a person who has filed a complaint with the Commission under this part.

(b) "Party" means each complainant and respondent in the investigation, the Commission investigative attorney, and each person designated as a party pursuant to § 210.6 of these rules.

(c) "Commission investigative attorney" means, for purposes of a particular proceeding under § 337 of the Tariff Act, the attorney designated to engage in investigatory activities with respect to the proceeding, in his capacity as investigator in the proceeding.

(d) "Person" means an individual, partnership, corporation, association, or public or private organization.

(e) "Presiding officer" means the body or person presiding over the taking of evidence in an investigation under this part, and may include the Commission, one or more members of the Commission, or one or more hearing examiners appointed under § 3105 of title 5 of the U.S. Code.

(f) "Respondent" means any person named in a notice of investigation issued under this part as allegedly violating § 337 of the Tariff Act.

## § 210.5 Written submissions.

Form, number of copies, and service thereof.—

(a) *Caption; names of parties.* Every submission shall contain a caption setting forth the name of the Commission, the title of the action, the docket number assigned to the proceeding, and, in the case of a complaint and response, the names of all the parties to the proceeding.

(b) *Concise and direct pleading; numbered paragraphs.* All averments contained in a submission shall be simple, concise, and direct and shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances.

(c) *Number of copies.* Except as otherwise provided for in this part or by the Commission, the original and twenty-two (22) copies of each submission shall be filed with the Commission.

(d) *Service of submissions.* Except as otherwise provided for in this part or by

the Commission, each submission filed by a party with the Commission shall be served as provided for in § 201.16 of this chapter.

## § 210.6 Intervention.

Any person desiring to intervene in an investigation under this part shall make written application in the form of a motion setting forth the basis therefor. Such application shall have attached to it a certificate showing service thereof upon each party to the investigation in accordance with the provision of § 201.16 of this chapter. A similar certificate shall be attached to the answer filed by any party with respect to the application showing service of such answer upon the applicant. The presiding officer may by order permit the intervention of such person as a nonparty intervenor to such extent and upon such terms as are provided by law or as otherwise may be deemed proper. Upon a showing of good cause, any interested person may be designated as a party and shall be individually served with each submission filed in the investigation.

## Subpart B—Commencement of Proceedings

## § 210.10 Commencement of proceedings upon receipt of complaint.

A proceeding is commenced by filing with the Commission the original and twenty-two (22) copies of a complaint, plus one copy for each person named in the complaint as violating § 337 of the Tariff Act. Complaints alleging violation of § 337 may be filed by any interested person.

## § 210.11 Action of Commission upon receipt of complaint.

Upon receipt of a complaint filed pursuant to § 201.8 of this chapter and § 210.5, § 210.10, and § 210.20 of this part, the Commission shall take the following actions.

(a) *Examination of complaint.* The Commission shall examine the complaint for sufficiency and compliance with the applicable rules of this chapter.

(b) *Informal investigatory activity.* The Commission shall identify sources of relevant information, assure itself of the availability thereof, and, if deemed necessary, prepare subpoenas therefor, and give attention to other preliminary matters.

## § 210.12 Institution of investigation.

Within forty-five (45) days after receipt of a complaint or, in exceptional circumstances, as soon after such period as possible, the Commission shall determine whether the complaint is properly filed and, if so, shall determine whether an investigation should be instituted. If these determinations are in the affirmative, the investigation shall be instituted by notice published in the FEDERAL REGISTER, which notice will define the scope of the investigation. If the Commission determines an investigation is not warranted, the complaint shall be dismissed, and the Commission shall notify the

complainant in writing of its action with the reasons therefor.

## § 210.13 Service of complaint.

Each respondent named in the complaint, and other respondents as later discovered, shall be served by the Commission with a copy of the complaint and notice instituting the investigation upon institution of the investigation or as soon as possible after they are discovered.

## § 210.14 Commission action, public interest factor, and bonding.

(a) During the course of each proceeding under this part where an investigation has been instituted, the Commission shall, off the record—

(1) Consider what action (exclusion from entry, exclusion from entry except under bond, or cease and desist order), if any, it should take, and, where appropriate, take such action;

(2) Consult with, and seek advice and information from the Department of Health, Education, and Welfare, the Department of Justice, the Federal Trade Commission, and such other departments and agencies as it considers appropriate concerning the subject matter of the complaint and the effect its actions (exclusion from entry, exclusion from entry except under bond, or cease and desist order) under § 337 of the Tariff Act shall have upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers;

(3) Determine the amount of the bonds applicable to § 337(e) and § 337(g) (3) of the Tariff Act, taking into consideration, among other things, the amount which would offset any competitive advantage resulting from the alleged unfair methods of competition and unfair acts enjoyed by persons benefiting from the importation of the article in question; and

(4) Receive submissions from the parties and other interested persons with respect to the subject matter of paragraphs (a) (1), (2), and (3) of this section.

(b) The presiding officer shall not take evidence or other information or hear arguments from the parties and other interested persons with respect to the subject matter of paragraph (a) (1), (2), and (3) of this section.

## § 210.15 Period for concluding Commission investigation.

Each investigation instituted under this part shall be concluded no later than twelve (12) months after the date of publication of the notice instituting the investigation in the FEDERAL REGISTER, except within five (5) months after the date of publication of the notice instituting the investigation, or at such later time as the Commission deems warranted, the Commission may designate the investigation as a "more complicated" investigation and require that it be concluded no later than eighteen (18) months after the date of publication of the notice institu-

ing the investigation in the FEDERAL REGISTER. The term "more complicated" investigation refers to investigations which are of an involved nature due to the subject matter, difficulty in obtaining information, or large number of parties involved. The Commission shall publish in the FEDERAL REGISTER its reasons for designating the investigation as a "more complicated" investigation. For purposes of the twelve (12) month and eighteen (18) month periods prescribed herein, there shall be excluded any period of time during which the Commission has suspended the investigation due to a proceeding in a court or agency of the United States involving similar questions concerning the subject matter of such investigation.

## Subpart C—Pleadings and Motions

## § 210.20 The complaint.

(a) *Contents of complaint.* In addition to conforming with the requirements of § 201.8 of this chapter and § 210.5(a), § 210.5(b) and § 210.5(c) of this part, the complaint shall—

(1) Be under oath and signed by the complainant or his duly authorized officer, attorney, or agent, with the name, address and phone number of the complainant and any such officer, attorney, or agent given on the first page of the complaint;

(2) Include a statement of the facts constituting the alleged unfair methods of competition and unfair acts;

(3) Describe specific instances of alleged unlawful importations or sales;

(4) State the name, address, and nature of the business of each person alleged to violate § 337 of the Tariff Act;

(5) Include a statement as to whether or not the alleged unfair methods of competition and unfair acts, or the subject matter thereof, is or has been the subject of any court or agency litigation, and, if so, include a brief summary of such litigation;

(6) Include a description of the domestic industry affected, where an element of the complaint is the effect or tendency to destroy or substantially injure, or to prevent the establishment of, such an industry; and a description of the trade and commerce affected, where an element of the complaint is the effect or tendency to restrain or monopolize such trade and commerce;

(7) Include a description of the complainant's business and his interests in the trade and commerce of domestic industry affected;

(8) Include (i) data concerning the volume and trend of production, sales, and inventories of the involved domestic article; (ii) a description of the facilities and number and type of workers, past, present, and anticipated, employed in the production of the involved domestic article; (iii) profit-and-loss information, past, present, and anticipated, of the complainant covering its overall operations and its operations concerning the involved domestic article; (iv) pricing information, past, present, and anticipated, of the involved domestic arti-



(v) where available, past, present, and anticipated volume and sales of imports; and (vi) other data pertinent to the subject matter of the complainant which would support the allegation.

(A) The importations or sales in question are having the effect or tendency to injure or substantially injure an efficiently and economically operated domestic industry;

(B) The importations or sales in question are having the effect or tendency to prevent the establishment of an efficiently and economically operated domestic industry; and

(C) The importations or sales in question are having the effect or tendency to restrain or monopolize trade and commerce in the United States;

(9) Include, where a complaint is based upon the alleged unauthorized importation or sale of an article covered by, or produced under a process covered by, the claims of a valid U.S. Letters Patent—

(A) The identification of each U.S. Letters Patent and a certified copy thereof (a legible copy of each such patent will suffice for each required copy of the complaint);

(B) The identification of the ownership of each involved U.S. patent and a certified copy of each assignment of each such patent (a legible copy thereof will suffice for each required copy of the complaint);

(C) The identification of each domestic licensee under each involved U.S. patent;

(D) A list of each foreign patent and each foreign patent application (not already issued as a patent) corresponding to each involved U.S. patent, with an indication of the prosecution status of each such foreign patent application;

(E) A list of each foreign licensee under each involved U.S. patent and under each corresponding foreign patent;

(F) A nontechnical description of the invention of each involved U.S. patent;

(G) A reference to the specific claims in each involved U.S. patent which allegedly cover the article imported or sold by each person named as violating § 337 of the Tariff Act, or the process under which such article was produced;

(H) A showing that there is domestic production of the involved article or domestic utilization of the involved process allegedly covered by the above specific claims of each involved U.S. patent, and that each person named as violating § 337 of the Tariff Act is importing and/or selling the article covered by, or produced under the involved process covered by, the above specific claims of each involved U.S. patent, which showing may be made by appropriate allegations, and, when practicable, by a chart which applies, for each involved U.S. patent, an exemplary claim of each such patent to a representative involved domestic article or process and to a representative involved article of each person named as violating § 337 of the Tariff Act or to the process under which such article was produced; and

(I) Drawings, photographs, or other visual representations of both the involved domestic article or process and the involved article of each person named as violating § 337 of the Tariff Act, or of the process utilized in producing such article, and, where a chart is furnished under paragraph (a) (9) (H) of this section, the parts of such drawings, photographs, or other visual representations should be labeled so that they can be read in conjunction with such chart; and

(10) Contain a request for relief sought.

(b) *Submissions of articles as exhibits.* At the time the complaint is filed, there shall be submitted, as exhibits, where practical and possible, the involved articles—both the involved domestic article and that of each person named as violating § 337 of the Tariff Act.

(c) *Additional material to accompany each patent based complaint.* There shall accompany the submission of the original of each complaint based upon the alleged unauthorized importation or sale of an article covered by, or produced under a process covered by, the claims of a valid U.S. Letters Patent the following—

(1) Two (2) copies of a detailed status report on all litigation mentioned in paragraph (a) (5) of this section, including summaries of all pleadings and motions entered in the litigation, and any decisions rendered thereon or in the litigation;

(2) Two (2) copies of each license agreement arising out of each involved U.S. patent, except that, to the extent that a standard license agreement is used, two (2) copies of the standard license agreement and a list of the licensees operating under such agreement will suffice;

(3) One (1) certified copy of the Patent and Trademark Office file wrapper for each involved U.S. patent, plus two (2) additional copies thereof; and

(4) Three (3) copies of each patent and applicable pages of each technical reference mentioned in the file wrapper of each involved U.S. patent.

(d) *Amendment of complaint.* The complaint may be amended at any time prior to the institution of the investigation, and, after institution, may be amended for good cause shown upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties to the investigation by a change in the scopes of the investigation which results from such amendment.

#### § 210.21 The response.

(a) *Time for response.* Respondents shall have thirty (30) days (unless otherwise ordered in the notice of investigation or by the presiding officer) from the date of service of the complaint and notice of investigation within which to respond, in writing, to the complaint and the notice of investigation.

(b) *Contents of the response.* In addition to conforming with the requirements of § 201.8 of this chapter and § 210.5 of this part, each response shall be under

oath and signed by respondent or his duly authorized officer, attorney, or agent, with the name, address and phone number of the respondent and any such officer, attorney, or agent given on the first page of the response. Each respondent shall respond to each and every allegation in the complaint and in the notice of investigation, and shall set forth a concise statement of the facts constituting each ground of defense. There shall be a specific admission, denial, or explanation of each fact alleged in the complaint and notice, or, if the respondent is without knowledge of any such fact, a statement to that effect. Allegations of a complaint and notice not thus answered shall be deemed to have been admitted. Each response shall include, where available, statistical data on the past, present, and anticipated quantity and value of imports of the involved article. Where the alleged unfair methods of competition and unfair acts are based upon the claims of a valid U.S. Letters Patent, the following shall be part of the response, where appropriate—

(1) If it is asserted in defense that the article imported or sold by respondent is not covered by, or produced under a process covered by, the claims of each involved U.S. patent, a showing of such noncoverage for each involved claim in each U.S. patent in question shall be made, which showing may be made by appropriate allegations and, when practicable, by a chart which applies the involved claims of each U.S. patent in question to a representative involved imported article of respondent or to the process under which such article was produced;

(2) Drawings, photographs, or other visual representations of the involved imported article of respondent or the process utilized in producing such article, and, where a chart is furnished under paragraph (b) (1) of this section, the parts of such drawings, photographs, or other visual representations should be labeled so that they can be read in conjunction with such chart; and

(3) If the claims of any involved U.S. patent are asserted to be invalid or unenforceable, the basis for such assertion including, when prior art is relied on, a showing of how the prior art renders invalid or unenforceable each claim, and a copy of such prior art.

(c) *Submission of article as exhibit.* At the time the response is filed, there should be submitted, as an exhibit, where practical and possible, the involved imported article.

(d) *Default.* Failure of a respondent to file a response within the time provided for in paragraph (a) of this section may be deemed to constitute a waiver of its right to appear and contest the allegations of the complaint and of the notice of investigation, and to authorize the presiding officer, without further notice to that respondent, to find the facts to be as alleged in the complaint and notice of investigation and to enter a recommended determination (or a determination if the Commission is the presiding officer) containing such findings.

#### § 210.22 The reply.

Complainant shall have twenty (20) days (unless otherwise ordered by the presiding officer) after the receipt of each response to reply in writing under oath to new issues or contentions raised by each respondent in its response.

#### § 210.23 Amendments to pleadings and notice of investigation.

(a) *By leave.* If and whenever determination of the issues in an investigation on the merits will be facilitated thereby, the presiding officer, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties to an investigation, may allow appropriate amendments to pleadings: *Provided, however,* that a motion for amendment of a complaint after the institution of an investigation shall be made to the presiding officer, who shall certify such motion to the Commission with his recommendation; the Commission shall decide the motion according to the standards of § 210.20 (d) of this part.

A motion for amendment of a notice of investigation shall be dealt with as provided for with respect to motions for amendment of a complaint.

(b) *Conformance to evidence.* When issues not raised by the pleadings or notice of investigation, but reasonably within the scope of the pleadings and notice, are considered during the taking of evidence by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings and notice; and such amendments of the pleadings and notice as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time, and shall be effective with respect to all parties who have expressly or impliedly consented.

(c) *Limitation on discovery.* The presiding officer shall place such limits upon the kind or amount of discovery to be had, or the period of time during which discovery may be carried out, as shall be consistent with the time limitations set forth in § 210.41 (e) of this part relating to hearings for the purpose of determining whether there is reason to believe there is, or whether there is, a violation of § 337 of the Tariff Act.

(d) *Protective orders.* Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the presiding officer may make any order which may appear necessary and appropriate for the protection of the public interest or which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following—

(1) That the discovery not be had;

(2) That the discovery may be had only on specified terms and conditions, including a designation of the time or place;

(3) That the discovery may be had only by a method of discovery other than selected by the party seeking discovery;

(4) That certain matters not be inquired into, or that the scope of the discovery be limited to certain matters;

(b) *Content.* All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) *Answers.* Within ten (10) days after service of any written motion, or within such longer or shorter time as may be designated by the presiding officer or the Commission, a nonmoving party shall answer or shall be deemed to have consented to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the presiding officer or the Commission.

(d) *Motions for extensions.* As a matter of discretion, the presiding officer or the Commission may waive the requirements of this section as to motions for extension of time, and may rule upon such motions ex parte.

#### Subpart D—Discovery and Compulsory Process

#### § 210.30 General provisions governing discovery.

(a) *Discovery methods.* The parties to an investigation may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; interrogatories; production of documents or things for inspection and other purposes; and requests for admissions.

(b) *Scope of discovery.* Unless otherwise ordered by the presiding officer, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the investigation. It is not ground for objection that the information sought will be inadmissible at hearings if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(c) *Limitation on discovery.* The presiding officer shall place such limits upon the kind or amount of discovery to be had, or the period of time during which discovery may be carried out, as shall be consistent with the time limitations set forth in § 210.41 (e) of this part relating to hearings for the purpose of determining whether there is reason to believe there is, or whether there is, a violation of § 337 of the Tariff Act.

(d) *Protective orders.* Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the presiding officer may make any order which may appear necessary and appropriate for the protection of the public interest or which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following—

(1) That the discovery not be had;

(2) That the discovery may be had only on specified terms and conditions, including a designation of the time or place;

(3) That the discovery may be had only by a method of discovery other than selected by the party seeking discovery;

(4) That certain matters not be inquired into, or that the scope of the discovery be limited to certain matters;

(5) That discovery be conducted with no one present except persons designated by the presiding officer;

(6) That a deposition, after being sealed, be opened only by order of the presiding officer;

(7) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way;

(8) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the presiding officer.

If the motion for a protective order is denied, in whole or in part, the presiding officer may, on such terms and conditions as are just, order that any party or person provide or permit discovery.

(e) *Supplementation of responses.* A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement his response to include information thereafter acquired, except as follows—

(1) A party is under a duty seasonably to supplement his response with respect to any question directly addressed to;

(i) The identity and location of persons having knowledge of discoverable matters, and

(ii) The identity of each person expected to be called as an expert witness at a hearing, the subject matter on which he is expected to testify, and the substance of his testimony.

(2) A party is under a duty seasonably to amend a prior response if he obtains information upon the basis of which:

(i) he knows that the response was incorrect when made, or

(ii) he knows that the response, though correct when made, is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

(3) A duty to supplement responses may be imposed by order of the presiding officer, agreement of the parties, or at any time prior to hearing through new requests for supplementation of prior responses.

#### § 210.31 Depositions.

(a) *When depositions may be taken.* After the date of publication of the notice in the FEDERAL REGISTER instituting the investigation, any party may take the testimony of any person, including a party, by deposition upon oral examination or written questions. Leave of the presiding officer must be obtained only if the complainant seeks to take a deposition to the expiration of 30 days after the date of service of the complaint and notice instituting the investigation.

(b) *Before whom depositions may be taken.* Depositions may be taken before any officer having power to administer oaths by the laws of the United States or of the place where the examination is held.

(c) *Notice of examination.* A party desiring to take the deposition of a person shall give notice in writing to every other party to the investigation, which



notice shall be not less than ten (10) days when the deposition is to be taken within the United States, and not less than fifteen (15) days when the deposition is to be taken elsewhere, but the presiding officer may designate a shorter or longer time. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined. If known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice.

(d) *Taking of deposition.* Each deposition shall be duly sworn, and any adverse party shall have the right to cross examine. Objections to questions or documents shall be in short form, stating the grounds of objections relied upon. Evidence objected to shall be taken subject to the objections, except that confidential business data need not be disclosed. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, after which the deposition shall be subscribed by the deponent (unless the parties by stipulation waive signing or the deponent is ill or cannot be found or refuses to sign) and certified by the officer before whom the deposition was taken. If the deposition is not subscribed to by the deponent, the officer shall state on the record such fact and the reasons therefor. Thereafter, the officer shall forward one (1) copy thereof to each party who was present or represented at the taking of the deposition.

(e) *Depositions of non-party officers or employees of the Commission or of other government agencies.* A party desiring to take the deposition of an officer or employee of the Commission other than the Commission investigative attorney, or of an officer or employee of another government agency, or to obtain documents or other physical exhibits in the custody, control and possession of such officer or employee, shall proceed by written motion to the presiding officer for leave to apply for a subpoena under § 210.35(c) of this part. Such a motion shall be granted only upon a showing that the information expected to be obtained thereby is within the scope of discovery permitted by § 210.30 (b) of this part and cannot be obtained without undue hardship by alternative means.

(f) *Filing of deposition.* The party taking the deposition shall file two (2) copies thereof with the Commission, and shall give prompt notice of such filing to all other parties.

(g) *Admissibility of depositions.* The fact that a deposition is taken and filed in an investigation as provided in this section does not constitute a determination that it is admissible in evidence or that it may be used in the investigation. Only such part or the whole of a deposi-

tion as is received in evidence at a hearing shall constitute a part of the record in such investigation upon which a determination may be based. Objections may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(h) *Use of depositions.* A deposition may be used as evidence against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with any of the following provisions—

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of a deponent as a witness;

(2) The deposition of a party may be used by an adverse party for any purpose;

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the presiding officer finds:

(i) That the witness is dead; or  
(ii) That the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or  
(iii) That the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or  
(iv) That the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or

(v) Upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally at a hearing, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts.

#### § 210.32 Interrogatories.

(a) *Scope; use at hearing.* Any party may serve upon any other party written interrogatories to be answered by the party served. Interrogatories may relate to any matters which can be inquired into under § 210.30(b) of this part and the answers may be used to the extent permitted by the rules of evidence.

(b) *Procedure.* (1) The interrogatory may be served upon any party after the date of publication of the notice in the FEDERAL REGISTER instituting the investigation.

(2) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within ten (10)

days after the service of the interrogatories. The presiding officer may allow a shorter or longer time. The party submitting the interrogatories may move for an order under § 210.36(a) of this part with respect to any objection to or other failure to answer an interrogatory.

(3) An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the presiding officer may order that such an interrogatory need not be answered until after designated discovery has been completed or until a prehearing conference or other later time.

(c) *Option to Produce Records.* Where the answer to an interrogatory may be derived or ascertained from the records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries.

#### § 210.33 Request for production of documents.

(a) *Scope.* Any party may serve on any other party a request to produce and permit the party making the request, or someone acting on his behalf, to inspect and copy, any designated documents (including writings, drawings, graphs, charts, photographs, and other data compilations from which information can be obtained), or to inspect and copy, test, or sample any tangible things which are in the possession, custody or control of the party upon whom the request is served.

(b) *Procedure.* (1) The request may be served upon any party after the date of publication of the notice in the FEDERAL REGISTER instituting the investigation. The request shall set forth the items to be inspected, either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

(2) The party upon whom the request is served shall serve a written response within ten (10) days after the service of the request. The presiding officer may allow a shorter or longer time. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part

shall be specified. The party submitting the request may move for an order under § 210.36(a) of this part with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

#### § 210.34 Request for Admission.

(a) *Form, content, and service of request for admission.* Any party may serve on any other party a written request for admission of the truth of any matters, relevant to the investigation and set forth in the request, that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or are known to be, and in the request are stated as being, in the possession of the other party. Each matter of which an admission is requested shall be separately set forth. The request may be served upon a party whose complaint is the basis for the investigation after the date of publication of the notice in the FEDERAL REGISTER instituting the investigation. The request may be served upon any other party at any time after thirty (30) days after the date of service of the complaint and notice instituting the investigation, unless leave of the presiding officer is obtained to serve the request at an earlier date.

(b) *Answers and objections to requests for admissions.* The matter is admitted unless, within ten (10) days after service of the request, or within such shorter or longer time as the presiding officer may allow, the party to whom the request is directed serves upon the party requesting the admission, a sworn written answer or objection addressed to the matter. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known to, or readily obtainable by, him is sufficient to enable him to admit or deny.

A party who considers that a matter of which an admission has been requested presents a genuine issue for a hearing may not on that ground alone, object to the request; he may deny the matter or set forth reasons why he cannot admit or deny it.

(c) *Sufficiency of answers.* The party who has requested the admissions may move to determine the sufficiency of the answers or objections. Unless the objecting party sustains his burden of showing that the objection is justified, the presid-

ing officer shall order that an answer be served. If the presiding officer determines that an answer does not comply with the requirements of this section, he may order either that the matter is admitted or that an amended answer be served. The presiding officer may, in lieu of these orders, determine that final disposition of the request be made at a prehearing conference or at a designated time prior to a hearing under this part.

(d) *Effect of admission; withdrawal or amendment of admission.* Any matter admitted under this rule is conclusively established unless the presiding officer on motion permits withdrawal or amendment of the admission. The presiding officer may permit withdrawal or amendment when the presentation of the issues of the investigation will be subserved thereby and the party who obtained the admission fails to satisfy the presiding officer that withdrawal or amendment will prejudice him in maintaining his position on the issues of the investigation. Any admission made by a party under this rule is for the purpose of the pending investigation only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

#### § 210.35 Subpoenas.

(a) *Application for issuance of a subpoena—(1) Subpoena ad testificandum.* An application for issuance of a subpoena requiring a person to appear and depose or testify at the taking of a deposition or at a hearing shall be made to the presiding officer.

(2) *Subpoena duces tecum.* An application for issuance of a subpoena requiring a person to appear and depose or testify and to produce specified documents, papers, books, or other physical exhibits at the taking of a deposition, or at a prehearing conference, or at a hearing shall be made in writing to the presiding officer and shall specify as exactly as possible the material to be produced, showing the general relevancy of the material and the reasonableness of the scope of the subpoena.

(b) *Use of subpoena for discovery.* Subpoenas may be used by any party for purposes of discovery or for obtaining documents, papers, books, or other physical exhibits for use in evidence, or for both purposes. When used for discovery purposes, a subpoena may require a person to produce and permit the inspection and copying of nonprivileged documents, papers, books, or other physical exhibits which constitute or contain evidence relevant to the subject matter involved and which are in the possession, custody, or control of such person.

(c) *Application for subpoenas for non-party Commission records or personnel or for records or personnel of other government agencies—(1) Procedure.* An application for issuance of a subpoena requiring the production of nonparty documents, papers, books, physical exhibits, or other material in the records of the Commission, or for the issuance of a subpoena requiring the appearance of an official or employee of the Commission,

(other than the Commission investigative attorney) or for records or personnel of other government agencies, shall specify as exactly as possible the material to be produced, the nature of the information to be disclosed, or the expected testimony of the official or employee, and shall contain a statement showing the general relevancy of the material, information, or testimony, and the reasonableness of the scope of the application, together with a showing that such material, information, or testimony or their substantial equivalent could not be obtained without undue hardship by alternative means.

(2) *Ruling.* Such applications shall be ruled upon by the presiding officer. To the extent that the motion is granted, the presiding officer shall provide such terms and conditions for the production of the material, the disclosure of the information, or the appearance of the official or employee as may appear necessary and appropriate for the protection of the public interest.

(3) *Application for subpoena grounded upon the Freedom of Information Act.* No application for a subpoena for production of documents grounded upon the Freedom of Information Act shall be entertained by the presiding officer.

(d) *Motion to limit or quash.* Any motion to limit or quash such subpoena shall be filed within ten (10) days after service thereof, or within such other time as the presiding officer may allow.

(e) *Ex parte rulings on applications for subpoenas.* Applications for the issuance of subpoenas pursuant to the provisions of this section may be made *ex parte*, and, if so made, such applications and rulings thereon shall remain *ex parte* unless otherwise ordered by the presiding officer.

#### § 210.36 Failure to make discovery; sanctions.

(a) *Motion for order compelling discovery.* A party, upon reasonable notice to other parties and all persons affected thereby, may apply to the presiding officer for an order compelling discovery.

(b) *Failure to comply with order compelling discovery.* If a party or an officer or agent of a party fails to comply with an order including, but not limited to, an order for the taking of a deposition or the production of documents, an order to answer interrogatories, an order issued pursuant to a request for admissions, or an order to comply with a subpoena, the presiding officer, for the purpose of permitting resolution of relevant issues and disposition of the investigation without unnecessary delay despite such failure, may take such action in regard thereto as is just, including but not limited to the following—

(1) Infer that the admission, testimony, documents or other evidence would have been adverse to the party;

(2) Rule that for the purposes of the investigation the matter or matters concerning which the order or subpoena was issued be taken as established adversely to the party;



(3) Rule that the party may not introduce into evidence or otherwise rely, in support of his position in the investigation, upon testimony by such party, officer, or agent, or the documents or other evidence.

(4) Rule that the party may not be heard to object to introduction and use of secondary evidence to show what the withheld admission, testimony, documents, or other evidence would have shown; or

(5) Rule that a motion or other submission by the party, concerning which the order or subpoena was issued, be stricken, or that a determination in the investigation be rendered against the party, or both.

Any such action may be taken by written or oral order issued in the course of the investigation or by inclusion in the recommended determination of the presiding officer, where the presiding officer is not the Commission. It shall be the duty of the parties to seek and the presiding officer to grant such of the foregoing means of relief or other appropriate relief as may be sufficient to compensate for the lack of withheld testimony, documents, or other evidence. If in the presiding officer's opinion such relief would not be sufficient, the presiding officer shall certify to the Commission a request that court enforcement of the subpoena or other discovery order be sought.

#### Subpart E—Prehearing Conferences and Hearings

##### § 210.40 Prehearing conferences.

(a) *When appropriate.* The presiding officer in any investigation may, and upon motion of any party or where it appears probable that the hearing will extend for more than five (5) days he shall, direct counsel or other representatives for all parties to meet with him for one or more conferences to consider any or all of the following—

(1) Simplification and clarification of the issues;

(2) Scope of the hearing;

(3) Necessity or desirability of amendments to pleadings, subject, however, to the provisions of § 210.23 of this part;

(4) Stipulations, admissions of fact and of the contents and authenticity of documents;

(5) Expedition in the discovery and presentation of evidence including, but not limited to, restriction of the number of expert, economic, or technical witnesses; or

(6) Such other matters as may aid in the orderly and expeditious disposition of the investigation, including disclosure of the names of witnesses and the exchange of documents or other physical exhibits which will be introduced in evidence in the course of the hearing.

(b) *Subpoenas.* Prehearing conferences may be convened for the purpose of accepting returns on subpoenas *duces tecum* issued pursuant to the provisions of § 210.35(a) (2) of this part.

(c) *Reporting.* Prehearing conferences, in the discretion of the presiding officer,

may or may not be stenographically reported, and whether reported or not shall not be public unless all parties attending said conferences so agree.

(d) *Order.* The presiding officer shall enter in the record an order which recites the results of the conference. Such order shall include the presiding officer's rulings upon matters considered at the conference, together with appropriate direction to the parties. The presiding officer's order shall control the subsequent course of the hearing, unless modified to prevent manifest injustice.

##### § 210.41 General provisions for hearings.

(a) *Purpose of hearings.* Unless otherwise ordered by the Commission—

(1) A hearing shall be held in each investigation under § 337 of the Tariff Act for the purpose of taking evidence and hearing argument as to whether there is a violation of § 337 of the Tariff Act;

(2) A hearing shall also be held, when requested by complainant, for the purpose of taking evidence and hearing argument as to whether there is reason to believe there is a violation of § 337 of the Tariff Act.

(b) *Public hearings.* All hearings in investigations under this part shall be public unless otherwise ordered by the presiding officer.

(c) *Expedition.* Hearings shall proceed with all reasonable expedition, and, insofar as practicable, shall be held at one place, and shall continue, unless otherwise ordered by the presiding officer, until completed.

(d) *Rights of parties.* Every party shall have the right of due notice, cross-examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing.

(e) *Time limits for hearings.* Unless otherwise ordered by the Commission—

(1) The hearing to determine whether there is a violation of § 337 of the Tariff Act shall be completed within eight (8) months after the date of publication of a notice in the FEDERAL REGISTER instituting the investigation and within fourteen (14) months after the date of such notice when the investigation is designated to be a "more complicated" investigation by notice published in the FEDERAL REGISTER; and

(2) The hearing to determine whether there is reason to believe that there is a violation of § 337 of the Tariff Act shall be completed within three (3) months after publication of a notice in the FEDERAL REGISTER instituting the investigation.

(f) *Presiding officer.* A presiding officer shall preside over each hearing.

##### § 210.42 Evidence.

(a) *Burden of proof.* The complainant shall have the burden of proof, but the proponent of any factual proposition shall be required to sustain the burden of proof with respect thereto.

(b) *Admissibility.* Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and

unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable.

(c) *Information obtained in investigations.* Any documents, papers, books, physical exhibits, or other materials or information obtained by the Commission under any of its powers may be disclosed by the Commission investigative attorney when necessary in connection with investigations and may be offered in evidence by the Commission investigative attorney.

(d) *Official notice.* When any decision of the presiding officer rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted any party making timely motion therefor.

(e) *Objections.* Objections to evidence shall be timely made and briefly state the grounds relied upon, but the hearing transcript shall not include argument or debate thereon except as ordered by the presiding officer. Rulings on all objections shall appear in the record.

(f) *Exceptions.* Formal exception to an adverse ruling is not required.

(g) *Excluded evidence.* When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, or the presiding officer may, in his discretion, receive and report the evidence in full. Rejected exhibits, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

##### § 210.43 Record.

(a) *Reporting and transcription.* Hearings shall be reported and transcribed by the official reporter of the Commission under the supervision of the presiding officer, and the original transcript shall be a part of the record and the sole official transcript.

(b) *Corrections.* Corrections of the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. Corrections ordered by the presiding officer or agreed to in a written stipulation signed by all counsel and parties not represented by counsel, and approved by the presiding officer, shall be included in the record, and such stipulations, except to the extent they are capricious or without substance, shall be approved by the presiding officer. Corrections shall not be ordered by the presiding officer except upon notice and opportunity for the hearing of objections. Such corrections shall be made by the official reporter by furnishing substitute typed pages, under the usual certificate of the reporter, for insertion in the official transcript. The original uncorrected pages shall be retained in the files of the Commission.

(c) *Certification of record.* The record will be certified to the Commission by the presiding officer upon his filing of a

recommended determination or at such earlier time as the Commission may order.

##### § 210.44 In camera orders.

(a) *Definition.* Except as hereinafter provided, documents and testimony made subject to *in camera* orders are not made a part of the public record, but are kept confidential in an *in camera* record, and only counsel before the Commission, authorized Commission personnel, and court personnel concerned with judicial review shall have access thereto. The right of the presiding officer, the Commission, and reviewing courts to disclose *in camera* data to the extent necessary for the proper disposition of the proceeding is specifically reserved.

(b) *In camera treatment of documents and testimony.* The presiding officer shall have authority, but only in those unusual and exceptional circumstances when good cause is found on the record, to order documents or oral testimony offered in evidence, whether admitted or rejected, to be placed *in camera*. The order shall specify the date on which *in camera* treatment expires and shall include—

(1) A description of the documents and testimony;

(2) A full statement of the reasons for granting *in camera* treatment; and

(3) A full statement of the reasons for the date on which *in camera* treatment expires.

Any party desiring, for the preparation and presentation of the case, to disclose *in camera* documents or testimony to experts, consultants, prospective witnesses, or witnesses, shall make application to the presiding officer setting forth the justification therefor. The presiding officer, in granting such application for good cause found, shall enter an order protecting the rights of the affected parties and preventing unnecessary disclosure of information. *In camera* documents and the transcript of testimony subject to an *in camera* order shall be segregated from the public record and filed in a sealed envelope, bearing the title and docket number of the investigation, the notation "*In camera* Record", and the date on which *in camera* treatment expires.

(c) *Part of confidential record.* *In camera* documents and testimony shall constitute a part of the confidential record of the Commission.

(d) *References to in camera information.* In the submittal of proposed findings, briefs, or other papers, counsel for all parties shall make a good faith attempt to refrain from disclosing the specific details of *in camera* documents and testimony. This shall not preclude references in such proposed findings, briefs, or other papers to such documents or testimony including generalized statements based on their contents. To the extent that counsel consider it necessary to include specific details of *in camera* data in their presentations, such data shall be incorporated in separate proposed findings, briefs, or other papers

marked "Business Confidential", which shall be placed *in camera* and become a part of the *in camera* record.

#### Subpart F—Determinations and Actions Taken

##### § 210.50 Summary determinations.

(a) *Motions for summary determinations.* Any party may move with any necessary supporting affidavits for a summary determination in his favor upon all or any part of the issues to be determined in the investigation. Counsel or other representatives in support of the complaint may so move at any time after thirty (30) days following the date of service of the complaint and notice instituting the investigation, and any other party or a respondent may so move at any time after the date of the notice in the FEDERAL REGISTER instituting the investigation. Any such motion by any party, however, must be filed at least thirty (30) days before the date fixed for any hearing herein provided.

(b) *Opposing affidavits; oral argument; time and basis for determination.* Any nonmoving party may, within ten (10) days after service of the motion, file opposing affidavits. The presiding officer may, in his discretion, set the matter for oral argument and call for the submission of briefs or memoranda. The determination sought by the moving party shall be rendered if the pleadings and any depositions, admissions on file, and affidavits show that there is no genuine issue as to any material fact and that the moving party is entitled to a summary determination as a matter of law.

(c) *Affidavits.* Affidavits shall set forth such facts as would be admissible in evidence and shall show affirmatively that the affiant is competent to testify to the matters stated therein. The presiding officer may permit affidavits to be supplemented or opposed by depositions or further affidavits. When a motion for summary determination is made and supported as provided in this rule, a party opposing the motion may not rest upon mere allegations or denials in his pleading; his response by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue of fact for hearing. If no such response is filed, a summary determination, if appropriate, shall be rendered.

(d) *Refusal of application for summary determination; continuances and other orders.* Should it appear from the affidavits of a party opposing the motion that he cannot, for reasons stated, present by affidavit facts essential to justify his opposition, the presiding officer may refuse the application for summary determination or may order a continuance to permit affidavits to be obtained or depositions or other discovery to be had or make such other order as is appropriate and a ruling to that effect shall be made a matter of record.

(e) *Order establishing facts.* If on motion under this rule a summary determination is not rendered upon all the allegations or for all the relief asked and a

hearing is necessary, the presiding officer shall make an order specifying the facts that appear without substantial controversy and directing further proceedings in the investigation. The facts so specified shall be deemed established.

(f) *Effect of summary determination.* An order of summary determination shall constitute a determination of the Commission under § 210.55 of this part where the Commission is the presiding officer. An order of summary determination under this section, where the presiding officer is not the Commission, shall constitute a recommended determination of the presiding officer under § 210.53 of this part.

##### § 210.51 Termination of investigation.

(a) *Motions for termination.* Any party may move at any time for an order to terminate an investigation before the Commission, to terminate the investigation of all issues in an investigation in regard to one or more, but not all, of the respondents, or to terminate the investigation as to any part of the issues in regard to any or all of the respondents.

(b) *Termination based upon licensing and other written agreements between the parties.* Where a motion for termination is based upon licensing and other written agreements entered into between the parties, a copy of such licensing and other agreements shall be included with the motion.

(c) *Default.* An investigation before the Commission, upon the occurrence of the condition of default set forth in § 210.21(d) of this part, may be terminated as to one or more of the respondents in the investigation.

(d) *Effect of termination.* An order of termination shall constitute a determination of the Commission under § 210.55 of this part where the Commission is the presiding officer. An order of termination under this section, when the presiding officer is not the Commission, shall constitute a recommended determination of the presiding officer under § 210.53 of this part.

##### § 210.52 Proposed findings and conclusions.

At the time a motion for summary determination under § 210.50 of this part or a motion for termination under § 210.51 (a) or § 210.51 (b) of this part is made, or where it is determined that a respondent is in default under § 210.21 (d) or § 210.51 (c) of this part, and at the close of the reception of evidence in any hearing under this part, or within a reasonable time thereafter fixed by the presiding officer, any party may file with the presiding officer for the consideration of the presiding officer proposed findings of fact and conclusions of law together with reasons therefor and, where appropriate, briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. The presiding officer shall rule, and the record shall show the presiding officer's ruling, on each proposed finding and conclusion.



## § 201.53 Recommended determination.

(a) *When filed.* When the presiding officer is not the Commission the presiding officer shall certify the record to and file with the Commission his recommended determination as to whether there is, or whether there is reason to believe there is a violation of § 337 of the Tariff Act. Such recommended determination shall be filed with the Commission within thirty (30) days from the date of filing of a motion for summary determination under § 210.50 of this part, a motion for termination under § 210.51 (a) or § 210.51 (b) of this part, or a determination that a respondent is in default under § 210.21 (d) or § 210.51 (c) of this part, and within sixty (60) days after completion of the reception of evidence at a hearing held with respect to whether there is a violation of § 337 of the Tariff Act. Upon written request from the presiding officer, the Commission may, by order, allow a longer time. When a hearing has been held with respect to whether there is reason to believe that there is a violation of § 337 of the Tariff Act, a recommended determination shall be made within thirty (30) days after the reception of evidence in such hearing. A copy of each recommended determination shall be served on all parties to the investigation.

(b) *Content.* The recommended determination shall include a statement of findings (with specific page references to principal supporting items of evidence in the record) and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record.

(c) *Recommended determination made by presiding officer.* The recommended determination shall be made and filed by the presiding officer who presided over the hearings except when he shall have become unavailable to the Commission.

(d) *Reopening of proceeding by the presiding officer.* At any time prior to the filing of his recommended determination, the presiding officer may reopen the proceeding for the reception of further evidence.

## § 210.54 Filing of exceptions to the recommended determination and alternative findings of fact and conclusions of law.

The parties shall be allowed ten (10) days after receipt of service of the recommended determination to file with the Commission exceptions to the recommended determination and alternative findings of fact and conclusions of law. All exceptions and alternative findings of fact and conclusions of law shall be concisely supported by references to the record and the law relied upon.

## § 210.55 Commission determination and action.

(a) *Review of recommended determination.* Subject to the provisions of § 210.54 of this part, upon receipt of a recommended determination under § 210.53 of this part and the record, the

Commission shall review the same and determine, as the case may be, whether there is a violation of § 337 of the Tariff Act or whether there is reason to believe there is such violation, and, where appropriate, the amount of any bond required and whether any action (exclusion of articles from entry, exclusion of articles from entry except under bond, and cease and desist order) should be ordered, and the form in which such action should be ordered.

(b) *Where the presiding officer is the Commission.* Where the Commission has presided at the taking of evidence, it shall determine, as the case may be, whether there is a violation of § 337 of the Tariff Act or whether there is reason to believe there is such a violation and, where appropriate, whether any action (exclusion of articles from entry, exclusion of articles from entry except under bond, and cease and desist order) should be ordered, and the form in which such action should be ordered, and the amount of any bond required.

(c) *Service of Commission determination upon the parties.* A Commission determination shall be served upon each party to the investigation.

## § 210.56 Petition for reconsideration.

Within fourteen (14) days after completion of service of a Commission determination, any party may file with the Commission a petition for reconsideration of such determination, or any action ordered to be taken thereunder, setting forth the relief desired and the grounds in support thereof. Any petition filed under this subsection must be confined to new questions raised by the determination or action ordered to be taken thereunder and upon which the petitioner had no opportunity to submit arguments. Any party desiring to oppose such a petition shall file an answer thereto within five (5) days after service upon such party of the petition. The filing of a petition for reconsideration shall not operate to stay the effective date of the determination or action ordered to be taken thereunder or to toll the running of any statutory time period affecting such determination or action ordered to be taken thereunder unless specifically so ordered by the Commission.

## § 210.57 Disposition of petition for reconsideration.

The Commission may affirm, set aside, or modify its determination, including any action ordered by it to be taken thereunder. Where appropriate, the Commission may order the presiding officer to take additional evidence.

## Subpart G—Appeals

## § 210.60 Appeals of final determination to the United States Court of Customs and Patent Appeals.

A final determination of the Commission pursuant to which the Commission has ordered the exclusion of articles from entry into the United States, or, where appropriate, has ordered the exclusion of articles from entry into the United

States except under bond, or has ordered a cease and desist order, or a final determination that there is no reason to believe that there is, or that there is not, a violation of § 337 of the Tariff Act, may be appealed by any party within sixty (60) days from the date such determination becomes final to the United States Court of Customs and Patent Appeals.

## § 210.61 Interlocutory appeals.

Rulings of the presiding officer on motions may not be appealed to the Commission prior to the presiding officer's issuance of his recommended determination except in the following circumstances—

(a) *Appeals without leave of the presiding officer.* The Commission may, in its discretion, entertain interlocutory appeals where a ruling of the presiding officer—

(1) Requires the disclosure of the Commission records or requires the appearance of government officials pursuant to § 210.35 (c) of this part, or

(2) Grants or denies an application for intervention pursuant to the provisions of § 210.6 of this part.

Appeals from such a ruling may be sought by filing with the Commission an application for review, not to exceed fifteen (15) pages, within five (5) days after notice of the presiding officer's ruling. Answer thereto may be filed within five (5) days after service of the application for review. The application for review should specify the person or party taking the appeal; should designate the ruling or part thereof from which appeal is being taken; and should specify the reasons and present arguments as to why review is being sought. The Commission upon its own motion may enter an order staying the return date of an order issued by the presiding officer pursuant to § 210.35 (c) of this part or placing the matter on the Commission's docket for review. Any order placing the matter on the Commission's docket for review will set forth the scope of the review and the issues which will be considered and will make provision for the filing of briefs if deemed appropriate by the Commission.

(b) *Appeals with leave of the presiding officer.* Except as hereinbefore provided in paragraph (a) of this section, applications for review of a ruling by the presiding officer may be allowed only upon request made to the presiding officer and a determination by the presiding officer in writing, with justification in support thereof, that the ruling involves a controlling question of law or policy as to which there is substantial ground for difference of opinion and that an immediate appeal from the ruling may materially advance the ultimate completion of the investigation or subsequent review will be an inadequate remedy. Applications for review in writing may be filed, not to exceed fifteen (15) pages, within five (5) days after notice of the presiding officer's determination. Answer thereto may be filed within five (5) days after service of the application for review. The Commission may

thereupon, in its discretion, permit an appeal. Commission review, if permitted, shall be confined to the application for review and answer thereto, without oral argument or further briefs, unless otherwise ordered by the Commission.

(c) *Investigation not stayed.* Application for review and appeal hereunder shall not stay the investigation before

the presiding officer unless the presiding officer or the Commission shall so order.

By order of the Commission.

Issued: August 27, 1975.

KENNETH R. MASON,  
Secretary.

[FR Doc. 75-23194 Filed 8-29-75; 8:45 am]



# **notices**

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## **DEPARTMENT OF INTERIOR**

### **National Park Service NATIONAL REGISTER OF HISTORIC PLACES**

#### **Additions, Deletions, and Corrections**

By notice of the FEDERAL REGISTER of February 4, 1975, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

The following properties have been added to the National Register since August 5, 1975. National Historic Landmarks are designated by NHL; properties recorded by Historic American Buildings Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER:

#### **CALIFORNIA**

##### *Riverside County*

Lake, Elsinore, Crescent Bathhouse, 201 W. Graham Ave. (7-30-75).

##### *Santa Cruz County*

Santa Cruz, Golden Gate Villa, 924 3rd St. (7-24-75).

Santa Cruz, Live Oak Ranch, 105 Mentel Ave. (7-10-75).

#### **CONNECTICUT**

##### *New London County*

New London, Thames Shipyard, Farnsworth St. (4-17-75).

#### **DISTRICT OF COLUMBIA**

Brooks Mansion, 301 Newton St., NE (7-17-75).

Mt. Zion United Methodist Church, 1334 29th St., NW (7-24-75).

#### **GEORGIA**

##### *Chatham County*

Port Wentworth vicinity, Mulberry Grove Site, N of Port Wentworth (7-17-75).

##### *Clarke County*

Athens, Comak House, 279 Melgs St., (7-7-75) HABS.

##### *Marion County*

Buena Vista vicinity, Fort Perry, N of Buena Vista off GA 41 (7-30-75).

#### **GUAM**

Asan, Asan Ridge Battle Area, between Asan and Nimitz Hill (7-18-75).

#### **INDIANA**

##### *Franklin County*

Brookville, Brookville Historic District, town of Brookville between Whitewater River and East Fork (7-25-75).

#### **IOWA**

##### *Dubuque County*

Dyersville, Allen House, 515 1st Ave. W. (7-10-75).

Farley vicinity, Lincoln School, about 4 mi. N of Farley (7-24-75).

#### **KANSAS**

##### *Shawnee County*

Topeka, Memorial Building, 120 W. 10th Ave. (7-17-75).

#### **KENTUCKY**

##### *Bourbon County*

Paris, Allen-Alexander House (Albemarle), off U.S. 68 near Jct. with U.S. 460 (7-24-75).

##### *Franklin County*

Frankfort vicinity, Valley Farm Ruins (Marshall-Smith-Scott Place), E of Frankfort (7-24-75).

##### *Greenup County*

Wurtland vicinity, McConnell House, Law Office, and Slave Quarters, W of Wurtland on U.S. 23 (7-30-75).

##### *Jefferson County*

Louisville, St. Therese Roman Catholic Church, School, and Rectory, 1010 Schiller Ave. (7-28-75).

Louisville, University of Louisville School of Medicine, 101 W. Chestnut St. (7-30-75) HABS.

##### *Johnson County*

Oil Springs vicinity, Blanton Archeological Site, N of Oil Springs (7-30-75).

Oil Springs vicinity, Sparks Shelter Archeological Site, NE of Oil Springs on W side of Paint Creek (7-30-75).

##### *Kenton County*

Ovington, Licking Riverside Historic District, roughly bounded by 4th, Scott, 8th Sts., and the Licking River (7-30-75).

##### *Morgan County*

Redbush vicinity, Ferguson, Gar, Site, NW of Redbush off KY 172 (6-30-75).

Redbush vicinity, Ray Burchwell Archeological Site, NW of Redbush (7-30-75).

Redbush vicinity, Ray Hill Archeological Site, W of Redbush off KY 172 (7-30-75).

Relief vicinity, Patoke Archeological Site, S of Relief (7-30-75).

Relief vicinity, Sherman Archeological Site, S of Relief (7-30-75).

##### *Nelson County*

Bardstown, Edgewood, 310 S. 5th St. (7-30-75).

#### **Oldham County**

Powee Valley, Locust, The, LaGrange Rd. off KY 146 (7-30-75).

#### **LOUISIANA**

##### *East Baton Rouge Parish*

Baton Rouge, Old Louisiana Governor's Mansion, 502 North Blvd. (7-24-75).

##### *Orleans Parish*

New Orleans, St. Louis Cemetery No. 1, bounded by Basin, St. Louis, Conti, and Tremé Sts. (7-30-75).

New Orleans, St. Louis Cemetery II, bounded by Claiborne, Robertson, St. Louis, and Iberville Sts. (7-30-75).

#### **MARYLAND**

##### *Baltimore (independent city)*

Seton Hill Historic District, bounded by Pennsylvania Ave., Franklin, Eutaw, McCulloh, and Orchard Sts. (7-30-75).

##### *Cecil County*

Crystal Beach vicinity, Grear Prehistoric Village Site, S of Crystal Beach (7-30-75).

#### **MASSACHUSETTS**

##### *Berkshire County*

Pittsfield, Park Square Historic District, at intersection of North, South, East, and West Sts. (7-24-75).

##### *Bristol County*

New Bedford, Fire Station No. 4, 79 S. 6th St. (7-24-75).

##### *Essex County*

Lawrence, North Canal, parallel to Canal St. (7-29-75).

##### *Franklin County*

Greenfield vicinity, Riverside Archeological District, NE of Greenfield on MA 2 (7-9-75).

#### **MICHIGAN**

##### *Bay County*

Bay City, City Hall, 301 Washington St. (7-18-75).

#### **MINNESOTA**

##### *Ramsey County*

St. Paul, Blair Flats (Albion Hotel), 165 Western Ave. (7-18-75).

#### **MISSISSIPPI**

##### *Lafayette County*

Oxford, St. Peter's Episcopal Church, 113 S. 9th St. (7-24-75) HABS.

#### **MISSOURI**

##### *Jackson County*

Kansas City, Rockhill Neighborhood, both sides of 47th St. from Locust St. (S. Pierce St.) to both sides of Harrison St. (N to Brush Creek Blvd.) (7-21-75).

#### **NEW JERSEY**

##### *Middlesex County*

New Brunswick, Rutgers Preparatory School, 101 Somerset St. (7-18-75).

#### **NEW YORK**

##### *Washington County*

Fair Haven, Miller, William, Chapel and Ascension Rock, W of Fair Haven on SR 11 (7-17-75).

#### **NORTH CAROLINA**

##### *Franklin County*

Louisburg vicinity, Davis, Archibald H., Plantation (Cypress Hall), SE of Louisburg off NC 581 (7-24-75).

Louisburg vicinity, Massenburg Plantation (Woodleaf Plantation), E of Louisburg (7-30-75).

##### *Rowan County*

Salisbury, Salisbury Southern Railroad Passenger Depot, E side of Depot St. between Kerr and Council Sts. (7-30-75).

#### **OHIO**

##### *Crawford County*

Bucyrus, McGraw House, 116 S. Walnut St. (7-18-75).

##### *Cuyahoga County*

Bedford, Cleveland and Pittsburgh Railroad Bridge, Tinker's Creek (7-24-75).

Bedford, Gates, Holsey, House, 762 Broadway (7-30-75).

Gates Mills, Gates Mills Methodist Episcopal Church, Old Mill Rd. off U.S. 322 (7-18-75) HABS.

##### *Eric County*

Sandusky, Exchange Hotel, 202-204 E. Water St. (7-30-75).

Sandusky, Lake Shore & Michigan Southern Railroad Depot, N. Depot St. at Carr St. (7-17-75).

##### *Fairfield County*

Lancaster vicinity, Reber, Valentine, House, W of Lancaster at 8325 Lancaster-Circleville Rd. (OH 188) (7-30-75).

Royalton, Royalton House, Amanda Northern Rd. (7-30-75).

##### *Franklin County*

Dublin vicinity, Sells, Benjamin, House, S of Dublin at 4586 Hayden Run Rd. (7-30-75).

##### *Hamilton County*

Elizabethtown vicinity, Butler, Wesley, Archeological District, S of Elizabethtown (7-24-75).

Elizabethtown vicinity, State Line Archeological District, W of Elizabethtown (7-24-75).

Indian Hill, Washington Heights School, 8100 Given Rd. (7-30-75).

##### *Lake County*

Painesville, Casement House, 436 Casement Ave. (7-30-75).

##### *Lorain County*

Elyria, First Church of Christ, Scientist, 309 East Ave. (7-18-75).

##### *Lucas County*

Waterville, Gillett-Shoemaker-Welsh House, 133 N. 4th St. (7-18-75).

##### *Montgomery County*

Dayton, McElhenny-Ausenbaugh House, 7373 Taylorsville Rd. (7-18-75).

##### *Summit County*

Hudson, Western Reserve Academy, roughly bounded by Aurora St. and both sides of Oviatt, High, and N. Main Sts. (6-30-75).

#### **OKLAHOMA**

##### *Tulsa County*

Tulsa, Tulsa Municipal Building, 124 E. 4th St. (7-18-75).

## **NOTICES**

#### **PENNSYLVANIA**

##### *Lancaster County*

Lancaster, Old Main, Goethean Hall, and Diagonthian Hall, Franklin and Marshall College campus (7-30-75).

##### *Lebanon County*

Lebanon, Reading Railroad Station, N. 8th St. (7-17-75).

#### **TENNESSEE**

##### *Anderson County*

Norris, Norris District, town of Norris on U.S. 441/TN 71 (7-10-75).

##### *Davidson County*

Nashville, Hermitage Hotel, 231 6th Ave. N. (7-24-75).

##### *Fayette County*

Williston, Crawford General Store, Macon Rd. (7-8-75).

##### *Sevier County*

Sevierville vicinity, Rose Glen, 4 mi. E of Sevierville on Newport Hwy. (7-18-75).

##### *Williamson County*

Brentwood, Mooreland, off U.S. 31 (7-24-75).

#### **TEXAS**

##### *Harris County*

Houston, Old Houston National Bank, 202 Main St. (7-17-75).

#### **UTAH**

##### *Kane County*

Kanab, Bowman-Chamberlain House, 14 East 100 South (7-8-75).

##### *Salt Lake County*

Salt Lake City, Holy Trinity Greek Orthodox Church, 279 South 200 West (7-8-75).

Salt Lake City, Salt Lake Union Pacific Railroad Station, S. Temple at 400 West (7-9-75) HABS.

##### *Sevier County*

Richfield, Ramsay, Ralph, House, 57 East 2nd North (7-8-75).

#### **VIRGINIA**

##### *Arlington County*

Arlington, Ball-Sellers House, 5920 S. 3rd St. (7-17-75).

##### *Campbell County*

Kelly vicinity, Mount Athos, NE of Kelly (7-24-75).

##### *Mecklenburg County*

Boydton, Mecklenburg County Courthouse, SW corner of Jct. of U.S. 58 and VA 92 (7-17-75).

##### *Nottoway County*

Burkeville vicinity, Burke's Tavern, 1.5 mi. W of Burkeville at NE corner of Jct. of VA 621 and VA 607 (7-17-75).

#### **WASHINGTON**

##### *Cowlitz County*

Woodland, Hulda Klager Lilac Gardens, 115 S. Pekin Rd. (7-17-75).

##### *Pierce County*

Tacoma, Engine House No. 9, 611 N. Pine St. (7-30-75).

#### **WISCONSIN**

##### *Dane County*

Madison, Lettich, William T., House, 752 E. Gorham St. (7-18-75).

#### **Ozaukee County**

Port Washington, Dodge, Edward, House (Pebble House), 148 S. Wisconsin St. (7-24-75).

The following are corrections for properties previously listed in the Federal Register:

#### **KENTUCKY**

##### *Livingston County*

Smithland, Gower House, Water St. (5-24-73).

#### **MASSACHUSETTS**

##### *Barnstable County*

Barnstable, Old Jail, MA 6A (7-2-71).

#### **NEW YORK**

##### *Chenango County*

Norwich, Chenango County Courthouse District, irregular pattern between Hayes and Mechanic Sts. and Maple Ave. and City Hall (6-10-75) (formerly listed as Broad Street—Main Street Historic District).

#### **TEXAS**

##### *Howard County*

Big Springs, Potton—Hayden House, SW corner of Gregg and 2nd Sts. (4-14-75) (formerly listed as Hayden House).

#### **VIRGINIA**

##### *Henrico County*

Richmond vicinity, James River and Kanawha Canal Historic District, extends from Ship Locks to Boshers's Dam (Incorporates James River and Kanawha Canal Connection Locks).

The following property has been removed from the National Register of Historic Places:

#### **MARYLAND**

##### *Baltimore (independent city)*

Lambard Street Bridge, over Jones Falls Stream (9-27-72) (re-entered according to new location).

The following properties have been demolished and therefore removed from the National Register of Historic Places:

#### **ILLINOIS**

##### *Henry County*

Geneseo, Old South School.

#### **MISSOURI**



## NOTICES

This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

## ALABAMA

## Madison County

Huntsville, Lee House, Red Stone Arsenal.

## ALASKA

## Northwestern District

Little Diomed Island, Iyapana, John, House.

## ARIZONA

## Coconino County

Grand Canyon National Park, Old Post Office, Grand Canyon National Park, O'Neill, Buckley, Cabin.

Grand Canyon National Park, Ranger's Dormitory.

## Graham County

Foot Wash—No Name Wash Archeological District.

## Mohave County

Colorado City vicinity, Short Creek Reservoir No. 1, Site NA 13,337.

Colorado City vicinity, Short Creek Reservoir No. 1, Site NA 13,338.

## Maricopa County

Cave Creek Archeological District.

New River Dams Archeological District, Site T-46.

Skunk Creek Archeological District.

## Navajo County

Polacca vicinity, Walpi Hopi Village, adjacent to Polacca.

## Pima County

Tucson, Armory Park Historic District.

Tucson, Convento Site.

Tucson vicinity, Old San Juan, NW of Tucson.

## Yuma County

Wickenburg vicinity, Harquahala Peak Observatory, SW of Wickenburg.

Yuma, Southern Pacific Depot.

## ARKANSAS

## Ouachita County

Camden, Old Post Office, Washington St.

## CALIFORNIA

## Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

## Colusa County

Stoneyford vicinity, Upper and Lower Letts Valley Historical District, 12 mi. SW of Stoneyford.

## Imperial County

Glamis vicinity, Chocolate Mountain Archeological District.

## Inyo County

Scotty's Castle, Death Valley National Monument.

Scotty's Ranch, Death Valley National Monument.

## Lassen County

Archeological Site HJ-1.

## Los Angeles County

Van Norman Reservoir, Site CA-LAN 646, CA-LAN 643, Site CA-LAN 490, and a cluster made up of Sites CA-LAN 475, 491, 492, and 493.

## Madera County

CA-MAD 176-185, Lower China Crossing, and New Site, in Hidden Dam-Hensley Lake Project Area, Fresno River.

## Marin County

Point Reyes, Point Reyes Light Station.

## Mariposa County

Yosemite National Park, Degnan Residence and Bakery, Southside Dr.

## Modoc County

Alturas vicinity, Rail Spring, about 30 mi. N of Alturas in Modoc National Forest.

## Monterey County

Big Sur, Point Sur Light Station.

Pacific Grove, Point Pinos Light Station.

## Riverside County

Blythe vicinity, Blythe Intaglios, Indian Intaglios, N of Blythe on U.S. 95.

Twentynine Palms, Barker Dam, Joshua Tree National Monument.

Twentynine Palms, Cottonwood Oasis (Cottonwood Springs), Joshua Tree National Monument.

Twentynine Palms, Desert Queen Mine, Joshua Tree National Monument.

Twentynine Palms, Lost Horse Mine, Joshua Tree National Monument.

## Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.

## San Bernardino County

Twentynine Palms, Keys, Bill, Ranch, Joshua Tree National Monument.

Twentynine Palms, Coc Camp, Joshua Tree National Monument.

Twentynine Palms, Twentynine Palms Oasis, Joshua Tree National Monument.

Twentynine Palms, Wallstreet Mill, Joshua Tree National Monument.

## San Luis Obispo County

San Luis Obispo, San Luis Obispo Light Station.

## San Mateo County

Ano Nuevo vicinity, Pigeon Point Light Station.

Hillsborough, Point Montara Light Station.

## Santa Barbara County

Santa Barbara, Site SBA-1330, Santa Monica Creek.

## Shasta County

Redding vicinity, Squaw Creek Archeological Site, NE of Redding.

Whiskeytown, Irrigation System (165 and 166), Whiskeytown National Recreation Area.

## Sierra County

Archeological Site HJ-5 (Border Site 26WA-1676)

## Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

## Sonoma County

Dry Creek-Warm Springs Valley Archeological District.

Santa Rosa, Santa Rosa Post Office.

## COLORADO

## Denver County

Denver, Eisenhower Memorial Chapel, Building No. 27, Reeves St., on Lowry AFB.

## Douglas County

Keystone Railroad Bridge, Pike National Forest.

## Eagle County

Wolcott, Wolcott Stage Station.

## El Paso County

Colorado Springs, Alamo Hotel, corner of Tejon and Cucharas Sts.

Colorado Springs, Old El Paso County Jail, corner of Vermijo and Cascade Ave.

## Larimer County

Site 5-LR-257, Boxelder Watershed Project.

## Rio Blanco County

Meeker vicinity, Thornburgh Monument, NE of Meeker on Thornburgh Rd. 9 mi. from Jct. of CO 13 and 789.

Rangely vicinity, Canon Pintado, S of Rangely on Hwy. 139.

Rangely vicinity, Carrot Men Pictograph Site, SW of Rangely and W of Rangely Dragon Rd.

## CONNECTICUT

## Hartford County

Hartford, Church of the Good Shepherd and Parish House, Wyllis St. and Van Block Ave.

Hartford, Colt Factory Housing, Huyshope Ave., between Squassan and Wechasset Sts.

Hartford, Colt Factory Housing (Potsdam Village), Curcombe St. between Hendriksen Ave. and Locust St.

Hartford, Colt Park, bounded by Wethersfield Ave., Stonington, Wawarme, Curcombe, and Marseek Sts., and by Huyshope and Van Block Aves.

Hartford, Colt, Col. Samuel, Armory, and related factory buildings, Van Dyke Ave.

Hartford, Flat-Iron Building (Motto Building), Congress St. and Maple Ave.

Hartford, Houses on both sides of Congress Street.

Hartford, Houses on Charter Oak Place.

Hartford, Houses on Wethersfield Avenue, between Morris and Wyllis Sts., particularly Nos. 97-81, 65.

## Middlesex County

Middletown, Mather-Douglas-Santangelo House, 11 S. Main St.

## New Haven County

New Haven, City Hall and Annex.

New Haven, Post Office-Courthouse, Church and Court Sts.

## DELAWARE

## New Castle County

Wilmington, Wilmington Customhouse, King St.

## Suffolk County

Lewes, Delaware Breakwater.

Lewes, Harbor of Refuge Breakwater.

## DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.

Central Heating Plant, 13th and C Sts. SW.

1700 Block Q Street NW, 1700-1744, 1746, 1748 Quo St. NW.: 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

## FLORIDA

## Hillsborough County

Tampa, Firehouse No. 10, Ybor City.

## Pinellas County

Bay Pines, VA Center, Sections 2, 3, and 11 TWP 31-S, R-15E.

## GEORGIA

## Chatham County

Archeological Site, N end of Skidway Island.

## Chattooga County

Archeological Sites in area of Structure 1-M, and Trion Dikes 1 and 2, headwaters of Chattooga Watershed (also in Walker County).

## Clarke County

Athens, Carnegie Library Building, 1401 Prince Ave.

## Clay County

Archeological Site WGC-73, downstream from Walter F. George Dam.

## Heard County

Philpott Homestead and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

## Stewart County

Road Mounds.

## Sumter County

Americus, Aboriginal Chert Quarry, Souther Field.

## Walker County

Archeological Sites in area of Structure 1-M and Trion Dikes 1 and 2. Reference—see Chattooga County.

## HAWAII

## Hawaii County

Hawaii Volcanoes National Park, Mauna Loa Trail.

## Maui County

Hana vicinity, Kipahulu Historic District, SW of Hana on Rte. 31.

## Oahu County

Moanalua Valley.

## IDAHO

## Ada County

Boise, Alexanders, 826 Main St.

Boise, Paiks Department Store, 100 N. 8th St.

Boise, Idaho Building, 216 N. 8th St.

Boise, Stimpert Building (Boise City National Bank), 805 Idaho St.

Boise, Union Building, 712 1/2 Idaho St.

## Clearwater County

Orofino vicinity, Canoe Camp—Suite 18, W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

## Custer County

Challis, Challis Bison Jump.

## NOTICES

## Idaho County

Kamiah vicinity, East Kamiah—Suite 15, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

## Lemhi County

Tendoy, Lewis and Clark Trail, First Flag Unfurling.

Tendoy, Lewis and Clark Trail, Pattee Creek Camp.

## Lewis County

Jacques Spur vicinity, St. Joseph's Mission (Slickpool), S of Jacques Spur on Mission Creek off U.S. 85.

## Nez Perce County

Lapwai, Fort Lapwai Officer's Quarters, Phinney Dr. and C St. in Nez Perce National Park.

Lapwai, Spalding.

## ILLINOIS

## Cook County

Chicago, McCarthy Building (Landfield Building) NE corner of Dearborn and Washington Sts.

Chicago, Methodist Book Concern (later Stop and Shop Warehouse), 12 W. Washington St.

Chicago, Ogden Building, 130 W. Lake St.

Chicago, Oliver Building, 159 N. Dearborn St.

Chicago, Springer Block (Bay, State, and Kranz Buildings), 126-146 N. State St.

Chicago, Unity Building, 127 N. Dearborn St.

## De Kalb County

De Kalb, Haish Barbed Wire Factory, corner of 6th and Lincoln Sts.

## Lake County

Fort Sheridan, Museum, Bldg. 33, Lyster Rd.

Fort Sheridan, Water Tower, Bldg. 49, Leonard Wood Ave.

## Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

## INDIANA

## Monroe County

Bloomington, Carnegie Library.

## St. Joseph County

Mishawaka, 180 NW Block, properties fronting N. Main St. and W. Lincoln Way.

## Vermillion County

Houses in SR 63/32 Project, Jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

## IOWA

## Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

## Muscatine County

Muscatine, Clark, Alexander, Property, 125-123 W. 3rd and 307, 309 Chestnut.

## KANSAS

## Douglas County

Lawrence, Curtis Hall (Kiva Hall), Haskell Institute.

## Pottawatomie County

Coffey Archeological Site, 14 PO 1.

## KENTUCKY

## Trigg County

Golden Pond, Center Furnace, N of Golden Pond on Bugg Spring Rd.

## MAINE

## Washington County

Machiasport, Libby Island Light Station.

## MARYLAND

## Anne Arundel County

Chestertown, Bloody Point Bar Light, on Chesapeake Bay.

Skidmore, Sandy Point Shoal Light, on Chesapeake Bay.

## Baltimore County

Fort Howard, Craghill Channel Upper Range Front Light, on Chesapeake Bay.

Sparrows Point, Craghill Channel Range Front Light, on Chesapeake Bay.

## Cecil County

Sassafras Elk Neck, Turkey Point Light, at Elk River and Chesapeake Bay.

## Dorchester County

Hoopersville, Hooper Island Light, Chesapeake Bay—Middle Hooper Island.

## Harford County

Havre De Grace, Havre De Grace Light.

## St. Marys County

Piney Point, Piney Point Light Station.

St. Ingoes, St. Ingoes Manor House, Naval Electronic System Test and Evaluation Detachment.

St. Marys City, Point No Point Light, on Chesapeake Bay.

## Talbot County

Tilgman Island, Sharps Island Light, on Chesapeake Bay.

## MASSACHUSETTS

## Barnstable County

Chatham vicinity, Old Harbor U.S. Life Saving Station—U.S.C.G. Station, North Beach.

North Eastham, French Cable Hut, Jct. of Cable Rd. and Ocean View Dr.

Truro, Highland House, Cape Cod Light (Highland Light) area.

## Bristol County

New Bedford, Fire Station No. 4, 79 S. 6th St.

## Middlesex County

Watertown, Commanding Officer's Quarters Bldg. 111, Watertown Arsenal, 443 Arsenal St.

Wayland, Old Town Bridge (Four Arch Bridge), Rte. 27, 1.5 mi. NW of Rte. 128 Jct.

## Worcester County

North Brookfield, Meadow Site No. 11, Upper Quabong River Watershed.

## MICHIGAN

Little Forks Archeological District.

## MINNESOTA

## Beltrami County

Blackduct, Rabideau CCC Camp Site, S of Blackduct in Chippewa National Forest.

## Winona County

Winona, Second Street Commercial Block.

## MISSOURI

## Buchanan County

St. Joseph, Hall Street Historic District, bounded by 4th St. on W. Robidoux on S. 10th on E. and Michel, Corby, and Ridenbaugh on N.



## NOTICES

**Dent County**  
Lake Spring, *Iyer, John, House.*

**Franklin County**  
Leslie, *Novor's Mill and adjacent Miller's House, Rural Rte. 1.*

**MONTANA**

**Carbon County**  
Barry's Landing, *Bad Pass Trail (Sioux Trail), Big Horn Canyon National Recreation Area.*  
Hardin, *Pretty Creek Site (Hough Creek Site), Big Horn Canyon National Recreation Area.*

**Fergus County**  
Lewis & Clark Campsite, May 23, 1805.  
Lewis & Clark Campsite, May 24, 1805.

**Lewis and Clark County**  
Marysville, *Marysville Historic District.*

**Ravalli County**  
Conner vicinity, *Alta Ranger Station, S of Conner in Bitterroot National Forest.*

**Sheridan County**  
Medicine Lake, *Tipt Hills, Medicine Lake National Wildlife Refuge.*

**NEVADA**

**Clark County**  
Indian Springs vicinity, *Tim Springs Petroglyphs, N of Indian Springs.*  
Las Vegas vicinity, *Blacksmith Shop, Desert National Wildlife Range.*  
Las Vegas vicinity, *Mesquite House, Desert National Wildlife Range.*  
Las Vegas vicinity, *Mormon Well Corral, NE of Las Vegas.*

**Nye County**  
Las Vegas vicinity, *Emigrant's Trail, about 75 mi. NW of Las Vegas on U.S. 95.*

**Storey County (also in Washoe County)**  
Sparks vicinity, *Derby Diversion Dam, on the Truckee River 13 mi. E of Sparks, along I 80.*

**Washoe County**  
Derby Diversion Dam, see Storey County.

**NEW JERSEY**

**Merger County**  
Hamilton and West Windsor Townships, *Assunpink Historic District.*

**Middlesex County**  
New Brunswick, *Delaware and Raritan Canal, between Albany St. Bridge and Landing Lane Bridge.*

**Monmouth County**  
Long Branch, *The Reservation, 1-9 New Ocean Ave.*

**Sussex County (also in Warren County)**  
Old Mine Road Historic District.

**Warren County**  
Old Mine Road Historic District, see Sussex County.

**NEW MEXICO**

**Dona Ana County**  
Placitas Arroyo, *Sites SCSPA 1-8.*

**NEW YORK**

**Broome County**  
New York, *North Brothers Island Light Station, in center of East River.*

**Greene County**  
New York, *Hudson City Light Station, in center of Hudson River.*

**New York County**  
New York, *Harlem Courthouse, 170 E. 121st St.*

**Richmond County**  
New York, *Romer Shoal Light Station, located in lower bay area of New York Harbor.*

**Schoharie County**  
Breakabeen, *Breakabeen Historic District, between village of North Blenheim and Breakabeen.*

**Suffolk County**  
New York, *Fire Island Light Station, U.S. Coast Guard Station.*

**New York, Little Gull Island Light Station, off North Point of Orient Point, Long Island.**

**New York, Plum Island Light Station, off Orient Point, Long Island.**

**New York, Race Rock Light Station, S. of Fishers Island, 10 mi. N. of Orient Point.**

**Ulster County**  
Kingston vicinity, *Esopus Meadows Light Station, middle of Hudson River.*

**New York, Rondout North Dike Light, center of Hudson River at Jct. at Rondout Creek and Hudson River.**

**New York, Saugerties Light Station, Hudson River.**

**Westchester County**  
Port Washington vicinity, *Execution Rocks Light Station, lower SW portion of Long Island Sound.*

**NORTH CAROLINA**

**Alamance County**  
Burlington, *Southern Railway Passenger Depot, NE corner Main and Webb Sts.*

**Brunswick County**  
Southport, *Fort Johnston, Moore St.*

**Caswell County (also in Rockingham Co.)**  
Archeological Sites CS-12, *County Line Creek Watershed Project.*

**Womack's Mill, in County Creek Watershed Project (also in Rockingham County).**

**Cleveland County**  
Archeological Resources in *Second Broad River Watershed Project, also in Rutherford County.*

**Cumberland County**  
Fayetteville, *Veterans Administration Hospital Confederate Breastworks, 23 Ramsey St.*

**Dare County**  
Buxton, *Cape Hatteras Light, Cape Hatteras National Seashore.*

**Durham County**  
Durham, *St. Joseph's A.M.E. Church, Fayetteville St. at the Durham Expwy.*

**Hyde County**  
Ocracoke, *Ocracoke Lighthouse.*

**New Hanover County**  
Wilmington, *Market Street Mansions District, both sides of Market St. between 17th and 18th Sts.*

**Rockingham County**  
Archeological Sites CS-12 (see Caswell County).

**Womack's Mill (see Caswell County).**

**Rutherford County**  
Archeological Resources in *Second Broad River Watershed Project, see Cleveland County.*

**OHIO**

**Clermont County**  
Neville vicinity, *Maynard House, 2 mi. E of Neville off U.S. 52.*

**Pickaway County**  
Williamsport vicinity, *The Shack (Daugherty, Harry, House), 5.5 mi. NW of Williamsport.*

**Seneca County**  
Tiffin, *Old U.S. Post Office, 215 S. Washington St.*

**OKLAHOMA**

**Comanche County**  
Fort Sill, *Blockhouse on Signal Mountain off Mackenzie Hill Rd.*

**Fort Sill, Camp Comanche Site, E range on Cache Creek.**

**Fort Sill, Chiefs Knoll, Post Cemetery, N of Macomb Rd.**

**Fort Sill, Geronimo's Grave, N of Jct. of Dodge Hill and Elgin Rds.**

**Fort Sill, Henry Post Air Field, Post Rd.**

**Fort Sill vicinity, Medicine Bluffs, NW of Fort Sill.**

**Haskell County**  
Keota vicinity, *Otter Creek Archeological Site, SW of Keota.*

**Kay County**  
Newkirk vicinity, *Bryson Archeological Site, NE of Newkirk.*

**OREGON**

**Coos County**  
Charleston, *Cape Arago Light Station.*

**Curry County**  
Port Orford, *Cape Blanco Light Station.*

**Wolf Creek, Rogue River Branch, Star Rte. Box 78.**

**Douglas County**  
Winchester Bay, *Umpqua River Lighthouse.*

**Josephine County**  
Whiskey Creek Cabin.

**Klamath County**  
Crater Lake National Park, *Crater Lake Lodge.*

**Lake County**  
Silver Lake, *Picture Rock Pass Petroglyphs Site.*

**Lane County**  
Roosevelt Beach, *Heceta Head Lighthouse.*

**Lincoln County**  
Roosevelt Beach, *Heceta Head Light Station.*

**Agate Beach, Yakuina Head Lighthouse.**

**Sherman County**  
Grass Valley vicinity, *Mack Canyon Archeological Site, at end of BLM access road adjacent to Deschutes River N of Maupin.*

**Tillamook County**  
Tillamook, *Cape Meares Lighthouse.*

**Wasco County**  
Memaloose Island, *River Mile 177.5 in Columbia River.*

**PENNSYLVANIA**

**Adams County**  
Gettysburg, *Barlow's Knoll, adjacent to Gettysburg National Military Park.*

**Allegheny County**  
Bruceton, *Experimental Mine, U.S. Bureau of Mines, off Cochran Mill Rd.*

**Berks County**  
Mt. Pleasant, *Berger-Stout Log House, near Jct. of Church Rd. and Tulephocken Creek.*

**Mt. Pleasant, Conrad's Warehouse, near Jct. of Rte. 183 and Powder Mill Rd.**

**Mr. Pleasant, Heck-Stamm-Unger Farmstead, Gruber Rd.**

**Mt. Pleasant, Miller's House, Jct. of Rte. 183 and Powder Mill Rd.**

**Mt. Pleasant, O'Bolds-Billman Hotel and Store, Gruber Rd. and Rt. 183.**

**Mt. Pleasant, Pleasant Valley Roller Mill, Gruber Rd.**

**Mt. Pleasant, Reber's Residence and Barn, on Tulephocken Creek.**

**Mt. Pleasant, Union Canal, Blue Marsh Lake Project area.**

**Clinton County**  
Lockhaven, *Apsley House, 302 E. Church St.*

**Lockhaven, Harvey, Judge, House, 29 N. Jay St.**

**Lockhaven, McCormick, Robert, House, 234 E. Church St.**

**Lockhaven, Mussina, Lyons, House, 23 N. Jay St.**

**Huntingdon County**  
Brumbaugh Homestead, *Raystown Lake Project.*

**Lehigh County**  
Dorneyville, *King George Inn and two other stone houses, Hamilton and Cedar Crest Bldgs.*

**Lycoming County**  
Williamsport, *Faxon Co., Inc., Williamsport Beltway.*

**Northampton County**  
Lehigh Canal.

**Philadelphia County**  
Philadelphia, *Quartermaster's Depot, U.S. Marine Corps, 1100 S. Broad St.*

**Washington County**  
Charleroi, *Ninth Street School.*

**SOUTH CAROLINA**  
Charleston County

Charleston, *139 Ashley St.*

Charleston, *69 Barre St.*

Charleston, *69r Barre St.*

Charleston, *316 Calhoun St.*

Charleston, *316r Calhoun St.*

Charleston, *268 Calhoun St.*

Charleston, *274 Calhoun St.*

Charleston, *Old Rice Mill, off Lockwood Dr.*

**SOUTH DAKOTA**

**Pennington County**  
Rapid City, *Rapid City Historic Commercial District, portions of 612-632 Main St.*

**TENNESSEE**

**Henry County**  
Mt. Zion Church and Cemetery (United Baptist Church).

**Monroe County**  
Vonnore vicinity, *Tellco Blockhouse Site, N of Vonnore.*

**Stewart County**  
Dover vicinity, *Fort Henry Site, NW of Dover.*

**Great Western Furnace.**

**Trousdale County**  
Dixon Springs, *McGee House.*

## NOTICES

**TEXAS**

**Bezar County**  
Fort Sam Houston, *Eisenhower House, Artillery Post Rd.*

**El Paso County**  
Castner Range Archeological Sites.

**Galveston County**  
Galveston, *U.S. Customhouse, bounded by Avenue B, 17th, Water, and 18th Sts.*

**Uvalde County**  
Leon River Watershed Archeological Sites.

**UTAH**

**Salt Lake County**  
Salt Lake City, *Karrick Building (Leyson-Pearson Building), 236 S. Main St.*

**Salt Lake City, Lollin Block, 238-240 S. Main St.**

**VERMONT**

**Franklin County**  
Highgate Falls, *Lenticular or Parabolic Truss Bridge, over Missiquoi River.*

**Windsor County**  
Windsor, *Post Office Building.*

**WASHINGTON**

**Benton County**  
Richland vicinity, *Wooded Island Archeological District, N of Richland.*

**Clallam County**  
Olympic National Park Archeological District, *Olympic National Park (also in Jefferson County).*

**Sequim, New Dungeness Light Station.**

**Greys Harbor County**  
West port, *Grays Harbor Light Station.*

**Jefferson County**  
Olympic National Park Archeological District (see Clallam County).

**King County**  
Burton, *Point Robinson Light Station.*

**Seattle, Alki Point Light Station.**

**Seattle, West Point Light Station.**

**Kitsap County**  
Hansville, *Point No Point Light Station.*

**Pacific County**  
Ilwaco, *Cape Disappointment Light Station.*

**Ilwaco, North Head Light Station.**

**Pierce County**  
Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*

**Longmire, Longmire Cabin, Mount Rainier National Park.**

**San Juan County**  
San Juan Islands, *Patos Island Light Station.*

**Snohomish County**  
Mukilteo, *Mukilteo Light Station.*

**WEST VIRGINIA**

**Cabell County**  
Huntington, *Old Bank Building, 1208 3rd Ave.*

**Kanawha County**  
St. Albans, *Chilton House, 439 B St.*

**Ohio County**  
Wheeling, *B & O Railroad Freight Station and Train Shed.*

**Wood County**

Parkersburg, *Wood County Courthouse.*

Parkersburg, *Wood County Jail.*

**WISCONSIN**

**Ashland County**  
Ashland vicinity, *Madeline Island Site 7302.*

**Door County**  
Chambers Island, *Chambers Island Light House Dwelling, northern tip Chambers Island, Green Bay, Lake Michigan.*

**Milwaukee County**  
Milwaukee, *Plankinton, Elizabeth, House, 1492 W. Wisconsin Ave.*

**WYOMING**

**Goshen County**  
Torrington, *Union Pacific Depot.*

**Natrona County**  
Casper, *Cantonment Reno.*

Casper, *Castle Rock Archeological Site.*

Casper, *Dull Knife Battlefield.*

Casper, *Middle Fork Photograph-Petroglyph Panels.*

Casper, *Portuguese Houses.*

**Park County**  
Mammoth, *Chapel at Fort Yellowstone, Yellowstone National Park.*

**PUERTO RICO**

Mona Island, *Sardinero Site and Ball Courts.*

**A. R. MORTENSEN, Director, Office of Archeology and Historic Preservation.**

[FR Doc. 75-22969 Filed 8-29-75; 8:45 am]

**Reclamation Bureau**

[INT DES 75-49]

**RIO GRANDE AND MIDDLE RIO GRANDE PROJECTS, NEW MEXICO**

**Availability of Draft Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement on a program to (1) more effectively meet New Mexico's water obligation under the Rio Grande Compact by providing efficient transport of water to Elephant Butte Reservoir, (2) conserve both surface and ground water, (3) reduce the rate of aggradation of the Rio Grande floodway, (4) provide effective flood control, and (5) provide increased safety for the public using Elephant Butte and Caballo Reservoirs in New Mexico. Written comments may be submitted to the Regional Director (address below) on or before October 17, 1975.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4991. Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3007.



Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo-Texas 79101, telephone (806) 376-2404.  
Upper Rio Grande Basin Projects Office, Post Office Box 252, Albuquerque, New Mexico 87103, telephone (505) 768-3381.  
Rio Grande Project, Post Office Drawer P, El Paso, Texas 79958, telephone (915) 543-7741.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: August 27, 1975.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc. 75-23174 Filed 8-29-75; 8:45 am]

## DEPARTMENT OF THE TREASURY

### Customs Service

[041002]

### IMPORTATIONS OF CAB CHASSIS

#### Tariff Classification; Solicitation of Views

Under an established and uniform practice, importations of cab chassis (consisting of frame, suspension system, wheels, engine, steering mechanism, and cab) without bodies, having no cargo carrying capacity in their condition as imported, have been classified under the provision for chassis for automobile trucks, in item 692.20, Tariff Schedules of the United States (TSUS), and dutiable at the rate of 4 percent ad valorem.

The contention has been advanced that the described articles are unfinished trucks and, therefore, should be classified under the provision for automobile trucks valued at \$1,000 or more, in item 692.02, TSUS, and dutiable at the modified rate of 25 percent ad valorem under item 945.69, TSUS, following General Headnote 10(h), TSUS.

As a decision to this effect would result in the assessment of duties at a rate higher than that previously assessed, notice is hereby given pursuant to § 152.15, Customs Regulations (19 CFR 152.15), that the Customs Service is reviewing its practice of classifying cab chassis.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20229, not later than October 2, 1975.

G. R. DICKERSON,  
Acting Commissioner of Customs.

Approved: August 22, 1975.

DAVID R. MACDONALD,  
Assistant Secretary  
of the Treasury.

[FR Doc. 75-23178 Filed 8-29-75; 8:45 am]

## NOTICES

[T.D. 75-219]

### CLARKE O. WALKER Cancellation With Prejudice of Customhouse Broker's License

August 26, 1975.

Notice is hereby given that the Commissioner of Customs on August 26, 1975, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and § 111.51(b), Customs Regulations (19 CFR 111.51(b)), upon the specific request of Clarke O. Walker canceled with prejudice customhouse broker's license No. 4949 issued to him on April 29, 1974, for the Customs District of Cleveland. The Commissioner's decision is effective as of August 26, 1975.

VERNON D. ACREE,  
Commissioner of Customs.  
[FR Doc. 75-23177 Filed 8-29-75; 8:45 am]

### Office of the Secretary PRESIDENT'S LABOR-MANAGEMENT COMMITTEE Meeting

Notice is hereby given that the President's Labor-Management Committee will meet in the Secretary's Conference Room in the Treasury Department on September 17, 1975, at 10 a.m.

The purpose of the meeting is to determine long term Federal policy options to encourage the creation of jobs.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that this meeting is for the purpose of considering matters falling within the exemption to public disclosure set forth in section 552(b)(5) of Title 5 of the United States Code, and that the public interest requires such meeting be closed to public participation.

Dated: August 28, 1975

[SEAL] WARREN F. BRECHT,  
Assistant Secretary  
(Administration).

[FR Doc. 75-23355 Filed 8-29-75; 9:49 am]

## DEPARTMENT OF DEFENSE

### Office of the Director, Defense Research and Engineering

### HIGH ENERGY LASER REVIEW GROUP Establishment, Organization and Functions

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the High Energy Laser Review Group has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the High Energy Laser Review Group is to advise the Director of Defense Research and Engineering, on a continuing basis, regarding economical and effective research, development, test and evaluation efforts in the field of high-energy laser weapon systems that are conducted within the DoD and to relate them to other national laser research programs.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives OASD (Comptroller).

August 27, 1975.

[FR Doc. 75-23161 Filed 8-29-75; 8:45 am]

### Office of the Secretary DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG) LASER BEAM CON- TROL SUBPANEL

#### Notice of Closed Meeting

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that a closed meeting of the DDR&E High Energy Laser Review Group Laser Beam Control Subpanel will be held on Thursday, September 18, 1975, at Kirtland Air Force Base, New Mexico.

The subject matter of the meeting is classified in accordance with subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

August 27, 1975.

[FR Doc. 75-23117 Filed 8-29-75; 8:45 am]

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 75-12]

HOWARD W. ELLZEY, M.D.  
MEMPHIS, TENNESSEE

#### Notice of Hearing

Notice is hereby given that on March 18, 1975, the Drug Enforcement Administration, Department of Justice, issued to Howard W. Ellzey, M.D., Memphis, Tennessee, an Order to Show Cause as to why the Drug Enforcement Administration Registration No. AE4369218 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed by the Respondent with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m., September 4, 1975, in Room 1210, Drug Enforcement

Administration, 1405 Eye Street, NW., Washington, D.C.

Dated: August 26, 1975.

HENRY S. DOGIN,  
Acting Administrator,  
Drug Enforcement Administration.

[FR Doc. 75-23128 Filed 8-29-75; 8:45 am]

### PARKE, DAVIS & CO. AND ARENOL CHEMICAL CORP.

#### Notice of Registration

By Notice dated June 5, 1975, and published in the FEDERAL REGISTER on June 16, 1975; (40 FR 25499), the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

Parke, Davis & Company, 188 Holland Avenue, Holland, Michigan 49423 (February 23, 1975):

Drug:	Schedule
Methaqualone	II

Arenol Chemical Corporation, 40-33 23rd Street, Long Island City, N.Y. 11101 (May 9, 1975):

Drug:	Schedule
Methamphetamine	II
Amphetamine	II

No comments or objections having been received, and, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in accordance with 21 CFR 1301.43, the above firms are granted registration as bulk manufacturers of the basic class of controlled substances listed for each firm.

Dated: August 20, 1975.

HENRY S. DOGIN,  
Acting Administrator,  
Drug Enforcement Administration.

[FR Doc. 75-23129 Filed 8-29-75; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Forest Service

### SHAFFER BUTTE PLANNING UNIT

#### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Shafer Butte Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-15.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Shafer Butte Planning Unit on the Boise National Forest, Idaho. The purpose of the plan is to allocate the 49,000 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and

## NOTICES

development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This final environmental statement was transmitted to CEQ on August 25, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324-25th Street, Ogden, Utah 84401.  
Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.  
District Forest Ranger, Boise Ranger District, 1075 Park Boulevard, Boise, Idaho 83706.

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: August 25, 1975.

P. M. REES,  
Director, Regional  
Planning and Budget.

[FR Doc. 75-23140 Filed 8-29-75; 8:45 am]

## DEPARTMENT OF COMMERCE

### Maritime Administration

[Docket No. S-463]

### UNITED STATES LINES, INC.

#### Corrected Notice of Application

Notice of Application for the above company was given in the Federal Register of August 26, 1975, (40 FR 37244), indicating that United States Lines, Inc., had filed an application with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), for a long-term, operating-differential subsidy agreement.

Said notice erroneously gave the date of the application of United States Lines, Inc., as August 1, 1974. The date of the application is August 1, 1975.

Said notice also omitted essential Trade Route No. 6 from the listing of essential trade routes on which United States Lines, Inc., proposes to operate. The applicant proposes to provide services which include areas or ports on essential Trade Route Nos. 4, 6, 5-7-8-9, 10, 11, 12, 13, 17, 23, 25, 26, and 29.

As the corrections herein made would not prejudice the rights of any party having interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Act (46 U.S.C. 1175), the date by which petitions of leave to intervene must be filed remains at the close of business on September 15, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: August 28, 1975.

JAMES S. DAWSON, JR.,  
Secretary.

[FR Doc. 75-23275 Filed 8-29-75; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Alcohol, Drug Abuse, and Mental Health Administration

### MINORITY ADVISORY COMMITTEE

#### Notice of Meeting

In accordance with Section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to assemble the month of September 1975:

### MINORITY ADVISORY COMMITTEE, ADAMHA

September 19; 9:30 a.m.—Open.  
Conference Room 14-105, Parklawn Bldg., Rockville, Maryland.  
Contact Ernest F. Hurst, Parklawn Bldg., Rm. 13C-15, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3838.

Purpose: The Minority Advisory Committee, ADAMHA, advises the Secretary, Department of Health, Education, and Welfare, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism, National Institute on Drug Abuse, and the National Institute of Mental Health.

Agenda: This meeting will be open to the public. The agenda will include (1) consideration of the FY 1976 Operating Plan, (2) a Report on Early and Periodic Screening, Diagnosis, and Treatment Program, and (3) discussion with the Administrator of ADAMHA plans, programs, and priorities. Agenda items are subject to change as priorities dictate. Attendance by the public will be limited to space available.

Substantive program information may be obtained from the contact person listed above.

Mr. James C. Helsing, Deputy Director, Office of Public Affairs, ADAMHA, will furnish, on request, summaries of the meeting and a roster of committee members. Mr. Helsing is located in Room 16-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301-443-3783.

Dated: August 26, 1975.

CAROLYN T. EVANS,  
Committee Management Officer,  
Alcohol, Drug Abuse, and  
Mental Health Administration.

[FR Doc. 75-23118 Filed 8-29-75; 8:45 am]



Food and Drug Administration  
[Docket No. 75N-0243]  
**FEDERAL-STATE COOPERATIVE PROGRAMS**

**Codification of Pasteurized Milk Ordinance and Interstate Milk Shippers Program**

On May 5, 1975, a notice was published in the FEDERAL REGISTER (40 FR 19513) announcing the availability of a draft of proposed regulations for pasteurized milk in interstate commerce to be issued as Parts 960 through 966 of Subchapter I—Federal-State Cooperative Programs, of Chapter I, Title 21 of the Code of Federal Regulations.

Copies of the draft were distributed to the Federal, State and industry groups that would be most directly affected if the proposed regulations were adopted, and copies were made available through the office of the Food and Drug Administration Hearing Clerk to any other interested person. A period of 90 days was provided, until August 4, 1975, for submitting comments on the draft to the office of the Hearing Clerk.

During the comment period, the chairman of the National Conference on Interstate Milk Shipments (NCIMS), which consists of State regulatory officials responsible for milk sanitation, met with Food and Drug Administration officials to discuss this matter and submitted a formal resolution in behalf of the NCIMS. The NCIMS opposes publication of the proposed regulations as Federal regulations. In addition, the NCIMS requested a 12-month extension of time to review the draft of the proposed regulations and prepare a response.

Similar requests were also received from the National Association of State Departments of Agriculture, the National Milk Producers Federation, the Milk Industry Foundation, and others.

Based on these discussions and written comments on the subject draft, the Commissioner of Food and Drugs has concluded that he would take no further formal action on the proposed codification of the Pasteurized Milk Ordinance and the Interstate Milk Shippers Program until at least 30 days after the next NCIMS meeting, which is expected to be held early in 1976. At that time and after considering any report that the NCIMS may submit, the Commissioner will determine what course of action is appropriate.

Pertinent views and information may continue to be submitted to the Bureau of Foods, Dairy and Lipid Products Branch (HFF-415), Food and Drug Administration, 200 C St. SW., Washington, DC 20204. All submissions will be considered prior to taking formal action.

Dated: August 25, 1975.

A. M. SCHMIDT,  
Commissioner of Food and Drugs.  
[FR Doc. 75-23114 Filed 8-29-75; 8:45 am]

## NOTICES

Office of Education  
**COLLEGE LIBRARY RESOURCES PROGRAM**

**Notice of Closing Date for Receipt of Applications**

Notice is hereby given that pursuant to the authority contained in Part A of Title II of the Higher Education Act of 1965 (20 U.S.C. 1021-1028), applications for basic grants are being accepted from institutions of higher education and other public and private nonprofit library agencies whose primary function is to provide library and information services to institutions of higher education on a formal cooperative basis. Processing of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before November 17, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Attention: 13-406. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than November 12, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms will be sent to all institutions which have previously participated in the program. This notice, however, is the official notification of the acceptance of basic grant applications under this program. Other institutions desiring to participate may obtain information and application forms from the Office of Libraries and Learning Resources, Division of Library Programs, Bureau of School Systems, Re-

gional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202. Attention: 13-406.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the College Library Resources regulations published in the FEDERAL REGISTER on November 18, 1974 at 40494.

(20 U.S.C. 1021-1023)

Dated: August 26, 1975.

(Catalog of Federal Domestic Assistance Number 13-406; College Library Resources Program)

T. H. BELL,  
U.S. Commissioner of Education.

[FR Doc. 75-23114 Filed 8-29-75; 8:45 am]

Office of the Secretary  
**FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED**  
**Periodic Interim Payments**

On July 16, 1975, there was published in the FEDERAL REGISTER (40 FR 29815) a final amendment to Subpart D of Regulations No. 5 (20 CFR Part 405), to become effective on August 15, 1975. This amendment requires that periodic interim payments (PIP) be made for no less than a 2 week period of services, with a payment interval of 2 weeks between the end of the period of services to which the payment applies and the date of payment, such interval creating an average lag of 3 weeks between delivery of an payment for services. These requirements change the payment interval and service period for those providers which as of the effective date of the regulations were receiving weekly PIP payments with no interval between the end of the weekly period of services and the payment applicable to it. In paragraph (1) of the Preamble to this amendment appeared the statement that intermediaries will be instructed to conform the reimbursement schedules of those providers receiving payment under already existing forms of the PIP mechanism to the revised payment schedule requirements and place all these providers in payment status under the revised schedule no later than September 15, 1975. Although the Department still believes the average 3 week lag is appropriate, strict adherence to the September 15, 1975, implementation date could result in the nonpayment of program reimbursement to over 800 hospitals on the PIP method for approximately four consecutive weeks. This effect is undesirable. It will create extraordinary cash flow problems for these hospitals, especially those located in the large urban centers, making it necessary for the hospitals to borrow equivalent funds from conventional lending sources.

Because it is realized that the time allowed by this amendment to place these

providers on the revised payment schedule will cause a severe fiscal problem for them, the Secretary has determined that additional time should be allowed to permit a phase-in of the revision of payment schedules for those providers receiving payment under pre-existing PIP mechanisms. Accordingly, this notice amends the Preamble to the final PIP regulations to provide for full implementation by May 31, 1976, rather than September 15, 1975. This change can be accomplished without affecting the objectives of the PIP regulations.

For the reasons given above, to alleviate fiscal problems which may occur for certain providers in the implementation of the final regulations, good cause exists to make this notice effective immediately. The date by which providers must be placed on the revised payment schedule is hereby changed to May 31, 1976, from September 15, 1975.

Dated: August 27, 1975.

DAVID MATTHEWS,  
Secretary of Health,  
Education, and Welfare.

[FR Doc. 75-23291 Filed 8-29-75; 8:45 am]

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. EX75-22; Notice 2]

**MOTOR COACH INDUSTRIES, INC.**

**Petition for Modification of Temporary Exemption From Federal Motor Vehicle Safety Standard**

The National Highway Traffic Safety Administration has decided not to grant the petition by General Motors Corporation ("GM") to modify the temporary exemption from Federal Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, granted Motor Coach Industries ("MCI").

Notice of the petition was published on July 7, 1975 (49 FR 28504), and an opportunity afforded for comments.

By an order published March 18, 1975 (40 FR 12307), the Administrator granted MCI and TMC (an allied corporation) "NHTSA Temporary Exemption Nos. 75-6A for MC5-B buses, expiring May 1, 1975, and 75-6B for MC-8 buses, expiring September 1, 1975, from Motor Vehicle Safety Standard No. 121 (paragraph S5.3.1 only)." GM asked that the scope of the exemption be narrowed and that the MC-8 buses be retrofitted to comply with Standard No. 121. Specifically, GM stated that MCI's problem concerned only the lightly loaded third axle and that "MCI should be required to meet all the requirements of FMVSS 121 including the majority of S5.3.1 except for the lightly loaded third axle which should be exempted only from the 'no-lockup' requirements of S5.3.1." In addition GM argued that "once the problem with the . . . computer on the third axle has been resolved, MCI should be able to retrofit each MC-8 bus manufactured during the exemption period and thus

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bring each of the buses into complete compliance with FMVSS 121." GM believed that "such a requirement would significantly alleviate the serious competitive disadvantages which non-exempt intercity bus manufacturers and their customers will experience during the exemption period," thus reducing "the substantial manufacturing cost and owner maintenance cost differences between exempt and non-exempt intercity buses." Finally it argued that retrofitting is in the public interest since the vehicles concerned are public conveyances that will be in continuous use over many years.

On July 7, 1975, the Administrator announced that he was considering granting GM's request in part. With respect to modifying the total exemption from S5.3.1, *Stopping distance-trucks and buses*, the NHTSA understood that MCI was, in fact, complying with all portions of S5.3.1 except the portion prohibiting lockup of the third axle. The NHTSA had also learned that MC-8 coaches produced by TMC and one-half of MCI's MC-8 production since the grant of the exemption had conformed with standard No. 121. NHTSA understood also that around July 1, 1975, MCI intended to install an anti-lock wiring harness as part of its production process. The Administrator therefore considered terminating Temporary Exemption No. 75-6B and issuing a new exemption that would expire September 1, 1975, conditioned upon retrofit by January 1, 1976, of all vehicles produced under the new exemption. The proposed effective date was the date of issuance of the new exemption.

Comments were received only from GM and MCI. GM again reiterated its original request that MCI be required to retrofit all non-conforming buses produced under the exemption. MCI advises that "they are phasing the anti-skid on all MC-8 coaches on the start of the assembly line as per June 25, 1975 with delivery to the customer scheduled for August 5, 1975." It therefore appears that MCI has acted in good faith to comply with Standard No. 121 in advance of the expiration of Exemption No. 75-6B, and that all its production will conform not later than August 5, 1975. The NHTSA therefore has determined that events have made unnecessary or impracticable the action proposed on July 7, 1975, and GM's petition is therefore denied.

(Sec. 3, Pub. L. 92-548; 86 Stat. 1159 (15 U.S.C. 1417); delegation of authority at 49 CFR 1.51.)

Issued on August 27, 1975.

ROBERT L. CARTER,  
Acting Administrator.

[FR Doc. 75-23125 Filed 8-29-75; 8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket 26510]

**DOMESTIC NIGHT COACH FARE INVESTIGATION**

**Notice of Hearing**

Notice is hereby given, pursuant to the provisions of the Federal Aviation

Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 29, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 21, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 26, 1975.

[SEAL] GREER M. MURPHY,  
Administrative Law Judge.

[FR Doc. 75-23175 Filed 8-29-75; 8:45 am]

**ENVIRONMENTAL PROTECTION AGENCY**

[OPP-50028; FRL 423-1]

**HERCULITE PROTECTIVE FABRICS CORP.**

**Issuance of Experimental Use Permit**

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Herculite Protective Fabrics Corporation, New York, N.Y. 10910. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 8730-EUP-2) allows the use of a total of 5.09 pounds of chlorpyrifos on cockroaches and waterbugs in residential, commercial, industrial, and institutional buildings. The program is authorized only in the States of California, Connecticut, Florida, Georgia, Indiana, Louisiana, Maryland, Michigan, New York, Oklahoma, Oregon, Tennessee, Texas, and Wisconsin. The experimental use permit is effective from August 3, 1975, to August 3, 1976.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: August 26, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 75-23073 Filed 8-29-75; 8:45 am]



OPP 50030; FRL 423-3]

**MOBIL-CHEMICAL CO.****Issuance of Experimental Use Permit**

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Mobil Chemical Company, Richmond, Virginia 23261. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 2224-EUP-8) allows the use of 1,000 pounds of ethopropion sugarcane to control nematodes and wireworms. A total of 250 acres is involved; the program is authorized only in Florida. The experimental use permit is effective from August 13, 1975, to August 13, 1976. A permanent tolerance for residues of the active ingredient in or on the raw agricultural commodity has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: August 26, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 75-23074 Filed 8-29-75; 8:45 am]

[OPP-50026; FRL 423-2]

**NORTH DAKOTA STATE UNIVERSITY****Issuance of Experimental Use Permit**

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to North Dakota State University, Fargo, North Dakota 58102. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 25963-EUP-2) allows the use of 4 pounds of carbaryl (1-naphthyl methylcarbamate) on rangeland to control grasshoppers. A total of 50 acres is involved; the program is authorized only in North Dakota. This permit is being issued with the understanding that treated rangeland will not be used for grazing purposes. The experimental use permit is effective from August 11, 1975, to June 20, 1976.

**NOTICES**

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: August 26, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 75-23075 Filed 8-29-75; 8:45 am]

[OPP-50026; FRL 422-8]

**PHOSTOXIN SALES, INC.****Issuance of Experimental Use Permit**

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Phostoxin Sales, Inc., Minneapolis, Minnesota 55435. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 5857-EUP-2) allows the use of 196.04 pounds of aluminum phosphide on various insects on stored grain. The total amount of stored grain is approximately 300,000 bushels; the program is authorized only in the States of Louisiana, Oregon, and Texas. The experimental use permit is effective from August 9, 1975, to August 9, 1976. Tolerances have been established for residues of the pesticide chemical on the raw agricultural commodities to be treated.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: August 26, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 75-23076 Filed 8-29-75; 8:45 am]

[OPP-50031; FRL 423-4]

**UNION CARBIDE CORP.****Issuance of Experimental Use Permit**

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973;

7 U.S.C. 136), an experimental use permit has been issued to Union Carbide Corporation, Washington, D.C. 20006. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1016-EUP-32) allows the use of 600 pounds of carbaryl (1-Naphthyl methylcarbamate) on cotton. A total of 120 acres is involved; the program is authorized only in Texas. The experimental use permit is effective from August 13, 1975, to February 27, 1976. Permanent tolerances for residues of the pesticide chemical in or on cottonseed and forage have been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: August 26, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 75-23077 Filed 8-29-75; 8:45 am]

[OPP-180047; FRL 422-4]

**MINNESOTA DEPARTMENT OF AGRICULTURE****Issuance of Specific Exemption To Control Wild Rice Worm**

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Minnesota Department of Agriculture (hereafter referred to as the "Applicant") to use Malathion for the control of the wild rice worm (*Apamea apamiformis*) which is destroying the commercial wild rice crop in twenty (20) counties in Minnesota. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-347, Washington DC 20460.

**NOTICES**

40195

The State of Minnesota, through the Applicant, has requested permission from EPA to treat 25,000 acres of its wild rice crop infested with the wild rice worm with a Malathion formulation. No registered pesticides or alternative methods of control are presently available to control this pest. However, application of Malathion EC formulation on grain crops, including rice, is a registered use pattern. The recommended dosage rate for control of several insects on grains is 1.0 pound of actual Malathion per acre, which is the amount of actual ingredient the Applicant will use. A tolerance of 8.0 ppm has been established for Malathion on domestic rice.

The twenty counties to be treated are: Aitkin, Beltrami, Carlton, Cass, Clearwater, Crow Wing, East Polk, Hubbard, Isanti, Itasca, Kanabec, Koochiching, Lake of the Woods, Mill Lake, Morrison, Pennington, Pine, Red Lake, Saint Louis, and Wadena. The pesticide will be applied aerially in an emulsifiable concentrate spray. EPA Region V personnel will assist the Applicant in monitoring the program, which will begin in less than six weeks and will be completed within 10 days.

Economic statements provided by the Applicant have indicated that the 25,000 acre commercial wild rice crop is expected to yield a total of 4 to 5 million pounds of green rice valued at 4 to 5 million dollars. Without the use of Malathion, the economic loss to this crop attributable to the wild rice worm is estimated at 80 percent, i.e., as much as four (4) million dollars. A loss of this magnitude would constitute complete crop failure.

The proposed use of Malathion EC should not cause any irreversible short term or long term adverse effects on the environment. The Fish and Wildlife Service, U.S. Department of the Interior, has reported that one endangered species, the Timber Wolf (*Canis lupus lycaon*), is found occasionally in the counties listed. In addition, two endangered migratory avian species, the Whooping Crane (*Grus americana*) and the Arctic Peregrine Falcon (*Falco peregrinus tundrius*), pass through the area; however, both species will be located north of Minnesota during the rice growing season.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of wild rice worms has occurred; (b) there is no pesticide presently registered and available for use to control the wild rice worm in Minnesota; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the wild rice worms are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide listed above to the extent and in the manner set forth in the application. The exemption is also subject to the following restrictions:

(1) A Malathion EC product bearing labeling appropriate to aerial application will be used;

(2) A maximum of 35,000 pounds of actual Malathion will be used;

(3) The dosage rate shall not exceed one (1) pound of actual Malathion per acre per application;

(4) The counties to be treated are limited to the ones listed in this notice;

(5) Applications of Malathion are prohibited within seven (7) days of harvest;

(6) Wild rice grains with residue levels not exceeding 8.0 ppm may be offered in interstate commerce;

(7) Personnel of the Entomology Extension Service, University of Minnesota, will collect efficacy and residue data pursuant to seeking registration for this insect and use pattern under section 3 of the amended FIFRA; and

(8) The Applicant will avoid spraying over fish-bearing waters.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: August 26, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 75-23078 Filed 8-29-75; 8:45 am]

[OPP-180048; FRL 422-5]

**SOUTH DAKOTA STATE UNIVERSITY****Issuance of Specific Exemption To Control Grasshoppers**

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to South Dakota State University (hereafter referred to as the "Applicant") to use toxaphene to treat 20,000 acres of the commercial sunflower crop in South Dakota to control grasshopper populations. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-347, Washington, D.C. 20460.

The State of South Dakota, through the Applicant, has requested permission from EPA to treat 20,000 acres of the commercial sunflower crop with toxaphene to control various species of grasshopper populations which are significantly reducing the stand density of the crop; twenty-five (25) counties are in-

volved. There appear to be no viable alternative efficacious registered pesticides nor alternative methods of control available to control this pest.

The counties in which treatment may occur are: Beadle, Brookings, Brown, Campbell, Clark, Codington, Davison, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Hughes, Hyde, Kingsbury, Marshall, McPherson, Perkins, Potter, Roberts, Sully, and Walworth. The pesticide is to be applied by air and ground equipment by spray operators licensed by the State. The spray application will occur under the direction of State Extension Service entomologists. Economic analyses based on projected figures from the U.S. Department of Agriculture indicate that, without the exemption, damage attributable to grasshopper feeding would constitute a complete crop failure on the affected 20,000 acres.

The proposed use of toxaphene, with the restriction against applications on or near water reservoirs, rivers, streams, or wetland areas, should not cause any irreversible short-term or long-term effects on the environment; the Office of Endangered Species, U.S. Department of the Interior (USDI), reports that no endangered species are known to be present in the proposed pesticide treatment area. However, it should be noted that, according to the Fish and Wildlife Service, USDI, the proposed treatment area contains 700,000 acres of wetlands which comprise a major breeding area for migratory waterfowl. The Fish and Wildlife Service (FWS) estimates that there are 1.5 million breeding ducks currently in the treatment area. There are also two National Waterfowl Sanctuaries (Waubesa in Day County and Sand Lake in Brown County) and an area where the FWS is attempting to establish a resident population of Canadian geese. Consultations with the Applicant have indicated that the restriction against spraying in or near wetland areas will be likely to minimize possible adverse impact on these waterfowl.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of grasshoppers on sunflowers has occurred; (b) there is no pesticide presently registered and available for use to control the grasshopper populations in South Dakota; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic loss to the commercial sunflower crop is likely to occur if the grasshoppers are not controlled; and (e) the time available for action to mitigate the problem posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 1, 1975, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

(1) The dosage rate shall not exceed 2.0 pounds per acre actual toxaphene;

(2) The treated acreage shall not exceed 20,000 acres;



(3) The counties to be treated are limited to those listed in this notice;

(4) Leaves and stalks of the treated sunflower crops are not to be used for livestock feed;

(5) The Applicant must supervise any aerial application to avoid or minimize drift to non-target areas;

(6) The Applicant is responsible for collecting data on the efficacy of the toxaphene spray program and will submit a report of the results to the Registration Division by December 1, 1975;

(7) Personnel of EPA Region VIII shall be informed of the times and places of toxaphene applications so that monitoring activities of EPA can be coordinated with those of the Applicant; and

(8) A residue level not to exceed 7.0 ppm in or on sunflower seeds has been determined to be adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education and Welfare, has been advised of the action. Sunflower seeds not exceeding this level may be offered in interstate commerce.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: August 26, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 75-23079 Filed 8-29-75; 8:45 am]

[OPP-180-49; FRL 422-6]

#### TEXAS PARKS AND WILDLIFE DEPARTMENT

##### Issuance of Specific Exemption To Control Water Hyacinths and Alligatorweed

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Texas Parks and Wildlife Department (hereafter referred to as the "Applicant") to use 2,4-D (2,4-Dichlorophenoxyacetic acid) herbicide to control water hyacinths and alligatorweed infesting nonmoving waters in the North Coastal area of Texas. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal or State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-347, Washington, D.C. 20460.

Water hyacinth, *Eichhornia crassipes* (Mart) Solms, and alligatorweed, *Alternanthera philoxeroides* (Mart) Griesb, infestations adversely affect navigation, drainage, irrigation, recreation, and public health. Numerous complaints concerning these infestations have been brought to the attention of State representatives by local communities and individuals. The weed infestations result in the inaccessibility of boat docking facilities and fishing waters and introduce boating hazards. The weeds clog irrigation and drainage channels as well. There are indications that high densities of these aquatic weeds provide habitat for large populations of Anopheline mosquitoes which are potential disease vectors. Aquatic weeds in these waters are a problem because the warm climate provides for nearly continuous plant growth.

The herbicide 2,4-D appears to be the most efficient means of controlling water hyacinth; the *Agasicles* flea beetle has not effected control of alligatorweed when used alone, but exerts some control when integrated with a chemical control program. The butoxyethanol ester (B.E.E.) formulation of 2,4-D is the only chemical that will be used. The formulation does not require surfactants, anti-foam agents, or oil-based "spreader-sticker" additives.

The formulation will be applied by tank-equipped boats with the required amount of 2,4-D B.E.E. The material will be applied at low pressure and low volume to reduce the amount of rapidly biodegradable material of this 0.5-0.75% formulation getting into the water. Approximately 200 gallons (800 pounds acid equivalent) will be required to control some 266 acres of water hyacinths and 500 gallons (2,000 pounds acid equivalent) to treat 675 acres of alligatorweed. The alligatorweed suppression program will utilize the *Agasicles* flea beetle in an integrated chemical and biological control program. Areas to be treated are nonmoving waters of lakes, ponds, marsh areas, coastal bayous, and ox-bow lakes or sloughs in the North Coastal area of Texas. The principal areas proposed for treatment are Lake Corpus Christi, Guadalupe River at Port Lavaca, and Lake Livingston on the Trinity River. All of these areas are nonmoving waters and are finalized by saltwater barriers or dams. The Applicant will conduct the herbicide applications under contract with the U.S. Corps of Engineers, Galveston District.

The Applicant alleged that annual economic benefits in the interest of recreation, restoration of waterfront land values, and restoration of lost water caused by transpiration of the weeds is approximately \$194,000.

The personnel performing the field work under contract to the U.S. Corps of Engineers have been highly trained in aquatic plant control work. No short-term or long-term irreversible environmental effects are anticipated as a result of this control program, which will commence upon notification of approval by the EPA.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of water hyacinths and alligatorweed has occurred; (b) there is no pesticide presently registered and available for use to control water hyacinths and alligatorweed in these areas in Texas; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic, environmental or health problems may result if the pests are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 31, 1975, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

(1) A butoxyethanol ester formulation (4 pounds acid equivalent) of 2,4-D will be applied from boats at the rate of 2.0 to 3.0 pounds acid equivalent per acre;

(2) The treatment areas are limited to those listed in this notice;

(3) Personnel of the Texas Parks and Wildlife Department experienced in aquatic weed control will supervise all control operations;

(4) No waters intended for human drinking supplies may be treated;

(5) Rice grain harvested from paddies irrigated with 2,4-D treated water may be offered in interstate commerce, provided that the interim tolerance of 0.1 ppm for 2,4-D residues is not exceeded; and

(6) A maximum of 2,800 pounds acid equivalent of the butoxyethanol ester of 2,4-D will be used.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: August 26, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 75-23080 Filed 8-29-75; 8:45 am]

[OPP-180050; FRL 422-7]

#### WASHINGTON STATE DEPARTMENT OF AGRICULTURE

##### Issuance of Specific Exemption To Control Twospotted Spider Mite

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") to use TEPP (tetraethyl pyrophosphate) for the control of twospotted spider mites which are threatening to destroy the 22,000 acre commercial hop

crop in three (3) counties in Washington State. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-347, Washington, D.C. 20460.

According to the Applicant, the twospotted spider mite (*Tetranychus urticae* Koch) is normally present in Washington hop yards. Climatic and growing conditions are ideal for development of a mite infestation. Although several miticides are registered for use on hops, Washington State University entomologists alleged that none of the registered miticides were viable options for one or more of various reasons: (1) the spider mites were resistant to the other miticides; (2) aerial applications were precluded because of ineffectiveness or labeling restrictions; and/or (3) the required pre-harvest interval excluded application at the time required. Ground pesticide applications were not feasible because of damage to hop foliage, lodged hops, and irrigation equipment. TEPP has prevented economic damage to the hop crop by this pest in previous years. The Applicant has requested to treat the 22,000 acre commercial hop crop with two (2) pounds of actual TEPP per acre in a single aerial application to suppress populations of the twospotted spider mite which are threatening to destroy one-third (1/3) of the commercial crop in Benton, Pierce, and Yakima Counties. The pesticide will be applied by licensed aerial applicators under the Applicant's supervision between August 10 and September 30, 1975. The time interval is mandated by variation in maturation periods of the crops. A three-day pre-harvest interval will be maintained.

The State of Washington produces about two-thirds of the national hop crop, which is worth approximately 50 million dollars to the growers. Therefore, the anticipated loss attributable to the mites of one-third of the Washington crop represents an economic loss of ten (10) million dollars, or twenty (20) percent of the value of the U.S. hop crop. The Applicant cited the following factors which contribute to a relatively low probability of exposure of man to harmful residues of TEPP from hops: (1) raw hops are never consumed by humans and hops are kiln-dried following harvest; (2) one-fourth pounds of hops are added to each thirty-one (31) gallons of beer, a 1:1,000 dilution by weight; and (3) fermentation in the brewing vats results in additional breakdown of pesticide resi-

dues. However, TEPP exhibits acute toxicity to fish and wildlife species, especially avian species. Accordingly, the Fish and Wildlife Service, U.S. Department of the Interior (USDI), has suggested that the Applicant establish liaison with the Washington State Departments of Fisheries and Game. Additionally, the Office of Endangered Species, USDI, has reported that the American Peregrine Falcon, *Falco peregrinus anatum*, an endangered species, is endemic within the three counties proposed for treatment.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of twospotted spider mites has or is about to occur; (b) there is no pesticide presently registered and available for use to control the twospotted spider mite in Washington State; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the twospotted spider mites are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1975, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

(1) Aerial applications of TEPP are limited to one (1) at the rate of two (2.0) pounds of actual ingredient per acre;

(2) Total acreage treated shall not exceed 22,000 acres;

(3) A maximum of 44,000 pounds of actual TEPP will be applied;

(4) Treatment area is limited to the three counties listed in this notice;

(5) No applications may occur within three (3) days of harvest of the hops;

(6) The Applicant is responsible for supervising all aerial applications;

(7) The Applicant is advised that the American Peregrine Falcon, an endangered species, is endemic to the treatment area and is at risk. Therefore, liaison shall be established among the Applicant and the Washington State Departments of Fisheries and Game to minimize any adverse effects on fish and wildlife resources; and

(8) Hops with residue levels not exceeding 0.1 ppm of TEPP may be offered in interstate commerce.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: August 26, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 75-23081 Filed 8-29-75; 8:45 am]

[OPP-33000-310; FRL 421-61]

#### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

##### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c) (1) (d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

On or before November 3, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street S.W., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this November 3, 1975.

Dated: August 21, 1975.

JOHN B. RITCH, JR.,  
Director, Registration Division.

##### APPLICATIONS RECEIVED

EPA File Symbol 15887-RT. Agricultural Chemicals of Dallas, 3707 E. Kiest Blvd., Dallas TX 75203. ALDRIN 4 EMULSIBLE CONCENTRATE INSECTICIDE. Active ingredients: Aldrin 48.4%; petroleum hydrocarbons 50.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

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EPA File Symbol 35506-R. Amico Chemical Co., PO Box 14225, 6123 England, Houston TX 77021. AMOTOX NO. 7 INSECT SPRAY. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.50%; beta butoxy beta thioacyano diethyl ether 1.25%; deodorized mineral spirits 98.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 34974-E. Downeast Chemical Co., Agricultural Div., PO Box 400, Princeton NJ 08540. CYPREX TECHNICAL FRUIT FUNGICIDE. Active Ingredients: Dodine (n-todecylguanidine acetate) 95.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 7964-45. BASF-Wyandotte Corp., 100 Cherry Hill Rd., Parsippany NJ 07054. BASAGRAN. Active Ingredients: Sodium salt of benzofen 44.3%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 34973-E. Downeast Chemical Co., 233 Oxford St., Portland ME 04111. ALGE-X. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 33916-R. L. W. Gardiner and Son's, 1074 23rd St., Ogden UT 84401. GARDINER ROACH POWDER. Active Ingredients: 72% in the form of borax. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 35103-R. Hudson's Pest Control Products, 1754 Melburn St., Detroit MI 48238. HUDSON'S ROACH & INSECT KILLER. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; pyrethrins 0.052%; piperonyl butoxide, technical 0.251%; petroleum distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 36724-R. Machenico, 60 Kathryn Dr., Marietta GA 30060. POOL-SIDE 2001 CONCENTRATED SWIMMING POOL ALGACIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-alkyl (60% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; ethyl alcohol 2.5%. Method of Support changed from 2(b) to 2(c) of interim policy. PM24

EPA File Symbol 36724-R. Machenico, 60 Kathryn Dr., Marietta GA 30060. POOL-SIDE 2001 CONCENTRATED SWIMMING POOL ALGACIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-alkyl (60% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; ethyl alcohol 2.5%. Method of Support changed from 2(b) to 2(c) of interim policy. PM24

EPA File Symbol 36724-R. Machenico, 60 Kathryn Dr., Marietta GA 30060. POOL-SIDE 2001 CONCENTRATED SWIMMING POOL ALGACIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-alkyl (60% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; ethyl alcohol 2.5%. Method of Support changed from 2(b) to 2(c) of interim policy. PM24

EPA File Symbol 36724-R. Machenico, 60 Kathryn Dr., Marietta GA 30060. POOL-SIDE 2001 CONCENTRATED SWIMMING POOL ALGACIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-alkyl (60% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; ethyl alcohol 2.5%. Method of Support changed from 2(b) to 2(c) of interim policy. PM24

EPA File Symbol 36724-R. Machenico, 60 Kathryn Dr., Marietta GA 30060. POOL-SIDE 2001 CONCENTRATED SWIMMING POOL ALGACIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-alkyl (60% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; ethyl alcohol 2.5%. Method of Support changed from 2(b) to 2(c) of interim policy. PM24

EPA Reg. No. 476-2158. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. IMIDAN 70-WP. Active Ingredients: N-(mercaptomethyl)phthalimide, S-(O,O-dimethyl phosphorodithioate) 70%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 148-549. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. BHC W-12. Active Ingredients: Gamma isomer benzene hexachloride 12.0%; other isomers of benzene hexachloride 54.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 7631-RG. Walnut Grove Prod., Div. of W. R. Grace & Co., 201 Linn St., Atlantic IA 50022. WALNUT GROVE "4x4" BEEF SHAKE 31 (F). Active Ingredients: Phenothiazine 0.2939%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 7631-RU. Walnut Grove Products, WALNUT GROVE "4x4" BEEF SHAKE 32 (F). Active Ingredients: Phenothiazine 0.2939%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 7631-RA. Walnut Grove Products, WALNUT GROVE "4x4" BEEF SHAKE 31 (F)—LSL. Active Ingredients: Phenothiazine 0.2939%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

[FR Doc.75-22936 Filed 8-29-75; 8:45 am]

[FRL 424-2; OPP-50027]

#### MONSANTO CO.

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Monsanto Company, St. Louis, Missouri 63166. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 173; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 524-EUP-18) allows the use of 73,950 pounds of glyphosate (N,N-bis(phosphonomethyl)glycine) on sugarcane. A total of 17,620 acres is involved; the program is authorized only in the States of Florida, Hawaii, Louisiana, Puerto Rico, and Texas. The experimental use permit is effective from July 24, 1975, to July 24, 1976. A tolerance has been established for residues of the pesticide chemical on the raw agricultural commodity to be treated.

Interested parties wish to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/735-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 27, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.75-23193 Filed 8-29-75; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

##### RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

##### Notice of Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act,"

Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

Special Committee No. 68  
"Marine Radiotelephone Operator Education"  
Notice of 8th Meeting  
Wednesday, September 17, 1975—9:30 a.m.  
Conference Room 752  
1919 M Street, N.W.  
Washington, D.C.

#### AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Confirmation of Secretary.
3. Acceptance of SC-68 Summary Records.
4. Report on MRT Handbook Work Assignment.
5. Progress reports on Incompleted Work Assignments.
6. Discussion of problem areas.
7. Solicitation of additional Work Assignments.
8. Other business.
9. Establishment of next meeting date.

A. Newell Garden, Chairman, SC-68  
Raytheon Company  
141 Spring Street  
Lexington, Mass. 02173  
Phone: (617) 862-0600 (Ext. 414)

SC-65

SHIP RADAR  
Washington, D.C.

Wednesday, September 17, 1975

Members of Special Committee No. 65  
"SHIP RADAR"

Notice of 40th Meeting  
Wednesday, September 17, 1975—1:30 p.m.  
Conference Room 8210  
2020 M Street, N.W.  
Washington, D.C.

Agenda for SC-65 Committee Meeting appears on reverse side of this sheet.

Formal Meeting Schedule for SC-65 Working Groups to be held at 2025 M Street, N.W., Washington, D.C.

Working Group	Room	Date	Time
Collision avoidance (all day).	8210	Sept. 16	9:30 a.m.
Small boat specifications...	8210	Sept. 17	No.

If other Working Group meetings are scheduled, Group Members will be notified.

#### AGENDA

1. Call to Order; Chairman's Report; Adoption of Agenda
2. Acceptance of SC-65 Summary Records; Appointment of Rapporteur, 16 July 1975—Paper 114-75/SC 65-195
3. Progress Reports of Working Groups on:
  - a. Collision Avoidance Systems
  - b. Small Boat Specifications
4. Status Reports on Other Working Groups
5. Other business
6. Establishment of next meeting date (Proposed November 19, 1975)
7. Transponder Specifications—Paper 109-74/SC 65-168, Rev. E. Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554. Phone: (202) 632-7197

#### EXECUTIVE COMMITTEE MEETING

Thursday, September 18, 1975

The next Executive Committee Meeting will be on Thursday, September 18, 1975, at 1:45 p.m. in Conference Room 847, 1919 M Street, N.W., Washington, D.C.

#### AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Approval of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
5. Administrative Action Items.
6. Summary Reports and Announcements.
7. New business.
8. Establishment of next meeting date.

To comply with the advance notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490).

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,

Secretary.

[FR Doc.75-23138 Filed 8-29-75; 8:45 am]

[Docket No. 20570, File No. BPH-8721, etc.]

#### SHERWOOD BROADCASTING, INC., ET AL. Applications for Construction Permits; Consolidated Hearing

In re applications of Sherwood Broadcasting, Inc., Flint, Michigan, Docket No. 20570, File No. BPH-8721; requests: 92.7 MHz; Channel No. 224; 3 kW (H&V); 300 feet; WAMM, Inc., Flint, Michigan, Docket No. 20571, File No. BPH-8789; requests: 92.7 MHz; Channel No. 224; 3 kW (H&V); 300 feet; Flint Family Radio, Inc., Flint, Michigan, Docket No. 20572, File No. BPH-8855; requests: 92.7 MHz; Channel No. 224; 3 kW (H&V); 300 feet; Fuqua Communications, Inc., Flint, Michigan, Docket No. 20573, File No. BPH-9063; requests: 92.7 MHz; Channel No. 224; 3 kW (H&V); 300 feet; Flint Metro Mass Media, Inc., Flint, Michigan, Docket No. 20574, File No. BPH-9174; requests: 92.7 MHz; Channel No. 224; 3 kW (H&V); 300 feet, for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to

delegated authority, has before it the above-captioned applications for construction permits for a new FM radio station in Flint, Michigan. Also before the Commission are an informal objection to the application of Flint Family Radio, Inc. (Family), filed by Reverend Donald L. Eder, and an informal objection to the same application, filed by the Task Force on FM Applicants of the Interfaith Metropolitan Agency for Planning (Interfaith). Family has filed responsive comments to both objections.

2. Both informal objections to the Family application challenge that application on the basis of Family's religious nature. Reverend Eder, citing a newspaper article concerning the Family application, suggests that the applicant would discriminate against Catholics and Jews in the station's programming. This, Reverend Eder asserts, raises "serious questions" about the application. In response, Family states that the newspaper report "does not represent the presently proposed religious programming policies" of the applicant. Further, personnel changes within the applicant's board of trustees have resulted in amendments to the proposal which emphasize that "religious programs will be designed to serve all religious faiths" and that "representatives of (the Catholic and Jewish) faiths will be sought for panel discussions on religious topics so as to have a broad representation of viewpoints." It appears, therefore, that Reverend Eder's questions have been satisfactorily answered. Interfaith's objection is similar to Reverend Eder's although more general. In brief, it asserts that Family's operation will be dominated by a "sectarian viewpoint of Christianity to the exclusion of views other than its own." No supporting facts are cited in support of this claim. In response, Family reaffirms its policy of diversified religious programming and specifically states that "no one particular church or denomination shall be permitted to monopolize existing radio time."

In addition, Family indicates that it will rely on an Advisory Council of area residents "with diversity of communities, church affiliations and occupations" to provide input with respect to programming. Thus, it appears that Interfaith's objections have also been answered and no purpose would be served by further inquiry into the matter. Accordingly, both informal objections will be denied.

3. With respect to the application of Sherwood Broadcasting, Inc. (Sherwood), the applicant indicates that its general public survey was conducted by individuals who "were paid by the applicant." It appears from this statement that the interviewers were hired exclusively for the purpose of conducting the survey. Such a practice has been determined to be invalid. *Voice of Dixie, Inc.* 47 F.C.C. 2d 526 (1974); see also question and answer 11(b). *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971). Thus, an issue against Sherwood

will be added to permit inquiry into the extent of Sherwood's compliance with the Commission's ascertainment policy.

4. With respect to the application of WAMM, Inc. (WAMM), the list of community leaders interviewed includes only one labor leader, one industrial leader, and no students.<sup>1</sup> WAMM's demographic showing indicates that these are significant groups in the Flint area. Although no fixed number or formula has been established regarding the necessary representation of community groups, it does not appear that WAMM's list of community leaders adequately reflects the composition of Flint. In addition, the applicant has not indicated the specific problems and needs to which its proposed programming will be responsive. Further, the time segment and frequency of one of the two proposed programs are not indicated. This information is required by question and answer 29 of the *Primer*. Accordingly, an appropriate issue will be added.

5. Fuqua Communications, Inc. (Fuqua), proposes to locate its main studio at the site of standard broadcast station WTAC, Flint, Michigan, of which Fuqua is the licensee. The WTAC studio is located approximately 2.5 miles outside the Flint city limits, and thus Fuqua must make a showing of good cause in support of its proposal. See section 73.210(a)(3) of the rules. In its statement regarding its proposed studio location, Fuqua indicates that the WTAC site is readily accessible and serviceable. In addition, it appears that the rule in question generally endorses such co-location of commonly owned AM and FM stations. *Id.*; see also, *FM-TV Main Studio Moves*, 27 F.C.C. 2d 851, 854 (1971). Accordingly, we find that good cause has been demonstrated, pursuant to section 73.210(a)(3), for the location of the studio as proposed by Fuqua.

6. Sherwood proposes a program format of "standard pops," while Fuqua proposes general "contemporary" programming. Metro and WAMM, on the other hand, propose operations which will be "Black-oriented" or "directed primarily toward the Black community." Finally, Family proposes to present religious music and inspirational programming during approximately 70 percent of its broadcast time. The relative need for these different types of programming will be considered under the standard comparative issue. *Ward L. Jones*, FCC 67-82 (1967); *Policy Statement on Comparative Broadcast Hearings*, 1 F.C.C. 2d 393, 397, n.9 (1965).

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be dominated

<sup>1</sup> Although an amendment to the application includes several representatives from these groups, the individuals who conducted these interviews are not identified. Since compliance with the requirements of the Commission's *Primer* is thus unclear, the additional interviews cannot be deemed valid. See question and answer 11(a) of the *Primer*.



## NOTICES

for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, IT IS ORDERED, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the efforts made by Sherwood Broadcasting, Inc., to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

(2) To determine the efforts made by WAMM, Inc., to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

(3) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. IT IS FURTHER ORDERED, That the informal objections of Reverend Donald L. Eder and the Task Force on FM Applicants of the Interfaith Metropolitan Agency for Planning ARE DENIED.

10. IT IS FURTHER ORDERED, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. IT IS FURTHER ORDERED, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: August 7, 1975.

Released: August 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 75-23135 Filed 8-23-75; 8:45 am]

### TV AND FM TRANSLATOR APPLICATIONS

#### Ready and Available for Processing

Notice is hereby given, pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on October 16, 1975, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and

§ 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 15, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on October 15, 1975.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: August 25, 1975.

Released: August 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

#### FM TRANSLATOR APPLICATIONS

- BPFT-170 New, Monticello and Bland-  
ing, Utah.  
Black Oil Company.  
Req: Channel 288A, 105.5  
MHz, 10 watts.  
Primary: KSL-FM, Salt Lake  
City, Utah.
- BPFT-193 New, Colstrip, Mont.  
Colstrip TV Club.  
Req: Channel 252A, 98.3  
MHz, 10 watts.  
Primary: KURL-FM, Bill-  
ings, Mont.
- BPFT-198 New, Prescott, Ariz.  
Prescott Area Antenna Tele-  
vision, Inc.  
Req: Channel 261A, 100.1  
MHz, 10 watts.  
Primary: KOOL-FM, Phoe-  
nix, Ariz.
- BPFT-199 New, Prescott, Ariz.  
Prescott Area Antenna Tele-  
vision, Inc.  
Req: Channel 276A, 103.1  
MHz, 10 watts.  
Primary: KBBC(FM), Phoe-  
nix, Ariz.
- BPFT-200 New, Prescott, Ariz.  
Prescott Area Antenna Tele-  
vision, Inc.  
Req: Channel 288A, 105.5  
MHz, 10 watts.  
Primary: KHOP-FM, Phoe-  
nix, Ariz.
- BPFT-201 New, Prescott, Ariz.  
Prescott Area Antenna Tele-  
vision, Inc.  
Req: Channel 296A, 107.1  
MHz, 10 watts.  
Primary: KNIX(FM), Phoe-  
nix, Ariz.
- BPFT-211 New, San Bernardo, Calif.  
KFAC, Inc.  
Req: Channel 272A, 102.3  
MHz, 1 watt.  
Primary: KFAC-FM, Los An-  
geles, Calif.
- BPFT-213 New, Thousand Oaks, Calif.  
KFAC, Inc.  
Req: Channel 269A, 101.7  
MHz, 1 watt.  
Primary: KFAC-FM, Los An-  
geles, Calif.

- BPFT-215 New, Boulder, Mont.  
Boulder Television Associa-  
tion.  
Req: Channel 296A, 107.1  
MHz, 1 watt.  
Primary: KBOW-FM, Butte,  
Mont.
- BPFT-216 New, Hawthorne, Nev.  
Western Inspirational Broad-  
casters, Inc.  
Req: Channel 240A, 95.9  
MHz, 10 watts.  
Primary: KNIS(FM), Carson  
City, Nev.
- BPFT-218 New, Olympia, Wash.  
KIXI, Inc.  
Req: Channel 285A, 104.9  
MHz, 10 watts.  
Primary: KIXI-FM, Seattle,  
Wash.
- BPFT-221 New, Toole, Glacier, and Lib-  
erty Counties, Mont.  
East Butte TV Club.  
Req: Channel 269A, 101.7  
MHz, 10 watts.  
Primary: KOPR-FM, Great  
Falls, Mont.
- BPFT-222 New, Resort area near the  
mouth of the west fork of  
the Gallatin River and re-  
sort area above the middle  
fork of the Gallatin River,  
Mont.  
Big Sky of Montana, Inc.  
Req: Channel 257A, 99.3  
MHz, 1 watt.  
Primary: KBOW-FM, Butte,  
Mont.
- BPFT-223 New, Rhinelander, Wis.  
Headwaters Christian Youth.  
Req: Channel 288A, 105.5  
MHz, 1 watt.  
Primary: WWIB(FM), Lady-  
smith, Wis.
- BPFT-224 New, Mammoth Hot Springs,  
Wyo.  
Mammoth Community TV  
and FM.  
Req: Channel 288A, 105.5  
MHz, 10 watts.  
Primary: KURL-FM, Bill-  
ings, Mont.
- BPFT-225 New, Delta, Utah.  
Millard County, Utah.  
Req: Channel 292A, 106.3  
MHz, 10 watts.  
Primary: KLUB-FM, Salt  
Lake City, Utah.
- BPFT-226 New, Soda Springs, Grace,  
and Bancroft, Idaho.  
Caribou County TV Associa-  
tion.  
Req: Channel 272A, 102.3  
MHz, 10 watts.  
Primary: KLUB-FM, Salt  
Lake City, Utah.
- BPFT-227 New, Soda Springs, Grace,  
and Bancroft, Idaho.  
Caribou County TV Associa-  
tion.  
Req: Channel 292A, 106.3  
MHz, 10 watts.  
Primary: KRSP-FM, Salt  
Lake City, Utah.
- BPFT-228 New, Soda Springs, Grace,  
and Bancroft, Idaho.  
Caribou County TV Associa-  
tion.  
Req: Channel 296A, 107.1  
MHz, 10 watts.  
Primary: KSOP-FM, Salt  
Lake City, Utah.

- BPFT-229 New, Seattle, Wash.  
Dena Pictures, Inc. and Alex-  
ander Broadcasting Co., a  
Joint Venture d/b/a Kaye-  
Smith Enterprises.  
Req: Channel 283C, 104.5  
MHz, 10 watts.  
Primary: KISW(FM), Seat-  
tle, Wash.
- BPFT-230 New, Everett, Wash.  
Dena Pictures, Inc. and Alex-  
ander Broadcasting Co., a  
Joint Venture d/b/a Kaye-  
Smith Enterprises.  
Req: Channel 278C, 103.5  
MHz, 10 watts.  
Primary: KISW(FM), Seat-  
tle, Wash.
- BPFT-231 New, Tacoma, Wash.  
King's Garden, Inc.  
Req: Channel 284C, 104.7  
MHz, 10 watts.  
Primary: KBIQ(FM), Ed-  
monds, Wash.
- BPFT-232 New, Everett, Wash.  
King's Garden, Inc.  
Req: Channel 284C, 104.7  
MHz, 10 watts.  
Primary: KBIQ(FM), Ed-  
monds, Wash.
- BPFT-233 New, Kayenta, Ariz.  
Kayenta Television Associa-  
tion.  
Req: Channel 292A, 106.3  
MHz, 1 watt.  
Primary: KOBF-FM, Albu-  
querque, N. Mex.
- BPFT-234 New, Imlay and Lovelock,  
Nev.  
Western Inspirational Broad-  
casters, Inc.  
Req: Channel 249A, 97.7  
MHz, 10 watts.  
Primary: KNIS(FM), Carson  
City, Nev.
- BPFT-235 New, Cokeville and area  
South to Randolph, Utah.  
Cokeville Television Corp.  
Req: Channel 296A, 107.1  
MHz, 1 watt.  
Primary: KSOP-FM, Salt  
Lake City, Utah.
- BPFT-236 New, Mammoth Hot Springs,  
Wyo.  
Mammoth Community TV  
and FM Association.  
Req: Channel 280A, 103.9  
MHz, 10 watts.  
Primary: KMTN(FM), Jack-  
son, Wyo.
- BPFT-237 New, Richfield and Monroe,  
Utah.  
Sevier County, Utah.  
Req: Channel 292A, 106.3  
MHz, 10 watts.  
Primary: KLUB-FM, Salt  
Lake City, Utah.
- BPFT-238 New, Beaver, Utah.  
Beaver Lions Club Television  
Committee.  
Req: Channel 296A, 107.1  
MHz, 10 watts.  
Primary: KALL-FM, Salt  
Lake City, Utah.
- BPFT-239 New, Appleton and Neenah,  
Wis.  
Fox Cities Christian Radio,  
Inc.  
Req: Channel 237A, 95.3  
MHz, 1 watt.  
Primary: WRVM-FM, Suring,  
Wis.
- FM BOOSTER APPLICATIONS
- BPFTB-6 New, San Pedro, Calif.  
Jack Barry d/b/a KKOP-FM.  
Req: Channel 228A, 93.5  
MHz, 10 watts.  
Primary: KKOP-FM, Redon-  
do Beach, Calif.

## NOTICES

- UHF TV TRANSLATOR APPLICATIONS
- BPTT-2450 New, Fajardo, P.R.  
WSTE-TV, Inc.  
Req: Channel 56, 100 watts.  
Primary: KTVA-TV, Fajardo,  
P.R.
- BPTT-2467 New, New York, N.Y.  
Blonder-Tongue Broadcast-  
ing Corp.  
Req: Channel 66, 1,000 watts.  
Primary: WBTB-TV, Newark,  
N.J.
- BPTT-2744 New, Apalachin, N.Y.  
Board of Cooperative Educa-  
tional Services of Broome-  
Delaware-Tioga Counties,  
N.Y.  
Req: Channel 69, 1 watt.  
Primary: WSKG(TV), Bing-  
hamton, N.Y.
- BPTT-2747 New, Mahne, N.Y.  
Board of Cooperative Educa-  
tional Services of Broome-  
Delaware-Tioga Counties,  
N.Y.  
Req: Channel 62, 1 watt.  
Primary: WSKG(TV), Bing-  
hamton, N.Y.
- BPTT-2752 New, Kattleville, N.Y.  
Board of Cooperative Educa-  
tional Services of Broome-  
Delaware-Tioga Counties,  
N.Y.  
Req: Channel 59, 10 watts.  
Primary: WSKG(TV), Bing-  
hamton, N.Y.
- BPTT-2753 New, Endicott, N.Y.  
Board of Cooperative Educa-  
tional Services of Broome-  
Delaware-Tioga Counties,  
N.Y.  
Req: Channel 69, 10 watts.  
Primary: WSKG(TV), Bing-  
hamton, N.Y.
- BPTT-2754 New, East Binghamton, N.Y.  
Board of Cooperative Educa-  
tional Services of Broome-  
Delaware-Tioga Counties,  
N.Y.  
Req: Channel 63, 10 watts.  
Primary: WSKG(TV), Bing-  
hamton, N.Y.
- BPTT-2764 K82AR, Durango, Colo.  
Durango Television Transla-  
tor, Durango Junior Cham-  
ber of Commerce, Inc.  
Req: Channel 55, 20 watts.  
Add Animas Valley, Colo., as  
Principal community.
- BPTT-2790 New, Twin Falls, Idaho.  
KTVB, Inc.  
Req: Channel 57, 100 watts.  
Primary: KTVB(TV), Boise,  
Idaho.
- BPTT-2794 New, Bastian, Va.  
Blue Ridge ETV Association.  
Req: Channel 69, 10 watts.  
Primary: WBERA-TV, Roa-  
noke, Va.
- BPTT-2820 New, Arroyo and Lower Ca-  
ballo Dam Area, New Mex-  
ico.  
New Mexico Broadcasting  
Co.  
Req: Channel 64, 100 watts.  
Primary: KGGM(TV), Albu-  
querque, N. Mex.
- BPTT-2823 New, Sterling, interfacing  
with Clam Gulch, Alaska.  
State of Alaska Department  
of Public Works.  
Req: Channel 81, 10 watts.  
Primary: KENI(TV), An-  
chorage, Alaska.

- BPTT-2824 New, Sterling, interfacing  
with Clam Gulch, Alaska.  
State of Alaska Department  
of Public Works.  
Req: Channel 69, 10 watts.  
Primary: KTVA-TV, An-  
chorage, Alaska.
- BPTT-2844 New, Lone Pine, Calif.  
Lone Pine Television, Inc.  
Req: Channel 56, 20 watts.  
Primary: KTLA(TV), Los  
Angeles, Calif.
- BPTT-2845 New, Rawlins and Rural  
Carbon County, Wyo.  
Jeffrey City Community TV  
Association, c/o Sweet-  
water Community Council.  
Req: Channel 58, 100 watts.  
Primary: KOAT(TV), Denver  
Colo.
- BPTT-2846 New, Horse Springs Store and  
Ranch Area, New Mexico.  
Hubbard Broadcasting, Inc.  
Req: Channel 69, 100 watts.  
Primary: KOBT-TV, Albu-  
querque, N. Mex.
- BPTT-2849 New, Hagerman, Idaho.  
Hagerman Translator Dis-  
trict.  
Req: Channel 63, 100 watts.  
Primary: KBCI(TV), Boise,  
Idaho.
- BMPTT-801 W32A, Aguadilla, P.R.  
Telemundo Inc.  
Req: Add Aguadilla, P.R. as  
principal community.
- VHF TV TRANSLATOR APPLICATIONS
- BPTTV-4920 New, Wells, Nev.  
Washoe Enclave.  
Req: Channel 8, 10 watts.  
Primary: KERO-TV, Reno,  
Nev.
- BPTTV-5022 New, Murry Canyon and  
Campton Street Areas in  
Elk and McGill, Nev.  
White Pine Television Dis-  
trict #1.  
Req: Channel 13, 10 watts.  
Primary: KLVX(TV), Las  
Vegas, Nev.
- BPTTV-5107 K07GA, Soldatna, Kaslof,  
and Kenai, Alaska.  
Northern Television, Inc.  
Req: Channel 9, 10 watts.  
Primary: KPVU(TV), E-  
tello, Idaho.
- BPTTV-5248 New, Crawford and Lamo-  
ne, Colo.  
Grand Mesa Television.  
Req: Channel 9, 1 watt.  
Primary: KOAA-TV, Pueblo,  
Colo.
- BPTTV-5259 New, Gallup, N. Mex.  
Hubbard Broadcasting, Inc.  
Req: Channel 6, 100 watts.  
Primary: KOBT-TV, Albu-  
querque, N. Mex.
- BPTTV-5262 New, Silver City, N. Mex.  
New Mexico Broadcasting  
Company.  
Req: Channel 10, 100 watts.  
Primary: KGGM-TV, Albu-  
querque, N. Mex.
- BPTTV-5266 New, Beowawe and Cres-  
cent Valley, Nev.  
Carlin TV District.  
Req: Channel 9, 10 watts.  
Primary: KTVB-TV, Boise,  
Idaho.

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- BPTTV-5275 New, unincorporated villages of Riverside and Raymond, Colo.  
Platte Valley Farm Supply Company d b a Translator TV, Inc.  
Req: Channel 3, 1 watt.  
Primary: KMGH-TV, Denver, Colo.
- BPTTV-5276 New, unincorporated villages of Riverside and Raymond, Colo.  
Platte Valley Farm Supply Company d b a Translator TV, Inc.  
Req: Channel 8, 1 watt.  
Primary: KOA-TV, Denver, Colo.
- BPTTV-5277 New, unincorporated villages of Riverside and Raymond, Colo.  
Platte Valley Farm Supply Company d b a Translator TV, Inc.  
Req: Channel 10, 1 watt.  
Primary: KWGN-TV, Denver, Colo.
- BPTTV-5278 New, unincorporated villages of Riverside and Raymond, Colo.  
Platte Valley Farm Supply Company d b a Translator TV, Inc.  
Req: Channel 12, 1 watt.  
Primary: KBTV-TV, Denver, Colo.
- BPTTV-5279 New, Hoopa Valley, Calif.  
Hoopa Valley Chamber of Commerce.  
Req: Channel 2, 5 watts.  
Primary: KBHK-TV, Oak-Calf.
- BPTTV-5284 New, Potter Valley, Calif.  
Potter Valley Television Association.  
Req: Channel 4, 1 watt.  
Primary: KBHK-TV, Oak-Calf.
- BPTTV-5291 New, Kayenta, Ariz.  
Kayenta TV Association.  
Req: Channel 4, 1 watt.  
Primary: KGGM-TV, Albuquerque, N. Mex.
- BPTTV-5292 New Kayenta, Ariz.  
Kayenta TV Association.  
Req: Channel 13, 1 watt.  
Primary: KOAI-TV, Flagstaff, Ariz.
- BPTTV-5295 New, Paradise Valley, Nev.  
Humboldt County Television Maintenance Board.  
Req: Channel 2, 5 watts.  
Primary: KBCI-TV, Boise, Idaho.
- BPTTV-5296 New, Paradise Valley, Nev.  
Humboldt County Television Maintenance Board.  
Req: Channel 11, 5 watts.  
Primary: KTVB-TV, Boise, Idaho.
- BPTTV-5301 New, Saratoga and Rural County, Wyo.  
Jeffrey City Community TV Association.  
Req: Channel 7, 5 watts.  
Primary: KOA-TV, Denver, Colo.
- BPTTV-5302 New, Jeffrey City and Rural Area, Wyo.  
Jeffrey City Community TV Association.  
Req: Channel 13, 10 watts.  
Primary: KOA-TV, Denver, Colo.

[FR Doc.75-23136 Filed 8-29-75, 8:45 am]

## FEDERAL ELECTION COMMISSION

[Notice 1975-38]

## NEW HAMPSHIRE SENATE ELECTION

Request for Opinion of Counsel;  
Solicitation of Public Comments

The Federal Election Commission today publishes an inquiry from the campaign manager for Mr. Louis Wyman in connection with the September 16, 1975 special Senatorial election in New Hampshire. Because of the imminence of that election, the Commission will respond to this inquiry on September 4, 1975. The Commission wishes to receive as much public response as is possible with regard thereto. Comment may be submitted in writing or by telephone to Mr. Bradley Litchfield, Assistant General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, telephone Area Code (202) 382-5657. The letter follows:

Dear Mr. Murphy:

This letter is our request for the Counsel's opinion on a series of questions. These arise from anticipated circumstances in the campaign to elect Mr. Louis Wyman in the special Senate Election in New Hampshire on September 16, 1975.

President Ford and former Governor Reagan may travel to New Hampshire. While here they may hold rallies, press conferences and attend public meetings. On these occasions they may appear with Louis Wyman and endorse his candidacy. Their expenses will not be paid by the Wyman-For Senate Committee which is the principal campaign committee for him.

## Our questions are:

1. Does this constitute a contribution in kind to the Wyman campaign?
- If so:
2. How is that contribution to be computed?
3. Does their travel to and from New Hampshire count?
4. What does a candidate do to avoid accepting this kind of contribution under the law?

We would appreciate your prompt response since decisions are being made daily which affect the points raised in this letter.

GEORGE YOUNG,  
Campaign Manager.

Source: Wyman for Senate, by George Young, Campaign Manager, P.O. Box 1457, Concord, New Hampshire 03301 (August 12, 1975).

Dated: August 28, 1975.

THOMAS E. CURTIS,  
Chairman, for the  
Federal Election Commission.

[FR Doc.75-23273 Filed 8-29-75, 8:45 am]

[Notice 1975-39]

## NEW HAMPSHIRE

10-Day Pre-Election Report; Extended  
Office Hours

The Federal Election Commission announces extended office hours for assist-

ance to the public on Saturday, September 6, 1975. This is the filing date for the 10-Day Pre-Election Report in the special election being held on September 16, 1975 to fill the vacancy in the United States Senate for the State of New Hampshire.

The Federal Election Commission, located at 1325 K Street, N.W., Washington, D.C. (202-382-5162 or Public Records Division 202-382-7012) will be open on September 6, 1975 from 10 a.m. to 4:00 p.m. These extended hours are provided in order that statements and reports may be filed with the Commission and be made available to the public as soon as practicable after receipt.

NEIL STAEBLER,  
Vice Chairman,  
Federal Election Commission.

[FR Doc.75-23378 Filed 8-29-75, 12:56 pm]

FEDERAL ENERGY  
ADMINISTRATIONTRANSPORTATION ADVISORY  
COMMITTEE

## Notice of Establishment

This notice is published in accordance with the provisions of Section 9(a)(2) of the Federal Advisory Committee Act (PL 92-463). Following consultation with the Office of Management and Budget, notice is hereby given that it is in the public interest, in connection with the performance of the duties imposed on the Federal Energy Administration by law, to establish the Transportation Advisory Committee.

A description of the nature and purpose of this Committee is contained in its Charter which is published below.

Dated: August 25, 1975.

FRANK G. ZARR,  
Administrator.

[FR Doc.75-23232 Filed 8-28-75, 10:56 am]

TRANSPORTATION ADVISORY  
COMMITTEE

## Charter

## A. ESTABLISHMENT

The Administrator, Federal Energy Administration (FEA), having determined after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice on energy use in the national transportation sector is in the public interest in connection with the duties imposed on the FEA by law, hereby establishes the Transportation Advisory Committee pursuant to the Federal Advisory Committee Act (PL 92-463).

B. DUTIES, FUNCTIONS, AND  
ADMINISTRATIVE PROVISIONS

1. *Objectives and Scope.* The objectives of the Transportation Advisory Committee is to advise the Administrator, FEA, with respect to general transportation aspects of interests and problems related

to the policy and implementation of programs to meet the continuing energy crisis.

2. *Committee Tenure.* In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to Whom Committee Reports.* The Committee will report to the Administrator, FEA.

4. *Support Services.* Necessary support for the Committee will be furnished by the FEA.

5. *Committee Duties.* The duties of the Committee are solely advisory as stated in Paragraph 1 above.

6. *Estimated Annual Operating Costs.* The estimated annual operating costs for the Committee are \$45,000.00 and involve approximately one-half man-year of staff support.

7. *Meetings.* The Committee will meet approximately four times a year.

8. *Termination Date.* The Committee will terminate on June 30, 1976, or if the Federal Energy Administration Act of 1974 is amended to extend the duration of FEA beyond that date, the Committee will terminate on such later date or one year from the date of this Charter, whichever occurs earlier.

Dated: August 25, 1975.

FRANK G. ZARR,  
Administrator.

[FR Doc.75-23233 Filed 8-28-75, 10:57 am]

## FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF-INDONESIA  
CONFERENCE ET AL

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

stitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

## Notice of Agreement Filed by:

Wade S. Hooker, Jr., Esquire  
Casey, Lane & Mittendorf  
26 Broadway  
New York, New York 10004

The member lines of the Atlantic and Gulf-Indonesia Conference and the Atlantic and Gulf-Singapore, Malaya and Thailand Conference have filed identical amendments to their Conference agreements. These amendments, Agreements Nos. 8080-14 and 8240-11, respectively, modify each of the approved conference agreements by adding a new Article 11, which shall read as follows:

11. Subject to all applicable provisions of law and of this Agreement, the Conference or the members as a group may enter into arrangements or agreements with carriers, other conferences of carriers, or other persons.

By order of the Federal Maritime Commission.

Dated: August 27, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23163 Filed 8-29-75, 8:45 am]

## CITY OF LOS ANGELES, ET AL.

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

## Notice of Agreement Filed by:

Jack L. Wells, Esq., Senior Assistant City Attorney, Harbor Division, P.O. Box 151, San Pedro, California 90733.

Agreement No. T-2849-1, between City of Los Angeles (City) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Yamashita-Shinnihon Steamship Co., Ltd., (the Lines), modifies the parties' basic agreement providing for the nonexclusive preferential use of a berth and certain terminal property. The purpose of the modification is to extend the term of this agreement until such time as the superseding Agreement No. T-3071 can become effective.

By Order of the Federal Maritime Commission.

Dated: August 27, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23168 Filed 8-29-75, 8:45 am]

## INDONESIAN DISCUSSION AGREEMENT

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.



## Notice of Agreement Filed by:

Wade S. Hooker, Jr., Esq., Casey, Lane & Mitterdorf, 26 Broadway, New York, New York 10004 (Counsel for the Atlantic Conference)

and

F. Conger Fawcett, Esq., Graham & James, One Maritime Plaza, San Francisco, California 94111 (Counsel for the Pacific Conference)

Agreement 10175, between the Atlantic & Gulf-Indonesia Conference (the Atlantic Conference) and the Pacific/Indonesian Pacific Conference (the Conference), would permit the two Conferences to "... from time to time, discuss rates to be charged for the transportation of cargoes moving from the United States to Indonesia) including rules and regulations governing such rates, with the intent to establish such rates, rules and regulations, as well as discuss other matters of mutual interest within the scope of activities permitted under the Conference Agreements."

By Order of the Federal Maritime Commission.

Dated: August 27, 1975.

JOSEPH C. POLKING,  
Assistant Secretary

[FR Doc. 75-23167 Filed 8-29-75; 8:45 am]

## MALAYSIAN/STRAITS DISCUSSION AGREEMENT

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

## Notice of agreement filed by:

Wade S. Hooker, Jr., Esq., Casey, Lane & Mitterdorf, 26 Broadway, New York, New York 10004 (Counsel for the Atlantic Conference).

F. Conger Fawcett, Esq., Graham & James, One Maritime Plaza, San Francisco, California 94111 (Counsel for the Pacific Conference).

Agreement 10176, between the Atlantic & Gulf-Singapore, Malaya & Thailand Conference (the Atlantic Conference) and the Pacific-Straits Conference (the Pacific Conference), would permit the two Conferences to "... from time to time, discuss rates to be charged for the transportation of cargoes moving from the United States to Singapore and Malaysia) including rules and regulations governing such rates, with the intent to establish such rates, rules and regulations, as well as discuss other matters of mutual interest within the scope of activities permitted under the Conference Agreements."

By Order of the Federal Maritime Commission.

Dated: August 27, 1975.

JOSEPH C. POLKING,  
Assistant Secretary

[FR Doc. 75-23165 Filed 8-29-75; 8:45 am]

## PACIFIC WESTBOUND CONFERENCE

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

## Notice of agreement filed by:

D. D. Day, Jr., Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, California 94111.

Agreement No. 57-102 reflects a request for a change of membership status of Scindia Steam Navigation Co., Ltd. from that of a regular member to that of an associate member of the Pacific Westbound Conference.

By Order of the Federal Maritime Commission.

Dated: August 27, 1975.

JOSEPH C. POLKING,  
Assistant Secretary

[FR Doc. 75-23164 Filed 8-29-75; 8:45 am]

## PORT OF ASTORIA AND WATERWAY TERMINALS CO.

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

## Notice of agreement filed by:

Norman E. Sutherland, Esq., White, Sutherland, Parks & Allen, 1200 Jackson Tower, Portland, Oregon 97205.

Agreement No. T-2675-1, between the Port of Astoria (Port) and Waterway Terminals Company (Waterway), modifies the parties' basic agreement which provides for the lease of certain property at Astoria, Oregon, which Waterway will operate as a marine terminal. The purpose of the modification is to

discontinue the lease of House 4 and 5 of Pier 3, Astoria, Oregon, and to reduce the rental payments by approximately \$1,800 per month.

By Order of the Federal Maritime Commission.

Dated: August 26, 1975.

JOSEPH C. POLKING,  
Assistant Secretary

[FR Doc. 75-23165 Filed 8-29-75; 8:45 am]

[No. 75-34]

## CSC INTERNATIONAL, INC. AND ROYAL NETHERLANDS STEAMSHIP COMPANY

## Notice of Filing of Complaint

AUGUST 27, 1975.

Notice is hereby given that a complaint filed by CSC International, Inc. against Royal Netherlands Steamship Company was served August 27, 1975. The complaint alleges that complainant has been subjected to payment of ocean freight rates which are unjust and unreasonable and in violation of section 18(b) (3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before February 27, 1976.

JOSEPH C. POLKING,  
Assistant Secretary

[FR Doc. 75-23169 Filed 8-29-75; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. CP74-324]

## CITIES SERVICE GAS CO.

## Notice of Application

AUGUST 22, 1975.

Take notice that on August 11, 1975, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP74-324 a petition to amend the order of the Commission of April 1, 1975, issued in said docket permitting and approving abandonment of facilities and granting a certificate of public convenience and necessity authorizing the construction of replacement facilities. Petitioner in the instant amendment requests permission and approval to abandon without replacement certain facilities that were previously authorized to be abandoned and replaced, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that subsequent to the filing of the application in the instant docket on June 17, 1974, Petitioner received letters from the two direct sales customers served from the DeMalorie 5-inch pipeline in Greenwood County, Kansas, advising that gas service was no longer required and requesting that their service be discontinued. As a result of these requests, Petitioner states, service was discontinued and the DeMalorie 5-inch pipeline is no longer required to

<sup>1</sup> Notice published on March 25, 1974 (39 FR 11139).

render any gas service. Petitioner was authorized to replace approximately 3.70 miles of 5-inch pipeline with approximately 3.70 miles of 2-inch pipeline, but because of the discontinuances of service requests the Commission to amend the authorization to allow the abandonment in place of the 5-inch DeMalorie pipeline without replacement. Petitioner states that the bare pipe employed in the construction of the pipeline was placed in service in 1937 and is now deteriorated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary

[FR Doc. 75-23084 Filed 8-29-75; 8:45 am]

[Docket No. RP76-5]

## COLORADO INTERSTATE GAS CO.

## Proposed Changes in FPC Gas Tariff

AUGUST 22, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on August 4, 1975, tendered for filing Third Revised Volume No. 2, which supersedes and cancels Second Revised Volume No. 2, of its FPC Gas Tariff.

CIG states that the purpose of this filing is to update and reduce the size of Volume No. 2 of CIG's FPC Gas Tariff. The proposed changes include the deletion of reference to all canceled and unissued rate schedules and the repagination of all current rate schedules. It is emphasized that the content of the current rate schedules will remain unchanged and that no substantive changes are proposed. An effective date of September 8, 1975, is requested for the Third Revised Volume No. 2 of CIG's FPC Gas Tariff.

Copies of the filing were served upon the Company's jurisdictional customers and certain public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 5, 1975. Protests will be

considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary

[FR Doc. 75-23085 Filed 8-29-75; 8:45 am]

[Docket Nos. RP73-80, RP73-85]

## COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

## Further Extension of Procedural Dates

AUGUST 22, 1975.

On August 15, 1975, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company filed a motion to extend the procedural dates fixed by order issued August 1, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Supplemental Evidence, October 17, 1975.  
Service of Staff Testimony, December 19, 1975.  
Service of Intervenor Testimony, January 2, 1976.  
Service of Company Rebuttal, January 16, 1976.  
Hearing, February 2, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,  
Secretary

[FR Doc. 75-23086 Filed 8-29-75; 8:45 am]

[Docket No. RP75-91]

## CONSOLIDATED GAS SUPPLY CORP.

## Extension of Procedural Dates

AUGUST 22, 1975.

On August 7, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 19, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, December 5, 1975.  
Service of Intervenor Testimony, January 9, 1976.  
Service of Company Rebuttal, January 30, 1976.  
Hearing, February 17, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,  
Secretary

[FR Doc. 75-23087 Filed 8-29-75; 8:45 am]

[Docket No. E-8978; Opinion No. 741]

## DEPARTMENT OF THE INTERIOR, BONNEVILLE POWER ADMINISTRATION

## Opinion and Order Confirming and Approving Rate Schedules

## APPEARANCES

Robert E. Ratcliffe for the Secretary of the Interior.

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Howard V. Golub for Pacific Gas and Electric Company.  
Edward C. Farrell for the Department of Water and Power of the City of Los Angeles.  
Douglas P. Reighle for Puget Sound Power & Light Company.  
Richard M. Merriman, Peyton G. Bowman, III and Brian J. M. Manus for Southern California Edison Company.  
Hugh Smith for Pacific Power and Light Company.  
A. J. Benedetti for City of Tacoma and Seattle.  
Henry G. Curtis for Public Power Council.  
Robert Thomson for Bonneville Direct Service Industrial Customers.  
Allan Hart for Bonneville Direct Service Industrial Customers.  
Richard K. Feiz for the Secretary of the Interior.  
Rollin E. Woodbury, Robert J. Cahall, William E. Marx and Richard K. Durant for Southern California Edison Company.  
Jeffrey D. Goltz for Congressman Jim Weaver.  
Norman A. Stoll for Public Power Council.  
Daniel C. Lamke and Glen Ortmann for the Federal Power Commission.

*Per Curiam:* On August 19, 1974, the Office of the Secretary of the Interior submitted seven wholesale rate schedules together with general rate schedule provisions and other data to the Federal Power Commission (Commission) on behalf of the Bonneville Power Administration (BPA) for confirmation and approval pursuant to Sections 5 and 6 of the Bonneville Project Act, 16 U.S.C. 832d and 832e, and Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s. The new schedules applicable to the five year period commencing December 20, 1974, would increase BPA's rates by 27%, or about \$60,000,000 per year. After notice, the Commission, by order issued December 19, 1974, conditionally<sup>1</sup> confirmed and approved those rate schedules, as well as the general rate schedule provisions and two special applications of BPA's general rate schedule provisions which had previously been confirmed and approved in Docket Nos. E-7242 and E-8033, for the period commencing December 20, 1974, and ending not later than December 20, 1975, or such shorter period within which the Commission may take final action herein.

In addition, the Commission, on December 19, 1974, ordered a public administrative hearing to assist it in the discharge of its statutory duties and responsibilities. BPA objected to the hearing and, although it participated in the initial conferences, it refused to submit any evidence to support its proposed rate schedules and general rate schedule provisions and eventually declined to participate further. This Commission, on the

<sup>1</sup> The Commission imposed a condition that BPA agree "to refund or credit to its customers such portions of the proposed rates and charges as may result from Commission disapproval in any action of the Commission finally confirming and approving the rates and charges for BPA." BPA thereupon notified its customers that "any adjustments or credits which might be determined to be lawfully owing to either party will be reflected in future billings", and the Commission construed such notification as acceptance of its condition.

other hand, believes that it is appropriate and in the public interest to discharge its duties and responsibilities under the Bonneville Project Act and the Flood Control Act of 1944 on the basis of evidentiary records which are developed during the course of public hearings in which BPA would carry the burden of supporting its rate proposals and the Commission staff, among others, would test those proposals. Accordingly, this Commission proposes to follow such a procedure in connection with future rate submissions by the Office of the Secretary of the Interior on behalf of BPA and other power administrations.

Although, as indicated above, BPA eventually declined to participate further, it promptly provided all information which was reasonably available; and the Commission staff at the hearing on May 15, 1975, presented the testimony of four witnesses and the documentary evidence which they sponsored. While numerous questions and issues had been raised as set forth in the Commission's order of December 19, 1974, the questions and issues were largely answered or resolved by the conclusion of the hearing. Accordingly, the parties other than the staff prepared and spread upon the record (Tr. 217-254, 256-261) a so-called "Settlement Proposal" consisting of a proposed form of opinion and order which the Commission might adopt in confirming BPA's rate schedules and general rate schedule provisions. On June 11, 1975, presiding Administrative Law Judge Ernst Lieberman certified that "Settlement Proposal" to the Commission together with the transcript of the proceedings and the various filings and other documents comprising the record in this matter.

In Opinion No. 482 (*United States Department of the Interior, Bonneville Power Administration*, Docket Nos. E-6611, E-6905 and E-7242), issued December 14, 1965, 34 FPC 1465, the Commission elaborated upon the standards to be applied to its confirmation and approval of rates and charges under the Bonneville Project Act and the Flood Control Act of 1944 and concluded,

"Our role is to review the Secretary's proposal and confirm and approve it if we conclude, on the basis of our independent judgment, that it comports with the dual statutory standard of providing consumers with the benefits of power at the lowest possible price consistent with good business practices as well as protecting the interests of the United States in amortizing its investment in the projects within a reasonable period."

In applying that standard to the matter which is now before us, we conclude, from the staff's unrefuted evidence, that while BPA must increase its revenues by 24% to continue to meet its obligations to the United States Treasury for the government's costs of generating, purchasing and transmitting electric energy in the Federal Columbia River Power System, the additional 3% proposed by BPA for unforeseen contingencies is consonant with the "good business practices" standard of the statute. In con-

sidering the propriety of this allowance we are mindful of the fact that the rates proposed by BPA seem to be on the low side rather than too high in relation to current costs for reasons set forth at length in staff witness Cackowski's testimony. For example, the 3 1/8% interest rate currently being utilized for construction of the third power plant at Grand Coulee Dam, although specified by statute, is obviously far less than the current cost of new money to the Federal government.

In Opinion No. 482, supra, the Commission concluded that 40 years represented a reasonable period for amortizing the government's investment in transmission facilities and that 50 years represented a reasonable period, consistent with Congressional suggestion, for amortizing its investment in other facilities. On the basis of the record which is before us, we see no reason for departing from those amortization periods which appear reasonable at this time.

The Federal Columbia River Power System consists of 31 Federal multipurpose dams, of which four were under construction as of June 30, 1974, which will have a total nameplate rating of 18,813 megawatts. BPA markets the power generated at those dams through a 12,000 circuit-mile high-voltage transmission grid covering 300,000 square miles in Oregon, Washington and Idaho and portions of Montana, California, Wyoming, Utah and Nevada. To meet its growing power requirements that Pacific Northwest region is beginning to shift from an almost entire reliance on hydro-electric generation to both hydro and thermal-electric generation under a cooperative plan known as the Hydro-Thermal Power Program which was developed jointly by 104 public and four private utilities and BPA. In view of the changed conditions in that region and BPA's anticipated role in that program the seven rate schedules involved herein represent a major redesign and not just a modification of prior schedules.

BPA's new rate schedules eliminate promotional features associated with its prior abundance of power, such as irrigation and developmental discounts. They tend to move from "postage stamp" rates<sup>2</sup> which are authorized by the Bonneville Project Act, first, by identifying and assigning certain costs to customers,<sup>3</sup> and second, by instituting a seasonal

<sup>2</sup> At Tr. 29:

PRESIDING JUDGE. You say a postage stamp rate, what do you mean?

Mr. RATCLIFFE (Counsel for BPA). We charge a group of customers the same cost for power regardless of whether they are one mile, 10 miles or 15 miles of whatever the distance is from the source of generation. We charge all those customers in the same class the same power rates.

PRESIDING JUDGE. The transmission charges are averaged in the rate?

Mr. RATCLIFFE. That is right.

<sup>3</sup> For example, the new rate schedules for firm power and firm capacity to utility customers include separate charges to recover costs associated with transformation and other substation services provided by BPA.

rate differential.<sup>4</sup> BPA's new rate schedule EC-6 establishes a uniform demand-energy rate for firm power for all of its nonindustrial customers, superseding its C-5 demand-only rate (with no associated energy limit) and its E-5 demand-energy rate. Its new rate schedule MF-1 covers BPA's C-5 industrial customers who choose to purchase the same grade of power at a higher rate, while its new rate schedule IF-1 covers those C-5 industrial customers who choose to purchase a new lower grade of power subject to certain restrictions and credits. BPA's other new rate schedules are: EC-7, which permits its utility customers to purchase limited amounts of firm power at a significantly higher cost to meet unanticipated load growth; F-6, which provides firm capacity without energy for utility customers on an annual or seasonal basis; H-5, which provides nonfirm energy for thermal displacement, reservoir filling and emergency use; and J-1, which provides firm energy for utility customers for thermal plant startup and reservoir filling.

In the course of his testimony in this proceeding staff witness Uhler stated in response to a question involving peak load pricing that he understood that while BPA plans to work with the Special Retail Rate Committee of the Northwest Public Power Association to examine the concept of time of day pricing, BPA considers such a change in rate design as being effective only if implemented at the retail level. Mr. Uhler recommended that BPA be urged to examine on an expedited basis time of day pricing as an adjunct to the rate design changes already adopted, and we endorse his recommendation. Careful consideration of rate designs directed toward bringing rates more closely into alignment with costs by agencies such as BPA with its considerable expertise and resources would clearly be in the public interest.

Congressman Jim Weaver, an intervenor herein from the Fourth Congressional District in Oregon, asks the Commission to reject BPA's new rate schedule IF-1 or, if it is not possible to reject that one alone, to reject all seven rate schedules. Otherwise, he takes no position with respect to the other rate schedules. Congressman Weaver calls attention to the preferential status granted to "public bodies and cooperatives" by Section 4 of the Bonneville Project Act and to the twenty-year limitation on contracts, including renewal and extension periods, imposed by Section 5 of that Act. He also calls attention to BPA's forecasts of power deficits beginning in the late 1970's and ending in the mid 1980's when thermal plants begin to come on line; and he asserts that many of BPA's C-5 contracts which would have expired in the 1980's will be replaced by IF-1 contracts which

<sup>4</sup> The new rate schedules for firm power and nonfirm energy contain higher charges for the winter peak period than for the summer off-peak period which are presumably related to the costs of supplying electricity during those respective periods.

will not expire until the 1990's, and the effect of such replacement will be to commit BPA power to its industrial customers for periods in excess of twenty years and to the exclusion of potential preferential customers. Furthermore, he contends, while twenty-year contracts are permissible under the Bonneville Project Act, they are not required and are not currently consistent with the statutory goals of "sound business principles" under the Flood Control Act of 1944 and attainment of "the greatest benefit to the general public from this hydro-electric power". While BPA's rates to public agencies under rate schedule EC-6 and to industrial firms under rate schedule IF-1 will be approximately the same during periods of 100% availability, Congressman Weaver asserts, and lower for industrial firms under rate schedule IF-1 during periods of lesser availability, it would be a sound business principle to encourage the conservation of electric energy by causing energy-intensive industries to pay higher rates, even for lower grade power.

Intervenor Industrial Customers Committee,<sup>5</sup> Pacific Power & Light Company, The Montana Power Company, Puget Sound Power & Light Company, The Washington Water Power Company and Public Power Council<sup>6</sup> respond collectively that Congressman Weaver's argument that the IF-1 contracts might collide with the preference provision and his assertion that BPA should not enter into twenty-year contracts go to administration of the Bonneville Project Act and have nothing to do with BPA's rate structure. They assert, additionally, that if rate schedule IF-1 is adjusted upward BPA would realize overall rates in excess of the statutory level. (Of course, this assumes that there are no offsetting changes in other schedules.)

This Commission agrees with the foregoing intervenors that Congressman Weaver's apprehension goes to the administration of the Bonneville Project Act as distinguished from the schedules of rates and charges which we are being asked to confirm and approve. In addition, this Commission believes that there is no merit to Congressman Weaver's approach since BPA's former rate schedule C-5 industrial customers may now continue to receive under existing contracts the same grade or essentially the same grade of power at an increased rate under BPA's new rate schedule MF-1. In any event, there is no actual case or controversy before the Commission contest-

<sup>5</sup> Aluminum Company of America, Anaconda Aluminum Company, Carborundum Co., Cominco American Inc., Crown Zellerbach Corporation, Georgia-Pacific Corporation, Hanna Nickel Smelting Co., Intalco Aluminum Co., IIT Rayonier, Inc., Kaiser Aluminum and Chemical Corporation, Martin Marietta Aluminum Corporation, Oregon Metallurgical Corporation, Pacific Carbide & Alloys, Pennwalt Corporation, Reynolds Metals Company, Stauffer Chemical Works and Union Carbide Corporation.

<sup>6</sup> Consisting of 108 utilities comprising municipalities, public utility districts and rural electric cooperatives served by BPA.

ing a collision between the preferential status and contractual limitation provisions of the Bonneville Project Act.

The Commission has been asked to pass upon BPA's seven rate schedules which have been admitted into the record as Exhibit I of its submission of August 19, 1974, as well as its general rate schedule provision which have been so admitted as Exhibit II of that submission, and the Commission concludes that the foregoing rate schedules and rate schedule provisions should be confirmed and approved for the period requested by BPA.

Additionally, BPA requests Commission approval of the continuation of special contractual rates and rate schedule provisions as previously approved (1) in Docket No. E-8033 on May 15, 1973, providing a special rate to the Bureau of Reclamation for exchange energy delivered to its Mead Substation in Nevada by the City of Los Angeles, California, or by Southern California Edison Company in lieu of obligations to deliver exchange energy to BPA, and (2) in Docket No. E-7242 (order of December 5, 1969, in Docket No. E-7508) modifying Section 7.1 of BPA's new general rate schedule provisions with respect to its contracts with the Cities of Los Angeles, Burbank, Glendale, Pasadena and Sacramento, California, the State of California, Pacific Gas & Electric Company, San Diego Gas & Electric Company and Southern California Edison Company, for the sale of power and energy over the Pacific Northwest-Pacific Southwest Intertie to change the method of measuring the grace period for the payment of bills under specified conditions and eliminate BPA's right to cancel a contract resulting from a delinquency in the payment of a power bill.

The staff would recommend Commission approval of BPA's rate schedules and general rate schedule provisions and the foregoing special applications if, as we understand, we are satisfied with the fact that the information provided by BPA and, consequently, the evidence which is before us does not include fully distributed cost studies such as are filed in ratemaking proceedings under the Federal Power Act. The answer is that we are not considering rates under the mandates of the Federal Power Act. We are, on the other hand, considering rates under a different combination of Congressional mandates set out in the Bonneville Project Act and the Flood Control Act of 1944, including the requirement that the power and energy be sold in such a manner "as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles". Although we share the staff's discomfort in not having before us all of the usual studies under the Federal Power Act which attempt to identify costs and assign them to different classes of customers, we do not need all of these studies to confirm and approve rates under the standards of the Bonneville Project Act and the Flood Control Act



of 1944, where rates such as those which are before us are designed essentially on the "postage stamp" principle as authorized by Section 6 of the Bonneville Project Act which states that "rate schedules may provide for uniform rates or rates uniform throughout prescribed transmission areas in order to extend the benefits of an integrated transmission system and encourage the equitable distribution of the electric energy developed at the Bonneville project".

Nevertheless, in order to utilize more fully our ratemaking expertise in the discharge of our statutory duties and responsibilities to review rate schedules which are proposed on behalf of BPA and other agencies of the Department of the Interior for our "confirmation and approval", we shall in the future require complete cost studies in support of such proposed rate schedules. It is our intention to promulgate as promptly as possible proposed regulations prescribing the nature and form of the cost studies to be provided for these purposes.

On October 18, 1974, the President signed into law the Federal Columbia River Transmission System Act (Public Law 93-454) which authorizes BPA to finance future construction through the sale of revenue bonds to the United States Treasury at interest rates to be determined by the Treasury. While BPA cannot as yet determine the extent to which that new law will affect the interest rates which it projected in its revenue requirements studies, BPA expects that it will not have to sell long-term revenue bonds to the Treasury until fiscal 1977, and further, that the amounts so sold during the remaining effective period of the rate schedules confirmed and approved herein will not be material in relation to its total investment.

Public Law 93-454 authorizes this Commission to confirm and approve schedules of rates and charges "for the transmission of non-Federal electric power over the Federal transmission system". Pacific Power & Light Company, Puget Sound Power & Light Company, The Montana Power Company, The Washington Water Power Company and BPA have stipulated in connection therewith, and the staff recommends Commission approval of the stipulation, that confirmation and approval of the rate schedules herein would

"... in no way adversely affect or cause prejudice to any party in a later proceeding with respect to wheeling rates. In such later proceeding, the total costs of the Federal transmission system and the portion of the transmission system costs that should be equitably allocated to and borne by the users of such system shall be determined pursuant to the principles discussed in this stipulation. In such determination, the costs of the transmission system will be established, the equitable allocation between Federal and non-Federal users of the system will be determined and that determination will govern the non-Federal wheeling charges. The power rates established in

this docket will be assumed to include the entire transmission costs such allocation assigns to Federal power utilizing the system and thereafter BPA shall account for revenues from wheeling on that basis, including the amortization of the investment in the transmission system."

*The Commission further finds.* (1) In view of Ordering Paragraph (A), the motions filed by Southern California Edison Company on February 18, 1975, and by the Department of Water and Power of the City of Los Angeles, California, on March 3, 1975, for leave to withdraw their interventions herein, have become moot.

(2) It is appropriate for the purposes of the Bonneville Project Act and the Flood Control Act of 1944 that the Bonneville Power Administration's wholesale rate schedules EC-6, EC-7, F-6, H-5, J-1, MF-1 and IF-1 be confirmed and approved together with its general rate schedule provisions for the period which began on December 20, 1974, and will end on December 20, 1979.

(3) It is appropriate for the purposes of the Bonneville Project Act and the Flood Control Act of 1944 that the special applications of the Bonneville Power Administration's rates and charges embodied in Docket Nos. E-8033 and E-7242 be likewise confirmed and approved for the additional period to end on December 20, 1979.

(4) It is appropriate for the purposes of the Bonneville Project Act, the Flood Control Act of 1944 and the Federal Columbia River Transmission System Act to accept without confirmation and approval the stipulated procedures herein to be followed with respect to allocating transmission costs equitably in connection with a filing of wheeling rates by the Office of the Secretary of the Interior on behalf of the Bonneville Power Administration under the Federal Columbia River Transmission System Act.

*The Commission orders.* (A) The wholesale rate schedules, general rate schedule provisions and special applications of rates and charges specified in Finding Paragraphs (2) and (3) are confirmed and approved for the period which began on December 20, 1974, and will end on December 20, 1979.

(B) The stipulated procedures herein to be followed with respect to allocating transmission costs equitably in connection with a filing of wheeling rates by the Office of the Secretary of the Interior on behalf of the Bonneville Power Administration under the Federal Columbia River Transmission System Act is accepted without confirmation and approval.

(C) The Secretary of this Commission shall cause prompt publication of this opinion and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23095 Filed 8-20-75; 8:45 am]

[Docket Nos. CP75-76, etc.]

**EL PASO ALASKA CO., ET AL.**  
Applications and Consolidation

August 22, 1975.

In the matter of El Paso Alaska Co., et al. Docket No. CP75-96, et al.; Columbia Gas Transmission Corp., Docket No. CP76-42; Michigan Wisconsin Pipe Line Co., Docket No. CP76-43; Natural Gas Pipeline Co. of America, Docket No. CP76-44; Northern Natural Gas Co., Docket No. CP76-45; Texas Eastern Transmission Corp., Docket No. CP76-48; Panhandle Eastern Pipe Line Co., Docket No. CP76-54.

Take notice that on August 7, 1975, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, that on August 8, 1975, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and that on August 11, 1975, Panhandle Eastern Pipe Line Company (Panhandle Eastern), P.O. Box 1642, Houston, Texas 77001, jointly Applicants, filed in Docket Nos. CP76-42, CP76-43, CP76-44, CP76-45, CP76-48, and CP76-54, respectively, applications pursuant to Section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the construction and operation of facilities to connect their interstate natural gas pipeline systems with the proposed facilities of Northern Border Pipeline Company (Northern Border), certificate applicant in Docket No. CP74-290, all as more fully set forth in the applications on file with the Commission and open to public inspection.

Natural in its application in Docket No. CP76-44, requests certification for the construction of two taps and appurtenant facilities in Kankakee and LaSalle Counties, Illinois. Natural states that the proposed tap in Kankakee County, would be installed on Natural's existing 36-inch Herscher-Dyer Road pipelines; and the LaSalle County delivery point, proposed as a point for alternate deliveries of natural gas, would be located in LaSalle County on Natural's 36-inch pipeline. The estimated cost of the proposed facilities is stated to be approximately \$63,800.

The application of Natural indicates that the initial deliveries of gas from the Arctic by Northern Border would commence in 1980, and that estimated deliveries would be 28,336,000 Mcf of gas at 14.73 psia in 1980, out of a total system gas supply in 1980 of 737,835,000 Mcf. Natural states that its gas supply data for delivery through the proposed, delivery points are more fully set forth in its FPC Form No. 15 that was filed with

the Commission on March 31, 1975, and is incorporated by reference herein. Natural further states that it has received the sole and exclusive right to negotiate for a long-term contract for the purchase of the natural gas production attributable to twenty percent of Exxon Corporation's (Exxon) interest in the Prudhoe Oil Pool and that the agreement between Exxon and Natural has been filed in Docket No. CP75-257.

Northern requests in its application in Docket No. CP76-45, the certification for the construction and operation of three delivery points, including tees, side valves, blow off valves and tieovers between Northern Border and Northern in Brown County, South Dakota, Martin County, Minnesota, Hancock County, Iowa, and Buchanan County, Iowa. The first three proposed delivery points are stated to be primary delivery points, and the fourth delivery point is stated to be an emergency interconnection. The estimated cost of the proposed facilities is stated to be \$630,000.

Northern states that it has entered into agreements with BP-Alaska, Inc. (BP-Alaska), and Exxon dated January 1, 1972, and January 30, 1975, respectively. Northern states further that all gas up to 3 billion Mcf that is available to BP-Alaska is dedicated to Northern. Northern estimates that by its agreement with Exxon, up to 2.0 billion Mcf of gas will become available to it. Northern further estimates that from 100,000 to 450,000 Mcf of natural gas per day would become available to it from its agreement with BP-Alaska, and 198,000 Mcf of gas per day would become available to it from its agreement with Exxon. The application indicates that the estimated deliveries of Alaskan gas in 1980 would be 166,625,000 Mcf.

Columbia in its application in Docket No. CP76-42, requests the certification of three points of interconnection with Northern Border to accept the delivery of natural gas. The proposed facilities would be located at Treat in Licking County, Ohio, and at Tannehill located in Washington and at Delmont located in Westmoreland Counties, Pennsylvania. The estimated cost of the proposed facilities is stated to be approximately \$796,800.

Columbia's application indicates that it would receive approximately 78,800,000 Mcf of natural gas from the Alaskan sources in 1980. Columbia states further that it signed an agreement with B.P. Oil Corporation (now Sohio Petroleum Corporation) dated August 3, 1971.

Michigan Wisconsin in its application in Docket No. CP76-43 requests the certification of one delivery point for Alaskan natural gas in Bureau County, Illinois. The estimated cost of the proposed 24-inch lateral pipeline and meter station would be approximately \$215,960.

Michigan Wisconsin states that it expects to receive from the Prudhoe Bay, Alaska, sources, approximately 190,000 Mcf of natural gas per day. The application further indicates that in 1980, Michigan Wisconsin projects the delivery of 34,960,000 Mcf of natural gas at

14.73 psia from Alaskan sources, and that additional gas may become available from Alaska or Canada.

Michigan Wisconsin's application indicates that it has received the sole right to negotiate for the gas production attributable to an undivided 25 percent interest in Exxon's interest in the gas reserves in the Prudhoe Oil Pool. Michigan Wisconsin further indicates in its application that it has entered into a contract with Imperial Oil Limited and Imperial Oil Enterprises Ltd., for gas from the Northwest and Yukon Territories of Canada, subject to authorizations by Canada and the United States to export and import the natural gas produced.

Texas Eastern in its application in Docket No. CP76-48, requests certification of construction and operation of a tap and valve in Westmoreland County, Pennsylvania, to interconnect its 24-inch Line No. 12 loop with Northern Border. The estimated cost of the proposed facility is stated to be approximately 197,700.

Texas Eastern further states that it has entered into an advance payment agreement with Atlantic Richfield Company (ARCO) dated June 30, 1975, and that such agreement gives Texas Eastern the exclusive right to purchase an undivided 20 percent of ARCO's working interest in the gas produced in the Prudhoe Oil Pool. Texas Eastern further states that it has assigned 25 percent of its interest in the advance payment agreement to its subsidiary, Transwestern Pipeline Company. Texas Eastern states that based on current estimates it expects to receive about 114,000 Mcf of gas per day from its remaining interest in ARCO's Prudhoe Bay production.

Panhandle Eastern in its application in Docket No. CP76-54, requests authorization for the construction and operation of one interconnection with Northern Border near Bluffton, Indiana. The estimated cost of the proposed facility is stated to be \$84,000, to be financed from funds on hand.

Panhandle Eastern also states that it has entered into an agreement with ARCO covering 20 percent of ARCO's gas reserves in the Prudhoe Bay Field. It is stated that Panhandle Eastern believes that approximately 150,000 Mcf of natural gas per day will become available under this agreement.

The instant applications may involve common questions of law or fact with those pending in the proceeding in Docket No. CP75-96, et al. Therefore, they are consolidated for hearing in said proceeding.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate ac-

tion to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary

[FR Doc. 75-23088 Filed 8-29-75; 8:45 am]

[Docket No. RP72-155; PGA 76-1]

**EL PASO NATURAL GAS CO.**  
Proposed Change in Rate Pursuant to  
Purchased Gas Cost Adjustments

August 21, 1975.

Take notice that El Paso Natural Gas Company (El Paso) on August 15, 1975, tendered for filing a notice of a change in rates for jurisdictional gas service rendered to customers served by its interstate gas system. Such service is rendered under rate schedules affected by and subject to Article 19, Purchased Gas Cost Adjustment Provision (PGAC), contained in the General Terms and Conditions applicable to El Paso's FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, and under rate schedules affected by and subject to the PGAC—Clean High Pressure Gas Provision (PGAC-CHPG) contained in El Paso's FPC Gas Tariff, Original Volume No. 2A.

El Paso states the instant notice of change in rates is occasioned solely by, and will compensate El Paso only for, increases in the cost of purchased gas (including gas produced from leases acquired after October 7, 1969) which will become effective on or before September 30, 1975, applied to volumes purchased for the twelve (12) month period ending June 30, 1975.

The annualized increase in purchased gas costs as to the PGAC adjustments purchased gas volumes for the twelve (12) month period ending June 30, 1975. When applied to El Paso's interstate system total volumes for the same period, the purchased gas cost increase equates to 0.73¢ per Mcf.

In addition, El Paso states that its Account 191, Unrecovered Purchased Gas Cost, contains a balance of \$23,703,511, applicable to increases in purchased gas cost, as of June 30, 1975. Such costs, when applied to El Paso's jurisdictional sales volumes for the same period, produce an additional adjustment in rates of 4.22¢ per Mcf to be applied as a sur-

<sup>1</sup> The special rate schedules subject as to this PGAC adjustment are Rates Schedules X-7, X-14, X-25, X-30 and X-35 of El Paso's FPC Gas Tariff, Third Revised Volume No. 2, and Rate Schedules FS-25, FS-26, FS-27, FS-28, FS-30, FS-35 and FS-45 of El Paso's FPC Gas Tariff, Original Volume No. 2A.

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large to all rate schedules affected by such PGAC. However, El Paso states that as a result of eliminating its currently effective surcharge rate, the net adjustment to its currently effective rates attributable to this instant PGAC notice of rate is a decrease of 3.92¢ per Mcf.

El Paso states that the Account 191 balance includes excess amounts attributable to small producer and emergency purchases made during the six month period ending June 30, 1975 at rate levels above the Commission's Opinion No. 699-H national rate level in the amount of \$1,925,995. Further, El Paso states that the portion of small producer and emergency purchases above such rate level included in El Paso's PGAC adjustment is \$1,424,575.

El Paso states further that by Commission orders issued February 24, 1975, at Docket Nos. RP74-104, et al., and March 31, 1975, at Docket Nos. RP72-155, et al., El Paso was granted permission to collect an amortization charge of 1.39¢ per Mcf during the period April 2, 1975, through September 30, 1975, for the recovery of increased special overriding royalty costs incurred during the period July 10, 1974, through December 1, 1974. In compliance with the provisions of said February 24, 1975, order, El Paso states that the 1.39¢ per Mcf amortization charge has been eliminated from the rates proposed to be made effective on October 1, 1975. El Paso states that the elimination of said amortization charge, together with the aforementioned net decrease under the PGAC will result in a total decrease of 5.31¢ per Mcf in El Paso's currently effective rates.

El Paso states the current adjustment applicable to those Original Volume No. 2A special rate schedules affected by the PGAC-CHPG is an increase of 3.3065¢ per Mcf. Such current adjustment is comprised of a decrease in the weighted average purchased cost of clean, high-pressure gas equating to 1.0055¢ per Mcf and a surcharge adjustment of 4.3140¢ per Mcf, representing the unrecovered purchase gas cost balance contained in Account 191 as of June 30, 1975. Based upon sales volumes under such special rates schedules for the twelve months ended June 30, 1975, said decrease of 1.0055¢ per Mcf will reduce revenues by \$12,577 and based upon the gas sales volumes under the special rates schedules subject to the PGAC-CHPG for the six months period ending June 30, 1975, the surcharge adjustment of 4.3140¢ per Mcf will recover during the six month period subsequent to October 1, 1975, \$24,930 of the unrecovered purchased gas cost recorded in Account 191. El Paso states that the net adjustment to the currently effective rates applicable to the affected special rate schedules is an increase of 1.1663¢ per Mcf.

El Paso states copies of the filing and attachments have been served upon all parties of record in Docket Nos. RP72-155

\* The special rate schedules subject to PGAC-CHPG are Rate Schedules FS-3, FS-6, FS-7, FS-10 and FS-32.

and RP75-39 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23093 Filed 8-29-75; 8:45 am]

**ELIO ARGENTATI**  
Notice of Initial Application

August 21, 1975.

Take notice that on July 18, 1975, Elio Argentati (Applicant) filed an initial application with the Federal Power Commission, Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President-Operations Upper Peninsula Power Company, Public Utility.  
Vice President and Director, Upper Peninsula Generating Company, Public Utility.

Upper Peninsula Power Company, 616 Sheldon Avenue, Houghton, Michigan, is engaged in the electric utility business in the upper peninsula of Michigan. In addition to its own generating facilities, Upper Peninsula Power Company owns 19% of the outstanding Common (Voting) stock of Upper Peninsula Generating Company with Cliffs Electric Service Company owning the other 81%. Upper Peninsula Power Company employees operate Upper Peninsula Generating Company's generating units.

Upper Peninsula Generating Company, 616 Sheldon Avenue, Houghton, Michigan, is engaged in the generation of electric energy for sale to its two owners, Cliffs Electric Service Company having the right to purchase 50% and Upper Peninsula Power Company 50% of the energy generated from Units 1 through 4 with Cliffs Electric Service Company having the right to purchase all energy

generated from Units 5 and 6. All the facilities of Upper Peninsula Generating Company are located at Marquette, Michigan.

Any person desiring to be heard or to make any protests with reference to said application should on or before September 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23094 Filed 8-29-75; 8:45 am]

[Rate Schedule Nos. 3, et al.]

**R & G DRILLING CO., ET AL.**

Rate Change Filings Pursuant to Commission's Opinion No. 699-H

August 22, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before September 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

**APPENDIX**

Filing date	Producer	Rate Schedule No.	Buyer	Area
Aug. 4, 1975....	R & G Drilling Co., 1775 Broadway, New York, N.Y. 10019.	3	El Paso Natural Gas Co.	Hugoton-Anadarko.
Aug. 7, 1975....	Pennzoli Co., 900 Southwest Tower, Houston, Tex. 77002.	12	Equitable Gas Co.....	Appalachian and Illinois basins.
Aug. 8, 1975....	Burnah Oil & Gas Co., 2800 North Loop West, Houston, Tex. 77013.	33	Lone Star Gas Co.....	Other Southwest.

[FR Doc.75-23098 Filed 8-29-75; 8:45 am]

[Docket No. RI75-6]

**SUN OIL CO.**

Notice of Settlement Proposal

August 21, 1975.

Take notice that on August 11, 1975, Sun Oil Company (Petitioner), Southland Center, Post Office Box 2880, Dallas, Texas 75221, filed a Settlement Proposal in Docket No. RI75-6, pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure (18 CFR Chapter I, Subchapter A, Part I).

Petitioner states that an informal Settlement Conference was convened to discuss a settlement of the price which would be acceptable to Petitioner with respect to sales of natural gas produced from eight wells in the Bradshaw Field, Hamilton County, Kansas, to the purchaser, Kansas-Nebraska Natural Gas Company, Based on these discussions, the Commission Staff's review of Petitioner's workpapers and records in its offices at Tulsa, Oklahoma, and the filing of certain additional data and information, Petitioner proposes and would agree to accept as settlement of the special relief sought for the sale of Petitioner's share of gas from the aforesaid units, a price of 19.5 cents per Mcf for the Stanley, Eddy, Jerry Webb, 2631, 2431, 2230 and 2930 units operated by Ladd Petroleum Company, and a price of 35 cents per Mcf for the Kincheoloe "B" unit operated by Texaco, Inc., which would become effective upon a proper order issued by the Commission accepting this offer of settlement.

Any person desiring to comment on the proposed settlement should submit the comment to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 4, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the person commenting a party to this proceeding.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23094 Filed 8-29-75; 8:45 am]

[Docket No. RP73-35, PGA75-1]

**TRUNKLINE GAS CO. AND SOHIO PETROLEUM CORP.**

Order Granting Motion To Dismiss and Substituting New Respondent

August 22, 1975.

By order dated July 7, 1975, we set a date for hearing in this proceeding to determine whether the increased costs claimed by Trunkline Gas Company (Trunkline) in its rate increase filings in the instant docket relating to 180-day emergency gas purchases at rates in excess of Opinion No. 699-H levels are justified. In so doing we also made those selling to Trunkline respondents so that they could present cost evidence to demonstrate that the rates charged by them are in the public interest. Among the respondents listed in the Appendix to the July 7 order was Sun Oil Company (Sun).

On July 21, 1975, Sun petitioned the Commission to dismiss it from this proceeding. In its motion to dismiss, Sun avers that it has erroneously been made a respondent to this proceeding inasmuch as it has not made a 180-day sale to Trunkline covering its interest. Sun states that the sale in question was made by Sohio Petroleum Corporation (Sohio) and that in this transaction Sun simply acted as agent to receive monies from Trunkline.

Since Sun was not the party whose interest was covered by the 180-day emergency sale to Trunkline, we shall dismiss it as a respondent to this proceeding and substitute in its place Sohio.

The Commission orders:

(A) Sun's motion to dismiss filed herein on July 21, 1975, is granted.

(B) The Appendix to the July 7 order issued in this proceeding is hereby amended by removing Sun as a respondent and substituting in its place Sohio.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23089 Filed 8-29-75; 8:45 am]

**TRUNKLINE GAS CO.**

Order Accepting for Filing and Suspending Alternate Tariff Sheets, Rejecting Substitute Revised Tariff Sheets Providing for Hearing and Establishing Procedures

August 22, 1975.

On July 18, 1975, Trunkline Gas Company (Trunkline) tendered for filing revised tariff sheets<sup>1</sup> which it claims reflect rates approved by the Commission's July 9, 1975, order Approving Settlement and Determining Reserved Issue in Trunkline's Docket No. RP74-89 rate proceeding, adjusted for the following items:

1. Adjustments to the PGA Filing of June 13, 1975 (Docket No. RP73-35, PGA 75-3), filed to reflect provisions included as a part of the Agreement as to Rates and Related Matters, dated April 14, 1975.

2. Advance Payment Tracker, filed pursuant to Article V of the Agreement as to Rates and Related Matters, dated April 14, 1975.

3. Purchased Gas Transmission and Compression Tracker, filed pursuant to Article VI of the Agreement as to Rates and Related Matters, dated April 14, 1975.

Trunkline proposes that the rates be made effective August 1, 1975, and requests waiver of Section 154.22 to permit such sheets to become effective on August 1, 1975.

Trunkline has included in the Advance Payment Section of the filing the cost effect to Trunkline of advances to Exxon Company, U.S.A. for offshore Louisiana and Texas.

<sup>1</sup>Substitute Thirteenth Revised Sheet No. 3-A and Third Revised Sheet No. 21-F to its FPC Gas Tariff, Original Volume No. 1.

isiana and Texas. Trunkline requests that such advance payments be included under Article V of the Agreement as to Rates and Related Matters dated April 14, 1975, as approved by the Commission's July 9, 1975, order in Docket No. RP74-89. In recognition that prior like advances to Exxon have not received Commission approval, Trunkline tendered for filing Alternate Substitute Thirteenth Revised Sheet No. 3-A, which Trunkline states includes the Advance Payment Tracker exclusive of such payment to Exxon.

As we have stated in the past, we do not believe that the proposed payments to Exxon are consistent with the purpose and intent of the advance payment program.<sup>2</sup> Therefore we shall reject that sheet reflecting such payments and accept Trunkline's alternate filing.

Notice of the filing was issued on July 24, 1975. No comments or petitions to intervene have been received.

Our review of Trunkline's filing indicates that certain issues have been raised which may require development in an evidentiary proceeding. Specifically, eleven of the new advances have not been shown to be reasonable and appropriate within the meaning of Order Nos. 465 and 449.<sup>3</sup> Accordingly, we shall accept for filing Alternate Substitute Thirteenth Revised Sheet No. 3-A, suspend its use for one day and permit it to become effective, subject to refund, on August 2, 1975. Our review of the costs reflected in the rates in Trunkline's Alternate Substitute Thirteenth Revised Sheet No. 3-A and Third Revised Sheet No. 21-F other than those costs associated with the advance payment agreements tested in Footnote 3 in this order indicates that they are just and reasonable. Accordingly, we shall permit Trunkline to file substitute tariff sheets to become effective August 1, 1975, which reflect costs other than those costs associated with the eleven advance payments listed in Footnote 3 in this order.

The Commission finds.

(1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Trunkline's Alternate Substitute Thirteenth Revised Sheet No. 3-A and Third Revised Sheet No. 21-F be accepted for filing, and made effective subject to refund as of August 2, 1975, and that the Commission enter upon a hearing con-

<sup>2</sup>See Michigan Wisconsin Pipe Line Company, Docket No. RP75-96, order issued July 11, 1975; Natural Gas Pipe Line Company of America, Docket No. RP75-90, order issued July 11, 1975; Northern Natural Gas Company, Docket Nos. RP75-87 and RP 75-89, order issued July 11, 1975; and Southern Natural Gas Company, Docket No. RP75-84, order issued July 11, 1975.

<sup>3</sup>Anadarko Production Company (\$82,109 + \$6,702,084), Diamond Shamrock Corporation (\$82,019 + \$2,898,491), Mobil Oil Company (\$1,295,000 + \$3,190,000), Ocean Production Company (\$291,667), Oil and Gas Futures, Inc., of Texas (\$1,108,333), Sun Oil Company (\$273,397 + \$8,904,000), and Texas Pacific Oil Company (\$78,981).



cerning the lawfulness of the proposed changes in Trunkline's rate filing, as hereinafter ordered and conditioned.

(2) Trunkline's Substitute Thirteenth Revised Sheet No. 3-A should be rejected. The Commission orders.

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's Rules and Regulations, a public hearing shall be held on December 10, 1975, in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the justness and reasonableness of the rates proposed in this proceeding by Trunkline insofar as they reflect costs related to the eleven advance payments listed in Footnote 3 above.

(B) Pending such hearing and a decision thereon, Trunkline's Alternate Substitute Thirteenth Revised Sheet No. 3-A and Third Revised Sheet No. 21-F to its FPC Gas Tariff, Original Volume No. 1 are accepted for filing, and suspended for one day until August 2, 1975, subject to refund.

(C) Within 15 days of the date of issuance of this order, Trunkline may file revised rates to become effective on August 1, 1975, which include costs other than costs associated with the Exxon interest payments and costs relating to the eleven advance payments listed in Footnote 3 above.

(D) On or before October 14, 1975, Trunkline shall serve its prepared testimony and exhibits.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 35(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's Rules and Regulations.

(F) Trunkline's Substitute Thirteenth Revised Sheet No. 3-A is rejected.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission,

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23099 Filed 8-29-75; 8:45 am]

[Docket Nos. RP71-29, et al., Phase III, RP75-71, RP75-69]

UNITED GAS PIPE LINE CO., ET AL.

Order Partially Granting Petition for Declaratory Order and Motion To Consolidate

AUGUST 20, 1975.

The U.S. Court of Appeals for the Fifth Circuit, *inter alia*, vacated those portions of Opinion Nos. 647 and 647-A which interpreted United Gas Pipe Line Company's ("United") contracts and assessed potential liability, *State of Louisiana, et al. v. F.P.C.*, 503 F.2d 844, 868 (5th Cir. 1974). The Court viewed these portions of our opinions as "an arguably premature determination of United's contract

liability via the doctrine of collateral estoppel" (503 F.2d at 867). In framing the proper inquiry on remand the court said that the Commission "should evaluate Section 12.3 (a tariff provision purporting to remove contractual liability) on the assumption that United faces possible liability—not on the assumption it is immune" (503 F.2d at 867-868).

Our orders issued March 7, April 2 and May 2, 1975, separated into a Phase III of the remanded proceeding the issues raised in the court's analysis with regard to United's contracts and liability and consolidated these issues with a consideration of Section 12.3 of United's proposed tariff filed on March 3, 1975, in Docket No. RP75-71.<sup>1</sup>

On March 3, 1975, United filed a petition requesting that we issue declaratory orders directed to the issues contained in the following items:

"1. Whether, in view of the present dimensions of the natural gas shortage and the corresponding level of Commission-directed curtailments, the payment of damages or compensation to some of United's customers as a result of United's inability to meet its customers' delivery requirements would create undue preferences and discriminations among customers, would impair United's ability to meet its obligations under the Natural Gas Act, would otherwise be contrary to the public interest, and, accordingly, should be prohibited?

2. Whether Section 12.1 of United's currently-effective tariff, which provides that curtailments by United during a gas shortage are to be made "without liability to its customers," precludes damage claims by United's direct sale customers based on curtailments effectuated in response to the present natural gas shortage?

3. Whether the shortage necessitating United's curtailments was caused by negligent or willful misconduct on United's part, taking into account, among other factors, United's obligations under the Natural Gas Act and the Commission's regulations and orders, Commission and other federal action affecting natural gas supply and demand, and industry practice with respect to acquisition, storage and sale of natural gas?

4. Whether the rights of United's customers whose service was at one time in whole or in part intrastate are also fixed by United's curtailment tariffs and Commission orders and whether the payment of curtailment damages or compensation to such customers would create undue preferences and discriminations?"

United requests that we assert primary jurisdiction to decide the foregoing issues and publish declaratory orders which would be determinative for purposes of suits, brought in state and federal courts by United's customers seeking damages based on curtailment.

<sup>1</sup> Amended and redesignated 12.4 in new tariff sheets, as indicated in our order issued April 2, 1975.

On May 20, 1975, United filed a motion to consolidate the petition for declaratory order with the proceedings in Phase III of Docket Nos. RP71-29, et al.

At this point, we do not believe our responsibility to act in Phase III extends further than to respond to the issues raised by the court and to determine whether it is necessary and proper to approve Section 12.3 as proposed in Docket No. RP75-71. Our response to United's petition must be within this framework.

The court asked us to consider the effect of Section 12.3 on United's possible contractual liability. United, however, might be found liable for damages arising out of curtailment under two distinct bases. It might be liable under a general breach of contract theory ("general liability"). Even if not generally liable, it might still be liable for breach of its special obligations created by substitute fuel clause with certain customers ("special liability"). Liability arising from curtailment and the need to burn substitute fuels could arise under either of these bases (503 F.2d at 864). Section 12.3, if it has any effect on possible contractual liability, could affect either form of liability. In addition to Section 12.3, Section 12.1 purports to limit United's general contract liability. Whether Section 12.1 does limit general liability would, therefore, appear to be an appropriate corollary issue to be addressed in Phase III. In this regard we note that, in addition to asking the Commission to evaluate Section 12.3, the court posed the more general question: "Can a tariff provision remove general contractual liability?" (503 F.2d at 867).

The court postulated a second central question regarding general liability which should be considered in Phase III: "If the [tariff] provision would remove liability, would the unavailability of damages subject United's curtailed customers to 'any undue prejudice or disadvantage?' " (503 F.2d at 867). In items 1 and 4, above, United requests a declaratory order addressed to the issue of whether the payment of damages or compensation to its customers, including formerly intrastate customers, would create undue preferences and discriminations among customers? Although the questions raised by the court and United are phrased in terms of "undue prejudice or disadvantage," the questions posed are quite different. It may be appropriate for this Commission to speak to United's questions as to preference and discrimination arising out of satisfaction of a judgment for curtailment-produced damages, but the question is premature since it can only arise in the event that Sections 12.1 and 12.3 do not limit United's liability.

By requesting a declaratory order as to item 3, above, United seeks reaffirmation of our finding in Opinion Nos. 647 and 647-A that its curtailments did not result from improvidence or willful misconduct. The basis for the allegation of improvidence or willful misconduct is the contention that United engaged in enlargement of existing service and assumption of new service at a time when it knew or should have known that it would soon experience systemwide shortages. This issue of United's improvidence or willful misconduct has a dual relevance: (1) It may affect United's contractual liability and (2) it may affect any permanent curtailment plan to the extent that "United's past curtailment actions have created undue preferences which are perpetuated by that plan" (503 F.2d at 877). With respect to this latter effect, an opportunity to review evidence, if any, heretofore not presented concerning United's alleged wrongful expansion of service will be afforded in Phase II in the context of the structuring of a permanent plan free from undue preferences and discriminations. In light of the court's statement that we should not further speak to the issue of United's liability in this proceeding,<sup>2</sup> we believe that the issue of wrongful expansion of service should not be further reexamined in Phase III.

In the first part of item 4, above, United poses an issue which is too broad for us to fully answer in the context of the present proceeding: Whether the rights of United's customers whose service was at one time in whole or in part intrastate are also fixed by United's curtailment tariff and Commission orders? In its petition, United indicates that those formerly intrastate customers are served by United's "Green" and "Purple" systems over which we have been determined to have jurisdiction,<sup>3</sup> and which we certificated in Opinion No. 661.<sup>4</sup>

The "fixing" of "rights" of individual customers, formerly served from non-jurisdictional facilities, subsequent to the change in service to an interstate character may depend on a number of factors. Prior to the change from intrastate character of service, the rights between United and the customers in question were "fixed" variously by service agreements, tariff provisions filed with state, or local regulatory authorities, and state law and regulations. When the character of service changed and interstate jurisdiction attached, these provisions were supplanted to the extent they conflicted with the provisions of United's FPC tariff provisions prescribing curtailment procedures. *F.P.C. v. Louisiana Power & Light Co.*, 406 U.S. 621 (1972); *Pennsylvania v. West Virginia*, 262 U.S. 553 (1923). Such result stemmed from our action pursuant to our jurisdiction over transportation, and not from a unilateral contract modification by United. *F.P.C. v. Louisiana Power & Light Co.*, 406 U.S. 621, 646 (1972). United's effective FPC general tariff determined curtailment procedures for both direct sales and re-

sale sales. *Id.* at 647. Any exculpatory provisions contained in United's tariff are an integral part of the curtailment program which we have approved as just and reasonable conditions applicable to the transportation of natural gas by United subject to our jurisdiction (503 F.2d at 867). When service to formerly intrastate customers became interstate, exculpatory language contained in United's then effective tariff became fully applicable to such customers.

We decline to opine further as to the "fixing" of "rights" by United's tariffs since, first, a determination of rights does not appear necessary to resolve the issues raised by the court on remand or by United's filing in Docket No. RP75-71. Secondly, without expressing our views concerning under what conditions jurisdictional companies' rights provided by their FPC tariffs may be altered by pre-judicial contracts, we note that United might have attempted to contract away defenses which could otherwise be applicable. Whether such an attempt was made is unknown at this point. Lastly, until a determination is reached concerning the necessity and propriety of making Section 12.3, as originally proposed, retroactively applicable, the extent of the "fixing" of "rights" of formerly intrastate customers by United's tariff remain contingent.

The Commission finds and orders. Good cause has not been shown for granting United's petition for declaratory order and motion to consolidate, except as to the consolidation of the issue of the effect of United's tariff Section 12.1 on its general liability to curtailed direct sales customers. Such issue shall be consolidated for consideration in Phase III.

By the Commission,

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23099 Filed 8-29-75; 8:45 am]

[Docket No. E-9145]

UTAH POWER AND LIGHT CO.

Extension of Procedural Dates

AUGUST 21, 1975.

On August 14, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 29, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, October 7, 1975.  
Service of Intervenor Testimony, October 21, 1975.

Service of Company Rebuttal, November 4, 1975.  
Hearing, November 18, 1975 (10:00 a.m. 1st).

KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23092 Filed 8-29-75; 8:45 am]

# FEDERAL RESERVE SYSTEM

## AMERIBANC, INC.

### Order Granting Request for Reconsideration

Ameribanc, Inc., St. Joseph, Missouri, has requested reconsideration of the Order of December 31, 1974 (40 FEDERAL REGISTER 1568), whereby the Board of Governors denied the application of Ameribanc, Inc., for prior approval to merge with First American Bancshares, Inc., St. Joseph, Missouri, pursuant to section 3(a)(5) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1842(a)(5)).

The request for reconsideration is filed pursuant to section 262.3(g)(5) of the Board's Rules of Procedure, which provides that the Board will not grant any request for reconsideration "unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate." The Board finds that the request for reconsideration presents relevant new facts that were not previously presented to the Board and, therefore, that it would be appropriate for the Board to reconsider the application. Accordingly, the request for reconsideration is hereby granted.

In order to facilitate such consideration, comments and views regarding the proposal may be filed with the Board not later than September 23, 1975. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application, as supplemented by Applicant's request for reconsideration, may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, effective August 25, 1975.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc 75-23179 Filed 8-29-75; 8:45 am]

## D. H. BALDWIN CO.

### Order Approving Acquisition of Bank

D. H. Baldwin Company, Cincinnati, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First National Bank in Craig, Craig, Colorado ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The

<sup>1</sup> Voting for this action: Vice Chairman Mitchell and Governors Bucher, Coldwell, and Jackson. Voting against this action: Governor Wallich. Absent and not voting: Chairman Burns and Governor Holland.



## NOTICES

time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls eleven banks with aggregate deposits of approximately \$577 million, representing 8.1 per cent of the total deposits in commercial banks in Colorado, and ranks as the fourth largest banking organization in the State.<sup>1</sup> All banking data are as of December 31, 1974, and reflect holding company formations and acquisitions approved by the Board through July 31, 1975.<sup>2</sup> Since Bank is a proposed new bank, consummation of the proposed acquisition would not immediately increase Applicant's share of commercial bank deposits in the State nor increase the concentration of banking resources in Colorado.

Applicant is seeking to make its initial entry into the Craig banking market,<sup>3</sup> which at present has only one commercial bank with total deposits of approximately \$20 million. Applicant's closest subsidiary bank is located about 116 miles southeast of Craig in a separate banking market. It appears that Applicant's acquisition of Bank would not eliminate any existing competition; nor would consummation of the transaction have any adverse effect on future competition between any of Applicant's banking subsidiaries and Bank in view of the distances involved and the Colorado branching laws. Furthermore, approval of the proposal should have a favorable effect on competition by introducing an alternate source of banking services to the town of Craig. On the basis of the facts of record, the Board concludes that competitive considerations of the transaction are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as satisfactory and consistent with approval of the application. The introduction of a new banking alternative to the Craig area should provide greater banking convenience for the residents of the area. In addition, the recent economic growth experienced by the Craig area has produced a strong demand for all types of loans and Bank, with Applicant's assistance, would be in a position to help satisfy the increased banking demands of the area. Therefore, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that

<sup>1</sup> In addition to its banking activities, Applicant is a diversified corporation engaged in the manufacture and sale of musical instruments and the provision of financial services. For a further discussion of Applicant's nonbanking activities, see the Board's determination of June 14, 1973, with respect to Applicant's "grandfather" activities under § 4(a)(2) of the Act. (59 Federal Reserve Bulletin 536 (1973)).

<sup>2</sup> The Craig banking market is approximated by the eastern two-thirds of Moffat County in Colorado and a small portion of southern Carbon County in Wyoming.

the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date, and (c) First National Bank in Craig, Craig, Colorado, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors, effective August 25, 1975.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 75-23180 Filed 8-29-75; 8:45 am]

## MIDLAND BANCORP, INC.

## Formation of Bank Holding Company.

Midland Bancorp, Inc., Chicago, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Sears Bank and Trust Company, Chicago, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 29, 1975.

Board of Governors of the Federal Reserve System, August 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.

[FR Doc. 75-23181 Filed 8-29-75; 8:45 am]

## STOCKTON BANCORP, INC.

## Formation of Bank Holding Company

Stockton Bancorp, Inc., Stockton, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank of Stockton, Stockton, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or

<sup>1</sup> Voting for this action: Chairman Burns and Governors Mitchell, Bucher, and Jackson. Absent and not voting: Governors Holland, Wallich, and Coldwell.

at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than September 29, 1975.

Board of Governors of the Federal Reserve System, August 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.

[FR Doc. 75-23182 Filed 8-29-75; 8:45 am]

## U.S. BANCSHARES, INC.

## Acquisition of Bank

U.S. Bancshares, Inc., Brownwood, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 85 percent of the voting shares of First State Bank of Crandall, Crandall, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 29, 1975.

Board of Governors of the Federal Reserve System, August 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board

[FR Doc. 75-23183 Filed 8-29-75; 8:45 am]

GENERAL SERVICES  
ADMINISTRATION

[FEDERAL PROPERTY MANAGEMENT  
REGULATIONS TEMPORARY REGULATION F-352]

## SECRETARY OF DEFENSE

## Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an intrastate rate proceeding.

2. *Effective date.* This regulation is effective July 29, 1975.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the California Public Utilities Commission involving the application of the Pacific Gas and Electric Company for changes in its purchased gas adjustment clause (Application No. 55687).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,  
Administrator of General Services.

August 25, 1975.

[FR Doc. 75-23122 Filed 8-29-75; 8:45 am]

[Federal Property Management Regulations  
Temporary Regulation F-353]

## SECRETARY OF DEFENSE

## Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in interim and permanent electric rate proceedings.

2. *Effective date.* This regulation is effective August 12, 1975.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the North Carolina Utilities Commission (Docket No. E-2 Sub 264) in a proceeding involving the application of Carolina Power and Light Company for interim and permanent increases in its rates for electrical service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,  
Administrator of General Services.

August 25, 1975.

[FR Doc. 75-23123 Filed 8-29-75; 8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON  
ARCHITECTURAL AND ENGINEERING  
SERVICES

## Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 2, September 24, 1975, from 9 a.m. to 4:30 p.m., Room 2408, Federal Office Building, 26 Federal Plaza, New York, New York. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed fixed price, one year term contract for A/E services to be furnished as required at Government locations within a 50 mile radius of New York City, New York. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

Dated: August 20, 1975.

GERALD J. TURETSKY,  
Regional Administrator.  
[FR Doc. 75-23121 Filed 8-29-75; 8:45 am]

[Temporary Reg. G-22]  
FEDERAL PROPERTY MANAGEMENT  
REGULATIONSChange in Motor Vehicle Reporting  
Requirements

1. *Purpose.* This regulation prescribes the use of Standard Form 82-D, Agency Report of Sedan Data, for reporting additional data pertaining to Government-held sedans.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

3. *Expiration date.* This regulation expires March 31, 1976. Before the expiration date, this regulation will be codified in the permanent regulations of the General Services Administration (GSA) appearing in Title 41, CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to all executive agencies holding or using commercially designed motor vehicles.

5. *Background.* It is incumbent upon Federal agencies to provide leadership in the conservation of energy and to compile and maintain significant data in support of this function. The Government has recently intensified the procurement of small sized sedans instead of the larger types in order to reduce motor fuel consumption by the Federal fleet. As a result, the present Standard Form 82, Agency Report of Motor Vehicle Data, is inadequate for the compilation of meaningful data on the new and more varied sedan types. Since it is necessary to collect statistical data covering each specific type of sedan so that suitable vehicle energy conservation guidelines and optimum procurement and replacement policies can be developed, the use of new Standard Form 82-D is essential for the collection of that data.

6. *Agency action.* Each Federal agency, as holding agency, using agency, or both, submitting Standard Form 82, Agency Report of Motor Vehicle Data, under the provisions of FPMR 101-38.1, shall submit Standard Form 82-D, Agency Report of Sedan Data (see attachment A), in duplicate, to GSA with Standard Form 82. Notwithstanding the September 15 date specified in FPMR 101-38.102-1 for submission of such agency reports, Standard Forms 82 and 82-D

for fiscal year 1975 shall be submitted to the General Services Administration (FZM), Washington, D.C. 20406, no later than October 31, 1975.

7. *Assistance.* Agencies may obtain additional information or assistance concerning the provisions of this regulation by contacting the General Services Administration (FZM), Washington, D.C. 20406, telephone (703) 557-8565.

8. *Reports.* The reports required by this regulation have been cleared in accordance with FPMR 101-11.11 and assigned Interagency Report Control Number 1102-GSA-AN.

9. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations should be submitted to the General Services Administration (FF), Washington, D.C. 20406, no later than December 1, 1975, for possible incorporation into the permanent regulation.

10. *Availability of Standard Form 82-D.* Supplies of Standard Form 82-D may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. The temporary national stock number is 7540-01-034-0011.

11. *Effect on other issuances.* This regulation augments the policy in FPMR 101-38.102-1 as it pertains to agency submission of motor vehicle data to GSA.

Note: Standard Form 82-D, Agency Report of Sedan Data, referred to in paragraph 6, is filed as part of the original document.

Dated: August 28, 1975.

ARTHUR F. SAMPSON,  
Administrator of General Services.  
[FR Doc. 75-23344 Filed 8-29-75; 10:21 am]

NUCLEAR REGULATORY  
COMMISSION

[Docket No. 50-255]

## CONSUMERS POWER CO.

Notice of Proposed Issuance of Amendment  
to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Provisional Operating License No. DPR-20 issued to Consumers Power Company (the licensee) for operation of the Pallsades Plant (the facility), a pressurized-water reactor located in Van Buren County, Michigan, and currently authorized for operation at power levels up to 2100 MWt.

In accordance with the licensee's application for a license amendment and supplement dated July 9, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the Pallsades

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Plant terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 2, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petition must be filed in accordance with the provisions of this Federal Register notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to M. I. Miller, Esquire, Isham, Lincoln & Beale, Suite 4200, One First National Plaza, Chicago, Illinois 60670 and J. L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, the attorneys for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he

may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment and supplement dated July 9, 1975, and (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974 published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1786), which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 22nd day of August 1975.

For the Nuclear Regulatory Commission.

ALFRED BURGER,  
Acting Chief, Operating Reactor Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-23021 Filed 8-29-75; 8:45 am]

#### PRIVACY PROTECTION STUDY COMMISSION MEETING

The Privacy Protection Study Commission will hold a meeting open to the public on September 8, 1975 at Room 2168, Rayburn House Office Building, Washington, D.C. between 9 a.m. and 5 p.m. with a break for lunch and on September 9, 1975 at Room 2358 Rayburn House Office Building, Washington, D.C. between 9 a.m. and 5 p.m. with a break for lunch.

The matters to be discussed include organizational matters and a discussion of the activities to be undertaken by the Commission. Presentations presently planned to be made in addition to those of the Commission's staff will be made by Mitre Corporation; Dr. Alan Westin; Office of Management and Budget; Stanford Research Institute; and Purdue University Graduate School of Industrial Administration.

For further questions, call Barbara Bailey (202) 225-2436.

CAROLE PARSONS,  
Executive Director, Privacy Protection Study Commission.

[FR Doc.75-23359 Filed 8-29-75; 10:31 am]

#### RAILROAD RETIREMENT BOARD EXTENSION OF UNEMPLOYMENT BENEFITS

Determination under section 2(h)(4) of the Railroad Unemployment Insurance Act of the beginning of a "period of high unemployment," as defined in section 2(h)(2) of that Act.

In accordance with the provisions of section 2(h)(4) of the Railroad Unemployment Insurance Act (45 U.S.C. § 352(h)(4)) as amended by section 1(e) of Public Law 94-92, the Railroad Retirement Board has determined that a "period of high unemployment" (as defined in section 2(h)(2) of that Act, as amended) began on July 1, 1975. Consequently, extended unemployment benefits under the second proviso of section 2(c) of that Act, as amended by section 1(d)(2) of Public Law 94-92, will be payable in registration periods beginning on and after that date.

By Authority of the Board.

Dated: August 22, 1975.

[SEAL] R. F. BUTLER,  
Secretary of the Board.

[FR Doc.75-23148 Filed 8-29-75; 8:45 am]

#### RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

##### Determination of Quarterly Rate of Excise Tax

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. § 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning October 1, 1975, shall be at the rate of eight and one-half cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning October 1, 1975, 7.5 percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 92.5 percent of the taxes collected under such sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

Dated: August 25, 1975.

[SEAL] R. F. BUTLER,  
Secretary of the Board.

[FR Doc.75-23147 Filed 8-29-75; 8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19139; 70-5724]

##### METROPOLITAN EDISON CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

August 22, 1975.

NOTICE IS HEREBY GIVEN that Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania

19605, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to \$45,000,000 principal amount of First Mortgage Bonds, due not later than October 1, 2005 ("Bonds"). The interest rate (which will be a multiple of  $\frac{1}{8}$  of 1%) and the price (which will be not less than 98% and not more than 101% of the principal amount of the Bonds, plus accrued interest from October 1, 1975, to the date of delivery) will be determined by competitive bidding. The bidding procedure will not establish a minimum or maximum interest rate within which bids may be submitted. The Bonds will be issued under the Indenture, dated as of November 1, 1944 between Met-Ed and Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Supplemental Indenture to be dated as of September 25, 1975. None of the Bonds may be redeemed at the option of Met-Ed prior to October 1, 1980, if the funds for such redemption are obtained at an interest cost lower than the yield of the Bonds, except under certain circumstances.

The entire proceeds (exclusive of any premium or discount and accrued interest) from the sale of the Bonds will be applied to the payment at or before maturity of all or a portion of Met-Ed's \$40,000,000 of short-term bank loans expected to be outstanding at the date of the sale of the Bonds and/or retirement before maturity of Met-Ed's \$11,000,000 principal amount of First Mortgage Bonds due 1976-1978 and/or to reimburse Met-Ed's treasury for funds previously expended therefrom for construction purposes. The estimated cost of Met-Ed's 1975 construction program is approximately \$65,000,000 (including allowance for funds used during construction). At August 5, 1975, Met-Ed had short-term bank loans outstanding of \$30,725,000.

The fees and expenses to be incurred by Met-Ed in connection with the proposed transaction are estimated at \$140,000, including legal fees of \$37,500. Printing and engraving expenses are estimated at \$55,000. Fees of counsel for the underwriters, to be paid by the successful bidder, will be supplied by amendment. It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 16, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-23131 Filed 8-29-75; 8:45 am]

#### SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30; Rev. 15, Amdt. 3]

##### PROGRAM ACTIVITIES IN FIELD OFFICES

###### Delegation of Authority

Delegation of Authority No. 30, Revision 15 (40 FR 1165), as amended (40 FR 20691 and 40 FR 26317) is further amended to delegate to certain field officials authorities necessary to effectively carry out programs in field offices. This amendment also adds paragraph 2 to Part IX, Section B concerning size determinations for government procurement and sales activities and paragraph 4 to Part XI concerning temporary withholding of authorities.

Actions taken during the period of March 14, 1975, to the effective date of this document are hereby ratified to the extent they would have been authorized had this delegation been in effect.

Delegation of Authority No. 30, Revision 15, now reads as follows:

##### PART II—DISASTER PROGRAM

###### Section A—Disaster Loan Authority

###### 1. Direct and Immediate Participation

- (b) (1) Physical Disaster Loans (SBAct).

a. . . . .

(1) Home Loans: . . . . .

(h) Branch Manager . . . . .

(2) Business Loans: . . . . .

- (h) Branch Manager, \$500,000.  
2. Guaranteed Physical Disaster Loans  
(b) (1) (SBAct). . . . .

	Home loans	Business loans
(a) Branch Manager . . . . .	\$100,000	\$500,000

###### 3. Direct and Immediate Participation Economic Injury Disaster Loans (SBAct).

Business Loans

(h) Branch Manager . . . . . \$300,000

###### 4. Guaranteed Economic Injury Disaster Loans (SBAct) . . . . .

(h) Branch Manager . . . . . \$500,000

###### 5. Processing Representative. . . . .

(c) Branch Manager . . . . .

##### PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

###### Section C—Lease Guarantee

###### 1. Approval Authority. . . . .

a. . . . .

b. . . . .

c. . . . .

d. . . . .

e. Deleted . . . . .

###### Section D—Surety Guarantee

1. To guarantee sureties against portion of losses resulting from breach of bid, payment, or performance bonds on contracts, not to exceed \$500,000.

a. Regional Director

b. Assistant Regional Director for F&I

c. Surety Bond Guarantee Officer R/O

d. District Directors, San Francisco, New York, and Region IV District Offices only

e. Assistant District Director for F&I, San Francisco and Region IV District Offices only

f. Chief, CED Division, San Francisco, New York and Region IV District Offices only

g. Senior Surety Bond Guarantee Specialist, San Francisco D/O only

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# PART IX—ELIGIBILITY AND SIZE DETERMINATIONS

## Section A—Eligibility Determinations

### Section B—Size Determinations

1. *Size Determination Authority.* In accordance with Small Business Administration Small Business Size Standards Regulations, to make initial size determinations of applicants for assistance under any program of the Agency:

- Regional Director
- All other officials having authority and assigned responsibility to take final action on the assistance requested, EXCEPT the SBIC program and government procurement and sales activities.

2. *Size Determinations for Government Procurement and Sales.* In accordance with Small Business Administration Small Business Size Standards Regulations, to make size determinations for government procurement and sales activities.

- Regional Director
- Assistant Regional Director for PA
- District Director

## PART XI—REDELEGATION AUTHORITY

4. Regional directors, district directors, and branch managers may withhold or limit authorities delegated to those positions prescribed in this document for a period not to exceed six months. Information relating to these temporary exceptions will be maintained and available for examination in their respective field offices.

Effective date: September 2, 1975.

Dated: August 22, 1975.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc 75-23140 Filed 8-29-75; 8:45 am]

## DEPARTMENT OF LABOR

### Office of Employee Benefits Security ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

#### Notice of Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Tuesday and Wednesday, September 16 and 17, 1975, at 10 a.m., in Conference Room B, Departmental Auditorium, 12th and Constitution Avenue, N.W., Washington, D.C.

The meeting will be open to the public. The purpose of the meeting is to discuss the items listed in the following agenda:

- Investment Work Group Report.
- Recordkeeping Work Group Report.
- Seasonal Industries Work Group Report.
- Prohibited Transactions Work Group Report.
- Union Dues-Financed Plans.
- PBGC Presentation: Treatment of Basic Benefits.

- Discussion of Participation, Vesting and Accrual Regulations.
- Liability of Individuals Employed by Named Fiduciaries.
- Role of Internal Revenue Service and Joint Administration of ERISA.
- Agenda for November Meeting.

Any member of the public may file a written statement concerning the topics under this agenda by submitting 30 copies to James D. Hutchinson, Administrator of Pension and Welfare Benefit Programs, New Department of Labor Building, 200 Constitution Avenue, N.W., Room N4629, Washington, D.C. 20210.

Persons desiring to attend should notify Mr. Edward F. Lysczek, Executive Secretary of the Advisory Council, New Department of Labor Building, 200 Constitution Avenue, N.W., Room N4700, Washington, D.C. 20210, or may call Area Code 202/523-8753.

Signed at Washington, D.C., this 26th day of August 1975.

JAMES D. HUTCHINSON,  
Administrator of Pension  
and Welfare Benefit Programs.

[FR Doc 75-23115 Filed 8-29-75; 8:45 am]

## Office of the Secretary

### ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Section 512 of the Employee Retirement Income Security Act of 1974 (88 Stat. 895, 29 U.S.C. 1142) provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of 15 members to be appointed by the Secretary as follows: three shall be representatives of employee organizations (at least one of whom shall be representative of any organization whose members are participants in a multiemployer plan); three shall be representatives of employers (at least one of whom shall be representative of employers maintaining or contributing to multiemployer plans); one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and the accounting field. Three additional representatives shall be appointed from the general public, one of whom shall be a person representing those receiving benefits from a pension plan. Not more than eight members of the Council shall be members of the same political party. The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the Employee Retirement Income Security Act, and to submit to the Secretary recommendations with respect thereto. The Council will meet at least four times each year, and recommendations of the Council to the Secretary will be included in the Secretary's annual report to the Congress on the Employee Retirement Income Security Act.

Members shall be persons qualified to appraise the programs instituted under the Employee Retirement Income Security Act. They shall be appointed for

terms of three years except that, with respect to those members appointed initially, five were appointed for terms of one year, five were appointed for terms of two years, and five were appointed for terms of three years. Appointments were for terms beginning November 15, 1974.

The terms of five members appointed initially for one year expire on November 14, 1975. The groups or fields represented are as follows: employee organizations, employers (representative of employers maintaining or contributing to multiemployer plans), corporate trust field, investment management field and the general public. Appointments or reappointments to fill the vacancies will be for terms of three years beginning November 15, 1975.

Accordingly, notice is hereby given that any person or organization desiring to recommend one or more individuals for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" to represent any of the five groups or fields specified in the preceding paragraph may submit recommendations to the Secretary of Labor, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, on or before October 2, 1975. The recommendation may be in the form of a letter, resolution, or petition, signed by the person or, in the case of a recommendation by an organization, by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation or position, and address. It shall include a brief description of the candidate's qualifications and shall specify the group or field which the candidate would represent for purposes of section 512 of the Act, the candidate's political party affiliation, and whether the candidate is available and would accept.

Signed at Washington, D.C., this 26th day of August 1975.

JAMES D. HUTCHINSON,  
Administrator of Pension  
and Welfare Benefit Programs.

[FR Doc 75-23116 Filed 8-29-75; 8:45 am]

### AIRCO ELECTRONICS BRADFORD, PENNSYLVANIA

#### Notice of Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-64; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 1, 1975 in response to a worker petition received on June 26, 1975 which was filed by the International Union of Radio and Electrical Workers, AFL-CIO on behalf of workers formerly producing carbon composition resistors, coils and capacitors at the Airco Electronics Division, St. Marys, Pennsylvania, a di-

vision of Airco Incorporated of Montvale, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 28689) on July 8, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Airco Electronics, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, Electronic Industries Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements to section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

*Significant total or partial separations.* Total employment at the Bradford plant of Airco Electronics declined 43 percent from December 1972 to June 1975. Further, there will be continued layoffs throughout the remainder of 1975 as coil and capacitor production transfers to Nogales, Mexico.

*Sales or production, or both, have decreased absolutely.* Production of carbon composition resistors and capacitors at the Bradford plant declined 32 percent and 38 percent, respectively from 1973 to 1974.

*Sales of carbon composition resistors, capacitors and coils declined 27 percent, 45 percent and 11 percent, respectively, from 1973 to 1974.*

*Increased imports contributed importantly.* Imports of carbon composition resistors increased from about 424 million units in 1972 to about 1.4 billion units in 1974. The import/consumption and import/production ratios increased from about 11.5 percent and 12.6 percent, respectively in 1972 to 30.0 percent and 39.6 percent in 1974.

Imports of capacitors increased from about 265 million units in 1971 to about 1.1 billion units in 1974. The ratios of imports to domestic consumption and production increased significantly from 13.2 percent and 15.0 percent, respectively in 1971 to 34.5 percent and 50.9 percent, respectively in 1974.

Airco imports of shielded coils from Nogales, Mexico have increased 13 fold from 1970 to 1974.

Airco Electronics' imports of resistors, capacitors, and shielded coils have constituted an increasing share of Bradford's sales in recent months and will account for total sales by the end of 1975.

*Conclusion.* After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with resistors, capacitors and coils produced by the Bradford, Pennsylvania plant of Airco Electronics contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975 the effective date of the new program. In accordance with this provision of the act I make the following certification:

All hourly, piecework, and salaried workers employed at the Bradford, Pennsylvania plant of Airco Electronics who become totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of August 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc 75-23159 Filed 8-29-75; 8:45 am]

## [TA-W-62]

### CONTROL DATA CORP., CASPER, WYOMING

#### Notice of Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-62; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 26, 1975 in response to a worker petition received on June 24, 1975 which was filed by workers formerly producing and repairing computer memory components at the Casper, Wyoming plant of the Control Data Corporation, Computer Memory Manufacturing Division, St. Louis Park, Minnesota.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 28530) on July 7, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Control Data Corp., industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

*Significant total or partial separations.* Employment of production workers at Casper declined 41.2 percent from 1973 to 1974 and 28.2 percent from the first quarter of 1974 to the first quarter of 1975.

Employment ceased at Casper by July 1975.

*Sales or production, or both, have decreased absolutely.* Production at the Casper plant declined 29.3 percent from 1973 to 1974 and 7.3 percent from the first quarter of 1974 to the first quarter of 1975.

Production at Casper ceased during June 1975.

*Increased imports contributed importantly.* In recent years, more than 80 percent of all employment at the Casper plant was related to the repair of computer memory stacks. Evidence developed during the course of the investigation indicates that declines in production and employment at the Casper plant prior to March 1, 1975 were due to reduced repair requirements brought about by improved technology in the computer memory industry, and a reduced demand by Control Data for memory stacks produced at Casper. As operations at the Casper plant became increasingly unprofitable, Control Data decided to close the Casper plant. With the closure of the Casper plant Control Data transferred all repair operations formerly conducted at Casper to a Control Data facility in Korea, where such operations could be conducted at a more profitable level. Company imports from Korea of products formerly manufactured at Casper began in April 1975. These imports represent approximately 80 percent of Casper production on March 1, 1975. Manufacturing operations of the Casper plant, which comprised less than 20 percent of plant employment, were transferred to Control Data's St. Louis Park, Minnesota facility. All employment and production at the



Casper plant were terminated by late July 1975.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with articles produced at the Casper, Wyoming plant contributed importantly to the total or partial separation of the workers of that plant. Total or partial separations resulting from the transfer by Control Data of repair operations from the Casper plant to an offshore facility began in March 1975 and were concluded by late July 1975. After due consideration I make the following certification:

All hourly, piecework, and salaried workers employed at the Casper Wyoming plant of the Computer Memory Manufacturing Division, Control Data Corporation who became totally or partially separated from employment on or after March 2, 1975 and before July 30, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of August 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc 75-23160 Filed 8-29-75; 8:45 am]

#### MID-AMERICA DAIRYMEN, INC. SPRINGFIELD, MISSOURI

#### Notice of Negative Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-63: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 27, 1975 in response to a worker petition filed on June 24, 1975 by corporate employees of Mid-America Dairymen, Inc. on behalf of employees formerly employed at corporate headquarters in Springfield, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 28531) on July 7, 1975. No public hearing was requested and none was held.

The information upon which the determination is based was obtained principally from officials of Mid-America Dairymen, Inc., customers of the firm, the U.S. Department of Agriculture, the U.S. Department of Commerce and staff industry analysts.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant total or partial separations.** Employment of corporate salaried employees decreased by 14 percent from 1973 to 1974 and 6.1 percent for the first half of 1975 compared with the first half of 1974. The 30 corporate employees were laid off beginning in May 1975.

**Sales or production, or both, have decreased absolutely.** Mid-America's total sales increased during 1973 and 1974. Total sales for the first 5 months of 1975 were 6.3 percent below the first five months of 1974. Production of butter and NFDM decreased during 1974 by 18.5 percent and 5.0 percent respectively and decreased in the first quarter of 1975 by 10.8 percent and 15.4 percent respectively. Sales of butter and NFDM also decreased during 1974 by 9.9 percent and 14.2 percent respectively but increased in the first quarter of 1975 over the first quarter of 1974 by 4.4 percent for butter and 16.3 percent for NFDM. Production and sales of cheese increased during 1973 by 69.2 percent and 102.2 percent respectively and increased in 1974 by 18.5 percent and 12.8 percent respectively. Production of cheese continued to increase during the first quarter of 1975 by 5.5 percent from the first quarter of 1974 but sales decreased by 1.9 percent from the first quarter of 1974.

**Increased imports contributed importantly.** Imports of cheese, butter and NFDM are controlled by quotas. Imports of these dairy items increased for certain periods during 1973 and 1974 due to Presidential proclamations raising import quotas. Quota increases for butter were terminated on December 31, 1974. Imports of butter were .2 percent of U.S. production and consumption in 1974 and .3 percent in the first five months of 1975. Quota increases for NFDM were terminated June 30, 1974. Imports of NFDM were 2.2 percent of U.S. production and 1.6 percent of consumption during the last seven months of 1974 and .22 percent of U.S. production and .27 percent of consumption during the first five months of 1975. Quota increases for cheese were terminated March 31, 1974. Imports of cheese were 1.2 percent of U.S. production and consumption for the last seven months of 1974 and .3 of U.S. production and consumption for the first five months of 1975.

The layoffs at corporate headquarters resulted from a complete corporate reorganization in May 1975 after the selection of a new president for Mid-America

Dairymen because of operating losses in 1974 and the first quarter of 1975.

**Conclusion.** After careful review of the facts obtained in the investigation I conclude that increases of imports like or directly competitive with cheese, butter and NFDM produced at Mid-America Dairymen did not contribute importantly to the total or partial separation of workers or to the absolute decline in sales or production at Mid-America Dairymen.

Signed at Washington, D.C. this 25th day of August 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc 75-23158 Filed 8-29-75; 8:45 am]

[TA-W-65]

#### SHELLER GLOBE CORPORATION PORTLAND, INDIANA

#### Notice of Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-65: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 1, 1975 in response to a worker petition received on June 27, 1975 which was filed by the Allied Industrial Workers, AFL-CIO on behalf of workers formerly producing steering wheels and other automotive parts at the Portland, Indiana plant of the Sheller Globe Corporation, Toledo, Ohio.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 28690) on July 8, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sheller Globe Corporation, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purpose of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant total or partial separations.** A significant number or proportion of the workers at the Portland plant became totally or partially separated in the last quarter of 1974 and first six months of 1975. Employment declined 22.9 percent from October 1974 to June 1975.

**Sales or production, or both, have decreased absolutely.** Production and sales of steering wheels at the Portland plant declined 24.0 percent and 17.9 percent respectively in the first half of 1975 compared to the first half of 1974.

**Increased imports contributed importantly.** Imports of articles like or directly competitive with those produced at the Portland plant increased from 548,000 units in 1972 to 609,000 units in 1974. Imports increased 8.6 percent in the first quarter of 1975 compared to the first quarter of 1974. The ratios of imports to domestic consumption and production increased from 6.1 percent and 6.0 percent, respectively in 1973 to 8.3 percent and 8.0 percent in 1974 and increased further to 9.1 percent and 9.8 percent in the first quarter of 1975.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of steering wheels was caused by the increase of competitive imports from the company's foreign production facilities.

Company imports of steering wheels increased 7.0 percent from 1973 to 1974 and increased 13.3 percent in the first 4 months of 1975 compared to the same period of 1974.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with steering wheels produced at Sheller Globe's Portland plant contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act, I make the following certification:

All hourly and salaried workers engaged in employment related to the production of steering wheels at the Portland, Indiana plant of Sheller Globe Corporation who became totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of August 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc 75-23157 Filed 8-29-75; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

##### Elimination of Gateway Letter Notices

AUGUST 27, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 12, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 504 (Sub-No. E3), filed May 12, 1974. Applicant: HARPER MOTOR LINES, INC., P.O. Box 460, Elberton, Ga. Applicant's representative: B. K. McClain, P.O. Box 6985, Atlanta, Ga. 30315. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). (a) between Chicago and Peoria, Ill., on the one hand, and, on the other, points in North Carolina within the boundaries of U.S. Highway 1 from the North Carolina-South Carolina State line to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction North Carolina 41, thence along North Carolina Highway 41 to the North Carolina-South Carolina State line, including points on above-named highways; and (b) between points in Ohio, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 378 to McCormick, thence along U.S. Highway 221 to Greenwood, thence along South Carolina Highway 34 to Winnsboro, thence along U.S. Highway 321 to Chester, thence along South Carolina Highway 9 to Lancaster, thence along South Carolina Highway 200 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Columbia, S.C.

No. MC 1824 (Sub-No. E2), filed May 15, 1974. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, Md. 21655. Applicant's representative: Frank V. Klein (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (a) from points on and within 10 miles of U.S. Highway 1 and U.S. Highway 40 between Baltimore, Md., and Junction Maryland Highway 24, to points in New York on and west of U.S. Highway

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219, points in Pennsylvania on and west of U.S. Highway 219 and points in Ohio, Virginia, and West Virginia (Landover or Chesapeake City, Md.); (b) from points on and within 10 miles of U.S. Highway 2 and U.S. Highway 40 from Baltimore, Md., to junction Maryland Highway 24, to points in New York on, east and north of a line beginning at Buffalo extending along U.S. Highway 219 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 70, thence along New York Highway 70 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 54, thence along New York Highway 54 to Hammondsport, thence along unnumbered highway to junction New York Highway 14 at Watkins Glen, thence along New York Highway 14 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 34, thence along New York Highway 34 to the New York-Pennsylvania State line;

(c) From points on or within 10 miles of U.S. Highway 1 between the intersection of Maryland Highway 24 and Pennsylvania Highway 62, and U.S. Highway 40 between intersection of Maryland Highway 24 and Delaware Highway 41, to points in Ohio, points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 219 to junction Pennsylvania Highway 770, thence along Pennsylvania Highway 770 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-Maryland State line, points in Virginia on and south of a line beginning at the Virginia-West Virginia State line extending along Virginia Highway 55 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, points in West Virginia on and west of a line beginning at the West Virginia-Virginia State line extending along West Virginia Highway 55 to junction U.S. Highway 220, thence along U.S. Highway 220 to the West Virginia-Maryland State line; (d) from points on and within 10 miles of (1) U.S. Highway 1 between junction Pennsylvania Highway 52 and New York, (2) U.S. Highway 40 to U.S. Highway 130, thence along U.S. Highway 130 to junction U.S. Highway 1, and thence as in (1) above (also U.S. Highway 13 to Trenton, N.J., thence along U.S. Highway 1 to New York, also from Trenton over New Jersey Highway 27 to Elizabeth, N.J., and thence along U.S. Highway 1 to New York, N.Y.) between junction U.S. Highway 40 and Delaware Highway 41 at State Road, Delaware, and New York, N.Y., to points in Virginia, West Virginia and Ohio;

(e) From (1) points on and within 10 miles of U.S. Highway 1 between junction Pennsylvania Highway 52 and Trenton, N.J., and (2) points on and within 10 miles of U.S. Highway 40 to junction U.S. Highway 130, thence along U.S. Highway 130 to Trenton (also U.S. Highway 40 to junction U.S. Highway 13, thence along U.S. Highway 13 to Trenton) between the junction of U.S. Highway 40 and Delaware Highway 41 at State Road, Del., and Trenton, N.J., to points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line; (f) from points on or within 1-miles of the highways specified in (1), (2) and (3) below between the junction of Maryland Highway 24 and Philadelphia, Pa., (1) U.S. Highway 1, (2) U.S. Highway 40 to junction U.S. Highway 130, thence along U.S. Highway 130 to Philadelphia, (3) U.S. Highway 40 to junction U.S. Highway 13, thence along U.S. Highway 13 to Philadelphia, to points in New York on and west of a line beginning at Rochester extending along U.S. Highway 15 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 16, thence along New York Highway 16 to the New York-Pennsylvania State line;

(g) From points on and within 10 miles of U.S. Highway 1 between Trenton, N.J., and New York, N.Y., to points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 62 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-Maryland State line; and (h) from points on or within 10 miles of (1) U.S. Highway 1 between the junction of New Jersey Highway 18 and New York, (2) New Jersey Highway 27 between the junction of New Jersey Highway 18 to Elizabeth, N.J., and thence along U.S. Highway 1 to New York, N.Y., to points in New York on and west of a line beginning at Barcelona, N.Y., extending along New York Highway 17 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Chesapeake City, Md.

No. MC 1824 (Sub-No. E3), filed May 15, 1974. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, Md. 21655. Applicant's representative: Frank V. Klein (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foodstuffs, (1) from points on or within 10 miles of U.S. Highway 1 from New York, N.Y., to Boston, Mass.; U.S. High-

way 5 from New Haven, Conn., to Springfield, Mass., U.S. Highway 20 from Springfield, Mass., to Boston, Mass., to points in Virginia, West Virginia, points in that part of Ohio west of U.S. Highway 322, points in that part of Pennsylvania south and west of U.S. Highway 322 from the Ohio-Pennsylvania State line to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, (b) from points on or within 10 miles of U.S. Highway 1 from New York, N.Y., to Boston, Mass., and from points on U.S. Highway 5 from New Haven to Hartford, Conn., to points in Ohio north of U.S. Highway 322; (c) from points on or within 10 miles of U.S. Highway 1 from New York, N.Y., to New London, Conn., to points in that part of Pennsylvania on, north and west of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 899, thence along Pennsylvania Highway 899 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. 322, thence along U.S. Highway 322 to the Pennsylvania-Ohio State line;

(d) From points on and within 10 miles of U.S. Highway 1 from New Haven, Conn., to Boston, Mass., and U.S. Highway 20 from Worcester to Boston, Mass., to points in Pennsylvania within an area bounded by a line beginning at the junction of U.S. Highway 322 and Pennsylvania Highway 36, extending along U.S. Highway 322 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to point of beginning, including points on the above-specified highways; and (e) from points on and within 10 miles of U.S. Highway 1 from New York, N.Y., to Bridgeport, Conn., to points in New York on and west of a line beginning at Barcelona extending along New York Highway 17 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Chesapeake City, Md.

No. MC 31600 (Sub-No. E10), filed June 4, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Marshall Kragen, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from points in New Hampshire to points in California (Boston, Mass.); (2) *liquid commodities*, in bulk, in tank vehicles, except petroleum and petroleum products, asphalt, bituminous materials and bituminous products milk and milk products and blackstrap molasses, from points in New Hampshire

on and east of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 103 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 3, thence along U.S. Highway 3 to the New Hampshire-Massachusetts State line, to points in Rhode Island (Boston, Mass.); (3) *formaldehyde*, in bulk, in tank vehicles, from points in New Hampshire, to points in Delaware and Pennsylvania within 250 miles of Garfield, N.J. (Garfield or Perth Amboy, N.J.); (4) *liquid plasticizers*, in bulk, in tank vehicles, (a) from points in New Hampshire to Wilmington, Del., and Lancaster, Philadelphia, Doylestown, Neville Island, and Pittsburgh Pa., (b) from points in New Hampshire on and south of New Hampshire Highway 101 to Lockport, N.Y. (Cambridge, Mass.); (5) *liquid container cement*, in bulk, in tank vehicles, (a) from points in New Hampshire to New Castle and Dover, Del., and Philadelphia, Lancaster, Glassport, Oil City, Pittsburg, Conneville, and Mifflinborough, Pa., and (b) from points in Hillsborough and Merrimack Counties, N.H., to Lockport, Niagara Falls, Buffalo, Fairport, Syracuse, and Randolph, N.Y. (Cambridge, Mass.);

(6) *Aluminum chloride, aluminum sulphate, aqua-ammonia, lacquers, lacquer thinning compound, muriatic acid, nitric acid, oleum, sodium by-sulphate, proprietary alcohol solvents, sodium hypochloride and sulphuric acid*, restricted to liquid commodities and against petroleum products, in bulk, in tank vehicles, (a) from points in New Hampshire to Rockford, Del., Buffalo, Niagara Falls, Greenwich and Thompson, N.Y., and Conshohocken, Seiple, Philadelphia, Bridgeville, Carnegie, Reading and Springfield, Pa. (Everett, Mass.); and (b) from points in New Hampshire to points in Pennsylvania on and east of U.S. Highway 15 (Sayreville, N.J.); (7) *cotton softener and sizing*, in bulk, in tank vehicles, from points in New Hampshire to Rockford, Del., Buffalo, Niagara Falls, Greenwich, and Thompson, N.Y., and Conshohocken, Seiple, Philadelphia, Bridgeville, Carnegie, Reading and Springfield, Pa.; (8) *formic acid*, in bulk, in tank vehicles, from points in New Hampshire to Albany, Ga., and Orangeburg, S.C. (Fords or Garfield, N.J.); (9) *salicylatehyde*, in bulk, in tank vehicles, from points in New Hampshire to Chicago, Ill. (Fords, N.J.); (10) *animal vegetable and fish oils*, (except fatty acids and refined coconut oils), and *liquid chocolate, liquid chocolate products, and cocoa butter*, in bulk, in tank vehicles, from points in New Hampshire to Chicago, Ill. (Boston, Mass.); (11) *chlorosulfonic acid*, in bulk, in tank vehicles, from points in New Hampshire to Baltimore, Md., and Lock Haven, and Philadelphia, Pa. (Kearny, N.J.); (12) *fluorinated hydrocarbon (compressed gas), trichloromono-fluoromethane, trichlorotrifluoroethane and dichlorotetrafluoroethane and mixtures of the aforementioned commodities*, in bulk, in tank vehicles, from points in New Hampshire to Baltimore,

Md., Cleveland, Minerva, Portsmouth, and Waverly, Ohio, and Lancaster, Norristown, and Tylersport, Pa. (Edgewater or Elizabethport, N.J.); (13) *grain alcohol*, in bulk, in tank vehicles, from points in New Hampshire to Cockeysville, Md. (Boston, Mass., and Hartford, Conn.); (14) *liquid paint*, in bulk, in tank vehicles from points in New Hampshire to New Kensington, Pa. (Chelsea, Mass.); (15) *liquid cleaning compound*, in bulk, in tank vehicles, (restricted against petroleum products), from points in Merrimack and Hillsborough Counties, N.H., to Lititz, Pa. (Boston, Mass., and Cranston, R.I.); (16) *denatured rum*, in bulk, in tank vehicles, from points in New Hampshire to Richmond, Va. (Boston, Mass.); and (17) *liquid colloidal silicate*, in bulk, in tank vehicles, from points in New Hampshire to Racine, Wisc. (Everett, Mass.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 31600 (Sub-No. E11), filed June 4, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Marshall Kragen, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) between points in Windham County, Conn., on the one hand, and, on the other, points in New York on, south and west of a line beginning at the East River and extending along Interstate Highway 87 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 63, thence along New York Highway 63 to Lake Ontario; (2) between points in New London and Middlesex Counties, Conn., on the one hand, and, on the other, points in New York on, south and west of a line beginning at the Connecticut-New York State line and extending along U.S. Highway 6 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 41, thence along New York Highway 41 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 34, thence along New York Highway 34 to junction U.S. Highway 104, thence along U.S. Highway 104 to junction New York Highway 18, thence along New York Highway 18 to Lake Ontario; (3) between points in Fairfield County, Conn., on the one hand, and, on the other, points in New York on and west of New York Highway 14;

(4) Between points in Hartford County, Conn., on the one hand, and, on the other, points in New York on, south and west of a line beginning at the East River and extending along Interstate Highway 87 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 36,

thence along New York Highway 36 to junction New York Highway 63, thence along New York Highway 63, to junction New York Highway 98, thence along New York Highway 98 to Lake Ontario; (5) between points in New Haven County, Conn., on the one hand, and, on the other, points in New York on, south and west of a line beginning at the East River and extending along Interstate Highway 87 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 80, thence along New York Highway 80 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 481, thence along New York Highway 481 to Lake Ontario; (6) between points in Litchfield County, Conn., on the one hand, and, on the other, points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 14 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 18, thence along New York Highway 18 to Lake Ontario, restricted in (1) through (6) above against the transportation to points in the New York, N.Y., Commercial Zone (points in Essex, Hudson, and Union Counties, N.J., points in Bergen County, N.J., south of New Jersey Highway 4 and points in Middlesex County, N.J., north of the Raritan River (except points in New Jersey in the New York, N.Y., Commercial Zone)). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 31600 (Sub-No. E14), filed June 4, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Marshall Kragen, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* (except petroleum products and bituminous products), in bulk, in tank vehicles, from points in Massachusetts to points in California (Boston, Mass.); (2) *formaldehyde*, in bulk, in tank vehicles, from points in Massachusetts to points in Delaware and Pennsylvania which are within 250 miles of Garfield, N.J. (Garfield or Perth Amboy, N.J.); (3) *liquid plasticizers* (except petroleum products), and *liquid container cement*, in bulk, in tank vehicles, (a) from points in Massachusetts to Wilmington, Del., and (b) from points in Massachusetts on and east of Massachusetts Highway 32 to Lockport, N.Y., and Lancaster, Philadelphia, Doylestown, Neville Island and Pittsburgh, Pa. (Cambridge, Mass.); (4) *aluminum chloride, aluminum sulphate, aqua-ammonia, lacquers, lacquer thin-*



ning compound, muriatic acid, nitric acid, oleum, phthalic anhydride, resins, plasticizers, sodium by-sulphate, proprietary alcohol solvent, sodium hypochloride and sulphuric acid (restricted to liquid commodities and against petroleum products), in bulk, in tank vehicles, (a) from points in Massachusetts to Rockford, Dela. (Everett, Mass.); (b) from points in Massachusetts on and east of Massachusetts Highway 32 to Glens Falls, Buffalo, Amsterdam, Niagara Falls, Beaver Falls, Brownsville, Carthage, Corinth, Dexter, Ft. Edwards, Fulton, Gouverneur, Greenwich, Harrisville, Little Falls, Lyons Falls, Newton Falls, Norfolk, Ogdensburg, Phoenix, Plattsburg, Potsdam, Thompson, Utica, Schenectady, Lawville, and Watertown, N.Y., and Conshohocken, Seiple, Smethport, Philadelphia, Carnegie, Coudersport, Reading and Springfield, Pa. (Everett, Mass.); and (c) from points in Massachusetts on and east of Massachusetts Highway 32 to points in Pennsylvania on and east of U.S. Highway 15 (Sayreville, N.J.).

(5) *Cotton softener and sizing*, in bulk, in tank vehicles, (a) from points in Massachusetts to Rockford, Dela., and (b) from points in Massachusetts on and east of Massachusetts Highway 32 to Glens Falls, Buffalo, Amsterdam, Niagara Falls, Beaver Falls, Brownsville, Carthage, Corinth, Dexter, Ft. Edwards, Fulton, Gouverneur, Greenwich, Harrisville, Little Falls, Lyons Falls, Newton Falls, Norfolk, Ogdensburg, Phoenix, Plattsburg, Potsdam, Thompson, Utica, Schenectady, Lawville, and Watertown, N.Y., and Conshohocken, Seiple, Smethport, Philadelphia, Carnegie, Coudersport, Reading and Springfield, Pa. (Everett, Mass.); (6) *formic acid*, in bulk, in tank vehicles, from points in Massachusetts to Albany, Ga., and Orangeburg, S.C. (Fords, N.J., or Garfield, N.J.); (7) *sulcylaldehyde*, in bulk, in tank vehicles, from points in Massachusetts to Chicago, Ill. (Fords, N.J.); (8) *animal, vegetable and fish oils*, (except fatty acids and refined coconut oils), and *liquid chocolate, liquid chocolate products, and cocoa butter*, in bulk, in tank vehicles, from points in Massachusetts to Chicago, Ill. (Boston, Mass.); (9) *chlorosulfonic acid*, in bulk, in tank vehicles, from points in Massachusetts to Baltimore, Md., and Lock Haven and Philadelphia, Pa. (Kearny, N.J.); (10) *fluorinated hydrocarbon* (compressed gas), *trichloromonofluoromethane*, *trichlorotrifluoroethane*, *trichlorotetrafluoroethane*, and *mixtures of the aforementioned commodities*, in bulk, in tank vehicles, (a) from points in Massachusetts to Baltimore, Md., and Cleveland, Minerva, Portsmouth or Elizabethport, N.J.; and (b) from points in Massachusetts on and east of Massachusetts Highway 32 to Lancaster, Norrisown and Tylersport, Pa. (Edgewater, N.J.); (11) *grain alcohol*, in bulk, in tank vehicles, from points in Massachusetts to Cockeyville, Md. (Hartford, Conn.); (12) *liquid*

*synthetic resin*, in bulk, in tank vehicles, from points in Massachusetts to Oden-ton, Md. (Ballardvale, Mass.);

(13) *Liquid glycerine*, in bulk, in tank vehicles, from points in Massachusetts on and east of Massachusetts Highway 128 to Schenectady, N.Y. (Cambridge, Mass.); (14) *liquid paint*, in bulk, in tank vehicles, from points in Massachusetts to New Kensington, Pa. (Chelsea, Mass.); (15) *liquid cleaning compound*, (restricted against petroleum products), in bulk, in tank vehicles, from points in Massachusetts to Lititz, Pa. (Boston, Mass., and Cranston, R.I.); (16) *animal, vegetable and fish oils*, from points in Massachusetts to Elkland, Pa. (Boston, Mass.); (17) *denatured rum*, in bulk, in tank vehicles, from points in Massachusetts to Richmond, Va. (Boston, Mass.); and (18) *liquid colloidal silicate*, in bulk, in tank vehicles, from points in Massachusetts to Racine, Wisc. (Everett, Mass.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 41406 (Sub-No. E1), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except commodities requiring special equipment), (a) from points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 30 to Sugar Grove, thence along Interstate Highway 90 to the Illinois-Indiana State line, to points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 10 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 43, thence along Indiana Highway 43 to Lafayette, thence along Indiana Highway 26 to the Indiana-Ohio State line; (b) between points in Kankakee and Will Counties, Ill., on the one hand, and, on the other, points in Steuben, LaGrange, Elkhart, St. Joseph, LaPorte, DeKalb, Noble, Kosciusko, Whitley and Allen Counties, Ind.; (c) from points in Illinois on and north of Interstate Highway 80, to points in Indiana on, north and east of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 80 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line;

(d) From points in Illinois on and south of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 9 to Bloomington, thence along U.S. Highway 66 to junction Illinois

Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line, to points in Indiana on and north of U.S. Highway 30; and (e) from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 6 to Galesburg, thence to junction U.S. Highway 6, thence along U.S. Highway 6 to Joliet, thence along U.S. Highway 30 to the Illinois-Indiana State line, to points in Indiana on north and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 6 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 31 through Kokomo, to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 41406 (Sub-No. E2), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) from points in Kankakee, Iroquois, Vermilion, Edgar, Douglas, Champaign, and Ford Counties, Ill., to points in Columbia, Dane, Dodge, Grant, Iowa, Fond du Lac, Kenosha, Jefferson, Ozaukee, Racine, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wisc. (except those parts of Kenosha and Racine Counties on and east of U.S. Highway 41); (b) from points in Livingston County, Ill., to points in Columbia, Racine, Kenosha, Walworth, Waukesha, Jefferson, Ozaukee, Washington, Sheboygan and Fond du Lac Counties, Wisc. (except those parts of Kenosha and Racine Counties on and east of U.S. Highway 41); (c) from points in Livingston County, Ill., on and east of U.S. Highway 66, to points in Crawford, Dane, Dodge, Green, Iowa, Lafayette, Richland, Rock, and Sauk Counties, Wisc.; (d) from points in Grundy County, Ill., on and east of U.S. Highway 66, to points in Kenosha, Racine, Waukesha, Washington, Ozaukee and Fond du Lac Counties, Wisc. (except those parts of Racine and Kenosha Counties, on and east of U.S. Highway 41);

(e) From points in that part of Cook County, Ill., south and east of a line beginning at the Lake Michigan at Wilmette, Ill., extending along Lake Avenue to Euclid Avenue, thence to junction Illinois Highway 53, thence to the Cook-DuPage County lines, to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wisc. (except those parts of

Kenosha and Racine Counties on and east of U.S. Highway 41); (f) from that part of DuPage County, Ill., on and east of Illinois Highway 53, to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wisc. (except those parts of Kenosha and Racine Counties on and east of U.S. Highway 41); and (g) from points in that part of Will County, Ill., on, south and east of U.S. Highway 66 to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wisc. (except those parts of Kenosha and Racine Counties on and east of U.S. Highway 41). The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone.

No. MC 41406 (Sub-No. E3), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) from points in Illinois on and south of Illinois Highway 16 (except points in Jersey and Macoupin Counties), to points in Sauk, Columbia, Dane, Dodge, Fond du Lac, Jefferson, Kenosha, Ozaukee, Racine, Richland, Rock, Sheboygan, Walworth, Washington, Waukesha Counties, Wisc., on and east of a line beginning at the Wisconsin Dells on U.S. Highway 12 to junction U.S. Highway 51, thence south to the Wisconsin-Illinois State line; and (b) from points in Cumberland, Clark, Jasper, Crawford, Richland, Lawrence, Edwards, Wabash, White, Saline, Gallatin, Hardin, Pope, Johnson, Massac, Pulaski, and Alexander Counties, Ill., to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha, Ozaukee, Racine, Richland, Rock, Sauk, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wisc. (except those parts of Kenosha and Racine Counties on and east of U.S. Highway 41). The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone.

No. MC 41406 (Sub-No. E4), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Indiana to points in Wisconsin (except those parts

of Kenosha and Racine Counties on and east of U.S. Highway 41), south of the southern boundaries of Vernon, Juneau, Adams, Marquette, Green Lake, Winnebago, Calumet and Manitowoc Counties. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or points in its commercial zone.

No. MC 41406 (Sub-No. E5), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk), from Middletown, Ohio, to points in Iowa. The purpose of this filing is to eliminate the gateway of the plant site of the Jones & Laughlin Steel Corporation located in Putnam County, Ill.

No. MC 41406 (Sub-No. E6), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Middletown, Ohio, to points in Columbia, Crawford, Dane, Grant, Dodge, Fond du Lac, Green, Iowa, Jefferson, Lafayette, Kenosha, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wisc. (except those parts of Kenosha and Racine Counties on and east of U.S. Highway 41). The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone.

No. MC 41406 (Sub-No. E7), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk), from Middletown, Ohio, to points in Wisconsin west and north of Vernon, Juneau, Adams, Marquette, Waushara, Waupara, Shawano, Oconto, and Marlette Counties, including points within these counties. The purpose of this filing is to eliminate the gateway of the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Ill.

No. MC 41406 (Sub-No. E8), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Ap-

plicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) from points in the Lower Peninsula of Michigan, to points in Illinois (except Edgar, Clark, Crawford, Edward, White, Gallatin, Lawrence, Hardin, and Wabash Counties), and (b) from points in the Lower Peninsula of Michigan (except points in Branch, Hillsdale, Lenawee, and Monroe Counties), to points in Illinois. The purpose of this filing is to eliminate the gateway of points in the Chicago, Ill., commercial zone which are in the Portage, Ind., commercial zone.

No. MC 41406 (Sub-No. E9), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) from points in that part of Michigan on and north of a line beginning at Lake Michigan near Ludington extending along U.S. Highway 31 to junction Michigan Highway 55, thence along Michigan Highway 55 to Roscommon-Ogemaw County line, thence along the Roscommon-Ogemaw County lines to the northern borders of Ogemaw and Iosco Counties to Lake Huron, to Kokomo, Ind.; (b) from points in that part of Michigan on and north of U.S. Highway 12 to Evansville, Ind.; (c) from those points in Michigan on, north and east of a line beginning at Lake Michigan near Holland, extending along Michigan Highway 40 to junction Michigan Highway 89, thence along Michigan Highway 89 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, to points in Lake County, Ind., and that part of Porter County, Ind., on, south and west of a line beginning at Lake Michigan near Dune Acres extending along Indiana Highway 49 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Porter-La Porte County line; (d) from points in that part of Michigan on and north of a line beginning at Lake Michigan near Benton Harbor extending along U.S. Highway 31-33 to junction Interstate Highway 94, thence along Interstate Highway 94 to Detroit, Mich., to points in Tippecanoe County, Ind., on and west of Interstate Highway 65;

(e) From points in Michigan (except points in Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, and Monroe Counties, Mich.), to points in Montgomery County, Ind., on, south and west of a line extending from the Fountain-Montgomery County line along Interstate Highway 74 to junction U.S. Highway 231, thence along U.S. Highway 231



to the Montgomery-Putnam County line; and (f) from points in Michigan (except points in Branch, Hillsdale, Lenawee, and Monroe Counties, and that part of St. Joseph County south of U.S. Highway 12), to points in that part of Indiana on, south and west of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 114 to junction Indiana Highway 55, thence along Indiana Highway 55 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Ohio River. The purpose of this filing is to eliminate the gateway of points in the Chicago Ill. commercial zone, and Portage, Ind.

No. MC 41406 (Sub-No. E10), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the Lower Peninsula of Michigan, to points in that part of Iowa on and east of a line beginning at the Iowa-Illinois State line at Keokuk extending along U.S. Highway 218 to Cedar Rapids, thence along U.S. Highway 451 to junction Iowa Highway 13, thence along Iowa Highway 13 to Marquette, at the Iowa-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone.

No. MC 41406 (Sub-No. E12), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building and construction materials (except commodities in bulk), from points in the Lower Peninsula of Michigan, to points in Missouri (except points in Dunklin, Pemiscot, New Madrid, Scott, Stoddard, Mississippi, Cape Girardeau, Bollinger, St. Genevieve, Butler, Wayne, Madison, St. Francois, and Perry Counties). The purpose of this filing is to eliminate the gateways of (1) Chicago, Ill., or a point in its commercial zone, and (2) the plant sites of Jones & Laughlin Steel Corporation located in Putnam County, Ill., (Hennepin).

No. MC 41406 (Sub-No. E13), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought

to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the Lower Peninsula of Michigan on and south of Michigan Highway 55, to Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. (except those parts of Kenosha and Racine Counties on and east of U.S. Highway 41). The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone.

No. MC 41406 (Sub-No. E17), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought

to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities requiring special equipment), (a) from Kokomo, Ind., to points in that part of Michigan on and north of a line beginning at Lake Michigan near Ludington extending along U.S. Highway 31 to junction Michigan Highway 55, thence along Michigan Highway 55 to the Rosecommon-Ogemaw County line, thence north along the Rosecommon-Ogemaw County line to the Ogemaw-Oscoda Counties line, thence along the northern borders of Ogemaw and Iosco Counties to Lake Huron; (b) from Evansville, Ind., to points in that part of Michigan on and north of U.S. Highway 12; (c) from points in Lake County, Ind., and that part of Porter County, Ind., on, south and west of a line beginning at Lake Michigan near Dune Acres extending along Indiana Highway 49 to junction U.S. Highway 30, thence along U.S. Highway 30 to the La Porte-Porter County line, to those points in Michigan on, north, and east of a line beginning at Lake Michigan near Holland extending along Michigan Highway 40 to junction Michigan Highway 89, thence along Michigan Highway 89 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line;

(d) From points in Tippecanoe County, Ind., on and west of Interstate Highway 65, to points in that part of Michigan on and north of a line beginning at Lake Michigan near Benton Harbor extending along U.S. Highway 31-33 to junction Interstate Highway 94, thence along Interstate Highway 94 to Detroit; (e) from points in Montgomery County, Ind., on, south and west of a line beginning at the Fountain-Montgomery County line extending along Interstate Highway 74 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Montgomery-Putnam County line, to points in Michigan (except

points in Berrie, Cass, St. Joseph, Branch, Hillsdale, Lenawee and Monroe Counties, Mich.); (f) from points in that part of Indiana on, south and west of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 114 to junction Indiana Highway 55, thence along Indiana Highway 55 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Ohio River, to points in Michigan (except points in Branch, Hillsdale, Lenawee, and Monroe Counties, and that part of St. Joseph County south of U.S. Highway 12). The purpose of this filing is to eliminate the gateway of Gary, Ind., (Chicago, commercial zone, and Portage, Ind.).

No. MC 41406 (Sub-No. E18), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building and construction materials, from points in Illinois in Boone, Bureau, Cook, DeKalb, DuPage, Kane, Kendall, Lake, Lee, McHenry, Ogle, Putnam, Stephenson, and Winnebago Counties, and points in La Salle County on, north and east of Illinois Highway 18 and points in Will County on and north of a line beginning at the Will-Grundy County line extending along U.S. Highway 6 to Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Will-Cook County line, and points in Grundy County on and north of U.S. Highway 6, to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Ill. (Hennepin).

No. MC 41406 (Sub-No. E19), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* which are building and construction materials, from points in Lake, Porter, Starke, La Porte, and Marshall Counties, Ind., on and north of U.S. Highway 30, and points in St. Joseph County, Ind., to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, Ill.

No. MC 41406 (Sub-No. E20), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box

2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) from points in Jo, Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Cook, DuPage, Kane Counties, Ill., and points in Ogle County, Ill., on and north of Illinois Highway 64; and points in Will and DeKalb Counties, Ill., on and north of U.S. Highway 30, to Henderson, Louisville and Owensboro, Ky.; and (b) from points in Winnebago, Boone, McHenry, Lake, Cook, DuPage, Kane, DeKalb, and Ogle Counties, Ill., and that part of Will County, Ill., on and north of U.S. Highway 30, to Paducah, Ky. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone.

No. MC 41406 (Sub-No. E22), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) from points in the Lower Peninsula of Michigan on, west and north of a line beginning at the Indiana-Michigan State line at Lake Michigan extending along U.S. Highway 12 to junction Michigan Highway 50, thence along Michigan Highway 50 to Monroe, thence along unnumbered highway to Trenton, to Henderson and Paducah, Ky.; and (b) from points in the Lower Peninsula of Michigan on and north of a line beginning at the Indiana-Michigan State line at Lake Michigan extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 (through and including Detroit) to Port Huron, to Owensboro, Ky. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone.

No. MC 41406 (Sub-No. E23), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) from points in Bond, Christian, Fayette, Macon, Morgan, Macoupin, Madison, Monroe, Montgomery, St. Clair, Sangamon and Shelby Counties, Ill., to points in Williams, Fulton, Lucas, Wood, Henry and Defiance Counties, Ohio; and (b) from points in Morgan, Macon, Sangamon, Christian, Macon, Montgomery, Macoupin, and Madison Counties, Ill., and that part of St. Clair County, Ill., on and north of Illi-

nois Highway 162 (including East St. Louis, Ill.), to points in Defiance, Fulton, Hancock, Henry, Lucas, Paulding, Putnam, Williams, and Wood Counties, Ohio. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone.

No. MC 41406 (Sub-No. E24), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (a) from points in Illinois on and north of Illinois Highway 17 (except points in Kankakee County) to points in Ohio on and west of a line beginning at the Ohio-Michigan State line at Toledo extending along U.S. Highway 23 to Columbus, thence along U.S. Highway 62 to Washington Court House, thence along U.S. Highway 22 to Cincinnati, Ohio, including points in the Cincinnati, Ohio, commercial zone, as defined by the Commission; and (b) from points in Illinois on and north of Illinois Highway 17, to points in Ohio on, north and west of a line beginning at the Ohio-Michigan State line at Toledo extending along U.S. Highway 23 to Columbus, thence along U.S. Highway 62 to Washington Court House, thence along U.S. Highway 35 to Dayton, thence along Ohio Highway 49, to Greenville, thence along Ohio Highway 571 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone.

No. MC 50069 (Sub-No. E14), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Illinois and points in Indiana south of U.S. Highway 40 (South Bend, Ind., and Niles, Mich.); (2) *Petroleum chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles), from Kalamazoo, Mich., and points within five miles thereof to points in Illinois and points in Indiana south of U.S. Highway 40 (South Bend, Ind., and Niles, Mich.); (3) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Illinois and points in Indiana south of U.S. Highway 40 (South Bend, Ind., and Niles, Mich.); (4) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Missouri within 135 miles of East St. Louis, Ill., restricted against the transportation of acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride (South Bend, Ind., Niles, Mich., and East St. Louis, Ill.); (5) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Missouri (South Bend, Ind., Niles, Mich., and Terre Haute, Ind.); (6) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof, (a) to points in Ohio on and south of U.S. Highway 40 (South Bend, Ind., and Niles, Mich.); and (b) to points in Ohio bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 42, thence north to Cleveland, Ohio, thence along the Lake Erie shore line to the Pennsylvania-Ohio State line, thence along the Ohio-Pennsylvania State line to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, thence along the Ohio-Indiana State line to the point of beginning at junction U.S. Highway 224 and the Ohio-Indiana State line (Ft. Wayne, Ind.); (7) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 22 to Blairsville, Pa., thence north of the Pennsylvania-New York State line (Toledo, Ohio); (8) *Petroleum products*, except petrochemicals, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, Vermont, and points in that part of Virginia east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line (Toledo, Ohio, Midland, Pa., and Congo, W. Va.); and (9) *Petroleum products*, except petrochemicals, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in New York (Toledo, Ohio, and Petrolia, Pa.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

hicles, from Kalamazoo, Mich., and points within five miles thereof to points in Kentucky south of Interstate Highway 64 (South Bend, Ind., Niles, Mich., and Seymour, Ind.); (4) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Missouri within 135 miles of East St. Louis, Ill., restricted against the transportation of acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride (South Bend, Ind., Niles, Mich., and East St. Louis, Ill.); (5) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Missouri (South Bend, Ind., Niles, Mich., and Terre Haute, Ind.); (6) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof, (a) to points in Ohio on and south of U.S. Highway 40 (South Bend, Ind., and Niles, Mich.); and (b) to points in Ohio bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 42, thence north to Cleveland, Ohio, thence along the Lake Erie shore line to the Pennsylvania-Ohio State line, thence along the Ohio-Pennsylvania State line to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, thence along the Ohio-Indiana State line to the point of beginning at junction U.S. Highway 224 and the Ohio-Indiana State line (Ft. Wayne, Ind.); (7) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 22 to Blairsville, Pa., thence north of the Pennsylvania-New York State line (Toledo, Ohio); (8) *Petroleum products*, except petrochemicals, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, Vermont, and points in that part of Virginia east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line (Toledo, Ohio, Midland, Pa., and Congo, W. Va.); and (9) *Petroleum products*, except petrochemicals, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in New York (Toledo, Ohio, and Petrolia, Pa.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-No. E17), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Illinois and points in Indiana south of U.S. Highway 40 (South Bend, Ind., and Niles, Mich.); (2) *Petroleum chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles), from Kalamazoo, Mich., and points within five miles thereof to points in Illinois and points in Indiana south of U.S. Highway 40 (South Bend, Ind., and Niles, Mich.); (3) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Missouri within 135 miles of East St. Louis, Ill., restricted against the transportation of acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride (South Bend, Ind., Niles, Mich., and East St. Louis, Ill.); (4) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Missouri within 135 miles of East St. Louis, Ill., restricted against the transportation of acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride (South Bend, Ind., Niles, Mich., and East St. Louis, Ill.); (5) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Missouri (South Bend, Ind., Niles, Mich., and Terre Haute, Ind.); (6) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof, (a) to points in Ohio on and south of U.S. Highway 40 (South Bend, Ind., and Niles, Mich.); and (b) to points in Ohio bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 42, thence north to Cleveland, Ohio, thence along the Lake Erie shore line to the Pennsylvania-Ohio State line, thence along the Ohio-Pennsylvania State line to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, thence along the Ohio-Indiana State line to the point of beginning at junction U.S. Highway 224 and the Ohio-Indiana State line (Ft. Wayne, Ind.); (7) *Petroleum products*, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 22 to Blairsville, Pa., thence north of the Pennsylvania-New York State line (Toledo, Ohio); (8) *Petroleum products*, except petrochemicals, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, Vermont, and points in that part of Virginia east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line (Toledo, Ohio, Midland, Pa., and Congo, W. Va.); and (9) *Petroleum products*, except petrochemicals, in bulk, in tank vehicles, from Kalamazoo, Mich., and points within five miles thereof to points in New York (Toledo, Ohio, and Petrolia, Pa.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.



per, by motor vehicle, over irregular routes, transporting: *Liquid petroleum gases* in bulk, in tank vehicles, (1) from St. Clair, Mich., to points in Illinois; (2) from St. Clair, Mich., to points in Kentucky west of Interstate Highway 65; (3) from St. Clair, Mich., to points in Missouri within 135 miles of East St. Louis, Ill.; (4) from St. Clair, Mich., to points in Pennsylvania on and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence along to the Pennsylvania-New York State line; (5) from St. Clair, Mich., to points in West Virginia on and west of a line beginning at Sistersville, W. Va., and extending along West Virginia Highway 18 to Troy, W. Va., thence along West Virginia Highway 47 to Linn, W. Va., thence along U.S. Highway 119 to Glennville, W. Va., thence along West Virginia Highway 5 to Napier, W. Va., thence along U.S. Highway 19 to Summersville, W. Va., thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, W. Va., thence along to the West Virginia-Virginia State line; (6) from St. Clair, Mich., to points in Maryland, Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont and points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line; and (7) from St. Clair, Mich., to points in New York west of a line beginning at the New York-Pennsylvania State line and extending north to Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 49 to Rome, N.Y., thence along New York Highway 69 to Camden, N.Y., thence along New York Highway 13 to Port Ontario, N.Y. The purpose of this filing is to eliminate the gateways of (1) South Bend, Ind., and Miles, Mich.; (2) Seymour, Ind.; (3) Huntington County, Ind., and East St. Louis, Ill.; (4) Toledo, Ohio; (5) Ironton, Ohio; (6) East Liverpool, Ohio, Midland, Pa., and Congo, W. Va.; and (7) Toledo, Ohio and Titusville, Pa.

No. MC 50069 (Sub-No. E18), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lubricating oils and greases*, in bulk, in tank vehicles, from Woodhaven, Mich., to points in West Virginia on and west of a line beginning at Sistersville, W. Va., and extending along West Virginia Highway 18 to Troy, W. Va., thence along West Virginia Highway 47 to Linn, W. Va., thence along U.S. Highway 119 to Glennville, W. Va., thence along West Virginia Highway 5 to Napier, W. Va., thence along U.S. Highway 19 to Summersville, W. Va., thence along West Virginia Highway 41

to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, W. Va., thence to the West Virginia-Virginia State line; (2) *Lubricating oils and greases*, in bulk, in tank vehicles, from Woodhaven, Mich., to points in Maryland, Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont and points in Virginia east of a line beginning at the West Virginia-Virginia State line at Virginia Highway 39, thence along Virginia Highway 39 to U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line; and (3) *Lubricating oils and greases*, in bulk, in tank vehicles, from Woodhaven, Mich., to points in New York west of a line beginning at the New York-Pennsylvania State line and extending north to Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along U.S. Highway 49 to Linn, N.Y., thence along U.S. Highway 69 to Camden, N.Y., thence along New York Highway 13 to Port Ontario, N.Y. The purpose of this filing is to eliminate the gateways of (1) Ashland, Ky.; (2) Midland, Pa., and Congo, W. Va.; and (3) Titusville, Pa.

No. MC 50069 (Sub-E19), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products* as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209, in bulk, in tank vehicles, from Fort Wayne, Indiana (A) to points in Wayne, Oakland and McComb Counties, Michigan. (B) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line. (C) to points in West Virginia, on and west of a line beginning at Sistersville, West Virginia and extending in a southerly direction along West Virginia Highway 18 to Troy, West Virginia, thence in an easterly direction along West Virginia Highway 47 to Linn, West Virginia, thence in a southwesterly direction along U.S. Highway 119 to Glennville, West Virginia, thence in a southeasterly direction along West Virginia Highway 5 to Napier, West Virginia, thence in a southerly direction along U.S. Highway 19 to Summersville, West Virginia, thence in a southerly direction along West Virginia Highway 41 to junction U.S. Highway 19, thence in a southerly direction along U.S. Highway 19 to Bluefield, West Virginia, thence to the West Virginia-Virginia State line. (2) *Petroleum and petroleum products*, except petrochemicals, in bulk, in tank vehicles, from Fort Wayne, Ind., (A) to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont and points in Virginia on and east of a line beginning at the West

Virginia-Virginia State line and extending south along Virginia Highway 39, to U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. (B) to points in New York west of a line beginning at the New York-Pennsylvania State line and extending along north to Deposit, New York, thence along N.Y. Highway 8 to Utica, New York, thence along N.Y. Highway 49 to Rome, New York, thence along N.Y. Highway 69 to Camden, New York, thence along N.Y. Highway 13 to Port Ontario, New York. The purpose of this filing is to eliminate the gateway of Bryan, Ohio in (1A) above; Defiance, Ohio in (1B) above; Ironton, Ohio in (1C) above; Lima, Ohio, Midland, Pennsylvania and Congo, West Virginia in (2A) above; and Lima, Ohio and Titusville, Pennsylvania in (2B) above.

No. MC 50069 (Sub-E20), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Michigan and points within 5 miles thereof, to points in Alabama. (2) *Liquid chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Muskegon, Michigan and points within 5 miles thereof, to points in Missouri. (3) *Petroleum chemicals*, in bulk, in tank vehicles, from Muskegon, Michigan and points within 5 miles thereof, to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line. (4) *Petroleum chemicals*, in bulk, in tank vehicles, from Muskegon, Michigan and points within 5 miles thereof, to points in West Virginia on and west of a line beginning at Sistersville, West Virginia and extending along West Virginia Highway 18 to Troy, West Virginia, thence along West Virginia Highway 47 to Linn, West Virginia, thence along U.S. Highway 119 to Glennville, West Virginia, thence along West Virginia Highway 5 to Napier, West Virginia, thence along U.S. Highway 19 to Summersville, West Virginia, thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, West Virginia, thence to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Swanton, Ohio in (1) above; Peoria, Illinois in (2) above; Toledo, Ohio in (3) above; and Ironton, Ohio in (4) above.

No. MC 50069 (Sub-E22), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid petroleum gas*, in bulk, in tank vehicles, from Alma, Michigan to points in Illinois. (2) *Liquid petroleum gas*, in bulk, in tank vehicles, from Alma, Michigan to points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 421 to Lexington, Kentucky, thence along U.S. Highway 25 to the Kentucky-Tennessee State line. (3) *Liquid petroleum gas*, in bulk, in tank vehicles, from Alma, Michigan to points in Missouri within 135 miles of East St. Louis, Illinois. The purpose of this filing is to eliminate the gateways of South Bend, Indiana and Niles, Michigan in (1) above; Seymour, Indiana in (2) above; and South Bend, Indiana, Niles, Michigan and East St. Louis, Illinois in (3) above;

No. MC 50069 (Sub-E24), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt, asphaltic cement, cut back asphalt, and asphalt emulsions*, in bulk, in tank vehicles, from points in Miami Township, Hamilton County, Ohio to points in Illinois. (2) *Liquid petroleum asphalt, asphaltic cement, cut back asphalt, and asphalt emulsions*, in bulk, in tank vehicles, from points in Miami Township, Hamilton County, Ohio to points in Missouri within 135 miles of East St. Louis, Illinois. The purpose of this filing is to eliminate the gateways of New Goshen, Ind., in (1) above; and Princeton, Indiana and East St. Louis, Illinois in (2) above.

No. MC 50069 (Sub-E35), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products* in bulk, in tank vehicles, from Louisville, Kentucky and points and places in Kentucky within 10 miles of Louisville, (A) to points in that part of Michigan on and south of a line beginning at Muskegon, Michigan and extending along Michigan Highway 46 to Saginaw, Michigan, thence along U.S. Highway 10 to Flint, Michigan, and thence along Michigan Highway 21 to Port Huron, Michigan and east of a line beginning at Sturgis, Michigan extending along Michigan Highway 66 to Battle Creek, Michigan, thence along U.S. Highway 89 to U.S. Highway 31, thence along U.S. Highway 31 to Muskegon, Michigan. (B) To points in the Lower Peninsula of Michigan on and east of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 127 to Lansing, Michigan, thence along Michigan Highway 27 to Clare, Michigan, thence along Michigan Highway 115 to

Cadillac, Michigan, thence along U.S. Highway 115 to U.S. Highway 37 to Traverse City, Michigan. (C) To points in Pennsylvania north and west of a line along U.S. Highway 22 on the south from the Ohio-Pennsylvania State line to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line. (2) *Petroleum products*, except petrochemicals, in bulk, in tank vehicles, from Louisville, Kentucky and points within 10 miles of Louisville to points in Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont. (3) *Petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209 (except petrochemicals as described in Appendix XV to the same report in the Descriptions case), in bulk, in tank vehicles, from Louisville, Kentucky and points within 10 miles of Louisville to points in New Jersey and New York. The purpose of this filing is to eliminate the gateways of Bryan, Ohio in (1A) above; Toledo, Ohio in (1B) above; Cincinnati, Ohio in (1C) above; Cincinnati, Ohio, Midland, Pennsylvania and Congo, West Virginia in (2) above; and Cincinnati, Ohio and Petrolia, Pennsylvania in (3) above.

No. MC 50069 (Sub-No. E37), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Detroit, Mich., and points within 20 miles thereof, (a) to points in Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence along to the Pennsylvania-New York State line (Toledo, Ohio)\*, (b) to points in Missouri within 135 miles of East St. Louis, Ill., restricted against the transportation of acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride (Toledo, Ohio, Huntington County, Ind., and East St. Louis, Ill.)\*, (c) to points in Indiana north of U.S. Highway 40 (Bryan, Ohio)\*, (d) to points in Illinois (Toledo, Ohio and Niles, Mich.)\*, and (e) to points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending to Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 49 to Rome, N.Y., thence along New York Highway 69 to Camden, N.Y., thence along New York Highway 13 to Port Ontario, N.Y. (Toledo, Ohio, and Titusville, Pa.)\*; (2) *Petroleum products* (except petroleum chemicals, in bulk, in tank vehicles), from Detroit, Mich., and points within 20 miles thereof, (a) to points in Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, Maryland, District of Columbia and points in Virginia on and east of a line beginning at the West Virginia-Virginia State line

and extending along U.S. Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line (Toledo, Ohio, Midland, Pa., and Congo, W. Va.)\*, and (b) to points in New Jersey (Toledo, Ohio, and Petrolia, Pa.)\*; and (3) *Petroleum chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles), from Detroit, Mich., and points within 20 miles thereof, to points in Iowa east and south of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 52 to the Iowa-Wisconsin State line, restricted against the transportation of acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride (Toledo, Ohio, Huntington County, Ind., and Peoria, Ill.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-No. E38), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, in tank vehicles, from St. Elmo, Ill., to points in Indiana north and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 231 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line (Vincennes, Ind., and Lawrenceville, Ill.)\*; and (2) *Petroleum chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles), from St. Elmo, Ill., to points in the Lower Peninsula of Michigan, restricted against the transportation of acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride (Terre Haute, Ind.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-No. E40), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from East St. Louis, Ill., (a) to points in Ohio and Kentucky on and east of U.S. Highway 127 (Princeton, Ind., Lawrenceville, Ill., and Seymour, Ind.)\*, (b) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence along to the Pennsylvania-New York State line (Princeton, Ind., Lawrenceville, Ill., Seymour, Ind., and Cincinnati, Ohio)\*, and (c) to points in West Vir-



ginia on and west of a line beginning at Sistersville, W. Va., and extending along West Virginia Highway 18 to Troy, W. Va., thence along West Virginia Highway 47 to Linn, W. Va., thence along U.S. Highway 119 to Glenville, W. Va., thence along West Virginia Highway 5 to Napier, W. Va., thence along U.S. Highway 19 to Summersville, W. Va., thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, W. Va., thence to the West Virginia-Virginia State line (Princeton, Ind., Lawrenceville, Ill., Seymour, Ind., and Ashland, Ky.); and (2) *Petroleum products* (except petroleum chemicals, in bulk, in tank vehicles), from East St. Louis, Ill., (a) to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Maryland, District of Columbia and points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to Richmond, thence along Interstate Highway 96 to the Virginia-North Carolina State line (Princeton, Ind., Lawrenceville, Ill., Seymour, Ind., Cincinnati, Ohio, Midland, Pa., and Congo, W. Va.); and (b) to points in New York (Princeton, Ind., Lawrenceville, Ill., Seymour, Ind., Cincinnati, Ohio, and Petrolia, Pa.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-No. E41), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Cincinnati, Ohio, and points within ten miles thereof, (a) to points in Illinois (Seymour, Ind.), and (b) to points in Missouri within 135 miles of East St. Louis, Ill. (Seymour, Ind., and East St. Louis, Ill.); and (2) *Petroleum chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and chlorine chloride, in bulk, in tank vehicles), from Cincinnati, Ohio, and points within ten miles thereof to points in Iowa and Minnesota (Seymour, Ind., and Peoria, Ill.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-No. E44), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Ferric chloride, anhydrous ammonia, esters, alcohols, liquid caustic soda, ethylene glycol, ethylene dichloride, and liquid resins*, in bulk, in tank vehicles, from Detroit, Mich., (a) to points in Mississippi, Kansas, Nebraska, South Dakota, and Oregon (Swanton, Ohio); (b) to points in Pennsylvania

north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence north to the Pennsylvania-New York State line (Toledo, Ohio); (c) to points in West Virginia on and west of a line beginning at Sistersville, W. Va., and extending along West Virginia Highway 18 to Troy, W. Va., thence along West Virginia Highway 47 to Linn, W. Va., thence along U.S. Highway 119 to Glenville, W. Va., thence along West Virginia Highway 5 to Napier, W. Va., thence along U.S. Highway 19 to Summersville, W. Va., thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, W. Va., thence to the West Virginia-Virginia State line (Ashland, Ky.); and (d) to points in New York on and west of a line beginning at Deposit, N.Y., and extending along New York Highway 8 to Utica, N.Y., thence along New York Highway 49 to Rome, N.Y., thence along New York Highway 69 to Camden, N.Y., thence along New York Highway 13 to Port Ontario, N.Y. (Toledo, Ohio, and Titusville, Pa.); and (2) *Liquid petroleum resins*, in bulk, in tank vehicles, from Detroit, Mich., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont (Toledo, Ohio). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-No. E45), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid foundry core compound*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Alabama, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, Vermont, Georgia, Maryland, South Carolina, and points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Midland, Pa., and Congo, W. Va.

No. MC 50069 (Sub-No. E46), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Canton, Ohio, (a) to points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to Peoria, thence along Interstate Highway 74 to Galesburg, thence along U.S. Highway 34 to the Iowa-Illinois State line (Huntington County, Ind.); and (b) to points in Mis-

souri within 135 miles of East St. Louis, Ill. (Huntington County, Ind., and East St. Louis, Ill.); and (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Canton, Ohio, (a) to points in Missouri (Huntington County, Ind., and Peoria, Ill.) and (b) to points in Iowa (Huntington County, Ind., and Peoria, Ill.). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 50069 (Sub-No. E47), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Findlay, Ohio, to points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to Peoria, Ill., thence along Interstate Highway 74 to Galesburg, Ill., thence along U.S. Highway 34 to the Iowa-Illinois State line; and to points in Indiana north and west of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 30 to the junction of U.S. Highway 31, thence along U.S. Highway 31 to the Michigan-Indiana State line; and (2) *petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Findlay, Ohio to points in Iowa west and south of a line beginning at the South Dakota-Iowa State line and extending along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateways of (1) Niles, Mich.; and (2) Niles, Mich., and Peoria, Ill.

No. MC 50069 (Sub-No. E48), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Toledo, Ohio; (A) to points in Illinois and Indiana north and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Michigan-Indiana State line; (B) to points in Missouri within 135 miles of East St. Louis, Ill.; and (2) *liquid petroleum chemicals*, except acetone, ethyl acetate alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Toledo, Ohio, to points in Iowa south and west of a line beginning at the Iowa-

South Dakota State line and extending along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line, and points in Missouri. The purpose of this filing is to eliminate the gateways of (1) Niles, Mich., and East St. Louis, Ill.; and (2) Niles, Mich., and Peoria, Ill.

No. MC 50069 (Sub-No. E49), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Midland, Mich., and points within five miles thereof; (A) to points in Missouri within 135 miles of East St. Louis, Ill.; (B) to points in Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence along the Pennsylvania-New York State line; (C) to points in Kentucky on and west of Interstate Highway 65; (D) to points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 52 to Indianapolis, thence along U.S. Highway 40 to the Indiana-Ohio State line; (E) to points in Illinois south of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to Champaign, Ill., thence along Illinois Highway 47 to Decatur, Ill., thence along U.S. Highway 36 to the Illinois-Missouri State line; and (2) *petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Midland, Mich., and points within five miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont and points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of (1) Bryan, Ohio, Huntington County, Ind., East St. Louis, Ill., Toledo, Ohio, Lebanon, Ohio, Seymour, Ind., Bryan, Ohio, and Huntington County, Ind.; and (2) East Liverpool, Ohio, Midland, Pa., and Congo, W. Va.

No. MC 50069 (Sub-No. E54), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aviation fuels*, in bulk, in tank vehicles, from Clermont, Ind., (1) to points in Illinois north of Interstate Highway 80; (2) to points in Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence along to the

Pennsylvania-New York State line; (3) to points in West Virginia on and west of a line beginning at Sistersville, W. Va., and extending along West Virginia Highway 18 to Troy, W. Va., thence along West Virginia Highway 47 to Linn, W. Va., thence along U.S. Highway 119 to Glenville, W. Va., thence along West Virginia Highway 5 to Napier, W. Va., thence along U.S. Highway 19 to Summersville, W. Va., thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, W. Va., thence along the West Virginia-Virginia State line; and (4) to points in Maryland, Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont and points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to Charlottesville, Va., thence along Virginia Highway 20 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of (1) Niles, Mich.; (2) Dayton, Ohio; (3) Ironton, Ohio; and (4) Dayton, Ohio, Midland, Pa., and Congo, W. Va.

No. MC 50069 (Sub-No. E55), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from Waukegon, Ill., and points within five miles thereof, to points in Kentucky, restricted against the transportation of acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride (Terre Haute, Ind.); and (2) *Liquid petroleum chemicals*, in bulk, in tank vehicles, from Waukegon, Ill., and points within five miles thereof; (a) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence north of the Pennsylvania-New York State line; and (b) to points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along to Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 49 to Rome, N.Y., thence along New York Highway 69 to Camden, N.Y., thence along New York Highway 13 to Port Ontario, N.Y. (Toledo, Ohio, and Titusville, Pa.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-No. E60), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, except liquid hydrogen, oxygen, and nitrogen, in bulk, in tank vehicles,

from the terminal of LaGloria Oil and Gas Company near Seymour, Ind., (a) to points in Missouri within 135 miles of East St. Louis, Ill., restricted against the transportation of acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride (East St. Louis, Ill.); (b) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence north to the New York-Pennsylvania State line (Cincinnati, Ohio); (c) to points in West Virginia bounded by a line beginning at Sistersville, W. Va., and extending along West Virginia Highway 18 to Troy, W. Va., thence along West Virginia Highway 47 to Linn, W. Va., thence along U.S. Highway 119 to Glenville, W. Va., thence along West Virginia Highway 5 to Napier, W. Va., thence along U.S. Highway 19 to Summersville, W. Va., thence along West Virginia Highway 51 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, W. Va., thence to the West Virginia-Virginia State line (Ironton, Ohio); (d) to points in Michigan east of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to Lansing, Mich., thence along U.S. Highway 27 to Mackinaw City, Mich. (Toledo, Ohio); (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from the plant site of the LaGloria Oil and Gas Company at Seymour, Ind., to points in Iowa, Minnesota, and Missouri (Peoria, Ill.); and (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from the plant site of the LaGloria Oil and Gas Company at Seymour, Ind., to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont (Cincinnati, Ohio, Midland, Pa., and Congo, W. Va.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-E86), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Cleves, Ohio to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateway of Terre Haute, Indiana.

No. MC 50069 (Sub-E87), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk in tank vehicles, from points in



Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 60, thence along Pennsylvania Highway 60 to Pittsburgh, Pennsylvania, thence along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line, (A) to points in Illinois north of Interstate Highway 80; (B) to points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to Galesburg, Illinois, thence along U.S. Highway 34 to the Iowa-Illinois State line; (C) to points in Kentucky on and west of Interstate Highway 65; (D) to points in the Lower Peninsula of Michigan; (E) to points in Missouri within 135 miles of East St. Louis, Illinois; (F) to points in West Virginia bounded by a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 50 to Parkersburg, W. Va., thence along West Virginia Highway 14 to Spencer, West Virginia, thence along U.S. Highway 119 on the West Virginia-Pennsylvania State line, thence along the West Virginia-Pennsylvania State line to the Pennsylvania-Ohio State line.

(2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction Pa. Highway 60, thence along Pa. Highway 60 to Pittsburgh, Pennsylvania, thence along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line, to points in Iowa, and Minnesota; (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction Pa. Highway 60, thence along Pa. Highway 60 to Pittsburgh, Pennsylvania, thence along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line, to points in Wisconsin, Georgia, Alabama, Tennessee, points in Virginia west of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line, and South Carolina. The purpose of this filing is to eliminate the gateways of Toledo, Ohio and Niles, Michigan in (1A) above; Canton, Ohio and Huntington County, Indiana in (1B) above; Lebanon, Ohio in (1C) above; Toledo, Ohio in (1E) above; East Liverpool, Ohio and Midland, Pennsylvania in (1F) above; Canton, Ohio, Huntington County, Indiana and Peoria, Illinois in (2) above; and East Liverpool, Ohio, Midland, Pennsylvania and Congo, West Virginia in (3) above.

No. MC 50069 (Sub-No. E90), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals), in bulk, in tank vehicles, from Akron, Ohio, to points in Alabama, Connecticut, Delaware, District of Columbia, Massachusetts, New Hampshire, New Jersey, points in New York east of U.S. Highway 15, Rhode Island, Vermont, Georgia, Maryland, points in North Carolina east of U.S. Highway 220, Tennessee, South Carolina, and points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Congo, W. Va.

No. MC 50069 (Sub-No. E91), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals), in bulk, in tank vehicles, from Heath, Ohio, to points in Pennsylvania, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Maryland, the District of Columbia, and points in North Carolina east of U.S. Highway 501 and U.S. Highway 70. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-92), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from points in Ohio to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Maryland, District of Columbia and Pennsylvania. The purpose of this filing is to eliminate the gateways of Midland, Pennsylvania and Congo, West Virginia.

No. MC 50069 (Sub-No. E100), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Oil City, Pa.; (a) to points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along Interstate

Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to Galesburg, Ill., thence along U.S. Highway 34 to the Iowa-Illinois State line (Canton, Ohio, and New Goshen, Ind.) \*; (b) to points in Illinois on and north of Interstate Highway 80 (Toledo, Ohio, and Niles, Mich.) \*; (c) to points in Indiana (Canton, Ohio) \*; (d) to points in the Lower Peninsula of Michigan (Toledo, Ohio) \*; and (e) to points in Missouri within 135 miles of East St. Louis, Ill. (Canton, Ohio, Huntington County, Ind., and East St. Louis, Ill.) \*; (2) *petroleum chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride), in bulk, in tank vehicles, from Oil City, Pa.; (a) to points in Iowa (Canton, Ohio, Huntington County, Ind., and Peoria, Ill.) \*; and (b) to points in Missouri (Canton, Ohio, and Terre Haute, Ind.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-No. E101), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Drive, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Franklin, Pa.; (a) to points in Illinois south of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to Galesburg, Ill., thence along U.S. Highway 34 to the Iowa-Illinois State line (Canton, Ohio, and New Goshen, Ind.) \*; (b) to points in Illinois north of Interstate Highway 80 (Toledo, Ohio, and Niles, Mich.) \*; (c) to points in Indiana (Canton, Ohio) \*; (d) to points in the Lower Peninsula of Michigan (Toledo, Ohio) \*; and (e) to points in Missouri within 135 miles of East St. Louis, Ill. (Canton, Ohio, Huntington County, Ind., and East St. Louis, Ill.) \*; (2) *petroleum chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride), in bulk, in tank vehicles, from Franklin, Pa.; (a) to points in Iowa (Canton, Ohio, Huntington County, Ind., and Peoria, Ill.) \*; and (b) to points in Missouri (Canton, Ohio, and Terre Haute, Ind.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-No. E102), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Drive, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products* (except liquefied petroleum gas), in bulk, in tank vehicles, from Butler County, Pa.; (a) to points in Illinois south of a line beginning at the Indiana-Illinois State line and extending along

Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to Galesburg, Ill., thence along U.S. Highway 34 to the Iowa-Illinois State line (Canton, Ohio, and Huntington County, Ind.) \*; (b) to points in Illinois north of Interstate Highway 80 (Toledo, Ohio, and Niles, Mich.) \*; (c) to points in Indiana (Canton, Ohio) \*; (d) to points in the Lower Peninsula of Michigan (Toledo, Ohio) \*; and (e) to points in Missouri within 135 miles of East St. Louis, Ill. (Canton, Ohio, New Goshen, Ind., and East St. Louis, Ill.) \*; (2) *petroleum products* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride), in bulk, in tank vehicles, from Butler County, Pa.; (a) to points in Missouri (Canton, Ohio, and Terre Haute, Ind.) \*; (b) to points in Iowa (Canton, Ohio, Huntington County, Ind., and Peoria, Ill.) \*; and (3) *petroleum products* (except petroleum chemicals), in bulk, in tank vehicles, from Butler County, Pa., to points in Kentucky, Wisconsin, Alabama, and Tennessee (East Liverpool, Ohio, Midland, Pa., and Congo, W. Va.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-E105), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, except liquefied petroleum gases, in bulk, in tank vehicles, from Olean, New York; (A) to points in Illinois north of Interstate Highway 80; (B) to points in Illinois south of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to Galesburg, Illinois, thence along U.S. Highway 34 to the Iowa-Illinois State line; (C) to points in Indiana; (D) to points in Kentucky on and west of Interstate Highway 75; (E) to points in the Lower Peninsula of Michigan; (F) to points in Missouri within 135 miles of East St. Louis, Illinois; (G) to points in Ohio; (2) *petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Olean, N.Y.; (A) to points in Iowa; (B) to points in Missouri; (3) *petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Olean, N.Y., to points in Alabama and Tennessee. The purpose of this filing is to eliminate the gateways of Starbrick, Pennsylvania, Toledo, Ohio, and Niles, Michigan, in (1A) above; Starbrick, Pennsylvania, Canton, Ohio, and New Goshen, Indiana, in (1B) above; Starbrick, Pennsylvania, and Canton, Ohio, in (1C) above; Starbrick, Pennsylvania, and Lebanon, Ohio, in (1D) above; Starbrick, Pennsylvania, and Toledo, Ohio, in (1E) above; Starbrick, Pennsylvania, Starbrick, Pennsylvania, Canton, Ohio, New

Goshen, Indiana, and East St. Louis, Illinois, in (1F) above; Starbrick, Pennsylvania, in (1G) above; Starbrick, Pennsylvania, Canton, Ohio, Huntington County, Indiana, and Peoria, Illinois, in (2A) above; Starbrick, Pennsylvania, Canton, Ohio, and Terre Haute, Indiana, in (2B) above; and Starbrick, Pennsylvania, East Liverpool, Ohio, Midland, Pennsylvania, and Congo, West Virginia in (3) above.

No. MC 50069 (Sub-E109), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, except liquefied petroleum gases, in bulk, in tank vehicles, from points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 446 to junction U.S. Highway 6, thence along U.S. Highway 6 (formerly U.S. Highway 219) to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction unnumbered highway (formerly portion U.S. Highway 219) near Brotherton, Pa., thence along unnumbered Highway to junction U.S. Highway 219, near Berlin, Pa., thence along U.S. Highway 219 to the Pennsylvania-Maryland State line; (A) to points in Illinois north of Interstate Highway 80; (B) to points in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to Galesburg, Illinois, thence along U.S. Highway 34 to the Iowa-Illinois State line; (C) to points in Indiana; (D) to points in the lower Peninsula of Michigan; (E) to points in Missouri within 135 miles of East St. Louis;

(F) to points in Ohio; (2) *petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 446, to junction U.S. Highway 6, thence along U.S. Highway 6 (portion formerly U.S. Highway 219) to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction unnumbered highway (formerly portion U.S. Highway 219) near Brotherton, Pa., thence along unnumbered highway to junction U.S. Highway 219, near Berlin, Pa., thence along U.S. Highway 219 to the Pennsylvania-Maryland State line; (A) to points in Iowa and Minnesota; (B) to points in Missouri; (3) *petroleum products*, except petroleum chemicals, in bulk, in

tank vehicles, from points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 446 to junction U.S. Highway 6, thence along U.S. Highway 6 (formerly U.S. Highway 219) to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction unnumbered highway (formerly portion U.S. Highway 219) near Brotherton, Pa., thence along unnumbered highway to junction U.S. Highway 219, near Berlin, Pa., thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, to points in Wisconsin, Georgia, and Alabama. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pennsylvania, Toledo, Ohio, and Niles, Michigan, in (1A) above; Pittsburgh, Pa., Canton, Ohio, and New Goshen, Indiana, in (1B) above; Pittsburgh, Pennsylvania, and Canton, Ohio, in (1C) above; Pittsburgh, Pennsylvania, and Toledo, Ohio, in (1D) above; Pittsburgh, Pa., Canton, Ohio, New Goshen, Indiana, and East St. Louis, Illinois, in (1E) above; Pittsburgh, Pa., in (1F) above; Pittsburgh, Pennsylvania, Canton, Ohio, Huntington County, Indiana, and Peoria, Illinois, in (2A) above; Pittsburgh, Pennsylvania, Canton, Ohio, and Terre Haute, Indiana, in (2B) above; Midland, Pa., and Congo, W. Va. in (3) above.

No. MC 50069 (Sub-E110), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, except liquefied petroleum gases, in bulk, in tank vehicles, from points in New York, west of a line beginning at Port Ontario, New York, and extending along N.Y. Highway 13 to junction N.Y. Highway 316, thence along N.Y. Highway 316 to junction N.Y. Highway 46, thence along N.Y. Highway 46 to junction N.Y. Highway 12B, thence along N.Y. Highway 12B to junction N.Y. Highway 12, thence along N.Y. Highway 12 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line; (A) to points in Illinois north of Interstate Highway 80; (B) to points in Illinois on and South of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to Galesburg, Illinois, thence along U.S. Highway 34 to the Iowa-Illinois State line; (C) to points in Indiana; (D) to points in the Lower Peninsula of Michigan; (E) to points in Missouri within 135 miles of East St. Louis, Illinois; (F) to points in Ohio; (G) to points in Wisconsin; (2) *petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from points in New York west of a line beginning at Port Ontario, New



York, and extending along N.Y. Highway 13 to junction N.Y. Highway 316, thence along N.Y. Highway 316 to junction N.Y. Highway 46, thence along N.Y. Highway 46 to junction N.Y. Highway 12B, thence along N.Y. Highway 12B to junction N.Y. Highway 12, thence along N.Y. Highway 12 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line; (A) to points in Kentucky; (B) to points in Alabama. The purpose of this filing is to eliminate the gateways of Bradford, Pennsylvania, and Niles, Michigan, in (1A) above; Bradford, Pennsylvania, Canton, Ohio, and New Goshen, Indiana, in (1B) above; Bradford, Pa., and Canton, Ohio, in (1C) above; Bradford, Pa., and Toledo, Ohio, in (1D) above; Bradford, Pa., Canton, Ohio, New Goshen, Indiana, and East St. Louis, Illinois, in (1E) above; Bradford, Pa., in (1F) above; Bradford, Pa., Canton, Ohio, and Delphi, Indiana, in (1G) above; Bradford, Pa., East Liverpool, Ohio, Midland, Pa., and Congo, West Virginia, in (2A) above; and Bradford, Pa., East Liverpool, Ohio, Midland, Pa., and Congo, West Virginia, in (2B) above.

No. MC 50069 (Sub-E111), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, except liquefied petroleum gases, in bulk, in tank vehicles, from points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 446 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction unnumbered highway, formerly U.S. Highway 219 near Brotherton, Pennsylvania, thence along unnumbered highway to junction U.S. Highway 219, near Berlin, Pennsylvania, thence along U.S. Highway 219 to the Maryland-Pennsylvania State line; (A) to points in Illinois north of Interstate Highway 80; (B) to points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 136 to junction U.S. Highway 50, thence along U.S. Highway 150 to Galesburg, Illinois, thence along U.S. Highway 34 to the Iowa-Illinois State line; (C) to points in Indiana; (D) to points in the Lower Peninsula of Michigan; (E) to points in Missouri within 135 miles of East St. Louis, Illinois;

(F) To points in Ohio; (G) to points in West Virginia bounded by a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to Parkersburg, W. Va., thence along U.S. Highway 21 to Mineralwells, W. Va., thence along W. Va. Highway 14 to Spencer, W. Va., thence along U.S. High-

way 119 on the West Virginia-Pennsylvania State line, thence along the West Virginia-Pennsylvania State line to the Pennsylvania-Ohio State line; (2) *petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary antifreeze preparations, and choline chloride, in bulk, in tank vehicles, from points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 446 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pa. Highway 321, thence along Pa. Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pa. Highway 31, thence along Pa. Highway 31 to junction unnumbered Highway, formerly U.S. Highway 219 near Brotherton, Pa., thence along unnumbered highway to junction U.S. Highway 219 near Berlin, Pa., thence along U.S. Highway 219 to the Maryland-Pennsylvania State line; (A) to points in Iowa; (B) to points in Missouri;

(3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 446 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pa. Highway 321, thence along Pa. Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 319 to junction Pa. Highway 31, thence along Pa. Highway 31 to junction unnumbered highway, formerly U.S. Highway 219 near Brotherton, Pa., thence along unnumbered highway to junction U.S. Highway 219 near Berlin, Pa., thence along U.S. Highway 319 to the Maryland-Pennsylvania State line, to points in Kentucky, Wisconsin, Georgia, and Alabama. The purpose of this filing is to eliminate the gateways of Emlenton, Pennsylvania, Toledo, Ohio, and Niles, Michigan, in (1A) above; Rochester, Pennsylvania, Canton, Ohio, and New Goshen, Indiana, in (1B) above; Rochester, Pennsylvania, and Canton, Ohio, in (1C) above; Emlenton, Pennsylvania, and Toledo, Ohio, in (1D) above; Rochester, Pennsylvania, Canton, Ohio, New Goshen, Indiana, and East St. Louis, Illinois, in (1E) above; Rochester, Pa., in (1F) above; Midland, Pa., in (1G) above; Rochester, Pa., Canton, Ohio, Huntington County, Indiana, and Peoria, Illinois in (2A) above; Rochester, Pa., Canton, Ohio, and Terre Haute, Indiana, in (2B) above; and Midland, Pa., and Congo, West Virginia, in (3) above.

No. MC 50069 (Sub-No. E112), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Benton Harbor and St. Joseph, Mich., and points within

five miles thereof; (a) to points in Illinois south of U.S. Highway 36, Indiana and Ohio (South Bend, Ind., and Niles, Mich.) \*; (b) to points in Kentucky on and east of Interstate Highway 75 (South Bend, Ind., Niles, Mich., and Lebanon, Ohio) \*; (c) to points in Kentucky on and west of Interstate Highway 75 (South Bend, Ind., Niles, Mich., and Seymour, Ind.) \*; (d) to points in Missouri within 135 miles of East St. Louis, Ill. (South Bend, Ind., Niles, Mich., and East St. Louis, Ill.) \*; (e) to points in Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence to the Pennsylvania-New York State line (South Bend, Ind., Niles, Mich., and Toledo, Ohio) \*; and (f) to points in West Virginia west of a line beginning at Point Pleasant, W. Va., and extending along West Virginia west of a line beginning at Point Pleasant, W. Va., and extending along West Virginia Highway 62 to Charleston, W. Va., thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Virginia State line (South Bend, Ind., Niles, Mich., and Ironton, Ohio) \*.

(2) *Petroleum chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride), in bulk, in tank vehicles, from Benton Harbor and St. Joseph, Mich., and points within five miles thereof; (a) to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, District of Columbia, Rhode Island, and Vermont (South Bend, Ind., Niles, Mich., Canton, Ohio, Midland, Pa., and Congo, W. Va.) \*; (b) to points in New York west of a line beginning at the New York-Pennsylvania State line and extending north to Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 49 to Rome, N.Y., thence along New York Highway 69 to Camden, N.Y., thence along New York Highway 13 to Port Ontario, N.Y. (South Bend, Ind., Niles, Mich., Toledo, Ohio, and Titusville, Pa.) \*; (c) to points in Virginia east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line to points in South Carolina and to points in North Carolina east of U.S. Highway 220 (South Bend, Ind., Niles, Mich., East Liverpool, Ohio, Midland, Pa., and Congo, W. Va.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 52022 (Sub-No. E3), filed March 16, 1975. Applicant: THE SANTINI BROS. INTERNATIONAL MOVERS, 1405 Jerome Ave., New York, N.Y. 10452. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New

York, N.Y. 10019. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, those in Virginia on and south of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 460 to junction Virginia Highway 46, thence along Virginia Highway 46 to the North Carolina-Virginia State line (points in New York or New Jersey) \*, and those in Kentucky on and west of U.S. Highway 45 (points within ten miles of Chicago, Ill., and points in New York or New Jersey) \*, on the one hand, and, on the other, points in Pennsylvania on and north of a line beginning at Lake Erie and extending along U.S. Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to Scranton, Pa., or on and east of a line beginning at Scranton, Pa., and extending along Pennsylvania Highway 9 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to the Pennsylvania-Delaware State line. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 52022 (Sub-No. E4), filed March 16, 1975. Applicant: THE SANTINI BROS. INTERNATIONAL MOVERS, 1405 Jerome Avenue, New York, N.Y. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Tennessee, on the one hand, and, on the other, points in Pennsylvania on and north or east of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 358 to junction Pennsylvania Highway 58, thence along Pennsylvania Highway 58 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 118, thence along Pennsylvania Highway 118 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of points in New York or New Jersey.

No. MC 60014 (Sub-No. E10), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Co-

lumbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Illinois north of Interstate Highway 80, on the one hand, and, on the other, those points in West Virginia north and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Alternate Highway 50 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; and Brooke, Hancock, Marshall, and Ohio Counties, W. Va.

No. MC 60014 (Sub-No. E14), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in Illinois north of Interstate Highway 70, on the one hand, and, on the other, those points in West Virginia east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 35 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction West Virginia Turnpike, thence along the West Virginia Turnpike to junction U.S. Highway 460, thence along U.S. Highway 460 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Cambridge and Zanesville, Ohio.

No. MC 60014 (Sub-No. E61), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, between points in Michigan, on the one hand, and, on the other, those points in Virginia on and east of U.S. Highway 23. The purpose of this filing is to eliminate the gateways of Cambridge and Zanesville, Ohio, and West Virginia.

No. MC 60014 (Sub-No. E72), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville,

Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* which by reason of size or weight require the use of special equipment; (1) between those points in Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 259 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 260, thence along Virginia Highway 260 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, on the one hand, and, on the other, those points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 45 to junction Natchez Trace Parkway, thence along Natchez Trace Parkway to junction Interstate Highway 55, thence along Interstate Highway 55 to the Mississippi-Louisiana State line, and those in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 79 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line; and

(2) Between those points in Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 50 to junction Virginia Highway 7, thence along Virginia Highway 7 to the Potomac River, on the one hand, and, on the other, those points in Alabama on and west of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 231/431 to the junction of U.S. Alternate Highway 72, thence along U.S. Alternate Highway 72 to junction Alabama Highway 24, thence along Alabama Highway 24 to junction Alabama Highway 33, thence along Alabama Highway 33 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Alabama Highway 13, thence along Alabama Highway 13 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 96, thence along Alabama Highway 96 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of Wheeling and Beechbottom, W. Va.

No. MC 60014 (Sub-No. E77), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular



routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both: (A) between points in West Virginia, on the one hand, and, on the other, those points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to junction Indiana-Highway 9, thence along Indiana Highway 9 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 241, thence along U.S. Highway 421 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Illinois State line; and (B) between those points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 14 to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 74 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateways of Zanesville, Ohio, and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 61396 (Sub-No. E36), filed May 10, 1974. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum-based dry fertilizer*, in bulk and in bags, *herbicides*, and *insecticides*, in containers, in mixed loads with dry fertilizers, from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 63 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Missouri State line, to points in that part of Nebraska on, north, and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 183 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction

Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 61396 (Sub-No. E37), filed May 10, 1974. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum-based liquid fertilizer*, in bulk, in tank vehicles, from points in Iowa east of a line beginning at the Missouri-Iowa State line extending along Iowa Highway 5 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 17, thence along Iowa Highway 17 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line, to points in Nebraska on and west of U.S. Highway 81 and north of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Denison, Iowa.

No. MC 61396 (Sub-No. E42), filed May 10, 1974. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum-based liquid fertilizer*, in bulk, in tank vehicles, from points in that part of Iowa on and east of a line beginning at the Illinois-Iowa State line extending along Iowa Highway 38 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Minnesota-Iowa State line, to points in Nebraska on, north, and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Nebraska State line. The purpose of this filing is to eliminate the gateway of Belmond, Iowa.

No. MC 61396 (Sub-No. E44), filed May 10, 1974. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum-based fertilizer solutions*, in bulk, in tank vehicles, from points in Iowa on and north of U.S. Highway 34 to points in Kansas on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 81 to junction Kansas Highway 96,

thence along Kansas Highway 96 to junction Kansas Highway 14, thence along Kansas Highway 14 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of the plant site of Phillips Petroleum Co., at or near Audubon, Iowa.

No. MC 67646 (Sub-No. E2), filed May 15, 1974. Applicant: HALL'S MOTOR TRANSIT CO., 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel W. Rohrbaugh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between Frederick, Md., and points in Maryland within ten miles of Frederick, on the one hand, and, on the other, those points in Harford County, Md. (except points on U.S. Highways 1 and 40 and except Edgewood Arsenal and Aberdeen Proving Grounds, Md.) (Baltimore, Md., a point within 50 miles of Frederick, Md.) \*.

(2) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between Frederick, Md., and points in Maryland within ten miles of Frederick, on the one hand, and, on the other, those points in the Washington, D.C., commercial zone (Rockville, Md.) \*.

(3) *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, sand, gravel, earth, stone, household goods as defined by the Commission, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between Frederick, Md., and points in Maryland within ten miles of Frederick, on the one hand, and, on the other, points in Pennsylvania within 60 miles of Bel Air, Md., which are on and east of Pennsylvania Highway 10 and north and west of U.S. Highway 1 (Taylor, Md.) \*.

(4) *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, sand, gravel, earth, stone, household goods as defined by the Commission, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between Frederick, Md., and points in Maryland within ten miles of Frederick, on the one hand, and, on the other, those points in New Jersey on and south of New Jersey Highway 94 (Taylor, Md., a point at Harford County, Md., and within 50 miles of Frederick, Md., and Lancaster, Coatesville, or Russellville, Pa.) \*.

(5) *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, sand, gravel, earth, stone, household goods as defined by the Commission, livestock, commodi-

ties requiring special equipment, and those injurious or contaminating to other lading), between Frederick, Md., and points in Maryland within ten miles of Frederick, on the one hand, and, on the other, those points in Nassau, Suffolk, and Westchester Counties, N.Y., and those in New York, N.Y. (Taylor, Md., and Lancaster, Coatesville, or Russellville, Pa.) \*.

(6) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Maryland within 50 miles of Frederick, Md., which are on and east of a line beginning at the Washington, D.C.-Maryland State line and extending along Interstate Highway 70S to Frederick and those along U.S. Highway 15 from Frederick to the Maryland-Pennsylvania State line, and points in the Washington, D.C., commercial zone, on the one hand, and, on the other, those points in Maryland on and west of U.S. Highway 11 (Rockville, Md., Frederick, Md., and Hagerstown, Md.) \*.

(7) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Maryland within 50 miles of Frederick, Md., which are on and east of a line beginning at the Washington, D.C.-Maryland border line and extending along Interstate Highway 70S to Frederick, and thence from Frederick along U.S. Highway 15 to the Maryland-Pennsylvania State line, and points in the Washington, D.C., commercial zone, on the one hand, and, on the other, points in West Virginia which are on, west, and north of a line extending from the Maryland-West Virginia State line extending along U.S. Highway 220 to junction West Virginia-Virginia State line, and thence along the West Virginia-Virginia State line to the West Virginia-Kentucky State line (Rockville, Frederick, and Hagerstown, Md.) \*.

(8) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Maryland within 50 miles of Frederick, Md., which are on, east, and south of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 15 to Frederick, thence along U.S. Highway 340 to the Maryland-Virginia State line, and points in the Washington, D.C., commercial zone, on the one hand, and, on the other, points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction

Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to Phillipsburg, thence from Phillipsburg along Pennsylvania Highway 350 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line (Rockville, Frederick, and Hagerstown, Md.) \*.

(9) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Maryland within 50 miles of Frederick, Md., which are on, east, and south of a line beginning at the Maryland - Pennsylvania State line, thence along U.S. Highway 15 to Frederick, thence along U.S. Highway 340 to the Maryland-Virginia State line, and points in the Washington, D.C., commercial zone, on the one hand, and, on the other, points in New York on and west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 19 to junction New York Highway 39, thence along New York Highway 39 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to Rochester, N.Y. (Rockville, Frederick, and Hagerstown, Md.) \*.

(10) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Maryland within 50 miles of Frederick, Md., which are on and west of a line beginning at the Washington, D.C.-Maryland border line, thence along Interstate Highway 70S to Frederick, and which are on and south of a line beginning at Frederick, thence along U.S. Highway 340 to the Maryland-West Virginia State line, and points in the Washington, D.C., commercial zone, on the one hand, and, on the other, points in Pennsylvania on and west of Interstate Highway 81 (Rockville, Frederick, and Hagerstown, Md.) \*.

(11) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Maryland within 50 miles of Frederick, Md., which are on and west of a line beginning at the Washington, D.C.-Maryland State line, thence along Interstate Highway 70S to Frederick, and which are on and south of a line beginning at Frederick, thence along U.S. Highway 340 to the Maryland-West Virginia State line, and points in the Washington, D.C., commercial zone, on the one hand, and, on the other, points in New York north and west of Rockland and Westchester Counties, N.Y. (Rockville, Frederick, Md., and Hagerstown, Md.) \*.

(12) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Pennsylvania within 50 miles of Frederick, Md., which are on and west of U.S. Highway 15, on the one hand, and, on the other, points in West Virginia (except those in Berkeley and Jefferson Counties) (Frederick and Hagerstown, Md.) \*.

(13) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Pennsylvania within 50 miles of Frederick, Md., which are on and west of U.S. Highway 15, on the one hand, and, on the other, those points in Virginia on and south of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction Virginia Highway 31, thence along Virginia Highway 31 to junction U.S. Highway 60, thence along U.S. Highway 60 to Norfolk, Va. (Frederick and Hagerstown, Md.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 67646 (Sub-No. E5), filed May 16, 1974. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel W. Rohrbaugh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio within 80 miles of Greenville, Pa., which are on and north of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 30, thence along U.S. Highway 30, on the one hand, and, on the other, those points within 50 miles of Fairview, Md., in Washington (on and east of Interstate Highway 81) and Frederick Counties, Md., and in Cumberland and Franklin (on and east of Interstate Highway 81), and Adams County, Pa. (Greenville, Pa., and Hagerstown, Md., a point within 3 miles of Fairview, Md.) \*.

(2) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk,



commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio within 80 miles of Greenville, Pa., which are on and north of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 30, thence along U.S. Highway 30, on the one hand, and, on the other, those points within 50 miles of Frederick, Md., in Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, and Prince Georges Counties, and Baltimore City, Md., and in Washington, D.C., commercial zone (Greenville, Pa., and Hagerstown, Md., a point within 8 miles of Fairview, Md.).

(3) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio within 80 miles of Greenville, Pa., which are on and north of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 30, thence along U.S. Highway 30, on the one hand, and, on the other, those points in Anne Arundel, Prince Georges, Charles, St. Mary's, and Calvert Counties, Md., and in Fairfax and Prince William Counties, Va. (Greenville, Pa., Hagerstown, Frederick, and Rockville, Md.).

(4) *General commodities* (except those of unusual value, sand, gravel, earth, stone, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio within 80 miles of Greenville, Pa., which are on and north of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 30, thence along U.S. Highway 30 (except points in Ashtabula County), on the one hand, and, on the other, points in New York, N.Y., and Nassau and Suffolk Counties, N.Y., and those points in New Jersey which are on and east of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 202 to junction U.S. Highway 46, thence along U.S. Highway 46 to the New Jersey-New York State line (Greenville, Pa., Hagerstown, Frederick, and Taylor, Md., and Lancaster, Coatesville, or Russellville, Pa.).

(5) *General commodities* (except those of unusual value, sand, earth, gravel, stone, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, com-

modities requiring special equipment, and those injurious or contaminating to other lading), between points in Ashtabula County, Ohio, on the one hand, and, on the other, points in New York, N.Y., and Nassau and Suffolk Counties, N.Y., and those points in New Jersey which are on and south of U.S. Highway 1 (Greenville, Pa., Hagerstown, Frederick, and Taylor, Md., and Lancaster, Coatesville, or Russellville, Pa.).

(6) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Ohio which are on and south of U.S. Highway 30 and on and east of Ohio Highway 13, on the one hand, and, on the other, those points within 50 miles of Fairview, Md., in Adams, Cumberland, and Franklin Counties, Pa., and in Washington (on and east of Interstate Highway 81), and Frederick Counties, Md. (Unlontown, Pa., and Fairview, Md., and points within 8 miles thereof).

(7) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio which are on and south of U.S. Highway 30 and on and east of U.S. Highway 13, on the one hand, and, on the other, those points within 50 miles of Frederick, Md., which are in Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, and Prince Georges Counties, and Baltimore City, Md., in Adams and York Counties, Pa., and in Washington, D.C., commercial zone (Unlontown, Pa., and Hagerstown and Frederick, Md.).

(8) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio which are on and south of U.S. Highway 30 and on and east of Ohio Highway 13, on the one hand, and, on the other, points in Anne Arundel, Prince Georges, Charles, St. Mary's, and Calvert Counties, Md., and in Fairfax and Prince William (on and east of Virginia Highway 123) Counties, Va. (Unlontown, Pa., Hagerstown and Frederick, Md.).

(9) *General commodities* (except those of unusual value, sand, earth, gravel, stone, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio which are on and south of U.S. Highway 30 and on and east of Ohio Highway 13, on the one hand, and, on the other, points in Harford County, Md., and those points within 60 miles of Bel Air, Md., which

are on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Interstate Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to junction U.S. Highway 422, thence along U.S. Highway 422 to Reading, Pa., except points on and east of U.S. Highway 1 (Unlontown, Pa., Hagerstown, Frederick, and Taylor, Md.).

(10) *General commodities* (except those of unusual value, sand, earth, gravel, stone, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio which are on and south of U.S. Highway 30 and on and east of Ohio Highway 13, on the one hand, and, on the other, points in New Jersey, and those points in New York, N.Y., and Nassau, Suffolk, and Westchester Counties, N.Y. (Unlontown, Pa., Hagerstown, Frederick, and Taylor, Md., and Lancaster, Coatesville, or Russellville, Pa.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 72758 (Sub-No. E1) (Correction), filed May 2, 1974, published in the FEDERAL REGISTER July 31, 1975. Applicant: NORTHWAYS INCORPORATED, P.O. Box 521, Greenfield, Mass. 01301. Applicant's representative: Frederick J. Harris (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and materials, supplies, and equipment*. The purpose of this filing is to eliminate the gateway of Monroe Bridge, Mass. The purpose of this partial correction is to correct the MC number, previously published as No. MC 7258. The remainder of this letter-notice remains as previously published.

No. MC 78228 (Sub-No. E20) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 25, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: John M. Rumin, Wiek, Vuono, & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pig iron and coke, in dump vehicles, from points in Brooke, Ohio, Hancock and Marshall Counties, W. Va., to points in that part of Michigan on, north, and west of a line beginning at Bay City, Mich., and extending along Michigan Highway 10 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction U.S. Highway 31, thence along*

U.S. Highway 31 to junction Interstate Highway 94, thence along Interstate Highway 94 to Lake Michigan at or near Stevensville, Mich. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. The purpose of this correction is to add Ohio County, W. Va.

No. MC 88368 (Sub-No. E33), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in Virginia on, north, and east of a line beginning at Bristol, Va., and extending along U.S. Highway 11 to Roanoke, Va., thence along U.S. Highway 460 to Lynchburg, Va., thence along U.S. Highway 29 to Amherst, Va., thence along U.S. Highway 60 to Richmond, Va., thence along U.S. Highway 360 to its end at Chesapeake Bay to points in Alabama; (2) from points in Virginia to points in Alabama on, north, and east of a line beginning at the Alabama-Georgia State line near Palestine, Ala., and extending along U.S. Highway 278 to Piedmont, Ala., thence along Alabama Highway 21 to Sylacauga, Ala., thence along U.S. Highway 231 to Montgomery, Ala., thence along U.S. Highway 331 to the Alabama-Florida State line; (3) from points in Virginia on and south of a line beginning at the Virginia-West Virginia State line near Mountain Grove, Va., and extending along Virginia Highway 30 to Goshen, Va., thence along Virginia Highway 42 to Churchville, Va., thence along U.S. Highway 250 to Charlottesville, Va., thence along Virginia Highway 20 to Fredericksburg, Va., thence along Virginia Highway 218 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line to points in California in, north, and west of Humboldt, Trinity, Shasta, and Siskiyou Counties;

(4) From points in Virginia to points in Colorado on and west of U.S. Highway 85; (5) from points in Virginia on and south of a line beginning at the Virginia-West Virginia State line near Mountain Grove, Va., and extending along Virginia Highway 39 to Goshen, Va., thence along Virginia Highway 42 to Churchville, Va., thence along U.S. Highway 250 to Charlottesville, Va., thence along U.S. Highway 29 to the Culpeper-Fauquier County line, thence along the northern county line of Culpeper and Stafford Counties to the Virginia-Maryland State line to points in Idaho on, north, and west of a line beginning at the Idaho-Nevada State line near Idavada, Idaho, along U.S. Highway 93 to Twin Falls, Idaho, thence along U.S. Highway 30 and 30N to Pocatello, Idaho, thence along U.S. Highway 191 to the Idaho-Montana State line; (6) from points in Virginia in and south of Bath, Augusta, Albemarle, Greene, Madison,

Culpeper, and Stafford Counties to Bloomington, Ill., and points within 25 miles thereof; (7) from points in Virginia in and east of Henry, Franklin, Roanoke, and Craig Counties to points in Missouri in, west, and north of Butler, Wayne, Madison, St. Francis, and Jefferson Counties; (8) from points in Virginia on, east, and south of a line beginning at the Virginia-Tennessee State line at Bristol, Va., and extending along U.S. Highway 11 to Lexington, Va., thence along U.S. Highway 60 to Richmond, Va., thence along Virginia Highway 33 to its end, to points in Montana on, south, and west of a line beginning at the Montana-Wyoming State line near Wyola, Mont., and extending along U.S. Highway 87 to Billings, Mont., thence along U.S. Highway 10 to Livingston, Mont., thence along U.S. Highway 89 to Great Falls, Mont., thence along U.S. Highway 91 to the United States-Canada International Boundary line; (9) from points in Virginia on and south of a line beginning at the Virginia-West Virginia State line near Covington, Va., and extending along U.S. Highway 60 to Lexington, Va., thence along U.S. Highway 11 to Staunton, Va., thence along U.S. Highway 250 to Charlottesville, Va., thence along Virginia Highway 218 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line to points in Nebraska on, south, and west of a line beginning at the Nebraska-Kansas State line near Arapahoe, Nebr., and extending along U.S. Highway 283 to Lexington, Nebr., thence along U.S. Highway 30 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line;

(10) From points in Virginia to points in Oklahoma on, north, and west of a line beginning at the Oklahoma-Kansas State line and extending along Interstate Highway 44 to Stroud, Okla., thence along Oklahoma Highway 99 to Ada, Okla., thence along Oklahoma Highway 1 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to Duncan, Okla., thence along U.S. Highway 81 to the Oklahoma-Texas State line; (11) from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line near Paint Bank, Va., and extending along Virginia Highway 311 to Roanoke, Va., thence along U.S. Highway 220 to the Virginia-North Carolina State line to points in Oklahoma; (12) from points in Virginia to points in Oregon in, north, and west of Wallowa, Union, Umatilla, Marrow, Wheeler, Crook, Deschutes, and Klamath Counties; (13) from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line near Mountain Grove, Va., and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line to points in Tennessee on and west of U.S. Highway 45 and 45E; (14) from points in Virginia in and east of Henry, Franklin, Roanoke, and Craig

Counties to points in Texas on, north, and west of a line beginning at the Texas-Oklahoma State line near Denison, Tex., and extending along U.S. Highway 75 to Dallas, Tex., thence along U.S. Highway 80 to the Texas-New Mexico State line and points within 200 miles of Detroit, Tex., east of U.S. Highway 77; (15) from points in Virginia to points in Cherokee County, Tex.; (16) from points in Virginia to points in Washington in and west of Okanogan, Chelan, Kittitas, Yakima, Benton, Franklin, and Walla Walla Counties; (17) from points in Virginia in and south of Highland, Augusta, Albemarle, Greene, Madison, Culpeper, and points south of U.S. Highway 211 to Fauquier, Prince William, and Fairfax Counties, to points in Washington; (18) from points in Virginia in, east, and south of Giles, Montgomery, Roanoke, Botetourt, Rockbridge, Augusta, Albemarle, Loudsa, Hanover, King Williams, New Kent, Toano, and York Counties to points in Wyoming; and (19) from points in Virginia to points in Wyoming in and west of Carbon, Fremont, Hot Springs, and Park Counties.

The purpose of this filing is to eliminate the gateways of: in (1) above, Harlan County, Ky., and Bledsoe, Ky.; in (2) above, Harlan County, Ky.; in (3) above, Cumberland, Ky., Clinton, Ill., Newton, Kans., Sterling, Colo., Dallesport, Washington, and Harlan, Ky.; in (4) above, Cumberland, Ky., Clinton, Ill., Goessel, Ky., Newton, Kans., and Harlan, Ky.; in (5) above, Harlan, Ky., Clinton, Ill., Newton, Kans., Sterling, Colo., Monida, Mont., Sidney, Nebr., Cheyenne, Wyo.; in (6) above, Harlan, Ky.; in (7) above, Lynch, Ky., Clinton, Ill., Crummites, Ky., Florence, Ala., Jackson, Tenn., Cumberland, Ky., Harlan, Ky., and Bloomington, Ill.; in (8) above, Harlan, Ky., Clinton, Ill., Newton, Kans., Sidney, Nebr., and Casper, Wyo.; in (9) above, Harlan, Ky., Clinton, Ill., Goessel, Kans., and Newton, Kans.; in (10) above, Harlan County, Ky., Florence, Ala., Corinth, Miss., Joplin, Mo., Noel, Mo., and Cooter, Mo.; in (11) above, Harlan County, Ky., Florence, Ala., Corinth, Miss., Joplin, Mo., and Cooter, Mo.; in (12) above, Harlan County, Ky., Clinton, Ill., Newton, Kans., Sterling, Colo., and Dallesport, Wash.; in (13) above, Harlan County, Ky., Florence, Ala., and Ardmore, Ala.; in (14) above, Harlan, Ky., Florence, Ala., Corinth, Miss., Holland, Mo., Broken Bow, Okla., and Lawton, Okla.; in (15) above, Harlan, Ky., Florence, Ala., Pontotoc, Miss., and Shreveport, La.; in (16) above, Harlan, Ky., Clinton, Ill., Newton, Kans., and Sterling, Colo.; in (17) above, Harlan, Ky., Clinton, Ill., Newton, Kans., and Sterling, Colo.; in (18) above, Harlan, Ky., Clinton, Ill., Newton, Kans., and Sidney, Nebr.; and in (19) above, Harlan, Ky., Clinton, Ill., Newton, Kans., and Sidney, Nebr.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc 75-23184 Filed 8-29-75; 8:45 am]



[Notice No. 65]

**MOTOR CARRIER BOARD TRANSFER PROCEEDINGS**

SEPTEMBER 2, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 23, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75900. By order of August 22, 1975, the Motor Carrier Board approved the transfer to William Daniel Dipert, doing business as Dan Dipert's Travel Service, Arlington, Tex., of License No. MC 12831 issued January 9, 1963, to Robert L. Hoyt, doing business as Executive Tours, Fort Worth, Tex., authorizing the holder thereof to engage in operations as a broker in arranging for the transportation of passengers and their baggage between points in Texas, on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii, limited to transportation beginning and terminating at points in Texas. S. Harrison Kahn, Esq., Suite 733, Investment Building, Washington, D.C. 20003.

No. MC-FC-76041. By order of August 25, 1975, the Motor Carrier Board approved the transfer to Hipke Trucking, Inc., Atkinson, Nebr., of the operating rights in Certificates Nos. MC 86539 and MC 86539 (Sub-No. 1) issued March 28, 1949, and January 16, 1971, to Leo C. Perry, Atkinson, Nebr., and acquired by Frank J. Thiel, doing business as Trans-Western Express System, Atkinson, Nebr., pursuant to approval and consummation in No. MC-FC-74819, authorizing the transportation of hay and livestock, from points within 25 miles of Atkinson, Nebr., including Atkinson, to Sioux City, Iowa; corn, oats, mixed feeds, and general merchandise, from Sioux City, Iowa, to Atkinson, Nebr., and points within 25 miles thereof; and mixed feeds, fertilizer (except liquid), building materials, farm machinery parts, and seeds, from Sioux City, Iowa, to points in a specified portion of Nebraska. Arlen D. Magnuson, P.O. Box 875, 111 North 5th Street, O'Neill, Nebr. 68762, attorney for applicants.

No. MC-FC-76042. By order of August 25, 1975, the Motor Carrier Board approved the transfer to Huntsville Van & Storage Company, Inc., Huntsville, Ala., of the operating rights in Certificate No. MC 135820 issued June 28, 1962, to Williams Moving & Storage Company, a corporation, Huntsville, Ala., authorizing the transportation of used household goods, between Huntsville, Ala., on the one hand, and, on the other, points in Calhoun, Colbert, Cullman, Etowah, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, and Marshall Counties, Ala., and Coffee, Franklin, Giles, Lawrence, and Lincoln Counties, Tenn., and between Mobile, Ala., on the one hand, and, on the other, points in Baldwin, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington Counties, Ala., and points in Greene, Jackson, and Wayne Counties, Miss. Edward L. Hopper, 715 St. Clair Avenue, Huntsville, Ala. 35801, attorney for applicants.

No. MC-FC-76047. By order entered August 25, 1975, the Motor Carrier Board approved the transfer to William Simpson Moving & Storage, Inc., New York, N.Y., of the operating rights set forth in Certificate No. MC 52999, issued November 14, 1950, to William Simpson, New York, N.Y., authorizing the transportation of household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between New York, N.Y., on the one hand, and, on the other, points in Connecticut and New Jersey. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc 75 23188 Filed 8-29-75; 8:45 am]

[Notice No. 98]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

AUGUST 26, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with

the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

**MOTOR CARRIERS OF PROPERTY**

No. MC 112617 (Sub-No. 332TA), filed August 20, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, in tank vehicles, from Danville, Ill., to Hawesville, Ky., for 180 days. Supporting shipper: Kenneth O. Petrie, Jr., Scheduling & Traffic Coordinator, Western Kraft Corp., P.O. Box J, Hawesville, Ky. 42348. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 P.O. Bldg., Louisville, Ky. 40202.

No. MC 114604 (Sub-No. 36TA), filed August 19, 1975. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, P.O. Box I, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, related advertising material, and empty malt beverage containers, between Winston-Salem, N.C., and the facilities of Thomas Beverage Company, located in Carroll, Clayton, Cobb, De Kalb, Douglas, Fulton, Haralson, and Rockdale Counties, Ga., for 180 days. Supporting shipper: Thomas Beverage Company, 2235 Defoor Hills Rd., N.W., Atlanta, Ga. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 123048 (Sub-No. 327TA), filed August 19, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 W. Doty St., Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Brick and Carolina and South Carolina, to points in Michigan, for 180 days. Supporting shipper: Lincoln Brick Company, 1420 Lake Drive, S.E., Grand Rapids, Mich. 49506. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

## NOTICES

No. MC 123407 (Sub-No. 259TA), filed August 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber and lumber products (except in bulk), from points in Idaho to points in Arizona and New Mexico, for 180 days. Supporting shipper: Southwest Forest Industries, General Traffic Manager, 3443 North General Ave., P.O. Box 7548, Phoenix, Ariz. 85011. Send protests to: J.H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 126276 (Sub-No. 132TA) (Partial correction), filed July 31, 1975, published in the Federal Register issue of August 12, 1975, and republished as corrected this issue. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Paper and paper. The purpose of this republication is to change the destination point Millville (Cumberland County) N.J., in lieu of Millville (Cumberland County) N.Y. The rest of the application remains the same.

No. MC 134400 (Sub-No. 18TA) (Correction), filed July 31, 1975, published in the Federal Register issue of August 12, 1975, and republished as corrected in this issue. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 200 Southern Ave., Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: Aluminum building products and related accessories, in shipper-owned trailers, from Dubuque and Osage, Iowa, and Minneapolis, Minn., to Adams, Brown, Bureau, Carroll, Fulton, Hancock, Henderson, Henry, Joe, Daviess, Knox, LaSalle, Lee, McDonough, Marshall, Mercer, Ogle, Peoria, Putnam, Rock, Island, Schuyler, Stark, Stephenson, Warren, and Whiteside Counties, Ill.; all points in Iowa; Adair, Clark, Knox, Lewis, Marion, Schuyler, Scotland, and Shelby Counties, Mo.; and Crawford, Grant, Iowa, Lafayette, and Richland Counties, Wis., under a continuing contract with Zephyr Aluminum Products, Inc., for 180 days. Supporting shipper: Zephyr Aluminum Products, Inc., P.O. Box 936, Dubuque, Iowa 52001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 52001. The purpose of this republication is to correct the territorial description.

No. MC 138530 (Sub-No. 18TA), filed August 19, 1975. Applicant: C. O. P.

TRANSPORT, INC., 307 South High St., Cortland, Ohio 44410. Applicant's representative: Warren R. Keck III, 28 South Second St., Greenville, Pa. 16125. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Copper and copper alloys viz other than perforated or silver plated sheet, plate and strip, scrap and scrap copper alloy loose or in containers, coils, bars drawn, rolled or extruded, between the plantsite of Hussey Metals Division/Copper Range Co., Eminence, Ky., on the one hand, and, on the other, points in the Cleveland, Ohio, Commercial Zone, under a continuing contract with Hussey Metals Division Copper Range Co., for 180 days. Supporting shipper: Hussey Metals Division Copper Range Co., Eminence, Ky. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 141135 (Sub-No. 1TA), filed August 13, 1975. Applicant: VARRA ENTERPRISES, INC., Rte. 2, Box 640, Broomfield, Colo. 80002. Applicant's representative: Pasquale Varra (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Silica sand (Fracturing sand), in bulk, in dump trucks, and Fractor Props (Fracturing sand), in dump trucks, from Denver, Pueblo, and Brighton, Colo., to points in Campbell, Fremont, Laramie, Natrona Park, Sweetwater, and Washoe Counties Wyoming, and Uintah County, Utah, for 180 days. Supporting shippers: Dowell Division of Dowell Chemical Co., 5400 N. Colorado Blvd., Denver, Colo. 80601. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 141159 TA (Partial correction), filed June 6, 1975, published in the Federal Register issue of July 29, 1975, and republished as corrected this issue. Applicant: TRANSCON LINES, 101 Continental Blvd., El Segundo, Calif. 90245. Applicant's representative: Jerome Biniasz, P.O. Box 92220, Los Angeles, Calif. 90009. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk). The purpose of this republication is to indicate that this application is common carrier in lieu of the contract carrier which was previously published in error. The rest of the application remains the same.

No. MC 141161 (Sub-No. 1TA) (Correction), filed July 17, 1975, published in the Federal Register issue of August 1, 1975, and republished as corrected this issue. Applicant: CHARLES W. BOWMAN, R.R. #2, West Branch, Iowa 53358. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ot-

tumwa, Iowa 52501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Refined corn products, in packages and containers, and powdered milk, when moving in the same vehicle and at the same time as refined corn products, (1) from Decatur, Ill., to Iowa City, and (2) from Iowa City, Iowa to points in Arkansas, Illinois, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, under continuing contract with J. M. Swank Co., Inc., for 180 days. Supporting shipper: J. M. Swank Co., Inc., 615 Highway 6 By Pass, Iowa City, Iowa 52244. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to change the docket number to MC 141161 Sub-1TA, in lieu of MC 141165 TA.

No. MC 141166 TA (Correction), filed July 17, 1975, published in the Federal Register issue of August 1, 1975, and republished as corrected this issue. Applicant: A. O. G. SERVICES INC., 177-25 Rockaway Boulevard, Jamaica, N.Y. 11434. Applicant's representative: Matthew Devine, 313 E. Garden City St., Islip Terrace, N.Y. 11752. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aircraft parts, aircraft documents, and commissary equipment to be used on aircraft restricted to 500 pounds in special messenger service, between JFK International Airport, Jamaica, N.Y., and the Airports located within a radius of 400 air miles of JFK International Airport located in the following States: New York, New Jersey, Pennsylvania, Maryland, Connecticut, Delaware, Massachusetts, Maine, Virginia, Rhode Island, the District of Columbia, and Vermont, for 180 days. Supporting shippers: Capitol International Airways, P.O. Box 220, JFK International Airport, Jamaica, N.Y. 11430; Saturn Airways, Inc., P.O. Box 269, JFK International Airport, Jamaica, N.Y. 11430; Overseas National Airways Inc., 147-27 175th St., Jamaica, N.Y. 11430. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007. The purpose of the republication is to change the docket number to 141166 TA, in lieu of MC 141161 Sub-1TA.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc 75-23188 Filed 8-29-75; 8:45 am]

[Notice No. 99]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

AUGUST 26, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules



provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 30867 (Sub-No. 221TA), filed August 20, 1975. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapasco Ave., Baltimore, Md. 21225. Applicant's representative: William B. Eckels (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in special constructed rear-unloading tank trucks capable of maintaining product at 360-370° F in transit, from Longview, Tex., to Dalton, Ga., for 180 days. Supporting shipper: Gus Brown, Asst., Division Traffic Mgr., Texas Eastern Company, P.O. Box 7444, Longview, Tex. 75601. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 107012 (Sub-No. 223TA), filed August 20, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet*, uncrated from Atmore and Mobile, Ala., to points in Arkansas, Iowa, Kansas, Oklahoma, Nebraska, Texas, Minnesota, North Dakota, South Dakota, Tennessee, Kentucky, New Mexico, and Colorado, for 180 days. Supporting shipper: C. H. Masland & Sons, 50 Spring Road, Carlisle, Pa. 17013. Send protests to: J. H. Gray, District Supervisor, Inter-

state Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 111274 (Sub-No. 5TA), filed August 14, 1975. Applicant: ELMER C. SCHMIDGALL and BENJAMIN G. SCHMIDGALL, doing business as SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, 318 Lilac Lane, E. Peoria, Ill. 61611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fencing materials, farm buildings, their materials, and components*, from Winfield, Kans., to points in Illinois, Indiana, Ohio, Wisconsin, Iowa, Missouri, Kentucky, and Michigan; from Kenton, Ohio, to points in Illinois, Indiana, Wisconsin, Iowa, Missouri, Kentucky, Michigan, and Kansas, under continuing contract with Morton Buildings, Inc., for 180 days. Supporting shipper: Morton Buildings, Inc., Richard Bartlow, Traffic Manager, 252 W. Adams St., Morton, Ill. 61550. Send protests to: Patricia A. Rosecoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 114457 (Sub-No. 241TA), filed August 20, 1975. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solidified carbon dioxide*, from Chicago, Ill., to St. Paul and Albert Lea, Minn., and Airgo, N. Dak., for 180 days. Supporting shipper: Airco Industrial Gases, Div., of Airco, Inc., 1865 S. Lumber St., Chicago, Ill. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117765 (Sub-No. 195TA), filed August 20, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. 5th St., Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen foodstuffs*, in containers, from the plantsite of Woldert Canning Company, located at or near Lindale, Tex., to points in Alabama, Illinois, Indiana, Missouri, and Tennessee (except Memphis, Tenn.), restricted to traffic originating at the facilities of Woldert Canning Company, Lindale, Tex., for 180 days. Supporting shipper: Woldert Canning Company, P.O. Box 1448, Tyler, Tex. 75701. Send protests to: Clifford L. Phillips, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 126276 (Sub-No. 134TA), filed August 19, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield

Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products, and products produced or distributed by manufacturers or converters, of paper and paper products (except commodities in bulk)*, from Fort Worth, Tex., to Louisville, Ky.; Atlanta, Ga.; Charlotte, N.C.; Chicago, Ill.; Three Rivers, Mich.; and Millville, N.J.; and from Three Rivers, Mich., to Fort Worth, Tex., under continuing contract or contracts with Continental Can Co., Inc., for 180 days. Supporting shipper: Continental Can Co., Inc., Edward A. MacBride, Div., Comptroller, 800 Northwest Highway, Palatine, Ill. 60067. Send protests to: Patricia A. Rosecoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 134551 (Sub-No. 6TA), filed August 20, 1975. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., #3 Calne Drive, Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from East St. Louis, Ill., and Madison, Ill., to points in Vernon, Barton, Jasper, Newton, McDonald, Barry, Lawrence, Dade, St. Clair, Hickory, Polk, Greene, Christian, Stone, Taney, Ozark, Douglas, Webster, Wright, Dallas, Camden, Cedar, Laclede, Pulaski, Texas, and Howell Counties, Mo., for 180 days. Supporting shipper: Dwight L. Helm, Distribution Coordinator, John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 139846 (Sub-No. 2TA), filed August 15, 1975. Applicant: WADDICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: Richard D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid protein supplements*, not intended for human consumption, in bulk, in tank vehicles, for the account of Ruminant Nitrogen Products Company of Adrian, Mich., restricted to traffic having a subsequent movement in foreign commerce, from Adrian, Mich., and Arcade, N.Y., to ports of entry on the United States-Canada Boundary line, located in Michigan and New York, and returned shipments of the same commodities in the reverse direction, under a continuing contract with Ruminant Nitrogen Prod-

ucts Company, for 180 days. Supporting shipper: Ruminant Nitrogen Products Company, P.O. Box 206, 770 Riverside Drive, Adrian, Mich. 49221. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell St., Detroit, Mich. 48226.

No. MC 138831 (Sub-No. 1TA), filed August 20, 1975. Applicant: JOHNNY JONS, doing business as J & J HAULING, 3 Midlang Ave., Elmwood Park, N.J. 07407. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, materials, equipment, and supplies used in the manufacture, use and sale hereof (except commodities in bulk)*, from Champlain, N.Y., to Bensonville, Ill.; Secaucus, N.J., and Westwood, Mass., under a continuing contract with Raleigh Industries of America, Inc., for 180 days. Supporting shipper: Raleigh Industries of America, Incorporated, 1170 Commonwealth Ave., Boston, Mass. 02134. Send protests to: Joel Morrums, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 141205 TA (Amendment) filed July 30, 1975, published in the FEDERAL REGISTER issue of August 13, 1975, and republished as corrected this issue. Applicant: HUSKY OIL TRANSPORTATION CO., 600 South Cherry St., Denver, Colo. 80222. Applicant's representative: F. Robert Reeder, 79 South State St., Salt Lake City, Utah 84147. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil, natural gas condensate, and scrubber oil*, (A) from points in Logan, Weld, Adams, Boulder, Denver, Larimer, Jackson, Morgan, Washington, Kit Carson, Cheyenne, Sedgwick, Phillips, Yuma, Arapahoe, Jefferson, Clear Creek, Gilpin, Elbert, Routt, Moffat, and Grand Counties, Colo., to points in Laramie, Sweetwater, Albany, and Carbon Counties, Wyo., and (B) from points in Banner, Kimball, Cheyenne, Scotts Bluff, Sioux, Morrill, Dundy, Chase, Perkins, Hitchcock, Hayes, Lincoln, Frontier, and Red Willow Counties, Nebr., to points in Laramie, Sweetwater, Albany, and Carbon Counties, Wyo., and those in Washington, Denver, Adams, and Weld Counties, Colo., under a continuing contract with Husky Oil Company, for 180 days. Supporting shipper: Husky Oil Company, 600 South Cherry St., Denver, Colo. 80222. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202. The purpose of this republication is to clarify the commodity description.

No. MC 141255 TA, filed August 20, 1975. Applicant: TANDY TRANSPORTATION, INC., 3600-3602 Conway, Fort Worth, Tex. 76111. Applicant's represent-

ative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Commodities dealt in by electronic equipment and supply stores, uncrated store fixtures and furnishings, office supplies, and advertising materials*, from Fort Worth, Tex., to points in the United States (except Texas), restricted in the destination States to pick up or delivery of the described commodities at Radio Shack stores; *returned and rejected shipments of such commodities*, from points in the United States (except Texas) to Fort Worth, Tex.; (b) *electronic equipment, materials, and supplies*, from Tarrant City, Ala.; Ansonia, Conn.; Buford, Ga.; Aurora, Mundelein, Chicago, Lemont, Downers Grove, and Elk Grove, Ill.; Huntington and Frankfort, Ind.; Burlington and Guttenberg, Iowa; Princeton, Ky.; Winona and St. Paul, Minn.; Kennebunk and Biddeford, Maine; Detroit, Mich.; Hagerstown and Baltimore, Md.; Shrewsbury, South Hadley, Holyoke, Worcester, Ludlow, and Boston, Mass.; Aberdeen, Miss.; St. Louis, Mo.; Camden, Amsterdam, Congers, Blauvelt, Farmingdale, L.I., and Brooklyn, N.Y.; Somerville, Parsippany, and Burlington, N.J.; Statesville and Smithfield, N.C.; Newcomerstown and Toledo, Ohio; Central Falls, R.I., to Fort Worth, Tex., and Garden Grove, Calif.;

(c) *Electronic equipment, materials, and supplies*, from Long Beach, Calif.; Phoenix, Ariz., and Grand Junction, Colo., to Fort Worth, Tex.; (d) *toys*, from Hawthorne, Calif., to Fort Worth, Tex.; (2) (a) *tile, including ceramic, clay, earthenware, terrazzo, mastic, composition and vinyl asbestos*, from Fort Worth and Houston, Tex., to points in Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Utah, Wisconsin; and *returned and rejected shipments*, from the named destination States to Fort Worth and Houston, Tex.; (b) *tile*, from Long Beach, Calif., to Phoenix, Tucson, and Mesa, Ariz.; Albuquerque, N. Mex.; and Fort Worth, Tex.; (3) *Leather and leather products*, from Buford, Ga., to Fort Worth, and Yoakum, Tex.; (4) *Commodities dealt in by arts and crafts stores*, from Fort Worth, Tex., to points in the United States; *returned and rejected shipments of such commodities*, from points in the United States (except Texas), to Fort Worth, Tex. Restriction: The operations authorized herein in Paragraphs 1, 2, 3, and 4 are limited to a transportation service to be performed under a continuing contract or contracts with Tandy Corporation, Tandybrands, Inc., and Tandy Brands, Inc., of Fort Worth, Tex., and their subsidiary corporations, for 180 days. Supporting shipper: Tandybrands, Inc., Tandy Brands, Inc., Tandy Corporation, 2727 West 7th St., Fort Worth, Tex. 76107. Send protests to: H. C. Morrison, Sr., District Supervisor,

Room 9A27, Federal Bldg., 319 Taylor St., Fort Worth, Tex. 76102.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75 23187 Filed 8-29-75; 8:45 am]

[Notice No. 844]

#### ASSIGNMENT OF HEARINGS

August 27, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 41064 Sub 4, Kent Express, Inc., now assigned September 29, 1975, at Indianapolis, Indiana, is cancelled and application dismissed.

MC 123407 Sub 194, Sawyer Transport, Inc., now being assigned October 20, 1975 (1 day), at New Orleans, Louisiana; in a hearing room to be later designated.

MC 531 Sub 306, Younger Brothers, Inc.; MC 102567 Sub 176, McNair Transport, Inc.; and MC 111401 Sub 443, Groendyke Transport, Inc., now being assigned October 30, 1975 (2 days), at New Orleans, Louisiana; in a hearing room to be designated later.

MC 63792 Sub 25, Tom Hicks Transfer Company, Inc., now being assigned November 3, 1975 (2 days), at New Orleans, Louisiana; in a hearing room to be designated later.

MC 136316 Sub 5, Olen Burrage Trucking, Inc., now being assigned November 11, 1975 (3 days) at New Orleans, Louisiana; in a hearing room to be designated later.

MC 119988 Sub 80, Great Western Trucking Co., Inc., now assigned September 18, 1975, at Birmingham, Ala., is canceled and application dismissed.

MC 139193 Sub 24, Roberts & Oake, Inc., now assigned November 13, 1975, at Chicago, Ill., is canceled and application dismissed.

AB 10 Sub 3, Norfolk and Western Railway Company Abandonment Between Abingdon, Virginia, and West Jefferson, North Carolina, in Washington and Grayson Counties, Virginia, and Ashe County, North Carolina, now being assigned for continued hearing October 6, 1975, at West Jefferson, North Carolina, in the Membership Conference Room, Blue Ridge Electric Co-op, Mount Jefferson Road.

MC 124796 Sub 117, Continental Contract Carrier Corp., now assigned November 13, 1975, at Kansas City, Mo. is postponed indefinitely.

MC-12519 Al Zeffiro Transfer and Storage, Inc.—Purchase (Portion)—Daily Express and MC 108067, Al Zeffiro Transfer & Storage, Inc., now being assigned October 6, 1975, at Philadelphia, Pa. (1 week); in a hearing room to be later designated.

MC 130092, Green Mountain Tours, Inc., now being assigned October 7, 1975 (3 days), at Newark, N.J., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75 23189 Filed 8-29-75; 8:45 am]

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## FOURTH SECTION APPLICATION FOR RELIEF

August 27, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43038—*Iron and Steel Articles to Points in Texas*. Filed by Southwestern Freight Bureau, Agent (No. B-554), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from specified points in Delaware, Maryland, and Pennsylvania, to specified points in Texas. Grounds for relief—Market and water competition. Tariff—Supplement 137 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5093. Rates are published to become effective on September 25, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc 75-23185 Filed 8-29-75; 8 45 am]

[Ex Parte No. 314]

## GENERAL FREIGHT RATES

Special Procedures for Increases; Notice of Oral Argument

August 26, 1975.

The Interstate Commerce Commission, will hold oral argument in the above entitled proceeding in order to provide the parties with a further opportunity to make their views known to the Commission. Oral argument is scheduled to commence at the office of the Commission in Washington, D.C. at 9:30 a.m. on Wednesday, October 1, 1975.

The October 1st date has been selected to afford the parties an advance opportunity to consider the views expressed by the other parties to this proceeding and based on that review to determine whether there is a possibility of consolidating their presentation at oral argument with other parties expressing the same or similar views. Further, the October 1, 1975, date will enable the parties to evaluate the Commission's statement delivered by Chairman Stafford on July 16, 1975. This statement attached as Appendix I hereto entitled "Statement of

George M. Stafford, Chairman of the Interstate Commerce Commission, Before the Subcommittee on Transportation and Commerce of the House Committee on Interstate and Foreign Commerce on H.R. 6351 and H.R. 7681, "together with a summary, places the proposed special procedures in context and provides the parties to this proceeding with an insight as to why the Commission prefers to consider changes through the administrative process.

In response to the notice of proposed rulemaking entered in this proceeding on June 10, 1975, served June 12, 1975, 75 parties submitted written statements of verified facts, views, and arguments regarding the proposed procedures. Attached hereto as Appendix II is a service list of the parties submitting representations. Ten days from date of service of this notice the parties listed on Appendix II are to serve the other parties on the list with copies of their statements previously filed with the Commission. Ten days prior to oral argument the parties desiring to participate therein shall by letter advise the Commission (1) that they have complied with the service requirement; (2) the name of their representative who will appear at the oral argument on their behalf and/or representing other parties having similar positions; and (3) the approximate amount of time needed to present their position at oral argument.

Although the Commission has made no determination on the merits on whether or not to adopt the proposed regulations with or without modification, it would be helpful to the Commission if the parties at oral argument would address the following issues, which are not to be construed as all inclusive, but rather as focal points for informed discussion:

1. Is there a need for special procedures of the type contemplated by the notice of proposed rulemaking for all modes or for any one mode?

2. Has the entry of the Commission's decision in Ex Parte No. 311, *Expedited Procedures for Recovery of Fuel Costs*, 350 I.C.C. 563, rendered unnecessary or undesirable the promulgation of another expedited procedure?

3. If the procedures set forth in the notice of proposed rulemaking were to be adopted on an experimental basis for one mode, several modes or all modes, should the increases be based solely on increased labor cost as was originally contemplated in Ex Parte No. 296, *Procedures for Partial Recoupment of Increased Carrier Labor Costs*?

4. If it were possible to fashion an expedited procedure that would clearly spell out that the Commission retains the right to suspend a general revenue

proposal (or portion thereof, i.e., increases pertaining to individual commodities or weight brackets) filed under the special procedure for potential undue preference, prejudice or discrimination, would this be acceptable to the carriers and shippers alike? How do you view this proposal as compared with the rate provisions set forth in the Rail Revitalization Act of 1975 and discussed in Appendix I hereto?

5. If the special procedures were to be adopted, should the carriers utilizing the procedures be limited to one other general increase per year and should the special procedures be limited to increases timed to become effective on a specified date as for example January 1 of each calendar year?

6. If special procedures are adopted on an experimental basis, what are your views as to the reasonableness of the proposed 5-percent figure? Would some other figure be more appropriate?

7. Does the Commission's practice of allowing interim increases pending formal investigation of rail general increases offer a viable alternative to the special procedures set forth in the notice of proposed rulemaking and should such a procedure be available to other modes absent a statutory refund provision?

Notice of oral arguments shall be given to the general public by depositing a copy of this notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by delivering a copy of the notice, without attachments, to the Director, Office of the Federal Register for publication therein as notice to interested persons.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc 75-23190 Filed 8-29-75; 8:45 am]

LEGAL SERVICES CORPORATION  
COMMITTEE ON PRESIDENTIAL SEARCH  
Meeting

August 28, 1975.

The Committee on Presidential Search of the Board of Directors of the Legal Services Corporation will meet at 7:00 p.m. on Sunday, September 7, 1975 and 10:00 a.m. on Monday, September 8, 1975 at the Statler Hilton Hotel, Washington, D.C. The meetings will be in Executive Session to discuss nominees for President of the Corporation. Representatives of specified organizations will be invited to attend a portion of the September 8 meeting.

ROGER C. CRAMTON,  
Chairman.  
[FR Doc 75-23360 Filed 8-29-75; 10:46 am]

TUESDAY, SEPTEMBER 2, 1975



PART II:

DEPARTMENT OF  
HOUSING  
AND URBAN  
DEVELOPMENT

Office of Assistant  
Secretary for Housing  
Production and Mortgage  
Credit

## MOBILE HOMES

Federal Construction and  
Safety Standards

federal register



**Title 24—Housing and Urban Development**

**CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. R75-340]

**PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS**

On June 25, 1975, the Department of Housing and Urban Development proposed Federal mobile home construction and safety standards (40 FR 26930) pursuant to the requirements of the National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of Pub. L. 93-383, 42 U.S.C. 5401 et seq.).

The Notice of Proposed Rulemaking described the requirements of the Act for promulgation of the standards. In addition, the research work that was carried out and planned in order to support the Federal mobile home standards, and the various other sources used to develop the proposed standards were described. The notice solicited public comment on the proposal and allowed 30 days for comments to be submitted. Comments received are available for inspection and copying in accordance with HUD regulations (24 CFR 15.14) in room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410 during regular business hours.

**PUBLIC COMMENTS**

More than 1,000 comments were received in response to the Notice of Proposed Rulemaking. Of these, approximately 100 discussed specific requirements of the proposed standards. Some of the comments were very detailed; several were over fifty pages in length. Nine mobile home manufacturers submitted comments along with two manufacturers trade associations. One of the trade associations developed its comments through a consensus process among its member companies. Suppliers to the industry and other service industries submitted 36 comments. Twenty comments were received from state and other government agencies. The remaining comments on the standards came from private individuals, companies not directly involved in the mobile home industry, and from consumer and community groups. Many comments provided useful criticism and information that resulted in clarifications, corrections, amendments, and other changes in the standard as published herein.

Approximately 900 comments addressed the issue of adoption by reference of the "Standard for Mobile Homes," NFPA 501B/ANSI A119.1, as the Federal mobile home standard. Approximately 825 comments urged such adoption. A majority of the comments supporting adoption by reference were sent in by members of the National Fire Protection Association (NFPA), particularly its Fire Marshals Section, and by in-

**RULES AND REGULATIONS**

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dividuals who are members of other component organizations within NFPA.

Approximately 75 letters and mailgrams were received urging that the NFPA/ANSI standard not be adopted. Most of the comments supporting HUD's action not to adopt the standard came from organizations representing mobile home owners and dwellers, from individual consumers, from consumer and community groups, as well as from a variety of other organizations.

HUD has considered all of the various arguments raised in the comments and elsewhere for and against adoption by reference of the ANSI/NFPA standard. The Department has also again very carefully reviewed the Act and its legislative history. HUD has concluded that adoption by reference of all or part of the present ANSI/NFPA mobile home standard would be inappropriate because it implies that future amendments to the NFPA 501B standard will automatically be adopted as the Federal standards or will be given special consideration by HUD. Adoption of the NFPA mobile home standard thus commits HUD to a de facto delegation of its authority to develop standards for promulgation. Such a course of action is neither envisioned nor authorized by the Act.

**RECOMMENDATIONS OF THE NATIONAL MOBILE HOME ADVISORY COUNCIL**

The National Mobile Home Advisory Council held a series of meetings on July 29-31, 1975. One of the issues discussed was adoption of the ANSI/NFPA standard by reference. The Council unanimously passed a resolution supporting "HUD's course of action in establishing Federal mobile home construction and safety standards . . . without specifically referencing the ANSI A119.1/NFPA 501B standards . . ." with the provision that HUD and the NFPA establish a cooperative committee program "so as to preserve and continue to utilize the expertise of the present NFPA mobile home committee." HUD is attempting to work out such a cooperative program with the NFPA. HUD believes that the two organizations share a common interest in mobile home safety, and hopes that a basis for cooperation can be found.

Prior to the issuance of the proposed Federal mobile home standards, the Advisory Council met on May 5 and 6, 1975, to discuss a draft of the standards. As published, the proposed standards reflected some of the concerns and recommendations of the Council and of individual members of the Council. Comments of members of the public submitted to the Advisory Council and HUD following the meeting were also considered.

After publication of the proposed standards, the Executive Committee of the Council met and appointed a Fire Safety Task Force and a Structural Task Force to consider specific questions in these areas related to the Federal standards. These task forces met on July 29, 1975, and reported draft recommendations to the Advisory Council Executive Committee on July 30 and to the full

Council during its meeting on July 31, 1975. The Council accepted essentially all of the majority recommendations of the Task Forces. These recommendations are as follows:

**Fire Safety.** The Advisory Council determined that there was not sufficient test data or other information on the subject of flame spread classification and recommended retaining the HUD recommended values until additional research and test data were available. The Council also recommended minor changes in the methods of testing flame spread for interior surface materials. The Council made specific recommendations for carrying out such research and tests. HUD is currently planning and beginning to implement an extensive fire safety research program for both mobile and conventional housing that will contribute to the further development of the mobile home standards. Finally, it was recommended that the flammability test for carpeting be deleted from the standard as redundant since other Federal law already requires that all carpeting be so tested.

A minority report from the Task Force recommended adoption of the more stringent Class A flame spread requirement for interior walls and ceilings throughout the mobile home. The Council did not adopt the minority recommendation.

The Council recommended a number of clarifications of the egress window and door requirements. It was also recommended that in order to shut off furnace burners and blowers in the event of a furnace compartment fire, electric thermal cut off devices be required where practical. (There was no such requirement in the proposed standard.) The Council suggested that HUD prepare a list of materials that do not need to be tested, listed, or labeled to be accepted as being in compliance with the requirements of the standard. In order to identify a mobile home destroyed or seriously damaged by fire, the Council recommended that the serial number be marked permanently on the frame.

**Structure.** To enhance both compliance and enforcement of the standards, the Council made a number of detailed recommendations concerning the clarity of the standards. It also made a number of recommendations on structural component testing.

A minority view was given that the structural wind resistance requirements of the proposed standard were too stringent for Zone II. The Council did not accept this recommendation.

The Council also recommended that (1) HUD and the industry investigate corrosion resistant materials for exterior finish metal fasteners; (2) the space requirements for laundry equipment (when not factory installed) be reduced from 30" to 27" and (3) the tire and rim standard (Motor Vehicle Safety Standard 120) be deleted because the standard has not yet been made effective by the Department of Transportation, and because if the standard was in effect it would be applicable to mobile homes



without a specific reference in the HUD regulations.

Finally, the Council recommended an extensive research program to determine the response of mobile homes to wind loadings, including gusting and other dynamic effects. (HUD's planned program on wind research was described in the preamble to the Notice of Proposed Rule-making published June 25, 1975, 40 FR 26935.)

#### THE STANDARD

As published herein, the Federal Mobile Home Construction and Safety Standards have been revised in a number of respects from the proposed standards. There were a number of significant amendments of the proposal. Most of the changes, however, were editorial clarifications and detail changes in the requirements. These changes reflect consideration of the comments received on the standards, recommendations of the National Mobile Home Advisory Council, comments and discussions with other Federal and state agencies, and discussions and reevaluations within HUD.

The numbering of the standards was changed to conform to the style of the Code of Federal Regulations. Subpart designations have been dropped and the sections have been moved from parts 1420-1427 to parts 2520-2529. The decimal numbering has been simplified.

The following is a discussion of the significant specific changes from the proposed standard.

**Introduction.** An introduction has been added in which it is stated that the standards are in substantial measure based on the "Standard for Mobile Homes" NFPA 51B-1974/ANSI A119.1-1975, and particularly on Sections B, C, D, and E of that standard. In addition, it is noted that parts of the standards are derived from state standards, enforcement agency standards, interpretative manuals and trade association standards. Acknowledgement of contributions from the standards and codes of public and private organizations had appeared in the preamble to the proposed standard. In the final standards, however, it was deemed appropriate that such acknowledgement appear in the standards themselves rather than in the preamble which will not become a permanent part of the Code of Federal Regulations.

**A. General.** The following significant changes were made in this section:

1. The definition of "length of a mobile home" has been modified because of objections raised by the Federal Trade Commission in its proposed Trade Regulation Rule on Mobile Home Sales and Service (40 FR 13334). The FTC believes that it may be a deceptive trade practice to include drawbar assemblies or other appendages that are not a part of the living space, in the definition. The length as now defined includes only the basic mobile home structure plus any fold-out or other room extensions, bay windows, porches, extensions of walls and roofs, drawbars, and other attachments are not included.

2. A definition of the "width of a mobile home" has been added to the standards in order to provide criteria to determine whether a particular unit is subject to the requirements of these regulations. The "width" definition is consistent with the definition of length. (280.2(a)(13)).

3. The serial or identification number of a mobile home will now have to be stamped on a forward frame member. This Permanent identification should provide greater assurance that a severely damaged or burned mobile home can be traced to its manufacturer. The Advisory Council recommended that a requirement of this kind be added to the standards (280.6(a)).

**B. Planning Considerations.** The following changes from the proposed standard are being made:

1. The ceiling height requirements for habitable rooms have been amended so that the ceiling need not be sloping in an area where it is less than 7 feet high. This will allow a ceiling to be uniformly dropped (or the floor raised) for up to 50 percent of the room's floor area to a height of between 5 and 7 feet. (280.104(a)). This change is in recognition of industry practices in which portions of ceilings are dropped uniformly to less than 7 feet (or floors are raised so that the ceiling height is less than 7 feet). The proposed standard would have made the arbitrary requirement that the dropped ceiling be sloping.

2. The requirements for egress doors in § 280.105(a) have been revised to clarify their intent. Specifically, the egress doors must now be at least 12 feet apart, must be separated by a wall or partition, and must be placed so that no bedroom door is more than 35 feet from the nearest exterior door.

3. The requirement that exterior doors have a minimum clear opening height of 74 inches has been retained except for sliding doors which may have 72 inches clear opening height. In a report prepared for HUD on household hazards, it was found that adequate height of doorways was an important safety factor for doors opening to stairways. Most mobile home exterior swinging doors open to stairways. The report noted "any abrupt or very low overhead which causes an individual to instinctively duck or make a quick movement can result in a misstep and a fall." HUD selected 74" as the minimum required door height because it provided the maximum door height opening without requiring structural redesign of most homes built today. Also, a significant number of the mobile home production today meet this minimum. (§ 280.105(6)). An exception has been made for sliding doors because such doors generally do not open to steps and because a clear opening of greater than 72 inches in height for such doors would require redesign of the structure around the door of many mobile homes.

4. The requirement that privacy locks be provided for primary bedrooms has been dropped because HUD could not justify requiring such locks on grounds of life safety or durability.

5. The room size requirements of §§ 280.111, 280.112, and 280.113, have been modified and clarified as follows: The requirement that at least one habitable room be not less than 150 square feet in gross floor area has been modified so that this minimum dimension applies to a "living area" (such as a combined living and dining area) rather than to a single room. HUD considered, but did not adopt a requirement that there be at least one bedroom suitable for two people (minimum floor area of 70 square feet).

Census data indicates that approximately one fifth of all mobile homes are occupied by single individuals who might have no need for such a bedroom. HUD believes that consumer information can be used to alert purchasers to the need for adequate space in bedrooms. The requirement that a bedroom intended for use by two people must have a minimum area of 70 square feet, is continued.

6. The requirement that the minimum horizontal dimension of a habitable room be five feet has been modified to allow smaller dimensions. However, spaces with smaller dimensions may not be counted in the gross floor area used to determine the minimum allowed room size (§ 280.110). This change was made because HUD had inadvertently disallowed entries and alcoves having any horizontal dimension less than five feet.

7. The minimum depth of laundry equipment spaces that open to hallways has been reduced from 30" to 27" where no equipment is installed by the manufacturer. This minimum dimension must still be provided in addition to the minimum width of 28" for the hallway itself. HUD will require that a notice be placed in this space by the manufacturer specifying the clearance available for laundry equipment. This change was recommended by the Advisory Council and by a number of manufacturers' comments.

8. Safety glazing will be required in all glass doors, glass storm doors, sidelights within 12 inches of an exterior door, in glass mirrored doors unless backed by a material capable of acting as a door in the absence of the mirror, and in doors and windows in shower and tub areas. It should be noted, however, that a manufacturer is not required to provide glass in any of these areas, so that this requirement poses no cost penalties except where a manufacturer decides to use a design calling for glazing in the affected areas (280.114(6)).

These requirements are identical to provisions of a proposed standard under consideration by the Consumer Product Safety Commission. The Commission recommended in a written submission to the Department that "HUD's mobile home safety glazing standard should be at least as comprehensive as the Consumer Safety Glazing Committee's proposed standard which is presently being considered by the Commission." Other comments were received supporting requirements for safety glazing in window and mirror areas that are likely to be subject to impact by mobile home occupants in their daily activities.

HUD's decision to upgrade safety glazing requirements was reached after consultations with the CPSC staff and the Consumer Safety Glazing Committee which developed the "Proposed Safety Standard for Glazing Materials used in Certain Architectural Products."

**C. Fire Safety.** HUD considered the various comments concerning the fire safety section of the standards, including the specific comments regarding the five alternative proposals for flame spread limitations for interior walls and ceilings. HUD concluded that no information or data was submitted that would justify a significant modification of the proposed standards. However, HUD recognizes that fire is the major cause of personal and property loss in mobile home accidents. Thus, HUD expects that as supporting research data and other information become available, the fire safety requirements of the standard may be revised and upgraded.

The following editorial and detail changes were made in this section of the standards:

1. Section 280.203(a)(1) was amended to limit the amount of total area of trim, certain decorative materials, windows, and certain sizes of doors excluded from the flame spread requirements to no more than 10 per cent of the aggregate wall surface in any room or space or no more than 32 square feet of surface area, whichever is less.

The standard generally used in the industry today does not contain any specific limitation on the amount of excluded material although some enforcement agencies used the above requirements in interpreting the standard. HUD has included this limit to insure that excessive amounts of higher flame spread materials will not be used.

Bookcases, planters, and other similar items are considered furnishings for purposes of this standard even though they might be permanently attached to the mobile home. Thus, they are not covered under the flame spread limitations. Bars located in the kitchen area are considered to be kitchen cabinets and are thus required to comply with § 280.203(a)(4). Accent panels on the living area side of a bar may be excluded from the flame spread requirements but only to the extent provided in § 280.203(a)(1).

2. The flame spread requirements for kitchen cabinets have been modified to indicate that they do not apply if the cabinets are non-combustible (as would be the case with metal cabinets, for example). (280.203(a)(4)). The fire problems HUD found with certain cabinets currently in use in the industry do not occur with metal kitchen cabinets.

3. Section 280.203(a)(5) has been changed to allow a flame spread of up to 50 on surfaces adjacent to the cooking range. This change will allow the use of vinyl surfaces in the cooking range area which, when applied to gypsum wall-board, have a flame spread rating of 30 to 45. Although this is a partial relaxation from the proposed standard, HUD does not believe that the protection spec-

ified in the proposal standard will be compromised. The requirements in the proposed standard were intended to provide containment of any range fire—that is, to reduce the possibility of the fire burning through an adjacent wall and to increase the time before overhead kitchen cabinets might ignite.

The standard continues to require limited combustible materials in this area plus a hood under kitchen cabinets over the range. Thus, the protection intended to be provided in the proposed standard is still required. Making an allowance for vinyl or other surfacing materials may enhance liveability by allowing a manufacturer to use surface materials that can easily be cleaned.

4. A new § 280.207, "Requirements for Foam Plastic Thermal Insulation Materials" has been added as a result of the concerns expressed by the Federal Trade Commission and by some commentators that standard fire tests are not accurate indicators of the performance of the tested materials under actual fire conditions. The FTC considers that plastic foam insulating materials will, under some circumstances, burn with a rapid flame spread, quick flashover, emission of toxic or flammable gases, dense smoke, and intense heat. Thus, these materials may present a serious hazard when exposed to flame or heat.

HUD currently has a special panel of experts studying the question of fire risks and hazards posed by the architectural use of foam plastics. The findings and recommendations of this panel are expected in 4 months. These findings and recommendations should provide guidance for the promulgation of standards for the use of these materials in mobile homes. It is expected that HUD will propose such standards during 1976.

In the meantime, before an assembly incorporating foam plastic insulation within wall cavities may be used by a manufacturer, evidence of the extent of fire risk must be presented to HUD for evaluation in the form of test data including data from full scale room fire testing.

5. Section 280.207(b) limits the flame spread and thickness of plastic foam used as sheathing material applied to the exterior of a mobile home. This material must be separated from the interior of the mobile home by a minimum of 2 inches of mineral wool insulation or its equivalent in fire protective material, which shall be placed in the wall or roof cavity. Establishment of this new requirement was recommended by the Society of the Plastics Industry. Test data has been submitted to HUD that indicates plastic foam sheathing does not present a fire hazard when used in accordance with these requirements.

6. Plastic materials are increasingly being used in mobile homes for finish materials, for plumbing, for sheathing and insulation materials, and for other applications because of their relatively low cost and the flexibility they offer the mobile home designer and manufac-

turer. Certain of these uses of plastics may present a hazard.

A further hazard may be present in mobile homes because a significant amount of mobile home furniture is constructed of plastic materials. While HUD does not have authority over the construction or safety of mobile home furniture, the Department has expressed its concerns about the possibility of such furniture contributing to the fire hazard in mobile homes to the Consumer Product Safety Commission.

HUD is interested in obtaining any relevant research or other information and data relating to the hazard or lack of hazard presented by plastics when used in mobile homes. HUD will conduct research on flammability and other fire characteristics of mobile homes with special consideration of the role played by plastics during the current and subsequent fiscal years.

When sufficient data is available on these characteristics of plastics, HUD will, if necessary, revise the standards to reflect such additional data through the issuance of a Notice of Proposed Rule-making on that subject.

7. Section 280.208(c) has been changed to reference Underwriters Laboratories Standards No. 167 for ionization chamber and 168 for photoelectric type smoke detectors. HUD intends to reference U.L.'s proposed Standard 217 at such time as the standard becomes final and after manufacturers have had their equipment tested and labeled under the new standard.

HUD has received a number of comments from manufacturers of gas detectors urging that such detectors be permitted in § 280.208(c) in lieu of smoke detectors. HUD has studied this issue over a period of years in connection with conventional housing standards. The National Bureau of Standards has also tested gas detectors to determine their efficacy for warning of fires, for the Consumer Product Safety Commission and for HUD.

On the basis of the available data, HUD has determined that gas detectors are not suited for the rapid detection of the fires commonly encountered in residential structures and that they are too sensitive to a variety of gases that might be found in a house (such as aerosol sprays and fumes from paint or glue). Until HUD receives data demonstrating that these operating characteristics are corrected, HUD will only permit detectors that meet the requirements of U.L. Standards 167 and 168.

8. Several heat detector manufacturers and the Fire Equipment Manufacturers Association have requested that the level of fire detection protection in mobile homes be at least equivalent to level 3 of the National Fire Protection Association's Standard for Household Fire Warning Equipment. Level 3 protection recommends the installation of one or more basic smoke detectors plus additional heat or smoke detectors as follows: (a) A basic smoke detector shall

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be installed to protect each separate sleeping area that is adjacent to bedrooms opening on a common hall, (as the Federal mobile home standard requires), and (b) heat or smoke detectors shall be installed in each living room, kitchen, furnace (utility) room, and basement.

Under the Federal mobile home standard promulgated herein, the fire detection requirements are equivalent to level 4 protection under the NFPA Standard for Household Fire Warning Equipment. This level of protection has been shown to be effective in full scale fire tests in mobile homes both with smoldering fires and with fast burning fires. With fast burning fires, the smoke detector was activated within 30 seconds of ignition, while with smoldering fires the smoke detector was activated before there was a dangerous accumulation of smoke and hazardous combustion products.

In addition, HUD's experience with smoke detectors in hallways adjacent to sleeping areas of HUD-owned disaster relief mobile homes (which were not equipped with other fire detection equipment) indicates that this level of fire protection is adequate.

The Federal mobile home standards permit the installation of any additional fire protection equipment that a manufacturer or a customer deems to be desirable above the minimum requirements of the standard. It should also be noted that the standards do not permit the substitution of a heat detector for a smoke detector as the primary fire warning system.

9. HUD has received a comment requesting that dry type fire extinguishing systems be considered as an acceptable substitute for fire protection measures specified in the kitchen range area (HUD standards require low flame spread and limited combustion materials on the walls adjacent to the range and a hood and asbestos layer under cabinets over the range). The cost of such devices when installed was estimated by the commenter to be \$50.

HUD will consider amending the standard to permit the installation of such a system if it can be conclusively demonstrated that the system will provide protection equivalent to or superior to that presently provided by the standard and if adequate testing and inspection procedures of such devices can be developed and implemented.

D. *Body and Frame Construction Requirements.* In the preamble to the proposed standards HUD requested specific comments on two alternative proposals on wind zones: one for a single, nationwide zone; and a second for a two zone system. The standards published herein have essentially adopted the second alternative. Provision is made in the standard, however, for upgrading requirements in areas in the hurricane zone subject to wind loadings in excess of those provided for use in the hurricane zone. Also the design load requirements for tie downs have been upgraded in each of the two zones.

HUD has combined the proposed Zones I and II into a single zone (now designated Zone I) to which the originally proposed Zone I structural requirements will apply for several reasons: Mobile home wind resistance to high winds is to a significant extent dependent upon proper tie down. If a mobile home is properly tied down, the home need not have the capability to resist loads beyond those which are required to maintain structural integrity. If a mobile home is not anchored or is ineffectively anchored, no reasonable amount of structural integrity can prevent the home from being blown off its foundation or overturned.

In the Notice of Proposed Rulemaking, HUD noted that it was reviewing the Act to determine if authority exists for HUD to promulgate installation standards. Since that time, HUD's General Counsel has determined that such authority is not contained in the Act. HUD continues to believe that it would be in the public interest to require the tie-down of new mobile homes in accordance with manufacturers' instructions in at least some areas of the country. Therefore, it is HUD's policy to encourage promulgation of installation and tie-down standards in state and local areas where it can be justified. HUD may develop suggested criteria for such requirements and recommend standards for mobile home tie-down and installation.

HUD is reluctant to set overly stringent requirements for strength and tie-down straps unless it is reasonably assured that a significant number of mobile homes will be tied with adequately strong anchors. On the other hand, HUD wants to ensure that for those who choose, or are required by state or local law, to tie-down a mobile home, that the home and its tie-down straps will perform adequately for wind loadings likely to occur. The requirements set in § 280.305 and § 280.306 are believed to be a reasonable compromise.

Reconsideration by HUD and various comments have shown that a mobile home constructed in conformance with the requirements of these standards will be adequate to prevent serious damage or personal injury in winds expected in any of the non-hurricane zones if the home is tied down in accordance with accepted engineering practice. HUD is upgrading the requirements for tie down straps in Zone I (which now includes the proposed Zone II) so that these straps will be adequate to withstand the maximum expected loading with a safety factor of 50% (§ 280.306).

Within the hurricane zone, the strength requirements of the home are being retained, but the requirement for straps has been upgraded to ensure a 50% safety factor at the highest expected wind loads. The higher strength requirements for straps might be met in any one of several ways, for example: (a) more straps might be used either by using two straps in one location attached to an anchor of appropriate holding power or by using straps at more frequent intervals along the length of the home; or (b)

straps with greater strength might be used (such as straps of stronger alloys, wider straps, or thicker straps) (§ 280.306). Because of the changes in the tie down strap requirements, the table giving the number of ties has been deleted. Engineering calculations will have to show that sufficient ties of sufficient strength have been provided.

HUD recognizes that the level of protection provided by the wind loading requirements in the new Zone II may not be adequate in specific locations where winds in excess of 125 miles per hour are encountered with a frequency of more than once in 50 years. HUD, therefore, will consider well-documented submissions from affected jurisdictions in Zone II requesting classification as special zones subject to requirements in excess of those for the new Zone II, i.e., winds in excess of 125 m.p.h. Such submissions must be based on actual, documented weather data showing the need for increased requirements. If the submission is accepted by HUD, all new homes known to be destined for such areas must meet the higher performance levels. Criteria for the enforcement of the requirements for such zones, and for appropriate consumer information will be set forth in regulations for the enforcement of the standards which will be issued shortly by the Department. (§ 280.305(c)(2)(ii) and 280.305(c)(3)(ii)).

HUD received a number of comments requesting that specific geographical areas be included in zones with more stringent requirements than were proposed. Members of Congress, local elected officials, and others in the Corpus Christi area submitted persuasive evidence that this area should be included in the hurricane zone. This change has been made.

In addition to the comments received on the general subject of wind zones, several other comments on the body and frame requirements were received. The points raised in the comments and their disposition follow:

1. Particular objection was raised concerning the assumption that wind loadings experienced by mobile homes would be the same as the wind loading at 30 feet above the surface of the earth. HUD has consulted with experts in the field and has received confirmation that this assumption is valid given the data available at this time. Unless definitive data to the contrary is made available to HUD, wind load requirements will continue to be determined by measured wind speeds at an altitude of 30 feet.

Little engineering data is available today as to the effects of wind on mobile homes. HUD, therefore, solicits information on the effects of wind on mobile homes, and intends to carry out research and collect data in the following areas: (a) the frequency and speed of high winds occurring in various parts of the country; (b) the effect of other nearby structures (other mobile homes, fences, trees, and so on) on the wind forces applied to a mobile home for a given wind speed at 30 feet above the surface of the earth; (c) the forces which can be with-

stood by the various types of mobile home anchors as a function of their installation in various types of soils; (d) the failure modes of mobile homes and anchors under high winds; (e) new State or local laws or regulations on tie-down requirements for new mobile homes; and, (f) wind loss data available for existing mobile homes.

2. HUD has removed the specific factor for determining roof snow loads by ground snow loadings since the 0.6 factor specified in the proposed standards is not applicable in all instances. Generally, HUD will consider the 0.6 factor to be appropriate for homes exposed to wind, and a factor of 0.8 to be appropriate in sheltered areas.

3. Because present practice is permissive, it was requested that the length of time for the application of design loads for wind and snow be dependent upon the materials of construction being considered. The request was granted and § 280.305(b)(iii) was revised to include such provision provided that the determinations are based on engineering analysis and calculations. Physical testing in lieu of engineering analysis is not acceptable under § 280.305(b)(iii).

4. Numerous comments objected to the requirement, implied in § 280.304, that listing or labelling was necessary to show compliance with the material standards contained in this section. Comments also questioned whether the listed standards were applicable in their entirety, even though parts of the standards may not be relevant to mobile homes. Finally, some comments questioned whether listing or labelling would be sufficient to show compliance with the applicable standards.

5. The wording of this section has been amended so that it is clear that only applicable portions of the standards listed must be met. In addition, the language now allows compliance with the referenced standards to be demonstrated by means other than listing or labelling. However, listing and labelling will generally be accepted as evidence of compliance with the applicable standard unless there is obvious or substantial evidence of non-compliance.

E. *Testing.* This part has been separated from Subpart D on "Body and Frame Construction Requirements," and renumbered Subpart E. Within Subpart E there were a number of editorial revisions resulting from comments requesting clarification. In addition, the following amendments were made to the proposed standard:

1. Rather than requiring both ultimate and proof load tests on structural components, either of these tests will now be accepted for structural components in the various paragraphs of this part. This change was accepted because HUD was convinced that parts of the required tests for determining compliance were redundant.

2. Rather than having a special section on roof truss testing, roof trusses are now considered to be a particular case of the general load testing requirements for all structural components.

(§ 280.402). The requirements themselves are unchanged except as indicated above.

3. The requirements for an uplift test on roof trusses has been qualified to indicate that such tests are required only where the trusses are actually subjected to upward forces because of the design of the roof and roofing membrane and their connection to the rest of the structure of the home.

4. Instead of testing structural components to failure, the ultimate load test now has a stopping point that is defined as 1.5 times the factor of safety for the component times the design load of the component. This change was made because of concern expressed in comments for the safety of personnel engaged in testing to the point of failure.

5. Numerous clarification and changes to the window and glass sliding door section of the proposed standard have been made. The non-editorial changes follow:

a. The part covers only prime windows and sliding glass doors and is not applicable to storm doors or windows.

b. The requirements for plywood and particle board used in window units has been revised. Compliance with standards for plywood and particle board, rather than for the adhesive and preservative materials used in them, is now required.

c. The requirements that annealed glass meet Federal specifications has been deleted. Federal specifications (DD-G-451) do not apply to 18 and 24 oz. glass. (18 oz. glass is generally used in the mobile home industry). The table included in the standard has been revised to permit the use of 18 oz. glass within specified limits.

d. The size of the test window has been specified to be the largest window in a particular design in both length and width separately, rather than in the sum of these two dimensions.

e. The standards will permit compliance with the requirements for window air and water infiltration and structural strength to be demonstrated on a prototype model with certification that production windows are manufactured to the same design using the same materials. This practice is currently permitted in the mobile home and other window certification programs. As a result of questions that have recently been raised concerning the efficacy of such a certification program, HUD will closely monitor the window certification program, and may, in the future, propose amendments to the present certification procedures and requirements should it prove necessary (§ 280.403(c)).

f. In the structural performance test, the internal pressure test was inadvertently omitted from the proposed standards and has now been added (§ 280.403(c)(2)(iii)).

g. Tests for windows have been identified with wind zones for which they are applicable. There also has been a clarification to indicate that screens are not required for windows. (§ 280.403(e)).

h. Certification agencies and manufacturers commented that they cannot certify that each window joint or identification label is permanent. The standards have been revised to accept joints and labels of a permanent type. HUD believes that this modification eliminates the problems raised in the comments (§§ 280.403(f) and 280.403(h)(2)).

i. The scope and purpose of § 280.404, "Egress Windows" have been expanded to include knock-out panels as egress devices along with egress windows. Another change made by HUD was to require operating instructions for egress devices to be labelled to indicate that the instruction labels themselves should not be removed. The Advisory Council recommended such a change. In addition, the labels must provide instructions that shipping clips be removed.

j. All glazing requirements in § 280.405, "Swinging Doors", have been deleted since all glass used in swinging doors must be safety glazed.

F. A new Subpart F on thermal protection has been added (material in this part was previously included in Subpart D). Following are the revisions made to the thermal protection requirements and the disposition of comments received on that subject:

1. The condensation control requirements have been restated to clarify their intent.

2. Ventilation requirements have been relocated from this part to the Part H on Heating, Cooling and Fuel Burning System (§ 280.710).

3. Several comments were received on the air infiltration requirements of the standard. The standards are not being changed at this time. However, HUD recognizes that the improvements in the state of the art in this area may require amendment of the standard as written.

4. A number of comments were received on use of minimum R-values and the overall limits on the heat loss from the mobile home. Some comments suggested that there was no need for the minimum R-values when the total thermal performance of the mobile home was defined by the standard. HUD included both requirements because of the need for total energy conservation as well as for comfort in all parts of the mobile home. Eliminating the minimum R-values could allow a manufacturer to totally eliminate or reduce the amount of insulation provided in particular parts of the mobile home. This could result in cold areas in the home.

G. *Plumbing.* The following changes have been made to this section of the standard from the proposed standards:

1. The prohibition on the use of anti-siphon trap vents has been removed. (§§ 280.602(a)(3) and 280.611(a)). As noted in the Notice of Proposed Rulemaking, anti-siphon trap vents were not permitted because of a lack of standards for such devices. A materials standard for anti-siphon trap vents (which, after review and analysis, HUD considers adequate) was submitted during the comment period. HUD also received many comments from states indicating no ad-



verse experience with anti-siphon trap vents in the field.

2. The requirement for gravity drainage of the plumbing system has been retained for all supply piping and drainage piping. Trap drainage is not required, however.

3. Comments were received recommending safety hand-rails and other devices in bathrooms for the use of the handicapped. HUD has not accepted this recommendation. HUD has decided to defer consideration of this recommendation since the Department is currently conducting research to determine what requirements are necessary or desirable for handicapped persons living in mobile homes. When this research has been completed, HUD will determine its position regarding standards for mobile homes to be used by handicapped persons.

4. A requirement has been added that standpipes for washers have removable, tight-fitting caps or plugs when no washing machine is installed. This is because if no washer is in place, traps on such pipes will be likely to dry out, and may allow sewer gases to enter the home. (§ 280.607(b)(5)).

5. In response to several comments, the cold water shut-off valve on the main feeder line will not have to be provided by the manufacturer since such a device is generally included in the water supply system at the time of installation. However, manufacturers will have to provide instructions making it clear that a cold water shut-off valve is required in the water supply in order for the unit to be properly installed. (§ 280.609(b)(i)).

6. Requirements for relief piping from the hot water heater have been clarified to allow the termination of the pipe to be inside the bottom board so long as the pipe is installed in such a way that it will drain outside the bottom board, and the end of the drain can be visually inspected. The proposed standard had required that this pipe project through the bottom board. (§ 280.609(c)(i)(iii)).

7. The hot water heater relief valve pressure requirement has been raised from 125 psi or the rated pressure of the tank, whichever is lower to 150 psi or the rated pressure of the tank, whichever is lower. This change is in response to a number of comments pointing out that the new requirement of 150 psi is common industry practice and does not result in any loss of safety or durability. (§ 280.609(c)(i)(i)).

H. Heating, Cooling, and Fuel Burning Systems. This Part was renumbered as Part 2527. The revisions made to this renumbered part and the disposition of the comments received are discussed below.

1. Comments were received asking for greater detail in the L.P. gas container requirements. At this time, HUD is not convinced that there is a need for such additional information.

2. HUD has included both minimum and maximum pressure requirements to ensure that the appliances operating on systems using natural gas will operate properly (§ 280.705(a)).

3. The requirement that crossover lines for gas or oil lines in double wide homes

be located within 18 inches of either end has been eliminated because it was considered arbitrary. However, the requirement that such lines be accessible was retained.

4. Some comments indicated that the table of gas pipe sizes was confusing. HUD believes this table is clear without further explanation (§ 280.705(d)).

5. Section 2527.5 calls for an accessible gas shut-off valve for each gas appliance. A comment pointed out that the furnace compartment access doors to some types of furnaces are a part of the furnaces themselves, making it difficult to locate valves outside the furnaces. Locating the valve inside the furnace access panel is now permitted if this does not interfere with servicing or replacing equipment.

6. A comment requested that HUD require that all mobile homes using natural gas, be supplied with a flexible, 6 foot long pipe or hose to be used to connect the home with the gas supply system. HUD has determined that such a connector cannot be used in all installations, and has, therefore, not included this requirement.

7. Several comments from appliance manufacturers suggested a one-year delay in the application of the requirements for energy efficiency ratios and coefficients of performance. Since HUD continues to believe that the need for energy conservation is compelling and since no documentation was given to show a need for such a delay, the effective date remains January 1, 1977. Thus, 16 months lead time to meet this requirement is provided.

8. HUD has added a requirement that a thermal cut-off valve be installed on oil furnaces to cut-off the oil supply to the furnace, the air circulating fan, the burner, and any other pumps and fans. This requirement has been added to ensure that, in the event of a fire in the furnace compartment, the fire will not be fed by continued flow of oil to the furnace nor will the smoke and other combustion products from the furnace be spread throughout the home by the air circulating fan. Two states currently require such a thermal cut-off valve on oil furnaces. Also, the Advisory Council voted to recommend that HUD establish a requirement for cut-off devices where practicable.

9. A requirement that electrical clothes dryer vents not terminate beneath the mobile home has been added (§ 280.708(c)). This change makes the requirements for electrical and gas clothes dryers identical. This change was made because HUD believes that there is no justification for specifying different requirements for dryer vent terminations.

10. HUD has amended the requirements on fireplace dampers so that such dampers may be used on solid fuel fireplaces. However, dampers may not be used on oil, gas, or electric heated fireplaces (§ 280.709(g)(1)(i)). Several comments pointed out that a damper is the only practical way to control solid fuel burning rates in such fireplaces.

I. Electrical Systems. The following changes have been made on the electrical system requirements of the standards:

1. The language of the requirements covering electrical panels has been revised to make clear that circuit breakers may be used in electrical panels if used subject to the same limitations, which apply to fuses.

2. The permissible locations of electrical distribution panels have been limited to accessible places (except bathrooms) to permit ease and safety of maintenance, fuse replacement, or circuit breaker resetting. Electrical distribution panels may not be used in bathrooms in order to minimize shock hazards during maintenance and potential moisture damage. (§ 280.804(f)).

3. A requirement for an electrical receptacle outlet adjacent to the lavatory has been added. This requirement is contained in the National Electric Code and was inadvertently left out of the proposed standard. (§ 280.206(d)(9)).

4. Comments were received indicating that hot water heater elements have burned out because the electric system of a mobile home was energized before the plumbing supply was connected and the water heater filled with water. These comments requested a requirement that would prevent this type of situation. HUD suggests that this problem can best be taken care of by the manufacturer. The switch to the water heater simply could be taped or wired in the off position, with an attached notice that the tape or wire should not be removed until the home has been connected to a water supply system and the water heater has been filled.

5. A requirement for a polarity test in addition to the continuity and other tests of the electrical system has been added in response to several comments suggesting the need for such a test. (§ 280.810(b)(iii)).

6. On August 7, 1975, the Consumer Product Safety Commission (CPSC), after an intensive inquiry into the safety of aluminum wiring, announced its finding that the use of number 10 AWG size and smaller aluminum wiring and the termination devices used with such wiring (hereafter referred to as "currently available aluminum wiring systems") present an unreasonable risk of injury to occupants of housing in which such systems are installed. Section 604 of Title VI (42 U.S.C. 5403) requires that HUD consult with the CPSC prior to promulgation of the Federal mobile home standards. Pursuant to this requirement, HUD staff met with technical and legal staff members of the CPSC to discuss the Commission's findings and the possible implications of those findings on mobile homes.

At the meeting, the technical staff expressed its view that on the basis of data available to the CPSC, HUD should not permit the use of currently available aluminum wiring systems in mobile homes. The staff cautioned HUD that its views did not necessarily represent those of the Commission.

On August 13, 1975, the Department formally requested the advice of the CPSC on whether aluminum wiring

should be permitted in mobile homes constructed under the Federal mobile home standards.

In an August 15, 1975, letter the Commission responded to the Department's request and explained its findings in greater detail. The Commission indicated that certain sizes of aluminum wiring and/or termination devices used with them which are currently in use presented an unreasonable risk of injury. The Commission noted, however, that currently available aluminum wiring systems had not been banned for future use because the Commission had been unable to make the finding required under Section 8 of the Consumer Product Safety Act (15 U.S.C. 2057) that no feasible standard which would adequately protect the public from the unreasonable risk presented by the product could be developed. The Commission also noted that:

The Commission's data would appear to substantiate a conclusion that the hazard presented by the use of aluminum wire in mobile homes is greater than in buildings of conventional construction.

Under the National Mobile Home Construction and Safety Standards Act, HUD has a broad mandate to assure adequate safety in mobile homes. Moreover, Title VI, unlike the CPSA, does not require that a finding be made that no acceptable standard exists or can be developed for a hazardous product or system in order to restrict or ban the use of such product or system in the manufacture of mobile homes. HUD, on the basis of the CPSC finding that currently available aluminum wiring systems used to carry electrical current present an "unreasonable risk of injury," has determined that the use of such systems shall be prohibited in mobile homes constructed in accordance with the Federal mobile home standards unless HUD has fully reviewed (in advance of its use) the system and its application and has concluded that the system will not constitute a safety hazard under any likely circumstance.

Since HUD is not satisfied that any generally acceptable standards for aluminum wiring materials or applications are available today, HUD can provide little specific guidance to manufacturers who want to use aluminum wiring. However, HUD will review and consider proposals to use aluminum wiring systems that a manufacturer believes do not present the hazards cited by the CPSC. In particular, HUD will consider, for example, systems with in-line crimped "pigtail" connectors of copper or using copper-clad aluminum conductors with appropriate receptacles. Such proposals will have to show not only the inherent safety of the materials and system to be used, but will also have to show that the level of quality assurance and control will be sufficient to ensure that the wiring will be properly installed, and that problems will not arise with the wiring system due to maintenance or alteration work.

The decision not to permit the use of currently available aluminum wiring systems should have little impact on the industry because HUD has been informed that few, if any, of the manufacturer members of the three major mobile home manufacturers trade associations (representing about 90 percent of all U.S. production of mobile homes) are presently using aluminum wiring. However, HUD has been informed that a small number of manufacturers are using copper clad aluminum wiring, which as noted above may be found acceptable in the future if adequate supporting data can be presented demonstrating that problems will not arise with the wiring system.

J. Transportation. The following significant changes were made in the transportation section of the standard:

K. Compliance with the requirements for transportation damage resistance in this section can now be shown by actual transportation experience, as opposed to engineering analysis, at the option of the manufacturer. (§ 280.903(c)). This change was requested in comments submitted by the California Highway Patrol (which is working on a research program on the transportability of mobile homes) and by several manufacturers.

2. A definition of "length" for purposes of transportation, has been included in this section. This definition includes the drawbar and coupling. Generally, a similar definition appears in other regulations relating to the transportation of mobile homes. It should be noted that this definition is different from the definition for the "length of a mobile home" contained in Subpart A, which does not include the drawbar and coupling or other appurtenances. (§ 280.902(h)).

3. The requirement that tires and rims on mobile homes conform to the requirements of Federal Motor Vehicle Safety Standard 120 has been deleted. The effective date of standard 120 has been delayed by the National Highway Traffic Safety Administration. When standard 120 does become effective, mobile home tires and rims will be subject to its requirements, regardless of its omission from these mobile home standards, therefore, no specific reference to the tire and rim standards is necessary.

#### APPLICABILITY OF THE STANDARDS

The initial Federal mobile home construction and safety standards shall be applicable to all mobile homes meeting the definitions contained in §§ 280.1(a)(16) as modified by 280.2(a)(13) on or after June 15, 1976. This date has been selected rather than the earlier date set forth in the Preamble to the proposed standards because HUD, after consulting with state and private enforcement agencies, and with manufacturers, determined that additional time was necessary in order to assure that adequate enforcement of the standard pursuant to Title VI could be provided. Also, this later date will, in HUD's judgment, provide manufacturers with ample lead time

to meet the new requirements in the standards. HUD has also determined that by providing a reasonable phase-in period for the Title VI Program, rather than a compressed time period, which might result in standards being promulgated without reasonable assurance of effective enforcement and compliance, the public interest is served and consumers provided with protection under Title VI at the earliest reasonable date. The June 15 date is within the period provided by the Act to make the standards effective. (The Act provides that the standards become effective not less than 180 days and not later than one year after issuance.)

#### FUTURE AMENDMENTS TO THE STANDARD

HUD believes that the proportion of mobile and other manufactured housing in the total housing inventory will continue to increase. HUD also expects that future innovation in design, materials, construction methods, equipment components, subsystems, and also new methods of testing and evaluation may make some aspects of the initial Federal mobile home standards obsolete or inadequate.

Recognizing these factors, HUD expects and plans that the standards will evolve in an orderly fashion to meet changing needs and conditions, as have voluntary and state standards in the past.

The Office of Mobile Home Standards will have an engineering staff to work on amendments to the standards and to propose and utilize research to support such amendments.

HUD invites comment or other communication at any time from any member of the public or any organization regarding the Federal mobile home standards and possible amendments to those standards. To the extent feasible, suggestions or recommendations for amendment will be considered and evaluated on the basis of any supporting information submitted.

In consideration of the comments received and pursuant to the authority contained in Sections 604 and 625 of the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5403 and 5425) 88 Stat. 701 and 714, 24 CFR is amended as follows, effective March 15, 1976.

Issued at Washington, D.C., on August 22, 1975.

DAVID S. COOK,  
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

Introduction. The following regulations are in substantial measure based on the Standard for Mobile Homes NFPA 501B-1974/ANSI A119.1-1975 and particularly on sections B, C, D, and E of that standard. In addition, parts of these regulations are derived from state standards, enforcing agency standards, interpretation manuals and trade association standards.

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(1) "Approved," when used in connection with any material, appliance or construction, means complying with the requirements of the Department of Housing and Urban Development.

(2) "Center" means the midline between the right and left side of a mobile home.

(3) "Certified." See "Listed."

(4) "Combustible Material" means materials made of, or surfaced with, wood, compressed paper, plant fibers, or other material that will ignite and burn. Such materials shall be considered as combustible even though flameproofed, fire-retardant treated, or plastered.

(5) "Defect" includes any defect in the performance, construction, components, or material of a mobile home that renders the home or any part thereof not fit for the ordinary use for which it was intended.

(6) "Department" means the Department of Housing and Urban Development.

(7) "Dwelling Unit" means one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

(8) "Equipment" includes materials, appliances, devices, fixtures, fittings or accessories both in the construction of, and in the fire safety, plumbing, heat-producing and electrical systems of mobile homes.

(9) "Federal mobile home construction and safety standard" means a reasonable standard for the construction, design, and performance of a mobile home which meets the needs of the public including the need for quality, durability, and safety.

(10) "Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury.

(11) "Installations" means all arrangements and methods of construction, as well as fire safety, plumbing, heat-producing and electrical systems used in mobile homes.

(12) "Labeled" means a label, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling is indicated compliance with nationally recognized standards or tests to determine suitable usage in a specified manner.

(13) "Length of a Mobile Home" means the distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments.

(14) "Listed or Certified" means included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains

periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

(15) "Manufacturer" means any person engaged in manufacturing or assembling mobile homes, including any person engaged in importing mobile homes for resale.

(16) "Mobile Home" means a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

(17) "Mobile Home Construction" means all activities relating to the assembly and manufacture of a mobile home including, but not limited to, those relating to durability, quality and safety.

(18) "Mobile Home Safety" means the performance of a mobile home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such mobile home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur.

(19) "Registered Engineer or Architect" means a person licensed to practice engineering or architecture in a state and subject to all laws and limitations imposed by the state's Board of Engineering and Architecture Examiners and who is engaged in the professional practice of rendering service or creative work requiring education, training and experience in engineering sciences and the application of special knowledge of the mathematical, physical and engineering sciences in such professional or creative work as consultation, investigation, evaluation, planning or design and supervision of construction for the purpose of securing compliance with specifications and design for any such work.

(20) "Secretary" means the Secretary of Housing and Urban Development, or an official of the Department delegated the authority of the Secretary with respect to Title VI of Public Law 93-383.

(21) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(22) "Width of a Mobile Home" means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.

(23) "Acceptance of plans." (a) Each manufacturer of mobile homes shall submit the building plans for every model of such mobile home to the Secretary, or Secretary's designee,

for the purpose of inspection for conformance to this standard.

(b) The manufacturer shall certify that each such building plan meets the Federal construction and safety standard in force at that time before the mobile home involved is produced.

(c) Regulations pertaining to enforcement of these standards and to labeling of mobile homes shall be as prescribed by the Secretary.

#### § 280.4 Incorporation by reference.

(a) The specifications, standards and codes of agencies of the U.S. Government, to the extent they are incorporated by reference in this standard, have the same force and effect as this standard. Wherever reference standards and this standard are inconsistent, the requirements of this standard prevail to the extent of the inconsistency.

(b) The abbreviations and sources of these referenced standards, specifications and codes appear below:

AA—The Aluminum Association, 750 Third Avenue, New York, N.Y. 10017.

ABPA—Acoustical and Board Products Association, 205 West Touhy Avenue, Chicago, Illinois 60668.

AGA—American Gas Association Laboratories, 8501 East Pleasant Valley Road, Cleveland, Ohio 44131.

AISC—American Institute of Steel Construction, 1221 Avenue of the Americas, New York, New York 10020.

AISI—American Iron and Steel Institute, 1000 16th Street, N.W., Washington, D.C. 20036.

AITC—American Institute of Timber Construction, 333 W. Hampden Avenue, Englewood, Colorado 80110.

ANSI—American National Standards Institute, 1430 Broadway, New York, New York 10017.

APA—American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

ASHRAE—American Society of Heating Refrigeration and Air-conditioning Engineers, 345 East 47th Street, New York, New York 10017.

ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.

ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

CMI—Cultured Marble Institute, 230 North Michigan Avenue, Chicago, Illinois 60601.

CS—Commercial Standards—Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

DOC—Department of Commerce, Washington, D.C. 20230.

DOT—Department of Transportation, Washington, D.C. 20590.

FHDA—Fir and Hemlock Door Association, Yeon Building, Portland, Oregon 97204.

FS—Federal Specification—Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

GAL—Gas Appliance Laboratory, 3138 East Olympic Boulevard, Los Angeles, California 90023.

HPMA—Hardwood Plywood Manufacturers Association, P.O. Box 6246, Arlington, Virginia 22206.

HVI—Home Ventilating Institute, 230 North Michigan Avenue, Chicago, Illinois 60601.

IAPMO—International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032.

I-SANTA—Industrial Staple and Nail Technical Association, P.O. Box 3072, City of Industry, California 91744.

NFPA—National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts.

(N)FPA—National Forest Products Association (formerly National Lumber Manufacturers Association), 1619 Massachusetts Ave., Wash., D.C. 20036.

NPA—National Particleboard Association, 2306 Perkins Place, Silver Spring, Maryland 20910.

NSF—National Sanitation Foundation, 3475 Plymouth Road, Ann Arbor, Michigan 48105.

NWMA—National Woodwork Manufacturers Association, 400 West Madison Street, Chicago, Illinois 60606.

PS—Product Standard—Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

SJI—Steel Joist Institute, 2001 Jefferson Davis Highway, Arlington, Virginia 22202.

TPI—Truss Plate Institute, Suite 200, 7100 Baltimore Avenue, College Park, Maryland 20740.

UL—Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois 60611.

#### § 280.5 Data plate.

(a) Each mobile home shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Data plates shall bear not less than the following information:

(1) The manufacturer's name and address.

(2) The serial number and the model number of the unit and date the unit was manufactured.

(3) The statement, "The mobile home is designed to comply with the Federal mobile home construction and safety standard in force at the time of manufacture."

(4) Factory installed equipment, the manufacturer's name and the model designation of major factory-installed appliances.

(5) Reference to the structural zone and wind zone for which the home is designed and duplicates of the maps as set forth in § 280.305(c) (4). This information may be combined with the heating/cooling certificate and insulation zone maps required by §§ 280.510 and 280.511.

#### § 280.6 Serial number.

(a) A mobile home serial number which will identify the manufacturer and the state in which the mobile home is manufactured, must be stamped into the foremost cross member. Letters and numbers must be 1/2 inch minimum in height. Numbers must not be stamped into hitch assembly or drawbar.

#### Subpart B—Planning Considerations

##### § 280.101 Scope.

Subpart B states the planning requirements in mobile homes. The intent of this subpart is to assure the adequacy of architectural planning considerations which assist in determining a safe and healthful environment.

##### § 280.102 Definitions.

(a) "Gross Floor Area" means all space, wall to wall, including recessed entries (see § 280.111) and areas under built-in vanities and similar furniture. Where the ceiling height is less than that specified in § 280.104, the floor area

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under such ceilings shall not be included. Floor area of closets shall not be included in the gross floor area.

(b) "Habitable Room" means a room or enclosed floor space arranged for living, eating, food preparation, or sleeping purposes not including bathrooms, foyers, hallways, and other accessory floor space.

(c) "Laundry Area" means an area containing or designed to contain a laundry tray, clothes washer and or clothes dryer.

#### § 280.103 Light and ventilation.

Provisions shall be made for adequate light and ventilation in accordance with the following:

(a) Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than 8 percent of the gross floor area. An area equivalent to not less than 4 percent of the gross floor area shall be available for unobstructed ventilation. Glazed areas need not be openable where a mechanical ventilation system is provided and is capable of producing a change of air in the room(s) every 30 minutes with not less than one-fifth of the air supply taken from outside the mobile home. Windows and doors used for light or ventilation shall open directly to the outside of the home.

(b) In lieu of the requirements in § 280.103.3(a), kitchens may be provided with artificial light and mechanical ventilation capable of producing a change of air in the room every 30 minutes. (See § 280.710).

(c) Bathroom and toilet compartments. Each bathroom and toilet compartment shall be provided with artificial light and, in addition, be provided with external windows or doors having not less than 1½ sq. ft. of fully openable glazed area, except where a mechanical ventilation system is provided capable of producing a change of air every 12 minutes. Any mechanical ventilation system shall exhaust directly to the outside of the mobile home.

#### § 280.104 Ceiling heights.

(a) Every habitable room and bathroom shall have a minimum ceiling height of not less than 7 feet, 0 inches for a minimum of 50 percent of the room's floor area. The remaining area may have a ceiling with a minimum height of 5 feet, 0 inches. Minimum height under dropped ducts, beams, etc., shall be 6 feet, 4 inches.

(b) Hallways and foyers shall have a minimum ceiling height of 6 feet, 6 inches.

#### § 280.105 Exit facilities; exterior doors.

(a) Number and location of exterior doors. Mobile homes shall have a minimum of two exterior doors located remote from each other.

(1) Required egress doors shall not be located in rooms where a lockable interior door must be used in order to exit.

(2) In order for exit doors to be considered "remote" from each other, they must comply with all of the following:

(A) Both of the required doors must not

be in the same room or in a group of rooms which are not defined by fixed walls. (ii) Single wide units. Doors may not be less than 12 ft. c-c from each other as measured in any straight line direction regardless of the length of path of travel between doors. (iii) Double wide units. Doors may not be less than 20 ft. c-c from each other as measured in any straight line direction regardless of the length of path of travel between doors. (iv) One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 ft.

(b) Door design and construction. (1) Exterior swinging doors shall be constructed in accordance with § 280.405 the "Standard for Swinging Exterior Passage Doors for Use in Mobile Homes". Exterior sliding glass doors shall be constructed in accordance with § 280.403 the "Standard for Windows and Sliding Glass Doors Used in Mobile Homes".

(2) All exterior swinging doors shall provide a minimum 28 inch wide by 74 inch high clear opening.

(3) Each swinging exterior door other than screen or storm doors shall have a key-operated lock that has a deadlocking latch or a key-operated dead bolt with a passage latch. Locks shall not require the use of a key for operation from the inside.

(4) All exterior doors, including storm and screen doors, opening outward shall be provided with a safety door check.

#### § 280.106 Exit facilities; egress windows.

(a) Every room designed expressly for sleeping purposes, unless it has an exit door (See § 280.105), shall have at least one outside window which meets the requirements of § 280.404 the "Standard for Egress Windows for Use in Mobile Homes".

(b) The bottom of the window opening shall not be more than 36 inches above the floor.

(c) Locks, latches, operating handles, tabs and any other window, screen or storm window devices which need to be operated in order to permit exiting shall not be located in excess of 60 inches from the finished floor.

#### § 280.107 Interior privacy.

Bathroom and toilet compartment doors shall be equipped with a privacy lock.

#### § 280.108 Interior passage.

(a) Interior doors having passage hardware without a privacy lock, or with a privacy lock not engaged, shall open from either side by a single movement of the hardware mechanism in any direction.

(b) Each mobile home interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button, or other locking device on the inside.

#### § 280.109 Space planning.

The dimensions set forth in §§ 280.110 through 280.113 are intended to assure that space and a functional arrangement

of this space are provided to accommodate the normal activities of living in the mobile home.

#### § 280.110 Room requirements.

(a) Every mobile home shall have at least one living area with not less than 150 sq. ft. of gross floor area.

(b) Rooms designed for sleeping purposes shall have a minimum gross square foot floor area as follows:

(1) All bedrooms shall have at least 50 sq. ft. of floor area.

(2) Bedrooms designed for two or more people shall have 70 sq. ft. of floor area plus 50 sq. ft. for each person in excess of two.

(c) Every room designed for sleeping purposes shall have accessible clothes hanging space with a minimum inside depth of 22 inches and shall be equipped with a rod and shelf.

#### § 280.111 Minimum room dimension.

No area in a habitable room, except a kitchen, shall have less than 5 feet in any clear horizontal dimension and be counted in the required gross floor area.

#### § 280.112 Toilet compartments.

Each toilet compartment shall be a minimum of 30 inches in width, except, when the toilet is located adjacent to the short dimension of the tub, the distance from the tub to the center line of the toilet shall not be less than 12 inches. At least 21 inches of clear space shall be provided in front of each toilet.

#### § 280.113 Hallways.

Hallways shall have a minimum horizontal dimension of 28 inches measured from the interior finished surface to the interior finished surface of the opposite wall. When appliances are installed in a laundry area, the measurement shall be from the front of the appliance to the opposite finished interior surface. When appliances are not installed and a laundry area is provided, the area shall have a minimum clear depth of 27 inches in addition to the 28 inches required for passage. In addition, a notice of the available clearance for washer/dryer units shall be posted in the laundry area. Minor protrusions into the minimum hallway width by doorknobs, trim, smoke detectors or light fixtures are permitted.

#### § 280.114 Glass and glazed openings.

(a) Windows and sliding glass doors. All windows and sliding glass doors shall meet the requirements of § 280.403 the "Standard for Windows and Sliding Glass Doors Used in Mobile Homes".

(b) Safety glazing. Glazing in all entrance or exit doors, sliding glass door units (fixed or moving sections), unframed glass doors, unbacked mirrored wardrobe doors (i.e. mirrors not secured to a backing capable of being the door itself), shower and bathtub enclosures and surrounds to a height of 6 feet above the shower or tub floor, storm doors or combination doors, and in panels located within 12 inches on either side of exit or entrance doors shall be of a safety glazing material. Safety glazing material is considered to be any glazing material

capable of passing the requirements of ANSI Z97.1-72.

#### Subpart C—Fire Safety

##### § 280.201 Scope.

The purpose of Subpart C of this standard is to specify measures which will provide a reasonable degree of safety from fire for the occupants. It is the intent of this Part that mobile homes shall be constructed so as to reduce fire hazards and provide detection of a fire for safe egress.

##### § 280.202 Definitions.

(a) The following definitions are applicable to Subpart C only:

(1) "Flame Spread" means the propagation of flame over a surface.

(2) "Smoke Detector" means wall mounted detector of the ionization chamber or photoelectric type which detects visible or invisible particles of combustion and operates from the 120 V AC source of electrical power supply.

(3) "Single Station Alarm Device" means an assembly incorporating the smoke detector sensor, the electrical control equipment requirement, and the alarm-sounding device in one unit.

##### § 280.203 Flame spread limitations and combustibility.

(a) Flame spread limitations. The surface flame spread rating of interior finish materials shall not exceed the following when tested by Standard Method of Test for Surface Burning Characteristics of Building Materials, ASTM E84. The surface flame spread rating of interior finish materials required by § 280.203(a) (4) and (6) may be established using the Surface Flammability of Materials Using a Radiant Heat Energy Source, ASTM E162. Testing shall be by laboratories acceptable to the Secretary.

(1) The interior finish of all walls and partitions shall not have a flame spread rating exceeding 200 except as otherwise specified herein. The flame spread limitation shall not apply to: molding, trim, windows, doors or series of doors not exceeding 4 feet in width, and permanently attached decorative items such as pictures or accent panels constituting not more than 10 percent of the aggregate wall surface in any room or space nor more than 32 square feet in surface area whichever is less.

(2) All ceiling interior finish shall not have a flame spread rating exceeding 200, excluding molding and trim 2 inches or less in width.

(3) Furnace and water heater spaces shall be enclosed by walls, ceiling and doors having an interior finish with a flame spread rating not exceeding 25.

(4) Combustible kitchen cabinet doors, countertops, exposed bottoms and end panels shall not exceed a flame spread rating of 200. Cabinet rails, stiles, mullions and toe strips are exempted.

(5) Exposed interior finishes adjacent to the cooking range shall not have a flame spread rating exceeding 50. Adjacent surfaces are the exposed vertical surfaces between the range top height and the overhead cabinets and/or ceiling

and within 6 horizontal inches of the cooking range.

(6) Finish surfaces of plastic bath tubs, shower units and tub or shower doors shall not exceed a flame spread rating of 200.

(b) Combustibility. The interior walls and ceiling encasing furnace and water heater enclosures (including doors) and the exposed wall adjacent to the cooking range as defined in § 280.203(a) (5) shall be surfaces with ½ inch gypsum board or material having equivalent fire protective properties. At furnace and water heater spaces all openings for pipes and vents shall be tight-fitted or firestopped.

##### § 280.204 Kitchen cabinet protection.

(a) The bottom and sides of combustible kitchen cabinets over cooking ranges including a space of 6 inches from the side of the cooking range shall be protected with at least ¼ inch thick asbestos millboard covered with not less than 26 gage sheet metal (.017 stainless steel, .024 aluminum, or .020 copper) or equivalent protection. The protective metal over the range shall form a hood with not less than a 3 inch eyebrow (measuring horizontally from face of cabinet). The hood shall be centered over and at least as wide as the cooking range.

##### § 280.205 Carpeting.

(a) Carpeting shall not be used under a fuel-fired furnace or water heater.

##### § 280.206 Firestopping.

(a) Firestopping shall be provided to cut off all concealed draft openings in all stud walls and partitions, including furred spaces, so placed that the maximum vertical dimension of any concealed space is not over eight feet.

##### § 280.207 Requirements for foam plastic thermal insulating materials.

(a) General. Foam plastic thermal insulating materials shall not be used within the cavity of walls or ceiling or exposed to the interior of the mobile home, unless otherwise specifically approved by HUD, based on accepted tests including full scale room fire testing.

(b) Specific requirements. Foam plastic having a flame spread rating of 75 or less may be used as siding backer board or sheathing with a maximum of ¾ inch thickness when separated from the interior of the mobile home by a minimum of 2-inches of mineral insulation or equivalent fire protective material.

##### § 280.208 Mobile home fire detection equipment.

(a) General. At least one smoke detector (which may be a single-station alarm device) shall be installed in each mobile home to protect each separate bedroom area.

(b) Smoke detector location. A smoke detector shall be installed in the hallway or space communicating with the bedroom area. The specific location shall be in the hallway between the living area and the first bedroom door. Mobile homes having bedrooms separated by any one

or combination of common use areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room), shall have at least two smoke detectors, one detector protecting each bedroom area.

(c) Smoke detectors. Smoke detectors shall be either the ionization chamber or the photoelectric wall mounted type and shall comply with all the requirements of Underwriters' Laboratories Standard No. 167 for ionization and 168 for photoelectric type detectors. Detectors shall bear the label of a testing and approval laboratory that indicates the smoke detectors have been tested and approved under the requirements of UL 167 or 168. The testing and approved laboratory shall be one which maintains a periodic follow-up service of the labeled devices to ensure compliance with the original approval.

(d) Installation. Smoke detectors shall be installed on an interior wall of the mobile home. The top of the detector shall be 5- to 7-inches from the ceiling. The detector mounting shall be permanently attached to an electrical outlet box and the detector wired into a general electrical circuit. There shall be no switches in the circuit to the detector other than the overcurrent protective device protecting the branch circuit.

#### Subpart D—Body and Frame Construction Requirements

##### § 280.301 Scope.

This Subpart covers the minimum requirements for materials, products, equipment and workmanship needed to assure that the mobile home will provide (a) structural strength and rigidity, (b) protection against corrosion, decay, insects and other similar destructive forces, (c) protection against hazards of windstorm, (d) resistance to the elements, and (e) durability and economy of maintenance.

##### § 280.302 Definitions.

(a) The following definitions are applicable to Subpart D only:

(1) "Anchoring Equipment" means straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a mobile home to ground anchors.

(2) "Anchoring System" means a combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the mobile home from wind forces.

(3) "Tie" means strap, cable, or securing device used to connect the mobile home to ground anchors.

(4) "Diagonal Tie" means a tie intended to resist horizontal forces.

(5) "Vertical Tie" means a tie intended to resist the uplifting or overturning forces.

(6) "Footings" means that portion of the support system that transmits loads directly to the soil.

(7) "Ground Anchor" means any device at the mobile home stand designed to transfer mobile home anchoring loads to the ground.



(8) "Hurricane Resistant Mobile Home" means a mobile home which meets the wind design load requirements for Zone II in § 2523.5(c) (2).

(9) "Interior Finish" means the surface material of walls, fixed or movable partitions, ceilings and other exposed interior surfaces affixed to the mobile home structure including any material such as paint or wallpaper and the substrate to which they are applied. Interior finish does not include windows and doors or their frames, skylights, trim, moldings, decorations or furnishings which are not affixed to the mobile home structure.

(10) "Loads" (i) "Dead Loads" means the weight of all permanent construction including walls, floors, roof, partition, and fixed service equipment. (ii) "Live Load" means the weight superimposed by the use and occupancy of the mobile home, including wind load and snow load, but not including dead load. (iii) "Wind Load" means the lateral or vertical pressure or uplift on the mobile home due to wind blowing in any direction.

(11) "Main Frame" means the structural component on which is mounted the body of the mobile home.

(12) "Pier" means that portion of the support system between the footing and the mobile home exclusive of caps and shims.

(13) "Sheathing" means material which is applied on the exterior side of a building frame under the exterior weather resistant covering.

(14) "Stabilizing Devices" means all components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, ground anchors, and any other equipment which supports the mobile home and secures it to the ground.

(15) "Support System" means a combination of footings, piers, caps, and shims that will, when properly installed, support the mobile home.

#### § 280.303 General requirements.

(a) **Minimum requirements.** The design and construction of a mobile home shall conform with the provisions of this standard. Requirements for any size, weight, or quality of material modified by the terms of "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer or installer may exceed these standards provided such deviation does not result in any inferior installation or defeat the purpose and intent of this standard.

(b) **Construction.** All construction methods shall be in conformance with accepted engineering practices to insure durable, livable, and safe housing and shall demonstrate acceptable workmanship reflecting journeyman quality of work of the various trades.

(c) **Structural analysis.** The strength and rigidity of the component parts and/or the integrated structure shall be determined by engineering analysis or by suitable load tests to simulate the actual loads and conditions of application that occur. (See Subparts E and J.)

(d) **Hurricane resistive design.** Only mobile homes which meet the applicable requirements of § 280.305(c) may be designated "Designed for Hurricane Zone." No similar designation which would imply hurricane resistance shall be used when the mobile home does not meet these requirements.

(e) **New materials and methods.** (1) Any new material or method of construction not provided for in this standard and any material or method of questioned suitability proposed for use in the manufacture of the structure shall nevertheless conform in performance to the requirements of this standard.

(2) Unless based on accepted engineering design for the use indicated, all new mobile home materials, equipment, systems or methods of construction not provided for in this standard shall be subjected to the tests specified in paragraph (g) of this section. All testing shall be done by a recognized independent testing agency.

(f) **Allowable design stress.** The design stresses of all materials shall conform to accepted engineering practice. The use of materials not identified as to strength or stress grade shall be limited to the minimum allowable stresses under accepted engineering practice.

(g) **Alternate test procedures.** In the absence of listed and prescribed standards, the manufacturer shall develop or cause to be developed necessary tests to demonstrate the structural properties

and the significant characteristics of the method employed. Such tests shall be witnessed by an independent licensed professional engineer or architect or by a recognized testing organization. Copies of the test results shall be kept on file by the mobile home manufacturer.

#### § 280.304 Materials.

(a) Dimension and board lumber shall not exceed 19 percent moisture content at time of installation. Wood products shall be identified as complying with the appropriate standards.

(b) (1) Standards for some of the generally used materials and methods of construction are listed in the following table. (2) Materials and methods of construction utilized in the design and construction of mobile homes which are covered by the standards in the following table, or any applicable portion thereof shall comply with these requirements.

(3) Engineering analysis and testing methods contained in these references shall be utilized to judge conformance with accepted engineering practices required in § 280.303(c). (4) Materials and methods of installation conforming to these standards shall be considered acceptable when installed in conformance with the requirements of this Part. (5) Materials meeting the standards (or the applicable portion thereof) are considered acceptable unless otherwise specified herein or unless substantial doubt exists as to conformance.

Aluminum: Aluminum Construction Manual, specifications for aluminum structures.	AA-1971
Steel:	
Specification for the design, fabrication, and erection of structural steel for buildings with supplements 1, 2 and 3 (Junior beams meeting ASTM A36 are acceptable if designed to meet the loadings and performance requirements of this standard.	AISC-1969
Specification for the design of cold-formed steel structural members with supplement 1.	AISI-1968
Specification for the design of light-gage cold-formed stainless steel structural members.	AISI-1972
Standard specifications for open web steel joists, J- and H-Series.	AISC and SJI
Criteria for structural applications of steel cables for buildings.	AISI-1973
Wood and wood products:	
Hardboard	PS 53, 59, and 60-1973
Hardwood and decorative plywood	USDC PS 51-71
Structural design guide for hardwood plywood	HPMA-SG-71
Timber, structural glued laminated—inspection	AITC-200-1973
Timber, structural glued laminated	USD PS 56-73
Construction and industrial plywood	PS 1-74
Plywood residential construction guide	APA-1975
Design specifications for plywood—lumber components	APA-1974
Fabrication specifications of plywood—lumber components	APA-1975
Stress grade lumber and its fastenings—national design specifications for (and supplement).	(N) FPA-1973
Structural design data—wood	(N) FPA-1970
Span tables for joists and rafters (PS 20-70)	(N) FPA-1973
Working stresses for joists and rafters	(N) FPA-1974
Timber construction standards	AITC-100-1972
Design specifications for light metal plate connected wood trusses	TPI-74
Span tables for light metal plate connected wooden trusses	TPI, 1972
Particleboard for mobile home decking	NPA 1-73
Mat-formed wood particleboard	CS 236-66
All plywood beams for mobile homes	APA 124-74
Wood flush doors (interior, exterior)	NWMA I.S.1-74
Ponderosa pine panel doors	NWMA I.S.5-73
Wood window units	ANSI A200.1-74
	(NWMA I.S.2-73)
Water repellent preservative treating for millwork	NWMA I.S.4-70

#### Wood and wood products—Continued

Wood patio doors	NWMA I.S.3-70
Other: Gypsum wallboard	ASTM C36
Fasteners:	
Nails, brads, staples and spikes, wire, cut and wrought	F.S.F.F-N-1 5b
Pneumatic and mechanically driven building construction fasteners	I-SANTA-19-73
Windows and glazing: Transparent safety glazing material used in buildings	ANSI Z97.1-1972
Unclassified: Building code requirements for minimum design loads in buildings and other structures	ANSI A58.1-1972

#### § 280.305 Structural design requirements.

(a) Each mobile home shall be designed and constructed as a completely integrated structure capable of sustaining the design load requirements of this standard and shall be capable of transmitting these loads to stabilizing devices without exceeding the allowable loads stresses or deflections. Roof framing shall be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between the floor and chassis, so as to resist wind overturning and sliding as imposed by design loads in this Part. Floor finish shall not extend beneath load bearing walls which are fastened to the floor structure.

(b) **Design Loads.** (1) **Design dead loads.** Design dead loads shall be the actual dead load supported by the structural assembly under consideration. (2) **Design live loads.** The design live loads and wind and snow loads shall be as specified in this Section and shall be considered to be uniformly distributed. The roof live load or snow load shall not be

considered as acting simultaneously with the wind load and the roof live or snow load and floor live loads shall not be considered as resisting the overturning moment due to wind. (3) When engineering calculations are performed, allowable unit stresses may be increased as provided in the documents referenced in § 280.304 except as shown otherwise in § 280.306(a).

(c) **Wind, Snow and Roof Loads.** (1) **Standard Wind (Zone I).** When a mobile home is not designated as "Hurricane-Resistive," the mobile home and each wind resisting part and portion thereof shall be designed for horizontal wind loads not less than 15 psf and a net uplift load of not less than 9 psf.

(2) **Hurricane Resistive (Zone II).** (i) When a mobile home is designated as "Hurricane Resistive," the home and each wind resisting part and portion thereof shall be designed for horizontal wind loads not less than 25 psf and a net uplift not less than 15 psf. (ii) For exposures in coastal and other areas where wind records indicate significant differences, 125 mph or greater, from the wind

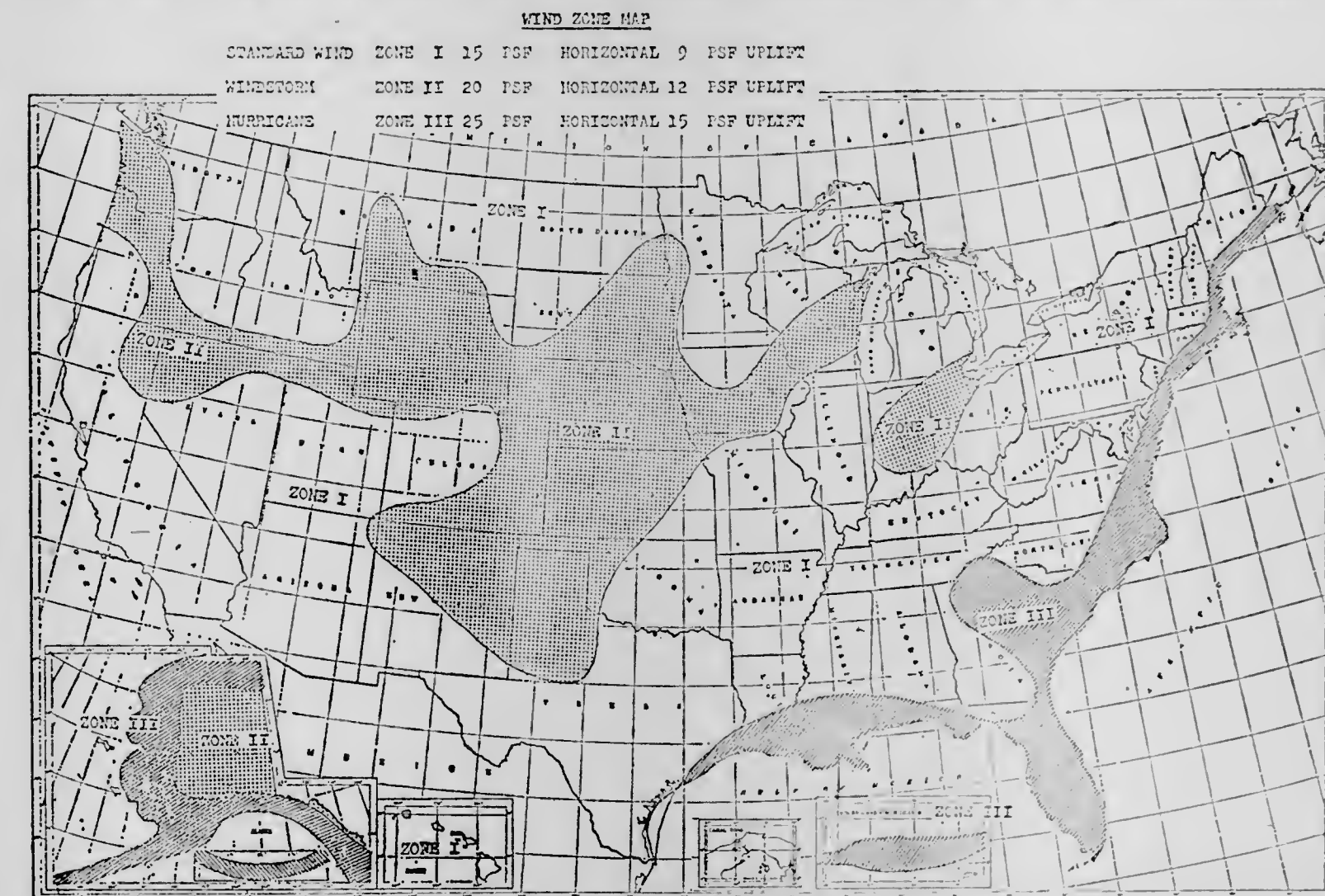
loads stated above, the Department may establish more stringent requirements for homes known to be destined for such areas.

(3) **Roof Loads.** (i) Flat, curved and pitched roofs shall be designed to resist the following live loads, applied downward on the horizontal projection as appropriate for the design zone marked on the mobile home:

	Pounds per square foot
North Zone	40
Middle Zone	30
South Zone	20

(ii) For exposures in areas (mountainous or other) where snow records or experience indicate significant differences from the snow loads stated above, the Department may establish more stringent requirements for homes known to be destined for such areas. Such requirements are to be based on a roof snow load of 0.6 of the ground snow load for areas exposed to wind and a roof snow load of 0.8 of the ground snow load for sheltered areas. (iii) Eaves and cornices shall be designed for a net uplift pressure of 2.5 times the design wind pressure cited in § 280.305(c) (1) and (2).

(4) The Data Plate posted in the mobile home (See § 280.5) shall show for which structural zone(s) of the USA the mobile home has been designed and the actual design external snow and/or wind live loads. The Data plate shall include reproduction of the Load Zone Maps shown in this Section and related information. The Load Zone Maps shall be not less than one-half the size illustrated.



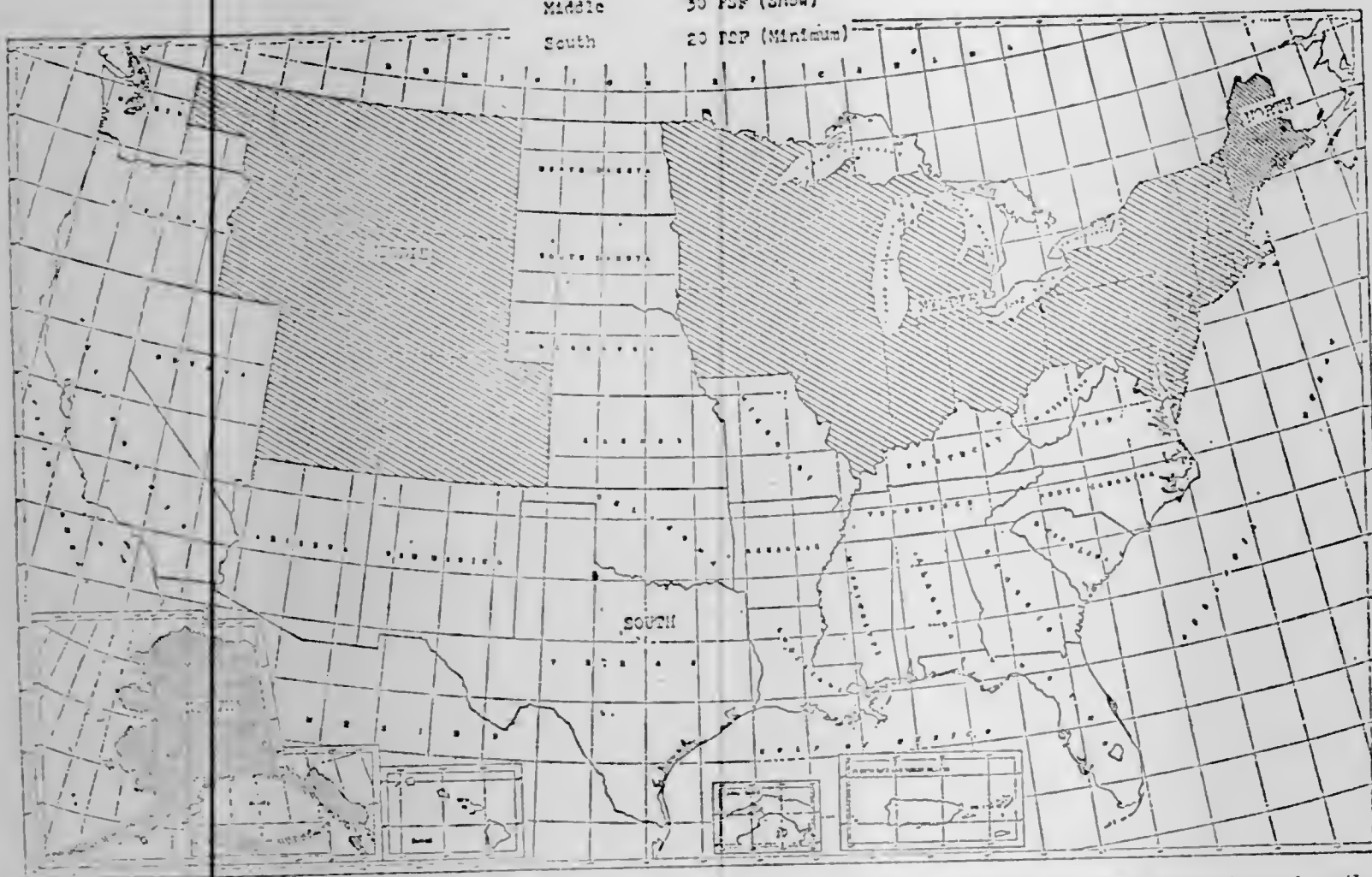
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## RULES AND REGULATIONS

ROOF LOAD ZONE MAP

North	40 PSF (Snow)
Middle	30 PSF (Snow)
South	20 PSF (Minimum)



(d) **Design Load Deflection.** When a structural assembly is subjected to total design live loads, the deflection for structural framing members shall not exceed the following:

Floor	L/240
Roof and ceiling	L/180
Headers, beams, and girders (vertical load)	L/180
Walls and partitions	L/180

Where L equals the clear span between supports or two times the length of a cantilever.

(e) **Fastening of Structural Systems.** Roof framing shall be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between the floor and chassis, so as to resist wind overturning and sliding as imposed by design loads in this Part.

(f) **Walls.** The walls shall be of sufficient strength to withstand the load requirements as defined in § 280.305(c) of this part, without exceeding the deflections as specified in § 280.305(d). The connections between the bearing walls, floor, and roof framework members shall be fabricated in such a manner as to provide support for the material used to enclose the mobile home and to provide for transfer of all lateral and vertical loads to the floor and chassis.

(1) Except where substantiated by engineering analysis or tests, studs shall

not be notched or drilled in the middle one-third of their length.

(2) Interior walls and partitions shall be constructed with structural capacity adequate for the intended purpose and shall be capable of resisting a horizontal load of not less than five pounds per square foot. Finish of walls and partitions shall be securely fastened to wall framing.

(g) **Floors.** (1) Floor assemblies shall be designed in accordance with accepted engineering practice standards to support a minimum uniform live load of 40 lb/ft<sup>2</sup> plus the dead load of the materials. In addition (but not simultaneously), floors shall be able to support a 200-pound concentrated load on a one-inch diameter disc at the most critical location with a maximum deflection not to exceed one-eighth inch relative to floor framing. Perimeter wood joists of more than six inches depth shall be stabilized against overturning from superimposed loads as follows: at ends by solid blocking not less than two-inch thickness by full depth of joist, or by connecting to a continuous header not less than two-inch thickness and not less than the depth of the joist with connecting devices; at eight-foot maximum intermediate spacing by solid blocking or by wood cross-bridging of not less than one inch by three inches, metal cross-

bridging of equal strength, or by other approved methods.

(2) Wood, wood fibre or plywood floors or subfloors in kitchens, bathrooms (including toilet compartments), laundry rooms, water heater compartments, and any other areas subject to excessive moisture shall be moisture resistant or shall be made moisture resistant by sealing or by an overlay of nonabsorbent material applied with water-resistant adhesive. Carpets and/or carpet pads shall not be installed in concealed spaces subject to excessive moisture such as plumbing fixture spaces.

(3) Except where substantiated by engineering analysis or tests, notches on the ends of joists shall not exceed one-fourth the joist depth. Holes bored in joists shall not be within 2 inches of the top or bottom of the joist, and the diameter of any such hole shall not exceed one-third the depth of the joist. Notches in the top or bottom of the joists shall not exceed one-sixth the depth and shall not be located in the middle third of the span.

(4) Bottom board material (with or without patches) shall meet or exceed the level of 48 inch-pounds of puncture resistance as tested by the Beach Puncture Test in accordance with ASTM D-781-68. The material shall be suitable for patches and the patch life shall be

equivalent to the material life. Patch installation instruction shall be included in the mobile home manufacturer's instructions.

(h) **Roofs.** (1) Roofs shall be of sufficient strength to withstand the load requirements as defined in § 280.305 (b) and (c) without exceeding the deflections specified in § 280.305(d). The connections between roof framework members and bearing walls shall be fabricated in such a manner to provide for the transfer of design vertical and horizontal loads to the bearing walls and to resist uplift forces.

(2) Roofing membranes shall be of sufficient rigidity to prevent deflection which would permit ponding of water or separation of seams due to wind, snow, ice, erection or transportation forces.

(3) Cutting of roof framework members for passage of electrical, plumbing or mechanical systems shall not be allowed except where substantiated by engineering analysis.

(4) All roof penetrations for electrical, plumbing or mechanical systems shall be properly flashed and sealed. In addition, where a metal roof membrane is penetrated, a wood backer shall be installed. The backer plate shall be not less than 1/4 inch plywood, with exterior glues, secured to the roof framing system beneath the metal roof, and shall be of a size to assure that all screws securing the flashing are held by the backer plate.

## § 280.306 Wind-storm protection.

(a) **Provisions for support and anchoring systems.** Each mobile home shall have provisions for support and anchoring systems, which, when properly designed and installed, will resist overturning and lateral movement (sliding) of the mobile home as imposed by the respective design loads. The design wind loads to be utilized for calculating resistance to overturning and lateral movement shall be the wind loads indicated in § 280.305(c) (1) and (2) increased by a factor of safety of 1.5. The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members.

(1) The provisions of this section shall be followed and the support and anchoring systems shall be designed by a Registered Professional Engineer or Architect.

(2) The manufacturer of each mobile home is required to make provision for the support and anchoring systems but is not required to provide the anchoring equipment or stabilizing devices. When the manufacturer's installation instructions provide for the main frame structure to be used as the points for connection of diagonal ties, no specific connecting devices need be provided on the main frame structure.

(b) The manufacturer shall provide printed instructions with each mobile home specifying the location and required capacity of stabilizing devices on

which the design is based. The manufacturer shall provide drawings and specifications certified by a registered professional engineer indicating at least one acceptable system of anchorage including the details of required straps or cables, their end connections and all other devices needed to transfer the wind loads from the mobile home to the ground anchors.

(c) The provisions made for anchoring systems shall be based on the following design criteria for mobile homes.

(1) The minimum number of ties required per side shall be as required to resist the design loads stated in § 280.305 (c) (1) and (2).

(2) Ties shall be as evenly spaced as practicable along the length of the mobile home with not more than 8 feet open-end spacing on each end.

(3) When continuous straps are provided as vertical ties, such ties shall be positioned at rafters and studs. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, provided that the anchor used is capable of carrying both loadings.

(4) Add-on sections of expandable mobile homes shall have provisions for vertical ties at the exposed ends.

(d) Double-wide mobile homes require only diagonal ties. These shall be placed along the main frame and below the outer side walls.

(e) Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or siding by the cable or strap.

(f) Anchoring equipment shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the mobile home.

(g) Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated.

(1) Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated.

(2) Type 1, Finish B, Grade 1 steel strapping, 1 1/4 inches wide and 0.035 inch thick, conforming with Federal Specification QQ-S-781-H, is judged to conform with the provisions of this section and paragraph (f) above.

## § 280.307 Resistance to elements and use.

(a) Exterior coverings shall be of moisture and weather resistive materials attached with corrosion resistant fasteners to resist wind, snow and rain. Metal coverings and exposed metal structural members shall be of corrosion resistant materials or shall be protected to resist corrosion. All joints between portions of the exterior covering shall be designed, and assembled to protect

against the infiltration of air and water, except for any designed ventilation of wall or roof cavity.

(b) Joints between dissimilar materials and joints between exterior coverings and frames of openings shall be protected with a compatible sealant suitable to resist infiltration of air or water.

(c) Where adjoining materials or assemblies of materials are of such nature that separation can occur due to expansion, contraction, wind loads or other loads induced by erection or transportation, sealants shall be of a type that maintains protection against infiltration or penetration by air, moisture or vermin.

(d) Exterior surfaces shall be sealed to resist the entrance of rodents.

## Subpart E—Testing

## § 280.101 Structural load tests.

Every structural assembly tested shall be capable of meeting the Proof Load Test or the Ultimate Load Test as follows:

(a) **Proof load tests.** Every structural assembly tested shall be capable of sustaining its dead load plus superimposed live loads equal to 1.75 times the required live loads for a period of 12 hours without failure. Tests shall be conducted with loads applied and deflections recorded in 1/4 design live load increments at 10-minute intervals until 1.25 times design live load plus dead load has been reached. Additional load shall then be applied continuously until 1.75 times design live load plus dead load has been reached. Assembly failure shall be considered as design live load deflection (or residual deflection measured 12 hours after live load removal) which is greater than the limits set in § 280.305(d), rupture, fracture, or excessive yielding. An assembly to be tested shall be of the minimum quality of materials and workmanship of the production. Each test assembly, component or subassembly shall be identified as to type and quality or grade of material. All assemblies, components or subassemblies qualifying under this section shall be subject to a continuing qualification testing program acceptable to the Department.

(b) **Ultimate load tests.** Ultimate load tests shall be performed on a minimum of three assemblies to generally evaluate the structural design. Every structural assembly tested shall be capable of sustaining its total dead load plus live loads increased by a factor of safety consistent with the material being tested. Factors of safety shall be based on nationally recognized standards and approved by the Department. Tests shall be conducted with loads applied and deflections recorded in 1/4 design live load increments at 10-minute intervals until 1.25 times design live load plus dead load has been reached. Additional loading shall then be applied continuously until failure occurs or 1.50 times the factor of safety times the design live load plus the dead load is reached. Assembly failure shall be considered as design live load deflection greater than the

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limits set in § 208.405(d) rupture, fracture, or excessive yielding. Assemblies to be tested shall be representative of average quality or materials and workmanship of the production. Each test assembly, component, or subassembly shall be identified as to type and quality or grade of material. All assemblies, components, or subassemblies qualifying under this section shall be subject to a periodic qualification testing program acceptable to the Department.

#### § 280.402 Test procedure for roof trusses.

(a) *Roof load tests.* The following is an acceptable test procedure, consistent with the provisions of § 280.401, for roof trusses that are supported at the ends and support design loads. Where roof trusses act as support for other members, act as cantilevers, or support concentrated loads, they shall be tested accordingly.

(b) *General.* Trusses may be tested in pairs or singly in a suitable test facility. When tested singly, simulated lateral support of the test assembly may be provided, but in no case shall this lateral support exceed that which is specified for the completed mobile home. When tested in pairs, the trusses shall be spaced at the design spacing and shall be mounted on solid support accurately positioned to give the required clear span distance (L) as specified in the design. The top and bottom chords shall be braced and covered with the material, with connections or method of attachment, as specified by the completed mobile home.

(1) As an alternate test procedure, the top chord may be sheathed with 1/4 inch by 24 inch by 12 inch plywood strips. Adjacent plywood strips must be separated by at least 1/8 inch. The plywood strip shall be nailed with 4d nails or equivalent staples not closer than 8 inches on center along the top chord of one truss only. The bottom chords shall be unbraced or covered with the material, with connections or methods of attachment, as specified for the completed mobile home.

(2) Truss deflections will be measured relative to a taut wire running over the support and weighted at the end to insure constant tension or other approved methods. Deflections will be measured at the two quarter points and at midspan. Loading shall be applied to the top chord through a suitable hydraulic, pneumatic, or mechanical system, masonry units, or weights to simulate design loads. Load units for uniformly distributed loads shall be separated so that arch action does not occur, and shall be spaced not greater than 12 inches on center so as to simulate uniform loading.

(c) *Nondestructive test procedure.*—(1) *Dead load plus live load.* (i) Noting figure A, measure and record initial elevation of the truss in test position at no load. (ii) Apply load units to the top chord of the truss equal to the full dead load of roof and ceiling. Measure and record deflection. (iii) Maintaining the dead load, add live load in approximate 1/4 design live load increments. Measure

the deflections after each loading increment. Apply incremental loads at a uniform rate such that approximately one-half hour is required to establish the total design load condition. Measure and record the deflections five minutes after loads have been applied. The maximum deflection due to design live load (deflection measured in step (iii) minus step (ii)) shall not exceed L/180, where L is a clear span measured in the same units. (iv) Continue to load truss to dead load plus 1.75 times the design live load. Maintain this loading for 12 hours and inspect the truss for failure. (v) Remove the total superimposed live load. Trusses not recovering to at least the L/180 position within 12 hours shall be considered as failing.

(2) *Uplift loads.* This test shall only be required for truss designs which may be critical under uplift load conditions. (i) Measure and record initial elevation of the truss in an inverted test position at no load. Bottom chord of the truss shall be mounted in the horizontal position. (ii) Apply the uplift load as stated in § 280.305(c) to the bottom chord of the truss. Measure and record the deflections 5 minutes after the load has been applied. (iii) Continue to load the truss to 1.75 times the design uplift load. Maintain this load for 3 hours and inspect the truss for failure. (iv) Remove applied loads and within three hours the truss must recover to at least L/180 position.

(e) Trusses qualifying under the non-destructive test procedure, Tests §§ 208.402(c) (1) and (2) (when required), shall be subject to a continuing qualification testing program acceptable to the Department. Trusses qualifying under the destructive test procedures, Tests § 280.402 (c) (2) (when required), and (d), shall be subject to periodic tests only.

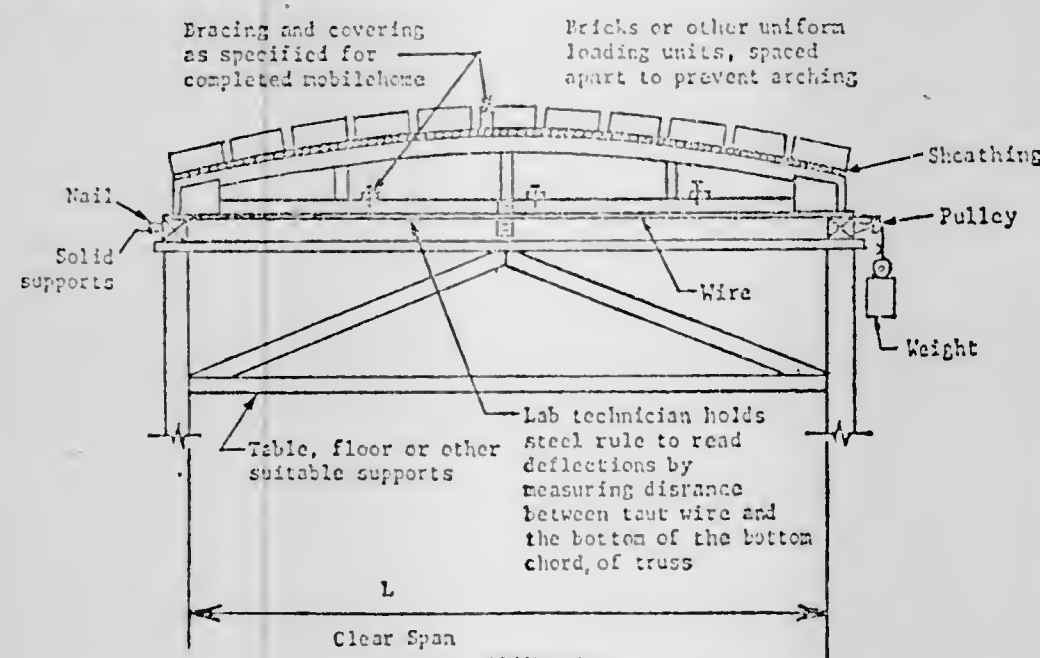


FIGURE A-1

Test Procedure for Roof Trusses

#### § 280.403 Standard for windows and sliding glass doors used in mobile homes.

(a) *Scope.* This section sets the requirements for prime windows and sliding glass doors used in mobile homes except for windows used in entry doors. Windows so mounted are components of the door and thus are excluded from this standard.

(b) *Materials and methods.* Any material or method of construction, whether or not provided for in this standard, and any material or method of ques-

tioned suitability, proposed for use in manufacture, shall nevertheless conform in performance as outlined in paragraph (c) of this Section and proof of capability of structural integrity shall be presented. If applicable, units shall comply with the following:

(1) *Wood and wood based products.* (i) *Wood.* Wood parts including plywood and particleboard parts of window units shall have a moisture content of 6 to 12 percent at the time of fabrication. Wood parts, except inside stops and trim shall be manufactured utilizing wet-use adhesive requirements as defined in ASTM D-3110 and preservative treated in accordance with NWMA IS-4. (ii) *Plywood.* Plywood parts except for inside stops and trim shall be exterior type plywood and preservative treated in accordance with NWMA IS-4. (iii) *Particleboard.* Particleboard parts except for inside stops and trim shall be type-2 particleboard and preservative treated in accordance with NWMA IS-4. (2) *Aluminum.* (i) *Alloys.* Aluminum shall be of a commercial quality and of proper alloy for window construction, free from defects impairing strength and/or durability, as follows:

Wrought aluminum alloys shall be those in which the alloying elements do not exceed the following maximum limits:

	Percent
Silicone	7.0
Magnesium	1.0
Manganese	6.0
Chromium	1.0
Iron	1.0
Copper	0.4
Zinc	1.0
Other	1.5
Aluminum	Balance

These limits apply to both bare products and to the core clad products. The cladding of clad products shall be within the same limits except that the maximum zinc limit may be 3.0 percent in order to assure that the cladding is anodic to the core. Where aluminum extrusions are used for the main frame and sash or ventilator sections, they shall have a minimum ultimate tensile strength of 22,000 psi and a yield of 16,000 psi.

(ii) *Finish.* The exposed surface of all aluminum members shall be clean and free from serious surface blemishes. If exposed welded joints are used, they shall be dressed and finished.

(3) *Glass.* (i) Safety glazing materials, where used, shall meet ANSI Z97.1-1972. Tempered glass, where used, shall also meet FS DD-G-1403A. (ii) Insulated glass, when used, shall meet or exceed the requirements of Sealed Insulating Glass Manufacturers Association (SIGMA) and shall be permanently identified with the name of the insulating glass manufacturer. (iii) Glass tolerances and areas shall meet or exceed the values shown in the Glass Table below.

Glass dimensional tolerances and maximum allowable areas—sheet glass

Nominal thickness (inches)	Minimum thickness (inches)	Maximum area (square feet) at 15 lb/ft <sup>2</sup>	Maximum area (square feet) at 25 lb/ft <sup>2</sup>
18 oz.	0.078	11	10
22 oz.	.085	13	11
24 oz.	.108	18	14
28 oz.	.115	20	15
316	.182	49	30
322	.206	58	37
34	.236	72	43

\* For other types of glass see Federal Specification DD-G-451e, dated Jan. 15, 1968.

† Maximum areas shown are based on minimum glass thicknesses set forth. Maximum areas shown apply for rectangular lite of annealed glass firmly supported on all 4 sides in a vertical position.

Tabulated areas may be increased as noted for use of tempered, heat strength-

ened or sealed insulating glass and shall be decreased as noted for use of sandblasted, wire or laminated glass. Glass louvers installed in shutters shall be not less than 3/4" thick nor longer than 36" and exposed edges shall be seamed, ground or polished.

#### ADJUSTMENT FACTORS RELATIVE RESISTANCE TO WIND LOADS<sup>1</sup>

Glass type:	Approximate relationship
Regular plate	1.0
Laminated	0.6
Wire	0.5
Heat strengthened	2.0
Fully tempered	4.0
Factory fabricated insulating glass <sup>2</sup>	1.5
Rough rolled or patterned surface	1.0
Sand blasted annealed glass	0.4

<sup>1</sup> To determine the maximum allowable area for the glass types listed multiply the allowable area established by the appropriate adjustment factor.

<sup>2</sup> Use thickness of thinner of the two lights, not thickness of unit.

(4) *Glazing.* Any method of glazing conforming to the Performance Requirements (paragraph c of this section) and Material and Methods Requirements (paragraph b of this section) shall be acceptable.

(5) *Hardware and Fasteners.* All hardware components and fasteners when considered as individual components, whether commercially available, or proprietary, must be capable of performing to the criteria stipulated in Performance Requirements, paragraph (c) of this Section.

(c) *Performance requirements.* All tests performed and all criteria herein are applicable to preproduction prototype units of prime windows and sliding glass doors. Production line units shall be equivalent in design and materials to the tested and passed prototype units.

(1) *Size of test specimen.* Production line units shall have width and height dimensions equal to or less than the corresponding dimensions of the prototype unit tested and passed. No inference of compliance to these requirements is to be made for products exceeding the size of the tested and passed prototype.

(2) *Structural performance test.*—(i) *Zone I.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an exterior pressure, 15 pounds per square foot. The test method applicable to this requirement shall be ASTM E-330. (ii) *Zone II and Zone III.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to exterior pressure of 25 pounds per square foot. The test method applicable to this requirement shall be ASTM E-330. (iii) *Interior pressure.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an interior pressure equal to 1/2 the requirements in either paragraphs (c) (2) (i) or (c) (2) (ii). The test method applicable to this requirement shall be ASTM E-330

except that no artificial means of containing pressure shall be allowed. Should pressure not be obtainable due to lack of air the testing agency will report the pressure achieved, the theoretical air flow supplied to the unit, and certify that no additional flow from the equipment in use was available. Laboratory equipment used for this test must be capable of developing 10 x air flow determined in § 280.403(c) (3).

(3) *Air infiltration test.* Air infiltration shall not exceed 0.50 CFM per square foot of window area when tested in accordance with ASTM E-283 at an exterior pressure differential of 1.567 pounds per square foot (0.30" of water pressure).

(4) *Water resistance test.* No leakage shall pass the interior face of the test specimen at a test pressure of 2.86 psi (0.55" water pressure) when tested in accordance with ASTM E-331 except that the test period shall consist of four cycles, each cycle consisting of five minutes with pressure applied and one minute with pressure released, during which the water spray will be continuously applied.

(5) For the purpose of compliance with paragraph (c) (4), all units which may have exterior screens, shall be tested first with screens in place and thereafter with screens removed. (ii) For the purpose of compliance with paragraph (c) (4), penetration, as referenced in ASTM E-331-70, paragraph 4.3, shall not include drops passing the interior face by energy developed in the bursting of sill drain system bubbles created by a pressure differential applied to the exterior face of the specimen.

(d) *Test sequence.* The sequence of tests shall be performed as they are listed above except that Structural Performance Test to Zone I (15 PSF) exterior pressure may be followed by Zone I interior pressure (7.5 PSF), which may be followed by the Air Infiltration Test, which may be followed by the Water Resistance Test, which may be followed by the Structural Performance Test to Zone II and Zone III (25 PSF) exterior pressure, which may be followed by the Zone II and Zone III interior pressures (12.5 PSF), which may be followed by the Air Infiltration Test, which may be followed by the Water Resistance Test providing all sealed areas are thoroughly dried.

(e) *Screens.* (1) Screen, when specified, shall be provided with fastening devices, suited particularly for application to the specific window for which they are intended, and be of sufficient strength to perform satisfactorily.

(2) Insect screening shall be of a material compatible with aluminum and shall meet CS 138-55, "Insect Wire Screening," FS RR-W-365, "Screening, Wire, Insect," CS 248-64, "Vinyl Coated Glass Fibre Insect Screening and Louver Cloth," or FS L-S-125a "Screening, Non Metallic Insect."

(f) *Assembly.* Windows shall be assembled in a secure and workmanlike manner to perform as hereinafter specified and to assure neat and weather tight

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construction. A permanent-type watertight joint shall be made at the junction of the sill and side frame members.

(g) *Shipping.* Units may be shipped either as a subassembly unit or as a completely assembled unit but not as a KD or open unit. A KD unit is a unit that is complete in its entirety with the exception of glass, glazing material, or screen, which is shipped in a disassembled condition and later assembled and glazed according to the instructions of the manufacturer and utilizing all of the components supplied or specified by the manufacturer.

(1) An open unit is a unit that is complete in its entirety with the exception of glass, glazing materials, or screen, which is shipped in an assembled condition and later glazed according to the instruction of the manufacturer, utilizing all of the components supplied by the manufacturer.

(2) A subassembly unit is a unit that is complete in its entirety including the glazing of glass or other glazing panels into their respective fixed or moving sash frames, which is shipped with such glazed panels separate from each other or from any master frame, which master frame may be either disassembled or assembled. The connection of such master frame to glazed, fixed, or moving panels is to take place later according to the instructions of the manufacturer utilizing all of the components supplied by the manufacturer.

(3) A completely assembled unit is one that is complete in its entirety and is shipped with all parts and subassemblies in complete connection with each other and no separate pieces.

(h) *Permanent identification.* (1) As identification, each unit shall bear a certification label containing a code number traceable to the manufacturer through the certifying agency or the name of the manufacturer or brand name together with the city and state location of the manufacturer or main office of the manufacturer.

(2) The label shall be of a permanent-type designed to discourage easy removal, shall be legible and shall remain legible under normal operating conditions for a period of not less than five years from date of product installation.

(3) Acceptable means of identification are, but are not limited to, the following: Embossed, stamped, cast or molded characters becoming an integral part of the material on which they are located; flexible color-fast and durable labels, decals, stickers, etc., affixed with a permanent-type adhesive; or rigid metal or plastic name plates affixed mechanically or with a permanent-type adhesive.

(4) Location of the label shall be such that it is accessible for normal direct viewing purposes from the interior side of the product, after the unit is installed, without the necessity of product disassembly. Identification located only on the glass or screen shall not be acceptable.

(i) *Certification.* The manufacturer shall show evidence of continued compliance by affixing a quality certification

label to the product in accordance with ANSI Z34.1, "American National Standard Practice for Certification Procedures." In determining certifiability under this section, compliance shall consist of preproduction specimen testing in accordance with each and every requirement of this section followed by an in-plant inspection system consisting of a minimum of two such inspections per year by an independent quality assurance agency.

#### § 230.404 Standard for egress windows for use in mobile homes.

(a) *Scope and purpose.* The purpose of this section is to establish the requirements for the design, construction, and installation of windows and approved devices intended to be used as an emergency exit during conditions encountered in a fire or similar disaster.

(b) *Requirements—(1) Installation.* Window manufacturers shall provide the home manufacturer with written installation instructions.

(2) *Performance.* The egress window including auxiliary frame and seals, if any, shall meet the requirements of § 280.403 "Standard for Windows and Sliding Glass Doors Used in Mobile Homes."

(3) *Dimensions.* (i) All egress windows shall have a minimum clear dimension of 22 inches when determined in accordance with Test A paragraph (d) (1) of this section. (ii) All egress windows shall have a minimum clear opening of 5 square feet when determined in accordance with Test B, paragraph (d) (2) of this section.

(4) *Operational.* (i) Operating instructions shall be applied to each egress window and carry the legend "Do Not Remove." In addition, the instructions should include a reminder to remove all shipping clips on screens, storm windows, and other appurtenances for exiting purposes. (ii) The number of locks and latches shall not exceed 2, not including the 4 appurtenance attachment mechanisms permitted by paragraph (c) (2) (i) of this section. (iii) Locks, latches, lifting and sliding operational forces shall not exceed a force of 20 pounds when tested in accordance with Test C, paragraph (d) (3) of this section. (iv) Any handle or latch required to operate the emergency egress provisions of the window shall be attached in the factory by either a permanent method or a mechanical method which requires a tool not commonly available in the home, unless removal of the latch or handle will in no way limit the effectiveness of the egress provision. (v) Any window whose egress provisions are dependent on the operation of a rotary operator is unacceptable.

*Example:* Awning windows utilizing a single vent for egress and requiring a rotary operator for activation is unacceptable, whereas an awning window set in a separate frame whose activation requires only a 180° twist of the lock to allow egress is acceptable even though a rotary operator is present for normal operation.

(c) *Appurtenances.* (1) The addition or inclusion of screens, storm windows,

or other appurtenances shall not encroach upon the dimensional requirements set forth in paragraph (b) (3).

(2) Any mechanism used to attach an appurtenance such as a screen or storm window to the window shall meet the following requirements unless the appurtenance meets the requirements of paragraph (c) (3): (i) The number of mechanisms shall not exceed 4 and; (ii) The operating force of the mechanisms shall not exceed 5 pounds tested in accordance with Test D paragraph (d) (4) and; (iii) The mechanisms shall be designed so that that cannot be misapplied utilizing normal household tools such as screwdrivers, pliers and wrenches exceeding the aforementioned forces; and (iv) The surface to which the operating force is applied shall have a minimum cross-sectional area of 0.25 square inches.

(3) If an appurtenance such as a screen or storm window is attached to the window in such a manner that it need not be removed or disengaged in any way in order to effect a fully opened exit, the requirements of paragraph (c) (2) need not be met.

(4) The operating instructions detailed in paragraph (b) (4) (i) shall include instructions on the required removal and replacement of any screen and/or storm sash appurtenance.

(d) *Test methods—(1) Test Method A—Minimum Dimensions.* The minimum dimension of 22 in. required by paragraph (b) (3) (i) shall be tested as follows: When the window is in the final position for egress, a 22 in. dowel shall be passed through the opening at the point of its least dimension while contacting only one point of the window frame, at either the horizontal or vertical orientation of the dowel. (i) Example: In a horizontally opening window (sliding or rolling); the minimum dimension requirement may be met as follows: When the window is in the final position for egress, place one end of the dowel perpendicularly against the portion of the main frame side (bottom) projecting furthest towards the center of the opening, and pass the dowel through the opening in a horizontal (vertical) plane without touching any portion of the device except the main frame side (bottom) on which it is pivoted. (ii) Example: Any type of window may be mounted in a side, bottom, or top hinged or pop-out egress frame which in the fully opened position meets the minimum dimension and area requirements.

(2) *Test Method B—Minimum Area.* The minimum area requirement of 5 square feet contained in paragraph (b) (3) (ii) shall be determined by multiplying the minimum dimension (which may exceed 22 in.) by the clear dimension measured perpendicularly to the minimum dimension and in the plane of the window main frame. (i) Example: In a vertically operating window whose minimum dimension is from the main frame bottom to that portion of the operating vent projecting furthest toward the horizontal center line of the egress opening when in the fully opened position, the

minimum area shall be determined by multiplying the minimum dimension by the inside side-to-side dimension.

(3) *Test Method C—Operating Forces.* (i) For horizontal or vertical moving windows, a force gage shall be attached to the manual pull bar at its center-point. After opening the latch or lock, a force not to exceed 20 pounds shall be exerted in a direct pull parallel to the window in order to obtain movement in the opening direction. The window shall be in the closed and latched position prior to the test and shall have been subjected to 5 opening and closing cycles prior to the test. (ii) Locks and latches shall be tested as noted in section (d) (3) (i) except that the force gage shall be located in the center of the latch or lock handle.

(4) *Test Method D—Mechanical Device Operating Force (Appurtenances).* (i) A force gage of sufficient capacity using a point contact and having the ability to retain the maximum reading (Chatillon DPP-50 or similar) shall be used. The force gage point shall be applied to the mechanism at the center of the normal force application area and sufficient force applied to disengage the appurtenance. The maximum reading shall be retained by the force gage and may be read directly.

(e) *Test Report.* (1) The test report shall include all requirements of this standard listed in their order shown in this standard. Where certain provisions of the standard do not apply, the notation "N.A." (Not applicable) shall so denote these items. Where certain appurtenances are not supplied, such as storm windows or screen, the notation "N.S." (Not supplied) shall so denote those items.

(2) The test report shall be complete with manufacturers assembly drawing, extrusion drawings, parts list, weather-strip description, glazing method, description including backbedding and glazing method, installation and operating instructions. Where the unit tested is not in its actual installation, a clause stating the following shall be included in the test report: "This unit tested as submitted. Actual installation must be in accordance with the instructions included with this report or this report is not valid."

(3) The test report on all units submitted for test not having appurtenances listed in paragraph (c) shall include a statement as follows: "This unit tested without storm windows (or screen). The installation of these items with this product invalidates this test report."

(4) For any test on component parts, such as balances, friction positioners, etc., certification by an independent testing agency shall be acceptable for evidence of compliance. If such certification is used, the test report shall so state, and give the name of the agency.

(5) Test reports used to demonstrate compliance with this standard to any governmental body shall be made available to the public upon request.

#### § 280.405 Standard for swinging exterior passage doors for use in mobile homes.

(a) *Introduction.* This standard applies to all exterior passage door units, excluding sliding doors and doors used for access to utilities and compartments. This standard applies only to the door frame consisting of jambs, head and sill and the attached door or doors.

(b) *Purpose.* It is the purpose of this standard to establish the requirements for exterior passage door units irrespective of the type of material used in the manufacture of these products.

(c) *General requirements and materials of construction.* (1) The design and construction of the exterior passage door units shall conform with the provisions of this standard. Requirements for any size, weight, or quality of material modified by the terms of "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer may exceed these standards provided such deviation does not result in an inferior product or defeat the purpose and intent of this standard. Units may be shipped as a completely assembled unit, but not as KD or open unit. A KD unit is a unit that is complete in its entirety, which is shipped in a disassembled condition and later assembled and glazed according to the instructions of the manufacturer. An open unit is a unit that is complete in its entirety with the exception of a window insert, which is shipped in an assembled condition and later glazed according to the instructions of the manufacturer. A completely assembled unit is one that is complete in its entirety and is shipped with all parts and subassemblies in complete connection with each other and no separate pieces, except for: Lock-knobs only and keys, door chain and attachments, storm door latch, chain and attachments, threshold extension, screw cover, drip cap.

(2) *Workmanship.* All construction methods, materials and workmanship shall be in conformance with accepted engineering practices to insure durable, livable, and safe housing.

(d) *Materials and methods.* Any material or method of construction, whether or not provided for in this standard, and any material or method of questioned suitability, proposed for use in manufacture, shall nevertheless conform in performance as outlined in paragraph (e) of this standard and proof of capability of structural integrity shall be presented. If applicable, units shall comply with the following:

(1) *Wood and wood based products—(i) Wood.* Wood door frame parts shall be manufactured of suitable lumber having a moisture content of 6 to 12 percent at time of fabrication. Wood parts except interior trim shall be manufactured utilizing wet-use adhesive requirements as defined in ASTM D-3110 and Preservative Treated in accordance with NWMA IS-4 standard. Doors shall conform to the Type 1 requirements of NWMA IS-1-73, NWMA IS-5-73 or FHDA 4-72. (ii) Plywood. Plywood shall be exterior type and preservative treated in accordance with NWMA IS-4. (iii) Hardboard parts shall meet or exceed the requirements for 1/8 inch tempered hardboard in accordance with the latest edition of PS 58.

(2) *Hardware and fasteners.* All hardware components and fasteners when considered as individual components, whether commercially available, or proprietary, must be capable of performing to the criteria stipulated in this section and in the Performance Requirements Section, Paragraph (e) of these specifications.

(3) *Glass.* All glazing in doors shall be safety glazing material meeting ANSI Z97.1-72. Glass in jalousies shall also be at least 1/2 in. in thickness and not longer than 36 inches. Exposed edges shall be seamed, ground or polished to prevent injury.

(4) *Weatherstripping.* A tight threshold and weatherstripping to reduce air infiltration and improve water resistance shall be provided capable of conforming to the criteria stipulated in the Performance Requirements Section, Paragraph (e) of this standard.

(e) *Performance requirements—(1) Size of test specimen.* All tests shall be performed on exterior passage door units with all operable portions closed and all criteria herein are applicable to exterior passage doors of the largest type that the producer desires to qualify under this specification. No inference of compliance to these requirements is to be made for products exceeding the size of the test specimen submitted. Largest unit size is determined by the maximum width and height dimensions of production units that are equal to or less than corresponding dimensions in that unit tested and passed.

(2) *Structural performance test—(i) Wind pressure resistivity.* There shall be no glass breakage or permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to exterior pressures of 25 pounds per square foot. The test method applicable to this requirement shall be ASTM E-330. (ii) *Interior pressure.* There shall be no glass breakage or permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an interior pressure equal to 1/2 the requirements in paragraph (e) (2) (i). The test method applicable to this requirement shall be ASTM E-330 except that no artificial means of containing pressure shall be allowed. Should pressure not be obtainable due to lack of air, the testing agency will report the pressure achieved, the theoretical air flow supplied to the unit, and certify that no additional flow from the equipment in use was available. Laboratory equipment used for this test must be capable of developing 10 x air flow determined in paragraph (e) (2) (iii) of this

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manent shading provided. Information concerning the calculation of cooling loads at various locations, window exposures and shadings are provided in Chapter 22 of the 1972 edition of the ASHRAE Handbook of Fundamentals.

Information necessary to calculate cooling loads at various locations and orientations is provided in the special comfort cooling information provided with this mobile home.

(2) *Alternative 2.* For each mobile home suitable for a central air cooling system, the manufacturer shall provide the following statement: "This air distribution system of this home is suitable for the installation of a central air conditioning system."

#### Example Alternate 2

##### COMFORT COOLING CERTIFICATE

Mobile Home Manufacturer.....  
Plant Location.....  
Mobile Home Model.....

This air distribution system of this home is suitable for the installation of central air conditioning.

The supply air distribution system installed in this home is sized for Air Conditioning and Refrigeration Institute Certified Mobile Home Central Air Conditioning Systems of up to — BTU/Hr rated capacity when the air circulators of such air conditioners are rated at 0.3 inch water column static pressure or greater for the cooling air delivered to the mobile home supply air duct system.

Information necessary to calculate cooling loads at various locations and orientations is provided in the special comfort cooling information provided with this mobile home.

(3) *Alternative 3.* If the mobile home is not equipped with an air supply duct system, or if the manufacturer elects not to designate the home as being suitable for the installation of a central air conditioning system, the manufacturer shall provide the following statement: "This air distribution system of this home has not been designed in anticipation of its use with a central air conditioning system."

#### Example Alternate 3

##### COMFORT COOLING CERTIFICATE

Mobile Home Mfg.....  
Plant Location.....  
Mobile Home Model.....

The air distribution system of this home has not been designed in anticipation of its use with a central air conditioning system.

(b) For each home designated as suitable for central air conditioning the manufacturer shall provide the maximum ARI certified central mobile home air conditioning capacity in accordance with § 280.715(a) (3). If the capacity information provided is based on entrances to the air supply duct at other than the furnace plenum, the manufacturer shall indicate the correct supply air entrance and return air exit locations.

(c) *Comfort cooling information.* For each mobile home designated, either "suitable for" or "provided with" a central air conditioning system, the manufacturer shall provide comfort cooling information specific to the mobile home necessary to complete the cooling load calculations. The comfort cooling information shall include a statement to read as follows:

To determine the required capacity of equipment to cool a home efficiently and

economically, a cooling load (heat gain) calculation is required. The cooling load is dependent on the orientation, location and structure of the home. Central air conditioners operate most efficiently and provide the greatest comfort when their capacity closely approximates the calculated cooling load. Each home's air conditioner should be sized in accordance with Chapter 22 of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Handbook of Fundamentals, once the location and orientation are known.

##### INFORMATION PROVIDED BY THE MANUFACTURER NECESSARY TO CALCULATE SENSIBLE HEAT GAIN

Walls (without windows and doors) .....	"U" .....
Ceilings and roofs of light color .....	"U" .....
Ceilings and roofs of dark color .....	"U" .....
Floors .....	"U" .....
Air ducts in floor .....	"U" .....
Air ducts in ceiling .....	"U" .....
Air ducts installed outside the home .....	"U" .....

Information necessary to calculate duct area

#### Subpart G—Plumbing Systems

##### § 280.601 Scope.

Subpart G of this Standard covers the plumbing materials, fixtures, and equipment installed within or on mobile homes. It is the intent of this subpart to assure water supply, drain, waste and vent systems which permit satisfactory functioning and provide for health and safety under all conditions of normal use.

##### § 280.602 Definitions.

(a) The following definitions are applicable to Subpart G only:

(1) "Accessible," when applied to a fixture, connection, appliance or equipment, means having access thereto, but which may require removal of an access panel or opening of a door.

(2) "Air Gap (Water Distribution System)" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, water supplied appliances, or other device and the flood level rim of the receptacle.

(3) "Anti-Siphon Trap Vent Device" means a device which automatically opens to admit air to a fixture drain above the connection of the trap arm so as to prevent siphonage, and closes tightly when the pressure within the drainage system is equal to or greater than atmospheric pressure so as to prevent the escape of gases from the drainage system into the mobile home.

(4) "Backflow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended sources.

(5) "Backflow Connection" means any arrangement whereby backflow can occur.

(6) "Backflow Preventer" means a device or means to prevent backflow.

(7) "Branch" means any part of the piping system other than a riser, main or stack.

(8) "Common Vent" means a vent connecting at the junction of fixture drains

and serving as a vent for more than one fixture.

(9) "Continuous Vent" means a vertical vent that is a continuation of the drain to which it connects.

(10) "Continuous Waste" means a drain from two or more fixtures connected to a single trap.

(11) "Critical Level" means a point established by the testing laboratory (usually stamped on the device by the manufacturer) which determines the minimum elevation above the flood level rim of the fixture or receptacle served on which the device may be installed. When a backflow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve, or of any such approved or listed device shall constitute the critical level.

(12) "Cross Connection" means any physical connection or arrangement between two otherwise separate systems or sources, one of which contains potable water and the other either water, steam, gas or chemical of unknown or questionable safety whereby there may be a flow from one system or source to the other, the direction of flow depending on the pressure differential between the two systems.

(13) "Developed Length" means that length of pipe measured along the center line of the pipe and fittings.

(14) "Diameter," unless otherwise specifically stated, means the nominal (inside) diameter designated commercially.

(15) "Drain" means a pipe that carries waste, water, or water-borne waste in a drainage system.

(16) "Drain Connector" means the removable extension, consisting of all pipes, fittings and appurtenances, from the drain outlet to the drain inlet serving the mobile home.

(17) "Drain Outlet" means the lowest end of the main or secondary drain to which a sewer connection is made.

(18) "Drainage System" means all piping within or attached to the structure that conveys sewage or other liquid waste to the drain outlet, not including the drain connector.

(19) "Fixture Drain" means the drain from the trap of a fixture to the junction of that drain with any other drain pipe.

(20) "Fixture Supply" means the water supply pipe connecting a fixture to a branch water supply pipe or directly to a main water supply pipe.

(21) "Flood-Level" means the level in the receptacle over which water would overflow to the outside of the receptacle.

(22) "Flooded" means the condition which results when the liquid in a container or receptacle rises to the flood-level.

(23) "Flush Tank" means that portion of a toilet that is designed to contain sufficient water to adequately flush the fixture.

(24) "Flush Valve" means a device located at the bottom of a flush tank for flushing a toilet.

(25) "Flushometer Valve" means a device which discharges a predetermined quantity of water to a fixture for flushing purposes and is closed by direct water pressure.

(26) "Grade" means the fall (slope) of a pipe in reference to a horizontal plane expressed in inches per foot length.

(27) "Horizontal Branch" means any pipe extending laterally, which receives the discharge from one or more fixture drains and connects to the main drain.

(28) "Horizontal Pipe" means any pipe or fitting which makes an angle of not more than 45 degrees with the horizontal.

(29) "Individual Vent" means a pipe installed to vent a fixture drain.

(30) "Inlet Coupling" means the terminal end of the water system to which the water service connection is attached. It may be a swivel fitting or threaded pipe end.

(31) "Main" means the principal artery of the system to which branches may be connected.

(32) "Main Drain" means the lowest pipe of a drainage system which receives sewage from all the fixtures within a mobile home and conducts these wastes to the drain outlet.

(33) "Main Vent" means the principal artery of the venting system to which vent branches may be connected.

(34) "Offset" means a combination of pipe and/or fittings that brings one section of the pipe out of line but into a line parallel with the other section.

(35) "Pitch." See Grade.

(36) "Plumbing Fixtures" means receptacles, devices, or appliances which are supplied with water or which receive liquid or liquid-borne wastes for discharge into the drainage system.

(37) "Plumbing System" means the water supply and distribution pipes; plumbing fixtures, faucets and traps; soil, waste and vent pipes; and water-treating or water-using equipment.

(38) "Primary Vent." See Main Vent.

(39) "Relief Vent" means an auxiliary vent which permits additional circulation of air in or between drainage and vent systems.

(40) "Secondary Vent" means any vent other than the main vent or those serving each toilet.

(41) "Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

(42) "Siphonage" means the loss of water seal from fixture traps resulting from partial vacuum in the drainage system which may be of either of the following two types, or a combination of the two: (a.) Self-siphonage resulting from vacuum in a fixture drain generated solely by the discharge of the fixture served by that drain, or, (b.) Induced siphonage resulting from vacuum in the drainage system generated by the discharge of one or more fixtures other than the one under observation.

(43) "Toilet Drain" means that part of the drainage piping which receives the discharge from each individual toilet.

(44) "Trap" means a fitting or device designed and constructed to provide a liquid seal that will prevent the back passage of air without materially affecting the flow of liquid waste through it.

(45) "Trap Arm" means the portion of a fixture drain between a trap and its vent.

(46) "Trap Seal" means the vertical depth of liquid that a trap will retain.

(47) "Vacuum Breaker." See Backflow Preventer.

(48) "Vent Cap" means the device or fitting which protects the vent pipe from foreign substance with an opening to the atmosphere equal to the area of the vent it serves.

(49) "Vent System" means that part of a piping installation which provides circulation of air within a drainage system.

(50) "Vertical Pipe" means any pipe or fitting which makes an angle of not more than 45 degrees or less with the vertical.

(51) "Water Connection" means the fitting or point of connection for the mobile home water distribution system designed for connection to a water supply.

(52) "Water Connector" means the removable extension connecting the mobile home water distribution system to the water supply.

(53) "Water Distribution System" means potable water piping within or permanently attached to the mobile home.

(54) "Wet Vent" means a vent which also serves as a drain for one or more fixtures.

(55) "Wet Vented Drainage System" means the specially designed system of drain piping that also vents one or more plumbing fixtures by means of a common waste and vent pipe.

##### § 280.603 General requirements.

(a) *Minimum requirements.* Any plumbing system installed in a mobile home shall conform, at least, with the provisions of this subpart.

(1) *General.* The plumbing system shall be of durable material, free from defective workmanship, and so designed and constructed as to give satisfactory service for a reasonable life expectancy.

(2) *Conservation.* Water closets shall be selected and adjusted to use the minimum quantity of water consistent with proper performance and cleaning.

(3) *Connection to drainage system.* All plumbing, fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste or sewage shall be connected to the mobile home drainage system in a manner provided by this standard.

(4) *Workmanship.* All design, construction, and workmanship shall be in conformance with accepted engineering practices and shall be of such character as to secure the results sought to be obtained by this standard.

(5) *Components.* Plumbing materials, devices, fixtures, fittings, equipment, appliances, and accessories intended for use in or attached to a mobile home, and not shown in the Table in § 280.604, shall be listed or certified by an approved listing agency, or be specifically approved by the Department when listing by an approved listing agency is not available.

(6) *Prohibited fittings and practices.*

(i) Drainage or vent piping shall not be

drilled and tapped for the purpose of making connections. (ii) Except as specifically provided elsewhere in this standard, vent pipes shall not be used as waste or drain pipes. (iii) Fittings, connections, devices, or methods of installation that obstruct or retard the flow of sewage, or air in the drainage or venting systems in an amount greater than the normal frictional resistance to flow shall not be used unless their use is acceptable in this standard or their use is accepted as having a desirable and acceptable function of ultimate benefit to the proper and continued functioning of the plumbing system. (iv) Cracks, holes, or other imperfections in materials shall not be concealed by welding, brazing, or soldering or by paint, wax, tar, or other leak-sealing or repairing agents. (v) Piping, fixtures or equipment shall be located so as not to interfere with the normal use or with the normal operation and use of windows, doors or other required facilities. (vi) Galvanized pipe shall not be bent or welded.

(7) *Alignment of fittings.* All valves, pipes, and fittings shall be installed in correct relationship to the direction of flow.

(b) *Protective requirements.*

(1) *Cutting structural members.* Structural members shall not be unnecessarily or carelessly weakened by cutting or notching.

(2) *Exposed piping.* All piping, pipe threads, hangers, and support exposed to the weather, water, mud, and road hazard, and subject to damage therefrom, shall be painted, coated, wrapped, or otherwise protected from deterioration.

(3) *Road damage.* Pipes, supports, drains, outlets, or drain hoses shall not extend or protrude in a manner where they could be unduly subjected to damage during transit.

(4) *Freezing.* All piping and fixtures subject to freezing temperatures shall be insulated or protected to prevent freezing, under normal occupancy. All piping, except the fixture trap, shall be designed to allow complete gravity drainage.

(5) *Rodent resistance.* All exterior openings around piping and equipment shall be sealed to resist the entrance of rodents.

(6) *Piping and electrical wiring* shall not pass through the same holes in walls, floors or roofs. Plastic piping shall not be exposed to heat in excess of manufacturers recommendation or radiation from heat producing appliances.

##### § 280.604 Materials.

(a) *Minimum standards.* Materials, fixtures, or devices used or entering into the construction of plumbing systems in any mobile home shall be free from defects and shall conform to approved standards or to applicable standards in the following Table.

(b) *Specific usage.* Each of the sections following the Table indicates specifically the type of material presently permitted for use in the various parts of the plumbing system.

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Materials	ANSI	ASTM	FS	Other standards
Ferrous pipe and fittings				
Cast iron screwed fittings	B16.4-1971			
Malleable iron screwed fittings	B16.3-1971			IAPMO PS 5-1966
Special cast iron fittings				
Welded wrought iron pipe	B36.2-1969	A72-1968		
Wrought steel and wrought iron pipe	B36.10-1970			
Black and hot dipped zinc-coated (galvanized) welded and seamless steel pipe		A120-1972a		
Welded and seamless steel pipe	B125.1-1972	A53-1972a		
Pipe threads (except dry seal)	B2.1-1968		WW-1-401D-1969	
Cast iron soil piping and fittings	A112.5.1-1971	A74-1972		
Nonferrous pipe and fittings				
Seamless copper, pipe, standard sizes	B128.1-1973	B42-1972		
Wrought seamless copper and copper alloy tube	B128.4-1973	B251-1971		
Seamless copper water tube	B128.1-1973	B88-1972		
Copper drainage tube (DWV)	B128.6-1973	B360-1973		
Wrought copper and bronze solder-joint pressure fittings	B16.22-1973			
Wrought copper and wrought copper alloy solder-joint fittings	B16.23-1973			
Cast brass solder-joint pressure fittings	B16.18-1972			
Cast bronze solder-joint drainage fittings-DWV	B16.23-1969			
Cast bronze fittings for flared copper tubes	B16.26-1967			
Seamless red brass pipe, standard sizes	B127.1-1973	B43-1972		
Cast bronze threaded fittings, 150 and 300 pound	B16.15-1971			
Plastic pipe and fittings, ABS plastic drain, waste, and vent pipe and fittings		D2661-1973	L-P 322B-1973	IAPMO PS 17-71 NSF 14-1970
PVC plastic drain, waste, and vent pipe and fittings		D2665-1973	L-P 330B-1973	IAPMO PS 27-69 NSF-14-1970
Chlorinated poly (vinyl chloride) (CPVC) plastic hot water distribution systems		D2810-1973		NSF-14-1970
Polybutylene (PB) plastic pipe (SDR-PR)		D2662-1973		
Polybutylene (PB) plastic hot water distribution systems		D3309-1971		
Miscellaneous pipe nipples, threaded			WW-N-331B(1)-1970	
Rubber gaskets for cast iron soil pipe fittings		C564-1970		
Backflow prevention devices	A112.11.1-1975			IAPMO PS 31-1971
Valve, bronze, gate 125-150 and 200 pound			WW-V-54D-1973	
Valve, cast iron gate, threaded and flanged			WW-V-54H-1971	
Plumbing—fixture-setting compound			III-C-536A-1954	
Cast brass and tubing traps				IAPMO PS 2-1966
Relief valves and automatic gas shutoff devices for hot water supply systems	Z21.22.1-1971			
Solvent cement for ABS plastic pipe and fittings		D2235-1973		NSF-14-1970
Solvent cement for PVC plastic pipe and fittings		D2661-1973		NSF-14-1970
Anti-siphon trap vent device (reversed) diversion tees and twin waste elbow				IAPMO PS 9-1966
Flexible copper water connectors				IAPMO PS 14-1971
Dishwater drain airgap				IAPMO PS 23-1968
Coated flexible metal gas connectors for exterior use				IAPMO TSC 9-1972
Plumbing fixtures				WW-P-541D-1971
Plumbing fixtures for land use				
Vitreous china plumbing fixtures	A112.19.2-1973			NSF-24-1972
Enameled cast iron plumbing	A112.19.1-1973			
Porcelain enameled formed steel plumbing fixtures				IAPMO TSC 22-1972
Formed metal porcelain-enameled sanitaryware				IAPMO PS 5-1967
Plastic bathtub units	Z124.1-1974			NSF-24-1972
Gel-coated glass-fiber reinforced polyester resin shower receptor and shower stall units	Z124.2-1967			NSF-24-1972
Stainless steel plumbing fixtures—residential use				CS-243-1962
Drains for prefabricated and precast showers				NSF-24-1972
Cultured marble lavatory				IAPMO PS 18-1972
Prefabricated shower receptors, shower enclosures and non-metallic bathtubs				IAPMO PS 11-1972
Performance specifications and methods of test for safety glazing material used in buildings	Z97.1-1972			NSF-24-72

<sup>1</sup> With addenda.

#### § 280.605 Joints and connections.

(a) *Tightness.* Joints and connections in the plumbing system shall be gastight and watertight for the pressures required under testing procedures.

(1) *Assembling of pipe.* All joints and connections shall be correctly assembled for tightness. Pipe threads shall be fully engaged with the threads of the fitting. Plastic pipe and copper tubing shall be inserted to the full depth of the solder cup or welding sockets of each fitting. Pipe threads and slip joints shall not be wrapped with string, paper, putty, or similar fillers.

(2) *Threaded joints.* Threads for screw pipe and fittings shall conform to the approved or listed standard. Pipe ends shall be reamed out to size of bore. All burrs, chips, cutting oil and foreign matter shall be removed. Pipe joint cement or thread lubricant shall be of approved type and applied to male threads only.

(3) *Solder joints.* Solder joints for tubing shall be made with approved or listed solder type fittings. Surfaces to be soldered shall be cleaned bright. The joints shall be properly fluxed with non-corrosive paste type flux and made with approved or listed 50-50 solder or an approved solder having a higher melting temperature.

(4) *Plastic pipe, fittings and joints.* Plastic pipe and fittings shall be joined by installation methods recommended by the manufacturer or in accordance with the provisions of a recognized, approved, or listed standard.

(5) *Union joints.* Metal unions in water piping shall have metal-to-metal ground seats.

(6) *Flared joints.* Flared joints for soft-copper water tubing shall be made with approved or listed fittings. The tubing shall be expanded with a proper flaring tool.

(7) *Cast iron soil pipe joints.* Approved or listed cast iron pipe may be joined as follows: (i) Approved or listed hubless pipe as per the manufacturer's recommendation. (ii) Hub and plain-end soil pipe may be joined by compression fittings per the manufacturer's recommendation.

#### § 280.606 Traps and cleanouts.

(a) *Traps.* (1) *Traps required.* Each plumbing fixture, except listed toilets, shall be separately trapped by approved water seal "P" traps. All traps shall be effectively vented.

(2) *Dual fixtures.* A two-compartment sink, two single sinks, two lavatories, or a single sink and a single lavatory with waste outlets not more than 30 inches apart and in the same room and flood level rims at the same level may be connected to one "P" trap and may be considered as a single fixture for the purpose of drainage and vent requirements.

(3) *Prohibited traps.* A trap which depends for its seal upon concealed interior partitions shall not be used. Full

"S" traps, bell traps, drum traps, crown-vented traps, and running traps are prohibited. Fixtures shall not be double-trapped.

(4) *Material and design.* Each trap shall be self-cleaning with a smooth and uniform interior waterway. Traps shall be manufactured of cast iron, cast brass, or drawn brass tubing of not less than No. 20 Brown and Sharpe gage, or approved or listed plastic, or other approved or listed material. Union joints for a trap shall be beaded to provide a shoulder for the union nut. Each trap shall have the manufacturer's name stamped or cast in the body of the trap, and each tubing trap shall show the gage of the tubing.

(5) *Trap seal.* Each "P" trap shall have a water seal of not less than 2 inches and not more than 4 inches and shall be set true to its seal.

(6) *Size.* Traps shall be not less than 1½ inches in diameter. A trap shall not be larger than the waste pipe to which it is connected.

(7) *Location.* Each trap shall be located as close to its vent and to its fixture outlet as structural conditions will permit.

(8) *Length of tailpiece.* The vertical distance from a trap to the fixture outlet shall not exceed 24 inches.

(9) *Installation.* (i) *Grade of trap arm.* The piping between a "P" trap and the fixture tee or the vented waste line shall be graded ¼ inch per foot towards the vent and in no event shall have a slope greater than its diameter. The vent opening at fixture tees shall not be below the weir of the "P" trap outlet. (ii) *Trap arm offset.* The piping between the "P" trap and vent may change direction or be offset horizontally with the equivalent of no more than 180 degrees total change in direction with a maximum of 90 degrees by any one fitting. (iii) *Concealed traps.* Traps with mechanical joints shall be accessible for repair and inspection. (iv) *Removability of Traps, Etc.* Traps shall be designed and installed so the "U" bend is removable without removing the strainers from the fixture. Continuous waste and tail pieces which are permanently attached to the "U" bend shall also be removable without removing the strainer from the fixture.

(b) *Cleanout openings.* (1) *Location of cleanout fittings.* (i) Cleanouts shall be installed if the drainage system cannot be cleaned through fixtures, drains, or vents. Cleanouts shall also be provided when fittings of more than 45 degrees are used to affect an offset, except where long turn elbows are used which provide sufficient "sweep" for cleaning. (ii) A full size cleanout shall be installed at the upper end of any section of drain piping which does not have the required minimum slope of ¼ inch per foot grade. (iii) A cleaning tool shall not be required to pass through more than 360 degrees of fittings, excluding removable "P" traps, to reach any part of the drainage system.

(2) *Access to cleanouts.* Cleanouts shall be accessible through an unobstructed minimum clearance of 12 inches directly in front of the opening. Each cleanout fitting shall open in a direction

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opposite to the flow or at right angles to the pipe. Concealed cleanouts that are not provided with access covers shall be extended to a point above the floor or outside of the mobile home, with pipe and fittings installed, as required, for drainage piping without sags and pockets.

(3) *Material.* Plugs and caps shall be brass or approved or listed plastic, with screw pipe threads.

(4) *Design.* Cleanout plugs shall have raised heads except that plugs at floor level shall have counter-sunk slots.

#### § 280.607 Plumbing fixtures.

(a) *General requirements.* (1) *Quality of fixtures.* Plumbing fixtures shall have smooth impervious surfaces, be free from defects and concealed fouling surfaces, be capable of resisting road shock and vibration, and shall conform in quality and design to listed standards. Fixtures shall be permanently marked with the manufacturer's name.

(2) *Strainers.* The waste outlet of all plumbing fixtures, other than toilets, shall be equipped with a drain fitting that will provide an adequate unobstructed waterway.

(3) *Fixture connections.* Fixture tailpieces and continuous wastes in exposed or accessible locations shall be not less than No. 20 Brown and Sharpe gage seamless drawn-brass tubing or other approved pipe or tubing materials. In accessible fixture connections shall be constructed according to the requirements for drainage piping. Each fixture tailpiece, continuous waste, or waste and overflow shall be not less than 1½ inches for sinks of two or more compartments, dishwashers, clothes washing machines, laundry tubs, bath tubs, and not less than 1¼ inches for lavatories and single compartment sinks having a 2 inch maximum drain opening.

(4) *Concealed connections.* Concealed slip joint connections shall be provided with adequately sized unobstructed access panels and shall be accessible for inspection and repair.

(5) *Directional fitting.* An approved or listed "Y" or other directional-type branch fitting shall be installed in every tailpiece or continuous waste that receives the discharge from food waste disposal units, dishwashing, or other forced-discharge fixture or appliance. (See also § 280.607(b)(4)(ii).)

(b) *Fixtures.* (1) *Spacing.* All plumbing fixtures shall be so installed with regard to spacing as to be reasonably accessible for their intended use.

(2) *Toilets.* (i) Toilets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl at each operation of the flushing mechanism. (ii) Toilet flushing devices shall be designed to replace the water seal in the bowl after each operation. Flush valves, flushometer valves, and ball cocks shall operate automatically to shut off at the end of each flush or when the tank is filled to operating capacity. (iii) Flush tanks shall be fitted with an overflow pipe

large enough to prevent flooding at the maximum flow rate of the ball cock. Overflow pipes shall discharge into the toilet, through the tank. (iv) Toilets that have fouling surfaces that are not thoroughly washed at each discharge shall be prohibited. Any toilet that might permit the contents of the bowl to be siphoned back into the water system shall be prohibited. (v) Floor connection. Toilets shall be securely bolted to an approved flange or other approved fitting which is secured to the floor by means of corrosion-resistant screws. The bolts shall be of solid brass or other corrosion-resistant material and shall be not less than ¼ inch in diameter. A watertight seal shall be made between the toilet and flange or other approved fitting by use of a gasket or sealing compound.

(3) *Shower compartment.* (i) Each compartment stall shall be provided with an approved watertight receptor with sides and back extending at least 1 inch above the finished dam or threshold. In no case shall the depth of a shower receptor be less than 2 inches or more than 9 inches measured from the top of the finished dam or threshold to the top of the drain. The wall area shall be constructed of smooth, noncorrosive, and nonabsorbent waterproof materials to a height not less than 6 feet above the floor level. Such walls shall form a watertight joint with each other and with the bathtub, receptor or shower floor. The floor of the compartment shall slope uniformly to the drain at not less than one-fourth nor more than one-half inch per foot. (ii) The joint around the drain connection shall be made watertight by a flange, clamping ring, or other approved listed means. (iii) Shower doors and tub and shower enclosures shall be constructed so as to be waterproof and, if glazed, glazing shall comply with the Standard for Transparent Safety Glazing Material used in Buildings (ANSI Z97.1-1972). (iv) Prefabricated plumbing fixtures shall be approved or listed.

(4) *Dishwashing machines.* (i) Dishwashing machine shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap installed above the machine. The drain connection from the air gap may connect to an individual trap, to a directional fitting installed in the sink tailpiece, or to the opening provided on the inlet side of a food waste disposal unit. (ii) Drain from a dishwashing machine shall not be connected to a sink tailpiece, continuous waste line, or trap on the discharge side of a food waste disposal unit. (5) *Clothes washing machines.* (i) Clothes washing machines shall drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor, or over the rim of a laundry tub. (ii) Standpipes shall be 1½ inches minimum nominal iron pipe size, 1½ inches diameter nominal brass tubing not less than No. 20 Brown and Sharpe gage, or 1½ inches approved plastic materials. Receptors shall discharge into a vented trap or shall be connected to a laundry tub tailpiece by means of an approved

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or listed directional fitting. Each standpipe shall extend not less than 18 inches or more than 30 inches above its trap and shall terminate in an accessible location no lower than the top of clothes washing machine. A removable tightfitting cap or plug shall be installed on the standpipe when clothes washer is not provided. (iii) Clothes washing machine drain shall not be connected to the tailpiece, continuous waste, or trap of any sink or dishwashing machine.

(c) *Installation.* (1) *Access.* Each plumbing fixture and standpipe receptor shall be located and installed in a manner to be accessible for usage, cleaning, repair and replacement.

(2) *Alignment.* Fixtures shall be set level and in true alignment with adjacent walls. Where practical, piping from fixtures shall extend to nearest wall.

(3) *Brackets.* Wall-hung fixtures shall be rigidly attached to walls by metal brackets or supports without any strain being transmitted to the piping connections. Flush tanks shall be securely fastened to toilets or to the wall with corrosion-resistant materials.

(4) *Tub supports.* Bathtub rims at wall shall be supported on metal hangers or on end-grain wood blocking attached to the wall unless otherwise recommended by the manufacturer of the tub.

#### § 280.608 Hangers and supports.

(a) *Strains and stresses.* Piping in a plumbing system shall be installed without undue strains and stresses, and provision shall be made for expansion, contraction, and structural settlement.

(b) *Piping supports.* Piping shall be secured at sufficiently close intervals to keep the pipe in alignment and carry the weight of the pipe and contents. Unless otherwise stated in the appendix the standards for specific materials shown in the Table in § 208.604(a), or unless specified by the pipe manufacturer, plastic drainage piping shall be supported at intervals not to exceed 4 feet and plastic water piping shall be supported at intervals not to exceed 3 feet.

(c) *Hangers and anchors.* (1) Hangers and anchors shall be of sufficient strength to support their proportional share of the pipe alignment and prevent rattling.

(2) Piping shall be securely attached to the structure by hangers, clamps, or brackets which provide protection against motion, vibration, road shock, or torque in the chassis.

(3) Hangers and straps supporting plastic pipe shall not compress, distort, cut or abrade the piping and shall allow free movement of the pipe.

#### § 280.609 Water distribution system.

(a) *Water supply.* (1) *Supply piping.* Piping systems shall be sized to provide an adequate quantity of water to each plumbing fixture at a flow rate sufficient to keep the fixture in a clean and sanitary condition without any danger of backflow or siphonage (See Table in 1424.090(f)).

(2) *Hot water supply.* Each mobile home equipped with a kitchen sink, and

bathtub and/or shower shall be provided with a hot water supply system including a listed water heater.

(b) *Water outlets and supply connections.* (1) *Water connection.* Each mobile home with a water distribution system shall be equipped with a ¾-inch threaded inlet connection located within the rear half of the length of the mobile home. This connection shall be tagged or marked "Fresh Water Connection" (or "Fresh Water Fill"). A matching cap or plug shall be provided to seal the water inlet when it is not in use, and shall be permanently attached to the mobile home or water supply piping. When a master cold water shutoff full flow valve is not installed on the main feeder line in an accessible location, the manufacturer's installation instructions shall indicate that such a valve is to be installed in the water supply line adjacent to the home. When a mobile home includes expandable rooms or is composed of two or more units, fittings or connectors designed for such purpose shall be provided to connect any water piping. When not connected, the water piping shall be protected by means of matching threaded caps or plugs.

(2) *Prohibited connections.* (i) The installation of potable water supply piping or fixture or appliance connections shall be made in a manner to preclude the possibility of backflow. (ii) No part of the water system shall be connected to any drainage or vent piping.

(3) *Rim outlets.* The outlets of faucets, spouts, and similar devices shall be spaced at least 1 inch above the flood level of the fixture.

(4) *Appliance connections.* Water supplies connected to clothes washing or dishwashing machines shall be protected by an approved or listed fixed air gap provided within the appliance by the manufacturer.

(5) *Flushometer valves or manually operated flush valves.* An approved or listed vacuum breaker shall be installed and maintained in the water supply line on the discharge side of a toilet flushometer valve or manually operated flush valve. Vacuum breakers shall have a minimum clearance of 6 inches above the flood level of the fixture to the critical level mark unless otherwise permitted in their approval.

(6) *Flush tanks.* Toilet flush tanks shall be equipped with an approved or listed anti-siphon ball cock which shall be installed and maintained with its outlet or critical level mark not less than 1 inch above the full opening of the overflow pipe.

(c) *Water heater safety devices.* (1) *Relief valves.* (i) All water heaters shall be installed with approved and listed fully automatic valve or valves designed to provide temperature and pressure relief. (ii) Any temperature relief valve or combined pressure and temperature relief valve installed for this purpose shall have the temperature sensing element immersed in the hottest water within the upper 6 inches of the tank. It shall be set to start relieving at a pressure of 150 psi

or the rated working pressure of the tank whichever is lower and at or below a water temperature of 210° F. (iii) Relief valves shall be provided with full-sized drains, with cross sectional areas equivalent to that of the relief valve outlet, which shall be directed downward and discharge beneath the mobile home. Drain lines shall be of a material listed for hot water distribution and shall drain fully by gravity, shall not be trapped, and shall not have their outlets threaded, and the end of the drain shall be visible for inspection.

(d) *Materials.* (1) *Piping material.* Water pipe shall be of standard weight brass, galvanized wrought iron, galvanized steel, Type K, L or M copper tubing, approved or listed plastic or other approved or listed material. (i) Plastic Piping. All plastic water piping and fittings in mobile homes must be approved or listed for use with hot water.

(2) *Fittings.* Appropriate fittings shall be used for all changes in size and where pipes are joined. The material and design of fittings shall conform to the type of piping used. Special consideration shall be given to prevent corrosion when dissimilar metals are joined. (i) Fittings for screw piping shall be standard weight galvanized iron for galvanized iron and steel pipe, and of brass for brass piping. They shall be installed where required for change in direction, reduction of size, or where pipes are joined together. (ii) Fittings for copper tubing shall be cast brass or drawn copper (sweat-soldered) or shall be approved or listed fittings for the purpose intended.

(3) *Prohibited material.* Used piping materials shall not be permitted. Those pipe dopes, solder fluxes, oils, solvents, chemicals, or other substances that are toxic, corrosive, or otherwise detrimental to the water system shall not be used. (e) *Installation of piping.* (1) *Minimum requirement.* All piping equipment, appurtenances, and devices shall be installed in workmanlike manner and shall conform with the provisions and intent of this standard.

(2) *Screw pipe.* Iron pipe-size brass or galvanized iron or steel pipe fittings shall be joined with approved or listed standard pipe threads fully engaged in the fittings. Pipe ends shall be reamed to the full bore of the pipe. Pipe-joint compound shall be insoluble in water, shall be nontoxic and shall be applied to male threads only.

(3) *Solder fittings.* Joints in copper water tube shall be made by the appropriate use of approved cast brass or wrought copper fittings, properly soldered together. The surface to be soldered shall be thoroughly cleaned bright mechanically. The joints shall be properly fluxed and made with approved solder.

(4) *Flared fittings.* A flaring tool shall be used to shape the ends of flared tubing to match the flare of fittings. (5) *Plastic pipe and fittings.* Plastic pipe and fittings shall be joined by installation methods recommended by the manufacturer or in accordance with provisions of a listed standard.

(f) *Size of water supply piping—(1) Minimum size.* The size of water supply piping and branch lines shall not be less than sizes shown in the following Table:

Number of fixtures	Tubing (nominal)		Pipe iron (4" size) (inches)
	Diameter (inches)	Outer diameter (inches)	
1	1 1/4	1 1/2	1 1/2
2	1 1/2	1 3/4	1 3/4
3	1 3/4	2	2
4	2	2 1/4	2 1/4
5 or more	2 1/4	2 1/2	2 1/2

1 6 ft maximum length.

*Exceptions to table:* ¾ inch nominal diameter or ½ inch OD minimum size for clothes washing or dishwashing machines, unless larger size is recommended by the fixture manufacturer. ½ inch nominal diameter or ¾ inch OD minimum size for flushometer or metering type valves unless otherwise specified in their listing. No galvanized screw piping shall be less than ½ inch iron pipe size.

(2) *Sizing procedure.* Both hot and cold water piping systems shall be computed by the following method: (i) *Size of branch.* Start at the most remote outlet on any branch of the hot or cold water piping and progressively count towards the water service connection, computing the total number of fixtures supplied along each section of piping. Where branches are joined together, the number of fixtures on each branch shall be tallied so that no fixture is counted twice. Following down the left-hand column of the preceding Table a corresponding number of fixtures will be found. The required pipe or tubing size is indicated in the other columns on the same line. (ii) A water heater, food waste disposal unit, evaporative cooler or ice maker shall not be counted as a water-using fixture when computing pipe sizes.

(g) *Line valves.* Valves, when installed in the water supply distribution system (except those immediately controlling one fixture supply) and when fully opened, shall have a cross-sectional area of the smallest orifice or opening, through which the water flows, at least equal to the cross-sectional area of the nominal size of the pipe in which the valve is installed.

(h) *Line valves.* Valves, when installed in the water supply distribution system (except those immediately controlling one fixture supply) and when fully opened, shall have a cross-sectional area of the smallest orifice or opening, through which the water flows, at least equal to the cross-sectional area of the nominal size of the pipe in which the valve is installed.

#### § 280.610 Drainage systems.

(a) *General.* (1) Each fixture directly connected to the drainage system shall be installed with a water seal trap (§ 208.606(a)).

(2) The drainage system shall be designed to provide an adequate circulation of air in all piping with no danger of siphonage, aspiration, or forcing of trap seals under conditions of ordinary use.

(b) *Materials—(1) Pipe.* Drainage piping shall be standard weight steel, wrought iron, brass, copper tube DWV, listed plastic, cast iron, or other listed or approved materials.

(2) *Fittings.* Drainage fittings shall be recessed drainage pattern with smooth interior waterways of the same diameter as the piping and shall be of a material conforming to the type of piping used. Drainage fittings shall be designed to provide for a ¼ inch per foot grade in horizontal piping. (i) Fittings for screw pipe shall be cast iron, malleable iron, brass, or listed plastic with standard pipe threads. (ii) Fittings for copper tubing shall be cast brass or wrought copper. (iii) Socket-type fittings for plastic piping shall comply with listed standards. (iv) Brass or bronze adaptor or wrought copper fittings shall be used to join copper tubing to threaded pipe.

(c) *Drain outlets—(1) Location of drain.* Each mobile home shall have only one drain outlet which shall terminate in the rear half section. A permanent marker, stating "Drain Outlet", shall be visibly located near the drain outlet.

(2) *Clearance from drain outlet.* The drain outlet shall be provided with a minimum clearance of 3 inches in any direction from all parts of the structure or appurtenances and with not less than 18 inches unrestricted clearance directly in front of the drain outlet.

(3) *Drain connector.* The drain connector shall not be smaller than the piping to which it is connected and shall be equipped with a water-tight cap or plug matching the drain outlet. The cap or plug shall be permanently attached to the mobile home or drain outlet.

(4) The drain outlet and drain connector shall not be less than 3 inches inside diameter.

(5) *Preassembly of drain lines.* Drain lines, provided by the manufacturer, located under the mobile home, designed to bring the drain system to one distribution point and which may be damaged in transit, must be designed for proper site assembly.

(d) *Fixture connections.* Drainage piping shall be provided with approved or listed inlet fittings for fixture connections, correctly located according to the size and type of fixture to be connected.

(1) *Toilet connection.* The drain connection for each toilet shall be 3 inches minimum inside diameter and shall be fitted with an iron, brass, or listed plastic floor flange adaptor ring securely screwed, soldered or otherwise permanently attached to the drain piping, in an approved manner and securely fastened to the floor.

(e) *Size of drainage piping—(1) Fixture load.* Except as provided by § 208.611 (d) (2), drain pipe sizes shall be determined by the type of fixture and the total number connected to each drain. (i) A 1½ inch minimum diameter piping shall be required for one and not more than three individually vented fixtures. (ii) A 2-inch minimum diameter piping shall be required for four or more fixtures individually vented. (iii) A 3-inch minimum diameter piping shall be required for toilets.

(f) *Wet-vented drainage system.* Plumbing fixture traps may connect into a wet-vented drainage system which shall be designed and installed to accom-

modate the passage of air and waste in the same pipe.

(1) *Horizontal piping.* All parts of a wet-vented drainage system, including the connected fixture drains, shall be horizontal except for wet-vented vertical risers which shall terminate with a 1½ inch minimum diameter continuous vent. Where required by structural design, wet-vented drain piping may be offset vertically when other vented fixture drains or relief vents are connected to the drain piping at or below the vertical offsets.

(2) *Size.* A wet-vented drain pipe shall be 2 inches minimum diameter and at least one pipe size larger than the largest connected trap or fixture drain. Not more than three fixtures may connect to a 2-inch diameter wet-vented drain system.

(3) *Length of trap arm.* Fixture traps shall be located within the distance given in § 208.611(c) (5). Not more than one trap shall connect to a trap arm.

(g) *Offsets and branch fittings—(1) Changes in direction.* Changes in direction of drainage piping shall be made by the appropriate use of approved or listed fittings, and shall be of the following angles: 11¼, 22½, 45, 60, or 90 degrees; or other approved or listed fittings or combination of fittings with equivalent radius or sweep.

(2) *Horizontal to vertical.* Horizontal drainage lines, connecting with a vertical pipe shall enter through 45-degree "Y" branches, 60-degree "Y" branches, long-turn "TY" branches, sanitary "T" branches, or other approved or listed fittings or combination of fittings having equivalent sweep. Fittings having more than one branch at the same level shall not be used, unless the fitting is constructed so that the discharge from any one branch cannot readily enter any other branch. However, a double sanitary "T" may be used when the drain line is increased not less than two pipe sizes.

(3) *Horizontal to horizontal and vertical to horizontal.* Horizontal drainage lines connecting with other horizontal drainage lines or vertical drainage lines shall enter through 45-degree "Y" branches, long-turn "TY" branches, or other approved or listed fittings or combination of fittings having equivalent sweep.

(h) *Grade of Horizontal Drainage Piping.* Except for fixture connections on the inlet side of the trap, horizontal drainage piping shall be run in practical alignment and have a uniform grade of not less than ¼ inch per foot toward the mobile home drain outlet. Where it is impractical, due to the structural features or arrangement of any mobile home, to obtain a grade of ¼ inch per foot, the pipe or piping may have a grade of not less than ⅛ inch per foot, when a full size cleanout is installed at the upper end.

#### § 280.611 Vents and venting.

(a) *General.* Each plumbing fixture trap shall be protected against siphonage and back pressure, and air circula-

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tion shall be ensured throughout all parts of the drainage system by means of vents installed in accordance with the requirements of this section and as otherwise required by this standard.

(b) **Materials.**—(1) *Pipe.* Vent piping shall be standard weight steel, wrought iron, brass, copper tube DWV, listed plastic, cast iron or other approved or listed materials.

(2) *Fittings.* Appropriate fittings shall be used for all changes in direction or size and where pipes are joined. The material and design of vent fittings shall conform to the type of piping used. (i) Fittings for screw pipe shall be cast iron, malleable iron, plastic, or brass, with standard pipe threads. (ii) Fittings for copper tubing shall be cast brass or wrought copper. (iii) Fittings for plastic piping shall be made to approved applicable standards. (iv) Brass adaptor fittings or wrought copper shall be used to join copper tubing to threaded pipe. (v) Listed rectangular tubing may be used for vent piping only providing it has an open cross section at least equal to the circular vent pipe required. Listed transition fittings shall be used.

(c) *Size of vent piping.*—(1) *Main vent.* The drain piping for each toilet shall be vented by a 1½ inch minimum diameter vent or rectangular vent of venting cross section equivalent to or greater than the venting cross section of a 1½ inch diameter vent, connected to the main drain by one of the following methods: (i) A 1½ inch diameter (min.) individual vent pipe or equivalent directly connected to the toilet drain within the distance allowed in § 208.611(c)(5), for 3-inch trap arms diminished in size through the roof. (ii) A 1½ inch diameter (min.) continuous vent, or equivalent, indirectly connected to the toilet drain piping through a 2-inch wet-vented drain that carries the waste of not more than one fixture, or, (iii) Two or more vented drains when at least one is wet-vented, or 2-inch diameter (minimum), and each drain is separately connected to the main drain. At least one of the drains shall connect downstream from the toilet within the distance allowed in § 208.611(c)(5) for 3-inch trap arms.

(d) *Anti-siphon trap vent.* An anti-siphon trap vent may be used as a secondary vent system for plumbing fixtures protected by traps not larger than 1½ inches, when installed in accordance with the manufacturers' recommendations and the following conditions: (i) Not more than two fixtures individually protected by the device shall be drained by a common 1½ inch drain. (ii) Minimum drain size for three or more fixtures individually protected by the device shall be 2 inches. (iii) A primary vent stack must be installed to vent the main drain at the point of heaviest drainage fixture unit loading. (iv) The device shall be installed in a location that permits a free flow of air and shall be accessible for inspection, maintenance, and replacement and the sealing function shall be at least 6 inches above the top of the trap arm.

(v) Materials for the anti-siphon trap vent shall be as follows: cap and housing shall be listed acrylonitrile-butadiene styrene, DWV grade; stem shall be DWV grade nylon or acetal; spring shall be stainless steel wire, type 302; sealing disc shall be neoprene, conforming to ASTM C 564-70, or, silicone rubber, low and high temperature and tear resistant, conforming to F.S. ZZ-R-765B and MIL-L-10547.

(e) *Grade and connections.*—(1) *Horizontal vents.* Each vent shall extend vertically from its fixture "T" or point of connection with the waste piping to a point not less than 6 inches above the extreme flood level of the fixture it is venting before offsetting horizontally or being connected with any other vent pipe. Vents for horizontal drains shall connect above the centerline of the drain piping ahead (downstream) of the trap. Where required by structural conditions, vent piping may offset below the rim of the fixture at the maximum angle or height possible.

(f) *Vent terminal.*—(1) *Roof extension.* Each vent pipe shall extend through its flashing and terminate vertically, undiminished in size, not less than 2 inches above the roof. Vent openings shall not be less than 3 feet away from any motor-driven air intake that opens into habitable areas.

(2) *Flashing.* The opening around each vent pipe shall be made watertight by an adequate flashing or flashing material. (g) *Vent caps.* Vent caps, if provided, shall be of the removable type (without removing the flashing from the roof). When vent caps are used for roof space ventilation and the caps are identical to vent caps used for the plumbing system, plumbing system caps shall be identified with permanent markings.

#### § 280.612 Test and inspection.

(a) *Water system.* All water piping in the water distribution system shall be subjected to a pressure test. The test shall be made by subjecting the system to air or water at 100 psi for 15 minutes without loss of pressure.

(b) *Drainage and vent system and plumbing fixtures.* The waste and vent system shall be tested by one of the three following alternate methods for evidence or indication of leakage:

(1) *Water test.* Before plumbing fixtures are connected, all of the openings into the piping shall be plugged and the entire piping system subjected to a static water test for 15 minutes by filling it with water to the top of the highest vent opening. There shall be no evidence of leakage.

(2) *Air test.* After all fixtures have been installed, the traps filled with water, and the remaining openings securely plugged, the entire system shall be subjected to a 2-inch (manometer) water column air pressure test. If the system loses pressure, leaks may be located with soap suds spread on the exterior of the piping (Bubble test).

(3) *Flood level test.* The mobile home shall be in a level position, all fixtures

shall be connected, and the entire system shall be filled with water to the rim of the toilet bowl. (Tub and shower drains shall be plugged). After all trapped air has been released, the test shall be sustained for not less than 15 minutes without evidence of leaks. Then the system shall be unplugged and emptied. The waste piping above the level of the toilet bowl shall then be tested and show no indication of leakage when the high fixtures are filled with water and emptied simultaneously to obtain the maximum possible flow in the drain piping.

(c) *Fixture test.* The plumbing fixtures and connections shall be subjected to a flow test by filling them with water and checking for leaks and retarded flow while they are being emptied.

(d) *Shower compartments.* Shower compartments and receptors shall be tested for leaks prior to being covered by finish material. Each pan shall be filled with water to the top of the dam for not less than 15 minutes.

#### Subpart H—Heating, Cooling and Fuel Burning Systems

##### § 280.701 Scope.

Subpart H of this standard covers the heating, cooling and fuel burning equipment installed within, on, or external to a mobile home.

##### § 280.702 Definitions.

(a) The definitions in this subpart apply to Subpart H only.

(1) "Accessible," when applied to a fixture, connection, appliance or equipment, means having access thereto, but which may require the removal of an access panel, door or similar obstruction.

(2) "Air Conditioner Blower Coil System" means a comfort cooling appliance where the condenser section is placed external to the mobile home and evaporator section with circulating blower attached to the mobile home air supply duct system. Provision must be made for a return air system to the evaporator/blower section. Refrigerant connection between the two parts of the system is accomplished by tubing.

(3) "Air Conditioner Split System" means a comfort cooling appliance where the condenser section is placed external to the mobile home and the evaporator section incorporated into the heating appliance or with a separate blower/coil section within the mobile home. Refrigerant connection between the two parts of the system is accomplished by tubing.

(4) "Air Conditioning Condenser Section" means that portion of a refrigerated air cooling or (in the case of a heat pump) heating system which includes the refrigerant pump (compressor) and the external heat exchanger.

(5) "Air Conditioning Evaporator Section" means a heat exchanger used to cool or (in the case of a heat pump) heat air for use in comfort cooling (or heating) the living space.

(6) "Air Conditioning Self Contained System" means a comfort cooling appliance combining the condenser section, evaporator and air circulating blower

into one unit with connecting ducts for the supply and return air systems.

(7) "Air Duct" means conduits or passageways for conveying air to or from heating, cooling, air conditioning or ventilation equipment, but not including the plenum.

(8) "Automatic Pump (Oil Lifter)" means a pump, not an integral part of the oil-burning appliance, that automatically pumps oil from the supply tank and delivers the oil under a constant head to an oil-burning appliance.

(9) "Btu, British Thermal Units" means the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

(10) "Btuh" means British thermal units per hour.

(11) "Burner" means a device for the final conveyance of fuel or a mixture of fuel and air to the combustion zone.

(12) "Central Air Conditioning System" means either an air conditioning split system or an external combination heating/cooling system.

(13) "Class 0 Air Ducts" means ducts of materials and connectors having a fire-hazard classification of zero.

(14) "Class 1 Air Ducts" means ducts of materials and connectors having a flame-spread rating of not over 25 without evidence of continued progressive combustion and a smoke-developed rating of not over 50.

(15) "Class 2 Air Ducts" means ducts of materials and connectors having a flame-spread rating of not over 50 without evidence of continued progressive combustion and a smoke-developed rating of not over 50 for the inside surface and not over 100 for the outside surface.

(16) "Clearance" means the distance between the appliance, chimney, vent, chimney or vent connector or plenum and the nearest surface.

(17) "Connector—Gas Appliance" means a flexible or semi-rigid connector listed as conforming to ANSI Standard Z21.24, Metal Connectors for Gas Appliance, used to convey fuel gas, three feet or less in length (six feet or less for gas ranges), between a gas outlet and a gas appliance in the same room with the outlet.

(18) "Energy Efficiency Ratio (EER)" means the ratio of the cooling capacity output of an air conditioner for each unit of power input.

$$EER = \frac{\text{Capacity (Btuh)}}{\text{Power input (watts)}}$$

(19) "External Combination Heating/Cooling System" means a comfort conditioning system placed external to the mobile home with connecting ducts to the mobile home for the supply and return air systems.

(20) "Factory-Built Fireplace" means a hearth, fire chamber and chimney assembly composed of listed factory-built components assembled in accordance with the terms of listing to form a complete fireplace.

(21) "Fireplace Stove" means a chimney connected solid fuel-burning stove having part of its fire chamber open to the room.

(22) "Fuel Gas Piping System" means the arrangement of piping, tubing, fittings, connectors, valves and devices designed and intended to supply or control the flow of fuel gas to the appliance(s).

(23) "Fuel Oil Piping System" means the arrangement of piping, tubing, fittings, connectors, valves and devices designed and intended to supply or control the flow of fuel oil to the appliance(s).

(24) "Gas Clothes Dryer" means a device used to dry wet laundry by means of heat derived from the combustion of fuel gases.

(25) "Gas Refrigerator" means a gas-burning appliance which is designed to extract heat from a suitable chamber.

(26) "Gas Supply Connection" means the terminal end or connection to which a gas supply connector is attached.

(27) "Gas Supply Connector, Mobile Home" means a listed flexible connector designed for connecting the mobile home to the gas supply source.

(28) "Gas Vents" means factory-built vent piping and vent fittings listed by an approved testing agency, that are assembled and used in accordance with the terms of their listings, for conveying flue gases to the outside atmosphere. (i) "Type B Gas Vent" means a gas vent for venting gas appliances with draft hoods and other gas appliances listed for use with Type B Gas Vents. (ii) "Type BW Gas Vent" means a gas vent for venting listed gas-fired vented wall furnaces.

(29) "Heat Producing Appliance" means all heating and cooking appliances and fuel burning appliances.

(30) "Heating Appliance" means an appliance for comfort heating or for domestic water heating.

(31) *Liquefied Petroleum Gases.* The terms "Liquefied petroleum gases," "LPG" and "LP-Gas" as used in this standard shall mean and include any material which is composed predominantly of any of the following hydrocar-

bons, or mixtures of them: propane, propylene butanes (normal butane or isobutane), and butylenes.

(32) "Plenum" means an air compartment which is part of an air-distributing system, to which one or more ducts or outlets are connected. (i) Furnace supply plenum is a plenum attached directly to, or an integral part of, the air supply outlet of the furnace. (ii) Furnace return plenum is a plenum attached directly to, or an integral part of, the return inlet of the furnace.

(33) "Quick-Disconnect Device" means a hand-operated device which provides a means for connecting and disconnecting a gas supply or connecting gas systems and which is equipped with an automatic means to shut off the gas supply when the device is disconnected.

(34) "Readily Accessible" means direct access without the necessity of removing any panel, door, or similar obstruction.

(35) "Roof Jack" means that portion of a mobile home heater flue or vent assembly, including the cap, insulating means, flashing, and ceiling plate, located in and above the roof of a mobile home.

(36) "Sealed Combustion System Appliance" means an appliance which by its inherent design is constructed so that all air supplied for combustion, the combustion system of the appliance, and all products of combustion are completely isolated from the atmosphere of the space in which it is installed.

(37) "Water Heater" means an appliance for heating water for domestic purposes other than for space heating.

#### § 280.703 Minimum standards.

Heating, cooling and fuel burning appliances and systems in mobile homes shall be free of defects and shall conform to applicable standards in the following table unless otherwise specified in this standard. (See § 280.4).

Type	ANSI	UL	Other standards
<b>Appliances:</b>			
Air conditioners, central cooling		465	
Liquid fuel-burning heating appliances for mobile homes and travel trailers	A147.1-1969	307(A-1969)	
Electric Air Heater	1025		
Electric baseboard Heating Equipment	1042		
Electric Central Air-Heating Equipment	1066		
Gas-heating appliances for mobile homes and travel trailers		307(b)-1965	
Gas clothes dryers	Z21.5.1-1972		
	Z21.5.1a-1973		
	Z21.6.1b-1974		
Commercial gas-fired and electrically-heated hot water generating equipment	Z21.40.1-1973		NSF 3-1959
Gas-fired absorption summer air conditioning appliances	Z21.40.1b-1974		
Gas-fired gravity and forced air central furnaces	Z21.47-1973		
Gas-fired gravity and fan-type sealed combustion system wall furnaces	Z21.47a-1974		
	Z21.44-1973		
	Z21.44a-1974		
	Z21.44b-1973		
Commercial cooking and warming equipment		NSF 4-1967	
Household cooking gas appliances	Z21.1-1972		
	Z21.1a-1974		
Refrigerators using gas fuel	Z21.19-1971		
	Z21.19a-1972		
	Z21.19b-1973		
Automatic storage type water heaters with input less than 75,000 Btuh	Z21.10.1-1974		
Heating equipment, electric central air	Z21.10.1a-1975		
Heat pumps	1066		
Ferrous pipe and fittings:			
Black and hot dipped zinc-coated (galvanized) welded and seamless steel pipe for ordinary uses			ASTM A126-1972a; WW-1-460D-1973
Electric-resistance welded coiled steel tubing for gas and fuel oil lines	B2.1-1968		ASTM A539-1973
Pipe threads	B36.10-1970		
Wrought steel and wrought iron pipe			



Type	ANSI	UL	Other standards
<b>Nonferrous pipe, tubing, and fittings:</b>			
Seamless copper water tube.....			ASTM B88—1973
Seamless copper tube for air conditioning and refrigeration field service.....			ASTM B280—1973
Metal connectors for gas appliances.....	Z21.21—1973		
Manually operated gas valves.....	Z21.15—1974		
Trailer standard for coated flexible metal gas connectors for exterior use.....			IAPMO TSC 9—1972
Wrought seamless copper and copper alloy tube.....			ASTM B251—1971
Seamless copper pipe, standard size.....			ASTM B42—1972, WW-P-377D—1962
<b>Miscellaneous:</b>			
Air ducts.....			181—1972
Flame tests of flame-resistant fabrics.....			219—1971
Tube fittings for flammable and combustible fluids and refrigeration service.....			109—1972
LP-Gas containers and accessories.....			ASME, DOT
Pigtails, expansion coils, and flexible hose connectors for liquefied petroleum gas.....			569—1973
Roof jacks for trailer coaches.....			311—1971
Relief valves and automatic gas shutoff devices for hot water supply systems.....	Z21.22—1971, Z21.23—1972, Z21.23—1974		
Automatic gas ignition systems and components.....	Z21.20—1971, Z21.20—1972, Z21.20—1974		
Automatic valves for gas appliances.....	Z21.21—1971		
Gas appliance thermostats.....	Z21.23—1974		
Gas vents.....	A131.2—1973, A131.1—1971, A131.3—1971		441—1973, 103—1971, 127—1971
Factory-built chimneys.....	A131.1—1971		GAL
Factory-built fireplaces.....	A131.3—1971		NFPA No. 31—1974
Installation of oil burning equipment.....	A95.1—1971		NFPA No. 54—1971
Installation of gas appliances, gas piping in buildings.....	Z223.1—1971		NFPA No. 54—1971, 90B—1973
Resident type warm air heating and air conditioning.....			NFPA No. 90B—1973
Tests for flammability of plastic materials for parts in devices and appliances.....			94—1971
Storage and handling of liquefied petroleum gas.....	A106.1—1974		NFPA No. 55—1971

#### § 280.704 Fuel supply systems.

(a) **LP-Gas system design and service line pressure.**—(1) Systems shall be of the vapor-withdrawal type.

(2) Gas, at a pressure not over 14 inches water column ( $\frac{1}{2}$  psi), shall be delivered from the system into the gas supply connection.

(b) **LP-Gas Containers.**—(1) **Maximum capacity.** No more than two containers having an individual water capacity of not more than 105 pounds (approximately 45 pounds LP-Gas capacity), shall be installed on or in a compartment of any mobile home.

(2) **Construction of containers.** Containers shall be constructed and marked in accordance with the specifications for LP-Gas Containers of the U.S. Department of Transportation (DOT) or the Rules for Construction of Unfired Pressure Vessels, Section VIII, Division 1, ASME Boiler and Pressure Vessel Code. ASME Containers shall have a design pressure of at least 312.5 psig. (i) Container supply systems shall be arranged for vapor withdrawal only. (ii) Container openings for vapor withdrawal shall be located in the vapor space when the container is in service or shall be provided with a suitable internal withdrawal tube which communicates with the vapor space in or near the highest point in the container when it is mounted in service position, with the vehicle on a level surface. Containers shall be permanently and legibly marked in a conspicuous manner on the outside to show the correct mounting position and the position of the service outlet connection. The method of mounting in place shall be such as to minimize the possibility of an incorrect positioning of the container.

(3) **Location of LP-Gas Containers and Systems.** (i) LP-Gas Containers shall not be installed, nor shall provisions be made for installing or storing any LP-Gas container, even temporarily, inside any mobile home except for listed, completely self-contained hand torches, lanterns, or similar equipment with containers having a maximum water capacity of not more than  $2\frac{1}{2}$  pounds (approximately one pound LP-Gas capacity). (ii) Containers, control valves, and regulating equipment, when installed, shall be mounted on the "A" frame of the mobile home, or installed in a compartment that is vaportight to the inside of the mobile home and accessible only from the outside. The compartment shall be ventilated at top and bottom to facilitate diffusion of vapors. The compartment shall be ventilated with two vents having an aggregate area of not less than two percent of the floor area of the compartment and shall open unrestricted to the outside atmosphere. The required vents shall be equally distributed between the floor and ceiling of the compartment. If the lower vent is located in the access door or wall, the bottom edge of the vent shall be flush with the floor level of the compartment. The top vent shall be located in the access door or wall with the bottom of the vent not more than 12 inches below the ceiling level of the compartment. All vents shall have an unrestricted discharge to the outside atmosphere. Access doors or panels of compartments shall not be equipped with locks or require special tools or knowledge to open. (iii) Permanent and removable fuel containers shall be securely mounted to prevent jarring loose, slipping or rotating and the fastenings shall be designed and constructed to

withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with fuel, using a safety factor of not less than four based on the ultimate strength of the material to be used.

(4) **LP-Gas Container Valves and Accessories.** (i) Valves in the assembly of a two-cylinder system shall be arranged so that replacement of containers can be made without shutting off the flow of gas to the appliance(s). This provision is not to be construed as requiring an automatic change-over device. (ii) Shutoff valves on the containers shall be protected as follows, in transit, in storage, and while being moved into final utilization by setting into a recess of the container to prevent possibility of their being struck if container is dropped upon a flat surface, or by ventilated cap or collar, fastened to the container, capable of withstanding a blow from any direction equivalent to that of a 30-pound weight dropped 4 feet. Construction shall be such that the blow will not be transmitted to the valve. (iv) Regulators shall be connected directly to the container shutoff valve outlets or mounted securely by means of a support bracket and connected to the container shutoff valve or valves with listed high pressure connections. If the container is permanently mounted the connector shall be as required above or with a listed semi-rigid tubing connector.

(5) **LP-Gas Safety Devices.** (i) DOT containers shall be provided with safety relief devices as required by the regulations of the U.S. Department of Transportation. ASME containers shall be provided with relief valves in accordance with Subsection 221 of the Standard for the Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58-1974; ANSI Z106.1-1974). Safety relief valves shall have direct communication with the vapor space of the vessel. (ii) The delivery side of the gas pressure regulator shall be equipped with a safety relief device set to discharge at a pressure not less than two times and not more than three times the delivery pressure of the regulator. (iii) Systems mounted on the "A" frame assembly shall be so located that the discharge from the safety relief devices shall be into the open air and not less than three feet horizontally from any opening into the mobile home below the level of such discharge. (iv) Safety relief valves located within liquefied petroleum gas container compartments may be less than three feet from openings provided the bottom vent of the compartment is at the same level or lower than the bottom of any opening into the vehicle, or the compartment is not located on the same wall plane as the opening(s) and is at least two feet horizontally from such openings.

(6) **LP-Gas System Enclosure and Mounting.** (i) Housings and enclosures shall be designed to provide proper ventilation at least equivalent to that specified in § 280.704(b)(3)(ii). (ii) Doors, hoods, domes, or portions of housings and enclosures required to be removed or

opened for replacement of containers shall incorporate means for clamping them firmly in place and preventing them from working loose during transit. (iii) Provisions shall be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit. (iv) Containers shall be mounted on a substantial support or a base secured firmly to the vehicle chassis. Neither the container nor its support shall extend below the mobile home frame.

(c) **Oil Tanks.**—(1) **Installation.** Oil tanks and listed automatic pumps (oil lifters) installed for gravity flow of oil to heating equipment shall be installed so that the top of the tank is no higher than 8 feet above the appliance oil control and the bottom of the tank is not less than 18 inches above the appliance oil control.

(2) **Auxiliary Oil Storage Tank.** Oil supply tanks affixed to a mobile home shall be so located as to require filling and draining from the outside and shall be in a place readily available for inspection. If the fuel supply tank is located in a compartment of a mobile home, the compartment shall be ventilated at the bottom to permit diffusion of vapors and shall be insulated from the structural members of the body. Tanks so installed shall be provided with an outside fill and vent pipe and an approved liquid level gage.

(3) **Shutoff Valve.** A readily accessible, approved manual shutoff valve shall be installed at the outlet of an oil supply tank. The valve shall be installed to close against the supply.

(4) **Fuel Oil Filters.** All oil tanks shall be equipped with an approved oil filter or strainer located downstream from the tank shutoff valve. The fuel oil filter or strainer shall contain a sump with a drain for the entrapment of water.

#### § 280.705 Gas piping systems.

(a) **General.** The requirements of this Section shall govern the installation of all fuel gas piping attached to any mobile home. Gas delivered into the gas supply system shall be at a pressure not exceeding 14 inch water column ( $\frac{1}{2}$  psi)

and not less than 7 inch water column ( $\frac{1}{4}$  psi). None of the requirements listed in this Section shall apply to the piping supplied as a part of an appliance. All exterior openings around piping, ducts, plenums or vents shall be sealed to resist the entrance of rodents.

(b) **Materials.** All materials used for the installation, extension, alteration, or repair of any gas piping system shall be new and free from defects or internal obstructions. It shall not be permissible to repair defects in gas piping or fittings. Inferior or defective materials shall be removed and replaced with acceptable material. The system shall be made of materials having a melting point of not less than 1,450° F, except as provided in § 280.705(c). They shall consist of one or more of the materials described in § 280.705(b) (1) through (4).

(1) Steel or wrought-iron pipe shall comply with ANSI Standard B36.10-1970 for Wrought-Steel and Wrought-Iron Pipe. Threaded brass pipe in iron pipe sizes may be used. Threaded brass pipe shall comply with Standard Sizes and Specifications for Seamless Red Brass Pipe (ASTM B43-66).

(2) Fittings for gas piping shall be wrought iron, malleable iron, steel, or brass (containing not more than 75 percent copper).

(3) Copper tubing shall be annealed type, Grade K or L, conforming to the Specifications for Seamless Copper Water Tube (ASTM B88-72), or shall comply with the Specifications for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B280-73. When used on systems designed for natural gas, such tubing shall be internally tinned.

(4) Steel tubing shall have a minimum wall thickness of 0.032 inch for tubing of  $\frac{1}{2}$  inch diameter and smaller and 0.049 inch for diameters  $\frac{1}{2}$  inch and larger. Steel tubing shall be constructed in accordance with ASTM Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines (ASTM A539-73), and shall be externally corrosion protected.

(c) **Piping design.** Each mobile home requiring fuel gas for any purpose shall

be equipped with a fuel gas piping system that is designed for LP-Gas only or with a natural gas piping system acceptable for LP-Gas.

(1) Where fuel gas piping is to be installed in both portions of an expandable or dual mobile home, the design and construction of the crossover shall be as follows: (i) There shall be only one point of crossover which shall be readily accessible from the exterior of the mobile home. (ii) The connector between units shall be a listed type for exterior use, sized in accordance with § 280.705(d). (iii) The connection shall be made by a listed "quick disconnect" device which shall be designed to provide a positive seal of the supply side of the gas system when such device is separated. (iv) The flexible connector and "quick disconnect" device shall be provided with protection from mechanical and impact damage and located to minimize the possibility of tampering. (v) Suitable protective coverings for the "quick disconnect" device, when separated, shall be permanently attached to the device or flexible connector. (vi) A 3 inch by  $1\frac{1}{4}$  inch minimum size tag made of etched, metal-stamped or embossed brass, stainless steel, anodized or clad aluminum not less than 0.020 inch thick, or other approved material (e.g., 0.005 inch plastic laminates) shall be permanently attached on the exterior wall adjacent to the access to the "quick disconnect" device. Each tag shall be legibly inscribed with the following information using letters no smaller than  $\frac{1}{4}$  inch high:

Do Not Use Tools to Separate the "Quick-Disconnect" Device.

(d) **Gas Pipe Sizing.** Gas piping systems shall be sized so that the pressure drop to any appliance inlet connection from any gas supply connection, when all appliances are in operation at maximum capacity, is not more than 0.5 inch water column as determined on the basis of test, or in accordance with the following Table. The natural gas supply connection(s) shall be not less than the size of the gas piping but shall be not smaller than  $\frac{3}{4}$  inch nominal pipe size.

V  
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XUM



## Part I

Maximum Capacity of Different Sizes of Pipe and Tubing in Thousands of Btu's Per Hour of Natural Gas For Gas Pressures of 0.5 Psig or Less and a Maximum Pressure Drop of 1/2 Inch Water Column

Iron Pipe Sizes												Tubing											
Length in Feet												Length in Feet											
I.D.	10	20	30	40	50	60	70	80	90	100	O.D.	10	20	30	40	50	60	70	80	90	100		
¼"	43	27	24	20	18	16	15	14	13	12	⅜"	27	18	15	13	11	10	9	9	8	8		
⅜"	95	65	52	45	40	36	33	31	29	27	½"	56	38	31	26	23	21	19	18	17	16		
½"	175	120	97	82	73	66	61	57	53	50	⅝"	113	78	62	53	47	43	39	37	34	33		
¾"	360	250	200	170	151	138	125	118	110	103	¾"	197	136	109	93	83	75	69	64	60	57		
1"	660	465	375	320	285	260	240	220	215	195	⅞"	280	193	155	132	117	106	98	91	85	81		
Part II																							
Maximum Capacity of Different Sizes of Pipe and Tubing in Thousands of Btu's Per Hour of Undiluted Liquefied Petroleum Gas Based on a Maximum Pressure Drop of ½ Inch Water Column																							
Iron Pipe												Tubing											
Length in Feet												Length in Feet											
I.D.	10	20	30	40	50	60	70	80	90	100	O.D.	10	20	30	40	50	60	70	80	90	100		
¼"	67	46	37	31	28	25	23	21	20	19	⅜"	39	26	21	19	—	—	—	—	—	—		
⅜"	147	101	81	70	62	55	51	48	45	42	½"	92	62	50	41	37	35	31	29	27	26		
½"	275	189	152	129	114	103	96	89	83	78	⅝"	199	131	107	90	79	72	67	62	59	55		
¾"	567	393	315	267	237	217	196	185	173	162	¾"	329	216	181	145	131	121	112	104	95	90		
1"	1071	732	590	504	448	400	376	346	322	307	⅞"	501	346	277	233	198	187	164	155	146	138		

(e) *Joints for Gas Pipe.* All pipe joints in the piping system, unless welded or brazed, shall be threaded joints that comply with ANSI Standard Pipe Threads (Except Dryseal) B2.1—1968. Right and left nipples or couplings shall not be used. Unions, if used, shall be of ground joint type. The material used for welding or brazing pipe connections shall have a melting temperature in excess of 1,000 F.

(f) *Joints for Tubing.* (1) Tubing joints shall be made with either a single or a double flare of 45 degrees in accordance with SAE Standard J 533A or with other listed vibration-resistant fittings, or joints may be brazed with material having a melting point exceeding 1,000 F. Metallic ball sleeve compression-type tubing fittings shall not be used.

(2) Steel tubing joints shall be made with a double-flare in accordance with SAE Standard J 533A.

(g) *Pipe Joint Compound.* Screw joints shall be made up tight with listed pipe joint compound, insoluble in liquefied petroleum gas, and shall be applied to the male threads only.

(h) *Concealed Tubing.* Tubing shall not be run inside walls, floors, partitions, or roofs. Where tubing passes through walls, floors, partitions, roofs, or similar installations, such tubing shall be protected by the use of weather resistant grommets that shall snugly fit both the tubing and the hole through which the tubing passes.

(i) *Concealed Joints.* Piping or tubing joints shall not be located in any floor, wall partition, or similar concealed construction space.

(j) *Location of gas supply connection.* (1) For LP-Gas-only systems the supply connection shall be located at the "A" frame, container recess, or in the rear half of the total length of the mobile home and within 18 inches from the left (road) side wall, and should be as close as possible to a point 30 feet from the front of the mobile home.

(2) For combination LP-Gas and natural gas systems, the natural gas supply connection shall be located under the rear half of the total length of the mobile home and within 24 inches of the left

(road) side wall and be located as close as possible to a point 30 feet from the front of the mobile home. The natural gas supply connection shall not be located beneath any exit door. An additional connection, if used, shall be located at the "A" frame. The system shall be sized to provide adequate capacity from either supply connection for natural gas.

(k) *Identification of gas supply connections.* Each mobile home shall have permanently affixed to the exterior skin at or near each gas supply connection or the end of the pipe, a tag of 3 inches by 1 3/4 inches minimum size, made of etched, metal-stamped or embossed brass, stainless steel, anodized or alclad aluminum not less than 0.020 inch thick, or other approved material (e.g., 0.005 inch plastic laminates), which reads (as appropriate) in accordance with one of the following label designs depending upon the fuel used. The connector capacity indicated on this tag shall be equal to or greater than the total Btuh rating of all intended gas appliances.

## LP-Gas System

This gas piping system is designed for use of liquefied petroleum gas only.

DO NOT CONNECT NATURAL GAS TO THIS SYSTEM.

CONTAINER SHUTOFF VALVES SHALL BE CLOSED DURING TRANSIT.

When connecting to lot outlet, use a listed gas supply connector

for mobile homes rated at ☐ 100,000 Btuh or more,  
☐ 250,000 Btuh

Before turning on gas, make certain all gas connections have been made tight, all appliance valves are turned off, and any unconnected outlets are capped.

After turning on gas, test gas piping and connections to appliances for leakage with soapy water or bubble solution, and light all pilots.

## Combination LP-Gas and Natural Gas System

This gas piping system is designed for use of either liquefied petroleum gas or natural gas.

NOTICE: BEFORE TURNING ON GAS BE CERTAIN APPLIANCES ARE DESIGNED FOR THE GAS CONNECTED AND ARE EQUIPPED WITH CORRECT ORIFICES. SECURELY CAP THIS INLET WHEN NOT CONNECTED FOR USE.

When connecting to lot outlet, use a listed gas supply connector

for mobile homes rated at ☐ 100,000 Btuh or more,  
☐ 250,000 Btuh

Before turning on gas, make certain all gas connections have been made tight, all appliance valves are turned off, and any unconnected outlets are capped.

After turning on gas, test gas piping and connections to appliances for leakage with soapy water or bubble solution, and light all pilots.

(1) *Gas supply connectors.*—(1) *LP-Gas.* A listed LP-Gas flexible connector conforming to the UL Standard for Pig-tails, Expansion Coils and Flexible Hose Connectors for LP-Gas (UL 569—1973) or equal shall be supplied when the fuel gas piping system is designed for the use of LP-Gas and cylinder(s) and regulator(s) are supplied.

(2) *Appliance connections.* All gas burning appliances shall be connected to the fuel piping. Materials as provided in § 1425.051(b) or listed appliance connectors shall be used. Listed appliance connectors when used shall not run through walls, floors, ceilings or partitions. Connectors of aluminum shall not be used outdoors. A mobile home containing an LPG or combination LP-natural-gas-system may be provided with a gas outlet to supply exterior appliances when installed in accordance with the following: (i) No portion of the completed in-

stallation shall project beyond the wall of the mobile home. (ii) The outlet shall be provided with an approved "quick-disconnect" device, which shall be designed to provide a positive seal on the supply side of the gas system when the appliance is disconnected. A shutoff valve shall be installed immediately upstream of the quick-disconnect device. The complete device shall be provided as part of the original installation. (iii) Protective caps or plugs for the "quick-disconnect" device, when disconnected, shall be permanently attached to the mobile home adjacent to the device. (iv) A tag shall be permanently attached to the outside of the exterior wall of the mobile home as close as possible to the gas supply connection. The tag shall indicate the type of gas and the Btuh capacity of the outlet and shall be legibly inscribed as follows:

THIS OUTLET IS DESIGNED FOR USE WITH GAS PORTABLE APPLIANCES WHOSE TOTAL INPUT DO NOT EXCEED \_\_\_\_\_ BTUH. REPLACE PROTECTIVE COVERING OVER CONNECTOR WHEN NOT IN USE.

(3) *Valves.* A shutoff valve shall be installed in the fuel piping at each gas appliance inside the mobile home structure, upstream of the union or connector in addition to any valve on the appliance and so arranged and located to permit removal and servicing of the appliance. The shutoff valve shall be located within 6 feet of a cooking appliance and within 3 feet of any other appliance. A shutoff valve may serve more than one appliance if located as required above. Shutoff valves used in connection with gas piping shall be of a type designed and listed for use on LP-Gas.

(4) *Gas Piping System Openings.* All openings in the gas piping system shall be closed gas-tight with threaded pipe plugs or pipe caps.

(5) *Electrical Ground.* Gas piping shall not be used for an electrical ground.

(6) *Couplings.* Pipe couplings and unions shall be used to join sections of threaded piping. Right and left nipples or couplings shall not be used.

(7) *Hangers and Supports.* All gas piping shall be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than 4 feet, except where adequate support and protection is provided by structural members. Solid-iron-pipe gas supply connection(s) shall be rigidly anchored to a structural member within 6 inches of the supply connection(s).

(8) *Testing for Leakage.* (i) Before appliances are connected, piping systems shall stand a pressure of at least six inches mercury or three PSI gage for a period of not less than ten minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or slope gage calibrated so as to be read in increments of not greater than one-tenth pound, or an equivalent device. The source of normal operating pressure shall be isolated before the pressure tests are made. Before a test is begun, the temperature of the ambient air and of the piping shall be approximately the same, and constant air temperature be maintained throughout the test. (ii) After appliances are connected, the piping system shall be pressurized to not less than 10 inches nor more than 14 inches water column and the appliance connections tested for leakage with soapy water or bubble solution.

## § 230.706 Oil Piping Systems.

(a) *General.* The requirements of this Section shall govern the installation of all liquid fuel piping attached to any mobile home. None of the requirements listed in this Section shall apply to the piping in the appliance(s).

(b) *Materials.* All materials used for the installation extension, alteration, or repair, of any oil piping systems shall be new and free from defects or internal obstructions. The system shall be made of materials having a melting point of not



less than 1,450 F. except as provided in § 280.506(d). They shall consist of one or more of the materials described in § 280.706(b) (i) through (iv). (i) Steel or wrought-iron pipe shall comply with American National Standard for Wrought-Steel or Wrought-Iron Pipe, B36.10-1970. Threaded copper or brass pipe in iron pipe sizes may be used. (ii) Fittings for oil piping shall be wrought iron, malleable iron, steel, or brass (containing not more than 75 percent copper). (iii) Copper tubing shall be annealed type, Grade K or L conforming to the Specifications for Seamless Copper Water Tube (ASTM B88-72), or shall comply with the specifications for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B280-73. (iv) Steel tubing shall have a minimum wall thickness of 0.032 inch for diameters up to  $\frac{1}{2}$  inch and 0.049 inch for diameters  $\frac{1}{2}$  inch and larger. Steel tubing shall be constructed in accordance with the Specification for Electric-Resistance Welded Coiled Steel Tubing for Gas and Fuel Oil Lines (ASTM A539-73) and shall be externally corrosion protected.

(c) *Size of Oil Piping.* The minimum size of all fuel oil tank piping connecting outside tanks to the appliance shall be no smaller than  $\frac{3}{8}$  inch OD copper tubing or  $\frac{1}{4}$  inch IPS. If No. 1 fuel oil is used with a listed automatic pump (fuel lifter), copper tubing shall be sized as specified by the pump manufacturer.

(d) *Joints for Oil Piping.* All pipe joints in the piping system, unless welded or brazed, shall be threaded joints which comply with American National Standard for Pipe Threads (Except Dryseal), B2.1-1963. The material used for brazing pipe connection shall have a melting temperature in excess of 1,000 F.

(e) *Joints for Tubing.* Joints in tubing shall be made with either a single or double flare of the proper degree, as recommended by the tubing manufacturer, by means of listed tubing fittings, or brazed with materials having a melting point in excess of 1,000 F.

(f) *Pipe joint compound.* Threaded joints shall be made up tight with listed pipe joint compound which shall be applied to the male threads only.

(g) *Couplings.* Pipe couplings and unions shall be used to join sections of threaded pipe. Right and left nipples or couplings shall not be used.

(h) *Grade of piping.* Fuel oil piping installed in conjunction with gravity feed systems to oil heating equipment shall slope in a gradual rise upward from a central location to both the oil tank and the appliance in order to eliminate air locks.

(i) *Strap hangers.* All oil piping shall be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than 4 feet, except where adequate support and protection is provided by structural members. Solid-iron-pipe oil supply connection(s) shall be rigidly anchored to a structural member within 6 inches of the supply connection(s).

(j) *Testing for leakage.* Before setting the system in operation, tank installations and piping shall be checked for oil leaks with fuel oil of the same grade that will be burned in the appliance. No other material shall be used for testing fuel oil tanks and piping. Tanks shall be filled to maximum capacity for the final check for oil leakage.

#### § 280.707 Heat-producing appliances.

(a) Heat-producing appliances and vents, roof jacks and chimneys necessary for their installation in mobile homes shall be listed or certified by a nationally recognized testing agency for use in mobile homes.

(1) A mobile home shall be provided with a comfort heating system. (i) When a mobile home is manufactured to contain a heating appliance, the heating appliance shall be installed by the manufacturer of the mobile home in compliance with applicable sections of this subpart. (ii) When a mobile home is manufactured for field application of an external heating or combination heating/cooling appliance, preparation of the mobile home for this external application shall comply with the applicable sections of this part.

(2) After the effective date specified herein gas and oil burning comfort heating appliances shall have a flue loss of not more than that specified below, and a thermal efficiency of not less than that specified in nationally recognized standards. (See 2527.3)

Effective date:	Maximum allowable flue loss—
Jan. 1, 1977.....	25 percent
Jan. 1, 1978.....	30 percent

(b) Fuel-burning heat-producing appliances and refrigeration appliances except ranges and ovens, shall be of the vented type and vented to the outside.

(c) Fuel-burning appliances shall not be converted from one fuel to another fuel unless converted in accordance with the terms of their listing and the appliance manufacturer's instructions.

(d) *Performance Efficiency.* (1) All automatic electric storage water heaters shall have a standby loss not exceeding 43 watts/meter<sup>2</sup> (4 watts/FT<sup>2</sup>) of tank surface area effective January 1, 1977. The method of test for standby loss shall be as described in Section 4.3.1 of ANSI C72.1-72.

(2) All gas and oil-fired automatic storage water heaters shall have a recovery efficiency, E<sub>r</sub>, and a standby loss, S, as described below, effective January 1, 1977. The method of test of E<sub>r</sub> and S shall be as described in Section 2.7 of ANSI Z21.10.1-1974, except that for oil-fired units, CF=1.0, Q=total gallons of oil consumed and H=total heating value of oil in Btu/gallon.

Storage capacity in gallons	Recovery efficiency	Standby loss
Less than 25.....	At least 75 percent.	Not more than 7.5 percent.
25 up to 35.....	do.....	Not more than 7 percent.
35 or more.....	do.....	Not more than 6 percent.

(e) Each space heating, cooling or combination heating and cooling system shall be provided with at least one readily adjustable automatic control for regulation of living space temperature. The control shall be placed a minimum of 3 feet from the vertical edge of the appliance compartment door. It shall not be located on an exterior wall or on a wall separating the appliance compartment from a habitable room.

(f) *Oil safety controls.* (1) A thermal cut-off switch shall be wired into burner circuit to shut off burner in event of fire at unit. This switch shall be placed overhead near oil burner and shall be wired to shut-off burner, circulating fan, forced or induced draft fan and remote oil pump not an integral part of the burner.

(2) An emergency disconnect switch shall be located near the entrance to the space containing the oil burner. This switch shall shut off the oil burner, furnace circulating fan, forced or induced draft fan and oil pump when not integral with the burner.

#### § 280.708 Clothes dryers.

(a) *Clothes dryers.* (1) Clothes dryers shall be exhausted to the outside by a moisture-lint exhaust duct and termination fitting listed or certified as components of the dryer.

(2) A clothes dryer moisture-lint exhaust duct shall not be connected to any other duct, vent or chimney.

(3) The exhaust duct shall not terminate beneath the mobile home.

(4) Moisture-lint exhaust ducts shall not be connected with sheet metal screws or other fastening devices which extend into the interior of the duct.

(b) *Gas clothes dryer.* A mobile home may be provided with "stubbed in" equipment at the factory to supply a gas clothes dryer for future installation by the owner provided it complies with the following provisions: (1) The "stubbed in" gas outlet shall be provided with a shutoff valve, the outlet of which is closed by threaded pipe plug or cap. (2) The "stubbed in" gas outlet shall be permanently labeled to identify it for use only as the supply connection for a gas clothes dryer. (3) A moisture-lint exhaust duct system shall be roughed in by the manufacturer at the time of original installation. The moisture-lint exhaust system shall comply with provisions of § 280.708(a) (1) through (4).

(c) *Electric clothes dryers.* Electric clothes dryers shall be exhausted to the outside in accordance with the appliance manufacturer's instructions. When a receptacle is installed to supply an electric clothes dryer for future installation by the owner, the moisture-lint exhaust system required by § 280.708(a) (4) shall be roughed in by the manufacturer. The moisture-lint exhaust system shall comply with provisions of § 280.708(a) (1) through (4).

#### § 280.709 Installation of appliances.

(a) The installation of each appliance shall conform to the terms of its listing and the manufacturer's instructions. The installer shall leave the manufacturer's

instructions attached to the appliance. Every appliance shall be secured in place to avoid displacement.

(b) Heat-producing appliances shall be so located that no doors, drapes, or other such material can be placed or swing closer to the front of the appliance than the clearances specified on the labeled appliances.

(c) Clearances between heat-producing appliances and adjacent surfaces shall not be less than specified in the terms of their listing. Clearance spaces shall be framed in or guarded to prevent creation of storage space within the clearance specified.

(d) All fuel-burning appliances, except ranges, ovens, illuminating appliances, clothes dryers, solid fuel-burning fireplaces and solid fuel-burning fireplace stoves, shall be installed to provide for the complete separation of the combustion system from the interior atmosphere of the mobile home. Combustion air inlets and flue gas outlets shall be listed or certified as components of the appliance. The required separation may be obtained by:

(1) The installation of direct vent system (sealed combustion system) appliances, or

(2) The installation of appliances within enclosures so as to separate the appliance combustion system and venting system from the interior atmosphere of the mobile home. There shall not be any door, removable access panel, or other opening into the enclosure from the inside of the mobile home. Any opening for ducts, piping, wiring, etc., shall be sealed.

(e) A forced air appliance and its return-air system shall be designed and installed so that negative pressure created by the air-circulating fan cannot affect its or another appliance's combustion air supply or act to mix products of combustion with circulating air.

(1) The air circulating fan of a furnace installed in an enclosure with another fuel-burning appliance shall be operable only when any door or panel covering an opening in the furnace fan compartment or in a return air plenum or duct is in the closed position. This does not apply if both appliances are direct vent system (sealed combustion system) appliances.

(2) If a warm air appliance is installed within an enclosure to conform to § 280.709(d) (2), each warm-air outlet and each return air inlet shall extend to the exterior of the enclosure. Ducts, if used for that purpose, shall not have any opening within the enclosure and shall terminate at a location exterior to the enclosure.

(3) Cooling coils installed as a portion of, or in connection with, any forced-air furnace shall be installed on the downstream side unless the furnace is specifically otherwise listed.

(4) An air conditioner evaporator section shall not be located in the air discharge duct or plenum of any forced-air furnace unless the mobile home manufacturer has complied with certification required in § 280.511.

(5) If a cooling coil is installed with a forced-air furnace, the coil shall be in accordance with its listing.

(6) When an external heating appliance or combination cooling/heating appliance is to be applied to a mobile home, the manufacturer shall make provision for proper location of the connection to the mobile home supply system and return air system of the external ducts connected to the appliance.

(7) The installation of a self contained air conditioner comfort cooling appliance shall meet the following requirements:

(i) The installation on a duct common with an installed heating appliance shall require the installation of an automatic damper or other means to prevent the cooled air from passing through the heating appliance unless the heating appliance is certified or listed for such application and the supply system is intended for such an application. (ii) The installation shall prevent the flow of heated air into the external cooling appliance and its connecting ducts to the mobile home supply and return air system during the operation of the heating appliance installed in the mobile home. (iii) The installation shall prevent simultaneous operation of the heating and cooling appliances.

(f) *Vertical clearance above cooking top.* Ranges shall have a vertical clearance above the cooking top of not less than 24 inches. (See § 280.204).

(g) Solid fuel-burning factory-built fireplaces and fireplace stoves listed for use in mobile homes may be installed in mobile homes provided they and their installation conform to the following paragraphs. A fireplace or fireplace stove shall not be considered as a heating facility for determining compliance with Subpart F.

(1) A solid fuel-burning fireplace or fireplace stove shall be equipped with integral door(s) or shutter(s) designed to close the fireplace or fireplace stove fire chamber opening and shall include complete means for venting through the roof, a combustion air inlet, a hearth extension, and means to securely attach the fireplace or the fireplace stove to the mobile home structure. The installation shall conform to the following paragraphs (g) (1) (i) to (viii) inclusive: (i) A listed factory-built chimney designed to be attached directly to the fireplace or fireplace stove shall be used. (ii) A fireplace or fireplace stove, air intake assembly, hearth extension and the chimney shall be installed in accordance with the terms of their listings and their manufacturer's instructions. (iii) The combustion air inlet shall conduct the air directly into the fire chamber and shall be designed to prevent material from the hearth dropping onto the area beneath the mobile home. (iv) The fireplace or fireplace stove shall not be installed in a sleeping room. (v) Hearth extension shall be of noncombustible material not less than  $\frac{3}{4}$ -inch thick. The hearth shall extend at least 16 inches in front of and at least 8 inches beyond each side of the fireplace or fireplace stove opening. Furthermore the hearth shall extend over the entire

surface beneath a fireplace stove and beneath an elevated or overhanging fireplace. (vi) The label on each solid fuel-burning fireplace and solid fuel-burning fireplace stove shall include the following wording: For use with solid fuel only. (vii) The chimney shall be provided with a spark arrester securely attached to the chimney. The net free area of the arrester shall be not less than four times the net area of the chimney outlet and the vertical height of the arrester shall be not less than 1.3 times the diameter of the chimney flue. Openings shall not permit the passage of a sphere having a diameter larger than  $\frac{1}{2}$  inch, nor block the passage of a sphere having a diameter of less than  $\frac{3}{4}$  inch. (viii) The chimney shall extend at least three feet above the part of the roof through which it passes and at least two feet above the highest elevation of any part of the mobile home within 10 feet of the chimney. Portions of the chimney and termination that exceed an elevation of 13½ ft. above ground level may be designed to be removed for transporting the mobile home.

#### § 280.710 Venting, ventilation and combustion air.

(a) The venting as required by § 280.707 (b) shall be accomplished by one or more of the methods given in (1) and (2) below:

(1) An integral vent system listed or certified as part of the appliance.

(2) A venting system consisting entirely of listed components, including roof jack, installed in accordance with the terms of the appliance listing and the appliance manufacturer's instructions.

(b) Venting and combustion air systems shall be installed in accordance with the following:

(1) Components shall be securely assembled and properly aligned using the method shown in the appliance manufacturer's instructions.

(2) Draft hood connectors shall be firmly attached to draft hood outlets or flue collars by sheet metal screws or by equivalent effective mechanical fasteners.

(3) Every joint of a vent, vent connector, exhaust duct and combustion air intake shall be secure and in alignment.

(c) Venting systems shall not terminate underneath a mobile home.

(d) Venting system terminations shall be not less than three feet from any motor-driven air intake discharging into habitable areas.

(e) The area in which cooking appliances are located shall be ventilated by a metal duct which may be single wall, not less than 12.5 square inches in cross-sectional area (minimum dimension shall be two inches) located above the appliance(s) and terminating outside the mobile home, or by listed mechanical ventilating equipment discharging outside the home, that is installed in accordance with the terms of listing and the manufacturer's instructions. Gravity or mechanical ventilation shall be installed within a horizontal distance of not more than ten feet from the vertical front of the appliance(s).



(f) Mechanical ventilation which exhausts directly to the outside atmosphere from the living space of a home shall be equipped with an automatic or manual damper. Operating controls shall be provided such that mechanical ventilation can be separately operated without directly energizing other energy consuming devices.

#### § 280.711 Instructions.

Operating instructions shall be provided with each appliance. These instructions shall include directions and information covering the proper use and efficient operation of the appliance and its proper maintenance.

#### § 280.712 Marking.

(a) Information on clearances, input rating, lighting and shutdown shall be attached to the appliances with the same permanence as the nameplate, and so located that it is easily readable when the appliance is properly installed or shutdown for transporting of mobile home.

(b) Each fuel-burning appliance shall bear permanent marking designating the type(s) of fuel for which it is listed.

#### § 280.713 Accessibility.

Every appliance shall be accessible for inspection, service, repair, and replacement without removing permanent construction. Sufficient room shall be available to enable the operator to observe the burner, control, and ignition means while starting the appliance.

#### § 280.714 Appliances, cooling.

(a) Every air conditioning unit or a combination air conditioning and heating unit shall be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing.

(1) Mechanical air conditioners shall be rated in accordance with the Standard for Unitary Air-Conditioning Equipment (ARI Standard 210-74) and certified by ARI or other nationally recognized testing agency capable of providing follow-up service. (i) Electric motor-driven unitary cooling systems with rated capacity less than 65,000 Btu/hr manufactured after the times indicated in the following table, when rated at ARI Standard rating conditions as listed in ARI Standard 210-74, shall show energy efficiency ratio (EER) values less than as shown below:

Date:	Energy efficiency ratio
Jan. 1, 1977.....	6.5
Jan. 1, 1980.....	7.2

(ii) Direct refrigerating systems serving any air conditioning or comfort-cooling system installed that ranks no lower than Group 5 in the Underwriters' Laboratories, Inc. "Classification of Comparative Life Hazard of Various Chemicals." (iii) Heat pumps shall be listed in the ARI Directory of Certified Unitary Heat Pumps or certified to comply with all the requirements of the Standard for

Unitary Heat Pumps 240-74. Electric motor-driven vapor compression heat pumps with supplemental electrical resistance heat shall be sized to provide by compression at least 60 percent of the calculated annual heating requirement for the mobile home being served. A control shall be provided and set to prevent operation of supplemental electrical resistance heat at outdoor temperatures above 40 F, except for defrost operation. (iv) Electric motor-driven vapor compression heat pumps with supplemental electric resistance heat conforming to ARI Standard 240-74 manufactured after the dates indicated in the table shall show coefficient of performance ratios not less than shown below:

Date	COP	
	45 F	26 F
Jan. 1, 1977.....	2.2	1.4
Jan. 1, 1980.....	2.5	1.7

(2) Gas fired absorption air conditioners shall be listed or certified in accordance with ANSI Standard Z21.40.1-1973 and certified by AGA or another nationally recognized testing agency capable of providing follow-up service.

(3) Direct refrigerating systems serving any air conditioning or comfort-cooling system installed in a mobile home shall employ a type of refrigerant that ranks no lower than Group 5 in the Underwriters' Laboratories, Inc. "Classification of Comparative Life Hazard of Various Chemicals."

#### (b) Installation and instructions.

(1) The installation of each appliance shall conform to the terms of its listing as specified on the appliance and in the manufacturer's instructions. The installer shall include the manufacturer's installation instructions in the mobile home. Appliances shall be secured in place to avoid displacement and movement from vibration and road shock.

(2) Operating instructions shall be provided with the appliance.

(c) Fuel-burning air conditioners shall also comply with § 280.707.

(d) The appliance rating plate shall be so located that it is easily readable when the appliance is properly installed.

(e) Every installed appliance shall be accessible for inspection, service, repair and replacement without removing permanent construction.

#### § 280.715 Circulating air system.

(a) Supply system. (i) Supply ducts and any dampers contained therein shall be made from galvanized steel, tin-plated steel, or aluminum, or shall be listed Class 0, Class 1, or Class 2 air ducts. Class 2 air ducts shall be located at least 3 feet from the furnace bonnet or plenum. A duct system integral with the structure shall be of durable construction that can be demonstrated to be equally resistant to fire and deterioration. Ducts constructed from sheet metal shall be in accordance with the following table:

Minimum metal thickness for ducts<sup>1</sup>

Duct type	Diameter or width	
	14 in. or less	over 14 in.
Round.....	0.013	0.016
Enclosed rectangular.....	.013	.016
Exposed rectangular.....	.016	.016

<sup>1</sup>When "nominal" thicknesses are specified, 0.003 in. shall be added to these "minimum" metal thicknesses.

(2) Sizing of ducts for heating. (i) Ducts shall be so designed that when a labeled forced-air furnace is installed and operated continuously at its normal heating air circulating rate in the mobile home, with all registers in the full open position, the static pressure measured in the casing shall not exceed 90% of that shown on the label of the appliance. For upflow furnaces the static pressure shall be taken in the duct plenum. For external heating or combination heating/cooling appliances the static pressure shall be taken at the point used by the agency listing or certifying the appliance. (ii) When an evaporator-coil specifically designed for the particular furnace is installed between the furnace and the duct plenum, the total static pressure shall be measured downstream of the coil in accordance with the appliance label and shall not exceed 90 percent of that shown on the label of the appliance. (iii) When any other listed air-cooler coil is installed between the furnace and the duct plenum, the total static pressure shall be measured between the furnace and the coil and it shall not exceed 90 percent of that shown on the label of the furnace. (iv) The minimum dimension of any branch duct shall be at least 1½ inches, and of any main duct, 2½ inches.

(3) Sizing of ducts for air cooling. (i) The mobile home manufacturer shall certify the capacity of the air cooling supply duct system for the maximum allowable output of ARI certified central air conditioning systems. The certification shall be at operating static pressure of 0.3 inches of water or greater. (See § 280.511). (ii) The refrigerated air cooling supply duct system including registers must be capable of handling at least 300 cfm per 10,000 btuh with a static pressure no greater than 0.3 inches of water when measured at room temperature. In the case of application of external self contained comfort cooling appliances or the cooling mode of combination heating/cooling appliances, either the external ducts between the appliance and the mobile home supply system shall be considered part of, and shall comply with the requirements for the refrigerated air cooling supply duct system, or the connecting duct between the external appliance and the mobile supply duct system shall be a part of the listed appliance. The minimum dimension of any branch duct shall be at least 1½ inches, and of any main duct, 2½ inches.

(4) Airtightness of supply duct systems. A supply duct system shall be considered substantially airtight when the

static pressure in the duct system, with all registers sealed and with the furnace air circulator at high speed, is at least 80 percent of the static pressure measured in the furnace casing, with its outlets sealed and the furnace air circulator operating at high speed. For the purpose of this paragraph and § 280.715(b) pressures shall be measured with a water manometer or equivalent device calibrated to read in increments not greater than ½ inch water column.

(5) Expandable or multiple mobile home connections. (i) An expandable or multiple mobile home may have ducts of the heating system installed in the various units. The points of connection must be so designed and constructed that when the mobile home is fully expanded or coupled, the resulting duct joint will conform to the requirements of this Part. (ii) Installation instructions for supporting the crossover duct from the mobile home shall be provided for onsite installation. The duct shall not be in contact with the ground.

(6) Air supply ducts shall be insulated with material having an effective thermal resistance (R) of not less than 4.0 unless they are within mobile home insulation having a minimum effective value of R-4.0 for floors or R-6.0 for ceilings.

(7) Supply and return ducts exposed directly to outside air, such as under chassis crossover ducts or ducts connecting external heating, cooling or combination heating/cooling appliances shall be insulated with material having a minimum thermal resistance of R-4.0, with a continuous vapor barrier having a perm rating of not more than 1 perm. Where exposed underneath the mobile home, all such ducts shall comply with § 280.715 (a) (4) (ii).

(b) Return air systems. (1) Return air openings. Provisions shall be made, to permit the return of circulating air from all rooms and living spaces, except toilet room(s), to the circulating air supply inlet of the furnace.

(2) Duct Material. Return ducts and any diverting dampers contained therein shall be in accordance with the following: (i) Portions of return ducts directly above the heating surfaces, or closer than 2 feet from the outer jacket or casing of the furnace shall be constructed of metal in accordance with § 280.715(a) (1) or shall be listed Class 0 or Class 1 air ducts.

(ii) Return ducts, except as required by (a) above, shall be constructed of one-inch (nominal) wood boards (flame spread classification of not more than 200), other suitable material no more flammable than one-inch board or in accordance with § 280.715(a) (1). (iii) The interior of combustible ducts shall be lined with noncombustible material at points where there might be danger from incandescent particles dropped through the register or furnace such as directly under floor registers and the bottom return. (iv) Factory made air ducts used for connecting external heating, cooling or combination heating/cooling appliances to the supply system and return air system of a mobile home shall be listed

by a nationally recognized testing agency. Ducts applied to external heating appliances or combination heating/cooling appliances supply system outlets shall be constructed of metal in accordance with § 280.715(a) (1) or shall be listed Class 0 or Class 1 air ducts for those portions of the duct closer than 2 feet from the outer casing of the appliance. (v) Ducts applied to external appliances shall be resistant to deteriorating environmental effects, including but not limited to ultra violet rays, cold weather, or moisture and shall be resistant to insects and rodents.

of Plastic Materials for Parts in Devices and Appliances. UL94-1974.

(2) Floor register or grilles shall resist without structural failure a 200 lb. concentrated load on a 2-inch diameter disc applied to the most critical area of the exposed face of the register or grille. For this test the register or grille is to be at a temperature of not less than 165° F and is to be supported in accordance with the manufacturer's instructions.

#### Subpart I—Electrical Systems

##### § 280.801 Scope.

(a) Subpart I of this Standard and Part A of Article 550 of the National Electrical Code (NFPA No. 70-1975) cover the electrical conductors and equipment installed within or on mobile homes and the conductors that connect mobile homes to a supply of electricity.

(b) In addition to the requirements of this Standard and Article 550 of the National Electrical Code (NFPA No. 70-1975), the applicable portions of other Articles of the National Electrical Code shall be followed covering electrical installations in mobile homes. Wherever the requirements of this Standard differ from the National Electrical Code, this Standard shall apply.

(c) The provisions of this Standard apply to mobile homes intended for connection to a wiring system nominally rated 115/230 volts, 3-wire AC, with grounded neutral.

(d) All electrical materials, devices, appliances, fittings and other equipment shall be listed or labeled by a nationally recognized testing agency and shall be connected in an approved manner when in service.

(e) Aluminum conductors are not acceptable in branch circuit wiring in mobile homes except as specifically approved by the Department after examination of proposed systems for individual cases.

##### § 280.802 Definitions.

(a) The following definitions are applicable to Subpart I only.

(1) "Accessible (i) (As Applied to Equipment)" means admitting close approach because not guarded by locked doors, elevation, or other effective means. (See "Readily Accessible.") (ii) "As Applied to Wiring Methods" means capable of being removed or exposed without damaging the mobile home structure or finish, or not permanently closed-in by the structure or finish of the mobile home (see "Concealed" and "Exposed").

(2) "Air Conditioning or Comfort Cooling Equipment" means all of that equipment intended or installed for the purpose of processing the treatment of air so as to control simultaneously its temperature, humidity, cleanliness, and distribution to meet the requirements of the conditioned space.

(3) (i) "Appliance" means utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions, such as clothes washing, air conditioning, food mixing, deep frying,



etc. (ii) "Appliance, Fixed" means an appliance which is fastened or otherwise secured at a specific location. (iii) "Appliance, Portable" means an appliance which is actually moved or can easily be moved from one place to another in normal use. For the purpose of this Standard, the following major appliances are considered portable if cord-connected: refrigerators, clothes washers, dishwashers without booster heaters, or other similar appliances. (iv) "Appliance, Stationary" means an appliance which is not easily moved from one place to another in normal use.

(4) "Attachment Plug (Plug Cap)" means a device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(5) "Bonding" means the permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(6) "Branch Circuit" (i) means the circuit conductors between the final overcurrent device protecting the circuit and the outlet(s). A device not approved for branch circuit protection, such as a thermal cutoff or motor overload protective device, is not considered as the overcurrent device protecting the circuit. (ii) "Branch Circuit—Appliance" means a branch circuit supplying energy to one or more outlets to which appliances are to be connected; such circuits to have no permanently connected lighting fixtures not a part of an appliance. (iii) "Branch Circuit—General Purpose" means a circuit that supplies a number of outlets for lighting and appliances. (iv) "Branch Circuit—Individual" means a branch circuit that supplies only one utilization equipment.

(7) "Cabinet" means an enclosure designed either for surface or flush mounting, and provided with a frame, mat, or trim in which swinging doors are hung.

(8) "Circuit Breaker" means a device designed to open and close a circuit by nonautomatic means, and to open the circuit automatically on a predetermined overload of current without injury to itself when properly applied within its rating.

(9) "Concealed" means rendered inaccessible by the structure or finish of the mobile home. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. (See "Accessible (As Applied to Wiring Methods)".)

(10) "Connector, Pressure (Solderless)" means a device that establishes a connection between two or more conductors or between one or more conductors and a terminal by means of mechanical pressure and without the use of solder.

(11) "Dead Front (As Applied to Switches, Circuit-Breakers, Switchboards, and Distribution Panelboard)" means so designed, constructed, and installed that no current-carrying parts are normally exposed on the front.

(12) "Demand Factor" means the ratio of the maximum demand of a system, or part of a system, to the total connected load of a system or the part of the system under consideration.

(13) "Device" means a unit of an electrical system that is intended to carry but not utilize electrical energy.

(14) "Disconnecting Means" means a device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.

(15) "Distribution Panelboard" means a single panel or a group of panel units designed for assembly in the form of a single panel, including buses, and with or without switches or automatic overcurrent protective devices or both, for the control of light, heat, or power circuits of small individual as well as aggregate capacity; designed to be placed in a cabinet placed in or against a wall or partition and accessible only from the front.

(16) "Enclosed" means surrounded by a case that will prevent a person from accidentally contacting live parts.

(17) "Equipment" means a general term, including material, fittings, devices, appliances, fixtures, apparatus, and the like used as a part of, or in connection with, an electrical installation.

(18) "Exposed" (i) (As Applied to Live Parts) means capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated. (See "Accessible" and "Concealed.") (ii) (As Applied to "Wiring Method") means on or attached to the surface or behind panels designed to allow access. (See "Accessible (As Applied to Wiring Methods)".)

(19) "Externally Operable" means capable of being operated without exposing the operator to contact with live parts.

(20) "Feeder Assembly" means the overhead or under-chassis feeder conductors, including the grounding conductor, together with the necessary fittings and equipment, or a power supply cord approved for mobile home use, designed for the purpose of delivering energy from the source of electrical supply to the distribution panelboard within the mobile home.

(21) "Fitting" means an accessory, such as a locknut, bushing, or other part of a wiring system, that is intended primarily to perform a mechanical rather than an electrical function.

(22) "Ground" means a conducting connection, whether intentional or accidental, between an electrical circuit or equipment and earth, or to some conducting body that serves in place of the earth.

(23) "Grounded" means connected to earth or to some conducting body that serves in place of the earth.

(24) "Grounded Conductor" means a system or circuit conductor that is intentionally grounded.

(25) "Grounding Conductor" means a conductor used to connect equipment or the grounded circuit of a wiring sys-

tem to a grounding electrode or electrodes.

(26) "Guarded" means covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats or platforms to remove the likelihood of approach or contact by persons or objects to a point of danger.

(27) "Isolated" means not readily accessible to persons unless special means for access are used.

(28) "Laundry Area" means an area containing or designed to contain either a laundry tray, clothes washer and/or clothes dryer.

(29) "Lighting Outlet" means an outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

(30) "Mobile Home Accessory Building or Structure" means any awning, cabana, ramada, storage cabinet, carport, fence, windbreak or porch established for the use of the occupant of the mobile home upon a mobile home lot.

(31) "Mobile Home Service Equipment" means the equipment containing the disconnecting means, overcurrent protective devices, and receptacles or other means for connecting a mobile home feeder assembly.

(32) "Outlet" means a point on the wiring system at which current is taken to supply utilization equipment.

(33) "Panelboard" means a single panel or group of panel units designed for assembly in the form of a single panel; including buses, automatic overcurrent protective devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front.

(34) "Raceway" means any channel for holding wires, cables, or busbars that is designed expressly for, and used solely for, this purpose. Raceways may be of metal or insulating material, and the term includes rigid metal conduit, rigid nonmetallic conduit, flexible metal conduit, electrical metallic tubing, under-floor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, structural raceways, wireways, and busways.

(35) "Raintight" means so constructed or protected that exposure to a beating rain will not result in the entrance of water.

(36) "Readily Accessible" means capable of being reached quickly for operation, renewal, or inspection, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See "Accessible".)

(37) "Receptacle" means a contact device installed at an outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

(38) "Receptacle Outlet" means an outlet where one or more receptacles are installed.

(39) "Utilization Equipment" means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar purposes.

(40) "Voltage (of a Circuit)" means the greatest root-mean-square (effective) difference of potential between any two conductors of the circuit concerned. Some systems, such as 3-phase 4-wire, single-phase 3-wire, and 3-wire direct-current may have various circuits of various voltages.

(41) "Weatherproof" means so constructed or protected that exposure to the weather will not interfere with successful operation. Raintight, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

#### § 280.803 Power supply.

(a) The power supply to the mobile home shall be a feeder assembly consisting of not more than one listed 50 ampere mobile home power-supply cords, or a permanently installed circuit. A mobile home that is factory-equipped with gas or oil-fired central heating equipment and cooking appliances shall be permitted to be provided with a listed mobile home power-supply cord rated 40 amperes.

(b) If the mobile home has a power-supply cord, it shall be permanently attached to the distribution panelboard or to a junction box permanently connected to the distribution panelboard, with the free end terminating in an attachment plug cap.

(c) Cords with adapters and pigtail ends, extension cords, and similar items shall not be attached to, or shipped with, a mobile home.

(d) A listed clamp or the equivalent shall be provided at the distribution panelboard knockout to afford strain relief for the cord to prevent strain from being transmitted to the terminals when the power-supply cord is handled in its intended manner.

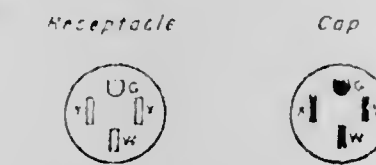
(e) The cord shall be of an approved type with four conductors, one of which shall be identified by a continuous green color or a continuous green color with one or more yellow stripes for use as the grounding conductor.

(f) The attachment plug cap shall be a 3-pole, 4-wire grounding type, rated 50 amperes, 125/250 volts with a configuration as shown herein and intended for use with the 50-ampere, 125/250 receptacle configuration shown. It shall be molded of butyl rubber, neoprene, or other approved materials which have been found suitable for the purpose, and shall be molded to the flexible cord so that it adheres tightly to the cord at the point where the cord enters the attachment-plug cap. If a right-angle cap is used, the configuration shall be so oriented that the grounding member is farthest from the cord.

(g) The overall length of a power-supply cord, measured from the end of the cord, including bared leads, to the face of the attachment-plug cap shall not be less than 21 feet and shall not exceed 36½ feet. The length of cord from the face of the attachment-plug cap to the point where the cord enters the mobile home shall not be less than 20 feet.

ented that the grounding member is farthest from the cord.

(g) The overall length of a power-supply cord, measured from the end of the cord, including bared leads, to the face of the attachment-plug cap shall not be less than 21 feet and shall not exceed 36½ feet. The length of cord from the face of the attachment-plug cap to the point where the cord enters the mobile home shall not be less than 20 feet.



50-ampere 125/250 volt receptacle and attachment-plug-cap configurations, 3 pole, 4-wire grounding types used for mobile home supply cords and mobile home parks. Complete details of the 50-ampere cap and receptacle can be found in the American National Standard Dimensions of Caps, Plugs and Receptacles, Grounding Type (ANSI C73.17—1972).

(h) The power-supply cord shall bear the following marking: "For use with mobile homes—40 amperes" or "For use with mobile homes—50 amperes."

(i) The point of entrance of the feeder assembly to the mobile home shall be in the exterior wall, floor, or roof, in the rear third section (away from the coupler), of the mobile home.

(j) Where the cord passes through walls or floors, it shall be protected by means of conduit and bushings or equivalent. The cord may be installed within the mobile home walls, provided a continuous raceway is installed from the branch-circuit panelboard to the underside of the mobile home floor. The raceway may be rigid conduit, electrical metallic tubing or polyethylene (PE), polyvinylchloride (PVC) or acrylonitrile-butadiene-styrene (ABS) plastic tubing having a minimum wall thickness of nominal 1/8 inch.

(k) Permanent provisions shall be made for the protection of the attachment-plug cap of the power supply cord and any connector cord assembly or receptacle against corrosion and mechanical damage if such devices are in an exterior location while the mobile home is in transit.

(l) Where the calculated load exceeds 50 amperes or where a permanent feeder is used, the supply shall be by means of:

(1) One mast weatherhead installation installed in accordance with Article 230 of the National Electrical Code NFPA No. 70—1975 containing four continuous insulated, color-coded, feeder conductors, one of which shall be an equipment grounding conductor; or, (2) An approved raceway from the disconnecting means in the mobile home to the underside of the mobile home with provisions for the attachment of a suitable junction box or fitting to the raceway on the underside of the mobile home (with or without conductors as in § 280.803 (1) and (2)).

§ 280.804 Disconnecting means and branch-circuit protective equipment.

(a) The branch-circuit equipment shall be permitted to be combined with the disconnecting means as a single assembly. Such a combination shall be permitted to be designated as a distribution panelboard. If a fused distribution panelboard is used, the maximum fuse size of the mains shall be plainly marked with lettering at least 1/4-inch high and visible when fuses are changed. See Section 110-22 of the National Electrical Code (NFPA No. 70—1975) concerning identification of each disconnecting means and each service, feeder, or branch circuit at the point where it originated and the type marking needed.

(b) Plug fuses and fuseholders shall be tamper-resistant, Type "S," enclosed in dead-front fuse panelboards. Electrical distribution panels containing circuit breakers shall also be dead-front type.

(c) Disconnecting means. A single disconnecting means shall be provided in each mobile home consisting of a circuit breaker, or a switch and fuses and their accessories installed in a readily accessible location near the point of entrance of the supply cord or conductors into the mobile home. The main circuit breakers or fuses shall be plainly marked "Main." This equipment shall contain a solderless type of grounding connector or bar for the purposes of grounding with sufficient terminals for all grounding conductors. The neutral bar termination of the grounded circuit conductors shall be insulated.

(d) The disconnecting equipment shall have a rating suitable for the connected load. The distribution equipment, either circuit breaker or fused type, shall be located a minimum of 24 inches from the bottom of such equipment to the floor level of the mobile home. There shall be a label attached to the panelboard stating: This Panelboard shall be connected by a Feeder Assembly having Overcurrent Protection rated at not more than ----- Amperes. The correct ampere rating shall be marked in the blank space.

(e) A distribution panelboard main circuit breaker shall be rated 50 amperes and employ a 2-pole circuit breaker rated 40 amperes for a 40-ampere supply cord, or 50 amperes for a 50-ampere supply cord. A distribution panelboard employing a disconnect switch and fuses shall be rated 60 amperes and shall employ a single 2-pole, 60-ampere fuseholder with 40- or 50-ampere main fuses for 40- or 50-ampere supply cords, respectively. The outside of the distribution panelboard shall be plainly marked with the fuse size.

(f) The distribution panelboard shall not be located in a bathroom, or in any other inaccessible location, but shall be permitted just inside a closet entry if the location is such that a clear space of 6 inches to easily ignitable materials is maintained in front of the distribution panelboard, and the distribution panelboard door can be extended to its full open position (at least 90 degrees). A



clear working space at least 30 inches wide and 30 inches in front of the distribution panelboard shall be provided. This space shall extend from floor to the top of the distribution panelboard.

(g) Branch-circuit distribution equipment shall be installed in each mobile home and shall include overcurrent protection for each branch circuit consisting of either circuit breakers or fuses.

(1) The branch circuit overcurrent devices shall be rated: (i) not more than the circuit conductors; and (ii) not more than 150 percent of the rating of a single appliance rated 10 amperes or more which is supplied by an individual branch circuit; but (iii) not more than the fuse size marked on the air conditioner or other motor-operated appliance.

(h) A 15-ampere multiple receptacle shall be acceptable when connected to a 20-ampere laundry circuit.

Length x Width No. of 15 (or 20) ampere circuits  
115-15 (or 20)

(2) *Portable appliances.* For the small appliance load in kitchen, pantry, family room, dining room and breakfast rooms of mobile homes, two or more 20-ampere appliance branch circuits, in addition to the branch circuit specified in § 280.805 (a) (1), shall be provided for all receptacle outlets in these rooms, and such circuits shall have no other outlets. Receptacle outlets supplied by at least two appliance receptacle branch circuits shall be installed in the kitchen.

(3) *General appliances.* Including furnace, water heater, range, and central or room air conditioner, etc.). There shall be one or more circuits of adequate rating in accordance with the following: (i) Ampere ratings of fixed appliances not over 50 percent of circuit rating if lighting outlets (receptacles, other than kitchen, dining area, and laundry, considered as lighting outlets) are on same circuit; (ii) For fixed appliances on a circuit without lighting outlets, the sum of rated amperes shall not exceed the branch-circuit rating for other than motor loads or 80 percent of the branch-circuit rating for air conditioning or other motor loads; (iii) The rating of a single portable appliance on a circuit having no other outlets shall not exceed 80 percent of the circuit rating; (iv) The rating of range branch circuit shall be based on the range demand as specified for ranges in § 280.811, Item B(5) of Method 1. For central air conditioning, see Article 440 of the National Electrical Code (NECA No. 70-1975). (v) Where laundry facilities are provided in a mobile home, a 20-ampere branch circuit shall be provided within 6 feet of the intended location of the appliance. See 228.4(j).

#### § 280.806 Receptacle Outlets.

- All receptacle outlets shall be:
  - Of grounding type;
  - Installed according to Section 210-7 of the National Electrical Code (NECA No. 70-1975) and
  - Except when supplying specific appliances, be parallel-blade, 15-ampere, 125-volt, either single or duplex.

(1) When circuit breakers are provided for branch-circuit protection, 230-volt circuits shall be protected by 2-pole common or companion trip, or handle-tied paired circuit breakers.

(j) A metal nameplate on the outside adjacent to the feeder assembly entrance shall read: This Connection for 120/240 Volt, 3-Pole, 4-Wire, 60 Hertz Ampere Supply. The correct ampere rating shall be marked in the blank space.

#### § 280.805 Branch circuits required.

(a) The number of branch circuits required shall be determined in accordance with the following:

(1) *Lighting.* Based on 3 watts per square foot times outside dimensions of the mobile home (coupler excluded) divided by 115 volts to determine number of 15- or 20-ampere lighting area circuits, e.g.,

(b) All 120 volt single phase, 15 and 20 ampere receptacle outlets, including receptacles in light fixtures, installed outdoors and in bathrooms shall have ground-fault circuit protection for personnel. Feeders supplying branch circuits may be protected by a ground-fault circuit-interrupter in lieu of the provision for such interrupters specified above.

(c) There shall be an individual outlet of the grounding type for each cord-connected fixed appliance installed.

(d) Receptacle outlets required. Except in the bath and hall areas, receptacle outlets shall be installed at wall spaces 2 feet wide or more, so that no point along the floor line is more than 6 feet, measured horizontally, from an outlet in that space. In addition, a receptacle outlet shall be installed:

(1) Over or adjacent to counter tops in the kitchen (at least one on each side of the sink if counter tops are on each side and 12 inches or over in width).

(2) Adjacent to the refrigerator and free-standing gas-range space.

(3) At counter top spaces for built-in vanities.

(4) At counter top spaces under wall-mounted cabinets.

(5) In the wall, at the nearest point where a bar type counter attaches to the wall.

(6) In the wall at the nearest point where a fixed room divider attaches to the wall.

(7) In laundry area.

(8) At least one receptacle outlet shall be installed outdoors. Receptacle outlets located in compartments accessible from outdoors shall be considered outdoor receptacles and shall be protected as required in § 280.806(b).

(9) Adjacent to bathroom basins.

(10) Receptacle outlets are not required in the following locations: (i) wall space occupied by built-in kitchen or wardrobe cabinets, (ii) wall space behind doors which may be opened fully against a wall surface, (iii) room dividers of the lattice type, less than 8 feet long, not

solid within 6 inches of the floor, (iv) wall space afforded by bar type counters.

(e) Receptacle outlets shall not be installed in or within reach (30 inches) of a shower or bathtub space.

(f) Receptacle outlets shall not be installed above electric baseboard heaters.

#### § 280.807 Fixtures and appliances.

(a) Electrical materials, devices, appliances, fittings, and other equipment installed, intended for use in, or attached to the mobile home shall be approved for the application and shall be connected in an approved manner when in service. Facilities shall be provided to securely fasten appliances when the mobile home is in transit. (See § 280.809.)

(b) Specifically listed pendant-type fixtures or pendant cords shall be permitted in mobile homes.

(c) If a lighting fixture is provided over a bathtub or in a shower stall, it shall be of the enclosed and gasketed type, listed for wet locations.

(d) The switch for shower lighting fixtures and exhaust fans located over a tub or in a shower stall shall be located outside the tub shower space. (See § 280.806(e).)

(e) Any combustible wall or ceiling finish exposed between the edge of a fixture, canopy, or pan and an outlet box shall be covered with noncombustible material.

(f) Every appliance shall be accessible for inspection, service, repair, or replacement without removal of permanent construction.

#### § 280.808 Wiring methods and materials.

(a) Except as specifically limited in this Part, the wiring methods and materials specified in the National Electrical Code (NECA No. 70-1975) shall be used in mobile homes.

(b) Nonmetallic outlet boxes shall be acceptable only with nonmetallic cable.

(c) Nonmetallic cable located 15 inches or less above the floor, if exposed, shall be protected from physical damage by covering boards, guard strips, or conduit. Cable likely to be damaged by stowage shall be so protected in all cases.

(d) Nonmetallic sheathed cable shall be secured by staples, straps, or similar fittings so designed and installed as not to injure any cable. Cable shall be secured in place at intervals not exceeding 4½ feet and within 12 inches from every cabinet, box or fitting.

(e) Metal-clad and nonmetallic cables shall be permitted to pass through the centers of the wide side of 2-inch by 4-inch studs. However, they shall be protected where they pass through 2-inch by 2-inch studs or at other studs or frames where the cable or armor would be less than 1½ inches from the inside or outside surface of the studs when the wall covering materials are in contact with the studs. Steel plates on each side of the cable, or a tube, with not less than No. 16 MSG wall thickness shall be required to protect the cable. These plates or tubes shall be securely held in place.

(f) Where metallic faceplates are used they shall be effectively grounded.

(g) If the range, clothes dryer, or similar appliance is connected by metal-clad cable or flexible conduit, a length of not less than three feet of free cable or conduit shall be provided to permit moving the appliance. Type NM or Type SE cable shall not be used to connect a range or a dryer. This shall not prohibit the use of Type NM or Type SE cable between the branch circuit overcurrent protective device and a junction box or range or dryer receptacle.

(h) Threaded rigid metal conduit shall be provided with a locknut inside and outside the box, and a conduit bushing shall be used on the inside. Rigid nonmetallic conduit shall be permitted. Inside ends of the conduit shall be reamed.

(i) Switches shall be rated as follows: (1) For lighting circuits, switches shall have a 10-ampere, 120-125 volt rating; or higher if needed for the connected load.

(2) For motors or other loads, switches shall have ampere or horsepower ratings, or both, adequate for loads controlled. (An "AC general-use" snap switch shall be permitted to control a motor 2 horsepower or less with full-load current not over 80 percent of the switch ampere rating).

(j) At least 4 inches of free conductor shall be left at each outlet box except where conductors are intended to loop without joints.

(k) When outdoor or under-chassis line-voltage wiring is exposed to moisture or physical damage, it shall be protected by rigid metal conduit. The conductors shall be suitable for wet locations. Electrical metallic tubing may be used when closely routed against frames and equipment enclosures.

(l) The cables or conductors shall be Type NMC, TW, or equivalent.

(m) Outlet boxes of dimensions less than those required in Table 370-6(a) of the National Electrical Code (NECA No. 70-1975), shall be permitted provided the box has been tested and approved for the purpose.

(n) Boxes, fittings and cabinets shall be securely fastened in place, and shall be supported from a structural member of the home, either directly or by using a substantial brace. Snap-in type boxes provided with special wall or ceiling brackets that securely fasten boxes in walls or ceilings shall be permitted.

(o) Outlet boxes shall fit closely to openings in combustible walls and ceilings, and they shall be flush with such surfaces.

(p) Appliances having branch-circuit terminal connections which operate at temperatures higher than 60°C (140°F) shall have circuit conductors as described in paragraph (p) (1) and (2) of this section:

(1) Branch-circuit conductors having an insulation suitable for the temperature encountered shall be permitted to run directly to the appliance.

(2) Conductors having an insulation suitable for the temperature encountered shall be run from the appliance terminal connections to a readily accessible

outlet box placed at least one foot from the appliance. These conductors shall be in a suitable raceway which shall extend for at least 4 feet.

#### § 280.809 Grounding.

(a) *General.* Grounding of both electrical and nonelectrical metal parts in a mobile home shall be through connection to a grounding bus in the mobile home distribution panelboard. The grounding bus shall be grounded through the green-colored conductor in the supply cord or the feeder wiring to the service ground in the service-entrance equipment located adjacent to the mobile home location. Neither the frame of the mobile home nor the frame of any appliance shall be connected to the neutral conductor in the mobile home.

(b) *Insulated neutral.* (1) The grounded circuit conductor (neutral) shall be insulated from the grounding conductors and from equipment enclosures and other grounded parts. The grounded (neutral) circuit terminals in the distribution panelboard and in ranges, clothes dryers, counter-mounted cooking units, and wall-mounted ovens shall be insulated from the equipment enclosure. Bonding screws, straps, or buses in the distribution panelboard or in appliances shall be removed and discarded.

(2) Connection of ranges and clothes dryers with 115/230-volt, 3-wire ratings shall be made with 4-conductor cord and 3-pole, 4-wire grounding type plugs, or by Type AC metal-clad cable or conductors enclosed in flexible metal conduit. For 115-volt rated devices, a 3-conductor cord and a 2-pole, 3-wire grounding-type plug shall be permitted.

(c) *Equipment grounding means.* (1) The green-colored grounding wire in the supply cord or permanent feeder wiring shall be connected to the grounding bus in the distribution panelboard or disconnecting means.

(2) In the electrical system, all exposed metal parts, enclosures, frames, lamp fixture canopies, etc., shall be effectively bonded to the grounding terminal or enclosure of the distribution panelboard.

(3) Cord-connected appliances, such as washing machines, clothes dryers, refrigerators, and the electrical system of gas ranges, etc., shall be grounded by means of an approved cord with grounding conductor and grounding-type attachment plug.

(d) *Bonding of noncurrent-carrying metal parts.* (1) All exposed noncurrent-carrying metal parts that may become energized shall be effectively bonded to the grounding terminal or enclosure of the distribution panelboard. A bonding conductor shall be connected between each distribution panelboard and an accessible terminal on the chassis.

(2) Grounding terminals shall be of the solderless type and approved as pressure-terminal connectors recognized for the wire size used. Star washers or other approved paint-penetrating fitting shall be used to bond terminals to chassis or other coated areas. The bonding conductor shall be solid or stranded, insulated

or bare and shall be No. 8 copper minimum, or equal. The bonding conductor shall be routed so as not to be exposed to physical damage. Protection can be afforded by the configuration of the chassis.

(3) Metallic gas, water and waste pipes and metallic air-circulating ducts shall be considered bonded if they are connected to the terminal on the chassis (see 2528.9) by clamps, solderless connectors, or by suitable grounding-type straps.

(4) Any metallic roof and exterior covering shall be considered bonded if (i) the metal panels overlap one another and are securely attached to the wood or metal frame parts by metallic fasteners, and (ii) if the lower panel of the metallic exterior covering is secured by metallic fasteners at a cross member of the chassis by two metal straps per mobile home unit or section at opposite ends. The bonding strap material shall be a minimum of 4 inches in width of material equivalent to the skin or a material of equal or better electrical conductivity. The straps shall be fastened with paint-penetrating fittings (such as screws and star washers or equivalent).

#### § 280.810 Electrical testing.

(a) Dielectric Strength Test. The wiring of each mobile home shall be subjected to a 1-minute, 900-volt dielectric strength test (with all switches closed) between live parts (including neutral) and the mobile home ground. Alternatively, the test may be performed at 1,080 volts for 1 second. This test shall be performed after branch circuits are complete and after fixtures or appliances are installed. Fixtures or appliances which are listed shall not be required to withstand the dielectric strength test.

(b) Each mobile home shall be subjected to: (1) A continuity test to assure that metallic parts are properly bonded. (2) Operational test to demonstrate that all equipment is connected and in working order and (3) Polarity checks to determine that connections have been properly made.

#### § 280.811 Calculations.

(a) The following method shall be employed in computing the supply-cord and distribution-panelboard load for each feeder assembly for each mobile home and shall be based on a 3-wire, 115/230-volt supply with 115-volt loads balanced between the two legs of the 3-wire system.

##### METHOD NO. 1

A. Lighting and Small Appliance Load. Lighting Watts: Length times width of mobile home (outside dimensions, exclusive of coupler) times 3 watts per square foot; e.g., Length x width x 3 = lighting watts.

Small Appliance Watts: Number of circuits times 1,500 watts for each 20-ampere appliance receptacle circuit (see definition of "Appliance, Portable" with note); e.g., Number of circuits x 1,500 = small appliance watts.

Total Watts: Lighting watts plus small appliance = total watts.

First, 3,000 total watts at 100 percent plus remainder at 35 percent = watts to be divided by 230 volts to obtain current (amperes) per leg.



B. Total load for determining power supply is the summation of: (1) Lighting and small appliance load as calculated above

Lighting and small appliance load: 1,000 W (1000 VA)  
 1,000 W (1000 VA)  
 1,000 W (1000 VA)

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the method previously specified. Feeder conductors whose demand load is determined by this optional calculation shall be permitted to have the neutral load determined by Section 220.22 of the National Electrical Code. The loads identified in the Table as "other load" and as "Remainder of other load" shall include the following:

(1) 1500 watts for each 2-wire, 20-ampere

sm-41 appliance branch circuit and each

laundry branch circuit specified.

(2) 3 watts per square foot for general

lighting and general-use receptacles.

(3) The nameplate rating of all fixed

appliances, ranges, wall-mounted ovens, counter-mounted cooking units, and including 4

or more separately controlled space heating

units.

(4) The nameplate ampere or kVA rating

of all motors and of all low-power-factor

loads.

(5) The largest of the following: (i) air

conditioning load; (ii) the 65 percent diversified

demand of the central electric space

heating load; (iii) the 65 percent diversified

demand of the load of less than four separately

controlled electric space heating

units; (iv) the connected load of four or more

separately-controlled electric space heating

units.

OPTIONAL CALCULATION FOR MOBILE HOMES

WITH 100-AMPERE OR LARGER SERVICE

Load (in kW or kVA)

Air conditioning and cooling, in-

cluding heat pump compressors... 100

Central electric space heating... 65

Less than 4 separately controlled

electric space heating units... 65

First 10kW of all other load... 100

Remainder of other load... 40

§ 220.812 Wiring of expandable units

and dual units.

(a) Expandable or dual unit mobile

homes shall use fixed-type wiring meth-

ods and materials for connecting such

units to each other.

(b) Expandable or dual unit mobile

homes not having permanently installed

feeders and which are to be moved from

one location to another, shall be per-

mitted to have disconnecting means with

branch circuit protective equipment in

each unit when so located that after as-

sembly or joining together of units the

requirements of § 280.803 will be met.

§ 280.813 Outdoor outlets, fixtures, air-

conditioning equipment, etc.

(a) Outdoor fixtures and equipment

shall be listed or approved for outdoor

use. Outdoor receptacles or convenience

outlets shall be of a gasketed-cover type.

(b) A mobile home provided with an

outlet designed to energize heating and/

or air conditioning equipment located

outside the mobile home, shall have per-

manently affixed, adjacent to the outlet,

a metal tag which reads:

This Connection Is for Air Conditioning

Equipment Rated at Not More Than

#### § 280.811 Painting of wiring.

During painting or staining of the mobile home, it shall be permitted to paint metal raceways (except where grounding continuity would be reduced) or the sheath of the nonmetallic cable. Some arrangement, however, shall be made so that no paint shall be applied to the individual wires, as the color coding may be obliterated by the paint.

#### § 280.815 Polarization.

(a) The identified (white) conductor shall be employed for grounding circuit conductors only and shall be connected to the identified (white) terminal or lead on receptacle outlets and fixtures. It shall be the unswitched wire in switched circuits, except that a cable containing an identified conductor (white) shall be permitted for single-pole three-way or four-way switch loops where the connections are made so that the unidentified conductor is the return conductor from the switch to the outlet. Painting of the terminal end of the wire shall not be required.

(b) If the identified (white) conductor of a cable is used for other than grounded conductors or for other than switch loops as explained above (for a 230-volt circuit, for example), the conductor shall be finished in a color other than white at each outlet where the conductors are visible and accessible.

(c) Green-colored wires or green with yellow stripe shall be used for grounding conductors only.

#### § 280.816 Examination of equipment for safety.

The examination or inspection of equipment for safety, according to this standard, shall be conducted under uniform conditions and by organizations properly equipped and qualified for experimental testing, inspections of the run of goods at factories, and service-value determinations through field examinations.

#### Subpart J—Transportation

##### § 280.901 Scope.

Subpart J of this Standard covers the general requirement for designing the structure of the mobile home to fully withstand the adverse effects of transportation shock and vibration without degradation of the integrated structure or of its component parts and the specific requirements pertaining to the transportation system and its relationship to the structure.

##### § 280.902 Definitions.

(a) "Chassis" means the entire transportation system comprising the following subsystems: drawbar and coupling mechanism, frame, running gear assembly, and lights.

(b) "Drawbar and Coupling Mechanism" means the rigid assembly, (usually an "A" frame) upon which is mounted a coupling mechanism, which connects the mobile home's frame to the towing vehicle.

(c) "Frame" means the fabricated rigid substructure which provides con-

siderable support to the affixed mobile home structure both during transport and on-site; and also provides a platform for securing of the running gear assembly, the drawbar and coupling mechanism.

(d) "Running Gear Assembly" means the subsystem consisting of suspension springs, axles, bearings, wheels, hubs, tires, and brakes, with their related hardware.

(e) "Lights" means those safety lights and associated wiring required by applicable U.S. Department of Transportation regulations.

(f) "Transportation System." (Same as Chassis, above).

(g) "Highway," includes all roads and streets to be legally used in transporting the mobile home.

(h) "Length," for purposes of transportation only, means the distance from the extreme front of the mobile home to the extreme rear, including the drawbar and coupling mechanism, but not including expandable features that do not project from the body during transportation.

#### § 280.903 General requirements for designing the structure to withstand transportation shock and vibration.

(a) The cumulative effect of highway transportation shock and vibration upon a mobile home structure may result in incremental degradation of its designed performance in terms of providing a safe healthy and durable dwelling. Therefore, the mobile home shall be designed, in terms of its structural, plumbing, mechanical and electrical systems, to fully withstand such transportation forces during its intended life. (See §§ 280.303 (c) and 280.305 (a)).

(b) Particular attention shall be given to maintaining watertight integrity and conserving energy by assuring that structural components in the roof and walls (and their interfaces with vents, windows, doors, etc.) are capable of resisting highway shock and vibration forces during primary and subsequent secondary transportation moves.

(c) In place of an engineering analysis, either of the following may be accepted: (1) Documented technical data of suitable highway tests which were conducted to simulate transportation loads and conditions; or (2) acceptable documented evidence of actual transportation experience which meets the intent of this subpart.

#### § 280.904 Specific requirements for designing the transportation system.

(a) General. The entire system (frame, drawbar and coupling mechanism, running gear assembly, and lights) shall be designed and constructed as an integrated, balanced and durable unit which is safe and suitable for its specified use during the intended life of the mobile home. In operation, the transportation system (supporting the mobile home structure and its contents) shall effectively respond to the control of the

towing vehicle in terms of tracking and braking, while traveling at applicable highway speeds and in normal highway traffic conditions.

Note: While the majority of mobile homes utilize a fabricated steel frame assembly, upon which the mobile home structure is constructed, it is not the intent of this standard to limit innovation. Therefore, other concepts, such as integrating the frame function into the mobile home structure, are acceptable provided that such design meets the intent and requirements of this part.

(b) Specific requirements—(1) Drawbar. The drawbar shall be constructed of sufficient strength, rigidity and durability to safely withstand those dynamic forces experienced during highway transportation. It shall be securely fastened to the mobile home frame by either a continuous weld or by bolting.

(2) Coupling mechanism. The coupling mechanism (which is usually of the socket type) shall be securely fastened to the drawbar in such a manner as to assure safe and effective transfer of the maximum loads, including dynamic loads, between the mobile home structure and the hitch-assembly of the towing vehicle. The coupling shall be equipped with a manually operated mechanism so adapted as to prevent disengagement of the unit while in operation. The coupling shall be so designed that it can be disconnected regardless of the angle of the mobile home to the towing vehicle. With the mobile home parked on level ground, the center of the socket of the coupler shall not be less than 20 inches nor more than 26 inches from ground level.

(3) Chassis. The chassis, in conjunction with the mobile home structure, shall be designed and constructed to effectively sustain the designed loads consisting of the dead load plus a minimum of 3 pounds per square foot floor load (example: free-standing range, refrigerator, and loose furniture) and the superimposed dynamic load resulting from highway movement but shall not be required to exceed twice the dead load. The integrated design shall be capable of insuring rigidity and structural integrity of the complete mobile home structure and to insure against deformation of structural or finish members during the intended life of the home.

(4) Running gear assembly. (i) The running gear assembly, as part of the chassis, shall be designed to perform, as a balanced system, in order to effectively sustain the designed loads set forth in § 280.904(b)(3) and to provide for durable dependable safe mobility of the mobile home. It shall be designed to accept shock and vibration, both from the highway and the towing vehicle and effectively dampen these forces so as to protect the mobile home structure from damage and fatigue. Its components shall be designed to facilitate routine maintenance, inspection and replacement.

(ii) Location of the running gear assembly shall be determined by docu-

mented engineering analysis, taking into account the gross weight (including all contents), total length of the mobile home, the necessary coupling hitch weight, span distance, and turning radius. The coupling weight shall be not less than 12 percent nor more than 25 percent of the gross weight.

(5) Spring assemblies. Spring assemblies (springs, hangers, shackles, bushings and mounting bolts) shall be capable of withstanding all the design loads as outlined in 280.904(b)(3) without exceeding maximum allowable stresses specified in the current Society of Automotive Engineers (SAE) Handbook. The capacity of the spring system shall assure, that under maximum operating load conditions, sufficient clearance shall be maintained between the tire and mobile home frame or structure to permit unimpeded wheel movement and for changing tires.

(6) Axles. Axles, and their connecting hardware, shall be capable of withstanding all of the design loads outlined in § 280.904(b)(3) without exceeding maximum allowable stresses for design axle life as recommended by the axle manufacturer. The number of axles required to provide a safe tow and good ride characteristics shall be determined and documented by engineering analysis. Those alternatives listed in § 280.903(c) may be accepted in place of such an analysis.

(7) Hubs and bearings. Hubs and bearings shall meet the requirements of § 280.904(b)(3) and good engineering practice. Both of these components shall be accessible for inspection, routine maintenance and replacement of parts.

(8) Tires, wheels and rims. Tires, wheels and rims shall meet the requirements of § 280.904(b)(3). Tires shall be selected for anticipated usage.

(9) Brake assemblies. (i) The number, type, size and design of brake assemblies required to assist the towing vehicle in providing effective control and stopping of the mobile home shall be determined and documented by engineering analysis. Those alternatives listed in paragraph 280.903(c) may be accepted in place of such an analysis.

(ii) Brakes on the towing vehicle and the mobile home shall be capable of assuring that the maximum stopping distance from an initial velocity of 20 miles per hour does not exceed 40 feet (U.S. Department of Transportation Regulations).

(10) Lights and associated wiring. Highway safety electrical lights and associated wiring shall conform to applicable federal requirements in terms of location and performance. The manufacturer shall have the option of meeting this requirement by utilizing a temporary light/wiring harness provided by the mobile home transportation carrier.

(Section 7(d) of the Department of Housing and Urban Development Act, 42 USC3535(d), and Title VI of the Housing and Community Development Act of 1974, 42 USC5401)

[FR Doc. 75-22727 Filed 8-28-75; 8:45 am]



# **federal register**

TUESDAY, SEPTEMBER 2, 1975



PART III:

## **DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

### **HEALTH RESOURCES ADMINISTRATION**

Designation of Health Service Areas

### **HEALTH MAINTENANCE ORGANIZATION**

Designation of Medically Underserved  
Areas and Population Groups

V40170

SEP 2

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DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Office of the Secretary

## HEALTH RESOURCES ADMINISTRATION

## Designation of Health Service Areas

Section 1511 of the Public Health Service Act, as added by the National Health Planning and Resources Development Act of 1974 (Pub. L. 93-641, January 4, 1975), requires that there shall be established by the Secretary of Health, Education, and Welfare, in accordance with the requirements of that section, health service areas throughout the United States. With respect to each such area there will be designated at a later date, in accordance with section 1515 of the Public Health Service Act, a health systems agency whose primary responsibility will be the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

In accordance with section 1511(b)(1) of the Act, the Governors of the fifty States and the Commonwealth of Puerto Rico and the Mayor of the District of Columbia were notified by letter dated January 21, 1975, of the initiation of proceedings to establish health service areas and of the criteria and procedures to be utilized in such designation, and were requested to submit health service area designations for their respective States to the Department of Health, Education, and Welfare by May 3, 1975. A copy of that letter was published in the FEDERAL REGISTER of January 28, 1975 (40 FR 4173). No letters were sent to the Governors or other Chief Executive Officers of the Virgin Islands, Guam, the Trust Territory of the Pacific Islands and American Samoa since section 1536 of the Act provides that no health service areas shall be established within them.

Subsequent to such notification, the Governors and the Mayor were provided copies of *Guidelines for Designation Health Service Areas*, February 1975, which provided the Governors and the Mayor with (1) an elaboration of the area designation requirements set forth in the Act; (2) the instructions and format to be followed in developing and submitting health service area designations; and (3) a description of the Federal review and approval process with respect to area designation.

In response to the request of January 21, 1975, 47 Governors submitted area designation plans. Four States—Delaware, Vermont, Rhode Island, and Hawaii—and the District of Columbia have formally claimed exemption from designating health service areas under section 1536 of the Act. Final determinations have yet to be made with respect to these claims. Therefore, this notice does not designate health service areas for such States and the District of Columbia. A notice designating health service areas for such jurisdictions, if any, will be published in the FEDERAL REGISTER as soon

as practicable after such final determinations have been made.

Under section 1511(b)(3) of the Act the boundaries submitted by the Governors shall, upon publication in the FEDERAL REGISTER, constitute the boundaries of the health service areas; except that, if the Secretary determines that a boundary submitted to him does not meet the requirements of the Act, section 1511(b)(3)(B) requires the Secretary, after consultation with the Governor who submitted such boundary, to make such revision of such boundaries as may be necessary to meet the requirements of the Act. A boundary so revised shall, upon publication in the FEDERAL REGISTER, constitute the boundary for such health service area.

All health service area boundaries submitted by the Governors have been reviewed by the Secretary in accordance with the requirements of section 1511 of the Act, and any revisions so required have been made.

Accordingly, pursuant to the requirement of section 1511(b)(3) of the Act, the following areas shall constitute, upon their publication in the FEDERAL REGISTER, the health service areas for the States listed below:

Dated: August 7, 1975.

THEODORE COOPER,  
Assistant Secretary for Health.

Approved: August 21, 1975.

DAVID MATHEWS,  
Secretary.

## ALABAMA

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Colbert Limestone  
Cullman Madison  
Franklin Marion  
Jackson Marshall  
Lauderdale Morgan  
Lawrence Winston

## AREA 2

Bibb Lamar  
Greene Pickens  
Hale Tuscaloosa  
Fayette

## AREA 3

Blount St. Clair  
Chilton Shelby  
Jefferson Walker

## AREA 4

Calhoun De Kalb  
Chambers Etowah  
Cherokee Randolph  
Clay Talladega  
Cleburne Tallapoosa  
Coosa

## AREA 5

Autauga Geneva  
Barbour Henry  
Bullock Houston  
Butler Lee  
Coffee Lowndes  
Covington Macon  
Crenshaw Montgomery  
Dale Pike  
Elmore

## AREA 6

Baldwin Mobile  
Choctaw Monroe  
Clarke Perry  
Conecuh Sumter  
Dallas Washington  
Escambia Wilcox  
Marengo

## AREA 7

Russell

## GEORGIA

Russell Peach  
Bibb Pulaski  
Bleckley Putnam  
Chattahoochee Quitman  
Clay Randolph  
Crawford Schley  
Dodge Stewart  
Hancock Sharp  
Houston Talbot  
Lee Taylor  
Jasper Telfair  
Johnson Treutlen  
Jones Twiggs  
Laurens Washington  
Macon Webster  
Marion Wheeler  
Monroe Wilcox  
Montgomery Wilkinson  
Muscogee

## ALASKA

Health Service Area numbered 1 is the geographic area consisting of:  
Panhandle of Alaska, bounded on the north by a continuation of the Alaska-Yukon border and on the South by the Alaska State boundary; coterminous with the SEALASKA National Regional Corporation and encompasses the State Health Plan Districts of Juneau, Ketchikan and Sitka.

## AREA 2

Southcentral Alaska, Kodiak, the Aleutian Chain, and extends along the western coast to a point just north of the Seward Peninsula. Encompasses the Native Regional Corporations of Chugach, Koniag, Cook Inlet, Calista, Bristol Bay, Berling Straits, Aleut and ANTNA and encompasses the State Health Plan Districts of Barrow, Kotzebue, Bettles, Anchorage, Bethel, Glenallen, Dillingham, Kodiak, Cold Bay, Kenai, Seward and Valdez.

## AREA 3

Extends north of the Alaska range, eastward to the Canadian Border, and north to the Arctic Ocean, encompasses the Native Regional Corporations of DOYON, NANA and Arctic Slope, and includes the State Health Plan Districts of Nome, a portion of Aniak, Fort Yukon, Galena, Fairbanks, Tok, McGrath, and a portion of the Aniak District.

## ARIZONA

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Maricopa Gila  
Pinal Graham

## AREA 2

Cochise Pima  
Graham Santa Cruz  
Greenlee

## AREA 3

Apache (parts of) Yavapai  
Navajo (parts of) Mohave  
Coconino (parts of) Yuma

Area 4 is the geographic area comprised of a portion of the Navajo Nation:

Arizona New Mexico

Apache (parts of) San Juan (parts of)  
Coconino (parts of) McKinley (parts of)  
Navajo (parts of)

## UTAH

San Juan (parts of)

## ARKANSAS

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Baxter Montgomery  
Benton Newton  
Boone Logan  
Carroll Perry  
Clark Pike  
Conway Polk  
Crawford Pope  
Franklin Scott  
Garland Searcy  
Hot Spring Sebastian  
Johnson Washington  
Madison Yell  
Marion

## ARKANSAS—Continued

## AREA 2

Clay Cross  
Cleburne Fulton  
Craighead Greene  
Crittenden Independence  
Izard Randolph  
Jackson Sharp  
Lawrence St. Francis  
Lee Stone  
Mississippi Van Buren  
Phillips White  
Poinsett Woodruff

## AREA 3

Prairie Faulkner  
Pulaski Lonoke  
Saline Monroe

## AREA 4

Arkansas Hempstead  
Ashley Howard  
Bradley Jefferson  
Calhoun Lafayette  
Chicot Lincoln  
Cleveland Little River  
Columbia Miller  
Dallas Nevada  
Desha Ouachita  
Drew Sevier  
Grant Union

## CALIFORNIA

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Del Norte Plumas  
Siskiyou Butte  
Modoc Mendocino  
Humboldt Glenn  
Trinity Tehama  
Shasta Lake  
Lassen Colusa

## AREA 2

Yolo Nevada  
Sutter Placer  
Yuba El Dorado  
Sierra Sacramento

## AREA 3

Sonoma Napa  
Solano

## AREA 4

Marin San Mateo  
San Francisco

## AREA 5

Contra Costa Alameda  
Merced  
Tuolumne  
Alpine

## AREA 6

San Joaquin  
Amador  
Calaveras  
Stanislaus

## AREA 7

The single county of Santa Clara

## AREA 8

San Benito Monterey  
San Luis Obispo Santa Cruz

## AREA 9

Fresno Kings  
Mariposa Tulare  
Madera Kern

## AREA 10

Santa Barbara Ventura

## AREA 11

The single county of Los Angeles

## AREA 12

Mono Inyo  
San Bernardino Riverside

## AREA 13

The single county of Orange

## AREA 14

San Diego Imperial

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Larimer Boulder  
Weld Clear Creek  
Sedgwick Denver  
Phillips Douglas  
Yuma Gilpin  
Washington Jefferson  
Logan Elbert  
Morgan Lincoln  
Adams Kit Carson  
Arapahoe Cheyenne

## AREA 2

El Paso Las Animas  
Teller Conejos  
Park Costilla  
Prowers Alamosa  
Bent Mineral  
Crowley Rio Grande  
Otero Saguache  
Baca Chaffee  
Pueblo Lake  
Kiowa Fremont  
Huerfano Custer

## AREA 3

Archuleta Mesa  
Dolores Garfield  
La Plata Moffat  
San Juan Rio Blanco  
Montezuma Pitkin  
Delta Eagle  
Gunnison Routt  
Hinsdale Grand  
Montrose Jackson  
Ouray Summit  
San Miguel

## CONNECTICUT

Health Service Area numbered 1 is the geographic area comprised of the towns of:

Bridgeport New Canaan  
Darlen Norwalk  
Easton Stamford  
Fairfield Stratford  
Greenwich Trumbull  
Milton Weston  
Monroe Westport

## AREA 2

Ansonia New Haven  
Bethany North Branford  
Branford North Haven  
Derby Orange  
East Haven Oxford  
Gulf Seymour  
Madison Shelton  
Meriden Wallingford  
Milford West Haven  
Namdun Woodbridge

## AREA 3

Ashford Middletown  
Bozrah Montville  
Brooklyn Haddam  
Canterbury New London  
Chaplin North Stonington  
Chester Norwich  
Clinton Old Lyme  
Deep River Old Saybrook  
Durham Plainfield  
Eastford Pomfret  
East Lyme Preston  
East Haddam Putnam  
Essex Salem  
Franklin Scotland  
Griswold Sprague  
Groton Sterling  
Hampton Stonington  
Killingly Thompson  
Killingworth Union  
Lebanon Voluntown  
Ledyard Waterford  
Lisbon Westbrook  
Lyme Windham  
Mansfield Woodstock  
Middletown

## AREA 4

Andover Hebron  
Avon Manchester  
Berlin Marlborough  
Bloomfield New Britain  
Bolton New Hartford  
Bristol Newington  
Burlington Plainville  
Canton Plymouth  
Colchester Portland  
Columbia Rocky Hill  
Coventry Simsbury  
Cromwell Somers  
East Granby Southington  
East Hampton South Windsor  
East Hartford Stafford  
East Windsor Suffield  
Ellington Tolland  
Enfield Vernon  
Farmington West Hartford  
Glastonbury Wethersfield  
Granby Willington  
Hartford Windsor  
Hartland Windsor Locks

## AREA 5

Barkhamsted Newtown  
Beacon Falls Norfolk  
Bethel North Canaan  
Bethlehem Prospect  
Bridgewater Redding  
Brookfield Ridgefield  
Canaan Roxbury  
Cheshire Salisbury  
Colebrook Sharon  
Cornwall Sherman  
Danbury Southbury  
Goshen Thomaston  
Hartford Torrington  
Kent Warren  
Litchfield Washington  
Middlebury Waterbury  
Morris Watertown  
Naugatuck Winchester  
New Fairfield Wolcott  
New Milford Woodbury

## DELAWARE

The State of Delaware has formally claimed exemption from designating health service areas under Section 1536 of the Act. Final determinations have yet to be made with respect to these claims.

## THE DISTRICT OF COLUMBIA

The District of Columbia has formally claimed exemption from designating health service areas under Section 1536 of the Act. Final determinations have yet to be made with respect to these claims.

## FLORIDA

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Bay Leon  
Calhoun Liberty  
Escambia Madison  
Franklin Okaloosa  
Gadsden Santa Rosa  
Gulf Taylor  
Holmes Wakulla  
Jackson Walton  
Jefferson Washington

## AREA 2

Alachua Lafayette  
Bradford Lake  
Citrus Levy  
Columbia Marion  
Dixie Putnam  
Gilchrist Sumter  
Hamilton Suwannee  
Hernando Union







## NOTICES

	AREA 2		Great Barrington	Petersham	
		Phillipston	Greenfield	Phillipston	
Ascension	Iberia		Hadley	Plainfield	Boston
East Baton Rouge	Lafayette		Hampden	Richmond	Cambridge
East Feliciana	St. Landry		Hancock	Rowe	Newton
Iberville	St. Martin		Hatfield	Royalston	Quincy
Livingston	To St. Martin		Hawley	Russell	Somerville
Pointe Coupee	St. Mary		Heath	Sandisfield	
St. Helena	Vermillion		Hinsdale	Savoy	
Tangipahoa	Allen		Huntington	Sheffield	Acton
Washington	Beauregard		Lanesborough	Shelburne	Arlington
West Baton Rouge	Calcasieu		Lee	Shutesbury	Ashland
West Feliciana	Cameron		Lenox	South Hadley	Bedford
Acadia	Jefferson Davis		Leverett	Southampton	Belmont
Evangeline			Leyden	Southwick	Boxborough
	AREA 3		Longmeadow	Stockbridge	Braintree
			Ludlow	Sunderland	Brookline
Avoyelles	Red River		Middlefield	Tolland	Burlington
Catahoulo	Sabine		Monroe	Tyringham	Canton
Concordia	Webster		Monson	Ware	Carlisle
Grant	Caldwell		Montague	Warren	Cohasset
LaSalle	East Carroll		Monterey	Warwick	Concord
Rapides	Franklin		Montgomery	Washington	Dedham
Vernon	Jackson		Mount Washington	Wendell	Dover
Winn	Madison		New Ashford	Westhampton	Foxborough
Blenville	Morehouse		New Marlborough	West Springfield	Frammingham
Bossier	Ouachita		New Salem	West Stockbridge	Hingham
Caddo	Richland		Northfield	Whately	Holliston
Claiborne	Tensas		Orange	Wilbraham	Holbrook
DeSoto	Union		Otis	Williamsburg	Hopkinton
Lincoln	West Carroll		Palmer	Williamstown	Hudson
Natchitoches			Pelham	Windsor	Hull
	MAINE		Peru	Worthington	Lexington
The State of Maine is designated as a single Health Service Area.			AREA 2		Lincoln
	MARYLAND		Cities		Littleton
Health Service Area number 1 is the geographic area comprised of the counties of:		Fitchburg	Leominster		Maynard
		Gardner	Worcester		Medfield
			Towns		
Allegany	Garrett	Ashburnham	Mendon		Attleboro
Frederick	Washington	Asby	Millford		Brockton
	AREA 2	Auburn	Millbury		
Montgomery County		Ayer	Millville		
	AREA 3	Barre	New Braintree		Abington
		Berlin	Northbridge		Acushnet
Calvert	Prince Georges	Bellingham	North Brookfield		Avon
Charles	St. Mary's	Blackstone	Oakham		Barnstable
	AREA 4	Boylston	Oxford		Berkley
		Boiton	Paxton		Bourne
Anne Arundel	City of Baltimore	Brimfield	Pepperell		Brewster
Baltimore	Howard	Brookfield	Princeton		Bridgewater
Carroll		Charlton	Rutland		Carver
	AREA 5	Clinton	Shirley		Chatham
		Douglas	Shrewsbury		Chilmark
Caroline	Somerset	Dudley	Southbridge		Dartmouth
Cecil	Talbot	East Brookfield	Spencer		Dennis
Dorchester	Wilcomico	Franklin	Sterling		Dighton
Kent	Worcester	Grafton	Sturbridge		East Bridgewater
Queen Anne		Groton	Sutton		Eastham
	MASSACHUSETTS	Hardwick	Templeton		Easton
Health Service Area number 1 is the geographic area comprised of the cities of:		Harvard	Townsend		Edgartown
		Holden	Upton		Fairhaven
Chicopee	Pittsfield	Holland	Uxbridge		Falmouth
Holyoke	Springfield	Hopedale	Wales		Freetown
Northampton	Westfield	Hubbardston	Webster		Gay Head
North Adams		Lancaster	West Boylston		Gosnold
		Leicester	W. Brookfield		Halifax
		Lunenburg	Westminster		Hanover
		Medway	Winchendon		Hanson
	Towns		AREA 3		Harwich
			Cities		Kingston
Adams	Clarksburg		Lowell		Lakeville
Agawam	Colrain	Haverhill	Newburyport		Mansfield
Alford	Conway	Lawrence			Marion
Amherst	Cummington		Towns		Marshfield
Ashfield	Dalton				
Athol	Deerfield	Amesbury	Methuen		
Becket	East Hampton	Andover	Newbury		
Belchertown	East Longmeadow	Billerica	North Andover		
Bernardston	Egremont	Boxford	Rowley		
Blandford	Erving	Chelmsford	Salisbury		Beverly
Buckland	Florida	Dracut	Tewksbury		Everett
Charlemont	Gill	Dunstable	Tyngsboro		Gloucester
Cheshire	Goshen	Georgetown	Westford		Lynn
Chester	Granby	Groveland	West Newbury		Malden
Chesterfield	Granville	Merrimac			

## NOTICES

MASSACHUSETTS—Continued		AREA 2		Cedar		Gentry	
Towns		Minnesota		Wisconsin		Holt	
Danvers	North Reading	Koochiching	Douglas	Henry	Hickory	Nodaway	
Essex	Reading	Saint Louis	Burnett	St. Clair	Vernon	Worth	
Hamilton	Rockport	Lake	Washburn	Camden	Laclede	Johnson	
Ipswich	Saugus	Itasca	Sawyer	Miller	Morgan	Lafayette	
Lynnfield	Stoneham	Carlton	Bayfield	Pullaski	Lewis	Pettis	
Manchester	Swampscott	Cook	Ashland	Macon	Marion	Audrain	
Marblehead	Topsfield	Aitkin	Iron	Monroe	Pike	Boone	
Nahant	Wakefield		Price	Ralls	Randolph	Callaway	
Middleton	Wenham			Shelby	Andrew	Cole	
MICHIGAN		AREA 3		Buchanan	Adair	Cooper	
Health Service Area numbered 1 is the		Minnesota		Clinton	Clark	Howard	
geographic area comprised of the counties of:		Becker		DeKalb	Knox	Monteau	
Livingston	Washtenaw	Wilkin		Atchison	Schuyler	Osage	
Macomb	Wayne	Otter Tail			Scotland	Carroll	
Monroe	St. Clair	Traverse				Chariton	
Oakland		Grant				Saline	
AREA 2		Douglas				Adair	
Clinton	Ingham	Stevens				Clark	
Eaton	Jackson	Pope				Knox	
Hillsdale		Clay				Schuyler	
Lenawee		North Dakota				Scotland	
AREA 3		Wells				AREA 3	
Barry	Kalamazoo	Foster				Illinois	
Berrien	Van Buren					Clinton	
Branch	Cass					Madison	
Calhoun	St. Joseph					Monroe	
AREA 4		Cass				St. Clair	
Allegan	Muskegan	Crow Wing					
Kent	Newaygo	Benton					
Lake	Oceana	Stearns					
Mason	Ottawa	Wright					
Mecosta	Osceola	Kanabec					
Montcalm	Ionia	Wadena					
AREA 5		Anoka				AREA 4	
Shiawassee	Genesee	Washington				Jasper	
Lapeer		Hennepin				McDonald	
AREA 6		Ramsey				Newton	
Clare	Midland	Big Stone				Douglas	
Arenac	Roscommon	Swift				Howell	
Bay	Saginaw	Kandiyohti				Oregon	
Gratiot	Huron	Lac Qui Parle				Ozark	
Iosco	Sanilac	Chippewa				Shannon	
Gladwin	Tuscola	Waseca				Texas	
Isabella	Ogemaw	Redwood				Wright	
AREA 7		McLeod				AREA 5	
Alcona	Kalkaska	Murray				Butler	
Alpena	Leelanau	Le Sueur				Carter	
Antrim	Manistee	Blue Earth				Mississippi	
Benzie	Missaukee	Renville				New Madrid	
Charlevoix	Montmorency	Lyon				Reynolds	
Cheboygan	Wexford	Rock				Ripley	
Emmet	Presque Isle					Wayne	
Grand Traverse	Otsego					Bollinger	
Crawford	Oscoda					Cape Girardeau	
AREA 8						St. Francois	
Barago	Iron					St. Genevieve	
Alger	Luce					Iron	
Chippewa	Mackinac					Madison	
Delta	Marquette					Perry	
Dickinson	Manitowish						
Gogebic	Ontonagon						
Houghton	Schoolcraft						
Keweenaw							
MINNESOTA							
Health Service Area numbered 1 is the							
geographic area comprised of the counties of:							
Minnesota	North Dakota						
Norman	Rolette						
Mahnomen	Townier						
Red Lake	Benson						
Pennington	Eddy						
Roseau	Cavaller						
Lake of the Woods	Ramsey						
Beltrami	Nelson						
Clearwater	Pembina						
Hubbard	Walsh						
Kittson	Grand Folks						
Marshall							
Polk							



## NOTICES

## NEBRASKA—Continued

Nance  
Perkins  
Buffalo  
Hall  
Hamilton  
Merrick  
Chase  
Hayes  
Frontier  
Gosper  
Phelps  
Kearney

## AREA 2

Polk  
Butler  
Saunders  
York  
Seward  
Lancaster  
Cass  
Saline  
Thayer

## AREA 3

Dodge  
Washington  
Douglas  
Sarpy

## AREA 4

Dakota

## AREA 5

Lyon  
Osceola  
Dickinson  
Emmet  
Kossuth  
Winnebago  
Worth  
Mitchell  
Howard  
Winneshiek  
Allamakee  
Sioux  
Pocahontas  
Humboldt  
Ida  
Wright  
Franklin  
Butler  
Bremer  
Hardin  
Black Hawk  
Delaware  
Monona  
Crawford  
Carroll  
Greene  
Boone  
Marshall  
Tama  
Dallas  
Jasper  
Iowa  
Cedar  
Cass  
Adair  
Madison  
Warren  
Marion  
Mahaska  
Keokuk  
Washington  
Henry  
Des Moines  
Taylor  
Decatur  
Appanoose

## AREA 6

O'Brien  
Clay  
Palo Alto  
Hancock  
Cerro Gordo  
Floyd  
Chickasaw  
Fayette  
Howard  
Clayton  
Plymouth  
Cherokee  
Buena Vista  
Woodbury  
Sac  
Calhoun  
Butler  
Webster  
Hamilton  
Grant  
Buchanan  
Dubuque  
Benton  
Linn  
Jones  
Jackson  
Story  
Audubon  
Guthrie  
Polk  
Poweshiek  
Johnson  
Clinton  
Louisa  
Adams  
Union  
Clarke  
Lucas  
Monroe  
Wapello  
Jefferson  
Van Buren  
Lee  
Ringgold  
Cattaraugus  
Wayne  
Davis

## AREA 7

Atlantic  
Burlington  
Camden  
Cape May

## AREA 8

Essex  
Morris  
Sussex

## AREA 9

Hudson

## AREA 10

Hunterdon  
Mercer  
Middlesex

## AREA 11

Monmouth  
Ocean  
Somerset

## AREA 12

Cumberland  
Gloucester  
Salem

## NEVADA

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Carson City  
Churchill  
Douglas  
Elko  
Esmeralda  
Eureka  
Humboldt  
Grant  
Lander

## AREA 2

The single county of Clark

## NEW HAMPSHIRE

The State of New Hampshire is designated as a single Health Service Area.

## NEW JERSEY

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Bergen  
Passaic  
Essex  
Morris  
Sussex

## AREA 2

Union  
Warren

## AREA 3

Hudson

## AREA 4

Monmouth  
Ocean  
Somerset

## AREA 5

Cumberland  
Gloucester  
Salem

## NEW MEXICO

Health Service Area numbered 1 is the geographic area comprised of the following counties:

Bernalillo  
Colfax  
Los Alamos  
McKinley (parts of)  
Mora  
Rio Arriba  
Valencia  
Luna  
Grant  
Buchanan  
Hidalgo  
Chaves  
Curry  
De Baca  
Eddy  
Guadalupe  
Harding  
San Juan (parts of)  
San Miguel  
Sandoval  
Santa Fe  
Taos  
Torrance  
Catron  
Dona Ana  
Sierra  
Socorro  
Lincoln  
Otero  
Quay  
Roosevelt  
Union

Area 2 is the geographic area comprised of a portion of the Navajo Nation:

## NEW MEXICO

McKinley (parts of)

## ARIZONA

Apache (parts of)  
Navajo (parts of)

## UTAH

San Juan (parts of)

## NEW YORK

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Allegany  
Cattaraugus  
Chautauqua  
Erie

## GENESEE

Niagara  
Orleans  
Wyoming

Chemung  
Livingston  
Monroe  
Ontario  
Schuyler

Cayuga  
Cortland  
Herkimer  
Jefferson  
Lewis  
Madison

Albany  
Clinton  
Columbia  
Delaware  
Essex  
Franklin  
Fulton  
Greene  
Hamilton

Dutchess  
Orange  
Putnam  
Rockland

Bronx  
Kings  
New York

Nassau

Alamance  
Caswell  
Davidson  
Davie  
Forsyth

Cabarrus  
Gaston  
Iredell  
Lincoln

Chatham  
Durham  
Franklin  
Granville  
Johnston

Lee  
Orange  
Person  
Vance  
Wake  
Warren

Guilford  
Randolph  
Rockingham  
Stokes  
Surry  
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Rowan  
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Suffolk

North Carolina

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Ashe  
Avery  
Buncombe  
Burke  
Caldwell  
Catawba  
Clay  
Cleveland  
Graham  
Haywood  
Cherokee

Henderson  
Jackson  
McDowell  
Macon  
Madison  
Mitchell  
Polk  
Rutherford  
Swain  
Transylvania  
Watauga  
Wilkes  
Yancey

Guilford  
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Rockingham  
Stokes  
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Mecklenburg  
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Surry  
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Rensselaer  
Saratoga  
Schenectady  
Schoharie  
Warren  
Washington

Sullivan  
Ulster  
Westchester

Queens  
Richmond

Suffolk

North Carolina

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Alexander  
Alleghany  
Ashe  
Avery  
Buncombe  
Burke  
Caldwell  
Catawba  
Clay  
Cleveland  
Graham  
Haywood  
Cherokee

Henderson  
Jackson  
McDowell  
Macon  
Madison  
Mitchell  
Polk  
Rutherford  
Swain  
Transylvania  
Watauga  
Wilkes  
Yancey

Guilford  
Randolph  
Rockingham  
Stokes  
Surry  
Yadkin

Mecklenburg  
Rowan  
Stanly  
Union

Seneca  
Steuben  
Wayne  
Yates

Oneida  
Onondaga  
Oswego



NOTICES

SOUTH CAROLINA—Continued

Chesterfield  
Clarendon  
Darlington  
Dillon  
Florence  
Georgetown

AREA 3  
Horry  
Lee  
Marion  
Marlboro  
Sumter  
Williamsburg

Allendale  
Bamberg  
Barnwell  
Beaufort  
Berkeley  
Calhoun

AREA 4  
Charleston  
Colleton  
Dorchester  
Hampton  
Jasper  
Orangeburg

Aiken

AREA 5  
South Carolina

Barrow  
Burke  
Clarke  
Columbia  
Elbert  
Emanuel  
Glascok  
Greene  
Jackson  
Jefferson  
Lincoln

Georgia  
Jenkins  
Madison  
McDuffie  
Morgan  
Oconee  
Oglethorpe  
Ochiltree  
Richmond  
Screven  
Taliaferro  
Warren  
Wilkes

The State of South Dakota is designated as a single Health Service Area.

SOUTH DAKOTA

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Tennessee

Carter  
Greene  
Hancock  
Hawkins  
Johnson  
Sullivan  
Union  
Washington

Virginia  
Scott  
Washington

Anderson  
Blount  
Campbell  
Claborn  
Coke  
Grainger  
Hamblen  
Jefferson

AREA 2  
Knox  
Loudon  
Monroe  
Morgan  
Roane  
Scott  
Sevier  
Union

Bledsoe  
Eradley  
Grundy  
Hamilton  
McMinn  
Marion  
Meigs  
Polk  
Rhea  
Sequatchie

Georgia  
Catoosa  
Dade  
Walker

Bedford  
Cannon  
Cheatham  
Clay  
Coffee  
Cumberland  
Davidson  
DeKalb  
Dickson  
Fentress  
Franklin  
Giles  
Hickman  
Houston

AREA 4  
Humphreys  
Jackson  
Lawrence  
Lewis  
Lincoln  
Macon  
Marshall  
Maury  
Montgomery  
Moore  
Overton  
Perry  
Pickett  
Putnam

Robertson  
Rutherford  
Smith  
Stewart  
Sumner  
Troupdale

Van Buren  
Warren  
Wayne  
White  
Williamson  
Wilson

Benton  
Carroll  
Chester  
Crockett  
Decatur  
Dyer  
Gibson  
Hardeman  
Hardin

AREA 5  
Haywood  
Henderson  
Henry  
Lake  
McNairy  
Madison  
Obion  
Weakley

Fayette  
Lauderdale

AREA 6  
Shelby  
Tipton

Dallam  
Sherman  
Hansford  
Ochiltree  
Lipscomb  
Hartley  
Moore  
Hutchinson  
Roberts  
Hemphill  
Oldham  
Potter  
Carson

TEXAS  
Health Service Area numbered 1 is the geographic area comprised of the counties of:  
Hall  
Briscoe  
Swisher  
Castro  
Farmer  
Deaf Smith  
Randall  
Armstrong  
Donley  
Collingsworth  
Wheeler  
Gray

Bailey  
Lamb  
Hale  
Floyd  
Motley  
King  
Dickens  
Crosby

Garza  
Lynn  
Terry  
Yoakum  
Cochran  
Hockley  
Lubbock

El Paso  
Hudspeth  
Culberson

AREA 3  
Jeff Davis  
Presidio  
Brewster

Childress  
Cottle  
Hardeman  
Foard  
Knox  
Baylor  
Wilbarger  
Wichita  
Archer

AREA 4  
Mason  
Kimble  
Menard  
Schleicher  
Sutton  
Crockett  
Reagan  
Irion  
Tom Green  
Concho  
McCulloch  
Brown  
Coleman  
Runnels  
Coke  
Sterling  
Mitchell  
Scurry  
Nolan  
Taylor  
Callahan  
Comanche

Shelby  
Nacogdoches  
Angelina  
San Augustine  
Sabine  
Houston  
Trinity  
San Jacinto

Walker  
Montgomery  
Waller  
Austin  
Harris  
Liberty  
Chambers

Cooke  
Grayson  
Fannin  
Hunt  
Collins  
Denton  
Wise  
Dallas  
Rockwall  
Kaufman

AREA 5  
Navarro  
Ellis  
Johnson  
Hood  
Somervell  
Erath  
Palo Pinto  
Parker  
Tarrant

Hill  
Limestone  
Freestone  
Leon  
Robertson  
Falls  
McLennan  
Bosque  
Hamilton  
Mills  
Lampasas  
Coryell  
Bell  
Williamson  
San Saba

Lamar  
Red River  
Anderson  
Henderson  
Van Zandt  
Rains  
Hopkins  
Delta  
Franklin  
Wood  
Titus  
Bowie

McMullen  
Live Oak  
Bee  
Goliad  
DeWitt  
Gonzales  
Lavaca  
Jackson  
Victoria  
Calhoun  
Refugio  
Jim Wells  
Duval

Gillespie  
Kendall  
Kerr  
Bandera  
Real  
Edwards  
Val Verde  
Comal  
Bexar  
Guadalupe  
Wilson

Shelby  
Nacogdoches  
Angelina  
San Augustine  
Sabine  
Houston  
Trinity  
San Jacinto

Walker  
Montgomery  
Waller  
Austin  
Harris  
Liberty  
Chambers

Gaines  
Dawson  
Borden  
Howard  
Martin  
Andrews  
Loving  
Winkler  
Ector

Fayette  
Bastrop  
Caldwell  
Hays  
Blanco  
Travis  
Lee  
Washington  
Burleson  
Brazos  
Grimes  
Madison  
Milam  
Burnet  
Llano

Panola  
Rusk  
Cherokee  
Smith  
Gregg  
Harrison  
Marion  
Upshur  
Camp  
Morris  
Cass

Cameron  
Willacy  
Hidalgo  
Starr  
Zapata  
Jim Hogg  
Brooks  
Kenedy  
Victoria  
Calhoun  
Refugio  
Jim Wells  
Duval

La Salle  
Frio  
Zavala  
Dimmit  
Maverick  
Kinney  
Uvalde  
Medina  
Atascosa  
Karnes

Jefferson  
Orange  
Newton  
Jasper  
Hardin  
Tyler  
Polk

Matagorda  
Brazoria  
Wharton  
Colorado  
Fort Bend  
Galveston

Terrell  
Pecos  
Reeves  
Ward  
Crane  
Upton  
Glasscock  
Midland

VERMONT

The State of Vermont has formally claimed exemption from designating health service areas under Section 1536 of the Act. Final determinations have yet to be made with respect to these claims.

UTAH

Health Service Area numbered 1 is the geographic area comprised of all counties except parts of San Juan County, which is a portion of the Navajo Nation.

Utah  
San Juan (parts of)

Arizona  
Apache (parts of)  
Navaho (parts of)  
Cocconino (parts of)

New Mexico  
McKinley (parts of)

VIRGINIA

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Frederick  
Rappahannock  
Shenandoah  
Fauquier  
Greene  
Madison  
Stafford  
King George  
Augusta  
Orange  
Spotsylvania  
Bath  
Nelson

Clarke  
Warren  
Page  
Rockingham  
Rockbridge  
Fluvanna

Winchester  
Fredericksburg  
Waynesboro  
Buena Vista

Cities  
Harrisonburg  
Staunton  
Charlottesville

Loudoun  
Fairfax

AREA 2  
Prince William  
Arlington

Alexandria  
Falls Church

Cities  
Fairfax

Alleghany  
Botetourt  
Amherst  
Campbell  
Giles  
Floyd  
Pittsylvania  
Carroll  
Henry  
Wythe  
Tazewell  
Buchanan  
Wise  
Lee

AREA 3  
Craig  
Bedford  
Appomattox  
Roanoke  
Montgomery  
Franklin  
Pulaski  
Patrick  
Bland  
Grayson  
Smyth  
Russell  
Dickenson

Clifton Forge  
Lynchburg  
Radford  
Bristol  
Martinsville

Cities  
Covington  
Roanoke  
Norton  
Galax  
Danville

Buckingham  
Goochland  
Hanover  
New Kent  
Prince Edward  
Chesterfield  
Surry  
Dinwiddie  
Charlotte  
Brunswick  
Halifax

Counties  
Cumberland  
Powhatan  
Henrico  
Charles City  
Amelia  
Prince George  
Nottoway  
Sussex  
Lunenburg  
Greensville  
Mecklenburg

NOTICES

Cities

Colonial Heights  
Petersburg

Counties

Northumberland  
Richmond  
Northampton  
Middlesex  
King and Queen  
King William  
York  
Isle of Wight

Cities

Newport News  
Franklin  
Nansemond  
Norfolk  
Virginia Beach

Counties

Scott  
Washington

WASHINGTON

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Callam  
Jefferson  
Whatcom  
Skagit  
Snohomish

Mason  
Grays Harbor  
Pacific  
Thurston  
Klickitat

Counties

Okanogan  
Chelan  
Douglas  
Kittitas

Ferry  
Stevens  
Pend Oreille  
Lincoln  
Spokane  
Adams

WEST VIRGINIA

The State of West Virginia is designated as a single Health Service Area.

WISCONSIN

Health Service Area numbered 1 is the geographic area comprised of the counties of:

Sauk  
Columbia  
Dodge  
Richland  
Grant  
Iowa

Counties

Washington  
Ozaukee  
Waukesha  
Milwaukee

Counties

Waupaca  
Outagamie  
Calumet  
Green Lake

Marquette  
Menominee  
Brown  
Kewaunee  
Sheboygan

Buffalo  
Trempealeau  
Monroe  
Crawford  
Polk  
Rusk  
Saint Croix  
Pepin  
Clark

Vilas  
Oneida  
Forest  
Florence  
Lincoln  
Langlade

Douglas  
Bayfield  
Ashland  
Iron

Koochiching  
Saint Louis  
Lake  
Itasca

WYOMING

The State of Wyoming is designated as a single Health Service Area.

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Office of the Secretary

HEALTH MAINTENANCE ORGANIZATIONS

Designation of Medically Underserved Areas and Population Groups

Section 1302(7) of the Public Health Service Act, as enacted by the Health Maintenance Organization Act of 1973 (Pub. L. 93-222) provides that the Secretary of Health, Education, and Welfare may designate as medically underserved those areas or population groups, both urban and rural, with a shortage of personal health services. Such designation may be made by the Secretary only after consideration of the comments (if any) of each section 314(a) State comprehensive health planning agency<sup>1</sup> whose section 314(a) plan covers (in whole or in part) such urban or rural area or the area in which such population group resides, and each section 314(b) areawide comprehensive health planning agency<sup>1</sup> whose section 314(b) plan covers (in whole or in part) such urban or rural

<sup>1</sup> Section 5 of the National Health Planning and Resource Development Act of 1974 (Pub. L. 93-641, 88 Stat. 2225) states that any reference in law or regulation to a section 314 (a) agency shall be considered a reference to the State health planning and development agency, as may be designated under section 1521 of the Public Health Service Act (PHS Act), and that references to section 314(b) agencies shall be considered references to health systems agencies, as may be designated under section 1515 of the PHS Act, for all or part of an area served by a section 314(b) agency.



area or the area in which such population group resides.

Section 110.203(g) of the health maintenance organization (HMO) regulations (42 CFR 110.203(g)) states that, in designating the medically underserved areas, the Secretary will take into consideration the following factors, among others:

(a) Available health resources in relation to size of the area and its population, including appropriate ratios of primary care physicians (both doctors of medicine and doctors of osteopathy) in general or family practice, internal medicine, pediatrics, obstetrics and gynecology, or general surgery, to population;

(b) Health indices for the population of the area, such as infant mortality rate;

(c) Economic factors affecting the population's access to health services, such as percentage of the population with incomes below the poverty level; and

(d) Demographic factors affecting the population's need/demand for health services, such as percentage of the population age 65 or over.

The statute encourages health maintenance organization applicants to enroll members from medically underserved areas (MUAs) and population groups by providing priority ranking and up to 100-percent funding for HMOs that will draw not less than 30 percent of their membership from medically underserved populations. There is a limitation, however, that not more than 75 percent of the membership be from a medically underserved population unless that area is also rural (see sections 1301(c)(3), 1303(b)(2), and 1304(b)(6) of the PHS Act).

The purpose of this notice is to:

(a) Describe how a methodology for identifying MUAs was developed;

(b) Show how the methodology was applied to specific data to produce a list of MUAs;

(c) Summarize the comments of comprehensive health planning (CHP) agencies on the methodology and its application;

(d) Set forth the procedure for ongoing revisions of the list of MUAs; and

(e) Publish the current MUA list, as revised following receipt of the CHP agency comments and recommendations.

#### BACKGROUND AND COMPUTATION OF THE INDEX OF MEDICAL UNDERSERVICE

The technique used to identify medically underserved areas and population groups resulted from a developmental effort carried out over a number of years. Even before passage of the HMO Act in 1973, efforts were underway to develop criteria for measuring adequate primary care; with passage of the Act, this effort was reoriented toward development of criteria for defining medically underserved areas. It was decided that the development of an index of medical underservice (IMU) would be the best means to identify medically underserved areas, and the development of an index was begun.

The purpose of using an index approach, rather than individually examining a number of separate indicators

against criteria for each indicator, is to allow for simultaneous consideration of all the criteria used. The chosen indicators of medical underservice are weighted according to their importance in identifying medical underservice. Because of the interdependence of the indicators, it is unlikely that any single indicator can show that an area of population group is or is not underserved. Furthermore, an index approach allows for later inclusion of any additional criteria which can be shown to make the index more predictive of underservice. Finally, an index can be used to identify gradations of underservice and, with appropriate changes in the criteria or their relative weights, a similar index can be used for other health service programs.

Initially, dimensions of medical underservice were delineated by an interdisciplinary group of experts in the fields of health care delivery, health care administration, health status and health services measurement. The dimensions studied included availability of health manpower and health facilities; physical and economic access to and effective utilization of health resources by segments of the population; health status of the population; and appropriateness and quality of health care. Seventy-two indicators of these dimensions were identified and circulated to other experts who were requested to select those which would enable health care experts to compare areas on the overall level of medical underservice. Through a combination of mail exchanges and panel discussions, the list of 72 was reduced to 20 indicators which were ranked by the experts according to their relative importance. The 20 were reduced to 9 indicators by rejecting those with low relative weights as well as those for which data were considered unavailable or difficult to collect.

Conferences were convened at which panels of experts were asked to weight the nine indicators against each other with respect to their importance for determining the relative medical underservice of various areas. The nine remaining indicators were: ratio of practicing physician equivalents to population, infant mortality rate, preventable death rate, percent of population with family incomes below the poverty level, percent of population aged 65 or over, average travel time of area residents to regular sources of primary care, per capita expenditures for health care, average travel time to emergency care, and ratio of (acute) hospital beds to population. The experts were asked to establish "utility" transformation curves for each indicator, relating possible values of each indicator to a common scale ranging from 0 (grossly underserved) to 100 (adequately served). This transformation to a common scale allowed for the summing-up of the indicator values into a single index score. Then, using a multi-attribute utility estimation approach,<sup>2</sup>

<sup>2</sup>Huber, George, "Multi-Attribute Utility Models: A Review of Field and Field-like Studies," Management Sciences, June 1974, Vol. 20, No. 10.

the weights and utility curves were combined into a 9-variable index of medical underservice.

Further analysis was carried out on subsets of the nine indicators. In addition to the 9-variable model, an 8-variable, a 6-variable, and a 4-variable model were analyzed. Because of data collection problems with some of the indicators in the 8- and 9-variable models and the fact that the 4-variable model's predicting ability appeared superior to the 6-variable model, the 4-variable model was selected for further study. It was found, after validation tests using sites from a wide range of geographic areas and from an extensive urban/rural mix of areas, that the chosen subset of four indicators predicted expert judgment of medical underservice almost as well as larger subsets. Also, data on the four indicators selected were considered to be the most accessible to both national and local health planners.

The indicators of medical underservice selected as the basis for the IMU are as follows:

(a) Ratio of primary care physicians to population;

(b) Infant mortality rate;

(c) Percentage of the population which is age 65 or over; and

(d) Percentage of the population with family incomes below the poverty level.

The IMU is computed using data on the four indicators, for a given area, in the following manner:

(a) The measured value for each indicator is converted to a value on a common scale of 0 to 100, using a "utility curve" established for each indicator. The curves thus relate the indicators to criteria for optimal values of the indicators in adequately served areas; the actual values can then be applied to the curves to carry out the conversion to utility values.

(b) The IMU for a given area is computed as the sum of the weighted utility values for the four indicators.

The list of medically underserved areas was produced by use of this methodology applied to national data.

#### APPLICATION OF THE INDEX

An initial list of MUAs was developed by applying the IMU described above to national data on the four indicators. Specifically, county-level data were used for the physician ratio and infant mortality rate. For the two census indicators (percent of the population below poverty and percent of the population age 65 or over), county and/or Minor Civil Division (MCD) or Census County Division (CCD) data were used in nonmetropolitan areas, and census tract data were used in metropolitan areas.

When the IMU was computed for all U.S. counties, it was found that the median county score was 62, therefore 62 was chosen as the cut-off point between underserved and adequately served areas. Areas with scores of 62 or less were considered underserved.

In nonmetropolitan areas the index value was computed for each county, and all counties with index values of 62 or

below were included on the list. In nonmetropolitan counties with index values above 62, the IMU was then recomputed for each MCD and CCD; those with scores of 62 or below were added to the list.

In metropolitan areas, defined here as census tracts which lie within standard metropolitan statistical areas (SMSA), the IMU was computed for each census tract. All census tracts with IMU values of 62 or below were included on the list.

Areas with a population of less than 500 (whether counties, census tracts, or MCDs) were not included in the evaluation in an effort to eliminate the listing of areas such as parks and airports.

In order to comply with the HMO Act, before a national list could be prepared, applicants for Federal assistance were encouraged to identify medically underserved areas themselves, using an index methodology described to them in draft guidelines. Proposed areas were submitted to CHP agencies for review as part of the HMO application process, and were considered for designation as underserved on an individual basis. Several HMO applicants whose projects involve service to underserved areas designated in this manner have been approved and funded. Such areas (if not also included in the national list of designated areas) will continue to be designated only until their current grants expire. Future funding under the underserved-area provisions of the HMO Act will be available only to applicants planning to serve areas on the list, or areas subsequently added to this list via the procedures described herein.

The list of areas produced by application of the IMU, plus the areas identified by HMO applicants, were submitted to CHP agencies for their review. The list incorporates revisions resulting from that review process.

#### SUMMARY OF COMMENTS FROM AGENCIES

On January 15, 1975, all State and areawide comprehensive health planning agencies were sent a draft list of medically underserved areas within their jurisdictions, and a complete description of the index of medical underservice methodology and the technique used to apply the IMU to their areas. CHP agencies were asked to submit their comments and recommendations within 60 days as follows: (a) comment on the IMU method and the technique used for its application, (b) recommend additions to the list based on a recomputation of the IMU using better data available to the agency at the local level, and (c) recommend deletions from the list based on the agencies' knowledge of the area(s) or based on a recomputation of the IMU using better data available to the agencies at the local level. The CHP agencies were informed that they should also include a description of the method used for local public review of their recommendations. In reply, numerous telephone calls and 39 written comments were received.

The areas of various types on the draft list, and on the list after CHP review, are as follows:

	Number on draft list of MUAs	Number on list after CHP review (table A)	Changes
Counties	1,495	1,492	-3
Minor civil divisions/census county divisions	1,454	1,516	+62
Census tracts identified individually	5,394	5,228	-166
Census tracts identified as part of neighborhood groups	0	42	+42

Approximately 25 percent of the total population of the United States resides in the listed MUAs. The increase in the number of MCDs and CCDs after CHP comments on the list, and the decrease in the number of counties listed, represent an attempt by the CHP agencies to identify pockets of underservice within counties. The addition of the category, "Census Tracts Identified as Part of Neighborhood Groups," reflects the decision to allow local agencies to include all census tracts which are part of a natural neighborhood if the entire neighborhood MUA Index score meets the cut-off level chosen as indicating medical underservice.

#### SUMMARY OF CHP COMMENTS ON THE INDICATORS, THE IMU, AND THE TECHNIQUE USED FOR ITS APPLICATION, WITH RESPONSES TO THE COMMENTS

The CHP critiques of the IMU and suggestions for its improvement were divided into comments on the four indicators which make up the IMU, and comments about their application. (In this summary, the Public Health Service response follows the comment and is indented.)

**A. Comments on the Indicators.** 1. It was suggested that neither of the census-related indicators (i.e., percentage of population with family incomes below the poverty level, percentage of population age 65 or over) is a measure of medical underservice.

While none of the indicators actually measures medical underservice directly, each indicator correlates with or predicts a dimension of underservice, and evaluations of the IMU method indicate that the combination of indicators does effectively parallel the experts' judgments about the medically underserved areas.

2. Some CHP agencies noted that the 1970 census poverty data used in the IMU do not reflect the extent of poverty in 1975 and that the definition of poverty used makes it difficult to obtain more recent comparable data.

The 1970 census is the most recent nationally available source of small-area poverty data. Standard census definitions of poverty are used in computing the IMU for the various areas throughout the Nation. CHP agencies were encouraged to use any other more recent official data on any of the indicators to support suggested additions to or deletions from the MUA list.

3. The percentage of "preventable deaths" was suggested as a better indicator of medical underservice than the "infant mortality rate" used in the IMU.

The indicators used were chosen by panels of health administrators, planners, providers, and consumers from lists of indicators which included percentage of "preventable deaths." In choosing the indicators it was necessary to consider availability of the data, and the ability to arrive at agreed-upon operational definitions for each indicator.

4. County-wide infant mortality rates were used to arrive at the IMU for all areas including sub-county areas. The adequacy of county-wide data for evaluating urban sub-county areas was questioned by the agencies.

The Department could not use sub-county infant mortality data in developing the initial list as such data were not available on a national basis. CHP agencies, however, will be allowed in the future to submit infant mortality data for sub-county areas having at least 4,000 births over a 5-year period. This level of births has been chosen to ensure the reliability of the infant mortality rate. Such areas must be defined in census units and the new rate must be used for all units comprising such sub-county areas.

5. There were four types of comments relating to the use of the physician-to-population ratio as one indicator in the IMU: the presence of physicians in an area does not necessarily represent an available service to the total population of that area; physician full-time equivalents should be computed or estimated by excluding physicians over 65 years of age and those in ill health who are in active practice; county physician-to-population ratios are not meaningful in assessing sub-county areas; and Public Health Service physicians in the National Health Service Corps (NHSC) and the Indian Health Service (IHS) should not be included as primary care physicians.

It is recognized that availability does not assure accessibility of medical care, but measurement of accessibility is not feasible at this time. Indices of accessibility are being studied, however, for possible use in the future.

Accurate measurements of "physician full-time equivalents," if available, would be more useful than the simple number of physicians spending at least 50 percent of their time in primary care, which is now used to count physicians for this indicator. Standardized measures of "physician full-time equivalents" are now being discussed and will be used if and when such data become available and can be gathered uniformly for all areas.

The use of sub-county physician ratios is being studied by the Health Resources Administration and the Health Services Administration. A uniform definition of medical service areas (primary-care service areas) is being developed for programs delivering primary medical care. County physician-to-population ratios will be used in the IMU until a medical service area definition is established.

The use of NHSC and IHS physicians in rural areas is supported on the basis

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that they are a resource available to supply medical care to their particular local communities. Consideration will be given to accepting CHP agency recommendations for excluding IHS physicians, if native Americans are also excluded.

6. The use of additional indicators for the IMU was proposed, such as: population ages 16-64 who are disabled; percent of mothers receiving prenatal care in the first trimester; number of health facilities in an area; and unemployment rate.

As noted, many variables, including some of the above, have been considered. Additional indicators will be studied in future evaluations of the IMU variables.

B. *Comments on the Application of the IMU.* The principal concern expressed (and noted above in comments on the indicators) was that county data often obscure problems of maldistribution of services within counties, and that local agencies should have the option of defining natural geographic areas needing primary care service and of providing the data on all four indicators for such areas. Another concern was that the IMU did not address problems of accessibility of primary care. The agencies recommended that, in revising the IMU, consideration be given to time and distance in relation to obtaining primary care, including such things as geographic barriers or inclement weather.

Some agencies raised questions about special problems in their areas. For example, one agency recommended that special consideration be given to areas with heavy seasonal influxes of vacationers.

All but the last of these general comments were discussed under the section on *Comments on the Indicators*.

Although the IMU does not fully reflect special local problems such as seasonal influxes, local agencies can recommend deletion of any area, or an area can be added if the locally computed IMU for that area is below the designated cut-off level. Efforts are being made to evaluate various means of refining the IMU so that it will accurately reflect local conditions and concerns. In its present state, the IMU represents a beginning in the effort to accurately assess medical underservice and identify underserved areas and population groups and, as refinements are made, they will be reflected in updated lists. Such lists will be coordinated with local planning agencies, and published periodically in the *FEDERAL REGISTER*.

#### ONGOING REVISIONS IN THE MUA LIST

The MUA list will be continuously revised using national updates including changes recommended by official CHP agencies. National updates will be based on changes in the actual value or weights of the indicators, additions or deletions of indicators, or adjustments in the cut-off level. CHP agency recommendations will be considered according to the procedure described below.

It is expected that official CHP agencies will, on a continuous basis, recom-

mend additions to and deletions from the MUA list. (Only recommendations from official CHP agencies will be considered.) The material submitted should include a description of the method used for public involvement in the recommendation. The description may include, for example, documentation of relevant public meetings, copies of the agency's published notice of intent to review its area to identify pockets of medical underservice, or satisfactory demonstration that the Agency Advisory Board, as representative of the community, has had adequate review opportunity and has approved the agency recommendations.

If recommendations for additions and deletions are based on a recomputation of the index of medical underservice, all computations, as well as data sources and dates, must be submitted with the recommendations.

HMO applicants who intend to seek priority funding based on an intent to enroll members from MUAs should consult with the official CHP agency in the area and obtain information on the latest published MUA list. Medically underserved areas which were identified by HMO applicants prior to this Notice will be considered to be MUAs only through the term of any existing HMO grant award to the applicant, unless the area is or becomes part of the list according to the procedure described below.

*Deletions.* Recommendations for deletion of any area from the list must be accompanied by the reasons for the recommendation, the demonstration of public involvement in the decision and, if the recommendation is based on a recomputation of the IMU, the computations with data sources and dates. The method for computing the IMU is described in paragraph (c) below, "Computation of the Index of Medical Underservice."

*Additions.* The following information is required when CHP agencies recommend addition of areas to the MUA list:

- Geographic identification of the area. An area proposed for designation as medically underserved must be either:
  - A county (in nonmetropolitan areas),
  - A Minor Civil Division (MCD) or Census County Division (CCD) (in nonmetropolitan areas),
  - A census tract (in metropolitan areas), or
  - A group of census tracts, MCDs, or CCDs which constitute a "natural neighborhood" for MUA designation.

(CHP agencies may aggregate individual census tracts, MCDs or CCDs with contiguous tracts, MCDs or CCDs, and recommend that they be listed as underserved if the IMU for the combined area scores 62 or below. Such groupings may constitute more "natural" areas for designation as medically underserved than units such as census tracts, MCDs and CCDs because of the homogeneity of the neighborhood.)

(b) Data on the four indicators of underservice. The following data must be provided for any area recommended for designation as a medically underserved area:

(1) Ratio of primary care physicians-to-population in the county which contains the MUA. This ratio should be computed by taking the number of primary care physicians in the county containing the identified area, dividing this number by the resident population minus the resident members of the Armed Forces and inmates of institutions, and multiplying the result by 1,000. Figures used here (number of primary care physicians, resident population, resident members of the Armed Forces, and inmates of institutions) and their sources, should be stated. For the purpose of these computations, primary care physicians are defined to include the total number of active doctors of medicine (M.D.) and doctors of osteopathy (D.O.) who spend at least 50 percent of their time engaged in direct patient care in the fields of general or family practice, internal medicine, pediatrics, or obstetrics and gynecology. In metropolitan areas the computations should include all non-Federal physicians meeting the above definition. In nonmetropolitan areas the computation should include Public Health Service physicians in addition to non-Federal physicians.

(2) Infant mortality rate. This rate should be computed as an aggregate rate for the 5-year period 1966 through 1970, or more recent period of five consecutive years, as follows: Total number of infant deaths (deaths between birth and age 1 year) during the 5-year period in the county containing the identified area should be divided by the total number of live births in the county during the same period and the result multiplied by 1,000. For counties with fewer than 100 births over the 5-year period, the IMU may be computed using the State infant mortality rate instead of the county rate. The infant mortality rate for subcounty areas including the identified area and having at least 4,000 births over the 5-year period will be accepted in lieu of the county rate. The number of infant deaths and live births for the area and the sources of data used must be stated, together with the infant mortality rate computed from them. Data on infant deaths and live births may be obtained from official State agencies or the annual editions of the U.S. Public Health Service publication entitled "Vital Statistics of the United States." Unpublished data, for years later than those for which data have been published, can be obtained for specific areas from the Mortality Statistics Branch, National Center for Health Statistics, Department of Health, Education, and Welfare, Washington, D.C. 20852.

(3) Percentage of population aged 65 or over. This should be computed from 1970 U.S. census data or more recent update thereof, if any, as follows: the number of persons age 65 and over in the identified area should be divided by the resident population of that area, and the result multiplied by 100.

The figures used to compute this percentage (number of persons age 65 and over and the resident population) must be stated. These data can be obtained

from U.S. Census Bureau documents or tapes. If data are obtained from some other more recent source, that source must be identified.

(4) Percentage of population with family incomes below the poverty level. The definition of poverty used is the 1964 Social Security Administration version adopted by the Federal Inter-agency Committee in 1969 and revised annually to account for changes in the cost of living. This should be computed from 1970 census data or more recent update thereof, if any, as follows: the number of persons in families with incomes below the poverty level in the identified area should be added to the number of unrelated individuals with incomes below the poverty level; this total should be divided by the resident population minus members of the Armed Forces living in barracks, college students in dormitories, and inmates of institutions, and the result multiplied by 100.

The figures used to compute these percentages (the resident population, the Armed Forces living in barracks, the inmates of institutions, students in dormitories, and the number of persons with income below poverty level) must be stated. They may be obtained from the U.S. Census Bureau documents or tapes. If the data are obtained from a more recent source, the data and source should be identified.

(c) Computation of the Index of Medical Underservice. The IMU must be computed as follows to determine whether an area can be designated as medically underserved.

(1) For nonmetropolitan areas (those outside of the SMSAs) identified as an entire county, compute the IMU using county-level data for each indicator (except that for counties having fewer than 100 births over a 5-year period, the State-level infant mortality rate may be used).

(2) For nonmetropolitan areas identified as MCDs or CCDs, or groups thereof, compute the IMU using MCD/CCD-level data for the poverty and age indicators, and county-level data for the physician ratio and infant mortality rate for the county containing the areas. Sub-county infant mortality rate may be used in areas which have 4,000 or more births during the 5-year period.

(3) For metropolitan areas (SMSAs) identified as census tracts or groups of census tracts, compute the IMU using census tract-level data for the poverty and age indicators, and county-level data for the physician ratio and infant mortality rate for the county containing the census tracts. Sub-county infant mortality rate may be used in areas with 4,000 or more births during the 5-year period.

The IMU is computed by using the values from the tables set out below, in the following formula:

$$IMU = V_1 + V_2 + V_3 + V_4$$

where

$V_1$  = weighted value for percent of population below poverty level (see table  $V_1$ );

$V_2$  = weighted value for percent of population age 65 or over (see table  $V_2$ );

$V_3$  = weighted value for infant mortality rate (see table  $V_3$ ); and

$V_4$  = weighted value for primary care physicians per 1,000 population (see table  $V_4$ ).

If the IMU score is 62 or below, the area may be recommended for designation as an MUA.

#### NOTICES

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TABLE  $V_3$   
INFANT MORTALITY RATE

In the left column find the range which includes the infant mortality rate for the area being examined or the area in which it lies. The corresponding weighted value, found opposite in the right column, should be used in the formula for determining the IMU.

Percent below poverty:	Weighted value $V_1$	Infant mortality rate:	Weighted value $V_3$
0	25.1	0-10.0	26.0
0.1-2.0	24.6	10.1-11.0	25.6
2.1-4.0	23.7	11.1-12.0	24.8
4.1-6.0	22.8	12.1-13.0	24.0
6.1-8.0	21.9	13.1-14.0	23.2
8.1-10.0	21.0	14.1-15.0	22.4
10.1-12.0	20.0	15.1-16.0	21.5
12.1-14.0	18.7	16.1-17.0	20.5
14.1-16.0	17.4	17.1-18.0	19.5
16.1-18.0	16.2	18.1-19.0	18.5
18.1-20.0	14.9	19.1-20.0	17.5
20.1-22.0	13.6	20.1-21.0	16.4
22.1-24.0	12.2	21.1-22.0	15.3
24.1-26.0	10.9	22.1-23.0	14.2
26.1-28.0	9.3	23.1-24.0	13.1
28.1-30.0	7.8	24.1-25.0	11.9
30.1-32.0	6.6	25.1-26.0	10.8
32.1-34.0	5.7	26.1-27.0	9.6
34.1-36.0	4.7	27.1-28.0	8.5
36.1-38.0	3.4	28.1-29.0	7.3
38.1-40.0	2.1	29.1-30.0	6.1
40.1-42.0	1.3	30.1-31.0	5.4
42.0-44.0	1.0	31.1-32.0	5.0
44.1-46.0	.7	32.1-33.0	4.7
46.1-48.0	.4	33.1-34.0	4.3
48.1-50.0	.1	34.1-35.0	4.0
50+	0	35.1-36.0	3.6
		36.1-37.0	3.3
		37.1-38.0	3.0
		38.1-39.0	2.6
		39.1-40.0	2.3
		40.1-41.0	2.0
		41.1-42.0	1.8
		42.1-43.0	1.6
		43.1-44.0	1.4
		44.1-45.0	1.2
		45.1-46.0	1.0
		46.1-47.0	.8
		47.1-48.0	.6
		48.1-49.0	.3
		49.1-50.0	.1
		50+	0

TABLE  $V_2$   
PERCENTAGE OF POPULATION  
AGED 65 AND OVER

In the left column find the range which includes the percentage of population aged 65 and over for the area being examined. The corresponding weighted value, found opposite in the right column, should be used in the formula for determining the IMU.

Percent aged 65 and over:	Weighted value $V_2$	Primary care physicians per 1,000 population:	Weighted value $V_4$
0-7.0	20.2	0	.0
7.1-8.0	20.1	.001-.050	.5
8.1-9.0	19.9	.051-.100	1.6
9.1-10.0	19.8	.101-.150	2.8
10.1-11.0	19.6	.151-.200	4.1
11.1-12.0	19.4	.201-.250	5.7
12.1-13.0	19.1	.251-.300	7.3
13.1-14.0	18.9	.301-.350	9.0
14.1-15.0	18.7	.351-.400	10.7
15.1-16.0	17.8	.401-.450	12.6
16.1-17.0	16.1	.451-.500	14.8
17.1-18.0	14.4	.501-.550	16.9
18.1-19.0	12.8	.551-.600	19.1
19.1-20.0	11.1	.601-.650	20.7
20.1-21.0	9.8	.651-.700	21.9
21.1-22.0	8.9	.701-.750	23.1
22.1-23.0	8.0		
23.1-24.0	7.0		
24.1-25.0	6.1		
25.1-26.0	5.1		
26.1-27.0	4.0		
27.1-28.0	2.8		
28.1-29.0	1.7		
29.1-30.0	.6		
30+	0		

TABLE  $V_4$   
PRIMARY CARE PHYSICIANS PER 1,000  
POPULATION

In the left column find the range which includes the ratio of primary care physicians per 1,000 population for the county being examined, or the county in which the area being examined lies. The corresponding weighted value, found opposite in the right column, should be used in the formula for determining the IMU.

Primary care physicians per 1,000 population:	Weighted value $V_4$
0	.0
.001-.050	.5
.051-.100	1.6
.101-.150	2.8
.151-.200	4.1
.201-.250	5.7
.251-.300	7.3
.301-.350	9.0
.351-.400	10.7
.401-.450	12.6
.451-.500	14.8
.501-.550	16.9
.551-.600	19.1
.601-.650	20.7
.651-.700	21.9
.701-.750	23.1



## NOTICES

Primary care physicians per 1,000 population	Weighted value V
.751-.800	24.3
.801-.850	25.3
.851-.900	25.9
.901-.950	26.6
.951-1.000	27.2
1.001-1.050	27.7
1.051-1.100	28.0
1.101-1.150	28.3
1.151-1.200	28.6
Over 1.200	28.7

## SUMMARY

The list of MUAs was developed by using an index approach to aggregate indicators which predict medical underservice and applying the Index of Medical Underservice to defined areas. The list was then modified according to recommendations submitted by CHP agencies.

Continuous modifications will be made and a revised list will be published periodically. Official CHP agencies should send their recommendations for changes on the list to Director, Bureau of Community Health Services, Department of Health, Education, and Welfare, Room 6A-14, 5600 Fishers Lane, Rockville,

Maryland 20852. These recommendations must follow the procedures previously described. Recommendations will be reviewed, and CHP agencies will be notified of any action.

The areas identified as MUAs will not necessarily receive Federal resources. The areas listed may be used by HMO applicants seeking priority funding due to their intent to enroll members from MUAs. Severity of medical underservice is considered to be related to the IMU score. Therefore, if all other funding factors are equal, applicants who intend to serve listed areas with lower IMUs will be considered first. HMO applicants are encouraged to contact the CHP agencies in their areas for up-to-date information on the MUA list as well as for assistance in determining whether areas not already on the list may be eligible for designation.

THE LIST OF MEDICALLY  
UNDERSERVED AREAS

The list is structured with the States in alphabetical order. There are four headings which identify total counties, Minor Civil Divisions/Census County

Divisions within counties, census tracts within counties, and groups of census tracts. The MCD/CCDs are identified by name; the census tracts are identified by number. Areas in each of the sections are listed alphabetically by county.

Groups of census tracts are listed only when the local CHP agency has certified that particular groupings form natural areas for designation. Census tracts which individually qualify for designation but have been combined with other tracts in groups have been marked with double asterisks in the group listings. Census tracts in those groups not marked with asterisks qualify as an MUA only insofar as they are part of the group. In establishing or proposing service areas, HMO applicants for priority funding may choose either the areas marked by the asterisks or the entire group of census tracts, but may not select any census tract without asterisks within the group unless they are choosing the entire group.

The following areas are designated as medically underserved areas under the HMO Act of 1973:

## NOTICES

(33)

## LIST OF MEDICALLY UNDERSERVED AREAS

## ALABAMA

## COUNTY

## TOTAL COUNTIES

AUTAUGA  
BAREFOUR  
BIBB  
BLOUNT  
BULLOCK  
BUTLER  
CALHOUN  
CHAMBERS  
CHEROKEE  
CHILTON  
CHOCTAW  
CLARK  
CLAY  
CLIBB  
COFFEE  
COLBERT  
CONECUH  
COOSA  
COVINGTON  
CRENSHAW  
CULLMAN  
DALE  
DALLAS  
DE KALB  
ESCAMBIA  
FRYETTE  
FRANKLIN  
GENEVA  
GREENE  
HALE  
HUNTER  
HOUSTON  
JACKSON  
LAFAYETTE  
LAUDERDALE  
LAWRENCE  
LEE  
LOWNDES  
MACON  
MARENGO  
MARION  
MARSHALL  
MONROE

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## NOTICES

(34)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

## ALABAMA

~~FOR METROPOLITAN AREAS~~

## COUNTY

~~COUNTIES~~

MORGAN  
 PERRY  
 PICKENS  
 BLAKE  
 RANDOLPH  
 ST. CLAIR  
 SUMTER  
 TALLADEGA  
 TALLAPOOSA  
 WASHINGTON  
 WILCOX  
 WINSTON

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

## NOTICES

40323

(35)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

## ALABAMA

~~FOR METROPOLITAN AREAS~~

## COUNTY

~~CENSUS TRACTS WITHIN COUNTY~~

BALDWIN	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0107.00
	0108.00	0109.00	0110.00	0111.00	0112.00	0113.00	0114.00
	0115.00	0116.00					
ELMORE	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0107.00
ETOWAH	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00
	0008.00	0009.00	0010.00	0011.00	0012.00	0013.00	0014.00
	0015.00	0016.00	0017.00	0018.00	0019.00	0020.00	0021.00
	0022.00	0023.00	0024.00	0025.00	0026.00	0027.00	0028.00
	0029.00	0030.00	0031.00	0032.00	0033.00	0034.00	0035.00
	0036.00	0037.00	0038.00	0039.00	0040.00	0041.00	0042.00
	0043.00	0044.00	0045.00	0046.00	0047.00	0048.00	0049.00
	0050.00	0051.00	0052.00	0053.00	0054.00	0055.00	0056.00
	0057.00	0058.00	0059.00	0060.00	0061.00	0062.00	0063.00
	0064.00	0065.00	0066.00	0067.00	0068.00	0069.00	0070.00
	0071.00	0072.00	0073.00	0074.00	0075.00	0076.00	0077.00
	0078.00	0079.00	0080.00	0081.00	0082.00	0083.00	0084.00
	0085.00	0086.00	0087.00	0088.00	0089.00	0090.00	0091.00
	0092.00	0093.00	0094.00	0095.00	0096.00	0097.00	0098.00
	0099.00	0100.00					
	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0107.00
	0108.00	0109.00	0110.00	0111.00	0112.00	0113.00	0114.00
	0115.00	0116.00					
JEFFERSON	0005.00	0006.00	0007.00	0008.00	0009.00	0010.00	0011.00
	0012.00	0013.00	0014.00	0015.00	0016.00	0017.00	0018.00
	0019.00	0020.00	0021.00	0022.00	0023.00	0024.00	0025.00
	0026.00	0027.00	0028.00	0029.00	0030.00	0031.00	0032.00
	0033.00	0034.00	0035.00	0036.00	0037.00	0038.00	0039.00
	0040.00	0041.00	0042.00	0043.00	0044.00	0045.00	0046.00
	0047.00	0048.00	0049.00	0050.00	0051.00	0052.00	0053.00
	0054.00	0055.00	0056.00	0057.00	0058.00	0059.00	0060.00
	0061.00	0062.00	0063.00	0064.00	0065.00	0066.00	0067.00
	0068.00	0069.00	0070.00	0071.00	0072.00	0073.00	0074.00
	0075.00	0076.00	0077.00	0078.00	0079.00	0080.00	0081.00
	0082.00	0083.00	0084.00	0085.00	0086.00	0087.00	0088.00
	0089.00	0090.00	0091.00	0092.00	0093.00	0094.00	0095.00
	0096.00	0097.00	0098.00	0099.00	0100.00		
	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0107.00
	0108.00	0109.00	0110.00	0111.00	0112.00	0113.00	0114.00
	0115.00	0116.00					
LIMESTONE	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00	0207.00
	0208.00	0209.00	0210.00	0211.00	0212.00		
MADISON	0011.00	0012.00	0013.00	0014.00	0015.00	0016.00	0017.00
	0018.00	0019.00	0020.00	0021.00	0022.00	0023.00	0024.00
	0025.00	0026.00	0027.00	0028.00	0029.00	0030.00	0031.00
	0032.00	0033.00	0034.00	0035.00	0036.00	0037.00	0038.00
	0039.00	0040.00	0041.00	0042.00	0043.00	0044.00	0045.00
	0046.00	0047.00	0048.00	0049.00	0050.00	0051.00	0052.00
	0053.00	0054.00	0055.00	0056.00	0057.00	0058.00	0059.00
	0060.00	0061.00	0062.00	0063.00	0064.00	0065.00	0066.00
	0067.00	0068.00	0069.00	0070.00	0071.00	0072.00	0073.00
	0074.00	0075.00	0076.00	0077.00	0078.00	0079.00	0080.00
	0081.00	0082.00	0083.00	0084.00	0085.00	0086.00	0087.00
	0088.00	0089.00	0090.00	0091.00	0092.00	0093.00	0094.00
	0095.00	0096.00	0097.00	0098.00	0099.00	0100.00	
	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0107.00
	0108.00	0109.00	0110.00	0111.00	0112.00	0113.00	0114.00
	0115.00	0116.00					
MOBILE	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00	0008.00
	0009.00	0010.00	0011.00	0012.00	0013.00	0014.00	0015.00
	0016.00	0017.00	0018.00	0019.00	0020.00	0021.00	0022.00
	0023.00	0024.00	0025.00	0026.00	0027.00	0028.00	0029.00
	0030.00	0031.00	0032.00	0033.00	0034.00	0035.00	0036.00
	0037.00	0038.00	0039.00	0040.00	0041.00	0042.00	0043.00
	0044.00	0045.00	0046.00	0047.00	0048.00	0049.00	0050.00
	0051.00	0052.00	0053.00	0054.00	0055.00	0056.00	0057.00
	0058.00	0059.00	0060.00	0061.00	0062.00	0063.00	0064.00
	0065.00	0066.00	0067.00	0068.00	0069.00	0070.00	0071.00
	0072.00	0073.00	0074.00	0075.00	0076.00	0077.00	0078.00
	0079.00	0080.00	0081.00	0082.00	0083.00	0084.00	0085.00
	0086.00	0087.00	0088.00	0089.00	0090.00	0091.00	0092.00
	0093.00	0094.00	0095.00	0096.00	0097.00	0098.00	0099.00
	0100.00						
	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0107.00
	0108.00	0109.00	0110.00	0111.00	0112.00	0113.00	0114.00
	0115.00	0116.00					
MONTGOMERY	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00
	0008.00	0009.00	0010.00	0011.00	0012.00	0013.00	0014.00
	0015.00	0016.00	0017.00	0018.00	0019.00	0020.00	0021.00
	0022.00	0023.00	0024.00	0025.00	0026.00	0027.00	0028.00
	0029.00	0030.00	0031.00	0032.00	0033.00	0034.00	0035.00
	0036.00	0037.00	0038.00	0039.00	0040.00	0041.00	0042.00
	0043.00	0044.00	0045.00	0046.00	0047.00	0048.00	0049.00
	0050.00	0051.00	0052.00	0053.00	0054.00	0055.00	0056.00
	0057.00	0058.00	0059.00	0060.00			

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

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## NOTICES

(36)

~~ARIAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNIT SERVICE~~

~~ALABAMA~~~~NON-METROPOLITAN ARIAS~~~~COUNTY~~~~CENSUS TRACT WITHIN COUNTY~~

FUSSELL	0301.00	0302.00	0303.00	0304.00	0305.00	0306.00	0307.00
	0308.00	0309.00	0310.00	0311.00	0312.00		
SHILBY	0301.00	0302.00	0303.00	0304.00	0305.00	0306.00	0307.00
	0308.00						
TUSCALOOSA	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0107.00
	0108.00	0109.00	0110.00	0111.00	0112.00	0113.00	0114.00
WALKER	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00	0207.00
	0208.00	0209.00	0210.00	0211.00	0212.00	0213.00	0214.00
	0215.00	0216.00	0217.00	0218.00	0219.00		

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, HCHS.~~

## NOTICES

40325

(37)

~~ARIAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNIT SERVICE~~

ALASKA

~~NON-METROPOLITAN ARIAS~~

COUNTY

TOTAL COUNTIES

ANGOOK DIVISION  
 BETHEL DIVISION  
 ERISTOL FAY DIVISION  
 KOBUK DIVISION  
 KUSKOKWIM DIVISION  
 NOME DIVISION  
 SOUTHEAST-FAIRBANKS LIV.  
 UPPER YUKON DIVISION  
 WALE HAMPTON DIVISION

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, HCHS.~~

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## NOTICES

(38)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## ARIZONA

## COUNTY

APACHE  
COCHISE  
COCONINO  
GILA  
MOHAVE  
PINAL  
SANTA CRUZ  
YAVAPAI  
YUMA

## TOTAL COUNTIES

~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

COCHISE  
COCONINO  
GILA  
MOHAVE  
PINAL  
SANTA CRUZ  
YAVAPAI  
YUMA

DOUGLAS DIV

FAIRBANKS DIV

RESERVATION DIV

MOHAVE NORTH DIV

CASA GRANDE DIV  
ELY DIV  
SAGATON DIV

PATAGONIA DIV

CONGRESS DIV

SOMERSON DIV

ELPHINE DIV

RESERVATION DIV

TONTO DIV

COOLIDGE DIV  
MARICOPA-STANFIELD DIV

~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

MARICOPA

0202.00 0716.00 1102.00 1128.00 1131.00 1133.00 1139.00  
1140.00 1143.00 1149.00 3193.00 3200.00 4202.00 4226.00  
6232.00

PIMA

0004.00 0009.00 0010.00 0042.00 0048.00

\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS. (This footnote applicable  
wherever asterisk appears in the text of this document.)

## NOTICES

(39)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## ARKANSAS

## COUNTY

ARKANSAS  
ASHLEY  
BAXTER  
BENTON  
BRADLEY  
CALHOUN  
CARROLL  
CHICOT  
CLARK  
CLAY  
CLUBBING  
CLEVELAND  
COLUMBIA  
CONWAY  
CRAIGHEAD  
CROSS  
DALLAS  
DISHA  
DREW  
FAULKNER  
FRANKLIN  
FULTON  
GARLAND  
HAMPSHIRE  
HOT SPRING  
HOWARD  
INDEPENDENCE  
IZARD  
JACKSON  
JOHNSON  
LAFAYETTE  
LAWRENCE  
LEE  
LINCOLN  
LITTLE RIVER  
LOGAN  
LONOKI  
MADISON  
MARION  
MISSISSIPPI  
MONROE  
MONTGOMERY  
NEVADA

## TOTAL COUNTIES

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECHS.

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## NOTICES

(40)

~~AREAS WITH SCOPES OF C2 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~ARKANSAS~~

~~NON METROPOLITAN AREAS~~

~~COUNTY~~

NEWTON  
OUACHITA  
PIKE  
PHILLIPS  
PIKE  
POINSETT  
PULK  
RAIRIE  
SANDOLPH  
ST. FRANCIS  
SCOTT  
SPASCY  
SHARP  
STONE  
VAN BUREN  
WHITE  
WOOLBEE

~~PREPARED BY DIVISION OF POLITICAL AND ANALYSIS, RCHS.~~

## NOTICES

40329

(41)

~~AREAS WITH SCOPES OF C2 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~ARKANSAS~~

~~NON METROPOLITAN AREAS~~

~~COUNTY~~

~~MCD/CCL\* WITHIN COUNTY~~

BOONE

CAPROLLTON TWP  
LEE TWP  
OMAHA TWP

FLIXIE TWP  
NORTH HARRISON TWP  
SUGAR LOAF TWP

GREENE

BRICKENRIDGE TWP  
PUEBLO TWP

CROWLEY TWP

POPE

CONVERSE TWP  
GRIFFIN TWP

DOVER TWP  
JACKSON TWP

UNION

BOONE TWP  
VAN BUREN TWP

HENDERSON TWP  
WILMINGTON TWP

WASHINGTON

BRUSH CREEK TWP  
ILLINOIS TWP  
RAIRIE GROVE TWP  
WINSLOW TWP

CAMP HILL TWP  
LITTLE TWP  
STAR HILL TWP

YELL

ELIOT TWP  
HILL TWP

LANAR TWP  
WARD TWP

~~COUNTY~~

~~CENSUS TRACTS WITHIN COUNTY~~

CRAWFORD

0201.00 0202.00 0203.00 0204.00 0205.00

CRITTENDEN

0301.00 0302.00 0303.00 0304.00 0305.00 0306.00 0307.00  
0308.00 0309.00 0310.00 0311.00

JEFFERSON

0001.00 0002.00 0003.00 0004.00 0005.00 0006.00 0007.00 0008.00  
0009.00 0010.00 0011.00 0012.00 0013.00 0014.00 0015.00 0016.00 0017.00  
0018.00 0019.00 0020.00 0021.00

MILLER

0201.00 0202.00 0203.00 0204.00 0205.00 0206.00 0207.00  
0208.00 0209.00 0210.00

PULASKI

0001.00 0002.00 0003.00 0004.00 0005.00 0006.00 0007.00  
0008.00 0009.00 0010.00 0011.00 0012.00 0013.00 0014.00 0015.00  
0016.00 0017.00 0018.00 0019.00 0020.00 0021.00 0022.00 0023.00 0024.00 0025.00  
0026.00 0027.00 0028.00 0029.00 0030.00 0031.00 0032.00 0033.00 0034.00 0035.00  
0036.00 0037.00 0038.00 0039.00 0040.00 0041.00 0042.00 0043.00 0044.00 0045.00  
0046.00 0047.00 0048.00 0049.00 0050.00 0051.00 0052.00 0053.00 0054.00 0055.00  
0056.00 0057.00 0058.00 0059.00 0060.00 0061.00 0062.00 0063.00 0064.00 0065.00  
0066.00 0067.00 0068.00 0069.00 0070.00 0071.00 0072.00 0073.00 0074.00 0075.00  
0076.00 0077.00 0078.00 0079.00 0080.00 0081.00 0082.00 0083.00 0084.00 0085.00  
0086.00 0087.00 0088.00 0089.00 0090.00 0091.00 0092.00 0093.00 0094.00 0095.00  
0096.00 0097.00 0098.00 0099.00 0100.00

SALINE

0102.00

SEAFORTH

0003.00

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## NOTICES

(42)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSTANDING~~

## CALIFORNIA

~~NON-METROPOLITAN AREAS~~

## COUNTY

## TOTAL COUNTIES

IMPERIAL  
LAKE  
MADERA

~~COUNTY~~~~\*CD/CCD\* WITHIN COUNTY~~

MERCED

LOS PALOS DIV  
PLANADA-LE GRAND DIV

LIVINGSTON-DULHI DIV

KODOC

SURPRISE VALLEY DIV

TULF LAKE DIV

THERAMA

EAST THERAMA DIV

LOS MOLINOS-VINA DIV

TULARE

PARLIAMENT DIV  
PINLEY DIV

OROSI-CUTLER DIV  
TERRA BELLA DIV

## NOTICES

40331

(43)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSTANDING~~

~~CALIFORNIA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

ALAMEDA

4013.00 4018.00 4019.00 4021.00 4026.00 4028.00 4029.00  
4030.00 4034.00 4037.00 4053.00 4072.00 4088.00 4274.00

CONTRA COSTA

3280.00

FRESNO

0001.00 0002.00 0003.00 0004.00 0005.00 0006.00 0007.00  
0008.00 0009.00 0010.00 0011.00 0012.00 0014.01 0015.00  
0022.00 0040.00 0068.00 0071.00 0083.00 0084.02

KERN

0004.00 0014.00 0015.00 0016.00 0020.00 0021.00 0022.00  
0023.01 0023.02 0014.00 0025.00 0028.04 0031.03 0032.01  
0039.00 0040.00 0042.00 0044.00 0045.00 0048.00 0052.00  
0063.00 0064.00

LOS ANGELES

1902.00 1916.01 1923.00 1945.00 2031.00 2034.00 2045.01  
2061.00 2062.00 2063.00 2073.00 2077.00 2078.00 2079.00  
2087.00 2088.00 2089.00 2092.00 2093.00 2094.00 2095.00  
2098.00 2113.00 2118.00 2122.00 2144.00 2145.00 2146.00  
2151.00 2164.00 2202.00 2214.02 2219.00 2264.00 2281.00  
2282.00 2283.00 2288.00 2289.00 2291.00 2293.00 2391.00  
2396.00 2408.00 2409.00 2421.00 2422.00 2423.00 2426.00  
2427.00 2428.00 2431.00 2734.00 4019.02 4088.00 4636.00  
5328.00 5352.00 5354.00 5404.00 5406.00 5716.00 5725.00  
5728.00 5753.00 5759.00 5760.00 5761.00 5762.00 5763.00  
5765.00 5766.00 5767.00 7014.00 7019.00

MONTREY

0013.00 0118.00 0124.00 0129.00

NAPA

2013.00 2020.00

ORANGE

0620.05

FIVERSIDE

0302.00 0303.00 0427.01 0427.02 0430.00 0431.00 0434.00  
0435.00 0436.00 0437.00 0438.01 0438.02 0440.00 0441.00  
0445.00 0448.01 0457.01

SACRAMENTO

0005.00 0006.00 0007.00 0009.00 0010.00 0011.00 0012.00  
0014.00 0053.00

SAN BERNARDINO

0014.00 0030.00 0041.00 0048.00 0049.00 0054.00 0055.00  
0056.00 0057.00 0058.00 0059.00 0060.00 0065.00 0068.00  
0081.00 0082.00 0087.00 0088.00 0091.01 0104.03 0104.04  
0105.00

SAN DIEGO

0003.00 0007.00 0013.00 0048.00 0052.00 0053.00 0056.00  
0057.00 0059.00 0060.00 0066.00 0082.00 0170.00 0185.02  
0186.03 0200.01

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, NCHS.~~

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## NOTICES

(44)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~CALIFORNIA~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

SAN FRANCISCO	0114.00	0115.00	0123.00	0124.00	0125.00	0155.00	0176.00
SAN JOAQUIN	0001.00	0006.00	0022.00				
SOLANO	2509.00	2510.00	2512.00	2515.00	2516.00	2517.02	2527.00
	2529.02	2533.00					
SONOMA	1519.00	1520.00					
STANISLAUS	0012.00	0017.00	0018.00				
VENTURA	0023.00	0024.00	0032.00	0043.01	0043.02		

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

## NOTICES

40333

(45)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

COLORADO

~~NON-METROPOLITAN AREAS~~

COUNTY

~~TOTAL COUNTIES~~

CHRYSENNE  
CONEJOS  
COSTILLA  
CROWLEY  
CUSTER  
ELEGRI  
FRIMONT  
HUEKANO  
KIOWA  
LAKE  
LAS ANIMAS  
MINERAL  
MONTEZUMA  
MONTROSE  
OTERO  
RIO GRANDE  
SAGUACHE  
WASHINGTON  
YUMA

~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

BENT	LAS ANIMAS DIV	
EAGLE	EAGLE-GYPSUM DIV	
LA PLATA	IGNACIO DIV	
LOGAN	CROOK DIV	FLEMING DIV
MORGAN	WELDON DIV	WIGGINS DIV
PHILLIPS	HAYTUN DIV	
PROWERS	GRANADA DIV	HOLLY DIV
	TWO BUTTE CREEK DIV	
ROUTT	ORR CREEK DIV	YAMPA DIV
TIFLIN	CRIKLE CREEK DIV	

~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

ADAMS	0084.00	0089.52					
DENVER	0017.02	0024.02	0025.00	0026.01			
EL PASO	0010.00	0013.01	0014.00	0015.00	0016.00	0017.00	0018.00
	0022.00	0023.00	0024.00	0026.00	0027.00	0028.00	0029.01
FUENBLO	0002.00	0006.00	0007.00	0008.00	0010.00	0011.00	0012.00
	0013.00	0014.00	0015.00	0019.00	0020.00	0021.00	0022.00
	0023.00	0025.00	0026.00	0028.02	0028.03	0029.01	0029.02
	0030.01	0030.02	0032.00	0033.00	0034.00		

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NOTICES

(46)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

CONNECTICUT

COUNTY

TOLLAND

~~COUNTY~~

FAIRFIELD

HARTFORD

NEW HAVEN

NEW LONDON

~~NON-METROPOLITAN AREAS~~

~~MCD/CCD\* WITHIN COUNTY~~

WILLINGTON TOWN

CENSUS TRACTS WITHIN COUNTY

0742.00

4972.00 5003.00 5005.00 5008.00 5009.00 5010.00 5017.00  
5020.00 5022.00 5026.00

1408.00 1416.00 1421.00 3501.00

6905.00 6906.00 6909.00 7022.00 7023.00

NOTICES

40335

(47)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

DELAWARE

COUNTY

SUSSEX

~~COUNTY~~

NEW CASTLE

~~NON-METROPOLITAN AREAS~~

TOTAL COUNTIES

CENSUS TRACTS WITHIN COUNTY

0004.00 0007.00 0008.00 0009.00 0011.00 0016.00 0019.00

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## NOTICES

(48)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

DIST OF COLUMBIA

~~METROPOLITAN AREAS~~

COUNTY

CENSUS TRACTS WITHIN COUNTY

DIST OF COLUMBIA	0005.00	0010.02	0013.00	0014.00	0030.00	0033.01	0034.00
	0035.00	0036.00	0038.00	0041.00	0043.00	0044.00	0045.00
	0046.00	0047.00	0048.01	0048.02	0049.01	0049.02	0050.00
	0051.00	0056.00	0059.00	0060.02	0064.00	0067.00	0069.00
	0071.00	0072.00	0074.01	0074.04	0077.03	0078.01	0078.04
	0078.08	0083.01	0097.00	0098.00			

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS.~~

## NOTICES

(49)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

FLORIDA

~~NON-METROPOLITAN AREAS~~

COUNTY

TOTAL COUNTIES

BAKER  
BRADFORD  
CALHOUN  
CHARLOTTE  
CLIFORD  
CLAY  
COLUMBIA  
DE SOTO  
DIXIE  
FLAGLER  
FRANKLIN  
GALSFORD  
GILCHRIST  
GLADES  
GULF  
HAMILTON  
HARDY  
HENDRY  
HERNANDO  
HIGHLANDS  
HOLMES  
JACKSON  
JEFFERSON  
LAFAYETTE  
LAKE  
LEVY  
LIBERTY  
MADISON  
MANATEE  
MARION  
MARTIN  
NASSAU  
OKFCHOEZE  
OSCEOLA  
PASCO  
PUTNAM  
ST. JOHNS  
ST. LUCIE  
SUMTER  
SUWANNEE  
UNION  
VOLUSIA  
WAKULLA  
WALTON  
WASHINGTON



## NOTICES

(50)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNIT SERVICE~~

~~FLORIDA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~FCL/CCD\* WITHIN COUNTY~~

RAY

PANAMA CITY DIV  
YOUNGSTOWN DIV

SOUTHPORT DIV

COLLIER

IMMOBILE DIV

INDIAN RIVER

SEBASTIAN-VERO BEACH NORTH

VERO BEACH DIV

LEE

TICE-ALVA DIV

ORANGE

HAWK DIV  
LAUREL HILL DIV

CRESTVIEW DIV

POLK

PANTON EAST DIV  
PROSTHERGEE DIV  
LAKE WALKER DIV  
WINTER HAVEN DIVDAVINGPORT DIV  
HAINES CITY DIV  
LAKE WALKER SOUTH-PANTON PA

SARASOTA

INGLESIDE DIV  
VENICE DIV

SARASOTA DIV

TAYLOR

LYNN NORTH DIV

\* FIRST CIVIL DIVISIONS OF CHIEF COUNTY DIVISIONS.

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, RCHS.

## NOTICES

(51)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNIT SERVICE~~

FLORIDA

METROPOLITAN AREAS

COUNTY

CENSUS TRACTS WITHIN COUNTY

ALACHUA

0002.00 0006.00 0006.00

BROWARD

0101.00 0102.00 0103.00 0108.00 0109.00 0110.00 0302.00  
0305.00 0311.00 0312.00 0401.00 0405.00 0406.00 0411.00  
0415.00 0416.00 0418.00 0419.00 0420.00 0421.00 0422.00  
0502.00 0505.00 0601.00 0702.00 0901.00 0903.00 0904.00  
0916.00 0919.00 0920.00 1001.00 1002.00 1005.00

DADE

0001.01 0002.08

DUVAL

0001.00 0002.00 0003.00 0004.00 0005.00 0006.00 0007.00  
0008.00 0010.00 0011.00 0012.00 0013.00 0014.00 0015.00  
0016.00 0017.00 0018.00 0019.00 0020.00 0021.00 0022.00  
0023.00 0024.00 0025.00 0026.00 0027.00 0028.00 0029.00  
0107.00 0110.00 0113.00 0114.00 0115.00 0116.00 0119.00  
0121.00 0122.00 0135.00 0137.00 0138.00 0139.00 0140.00  
0142.00 0143.00 0155.00 0163.00 0168.00

ESCAMBIA

0002.00 0003.00 0004.00 0005.00 0006.00 0007.00 0008.00  
0009.00 0012.00 0014.00 0015.00 0016.00 0017.00 0018.00  
0019.00 0020.00 0021.00 0022.00 0023.00 0024.00 0025.00  
0026.00 0027.00 0028.00 0030.00 0032.00 0033.00 0034.00  
0035.00 0036.00 0037.00 0038.00 0039.00 0040.00

HILLSBOROUGH

0004.00 0006.00 0007.00 0010.00 0012.00 0015.00 0016.00  
0018.00 0019.00 0021.00 0022.00 0023.00 0026.00 0029.00  
0030.00 0031.00 0032.00 0033.00 0034.00 0035.00 0037.00  
0038.00 0039.00 0040.00 0041.00 0042.00 0043.00 0044.00  
0046.00 0049.00 0050.00 0053.00 0055.00 0056.00 0061.00  
0069.00 0125.00 0126.00 0127.00 0129.00 0130.00 0131.00  
0138.00 0140.00 0141.00

LEON

0001.00 0005.00 0006.00 0011.00 0012.00 0014.00

ORANGE

0101.00 0102.00 0103.00 0104.00 0105.00 0106.00 0107.00  
0109.00 0110.00 0114.00 0117.00 0146.00 0159.00 0160.00  
0172.00 0174.00 0175.00 0176.00 0179.00

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, RCHS.

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## NOTICES

(52)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

~~FLORIDA~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

PALM BEACH	0001.00	0005.00	0006.00	0012.00	0013.00	0015.00	0016.00
	0017.00	0018.00	0022.00	0023.00	0024.00	0026.00	0027.00
	0028.00	0034.00	0035.00	0036.00	0044.00	0045.00	0049.00
	0050.00	0051.00	0052.00	0053.00	0054.00	0055.00	0056.00
	0060.00	0061.00	0062.00	0063.00	0064.00	0065.00	0067.00
	0068.00	0073.00	0074.00	0075.00	0077.00	0080.00	0082.00
	0083.00						
PINELLAS	0201.01	0202.02	0203.00	0204.00	0205.00	0206.00	0208.00
	0209.00	0210.00	0211.00	0212.00	0213.00	0214.00	0215.00
	0216.00	0217.00	0218.00	0219.00	0220.00	0221.00	0222.00
	0223.00	0226.01	0226.02	0227.00	0228.01	0228.02	0229.00
	0230.00	0231.00	0232.00	0233.00	0234.00	0235.00	0236.00
	0237.00	0238.00	0239.00	0240.01	0240.02	0241.00	0242.00
	0243.02	0244.01	0244.02	0245.00	0246.00	0247.00	0248.00
	0249.01	0249.02	0250.01	0251.01	0251.02	0251.03	0251.04
	0252.01	0252.02	0253.00	0254.02	0254.03	0255.01	0256.00
	0257.00	0259.00	0260.00	0261.00	0262.00	0264.00	0265.00
	0266.00	0267.00	0269.01	0269.02	0270.00	0271.01	0271.02
	0272.00	0274.00	0276.00	0277.00	0278.00	0279.00	0280.01
	0280.02	0281.00	0282.00	0283.00	0284.00	0285.00	
SANTA ROSA	0101.00	0102.00	0104.00	0105.00	0106.00	0107.00	0108.00
SPRINGFIELD	0201.00	0202.00	0204.00	0205.00	0207.00	0210.00	0211.00

~~COUNTY~~~~AREA~~~~GROUPS OF CENSUS TRACTS~~

DADE	AREA	1	0042.00**0043.00**0044.00**0045.00**
DADE	AREA	2	0113.00**0114.00

\*TRACTS WHICH HAVE INDEX SCORES OF 62 OR BELOW.

## NOTICES

(53)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

GEORGIA

~~NON-METROPOLITAN AREAS~~

COUNTY

TOTAL COUNTIES

APPLING  
 ATKINSON  
 BAKER  
 BANKS  
 BARTOW  
 BEN HILL  
 BERRIEN  
 BLECKLEY  
 BRANTLEY  
 BROOKS  
 BRYAN  
 BULLOCH  
 BURKE  
 CALHOUN  
 CAMDEN  
 CANDLER  
 CARROLL  
 CATOOSA  
 CHARLTON  
 CHATTAHOOCHEE  
 CHEROKEE  
 CLAY  
 CLINCH  
 COFFEY  
 COLQUITT  
 COLUMBIA  
 COOK  
 COWETA  
 CRAWFORD  
 CRISP  
 DADE  
 DAWSON  
 DECATUR  
 DODGE  
 DOOLY  
 EARLY  
 ECHOLS  
 EFFINGHAM  
 ELBERT  
 EMANUEL  
 EVANS  
 FANNIN  
 FLOYD

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECHS.

V40170

SEP 2

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XUM



(54)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

~~GEORGIA~~~~NON METROPOLITAN AREAS~~~~COUNTY~~~~COUNTIES~~

PORSYTH  
 FRANKLIN  
 GILMER  
 GLASCOCK  
 GLYNN  
 GRADY  
 GREENE  
 HAELESHAM  
 HANCOCK  
 HARRIS  
 HART  
 HEARD  
 HENRY  
 IRWIN  
 JASPER  
 JEFF DAVIS  
 JEFFERSON  
 JENKINS  
 JOHNSON  
 JONES  
 LAMAR  
 LAURENS  
 LEE  
 LIBERTY  
 LINCOLN  
 LONG  
 LUMPKIN  
 MCDUFFIE  
 MCINTOSH  
 MACON  
 MADISON  
 MARION  
 MERIWETHER  
 MILLER  
 MITCHELL  
 MONROE  
 MONTGOMERY  
 MORGAN  
 MURRAY  
 NEWTON  
 OCONEE  
 OLGETHORPE  
 PEACH

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, LCMS.~~

(55)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

~~GEORGIA~~~~NON METROPOLITAN AREAS~~~~COUNTY~~~~COUNTIES~~

PICKENS  
 PIERCE  
 PIKE  
 POLK  
 PULASKI  
 PUTNAM  
 QUITMAN  
 RABUN  
 RANDOLPH  
 SCHLEY  
 SCREVEN  
 STEWART  
 SUMTER  
 TALBOT  
 TALLAPOOSA  
 TATTNALL  
 TAYLOR  
 TELFAIR  
 TERRELL  
 THOMAS  
 TIFT  
 TOOMBS  
 TOWNS  
 TREUTLEN  
 TROUP  
 TURNER  
 TWIGGS  
 UNION  
 UPSON  
 WALTON  
 WARREN  
 WASHINGTON  
 WAYNE  
 WEBSTER  
 WHEELER  
 WILCOX  
 WILKES  
 WILKINSON  
 WORTH

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, LCMS.~~

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XUM



## NOTICES

(56)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

~~GEORGIA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCU/COD\* WITHIN COUNTY~~

BACON

BIRMINGHAM DIV

BALDWIN

BIDWAY-HARDWICK DIV

BARROW

BETHLEHEM DIV

BUTTS

JACKSON DIV  
TOWALIGA DIV

JENNIFERSON DIV

DOUGLAS

FILLMORE DIV  
FAIRPLAY DIV

DOUGLASVILLE DIV

GORDON

FLEMING DIV

JACKSON

MAISVILLE DIV

LANIER

LAKELAND DIV

LOWMEYER

MAHON DIV

MAYLOW DIV

PAULDING

YORKVILLE DIV

ROCKDALE

NORTH ROCKDALE DIV

SOUTH ROCKDALE DIV

SHAWNEE

GRIFFIN DIV

ORCHARD HILL-WINGGOLD DIV

WAKE

DIXIE UNION DIV

MANOR DIV

WHITE

MOSSY CREEK DIV

\* MINOR CIVIL DIVISIONS OF COUNTY DIVISIONS.

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, LCMS.

## NOTICES

40345

(57)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

~~GEORGIA~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

BIBB

0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0109.00
0109.00	0111.00	0112.00	0113.00	0114.00	0115.00	0116.00
0123.00	0124.00	0125.00	0127.00	0130.00	0133.00	0136.00

CHATHAM

0001.00	0002.00	0003.00	0005.00	0006.00	0007.00	0009.00
0009.00	0010.00	0011.00	0012.00	0013.00	0015.00	0017.00
0018.00	0019.00	0020.00	0021.00	0022.00	0023.00	0024.00
0025.00	0026.00	0027.00	0028.00	0029.00	0030.00	0032.00
0033.00	0036.01	0044.00	0045.00	0102.00	0106.02	

CHATHAM

0201.00

COLUMBUS

0001.00	0003.00	0005.00	0006.00	0007.00	0012.00	0013.00
0014.00	0015.00	0016.00	0018.00	0019.00	0020.00	0023.00
0024.00	0025.00	0026.00	0027.00	0028.00	0029.01	0029.02
0030.00	0031.00	0032.00	0033.00	0034.00	0106.01	0107.01
0107.02	0109.00					

DE KALB

0205.00 0206.00 0221.00

DOUGHERTY

0002.00	0003.00	0008.00	0012.00	0014.00	0015.00	0101.00
0102.00	0103.00	0104.00	0106.00	0110.00		

FULTON

0008.00	0015.00	0017.00	0018.00	0019.00	0020.00	0021.00
0022.00	0023.00	0025.00	0026.00	0027.00	0028.00	0029.00
0032.00	0033.00	0035.00	0037.00	0039.00	0041.00	0042.00
0043.00	0044.00	0045.00	0046.00	0047.00	0048.00	0053.00
0055.01	0055.02	0056.00	0057.00	0059.00	0063.00	0067.00
0066.02	0067.01	0067.02				

GWINNETT

0501.00 0502.00 0503.00 0505.00 0506.00 0507.00

HOUSTON

0201.00 0207.00 0212.00 0213.00 0215.00

RICHMOND

0002.00	0004.00	0006.00	0007.00	0008.00	0009.00	0014.00
0015.00	0106.00					

WALKER

0206.00 0207.00 0208.00 0209.00

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, LCMS.

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XUM



40346

## NOTICES

(58)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

HAWAII

~~METROPOLITAN AREAS~~

COUNTY

CENSUS TRACTS WITHIN COUNTY

HONOLULU

0052.00 0054.00 0062.02

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS~~

## NOTICES

40347

(59)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

IDAHO

~~NON-METROPOLITAN AREAS~~

COUNTY

TOTAL COUNTIES

BOISE  
BOUNDARY  
CUSTER  
LINCOLN  
MINIDOKA  
OWYHEE  
PAYETTE  
WASHINGTON

~~COUNTY~~MCI/CCD\* WITHIN COUNTY

BANNOCK

LAVA HOT SPRINGS DIV

BENEFAN

BLUMFELT DIV

TENSED DIV

BINGHAM

ABERDEEN DIV  
FORT HALL DIV

ATOMIC CITY DIV

CASSIA

ALBION DIV

OAKLEY DIV

GEM

SWEET DIV

JEFFERSON

RANIER DIV

ROBERTS DIV

~~COUNTY~~CENSUS TRACTS WITHIN COUNTY

ADA

0001.00

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## NOTICES

(60)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

## ILLINOIS

## COUNTY

ALEXANDER  
BROWN  
CALHOUN  
CLARK  
CLAY  
DE WITT  
EDWARDS  
FAYETTE  
FRANKLIN  
FULTON  
GALLATIN  
GREENE  
GRUNDY  
HAMILTON  
HARDIN  
JOHNSON  
LAWRENCE  
MASSAC  
MONTGOMERY  
PIKE  
POPE  
FULASKI  
SALINE  
SCHUYLER  
SHELBY  
UNION  
WARREN  
WASHINGTON  
WAYNE

~~NON-METROPOLITAN AREAS~~

TOTAL COUNTIES

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.~~

## NOTICES

(61)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

## ILLINOIS

## COUNTY

~~NON-METROPOLITAN AREAS~~

MCD/CCD\* WITHIN COUNTY

ADAMS	CAMP POINT TWP HONEY CREEK TWP NORTHEAST TWP	CLAYTON TWP KEENE TWP
BOND	TAMALCO TWP	
CARROLL	LOCK CREEK TWP	
CHRISTIAN	LOCUST TWP PANA TWP	MOSQUITO TWP RICKS TWP
CLINTON	IRISH TOWN TWP MERRILL TWP SANTA FE TWP	LAKI TWP ST ROSE TWP WHIPPLEFIELD TWP
COLES	EAST OAKLAND TWP	
CUMBERLAND	GREENUP TWP	SUMMIT TWP
DOUGLAS	NEWMAN TWP	
EDGAR	EDGAR TWP ROSS TWP	KANSAS TWP
EFFINGHAM	JACKSON TWP LUCAS TWP	LIBERTY TWP MOUND TWP
HANCOCK	AUGUSTA TWP LA HARPE TWP	CHILI TWP
HENDERSON	HIGGSVILLE TWP	LOMAX TWP
IROQUOIS	MARTINION TWP	
JASPER	CROOKED CREEK TWP ST. MARIE TWP	FOX TWP WADSWORTH TWP
JEFFERSON	LILL HILL TWP PENDLTON TWP WHEELER TWP	CASHER TWP SPRING GARDEN TWP
JO DAVISS	APPLE RIVER TWP WARREN TWP	ELIZABETH TWP

\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.~~

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XUM

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## NOTICES

(62)

## NOTICES

(63)



## NOTICES

(62)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## ILLINOIS

## COUNTY

KANKAKEE

KNOX

LA SALLE

LEE

LIVINGSTON

LOGAN

MACOUPIN

MARION

MARSHALL

MASON

MENARD

MERCER

MONROE

MORGAN

OGLE

PERRY

~~NON METROPOLITAN AREAS~~~~MCU/CCL\* WITHIN COUNTY~~

MANTENO TWP

COFFEY TWP  
VICTORIA TWP

FREEHOM TWP

CHINA TWP

NEBRASKA TWP

EMINENCE TWP

CAROLINA TWP  
HILLYARD TWP  
SOUTH PALMYRA TWP

ALMA TWP

LACON TWP  
ROBERTS TWPFOREST CITY TWP  
MASON CITY TWP  
SHEPPARD TWP

GREENVIEW PRFC

ABINGTON TWP  
PERRYTON TWP

MITCHELL PRFC

ALEXANDER PRFC  
FRANKLIN PRFCMARYLAND TWP  
WHITE LOCK TWPBEAUCOURT PRFC  
LU QUOIN PRFC  
TAMAROA PRFC

PIMBROKE TWP

KNOX TWP

HOPE TWP

GILLESPIE TWP  
SHAW'S POINT TWP

STEVENSON TWP

RICHLAND TWP

HAVANA TWP  
QUIVER TWP

KEITHSHURG TWP

CHAPIN PRFC  
WAVEBLY PRFC

PINE CREEK TWP

CUTLER PRFC  
SWANWICK PRFC

\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCMS.~~

## NOTICES

(63)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## ILLINOIS

## COUNTY

RANDOLPH

SCOTT

STEPHENSON

VERMILION

WHITE

WHITESIDE

WILLIAMSON

~~NON METROPOLITAN AREAS~~~~MCU/CCL\* WITHIN COUNTY~~

RUMA IRFC

NORTH WINCHESTER PRFC

ONECO TWP  
WEST POINT TWP

ELWOOD TWP

BURNT PRairie TWP  
MILL SHOALS TWP

CLYDE TWP

BLAIRSVILLE PRFC  
CENTRAL SPRINGS IRFC  
LAKE CREEK PRFC

SOUTH WINCHESTER PRFC

SILVER CREEK TWP  
WINSLOW TWP

SIDEHILL TWP

INDIAN CREEK TWP

USTICK TWP

CORINTH PRFC  
EAST MARION IRFC  
STONEPORT PRFC

\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCMS.~~

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## NOTICES

(64)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDER-SERVICE~~

## ILLINOIS

## COUNTY

CHAMPAIGN

COOK

0001.00 0002.00 0003.00

0103.00	0301.00	0306.00	0307.00	0310.00	0312.00	0313.00
0314.00	0315.00	0316.00	0317.00	0320.00	0321.00	0401.00
0404.00	0508.00	0514.00	0605.00	0606.00	0608.00	0609.00
0610.00	0614.00	0621.00	0632.00	0633.00	0707.00	0708.00
0711.00	0714.00	0715.00	0720.00	0801.00	0803.00	0804.00
0805.00	0808.00	0809.00	0810.00	0811.00	0812.00	0813.00
0815.00	0816.00	0817.00	0818.00	0819.00	1603.00	1903.00
2303.00	2304.00	2315.00	2316.00	2317.00	2402.00	2404.00
2405.00	2406.00	2409.00	2410.00	2411.00	2412.00	2413.00
2414.00	2416.00	2417.00	2418.00	2420.00	2426.00	2429.00
2431.00	2434.00	2435.00	2523.00	2524.00	2601.00	2602.00
2603.00	2605.00	2606.00	2607.00	2608.00	2609.00	2702.00
2703.00	2704.00	2705.00	2706.00	2707.00	2708.00	2709.00
2710.00	2711.00	2712.00	2713.00	2714.00	2715.00	2716.00
2717.00	2718.00	2719.00	2803.00	2804.00	2805.00	2807.00
2808.00	2809.00	2812.00	2813.00	2814.00	2815.00	2816.00
2817.00	2818.00	2819.00	2826.00	2829.00	2830.00	2832.00
2837.00	2838.00	2839.00	2840.00	2841.00	2842.00	2902.00
2903.00	2904.00	2905.00	2907.00	2908.00	2909.00	2910.00
2911.00	2912.00	2913.00	2914.00	2915.00	2917.00	2918.00
2919.00	2921.00	2922.00	2924.00	3003.00	3004.00	3005.00
3006.00	3014.00	3105.00	3105.00	3106.00	3107.00	3201.00
3205.00	3301.00	3302.00	3303.00	3403.00	3405.00	3406.00
3502.00	3504.00	3506.00	3507.00	3508.00	3511.00	3512.00
3513.00	3515.00	3601.00	3602.00	3603.00	3604.00	3605.00
3701.00	3702.00	3703.00	3704.00	3801.00	3802.00	3803.00
3804.00	3805.00	3806.00	3807.00	3808.00	3809.00	3810.00
3811.00	3812.00	3813.00	3814.00	3815.00	3816.00	3817.00
3818.00	3819.00	3820.00	3901.00	3902.00	3903.00	3904.00
3907.00	4001.00	4002.00	4003.00	4004.00	4005.00	4006.00
4007.00	4008.00	4109.00	4110.00	4201.00	4202.00	4203.00
4204.00	4205.00	4207.00	4208.00	4209.00	4210.00	4211.00
4212.00	4307.00	4314.00	4608.00	4610.00	4914.00	5401.00
6016.00	6101.00	6603.00	6606.00	6609.00	6709.00	6717.00
6801.00	6802.00	6803.00	6805.00	6806.00	6808.00	6809.00
6810.00	6811.00	6812.00	6902.00	6903.00	6911.00	7101.00
7105.00	7207.00	7303.00	8001.00	8040.00	8094.00	8095.00
8123.00	8126.00	8128.00	8145.00	8149.00	8150.00	8151.00
8160.00	8176.00	8243.00	8240.00	8297.00		

HENRY

0305.00 0306.00 0309.00 0311.00

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.~~

## NOTICES

40353

(65)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDER-SERVICE~~

## ILLINOIS

## COUNTY

KANE

MCLEAN

MACON

MADISON

PEORIA

ROCK ISLAND

ST CLAIR

SANGAMON

TALEWILL

WILL

WINNEBAGO

8512.00 8516.00

0016.00

0001.00 0002.00 0005.00 0007.00 0008.00 0009.00 0020.00

4002.00 4004.00 4005.00 4006.00 4007.00 4021.00 4022.00

0001.00 0002.00 0004.00 0009.00 0010.00 0011.00 0012.00

0206.00 0207.00 0223.00 0224.00 0227.00 0233.00 0234.00

5001.00	5003.00	5004.00	5005.00	5006.00	5008.00	5009.00
5010.00	5011.00	5012.00	5013.00	5014.00	5015.01	5015.02
5016.01	5016.02	5016.03	5017.00	5018.00	5019.00	5021.00
5022.00	5024.01	5024.02	5025.00	5026.01	5026.02	5026.03
5026.04	5027.00	5028.00	5029.00	5030.00	5031.01	5031.02
5032.01	5032.02	5032.03	5033.01	5033.02	5033.03	5033.04
5034.01	5034.02	5034.03	5035.00	5036.00	5037.01	5037.02
5038.00	5039.00	5040.01	5040.02			

0008.00 0013.00 0014.00 0015.00 0018.00

0208.00

8812.00 8813.00 8819.00 8820.00 8825.00

0008.00 0010.00 0024.00 0026.00 0029.00

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.~~

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## NOTICES

## NOTICES



40354

## NOTICES

(66)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## INDIANA

~~NON-METROPOLITAN AREAS~~

## COUNTY

## TOTAL COUNTIES

BROWN  
CRAWFORD  
DAVIESS  
DECATUR  
FAYETTE  
JAY  
MARTIN  
OHIO  
PARKE  
PIKE  
PULASKI  
SPENCER  
STARKE  
SWITZERLAND  
UNION  
WARREN

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, BCMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

40355

(67)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## INDIANA

~~NON-METROPOLITAN AREAS~~

## COUNTY

## MCD/CCD\* WITHIN COUNTY

BENTON	HICKORY GROVE TWP	PARISH GROVE TWP
CASS	ADAMS TWP CLINTON TWP	BOONE TWP JEFFERSON TWP
CLINTON	ROSS TWP	WARREN TWP
FOUNTAIN	JACKSON TWP	
FRANKLIN	LAUFEL TWP RAY TWP	POSFY TWP
GIBSON	CENTER TWP PATOKA TWP WHITE RIVER TWP	MONTGOMERY TWP WASHINGTON TWP
GREENE	JEFFERSON TWP WASHINGTON TWP	STOCKTON TWP WRIGHT TWP
HARRISON	FITH TWP	
HUNTINGTON	SALAMONIE TWP	
JACKSON	CARE TWP PERSHING TWP	HAMILTON TWP
JEFFERSON	MILTON TWP SHELEY TWP	SALUDA TWP SMYRNA TWP
JENNINGS	MARION TWP	
KNOX	VIGO TWP	
MIAMI	PERRY TWP	
NEWTON	IROQUOIS TWP	
ORANGE	STAMPERS CREEK TWP	
OWEN	JEFFERSON TWP MORGAN TWP	MARION TWP WAYNE TWP

~~\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, BCMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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## NOTICES

(68)

## NOTICES

40357

(69)



## NOTICES

(68)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~INDIANA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CED\* WITHIN COUNTY~~

PERRY

CLARK TWP

OIL TWP

POSTY

HARMONY TWP

LYNN TWP

RIPLEY

BROWN TWP

WASHINGTON

FRANKLIN TWP  
JEFFERSON TWPGIBSON TWP  
MADISON TWP

WHITE

MONEY CREEK TWP

LIBERTY TWP

\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECHS.

## NOTICES

(69)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~INDIANA~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

CLARK

0501.00

CLAY

0401.00 0405.00 0406.00

DEARBORN

0803.00 0805.00

DELAWARE

0001.00 0002.00 0003.00 0004.00 0006.00 0007.00 0012.00

FLOYD

0705.00

JOHNSON

6112.00

LAKE

0104.00 0106.00 0111.00 0112.00 0114.00 0118.00 0120.00  
0122.00 0123.00 0124.00 0125.00 0126.00 0127.00 0128.00  
0129.00 0208.00 0217.00 0301.00 0302.00 0303.00 0310.00  
0412.00

MADISON

0001.00 0002.00 0005.00 0006.00 0007.00

MARION

3207.00 3212.00 3216.00 3413.00 3415.00 3416.00 3503.00  
3508.00 3510.00 3512.00 3513.00 3514.00 3516.00 3517.00  
3518.00 3525.00 3528.00 3529.00 3530.00 3531.00 3532.00  
3533.00 3534.00 3535.00 3538.00 3539.00 3540.00 3541.00  
3542.00 3543.00 3544.00 3547.00 3552.00 3558.00 3562.00  
3563.00 3564.00 3567.00 3580.00 3608.00 3610.00 3611.00

ST JOSEPH

0020.00

SULLIVAN

0501.00 0502.00 0503.00 0504.00 0505.00

TIPPECANOE

0006.00

VANDEBUTCH

0015.00 0016.00 0017.00 0018.00 0019.00

VERMILION

0202.00 0204.00 0205.00

VIGO

0001.00 0003.00 0006.00 0007.00 0105.00

WARRICK

0301.00 0306.00

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECHS.

## NOTICES

## NOTICES

(71)



## NOTICES

(70)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

IOWA

COUNTY

ADAMS  
ALLAMAKEE  
APLANOOST  
AUDUBON  
CHICKASAW  
FRIMONT  
LUCAS  
MONROE  
PAGE  
PLYMOUTH  
RINGGOLD  
TAYLOR  
VAN BUREN  
WAYNE

~~NON METROPOLITAN AREAS~~

TOTAL COUNTIES

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECBS.~~

## NOTICES

(71)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

IOWA

~~COUNTY~~

~~NON METROPOLITAN AREAS~~

MCD/CCI\* WITHIN COUNTY

ADAIR	ADAIR TWP ORIENT TWP	GREENFIELD TWP SUMMIT TWP
BENTON	BENTON TWP	
BREMEN	SUMMIT TWP	
BUCHANAN	BUFFALO TWP FAIRBANK TWP NEWTON TWP	CONO TWP HAZLETON TWP
BUENA VISTA	BEWEIL TWP	SIoux RAPIDS TWP
BUTLER	BEAVER TWP MONROE TWP	BUTLER TWP LITTSFORD TWP
CALHOUN	BUTLER TWP	LAKE CITY TWP
CAPROLL	WABER TWP	
CASS	GRANT TWP	PLEASANT TWP
CLARK	OSCIOLA CITY TWP	
CLAY	PIERSON TWP	
CLAYTON	CASS TWP GIARD TWP	GARNAVILLE TWP
CLINTON	CENTER TWP	ORANGE TWP
CRAWFORD	CHATEAU TWP WEST SIDE TWP	OTTER CREEK TWP
DAVIS	BLOOMFIELD TWP	
DECATUR	GARREN GROVE TWP	LEON TWP
DELAWARE	COFFINS GROVE TWP DELHI TWP HAZIL GREEN TWP MILO TWP	DELAWARE TWP ELK TWP HONEY CREEK TWP HIGHLAND TWP
PAYETTE	AUBURN TWP	WESTFIELD TWP

~~\* MINOR CIVIL DIVISIONS OR CHURCH COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECBS.~~

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## NOTICES

## NOTICES



## NOTICES

(72)

~~AREAS WITH SCOPES OF 62 OR THEREON ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

## IOWA

## NON-METROPOLITAN AREAS

## COUNTY

## MCD/CCD\* WITHIN COUNTY

FRANKLIN	CLINTON TWP	
GUTHRIE	THOMSON TWP	
HAMILTON	WILLIAMS TWP	
HARRISON	BOYLE TWP	LITTLE SIOUX TWP
HOWARD	FOREST CITY TWP	
IDA	MAILE TWP	
JONES	OXFORD TWP	
KIOKUX	ADAMS TWP LAFAYETTE TWP SIGOURNEY TWP WASHINGTON TWP	BENTON TWP PRAIRIE TWP WARREN TWP
MOSSUTH	BUFFALO TWP LEDYARD TWP	IRVINGTON TWP PRAIRIE TWP
LYON	ELGIN TWP	
MAHARSA	ELPASANT CREEK TWP WHITE OAK TWP	RICHLAND TWP
MILLS	MALVERN TWP	
MONTGOMERY	JACKSON TWP	RED OAK TWP
OSCEOLA	GILMAN TWP OCHESYAN TWP	HOLMAN TWP
PAIO ALTO	HIGHLAND TWP WALNUT TWP	PUSH LAKE TWP WEST BEND TWP
POCAHONTAS	CEDAR TWP	CLINTON TWP
POWESHIRE	JACKSON TWP	
SAC	IRVING TWP	RICHLAND TWP

~~A KIND OF CIVIL DIVISIONS OF CENSUS COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS.~~

## NOTICES

(73)

~~AREAS WITH SCOPES OF 62 OR THEREON ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

## IOWA

## NON-METROPOLITAN AREAS

## COUNTY

## MCD/CCD\* WITHIN COUNTY

SHELBY	CLAY TWP	
SIOUX	CAPRI TWP GRANT TWP	PAST ORANGE TWP POCK TWP
TAMA	IRVING TWP SPRING CREEK TWP	SALT CREEK TWP YOSH TWP
WAPELLO	ADAMS TWP RICHLAND TWP	COLUMBIA TWP WASHINGTON TWP
WEBSTER	GOWRIE TWP	WASHINGTON TWP
WINNEBAGO	BLOOMFIELD TWP CALMAR TWP FRANKVILLE TWP	BUFF OAK TWP CANON TWP LINCOLN TWP

## COUNTY

## CENSUS TRACTS WITHIN COUNTY

BLACK HAWK	0001.00	0002.00	0005.00	0006.00	0007.00	0009.00	0010.00
DUBUQUE	0001.00	0002.00	0010.00	0104.00			
FOLK	0013.00	0014.00	0016.00	0024.00	0025.00	0029.00	0033.00
	0034.00						
POTTAWATTAMIE	0307.00	0309.00	0313.00				
SCOTT	0105.00	0106.00	0107.00				
WOODEBURY	0015.00	0015.00	0016.00				

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## NOTICES

(74)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## KANSAS

## COUNTY

BOURBON  
BROWN  
CHASE  
CHAUTAUQUA  
CHEYENNE  
CLARK  
CLAY  
CRAWFORD  
ELK  
GRAY  
GREENWOOD  
HAMILTON  
HARPER  
HASKELL  
JEWELL  
LINCOLN  
LINN  
MARSHALL  
MONTGOMERY  
NEMAHA  
RICE  
RUSH  
SEAFORD  
SHERMAN  
SUMNER  
WABAUNSE  
WASHINGTON  
WILSON  
WOODSON

~~NON METROPOLITAN AREAS~~

## TOTAL COUNTIES

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCHS.~~

## NOTICES

(75)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~KANSAS~~~~COUNTY~~

ALLEN

ATCHISON

CHEROKEE

COFFEY

COMANCHE

COWLEY

DECATUR

DONIPHAN

ELLIS

ELLSWORTH

FORD

FRANKLIN

JACKSON

JEFFERSON

KEARNY

KIOWA

LABETTE

LEAVENWORTH

MCPherson

~~NON METROPOLITAN AREAS~~

## MCD/CCD\* WITHIN COUNTY

LA HARPE CITY

CENTER TWP

COLUMBUS CITY

LYON TWP

WEIR CITY

COLDWATER TWP

SILVER CREEK TWP

OBERLIN TWP

IOWA TWP

ELLIS CITY

WILSON TWP

PUCKLIN TWP

POMONA TWP

HOLTON CITY

DELAWARE TWP

NORTON TWP

ROCK CREEK TWP

JEFFFIELD TWP

CENTER TWP

CHETOPA CITY

MOUNT PLEASANT TWP

PARSONS CITY

ALEXANDRIA TWP

PASTOR TWP

MARQUETTE TWP

LANCASTER TWP

GALFNA CITY

FOSS TWP

ROCK CREEK TWP

GRANDVIEW TWP

RICHMOND TWP

LINCOLN TWP

JEFFERSON TWP

OSKALOUSA TWP

UNION TWP

WELLSFORD TWP

ELM GROVE TWP

OSWEGO CITY

DELAWARE TWP

\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCHS.~~

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## NOTICES

(76)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~KANSAS~~~~COUNTY~~

BLADE  
MIAMI  
MITCHELL  
MORRIS  
MORTON  
NEOSHO  
NESS  
NORTON  
OSAGE  
OSEOPNE  
PHILLIPS  
RENO  
REPUBLIC  
RILPY  
RUSSELL  
SALINE  
SMITH  
STAFFORD  
TREGO

~~NON-METROPOLITAN AREAS~~~~NEP/CEP WITHIN COUNTY~~

FOWLER TWP  
OSAWATOMIE CITY  
GLEN ELDER TWP  
COUNCIL GROVE CITY  
FOLLA TWP  
CHETOPA TWP  
NEVADA TWP  
ALMENA TWP  
ELK TWP  
NATOMA TWP  
LOGAN TWP  
ALBION TWP  
SYLVIA TWP  
HICPLAND TWP  
BALA TWP  
FAIRVIEW TWP  
SMOXY HILL TWP  
CEMAR TWP  
ST JOHN TWP  
COLLYER TWP  
PAOLA CITY  
FOLLING FAIRIE TWP  
OSAGE CITY CITY  
ROSS TWP  
MIAMI TWP  
SCANDIA TWP  
SMOLAN TWP  
OAK TWP  
WA KENNEY TWP

~~\* RING CIVIL DIVISION OR CENSUS COUNTY DIVISIONS~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, RCHS.~~

## NOTICES

(77)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~KANSAS~~~~COUNTY~~~~METROPOLITAN AREAS~~~~CENSUS TRACTS WITHIN COUNTY~~

BUTLER	0204.00						
SEDGWICK	0003.00	0004.00	0005.00	0006.00	0007.00	0008.00	0012.00
	0013.00	0016.00	0017.00	0023.00	0025.00	0026.00	0027.00
	0033.00	0065.00	0078.00				
SHAWNEE	0001.00	0002.00	0003.00	0004.00	0008.00	0014.00	0021.00
	0031.00						
WYANDOTTE	0402.00	0403.00	0407.00	0408.00	0409.01	0409.02	0410.00
	0411.01	0411.02	0412.01	0412.02	0416.00	0417.00	0418.00
	0420.01	0420.02	0425.02	0426.00	0427.00	0430.00	0431.02

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, RCHS.~~

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## NOTICES

(78)

~~ARIAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSTANDING~~

## KENTUCKY

## COUNTY

ADAIR  
 ALLEN  
 BALLARD  
 BARRON  
 BATH  
 BELL  
 BRACKEN  
 BREATHITT  
 BRECKINRIDGE  
 BUTLER  
 CARLISLE  
 CARROLL  
 CARTER  
 CASPER  
 CHRISTIAN  
 CLARK  
 CLAY  
 CLINTON  
 CRITTENDEN  
 CUMBERLAND  
 EMMISON  
 ELLIOTT  
 ESTILL  
 FLEMING  
 FLOYD  
 FULTON  
 GALLATIN  
 GARRARD  
 GRAVES  
 GRAYSON  
 GREENUP  
 HANCOCK  
 HARLAN  
 HARRISON  
 HART  
 HENRY  
 HICKMAN  
 HOPKINS  
 JACKSON  
 JEFFERSON  
 JOHNSON  
 KNOTT  
 KNOX

## TOTAL COUNTIES

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

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(79)

~~ARIAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSTANDING~~

## KENTUCKY

## COUNTY

LAKE  
 LAUREL  
 LAWRENCE  
 LEE  
 LESTER  
 LETCHER  
 LEWIS  
 LINCOLN  
 LIVINGSTON  
 LOGAN  
 MCCREARY  
 MCLEAN  
 MADISON  
 MAGOFFIN  
 MARION  
 MARSHALL  
 MARTIN  
 MASON  
 MEADE  
 MENIFEE  
 MERCER  
 METCALFE  
 MONROE  
 MONTGOMERY  
 MORGAN  
 MUEHLBACH  
 NELSON  
 NICHOLAS  
 OHIO  
 OWEN  
 OWENSLEY  
 PENDERGAST  
 PERRY  
 PIKE  
 POWELL  
 PULASKI  
 ROBERTSON  
 ROCKCASTLE  
 RUSSELL  
 SCOTT  
 SHELBY  
 SPENCER  
 TODD

## COUNTIES

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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## NOTICES

(80)

## NOTICES

40369

(81)

~~ARIAS WITH SCORES OF 62 OR BELOW ON THE~~



## NOTICES

(80)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~KENTUCKY~~  
~~COUNTY~~

TRIGG  
TRIMBLE  
UNION  
WASHINGTON  
WAYNE  
WEBSTER  
WHITLEY  
WOLFE  
WOODFORD

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, LEMS.~~

## NOTICES

40369

(81)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~KENTUCKY~~  
~~COUNTY~~

~~NON-METROPOLITAN AREAS~~  
MCD/CCD\* WITHIN COUNTY

ANDERSON	ANDERSON SOUTHWEST DIV	
BULLITT	LEBANON JUNCTION DIV	SHEPHERDSTOWN SOUTHEAST D
CALDWELL	PRINCETON DIV	PRINCETON NORTH DIV
GRANT	WILLIAMSTOWN DIV	
HARDIN	CPCILIN DIV	ELIZABETHTOWN NORTH DIV
	SONOMA DIV	SUMMIT DIV
MCCRACKEN	PADUCAH DIV	
SIMPSON	FRANKLIN EAST DIV	
TAYLOR	MADESVILLE DIV	SALOMA DIV
WARREN	SMITHS GROVE DIV	

~~COUNTY~~

CENSUS TRACTS WITHIN COUNTY

BOYD	0302.00						
CAMPBELL	0501.00	0502.00	0505.00	0512.00			
FAYETTE	0001.00	0003.00	0004.00	0010.00			
HENDERSON	0201.00	0202.00	0203.00	0204.00	0205.00	0209.00	
JEFFERSON	0002.00	0006.00	0010.00	0014.00	0018.00	0019.00	0020.00
	0021.00	0022.00	0023.00	0024.00	0025.00	0026.00	0027.00
	0028.00	0030.00	0032.00	0033.00	0034.00	0035.00	0049.00
	0050.00	0051.00	0057.00	0059.00	0060.00	0061.00	0062.00
	0067.00	0068.00	0070.00	0078.00	0082.00	0084.00	0088.00
KENTON	0601.00	0604.00	0605.00	0632.00			

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## NOTICES

(82)

## NOTICES

40371

(83)



## NOTICES

(82)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

## LOUISIANA

## COUNTY

## TOTAL COUNTIES

ACADIA  
 ALLEN  
 ASCENSION  
 ASSUMPTION  
 AVOYELLES  
 BEAUREGARD  
 BIENVILLE  
 CALDWELL  
 CAMERON  
 CATAHOULA  
 CLAIBORNE  
 CONCORDIA  
 DE SOTO  
 EAST CARROLL  
 EAST FELICIANA  
 EVANGELINE  
 FRANKLIN  
 GRANT  
 IBERIA  
 IBERVILLE  
 JACKSON  
 JEFFERSON DAVIS  
 LASALLE  
 LINCOLN  
 LIVINGSTON  
 MADISON  
 MOREHOUSE  
 NATCHITOCHES  
 PLAQUEMINES  
 POINTE COUPEE  
 RAPIDS  
 RED RIVER  
 RICHLAND  
 SABINE  
 ST CHARLES  
 ST HELENA  
 ST JAMES  
 ST JOHN THE BAPTIST  
 ST LANDRY  
 ST MARTIN  
 ST MARY  
 TANGIPAROA  
 TENSAS  
 TERREBOENE  
 UNION  
 VERMILION  
 VERNON  
 WASHINGTON  
 WESTBAY  
 WEST BATON ROUGE  
 WEST CARROLL  
 WEST FELICIANA  
 WINN

## NOTICES

(83)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

## LOUISIANA

## COUNTY

## WARD/CCD\* WITHIN COUNTY

LAFOURCHE  
 WARD 1  
 WARD 6  
 WARD 9

WARD 5  
 WARD 7

## COUNTY

## CENSUS TRACTS WITHIN COUNTY

BOSSIER	0102.00 0108.02	0103.00 0109.00	0104.00 0110.00	0105.00 0111.00	0106.00 0112.00	0107.00 0113.00	0108.01 0114.00
CADDO	0202.00 0210.00 0219.00	0203.00 0211.00 0220.00	0204.00 0212.00 0231.00	0206.00 0213.00 0232.00	0207.00 0216.00 0233.00	0208.00 0217.00 0235.00	0209.00 0218.00 0236.00
0237.00 0246.00	0238.00 0248.00	0240.00 0249.00	0241.02 0250.00	0242.00 0251.00	0243.00	0245.00	
CALCASIEU	0001.00 0008.00 0021.00 0032.00	0002.00 0014.00 0022.00 0035.00	0003.00 0015.00 0023.00 0036.00	0004.00 0016.00 0024.00	0005.00 0017.00 0027.00	0006.00 0018.00 0028.00	0007.00 0020.00 0029.00
EAST BATON ROUGE	0010.00 0022.00	0012.00 0024.00	0013.00 0025.00	0014.00 0027.00	0015.00 0030.00	0016.00 0031.00	0021.00
JEFFERSON	0208.00 0273.00	0209.00 0279.00	0237.00	0246.00	0257.00	0259.00	0269.00
LAFAYETTE	0001.00 0013.00	0002.00 0014.00	0003.00 0019.00	0007.00 0020.00	0008.00 0021.00	0009.00	0011.00
ORLEANS	0001.00 0007.02 0012.00 0017.03 0023.00 0030.00 0039.00 0045.00 0064.00 0075.01 0082.00 0089.00 0097.00 0109.00 0130.00	0002.00 0008.00 0013.01 0017.04 0024.02 0031.00 0040.00 0049.00 0067.00 0076.02 0083.00 0090.00 0099.00 0111.00 0131.00	0003.00 0009.01 0013.02 0017.05 0025.03 0033.06 0041.00 0050.00 0068.00 0077.00 0084.00 0091.00 0100.00 0112.00 0125.00	0004.00 0009.02 0014.01 0017.08 0026.00 0034.00 0043.00 0054.00 0069.00 0078.00 0085.00 0092.00 0102.00 0126.00	0006.01 0009.03 0014.02 0018.00 0027.00 0035.00 0044.00 0058.00 0070.00 0079.00 0086.00 0093.00 0105.00 0128.00	0006.09 0009.04 0015.00 0019.00 0028.00 0036.00 0045.00 0059.00 0071.00 0080.00 0087.00 0094.00 0106.00 0129.00	0007.01 0011.00 0016.00 0021.00 0029.00 0037.02 0046.00 0060.00 0072.00 0081.00 0088.00 0096.00 0107.00 0129.00
OUACHITA	0003.00 0013.00 0057.00 0106.00	0006.00 0014.00 0058.00	0007.00 0015.00 0059.00	0008.00 0016.00 0101.00	0009.00 0054.00 0103.00	0011.00 0055.00 0104.00	0012.00 0056.00 0105.00
ST BERNARD	0301.00 0308.00	0302.00	0303.00 0304.00	0305.00 0306.00	0307.00	0308.00	0309.00
ST TAMMANY	0401.00	0402.00	0403.00 0405.00	0406.00	0407.00	0408.00	0409.00

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## NOTICES

(84)

~~AREAS WITH SCORES OF 62 OR HIGHER ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## MAINE

~~NON-METROPOLITAN AREAS~~

## COUNTY

## TOTAL COUNTIES

ARROOSTOOK  
SOMERSET  
WALDO  
WASHINGTON

## COUNTY

## NCD/CCD\* WITHIN COUNTY

## FRANKLIN

CHESTERVILLE TOWN  
FINGFIELD TOWN  
PHILLIPS TOWNEUSTIS TOWN  
NEW SPARON TOWN  
RANGELEY TOWN

## HANCOCK

BROOKLIN TOWN  
HINOCSCOT TOWNBROOKSVILLE TOWN  
SEDGWICK TOWN

## KENNEBEC

CLINTON TOWN

## LINCOLN

EASTON TOWN

## OXFORD

BUCKFIELD TOWN

## PENOBSCOT

BROOKFIELD TOWN  
BUXFORD TOWN  
CAMDEN TOWN  
HINOCSCOT TOWN  
WINN TOWNCORINTH TOWN  
EASTON TOWN  
GREENBUSH TOWN  
NEWPORT TOWN

## SAGadahoc

BROOKFIELD TOWN

## COUNTY

## CENSUS TRACTS WITHIN COUNTY

## ANDROSCOGGIN

0101.00 0101.00 0203.00

## CUMBERLAND

0006.00 0007.00 0008.00

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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## NOTICES

(85)

~~AREAS WITH SCORES OF 62 OR HIGHER ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## MARYLAND

~~NON-METROPOLITAN AREAS~~

## COUNTY

## TOTAL COUNTIES

CALVERT  
CAROLINE  
CHARLES  
DORCHESTER  
GARRETT  
QUEEN ANNES  
ST. MARYS  
SOMERSET  
WORCESTER

## COUNTY

## NCD/CCD\* WITHIN COUNTY

## ALLEGANY

DIST 2 CLINTON  
DIST 31 MC COOK

DIST 14

## KENT

DIST 5 PETERSVILLE

## WASHINGTON

DIST 8 FORT MCMILLAN

DIST 19 WINDYVILLE

## WICOMICO

DIST 1 FARMER CREEK  
DIST 7 TRAPPE  
DIST 12 NANTICOKDIST 3 TRAPPE  
DIST 9 SALISBURY

## COUNTY

## CENSUS TRACTS WITHIN COUNTY

## ANNE ARUNDEL

7028.00

## PRINCE GEORGES

8009.00 8020.02 8026.00

## BALTIMORE CITY

0301.00	0302.00	0402.00	0501.00	0603.00	0704.00	0805.00	0906.00	1007.00
0704.00	0805.00	0906.00	1007.00	1108.00	1209.00	1310.00	1411.00	1512.00
1613.00	1714.00	1815.00	1916.00	2017.00	2118.00	2219.00	2320.00	2421.00
2522.00	2623.00	2724.00	2825.00	2926.00	3027.00	3128.00	3229.00	3330.00
3431.00	3532.00	3633.00	3734.00	3835.00	3936.00	4037.00	4138.00	4239.00
4340.00	4441.00	4542.00	4643.00	4744.00	4845.00	4946.00	5047.00	5148.00
5249.00	5350.00	5451.00	5552.00	5653.00	5754.00	5855.00	5956.00	6057.00
6158.00	6259.00	6360.00	6461.00	6562.00	6663.00	6764.00	6865.00	6966.00
7067.00	7168.00	7269.00	7370.00	7471.00	7572.00	7673.00	7774.00	7875.00
7976.00	8077.00	8178.00	8279.00	8380.00	8481.00	8582.00	8683.00	8784.00
8885.00	8986.00	9087.00	9188.00	9289.00	9390.00	9491.00	9592.00	9693.00
9794.00	9895.00	9996.00	10097.00	10198.00	10299.00	10300.00	10401.00	10502.00
10603.00	10704.00	10805.00	10906.00	11007.00	11108.00	11209.00	11310.00	11411.00
11512.00	11613.00	11714.00	11815.00	11916.00	12017.00	12118.00	12219.00	12320.00
12421.00	12522.00	12623.00	12724.00	12825.00	12926.00	13027.00	13128.00	13229.00
13330.00	13431.00	13532.00	13633.00	13734.00	13835.00	13936.00	14037.00	14138.00
14239.00	14340.00	14441.00	14542.00	14643.00	14744.00	14845.00	14946.00	15047.00
15148.00	15249.00	15350.00	15451.00	15552.00	15653.00	15754.00	15855.00	15956.00
16057.00	16158.00	16259.00	16360.00	16461.00	16562.00	16663.00	16764.00	16865.00
16966.00	17067.00	17168.00	17269.00	17370.00	17471.00	17572.00	17673.00	17774.00
17875.00	17976.00	18077.00	18178.00	18279.00	18380.00	18481.00	18582.00	18683.00
18784.00	18885.00	18986.00	19087.00	19188.00	19289.00	19390.00	19491.00	19592.00
19693.00	19794.00	19895.00	19996.00	20097.00	20198.00	20299.00	20300.00	20401.00
20502.00	20603.00	20704.00	20805.00	20906.00	21007.00	21108.00	21209.00	21310.00
21411.00	21512.00	21613.00	21714.00	21815.00	21916.00	22017.00	22118.00	22219.00
22320.00	22421.00	22522.00	22623.00	22724.00	22825.00	22926.00	23027.00	23128.00
23229.00	23330.00	23431.00	23532.00	23633.00	23734.00	23835.00	23936.00	24037.00
24138.00	24239.00	24340.00	24441.00	24542.00	24643.00	24744.00	24845.00	24946.00
25047.00	25148.00	25249.00	25350.00	25451.00	25552.00	25653.00	25754.00	25855.00
25956.00	26057.00	26158.00	26259.00	26360.00	26461.00	26562.00	26663.00	26764.00
26865.00	26966.00	27067.00	27168.00	27269.00	27370.00	27471.00	27572.00	27673.00
27774.00	27875.00	27976.00	28077.00	28178.00	28279.00	28380.00	28481.00	28582.00
28683.00	28784.00	28885.00	28986.00	29087.00	29188.00	29289.00	29390.00	29491.00
29592.00	29693.00	29794.00	29895.00	29996.00	30097.00	30198.00	30299.00	30300.00
30401.00	30502.00	30603.00	30704.00	30805.00	30906.00	31007.00	31108.00	31209.00
31310.00	31411.00	31512.00	31613.00	31714.00	31815.00	31916.00	32017.00	32118.00
32219.00	32320.00	32421.00	32522.00	32623.00	32724.00	32825.00	32926.00	33027.00
33128.00	33229.00	33330.00	33431.00	33532.00	33633.00	33734.00	33835.00	33936.00
34037.00	34138.00	34239.00	34340.00	34441.00	34542.00	34643.00	34744.00	34845.00
34946.00	35047.00	35148.00	35249.00	35350.00	35451.00	35552.00	35653.00	35754.00
35855.00	35956.00	36057.00	36158.00	36259.00	36360.00	36461.00	36562.00	36663.00
36764.00	36865.00	36966.00	37067.00	37168.00	37269.00	37370.00	37471.00	37572.00
37673.00	37774.00	37875.00	37976.00	38077.00	38178.00	38279.00	38380.00	38481.00
38582.00	38683.00	38784.00	38885.00	38986.00	39087.00	39188.00	39289.00	39390.00
39491.00	39592.00	39693.00	39794.00	39895.00	39996.00	40097.00	40198.00	40299.00
40300.00	40401.00	40502.00	40603.00	40704.00	40805.00	40906.00	41007.00	41108.00
41209.00	41310.00	41411.00	41512.00	41613.00	41714.00	41815.00	41916.00	42017.00
42118.00	42219.00	42320.00	42421.00	42522.00	42623.00	42724.00	42825.00	42926.00
43027.00	43128.00	43229.00	43330.00	43431.00	43532.00	43633.00	43734.00	43835.00
43936.00	44037.00	44138.00	44239.00	44340.00	44441.00	44542.00	44643.00	44744.00
44845.00	44946.00	45047.00	45148.00	45249.00	45350.00	45451.00	45552.00	45653.00
45754.00	45855.00	45956.00	46057.00	46158.00	46259.00	46360.00	46461.00	46562.00
46663.00	46764.00	46865.00	46966.00	47067.00	47168.00	47269.00	47370.00	47471.00
47572.00	47673.00	47774.00	47875.00	47976.00	48077.00	48178.00	48279.00	48380.00
48481.00	48582.00	48683.00	48784.00	48885.00	48986.00	49087.00	49188.00	49289.00
49390.00	49491.00	49592.00	49693.00	49794.00	49895.00	49996.00	50097.00	50198.00
50299.00	50300.00	50401.00	50502.00	50603.00	50704.00	50805.00	50906.00	51007.00
51108.00	51209.00	51310.00	51411.00	51512.00	51613.00	51714.00	51815.00	51916.00
52017.00	52118.00	52219.00	52320.00	52421.00	52522.00	52623.00	52724.00	52825.00
52926.00	53027.00	53128.00	53229.00	53330.00	53431.00	53532.00	53633.00	53734.00
53835.00	53936.00	54037.00	54138.00	54239.00	54340.00	54441.00	54542.00	54643.00
54744.00	54845.00	54946.00	55047.00	55148.00	55249.00	55350.00	55451.00	55552.00
55653.00	55754.00	55855.00	55956.00	56057.00	56158.00	56259.00	56360.00	56461.00
56562.00	56663.00	56764.00	56865.00	56966.00	57067.00	57168.00	57269.00	57370.00
57471.00	57572.00	57673.00	57774.00	57875.00	57976.00	58077.00	58178.00	58279.00
58380.00	58481.00	58582.00	58683.00	58784.00	58885.00	58986.00	59087.00	59188.00
59289.00	59390.00	59491.00	59592.00	59693.00	59794.00	59895.00	59996.00	60097.00
60198.00	60299.00	60300.00	60401.00	60502.00	60603.00	60704.00	60805.00	60906.00
61007.00	61108.00	61209.00	61310.00	61411.00	61512.00	61613.00	61714.00	61815.00
61916.00	62017.00	62118.00	62219.00	62320.00	62421.00	62522.00	62623.00	62724.00
62825.00	62926.00	63027.00	63128.00	63229.00	63330.00	63431.00	63532.00	63633.00
63734.00	63835.00	63936.00	64037.00	64138.00	64239.00	64340.00	64441.00	64542.00
64643.00	64744.00	64845.00	64946.00	65047.00	65148.00	65249.00	65350.00	65451.00
65552.00	65653.00	65754.00	65855.00	65956.00	66057.00	66158.00	66259.00	66360.00
664								



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NOTICES

(86)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

MASSACHUSETTS

~~NON-METROPOLITAN AREAS~~

COUNTY

MCD/COD\* WITHIN COUNTY

BERKSHIRE

SANDISFIELD TOWN

WORCESTER

ROYALSTON TOWN

COUNTY

CENSUS TRACTS WITHIN COUNTY

BERKSHIRE

9001.00

BRISTOL

6409.00 6421.00 6422.00 6423.00 6424.00 6507.00 6509.00  
6512.00 6513.00 6514.00 6517.00 6518.00 6519.00 6522.00  
6525.00 6526.00 6527.00

ESSEX

2067.00 2068.00 2069.00 2070.00 2501.00 2509.00 2512.00  
2601.00 2602.00

HAMPDEN

8006.00 8007.00 8008.00 8009.00 8011.02 8012.00 8018.00  
8019.00 8020.00 8021.00 8108.00 8114.00 8115.00 8116.00  
8117.00

MIDDLESEX

3101.00 3109.00 3110.00 3119.00 3524.00 3833.00

PLYMOUTH

5109.00 5253.00

SUFFOLK

0005.00 0402.00 0503.00 0607.00 0608.00 0611.00 0702.00  
0704.00 0705.00 0706.00 0708.00 0710.00 0711.00 0712.00  
0801.00 0804.00 0805.00 0806.00 0808.00 0811.00 0812.00  
0814.00 0903.00 0905.00 0906.00 0909.00 0914.00 1204.00

WORCESTER

7093.00 7107.00 7304.02 7313.00 7314.00 7315.00 7316.00

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NOTICES

(87)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

MICHIGAN

~~NON-METROPOLITAN AREAS~~

COUNTY

TOTAL COUNTIES

ALCONA  
CLARE  
DICKINSON  
GOGEBIC  
HOUGHTON  
KEWEENAW  
LAKE  
MUNOMINEE  
MISSAUKIE  
MONTMORENCY  
OGEMAW  
OSCODA  
OTSEGO  
PRESQUE ISLE  
SCHOOLCRAFT  
VAN BUREN

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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NOTICES

(88)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~

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NOTICES

(89)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~

## NOTICES

(88)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## MICHIGAN

## COUNTY

~~NON-METROPOLITAN AREAS~~

~~MCD/CCD\* WITHIN COUNTY~~

ALLEGAN	LPE TWP	
ARENAC	CLAYTON TWP TURNER TWP	LINCOLN TWP WHITNEY TWP
BARAGA	BARAGA TWP	
BENRIFF	LENTON HARBOR CITY	CHIKAMING TWP
BRANCH	KINDENHOOK TWP	
CALHOUN	ALBION CITY	BATTLE CREEK CITY
CASS	CALVIN TWP MARCELLUS TWP PENN TWP SILVER CREEK TWP WAYNE TWP	JEFFERSON TWP NEWBERG TWP FOXGON TWP VOLINIA TWP
CHARLEVOIX	BOYNE CITY CITY CHARLEVOIX TWP	BOYNE VALLEY TWP WILSON TWP
CHEBOIGAN	ALOEA TWP NUNIA TWP	MULLET TWP
CHIPPWA	DAFIER TWP RICHFORD TWP SAULT STE MARIE CITY	KINROSS TWP RUDYARD TWP SUPERIOR TWP
CRAWFORD	BEAVER CREEK TWP	FREDERIC TWP
DELTA	EALDWIN TWP GARDIN TWP	BRAMPTON TWP
GLADWIN	RAY TWP	
HILLSDALE	AMBOY TWP FRANKING CITY	CAMDEN TWP SCIPPIO TWP
HURON	CHANDLER TWP LAKE TWP SHEPHERD TWP	DWIGHT TWP PORT AUSTIN TWP
IOSCO	EALDWIN TWP PLAINVIEW TWP	GRANT TWP TAWAS CITY CITY

\* MINOR CIVIL DIVISIONS OF CENSUS COUNTY DIVISIONS.

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

## NOTICES

(89)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## MICHIGAN

## COUNTY

~~NON-METROPOLITAN AREAS~~

~~MCD/CCD\* WITHIN COUNTY~~

LUCL	LAKEFIELD TWP	PENTLAND TWP
MACKINAC	PORTAGE TWP	
MANISTEE	CLIFON TWP NORMAN TWP	MAPLE GROVE TWP
MANQUITT	SKANDIA TWP	
MFCOSTA	FORE TWP	SHERIDAN TWP
NIWAYGO	HIG BRAKIN TWP CROTON TWP EVANETT TWP	BRIDGETON TWP DENVER TWP
OCEANA	WART TWP WEAVER TWP	PENIWATER TWP
OSCEOLA	BURDELL TWP LINCOLN TWP MIDDLE BRANCH TWP	EVANET CITY MARION TWP OSCEOLA TWP
POSCOMMON	LAKE TWP	RICHFIELD TWP
ST CLAIR	YALE CITY	
ST JOSEPH	LEONIDAS TWP	
SANILAC	ARGYLE TWP FORISTIN TWP SANILAC TWP	EVERGREEN TWP MINDEN TWP
SHIAWASSEE	LAINGSBURG CITY	
WEXFORD	PANTON CITY	SPRINGVILLE TWP

\* MINOR CIVIL DIVISIONS OF CENSUS COUNTY DIVISIONS.

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

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## NOTICES

(90)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~

## NOTICES

(91)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~



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## NOTICES

(90)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## MICHIGAN

## COUNTY

## METROPOLITAN AREAS

## CENSUS TRACTS WITHIN COUNTY

GENESEE	0007.00	0008.00	0026.00	0028.00	0029.00	0030.00
JACKSON	0002.00	0006.00	0011.00			
KENT	0020.00	0021.00	0026.00	0028.00	0029.00	0031.00
MONROE	0318.00					
MUSKEGON	0002.00	0006.01	0006.02	0011.00	0013.00	
OAKLAND	1039.01					
SAGINAW	0001.00	0003.00	0004.00	0005.00		
WAYNE	0002.00	0003.00	0004.00	0005.00	0009.00	0010.00
	0012.00	0013.00	0015.00	0016.00	0018.00	0019.00
	0021.00	0022.00	0027.00	0028.00	0029.00	0030.00
	0032.00	0033.00	0034.00	0035.00	0036.00	0038.00
	0040.00	0041.00	0043.00	0052.00	0053.00	0054.00
	0067.00	0069.00	0115.00	0118.00	0119.00	0120.00
	0122.00	0123.00	0151.00	0153.00	0174.00	0175.00
	0188.00	0189.00	0190.00	0211.00	0255.00	0301.01
	0411.00	0458.01	0501.00	0502.00	0503.00	0512.00
	0517.00	0518.00	0519.00	0521.00	0523.00	0524.00
	0526.00	0527.00	0529.00	0530.00	0531.00	0533.00
	0539.00	0540.00	0541.00	0544.00	0545.00	0546.00
	0549.00	0550.00	0551.00	0552.00	0553.00	0554.00
	0556.00	0557.00	0558.00	0559.00	0569.00	0570.00
	0711.00	0754.00	0755.00	0756.00	0757.00	0758.00
	0760.00	0766.00	0767.00	0768.00	0769.00	0771.00
	0775.00	0776.00	0777.00	0786.00	0791.00	0794.00
	0819.02	0837.00	0838.00	0872.00	0904.00	0905.00
	0915.00	0925.09	0955.00	0960.00		

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

(91)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## MINNESOTA

## COUNTY

## NON-METROPOLITAN AREAS

## TOTAL COUNTIES

AITKIN  
BECKER  
CASS  
CLEARWATER  
DODGE  
LAC QUI PARLE  
LINCOLN  
LYON  
MAHONEN  
MARSHALL  
MILLE LACS  
MORRISON  
MURRAY  
NORMAN  
PINE  
PIPESTONE  
RFD LAKE  
TODD  
TRAVESSE  
WILKIN

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

40380

## NOTICES

(92)

## NOTICES

(93)

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## NOTICES

(92)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~MINNESOTA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~NCH/CCL\* WITHIN COUNTY~~

BELTRAMI	BLACKBURY VILLAGE	UNORG TWP OF LOWER RED LA
BENTON	ALBION TWP CLARK TWP MAYNARD LAKE TWP	GILMANTON TWP GRANITE RIDGE TWP ST GEORGE TWP
BIG STONE	CLINTON VILLAGE	GRACEVILLE VILLAGE
BLUE EARTH	AMBOY VILLAGE	MC PHERSON TWP
BROWN	COMPTON VILLAGE (PMT)	LEAVENWORTH TWP
CARLTON	MOOSE LAKE VILLAGE	
CHISAGO	FRANCE VILLAGE RUSH CITY VILLAGE	LINDESTROM VILLAGE
COTTONWOOD	MOUNTAIN LAKE VILLAGE	WESTERHOF VILLAGE
CROW WING	CROSBY VILLAGE	
DOUGLAS	OSAKIS TWP	
FARIBAUT	BABER TWP CLARK TWP ELMORE TWP WILLS VILLAGE	BLUE EARTH CITY DELEVAN TWP FOSTER TWP WINNPRAGO VILLAGE
FILLMORE	FILLMORE TWP LANTSBORO VILLAGE PERRIN VILLAGE SILVER VALLEY TWP	HARMONY VILLAGE MAENL VILLAGE PUSHFORD CITY
GOODHUE	DELVIDERE TWP WANNING VILLAGE	KINYON VILLAGE
GRANT	ROFFMAN VILLAGE	
HOUSTON	CALEDONIA VILLAGE HOUSTON VILLAGE SILVER GROVE VILLAGE	HOKAH VILLAGE SPRING GROVE TWP
HUBBARD	LAKE PARK VILLAGE	TORT TWP

~~\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

(93)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~MINNESOTA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~NCH/CCL\* WITHIN COUNTY~~

ITASCA	DEER RIVER VILLAGE	UNORG TWP OF BOW STRING L
JACKSON	HERON LAKE VILLAGE LAKEFIELD VILLAGE	JACKSON CITY
KANABEC	COMFORT TWP MORA VILLAGE	GRASS LAKE TWP
KITTSON	RAILROAD VILLAGE	
KOOCHICHING	BIG FALLS VILLAGE	UNORG TWP OF SOUTH KOCHING
LE SUEUR	KILKENNY TWP	MONTGOMERY CITY
MCLEOD	BROWNTON VILLAGE	SILVER LAKE VILLAGE
MOORE	ADAMS VILLAGE	GRAND MEADOW VILLAGE
NICOLLET	OSAWA TWP	
NOBLES	ADRIAN VILLAGE	PLISWORTH VILLAGE
OTTUMBA	BATTLE LAKE VILLAGE NEW YORK MILLS VILLAGE PERRIN VILLAGE	WINNING VILLAGE PARKERS PRAIRIE VILLAGE
POLK	PERKINS VILLAGE ROSTON VILLAGE	FERTILE VILLAGE MC INTOSH VILLAGE
POPE	GLENWOOD CITY	STARBUCK VILLAGE
RFDWOOD	LAMPSON VILLAGE WABASSO VILLAGE	MORGAN VILLAGE WALNUT GROVE VILLAGE
RENVILLE	BUFFALO LAKE VILLAGE HECTOR VILLAGE RENVILLE CITY	FAIRFAX VILLAGE MORTON VILLAGE SACRED HEART VILLAGE
RICE	PERIN TWP SHIELDSVILLE TWP	LONSDALE VILLAGE
ROSEAU	GREENFISH VILLAGE	WARFOOD VILLAGE

~~\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

(94)

## NOTICES

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## NOTICES

(94)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL ENTERPREVICE~~

~~MINNESOTA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~AND/OR WITHIN COUNTY~~

SHERBURNE

CIPRI LAMP TWP  
SANTIAGO TWP

PALMER TWP

SIBLEY

ALPHEGEC TWP  
GAYLOD CITY  
HENDERSON CITY  
WINTHROP CITYAPLINGTON CITY  
GIBBON VILLAGE  
WASHINGTON LAMP TWP

STAPANS

ALBANY TWP  
EFOOTEN VILLAGE  
PREPONT VILLAGE  
GROVE TWP  
KPAIR TWP  
LUXEMBURG TWP  
MILLWOOD TWP  
OAK TWP  
SIRING HILL TWPBROCKWAY TWP  
FARMING TWP  
GETTY TWP  
HOLLING TWP  
LAKE HENRY TWP  
MELROSE TWP  
MUNSON TWP  
RICHMOND VILLAGE  
ZION TWP

SWIFT

APPLETON VILLAGE

WABASHA

ELGIN VILLAGE

LAKE CITY CITY

WADENA

MENAHGA VILLAGE

WASECA

JAMESVILLE VILLAGE  
ST MARY TWP

NEW RICHLAND VILLAGE

WATONWAN

RIVERDALE TWP

WINONA

NEW HAMPSHIRE TWP  
UTICA TWP

ST CHARLES CITY

WRIGHT

COKATO VILLAGE

FRENCH LAKE TWP

YELLOW MEDICINE

CAMPY CITY

CLARKFIELD VILLAGE

~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

HINNEPIN

0029.00	0033.00	0034.00	0036.00	0042.00	0043.00	0044.00
0046.02	0047.00	0052.00	0053.00	0057.00	0058.00	0059.00
0060.00	0061.00	0069.00	0071.00			

RAMSEY

0328.00	0329.00	0336.00	0337.00	0340.00	0342.00	0355.00
---------	---------	---------	---------	---------	---------	---------

ST LOUIS

0016.00	0017.00	0019.00	0025.00	0122.00	0131.00	
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## NOTICES

(95)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL ENTERPREVICE~~

## MISSISSIPPI

~~NON-METROPOLITAN AREAS~~

## COUNTY

TOTAL COUNTIES

ADAMS  
ALCORN  
AMITE  
ATTALA  
BENTON  
BOLIVAR  
CALHOUN  
CARROLL  
CHICKASAW  
CHOCTAW  
CLAIBORNE  
CLARK  
CLAY  
COAHOMA  
COPIAH  
COVINGTON  
DE SOTO  
FOREST  
FRANKLIN  
GEORGE  
GREENE  
GRENADA  
HANCOCK  
HOLMES  
HUMPHREYS  
ISSAQUENA  
ITAWAMBA  
JACKSON  
JASPER  
JEFFERSON  
JEFFERSON DAVIS  
JONES  
KEMPER  
LAFAYETTE  
LAMAR  
LAUDERDALE  
LAWRENCE  
LEAKE  
LEE  
LEFLORE  
LINCOLN  
LOWNDES  
MADISON

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

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## NOTICES

(96)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~MISSISSIPPI~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~COUNTIES~~

MARION  
MARSHALL  
MONROE  
MONTGOMERY  
NESHOGA  
NEWTON  
NOXUBEE  
OKTIBBEHA  
PANOLA  
PEARL RIVER  
PERRY  
PIKE  
PONTOTOC  
PRENTISS  
QUITMAN  
SCOTT  
SEARKEY  
SIMPSON  
SMITH  
STONE  
SUNFLOWER  
TALLAHATCHIE  
TATE  
TIFIAE  
TUNICA  
UNION  
WALTHALL  
WARREN  
WASHINGTON  
WAYNE  
WEBSTER  
WILKINSON  
WINSTON  
YALLOUSHA  
YAZOO

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, HCHS.~~

## NOTICES

(97)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
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~~MISSISSIPPI~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~

## MCI/CCI\* WITHIN COUNTY

TISHOMINGO

DIST 2  
DIST 4

DIST 3

~~COUNTY~~

## CENSUS TRACTS WITHIN COUNTY

HARRISON	0001.00	0002.00	0003.00	0004.00	0005.00	0007.00	0008.00
	0014.00	0018.00	0019.00	0020.00	0022.00	0023.00	0024.00
	0026.00	0030.00	0031.00	0034.00			
HINDS	0006.00	0008.00	0009.00	0010.00	0011.00	0012.00	0015.00
	0016.00	0017.00	0018.00	0019.00	0020.00	0025.00	0026.00
	0027.00	0028.00	0029.00	0030.00	0031.00	0032.00	0105.00
	0106.00	0107.00	0108.00	0112.00	0113.00		
HANKIN	0201.00	0202.00	0203.00	0204.00	0206.00	0207.00	0208.00

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## NOTICES

(98)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## MISSOURI

~~NON-METROPOLITAN AREAS~~

## COUNTY

TOTAL COUNTIES

BARRY  
BATES  
BENTON  
BOLLINGER  
CALLAWAY  
CARTEF  
CEDAR  
CHARLTON  
CLARK  
CRAWFORD  
DADE  
DALLAS  
DE KALE  
DOUGLAS  
DUNKLIN  
GENTRY  
GRUNDY  
HARRISON  
HICKORY  
HOLT  
HOWARD  
HOWELL  
IRON  
LACLEDE  
LAWRENCE  
LINN  
MCDONALD  
MADISON  
MARIES  
MERCER  
MISSISSIPPI  
NEW MADRID  
NEWTON  
OREGON  
OZARK  
PEMISCOT  
PERCY  
FOLK  
PULASKI  
PUTNAM  
RALLS  
REYNOLDS  
RIPLEY

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

## NOTICES

40387

(99)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## MISSOURI

~~NON-METROPOLITAN AREAS~~

## COUNTY

~~COUNTIES~~

ST CLAIR  
SALINE  
SCHUYLER  
SCOTLAND  
SCOTT  
SHANNON  
SHELBY  
STODDARD  
STONE  
SULLIVAN  
TEXAS  
WASHINGTON  
WAYNE  
WEBSTER  
WORTH  
WRIGHT

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

V40170

SEP 2

75

XUM

40388

## NOTICES

(100)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

~~MISSOURI~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

ADAIR

NINELVEN TWP

ANDREW

BENTON TWP  
ROCHESTER TWP

JACKSON TWP

AUDRAIN

FAIRFAX TWP

SALING TWP

BARTON

GOLDEN CITY TWP

OZARK TWP

BUTLER

ASH HILL TWP

NEELY TWP

CALDWELL

BRICKENRIDGE TWP

DAVIS TWP

CAPROLL

HUNTSVILLE TWP  
VAN HORN TWP

RIDGE TWP

CHRISTIAN

LINCOLN TWP

SOUTH GALLOWAY TWP

DAVIESS

JAMESPORT TWP

DENT

WALKINS TWP

GASCONADE

BOULWADE TWP

HERN

FAIRVIEW TWP  
WINDSOR TWP

WHITE OAK TWP

JASPER

JASPER TWP  
MASON TWP  
SABCOXIF TWPMC DONALD TWP  
PRESTON TWP

JOHNSON

MAYSON TWP  
POST HILL TWP

POST OAK TWP

KNOX

MYRTLE TWP

LEWIS

LA WILLE TWP

MACON

CALLAO TWP  
LYDA TWP

LA PLATA TWP

MONITFAU

LINA TWP

MONROE

JEFFERSON TWP

MASON TWP

\* ~~MINOR CIVIL DIVISIONS OF CENSUS COUNTY DIVISIONS.~~~~PREPARED BY DIVISION OF AGRICULTURE AND ANIMALS, LCHS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

(101)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

~~MISSOURI~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

MONTGOMERY

TANVILLE TWP

NODAWAY

ATCHEISON TWP  
POPPINS TWP  
MONROE TWP  
UNION TWPGRANT TWP  
HUGHES TWP  
NODAWAY TWP

OSAGE

LENTON TWP

JEFFERSON TWP

PHELPS

APLINGTON TWP

ST JAMES TWP

PIKE

LENO TWP

RANDOLPH

MONITFAU TWP

NORTH SUGAR CREEK TWP

RAY

CROOKED RIVER TWP  
KNOXVILLE TWPGEAR GROVE TWP  
RICHMOND TWP

ST FRANCOIS

IRON TWP

PENILETON TWP

STE GENEVIEVE

BPAUVAIS TWP

UNION TWP

TANEY

LEAVER TWP

SWAN TWP

VERNON

DRYWOOD TWP

~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

BOONE

0001.00

ECHANAR

0004.00 0009.00 0010.00 0011.00 0012.00 0013.00 0014.00  
0015.00 0020.00

CASS

0012.00

GREENE

0001.00 0005.00 0006.00

JACKSON

0003.00 0011.00 0012.00 0013.00 0015.00 0016.00 0017.00  
0018.00 0024.00 0029.00 0031.00 0032.00 0033.00 0037.00  
0038.00 0039.00 0040.00 0041.00 0042.00 0043.00 0047.00  
0048.00 0049.00 0050.00 0052.00 0054.00 0056.02 0066.00  
0073.00 0116.00

JEFFERSON

7011.00 7012.00

ST LOUIS

2123.00 2128.00 2139.00 2140.00 2156.00 2161.00 2164.00  
2165.00 2166.00

ST LOUIS CITY

1021.00 1061.00 1066.00 1082.00 1094.00 1111.00 1112.00  
1113.00 1114.00 1115.00 1121.00 1122.00 1123.00 1124.00  
1131.00 1141.00 1156.00 1173.00 1183.00 1184.00 1185.00  
1191.00 1192.00 1193.00 1201.00 1202.00 1203.00 1212.00  
1213.00 1214.00 1221.00 1224.00 1234.00 1251.00 1252.00  
1253.00 1261.00 1263.00

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

40390

## NOTICES

(102)

## NOTICES

(103)

40391

XUM

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## NOTICES

(102)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## MONTANA

~~NON METROPOLITAN AREAS~~

## COUNTY

## TOTAL COUNTIES

BEAVERHEAD  
BIG HORN  
BLAINE  
CHOUTEAU  
GLACIER  
GOLDEN VALLEY  
JEANETTE  
JEFFERSON  
JUDITH BASIN  
LAKE  
LINCOLN  
MCCONE  
MEAGHER  
MINERAL  
MUSSELSHELL  
PETROLEUM  
POWDER  
POWDER RIVER  
ROOSEVELT  
ROSEBUD  
SILVER BOW  
SWEET GRASS  
TERRELL  
VALLEY

## COUNTY

~~NOT/CCD\* WITHIN COUNTY~~

PALLON

HIVADA DIV

PHILLIPS

MILTA DIV

POWELL

COTTONWOOD DIV

REVALLI

HAMILTON DIV  
VICTOR DIV

SULA-EDWARDS DIV

WIBAU

WIBAU DIV

## COUNTY

~~CENSUS TRACTS WITHIN COUNTY~~

CASCADIA

0006.00

YELLOWSTONE

0001.00 0003.00

## NOTICES

40391

(103)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## NEBRASKA

~~NON METROPOLITAN AREAS~~

## COUNTY

## TOTAL COUNTIES

ANTELOPE  
ARTHUR  
BANNER  
BLAINE  
BOYD  
BROWN  
BUTLER  
CEDAR  
CHASE  
CHERRY  
CLAY  
CUSTER  
DEUEL  
DIXON  
DUNDY  
GARFIELD  
GOSPER  
GRANT  
GREELEY  
HARLAN  
HAYES  
HITCHCOCK  
HOLT  
JOHNSON  
KEARNEY  
KEYA PAA  
KNOX  
LOUP  
MCPherson  
NUCKOLLS  
PAWNEE  
RICHARDSON  
ROCK  
SHERMAN  
SIOUX  
STANTON  
THOMAS  
THURSTON  
WEBSTER  
WHEELER

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DEHS.~~

V40170

SEP 2

75

XUM

## NOTICES

(104)

~~AREAS WITH SCORES OF 67 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~NEBRASKA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

ADAMS	ELAINE TWP	KINGSBAY TWP
BOX BUTTE	DORSEY PPEC	
BUFFALO	HAVERDALE CITY	
BURT	DECATUR TWP	EVERETT TWP
	OAKLAND CITY	TEKAMAH CITY
CASS	LIBERTY PPEC	STOVE CREEK PPEC
	WORTHINGTON CITY	
COLPAX	ADAMS PPEC	
CUMING	WISNEY CITY	
DAWES	CHAPMAN CITY	
DODGE	SCHISLER CITY	WISNER TWP
FILLMORE	EXETER TWP	FAIRMONT TWP
	MADISON TWP	
FRANKLIN	FRANKLIN CITY	
FRONTIER	CURTIS CITY	FAIRVIEW PPEC
FURNAS	CAMPBELL PPEC	
GAGE	ADAMS TWP	WYMORE TWP
GARDEN	BLUE CREEK PPEC	
HALL	DODDMAN TWP	DAYFIELD TWP
	SOUTH LOUP TWP	
HOWARD	ST LIBORY PPEC	ST PAUL CITY
JEFFERSON	PLEASANT PPEC	
KYTH	FAXTON PPEC	
MALISON	MALISON CITY	NEWMAN GROVE CITY (PART)
	TILDEN CITY (PART)	

\* MINOR CIVIL DIVISIONS OF CENSUS COUNTY DIVISIONS.

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

## NOTICES

(105)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~NEBRASKA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

MERRICK	CLARKSVILLE TWP	LONE TREE TWP
	LOUP TWP	
NANCE	FULLEPTON CITY	GENOA TWP
NEMAH	AUBURN CITY	WASHINGTON PPEC
OTOE	NORTH RUSSELL PPEC	NORTH SYRACUSE PPEC
PIERCE	PIERCE CITY	
PLATTE	ST BERNARD TWP	
POLK	OSCEOLA CITY	PLEASANT HOME PPEC
	STROMSBURG CITY	
RED WILLOW	INDIANOLA PPEC	
SALINE	FRIEND CITY	SOUTH FORK PPEC
	WILSON CITY	
SAUNDERS	CENTER TWP	CHAPMAN TWP
	CHESTER TWP	OAK CREEK TWP
	WABOO CITY	
SCOTTS BLUFF	MITCHELL CITY	
SEWARD	PPEC E	
SHEPARD	RUSHVILLE CITY	
THAYER	FRUNING PPEC	HIGHLAND-ALEXANDRIA PPEC
VALLEY	ARCADIA TWP	NORTH LOUP TWP
	OLD CITY	
WAYNE	CHAPIN PPEC	
YORK	STEWART PPEC	

~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

DOUGLAS	0010.00	0011.00	0012.00	0013.02	0014.00	0015.00	0017.00
	0018.00	0019.00	0022.00	0040.00	0041.00	0052.00	
LANCASTER	0016.00	0020.00					
SARPY	0102.00						

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75

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## NOTICES

(106)

## NOTICES

(107)



40394

## NOTICES

(106)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

NEVADA

~~NON-METROPOLITAN AREAS~~

COUNTY

TOTAL COUNTIES

ESMERALDA  
 LANDER  
 LYON  
 NYE  
 STOREY

~~COUNTY~~MCD/CCD\* WITHIN COUNTY

EUREKA

EUREKA TWP

HUMBOLDT

MC DERMITT TWP

LINCOLN

PANACE TWP

~~COUNTY~~CENSUS TRACTS WITHIN COUNTY

CLARK

0003.01 0007.00 0008.00 0009.00 0021.00 0035.00 0036.00  
 0039.00 0046.00

WASHOE

0001.00

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

40395

(107)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

NEW HAMPSHIRE

~~NON-METROPOLITAN AREAS~~

COUNTY

MCD/CCD\* WITHIN COUNTY

SULLIVAN

UNITY TOWN

~~COUNTY~~CENSUS TRACTS WITHIN COUNTY

HILLSEORO

0004.00 0005.00 0013.00 0014.00

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

40396

## NOTICES

(108)

## NOTICES

40397

(109)

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## NOTICES

(108)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

## NEW JERSEY

## COUNTY

MONMOUTH

OCEAN

~~COUNTY~~

ATLANTIC

CAMDEN

CUMBERLAND

ESSEX

HUDSON

MORRIS

PASSAIC

SALEM

WARREN

~~NON-METROPOLITAN AREAS~~

## MCD/CCD\* WITHIN COUNTY

ASBURY PARK CITY SOUTH BRIMMER BOROUGH  
 LAKELAND TWP LAKELAND TWP  
 MANCHESTER TWP OCEAN TWP  
 SEASIDE PARK BOROUGH

## CENSUS TRACTS WITHIN COUNTY

0002.00	0003.00	0004.00	0005.00	0006.00	0007.00	0008.00
0009.00	0010.00	0011.00	0012.00	0013.00	0014.00	0015.00
0016.00	0017.00	0018.00	0019.00	0020.00	0021.00	0022.00
0023.00	0024.00	0025.00	0026.00	0027.00	0028.00	0029.00
0030.00	0031.00	0032.00	0033.00	0034.00	0035.00	0036.00
0037.00	0038.00	0039.00	0040.00	0041.00	0042.00	0043.00
0044.00	0045.00	0046.00	0047.00	0048.00	0049.00	0050.00
0051.00	0052.00	0053.00	0054.00	0055.00	0056.00	0057.00
0058.00	0059.00	0060.00	0061.00	0062.00	0063.00	0064.00
0065.00	0066.00	0067.00	0068.00	0069.00	0070.00	0071.00
0072.00	0073.00	0074.00	0075.00	0076.00	0077.00	0078.00
0079.00	0080.00	0081.00	0082.00	0083.00	0084.00	0085.00
0086.00	0087.00	0088.00	0089.00	0090.00	0091.00	0092.00
0093.00	0094.00	0095.00	0096.00	0097.00	0098.00	0099.00
0100.00	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00
0107.00	0108.00	0109.00	0110.00	0111.00	0112.00	0113.00
0114.00	0115.00	0116.00	0117.00	0118.00	0119.00	0120.00
0121.00	0122.00	0123.00	0124.00	0125.00	0126.00	0127.00
0128.00	0129.00	0130.00	0131.00	0132.00	0133.00	0134.00
0135.00	0136.00	0137.00	0138.00	0139.00	0140.00	0141.00
0142.00	0143.00	0144.00	0145.00	0146.00	0147.00	0148.00
0149.00	0150.00	0151.00	0152.00	0153.00	0154.00	0155.00
0156.00	0157.00	0158.00	0159.00	0160.00	0161.00	0162.00
0163.00	0164.00	0165.00	0166.00	0167.00	0168.00	0169.00
0170.00	0171.00	0172.00	0173.00	0174.00	0175.00	0176.00
0177.00	0178.00	0179.00	0180.00	0181.00	0182.00	0183.00
0184.00	0185.00	0186.00	0187.00	0188.00	0189.00	0190.00
0191.00	0192.00	0193.00	0194.00	0195.00	0196.00	0197.00
0198.00	0199.00	0200.00	0201.00	0202.00	0203.00	0204.00
0205.00	0206.00	0207.00	0208.00	0209.00	0210.00	0211.00
0212.00	0213.00	0214.00	0215.00	0216.00	0217.00	0218.00
0219.00	0220.00	0221.00	0222.00	0223.00	0224.00	0225.00
0226.00	0227.00	0228.00	0229.00	0230.00	0231.00	0232.00
0233.00	0234.00	0235.00	0236.00	0237.00	0238.00	0239.00
0240.00	0241.00	0242.00	0243.00	0244.00	0245.00	0246.00
0247.00	0248.00	0249.00	0250.00	0251.00	0252.00	0253.00
0254.00	0255.00	0256.00	0257.00	0258.00	0259.00	0260.00
0261.00	0262.00	0263.00	0264.00	0265.00	0266.00	0267.00
0268.00	0269.00	0270.00	0271.00	0272.00	0273.00	0274.00
0275.00	0276.00	0277.00	0278.00	0279.00	0280.00	0281.00
0282.00	0283.00	0284.00	0285.00	0286.00	0287.00	0288.00
0289.00	0290.00	0291.00	0292.00	0293.00	0294.00	0295.00
0296.00	0297.00	0298.00	0299.00	0300.00	0301.00	0302.00
0303.00	0304.00	0305.00	0306.00	0307.00	0308.00	0309.00
0310.00	0311.00	0312.00	0313.00	0314.00	0315.00	0316.00
0317.00	0318.00	0319.00	0320.00	0321.00	0322.00	0323.00
0324.00	0325.00	0326.00	0327.00	0328.00	0329.00	0330.00
0331.00	0332.00	0333.00	0334.00	0335.00	0336.00	0337.00
0338.00	0339.00	0340.00	0341.00	0342.00	0343.00	0344.00
0345.00	0346.00	0347.00	0348.00	0349.00	0350.00	0351.00
0352.00	0353.00	0354.00	0355.00	0356.00	0357.00	0358.00
0359.00	0360.00	0361.00	0362.00	0363.00	0364.00	0365.00
0366.00	0367.00	0368.00	0369.00	0370.00	0371.00	0372.00
0373.00	0374.00	0375.00	0376.00	0377.00	0378.00	0379.00
0380.00	0381.00	0382.00	0383.00	0384.00	0385.00	0386.00
0387.00	0388.00	0389.00	0390.00	0391.00	0392.00	0393.00
0394.00	0395.00	0396.00	0397.00	0398.00	0399.00	0400.00

## NOTICES

(109)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

## NEW MEXICO

## COUNTY

CHAVES  
 COLFAX  
 CURRY  
 DE SACA  
 EDDY  
 GUADALUPE  
 HARDING  
 HIDALGO  
 LEA  
 LUNA  
 MCKINLEY  
 MORA  
 OTERO  
 QUAY  
 RIO ARriba  
 SANDOVAL  
 SAN JUAN  
 SAN MIGUEL  
 SIERRA  
 SOCORRO  
 TAOS  
 TORRANCE  
 UNION  
 VALENCIA

~~COUNTY~~

DONA ANA

GRANT

LINCOLN

~~COUNTY~~

BERNALILLO

## TOTAL COUNTIES

## MCD/CCD\* WITHIN COUNTY

ANTHONY DIV FAIRACRES DIV  
 HATCH DIV LA MESA DIV  
 LA UNION DIV WHITE SANDS DIV  
 TYRONI DIV  
 BOMIO DIV

## CENSUS TRACTS WITHIN COUNTY

0013.00 0014.00 0015.00 0020.00 0021.00 0023.00 0026.00

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V40170

SEP 2

75

XUM

V

10398

NOTICES

(110)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

NEW YORK

COUNTY

DELAWARE

COUNTY

ALLEGANY

CATTARAUGUS

CAYUGA

CHENANGO

CLINTON

COLUMBIA

CORTLAND

DUTCHESS

FRANKLIN

PULTON

GREENE

JEFFERSON

MONTGOMERY

OTSEGO

ST LAWRENCE

TOTAL COUNTIES

MCD/CCD\* WITHIN COUNTY

GROVE TOWN  
WEST ALMOND TOWN

HUMPHRY TOWN

CONQUEST TOWN

PLMIRA CITY  
VETERAN TOWN

COVENTRY TOWN

ALTONA TOWN

AUSTERLITZ TOWN  
GERMANTOWN TOWN

CORTLAND CITY  
LAKEER TOWN

LOVE TOWN

BOMBAY TOWN  
DICKINSON TOWN  
FRANKLIN TOWN  
MALONE TOWN  
WESTVILLE TOWN

OPPERHILL TOWN

CAIRO TOWN  
GREENVILLE TOWN  
FRATTSVILLE TOWN

CAMP VINCENT TOWN

CHARLESTON TOWN

MIDDLEFIELD TOWN  
PITTSFIELD TOWN  
WORCESTER TOWN

BRASHIP TOWN  
DE KALE TOWN  
GOVERNOR TOWN  
HERMON TOWN  
LISEON TOWN

OGDENSBURG CITY  
PITCAIRN TOWN  
RUSSELL TOWN

NEW HUDSON TOWN

SEMPRONIUS TOWN

VAN ETEN TOWN

MC DONOUGH TOWN

ILLINBURG TOWN

GALLATIN TOWN  
HUDSON CITY

FEETOWN TOWN  
SOLOH TOWN

CHATEAUGAY TOWN  
FORT COVINGTON TOWN  
BAPTIST TOWN TOWN  
WAVEPLY TOWN  
ST REGIS INDIAN RESERVATION

DURHAM TOWN  
LEXINGTON TOWN  
WINDHAM TOWN

NEW LISCON TOWN  
PLATEFIELD TOWN

COLTON TOWN  
FOWLER TOWN  
HAMMONI TOWN  
LAWRENCE TOWN  
MORRISTOWN TOWN  
PIPERPONT TOWN  
ROSSIF TOWN  
WADDINGTON TOWN

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

40399

NOTICES

(111)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

NEW YORK

COUNTY

NON-METROPOLITAN AREAS

MCD/CCD\* WITHIN COUNTY

SCHOHARIE

SUMMIT TOWN

SPENCA

OVIL TOWN

FOMULUS TOWN

STOLEN

FRIMONT TOWN  
FULLERTY TOWN  
WAYNE TOWN

HOWARD TOWN  
TUSCARENA TOWN  
WOODHULL TOWN

SULLIVAN

COCHECTON TOWN  
TUSTIN TOWN

HIGHLAND TOWN

YATPS

ITALY TOWN

\* MINOR CIVIL DIVISIONS OF CHESS COUNTY DIVISIONS.

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

10400

NOTICES

(112)

40401

NOTICES

(113)

## NOTICES

(112)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~METROPOLITAN AREAS~~

NEW YORK

COUNTY

ALBANY

FRONT

CENSUS TRACTS WITHIN COUNTY  
0011.00 0014.00 0024.00 0025.00

0017.00 0020.00 0023.00 0025.00 0027.01 0027.02 0031.00  
0033.00 0035.00 0039.00 0041.00 0043.00 0044.00 0047.00  
0049.00 0052.00 0056.00 0057.00 0059.01 0059.02 0060.00  
0062.00 0065.00 0067.00 0069.00 0071.00 0073.00 0075.00  
0077.00 0079.00 0083.00 0085.00 0087.00 0089.00 0094.00  
0099.00 0115.01 0115.02 0127.02 0129.01 0129.02 0131.00 0133.00  
0125.00 0127.01 0127.02 0129.01 0129.02 0131.00 0133.00  
0135.00 0137.00 0139.00 0141.00 0143.00 0144.00 0145.00  
0147.00 0149.00 0151.00 0153.00 0154.00 0155.00 0157.00  
0161.00 0165.00 0167.00 0169.00 0173.00 0175.00 0177.00  
0179.00 0181.00 0183.00 0189.00 0193.00 0195.00 0197.00  
0199.00 0201.00 0206.02 0208.00 0210.00 0211.00 0212.00  
0213.01 0213.02 0214.00 0215.01 0215.02 0216.01 0216.02  
0217.01 0217.02 0219.00 0220.00 0221.00 0223.00 0224.01  
0224.02 0225.00 0227.01 0227.02 0227.03 0228.00 0229.01  
0229.02 0230.00 0231.00 0232.00 0233.01 0233.02 0235.01  
0235.02 0236.00 0237.01 0237.02 0239.00 0241.00 0243.00  
0251.00 0253.00 0255.00 0261.00 0263.00 0265.00 0267.00  
0281.00 0289.00 0297.00 0301.00 0322.00 0330.00 0332.00  
0336.00 0338.00 0340.00 0354.00 0356.00 0359.00 0361.00  
0363.00 0365.01 0365.02 0367.00 0369.01 0369.02 0371.00  
0373.00 0374.00 0375.01 0375.02 0375.03 0376.00 0377.00  
0378.00 0379.00 0381.00 0383.00 0385.00 0387.00 0389.00  
0391.00 0392.00 0393.00 0397.00 0399.01 0399.02 0401.00  
0403.01 0403.02 0405.00 0406.00 0407.01 0407.02 0411.00  
0413.00 0415.00 0418.00 0419.00 0420.00 0421.00 0422.00  
0423.00 0425.00 0429.01 0429.02 0431.00 0432.00 0449.01  
0449.02 0451.01 0454.00

SPOON

FRIE

HFRKIME

0011.00 0012.00  
0003.00 0032.01 0032.02 0042.00 0054.00 0065.02 0066.02  
0067.01 0067.02 0121.00  
0101.00 0102.01 0102.02 0104.00 0105.01 0106.00 0107.00  
0108.00 0109.00 0110.01 0110.02 0111.00 0112.00 0113.02  
0114.00 0115.00

## NOTICES

(113)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~METROPOLITAN AREAS~~

NEW YORK

COUNTY

KINGS

KINGS

0001.00 0002.00 0005.00 0020.00 0022.00 0023.00 0025.00  
0027.00 0029.01 0033.00 0036.00 0037.00 0039.00 0041.00  
0043.00 0047.00 0049.00 0050.00 0051.00 0052.01 0054.00  
0055.00 0056.01 0056.02 0057.00 0058.00 0059.00 0062.00  
0064.00 0069.00 0070.00 0071.00 0074.00 0075.00 0076.00  
0077.00 0080.00 0082.00 0084.00 0085.00 0088.00 0092.00  
0101.00 0104.00 0112.00 0121.00 0123.00 0127.00 0128.01  
0129.01 0129.02 0131.00 0133.00 0135.00 0136.00 0138.00  
0141.00 0142.00 0143.00 0145.00 0149.00 0151.00 0157.00  
0159.00 0160.00 0161.00 0162.00 0163.00 0165.00 0179.00  
0181.00 0183.00 0185.01 0185.02 0187.00 0191.00 0197.00  
0199.00 0201.00 0203.00 0205.00 0215.00 0217.00 0219.00  
0221.00 0223.00 0225.00 0226.00 0227.00 0228.00 0229.00  
0231.00 0232.00 0233.00 0235.00 0236.00 0237.00 0239.00  
0240.00 0241.00 0243.00 0245.00 0247.00 0249.00 0251.00  
0252.00 0253.00 0255.00 0257.00 0259.01 0259.02 0261.00  
0263.00 0265.00 0267.00 0269.00 0270.00 0271.01 0273.00  
0275.00 0277.00 0279.00 0281.00 0283.00 0285.02 0287.00  
0289.00 0290.00 0291.00 0292.00 0293.00 0294.00 0295.00  
0296.00 0297.00 0299.00 0301.00 0303.00 0307.00 0309.00  
0311.00 0315.00 0317.01 0323.00 0326.00 0327.00 0328.00  
0330.00 0336.00 0337.00 0339.00 0340.00 0341.00 0342.00  
0343.00 0345.00 0347.00 0348.02 0349.00 0351.00 0352.00  
0353.00 0356.00 0357.00 0359.00 0360.01 0360.02 0361.00  
0362.00 0363.00 0364.00 0365.01 0365.02 0366.00 0367.00  
0369.00 0371.00 0373.00 0375.00 0377.00 0379.00 0381.00  
0383.00 0385.00 0387.00 0389.00 0391.00 0393.00 0395.00  
0397.00 0399.00 0401.00 0403.00 0405.00 0409.00 0411.00  
0413.00 0414.02 0415.00 0417.00 0418.00 0419.00 0421.00  
0423.00 0425.00 0427.00 0428.00 0430.00 0431.00 0432.00  
0433.00 0434.00 0435.00 0436.00 0437.00 0438.00 0439.00  
0441.00 0453.00 0456.00 0465.00 0478.00 0482.00 0483.00  
0486.00 0487.00 0489.00 0492.00 0493.00 0494.00 0501.00  
0505.00 0506.00 0507.00 0508.00 0509.00 0510.00 0511.00  
0512.00 0513.00 0514.00 0516.00 0518.00 0519.00 0523.00  
0525.00 0526.00 0527.00 0529.00 0531.00 0533.00 0534.00  
0535.00 0537.00 0538.00 0539.00 0544.00 0546.00 0547.00  
0549.00 0550.00 0551.00 0552.00 0554.00 0555.00 0560.00  
0563.00 0575.00 0579.00 0580.00 0592.00 0610.01 0610.02  
0612.00 0614.00 0760.00 0762.00 0770.00 0772.00 0774.00  
0776.00 0790.00 0796.00 0798.00 0806.00 0820.00 0822.00  
0862.00 0866.00 0868.00 0874.01 0878.00 0886.00 0888.00  
0892.00 0894.00 0896.00 0898.00 0900.00 0902.00 0904.00  
0906.00 0908.00 0910.00 0912.00 0914.00 0916.00 0918.00  
0920.00 0922.00 0936.00 0982.00 1100.00 1110.00 1114.00  
1118.00 1120.00 1124.00 1126.00 1128.00 1130.00 1132.00  
1134.00 1136.00 1138.00 1140.00 1142.02 1146.00 1148.00  
1150.00 1152.00 1154.00 1156.00 1158.00 1160.00 1162.00  
1164.00 1166.00 1168.00 1170.00 1174.00 1176.01 1178.00  
1192.00 1194.00 1196.00 1210.00 1214.00

## NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## NOTICES

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## NOTICES

(114)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

NEW YORK

~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

MONROE	0009.00	0090.00						
NASSAU	4166.00							
NEW YORK	0018.00	0022.02	0016.01	0030.01	0036.02	0055.02	0056.00	
	0062.00	0076.03	0092.00	0097.00	0112.02	0112.03	0114.01	
	0137.00	0145.00	0156.02	0162.00	0164.00	0172.02	0174.02	
	0178.00	0188.00	0190.00	0202.00	0204.00	0213.02	0217.02	
	0220.00	0228.00	0231.02	0239.00	0273.00	0281.00		
NIAGARA	0202.00	0205.00	0211.00	0215.00	0216.00	0237.00		
ONEIDA	0202.01	0202.02	0203.00	0204.00	0206.00	0207.01	0210.00	
	0211.01	0211.02	0213.01	0218.00				
ONONDAGA	0030.00	0031.00	0033.00	0040.00	0041.00	0042.00	0053.00	
	0159.00							
QUEENS	0031.00	0938.00	0942.01					
RENSSELAER	0406.00	0407.00	0408.00	0414.00				
RICHMOND	0003.00							
SARATOGA	0610.00							
SCHENECTADY	0210.01	0210.02						

~~COUNTY~~~~AREA~~GROUPS OF CENSUS TRACTS

ERIE AREA 1	0012.00**	0013.01	0013.02**	0014.01	0014.02**	0015.00**		
	0025.01	0025.02**	0026.00**	0027.01	0031.00**			
ERIE AREA 2	0065.00**	0071.01**	0071.02**	0072.01**	0072.02**			

\*\*TRACTS WHICH HAVE INDEX SCORES OF 62 OR BELOW.

## NOTICES

(115)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

NORTH CAROLINA

~~NON-METROPOLITAN AREAS~~~~COUNTY~~TOTAL COUNTIES

ALEXANDER  
ANSON  
ASHE  
AVERY  
BEAUFORT  
BERTIE  
BLADEN  
CALDWELL  
CAMDEN  
CARTEGET  
CASWELL  
CHATHAM  
CHEPOMEE  
CHOWAN  
CLAY  
CLEVELAND  
COLUMBUS  
CRAVEN  
CURRITUCK  
DARE  
DAVIDSON  
DAVIE  
DUPLIN  
EDGECOMBE  
FRANKLIN  
GATES  
GRAHAM  
GRANVILLE  
GREENE  
HALLFAX  
HARNETT  
HERTFORD  
HOKE  
HYDE  
IREDFILL  
JACKSON  
JOHNSTON  
JONES  
LENOIR  
LINCOLN  
MCDOWELL  
MACON  
MADISON

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS.

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## NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~NORTH CAROLINA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~COUNTIES~~

MARTIN  
MITCHELL  
MONTGOMERY  
MOORE  
NASH  
NORTHAMPTON  
ONslow  
PAMLICO  
PENDER  
PERQUIMANS  
PERSON  
PITT  
POLK  
RICHMOND  
ROBESON  
ROCKINGHAM  
RUTHERFORD  
SAMPSON  
SCOTLAND  
STANLY  
STOKES  
SWEET  
SWAIN  
TRANSYLVANIA  
TYRRELL  
VANCE  
WARREN  
WASHINGTON  
WATAUGA  
WAYNE  
WILKES  
WILSON  
YANCEY

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.~~

## NOTICES

(117)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~NORTH CAROLINA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

ALAMANCE	TWP 11 PLEASANT GROVE	
ALLEGANY	PINEY CREEK TWP	FRATERS CREEK TWP
	WHITEHEAD TWP	
BURKE	UPPER CREEK TWP	
CAERREUS	TWP 9 GEORGEVILLE	TWP 12 CONCORD
GASTON	CROWDFE MOUNTAIN TWP	
HAYWOOD	CRAFTREE TWP	FINES CREEK TWP
	IRON DUFF TWP	IVY HILL TWP
	JONATHANS CREEK TWP	WAYNESVILLE TWP
HENDERSON	HOOFERS CREEK TWP	
PASQUOTANK	NEWLAND TWP	SALEM TWP
ROWAN	STEEPLE TWP	

\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.~~

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## NOTICES

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## NOTICES

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## NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~NORTH CAROLINA~~~~METROPOLITAN AREAS~~

## COUNTY

## CENSUS TRACTS WITHIN COUNTY

BRUNSWICK	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00	
BUNCOMBE	0002.00	0003.00	0005.00	0006.00	0007.00	0009.00	0010.00
	0029.00						
CUMBERLAND	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00
	0008.00	0009.00	0010.00	0011.00	0012.00	0013.00	0014.00
	0015.00	0016.00	0017.00	0018.00	0019.00	0020.00	0021.00
	0022.00	0023.00	0024.00	0025.00	0026.00	0027.00	0028.00
	0029.00	0030.00	0031.00	0032.00	0033.00	0034.00	0035.00
	0036.00	0037.00					
DURHAM	0005.00	0009.00	0011.00	0012.01	0012.02		
FORSYTH	0002.00	0003.01	0003.02	0004.00	0005.00	0005.01	0005.02
	0006.00	0007.00	0008.02	0016.02			
GUILFORD	0108.02	0111.01	0112.00	0114.01	0114.02	0138.00	0139.00
	0141.00	0142.00	0146.00				
MECKLENBURG	0001.00	0003.00	0004.00	0005.00	0006.00	0007.00	0008.00
	0023.00	0024.00	0025.00	0026.00	0035.00	0037.00	0045.00
	0049.00	0050.00	0052.00				
NEW HANOVER	0101.00	0110.00	0111.00	0112.00	0113.00	0114.00	
RANDOLPH	0307.00						
UNION	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00	0207.00
	0208.00	0209.00	0210.00				
WAKE	0001.00	0002.00	0003.00	0004.00	0006.00	0007.00	0008.00
	0009.00	0029.00	0032.00	0033.00	0039.00	0043.00	0044.00
YADKIN	0501.00	0502.00	0503.00	0504.00	0505.00		

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS~~

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## NOTICES

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## NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
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## NORTH DAKOTA

~~NON-METROPOLITAN AREAS~~

## COUNTY

## TOTAL COUNTIES

EENSON  
BILLINGS  
BOTTINEAU  
DUNN  
EMMONS  
FOSTER  
GRANT  
HETTINGER  
KIDDER  
LA MOURE  
MCINTOSH  
MCKENZIE  
MERCER  
MORTON  
OLIVEN  
RANSOM  
RENVILLE  
SARGENT  
SHERIDAN  
SIOUX  
SLOPE

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS~~

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## NOTICES

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## NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~NORTH DAKOTA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

BARNES  
BUREAU  
CAVALIER  
GRAND FORKS  
LOGAN  
MCHEMRY  
MCLIFAN  
MOUNTAIN  
NIELSON  
PHEMINA  
RICHLAND  
ROLETTE  
STARK  
STEELE  
STUTSMAN  
TOWNER  
WALSH  
WART  
WILLIAMS

SOUTHEAST BARNES DIV  
FOWERS LAKE DIV  
SOUTHEAST CAVALIER DIV  
NORTHWOOD DIV  
NAPOLEON DIV  
DRAKE DIV  
TOWNER RURAL DIV  
GARRISON DIV  
SOUTH MOUNTAIN DIV  
STANLEY WEST DIV  
LAKOTA DIV  
CAVALIER SOUTH DIV  
HANKINSON DIV  
NORTHEAST RICHLAND DIV  
DUNSMITH RURAL DIV  
WEST STARK DIV  
HOPE DIV  
FENSAL DIV  
WOODWORTH DIV  
CANDO DIV  
PARK RIVER RURAL DIV  
KENNAPPE DIV  
SOUTHWEST WARD DIV  
WILLISTON EAST DIV  
GRANVILLE DIV  
WEST MC LEAN DIV  
STANLEY DIV  
MC VILLIE DIV  
WALHALLA DIV  
LIDGEEWOOD DIV  
STRIETER-MEDINA DIV  
SOUTHEAST WARD DIV  
WILLISTON WEST DIV

~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

CASS

0007.00

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

(121)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~OHIO~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~TOTAL COUNTIES~~

ADAMS  
BROWN  
CARROLL  
GUERNSEY  
HOCKING  
HOLMES  
JACKSON  
MFGS  
MONROE  
MORGAN  
PIKE  
SCIOTO  
VINTON

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCHS.~~

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NOTICES

(122)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

~~OHIO~~

~~NON-METROPOLITAN AREAS~~

~~COUNTY~~

~~MCD/CCD\* WITHIN COUNTY~~

ATHENS	TRIMBLE TWP	WATFLOO TWP
CLINTON	CLARK TWP LIBERTY TWP	JEFFERSON TWP WILSON TWP
COLUMBIANA	CINTESS TWP FRANKLIN TWP LIVERPOOL TWP UNITY TWP WAYNE TWP YELLOW CREEK TWP	ILKION TWP HANOVER TWP MIDDLETON TWP WASHINGTON TWP WELLSVILLE TWP
COSHOCTON	ALAMS TWP CHAMBERED TWP VIRGINIA TWP	CLARK TWP FRANKLIN TWP WHITE EYES TWP
FAIRFIELD	RICHLAND TWP	
PAYETTE	JASPER TWP	
GALLIA	BUNTINGTON TWP	
HAEDIN	DUCK TWP HALF TWP MC DONALD TWP FOUNTHEAD TWP	DUDLEY TWP LYNN TWP ILFASANT TWP
HARRISON	MONROE TWP	
HENRY	MONROE TWP	RICHFIELD TWP
HIGHLAND	BRUSE CREEK TWP CONCORD TWP JACKSON TWP	CLAY TWP BAMIP TWP WHITE OAK TWP
LICKING	BOWLING GREEN TWP	
MADISON	DEER CREEK TWP STOKES TWP	MONROE TWP
MARION	BOWLING GREEN TWP	
MORROW	FRANKLIN TWP	WESTFIELD TWP

~~\* MINOR CIVIL DIVISIONS OF CENSUS COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, UCHS.~~

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NOTICES

(1240)

NOTICES

(123)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

~~OHIO~~

~~NON-METROPOLITAN AREAS~~

~~COUNTY~~

~~MCD/CCD\* WITHIN COUNTY~~

NOBLE	MARION TWP	
PAULDING	BENTON TWP EMERALD TWP WASHINGTON TWP	CRANE TWP LATTY TWP
PERRY	COAL TWP SALT LICK TWP	MONROE TWP
ROSS	COLLEPIAN TWP FRANKLIN TWP PAINT TWP	DEERFIELD TWP HARRISON TWP PAXTON TWP
SHELEY	CYNTHIAN TWP WASHINGTON TWP	TUFTLE CREEK TWP
TUSCARAWAS	MILL TWP UNION TWP	RUSH TWP
UNION	WASHINGTON TWP	
WASHINGTON	AURELIUS TWP GRANDVIEW TWP	FAIRFIELD TWP INDEPENDENCE TWP
WAYNE	SALT CREEK TWP	
WYANDOT	MIFFLIN TWP	TYMOCHTPE TWP

~~\* MINOR CIVIL DIVISIONS OF CENSUS COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, UCHS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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NOTICES

(125)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~

40412

## NOTICES

(1240)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~CHICAGO~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

ALLIN	0125.00	0126.00	0135.00				
EFLMONT	0106.00	0107.00	0109.00	0116.00	0121.00		
FOULET	0003.00	0007.01	0129.00	0129.00	0140.00		
CLARK	0001.00	0002.00	0003.00	0009.01	0018.00	0021.00	
CLEMMONT	0416.00	0418.00	0420.00				
CUYAHOGA	1035.00	1037.00	1043.00	1079.00	1087.00	1088.00	1089.00
	1095.00	1098.00	1114.00	1121.00	1123.00	1124.00	1125.00
	1126.00	1127.00	1128.00	1129.00	1131.00	1132.00	1133.00
	1134.00	1135.00	1136.00	1137.00	1138.00	1141.00	1142.00
	1143.00	1144.00	1147.00	1148.00	1161.00	1185.00	1186.00
	1189.00	1195.00					
FRANKLIN	0015.00	0017.00	0018.10	0020.00	0022.00	0028.00	0029.00
	0030.00	0031.00	0036.00	0038.00	0039.00	0040.00	0041.00
	0044.00	0053.00	0074.10				
GREENE	2406.00						
HAMILTON	0001.00	0003.01	0003.02	0004.00	0006.00	0007.00	0008.00
	0009.00	0010.00	0011.00	0015.00	0016.00	0017.00	0018.00
	0019.00	0021.00	0023.00	0037.00	0077.00	0080.00	0086.01
	0086.02						
JEFFERSON	0001.00	0002.00	0003.00	0008.00	0009.00		
LAWRENCE	0501.00	0502.00	0503.00	0504.00	0505.00	0506.00	0507.00
	0508.00	0509.00	0510.00	0511.00	0512.00	0513.00	0514.00
LORAIN	0223.00	0231.00	0603.00	0710.00			
LUCAS	0022.00	0023.00	0027.00	0028.00	0034.00	0037.00	0038.00
MAHONING	8008.00	8019.00	8035.00	8036.00	8037.00	8038.00	
MIAMI	3152.00						
MONTGOMERY	0018.00	0024.00	0028.00	0030.00	0038.00	0040.00	0053.00
	0065.00						
PORTAGE	6015.00						
RICHLAND	0001.00	0002.00					
STARK	7001.00	7016.00	7017.00	7019.00	7023.00	7104.00	7138.00
SUMMIT	5011.00	5012.00	5013.01	5015.00	5018.00	5019.00	5024.00
	5034.00	5043.00	5068.00				
TRUMBULL	9265.00						
WARREN	0318.00						

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## NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
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OKLAHOMA

~~NON-METROPOLITAN AREAS~~

COUNTY

TOTAL COUNTIES

ADAIR  
ALFALFA  
ATOKA  
BECKHAM  
BLAINE  
BRYAN  
CADDO  
CHEROKEE  
CHOCTAW  
CINBARROW  
COAL  
COTTON  
CRAIG  
DELAWARE  
DEWEY  
GARVIN  
GRANT  
GREEN  
HARMON  
HASKELL  
HUGHES  
JACKSON  
JEFFERSON  
JOHNSON  
KIOWA  
LATIMER  
LINCOLN  
LOGAN  
LOVE  
MCCURTAIN  
MARSHALL  
MUSKOGEE  
NOBLE  
NOWATA  
OKFUSKEE  
OKMULGEE  
PAWNEE  
PUSHMATAHA  
ROGER MILLS  
SEMINOLE  
TILLMAN  
WASHITA  
WOODS

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECHS.~~

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## NOTICES

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## NOTICES

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## NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~OKLAHOMA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

ELLIS

NORTHWEST ELLIS DIV

GARFIELD

COVINGTON DIV

GARBER DIV

MCCLAIN

EAST MC CLAIN DIV

MAYES

EAST MAYES DIV

MURRAY

EAST MURRAY DIV

OTTAWA

AFTON-FAIRLAND DIV  
WYANDOTTE DIV

PICHER-PEORIA DIV

PAYNE

YALE DIV

PITTSBURG

NORTH CENTRAL PITTSBURG DI  
TWIN CITIES DIV

QUINTON DIV

PONTOTOC

NORTH CENTRAL PONTOTOC DIV  
SOUTHEAST PONTOTOC DIVNORTHEAST PONTOTOC DIV  
SOUTHWEST PONTOTOC DIV

POTTAWATOMIE

WANITTY-ASPER DIV

STEPHENS

MAFLOW DIV

TEXAS

WEST TEXAS DIV

WAGONER

SOUTH WAGONER DIV

WAGONER DIV

WOODWARD

MOORELAND DIV

~~\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCMS.~~

## NOTICES

(127)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~OKLAHOMA~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

CANADIAN

3001.00 3003.00 3004.00 3005.00

CLEVELAND

2001.00 2002.00 2026.00

COMANCHE

0001.00 0002.00 0003.00 0004.00 0005.00 0007.00 0008.00  
0009.00 0010.00 0011.00 0012.00 0013.00 0014.00 0015.00  
0016.00 0017.00 0018.00 0019.00 0020.00 0021.00 0022.00  
0023.00

CREEK

0202.00 0203.00 0208.00 0210.00 0211.00

LE FLORE

0402.00 0403.00 0404.00 0405.00 0406.00 0407.00

OKLAHOMA

1003.00 1004.00 1006.00 1008.00 1011.00 1012.00 1014.00  
1015.00 1016.00 1017.00 1018.00 1019.00 1020.00 1021.00  
1022.00 1023.00 1024.00 1025.00 1026.00 1027.00 1028.00  
1029.00 1030.00 1032.00 1033.00 1035.00 1037.00 1038.00  
1039.00 1040.00 1041.00 1043.00 1044.00 1046.00 1047.00  
1057.00 1058.00 1079.00 1086.03 1088.04 1089.00

SEQUOYAH

0301.00 0302.00 0303.00 0304.00

TULSA

0002.00 0005.00 0006.00 0007.00 0010.00 0011.00 0012.00  
0022.00 0025.00 0026.00 0031.00 0035.00 0036.00 0046.00  
0062.00

~~COUNTY~~~~AREA~~~~GROUPS OF CENSUS TRACTS~~

OSAGE

AREA 1

0101.00 0102.00 0103.00\*\*0104.00\*\*0105.00\*\*  
0106.00\*\*0107.00\*\*0108.00\*\*

\*\*TRACTS WHICH HAVE INDEX SCORES OF 62 OR BELOW.

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## NOTICES

(128)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

OREGON

COUNTY

BAKER  
 SHERMAN  
 UNION

~~COUNTY~~TOTAL COUNTIES~~NON-METROPOLITAN AREAS~~MCD/CCD\* WITHIN COUNTY

CLATSOP

SEASIDE DIV  
 EVENSEN DIV

SEASIDE RURAL DIV

COLUMBIA

VERNONIA DIV

CUREY

AGNESS DIV

FORT ORFORD DIV

GRANT

LONG CREEK DIV

PRAIRIE CITY DIV

HARNEY

DREWSBY DIV

HOOD RIVER

DIE DIV

JEFFERSON

WARM SPRINGS DIV

LINCOLN

DE LAKE DIV

WALDPORT DIV

MALHEUR

ALBION DIV

TILLAMOOK

NEHALLEM DIV

WALLOWA

JOSEPH DIV

WALLOWA DIV

~~COUNTY~~CENSUS TRACTS WITHIN COUNTY

CLACKAMAS

0212.00

LANE

0040.00

MARION

0001.00

MULTNOMAH

0011.01 0027.02 0043.00 0049.00 0051.00 0052.00 0053.00  
 0054.00

POLK

0051.00

WASHINGTON

0334.00

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## NOTICES

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(129)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

PENNSYLVANIA

COUNTY

ARMSTRONG  
 BEDFORD  
 CLEARFIELD  
 FAYETTE  
 FULTON  
 GREENE  
 INDIANA  
 PIKE  
 SNYDER  
 SULLIVAN  
 TIOGA

TOTAL COUNTIES~~NON-METROPOLITAN AREAS~~

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ICMS.

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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## NOTICES

(130)

## NOTICES

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(131)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~



## NOTICES

(130)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~PENNSYLVANIA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

EPADFORD	ROME TWP	
BUTLER	MARS BOROUGH	PARKER TWP
CENTRE	MILLHEIM BOROUGH UNION TWP	SNOW SHOP BOROUGH
CLARION	PERRY TWP	STRATTANVILLE BOROUGH
CLINTON	GREENE TWP	RENOVO BOROUGH
COLUMBIA	EPNTON BOROUGH CONYNGHAM TWP	CENTRALIA BOROUGH
CRAWFORD	FLOOMFIELD TWP NORTH SPENANGO TWP SARGENTOWN BOROUGH	CAMBRIDGE SPRINGS BOROUGH ROME TWP
FRANKLIN	QUINCY TWP	
HUNTINGDON	READY TWP WOOD TWP	CROMWELL TWP
JEFFERSON	BEAVER TWP BROOKVILLE BOROUGH HENDERSON TWP MC CALMONT TWP PUNXSUTAWNEY BOROUGH SUMMERVILLE BOROUGH YOUNG TWP	BIG RUN BOROUGH ELDEED TWP KNOX TWP PINECREEK TWP KINGGOLD TWP UNION TWP
JUNIATA	MIFFLINTOWN BOROUGH TUSCARORA TWP	SPRUCE HILL TWP WALKER TWP
LAWRENCE	BESSEMER BOROUGH	
LYCOMING	COGAN HOUSE TWP LEWIS TWP MORPLAND TWP	JORDAN TWP MC INTYRE TWP PICTURE ROCKS BOROUGH
MCKEAN	ANNIN TWP LIBERTY TWP	HAMLIN TWP NORWICH TWP
MERCER	LAKE TWP	WOLF CREEK TWP

~~\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

(131)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~PENNSYLVANIA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

MONTGOMERY	MAHONING TWP	
NORTHUMBERLAND	MOUNT CARMEL BOROUGH	SHAMOKIN CITY
POTTER	HARRISON TWP	
SCHUYLKILL	FRATLEY TWP MAHANAY CITY BOROUGH SHENANDOAH BOROUGH	GILBERTON BOROUGH MAHANAY TWP
UNION	EARLEY TWP	
VENANGO	CHERRYTREE TWP CORNILANTER TWP PINEGROVE TWP RICHLAND TWP	CLINTON TWP EMLENTON BOROUGH PLUM TWP
WAYNE	DREHER TWP HONESDALE BOROUGH PALEYRA TWP	HAWLEY BOROUGH MOUNT PLASANT TWP
WYOMING	NICHOLSON TWP	

~~\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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## NOTICES

## NOTICES

## NOTICES

(132)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~PENNSYLVANIA~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

ALLEGHENY	0101.00	0102.00	0301.00	0303.00	0304.00	0401.00	0404.00
	0405.00	0501.00	0502.00	0503.00	0504.00	0507.00	0508.00
	0509.00	0701.00	0702.00	0704.00	0706.00	0707.00	0708.00
	0801.00	0803.00	0805.00	0807.00	0808.00	1006.00	1105.00
	1107.00	1108.00	1204.00	1205.00	1206.00	1207.00	1302.00
	1303.00	1304.00	1305.00	1407.00	1410.00	1503.00	1504.00
	1601.00	1604.00	1605.00	2101.00	2103.00	2105.00	2201.00
	2202.00	2203.00	2301.00	2302.00	2502.00	2503.00	2505.00
	2604.00	2609.00	4031.00	4040.00	4271.00	4360.00	4501.00
	4631.00	4633.00	4703.00	4732.00	4831.00	4832.00	4933.00
	4965.00	4923.00	5082.00	5101.00	5124.00	5133.00	5134.00
	5141.00	5143.00	5503.00	5504.00	5505.00	5506.00	5508.00
	5602.00	5604.00	5606.00	5607.00			
BEAVER	6012.00	6013.00	6015.00	6021.00	6022.00	6028.00	6041.00
	6045.00						
BERKS	0001.00	0019.00	0024.00				
BLAIR	0001.00	0015.00					
CAMBERIA	0001.00	0002.00	0010.00				
DAUPHIN	0201.00	0202.00	0203.00	0204.00	0206.00		
DELAWARE	4001.00	4058.02					
FRIE	0001.00	0003.00	0008.00	0009.00	0012.00	0013.00	0014.00
	0015.00	0018.00	0019.00				
LACKAWANNA	0001.00	0002.00	0007.00				
LANCASTER	0001.00						
LUZERNE	0001.00	0009.00	0140.00	0164.00	0174.00	0175.00	0176.00
NORTHAMPTON	0144.00						
PHILADELPHIA	0002.00	0003.00	0004.00	0007.00	0008.00	0009.00	0011.00
	0013.00	0014.00	0015.00	0016.00	0017.00	0018.00	0019.00
	0020.00	0021.00	0022.00	0024.00	0025.00	0031.00	0036.00

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCMS.~~

## NOTICES

(133)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~PENNSYLVANIA~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

<del>PHILADELPHIA</del>	0044.00	0046.00	0056.00	0069.00	0074.00	0076.00	0077.00
	0078.00	0086.00	0087.00	0088.00	0091.00	0092.00	0093.00
	0094.00	0095.00	0102.00	0104.00	0105.00	0106.00	0107.00
	0108.00	0109.00	0110.00	0120.00	0121.00	0122.00	0125.00
	0126.00	0127.00	0129.00	0130.00	0131.00	0132.00	0133.00
	0134.00	0135.00	0136.00	0137.00	0138.00	0139.00	0140.00
	0141.00	0142.00	0143.00	0144.00	0145.00	0147.00	0148.00
	0149.00	0151.00	0152.00	0153.00	0154.00	0155.00	0156.00
	0157.00	0161.00	0162.00	0163.00	0164.00	0165.00	0166.00
	0167.00	0168.00	0169.00	0170.00	0172.00	0174.00	0175.00
	0176.00	0200.00	0206.00	0207.00	0208.00	0228.00	0232.00
	0237.00	0238.00	0239.00	0240.00	0241.00	0246.00	0247.00
	0268.00	0269.00	0274.00	0275.00	0281.00	0282.00	0283.00
	0285.00	0287.00	0300.00	0301.00	0306.00	0307.00	0333.00
	0334.00						
SOMERSET	0211.00	0214.00	0215.00	0216.00	0217.00	0218.00	
WASHINGTON	7210.00	7310.00	7320.00	7512.00	7527.00	7541.00	7543.00
	7544.00	7546.00	7557.00	7620.00	7637.00	7640.00	7751.00
	7752.00	7753.00	7817.00	7831.00	7921.00	7937.00	7957.00
WESTMORELAND	8001.00	8007.01	8007.02	8016.00	8041.00		
YORK	0001.00						

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCMS.~~

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## NOTICES

(134)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

RHODE ISLAND

~~ETHNOLOGICAL AREAS~~

COUNTY

CENSUS TRACTS WITHIN COUNTY

BRISTOL

0305.00 0307.00

PROVIDENCE

0026.00 0027.00 0172.00 0180.00

~~COUNTY~~~~AREA~~GROUPS OF CENSUS TRACTS

PROVIDENCE AREA 1 0004.00\*\* 0005.00\*\* 0006.00 0007.00\*\*

PROVIDENCE AREA 2 0003.00\*\* 0006.00\*\* 0009.00\*\* 0011.00 0012.00\*\*

PROVIDENCE AREA 3 0149.00\*\* 0152.00\*\* 0160.00\*\*

\*\*TRACTS WHICH HAVE INDEX SCORES OF 62 OR BELOW.

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(135)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

SOUTH CAROLINA

~~NON-ETHNOLOGICAL AREAS~~

COUNTY

TOTAL COUNTIES

ABBEVILLE  
ALLENDALE  
ANDERSON  
BAMBERG  
BARNWELL  
BEAUFORT  
CALHOUN  
CHEROKEE  
CHESTER  
CHESTERFIELD  
CLARENDON  
COLLETON  
DARLINGTON  
DILLON  
DORCHESTER  
EDGEFIELD  
FAIRFIELD  
FLORENCE  
GEORGETOWN  
HAMPTON  
HORRY  
JASPER  
Kershaw  
LANCASTER  
LAURENS  
LEE  
MCCORMICK  
MARION  
MARLBORO  
NEWBERY  
ORANGEBURG  
SALUDA  
SUMTER  
UNION  
WILLIAMSBURG  
YORK

~~COUNTY~~MCD/CCT\* WITHIN COUNTY

GREENWOOD

TROY DIV

OCONEE

LONG CREEK DIV

SPARTANBURG

CHESTER DIV  
FINGERSVILLE DIV  
JIMMY DIV  
SPARTANBURG DIV

FAIRMONT MILLS DIV  
GRAMLING DIV  
LANDRUM DIV  
ROOFS CHIPPEN DIV

## NOTICES

## NOTICES

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## NOTICES

(136)

~~ARIAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~SOUTH CAROLINA~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

AIKEN	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00	0207.00
	0208.00	0209.00	0210.00	0211.00	0213.00	0214.00	0215.00
	0216.00	0217.00	0218.00	0219.00	0220.00	0221.00	
BERKELEY	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00	0207.00
	0208.00	0209.00					
CHARLSTON	0001.00	0004.00	0005.00	0006.00	0007.00	0008.00	0009.00
	0010.00	0011.00	0012.00	0013.00	0014.00	0021.02	0022.00
	0023.00	0024.00	0025.00	0031.05	0033.00	0037.00	0043.00
	0044.00	0045.00	0046.01	0050.00			
GREENVILLE	0001.00	0004.00	0005.00	0006.00	0007.00	0008.00	0009.00
	0010.00						
LEXINGTON	0201.00	0202.02	0203.00	0205.01	0207.00	0208.00	0209.00
	0210.00	0211.02	0212.00	0213.00	0214.00		
PICKENS	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0107.00
	0108.00	0109.00	0110.00	0111.00	0112.00		
RICHLAND	0005.00	0007.00	0009.00	0010.00	0013.00	0014.00	0016.00
	0020.01	0021.00	0022.00	0025.00	0028.00	0102.00	0105.02
	0107.01	0107.02	0109.00	0114.02	0117.01	0117.02	0118.00
	0119.02	0120.00					

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECHS.~~

## NOTICES

(137)

~~ARIAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

~~SOUTH DAKOTA~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~TOTAL COUNTIES~~

AURORA  
BENNETT  
BON HOMME  
BUREAU  
BUFFALO  
CAMPELL  
CHARLES MIX  
CLARK  
CORSON  
CUSTER  
DAY  
DEWEY  
DOUGLAS  
EDMUNDS  
FALL RIVER  
FAULK  
GREGORY  
HAMLIN  
HAND  
HANSON  
HARDING  
HYDE  
JACKSON  
JEHAULD  
JONES  
LAWRENCE  
LINCOLN  
LYMAN  
MCCOOK  
MCPIERSON  
MARSHALL  
MELLETT  
MINER  
ROBERTS  
SANFORD  
SHANNON  
SULLY  
TODD  
TRIPP  
UNION  
WASHBAUGH  
ZIEGLER

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECHS.~~



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NOTICES

(136)

~~ALIAS WITH SCORES OF 62 OR HIGHER ON FBI  
INDEX OF CRIMINAL INTERESTS~~

~~SOUTH CAROLINA~~

~~NON-METROPOLITAN ALIAS~~

~~COUNTY~~

~~CENSUS TRACTS WITH IN COUNTY~~

AIKEN	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00	0207.00
	0208.00	0209.00	0210.00	0211.00	0212.00	0213.00	0214.00
	0215.00	0216.00	0217.00	0218.00	0219.00	0220.00	0221.00
BERKELEY	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00	0207.00
	0208.00	0209.00					
CHARLSTON	0001.00	0004.00	0005.00	0006.00	0007.00	0008.00	0009.00
	0010.00	0011.00	0012.00	0013.00	0014.00	0021.02	0022.00
	0023.00	0024.00	0025.00	0031.00	0033.00	0037.00	0043.00
	0044.00	0045.00	0046.00	0050.00			
GREENVILLE	0001.00	0004.00	0005.00	0006.00	0007.00	0008.00	0009.00
	0010.00						
LYNCHBURG	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00	0207.00
	0208.00	0209.00	0210.00	0211.00	0212.00	0213.00	0214.00
PICKEENS	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0107.00
	0108.00	0109.00	0110.00	0111.00	0112.00		
RICHLAND	0005.00	0007.00	0009.00	0011.00	0013.00	0014.00	0016.00
	0020.01	0021.00	0022.00	0023.00	0025.00	0102.00	0105.02
	0107.01	0107.02	0109.00	0114.00	0117.01	0117.02	0118.00
	0119.02	0120.00					

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FBI~~

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NOTICES

(137)

~~ALIAS WITH SCORES OF 62 OR HIGHER ON FBI  
INDEX OF CRIMINAL INTERESTS~~

~~SOUTH DAKOTA~~

~~NON-METROPOLITAN ALIAS~~

~~COUNTY~~

~~TOTAL COUNTIES~~

AURORA  
BENNETT  
BON HOMME  
BUTLER  
BUFFALO  
CAMPELLE  
CHARLES MIX  
CLARK  
CORSON  
CUSTER  
DAY  
DEWEY  
DOUGLAS  
EDMUNDS  
FALL RIVER  
FAULK  
GREGORY  
HAMLIN  
HANE  
HANSON  
HARDING  
HYDE  
JACKSON  
JERARD  
JONES  
LAWRENCE  
LINCOLN  
LYMAN  
MCCOOK  
MCNEERSON  
MARSHALL  
MILLER  
MINER  
ROBERTS  
SANDOPH  
SHANNON  
SULLY  
TODD  
TRIPP  
UNION  
WASHBAUGH  
ZIEGLER

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FBI~~

## NOTICES

(138)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

<del>SOUTH DAKOTA</del>	<del>NON METROPOLITAN AREAS</del>	
<del>COUNTY</del>	<del>MCD/CCD*</del>	<del>WITHIN COUNTY</del>
BROOKINGS	FLKTON CITY	VOLGA CITY
BUTTE	UNORG TFR OF EAST BUTTE	
DAVISON	MITCHELL CITY	
DEUEL	CLEAR LAKE CITY	
GRAND	MILBANK CITY	
HUTCHINSON	WYNNO CITY	TRIPP CITY
KINGSBURY	ARLINGTON CITY	
MEADE	FAITH CITY	UNORG TFR OF BEAR BUTTE
	UNORG TFR OF BELLE FOURCH	UNORG TFR OF NORTH MEADE
MOODY	FLANDREAU CITY	
TURNER	CENTERVILLE CITY	MARION CITY
	PARFEE CITY	VIBORG CITY
YANKTON	UNORG TFR OF WEST YANKTON	

\* ~~MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

## NOTICES

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(139)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

<del>TENNESSEE</del>	<del>NON METROPOLITAN AREAS</del>
<del>COUNTY</del>	<del>TOTAL COUNTIES</del>
BENTON	
BLEDSON	
BRADLEY	
CAMPBELL	
CANNON	
CARROLL	
CARTER	
CHEATHAM	
CHESTER	
CLAIBORNE	
CLAY	
COCKE	
COFFEE	
CROCKETT	
CUMBERLAND	
DECATUR	
DE KALE	
DICKSON	
DYER	
PAYETTE	
FRONTRESS	
FRANKLIN	
GIBSON	
GILES	
GRAINGER	
GRUNDY	
HANCOCK	
HARDEMAN	
HARDIN	
HAWKINS	
HAYWOOD	
HENDERSON	
HENRY	
HICKMAN	
JACKSON	
JEPPERSON	
JOHNSON	
LAKE	
LAUDERDALE	
LAWRENCE	
LEWIS	
LINCOLN	
LOUDON	

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

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## NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~~~TENNESSEE~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~COUNTIES~~

MCINN  
MCNALLY  
MACON  
MADISON  
MARION  
MARSHALL  
MAURY  
MEIGS  
MONROE  
MONTGOMERY  
MORGAN  
OHION  
OVERTON  
PERRY  
PICKETT  
POLK  
RHEA  
ROANE  
ROBERTSON  
SCOTT  
SEQUATCHIE  
SEVIER  
SMITH  
STEWART  
TIPTON  
TROUSDALE  
UNICOI  
UNION  
VAN BUREN  
WARREN  
WASHINGTON  
WAYNE  
WEAVER  
WHITE  
WILLIAMSON

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

40429

(141)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~~~TENNESSEE~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCN/CCD\* WITHIN COUNTY~~

BEDFORD

BEDFORD DIV

GREENE

FAIRFAYTON DIV

MOHAWK DIV

SOUTHWEST NOLICHUCKY DIV

JEAROLDSTOWN DIV

REBATOWN-CHUCKY DIV

SOUTHWEST NOLICHUCKY DIV

HAMBLIN

RUSSILLVILLE DIV

HOUSTON

WEST ERM DIV

HUMPHREYS

BAKERVILLE DIV

BOLD SPRING DIV

PUTNAM

BUFFALO VALLEY DIV

MONTEREY DIV

RUTHERFORD

ALMAVILLE DIV

EAGLEVILLE DIV

MURFREESBORO WEST DIV

CHRISTIANA DIV

KITTELL DIV

~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

ANDERSON

0207.00 0208.00 0212.00

BLOUNT

0101.00 0105.00 0113.00 0114.00 0115.00 0116.00

DAVIDSON

0118.00 0120.00 0124.00 0136.00 0137.00 0139.00 0140.00  
0141.00 0142.00 0143.00 0144.00 0145.00 0146.00 0147.00  
0148.00 0149.00 0160.00 0161.00 0162.00 0163.00 0168.00

HAMILTON

0001.00 0002.00 0003.00 0004.00 0005.00 0006.00 0008.00  
0010.00 0011.00 0012.00 0013.00 0014.00 0015.00 0016.00  
0018.00 0019.00 0020.00 0021.00 0023.00 0024.00 0025.00  
0026.00 0027.00 0028.00 0113.01

KNOX

0001.00 0002.00 0003.00 0004.00 0005.00 0006.00 0007.00  
0010.00 0011.00 0012.00 0013.00 0014.00 0016.00 0028.00

SHELBY

0001.00 0002.00 0003.00 0004.00 0005.00 0006.00 0007.00  
0008.00 0009.00 0010.00 0014.00 0015.00 0016.00 0017.00  
0018.00 0019.00 0020.00 0021.00 0022.00 0023.00 0024.00  
0025.00 0026.00 0027.00 0028.00 0030.00 0031.00 0032.00  
0033.00 0034.00 0035.00 0036.00 0037.00 0038.00 0039.00  
0040.00 0041.00 0042.00 0044.00 0045.00 0046.00 0047.00  
0048.00 0049.00 0050.00 0051.00 0052.00 0053.00 0054.00  
0055.00 0056.00 0057.00 0058.00 0059.00 0060.00 0061.00  
0062.00 0063.00 0065.00 0066.00 0067.00 0068.00 0069.00  
0070.00 0072.00 0075.00 0078.00 0080.00 0105.00 0201.00  
0202.00 0203.00 0207.00 0208.00 0209.00 0210.00 0211.00  
0215.00 0216.00 0217.00 0222.00 0224.00

SUMNER

0201.00 0202.00 0203.00 0204.00 0206.00 0207.00 0208.00

WILSON

0301.00 0304.00 0305.00 0306.00 0307.00 0308.00 0309.00

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

40430

## NOTICES

(142)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~~~TEXAS~~~~NON-METROPOLITAN AREAS~~

## NOTICES

40431

(143)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~~~TEXAS~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~COUNTIES~~

V40170

SEP 2

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## NOTICES

(142)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

TEXAS

~~NON-METROPOLITAN AREAS~~

COUNTY

TOTAL COUNTIES

ANDERSON  
 ANDREWS  
 ATASCOSA  
 AUSTIN  
 BAILEY  
 BANDERA  
 BASTROP  
 BAYLOR  
 BEE  
 BLANCO  
 BOSQUE  
 BREWSTER  
 BRISCOE  
 BROOKS  
 BROWN  
 BUTLERSON  
 BURNET  
 CALDWELL  
 CALHOUN  
 CALLAHAN  
 CAMP  
 CASS  
 CASTRO  
 CHEROKEE  
 CHILDRESS  
 COCHRAN  
 COKE  
 COLEMAN  
 COLLINGSWORTH  
 COLORADO  
 COMANCHE  
 CONCHO  
 COOKE  
 CORYELL  
 COTILE  
 CRANE  
 CROSBY  
 CULBERSON  
 DALLAM  
 DAWSON  
 DEAF SMITH  
 DELTA  
 DE WITT

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, HCBS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

40431

(143)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

~~TEXAS~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~COUNTIES~~

DICKENS  
 DIMMIT  
 DONLEY  
 DUVAL  
 EASTLAND  
 EDWARDS  
 ERATH  
 FALLS  
 FANNIN  
 PAYETTE  
 FISHER  
 FLOYD  
 FOARD  
 FRANKLIN  
 FREESTONE  
 PRIO  
 GAINES  
 GLASSCOCK  
 GOLIAD  
 GONZALES  
 GRIMES  
 HALE  
 HALL  
 HAMILTON  
 HARDEMAN  
 HARDIN  
 HARRISON  
 HARTLEY  
 HASKELL  
 HAYS  
 HENDERSON  
 HILL  
 HOCKLEY  
 HOUSTON  
 HUDSPETH  
 HUNT  
 IRION  
 JACK  
 JACKSON  
 JEFF DAVIS  
 JIM HOGG  
 JIM WELLS  
 KARNES

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, HCBS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

40432

## NOTICES

(144)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

TEXAS

~~NON-METROPOLITAN AREAS~~

COUNTY

~~COUNTIES~~

## NOTICES

40433

(145)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

~~TEXAS~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~COUNTIES~~



40432

NOTICES

(144)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

~~TEXAS~~

~~NON-METROPOLITAN AREAS~~

~~COUNTY~~

~~COUNTIES~~

KINDALL  
KENEDY  
KENT  
KIMBLE  
KINNEY  
KLEBERG  
KNOX  
LANAM  
LANE  
LA SALLE  
LAVACA  
LEY  
LFCO  
LINESTONE  
LIANO  
LOVING  
LYNN  
MCCULLOCH  
MCCULLEN  
MARION  
MARTIN  
MASON  
MAVERICK  
MEDINA  
MENARD  
MILAM  
MILLS  
MITCHELL  
MONTAGUE  
MORRIS  
MOTLEY  
NAVARRO  
NEWTON  
NOLAN  
PALO PINTO  
PANOLA  
PARKER  
PARKER  
POLK  
RAINS  
RED RIVER  
REEVES  
REDFUGIO  
ROBERTSON

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS.~~

NOTICES

40433

(145)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

~~TEXAS~~

~~NON-METROPOLITAN AREAS~~

~~COUNTY~~

~~COUNTIES~~

BUNNELL  
RUSK  
SABINE  
SAN AUGUSTINE  
SAN JACINTO  
SAN SABA  
SCHLEICHER  
SCURRY  
SHACKELFORD  
SHELBY  
SHERMAN  
STARR  
STEPHENS  
STONEWALL  
SUTTON  
SWISHER  
TERRELL  
TERRY  
THROCKMORTON  
TRINITY  
TYLER  
UPSHUR  
UVALDE  
VAL VERDE  
VAN ZANDT  
WALKER  
WALLER  
WARD  
WASHINGTON  
WHARTON  
WHEELER  
WILBARGER  
WILLACY  
WILLIAMSON  
WILSON  
WOOD  
YOAKUM  
ZAPATA  
ZAVALA

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS.~~

V40170

SEP 2

75

XUM

V40

40434

NOTICES

(146)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

~~TEXAS~~

~~COUNTY~~

<del>METROPOLITAN AREAS</del>		<del>CENSUS TRACTS WITHIN COUNTY</del>
ANGELINA	BUNTINGTON DIV	ZAVALLA DIV
BELL	HOLLAND DIV	ROGERS DIV
CHAMBERS	AMENAC DIV	
CLAY	LELLEVIP-JOY DIV	
GRAY	MC LEM DIV	
KERR	BERDEVILLE DIV	
LAMPASAS	LOMITA DIV	
LIPSCOMB	HOLLETT DIV	
MADISON	MIDWAY DIV	
MATAGORDA	MATAGORDA-SARGENT DIV	TIDEHAVEN DIV
NACOGDOCHES	CHIFFINO-MARTINSVILLE DIV	CUSHING-DOUGLASS DIV
PECOS	ISLAM DIV	
REAL	CAMP WOOD DIV	
TITUS	COOKVILLE DIV	TALCO DIV
	WINFIELD DIV	
WISE	ALVOPI DIV	
YOUNG	JUAN-LOVING DIV	NEWCASTLE DIV

\* ~~FROM CIVIL DIVISIONS OF CRIME COUNTY DIVISIONS.~~

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, RCHS.~~

40435

NOTICES

(147)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

~~TEXAS~~

~~COUNTY~~

<del>METROPOLITAN AREAS</del>		<del>CENSUS TRACTS WITHIN COUNTY</del>
ARCHER	0202.00	0203.00
BEXAR	1101.00	1102.00
	1108.00	1109.00
	1304.00	1305.00
	1401.00	1403.00
	1503.00	1504.00
	1518.00	1519.00
	1607.00	1609.00
	1701.00	1702.00
	1710.00	1711.00
	1902.00	1903.00
BOWIE	0102.00	0103.00
BRAZORIA	0608.00	0614.00
BRAZOS	0002.00	0004.00
CAMERON	0101.00	0102.00
	0109.00	0110.00
	0118.00	0119.00
	0125.00	0126.00
	0136.00	0137.00
COLLIN	0301.00	0302.00
	0310.00	0311.00
DALLAS	0002.01	0002.02
	0016.00	0017.02
	0025.00	0026.00
	0034.00	0036.00
	0050.00	0101.00
	0115.00	0181.04
ECTOR	0001.00	0003.00
	0012.00	0013.00
	0020.00	0021.00
ELLIS	0601.00	0602.00
	0609.00	0610.00
	0616.00	0617.00

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, RCHS.~~

40436

NOTICES

(148)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

~~TEXAS~~

~~COUNTY~~

<del>METROPOLITAN AREAS</del>		<del>CENSUS TRACTS WITHIN COUNTY</del>
-------------------------------	--	--

NOTICES

(149)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

~~TEXAS~~

~~COUNTY~~

<del>METROPOLITAN AREAS</del>		<del>CENSUS TRACTS WITHIN COUNTY</del>
-------------------------------	--	--

40437



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## NOTICES

(148)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~~~TEXAS~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

EL PASO	0006.00	0008.00	0010.00	0014.00	0016.00	0017.00	0018.00
	0019.00	0020.00	0021.00	0022.00	0026.00	0027.00	0028.00
	0029.00	0030.00	0032.00	0035.02	0036.00	0039.00	0040.00
	0042.01	0102.00	0103.00	0104.00	0105.00		
FORT BEND	0701.00	0702.00	0703.00	0704.00	0705.00	0706.00	0707.00
	0709.00	0710.00	0711.00	0712.00	0713.00	0714.00	
GALVESTON	1225.00	1234.00	1237.00	1238.00	1240.00	1249.00	
GRAYSON	0001.00	0005.00	0011.00	0019.00			
GUADALUPE	2101.00	2102.00	2103.00	2104.00	2105.00	2106.00	2107.00
	2108.00	2109.00					
HARRIS	0122.00	0124.00	0125.00	0126.00	0201.00	0204.00	0205.00
	0206.00	0207.00	0217.00	0303.00	0304.00	0305.00	0329.00
	0502.00	0504.00	0510.00	0524.00			
HIDALGO	0201.00	0202.00	0204.00	0205.00	0206.00	0207.00	0210.00
	0211.00	0212.00	0213.00	0214.00	0215.00	0216.00	0217.00
	0218.00	0219.00	0220.00	0221.00	0222.00	0223.00	0224.00
	0225.00	0226.00	0227.00	0228.00	0229.00	0230.00	0231.00
	0232.00	0233.00	0234.00	0235.00	0236.00	0237.00	0238.00
	0240.00	0241.00	0242.00	0243.00			
JEFFERSON	0005.00	0007.00	0008.00	0009.00	0010.00	0015.00	0017.00
	0018.00	0019.00	0023.00	0053.00	0054.00	0055.00	0057.00
	0058.00	0059.00	0060.00	0061.00	0115.00		
JOHNSON	0301.00	0305.00	0308.00	0309.00	0311.00		
JONES	0201.00	0202.00	0203.00	0204.00	0205.00		
KAUFMAN	0501.00	0502.00	0503.00	0504.00	0505.00	0506.00	0507.00
	0508.00	0509.00	0510.00	0511.00	0512.00	0513.00	
LIBERTY	1001.00	1002.00	1003.00	1004.00	1005.00	1006.00	1007.00
	1008.00	1009.00	1010.00	1011.00	1012.00		
LUBBOCK	0002.01	0002.02	0003.00	0006.01	0006.02	0007.00	0008.00
	0010.00	0011.00	0012.02	0014.00	0017.01	0101.00	0102.00
	0105.00	0106.00	0107.00				

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

40437

## NOTICES

(149)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~~~TEXAS~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

MCLENNAN	0001.00	0002.00	0004.00	0005.00	0006.00	0007.00	0008.00
	0009.00	0010.00	0011.00	0012.00	0013.00	0014.00	0015.00
	0016.00	0018.00	0019.00	0027.00	0033.00	0034.00	0035.00
	0036.00	0037.01	0038.00	0039.00	0040.00	0041.00	0042.00
MIDLAND	0001.00	0007.00	0008.00	0014.00	0015.00		
MONTGOMERY	0904.00	0905.00	0907.00	0909.00	0910.00	0911.00	0912.00
NUECES	0001.00	0004.00	0005.00	0009.00	0010.00	0011.00	0012.00
	0015.00	0016.00	0017.00	0057.00	0059.00	0060.00	
ORANGE	0202.00	0203.00	0205.00	0207.00	0208.00	0209.00	0210.00
	0215.00	0216.00	0217.00	0219.00	0220.00	0222.00	
POTTER	0106.00	0111.00	0112.00	0113.00	0114.00	0120.00	0121.00
RANDALL	0205.00						
ROCKWALL	0401.00	0402.00	0403.00	0404.00	0405.00		
SAN PATRICIO	0102.00	0104.00	0105.00	0107.00	0108.00	0109.00	0110.00
	0111.00	0112.00	0113.00				
SMITH	0002.02	0005.00	0006.00	0007.00	0015.00	0021.00	
TARRANT	0003.00	0010.00	0011.00	0016.00	0017.00	0018.00	0019.00
	0025.00	0028.00	0029.00	0030.00	0031.00	0032.00	0033.00
	0034.00	0036.01	0038.00	0039.00	0040.00	0041.00	0044.00
	0063.00	0110.01					
TAYLOR	0104.00	0108.00	0110.00	0111.00	0117.00	0118.00	0119.00
	0135.00	0136.00					
TOE GREEN	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00	0009.00
	0010.00	0014.00	0016.00				
TRAVIS	0007.00	0008.00	0009.00	0010.00	0011.00		
WFB	0004.00	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00
	0008.00	0009.00	0010.00	0012.00	0013.00	0014.00	0015.00
	0017.02	0018.00					
WICHITA	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0108.00

40438

## NOTICES

(150)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~~~UTAH~~~~NON-METROPOLITAN AREAS~~

## NOTICES

(151)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~~~VERMONT~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~TOTAL COUNTIES~~

40439

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## NOTICES

(150)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## UTAH

## COUNTY

DAGGITT  
 DUCHESNE  
 EMERY  
 GARFIELD  
 PIUTE  
 SAN JUAN  
 SANPITZ  
 TOOFIE  
 UTAH  
 WATKINS

~~NON-METROPOLITAN AREAS~~TOTAL COUNTIES~~COUNTY~~

MORGAN

MCD/CCD\* WITHIN COUNTY

MORGAN SOUTH DIV

~~COUNTY~~CENSUS TRACTS WITHIN COUNTY

DAVIS

0256.00

SALT LAKE

 0008.00 0019.00 0020.00 0021.00 0022.00 0023.00 0024.00  
 0025.00

WEBER

0011.00

## NOTICES

40439

(151)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## VERMONT

## COUNTY

ESSEX  
 ORLPANS

~~COUNTY~~

FRANKLIN

ORANGE

~~NON-METROPOLITAN AREAS~~TOTAL COUNTIESMCD/CCD\* WITHIN COUNTY

FARMERSFIELD TOWN  
 ENOSBURG TOWN  
 HIGHGATE TOWN  
 SHELDON TOWN

HEPKSHIRE TOWN  
 FAIRFIELD TOWN  
 ST ALBANS CITY

TUNBRIDGE TOWN

40440

## NOTICES

(152)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## VIRGINIA

~~NON-METROPOLITAN AREAS~~

## NOTICES

40441

(153)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~

## VIRGINIA

~~COUNTY~~~~NON-METROPOLITAN AREAS~~~~COUNTIES~~



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## NOTICES

(152)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

VIRGINIA

~~NON-METROPOLITAN AREAS~~

COUNTY

TOTAL COUNTIES

ACCOMACK  
 AMELIA  
 APPOMATTOX  
 EPTHEM  
 FLAND  
 BOTETGOUT  
 BRUNSWICK  
 BUCHANAN  
 BUCKINGHAM  
 CAROLINE  
 CARROLL  
 CHARLOTTE  
 CHARLES CITY  
 CLARKE  
 CRAIG  
 CULPEPER  
 CUMBERLAND  
 DICKINSON  
 ESSEX  
 FAUQUIER  
 FLOYD  
 FLUVANNA  
 FRANKLIN  
 GLOUCESTER  
 GOOCHLAND  
 GREY  
 GREENSVILLE  
 HALIFAX  
 ISLE OF WIGHT  
 JAMES CITY  
 KING AND QUEEN  
 KING GEORGE  
 KING WILLIAM  
 LEE  
 LOUISA  
 LUNenburg  
 MADISON  
 MATHEWS  
 MCKENNA  
 MIDDLESEX  
 NELSON  
 NEW KENT  
 NORTHAMPTON

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

## NOTICES

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(153)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

VIRGINIA

~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~COUNTIES~~

PAGE  
 PATRICK  
 PITTSYLVANIA  
 POWHATAN  
 PRINCE EDWARD  
 PULASKI  
 RAPPAHANNOCK  
 RICHMOND  
 RUSSELL  
 SCOTT  
 SEENANDOAH  
 SMITH  
 SOUTHAMPTON  
 STAFFORD  
 SURREY  
 SUSSEX  
 TAZEWELL  
 WASHINGTON  
 WESTMORELAND  
 WISE  
 WYTHE  
 BEDFORD CITY  
 BRISTOL CITY  
 DANVILLE CITY  
 EMPORIA CITY  
 FRANKLIN CITY  
 GALAX CITY  
 SOUTH BOSTON CITY  
 SUPPOLK CITY

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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## NOTICES

(154)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

VIRGINIA

~~NON-METROPOLITAN AREAS~~

## NOTICES

40443

(155)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

VIRGINIA

~~NON-METROPOLITAN AREAS~~

V40170

SEP 2

75  
XUM

V4

40442

## NOTICES

(154)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~~~VIRGINIA~~~~NON METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

ALLEGANY	BOILING SPRING DIST	
HENRY	HORSE PASTURE DIST	IRISWOOD DIST
HIGHLAND	BLUE GRASS DIST	STONEWALL DIST
LANCASTER	WHITE CHAPEL DIST	
NORTHUMBERLAND	FAIRFIELD DIST	WICOMICO DIST
NOTTOWAY	HAYTOKAH DIST	
ORANGE	BAKEOUR DIST	GORDON DIST
	MADISON DIST	
ROCKBRIDGE	BUFFALO DIST	KERRS CREEK DIST
SPOTSYLVANIA	LIVINGSTON DIST	

~~\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.~~~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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## NOTICES

(155)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
INDEX OF MEDICAL UNDERSERVICE~~~~VIRGINIA~~~~METROPOLITAN AREAS~~~~COUNTY~~~~CENSUS TRACTS WITHIN COUNTY~~

AMHERST	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00
CAMPBELL	0208.00	0209.00				
CHESTERFIELD	1004.01	1006.00	1007.00	1009.06	1010.00	
HANOVER	3001.00	3002.00				
HENRICO	2003.01					
LOUDOUN	6001.00	6004.00				
YORK	0504.00	0505.00	0508.00			
CHESAPEAKE CITY	0201.00	0202.00	0203.00	0204.00	0205.02	0207.00
	0209.01	0209.02	0210.01	0210.02	0211.00	0212.00
	0214.02	0214.04				0213.02
HAMPTON CITY	0106.00	0109.00	0113.00	0114.00	0117.00	
LYNCHBURG CITY	0003.00	0004.00	0005.00	0006.00	0011.00	0012.00
NEWPORT NEWS CITY	0302.00	0303.00	0304.00	0305.00	0306.00	0307.00
						0308.00
WORFOLK CITY	0003.00	0005.00	0008.00	0009.00	0017.00	0018.00
	0025.00	0026.00	0027.00	0028.00	0029.00	0030.00
	0034.00	0035.01	0035.02	0036.00	0037.00	0038.00
	0040.01	0040.02	0041.00	0042.00	0043.00	0044.00
	0046.00	0047.00	0048.00	0049.00	0050.00	0052.00
	0059.01	0059.03	0065.01	0065.02	0066.01	0053.00
PORTSMOUTH CITY	0102.00	0104.00	0105.00	0106.00	0107.00	0109.00
	0111.00	0112.00	0113.00	0114.00	0118.00	0119.00
	0121.00	0124.00				0110.00
RICHMOND CITY	0102.00	0104.00	0201.00	0202.00	0204.00	0205.00
	0207.00	0208.00	0211.00	0301.00	0302.00	0305.00
	0404.00	0405.00	0406.00	0407.00	0408.00	0409.00
	0411.00	0412.00	0413.00	0503.00	0601.00	0603.00
ROANOKE CITY	0007.00	0011.00	0012.00	0013.00		
VIRGINIA BEACH CITY	0442.00	0466.00				

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCMS.~~

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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## NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
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## NOTICES

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## WASHINGTON

~~NON-METROPOLITAN AREAS~~

## COUNTY

TOTAL COUNTIES

ADAMS  
DOUGLAS  
GRAYS HARBOR  
KITTIMAS  
KASON  
PACIFIC  
PENN OZELLE

~~COUNTY~~PCD/CCD\* WITHIN COUNTY

## ASOTIN

CLARKSTON DIV

## FERRY

DIV 2

## GARFIELD

DIV 3

## GRANT

DIV 7  
DIV 11  
DIV 15

DIV 9  
DIV 12  
DIV 16

## STEVENS

DIV 4  
DIV 6

DIV 5

## YAKIMA

DIV 11  
DIV 18  
DIV 22  
DIV 25  
DIV 32  
DIV 34  
DIV 36

DIV 17  
DIV 19  
DIV 24  
DIV 31  
DIV 33  
DIV 35  
DIV 39

TOPPENISH DIV

~~COUNTY~~CENSUS TRACTS WITHIN COUNTY

## CLARK

0419.00 0421.00 0423.00 0424.00 0425.00

## KING

0071.00 0072.00 0073.00 0080.00 0081.00 0082.00 0083.00  
0084.00 0085.00 0091.00 0092.00

## PIERCE

0602.00 0613.00 0614.00 0615.00 0616.01 0616.02 0617.00  
0619.00 0622.00 0627.00

## SPONCHIST

0404.00 0407.00

## SPONALE

0018.00 0020.00 0024.00 0027.00 0028.00 0032.00 0033.00

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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## WEST VIRGINIA

~~NON-METROPOLITAN AREAS~~

## COUNTY

TOTAL COUNTIES

BARBOUR  
BERKELEY  
BOONE  
BERAITON  
CALHOUN  
CLAY  
DODDRIDGE  
FAYETTE  
GILMER  
GREENSBRIER  
HAMPSHIRE  
HARDY  
HARRISON  
JACKSON  
JEFFERSON  
LEWIS  
LINCOLN  
LOGAN  
MCDOWELL  
MARION  
MASON  
MINERAL  
MINGO  
MONROE  
MORGAN  
NICHOLAS  
PENDLETON  
POCAHONTAS  
PRESTON  
PUTNAM  
RITCHIE  
ROANE  
SUMMERS  
TAYLOR  
TUCKER  
UPSHUR  
WEBSTER  
WETZEL  
WIRT  
WYOMING

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECHS.

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~~WEST VIRGINIA~~~~NON-METROPOLITAN AREAS~~

## NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE  
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## WISCONSIN

~~NON-METROPOLITAN AREAS~~

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(158)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

~~WEST VIRGINIA~~

~~NON-METROPOLITAN AREAS~~

~~COUNTY~~

~~MCD/CCD\* WITHIN COUNTY~~

GRANT

GRANT DIST

MERCER

JUMPING BRANCH DIST

ROCK DIST

HALF HILL

CLARK PORK DIST  
RICHMOND DIST

MARSH PORK DIST  
SLAB PORK DIST

RANDOLPH

DEY PORK DIST  
NEW INTEREST DIST

MINGO DIST  
ROARING CREEK DIST

TYLER

FELLSWORTH DIST

MC FLOYD DIST

WOOD

HARRIS DIST  
UNION DIST

STEPLE DIST  
WALKER DIST

~~COUNTY~~

~~CENSUS TRACTS WITHIN COUNTY~~

BROOKLYN

0302.00 0312.00 0313.00 0314.00 0316.00 0317.00

CABYLL

0002.00 0006.00 0007.00 0008.00 0009.00 0013.00 0014.00  
0015.00 0016.00

KANAWHA

0002.00 0003.00 0007.00 0008.00 0009.00 0010.00 0011.00  
0012.00 0013.00 0109.00 0111.00 0112.00 0120.00 0121.00  
0122.00 0123.00 0126.00 0132.00

OHIO

0001.00 0004.00 0007.00 0009.00 0010.00

WAYNE

0051.00 0052.00 0201.00 0202.00 0203.00 0204.00 0205.00

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(159)

~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

~~WISCONSIN~~

~~NON-METROPOLITAN AREAS~~

~~COUNTY~~

~~TOTAL COUNTIES~~

ADAMS  
BAYFIELD  
BURNETT  
FLORENCE  
IRON  
LAFAYETTE  
MARQUETTE  
MENOMINEE  
OCONTO  
PEPIN  
PRICE  
RUSK  
SAWYER  
TAYLOR  
WASHBURN  
WAUSHARA

~~PREPARED BY DIVISION OF MONITORING AND ANALYSIS, ECHS.~~

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NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE INDEX OF MEDICAL UNDERSERVICE~~

~~WISCONSIN~~

~~NON-METROPOLITAN AREAS~~

~~COUNTY~~

~~MCD/CCD\* WITHIN COUNTY~~

NOTICES

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~~WISCONSIN~~

~~NON-METROPOLITAN AREAS~~

~~COUNTY~~

~~MCD/CCD\* WITHIN COUNTY~~



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## NOTICES

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~~AREAS WITH SCORES OF 62 OR BELOW ON THE~~  
~~INDEX OF MEDICAL UNDERSERVICE~~

## WISCONSIN

## NON-METROPOLITAN AREAS

## COUNTY

## MCD/CCD\*

## WITHIN COUNTY

ASHLAND

MELLEN CITY

BARRON

CHETEK CITY

BUFFALO

ALMA CITY  
 BELVIDERE TOWN  
 POUNTAIN CITY  
 MODENA TOWN  
 NELSON TOWN

ALMA TOWN  
 COCHRAN VILLAGE  
 MAXVILLE TOWN  
 MONDOVI CITY  
 WAUMANDEE TOWN

CHIPPEWA

BOYD VILLAGE  
 LAKE HOLCOMBE TOWN

COLEBURN TOWN  
 STANLEY CITY

CLARK

ABBOTSFORD CITY (PART)  
 FATON TOWN  
 HOARD TOWN  
 MENTOR TOWN  
 OWEN CITY  
 SHERMAN TOWN  
 YORK TOWN

COLBY CITY (PART)  
 GREENWOOD CITY  
 LOYAL CITY  
 NEILLSVILLE CITY  
 RESEBURG TOWN  
 WORDEN TOWN

CRAWFORD

CLAYTON TOWN  
 PERRYVILLE VILLAGE  
 GAYS MILLS VILLAGE  
 LYNXVILLE VILLAGE  
 SENECA TOWN  
 STEUBEN VILLAGE  
 WAUZEE VILLAGE

FASMAN VILLAGE  
 FREEMAN TOWN  
 HANBY TOWN  
 MOUNT STERLING VILLAGE  
 SOLDIERS GROVE VILLAGE  
 WAUZEEKA TOWN

DODGE

ELBA TOWN  
 JUNEAU CITY

HUSTISFORD VILLAGE

DUNN

BOYCEVILLE VILLAGE  
 PAU GALLE TOWN  
 NEW HAVEN TOWN

COLFAX VILLAGE  
 LUCAS TOWN

EAU CLAIRE

AUGUSTA CITY

FAIRCHILD VILLAGE

FOND DU LAC

CAMPELLESPORT VILLAGE

MOUNT CALVARY VILLAGE

FOREST

CRANDON CITY

NASHVILLE TOWN

GRANT

PENNIMORE CITY

MUSCODA VILLAGE

IOWA

ARENA TOWN  
 LINDEN TOWN

HIGHLAND TOWN  
 MIFFLIN TOWN

\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCHS.

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## WISCONSIN

## NON-METROPOLITAN AREAS

## COUNTY

## MCD/CCD\*

## WITHIN COUNTY

JACKSON

ELACK RIVER FALLS CITY  
 CITY POINT TOWN  
 KNAPP TOWN  
 MERRILLAN VILLAGE  
 NORTHFIELD TOWN

PROCKWAY TOWN  
 HIXTON VILLAGE  
 MELROSE VILLAGE  
 MILLSTON TOWN  
 TAYLOR VILLAGE

JUNEAU

CAMP DOUGLAS VILLAGE  
 POUNTAIN TOWN  
 LYNDON STATION VILLAGE  
 WOMENOC VILLAGE

ELROY CITY  
 LINDINA TOWN  
 NECEDAH VILLAGE

LANGLADE

WOLF RIVER TOWN

LYNCOLN

RUSSELL TOWN

MANITOWOC

REEDSVILLE VILLAGE

MARATHON

ATHENS VILLAGE  
 RIB FALLS TOWN

HALSEY TOWN

MARINETTE

AMBERG TOWN  
 FPMBINE TOWN  
 POUND TOWN  
 WAGNER TOWN

COLEMAN VILLAGE  
 PESHTIGO CITY  
 STEPHENSON TOWN  
 WAUSAUKEE VILLAGE

MONROE

CASHTON VILLAGE  
 KENDALL VILLAGE  
 NORWALK VILLAGE  
 WILTON VILLAGE

GRANT TOWN  
 NEW LYME TOWN  
 SCOTT TOWN

PIERCE

ELLSWORTH VILLAGE  
 SPRING VALLEY VILLAGE

ELMWOOD VILLAGE  
 UNION TOWN

POLK

CENTURIA VILLAGE  
 MILLTOWN VILLAGE

LUCK VILLAGE

PORTAGE

LANARK TOWN

RICHLAND

BENRIETTA TOWN

RICHWOOD TOWN

SAUK

WOODLAND TOWN

SHAWANO

BELLE PLAINE TOWN  
 TIGEPON VILLAGE  
 WITTENBERG VILLAGE

BIRNAMWOOD VILLAGE  
 WASHINGTON TOWN

\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.

PREPARED BY DIVISION OF MONITORING AND ANALYSIS, DCHS.

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## WISCONSIN

## NON-METROPOLITAN AREAS

## COUNTY

## TOTAL COUNTIES

## NOTICES

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## WYOMING

## NON-METROPOLITAN AREAS

## COUNTY

## TOTAL COUNTIES

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## NOTICES

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AREAS WITH SCORES OF 62 OR BELOW ON THE  
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~~WISCONSIN~~~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

## TREMPEALEAU

ARCADIA CITY  
CALEDONIA TOWN  
MTEPICK VILLAGE  
INDEPENDENCE CITY  
HIGDON FALLS VILLAGE  
STIRUM VILLAGE  
WHITEHALL CITY

ELAIR CITY  
WITTRICK TOWN  
GALESVILLE CITY  
OSSEO CITY  
PRESTON TOWN  
UNITY TOWN

## VERNON

CLINTON TOWN  
HARMONY TOWN  
LA FARGE VILLAGE  
HEADSTOWN VILLAGE  
STEEPLING TOWN  
VIROQUA TOWN  
WESTER TOWN  
WHEATLAND TOWN

FORREST TOWN  
HILLSBORO CITY  
ONTARIO VILLAGE  
STARK TOWN  
VIOLA VILLAGE (PART)  
VIROQUA CITY  
WESTLEY CITY

## VILAS

CONOVER TOWN  
FLAMPFAU TOWN

EAGLE RIVER CITY  
WASHINGTON TOWN

## WALWORTH

GENEVA TOWN  
WILLIAMS BAY VILLAGE

SHAFON TOWN

## WAUPACA

FARMINGTON TOWN  
MANAWA CITY  
ST LAWRENCE TOWN  
WYLAUNEGA CITY

IOLA VILLAGE  
ROYALTON TOWN  
WAUPACA CITY

~~COUNTY~~CENSUS TRACTS WITHIN COUNTY

## BROWN

0010.00 0012.00

## DOUGLAS

0201.00 0202.00 0203.00 0206.00 0303.00

## KENOSHA

0003.00 0010.00 0011.00

## MILWAUKEE

0040.00 0076.00 0083.00 0085.00 0087.00 0100.00 0101.00  
0102.00 0103.00 0104.00 0105.00 0106.00 0109.00 0111.00  
0113.00 0114.00 0115.00 0116.00 0117.00 0118.00 0119.00  
0120.00 0121.00 0131.00 0135.00 0136.00 0138.00 0139.00  
0140.00 0141.00 0142.00 0143.00 0145.00 0146.00 0147.00  
0148.00 0152.00 0157.00

## RACINE

0001.00 0002.00 0003.00 0004.00 0005.00

## NOTICES

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AREAS WITH SCORES OF 62 OR BELOW ON THE  
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## WYOMING

~~NON-METROPOLITAN AREAS~~~~COUNTY~~~~TOTAL COUNTIES~~

CAMPBELL  
CROOK  
HOT SPRINGS  
JOHNSON  
LALAMIE  
LINCOLN  
SUBLEPTE  
WESTON

~~COUNTY~~~~MCD/CCD\* WITHIN COUNTY~~

## FREMONT

SHOSHONE DIV

WIND-RIVER DIV

## NIOERARA

SNIOERARA EAST DIV

## SHERIDAN

SHERIDAN DIV

Dated: August 19, 1975.

RUPERT MOORE,  
Acting Assistant Secretary  
for Health.

[FR Doc. 75-22628 Filed 8-29-75; 8:45 am]

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GRANT PENNINGTON CITY  
IOWA ARONA TOWN  
LINDEN TOWN  
HIGHLAND TOWN  
JEFFERSON TOWN

\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.  
PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS.

FEDERAL REGISTER, VOL. 40, NO. 170, TUESDAY, SEPTEMBER 2, 1975

SHAWANO BELLE PLAIN TOWN  
TIGERTON VILLAGE  
WITTENBERG VILLAGE  
PENNAMWOOD VILLAGE  
WASHINGTON TOWN

\* MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.  
PREPARED BY DIVISION OF MONITORING AND ANALYSIS, FCHS.

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# NOTICES

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WISCONSIN  
COUNTY

TREMPEALEAU

ARCONIA CITY  
CELESTONIA TOWN  
HATFIELD VILLAGE  
INDEPENDENCE CITY  
LITCHFIELD VILLAGE  
STANFORD VILLAGE  
WHITEHALL CITY

ELGIN CITY  
HATFIELD TOWN  
CALISVILLE CITY  
OSGEO CITY  
JEFFERSON TOWN  
UNITY TOWN

VERNON

CLINTON TOWN  
HARMONY TOWN  
LA FARGE VILLAGE  
HARVESTOWN VILLAGE  
STEEPLE TOWN  
VIROQUA TOWN  
WESTER TOWN  
WHEELAND TOWN

FOREST TOWN  
MILSFORD CITY  
ONTARIO VILLAGE  
STARK TOWN  
VIOLA VILLAGE (PAID)  
VIROQUA CITY  
WESTER CITY

VILAS

CONOVER TOWN  
FLANEFAN TOWN

PACIFIC RIVER CITY  
WASHINGTON TOWN

WALWORTH

GENIVA TOWN  
WILLIAMS BAY VILLAGE

SHARON TOWN

WAUPACA

FAIRMINGTON TOWN  
MENAWA CITY  
ST LAWRENCE TOWN  
WEYBURN CITY

IOLA VILLAGE  
POYHLTON TOWN  
WAUJACA CITY

COUNTY

## CENSUS TRACTS WITHIN COUNTY

BROWN

0010.00 0012.00

DOUGLAS

0201.00 0202.00 0203.00 0206.00 0203.00

KENOSHA

0003.00 0010.00 0011.00

MILWAUKEE

0040.00 0076.00 0083.00 0085.00 0087.00 0100.00 0101.00  
0102.00 0103.00 0104.00 0105.00 0106.00 0109.00 0111.00  
0113.00 0114.00 0115.00 0116.00 0117.00 0118.00 0119.00  
0120.00 0121.00 0131.00 0135.00 0136.00 0138.00 0139.00  
0140.00 0141.00 0142.00 0143.00 0145.00 0146.00 0147.00  
0148.00 0152.00 0157.00

RACINE

0001.00 0002.00 0003.00 0004.00 0005.00

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WYOMING  
COUNTY

CAMPBELL  
CROOK  
HOT SPRINGS  
JOHNSON  
LARAMIE  
LINCOLN  
SHELBY  
WYOMING

COUNTY

ALBANY  
ALBANY  
ALBANY  
ALBANY  
ALBANY

ALBANY

WON-METROPOLITAN AREAS  
TOTAL COUNTIES

WON-METROPOLITAN AREAS

SHOSHONE DIV

WYOMING DIV

SHERIDAN DIV

WYOMING DIV

Dated: August 19, 1975.

RUPERT MOORE,  
Acting Assistant Secretary  
for Health.

[FR Doc. 76-22622 Filed 8-29-75; 8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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TUESDAY, SEPTEMBER 2, 1975

# **federal register**

TUESDAY, SEPTEMBER 2, 1975



PART IV:

## **PRIVACY ACT OF 1974**

**VARIOUS AGENCIES**

Rules, Proposed Rules, and Notices of  
Systems of Records

V40170

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**Title 12—Banks and Banking**  
**CHAPTER VI—FARM CREDIT**  
**ADMINISTRATION**  
**PART 603—PRIVACY ACT REGULATIONS**  
**Implementation**

The Farm Credit Administration publishes herewith its regulations to implement the provisions of the Privacy Act of 1974 (5 U.S.C. 552a). These regulations establish the procedures to be followed by individuals who request information about records pertaining to themselves and access to or amendments of records which are contained in a system of records maintained by the Farm Credit Administration. The regulations also set forth the procedures to be followed by the Farm Credit Administration in processing requests.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by adding Part 603—Privacy Act Regulations, §§ 603.300–603.360, as follows:

- Sec.  
 603.300 Purpose and scope.  
 603.305 Definitions.  
 603.310 Procedures for requests pertaining to individual records in a record system.  
 603.315 Times, places, and requirements for identification of individuals making requests.  
 603.320 Disclosure of requested information to individuals.  
 603.325 Special procedures for medical records.  
 603.330 Request for amendment to record.  
 603.335 Agency review of request for amendment of record.  
 603.340 Appeal of an initial adverse determination of a request to amend a record.  
 603.345 Fees for providing copies of records.  
 603.350 Criminal penalties.  
 603.355 General exemptions.  
 603.360 Specific exemptions.

**AUTHORITY:** 5 U.S.C. 552a (f), (j), (k).

**§ 603.300 Purpose and scope.**

(a) This part is published by the Farm Credit Administration pursuant to the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) which requires each Federal agency to promulgate rules to establish procedures for notification and disclosure to an individual of agency records pertaining to him, and for review of such records.

(b) The records covered by this part include:

(1) Personnel and employment records maintained by the Farm Credit Administration which are not covered by §§ 293.101–293.111 of the regulations of the Civil Service Commission (5 CFR 293.101–293.111), and

(2) Other records contained in record systems maintained by the Farm Credit Administration.

**§ 603.305 Definitions.**

In this part:

- (1) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;  
 (2) "Maintain" includes maintain, collect, use, or disseminate;  
 (3) "Record" means any item, collection, or grouping of information about an

**RULES AND REGULATIONS**

individual that is maintained by an agency including, but not limited to, his education, financial transactions, medical history, and criminal or employment history, and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or photograph.

(4) "System of records" means a group of any records under the control of any agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(5) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8.

(6) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose that is compatible with the purpose for which it was collected;

(7) "Agency" includes the Farm Credit Administration.

**§ 603.310 Procedures for requests pertaining to individual records in a record system.**

(a) Any present or former employee of the Farm Credit Administration seeking access to his official civil service records maintained by the Farm Credit Administration shall submit his request in such manner as is prescribed by the Civil Service Commission.

(b) Any individual seeking to obtain from the Farm Credit Administration:

(1) Notification whether the agency maintains a record pertaining to him in a system of records;

(2) Notification whether the agency has disclosed a record for which an accounting of disclosure is required to be maintained and made available to him;

(3) A copy of a record pertaining to him or the accounting of its disclosure; or

(4) The review of a record pertaining to him or the accounting of its disclosure; shall submit a written request to the Director, Administrative Division, Office of Administration (hereafter referred to as "Director"), Farm Credit Administration, 490 L'Enfant Plaza East, SW., Washington, D.C. 20578. The request shall state the full name and address of the individual and identify the system or systems of records believed to contain the information or record sought.

**§ 603.315 Times, places, and requirements for identification of individuals making requests.**

(a) The individual making written requests to the Director for information or records ordinarily will not be required to verify his identity. The signature upon such requests shall be deemed to be a certification by the requester that he is the individual to whom the record pertains, or the parent of a minor, or the duly appointed legal guardian of the individual

to whom the record pertains. The Director, however, may require such additional verification of identity as he may specify in any instance in which he deems it advisable.

**§ 603.320 Disclosure of requested information to individuals.**

(a) The Director shall, within a reasonable period of time after the date of receipt of a request for information or records:

(1) Determine whether or not such request shall be granted,

(2) Notify the requester of the determination and, if the request is denied, of the reasons therefor, and

(3) Notify the requester that fees for reproducing copies of records may be charged as provided in § 603.345.

(b) If access to a record is denied because the information therein has been compiled by the Farm Credit Administration in reasonable anticipation of a civil or criminal action proceeding the Director shall notify the requester of his right to judicial appeal under 5 U.S.C. 552a(g).

(c) (1) If access to a record is granted the requester shall notify the Director whether the requested record is to be copied and mailed to him or whether the record is to be made available to him in person.

(2) A requester who is an individual may be accompanied by an individual selected by him when the record is disclosed, in which case he may be required to furnish a written statement authorizing the discussion of the record in the presence of the accompanying person.

(d) If the record is to be made available for personal inspection, the requester shall arrange with the Director a mutually agreeable time in the offices of the Farm Credit Administration for inspection of the record.

**§ 603.325 Special procedures for medical records.**

Medical records in the custody of the Farm Credit Administration which are not subject to Civil Service Commission regulations shall be disclosed either to the individual to whom they pertain or his authorized or legal representative or to a licensed physician named by the individual.

**§ 603.330 Request for amendment to record.**

(a) If, after disclosure of the requested information, an individual believes that the record is not accurate, relevant, timely, or complete, he may request in writing that the record be amended. Such a request shall be submitted to the Director and shall contain identification of the system of records and the record or information therein, a brief description of the material requested to be changed, the requested change or changes, and the reason for such change or changes.

(b) The Director shall acknowledge receipt of the request within 10 days (excluding Saturdays, Sundays, and legal holidays) and, if a determination has not been made, advise the individual when he

may expect to be advised of action taken on the request. The acknowledgment may contain a request for additional information needed to make a determination.

**§ 603.335 Agency review of request for amendment of record.**

Upon receipt of a request for amendment of a record, the Director shall:

(a) Correct any portion of a record which the individual making the request believes is not accurate, relevant, timely, or complete and thereafter inform the individual in writing of such correction, or

(b) Inform the individual in writing of refusal to amend the record and of the reasons therefor, and advise him that he may appeal such determination as provided in § 603.340.

**§ 603.340 Appeal of an initial adverse determination of a request to amend a record.**

(a) Not more than 10 days (excluding Saturdays, Sundays, and legal holidays) after receipt by an individual of an adverse determination on his request to amend a record or otherwise, the individual may appeal to the Deputy Governor, Office of Administration.

(b) The appeal shall be by letter, mailed or delivered to the Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant

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Plaza East, SW., Washington, D.C. 20578. The letter shall identify the records involved in the same manner they were identified to the Director, shall specify the dates of the request and adverse determination, and shall indicate the expressed basis for that determination. Also, the letter shall state briefly and succinctly the reasons why the adverse determination should be reversed.

(c) The review shall be completed and a final determination made by the Deputy Governor not later than 30 days (excluding Saturdays, Sundays, and legal holidays) from receipt of the request for such review, unless the Deputy Governor extends such 30-day period for good cause. If the 30-day period is extended the individual shall be notified of the reasons therefor.

(d) If the Deputy Governor refuses to amend the record in accordance with the request, the individual shall be notified of his right to file a concise statement setting forth his disagreement with the final determination and his right under 5 U.S.C. 552a(g)(1)(A) to a judicial review of the final determination.

(e) If an amendment of a record as requested upon review is refused, there shall be included in the disputed portion of the record a copy of the concise statement filed by the individual together with a concise statement of the reasons for not amending the record as requested. Such statements will be included when disclosure of the disputed record is made

to persons and agencies as authorized under 5 U.S.C. 552a.

**§ 603.345 Fees for providing copies of records.**

Fees for providing copies of records shall be charged in accordance with § 602.265 of this chapter.

**§ 603.350 Criminal penalties.**

Section 552a (l) (3) of the Privacy Act (5 U.S.C. 552a (l) (3)) makes it a misdemeanor, subject to a maximum fine of \$5,000, to knowingly and willfully request or obtain any record concerning any individual from an agency under false pretenses. Sections 552a (i) (1) and (2) of the Act (5 U.S.C. 552a (i) (1), (2)) provide penalties for violation by agency employees of the Act or regulations established thereunder.

**§ 603.355 Specific exemptions.**

Pursuant to 5 U.S.C. 552a (k) (2), investigatory material compiled for law enforcement purposes in the following systems of records is exempt from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I), and (f) of 5 U.S.C. 552a and from the provisions of this part: Federal Land Bank Loans—FCA.

Production Credit Association Loans—FCA.

W. M. HARDING,

Governor,

Farm Credit Administration.

[FR Doc. 75-23066 Filed 8-29-75; 8:45 am]



## DEPARTMENT OF STATE

Office of the Secretary

[22 CFR Part 6a]

[Docket No. SD-115]

## PRIVACY ACT

## Proposed Policies and Procedures

Notice is hereby given that the Department of State proposes to add a new Part 6a to Chapter I, Title 22 of the Code of Federal Regulations to establish rules and procedures to implement the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1897); 5 U.S.C. 552a.

The proposed regulations will establish rules for determining whether or not an individual is the subject of a record maintained by the Department; the type of identifying information required for that particular record system; the access by persons to information maintained about themselves and an opportunity to amend this information; limitation on disclosure of personal information for purposes other than that for which furnished; and limitation on sources of personal information.

Interested persons may submit such written data, views, or arguments concerning these proposed rules as they may desire. Comments should be submitted to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, Washington, D.C. 20520. All communications received on or before October 2, 1975, will be considered before action is taken on the proposed regulation.

The proposed new Part 6a will read as set forth below.

## PART 6a—PRIVACY ACT POLICIES AND PROCEDURES

Sec.	Definitions.
6a.1	Requests for records.
6a.2	Information necessary to locate and identify a record.
6a.3	Access to records.
6a.4	Disclosure of information.
6a.5	Exemptions.
6a.6	Denial of access.
6a.7	Requests for amending records.
6a.8	Appeals.
6a.9	Fees.
6a.10	

**Authority:** Sec. 4 of the Act of May 28, 1949, as amended (63 Stat. 111; 22 U.S.C. 2658); Pub. L. 93-579, 88 Stat. 1897; 5 U.S.C. 552a.

## § 6a.1 Definitions.

As used in this Part, the following definitions shall apply:

(a) The term "Department" means the Department of State, its offices, bureaus, divisions, field offices, and its overseas posts.

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) The term "maintain" includes maintain, collect, use, or disseminate.

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Department, including, but not limited to, education, financial transactions, medical history, and criminal

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nal or employment history that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or photograph.

(e) The term "system of records" means a group of any records under the control of the Department from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in 13 U.S.C. 8.

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) The term "amend" means to make any correction to any portion of the record which the individual believes is not accurate, relevant, timely, or complete.

(i) The term "personnel record" means any personal information maintained in a system of records as defined in paragraph (e) of this section that is needed for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals. Rules and procedures promulgated by the Civil Service Commission under the Privacy Act for personnel records for which it has responsibility will be followed by the Department with regard to such records.

## § 6a.2 Requests for records.

(a) The Department will consider requests received from individuals for records pertaining to themselves as requests made under the Privacy Act of 1974 (5 U.S.C. 552a), whether or not the individual specifically cites the Privacy Act of 1974 when making the request. However, in requests by mail, a notation on the envelope and in the letter that it is a "Privacy Act request" will aid the Department in processing the requests.

(b) Requests under the Privacy Act should be directed to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, Washington, D.C. 20520, who will coordinate the search of all systems of records specified in the request. In addition, requests may be directed to the Department's overseas posts when the individual believes the post has such a record. Routine, unclassified, administrative records available at the post may be released to the individual if the post determines that such release is authorized by the Privacy Act. Any unfilled request shall be submitted by the post to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, Washington, D.C. 20520, and the individual so notified. Guidance for requesting records is contained in § 6a.3 of this part and published in the Department's annual public notice appearing in the *FEDERAL REGISTER*.

(c) In those instances where an individual requests records pertaining to himself or herself as well as records pertaining to another individual, group, or some other category of the Department's records, only that portion of the request which pertains to records concerning the individual requester will be treated as a Privacy Act request. The remaining portions of such requests will be processed through the Department's Freedom of Information or other public access procedures.

(d) The Department will continue to make available information, documents, and forms which have previously been provided to individuals as part of its normal services.

## § 6a.3 Information necessary to locate and identify a record.

All requests for access to a record or records must reasonably describe the system of records and the individual's record within the system in sufficient detail to permit identification of the requested record(s). System names, descriptions, and the identifying information required for each system are published in the Department's annual public notice of systems of records appearing in the *FEDERAL REGISTER*. As a minimum, requests should include the individual's full name (maiden name, if appropriate), present mailing address (including zip code), and date and place of birth, and other information helpful in identifying the record. This information will facilitate the timely search of record systems and assist the Department in locating those records which actually pertain to the individual requester. In certain instances, it may be necessary for the Department to request additional information from the requester, either to ensure a full search or to ensure that a record retrieved does in fact pertain to the individual.

## § 6a.4 Access to records.

(a) *Acknowledgement of requests.* All requests from an individual for information on whether or not the Department's system or systems of records contain information about the individual will be acknowledged within 10 days (excluding Saturdays, Sundays, and legal public holidays) after actual receipt of the request by the Director, Foreign Affairs Document and Reference Center.

(b) *Time limits.* Whenever possible, the Department will furnish the requested records within 10 days (excluding Saturdays, Sundays, and legal public holidays) of receipt of the request, except in those instances where it is necessary to:

(1) Search for and collect the requested records from overseas posts or other establishments that are separate from the office processing the request;

(2) Search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;

(3) Consult, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or

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among two or more components of the Department of State having substantial subject matter interest therein; or

(4) Request additional identifying information as set forth in § 6a.3 of this part.

(c) *Verification of personal identity.* The Department will require reasonable identification of individuals to assure that records are disclosed only to the proper person(s).

(1) *Access in person.* When access to a record is granted in person, the Department will require a verification of identity by the individual; employee identification card, driver's license, medicare card, annuitant identification, or passport are examples of acceptable identification.

(2) *Access by mail.* For individuals who seek access by mail the Department will require verification of identity; comparison of signatures of the requester and those in the record, if any, will be used to determine identity.

(3) *Statement verifying identity.* If an individual can provide no suitable documents for identification or a signature is not of record the Department will require a signed statement from the individual asserting his or her identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to \$5,000.

(d) *Sensitive records.* In certain cases where the Department determines that the requested record is of sufficient sensitivity, it may require the individual to furnish a signed notarized statement verifying the requester's identity. The Department will inform the individual at the time the record is retrieved whether or not such a statement is necessary.

(e) *Accompanying individual.* If, when exercising physical access to a record, the requester is accompanied by any other person, the Department will require the requester to sign a statement authorizing disclosure of the contents of the record in the presence of the accompanying individual.

(f) *Authorized representatives or designees.* When an individual wishes to authorize another person or persons access to his or her records other than as provided in paragraph (e) of this section, the individual shall submit a signed, notarized statement authorizing and consenting to access by a designated person or persons.

(g) *Guardians.* The parent(s) of any minor, or the legal guardian of an individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act for and on behalf of said individual upon presentation of appropriate documentation of such relationship.

(h) *Medical records.* If, in the judgment of the Deputy Assistant Secretary of State for Medical Services or his designee, the release of medical information directly to the requester could have an adverse effect on the requester, the aforementioned officer will attempt to

arrange an acceptable alternative in granting access to such record(s). This will normally involve the release of such information to a doctor named by the requester.

(i) *Original records.* Originals, or record copies thereof, will not be released from the custody of the records system manager. Copies will be furnished in accordance with § 6a.10 or Parts 21 and 22 of this chapter.

(j) *Records relating to civil actions or proceedings.* The requirements of this section do not entitle an individual the right of access to any information compiled in reasonable anticipation of a civil action or proceeding.

## § 6a.5 Disclosure of information.

(a) The Department will not disclose any information about an individual to any person, or to another agency without a written request by or the prior written consent of the individual about whom the information is maintained. However, as provided in 5 U.S.C. 552a(b), written consent is not required if the disclosure is:

(1) To those officers and employees of the Department who have a need for the information in the official performance of their duties;

(2) Required under the provisions of the Freedom of Information Act;

(3) For a routine use as published in the Department's annual public notice in the *FEDERAL REGISTER*;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) To a recipient who has provided the Department with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

## § 6a.6 Exemptions.

Portions of systems of records maintained by the Department are authorized to be exempted from a limited number of provisions of the Privacy Act. In utilizing these exemptions, however, the Department contemplates exempting only those portions of systems necessary for the proper functioning of the Department and which are consistent with the Privacy Act and these regulations. The following exemptions are authorized under 5 U.S.C. 552a (j) and (k):

(a) Records specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are, in fact, properly classified pursuant to such Executive order;

(b) Investigatory material compiled for law enforcement purposes, other than material within the scope of 5 U.S.C. 552a(j)(2); provided, however, That if any individual is denied any right, privilege, or benefit for which he or she would otherwise be eligible as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the regulations, under an implied promise that the identity of the source would be held in confidence;

(c) Records maintained in connection with providing protective services to the President of the United States or other individuals, pursuant to 18 U.S.C. 3056;

(d) Records required by statute to be maintained and used solely as statistical records;

(e) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, nominations or referrals to international organizations, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of these regulations, under an implied promise that the identity of the source would be held in confidence;

(f) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service which would compromise the objectivity or fairness of the testing or examination process if disclosed; or

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(g) Evaluation material used to deter-

17.  
Law of the Sea Records, STATE-19.

Board of the Foreign Service Records, STATE-3.

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## § 6a.9 Appeals.

(5) That prior recipients of the dis-



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(g) Evaluation material used to determine potential of an individual for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of these regulations, under an implied promise that the identity of the source would be held in confidence; or

(h) Records originated by another agency when that agency has determined that the record is exempt under 5 U.S.C. 552a(j). Also, pursuant to Section (j) (2) of the Act, records compiled by the Passport and Visa Fraud Branch of the Office of Security may be exempted from the requirements of any part of the Act except subsections (b), (c) (1) and (2), (e) (4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i) to the extent necessary to assure the effective completion of the investigative and judicial processes.

(i) Portions of the following systems of records are exempted under 5 U.S.C. 552a(j) to the extent authorized and determined by the agency originating the records. The names of the systems correspond to those published in the FEDERAL REGISTER on this same date by the Department.

System Name: STATE/DEPT.  
Consular Service and Assistance Records. STATE-5.  
Coordinator for Combating Terrorism Records. STATE-6.  
Educational and Cultural Exchange Program Records. STATE-8.  
External Research Records. STATE-10.  
Extradition Records. STATE-11.  
Intelligence and Research Records. STATE-15.  
International Organizations Records. STATE-17.  
Law of the Sea Records. STATE-19.  
Overseas Records. STATE-25.  
Passport Records. STATE-26.  
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE-28.  
Personality Index to the Central Foreign Policy Records. STATE-29.  
Security Records. STATE-36.  
Visa Records. STATE-39.  
Munitions Control Records. STATE-42.

(j) Portions of the following systems of records are exempted from 5 U.S.C. 552a (c) (3), (d), (e) (1), (e) (4), (G), (H), and (I), and (j). The names of the systems correspond to those published in the FEDERAL REGISTER on this same date by the Department.

(1) Exempt under 5 U.S.C. 552a (k) (1). The reason for invoking the exemption is to protect the material required to be kept secret in the interest of national defense and foreign policy.

Board of Appellate Review Records. STATE-2.  
Consular Service and Assistance Records. STATE-5.  
Coordinator for Combating Terrorism Records. STATE-6.  
Educational and Cultural Exchange Program Records. STATE-8.  
External Research Records. STATE-10.  
Extradition Records. STATE-11.  
Intelligence and Research Records. STATE-15.  
International Organizations Records. STATE-

17.  
Law of the Sea Records. STATE-19.  
Overseas Records. STATE-25.  
Passport Records. STATE-26.  
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE-28.  
Personality Index to the Central Foreign Policy Records. STATE-29.  
Security Records. STATE-36.  
Visa Records. STATE-39.  
Berlin Document Center. STATE-41/Munitions Control Records. STATE-42.

(2) Exempt under 5 U.S.C. 552a (k) (2). The reasons for invoking the exemption are to prevent individuals the subjects of investigation from frustrating the investigatory process, to insure the integrity of law enforcement activities, to prevent disclosure of investigative techniques; to maintain the confidence of foreign governments in the integrity of the procedures under which privileged or confidential information may be provided; and to protect the confidentiality of sources of information.

Board of Appellate Review Records. STATE-2.  
Consular Service and Assistance Records. STATE-5.  
Coordinator for Combating Terrorism Records. STATE-6.  
Extradition Records. STATE-11.  
Intelligence and Research Records. STATE-15.  
Overseas Records. STATE-25.  
Passport Records. STATE-26.  
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE-28.  
Personality Index to the Central Foreign Policy Records. STATE-29.  
Security Records. STATE-36.  
Visa Records. STATE-39.  
Munitions Control Records. STATE-42.

(3) Exempt under 5 U.S.C. 552a (k) (3). The reasons for invoking this exemption are to preclude impairment of the Department's effective performance in carrying out its lawful protective responsibilities under 18 U.S.C. 3056.

Consular Service and Assistance Records. STATE-5.  
Extradition Records. STATE-11.  
Intelligence and Research Records. STATE-15.  
Overseas Records. STATE-25.  
Passport Records. STATE-26.  
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE-28.  
Personality Index to the Central Foreign Policy Records. STATE-29.  
Security Records. STATE-36.  
Visa Records. STATE-39.

(4) Exempt under 5 U.S.C. 552a (k) (4). The reason for invoking this exemption is to avoid needless consideration of records which are used solely for statistical purposes and from which no individual determinations are made.

Foreign Service Institute Records. STATE-14.  
Personnel Payroll Records. STATE-30.  
Personnel Records. STATE-31.

(5) Exempt under 5 U.S.C. 552a (k) (5). The reasons for invoking this exemption are to insure the proper functioning of the investigatory process, to insure effective determination of suitability, eligibility and qualification for employment and to protect the confidentiality of sources of information.

Board of the Foreign Service Records. STATE-3.  
Equal Employment Opportunity Records. STATE-9.  
Foreign Service Grievance Board Records. STATE-13.  
Legal Adviser Personnel Records. STATE-20.  
Overseas Records. STATE-25.  
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE-28.  
Personnel Records. STATE-31.  
Security Records. STATE-36.

(6) Exempt under 5 U.S.C. 552a (k) (6). The reasons for invoking this exemption is to prevent the compromise of testing or evaluation material used solely to determine individual qualification for employment or promotion; and to avoid giving unfair advantage to individuals by virtue of their having access to such material.

Foreign Service Institute Records. STATE-14.  
Personnel Records. STATE-31.

(7) Exempt under 5 U.S.C. 552a (k) (7). The reason for invoking this exemption is to prevent access to such material maintained from time to time by the Department in connection with various military personnel exchange programs.

Overseas Records. STATE-25.  
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE-28.  
Personality Index to the Central Foreign Policy Records. STATE-29.  
Personnel Records. STATE-31.

## § 6a.7 Denial of access.

The decision to deny an individual access to his or her record shall be made by the Department official of a rank not below the Deputy Assistant Secretary or equivalent level who is responsible for the system of records involved. When an authorized official denies access to a record or portion thereof, the official will advise the individual in writing of the denial and the specific reasons therefor. The denial letter will also advise the individual of his right to seek judicial review of the Department's decision.

## § 6a.8 Requests for amending records.

(a) An individual has the right to request that the Department amend a record pertaining to him or her which the individual believes is not accurate, relevant, timely, or complete.

(b) At the time the Department grants access to a record it will also furnish guidelines for requesting amendments to the record. These guidelines will also be available in the public reading room in the Department of State, Washington, D.C. between 10 a.m. and 5 p.m. Monday through Friday, except for legal public holidays, or may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Department of State, Room 1239, Washington, D.C. 20520.

(c) Requests for amending records must be in writing and mailed or delivered to the Director, Foreign Affairs Document and Reference Center, Department of State, Room 1239, Washington, D.C. 20520, who will coordinate the review of the request to amend a record

with the appropriate office(s). The Department will require verification of personal identity as provided in § 6a.4(c) (3) of these regulations before it will initiate action to amend a record to ensure that the requester is not deliberately or inadvertently seeking to change records about other persons. Such requests should contain, as a minimum, identifying information needed to locate the record, a brief description of the item or items of information to be amended, and the nature of the requested amendment. The requester should submit as much documentation, arguments or other data as seems warranted to support his request for amendment.

(d) All requests for amendments to records will be acknowledged within 10 days (excluding Saturdays, Sundays, and legal public holidays). Whenever possible all requests for amendments to records will be reviewed within 10 days (excluding Saturdays, Sundays, and legal public holidays) of receipt of the request by the Director, Foreign Affairs Document and Reference Center, and the requester will be advised of the results of the review. In those cases where the review cannot be completed within 10 days, the requester will be so advised and informed when the review will be completed. Except in unusual circumstances, this review will be completed no later than 30 days (excluding Saturdays, Sundays, and legal public holidays) after receipt of the request to amend a record.

(e) In reviewing a record in response to a request to amend, the Department shall determine whether the record is relevant and necessary to accomplish a purpose of the agency and shall incorporate the criteria of accuracy, relevance, timeliness, and completeness of the record in that review.

(f) If the office responsible for the record agrees with an individual's request to amend a record, it shall:

(1) Advise the individual in writing;  
(2) Amend the record accordingly; and  
(3) If an accounting of disclosure has been made, advise all previous recipients of the record of the amendment and its substance.

(g) If the office responsible for the record, after an initial review of a request to amend a record, disagrees with all or any portion of the requested amendment, an officer at the Deputy Assistant Secretary level or equivalent, shall:

(1) Advise the individual of its refusal and the reasons for it; and  
(2) Inform the individual that he or she may request a further review in accordance with § 6a.9 of these regulations.

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## § 6a.9 Appeals.

(a) Review of an initial refusal to amend a record under § 6a.8(g) may be requested by the individual who submitted the request. The review (hereinafter referred to as the appeal) must be requested in writing within 60 days of the date the individual is informed of the Department's refusal to amend a record in whole or in part. The appeal must be in writing and should be sent by certified mail to the Chairman, Privacy Policy and Appeals Board, Department of State, Room 1239, 2201 C Street, NW., Washington, D.C. 20520.

(b) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Privacy Policy and Appeals Board. The appeal should include any documentation, information or statements advanced for the amendment of the record.

(c) The Chairman of the Privacy Policy and Appeals Board (Assistant Secretary of State for Administration) and two other members of the Board designated by him shall constitute a panel to consider and decide the appeal; there shall be a written record of the reasons for the final determination. The final determination will be made within 30 days (excluding Saturdays, Sundays, and legal public holidays), unless for good cause shown, the Chairman of the Privacy Policy and Appeals Board extends such determination beyond the 30-day period.

(d) When the final determination is that the record should be amended in accordance with the individual's request, the Chairman of the Privacy Policy and Appeals Board shall direct the office responsible for the record to comply. The office responsible for the record shall:

(1) Amend the record as directed;  
(2) If an accounting of the disclosure has been made, advise all previous recipients of the record of the amendment and its substance;

(3) So advise the individual in writing.  
(e) When the final decision is that the request of the individual to amend the record is refused, the Chairman of the Board shall advise the individual:

(1) Of the refusal and the reasons for it;  
(2) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the Department;

(3) Of the procedures for filing the statement of disagreement;

(4) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Department, a brief statement by the Department summarizing its reasons for refusing to amend the record;

(5) That prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained; and

(6) Of his or her right to seek judicial review of the Department's refusal to amend the record.

(f) When the final determination is to refuse to amend a record and the individual has filed a statement under paragraph (e) of this section, the Department will clearly annotate the record so that the fact that the record is disputed is apparent to anyone who may subsequently have access to, use, or disclose it. When information that is the subject of a statement of dispute filed by an individual is subsequently disclosed, the Department will note that the information is disputed and provide a copy of the individual's statement. The Department may also include a brief summary of the reasons for not making a correction when disclosing disputed information. Such statements will normally be limited to the reasons given to the individual for not amending the record. Copies of the Department's statement shall be treated as part of the individual's record for granting access; however, it will not be subject to amendment by the individual under these regulations.

## § 6a.10 Fees.

(a) The Department will charge no fee for the first copy of an individual's personnel record.

(b) The Department will charge a fee of \$.10 per page for copies of documents which are identified by an individual and reproduced at the individual's request for retention, except that there will be no charge for requests involving costs of \$1.00 or less.

(c) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasurer of the United States and delivered to or mailed to the Director, Foreign Affairs Document and Reference Center, Department of State, Room 1239, 2201 C Street, NW., Washington, D.C. 20520. The Department will assume no responsibility for cash sent by mail.

(d) A receipt for fees paid will be given only upon request.

For the Secretary of State:

LAWRENCE S. EAGLEBURGER,  
Deputy Under Secretary  
for Management.

[FR Doc. 75-23034 Filed 8-29-75; 8:45 am]

## NOTICES

DEPARTMENT OF STATE

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## NOTICES

## DEPARTMENT OF STATE

[Public Notice 462]

## PRIVACY ACT OF 1974

## Notice of Systems of Records

Notice is hereby given that the Department of State, in accordance with 5 U.S.C. 552a(e) (4) and (11), Sec. 3 of the Privacy Act of 1974 (Pub. L. 93-579), proposes to adopt the notice of systems of records set forth below.

Interested persons are invited to submit written comments on the notices in general and written data, views, or arguments concerning the routine use portions of the notices, to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, Washington, D.C. 20520, on or before September 19, 1975.

Any systems of records which may have been inadvertently omitted will be published at a later date.

Dated August 25, 1975.

[SEAL]

LAWRENCE S. EAGLEBURGER,  
Deputy Under Secretary,  
for Management.

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below:

## Law Enforcement

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

## Disclosure When Requesting Information

A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

## Disclosure of Requested Information

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

## State-01

**System name:** Biographic Register Records.

**System location:** Department of State Annex 06, 1700 N. Lynn Street, Arlington, Virginia 22209.

**Categories of individuals covered by the system:** Personnel of the following ranges of the Department of State and other Federal Agencies in the field of foreign affairs: Ambassadors; Ministers; Chiefs of Mission; Foreign Service Staff Officers, Classes 1 through 4; Civil Service Employees, GS-12 and above; Foreign Service Information Officers; Foreign Service Reserve Officers; Foreign Service Reserve Officers Unlimited; Foreign Service Officers.

**Categories of records in the system:** Biographic information; personnel action changes.

**Authority for maintenance of the system:** 22 U.S.C. 811a

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system is used as a source data for publication of the ----- Information is made available on need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Source data for the ----- is not used outside the Department of State. The ----- itself is distributed to other government agencies whose employees are included in it. The ----- is a public document and is offered for sale by the Superintendent of Documents. Also see 'Routine Uses' paragraphs of Prefatory Statement

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ICE

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are retained for two years. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Foreign Affairs Document and Reference Center, Room 1239 Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the ----- might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the ----- to be checked. At a minimum, the individual must include: name; date and place of birth current mailing address and zip code; signature;

a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the ----- Records might have information pertaining to him.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; Personnel Office of the Department of State; U.S. Government officials.

## State-02

**System name:** Board of Appellate Review Records

**System location:** Department of State Annex 06, 1700 N. Lynn Street, Arlington, Virginia 22209.

**Categories of individuals covered by the system:** Individuals whose appeal in cases involving loss of nationality or the revocation of a passport was decided by the Board of Appellate Review.

**Categories of records in the system:** Copies of decisions rendered by the Board of Appellate Review.

**Authority for maintenance of the system:** 22 CFR 7.1-7.3, 22 CFR 50.60-50.72; 22 CFR 51;90-51.105.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information con-

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## NOTICES

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## NOTICES

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[Public Notice 462]

## PRIVACY ACT OF 1974

## Notice of Systems of Records

Notice is hereby given that the Department of State, in accordance with 5 U.S.C. 552a(e) (4) and (11), Sec. 3 of the Privacy Act of 1974 (Pub. L. 93-579), proposes to adopt the notice of systems of records set forth below.

Interested persons are invited to submit written comments on the notices in general and written data, views, or arguments concerning the routine use portions of the notices, to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, Washington, D.C. 20520, on or before September 19, 1975.

Any systems of records which may have been inadvertently omitted will be published at a later date.

Dated August 25, 1975.

[SEAL]

LAWRENCE S. EAGLEBURGER,  
Deputy Under Secretary,  
for Management.

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below:

## Law Enforcement

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

## Disclosure When Requesting Information

A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

## Disclosure of Requested Information

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

## State-01

**System name:** Biographic Register Records.

**System location:** Department of State Annex 06, 1700 N. Lynn Street, Arlington, Virginia 22209.

**Categories of individuals covered by the system:** Personnel of the following ranges of the Department of State and other Federal Agencies in the field of foreign affairs: Ambassadors; Ministers; Chiefs of Mission; Foreign Service Staff Officers, Classes 1 through 4; Civil Service Employees, GS-12 and above; Foreign Service Information Officers; Foreign Service Reserve Officers; Foreign Service Reserve Officers Unlimited; Foreign Service Officers.

**Categories of records in the system:** Biographic information; personnel action changes.

**Authority for maintenance of the system:** 22 U.S.C. 811a

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system is used as a source data for publication of the

Information is made available on need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Source data for the is not used outside the Department of State. The itself is distributed to other government agencies whose employees are included in it. The is a public document and is offered for sale by the Superintendent of Documents. Also see 'Routine Uses' paragraphs of Prefatory Statement

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ICE

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are retained for two years. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Foreign Affairs Document and Reference Center, Room 1239 Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the to be checked. At a minimum, the individual must include: name; date and place of birth current mailing address and zip code; signature;

a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Records might have information pertaining to him.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; Personnel Office of the Department of State; U.S. Government officials.

## State-02

**System name:** Board of Appellate Review Records

**System location:** Department of State Annex 06, 1700 N. Lynn Street, Arlington, Virginia 22209.

**Categories of individuals covered by the system:** Individuals whose appeal in cases involving loss of nationality or the revocation of a passport was decided by the Board of Appellate Review.

**Categories of records in the system:** Copies of decisions rendered by the Board of Appellate Review.

**Authority for maintenance of the system:** 22 CFR 7.1-7.3, 22 CFR 50.60-50.72; 22 CFR 51.90-51.105.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information con-

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information con-

## DEPARTMENT OF STATE

tained in the system of records is generally used by the Board for its value as a body of precedents and as an analysis of relevant law

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is made available on a need-to-know basis to personnel of the Department

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to

foreign courts (22 U.S.C. 1781-1783); Depositions (22 U.S.C. 1195 and 1203).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information con-

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tained in the system of records is generally used by the Board for its value as a body of precedents and as an analysis of relevant law and regulations. Information is made available to personnel of the Department of State as may be required in the performance of their official duties. The principal user of this information outside the Department of State is the Department of Justice. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. The information may be released to members of Congress acting or writing on behalf of the individual. Copies of a Board's decision in an individual case may be made available to a member of the bar or the public under the Freedom of Information Act, unless refusal is authorized by the Privacy Act. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ICE.

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized personnel.

**Retention and disposal:** These records are retained as long as the Board of Appellate Review exists. Thereafter, they will be retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Chairman, Board of Appellate Review, Room 211, Department of State Annex 06, 1700 N. Lynn Street, Arlington, Virginia 22209.

**Notification procedure:** Individuals who have cause to believe that the Board of Appellate Review might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Board of Appellate Review to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate date upon which the Board of Appellate Review decided his or her case involving loss of nationality or the revocation of a passport.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; the Passport Office; Foreign Service posts; Department of Justice; Department of Defense.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c) (3), (d), (e) (1), (e) (4), (G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State-03

**System name:** Board of the Foreign Service Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Foreign Service personnel whose separation for cause, under Section 637 of the Foreign Service Act of 1946, as amended, was called for by the Director General of the Foreign Service.

**Categories of records in the system:** Letters of the Department of State determining that separation for cause is warranted; responses by the individuals; transcripts of the hearings on the individuals; recommendations of the hearing officers; recommendations to the Secretary by the Board.

**Authority for maintenance of the system:** 22 U.S.C. 1011 (a)(2); 22 U.S.C. 1011 (a)(3).

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**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Information is released to the defense counsel for the individuals charged and the hearing officers in the cases. Also see 'Routine Uses' paragraphs of the Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ICE.

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under a proper escort. All records containing personnel information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Records in this system are retained for approximately 3 years, at which time they will be retired in accordance with schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Executive Secretary, Board of the Foreign Service, Room 3835, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Board of the Foreign Service might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Board of the Foreign Service to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate date on which the Director General of the Foreign Service determined that separation for cause was warranted.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; Department of State officers who have made the charges; hearing officers; other employees or individuals having knowledge of the fact giving rise to the charges.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c) (3), (d), (e) (1), (e) (4), (G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State-04

**System name:** Confidential Statement of Employment and Financial Interests Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** U. S. Government employees.

**Categories of records in the system:** Employment and financial interests; creditors; interests in real property; actions on behalf of foreign principals.

**Authority for maintenance of the system:** Executive Order 11222.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal user of this information outside the Department of State is the Department of Justice. Information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of the Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ICE.

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Executive Officer, Office of the Legal Adviser, Room 6421, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Office of the Legal Adviser might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wants the records of the Office of the Legal Adviser to be checked. At a minimum, the individual must include: name; date and place of birth; present mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Office of the Legal Adviser might have records pertaining to him or her.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:**

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State-05

**System name:** Consular Service and Assistance Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Individuals assisted by the Office of Special Consular Services or by Consular officers overseas; who are the subject of requests concerning welfare and whereabouts; who have received financial assistance; who have been repatriated; who have received emergency medical assistance; who have been detained or arrested overseas; who have required notarial and documentation services; about whom judicial assistance has been requested; who have died overseas and whose estate has had to be settled; who have claimed interests in property abroad; living overseas who receive federal benefits; American seaman.

**Categories of records in the system:** Arrests; vessel services (by name of vessel); crew member services; welfare and whereabouts (including repatriation); Federal agency cases (filed by post); property claims; deaths and estates; reports of death; judicial assistance, notaries and legal documents.

**Authority for maintenance of the system:** Services for other Federal Agencies, U.S. Courts and Congress 22 U.S.C. 846; assistance to arrested citizens: 22 U.S.C. 1732; assistance in property matters: 22 U.S.C. 1731; notification of next-of-kin (22 U.S.C. 1176); estates of deceased citizens: 22 U.S.C. 1175 and 1177; noting Marine Protests (22 U.S.C. 1173); receive complaints re seaworthiness etc., and take action thereon: (46 U.S.C. 656 thru 663); discharge crewman from U.S. vessels and require payment of their wages (46 U.S.C. 682; 22 U.S.C. 1174); retain ship's papers pending payment of crew and other debts (22 U.S.C. 1185); give approval to shipping of seamen (46 U.S.C. 570); assist distressed or destitute seamen (46 U.S.C. 593 and 46 U.S.C. 678, 679); trustee for wages when ship is sold (46 U.S.C. 684); Wages on justifiable complaint of seamen, consular responsibility (46 U.S.C. 685); investigation on seaman's complaint (46 U.S.C. 685); investigation of insubordination (46 U.S.C. 703); responsibility of deceased seamen and their effects (46 U.S.C. 621, 622, and 624); notarial acts, oaths, affirmations and affidavits (22 U.S.C. 1195 and 1203); authentication of documents (28 U.S.C. 1741); judicial assistance to U.S. and

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foreign courts (22 U.S.C. 1781-1783); Depositions (22 U.S.C. 1195 and 1203).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information in the Consular Service and Assistance Records is used in the protection and assistance of individuals abroad. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Social Security Administration; Veterans Administration; Department of Health, Education, and Welfare; U.S. Public Health Service; Civil Service Commission; Railroad Retirement Board; Treasury Department; Department of Labor; Department of Justice Drug Enforcement Administration; Civil Aeronautics Board; Selective Service; Department of Defense; Federal Aviation Administration; U.S. Maritime Administration; Department of Commerce; Foreign Claims Settlement Commission; Immigration and Naturalization Service; Internal Revenue Service; Secret Service; Airlines when the information is required for the purpose of notifying next of kin of the death or serious injury of the individual to whom it pertains, or in connection with a medical evaluation of the individual to whom it pertains; funeral homes in connection with the death abroad of citizens of the U.S., members of Congress when the information is requested on behalf of the individual to whom it pertains, or on behalf of some other individual to whom it pertains, or on behalf of some other individual to whom access is authorized under these rules; shipping companies when the information is maintained pursuant to the Department's responsibility under Title 46 of the U.S. Code; immediate families when the information is required by the individual's immediate family; attorneys when the individual to whom the information pertains is the client of the attorney making the request, or when the attorney is acting on behalf of some other individual to whom access is authorized under these rules; Red Cross; State Law Enforcement Agencies, including State Prosecutors; Foreign Embassies and Consulates when the request for information is made pursuant to customary international practice; private citizens whenever the individual to whom the information pertains has authorized the Department in writing to release such information. This information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ICE.

**Storage:** Hard copy; magnetic computer media.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies from 1 to 20 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, D.C. 20520.—10

**Director, Special Consular Services, Room 1803, Department of State, 2201 C Street NW, Washington, D.C. 20520.**

**Notification procedure:** Individuals who have reason to believe that the Office of Special Consular Services might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, D.C. 20520. The individual must specify that he wishes the records of the Office of Special Consular Services to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the location (city and country) and the approximate date of the event which gave rise to the request for information. The individual must also specify that he wishes the records of the Office of Special Consular Services to be checked.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**Record source categories:** Departmental personnel and medical records; family, friends, colleagues of the individual; intelligence agencies.

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pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.



**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; consular officers; family members; federal state, and local agencies who have an interest in the case.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (e) (3), (d) (e) (1), (e) (4), (G), (H), and (I) and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

#### State-06

**System name:** Coordinator for the Combatting of Terrorism Records  
**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** American citizens involved in terrorist incidents.

**Categories of records in the system:** Case files.

**Authority for maintenance of the system:** Presidential Memorandum of September 25, 1972 establishing a Cabinet Committee to Combat Terrorism and under it a Working Group; (22 U.S.C. 842; 22 U.S.C. 811a), response to the international terrorism problem; (2) use as guidelines in cases of future terrorist incidents; and (3) answer correspondence. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The Office of the Coordinator of Combatting Terrorism has contracted with the Rand Corporation a study of hostage situations involving American and other officials. In the course of the study, records were made available to Rand. The records may also be used by other outside research contractors having the necessary clearance for studies related to aspects of international terrorism. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ICE

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records is indefinite. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Special Assistant to the Secretary and Coordinator for Combatting Terrorism Room 5243A, Department of State, 2201 C Street NW, Washington DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Office of the Coordinator for Combatting Terrorism might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520. The individual must specify that he wishes the records of the Office of the Coordinator for Combatting Terrorism to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Office of the Coordinator for the Combatting of Terrorism might have records pertaining to him.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** Departmental personnel and medical records; family, friends, colleagues of the individual; intelligence agencies.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (e) (3), (d), (e) (1), (e) (4), (G), and (I) and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

#### State-07

**System name:** Cryptographic Clearance Records

**System location:** Office of Communications, Room 6442, Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Employees of the Department of State, Agency for International Development U.S. Information Agency, and the U.S. Arms Control and Disarmament Agency who are eligible for cryptographic clearances as well as those who have actually received cryptographic clearance.

**Categories of records in the system:** Correspondence with the Office of Security; position held by employee; date clearance granted.

**Authority for maintenance of the system:** Executive Order 11652.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information contained in these records is used to protect the Office of Communication's cryptographic duties and to protect sensitive information from unauthorized disclosure. Information relating to an employee's eligibility for cryptographic clearance is used only by the Office of Communications and is not released outside the Department. Information concerning an individual's cryptographic clearance is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. In addition, it is released to personnel of the Agency for International Development, the U.S. Information Agency, and the U.S. Arms Control and Disarmament Agency on a need to know basis only. Any other release of information to other government agencies who have a statutory or other lawful authority to maintain such information is made through the Office of Security. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ICE

**Storage:** Hard copy; magnetic computer media.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are retained permanently. They are retired in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Chief, Communications Security Division, Office of Communications, Room 6442, Department of State, 2201 C Street NW Washington DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Communications Security Division might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Communications Security Division to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate dates of employment with the Department of State and the nature of such employment.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:**  
(See above.)

**Record source categories:** The individual; Office of Security of the Department of State.

#### State-08

**System name:** Educational and Cultural Exchange Program Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520; Department of State Annex 06, 1700 N. Lynn Street, Arlington, Virginia 22209; Department of State Annex 02, 515 22nd Street NW, Washington, DC 20037; Scientific Time Sharing Corporation, 7316 Wisconsin Avenue, Bethesda, Maryland.

**Categories of individuals covered by the system:** Applicants, recipients, and prospective recipients of Educational and Cultural exchange grants; Members of the Board of Foreign Scholarships; American Executive Secretaries of Fulbright Foundations and Commissions; Members of the U.S. Advisory Commission on International Educational and Culture Affairs; Members of the Government Advisory Committee on International Book and Library Program; Members of the former National Review Board of the East-West Center's; faculty member of U.S. Educational Institutions participating in student counselling workshops conducted in various countries.

**Categories of records in the system:** Biographic information; project descriptions; forms relating to the individual's security clearance; evaluations on the performance of former grantees; evaluations of performing artists who may be potential grantees; copies of press releases; News clippings; information related to the grant; related correspondence; Records dealing with the waiving of the foreign residence requirements contain applications for waivers and extensions. Academic Transcripts; Letters of reference.

**Authority for maintenance of the system:** Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451-58); (22 U.S.C. 2054-57); (22 U.S.C. 1431);

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The primary function of the Educational and Cultural Exchange Program Records is the aiding in the selection of individual for educational and cultural exchange grants and for the administration of such grants. Information from these records is also used to develop statistics for use in the operation of the exchange program. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Civil Service Commission; United States Information Agency; Central Intelligence Agency; Immigration and Naturalization Service; Department of Justice; Smithsonian Institution; Congress; the news media; relatives of the grantee trying to reach the individual for bona fide personal reasons; the grantee. In connection with the selection process, information may be released to: binational commission; the Board of Foreign Scholarships; foreign host institutions; contract agencies; Excerpts from the files may be used by non-governmental panels of experts in rating candidates. This information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' Paragraphs of Prefatory Statement

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy; magnetic computer media.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies from three years to an indefinite period of time, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Executive Director, Bureau of Educational and Cultural Affairs, Room 4811A, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Bureau of Educational and Cultural Affairs might have records

pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Bureau of Educational and Cultural Affairs to be checked. At a minimum, the individual must include: name; date and current mailing address; his signature; If the individual is or was a grantee or an applicant for a grant, they must specify the type of grant and the dates of the grant they received.

**Record access procedures:** Individuals who wish to gain success to or amend records pertaining to them should write to Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; public references; other offices within the Department; other government agencies; other public and professional institutions possessing relevant information.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (e) (3), (d), (e) (1), (e) (4), (h), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

#### State-09

**System name:** Equal Employment Opportunity Records

**System location:** Department of State, Room 4427, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Employees who have filed formal or informal complaints alleging discrimination; Minority and women applicants for employment.

**Categories of records in the system:** Investigative reports; employment applications; biographic information; employment histories.

**Authority for maintenance of the system:** 42 U.S.C. 2000C; Executive Order 11478.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information on formal and informal complaints is made available only to personnel of the Office of Equal Employment Opportunity and Departmental Counsel to that office. Information on minority and women applicants for employment is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Information on informal complaints and minority and women applicants for employment is not made available to anyone outside the Department of State. The principal users of the information on formal complaints outside the Department of State are: Civil Service Commission Complaints Examiner; Civil Service Commission Board of Appeals and Review; U.S. District Court. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520.

**System manager(s) and address:** Deputy Assistant Secretary for Equal Employment Opportunity, Room 4427, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Office of Equal Employment Opportunity might have records pertaining to them should write to the Director, Foreign Affairs

Document and Reference Center, Room 1239, Department of State, Washington, DC 20520. The individual must

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

foreign government are transmitted to the U.S. Department of Justice. The purpose of releasing the information is to obtain the

notification of next of kin in the event of an emergency or death of an employee. Information is made available on a need-to-know



Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Equal Employment to be checked. At a minimum, the individual must include: name, date and place of birth; current mailing address and zip code; signature; the approximate date upon which the individual filed a formal or informal complaint alleging discrimination or requested other services from the Office of Equal Employment Opportunity.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; supervisors of the individual; EEO counselors; EEO personnel; other employees or individuals having knowledge of the facts involved in a complaint.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c) (3), (d), (e) (1), (e) (4), (G) (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

## State-10

**System name:** External Research Records

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Former and current; Bureau of Intelligence and Research consultants/experts; individuals nominated to be Bureau of Intelligence and Research consultant/experts; consultants/experts to other bureaus who have been employed by the Bureau of Intelligence and Research; Consultant have been employed by the Bureau principal investigators and action officers of government supported research on foreign affairs.

**Categories of records in the system:** Administrative materials; Career history; research papers by consultants/experts; information on contract research projects carried out under government contracts and grants; copies of form letters sent to authors requesting copies of their research papers and their responses. 22 U.S.C. 811a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system is maintained in order to manage the consultant program and other external research related activities. Information in this system is used in the preparation of reports on work performed by consultants/experts and in the preparation of periodic summaries of financial commitments for approved projects. This information is also to insure that a consultant does not work more than the statutory number of days allowed each service year. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: academic institutions; other Bureau of Intelligence and Research consultants/experts. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. The inventory of

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is published annually in five unclassified volumes and one classified volume. The unclassified volumes are widely distributed throughout the United States Government and to overseas posts. They are also available to private individuals. The classified volume is distributed to U.S. Government officials.

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is distributed throughout the U.S. Government and is available to private individuals through the U.S. Government Printing Office.

(Confidential/No Foreign Dissemination) is an annual cumulative listing of classified and unclassified studies resulting from government-sponsored research. It is given limited distribution on a complementary basis throughout the U.S. government. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy.

**Retrievability:** By individual name

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies from one to 5 years, depending upon the specific kind of record involved. They are retired or destroyed on accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Bureau of Intelligence and Research, Room 6531, Department of State 2201 C Street NW, Washington DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Office of External Research might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of External Research to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Office of External Research might have records pertaining to him or her.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individuals; Office of External Research of the Department of State; Office of Personnel of the Department of State; educational institutions; office which employs the consultant; payroll office of the Department of State.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e) (4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the

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Research to be checked. At a minimum, the individual must include:

## State-11

**System name:** Extradition Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520; Department of Justice, Washington, DC 20530, and its ancillary U.S. Attorneys' offices; Copies of documents may be obtained at our embassies overseas and the Foreign Ministries of the countries from which extraditions are requested, and vice versa.

**Categories of individuals covered by the system:** Individuals charged with or convicted of an extraditable crime who have fled to or from the U.S. and whose return is sought by State or Federal law enforcement agencies or by a foreign country; Individuals whose return is sought by deportation when they are in another country illegally.

**Categories of records in the system:** Internal memoranda; copies of indictments and charges; criminal records; supporting documentation for a case against an individual; fingerprints; physical descriptions; related correspondence;

**Authority for maintenance of the system:** Article 6 paragraph 2 of the Constitution; 22 U.S.C. 846; 18 U.S.C. 3181-3195.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Extradition requests are sent to the U.S. embassies in the appropriate countries for transmission to the foreign government. Extradition requests made by a

foreign government are transmitted to the U.S. Department of Justice. The purpose of releasing the information is to obtain the return of the fugitive. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Executive Officer, Office of the Legal Adviser, Room 6421, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Office of the Legal Adviser might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520. The individual must specify that he wishes the record of the Office of the Legal Adviser to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the countries to and from which he was extradited and the approximate date.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; state and local government agencies, other government agencies, particularly the Department of Justice; previous employers; neighbors; neighbors; law enforcement agencies; doctors and lab scientists;

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). See Department of State rules published on this same date in

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## State-12

**System name:** Foreign Service Employee Locator/Notification Records

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Foreign Service Employees.

**Categories of records in the system:** Employee's name; current post of assignment; Washington area address and telephone number; other address in the U.S.; instructions for forwarding mail; names of dependents; names of contracts for employees for emergency purposes.

**Authority for maintenance of the system:** 22 U.S.C. 811a, 821.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information in these files is used for the forwarding of employee's mail and for the

notification of next of kin in the event of an emergency or death of an employee. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The information may also be released to other government agencies and the general public in a need-to-know basis. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy.

**Retrievability:** By individual name

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** The card is maintained until the employee updates it because of a change in address or assignment. The card is destroyed 2 years after the employee retires or resigns.

**System manager(s) and address:** Chief, Foreign Service Lounge, Room 1252, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Employees Service Center might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520. The individual must specify that they wish the records of the Employees Services Center to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** the individual. 15;motifi

## State13

**System name:** Foreign Service Grievance Board Records

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:**

Foreign Service personnel of the Department of State, the Agency for International Development (AID) and the U.S. Information Agency (USIA) who have filed a formal grievance with the Foreign Service Grievance Board

**Categories of records in the system:** Case Files

**Authority for maintenance of the system:**

3 FAM 665.2;  
3 FAM 667.3;  
Executive Order 11636.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system of records is maintained in order to settle grievances presented by employees against the agencies which employ them. No other than the individual grievant, his representatives, if any, the representatives, of the Agency against whom the grievance has been filed, and the Foreign Service Grievance Board may have access to the records of proceedings. However, when the Secretary of State, the Administrator of (AID), or the Director of USIA are acting in a recommendation by the Board concerning promotion, assignment, or disciplinary action submitted under 3 FAM 667.3 only, the Record will be made available to them alone upon request. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** hard copy.

**Retrievability:** by individual name; by log numbers

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals pos-

sessing a valid identification card or individuals under proper

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs

**Retrievability:** By individual name only if the travel was funded by ICC Appropriation; by name, site, and date of conference.



sessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Executive Secretary, Foreign Service Grievance Board, Room 3418A, Department of State 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Foreign Service Grievance Board might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Foreign Service Grievance Board to be checked. At a minimum, the individual must include:

- his name;
- date and place of birth;
- current mailing address and zip code;
- his signature;
- the approximate date upon which the individual file a formal grievance with the Foreign Service Grievance Board.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Record source categories:**

- the individual;
- the agency which employs the individual.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (C) (3), (d), (e) (1), (e) (4) (G), (H) and (I), and (f). See Department of State rules published on this same date in the —

State-14

**System name:** Foreign Service Institute Records.

**System location:**

- the Foreign Service Institute, 1400 Key Boulevard, Arlington, Virginia, 22209
- Department of State Annex 015, 1800 N. Kent Street, Arlington, Virginia 22204

**Categories of individuals covered by the system:**

- Individuals who have requested and/or have received training from the Foreign Service Institute;
- Individuals who have studied at universities through the Institute;
- Individual who have served as Diplomats in Residence at universities or colleges;
- Individuals who provide professional services;
- Applicants for employment with the Foreign Service Institute.

**Categories of records in the system:**

- Biographic information;
- Employment and educational history;
- Security clearance data;
- General correspondence;
- Travel vouchers.

**Authority for maintenance of the system:**

- Title VII of the Foreign Service Act of 1946 (Public Law 79-724);
- Department of State Procurement Regulations (DOSPR) 6-1.404-2 (8).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This information in this system is maintained to ensure efficient operation of the Institute and to enable Foreign Service and Civil Service employees to further their formal education. Information is made available in a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Data may be sent to other government agencies whose employees are receiving training from the Foreign Service Institute. Information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see "Routine Uses" paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** hard copy; magnetic computer media.

**Retrievability:** by individual name; by social security number;

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies from three to thirty-five years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** The Director, Foreign Service Institute, Room 1200, Department of State Annex 03, 1400 Key Boulevard, Arlington, Virginia 22209.

**Notification procedure:** Individual who have cause to believe that the Foreign Service Institute might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520. The individual must specify that he wishes the records of the Foreign Service Institute to be checked. At a minimum, the individual must include:

- his name;
- date and place of birth;
- current mailing address and zip code;
- his signature;
- a brief description of the circumstances, including the approximate dates, which are given the individual cause to believe that the Foreign Service Institute might have records pertaining to him.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Record source categories:**

- the individual;
- Personnel office of the agency which employs the individual;
- Educational institutions;
- Office of Security of the Department of State.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (e) (3), (d), (e) (1), (e) (4) (G), (H), (I) and (F). See Department of State rules published in this same date on the —

State-15

**System name:** Intelligence and Research Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Employees, contractors, consultants, and persons detailed to the Department of State, the Arms Control and Disarmament Agency, and Agency for International Development who have or have had any special intelligence clearance.

**Categories of records in the system:** Clearances held by the individual; Information relevant to special intelligence clearances.

**Authority for maintenance of the system:** 18 U.S.C. 798; 22 U.S.C. 811a

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information is used to control access to several highly sensitive categories of intelligence materials. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Central Intelligence Agency; National Security Agency; Defense Intelligence Agency; Department of Defense; Energy Resources Development Agency; Federal Bureau of Investigation; Department of the Treasury; Arms Control and Disarmament Agency; Agency for International Development. The information may also be released to other

to personnel of the Department of State as may be required in the performance of their official duties. Copies of resumes or applica-

**Retrievability:** by individual name.

**Safeguards:** All employees of the Department of State have un-

government agencies who have statutory or other lawful authority to maintain such information. Also see "Routine Uses" paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy Magnetic computer media.

**Retrievability:** By individual name

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are retained permanently. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Bureau of Intelligence and Research, Room 6531, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Bureau of Intelligence and Research might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520. The individual must specify that he wishes the records of the Bureau of Intelligence and Research to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates which give the individual cause to believe that the Bureau of Intelligence and Research might have records pertaining to them.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (Address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** the individual; Office of Security of the Department of State.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State-16

**System name:** International Conference Delegates Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Individuals serving as members or staff of a U.S. delegation to an international conference.

**Categories of records in the system:** Delegation Reports; delegation lists; renewals; temporary hire contracts and vouchers; funding information; copies of travel orders; certifications of security clearances.

**Authority for maintenance of the system:** 22 U.S.C. 811a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information provides material for reference research regarding credentials and support requirements of particular delegations. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Department of Justice; Civil Service Commission; Congress; the individual. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see "Routine Uses" paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ice

**Storage:** Hard copy.

**Retention and disposal:** Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Depart-

**Retrievability:** By individual name only if the travel was funded by ICC Appropriation; by name, site, and date of conference.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records is indefinite. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Office of International Conferences, Room 1517, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Office of International Conferences might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of International Conferences to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the name, location, and approximate date of conference to which the individual was a member of the staff or delegation.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; public media sources; former employers; Members of Congress; Federal agencies.

State-17

**System name:** International Organizations Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520; Department of State Annex 02, 515 22nd Street NW, Washington, DC 20037.

**Categories of individuals covered by the system:** Individuals employed by or seeking employment with international organizations; members of Congress who have written to the Department of State in connection with international organization employment matters; applicants for employment with international organizations processed under Executive Order 10422; members of the U.S. National Commission for UNESCO, past, present, and prospective.

**Categories of records in the system:** biographic information; resumes and/or employment application forms; letters of recommendation and reference checks; letters of referral; related communications and notes, including copies of letters from members of Congress; letters from individuals; requests for EO-10422 processing and results.

**Authority for maintenance of the system:** Executive Order 10422 (Loyalty Clearance Program), entitled "Prescribing Procedures for Making Available to the Secretary General of the United Nations Certain Information Concerning United Nations Citizens Employed or Being Considered for Employment on the Secretariat of the United Nations," (5 U.S.C. 3343 and 3581-3582.) Executive Order 11552 entitled "Providing for Details and Transfers of Federal Employees to International Organizations."

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records of individuals employed by or seeking employment with international organizations are used to determine qualifications of candidates for specific jobs with international organizations, to correspond with Missions and Embassies concerning candidates, to correspond with the individual candidates, or to respond to a Congressional inquiry. Records on applicants for employment with international organizations processed under Executive Order 10422 are used to process the Loyalty Clearance request and to maintain a record of the clearance status. Information from this system is used to notify international organizations of the status and results of EO-10422 processing. Information is made available on a need-to-know basis

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to personnel of the Department of State as may be required in the performance of their official duties. Copies of resumes or applications are referred to international organizations, private foundations, and Federal agencies involved in the recruitment of candidates. In addition, information contained in these records is released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ice

**Storage:** Magnetic computer media; Hard copy.

**Retrievability:** By individual name

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies from zero to 10 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Executive Director, Bureau of International Organization Affairs, Room 6327, Department of State, 2201 C Street NW, Washington DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Bureau of International Organization Affairs might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Bureau of International Organization Affairs to be checked. At a minimum, the individual must include: name, date and place of birth; current mailing address and zip code; signature.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; public media sources; previous employers; professional associations and educational institutions; international and nongovernmental organizations; other federal agencies.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c) (3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). See Department of State rules published in this same date in the FEDERAL REGISTER.

#### State-18

**System name:** Labor Attaches Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Labor attaches; applicants to be labor attaches; former labor attaches.

**Categories of records in the system:** personnel audit reports; applicants; resumes; correspondence related to appointment, training, assignment, or transfer of labor attaches.

**Authority for maintenance of the system:** 22 U.S.C. 811a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal user of this information outside the Department of State is the Department of Labor. This information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy.

**Retrievability:** by individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized personnel.

**Retention and disposal:** Retention of these records varies from 2 to 5 years, depending upon the specific kind of record involved. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Special Assistant to the Secretary and Coordinator International Labor Affairs, Room 4232, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Office of International Labor Affairs might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of International Labor to be checked. At a minimum, the individual must include: his name; date and place of birth; current mailing address and zip code; signature; approximate date in which he or she was a labor attache or applied to a labor attache.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** the individual; officers within the Department of State; Department of Labor.

#### State-19

**System name:** Law of the Sea Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Members of Congress; members of the Advisory Committee on the Law of the Sea.

**Categories of records in the system:** Correspondence to and from members of Congress relating to the Law of the Sea and their participation in the Executive Branch's Law of the Sea program; information pertaining to security clearances for members of the Advisory Committee on the Law of the Sea; articles written by members of the Advisory Committee; correspondence received from members of the Advisory Committee; administrative papers regarding travel expenses and funding for members of the Advisory Committee.

**Authority for maintenance of the system:** The records have been maintained by the Office of the Law of the Sea Negotiations since its establishment in 1973, under the authority granted to the Deputy Secretary of State by the National Security Council as Chairman of the National Security Council Interagency Task Force on the Law of the Sea.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records are maintained for the efficient handling of matters dealing with the Law of the Sea. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also See 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ice

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

possessing a valid identification card or individuals under proper

**System manager(s) and address:** Director, Office of Press Rela-

**Retention and disposal:** Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Deputy Special Representative of the President to the Law of the Sea Conference and Chairman of the International Task Force on the Law of the Sea, Room 4321, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Office of Law of the Sea might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of the Law of the Sea to be checked. At a minimum, the individual must include: name; place and date of birth; current mailing address and zip code; signature; a brief description of the circumstances including the approximate dates, which give the individual cause to believe that the Office of the Law of the Sea might have records pertaining to him.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; offices within the Department of State.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

#### State-20

**System name:** Legal Adviser/Personnel Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Past, present and prospective employees of the Office of the Legal Adviser.

**Categories of records in the system:** Employment histories; interview forms; personnel actions; payroll actions; letters of recommendation and commendation; training forms; travel messages; miscellaneous administrative correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301; 22 U.S.C. 811a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is used for initiating personnel actions, approving periodic step increases, initiating and approving training requests preparing performance ratings, requesting employment processing, and other activities of an administrative nature. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Information is occasionally used to verify employment to financial institutions when employees apply for loans in connection with purchasing a home. Information is released to the National Conference of Bar Examiners concerning admission to the bar of current and former employees. Information is also released to various legal directories such as Martindale-Hubbell. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ice

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Executive Officer, Office of the Legal Adviser, Room 6421, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Office of the Legal Adviser might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of the Legal Adviser to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the dates in which he was an employee of the Office of the Legal Adviser or the approximate date on which he applied for employment with the Office of the Legal Adviser.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; the Office of Personnel; educational institutions; Office of the Legal Adviser; other offices within the Department.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

#### STATE-21

**System name:** Legal Case Management Records

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520; Department of Justice, Washington, DC 20530; and its ancillary U.S. Attorneys' offices.

**Categories of individuals covered by the system:** Individuals who have filed administrative grievances and Equal Employment Opportunity complaints; individuals involved in disciplinary proceedings; individuals involved in alleged criminal activity or activity in violation of regulations; individuals who have sued the Department of State or any officials, or who have raised administrative and management questions which require legal analysis.

**Categories of records in the system:** Employment histories; summaries of circumstances surrounding grievances, Equal Employment Opportunity complaints, litigation, or disciplinary proceedings; internal memoranda; copies of indictments and charges; criminal records and reports of investigations; Supporting documentation for a case against an individual; related correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301; 22 U.S.C. 811a, 842, 846.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in the Legal Adviser's Name Case Management Records is used to provide legal advice and opinion to the offices of the Department of State. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties.

The principal users of this information outside the Department of State are: Department of Justice; General Accounting Office.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals pos-

of birth; current mailing address and zip code; signature, the agency served by the medical program with which the individual was or



sessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Executive Officer, Office of the Legal Adviser, Room 6421, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Office of the Legal Adviser might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of the Legal Adviser to be checked. At a minimum, the individual must include: name; date and place of birth; present mailing address and zip code; signature; brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Office of the Legal Adviser might have records pertaining to him or her.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; Offices of the Department of State which are clients of the Office of the Legal Adviser; other government agencies, particularly the Department of Justice; previous employers; neighbors; security investigation reports; other employees or individuals having knowledge of the issue about which a legal opinion is requested.

**Systems exempted from certain provisions of the act:**

#### STATE-22.

**System name:** Media Correspondents Records

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Media correspondents accredited to the Department of State.

**Categories of records in the system:** Correspondence; applications for accreditation; memorandums.

**Authority for maintenance of the system:** 22 U.S.C. 811a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records serve as reference records and lists of correspondents accredited to the Department of State. The information is used to reconfirm renewed applications, to verify previous employment, and to facilitate the granting of temporary clearance for a former correspondent. The information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: the Executive Office of the President; Congress; Media Organizations. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** tice

**Storage:** Magnetic computer media; Hard copy; Microfilm.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are maintained indefinitely because of a need to refer to former requests and applications in order to reconfirm a renewed application, verify previous employment, and/or facilitate a former correspondent's request for temporary clearance.

**System manager(s) and address:** Director, Office of Press Relations, Room 2109, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Office of Press Relations might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Press Relations to be checked. At a minimum, the individual must include: name; date and place of birth; - current mailing address and zip code; signature; - media organization with which he or she was accredited and the approximate dates of this association with the Department of State.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; employers; members of Congress; members of other government agencies corresponding with the Department; private citizens.

#### STATE-23.

**System name:** Media Personnel Records

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520

**Categories of individuals covered by the system:** Radio and television station managers and news directors; newspaper and magazine publishers; editors and editorial writers.

**Categories of records in the system:** Name, title, address, and telephone number of individual.

**Authority for maintenance of the system:** 22 U.S.C. 811a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system is used for compiling invitation lists to national media conferences and seminars sponsored by the Department of State and invitation lists for regional media representatives to meet with the Secretary of State and/or to attend regional press conferences given by the Secretary.

The information is also used to contact radio and television station news directors to determine if they wish to participate in direct-line (telephone) interviews with Department of State personnel.

Information in the system is also used as a mailing list for television and radio stations who have asked to receive the Department's audio-visual materials.

Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties.

Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Bureau of Public Affairs, Room 6805, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Bureau of Public Affairs might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street,

NW, Washington, DC 20520. The individual must specify that he wishes the records of the Bureau of Public Affairs to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; approximate dates in which the individual was employed as a radio or television station manager or news director, newspaper or magazine publisher, or editor or editorial writer.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; Broadcasting Yearbook; Editor and Publisher International Yearbook; Radio Television News Directors Association; National Association of Educational Broadcasters; National Association of Broadcasters; American Society of Newspaper Editors; National Conference of Editorial Writers. 1

#### STATE-24.

**System name:** Medical Records

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Employees and dependents of the Department of State, the Agency for International Development, the U.S. Information Agency, ACTION, and other agencies under the Medical Program.

**Categories of records in the system:** Reports of physical examinations and related documents; reports of treatments and other health services rendered to individuals; Narrative summaries of hospital treatments; personal medical histories; reports of on-the-job injuries or illnesses.

**Authority for maintenance of the system:** 22 U.S.C. 911, 912; 22 U.S.C. 1156-1159; 42 U.S.C. 4561; 21 U.S.C. 1180; 22 U.S.C. 811a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information contained in these records is used to effectively administer the employee medical program.

These records are used by the medical and administrative personnel of the Office of Medical Services on a need-to-know basis in normal day-to-day operations. The Medical Files are not available to other offices in the Department of State, the Agency for International Development, the U.S. Information Agency, ACTION, or other participating agencies. Records are released only with the written permission of the individual to private physicians, hospitals, legal representatives, congressional representatives, and others under the premise of the 'Prudent Physician Rule.' Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy; microfiche.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Executive Officer, Medical Services, Room 2909, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Office of Medical Services might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Medical Services to be checked. At a minimum, the individual must include: name; date and place

of birth; current mailing address and zip code; signature; the agency served by the medical program with which the individual was or is an employee or a dependent, and the approximate dates of such employment or dependency.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; hospitals; clinics; private physicians.

#### STATE-25

**System name:** Overseas Records

**System location:** A complete listing of the Department of State's overseas records locations will be published at a later date.

**Categories of individuals covered by the system:** U.S. Government employees assigned to the post; Individuals seeking or obtaining consular or passport services; Individuals living or visiting abroad who have registered their place of residence at the embassy or consulate; Businessmen who have had official contacts with embassy economic and commercial sections; Seamen; Persons who are overseas on U.S. cultural or educational grants; Individuals working overseas under U.S. government contracts; Officials of federal, state, or local governments, members of their staff or delegation, travelling overseas on official business; Individuals involved in the discussion, establishment, execution, or definition of United States foreign policy; Military personnel; Refugees; Members of legislative or judicial branches of government.

**Categories of records in the system:** The categories of records maintained in the overseas records system are primarily information or working copies of records already on file at the Department of State and are described in the other system notices published in this issue of the FEDERAL REGISTER.

Among those categories of records maintained at the Department's overseas establishments which may not be on file in the Department of State are: Address registration lists of U.S. citizens visiting or residing overseas; Visa applications; employee administrative records; a. travel files; b. shipment, importation, licensing, registration and sale of property files; c. customs duties files;

d. Change of address files; e. blood donor lists; f. Bad check files; g. Accommodations Exchange files; h. Personnel Location Files; i. Individual Work Order Requests; employment applications; Post Diplomatic Personnel Lists; Post Administrators and Technical Personnel List; 'Visual Identification' Files; Marriage Files, Allowance Files; Procurement/Contract Files; General Properties Inventory Files; Congressional Delegation and Important Visitor Files; Registration Lists of U.S. Businessmen; Trade Promotion Files; Trade Complaint Files; Lists of American Attorneys Abroad; Registration Cards for refugees and migration programs; Host government requests for jurisdiction in legal matters involving U.S. military personnel, Records involving other legal matters (deportation, letters, rogatory, subpoenas); subpoena; Grantee files; Trust fund files, Commissary files; Selective Service Registration Files; Clemency Files; Protection of Property Files (complaints regarding damage to or seizure of property); Assistance to Americans files; Headstone Files; Mutual Security Files

**Authority for maintenance of the system:** The authorities for maintaining the overseas records system are described in the other system notices appearing in this issue of the FEDERAL REGISTER. For those records which are unique to the overseas system, the authorities are:

22 USC 811a  
8 USC 1101-1503  
22 USC 811a  
22 USC 811a  
22 USC 811a  
22 USC 811a  
22 USC 811a  
22 USC 811a  
22 USC 1131-1159  
22 USC 811a  
22 USC 811a  
22 USC 811a  
22 USC 811a  
22 USC 811a  
22 USC 811a  
22 USC 811a  
22 USC 2601-2605  
Statutes of Forces Agreements



22 USC 811a; 20 USC 1781-1784  
 22 USC 501, 1411, 2054-57, 2451-58,  
 22 USC 811a  
 22 USC 1139  
 50 App. USC 453  
 Presidential Proclamation 4313, September 16, 1974  
 22 USC 811a  
 22 USC 811a  
 22 USC 1621-1643  
 22 USC 811a  
 22 USC 811a

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These correspond to the 'Routine Uses' appearing in the other system notices appearing in this issue of the Federal Register. Also See 'Routine Uses' paragraphs in the prefatory statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy; microform; magnetic computer media.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State and of overseas posts have undergone a background security investigation. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** The ambassador, principal officer, deputy principal officer, or consular officer at each overseas post.

**Notification procedure:** Individuals who have cause to believe that an Overseas Record System might have information pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify which embassy, consulate, or mission, he wishes to be checked. Or, the individual may contact the overseas post(s) directly. At a minimum, the individual must include: name date and place of birth current mailing address and zip code; signature; the specific post which the individual believes might have a record of him the approximate dates when the record might have been created, a brief description of the circumstances which would have led to the creation of a record.

Examples of the kinds of information which would assist the Department of State in determining whether or not an overseas record system contains a record on an individual are: the individual's approximate dates of travel or residency in a foreign country or the approximate dates and nature of an individual's contact with a U.S. diplomatic or consular post.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the specific overseas post or to the Director, Foreign Affairs Document and Reference Center, (address above). Access to routine unclassified administrative records may be granted at the overseas establishment. Requests involving other records will be referred to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above)

**Record source categories:** These correspond to the 'sources' described in the other system notices appearing in this issue of the Federal Register.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e) (1), (e)(4)(G), (H), and (I) and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State42

**System name:** Passport Records

**System location:** The Passport Office, Department of State Annex 017, 1425 K Street NW, Washington DC 20520.

**Categories of individuals covered by the system:**

Individuals who have applied for the issuance, amendment, extension or renewal of U.S. passports; and, individuals who have been issued U.S. passports or had passports amended, extended renewed, limited, revoked or denied.  
 Individuals who have applied to have births overseas reported as births overseas of U.S. Citizens; and individuals for whom Consular Reports of Birth Abroad of United States Citizens of Certifications of Birth have been issued.  
 Individuals who have applied at American Diplomatic or Consular Posts for Registration as U.S. Citizens, individuals who have been issued Certificates or Cards of Registration and Identity as U.S. Citizens.  
 Individuals for whom the Department of State has issued Certificates of Loss of Nationality of the U.S.  
 Individuals who have applied at American Diplomatic or Consular Posts for issuance of Certificates of Witness to Marriage; and, individuals who have been issued Certificates of Witness to marriage.  
 Individuals who have not or may not be entitled under passport laws and regulations to issuance or possession of U.S. passports or other documentation or service.

#### Categories of records in the system:

Application files including applications for passports, or applications for amendment, extension or renewal of passports; and applications for registration at American Diplomatic and Consular Posts as United States Citizens or for issuance of Certificates or Cards of Identity and Registration as United States Citizens.  
 Vital records files including Consular Reports of Birth Abroad of United States citizens, Certificates of Witness to Marriage, Certificates of Loss of United States Nationality, Certificates of Expiration, and Oaths of Repatriation;  
 Master Index File which consists of the names of persons who have applied for, been issued passports or related facilities; and, to the extent not included in the Application Vital Records or other category of record maintained by this agency, the names of persons who have been issued Consular Reports of Birth, Certificates of Birth, Consular Certificates of Repatriation, Certificates of Witness to Marriage, Certificates of loss United States Nationality or been registered or issued Certificates or Cards of Identity and Registration as United States citizens;  
 Lookout Files which identify those persons whose cause require other than routine examination or action;  
 Miscellaneous Materials - maintained separately, of not in the application, vital records or master index files, including but not limited to: investigatory reports compiled in connection with granting or denying passport and related facilities or prosecution of violations of passport criminal statutes; transcripts and opinion on administrative hearings and appeals; legal briefs, memoranda, judicial orders and opinions arising from administrative determinations with regard to passports and citizenship; birth and baptismal certificates; court orders; arrest warrants; medical, personal and financial records; affidavits; inter-agency and intra-agency memoranda, telegrams, cables, letters, and other miscellaneous correspondence.

#### Authority for maintenance of the system:

8 U.S.C. 1101-1503;  
 18 U.S.C. 1001, 1541-1543, 1545 and 1546  
 22 U.S.C. 211a, 212-214, 241a, 216, 217, 1172, 2658, 2662;  
 Executive Order 11295;  
 Presidential Proclamation 3004, January 17, 1953.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The primary purpose for maintaining Passport Files is to establish citizenship, identity and entitlement to issuance of United States passports and related facilities;

The information is made available in a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties;

The information is made available pursuant to a subpoena or court order directing the production of passport records;

The information also may be released to other government agencies who have statutory or other lawful authority to maintain such information.

Also see 'Routine Uses' paragraphs of the Prefatory Statement. Routine Use -- National or Internal Security;

Pursuant to the provisions of 8 USC 1105, the information maintained by this agency in its system records is made available as a 'Routine use' on a need-to-know basis to personnel of executive departments or their subordinate element, or other lawful authority to maintain such information in performing their statutory or other lawful functions.

A record from this system of records may be disclosed as a 'routine use' to a federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** hard copy

magnetic computer media  
 microfilm

**Retrievability:** by individual name, date, and place of birth.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individual under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees. Access to information maintained to authorized 'Lookout Files' system of records is limited to authorized employees of the Passport Office and of the Department of State responsible for the maintenance of the system of records.

#### Retention and disposal:

Retention of these records varies depending upon the specific record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director of the Passport Office, Room 600, Department of State Annex 017 1425 K Street, NW Washington, DC 20524.

**Notification procedure:** Individuals who wish to find out if the Department of State has records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street, NW, Washington, DC 20520. At a minimum, individuals should include their name, date, and place of birth, current mailing address and zip code, and their signature. It may be necessary to request additional information to make certain that the record pertains to him.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

#### Record source categories:

The individual himself;  
 References;  
 Miscellaneous communications;  
 Law Enforcement agencies;  
 Investigative intelligence sources;  
 Investigative security sources;  
 Foreign governments.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). See department of State rules published on this same date in the ———

#### STATE-27.

**System name:** Personal Property Claims.

**System location:** Department of State Annex 02, 515 22nd Street NW, Washington, DC 20037.

**Categories of individuals covered by the system:** Employees of the Department of State, the Agency for International Development, and the United States Information Agency, who have filed claims for loss of personal property.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information in this

**Categories of records in the system:** Claims; determination of the claim.

**Authority for maintenance of the system:** 31 U.S.C. 240-242.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This information is used to settle claims for loss of Personal property.

Information is made available to personnel of the Department of State as may be required in the performance of their official duties.

The principal users of this information outside the Department of State are: Agency for International Development; United States Information Agency.

Information is released to these agencies when the individual who makes the claim is employed by such agency.

This information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy.

**Retrievability:** by individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Generally these records are retained for 2 years. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Chief, Evacuation and Relocation Staff, Room 1890, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Office of Personal Property Claims might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Personal Property Claims to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate date of the claim.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above)

**Record source categories:** individual; personnel of the Department of State; insurance companies.

#### STATE-28.

**System name:** Personality Cross-Reference Index to the Secretariat Automated Data Index

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Government officials; members of Congress; business, academic, and public persons.

**Categories of records in the system:** political-military information; intelligence; medical information; legal information; personnel matters connected with the Secretary's legal responsibilities.

**Authority for maintenance of the system:** 22 U.S.C. 811a; 44 U.S.C. 3101-3107; Executive Order 11652.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used as working or reference files by principal officers of the Department of State in making decisions. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: White House; National Security Council. The information may also be released to other government agencies who have statutory

or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

individuals utilizing the Department's services, including those overseas.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information in this

**System location:** Department of State, 2201 C St. NW, Washington, DC 20520; Department of State Annex 06, 1700 N. Lynn St., Arlington, VA 22209; Department of State Annex 017, 1075 Florida



or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic computer media; hard copy; microform.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification or individuals under proper escort. All records containing personal information are maintained in secure files or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies from 1 to 20 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Information Management Section, Room 7241, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Personality Cross-Reference Index to the Secretariat Automated Data Index might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Personality Cross-Reference Index to the Secretariat Automated Data Index to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Personality Cross-Reference Index to the Secretariat Automated Data Index might have records pertaining to him.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** Individual; Government agencies; private citizens; private industry; International agencies; foreign leaders.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

#### STATE-29.

**System name:** Personality Index to the Central Foreign Policy Records

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Individuals who are involved in the establishment, discussion, or definition of foreign policy; individuals who utilize the services of the Department of State.

**Categories of records in the system:** Official record copies of incoming and outgoing communications; correspondence with the White House, members of Congress, and other federal agencies; significant correspondence with international, national, local, and private organizations and individuals; management studies and surveys; memorandums of conversation; instructions to U.S. representatives to international conferences and organizations.

**Authority for maintenance of the system:** 22 U.S.C. 811a; 22 U.S.C. 2658; 44 U.S.C. 3301-3314; 44 U.S.C. 3101-3107.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information contained in this system of records is maintained to ensure the effective administration of the Department of State's foreign policy requirements. It is to serve as a centralized index to those individuals involved in all phases of foreign policy establishment, discussion, and definition. This information also serves as an accurate record of in-

dividuals utilizing the Department's services, including those overseas.

The purpose of maintaining this information is to: implement the foreign policy of the United States; formulate foreign policy recommendations; evaluate foreign policy performance; conduct diplomatic and consular activities; administer the Department of State Foreign Service, etc.

Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Agency for International Development; United States Information Agency; Arms Control and Disarmament Agency; Central Intelligence Agency; Department of Defense; National Security Council; Congress; Department of Treasury; Department of Commerce; Department of Justice; White House. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Microform; hard copy; magnetic computer media.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are retired or destroyed in accordance with published schedules of the Department of State. For historical purposes, many of the records of the Central Foreign Policy Files are transferred to the National Archives, where they are preserved indefinitely. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who wish to find out if the Personality Index to the Central Foreign Policy Records has information pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; Department of State employees; employees of foreign affairs agencies; members of Congress; officials of foreign governments; U.S. and foreign publications.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

#### State-30

**System name:** Personnel Payroll Records

**System location:** Department of State Annex 015, 1800 N. Kent Street, Arlington, Virginia 22209.

**Categories of individuals covered by the system:** Employees of the Department of State.

**Categories of records in the system:** Personnel actions; allotment requests; Tax forms; death claims; bond requests; leave records; time and attendance cards; payroll name listings; income tax withholding statements; pay cards; health insurance forms; fiscal documentation; travel authorizations; Travel vouchers; Foreign Service annuities; related correspondence.

**Authority for maintenance of the system:** 22 U.S.C. 811a

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information in this system is used to prepare an accurate and complete biweekly payroll and related reports which include: entering change data into computerized personnel/payroll system; producing variety of machine reports for use by allotment accountants; issuing biweekly pay checks; Computing and issuing lump-sum pay checks for personnel separating; issuing terminal leave payments; confirming time and attendance and leave data to assist in documenting claims for restored annual leave; providing leave data for the personnel office to facilitate computing retirement cases. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Federal, State, and city governments are issued tax reports; Internal Revenue Service is sent tax withholding data and W-2 forms; Civil Service Commission receives the total record of deductions; Other government agencies for which the Washington Finance Center provides payroll services are sent payroll data; Department of Agriculture; Department of Commerce; Library of Congress; Department of Defense; Department of Treasury; Federal Aviation Administration; ACTION; United States Information Agency; Department of Health, Education, and Welfare; United States Battle Monuments. Information relating to GAO Direct Settlement Travel/Transportation cases is available to GAO. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy microfiche; magnetic computer media.

**Retrievability:** By individual name; By social security number.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured, file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies from 3 to 55 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Financial Services Division, Room 6604D, Department of State Annex 015, 1800 N. Kent Street, Arlington, Virginia 22209.

**Notification procedure:** Individuals who have reason to believe that the Office of Financial Services might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Financial Services to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; approximate dates of employment with the Department of State. Because the Personnel Payroll Records are systematically arranged according to Social Security Number, it is requested that the individual include his social security number to facilitate a thorough search of the system.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

**Contesting record procedures:** (See above.)

**Record source categories:** the individual.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

#### State-31

**System name:** Personnel Records.

**System location:** Department of State, 2201 C St. NW, Washington, DC 20520; Department of State Annex 06, 1700 N. Lynn St., Arlington, Va. 22209; Department of State Annex 012, 1975 Florida Ave., NW, Washington, DC; Department of State Annex 015, 1800 Kent St., Arlington, Va. 22209; U.S. Mission to United Nations, 799 UN Plaza, New York, N.Y. 10017; National Personnel Records Center, 111 Winnebago St. St. Louis, Mo. 63118.

**Categories of individuals covered by the system:** Department of State employees (current and former; domestic and Foreign Service) applicants for employment with Department of State; prospective alien spouses of Department of State employees; Employees of other Federal Agencies on detail to Department of State; employees of U.S. Mission to United Nations, UN specialized agencies, and other international organizations (including Department of State employees detailed or seconded to such organizations.)

**Categories of records in the system:** Official personnel files (including Civil Service, Foreign Service and USUN employees); performance records (Foreign Service ratings, development appraisal reports, score cards, and related correspondence); career development and counseling records (including training and assignment records); technician file (travel, tour of duty, home leave eligibility, etc.); informal grievances files (Civil Service and Foreign Service); suitability files (Civil Service and Foreign Service); recruitment and employment files (including unsuccessful applicants, BEX and Junior Officer Trainee candidates, outside hires, reappointments, processing records and card files); promotion, upward mobility, and conversion files (Civil Service merit promotion, threshold, Mustang, lateral entry, and FAS programs); retirement, annuitant, and external placement files (Civil Service and Foreign Service); title and rank, Presidential commission records; marriage to foreign national (applications/notices of intent of Foreign Service employees); service record cards (Civil Service and Foreign Service); employee awards, blood donor records; computer printouts from automated personnel system (alphabetical, staffing patterns, Personnel Audit Reports and abstracts panel books, etc.);

**Authority for maintenance of the system:** 5 U.S.C. 301-302; 22 U.S.C. 811a, 986-996; E.O. 11264, January 1, 1966; E.O. 11434, August 1968; E.O. 10651, September 13, 1954.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is made available on a need-to-know basis to personnel within the Department of State as may be required in the performance of their official duties, such as review in connection with appointments, transfers, details, promotions, training, reassignments, disciplinary or adverse actions, grievances, operations of the automated personnel/payroll and Foreign Service Annuitant systems, and the preparation of the statistical reports, analyses, and other by-products of these systems. The principal users of this information outside the Department of State are: The Civil Service Commission in connection with periodic reviews or audits of Civil Service employee files and programs, examination of Civil Service employee files and programs, examinations of Civil Service employee complaints regarding the validity of specific documents in an individual's personnel record, providing data for the automated Central Personnel Date File (CPDF) or to update the Federal Automated Career System (FACS) or Executive Inventory File, or other purposes under E.O. 10561. Personnel offices on other Federal agencies as the result of the actual or potential transfer or detail of Department of State employees to such agencies. Administrative or personnel offices in international organizations as the result of secondment or consideration of secondment of Department of State employees to such organizations. Academic institutions to which Department of State employees may be assigned for long-term training (profiles only.) Attorneys, EEO investigators/counselors or union representatives designated by employees to represent them in grievance, appeal, or litigation cases. Accredited investigation agents of other Federal agencies, National Personnel Records Center and Washington National Records Center Staffs upon retirement of inactive personnel records to these centers. Other government agencies (including State and local), and private organizations, institutions or individuals to verify employment and to request record or credit checks. Representatives of medical organizations to review qualifications of technicians in connection with accrediting the Department's medical laboratory. Current and former Department of State employees to review their own personnel records. The President of the United States, the Executive Office of the President and legislative and appropriations committees of the U.S. Congress charged with consideration of legislation and appropriations for the Foreign Service.



representatives duly authorized by such committees. Also "see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy; microfilm; magnetic computer media.

**Retrievability:** By individual name

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State Building and its annexes, and the U.S. Mission to the United Nations, is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in lockable metal file cabinets or secured rooms, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies from 1 to 75 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Service and approved records control schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director of Personnel, Room 7331, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who wish to find out if the Department of State has personnel records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. At a minimum, an individual should include: name, date and place of birth; approximate dates of employment with the Department; current mailing address and zip code; signature. It may be necessary to request additional information to make certain that the record pertains to the individual. In the case of former Department of State employees whose official personnel folders have been retired to the National Personnel Records Center in St. Louis, the individual's social security number is the key identifier for retrieving the folders.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center (address above). (see address above.)

**Contesting record procedures:** (See above.)

**Record source categories:**

The individual employee or former employee; previous employers; employee supervisors; foreign Service inspectors; employee counselors, placement officers, personnel technicians; personnel and payroll officers. Operating Systems Division (PER/MGT/OS), and Information Systems Office (O/ISO); employment Division, Board of Examiners for the Foreign Service, Office of Security, Medical Division, Legal Adviser's Office, Foreign Service Institute; Colleges and universities, Armed Forces academic institutions, Educational Testing Service; U.S. Employment Service and other authorized agencies administering pre-employment clerical tests; U.S. Civil Service Commission and other Federal agencies; Prospective alien spouses of Foreign Service employees; Hearing examiners, grievance and appeals boards, affidavits, testimony of witnesses, etc.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c) (3), (d), (e)(1) (e) (4) (G), (H), and (I), and (F). See Department of State rules published on this same date in the FEDERAL REGISTER.

State 32.

**System name:** Personnel Travel Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Employees of the Department of State.

**Categories of records in the system:** Personnel action and authorization of official travel; correspondence relating to shipment and storage of effects; related correspondence.

**Authority for maintenance of the system:** 22 U.S.C. 811a; 22 U.S.C. 1136-1159.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The purpose of maintaining this system of records is to keep accurate accounting of personnel travel. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal user of this information outside the Department of State is the General Accounting Office. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** ice

**Storage:** Hard copy.

**Retrievability:** By individual name

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are retained approximately 7 years depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Office of the Budget, Room 1332, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Office of the Budget might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of the Budget to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; approximate date of the individual's travel with the Department of State.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; Personnel Office of the Department of State; Central Accounting Office of the Department of State; employment and recruiting officers of the Department of State.

State33.

**System name:** Protocol Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Individuals receiving gifts/decorations from foreign governments; individuals invited to official state functions.

**Categories of records in the system:** Description of gifts/decorations received from foreign governments; donors; guest lists; type of function; address and occupation of the individual; sample invitations.

**Authority for maintenance of the system:** 22 U.S.C. 2621-2625.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information contained in these records is used as an accounting of those U.S. government officials receiving gifts/decorations from foreign governments and to record for historical purposes the names of those individuals invited to and attending official state functions. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information out-

side the Department of State are: Executive Office of the President; Congress; Media organizations; general public. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy; microfilm.

**Retrievability:** by individual name

**Safeguards:** All employees of the Department of State have undergone a thorough background investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are retained permanently. They are retired in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Assistant Chief of Protocol for Administration, Room 1238, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Office of Protocol might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Protocol to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates which give the individual cause to believe that the Office of Protocol might have records pertaining to him or her.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; employers; Public references; Other officials in the Department of State; Other government agencies; Other public and professional institutions possessing relevant information.

State33.

**System name:** Protocol Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Individuals receiving gifts/decorations from foreign governments; individuals invited to official state functions.

**Categories of records in the system:** Description of gifts/decorations received from foreign governments; donors; guest lists; type of function; address and occupation of the individual; sample invitations.

**Authority for maintenance of the system:** 22 U.S.C. 2621-2625.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information contained in these records is used as an accounting of those U.S. government officials receiving gifts/decorations from foreign governments and to record for historical purposes the names of those individuals invited to and attending official state functions. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Executive Office of the President; Congress; Media organizations; general public. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy; microfilm.

**Retrievability:** by individual name

**Safeguards:** All employees of the Department of State have undergone a thorough background investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are retained permanently. They are retired in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Assistant Chief of Protocol for Administration, Room 1238, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Office of Protocol might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Protocol to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates which give the individual cause to believe that the Office of Protocol might have records pertaining to him or her.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; employers; Public references; Other officials in the Department of State; Other government agencies; Other public and professional institutions possessing relevant information.

State-34

**System name:** Public Affairs Applicants Records

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Individuals who have participated or applied for participation in Scholar/Executive-Diplomat Seminar Program; individuals who have participated or applied for participation in the Department's work-Study Program.

**Categories of records in the system:** individual's name, address, and telephone number; biographic information; recommendations; evaluations of intership.

**Authority for maintenance of the system:** 22 U.S.C. 811a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system or records is maintained to select individuals for participation in the Scholar/Executive-Diplomat Seminar Program and the Work-Study Program. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. A participant in the Work-Study Program may request that the Department forward a copy of his or her evaluation to a potential employer. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** These records are retained for approximately 3 years. They are retired or destroyed in accordance with published schedules of the Department of State. More specific in-

formation may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State,

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Agency for International Development; U.S. Information Agency; Arms Control and Disarmament Agency; U.S. Secret Service; Immigration and Naturalization Service; Department of Defense; Can-

**Categories of individuals covered by the system:** Individuals who have contracted with the Department of State to provide various linguistic and other services.



formation may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Chief, Conferences & Seminars Division

Bureau of Public Affairs  
2201 C St. NW Washington, D.C. 20520

**Notification procedure:** Individuals who have reason to believe that the Bureau of Public Affairs have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street, NW, Washington, DC 20520. The individual must specify that he wishes the records of the Bureau of Public Affairs to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address; signature; approximate dates on which the individual applied for participation or participated in the Scholar/Executive-Diplomat Seminar Program or the Work Study Program.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; faculty members; academic institutions

State-35.

**System name:** Public Affairs Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520 or; Department of State Annex 02, 515 22nd Street NW, Washington, DC 20037.

**Categories of individuals covered by the system:** Individuals receiving correspondence drafted by the Bureau of Public Affairs; Individuals requesting access to Department of State records or to information derived from these records; individuals requesting information under the Freedom of Information Act.

**Categories of records in the system:** Correspondence between the Department of State and the individual, correspondence between the Department of State and other federal agencies concerning requests for information; Correspondence between the Bureau of Public Affairs and other bureaus within the Department concerning requests for information; Correspondence between the Bureau of Public Affairs and other offices within the Department or other federal agencies regarding required security clearances of individual researchers or concerning the clearance of classified and restricted material which these researchers consulted.

**Authority for maintenance of the system:** 5 U.S.C. 552

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information concerning individuals receiving letters drafted by the Bureau of Public Affairs is used for reference in further correspondence with the same subjects. Information concerning individuals requesting access to Department of State records is used in dealing with requests for access to classified or restricted material and in making appropriate arrangements for such access. This information may also be used to coordinate decisions on access to records with other Federal agencies which have custody of Department of State records or which share with the Department responsibility for deciding on access to certain categories of records. Information concerning individuals requesting information under the Freedom of Information Act is used to provide information on such requests as required by Congress, to keep account of cases as they circulate through the Department, and to write reports to Congress and the Interagency Classification Review Committee. These records may also be requested by the public. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Congress; Interagency Classification Review Committee. This information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see "Routine Uses" paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy; Magnetic computer media

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Historical Office, Bureau of Public Affairs Dept. of State, Washington, D.C. 20520.

**Notification procedure:** Individuals who have reason to believe that the Bureau of Public Affairs might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520. The individual must specify that he wishes the records of the Bureau of Public Affairs to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address; signature; approximate dates on which the individual requested information under the Freedom of Information Act, requested access to Department of State records or to information derived from these records, received correspondence from the Department of State.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; offices within the Department of State; other federal agencies; individuals writing letters of reference.

State-36

**System name:** Security Records

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Employees and former employees of the Department of State, applicants for Department employment who have been or are presently being investigated; contractors working for the Department; recipients of Cultural Grants, individuals requiring access to the official Department of State premises who have undergone or are undergoing security clearance; individuals involved in matters of passport and visa fraud, munitions control, unauthorized access to classified information, and alien prospective spouses of American personnel of the Department of State; individuals whose activities have a potential bearing on the security of Departmental or Foreign Service operations. In addition, security files contain information needed to provide protective services for the Secretary of State and visiting foreign dignitaries and heads of state, and to protect the Department's official premises. There are also information copies of investigations of individuals conducted abroad at the request of Federal agencies. Finally, security files contain documents and reports furnished to the Department by other agencies concerning individuals whose activities the other agencies may have a bearing on U.S. foreign policy interests.

**Categories of records in the system:** Investigatory material relating to any category of individual described above; applications for employment, intelligence reports; fingerprints; photographs; internal memorandums.

**Authority for maintenance of the system:** 5 U.S.C. 7311 and 7531-33; 8 U.S.C. 1104; 18 U.S.C. 111, 112, 201, 202, 1114, 1116, 1117, 1541, 1542, 1543, 1544, 1546; 22 U.S.C. 211a, 846, 911, 2454, and 2667, Executive Order 10450; Executive Order 11652; Executive Order 19865; 22 CFR Subchapter M

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Department of Treasury; Civil Service Commission;

Agency for International Development; U.S. Information Agency; Arms Control and Disarmament Agency; U.S. Secret Service; Immigration and Naturalization Service; Department of Defense; Central Intelligence Agency; Department of Justice; National Security Agency; Drug Enforcement Administration; Any other Federal agency inquiring pursuant to law or Executive Order in order to execute Order in order to make a determination of general suitability for employment or retention in employment, for granting a contract or issuing a license or grant, or for issuance of a security clearance; any other Federal, state, or municipal law enforcement agency for law enforcement purposes; any other agency or Department of the Federal government pursuant to statutory intelligence responsibilities or other lawful purposes; any other agency or Department of the Executive Branch having oversight or review authority with regard to its investigative responsibilities; to extent necessary to identify the individual adequately, to any other record custodian in order to obtain information relevant to a legitimate investigative or intelligence interest of the Department of State. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see "Routine Uses" of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy; microfilm; microfiche;

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees. is limited to authorized.

**Retention and disposal:** Retention of these records varies, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Deputy Assistant Secretary for Security, Room 2513, Department of State, 2201 C Street, NW, Washington, DC 20520.

**Notification procedure:** Individuals who wish to find out if the Department of State, Office of Security, has records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; persons having knowledge of the individual, persons having knowledge of incidents or other matters of investigative interest to the Department; pertinent records of other federal state, or local agencies or foreign governments; public sources.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c) (3), (d), (e)(1), (e) (4) (G), and (H), and (I), and (f). See Department of State rules published on this same date in the ————. Pursuant to Section (j)(2) of the Act, records compiled by the Passport and Visa Fraud Branch of the Office of Security may be exempted from the requirements of any part of the Act except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) to the extent necessary to assure the effective completion of the investigative and judicial processes. 17:vistin

State-37

**System name:** Translators and Interpreters Records.

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Individuals who have contracted with the Department of State to provide various linguistic and other services.

**Categories of records in the system:** Contract itself; biographical sketches of the contractors; other information relating to contract award and performance.

**Authority for maintenance of the system:** 22 U.S.C. 811a

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information on these records is maintained to facilitate the procurement and effective performance of translators and interpreters who serve a vital function in the Department's foreign policy requirements. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are potential employers, credit institutions, rental offices, etc.; requesting verification of employment and/or earnings. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see "Routine Uses" paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies from 5 to 6 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Deputy Assistant Secretary for Operations, Room 1417, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Language Services Division might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Language Services Division to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that Language Services Division might have records pertaining to him.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; end-users of the contracted services; various employees of the contracting office.

State-38

**System name:** Vendor Records

**System location:** Supply and Transportation Division, Room 532, Department of State Annex 06, 1700 N. Lynn Street, Arlington, Virginia 22209.

**Categories of individuals covered by the system:** Individuals who have contracted with the Department of State to provide various supplies and other services.

**Categories of records in the system:** The contract itself; biographical sketches of the contractors; requisitions; invitations to bid; specifications; bids; Bid abstracts; contract provisions; award documents; other information relating to contract award and performance.

**Authority for maintenance of the system:** 31 U.S.C. 67(b); 41 U.S.C. 257

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: the issuance of visas; Department of Justice; Department of Labor;

Intelligence Agency; National Aeronautics and Space Administration; Department of Defense; Department of State; Department of Treasury; Civil Service Commission;

lawful authority to maintain such information. Also see "Routine Uses" paragraphs of prefatory statement.

**Safeguards:** The Berlin Document Center is an enclosed compound with a 24-hour military guard. Access and admission is



**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information contained in these records is used primarily for auditing and budgetary purposes. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: General Accounting Office; Armed Services Board of Contract Appeals. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies from 3 to 8 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Deputy Assistant for Operations, Room 1417, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have reason to believe that the Supply and Transportation Division might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Supply and Transportation Division to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the type of supply/service contracted to the Department of State and the approximate dates during which contractual arrangement was effective.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (Address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individual; end-users of the contracted services; various employees of the contracting office.

#### State-39

**System name:** Visa Records

**System location:** The Visa Office, Department of State Annex 02, Room 713, 515 22nd Street NW, Washington, DC 20037; Department of State, 2201 C Street NW, Washington, DC 20520; overseas posts.

**Categories of individuals covered by the system:** Individuals who have applied for visas; aliens who may be ineligible to receive visas.

**Categories of records in the system:** visa applications; letters from interested parties; communications between the Visa Office and consulates, other U.S. Government agencies, international organizations, and foreign missions regarding the eligibility, issuance, revalidation, and extension of visas.

**Authority for maintenance of the system:** 8 U.S.C. 1101-1503

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information in this system is used to assist consular officers overseas in dealing with problems of a legal, technical or procedural nature that may arise in considering an application of a U.S. visa. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Immigration and Naturalization Service to coordinate

the issuance of visas; Department of Justice; Department of Labor; Central Intelligence Agency; National Aeronautics and Space Administration; Department of Defense; Congress. Unclassified information is released to interested persons inquiring as to the status of a particular visa case. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy; magnetic computer media;

**Retrievability:** By individual name

**Safeguards:** All employees of the Department of State have undergone a thorough security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records varies from one year to an indefinite period of time, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**System manager(s) and address:** Director, Visa Office, Room 800, Department of State Annex 02, 515 22nd Street NW, Washington, DC 20037.

**Notification procedure:** Individuals who have cause to believe that the Visa Office might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Visa Office to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate date on which the individual applied for a visa, and if this application was made overseas, the U.S. embassy or consulate at which the application was made.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (Address above).

**Contesting record procedures:** (See above.)

**Record source categories:** The individuals; members of Congress; the public interested in the visa applicant's case; U.S. Government agencies; foreign missions; international organizations; local sources at overseas posts.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

#### State-40

**System name:** Privacy Act Requests Records

**System location:** Department of State, 2201 C Street NW, Washington, DC 20520.

**Categories of individuals covered by the system:** Individuals who have requested personal information from the record systems of the Department of State.

**Categories of records in the system:**

Request from the individual;  
Related correspondence;  
Related memoranda.

**Authority for maintenance of the system:** 5 U.S.C. 552a, sec. 2.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system of records is maintained in order to efficiently process requests made under the Privacy Act of 1974. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Information is released to other government agencies who have statutory or other

above)  
**Contesting record procedures:** (See above.)

**Record source categories:** nt Agencies

lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of prefatory statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** hard copy.

**Retrievability:** by individual name

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records is indefinite. They will be retired or destroyed in accordance with schedules if the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520.

**System manager(s) and address:** Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

**Notification procedure:** Individuals who have cause to believe that the Privacy Act requests Records might have information pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Privacy Act Requests to be checked. At a minimum, the individual must include:

his name;  
date and place of birth;  
current mailing address and zip code;  
his signature;  
approximate date on which the individual requested information under the Privacy Act of 1974.

**Record access procedures:** Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (Address above).

**Record source categories:**

the individual;  
Officials of the Department of State;  
Officials of other government agencies who may be involved in the request.

#### State-41

**System name:** Berlin Document Center Records

**System location:** U.S. Mission Berlin, 170 Clayallee, APO New York 09742.

**Categories of individuals covered by the system:**

Individuals associated with former government, organization, or party apparatus, of the Third Reich, who are now U.S. citizens or lawfully admitted resident aliens.

**Categories of records in the system:**

Original documents of Third Reich, NSDAP, SS, and affiliated institutions and organizations;  
Biographic documents;  
NSDAP membership records;

**Authority for maintenance of the system:**

Executive Order 10608;  
Allied Control Council Directives (1946).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information contained in this system of records may be released to any U.S. government agency having statutory or other lawful authority to maintain such information. Information may also be made available to foreign governments, scholars, and other response to lawful and verified requests. Also see 'Routine Uses' paragraphs of the Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** hard copy;

magnetic computer media;

**Retrievability:** by individual name

**Safeguards:** The Berlin Document Center is an enclosed compound with a 24-hour military guard. Access and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. Records are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Retention of these records is permanent. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520.

**System manager(s) and address:** Director, Berlin Document Center

**Notification procedure:** Individuals who have reason to believe that the Berlin Document Center might have records pertaining to them should contact the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State 2201 C Street, NW Washington, DC 20520, or the Director, Berlin Document Center (see LOCATION above). At a minimum, the individual must include:

his name;  
date and place of birth;  
current mailing address and zip code;  
his signature;  
a brief description of the circumstances and the approximate dates which gave the individual cause to believe that the Berlin Document Center might have records pertaining to him.

**Record access procedures:** Individuals who wish to gain access to records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (see address above). Proof of Citizenship or resident alien status will be required at the time access is granted.

**Record source categories:** (see above) (see CATEGORY OF RECORDS)

**Systems exempted from certain provisions of the act:** Certain records contained within the system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e) (4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the -----

#### State-42

**System name:** Munitions Control Records

**System location:** Room 800, 1701 N. Ft. Myer Drive, Arlington, VA (SA-6)

**Categories of individuals covered by the system:** Persons of interest to the Office of Munitions Control in connection with its responsibility in Arms Regulations.

**Categories of records in the system:** Information of activities related to the illegal export of Munitions List Items.

**Authority for maintenance of the system:** 22 U.S.C. 1934

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information contained in these records is used to make determinations relative to the export of Munitions List items. Information may be released to other federal intelligence and law enforcement agencies. See also 'Routine Uses' paragraphs of Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** e

**Storage:** Hard copy.

**Retrievability:** By individual name.

**Safeguards:** All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or those under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

**Retention and disposal:** Active records are retained in the Office of Munitions Control. Inactive records are retired to the Federal Records Center and destroyed 17 years after such retirement.

**System manager(s) and address:** Director, Office of Munitions Control, Department of State, Washington, D.C. 20520

**Notification procedure:** Individuals who have cause to believe that the Munitions Control Records system might contain information

above)  
**Contesting record procedures:** (See above.)

**Record source categories:** nt Agencies

#### PANAMA CANAL COMPANY

[ 35 CFR Part 10 ]

ACCESS TO INFORMATION

entitled, pursuant to 5 U.S.C. 551 (1) (C), as the government of a territory or possession of the United States.

(c) For purposes of these regulations and the provisions of 5 U.S.C. 552a, all systems of records maintained by either the Panama Canal Company, or the



**Notification procedure:** Individuals who have cause to believe that the Munitions Control Records system might contain information on them should contact the Director, Foreign Affairs Document and Reference Center, 2001 C St., Washington, D.C. 20520. The individual should include his full name, date of birth, and current mailing address in the request.

**Record access procedures:** Individual who wish to gain access to or to amend records pertaining to them should contact the Director, Foreign Affairs Document and Reference Center. (See address

above)

**Contesting record procedures:** (See above.)

**Record source categories:** nt Agencies

**Systems exempted from certain provisions of the act:** Records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e) (4)(G), (H), and (I) and (f). See Department of State rules published on this same date in the FEDERAL REGISTER. /

## PANAMA CANAL COMPANY

[ 35 CFR Part 10 ]

### ACCESS TO INFORMATION CONCERNING INDIVIDUALS

#### Proposed Regulations Implementing the Privacy Act of 1974

Notice is hereby given that the Panama Canal Company and the Canal Zone Government propose to implement section 3 of the Privacy Act of 1974 (5 U.S.C. 552a) by establishing a new Part 10 in Title 35, Code of Federal Regulations. The regulations which it is proposed to include in this new part establish procedures under which personal information contained in agency records systems may be inspected by the individuals to whom it pertains and (in appropriate cases) may be amended or deleted at their request. The regulations also identify those systems of records which are exempt from certain portions of the Privacy Act.

Notice is also given of certain general routine uses which may be made of information contained in all agency systems of records which are subject to the Privacy Act. When notice is given as to particular systems of records being maintained, additional routine uses will be identified.

Although the Panama Canal Company and the Canal Zone Government are legally separate and distinct agencies, they are closely interrelated in purposes, organization and operations, as is evidenced by the following considerations: that the combined function of these agencies is the administration of the Panama Canal enterprise as a whole; that the Canal Zone is required by law to be held, treated and governed as an adjunct of the Panama Canal; that the Panama Canal Company is charged, among other things, with the conduct of business operations incident to the civil government of the Canal Zone; that the Governor of the Canal Zone is, *ex officio*, a Director and President of the Panama Canal Company; that the net costs of operation of the Canal Zone Government are deemed by law to form an integral part of the costs of operation of the Panama Canal enterprise as a whole; and that the Panama Canal Company is obligated by law to reimburse the Treasury for the net costs of operation of the Canal Zone Government. An interagency agreement, dated July 1, 1951, provides for performance by the Panama Canal Company of various functions and services for and on behalf of the Canal Zone Government.

In view of the foregoing, notice is given that these two agencies will function as a single agency for the purpose of implementing the Privacy Act. Officers and employees of either agency who have need for a record in the performance of their duties are deemed to be employees of the agency which maintains the record, within the meaning of 5 U.S.C. 552a(b)(1).

Implementation of the Privacy Act by the Canal Zone Government is not intended to waive any exemption from that act to which the agency may be

entitled, pursuant to 5 U.S.C. 551(1)(C), as the government of a territory or possession of the United States.

Inquiries may be addressed, and data, views and arguments concerning the proposed regulations may be submitted to the Secretary, Panama Canal Company, 425 13th Street, NW. (Room 312), Washington, D.C. 20004, or to the Governor of the Canal Zone (President, Panama Canal Company), Box M, Balboa Heights, Canal Zone. All material received on or before September 20, 1975 will be considered. All comments in response to this notice will be available for public inspection during normal business hours at the foregoing addresses.

It is anticipated that the new regulations will become effective September 27, 1975, the effective date of section 3 of the Privacy Act.

Accordingly, it is proposed to amend 35 CFR, Chapter I, by adding thereto a new part designated "Part 10—Access to Information Concerning Individuals," reading as follows:

#### PART 10—ACCESS TO INFORMATION CONCERNING INDIVIDUALS

Sec.	Purpose and scope.
10.1	Definitions.
10.2	Procedures for requests pertaining to individual records in a record system.
10.3	Times, places, and requirements for identification of individuals making requests.
10.4	Disclosure of requested information to individuals.
10.5	Special procedures: Medical records.
10.6	Request for correction or amendment to record.
10.7	Agency review of request for correction or amendment of record.
10.8	Appeal of initial adverse agency determination on correction or amendment.
10.9	Disclosure of record to person other than the individual to whom it pertains.
10.10	Fees.
10.11	Penalties.
10.12	General exemptions.
10.13	Specific exemptions.
10.14	Appendix A—General Routine Uses.

**AUTHORITY:** 5 U.S.C. 552a, 88 Stat. 1897.

#### § 10.1 Purpose and scope.

(a) The purpose of this part is to establish policies and procedures for implementing the Privacy Act of 1974 (Pub. L. 93-579), and particularly the provisions of 5 U.S.C. 552a as enacted thereby.

(b) The procedures specified in this part apply only to information concerning individuals which is maintained under the control of the Panama Canal Company or the Canal Zone Government or both, in a system of records the existence and character of which has been disclosed by publication in the FEDERAL REGISTER. Where another agency has published notice of the existence and character of a system of records which is partially under the control of the Panama Canal Company or Canal Zone Government, the regulations of the agency publishing the notice take precedence over these regulations.

(c) For purposes of these regulations and the provisions of 5 U.S.C. 552a, all systems of records maintained by either the Panama Canal Company or the Canal Zone Government are deemed to be systems of records maintained by both agencies, and officers or employees of either agency who have need for a record in the performance of their duties are deemed to be employees of the agency which maintains the record within the meaning of 5 U.S.C. 552a(b)(1). Implementation of the provisions of the Privacy Act by the Canal Zone Government is not intended to waive any exemption to which the agency is entitled under 5 U.S.C. 551(1)(C) as the government of a territory or possession of the United States.

#### § 10.2 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the meanings set forth therein.

(b) As used in this part:

"Agency Records Officer" means the Chief, Administrative Services Division.

"System manager" means the official designated as such in the most recent Notice of Systems of Records published in the FEDERAL REGISTER.

#### § 10.3 Procedures for requests pertaining to individual records in a record system.

(a) An individual wishing to determine whether a particular system of records contains information pertaining to him shall:

(1) Apply either in person or in writing to the system manager designated in the Notice of the System of Records or to the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone;

(2) Reasonably identify the system or systems of records to which the request pertains; and

(3) Adequately identify himself to the official to whom the request is made. If the request is made in person, display of a proper employee identification card, driver's license, or other photo identification card shall be sufficient. If the request is made in writing, the individual shall supply such information as may assist in verifying his identity (e.g., signature, employee identification number, date and place of birth) and may be required to provide the certificate of a notary public or other official authorized to administer oaths.

(b) An inquiry which is submitted in writing shall be clearly marked, on the envelope and in the text, with the words "Privacy Act Inquiry".

(c) The official to whom an inquiry is directed shall acknowledge its receipt promptly, but in no case later than 10 work days. The individual shall be notified:

(1) That a record is maintained on him in the system of records specified, and the conditions under which it may be reviewed;

(2) That no record is maintained on him in the system of records specified; or

to the inquiry can. § 10.5 Disclosure of requested information—Director or his designee has determined

(3) Describe the procedures to be followed

§ 10.10 Disclosure of record to person other than the individual to whom it pertains—thereof, any joint committee of Con-



## PROPOSED RULES

(3) That no answer to the inquiry can be given because the system of records or the individual has not been adequately identified, the system of records is exempt from disclosure, or the record or system of records in question is not within the agency's control.

#### § 10.1 Times, places, and requirements for identification of individuals making requests.

(a) An individual who desires to inspect his record or information pertaining to him shall present himself during regular working hours at the location specified in the Notice of the System of Records or at the office of the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. He shall identify himself to the system manager or the Agency Records Officer (or a person designated by them) by displaying at least one identification document containing his picture (e.g., employee identification card, driver's license, passport) or at least two identification documents containing his signature, or other documentation suitable to the official concerned.

(b) An individual purporting to act on behalf of another individual, as the parent of a minor or as the legal guardian of an individual who has been declared to be incompetent, shall (after satisfactorily identifying himself) present evidence that he is entitled to act on the other individual's behalf. A parent shall display a certified or authenticated copy of the minor's birth certificate and a legal guardian shall display a certified or authenticated copy of the court order establishing guardianship. In addition, in appropriate cases the parent or legal guardian of a minor may be requested to provide evidence that the minor is in his custody, that the minor has consented to disclosure of certain information to him, or otherwise that he has authority to act on the minor's behalf.

(c) An individual who desires to inspect his record or information pertaining to him but who cannot appear in person during regular working hours shall contact the system manager or the Agency Records Officer, by telephone or by letter, to establish the procedures to be followed in verifying the individual's identity and in granting him access to the record or records in question. An individual who is unable to appear in person shall normally be required to have his identity verified by a notary public or equivalent officer empowered to administer oaths.

(d) When for any reason an individual is unable to establish his identity to the satisfaction of the system manager or Agency Records Officer, such individual may be requested to furnish a signed statement asserting his identity and stipulating that he understands that knowingly and willfully requesting or obtaining access to any record concerning another individual under false pretenses is a misdemeanor punishable by a fine of up to \$5,000.

#### § 10.5 Disclosure of requested information to individuals.

(a) When a system manager has determined, in response to a request, that information pertaining to an individual is contained in a system of records under his control and is not exempt from disclosure to that individual, and when the individual has satisfactorily identified himself, immediate access to the record or records in question will normally be provided. When for any reason immediate access cannot be provided, the system manager shall arrange with the individual for access at a mutually acceptable time and place or for copying of the record or records in question. In the event that access cannot be granted within 10 working days following a request, the individual shall be advised in writing of the circumstances causing the delay.

(b) Illustrative of the circumstances that can reasonably be anticipated to cause delay in granting an individual access to his records or information pertaining to him are: physical inaccessibility of the record, volume of material involved, number of requests pending with the system manager, need to extract from a record information which is exempt from disclosure or which pertains to other individuals, and need to consult with other agencies having a substantial interest in determinations involved with the request.

(c) The decision by a system manager to deny an individual access to his record or to information pertaining to him shall not be considered a final agency decision unless it has been reviewed and confirmed in writing by the Agency Records Officer.

(d) An individual who is granted access to his record or to information pertaining to him may, upon request, be accompanied by a person of his choosing provided he has furnished the system manager with a written statement authorizing disclosure of the record or information to such person.

(e) An individual may be granted access to copies of a record rather than to the record itself when such record is not maintained at, or cannot be transferred to, a location which is accessible to the individual. Copies prepared at the request of the individual are subject to payment of the fees prescribed in § 10.11. No fee will be charged the individual for copies prepared at the election of the agency unless the individual declines to return such copies at the agency's request.

(f) No individual shall be permitted to inspect original agency records except under the immediate supervision of the system manager or his designee.

#### § 10.6 Special procedures: Medical records.

(a) Medical records pertaining to an individual, including psychological records which are not subject to paragraph (b) of this section, may be disclosed to the individual only after the Health Director or his designee has determined

that such disclosure would not be likely to have an adverse effect upon the individual to whom they pertain. Upon written request from an individual, however, medical records which are not otherwise exempt from disclosure may be reviewed by a licensed medical practitioner designated by the individual.

(b) Psychological records which are maintained on students by the Division of Schools may be disclosed to the individual to whom they pertain, or to the parent or legal guardian of such individual, only to the extent that the Superintendent of Schools or his designee determines that such disclosure would not be likely to have an adverse effect upon the individual to whom they pertain.

#### § 10.7 Request for correction or amendment to record.

After an individual has inspected a record pertaining to him, he may apply in writing to the Agency Records Officer, Box M, Balboa Heights, Canal Zone, for the correction or amendment of any portion of such record which he believes is not accurate, timely, relevant, or complete. The envelope and the letter containing such request shall be clearly marked with the words "Privacy Act Request for Amending Records" and the letter shall set forth with reasonable specificity the record or portion of the record concerned, the correction or amendment desired, and the reasons therefor, together with any other information which may be necessary for proper processing of the request.

#### § 10.8 Agency review of requests for correction or amendment of record.

(a) Within 10 working days after receipt of a request for correction or amendment of a record, the Agency Records Officer or his designee shall acknowledge receipt of the request and advise the individual making the request of either (1) the initial agency decision or (2) the date by which an initial agency decision can be expected.

(b) When all or part of the individual's request is approved, the Agency Records Officer or the system manager will so advise the individual. The system manager will be responsible for correcting the record and, where an accounting of disclosures has been maintained, for advising all previous recipients of the record that such correction has been made.

(c) Where after initial review all or part of the individual's request is disapproved, the Agency Records Officer or the system manager will:

(1) Advise the individual of this determination and the reasons therefor, including any criteria for determining accuracy which were employed in the review;

(2) Inform the individual that he may request a further review by the Lieutenant Governor of the Canal Zone (Vice President, Panama Canal Company) or by some other specified official in cases where the initial determination is based upon advice from another agency; and

(3) Describe the procedures to be followed in obtaining such review.

#### § 10.9 Appeal of initial adverse agency determination on correction or amendment.

(a) An individual whose request for correction or amendment of a record has been denied in whole or in part may obtain review of such denial by the Lieutenant Governor of the Canal Zone (Vice President, Panama Canal Company). Requests for review must be in writing and must be clearly marked on the exterior and in the text with the words "Privacy Act Appeal".

(b) Following receipt of a request, the Lieutenant Governor-Vice President shall direct such review as he deems appropriate and shall make a final agency determination within 30 working days from the date of the request.

(c) If the Lieutenant Governor-Vice President concurs in the refusal to amend the record, he will advise the individual of such refusal and the reasons therefor, and that:

(1) Such determination is a final agency action;

(2) The individual may file a concise statement setting forth his reasons for disagreeing with the determination, and any procedures to be followed in submitting such a statement;

(3) Such statement, if submitted, will be made available to anyone to whom the record is subsequently disclosed and to any prior recipients of the disputed record (to the extent that an accounting of disclosures has been maintained), together with any summary of the agency's position which is considered appropriate; and

(4) The individual may seek judicial review of the agency's refusal to amend a record, in accordance with 5 U.S.C. 552 a(g).

(d) If the Lieutenant Governor-Vice President determines that the record should be amended in accordance with the individual's request, he will so advise the individual. The system manager will be responsible for correcting the record and, where an accounting of disclosures has been maintained, for advising all previous recipients of the record that such correction has been made.

(e) The 30-day period specified in paragraph (b) of this section may be extended by the Governor for good cause shown. When additional time is required, the individual shall be advised in writing of the reason for the delay and the approximate date on which the review will be completed.

(f) When an individual elects to file with the agency a statement of disagreement with the denial of his request for amendment of a record, the system manager shall cause the disputed portion of the record to be clearly marked. Thereafter, copies of the statement of disagreement shall be provided to anyone to whom the record is subsequently disclosed and to any prior recipients of the disputed record (to the extent that an accounting of disclosures has been maintained), together with any summary of the agency position which is deemed appropriate.

## PROPOSED RULES

#### § 10.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Except as provided in this section or as required by other applicable law, information on an individual which is maintained in a system of records under the control of the Panama Canal Company and Canal Zone Government may not be released to anyone other than the individual to whom it pertains without the prior written consent of that individual.

(b) Pursuant to 5 U.S.C. 552a, information pertaining to an individual may be disclosed:

(1) Upon written request by the individual (5 U.S.C. 552a(b));

(2) To the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, where such person is acting on the individual's behalf (5 U.S.C. 552a(h));

(3) To officers and employees of the Panama Canal Company and Canal Zone Government having a need for such information in the performance of their duties (5 U.S.C. 552a(b)(1));

(4) As required under the Freedom of Information Act (5 U.S.C. 552) (5 U.S.C. 552a(b)(2));

(5) For a routine use as described for all systems of records in Appendix A and for specific systems of records in the Notice of Systems of Records published in the FEDERAL REGISTER (5 U.S.C. 552a(b)(3));

(6) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13, U.S. Code (5 U.S.C. 552a(b)(4));

(7) To a recipient who has provided advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable (5 U.S.C. 552a(b)(5));

(8) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value (5 U.S.C. 552a(b)(6));

(9) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request specifying the particular portion desired and the law enforcement activity for which the record is sought (5 U.S.C. 552a(b)(7));

(10) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual (5 U.S.C. 552a(b)(8));

(11) To either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee

thereof, any joint committee of Congress or subcommittee of any such joint committee (5 U.S.C. 552a(b)(9));

(12) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office (5 U.S.C. 552a(b)(10));

(13) Pursuant to the order of a court of competent jurisdiction (5 U.S.C. 552a(b)(11)).

(c) The system manager or his designee shall maintain an accounting of each disclosure of personal information from a system of records under his control, except where such disclosure is made pursuant to paragraphs (b)(3) or (b)(4) of this section. Such accounting shall include the date, nature, and purpose of each such disclosure and the name and address of the person or agency to whom the disclosure is made. This accounting shall be retained for the life of the record, but in no instance for less than five years following the disclosure. Except with respect to disclosures made pursuant to paragraph (b)(9) of this section, the accounting shall be made available to an individual named in the record to which it pertains, in accordance with the procedures specified in § 10.5, unless the record is exempt from disclosure pursuant to § 10.13 or § 10.14.

#### § 10.11 Fees.

(a) The fee for the first copy of a record or any portion thereof furnished an individual pursuant to a request under this part shall be that provided in § 9.5 (a)(1) of this title for copies of documents furnished under the Freedom of Information Act. Additional copies of a record or any portion thereof shall be provided at the photocopy reproduction rate set forth in the official tariff of the Panama Canal Company and the Canal Zone Government.

(b) The cost of regular or airmail postage, insurance, and special delivery or certified mail fees may also be charged to the individual where transmission of records to places off the Isthmus is required and where such cost exceeds \$1.00.

(c) A request for copies of records or portions thereof which is expected to involve fees in excess of \$50 will not be deemed to have been received until the requester has been advised of the anticipated cost and has agreed in writing to pay it.

#### § 10.12 Penalties.

Subsections (g) and (i) of 5 U.S.C. 552a provide civil remedies and criminal penalties for noncompliance with provisions of the Privacy Act of 1974 (Pub. L. 93-579) or regulations promulgated thereunder. Adverse or disciplinary action also may be taken against any officer or employee who willfully or negligently fails to comply with the requirements of the act or the regulations in this part.

#### § 10.13 General exemptions.

(a) Activities pertaining to the enforcement of criminal laws are performed as the principal function of the Internal Security Office and the following components of the Civil Affairs Bureau:

## PROPOSED RULES

Canal Protection Division, Customs Division, Police Division, and Probation and

(28) Biographical Data Cards, PCC-CZG/ISO-5;

(xviii) Pending Detective Investigation Records, PCC-CZG/CAPL-8;

(ix) Biographical Data Files, PCC-CZG/ISO-6.

cept to the extent that such disclosure would reveal the identity of a confiden-

4. Information may be disclosed to a federal agency, in response to its request in a particular case or in a category of cases, in



## PROPOSED RULES

Canal Protection Division, Customs Division, Police Division, and Probation and Parole Unit. Identification of individuals who are (or are not) the subjects of investigative files, disclosure to such individuals of the contents of such files and of the persons or agencies to whom such contents may have been transmitted, and the imposition of certain restrictions on the manner in which investigatory data is collected, verified, or retained could be expected to preclude the apprehension or the successful prosecution of persons engaged in criminal activity. Accordingly, the following systems of records maintained by the aforementioned agency components shall be exempt, pursuant to 5 U.S.C. 552a(j), from subsections (c) (3) and (4), (d), (e) (1) through (3), (e) (4) (G) through (I), (e) (5), (e) (8), (f) through (h), and (o) of 5 U.S.C. 552a and from the procedures for access and contest set forth in §§ 10.3 through 10.9 of this part.

(1) Vital Installation Access Files, PCC-CZG/CACP-1;

(2) State Department Visa Lookout Book, PCC-CZG/CACU-1;

(3) Immigration and Naturalization Service Lookout Book, PCC-CZG/CACU-2;

(4) Customs Fugitive Records, PCC-CZG/CACU-3;

(5) Cardex File—Smuggling; Narcotics; Violators or Suspects and Fugitives, PCC-CZG/CACU-4;

(6) Cardex File—Vehicle Exporters, PCC-CZG/CACU-5;

(7) Cardex File—Contraband Violations, PCC-CZG/CACU-6;

(8) Seamen's Locator List, PCC-CZG/CACU-7;

(9) Law Enforcement Case Report Files, PCC-CZG/CAPL-1;

(10) Police Headquarters Confidential Files, PCC-CZG/CAPL-2;

(11) Detective Confidential Files, PCC-CZG/CAPL-3;

(12) Convict File, PCC-CZG/CAPL-4;

(13) Prisoner Record Cards, PCC-CZG/CAPL-5;

(14) Police Photo Files, PCC-CZG/CAPL-6;

(15) Fingerprint File, PCC-CZG/CAPL-7;

(16) Pending Detective Investigation Records, PCC-CZG/CAPL-8;

(17) Informant Name File, PCC-CZG/CAPL-9;

(18) Master Name File, PCC-CZG/CAPL-10;

(19) Youth Unit Drug Abuse File, PCC-CZG/CAPL-11;

(20) Youth Unit Name Index File, PCC-CZG/CAPL-12;

(21) Probation and Parole Unit Child Custody Reports, PCC-CZG/CAPR-1;

(22) Presentence and Pre-parole Investigative Reports, PCC-CZG/CAPR-2;

(23) Probation and Parole Unit Statistical File, PCC-CZG/CAPR-3;

(24) Personnel Security Files, PCC-CZG/ISO-1;

(25) Confidential Sources and Contacts, PCC-CZG/ISO-2;

(26) Card Index System, PCC-CZG/ISO-3;

(27) Index of Contractor Employees, PCC-CZG/ISO-4;

(28) Biographical Data Cards, PCC-CZG/ISO-5;

(29) Biographical Data Files, PCC-CZG/ISO-6;

(b) Individuals may not obtain access under this part to information contained in any system of records when such information is identified as having been obtained from a system of records that has been exempted by any agency from the provisions of 5 U.S.C. 552a(d) by authority of 5 U.S.C. 552a(j).

## § 10.14 Specific exemptions.

(a) The following systems of records shall be exempt, pursuant to 5 U.S.C. 552a(k), from subsections (c) (3), (d), (e) (1), (e) (4) (G) through (I), and (f) of 5 U.S.C. 552a and from the procedures for access and contest set forth in §§ 10.3 through 10.9 of this part:

(1) Systems containing material which has been properly classified in accordance with Part 60 of this title, because its disclosure could reasonably be expected to cause damage to the national security:

(i) Personnel Security Files, PCC-CZG/ISO-1;

(ii) Confidential Sources and Contacts, PCC-CZG/ISO-2;

(iii) Card Index System, PCC-CZG/ISO-3;

(iv) Biographical Data Files, PCC-CZG/ISO-6.

(2) Systems consisting of investigatory material compiled for law enforcement purposes, because disclosure could be expected to impede the investigatory process, reveal the identities of confidential sources, or prevent the detection of unlawful actions:

(i) Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1;

(ii) Vital Installation Access Files, PCC-CZG/CACP-1;

(iii) State Department Visa Lookout Book, PCC-CZG/CACU-1;

(iv) Immigration and Naturalization Service Lookout Book, PCC-CZG/CACU-2;

(v) Customs Fugitive Records, PCC-CZG/CACU-3;

(vi) Cardex File—Smuggling; Narcotics; Violators or Suspects and Fugitives, PCC-CZG/CACU-4;

(vii) Cardex File—Vehicle Exporters, PCC-CZG/CACU-5;

(viii) Cardex File—Contraband Violations, PCC-CZG/CACU-6;

(ix) Seamen's Locator List, PCC-CZG/CACU-7;

(x) Driver's License Investigatory File, PCC-CZG/CALS-7;

(xi) Law Enforcement Case Report Files, PCC-CZG/CAPL-1;

(xii) Police Headquarters Confidential Files, PCC-CZG/CAPL-2;

(xiii) Detective Confidential Files, PCC-CZG/CAPL-3;

(xiv) Convict Files, PCC-CZG/CAPL-4;

(xv) Prisoner Record Cards, PCC-CZG/CAPL-5;

(xvi) Police Photo Files, PCC-CZG/CAPL-6;

(xvii) Fingerprint File, PCC-CZG/CAPL-7;

(xviii) Pending Detective Investigation Records, PCC-CZG/CAPL-8;

(xix) Informant Name File, PCC-CZG/CAPL-9;

(xx) Master Name File, PCC-CZG/CAPL-10;

(xxi) Youth Unit Drug Abuse File, PCC-CZG/CAPL-11;

(xxii) Youth Unit Name Index File, PCC-CZG/CAPL-12;

(xxiii) Probation and Parole Unit Child Custody Reports, PCC-CZG/CAPR-1;

(xxiv) Presentence and Pre-parole Investigative Reports, PCC-CZG/CAPR-2;

(xxv) Probation and Parole Unit Statistical File, PCC-CZG/CAPR-3;

(xxvi) Mail Covers, PCC-CZG/CAPS-1;

(xxvii) Claims Investigation Files, PCC-CZG/CAPS-2;

(xxviii) Personnel Investigation Records, PCC-CZG/CZPB-3;

(xxix) Embezzlements, Burglaries, and Cash Shortages, PCC-CZG/FVAC-1;

(xxx) Claims Files, PCC-CZG/FVAC-1;

(xxxi) Cash Audit Files, PCC-CZG/FVGA-1;

(xxxii) EEO Counseling and Investigation File, PCC-CZG/GVEO-2;

(xxxiii) Medical Administration System—Exempt, PCC-CZG/HL-2;

(xxxiv) Personnel Security Files, PCC-CZG/ISO-1;

(xxxv) Confidential Sources and Contacts, PCC-CZG/ISO-2;

(xxxvi) Card Index System, PCC-CZG/ISO-3;

(xxxvii) Index of Contractor Employees, PCC-CZG/ISO-4;

(xxxviii) Biographical Data Cards, PCC-CZG/ISO-5;

(xxxix) Biographical Data Files, PCC-CZG/ISO-6;

(xl) Housing Complaint File, PCC-CZG/SC-2;

(3) [Reserved]

(4) Systems used only for statistical research or reporting purposes and not used in making any determinations about identifiable individuals:

(i) Minority Group Designator Records, PCC-CZG/PR-11;

(5) Systems consisting of investigatory material compiled to determine suitability, eligibility or qualifications for employment, security clearance, or participation in Federal contracts, to the extent that disclosure would reveal the identity of confidential sources:

(i) Merit System Recruiting, Examining, and Placement Records, PCC-CZG/CZPB-1;

(ii) Appeals, Grievances, Complaints, and Requests for Assistance, PCC-CZG/CZPB-2;

(iii) Personnel Investigation Records, PCC-CZG/CZPB-3;

(iv) Embezzlements, Burglaries, and Cash Shortages, PCC-CZG/FVAC-1;

(v) Personnel Security Files, PCC-CZG/ISO-1;

(vi) Confidential Sources and Contacts, PCC-CZG/ISO-2;

(vii) Card Index System, PCC-CZG/ISO-3;

(viii) Index of Contractor Employees, PCC-CZG/ISO-4;

(ix) Biographical Data Files, PCC-CZG/ISO-6.

(6) Systems containing testing or examination material used to determine individual qualifications for appointment or promotion, the disclosure of which would compromise the objectivity or fairness of the testing or examination process:

(i) Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1;

(ii) Merit System Recruiting, Examining, and Placement Records, PCC-CZG/CZPB-1;

(iii) Marine License Files, PCC-CZG/MRBL-1;

(iv) Admeasurer Examination File, PCC-CZG/MRPA-1.

(b) Information in any other system of records which meets one or more of the criteria for exemption specified in paragraph (a) of this section or in subsection (k) of 5 U.S.C. 552a shall be deemed to be part of a system of records which is exempt from disclosure pursuant thereto.

(c) Information contained in a system of records listed under paragraph (a) (2) of this section which is used to deny to an individual any right, privilege, or benefit to which he would otherwise be entitled by law or for which he would otherwise be eligible shall be disclosed to such individual pursuant to §§ 10.5 or 10.6 except to the extent that such disclosure would reveal the identity of a confidential source.

## PROPOSED RULES

## APPENDIX A—GENERAL ROUTINE USES

Information pertaining to individuals which is maintained in any system of records under the control of the Panama Canal Company or Canal Zone Government is subject to disclosure, as a routine use of such information, to any of the following persons or agencies under the circumstances described:

1. Information indicating a violation or potential violation of law (whether civil, criminal, or regulatory in nature, and whether involving a statute or regulation or a rule or order issued pursuant thereto) may be referred to the federal, state, local, foreign, or international agency charged with investigating or prosecuting such violations or charged with implementing or enforcing the particular statute, or regulations, rule, or order, which is pertinent thereto.

2. Information which has a bearing on matters which may be in dispute may be disclosed in the course of presenting evidence or argument to a court or administrative tribunal, a judicial official, or counsel for a party in connection with litigation or administrative proceedings in which the agency, or its officers or employees, are or may become involved.

3. Information may be provided to persons or agencies from whom information is solicited, to the extent necessary to elicit facts which may be relevant to a financial audit or an agency decision to hire or retain an employee, issue a security clearance, award a contract, grant a license, or otherwise provide a benefit or incur an obligation.

4. Information may be disclosed to a federal agency, in response to its request in a particular case or in a category of cases, in connection with that agency's (a) decision in a personnel matter; (b) financial audits and accounting; (c) issuance of a security clearance; (d) investigation of an individual employed or formerly employed by the Panama Canal Company or Canal Zone Government; or (e) decision to award a contract, grant a license, or otherwise provide a benefit or incur an obligation.

5. Information may be supplied in response to an inquiry from a Member of Congress on behalf of an individual or, at any stage of the legislative coordination and clearance process, to the Office of Management and Budget in connection with the review of private relief legislation.

6. Information which has a bearing on the qualifications of professional personnel (such as architects, attorneys, engineers, medical practitioners, pilots, and teachers) who have been employed by the agency or have had professional dealings with the agency may be provided to the appropriate authorities such as professional licensing and certifying boards and grievance committees.

*Effective Date.* These regulations shall be effective September 27, 1975.

(2 C.Z.C. §§ 33, 66, 76A Stat. 7, 11: 5 U.S.C. 552a)

Dated: August 26, 1975.

[SEAL] H. R. PARFITT,  
Governor of the Canal Zone,  
President, Panama Canal Company.  
[FR Doc. 75-23096 Filed 8-29-75; 8:45 am]

## NOTICES

DEPARTMENT OF  
TRANSPORTATION

Custody and Safekeeping..... CG 531  
D.C. Motor Vehicle Diagnostics..... NHTSA 448  
Data Automation Program..... SLS 152

Offerors Data Bank..... NHTSA 416  
Offerors Mailing List..... NHTSA 424  
Office of Chief Counsel..... FRA 107

## NOTICES

DEPARTMENT OF  
TRANSPORTATION  
Office of the Secretary



# DEPARTMENT OF TRANSPORTATION

Office of the Secretary  
PRIVACY ACT OF 1974

## Notice of Systems of Records; List of System Names

Following is a list of names of systems of records maintained by the Department of Transportation. The notices describing these systems appear in the August 27 FEDERAL REGISTER (40 FR 38803). The components of the Department of Transportation appear at the following pages:

Coast Guard (CG)—38806-38829.  
Federal Aviation Administration (FAA)—38829-38839.  
Federal Highway Administration (FHWA)—38839-38844.  
Federal Railroad Administration (FRA)—38844-38851.  
Office of the Secretary (OST)—38852-38858-38888.  
National Highway Traffic Safety Administration (NHTSA)—38852-38868.  
Saint Lawrence Seaway Development Corporation (SLS)—38867-38893.  
Transportation Systems Center (TSC)—38893-38936.  
Urban Mass Transportation Administration (UMTA)—38893-38896.

Accounts Receivable..... FHWA 217  
Active Contract Rules..... NHTSA 403  
Active Duty Military Pay..... CG 525  
Adjudication and Settlement..... CG 526  
Air Traffic Controller H..... FAA 819  
Aircraft Registration Sys..... FAA 801  
Airman Certification Sys..... FAA 802  
Alaska RR Security and F..... FRA 102  
Alaskan Railroad Examin..... FRA 100  
Alaskan Railroad Person..... FRA 101  
Alcohol Safety Action Pr..... NHTSA 404  
Allegations of Infingem..... OST 003  
Allotment System..... CG 527  
Application for Operator..... FRA 103  
Application for U.S. Gov..... FHWA 208  
Appointment of Trustee o..... CG 637  
Automated Management Info..... TSC 700  
Automated Manpower Distr..... TSC 707  
Automated Payroll Person..... TSC 712  
Automated Personnel Skill..... TSC 705  
Automated Planning Syste..... TSC 706  
Auxiliary Management Inf..... CG 501  
Aviation Medical Identif..... FAA 800  
Basic Supervisory Person..... CG 631  
Bi-Weekly Personnel Stat..... TSC 715  
Biographical Files..... SLS 150  
Biographical Statement..... CG 671  
Blood Donor File..... UMTA 176  
Board for Correction of..... TSC 711  
Centralized Reserve Pay..... OST 004  
Chemical Transportation..... CG 528  
Citizens' Advisory Commi..... OST 005  
Civil Aviation Security..... FAA 813  
Civil Penalty Enforcement..... NHTSA 431  
Civilian Payroll System..... CG 529  
Claimants Under Federal..... SLS 151  
Claims and Litigation..... CG 508  
Closed Out Military Pay..... CG 530  
Coast Guard Family Housi..... CG 630  
Coast Guard Military Dis..... CG 516  
Coast Guard Motor Vehicl..... CG 686  
Coast Guard Personnel Se..... CG 633  
Coast Guard Reserve Pers..... CG 677  
Coast Guard Supplement L..... CG 507  
Coast Guard Welfare..... CG 635  
Combined Federal Campaign..... TSC 708  
Complaints of Unlawful..... CG 517  
Confidential Statement o..... FRA 104  
Confidential Statement o..... OST 006  
Contract and Bond Proper..... CG 536  
Contract Grievance Recor..... NHTSA 436  
Contract Information Sys..... OST 007  
Cost Effectiveness Study..... NHTSA 443

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D.C. Motor Vehicle Diagn..... NHTSA 448  
Data Automation Program..... SLS 152  
Debarred Bidders List..... NHTSA 405  
Defense Mobilization Eme..... FAA 817  
Departmental Advisory Co..... OST 008  
Departmental Personnel M..... OST 010  
Diagnostic Demonstration..... NHTSA 440  
Diagnostic Inspection De..... NHTSA 406  
Discrimination Complaint..... FAA 810  
Discrimination Investiga..... OST 011  
Docket..... NHTSA 401  
Drinking Driver Tracking..... NHTSA 447  
Driver Accident Record C..... FHWA 209  
Driver Waiver File..... FHWA 213  
Drug and Alcohol Abuse P..... NHTSA 407  
Dynamic sled tests of hu..... NHTSA 432  
PEO Counseling Program a..... NHTSA 432  
Employee Health Record S..... FAA 811  
Employee Management File..... OST 013  
Employee Payroll—Manpo..... TSC 713  
Employee Travel Records..... FRA 105  
Employee Travel Records..... TSC 701  
Employee Utilization..... FHWA 219  
Employee's Compensation..... SLS 153  
Employment Applications..... OST 014  
Enlisted Personnel Recor..... CG 629  
Enlisted Recruiting Recor..... CG 627  
Environmental Litigation..... FAA 827  
Equal Employment Opportu..... FAA 814  
Executive Team Cadre Lis..... OST 050  
Experts and Consultants..... NHTSA 408  
Fed Motor Vehicle Safet..... NHTSA 409  
Files Relating to Person..... FAA 806  
Funds Management Record..... OST 012  
General Aviation Aircraft..... OST 015  
General Aviation Medical..... FAA 804  
General Employee Records..... FAA 803  
General Investigations R..... OST 001  
General Personnel Manage..... OST 016  
General Public Correspon..... NHTSA 411  
General Public Inquiries..... NHTSA 410  
Government Driver Licen..... NHTSA 444  
Habitual Offender Analys..... NHTSA 446  
Health Unit Employee Med..... TSC 714  
Highway Safety Lit. Pers..... NHTSA 402  
Idaho Traffic Records Sy..... NHTSA 438  
Identification Media Rec..... OST 018  
Imprest Fund System..... FAA 808  
In-depth Accident Invest..... NHTSA 441  
Individual Personal Inte..... OST 019  
Information Systems Div..... OST 020  
Injuries, Illnesses, Mot..... NHTSA 433  
Intelligence & Security..... CG 611  
Investigations and Secur..... NHTSA 435  
Investigations Case File..... FHWA 214  
Investigative Record Sys..... FAA 815  
Legal Assistance Case Fl..... CG 511  
Legal Counsel Informatio..... TSC 702  
Legal Enforcement System..... FAA 805  
Litigation, Claims..... FAA 821  
Management personnel Fil..... OST 031  
Manpower Training File..... NHTSA 412  
Marine Pollution Case Fl..... CG 503  
Master Chief Petty Offic..... CG 691  
Medals of Honor File..... FHWA 212  
Medical Exemption..... FAA 824  
Medical Records and Rese..... NHTSA 541  
Memorandum of Monthly Pe..... FHWA 218  
Merchant Vessel Casualty..... CG 520  
Military Training and Ed..... CG 622  
Minority Information Fil..... TSC 709  
Minority Recruitment Fil..... UMTA 178  
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Motor Carrier Safety Pro..... FHWA 204  
Motor Vehicle Accident a..... NHTSA 445  
Motor Vehicle Defects..... NHTSA 415  
Motor Vehicle Operator E..... FAA 809  
Motorboat Registration..... CG 503  
National Defense Executi..... OST 022  
National Driver Register..... NHTSA 417  
National Highway Safety..... NHTSA 400  
National Motor Vehicle S..... NHTSA 418  
Non-Judicial Punishment..... CG 509  
Nonappropriated Fund Sys..... CG 535  
Occupational Safety & He..... ISC 703  
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Office of Safety Past Em..... FRA 109  
Office of Safety Perform..... FRA 110  
Office of Safety Person..... FRA 111  
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Officer, Enlisted, and R..... CG 628  
Official Coast Guard Res..... CG 676  
Official Officer Service..... CG 626  
Operating Management Per..... OST 023  
Outside Employment of Act..... CG 640  
Park Security Card Syste..... CG 612  
Parking Permit Applicati..... OST 034  
Parking Permit Management..... OST 025  
Payroll Administration..... FHWA 220  
Payroll Management Syste..... OST 026  
Pending Legislation..... FAA 820  
Personal Affairs..... CG 636  
Personnel and Pay Manage..... FRA 112  
Personnel Convenience Fl..... OST 028  
Personnel Convenience Fl..... OST 047  
Personnel Convenience Fl..... SLS 154  
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Personnel Management Inf..... CG 624  
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Port Safety Reporting Sy..... CG 561  
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Recreational Boating Law..... CG 505  
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Request for Permission o..... CG 639  
Reserve Master Personnel..... CG 678  
Reserve Pay and Points S..... CG 679  
Restraint System Effecti..... NHTSA 442  
Retired Pay and Personne..... CG 533  
Safety Management Inform..... OST 039  
Safety Related Defects L..... NHTSA 450  
Secretariate Inf. Retlev..... OST 041  
Security Management reco..... OST 040  
Special Adjudication for..... NHTSA 452  
Special, General and Sum..... CG 510  
Stand-By Personnel Infor..... TSC 704  
Statement of Employment..... CG 512  
Statement of Employment..... FAA 818  
Statement of Employment..... NHTSA 427  
Subjects for Accident Av..... NHTSA 439  
Survey of Recreational V..... NHTSA 421  
System Error Reporting P..... FAA 812  
Technical Pipeline Safet..... OST 042  
Telephone Directory and..... OST 043  
Temporary Exemption Peti..... NHTSA 422  
Tort Claims and Personal..... FAA 816  
TRAIS..... OST 048  
Transportation Test Cent..... FRA 114  
Travel & Transportation M..... OST 044  
Travel Advance File..... FHWA 215  
Travel Advance Records..... FRA 115  
Travel and Transportation..... CG 534  
Travel Voucher—Change..... FHWA 216  
Tris-on-lone..... OST 049  
U.S. Merchant Seamen's R..... CG 589  
U.S. Public Health Servi..... CG 573  
UMTA Sponsored Reports A..... UMTA 177  
Uniformed Services Ident..... CG 632  
Univ. and Industry Progr..... FHWA 202  
USCG Military Personnel..... CG 572  
Unsolicited Contract or R..... OST 045  
Vehicles Defect Program..... NHTSA 449  
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Visit Control Records Sy..... OST 046  
Volunteer Pool..... NHTSA 444  
Wage and Tax System..... CG 532  
Work Measurement System..... FRA 116  
Working Level Personnel..... FAA 823  
Youth Highway Safety Adv..... NHTSA 414

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# NOTICES

## DEPARTMENT OF TRANSPORTATION

Office of the Secretary  
PRIVACY ACT OF 1974

## Notice of Systems of Records

### Correction

In FR Doc. 75-22441 appearing at page 38803 in the issue for Wednesday, August 27, 1975, the signature "Jules B. duPeza, (Acting) Chief, Information Systems Division" should be deleted.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary  
PRIVACY ACT OF 1974

## Systems of Records and Notice of Proposed Routine Uses Therefor

### Correction

In FR Doc. 75-22353 appearing at page 38391 of the issue for Wednesday, August 27, 1975, the following changes should be made:

1. On page 38391 the date "September 26, 1975" should be inserted in the fifth line after the phrase "comments which are submitted in writing on or before".
2. The Appendices which appear at pages 38671-38683 should be inserted immediately after the last SSAZ system notice, on page 38557, above the line reading "SRS PLS".

FEDERAL REGISTER, VOL. 40, NO. 170—TUESDAY, SEPTEMBER 2, 1975

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# NOTICES

## NUCLEAR REGULATORY

1. In the event that a system of records maintained by the NRC to carry out its functions is determined to be relevant to a NRC decision concerning the hiring or retention of an employee,

## OFFICE OF MANAGEMENT AND BUDGET

# OFFICE OF MANAGEMENT AND BUDGET

Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165.)



# NUCLEAR REGULATORY COMMISSION

## PRIVACY ACT OF 1974

### Notices of Systems of Records—Proposed Routine Uses

#### Correction

In FR Doc. 75-22428, appearing at page 38997, in the issue for Wednesday, August 27, 1975, the file line and the last portion of the preamble were inadvertently omitted. The file line should read: "FR Doc. 75-22428 Filed 8-27-75; 8:45 am". The omitted material should appear immediately following page 38997 as set forth below.

#### PREFATORY STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to each system of records notice set forth below which specifically references this Prefatory Statement.

1. In the event that a system of records maintained by the NRC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a NRC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed as a routine use, in the course of discovery and in presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

# OFFICE OF MANAGEMENT AND BUDGET

## PRIVACY ACT OF 1974

### Proposed Notices of Systems of Records

Notice is hereby given that the Office of Management and Budget proposes to adopt the following notices of the existence and character of the systems of records which it maintains which contain information about individuals. Public comment is invited on these notices on or before September 28, 1975, addressed to the Assistant to the Director for Administration, Office of Management and Budget, 17th and Pennsylvania Avenue, N.W., Washington, D.C. 20503.

Velma N. Baldwin  
Assistant to the Director  
for Administration

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Velma N. Baldwin  
Certifying Officer

#### OMB/LIBRARY/01

**System name:** Library Circulation System

**Security classification:** None

**System location:** Office of Management and Budget Library, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Categories of individuals covered by the system:** Employees of the Executive Office of the President.

**Categories of records in the system:** These records contain titles and other identifying data on materials borrowed from the OMB Library; name, room number, organization, and telephone number of borrower; and the return date for each item borrowed.

**Authority for maintenance of the system:** Federal Property and Administrative Services Act, Title II, Sec. 202(b)(1), 40 U.S.C. 483(b)(1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Except for disclosures to officers or employees of OMB in connection with the performance of their official duties for the agency (see "Retrievability") there are no routine uses.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored at the circulation desk of the OMB Library.

**Retrievability:** Records are arranged alphabetically by last name of borrower, by title of item borrowed, by organization to which borrower belongs, and by order of input into the system.

**Safeguards:** Access to records is under constant surveillance by Head of Reference and Loan Section during normal working hours. Secured in locked room after work hours.

**Retention and disposal:** Records are retained on individual library loans only until the item is returned to the Library. Reports on the status of loans are generated daily; current and preceding day's reports are retained.

**System manager(s) and address:** Librarian, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Notification procedure:** Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also

Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165).)

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information obtained from individual to whom it pertains and from physical examination of materials borrowed.

**Systems exempted from certain provisions of the act:** Not applicable.

#### OMB/BUDGO/01

**System name:** Payroll and Leave Records

**Security classification:** None

**System location:** Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Categories of individuals covered by the system:** Former and current employees of the Office of Management and Budget, the Domestic Council, and the Council of Economic Advisers.

**Categories of records in the system:** These records contain information relating to the individuals name, Social Security number, age, sex, marital status, appointment, tenure, employment status, and occupation series. These records also contain data as of the year to date and the most recent pay period with regard to leave earned, used, and balances, withholdings, and allotments to financial institutions.

**Authority for maintenance of the system:** 5 U.S.C. 301, 31 U.S.C. 66a, 44 U.S.C. 3101, 3309.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In addition to disclosures to officers or employees of OMB in connection with the performance of their official duties for the agency (see "Retrievability") the routine uses and category of users for each are as follows:

(a) To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of any employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent the information is relevant and necessary to the requesting agency's decision on the matter.

(b) To a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an OMB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(c) To the appropriate agency, whether Federal, State, local, or foreign, that is charged with the responsibility of investigating or prosecuting violations or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, when the system of records maintained by OMB to carry out its functions indicates a violation or potential violation, whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

(d) To the Treasury Department, Internal Revenue Service and those States and municipalities that are signatories to an agreement with the Federal Government regarding tax withholding data.

(e) To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are filed in a file cabinet in the Payroll Office or in Federal Records Center Boxes in the OMB Records Depository.

**Retrievability:** Records are filed in chronological order by calendar year and by name. Access is limited to the staff of the Budget and Management Office and the Records Unit, and the appropriate supervisory officials, the Assistant to the Director for Administration, the Deputy Director, and the Director.

**Safeguards:** Only Budget and Management Office staff and the Records Unit staff have access on a regular basis. Both the Budget and Management Office and the Records Depository are locked during nonworking hours and under visual surveillance during working hours.

**Security classification:** None

**System location:** Personnel Office, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165).)

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information obtained from individual to whom it pertains and from physical examination of materials borrowed.

**Systems exempted from certain provisions of the act:** Not applicable.

**Retention and disposal:** Temporary records subject to General Accounting Office audit are retained until completion of the audit.

**Authority for maintenance of the system:** Federal Property and Administrative Services Act, Title II, Sec. 202(b)(1), 40 U.S.C. 483(b)(1). Must provide building pass or some other form of verification that the individual is a current or former employee of OMB. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165).)

**Security classification:** None

**System location:** Personnel Office, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165).)

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information obtained from individual to whom it pertains and from physical examination of materials borrowed.

**Systems exempted from certain provisions of the act:** Not applicable.



**Retention and disposal:** Temporary records subject to General Accounting Office audit are retained until completion of the audit which generally occurs every 2-4 years. Permanent records, Comprehensive Listing of Employee Master File (Form TUS 404), are retired to National Archives after 6 years.

**System manager(s) and address:** Budget and Management Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Notification procedure:** Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165).)

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information obtained from employees application for employment, and withholding statements prepared by the employee.

**Systems exempted from certain provisions of the act:** Not applicable.

#### OMB/BUDGO/03

**System name:** Personnel Summary

**Security classification:** None

**System location:** Budget and Management Office, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**Categories of individuals covered by the system:** Current employees of the Office of Management and Budget, regardless of their type of appointment. A record of the employment as of the end of the preceding fiscal year is also maintained.

**Categories of records in the system:** These records contain the following information on each employee: (a) name, (b) date of birth, (c) sex, (d) minority status, (e) degree, (f) date employee entered on duty with OMB or DOB, (g) type of appointment, (h) status of employment, (i) division and branch where employed, (j) occupational classification, (k) professional or nonprofessional identification, (l) grade and step, (m) annual salary, (n) daily rate, (o) service computation date, (p) date of last promotion, and (q) person years of employment.

**Authority for maintenance of the system:** 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Except for disclosures to officers or employees of OMB in connection with the performance of their official duties for the agency (see "Retrievability") there are no routine uses.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Record is maintained on a computer from a commercial time-sharing firm under contract with OMB.

**Retrievability:** Access from the computer is restricted by an access code and is limited to two employees in the Budget and Management Office. The record, which is updated monthly is distributed to the Assistant to the Director for Administration and the staffs of the Budget and Management Office and the Personnel Office. Upon request a copy is made available to OMB's Equal Employment Opportunity Officer or his/her designee.

**Safeguards:** Access and distribution is limited as described above. In addition the terminals by which access can be obtained are located in the Budget and Management Office which is locked during nonworking hours. Copies of the record that are distributed internally as specified above are secured in a locked room or locked file cabinet during nonworking hours.

**Retention and disposal:** The record covering the most recent pay period and a record as of the end of the fiscal year are maintained. Prior copies are destroyed.

**System manager(s) and address:** Budget and Management Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**Notification procedure:** Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th &

Pennsylvania Avenue, N.W., Washington, D.C. 20503. Must provide building pass or some other form of verification that the individual is current or former employee of OMB. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations, (40 F.R. 34165).)

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information is obtained from employees application (SF 171) and subsequent Notification of Personnel Actions (SF 50).

**Systems exempted from certain provisions of the act:** Not applicable.

#### OMB/LEGIS/01

**System name:** Private Relief Legislation

**Security classification:** Generally none.

**System location:** Legislative Information Center, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Categories of individuals covered by the system:** Individuals who are the subject of proposed or enacted private relief legislation.

**Categories of records in the system:** The information contained in these records consists of only those private relief bills requiring Office of Management and Budget review as specified in OMB Circular No. A-19, Revised. The information maintained may include copies of a draft bill proposed by an agency as defined in the Circular, copies of bills introduced in the Congress, and, if applicable, Congressional committee reports, agency memorandums and letters, OMB memorandums and letters, and other documents as may be needed in connection with the legislative coordination and clearance process. Certain individual records may also contain correspondence from and to the individual about whom the information is maintained.

**Authority for maintenance of the system:** Office of Management and Budget Circular No. A-19, Revised July 31, 1972.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In addition to internal uses in connection with the performance of official business (see "Retrievability") the routine uses and categories of users are as follows:

The information may be disclosed to the appropriate officials of any executive branch agency in order to obtain their views in connection with the legislative coordination and clearance process as set forth in OMB Circular No. A-19.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are stored in an electronically powered rotary file.

**Retrievability:** Information is retrieved by name of individual, bill number, or private law number. Access is limited to the Director, Deputy Director, General Counsel, staff of the Legislative Reference Division, OMB program analysts and their supervisors.

**Safeguards:** Rotary power file is locked during nonworking hours and under visual surveillance during working hours.

**Retention and disposal:** Permanent records are maintained on private relief bills introduced during the current and prior two sessions of Congress and then transferred to the National Archives.

**System manager(s) and address:** Supervisor, Legislative Information Center, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Notification procedure:** Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165). State name, date of birth, private relief bill number, if known, or the approximate date the bill was introduced and a general statement of the relief requested or granted.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** See item 06.

**Systems exempted from certain provisions of the act:** Not applicable.

#### OMB/PERSL/01

**System name:** Recruiting and Applicant Records.

**Security classification:** None

**System location:** Personnel Office, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Categories of individuals covered by the system:** Persons who have applied for employment consideration or otherwise seeking an association with the Office of Management and Budget; individuals referred for consideration by a variety of organizations and persons; and current and former college or university students exploring placement opportunities with the Office.

**Categories of records in the system:** These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions for offenses against the law; results of written tests; appraisal of potential; honors, awards, or fellowships; military service, veterans preference, birthplace; birth date; social security number; names of relatives who are employed in the Federal service; legal residence; and home address of persons who have applied for employment with the Office of Management and Budget or have been referred for employment consideration by the Office of Management and Budget.

**Authority for maintenance of the system:** Title 5 U.S.C., Section 3109, 3301, 3302, 3304, 3309, 3318, 3319, and Executive Orders 10577 and 11103.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In addition to disclosures to officers or employees of OMB in connection with the performance of their official duties for the agency (see "Retrievability") the routine uses and category of users for each are as follows:

(a) To refer applicants to officials of Federal government agencies or to State and local governments with permission of an applicant for the purpose of employment consideration.

(b) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or consideration of an applicant, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

(c) For litigation in a Federal court by the Civil Service Commission or an agency.

(d) To respond to requests from Members of Congress regarding applicants' status and prospects for employment with the Office of Management and Budget.

(e) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(f) To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(g) To provide an educational institution with information on an appointment of a recent graduate at certain grade levels.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders and on cards, lists, and forms.

**Retrievability:** Records are indexed by the names of the individuals on whom they are maintained.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Applications are located in metal file cabinets in a secured room.

**Retention and disposal:** The records are maintained in the Personnel Office up to two years and are retired to the Records Section for retention for three additional years and then disposed under the GSA general records schedule 1.

**System manager(s) and address:** Personnel Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Notification procedure:** Individuals should contact the Assistant to

the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5 Code of Federal Regulations (40 F.R. 34165).) The request should be made in writing, giving full name, date of birth, social security number, the approximate date of most recent application, or when and where contact with an OMB representative was most recently made, if appropriate.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualifications; results of examination which are made known to applicants and vouchers supplied by references.

**Systems exempted from certain provisions of the act:** None.

#### OMB/RECD/01

**System name:** Researcher Request File

**Security classification:** None

**System location:** Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Categories of individuals covered by the system:** Persons who have requested to examine official records or reference materials prepared by the Bureau of the Budget or the Office of Management and Budget.

**Categories of records in the system:** This system of records contains the initial letter submitted by individuals asking to examine the official agency records, including a statement as to the nature and purposes of the research, their present occupation, home and/or place of employment. Brief descriptions and locations of the records reviewed, examined and copied are also maintained in the file.

**Authority for maintenance of the system:** 5 U.S.C. 301, Title 44, U.S.C. 3101-3103, 3105, 3106.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In addition to disclosures to officers or employees of OMB in connection with the performance of their official duties for the agency (see "Retrievability") the routine uses and category of users for each are as follows:

(a) To respond to requests from Committees of the Congress for statistical reports relating to requests received by OMB under 5 U.S.C. 552 (Freedom of Information Act).

(b) To prepare statistical reports for declassification of specific records under Executive Order 11652.

(c) To respond to researchers inquiries on record descriptions for citing reference and record sources.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in file folders and on index cards located in the OMB Records Depository.

**Retrievability:** The records are indexed and alphabetically arranged by names of individuals and cross-referenced by record or research subject. Access is restricted to the Assistant to the Director for Administration and the Records Unit.

**Safeguards:** Records Depository is locked during nonworking hours and is under the visual surveillance of Records Unit staff during working hours.

**Retention and disposal:** Files are retained for a period of eight years and then destroyed.

**System manager(s) and address:** Records Officer, Office of Management and Budget, 726 Jackson Place, Washington, D.C. 20503.

**Notification procedure:** Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165).

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Personal information is received only from the individual to whom the information pertains.

**Authority for maintenance of the system:** General Services Administration Federal Management Circular 74-1, Suppl. 2 dated 10/1/74.

**Retrievability:** Records are alphabetically arranged by name according to fiscal year. Access to the records described herein is restricted to the staff.

name and address of the training institution, type of training, amount of training, and number of dependents, date of separation



**Record source categories:** Personal information is received only from the individual. No additional data concerning the individual is added to the file.

**Systems exempted from certain provisions of the act:** Not applicable.

## OMB/ADSER/01

**System name:** Staff Directory Card

**Security classification:** None

**System location:** Administrative Services, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503

**Categories of individuals covered by the system:** Current OMB employees

**Categories of records in the system:** This system of records contains information on each employee consisting of name, address, person to notify in an emergency, home address, residence telephone number, office room number, Division or unit symbol, and office telephone extension.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In addition to disclosures to officers or employees of OMB in connection with the performance of their official duties for the agency (see "Retrievability") the routine uses and category of users for each are as follows:

To provide the Executive Office of the President switchboard with current office telephone extension numbers of OMB staff in order to properly direct incoming calls.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms are maintained in a metal file cabinet specially adapted for directory cards.

**Retrievability:** Records are filed in alphabetical order. Access to the record is restricted to Administrative Services Office and Budget and Management Office employees. In emergency situations, the records may be accessed by the employee's supervisor.

**Safeguards:** The Administrative Services Office is locked during nonoffice hours.

**Retention and disposal:** Record is destroyed when employee terminates employment with OMB.

**System manager(s) and address:** Administrative Services Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Notification procedure:** Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165). Supply name and building pass.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information contained in the system is obtained from the employee.

**Systems exempted from certain provisions of the act:** Not applicable.

## OMB/ADSER/02

**System name:** Staff Parking Application File

**Security classification:** None

**System location:** Administrative Services, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Categories of individuals covered by the system:** OMB employees who have applied for parking permits during the previous year and individuals employed by other agencies and private concerns who are riders in their carpools.

**Categories of records in the system:** The system contains completed OMB Form 73 submitted by OMB employees who desire a parking permit. The form contains the following information on person making the application, name, GS grade, office or division, room number, telephone extension, years of Federal service, home address, home telephone number, zip code, make of car and for each rider, name, home address, employer, and years of Federal service, if applicable.

**Authority for maintenance of the system:** General Services Administration Federal Management Circular 74-1, Suppl. 2 dated November 15, 1974 and Office of Management and Budget Office Memorandum No. 75-23.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Except for disclosures to officers or employees of OMB in connection with the performance of their official duties for the agency (see "Retrievability") there are no routine uses.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms are maintained in a three-ring binder.

**Retrievability:** Records are kept in numerical order by parking permit number and by name. Access is limited to the Assistant to the Director for Administration, staff of the Administrative Services Office, and upon request, the individual to which the information pertains.

**Safeguards:** Administrative Services Office is locked during nonworking hours.

**Retention and disposal:** The file is maintained for one year following the close of the parking year (March 1).

**System manager(s) and address:** Administrative Services Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Notification procedure:** Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5 Code of Federal Regulations (40 F.R. 34165).)

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information contained in the system was obtained from the individual to whom record pertains.

**Systems exempted from certain provisions of the act:** Not applicable.

## OMB/BUDGO/02

**System name:** Staff Travel Records

**Security classification:** None

**System location:** Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Categories of individuals covered by the system:** Employees (current and former) of the Office of Management and Budget, the Domestic Council, and the Council of Economic Advisers regardless of type of appointment, and other individuals, who have performed travel at government expense on official business.

**Categories of records in the system:** These records contain the approved travel authorization, the travel vouchers submitted by the individual, memos of approval for special conveyance or actual subsistence, and receipts as may be required by the Federal Travel Regulations (FPMR 101-7).

**Authority for maintenance of the system:** 31 U.S.C. 66a, 44 U.S.C. 3101, 3102, 3301, 3309, and General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 8, Chapter 2, Sections 4 and 5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In addition to disclosures to officers or employees of OMB in connection with the performance of their official duties for the agency (see "Retrievability") the routine uses and category of users for each are as follows:

To refer to the appropriate agency, whether Federal, State, local, or foreign, that is charged with the responsibility of investigating or prosecuting violations or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, when the system of records maintained by OMB to carry out its functions indicates a violation or potential violation, whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Current records are maintained in folders in metal file cabinets. Noncurrent records are filed in Federal Records Center Boxes in the OMB Records Depository.

**Retrievability:** Records are alphabetically arranged by name according to fiscal year. Access to the records described herein is restricted to staff of the Budget and Management Office, the appropriate supervisory officials, the Assistant to the Director for Administration, the General Counsel, or his designee, the Deputy Director, Director, Executive Director, Domestic Council, and Chairman, Council of Economic Advisers.

**Safeguards:** Only Budget and Management Office staff and the Records Unit staff have access on a regular basis. Both the Budget and Management Office and the Records Depository are locked during nonworking hours and under visual surveillance during working hours.

**Retention and disposal:** Current records are maintained in the Budget and Management Office until they have been audited by the General Accounting Office. Noncurrent records are maintained by the Records Unit for 6 years following which time they are disposed of in accordance with the Records Disposition Schedules established by the General Services Administration General Schedule No. 9.

**System manager(s) and address:** Budget and Management Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Notification procedure:** Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations, (40 F.R. 34165).)

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Content of records is obtained from the individual to whom the information pertains. Additional information may be added by the Budget and Management Office staff as a result of an internal audit.

**Systems exempted from certain provisions of the act:** Not applicable.

## OMB/CAVAD/01

**System name:** Veterans Education and Training Load Model

**Security classification:** None

**System location:** Office of Management and Budget Computer Center, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Categories of individuals covered by the system:** Veterans and other eligibles using VA GI Bill education benefits.

**Categories of records in the system:** These records contain beneficiary name, address, identification number, as well as the

name and address of the training institution, type of training, amount of training, and number of dependents, date of separation from the armed forces, remaining eligibility, remaining entitlement, and other accounting data.

**Authority for maintenance of the system:** Budget and Accounting Act, 1921 (31 U.S.C. 1-24)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In addition to disclosures to officers or employees of OMB in connection with the performance of their official duties for the agency (see "Retrievability") the routine uses and category of users for each are as follows:

These records are not disclosed within the agency in identifiable form. They are only used to provide a capability to extract nonpersonal data on a random sample basis, aggregated and arrayed to portray and education training load for statistical analysis.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are on magnetic tape, provided by the VA, and when not being used on the computer for the extract run, are in a tape storage area.

**Retrievability:** Records are arranged in numerical sequence by identification number, usually Social Security number.

**Safeguards:** Data is on tape, therefore there is no direct access. The tapes are locked in the computer room when not actually being used by the machine and are accessible only to one computer job. The tapes are removed from NEOB back to VA when the job is completed.

**Retention and disposal:** Upon completion of the extract run, the tapes are returned to the VA.

**System manager(s) and address:** Veterans Unit, CVA Division, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

**Notification procedure:** Since this file is only a duplicate of the VA Master Education File, no changes can be made at this site which will affect the utility of any of the records. For notification of whether the system contains data on a particular individual, inquiry should be made to the Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165).)

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information obtained from individual applicant for training, the training institution, and the appropriate branch of the armed services.

**Systems exempted from certain provisions of the act:** Not applicable.



# PENSION BENEFIT GUARANTY CORPORATION

## PRIVACY ACT OF 1974

### Notices of Systems of Records

The Privacy Act of 1974, Pub. L. 93-479, amends Title 5, United States Code, by adding after §552a, effective September 27, 1975, 5 U.S.C. 552a(e) (4) requires that each agency publish at least annually a notice of the existence and character of each 'system of records,' as that term is defined in 5 U.S.C. 552a(a) (5), which it maintains, such notice to contain, inter alia, a description of each routine use of the records contained in the system. 5 U.S.C. 552a(e) (11) requires that each agency, at least 30 days prior to publication of a new routine use description, publish notice of such new use and allow opportunity for public comment thereon.

Accordingly, interested persons are invited to submit written data, views, or arguments on the routine uses proposed in these notices to the Office of the General Counsel, Pension Benefit Guaranty Corporation, Post Office Box 7119, Washington, D.C. 20004. Each person submitting comments should include his name and address, identify this notice, and give reasons for any recommendations. Comments must be submitted within 30 days after the publication of these notices and will be considered before the routine uses are made final. Copies of written comments will be available for examination by interested persons in the Office of Communications of the Pension Benefit Guaranty Corporation, Room No. 1431, 8757 Georgia Avenue, Silver Spring, Maryland.

These notices have been prepared pursuant to the recommendations for im-

## PROPOSED RULES

plementation of the Privacy Act published by the Office of Management and Budget (49 FR 28949, July 9, 1975). Issued in Washington, D.C., this 27th day of August 1975.

JOHN T. DUNLOP  
Chairman, Board of Directors  
Pension Benefit Guaranty Corporation.

### ALPHABETICAL LIST OF SYSTEM NAMES MAINTAINED BY THE PENSION BENEFIT GUARANTY CORPORATION ("PBGC")

1. Correspondence between PBGC and persons outside PBGC—PBGC.
2. Disbursements—PBGC.
3. Employee payroll and leave and attendance records—PBGC.
4. Employee travel records—PBGC.
5. Personnel records—PBGC.
6. Plan participant and beneficiary data—PBGC.

### PREFATORY STATEMENT OF GENERAL ROUTINE USES

The following routine uses, except for number 3, apply to and are incorporated by reference into each system of records set forth below. Routine use number 3 applies to and is incorporated by reference into systems 1-5 set forth below.

1. *Routine Use—Law Enforcement.* In the event that a system of records maintained by the PBGC to carry out its functions indicates a violation or potential violation of law, whether criminal, civil or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing

the statute, or rule, regulation or order issued pursuant thereto.

### 2. *Routine Use—Disclosure When Requesting Information.*

A record from this system of records may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the letting of a contract.

### 3. *Routine Use—Disclosure of Requested Information.*

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

### 4. *Routine Use—Disclosure During Litigation.*

A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

### 5. *Routine Use—Disclosure to OMB.*

A record contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

## PENSION BENEFIT GUARANTY CORPORATION

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### PBGC—1

**System name:** Correspondence between PBGC and persons outside PBGC—PBGC.

**Security classification:**

**System location:** Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

**Categories of individuals covered by the system:** Individuals receiving replies in response to their correspondence with the PBGC.

**Categories of records in the system:** Correspondence containing the name, address and other information relevant to an individual's eligibility for coverage under Title IV of the Employee Retirement Income Security Act of 1974.

**Authority for maintenance of the system:** 29 U.S.C. 1302.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used for regulatory purposes including use in evidence in proceedings before the PBGC and the courts.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained manually in file folders.

**Retrievability:** Indexed by name.

**Safeguards:** Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

**Retention and disposal:** Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

**System manager(s) and address:** Office Directors, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

**Notification procedure:** Procedures are detailed in PBGC proposed regulations: Part 2607, Chapter XXVI, Title 29, Code of Federal Regulations, September 25, 1975.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individuals writing to the PBGC and the PBGC responses.

### PBGC—2

**System name:** Disbursements—PBGC

**Security classification:**

**System location:** Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

**Categories of individuals covered by the system:** Consultants and vendors to PBGC.

**Categories of records in the system:** Payment vouchers, including SF 1081.

**Authority for maintenance of the system:** 29 U.S.C. 1302.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Transmittal of data to United States Department of Treasury to effect payments to consultants and vendors.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained manually in file folders.

**Retrievability:** Indexed by name.

**Safeguards:** Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

**Retention and disposal:** Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

**System manager(s) and address:** Chief, Division of Accounting, Office of Finance and Administration, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

**Notification procedure:** Procedures are detailed in PBGC proposed regulations: Part 2607, Chapter XXVI, Title 29, Code of Federal Regulations, September 25, 1975.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Subject consultant or vendor.

1PBGC—3

**System name:** Employee payroll and leave and attendance records—PBGC.

**Security classification:**

**System location:** Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

**Categories of individuals covered by the system:** Employees of PBGC.

**Categories of records in the system:** Name; address; social security number and employee number; earnings records; leave status and data; jury duty data; military leave data; time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

**Authority for maintenance of the system:** 29 U.S.C. 1302.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Transmittal of data to United States Department of Labor to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes and to effect tax withholdings and other authorized deductions.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual and machine readable.

**Retrievability:** Indexed by name and/or employee or social security number.

**Safeguards:** Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

**Retention and disposal:** Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

**System manager(s) and address:** Chief, Division of Accounting, Office of Finance and Administration, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

**Notification procedure:** Procedures are detailed in PBGC proposed regulations: Part 2607, Chapter XXVI, Title 29, Code of Federal Regulations, September 25, 1975.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Subject individual and Civil Service Commission.

### PBGC—4

**System name:** Employee travel records—PBGC.

**Security classification:**

**System location:** Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

**Categories of individuals covered by the system:** Employees of PBGC who have filed travel vouchers and related documents.

**Categories of records in the system:** Travel vouchers and related documents filed by employees of PBGC.

**Authority for maintenance of the system:** 29 U.S.C. 1302.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Transmittal of data to United States Department of Treasury to effect reimbursement to employees for travel expenses.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained manually in file folders.

**Retrievability:** Indexed by name.

**Safeguards:** Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

**Retention and disposal:** Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

**System manager(s) and address:** Chief, Division of Accounting, Office of Finance and Administration, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

## PENSION BENEFIT GUARANTY CORPORATION

**Notification procedure:** Procedures are detailed in PBGC proposed regulations: Part 2607, Chapter XXVI, Title 29, Code of

### PBGC—6

**System name:** Plan participant and beneficiary data—PBGC.

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## PENSION BENEFIT GUARANTY CORPORATION

**Notification procedure:** Procedures are detailed in PBGC proposed regulations, Part 2607, Chapter XXVI, Title 29, Code of Federal Regulations, September 25, 1975.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** PBGC employees executing vouchers.

## PBGC-5

**System name:** Personnel records—PBGC.

**Security classification:**

**System location:** Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

**Categories of individuals covered by the system:** Employees and Applicants for employment with PBGC.

**Categories of records in the system:** Personnel records that the PBGC maintains.

**Authority for maintenance of the system:** 29 U.S.C. 1302.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used to carry out authorized personnel programs.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained manually in file folders.

**Retrievability:** Indexed by name.

**Safeguards:** Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

**Retention and disposal:** Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

**System manager(s) and address:** Director, Office of Finance and Administration, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

**Notification procedure:** Procedures are detailed in PBGC proposed regulations, Part 2607, Chapter XXVI, Title 29, Code of Federal Regulations, September 25, 1975.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Subject individuals; present and prior employers; references given by subject individuals; and responses to security investigations.

## PBGC-6

**System name:** Plan participant and beneficiary data—PBGC.

**Security classification:**

**System location:** Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

**Categories of individuals covered by the system:** Participants and beneficiaries in terminated pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974.

**Categories of records in the system:** Name; address; sex; social security number and other social security data; date of birth; date of hire; salary; marital status; time of plan participation; participant status; pay status; benefit data; health data; insurance information where plan benefits are guaranteed by private insurers. The individual records listed herein are included only as pertinent or applicable to the individual plan or participant.

**Authority for maintenance of the system:** 29 U.S.C. 1302, 1322 and 1341.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosed to third parties, such as banks, insurance companies or trustees, for the purpose of paying benefits to plan participants and beneficiaries.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained manually in file folders.

**Retrievability:** Indexed by plan and participant name.

**Safeguards:** Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

**Retention and disposal:** Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

**System manager(s) and address:** Director, Office of Program Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

**Notification procedure:** Procedures are detailed in PBGC proposed regulations, Part 2607, Chapter XXVI, Title 29, Code of Federal Regulations, September 25, 1975.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Plan administrators and Social Security Administration.

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\*Will be published as soon as possible but not yet scheduled.

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Executive Order 11876 • September 2, 1975

#### Creating an Emergency Board To Investigate a Dispute Between the Carriers Represented by the National Railway Labor Conference and Certain of Their Employees

A dispute exists between the carriers represented by the National Railway Labor Conference, designated in lists attached hereto and made a part hereof, and certain of their employees represented by the Railway Employees' Department, AFL-CIO; International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers; Brotherhood Railway Carmen of United States and Canada; International Brotherhood of Electrical Workers and the International Brotherhood of Firemen & Oilers;

This dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

This dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The Board shall report its finding to the President with respect to the dispute within 30 days from the date of this Order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for 30 days after the board has made its report to the President, no change, except by agreement, shall be made by the

## THE PRESIDENT

carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the dispute arose.

*Gerald R. Ford*

THE WHITE HOUSE,  
September 2, 1975.

## RAILROADS REPRESENTED BY THE NATIONAL RAILWAY LABOR CONFERENCE

Akron, Canton & Youngstown Railroad Company  
Alameda Belt Line  
Alton & Southern Railway Company  
\*Ann Arbor Railroad Company  
Atchison, Topeka & Santa Fe Railway Company  
Atlanta and West Point Rail Road Company, The Western Railway of Alabama  
Atlanta Joint Terminals  
Baltimore and Ohio Railroad Company, including The Staten Island Railroad Corporation  
Baltimore and Ohio Chicago Terminal Railroad Company  
Bangor and Aroostook Railroad Company  
Belt Railway Company of Chicago  
@ Bessemer and Lake Erie Railroad Company  
\*Boston and Maine Corporation  
Burlington Northern Inc.  
Butte, Anaconda & Pacific Railway Company  
Camas Prairie Railroad Company  
Canadian National Railways—  
    Great Lakes Region, Lines in the United States  
    St. Lawrence Region, Lines in the United States  
# Canadian Pacific Limited  
Central of Georgia Railroad Company  
\*Central Railroad Company of New Jersey  
    New York and Long Branch Railroad Company  
Central Vermont Railway, Inc.  
Chesapeake and Ohio Railway Company  
Chicago & Eastern Illinois Railroad  
Chicago & Illinois Midland Railway Company  
Chicago and North Western Transportation Company  
Chicago and Western Indiana Railroad Company  
Chicago, Milwaukee, St. Paul and Pacific Railroad Company  
Chicago River and Indiana Railroad Company  
\*Chicago, Rock Island and Pacific Railroad Company  
Chicago South Shore and South Bend Railroad  
Chicago Union Station Company  
Chicago, West Pullman and Southern Railroad Company  
Cleveland Union Terminals Company  
Clinchfield Railroad Company  
Colorado & Wyoming Railway Company  
Davenport, Rock Island and North Western Railway Company  
Dayton Union Railway Company  
Delaware and Hudson Railway Company  
Denver and Rio Grande Western Railroad Company  
Des Moines Union Railway Company  
Detroit and Toledo Shore Line Railroad  
# Detroit & Mackinac Railway  
Detroit, Toledo & Ironton Railroad Company  
@ Duluth, Missabe and Iron Range Railway Company  
Duluth, Winnipeg & Pacific Railway Company  
Elgin, Joliet and Eastern Railway Company  
\*Erie Lackawanna Railway Company  
Fort Worth and Denver Railway Company  
Georgia Railroad  
Grand Trunk Western Railroad Company  
Green Bay and Western Railroad Company  
Houston Belt & Terminal Railway Company

FEDERAL REGISTER, VOL. 40, NO. 171—WEDNESDAY, SEPTEMBER 3, 1975

## THE PRESIDENT

Illinois Central Gulf Railroad Company  
Illinois Terminal Railroad Company  
Indiana Harbor Belt Railroad Company  
Indianapolis Union Railway Company  
Jacksonville Terminal Company  
Joint Texas Division of the CRI&P RR. and FW&D Ry.  
Kansas City Southern Railway Company  
Kansas City Terminal Railway Company  
Kentucky & Indiana Terminal Railroad Company  
# Lake Superior and Ishpeming Railroad  
Lake Superior Terminal and Transfer Railway Company  
\*Lehigh and Hudson River Railway Company  
Lehigh and New England Railway  
\*Lehigh Valley Railroad  
Los Angeles Junction Railway Company  
Louisiana & Arkansas Railway Company  
Louisville and Nashville Railroad Company  
Maine Central Railroad Company  
    Portland Terminal Company  
Manufacturers Railway Company  
# Merchants Despatch Transportation Company  
Minneapolis, Northfield and Southern Railway  
Minnesota Transfer Railway Company  
Missouri-Kansas-Texas Railroad Company  
Missouri Pacific Railroad Company  
    Missouri-Illinois Railroad Company  
Monongahela Railway Company  
Montour Railroad Company  
@ Newburgh and South Shore Railway Company  
New Orleans Public Belt Railroad  
New Orleans Union Passenger Terminal  
New York, Susquehanna and Western Railroad Company  
Norfolk and Portsmouth Belt Line Railroad Company  
Norfolk and Western Railway Company  
@ Northampton and Bath Railroad Company  
Northwestern Pacific Railroad Company  
Oakland Terminal Railway  
\*\*Penn Central Transportation Company  
Pennsylvania-Reading Seashore Lines  
Peoria and Pekin Union Railway Company  
Pittsburgh and Lake Erie Railroad Company  
Portland Terminal Railroad Company  
Port Terminal Railroad Association  
Quannah, Acme and Pacific Railway Company  
\*Reading Company  
@ —Philadelphia, Reading & Pottsville Telegraph Company  
Richmond, Fredericksburg and Potomac Railroad Company  
River Terminal Railway Company  
St. Joseph Terminal Railroad Company  
St. Louis-San Francisco Railway Company  
St. Louis Southwestern Railway Company  
Saint Paul Union Depot Company  
San Diego and Arizona Eastern Railway Company  
Seaboard Coast Line Railroad Company  
Soo Line Railroad Company  
Southern Pacific Transportation Company—  
    Pacific Lines and Texas and Louisiana Lines  
Southern Railway Company  
    Alabama Great Southern Railroad Company  
    Cincinnati, New Orleans & Texas Pacific Railway Company  
    Georgia Southern and Florida Railway Company  
    New Orleans Terminal Company  
    St. Johns River Terminal Company  
Staten Island Railroad Corporation  
Terminal Railroad Association of St. Louis  
Texas and Pacific Railway Company  
Texas Mexican Railway Company  
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans

FEDERAL REGISTER, VOL. 40, NO. 171—WEDNESDAY, SEPTEMBER 3, 1975



Toledo, Peoria and Western Railroad Company  
 Toledo Terminal Railroad Company  
 Union Depot Company, Columbus, Ohio  
 Union Pacific Railroad Company  
 Union Terminal Railway-St. Joseph Belt Railway  
 Washington Terminal Company  
 Western Maryland Railway Company  
 Western Pacific Railroad Company  
 = Yakima Valley Transportation Company  
 @ Youngstown and Northern Railroad Company

## NOTES:

- \*—Subject to the approval of the Courts.  
 \*\*—Subject to the approval of the Trustees of the Property and to the approval of the Courts. The Trustees have approved.  
 #—Authorization covers negotiation of the organizations' Aug. 1, 1974 notice, only.  
 @—Authorization covers negotiation of the organizations' separate notices dated July 1, 1974, only.

[FR Doc.75-23525 Filed 9-2-75;11:20 am]

EDITORIAL NOTE: An announcement of the appointment of the members of the board will be printed in the Weekly Compilation of Presidential Documents (vol. 11, no. 36).

## rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 7—Agriculture

## CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

## ALTERNATE MEAL COMPONENTS IN CHILD NUTRITION PROGRAMS

## Alternative Labeling Requirements

## Correction

In FR Doc. 75-22352, appearing at page 37027 in the issue of Monday, August 25, 1975, the effective date note at the end of the document on page 37028 is unclear. It should be corrected to read "These amendments become effective August 25, 1975."

## CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 512, Amdt. 1]

## PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

## Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Aug. 22-28, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 512

(40 FR 36570). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), and (ii) of § 908.812 (Valencia Orange Regulation 512 (40 FR 36570)) are hereby amended to read as follows:

## § 908.812 Valencia Orange Regulation 512.

- (b) . . . . .  
 (1) . . . . .  
 (i) District 1: 225,000 cartons;  
 (ii) District 2: 500,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 27, 1975.

CHARLES R. BRADER,  
 Deputy Director, Fruit and  
 Vegetable Division, Agricultural  
 Marketing Service.

[FR Doc.75-23253 Filed 9-2-75;8:45 am]

## Title 9—Animals and Animal Products

## CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

## SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

## PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE

## Payment of Indemnities

*Statement of considerations.* On June 19, 1975, there was published in the FEDERAL REGISTER (40 FR 25829) proposed

amendments to the regulations in Part 54, Title 9, Code of Federal Regulations.

The purpose of the proposal was to: (1) Provide for the destruction of animals which have been directly exposed to scrapie in lieu of surveillance; (2) eliminate salvage and use for human consumption of bloodline and exposed animals; and (3) increase indemnity which may be paid for animals destroyed because of scrapie from \$25 to \$40 per head for grade animals and from \$75 to \$90 per head for purebred animals.

A period of 30 days was allowed for submission of comments by interested persons. In response to publication of the proposed rulemaking, comments were received from four organizations and one individual as follows: Representatives of the National Governors' Conference, the National Association of Counties, the International City Management Association, and the National League of Cities all advised that they had no comments to offer, and one individual commended the Department for the action proposed.

After due consideration of all relevant material, including that submitted with such notice, the proposed amendments are hereby adopted without change except that a provision has been added in § 54.7(b) whereby affected, bloodline and exposed animals may be moved for destruction to a location other than the premises where appraised when movement to such location is approved in advance by State and Federal regulatory officials of the State or States involved. Accordingly, Part 54, Title 9, Code of Federal Regulations is amended in the following respects:

1. In § 54.1, paragraph (d) is amended; paragraph (e) is redesignated as paragraph (g); and new paragraphs (e) and (f) are added to read:

## § 54.1 Definitions.

(d) "Affected animal" means any sheep or goat for which a diagnosis of scrapie is confirmed.

(e) "Bloodline animal" means any sheep or goat which is: the sire or dam of an affected animal; the descendant of an affected animal; or the full or half brother or sister of an affected animal.

(f) "Exposed animal" means any sheep and/or goat that has been held, pastured or penned on a source flock or an infected flock premises in contact with an animal for which a diagnosis of scrapie is confirmed.

2. In § 54.3, paragraph (a) is amended to read:



### § 51.3 Appraisal of animals.

(a) Affected animals, bloodline animals, and exposed animals shall be appraised at their actual value at the time and place of appraisal by a representative of Veterinary Services and a representative of the State jointly, except that, if the owner and State authorities approve, such animals may be appraised by a representative of Veterinary Services alone. Such animals may be appraised in groups providing they are the same species and type and providing that where appraisal is by the head each animal in the group is the same value per head or where appraisal is by the pound each animal in the group is the same value per pound.

3. In § 54.7, the heading and paragraphs (a) and (b) are amended and a new paragraph (c) is added so that the section will read:

### § 54.7 Destruction and Disposition of Animals.

(a) Affected animals, bloodline animals, and exposed animals shall be destroyed on the premises where held, in the written agreement of the owner to accept as compensation in full from the United States, 50 percent of the appraisal value not to exceed \$40 per head for grade animals and \$90 per head for purebred animals.

(b) Affected animals, bloodline animals, and exposed animals shall be destroyed on the premises where held, pastured or penned at the time of appraisal except that such animals may be moved for destruction to a location other than the premises where appraised when movement to such location is approved in advance by State and Federal regulatory officials of the State or States involved, and shall not be processed for human food. The animals designated for destruction shall be disposed of by burial or incineration.

(c) The destruction and disposition of animals destroyed in accordance with this Part shall be supervised by a Veterinary Services or State representative who shall prepare and transmit to the Deputy Administrator, Veterinary Services, a report identifying the animals and showing the disposition thereof.

4. In § 54.8, paragraphs (a) and (b) are amended to read:

### § 54.8 Payments to owners for animals destroyed.

(a) Owners of affected animals, bloodline animals, and/or exposed animals destroyed in accordance with this Part shall be paid an indemnity not to exceed 50 percent of the appraisal value of each animal so destroyed.

(b) The Federal indemnity shall be limited to \$40 per head for grade animals and \$90 per head for purebred animals.

(Sec. 3, 23 Stat. 32, as amended; sec. 2, 32 Stat. 702, as amended; sec. 11, 58 Stat. 734, as amended; (21 U.S.C. 111, 114, 114a, 134a-134b); 37 FR 28464, 28477, 38 FR 19141.)

**Effective date.** The foregoing amendments shall become effective September 3, 1975.

Because of the urgency involved in eradicating scrapie and preventing the dissemination of this disease among livestock of the country, it is essential that these provisions be placed in effect without delay.

It is believed the amendments will expedite the eradication of scrapie and will protect gains made in the State-Federal cooperative scrapie eradication program and will therefore be of benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of August, 1975.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 75-23305 Filed 9-2-75; 8:45 am]

### SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

### PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

Ports of Export; Chicago, Illinois, Added as an Airport and Portland, Oregon, Deleted as an Airport and Ocean Port

This amendment adds Chicago, Illinois, to and deletes Portland, Oregon, from the list of airport ports of export for certain animals and deletes Portland, Oregon, from the list of ocean port ports of export for such animals.

**Statement of considerations.** The purpose of this amendment is to add Chicago, Illinois, to and to delete Portland, Oregon, from the list of designated airports in § 91.3(a)(1)(i) and to delete Portland, Oregon, from the list of designated ocean ports in § 91.3(a)(2)(i) of Part 91, 9 CFR. Portland, Oregon, is deleted due to the fact that the airport and ocean port export inspection facilities at Portland, Oregon, were closed on July 1, 1975. The airport export inspection facilities at Chicago, Illinois, have been inspected by the Animal and Plant Health Inspection Service and were found to comply with the standards for approved export inspection facilities contained in § 91.3(c) of Part 91, 9 CFR.

Accordingly, in § 91.3, paragraphs (a)(1)(i) and (a)(2)(i) are amended to read:

### § 91.3 Ports of export.

(a) \* \* \*

(1) *Airports.* (i) Chicago, Illinois; Harrisburg, Pennsylvania; Helena, Montana; Richmond, Virginia; Miami, Tampa, and St. Petersburg, Florida; New Iberia, Louisiana; Brownsville and Houston, Texas; San Francisco, California; Moses Lake, Washington; and Honolulu, Hawaii.

(2) *Ocean ports.* (i) Richmond, Virginia; Miami and Tampa, Florida; Brownsville and Houston, Texas; San Francisco, California; and Honolulu, Hawaii.

(Secs. 4, 5, 23 Stat. 32, as amended; sec. 1, 32 Stat. 701, as amended; sec. 10, 26 Stat. 417; secs. 12, 13, 14, 18, 34 Stat. 1263, as amended; 81 Stat. 584, 588, 592; secs. 3 and 11, 76 Stat. 130, 132; sec. 1109, 72 Stat. 799, as amended (21 U.S.C. 105, 112, 113, 120, 121, 134b, 134f, 612, 613, 614, 618); 49 U.S.C. 1509(d)); 37 FR 28464, 28477; 38 FR 19141.)

**Effective date.** The foregoing amendment shall become effective September 3, 1975.

The amendment relieves certain restrictions by permitting the exportation of livestock through an additional port of export, and should be made effective promptly to be of maximum benefit to affected persons. The amendment also deletes a port of export and thus imposes certain restrictions necessary to prevent the dissemination of diseases and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of August 1975.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 75-23306 Filed 9-2-75; 8:45 am]

### Title 12—Banks and Banking

### CHAPTER II—FEDERAL RESERVE SYSTEM

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. M]

### PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

### PART 215—LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS

### Additional Powers of Foreign Branches

On March 27, 1975, a proposal regarding amendments to § 213.3(b) was published in the Federal Register (40 FR 13524). Interested persons were given until May 9, 1975, to submit written comments, suggestions or objections. The Board has reviewed all comments received and has decided to adopt the following amendments.

The first amendment concerns the amount of credit which a foreign branch of a member bank may extend to an executive officer of the branch in order to finance the acquisition or construction of living quarters to be used as his resi-

dence abroad, provided each such credit extension is promptly reported to its home office. The original amendment proposed by the Board would have increased the loan limit to \$100,000 and did not provide for any circumstances under which that limit could be exceeded. Most comments received from commercial banks in response to the Board's proposal pointed out that in many countries the \$100,000 figure would be inadequate. Although the specific dollar limit has the advantage of uniformity, the Board was concerned that the purpose of the regulation might be frustrated by the wide variations in housing costs from one country to the next. Therefore, in view of the comments received, the Board has adopted an amendment which provides more flexibility to the foreign branches in extending credit to their executive officers. Under the amendment the proposed \$100,000 limit is retained, but it may be exceeded, with the prior specific approval of the parent bank's board of directors, in order to compensate for the disparity of housing costs among countries. The procedures contained in the amendment are similar to those of section 22(g) of the Federal Reserve Act, 12 U.S.C. 375(a).

In connection with this amendment, the Board is revising Published Interpretation 5620, 12 CFR 215.103 in order to (1) reflect the new amendment to Regulation M and (2) correct the references to § 213.4(f) to read "213.3(b)."

The second amendment to Regulation M allows foreign branches of member banks to engage in insurance agency and brokerage activities where such activities are usual in connection with the transaction of the business of banking in the place where the foreign branch transacts its business. The Board has received several comments supporting the proposed amendment. No comments have been received opposing adoption of the amendment. The amendment has thus been adopted without any changes.

In consideration of the comments received and pursuant to section 25 of the Federal Reserve Act (76 Stat. 388; (12 U.S.C. 604a)), 12 CFR Parts 213 and 215 are amended as set forth below. As these amendments are intended to relieve a restriction or grant an exemption, they shall become effective immediately.

1. Effective August 25, 1975, Regulation M is amended by revising § 213.3(b)(6), by substituting a semicolon for the period at the end of paragraph (b)(7), and by adding a new paragraph (b)(8). As amended § 213.3(b) reads as follows:

### § 213.3 Foreign branches.

(b) *Further powers of foreign branches.* In addition to its other powers, a foreign branch may, subject to paragraph (c) of this section and § 213.6 and so far as usual in connection with the transaction of the business of banking in the places where it shall transact business:

(6) Extend credit to an executive officer of the branch in an amount not to exceed \$100,000 or its equivalent in order to finance the acquisition or construction of living quarters to be used as his residence abroad, provided each such credit extension is promptly reported to its home office; *Provided, however,* That, with the specific prior approval of the parent bank's board of directors, such amount limitation may be exceeded when necessary to meet local housing costs.

(7) Pay to any officer or employee of the branch a greater rate of interest on deposits than that paid to other depositors on similar deposits with the branch;

(8) Act as insurance agent or broker.

2. Effective August 25, 1975, § 215.103 (a) and (c) are amended to read as follows:

### § 215.103 Loans to executive officers of foreign branches of national and State member banks.

(a) Section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) provides, with certain exceptions, that "no executive officer of any member bank shall borrow from or otherwise become indebted to, any member bank of which he is an executive officer, and no member bank shall make any loan or extend credit in any other manner to any of its own executive officers \* \* \*." Pursuant to the authority conferred by the ninth paragraph of section 25 of the Federal Reserve Act (12 U.S.C. 604a), which was added to that section by the Act of August 15, 1962 (Pub. L. 87-588), the Board of Governors in § 213.3(b) of this subchapter (Regulation M) has, subject to certain conditions, authorized foreign branches of national banks to make certain home loans to their executive officers. The question has arisen whether foreign branches of State member banks would violate section 22(g) by extending credit to their executive officers to the same extent and subject to the same conditions as foreign branches of national banks. A separate but related question is whether executive officers of foreign branches of national (and State member) banks may borrow from their respective branches as envisaged by § 213.3(b) of this subchapter.

On the basis of the foregoing considerations, the Board of Governors is of the opinion that foreign branches of State member banks would not violate section 22(g) by extending credit to their executive officers subject to the same restrictions and conditions as apply to foreign branches of national banks under § 213.3(b) of this subchapter. \* \* \*

Board of Governors of the Federal Reserve System, August 25, 1975.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 75-23209 Filed 9-2-75; 8:45 am]

### Title 15—Commerce and Foreign Trade

### CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

### PART 371—GENERAL LICENSES

### PART 377—SHORT SUPPLY CONTROLS

### Continuation of Short Supply Controls on Petroleum and Petroleum Products Throughout the Third Quarter 1975

In accordance with its responsibilities under the Export Administration Act and as part of the overall effort to conserve and allocate petroleum, the Department of Commerce has controlled exports of petroleum and petroleum products since December 14, 1973. These controls were imposed to avoid an excessive drain of these scarce materials from the United States and to reduce the serious inflationary impact on the domestic economy. They were also intended to supplement the domestic controls issued under authority of the Emergency Petroleum Allocation Act (EPAA). In passing the EPAA in 1973 Congress had found that "shortages of crude oil, residual fuel oil, and refined petroleum products . . . have created or will create severe economic dislocations and hardships," and had directed that these materials produced or refined in the United States, to the extent practicable and necessary to accomplish the objectives of the EPAA, should "be totally allocated for use by ultimate users in the United States."

Since the EPAA will likely expire on August 31, the export control program has been reviewed in cooperation with the Federal Energy Administration and other interested agencies. Based on this review, the Department concluded that the domestic petroleum situation as of 31 August 1975 still meets the criteria of the Export Administration Act of 1969, as amended and extended in 1972 and as amended in 1974, for the imposition of export controls on crude oil and certain petroleum products. The Department has decided that the present restrictions on export of those commodities should continue unchanged through the remainder of the third quarter of 1975; i.e., September 30, 1975. Authority for continuing these controls is contained in the Mineral Leasing Act of 1920, as amended by the Alaskan Pipeline Act, and in the Export Administration Act of 1969, as amended.

In reaching these conclusions, it was noted that while the growth of overall demand for petroleum products slowed appreciably in 1974 and during the first half of 1975, as a result of price increases, energy conservation, and a reduced rate of growth in the economy, the domestic production of petroleum liquids has shown a steady decline from 11.3 MMBD in 1970 to 10.0 MMBD in May 1975. The gap between this level of domestic production and the estimated average demand of 16.4 MMBD for 1975 indicates the extent of the present shortage of petroleum in the United States.

Analysis of the expected crude oil costs after August 31 shows that, sub-

### Title 16—Commercial Practices

### CHAPTER I—FEDERAL TRADE

series of books, or of any merchandise, hereinafter such books and merchandise

ject to marketing variations, the resulting product price levels in the United

form or any other document used for responding to any such continuity program offered, and in magazine or news-

9. Failing to establish and implement adequate procedures to prevent the sending of any product to any subscriber to

thereof, Section 13 (new Section 15B of the Act), Section 15 (new Section 17A of the Act) and Section 31(b) of the Secu-



**Title 16—Commercial Practices**  
**CHAPTER I—FEDERAL TRADE**  
**COMMISSION**

[Docket C-2680]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

**The Greystone Corp.**

ject to marketing variations, the resulting product price levels in the United States could offer attractive incentives for export of petroleum products. The extremely low prices charged on the world tanker market at present, and the availability of extensive tanker capacity deadheading from the United States as a result of our high level of petroleum imports, combine to offer further incentives to spot export market transactions. In view of these and other factors, it was considered necessary to continue for the time being the present controls on the export of petroleum products in order to prevent the excessive drain of scarce supplies from the U.S. market. In addition, controls were considered necessary so that the scarcity of these materials, exacerbated by foreign demand based on the potential attractiveness of U.S. supplies, will not lead to further inflation of domestic prices.

We are continuing our comprehensive review, and will announce our decisions with regard to possible continuation of controls for the fourth quarter 1975 in advance of the end of the third quarter.

*Effective date of action:* August 31, 1975.

**Revision of Restrictions on Bunkering Vessels in Cuban Trade**

The Organ of Consultation of the Organization of American States, acting under the Rio Treaty, adopted a resolution on July 29, 1975, which allows each member state to determine for itself the nature of its economic and diplomatic relations with the Government of Cuba. In keeping with this action by the OAS, the United States on August 21 announced modifications of the aspects of our Cuban denial policy that affect other countries. The Export Administration Regulations are hereby revised to reflect the changes in United States policy on bunkering. General License SHIP STORES is modified to permit general license bunkering of third country ships engaged in Cuba trade. Bunkers will not be afforded, however, to vessels registered in, owned or controlled by, or under charter or lease to Cuba or a Cuban national.

§ 371.9 [Amended]

Accordingly, the Export Administration Regulations (15 CFR Part 371) are amended by revoking and reserving subparagraph 371.9(b) (4) and by changing the reference in 371.9(b) (4) from "371.9 (b) (1), (2), and (3)" to "371.9(b) (1) and (3)".

*Effective date of action:* August 29, 1975.

**RAUER H. MEYER,**  
**Director,**

*Office of Export Administration.*

[FR Doc. 75-23358 Filed 8-29-75; 10:25 am]

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13-533-20 Disclosures; 13.533-50 Main-tain means of communication; 13.533-55 Refunds, rebates and/or credits. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 Scientific or other relevant facts.—Prices: § 13.1823 Terms and conditions.—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended: 15 U.S.C. 45)

*In the Matter of The Greystone Corporation, a corporation.*

Consent order requiring a New York City seller and distributor of encyclopedia and other educational material, among other things to cease distributing any product through the use of a continuity program that provides for the delivery, on approval, any product at intervals with the balance being sent in one or more multi-unit shipments in violation of the Federal Trade Commission Act.

The Order to cease and desist, including further order requiring report of compliance therewith, is as follows:

**ORDER**

*It is ordered,* That respondent The Greystone Corporation, a corporation, its successors and assigns, and its officers, and its agents, representatives, employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale or sale, inducing or collecting payments for, and distribution of any encyclopedia or educational

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

series of books, or of any merchandise, hereinafter such books and merchandise sometimes collectively referred to as products, through the use of a continuity program that provides contractually for the delivery, on an approval basis, of any of said products to any person at intervals, with the balance of the program sent in one or more multi-unit shipments, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Any person has the option to receive each product, separately and individually, and to accept or reject same, unless such representation is true.

(b) Any person will not receive any further products after the respondent has received and processed a properly identified notice of his cancellation of any such continuity program, unless such representation is true; or misrepresenting, in any manner, the consequences resulting from any person's cancellation of his participation in any such continuity program.

(c) Any person incurs no risk or obligation by joining any such continuity program unless such representation is true; or misrepresenting, in any manner, any condition, right, duty or obligation imposed on said person.

2. Disseminating, or causing the dissemination of, any advertisement for such continuity program by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to disclose in a clear and conspicuous manner a description of the material conditions and terms of any such continuity program, and the material duties and obligations of any subscriber thereto, including:

(a) A description of each product, the billing charge to be made therefor, the anticipated total number of products included in any such continuity program, the number of products included in each shipment, except that as to the last two shipments, respondent may instead disclose the approximate number of volumes in the second to last shipment and the fact that the respondent will grant an allowance or credit against billing charges for any unwanted product that has been rejected or returned pursuant to the terms of the continuity program; and

(c) That in order for any communication, including any cancellation, to be processed by the respondent prior to the shipment of any product, such communication must be received by the respondent within the time period provided to the subscriber in accordance with paragraph 4, *infra*.

3. Failing to disclose, clearly and conspicuously, on any return coupon, order

form or any other document used for responding to any such continuity program offered, and, in magazine or newspaper advertising, in immediate and close conjunction with any return coupon, order form or any other document used for responding to any such continuity program offered, the following information:

(a) The anticipated total number of products included in any such continuity program;

(b) The number of products included in each shipment, except that as to the last two shipments, respondent may instead disclose the approximate number of volumes in the second to last shipment and the fact that the last shipment contains the balance of the products to be sent; and

(c) The number of and the approximate intervals between each such shipment.

4. Failing to notify the subscriber subsequent to enrollment, clearly and conspicuously, in conjunction with the delivery of products sent to any subscribers, of the time period or periods after which the respondent will initiate processing of any future shipment or shipments.

5. Failing to establish and implement adequate procedures so that the subscriber will be provided with any such notifications required by paragraph 4, *supra*, at least 15 days prior to the anticipated processing date of any subsequent shipment.

6. Failing to advise the subscriber clearly and conspicuously, in close conjunction with the notification required in paragraph 4, *supra*, that the subscriber must advise the respondent prior to the anticipated processing date if any change is desired in the status of the subscriber's account.

7. Preparing shipping labels for any shipment of any product in such continuity program for which the recipient will incur a monetary obligation, until at least 4 days after the anticipated processing date established pursuant to paragraph 4, *supra*, in connection with that shipment.

8. Failing to establish and implement adequate procedures to credit, for the full invoiced amount thereof, any properly identified return of any product sent to a subscriber to any such continuity program, and to guarantee to the postal service or the subscriber postage adequate to return such product to the respondent, when:

(a) The product is sent to a subscriber after the respondent has received and processed such notice of cancellation prior to the anticipated processing date established in conjunction with the shipment of such product as required by paragraph 4, *supra*; or

(b) Such notice of cancellation is received by the respondent within 4 days of the anticipated processing date established pursuant to paragraph 4, *supra*, but has been mailed by the subscriber and postmarked at least three days prior to the date disclosed as aforesaid.

9. Failing to establish and implement adequate procedures to prevent the sending of any product to any subscriber to any such continuity program, or mailing any bill or invoice therefor, after the respondent has received and processed any properly identified notice of cancellation from said subscriber prior to the date upon which the respondent may initiate the processing for the shipment of said product pursuant to paragraph 7, *supra*.

10. Failing to establish and implement adequate procedures to do the following, after receipt of any properly identified claim for adjustment in connection with any bill or invoice or any defense raised by any alleged debtor in connection with any such continuity program;

(a) Make any such adjustment within 14 days of receipt of such claim; or

(b) Acknowledge the receipt of the claim or defense within 14 days of receipt by the respondent and suspend all collection procedures with such alleged debtor until 25 days after complying with the procedures set forth in (c), below; and

(c) Make the requested adjustment within 60 days, or, within said period, inform the alleged debtor in writing of the respondent's understanding of the facts alleged in the claim or defense.

*It is further ordered,* That respondent shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

The Decision and Order was issued by the Commission July 14, 1975.

**CHARLES A. TOBIN,**  
*Secretary.*

[FR Doc. 75-23210 Filed 9-2-75; 8:45 am]

**Title 17—Commodity and Securities Exchange**

**CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

[Release 34-11604]

**SELF-REGULATORY ORGANIZATIONS**

**Proposed Rule Changes**

The Securities and Exchange Commission, acting pursuant to the authority vested in it by the Securities Exchange Act of 1934 (the "Act"), and particularly Sections 2, 3, 6, 13, 15A, 17, 19 and 23

<sup>1</sup> 15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94-29 (June 4, 1975).

thereof, Section 13 (new Section 15B of the Act), Section 15 (new Section 17A of the Act) and Section 31(b) of the Securities Acts Amendments of 1975 (the "1975 Amendments"), has adopted Rule 19b-4, together with related Forms 19b-4A\* and 19b-4B, effective immediately. Rule 19b-4 provides procedures for self-regulatory organizations to file proposed rule changes and to give notice as to certain stated policies, practices or interpretations on the related forms. It also prescribes procedures to be followed by the Commission in considering proposed rule changes filed with the Commission. In connection with the adoption of Rule 19b-4, the Commission has provided certain delegated authority to the Director of the Division of Market Regulation and has rescinded Securities Exchange Act Rules 9b-1 and 17a-8, effective immediately, and 15Aj-2 and 15Aj-3, effective December 1, 1975.

*Background.* Effective June 4, 1975, Section 19(b) of the Act requires that, in connection with a proposed rule or proposed change in, addition to, or deletion from the rules of a self-regulatory organization (a proposed rule change), self-regulatory organizations shall file, in accordance with rules prescribed by the Commission, copies of the proposed rule change accompanied by a concise general statement of the basis and purpose thereof. Self-regulatory organizations are national securities exchanges registered pursuant to Section 6 of the Act, securities associations registered pursuant to Section 15A of the Act, clearing agencies registered pursuant to new Section 17A(b) of the Act upon its effectiveness on December 1, 1975, and the Municipal Securities Rulemaking Board to be created pursuant to new Section 15B of the Act, which for purposes of Sections 19(b), 19(c) and 23(b) of the Act, is defined as a self-regulatory organization in Section 3(a)(26) of the Act. Under Sections 3(a)(27) and 3(a)(28) of the Act, the rules of a self-regulatory organization mean the constitution, articles of incorporation, by-laws, and rules, or instruments corresponding to the foregoing and such of the stated policies, practices and interpretations of the self-regulatory organization as the Commission, by rule, determines to be necessary or appropriate in the public interest or for the protection of investors to be deemed to be rules.

Subject to limited exceptions, the Commission is required, upon the filing of a proposed rule change, to publish notice

<sup>2</sup> 15 U.S.C. 78b, 78c, 78f, 78o-3, 78q, 78s and 78w, as amended by Pub. L. No. 94-29, 2, 3, 4, 14, 16 and 18 (June 4, 1975); amendments to certain of such sections, including relevant parts of Sections 6 and 15A, and new Sections 15B and 17A become effective on December 1, 1975, pursuant to Pub. L. No. 94-29, 31(a). All references in Form 19b-4A to particular provisions of the Act are to such provisions as amended by the 1975 Amendments.

<sup>3</sup> Pub. L. No. 94-29, 13, 15 and 31(b) (June 4, 1975).

<sup>4</sup> Form filed as a part of the original document.

thereof together with the terms of sub-

posals are required to be refiled pursuant

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in effect on June 4, 1975, and on the date

if approved prior to that date, will be

thereunder. At the same time there would



thereof together with the terms of substance or a description of the subjects and issues involved. Interested persons will have an opportunity to submit written data, views and arguments concerning the proposed rule change. A proposed rule change may not take effect unless approved by the Commission or otherwise permitted by the Commission or otherwise permitted by Section 19(b) of the Act. Section 19(b)(2) prescribes the procedure by which, and time periods within which, the Commission will take action to approve a proposed rule change or to institute proceedings to determine whether the proposed rule change should be disapproved and, if such proceedings are instituted, to approve or disapprove a proposed rule change. Section 19(b)(3)(A) provides that the Commission may, by rule, specify as without the provisions (and procedures) of Section 19(b)(2) proposed rule changes which are designated by a self-regulatory organization as (i) constituting a stated policy, practice or interpretation with respect to the meaning, administration or enforcement of an existing rule of the self-regulatory organization, (ii) establishing or changing a due, fee or other charge imposed by the self-regulatory organization or (iii) concerned solely with the administration of the self-regulatory organization or other matters, and such rule changes may take effect upon filing with the Commission. Section 19(b)(3)(B) authorizes the Commission to put rule changes into effect summarily if it appears to the Commission that such action is necessary for the protection of investors, the maintenance of fair and orderly markets, or the safeguarding of securities or funds.

New Section 19(b) of the Act became effective upon enactment. Accordingly, the former procedures for national securities exchanges (Rule 17a-8)\* and registered securities associations (Section 15 A(j)) do not meet the requirements for proposed rule changes for which filings may have been made prior to such date but on which final action had not been taken. Accordingly, all such pending pro-

\*For proposed rule changes involving an exchange's plan regulating transactions in options on that exchange, the procedures pursuant to Rule 9b-1 were not dissimilar to those to be prescribed by Rule 19b-4 and, as indicated, Rule 9b-1 is being rescinded.

Under Rule 17a-8, a national securities exchange was required to file a report with respect to any proposed change in its constitution, articles of incorporation, by-laws, or rules or instruments corresponding thereto or its stated policies 21 days in advance of action thereon by its board of governors or members. Where, even though a report pursuant to Rule 17a-8 might have been filed more than 21 days prior to June 4, 1975, action had not been taken on such change prior to June 4, 1975, an exchange will be required to file such change in accordance with the procedures hereby established under new Section 19(b) unless, under such procedures, only notice on Form 19b-4B, described herein, would be required. Absent advice to the contrary that pending proposed changes are stated practices, policies or interpretations which the exchange believes may be characterized as not constituting rules under Rule 19b-4, the Commission will assume that such changes will not take effect until the new procedures are complied with.

posals are required to be refiled pursuant to new Section 19(b) and Rule 19b-4 thereunder and notice thereof published. Subject to the giving of such notice, the Commission may, for good cause shown, give expedited treatment to proposed rule changes which are currently pending.

Rule 19b-4. Rule 19b-4 provides procedures for self-regulatory organizations to file proposed rule changes and to give notices as to stated policies, practices and interpretations which the self-regulatory organization believes may be characterized as not constituting a rule. In addition, it specifies the procedures to be followed by the Commission in passing upon proposed rule changes and provides procedures for reviewing, pursuant to Section 31(b) of the 1975 Amendments, all rules of exchanges and associations registered with the Commission on June 4, 1975.

Under the Act, a proposed rule change of a self-regulatory organization means any proposed rule or any proposed change in, addition to, or deletion from the rules of a self-regulatory organization. A stated policy, practice or interpretation of a self-regulatory organization is deemed by Rule 19b-4 to be a rule of the self-regulatory organization if (i) action thereon by the members or by the board of directors, or similar governing body, of such self-regulatory organization is required under its constitution, articles of incorporation, by-laws, rules, or instruments corresponding thereto, (ii) a self-regulatory organization elects or is required, pursuant to its constitution, articles of incorporation, by-laws, rules, or instruments corresponding thereto, to treat it as a rule change thereunder, (iii) it represents a change in, addition to, or deletion from a stated policy, practice or interpretation which the self-regulatory organization previously treated as a proposed rule change or (iv) it requires a determination, or affects a prior determination, pursuant to Rules 8c-1(g) or 15c2-1(g). Filings with respect to proposed rule changes (including filings which are being made pursuant to Section 19(b)(3) in addition to or in lieu of filings pursuant to Section 19(b)(2)) by a self-regulatory organization are to be made on Form 19b-A.

Stated policies, practices and interpretations of a self-regulatory organization include any material aspect of the operation of the facilities of the self-regulatory organization or any statement made available generally to the membership of, or all participants in, or persons having or seeking access (including, in the case of national securities exchanges or registered securities associations,

\*On June 11, 1975, and July 23, 1975, the Commission took action with respect to certain pending proposed rule changes pursuant to Section 19(b)(3)(B) of the Act on condition that such rule changes thereafter be considered pursuant to the customary procedures of Section 19(b)(2). See Securities Exchange Release Nos. 11461, 11554, 11555 and 11556.

through a member) to facilities of, a self-regulatory organization, or to a group or category of such persons, establishing or changing any standards or guidelines with respect to (i) the rights or obligations of such persons or, in the case of national securities exchanges or registered securities associations, persons associated with such persons or (ii) the application or interpretation of an existing rule.

Persons having or seeking access to facilities of a national securities exchange, registered securities association or registered clearing agency include issuers of securities. Notice as to a stated policy, practice or interpretation which the self-regulatory organization believes may be characterized as not constituting a rule is required to be mailed to the Commission on Form 19b-4B not later than the date on which it is first made generally available.

To implement Section 19(b)(3)(A) of the Act, Rule 19b-4 provides that a proposed rule change may take effect upon filing with the Commission if designated by the self-regulatory organization as (i) constituting a stated policy, practice or interpretation with respect to the meaning, administration, or enforcement of an existing rule, (ii) establishing or changing a due, fee, or other charge, or (iii) concerned solely with the administration of the self-regulatory organization.

In approving any proposed rule change, the Commission may endorse the justification therefor filed by the self-regulatory organization except that, where the proposed rule change would, in the judgment of the Commission, have significant policy implications under the Act, the Commission will issue its own statement as to the regulatory need for and appropriateness of the proposed rule change. In connection with proceedings to determine whether a proposed rule change should be disapproved, the Commission will afford the self-regulatory organization and all interested persons an opportunity to submit additional written data, views and arguments concerning the proposed rule change and, in the discretion of the Commission, an opportunity to make oral presentations.

Notice of orders issued by the Commission pursuant to Section 19(b) of the Act will be given by their prompt publication together with a statement of the reasons therefor.

On or prior to April 1, 1976, each national securities exchange and each securities association registered with the Commission on June 4, 1975, will be required to file with the Commission the information required by Items 3, 4, 5 and 6 of Form 19b-4A with respect to all rules

\*Clearing agencies, under Section 17A(b)(6), may not prohibit or limit access by any person to services offered by any participant therein.

\*See Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess., at 80 (1975).

in effect on June 4, 1975, and on the date of filing.

Self-regulatory organizations will be required, under Rule 19b-4, to retain at their principal place of business a file, available for public inspection and copying, of all filings pursuant to the rule and all related correspondence.

Form 19b-4A. Form 19b-4A requires that, with respect to a proposed rule change, a self-regulatory organization shall file the text of the proposed rule change, indicate the action taken to adopt the change, state the purpose thereof, describe the basis therefor under the Act, summarize comments received thereon and explain any burden on competition to be imposed thereby. In addition, Form 19b-4A provides for the self-regulatory organization to indicate whether it consents to the extension of the time periods prescribed by Section 19(b). If a proposed rule change is to take, or to be put into, effect pursuant to Section 19(b)(3), the self-regulatory organization is required to state the basis therefor.

The Commission will not approve a proposed rule change prior to the time all action required to be taken under the constitution, articles of incorporation, by-laws, rules, or instruments corresponding thereto (excluding action specified in any such instrument with respect to compliance with the procedures of the Act or the formal filing of amendments pursuant to state law) of the self-regulatory organization has been completed. Proposed rule changes may, however, be initially filed prior to the completion of all such action if the self-regulatory organization consents to an extension of the period of time specified in Section 19(b)(2) until at least thirty-five days after it has filed appropriate amendments setting forth the taking of all such action. The Commission encourages the early filing of proposed rule changes in order to provide an increased opportunity for public comment.

Notwithstanding that, under Section 31(a) of the 1975 Amendments, amendments to Sections 6 and 15A of the Act do not become effective until December 1, 1975, national securities exchanges and registered securities associations should indicate whether proposed rule changes,

\*Pursuant to Section 11A(c)(4)(A) of the Act, enacted by the 1975 Amendments, the Commission will also initially review any and all rules of national securities exchanges which limit or condition the ability of members to effect transactions in securities otherwise than on such exchanges. Pursuant to that section, the Commission is required to report to the Congress the results of its review by September 2, 1975, and to commence a proceeding in accordance with Section 19(c) to amend any such rule imposing a burden on competition which does not appear to the Commission necessary or appropriate in furtherance of the purposes of the Act. Any such proceeding is to be completed within 90 days after publication of notice of its commencement. See Securities Exchange Act Release No. 11521 (July 2, 1975), 40 Fed. Reg. 30332 (July 18, 1975).

if approved prior to that date, will be consistent with such sections when so amended. In the case of proposed rule changes by a national securities exchange or registered securities association filed prior to December 1, 1975, relating to a facility of such exchange or association which will be required to be registered as a clearing agency on December 1, 1975, paragraph (b) of item 4 of Form 19b-4A should be completed, as appropriate.

Form 19b-4B. Form 19b-4B is to be used to give notice of a stated policy, practice or interpretation of a self-regulatory organization and must include the basis on which the self-regulatory organization believes such stated policy, practice or interpretation may be characterized as not constituting a rule.

All filings on Form 19b-4A and notices on Form 19b-4B by self-regulatory organizations are to be identified with the initials of the self-regulatory organization, the year and the number of the filing for that year. Thus the first filing, pursuant to the rule, in 1975 by the National Association of Securities Dealers, Inc., would be identified as SR-NASD-75-1.

Rescission of Rules 9b-1, 17a-8, 15A-2 and 15A-3. Under Section 9(b)(1) of the Act it is unlawful for any person to effect, by use of any facility of a national securities exchange, in contravention of Commission rules, any transaction in connection with any security whereby any party to such transaction acquires any put, call, straddle, or other option or privilege of buying the security from or selling the security to another without being bound to do so. In 1972, the Chicago Board Options Exchange (CBOE) applied for registration, on a pilot project basis, as a national securities exchange to establish an exchange market dealing in options. The application of the CBOE raised for the first time the possibility of a significant number of option transactions being effected on national securities exchanges. While the application was pending, the Commission published for comment proposed Rule 9b-1. Rule 9b-1 provided for the filing by exchanges of plans regulating transactions in options. The rule also provided generally for the Commission to give public notice and opportunity for submission of written data, views and arguments as to any such plan (or amendment thereto) and for the Commission to declare any such plan effective if it found the plan to be necessary or appropriate in the public interest; amendments to a plan became effective 30 days after publication (or such earlier date as the Commission allowed) unless disapproved by the Commission.

While the 1975 Amendments have not affected the Commission's authority under Section 9 of the Act, and the Commission, if appropriate, might in the future adopt rules to regulate exchange trading of options pursuant to Section 9, the procedures provided by Rule 9b-1 are duplicated in large part by new Section 19(b) of the Act and Rule 19b-4

thereunder. At the same time there would remain a number of small differences which could create technical problems for exchanges in complying with both rules. Accordingly, the Commission has determined to rescind Rule 9b-1, effective immediately. Rules of exchanges constituting part of their plans for the regulating of options which were in effect on June 4, 1975, will continue in effect. In the future, proposed rule changes of self-regulatory organizations (including the package of proposed rule changes necessary to permit institution of option trading or institution of a new type of option trading, such as trading in puts or straddles) will be considered, pursuant to the procedures of Rule 19b-4; the Commission will, of course, continue to review option trading closely in light of its broad authority under Section 9 of the Act.

Rule 17a-8 is superseded by Rule 19b-4 and is therefore rescinded, effective immediately. Rules 15A-2 and 15A-3 relate to quotation and clearing systems operated by registered securities associations. In view of the revisions to the Act made by the 1975 Amendments, it no longer appears necessary to retain such rules and, accordingly, they are rescinded, effective December 1, 1975.

Delegation. The rules of the Commission relating to general organization are concurrently being amended to delegate authority to the Division of Market Regulation to publish proposed rule changes of self-regulatory organizations and to approve proposed rule changes.

The Commission for good cause finds that notice and public procedure and prior publication pursuant to 5 U.S.C. 553 (b) and (c) are unnecessary with respect to the foregoing action and that Rule 19b-4, and related Forms 19b-4A and 19b-4B (and the related delegation of authority) should be adopted, effective immediately. In order to provide as promptly as possible an orderly procedure for consideration of proposed rule changes of self-regulatory organizations, the Commission, however, encourages interested persons to submit comments with respect to Rule 19b-4 and the related forms. The Commission intends to review the operation of the rule with a view to improving and simplifying to the extent feasible the procedures implemented pursuant to Section 19(b) of the Act. The Commission further finds that the adoption of Rule 19b-4 and the related forms will not impose any burden on competition.

(secs. 2, 3, 6, 13, 17, 19, 23, 48 Stat. 881, 882, 885, 894, 897, 898, 901, as amended by secs. 2, 3, 4, 14, 16, 18, 89 Stat. 97, 97-104, 104-109, 137-141, 146-154, 155-156; sec. 1, 52 Stat. 1070, as amended by sec. 12, 89 Stat. 127-131; sec. 13, 89 Stat. 131-137; sec. 15, 89 Stat. 141-146; sec. 31(b), 89 Stat. 170; 76 Stat. 394 (15 U.S.C. 78b, 78c, 78f, 78g, 78s, and 78w, as amended by Pub. L. No. 94-29; 15 U.S.C. 78o-3, as amended by Pub. L. No. 94-29; 15 U.S.C. 78o-4, as added by Pub. L.

\*See, e.g., Sections 11A and 17A of the Act enacted by Sections 7 and 15 of the 1975 Amendments.

No. 94-29; 15 U.S.C. 78a-1, as added by Pub. L. No. 94-29; 15 U.S.C. 78d-1, 78d-2.

ties associations, through a member) to

I—Forms for Registration of and Reporting by National Securities Association

(A)(8) under the Securities Exchange Act of 1934 (§ 240.17a-3(a)(12)(i)(h)). Rule 17a-3(c)(12)(A), requires, among

Another commentator, a major brokerage firm, asserted that the proposed amendment would eliminate from the

amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by amending § 240.17a-3 effective Octo-

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No. 94-29; 15 U.S.C. 78q-1, as added by Pub. L. No. 94-29; 15 U.S.C. 78d-1, 78d-2.)

By the Commission,

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 19, 1975.

**PART 200—ORGANIZATION, CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS**

**DELEGATION OF AUTHORITY**

Section 200.30-3(a) is amended by adding a new subparagraph (13) as follows:

§ 200.30-3 Delegation of Authority to Director of Division of Market Regulation.

(a) \* \* \*

(13) Pursuant to Rule 19b-4 (§ 240.19b-4) of this chapter, to publish notices of proposed rule changes filed by self-regulatory organizations and to approve such proposed rule changes.

**PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934**

**TEXT OF THE RULE**

Rule 19b-4 (17 CFR § 240.19b-4), as hereby adopted, reads as follows:

§ 240.19b-4 Filings with respect to proposed rule changes by, and notices as to certain stated policies, practices and interpretations of, self-regulatory organizations.

(a) The term "proposed rule change" means any proposed rule or any proposed change in, addition to, or deletion from the rules of a self-regulatory organization. A stated policy, practice, or interpretation of a self-regulatory organization shall be deemed to be a rule of the self-regulatory organization if (1) action thereon by the members or by the board of directors, or similar governing body, of such self-regulatory organization is required under its constitution, articles of incorporation, by-laws, rules, or instruments corresponding thereto, (2) a self-regulatory organization elects or is required, pursuant to its constitution, articles of incorporation, by-laws, rules, or instruments corresponding thereto, to treat it as a rule change hereunder, (3) it represents a change in, addition to, or deletion from a stated policy, practice or interpretation which the self-regulatory organization previously treated as a proposed rule change or (4) it requires a determination, or affects a prior determination, pursuant to Rules 8c-1(g) or 15c2-1(g).

(b) The term "stated policies, practices and interpretations" includes any material aspect of the operation of the facilities of the self-regulatory organization or any statement made generally available to the membership of, or all participants in, or persons having or seeking access (including, in the case of national securities exchanges or registered securities

associations, through a member) to facilities of, a self-regulatory organization, or to a group or category of such persons, establishing or changing any standards or guidelines with respect to (1) the rights or obligations of such persons or, in the case of national securities exchanges or registered securities associations, persons associated with such persons or (2) the application or interpretation of an existing rule.

(c) Filings with respect to proposed rule changes by a self-regulatory organization shall be made on Form 19b-4A. Notice on Form 19b-4B as to a stated policy, practice or interpretation which the self-regulatory organization believes may be characterized as not constituting a rule pursuant to paragraph (a) of this section shall be mailed first class, postage prepaid, to the Commission, not later than the date on which it is first made generally available.

(d) A proposed rule change may take effect upon filing with the Commission pursuant to Section 19(b) (3) (A) of the Act if designated by the self-regulatory organization as (1) constituting a stated policy, practice or interpretation with respect to the meaning, administration, or enforcement of an existing rule, (2) establishing or changing a due, fee, or other charge, or (3) concerned solely with the administration of the self-regulatory organization.

(e) After instituting proceedings to determine whether a proposed rule change should be disapproved, the Commission will afford the self-regulatory organization and interested persons an opportunity to submit additional written data, views and arguments and, in the discretion of the Commission, an opportunity to make oral presentations.

(f) Notice of orders issued pursuant to Section 19(b) of the Act will be given by prompt publication thereof, together with a statement of written reasons therefor.

(g) On or prior to April 1, 1976, each national securities exchange and securities association registered with the Commission on June 4, 1975, shall file with the Commission the information required by Items 3, 4, 5 and 6 of Form 19b-4A with respect to each of its rules in effect on June 4, 1975, and on the date of filing.

(h) Self-regulatory organizations shall retain at their principal place of business a file, available to interested persons for public inspection and copying, of all filings made pursuant to this rule and all correspondence received by such self-regulatory organization with respect to any such filing.

**PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934**

**ADOPTION OF FORMS**

Part 249—Forms, Securities Exchange Act of 1934, is hereby amended (1) by adding to Subpart A—Forms for Registration or Exemption of, and Notification of Action Taken by, National Securities Exchanges, Sections 249.19a and 249.19b, and (2) by adding to Subpart

I—Forms for Registration of and Reporting by National Securities Associations and Affiliated Securities Associations, §§ 249.819a and 249.819b as follows:

§ 249.19a Form 19b-4A, for filings with respect to proposed rule changes by all self-regulatory organizations.

This form shall be used by all self-regulatory organizations, as defined in Section 3(a) (26) of the Securities Exchange Act of 1934, to file proposed rule changes with the Commission pursuant to Section 19(b) of that Act and Rule 19b-4 thereunder.

§ 249.19b Form 19b-4B, for giving notice as to stated policies, practices and interpretations of self-regulatory organizations.

This form shall be used by all self-regulatory organizations, as defined in Section 3(a) (26) of the Securities Exchange Act of 1934, to give notice, pursuant to Section 19(b) of that Act and Rule 19b-4 thereunder, as to stated policies, practices and interpretations of self-regulatory organizations which such organizations believe may be characterized as not constituting rules.

§ 249.819a Form 19b-4A, for filings with respect to proposed rule changes by all self-regulatory organizations.

This form shall be used by all self-regulatory organizations, as defined in Section 3(a) (26) of the Securities Exchange Act of 1934, to file proposed rule changes with the Commission pursuant to Section 19(b) of that Act and Rule 19b-4 thereunder.

§ 249.819b Form 19b-4B, for giving notice as to stated policies, practices and interpretations of self-regulatory organizations.

This form shall be used by all self-regulatory organizations, as defined in Section 3(a) (26) of the Securities Exchange Act of 1934, to give notice, pursuant to Section 19(b) of that Act and Rule 19b-4 thereunder, as to stated policies, practices and interpretations of self-regulatory organizations which such organizations believe may be characterized as not constituting rules.

**RESCISSIO**

Rules 9b-1 (17 CFR § 240.9b-1), and 17a-8 (17 CFR § 240.17a-8) are hereby rescinded, effective immediately. Rules 15A-2 (17 CFR § 240.15A-2) and 15A-3 (17 CFR § 240.15A-3) are hereby rescinded, effective December 1, 1975.

[FR Doc.75-23298 Filed 9-2-75; 8:45 am]

[Release No. 34-11615; File No. S7-563]

**PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934**

**Arrest and Indictment Records of Associated Persons Brokers-Dealers' Maintenance**

**Introduction.** The Securities and Exchange Commission today announced adoption of amended Rule 17a-3(a) (12)

(A) (8) under the Securities Exchange Act of 1934 (§ 240.17a-3(a) (12) (i) (h)). Rule 17a-3(a) (12) (A) requires every member of a national securities exchange who transacts a business in securities directly with others than members of a national securities exchange, and every broker or dealer who transacts a business in securities through the medium of any such member, and every registered broker or dealer to obtain from each associated person a questionnaire or application for employment containing, among other things, a record of any arrests, indictments, or convictions for any felony or misdemeanor, except minor traffic offenses, to which the associated person has been subject.<sup>2</sup> The Commission has amended Rule 17a-3(a) (12) (A) (8) to limit the reference to arrests or indictments to crimes which are related to the safe operation of the securities industry.

The impetus for this amendment originated with the Commission's concern as to whether requiring the maintenance of records of all arrests and indictments might be too broad in light of certain recent civil rights decisions, and as such might no longer comport with public policy. The amendment was proposed in Securities Exchange Act Release No. 11402, May 7, 1975.<sup>3</sup>

**Comments.** The Commission received four comment letters on proposed Rule 17a-3(a) (12) (A) (8) from the public during the comment period which expired June 18, 1975. In addition, the Commission received comments from the Criminal Division of the Department of Justice and from the Equal Employment Opportunity Commission. Finally the Commission solicited through a voluntary questionnaire information from the various states concerning their state law or policy. The rule as adopted differs only slightly from the rule as proposed. Several commentators stated that the proposed amendment should not be adopted. One, a state securities administrator, asserted that the proposed amendment would place the rights of an individual above those of the public "on a suppositional possibility that some individual could be damaged." Further, he indicated that on some occasions a routine investigation of an applicant's arrest record discloses additional information which constitutes grounds for refusing registration.

<sup>1</sup> Rule 17a-3(a) (12) (B) (§ 240.17a-3(a) (12) (ii)) defines an associated person to be a "partner, officer, director, salesman, trader, manager, or any employee handling funds or securities or soliciting transactions or accounts for such member, broker or dealer."

<sup>2</sup> Form SECO-2, the Personnel Form for nonmember brokers and dealers, requests similar information. Effective October 1, 1975, the Commission has amended Form SECO-2 by the substitution of Form U-4, a uniform application for registration of associated persons. (Securities Exchange Act Release No. 11424, May 16, 1975, 40 FR 30634). Insofar as the requirements regarding arrest records, indictments, and convictions are concerned, Form U-4 will contain requirements similar to Rule 17a-3(a) (12) (A) (8).

<sup>3</sup> 40 FR 21498.

Another commentator, a major brokerage firm, asserted that the proposed amendment would eliminate from the employment application records of arrests or indictments for some offenses which might alert the broker-dealer to the possibility that in certain situations such person might respond in ways which would make it inappropriate for him to handle funds or securities for the firm.

In regard to the comments that the Commission not modify its current requirement, the Commission believes that the amended rule represents a sound compromise between the sometimes conflicting objectives of avoiding hardship to individuals and the securities industry's position of public trust. The Commission notes that the Criminal Division of the Department of Justice stated of the amendment, "such a step is appropriate and is in accord with the Department's policy concerning the protection of individual privacy." The rule as amended no longer requires the maintenance of arrest and indictment records for "victimless" offenses or certain other lesser crimes. At the same time, the rule continues to require the maintenance of arrest and indictment records for more serious crimes which may more directly reflect on an individual's trustworthiness in dealing with customers' funds and securities.

The Commission has adopted one modification to the rule as proposed. Language has been added which assures that persons disclosing arrest or indictment information will be given the opportunity to explain or discuss the circumstances surrounding the event and to indicate the disposition of the arrest or indictment.

The Commission notes that Rule 17a-3(a) (12) (A) (8) should not be interpreted to require or suggest that the fact of any arrest or conviction record is to be used as an absolute bar to employment. Rather, the Commission advises broker-dealers that they should look at the circumstances surrounding the arrest or conviction in light of applicable regulations under Title VII of the Civil Rights Act of 1964,<sup>4</sup> as well as relevant court cases.<sup>5</sup>

The Commission has determined that the adoption of amended Rule 17a-3(a) (12) (A) (8) will not impose a burden on competition.

In view of the foregoing, the Commission has adopted the amendment to Rule 17a-3(a) (12) (A) (8).

**Statutory authority.** The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby

<sup>4</sup> 42 U.S.C. 2000e et seq. (Supp. II, 1972), and 42 U.S.C. 1981 (1970).

<sup>5</sup> See e.g., *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971); *Gregory v. Litton Systems, Inc.*, 316 F. Supp. 401 (C.D. Cal. 1970), modified, 472 F.2d 631 (9th Cir. 1972).

amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by amending § 240.17a-3, effective October 1, 1975.

**Text of amended paragraph (a) (12) (A) (8) of Rule 17a-3.** The text of amended paragraph (a) (12) (A) (8) ((a) (12) (i) (h)) of Rule 17a-3 (§ 240.17a-3) is as follows:

§ 240.17a-3 Records to be made by certain exchange members, brokers and dealers.

(a) \* \* \*  
(12) (i) \* \* \*

(h) A record of any arrest or indictment for any felony or misdemeanor involving the purchase, sale, or delivery of any security, or arising out of the conduct of the business of a broker, dealer, fiduciary, investment company, investment adviser, underwriter, bank, trust company, insurance company or other financial institution, or involving any crime in which violence or threats of violence against any person, dishonesty, the wrongful taking of any property, or any manner of fraud was a factor, or involving conspiracy to commit any of the foregoing, and the disposition of any such arrest or indictment or further explanation thereof, and a record of any conviction for any felony or any misdemeanor, except minor traffic offenses, of which he has been the subject.

(15 U.S.C. 78q(a); 15 U.S.C. 78w(a).)

By the Commission,

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 25, 1975.

[FR Doc.75-23297 Filed 9-2-75; 8:45 am]

**Title 24—Housing and Urban Development**

**CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. R-75-349]

**PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS**

**Amendment of Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation; Interim Rule**

The Department of Housing and Urban Development, on March 31, 1975, amended Title 24 of the Code of Federal Regulations by adding to Chapter VIII a new Part 888—Section 8 Housing Assistance Payments Program—Fair Market Rents and Contract Rent Automatic Annual Adjustment Factors.

Since March 31, 1975, additional comments and data have been received indicating continuing need to revise these rents in light of the most recent data available. This material submitted by interested members of the general public, as well as HUD Field Offices, has generally indicated a need to increase the

published rents in order to meet specific local housing market conditions.

ror made in the previous publication of the Fair Market Rents. The Schedules

able and in the public interest to allow for a 15 day comment period.



published rents in order to meet specific local housing market conditions.

The Department proposes to incorporate in Part 888, Subpart A, in the respective appropriate places at 40 FR 14509, 14516, 14522, 14551, and 14555 revised Schedules A for the following market areas: Camden, Atlantic City, Burlington, Gloucester, Trenton, and Vineland, New Jersey; New Castle, Pittsburgh, Erie, Sharon, Altoona and Johnstown, Pennsylvania; Columbus, Georgia; Denver, Colorado; and Cedar City, Logan, and Moab, Utah.

Revision of the Schedule A for the Columbus, Georgia market area consists of a change in the rent for a 1 bedroom elevator dwelling unit to correct an error made in the previous publication of the Fair Market Rents. The Schedules A for the Cedar City, Logan, and Moab, Utah market areas provide Fair Market Rents for market areas within the State of Utah for which Fair Market Rents have not previously been established.

Because these Schedules represent tables of Fair Market Rents which change periodically and are republished annually, data and public comments with respect thereto are timely and relevant whenever interested parties wish to submit them, and such information will be considered at any time. Therefore, the Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner has determined it to be reasonable and in the public interest to allow for a 15 day comment period.

Interested parties are invited to submit written comments, suggestions and objections regarding the proposed amendment by October 3, 1975. All materials which persons wish to submit should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

(Sec. 7(d) Department of Housing and Urban Development Act, 42 USC 3535(d))

Issued at Washington, D.C., August 27, 1975.

DAVID S. COOK,  
Assistant Secretary-Commissioner.

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Section 8 Housing Assistance Payments Program

Schedule A - Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

Effective Date (publication) These Fair Market Rents include projection for construction time through July 1, 1977.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size unit, not to exceed 2-Bedroom, multiplied by 1.05 and rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single-room occupancy dwelling units are those for 0 - Bedroom units of the same type.

AREA		OFFICE CAMDEN, NEW JERSEY REGION II - NEW YORK				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CAMDEN	DETACHED	-	-	391	442	463
	SEMI-DETACHED/ROW	-	313	356	395	424
	WALKUP	223	242	316	368	409
	ELEVATOR	258	292	357	-	-
ATLANTIC CITY	DETACHED	-	-	372	421	453
	SEMI-DETACHED/ROW	-	314	357	394	425
	WALKUP	228	247	297	364	404
	ELEVATOR	277	338	438	-	-
BURLINGTON	DETACHED	-	-	391	442	463
	SEMI-DETACHED/ROW	-	313	355	395	424
	WALKUP	228	247	309	360	400
	ELEVATOR	258	292	357	-	-
GLOUCESTER	DETACHED	-	-	391	442	463
	SEMI-DETACHED/ROW	-	313	356	395	424
	WALKUP	223	242	316	368	409
	ELEVATOR	258	292	357	-	-
TRENTON	DETACHED	-	-	403	454	479
	SEMI-DETACHED/ROW	-	323	367	405	436
	WALKUP	245	264	345	388	426
	ELEVATOR	287	343	460	-	-
VINELAND	DETACHED	-	-	355	406	435
	SEMI-DETACHED/ROW	-	297	341	376	407
	WALKUP	216	235	278	330	381
	ELEVATOR	244	278	340	-	-

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Section 8 Housing Assistance Payments Program

Title 41—Public Contracts and Property Management

(q) The determination required by § 1-3.1203(b) of this title that a Disbursement is adequate will be made in accordance with the Accounting Standards" (as set forth in § 1-3.1204 of this title) with respect to nondefense contracts shall be prepared



## RULES AND REGULATIONS

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Section 8 Housing Assistance Payments Program

Schedule A - Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)  
These Fair Market Rents include projection for construction time through July 31, 1977.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size unit, not to exceed 2-Bedroom, multiplied by 1.05 and rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single-room occupancy dwelling units are those for 0 - Bedroom units of the same type.

AREA		OFFICE		REGION		
		NEW YORK		VIII - NEW YORK		
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW YORK	DETACHED	-	-	295	310	420
	SEMI-DETACHED/ROW	-	240	260	290	400
	WALKUP	199	245	289	332	396
	ELEVATOR	222	278	321	-	-
BROOKLYN	DETACHED	-	-	205	426	490
	SEMI-DETACHED/ROW	-	213	348	406	467
	WALKUP	212	260	313	370	413
	ELEVATOR	236	286	312	-	-
QUEENS	DETACHED	-	-	305	377	449
	SEMI-DETACHED/ROW	-	191	319	356	427
	WALKUP	206	255	312	343	404
	ELEVATOR	234	280	266	-	-
BRONX	DETACHED	-	-	206	320	420
	SEMI-DETACHED/ROW	-	263	260	333	430
	WALKUP	199	241	289	331	396
	ELEVATOR	222	278	321	-	-
ALBANY	DETACHED	-	-	349	396	414
	SEMI-DETACHED/ROW	-	211	211	240	426
	WALKUP	426	242	289	324	370
	ELEVATOR	219	279	324	-	-
SCHENECTADY	DETACHED	-	-	293	384	451
	SEMI-DETACHED/ROW	-	240	267	302	456
	WALKUP	199	240	282	295	330
	ELEVATOR	219	279	324	-	-

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Section 8 Housing Assistance Payments Program

Schedule A - Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These Fair Market Rents include projection for construction time through Dec. 31, 1976.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size unit, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single-room occupancy dwelling units are those for 0 - Bedroom units of the same type.

AREA		OFFICE		REGION		
		ATLANTA, GEORGIA		IV - ATLANTA		
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLUMBUS	DETACHED	-	-	261	298	342
	SEMI-DETACHED/ROW	-	166	230	280	323
	WALKUP	166	166	224	267	304
	ELEVATOR	166	217	273	-	-

[FR Doc.75-23162 Filed 9-2-75;8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 171—WEDNESDAY, SEPTEMBER 3, 1975

## RULES AND REGULATIONS

40517

## Title 41—Public Contracts and Property Management

## CHAPTER 14—DEPARTMENT OF THE INTERIOR

## PART 14-3—PROCUREMENT BY NEGOTIATION

## Determinations and Findings—Cost Accounting Standards

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14-3 of Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended as stated herein.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendments herein are administrative procedures to implement existing regulations. Subpart 14-3.3 is amended to add new paragraphs (o) and (p) to § 14-3.305-51 pertaining to determinations and findings required in connection with purchase descriptions and specifications and to add new paragraphs (q) through (t) to § 14-3.305-51 pertaining to determinations and findings in connection with cost accounting standards. A new Subpart 14-3.12 is added concerning cost accounting standards. Because the amendments implement the requirements of 41 CFR Subparts 1-1.3 and 1-1.12 and are entirely administrative in nature, the public rule-making process is waived in this instance and the amendments stated below are effective immediately.

Dated: August 20, 1975.

RICHARD R. HITE,  
Deputy Assistant Secretary  
of the Interior.

1. Part 14-3 is amended by adding the following Subpart 14-3.12 to the Table of Contents.

## Subpart 14-3.12—Cost Accounting Standards

- Sec. 14-3.1203 Prime contractor Disclosure Statement(s).  
14-3.1208 Contract Administration for CASB matters by other Government agencies other than DOD.  
14-3.1210 Cost Accounting Standards Board report.  
14-3.1211 Waiver of cost accounting standards, rules and regulations.

AUTHORITY: Sec. 205(c), 63 Stat. 389; (40 U.S.C. 486(c)).

2. Subpart 14-3.3 is amended by adding paragraph (o) through (t) to § 14-3.305-51 which read as follows:

## § 14-3.305-51 Summary of required determinations and findings.

(o) The determination required by § 1-1.307-1(b) of this title that particular features or restrictions specified in purchase descriptions are essential to the Government's requirements will be signed by the user.

(p) The determinations required by § 1-1.307-3 of this title that particular features or restrictions specified in commercial, technical, and State and local specifications and standards are essential to the Government's requirements will be signed by the user.

(q) The determination required by § 1-3.1203(b) of this title that a Disclosure Statement is adequate will be signed by the contracting officer or his authorized representative.

(r) The determination required by § 1-3.1203(d) of this title authorizing postaward submission of Disclosure Statement(s) will be signed by the contracting officer.

(s) The determination by the head of the agency pursuant to § 1-3.1203(e) of this title that it is impractical to secure Disclosure Statement(s) will be signed by the Assistant Secretary—Management.

(t) The determination by the head of the agency pursuant to § 1-3.1211 of this title to waive all or any part of the provisions of the Cost Accounting Standards clause with respect to nondefense contracts shall be prepared in accordance with § 14-3.1211 of this chapter and will be signed by the Assistant Secretary—Management. A waiver with respect to national defense contracts will require approval of the CASB pursuant to § 1-3.1211 of this title.

3. Part 14-3 is amended by adding a new Subpart 14-3.12 and new §§ 14-3.1203, 14-3.1208, 14-3.1210 and 14-3.1211 which read as follows:

## Subpart 14-3.12—Cost of Accounting Standards

## § 14-3.1203 Prime contractor Disclosure Statement(s).

Determinations and findings by the head of the agency under § 1-3.1203(e) of this title that it is impractical to secure Disclosure Statement(s) in accordance with the clause entitled "Cost Accounting Standards" as set forth in § 1-3.1204 of this title, will be signed by the Assistant Secretary—Management.

## § 14-3.1208 Contract administration for CASB matters by other Government agencies other than DOD.

The designation of cognizant contracting officer for CASB matters within Interior pursuant to § 1-3.1208(b) of this title will be made by the Assistant Director for Procurement, Office of Management Services.

## § 14-3.1210 Cost Accounting Standards Board Report.

Each bureau and office shall collect, consolidate and submit to the Assistant Director for Procurement, Office of Management Services, within 90 days after the close of each calendar year, the information required by Subparagraph (c) (8) of § 1-3.1210 of this title. Cognizant contracting officers for CASB matters (if any) in each bureau or office are required to collect and report all information required by paragraph (c) of § 1-3.1210 of this title. The Assistant Director for Procurement, Office of Management Services, shall consolidate the information collected and submit the annual report to CASB.

## § 14-3.1211 Waiver of cost accounting standards, rules and regulations.

Each request for approval of a proposed waiver of all or any part of the provisions of the clause entitled "Cost

Accounting Standards" (as set forth in § 1-3.1204 of this title) with respect to nondefense contracts shall be prepared and signed by the contracting officer after he has determined that it is impractical to obtain the materials, supplies, or services from any other source. This determination, and the documentation required by § 1-3.1211 of this title, shall be submitted through the Assistant Director for Procurement, Office of Management Services, to the Assistant Secretary—Management for approval. A waiver with respect to national defense contracts will require approval of the CASB pursuant to § 1-3.1211 of this title.

[FR Doc.75-23216 Filed 9-2-75;8:45 am]

## CHAPTER 114—DEPARTMENT OF THE INTERIOR

[FMR Release No. 75-8]

## PART 114-42—PROPERTY REHABILITATION SERVICES AND FACILITIES

## Precious Metals and Critical Materials

AUGUST 20, 1975.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114-42.3 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective September 3, 1975.

RICHARD R. HITE,  
Deputy Assistant Secretary  
of the Interior.

Subpart 114-42.3 is revised in its entirety to read as follows:

- Sec. 114-42.301 General.  
114-42.301-1 Guidelines for conducting intra-agency surveys.  
114-42.301-2 Reporting to GSA.  
Subpart 114-42.3—Recovery of Precious Metals and Critical Materials  
114-42.302 Recovery of silver from used hypo solution and scrap film.  
114-42.303 Recovery and utilization of precious metals through the Defense Precious Metals Recovery Program.  
114-42.303-1 Recovery of precious metals through the Defense Property Disposal Precious Metals Recovery Office (DPDP-MRO).  
114-42.303-2 Utilization of DOD-recovered precious metals as government - finished material (GFM) in Federal procurements.

AUTHORITY: 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

## § 114-42.301 General.

The head of each bureau and office is responsible for establishing and pursuing a program for recovery of precious metals and critical materials in accordance with the provision of FPMR 101-42.3.

FEDERAL REGISTER, VOL. 40, NO. 171—WEDNESDAY, SEPTEMBER 3, 1975

## RULES AND REGULATIONS

## Title 45—Public Welfare

## CHAPTER 1—OFFICE OF EDUCATION, DEPARTMENT OF THE INTERIOR

It is ordered, That: § 1033.1126 The Baltimore and Ohio Railroad Company

§ 114-42.301-1 Guidelines for conducting intra-agency surveys.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and

ability, the rates applicable to traffic moved by the KCS over these tracks of

(b) Use of dogs is permitted during the waterfowl and pheasant hunting seasons



# § 114-42.301-1 Guidelines for conducting intra-agency surveys.

(a) An annual survey shall be conducted at each installation, facility, or activity that generates used hypo solution, scrap film, or other precious metal-bearing scrap, and which has no precious metal recovery program, to determine the economic feasibility of implementing recovery procedures. The results of the survey should be recorded in the format illustrated in FPMR 101-42.4901, and a copy forwarded to the Director, Office of Management Services (PM).

(b) Each bureau and office having an existing or potential precious metal recovery program shall designate an individual to be responsible for coordinating the surveys, implementing recovery procedures, monitoring recovery programs, and submitting the consolidated annual report prescribed in § 114-42.301-2. A notice of such designation shall be submitted to the Director, Office of Management Services (PM).

## § 114-42.301-2 Reporting to GSA.

Within 25 calendar days after the close of each fiscal year, and using the format illustrated in FPMR 101-42.4902, each bureau and office shall submit a consolidated annual report to the Office of Management Services (PM) for Departmental consolidation and submission to the General Services Administration.

## § 114-42.302 Recovery of silver from used hypo solution and scrap film.

The head of each bureau and office is responsible for establishing, maintaining, and pursuing a program for silver recovery from used hypo solution and scrap film in accordance with the procedures set forth in FPMR 101-42.302.

## § 114-42.303 Recovery and utilization of precious metals through the Defense Precious Metals Recovery Program.

### § 114-42.303-1 Recovery of precious metals through the Defense Property Disposal Precious Metals Recovery Office (DPDPMRO).

Each bureau and office generating precious metal-bearing scrap and having no disposal facility should establish procedures for reporting accumulations of such scrap to DPDPMRO, and for sending GSA a copy of each such report in accordance with FPMR 101-42.303-1.

### § 114-42.303-2 Utilization of DOD-recovered precious metals as Government-furnished material (CFM) in Federal procurements.

Prior to the procurement of any precious metal, consideration should be given to the acquisition of such material through the procedures set forth in FPMR 101-42.303-2.

[FR Doc.75-23217 Filed 9-2-75; 8:45 am]

## Title 45—Public Welfare

### CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 169—STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM

##### Correction

In FR Doc. 75-14333, appearing at page 23857 in the issue for Tuesday, June 3, 1975, on page 23861, third column, § 169.28, Paragraph (a), third line, the reference to "§ 100.26(b)", should be to "§ 100a.26(b)".

## Title 49—Transportation

### CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Docket No. 35819]

#### ICC DESIGNATIONS TO BE SHOWN ON TARIFFS AND SCHEDULES, AND ASSIGNMENT OF ALPHA CODE CARRIER AND AGENT DESIGNATIONS

##### Correction

In FR Doc. 75-21994 appearing at page 36346 in the issue of Wednesday, August 20, 1975, make the following changes:

1. In the second column of page 36357 the first two sentences of § 1306.18(d) (2) should be deleted. In their place insert the following sentence to read:

§ 1306.18 ICC numbering systems.

(2) Any reference in one tariff or schedule to another tariff or schedule by its old MP-ICC or ME-ICC number, after such referred to publication has been reissued or converted using the standard ICC designation system, must be corrected by publication(s) filed within 60 days of the effective date of the changed designation.

2. In the third column of page 36359 the third line of § 1307.44(c) should be corrected by changing "no" to "not", so that the corrected line reads "bers (not standard ICC designations), and".

3. In the second column of page 36362 a heading was dropped from § 1308.13(d) (1). Immediately above the paragraph set out in small print insert the heading:

NOTICE OF CHANGE OF ICC NUMBER

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[SO No. 1126; Amdt. No. 5]

### PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of August, 1975.

Upon further consideration of Service Order No. 1126 (38 FR 6999, 22790; 39 FR 8327, 31237 and 40 FR 8561), and good cause appearing therefor:

It is ordered, That: § 1033.1126 The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees Service Order No. 1126 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., August 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23341 Filed 9-2-75; 8:45 am]

[SO No. 1131; Amdt. No. 7]

### PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of August, 1975.

Upon further consideration of Service Order No. 1131 (38 FR 9232, 17845, 33399; 39 FR 8327, 19218, 41853, 40 FR 8823) and good cause appearing therefor:

It is ordered, That: § 1033.1131 Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company Service Order No. 1131 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 29, 1976, unless otherwise modified, changed or suspended by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., August 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23342 Filed 9-2-75; 8:45 am]

[S.O. No. 1218]

### PART 1033—CAR SERVICE

The Kansas City Southern Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of August, 1975.

It appearing, That The Kansas City Southern Railway Company (KCS) is unable to operate over a portion of its lines in Lake Charles, Louisiana, because of its inability to operate over its bridge across the Calcasieu River; that operation of KCS trains over parallel tracks of the Southern Pacific Transportation Company (SP) will enable the KCS to continue service to all shippers located along its lines in Lake Charles; that the SP has consented to use of its tracks by the KCS; that operation by the KCS over the aforementioned tracks of the SP is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1218 Service Order 1218. The Kansas City Southern Railway Company authorized to operate over certain tracks of Southern Pacific Transportation Company.

(a) The Kansas City Southern Railway Company (KCS) be, and it is hereby, authorized to operate over tracks of the Southern Pacific Transportation Company (SP) between SP mileposts 218.0 and 222.8 at Lake Charles, Calcasieu Parish, Louisiana, a distance of approximately 4.8 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the KCS over tracks of the SP is deemed to be due to carrier's dis-

ability, the rates applicable to traffic moved by the KCS over these tracks of the SP shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., August 27, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1975, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23343 Filed 9-2-75; 8:45 am]

## Title 50—Wildlife

### CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

#### PART 32—HUNTING

Certain Wildlife Refuges, Montana

The following special regulations are issued and are effective September 3, 1975.

§ 32.12 Special regulations; migratory game birds, upland game birds, big game; for individual wildlife refuge areas.

#### MONTANA

National Bison Range, Ninepipe and Pablo Refuges, Northwestern Montana, Wetlands, and Swan River Refuge, all in northwestern Montana.

(1) Hunting is prohibited on the National Bison Range and Ninepipe and Pablo Refuges.

(2) Northwestern Montana Wetlands as posted are open to public hunting in accordance with State and Federal hunting regulations. Flathead Waterfowl Production Area is closed to big game hunting.

(3) Swan River Refuge is open to public hunting as posted.

#### SPECIAL CONDITIONS

(a) Hunting blinds must be constructed of native material available at the hunting site. Construction of blind does not establish priority to the blind or the hunting area.

(b) Use of dogs is permitted during the waterfowl and pheasant hunting seasons only.

(c) Vehicle travel is permitted only on designated roads and parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

MARVIN R. KASCHKE,  
Refuge Manager.

AUGUST 26, 1975.

[FR Doc.75-23301 Filed 9-2-75; 8:45 am]

### PART 32—HUNTING

Sherburne National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective September 3, 1975.

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

#### MINNESOTA

SHERBURNE NATIONAL WILDLIFE REFUGE

The public hunting of ruffed grouse, gray and fox squirrels, rabbits and hares, and pheasants on the Sherburne National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 18,360 acres, is delineated on a map available at refuge headquarters, Route 2, Zimmerman, Minnesota 55398, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling off of established roads and parking areas open to such travel.

(2) Parking of vehicles is restricted to designated parking areas.

(3) Practice and target shooting, overnight camping and open fires are prohibited.

(4) Construction of any permanent artificial scaffold, platform, blind or other construction is prohibited.

(5) Boats, without motors, may be used on the St. Francis River only from designated river access sites.

(6) Snowmobile operations are prohibited on the refuge except within the rights-of-way of County Roads 4, 5, 9, 11, and 48.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through February 28, 1976.

JOHN E. WILBRECHT,  
Refuge Manager, Sherburne  
National Wildlife Refuge.

AUGUST 22, 1975.

[FR Doc.75-23212 Filed 9-2-75; 8:45 am]



**PART 32—HUNTING****Sherburne National Wildlife Refuge,  
Minnesota**

The following special regulation is issued and is effective September 3, 1975.

**§ 32.32 Special regulations: big game;  
for individual wildlife refuge areas.  
MINNESOTA****SHERBURNE NATIONAL WILDLIFE REFUGE**

Public hunting of deer on the Sherburne National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. The open area, comprising 18,360 acres, is delineated on a map available at the refuge headquarters, Route 2, Zimmerman, Minnesota 55398, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling off of established roads and parking areas open to such travel.

(2) Parking of vehicles is restricted to designated parking areas.

(3) Practice and target shooting, overnight camping and open fires are prohibited.

(4) Construction of any permanent artificial scaffold, platform, blind or other construction is prohibited.

(5) Boats, without motors, may be used on the St. Francis River only from designated river access sites.

(6) Snowmobile operation is prohibited on the refuge except within the rights-of-way of County Roads 4, 5, 9, 11 and 48.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50,

**RULES AND REGULATIONS**

Code of Federal Regulations, Part 32, and are effective through December 14, 1975.

AUGUST 22, 1975.

**JOHN E. WILBRECHT,  
Refuge Manager, Sherburne  
National Wildlife Refuge.**

[FR Doc.75-23213 Filed 9-2-75; 8:45 am]

**PART 32—HUNTING****J. Clark Salyer National Wildlife Refuge**

The following special regulation is issued and is effective September 3, 1975.

**§ 32.32 Special regulations: big game;  
for individual wildlife refuge areas.****NORTH DAKOTA****J. CLARK SALYER NATIONAL WILDLIFE  
REFUGE**

Public hunting of deer on portions of the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from 12:00 noon to sunset November 14, 1975, and from sunrise to sunset November 15, 1975 through November 23, 1975, only on the area south of State Highway #14 designated by signs as open to hunting. This open area is delineated on a map available at the refuge headquarters, Upham, North Dakota 58789, and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions.

(1) A special access permit is required, with a limited number of permits being issued from refuge headquarters.

(2) All hunters must exhibit their special access permit, hunting license, deer tag, game and vehicular contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through November 23, 1975.

**DAROLD T. WALLS,  
Acting Refuge Manager,  
J. Clark Salyer N.W. Refuge.**

AUGUST 25, 1975.

[FR Doc.75-23214 Filed 9-2-75; 8:45 am]

**PART 32—HUNTING****Tewaukon National Wildlife Refuge**

The following special regulation is issued and is effective on September 3, 1975.

**§ 32.32 Special regulations: upland  
game; for individual wildlife refuge  
areas.****NORTH DAKOTA****TEWAUKON NATIONAL WILDLIFE REFUGE**

Hunting of pheasants on the Tewaukon National Wildlife Refuge, North Dakota, is suspended for the 1975 season due to a low population on the refuge.

**HERBERT G. TROESTER,  
Refuge Manager,  
Tewaukon National Wildlife Refuge.**

AUGUST 25, 1975.

[FR Doc.75-23215 Filed 9-2-75; 8:45 am]

**Title 21—Food and Drugs****CHAPTER I—FOOD AND DRUG ADMINISTRATION,  
DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

[75N-0001]

**Administrative Practices and Procedures—  
Revocation of Regulations**

The Commissioner of Food and Drugs is revoking the revised regulations pertaining to administrative practices and procedures, published in the FEDERAL REGISTER of May 27, 1975 (40 FR 22950) and is issuing proposed regulations pertaining to administrative practices and procedures elsewhere in this issue of the FEDERAL REGISTER.

Dated: September 2, 1975.

**SAM D. FINE,  
Associate Commissioner  
of Compliance.**

[FR Doc.75-23540 Filed 9-2-75; 3:00 pm]

**proposed rules**

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule-making prior to the adoption of the final rules.

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****[50 CFR Part 17]****ENDANGERED AND THREATENED  
WILDLIFE****Proposal To Reclassify the American  
Alligator; Correction**

In FEDERAL REGISTER Document 75-17348, appearing at page 28711 of the issue for Tuesday, July 8, 1975, the following changes are made:

1. On page 28713, the ninth line of the second column, the words "of an endangered animal" should be deleted.

2. On page 28715, in § 17.7, the tenth line of paragraph (c) (1) is changed to read "tics of the wildlife are minute, or can be".

3. On page 28717, in § 17.13, the table should be designated paragraph (h); also, the second entry under the "Special rules" column is changed to read § 17.35 (a), and the third entry under the same column is changed to read § 17.54(a).

4. On page 28720, in § 17.54, the ninth line of paragraph (e), the words "or foreign" should be deleted.

Dated: August 27, 1975.

**LYNN A. GREENWALT,  
Director,  
Fish and Wildlife Service.**

[FR Doc.75-23283 Filed 9-2-75; 8:45 am]

**[50 CFR Part 17]****THREATENED OR ENDANGERED FAUNA  
OR FLORA****Proposed Regulation Determining Critical  
Habitat for the Mississippi Sandhill Crane**

Pursuant to authority in section 4(f), (16 U.S.C. 1533(f)), of the Endangered Species Act of 1973, (16 U.S.C. 1531-1543), the Director, United States Fish and Wildlife Service, proposes to amend 50 CFR Part 17 by adding a new Subpart F for Critical Habitats and a new § 17.80 thereunder which would designate critical habitat for the Mississippi sandhill crane (*Grus canadensis pulla*), an endangered species. The Mississippi sandhill crane was listed as an endangered species on June 4, 1973 (38 FR 14678).

The area being proposed for designation as critical habitat comprises approximately 100,000 acres, most of which is habitat currently utilized by the cranes for one purpose or another or is suitable for use should measures being taken to protect the crane result in an increase in its numbers. The proposed critical habitat is a five-sided area of land, wa-

ter and airspace in Jackson County, Mississippi, bordered generally on the east by the West Pascagoula River, on the west by the Jackson-Harrison County line, on the south by U.S. Route 90 and on the north by a line running north of Vancleave, Mississippi.

This proposed rulemaking for determination of critical habitat is made necessary by section 7, 16 U.S.C. § 1536, of the Endangered Species Act. When a Federal agency or department authorizes, funds, or carries out action which could result in the modification or destruction of habitat which is frequented by an endangered or threatened species, the Secretary of the Interior must determine if that habitat is critical for that species. If such habitat is determined to be critical, the Federal agency or department whose project would otherwise affect the habitat must take whatever action may be necessary to insure that its program will not result in the destruction or modification of that habitat. Such destruction or modification would be a violation of section 7 of the Act, subject to being enjoined through litigation brought in the District courts.

In implementing its responsibilities under section 7 of the Endangered Species Act, the United States Fish and Wildlife Service, in conjunction with the National Marine Fisheries Service, published a notice in the FEDERAL REGISTER on April 22, 1975 (40 FR 17764-17765), presenting information and discussing concepts relevant to the determination of critical habitats. On May 16, 1975, the Fish and Wildlife Service published a notice in the FEDERAL REGISTER announcing its intent to determine critical habitat for 108 currently listed endangered species, (40 FR 21499-21501). The notice stated that the Service was particularly interested in receiving data quickly on the Mississippi sandhill crane and nine other species, stating that the Service would determine critical habitat for these key species as rapidly as possible.

Following those announcements it became evident that an emergency situation existed with respect to the Mississippi sandhill crane. Therefore, on June 30, 1975, the Director's emergency determination of critical habitat for the Mississippi sandhill crane, under authority of section 4(f) of the Endangered Species Act, (16 U.S.C. 1533(f)), was published in the FEDERAL REGISTER (40 FR 27501-27502). That determination was made due to the imminent threat of habitat destruction from construction authorized and funded by the Federal Highway Administration of a new segment of Interstate Highway 10 and related develop-

ment, as more fully set out therein. This notice of proposed rulemaking is being initiated at this time because under the Endangered Species Act the emergency determination can remain in effect for only 120 days following its publication in the FEDERAL REGISTER.

The rule proposed in this notice will be followed by a more complete rulemaking on the entire subject of critical habitat. That rulemaking will codify, among other things, the criteria for determining critical habitat, and general rules for Federal agencies. At the time that this future rulemaking is adopted, the specific determination proposed here for the Mississippi sandhill crane will become part of that rulemaking.

**BASIS FOR DETERMINATION**

The area being proposed for designation as critical habitat is the last remaining area containing the only known population of the Mississippi sandhill crane. This bird is non-migratory and confines its movements largely within the boundaries proposed for designation as critical, though there may be some wandering outside of the area. The population probably survived here because the land occupied was long considered unmanageable for agriculture, timber, or residential purposes, and consequently received little development or disturbance. The area in recent years has been increasingly subjected to various land uses including silviculture, residential development and highways, thus resulting in further jeopardy to the sandhill crane and its habitat.

Nesting occurs in seven known places which together comprise approximately ten percent of the total area delineated. The nesting grounds are mostly in the vicinity of the right-of-way of Interstate Highway 10, portions of which are nearing completion and other segments on which construction may begin in the near future. They consist mostly of swamps, wet savanna, and open pine. It is the wet, open character of the land, plus the relative lack of disturbance, that makes the area suitable for the crane. In addition to the nesting grounds, there is a large winter roosting site in Pascagoula Marsh in the eastern part of the delineated area. Also, during the winter, the cranes utilize farmland in the northern part of the area for feeding. At other times of the year, the birds may feed and roost in the vicinity of the breeding grounds. There is, of course, regular movement between the various nesting, roosting, and feeding sites. All the suitable habitat within the area proposed for designation is currently used by or has



potential for future use by the Mississippi sandhill crane.

#### PUBLIC COMMENTS SOLICITED

The Director intends that the finally adopted determination be as responsive as possible to the conservation of the critical habitat of the Mississippi sandhill crane and also that such determination adequately provides for the legitimate interests, consistent with the purposes of the Endangered Species Act, of persons who are engaged in or contemplating actions in the area of critical habitat for this species. The Director, therefore, desires to obtain the comments and suggestions of the public, other concerned Federal and State agencies, and private interests on this proposed determination.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Director, (FWS/LD), United States Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All comments received no later than October 6, 1975, will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street, N.W., Washington, D.C.

In consideration of the foregoing, the Director, United States Fish and Wildlife Service, proposes to amend 50 CFR Part 17 by adding a new Subpart F, as shown below.

Dated: August 27, 1975.

LYNN A. GREENWALT,  
Director,  
Fish and Wildlife Service.

1. Amend the table of contents in Part 17 by adding a new Subpart F as follows:

Subpart F—Critical Habitat  
§ 17.80 Mississippi sandhill crane.

2. Amend Part 17 by adding new Subpart F reading as follows:

Subpart F—Critical Habitat  
§ 17.80 Mississippi Sandhill Crane.

(a) The following area is critical habitat for the Mississippi sandhill crane (*Grus canadensis pulla*): a five-sided

area of land, water, and airspace in Jackson County, Mississippi, between the West Pascagoula River and the Jackson-Harrison County line, and bounded by the following coordinates—30°33' N. 88°37' W., 30°25' N. 88°37' W., 30°22' N. 88°44' W., 30°29' N. 88°51' W., 30°33' N. 88°51' W.

(b) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of this critical habitat area.

[FR Doc. 75-23281 Filed 9-2-75; 8:45 am]

#### DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

#### UNITED STATES STANDARDS FOR GRADES OF FLORIDA ORANGES, TANGELOS, GRAPEFRUIT, AND TANGERINES<sup>1</sup>

##### Notice of Proposed Rulemaking

Notice is hereby given that the United States Department of Agriculture is considering: the amendment of United States Standards for Grades of Florida Oranges and Tangelos (7 CFR, 51.1140-51.1180) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627); the amendment of United States Standards for Grades of Florida Grapefruit (7 CFR, 51.750-51.784) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627); and the amendment of United States Standards for Grades of Florida Tangerines (7 CFR, 51.1810-51.1835) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

All persons who desire to submit written data, views or arguments for consideration in connection with these proposals should file the same in duplicate, not later than September 30, 1975, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where

<sup>1</sup> Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 FR 7311).

Statement of considerations leading to the proposed amendment of these grade standards. The Florida Fresh Citrus Shippers Association and the Florida Citrus Commission, Department of Citrus of the State of Florida have requested that the U.S. Grade Standards for Florida Oranges and Tangelos, Grapefruit and Tangerines be amended to provide for a tolerance for fruit affected by worms. The existing standards for these commodities provide no such tolerance.

It has been recognized that a zero tolerance for fruit affected by certain defects is too rigid and unrealistic. Producers find that citrus fruit totally free of natural defects such as worms is impractical to achieve under normal growing and harvesting conditions. Under inspection procedures, lots of citrus fruit offered for inspection and certification are sampled for examination. Adequate and representative samples of the entire lot are essential for accurate certification. However, it is recognized that no sampling plan short of 100 percent examination could assure that all fruits in the lot are free of certain damage. Therefore, this proposal would provide a one-half of one percent tolerance for fruit affected by worms. The tolerance would be expressed in numbers of fruits permitted in existing tolerance tables, based on statistical sampling.

As proposed to be amended § 51.1152 Tolerances, and Tables I and II, in the U.S. Standards for Grades of Florida Oranges and Tangelos shall remain the same except for the addition of acceptance numbers for wormy fruit. The foregoing amendment without setting forth in entirety Tables I and II shall read as follows:

#### TOLERANCES

§ 51.1152 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or offsize specimens in the individual sample, and the number of defective or offsize specimens in the lot, shall be within the limitations specified in Tables I and II.

TABLE I (A).—Shipping point<sup>1</sup> for 1 through 20 samples

Factor	Grades	AL <sup>2</sup>	Number of 50-count samples <sup>3</sup>																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers <sup>4</sup> (maximum permitted)																			
Wormy fruit.	All.	1	0	1	1	1	2	2	2	3	3	3	3	4	4	4	4	4	4	4	4	4
Very serious damage including decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including decay, wormy fruit, and very serious damage.	All.	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94

TABLE I (B).—Shipping point<sup>1</sup> for 21 through 40 samples

Factor	Grades	AL <sup>2</sup>	Number of 50-count samples																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers (maximum permitted)																			
Wormy fruit.	All.	1	5	6	6	6	6	6	6	7	7	7	7	7	7	7	7	7	7	7	7	
Very serious damage including decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.	6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
Total defects including decay, wormy fruit, and very serious damage.	All.	8	58	63	67	71	75	79	83	87	91	95	99	103	107	111	115	119	123	127	131	135

TABLE II. —En route or at destination

Factor	Grades	AL <sup>1</sup>	Number of 50-count samples <sup>2</sup>																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
			Acceptance numbers <sup>3</sup> (maximum permitted)																		
Wormy fruit.	All.	1	0	1	1	1	2	2	3	3	3	4	4	4	4	4	4	4	4	4	
Very serious damage other than decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43
Total defects including very serious damage other than decay and wormy fruit.	All	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	89

2. As proposed to be amended § 51.761 Tolerances, and Tables I and II, in the U.S. Standards for Grades of Florida Grapefruit shall remain the same except for the addition

of acceptance numbers for wormy fruit. The foregoing amendment without setting forth in entirety Tables I and II shall read as follows:

#### TOLERANCES

§ 51.761 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or offsize speci-

mens in the individual sample, and the number of defective or offsize specimens in the lot, shall be within the limitations specified in Tables I and II.

TABLE I (A).—Shipping point<sup>1</sup> for 1 through 20 samples

Factor	Grades	AL <sup>2</sup>	Number of 33-count samples																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
			Acceptance numbers (maximum permitted)																		
Wormy fruit, ...	All	1	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Very serious damage including decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.	1	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30
Total defects including decay, wormy fruit, and very serious damage.	All	1	5	9	12	16	19	22	25	28	31	34	37	40	43	46	49	52	55	58	60

TABLE I (B).—Shipping point<sup>1</sup> for 21 through 40 samples

Factor	Grades	AL <sup>1</sup>	Number of 33-count samples																		
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
			Acceptance numbers <sup>4</sup> (maximum permitted)																		
Wormy fruit.....	All.	1	4	4	4	4	4	5	5	5	5	5	5	5	5	5	5	5	5	5	
Very serious damage including decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.	4	32	34	35	36	38	39	40	42	43	44	45	47	48	49	51	52	53	54	
Total defects including decay, wormy fruit, and very serious damage.	All.	5	37	40	43	46	49	52	55	58	61	64	67	70	73	76	79	82	85	88	

TABLE II. —En route or at destination

Factor	Grades	AL <sup>1</sup>	Number of 33-count samples																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
			Acceptance numbers <sup>4</sup> (Maximum permitted)																		
Wormy fruit.	All.	1	0	0	0	1	1	1	2	2	2	2	2	2	3	3	3	4	3	4	4
Very serious damage other than decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30
Total defects including very serious damage other than decay and wormy fruit.	All	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61



3. As proposed to be amended § 51.1818 Tolerances, and Tables I and II, in the U.S. Standards for Grades of Florida Tangerines shall remain the same except for the addition

## TOLERANCES

## § 51.1818 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or offsize speci-

mens in the individual sample, and the number of defective or offsize specimens in the lot, shall be within the limitations specified in Tables I and II.

TABLE I(A).—Shipping point<sup>1</sup> for 1 through 20 samples

Factor	Grades	AL <sup>2</sup>	Number of 50-count samples <sup>3</sup>																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers <sup>4</sup> (maximum permitted)																			
Wormy fruit	All	1	0	1	1	1	2	2	3	3	3	3	3	3	4	4	4	5	5	5	5	
Very serious damage due to decay and wormy fruit	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including decay, wormy fruit, and very serious damage	All	8	7	12	17	22	27	32	36	41	45	50	51	59	63	68	72	76	81	85	90	91

TABLE I(B).—Shipping point<sup>1</sup> for 21 through 40 samples

Factor	Grades	AL <sup>1</sup>	Number of 50-count samples <sup>2</sup>																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers <sup>4</sup> (maximum permitted)																			
Wormy fruit	All	1	5	6	6	6	6	6	7	7	7	7	7	7	8	8	8	8	8	9	9	
Very serious damage due to decay and wormy fruit	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
Total defects including decay, wormy fruit, and very serious damage	All	8	98	103	107	111	116	120	124	129	133	137	141	145	150	154	159	163	167	171	176	180

TABLE II.—En route or at destination

Factor	Grades	AL <sup>1</sup>	Number of 50-count samples <sup>2</sup>																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers <sup>3</sup> (maximum permitted)																			
Wormy fruit	All	1	0	1	1	1	2	2	3	3	3	3	3	4	4	4	4	5	5	5	5	5
Very serious damage other than decay and wormy fruit	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	4	6	9	11	11	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects, including very serious damage other than decay and wormy fruit	All	8	7	12	17	22	27	32	36	41	45	50	51	59	63	68	72	76	81	85	90	90

Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: August 26, 1975.

WILLIAM H. WALKER III,  
Acting Administrator.

[FR Doc.75-23048 Filed 9-2-75; 8:45 am]

#### [ 7 CFR Part 201 ] FEDERAL SEED ACT REGULATIONS Proposed Miscellaneous Amendments

The Agricultural Marketing Service is considering amendments of the regulations under the Federal Seed Act that would add the names of several agricultural and vegetable seeds to the list of kinds subject to the Act along with regulations for testing them. Also, the proposed amendments would change the botanical names for kinds of plants, regulations for testing seed, and standards for certified seed.

Under section 402 of the Federal Seed Act, as amended (7 U.S.C. 1592) and the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given of intention to amend the Part 201 regulations (7 CFR Part 201) under the Act,

to accomplish the above and to make minor editorial changes. A public hearing with respect to the proposed amendments will be held on October 7, 1975 at 9 a.m., in Room 2096, South Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. Interested persons or groups who wish to appear at the hearing to present oral or written data, views, or arguments relative to the proposed amendments, may do so either in person or through a representative. Interested persons or groups who may not wish to appear at the hearing but desire to submit written data, views, or arguments with respect to the proposed amendments, may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 6, 1975. Data, views, or arguments which have been submitted in

writing to the Hearing Clerk do not need to be presented orally at the public hearing.

All written comments filed with the Hearing Clerk, and a transcript or summary of the public hearing, will be available for public inspection at the Office of the Hearing Clerk during official hours of business.

Upon request and prior to the hearing, briefings on the proposal will be held with interested members of the seed industry and other interested persons to further explain the proposed changes and the reasons for proposing them. Requests for briefings should be directed to the Seed Branch, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

The final decision in this matter will be based on the written comments filed with the Hearing Clerk, the transcript or

a summary of the public hearing, and other information available in the Department. If the proposals are adopted, it is planned that they will be made effective not later than January 1, 1976.

The substantive changes are summarized as follows:

The Part 201 regulations under the Act were amended in 1970 (35 FR 6107) with respect to the kinds of seeds subject to the Act. Since that date, several new kinds of agricultural seed and one new kind of vegetable seed have been introduced in interstate commerce or are being imported for seeding purposes in the United States. It is proposed that the names of these new kinds be added to the lists of the kinds of seeds subject to the Act.

The Part 201 regulations under the Act were amended in 1970 (35 FR 6107) with respect to the botanical names of seeds subject to the Act. Since that date, numerous changes have been made in the list of stabilized names of plants as adopted by the International Association of Plant Taxonomy and the International Seed Testing Association. It is proposed that the botanical names in the Part 201 regulations be updated to better conform with the names as adopted by the associations.

The Part 201 regulations were amended in 1973 (38 FR 12729) with respect to the methods and procedures for testing seeds. Since that date, the Association of Official Seed Analysts has adopted changes in its rules for testing seeds. It is proposed that the Part 201 regulations with respect to the methods and procedures for testing seed be updated to more closely conform with the rules for testing seed as adopted by the Association.

On November 1, 1973, the regulations (7 CFR Part 201) under the Federal Seed Act (7 U.S.C. 1551 et seq.) were amended (38 FR 25661) to establish seed certifying agency standards and procedures. Since November 1973, AOSCA has adopted certain technical changes in its land, isolation, field, and seed standards; and in its provisions for pollen control for hybrids. It is proposed that the Part 201 regulations for certified seed be amended to include the changes adopted by AOSCA.

In consideration of the foregoing, it is proposed to amend 7 CFR Part 201, as follows:

## § 201.2 [Amended]

1. Section 201.2 (h) and (i) would be amended as follows:

a. Add in proper alphabetical order in the list of "Agricultural Seeds," § 201.2 (h), the following:

Agroticum—X Agrotriticum Ciferri and Glacom.  
Brome, meadow—Bromus blebersteini Roem. and Schult.  
Clover, arrowleaf—Trifolium vesiculosum Savi.  
Milkvetch—Astragalus elcer L.  
Timothy, turf—Phleum nodosum (L.) Huds.  
Saltbush, fourwing—Atriplex canescens (Pursh.) Nutt.

Wheat X Agrotiticum—Triticum X Agrotiticum.

b. Add in proper alphabetical order in the list of "Vegetable Seeds," § 201.2 (i), the following:

Gherkin, West India—Cucumis anguria L.

c. Change the names under "Agricultural Seeds," § 201.2 (h), as follows:

Following "Barrelclover-Medicago" delete "tribuloides Desr." and insert "truncatula Gaertn."

Following "Bean, adzuki" delete "Phaseolus angularis Willd." and insert "Vigna angularis (Willd.) Ohwi and Ohashi."

Following "Bean, mung" delete "Phaseolus aureus Roxb." and insert "Vigna radiata (L.) Wilczek."

Following "Bentgrass, creeping-Agrostis" delete "palustris Huds." and insert "stolonifera var. palustris (Huds.) Farw."

Following "Bermudagrass—Cynodon dactylon (L.) Pers." add "var. dactylon."

Following "Bluestem, big-Andropogon" delete "fureatus Muhl." insert "gerardi Vitm."

Following "Bluestem, little" delete "Andropogon scoparius Michx." and insert "Schizachyrium scoparium (Michx.) Nash (Andropogon scoparius Michx.)."

Following "Bluestem, yellow" delete "Andropogon ischaemum L." and insert "Bothriochloa ischaemum (L.) Keng."

Following "Broomcorn—Sorghum" delete "vulgare var. technicum (Koern.) Jav." and insert "bicolor (L.) Moench."

Following "Buffelgrass" delete "Pennisetum ciliare (L.) Link." and insert "Cenchrus ciliaris L. (Pennisetum ciliare (L.) Link.)."

Following "Burdock, California—Medicago" delete "hispidula Gaertn." and insert "polymorpha L."

Following "Clover, large hop—Trifolium" delete "procumbens L." and insert "campestre Schreb."

Following "Corn, pop—Zea mays" delete "var. everta (Sturt.) Bailey" and insert "L."

Following "Crotalaria, slenderleaf—Crotalaria" delete "intermedia Kotschy" and insert "brevidentis Benth."

Following "Crotalaria, striped—Crotalaria" delete "striata DC. (C. mucronata Desv.)" and insert "pallida Ait."

Following "Fescue, hair—Festuca" delete "capillata Lam." and insert "tenuifolia Sibth."

Following "Fescue, hard—Festuca" delete "ovina var. duriscula (L.) Koch." and insert "longifolia Thuill."

Following "Fescue, meadow—Festuca" delete "elatior L." and insert "pratensis Huds."

Following "Fescue, red—Festuca rubra L." add "subsp. rubra."

Following "Fescue, sheep—Festuca ovina L." add "var. ovina."

Following "Hardinggrass—Phalaris" delete "tuberosa var. stenoptera (Hack.) Hitchc." and insert "stenoptera Hack."

Following "Kudzu—Pueraria" delete "thunbergiana (Sieb. and Zucc.) Benth." and insert "lobata (Willd.) Ohwi."

Following "Lespedeza, Siberian—Lespedeza" delete "hedysaroides (Pallas) Ricker" and insert "juncea (L. f.) Pers."

Following "Millet, browntop" delete "Panicum ramosum L." and insert "Brachiaria ramosa (L.) Stapf."

Following "Millet, pearl—Pennisetum" delete "glaucum (L.) R. Br." and insert "americanum (L.) K. Schum."

Following "Mustard, white" delete "Brassica hirta Moench" and insert "Sinapis alba L."

Following "Redtop—Agrostis" delete "alba L." and insert "elgantia Roth."

Following "Rescuegrass—Bromus" delete "catharticus Vahl." and insert "unioloides Kunth."

Following "Sorghum" delete "Sorghum vulgare Pers." and insert "Sorghum bicolor (L.) Moench."

Following "Sorghum-sudangrass" delete "hybrid Sorghum vulgare X S. sudanense" and insert "Sorghum bicolor X S. sudanense."

Following "Triticale" delete "Triticum-secale Wittmack." and insert "X Triticosecale (Secale X Triticum)."

Following "Velvetbean" delete "Stizolobium deeringianum Bort." and insert "Mucuna deeringiana (Bort.) Merr."

Following "Vetch, common—Vicia sativa L." add "subsp. sativa."

Following "Vetch, narrowleaf—Vicia" delete "angustifolia (L.) Reich" and insert "sativa subsp. nigra (L.) Ehrh."

Following "Vetch, woollypod—Vicia" delete "dasycarpa Ten." and insert "villosa subsp. varia (Host) Corb."

Following "Wheatgrass, slender—Agropyron" delete "pauciflorum (Schwein.) Hitchc. (A. trachycalum Steud.)" and insert "trachycalum (L.) Malte. ex H. F. Lewis."

d. Change the names under "Vegetable Seeds," § 201.2 (i), as follows:

Following "Asparagusbean—Vigna" delete "sesquipedalis (L.) Frurth." and insert "unguiculata (L.) Walp. subsp. sesquipedalis (L.) Verde."

Following "Bean, lima—Phaseolus lunatus" delete "var. macrocarpus Van Eseltine" and insert "(L.)."

Following "Beet—Beta vulgaris L." add "var. vulgaris."

Following "Citron—Citrus" delete "vulgaris Schrad." and insert "lanatus (Thunb.) Matsum. and Nakai var. citroides (Bailey) Mansf."

Following "Cornsalad—Valerianella locusta" delete "var. oleracea Pall." and insert "(L.) Laterrade."

Following "Cress, water" delete "Rorippa nasturtium-aquaticum (L.) Britt. and Rendle." and insert "Nasturtium officinale R. Br."

Following "Eggplant—Solanum melongena" delete "var. esculentum Nees." and insert "(L.)."

Following "Leek—Allium" delete "porrum L." and insert "ampeloprasum L."

Following "Okra" delete "Hibiscus esculentus L." and insert "Abelmoschus esculentus (L.) Moench."

Following "Parsley—Petroselinum" delete "hortense Hoffm." and insert "crispum (Mill.) A. W. Hill."

Following "Spinach, New Zealand—Tetragonia" delete "expansa Thunb." and insert "tetragonoides (Pall.) Ktze."

Following "Watermelon—Citrullus" delete "vulgaris Schrad." and insert "lanatus (Thunb.) Matsum. and Nakai."

§ 201.43 [Amended]

2. Section 201.43(c) is amended by deleting "sorghum," from the list of kinds of seed.

3. Section 201.43(d) is amended by adding to the list of seeds in proper alphabetical order the name "sorghum,"

§ 201.46 [Amended]

4. Section 201.46 would be amended as follows:

Following "Millet, browntop" delete "Pani-



## PROPOSED RULES

a. Add the following at the end of subparagraph (c): "If the approximate percentage of the components of a mixture are not known they may be estimated. The weight of the noxious-weed seed working sample shall be determined by multiplying the weight of the purity working sample by 10 or by calculating the weighted average in the same manner described above for the purity working sample."

b. Delete subparagraph (d).

5. Section 201.46, Table 1, would be amended as follows:

a. Add in proper alphabetical order under "Agricultural Seed" in the respective columns the following:

Agrostis, meadow— <i>Festuca</i> delete	65	500	30
Brome, meadow— <i>Bromus</i> delete	13	150	19
Clover, arrowleaf— <i>Trifolium</i> delete	3	30	90
Milkweed— <i>Asclepias</i> delete	10	100	200
Timothy, turf— <i>Phleum</i> delete	1	10	200
Saltbush, fourwing— <i>Atriplex</i> delete	15	150	165
Wheat X Agrostis— <i>Triticum</i> X	65	500	35
Agrostis— <i>Agrostis</i> delete			

b. Add in proper alphabetical order under "Vegetable Seed" in the respective columns the following:

Gherkin, West India— <i>Cucumis an-</i>	15	100	135
Guava			

c. Under "Agricultural Seed" following "Barrelclover" in column 1 delete "tribuloides" and insert "runcatula." Also delete "50" and "300" from columns 2 and 3 respectively and insert "10," "100" and "250" in columns two, three, and four respectively.

d. Under "Agricultural Seed" opposite "Wheatgrass, Siberian—*Agropyron sibir-*" delete "10" and insert "5" in column 2.

e. Under "Agricultural Seed" make the following changes in column 1:

Following "Bean, adzuki" delete "Phaseolus angularis" and insert "Vigna angularis." Following "Bean, mung" delete "Phaseolus aureus" and insert "Vigna radiata." Following "Bengrass, creeping" delete "Agrostis palustris" and insert "Agrostis stolonifera var. palustris."

Following "Bluestem, little" delete "Andropogon scoparius" and insert "Schizachyrium scoparium."

Following "Bluestem, yellow" delete "Andropogon ischaemum" and insert "Bothriochloa ischaemum."

Following "Broomcorn" delete "Sorghum vulgare var. technicum" and insert "Sorghum bicolor."

Following "Buffelgrass" delete "Pennisetum ciliare" and insert "Cenchrus ciliaris."

Following "Burclover, California—*Medicago*" delete "hispidula" and insert "polymorpha" in both instances.

Following "Clover, large hop—*Trifolium*" delete "procumbens (f. campestre)" and insert "campestre."

Following "Corn, pop—*Zea mays*" delete "var. everta."

Following "Crotalaria, striped—*Crotalaria*" delete "mucronata" and insert "pallida."

Following "Crotalaria, slenderleaf—*Crotalaria*" delete "intermedia" and insert "brevidentis."

Following "Fescue, hair—*Festuca*" delete "capitata" and insert "tenuifolia."

Following "Fescue, hard—*Festuca*" delete "ovina var. duriscula" and insert "longifolia."

Following "Fescue, meadow—*Festuca*" delete "elatior" and insert "pratensis."

Following "Fescue, red—*Festuca rubra*" insert "subsp. rubra."

Following "Fescue, sheep—*Festuca ovina*" insert "var. ovina."

Following "Hardinggrass—*Phalaris*" delete "var. stenoptera" and insert "stenoptera."

Following "Kudzu—*Pueraria*" delete "thunbergiana" and insert "lobata."

Following "Lespedeza, Siberian—*Lespedeza*" delete "hedyaroides" and insert "juncea."

Following "Millet, browntop" delete "Panicum ramosum" and insert "Brachiaria ramosa."

Following "Millet, pearl—*Pennisetum*" delete "glaucom" and insert "americanum."

Following "Mustard, white" delete "Brassica hirta" and insert "Sinapis alba."

Following "Redtop—*Agrostis*" delete "alba" and insert "gigantea."

Following "Rescuegrass—*Bromus*" delete "catharticus" and insert "unioloides."

Following "Sorghum" delete "Sorghum vulgare" and insert "Sorghum bicolor."

Following "Sorghum-sudangrass" delete "hybrid, S. vulgare X S. sudanense" and insert "S. bicolor X S. sudanense."

Following "Triticale" insert "X Triticose-calc."

Following "Velvetbean" delete "Stizolobium deeringianum" and insert "Mucuna deeringiana."

Following "Vetch, common—*Vicia sativa*" add "subsp. sativa."

Following "Vetch narrowleaf" delete "Vicia angustifolia" and insert "Vicia sativa subsp. nigra."

Following "Vetch, woollypod—*Vicia*" delete "dasycarpa" and insert "brevidentis."

f. Under "Vegetable Seed" make the following changes in column 1:

Following "Asparagusbean—*Vigna*" delete "sesquipedalis" and insert "unguiculata subsp. sesquipedalis."

Following "Beans, lima—*Phaseolus lunatus*" delete "var. macrocarpus."

Following "Beet—*Beta vulgaris*" add "var. vulgaris."

Following "Citron—*Citrullus*" delete "vulgaris" and insert "lanatus var. citroides."

Following "Corn salad—*Valerianella locusta*" delete "var. olitoria."

Following "Cress, water" delete "Rorippa nasturtium-aquaticum" and insert "Nasturtium officinale."

Following "Eggplant—*Solanum melongena*" delete "var. esculentum."

Following "Leek—*Allium*" delete "porrum" and insert "ampeloprasum."

Following "Okra" delete "Hibiscus esculentus" and insert "Abelmoschus esculentus (Hibiscus esculentus)."

Following "Parsley—*Petroselinum*" delete "hortense (P. crispum)" and insert "crispum."

Following "Spinach, New Zealand—*Tetragonia*" delete "expansa" and insert "tetragonoloides."

Following "Watermelon—*Citrullus*" delete "vulgaris" and insert "lanatus."

Following "Eggplant—*Solanum melongena*" delete "var. esculentum."

Following "Leek—*Allium*" delete "porrum" and insert "ampeloprasum."

Following "Okra" delete "Hibiscus esculentus" and insert "Abelmoschus esculentus (Hibiscus esculentus)."

Following "Parsley—*Petroselinum*" delete "hortense (P. crispum)" and insert "crispum."

Following "Spinach, New Zealand—*Tetragonia*" delete "expansa" and insert "tetragonoloides."

Following "Watermelon—*Citrullus*" delete "vulgaris" and insert "lanatus."

§ 201.43 [Amended]

6. Section 201.48(g) is amended by changing the last sentence to read as follows:

"Attached empty florets of the following kinds shall not be removed from fertile florets when the analysis is made by the special method described under § 201.51a: Smooth brome (*Bromus inermis*), chewing fescue (*Festuca rubra* var. commutata), red fescue (*Festuca rubra* subsp. rubra), orchardgrass (*Dactylis glomerata*), fairway crested wheatgrass (*Agropyron cristatum*), standard crested wheatgrass (*Agropyron desertorum*), intermediate wheatgrass (*Agropyron intermedium*), and pubescent wheatgrass (*Agropyron trichophorum*)."

7. Section 201.51a introductory text and the table to paragraph (b) would be amended to read as follows:

§ 201.51a Special procedures for purity analysis.

When the multiple units of the pure seed fraction (multiple florets or entire spikelets containing at least one caryopsis, to which is attached any type of inherent inert matter) of the kinds of grasses indicated in this section constitute 5 percent or more of the sample, the test shall be made by the following procedures:

(b) \* \* \*

Factors applicable to multiple units

Kind of seed	Percent of single florets in sample									
	50 or less	50.01 to 55	55.01 to 60	60.01 to 65	65.01 to 70	70.01 to 75	75.01 to 80	80.01 to 85	85.01 to 90	90.01 to 95
Brome, smooth.....	0.72	0.74	0.75	0.76	0.78	0.79	0.81	0.82	0.83	0.85
Fescue, chewing.....	.91	.91	.91	.91	.91	.91	.91	.91	.91	.91
Fescue, red.....	.80	.81	.82	.83	.84	.86	.87	.88	.89	.90
Orchardgrass.....	.50	.51	.52	.53	.54	.56	.57	.58	.59	.60
Wheatgrass, crested.....	.70	.72	.73	.74	.75	.76	.77	.78	.79	.80
Wheatgrass, intermediate.....	.72	.74	.75	.76	.77	.78	.79	.80	.81	.82
Wheatgrass, pubescent.....	.66	.67	.67	.67	.68	.68	.69	.69	.69	.70

\* Includes both fairway crested wheatgrass and standard crested wheatgrass.

§ 201.53 [Amended]

8. Section 201.58(b) would be amended as follows:

a. Add new paragraph (b) (12) to read as follows:

(12) Garden beans (*Phaseolus vulgaris*); Use of calcium nitrate: If hypocotyl collar rot is observed on seedlings, the sample involved may be retested using a 0.3 to 0.6 percent solution of calcium nitrate to moisten the germination medium.

b. Add new paragraph (b) (13) to read as follows:

(13) Fourwing Saltbush (*Atriplex canescens*); preparation of seed for test: De-wing seeds and soak for 2 hours in 3 liters of water after which rinse with approximately 3 liters of distilled water. Remove excess water, air dry for 7 days at room temperature, then test for germination as indicated in Table 2.

9. Section 201.58(c)—Table 2; germination requirements for indicated kinds, would be amended as follows:

## PROPOSED RULES

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a. Add in proper alphabetical order under "Agricultural Seed" in the indicated columns the following new kinds:

Col. 1 "Agrostis— <i>Agrostis</i> "	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Brome, meadow— <i>Bromus</i> beibersteinii"	Col. 2 "B.T.T.B." Col. 3 "20-30" Col. 4 "6" Col. 5 "14" Col. 6 "light optional"
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Col. 1 "Clover, arrowleaf— <i>Trifolium</i> vesiculosum"	Col. 2 "B.T." Col. 3 "20" Col. 4 "4" Col. 5 "14" Col. 6 "See par. (b) (11)"
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Col. 1 "Milkweed— <i>Asclepias</i> cleer"	Col. 2 "B.T." Col. 3 "20" Col. 4 "4" Col. 5 "14"
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Col. 1 "Timothy, turf— <i>Phleum</i> nodosum"	Col. 2 "P.T.B." Col. 3 "15-25; 20-30" Col. 4 "5" Col. 5 "10" Col. 6 "Light" Col. 7 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Saltbush, fourwing— <i>Atriplex</i> canescens"	Col. 2 "B." Col. 3 "20" Col. 4 "5" Col. 5 "14" Col. 6 "See par. (b) (13)" Col. 7 "Prechill 5° C. for 7 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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Col. 1 "Wheat X Agrostis— <i>Triticum</i> X Agrostis"	Col. 2 "B.T.S." Col. 3 "20-15" Col. 4 "4" Col. 5 "7" Col. 6 "KNO <sub>3</sub> & Prechill at 5° or 10° C. for 5 days."
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c. Add in proper alphabetical order under "Vegetable Seed" in the indicated columns, the following new kind:

Col. 1 "Gherkin, West India— <i>Cucumis anguria</i> "	Col. 2 "B.T.S." Col. 3 "20-30" Col. 4 "3" Col. 5 "7" Col. 6 "Test at 30° C."
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d. Under "Vegetable Seeds" opposite "Beans, garden—*Phaseolus vulgaris*" delete "5" from column 4 and insert "none" and insert in column 6 "See par. (b) (12)."

e. Under "Agricultural Seed" make the following changes in column 1:

Following "Bean, adzuki" delete "Phaseolus angularis" and insert "Vigna angularis."

Following "Bean, mung" delete "Phaseolus aureus" and insert "Vigna radiata."

Following "Bengrass, creeping" delete "Agrostis palustris" and insert "Agrostis stolonifera var. palustris."

Following "Bluestem, little" delete "Andropogon scoparius" and insert "Schizachyrium scoparium."

Following "Bluestem, yellow" delete "Andropogon ischaemum" and insert "Bothriochloa ischaemum."

Following "Broomcorn" delete "Sorghum vulgare var. technicum" and insert "Sorghum bicolor."

Following "Buffelgrass" delete "Pennisetum ciliare" and insert "Cenchrus ciliaris."

Following "Burclover, California—*Medicago*" delete "hispidula" and insert "polymorpha" in both instances.

Following "Clover, large hop—*Trifolium*" delete "procumbens (f. campestre)" and insert "campestre."

Following "Corn, pop—*Zea mays*" delete "var. everta."

Following "Crotalaria, striped—*Crotalaria*" delete "mucronata" and insert "pallida."

Following "Fescue, hair—*Festuca*" delete "capitata" and insert "tenuifolia."

Following "Fescue, hard—*Festuca*" delete "ovina var. duriscula" and insert "longifolia."

Following "Fescue, meadow—*Festuca*" delete "elatior" and insert "pratensis."

Following "Fescue, red—*Festuca rubra*" insert "subsp. rubra."

Following "Fescue, sheep—*Festuca ovina*" insert "var. ovina."

Following "Hardinggrass—*Phalaris*" delete "tuberosa var. stenoptera" and insert "stenoptera."

Following "Kudzu—*Pueraria*" delete "thunbergiana" and insert "lobata."

Following "Lespedeza, Siberian—*Lespedeza*" delete "hedyaroides" and insert "juncea."

Following "Millet, browntop" delete "Panicum ramosum" and insert "Brachiaria ramosa."

Following "Millet, pearl—*Pennisetum*" delete "glaucom" and insert "americanum."

Following "Mustard, white" delete "Brassica hirta" and insert "Sinapis alba."

Following "Redtop—*Agrostis*" delete "alba" and insert "gigantea."

Following "Rescuegrass—*Bromus*" delete "catharticus" and insert "unioloides."

Following "Sorghum" delete "Sorghum vulgare" and insert "Sorghum bicolor."

Following "Sorghum-sudangrass" delete "hybrid, S. vulgare X S



"2000," "0.05," "1," "1000," "0.1," "1," "300," and "0.2," respectively.

c. Change footnotes at end of Table 5 to read as follows:

15. Refers to off-type ears. Ears with off-colored or different textured kernels are limited to 0.5 percent, or a total of 25 off-colored or different textured kernels per 1,000 ears.

23. Whiteheart fruits may not exceed 1 per 100, 40, and 20 for Foundation, Registered, and Certified classes, respectively. Citron or hard rind is not permitted in Foundation or Registered classes and may not exceed 1 per 1,000 fruits in the Certified class.

33. Unless the preceding crop was another kind or unless the preceding soybean crop was planted with a class of certified seed of the same variety, or unless the preceding soybean crop and the variety being planted are of contrasting pubescence or hilum color, in which case, no time need elapse.

d. Add the following footnotes at the end of Table 5 as follows:

42. Does not apply to *Helianthus scaberrimus*, *H. ludens*, or *H. agrestis*.

44. The ratio of male sterile (A) strains and pollen (B or C) strains shall not exceed 2:1.

46. Parent lines (A and B) in a crossing block, or seed and pollen lines in a hybrid seed production field, shall be separated by at least 6 feet and shall be managed and harvested in a manner to prevent mixing.

47. Distance between fields of certified classes of the same variety may be reduced to 10 feet regardless of the class or size of the fields.

12. Section 201.77 would be amended by adding a new paragraph (e) as follows:

§ 201.77 Length of stand requirements.

(e) Hybrid alfalfa. When at least 75 percent of the plants are in bloom and there is no more than 15 percent seed set, 200 plants shall be examined to determine the pollen production index (PPI). Each plant is rated as 1, 2, 3 or 4 with "1" representing no pollen, "2" representing a trace of pollen, "3" representing substantially less than normal pollen, and "4" representing normal pollen. The rating is weighted as 0, 0.1, 0.6 or 1.0, respectively. The total number of plants of each rating is multiplied by the weighted rating and the values are totaled. The total is divided by the number of plants rated and multiplied by 100 to determine the PPI. The maximum PPI allowed is 14 for the Foundation class, and 6 for 95 percent hybrid seed, and 42 for 75 percent hybrid seed of the Certified class.

Dated: August 22, 1975.

WILLIAM H. WALKER, III,  
Acting Administrator,  
Agricultural Marketing Service.

[FR Doc.75-23302 Filed 9-2-75; 8:45 am]

#### [7 CFR Part 910]

#### HANDLING OF LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

#### Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1975-76 Fiscal Year

This notice invites written comment relative to the proposed expenses of \$324,000 and rate of assessment of \$0.027

per carton of lemons to support the activities of the Lemon Administrative Committee for the 1975-76 fiscal year under Marketing Order No. 910.

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Lemon Administrative Committee during the period August 1, 1975, through July 31, 1976, will amount to \$324,000.

(2) That the rate of assessment for said period, payable by each handler in accordance with § 910.41, be fixed at \$0.027 per carton of lemons.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 18, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Dated: August 28, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc.75-23303 Filed 9-2-75; 8:45 am]

#### [7 CFR Part 948]

#### IRISH POTATOES GROWN IN COLORADO—AREA NO. 2

#### Proposed Handling Regulation; Vegetables: Import Regulations

This proposal, designed to promote orderly marketing of Colorado Area No. 2 potatoes, would require inspection of fresh shipments to keep undesirable, low quality potatoes from being shipped to consumers.

Consideration is being given to issuing a handling regulation, hereinafter set forth, which was recommended by the Colorado Area No. 2 Committee, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948). This program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendations and information submitted by the Area No. 2 Committee and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1975 crop in the

production area and the marketing prospects for this season.

The proposed requirements this year would be U.S. No. 2, with a 2-inch minimum size for round varieties and a 1 7/8-inch minimum size for long varieties. Size B could be shipped if U.S. No. 1, or better grade. Maturity requirements would be "moderately skinned" for all varieties, except that for the Russet Burbank and Red McClure varieties, any grade better than U.S. No. 2 must be no more than "slightly skinned." These maturity requirements would terminate on October 31.

The grade, size, and maturity requirements provided herein are necessary to prevent potatoes of low quality or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Seed would be exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in duplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 22, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

The proposed regulation is as follows:

#### § 948.374 Handling regulation.

From the effective date of this handling regulation, through June 30, 1976, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), or (f) of this section. The maturity requirements specified in paragraph (b) shall terminate October 31, 1975, at 11:59 p.m. M.S.T.

(a) *Minimum grade and size requirements.*

(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 1 7/8 inches minimum diameter.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(b) *Maturity (skinning) requirements.*

(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) for any of the special purposes set forth therein shall.

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b) and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S.

Standards for Potatoes (§§ 51.1540-51.1566 of this title, effective September 1, 1971, as amended), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1, import regulations (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period September 29, 1975, through June 30, 1976, shall meet the grade, size, and quality requirements specified in paragraph (a) of this section, and during the effective date of this handling regulation through October 31, 1975, shall be not more than "moderately skinned."

Dated: August 28, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable  
Division, Agricultural  
Marketing Service.

[FR Doc.75-23304 Filed 9-2-75; 8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Food and Drug Administration

#### [21 CFR Part 121]

[Docket No. 75N-0235]

#### PRIOR-SANCTIONED POLYVINYL CHLORIDE RESIN

#### Termination of Notice of Proposed Rulemaking

The Commissioner is withdrawing a proposal published in the FEDERAL REGISTER of May 17, 1973 (38 FR 12931) to establish a regulation under § 121.2009 (21 CFR 121.2009) to identify the criteria for the safe use of prior-sanctioned polyvinyl chloride resin as a component of food packaging material in contact with nonalcoholic food.

Since publication of the proposal, additional information has been received concerning the use of polyvinyl chloride in food packaging materials which indicates that this proposal was too narrow in its scope. Published elsewhere in this issue of the FEDERAL REGISTER are proposed regulations concerning the use of vinyl chloride polymers in contact with all types of food.

Accordingly, the Commissioner hereby withdraws the proposal published on May 17, 1973, and terminates the rule making proceeding begun by that proposal.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785-1788 (21 U.S.C. 348, 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Effective date. This order shall be effective September 3, 1975.

Dated: August 27, 1975.

A. M. SCHMIDT,  
Commissioner of Food and Drugs  
[FR Doc.75-23240 Filed 8-29-75; 8:45 am]

#### [21 CFR Part 121]

[Docket No. 75N-0190]

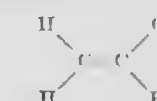
#### VINYL CHLORIDE POLYMERS IN CONTACT WITH FOOD

#### Notice of Proposed Rulemaking

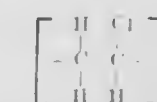
The Food and Drug Administration (FDA) is proposing regulations to restrict the uses of vinyl chloride polymers in contact with food. The proposal permits the continued use of vinyl chloride polymers in food packaging and other food-contact articles where the potential for migration of vinyl chloride is diminished to the extent that it may not reasonably be expected to become a component of food. The proposal includes an interim food additive regulation for the use of water pipe made from vinyl chloride polymers. The interim regulation would be in effect pending development of additional data to determine if vinyl chloride may reasonably be expected to be in potable water that is drawn from the tape. The proposed regulation would prohibit all other uses of vinyl chloride polymers in food-contact articles, including semirigid and rigid articles such as bottles and sheets, because in those uses vinyl chloride may reasonably be expected to become a component of food. Interested persons have until November 3, 1975 to submit comments.

#### USE OF VINYL CHLORIDE

Vinyl chloride is a chemical with the following structure:



It has a boiling point of  $-14^{\circ}\text{C}$  ( $+6.8^{\circ}\text{F}$ ) and consequently it is ordinarily a gas. This property led to its use as a propellant for aerosol products such as cosmetics, drugs, and pesticides. Vinyl chloride is polymerized to form polyvinyl chloride in which the basic monomeric unit is repeated:



In this formula,  $n$  represents the number of monomeric units that may be present, a sum which normally exceeds 800 units.

Vinyl chloride homopolymers and copolymers are used in the production of articles or components of articles in-

V  
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0  
1  
7  
1  
  
S  
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P  
3  
  
7  
5  
  
XUM



tended to contact food, including food-packaging materials, coatings, parts for food processing equipment, flexible tubing, and water pipes.

Polyvinyl chloride has several properties that make it useful for packaging, such as clarity, resistance to water and many chemicals, capability of acting as a barrier to gas and water, capability of being sealed by heat, and capability of being molded into deep shapes. Approximately 300 million pounds of polyvinyl chloride are used each year in the packaging of food, making it (after polyethylene) the second most commonly used plastic for packaging food. The production of water pipe is one of the single largest uses of polyvinyl chloride, accounting annually for over 400 million pounds of resin. In addition, the polymers of vinyl chloride have also been found useful as packaging materials for other products within FDA's jurisdiction, including drug products, blood, and cosmetics. Vinyl chloride polymers are also used as components of certain medical devices.

Early investigatory work reviewed by Dr. A. J. Lehman, then Chief of the Division of Pharmacology, Food and Drug Administration, indicated that polyvinyl chloride was insoluble in various solvent systems used to simulate food. Consequently, there was little concern about the safety of food-contact articles made from polyvinyl chloride. In 1950, Dr. Lehman reported to the Association of Food and Drug Officials:

We consider as the most important single physical characteristic of a film its solubility or the leaching out of any of its constituents in the common media with which the plastic may come in contact. If nothing can be extracted when tested with representative food-type solvents (lard-oil, vinegar, sodium bicarbonate, meat juice, water, etc.) under conditions somewhat more rigorous than might be experienced under practical usage, we usually have no objections to use of the film in situations where direct contact with food may result. Toxicological problems relate more to the plasticizers employed to give the film certain desirable characteristics than to the film itself. Plasticizers are legion, but to develop one which is nontoxic and yet efficient is not easy of accomplishment.

Reports of this work were published by Dr. Lehman in "Chemicals in Food: A report to the Association of Food and Drug Officials on Current Developments," *Quarterly Bulletin of the Association of Food and Drug Officials of the United States*, 15(3):82, 1951, and "Food Packaging," *Ibid.*, 20(4):159, 1956.

#### MIGRATION OF VINYL CHLORIDE TO FOOD

In early 1973, representatives of Schenley Distillers, Inc., Cincinnati, Ohio, reported to FDA their having found vinyl chloride in distilled alcoholic beverages, such as vodka and gin, packaged in polyvinyl chloride bottles. The findings of their migration studies were subsequently confirmed by FDA and led to a proposal concerning the use of polyvinyl chloride. This proposed regulation, published in the *FEDERAL REGISTER* of May 17, 1973 (38 FR 12931), would have precluded use of polyvinyl chloride

resin in articles for use in contact with alcoholic foods and was based on: (1) The finding that residual vinyl chloride in polyvinyl chloride bottles was being extracted by bottled distilled spirits and wines, and (2) the fact that no available animal feeding studies established a safe level of consumption when vinyl chloride was extracted from containers into food. At that time there were no data that indicated that polyvinyl chloride articles in contact with nonalcoholic foods would result in migration of residual vinyl chloride into the food and, accordingly, there was no reason to consider restriction of such uses.

The existence of residual vinyl chloride in articles made from vinyl chloride polymers is related to the manufacturing process and the physical structure of the polymers. The gas vinyl chloride becomes the packaging material consisting of polyvinyl chloride or one of the copolymers of vinyl chloride through a series of distinct steps. The first step is the polymerization of the vinyl chloride to form a polymer, e.g., polyvinyl chloride resin. This resin is then blended with a number of other substances that may include plasticizers, stabilizers, lubricants, and processing aids to form a compounded material ordinarily referred to as a "compound," e.g., a polyvinyl chloride flexible film "compound" or a polyvinyl chloride bottle "compound." This "compound" is then used by the fabricator to produce the finished article that is used in contact with food.

The individual molecules of polyvinyl chloride may be visualized as short strands of thread. The individual molecules are attracted to each other by physical forces that tend to hold them together so strongly that the polyvinyl chloride, by itself, is rigid. The polymeric material contains an exceedingly large number of polyvinyl chloride molecules, which are intermingled and provide a number of open spaces (interstices) among the individual molecules.

The origin of the possibility that vinyl chloride may migrate to food is its incomplete polymerization into polyvinyl chloride. Estimates indicate that somewhat less than 90 percent of the vinyl chloride is converted to polyvinyl chloride. Most of the remaining 10 percent vinyl chloride is either vented to the atmosphere, or recovered by techniques, such as vacuum stripping, and reused. However, some vinyl chloride remains in the polyvinyl chloride resin following its polymerization and isolation. At one time as much as 2000 parts per million (ppm) residual vinyl chloride remained, but with new processing methods, as little as 1 to 2 ppm remain. It is theorized that the vinyl chloride becomes physically trapped among the interstices of the polymer "threads."

This model permits an explanation of the varying degrees to which vinyl chloride is removed from the different forms of the polymer. A large amount of the vinyl chloride that fails to polymerize never becomes trapped in the resin; it either finds its way out of the resin maze, due to its volatility, or can be removed by vacuum stripping. Most, if not all, of

the remaining vinyl chloride may be removed in the preparation of polyvinyl chloride "compound" for such flexible plastic materials as gaskets, films, and tubing. In preparing these "compounds" the polyvinyl chloride resin is mixed and heated with as much as 50 to 60 parts of plasticizer per hundred parts of resin. The addition of the plasticizer "opens" the spaces between the polymer "threads," and the heat tends to drive out the remaining vinyl chloride molecules. Further opportunity for removal of vinyl chloride is provided during the fabrication of the "compound" into articles because heat is usually used in the process. By contrast, it is much more difficult for the vinyl chloride molecules to escape from rigid and semirigid polyvinyl chloride articles because they contain little or no plasticizer and are generally thicker than plasticized articles. Many rigid articles have been analyzed and found to contain residual vinyl chloride. However, FDA has not been able to detect vinyl chloride in any of the plasticized, flexible polyvinyl chloride products it has analyzed.

Even in the case of rigid unplasticized polyvinyl chloride, there is a loss of vinyl chloride during fabrication into articles. Once fabricated, the polyvinyl chloride articles continue to lose vinyl chloride by diffusion. Data have been developed showing a gradual loss of residual vinyl chloride from polyvinyl chloride articles during their storage prior to use. This diffusion phenomenon continues to occur when the polyvinyl chloride is used in contact with food. If vinyl chloride is present, a certain amount may be expected to migrate to the food. In the case of semirigid and rigid articles that contain high levels of residual vinyl chloride, this amount has been shown to be substantial. However, in the case of coatings, films, and other plasticized food-packaging materials in which the amount of residual vinyl chloride is extremely small, there appears to be little likelihood that vinyl chloride would reasonably be expected to be present in the food.

The migration of vinyl chloride may be viewed as a simple diffusion phenomenon: The vinyl chloride is leaving the location of highest concentration, the plastic article, and moving to a location of lower concentration, whether it be the surrounding air or the food contained in the article. This hypothesis appears to be supported by the work of scientists at Ethyl Corp. ("VCM extraction from PVC bottles," *Modern Packaging*, pp. 45-48, April 1975). Their data indicate that the vinyl chloride levels in the plastic article and its food content eventually reach a point of equilibrium. However, there continues to be a loss of residual vinyl chloride to the surrounding atmosphere so that the level in the plastic article becomes lower relative to the level in the food inside it. When this occurs, there is a migration of vinyl chloride from the food into the plastic article: This is represented by a decrease in the concentration of vinyl chloride that can be detected in the food. The ob-

vious end point indicated by this hypothesis is that there would be no vinyl chloride in the food or in the plastic article at that distant point in time when it has all migrated to the surrounding atmosphere.

A modification and extension of this hypothesis has been proposed by Professor Seymour Gilbert, Ph.D., Department of Food Science, Rutgers University, New Brunswick, N.J. Dr. Gilbert's work indicates that there are active sites in rigid polyvinyl chloride that tend to adsorb and hold on to vinyl chloride molecules. At high vinyl chloride concentrations these active sites are covered by a very small part of the total vinyl chloride and the remainder tends to migrate from the polyvinyl chloride in accordance with the usual diffusion theory. He postulates that at vinyl chloride concentrations of less than 1 ppm in the polyvinyl chloride, not all the active sites are covered and thus there are few unadsorbed vinyl chloride molecules left to migrate. His theory is supported by the results of equilibrium studies in which powdered polyvinyl chloride resins containing no vinyl chloride were added to food-simulating solvents containing known concentrations of vinyl chloride. Vinyl chloride was found to be taken up by the resin and its concentrations in the food-simulating solvents were reduced to a much greater extent than would be explained by simple diffusion or partitioning.

Schenley Distillers reported levels of vinyl chloride as high as 20 ppm in vodka and 25 ppm in gin. Confirmatory work on samples of the same material by FDA showed levels of 11 ppm vinyl chloride in vodka and 12 ppm in gin. Since that time FDA has received many additional reports of findings of vinyl chloride in various types of food packaged in polyvinyl chloride bottles. Generally, these reports have not included suitable information to evaluate accuracy, such as: an adequate description of the methodology, including chromatograms; data from recovery studies verifying the claimed sensitivities; data showing confirmation by mass spectroscopy; and identification of the plastic material. It should be noted that analysis for vinyl chloride requires careful analytical techniques to assure credible findings. The analysis becomes progressively more difficult as the concentration of vinyl chloride decreases.

The problems involved with the analysis for vinyl chloride are emphasized by the difficulties that firms have encountered in obtaining consistent results during "round-robin" studies in which a number of laboratories have analyzed the same material. FDA has developed a method for the determination of vinyl chloride in polyvinyl chloride and in food-simulating solvents. (Copies are available from the Division of Food and Color Additives, Food and Drug Administration, 200 C St., SW., Washington, D.C. 20204.) This method is considered to be capable of measuring levels of vinyl chloride in food-simulating solvents as low as 20 parts per billion (ppb) (in 50

percent ethanol) and in polyvinyl chloride as low as 0.35 ppm.

On December 20, 1973, representatives of FDA and the Society of the Plastics Industry, Inc. (SPI) met to discuss chemical information concerning vinyl chloride that SPI had submitted with its comments of October 15, 1973, on the original proposal of May 17, 1973. In response to questions raised at this and subsequent meetings, members of the SPI have obtained information about polyvinyl chloride, including analyses of various types of foods for the presence of vinyl chloride, refinement of the methodology for detection, and review of the toxicological aspects. Memoranda of these meetings and the information supplied are on public display at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Data supplied by SPI indicated that vinyl chloride could migrate to nonalcoholic foods from polyvinyl chloride bottles. Analyses of two samples of vegetable oils packed in polyvinyl chloride bottles revealed the presence of vinyl chloride at levels of 1.6 and 6.5 ppm. Reported results of analyses of additional samples of foods, drugs, and cosmetics disclosed varying levels of vinyl chloride, e.g., vinegar (5 ppb), mineral oil (74 ppb and approximately 2 ppm from two other samples), a vitamin supplement (approximately 1 ppm), and a mouthwash (174 ppb). No vinyl chloride was reported from a series of water samples using an analytical method reportedly sensitive to 50 ppb. These latter samples had been collected from operating potable water systems of various polyvinyl chloride formulations at six different building sites.

In early 1974, the British Ministry of Agriculture, Fisheries, and Food reported finding vinyl chloride in concentrations ranging from 10 to 80 ppb in fruit squashes and from 10 to 40 ppb in cooking oils. The Canadian Health Protection Branch of the Ministry of Health and Welfare reported finding vinyl chloride ranging from 0.9 to 8.4 ppm in seven samples of apple cider vinegar. It also reported vinyl chloride in samples of various wines (less than 0.025 to 0.98 ppm), gin (0.22 to 0.7 ppm), and malt vinegar (1.5 ppm).

Data from experimental work using food-simulating solvents, i.e., distilled water, 3 percent acetic acid, ethanol, and *n*-heptane, support these earlier data showing migration of vinyl chloride to types of foods other than alcoholic beverages. The data show that the use of alcohol and *n*-heptane as solvents representing alcoholic and fatty foods, respectively, results in the highest levels of vinyl chloride extractives as compared to the amounts extracted by distilled water (representing aqueous foods) and 3 percent acetic acid (representing acidic foods). All of these data are on public display in the office of the Hearing Clerk, Food and Drug Administration.

The available data indicate that certain applications of vinyl chloride do not present a realistic possibility of vinyl chloride migration. The Commissioner is unaware of any findings of vinyl chloride

migration from film, cap liners, coatings, gaskets or flexible tubing. Results of analyses of extractives from such articles have shown no detectable vinyl chloride. Analyses of these plastic articles themselves have shown no detectable vinyl chloride using analytical methods reported to be capable of detecting a level as low as 1 ppm residual vinyl chloride. No residual vinyl chloride was found in FDA analysis of polyvinyl chloride blood bags and flexible tubing using a method capable of detecting 0.35 ppm residual vinyl chloride.

The lack of findings of extractable vinyl chloride from film is not surprising, for theoretical calculations indicate that if film contained residual vinyl chloride, 100 percent migration of the residual vinyl chloride from a 1 mil (0.001 inch) film would result in 2 ppb vinyl chloride in food. These calculations assume that 10 grams of food contact each square inch of film, the film weighs 20 milligrams per square inch per mil thickness, and the film contains 1 ppm residual vinyl chloride. However, these assumptions are exaggerated, e.g., the vinyl chloride will migrate into the air as well as the food, and much lower levels of migration into food would be expected to occur under actual conditions of use, to the point where they would be extremely small. The data substantiate this conclusion because the levels of extractable vinyl chloride have never been shown to approach 100 percent in those cases where actual values have been presented for article thickness, residual vinyl chloride level, and levels of extraction of vinyl chloride.

The greatest likelihood for migration of vinyl chloride appears to be from polyvinyl chloride bottles and other rigid or semirigid polyvinyl chloride articles that are intended for one-time use. A wide variety of products have been packaged in such containers, including vegetable oils, vinegar, honey, and liquid vitamin supplements. Large quantities of processed meats are packaged in rigid and semirigid containers composed of vinyl chloride polymers. Jelly, honey, and other condiments are frequently packaged in individual serving containers composed of vinyl chloride polymers. These various articles range in thickness from approximately 7 mils to 30 mils. Semirigid articles with a thickness of 7 to 12 mils were reported in a submission from the American Meat Institute to contain 0 to 180 ppm residual vinyl chloride and to yield 4 to 20 ppb vinyl chloride when extracted by *n*-heptane. Rigid articles with a thickness of 10 to 21 mils were reported by the American Meat Institute to contain 6 to 127 ppm residual vinyl chloride and to yield 2 to 237 ppb vinyl chloride when extracted by *n*-heptane.

Water pipe is a use of polyvinyl chloride that presents little likelihood that vinyl chloride will become a component of potable water. The pipe's rigid, relatively thick wall would be expected to have a potential for high levels of residual vinyl chloride; data show that the level of residual vinyl chloride attainable in water pipe may vary from less than



10 ppm to more than 100 ppm. However, the potential for extraction of vinyl chloride from potable water pipe is greatly reduced because of the low solubility of vinyl chloride in water, the short time of contact, the large volume of water in contact with the pipe, and the comparatively low temperatures of exposure. The primary use of polyvinyl chloride potable water pipe is from water mains to buildings where a large volume of water flow occurs, and the temperature of exposure is lowered because the pipe is buried. Moreover, the small amount of vinyl chloride that might migrate into water from water pipe would be expected to dissipate during the aeration and agitation that occur at the tap.

#### TOXICITY OF VINYL CHLORIDE

FDA is unaware of any suitable toxicity data from animal feeding studies that demonstrate a safe level of ingestion of vinyl chloride. Results of a 90-day feeding study with rats were submitted to FDA in October 1974. However, that study was not conclusive and, furthermore, could not resolve the prime issue of safety, namely carcinogenicity, since it was a short-term feeding study. Lifetime studies are necessary to evaluate properly the potential for long-range effects, such as carcinogenicity.

Considerable data exist concerning the toxic effects of vinyl chloride from atmospheric exposures, especially by inhalation and occupational contact. As the Commissioner pointed out in his April 22, 1974, proposal (39 FR 14215) to prohibit the use of vinyl chloride as an ingredient in drug and cosmetic aerosol products:

There is ample evidence that vinyl chloride inhalation can result in acute toxicity manifested by an array of symptoms, including unconsciousness as a result of high concentration by inhalation. Cardiac effects, bone changes, and degenerative changes in the brain, liver, and kidneys have also been reported in animals.

The results from studies by Torkelson, et al., on the chronic effects of vinyl chloride on laboratory animals (T. R. Torkelson, F. Oyen, and V. K. Rowe, "The Toxicity of Vinyl Chloride as Determined by Repeated Exposure of Laboratory Animals," *American Industrial Hygiene Association Journal*, 22(5), 354-361, 1961) indicated slight effects in rats exposed to atmospheres containing 100 and 200 ppm vinyl chloride. An exposure of 50 ppm was considered to be a "no-effect" level. Published scientific reports implicate vinyl chloride as a causative agent for "acroosteolysis" of the hands and feet as well as systemic effects among industrial workers engaged in the manufacture of vinyl chloride. Dr. P. L. Viola, in studies, exposed rats to an atmosphere containing 3 percent (30,000 ppm) vinyl chloride vapors for 4 hours per day for 5 days per week for 1 year (P. L. Viola, A. Bigotti, and A. Caputo, "Oncogenic Response of Rat Skin, Lungs, and Bones to Vinyl Chloride," *Cancer Research*, 31: 516-522, May 1971). He reported that rats subjected to such exposure developed tumors of the skin, lungs, and bones. Copies of these reports are on file with

the Hearing Clerk, Food and Drug Administration.

Reporting at the February 15, 1974, fact-finding hearing, which was called by a notice that the Occupational Safety and Health Administration published in the *Federal Register* of January 30, 1974 (39 FR 3874), Dr. Cesare Maltoni discussed preliminary results from his investigations directed at clarifying the type and degree of carcinogenic effects of vinyl chloride, as previously reported by Dr. Viola. Dr. Maltoni's investigations involved various types and levels of exposure to vinyl chloride, including: (1) An attempt to reproduce the conditions of Dr. Viola's experiment using a level of 30,000 ppm; (2) experiments using atmospheric exposure to vinyl chloride vapors at levels ranging from 50 to 10,000 ppm; (3) an experiment investigating the effects upon ingestion (intubation) of vinyl chloride; and (4) experiments investigating endoperitoneal and subcutaneous routes of administration. (C. Maltoni & G. Lefemine, "Carcinogenicity Bio-assays of Vinyl Chloride," *Environmental Research*, 7:387-405, 1974 and "Le potenzialità dei saggi sperimentali nella predizione dei rischi oncogeni ambientali. Un esempio il cloruro di vinile," *Accademia Nazionale Dei Lincei*, 56:1-11, 1974). In addition to rats, Dr. Maltoni reported that experiments were also being conducted using mice and hamsters.

At the February meeting, Dr. Maltoni discussed his preliminary findings of the development of angiosarcoma of the liver, along with other types of tumors, at levels of atmospheric exposure as low as 250 ppm. At the New York Academy of Sciences meeting, May 10-11, 1974 ("Carcinogenicity Bioassays of Vinyl Chloride: Current Results," *Annals of the New York Academy of Sciences*, 246:195-218, January 31, 1975), he subsequently reported the development of angiosarcoma of the liver and other types of tumors at levels of atmospheric exposure as low as 50 ppm. Further, he announced that additional experiments were being started; the experiments are using larger numbers of animals and lower dose levels of inhalation exposure. Inhalation exposure studies using similar low levels of vinyl chloride are also in progress at Industrial Biotech Research Laboratories (IBRL) under the sponsorship of the Manufacturing Chemists Association. In discussing these two studies in regulations, published in the *Federal Register* of October 4, 1974 (39 FR 35890), establishing standards for industrial exposure to vinyl chloride, the Occupational Safety and Health Administration stated:

These investigators have induced angiosarcoma of the liver in rats and mice at exposure concentrations of 50 ppm and in hamsters at higher concentrations of exposure. Additional tumors involving other organs, including the kidneys, lungs, and skin of exposed animals, were also observed in frequencies much in excess of control animals.

As noted above, the Food and Drug Administration issued a proposal on April 22, 1974, concerning the use of vinyl

chloride as a propellant in aerosol drugs and cosmetics. At the same time, manufacturers were requested to recall any outstanding stocks of such products from the market. A final regulation was published in the *Federal Register* of August 26, 1974 (39 FR 30830), prohibiting the use of vinyl chloride as a propellant in cosmetic aerosols and requiring an approved new drug application for the marketing of aerosol drugs containing vinyl chloride as a propellant.

In separate actions, the Environmental Protection Agency, banned the use of vinyl chloride as a propellant in certain pesticide aerosols by notice published in the *Federal Register* of April 26, 1974 (39 FR 14753), and the Consumer Product Safety Commission banned the use of other self-pressurized household products containing vinyl chloride, by a notice published in the *Federal Register* of August 21, 1974 (39 FR 30112).

Dr. Cesare Maltoni has issued a preliminary report concerning the progress of his studies investigating the effects of vinyl chloride when ingested (Cesare Maltoni, Adriano Ciliberti, Luciano Gianni, Pasquale Chicco, "Insorgenza Di Angiosarcomi in Ratti, in Sequito A Somministrazione Per Via Orale Di Cloruro Di Vinile," *Gli Ospedali della Vita*, Anno II, Numero 1, Gennaio-Febbraio 1975). Dr. Maltoni's study involves the administration to rats by intubation of vinyl chloride in an olive oil solution at dosage levels of 50 milligrams per kilogram of body weight, 16.5 milligrams per kilogram of body weight and 3.3 milligrams per kilogram of body weight. The study was initiated with 40 male and 40 female rats at each dosage level, plus a control group of the same number. After 52 weeks, the examination of those rats that had died revealed one rat in the highest dose group to have angiosarcoma of the thymus, and a rat in the 16.5 milligrams dose level was found to have angiosarcoma of the liver. No tumors were reported in the 3.3 milligrams dosage group or in the controls. The experiment is continuing with an anticipated completion date in early 1976. In addition, Dr. Maltoni has initiated an experiment using lower dosage levels.

After evaluating all the data, the Commissioner concludes that it is likely that when the Maltoni study has been completed, it will show that vinyl chloride is carcinogenic when ingested. He notes that these results are consistent with the finding that inhalation of vinyl chloride has been shown to produce cancer. The Commissioner acknowledges that the finding of angiosarcoma in one rat in each of the two highest dosage levels may be regarded by some persons as inconclusive evidence that vinyl chloride is carcinogenic when ingested. However, Dr. Maltoni reports that, to his knowledge, no spontaneous angiosarcomas of rats have been reported in the literature. Additionally, Dr. Maltoni reports that angiosarcoma of the thymus and of the liver have never occurred spontaneously in their colony of Sprague-Dawley rats. The Commissioner concludes that the preliminary data from the incomplete ingestion studies, when combined with the

other data already available concerning the hazards of vinyl chloride, are sufficient to warrant the actions proposed in this proposal.

#### PROPOSED ACTION

Under section 201(s) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s)), a substance is excluded from the definition of "food additive" if its use was sanctioned by FDA prior to September 6, 1958. A number of uses of vinyl chloride polymers were so approved and consequently are "prior sanctioned."

Subsequent to the enactment of the Food Additives Amendment of 1958, FDA issued letters stating that polyvinyl chloride resin was generally recognized as safe in specific compositions, including rigid and semirigid articles intended to contact foods. These letters were based on the premise that the uses and data cited in the Lehman articles for film and coatings could be interpreted to extend to other food-contact articles containing polyvinyl chloride.

In addition, since 1958, a variety of uses of vinyl chloride polymers in food-contact articles have been approved by the issuance of food additive regulations in 21 CFR Part 121, Subparts D and F: § 121.1179 *Coatings on fresh citrus fruit*; § 121.2507 *Cellophane*; § 121.2514 *Resinous and polymeric coatings*; § 121.2520 *Adhesives*; § 121.2521 *Vinyl chloride-propylene copolymers*; § 121.2524 *Polyethylene phthalate polymers*; § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods*; § 121.2543 *Packaging materials for use during the irradiation of prepackaged foods*; § 121.2545 *Teatyrils*; § 121.2550 *Closures with sealing gaskets for food containers*; § 121.2569 *Resinous and polymeric coatings for polyolefin films*; § 121.2571 *Components of paper and paperboard in contact with dry food*; § 121.2591 *Semirigid and rigid acrylic and modified acrylic plastics*; § 121.2608 *Vinyl chloride-lauryl vinyl ether copolymers*; § 121.2609 *Vinyl chloride-ethylene copolymers*; § 121.2623 *Vinyl chloride-hexene-1 copolymers*; § 121.2631 *Microporous polymeric filters*.

The safety of a substance used in food-contact articles may be reevaluated at any time. Use of a prior-sanctioned substance may be prohibited or limitations may be established for its safe use under section 402(a) of the act (21 U.S.C. 342 (a)) when the Commissioner determines that such use may be injurious to health. For a substance used pursuant to a food additive regulation, under section 409 of the act (21 U.S.C. 348) approval must be revoked when a fair evaluation of the data before the Commissioner fails to establish that the substance is safe under its conditions of use. In the case of a substance that is neither prior-sanctioned nor the subject of a food additive regulation, use may continue only as long as the substance is generally recognized as safe.

The Commissioner has reviewed the uses of vinyl chloride polymers in light of (1) the available data concerning the safety of vinyl chloride and (2) the like-

lihood of the migration of vinyl chloride to food. Although testing for the carcinogenicity of vinyl chloride upon ingestion is not complete, the Commissioner concludes, as discussed above, that sufficient data have been accumulated to establish the likelihood that it will be shown to be carcinogenic and therefore to require appropriate action to restrict the use of vinyl chloride polymers. The Commissioner concludes that the use of vinyl chloride polymers should be prohibited where there is a reasonable expectation of any migration of vinyl chloride into food.

This conclusion is consistent with the requirements of the act for all uses of vinyl chloride polymers, whether prior-sanctioned, approved food additives, or based on the assumption that they are generally recognized as safe.

The Commissioner interprets section 402(a) of the act, which prohibits use of food-contact articles that may render food injurious to health, as requiring a showing of both possible migration and possible harm. The Commissioner concludes that the criterion of migration in section 201(s) of the act is appropriately used in applying section 402(a) of the act. Consequently, a poisonous or deleterious component of a prior-sanctioned food-contact article comes within the terms of section 402(a) of the act if it may reasonably be expected to become a component of food. Since the carcinogenic potential of vinyl chloride upon ingestion is already sufficiently well documented to warrant a determination that it may, if present, render food injurious to health, the only prior-sanctioned uses of vinyl chloride polymers that may continue to be authorized are those where there is no reasonable expectation of migration.

Because of the likelihood that vinyl chloride is a carcinogen when ingested, for uses approved by food additive regulations a fair evaluation of the data before the Commissioner fails to establish their safety wherever there is reasonable expectation that vinyl chloride will migrate from the polymers into food. Therefore, the only uses that may continue to be approved are those where there is no reasonable expectation of such migration.

For uses of vinyl chloride polymers that have been generally recognized as safe, when there is a reasonable expectation that vinyl chloride will migrate into food, the evidence of potential carcinogenicity upon ingestion requires the conclusion that general recognition of their safety does not exist. Thus, as in the uses that are prior-sanctioned or approved by food additive regulation, the only permissible uses are those where there is no reasonable expectation of such migration.

In considering whether particular food-contact articles raise a reasonable expectation of migration of vinyl chloride into food, the Commissioner has reached several tentative conclusions upon which this proposal is based.

The Commissioner concludes that there is no reasonable expectation of migration of vinyl chloride from thin plasticized

film because of the method of manufacture and the thickness of most film used for wrapping food (approximately 1 mil). As discussed above, plasticizing the film results in an article essentially free of vinyl chloride, and there is no reasonable expectation that any remaining vinyl chloride actually migrates into food.

The Commissioner also concludes that there is no reasonable expectation of migration of vinyl chloride from jar and bottle cap liners and gaskets. Polyvinyl chloride cap liners and gaskets, which have almost completely replaced the rubber and cork materials formerly used, are of two major types. Some are applied in liquid form as a ring around the part of the cap in contact with the container, and others consist of a circular disc cut from film and inserted so as to cover completely the inside surface of the cap. A majority of those types are plastisols which are applied as liquid and are made from paste resins containing finely ground (1 micron or less) polyvinyl chloride and plasticizer. These plastisols contain about 100 parts polyvinyl chloride and 60 parts plasticizer. Other gaskets are made by combining these plastisols with other polyvinyl chloride resins. In addition to removal of residual vinyl chloride in the plasticizing process, additional vinyl chloride is thought to be removed when the plastisol is heated to approximately 350° F for 5 to 8 minutes during application. The small potential for residual vinyl chloride that exists after such processing, together with the fact that a gasket has only limited contact with food, leads to the conclusion that there is no reasonable expectation of migration of vinyl chloride into food. Similarly, no migration may be expected from cap inserts cut from thin plasticized film, for the reasons previously discussed. Moreover, in the case of all cap liners there will be only slight contact with food. Considering these factors, the Commissioner concludes that there is no reasonable expectation of migration of vinyl chloride from cap liners.

Can coatings containing polyvinyl chloride are primarily used on the inside of beer and soft drink cans and, to a much lesser extent, inside food cans. Most of the polyvinyl chloride used for can coatings is produced by the solution polymerization process which produces polyvinyl chloride with the lowest residual vinyl chloride content. After conversion of the resin into can coatings, no residual vinyl chloride has been reported, presumably because the thinness of the applied film and the baking it has received, at above 300° F, have caused the removal of the residual vinyl chloride. In such a case, it can be concluded that there is no reasonable expectation of migration of vinyl chloride into food.

Polyvinyl chloride flexible tubing, ranging in internal diameter from 2 to 3 thousandths of an inch to 3 to 4 inches, is highly plasticized. As previously discussed, it is thought that plasticization reduces residual vinyl chloride content to the point where there is no reasonable expectation that any will migrate into

food. In addition, flexible tubing is generally used in applications where food

are applied directly to the fruit. Therefore, the Commissioner concludes

of plasticization, method of polymerization used, vinyl chloride content of the

migration of vinyl chloride, no vinyl chloride has been detected in samples

posed regulations, and has found that the proposed action would not cause a major

paragraph (b) (3), and deleting the reference to paragraph (b) (3) from paragraph (b) (4).



food. In addition, flexible tubing is generally used in applications where food contacts the tubing only briefly and the temperature of the food is often low. These circumstances further reduce the possibility of any migration of vinyl chloride.

Texturized incorporating vinyl chloride polymers in accordance with § 121.2545 (21 CFR 121.2545) are nonwoven sheets prepared from natural or synthetic fibers and bonded with fibrils. The fibrils consist of vinyl chloride-vinyl acetate copolymer resin that is prepared by solution polymerization, a process that has been shown to result in less than 1 ppm vinyl chloride in the resin. The fibrils are formed by precipitating a solvent solution of the copolymer in water and then washing the precipitate until all solvent is removed. The fibril is commingled with fibers prepared from polyethylene terephthalate resins to facilitate sheet formation and subsequently heat cured to fuse the fibril and effect bonding. These procedures for manufacturing texturized should result in a reduction of level of the residual vinyl chloride to the point that the Commissioner concludes that their use would not reasonably be expected to result in vinyl chloride becoming a component of food.

Microporous polymeric filters used in accordance with § 121.2631 (21 CFR 121.2631) are based on polyvinyl chloride resins produced by solution polymerization, which, as noted above, results in low levels of residual vinyl chloride. The filters are prepared by adding silicon dioxide to a solvent solution of the resins, resulting in "opening" of the resins and further loss of residual vinyl chloride. The filter is formed by extrusion and calendaring followed by a hot water wash to remove solvent. Each of these steps, together with the preuse treatment required by § 121.2631, would result in a reduction of any remaining vinyl chloride to the point that the Commissioner concludes that the use of microporous polymeric filters would not reasonably be expected to result in vinyl chloride becoming a component of food.

Adhesives containing vinyl chloride polymers in accordance with § 121.2520 (21 CFR 121.2520) have no contact with food except incidentally at the edges of food-packaging materials. Because of this slight contact, the Commissioner concludes that the continued use of adhesives containing vinyl chloride polymers would not reasonably be expected to result in vinyl chloride becoming a component of food.

However, the data indicate that rigid and semirigid polyvinyl chloride articles intended to contact food (including bottles, blister packs, boxes and pipe, except as noted below for water pipe) may transmit vinyl chloride to the food they contact. Therefore, the Commissioner finds that these uses can no longer be permitted for contact with food.

The use of vinyl chloride polymers as coatings for fresh citrus fruits, which is permitted by § 121.1179 (21 CFR 121.1179), presents the possibility of ingestion of vinyl chloride because the poly-

mers are applied directly to the fruit. Therefore, the Commissioner concludes that the available data do not demonstrate that this use is safe.

Because copolymers of vinyl chloride might also be expected to contain residual vinyl chloride capable of migrating to food, this proposal applies to vinyl chloride copolymers, as well as to the homopolymer, polyvinyl chloride.

In accordance with these conclusions, the proposed regulations take the following approach:

1. Prior-sanctioned uses of vinyl chloride homopolymers and copolymers as coatings, gaskets, cap liners, flexible tubing, and plasticized films would be identified in regulations permitting their continued use. This proposal identifies all such prior sanctions known to the Commissioner. Persons aware of other prior-sanctioned uses should submit proof of the sanctions during the period for comment on this proposal.

2. Prior-sanctioned uses of vinyl chloride homopolymers and copolymers in semirigid and rigid applications would no longer be permitted except in water pipe as discussed below. This proposal would amend § 121.106 (21 CFR 121.106) of the regulations to so provide. Once these proposed regulations become final, vinyl chloride polymers could be used in semirigid and rigid applications only after approval of a food additive petition, submitted pursuant to § 121.51 (21 CFR 121.51) of the regulations. In addition to the other required information for a food additive petition, data would be necessary to demonstrate that there is no reasonable expectation that vinyl chloride will become a component of food.

3. Uses of vinyl chloride homopolymers and copolymers as coatings, gaskets, cap liners, flexible tubing, and plasticized films that are not prior-sanctioned and that are not subject to food additive regulations are not expressly affected by this proposal. Such uses could be continued if they are otherwise generally recognized as safe. A petition to affirm such uses as generally recognized as safe may be submitted pursuant to § 121.40 (21 CFR 121.40).

4. Food additive regulations permitting the use of vinyl chloride polymers would be amended to permit the continued use of these polymers as coatings (other than those applied directly to food), gaskets, cap liners, flexible tubing, and plasticized films and to prohibit other uses except in water pipe as discussed below.

5. Food additive regulations specifically providing for the use of adjuvants in the production of food-contact articles containing vinyl chloride polymers would be amended to be consistent with the proposed restrictions on the use of vinyl chloride polymers.

At the time final regulations are issued, it may be necessary to define the classes of permitted polyvinyl chloride food-contact articles with greater particularity. Thus, based on available data and on information concerning theoretical prospects of migration of vinyl chloride, specifications for permitted articles might be established in terms of thickness, degree

of plasticization, method of polymerization used, vinyl chloride content of the "compound" used, heat applied during processing, and similar criteria. Comments should include all available data and information that help to identify particular applications and specifications that assure no reasonable expectation of migration. The Commissioner advises that at the time the final regulations are issued, based on such data and information, it may be appropriate to restrict or eliminate uses that are here proposed to be continued.

Determining whether any food packaging component, such as vinyl chloride, is reasonably expected to become a component of food necessarily involves fine judgment, for which precise standards cannot be articulated. If there is no detectable vinyl chloride in a food-contact article, and there are no detectable extractives of vinyl chloride from the article into food-simulating solvents, and there is a sound theoretical basis for predicting no migration below the detectable level, e.g., the article is plasticized or contact with food is slight, the Commissioner concludes that there is no reasonable expectation of migration. Where vinyl chloride is detected at a very low level in the food-contact article, it may nevertheless be possible to conclude that there is no reasonable expectation of migration into food based on theoretical considerations peculiar to the particular product and use. The Commissioner advises that the detection of vinyl chloride extractives in food-simulating solvents under testing conditions appropriate for food-contact articles indicates that the residual vinyl chloride in the article may reasonably be expected to migrate into food. The Commissioner concludes that testing conducted with food-simulating solvents is an appropriate method for ascertaining the likelihood of migration from a food-contact article to food. Because of analytical difficulties, food often cannot be reliably tested for evidence of migration. For this reason, food-simulating solvents have long been used both by industry and FDA to test food-contact articles.

The Commissioner is aware that the technology for reducing the amount of vinyl chloride in vinyl chloride polymers, or eliminating it altogether, is improving rapidly and that major advances not known to FDA may have been made within recent months. Thus, additional classes of food-contact articles may exist for which it can be concluded that there is no reasonable expectation that vinyl chloride would migrate into food. Comments on this proposal suggesting that such articles do exist should include data, analytical methodology used, and a theoretical analysis of the expectation of migration.

In the case of polyvinyl chloride potable water pipe, the Commissioner concludes that the data available at this time indicate that vinyl chloride may not reasonably be expected to be present in water drawn from a polyvinyl chloride water pipe system. Although data from the testing of polyvinyl chloride water pipe containing static water have shown

migration of vinyl chloride, no vinyl chloride has been detected in samples of water drawn from operating polyvinyl chloride potable water pipe. It is likely that static testing does not reasonably assess the likelihood of the presence of vinyl chloride in water. It is proposed that an interim period of time be provided for the continued use of polyvinyl chloride water pipe, pending development of data from tests appropriate for the determination of the potential for the presence of vinyl chloride in water drawn from a polyvinyl chloride potable water pipe system.

Under the proposal, polyvinyl chloride water pipe would be subject to the provisions of § 121.4000 (21 CFR 121.4000), concerning food additives approved on an interim basis. Within 60 days following the effective date of a final regulation, an interested person would be required to satisfy FDA that studies have been undertaken to determine whether vinyl chloride may reasonably be expected to be present in water drawn from a system containing polyvinyl chloride pipe. If no such commitment were made, or adequate and appropriate studies were not undertaken, the regulation permitting continued use of polyvinyl chloride water pipe would be revoked.

This announcement provides 60 days for public comment, after which time the comments will be reviewed and final regulations issued. The Commissioner proposes that the regulations become effective 30 days after their promulgation as final regulations. No recall of affected articles is now anticipated to be necessary. The Commissioner concludes that the hazard to the public health is not so immediate as to warrant issuance of these regulations without opportunity for public comment or to require recall and destruction of foods already packaged. The continued use of installed equipment having food-contact surfaces composed of vinyl chloride polymers would be permitted; any residual vinyl chloride is likely to have dissipated to the atmosphere during the period of service.

These proposed regulations deal only with vinyl chloride contamination of food. The Commissioner plans to issue additional announcements in the near future concerning cosmetics, drugs, and medical devices. Also, the proposed regulations would not immediately affect the status of vinyl chloride polymers used in food-contact articles in the household, food service establishments, and food dispensing equipment. Such articles are the subject of a notice published in the FEDERAL REGISTER of April 12, 1974 (39 FR 13285), and they will be evaluated in accordance with the terms of that notice.

The Commissioner has carefully considered the environmental effects of the proposed regulations and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the pro-

posed regulations, and has found that the proposed action would not cause a major inflation impact as defined in OMB Circular A-107. Therefore, no inflation impact statement is required. At the time additional announcements concerning cosmetics, drugs, and medical devices are issued, these conclusions will be reevaluated. Data and information concerning environmental and inflation impact may be submitted as a comment on this proposal. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

A petition to ban the use of polyvinyl chloride in food packaging was received by the Commissioner on July 7, 1975 from Public Citizen's Health Research Group, 2000 P St., NW., Washington, DC 20036, as this proposal on the use of vinyl chloride polymers was being prepared. Each of the petitioner's comments has been considered in the drafting of this document. A letter will be sent to the petitioner responding to the petition. Copies of the reports and data referred to above are on file at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Published elsewhere in this issue of the FEDERAL REGISTER is a notice withdrawing a proposal to add § 121.2009 (21 CFR 121.2009) and terminating the rule making proceeding on the use of polyvinyl chloride resin in articles for use in contact with alcoholic foods, which was begun on May 17, 1973 (38 FR 12931).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701, 52 Stat. 1042, 1046-1047 as amended, 1049, 1055 (21 U.S.C. 321(s), 342, 348, 371)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 121, as follows:

1. In § 121.106 by adding new paragraph (e) (4) as follows:

§ 121.106 Substances prohibited from use in human food.

(e) . . . . .

(4) *Vinyl chloride.* (i) Vinyl chloride has the molecular formula  $C_2H_3Cl$ . It is a synthetic chemical not found in natural products and has been used in the production of polymeric substances that may contact food.

(ii) Food containing any added or detectable level of vinyl chloride is deemed to be adulterated in violation of the act.

(iii) The use in food-contact articles of vinyl chloride homopolymers and copolymers is prohibited, except that such use is not prohibited:

(a) In coatings, gaskets, cap liners, flexible tubing, and plasticized films if such use is otherwise in accordance with the requirements of the act and this chapter; or

(b) If specifically permitted in this part.

§ 121.1179 [Amended]

1a. In § 121.1179 *Coatings on fresh citrus fruit* by deleting and reserving

paragraph (b) (3), and deleting the reference to paragraph (b) (3) from paragraph (b) (4).

2. By adding the following new section to Subpart E, to read as follows:

§ 121.2009 Vinyl chloride polymer resins.

Polyvinyl chloride resins consist of basic resins produced by the polymerization of vinyl chloride. Polyvinyl chloride basic resins have a maximum volatility of not over 3 percent when heated for 1 hour at 105° C, as determined by ASTM Method D 3030-72,<sup>1</sup> and an inherent viscosity of not less than 0.35 as determined by ASTM Methods D 1243-66.<sup>1</sup> Vinyl chloride copolymer resins are the polymers produced by the copolymerization of vinyl chloride with other monomeric substances. Vinyl chloride homopolymers and copolymers may be safely used as follows:

(a) *Coatings.* (1) Polyvinyl chloride for use as a can enamel.

(2) Vinyl chloride-vinyl acetate copolymer for use as a can enamel.

(3) Vinyl chloride-butadiene-acrylonitrile copolymer for use as a component of conveyor belts intended for use with fresh fruits, vegetables, and fish, and as a component of coatings of paper and paperboard in contact with meat and lard.

(4) Vinyl chloride-vinylidene chloride copolymer for use as a liner, i.e., coating, for steel pipe.

(b) *Plasticized films.* (1) Polyvinyl chloride for use in plasticized film in contact with food.

(2) Vinyl chloride-butadiene-acrylonitrile copolymer for use in plasticized film in contact with oleomargarine.

(3) Vinyl chloride-vinylidene chloride copolymer for use in plasticized film in contact with food.

(4) Vinyl chloride-vinyl acetate copolymer for use in plasticized film in contact with food.

3. In § 121.2507, by amending paragraph (c) by revising the entry in the list of substances for "polyvinyl chloride" to read as follows:

§ 121.2507 Cellophane.

(c) . . . . .

Limitations . . . . .

Polyvinyl chloride. . . . .

As the basic polymer for use only in coatings.

. . . . .

4. In § 121.2511, by amending paragraph (b) by revising the listing entries for "dicyclohexyl phthalate" and "diphenyl phthalate" to read as follows:

§ 121.2511 Plasticizers in polymeric substances.

. . . . .

(b) . . . . .

<sup>1</sup>Copies may be obtained from: American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103.



Dicyclohexyl  
phthalate.

## Limitations

## For use only:

- As provided in §§ 121.2507, 121.2520, 121.2526, and 121.2571.
- Alone or in combination with other phthalates, in plastic film prepared from polyvinyl acetate, polyvinyl chloride, and/or vinyl chloride copolymers complying with § 121.2521 or in plastic sheet prepared from polyvinyl acetate. Such plastic film or sheet shall be used in contact with food at temperatures not to exceed room temperature and shall contain no more than 10 percent by weight of total phthalates, calculated as phthalic acid.

Diphenyl phthalate.  
For use only:

- As provided in § 121.2520.
- Alone or in combination with other phthalates, in plastic film prepared from polyvinyl acetate, polyvinyl chloride, and/or vinyl chloride copolymers complying with § 121.2521 or in plastic sheet prepared from polyvinyl acetate. Such plastic film or sheet shall be used in contact with food at temperatures not to exceed room temperature and shall contain no more than 10 percent by weight of total phthalates, calculated as phthalic acid.

5. In § 121.2521, by redesignating the present paragraph (f) as paragraph (g) and adding a new paragraph (f) as follows:

§ 121.2521 Vinyl chloride-propylene copolymers.

(f) Vinyl chloride-propylene copolymers may be used only in coatings, gaskets, cap liners, flexible tubing, and plasticized films, and in water pipe as permitted by § 121.4009.

6. In § 121.2541, by adding a new paragraph (e) to read as follows:

§ 121.2541 Emulsifiers and/or surface-active agents.

(e) The use of the emulsifiers and/or surface-active agents in any polymeric substance or article subject to any regulation in this Subpart F must comply with any specifications and limitations prescribed by such regulation for the finished form of the substance or article.

7. In § 121.2566, (1) by amending paragraph (b) by deleting the listings for "hydrogenated 4,4'-isopropylidenediphenol-phosphite ester resins produced by the condensation of 1 mole of triphenyl phosphite and 1.5 moles of hydrogenated 4,4'-isopropylidenediphenol" and "poly[(1,3-dibutylidistanthianediylidene)-1,3-dithio] having the formula  $[C_6H_4-Sn(Si)_2]$ , (where  $n$  averages 1.5-2)", and by revising the listing for "4,4'-isopropylidenediphenol alkyl ( $C_{12}-C_{18}$ ) phosphites" and, (2) by adding a new paragraph (c) to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

(b) List of substances:

## Limitations

4,4'-Isopropylidenediphenol alkyl ( $C_{12}-C_{18}$ ) phosphites; the phosphorus content is in the range of 5.2-5.6 weight percent.

(c) The use of the antioxidants and/or stabilizers in any polymeric substance or article subject to any regulation in this Subpart F must comply with any specifications and limitations prescribed by such regulation for the finished form of the substance or article.

8. In § 121.2591 by amending paragraph (a) (2) by revising the listing entry for "vinyl chloride" and amending paragraph (a) (4) by revising the listing entries for "polyvinyl chloride," "vinyl chloride copolymers complying with § 121.2521," and "vinyl chloride-vinyl acetate copolymers" to read as follows:

§ 121.2591 Semirigid and rigid acrylic and modified acrylic plastics.

(a) . . . . .

(2) . . . . .

(4) . . . . . Polyvinyl chloride (only in water pipe as permitted by § 121.4009). Vinyl chloride copolymers complying with § 121.2521 (only in water pipe as permitted by § 121.4009).

Vinyl chloride-vinyl acetate copolymers (only in water pipe as permitted by § 121.4009).

9. In § 121.2597 by revising the introductory paragraph to read as follows:

§ 121.2597 Polymer modifiers in semirigid and rigid vinyl chloride plastics.

The polymers identified in paragraph (a) of this section may be safely admixed, alone or in mixture with other permitted polymers, as modifiers in rigid vinyl chloride plastic food-contact articles prepared from vinyl chloride homopolymers for use as provided in § 121.4009 for water pipe and/or from vinyl chloride copolymers complying with § 121.2521, § 121.2608, and/or § 121.2609, in accordance with the following prescribed conditions:

10. In § 121.2602 by adding a new paragraph (c) to read as follows:

§ 121.2602 Octyltin stabilizers in vinyl chloride plastics.

(c) The finished food-contact article is in the form of coatings, gaskets, cap liners, flexible tubing, plasticized films, or water pipe as permitted by § 121.4009.

11. In § 121.2605, by revising the introductory text of paragraph (a) to read as follows:

§ 121.2605 Polyhydric alcohol diesters of oxidatively refined (Gersthoften process) montan wax acids.

(a) The polyhydric alcohol diesters identified in this paragraph may be used as lubricants in the fabrication of vinyl chloride plastic food-contact articles (coatings, gaskets, cap liners, flexible tubing, plasticized films, and water pipe as permitted by § 121.4009) prepared from polyvinyl chloride and/or from vinyl chloride copolymers complying with § 121.2521.

Such diesters meet the following specifications and are produced by partial esterification of oxidatively refined (Gersthoften process) montan wax acids by either ethylene glycol or 1,3-butanediol with or without neutralization of unreacted carboxylic groups with calcium hydroxide:

12. In § 121.2608, by revising paragraph (e) to read as follows:

§ 121.2608 Vinyl chloride-lauryl vinyl ether copolymers.

(e) Other specifications and limitations. (1) Vinyl chloride-lauryl vinyl ether copolymers may be used only in coatings, gaskets, cap liners, flexible tubing, and plasticized films, and in water pipe as permitted by § 121.4009.

(2) The vinyl chloride-lauryl vinyl ether copolymers identified in and complying with this section, when used as components of the food-contact surface of any article that is subject to a regulation in Subpart F of this Part 121, shall comply with any specifications and limitations prescribed by such regulation for the article in the finished form in which it is to contact food.

13. In § 121.2609 by redesignating paragraph (f) as paragraph (g) and adding a new paragraph (f) as follows:

§ 121.2609 Vinyl chloride-ethylene copolymers.

(f) Vinyl chloride-ethylene copolymers may be used only in coatings, gaskets, cap liners, flexible tubing, and plasticized films, and in water pipe as permitted by § 121.4009.

14. In § 121.2623 by revising paragraph (c) to read as follows:

§ 121.2623 Vinyl chloride-hexene-1 copolymers.

(c) Other specifications and limitations. (1) The vinyl chloride-hexene-1 copolymers identified in this section may be used in coatings, gaskets, cap liners, flexible tubing, plasticized films, and in water pipe as permitted by § 121.4009.

(2) The vinyl chloride-hexene-1 copolymers identified in and complying with this section, when used as components of the food-contact surface of any article that is subject to a regulation in Subpart F of this Part 121, shall comply with any specifications and limitations prescribed by such regulations for the article in the finished form in which it is to contact food.

15. In Subpart H, by adding a new § 121.4009, to read as follows:

§ 121.4009 Vinyl chloride polymers.

(a) Vinyl chloride polymers may be safely used as a component of water pipe on an interim basis, pending the outcome of studies to determine whether vinyl chloride may reasonably be expected to be present, at the time of consumption, in potable water drawn from a system utilizing such pipe. The continued use of vinyl chloride polymers in water pipe is subject to the conditions in § 121.4009(c).

(b) Within 60 days of the effective date of this regulation, an interested person shall satisfy the commissioner in writing that studies have been undertaken that are adequate and appropriate to appraise the potential for the presence of vinyl chloride in potable water drawn from a system utilizing water pipe containing vinyl chloride polymers. These studies shall include: (1) Determination of the lowest attainable level of residual vinyl chloride in potable water pipe, (2) an investigation of the relationship between residual vinyl chloride in water pipe and the amount of vinyl chloride that may be present in water in such pipe under static conditions, and (3) an investigation of the level of vinyl chloride that may be present in water drawn from such a system.

Interested persons may, on or before November 3, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments should be filed in quintuplicate (except that individuals may submit single copies), and should be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments

may be seen in the above office Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: August 27, 1975.

A. M. SCHMIDT,  
Commissioner of Food and Drugs.

[FR Doc.75-23241 Filed 8-29-75; 8:45 am]

Social Security Administration  
[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR  
AGED AND DISABLED

Proposed Conditions of Participation by  
Clinics, Rehabilitation Agencies, and  
Public Health Agencies

## Correction

In FR Doc.75-16036 appearing at page 25938 in the issue of Thursday, June 19, 1975, a line was dropped from paragraph (p) of § 405.1730(b) in the first column of page 25943. Immediately preceding the word "rehabilitation" in the third line of (p) insert "furnished by a provider of services, a clinic,".

DEPARTMENT OF  
TRANSPORTATION

National Highway Traffic Safety  
Administration

[49 CFR Part 571]

[Docket 75-22; Notice 1]

EXTERIOR MOUNTED BICYCLE  
CARRIERS

## Advance Notice of Proposed Rulemaking

This is an advance notice of proposed rulemaking, issued to solicit comments and information concerning hazards resulting from bicycle carriers mounted on the exterior of motor vehicles.

The Public Interest Research Group has petitioned the National Highway Traffic Safety Administration (NHTSA) to issue an advance notice of proposed rulemaking concerning exterior mounted bicycle carriers. The NHTSA believes that the request of the petitioner has merit, and that the protection derived from Federal Motor Vehicle Safety Standard No. 215, *Exterior Protection* (49 CFR 571.215), and future standards relating to pedestrian safety could be degraded by hazardously designed motor vehicle bicycle carriers.

Initial applicability of this proposed rulemaking is intended to encompass bicycle carriers for use with passenger cars, multipurpose passenger vehicles, trucks and buses with GVWR of 10,000 pounds or less.

The NHTSA is contemplating a rule which will:

- Require all mounting hardware to be installed in such a manner as to minimize any hazard to pedestrians.
- Reduce or eliminate sharp edges on bicycle carriers.
- Prohibit bicycle, support arms from projecting beyond a specified distance from the exterior surface of the vehicle

when the bicycle is not being transported.

4. Label all carriers to warn against installation on the front of vehicles.

Information concerning the following areas is specifically requested:

1. The extent of fatalities, injuries, and property damage resulting from exterior mounted motor vehicle bicycle carriers while the vehicle is either moving or parked.

2. Safety and hazard factors found in current designs for exterior mounted motor vehicle bicycle carriers.

3. Economic and other relevant data concerning bicycle carrier volume of sales, average unit price, number of manufacturers, and other similar information concerning market characteristics.

4. Motor vehicle insurance rates and coverage for vehicles equipped with exterior mounted bicycle carriers.

Interested persons are invited to submit information, views, and arguments on the areas described and on the general subject of exterior mounted motor vehicle bicycle carriers. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date, December 2, 1975.

Proposed effective date, 1 year after publication of rule.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 102, Pub. L. 92-513, 86 Stat. 947 (15 U.S.C. 1912); delegations of authority at 49 CFR 1.51 and 501.8)

Issued on August 27, 1975.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.75-23280 Filed 9-2-75; 8:45 am]

## DEPARTMENT OF LABOR

## Wage and Hour Division

[29 CFR Parts 603, 608, 609, 687]

[Administrative Order No. 639]

INDUSTRY COMMITTEES FOR  
INDUSTRIES IN PUERTO RICO

Changes in Order of Hearings of Industry  
Committees in Puerto Rico

Administrative Order No. 638, 40 FR 18519, set forth the order of hearings by Industry Committees Nos. 127-A through 127-D and Nos. 128-A through 128-F. At the request of certain interested parties and the agreement of other major parties and pursuant to the authority vested in me under section 5 of the



Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and 29 CFR part 511, the order of hearings of Industry Committees Nos. 127 and 128 is hereby changed as follows:

1. On October 14, 1975, the hearing of Industry Committee No. 127-D for the Gloves and Mittens Industry will follow the hearing of Industry Committee No. 127-A and the hearing of Industry Committee No. 127-B for the Hosiery Industry is changed to follow that of Committee No. 127-C. Accordingly, the sequence of hearings will be 127-A, D, C and B.

2. On October 28, 1975, the hearing of Industry Committee No. 128-B for the Handkerchief, Scarf and Art Linen Industry will commence first and be immediately followed by the hearing of Industry Committee No. 128-A for the Women's and Children's Industry. Accordingly, the sequence of hearings will be 128-B, A, C, D, E and F.

The hearings of the other Industry Committees remain unchanged as do the dates for filing prehearing statements, namely, October 4, 1975, for matters to be considered by Industry Committees No. 127, and October 18, 1975, for those to be considered by Industry Committee No. 128.

Signed at Washington, D.C., this 28th day of August, 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc. 75-23333 Filed 9-2-75; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 142]

[FRL 424-4]

### DRINKING WATER STANDARDS IMPLEMENTATION AND STATE PROGRAM GRANT REGULATIONS

#### Extension of Time for Comments

On August 7, 1975, the Administrator of the Environmental Protection Agency (EPA) proposed regulations pursuant to the Public Health Service Act as amended by the Safe Drinking Water Act, for implementation of national interim primary drinking water standards and for grants to support State public water system supervision programs. Public hearings on the proposed regulations were scheduled for San Francisco, California, on September 3, and for Washington, D.C. on September 5. [40 FR 33224]

EPA has received a request from the Environmental Defense Fund, the Committee on Environmental Program and Projects of the League of Women Voters, and the Commission for the Advancement of Public Interest Organizations for a 21-day extension of time for written comments and for the scheduling of additional, later public hearings. The request indicates that the extension of time and additional hearings are needed to permit broader public participation in the rulemaking proceeding.

The proposed regulations have already been reviewed by EPA staff members

with the National Drinking Water Advisory Council, numerous State representatives and members of public interest organizations. The public hearings were scheduled despite the fact that they are not required by the Safe Drinking Water Act or the Administrative Procedure Act, because EPA wishes to encourage public comments on these regulations.

There are, however, serious time restraints on the promulgation of these regulations. Section 1413(b) of the Public Health Service Act requires that the portion of the implementation regulations dealing with State primary enforcement authority be promulgated by September 11, 1975. As it is, that date will not be met. Moreover, in order to fulfill the Congressional intent that the States assume principal responsibility for enforcement of primary drinking water regulations, it is critical that the implementation and grant regulations be promulgated as soon as possible. Early promulgation is necessary to allow the States to develop programs qualifying for primary enforcement responsibility in time to exercise that responsibility by the effective date of the interim primary drinking water regulations.

Because of these time restraints, it is not possible to grant the request for later hearings, or to grant the full 21-day extension of time requested for written comments. However, EPA does continue to believe that it is important that these proposed regulations receive as much public scrutiny and comment as possible. Accordingly, there exists good reason for a two-week extension of time for the filing of written comments. EPA hereby extends the period for filing written comments on the proposed regulations to close of business on September 29, 1975.

Written comments regarding the proposed regulations shall be submitted in triplicate to the Office of Water Supply (WH-450), Environmental Protection Agency, Washington, D.C. 20460. Attention: Comment Clerk, Drinking Water Standards Implementation and Grant Regulations.

Secs. 1413, 1414, 1415, 1443, 1445, 1449 and 1450 of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 U.S.C. 300f et seq., 88 Stat. 1660.

Dated: August 27, 1975.

JAMES L. AGEE,  
Assistant Administrator for Water  
and Hazardous Materials.

[FR Doc. 75-23348 Filed 9-2-75; 8:45 am]

## [40 CFR Part 162]

[FRL 394-6; OPP-30003]

### PESTICIDE PROGRAMS

#### Regulations for State Registration of Pesticides To Meet Special Local Needs

Notice is hereby given that, pursuant to the authority of section 24(c) and section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (hereinafter referred to as "FIFRA" or "the Act") the Administrator of the En-

vironmental Protection Agency ("EPA") proposes to amend 40 CFR Part 162 by establishing a new Subpart B prescribing regulations applicable to State registration of pesticides to meet special local needs. The proposed regulations are set forth below. These proposed regulations are related to, and should be read in conjunction with, the proposed regulations applicable to State issuance of experimental use permits, which appear elsewhere in this issue of the FEDERAL REGISTER (40 FR 40545).

#### STATUTORY AUTHORITY

Authority for State registration of pesticides is provided by section 24(c) of FIFRA, as amended, which, in its entirety, reads as follows:

A State may provide registration for pesticides formulated for distribution and use within that State to meet special local needs if that State is certified by the Administrator as capable of exercising adequate controls to assure that such registration will be in accord with the purposes of this Act and if registration for such use has not previously been denied, disapproved, or canceled by the Administrator. Such registration shall be deemed registration under Section 3 for all purposes of this Act, but shall authorize distribution and use only within such State and shall not be effective for more than 90 days if disapproved by the Administrator within that period.

#### BACKGROUND

Prior to the enactment of the 1972 amendments to FIFRA, pesticides sold, distributed, and used entirely on an intrastate basis were not subject to Federal regulation. They were solely within the province of State regulatory activity. The Act, as amended, requires EPA registration of all pesticides, whether sold or distributed in interstate or intrastate commerce. EPA regulations applicable to registration under section 3 of the Act were published on July 3, 1975 (40 FR 28241). These final regulations are designated as 40 CFR Part 162, Subpart A.

In providing for EPA registration for all pesticides, the Congress recognized that there are many pesticide uses, particularly on minor pests and specialty crops, for which EPA registration has not been, and probably will not be requested. In many instances, this situation reflects the fact that pesticide manufacturers or formulators consider the cost of seeking and obtaining EPA registration of such uses to be disproportionate to potential profitability. Nevertheless, farmers and others rely on such minor uses as solutions to many locally important pest problems. In addition, it was recognized that there often are local conditions necessitating deviations from an EPA approved label for purposes of effective pest control or environmental protection.

The legislative history of the 1972 amendments plainly indicates that it was the intention of the Congress that section 24(c) be employed to help deal with minor or local use problems. Specifically, Senate Report No. 92-838, filed by the Committee on Agriculture and Forestry, dated June 7, 1972, said:

The purpose of this subsection is to give a State the opportunity to meet expeditiously

and with less cost and administrative burden on the registrant the problem of registering for local use a pesticide needed to treat a pest infestation which is a problem in such State but is not sufficiently widespread to warrant the expense and difficulties of Federal registration.

This view was reemphasized in Part II of Senate Report No. 92-838, dated October 3, 1972/A similar explanation of the purpose of section 24(c) appeared in the House of Representatives Report No. 92-511, dated September 25, 1971.

#### SPECIAL LOCAL NEED

FIFRA, as amended, no longer exempts intrastate products from its registration requirements. The previously quoted passage from Senate Report No. 92-838 clearly indicates that State registration is intended solely to provide a means of dealing with problems that arise, in part, because of gaps in EPA registrations. Accordingly, the proposed regulations define "special local need" in terms of the existence, safety and efficacy, and availability of EPA-registered pesticide products. Thus, where there is an existing or expected local or minor pest problem, a State agency certified under section 24(c) should be permitted to register one or more pesticide products under the following circumstances:

There is no EPA-registered pesticide product for the use in question, or

There is an EPA-registered pesticide product, but it is not available, e.g., cannot be obtained in sufficient quantity, or

There is an EPA-registered pesticide product which, nominally, is suitable but, if used in accordance with the label, would not be as safe or as efficacious under the local conditions.

It should be noted that "special local need" is defined so as to allow certified State agencies to register products containing plant regulators, defoliants, and desiccants as well, provided the registration satisfies one or more of the foregoing criteria.

Where a State agency issues a registration on the ground that no EPA-registered pesticide product would be safe or efficacious under the conditions of use within the State, the State agency should be prepared to show that the pesticide product(s) it has registered will, in fact, be more effective or less hazardous. Where there is any question, EPA will request supporting information under § 162.156(a) of the proposed regulations and will disapprove a State registration if the claims for it cannot be substantiated.

States are urged to examine the proposed definition of "special local need" in the context of the proposed regulations, as a whole. EPA believes that, in this context, it will be apparent that the definition is sufficiently broad to enable States to take care of many minor use problems (although it is recognized that the tolerance requirements of the Federal Food, Drug, and Cosmetic Act often will be a limiting factor).

It should be noted that the terms "EPA-registered" and "registered by EPA," throughout the proposed regulations, refer to registrations originally issued by EPA (as distinguished from State registrations which become Federal registrations if not disapproved by EPA). This means that a State will be allowed to register more than one product to meet a special need.

#### LIMITATIONS

The proposed regulations are designed to facilitate State issuance of specific types of registrations; however in accordance with the purposes and provisions of the Act, the proposed regulations set forth a number of limitations on the types of registrations which States may be authorized to issue. States will not be authorized to register pesticides containing active or inert ingredients not contained in any EPA-registered products.<sup>1</sup> It is the Agency's belief, based upon its Congressional mandate to protect man and the environment, that the decision to permit the introduction of new chemicals into the environment should be made by the Administrator. This is not to imply that a State could never obtain the technical capability to perform the review which the Administrator must undertake pursuant to section 3, FIFRA, to register a product containing a new chemical. But even if such detailed review were performed by a State, the Administrator would have to perform the same indepth review of such registrations, pursuant to his disapproval authority under section 24(c). This would result in duplication of efforts with the attendant duplicative costs. Additionally, EPA believes that pesticide producers would seldom seek State registration for a product containing a new chemical if, for the same effort, it can obtain a Federal registration and the increased market that accompanies such a registration. Accordingly, were States so authorized, they would be required to maintain extensive technical staffs whose services would be utilized on an occasional basis.

States will also not be authorized to issue registrations for pesticide products affected by suspension or cancellation action based on human health, environmental, or efficacy considerations; or pesticide products formerly denied registration by EPA. In this regard, the proposed regulations provide that States may not register products affected by cancellation or suspension actions of the types specified, except where specifically per-

<sup>1</sup> There may appear to be an inconsistency between the prohibition on State registration of products containing active or inert ingredients not contained in any EPA-registered products and the possibility of State registration of a "new product". In the context of EPA registration procedures, the term "new product" includes more than those products containing new chemicals. It also includes duplicative products of other producers as well as products containing the same active and inert ingredients but in different proportions.

mitted to do so by the Administrator.<sup>2</sup> A requirement that uses which may result in residues on or in food and feed be covered by necessary tolerances, exemptions, or other clearances in accordance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301) is among the other limitations on State registration.

Checks on the adequacy of State registration programs are provided by requirements for EPA review and certification of State programs and EPA review of individual State registration actions. If disapproved by the Administrator, a State registration cannot remain effective for more than 90 days (but, if not disapproved, becomes a Federal registration and is thereafter subject to such EPA actions as suspension and cancellation under section 6). In addition, the proposed regulations provide for withdrawal of EPA certification in the event of a State's failure or refusal to carry out its registration program in accordance with the Act, as amended, or with the terms and conditions of EPA certification, or in the event that EPA repeatedly has to disapprove a State's registration actions.

In short, the proposed regulations offer the States a fair degree of latitude, but they are not open-ended. To some extent, they will have the effect of decentralizing responsibility for pesticide registration decisions that are only of local significance. State agencies are close to, and familiar with, the pest problems and environmental conditions that give rise to "special local needs". Potentially, they are in a position to respond more expeditiously and knowledgeably than EPA possibly could. Whether a particular State agency actually has that potential will be determined through EPA's review of the State plan. To receive certification, a State will have to show that the State agency responsible for pesticide registration meets EPA's requirements regarding availability and utilization of scientific and technical expertise, registration procedures, and legal authority.

#### PREREQUISITES FOR EPA CERTIFICATION

EPA certification will not be an all-or-nothing authorization; rather, a State

<sup>2</sup> In all cases, State agencies will be prohibited from registering products or uses suspended or cancelled. With regard to uses not subject to the cancellation or suspension action, the Administrator will determine whether to permit State registration of such uses on a case by case basis. Where a broad scale suspension or cancellation action is involved, applicable to pesticides containing a particular active or inert ingredient, State registration of pesticide products containing these ingredients generally will be prohibited. Where suspension or cancellation action is based on considerations peculiarly applicable to particular uses of a pesticide, State registration of other uses generally will not be prohibited. State agencies generally will be able to register products or uses which were specifically taken into consideration in suspension or cancellation proceedings but, were not suspended or cancelled.

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agency will be certified to issue one or more types of registrations, depending primarily on its scientific expertise, registration procedures, and legal authority. Thus, it is possible that some States could be certified to issue all the types of registrations enumerated in the proposed regulations, while others might be certified only to issue specified types of amendments to EPA registrations.

Availability and utilization of scientific and technical expertise will be a major determinant of the scope of a State registration program certified by EPA. A designated State agency must either employ the necessary scientific and technical personnel or be able to utilize such personnel on a continuing basis through formal or informal working arrangements. Where such arrangements will be utilized, the State plan will have to identify specific individuals or groups, e.g., the Entomology Department of the State University, who can be called upon, as necessary, to review registration applications and otherwise provide advice and assistance in scientific and technical disciplines relevant to the types of registrations which the designated State agency is certified to issue. In all cases, the individuals or groups upon whom the designated State agency will depend for scientific and technical expertise should have professional experience with, and in-depth knowledge of, environmental and other conditions affecting pest control within the State.

A designated State agency will be expected to perform its own independent review of State registration applications. Obviously, the scope and depth of such reviews will depend, in each case, on the type of registration and on the nature and extent of differences from EPA registration of a similar product or use. In all cases, the State agency will be expected to make its decisions based on impartial evaluation of registration requests by qualified scientific and technical personnel (employed or otherwise utilized by the State agency) and, as appropriate, on relevant information from other sources. Through the review process, the State agency should ensure that registration requests are accompanied by sufficient supporting data (or, insofar as efficacy is concerned, appropriate statements from a State agricultural experiment station or other State or Federal agency), that pesticide composition (particularly if different from an EPA-registered product) is such as to warrant the claims made for the pesticide, that the directions for use (including any appropriate warnings and cautions) to meet special local needs are complete and intelligible, and that the product/use in question will not cause unreasonable adverse effects on man or the environment.

#### STATE LEGAL AUTHORITY

Adequacy of the State agency's legal authority will be another consideration. To be certified, a State agency must have authority to deny, amend, or revoke State registration whenever it appears that a State-registered pesticide or its labeling or other material required for registra-

tion does not comply with FIFRA or with EPA's regulations governing State registration or whenever such action is necessary to prevent unreasonable adverse effects on the environment (including man). This means, among other things, that the State agency must have authority to revoke a State registration because of acts which are unlawful under State law and under section 12 of the Act. States also are expected to have authority to undertake inspections and other activities necessary to determine whether State-registered products are being distributed and used in accordance with Federal and State law and the terms and conditions of State registration. To be certified, a State agency must also have legal authority to employ or otherwise utilize scientific and technical personnel, conduct its own independent review of registration applications, maintain complete records of State registration, and comply with the various other requirements of the proposed regulations. Any of the required legal authority can be derived from State statutes dealing specifically with pesticides or from other State statutes. The proposed regulations include a provision calling for submittal of an opinion by the State Attorney-General or legal counsel of the designated State agency on the extent to which the State agency has the requisite legal authorities. What is wanted here is a sufficiently detailed analysis to enable EPA to understand, particularly in areas where the legal authority is not entirely clear-cut, the reasoning behind the opinion. Following the publication of these proposed regulations, upon a request from a State, EPA will make a reevaluation of States' legal authorities in the area of pesticide registration.

#### OTHER RELEVANT FIFRA SECTIONS

To some extent, most sections of FIFRA are applicable to State registrations. The proposed regulations delineate the extent to which section 3 is applicable. They also provide that establishments in which State-registered products are produced must be registered in accordance with EPA's regulations under section 7 and must maintain books and records in accordance with EPA's regulations under section 8. State-registered products are subject to section 12, in which certain acts are declared to be unlawful, and section 25, which authorizes, among other things, EPA issuance of regulations affecting pesticide packaging and coloration.

#### MULTIPLE STATE REGISTRATION

The proposed regulations do not include any explicit limitation on multiple State registration, i.e., registration in more than one State, of identical products. It is recognized, of course, that special local needs are not circumscribed by State boundary lines. Nevertheless, in reviewing registration applications, each State agency will be expected to make its own determination as to the existence of a special local need. Where identical products are registered in several States, EPA will review such registrations with particular attention to the question of

whether they are consistent with the concept of special local need. Where it appears that a product registered by several States properly should be registered with EPA, appropriate steps toward this end will be taken. This note of caution is aimed at the use of State registration in a manner which is designed to circumvent, or has the effect of circumventing, the requirements of section 3(c)(1)(D) of the Act.

#### USE OF DATA

FIFRA imposes certain restrictions on the data which the Administrator may consider in support of an application for registration under section 3. Pursuant to section 3(c)(1)(D), the Administrator, in evaluating an application for registration, cannot consider data submitted in support of another application for registration under section 3, without the consent of the prior applicant, or a promise by the subsequent applicant to pay reasonable compensation for the use of such data. In drafting these proposed regulations, the Agency has carefully considered the question whether such a limitation on the consideration of previously submitted data is applicable to State registrations pursuant to section 24(c) of the Act.

Section 24(c) includes no express prohibition on the consideration of previously submitted data in support of State registration. Section 3(c)(1)(D) applies by its terms only to the Administrator of EPA and only to a limited type of action by the Administrator, i.e., the consideration of data in support of a subsequent application for registration. Other actions of the Administrator which might possibly involve consideration of data submitted by a previous applicant for registration (e.g., applications for an experimental use permit pursuant to section 5; cancellation or suspension actions pursuant to section 6; applications for emergency exemptions pursuant to section 18; and even section 3 registration actions; insofar as data might be considered to support denial of an application) are not covered by section 3(c)(1)(D), either expressly or by implication.

In consequence of the foregoing, the Agency has reached the conclusion that Congress did not intend section 3(c)(1)(D) to control the consideration of previously submitted data other than as provided by the language of that section itself. Since nothing in section 3(c)(1)(D) extends the operation of the section to State officials, the Agency has concluded that State officials are not subject to the restraints which section 3(c)(1)(D) imposes on the Administrator regarding the consideration of previously submitted data. The same result applies regarding the Administrator's "disapproval" authority under section 24(c). State special local needs registrations are valid from the date of their issuance by the State, unless disapproved. Thus, review by the Administrator pursuant to the disapproval authority in 24(c) is review for the purpose of terminating, not initiating, a registration. As such, the Adminis-

trator's action is analogous to review of an existing section 3 registration to determine whether or not to initiate suspension or cancellation action under section 6. It is clear that section 3(c)(1)(D) does not apply to section 6, and the same conclusion should also apply with equal force to review pursuant to the disapproval authority of section 24(c). Nor is a different conclusion required by the language in section 24(c) that a State registration "shall be deemed registration under section 3 for all purposes of this Act." This language is clearly addressed to the legal effect of a State 24(c) registration, and not to the procedures which must be followed by a State in registering a pesticide product, or in any disapproval action by the Administrator.

The conclusion that section 3(c)(1)(D) does not apply to section 24(c) is consistent with the policy behind section 24(c). As previously indicated, the legislative history of the 1972 amendments clearly indicates Congress' intent that section 24(c) be employed to deal with minor or local use problems "expeditiously and with less cost and administrative burden" (Senate Report No. 92-838, *supra*), than would be the case with an EPA registration under section 3 of the Act. Implementation at the State level of restrictions on the consideration of previously submitted data would complicate the registration process, and increase both costs and administrative burdens. In addition, the implementation of such restrictions might require the inclusion of substantial periods of delay in State registration processes. In this regard, the Agency notes that the procedure set out in an interim policy statement (38 FR 31862) implementing section 3(c)(1)(D) adds several months to the time required in certain circumstances to obtain a registration pursuant to section 3. Such delays might prevent the use of section 24(c) to respond expeditiously to special local pest problems, thus defeating another important purpose behind section 24(c).

Finally, the Agency recognizes that attempts might be made to avoid financial responsibility under section 3(c)(1)(D) by using multiple State section 24(c) registrations. As mentioned earlier, for this and other reasons the Agency will closely monitor situations where a product is registered for the same uses in several States, and will take appropriate action to ensure that the intent of the Act is properly served.

#### EFFECT OF STATE DENIAL AND REVOCATION

A State agency certified under section 24(c) is entitled to, and expected to, deny State registration whenever an application does not satisfy the requirements of Federal and State law and EPA's regulations. Such denial does not entitle an applicant to the remedies set forth in section 6 of the Act in cases of EPA denial. An applicant can, however, request EPA registration after being denied State registration, and his request would be treated in the same manner as would any other new application.

## PROPOSED RULES

A State agency also is entitled to, and is expected to, revoke a State registration whenever it is in violation of Federal or State law or EPA's regulations. If such revocation occurs before the 90-day period allowed by the Act for EPA disapproval of a State registration, EPA may disapprove the State registration, in which case the remedies provided by section 6 of the Act will not be available to the registrant (for the reasons discussed below). If revocation occurs after the 90-day period, EPA, upon notification of the State revocation action, may initiate cancellation action under section 6, depending on the reasons for State revocation. If EPA issues a cancellation notice, then section 6 remedies will be available. To allow coordination of EPA and State action in such cases, the proposed regulations call for State consultation with EPA before a State registration is revoked.

#### EFFECT OF EPA DISAPPROVAL

The proposed regulations provide that EPA disapproval of a State registration shall not be considered a refusal to register within the meaning of section 3(c)(6) of the Act or a suspension or cancellation within the meaning of section 6. EPA has concluded that the Congress did not intend that, in such cases, the affected State registrant would have access to the remedies prescribed by these sections of the Act. The holder of a State registration disapproved by EPA always has the option of applying for EPA registration under section 3. Denial of EPA registration would, of course, make available the remedies under section 6. It is important to note that a State registration can be disapproved for various reasons, some of which would be inapplicable to consideration of a subsequent application for EPA registration, e.g., the State registration is not for a "special local need". In addition, an EPA registration action, in most cases, will result in a much more extensive record reflecting a more detailed exploration of pertinent issues. EPA believes that it is sound policy to limit the expensive and time-consuming section 6 procedures to those cases in which there has been such a thorough review. In the event of an EPA disapproval, EPA's notification to the State agency will include provisions for terminating shipment, sale, and use and/or use of existing stocks; such provisions will depend largely on the basis for disapproval.

#### OTHER STATE AUTHORITY

Section 24(a) provides that a State "may regulate the sale or use of any pesticide or device in the State, but only if and to the extent the regulation does not permit any sale or use prohibited by this Act". States do not need EPA certification to exercise this authority. Without certification under section 24(c), a State can impose special limitations or restrictions on the use of an EPA-registered pesticide in addition to those imposed through EPA registration, or even bar the use of an EPA-registered pesticide within the State. Nevertheless,

the proposed regulations would allow States to request and receive certification for such purposes, since with such authority a State can ensure, for example, that any special directions for use within the State are communicated to pesticide users in supplementary labeling.

#### REGISTRATION INFORMATION

What State agencies certified under section 24(c) can and cannot register under the proposed regulations is keyed to the status of EPA registration, e.g., whether or not there is an EPA-registered product for a particular use. Accordingly, it is essential that States have easy access to information on EPA registrations. EPA currently is preparing a complete inventory of registered products; it will permit retrieval of information on chemicals, application sites, and pests. From this inventory, a State agency would be able to determine, for example, whether there are any products or chemicals registered for use against a particular pest on a particular crop. This inventory will provide information not only on products containing a single active ingredient but also on combination. In addition, if used in conjunction with the EPA Compendium of Registered Uses the inventory will offer quick access to information on label directions, unique limitations, special application information, and so on. It is anticipated that the inventory will be completed by mid-1975. Arrangements will be made to put it into the hands of State agencies as quickly as possible after its completion.

EPA also is planning to prepare a comprehensive list of inert ingredients contained in EPA-registered products (with-out cross-reference between products and inert ingredients). This list will be compiled during the re-registration process required by FIFRA and therefore will not be completed at least until late-1976. In the meantime, where a State agency needs information on the registration status of a particular inert ingredient, it will be able to obtain such information directly from EPA.

#### ENFORCEMENT POLICY

In certifying States to register products for special local needs pursuant to section 24(c) of the Act, EPA does not intend any concomitant grant of enforcement authority which would in any way curtail or preempt EPA enforcement of FIFRA. Notwithstanding State enforcement capabilities which may be established or enhanced as a result of the undertaking by that State to operate a pesticide registration program under section 24(c), EPA will continue to exercise its general enforcement responsibilities over pesticide products. Where enforcement activity involves a product bearing a section 3 registration which has arisen out of a section 24(c) State registration, EPA reserves the right to exercise its prosecutorial discretion in determining whether: (1) To proceed with Federal action where a State has declined to act; (2) To proceed with Federal action in

addition to State action: (3) To decline

needs which in most cases is less costly

Governor or Chief Executive Officer or

to final section 24(c) regulations is provided for in proposed § 162.58(c).

Washington, D.C. 20460. All written comments will be available for public inspection.

designated by State law or other authority to be responsible for registering pes-



action to State action; (3) To decline Federal action in the event or in the absence of State action.

#### INFLATION IMPACT ANALYSIS

On November 27, 1974, the President issued Executive Order 11821 (39 FR 41501) which requires each Agency to certify that the inflationary impact of any major regulation has been evaluated. The following discussion summarizes EPA's consideration of the inflationary impact of these regulations and focuses on the reasons why the Agency believes these proposed regulations do not constitute a "major action" within the meaning of Executive Order 11821 and OMB Circular No. A-107.

Pesticides are necessary to provide the nation with an abundant supply of food and fiber. The registration of pesticide products is required by FIFRA prior to their distribution or sale. As discussed in the preamble to the regulations implementing section 3 of FIFRA (40 FR 28248), the most significant potential cost associated with Federal registration is the cost of developing the data required in support of the registration. The regulations proposed herein for State registration of pesticides for special local needs will be economically beneficial to pesticide producers and users because these regulations provide a means of registering such pesticides which in many cases will require the production of less data and therefore will be less costly than would be the case for Federal registration. The Agency anticipates that most State registrations will not involve changed use patterns, and therefore will fall within § 162.155(d) of these proposed regulations. This provision requires the State to perform an efficacy review but authorizes it, in such circumstances, to base this review upon written findings and recommendations of scientific personnel (i.e., employees of a State agricultural experiment station), rather than upon the more extensive data required for Federal registration (see 40 CFR 162.8(b)). In those cases involving registration for new products or changed use patterns, these proposed regulations establish data requirements relating to human health and environmental hazards. However, such data would also be required by the Act to support Federal registration, so the impact of these proposed regulations in this regard is essentially neutral.

The Agency also observes that the vast majority of States currently have registration programs which license the distribution and sale of a pesticide in return for a fee. These programs may continue under FIFRA. To obtain authority under these proposed regulations to issue special local needs registrations not involving changed use patterns or new products, it will not be necessary to significantly augment existing State registration programs. As noted above, the Agency is of the opinion that authority of this variety is all that most States will request.

In summary, these proposed regulations provide a mechanism for State registration of pesticides for special local

needs which in most cases is less costly and administratively burdensome than Federal registration, which would otherwise be required. In addition, States can obtain authority in most instances under these proposed regulations without any significant augmentation to existing programs. For these reasons the Agency believes these proposed regulations providing for State registration of pesticides to meet special local needs do not constitute a major action within the intent of the Executive Order and OMB Circular No. A-107.

#### INTERIM CERTIFICATION

On July 3, 1975, final regulations for the registration, re-registration, and classification of pesticides pursuant to section 3 of the Act were published in the FEDERAL REGISTER (40 CFR Part 162, Subpart A) (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations except under a program approved by the Administrator in accordance with section 24(c). However, States may renew any State registration already in effect, and the product concerned may be distributed and used solely within that State subject to the requirements of § 162.17(f) of the FIFRA section 3 regulations, if the State registrant submits a notice of application for EPA registration within sixty (60) days of the effective date of the section 3 regulations as required by § 162.17.

Since it did not prove possible to promulgate section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses) during the course of this rulemaking proceeding, an interim certification procedure will be followed. However, it is unreasonable to expect States to develop and submit, on relatively short notice, plans for interim certification which fully satisfy the regulations proposed below. Even if this task could be accomplished, some procedure would have to be implemented to require States to amend their plans to reflect any changes or additions to the requirements when the section 24(c) regulations are made final. For these reasons, the following interim certification procedure has been adopted. This procedure will enable States intending to apply for section 24(c) authority to obtain interim certification to register pesticides to meet "special local needs," as defined in these proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of the section 24(c) regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A State may request interim certification to register pesticides to meet special local needs at any time by having the

Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. Such request shall include:

(1) Designation of the State agency which will be responsible for issuance of State registrations to meet special local needs;

(2) A list of the types of registration actions for which interim certification is requested [see proposed § 162.153(b)];

(3) A description of the registration procedures which will be followed by the designated State agency;

(4) A citation to the applicable State laws and regulations under which authority such registration actions will be issued; and

(5) An affirmation that the State intends, upon final promulgation of regulations under section 24(c), to request certification to register pesticides for special local needs.

The Administrator shall act on a request for interim certification as expeditiously as possible. The Administrator shall approve the request for interim certification if the State's request shows that the State is capable of exercising adequate controls to assure that registrations for special local needs issued by it will be in accord with the purposes of FIFRA. Where authority to issue registrations involving new products or changed use patterns (as defined in these proposed regulations) is requested, interim certification shall be granted only if the State registration procedures include a procedure for hazard determination sufficient to ensure that pesticide product(s) will not be registered if they would cause unreasonable adverse effects on the environment, when used as directed or in accordance with widespread and commonly recognized practice. The hazard determination procedure shall satisfy the requirements of § 162.155(e) of these proposed regulations. Where authority to issue registrations which do not involve new products or changed use patterns is requested, interim certification shall be granted if the State registration procedures include a procedure for efficacy determination (i.e., to ensure that the composition of a pesticide is such as to warrant the claims made for it) which satisfies the requirements of § 162.155(d) of these proposed regulations.

The Administrator shall notify the designated State agency of his approval or denial of the request. Notice of approval or denial will also be published in the Federal Register. Public comment, however, will not be solicited with respect to requests for interim certification. In order to obtain interim certification a State must affirm its intention to submit a State plan for certification pursuant to final section 24(c) regulations, and must do so within 60 days of the effective date of the final section 24(c) regulations or its interim certification authority will terminate. The Agency expects to expedite the publication of final section 24(c) regulations so that interim certification should be of limited duration. Adequate opportunity for public comment on State plans submitted pursuant

to final section 24(c) regulations is provided for in proposed § 162.58(c).

The Administrator may at any time amend, suspend, or withdraw his interim certification of a designated State agency if he determines that such State agency has not complied with the requirements, terms, or conditions of such interim certification. Prior to denying, amending, suspending, or withdrawing interim certification, the Administrator will furnish the designated State agency written notification of his intent to take such action and a statement of his reasons. In such cases, the State agency will be given an opportunity to comment on the proposed action.

A State which has received interim certification may register pesticides to meet special local needs (as defined in § 162.152(k) of the proposed regulations). The State may issue the types of registration actions set forth in the proposed § 162.153(b) for which it has requested and received interim certification. Interim special local needs registration programs shall be subject to the limitations contained in proposed § 162.153(c). The provisions of § 162.156 of these proposed regulations pertaining to EPA review of State registrations shall apply. This section includes provisions for notification to EPA of registrations issued (§ 162.156(a)); provisions governing EPA disapproval actions (§ 162.156(b) (c) and (e)); and certain FEDERAL REGISTER publication requirements regarding registrations involving changed use patterns (§ 162.156(d)). In addition, the labeling of a pesticide product registered pursuant to interim certification shall state "For Distribution and Use Only Within (Name of State)."

All registrations issued under the authority of an interim certification program shall be deemed registrations under section 3 unless disapproved within 90 days. As a condition of the granting of interim certification, the Administrator shall require assurances from the State that registrations issued pursuant to interim certification will be modified to satisfy any provisions in the final section 24(c) regulations regarding classification (see proposed § 162.155(f)), labeling (see proposed § 162.155(g)), coloration or discoloration (see proposed § 162.155(h) (2)), and packaging (see proposed § 162.155(h) (1)) within a reasonable period of time after the State receives final certification.

#### PUBLIC COMMENT

EPA invites all interested parties to submit comments on these proposed regulations. States, in particular, are urged to spell out their views in detail and to describe any special situations which may be difficult to handle under these proposed regulations. To be sure of receiving full consideration, all comments should reach EPA on or before October 3, 1975, and should bear the identifying notation OPP-30003. Comments should be filed in triplicate and addressed to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room E-401, 401 M St. SW.,

Washington, D.C. 20460. All written comments will be available for public inspection at the Office of the Federal Register Section from 8:30 to 4 p.m., Monday through Friday.

Dated: August 26, 1975.

RUSSELL E. TRAIN,  
Administrator.

It is proposed to amend 40 CFR Part 162 by establishing Subpart B, to read as follows:

#### Subpart B—Regulations for State Registration of Pesticides To Meet Special Local Needs

Sec.	Scope.
162.151	Applicability.
162.152	Definitions.
162.153	State registration actions.
162.154	Considerations affecting issuance and withdrawal of certification.
162.155	Product registration requirements.
162.156	EPA review of State registrations.
162.157	State revocation of registrations.
162.158	Certification procedures.

**AUTHORITY:** Section 24(c) and section 25 (a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 997).

#### Subpart B—Regulations for State Registration of Pesticides To Meet Special Local Needs

##### § 162.150 Scope.

This Subpart sets forth regulations governing registration by a State of pesticide products formulated for distribution and use within such State to meet special local needs. It also sets forth regulations governing certification of State registration programs by the Administrator.

##### § 162.151 Applicability.

This Subpart applies solely to State registration of pesticides to meet special local needs. It neither applies to, nor affects, any procedures by which a State licenses or otherwise approves or allows use within the State of EPA-registered pesticide products.

##### § 162.152 Definitions.

Terms used in this Subpart shall have the meanings set forth in the Act and in Subpart A. In addition, as used in this Subpart, the following terms shall have the meanings set forth below:

(a) "Approved State Plan" means a State plan for registration of pesticides to meet special local needs that has been approved by the Administrator.

(b) "Certification" means the act, i.e., approval of the State plan, by which the Administrator authorizes a designated State agency to issue specified types of pesticide registrations.

(c) "Changed Use Pattern" means a significant change from a use pattern approved in connection with the registration of a pesticide product. Examples of significant changes include, but are not limited to, changes from nonfood to food use, outdoor to indoor use, ground to aerial application, terrestrial to aquatic use, and non-domestic to domestic use.

(d) "Designated State Agency" or "State Agency" means the State agency

designated by State law or other authority to be responsible for registering pesticides to meet special local needs.

(e) "EPA" means the U.S. Environmental Protection Agency.

(f) "EPA-registered" and "registered by EPA" mean originally registered by EPA.

(g) "New Product" means a pesticide product not registered by EPA at the time of State registration.

(h) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, attracting, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(i) "Pesticide product" means a pesticide offered for distribution and use, and includes any labeled container and any supplemental labeling.

(j) "Pest Problem" means:

(1) A pest infestation and its consequences, and the climate, soil, and other conditions of the pest infestation, or

(2) Any condition requiring the use of plant regulators, defoliants, or desiccants.

(k) "Special Local Need" means a pest problem (existing or likely to occur within a State) which cannot be effectively controlled because:

(1) There is no pesticide product registered by EPA for such use; or

(2) There is no EPA-registered pesticide product which, under the conditions of use within the State, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration; or

(3) An appropriate EPA-registered pesticide product is not available.

(l) "Use Pattern" means the manner in which a pesticide is applied and includes the following parameters of pesticide application:

(1) Target pest;

(2) Crop or animals treated;

(3) Application site; and

(4) Application technique and rate.

##### § 162.153 State registration actions.

(a) *General.*—A designated State agency may be certified to issue one or more of the following types of registrations in order to meet special local needs, depending upon such State agency's capability to exercise adequate controls to assure that such registrations will be in accord with the purpose of the Act. Types of registrations which a State agency will not be certified to issue are set forth in paragraph (c) of this section.

(b) *Types of State Registration Actions.* A State may request certification of a designated State agency to issue the following types of registrations of pesticides formulated for use and distribution within the State to meet special local needs, subject to the limitations set forth in paragraph (c) of this section.

(1) To permit the use of new products.

(2) To amend EPA registrations for one or more of the following purposes:

(i) To permit use on additional crops or animals;

(iii) To permit use at additional sites;

(iv) To permit use against additional

State agency to issue one or more of the types of registrations set forth in § 162.

the applicant and any other person whose name will appear on the

(1) A State registration for a pesticide product not involving a changed use pattern shall be classified the same as the

(viii) The registration has been revoked by the State; or

(ix) The registration is otherwise con-

the requisite legal authorities outlined in § 162.154(b) (4), accompanied by copies of the applicable State laws and



(ii) To permit use at additional sites;  
(iii) To permit use against additional pests;

(iv) To permit use of additional application techniques or equipment;  
(v) To permit use at different application rates; and  
(vi) To prescribe special label directions for one or both of the following purposes:

(A) Preventing unreasonable adverse effects on man or the environment under local use conditions; or  
(B) Providing for local use conditions affecting pesticide efficacy.

(3) To serve other purposes specifically identified in the approved State plan.

(c) *Limitations.* (1) A pesticide product registered by a State agency to meet a special local need shall be used only within such State and shall be regarded as "formulated for use and distribution within the State" regardless of where actually formulated, only if its container bears, or is accompanied by directions for its use to meet such special local need and, a statement identifying the State within which it is so registered. The establishment in which such product was produced shall be registered in accordance with regulations under section 7 of the Act and shall maintain books and records in accordance with regulations under section 8 of the Act.

(2) A designated State agency shall not issue any type of registration other than those authorized in the approved State plan and a State shall not issue a registration covering any of the following:

(i) A product containing an active or inert ingredient not contained in any EPA-registered product;

(ii) A product containing an active or inert ingredient, which ingredient was included in a product whose registration has been suspended or cancelled by EPA or is the subject of an EPA notice of intent to suspend or cancel because of human health, environmental or efficacy considerations with regard to such ingredient (except that a State may register certain uses of a product containing such an ingredient to the extent that the Administrator's order or notice of intent so provides);

(iii) A product or use which has been the subject of a notice of denial of registration published in the Federal Register pursuant to section 3(c) (6) of the Act; or

(iv) A product or use which can reasonably be expected to result in residues on or in food or feed unless the registration of such product or use is supported by the necessary tolerances, exemptions, or other clearances under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301).

(3) A registration issued by a State agency shall be valid for a maximum of five years from the date of its issuance and may be renewed.

#### § 162.154 Considerations affecting issuance and withdrawal of certification.

(a) *General.* A State may request the Administrator to certify a designated

State agency to issue one or more of the types of registrations set forth in § 162.153(b). The Administrator shall grant such a request if he determines, upon review of the State plan, that such State agency is capable of exercising adequate controls to assure that such registrations will be in accord with the purposes of the Act.

(b) Such determination shall be based on consideration of whether the State plan shows that such State agency: (1) Employs or otherwise utilizes scientific and technical personnel having expertise relevant to pest problems and environmental and other conditions affecting pest control within the State (and, where certification to register new products or products involving changed use patterns is requested, expertise relevant to product hazard determinations pursuant to § 162.155(e));

(2) Utilizes registration procedures which include its own independent review of registration applications;

(3) Maintains complete and accurate records of all State registrations, including applications and supporting data and documents reflecting the State agency's review of such applications and supporting data, copies of approved labeling, and any reports received concerning accidents or misuse; and

(4) Has adequate legal authority, including authority:

(i) To deny, amend, or revoke State registration when it appears that a State-registered pesticide or its labeling or other material required to be submitted does not comply with the provisions of the Act or this Subpart, or when necessary to prevent unreasonable adverse effects on the environment;

(ii) To undertake inspections at reasonable times, to determine whether State-registered products are being produced, distributed, and used in accordance with Federal and State law and the terms and conditions of State registration; and

(iii) To satisfy the requirements of paragraph (b) (1), (2), and (3) of this section and to comply in all other respects with the requirements of this Subpart.

(c) The Administrator may at any time amend, suspend, or withdraw his certification of a designated State agency if he determines that such State agency has not complied with the requirements of this Subpart or with the terms and conditions of such certification, e.g., if EPA repeatedly has disapproved registrations issued by such State agency.

#### § 162.155 Product registration requirements.

(a) *General.* State registration requirements shall be generally consistent with EPA registration requirements as set forth in 40 CFR Part 162, Subpart A. EPA requirements need not be observed, however, to the extent that they involve consideration of factors not relevant to distribution and use within the State.

(b) *Registration statement.* An application for State registration of a pesticide product to meet a special local need shall include the name and address of

the applicant and any other person whose name will appear on the labeling or in the directions for use; the name of the product; a complete copy of the labeling showing all claims made for the product and directions for its use to meet the special local need; the complete formula of the product; and a statement indicating whether:

(1) An EPA registration of, or experimental use permit for, the product has ever been sought, issued, denied, canceled, or suspended; and

(2) Registration of the product has ever been sought from, or denied or revoked by, another State.

(c) *Special local need determination.* In reviewing an application for State registration, the designated State agency shall determine that such State registration is related to a special local need, as defined in § 162.152(k). Where questions arise as to the availability of an appropriate EPA-registered pesticide, the State agency itself shall resolve such questions without consideration of economic benefit to pesticide producers or sellers. Where questions arise as to other factors bearing on the existence of a special local need, the State agency may rely upon scientific data, findings, or recommendations submitted in writing by a State agricultural experiment station or other State or Federal agency authorized by law to conduct pesticide research, pest control activities, or programs for the protection of environmental quality or natural resources.

(d) *Efficacy determination.* The State agency shall determine that the composition of a pesticide is such as to warrant the claims made for it in the application. The required determination shall be based on information submitted in writing in either or both of the following categories:

(1) Scientific data supplied by the applicant; or  
(2) Scientific data or findings and recommendations of a State agricultural experiment station or other State or Federal agency authorized by law to conduct pesticide research, pest control activities, or programs for the protection of environmental quality or natural resources.

(e) *Product hazard determination.* In the case of an application involving a new product or changed use pattern, the State shall determine that (when considered in conjunction with any restrictions imposed pursuant to § 162.155(f)) the pesticide product will not cause unreasonable adverse effects on the environment when used as directed or in accordance with widespread and commonly recognized practice. The State shall make this determination based upon the data specified in 40 CFR 162.8(b) (4).

(f) *Classification.* EPA regulations spelling out procedures for pesticide classification appear at 40 CFR Part 162.11. State registered products shipped, distributed, or sold or offered or delivered for shipment, distribution, or sale after October 21, 1976, shall be classified as follows:

(1) A State registration for a pesticide product not involving a changed use pattern, shall be classified the same as the EPA-registered product/use.

(2) A State registration involving a new product or a changed use pattern shall be classified in accordance with 40 CFR Part 162.11.

(g) *Labeling requirements.* (1) Any new product registered by a State agency must bear a label satisfying the requirements of 40 CFR 162.10, and 40 CFR 162.153(c) (1).

(2) A State agency may not require or permit modification or elimination of any labeling approved in connection with EPA registration, except that EPA labeling shall be supplemented by directions for use to meet special local needs; such supplementary directions shall satisfy the requirements of 40 CFR 162.10(i) and 40 CFR 162.153(c) (1).

(3) Prior to issuing a registration, the designated State agency shall review and approve the labeling (including directions for use to meet special local needs) related thereto.

(h) *Coloration and packaging.* (1) Products registered by a State agency shall be subject to any standards which the Administrator may prescribe with respect to pesticide packaging pursuant to section 25(c) (3) of the Act.

(2) Products registered by a State agency shall be subject to any regulations which the Administrator may prescribe with respect to coloration and discoloration of pesticides pursuant to section 25(c) (4) of the Act, including the regulations set forth at 40 CFR 162.13.

#### § 162.156 EPA Review of State registrations.

(a) *Notification.* (1) Within 10 days after issuing a registration, or an amendment thereto, the designated State agency shall send EPA written notification of such registration or amendment on a form supplied by EPA, accompanied by a copy of the approved labeling. Upon request, such State agency shall furnish EPA data in support of a registration or amendment.

(2) Within 30 days after issuing a registration or an amendment thereto, the designated State agency shall send EPA a copy of the final printed labeling.

(b) *Disapproval.* (1) A State registration shall be disapproved if:

(i) The registration is not for a special local need; or

(ii) The registration is not a type of registration that the State agency is certified to issue; or

(iii) The State agency did not follow the registration procedure set forth in the approved State plan; or

(iv) The State agency fails to furnish requested data in support of the registration; or

(v) Supporting data do not substantiate the State agency's indicated reasons for issuing the registration; or

(vi) The State-registered product or use will cause unreasonable adverse effects on the environment; or

(vii) The composition of the State-registered product is such as not to warrant the claims made for it; or

(viii) The registration has been revoked by the State; or

(ix) The registration is otherwise contrary to the Act or this Subpart.

(2) A disapproval may be rescinded if the State agency demonstrates that the cause of such disapproval has been corrected.

(c) *Effective date of disapproval.* State registration shall be deemed registration pursuant to Section 3 of the Act as of the effective date of such registration. The Administrator may disapprove a State registration and shall do so within 90 days of its effective date and, in the event of such disapproval, shall notify the State agency and the registrant of such action. Taking into account the reasons for such disapproval, the Administrator shall specify the termination date of a disapproved State registration and, if appropriate, provide for disposition of existing stocks of the product in question.

(d) *Federal Register notice.* Upon receipt of notice from a State of a registration involving a changed use pattern, EPA shall publish a notice in the Federal Register describing the registration in general terms, and inviting public comment thereon.

(e) *Effect of disapproval.* (1) A disapproval by the Administrator shall not be considered a refusal to register within the meaning of section 3(c) (6) of the Act and shall not be subject to the remedies prescribed therein.

(2) A disapproval by the Administrator shall not be considered a suspension or cancellation within the meaning of the Act and shall not be subject to the hearings and appeals provisions of Section 6 of the Act.

#### § 162.157 State revocation of registration.

(a) *Consultation and notification.* Wherever practicable, a State agency shall consult with EPA prior to revoking a State registration. In all cases, the State agency shall send EPA written notification of a revocation within 10 days after the effective date of such revocation. Such notification shall include a brief explanation of the reasons for revocation.

(b) *Effect of revocation.* A State agency's revocation of a State registration may result in cancellation under section 6 of the Act.

#### § 162.158 Certification procedures.

(a) *State requests.* A State may request certification at any time by having the Governor submit a State plan in writing to the Administrator. A copy should be provided to the appropriate EPA Regional Administrator. Such a State plan shall include:

(1) Designation of the State agency which will be responsible for issuance of State registration to meet special local needs;

(2) A list of the types of registration actions for which certification is requested;

(3) An opinion of the State Attorney General or the legal counsel of the designated State agency that the State has

the requisite legal authorities outlined in § 162.154(b) (4), accompanied by copies of the applicable State laws and regulations;

(4) A description of the registration procedures which will be followed by the designated State agency; and

(5) A description of the functions and qualifications of scientific and technical personnel employed or otherwise utilized by the designated State agency for the purpose of reviewing registration applications.

(b) *Amendments.* A State may request that its certification be amended by the Administrator at any time. If the State is requesting authorization to issue additional types of registration, the request shall be accompanied by an appropriate amendment to its State plan.

(c) *EPA Certification.* (1) After receiving a State request for certification, EPA will publish a Federal Register notice of the request and invite interested parties to submit comments.

(2) EPA will approve or deny a request as expeditiously as possible and will attempt to do so within 90-days after receiving all the information considered necessary for proper review of the request. Notice of approval or denial will be published in the Federal Register.

(3) Prior to denying, amending, or withdrawing certification, the Administrator will furnish the affected State agency written notification of his intention to take such action and a statement of his reasons. In such case, the affected State agency will be given an opportunity to comment on the proposed action.

[FR Doc. 75-23350 Filed 9-2-75; 8:45 am]

#### [40 CFR Part 172]

[FRL 394-5]

#### EXPERIMENTAL USE PERMITS Regulations for State Issuance

Notice is hereby given that, pursuant to the authority of section 5(f) and section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended by the Federal Environmental Pesticide Control Act of 1972 (Pub. L. 92-516, 86 Stat. 973), the Administrator of the Environmental Protection Agency (EPA) proposes to amend 40 CFR Part 172 by establishing a new Subpart B prescribing regulations applicable to State issuance of experimental use permits. The proposed regulations are set forth below. They are related to, and should be read in conjunction with, the proposed regulations applicable to State registration of pesticides to meet special local needs, 40 CFR 162 Subpart B, which also appear today at FR 40 FR 40538.

#### STATUTORY AUTHORITY

Section 5(a) of FIFRA, as amended, authorizes the Administrator to issue an experimental use permit if he determines that the applicant needs such a permit in order to accumulate information necessary to register a pesticide under section 3. Regulations applicable to

EPA issuance of such permits were published on April 30, 1975 (40 FR 18780).

Under section 5(f), the Administrator may, under such terms and conditions as

Accordingly, certain requirements of 40 CFR 172 Subpart A regarding standards and procedures have been included in these regulations either by incorporation

ated. The following discussion summarizes EPA's consideration of the inflationary impact of the proposed regulation and focuses on the reasons why

#### Subpart B—State Issuance of Experimental Use Permits

##### § 172.20 Scope.

accordance with the purposes of the Act and this Subpart.

(2) *Labeling.* (1) New products shall bear labeling satisfying the requirements

State agency shall notify EPA of such issuance by forwarding a copy of such permit and a description of the experimental program to be conducted under



EPA issuance of such permits were published on April 30, 1975 (40 FR 18780).

Under section 5(f), the Administrator may, under such terms and conditions as he may by regulation prescribe, authorize any State to issue an experimental use permit for a pesticide.

#### SUMMARY OF THE PROPOSED REGULATIONS

Under the FIFRA, as amended, experimental use permits may be issued for the purpose of allowing an applicant to accumulate the information necessary to register a pesticide. Under the regulations proposed below, State issuance of experimental use permits will be subject to the same constraints as State registration of pesticides to meet special local needs. A State will be permitted to issue permits only for the testing of pesticide products to allow for the accumulation of data necessary to support a registration which the State is certified to issue under section 24(c). Testing intended to provide data to support an application for a registration which a particular State is not certified to issue or to support an application which is intended to be submitted for federal registration may be conducted only under a federally issued experimental use permit. This limitation will not infringe upon any person's ability to obtain an experimental use permit. Where an experimental use permit cannot be issued by a State, the experimental program in question may qualify for a federal permit.

In general, a state agency that has been certified to issue special local needs registrations in one or more of the categories established by 40 CFR 162.53(b) should be capable of exercising authority for issuing experimental use permits for the development of data to support an application for registration in such category or categories. Accordingly, these regulations do not require significant augmentation of state programs, in terms of staffing or other resources, beyond what is required for authorization to register pesticides for special local needs pursuant to section 24(c) of the Act. Due to this fact, and the complementary nature of sections 5(f) and 24(c), States are encouraged to consolidate their requests in these two areas.

The regulations governing federal experimental use permits (40 CFR 172, Subpart A) define the circumstances when an experimental use permit will be required, and set out the standards and procedures which this Agency will follow in administering the federal experimental use permit program. That portion of 40 CFR 172, Subpart A which prescribes the circumstances when an experimental use permit will be required (40 CFR 172.3) is equally applicable to state experimental use permit programs pursuant to section 5(f) of the Act, and has been incorporated by reference in these regulations. Those parts of 40 CFR 172, Subpart A which set out standards and procedures for administering the federal program reflect the Agency's judgment as to the elements of an effective experimental use permit program.

#### PROPOSED RULES

Accordingly, certain requirements of 40 CFR 172 Subpart A regarding standards and procedures have been included in these regulations, either by incorporation by reference or otherwise. However, in some respects these regulations give the states discretion to develop procedures different from those which the Agency has prescribed for the federal experimental use permit program (e.g., application procedures). In requesting EPA authorization of a State program, a state should demonstrate that the procedures which it has developed in these areas are reasonable and will ensure that permits will be issued and used in a manner generally consistent with the federal experimental use permit program.

Under the proposed regulations States will be required to furnish EPA with notification of the issuance of experimental use permits. This notification will make EPA aware of the prospective introduction of new pesticide uses and enable the Agency to furnish the States with advice and information, when appropriate, regarding such new product uses. The regulations also provide for EPA review and revocation of permits issued by a State. While the Act does not expressly confer disapproval authority, section 5(f) does authorize the Administrator to subject state experimental permit programs to such "terms and conditions" as he may by regulation impose. Authority to review and revoke state permits is included in these regulations as such a term or condition, in order to provide the agency adequate authority to supervise state programs to ensure that the purposes and goals of the Act are adequately served. It should be emphasized however, that where compelling reasons appear to exist for revocation or modification of a State permit, the Agency will consult with the State, and suggest that it take appropriate action. EPA authority will be used as a last resort, where action is necessary to prevent unreasonable adverse effects on man or the environment. The regulations further provide for notice and the opportunity for the permittee to contest the revocation.

State plans requesting authorization to issue experimental use permits will be acted upon expeditiously. If the Administrator proposes to reject a State plan, notice and opportunity for a hearing will be given to the affected state as required by the Act (sections 4(b) and 5(f)). States which have been granted authority pursuant to this Subpart will be expected to administer their experimental use permit programs consistent with the requirements set out herein. If the Administrator determines that a State program is not in compliance he may revoke the authorization to issue experimental use permits. In such instances notice and an opportunity for a hearing will be given to the state, as required by the Act.

#### INFLATION IMPACT ANALYSIS

On November 27, 1974, the President issued Executive Order 11821 (39 FR 41501) which requires each Agency to certify that the inflationary impact of any major regulation has been evaluated. The following discussion summarizes EPA's consideration of the inflationary impact of the proposed regulation and focuses on the reasons why the Agency believes this proposed regulation does not constitute a "major action" within the meaning of Executive Order 11821 and OMB Circular No. A-107.

The requirement for an experimental use permit is established by FIFRA. Section 5(f) provides for State issuance of experimental use permits for the purpose of gathering data necessary to support a State registration under section 24(c). Potential registrants may also, of course, apply to EPA for an experimental permit under 40 CFR 172 Subpart A. The State experimental use permit program outlined in these proposed regulations and the Federal experimental use permit program are essentially similar; the economic impact of these programs on the manufacturers, producers and consumers will be slight. Since certification under section 24(c) is a prerequisite to authorization under section 5(f), State resources required to obtain section 5(f) authority will, for the most part, be already available. Furthermore, it is anticipated that relatively few States will submit a State Plan under section 5(f) for authorization to issue experimental use permits.

For these reasons, the Agency believes these proposed regulations do not constitute a major action within the intent of the Executive Order and OMB Circular A-107.

#### PUBLIC COMMENT

EPA invites all interested parties to submit comments on the proposed regulations for State issuance of experimental use permits. To receive full consideration, comments must be received on or before October 3, 1975. Comments should be filed in triplicate and addressed to Information Branch, Office of Pesticide Programs, Environmental Protection Agency, Room E-421, Washington, D.C. 20460. All written comments filed pursuant to this Notice will be available for public inspection at the Information Branch during regular business hours, 8 a.m. to 4:30 p.m. daily.

Dated: August 26, 1975.

RUSSELL E. TRAIN,  
Administrator.

40 CFR Part 172 is amended by establishing a new Subpart B, to read as follows:

#### Subpart B—State Issuance of Experimental Use Permits

Sec.	Scope.
172.20	Definitions.
172.21	General.
172.22	State issuance of permits.
172.23	Administration of state program.
172.24	EPA review.
172.25	Authorization.
172.26	State plans.

Authority: Secs. 5(f) and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 997).

#### Subpart B—State Issuance of Experimental Use Permits

##### § 172.20 Scope.

This Subpart sets forth regulations governing State issuance of experimental use permits to allow persons to gather data necessary to register pesticides with the State in order to meet special local needs. It also sets forth regulations governing authorization of State experimental use permit programs by the Administrator.

##### § 172.21 Definitions.

Terms used in this Subpart shall have the meanings set forth in the Act and in 40 CFR 172.1 and 40 CFR 162.152.

##### § 172.22 General.

(a) The scope of the requirement for an experimental use permit (within the meaning of "pesticide" as defined in the Act) is set forth in 40 CFR 172.3, which is hereby incorporated by reference in this Subpart.

(b) Pesticide products under experimental use permits may not be sold or distributed other than through participants and, if sold or distributed through participants, may be used only at an application site of a cooperator and in accordance with the terms and conditions of the experimental use permit.

(c) Establishments in which pesticide products under State experimental use permits are produced shall be registered in accordance with regulations under Section 7 of the Act and shall maintain books and records in accordance with regulations under Section 8 of the Act.

##### § 172.23 State issuance of permits.

(a) General: Upon approval of the State plan by the Administrator, the designated State agency may issue, amend, renew, deny or revoke experimental use permits subject to such terms and conditions as may be provided in the authorization.

(b) A designated State agency shall not issue any experimental use permit:

(1) For any pesticide product or use for which the State is not certified to issue a special local need registration pursuant to Section 24(c) of the Act (40 CFR 162 Subpart B).

(2) For any pesticide product or use for which State registration is prohibited under 40 CFR 162.153(c) (2) (i)-(iv); or

(3) For use of a pesticide product in an amount or an application to an area in excess of that necessary to gather data in support of an application for State registration.

##### § 172.24 Administration of state programs.

(a) State experimental use permit programs shall be generally consistent with the federal experimental use permit program, as set forth in 40 CFR 172, Subpart A.

(b) Procedures leading to issuance: (1) An application for an experimental use permit shall be made in writing, and shall contain sufficient information to enable the State to determine whether use pursuant to the permit would be in

#### PROPOSED RULES

accordance with the purposes of the Act and this Subpart.

(2) Labeling: (1) New products shall bear labeling satisfying the requirements of 40 CFR 172.6(a). The designated State agency may approve the use of the experimental program as directions for use, if such program is to be distributed with the product.

(i) The designated State agency may permit an EPA or state registered pesticide to be used under an experimental use permit to gather data necessary to support a registration for a modified or additional use with supplemental labeling as approved by it. In exercising this discretion, the designated State agency shall ensure that the supplemental labeling and the registered label together satisfy the requirements of 40 CFR 172.6(a).

(3) Duration: State experimental use permits shall be issued for a specified period of time (normally one year), depending upon the nature of the pest problem and the requirements of the testing program submitted. The designated State agency should require the applicant to propose a suitable duration of the permit commensurate with the program submitted. The designated State agency may renew, extend or amend a permit, if circumstances warrant.

(4) Limitations: The designated State agency shall impose such limitations in the permit as are necessary to protect health and the environment, including limitations on quality, sites, areas, and other parameters of pesticide use.

(c) Program surveillance and reporting of data: (1) The permittee shall supervise the test program and evaluate the results of testing at each site of application. The designated State agency shall require the permittee to report to it immediately any adverse effects from use of, or exposure to, the pesticide.

(2) Reports: (1) During the course of the program, the designated State agency shall require the permittee to submit such reports (both special and periodic) as are necessary to effectively supervise the progress of the program to prevent unreasonable adverse effects on man or the environment. The designated State agency shall also require the permittee to submit a final report at the conclusion of the program.

(ii) Where applicable, reports shall be made to the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, as required by 40 CFR 172.8 (c).

(3) Inspection: The designated State agency shall require the permittee or participants in the experimental use program to allow any authorized representative of the designated State agency, upon presentation of official identification, to enter at any reasonable time, any premises involved in the testing program to inspect and to determine whether there has been compliance with the terms and conditions of the permit.

##### § 172.25 EPA review.

(a) Notification of state action. (1) Within 10 days after the issuance of an experimental use permit, the designated

State agency shall notify EPA of such issuance by forwarding a copy of such permit and a description of the experimental program to be conducted under the terms of the permit.

(2) Within 10 days after amendment or revocation of an experimental use permit by a State, the designated State agency shall notify EPA in writing of such amendment or revocation. Such notice shall include a brief explanation of the reasons for the amendment or revocation. Where amendments to permits include changes in the approved labeling, the designated State agency shall also forward a copy of the amended labeling.

(3) EPA shall give notice in the FEDERAL REGISTER of State issuance of experimental use permits, or amendments thereto.

(b) Reports. The designated State agency shall submit such reports to EPA in such form and containing such information as EPA may from time to time require.

(c) Revocation by EPA. (1) The Administrator may revoke an experimental use permit issued under this Subpart if he finds:

(i) Its terms and conditions are being violated;

(ii) Its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment;

(iii) New evidence which demonstrates that any tolerance will be inadequate to protect the public health, or that any exemption from the requirement for a tolerance is no longer appropriate; or

(iv) A failure to meet any other provision of the Act or this Subpart.

(2) Prior to revoking a state experimental use permit, the Administrator shall consult with the State which issued the permit.

(3) The Administrator shall notify the permittee in writing of such revocation.

(4) The permittee shall notify all participants of such revocation as soon as possible after he receives notice of revocation.

(5) The revocation of a permit shall not preclude the Administrator from initiating civil or criminal sanctions for the violations of the permit conditions or otherwise as authorized by law.

(6) Hearings: (1) If an experimental use permittee wishes to contest the revocation of any such permit, he shall, within 20 days after receipt of notice of such revocation, file with the Administrator a written request for an opportunity to confer with the Administrator (or his designee).

(ii) Within 20 days after such conference, the permittee shall be notified of the Administrator's final decision.

##### § 172.26 Authorization.

(a) A State may, by submitting a State Plan, request the Administrator to authorize the designated State agency to issue experimental use permits to allow persons to gather the data necessary to support the State registrations of pesticides to meet special local needs.

(b) The Administrator may grant such authorization if the State Plan establishes that the designated State agency:

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(1) Has been certified to issue registrations of pesticides to meet special local needs within the requirements of 40 CFR 162 Subpart B;

(2) Has adequate legal authority, including authority:

(i) To issue experimental use permits, subject to limitations necessary for the protection on public health and the environment;

(ii) To supervise the use pursuant to an experimental use permit, as provided in § 172.24(c);

(iii) To deny an experimental use permit if it determines that a permit is not justified, or that the issuance of the permit would cause unreasonable adverse effects on the environment;

(iv) To amend or revoke an experimental use permit if it finds:

(A) Its terms and conditions are being violated;

(B) Its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment;

(C) Any required tolerance has been revoked by EPA, or any exemption from the requirement for a tolerance has been withdrawn by EPA; or

(D) A failure to meet any other provision of the Act or this Subpart.

(v) To comply in all other respects with the requirements of this Subpart; and

(3) Utilizes procedures for the review of permit applications, and for the supervision of use pursuant to a permit program that are adequate to assure that the State program will be administered in accordance with the purposes of the Act or this Subpart.

(c) Revocation: The Administrator may at any time revoke the authorization of a State to issue experimental use permits if he determines that the designated State agency has not complied with the requirements of this Subpart or with the terms and conditions of such authorization.

#### § 172.27 State plans.

(a) A State may request authorization to issue experimental use permits at the time it requests certification under section 24(c) or at any time thereafter. States shall request authorization by having the Governor submit a State plan in writing to the Administrator. A copy should be provided to the appropriate EPA Regional Administrator.

(b) None of the information provided in support of a request for EPA certification to issue special local need registrations need be duplicated in the State plan for the purpose of requesting authorization to issue experimental use permits.

(c) A State Plan shall include: (1) Designation of the State agency responsible for the administration of the State experimental use permit program;

(2) An opinion of the State Attorney General or the legal counsel of the designated State agency that the State has the requisite legal authorities as set forth in Section 172.26(b) (2) of this Subpart, accompanied by copies of the applicable State laws and regulations;

(3) A description of procedures the designated State agency will follow:

(i) To review experimental use permit applications, to ensure that experimental use permits will be issued in accordance with the terms and conditions of the authorization, the Act, and this Subpart, and

(ii) To supervise use pursuant to the permits, to ensure that permits are used in accordance with their terms and conditions, the Act, and this Subpart.

(d) After receiving a State plan, EPA shall publish a FEDERAL REGISTER notice thereof and invite interested parties to comment thereon.

(e) EPA shall approve or reject the State plan as expeditiously as possible and shall attempt to do so within 90 days after receipt of all information considered necessary for proper review of the State plan.

(f) Notices of approval, intention to reject, rejection, intention to revoke, and revocation shall be published in the FEDERAL REGISTER.

(g) Prior to rejecting or revoking authorization, the Administrator shall notify the State in writing of his intention to take such action and shall afford the State the opportunity for a hearing as provided in section 4(b) of the Act.

[FR Doc. 75-23349 Filed 9-2-75; 8:45 am]

### FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 337]

#### APPROVAL AND RECORD KEEPING REQUIREMENTS PERTAINING TO INSIDER TRANSACTIONS

##### Notice of Proposed Rule Making

1. Notice is hereby given that the Board of Directors (the "Board") of the Federal Deposit Insurance Corporation ("Corporation"), pursuant to the authority in sections 7(a), 8(a), 8(b), 8(c), 9 Tenth, 1820(b) and 1820(c) is considering the addition of a new § 337.3 to Part 337 of Title 12 of the Code of Federal Regulations. The purpose of the proposed regulation is to curb abuses arising out of the dealings of insiders with insured nonmember banks through the establishment of procedures which will insure that bank boards of directors supervise such transactions effectively and which will better enable Corporation examiners to identify and analyze such transactions.

The experience of the Corporation indicates that many banks have suffered significant loan losses, loss of revenue, excessive costs, and other substantial economic detriment as a result of ill-considered transactions with insiders. The need for more vigorous supervision of such transactions by boards of directors and bank supervisory agencies is indicated by the fact that abusive self-dealing has been the primary cause or a significant contributing cause in more than half of all bank failures since 1960, including the failure of 29 nonmember insured banks. The most dramatic example of the consequences of abusive self-deal-

ing is the 1973 failure of United States National Bank, San Diego, California, for which the Corporation has already had to establish a reserve of \$150 million for losses to the deposit insurance fund. Review of existing and past "problem" bank cases reveals a similar predominance of insider overreaching as a source of serious difficulty. Moreover, an insider transaction that is not effected on an "arm's length" basis may lead to a diminution of earnings and an erosion of capital, even where the immediate result is not the bank's failure or its designation as a "problem" institution. It follows, therefore, that insider transactions whose terms and conditions cannot be justified under all the circumstances surrounding the transaction, increase the risk of loss to depositors and ultimately to the deposit insurance fund. In addition, such transactions represent a diversion to insiders of resources that properly belong to all shareholders on a pro rata basis.

The proposed regulation would seek to minimize the risk of such abuse in insured nonmember banks by requiring meaningful board of directors review of significant insider transactions and by requiring the maintenance of certain records designed to facilitate internal control and examiner analysis of these transactions. In addition, the proposed regulation lists some of the factors which the Corporation would consider in determining whether an insider transaction or group of insider transactions indicates the presence of an "unsafe or unsound" banking practice and what kind of corrective supervisory action is warranted.

Although the Corporation has determined that insider transactions require special supervision by bank boards of directors and close scrutiny by the Corporation's examiners, this determination does not mean that all transactions with insiders or their interests are detrimental to the bank in question, or that they should be discouraged. Rather, the focus of the proposed regulation is the establishment of internal bank procedures which will minimize the potential for abuse that inheres in the context of insider transactions. At the same time, the Corporation has sought to avoid unrealistic prohibitions or unduly burdensome requirements.

The regulation would apply to all insured State nonmember banks. It defines an "insider" as any director, officer or employee in a position to influence a bank's management or policies; or any other person who has direct or indirect control over the voting rights of more than five percent of the shares of any class of voting stock of a bank. An insider transaction is considered to be any business transaction between an insured State nonmember bank or a subsidiary of such a bank and an insider, certain close relatives of the insider, a related corporation, or interests of the insider. An insider transaction would also encompass any transaction between the bank and a non-insider where the trans-

action is made in contemplation of the person becoming an insider or where the transaction ultimately inures to the benefit of an insider, or persons related to an insider. Certain routine transactions are expressly excluded from the coverage of the proposed regulation, and public comment is invited particularly with respect to other transactions which might also appropriately be excluded.

Under the proposed regulation, the board of directors of each insured State nonmember bank would be required to review and approve each insider transaction involving assets or services having a fair market value greater than a specified amount which varies with the size of the bank. Although not specifically required by the proposed regulation, prior review and approval is desirable and should occur except under circumstances which render such review and approval clearly impractical. Where prior review and approval by the board of directors is clearly impractical, subsequent action should occur as soon as possible.

The inclusion of a schedule of minimum dollar amounts that will trigger the approval requirement is based upon a determination that effective board of directors review is possible only if the number of transactions subject to review is limited. Accordingly, the Corporation proposes to require approval only for those insider transactions which, alone or taken in the aggregate, are deemed significant relative to the size of the bank. This determination also reflects the fact that the impact of a transaction of a given size will vary depending, among other things, on the size of the bank. However, the inclusion of such a schedule is not intended to suggest that insider overreaching involving a transaction smaller than the minimum amount will not be the subject of examiner comment or corrective action on the part of the Corporation.

For the purpose of applying the review and approval requirement schedule, the proposed regulation provides for the aggregation of insider transactions. Aggregation would operate in one of two ways, depending upon the nature of the insider transaction. First, any insider transaction which is a loan or other extension of credit would be aggregated with the outstanding balances of all other loans or extensions of credit involving the same insider.<sup>1</sup> Second, any insider transaction which is not a loan or other extension of credit would be aggregated with all similar transactions involving the same insider which have occurred during the twelve months preceding such transaction. Accordingly, when the amount of such transactions, aggregated according to the appropriate method, reaches the

<sup>1</sup> For the purposes of the proposed regulation, an insider transaction "involves" a given insider if the transaction in question is between the bank and (a) such insider; (b) a person related to such insider; (c) such insider prior to his or her becoming an insider but made in contemplation of that event; and (d) any other person where the transaction inures to the benefit of such insider or a person related to such insider.

prescribed minimum amount in the schedule, board of directors review and approval would be required. The purpose of this provision is to avoid circumvention of the proposed review and approval process by effecting a series of transactions none of which involves an amount greater than the scheduled minimum but which, in the aggregate, are significant.

In order to facilitate examiner review of insider transactions and to foster effective internal controls over such transactions by the bank itself, the proposed regulation would impose two record keeping requirements. First, the minutes of the meeting where approval of an insider transaction or group of insider transactions is given would be required to reflect the nature of the transaction, the parties to the transaction, that such review was undertaken and approval given, the names of individual directors who voted to approve or disapprove the transaction, and, in the case of negative votes, an optional statement by each dissenting director of his or her reasons for voting to disapprove the proposed insider transaction. Second, the proposed regulation would require each bank to maintain a separate file on all insider transactions involving the same insider for which review and approval is required under paragraph (b). Such files would contain all documents and other material relied upon by the board in approving each transaction, including the name of the insider, the insider's position or relationship that causes such person to be considered an insider, the date on which the transaction was approved by the board, the type of insider transaction and the relevant terms of the transaction, any other pertinent facts which serve to explain or support the basis for the board's decision, and any statements filed by directors who voted not to approve the transaction setting forth their reasons for such vote.

In order to facilitate compliance with its approval and review requirements, the proposed regulation would require an insider having knowledge of a proposed insider transaction with which he or she is involved to give timely notice of such transaction to the bank's board of directors. Also, when the bank itself becomes aware of the existence of a completed insider transaction which has not been reviewed and approved in compliance with the regulation, the bank would be required to report such transaction promptly to the FDIC Regional Director with jurisdiction over the bank.

Finally, the proposed regulation makes clear that formal compliance with its review and approval requirements neither relieves the bank of its obligation to conduct its operations in a safe and sound manner nor prevents the Corporation from taking whatever supervisory action it deems necessary and appropriate with respect to any insider transaction or group of insider transactions, including the institution of formal proceedings under section 8 of the Federal Deposit Insurance Act. In addition, the proposed regulation sets forth the factors which will be considered by the Corporation's

Board of Directors in determining whether such transaction or transactions indicate the presence of unsafe or unsound banking practices. These factors include: whether, because of preferential terms and conditions, such insider transactions are likely to result in significant loan losses, excessive costs, or other significant economic detriment which would not occur in a comparable arm's length transaction with a person of comparable creditworthiness or otherwise similarly situated; whether transactions with an insider and all persons related to that insider are excessive in amount, either in relation to the bank's capital and reserves or in relation to the total of all transactions of the same type; and whether from the nature and extent of the bank's insider transactions it appears that certain insiders are abusing their positions with the bank.

2. The proposed new § 337.3 reads as follows:

#### § 337.3 Insider transactions.

(a) *Definitions.* (1) *Bank.* The term "bank" means an insured State nonmember bank and any subsidiary controlled by such bank.

(2) *Person.* The term "person" means a corporation, partnership, association, or other business entity; any trust; or any natural person.

(3) *Control.* The term "control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(4) *Insider.* The term "insider" means any officer or employee in a position to influence management or policies, any director, or any other person who has direct or indirect control over the voting rights of more than five percent of the shares of any class of voting stock of a bank.

(5) *Persons related to an insider.* The term "person related to an insider" means any person controlling, controlled by or under common control with an insider, and, in the case of a natural person:

- (i) An insider's spouse;
- (ii) An insider's parent or stepparent, child or stepchild, or sibling; and
- (iii) Any other relative who lives in an insider's home.

(6) *Insider transaction.* The term "insider transaction" means any business transaction or series of related business transactions between a bank and:

- (i) An insider of the bank;
- (ii) A person related to an insider of the bank;
- (iii) Any other person where the transaction is made in contemplation of such person becoming an insider of the bank; or
- (iv) Any other person where the transaction inures to the benefit of an insider or a person related to an insider.

(7) *Business transaction.* The term "business transaction" includes, but is



not limited to, the following types of transactions:

- (i) Loans or other extensions of credit;
- (ii) Purchases of assets or services from the bank;
- (iii) Sales of assets or services to the bank;
- (iv) Use of the bank's facilities, its real or personal property, or its personnel;
- (v) Trust activities;
- (vi) Leases of property to or from the bank; and
- (vii) Payment by the bank of commissions and fees, including brokerage commissions and consultant, architectural and legal fees.

For the purpose of this regulation, the term does not include routine deposit account activities, safekeeping transactions, credit card transactions, or transactions which involve the purchase from or sale to an insider and all persons related to that insider of property used in the normal conduct of the bank's business where the aggregate fair market value of all such property purchased or sold in any 12-month period does not exceed \$1,000.

(b) *Approval and Disclosure of Insider Transactions.* An insider transaction, either alone or when aggregated in accordance with the provisions of paragraph (c) of this section, involving assets or services having a fair market value amounting to more than:

- (1) \$10,000 if the bank has less than \$25,000,000 in total assets;
- (2) \$20,000 if the bank has at least \$25,000,000 and not more than \$100,000,000 in total assets;
- (3) \$50,000 if the bank has more than \$100,000,000 and not more than \$500,000,000 in total assets; or
- (4) \$100,000 if the bank has more than \$500,000,000 in total assets

must be specifically reviewed and approved by the bank's board of directors.<sup>1</sup> The minutes of the meeting where approval is given must indicate the nature of the transaction, the parties to that transaction, that such review was undertaken and approval given, and the names of individual directors who voted to approve or disapprove the transaction. In the case of negative votes, a brief statement of each dissenting director's reason for voting to disapprove the proposed insider transaction must be included in the minutes if its inclusion is requested by the dissenting director.

<sup>1</sup> Where a transaction is part of a series of related transactions with the same insider or persons related to such insider, such as draw-downs under a line of credit, approval of each transaction will not be necessary so long as the bank's board of directors approves the entire series of such transactions, and so long as the minutes of the meeting where approval is given clearly show that the board approved the specific terms and conditions under which each transaction would take place and that approval was granted only upon the condition that the entire series of transactions would be subject to appropriate restrictions, including limitations as to time and aggregate amount.

(c) *Aggregation of insider transactions.* For the purposes of paragraph (b) of this section, insider transactions will be aggregated with other insider transactions which involve the same insider in the following manner:

(1) *Loans or other extensions of credit.* Any loan or other extension of credit will be aggregated with the outstanding balances of all other loans or extensions of credit which involve the same insider.

(2) *Other insider transaction.* Any insider transaction which is not a loan or extension of credit will be aggregated with all other such insider transactions which involve the same insider and have occurred during the twelve months preceding such transaction.

(d) *Bank files maintained for insider transactions.* Each bank shall maintain a separate file on all insider transactions involving the same insider for which review and approval is required under paragraph (b) of this section. Such files shall contain all documents and other material relied upon by the board in approving each transaction, including the name of the insider, the insider's position or relationship that causes such person to be considered an insider, the date on which the transaction was approved by the board, the type of insider transaction and the relevant terms of the transaction, any other pertinent facts which serve to explain or support the basis for the board's decision, and any statements submitted for the file by directors who voted not to approve the transaction setting forth their reasons for such vote.

(e) *Discovery of insider relationship.* When a bank becomes aware of the existence of an insider relationship after entering into a transaction for which approval would have been required under paragraph (b) of this section, the bank shall promptly report such transaction to the Regional Director of the Corporation in charge of the Region in which the bank is headquartered.

(f) *Knowledge of proposed insider transactions.* Any insider, having knowledge of a proposed insider transaction between the bank and:

- (1) Such insider;
- (2) A person related to such insider; or
- (3) Any other person where the transaction inures to the benefit of such insider or a person related to an insider,

shall give timely notice of such transaction to the bank's board of directors. (g) *Supervisory action in regard to certain insider transactions.* Notwithstanding compliance with the review and approval requirements of paragraph (b) of this section, the Corporation will take appropriate supervisory action against the bank, its officers or its directors when the Corporation determines that an insider transaction, alone or when aggregated with other insider transactions, is indicative of unsafe or unsound practices. Such supervisory action may involve institution of formal proceedings under section 8 of the Federal Deposit Insurance Act. Among the factors which the Corporation will consider in deter-

mining the presence of unsafe or unsound banking practices involving insider transactions are:

(1) Whether, because of preferential terms and conditions, such insider transactions are likely to result in significant loan losses, excessive costs, or other significant economic detriment which would not occur in a comparable arm's length transaction with a person of comparable creditworthiness or otherwise similarly situated;

(2) Whether transactions with an insider and all persons related to that insider are excessive in amount, either in relation to the bank's capital and reserves or in relation to the total of all transactions of the same type; and

(3) Whether, from the nature and extent of the bank's insider transactions, it appears that certain insiders are abusing their positions with the bank.

3. This notice is published in accordance with the provisions of 5 U.S.C. section 553(b) and 12 CFR §§ 302.1, 302.2 and 302.3 regarding notice and public participation.

4. All interested persons are invited to submit comments in writing on or before October 31, 1975 to Alan Miller, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. The Corporation is particularly interested in public comment on the practicality of the proposed requirements and whether or not they meet the need for more effective supervision of this type of transaction. All written comments will be made available for public inspection during regular business hours at the Office of the Executive Secretary, Room 6108, at the above address.

By Order of the Board of Directors,  
August 28, 1975.

[SEAL]

ALAN R. MILLER,  
Executive Secretary.

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## SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release Nos. 33-5608, 34-11608, 35-19137]

### REPLACEMENT COST DATA

#### Proposal To Require Disclosure

In January 1974 in Accounting Series Release No. 151 (39 FR 2085), the Commission called attention to the problems caused by inflation in the interpretation and use of financial statements prepared on the basis of the historical monetary cost data currently required by generally accepted accounting principles. At that time the Commission urged supplemental disclosure of data showing the magnitude of "inventory profits" which it defined in the release as the difference between the historical cost of goods sold and the current replacement cost of such goods at the time of sale. The Commission has observed very little response to this specific suggestion in communications between registrants and investors, nor has it seen any significant

evidence of systematic attempts to quantify the effect of changing current costs on the economics of a registrant's business, despite the fact that prices and the rate of inflation increased substantially in 1974.

While the current general rate of inflation has been reduced from 1974 levels, it still persists at a rate substantially above historical norms for the United States. In addition, the general rate of inflation does not reflect the impact of price changes on a particular company. The impact of such price changes may be substantially greater or less than that indicated by an average or general rate of inflation encompassing all price changes in an economy since it is characteristic of an inflationary economy that specific price relationships realign rapidly and unevenly relative to the general rate of inflation.

In the light of the current rate of inflation and price changes, therefore, the Commission has concluded that it is necessary to propose amendments to its Regulation S-X (17 CFR Part 210) which would require registrants to disclose in the footnotes to financial statements the current cost at the end of the reporting period of replacing inventories and productive capacity as well as the cost of sales and depreciation, depletion, or amortization expense computed on the basis of replacement cost during the reporting period. The Commission believes that these data will make it possible for investors to obtain a better understanding of the current costs of operating the business which cannot be obtained from historical cost financial statements taken alone and that such an understanding is necessary in order to make informed investment decisions.

Under current conditions, the Commission is not prepared to conclude that the basic accounting model needs to be changed to reflect replacement cost or other current value data in lieu of historical cost data in the financial statements. In addition, it notes that this is one of the matters being investigated by the Financial Accounting Standards Board in connection with the Board's inquiry into the conceptual framework for financial statements. The Commission believes that such a fundamental change in the basic accounting model should only be made, if at all, after such a study. At the same time, it believes that the absence of any current cost or value information is a significant shortcoming for users of financial data about business activities, and it feels that these proposed requirements for supplemental information will materially assist financial statement users in the interim.

The Commission also notes that in Securities Act Release No. 5427 issued in 1973 (38 FR 28948) it proposed footnote disclosure of cost of sales on a replacement cost basis with the primary objective of obtaining some measure of comparability among companies using different historical cost methods of computing cost of sales. No final rules encompassing those proposals have yet been adopted. Although the principal

focus of the rules proposed herein is to provide current economic data, an additional benefit will be to provide information which will assist investors in comparing companies which use alternative methods for cost of sales and depreciation permitted under current generally accepted accounting principles.

While the Commission's objective in proposing these rules is to improve investment decision making, it believes the data will also be useful to managers for internal purposes and to macro-economic decision makers who have responsibility for determining economic policies which affect business activities.

In addition, the Commission has noted the development of proposals to permit business entities to calculate depreciation for tax purposes on the basis of current replacement cost.<sup>1</sup> Such an approach would reflect in the calculation of taxable income the current value of capital consumed. The development of regular replacement cost data on a systematic basis for reporting to investors will enable the makers of tax policy to determine explicitly the effect of present taxes on economic capital and to estimate the impact of alternatives. It would also assist corporations in creating a data base which may ultimately be used for tax reporting purposes.

Finally, analysis of the data provided in supplemental footnote disclosure and the experience gained by registrants in preparing the data should assist the Financial Accounting Standards Board in making determinations concerning changes in the framework for financial reporting.

In proposing these rules, the Commission is fully aware that there will be many problems of implementation and that the cost of developing the required information may be significant. Guidelines for implementation of the rules proposed herewith accompany the proposal. The Commission welcomes comments on these guidelines as well as on the rules, and it urges registrants to use the relatively long comment period to experiment in the application of the rules and guidelines to their particular circumstances and to report the results of these experiments to the Commission. The Commission is particularly interested in receiving information about specific problems in implementing the proposals, receiving suggestions about the least costly means of developing the required data, and obtaining specific data with respect to the cost of implementation supported by exhibits showing how such costs were estimated.

The Commission wishes to emphasize that it recognizes that the data proposed to be required herein will require the use of a substantial number of estimates and judgments in its preparation. The objectivity which exists when data are developed by accumulating the results of

<sup>1</sup> See, for example, the report of the Committee of Inquiry into Inflation and Taxation, chaired by Professor Russell Mathew and appointed by the Prime Minister of Australia in 1974.

many specific transactions will not exist in this case. Data preparers will generally have to make use of estimating and sampling techniques in developing specific indices (or making use of specific indices now available) that cover certain specific types of goods and services, judge the appropriateness of grouping certain assets together for revaluation, determine the frequency with which indices should be updated, and the like. Due to the lack of definitive standards at this time, the resulting computations will inevitably result in greater subjectivity than is the case with traditional accounting information. The Commission believes that, as experience is gained, greater objectivity can be achieved and more specific computational guidelines can be developed. However, it also believes that the resulting data at present will be sufficiently specific and of great utility to investors and that it is not appropriate to wait for great computational refinement before presenting such information to financial statement users.

In this connection, comments are specifically solicited concerning whether the note containing these data should be labelled "unaudited," at least initially. Such an approach may communicate to investors the lack of objective standards and precision inherent in the data. It may also reduce the cost of presenting the data by reducing the procedures which would have to be followed by independent public accountants if the footnote data were not so labelled. On the other hand, it may reduce the reliability of the information in an area where the accountant's judgment may be particularly needed.

The Commission also specifically solicits comments on the desirability of initially requiring these data only from those companies which exceed a particular size criterion as well as comments on what appropriate size criterion might be used. The proposed requirement might apply, for example, only to companies whose total sales or total assets exceed \$50 million. In this fashion, large companies with more sophisticated accounting systems and more extensive stockholder groups would initially present these data, and the rule could be extended to smaller registrants after more experience is gained in its implementation.

*Commission action.* The Commission hereby proposes to amend Part 210 (Regulation S-X) of 17 CFR Chapter II by adding to § 210.3-16 paragraph (w) as given below.

§ 210.3-16 General notes to financial statements. (See Release No. AS-1.)

(w) *Current replacement cost information.* (1) The current replacement cost of inventories at each fiscal year end for which a balance sheet is presented shall be stated. If current replacement cost exceeds net realizable value at that date, that fact shall be stated and the amount of the excess disclosed.

(2) For the two most recent fiscal years, state the approximate amount

which cost of sales would have been if it had been calculated by estimating the current replacement cost of goods and

cation of replacement cost concepts as used herein and as an aid to judgments required during implementation of such

amortized and are carried on the financial statements at the lower of cost or net realizable value. In cases where net

transaction basis. In practice specific indices are frequently applied to various asset groupings during the accounting period such that replacement cost and

cordingly, it is believed that in the usual case such assets are most appropriately valued on a historical cost basis.

Certain regulated companies have

homogeneous cost characteristics; and in establishing the frequency (and method, if internally derived) of updating indices. The establishment of indices ordinarily will require the use of statis-



## PROPOSED RULES

which cost of sales would have been if it had been calculated by estimating the current replacement cost of goods and services sold at the times when the sales were made.

(3) State the estimated current cost of replacing the productive capacity together with the current net replacement cost represented by the depreciable, depletable and amortizable assets on hand at the end of each fiscal year for which a balance sheet is presented.

(4) For the two most recent fiscal years, state the approximate amount of depreciation, depletion and amortization which would have been accrued if it were estimated on the basis of average current replacement cost of productive capacity. For purposes of this calculation, economic lives or salvage values currently used in calculating historical cost depreciation, depletion or amortization shall generally be used. For assets being depreciated, depleted or amortized on a time expired basis, the straight-line method shall be used in making this calculation. For assets depreciated, depleted or amortized on any other basis (such as use), that basis shall be used for this calculation.

(5) Describe the methods used in determining the amounts disclosed in paragraphs (w) (1) through (4) of this section. Describe what consideration, if any, was given in determining the answers to paragraphs (w) (1) and (2) of this section to the related effects on direct labor costs, repairs and maintenance, utility and other indirect costs as a result of the assumed replacement of productive capacity. Where the economic lives or salvage values currently used in historical cost financial statements are not used in paragraph (w) (4) of this section above, an explanation of other bases used and the reasons therefor shall be disclosed. If depreciation, depletion or amortization expense is a component of inventory costs or cost of sales, indicate that fact and cross-reference the answer for this paragraph in paragraph (w) (2) of this section in order to avoid potential duplication in the use of these data.

(6) Furnish any additional information—such as the historical customary relationships between cost changes and changes in selling prices, the difficulty and related costs (including financing) which might be experienced in replacing productive capacity—necessary to prevent the above information from giving misleading implications.

#### GUIDELINES FOR THE IMPLEMENTATION OF PROPOSED RULE 3-16(W)

**Introduction.** Although it is relatively easy to set forth the broad concepts underlying the determination of replacement cost computation for inventories, cost of sales, depreciable, depletable and amortizable assets, and depreciation, depletion and amortization expense, it is recognized that no simple rules can be devised that would cover the application of such concepts in all situations which may arise. Accordingly, the following guidelines are offered as further clarification.

cation of replacement cost concepts as used herein and as an aid to judgments required during implementation of such concepts. These guidelines are not intended to be either rigorous or exhaustive.

**General guidelines.** There appear to be various points of view concerning how the effects of inflation on a business entity should be measured. Some suggest that the best approach is to adjust all data prepared on a historical monetary unit basis by some index reflecting the composite effect of price changes throughout the economy so as to reflect historical costs on the basis of purchasing power units. Others believe that the impact of inflation on a particular entity cannot be determined without considering the specific price changes experienced by that entity in an inflationary economic environment which is typically characterized by wide dispersion in price movements. There are also those who believe that both effects should be considered by analyzing changes in specific prices affecting the firm in terms of the proportion which results from general changes in purchasing power and the proportion which results from other factors.

In proposing limited supplemental disclosure of replacement costs, the Commission is requiring the presentation of data which reflect the impact of specific price changes on the firm. In so doing, the Commission is not reaching the conclusion that data reflecting historical costs on the basis of general purchasing power units would not be useful, nor is it suggesting that these data would not be valuable in analyzing specific price changes. At the present time, however, the Commission is not proposing to require the presentation of data on a general purchasing power basis.

The basic objective of the Commission in proposing to require replacement cost data is to give investors information about the current economics of business operations rather than the value of business assets. The disclosures proposed do not represent a current value approach, although presumably assets measured by current cost will more closely approximate current value than will historical cost data. Accordingly, the proposal does not require disclosures related to assets other than inventories and certain depreciable, depletable or amortizable assets which represent the operating assets of a business. It does not propose supplemental disclosures in regard to monetary assets or liabilities, investments held for monetary gain rather than operating use, or goodwill. Similarly, if assets not essential to operations (e.g., an abandoned plant or excess land) are included in fixed assets, such assets, if significant, should be set forth separately on the balance sheet and no supplemental replacement cost data need be reported in accordance with the proposed rules. Such nonessential assets have also been characterized as severable assets which may be disposed of without impairing the firm's operating objectives and commitments. Such assets are generally not depreciated, depleted or

amortized and are carried on the financial statements at the lower of cost or net realizable value. In cases where net realizable value is materially above cost and the intention to dispose of the assets exists, additional disclosure of the net realizable value would ordinarily be desirable.

In addition, the release does not propose to require revised financial statements even on a supplemental basis, nor does it require the specific disclosure of the effect on net income of applying replacement cost methods. Accordingly, although "holding gains and losses" are implicit in asset balances computed on a replacement cost basis, this release does not attempt to deal with the issue of whether or not such amounts should be recognized in the statement of operations. It is noted that the issue of what constitutes appropriate treatment of gains and losses currently is a cause for great debate, which is part of the study of the conceptual framework for financial statements now being undertaken by the Financial Accounting Standards Board. The disclosure of selected asset balances and expense items indicating the impact of price changes on these elements of the entity will serve as highly useful information until these issues are resolved and more comprehensive reporting procedures are developed.

**The definition of replacement cost.** For purposes of this release, replacement cost is the lowest amount that would have to be paid in the normal course of business to obtain an asset of equivalent operating or productive capability. In the case of depreciable, depletable or amortizable assets, gross and net replacement cost should be distinguished. Gross replacement cost is the total estimated current cost of replacing total productive capacity at the end of the year while net replacement cost is the gross replacement cost adjusted for the already expired service potential of such assets. Similarly, reproduction cost, which is the cost to replace an existing asset in identical form but at current price levels, should be distinguished. Frequently replacement cost and reproduction cost are considered interchangeable. When there is no change in technology (affecting the output of the asset) or materials (affecting the input costs of the asset), both methods should provide the same results. When such changes have occurred, however, replacement cost is a more accurate representation of asset value since it gives recognition to both functional and technological obsolescence. This distinction will be discussed further below.

One of the objectives inherent in the replacement cost approach is to measure the cost of maintaining the operating capability or productive capacity of the entity. Accordingly, it is the current cost associated with retaining the existing potential of the entity for providing goods and/or services. The concept does not necessarily imply that assets used up in operations will be or would have to be replaced with other identical assets. In theory, replacement cost is applied on an item-for-item, transaction-by-

transaction basis. In practice specific indices are frequently applied to various asset groupings during the accounting period such that replacement cost and specific price level indexing methods become variants of one another. At present there is no generally available set of indices which appear useful to all entities or various operating segments of the entity. In determining replacement costs, the use of available public indices (e.g., wholesale price indices) is encouraged whenever possible since it will simplify implementation and will enhance the objectivity of the information. Data preparers will have to exercise judgment in determining whether such indices are an appropriate measure of the impact of price changes on the entity. In other cases data preparers will have to generate indices internally and will have to exercise judgment in grouping assets appropriately; in determining whether price changes for one, a few, or all assets in the group will be used to update the indices; and in deciding how frequently indices will have to be updated. A brief description of the assumptions and methods used is required under the proposed rule.

Replacement cost methods require the use of a number of estimates. Although in many cases these estimates may be statistically derived and thus objectively verifiable to some degree within the entity, the current lack of detailed standards will call for considerable judgment by data preparers. Until more experience is gained more detailed standards are not warranted and flexibility in dealing with implementation problems is encouraged along with a general description of the method used. Accordingly, it is recognized that the lack of detailed objective standards from outside the firm will frequently mean that replacement cost data will not be fully comparable between firms. Nevertheless, it is expected that replacement cost data will enhance comparability when compared with the variations that exist in current generally accepted accounting principles for inventories and depreciation which vary widely and lack detailed objective criteria for application. Although flexibility is encouraged, criteria adopted by the entity should be consistently applied. Any subsequent change in criteria should be disclosed when the impact of such a change is significant. In this way users of the information will be able to more accurately appraise the major impacts of price changes on the operations of a particular entity over time.

Occasionally entities engage in projects with relatively fixed terms. Examples of such projects are long-term construction contracts or contract research and development programs. Frequently assets associated with such projects have no utility apart from that project and are thus related to only the one particular production cycle contemplated under the particular project. Where this is the case the going concern or continuity of operations assumption implicit in the replacement cost method is not applicable. Ac-

## PROPOSED RULES

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cordingly, it is believed that in the usual case such assets are most appropriately valued on a historical cost basis.

Certain regulated companies have argued that any change in accounting valuation methods is inappropriate to such companies since their rate base is determined on some other basis. However, information about the impact of price changes on such companies should be provided since it appears relevant in appraising the rate-making process and in assessing the results and future prospects of such companies.

In the case of entities whose operations are denominated in foreign currencies, replacement cost calculations should be made on the basis of current costs in those currencies. In translating those data for purposes of the disclosures required under this rule, the exchange rate at the balance sheet date should be used for asset balances while the rates during the period should be used for computing expenses recognized during that period.

Some specific problems which may be encountered in the application of replacement cost concepts to the four specific disclosures proposed to be required by this release are discussed below.

**Inventory.** The amount shown for inventories in the footnote disclosure proposed to be required by this release is the replacement cost determined at each date for which a balance sheet is presented. Such data will not be changed in subsequent periods. For example, replacement cost of year-end 1974 inventory will be based on 1974 year-end prices and not revised in the following year when the statements are presented again on a comparative basis.

For purchased inventories, replacement cost should be based on current buying prices having regard to normal order quantities and supply conditions. When it is difficult or impractical to determine current buying prices on an item-by-item basis, it is frequently possible to approximate replacement costs through the application of specific price indices to the original or previously adjusted costs. Similar calculations are currently made in computing dollar-value LIFO inventory adjustments. For work in process and finished goods inventories, reference may be made to current reproduction costs for the particular inventories. This usually requires the maintenance of some form of a standard cost system. Standard costs realistically set and regularly updated to reflect current input costs, rates and operating conditions ordinarily constitute a reasonable approximation of replacement costs. This procedure will typically require a revaluation of depreciable, depletable or amortizable assets on a replacement cost basis. Standard cost systems based on the historical cost of productive facilities will generally not provide the appropriate data without adjustment.

As previously noted, considerable judgment will be needed in selecting and/or developing appropriate indices; in placing some, all, or none of the assets to be indexed into groups with relatively

homogeneous cost characteristics; and in establishing the frequency (and method, if internally derived) of updating indices. The establishment of indices ordinarily will require the use of statistical techniques. During the period, indices for raw materials can be revised regularly (usually monthly or quarterly depending on the volatility of price changes) based on a sample of major input categories. For work in process and finished goods it is possible to regularly update standard cost formulae for a single product which is representative of a large product group and, in this manner, index the standard cost formulae of the entire product group. Periodic testing of the estimates and assumptions used in such approaches will facilitate increased accuracy in the selection and development of indices. Such approaches have been used in practice and it appears that the key to the development of increasingly useful information to management and shareholders is the refinement of indices through experience over time.

Obsolete or discontinued inventory items should be set forth separately and not included in replacement cost calculations. These items are not part of the continued production process and thus are not essential to the continuing of business operations.

If a company has as part of its continuing production process long-term supply contracts at a fixed price or at a price which accretes at a rate substantially below market price, the actual price paid under the contracts should be used in determining replacement costs. Where the amounts of inputs acquired under the contracts are a substantial part of the production process, the nature and term of such contracts should be disclosed.

Where the firm's current buying price at the end of the period is based upon a supply contract of short duration and does not reflect year-end market prices, estimated current market price rather than the firm's current contract buying price should be used.

**Cost of sales.** The amount shown for cost of sales should be based on current replacement costs determined during the course of the reporting period. Frequently such costs will constitute estimated average replacement costs based on indices and/or standard cost formulae used during the period. Accordingly, the same methods described in the Inventory Guidelines will be used to compute cost of sales. It should be noted, however, that more accurate estimates will typically be achieved by more frequent updating of indices and standard costs being applied.

In developing estimation techniques, the objective should be to determine the cost of replacing goods at the time sales were made. This will result in an investor being able to see the relationship between sales and cost of sales on a current basis. Computing cost of goods sold on the basis of end-of-period replacement cost of all goods sold during the period will not meet the objectives of this disclosure since it would not provide information about the

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relationships between sales during the reporting period and cost of sales at the

equivalent function (e.g., buildings may be classified by type and valued by a

expected to demonstrate to the staff of the Commission that such values are

The straight-line method is specified to achieve comparability. In so specifying

Section 6(c) provides that the Commission by rule, regulation or order may

Proposed Rule 22d-4. Purposes. Section 22(d) of the Act prohibits a registra-



relationships between sales during the reporting period and cost of sales at the time when such sales were made and thus would not indicate the impact of price changes on operations during the period. To the extent that the relationships which exist on a replacement cost basis during the period are not indicative of the relationships existing at the end of the period or which are anticipated, such facts should be disclosed.

To the extent that cost of sales in the historical financial statements includes costs of individual projects of a unique sort which do not require the acquisition of goods and services which are regularly used in the registrant's production process, such as is the case in many research projects and in some construction projects accounted for on a percentage of completion basis, the historical cost of these projects should be used. If, however, such projects require the use of standard inputs acquired during the course of the project, current input cost data should be developed even if the end products produced are unique or unusual in nature.

**Depreciable, depletable or amortizable assets.** The amount shown for depreciable, depletable or amortizable assets at the end of the period should be based on replacement costs determined at that time. Such data should not be changed in subsequent periods when the statements are presented again on a comparative basis.

Ordinarily the current gross replacement cost along with current net replacement cost (as earlier defined) should be disclosed. Whenever such assets are revalued on the basis of their current replacement cost, it will be necessary to make an adjustment to accumulated depreciation in order to properly reflect service potential used up in prior periods expressed in terms of replacement cost at the current balance sheet date. For purposes of the disclosure required in this release this catch-up adjustment should not be included in revalued expense items called for by this release.

Certain intangible assets such as licenses, franchises and the like generally should be valued at replacement cost if they are of an essential nature to business operations. For other intangibles having unique characteristics (such as patents, trademarks and the like) historical cost may be used. Goodwill would not be included in the revaluation process due to lack of any objective criteria for evaluating it on an ongoing basis.

Other useful distinctions may be drawn. For example, specific assets may be distinguished by whether they are general purpose (e.g., standard machine tools) or special purpose (e.g., custom tools or processes). Replacement costs for general purpose tools may be determined directly (item-for-item at current replacement costs) or by reference to specific indices for an equivalent asset or group of equivalent assets. Special purpose and highly unique assets may be valued on the basis of estimated reproduction costs for the specific asset or on the basis of estimated unit costs to replace the asset with one that has an

equivalent function (e.g., buildings may be classified by type and valued by a standard unit cost per square foot to replace that type of building).

Wherever possible, management should attempt to value specific assets. However, when various assets are used in an integrated or interdependent manner, it may be necessary to consider them as one item to determine their replacement cost. In such instances it is frequently possible to view such assets as an inseparable group and to value the group on the basis of the total number of units of output which can be produced by that group times the current per-unit replacement cost for the most efficient substitute available for producing such units. Such valuation may have to be adjusted for such factors as the physical size of the substitute or the utility of the increased output. It is recognized that a recurring problem will be determining what constitutes a most efficient substitute.

Related to that problem is the difficulty of valuing an asset on the basis of equivalent operating or productive capability. The necessity for determining an equivalent function arises because of technological innovations that make the most efficient replacement asset one that has similar output but different rates or quality of output, or because of the lack of availability of a strictly equivalent asset. There is no ready solution to these problems and the simplest answer is that considerable judgment may be required to determine equivalent functionality. One approach that has been used is to establish a basis of equivalent outputs.

For example, the current replacement cost of a particular asset owned by the entity would be half the price of the nearest equivalent asset that would be purchased as a replacement in the ordinary course of business and that has double the capacity. In other instances, management may have to look at the overall utility of a particular asset to the entity. For example, even if automobiles have been substantially technologically improved, the relevant factor may be that the entity needs one unit of transportation. In such a case no consideration should be given to technological improvements in the replacement automobile.

For purposes of this release, land is generally excluded from replacement cost considerations since in the ordinary case land is either not used up in the productive process or it is held as an investment and is not essential to continued operations. However, it should be noted that in some circumstances current values for land held by the entity may be of substantial importance in appraising the investment value of that entity. Although this situation is not directly contemplated by this release, entities are encouraged to disclose estimated current values for such land where such values vary significantly from historical cost, as well as the basis or method used for establishing the current value of such land. Entities supplying such information will ordinarily be

expected to demonstrate to the staff of the Commission that such values are reasonably derived.

A special problem in applying the replacement cost concept occurs when attempting to value natural resource reserves. It is not meaningful to measure the cost of reproducing the specific mines or wells which comprise the depletable assets of a natural resource company. In this case, therefore, it will normally be necessary to estimate the cost of purchasing the existing mineral reserves owned by the company. Frequently it is possible to make such an estimate on the basis of the value of comparable reserves available in the market place with adjustments as deemed appropriate. Professional engineers are known to make such determinations. However, where in the judgment of management such values are not an appropriate reflection of current values or such values cannot be reasonably obtained, current values determined on some other basis may be used in addition to or in lieu of replacement cost methods. Where this is the case, disclosure of the methods used along with the reasons for using them and an explanation of the meaning of the resulting valuation will be required. Once again, entities supplying such information will ordinarily be expected to demonstrate to the staff of the Commission that such values are reasonably derived.

Financing leases as defined by Accounting Series Release No. 147 [38 FR 29215] should be treated as capitalized for purposes of revealing assets in accordance with this release.

As previously discussed, assets held as part of a particular project which is expected to have a relatively fixed and non-recurring production cycle should normally be valued on the basis of historical cost.

**Depreciation, depletion and amortization amounts.** The disclosure of the supplemental footnote data in regard to depreciation, depletion and amortization expense should be based on the estimated current replacement costs during the period. For assets used throughout the period, the replacement cost data may be based on the average of replacement cost at the beginning and the end of the period. Approximations may be used for assets acquired during the period.

In calculating the expense amount, a straight-line method should be used, generally based on the same useful life and proportionate salvage value as that used for historical cost statements. In circumstances where assets are valued on the basis of the replacement cost of the most efficient substitute and where the useful life or proportionate salvage value of such a substitute varies significantly from the useful life or proportionate salvage value being used in historical cost statements for the asset being valued, it may be necessary to adjust such lives or salvage values to appropriately reflect the cost of replacing such an asset. The nature and reason for such an adjustment should be disclosed where its overall impact would be significant.

The straight-line method is specified to achieve comparability. In so specifying, it is recognized that any basis of measuring depreciation, depletion or amortization of a cost base is essentially a system of allocation rather than valuation. The assumptions used here provide for a systematic and rational basis for making such allocations.

**Comment period and proposed effective date.** Because of the significance of this proposal, comments will be received until January 31, 1976.

The proposal supersedes amendments to 17 CFR 210.5-02-6 originally made in Securities Act Release No. 5427 [38 FR 28948] (October 4, 1973; Securities Exchange Act Release No. 10420, Public Utility Holding Company Act Release No. 18110, Investment Company Act Release No. 8023) to the extent that such proposals have not been adopted to date.

The foregoing are proposed to be adopted pursuant to Sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78i, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; and Sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79l] of the Public Utility Holding Company Act of 1935.

All interested persons are invited to submit written comments on the proposals on or before January 31, 1976. The communications should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and should be referenced to File No. S7-579. All comments will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 21, 1975.

[FR Doc. 75-23299 Filed 8-2-75; 8:45 a.m.]

#### [17 CFR Parts 230, 270]

[Release Nos. 33-5807, IC-8894, File No. S7-578]

#### SALES LOAD VARIATIONS DURING PERIODIC "OPEN SEASONS"

##### Proposed Permission

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule 22d-4 [17 CFR 270.22d-4] under section 22(d) of the Investment Company Act of 1940 (the "Act") [15 U.S.C. 80a-22(d)] to exempt from section 22(d), subject to certain conditions, sales of redeemable securities issued by a registered investment company to persons who are shareholders of the company or of a company whose shares are underwritten by the same underwriter. Rule 22d-4 would be adopted by the Commission pursuant to the authority granted the Commission by sections 6(c), 38(a), and 22(d) of the Act [15 U.S.C. 80a-6(c), 80a-37(a), 80-22(d)] and sections 2(10) (b) and 19(a) of the Securities Act of 1933 [15 U.S.C. 77b (10) (b), 77s(a) 1].

Section 6(c) provides that the Commission by rule, regulation or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of powers conferred on it in the Act.

Section 2(10) of the Securities Act of 1933, which defines "prospectus", excepts certain notices containing limited information from that definition and authorizes the Commission to permit such other information in such excepted notices by rules or regulations deemed necessary or appropriate in the public interest and for the protection of investors. Section 19(a) of that Act gives the Commission authority, among other things, to make such rules and regulations as may be necessary to carry out the provisions of that Act.

**Background.** Pursuant to a request of Congress, the Commission staff conducted a study of the possible consequences of the repeal of section 22(d).<sup>1</sup> On November 4, 1974, the Commission announced it had determined not to recommend repeal.<sup>2</sup> Instead, it set forth a comprehensive program to revise the laws and regulations affecting the distribution of open-end investment companies.<sup>3</sup> The Commission's program was based on a study, "Mutual Fund Distribution and section 22(d) of the Investment Company Act of 1940" (the "Report"), prepared by its Division of Investment Management Regulation. This is the sixth in a series of releases designed to implement that program.<sup>4</sup>

<sup>1</sup> Report of the Staff of the Securities and Exchange Commission on the Potential Economic Impact of a Repeal of Section 22(d) of the Investment Company Act of 1940 (Nov. 1972).

<sup>2</sup> Letter transmitting "Report on Mutual Fund Distribution and Section 22(d) of the Investment Company Act of 1940" to U.S. Senate Committee on Banking, Housing and Urban Affairs. See also, Investment Company Act Rel. No. 8570, (Nov. 4, 1974).

<sup>3</sup> Letter of transmittal, *supra*.

<sup>4</sup> Investment Company Act Rel. No. 8568 (Securities Act Rel. No. 5536) (Nov. 4, 1974) [39 FR 39868], announced the adoption of an amendment to Rule 134 relating to investment company advertising. Investment Company Act Rel. No. 8571 (Securities Act Rel. No. 5537) (Nov. 4, 1974) [39 FR 40789], announced proposed revisions of the Statement of Policy. Investment Company Act Rel. No. 8569 (Nov. 4, 1974) [39 FR 40381], announced the adoption of an amendment to Rule 22d-1 to permit quantity discounts and other reductions in, or eliminations of, the sales load for certain group purchases of investment company securities. The fourth release, Investment Company Act Rel. No. 8878 (August 7, 1975) [40 FR 33970] provides certain exemptions from Section 22(d) for variable annuity contracts. Further amendment of Rule 134 was effectuated pursuant to Investment Company Act Rel. No. 8824 (Securities Act Rel. No. 5591) (June 16, 1975) [40 FR 27442].

**Proposed Rule 22d-4. Purposes.** Section 22(d) of the Act prohibits a registered investment company, its principal underwriter, or a dealer from selling any redeemable security issued by such registered investment company to any person except at a public offering price described in the prospectus.<sup>5</sup>

Proposed Rule 22d-4 would provide an exemption from section 22(d) for an investment company issuing redeemable securities and for its underwriter and dealers to permit offers of shares to shareholders of the company, or of companies whose shares are underwritten by the same underwriter, at a reduced or no sales load, described in the prospectus, at the same time that shares were being offered at full sales loads to new investors.

The proposed rule allows companies and underwriters, at their option, to reduce or eliminate sales loads charged on fund shares to certain fund shareholders. Offers may be made under the rule by a company to its shareholders and shareholders of other companies in the same mutual fund complex. One of the purposes of the proposed rule would be to allow mutual funds and their underwriters to permit, where they deem it desirable, repeat investors of load mutual funds to share in the distribution economies that may accompany additional sales to fund shareholders.

**Flexibility in Marketing.** The rule has been drafted to give broad flexibility to funds and their principal underwriters in designing marketing strategies for selling to existing shareholders. The Report had suggested that such a rule contain certain features such as a required one year holding period, a limit on the availability of an open season offer, and a limit on the amount of shares which could be purchased to an amount already owned. It also suggested that periodic payment contractual plans be excluded from the rules' coverage at least until completion of the plan.<sup>6</sup> Rather than prescribe all such limitations, the Commission prefers to publish the proposed rule in a form which would leave to the funds and their underwriters the opportunity to proscribe whatever limitations they deem appropriate.

For example, as proposed, the rule could permit them to hold more than one open season during a year. The duration

<sup>5</sup> The Commission has previously adopted two rules to codify certain administrative interpretations of Section 22(d) and certain orders for exemption from the restrictions or variations in the sales load on redeemable securities. Rule 22d-1 was adopted in 1958. Investment Company Act Rel. No. 2796 (Dec. 2, 1958) [23 FR 9601]. Paragraph (h) was subsequently amended by Investment Company Act Rel. No. 6347 (Feb. 8, 1971) [36 FR 2965]. Rule 22d-1 was further amended by Investment Company Act Rel. No. 8569 (Nov. 4, 1974) [39 FR 40281]. Rule 22d-2 was adopted in 1974. In addition, as indicated in footnote 2, page 3, *supra*, Rule 22d-3, adopted in 1975, provides certain exemptions for variable annuity contracts. Investment Company Act Rel. No. 8878 (August 7, 1975) [40 FR 33970].

<sup>6</sup> Report at 13, 93-97.



of the open season could be 30 days or whatever period in excess of 30 days they deem to be desirable. It could even be continuous. No limitations on the amount of shares that might be purchased would be required in the rule. Setting any such limitations would also be left to funds and their principal underwriters. If they wish, they could make an unlimited offer, or they could limit the offer to an amount equal to the number or value of shares of funds in the complex already owned by existing shareholders or some lesser amount.

The Commission specifically requests comments on the need for and desirability of including any such limitations in the rule.

The proposed rule also would preserve the flexibility of funds and their underwriters to reward dealers for services rendered to fund shareholders. For example, if a fund and its underwriter decided to offer shares under such a rule at a reduced load, they would be free to pass on all or a portion of that load to dealers who render continuing service to shareholders who purchase under the rule.

**Notice to Shareholders.** The proposed rule would require that offers be preceded by notice to shareholders. Included in the information to be furnished to shareholders would be an explanation of how to calculate any maximum amount of shares that may be purchased pursuant to the offer. The notice would not need to be accompanied by a prospectus if it satisfied the requirements of Rule 134 under the Securities Act of 1933. To avoid any question of whether the notice would be covered by that rule, a specific provision would be added to Rule 134 permitting written notices of the terms of an offer which meets the requirements of Rule 22d-4.<sup>7</sup>

**Commission action:** (1) It is proposed to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations by adding a new § 270.22d-4.

**§ 270.22d-4 Exemption from section 22(d) with respect to certain investments by open-end investment company shareholders.**

A registered investment company which is the issuer of redeemable securities (the "company"), a principal underwriter, or a dealer therein may offer shares of the company to shareholders of the company or shareholders of companies whose shares are underwritten by the same underwriter ("offeree shareholders") at a reduced price described in the prospectus of the company reflecting reduction or elimination of the regular sales loads charged by the company, provided that:

<sup>7</sup> On November 4, 1974, and June 16, 1975, the Commission amended Rule 134 to expand the scope of material permitted in Rule 134 Communications. Investment Company Act Rel. No. 8568 (Securities Act Rel. No. 5536) (Nov. 4, 1974) [39 FR 39868], and Investment Company Act Rel. No. 8825 (Securities Act Rel. No. 5591) (June 16, 1975) [40 FR 27442]. Companies using Rule 134 must, however, comply with the legend and other requirements of Rule 134 as amended.

(a) At least thirty days before the offer becomes effective, offeree shareholders are furnished with a written notice of the terms of an offer made under the rule which is dated and includes information concerning the:

- (1) Duration of the offer;
- (2) Sales load, if any, charged on purchases;
- (3) Method of calculating any maximum amount of shares that may be purchased by an offeree shareholder pursuant to the offer; and
- (4) Procedures to be followed in ordering shares pursuant to the offer; and
- (b) Offeree shareholders have owned shares for at least six months and any such offer remains in effect for at least 30 days.

**NOTE.**—A notice containing statements limited to the information set forth in paragraph (a) of this rule and otherwise complying with Rule 134 under the Securities Act of 1933 need not be accompanied by a prospectus.

(2) It is proposed to amend paragraph (a) (3) (iii) of § 230.134 of Chapter II of Title 17 of the Code of Federal Regulations as follows (bracketed portions denote optional material).

§ 230.134 Communications not deemed a prospectus.

- (a) . . . . .
- (3) . . . . .

(iii) In the case of an investment company registered under the Investment Company Act of 1940, the company's classification and subclassification under the Act, whether it is a balanced, specialized, bond, preferred stock or common stock fund and whether in the selection of investments emphasis is placed upon income or growth characteristics, and a general description of an investment company including its general attributes, methods of operation and services offered provided that such description is not inconsistent with the operation of the particular investment company for which more specific information is being given, identification of the company's investment adviser, any logo, corporate symbol or trademark of the company or its investment adviser and any graphic design or device or any attention-getting headline, not involving performance figures, designed to direct the reader's attention to textual material included in the communication pursuant to other provisions of this Section; and with respect to an investment company issuing redeemable securities whose registration statement under this Act is effective, (A) a description of such company's investment objectives and policies, services, and method of operation; (B) identification of the company's principal officers;

(C) the year of incorporation or organization or period of existence of the company, its investment adviser, or both; (D) the company's aggregate net asset value as of the most recent practicable date; (E) the aggregate net asset value as of the most recent practicable date of all registered investment companies under the management of the company's investment adviser; (F) any pictorial

illustration which is appropriate for inclusion in the company's prospectus and not involving performance figures; (G) descriptive material relating to economic conditions, or to retirement plans or other goals to which an investment in the company could be directed, but not directly or indirectly relating to past performance or implying achievement of investment objectives; and (H) a written notice of the terms of an offer which meets the requirements of Rule 22d-4 under the Investment Company Act of 1940 (17 CFR 270.22d-4) Provided that, (1) if any printed material permitted by clauses (A) through (H) of this paragraph is included, such communication shall also contain the following legend set in a size type at least as large as, and of a style different from, but at least as prominent as, that used in the major portion of the advertisement:

For more complete information about (Name of Company) including charges and expenses [get] [obtain] [send for] a prospectus [from (Name and Address)] [by sending this coupon]. Read it carefully before you invest or [pay] [forward funds] [send money].

or, (2) if any material permitted by clauses (A) through (G) of this paragraph is used in a radio or television advertisement, such communication shall also contain the following legend given emphasis equal to that used in the major portion of the advertisement:

For more complete information about (Name of Company) including charges and expenses [get] [obtain] [send for] a prospectus [from (Name and Address)]. Read it carefully before you invest or [pay] [forward funds] [send money].

For purposes of clause (B) of this paragraph (a) (3) (iii), "principal officers" means the president, secretary, treasurer, any vice-president in charge of a principle business function and any other person who performs similar policy making functions for the company on a regular basis. In the case of two or more registered investment companies having the same investment adviser or principal underwriter, the same information described in this paragraph (a) (3) (iii) may be included as to each such company in a joint communication on the same basis. It is permitted in communications dealing with individual companies under this paragraph (a) (3) (iii).

All interested persons are invited to submit written statements of views and comments on the adoption of proposed Rule 22d-4 and the proposed amendment to Rule 134 in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549 on or before October 15, 1975. They should refer to File No. S7-578. All such communications will be available for public inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C.

By the Commission.  
[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 19, 1975.  
[FR Doc.75-23282 Filed 9-2-75;8:45 am]

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF STATE

[Public Notice 461: Delegation of Authority No. 107-3]

#### DEPUTY COORDINATOR, REFUGEE AND MIGRATION AFFAIRS

##### Delegation of Contract Authority

By virtue of the authority contained in Section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, and by virtue of the authority vested in me by Delegation of Authority No. 107-2 (Public Notice No. 454, 40 FR 27956, July 2, 1975), I hereby redelegate to the Deputy Coordinator, Refugee and Migration Affairs, the functions and authority vested in me with respect to negotiation, execution, amendment and termination of contracts.

This Delegation of Authority amends Delegation of Authority No. 107-2 of July 2, 1975 and is effective August 18, 1975.

[SEAL] J. M. WILSON, JR.,  
Coordinator for  
Humanitarian Affairs.

AUGUST 15, 1975.

[FR Doc.75-23221 Filed 9-2-75;8:45 am]

[Public Notice CM-5/88]

#### ADVISORY COMMITTEE OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

##### Meeting

The Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission will meet Thursday, September 18, 1975, in the auditorium of the Southwest Fisheries Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, California at 10 a.m. The agenda items are: 1975 fishing experience and outlook, 1976 preliminary fishery outlook, domestic and international fleet development, recent significant developments in countries fishing in the eastern tropical Pacific, review of efforts to internationalize the tuna/porpoise problem, and options for Paris and longer range positions.

The meeting will be open to the public, and those attending may participate in the discussion subject to instructions of the Chairman.

Dated: August 25, 1975.

LEO N. SCHOWENGERDT,  
Acting Deputy Assistant Secretary.  
[FR Doc.75-23219 Filed 9-2-75;8:45 am]

[Public Notice CM-5/88]

#### STUDY GROUP 2 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

##### Meeting

The Department of State announces that Study Group 2 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on September 24, 1975, at 9:30 a.m. in Room 521J, Federal Office Building 10B, 7th and Independence Avenue, SW., Washington, D.C.

Study Group 2 deals with matters relating to the communications for scientific satellites, space probes, spacecraft, exploration satellites (e.g., meteorological and geodetic), and to interference problems concerning the radioastronomy and radar astronomy services. The purpose of the meeting will be a final review of work programs in preparation for the international meeting of Study Group 2, Geneva, March 1976.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: August 25, 1975.

GORDON L. HUFFCUTT,  
Chairman,  
U.S. CCIR National Committee.

[FR Doc.75-23220 Filed 9-2-75;8:45 am]

### DEPARTMENT OF DEFENSE

#### Department of the Air Force

#### ADVISORY COMMITTEE ON THE AIR FORCE HISTORICAL PROGRAM

##### Meeting

The Advisory Committee on the Air Force Historical Program will meet at the James Forrestal Building, Washington, D.C. on September 18-19, 1975.

The purpose of the meeting is to examine the mission, scope, progress, and productivity of the Air Force Historical Program and make recommendations thereon for the consideration of the Secretary of the Air Force.

The meeting will be open for public attendance, and will begin at 10 a.m. on both dates, in Room 8E-069, James Forrestal Building. Among the topics on the tentative agenda during the meeting are: Air Force Historical Progress and Problems, Contract Histories, Organizational Changes, Personnel Plans, and Current Status of Historical Projects.

If additional information is desired, contact HQ USAF (AF/CHO), Washington, D.C. 20314, telephone 693-73944.

JAMES J. SHEPARD,  
Col, USAF,  
Director of Administration.

[FR Doc.75-23206 Filed 9-2-75;8:45 am]

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[Wyoming 49454]

#### WYOMING

##### Application

August 25, 1975.

Notice is hereby given that pursuant to section 23 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied to amend right-of-way grant W-49454 to construct a natural gas pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T 16 N., R 93 W.,  
Sec. 10, S $\frac{1}{2}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and W $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 23, NE $\frac{1}{4}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 24, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The pipeline will be a part of the Barrel Springs Gathering System in Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 83201.

PHILIP C. HAMILTON,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.75-23211 Filed 9-2-75;8:45 am]

#### National Park Service

#### DIRECTIVE FOR THE PLANNING PROCESS OF THE NATIONAL PARK SERVICE

The National Park Service hereby publishes, for purposes of obtaining public comment, Directive 75-2, "The Planning Process of the National Park Service," dated August 1975. The directive will replace material in Part IV, Section 6 of Service Activity Standards related to planning in existing units of the Na-



national Park System. The Director, National Park Service, will approve the directive upon completion of public review and comment and appropriate action thereto.

Interested persons are asked to provide their comments to the Director, National Park Service, Interior Department, 18th and C Street, N.W., Washington, DC 20240, within forty-five (45) days after publication of this notice.

Dated: August 29, 1975.

GARY EVERHARDT,  
Director,  
National Park Service.

THE PLANNING PROCESS OF THE NATIONAL  
PARK SERVICE UNITED STATES DEPARTMENT  
OF THE INTERIOR, AUGUST 1975

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#### INTRODUCTION

Planning is a process of imagining and evaluating possible futures. The steps involved in this process—the identification of problems and definition of goals, the gathering of information about resources, the design of strategies for solving problems and achieving goals, and the assessment of these strategies—are all directed toward one end: to provide a rational basis for determining the best future.

In the National Park Service, planning is conducted to determine the future of the nationally significant areas that have been set aside as units of the National Park Service. The purpose of this planning is to develop alternative strategies for achieving the stated management objectives of national parks, to assess these strategies, and to provide decisionmakers with sufficient data to allow selection and implementation of the most suitable and feasible strategy.

The National Park Service planning process has evolved throughout the years in response to the perceived needs of the times. However, in recent years rapidly changing conditions have prompted thorough reexamination, and in some cases redesign, of this process. The following principles are today considered both relevant and requisite to conscientious planning:

Park Service planning must comply with the provisions of the National Environmental Policy Act of 1969 and other pertinent statutes, and it must reflect concern with the spirit as well as the letter of these laws.

The public must be encouraged, and given opportunities, to participate in the planning process. Further, a public record must be maintained to document this process.

The planning process must be flexible in order to adapt to changing management needs and budgetary and manpower limitations. A mechanism must be developed that will allow regular assessment of each park's planning needs. The planning process must also include a feedback system for self-correction, so that unrealistic objectives and strategies can be identified and culled, and more viable ones can be developed.

The long-standing policy of employing a multidisciplinary team to accomplish planning tasks must be reemphasized.

More emphasis must be placed on the gathering of sufficient information for thorough assessment of alternative strategies, for forecasting the consequences of these strategies, and for making final decisions.

The planning process involves six essential steps (the documents produced at the end of each step are shown in parentheses):

The development of management objectives designed to achieve a park's purpose (statement for management)

The identification of planning tasks required to achieve the objectives (outline of planning requirements)

The specification of a method for conducting the programmed planning tasks (task directive)

The collection of required information about the natural, cultural, and socioeconomic environment of the park (information base)

The development of alternative strategies for meeting the management objectives, and the analysis of their probable consequences (environmental assessment)

The selection of the most acceptable strategy, the amplification of the proposals included in this strategy, and the assessment of consequences as required (plan and, where necessary, environmental statement)

The following sections discuss the planning documents mentioned above, and indicate the tasks, procedures, and responsibilities involved in preparing these documents.

#### STATEMENT FOR MANAGEMENT PURPOSE AND CONTENTS

The first document to be prepared as part of the planning process is the statement for management. Each park must have an approved statement for management, which is subject to annual review and revision.

The statement for management can be used to guide short- and long-term management of the park and to determine the nature and extent of planning required to meet the park's management objectives. In the absence of more specific planning documents, the statement for management provides a general framework for directing park operations and communicating park objectives to the public.

The statement for management includes the following sections:

#### Purpose of the Park

Each park must be managed to preserve park resources and provide for environmentally compatible public use in accordance with existing National Park Service management policies and the park's purpose. The purpose is normally defined in, or deduced from, its enabling legislation or other legal documents providing for its establishment (reports from congressional hearings, memoranda of agreements, presidential proclamations, secretarial orders). In clarifying the purpose of the park, other generally applicable guidelines, such as those found in the Antiquities Act of 1906, the Act establishing the National Park Service (August 25, 1916), and the Historic Sites Act of 1935, may be utilized. The Park Purpose section should also identify all relevant legal documents, and copies of these documents should be appended to the statement for management.

Because many National Park Service areas were authorized decades ago when different environmental and social conditions existed, park purpose should be carefully reexamined during the preparation of statements for management for such areas. If necessary, corrective legislation to redefine park purpose should be proposed.

#### Significance of Park Resources

This section includes a concise description of the resources that prompted the park's inclusion in the National Park System.

#### Influences on Management

The section on inter- and extra-park influences begins with the identification of legislative and administrative constraints on management and use of the park. Relevant statements from the park's enabling legislation, from state and local ordinances, and from memoranda of agreement with federal, state, and local agencies or private interests are either quoted or paraphrased.

Second, regional influences are identified and described. These influences may include resources and their uses, environmental problems, and any organizations or activities outside the park's boundaries that affect and/or are affected by the park. Groups having particular interest in the park, planning commissions, transportation systems, research projects, and professional societies or organizations are examples of subjects to be discussed.

Third, a brief description of the events, trends, or processes within the park that influence and/or are influenced by day-to-day or long-term management is included. Unusual changes in visitor use patterns or concession operations, and deterioration of critical natural or cultural resources are examples of relevant topics.

#### Land Classification

This section defines existing management zones in the park, and briefly de-

scribes the management strategy for each zone (see section dealing with land classification in Chapter II of NPS Management Policies). If the park contains more than one management zone, a map is prepared on a topographic base to show the locations of the zones.

#### Management Objectives

The management objectives are the heart of the statement for management. All decisions concerning the management, use, and development of the park are directed toward achieving these objectives and fulfilling the park's purpose. The management objectives provide a framework for conserving park resources and for accommodating environmentally compatible public use in accordance with existing National Park Service management policies.

Essentially, the management objectives are a list of desired conditions. Because they spell out ends rather than means, they do not preclude alternative planning strategies. Rather, they provide a framework that enables planners and managers to work toward fulfilling the park purpose, while applying Park Service policy. In fact, in some cases, the management objectives may be park-specific restatements of more general Park Service management policies.

Management objectives are grouped into two broad categories:

#### Resource Preservation and Management

Objectives in this category concern natural and cultural resources such as wildlife, soils, vegetative communities, water, and historic and archeological structures and sites.

#### Visitor Use

Objectives for visitor use concern information, interpretation, activities, programs, services (including concessions where appropriate), and safety and protection requirements. These objectives should focus on the unique park values to be communicated to visitors, the kinds and levels of visitor activities and services, and the required regulation or control of uses.

#### PROCEDURES AND RESPONSIBILITIES

As stated, each park must have an approved statement for management. The regional director schedules the preparation of this document, providing assistance to the park as necessary. The superintendent is responsible for the actual preparation of the statement.

Prior to approval, the draft statement for management must be made available for public review and comment for a period of no less than 30 days. Following public review, and modification of the document as necessary, the draft statement is submitted to the Director for policy review. When cleared, it is transmitted for approval by the regional director.

The approved statement for management is subject to annual review, during which it is revised as necessary. Any revisions must be reviewed and approved,

following the same procedure as for the original statement.

Planning documents must reflect the purpose, objectives, constraints, and policies indicated in the statement for management. Thus, if conditions change or new information is brought to light during the planning process rendering the statement for management out-of-date, the statement must be revised, reviewed for compliance with existing policy, and approved.

An impact analysis is not prepared on the statement for management because the statement provides information and policy guidance only, and does not in itself authorize actions. Proposed actions are subject to impact analysis and public scrutiny during the planning process.

The approved statement for management is distributed by the superintendent to interested citizens, concessioners, and park employees. The public is notified of the statement's availability through local and regional news media.

The superintendent and regional director are authorized to continue or initiate only the following actions based on an approved statement for management:

*Management actions that cause no significant changes in the park environment and that reflect the approved management objectives.* Major actions affecting the capacity of an area for public use or resulting in irretrievable environmental impacts cannot be implemented without appropriate advance planning.

*Improvement or rehabilitation of existing facilities for maintenance or refurbishment purposes, or minor improvements to fulfill health and safety requirements.* Upgrading of visitor accommodations, construction of facilities to meet existing or projected public needs (such as parking lots and utilities), or other similar actions cannot be initiated.

*Resurfacing and normal maintenance of roads and trails.* Realignment, upgrading, or changing the status of roads and trails, except for emergency and safety purposes, is not authorized.

#### OUTLINE OF PLANNING REQUIREMENTS

##### PURPOSE AND CONTENT

The outline of planning requirements provides the rationale for planning, special studies, and planning-related research within the park, and defines the planning tasks required to achieve the management objectives. The OPR is developed by the park superintendent, who then meets with the regional director—and various professional personnel as appropriate—to discuss planning needs and establish planning priorities. The purpose of the meeting is to evaluate the needs defined in the OPR and to determine which, if any, require programmed planning. In cases where the park's needs can be met without programmed planning, professional consultation or other assistance may be recommended. The regional director reviews all OPR's for parks within the region, arranging their planning requirements in priority sequence, and then submits the OPR's and a proposed regional planning program to the

Washington office where national priorities are established.

The outline of planning requirements contains:

A statement of the problem or situation for which planning is required.

A list of the tasks and information needed during the next 5 years to resolve the problem or improve the situation.

Identification of who will be responsible for accomplishing the planning tasks.

Cost estimates for the tasks involved.

A list of all plans currently in effect.

#### PROCEDURES AND RESPONSIBILITIES

The draft OPR is prepared by the superintendent—with assistance from regional office staff—following approval of the statement for management by the regional director. After the draft OPR is developed, reviewed, and revised according to regional recommendations, it is reviewed by representatives of the regional office, Denver Service Center, and Harpers Ferry Center who are involved in preparing the development and professional-services program. The OPR, as modified during this meeting, is approved by the regional director and submitted to the Washington office along with the proposed regional planning program. The OPR is reviewed and revised annually according to the same procedure.

Each park must have a current OPR, even if it calls for no planning during the designated 5-year period. Following approval of the OPR by the regional director, a Development Package Proposal (NPS Form 10-238) is prepared for each approved planning task or package of tasks. All previously prepared Development Package Proposals related to planning that are not approved in the new OPR are immediately considered null and void, and are removed from the program files.

#### TASK DIRECTIVE

##### PURPOSE AND CONTENT

Once a planning task is approved and programmed, a task directive is required. The task directive (formerly the planning directive) defines the focus, magnitude, components, and schedule of the planning task to be accomplished, as well as the nature of the planning product. It is an agreement between the regional director and those who are to perform the task, and provides an understanding of what is required in terms of dollars, personnel commitments, steps to be taken, information to be gathered, presentations to be made, documents to be produced and copies required, and projected completion dates. The task directive indicates the procedures for complying with statutory requirements, as well as for public participation. Disciplines required to complete the task are identified, as are informational needs and the proposed means of securing data in a timely fashion.

#### PROCEDURES AND RESPONSIBILITIES

The task directive is prepared by the office that has been assigned the task, in



consultation with management and professional personnel as appropriate. Following concurrence between the superintendent and the responsible official of the assigned office, the task directive is transmitted to the regional director for approval. Any revisions to the directive must also be reviewed and approved.

#### INFORMATION BASE

Systematic park planning requires relevant information concerning:

The biological, physical, cultural, and socioeconomic environment of the park and its vicinity.

The capability of facilities in and near the park to support existing and projected uses.

Visitor characteristics and their influence on park use.

To allow systematic planning, an information base (formerly the resources basic inventory) is assembled prior to or coincident with the initiation of identified planning tasks. The information base is essential for estimating the capability of parklands to support use without unacceptable resource impairment or a significant decrease in the quality of the visitor experience. It provides the basis for land classification, for the identification, analysis, and comparison of alternative planning strategies, and for specific decisions on management, use, interpretation, and development of the park.

The kinds and amount of information required depend on the nature of the park's resources, the objectives of the planning effort, and the adequacy and relevance of the information already available to planners. Judgment must be exercised to ensure that the data gathered are pertinent to the planning task at hand and that funds and manpower are not expended unnecessarily in procuring, storing, and evaluating marginally related or excessively detailed information.

The OPR and the task directive indicate informational needs for a given planning task, and fix responsibility for securing the data. Information and data requirements identified during planning require revision of the task directive and approval of appropriate Development Package Proposals (NPS Form 10-238).

#### DEVELOPMENT, ANALYSIS, AND SELECTION OF ALTERNATIVE STRATEGIES

The development and analysis of alternative strategies is the basic activity of planning. By analyzing the strategies that they have developed, planners ensure that they have considered all the viable ways of achieving the management objectives and have identified both the beneficial and adverse consequences of implementing each strategy. The analysis facilitates objectivity in planning and decisionmaking, and may result in the identification of additional conditions or problems that require changes in the management objectives or planning tasks. Opportunities for public participation are made available while the analysis is in progress.

The analysis of alternative strategies may include some or all of the following activities, each of which is documented in appropriate files:

Analyzing management objectives to ensure that they are not outdated, and are valid objectives—not solutions or approaches. New objectives are formulated, evaluated, and approved, as necessary.

Developing alternative strategies for meeting the objectives.

Identifying and quantifying the effects of alternative strategies on natural and cultural resources.

Analyzing socioeconomic and political implications.

Analyzing effects on visitors and on the kinds and amounts of public use of the park.

Analyzing the effects on park management.

Estimating costs, manpower requirements, and timeframes.

Preparing an environmental assessment.

Status reports, informational brochures, charts, tables, specific analyses, and graphic displays may be prepared during the analysis of alternative strategies to communicate facts or proposals to the public, to identify decisionmaking factors, or to facilitate evaluation and culling of strategies by planners and decisionmakers (see figure 1).

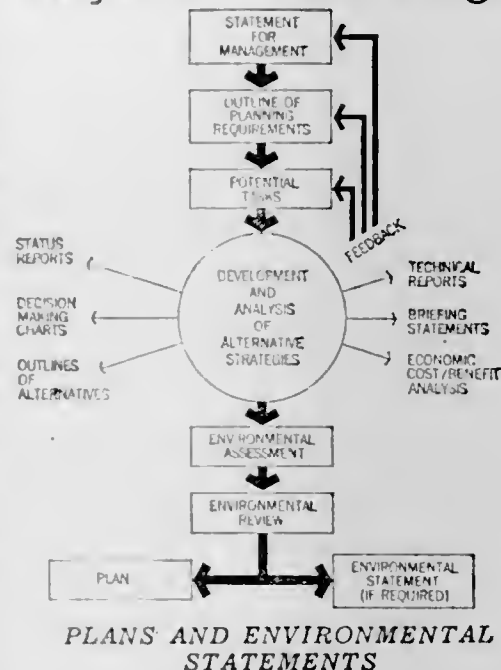
#### ENVIRONMENTAL ASSESSMENT

The end product of the analysis of strategies is the environmental assessment, which indicates the cost, feasibility, timeframe, environmental consequences, and other implications of the reasonable alternative strategies remaining at the end of the analysis. This document is prepared by the office assigned the planning task and is made available for public review. It is then used by decisionmakers in selecting the strategy or strategies that will constitute the subsequent plan. As a result of public review, considerations may be identified that have been overlooked or insufficiently emphasized in the analysis. These considerations should be noted, evaluated, and incorporated where appropriate before the document is submitted to decisionmakers.

#### ENVIRONMENTAL REVIEW

When all phases of the analysis are complete, the environmental assessment is transmitted to the regional director who weighs and evaluates the alternative strategies, determining whether their environmental consequences are significant or controversial. An environmental review, outlining the rationale for selecting one or more strategies and rejecting others, is then prepared by the regional director. The relative importance of environmental, technical, monetary, managerial, and other considerations is discussed. A determination is made as to whether the selected strategies constitute a major federal action with significant or controversial environmental impacts. If so, a commitment is made to prepare an environmental statement. If not, the decision not to prepare an environmental statement is documented.

### The Development and Analysis of Alternative Strategies



Upon completion of the environmental review, a park plan is prepared for use as a management tool and as a public statement of National Park Service management intentions. If required, an environmental statement is also prepared concurrently with the plan.

#### PLANS

The general management plan (formerly the master plan) is the parkwide plan for meeting the management objectives of the park. It charts a long-range strategy for resources management, visitor use, and development at a level of detail that will facilitate implementation of proposed actions. The general management plan also defines what is required to ensure compliance with relevant legislation and administrative policies and procedures.

The park's regional context is carefully considered when preparing the general management plan. Reciprocal influences between the park and its surroundings are identified, and the means of harmonizing these influences are proposed wherever possible. For some parks, regional influences and problems may be minimal and may not require any action. However, where these influences are of sufficient magnitude, joint planning with adjacent agencies, organizations, and other entities with jurisdiction in the region may be desirable, and is recommended (see Management Policies, Section II-6).

The GMP contains the park's statement for management—as revised during the planning effort—and three interrelated parkwide plans:

*The resources management plan*, outlining methods for protecting, perpetuating, and preserving natural and cultural resources.

*The visitor use plan*, outlining the methods for interpreting park resources, for providing for visitor use and safety, and for supplying information and support services.

*The general development plan*, outlining development necessary to accomplish the resources management plan and visitor use plan.

In a large park, implementation plans dealing with specific sites or subjects may be required to supplement the parkwide GMP; such additional plans, upon completion and approval, become part of the GMP. In a small park, the GMP may be sufficiently detailed to eliminate the need for implementation plans.

Complete general management plans are normally prepared only for parks where anticipated major changes in present use and/or development require preparation of parkwide planning strategies. This would apply to:

Recently authorized parks  
Parks without approved master plans  
Parks where existing plans are outdated

For parks with adequate GMP's (or master plans), planning requirements are generally limited to site- or subject-specific implementation plans.

Implementation plans may focus on, but need not be limited to:

Management of one or more wildlife species within the park's ecosystem  
Management of natural and prescribed fires

Backcountry use and its regulation  
Management of vegetation

Detailed guidelines for ongoing maintenance of historic resources

Development in specific areas of the park

Interpretive programs and media  
Concession needs and contracted visitor services

Furnishing of historic structures  
Determination of the suitability of parklands for wilderness designation

Legislative proposals for boundary adjustments, land use changes, increases in authorized funding for land acquisition, development, etc.

Studies and research on carrying capacities, visitor use, historic structures, transportation, etc.

The general management plan (or its independently prepared components) and all implementation plans are subject to policy review in the Washington office prior to approval by the regional director.

#### ENVIRONMENTAL STATEMENTS

The National Park Service planning process must be consistent with the provisions of the National Environmental Policy Act of 1969 (83 Stat. 852). NEPA compliance requires:

A systematic, interdisciplinary approach to planning, and objective consideration of environmental values

Full involvement of other agencies and the public during the planning process

Procurement and use of relevant environmental information in analyzing alternative strategies

Recordkeeping on planning activities as a basis for decisionmaking and preparation of documents

Preparation of an environmental statement when the plan as a whole constitutes a major federal action or en-

tails significant or controversial impacts

When required, an environmental statement (EIS) is prepared concurrently with the plan and following the selection of strategy or strategies by decisionmakers. Although similar in scope to the environmental assessment, the environmental statement does not include information on costs, feasibility, or other considerations that are not directly related to the park environment. Its contents are limited to detailed considerations of the effects of the plan and its reasonable alternatives on the physical, ecological, and socioeconomic components of the park's environment. The environmental statement provides for review of environmental effects before final decisions are made. The comments of the public and from other agencies help ensure that environmental considerations are given sufficient weight in the decisionmaking process and that changes are made in the plan where appropriate.

More specific information on environmental statements is provided in existing National Park Service guidelines for preparation and review of environmental assessments and environmental statements.

#### Other Compliance Requirements

National Park Service planning must reflect awareness of and consistency with a wide variety of legislative and executive requirements.

All planning efforts must comply with the requirements of Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470f) and Executive Order 11593 of May 13, 1971, "Protection and Enhancement of the Cultural Environment" (36 FR 8921), which require all federal agencies to nominate to the National Register of Historic Places potentially eligible historic properties under their control and to consult with State Historic Preservation Officers and the Advisory Council on Historic Preservation on plans affecting properties on or potentially eligible for the National Register. The Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) govern agency compliance with Section 106 and E.O. 11593.

Among the other laws and orders that are relevant to National Park Service planning are the following:

The National Park Service Organic Act of 1916, as amended (16 U.S.C. § 1).

The Wilderness Act of 1964, as amended (16 U.S.C. § 1131).

The Department of Transportation Act of 1966, as amended (49 U.S.C. 1653 (f)).

The Fish and Wildlife Coordination Act of 1934, as amended (16 U.S.C. § 661).

The Endangered Species Act of 1973 (16 U.S.C. § 1531).

The Federal Water Pollution Control Act, as amended (33 U.S.C. § 1251).

The Airport and Airway Development Act of 1970 (49 U.S.C. § 1701).

Executive Order 11752, "Prevention, Control, and Abatement of Environmen-

tal Pollution at Federal Facilities" (38 FR 34793-97).

The Water Resources Planning Act of 1965 (42 U.S.C. § 1962).

The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. § 1402; 16 U.S.C. § 1431).

The Coastal Zone Management Act of 1972 (16 U.S.C. § 1451).

Executive Order 11296, "Evaluation of Flood Hazard in Locating Federally Owned or Financed Buildings, Roads, and Other Facilities, and in Disposing of Federal Lands and Properties" (36 F.R. 10663).

The Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. § 4601-4).

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601).

The Wild and Scenic Rivers Act, as amended (16 U.S.C. § 1271).

The Clean Air Act, as amended (42 U.S.C. § 1857).

The Noise Control Act of 1972 (42 U.S.C. § 4901).

Office of Management and Budget Circular A-95.

National Trails System Act (16 U.S.C. § 1241).

#### PUBLIC INVOLVEMENT

The goal of public involvement in the planning process is to reach better decisions. Citizen participation is considered a cornerstone of National Park Service planning and management.

Public involvement is valuable in the search for basic data, the identification of goals and problems, and the formulation of alternative planning strategies. It also aids in establishing a two-way exchange of information between the public and the agency, in promoting public understanding of decisions, in identifying public values that influence management decisions, and in educating the public about the park, about management capabilities, and about what park management can and cannot do.

Public involvement is first solicited during the formulation of management objectives, and subsequently during the development of alternative strategies to meet these objectives. Participation is particularly important during the analysis of strategies, when input from the public may have a significant effect on the planning effort.

The first step in establishing effective public involvement is to identify affected parties, in order to ensure broad cross-sectional representation. Next, steps must be taken to make certain that all concerned individuals and groups receive advance notice of opportunities for involvement. At the end of the planning effort, all contributions from the public must be summarized in a systematic, objective, viable, and traceable manner.

Responsible National Park Service officials must be frugal in expending time and energy on public involvement. Every effort must be tailored to the situation. The forms of involvement vary according to the requirements of the particular planning task. Methods of public in-

involvement include, but are not limited to:

Arranging consultations for the primary purpose of determining public sen-

groups (dates and attendance indicated) and similar material from public meet-

lines for complying with the National Environmental Policy Act of 1969. An

Development of alternative strategies, 6-1  
Endangered Species Act of 1973, 8-1

Office of the Secretary  
OUTER CONTINENTAL SHELF



involvement include, but are not limited to:

- Public meetings
- Workshops
- Presentations to groups
- Ad-hoc committees
- Advisory groups
- Key contacts with opinion leaders
- Analysis of incoming mail
- Direct mailings from the Park Service to the public
- Questionnaires and surveys
- Behavioral observations of park visitors

Reports from key park staff  
News Releases and mass media  
Analysis of mass media  
Day-to-day contacts with visitors and the public

Normally, one or more informal workshops are held during the analysis of strategies stage. Formal public meetings on draft plans and associated environmental statements are optional.

More specific guidelines for public involvement are laid down in Thomas A. Heberlein's *Principles of Public Involvement—A Primer for Park Service Planners and Managers* (Department of Rural Sociology, University of Wisconsin, Madison, Wisconsin 1975).

When a general management plan is in preparation, opportunities for public involvement are normally announced in the *FEDERAL REGISTER* and in local news media at the inception of the planning effort, at the end of the strategies analysis when the document displaying the strategies and their consequences is made available, and at the time the draft plan is released for public review. At the minimum, announcements in the *FEDERAL REGISTER* must be made prior to the selection of strategies as the plan's proposals and following completion of the draft plan.

For implementation plans, opportunities for public involvement are announced in the *FEDERAL REGISTER* and in local news media at the time the draft plan is made available for public review. During the preparation of these plans, other opportunities may be announced, as appropriate.

Specific responsibilities for public involvement are as follows:

**FEDERAL REGISTER notices:** regional office

Notices in local news media: park  
Planning and coordination of formal public meetings and regional workshops; regional office, with assistance (as requested) from the park and the Denver Service Center

Planning and coordination of informal workshops in the park or its immediate vicinity: park

Maintaining a log of the names and addresses of interested or potentially interested individuals, as well as key contacts in organizations and agencies: park

Arranging professional consultations for the purpose of acquiring technical information for plans: responsible office (region, Denver Service Center, Harpers Ferry Center, or park)

Arranging consultations for the primary purpose of determining public sentiment, as well as sources of existing or potential controversy: park

Maintaining a record of all public consultations: responsible office (region, Denver Service Center, Harpers Ferry Center, or park)

#### RECORD OF PLANNING

For each planning effort, the planning team captain is responsible for keeping a cumulative record of the planning activities. No information is prepared specifically for this file; it is simply an aggregation of the material used and prepared during the planning effort. The availability of this record to the public will be determined in response to individual requests pursuant to the Freedom of Information Act.

The record contains the collections of material in various stages of completion, such as rough drafts, tapes of public meetings, or finished documents. It is arranged in the following order:

The *statement for management* file contains:

The management statement, revisions occurring while plan is in progress, reasons for revising management objectives, and approval dates

The *outline of planning requirements* file contains:

The outline of planning requirements, revisions occurring while plan is in progress, and reasons for revisions

The task directive, changes occurring while plan is in progress, and reasons for changes

Copies of Development Package Proposals (NPS Form 10-238) relevant to the planning effort

The *information base* file contains:  
Bibliographic citations for information used in the planning effort, along with the location of each reference

New information prepared specifically for the planning effort (surveys, research reports, summaries of data analyses, interpretations of existing information, sketches, tables, charts, maps, photographic plates). Raw data files and voluminous reports are kept separately and referenced.

Previous planning documents or portions thereof that influence the planning effort

The *analysis of alternative strategies* file contains:

The description of the park and regional environment.

Capability and desirability analyses, if appropriate.

Alternative land classification zoning plans, if appropriate.

Alternative strategies.

Environmental impacts of alternative strategies.

Other consequences of alternative strategies (engineering, feasibility, costs, and political, managerial, and other implications not related to the park environment).

The *record of public involvement* file contains:

Written correspondence between the Park Service and the public.

groups (dates and attendance indicated) and similar material from public meetings, workshops, and presentations to groups (dates and attendance indicated).

Results of consultations with interested groups (dates indicated)

Results of consultations with professional experts (dates indicated)

News releases

News articles

Questionnaires and results

Address list for all involved organizations and members of the public

The *consultation with outside agencies* file contains:

The dates, subject matter, and results of consultations with local, state, and federal agencies, arranged chronologically by agency. Documentation should include identification of existing and potential conflicts, as well as agreements to resolve them, if any.

Written correspondence between the Park Service and outside agencies, arranged chronologically by agency.

The *record of statutory compliance* file contains:

A record of all actions taken specifically to comply with legislation, executive orders, and requirements in the *Code of Federal Regulations*, including but not limited to:

Surveys and studies conducted or commissioned

Consultations with state and federal agencies (dates and purpose only)

Chronological history of preparation and review of environmental documents issued to comply with NEPA, Section 106 (NHPA), E.O. 11593, as well as existing guidelines of CEQ and DOI.

Actions recommended in the plan specifically to comply with statutory requirements relating to design of facilities or land use.

The *memoranda* file contains:

All National Park Service memoranda relating to the particular planning effort, arranged chronologically

*Glossary of Terms*

*Analysis of alternative strategies*—The principal activity of planning in which planners formulate, analyze, and cull alternative strategies for meeting the park's management objectives, and identify the beneficial and adverse consequences of implementing each strategy.

*Development Package Proposal (NPS Form 10-238)*—A programming vehicle for parks to describe and justify their planning and development needs.

*Environmental assessment*—A formal documentation of the analysis of alternative strategies describing the strategies and indicating all the potential consequences of implementation. (This document is normally prepared and made available for public review at the end of the strategies analysis.)

*Environmental statement (EIS)*—A formal documentation of the environmental impacts of implementing the plan (the strategy or strategies selected by decisionmakers) and its reasonable alternatives prepared in accordance with applicable NPS, CEQ, and DOI guidelines.

lines for complying with the National Environmental Policy Act of 1969. An EIS is made available for review by the public and other agencies upon completion of any plan which constitutes a major federal action with significant or controversial environmental effects.

*Environmental review*—A written analysis prepared by the responsible official outlining the rationale for selecting one or more alternative strategies as proposals to be included in the subsequent plan, and indicating whether an environmental statement is required.

*General management plan* (formerly master plan)—A long-range parkwide plan for preservation and use of park resources identifying strategies for resource management, visitor use, and development directed toward achieving the park's management objectives.

*Information base* (formerly resources basic inventory)—Information necessary for preparing the statement for management or a plan. The information base varies in scope and complexity according to the requirements of the planning effort.

*Management objectives*—Desired conditions to be achieved within the park.

*Outline of planning requirements*—A park-specific documentation of programmed planning needs, which states the problems, defines the required tasks, identifies the office assigned the tasks, and arranges in-park planning requirements in priority sequence.

*Record of planning*—A complete record (filed) of planning activities, including the statement for management, the outline of planning requirements, the information base, the analysis of alternative strategies, the record of public involvement, consultations with outside agencies, the record of statutory compliance, and memoranda.

*Statement for management*—A document prepared by the park superintendent identifying the purpose of the park, the significance of its resources, the influences on management, the existing management zones (land classification), and management objectives.

*Task directive* (formerly planning directive)—A written contractual agreement between the regional director and the office assigned the planning task establishing the focus, scope, schedule, personnel and funding commitments, required documents, and any other requirements of that task.

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[FR Doc.75-23379 Filed 9-2-75; 8:45 am]

#### Office of the Secretary OUTER CONTINENTAL SHELF Geological and Geophysical Exploration

1. On December 11, 1974, Acting Secretary of the Interior John C. Whitaker issued a notice concerning "Outer Continental Shelf—Geological and Geophysical Exploration" which was published in the *FEDERAL REGISTER* on December 16, 1974 (39 FR 43562). This notice is a supplement to that notice. Permits for geological exploration shall continue to be subject to the provisions of the notice as published on December 16, 1974. Permits for geophysical exploration shall in the future include the provisions of the "Permit and Agreement for Outer Continental Shelf Geophysical Exploration", which shall be used as an interim measure until the final publication of regulations on geological and geophysical exploration on the outer Continental Shelf in 30 CFR Part 251. Copies of the new Permit and Agreement may be obtained from the appropriate Area Oil and Gas Supervisors of the Geological Survey.

Each person holding a permit for geophysical exploration issued since November 1, 1974, will be informed by letter by the appropriate Area Oil and Gas Supervisor that he may substitute the new Permit and Agreement for his existing permit. The new Permit and Agreement will provide appropriate protection for confidential geophysical data submitted by permittees. A failure to comply with the requirements for submission of data will cause the Department to take appropriate steps necessary to obtain the requested data.

2. Consequently, sections 2, 3, and 4 of the notice published on December 16, 1974, are no longer applicable to geophysical exploration.

3. The addresses of the Area Oil and Gas Supervisors are as follows:

For areas off the Atlantic Coast—Harry A. Dupont, Area Oil and Gas Supervisor, Eastern Area, USGS, Suite 316, 1825 K Street, NW., Washington, D.C. 20244; telephone number (202) 343-4685.

For areas in the Gulf of Mexico—Harry McAndrews, Area Oil and Gas Supervisor, Gulf of Mexico Area, Office of Resource Evaluation and Analysis, USGS, P.O. Box 7944, Metairie, Louisiana 70011; telephone number (504) 680-9341.

For areas off the coast of the States of California, Oregon, and Washington—Fred J. Shambeck, Area Oil and Gas Supervisor, Pacific Area, USGS, Room 7744, Federal Building, 300 No. Los Angeles Street, Los Angeles, California 90012; telephone number (213) 688-2846.

For areas off the State of Alaska—Rodney A. Smith, Area Oil and Gas Supervisor, Alaska Area, USGS, P.O. Box 259, Anchorage, Alaska 99510; telephone number (907) 278-3571.

Dated: August 27, 1975.

KENT FRIZZELL,  
Acting Secretary of the Interior.  
[FR Doc.75-23293 Filed 9-2-75; 8:45 am]

#### DEPARTMENT OF AGRICULTURE

visor Edward C. Maw, Boise National

#### Soil Conservation Service

1975) prescribe the requirements applicable to comments.

surfaces are of considerable importance. Of particular interest is the evaluation of

#### COLORADO STATE UNIV.

Decision on Application for Duty-Free Entry



## DEPARTMENT OF AGRICULTURE

## Forest Service

SOUTH FORK SALMON RIVER  
PLANNING UNITAvailability of Final Environmental  
Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the South Fork Salmon River Planning Unit, Boise National Forest and Payette National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-11.

The environmental statement identifies and evaluates the probable effects of the land use plan for the South Fork Salmon River Planning Unit on the Boise and Payette National Forests in south-central Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects. Minor adverse effects from some development activities will be temporary stream sedimentation and short periods of air pollution. All resource activities will be monitored so that tolerable levels of sedimentation will not be exceeded in the South Fork Salmon River.

Recreation opportunities will remain about the present level. A total of 64,800 acres has been designated as new wilderness study areas and an additional 142,090 acres will remain unroaded. About 14,710 acres presently undeveloped may be developed.

The plan provides for a low to moderate level of consumption resource uses with significant areas remaining undeveloped with options for future management remaining open.

This final environmental statement was transmitted to CEQ on August 26, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3234, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.

Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, Ogden, Utah 84401.

Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Forest Supervisor, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.

District Forest Ranger, Kraschel Ranger District, McCall, Idaho 83638.

District Forest Ranger, Cascade Ranger District, Cascade, Idaho 83611.

A limited number of single copies are available upon request to Forest Super-

## NOTICES

visor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706 and Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: August 26, 1975.

D. A. SCHULTZ,

Acting Director,

Regional Planning and Budget.

[FR Doc.75-23390 Filed 9-2-75; 8:45 am]

## Rural Electrification Administration

## QUAKER STATE TELEPHONE CO.

## Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the Federal Register, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of \$11,500,000 to the Quaker State Telephone Company, Pine Grove, Pennsylvania. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Harold J. Marshall, President, Quaker State Telephone Company, Pine Grove, Pennsylvania.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. Harold J. Marshall. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Quaker State Telephone Company and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 25 day of August, 1975.

DAVID A. HAMIL,

Administrator,

Rural Electrification Administration.

[FR Doc.75-23254 Filed 9-2-75; 8:45 am]

Soil Conservation Service  
NIBBS CREEK WATERSHED PROJECT,  
VIRGINIAAvailability of Final Environmental Impact  
Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Nibbs Creek Watershed Project, Amelia County, Virginia, USDA-SCS-EIS-W5-(ADM)-75-1 (F) VA.

The EIS concerns a plan for watershed protection, flood prevention and municipal and industrial water supply. The planned works of improvement provide for conservation land treatment, 1 multiple-purpose reservoir with capacity for floodwater retarding and municipal and industrial water.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 9026, Federal Building, 400 North 8th Street, Richmond, Virginia 23240.

(Catalog of Federal Domestic Assistance program No. 10.904, National Archives Reference Services.)

SHELDON G. BOONE,

Acting Deputy Administrator

for Water Resources, Soil

Conservation Service.

AUGUST 26, 1975.

[FR Doc.75-23205 Filed 9-2-75; 8:45 am]

## DEPARTMENT OF COMMERCE

Domestic and International Business  
Administration

## AUBURN UNIVERSITY, ET AL.

Applications for Duty-Free Entry of  
Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, (40 F.R. 12253 et seq., 15 CFR 701,

1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00090-01-77095. Applicant: Auburn University, Chemistry Department, Auburn, Alabama 36830. Article: PS-10 Photoelectron Spectrometer and Heated Probe. Manufacturer: Perkin-Elmer, United Kingdom. Intended use of article: The article is intended to be used for basic research in the electronic structure of matter and chemical bonding. The materials to be studied are organic compounds which are usually solid at room temperature. Experiments to be conducted are measurements of the photoelectron spectra of a free (gas phase) molecules. In addition, the article will be used by graduate students in basic research as partial fulfillment of the requirements for a dissertation for the degree of Doctor of Philosophy. The article will also be used for demonstration and student use in applied spectroscopy courses. Application received by Commissioner of Customs: August 20, 1975.

Docket number: 76-00089-33-77030. Applicant: University of Pennsylvania, School of Medicine, Department of Physiology, 37th and Hamilton Walk (A303 Richards Bldg.), Philadelphia, Pa. 19174. Article: NMR Spectrometer, Model CPS-2 and Probe Head. Manufacturer: Spin-Lock Electronics Ltd., Canada. Intended use of article: The article is intended to be used to characterize the mole fractions and NMR relaxation times of the several different populations of potassium within a variety of cells, including those from human lymphocytes, urinary bladder of the toad, frog striated muscle and rat lymphocytes. The relationship of the NMR properties of potassium to physiologically significant changes in tissue activity will be studied. Application received by Commissioner of Customs: August 20, 1975.

Docket number: 76-00088-84-23500. Applicant: Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Article: Type 122 Noise Dosimeter, and Type 129 Calibrator. Manufacturer: Computer Engineering Labs., United Kingdom. Intended use of article: The article is intended to be used for gathering personal noise exposure levels within transportation systems. Application received by Commissioner of Customs: August 20, 1975.

Docket number: 76-00091-33-46040. Applicant: Temple University, Health Science Center, Department of Pathology, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Electron Microscope, Model HU-12A. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for research concerned with the fine structure of various aspects of cancer including squamous cell carcinoma in which the attachment zones at the cell

surfaces are of considerable importance. Of particular interest is the evaluation of decreased numbers of attachment zones such as desmosomes in noncancerous squamous epithelium invasive squamous cell carcinoma and cell carcinoma in situ. The article is also intended to be used in studies designed to reveal the presence of virus in the cell tissue. Application received by Commissioner of Customs: August 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,

Acting Director,

Special Import Programs Division.

[FR Doc.75-23252 Filed 9-2-75; 8:45 am]

## AURA, INC.

Decision on Application for Duty-Free Entry  
of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00131-10-35600. Applicant: Aura, Inc., P.O. Box 26732, Tucson, Arizona 85726. Article: Concave UV Diffracting Grating. Manufacturer: Jobin-Yvon Optical Systems, France. Intended use of article: The article is intended to be used for comparison with standard ruled gratings. If they prove superior to the ruled gratings, the holographic gratings will be utilized in the ultraviolet spectrometer instrument aboard the Mariner spacecrafts to Jupiter and Saturn in 1977.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The National Bureau of Standards (NBS) advises in its memorandum dated August 8, 1975 that the article is a UV diffraction grating of the holographic type and as such it is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic holographic grating of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,

Acting Director,

Special Import Programs Division.

[FR Doc.75-23246 Filed 9-2-75; 8:45 am]

## NOTICES

## COLORADO STATE UNIV.

Decision on Application for Duty-Free Entry  
of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00558-99-74600. Applicant: Colorado State University, Physics Department, College Avenue, Fort Collins, Colorado 80521. Article: 24 Channel Store Unit for a Malvern High Speed Correlator. Manufacturer: Precision Devices and Systems Ltd., United Kingdom. Intended use of article: The article is an accessory to an existing Malvern High Speed Correlator which is intended to be used to increase the resolution and flexibility of the system which will be used to determine and analyze the correlation spectrum of the laser light scattered from the turbulent flow (either laboratory flow or the real atmospheric flow) under investigation.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,

Acting Director, Special

Import Programs Division.

[FR Doc.75-23247 Filed 9-2-75; 8:45 am]

Applications for Duty-Free Entry of  
Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of

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equivalent scientific value for the purposes for which the article is intended to be used in being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the *FEDERAL REGISTER*.

Amended regulations issued under cited Act, (40 FR 12253 et seq., 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00077-33-46070. Applicant: Cornell University, New York State Veterinary College, Pathology Department, Multicategorical Research Wing, Ithaca, New York 14850. Article: Scanning Electron Microscope, Model HHS-2R, and accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for the following research:

- (1) Reproductive studies involving research on infertility.
- (2) Research on collagen diseases and wound healing.
- (3) Cancer research on characterization of cancer cells, invasive growth, and cell surface characteristics that relate to the phenomenon of cellular contact inhibition.
- (4) Immunology research, in which the article permits the recognition and differentiation of the various cell types which participate in immunological responses.
- (5) Gastroenterology research in which the characteristics of the absorptive surfaces of the cells that line the digestive tract are related to gastrointestinal functional states and diseases.
- (6) Bone pathology, in which the processes of osteoid deposition and subsequent mineralization are followed.
- (7) Eye pathology, especially disease of the cornea, and
- (8) Study of the early embryo, and the first stages of implantation.

In addition, the article will be used in courses in veterinary medicine for basic instruction in cellular morphology, membrane structure, and immunology. Application received by Commissioner of Customs: August 18, 1975.

Docket number: 76-00081-33-46040. Applicant: National Institute of Health, NINCDS, Surgical Neurology Branch, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron Microscope, Model EM 201C, and accessories. Manufacturer: Philips Electronics Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for biological research projects involving the peripheral nervous system and the central nervous system. Two interests include the study of cell membrane changes which accompany degeneration and regeneration in the PNS and the

study of synaptic function in epileptogenic models in the CNS. Application received by Commissioner of Customs: August 18, 1975.

Docket number: 76-00082-33-90000. Applicant: Rush-Presbyterian-St. Luke's Medical Center, 1753 West Congress Parkway, Chicago, Illinois 60612. Article: EMI Scanner Body System (Prototype Design) and accessories. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for computerized tomography studies of cancer, benign infections, blood clots, and cirrhosis in human patients. Experiments will be conducted by means of a tiny beam of x-radiation, numerous detectors, and a fast computer. Application received by Commissioner of Customs: August 18, 1975.

Docket number: 76-00083-75-68495. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Mechanical circulating pump. Manufacturer: SRTI, France. Intended use of article: The article is intended to be used for the separation of deuterium-tritium mixtures by low temperature distillation. Experiments to be conducted will include all experiments relative to the design and operation of an efficient deuterium-tritium distillation system together with associated pump, valves, pipes and tritium handling procedures and materials as an integral portion of the Intense Neutron Sources (a national facility for radiation damage studies). Application received by Commissioner of Customs: August 18, 1975.

Docket number: 76-00084-33-90000. Applicant: Memorial Hospital, 1901 Arlington Street, Sarasota, Florida 33579. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used by staff radiologists, neurosurgeons, and neurologists for frequent studies for papers and article for submission to appropriate journals. In addition, the articles will be used to maintain a teaching file for continuing the education of these physicians. Students seeking degrees as Radiology Technicians will be instructed on the article and will be taught how to perform scans using the equipment. Application received by Commissioner of Customs: August 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.  
[FR Doc.75-23251 Filed 9-2-75; 8:45 am]

#### GEORGE WASHINGTON U.

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub-

lic Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00495-33-46040. Applicant: The George Washington University, Department of Pathology, 2300 Eye Street, NW., Washington, D.C. 20037. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in fine structural studies of brain tissue from Rhesus monkey fetuses infected with live influenza virus. These ultrastructural studies are part of a broader investigation of the teratogenic potential of viruses for man using a primate model. The article will also be used to conduct a basic course entitled "Introduction to Electron Microscopy" in which students are to be provided with a working knowledge in the basic techniques of electron microscopy, including the actual operation of the transmission electron microscope. In addition, the article will be used in the field of diagnostic pathology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides distortion free micrographs over a magnification range 100 to 200,000 $\times$  without a pole-piece change. The most closely comparable domestic instrument available is the Model EMU-4C electron microscope currently supplied by the Adam David Company (Adam David). When the article was ordered the Model EMU-4C with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 200 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs, an optional low magnification pole-piece providing 500-7000 $\times$  should be used. It is noted that changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiment.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 1, 1975 that distortion free micrographs at low magnifications (100 $\times$ ) immediately followed by high magnification examinations at 200,000 $\times$  without a pole-piece change is pertinent to the applicant's purposes. HEW also advises that the magnification

range without pole-piece change of the domestic Model EMU-4C is not scientifically equivalent to that of the foreign article for the applicant's intended use.

We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.  
[FR Doc.75-23250 Filed 9-2-75; 8:45 am]

#### NORTHWESTERN UNIV.

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00490-33-43400. Applicant: Northwestern University, Auditory Physiology Laboratory, Frances Searle Building, Evanston, Illinois 60201. Article: Automatic Stepping Micro-manipulator and Electron Control Unit. Manufacturer: AB Transvertex Co., Sweden. Intended use of article: The article is intended to be used in experiments concerned with the study of bioelectric phenomena in the auditory system. Specifically, the electrical activity generated in response to sound by the sensory receptor cells and fibers of the auditory nerve are investigated. The overall purpose of these experiments is to delineate the energy conversion processes that take place in the inner ear which mediate hearing.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides remote control, freedom from creep, discrete stepping motion (4 micron increments), and a two micrometer step capability.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 1, 1975 that the capabilities of the article described

above are pertinent to the applicant's intended purposes. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.  
[FR Doc.75-23248 Filed 9-2-75; 8:45 am]

#### U. OF CALIF., BERKELEY

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00535-01-47500. Applicant: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: Monochromator Type THR 1500. Manufacturer: Jobin-Yvon, France. Intended use of article: The article is intended to be used in a laser isotope separation program to resolve chemiluminescence generated in chemical reactions, as well as to make basic spectroscopic measurements on uranium molecular vapors. Isotope shifts of materials being investigated will be measured and characteristic emission spectra will be recorded. The objective pursued in the course of these investigations is the identification and measurement of critical parameters of spectral lines suitable for use in commercial processes for laser photoisotope separation of isotopes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a specification of a monochromator with a resolution capability in excess of 1:270,000 in the first order. The National Bureau of Standards (NBS) advises in its memorandum dated August 12, 1975 that it knows of no domestic instrument that provides a resolution in first order greater than 1:100,000. NBS also advises that (1) the greater resolution of the article is pertinent to the ap-

plicant's intended purposes and (2) it knows of no instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.  
[FR Doc.75-23249 Filed 9-2-75; 8:45 am]

#### FOREIGN AVAILABILITY SUBCOMMITTEE OF THE NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

##### Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Monday, October 6, 1975 at 1:00 p.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee was initially established on July 10, 1973. On July 15, 1975, the Director, Office of Export Administration approved the reestablishment of the Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Foreign Availability Subcommittee was formed to determine the extent of foreign capability in numerically controlled technology.

The agenda for the meeting is:

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of definitive work program of the Subcommittee:
  - (a) Specific topic areas to be addressed.
  - (b) Role of industry and government representatives.



(c) Time frame to undertake the work program.

The meeting will be open for public observation and a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

Dated: August 28, 1975.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-23270 Filed 9-2-75;8:45 am]

#### NEW TECHNOLOGY SUBCOMMITTEE OF THE NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

##### Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the New Technology Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Monday, October 6, 1975 at 9 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act. The New Technology Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee was established on July 15, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of

export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The New Technology Subcommittee was formed to determine the impact of advanced electronics on the design of numerically controlled systems.

The agenda for the meeting is:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of future work programs of the Subcommittee:

(a) Identification of areas of new technology related to the purpose of the Committee, including DNC, CAM, microprocessors, software, robots and programmable controls.

(b) Possible identification of resource persons in each area of interest.

The meeting will be open for public observation and a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

Dated August 23, 1975.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-23278 Filed 9-2-75;8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Food and Drug Administration

[Docket No. 75F-0206]

##### NALCO CHEMICAL CO.

##### Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348 (b) (5))), notice is given that a petition (FAP 5H3110) has been filed by Nalco Chemical Co., 2901 Butterfield Rd., Oak Brook, IL 60521, proposing that § 121.1225 *Adjuvants for pesticide use dilutions* (21 CFR 121.1225) be amended to provide for safe use of a sodium acrylate and acrylamide copolymer as a drift control agent to be added by a grower or applicator to fungicide formulations before applying to growing crops.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: August 26, 1975.

HOWARD R. ROBERTS,  
Acting Director, Bureau of Drugs.  
[FR Doc.75-23238 Filed 9-2-75;8:45 am]

[Docket No. 75F-0207]

##### MONSANTO CO.

##### Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348 (b) (5))), notice is given that a petition (FAP 5B3059) has been filed by Keller and Heckman, 1150 17th St., NW., Washington, D.C., on behalf of Monsanto Co., proposing that paragraph (b) (3) (xx) of § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for safe use of a copolymer of 2-ethylhexyl acrylate and ethyl acrylate as a component of resinous and polymeric coatings intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: August 26, 1975.

HOWARD R. ROBERTS,  
Acting Director,  
Bureau of Foods.  
[FR Doc.75-23239 Filed 9-2-75;8:45 am]

##### Office of Education

##### TRAINING GRANTS; BUREAU OF EDUCATION OF THE HANDICAPPED

##### Priorities and Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in sections 631, 632, and 634 of Part D of the Education of the Handicapped Act (20 U.S.C. 1431, 1432, and 1434), the U.S. Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, has established the final closing date of October 22, 1975 for receipt of applications for new and continuation training grants under Part D of the Act.

Regulations governing grants for teacher training authorized under Part D of the Act were published in the FEDERAL REGISTER as Part 121f of Title 45 of the Code of Federal Regulations (45 CFR Part 121f) on February 20, 1975 (40 FR 7419-7422). Awards are also subject to the Office of Education General Provisions Regulations, 45 CFR Part 100a.

Applications must be received by the U.S. Office of Education Application Control Center on or before October 22, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.451. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than October 17, 1975 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mailrooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Purpose.* In order to ensure an adequate supply of educational personnel competent to deal with the special problems of the handicapped, this program provides financial assistance through grants to institutions of higher education, State educational agencies, and other appropriate nonprofit agencies as defined in Part D of the Education of the Handicapped Act for the training of teachers, supervisors, administrators, researchers, teacher educators, speech pathologists, and other special services personnel, such as specialists in physical education and recreation and paraprofessionals.

D. *Eligible applicants.* Eligible applicants under this part of the Act include institutions of higher education, State educational agencies and other nonprofit agencies.

E. *Program priorities.* In addition to the criteria set forth in section 121f.20 (45 CFR 121f.20), several program pri-

orities will be stressed in the award of new and continuation grants. Applications must contain descriptions of personnel preparation programs relevant to these priorities, as well as those which are unique to the State or local geographical area. The program priorities, not in rank order, follow with estimated funds for new and continuation at both pre-service and in-service levels of training. Examples are given after the stated priority.

(1) Early childhood education—\$5,220,000 estimated. Preparation of personnel to function with preschool handicapped children and infants.

(2) Severely handicapped—\$8,690,000 estimated. Preparation of personnel to serve the severely and multi-handicapped; preparation of personnel to serve handicapped children where large needs still exist, e.g., seriously emotionally disturbed and autistic; programs which prepare personnel for national and regional needs, e.g., low incidence areas such as the visually handicapped and deaf.

(3) Paraprofessional—\$1,170,000 estimated. Preparation of personnel who will assist in the classroom in the education of handicapped children.

(4) Physical Education—\$895,000 estimated. Preparation of personnel who will provide physical education for handicapped children.

(5) Recreation—\$800,000 estimated. Preparation of personnel who will provide therapeutic recreation service for handicapped children.

(6) Interdisciplinary—\$580,000 estimated. Preparation on an interdisciplinary basis of personnel who will work with handicapped children.

(7) General Special Education—\$10,785,000 estimated. Preparation of personnel who will provide educational services to handicapped children.

(8) Vocational/career education—\$1,310,000 estimated. Programs which stress the preparation of personnel to function in career or vocational education programs for the handicapped.

(9) Regular Education—\$6,550,000 estimated. Programs which train at a pre-service and/or in-service level regular education teachers as well as physical education and recreation specialists, with supportive services from special educators to work with children who display variations in learning or behavioral styles.

(10) Developmental Assistance—\$400,000 estimated. Programs which provide post-doctoral training in the education of the handicapped.

(11) Model Implementation (Special Project)—\$3,350,000 estimated. Programs which develop new models of instruction or train personnel for a new type of role.

F. *Program information and forms.* Information and application forms may be obtained from the Division of Personnel Preparation, Bureau of Education for the Handicapped, U.S. Office of Education, Washington, D.C. 20202.

G. The priorities relating to amounts of money and major funding categories listed in paragraph E were established in the budget and in testimony before the Congress. Since they would be not subject to change as a result of public comment, the Commissioner of Education has determined that proposed rulemaking procedures are unnecessary and should be waived under 5 U.S.C. 553(b).

Effective date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), the priorities set forth in this notice have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that matters subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(20 U.S.C. 1431, 1432, 1434)

(Catalog of Federal Domestic Assistance Number 13.451 — Handicapped — Teacher Training)

Dated: July 29, 1975.

T. H. BELL,  
U.S. Commissioner of Education

Approved: August 27, 1975.

DAVID MATHEWS,  
Secretary of Health, Education,  
and Welfare.

[FR Doc.75-23292 Filed 9-2-75;8:45 am]

##### Office of the Secretary

[Contract No. HEW-100-76-0029]

#### ANALYSIS OF INCENTIVE REIMBURSEMENT SYSTEM FOR HEALTH CARE/ LONG TERM CARE SERVICES PROVIDED TO THE ELDERLY AND LONG-TERM DISABLED

##### Contract Award

Pursuant to Section 606 of the Community Services Act of 1974, (Pub. L. 93-644) 42 U.S.C. 2946, this agency announces the award of Contract No. HEW-100-76-0029 to Applied Management Sciences, 962 Wayne Avenue, Suite 701, Silver Spring, Maryland 20910 for a research project entitled, "Analysis of Incentive Reimbursement System for Health Care/Long Term Care Services Provided to the Elderly and Long-Term Disabled." The purpose of this project is to evaluate the assets and liabilities of an incentive reimbursement system developed under Contract No. HEW-OS-74-176 for financing health and other long-term care services provided to the elderly and long-term disabled. The estimated cost of this contract is \$89,846 and the intended completion date is July 31, 1976.

Dated: August 28, 1975.

WILLIAM A. MORRILL,  
Assistant Secretary for  
Planning and Evaluation.

[FR Doc.75-23288 Filed 9-2-75;8:45 am]

#### OFFICE OF THE REGIONAL DIRECTOR, REGION VI

b. For HEW programs managed by the Regional Office, identifies information for Regional decision making and

preliminary program budgets in conjunction with Regional agencies.

I. Assistant Regional Director for In-

effective delivery systems; provides management assistance to general purpose governments in the development of in-

dures for coordination of requirements with NEPA, ICA and related statutes.

14. Ensures that consumer protection

formation obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Prop-



# OFFICE OF THE REGIONAL DIRECTOR, REGION VI

## Statement of Organization, Functions, and Delegations of Authority

Part I of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary (40 FR 4665-70 (3/31/75)) is amended to add under Section 1E86.20 Functions, the functions of the Office of the Assistant Regional Director for Program Coordination and the Office of the Assistant Regional Director for Intergovernmental Operations. The amended statement reads as follows:

### H. Assistant Regional Director for Program Coordination.

1. Serves as principal advisor to the Regional Director and supervises a staff unit to ensure the coordination of HEW programs. Serves as principal advisor to the Regional Director in identifying and directing activities to meet the needs and requirements for the planning and evaluation of HEW and related Federal, State, local and private human resources programs within the Region.

2. Develops cooperative relationships among the principal HEW Regional components in order to promote the coordination of resources to accomplish regional program priorities.

3. Is responsible for resolving cross-programmatic issues and stimulating interaction among and across categorical program lines in order to improve the effectiveness and efficiency of human resource activities; plans and carries out studies of regional program operations for the purpose of advising the Regional Director and other regional officials of ways to encourage the meshing of Federal, State and local resources. Identifies needs, opportunities, and mechanisms for interagency coordination, planning and evaluation activities, in order to better accomplish Regional Office goals and objectives.

4. Establishes and maintains an issues identification and resolution process, in coordination with other Regional staff, and with this process:

a. Coordinates identification and analysis of HEW-related issues needing clarification and facilitates resolution of such issues; and

b. Identifies on a geographic basis needs and problems in the Region with a special emphasis on target and special concern groups.

5. Establishes with the Assistant Regional Director of Intergovernmental Operations (ARD/IGO) an intergovernmental review and comment process in order to:

a. Disseminate proposed National policies, legislation, and regulations within the Region;

b. Analyze these proposals for Regional implications, especially in light of Regional observations of needs.

6. Establishes and maintains an evaluation planning and management process which:

a. Provides an interface with central office evaluation planning process;

b. For HEW programs managed by the Regional Office, identifies information needs for Regional decision-making and prepares a Regional Office plan for developing, implementing and utilizing evaluation results;

c. Identifies programs directly operated by the Regional Director, information needed to describe programs progress and then develops instrument and techniques for measuring progress in reaching program goals; and

d. Ensures for all DHEW programs dissemination of evaluation results within the Region.

7. Designs and implements methods for improving evaluation and monitoring capabilities of Regional Agencies.

8. Develops and monitors implementation of a Regional capacity-building plan. Coordinates plan with ARD/IGO and Regional Agencies. Identifies and assesses the constraints which impede current and/or potential participants from preparing effective program designs. Develops strategies for eliminating constraints and improving capacities. Plans for and monitors the provisions of technical or financial assistance to general purpose governments in the development of integrated service and management systems.

9. Establishes in coordination with the Assistant Regional Director, Administration and Management, and ARD/IGO, procedural and substantive criteria for the management review of those grants and contracts covered by the RDRS system, all developmental assistance programs, and all programs serving cross-agency target groups. Reviews grants and contracts proposals for general adherence to program goals and management soundness and exercises Regional sign-off authority as appropriate.

10. Participates in interagency or interdepartmental studies with responsibility for fact-finding, analysis, and making recommendations to top level policy making officials about National program planning.

11. Provides leadership and expertise in the design, establishment, maintenance, and effective use of management information and the systems related thereto.

12. Organizes, directs and coordinates regional activities related to the Operational Planning System. In this regard, establishes and maintains a regional planning process designed to achieve mission-related objectives within the framework of Departmental goals and regional priorities. Through this process:

a. Identifies and analyzes regional needs, incorporating these into Regional Issue papers which are statements of regional planning priorities and/or regional recommendations for headquarters policies;

b. Establishes regional objectives and plans which address identified needs;

c. Participates in HEW Master Planning Calendar activities, the forward planning process and development of

preliminary program budgets in conjunction with Regional agencies.

1. *Assistant Regional Director for Intergovernmental Operations.* 1. Serves as a principal advisor to the Regional Director and supervises a staff unit charged with the accomplishment of the Department's intergovernmental coordination and management assistance mission in the Region.

2. Serves as the Regional Director's representative in establishing and maintaining systematic contacts with the offices of Governors, State Legislators, Congressmen, county executives and Mayors. Recommends methods for achieving goals and objectives, exercising priorities and implementing policies pertaining to State and local general purpose governments.

3. Establishes and maintains a process for the identification of intergovernmental issues; refers these issues to the Regional Director, the Assistant Regional Director for Program Coordination (ARD/PC), and/or the Regional Agency Heads (as appropriate) for proper resolution; and coordinates the dissemination of information on DHEW policies, legislation and budget to State and local general purpose governments and representatives of public interest groups.

4. In cooperation with the ARD/PC and/or Regional Agency Heads, coordinates and monitors procedures for securing timely State and local general purpose government review and comment upon appropriate DHEW policies, legislation and regulations; keeps the Regional Director informed about current developments concerning significant new human resource legislation and policies at the State and local levels.

5. Identifies and brings to the attention of the ARD/PC issues and problems which may be amendable to DHEW evaluation; facilitates in coordination with the ARD/PC the dissemination of significant evaluation findings to State and local governments.

6. Ensures that the Regional Office role in implementation of departmental policies through such systems as the Operational Planning System (OPS) is fully understood by State and local general purpose governments. In cooperation with the ARD/PC and/or Regional Agency Heads develops a process for disseminating information on operational objectives to State and local governments and special concern groups. Serves as a focal point for the exchange of information with other Federal departments when interagency efforts are required to implement policies and legislation.

7. Coordinates the planning and delivery of management assistance to State and local general purpose governments in the accomplishment of common program objectives.

8. In coordination with the ARD/PC Regional Agencies, implements an Intergovernmental Capacity Building Program, including methods for eliminating constraints which impede current and/or potential participants from developing

effective delivery systems; provides management assistance to general purpose governments in the development of integrated planning, services and management systems.

9. Participates on interagency and intradepartmental committees concerned with fact-finding, analysis and making recommendations to policy level officials concerning intergovernmental issues.

10. Provides leadership for carrying out the Regional Office manpower coordination role under the Comprehensive Employment and Training Act (CETA). Assures that the regional work plan is implemented properly through the Regional Manpower Coordinator and the Manpower Working Group. Identifies interrelationships between manpower coordination activities and other Departmental initiatives including capacity building, services integration, and the proposed Allied Services Act.

11. Ensures regional office compliance with the National Environmental Policy Act, National Historic Preservation Act, National Archeological Preservation Act, related laws, executive orders, regulations and guidelines. Recommends regional office policy and develops procedures to ensure a coordinated and interdisciplinary approach to assist programs in the conduct of environmental analysis and preparation of documents for activities subject to the above-mentioned requirements in accordance with Departmental procedures. Identifies and advises the Regional Director as to a recommended course of action with respect to emerging environmental issues of concern to the Department and coordinates environmental reviews by regional program staff in response to other Federal agency requests for input. Apprises general purpose government, Federal Regional Councils, clearinghouses and other concerned organizations with respect to HEW NEPA requirements and proposed actions impacting on the community. Serves as the principal regional contact point with the Department's Chief Environmental Officer and notifies him of key issues and emerging problems on which the Secretary should be advised. Participates in and coordinates regional input to environmentally related interagency studies and task forces.

12. Establishes and maintains procedures for compliance with the Intergovernmental Cooperation Act (ICA), including the processing of waivers to the single state agency requirement; securing review and comment on proposed DHEW assisted projects and State plans through Clearinghouses established in accordance with OMB Circular A-95; and providing timely budgetary and fiscal information to State and local officials in accordance with Treasury Circular 1082.

13. In coordination with the ARD for Financial Management and Regional Agency Heads processes multi-program requests for federal assistance under the Joint Funding and Simplification Act (JFSA); provides training to Regional Office personnel; and establishes procedures for coordination of requirements with NEPA, ICA and related statutes.

14. Ensures that consumer protection agencies at the State and local level as well as lower income consumers served by the Department are provided with timely information relating to DHEW policies, programs and procedures.

15. In cooperation with the Regional Engineer and Regional Agency Heads establishes and monitors procedures for the conservation of energy among State and local governments receiving DHEW financial assistance.

Dated: August 25, 1975.

JOHN OTTINA,  
Assistant Secretary for  
Administration and Management.  
[FR Doc.75-23290 Filed 9-2-75;8:45 am]

## SECRETARY'S ADVISORY COMMITTEE ON POPULATION AFFAIRS

### Meeting

The Advisory Committee on Population Affairs, established to advise the Secretary regarding all significant aspects of family planning and population research activities coming under the purview of the Department of Health, Education, and Welfare is scheduled to hold a meeting on October 23, 1975. The meeting will be held in Room 5169 of the Department's North Building located at 330 Independence Ave., SW., Washington, D.C. The meeting is scheduled to convene at 9:30 a.m. and adjourn at 5 p.m.

The Committee will discuss the sterilization of individuals in federally subsidized programs and family planning legislation. The meeting is open for public observation.

Dated: August 18, 1975.

LOUIS M. HELLMAN,  
Chairman and Executive Secretary.  
[FR Doc.75-23290 Filed 9-2-75;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Interstate Land Sales Registration

[Docket No. N-75-420]

### BONANZA RANCHOS SUBDIVISION Hearing

In the matter of Bonanza Ranchos Subdivision, OILSR No. 0-2544-09-762, Docket No. 75-29-1S, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that: 1. Bonanza Ranch Estates, Inc., Eduardo C. Cadea, Comptroller, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued June 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of in-

formation obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Bonanza Ranchos Subdivision, located in Dade County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 5, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on September 19, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 5, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: August 26, 1975.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc.75-23255 Filed 9-2-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. 75-18; Notice 2]

### HIGHWAY SAFETY ACT SANCTIONS REVIEW BOARD; UTAH HEARING

#### Appointment of Board Members

On July 28, 1975, the Federal Highway Administrator and the National Highway Traffic Safety Administrator acting jointly issued a notice (40 FR 32154, July 31, 1975) initiating proceedings to determine whether to invoke the sanctions specified in 23 U.S.C. § 402 against the State of Utah. The basis for the initiation of the proceedings was Utah's failure to enact a helmet use law for motorcycle drivers and passengers. The notice also announced that the sanctions hear-

ing would be held at the Department of Transportation Headquarters Building,

would relax the current requirement that San Francisco-Los Angeles nonstop

serve these same Mexican markets. United and Western conclude that, given

1. Within fourteen (14) days from the date of adoption of this order, Hughes

[Docket 23085]  
LUFTRANSPORT-UNTERNEHMEN

use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable



ing would be held at the Department of Transportation Headquarters Building, Room 2230, 400 Seventh Street, S.W., Washington, D.C. 20590 at 10:00 a.m. on September 4, 1975.

Accordingly, pursuant to § 1206.7 of Title 23, Code of Federal Regulations, a review board of three officials of the Department of Transportation has been appointed to conduct the hearing in accordance with the rules of procedure set forth in Part 1206 of Title 23, Code of Federal Regulations, for the purpose of receiving evidence and views from the State of Utah and interested persons concerning the proposal to invoke sanctions. The membership of the board is as follows:

Office of the Secretary Member and Presiding Officer: Herbert H. Kaiser, Jr., Deputy Assistant Secretary for Environment, Safety, and Consumer Affairs.  
Federal Highway Administration Member: William G. Emrich, Director, Office of Environment and Design, Region V, Homewood, Illinois.

National Highway Traffic Safety Administration Member: Frank Ephraim, Director of the Office of Program Evaluation.

Issued on August 28, 1975.

HERBERT H. KAISER, JR.,  
Presiding Officer,  
Sanctions Hearing Board.

[FR Doc. 75-25362 Filed 8-29-75; 11:42 am]

#### CIVIL AERONAUTICS BOARD AIRLINE OPERATIONAL CONTROL SOCIETY Meeting

Notice is hereby given that a presentation will be made by the Airline Operational Control Society on October 2, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., entitled, "The Aircraft Dispatcher."

Dated at Washington, D.C., August 27, 1975.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc. 75-23285 Filed 9-2-75; 8:45 am]

#### [Order 75-8-139; Docket 27052] HUGHES AIRWEST CORP. Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of August, 1975.

Application of Hughes Airwest Corp. for amendment of certification for route 76 (Modification of Los Angeles-San Francisco Long-Haul Restriction).

On September 27, 1974, Hughes Airwest petitioned the Board to issue an order directing interested persons to show cause why the Board should not approve its concurrently filed application to modify subparagraph (i) of the proviso of condition (4) of Airwest's certificate for route 76. The modification is as follows:

would relax the current requirement that San Francisco-Los Angeles nonstop flights using the Los Angeles International Airport serve Eureka-Arcata or a point north thereof. Under Airwest's proposed modification, such San Francisco-Los Angeles nonstop flights would be restricted only by a requirement that they also serve Chico, California or a point north thereof or serve a point south of Los Angeles, other than Santa Ana-Laguna Beach, Indio-Palm Springs or San Diego, California.

In support of its petition, Airwest alleges that the present restriction is unnecessary and wastes fuel and other resources and that it causes inconvenience to the traveling public by reducing Airwest's operational flexibility. Airwest also alleges that the relaxation of restrictions which it proposes would not adversely affect any other carrier. Airwest sets these allegations against the background of our policy of realigning local service carrier routes to provide opportunities for maximum scheduling flexibility and equipment utilization and concludes that an expeditious acceptance of its proposed certificate amendment by show cause procedures is appropriate.

Answers in opposition to Airwest's petition were filed by Western Air Lines and United Air Lines. Both Western and United allege that approval of Airwest's proposed certificate amendment would result in increased Airwest frequencies—and diversion from other carriers—in the San Francisco-Los Angeles market. United emphasizes as well the negative impact of the proposed amendment on service to the Pacific Northwest. Western alleges that the real purpose of Airwest's petition is to strengthen its Los Angeles/San Francisco-Mexico market position, and that it would be contrary to "Ashbacker Radio Corp. v. F.C.C." 326 U.S. 327 (1945), to grant the petition in the face of Western's own pending application (now in Docket 25776) to

Subparagraph (i) of existing condition (4) of Hughes Airwest's current certificate reads:

"Provided: That the holder may schedule nonstop service (1) between San Francisco and Los Angeles-Ontario, Calif. (when served through the Los Angeles International Airport), on flights which also serve Eureka-Arcata, Calif., or a point north thereof; Provided, further: That if said flights serve Eugene or Medford, Oreg., they shall also serve Portland or a point north thereof."

Hughes Airwest requests that subparagraph (i) be modified to read as follows (modifications underscored):

"Between San Francisco and Los Angeles-Ontario, Calif. (when served through the Los Angeles International Airport): (1) on flights which also serve Chico, Calif., or a point north thereof; Provided, further: That if said flights serve Eugene or Medford, Oreg., they shall also serve Portland or a point north thereof, or (2) on flights which also serve a point south of Los Angeles other than Santa Ana-Laguna Beach, Indio-Palm Springs or San Diego, Calif."

Airwest contends that the economic significance of the restriction has never been adjudicated since it was accepted as a pre-trial restriction in the Pacific Northwest-California Service Investigation, Docket

serve these same Mexican markets. United and Western conclude that, given the substantial issues of law and fact which their objections raise, Airwest's application ought not be handled by show cause procedures. Airwest filed a reply to the answers of Western and United.

Upon consideration of the pleadings and of all the relevant facts, we have decided to issue an order to show cause proposing to amend Airwest's certificate as requested. We tentatively find and conclude that the public convenience and necessity require the amendment of Airwest's certificate for route 76 so as to modify subparagraph (i) of condition (4) in the manner set out above.

In support of our findings, we tentatively find and conclude that the restriction in question unnecessarily restricts Airwest's operating flexibility and wastes fuel. Its modification is consistent with the Board's often reiterated general policy of eliminating or modifying such certificate restrictions, the retention of which have been placed in issue, absent an affirmative showing that their continuance is required. See, e.g., Order 75-7-15, July 2, 1975; Order 74-7-63, July 16, 1974; Order 69-6-87, June 17, 1969. Neither Western nor United has come forward with such a sufficient affirmative showing in their answers to Airwest's petition.

Specifically, in regard to the general contentions of possible diversion made by the objecting carriers, it appears doubtful that Airwest, a minor participant in the heavily served Los Angeles-San Francisco market, would divert a significant amount of traffic from either United or Western due to a restriction modification which will not change Airwest's inability to operate turn-around service between the cities in question. However, Airwest has not provided the Board with any indication of what service changes, if any, it proposes to make in the event that its requested amendment is granted, and we thus lack necessary information upon which to make conclusive findings on the question of diversion. Therefore, we will direct Airwest to provide such information within fourteen days of the date of adoption of this order.

Interested persons will be given twenty-one (21) days following the filing of Airwest of the proposed service schedules, as detailed in ordering paragraph 1 below, to show cause why the tentative findings and conclusions set forth herein should not be made final.

Accordingly, it is ordered, That:

"Airwest accompanies that reply with a motion to file an unauthorized pleading, which motion will be granted.

"Western's contention that a grant of the modifications requested by Airwest would violate Western's Ashbacker rights in regard to its application for new U.S.-Mexico rights is without merit. Western has totally failed to demonstrate that element which is at the heart of Ashbacker: the preclusion as a legal or economic matter of its application for U.S.-Mexico authority.

"We specifically invite comments on the question of diversion in light of Airwest's proposed schedules of service.

#### [Docket 23085] LUFTTRANSPORT-UNTERNEHMEN GMBH & CO. KG. (LTU) Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on September 24, 1975, at 10 a.m. (local time) in Room 1031N, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., August 27, 1975.

[SEAL] ROBERT L. PARK,  
Chief Administrative Law Judge.  
[FR Doc. 75-23286 Filed 9-2-75; 8:45 am]

#### [Docket 27073] TEXAS INTERNATIONAL AIRLINES, INC. AND BRANIFF AIRWAYS, INC. Enforcement Proceeding; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on October 6, 1975, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Dee C. Blythe.

Dated at Washington, D.C., August 27, 1975.

[SEAL] ROBERT L. PARK,  
Chief Administrative Law Judge.  
[FR Doc. 75-23346 Filed 9-2-75; 8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 422-2; OPP-33000/311]

#### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before November 3, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such

use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 3, 1975.

Dated: August 25, 1975.

JOHN B. RITCH, JR.,  
Director,  
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/311)

EPA File Symbol 241-EUT, American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. PAY-OFF 3E TO-BACCO SUCKER CONTROL AGENT. Active Ingredients: Penoxalin ([N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine]) 34.4%; xylene 5.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 35934-E, Chemply, Inc., PO Box 18049, Pittsburgh PA 15236. SODIUM HYPOCHLORITE 15%. Active Ingredients: Sodium hypochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA Reg. No. 464-402, Dow Chem. Co., PO Box 1706, Midland MI 48640. DOWPON M GRASS KILLER. Active Ingredients: Sodium salt of dalapon 72.5%; magnesium salt of dalapon 12.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 352-354, E. I. du Pont de Nemours & Co., Inc., 7056 Dupont Bldg., Wilmington DE 19898. BENLATE BENOMYL FUNGICIDE PLUS. Active Ingredients: Benomyl [methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate] 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM22

EPA Reg. No. 352-375, E. I. du Pont de Nemours & Co., Inc., Blochemicals Department, 7056 Dupont Bldg., Wilmington DE 19898. LEXONE METRIBUZIN WEED KILLER. Active Ingredients: 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA File Symbol 35943-O, Kel-Glo Corp., 54 NE 73rd St., Miami FL 33138. 406 TRI-TIN

[FRL 424-8]

EFFLUENT STANDARDS AND WATER

ward Chemical Company, Kansas City, Kansas 66110. Such permit is in accord-

in conflict) as having been accepted for filing. An application which is submitted to the Federal Communications Commission

20227-CD-P/L-76, Mississippi Telephone Corporation (KLB753), C.P. and License to re-instate facilities operating on 152.66 MHz

20243-CD-P-76, Stockton Mobilphone, Inc. (KRM984), C.P. to change antenna system and relocate facilities operating on 152.24



EPA File Symbol 35923-O. Kel-Glo Corp., 54 NE 73rd St., Miami FL 33138. 406 TRI-TIN ANTI-FOULING PAINT. Active Ingredients: Bis(tributyltin) adipate 21.26%. Method of Support: Application proceeds under 2(c) of interim policy, PM24  
[FR Doc 75-23072 Filed 9-2-75;8:45 am]

[FRL 424-5; PPSG1627, T11]

#### PARAQUAT

##### Establishment of Temporary Tolerance

Chevron Chemical  
Chevron Chemical Co., 940 Hensley St., Richmond CA 94804, submitted a pesticide petition (PP 501627) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium) derived from application of either the d-chloride or the bis-methyl sulfate salt calculated in both instances as the cation in or on dry beans at 0.5 part per million. This temporary tolerance would permit the marketing of the above commodities treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The data submitted in the petition and other relevant material have been evaluated. It has been determined that the tolerance is adequate to cover residues resulting from the proposed experimental use and that such tolerance will protect the public health. Therefore, the temporary tolerance is established as requested for the pesticide for distribution under the Chevron Chemical Co. name with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Chevron Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of product, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires on August 28, 1976. Residues remaining in or on dry beans after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the experimental use permit/temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: August 28, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc 75-23347 Filed 9-2-75;8:45 am]

#### NOTICES

[FRL 424-8]

#### EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

##### Meeting

The Effluent Standards and Water Quality Information Advisory Committee of information bases to establish feasible technical and economic applications of Best Available Technology (BAT) under P.L. 92-500 for U.S. Industry.

As a result of previously conducted public planning meetings, two industry areas were selected for initial industry/ES&WQIAC task force development. The industry areas are (1) Organics, Plastics and Synthetics and, (2) Paperboard from wastepaper.

A series of monthly workshops/meetings have been planned on these industry areas corresponding to the milestones established for the task forces: Completion of Data Collection; Completion of Analysis; Completion of Draft Report; and, Final Action on Best Available Technology (BAT) Report.

The third workshop/meeting will be conducted at Washington, D.C. on Sept. 25 and 26, 1975. The workshop/meeting will begin at 9:00 AM, Thursday, Sept. 25, Room 821, Crystal Mall, Bldg. #2, 1921 Jefferson Davis Highway, Arlington, Virginia.

Thursday, Sept. 25 will be devoted to a review of and disposition of reports on three additional study efforts of ES&WQIAC. The agenda for Thursday includes a review and action on disposition of reports on (1) Development of a Report on the Status and Use of the Matrix Method (2) Analysis of Litigation on Implementation of P.L. 92-500 and (3) Analysis of Toxic Substances Legislation.

The workshop/meeting on Friday, Sept. 26 will begin at 9:00 AM in Room 1112 (Conference Room). The agenda includes: Review of Draft BAT Reports on Organics, Synthetics, Plastics and Paperboard from Waste Paper; Consensus on Revisions to Reports; Development of a Detailed Plan for Completion of Final Reports; and New Business.

The meeting will be open to the public and under the overall direction of the Committee Chairman. Since space is limited, call or write to Dr. Martha Sager, Chairman, or Mr. Martin Brosnan, Executive Director, ES&WQIAC, EPA, Crystal Mall, Bldg. #2, Washington, D.C. 20460 Tel: A.C. 703 557-7390.

MARTHA SAGER,  
Chairman, ES&WQIAC.

[FR Doc 75-23354 Filed 9-2-75;8:45 am]

[FRL 424-6; OPP-50025]

#### THOMPSON-HAYWARD CHEMICAL CO.

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Thompson-Hay-

ward Chemical Company, Kansas City, Kansas 66110. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 148-EUP-19) allows the use of 580.75 pounds of 1-(4-chlorophenyl)-3-(2,6-difluorobenzoyl)-urea on mosquitoes in temporary flooded areas. A total of 4,645 acres is involved; the program is authorized only in the States of California, Colorado, Delaware, Florida, Georgia, Illinois, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New York, Ohio, Oregon, Texas, Utah, Washington, and Wyoming. The experimental use permit is effective from July 31, 1975, to July 31, 1976.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated August 28, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc 75-23353 Filed 9-2-75;8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

[Report No. 768]

#### COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

##### Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

AUGUST 25, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are

<sup>1</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

<sup>2</sup> The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

#### NOTICES

in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

#### FEDERAL COMMUNICATIONS COMMISSION

[SEAL] VINCENT J. MULLINS,  
Secretary.

##### APPLICATIONS ACCEPTED FOR FILING

##### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20219-CD-P-76, Decatur Telephone Company, Inc. (New), C.P. for a new 1-way station to operate on 158.10 MHz to be located 1 mile west of Decatur, Mississippi, 4000' W. Hwy. 15, and 800' N. of Conehatta Rd., Decatur, Mississippi.

20220-CD-P-76, Decatur Telephone Company, Inc. (New), C.P. for a new 2-way station to operate on 157.750 MHz to be located 1 mile west of Decatur, Mississippi, 400' W. Hwy. 15 and 800' N. of Conehatta Rd., Decatur, Mississippi.

20221-CD-P-(3)-76, Airtel International, Inc. (New), C.P. for a new station to operate on 454.075 MHz (Base) at Pilot Hill, Laramie, Wyoming; and 459.175 MHz (Control) at 3rd and Grand Avenue, Laramie, Wyoming; and 454.175 MHz (Repeater) at Pilot Hill, Laramie, Wyoming.

20222-CD-P-(2)-76, Airtel International, Inc. (New), C.P. for a new 1-way station to operate on 152.24 MHz (Base) at Pilot Hill, Laramie, Wyoming; and 459.250 MHz (Control) at 3rd and Grand Avenue, Laramie, Wyoming.

20223-CD-P-76, Airtel International, Inc. (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located at 1025 E. 15th Street, Cheyenne, Wyoming.

20224-CD-P-76, Airtel International, Inc. (New), C.P. for a new 2-way station to operate on 454.025 MHz to be located at 1025 E. 15th Street, Cheyenne, Wyoming.

20225-CD-P-(4)-76, Airtel of California, Inc. (New), C.P. for a new 1-way station to operate on 152.24 MHz (Base) and 158.70 MHz (Base) at Sulphur Springs Mtn., 1.6 mile NE of Vallejo, California, to be described as Loc. #1; also at Grizzly Peak, Oakland Hills, California, to be described as Loc. #2.

20226-CD-P-(2)-76, Airtel of California, Inc. (New), C.P. for a new 1-way station to operate on 35.22 MHz (Base) at Grizzly Peak, Oakland Hills, California, to be described as Loc. #1; also at Sulphur Springs Mtn., 1.6 mile NE of Vallejo, California, to be described as Loc. #2.

20227-CD-P/L-76, Mississippi Telephone Corporation (KLB753), C.P. and License to re-instate facilities operating on 152.66 MHz (Base) located at Intersection of Hwy. 63 and 594, 5 miles SE. Leakesville, Mississippi.

20228-CD-P-76, The Monon Telephone Co., Inc. (New), C.P. for a new 1-way station to operate on 158.10 MHz to be located at 315 North Market Street, Monon, Indiana.

20229-CD-P-76, Mobile Phone of Texas, Inc. (New), C.P. for a new 2-way station to operate on 152.03 MHz (Base) to be located at 1400 17th Street, Snyder, Texas.

20230-CD-P-76, Radio Communications, Inc. (New), C.P. for a new 1-way station to operate on 43.22 MHz (Base) to be located 5.8 miles NW. of Frederick, Maryland.

20231-CD-P-76, Radio Communications, Inc. (New), C.P. for a new 2-way station to operate on 152.18 MHz (Base) to be located 5.8 miles NW. of Frederick, Maryland.

20233-CD-P-76, General Telephone Company a new 2-way station (with some one-way operations) to operate on 152.66 MHz (Base) to be located 1.5 miles E. of Gloversville, N.Y., on Blanchard Road, Johnstown, N.Y.

20234-CD-P-76, Empire Mobilcomm Systems, Inc. (New), C.P. for a new 1-way station to operate on 152.24 MHz (Base) to be located 0.7 mile NW. on Awbury Butte, Bend, Oregon.

20235-CD-P-76, Citizens Utilities Company of Pennsylvania (New), C.P. for a new 2-way station to operate on 152.54 MHz (Base) to be located 2000' W. of Rt. 66, one mile NW. of New Bethlehem, Pennsylvania.

20236-CD-P-76, Airtel International, Inc. (KAF245), C.P. for new developmental facilities at existing station to operate on 97.96 MHz to be located at 125 E. 31st Street, Kansas City, Missouri.

20237-CD-P-(2)-76, Airtel International, Inc. (KFL895), C.P. for add'l. facilities to operate on 218.8 MHz (Control) at new Location #2: Fruitville Rd. and Christie Avenue, Sarasota, Florida; also for add'l. facilities to operate on 2168.8 MHz (Repeater) at existing Loc. #1: 4212 30th St. West, Bradenton, Florida.

20238-CD-P-76, RCC of Virginia, Inc. (KLF 629), C.P. for additional facilities to operate on 158.70 MHz (Base, 1-way) at new Location #2: 23 Sesame Street, Richmond, Virginia.

20239-CD-P-(3)-76, Public Service Associates, Inc. (KWT894), C.P. for additional facilities to operate on 454.050, 454.250, and 454.300 MHz (Base) at existing site located on Baldy Hill, 1/2 mile NW. of Feltz Field, Spokane Municipal Airport, Spokane, Wash.

20240-CD-P-76, Mobile Radio Communications, Inc. (KSV904), C.P. for additional facilities to operate on 158.70 MHz (Base, 1-way) at New Loc. #6: NW. Corner of Old Cemetery on Miller Street, Liberty, Missouri.

20241-CD-P-(2)-76, Texoma Mobilfone, Inc. (KLF523), C.P. to change antenna system and relocate facilities operating on 152.12 MHz (Base) at antenna site located 1 mile south of Highway 82, 2 miles east of Gainesville, Texas; also for additional facilities to operate on 162.03 MHz (Base) at same location.

20242-CD-P-(2)-76, Lubbock Radio Paging Service, Inc. (KKE970), C.P. to change antenna system and relocate facilities operating on 454.050 MHz and 454.125 MHz (Base) located at Metro Tower, Broadway and Avenue L, Lubbock, Texas.

20243-CD-P-76, Stockton Mobilphone, Inc. (KRM984), C.P. to change antenna system and relocate facilities operating on 152.24 MHz (Base, 1-way) at antenna site located at 5235 East Carpenter Road (approximately 600 feet N. of Rd.) Stockton, California.

20244-CD-P-76, Denver and Ephrata Telephone and Telegraph Company (KG1782), C.P. to change antenna system and relocate facilities operating on 43.58 MHz (Base, 1-way) at antenna site located at Williamson Park, Lancaster, Pa., described as Loc. #2.

20245-CD-P-76, Texoma Mobilfone, Inc. (KLB502), C.P. for additional facilities to operate on 152.09 MHz at existing site located at Highway 75, 5 miles N. of Sherman, Texas.

20246-CD-P-76, Business Communications, Inc., d/b/a New Orleans Mobilfone (KKA 400), C.P. for additional facilities to operate on 454.225 MHz (Base) at existing site located at 700 Poydras Street, New Orleans, Louisiana.

20247-CD-P-(2)-76, Airtel International, Inc. (KIQ511), C.P. for additional facilities to operate on 2178.4 MHz (Repeater) at existing Loc. #1: 0.85 mile N. of Venice Blvd., 1280' E. of Byway Road, Venice, Florida; also for additional facilities to operate on 2128.4 MHz (Control) at New Loc. #2: Fruitville Road and Christie Avenue, Sarasota, Florida.

20248-CD-P-(2)-76, Autofone, Inc. (New), C.P. for a new 2-way station to operate on 152.06 MHz (Base) at Loc. #1: On Hwy. 56, 0.55 mile N. of Swainsboro, Georgia; also to operate on 454.150 MHz (Base) at Loc. #2: On Hwy. 56, 3.2 miles S. of Swainsboro, Georgia.

20249-CD-P-76, Omni Communications, Inc. (KCC786), C.P. to relocate facilities operating on 152.06 MHz (Base) at Loc. #2: Prudential Building, Prudential Center, Boston, Massachusetts.

20250-CD-P-76, The Mountain States Telephone and Telegraph Company (KAF633), C.P. for additional facilities to operate on 152.72 MHz located 10 miles W. of Grand Junction, Colorado; also to replace transmitter operating on 152.75 MHz at same location.

21251-CD-P-76, Pacific Northwest Bell Tel. Co. (KOF331), C.P. to change antenna system and frequency at Loc. #1: 4 miles ESE. of Florence, Oregon, to operate on 152.60 MHz (Base).

20252-CD-P/L-76, Southwestern Bell Tel. Co. (KKT588), C.P. and License to change antenna system operating on 152.57 MHz (Base) located 2.3 miles E. of Stratford, on Okla. St. Hwy. 19, North side of road, Stratford, Oklahoma.

20253-CD-P-76, The Pacific Tel. & Tel. Co. (KUD229), C.P. for additional facilities to operate on 459.825 MHz (Auxiliary Test) at 3848 7th Avenue, San Diego, California (Air-Ground).

##### Correction

21267-CD-P-75, (KEA2604), Mobile Radio Message Service, Inc. Correct statement in Public Notice No. 745 dated March 17, 1975, to show the addition of a standby transmitting facility. All other particulars remain as reported.

##### RURAL RADIO SERVICE

60049-CR-P/L-76, The Mountain States Tel. & Tel. Co. (New), C.P. and License for a new Rural Subscriber-Fixed station to operate on 157.85 MHz located at Rancho Moana, 16 1/2 miles NW. of Prescott, Arizona.

#### NOTICES

60050-CR-P/L-76, Lafourche Telephone 11325V, 11485H MHz toward Van Buren, 405-CF-P-76, Same (WAX66), 1.45 Miles (WAX66), 1.45 Miles

872-CF-P-76, Southwest Texas Transmission

#### NOTICES

##### Corrections

Further information concerning this



60050-CR-P-76, Lafourche Telephone Company (New), C.P. and License for a new Rural Subscriber-Fixed station to operate on 157.80 and 157.92 MHz located 7 miles east of cut on Lafourche, Louisiana. 60051-CR-P-76, South Central Bell Tel. Co. (New), C.P. for a new Rural Subscriber-Fixed station to operate on 157.86 MHz located approximately 4.2 miles East of Port Sulphur, Louisiana.

60052-CR-P-76, Center Island Beach Club, Inc. (WGI74), C.P. and License for additional facilities operating on 157.83, 157.86, 157.89, 157.92, 157.94, 157.98, 158.01, 158.04, 158.07 MHz located at 23 Chinook Way, Center Island, Washington; also to reinstate existing facilities operating on 157.77 and 157.80 MHz at same location.

#### POINT-TO-POINT MICROWAVE RADIO SERVICE

2779-CF-ML-75, RCA Alaska Communications, Inc. (WGF63), Bird Creek, Alaska. Lat. 60°57'52" N. Long. 149°26'19" W. Mod. of License to change polarity from Horizontal to Vertical on frequency 2125.4 MHz toward Bird Point, Alaska, on azimuth 128°54'.

2778-CF-P-76, All America Cables and Radio, Inc. (WWZ24), Cerro Marquessa, 1.6 Miles NNW. of Aguas Buenas, Puerto Rico. Lat. 18°16'51" N. Long. 66°06'38" W. C.P. to change antenna system and add frequencies 3870.0 MHz toward San Juan, Puerto Rico, on azimuth 90°29', and 10715.0 MHz toward Cerro Las Pinas, Puerto Rico, on azimuth 167°00'.

379-CF-P-76, Same (WWZ36), Cerro Las Pinas, 5.9 Miles SW. of Caguas, Puerto Rico. Lat. 18°09'16" N. Long. 66°04'51" W. C.P. to change antenna system and add frequencies 11645.0 MHz toward Cerro Marquessa, Puerto Rico, on azimuth 347°01', and 11365.0 MHz toward Monte Llano, Puerto Rico, on azimuth 296°41'.

380-CF-P-76, Same (WWZ33), 901 Ponce de Leon Avenue, San Juan, Puerto Rico. Lat. 18°27'45" N. Long. 66°04'52" W. C.P. to add frequency 3914.0 MHz toward Cerro Marquessa, Puerto Rico, on azimuth 189°28'.

381-CF-P-76, Same (WWZ35), Monte Llano, State Rd. 21, Barrio Monte Llano, Puerto Rico. Lat. 18°08'01" N. Long. 66°07'53" W. C.P. to change antenna system and add frequency 11035.0 MHz toward Cerro Las Pinas, Puerto Rico, on azimuth 66°54'.

398-CF-P-76, New York Telephone Company (New), Fort Hill, 1.1 Miles SSE. of Savannah, New York. Lat. 43°03'10" N. Long. 76°45'11" W. C.P. for a new station on frequencies 11605.5, 11445.0 MHz toward Van Buren, New York, on azimuth 79°34', and 11485.0 MHz toward Auburn, New York, on azimuth 131°54'.

399-CF-P-76, Same (KEF74), 36 South Street, Auburn, New York. Lat. 42°53'45" N. Long. 76°33'57" W. C.P. to change antenna system and location, change frequencies 6135.637 MHz toward Van Buren to 11035.0 MHz, 10875.0 MHz toward a new station at Fort Hill, New York, on azimuth 312°01'; replace transmitters and change power.

400-CF-P-76, Same (KEF75), Van Buren, 2 Miles NW. of Warrens, New York. Lat. 43°08'19" N. Long. 76°21'31" W. C.P. to change antenna system and frequencies 6055.0, 6295.0 MHz toward Syracuse, New York, to 11035.0, 10875.0 MHz on azimuth 110°02'; change 6015.0, 6255.0 MHz toward Auburn to 11155.0, 10995.0 MHz toward a new station at Fort Hill, New York, on azimuth 259°51'; replace transmitters and change power.

401-CF-P-76, Same (KEF76), 413 East Fayette Street, Syracuse, New York. Lat. 43°02'55" N. Long. 76°08'51" W. C.P. to change frequencies 6175, 6415 MHz to

11325.0, 11465.0 MHz toward Van Buren, New York, on azimuth 290°11'; replace transmitters and change power.

446-CF-P-76, South Central Bell Telephone Company (KJH23), 521 West Chestnut Street, Louisville, Kentucky. Lat. 38°14'58" N. Long. 85°45'39" W. C.P. to change antenna system and add frequencies 3810.0, 3890.0, 4050.0 MHz toward Fisherville, Kentucky, on azimuth 105°33'.

447-CF-P-76, Same (WJM46), 1.0 Mile SE. of Fisherville, Kentucky. Lat. 38°10'46" N. Long. 85°26'39" W. C.P. to change antenna system and add frequencies 3770.0, 3850.0, 3930.0 MHz toward Louisville, Kentucky, on azimuth 285°45', and 3850.0, 3930.0, 4090.0 MHz toward Mt. Eden, Kentucky, on azimuth 116°52'.

448-CF-P-76, Same (WJM47), 0.7 Mile East of Mt. Eden, Kentucky. Lat. 38°03'25" N. Long. 85°08'22" W. C.P. to change antenna system and add frequencies 3730.0, 3810.0, 3890.0 MHz toward Fisherville, Kentucky, on azimuth 297°04', 3810.0 MHz toward East Frankfort, Kentucky, on azimuth 60°42', and 3890.0 MHz toward Mearsville, Kentucky, on azimuth 169°20'.

449-CF-P-76, Same (KYC48), East Frankfort, 0.5 Mile South of Frankfort, Kentucky. Lat. 38°11'04" N. Long. 84°51'03" W. C.P. to change antenna system and add frequencies 4170.0 MHz toward Mt. Eden, Kentucky, on azimuth 240°53', and 3850.0 MHz toward Junction West, Kentucky, on azimuth 145°02'.

450-CF-P-76, Same (WJM48), 0.7 Mile North of Mearsville, Kentucky. Lat. 37°44'48" N. Long. 85°03'57" W. C.P. to add frequencies 3930.0 MHz toward Mt. Eden, Kentucky, on azimuth 349°23', and 3930.0 MHz toward Danville, Kentucky, on azimuth 113°47'.

445-CF-P-76, Same (KJK51), 216 South Fourth Street, Danville, Kentucky. Lat. 37°38'38" N. Long. 84°46'25" W. C.P. to add frequencies 3890.0 MHz toward Mearsville, Kentucky, on azimuth 293°58', and 3730.0 MHz toward Richmond, Kentucky, on azimuth 77°31'.

456-CF-P-76, Same (KJD27), 1.8 Miles SW. of Richmond, Kentucky. Lat. 37°43'28" N. Long. 84°18'37" W. C.P. to add frequencies 4170.0 MHz toward Danville, Kentucky, on corrected azimuth 257°49', and 3770.0 MHz toward Winchester, Kentucky, on azimuth 20°25'.

457-CF-P-76, Same (KYS48), 232 West Lexington Avenue, Winchester, Kentucky. Lat. 37°59'35" N. Long. 84°11'02" W. C.P. to add frequency 4130.0 MHz toward Richmond, Kentucky, on azimuth 200°30'.

458-CF-P-76, Puerto Rico Telephone Company (WWR76), Power and "A" Streets, Ponce, Puerto Rico. Lat. 18°00'23" N. Long. 66°36'51" W. C.P. to add frequency 6115.7 MHz toward Santa Isabel, Puerto Rico, on azimuth 100°46'.

459-CF-P-76, Same (WWY31), Baldorioty Street, Santa Isabel, Puerto Rico. Lat. 17°58'06" N. Long. 66°24'21" W. C.P. to add frequency 6367.7 MHz toward Ponce, Puerto Rico, on azimuth 230°50'.

403-CF-P-76, Microwave Communications, Inc. (WAX64), 875 North Michigan Ave., Chicago (Cook) Illinois. Lat. 41°53'56" N. Long. 87°37'26" W. C.P. to change antenna system, replace transmitter and to add 6197.2 MHz and 6404.8 MHz towards Downers Grove, Illinois, on azimuth 245°49'.

404-CF-P-76, Same (WAX65), 501 63rd Street, Downers Grove (Du Page) Illinois. Lat. 41°46'22" N. Long. 87°59'50" W. C.P. to change antenna system, replace transmitter, and to add 5945.2 MHz and 6063.8 MHz towards Chicago, Illinois, on azimuth 65°34'; 5889.7 MHz and 6108.3 MHz towards Minooka, Illinois, on azimuth 215°02'.

405-CF-P-76, Same (WAX66), 1.45 Miles NNW. of Minooka, (Kendall) Illinois. Lat. 41°28'41" N. Long. 88°16'17" W. C.P. to replace transmitter and to add 5989.7 MHz and 6390.0 MHz towards Downers Grove, Illinois, on azimuth 34°51'; 6301.0 MHz and 6330.7 MHz towards Ransom, Illinois, on azimuth 219°15'.

406-CF-P-76, Same (WAX67), 1.0 Miles South of Ransom (LaSalle) Illinois. Lat. 37°07'22" N. Long. 88°39'17" W. C.P. to replace transmitter and to add 5989.7 MHz and 6049.0 MHz towards Minooka, Illinois, on azimuth 38°59'; 6019.3 MHz and 6137.9 MHz towards Gridley, Illinois, on azimuth 205°35'.

407-CF-P-76, Same (WAX68), 0.7 Mile North of Gridley (Livingston) Illinois. Lat. 40°45'52" N. Long. 88°52'49" W. C.P. to replace transmitter, change antenna system, and to add 6271.4 MHz and 6390.0 MHz towards Ransom, Illinois, on azimuth 25°27'; 6256.5 MHz and 6375.2 MHz towards Bloomington, Illinois, on azimuth 202°08'.

408-CF-P-76, Same (WAX69), 0.66 mile West of Bloomington (McLean) Illinois. Lat. 40°28'34" N. Long. 89°02'02" W. C.P. to change antenna system, replace transmitter, and to add 6004.5 MHz and 6123.4 MHz towards Gridley, Illinois, on azimuth 22°02'; 5974.8 MHz, 6034.2 MHz, and 6093.5 MHz towards Waynesville, Illinois, on azimuth 192°04'.

409-CF-P-76, Same (WGH97), 2.75 Miles SSE. of Waynesville, (DeWitt) Illinois. Lat. 40°12'00" N. Long. 89°06'39" W. C.P. to replace transmitter and to add 6226.9 MHz, 6286.2 MHz, and 6345.5 MHz towards Bloomington, Illinois, on azimuth 12°01' and 5960.0 MHz, 6078.6 MHz, and 6137.9 MHz towards Elkhart, Illinois, on azimuth 229°35'.

302-CF-P-76, Southern Bell Telephone & Telegraph Company (KIU54), Chipley, Florida. Lat. 30°46'47" N. Long. 85°32'38" W. C.P. to add 4050.0 MHz toward Double Branch Pond (KIU64), Florida.

303-CF-P-76, Southern Bell Telephone & Telegraph Company (KIU64), Double Branch Pond, Florida. Lat. 30°34'58" N. Long. 85°38'41" W. C.P. (a) to change frequency to 3770.0 MHz toward Chipley, Florida, on azimuth 24°22' and (b) to add 3770.0 MHz toward Merial Lake, Florida, on azimuth 187°36'.

304-CF-P-76, Same (KIV58), Merial Lake, 6.5 Miles NW. of Southport, Florida. Lat. 30°22'42" N. Long. 85°40'34" W. C.P. to add 3770.0 MHz toward Panama City (KIV59), Florida, on azimuth 176°15'.

308-CF-P-76, Service Electric Company (KGI61), Pimple Hill, 8.0 Miles SE. of Blakeslee, Pennsylvania. Lat. 41°01'35" N. Long. 75°30'20" W. C.P. to change from vertical to horizontal the polarity of 5989.7 MHz, 6049.0 MHz, 6108.3 MHz, and 6167.6 MHz toward Hazleton, Pennsylvania, on azimuth 261°01'.

316-CF-P-76, Western Maryland Communications, Inc. (KQX32), Cacapon Mountain, 2.0 Miles West of Ridge, West Virginia. Lat. 39°27'03" N. Long. 78°20'48" W. C.P. to replace transmitters on frequencies 6034.2 MHz, 6152.8 MHz, 6286.2 MHz, and 6404.8 MHz and to increase power to 2.0 watts on path toward Irons Mountain (KGO30), Maryland, on azimuth 305°49'.

317-CF-P-76, Same (KGO30), Irons Mountain, 3.2 Miles East of Cumberland, Maryland. Lat. 39°37'35" N. Long. 78°42'33" W. C.P. (a) to replace transmitters on frequencies 5974.8 MHz, 6093.5 MHz, 6197.2 MHz, and 6315.9 MHz and to increase power to 2.0 watts on same frequencies toward respective points of communication at Cumberland and Frostburg, Maryland, and Keyser, West Virginia; and (b) to increase power to 2.0 watts on 6256.5 MHz toward Keyser, West Virginia.

#### Corrections

New England Telephone and Telegraph Company (KZ181), 35-CF-P-76. Correct: Latitude to read 43°31'54" N. All other particulars remain as reported in Public Notice No. 763 dated July 21, 1975.

#### LOCAL TELEVISION TRANSMISSION

9702-CT-R-76, Diamond State Telephone Company (KB9816), Within territory of Grantee: Application for Renewal of Radio Station License (3089-CI-ML-74) Mobile TV-Pickup, for the period August 1, 1975, to August 1, 1980.

9703-CT-R-76, Bell Telephone Company of Pennsylvania (KA2101), Within territory of Grantee: Application for Renewal of Radio Station License (2663-CI-ML-74), Mobile T-Pickup, for the period August 1, 1975, to August 1, 1980.

[FR Doc.75-23137 Filed 9-2-75;8:45 am]

#### FEDERAL ENERGY ADMINISTRATION

#### CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, September 18, 1975, at 9 a.m., Room 7132, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration with diversified information possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Subcommittee Reports on:
  - a. Utility Issues.
  - b. Social Relief Programs.
  - c. Mutual Environmental and Consumer Issues.
  - d. Pricing, Including Natural Gas.
  - e. Impact of Energy Policy on the cities.
  - f. Consumer Participation.
  2. Old Business.
  3. New Business.

Subcommittees may meet informally in Washington, the preceding evening, at the discretion of the Subcommittee chairmen. For further details, contact Lois Weeks, Advisory Committee Management Officer at (202) 961-7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer at (202) 961-7022, at last 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on August 28, 1975.

DAVID G. WILSON,  
Acting General Counsel.

[FR Doc.75-23272 Filed 8-28-75;2:10 pm]

#### FEDERAL MARITIME COMMISSION

#### FARRELL LINES INC. ET AL Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 23, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Farrell Lines Incorporated; Columbus Line; Associated Container Transportation (Australia) Ltd. and Australia National Line.

#### Notice of Agreement Filed by:

John R. Mahoney, Esq., Casey, Lane & Mitterdorf, 26 Broadway, New York, New York 10004.

Sanford C. Miller, Esq., Haight, Gardner, Poor & Havens, One State Street Plaza, New York, New York 10004.

Edward Aptaker, Esq., Morgan, Lewis & Bockius, 1140 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. 10174, among Farrell Lines, Inc., Columbus Line, Associated Container Transportation (Australia) Ltd. and Australia National Line, common carriers by water operating cellular container services in the trade between Australia and U.S. Atlantic and Gulf

#### PACIFIC-STRAITS CONFERENCE

Coast ports, provides for the establishment of a cooperative working arrangement.

funds, as well as the disposition of certain refund amounts being retained by

[Docket No. ER76-67]

KANSAS CITY POWER & LIGHT CO.

tendered for filing and acceptance its report of intended disposition of refunds received in compliance with the Com-

Any person desiring to be heard or to make any protest with reference to this filing should, on or before September 4,



Coast ports, provides for the establishment of a cooperative working arrangement whereby the carriers agree to consult with each other for the purpose of arranging their sailings to provide a more effective and efficient service to the ports in the trade.

By Order of the Federal Maritime Commission.

Dated: August 28, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc 75-23294 Filed 9-2-75; 8:45 am]

#### PACIFIC-INDONESIAN CONFERENCE Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 23, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

#### Notice of Agreement Filed by:

Mr. H. R. Rollins, Secretary, Pacific-Indonesian Conference, 835 Sacramento Street, San Francisco, California 94111.

Agreement 606-17 is an "enabling clause" which would permit the Pacific-Indonesian Conference to "... enter into agreements with other conferences or rate-making groups, for the purpose of discussing and/or agreeing upon matters of mutual interest."

By Order of the Federal Maritime Commission.

Dated: August 28, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc 75-23295 Filed 9-2-75; 8:45 am]

#### NOTICES

##### PACIFIC-STRAITS CONFERENCE Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 23, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

#### Notice of Agreement Filed by:

Mr. H. R. Rollins, Secretary, Pacific-Straits Conference, 835 Sacramento Street, San Francisco, California 94111.

Agreement 5680-18 is an "enabling clause" which would permit the Pacific-Straits Conference to "... enter into agreements with other conferences or rate-making groups, for the purpose of discussing and/or agreeing upon matters of mutual interest."

By Order of the Federal Maritime Commission.

Dated: August 28, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc 75-23296 Filed 9-2-75; 8:45 am]

#### FEDERAL POWER COMMISSION

[Docket Nos. AR64-1, et al.; Docket Nos. RP67-8, RP69-27, RP70-19]

##### AREA RATE PROCEEDING, ET AL. (HUGOTON-ANADARKO) AND TRANSWESTERN PIPELINE CO.

###### Proposed Plan of Refund

AUGUST 26, 1975.

Take notice that Transwestern Pipeline Company on August 4, 1975, filed a proposed plan of refund of supplier refunds received pursuant to the Commission's Order issued March 17, 1975, in Docket Nos. AR64-1, et al., directing disbursement and flow-through of re-

funds, as well as the disposition of certain refund amounts being retained by Transwestern pending Commission action. Transwestern's proposal, to be implemented by operation of the PGA provision of its FPC Tariff, is a plan of flowing through to its customers, not only the Hugoton-Anadarko Area refunds, but amounts being held pending Commission action in other proceedings, as set forth on the schedule attached thereto.

Transwestern proposes the following:

(1) To flow-through to its jurisdictional customers all refunds being held, and the disposition of which is awaiting Commission action. Such flow-through shall be implemented by crediting the refunds to the Gas Cost Adjustment Account pursuant to Section 19.2 (b) (3) (c) and 19.6 of the General Terms and Conditions of its FPC Gas Tariff.

(2) Such refunds shall include the equitable entitlement amounts heretofore retained pending Commission action and to which Transwestern will relinquish all claims.

Such supplier refunds are as follows:

Docket No. AR64-1 et al. (Hugoton-Anadarko):	
Refunds and interest pending distribution...	\$1,268,537.24
Equitable entitlement...	16,989.24
Subtotal .....	\$1,285,526.48

Docket No. AR61-1 et al. (Perman):	
Oct. 6, 1972, refund report, refunds pending distribution .....	601,218.52

Equitable entitlement amounts retained from prior reports.....	76,186.85
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Total refunds to be credited .....	1,962,931.85
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Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23223 Filed 9-2-75; 8:45 am]

[Docket Nos. AR64-1, et al.]

##### AREA RATE PROCEEDING, ET AL. (HUGOTON-ANADARKO AREA)

###### Report of Refunds

AUGUST 26, 1975.

Take notice that on August 4, 1975, Cities Service Gas Company (Cities)

#### NOTICES

[Docket No. ER76-67]

##### KANSAS CITY POWER & LIGHT CO. Filing of Service Schedule

AUGUST 26, 1975.

Take notice that on August 11, 1975, Kansas City Power & Light Company (KCPL) tendered for filing a Service Schedule under the Twin Cities-Iowa-Omaha-Kansas City 345 Kv Interconnection Coordinating Agreement. KCPL's FPC Rate Schedule No. 67, and KCPL requests that said Service Schedule be permitted to become effective thirty (30) days after filing. KCPL states that the Service Schedule provides for the Sale of Long Term Interruptible Capacity to Omaha Public Power District (OPPD).

KCPL states that long Term Interruptible Capacity is being provided to OPPD to permit OPPD to enter into a related transaction with Nebraska Public Power District (NPPD) which latter will require additional capacity for reliability on its system.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23226 Filed 9-2-75; 8:45 am]

[Docket Nos. E-9028, E-9058 and ER76-71]

##### MISSISSIPPI POWER AND LIGHT CO.

###### Proposed Agreement for Purchase of Power

AUGUST 26, 1975.

Take notice that on August 12, 1975, Mississippi Power and Light Company (MP&L), tendered for filing an Agreement for Purchase of Power between MP&L and the Yazoo Valley Electric Power Association at Midway, Mississippi in substitution for an unexecuted Agreement for Purchase of Power filed on September 20, 1974, and accepted for filing on January 7, 1975, in Docket No. E-9028 to become effective on the date of initiation of service. Service commenced under that agreement on January 30, 1975.

MP&L states that its Rate Schedule REA-13 (Revised) incorporated therein was heretofore filed with the Commission on January 10, 1975, in Docket No. E-9058 and is the currently effective tariff for service to its electric power association customers pending action of the Commission in Docket No. E-9058.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before September 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules and Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23224 Filed 9-2-75; 8:45 am]

[Docket No. ER 76-57]

##### ARIZONA PUBLIC SERVICE CO. Supplement to Agreement

AUGUST 26, 1975.

Take notice that on August 8, 1975, Arizona Public Service Company (APS) tendered for filing Supplement No. 16 of an Agreement with Navajo Tribal Utility Authority (NTUA), FPC Rate Schedule No. 6, which provides for the delivery of part of NTUA's entitlement from APS' Four Corners Generating Station near Farmington, New Mexico to NTUA at the Navajo Reservation boundary just north of the APS' Leupp Junction Substation. APS states that the Supplement provides for no change of rate and is not a rate increase.

Copy of the filing was served upon the Arizona Corporation Commission.

APS requests that the waiver provisions of Section 35.11 of the Commission's regulations be waived and permit this Supplement to become effective as soon as practical.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23225 Filed 9-2-75; 8:45 am]



Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23227 Filed 9-2-75; 8:45 am]

[Docket No. ID-1647]

**CLIFTON F. ROGERS**  
Supplemental Application

August 26, 1975.

Take notice that on July 18, 1975, Clifton F. Rogers (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Chairman of the Board, President & Director, Upper Peninsula Power Company, Public Utility.

President & Director, Upper Peninsula Generating Company, Public Utility.

Upper Peninsula Power Company, 616 Sheldon Avenue, Houghton, Michigan, is engaged in the electric utility business in the upper peninsula of Michigan. In addition to its own generating facilities, Upper Peninsula Power Company owns 19% of the outstanding Common (voting) stock of Upper Peninsula Generating Company with Cliffs Electric Service Company owning the other 81%.

Upper Peninsula Generating Company, 616 Sheldon Avenue, Houghton, Michigan, is engaged in the generation of electric energy for sale to its two owners, Cliffs Electric Service Company having the right to purchase 50% and Upper Peninsula Power Company 50% of the energy generated from Units 1 through 4 with Cliffs Electric Service Company having the right to purchase all energy from Units 5 and 6. All the facilities of Upper Peninsula Generating Company are located at Marquette, Michigan.

Any person desiring to be heard or to make any protests with reference to said application should on or before September 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to be-

come parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23228 Filed 9-2-75; 8:45 am]

[Docket No. ER76-68]

**SOUTHERN INDIANA GAS & ELECTRIC CO.**  
Filing of Supplement to Electric Service Agreement

August 26, 1975.

Take notice that on August 11, 1975, Southern Indiana Gas and Electric Company (Company) tendered for filing an Agreement Letter, of July 10, 1975, captioned "Second Supplement to Electric Power Agreement", dated May 25, 1971 (Alcoa Generating Corporation Rate Schedule FPC No. 2 Modifying said Agreement and the Letter Agreement, dated April 30, 1973—First Supplement Southern Indiana Gas and Electric Company—Rate Schedule FPC No. 32). According to the Company, the Letter Agreement, herein referred to as the "Supplement", amends and supplements, but does not supersede the Electric Power Agreement, dated May 28, 1971 and the First Supplement thereto—Letter Agreement, dated April 30, 1973, between the parties.

According to the Company, the Second Supplement updates the Electric Power Agreement, dated May 28, 1971, and the first supplement thereto, both of which are referred to above, by providing that effective August 1, 1975, for short term power reserved by Alcoa Generating Corporation for a period of not less than a calendar week, the demand charge shall be \$0.45 per kilowatt and \$0.075 per kilowatt per day for each day beginning with the day for which power is reserved and ending with the following Saturday and for firm power of 40 MW the demand charge shall be \$1.95 per KW per month (rate of \$0.45 per KW per week) whether or not Alcoa Generating Corporation takes the power requested. These charges were determined by mutual agreement of the parties and are based upon levels customarily and currently being charged by utilities in the area where Southern Indiana Gas and Electric Company and Alcoa Generating Corporation are located, the Company states.

The Company requests the Commission waive the prior notice requirements and permit an effective date of August 1, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before September 5, 1975. Protests will be considered by the Commission in deter-

mining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23229 Filed 9-2-75; 8:45 am]

[Docket No. E-9496]

**UNION ELECTRIC CO.**  
Filing of Revised Tariff Sheets

August 26, 1975.

Take notice that on August 11, 1975, Union Electric Company (UE) tendered for filing certain Revised Tariff Sheets in the captioned docket. Union states that such sheets reflect the exclusion of construction work in progress from its rate base pursuant to the Commission's order of July 11 in this proceeding. Union states that it filed revised schedules to Statements M and N similarly reflecting the exclusion of construction work in progress from rate base. Union states that copies of this filing were mailed to all parties of record.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23230 Filed 9-2-75; 8:45 am]

[Docket No. E-8960]

**UTAH POWER & LIGHT CO.**  
Filing of Supplemental Data

August 26, 1975.

Take notice that on June 9, 1975, The Montana Power Company (Montana) tendered supplemental data intended to make complete the original filing of August 5, 1974, of Utah Power and Light Company (Utah). This data consists of Montana's Certificate of Concurrence to the supplemental information to its Interconnection Agreement with Utah, filed by Utah on August 5, 1974. This action is in response to the letter of April 11, 1975, issued to Montana by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol

[Docket No. RP75-80]

**ALABAMA-TENNESSEE NATURAL GAS CO.**

Further Extension of Time

August 25, 1975.

On August 22, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 24, 1975, as most recently modified by notice issued July 29, 1975, in the above-designated matter. Staff has contacted the interested parties in this proceeding and there is no opposition to the proposed dates.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23231 Filed 9-2-75; 8:45 am]

[Docket No. E-9478]

**ALABAMA POWER CO., ET AL**  
Extension of Time

August 26, 1975.

On July 31, 1975, Consumers Power Company filed a motion to extend the time for filing answers to the petition to intervene and for hearing filed by Georgia Power Project, et al., on June 30, 1975.

Upon consideration, notice is hereby given that the date for filing answers to the petition in the above matter is extended to and including September 8, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23309 Filed 9-2-75; 8:45 am]

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*	Rate in effect	Proposed increased rate	Rate in effect subject to refund in docket No.
RI75-131..	Chevron Oil Co.	3	13	Mountain Fuel Supply Co. (Wyoming) (Rocky Mountain).	\$3,014	7-28-75		9-27-75	27.42	27.5792		RI75-131.

\* Unless otherwise stated, the pressure base is 15.025 lb/in<sup>2</sup>.

† Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed tax increase which exceeds the applicable area ceiling in Opinion No. 658 is suspended until September 27, 1975, which is the time when the suspension period for the underlying rate will expire.

[FR Doc. 75-23332 Filed 9-2-75; 8:45 am]

[Docket No. CP76-51]

**COLUMBIA GAS TRANSMISSION CORP.**  
Application

August 25, 1975.

Take notice that on August 11, 1975, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP76-51 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing

sales of natural gas in interstate commerce for resale under revised service agreements with Baltimore Gas and Electric Company (Baltimore), The Cincinnati Gas Electric Company (Cincinnati), Columbia Gas of Ohio, Inc. (Ohio), Columbia Gas of Virginia, Inc. (Virginia), Roanoke Gas Company, (Roanoke), UGI Corporation (UGI), and Washington Gas Light Company and subsidiaries, Shenandoah Gas Company and Frederick Gas Company, Inc. (WGL), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to sell natural gas under the following circumstances effected by revised service agreements with all signed April 30, 1975:

1. Reduction in Baltimore's winter contract quantity from 10,950,000 Mcf to 5,650,000 Mcf of gas under Rate Schedule WS in Zone 2.

criminary, or preferential, or otherwise unlawful.

*The Commission finds:* It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

*The Commission orders:* (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter 1), and the Commission's Rules of Practice and Procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Secretary.

Mcf of gas under Rate Schedule WS

Under the procedure herein provided

a motion requesting that the Commis-

mony, the Commission establish procedural dates for the service of Staff's

Appalachian area from leases acquired after October 8, 1969, or from wells drilled

most recently modified by notice issued June 23, 1975, in the above-designated



Mcf of gas under Rate Schedule WS in Zone 6.

8. Reduction in WGL's winter contract quantity from 19,140,000 Mcf to 15,630,000 Mcf of gas under Rate Schedule WS in Zone 2.

Applicant states that Baltimore, Cincinnati, Ohio, Virginia, Roanoke, UGI and WGL have advised Applicant that they desire to decrease their winter contract quantities and that Roanoke has advised Applicant that it desires also to reduce its contract demand and maximum daily quantity. It is stated that the proposed revised service agreements reflect the requested reductions. Applicant requests that the Commission authorize sales under the proposed service agreements with an effective date of November 1, 1975, for service with the revisions under Rate Schedule WS and December 1, 1975, for service with revisions under Rate Schedule CDS.

Applicant states that the proposed revisions would not result in the reallocation of natural gas supply among Applicant's customers, the shift of supply from the winter months to the summer months, or a more inferior use of the gas. It is further stated that the proposed revisions would not affect Applicant's curtailment program.

The application indicates that the customers desire a reduction in the winter contract quantities to reduce the demand cost of gas which Applicant is unable to deliver. Additionally, the application indicates that Roanoke has a gas supply in excess of its needs under its current circumstances of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 157.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein. If the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23320 Filed 9-2-75; 8:45 am]

[Docket Nos. RP75-105 and RP75-106]

#### COLUMBIA GULF TRANSMISSION CORP. AND COLUMBIA GAS TRANSMISSION CORP.

##### Order Granting Late Petition To Intervene

August 26, 1975.

On July 23, 1975, the National Fuel Gas Supply Corporation (National Fuel) filed a petition to intervene out of time in this docket. Notice of the filing of the above-referenced dockets was issued on June 4, 1975, with protests or petitions to intervene due on or before June 20, 1975. Several petitions to intervene were received and subsequently granted by order dated July 14, 1975. National Fuel now comes stating that it inadvertently failed to file a timely petition for intervention, that its interest will not adequately be represented by any other party to this proceeding, and that allowance of its intervention will cause no delay.

The Commission finds: Participation by National Fuel in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: (A) The above mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission,

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23310 Filed 9-2-75; 8:45 am]

[Docket Nos. RP73-107, RP74-90, RP75-91  
(Pipeline Production)]

#### CONSOLIDATED GAS SUPPLY CORP.

##### Order Granting Motion for Severance and Expedient Treatment of Appalachian Pipeline Production Issue, Consolidating Proceedings, and Establishing Procedural Dates

August 25, 1975.

On July 23, 1975, Consolidated Gas Supply Corporation (Consolidated) filed

a motion requesting that the Commission issue an order severing and expediting decision of the question of whether the costs of its production of natural gas in the Appalachian area from leases acquired after October 8, 1969, or from wells drilled after January 1, 1973, shall be included in its overall cost of service for ratemaking purposes or whether such costs should be excluded from the total cost of service and the national or area rate, as appropriate, substituted for volumes produced from such leases or wells.

Consolidated states that it has continued to advocate cost-of-service treatment for all production in the Appalachian area in its rate filings in Docket Nos. RP73-107, RP74-90 and RP75-91, in accordance with Consolidated's history of inclusion of all of its own production activities' cost in that region as part of its cost-of-service. However, Consolidated in its motion notes that in Docket No. RP74-90, the Staff advocates excluding from its cost-of-service Consolidated's cost of producing natural gas from leases acquired after October 8, 1969, or from wells drilled after January 1, 1973, and rather, pricing those volumes of gas produced from such wells and leases at the national or area rate, as appropriate. Consolidated states it anticipates the issue arising as well in Docket Nos. RP73-107 and RP75-91.

In view of the impact of the treatment of Appalachian pipeline production on Consolidated and on the customers it serves, the Company believes the prompt resolution of this issue is essential. Consolidated indicates it will be compelled to restrict its drilling program to those projects where production can be obtained profitably within the national or area rates should the Commission not permit cost-of-service treatment and further, such restricted drilling will inevitably reduce the supply available to Consolidated from the Appalachian region.

On July 29, 1975, Rochester Gas and Electric Corporation (Rochester) filed its Response in support of Consolidated's Motion to sever and expedite decision on the treatment of the Appalachian pipeline production issue. Rochester declares it is wholly dependent upon Consolidated for its own gas supply and concurs with Consolidated's assertion that the resolution of the question of proper ratemaking treatment of Consolidated's Appalachian area production expenses will have a direct and probably decisive impact upon Consolidated's drilling activity in that region. Rochester adds it is in the public interest to avoid unnecessary delay in the resolution of this issue when the production of natural gas is critically important.

On August 7, 1975, the Commission Staff filed its Answer to Consolidated's Motion, also indicating its support for severance of the Appalachian pipeline production issue from the other issues in the proceedings. Staff, however, requests that because Consolidated's Motion affects the disposition of the issue in Docket No. RP75-91, a proceeding in which Staff has yet to serve its testi-

mony, the Commission establish procedural dates for the service of Staff's testimony and any intervenor's testimony on the issue of pipeline production as it relates to Docket No. RP75-91.

By Order dated July 14, 1975, in another pipeline rate filing, we severed the issue of whether cost of service treatment should be afforded for the company's production from leases in the Appalachian area acquired after October 8, 1969. Similar treatment is appropriate in the immediate dockets and we shall so provide in this order. We note, however, that in Opinion No. 731<sup>1</sup> we expressed our concern with respect to the standards that must be met to satisfy the "special circumstances" criterion for such cost of service treatment as set forth in Opinion No. 568<sup>2</sup> and Opinion No. 568-A<sup>3</sup>. In finding that the circumstances must be truly extraordinary, we concluded that the pipeline seeking the higher cost of service treatment must carry the same burdens of proof and persuasion that an independent producer must meet in order to gain an exception from the area rate applicable to its sale. Thus, more than a showing of unit costs higher than the area rate, or intimations that the company will have to discontinue its exploration program without the requested relief, is required. In light of Opinion No. 731, all parties submitting evidence on this issue should specifically address the extraordinary nature of the circumstances surrounding Consolidated's production from leases acquired after October 8, 1969, in the Appalachian area.

Our review of Consolidated's Motion to sever and expedite the decision on the treatment of pipeline production costs in Docket Nos. RP73-107 and RP74-90 and in Docket No. RP75-91 indicates it is reasonable and appropriate in the public interest to avoid any unnecessary delay in the resolution of this issue, and we believe good cause exists to grant Consolidated's Motion as hereinafter provided. Therefore, we shall sever the Appalachian pipeline production issue in Docket Nos. RP73-107 and RP74-90 and in Docket No. RP75-91 and consolidate the proceedings on that issue for the purpose of hearing and decision.

We note that by Notice issued July 29, 1975, by the Secretary, Consolidated's Rebuttal Testimony in Docket Nos. RP74-90 and RP73-107 is due to be served on or before September 11, 1975; therefore, we shall assign procedural dates for the service of testimony on the Appalachian pipeline production issue in Docket No. RP75-91 only.

The Commission finds: Good cause exists to grant Consolidated's motion to sever and expedite decision of the question of whether the costs of Consolidated's production of natural gas in the

<sup>1</sup> Columbia Gulf Transmission Corporation, Columbia Gas Transmission Corporation, Docket Nos. RP75-105, RP75-106.

<sup>2</sup> Issued May 15, 1975.

<sup>3</sup> 42 FPC 732 (1969).

<sup>4</sup> 42 FPC 1089 (1969).

Appalachian area from leases acquired after October 8, 1969, or from wells drilled after January 1, 1973, shall be included in its overall cost of service for ratemaking purposes or whether such costs should be excluded from the total cost of service and the national or area rates, as appropriate, substituted for volumes produced from such leases or wells and to establish procedural dates for hearing on that issue as hereinafter ordered and conditioned.

The Commission orders: (A) Consolidated's Motion, filed July 23, 1975, in Docket Nos. RP73-107, RP74-90 and RP75-91, for severance and expeditious treatment of the Appalachian pipeline production issue is hereby granted, as hereinafter ordered and conditioned.

(B) The trial of the Appalachian pipeline production issue in Docket Nos. RP73-107 and RP74-90 and in Docket No. RP75-91 is hereby consolidated, for purposes of hearing and decision thereon.

(C) These consolidated proceedings shall hereinafter be docketed as Docket Nos. RP73-107, RP74-90 and RP75-91 (Pipeline Production).

(D) Pursuant to authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations, a public hearing for the purposes of cross-examination of the evidence on the Appalachian pipeline production issue shall be held on December 16, 1975, at 10:00 A.M. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(E) On or before November 3, 1975, the Commission Staff shall serve its prepared testimony and exhibits in Docket No. RP75-91 on the Appalachian pipeline production issue. Any intervenor evidence on the Appalachian pipeline production issue in Docket No. RP75-91 shall be filed on or before November 17, 1975. Any rebuttal by Consolidated on the same issue in Docket No. RP75-91 shall be served on or before December 2, 1975.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission,

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23321 Filed 9-2-75; 8:45 am]

[Docket No. E-9294]

#### DETROIT EDISON CO.

##### Further Extension of Procedural Dates

August 25, 1975.

On August 8, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 27, 1975, as

most recently modified by notice issued June 23, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, October 23, 1975.  
Service of Intervenor Testimony, November 10, 1975.

Service of Company Rebuttal, November 25, 1975.  
Hearing, December 15, 1975 (10:00 a.m. EST.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23322 Filed 9-2-75; 8:45 am]

[Docket No. RP73-104, et al.]

#### EL PASO NATURAL GAS CO.

##### Extending and Establishing Further Procedural Dates

August 21, 1975.

On August 13, 1975, Staff Counsel filed a motion to extend procedural dates set by order issued February 8, 1974, as most recently modified by notice issued July 2, 1975, and to establish further procedural dates in the above-designated matter.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Evidence and the California Public Utility Commission's Evidence on Depreciation, October 31, 1975.

Service of Intervenor Evidence, November 14, 1975.

Service of Company's Additional Rebuttal, December 2, 1975.

Hearing, December 9, 1975 (10 a.m. e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 75-23307 Filed 9-2-75; 8:45 am]

[Docket No. CP76-53]

#### EL PASO NATURAL GAS CO.

##### Application

August 26, 1975.

Take notice that on August 12, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-53 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the construction commencing October 25, 1975, and operation of facilities for miscellaneous rearrangements, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in making unspecified minor rearrangements of gas sales and transportation facilities. It is stated that the proposed rearrangements would not result in any change in service rendered or the volumes of natural gas authorized to be sold or delivered by Applicant. Applicant states that



## NOTICES

[Docket No. E-7561]

**HOLYOKE WATER POWER CO., ET AL.  
Amended Extension of Time**

August 22, 1975.

In the matter of Holyoke Water Power Company, Western Massachusetts Electric Company, New England Power Company.

the maximum number of facilities that it would construct, rearrange and operate under the proposed authorization would be 5 measuring and regulating stations with standard appurtenances, including tap and valve assemblies, which would be removed or installed at various locations on Applicant's interstate system at an estimated cost of approximately \$100,000, and various sizes of lateral, loop or other pipelines ranging in length from a maximum of 5,000 feet of 4 1/2-inch pipeline to 2,000 feet of 16-inch pipeline, which would be installed at various points along Applicant's interstate system at an estimated aggregate cost of approximately \$200,000. Applicant states that the estimated aggregate cost of all of the proposed facilities would not exceed \$300,000.

Applicant states that the construction and operation of the proposed facilities for miscellaneous rearrangements would be made in connection with the sale and delivery of authorized volumes of natural gas to an existing distributor customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein. If the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23311 Filed 9-2-75; 8:45 am]

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23308 Filed 9-2-75; 8:45 am]

[Docket No. RP76-3]

**INLAND GAS COMPANY, INC.****Tariff Filing**

August 25, 1975.

Take notice that on July 31, 1975, The Inland Gas Company, Inc. (Inland), filed in Docket No. RP76-3 pursuant to Section 4 of the Natural Gas Act its FPC Gas Tariff, Original Volume No. 1, setting forth curtailment procedures for deliveries of natural gas for direct sale, all as more fully set forth in the proposed tariff on file with the Commission and open to public inspection.

By motion accompanying the proposed tariff Inland states that said tariff would have an issue date of July 30, 1975, and would become effective on January 1, 1976, pending determination of permanent curtailment procedures. Inland alleges that such proposed procedures are necessitated by the curtailment of natural gas supplies by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). Inland states that its contract demand service agreement with Tennessee, its major supplier, provides for delivery of 51,000 Mcf of natural gas per day, but that commencing December 16, 1974, contractual deliveries to Inland were curtailed by Tennessee by approximately 60 percent, to approximately 20,000 Mcf of natural gas per day. Inland states that it also has 7,000 Mcf of gas per day available from locally produced and purchased gas.

Inland states that approximately 98 percent of its total annual sales of gas are to 17 of its industrial customers and that the remainder of the gas is sold throughout its system to small rural domestic and commercial customers. Inland states further that two of its larger industrial customers account for approximately 87 percent of its annual total sales. Inland's motion further states that it makes no sales subject to the jurisdiction of the Commission.

Inland states that due to the situation created by the curtailments by Tennessee, it has imposed on its 9 larger industrial customers with daily contract demands in excess of 300 Mcf of gas a proportional curtailment. Inland further states that because one of its major customers is not utilizing its full entitlement of gas, there is presently no curtailment in effect. The motion states that it expects that no curtailment will be imposed in either August or September, but that a curtailment not in excess of 15 percent will be imposed in October and that a curtailment of approximately 30 percent of entitlements is expected in November and December. Inland states that these interim curtailment procedures have been agreed to by the larger industrial customers through December 31, 1975.

Inland alleges that the proposed curtailment procedures would fully protect its rural domestic and commercial customers by imposing proportionate curtailments on its larger industrial customers with entitlements in excess of 300 Mcf of gas per day. It is stated that a curtailment plan in strict accordance with the priorities of service set forth in Section 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) would severely adversely impact one of Inland's major customers and might cause a number of its smaller industrial customers to cease operations. Inland states that its proposed curtailment plan is not in strict accordance with the end-use priorities that are prescribed in Section 2.78 but that its proposed plan would mitigate or obviate the need for extraordinary relief, which would require Inland to flow-through such requests into Tennessee's curtailment proceeding and would require a formal litigated proceeding. Inland alleges that its proposal would spread the burden of curtailment on its nine larger industrial customers and that the proposed curtailment procedures are in accord with Commission Order 467-B and consistent with the curtailment policy contained therein particularly under the conditions existing in its situation.

The proposed tariff provides for over-run penalties of \$10.00 per Mcf and distribution of the penalties among those customers which were unable to receive gas as a result of the overruns.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before September 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing

to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23323 Filed 9-2-75; 8:45 am]

[Docket No. ER76-70]

**INTERSTATE POWER CO.****Proposed Changes in Rates and Charges**

August 26, 1975.

Take notice that on August 13, 1975, Interstate Power Company (Interstate) tendered for filing proposed changes to its FPC Rate Schedule No. 88 for an increase in its transmission service charges to one of its customers, the Cooperative Power Association (CPA). Interstate states that the proposed increase would result in increased revenues of \$418,720, or an increase of 63.3% based on test year 1974, and that the reason for the proposed changes is to offset a decline in overall rate of return due to increased costs of operation.

Interstate proposes an effective date of September 15, 1975, and states that notice of this filing has been given to CPA.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23312 Filed 9-2-75; 8:45 am]

[Docket No. ER76-73]

**MID-CONTINENT AREA POWER POOL  
AGREEMENT****Filing of Amendment to Agreement**

August 26, 1975.

Take notice that on August 18, 1975, Northern States Power Company (Minnesota) (Northern States), as filing agent for the Mid-Continent Area Power Pool (MAPP) Agreement, tendered for filing a proposed amendment to the MAPP Agreement. Northern States states that the proposed amendment revises certain provisions of the agreement relating to voting on amendments.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in

## NOTICES

accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23313 Filed 9-2-75; 8:45 am]

[Docket No. RP76-4]

**NATIONAL FUEL GAS SUPPLY CORP.****Proposed Changes in FPC Gas Tariff**

August 25, 1975.

Take notice that National Fuel Gas Supply Corporation, on August 15, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by \$12,484,000 based on the 12 month period ending December 31, 1975, as adjusted.

National states that the increased rates are required to recoup increased costs incurred in operating and maintaining its system, including, but not limited to, increased cost of capital, increased depreciation due to increases in depreciation rates, and increased wages, taxes and other operation and maintenance expenses. The rates proposed reflect an overall rate of return of 10.2%. The filing also reflects a continuing decline in National's gas supply with a consequent reduction in annual sales volumes. Further, National states that the proposed rates do not include the appropriate surcharge as provided by its purchased gas adjustment clause. At such time as the increased rates are to become effective National will make the appropriate filing to reflect the applicable surcharge adjustment in effect at that time.

National states that it has included in this filing costs applicable to facilities to be acquired from The Sylvania Corporation pursuant to the proposed merger of Sylvania and National which is the subject of Docket No. CP75-344. National further states that if a certificate of public convenience and necessity in Docket No. CP75-344 is not issued prior to the expiration of the suspension period in this proceeding, it will file revised tariff sheets reflecting the elimination of costs applicable to Sylvania.

National states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the States of New York, Ohio and Pennsylvania.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and

Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23324 Filed 9-2-75; 8:45 am]

[Docket No. ER76-73]

**NIAGARA MOHAWK POWER CORP.****Tariff Filing**

August 25, 1975.

Take notice that Niagara Mohawk Power Corporation, on August 14, 1975, tendered for filing as a rate schedule, a transmission agreement between Niagara Mohawk Power Corporation and Orange and Rockland Utilities, Inc., dated February 14, 1975.

The service to be rendered by Niagara Mohawk Power Corporation (Niagara) provides for the transmission of power and energy between (a) Niagara's transmission connection to the Power Authority of the State of New York (PASNY) Fitzpatrick-Edic No. 1, 345 Kv transmission line and (b) Niagara's transmission connection with Niagara's Leeds 345 Kv Substation.

According to Niagara, transmission capacity to be made available to Orange and Rockland Utilities, Inc. (Rockland) will be that which is scheduled as unsupported firm power for Rockland by PASNY in accordance with the James A. Fitzpatrick Nuclear Power Plant (Fitzpatrick) contracts and agreements in effect between PASNY and Rockland.

Niagara states copies of this filing were served upon the following:

Orange and Rockland Utilities, Inc., 75 West Route 59, Spring Valley, NY 10977.

Niagara requests the agreement become effective as of July 28, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23325 Filed 9-2-75; 8:45 am]

## NOTICES

[Docket No. CP76-52]

(winter season). It is stated that on each

ing. Any person wishing to become a

and Brownfield, Texas Compressor Sta-

not serve to make the protestants parties

[Docket No. CI75-744]



[Docket No. CP76-52]  
**NORTHERN NATURAL GAS CO.**  
 Application

August 26, 1975.

Take notice that on August 11, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-52 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of vaporized liquefied natural gas (LNG) for its Peoples Natural Gas Division (Peoples) and the construction and operation of certain interconnection facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Peoples is planning to construct a 1.5 million Mcf equivalent LNG plant with a 50,000 Mcf per day send out approximately 4 miles south of Applicant's Ventura Compressor Station in Hancock County, Iowa. It is stated that the facility would be used for peak shaving during the heating season. Applicant further states that Peoples has requested that Applicant provide the facilities required for delivery of the natural gas volumes to the plant for the liquefaction and storage and for redelivery of vaporized LNG volumes to Applicant for transportation for Peoples.

Applicant states that by an agreement between itself and Peoples dated July 2, 1975, it has agreed to deliver upon the request of Peoples, during the period of March 27 through October 26 of each year (summer season) up to 15,000 Mcf of summer maximum daily volume to Peoples' Ventura LNG facility for liquefaction and storage. It is further stated that on days not within the summer season, Peoples may request, and subject to the approval of Applicant, have gas delivered to its Ventura LNG Plant under the same terms and conditions as gas delivered during the summer season.

Applicant states that under the agreement, Peoples would designate volumes to be delivered by Applicant to the Ventura LNG Plant during the next 24 hour period. Such deliveries on any given day would not be in excess of those that could otherwise be delivered to Peoples within its total authorized entitlement for such day, by individual billing group.

Applicant states that the volumes of natural gas diverted to the Ventura LNG Plant are to be considered remote deliveries to the billing group from which the gas was diverted and would be considered to be the first volume delivered to each billing group. The commodity charge per Mcf would be that which would have been charged for the billing group from which the gas was diverted, pursuant to the appropriate CD-1 rate schedule then in effect.

Applicant states that it would accept and transport by displacement to the designated billing groups vaporized LNG at a daily rate of up to 50,000 Mcf of winter maximum daily volume during the period of October 27 through March 26

(winter season). It is stated that on each day of the winter season, Peoples would designate the volume of vaporized LNG it would inject into Applicant's system, by volume and billing group; and such volumes would not exceed the winter maximum daily volume for the billing group. Winter season volumes delivered on any day would be considered the first volumes delivered to the billing group on that day.

It is stated that Peoples would pay Applicant a demand charge which would be determined by applying the summer or winter seasonal demand rate set forth below to the appropriate maximum daily volumes. Peoples would also pay a commodity charge which would be determined by applying the appropriate summer or winter commodity rate set forth below to the summer or winter season transport volumes as determined under the terms of the Agreement.

I. Commodity charge per Mcf:  
 A. Summer (April-October):  
 Rates to Ventura from Group:

	Cents per Mcf
A	3.47
B	0.56
C	0.69
D	
EP	

B. Winter (November-March) Rates from Ventura to Group:

	Cents per Mcf
A	0.36
B	3.46
C	0.60
D	2.91
EP	2.15

II. Seasonal Demand charge/Mcf:

A. Summer—\$3.582×summer maximum daily volume.  
 B. Winter—\$4.524×WMDV winter maximum daily volume.

II. The penalty charge for unauthorized summer volumes delivered to Ventura from any billing group is \$2.00 per Mcf.

Applicant states that it would require piping, valves and a meter station in Hancock County, Iowa, to implement the proposed service. The estimated cost of the proposed facilities is stated to be \$210,000, and it is further stated that Peoples would reimburse Applicant for the total actual cost.

It is stated that all volumes of gas transported under the proposed service would be resold by Peoples only to small volume firm customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Applicant requests authorization to construct and operate a 1,080 h.p. compressor unit at its Kermit Station in addition to the existing facilities. Applicant states that under current operating conditions, with the Kermit Station fully loaded, the Seminole Texaco Compressor Station (Seminole Station) is utilizing only 77 percent of available horsepower

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc 75-23314 Filed 9-2-75; 8:45 am]

[Docket No. CP76-47]  
**NORTHERN NATURAL GAS CO.**  
 Application

August 25, 1975.

Take notice that on August 8, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-47 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 1,080 horsepower compressor unit and appurtenant facilities in Winkler County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that part of its production volumes from Lea County, New Mexico, are produced into Applicant's 16-inch pipeline between Hobbs, New Mexico, Station and Treating Plant, and the Kermit, Texas, Compressor Station. Applicant states further that the Kermit Station consists of one 9,300 horsepower turbine compressor unit which discharges into Applicant's Kermit-to-Beaver line. Applicant alleges that with the existing 9,300 h.p. compressor unit operating fully loaded certain of Applicant's downstream facilities are not being fully utilized in terms of available horsepower.

Applicant requests authorization to construct and operate a 1,080 h.p. compressor unit at its Kermit Station in addition to the existing facilities. Applicant states that under current operating conditions, with the Kermit Station fully loaded, the Seminole Texaco Compressor Station (Seminole Station) is utilizing only 77 percent of available horsepower

and Brownfield, Texas Compressor Station (Brownfield Station) is utilizing only 49 percent of available horsepower.

Applicant states that by installing the proposed compressor facilities under the following conditions existing facilities would operate more efficiently, a saving in compressor fuel would be realized, and system flexibility would be augmented:

(1) With the line to Plains Measuring Station operating at normal volume levels from Hobbs Station, the remaining volumes would move south into the suction of the proposed 1,080 HP turbine compressor. Under this condition the existing unit would be bypassed; the new unit would be utilizing 97 percent of available horsepower; Seminole Station would utilize 100 percent of its available horsepower and Brownfield Station 99 percent. Requirements for compressor fuel at these three stations are estimated to be 5230 Mcf per day.

(2) Operation of the additional compressor facilities proposed herein along with the existing compressor at Kermit Station would also allow Northern to increase the flows south to Kermit and in the Kermit to Beaver line by 16,200 MCF per day during peaking periods or when volumes flows to Plains Measuring Station are depressed. This would allow applicants to more nearly optimize production in Lea County. Under these conditions both the proposed 1,080 HP turbine compressor and the existing 9,300 HP unit would be fully utilized. Requirements for compressor fuel through Brownfield Station would be approximately 6030 Mcf per day.

It is stated that by comparisons under present operating conditions when the existing 9,300 HP turbine compressor unit is fully loaded, compressor fuel requirements through Brownfield Station are approximately 6040 Mcf per day. However, under the first stated condition efficient use of downstream compressor facilities would be attained and daily compressor fuel requirements would be reduced by approximately 810 Mcf; and, under the second stated condition additional flexibility in the Permian West Leg would be obtained while daily compressor fuel requirements would be reduced.

The estimated cost of the proposed facilities is approximately \$522,000 and with respect to the financing of the proposed facilities Applicant incorporates by reference its balance sheet and income statement as contained in its FPC Form No. 2 Report on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc 75-23326 Filed 9-2-75; 3:45 am]

[Docket No. RP74-102 (Volumetric Limitations)]  
**NORTHERN NATURAL GAS CO.**  
 Extension of Procedural Dates

August 25, 1975.

On August 22, 1975, Northern Natural Gas Company filed a motion to extend procedural dates set by order issued July 7, 1975, in the above-designated matter. On August 20, 1975, an order was issued clarifying the testimony required by the order of August 7, 1975.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Direct Testimony by Northern Natural Gas Company, September 26, 1975. Hearing, October 15, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,  
 Secretary.

[FR Doc 75-23327 Filed 9-2-75; 8:45 am]

[Docket No. R175-74]

**DWIGHT S. RAMSAY**  
 Withdrawal

August 26, 1975.

On August 7, 1975, Dwight S. Ramsay filed a request to withdraw the petition for special relief filed on December 9, 1974, in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's Rules of Practice and Procedure, the withdrawal of the above petition shall become effective on September 8, 1975.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc 75-23314 Filed 9-2-75; 8:45 am]

[Docket No. CI75-744]

**RHONDA OPERATING CO.**

Withdrawal

August 26, 1975.

On August 18, 1975, Rhonda Operating Company filed a request for withdrawal of its application for certificate of public convenience and necessity, filed June 5, 1975, in the above-designated docket.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above applications shall become effective on September 15, 1975.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc 75-23316 Filed 9-2-75; 8:45 am]

[Docket No. E8953]

**SUPERIOR WATER, LIGHT AND POWER CO.**  
 Extension of Date of Hearing

August 25, 1975.

On August 18, 1975, Staff Counsel filed a motion to extend the date of hearing as fixed by order issued August 30, 1974, as most recently modified by notice issued July 25, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date of hearing in the above matter is extended from August 26, 1975 to September 29, 1975.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc 75-23329 Filed 9-2-75; 8:45 am]

[Docket No. CP76-55]

**TRANSCONTINENTAL GAS PIPE LINE CORP.**  
 Application

August 26, 1975.

Take notice that on August 14, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-55 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(b) of the Regulations thereunder (18 CFR 157.7 (b)), for a certificate of public convenience and necessity authorizing the construction during a twelve-month period commencing August 12, 1975, and the operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas which may become available to it from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for or exchange gas with Applicant and in continuing the purchase and receipt of gas supplies which are already

connected to its system. The subject facilities would also be used to connect

Louisiana) to obtain approximately 2 million Mcf of storage capacity, plus an

high priority markets commencing in the 1976-77 winter season.

PROCEEDINGS

The proposed settlement resulted from

ceeded as scheduled and was concluded on August 4, 1975.

however (a) that the establishment of such single base requirements shall not



connected to its system. The subject facilities would also be used to connect natural gas authorized to be sold to other pipeline companies.

The total cost of the proposed facilities would not be in excess of \$12,000,000. The total cost of an onshore project would not be in excess of \$1,500,000 and the total cost of an offshore project would not be in excess of \$2,500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23317 Filed 9-2-75; 8:45 am]

[Docket No. CP76-49]

#### TRANSCONTINENTAL GAS PIPE LINE CORP.

##### Application

August 25, 1975.

Take notice that on August 8, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-49 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of a temporary storage service to its customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has arranged with Mid Louisiana Gas Company (Mid

Louisiana) to obtain approximately 2 million Mcf of storage capacity, plus an additional 500,000 Mcf of storage capacity if available in Mid Louisiana's Hester Storage Field, St. James Parish, Louisiana, pursuant to an agreement between Applicant and Mid Louisiana dated July 30, 1975. The proposed storage service would be available to Applicant for the period of August 1, 1975, through July 31, 1976, with injections of gas into storage primarily in the period of August 1, 1975, through October 31, 1975, and withdrawals primarily during the period of April 1, 1976, through July 31, 1976. Applicant states that the injections and withdrawals would be accomplished at the existing point of interconnection between Applicant and Mid Louisiana downstream of Applicant's Compressor Station No. 63 in St. James Parish, or at any other mutually acceptable point where exchange between them is authorized, subject to certain daily volumetric limitations contained in the agreement of July 30, 1975.

Applicant states that the temporary storage service would be rendered to its customers at a rate of 29.0 cents per Mcf of gas at 15.025 psia delivered to and received from Mid Louisiana, the same rate which Applicant would pay Mid Louisiana for the service. Applicant further states that no new sale of gas is proposed and that the volumes stored for Applicant's customers would be nominated out of their entitlements under Rate Schedules CD or OG.

Applicant states that the customers desiring the proposed service are as follows:

Customer:	Storage volume (Mcf at 14.7 lb/in <sup>2</sup> )
The Brooklyn Union Gas Co.— Consolidated Edison Co. of New York, Inc.	782,611
Long Island Lighting Co.	684,822
North Carolina Natural Gas Corp.	195,580
Piedmont Natural Gas Co., Inc.	88,128
Public Service Co. of North Carolina, Inc.	127,068
UGI Corp.	117,406
United Cities Gas Co.—Georgia Division	9,369
United Cities Gas Co.—North and South Carolina Division.	19,617
Total	2,044,218

Applicant states that no additional facilities are required for the proposed service. Applicant states that its Washington Storage Field is presently under development through the use of temporary compression and that during the summer of 1976, after the installation of permanent compression, substantially greater injection volumes will be required than are being injected this summer. It is said that the temporary husbanding program proposed in the instant application would permit customers effectively to carry over volumes from this summer to next thereby increasing their ability to inject volumes into the Washington Storage Field next summer and thus improving their ability to serve

high priority markets commencing in the 1976-77 winter season.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23330 Filed 9-2-75; 8:45 am]

[Docket Nos. RP71-29, et al.]

#### UNITED GAS PIPE LINE CO. Proposed Settlement

August 25, 1975.

Take notice that on August 14, 1975, the Administrative Law Judge in the proceeding in Docket Nos. RP71-29, et al., certified a proposed settlement to the Commission for action. The said proceeding is being conducted for the purpose of developing a plan to curtail the service rendered by United Gas Pipe Line Company (United) to its customers. The proposed settlement was submitted by United and it constitutes a scheme of allocation of United's services during the period of November 1, 1975 through October 31, 1976. The scheme of allocation is a departure from United's service obligations under the currently effective interim agreement, which departure is necessitated by a foreseeable decrease in the supply of natural gas that will be available to United during the period mentioned.

#### PROCEEDINGS

The proposed settlement resulted from proceedings held pursuant to a Federal Power Commission order issued on March 7, 1975 under Docket No. RP71-29. The March 7 order denied a motion for immediate modification of the existing curtailment plan and directed that further hearings in these proceedings be conducted in two phases. Phase I was to be convened immediately for the purpose of determining, in advance of the 1975-76 winter heating season, whether United's currently-effective interim curtailment program should either (1) remain in effect pending formulation of a permanent plan, or (2) be modified by the Commission pursuant to Section 5(a) of the Natural Gas Act. The March 7 order also provided for a later Phase II hearing for the purpose of formulating a permanent curtailment plan for implementation on United's system. By an "Order on Rehearing" issued May 2, 1975, the Commission ordered that a Phase III be added to the proceedings to consider matters pertaining to Section 12.3 of United's proposed tariff dealing with United's contractual liability filed on March 3, 1975 in Docket No. RP75-71.<sup>1</sup>

The Phase I hearing was convened on May 20, 1975 and recessed upon application of the combined parties for settlement conferences. Informed on May 30, 1975 that unanimous agreement upon a settlement in connection with an interim curtailment plan appeared unlikely but that further negotiations conducted simultaneously with the taking of testimony in connection therewith might eventually prove fruitful, the hearing on Phase I, as previously directed by the Presiding Administrative Law Judge, commenced on June 2, 1975 and continued with short interim recesses through June 24, 1975. A further settlement conference was convened on June 30, 1975 and on July 1, 1975 the Presiding Administrative Law Judge was advised by counsel for United that the majority of the parties had reached agreement on modifications to the three-category program as a settlement of the issues in Phase I.

Further hearing in connection with Phase I was thereupon suspended and the Presiding Administrative Law Judge, on request of the parties, directed that a hearing be convened on July 22, 1975 at which time testimony would be presented in support of, and in opposition to, United's proposed settlement, together with proposed variations thereto and any alternate proposals which any of the dissenting parties might wish to present. The hearing on the proposed settlement and variations thereto proceeded as scheduled and was concluded

<sup>1</sup> Docket No. RP75-71 was consolidated with RP71-29 by Commission order dated April 2, 1975.

<sup>2</sup> An alternate settlement proposal presented by Allied Chemical Corporation, et al., through the prepared testimony of Mr. R. A. Ransom based on the issue of "new and enlarged service" was stricken from the record by the Presiding Administrative Law Judge on motion by United inasmuch as the issue

ceeded as scheduled and was concluded on August 4, 1975.<sup>2</sup>

The settlement proposal and the transcript of the hearing in connection with Phase I were certified to the Commission by the Administrative Law Judge on August 14, 1975 pursuant to Section 1.18(e) of the Rules of Practice and Procedure. The Judge's certification stated that "United's settlement proposal, concurred in by a substantial majority of the parties, constitutes the 'ameliorating' plan for the coming winter heating season."

#### HIGHLIGHT OF SETTLEMENT PLAN

Under the proposed settlement plan, the currently-effective interim three-category curtailment program would continue in effect subject to the following modifications:

(1) The curtailment allocations of United's customers shall be determined using the new end-use data which has been collected pursuant to the directives of the Commission in Opinion Nos. 647 and 647-A. Appendix A of the proposed plan contains an impact study showing estimated curtailments and deliveries under the proposed plan.

(2) The 3,000 Mcf per day Category III cut-off will be continued for the protection of industrial customers. However, any curtailments below that level shall be effectuated on a pro rata basis in three successive steps, to 1,500, 300, and 0 Mcf per day.

(3) Industrial feedstock requirements of United's city gate customers shall be reclassified from Category III to Category II. Only two city gate customers have reported such requirements.

(4) United's pro rata share of the industrial feedstock requirements reported by its seven pipeline customers shall also be reclassified from Category III to Category II except that no such deliveries shall be made when United must curtail below the 300 Mcf Category III step mentioned in paragraph 2 above.

(5) Industrial process gas requirements shall be protected to the extent of 3,000 Mcf per day which shall not be curtailed until all other Category III requirements have been curtailed to the 300 Mcf step mentioned in paragraph 2 above.

(6) Industrial customers may petition the Commission for a reclassification of their process gas requirements from Category III to Category II. Such a petition must specify why the process gas in question cannot be (a) converted to solid or liquid fuels or (b) satisfied through the use of supplemental gas supplies. The Commission may act on such petitions either with or without a formal hearing. The process gas requirements of five named direct industrial customers will be so reclassified based on testimony already provided in the Phase I hearing.

(7) City gate customers of United served through multiple delivery points shall be given a single base requirement for each of the two seasons reflected in Appendix A of the proposal. Provided,

of "new and enlarged service" had previously been stated by the Commission to be more appropriate for consideration in Phase II.

however (a) that the establishment of such single base requirements shall not affect existing transportation agreements between United and such customers or the Maximum Daily Delivery Obligation provisions contained in their individual service agreements with United, and (b) that said city gate customers shall be required, on a daily basis, to limit their industrial sales based on gas supplies from United to their aggregate industrial allocations.

The proposed settlement is premised on the belief that United will not have to curtail below the 1,500 Mcf Category III step. However, extremely cold weather could necessitate curtailment to or below the 300 Mcf Category III step. If curtailment below the 300 Mcf step cannot be avoided by means of storage withdrawals, the plan directs United to use its best efforts to obtain from its pipeline customers, on a voluntary basis subject to prompt repayment, the volumes of gas required to avoid such curtailment.

If the settlement is approved, United would be required to file within ten days revised tariff sheets to implement its proposal, copies of which constitute Appendix B to the settlement proposal. United would also be required to file by April 1, 1976 revised tariff sheets and an impact study setting forth United's proposed curtailment program for the winter 1976-77 and summer 1977 seasons. This would facilitate efforts toward a subsequent settlement in the event that Phase II of the proceeding is not completed prior to the 1976-77 winter season.

#### FILING OF COMMENTS

Any person, including the parties to this proceeding, desiring to file comments either in support of or in opposition to the proposed settlement should file such comments on or before September 9, 1975. Copies of such comments will be available in the Office of Public Information of the Federal Power Commission. Replies to the initial comments may be filed and will be accepted on or before September 23, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23331 Filed 9-2-75; 8:45 am]

[Docket No. E-9147 (Phase I)]

#### VIRGINIA ELECTRIC AND POWER CO. Further Extension of Procedural Dates

August 26, 1975.

On August 14, 1975, Virginia Electric and Power Company filed a motion to extend the procedural dates fixed by order issued January 22, 1975, as most recently modified by notice issued July 9, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates for all parties in the above matter are modified as follows:

#### PHASE I

Service of Intervenor Testimony, October 2, 1975.



Service of Company Rebuttal, October 16, 1975.

Hearing, December 16, 1975 (10 a.m. e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23318 Filed 9-2-75;8:45 am]

## FEDERAL RESERVE SYSTEM

### COMMERCIAL STATE AGENCY, INC.

#### Order Approving Formation of a Bank Holding Company and Retention of Insurance Agency Activities

Commercial State Agency, Inc., Hokah, Minnesota ("Applicant"), has applied for the System's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 81% or more of the voting shares of Commercial State Bank of Hokah, Hokah, Minnesota ("Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1842(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to retain its general insurance agency activities. Applicant engages in the activities of a general insurance agency on Bank premises in Hokah, Minnesota, which has a population of less than 5,000 people. Such activities have been determined by the Board in section 225.4(a)(9)(iii) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with sections 3 and 4 of the Act (40 FR p. 30868). The time for filing comments and views has expired, and none have been received.

Applicant, a Minnesota corporation, was organized in April 1974 for the purpose of becoming a bank holding company. Prior to April 1974 and since about 1955, Applicant had been operated as a general insurance agency proprietorship. Since numerous alternative sources of insurance services exist within the relevant market and retention of general insurance agency activities would not result in any concentration of resources, unfair competition or conflicts of interest, competitive considerations are consistent with approval of the proposal to retain these insurance services.<sup>1</sup>

Bank with deposits of \$4.0 million controls approximately 0.1 percent of commercial bank deposits in the state.<sup>2</sup> The

<sup>1</sup> Applicant engages in the sale of various types of general insurance and offers credit life and credit accident and health insurance to credit customers of Bank. All income generated from the sale of credit life and credit accident and health insurance to Bank's credit customers will accrue directly to the Bank beginning January 1, 1976.

<sup>2</sup> All banking data are as of December 1974.

## NOTICES

Principal of Applicant and Bank are the same and the proposal seeks merely to change the ownership of Bank from individual holdings to a corporate form. Therefore, the proposal presents no adverse competitive effects.

Considerations relating to the financial and managerial resources and future prospects are generally satisfactory and consistent with approval, especially in view of Applicant's commitment to increase the equity capital accounts of the subsidiary bank. Considerations relating to the convenience and needs of the community involved, although consistent with approval, are not a major factor since the proposal is essentially a corporate reorganization. It is the judgment of the Federal Reserve Bank of Minneapolis that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

Accordingly, pursuant to the provisions of 12 CFR 265.2(f) (22) and (32) of the Board's Rules Regarding Delegation of Authority, and on the basis of the record summarized above, the Federal Reserve Bank of Minneapolis hereby approves the application. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order or (c) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require modification or termination of the activities of bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Federal Reserve Bank of Minneapolis, acting under delegated authority for the Board of Governors of the Federal Reserve System, effective August 22, 1975.

[SEAL] CLEMENT A. VAN NICE,  
First Vice President.

[FR Doc.75-23207 Filed 9-2-75;8:45 am]

### GALLATIN BANCSHARES, INC.

#### Formation of Bank Holding Company

Gallatin Bancshares, Inc., Gallatin, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent of the voting shares of Bank of Gallatin, Gallatin, Tennessee. The factors that are considered in acting on the ap-

plication are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 1, 1975.

Board of Governors of the Federal Reserve System, August 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.

[FR Doc.75-23208 Filed 9-2-75;8:45 am]

### GENERAL ACCOUNTING OFFICE

#### REGULATORY REPORTS REVIEW

##### Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on August 21, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before September 22, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

#### INTERSTATE COMMERCE COMMISSION

Request for extension no change approval of cost study forms:

ACC-35—Form 2 of Highway Form A. ACC-35A—Listing of Multiple Truckload Shipments.

ACC-37 & ACC-97—Form 4 of Highway Form A Pickup and Delivery Manifest and Trip Listing Sheet.

ACC-38 & ACC-98—Form 7 of Highway Form A Intercity Trip Report and Trip Listing.

ACC-39—Form 10 of Highway Form A Platform Handling on All Intercity Traffic.

ACC-40—Form 11—Analysis of Peddle Trip Operations.

These forms are used to obtain the data necessary to determine motor carrier costs throughout all territories of the United States for a particular year. Approximately 250 "Instruction 27" carriers are studied each year. Data developed through regional cost studies are used by

## NOTICES

the carriers, by the Commission, and by others in determining and evaluating motor carrier operating costs for rate-making and related purposes. The average per response time required to complete the above forms is a total of 23 hours.

CARL F. BOGAR,  
Assistant Director,  
Regulatory Reports Review.  
[FR Doc.75-23271 Filed 9-2-75;8:45 am]

### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-101]

#### COMMONWEALTH EDISON CO.

##### Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-2 issued to the Commonwealth Edison Company (the licensee) for operation of the Dresden Nuclear Power Station Unit 1 (the facility), a boiling water reactor located in Grundy County, Illinois, and currently authorized for operation at power levels up to 700 MWt.

In accordance with the licensee's application for a license amendment dated July 31, 1975, the amendment would incorporate operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors set forth in 10 CFR Section 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 3, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal

Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to John W. Rowe, Esquire of Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60670, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated July 31, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. The license amendment and the Safety Evaluation, when issued, may be inspected at the above location, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 25th day of August 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-23261 Filed 9-2-75;8:45 am]

[Docket No. 50-369 and 50-370]

#### DUKE POWER CO. (WILLIAM B. MCGUIRE NUCLEAR STATION, UNITS 1 AND 2)

##### Notice of Issuance of Amendments to Construction Permits

Notice is hereby given that pursuant to an Order dated April 23, 1975 by the Atomic Safety and Licensing Board, the U.S. Nuclear Regulatory Commission has issued Amendment No. 1 to Construction Permit No. 1 to Construction Permit No. 1 to Construction Permit No. 1, CP-84, which were issued to Duke Power Company for construction of William B. McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The Board's Order authorizes the addition of antitrust conditions to the construction permits. At the time Construction Permits Nos. CP-83 and CP-84 were issued, the antitrust proceeding was in progress.

The Executive Director for Operations has found that the provisions of the amendments comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I and has concluded that the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public, and does not involve a significant hazards consideration.

A copy of the Order, dated April 23, 1975, the construction permits, the amendments, and other related documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Public Library of Charlotte and Mecklenburg County, 310 North Tryon Street, Charlotte, North Carolina. Single copies of the amendments may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 22nd day of August 1975.

For the Nuclear Regulatory Commission.

A. W. DROMERICK,  
Acting Chief, Light Water Reactors,  
Project Branch 1-1  
Division of Reactor Licensing.

[FR Doc.75-23262 Filed 9-2-75;8:45 am]

[Docket No. 50-538]

#### MEMPHIS STATE UNIVERSITY Receipt of Application for Construction Permit and Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application from Memphis State University dated April 11, 1975, filed pursuant to Section 104c of the Atomic Energy Act, as amended, for the necessary licenses to construct and operate an AGN-201 (Serial No. 108) nuclear reactor. The reactor is to be constructed on Memphis State's South Campus located in Shelby County, Tennessee, and is proposed for operation at a power level of 100 milliwatts for educational training and research.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C.

Dated at Bethesda, Maryland, this 25th day of August 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-23263 Filed 9-2-75;8:45 am]

## NOTICES

[Docket No. 50-245]

### NORTHEAST NUCLEAR ENERGY CO.

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the

In accordance with the licensee's application for a license amendment dated

Petitions stating contentions relating only to matters outside the Commission's

Commission's requirements as they relate to the use of nondestructive assay.

Preparation of Working Calibration and Test Materials for Analytical Laboratory Measurement, Control, Programs—Plutonium

## NOTICES



[Docket No. 50-245]

**NORTHEAST NUCLEAR ENERGY CO., ET AL.****Issuance of Amendment to Facility Operating License**

In the matter of Northeast Nuclear Energy Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., Connecticut Light and Power Co.

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to clarify the maximum permissible reactor coolant temperature change rate.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated July 21, 1975, (2) Amendment No. 11 to License No. DPR-21, with Change No. 24, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 25th day of August 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,  
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-23264 Filed 9-2-75;8:45 am]

[Docket No. 50-245]

**NORTHEAST NUCLEAR ENERGY CO., ET AL.****Issuance of Amendment to Facility Operating License**

In the matter of Northeast Nuclear Energy Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., Connecticut Light and Power Co.

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company (the licensees). Facility Operating License No. DPR-21 authorizes the operation of the Millstone Nuclear Power Station, Unit No. 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment requires operability and surveillance of hydraulic snubbers required to protect the primary coolant system and all other safety related systems and components in accordance with the licensee's request dated December 23, 1974.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated December 23, 1974, (2) Amendment No. 10 to License No. DPR-21, with Change No. 23 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 25th day of August 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,  
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-23265 Filed 9-2-75;8:45 am]

[Docket No. 50-263]

**NORTHERN STATES POWER CO.****Proposed Issuance of Amendment to Facility Operating License**

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-22 issued to the Northern States Power Company (the licensee) for operation of the Monticello Nuclear Generating Plant (the facility), a boiling water reactor, located in Wright County, Minnesota and currently authorized for operation at power levels up to 1670 MWt.

In accordance with the licensee's application for a license amendment dated August 4, 1975, and filing dated July 9, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the Monticello Nuclear Generating Plant, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46. The amendment would also incorporate Technical Specification changes associated with operation of the facility with additional 8x8 fuel assemblies.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission will file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath, or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Gerald Charnoff, Esquire of Shaw, Pittman, Potts and Trowbridge, 910 17th Street NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested.

Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated August 4, 1975, and the filing dated July 9, 1975, and (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974 published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1769), which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. The license amendment and the Safety Evaluation, when issued may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 25th day of August 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-23266 Filed 9-2-75;8:45 am]

**REGULATORY GUIDE****Issuance and Availability**

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.33, "Qualification, Calibration, and Error Estimation Methods for Nondestructive Assay," describes methods and procedures acceptable to the NRC staff for meeting certain of the

Commission's requirements as they relate to the use of nondestructive assay. This guide endorses ANSI Standard N15.20-1975, "Guide to Calibrating Non-destructive Assay Systems."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 5.33 will, however, be particularly useful in evaluating the need for an early revision if received by October 31, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

Mass Calibration Techniques for Nuclear Material Control.  
Protection of Nuclear Power Plants Against Industrial Sabotage.  
Measurement Control Program for Special Nuclear Material Control and Accounting.  
Monitoring Transfers of Special Nuclear Material.  
Considerations for Determining the Systematic Error of Special Nuclear Material Accounting Measurement.  
Interior Intrusion Alarm Systems.  
Preparation of Uranyl Nitrate Solution as a Working Standard.  
Shipping and Receiving Control of Special Nuclear Materials.  
Barrier Design and Placement.  
Internal Security Audit Procedures.  
Nondestructive Assay of Plutonium-Bearing Fuel Rods.  
Training and Qualifying Personnel for Performing Measurement Associated with the Control and Accounting of Special Nuclear Material.  
Auditing of Measurement Control Program.  
Reconciliation of Statistically Significant Shipper-Receiver Differences.  
Prior Measurement Verification.  
Verification of Prior Measurements by NDA.  
Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation.  
Control and Accounting for Highly Enriched Uranium in Waste.  
Considerations for Determining the Random Error of Special Nuclear Material Accounting Measurement.  
Use of Closed Circuit TV for Area Surveillance.  
Preparation of Working Calibration and Test Materials for Analytical Laboratory Measurement Control Programs—Part I: Plutonium Nitrate Solutions.

Preparation of Working Calibration and Test Materials for Analytical Laboratory Measurement Control Programs—Plutonium Oxide.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 25th day of August 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of Standards Development

[FR Doc.75-23269 Filed 9-2-75;8:45 am]

[Docket No. STN 50-545]

**WESTINGHOUSE ELECTRIC CORP.****Receipt of Standard Safety Analysis Report**

Westinghouse Electric Corporation, in response to Option No. 1 of the policy statement of the Nuclear Regulatory Commission (the Commission) entitled "Methods of Achieving Standardization of Nuclear Power Plants", issued March 5, 1973, and pursuant to Appendix 0 to 10 CFR, Part 50, has filed with the Commission an eight-volume document entitled "Westinghouse Reference Safety Analysis Report 3S", (RESAR-3S), which was docketed on July 31, 1975. The tendered application for RESAR-3S was received on June 30, 1975. Following a preliminary review for completeness, the application was found to be acceptable for docketing. Docket No. STN 50-545 has been assigned to RESAR-3S and should be referenced in any correspondence relating thereto.

RESAR-3S has been submitted in accordance with the "reference system" option wherein an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications. RESAR-3S describes and analyzes a four-loop pressurized water reactor nuclear steam supply system (NSSS) with auxiliary and safety systems. The reactor is designed for initial operation at a rated core thermal power level of 3411 megawatts.

On March 11, 1974, the Commission docketed for review an application filed by Westinghouse Electric Corporation for its Reference Safety Analysis Report, RESAR-41. The RESAR-3S NSSS is in many respects similar to the RESAR-41 NSSS, with the principal exceptions being the reactor core size and the emergency core cooling system design. In addition, the RESAR-41 application is for a core thermal power level of 3800 megawatts, whereas the RESAR-3S application is for a core thermal power level of 3411 megawatts.

When its review of RESAR-3S is complete, the Commission's staff will prepare and publish a Safety Evaluation Report documenting the results of the review. In addition, RESAR-3S will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the Safety Evaluation Report and the ACRS report will be made available to the pub-



Statement of Company Rebuttal, October 16, 1975.  
Hearing December 16, 1975 (10 a.m. east).  
By Direction of the Commission

KENNETH P. PLUMB,  
Secretary

FR Doc 75-23318 Filed 9-2-75 8:46 am

# FEDERAL RESERVE SYSTEM COMMERCIAL STATE AGENCY, INC.

## Order Approving Formation of a Bank Holding Company and Retention of Insurance Agency Activities

Commercial State Agency, Inc., Hokah, Minnesota ("Applicant"), has applied for the System's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 81% or more of the voting shares of Commercial State Bank of Hokah, Hokah, Minnesota ("Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1842(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to retain its general insurance agency activities. Applicant engages in the activities of a general insurance agency on Bank premises in Hokah, Minnesota, which has a population of less than 5,000 people. Such activities have been determined by the Board in section 225.4(b)(9)(iii) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with sections 3 and 4 of the Act (40 FR, p. 30868). The time for filing comments and views has expired, and none have been received.

Applicant, a Minnesota corporation, was organized in April 1974 for the purpose of becoming a bank holding company. Prior to April 1974 and since about 1955, Applicant had been operated as a general insurance agency proprietorship. Since numerous alternative sources of insurance services exist within the relevant market and retention of general insurance agency activities would not result in any concentration of resources, unfair competition, or conflicts of interest, competitive considerations are consistent with approval of the proposal to retain these insurance services.<sup>1</sup>

Bank with deposits of \$4.0 million controls approximately 0.1 percent of commercial bank deposits in the state.<sup>2</sup> The

<sup>1</sup> Applicant engages in the sale of various types of general insurance and offers credit life and credit accident and health insurance to credit customers of Bank. All income generated from the sale of credit life and credit accident and health insurance to Bank's credit customers will accrue directly to the Bank beginning January 1, 1978.

<sup>2</sup> All banking data are as of December 1974.

## NOTICES

Principal of Applicant has the same and the proposed change the ownership of Bank to individual holdings. Therefore, the proposed change will have no adverse competitive effect. Considerations relating to financial and managerial resources, future prospects, and effect on the community are consistent with approval in view of Applicant's plan to increase the capital of the subsidiary bank. The Board finds that the proposed change in ownership of the Bank is consistent with the public interest and that the proposed change in ownership of the Bank is consistent with the public interest and that the proposed change in ownership of the Bank is consistent with the public interest.

A primary purpose of the Board's Regulation Y is to ensure that the Board's Regulation Y is consistent with the public interest and that the proposed change in ownership of the Bank is consistent with the public interest. The Board's Regulation Y is consistent with the public interest and that the proposed change in ownership of the Bank is consistent with the public interest. The Board's Regulation Y is consistent with the public interest and that the proposed change in ownership of the Bank is consistent with the public interest. The Board's Regulation Y is consistent with the public interest and that the proposed change in ownership of the Bank is consistent with the public interest.

By order of the Federal Reserve Bank of Minneapolis, acting under delegated authority for the Board of Governors of the Federal Reserve System, effective August 22, 1975.

REMI CLEMENT A. VAN NIE,  
First Vice President

FR Doc 75-23267 Filed 9-2-75 8:46 am

## GALLATIN BANCSHARES, INC. Formation of Bank Holding Company

Gallatin Bancshares, Inc., Gallatin, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent of the voting shares of Bank of Gallatin, Gallatin, Tennessee. The factors that are considered in acting on the ap-

plication are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). The Board of Governors of the Federal Reserve Bank of Atlanta is requested to comment on the proposed change in ownership of the Bank and submit views in writing to the Federal Reserve Bank to be received by October 1, 1975.

By order of the Federal Reserve Bank of Atlanta, dated August 27, 1975.

KENNETH L. GAWWOOD,  
Secretary of the Board

FR Doc 75-23264 Filed 9-2-75 8:46 am

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

#### Receipt of Report Proposals

The requests for clearance for use in collecting information from the public were received from the Regulatory Reports Review Panel on August 21, 1975. See 44 FR 42,000 (August 21, 1975). See 44 FR 42,000 (August 21, 1975). The purpose of the review is to ensure that the information is accurate and that the information is consistent with the public interest.

The title of each request received, the name of the agency submitting the proposed collection of information, the agency form number, if available, and the frequency with which the information is proposed to be collected.

Written comments on the proposed collection of information are invited from all interested parties, including organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments on the proposed forms must be received on or before September 22, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

## INDEPENDENT COMMERCE COMMISSION

Request for extension no change approved cost study forms:

ACC-35—Form 2 of Highway Form A.  
ACC-35A—Listing of Multiple Truckload Shipments.

ACC-37 & ACC-97—Form 4 of Highway Form A Pickup and Delivery Manifest and Trip Listing Sheet.

ACC-38 & ACC-98—Form 7 of Highway Form A Intercity Trip Report and Trip Listing.

ACC-39—Form 10 of Highway Form A Platform Handling on All Intercity Traffic.

ACC-40—Form 11—Analysis of Peddle Trip Operations.

These forms are used to obtain the data necessary to determine motor carrier costs throughout all territories of the United States for a particular year. Approximately 250 "Instruction 27" carriers are studied each year. Data developed through regional cost studies are used by

the carriers, by the Commission, and by others in determining and evaluating motor carrier operating costs for rate-making and related purposes. The average per response time required to complete the above forms is a total of 23 hours.

CARL F. BOGAR,  
Assistant Director  
Regulatory Reports Review  
FR Doc 75-23267 Filed 9-2-75 8:46 am

## NUCLEAR REGULATORY COMMISSION

(Docket No. 75-370)

### COMMONWEALTH EDISON CO.

#### Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License N. DPR-2 issued to the Commonwealth Edison Company (the licensee) for operation of the Dresden Nuclear Power Station Unit 1 (the facility), a boiling water reactor located in Grundy County, Illinois, and currently authorized for operation at power levels up to 700 MWt.

In accordance with the licensee's application for a license amendment dated July 31, 1975, the amendment would incorporate operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors set forth in 10 CFR Section 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 3, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action.

Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal

## NOTICES

Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to John W. Rowe, Esquire of Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60670, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be notified or whether appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held, a person is permitted to intervene and become a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated July 31, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. The license amendment and the Safety Evaluation, when issued, may be inspected at the above location and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, the 25th day of August 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of Reactor Licensing.

FR Doc 75-23261 Filed 9-2-75 8:45 am

[Docket No. 50-369 and 50-370]

### DUKE POWER CO. (WILLIAM B. MCGUIRE NUCLEAR STATION, UNITS 1 AND 2)

#### Notice of Issuance of Amendments to Construction Permits

Notice is hereby given that pursuant to an Order dated April 23, 1975 by the Atomic Safety and Licensing Board, the U.S. Nuclear Regulatory Commission has issued Amendment No. 1 to Construction Permit No. CPPR-83 and Amendment No. 1 to Construction Permit No. CPPR-84, which were issued to Duke Power Company for construction of William B. McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The License Order amends the conditions of the permits issued to the construction permit at the time of construction permits No. CPPR-83 and CPPR-84 were issued. The amendments are as follows:

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The License Order amends the conditions of the permits issued to the construction permit at the time of construction permits No. CPPR-83 and CPPR-84 were issued. The amendments are as follows:



[Docket No. 50-245]

**NORTHEAST NUCLEAR ENERGY CO.,  
ET AL.****Issuance of Amendment to Facility  
Operating License**

In the matter of Northeast Nuclear Energy Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., Connecticut Light and Power Co.

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to clarify the maximum permissible reactor coolant temperature change rate.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated July 21, 1975, (2) Amendment No. 11 to License No. DPR-21, with Change No. 24, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 25th day of August 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,  
Acting Chief, Operating Reactors Branch No. 3, Division  
of Reactor Licensing.

[FR Doc. 75-23265 Filed 9-2-75; 8:45 am]

[Docket No. 50-245]

**NORTHEAST NUCLEAR ENERGY CO.,  
ET AL.****Issuance of Amendment to Facility  
Operating License**

In the matter of Northeast Nuclear Energy Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., Connecticut Light and Power Co.

**NOTICES**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company (the licensee), Facility Operating License No. DPR-21 authorizes the operation of the Millstone Nuclear Power Station, Unit No. 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment requires a reliable and surveillance of hydraulic system required to protect the primary coolant system and all other safety related systems and components in accordance with the licensee's request dated December 1974.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated December 23, 1974, (2) Amendment No. 10 to License No. DPR-21, with Change No. 23 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 25th day of August 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,  
Acting Chief, Operating Reactors Branch No. 3, Division  
of Reactor Licensing.

[FR Doc. 75-23265 Filed 9-2-75; 8:45 am]

[Docket No. 50-263]

**NORTHERN STATES POWER CO.****Proposed Issuance of Amendment to  
Facility Operating License**

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-22 issued to the Northern States Power Company (the licensee) for operation of the Monticello Nuclear Generating Plant (the facility), a boiling water reactor, located in Wright County, Minnesota and currently authorized for operation at power levels up to 1670 MWt.

In accordance with the licensee's application for a license amendment dated July 9, 1975, and filing dated July 9, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that complies with the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify the limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the Monticello Nuclear Generating Plant, include the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, which would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46. The amendment would also incorporate Technical Specification changes associated with operation of the reactor with additional 8x8 fuel assemblies.

Prior to issuance of the proposed license amendment, the Commission will determine the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 3, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the licensee's facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petition must be filed in accordance with the provisions of this Federal Register Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Gerald Charnoff, Esquire of Shaw, Pittman, Potts and Trowbridge, 910 17th Street NW, Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested.

Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated August 4, 1975, and the filing dated July 9, 1975, and (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974 published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1769), which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicolet Mall, Minneapolis, Minnesota 55401. The license amendment and the Safety Evaluation, when issued may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 25th day of August 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of  
Reactor Licensing.

[FR Doc. 75-23265 Filed 9-2-75; 8:45 am]

**REGULATORY GUIDE****Issuance and Availability**

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.33, "Qualification, Calibration, and Error Estimation Methods for Nondestructive Assay," describes methods and procedures acceptable to the NRC staff for meeting certain of the

Commission's requirements as they relate to the use of nondestructive assay. This guide endorses ANSI Standard N15.20-1975, "Guide to Calibrating Non-destructive Assay Systems."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 5.33 will, however, be particularly useful in evaluating the need for an early revision if received by October 31, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

Mass Calibration Techniques for Nuclear Material Control.  
Protection of Nuclear Power Plants Against Industrial Sabotage.  
Measurement Control Program for Special Nuclear Material Control and Accounting.  
Monitoring Transfers of Special Nuclear Material.  
Considerations for Determining the Systematic Error of Special Nuclear Material Accounting Measurement.  
Interior Intrusion Alarm Systems.  
Preparation of Uranyl Nitrate Solution as a Working Standard.  
Shipping and Receiving Control of Special Nuclear Materials.  
Barrier Design and Placement.  
Internal Security Audit Procedures.  
Nondestructive Assay of Plutonium-Bearing Fuel Rods.  
Training and Qualifying Personnel for Performing Measurement Associated with the Control and Accounting of Special Nuclear Material.  
Auditing of Measurement Control Program.  
Reconciliation of Statistically Significant Shipper-Receiver Differences.  
Prior Measurement Verification.  
Verification of Prior Measurements by NDA.  
Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation.  
Control and Accounting for Highly Enriched Uranium in Waste.  
Considerations for Determining the Random Error of Special Nuclear Material Accounting Measurement.  
Use of Closed Circuit TV for Area Surveillance.  
Preparation of Working Calibration and Test Materials for Analytical Laboratory Measurement Control Programs—Part I: Plutonium Nitrate Solutions.

**NOTICES**

WESTINGHOUSE ELECTRIC CORP.  
Receipt of Standard Safety Analysis Report  
Westinghouse Electric Corporation in response to Order No. 1 of the policy statement of the Nuclear Regulatory Commission (the Commission) entitled "Methods of Achieving Standardization of Nuclear Power Plants," issued March 5, 1973, and pursuant to Appendix 0 to 10 CFR Part 50, has filed with the Commission an eight-volume document entitled "Westinghouse Reference Safety Analysis Report 3S" (RESAR-3S), which was docketed on July 31, 1975. The tendered application for RESAR-3S was received on June 30, 1975. Following a preliminary review for completeness the application was found to be acceptable for docketing. Docket No. STN 50-545 has been assigned to RESAR-3S and should be referenced in any correspondence relating thereto.

RESAR-3S has been submitted in accordance with the "reference system" option wherein an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications. RESAR-3S describes and analyzes a four-loop pressurized water reactor nuclear steam supply system (NSSS) with auxiliary and safety systems. The reactor is designed for initial operation at a rated core thermal power level of 3411 megawatts.

On March 11, 1974, the Commission docketed for review an application filed by Westinghouse Electric Corporation for its Reference Safety Analysis Report, RESAR-41. The RESAR-3S NSSS is in many respects similar to the RESAR-41 NSSS, with the principal exceptions being the reactor core size and the emergency core cooling system design. In addition, the RESAR-41 application is for a core thermal power level of 3800 megawatts, whereas the RESAR-3S application is for a core thermal power level of 3411 megawatts.

When its review of RESAR-3S is complete, the Commission's staff will prepare and publish a Safety Evaluation Report documenting the results of the review. In addition, RESAR-3S will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the Safety Evaluation Report and the ACRS report will be made available to the public.



lic. A notice relating to the availability of these documents will be published in the FEDERAL REGISTER.

All interested persons who desire to submit written comments for consideration by the staff and ACRS during their review of RESAR-3S should send them to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Section by October 3, 1975.

A copy of the RESAR-3S Reference Safety Analysis Report is available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C. 20555. When available, the Safety Evaluation Report and the ACRS report will be made available for inspection by the public at the Commission's Public Document Room.

Dated at Bethesda, Maryland, this 27th day of August 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,  
Chief, Light Water Reactors,  
Project Branch 1-1, Division  
of Reactor Licensing.

[FR Doc. 75-23268 Filed 9-2-75; 8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 08/28/75 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

#### NEW FORMS

##### NATIONAL SCIENCE FOUNDATION

Qualifications of reviewers of NSF Projects—Reviewers Information, NSF 428, or occasion, individuals, Lowry, R. L., 395-3772.

##### DEPARTMENT OF AGRICULTURE

Economic Research Service: Milk buying and merchandising programs of food chains in the southern region, single-time, retail food chains, Lowry, R. L., 395-3772.

## NOTICES

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary, Safety and Security Survey, Other (see SP-83), public housing residents in TPP projects, Community and Veterans Affairs Division, George Hall, 395-3532.

#### REVISIONS

##### VETERANS ADMINISTRATION

Monthly Certification of Flight Training, 22-6553C, monthly, veteran student and flight schools, Caywood, D. P., 395-3443.

##### DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Study to assess the nutritional quality and microbiological safety of various school food delivery systems, single-time, school food service managers, Human Resources Division, Lowry, R. L., 395-3532.

#### EXTENSIONS

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Student Loan Application Supplement OE1260, other (see SF 83), student applicants, IHE's and lenders, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,  
Budget and Management  
Officer.

[FR Doc. 75-23414 Filed 9-2-75; 8:45 am]

### CLEARANCE OF REPORTS List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 27, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

#### NEW FORMS

##### U.S. CIVIL SERVICE COMMISSION

Physical Science Technician Supplemental Qualification Statement, on occasion, job applicants, Caywood, D. P., 395-3443. Supplemental Questions for Policemen (Hospital), SLPMS 322, on occasion, eligibles, Caywood, D. P., 395-3443. Geographic Availability Inquiry, SLPMS 316, on occasion, applicants for civil service employment, Caywood, D. P., 395-3443.

Availability Statement for FPO, Atlanta Region, MAAO-83, on occasion, applicants, Caywood, D. P., 395-3443.

Application for Worker-Trainee, DAX 6.3, on occasion, job applicants, Caywood, D. P., 395-3443.

Interest Questionnaire for Worker-Trainee, DAX 6.3(A) (D), on occasion, applicants, Caywood, D. P., 395-3443.

Education and Experience Questionnaire for Junior Federal Assistant, DH-608, on occasion, applicants for JFA examination, Caywood, D. P., 395-3443.

Work Location for Agricultural and Biological Science Positions (Atlanta Region), RAAO 9, on occasion, applicants, Caywood, D. P., 395-3443.

Geographic Availability (South Georgia), MAAO-38, on occasion, applicants, Caywood, D. P., 395-3443.

##### ENVIRONMENTAL PROTECTION AGENCY

Family of forms for the St. Louis human morbidity study, other (see SF-83), family units, Collins, L., 395-5867.

Oxidant air pollution and chromosomal aberration in USC students, single-time, University of Southern California sophomores, Dick Elsinger, 395-6140.

##### DEPARTMENT OF AGRICULTURE

Extension Service: Homemaking progression interview—expanded food and nutrition education program, single-time, participant in EFNEP, Natural Resources Division, Lowry, R. L., 395-5827.

Food and Nutrition Service: Food Stamp Program Corrective Action Plan, FNS-321, semi-annually, State Agencies, Human Resources Division, Lowry, R. L., 395-3532.

Food Stamp Program—Semiannual Consolidated Report, Small Project Area Reviews, FNS-323, semi-annually, State Agencies, Human Resources Division, Lowry, R. L., 395-3532.

##### DEPARTMENT OF COMMERCE

Bureau of East-West Trade: Report of Restrictive Trade Practice or Boycott Request That Discriminates Against U.S. Citizens or Firms, DIB-630P, on occasion, U.S. exporters, freight forwarders, shippers, Strasser, A., 395-5867.

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary:

Analyze Obstacles to Obtaining Home Health Care and Recommend Regional HEW Strategies, OS-49-75, single-time, staff of agencies in six counties, Human Resources Division, Dick Elsinger, 395-3532.

Wives Questionnaire—Michigan Longitudinal Study, OS-38-75, single-time, wives in Michigan longitudinal study, Sunderhauf, M. B., 395-6140.

##### DEPARTMENT OF JUSTICE

Departmental and Other LEEP Evaluation Questionnaire, LEEP-30, single-time, student recipient of LEEP funds, George Hall, 395-6140.

##### DEPARTMENT OF TRANSPORTATION

Departmental and other airtrans rider attitude survey, single-time, passengers on airtrans system, Dallas/Ft. Worth Airport, Strasser, A., 395-5867.

#### REVISIONS

##### DEPARTMENT OF COMMERCE

Bureau of East-West Trade: Report of Restrictive Trade Practice or Boycott Request, DIB-621P, quarterly, U.S. exporters, freight forwarders, shippers, Strasser, A., 395-5867.

##### DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education: Application for Faculty Research Abroad, OE 7628, on occasion, faculty members of institutions of postsecondary education, Lowry, R. L., 395-3772.

Office of the Secretary: Health Insurance Study, Medical History, Form A, OS-48-75-C, on occasion, enrolled households in Seattle and subsequent sites, Caywood, D. P., 395-3443. Health Insurance Study, OS-48-75A, on occasion, individuals, Caywood, D. P., 395-3443.

#### EXTENSIONS

##### AGENCY FOR INTERNATIONAL DEVELOPMENT

Report of Exports—Schedule C-200 (for Voluntary Aid Programs), 1550-5, semi-annually, registered voluntary agencies, Harry B. Sheftel.

##### DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Report of Strawberries Received for Freezing (in Plants During the Processing Season), FV-498-1, weekly, berry and asparagus processors, Harry B. Sheftel.

##### DEPARTMENT OF COMMERCE

Bureau of Census: Sales of Lubricating Oils and Greases 1973, MA 29C, other (see SF-83), Refiners, compounders, and selected marketers, Harry B. Sheftel. Mining Machinery Form and Reference List, MA-35P, annually, mining machinery mfrs., Harry B. Sheftel.

##### PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc. 75-23415 Filed 9-2-75; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### CANADIAN JAVELIN LTD.

#### Suspension of Trading

AUGUST 26, 1975.

In the matter of trading in securities of Canadian Javelin, Ltd. File No. 500-1.

The common stock of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is sus-

## NOTICES

pending, for the period from August 27, 1975 through September 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-23257 Filed 9-2-75; 8:45 am]

[812-3802]

### SOUTHEASTERN CAPITAL CORP. Filing of Application

AUGUST 26, 1975.

In the matter of Southeastern Capital Corp., 505 Northcreek, 3715 Northside Parkway, N.W., Atlanta, Georgia 30327.

Notice is hereby given that Southeastern Capital Corporation ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on April 29, 1975, and amendments thereto on July 21 and 24, 1975, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed merger of Applicant into Phoenix, Inc. ("Phoenix" or the "Surviving Corporation"), and pursuant to Section 6(c) of the Act for an order of the Commission modifying a prior order of the Commission entered September 9, 1970 (Investment Company Act Release No. 6181) to provide that the conditions imposed upon Applicant by such order may be satisfied by the Surviving Corporation as successor by merger to Applicant. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

As of March 31, 1975, Applicant, a Tennessee corporation listed on the American Stock Exchange had 706,073 shares of its common stock issued and outstanding and had, on a consolidated basis with its wholly-owned subsidiary, Southeastern Capital Small Business Investment Corporation ("SCSBIC"), total net assets of approximately \$9,772,050. As of April 30, 1975, Phoenix, a Georgia corporation and a personal holding company, had 72,228 shares of its common stock issued and outstanding and total net assets of approximately \$3,059,578. Phoenix holds beneficially 189,263 or 26.81% of the shares of Applicant which amount represents a controlling interest in Applicant's outstanding voting securities. Mr. C. Edward Hansell, Chairman of the Board of both Applicant and Phoenix, owns beneficially 18,952 shares of Phoenix representing 26.24% of its outstanding voting securities.

Applicant and Phoenix have entered into an Agreement and Plan of Reorganization dated April 23, 1975 and amended July 14, 1975 (the "Agreement") providing for the merger of Applicant into Phoenix which is to be the surviving corporation. The Agreement further provides that, on and after the merger date, the name of the Surviving Corporation will be changed to "Southeastern Capital

Corporation", the Surviving Corporation will adopt new Articles of Incorporation and By-Laws substantially similar to those of the Applicant in effect prior to the merger, and the officers and directors of Applicant will become the officers and directors of the Surviving Corporation. Upon consummation of the proposed merger, the Surviving Corporation will register as an investment company under the Act.

Upon the merger date, each issued and outstanding share of Applicant will be converted into one share of the Surviving Corporation and each issued and outstanding share of Phoenix will be converted into .6 of a share of the Surviving Corporation. Phoenix proposed to make a five for one stock split of its shares in order that sufficient shares will be available for the proposed merger. The Agreement has been unanimously approved by the respective Boards of Directors of Applicant and Phoenix. Consummation of the proposed merger is conditioned on (1) the approval by a majority in number of the shareholders of both Phoenix and Applicant as well as by the vote required under the laws of Tennessee and Georgia, (2) the receipt of a tax ruling from the Internal Revenue Service that the proposed merger will constitute a tax-free reorganization and that no gain or loss will be recognized by either Phoenix or Applicant or their shareholders as a result of the merger, (3) the effectiveness of an S-14 registration statement filed by Phoenix under the Securities Act of 1933, (4) the satisfaction of the listing requirements of the American Stock Exchange for the shares of the Surviving Corporation, and (5) the receipt of the order requested by this application. The Applicant and Phoenix intend to consummate the proposed merger on the first month-end following the satisfaction of all the conditions precedent.

Section 17(a). Applicant states that, through Phoenix's controlling interest in the shares of Applicant, each company is an "affiliated person" of the other under the definition of "affiliated person" set forth in Section 2(a)(3) of the Act.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell or to purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to Section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.



Other than its controlling interest in Applicant the only other significant asset of Phoenix is a controlling position (38.6%) in the shares of The First National Bank of McDonough, McDonough, Georgia ("McDonough Bank").

Applicant states that the exchange ratio to be used in the proposed merger was determined by the parties through arms-length bargaining based upon the total net asset values of the shares of Phoenix and the Applicant. In June of 1974, Applicant commissioned two independent investment banking firms, Robinson-Humphrey Company, Inc. ("Robinson-Humphrey") and Reynolds Securities, Inc. ("Reynolds"), to analyze the parties to the proposed merger and determine an appropriate exchange rate. Robinson-Humphrey arrived at an exchange ratio of 3.0111 shares of Applicant for each share of Phoenix based on adjusted net asset values per share of \$14.03 for Applicant and \$42.24 for Phoenix; Reynolds arrived at an exchange ratio of 2.9862 shares of Applicant for each share of Phoenix based on adjusted net asset values of \$13.78 for Applicant and \$41.15 for Phoenix. In July of 1975, Applicant commissioned and received from Robinson-Humphrey and Reynolds new appraisals of the respective values of Applicant's shares and Phoenix's shares based on current financials. Robinson-Humphrey determined an exchange ratio of 2.973 shares of Applicant for each share of Phoenix to be appropriate based upon adjusted net asset values per share of \$13.84 for Applicant and \$44.25 for Phoenix. Reynolds determined an exchange ratio of 2.9487 shares of Applicant for each share of Phoenix to be fair based upon adjusted net asset values per share of \$13.84 for Applicant and \$46.81 for Phoenix.

Applicant represents that after the first independent appraisal the respective Boards of Directors of Applicant and Phoenix arrived at an exchange ratio based on the Robinson-Humphrey and Reynolds appraisals of three shares of Applicant for each share of Phoenix. Following the second independent appraisal, the Board of Directors of Applicant and Phoenix unanimously resolved to reaffirm the 3 to 1 exchange ratio. The exchange ratio would be reduced to 1 share of Applicant for six tenths of a share of Phoenix in light of the proposed 5 for 1 stock split of Phoenix's shares.

It is submitted that the proposed merger is consistent with the policies of the Applicant since the Surviving Corporation will adopt the investment policies of Applicant on the merger date. Applicant seeks as its primary investment objective the long-term growth of capital with income secondary.

Applicant asserts that the shares of the McDonough Bank presently held by Phoenix represents an attractive opportunity for growth and are consistent with Applicant's investment policies. Applicant has had, and the Surviving Corporation will have, a policy against investing in companies for the purpose of exercising control. It is stated that, if

the proposed merger is consummated, the Surviving Corporation does not intend to exercise control over the McDonough Bank and, in fact, would be under an irrevocable declaration under the Bank Holding Company Act entered into by Phoenix with the Federal Reserve Board to divest control, i.e., reduce ownership to less than 25%, of the McDonough Bank by January 1, 1981.

Applicant asserts that its shareholders will benefit from the proposed merger by the elimination of expenses incurred in maintaining a Tennessee domicile when Applicant's only place of business is in Georgia. It is represented that the proposed merger affords Applicant the opportunity to broaden its asset base by the acquisition of the McDonough Bank shares without incurring brokerage expenses. Applicant submits that its shareholders will benefit from the proposed merger by eliminating the possibility of a disruptive change of control that might arise if Phoenix transfers its controlling position in Applicant in a block. As a result of the proposed merger, this interest will be diffused among all the Phoenix shareholders. Applicant represents that the proposed transaction is fair and reasonable and does not involve overreaching by any party concerned in that the proposed transaction will be consummated on the basis of an exchange ratio determined by the Boards of Directors of Applicant and Phoenix with the aid of independent analysts and independently approved by both boards and by the shareholders of both parties, including approval by a majority in number of the shareholders of each company. Based on the foregoing, Applicant requests an order of exemption from Section 17(a) pursuant to Section 17(b) of the Act permitting the proposed merger of Applicant into Phoenix.

Section 6(c). Applicant was incorporated on August 29, 1958 for the purpose of operating as a small business investment company. On September 9, 1970, the Commission entered an order ("Order") (Investment Company Act Release No. 6181) granting Applicant various exemptions from the Act which permitted it to transfer its license under the Small Business Investment Act of 1958 and other assets to its wholly-owned subsidiary, SCSBIC. Such Order was subject to numerous conditions designed to insure that SCSBIC was at all times owned and operated by Applicant. Applicant has applied, pursuant to Section 6(c) of the Act, for an order of the Commission providing that the conditions imposed upon Applicant by such Order may be fulfilled by the Surviving Corporation as successor by merger to Applicant.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent such exemption is nec-

essary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 22, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc 75-23258 Filed 9-2-75; 8:45 am]

[Rel. No. 34-11621; File No. SR-PSE-75-1]

#### PACIFIC STOCK EXCHANGE INC. Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 25, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would amend the Constitution of the Pacific Stock Exchange Incorporated ("PSE") to increase the number of authorized memberships from 220 to 742, with the newly authorized memberships to be sold by the Board of Governors only in accordance with the Options Funding Plan of 1975. Pursuant to the amendment, and to the Options Funding Plan of 1975 which is incorporated by reference in the amendment:

1. 522 new treasury memberships would be authorized.

2. 94 of these memberships would be offered for sale at \$10,000 each to persons or firms not presently PSE members.

3. 214 of these memberships would be offered for sale at \$5,000 each to existing PSE members and member firms.

4. 214 of these memberships would be offered for sale at \$5,000 each to the purchasers of the memberships referred to in paragraph 3 above.

5. The purpose of the authorization and sale of these memberships is to provide requisite financing for beginning options trading on a separate options floor and to provide an adequate number of memberships for use in options trading.

6. The Board of Governors of PSE plans to require that all trading on the Options Trading Floor be restricted to members only, and has interpreted PSE's Constitution and Rules as prohibiting a member trading on the Options Trading Floor from having a floor representative on either of PSE's equity floors, with the practical result that existing members who desire to participate in options trading will need additional memberships.

7. The 94 memberships to be offered non-members, after the expiration of the offering to non-members, would be available for sale at the discretion of the PSE Board of Governors ("Board"), and the unsold portion of the 428 other new memberships, after the expiration of one year from the commencement of option trading on the PSE, would be available for sale at the discretion of the Board, subject to the Board's stated policy that sales would be made only in circumstances when an excessive imbalance of supply and demand existed and the Board determined it to be in the best interests of the memberships of the PSE.

8. All sales of treasury memberships made during the offering period that will precede the commencement of options trading are contingent upon receiving Securities and Exchange Commission approval of the PSE Options Trading Plan and upon sale of a number of memberships at least sufficient to raise a sum that, in the opinion of the Board, will meet the requirements for funding PSE's costs in beginning options trading, so that if these contingencies are not met the sales would be cancelled and the Board's authority to sell the 522 new memberships would be terminated.

9. All funds received from the sale of treasury memberships during the offering period will be held in a special segregated account, and if either of the contingencies referred to in paragraph 8 above are not met, such funds would be returned.

#### STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule

change is to authorize sufficient additional memberships so that there will be an adequate number of memberships for use in options trading and so that, through sale of these additional memberships, sufficient funds will be produced to finance the beginning of options trading on PSE.

The proposed rule change, by substantially increasing the number of authorized memberships in the PSE, substantially increases the ability of any registered broker or dealer, or natural person associated with a registered broker or dealer, to become a member of PSE. This is particularly true since the Options Funding Plan provides that these memberships are to be offered for sale at relatively low prices (\$10,000 for the 94 memberships to be offered to nonmembers and \$5,000 for the 428 memberships to be available to members).

The proposed rule change, by facilitating the development of an options trading facility on PSE, contributes to competition in options trading and thus to the perfection of a free and open market in options.

A special meeting of PSE members has been called to vote on the proposed rule change and any member who desires to do so will be allowed to comment orally at that meeting. Proxies are being solicited by the Board of Governors for votes for or against the proposed rule change. Apart from this, comments are not being solicited.

The proposed rule change will not impose any burden on competition. Rather the proposed rule change will encourage competition. It will do this both by facilitating the development of a competing facility for trading options and by facilitating the entry of persons and firms into the business of trading securities on PSE.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of

such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 3, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 28, 1975.

[FR Doc.75-23281 Filed 9-2-75; 8:45 am]

#### SMALL BUSINESS ADMINISTRATION

[SBLG No. 0002]

##### CAPCO SECURITIES, INC.

#### Application To Become Eligible as a Small Business Lending Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to Section 120.4(b) of the Regulations governing small business lending companies (SBLG's) (13 C.F.R., Section 120.4(b) (1975)), under the name of CAPCO Securities, Inc., 1025 Connecticut Ave., N.W., Washington, D.C. 20036, to become eligible to operate as an SBLG under the provisions of the Small Business Act (the Act), as amended (15 U.S.C. 634 and 636).

CAPCO Securities, Inc., will be a wholly owned subsidiary of CAPCO, Inc., of the same address. Officers, directors, and principal stockholders of CAPCO, Inc., are as follows:

Name	Title	Percent of voting securities
Robert A. Podesta, 505 North Lake Shore Dr., Chicago, Ill. 60611.	Chairman of board.	<10
Richard P. Whitney, 33 Cushing St., Providence, R.I. 02906.	President and director.	<10
Richmond T. Leeson, 589 Barney's Joy Rd., Dartmouth, Mass. 02714.	Vice president and treasurer.	<10
John H. Altiorer, 7405 North Edgewood Dr., Peoria, Ill. 61614.	Director.	19
Andrew Gibson, Box 294, Ashfield, Mass. 01380.		
Maurice T. Reed, 4042 Pine Hill Dr., Jackson, Miss. 39206.	Stockholder.	17
Charles Johnston, 3 Mast Hill Rd., Hingham, Mass. 02043.		11

Officers and directors of CAPCO, Inc., own 46% of the voting securities of that corporation. In addition, the Chicago Corporation, of which Mr. Podesta is an officer, director, and stockholder, owns 9% of the stock of CAPCO, Inc. Mr. Podesta disclaims any beneficial interest in the shares of the Company owned by the Chicago Corporation.

Officers, directors, and principal stockholders of CAPCO Securities, Inc., are as follows:

#### UNITED STATES RAILWAY

sociation, Room 2222, Trans Point Build-

Director for Occupational Safety and

the supplement to the North Carolina

Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Reporting



Name	Title	Percent of voting securities
Robert A. Podesta, 506 North Lake Shore Dr., Chicago, Ill. 60611.	Chairman of board.	.....
Richard P. Whitney, 33 Cushing St., Providence, R.I. 02904.	President and director.	.....
Richmond T. Leeson, 509 Barney's Joy Rd., Dartmouth, Mass. 02714.	Vice president and treasurer.	.....
John H. Altorfer, 7405 North Edgewood Dr., Peoria, Ill. 61614.	Director.	.....
CAPCO, Inc., 1025 Connecticut Ave. NW, Washington, D.C. 20036.		100

Messrs. Podesta, Whitney, and Altorfer have previously held significant positions in the Federal Government. Mr. Podesta was Assistant Secretary of Commerce for Economic Development from February 1969 to January 1973. Mr. Whitney, from March 1970 until March 1973, served as Assistant to the Secretary of Commerce and as a Vice President of Finance of the Overseas Private Investment Corporation. From February 1971 until January 1972, Mr. Altorfer was Special Assistant to the Secretary of Commerce.

CAPCO Securities, Inc., will begin operations with a minimum initial capitalization of \$500,000, which will be derived from part of the proceeds of a private securities offering by CAPCO, Inc., the SBLC's parent. CAPCO Securities, Inc., will operate in the District of Columbia, elsewhere in the Middle Atlantic States, in New England, and in the East North Central States, with its principal office in the District of Columbia. A branch office is planned to be opened in Boston, Massachusetts, at an address as yet undecided.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than fifteen (15) days from the date of publication of this Notice, submit to SBA, in writing, relevant comments on the proposed company.

Any communication should be addressed to: Director, Office of Program Development, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Washington, D.C., and Boston, Massachusetts.

Dated: August 27, 1975.

PETER F. McNEISH,  
Director,  
Office of Program Development.  
[FR Doc.75-23254 Filed 9-2-75;8:45 am]

## UNITED STATES RAILWAY ASSOCIATION

[USRA Docket No. 76-17]

### ERIE LACKAWANNA RAILWAY CO.

#### Proposed Interim Discontinuance of Passenger Service

The Trustees in Bankruptcy of the Erie Lackawanna Railway Company ("Erie") propose to discontinue commuter trains Nos. 28 and 29 operated by the railroad and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under Section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The trains sought to be discontinued operate between Cleveland and Youngstown, Ohio, a distance of 66.2 miles, and constitute the only present rail passenger service between these points. Stations served include Cleveland Union Terminal, East 55th Street, Lee Road, North Randall, Solon, Geauga Lake, Aurora, Mantua, Jeddoo, Garrettsville-Hiram, Warren, Niles, and Youngstown, Ohio.

In support of its request, the Erie alleges that:

1. It must spend \$3.00 in expenses for each \$1.00 of gross revenues earned from providing the service.

2. It currently loses about \$604.00 per trip.

3. Alternate public transportation is available within the Cleveland City Limits from the Cleveland Transit System; between Cleveland, Warren, and Youngstown and between Cleveland and North Randall from Greyhound Bus Lines. In addition, Cleveland Southeastern Trails has previously indicated an intent to furnish comparable commuter service between Aurora and Cleveland in the event the trains are discontinued.

This request is accompanied by exhibits providing more detailed information.

Pursuant to Section 304(f) of the Regional Rail Reorganization Act, USRA is publishing this notice upon receipt of the railroad's application. To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. 20595, by October 15, 1975, to enable timely consideration by USRA.

The docket containing the original application and all submissions received shall be available for public inspection at that address and at the offices of the Ohio Department of Transportation, Division of Urban Mass Transportation, 25 South Front Street, Columbus, Ohio, between 8:00 a.m. and 5:00 p.m., Monday through Friday, the offices of the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio, between 9:00 a.m. and 5:00 p.m., Monday through Friday, and at the offices of the Railroad, Law Department, 1336 Midland Building, 101 Prospect Avenue, Cleveland, Ohio, and Superintendent's Office, 508 Binama Building, Youngstown, Ohio, between 9:00 a.m. and 5:00 p.m., Monday through Friday.

In addition to this publication, Erie shall, by September 1, 1975, make available a copy of this notice and invitation for written submission to each labor union whose members are employed in providing passenger service on that part of its line. It shall also post and prominently display a copy of this notice on each passenger train car and on each station on the line, continually during the period from September 1, 1975 to October 15, 1975.

This action is taken pursuant to Section 304(f) of the Regional Rail Reorganization Act of 1973, as amended, P.L. 93-236.

The Association will consider the application in the light of the public comments received and the requirements and purposes of the Act before rendering a decision on the merits of the request to discontinue the subject passenger service. The Association will deny any application which a State or local or regional transportation authority reasonably opposes, or where the authorization requested is inconsistent with the requirements and purposes of the Act; it will grant the application if that action is consistent with the requirements and purposes of the Act.

Dated at Washington, D.C. this 26th day of August, 1975.

JAMES A. HAGEN,  
President,  
United States Railway Association.

[FR Doc.75-23277 Filed 9-2-75;8:45 am]

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### NORTH CAROLINA STANDARDS

##### Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional

Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On February 1, 1973, notice was published in the FEDERAL REGISTER (39 FR 3041) of the approval of the North Carolina plan and the adoption of Subpart I to Part 1952 containing the decision.

The North Carolina plan provides for the adoption of Federal standards as State standards by reference and additional State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1952.150(a) of Subpart I provides for the development and promulgation of additional laws and orders in all places of employment in the State.

By letter dated January 27, 1975, from W. C. Creel, Commissioner of Labor, North Carolina Department of Labor to Donald E. MacKenzie, Assistant Regional Director, and incorporated as a part of the plan, the State submitted standards for "Shops Fabricating Structural Steel and Steel Plate." These standards were promulgated by the State following hearings on December 11, 1974, at Raleigh, North Carolina pursuant to the North Carolina Occupational Safety and Health Act of 1973 (Chapter 295, General Statutes).

2. *Decision.* Having reviewed the State submission in comparison with Federal standards, it has been determined that the State standards are at least as effective as comparable Federal standards and are hereby approved. These standards incorporate several standards developed by the American National Standards Institute (ANSI) and reemulate for the fabricating structural steel and steel plate industries some of the general industry standards already promulgated by the State and approved by the Assistant Regional Director.

3. *Location of Supplement for Inspection and Copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, North Carolina Department of Labor, 11 West Edenton, Raleigh, North Carolina 27611; Office of the Assistant Regional Director, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Associate Assistant Secretary for Regional Programs, Room N3603, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing

the supplement to the North Carolina State plan as a proposed change and making the Assistant Regional Director's approval effective on publication for the following reasons:

1. The State standard incorporates existing Federal standards and consensus standards related to the fabrication of steel.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective September 3, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)) Signed at Atlanta, Georgia, this 29th day of July, 1975.

DONALD E. MACKENZIE,  
Assistant Regional Director.

[FR Doc.75-23218 Filed 9-2-75;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Fourth Rev. Exemption No. 89]

### PLAIN BOXCARS OF 40-FT.

#### Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

It appearing, That the U.S. railroads own numerous 40-ft. plain boxcars; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars, resulting in unnecessary loss of utilization of such cars.

*It is ordered,* That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars of railroad ownership described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, and which bear the reporting marks assigned to United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

*Exception No. 1:* This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

*Exception No. 2:* This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

*Exception No. 3:* This exemption shall not apply to 40-ft. boxcars owned by the railroads named below:

Burlington Northern Inc., Reporting Marks: BN, CBQ, GN, NP, SPS.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.

The Kansas City Southern Railway Company, Reporting Marks: KCS.

Louisiana & Arkansas Railway Company, Reporting Marks: LA.

SOO Line Railroad Company, Reporting Marks: SOO.

Effective August 22, 1975.

Expires September 15, 1975.

Issued at Washington, D.C., August 15, 1975.

INTERSTATE COMMERCE COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[FR Doc. 75-23338, Filed 9-2-75; 8:45 am]

[Amtd. No. 1 to Fourth Rev. Exemption No. 89]

#### EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

Upon further consideration of Fourth Revised Exemption No. 99 issued August 11, 1975.

*It is ordered,* That, under the authority vested in me by Car Service Rule 19, Fourth Revised Exemption No. 99 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire September 30, 1975.

This amendment shall become effective August 31, 1975.

Issued at Washington, D.C., August 20, 1975.

INTERSTATE COMMERCE COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[FR Doc.75-23339 Filed 9-2-75;8:45 am]

[Exemption No. 100]

#### EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

*It appearing,* That there is an emergency movement of military impediments from Kendaia, New York, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

*It is ordered,* That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee), the railroads designated by the Car Service Division are authorized to move to, and the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee), is au-



thorized to accept, assemble, and load, not to exceed one hundred-fifty (150) empty cars, with military impedimenta from Kendaia, New York, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1 and 2.

Effective August 21, 1975.

Expires September 10, 1975.

Issued at Washington, D.C., August 15, 1975.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] R. D. PFAHLER,  
Agent.  
[FR Doc. 75-23340 Filed 9-2-75; 8:45 am]

# IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINA- TION OF GATEWAY LETTER NOTICES

August 28, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1380 (Sub-No. E3), filed May 13, 1974. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Max H. Towery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between points in that part of Tennessee north of U.S. Highway 421, on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 17 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Chesapeake Bay; (2) between points in that part of Tennessee within 150 miles of Charlotte, N.C. south of U.S. Highway 421 and on and north of a line beginning at the Tennessee-North Carolina State line, thence along U.S. High-

way 23 to junction U.S. Highway 11E, thence along U.S. Highway 11E to the Virginia-Tennessee State line, on the one hand, and, on the other, points in that part of Virginia east of a line beginning at the Virginia-North Carolina State line, thence along Virginia Highway 35 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 10, thence along Virginia Highway 10 to the eastern boundary of Prince George County, thence along the eastern boundary of Prince George County to the eastern border of Charles City County, thence along the eastern border of Charles City County to U.S. Highway 60, thence along U.S. Highway 60 to the Chesapeake Bay;

(3) Between points in that part of Tennessee south of a line beginning at the North Carolina-Tennessee State line, thence along U.S. Highway 70 to junction Tennessee Highway 107, thence along Tennessee Highway 107 to Greenville, Tenn., thence along U.S. Highway 11E to the boundary line of points within 150 miles of Charlotte, N.C., thence along the 150 miles of Charlotte, N.C., boundary to the Virginia-Tennessee State line, on the one hand, and, on the other, points in that part of Virginia east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 501 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean; (4) between points in that part of Virginia on and south of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 220 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of South Carolina west of U.S. Highway 52 and within 150 miles of Charlotte, N.C.; (5) between points in that part of Virginia on and bounded by a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to Danville, thence along U.S. Highway 360 to Rudiment, thence along U.S. Highway 250 to Charlottesville, thence along U.S. Highway 29 to the point of beginning, on the one hand, and, on the other, points in that part of South Carolina which are within 150 miles of Charlotte, N.C., and south and west of a line beginning at the North Carolina-South Carolina State line, thence along South Carolina Highway 57 to Fork, thence along South Carolina Highway 41 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Atlantic Ocean; (6) between points in that part of Virginia on and bounded by a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to Charlottesville, thence along U.S. Highway 250 to Staunton, thence along U.S. Highway 11 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Virginia-North Carolina State line, thence along the Virginia-North

Carolina State line to the point of beginning, on the one hand, and, on the other, all points in South Carolina within 150 miles of Charlotte, N.C.;

(7) Between points in that part of Virginia on and south of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 21 to junction U.S. Highway 11, thence along U.S. Highway 11 to the North Carolina-Virginia State line, on the one hand, and, on the other, points in that part of South Carolina west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 321 to Chester, thence along South Carolina Highway 121 to Saluda, thence along U.S. Highway 378 to the Georgia-South Carolina line; (8) between points in that part of Virginia east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 17 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean and points on U.S. Highway 60 between Norfolk and Williamsburg, Va., including Williamsburg, on the one hand, and, on the other, points in that part of North Carolina within 150 miles of Charlotte, N.C., and on west of a line beginning at the North Carolina-South Carolina States line, thence along North Carolina Highway 18 to junction North Carolina Highway 10, thence along North Carolina Highway 10 to junction North Carolina Highway 127, thence along North Carolina Highway 127 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction U.S. Highway 421, thence along U.S. Highway 421 to the North Carolina-Tennessee State line; (9) between points in Virginia bounded by a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 501 to South Boston, Va., thence along U.S. Highway 360 to Richmond (serving all points in said highways comprising the western boundary), thence along U.S. Highway 60 to junction U.S. Highway 17, thence along U.S. Highway 17 to the North Carolina-Virginia State line (serving no point on said highways comprising the eastern boundary), on the one hand, and, on the other, points in that part of North Carolina within 150 miles of Charlotte, N.C., and west of a line beginning at the North Carolina-South Carolina State line, thence along North Carolina Highway 18 to junction North Carolina Highway 10, thence along North Carolina Highway 10 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 221, thence along U.S. Highway 221 to the Tennessee-Virginia State line;

(10) Between points in Virginia on U.S. Highway 250 between Staunton and Richmond (including Staunton but not including Richmond), on the one hand, and, on the other, points in that part of North Carolina within 150 miles of Charlotte, N.C., and west of a line beginning at the North Carolina-South Carolina State line, thence along North Caro-

lina Highway 18 to junction North Carolina Highway 10, thence along North Carolina Highway 10 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 221, thence along Highway 221 to the Tennessee-Virginia State line; (11) between points in Virginia bounded by a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 501 to South Boston, Va., thence along U.S. Highway 360 to Richmond, thence along U.S. Highway 250 to Staunton, thence along U.S. Highway 11 to Roanoke, thence along U.S. Highway 220 to the North Carolina-Virginia State line, serving points on U.S. Highway 220, on the one hand, and, on the other, points in that part of North Carolina on and west of U.S. Highway 25; (12) between points in Virginia bounded by a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 21 to Wytheville, thence along U.S. Highway 11 to Bristol, Va., thence along the North Carolina-Virginia State line to the point of beginning, on the one hand, and, on the other, points in North Carolina east of U.S. Highway 1 that are within 150 miles of Charlotte, N.C. The purpose of his filing is to eliminate the gateway of Charlotte, N.C.

No. MC 8535 (Sub-E40), filed July 16, 1975. Applicant: GEORGE TRANSFER, P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, from points in Alabama, west of the counties of Jackson, De Kalb, Etowah, Calhoun, Cleburne, Clay, Coosa, Elmore, Montgomery, Crenshaw, and Covington, to points in Connecticut, Massachusetts, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of the facilities of National Southwire Aluminum Co., Southwire Company, and National Aluminum Corporation, at or near Hawesville, Ky.

No. MC 8535 (Sub-E41), filed July 16, 1975. Applicant: George Transfer, P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, from points in Jackson County, Alabama on, south, or west of a line beginning at the Tennessee-Alabama State line and extending along Alabama Highway 65 to junction Alabama Highway 146, thence along Alabama Highway 146 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction Alabama Highway 35, and thence along Alabama Highway 35 to the Jackson-De Kalb County line, to points in Connecticut, Massachusetts, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of the facilities of National Southwire Aluminum Co., at or near Hawesville, Ky.

No. MC 8535 (Sub-E42), filed July 16, 1975. Applicant: GEORGE TRANSFER, P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, requiring rigging, special equipment or specialized handling, from points in Kentucky, west of Oldham, Shelby, Spencer, Nelson, Marion, Taylor, Adair, Russell, and Wayne Counties, to points in Connecticut, Massachusetts, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of points in Hancock County, Kentucky.

No. MC 31462 (Sub-No. E40), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Household goods*, as defined by the Commission, between points in Arkansas on and north of a line beginning on the Mississippi River and Memphis, Arkansas, on Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction Arkansas Highway 54, thence along Arkansas Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to El Dorado, Ark., thence along El Dorado to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of Cairo, Ill., and points within 25 miles thereof, and points in Tennessee and Georgia.

No. MC 31462 (Sub-No. E76), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateways of points in Tennessee, Cairo, Ill., and points within 25 miles thereof; Burlington, Iowa, and points within 50 miles thereof; Alden, Minn., and points within 35 miles thereof; and Williston, N. Dak., and points in North Dakota within 200 miles of Williston.

No. MC 31462 (Sub-No. E188), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster,

Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa on, south, and east of a line beginning at the Iowa-Minnesota State line on U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., and points in Nebraska within 100 miles of Omaha, and Kansas City, Mo., and points within 30 miles.

No. MC 31462 (Sub-No. E306), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateways of Cairo, Ill., and points within 25 miles thereof, Ft. Wayne, Ind., and points in Indiana within 40 miles of Ft. Wayne, and Hoosick Falls, N.Y.

No. MC 45736 (Sub-E3), filed June 3, 1974. Applicant: GUIGNORD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment; (1) between points in Kentucky located within 225 miles of Concord, N.C., on the one hand, and, on the other, points in South Carolina east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 321, to junction South Carolina Highway 3, to junction U.S. Highway 301, to the South Carolina-Georgia State line (Concord, N.C.); (2) between points in Virginia within 225 miles of Concord, N.C., which are east of Virginia Highway 16, on the one hand, and, on the other, points in South Carolina (except Marlboro, Dillon, Marion, Horry, and Georgetown Counties) (Concord, N.C.); (3) between points in Virginia within 225 miles of Concord, N.C., which are east of Virginia Highway 16, on the one hand, and, on the other, Savannah, Ga. (Concord, N.C., and Sumter County, S.C.); (4) between points in Virginia on and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 60 to junction U.S. Highway 250, to junction U.S. Highway 11, to

junction Virginia Highway 16 to the Vir-

value, classes A and B explosives, house-

South Carolina, and points in Georgia

operate as a *common carrier*, by motor

wood City, Philadelphia, Ambler, and

Highway 250 to Charlottesville, thence



junction Virginia Highway 16 to the Virginia-North Carolina State line, on the one hand, and, on the other, (A) points in South Carolina (except Marlboro, Dillon, Marion, Horry, and Georgetown Counties) (Concord and Charlotte, N.C.) \*; (B) points in Georgia within 225 miles of Concord, N.C. (Concord, N.C.) \*, (C) Savannah, Ga. (Concord and Charlotte, N.C., and Sumter, S.C.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub-E4), filed June 3, 1974. Applicant: GUIGNORD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment; (1) between points in West Virginia within 225 miles of Concord, N.C., on the one hand, and, on the other, (A) points in South Carolina (Concord, N.C.) \*, (B) Savannah, Ga. (Concord, N.C., and Sumter County, S.C.) \*; (2) between points in Kentucky and West Virginia located within 225 miles of Concord, N.C., on the one hand, and, on the other, Savannah, Ga. (Concord, N.C., and Sumter County, S.C.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub-E5), filed June 3, 1974. Applicant: GUIGNORD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Asheville, N.C., on the one hand, and, on the other, points in Virginia on and south of a line beginning at the Virginia-North Carolina State line and extending along Virginia Highway 168, to junction U.S. Highway 60, to junction U.S. Highway 250, to junction U.S. Highway 11, to junction U.S. Highway 501, to junction U.S. Highway 29 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Concord, N.C.

No. MC 45736 (Sub-E6), filed June 3, 1974. Applicant: GUIGNORD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual

value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Belmont, Charlotte, Gastonia, McAdenville, Monroe, and Stanley, N.C., on the one hand, and, on the other, points in Virginia south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 60 to junction U.S. Highway 250, to junction U.S. Highway 11, to the Virginia-Tennessee State line. The purpose of this filing is to eliminate the gateway of Concord, N.C.

No. MC 45736 (Sub-E7), filed June 3, 1974. Applicant: GUIGNORD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile commodities*; (A) from points in North Carolina within 225 miles of Concord, N.C. (except points west of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 18 to junction U.S. Highway 21, to the North Carolina-Virginia State line, points in South Carolina east of U.S. Highway 221, and points in Georgia within 225 miles of Concord, N.C., (except points west of U.S. Highway 221), to Chicago, Ill. (Concord, N.C.) \*; (B) from Savannah, Ga., to Chicago, Ill. (Sumter County, S.C., and Concord, N.C.) \*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 45736 (Sub-E8), filed June 3, 1974. Applicant: GUIGNORD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13 & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile commodities*; (A) from points in North Carolina on, south, and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 70 to junction U.S. Highway 64, to junction U.S. Highway 21, to the North Carolina-South Carolina State line, points in Georgia within 225 miles of Concord, N.C., to Columbus, Ohio (Concord, N.C.) \*; (B) from Savannah, Ga., to Columbus, Ohio (Sumter County, S.C., and Concord, N.C.) \*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 45736 (Sub-E9), filed June 3, 1974. Applicant: GUIGNORD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile commodities*; (A) from points in North Carolina in and west of Anson, Iredell, Montgomery, Rowan, Stanley, Watuga, and Wilkes Counties, points in

South Carolina, and points in Georgia within 225 miles of Concord, N.C., to Baltimore and Perryville, Md. (Concord, N.C.) \*; (B) from Savannah, Ga., to Baltimore and Perryville, Md. (Sumter County, S.C., and Concord, N.C.) \*; (C) from points in Alabama on and north of U.S. Highway 278 (except points west and north of U.S. Highways 231 and U.S. Highway 72), to Baltimore and Perryville, Md. (Sumter, S.C., and Concord, N.C.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub-E10), filed June 3, 1974. Applicant: GUIGNORD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile commodities*; (A) from points in Georgia within 225 miles of Concord, N.C., points in North Carolina in and west of Davidson, Davie, Iredell, Montgomery, Randolph, Richmond, Watuga, and Wilkes Counties, and points in South Carolina, Philadelphia, Pa., and New York, N.Y. (Concord, N.C.) \*; (B) from Savannah, Ga., to Philadelphia, Pa., and New York, N.Y. (Sumter County, S.C., and Concord, N.C.) \*; (C) from points in Alabama on and north of U.S. Highway 278, to Philadelphia, Pa., and New York, N.Y. (Sumter, S.C., and Concord, N.C.) \*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 45736 (Sub-E11), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, from Philadelphia, Pa., (a) to points in South Carolina and points in Georgia within 225 miles of Concord, N.C. (Concord, N.C.) \*, (b) to Savannah, Ga. (Concord, N.C., and Sumter County, S.C.) \*, and (c) to points in Alabama on and north of U.S. Highway 278 (Concord, N.C., and Sumter, S.C.) \*; and (2) *empty beer containers*, (a) from points in South Carolina and points in Georgia within 225 miles of Concord, N.C. to Philadelphia, Pa. (Concord, N.C.) \*, (b) from Savannah, Ga., to Philadelphia, Pa. (Sumter County, S.C., and Concord, N.C.) \*, and (c) from points in Alabama on and north of U.S. Highway 278 to Philadelphia, Pa. (Sumter, S.C., and Concord, N.C.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub-No. E12), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, new and furniture veneer stock*, from points in North Carolina within 225 miles of Concord, N.C. (except points east of U.S. Highway 301), and points west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 21 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-South Carolina State line, points in Virginia within 225 miles of Concord, N.C., which are east of U.S. Highway 21, and points in West Virginia within 225 miles of Concord, N.C., to points in Florida east of Florida Highway 71. The purpose of this filing is to eliminate the gateways of Concord, N.C., and Sumter, S.C.

No. MC 45736 (Sub-No. E13), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases*, in containers, from St. Marys, W. Va.; (a) to points in Georgia within 225 miles of Concord, N.C., points in South Carolina, and points in North Carolina on and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 70 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction North Carolina Highway 43, thence along North Carolina Highway 43 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 98, thence along North Carolina Highway 98 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 150, thence along North Carolina Highway 150 to the North Carolina-South Carolina State line (Concord, N.C.) \*; and (b) to Savannah, Ga. (Concord, N.C., and Sumter County, S.C.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub-No. E14), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware, plumbing supplies, and building materials* (except commodities requiring special equipment), from points in the New York, N.Y., commercial zone, as defined by the Commission, Baltimore and Sparrows Point, Md.; Cincinnati, Dover, and Cleveland, Ohio; Uniontown, Johnstown, Ell-

wood City, Philadelphia, Ambler, and Monaca, Pa.; Barba, Newark, Camden, Metuchen, and Millington, N.J.; Edgemore, Del.; and Alcoa, Tenn., to Concord, N.C. The purpose of this filing is to eliminate the gateway of Wilkes County, N.C.

No. MC 45736 (Sub-No. E15), filed June 3, 1974. Applicant: GUIGNORD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware, plumbing supplies, and building materials* (except commodities requiring special equipment), from Cleveland and Dover, Ohio, to (a) points in South Carolina (Wilkes County and Concord, N.C.) \*; and (b) Savannah, Ga. (Wilkes County and Concord, N.C., and Sumter County, S.C.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-No. E74), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Latonia, Ky., and points within 10 miles thereof; (a) to points in Illinois (Seymour, Ind.) \*; (b) to points in Indiana (Cleveland, Ohio) \*; (c) to points in Missouri within 135 miles of East St. Louis, Ill. (Cleveland, Ohio, New Goshen, Ind., and East St. Louis, Ill.) \*; (d) to points in Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence to the Pennsylvania-New York State line (Cincinnati, Ohio) \*; (e) to points in West Virginia on and west of a line beginning at Point Pleasant, W. Va., and extending along U.S. Highway 35 to Charleston, W. Va., thence along U.S. Highway 21 to the West Virginia-Virginia State line (Ironton, Ohio) \*; and (f) to points in New York on and west of a line beginning at Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 49 to Rome, N.Y., thence along New York Highway 69 to Camden, N.Y., thence along New York Highway 13 to Port Ontario, N.Y. (Cincinnati, Ohio, and Titusville, Pa.) \*. (2) *Petroleum chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride), in bulk, in tank vehicles, from Latonia, Ky., and points within ten miles thereof, to points in Iowa, Missouri, Minnesota, and Wisconsin (Cleveland, Ohio, and Terre Haute, Ind.) \*. (3) *Petroleum products* (except petroleum chemicals), from Latonia, Ky., and points within 10 miles thereof, to points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along U.S.

Highway 250 to Charlottesville, thence along Virginia Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line (Midland, Pa., and Congo, W. Va.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-E77), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Lawrenceville, Illinois, and points within 10 miles thereof; (A) to points in Ohio and Kentucky east of U.S. Highway 127; (B) to points in Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line; (C) to points in West Virginia on and west of a line beginning at Sistersville, West Virginia, and extending along West Virginia Highway 18 to Troy, West Virginia, thence along West Virginia Highway 47 to Linn, West Virginia, thence along U.S. Highway 119 to Glennville, West Virginia, thence along West Virginia Highway 5 to Napier, West Virginia, thence along U.S. Highway 19 to Summersville, West Virginia, thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, West Virginia, thence to the West Virginia-Virginia State line. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Lawrenceville, Illinois, and points within 10 miles thereof, to points in Iowa and the Lower Peninsula of Michigan and Wisconsin. (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Lawrenceville, Illinois, and points within 10 miles thereof, to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, District of Columbia, and points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 30 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Seymour, Indiana, in (1A) above; Seymour, Indiana, and Columbus, Ohio, in (1B) above; Seymour, Indiana, and Ironton, Ohio, in (1C) above; Terre Haute, Indiana, in (2) above; and Seymour, Indiana, East Liverpool, Ohio, Midland, Pennsylvania, and Congo, West Virginia, in (3) above.

No. MC 50069 (Sub-E78), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack



## NOTICES

A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Robinson, Illinois, and points within 10 miles thereof; (A) to points in Kentucky east of Interstate Highway 75 and points in Ohio; (B) to points in Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line; (C) to points in West Virginia on and west of a line beginning at Sistersville, West Virginia, and extending along West Virginia Highway 18 to Troy, West Virginia, thence along West Virginia Highway 47 to Linn, West Virginia, thence along U.S. Highway 119 to Glennville, West Virginia, thence along West Virginia Highway 5 to Napier, West Virginia, thence along U.S. Highway 18 to Summersville, West Virginia, thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, West Virginia, thence to the West Virginia-Virginia State line; (D) to points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending north to Deposit, N.Y., thence along N.Y. Highway 8 to Utica, N.Y., thence along N.Y. Highway 49 to Rome, N.Y., thence along N.Y. Highway 69 to Camden, N.Y., thence along N.Y. Highway 13 to Port Ontario, N.Y.

(2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Robinson, Illinois, and points within 10 miles thereof, to points in Iowa, the Lower Peninsula of Michigan, and Wisconsin. (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Robinson, Illinois, and points within 10 miles thereof, to points in New Jersey, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, Maryland, District of Columbia, points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Seymour, Indiana, in (1A) above; Seymour, Indiana, and Columbus, Ohio, in (1B) above; Seymour, Indiana, and Ironton, Ohio, in (1C) above; Seymour, Indiana, Columbus, Ohio, and Titusville, Pennsylvania, in (1D) above; Terre Haute, Indiana, in (2) above; Canton, Ohio, Seymour, Indiana, and Congo, West Virginia, in (3) above.

No. MC 50069 (Sub-E79), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Midland, Pennsylvania, and points within 10 miles thereof, (A) to points in Illinois; (C) to points in Missouri within 135 miles of East St. Louis, Illinois. (2) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Midland, Pennsylvania, and points within 10 miles thereof, to points in Kentucky, Ohio, Wisconsin, New Jersey, New York, Tennessee, North Carolina, South Carolina, Virginia, Georgia, Alabama, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, Maryland, and the District of Columbia. (3) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Midland, Pennsylvania, and points within 10 miles thereof, to points in Iowa and Missouri. The purpose of this filing is to eliminate the gateways of Canton, Ohio, in (1A) above; Canton, Ohio, and Huntington County, Indiana, in (1B) above; Canton, Ohio, Huntington County, Indiana, and East St. Louis, Illinois, in (1C) above; Congo, West Virginia, in (2) above; and Canton, Ohio, Huntington County, Indiana, and Peoria, Illinois, in (3) above.

No. MC 50069 (Sub-E80), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Pittsburgh, Pennsylvania, and points within 10 miles thereof; (A) to points in Illinois; (B) to points in Indiana; (C) to points in the Lower Peninsula of Michigan; (D) to points in Missouri within 135 miles of East St. Louis, Illinois. (2) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Pittsburgh, Pennsylvania, and points within 10 miles thereof, to points in Kentucky, Ohio, Wisconsin, Alabama, Connecticut, New Hampshire, Massachusetts, Delaware, Rhode Island, Vermont, New Jersey, New York, North Carolina, Tennessee, Georgia, Virginia, and South Carolina. (3) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Pittsburgh, Pennsylvania, and points within 10 miles thereof; (A) to points in Iowa and Minnesota; (B) to points in Missouri. The purpose of this filing is to eliminate the gateways of Canton, Ohio, and Niles, Michigan, in (1A) above; Canton, Ohio, in (1B) above; Canton, Ohio, in (1C) above; Seymour, Indiana, and East St. Louis, Illinois, in (1D) above; Congo, West Virginia, in (2) above; and Canton, Ohio, Huntington County, Indiana, and Peoria, Illinois, in (3A) above; Canton, Ohio, and Terre Haute, Indiana, in (3B) above.

No. MC 50069 (Sub-E81), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Lima, Ohio, and points within 10 miles thereof; (A) to points in Illinois; (B) to points in Indiana north and west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 30 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Michigan-Indiana State line; (C) to points in Missouri within 135 miles of East St. Louis, Illinois. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Lima, Ohio, and points within 10 miles thereof, to points in Iowa and Missouri. The purpose of this filing is to eliminate the gateways of Huntington County, Indiana, in (1A) above; South Bend, Indiana, and Niles, Michigan, in (1B) above; Huntington County, Indiana, and East St. Louis, Illinois, in (1C) above; and Huntington County, Indiana, and Peoria, Illinois, in (2) above.

No. MC 50069 (Sub-E82), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Findlay, Ohio, and points within 10 miles thereof; (A) to points in Illinois; (B) to points in Indiana north and west of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Michigan State line; (C) to points in Missouri within 135 miles of East St. Louis, Illinois. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Findlay, Ohio, and points within 10 miles thereof, to points in Iowa and Missouri. The purpose of this filing is to eliminate the gateways of Huntington County, Indiana, in (1A) above; South Bend, Indiana, and Niles, Michigan, in (1B) above; Huntington County, Indiana, and East St. Louis, Illinois, in (1C) above; and Huntington County, Indiana, and Peoria, Illinois, in (2) above.

No. MC 50069 (Sub-E83), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Toledo,

Ohio and points within 10 miles thereof; (A) to points in Illinois; (B) to points in Missouri within 135 miles of East St. Louis, Illinois. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Toledo, Ohio, and points within 10 miles thereof, to points in Iowa west and south of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line and points in Missouri. The purpose of this filing is to eliminate the gateways of Huntington County, Indiana, in (1A) above; Huntington County, Indiana, and East St. Louis, Illinois, in (1B) above; and Huntington County, Indiana, and Peoria, Illinois, in (2) above.

No. MC 50069 (Sub-E84), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from East Chicago, Indiana, and points within 10 miles thereof; (A) to points in Ohio; (B) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line; (C) to points in West Virginia south and west of a line beginning at Point Pleasant, West Virginia, and extending along U.S. Highway 35 to Charleston, West Virginia, thence along U.S. Highway 19 to the West Virginia-Virginia State line; (D) to points in Kentucky on and east of Interstate Highway 75. (2) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles; (A) to points in Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, Maryland, District of Columbia, and points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Niles, Michigan, and Toledo, Ohio, and Titusville, Pennsylvania, in (A) above; Niles, Michigan, in (1B) above; South Bend, Indiana, in (1C) above; Niles, Michigan, and Toledo, Ohio, in (1D) above; Niles, Michigan, and Ironton, Ohio, in (1E) above; Niles, Michigan, East Liverpool, Ohio, Midland, Pa., and Congo, West Virginia, in (2) above.

No. MC 50069 (Sub-No. E103), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum lubricating greases*, in bulk, in tank vehicles, from Woodhaven Village, Mich.; (A) to

tending along West Virginia Highway 47 to junction U.S. Highway 33/119, thence

PORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Joliet, Illinois, and points within 10 miles thereof; (A) to points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending north to Deposit, N.Y., thence along N.Y. Highway 8 to Utica, N.Y., thence along N.Y. Highway 49 to Rome, N.Y., thence along N.Y. Highway 69 to Camden, N.Y., thence along N.Y. Highway 13, to Port Ontario, N.Y.; (B) to points in Ohio; (C) to points in Michigan on and east of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 217 to Lansing, Michigan, thence along Michigan Highway 43 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Michigan Highway 59, thence along Michigan Highway 59 to junction U.S. Highway 10, thence along U.S. Highway 10 to Detroit, Michigan; (D) to points in Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line; (E) to points in West Virginia bounded by a line beginning at Point Pleasant, West Virginia, and extending along U.S. Highway 35 to Charleston, West Virginia, thence along U.S. Highway 21 to the West Virginia-Virginia States line. (2) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Joliet, Illinois, and points within 10 miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, Maryland, District of Columbia, and points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Niles, Michigan, and Toledo, Ohio, and Titusville, Pennsylvania, in (A) above; Niles, Michigan, in (1B) above; South Bend, Indiana, in (1C) above; Niles, Michigan, and Toledo, Ohio, in (1D) above; Niles, Michigan, and Ironton, Ohio, in (1E) above; Niles, Michigan, East Liverpool, Ohio, Midland, Pa., and Congo, West Virginia, in (2) above.

No. MC 50069 (Sub-No. E103), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum lubricating greases*, in bulk, in tank vehicles, from Woodhaven Village, Mich.; (A) to

points in Pennsylvania; (B) to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Maryland, the District of Columbia, points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, points in North Carolina on and east of U.S. Highway 220, and points in South Carolina on and east of U.S. Highway 25; and (C) to points in New York. The purpose of this filing is to eliminate the gateways of (A) Youngstown, Ohio; (B) Canton, Ohio, and Congo, W. Va.; and (C) Youngstown, Ohio, and Kams City, Pa.

No. MC 50069 (Sub-E107), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, except liquefied petroleum gas, in bulk, in tank vehicles, from Mercer County, Pennsylvania; (A) to points in Illinois north of Interstate Highway 80; (B) to points in Illinois south of U.S. Highway 136; (C) to points in Indiana; (D) to points in the Lower Peninsula of Michigan; (E) to points in Missouri within 135 miles of East St. Louis, Illinois. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Mercer County, Pennsylvania; (A) to points in Iowa and Minnesota; (B) to points in Missouri. (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Mercer County, Pennsylvania, to points in Kentucky, Wisconsin, Alabama, Georgia, points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, points in North Carolina on and east of U.S. Highway 220, points in South Carolina and points in Tennessee. The purpose of this filing is to eliminate the gateways of Toledo, Ohio, and Niles, Michigan, in (1A) above; Canton, Ohio, and Huntington County, Indiana, in (1B) above; Canton, Ohio, in (1C) above; Toledo, Ohio, in (1D) above; Canton, Ohio, New Goshen, Indiana, and East St. Louis, Illinois, in (1E) above; Canton, Ohio, Huntington County, Indiana, and Peoria, Illinois, in (2A) above; Canton, Ohio, and Terre Haute, Indiana, in (2B) above; East Liverpool, Ohio, Midland, Pennsylvania, and Congo West Virginia, in (3) above;

No. MC 52657 (Sub-No. E41) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 8, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same

## NOTICES

as above). Authority sought to operate as

vania-New York State line, on the one

that, or provided that, the loading or un-

## NOTICES

tending along West Virginia Highway 47 to junction U.S. Highway 33/119, thence

thence along Interstate Highway 65 to junction Alabama Highway 69, thence

ginia north and east of a line beginning at the Ohio-West Virginia State line and



as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*; (2) between points in Kansas, on the one hand, and, on the other, points in Connecticut, Delaware, Florida (except that part west of a line beginning at the Georgia-Florida State line near Edith, Ga., thence along U.S. Highway 441 to junction Florida Highway 247, thence along Florida Highway 247 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Florida Highway 345, thence along Florida Highway 345 to the Gulf of Mexico near Cedar Key, Fla.), Georgia (except that part west of a line beginning at the North Carolina-Georgia State line near Sweetgum, thence along Georgia Highway 60 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line), Maine, Maryland, Massachusetts, Michigan (Lower Peninsula), New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except that part west of a line beginning at the Tennessee-Georgia State line near Conasauga, Tenn., thence along U.S. Highway 441 to junction Tennessee Highway 163, thence along Tennessee Highway 163 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Tennessee Highway 33, thence along Tennessee Highway 33 to the Virginia-Tennessee State line near Kyles Ford, Tenn.), Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Mattoon, Ill. The purpose of this partial correction is to correct the highway description. The remainder of this letter-notice remains as previously published.

No. MC 60014 (Sub-No. E27), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted to that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, between those points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 14 to junction Pennsylvania Highway 154, thence along Pennsylvania Highway 154 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction U.S. Highway 309, thence along U.S. Highway 209 to junction Pennsylvania Highway 248, thence along Pennsylvania Highway 248 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsyl-

vania-New York State line, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn., and Greenwich, Conn.

No. MC 60014 (Sub-No. E28), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted to that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, between those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 358 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 118, thence along Pennsylvania Highway 118 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 652, thence along Pennsylvania Highway 652 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Maine, and between points in Pennsylvania, on the one hand, and, on the other, those points in Maine on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 201 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Maine Highway 156, thence along Maine Highway 156 to junction Maine Highway 133, thence along Maine Highway 133 to junction Maine Highway 140, thence along Maine Highway 140 to junction Maine Highway 117, thence along Maine Highway 117 to junction U.S. Highway 302, thence along U.S. Highway 302 to the Maine-New Hampshire State line. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn., Greenwich, and points within 35 miles of Boston, Mass.

No. MC 60014 (Sub-No. E51), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so

that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, (1) between those points in New York on and south of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 79 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 97, thence along New York Highway 97 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction U.S. Highway 1, thence along U.S. Highway 1 to the New York-Connecticut State line, on the one hand, and, on the other, those points in Connecticut on and east of a line beginning at the New York-Connecticut State line and extending along Connecticut Highway 15 to junction Interstate Highway 91, thence along Interstate Highway 91 to the Connecticut-Massachusetts State line; and (2) between those points in New York on and south of a line beginning at the New Jersey-New York State line and extending along U.S. Highway 202 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction U.S. Highway 1, thence along U.S. Highway 1 to the New York-Connecticut State line, on the one hand, and, on the other, points in Connecticut; and (3) between those points in New York on and south of a line beginning at Lake Ontario and extending along New York Highway 31, thence along New York Highway 31 to junction New York Highway 96, thence along New York Highway 96 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, on the one hand, and, on the other, those points in Connecticut on and east of a line beginning at the New York-Connecticut State line and extending along Interstate Highway 84 to junction Connecticut Highway 8, thence along Connecticut Highway 8 to junction U.S. Highway 6/202, thence along U.S. Highway 6/202 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Interstate Highway 91, thence along Interstate Highway 91 to junction Connecticut Highway 159, thence along Connecticut Highway 159 to the Connecticut-Massachusetts State line. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn., and Greenwich, Conn.

No. MC 60014 (Sub-No. E78), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, which by reason of size or weight require the use of special equipment, (1) between those points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line and ex-

tending along West Virginia Highway 47 to junction U.S. Highway 33/119, thence along U.S. Highway 33/119 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Mississippi; (2) between those points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along U.S. Alternate Highway 50 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction Tennessee Highway 62, thence along Tennessee Highway 62 to junction Tennessee Highway 84, thence along Tennessee Highway 84 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to the Tennessee-Alabama State line; (3) between those points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along U.S. Alternate Highway 50 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, on the one hand, and, on the other, points in Alabama.

(4) Between those points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 7 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in Kentucky on and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 27 to junction U.S. Highway 27/68, thence along U.S. Highway 27/68 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line; and (5) between those points in West Virginia on and north of a line beginning at the West Virginia-Ohio State line and extending along West Virginia Highway 95 to junction West Virginia Highway 47, thence along West Virginia Highway 47 to junction U.S. Highway 33/119, thence along U.S. Highway 33/119 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in Alabama on and west of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 231/431 to junction U.S. Alternate Highway 72, thence along U.S. Alternate Highway 72 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 65,

thence along Interstate Highway 65 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction Alabama Highway 47, thence along Alabama Highway 47 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction Alabama Highway 84, thence along Alabama Highway 84 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateways of Wheeling and Beechbottom, W. Va.

No. MC 60014 (Sub-No. E81), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, requires the use of special equipment, between those points in West Virginia on, north and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Alternate Highway 50 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in the Upper Peninsula of Michigan, and between points in West Virginia, on the one hand, and, on the other, those points in the Upper Peninsula of Michigan on and north of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 75 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Brooke, Hancock, Marshall and Ohio Counties, W. Va., Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and, on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E83), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in Illinois, on the one hand, and, on the other, those points in Delaware, New Jersey, New York, Pennsylvania, those in West Vir-

ginia north and east of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 7 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 119/250, thence along U.S. Highway 119/250 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit and Trumbull Counties, Ohio, points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pa., thence along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220, (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to the Pennsylvania-New York State line, and Brooke, Hancock, Marshall and Ohio Counties, W. Va.

No. MC 65941 (Sub-No. E3), filed April 11, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, chemicals, and lumber*, from points in North Carolina and South Carolina on, north and west of U.S. Highway 1, and points in Georgia on and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 80 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Georgia-Alabama State line, to points in Pennsylvania south and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, restricted against the transportation of traffic from points in Vance, Granville, Persan, Coswell, Forsyth, Guilford, Alamance, Orange, Rockingham, Stokes, Surry, Yadkin, Durham, Franklin, and Wake Counties, N.C., to points in Fayette County, Pa. The purpose of this filing is to eliminate the gateway of Wheeling, W. Va.

No. MC 65941 (Sub-No. E16), filed May 9, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, as defined by the Commission, from points in Ashtabula, Lake, Geauga, Trumbull, Mahoning, Belmont, Wayne,



Medina, Lorain, Portage, Carroll, Jefferson, Harrison, Summit, Cuyahoga, Erie, and Huron Counties, Ohio, points in Monongalia, Marion, Tyler, Ohio, Hancock, Harrison, Wetzel, Marshall, and Brooke Counties, W. Va., and points in Pennsylvania on and west of U.S. Highway 219, to points in Tennessee east of U.S. Highway 31; and (2) *steel flooring grates*, from Nashville, Tenn., to the origin territory described in (1) above. The purpose of this filing is to eliminate the gateway of Wheeling, W. Va.

No. MC 78228 (Sub-No. E66), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Ohio on, south, and west of a line beginning at Lake Erie, and extending along Ohio Highway 57 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Ohio Highway 8, thence along Ohio Highway 8 to junction Ohio Highway 303, thence along Ohio Highway 303 to Hudson, Ohio, thence along Ohio Highway 91 to Canton, Ohio, thence along Interstate Highway 77 to the Ohio River, to those points in New York on and east of a line beginning at Lake Ontario and extending along the Niagara River to Lake Erie, thence along Lake Erie along New York Highway 75 to Hamburg, N.Y., thence along U.S. Highway 62 to the Pennsylvania-New York State line and on and west of New York Highway 12. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E67), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from Cleveland, Ohio, and those points in Ohio on and east of a line beginning at Lake Erie and extending along U.S. Highway 42 to Medina, Ohio, thence along Ohio Highway 3 to Wooster, Ohio, thence along U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line to Ft. Wayne, Ind., and those points in Allen, Whitley, Kosciusko, Elkhart, St. Joseph, Marshall, LePorte, Porter, and Lake Counties, Ind., north of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E69), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Ohio on and east of a line beginning at Lake Erie, thence along Ohio Highway 144 to the Ohio-West Virginia State line, to points in Michigan. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E71), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Ohio on and east of a line beginning at Cleveland, Ohio, and extending along U.S. Highway 42 to junction Ohio Highway 89, thence along Ohio Highway 89 to junction Ohio Highway 95, thence

by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Ohio on and bounded by a line beginning at Lake Erie, and extending along Ohio Highway 91 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Interstate Highway 475, thence along Interstate Highway 475 to the Ohio-Michigan State line to Lake Erie, thence along Lake Erie to the origin points to points in West Virginia (except points in Brooke, Cabell, and Hancock Counties and points north of U.S. Highway 60). The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E70), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Ohio on, south, and east of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 322 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction Ohio Highway 88, thence along Ohio Highway 88 to junction Ohio Highway 59, thence along Ohio Highway 59 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Ohio Highway 89, thence along Ohio Highway 89 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 179, thence along Ohio Highway 179 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Ohio Highway 377, thence along Ohio Highway 377 to junction U.S. Alternate Highway 50, thence along U.S. Alternate Highway 50 to junction Ohio Highway 329, thence along Ohio Highway 329 to junction Ohio Highway 144, and thence along Ohio Highway 144 to the Ohio-West Virginia State line, to points in Michigan. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E71), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Ohio on and east of a line beginning at Cleveland, Ohio, and extending along U.S. Highway 42 to junction Ohio Highway 89, thence along Ohio Highway 89 to junction Ohio Highway 95, thence

along Ohio Highway 95 to junction Ohio Highway 179, thence along Ohio Highway 179 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 377, thence along Ohio Highway 377 to junction U.S. Alternate Highway 50, thence along U.S. Alternate Highway 50 to junction Ohio Highway 329, thence along Ohio Highway 329 to junction Ohio Highway 144, and thence along Ohio Highway 144 to the Ohio-West Virginia State line, to those points in Michigan on, north, or west of a line beginning at Detroit, Mich., and extending along U.S. Highway 12 to junction U.S. Highway 27, and thence along U.S. Highway 27 to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E72), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Ohio on and east of a line beginning at Lake Erie and extending along Ohio Highway 58 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 41, thence along Ohio Highway 41 to the Ohio-Kentucky State line, to those points in Michigan on and north of a line beginning at Lake Huron and extending along Michigan Highway 55 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 42, thence along Michigan Highway 42 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 115, and thence along Michigan Highway 115 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E73), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in Ohio on and west of a line beginning at Lake Erie, thence along Ohio Highway 45 to Warren, Ohio, thence along Ohio Highway 5 to junction Ohio Highway 225, thence along Ohio Highway 225 to Alliance, Ohio, thence along Ohio Highway 183 to junction Ohio Highway 800 to Dover, Ohio, thence along Ohio Highway 39 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 79, thence along Ohio Highway 79 to junction Ohio Highway 668, thence

along Ohio Highway 668 to junction U.S. Highway 22, thence along U.S. Highway 22 to Lancaster, thence along Ohio Highway 159 to Chillicothe, thence along U.S. Highway 50 to junction Ohio Highway 41, thence along Ohio Highway 41 to the Ohio-Kentucky State line to those points in Delaware on and south of a line beginning at the Delaware-Maryland State line, thence along Delaware Highway 44 to Pearson, Del., thence along Delaware Highway 8 to the Delaware River, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E74), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Ohio (except points in Ashtabula County), to points in Rhode Island, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E75), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Ohio (except points in Ashtabula and Lake Counties), to points in Vermont, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E76), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Ohio (except points in Ashtabula County), to points in Vermont on and north of a line beginning at Lake Champlain, thence along U.S. Highway 2 to the Vermont-New Hampshire State line, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E77), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*,

from points in Ohio (except points in Ashtabula County, Ohio), to points in New Hampshire, restricted against the transportation of liquid commodities in bulk. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E78), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Ohio to those points in Maine on, north, and east of a line beginning at the Atlantic Ocean, near Belfast, Maine, thence along Maine Highway 137 to junction U.S. Highway 201, thence along U.S. Highway 201 to the United States-Canada International Boundary line, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E79), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Ohio (except points in Ashtabula County, Ohio), to points in Maine, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E81), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in Pennsylvania west of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 422 to New Castle, Pa., thence along Pennsylvania Highway 18 to Rochester, Pa., thence along Pennsylvania Highway 68 to the Ohio-Pennsylvania State line to points in Maine, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E82), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in Pennsylvania on, south, and west of a line beginning at the Ohio-Pennsylvania State line and

extending along U.S. Highway 6 to Meadville, Pa., thence along U.S. Highway 322 to Franklin, Pa., thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 308, thence along Pennsylvania Highway 308 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Pittsburgh, Pa., thence along Pennsylvania Highway 88 to the Pennsylvania-West Virginia State line to those points in Maine on, north, and east of a line beginning at the United States-Canada International Boundary line, thence along Interstate Highway 95 to junction Maine Highway 212, thence along Maine Highway 212 to junction Maine Highway 11, thence along Maine Highway 11 to the United States-Canada International Boundary line, restricted against the transportation of liquid commodities in bulk in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 92983 (Sub-No. E17), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean oil, corn oil, and salad oils*, in bulk, in tank vehicles, from Memphis, Tenn., to points in North Dakota and South Dakota; (2) *animal fats and oils*, in bulk, in tank vehicles, (a) from Memphis, Tenn., to points in Arodstock and Washington Counties, Me., and (b) from Memphis, Tenn., to points in the Upper Peninsula of Michigan; (3) *fats and oils and blends thereof*, in bulk, in tank vehicles, (a) from Memphis, Tenn., to points in Nevada, (b) from Memphis, Tenn., to points in Idaho, Oregon, Washington, and Wyoming, (c) from Memphis, Tenn., to points in California, and (d) from Memphis, Tenn., to Keokuk and Clinton, Iowa; (4) *corn syrup*, in bulk, in tank vehicles, (a) from Memphis, Tenn., to points in Franklin and Clinton Counties, N.Y., (b) from Memphis, Tenn., to points in South Dakota and North Dakota, (c) from Memphis, Tenn., to points in Minnesota, (d) from Memphis, Tenn., to points in Tennessee located in Hamilton, Meigs, Bradley, McMinn, Polk, Monroe, Blount, Sevier, Cocke, Green, Washington, Sullivan, Johnson, Carter, and Unicoi Counties, (e) from Memphis, Tenn., to points in Florida, (f) from Memphis, Tenn., to points in Iowa located west of Winneshiek, Fayette, Black Hawk, Tama, Poweshiek, Mahaska, Monroe, and Appanoose Counties, (g) from Memphis, Tenn., to points located in, north, and west of Miami, Franklin, Osage, Lyon, Chase, Marion, Harvey, Sedgewick, Kingman, and Harper Counties, Kans., (h) from Memphis, Tenn., to points in Colorado and Nebraska, (i) from Memphis, Tenn., to points in California, Oregon, and Washington, and (j) from Memphis, Tenn., to points in Kansas located in and west of Brown, Jackson, Shawnee, Osage, Coffey, Woodson, Neosho, and Labette Counties;

(5) *Dry and liquid chemicals*, in bulk, in tank vehicles, (a) from points in

Hickman, Maury, and Giles Counties, to points in Utah; (7) *dry chemicals* (except the low grade products)

of American Cyanamid Company at Avondale, La. The purpose of this correction is to clarify the commodity de-

lated machinery, tools, parts, and supplies moving in connection therewith (restricted to self-propelled article, which

points in Illinois on and south of Interstate Highway 70 to those points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the

by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the appendix to the report in Modification of Permits



(5) *Dry and liquid chemicals*, in bulk, in tank vehicles, (a) from points in Tennessee (except Knoxville) to points in Wisconsin located in and west of Iron, Price, Taylor, Clark, Jackson, Juneau, Sauk, Iowa, and Lafayette Counties, (b) from points in Tennessee located in and south and west of Dyer, Crockett, Madison, Chester, and McNairy to points in Wisconsin located in, north, and west of Manitowoc, Calumet, Fon Du Lac, Dodge, Dane, and Green Counties, (c) from points in Tennessee located in Shelby County to points in Wisconsin (except Kenosha County), (d) from points in Tennessee (except Knoxville) to points in Iowa (except Fremont County), and (e) from points in Tennessee (except Shelby County and Knoxville) to points in Iowa; (6) *dry chemicals*, in bulk, (a) from points in Tennessee (except Knoxville), located in, north, and east of Bradley, McMinn, Loudon, Anderson, and Campbell Counties, to points in Colorado located in and west of Mesa, Delta, Montrose, Ouray, San Juan, and La Plata Counties, (b) from points in Tennessee (except Knoxville) to points in Idaho and Montana, (c) from points in Tennessee (except Knoxville), to points in California located in and north of Mono, Tuolumne, Mariposa, Stanislaus, Alameda, and San Mateo Counties, (d) from points in Tennessee (except Knoxville) located in, north, and east of Dyer, Crockett, Madison, Chester, and McNairy Counties to points in California, (e) from points in Tennessee (except Knoxville) located in and east of Hancock, Grainger, Knox, Loudon, McMinn, and Bradley Counties, to points in Arizona and points in New Mexico located in, north, and west of Hidalgo, Grant, Sierra, Socorro, Torrance, Santa Fe, Mora, and Colfax Counties, (f) from points in Tennessee (except Knoxville) located in, north, and east of Hamilton, Sequatche, Warren, Cannon, Rutherford, Davidson, Cheatham, and Montgomery Counties to points in Arizona located in Maricopa, Gila, and Apache Counties to points in New Mexico located in McKinley, Sandoval, Los Alamos, Rio Arriba, and San Juan Counties.

(g) From points in Tennessee (except Knoxville) located in, north and east of Stewart, Houston, Humphreys, Hickman, Maury, Marshall, and Lincoln Counties to points in Arizona located in Yuma, Yavapai, Coconino, and Navajo Counties, (h) from points in Tennessee (except Knoxville), to points in Nevada located in, north and west of Esmeralda, Mineral, Churchill, Lander, Eureka, and White Pine Counties and to points in Utah located north and west of Tooele, Utah, Wasatch, and Summit Counties, (i) from points in Tennessee (except Knoxville), located in, north, and east of Dyer, Crockett, Gibson, Carroll, Henderson, Decatur, and Wayne to points in Nevada and to points in Utah located in, north, and west of Grand Wayne, Garfield, Kane, and Washington Counties, and (j) from points in Tennessee (except Knoxville) to points located in, north and east of Stewart, Houston, Humphreys,

Hickman, Maury, and Giles Counties, to points in Utah; (7) *dry chemicals* (except petroleum and petroleum products), in bulk, from points in Tennessee (except Knoxville), to points in Minnesota and South Dakota; (8) *dry chemicals*, in bulk, (a) from points in Tennessee (except Knoxville) to points in North Dakota, and (b) from points in Tennessee (except Knoxville) to points in Washington; (9) *fertilizer* (except anhydrous ammonia), in bulk, in tank vehicles, from Memphis, Tenn., (except Woodstock and the site of the Oklahoma-Mississippi Pipeline Terminal), to points in Louisiana within 150 miles of Greenville, Miss.; and (10) *chemicals*, in bulk, in tank vehicles, (a) from points in Tennessee to points in North Dakota, South Dakota, Wyoming, Idaho, Montana, Arizona, California, Nevada, Oregon, and Utah, and (b) from points in Tennessee, to points in Colorado and Nebraska. The purpose of this filing is to eliminate the gateways of (1) Clinton, Iowa; (2) Dubuque, Iowa; (3) (a) Nebraska, (b) Kansas, (c) Colorado, (d) Missouri; (4) (a) St. Louis, Mo., and Clinton, Iowa, (b) and (c) North Kansas City, Mo., (d) and (e) Birmingham, Ala., (f) through (h) North Kansas City, Mo., (i) North Kansas City, Mo., and Colorado, (j) Muskogee, Okla.;

(5) Burlington, Iowa, and points within 10 miles thereof; (6) (a) Burlington, Iowa, and Saginaw, Mo., and points within 15 miles thereof, (b) Burlington, Iowa, and points in the Kansas City, Kans., Commercial Zone that are within Missouri, (c) through (j) Burlington, Iowa, and Kansas City, Mo.; (7) Burlington, Iowa, and Windham, Iowa, and points within 15 miles thereof; (8) (a) Burlington and Des Moines, Iowa, (b) Burlington, Iowa, and Kansas City, Mo.; (9) Greenville, Miss.; (10) (a) those points in the Kansas City, Kans., Commercial Zone that are within Missouri (Turner, Kans., is now part of Kansas City), (b) Olathe, Kans., a point in Kansas City, Kans., Commercial Zone (Turner, Kans., is now part of Kansas City), (c) those points in the Kansas City, Kans., Commercial Zone that are within Missouri (Turner, Kans., is now part of Kansas).

No. MC 102567 (Sub-No. E2), (Correction), filed June 3, 1974, re-published in the FEDERAL REGISTER July 1, 1975. Applicant: McNAIR TRANSPORT, INC., 2040 North Loopwest, Houston, Tex. 77018. Applicant's representative: Tom Wright (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas which are within 150 miles of Henderson, Tex., including Henderson, Tex., and which are south of a line beginning at Chilton, Tex., and extending along Texas Highway 7 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Texas-Louisiana State line, to points in Alabama. The purpose of this filing is to eliminate the gateway of the plant site

of American Cyanamid Company at Avondale, La. The purpose of this correction is to clarify the commodity description.

No. MC 102567 (Sub-No. E3), (Correction), filed June 3, 1974, re-published in the FEDERAL REGISTER July 1, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from Henderson, Tex., and points in Texas within 150 miles of Henderson, to those points in Alabama south of a line beginning at the Alabama-Mississippi State line and extending along Alabama Highway 56 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 10, thence along Alabama Highway 10 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the commodity description.

No. MC 106497 (Sub-No. E2), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER July 1, 1975. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment or handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers, between points in Ohio, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Oregon, Texas, and Washington. The purpose of this filing is to eliminate the gateways of Indiana and Wyoming. The purpose of this correction is to correct the commodity description.

No. MC 106497 (Sub-No. E3), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of their size or weight requires the use of special equipment or handling; (2) *Parts of commodities described in (1) above* which do not require special equipment when moving in the same shipment or the same bill of lading from a single consignor as commodities described in (1) above; and (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and

related machinery, tools, parts, and supplies moving in connection therewith (restricted to self-propelled article, which are transported on trailers), between points in Kentucky, on the one hand, and, on the other, points in Colorado, New Mexico, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Indiana and Wyoming.

No. MC 106603 (Sub E16), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *roofing materials*, which are building contractors' materials, as defined by the Commission, from those points in Illinois north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 102, thence along Illinois Highway 102 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Indiana State line, to those points in the Upper Peninsula of Michigan west and north of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 45 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction U.S. 41, thence along U.S. Highway 41 to Lake Superior. The purpose of this filing is to eliminate the gateway of Whiting, Ind., and Wilmington, Ill.

No. MC 106603 (Sub-E17), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *roofing materials*, which are building contractors' materials, as defined by the Commission, from those points in Illinois north of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 70, to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to those points in the Upper Peninsula of Michigan on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Whiting, Ind., and Wilmington, Ill.

No. MC 106603 (Sub-E18), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *roofing materials* which are building contractors' materials as described by the Commission, from those

points in Illinois on and south of Interstate Highway 70 to those points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Whiting, Ind., and Wilmington, Ill.

No. MC 106603 (Sub-E19), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *building and roofing materials* which are building contractors' materials, from points in Illinois to those points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106920 (Sub-No. E93) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 13, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, except in bulk, in tank vehicles, concentrated whole milk and concentrated skim milk, in containers, from points in Wisconsin south of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan, to points in Tennessee bounded by a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction U.S. Alternate Highway 31, thence along U.S. Alternate Highway 31 to junction Tennessee Highway 64, thence along Tennessee Highway 64 to junction Tennessee Highway 130, thence along Tennessee Highway 130 to junction Tennessee Highway 55, thence along Tennessee Highway 55 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to the Kentucky-Tennessee State line, and thence along the Kentucky-Tennessee State line to the point of origin. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to correct the highway description.

No. MC 106920 (Sub-No. E100) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 13, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from points in Missouri on and east of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 61 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 39, thence along Missouri Highway 39 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Kansas-Missouri State line, to points in Virginia on and south of a line beginning at the Chesapeake Bay and extending along U.S. Highway 360 to junction Virginia Highway 54, thence along Virginia Highway 54 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line, and on and north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction Virginia Highway 6 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to correct the territorial description above.

No. MC 107002 (Sub-No. E331), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Georgia. The purpose of this filing is to eliminate the gateway of Mississippi (except Crupp, Rogerslacy, and Zetus), and Tuscaloosa or Mobile, Ala.

No. MC 107064 (Sub-No. E1), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), dry, in bulk; (1) from points in that part of Texas on and west of U.S.

Highway 83 (except points in Hamford,

that part of Colorado on and north and

Texas-Louisiana State line, including

from Robertson County, Tennessee to

No. MC 109637 (Sub-E13), filed May

a *common carrier*, by motor vehicle, over



Highway 83 (except points in Hamford, Ochiltree, Roberts, Hamphill, Wheeler, and Collinsworth Counties) to points in Nebraska; (2) from points in that part of Texas in and west of Dallam, Hartley, Oldham, Deaf Smith, Castro, Lamb, Lubbock, Lynn, Dawson, Martin, Midland, Crane, Pecos, and Brewster Counties to points in Kansas; and (3) from points in Dallam, Sherman, Hansford, Hartley, Moore, Hutchinson, Roberts, Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Rent, Gaines, Dawson, Borden, Scurry, Andres, Martin, Howard, Mitchell, Nolan, Ector, Midland, Glasscock, Sterling, Coke, Tom Green, and Irion Counties, Tex., to points in that part of Colorado east of the Continental Divide. The purpose of this filing is to eliminate the gateway of Sheerin, Tex.

No. MC 107993 (Sub-No. E2), filed June 4, 1974. Applicant: J. J. WILLIS TRUCKING CO., P.O. Box 20096, Dallas, Tex. 75220. Applicant's representative: Joseph P. Willis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, other than the following commodities: machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, which, because of size or weight, require the use of special equipment, and *related machinery parts and related contractors' equipment and supplies* when their transportation is incidental to the transportation of commodities which by reason of their size or weight require the use of special equipment; (1) between points in Pima, Santa Cruz, and Yuma Counties, Ariz., on the one hand, and, on the other, Pueblo, El Paso, Larimer, Otero, Las Animas, and Denver Counties, Colo.; (2) between points in Santa Cruz County, Ariz., on the one hand, and, on the other, Moffat County, Colo.; (3) between points in Gila, Yavapai, and Maricopa Counties, Ariz., on the one hand, and, on the other, Otero and Las Animas Counties, Colo.; (4) between points in Maricopa, Navajo, Pima, Pinal, Santa Cruz, Yavapai, and Yuma Counties, Ariz., and points in that part of Coconino County, Ariz., on and south of U.S. Highway 66, on the one hand, and, on the other, Logan, Washington, Sedgwick, Phillips, Yuma, Lincoln, Kit Carson, Cheyenne, Kiowa, Crowley, Bent, Prowers, and Baca Counties, Colo.

(5) Between points in Greenlee, Graham, and Cochise Counties, Ariz., on the one hand, and, on the other, points in

that part of Colorado on and north and east of a line from the Colorado-New Mexico State line extending along U.S. Highway 550 to Montrose, Colo., thence along U.S. Highway 50 to the Colorado-Utah State line; (6) between points in Arizona, on the one hand, and, on the other, points in Oklahoma; (7) between points in Moffat, Routt, Jackson, Larimer, Boulder, Weld, Logan, Sedgwick, Morgan, Phillips, Washington, Yuma, Adams, Denver, Arapahoe, Douglas, Elbert, Lincoln, Kit Carson, El Paso, Cheyenne, Pueblo, Crowley, Kiowa, Otero, Bent, Prowers, and Baca Counties, Colo., on the one hand, and, on the other, Quay, DeBaca, Curry, Roosevelt, Chavis, Lea, Grant, Sierra, Otero, Eddy, Hidalgo, Luna, and Dona Ana Counties, N. Mex.; (8) between points in Moffat, Routt, Jackson, Larimer, Boulder, Weld, Logan, Sedgwick, Morgan, Phillips, Washington, Yuma, Adams, Denver, Arapahoe, Douglas, Elbert, Lincoln, Kit Carson, El Paso, Cheyenne, Pueblo, Crowley, Kiowa, Otero, Bent, Prowers, Baca, Rio Blanco, Garfield, Eagle, Grand, Summit, Gilpin, Jefferson, Clear Creek, Mesa, Pitkin, Lake, Park, Delta, Gunnison, Chaffee, Fremont, Saguache, Custer, Huerfano, and Las Animas Counties, Colo., on the one hand, and, on the other, points in Hidalgo and Quay Counties, N. Mex.; (9) between points in Logan, Sedgwick, Phillips, Washington, Yuma, Kit Carson, Cheyenne, Kiowa, Bent, Prowers, and Baca Counties, Colo., on the one hand, and, on the other, points in Bernalillo, Tarrant, and Socorro Counties, N. Mex.; (10) between points in Kit Carson County, Colo., on the one hand, and, on the other, points in McKinley, Sandoval, Los Alamos, and Santa Fe Counties, N. Mex.; (11) between points in Mesa County, Colo., on the one hand, and, on the other, points in Otero County, N. Mex.

(12) Between points in Colorado, on the one hand, and, on the other, points in that part of Texas west and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 80 to junction U.S. Highway 54 to El Paso, Tex., thence along U.S. Highway 80 to Abilene, Tex., and thence along U.S. Highway 84 to the Texas-Louisiana State line; (13) between points in New Mexico (except those in Union County), on the one hand, and, on the other, points in Oklahoma (except those in Cimarron County); and (14) between points in Oklahoma, on the one hand, and, on the other, points in that part of Texas west and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 80 to junction U.S. Highway 54, thence along U.S. Highway 54 to El Paso, Tex., thence along U.S. Highway 84 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateways of points in that part of Texas east and north of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 80 to junction U.S. Highway 54 to El Paso, Tex., thence along U.S. Highway 84 to the Texas-Louisiana State line, and thence along U.S. Highway 84 to the

Texas-Louisiana State line, including points on the indicated portions of the highways specified.

No. MC 108207 (Sub-No. E2) (Correction), filed April 9, 1974, published in the FEDERAL REGISTER July 28, 1975. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen foods, and meats, meat by-products, and meat products*, as defined by the Commission (except canned or packaged meats and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), *dairy products* as defined by the Commission, *salad dressing, yeast, and uncooked bakery goods*; (B) *Frozen foods, and meats, meat products, and meat by-products* as defined by the Commission (except canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), from points in Mississippi to points in New Mexico, Arizona, and California. The purpose of this filing is to eliminate the gateway of points in Texas. The purpose of this partial correction is to include (B) above. The remainder of this letter-notice remains as previously published.

No. MC 109637 (Sub-E1), filed June 4, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John E. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from East Liverpool, Ohio to points in Alabama, Arkansas, Mississippi, points in Georgia on and west of U.S. Highway 441 and points in Tennessee on and west of U.S. Highway 127. The purpose of this filing is to eliminate the gateways of Madison, Ind. and Robertson County, Tennessee.

No. MC 109637 (Sub-E2), filed June 4, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John E. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Lawrenceville, Illinois to points in Alabama on and south of U.S. Highway 72, points in North Carolina on and west of U.S. Highway 77, and points in Georgia and South Carolina. The purpose of this filing is to eliminate the gateways of Louisville, Ky. and Robertson County, Tennessee.

No. MC 109637 (Sub-E8), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., TEN WEST BALTIMORE AVENUE, LANSDOWNE, PA. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles

from Robertson County, Tennessee to points in Kansas, Louisiana, Oklahoma, Texas, and points in Illinois north and west of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 24 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, Ill., and points in Missouri north and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 24 to junction U.S. Highway 65 thence along U.S. Highway 65 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of Calvert City, Kentucky.

No. MC 109637 (Sub-E9), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles from McIntosh, Ala., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Ohio, points in Missouri north and east of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 60 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, and points in West Virginia, except Brooke, Hampshire, Hancock, Kanawha, Monongalia and Ohio Counties. The purpose of this filing is to eliminate the gateway of Calvert City, Kentucky.

No. MC 109637 (Sub-E11), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except benzol, toluol and tyrol), as described in Appendix XIII, in bulk, in tank vehicles, from Daviess County and West Point, Ky., to points in Illinois south of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of Troy, Indiana.

No. MC 109637 (Sub-E12), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and Petroleum Products* as described in Appendix XIII, in bulk, in tank vehicles (except asphalt and asphalt derivatives from Columbia Park, Ohio and except petroleum naphtha and styrene and coal spray oil), from Columbia Park, Ohio to points in Illinois south of a line beginning at the Illinois-Kentucky State line and extending along State Highway 13 to junction State Highway 149, thence along State Highway 149 to junction State Highway 3, thence along State Highway 3 to East St. Louis, Illinois. The purpose of this filing is to eliminate the gateway of West Point, Kentucky and Troy, Indiana.

No. MC 109637 (Sub-E13), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., TEN WEST BALTIMORE AVENUE, LANSDOWNE, PA. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII in bulk, in tank vehicles, from East Liverpool, Ohio to points in Missouri, points in Tennessee on and west of U.S. Highway 25E and points in Kentucky on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of Madison, Ind.

No. MC 109637 (Sub-E15), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII, in bulk, in tank vehicles, from Lawrenceville, Ill. to points in Ohio south and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction State Highway 65, thence along State Highway 65 to junction State Highway 109, thence along State Highway 109 to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateway of Louisville, Ky., and Madison, Indiana.

No. MC 109637 (Sub-E17), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum Products* as described in Appendix XIII (except Dry Petrochemicals to points in Illinois), in bulk, in tank vehicles, from West Point, Ky. to points in Illinois on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of the Petroleum Products terminal of the LaGloria Oil & Gas Company near Seymour, Indiana.

No. MC 109637 (Sub-E18), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Lucas County, Ohio to points in Tennessee on and west of U.S. Highway 25E. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 109637 (Sub-E19), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum Products*, in bulk, in tank vehicles (except Anhydrous Ammonia and dry petrochemicals to points in Illinois) from Pascagoula, Miss., to points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Decatur, Illinois, thence along State Highway 121 to junction U.S. Highway 136, thence along U.S. Highway 131 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateways of Louisville, Kentucky and the Petroleum Products terminal of the LaGloria Oil & Gas Co., near Seymour, Indiana.

No. MC 109637 (Sub-E22), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII, in bulk, in tank vehicles, from Evansville, Ind., to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction State Highway 62, thence along State Highway 62 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 109637 (Sub-E26), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and Petroleum Products* as described in Appendix XIII (except those of which are also named in Appendix XV, in bulk, in tank vehicles, from Henderson, West Point, and Daviess County, Ky. to points in Virginia. The purpose of this filing is to eliminate the gateway of Jacksonville, Ind. and Louisville, Ky.

No. MC 109637 (Sub-E30), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Jefferson County, Ky., Clark and Floyd Counties, Ind., to points in Alabama, Arkansas, Georgia, Mississippi and points in Barry, Barton, Carter, Christian, Dade, Douglas, Greene, Howell, Jasper, Lawrence, McDonald, Newton, Oregon, Ozark, Ripley, Stone, Shannon, Tazewell, Texas, Vernon, Webster, and Wright Counties, Missouri. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

No. MC 109637 (Sub-E37), filed May 29, 1974. Applicant: SOUTHERN

TANK LINES, INC., Ten West Baltimore

No. MC 109637 (Sub-E41), filed Indiana, to points in Alabama, Arkansas,

No. MC 109637 (Sub-E51), filed

No. MC 109637 (Sub-E87), filed May

of a line beginning at the Alabama-



TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles from Madison, Ind., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, Texas and points in Florida on and south of State Highway 40 and points in Escambia and Santa Rosa Counties, Fla. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

No. MC 109637 (Sub-E37), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Old Shawneetown, Ill., to points in Ohio on and east of Interstate Highway 75, and points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Oklahoma, South Carolina, Tennessee, Texas, and West Virginia (except Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties, W. Va.). The purpose of this filing is to eliminate the gateway of Calvert City, Kentucky.

No. MC 109637 (Sub-No. E38), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Covington, Ky., to points in Alabama, Georgia, Mississippi and points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 231 to junction U.S. Highway 70S, thence along U.S. Highway 70S to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Georgia-Tennessee State line. The purpose of this filing is to eliminate the gateways of Clark County, Ind., and Robertson County, Tenn.

No. MC 109637 (Sub-E39), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Alabama, Georgia, Mississippi, and points in Arkansas on and west of U.S. Highway 63, and points in South Carolina on and west of U.S. Highway 76. The purpose of this filing is to eliminate the gateway of Jefferson County, Ky., and Robertson County, Tenn.

No. MC 109637 (Sub-E41), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio to points in Alabama, Arkansas, Georgia, Mississippi, Missouri, on and south of U.S. Highway 60, and points in Tennessee. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

No. MC 109637 (Sub-E42), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles (except benzol, toluol and xylol) from Louisville and West Point, Ky., to points in Kansas, Louisiana, Minnesota, Nebraska, Oklahoma, Texas. The purpose of this filing is to eliminate the gateway of Troy, Ind., and Calvert City, Kentucky.

No. MC 109637 (Sub-E43), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles (except benzol, toluol and xylol), from Lucas County, Ohio to points in Arkansas, points in Florida on and west of U.S. Highway 231, points in Kansas, and Louisiana, points in Missouri on and south of U.S. Highway 60, and points in Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Jefferson County, Ky., Troy, Ind., and Calvert City, Ky.

No. MC 109637 (Sub-E44), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Lucas County, Ohio to points in Alabama, Arkansas, Georgia, Mississippi, and points in Tennessee on and west of U.S. Highway 25E. The purpose of this filing is to eliminate the gateway of Jefferson County, Kentucky and Robertson County, Tennessee.

No. MC 109637 (Sub-E45), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from the Petroleum Products Terminal of the LaGloria Oil & Gas Co., near Seymour,

Indiana, to points in Alabama, Arkansas, Georgia, Mississippi and points in South Carolina on and west of U.S. Highway 76. The purpose of this filing is to eliminate the gateways of Louisville, Kentucky and Robertson County, Tennessee.

No. MC 109637 (Sub-E46), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles (except benzol, toluol and xylol), from Owensboro, Kentucky to points in Arkansas, Escambia and Santa Rosa Counties, Florida and points in Florida on and south of State Highway 40, points in Kansas, Louisiana and Missouri on and south of U.S. Highway 60, and points in Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Troy, Indiana and Calvert City, Kentucky.

No. MC 109637 (Sub-E47), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from the Petroleum Products Terminal of the LaGloria Oil & Gas Co., near Seymour, Ind., the Terminal site of the Texas Eastern Transmission Corp., at or near Lebanon, Warren County, Ohio and Hamilton County, Ohio to points in Arkansas, Florida, Louisiana, Oklahoma, Texas and points in Kansas, on west and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 81 to junction State Highway 196, thence along State Highway 196 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Calvert City, Kentucky.

No. MC 109637 (Sub-E48), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, as described in Appendix XIII, from The Terminal site of Texas Eastern Transmission Company at Lebanon, Ohio to points in Alabama, Arkansas, Mississippi, points in Missouri on and south of U.S. Highway 60, and points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 65 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Jefferson County, Kentucky, and Robertson County, Tennessee.

No. MC 109637 (Sub-E51), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles (except benzol, toluol and xylol), from the Terminal site of the Texas Eastern Transmission Corp. at or near Princeton, Gibson County, Indiana, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, points on and west of U.S. Highway 81, and points in Kansas on, west and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 81 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

No. MC 109637 (Sub-E57), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from points in Kentucky on and west of U.S. Highway 27 to points in Maryland, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Madison, Ind.

No. MC 109637 (Sub-E60), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Crossville, Ill., to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 75 to Knoxville, Tenn., thence along U.S. Highway 129 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateways of Daviess County, Ky., Troy, Ind., and Louisville, Ky.

No. MC 109637 (Sub-E62), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Crossville, Ill., to points in Indiana, on, south and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to Indianapolis, thence along U.S. Highway 74 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Daviess County, Kentucky.

No. MC 109637 (Sub-E67), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from the Site of the Kentucky Asphalt Terminal, Inc. near Louisville, Ky., to points in Missouri (except Butler, Dunkin, New Madrid, Mississippi, Stoddard, Scott, Wayne, Bollinger and Cape Girardeau Counties). The purpose of this filing is to eliminate the gateway of Madison, Ind.

No. MC 109637 (Sub-E68), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from North Vernon, Ind., to points in Missouri on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateways of Louisville, Kentucky and Madison, Ind.

No. MC 109637 (Sub-E70), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from North Vernon, Ind., to points in Tennessee west of U.S. Highway 25E (except Nashville and points within 10 miles thereof). The purpose of this filing is to eliminate the gateway of Bowling Green, Kentucky.

No. MC 109637 (Sub-E73), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Cincinnati, Ohio to points in Missouri, points in Kentucky on and west of U.S. Highway 31E, and points in Tennessee on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Madison, Indiana.

No. MC 109637 (Sub-No. E76) filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and greases*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Michigan, North Carolina, New Jersey, Delaware, Florida, Maryland, New York, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, District of Columbia, points in Georgia south and east

of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 80 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Georgia-South Carolina State line, and points in Louisiana on and south of U.S. Highway 90. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind.

No. MC 109637 (Sub-No. E80), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue, fly ash, plastic granules, and resin powder*, in bulk, in tank vehicles, from Ironton and South Point, Ohio, to points in Alabama, Arkansas, points in Georgia on and west of U.S. Highway 75, and points in Mississippi. The purpose of this filing is to eliminate the gateways of Louisville, Ky., and Robertson County, Tenn.

No. MC 109637 (Sub-No. E82), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue, fly ash, plastic granules, and resin powder*, in bulk, in tank vehicles, from Louisville, Ky., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

No. MC 109637 (Sub-No. E85), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from the plant site of Western Tar Products Corp., at or near Terre Haute, Ind., to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75 to Knoxville, Tenn., thence along U.S. Highway 129 to the North Carolina-Tennessee State line and points in West Virginia (except the site of the Celanese Corp., of American plant near Point Pleasant, W. Va., and points in Brooke, Hampshire, Hancock, Kanawha, Marion, Marshall, Monongalia, Ohio, Pleasants, and Wetzel Counties). The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 109637 (Sub-No. E86), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and road tar*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Illinois on and south of a line beginning



## NOTICES

at the Illinois-Missouri State line and extending along Illinois Highway 104 to Taylorsville, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateways of Jeffersonville, Ind., and the plant site of the Kentucky Asphalt Terminal near Louisville, Ky.

No. MC 113843 (Sub.-No. E509), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen prune juice, from those points in Pennsylvania on and west of U.S. Highway 15, and on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 477, thence along Pennsylvania Highway 477 to junction Pennsylvania Highway 477 to junction Pennsylvania Highway 192 to junction U.S. Highway 15, to points in North Dakota. The purpose of this filing is to eliminate the gateway of the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, or Williamson, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23334 Filed 9-2-75; 8:45 am]

[Notice No. 845]

## ASSIGNMENT OF HEARINGS

AUGUST 28, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation

of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 140824. Metro Cab, Inc., now being assigned October 20, 1975 (1 day), at Trenton, New Jersey, in a hearing room to be later designated.

MC 504 Sub 102, Harper Motor Lines, Inc., now being assigned October 7, 1975, at Atlanta, Georgia, will be held at the Holiday Inn—Downtown, 175 Piedmont Avenue, Northeast.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23335 Filed 9-2-75; 8:45 am]

[Notice No. 66]

## MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 2, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

MC-FC-76064. By application filed August 26, 1975, G & R TRUCKING, INC., 11973 Barden Tower Road, Florissant, MO 63033, seeks to lease the operating rights of SNOWBALL, LTD. (through the Internal Revenue Service and Lewis & Clark Mercantile Bank), 511 Baden Avenue, P.O. Box 13528, St. Louis, MO 63138, under section 210a(b). The transfer to G & R TRUCKING, INC., of the operating rights of SNOWBALL, LTD., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23336 Filed 9-2-75; 8:45 am]

[Notice No. 67]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 3, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment

resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 24, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76003. By order entered August 27, 1975, the Motor Carrier Board approved the transfer to Southern Furniture Transport, Inc., Orlando, Fla., of the operating rights set forth in Certificates Nos. MC 67200 (Sub-No. 31) and MC 67200 (Sub-No. 33), issued February 24, 1969, and July 7, 1971, respectively, to The Furniture Transport Company, Inc., Milford, Conn., authorizing the transportation of new furniture, lamps, and grass matting, between points in Orange County, Fla., on the one hand, and, on the other, points in Florida; and new furniture, between points in Florida, Georgia, and Alabama, with certain restrictions. William J. Meuser, 86 Cherry St., P.O. Box 507, Milford, Conn. 06460, attorney for applicants.

No. MC-FC-76052. By order entered August 27, 1975, the Motor Carrier Board approved the transfer to Russell Hughes, Inc., Louisville, Ky., of the operating rights set forth in Certificate No. MC 114091 (Sub-No. 76), issued September 22, 1967, to Huff Transport Co., Inc., Louisville, Ky., authorizing the transportation of salt from the site of the Kentucky Asphalt Sales Terminal in Jefferson County, Ky., to points in Indiana, Marshall Kragen, 666 Eleventh St., NW., Washington, D.C. 20001, attorney for applicants.

No. MC-FC-76054. By order entered August 27, 1975, the Motor Carrier Board approved the transfer to Fitch Trucking, Inc., Allen, Nebr., of the operating rights set forth in Certificate No. MC 93078 (Sub-No. 1), issued March 28, 1967, to Fay Fitch, Allen, Nebr., authorizing the transportation of general commodities, household goods, and certain other specified commodities, between specified points and places in Nebraska, Iowa, and South Dakota. Duane L. Stromer, P.O. Box 82028, Lincoln, Nebr. 68501, representative for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23337 Filed 9-2-75; 8:45 am]

WEDNESDAY, SEPTEMBER 3, 1975



PART II:

## FEDERAL ELECTION COMMISSION

ADVISORY OPINIONS  
AND REQUESTS, AND  
INTERIM GUIDELINES

**federal register**



**Title 11—Federal Elections**  
**CHAPTER I—FEDERAL ELECTION**  
**COMMISSION**

[Notice 1975-34]

**NEW HAMPSHIRE SENATE ELECTION**  
**Interim Guideline**

On June 2, 1975, the Federal Election Commission issued an Interim Guideline (Notice 1975-1) which directed all individuals, committees, and others subject to the Federal Election Campaign Act of 1971, as amended, to file the July 10, 1975 quarterly report with either the Secretary of the Senate, the Clerk of the House of Representatives, or the Federal Election Commission, depending upon the nature of the candidacy involved. Today, with respect to the Special Election to fill the vacancy in the office of United States Senator from New Hampshire, scheduled for September 16, 1975, the Federal Election Commission issues a guideline which directs the parties involved in the New Hampshire election to file directly with the Commission, and which sets out other rules of general applicability with respect to complying with the Federal Election Campaign Act in the pre- and post-election periods.

Dated: August 21, 1975.

THOMAS B. CURTIS,  
 Chairman for the  
 Federal Election Commission.

**INTERIM GUIDELINE—NEW HAMPSHIRE**  
**SENATE ELECTION**

**I. Definitions.** For purposes of this Interim guideline the term

(a) "Candidate" means an individual whose name will appear on the ballot in the September 16, 1975 election to fill the New Hampshire Senate seat.

(b) "Election or special election" means the special election to be held on September 16, 1975, to fill the New Hampshire Senate seat.

(c) "Political committee" means a political committee which receives (or intends to receive) contributions or makes (or intends to make) expenditures with respect to the September 16, 1975 special election to fill the New Hampshire Senate seat.

(d) "Authorized committee" means a political committee which has been authorized in writing by a candidate to receive contributions or make expenditures for or in furtherance of the election of such candidate. Such authorization shall be provided to the chairman of such political committee and a copy shall be sent to the Commission.

**II. Applicability of the Federal Election Campaign Act Amendments of 1974—A. General.** For purposes of calculating the limitations on contributions and expenditures under 18 U.S.C. 608, the Commission has set July 30, 1975, the day that the Senate passed the Resolution declaring the New Hampshire Senate seat vacant, as a cutoff date. Subject to the next paragraph, all contributions received or expenditures made or incurred prior to July 31, 1975, will be considered

as made with respect to the 1974 election, to which the limitations of 18 U.S.C. 608 did not apply. Such limitations will, however, apply to all contributions received or expenditures incurred subsequent to July 30, 1975, which contributions and expenditures shall be attributed to the September 16 special election, except to the extent that such contributions are earmarked for another purpose.

In the unique circumstances attending the holding of the September 16 special election, funds received or promised in writing subsequent to December 31, 1974 and prior to July 31, 1975 and which remained on hand as of July 30, 1975 may be expended or transferred for that special election by an authorized political committee to the extent that such contributions would be lawful under the Federal Election Campaign Act of 1971, as amended, and Title 18 U.S.C. All contributions to a candidate or his authorized political committee subsequent to December 31, 1974 and prior to July 31, 1975 must, however, be reviewed by the candidate or the appropriate committee treasurer. Such contributions shall be reviewed in reverse order of receipt, beginning with the last contribution received prior to July 31, 1975. To the extent that any contribution exceeds the limits set by 18 U.S.C. 608, such excess shall be set aside and excluded until the sum of the contributions so reviewed equals the amount of cash on hand on July 30, 1975, at which point an amount equal to the sum of the non-excluded portions of the contributions may be transferred to or expended on behalf of the candidate. If the excluded amounts, thus computed, or any portion thereof have already been transferred or expended, an equivalent sum shall be deducted from the current campaign funds of such candidate's authorized political committee or committees, and may not be used for the September 16 election, although such funds may be used for any other lawful purpose including the retirement of residual campaign debts from the 1974 election.

Excluded portions of contributions will not count against expenditure ceilings under the 1974 Act, but non-excluded portions will count against such ceilings. For example, if the most recent contribution was \$500 contributed by an individual, which is non-excluded, that individual may not contribute more than \$500 additional for the September 16 special election.

Each candidate must designate a new principal campaign committee to receive contributions and incur expenditures with respect to the September 16 special election.

**B. Prior campaign debts and obligations.** Debts and obligations of any candidate incurred with respect to the 1974 Senatorial election, or with respect to any subsequent recount activities, which remain outstanding will be subject to the guidelines set forth in the Commission's Policy Statement on Pre-1975 Campaign Debts (40 FR 32952 (August 5, 1975)) and Interim Guideline on the Reporting

of Debts and Obligations (40 FR 32950 (August 5, 1975)). Reference is also made to Advisory Opinions 1975-5 and 6, 40 FR 31316 (July 25, 1975).

**C. Multicandidate committees.** Section 608(b) (2) of Title 18, United States Code establishes three requirements which multicandidate committees must satisfy before they qualify as a political committee subject to the \$5,000 rather than the \$1,000 contribution limitation. These requirements are: (1) Registration under 2 U.S.C. 433 for a period not less than six months; (2) the receipt of contributions from more than 50 persons; and (3) except for any state political party organization; the making of contributions to five or more candidates for federal office.

For the purpose of meeting these requirements for this election only, each political committee (1) must have been registered with one of the three previous supervisory officers for six months or more prior to the time the contribution is made, and, (2) with respect to the 1974 Congressional elections, each political committee must have received contributions from more than 50 persons and made contributions to five or more federal candidates. If a political committee meets these requirements, it may contribute \$5,000 to a candidate in this election. If any of these requirements are not met, then the political committee is limited to a \$1,000 contribution under section 608(b) (1).

**D. Expenditures by national and state committees.** National and state committees of political parties are entitled to make the expenditures provided in 18 U.S.C. 608(f) in connection with this election. Section 608(f) establishes separate expenditure limitations for political party committees in connection with a general election. The New Hampshire statute under which this election is to be held terms it a "special" election. For purposes of federal law, a general election is an election that is held to fill a vacancy in a federal office. Since the upcoming New Hampshire contest is such an election, it will be considered within the definition of general election.

**E. New Hampshire State committees—establishment of segregated funds.** Each New Hampshire state committee, and each subordinate committee of such state committees, which intends to solicit or receive contributions for or on behalf of, or make expenditures, or make transfers, in excess of \$1,000, to or on behalf of any candidate for federal office shall:

(1) Establish a segregated federal campaign account in either a state or national bank which account may not receive contributions other than contributions earmarked for such account and any expenditure from which must be made exclusively for a candidate or candidates for federal office. Such segregated federal account may not receive transfers from another account established by a state committee or subordinate committee of a state committee unless such state or subordinate committee account is itself a segregated federal campaign account.

(2) File with the Commission reports and statements of receipts, contributions and expenditures made for such account.

**III. Candidate designations and reporting—A. Candidate designations.** (a) On or before September 8, 1975, each candidate shall file a Statement of Candidacy with the Commission on which such candidate shall—

(1) Designate a principal campaign committee, and

(2) Designate at least one national or state bank as a campaign depository, and

(b) Such candidate shall also file reports of personal receipts and expenditures in accordance with section V of this interim guideline unless a waiver of personal reporting is applied for and granted by the Commission.

**B. Waiver of candidate reporting.** (a) Upon written application to the Commission, a candidate may be relieved of the duty personally to file reports of receipts and expenditures if the candidate certifies that he will comply with the following conditions:

(1) Within five days after personally receiving any contribution the candidate will surrender possession of the entire contribution to the treasurer of his principal campaign committee without expending any of the proceeds thereof.

(2) Such candidate will not make any personal expenditure for his campaign, except that this paragraph does not preclude a candidate from conveying personal funds, or the personal funds of his immediate family, to such candidate's designated principal campaign committee so long as the amount of funds so transferred does not exceed the limit prescribed by 18 U.S.C. 608(a).

(b) After the candidate has submitted a verified statement that he will conform to the conditions specified above, the Commission, after such investigation as it deems necessary, may grant a formal waiver relieving the candidate from the obligation to comply personally with the reporting requirements in 2 U.S.C. 434.

(c) Such waiver will continue in effect only to the extent that the candidate complies with the conditions under which it was applied for and granted.

**IV. Registration of political committees—A. Registration.** (a) Unless already registered with the Commission or with one of the previous supervisory officers, each political committee which anticipates receiving contributions or making expenditures with respect to the special election during the remainder of calendar year 1975 in an aggregate amount exceeding \$1,000 shall file a Statement of Organization with the Federal Election Commission on or before September 8, 1975, within 5 days after the date of its organization, or within 5 days after the date on which the committee has information which causes it to anticipate receiving such contributions or making such expenditures exceeding \$1,000 whichever is later.

(b) Authorized committees which support only a candidate for the Senate seat,

and no other candidate, shall file the Statement of Organization required by paragraph (a) of this section, and any amendment thereto, or termination thereof, with the affiliated principal campaign committee and, concurrently, shall file a copy of such Statement with the Commission together with a copy of its written authorization.

**B. Forms of filing.** (a) The Statement of Organization shall be filed on a form which may be obtained from the Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463, telephone (202) 382-5162. The Statement shall include the following:

(1) The name and address of the committee;

(2) The names, addresses, and relationships of affiliated or connected organizations (see paragraph (b) of this section);

(3) The area, scope, or jurisdiction of the committee.

(4) The name, address, and committee position of the custodian of books and accounts.

(5) The name, address, and committee position of other principal officers, including officers and members of the finance committee, if any.

(6) The name, address, office sought, and party affiliation of (i) each candidate for federal office whom the committee is supporting and (ii) each candidate whom the committee is supporting for nomination or election to any other federal office or to any public office whatever; and, additionally, if the committee is supporting the entire ticket of any party, the name of the party;

(7) A statement whether the committee's existence will continue beyond the calendar year;

(8) The plans for the disposition of residual funds which will be made in the event of dissolution;

(9) A listing of all banks, safety deposit boxes, or other repositories used;

(10) A statement listing any reports regarding candidates for federal office filed under state or local law by the committee with state or local officers, and the names, addresses, and positions of such officers and.

(11) If the committee is not a principal campaign committee but has been authorized by a candidate to receive contributions and/or make expenditures, a copy of the authorization shall be included in the copy filed with the Commission.

(b) (1) Affiliated organizations include all authorized committees of the same candidate;

(2) Connected organization includes any organization which is not a political committee but which organized or supports the registrant.

**C. Change or correction in information.** Any change or correction in the information previously filed in the Statement of Organization shall be reported to the Commission within 10 days following the date of the change or correction, it shall (1) be reported by letter to the Commission or to the principal campaign committee (whichever is appropriate); (2) identify the form and the item or sched-

ule containing the information to be changed or corrected; and (3) be verified by oath or affirmation by the person required by law to submit such information at the time the change or correction is reported.

**D. Discontinuance of registration.** (a) Any political committee not having outstanding debts or obligations owed to or by it which, after having filed one or more Statements of Organization with the Commission, disbands or determines that it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000, shall so notify the Commission.

(b) Such Notice of Termination shall be filed with the Commission or the principal campaign committee, where appropriate, and shall include a statement as to the disposition of residual funds if the committee is disbanding.

**E. Identification number.** Upon receipt of a Statement of Organization under this interim guideline, the Commission shall assign an identification number to the organization, acknowledge the receipt thereof, and notify political committee of the number assigned. This identification number shall be entered by the political committee on all subsequent reports or statements filed with the Commission under the Act, as well as on all communications concerning such reports or statements.

**IV. Campaign depositories.** Every political committee shall inform the Federal Election Commission, or its appropriate principal campaign committee, of the national or state bank(s) designated by its authorizing candidate as its campaign depository(ies) by listing them in its Statement of Organization.

**V. Reports of receipts and expenditures—A. Timing of reports.** The filing deadline for campaign finance disclosure reports as prescribed by the Act for the heretofore mentioned special election are as follows:

(a) Pre-election Report (10-day report). Filing date: Actual delivery to the Commission on or by September 6, 1975 or by registered or certified mail postmarked no later than September 4, 1975. Reports mailed first class will be considered filed only upon receipt by the Commission, regardless of date of postmark. Period Covered: From the last date of previous report filed or from date of organization through close of business September 1, 1975.

(b) Post-election report (30-day report). Filing date: On or by October 16, 1975—reports filed by registered or certified mail postmarked on or by such date shall be deemed filed as of the filing date. Period Covered: From September 2, 1975 through the close of business October 8, 1975.

(c) The timely filing of a post-election report as outlined in (b) above shall satisfy the requirements for filing a quarterly report on October 10, 1975.

(d) If any contribution of \$1,000 or more is received subsequent to the fifteenth day but more than 48 hours before 12:01 a.m. of the day on which the

election is to be conducted, such information shall be reported directly to the

Commission. A copy of each statement or report shall be filed with the New

no event for a period of more than seven years from the last day of the calendar

committee has mailed a copy of such report to the Commission pursuant to

igible for public financing of their conventions, the national committees of the

V. Use of funds by committees. Under 28 U.S.C. 9008(c), funds so dis-



election is to be conducted, such information shall be reported directly to the Commission within 48 hours of receipt thereof. For purposes of this paragraph, report means—

(1) A letter signed by the treasurer or his designee and delivered to the Commission within 48 hours of the receipt of the contribution, or

(2) A telegram to the Commission followed by a letter signed by the treasurer or his designee, sent registered or certified mail and postmarked within 48 hours of the receipt of the contribution.

**B. Contents of reports.** (a) Each report of receipts and expenditures required to be filed under this interim guideline by either a candidate or political committee shall contain the information required by 2 U.S.C. 434(b).

(b) Such reports may be filed on the Reports of Receipts and Expenditures forms issued previously by the Secretary of the Senate.

**C. Uniform reporting of contributions.**

(a) Each contributor of an amount in excess of \$100 shall be identified by full name and mailing address (occupation, and principal place of business, if any). If a contributor's name or address is known to have changed since an earlier contribution during the calendar year, the exact name or address previously used shall be noted.

(b) In each case when a contribution received from a person in a reporting period is added to previously unitemized contributions from the same contributor and the aggregate exceeds \$100 within the calendar year, the full name and mailing address (occupation, and principal place of business, if any) of that contributor shall then be listed on the prescribed reporting forms.

(c) In determining the aggregate of a person's contributions, all such contributions from the same donor shall be listed under the same name.

(d) Absent evidence to the contrary, any contribution made by check, money order, or other written instrument shall be reported as a contribution by the last person signing the instrument prior to delivery to the candidate or committee.

**D. Uniform reporting of expenditures.** (a) Each expenditure by or on behalf of a candidate or committee in excess of \$100 shall be itemized by and shall include the full name and residence or, in the case of a recipient other than an individual, other mailing address of the recipient.

(b) In each case when an expenditure made to a recipient in a reporting period is added to previously unitemized expenditures to the same recipient and the aggregate exceeds \$100 within the calendar year, the full name and residence or, in the case of a recipient other than an individual, other mailing address of that recipient shall be listed on the prescribed reporting forms.

**VI. Document filing—A. Place of filing.**

(a) All statements and reports, including any modifications or amendments thereto, required to be filed under 2 U.S.C. 433 and 2 U.S.C. 434, shall be filed in original form with the Federal Election

Commission. A copy of each statement or report shall be filed with the New Hampshire Secretary of State or the equivalent New Hampshire state officer.

(b) Notwithstanding paragraph (a)—

(1) Authorized committees which support only a candidate for the Senate, and no other candidate shall file reports with the authorizing candidate's principal campaign committee, and shall concurrently file a copy of such report with the Commission;

(2) Authorized multicandidate committees shall file reports with the Commission, and, in addition, shall file with the authorizing candidate's principal campaign committee the information required by 2 U.S.C. 434(b) regarding contributions received and expenditures made on behalf of the authorizing candidate;

(3) A multicandidate committee (whether authorized or unauthorized) which receives contributions earmarked by a contributor for any candidate or an authorized committee thereof shall report such contribution to that candidate's principal campaign committee in addition to the Commission.

**B. Copies transmitted to Secretary of Senate.** Upon receiving a statement or report filed by (a) a candidate and/or by (b) any political committee supporting one or more such candidates, the Commission shall within one working day, if practicable, and in any event not later than the second working day after receiving the filed statement or report, furnish a microfilm (or suitable equivalent) copy thereof, together with an index, to the Secretary of the Senate.

**C. Originals transmitted to the Secretary of the Senate.** (a) After receiving a filed statement or report within 5 working days if practicable and in any event no later than 10 days after receiving it, the Commission shall transmit the original statement report filed by (1) a candidate for the New Hampshire Senate seat, and by (2) any political committee supporting such candidate, to the Secretary of the Senate as custodian for the Commission.

(b) For purposes of the above paragraph the phrase "any political committee supporting such candidate" means:

(1) The principal campaign committee designated by a candidate, and

(2) Any political committee required to file a statement or report with the principal campaign committee of a candidate.

**VII. Formal requirements—A. Authentication.** Each report or statement required to be filed with the Commission or with a principal campaign committee under this interim guideline by a treasurer of a political committee, a candidate, or by any other person, shall be signed by the person filing such report or statement.

**B. Preservation of records.** (a) Every person filing a report or statement with the Commission or with a principal campaign committee under this interim guideline shall preserve a copy thereof for a period of three years from the date of termination of the Committee, but in

no event for a period of more than seven years from the last day of the calendar year in which the election was held for which the reports and statements were prepared.

(b) Every candidate, political committee, or other person required to file any report or statement with the Commission or with a principal campaign committee under this interim guideline shall maintain records with respect to the matters required to be reported, including vouchers, worksheets, receipts, bills and accounts, which will provide in sufficient detail the necessary information and data from which the filed reports and statements may be verified, explained or clarified, and checked for accuracy and completeness, and shall keep such records available for audit, inspection, or examination by the Commission or its authorized representatives, for a period of not less than three years from the date of termination of the committee, but in no event for a period of more than seven years from the last day of the calendar year in which the election was held for which the records and statements were prepared.

**C. Effect of acknowledgment and filing by the Commission.** Any acknowledgment by the Commission of the receipt of any statement of organization or any report or statement filed under this interim guideline is intended solely to inform the person filing the same of the receipt thereof by the Commission, and neither such acknowledgment nor the acceptance and filing of any such report or statement by the Commission shall constitute express or implied approval thereof, or in any manner indicate that the contents of any such report or statement fulfills the filing or other requirements of the Act or of this interim guideline thereunder.

**D. Personal responsibility of person signing statement.** (a) Each treasurer of a political committee, each candidate, and any other person required to file any report or statement with the Commission under these regulations and under this interim guideline shall be personally responsible for the timely and complete filing of such report or statement and for the accuracy of any information or statement contained therein.

(b) The treasurer of each candidate's principal campaign committee shall be responsible for collecting, compiling and filing with the Commission a complete report of all authorized contributions received or authorized expenditures made on behalf of such candidate. The pre- and post-election reports filed by such treasurer shall include—

(1) With respect to the principal campaign committee, all of the information required by 2 U.S.C. 434(b).

(2) With respect to contributions received and expenditures made by authorized committees other than the principal campaign committee, a summary sheet setting forth the totals for all contributions received and expenditures made by such committees but need not include a copy of such authorized committee reports so long as each such authorized

committee has mailed a copy of such report to the Commission pursuant to paragraph VI(A)(b) of this interim guideline.

(c) With respect to the pre-election report it shall be the responsibility of the treasurer of each committee other than principal campaign committee which is authorized to receive contributions or make expenditures to file a report containing the information required by 2 U.S.C. 434(b) complete as of the fifteenth day before the election with the treasurer of the appropriate principal campaign committee by the 12th day prior to the election.

(d) Any willfully false or fraudulent statements or representations in such a report or statement will subject the person making the same to the criminal penalties provided under 18 U.S.C. 1001.

Dated: August 21, 1975.

THOMAS B. CURTIS,

Chairman for the  
Federal Election Commission.

[FR Doc. 75-22659 Filed 9-2-75; 8:45 am]

[Notice 1975-36]

#### DISBURSEMENT PROCEDURES FOR PUBLIC FINANCING OF CONVENTIONS Interim Guideline

1. Certification of entitlement to public funds for nominating convention expenses. Title 26 U.S.C. 9008 authorizes the Federal Election Commission to certify to the Secretary of the Treasury for payments of the amounts to which the national committee of any major or minor party is entitled under 26 U.S.C. 9008 with respect to a presidential nominating convention, but the entitlement of each major party may not exceed the aggregate amount of \$2,000,000.<sup>1</sup> The amount of each party's entitlement is adjusted annually based on increases in the Consumer Price Index. See 26 U.S.C. 9008(b) (5) and 18 U.S.C. 608(d).

II. Information required to receive certifications for public funds. To be el-

<sup>1</sup> Under 26 U.S.C. 9008(b) the National committees of both major and minor parties are entitled to payments from public funds to defray expenses which they have incurred with respect to a presidential nominating convention. For a minor party to be entitled to its proportionate share of public funds for 1975 or 1976 convention expenses, its 1972 presidential candidate must have received (as the presidential candidate of that party) at least 5 percent of the total popular vote received by all presidential candidates in 1972. Accordingly, since no minor party presidential candidate received that many votes in 1972, there is no minor party that can qualify for convention funds in 1975 or 1976.

igible for public financing of their conventions, the national committees of the major parties shall submit or otherwise make available the following information to the Federal Election Commission in order that the Commission may forward the appropriate certification to the Secretary of the Treasury.

A. For initial payment. 1. Signature cards containing signatures of officials who have been authorized to sign requests for payment (Exhibit I):

2. The name and address of the commercial bank to be used as the committee's depository;

3. A request for an initial payment, supported by a statement projecting and describing estimated expenditures through the close of December 31, 1975. Specific dollar figures need not be assigned to the various itemized expenditure categories.

B. For subsequent payments. 1. Subsequent requests for disbursements after the initial disbursement shall be submitted quarterly commencing with January 1 in the year in which the convention will be held. Such requests should be submitted to the Commission within 10 days after the commencement of the quarter to which they relate.

2. The request is to include (a) a report in a form consistent with the requirements of 2 U.S.C. 434(b) of actual expenditures made during the previous period or quarter, and (b) the total amount of expenditures estimated through the close of the next quarter and the categories in which the proposed expenditures are to be made. No specific dollar figure need be assigned to the various itemized expenditure categories thus projected and described.

III. Special approval for accelerated payment schedule. Each quarterly disbursement will be based upon the legally permissible expenses projected for that quarter. The Commission will approve more than one disbursement per quarter where a showing is made that a deficit is likely to be incurred unless a further disbursement is made. Any request for such further disbursement should be supported by a summary of actual expenses previously incurred for the quarter together with the projected expenses which will occasion the deficit if a further disbursement is not forthcoming.

IV. Transmittal of certification to Secretary of the Treasury. Following Commission approval of any request for disbursement, the Commission shall forthwith transmit a certification for payment to the Secretary of the Treasury, who shall make payment in the amount certified to the national committee designated by the certification, but not to exceed the amounts in each account maintained under 26 U.S.C. 9008(a).

V. Use of funds by committees. Under 26 U.S.C. 9008(c), funds so disbursed shall be used only (1) to defray expenses incurred with respect to a presidential nominating convention (including the payment of deposits) by or on behalf of the national committee receiving such payments; or (2) to repay loans, the proceeds of which were used to defray such expenses, or otherwise to restore funds (other than contributions to defray such expenses received by such committee) used to defray such expenses. Any investment of public funds or their use in any other way which generates income is permissible only if the income so generated is used for the purposes described in this part V, and such income will be applied against the \$2 million ceiling.

VI. Repayments for funds improperly received or spent. Repayments in an appropriate amount will be required from the national committees whenever they have (1) received payments in excess of their entitlement, (2) incurred expenses in excess of their spending limits, (3) improperly accepted private contributions to defray convention expenses, or (4) expended public funds in any manner other than to defray expenses incurred with respect to a presidential nominating convention. Repayments may not exceed the aggregate amounts actually received by a national committee under section 9008.

A. Notification of need for repayment. If the Commission determines that repayment is required in the circumstances stated above, it shall give written notification to the affected national committee of the amounts required to be paid and the reasons therefor.

B. Collection of repayment by deduction from future payments. The Commission may obtain such repayment by deducting such amount from the amount otherwise due the national committee for its next quarterly payment.

VII. Post-convention Disbursements. Pending the conclusion of any national convention, the Commission may in its discretion withhold an amount to be hereafter determined, but in any event not to exceed \$200,000, which would otherwise bring the aggregate funds disbursed to the total allowed by law. Such withheld funds, if any, shall be subject to post-convention disbursement and such disbursement shall be made in the manner provided for in Part II-B above, except that such request shall include a list of all accounts payable and the purpose for which the expense was incurred. Post convention payments shall be subject to audit by the Commission and deduction of unauthorized expenditures in addition to other requirements imposed by law.



## RULES AND REGULATIONS

Form 1		Account Number
Standard Form Funds	AUTHORIZED SIGNATURE CARD FOR PAYMENT	
Issued In Favor of (Recipient)	Issued by (Federal Agency)	
SIGNATURES OF AUTHORIZED INDIVIDUALS	Only one Signature Required or Any Two Signatures Required Sign or Countersign	
Typed Name and Signature	Typed Name and Signature	
Typed Name and Signature	Typed Name and Signature	
I CERTIFY THAT THE SIGNATURES ABOVE ARE OF THE AUTHORIZED INDIVIDUALS		APPROVED:
Date and Signature of Authorizing Official (Recipient)	Date and Signature of Agency Certifying Officer	

VIII. Commission's audit authority. National committees affected by the foregoing should note the Commission's general authority and duties under 2 U.S.C. 437d and 438.

Dated: August 25, 1975.

NEIL STAEBLER,  
Vice-Chairman for the  
Federal Election Commission.  
[FR Doc. 75-22940 Filed 9-2-75; 8:45 am]

## NOTICES

## FEDERAL ELECTION COMMISSION

[Notice 1975-35; A.O. 1975-7, -17]

## MEMBERS OF CONGRESS; CONSTITUENT SERVICES CONTRIBUTIONS AND EXPENDITURES AND CAMPAIGN CONTRIBUTIONS FROM PARTNERSHIPS

## Advisory Opinions

The Federal Election Commission announces the publication today of Advisory Opinions 1975-7 and 1975-17. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

## ADVISORY OPINION 1975-7

## CONTRIBUTIONS AND EXPENDITURES RELATING TO THE CONSTITUENT SERVICES OF CONGRESS

This advisory opinion is rendered under 2 U.S.C. 437f in response to requests for advisory opinions submitted by Mr. Thomas J. Kern for Congressman Dave Evans, Congressman John P. Murtha, and Senator Jake Garn, which were published together as AOR 1975-7 in the July 2, 1975, FEDERAL REGISTER (40 FR 28044). Interested parties were given an opportunity to submit written comments relating to the requests.

The requests generally ask the Commission, under the Federal Election Campaign Act of 1971, as amended, and Title 18 of the United States Code (the Act), what types of contributions to and expenditures by an office account are permissible, and how these accounts shall be reported and administered. Specifically, the following requests were made:

(a) Thomas J. Kern, administrative assistant for Congressman Dave Evans, states that the Congressman has established two fundraising entities to support the Representative's political activities. One entity is the principal campaign committee of the Congressman and the other is an office account (called here a "constituent service fund") set up to collect funds to assist Congressman Evans in providing services for his constituents.

Donations to the office account will be used for printing newsletters; holding neighborhood office hours; conducting meetings and seminars with representatives of governmental and private agencies, and with elected and appointed officials of the cities, counties and towns of the District; holding periodic open house activities at the District and Washington offices, providing constituents with flags, publications and certain other items that must be purchased; and for other expenses incurred in connection with the Congressman's services for his constituents. The account will not be used to present or promote the views

of any political party or philosophy or to influence the re-election of Congressman Evans. Mr. Kern asks whether the office account is a political committee under the Act. He also asks how the sponsor of a fundraising event for the benefit of an office account should be identified, and what disclosure requirements are applicable to the use of the proceeds from such an event;

(b) Congressman John P. Murtha states that he has established a franking account (called here a "public service committee") which is used solely to defray the cost of newsletters, reports, and questionnaires sent to constituents. Congressman Murtha asks whether a corporation may make a donation to such an account without violating the statutory provisions governing political contributions; and

(c) Senator Jake Garn asks whether an incumbent Senator or Representative may engage in attitudinal research with his constituency for purposes of measuring the voters' sentiments on policy issues, job approval perceptions, and the like, without having these expenditures allocated against any applicable spending limitation. The proposed polls will ask questions for statistical purposes, open end questions, and forced response questions, but will not ask questions relating to political trial heats. Senator Garn asks further whether the fact that a Member of Congress is a candidate will make any difference in the use of issue-oriented opinion research.

As stated in AO 1975-14 on "Contributions by Banks, Corporations, and Labor Unions to Defray Constituent Service Expenses" (40 FR 34084, August 13, 1975), "[i]t is clear that the Federal Election Commission has the duty to formulate general policy with respect to the Act (2 U.S.C. 437d(a)(9)), has the power to regulate amounts contributed to a holder of Federal office in order to defray expenses arising in connection with that office (2 U.S.C. 439a), has the power to formulate general policy regarding contributions and expenditures (18 U.S.C. 608), and has the power to formulate general policy regarding contributions or expenditures by national banks, corporations or labor organizations (18 U.S.C. 610)." Congress has the discretion and power to appropriate sufficient money for staff salaries, newsletters, stationery, travel, constituent services, and the other legislative expenses of a Member of Congress to assure the performance of the Member's legislative duties. Accordingly, except for money raised pursuant to 39 U.S.C. 3210(f), additional money which is raised by a Member or his supporters shall be treated as a contribution made for purposes of influencing a Federal election and shall be controlled by all appropriate limitations. Similarly, except for money expended pursuant to 39 U.S.C. 3210(f), additional money which is expended from an office account shall be treated as an expenditure intended for purposes of influencing a Federal election and shall be controlled by all appropriate limitations. As provided in 3210(f) of Title 39,

United States Code, money which is contributed and expended for the preparation or printing of material to be mailed under the frank shall be treated as a contribution or expenditures for disclosure purposes of the Act, although not for purposes of the contribution and expenditure limitations provided in 18 U.S.C. 608.

The Commission intends to apply its policy on office accounts as follows:

(a) It is the opinion of the Commission that an office account established to provide services for the constituents of a Congressman shall report as if such account is a political committee and contributions to, expenditures by, and the general operation of an office account should be reported and otherwise treated as provided in Notice 1975-18 of the Federal Election Commission "Office Accounts and Franking Accounts; Excess Campaign Contributions" (40 FR 32951, August 5, 1975). See also AO 1975-14, supra. As provided in Notice 1975-18 and AO 1975-14, all private contributions received by or on behalf of a Federal officeholder for use by his office account may be deposited in such account or an account of the officeholder's principal campaign committee, pursuant to 2 U.S.C. 437b. Also as provided in Notice 1975-18, money received for the preparation or printing of material to be sent under the frank (e.g., a newsletter), other than funds appropriated for legislative activities shall be deposited in a separate segregated franking account which shall report as provided in that notice.

Monies expended from such accounts, other than the franking account, will be counted toward the officeholder's campaign expenditure limits under 18 U.S.C. 608(c). A Congressman holding a fundraising should identify that the fundraising is being conducted by either the Congressman's principal campaign committee, his office account or his franking account.

The Commission also is requested to provide guidance as to whether a person holding a fundraiser for the benefit of an office account should state that a donation to the office account is not tax deductible or subject to a tax credit. The Commission is unable to provide such guidance as it lacks authority to rule with regard to such tax consequences. Reference should be made to sections 41 and 128, Title 26, United States Code.

(b) It is the opinion of the Commission that corporate contributions to a franking account, used solely to defray the cost of newsletters, reports, and questionnaires sent to constituents, are prohibited under 18 U.S.C. 610. While exempt from the limitations in 18 U.S.C. 608 (see 39 U.S.C. 3210(f)), contributions and expenditures for the preparation or printing of material to be mailed under the frank shall otherwise be treated as contributions and expenditures for purposes of the Act, (including the pertinent provisions of Title 18). Since the proposed contribution would be derived from general corporate funds, and not from separate voluntary funds to sup-

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port the franking accounts of Congress- Section 591(g) of Title 18, United and political committees, with respect to

## NOTICES

(3) That any interest earned from political committees to make \$5,000 con-

tion. Subsection (b)(2) allows certain

contributions to and expenditures by constituent service funds as transactions



port the franking accounts of Congressmen, the contribution by the corporation would be prohibited under 18 U.S.C. 610.

(c) A Member of Congress may, of course, make expenditures for attitudinal research within his constituency for purposes of measuring the voter's sentiments on policy issues, job approval perceptions, and the like. However, unless the expenditures for the attitudinal research are paid from funds appropriated for legislative purposes by Congress or from a Congressional franking account and are used to print or prepare matter mailed under the frank, they will be treated as an expenditure from the Member's office account and will be subject to the limitations provided in 18 U.S.C. 608 as well as the other provisions of the Act. See Notice 1975-18, supra. The fact that a Member of Congress is an announced candidate thus would not make any difference in how expenditures for attitudinal research will be treated.

The provisions of this opinion represent the opinion of the Commission as to the effect of 2 U.S.C. 437(a)(9), 2 U.S.C. 439a, 18 U.S.C. 608, 18 U.S.C. 610, and 39 U.S.C. 320(f) on contributions and expenditures from the office or franking account of a Federal officeholder.

The provisions of this opinion are reflected in the proposed regulations which the Commission has submitted to Congress, see Notice 1975-18, supra.

Pursuant to the Administrative Procedure Act the Commission will hold public hearings on the proposed regulation on September 16 and 17, 1975, at the U.S. Court of Claims in Washington, D.C.

#### ADVISORY OPINION 1975-17 CAMPAIGN CONTRIBUTIONS FROM A PARTNERSHIP

This advisory opinion is rendered under 2 U.S.C. 437(f) in response to a request for an advisory opinion submitted by Congressman Neal and published in the July 17, 1975 FEDERAL REGISTER (40 FR 30259). Interested parties were given an opportunity to submit written comments relating to the request.

The question raised in Congressman Neal's request is "In how much money in campaign contributions may a candidate for Federal office accept from a partnership" under the Federal Election Campaign Act of 1974, as amended in 1974.

Section 608(b)(1) of Title 18, United States Code, states that:

(1) Except as otherwise provided by paragraphs (2) and (3) no person shall make contributions to any candidate with respect to any election for Federal office which, in the aggregate, exceed \$1,000 (italics added for emphasis).<sup>2</sup>

<sup>2</sup> The exceptions to 18 U.S.C. 608(b)(1) are not relevant to the question of the amount a candidate may receive from a partnership, and contributions to a candidate for nomination to the office of President are subject to an overall \$1,000 limit during the entire pre-nomination period. See 18 U.S.C. 608(b)(5).

Section 591(g) of Title 18, United States Code, defines "person" as an individual, partnership, committee, association, corporation, or any other organization or group of persons. \* \* \* (italics added for emphasis).

It is the opinion of the Commission that the cited statutory provisions impose a \$1,000 limit on the amount a partnership may contribute to a candidate for Federal office with respect to each separate election wherein that candidate seeks nomination or election. The Commission further concludes that when a partnership makes a contribution to a candidate for Federal office it counts against each individual partner's limitation under 18 U.S.C. 608(b)(1) in direct proportion to each partner's share of partnership profits. For example, in the case of a four member partnership (each partner having an equal share) which makes a \$1,000 contribution to a Federal candidate, one-fourth of the \$1,000, or \$250, is counted toward each individual partner's limit. Therefore, each partner may contribute no more than an additional \$750 to the same Federal candidate with respect to the same election.

Under the general theory of partnership law a partner is an agent for the partnership, and the partnership has no legal capacity to act as a person in its own right. Therefore, even though a partnership is a "person" for purposes of 18 U.S.C. 608(b), as well as 2 U.S.C. 431, *et seq.*, contributions made in the partnership's name must be attributed to the individual partners in relation to each partner's interest in the partnership profits. Furthermore, when a contribution is made in the partnership name without accompanying information as to each partner's proportionate share thereof, the candidate or committee recipient must obtain a written statement providing the requisite information within 30 days after receiving the contribution.

If this information is not timely obtained the contribution must be returned. Otherwise, the candidate or committee will be regarded as in violation of 18 U.S.C. 614 which prohibits an individual from making a contribution in the name of another "person," i.e. partnership, and also prohibits the knowing acceptance of such a contribution.

Dated: August 22, 1975.

NEIL STAEBLER,  
Vice Chairman for the  
Federal Election Commission.

[FR Doc.75-22941 Filed 9-2-75;8:45 am]

[Notice 1975-33; A.O. 1975-10]

#### INTERNAL TRANSFERS OF FUNDS BY CANDIDATES OR COMMITTEES

##### Advisory Opinion

The Federal Election Commission announces the publication today of Advisory Opinion 1975-10. The Commission's opinions are in response to questions raised by individuals holding Federal Office, candidates for Federal office

and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

#### ADVISORY OPINION 1975-10

##### INTERNAL TRANSFERS OF FUNDS BY CANDIDATES OR COMMITTEES

This advisory opinion is rendered under 2 U.S.C. 437f in response to four requests, published as AOR 1975-10 in the July 9, 1975 FEDERAL REGISTER (40 FR 28944). All of the requests relate to various types of transfers of funds by candidates or political committees. Interested parties were given an opportunity to submit written comments pertaining to the requests.

A. Request of Congressman John J. McFall. The issue presented is whether a principal campaign committee of a candidate for Federal office may transfer funds from a checking account at a designated campaign depository to a savings account in the same bank or to a savings account in another financial institution which is not a designated campaign depository.

Section 437b(a)(1) of Title 2, U.S. Code, provides that "each candidate shall designate one or more national or State banks as his campaign depositories." This section further requires that the principal campaign committee shall maintain a checking account at the designated depository, shall deposit any contributions received by it into such account, and shall make all expenditures from said checking account. The statute is silent as to the establishment and use of savings accounts.

It is clear that the statute requires all contributions and all expenditures to pass through the checking account at the designated campaign depository. However, the statute would not preclude a transfer from a checking account to a savings account if full disclosure is made and the committee retains its complete control of the funds so transferred at all times.

To assure compliance with the reporting requirements of 2 U.S.C. 434(b) and the specific language of section 437b(a)(1) that all contributions and all expenditures flow through the checking account at the designated depository, the Commission will require:

(1) That all funds transferred from the checking account described above to any savings account, certificates of deposit or other interest bearing account be reflected clearly on the reporting forms required to be filed with the Commission under 2 U.S.C. 434(b);

(2) That all funds transferred out of the designated checking account, as described above, be eventually transferred back into such account and clearly reflected on the reporting forms required to be filed with the Commission under 2 U.S.C. 434(b);

(3) That any interest earned from funds transferred to any savings account, certificates of deposit or other interest-bearing account be timely reflected on the reports required to be filed with the Federal Election Commission under 2 U.S.C. 434;

(4) That no expenditures be made from any funds transferred to an account other than the checking account at the designated campaign depository.

B. Request of Thomas Coleman. This request raises the question as to how one should report the transfer of surplus campaign funds remaining from an election campaign for local or State office to a Federal election campaign committee. The Commission's response to this question should not be construed as adversely affecting any donor's rights provided by State law as to the use of the donor's original contribution made in connection with a campaign for State or local elective office.

Funds received by a political committee which are transferred from any other source are contributions as defined in 2 U.S.C. 431(e)(3). As such, they are required to be reported under the provisions of 2 U.S.C. 434(b)(2)(4) and (7).

Specifically, full information as to the source of all funds transferred to a reporting political committee, as well as the amounts and dates of all individual contributions included in the transfer, must be reported. The Commission agrees that Mr. Coleman may presume that the surplus transferred to his Federal campaign committee is comprised of those individual contributions last received before the State election. The Commission contemplates future regulations that will provide more specific guidance as to the proper reporting of transfers of this type.

The Commission also concludes that the funds to be transferred to the Federal campaign committee may not include any contributions by national banks or corporations, labor organizations, Government contractors, or agents of foreign principals. See 18 U.S.C. 610, 611, and 613. Furthermore, no contributions which exceed \$1,000 from any one person and were made after January 1, 1975, may be transferred to the Federal campaign committee. Finally, any funds that were under Mr. Coleman's personal dominion and control, although contributed to a State campaign committee, may be transferred to the Federal campaign committee only to the extent permitted under 18 U.S.C. 608(a).

C. Request of the Circle Club. The question presented is whether a pre-existing political committee with residual funds may obtain consent from the original contributors of these funds to " earmark" their contributions for a specific Federal candidate, and transfer said earmarked contributions to the principal campaign committee of the candidate designated by the contributor.

Under 18 U.S.C. 608(b) persons (other than qualified multicandidate political committees) may not lawfully make contributions to any Federal candidate in excess of \$1,000 with respect to any election.

Under 18 U.S.C. 608(b) persons (other than qualified multicandidate political committees) may not lawfully make contributions to any Federal candidate in excess of \$1,000 with respect to any elec-

tion. Subsection (b)(2) allows certain political committees to make \$5,000 contributions to any Federal candidate with respect to each separate election.

In the event that contributions are earmarked by the donor (or on the donor's behalf), or otherwise directed through an intermediary or conduit to a particular candidate, they are treated as contributions to that candidate from the original donor and are, therefore, subject to applicable limits under section 608(b). Section 608(b)(6) would not apply to situations where donors relinquish complete control over their contributions and do not at a later time regain such control either by actual return of their contribution or, as in this instance, by request of the recipient committee for authorization to earmark a contribution originally given without such restriction. Since in this case the committee will be asserting some control over the earmarking by reason of the fact that it will actively seek to obtain consent from the donors to earmark funds for a specific Federal candidate, it follows that the committee, as well as the original donor, should be regarded as having made the contribution.

Hence, both aspects of the transaction are subject to limitation under 18 U.S.C. 608(b)(1). The committee must regard its involvement in procuring the authorization to earmark as tantamount to its own contribution and, therefore, subject to the \$5,000 limit in 18 U.S.C. 608(b)(2), if it is otherwise qualified to make contributions in that amount. Further, such designated contributions must be reported to the Commission and the intended recipient by the political committee as provided in 18 U.S.C. 608(b)(6). Until issuance of final regulations, this may be accomplished by complying with the reporting provisions of 2 U.S.C. 434(b) and the earmarking regulations issued by the previous supervisory officers and adopted by the Commission on an interim basis on June 2, 1975, 40 FR 23833.

D. Request of Senator James Buckley. The Friends of Jim Buckley Committee has established an internal method of allocating political expenditures from "non-political" expenditures for constituent services. The Committee has solicited funds for both political and non-political purposes through its fundraising appeals. Senator Buckley requests an opinion as to:

(1) Whether the Commission will recognize the functional distinction between the two types of expenditures;

(2) Whether it will be necessary to establish another committee to handle funds expended for constituent services; and

(3) If a separate committee is established, whether a separate committee for constituent services will be able to receive funds from the political committee.

The matter of constituent service accounts is controlled by the provisions of 2 U.S.C. 439a and such rules as may be necessary to carry out the provisions of section 439a. The Commission has formally proposed such rules which treat

contributions to and expenditures by constituent service funds as transactions of a political committee. See Notice 1975-18, August 5, 1975 (40 FR 32951).

Furthermore, in Advisory Opinion 1975-14, decided August 7, 1975, the Commission held that contributions to constituent service accounts are subject to 18 U.S.C. 608, 610, 611, 613, 614, and 615. Accordingly, the Commission has no objection to transfers of funds from the existing political committee to another one newly organized, but recognizes no functional distinctions between the two types of expenditures described in the request. Finally, the Commission concludes that all expenditures made by either the existing political committee or a new constituent service committee are subject to the spending limits applicable to a candidate under 18 U.S.C. 608(c).

Dated: August 21, 1975.

THOMAS B. CURTIS,  
Chairman for the  
Federal Election Commission.

[FR Doc.75-22658 Filed 9-2-75;8:45 am]

[Notice 1975-37, AOR 1975-38—AOR 1975-57]

#### ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975-38 through 1975-57 are published today. Some of the Requests consist of similar inquiries from several sources which have been consolidated in cases where appropriate.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the FEDERAL REGISTER. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-38: Use of Excess Campaign Funds for Office Expenses and Federal Preemption (Request Edited by the Commission).

GENTLEMEN: I am writing to request advisory opinions on the following questions, with regard to the Federal Election Laws.

(1) If I, as a Member of Congress, elect to use left-over campaign funds for

legitimate office expenses, will these ex-

\* \* \* The Federal Election law ap-

of the Federal Elections Campaign Act,

the employees direction are withheld

6. What constitutes a "debt" or "obli-

3. May one or more members of the



legitimate office expenses, will these expenditures be counted in determining whether I, or my Campaign Committee, have reached any of the spending limits set forth under the new law?

(2) If I elect to use campaign funds for legitimate office expenses, will it still be necessary for me or my Campaign Committee to file periodic reports with the Clerk of the House up to and until I again announce myself as a Candidate, or may I close out my accounts until that time?

(3) Does the new Federal Election Law supercede state campaign regulations, or must state laws be adhered to separately?

SILVIO O. CONTE,  
Member of Congress.

Source: Representative Silvio O. Conte, House of Representatives, 239 Cannon House Office Building, Washington, D.C. 20515. (July 15, 1975.)

AOR 1975-39: Settlement of Campaign Debts Owed to Corporations (Request Edited by the Commission).

GENTLEMEN: Your recent Advisory Opinions 1975-5 and 1975-6 prompt us to ask on behalf of the Metzbaum Post-Campaign Committee:

May a candidate's committee, which incurred debts during the 1974 senatorial campaign, settle those debts with corporate or non-corporate creditors, if the committee has made a serious effort to bring down the amount of said debts since the date of the election and has little likelihood of raising additional funds sufficient to pay all debts in full?

After the election, we found ourselves indebted to the extent of about \$113,000.00. A number of fund-raising events and personal solicitations have been made to the point that the committee has now been successful in decreasing that debt to under \$79,000.00. The committee has a cash balance of a little over \$5,000.00 at the present time. Some of the creditors, both individuals and corporations, have indicated a willingness to settle the amounts due them if we will offer a cash settlement. We believe it may be possible for us to solicit a modest amount of additional money. However, the last sentence of Advisory Opinion 1975-6 issued by the Commission on July 13, 1975 makes reference to the problem possibly faced by corporate creditors that acceptance of such settlements could be construed as violations of the Federal Election Campaign Act.

MELVIN S. SCHWARZWALD,  
Counsel for the Metzbaum  
Post-Campaign Committee.

Source: Metzbaum Post-Campaign Committee by Counsel, Melvin S. Schwarzwald, Metzbaum, Gaines & Stern, 1700 Investment Plaza, 1801 East 9th Street, Cleveland, Ohio 44114. (August 1, 1975.)

AOR 1975-40: Reporting Contributions from Political Action Committees (Request Edited by the Commission).

\*\*\* The Federal Election law appears to be ambiguous on the question of the requirement of campaign committees to report contributions by political action committees when such funds are used to purchase tickets to a reception. \*\*\*

It is my understanding \*\*\* that campaign committees are not required to report individual contributions of \$100 or less by political action committees when such contributions are made for the purpose of purchasing tickets to a reception. \*\*\*

[This Committee requests a formal, written [advisory opinion] on whether a campaign committee is required to disclose publicly contributions of \$100 or less by political action committees when such contributions are made for the purpose of purchasing tickets to a reception. I would also like to know the rules covering reporting by donor organizations. I understand they must report their contributions, regardless of the amount.]

WALLY JOHANSON,  
Treasurer.

Source: Wally Johanson, Treasurer, Oberstar for Congress, Volunteer Committee, P.O. Box 465, Duluth, Minnesota 55802. (July 17, 1975.)

AOR 1975-41: Investment or Savings Deposits of Contributions or Other Receipts (Request Edited by the Commission).

DEAR MR. CURTIS: Our Committee \*\*\* formally makes his request of the Commission for an Advisory Opinion as to when, if ever, receipts from contributions, sales, collections, loans and/or transfers may be deposited in an interest-bearing savings account in a state and/or national bank, or invested in government treasury notes.

(Mrs.) ANN M. EPPARD,  
Assistant Treasurer.

Source: (Mrs.) Ann M. Eppard, Assistant Treasurer, Shuster for Congress Committee, Star Route 5, Everett, Pennsylvania 15537. (July 24, 1975.)

AOR 1975-42: Application of Spending Limits to Candidate Purchase of Advertising in Directories and Yearbooks (Request Edited by the Commission).

DEAR MR. CHAIRMAN: I have been invited by the editors of Hawaii's annual "Labor Director" to purchase a 1/8 page advertisement in the Directory. My photograph will appear with the words "Aloha to Labor from Sparky" superimposed. I have also been invited to purchase a quarter-page advertisement in the Hawaii State Little League Baseball "Souvenir Yearbook," which is published annually at the end of the Little League Baseball season. My photograph will appear with the words "Aloha and Best Wishes." (s) Spark Matsunaga, Member of Congress.

I would appreciate receiving the Commission's opinion as to whether this expenditure must be recorded as a "campaign expenditure" under the provisions

of the Federal Elections Campaign Act, as amended. If so, would the cost of the advertisement be credited toward the Primary Election campaign expenditure ceiling established in 1974?

If the proposed advertisement is not a "campaign expenditure" under the provisions of the Federal Elections Campaign Act, could funds from my congressional Communications Fund be used for its purchase? A report of receipts and expenditures under my Communications Fund has been filed with the Clerk of the U.S. House of Representatives and the Lieutenant Governor of the State of Hawaii.

SPARK MATSUNAGA,  
Member of Congress.

Source: Representative Spark Matsunaga, 422 Cannon House Office Building, Washington, D.C. 20515. (Two letters dated July 22, 1975.)

AOR 1975-43: Establishment by Corporation of Voluntary Employee Political Donation Program (Request Edited by the Commission).

GENTLEMEN: On behalf of TRW, I would like to respectfully request your advice on the following situation:

TRW operates a Good Government Program whereby employees who desire to participate are permitted to have a certain amount of their paycheck withheld and sent to a designated candidate or party. [The Commission notes that the TRW Good Government Program registered as a political committee on August 7, 1975.]

All contributions made by our employees to the designated candidates or committees are fully disclosed to the intended recipient. Each recipient receives a check in the total amount of all contributions designated for such recipient and in addition receives a list of every employee who designated a contribution to such candidate or committee together with the amount contributed by such employee. TRW simply acts as an agent of the employee in forwarding the designated contribution much as a bank operates as an agent of a depositor when a check is written and the bank honors that check upon presentment.

However, it would appear possible to argue that TRW is an "intermediary or conduit" within the meaning of Title 18 608(b) (6) of the United States Code.

TRW does not believe that our program is within the spirit of this section. However, since the point is arguable we would like to request the Commission's position on this point.

Should the Commission rule that TRW is an "intermediary or conduit" rather than a simple agent of its employees, we would like to be informed of the Commission's requirements for our fund particularly in the following respects:

(1) How frequently should we report or file with the Commission?

In some cases, our payroll departments issue checks biweekly in other cases payroll periods are semi-monthly, monthly or weekly. In some cases the amounts to be withheld pursuant to

the employees direction are withheld in each paycheck and others the deduction is made only once a year. I am sure that neither TRW nor the Commission desires to be inundated with paperwork for this program. Accordingly, if the Commission feels a report is necessary at all, TRW respectfully suggests that such report be provided to the Commission annually.

(2) What form should we use for the report?

We are not aware of any form which can be appropriately used for purposes of § 608(b) (6). Accordingly, if the Commission desires TRW to report its program under this section we respectfully request that the Commission adopt some form on which we may make the report or at least inform us of the various items which the report should contain.

WILLIAM A. HANCOCK,  
Senior Counsel.

Source: TRW Good Government Program by Counsel, William A. Hancock, TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117. (July 28, 1975.)

AOR 1975-44: Request of Socialist Workers 1976 National Campaign Committee (Request Edited by the Commission).

DEAR COMMISSIONERS:

We seek advisory opinions under 2 U.S.C. 437f from the Commission on several questions regarding the Act and the 1974 Amendments.

1. In our letter of January 31, 1975 we requested clarification on the \$1,000 limitation on contributions. Does this limit apply separately to primary, runoff (if any), and general elections? Section 608(b) (5) indicates that the limitation is \$2,000 for presidential candidates but fails to give any time limitation. Is it for instance, \$1,000 before the primary and an additional \$1,000 between the primary and the general election? If the limitation does apply separately for candidates contending in primary and runoff elections, does it also apply separately for candidates contesting only the general election?

2. Regarding the limitation of \$100.00 on petty cash purchases and transactions (18 U.S.C. 615), does this mean that no check to the order of "cash" can be made for over \$100.00? What does a campaign committee do in a situation where a candidate or representative of a candidate is out of town and requires emergency funds in excess of \$100.00? What does a committee do in the case where its checks are unacceptable as a means of payment for a certain vendor, for example, the U.S. Postal Service?

4. When candidates are not contesting special, primary, or runoff elections, what are the reporting requirements regarding the 10-day pre-election and 30-day postelection reports?

6. What constitutes a "debt" or "obligations" itemizable under parts 11 and 12 of the reports? Does this refer to long-term debts and obligations of say, 60 days, or something else?

7. Do the non-principal campaign committees have to be authorized in writing by the candidates?

8. What constitutes "affiliation" and "relationship" of committees?

ANDREA MORELL,  
Treasurer, Socialist Workers  
1976 National Campaign Committee.

Source: Andrea Morell, Treasurer, Socialist Workers 1976 National Campaign Committee, 14 Charles Lane, New York, New York 10014. (July 10, 1975.)

AOR 1975-45: Legality of the Establishment and Administration of "Independent Autonomous" Multicandidate Political Committees (Request Edited by the Commission).

DEAR SIR: We represent the Agricultural & Dairy Educational Political Trust ("ADEPT").

ADEPT submits this advisory opinion request, by counsel, pursuant to the provisions of 2 U.S.C. 437f (a).

The pertinent facts are that ADEPT is considering the establishment in several states of the Union of independent and autonomous political committees which, like ADEPT, would be multiple candidate committees and which, like ADEPT, would be political committees. Each such committee would operate solely within the state in which it was organized; would be governed by committee members at least one of whom would be resident in such state; would make political contributions as defined by the provisions of 2 U.S.C. 431(e) and 18 U.S.C. 591(e); would exercise its independent judgment as to the beneficiaries and amounts of its contributions; would report to the Federal Election Commission pursuant to the provisions of 2 U.S.C. 434(a); and, except to the extent it might receive unanticipated and unsolicited donations, would depend solely for its funds upon transfers from ADEPT (which transfers would be reported by ADEPT as contributions by ADEPT); and which might receive the benefit of accounting, clerical, legal or similar services in kind from ADEPT (which services also would be reported by ADEPT as contributions from ADEPT).

The basic question is whether such committees may be established. If the basic question be answered in the affirmative, ADEPT would propound the following questions:

1. May the Treasurer of ADEPT also serve as the treasurer of one or more of the state committees?

2. Would the limitations upon the quantum of contributions set forth in 18 U.S.C. 608(b) (2) be applicable (1) separately to ADEPT and to each such committee or (2) in the aggregate to ADEPT and each and every such committee?

3. May one or more members of the ADEPT committee also hold membership on one or more state committees?

4. May each state committee be funded by transfers of funds from ADEPT? In this connection ADEPT envisions that upon being notified by a particular state committee that the funds thereof were depleted to the sum of \$1,000.00 or some other relatively small sum, ADEPT would transfer to that particular state committee a substantial sum, as for example, \$25,000.00. No part of the transfer would be earmarked for a particular contribution. The state committee would be free to spend the money as it deemed appropriate. The state committee then would be expected to advise ADEPT when at some subsequent date its funds available for contribution again dropped to \$1,000.00.

MARION EDWYN HARRISON.

Source: Marion Edwyn Harrison, Harrison, Lucey, Sagle & Solter, 1701 Pennsylvania Avenue, NW., Washington, D.C. 20006. (July 15, 1975.)

AOR 1975-46: Fee for the Televised Appearance of A Member of Congress (Request Edited by the Commission).

DEAR MR. CURTIS: I am writing on behalf of United States Representative Barbara Jordan, 18th District of Texas to request advisory opinions regarding section 616 of the "Federal Election Campaign Act Amendments of 1975." As you know, that section deals with the "Acceptance of Excessive Honorariums."

Miss Jordan has been asked to provide editorial comment once a month which is recorded on video tape, for presentation on the C.B.S. television Morning News Show. She is paid One Hundred and Fifty Dollars for each taping.

It is our position that this payment is salary for services for which a fee is traditionally required, and therefore, should not be included when computing her acceptance of honorariums for the calendar year. \*\*\*

RUFUS (BUD) MYERS.

Source: Representative Barbara Jordan by Rufus Myers, Administrative Assistant, 1534 Longworth House Office Building, Washington, D.C. 20515. (July 3, 1975.)

AOR 1975-47: Expenditures of Corporate Funds by Host Committees for the Benefit of National Political Party (Request Edited by the Commission).

DEAR COMMISSIONERS:

On behalf of the Democratic National Committee, a supplementary advisory opinion is requested in this regard.

Specifically, Advisory Opinion 1975-1 provided, in part, that local corporations which are engaged in certain retail businesses may contribute funds to a local civic association, or other similar type of business association ("Host Committee"), which payment, under certain conditions, would not constitute a pro-

hibited corporate contribution within the provisions of 18 U.S.C. 610. The Opinion

1974 was disputed and after litigation the state courts ordered a new election

tion law). However, he felt a letter to your office asking for an advisory opin-

spend them as if he were any other candidate attempting to obtain nomination for election through the political pri-

gressman Wayne Owens (D-Utah) in 1974 received a 70 percent convention nomination

AOR 1975-56: Office Account Expenditures Chargeable to Primary or General Election Campaign



hibited corporate contribution within the provisions of 18 U.S.C. 610. The Opinion did not cover the purposes for which a Host Committee could expend its funds, including funds derived by it from local retail corporations referred to above.

An Opinion is respectfully requested that a Host Committee may offer to the National Committee any of the services, benefits, or uses of property described in paragraphs (1) through (7), inclusive, of Advisory Opinion 1975-1, without violating 18 U.S.C. 610, and that such transactions do not involve "expenditures" under 26 U.S.C. 9008(d).

STUART E. SEIGEL.

Source: Stuart E. Seigel, Cohen and Uretz, 1775 K Street, NW., Washington, D.C. 20006. (August 4, 1975.)

AOR 1975-48: Attribution of Contribution to Political Party to Candidate Receiving Funds from that Party (Request edited by Commission).

DEAR COMMISSIONER: . . . We request that the Federal Election Commission issue an Advisory Opinion in answer to this question:

Because the 1974 Act imposes a \$1,000 limit on contributions by an individual to a candidate for election to Federal office, if a contributor makes a contribution of less than \$1,000 to a candidate's campaign committee and thereafter is asked to contribute to one or more state and local party committees, some portion of whose receipts from contributions will be contributed by that committee to or expended for the election of that same candidate, but where the portion of the individual's contribution has not been earmarked for that candidate either by the contributor or the party committee, can the contributor make that contribution to the state or local party committee without being considered to have exceeded the \$1,000 limitation?

If the answer to the foregoing question is no, what steps must the state or local party committee or the contributor take in order to insure that his total contributions to the Federal candidate do not exceed the \$1,000 limit?

RICHARD C. FRAME,  
State Chairman.

Source: Richard C. Frame, State Chairman, Republican State Committee of Pennsylvania, P.O. Box 1624, Harrisburg, Pa. 17105. (August 5, 1975.)

AOR 1975-50: Application of 1974 Amendments to Debt Transaction Incident to Special Election in 1975 (Request edited by Commission).

DEAR MR. CURTIS: After studying the latest Federal Election Commission Advisory Opinion (1975-76) there remain specific questions to be answered concerning campaign debts owed by this Committee.

Jeff LaCaze was a candidate for the U.S. House of Representatives from The Sixth District of Louisiana. The results of the general election of November 5,

1974 was disputed and after litigation the state courts ordered a new election for January 7, 1975.

. . . [C]ontributions in excess of \$1,000 were received by this Committee during 1975 and used for an election held in 1975 . . .

Please clarify this [question], i.e. were contributions received subsequent to December 31, 1974 and prior to January 8, 1975 subject to the 1971 Act . . . or subject to provisions of the 1974 Act as indicated in Advisory Opinion 1975-6?

Additionally, please consider the following for an [advisory opinion]:

1. Promissory notes made in 1974.  
a. Are accrued interest payments made in 1975 on these notes, "debt" incurred during 1974 and therefore, payable with contributions as outlined in Advisory Opinion 1975-6?

b. Can makers of these notes (i.e. co-guarantors, etc.) pay interest accumulated on these notes without having these contributions being subject to the 1974 Act?

2. Corporate debts owed by a Candidate or Committee.

a. Can debts owed by a candidate or committee to a corporation be forgiven or settled for sums less than those previously billed without such forgiveness of debt being considered an "illegal contribution" as outlined under 18 U.S.C. 610-611?

b. Can a corporation write off as bad debts, any debts owed by a candidate or committee for which payment cannot be made?

TED E. DOVE,  
Treasurer.

Source: Ted E. Dove, Treasurer, The Jeff Lacaze Committee, P.O. Box 14649, Baton Rouge, Louisiana 70808. (August 5, 1975.)

AOR 1975-51: Use of Excess Campaign Funds to Purchase Congressional Office Equipment (Request edited by the Commission).

DEAR MR. CURTIS: . . . This is a request for an advisory opinion on the use of campaign funds to defray Congressional office expenses above the usual electrical equipment and clerk-hire allotments.

Our office plans to install a computer terminal to meet the demands of constituent mail. The cost of the terminal will exceed our office allotment and, therefore, we would like to use excess campaign funds to establish a separate Oberstar Office Equipment account.

In checking with the Office of the Clerk of the House, Mr. Moss recommended this separate account and suggested the account be set up in a manner allowing a staff member to make disbursement, rather than require the Member's signature.

Mr. Moss assured me that the use of campaign funds in the manner prescribed is legal and preferred (reference Section 439(a) of the 1974 Federal Elec-

tion law). However, he felt a letter to your office asking for an advisory opinion would be wise. . . .

JAMES L. OBERSTAR,  
Member of Congress.

Source: Congressman James L. Oberstar, Room 323, Cannon House Office Building, Washington, D.C. 20515. (July 8, 1975.)

AOR 1975-52: Assistance by Multi-candidate Committee to Pay Off a Candidate's Past Campaign Debt (Request Edited by the Commission).

GENTLEMEN: I am writing to inquire as to whether or not in your opinion a State Committee may assist a successful candidate for the Congress to pay off his 1974 election debt without impairing the limitations on the amount of money it may give to said Congressman under the new law should he be a candidate for re-election in 1976?

JOHN R. LINNELL.

Source: John R. Linnell, Maine Republican State Committee, 187 State Street, Augusta, Maine 04330. (July 14, 1975.)

AOR 1975-53: Application of Limitations on Contributions and Expenditures to Nomination by Petition Effort (Request edited by the Commission).

DEAR MR. CURTIS: A group of interested citizens in the State of Maryland have formed a political committee of which I am Chairman to explore the possibility of promoting the independent candidacy of Bruce Bradley for the office of United States Senator in 1976.

In the process of gathering preparatory information, we find that under Maryland law, an independent candidate may qualify by petition to have his name placed on the ballot for the general election.

In reviewing the provisions of the Federal Election Campaign Act of 1971 (as amended in 1974) . . . we find the language of 18 U.S.C. 608(c) (1) . . . sufficiently vague as to request a formal advisory opinion from you on the following specific issues:

1. . . . Under Maryland law an independent candidate for United States Senator must qualify for election by petition, a method which, while involving the expenditure of funds for political purposes, is not an expenditure of political funds for nomination by election in a primary election sponsored by an organized political party. We would like an opinion as to whether or not nomination by petition in this case is considered legally equivalent to any other primary election contemplated under [18 U.S.C. 608(c) (1) (C)] . . . . We would interpret an affirmative ruling in this case to mean that an independent candidate for nomination for election to the office of U.S. Senator from the State of Maryland attempting to qualify as a candidate for the general election by petition would be eligible to raise funds and

spend them as if he were any other candidate attempting to obtain nomination for election through the political primary process. Further, such an interpretation would mean that the limitations of [18 U.S.C. 608 (c) (1) (C)] . . . would apply to all political activities of an independent candidate up until such time as he is legally certified as a candidate for the general election by competent state authority.

2. Assuming that the above ruling is in the affirmative, and that an independent candidate is considered for purposes of the spending limitations as any other candidate for nomination by primary, would there be any restrictions on funds used to qualify by petition other than those imposed by the Federal Election Campaign Act of 1971, as amended? We would interpret a no restriction ruling as permitting the expenditure of funds raised to qualify for election by petition for the same types of activities and services as would be procured under the law by any other candidate seeking nomination by primary, i.e. payment of staff salaries, media advertisements, airplane or car rentals, and publications of a promotional nature.

3. If, in fact, qualification by petition constitutes a primary for purposes of [18 U.S.C. 608(c) (1) (C)] . . . and a surplus remains at the time the candidate's petition is certified and he is, in fact, qualified for election under State law, can the surplus be carried over for use in the general election campaign without regard to the limitations imposed under [18 U.S.C. 608(c) (1) (D)]? . . .

JOHN F. FALCONER.

Source: John F. Falconer, Chairman, Bradley for Senate Committee, 10600 Seneca Ridge Drive, Gaithersburg, Maryland 20760. (June 30, 1975.)

AOR 1975-54: Application of Contribution and Expenditure Limitations to Each Election Held in a State (Request edited by the Commission).

GENTLEMEN: . . . Utah has a somewhat unique nomination process. At the respective State Nominating Conventions, attended by delegates elected at precinct mass meetings, primary contenders are reduced to two. If, however, one candidate receives 70 percent of the vote, he becomes the nominee, without a primary. Both Senator Jake Garn (R-Utah), and his opponent, former Con-

gressman Wayne Owens (D-Utah) in 1974 received a 70 percent convention nomination.

Were there, in Utah, to be 3 phases of a Federal campaign (i.e., convention, primary and general) would the campaign limitation apply to each phase, with no carry-over from one time frame to another? Under the prior law the Secretary of the Senate answered this question affirmatively, denoting, accurately, no difference between primary run-offs and the Utah system.

Your advisory opinion on the question raised is sought.

KENT SHEARER,  
Legal Counsel.

Source: Kent Shearer, Legal Counsel, Utah Republican Central Committee, c/o Mock, Shearer and Carling, 1000 Continental Bank Building, Salt Lake City, Utah 84101. (June 28, 1975.)

AOR 1975-55: Organizational Contributions to Charity in Lieu of Honorarium To Federal Office-Holders or Scholarship Fund (Request Edited by the Commission).

DEAR MR. CHAIRMAN: I write to request a clarification and interpretation of the requirements and limitations under Section 616 of Title 18 of the U.S. Code with respect to honorariums received by a Member of Congress.

Would it be proper, assuming no self-dealing or self-serving implications of any kind, for private organizations to make contributions to legitimate charities, either in lieu of or in addition to honorariums that I might otherwise receive? Would such contributions in any way count with respect to the limitations imposed under Section 616?

In addition, a special situation would be the possible establishment of a scholarship fund, properly set up with no self-dealing and an unrelated board of directors. If a private organization were asked in lieu of an honorarium, to make such a contribution only if they wished, and not as a condition for my appearance, would this be proper?

AL ULLMAN,  
Member of Congress.

Source: Representative Al Ullman, House of Representatives, Washington, D.C. 20515. (August 11, 1975.)

AOR 1975-56: Office Account Expenditures Chargeable to Primary or General Election Campaign.

DEAR SIR: I hereby request an advisory opinion in regard to the following:

Are expenditures by an office account to be counted against the expenditure limitations applicable to a campaign for election (general) or should they be counted against the campaign for nomination for election (primary)?

STEPHEN J. SOLARZ,  
Member of Congress.

Source: Representative Stephen J. Solarz, House of Representatives, 1228 Longworth House Office Building, Washington, D.C. 20515. (August 12, 1975.)

AOR 1975-57: Application of Limits to Post-election Contributions to Single Candidate Committee (Request Edited by the Commission).

DEAR SIR: We would appreciate a ruling from you regarding certain points of law regarding candidates/campaigns for Federal Office (U.S. Senate), Title III of Public Law 92-225, the Federal Election Campaign Act.

Please give us a ruling on the following:

(1) Is there any limitation as to time that contributions can be accepted subsequent to the election?

(2) Is it permissible to accept funds raised from Testimonials, Dinners, etc. (given for the benefit of the candidate) subsequent to the election?

(3) If post election contributions are acceptable, is it in any way contrary to the law to repay the candidate for funds loaned to his own campaign fund, which has been used to defray campaign expenses?

A. R. GRIGSBY,  
Treasurer,  
John L. Grady Campaign Fund.

Source: A. R. Grigsby, Treasurer, John L. Grady Campaign Fund, Belle Glade, Florida 33430. (August 1, 1975.)

Dated: August 25, 1975.

THOMAS B. CURTIS,  
Chairman for the  
Federal Election Commission.

[FR Doc.75-22942 Filed 9-2-75; 8:45 am]



# federal register

WEDNESDAY, SEPTEMBER 3, 1975



PART III:

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

### ADMINISTRATIVE PRACTICES AND PROCEDURES

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NOTE: For another document from the Food and Drug Administration on this matter see 40 FR 40520, in this issue.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[21 CFR Parts 1, 2, 5, 6, 8, 10, 11, 80, 90, 100, 102, 121, 202, 310, 312, 314, 328, 330, 429, 430, 431, 433, 511, 514, 601, 701, 1003, 1004, 1210]

[Docket No. 75N-0001]

### ADMINISTRATIVE PRACTICES AND PROCEDURES

#### Notice of Proposed Rule Making

The Commissioner of Food and Drugs is proposing rules governing the administrative practices and procedures of the Food and Drug Administration. The regulations proposed herein were the subject of a notice of rule making, published in the FEDERAL REGISTER of May 27, 1975 (40 FR 22950), which the Commissioner is revoking elsewhere in this issue of the FEDERAL REGISTER.

The May 27th order specified that the regulations would become effective on July 28, 1975, except for two provisions that were to become effective on November 24, 1975, and invited public comment on the regulations on or before July 28, 1975, for the purpose of making subsequent modifications as appropriate. In a notice published in the FEDERAL REGISTER of June 20, 1975 (40 FR 26027), the Commissioner extended the comment period to August 27, 1975.

On July 23, 1975, the American College of Neuropsychopharmacology brought suit in the United States District Court for the District of Columbia to enjoin the effectiveness of the regulations, contending that section 553 of the Administrative Procedure Act (5 U.S.C. 553) requires that they be proposed for comment prior to publication in the FEDERAL REGISTER as a final rule. Pursuant to request of the Court, the Food and Drug Administration agreed to delay the effectiveness of the regulations pending a decision on the plaintiff's motion for a preliminary injunction. This action was announced in a notice published in the FEDERAL REGISTER of July 28, 1975 (40 FR 31605), staying the effectiveness of the regulations until August 4, 1975.

On July 31, 1975, the District Court issued an Order permanently enjoining the Commissioner from issuing the regulations "without complying, as a condition precedent, with the requirements of section 553 of the Administrative Procedure Act, 5 U.S.C. 553." *American College of Neuropsychopharmacology v. Weinberger, et al.*, Civil Action No. 75-1187. Accordingly, in a notice published in the FEDERAL REGISTER of August 4, 1975 (40 FR 32750), the Commissioner stayed the effectiveness of the regulations until further notice. Pursuant to the Court's Order, the Commissioner had the Court's Findings of Fact, Conclusions of Law, and Order published in the FEDERAL REGISTER of August 6, 1975 (40 FR 33063).

The Commissioner is of the opinion that the Court's action is in error. The legal basis and justification for issuing the rules governing Food and Drug Ad-

ministration administrative practices and procedures as final regulations were set forth in the preamble to the regulation of May 27 and in the Memorandum of Points and Authorities in Opposition to Plaintiff's Motion for a Preliminary Injunction filed in the court proceeding. Nevertheless, the Commissioner has concluded that the regulations should immediately be issued as proposed rules with additional opportunity for comment. The delays and uncertainties involved in attempting to obtain reversal of the decision of the District Court make it impractical to pursue any other course.

The Order of the District Court enjoins the promulgation of the regulations "as final," subject to compliance with the rule making provisions of the Administrative Procedure Act. The regulations incorporate many practices and procedures that were being followed within the Food and Drug Administration prior to May 27; many that are unavoidable in the Commissioner's discharge of the various statutory responsibilities vested in him; and many that apply exclusively to the internal processes of the agency. The Commissioner does not interpret the Court's Order as foreclosing observance of a particular practice or procedure simply because it is codified in the regulations, e.g., the requirement in § 2.22 (21 CFR 2.22) that certain agency officials maintain public calendars. Were the Order to be given that effect, the agency would be literally incapable of operating. Rather, the Commissioner views the Order as preserving the status quo, and as therefore permitting the agency to follow the procedures that it had previously observed, or could have observed, in carrying out its activities without the regulations. The Commissioner has no intention of taking any action in contravention of the Court's Order. Necessarily, the decision whether a particular procedure may be followed will require the exercise of judgment of those agency officials immediately involved.

The regulations proposed herein retain §§ 2.23(b) and 2.330(b)(2)(ii), which were indefinitely stayed, for reasons unrelated to the action of the District Court, in an order published in the FEDERAL REGISTER of July 25, 1975 (40 FR 31234). The Commissioner recognizes that these provisions are controversial and could, if implemented, pose problems for, respectively, associations desiring to participate in agency proceedings and individuals invited to serve as liaison members of advisory committees. Their retention in the proposed regulations does not reflect a commitment to adopt them in final form. The Commissioner desires to receive additional comment on both provisions, and particularly encourages the submission of other possible regulations that would address the problems that those provisions attempt to solve.

To avoid controversy about the manner in which this rule making is conducted, the Commissioner has concluded that the contents of the May 27th notice of rule making should be republished, including the bulk of the preamble. The introductory statement and the

discussion under the heading "Effective Date" in the preamble are omitted to prevent confusion. Other references in the preamble that were originally phrased to indicate action already taken have been changed to refer to action proposed. The paragraph describing the nature of the action announced in the document and the authority under which it is taken has been modified to reflect that the rules that follow are proposed and not final. The final paragraph of the May 27th regulation, relating to the effective date, is omitted.

Several minor changes are also incorporated in this republished document to correct typographical errors, inadvertent omissions, and incorrect cross-references.

The Commissioner has concluded that 30 days should be allowed for public comment on these proposed regulations. Their full text has been publicly available in the FEDERAL REGISTER since May 27, 1975. It is widely known that individuals and groups concerned with Food and Drug Administration activities have been actively preparing written comments for submission by August 27, the last day of the extended comment period. Any interested individuals or groups that did not originally plan to submit comments must necessarily have been acquainting themselves with the regulations during the more than 2 months since their initial publication in order to be in a position to comply with, or take advantage of, the regulations as of the original effective date of July 28. Any such individuals and groups will have 30 additional days in which to record and submit any comments on the proposed regulation which they may now wish to make. Comments submitted in response to the invitation of May 27 will be deemed comments on this proposal, and need not be submitted.

When issued as a final rule, the proposed regulations will have an effective date of 30 days after publication in the FEDERAL REGISTER. Although the regulations are proposed in a single, comprehensive document, the Commissioner may issue them as final regulations either as one document or as several documents published at different times. The latter course will permit regulations about which there is little controversy, or that are essential to the efficient functioning of the agency, to be put into effect without unnecessary delay.

This notice proposes administrative practices and procedures governing activities of the Food and Drug Administration. It includes the procedures under which citizen petitions would be submitted to and considered by the agency, the justification for and conduct of formal evidentiary public hearings, public hearings before a Public Board of Inquiry, public hearings before a public advisory committee, public hearings before the Commissioner, regulatory hearings before the Food and Drug Administration, and standards of conduct and conflicts of interest. It would amend existing agency regulations to conform them to the proposed regulations governing practices and procedures.

The present administrative practices and procedures of the Food and Drug

Administration are largely uncodified and, to the extent that they are included in existing regulations, are spread throughout numerous sections in the Code of Federal Regulations and in agency manuals. Many of these practices and procedures have been developed over the years on an ad hoc basis, to meet immediate needs, without systematically integrating them into the agency's overall practices and procedures. Many of the agency's practices and procedures have not been written down in any manual or regulation. Accordingly, the Commissioner of Food and Drugs has concluded that a thorough review of agency practices and procedures should be undertaken, and that comprehensive regulations should be adopted to codify existing requirements, establish new requirements where none currently exist, and conform present regulations so that practices and procedures will be applied consistently throughout the agency. This notice of proposed rule making reflects the continuing efforts of the Food and Drug Administration on this project for more than a year.

The Commissioner notes that this notice proposes regulations dealing with administrative practices and procedures exclusive of regulatory enforcement activities. The Food and Drug Administration is presently at work codifying the agency's enforcement practices and procedures, which will include regulations relating to imports, criminal prosecution (including both the use of citations under section 305 and the criteria for recommending criminal prosecution), recall and detention of products, publicity, regulatory letters, and related matters. These regulations will be published in the FEDERAL REGISTER in the future.

### ADMINISTRATIVE PRACTICES AND PROCEDURES (PART 2)

The Commissioner has concluded that Part 2 of Title 21 of the Code of Federal Regulations should be set aside to contain all regulations governing Food and Drug Administration administrative practices and procedures. Accordingly, under this proposal, the existing provisions in Subparts H and M of Part 2, relating to delegations of authority and organization of the Food and Drug Administration, would be transferred to a new Part 5. The provisions relating to formal evidentiary public hearings in present Subpart F of Part 2 are substantially out of date, and would be revoked and superseded by the new regulations in Subpart B of Part 2.

#### GENERAL (SUBPART A)

Subpart A of proposed Part 2 would encompass all of the general provisions relating to the agency's practices and procedures. The Commissioner anticipates that, as additional agency policy is established with regard to general practices and procedures, it would be added in the form of new sections in this subpart.

## PROPOSED RULES

### SCOPE (§ 2.1)

Subpart A of proposed Part 2 deals with a number of provisions that have general applicability throughout the agency. It contains, for example, uniform requirements with respect to all information filed with the Hearing Clerk, and a standard form for petitions to be filed with the Hearing Clerk. The Commissioner recognizes, however, that specific provisions in other subparts of Part 2, or in other sections of Title 21 of the Code of Federal Regulations, state different requirements applicable to a particular matter. Thus, the form for a new drug application (NDA) in § 314.1(c)(2) would of course remain applicable, as would all of the other specific forms and formats specified throughout present agency regulations. NDA's would continue to be submitted to the Bureau of Drugs as provided in § 314.1(c), a food additive petition would continue to be submitted to the Bureau of Foods as provided in § 121.51(c), and other forms would be submitted as provided in current agency regulations. In summary, all information submitted to the Hearing Clerk would have to comply with the requirements specified in new § 2.5, except to the extent that other specific sections in existing regulations contained different requirements that are inconsistent with the provisions of new § 2.5. Thus, new general requirements would be established that would apply consistently and uniformly throughout the agency, except to the extent that they are explicitly overridden by specific provisions in other sections.

### DEFINITIONS (§ 2.3)

Proposed § 2.3 contains uniform definitions for use throughout all of Part 2. Some of the more important definitions are as follows:

The proposed definitions clearly distinguish between a "party" to and a "participant" in a formal evidentiary public hearing or a Board of Inquiry. A "party" is any person who has exercised the right to request a hearing and as a result of whose action a hearing has been granted. A "participant" means any person who wishes to participate in any proceeding, including the parties and other interested persons. The Bureau of the Food and Drug Administration responsible for the matter involved is always a party in any hearing.

The terms "interested person" and "any person who will be adversely affected" are defined very broadly to mean any person who wishes to participate in any proceeding of the Food and Drug Administration. There is no requirement that such person exhibit any particular interest, or show any specific economic or other harm or other indicia of "standing." Since Food and Drug Administration activities directly affect all members of the public, all members of the public who wish to participate are "interested persons" and "adversely affected" by definition. The courts have ruled that all citizens who wish to challenge agency actions affecting food and drugs are

"adversely affected" and thus may properly submit objections and otherwise participate in administrative proceedings where the statute requires such a showing. See *Read v. Ewing*, 205 F. 2d 630 (2d Cir. 1953).

The term "petition" is defined broadly to include any form of formal request for agency action, including petitions, applications, or other similar documents. It does not include routine correspondence which does not purport to meet the requirements for a petition proposed in § 2.6(a) of the regulations.

The proposed definitions distinguish between a "regulation" and an "order," for purposes of application of the requirements of the Administrative Procedure Act. Regulations are agency rules of general or particular applicability and future effect that are issued in the FEDERAL REGISTER and codified in the Code of Federal Regulations. A regulation may state either a legal requirement or a recommendation of the Food and Drug Administration. Orders mean final agency disposition of an administrative proceeding other than by the issuance of a regulation, including the issuance or revocation of product licenses.

A "meeting" is defined to include any oral discussion, whether by telephone or in person.

"Administrative action" includes every form and kind of act, including the refusal or failure to act, involved in the implementation of the laws administered by the Commissioner. The referral of apparent violations to United States attorneys for the institution of criminal and civil proceedings, including any enforcement activity in preparation for or incidental to such referral, is specifically excluded from this definition, however, since such enforcement action is solely within the discretion of the Commissioner and is not subject to petitions or other action by interested persons outside the agency. Thus, such compliance activity as factory inspection, requests for samples, section 305 citations, and similar matters related to the agency's law enforcement role are not included in this definition.

### SUMMARY OF PROCEDURES (§ 2.4)

Many interested persons have complained that it is difficult to know and understand all of the administrative procedures utilized by the Food and Drug Administration. The Commissioner recognizes that public understanding of agency procedures is essential to encourage and facilitate public participation in all agency activities. Accordingly, § 2.4 of the regulations would require preparation and broad dissemination of summaries of agency procedures, perhaps in pamphlet form, in terms that will be readily understood and usable by the lay public.

SUBMISSION OF DOCUMENTS TO HEARING CLERK; COMPUTATION OF TIME; AVAILABILITY FOR PUBLIC DISCLOSURE (§ 2.54)

Proposed § 2.5 contains new uniform requirements for submission of all documents to the Hearing Clerk, except where

## PROPOSED RULES

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ingful way. Accordingly, the Commissioner that all data and information be made available for

public display in the office of the Hearing Clerk but would not be available for

part of the administrative record. Accordingly, it is highly probable that, in



other provisions in agency regulations specify different requirements.

Under proposed § 2.5, submissions would have to be filed in quintuplicate, except for comments filed by individuals, and would have to include all data and information referred to or in any way relied upon unless the material has been previously submitted as part of the administrative file in the same proceeding, e.g., a petition for reconsideration may refer to the previously established administrative record without reproducing any portion of it. All such documents would be considered as submitted on the date on which they are postmarked or delivered in person during regular business hours, unless an applicable regulation or FEDERAL REGISTER notice specifies otherwise. Actual copies of all documents to which reference is made are needed because of the Commissioner's experience that they are frequently hard to locate. Documents in a foreign language would have to be translated to avoid substantial agency resources being devoted to such translation and delay necessitated by obtaining translation.

Submission would have to be signed by the person making the submission or by an attorney or other authorized representative. An attorney or other authorized representative could, of course, submit comments on other documents in his own name, without revealing that he is acting on behalf of a client. If a submission revealed that an attorney or representative were not acting on his own behalf, there would have to be documentation verifying his authority to act in a representative capacity.

The Commissioner advises that the Food and Drug Administration will require rigid adherence to these proposed requirements. Failure to comply with the requirements of § 2.5, or any other applicable requirements for format and content in these proposed regulations, e.g., § 2.112 relating to objections and requests for hearing, would result in rejection of the submission for filing or, if it has been filed, in exclusion from consideration of any portion of the submission which fails to comply. The courts have held that administrative agencies may properly reject a filing when it is deficient in form. See, e.g., *Municipal Light Boards v. Federal Power Comm'n.*, 450 F.2d 1341, 1345-1346 (D.C. Cir. 1971), cert. denied, 405 U.S. 989 (1972).

The Commissioner recognizes that it will be difficult for the Hearing Clerk to determine compliance by the hundreds of thousands of submissions made yearly to the Food and Drug Administration with all of the technical requirements of these proposed regulations. The appropriate bureau, the Chief Counsel, and the Associate Commissioner for Compliance could be called upon by the Hearing Clerk to advise as to whether a particular submission should be filed. It is anticipated that some submissions which did not comply might erroneously be filed. Accordingly, the proposed regulations provide that acceptance for filing does not mean or imply that a document in fact meets all applicable requirements of the regulations.

Under some Food and Drug Administration regulations, acceptance for filing means that the agency has determined that a petition contains reasonable grounds for the action requested and that the action requested is in accordance with the law. In view of the fact that the Hearing Clerk is not in a position to make these determinations, the proposed regulations would explicitly provide that acceptance for filing of any document by the Hearing Clerk does not mean or imply anything with respect to the merits of the request.

Because the office of the Hearing Clerk is located in Rockville, MD, it is sometimes inconvenient to deliver a submission which is required to be received by the Hearing Clerk on a specific date. Accordingly, any document delivered to Rm. 6819 of the Food and Drug Administration downtown headquarters building at 200 C Street, SW., Washington, DC, would be considered as having been received by the Hearing Clerk on the date on which it is logged in at that office. The Commissioner emphasizes that this provision would apply only to documents that are required to be received by the Hearing Clerk by a specific date, and not to documents that are required to be mailed to the Hearing Clerk by a specific date.

All submissions to the Hearing Clerk constitute a representation that, to the knowledge and belief of the person making the submission, the statements made are true and accurate. The False Reports to the Government Act, 18 U.S.C. 1001, provides that a willfully false statement in any submission of this type is a felony. All submissions would be required to be signed by the person making the submission, and that individual would therefore be subject to this provision of the law.

Proposed § 2.5(j) governs the availability for public examination and copying of all submissions to the Hearing Clerk. Thus, it would apply to such matters as petitions and comments on petitions, and also to all evidence and pleadings submitted to the Hearing Clerk in the course of a formal evidentiary public hearing pursuant to Subpart B of Part 2, a public hearing before a Public Board of Inquiry pursuant to Subpart C, a public hearing before the Commissioner pursuant to Subpart E, or any alternative form of public hearing used pursuant to § 2.117 in lieu of a formal evidentiary public hearing. It would not apply to a public hearing before a public advisory committee pursuant to Subpart D except when it is being used pursuant to § 2.117 or to a regulatory hearing before the Food and Drug Administration pursuant to Subpart F, however, because those two subparts would not provide for submission of material to the Hearing Clerk. Accordingly, separate provisions in §§ 2.316 and 2.514 would govern examination of the administrative record of a public hearing before a public advisory committee and a regulatory hearing before the Food and Drug Administration.

Proposed § 2.5(j) would divide submissions to the Hearing Clerk into three categories: those that may be seen and

copied by the public, those that may be seen but not copied by the public, and those that may be neither seen nor copied by the public.

The Commissioner concludes that all petitions and comments thereon submitted to the Hearing Clerk should be available for public review and copying. These involve public procedures, and any action to be taken must be justified by the Commissioner to the public. For example, the Commissioner must publicly explain his action in accepting or rejecting any comment on a proposed regulation. Accordingly, under the proposed regulations, material which any person did not wish to become available to the public should not be submitted to the Hearing Clerk with a petition or comment. Of course, since NDA's, NADA's, and applications for biologics licenses are submitted directly to the bureaus and not to the Hearing Clerk, their availability for public disclosure would be governed by the provisions on public information in Part 4 and the regulations referenced therein, and not by the provisions of § 2.5(j).

The Commissioner is of the opinion that the type of issue which is likely to be considered at a public hearing before the Commissioner pursuant to Subpart E of Part 2 would be very similar to the type of issue likely to be considered in petitions and comments. Such a hearing would involve policy issues, not technical issues of the kind that will require submission and detailed consideration of trade secret material. For example, any valuable safety and effectiveness data relevant to such a hearing could be discussed in summary form without submitting the full reports in a way that would destroy their commercial value. Accordingly, all material submitted by any person at a public hearing before the Commissioner pursuant to Subpart E would also be fully available to the public.

The only exception to this would be when a public hearing before the Commissioner were being used pursuant to § 2.117 in lieu of a formal evidentiary public hearing. In that situation the same rules on examination and copying of the administrative record would apply as would apply if it were held pursuant to Subpart B, i.e., § 2.5(j) (2) and (3) would be applicable. The Commissioner concludes that the same disclosure rules should apply to all alternative forms of public hearing used under § 2.117.

Objections and requests for hearing filed pursuant to Subpart E, and material submitted at either a formal evidentiary public hearing or a public hearing before a Public Board of Inquiry, would also be fully available to the public except to the extent prohibited by the provisions in § 2.5(j) (2) and (3), discussed below, which limit public access to particular types of material. The Commissioner is of the opinion that public proceedings of any type should be held on the basis of publicly available data and information wherever possible. Unless this is true, participants in the proceeding may not be in a position to review and evaluate all relevant information, and thus to participate in such proceedings in a meaningful way.

Accordingly, the Commissioner proposes that all data and information submitted to the Hearing Clerk relating to such proceedings should be available for examination and copying by the public, with only very limited exceptions.

The exceptions to the general rule for public disclosure of material submitted to the Hearing Clerk are proposed in § 2.5(j) (2) and (3), and relate solely to data and information which constitute trade secrets or which represent a clearly unwarranted invasion of personal privacy.

With respect to data and information involving personal privacy, the Commissioner has previously stated in paragraph 127 of the preamble to the public information regulations promulgated in the FEDERAL REGISTER of December 24, 1974 (39 FR 44602) that the right to privacy is a fundamental principle of law and ethics. Accordingly, §§ 4.63 and 4.82 would prohibit discretionary release of any information that falls within the personal privacy exemption to the Freedom of Information Act. That policy is fully reflected in § 2.5(j) (3), which would similarly prohibit public disclosure of material submitted to the Hearing Clerk which contains data and information of a privacy nature, e.g., names of medical patients. The Commissioner anticipates that the prohibition against submission of such material to the Hearing Clerk in § 2.5(c) (4) would prevent its submission. If it is submitted and filed, however, it would not be available for public disclosure.

With respect to data and information which constitute trade secrets and confidential commercial or financial information, the agency's public information regulations published on December 24, 1974 reflect detailed consideration of the application of the provisions of 21 U.S.C. 331(j) and 18 U.S.C. 1905, which need not be repeated here. Those regulations clearly distinguish between material which provides a competitive advantage because it is needed for submission to the Food and Drug Administration by each person who wishes to obtain approval for marketing of a particular product (safety and effectiveness data) and material which, if known to any competitor, could be put to use directly by that competitor in his business activity (manufacturing and quality control procedures, production and sales data, quantitative and semi-quantitative formulas, and design and construction information). The former have an indirect competitive effect, and the latter have a direct competitive effect. Accordingly, slightly different rules were adopted in the provisions of Part 4 and the regulations referenced therein with respect to these two different categories of material.

The Commissioner is of the opinion that the same distinction should be reflected in the provisions of proposed § 2.5(j) (2) and (3) with respect to public disclosure of material filed with the Hearing Clerk. Data and information relating to safety and effectiveness, which of course necessarily reveal the protocols involved, would be placed on

public display in the office of the Hearing Clerk but would not be available for copying. In contrast, data and information relating to such trade secrets as manufacturing processes and quantitative formulas would not be available either for examination or for copying by the public. Of course, any data and information which are available for public disclosure pursuant to Part 4 and the regulations referenced therein would be available for public examination and copying pursuant to proposed § 2.5(j) (1) and would not be subject to the limitations set out in proposed § 2.5(j) (2) or (3).

Thus, the provisions in proposed § 2.5(j) (2) relating to limited availability of safety and effectiveness information would apply only to new drugs and new animal drugs. Safety and effectiveness data relating to food additives, antibiotics, and biologics would be available for public disclosure pursuant to the public information regulations promulgated on December 24, 1974.

In accordance with the provisions of Part 4 and the regulations referenced therein, a summary of secret safety and effectiveness data is itself not secret, because no NDA or NADA can properly be approved on the basis of such a summary. Moreover, the public information regulations promulgated on December 24, 1974, provide that the Food and Drug Administration will release, for every NDA or NADA, a summary of the safety and effectiveness data on the basis of which the approval was made. Accordingly, any hearing which concerns the safety or effectiveness of a new drug or new animal drug would permit full public participation, since any participant would be able to obtain a copy of the summary of all of the relevant data and information and would then be able to check that summary against the full reports of the data and information contained in the office of the Hearing Clerk.

At the same time, providing the full reports only in the office of the Hearing Clerk, and prohibiting their copying or, if they should be copied, subsequent submission to the Food and Drug Administration in support of any petition or application, would protect their commercial value to the maximum extent that is consistent with a public hearing. The Commissioner notes that the trade secret status of this type of data and information consists not in actual knowledge of the content of the reports, but in their availability for submission to the agency to support an NDA or NADA. By precluding such submission, the commercial value of this material would be preserved.

The Commissioner is unaware of any formal evidentiary public hearing on an NDA or NADA conducted by the Food and Drug Administration since 1938 in which manufacturing processes and similar information were relevant. All such hearings have related to issues of safety and effectiveness. Under the provisions of proposed Subpart B, only the relevant portions of the NDA or NADA would be submitted to the Hearing Clerk, and the irrelevant portions would not become a

part of the administrative record. Accordingly, it is highly probable that, in practice, all participants in virtually all future hearings would have access to all of the data and information needed for meaningful participation. It would only be the rare instance where, in order to protect valid trade secrets, relevant information could not be made available to all participants.

In order to reduce the possibility of damage to commercial interests, proposed § 2.5(j) (2) provides that safety and effectiveness data and information which constitute trade secrets would be available for public examination only as long as is necessary for participation in a hearing and any subsequent judicial review.

The Commissioner notes that the provisions of proposed § 2.5(j) (2) represent a compromise between the need for public availability of information relevant to a public hearing, and the need for protection of trade secrets. Greater access to the data and information involved would be provided than is the situation where no public hearing is held, but less access would be provided than for data and information which do not constitute trade secrets. The Commissioner concludes that this resolution of the matter is consistent with applicable statutes and is in the public interest.

The Commissioner realizes that, in some instances, it would be a hardship to require that a participant in a proceeding, who is located elsewhere in the country, come to the Hearing Clerk's office in Rockville, MD, to review data and information that are available for examination in the Hearing Clerk's office but not for copying. Where this would occur, the Commissioner would entertain a petition requesting that the data and information involved be sent to the nearest Food and Drug Administration District Office, where they might be examined by the participant.

The Commissioner emphasizes that the provisions in proposed § 2.5(j) will be strictly followed. If a person submitted comments on a regulation and marked some of the attachments as "confidential," those attachments would be placed on public display in accordance with the provisions of proposed §§ 2.5(j) (1) and 4.27 without consultation with the person who submitted the information.

In some proceedings, the proposed regulations would require the Food and Drug Administration to file the prior administrative record, which would include the relevant portions of an NDA or NADA. In performing this function, the Food and Drug Administration could either request that the holder of the NDA or NADA review and make an initial designation of those portions for which full public access is not warranted, pursuant to proposed § 2.5(j) (2) or (3), after which the agency could make its final determination on the matter; or the agency could itself make a determination and then consult with the holder of the NDA or NADA on any close questions pursuant to the provisions of § 4.45.



# INITIATION OF ADMINISTRATIVE PROCEEDINGS (§ 2.6)

Proposed § 2.6 would recognize that an administrative proceeding may be initiated in any of three ways: On the initiative of an interested person outside the agency, on the agency's initiative, or at the request of a court.

The Supreme Court has held, in the four decisions it handed down on June 18, 1973, relating to the agency's regulation of new drugs, that the Food and Drug Administration has primary jurisdiction to make the initial administrative determination on issues within its statutory mandate: "A decision that FDA lacks authority to determine in its own proceedings the coverage of the Act it administers, subject of course to judicial review, would seriously impair FDA's ability to discharge the responsibility placed on it by Congress." *Ciba Corp. v. Weinberger*, 412 U.S. 640, 643 (1973). Accordingly, proposed § 2.6(b) would provide that the agency will request a court to dismiss, or to hold in abeyance its determination of, or to refer to the agency for administrative determination, any issue within the agency's jurisdiction which has not previously been determined by the agency or which, if it has previously been so determined, the agency concludes should be reconsidered and subject to a new administrative determination.

## CITIZEN PETITION (§ 2.7)

The Administrative Procedure Act, 5 U.S.C. 553(d), provides that every agency shall accord any interested person the right to petition for the issuance, amendment, or repeal of a rule. Even more fundamental, the First Amendment to the Constitution explicitly recognizes the right of the people to petition the government for a redress of grievances. Accordingly, proposed § 2.7 provides that any person may submit to the agency a citizen petition requesting the Commissioner to issue, amend, or revoke a regulation or order to take or refrain from taking any other form of administrative action.

Under proposed § 2.7 the citizen petition is intended to cover every form of agency administrative activity, including a refusal to act. It may relate to factual, policy, or legal issues. The proposed regulation does not set out all of the possible activities involved because it is intended to be all-inclusive and any such list would necessarily be incomplete. It would not cover, however, referral of matters to United States attorneys for enforcement action in the courts and related regulatory activity.

In the past, there has been no form or other procedural requirements relating to a citizen petition. This has resulted in confusion and uncertainty on the part of those who wish to petition the agency on a particular matter, as well as on the part of those in the agency who have received various forms of requests and have been unable to determine how they should be handled.

The provisions of proposed § 2.7 would not apply to routine correspondence.

Where members of the public address letters to the Food and Drug Administration making informal requests or suggestions, they would be handled in the same way as other correspondence rather than as petitions under proposed § 2.7. For example, anyone could send a letter to the agency suggesting particular action which, if the agency then pursued the matter on its own initiative, would obviate filing a petition pursuant to proposed § 2.7. Denial of an informal request or suggestion encompassed in routine correspondence would not be sufficient, however, to constitute final agency action and to invoke the right to judicial review of administrative action as set out in proposed § 2.11. Only those matters specifically raised in a formal petition submitted pursuant to proposed § 2.7 would require a formal response by the Commissioner which constituted final agency action subject to such court review.

Proposed § 2.7 would therefore in no way impede the normal flow of informal and routine correspondence by the agency, on the basis of which most of its daily work is accomplished. Rather, § 2.7 would be reserved for those specific matters where, perhaps after informal discussion and correspondence, a member of the public concludes that a formal proceeding should be initiated to resolve a particular matter. Thus, the agency would easily be able to distinguish between informal discussion and formal petitions in a way that has not previously been possible.

The petition would have to include the action requested, a statement of grounds, and the environmental impact, if any, of the action requested. In addition to including all data, information, and views on which the petition relies, it would also have to include representative data and information known to the petitioner that are unfavorable to the petition. The Commissioner has found, in reviewing petitions submitted in the past, that adverse or unfavorable information is omitted and ignored, thus resulting in a very unbalanced and misleading presentation. It is for this reason that, in recent regulations, the Commissioner has required submission of representative unfavorable information in order to provide a more balanced and reasonable presentation, e.g., § 328.30(c) 18 relating to submission of data and information on in vitro diagnostic products in connection with the development of a standard. Without such a requirement, a person submitting a petition could present only one side of the story and thus mislead both the Food and Drug Administration and the public as to the true situation. This provision would prevent, for example, a manufacturer from submitting only data showing the safety and utility of an ingredient or product, or a consumer advocate from submitting data showing only the hazards from an ingredient or product. In both instances, a balanced presentation, showing representative data on both sides of an issue, would be required. The failure to include such data and information would constitute a violation of the False Reports to the Government Act, 18 U.S.C. 1001.

Any petition which appears to meet the requirements set out in this proposed regulation would be filed by the Hearing Clerk and handled in accordance with the provisions of this regulation. A docket number would be assigned to each petition (or to related petitions) which would be used to identify the administrative file established by the Hearing Clerk for all submissions relating to that petition.

The Commissioner on occasion receives petitions on which others wish to comment before the Commissioner takes action. The proposed regulation would provide that such comments may be submitted to the Hearing Clerk and would be included as part of the administrative file.

The Commissioner would review and rule upon every petition as soon as possible, taking into consideration the agency resources, the priority assigned to the matter, and time requirements established by statute. Perhaps the greatest problem facing the Food and Drug Administration today is the scarcity of resources to deal with petitions and other similar requests. Quite frequently, a lack of resources, and the high priority necessarily given to health-related matters, requires that important but lower priority matters be deferred for a substantial period of time. It is evident that not all petitions can be handled in a short period of time, simply because of the lack of resources available. Thus the Commissioner anticipates that, in a significant number of instances, petitions with a relatively low priority would not be acted upon promptly.

An apparent delay in responding to a petition might also result from the fact that the agency is in the process of taking action of the type sought in the petition, but has not reached the point of implementation. To grant the relief sought in the petition in such instances would be premature: to deny the petition would constitute final administrative action possibly triggering the unnecessary initiation of judicial review by the petitioner. A delay in ruling on the petition would be prudent in such instances.

A determination with respect to the priority to be assigned to any particular petition or other matter must of necessity be within the discretion of the Commissioner, who is charged with the responsibility for implementing all provisions of the laws subject to his jurisdiction.

A petitioner could supplement or amend his petition at any time, and could withdraw it without agency approval at any time before the Commissioner rules on it.

The decision of the Commissioner on a petition would have to be in writing and would have to be sent to the petitioner as well as placed in the public administrative file in the office of the Hearing Clerk. The Commissioner has inherent discretionary power to set any reasonable effective date relating to any decision resulting from a citizen petition.

In reviewing the matter and making his decision, the Commissioner could, in his discretion, utilize any of a wide variety of optional procedures specified in the proposed regulation.

The record of the administrative proceeding would be specified in proposed § 2.7(i). Under proposed § 2.7(j), that administrative record would constitute the exclusive basis for the Commissioner's decision. Accordingly, any subsequent judicial review would be based solely upon that administrative record and the Commissioner's decision. If the Commissioner or any interested person wished to rely upon other data or information not included in the administrative record, the new information would have to be submitted with a new petition seeking to modify the decision.

The Hearing Clerk would be required to maintain a chronological list of all petitions filed pursuant to this section, including all requests for advisory opinions pursuant to proposed § 2.19, showing the docket number, the date of filing, the name of the petitioner, and the subject matter involved. This list would exclude petitions submitted elsewhere in the agency pursuant to proposed § 2.6(a) (1). Those other petitions would be listed in the list of regulations prepared pursuant to proposed § 2.10(i) or in other lists, e.g., the list of approved NDA's available pursuant to § 4.117(a)(1) of the newly promulgated public information regulations published in the *FEDERAL REGISTER* of December 24, 1974 (39 FR 44602).

## ADMINISTRATIVE RECONSIDERATION OF ACTION (§ 2.8)

Proposed § 2.8(a) would recognize the inherent right of any administrative official to reopen and reconsider any matter, at any time, on his own initiative or on the petition of any interested person, for any reason whatever. This principle has long been recognized by the courts. See, e.g., *United States v. Pierce Auto Freight Lines, Inc.*, 327 U.S. 515, 534-535 (1946); *Interstate Commerce Comm'n. v. Jersey City*, 322 U.S. 503, 517-518 (1944); *American Chain & Cable Co. v. F.T.C.*, 142 F.2d 909, 911 (4th Cir. 1944); and *Cla Mexicana De Gas v. Federal Power Comm'n.*, 167 F.2d 804, 806-807 (5th Cir. 1948).

Proposed § 2.8(b) contains a specific form for use by any interested person who wishes to request reconsideration by the Commissioner of any part or all of a decision rendered on the basis of a petition submitted pursuant to proposed § 2.6(a), i.e., either in the form specified in proposed § 2.7(b) or in a form specified in any other applicable section in Food and Drug Administration regulations. A petition for reconsideration would be limited to the administrative record on which the Commissioner made his decision, and would have to be filed within 30 days after the date of the decision involved and before legal action is brought in the courts to review such action. A petition for reconsideration submitted later than 30 days after the date of decision would

have to be denied as untimely. The Commissioner proposes that a strict time limit of 30 days should be established for such a petition, as well as for a petition for an administrative stay of action pursuant to proposed § 2.9, in order to make certain that such matters are settled promptly. Although filing such petitions would not operate to delay any administrative action, the uncertainty that would be generated by permitting such petitions at any point in time would undermine effective implementation of the act.

A petition for reconsideration would be limited to those situations involving reconsideration of a matter arising out of a petition submitted pursuant to proposed § 2.6(a). The Commissioner is of the opinion that, although he could, and in many instances would, reconsider other matters on his own initiative or at the request of an interested person, a formal petition for reconsideration should be limited to those situations in which a well-defined administrative record delineates the data and information on which a decision is reached, and where the decision is in writing. In the future, this would cover all matters where interested persons have formally requested action of the Commissioner, since all such formal requests would have to be the subject of a petition filed pursuant to § 2.6(a). Formal reconsideration of any other action would have to be initiated in the form of a petition pursuant to § 2.7, so that an appropriate administrative record could be delineated and considered. This procedure would be utilized, for example, where the Commissioner took action on his own initiative rather than pursuant to a petition, and thus the formal administrative record of the type specified in proposed § 2.7 could not yet be designated and ready for reconsideration.

The Commissioner has broad discretion in determining whether he should reconsider a matter as a result of a petition for reconsideration. If he concluded that a matter should be reconsidered, he would be required promptly to review the merits of the matter and reaffirm, modify, or overrule his prior decision. His decision on reconsideration, like his initial decision, would be made in writing, sent to the petitioner, and filed with the Hearing Clerk. In the event that reconsideration is undertaken, all pertinent records would become part of the administrative record of the proceeding.

## ADMINISTRATIVE STAY OF ACTION (§ 2.9)

As proposed, § 2.9(a) would recognize the inherent authority of an administrative official to set and to stay or postpone the effective date of any administrative action on his own initiative, or on the petition of any interested person, for good cause. See, e.g., 5 U.S.C. 705 and *N.L.R.B. v. Pool Mfg. Co.*, 339 U.S. 557, 580-582 (1950); *Moog Industries, Inc. v. Federal Trade Comm'n.*, 355 U.S. 411 (1948); *Niagara Mohawk Power Corp. v. Federal Power Comm'n.*, 379 F.2d 153, 158-159 (D.C. Cir. 1967); 1 Davis, *Administrative Law Treatise* § 6.07 (1958 ed.).

In contrast to the provisions governing reconsideration of action, which would be limited to matters arising from petitions submitted pursuant to § 2.6(a), proposed § 2.9(b) would provide that an administrative stay of action may be requested with respect to any decision of the Commissioner. Such request for stay would have to be in the form specified in the regulations, and be submitted within 30 days after the date of the decision involved. For any decision published in the *FEDERAL REGISTER*, the date of decision would be the date of such publication. A request for postponement or extension of the effective date of any regulation would have to be made by submitting a petition for a stay pursuant to this regulation. The record of the administrative proceeding with respect to any requested stay would become part of the total administrative proceeding relating to that matter.

For the same reasons that court enforcement action would be excluded from the definition of administrative action and thus could not be the proper subject of a petition for an administrative stay of action.

The proposed regulations would point out that the mere filing of a petition for a stay of action pursuant to this section would not, in itself, operate to stay or otherwise delay any administrative action by the Commissioner, including enforcement action of any kind, unless the Commissioner, in his discretion, determined that a stay or delay is in the public interest, or a statutory provision required a stay, or a court ordered a stay. Similarly, other procedural actions taken by an interested person in accordance with the proposed regulations, e.g., the filing of a petition or a request for advisory opinion or any other related action, would not stay or delay any administrative action to which it may relate. The Commissioner is charged with enforcement of important regulatory statutes vitally affecting the public health, and a determination as to when enforcement or other administrative action is appropriate must be subject to his discretionary determination, subject of course to judicial review.

The Commissioner could grant a stay or an extension of time for as short or as long a period of time as is justified under the circumstances. Such a stay could be for a specific time period, which can later be extended, or for an indefinite time period.

The Commissioner advises that adoption of a regulation itself would constitute a finding by the Commissioner that the regulation is in the public interest, and requires a substantial showing to justify a stay.

## PROMULGATION OF REGULATIONS FOR THE EFFICIENT ENFORCEMENT OF THE LAW (§ 2.10)

The Commissioner's general authority under section 701(a) of the Federal Food, Drug, and Cosmetic Act to promulgate regulations for the efficient enforcement of the act permits the establishment of



any regulations which are "reasonably related to the purposes of the enabling legislation." See *Mourning v. Family Publications Services, Inc.*, 411 U.S. 356, 369 (1973), and *Thorpe v. Housing Authority of the City of Durham*, 393 U.S. 268, 280-281 (1969). All such regulations are subject to the procedural requirements and exemptions for informal rule making set out in the Administrative Procedure Act, 5 U.S.C. 553.

In addition to the general rule making authority under section 701(a) of the act, section 701(e) and certain other sections of the act specify particular provisions of the law with respect to which Congress concluded that more detailed and formal procedural requirements should be established. Those particular provisions, which are specified in proposed § 2.12(c) (1) through (15), require rule making "on a record" and thus are subject to a formal evidentiary public hearing pursuant to the requirements of 5 U.S.C. 556 and 557, as spelled out in the provisions contained in Subpart B of Part 2 of the proposed regulations. As proposed, the provisions of § 2.10 would therefore apply only to regulations not subject to the provisions of § 2.12 except insofar as § 2.12 and Subpart B incorporate by reference some of the general requirements of § 2.10.

Proposed § 2.10(b) spells out the procedure for the promulgation of regulations to implement the laws administered by the Commissioner.

Each notice of proposed rule making would have to contain in the first or second paragraph a general statement describing the substance of the document in broad and simple terms, similar to the first paragraph of this notice proposing these new regulations. The Commissioner has received numerous requests that the agency include such a paragraph in all notices so that it can be reproduced and used by interested publications to describe, in terms readily understood by the public, the scope and intended impact of the proposal.

Each proposed regulation would also contain a proposed effective date. Most proposals published in the past have not specified the proposed effective date, and thus interested persons who have submitted comments have not had an opportunity to express their views on this aspect of the matter.

Ordinarily, 60 days would be provided for comment on a proposal, although the Commissioner could reduce or extend this time period for good cause. Approximately 3 years ago, the normal period for comment was extended from 30 days to 60 days in order to provide sufficient time for comment on most proposals, and to avoid the constant requests for additional time for comment that were then prevalent. Unfortunately, the Commissioner has found that many people do not take the stated time for comment seriously, and instead wait until the last minute before beginning work on their submission, with the belief that any request for extension will usually be granted. In the future, therefore, the Commissioner would deny requests for time extension

without an extremely persuasive showing of good cause. Extensions of time to comment would not routinely or ordinarily be granted.

Two types of time extension could be utilized, where justified. First, a short period of time, of less than 30 days, could be granted to one or more persons by letter or memorandum filed with the Hearing Clerk without the necessity of a published notice in the *FEDERAL REGISTER*. Second, any extension of time for comment of 30 days or longer would have to be the subject of a notice published in the *FEDERAL REGISTER* and would be applicable to all interested persons.

Ordinarily, in accordance with proposed § 2.5, all comments would have to be submitted to the Hearing Clerk in quintuplicate. The Commissioner recognizes, however, that this would be a burden upon individual members of the public who usually submit comments by letter, without enclosing any copies. Accordingly, individuals would have to submit only one copy of their comments.

Any interested person could of course petition for the establishment of a regulation in accordance with proposed § 2.6(a). In the past, there have been no explicit criteria for determining when the Commissioner will issue a proposal to be published in the *FEDERAL REGISTER* on the petition of an interested person. The proposed regulation spells out the criteria for making this discretionary determination.

The Commissioner could, in his discretion, issue for publication two or more alternative proposals on the same subject to obtain comment on the different alternatives. Where the Commissioner did not have sufficient information to make a determination whether a proposal should be published, he could instead issue a notice stating that the petition has been filed and requesting additional comment and information to determine whether a proposal is justified.

After the time for comment on a proposed regulation had expired, the Commissioner would review the comments and terminate the proceeding, issue a new proposal, or promulgate a final regulation. Once again, the time within which this can be accomplished would be determined according to the priority of the matter in relation to other matters pending before the agency and the resources available to the agency for this type of work at that moment. No specific time period could be established with respect to this process because of the uncertainties involved.

The proposed regulations point out that the Commissioner's decision must be based on the entire administrative record, and that the quality and persuasiveness of the comments, rather than the number or length of comments, will determine the Commissioner's conclusions on them. In the past, many persons have erroneously believed that the number of comments is in some way relevant to the Commissioner's decision. As a result, on several occasions the Commissioner has been flooded with thousands of form letters, each making the identical point, and

often in identical words. The Commissioner advises that such repetitive comments would be given no more weight than a single comment, and indeed that a single well-reasoned comment, relying upon sound data and information, would be given far greater weight than a large number of form letters which simply support or oppose a proposal in conclusory terms.

The Commissioner notes that agency experience shows that most comments filed in response to a proposal oppose the proposal in whole or in part. Indeed, in many instances all comments will oppose the proposal. This is true because persons opposing a proposal are far more likely to respond to the invitation for comment than are persons who support it. It is therefore apparent that the number of comments supporting or opposing a proposal must be regarded as immaterial to the Commissioner's ultimate decision.

Under the Administrative Procedure Act, 5 U.S.C. 706, a final regulation will be upheld by a court unless it is found, in light of the administrative record before the Commissioner at the time he made his decision, to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Accordingly, the Commissioner's determination with respect to the final regulation would have to rest upon all of the information in the administrative record, including both the data and information submitted with the comments and the data and information identified by the Commissioner as relevant to the matter. It is this administrative record, and only this record, on which the Commissioner would make his decision.

The Administrative Procedure Act, 5 U.S.C. 553(c), requires that the agency incorporate in each regulation it promulgates "a concise general statement" of the basis and purpose of the regulation. The courts have held that, although the agency is not required to develop specific and detailed findings and conclusions of the kind customarily associated with formal proceedings, it does require a sufficiently reasoned articulation of the administrative decision to permit meaningful judicial review. See, e.g., *Federal Trade Comm'n. v. Sperry & Hutchinson Co.*, 405 U.S. 233, 245-250 (1972); *Securities & Exchange Comm'n. v. Chenery Corp.*, 318 U.S. 80, 87-95 (1943); *National Nutritional Foods Ass'n. v. Weinberger*, F.2d (2d Cir. 1975); *Consumers Union v. Consumer Product Safety Comm'n.*, 491 F.2d 810, 812 (2d Cir. 1974); *Kennecott Copper Corp. v. Environmental Protection Agency*, 462 F.2d 846, 850 (D.C. Cir. 1972); *Environmental Defense Fund v. Ruckelshaus*, 439 F.2d 584, 597-598 (D.C. Cir. 1971); and *Automotive Parts & Accessories Ass'n. v. Boyd*, 407 F.2d 330, 338 (D.C. Cir. 1968). The proposed regulations therefore would require that the preamble to the final regulation summarize each type of comment received, state the Commissioner's conclusions with respect to it, and contain a thorough and comprehensible articulation

for the Commissioner's decision on each issue so raised.

The Administrative Procedure Act, 5 U.S.C. 553(b), provides that regulations that are interpretive, or that relate to agency practices and procedures, may be published as final regulations without time for comment. Nevertheless, as a matter of policy, the Commissioner has concluded that ordinarily such regulations should be published with time for comment before they are adopted, with the exceptions discussed below. Thus, they would be handled in the same way as any other regulations. This is in accordance with recent recommendations of the Administrative Conference of the United States, and codifies the practice of the Commissioner for the past 3 years.

On occasion, the Commissioner issues for publication in the *FEDERAL REGISTER* informational notices of interest to the regulated industry or the public, statements of legal interpretation, and matters involving agency organization and delegations of authority. In accordance with the Administrative Procedure Act, these would be published without time for comment, since they are intended solely for informational purposes and are not the type of material on which public comment is relevant.

In accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. 553(b), the Commissioner could dispense with the requirements of notice and public procedure when he determines for good cause that they are impracticable, unnecessary, or contrary to the public interest. However, the proposed regulations provide that, whenever this procedure is used, the notice promulgating the regulation would have to provide an opportunity for submission of comments to determine whether the regulation should subsequently be modified or repealed.

This procedure would assure both that regulations could be promulgated in final form where that is essential, and that even under those circumstances the policy of the Administrative Procedure Act and these proposed regulations of providing time for public comment would nonetheless be implemented. Moreover, in the event that a court should determine that the regulation must first be published for comment, this defect would already have been cured by explicitly inviting comments and, by expediting consideration of those comments, the agency would be in a position to assure prompt promulgation of a final regulation.

The requirement that a regulation first be published as a proposal for comment would also be inapplicable to food additive and color additive petitions and to new animal drug regulations. Food additive and color additive petitions are subject to a notice of filing rather than to a proposal, as provided in sections 409(b) (5) and 706(d) (1) of the act, and new animal drug regulations are promulgated by notice pursuant to section 512(d) of the act.

The proposed regulations would provide for a number of alternative optional

procedures that the Commissioner could, in his discretion, use in reviewing any proposed or final regulations. All of these procedures have been used by the agency on occasion in the past, and this provision simply recognizes current practice.

The proposed regulations would specify the data and information which are included in the record of the administrative proceeding, and on which the Commissioner must base his decision and any reviewing court must base its review. Any interested person who subsequently requested that new information be considered by the Commissioner would have to submit it with a new petition to modify the final regulation.

The Hearing Clerk would be required to maintain a chronological list of all regulations proposed and promulgated pursuant to the provisions of this section and proposed § 2.12, which deals with regulations promulgated after an opportunity for a formal evidentiary hearing. The list would have to show the docket number, the name of the petitioner, if any, and the subject matter involved. This list would exclude those regulations resulting from petitions filed and assigned a docket number pursuant to proposed § 2.7, which would appear separately on the list of petitions required to be maintained pursuant to proposed § 2.7(1).

Thus, proposed § 2.10 sets out a comprehensive procedure for issuance of the vast majority of the regulations promulgated by the Food and Drug Administration. For the most part, it would simply codify and unify current practice. In the future, all employees of the agency and all interested persons outside the agency would have available a consistent and fair procedure, in writing, for handling these matters.

#### COURT REVIEW OF FINAL ADMINISTRATIVE ACTION; EXHAUSTION OF ADMINISTRATIVE REMEDIES (§ 2.11)

Once the Commissioner had promulgated a final regulation pursuant to § 2.10, it would be subject to judicial review in accordance with the Administrative Procedure Act, 5 U.S.C. 701 et seq., and, in many instances, the Declaratory Judgment Act, 28 U.S.C. 2201. All other forms of final administrative action taken by the Commissioner would also be subject to court review in this way, except for those that are solely within the Commissioner's discretion. Proposed § 2.11 would establish the practices and procedures governing such judicial review of most actions. Actions subject to the provisions of proposed § 2.12 and Subpart B of Part 2 would, however, be governed by the provisions in Subpart B and not by § 2.11, since unique statutory requirements apply to them.

As already noted, § 2.7 would establish a procedure by which any interested person could formally request action from the Commissioner. Accordingly, § 2.11(b) would provide that this administrative procedure must be exhausted before any person may properly seek relief in court with respect to a particular matter. If any person filed suit in court before ex-

hausting his administrative remedies, the Commissioner would object to such court action and request its dismissal or referral to the agency on the grounds of a failure to exhaust administrative remedies, the lack of final agency action, and the lack of an actual controversy.

An existing Food and Drug Administration regulation is subject to judicial review under the Administrative Procedure Act, 5 U.S.C. 701 et seq., at any time by any interested person. If the regulation was promulgated some years ago, however, any person who concludes to challenge its legality might wish first to petition the Commissioner pursuant to proposed § 2.7 to amend or revoke the regulation. The Commissioner's decision on that petition, as well as the regulation itself, would then be subject to judicial review in accordance with proposed § 2.11.

A request that the Commissioner stay any form of administrative action would first have to be directed to the Commissioner in accordance with the provisions of proposed § 2.9 before any request were made that a court stay such action. Pursuant to § 2.9 (b) and (f), such administrative relief would have to be requested within 30 days after the action involved were taken. If no such request were made within 30 days, any right to request such relief would be deemed to have been waived, and the Commissioner would object to any subsequent request for a judicial stay on the ground of a failure to exhaust administrative remedies.

The Commissioner recognizes the right of any interested person to seek judicial review of any final agency administrative action, in accordance with *Abbott Laboratories v. Gardner*, 387 U.S. 136 (1967). Once a final agency decision has been made, it is the policy of the Food and Drug Administration not to interpose technical objections, such as a lack of standing, to the right of any interested person to seek court review. Of course a decision of the Commissioner to institute or not to institute civil or criminal enforcement action in the courts on a particular matter is not subject to judicial review because it is committed by the law solely to his discretion.

The matters handled by the Food and Drug Administration, governing the safety, effectiveness, functionality, and labeling of consumer products that represent over 25 percent of the consumer dollar spent daily in this country, vitally and directly affect the interests of every citizen. Accordingly, applying the standards established in *Sierra Club v. Morton*, 405 U.S. 727 (1972), it is the opinion of the Commissioner that every citizen has standing in the courts to contest any action of the agency, and that no objection relating to such standing will be interposed by the agency in such cases. The Commissioner has followed this policy for the past 3 years.

The Commissioner is also of the opinion that current judicial decisions require any court review of final administrative action taken by the Food and Drug Administration to be based solely on the administrative record of the pro-

ceeding identified in these regulations,

the matter be remanded to the agency for further administrative proceedings

rather than wait until the matter has proceeded to the courts. Second, it would

nated a limited number of provisions subject to this formal requirement. Proposed § 2.12(c) (1) through (18) speci-

FR 16679) that this exemption would be superseded and revoked as the results of the biologics review become available.

Administration rule making. The trade association also generally approved the thrust of the proposal, although it sug-



ceeding identified in these regulations, on the basis of which the Commissioner made his decision. No additional data, information, or views may properly be presented to a reviewing court without first presenting them to the Commissioner by a petition pursuant to proposed § 2.6(a), with a request that the action be modified or revoked on the basis of such new information. In short, both the Commissioner and any other person who is interested in any matter pending before the Food and Drug Administration are obligated to submit and identify all relevant data and information at the administrative stage of the proceeding. It is improper for either to wait until the matter is pending before the courts and then to identify new information, or to present new arguments, to support a position. See e.g., *Camp v. Pitts*, 411 U.S. 138 (1973), *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 419-420 (1971), and *Bradley v. Weinberger*, 483 F.2d 410, 414-415 (1st Cir. 1973).

Accordingly, all cases involving review of Food and Drug Administration action in the future should properly be decided solely on motions to dismiss or for summary judgment. A trial de novo or the submission of additional written or oral testimony or other evidence would not be proper. Pursuant to recent court decisions, it is apparent that judicial review of administrative action pursuant to the Administrative Procedure Act must proceed on the basis solely of the administrative record involved in the decision in the same way that administrative review of action taken after a formal evidentiary public hearing proceeds on the basis of the established administrative record. New information cannot be introduced at the judicial level, only at the administrative level.

The Commissioner recognizes that, on occasion, the administrative record relating to a particular matter may be found, upon judicial review, to be unclear or incomplete. Under these circumstances, the Commissioner would request that the court remand the matter for further administrative proceedings, prior to a final judicial ruling on the matter. See, e.g., *Securities & Exchange Comm'n. v. Chenery Corp.*, 318 U.S. 80, 93-94 (1943). The Commissioner views this procedure as preferable to a court decision based on an inadequate record, after which the Food and Drug Administration could in any event reopen the matter at the administrative level and correct the deficiencies in the administrative record, thereby requiring further judicial review on the basis of the new record.

Similarly, on occasion the administrative record relating to a particular matter might be found, upon judicial review, to be clear and complete, but the court could require further elucidation of the rationale for the administrative action. Under these circumstances, the Commissioner could either request that such further explanation be provided in writing directly to the court without further administrative proceedings, or that

the matter be remanded to the agency for further administrative proceedings in order to provide the requested explanation. This choice will depend upon the facts of the specific situation. In neither event, however, would it be necessary or proper for a court to conduct its own evidentiary hearing on the matter. "A failure of the agency adequately to explain its actions is not a warrant to the district court to conduct a *de novo* evidentiary hearing," but rather justifies a remand to the agency for a more complete articulation of its reasoning or a court hearing limited to that purpose. See, e.g., *National Nutritional Foods Ass'n. v. Weinberger*, 512 F.2d 688, 701 (2d Cir. 1975).

Depending upon the nature of the specific matter involved, it might well be appropriate for a regulation or other administrative action to remain in effect pending remand to the agency or further court proceedings under these circumstances. Where this is in the public interest, the Commissioner will request that the court not stay the matter pending such remand. See, e.g., *Twin City Milk Producers Ass'n. v. McNutt*, 122 F.2d 564, 568 (8th Cir. 1941).

The Commissioner is of the opinion that the requirement that his decision, and subsequent court review, be based solely on the administrative record will in no way diminish justifiable reliance upon the experience and expertise of the agency with respect to the matters involved. The Federal Trade Commission has for many years exercised its expertise in similar matters through written opinions, and reviewing courts have properly deferred to such expertise where it has been exercised in a reasonable manner and articulated through the written opinion. The requirement that a decision be based upon the record does not mean that such expertise and judgment must in some way be encapsulated in documentary evidence or "proved" as a "fact," but simply that it be referred to and explained in the comprehensive written statement of the basis for the Commissioner's decision on a particular matter, so that it is a matter of record. For example, the courts have uniformly deferred to the expertise of the Federal Trade Commission in determining that advertising is misleading to the public without the need for specific evidence that particular persons have been so misled, and the Commissioner anticipates that the expertise, experience, and judgment of the Food and Drug Administration in such matters would be similarly recognized. See, e.g., *United States v. An Article of Drug*, . . . *Bactoid-Undisk*, 394 U.S. 784, 791-792 (1969) and *Federal Trade Comm'n. v. Colgate-Palmolive Co.*, 380 U.S. 374, 384-392 (1965).

Thus, § 2.11 would establish a consistent administrative policy with respect to judicial review. First, it would strongly encourage any person who believes that the agency is acting improperly to participate in the proceeding at the administrative level, and to advance all information and arguments at that point

rather than wait until the matter has proceeded to the courts. Second, it would require the Food and Drug Administration to identify the data and information on which it bases a decision, and to articulate the reasons for that decision. Third, it would encourage any person who believes that the agency has acted improperly to seek judicial review, and guarantees that the Food and Drug Administration will not interpose technical procedural issues but rather will meet the substantive issue on its merits. Fourth, it would guarantee to the courts that there will be a specific and designated administrative record and a thorough explanation of the decision on the basis of which an informed judicial review can be conducted, and would guarantee to the Commissioner that the court in conducting its review will consider only the data and information reviewed by the Commissioner rather than new information which the Commissioner has had no opportunity to review. In the opinion of the Commissioner, this procedure would establish an extremely fair and reasonable method of proceeding for all interested persons.

The Commissioner is aware of the possibility of a multiplicity of suits in various jurisdictions challenging a particular matter. The Supreme Court pointed out in *Abbott Laboratories v. Gardner*, 387 U.S. 136, 154-155 (1967), that:

• • • the courts are well equipped to deal with such eventualities. The venue transfer provision, 28 U.S.C. § 1404(a), may be invoked by the Government to consolidate separate actions. Or, actions in all but one jurisdiction might be stayed pending the conclusion of one proceeding. • • • A court may even in its discretion dismiss a declaratory judgment or injunctive suit if the same issue is pending in litigation elsewhere. • • • In at least one suit for a declaratory judgment, relief was denied with the suggestion that the plaintiff intervene in a pending action elsewhere. • • •

Further, the declaratory judgment and injunctive remedies are equitable in nature, and other equitable defenses may be interposed. If a multiplicity of suits are undertaken in order to harass the Government or to delay enforcement, relief can be denied on this ground alone. • • • The defense of laches could be asserted if the Government is prejudiced by a delay. • • • And courts may even refuse declaratory relief for the non-joinder of interested parties who are not, technically speaking, indispensable.

Accordingly, if suit is brought in more than one jurisdiction on the same matter, the Commissioner will recommend one or more of the procedural mechanisms suggested by the Supreme Court to deal with the matter.

PROMULGATION OF REGULATIONS AND ORDERS AFTER AN OPPORTUNITY FOR A FORMAL EVIDENTIARY PUBLIC HEARING (§ 2.12)

In contrast to the regulations issued under section 701(a) of the act and 5 U.S.C. 553, some regulations and orders are designated in the act as requiring an opportunity for development "on the record," i.e., for a formal evidentiary trial-type public hearing conducted in accordance with the Administrative Procedure Act, 5 U.S.C. 556 and 557. In enacting the present act, Congress design-

nated a limited number of provisions subject to this formal requirement. Proposed § 2.12(c) (1) through (18) specifies those provisions of the law, some of which are listed in section 701(e) of the act and others of which are designated elsewhere in the act or other laws, and provides that they are subject to the special provisions established in Subpart B of Part 2. Those proceedings designated in § 2.12(c) (1) through (15) relate to rule making. Those designated in § 2.12(c) (16) through (18) relate to adjudication. The different procedures that would apply to each category are set out in proposed Subpart B.

The Commissioner has carefully considered whether the wording of section 701(e) of the act and the related provisions in the other sections of the act listed in proposed § 2.12(c) require development of a formal record pursuant to the Administrative Procedure Act, 5 U.S.C. 556 and 557. This matter has never directly been adjudicated in the courts. In a recent decision, however, the Supreme Court used section 701(e) of the act as an example of a statutory provision which requires a hearing "on the record" and thus a formal evidentiary public hearing. See *United States v. Florida East Coast Railway Co.*, 410 U.S. 224, 237-238 (1973). Although this was dictum, and not a holding, the Commissioner concludes that it represents the Supreme Court's current thinking on the matter and thus should be followed without further litigation. Accordingly, the proposed regulations require an opportunity for a formal evidentiary public hearing for all regulations and orders listed in section 701(e) and related provisions of the act and the Fair Packaging and Labeling Act.

A similar question arises with respect to the biological licensing provisions contained in section 351(a) of the Public Health Service Act, 42 U.S.C. 362(a). This legal issue has never become a matter of contention, and has never been addressed by the courts. The provisions of 5 U.S.C. 558 relating to licensing do not change the requirement in 5 U.S.C. 554(a) that a formal evidentiary public hearing pursuant to 5 U.S.C. 556 and 557 is required only where the applicable statute specifically provides for an opportunity for a hearing "on the record." See, e.g., *Lincoln Transit Co. v. United States*, 256 F. Supp. 990, 993-994 (S.D. NY, 1966). Section 351(a) of the Public Health Service Act does not require a hearing "on the record." Nevertheless, the Commissioner is of the opinion that an opportunity for a formal evidentiary public hearing should be available with respect to the licensing of biologics to the same extent that it is available for nonbiological drugs, i.e., new drugs and antibiotics. Presently, § 310.4 exempts biological drugs licensed pursuant to section 351(a) from the new drug requirements of section 505 of the act. In promulgating the review procedures for determining the safety, effectiveness, and proper labeling of biological drugs in § 601.25 of the regulations, however, the Commissioner announced in the *FEDERAL REGISTER* of August 18, 1972 (37

FR 16679) that this exemption would be superseded and revoked as the results of the biologics review become available. Accordingly, upon completion of the biologics review, § 310.4 will be totally revoked, and all biologics will be subject to the new drug provisions of the act as well as to the licensing requirements of section 351(a) of the Public Health Service Act. This means that the same procedural requirements will be applicable to biologics as are applicable to other new drugs, including an opportunity for a formal evidentiary public hearing. If these procedures are to be changed, as the Commissioner and the Administrative Conference of the United States believe they should, this is properly done by Congress. Accordingly, the proposed regulations provide that denial or revocation of a license pursuant to section 351(a) of the Public Health Service Act shall be subject to an opportunity for a formal evidentiary public hearing.

In contrast to the licensing provisions of section 351(a) of the Public Health Service Act, the standards authorized by section 351(d) are properly issued in regulations promulgated pursuant to the general rule making provisions of the Administrative Procedure Act, 5 U.S.C. 553, because they are not required to be based "on the record," and thus are subject to the general rule making provisions in proposed § 2.10 rather than to the formal evidentiary hearing provisions in proposed § 2.12 and Subpart B. The same is true of performance standards for electronic products promulgated pursuant to section 358 of the Public Health Service Act, 42 U.S.C. 263f, for which a hearing "on the record" also is not required by the statute. See *United States v. Allegheny-Ludlum Steel Corp.*, 406 U.S. 742, 756-757 (1972).

SEPARATION OF FUNCTIONS; EX PARTE COMMUNICATIONS (§ 2.13)

In the *FEDERAL REGISTER* of March 24, 1972 (37 FR 6107), the Commissioner issued a proposed regulation to revise former § 2.104, dealing with separation of functions and ex parte communications before and during formal evidentiary public hearings. Former § 2.104 would be revoked and replaced by these proposed regulations. The preamble to that proposal stated that, although present law does not require separation of functions in formal rule making proceedings and does not prohibit ex parte communications during formal hearings of any kind, as long as they are made a matter of record, the Commissioner had concluded that strict separation of functions and an outright prohibition of ex parte communications should be adopted in both formal rule making and adjudication proceedings to avoid even the appearance of unfairness.

Two comments were received on this proposal, one from a law student and the other from a trade association. The law student generally favored the proposal, although he enclosed an excerpt from *Davis, Administrative Law Text*, sec. 13.05 (1972), which strongly opposes formal hearings or separation of functions with regard to any Food and Drug

Administration rule making. The trade association also generally approved the thrust of the proposal, although it suggested a number of clarifying changes and requested republication for further comment. The Commissioner concluded to defer final action on this proposal until a complete revision of all of the agency's procedural regulations could be undertaken.

Under the 1972 proposal, separation of functions would have occurred as of the moment of publication of a regulation or order on which there is an opportunity for a formal evidentiary public hearing. In the intervening 3 years, the Commissioner has as a matter of policy imposed separation of functions in the following way.

With respect to all rule making except the revocation of antibiotic monographs, separation of functions has been imposed as of the date of publication of a notice of hearing, rather than as of the date of publication of the final regulation which preceded the notice of hearing. This has allowed customary negotiations and attempts at settlement after the regulation is published and requests for hearing are made, and before it is finally concluded that a hearing must be held. Once it is determined that a hearing is necessary, and a notice of hearing has been published, strict separation of functions has been imposed.

With respect to all adjudication and revocation of antibiotic monographs, the Commissioner has imposed separation of functions as of the date of publication of the notice of opportunity for hearing or, in the case of an antibiotic monograph, the date of the request for hearing. This approach to separation of functions was promulgated in the *FEDERAL REGISTER* of March 13, 1974 (39 FR 9750), for new drugs and antibiotics. It would be adopted by cross-reference for biologics in these proposed regulations and would be adopted for new animal drugs in proposed amendments to § 514.200 to be published in the *FEDERAL REGISTER* in the near future.

The Commissioner concludes that the practice developed during the past 3 years should be adopted in proposed § 2.13. It has worked effectively and efficiently. It has assured all parties to a rule making proceeding that, once it is determined that a formal evidentiary public hearing must be held, all reasonable steps will be taken to make certain that no party to the proceedings improperly or unduly influences either the presiding officer or the Commissioner. It has similarly assured all parties to an adjudication (and to the related proceeding for revocation of an antibiotic monograph) that, once a formal evidentiary public hearing is requested, both the decision about whether a matter is properly subject to summary judgment or requires a hearing, and the decision resulting from any hearing, will be independently considered and resolved by the office of the Commissioner without ex parte communications from the bureau.

Accordingly, proposed § 2.13 provides that, in any matter which is subject by statute to an opportunity for a formal

evidentiary public hearing, the rules on Corp., CCH F.D. Cosm. L. Rep., Para. within the Federal government, however,

could an agency representative know- ingly participate in any meeting which

working on a matter would have the opportunity to record his views on that

interested person outside the agency, or as required by duly promulgated delega-



evidentiary public hearing, the rules on separation of functions and ex parte communications would become operable for rule making (except antibiotic monographs) as of the date of publication in the FEDERAL REGISTER of the notice of hearing, and for adjudication and antibiotic monographs at the time of the notice of opportunity for hearing and request for hearing. After that time, for either a rule making or an adjudication proceeding, the bureau of the Food and Drug Administration which is a party to the proceeding and the other parties to the proceeding would be precluded from ex parte communications or any other form of participation with the presiding officer or the Commissioner, except in the way that all parties openly participate in the proceeding. Under the current regulations governing adjudicatory proceedings such as withdrawal of approval of an NDA, the bureau involved in the matter submits to the office of the Commissioner a proposed final order granting or denying a hearing, without making this document available to the NDA holder or others, but there may be no ex parte communications between the bureau and the office of the Commissioner about that matter. In the event ex parte communications did take place, they would have to be the subject of a written memorandum, and any person involved in such communications would be made available for appropriate cross-examination and rebuttal testimony.

#### REFERRAL BY COURT (§ 2.14)

As a result of the Food and Drug Administration's primary jurisdiction over the matters within its statutory mandate, any Federal, State, or local court may hold in abeyance, or refer to the Commissioner, any matter for an initial administrative determination. In such circumstances, the Commissioner should promptly agree or decline to accept any such referral. The Commissioner would make every reasonable effort to accept such referrals and to institute proceedings to determine the matters so referred, but would reserve the right to decline a referral in light of other agency priorities and the resources available to the agency. In handling such a matter, the Commissioner could, in his discretion, utilize any of the various procedures established in the proposed regulations.

The Commissioner would encourage the judiciary to utilize the provisions of this proposed section. Referral of complex and technical issues falling within the jurisdiction of the Food and Drug Administration to the agency for an initial administrative determination will promote consistent and fair interpretation and application of the law. See *Weinberger v. Hynson, Westcott and Dunning, Inc.*, 412 U.S. 609, 624, 627 (1973); *Ciba Corp. v. Weinberger*, 412 U.S. 640, 643-644 (1973); *Weinberger v. Bentez Pharmaceuticals, Inc.*, 412 U.S. 645, 652-654 (1973); *National Ethical Pharmaceutical Ass'n. v. Weinberger*, 365 F. Supp. 735 (D.S.C. 1973), *aff'd per curiam*, 503 F.2d 1051 (4th Cir. 1974); *Purdue Frederick Co. v. Acme United*

Corp., CCH F.D. Cosm. L. Rep., Para. 38,002 (D. Conn., January 30, 1975).

#### MEETINGS AND CORRESPONDENCE (§ 2.15)

In addition to formal proceedings, such as public hearings, the Commissioner recognizes that informal procedures are properly utilized to handle administrative determinations. Indeed, without them, the entire administrative process would bog down in stifling formality.

Such informal procedures include meetings and correspondence. Section 2.15 of the proposed regulations sets out the rules governing use of these procedures.

Proposed § 2.15(b) relates to the use of an open public meeting to discuss any matter pending before the agency. Public notice of any such meeting would be given through the agency's public calendar, and could, depending upon the time involved, also be published in the FEDERAL REGISTER. Any interested person could attend and participate although no transcript and recording would be required, one could be taken and in any event a written summary would be prepared and retained in any relevant administrative file.

The Commissioner notes that this procedure has usefully been employed in the recent past on a number of occasions. See e.g., the notices on microwave ovens published in the FEDERAL REGISTER of December 5, 1973 (38 FR 33510), on digoxin published in the FEDERAL REGISTER of March 8, 1974 (39 FR 9219), and on high intensity mercury vapor discharge lamps published in the FEDERAL REGISTER of January 29, 1975 (40 FR 4328). Such meetings would be conducted informally, very much like a town meeting, and are not to be structured. Unlike a public hearing before the Commissioner, as proposed in Subpart E of Part 2 of the proposal, there would be no fixed order in which persons may participate nor any advance notice required of those who intend to attend and participate. The Commissioner would anticipate increased use of these public meetings to explore pending matters in the future.

Under proposed § 2.15(c), any meeting between an employee of the Food and Drug Administration and any person outside the Department of Health, Education, and Welfare relating to a pending case or other regulatory action or decision would have to be recorded in a written memorandum, and filed in the administrative file on the matter, unless it involved only a brief description of the matter provided for informational purposes. This would assure that an adequate administrative record would be maintained of all contacts outside the Department on any regulatory matter, to avoid the possibility or appearance of improper influence.

Thus, if a person in another government agency outside the Department, or in Congress, were to telephone any person in the Food and Drug Administration to make any suggestion about a pending regulatory decision, a memorandum would be prepared summarizing the discussion. Other meetings with persons

within the Federal government, however, which do not involve a pending regulatory matter, would not be subject to this requirement. Preparation of memoranda of meetings with representatives of Congress would be subject to additional rules proposed in paragraph (g) of § 2.15, discussed below.

Proposed § 2.15(d) deals with any private meeting between a person and a representative of the Food and Drug Administration in the agency offices. The Commissioner is of the opinion that it is a fundamental right of every citizen to meet with his government in private. The Federal government is created by the people, and absent explicit statutory authority, the government has no right to impose upon any citizen who requests an opportunity for a private meeting with a representative of the government a requirement that others outside of the government be present. Accordingly, § 2.15(d)(1) would provide that neither the Food and Drug Administration nor any other person may require the attendance of any person who is not a Federal government employee or consultant without the agreement of the person requesting such a private meeting.

At the same time, by statute, the Food and Drug Administration is responsible for matters that affect all members of the public. Accordingly, whenever a private meeting involved a matter covered by paragraph (c) or any other important matter, a decision on an issue, or statements or advice or conclusions to which future reference may be required as part of the administrative record, a written memorandum summarizing the substance of any private meeting would be prepared by a representative of the agency. This would assure that any matter which should be documented as part of the public record is in fact so recorded. The availability of such memoranda for public disclosure would be determined by the provisions of the agency's public information regulations in Part 4 and the regulations referenced therein. The Commissioner believes that this will adequately protect the public interest, without infringing upon the citizen's right to a private meeting.

Somewhat different rules would apply where the Food and Drug Administration was requested to send a representative to a meeting to be held outside agency offices. The Commissioner recognizes that agency employees have a responsibility to meet with all segments of the public in order to promote the objectives of the act and the agency. Accordingly, proposed § 2.15(e) states that, where an agency representative is invited to attend an outside meeting, he may do so where he concludes that it is in the public interest and will promote the objectives of the act and the agency. He could, of course, request that such meeting be an open meeting when he concludes that this would be in the public interest. He could agree or decline to participate in any such meeting which is held as a private meeting, depending upon which action he concludes would best serve the public interest. In no event, however,

could an agency representative knowingly participate in any meeting which is closed on the basis of sex, race, or religion. All outside meetings would be subject to the requirements relating to preparation of memoranda summarizing the substance of the meeting.

In addition to meetings initiated by outside persons, Food and Drug Administration representatives could also initiate meetings with any person. Any such meetings with one or two people, e.g., relating to a pending petition, could be held as a private meeting. Any such meeting with a large number of people, however, would have to be held as an open public meeting pursuant to proposed § 2.15(b), and thus would be publicly announced so that any person could attend and participate. Again, all such meetings would be subject to the rules for preparation of a memorandum summarizing the substance of the matter, whether they are private or open.

The Commissioner recognizes that the content of summaries of oral discussions, whether by telephone or in person, could differ depending upon the person who prepares the summary. Accordingly, proposed § 2.15(g) provides that, in addition to the agency summary, any outside person participating in such a meeting may prepare and submit to the agency for inclusion in the administrative record his own written memorandum recording the substance of the meeting. Pursuant to § 4.104(c) of the public information regulations, this summary would be released along with the agency summary whenever public request is made for them.

All memoranda of meetings and correspondence would be filed in any appropriate public administrative file and made a part of the administrative record of the relevant proceeding.

Any meeting between a Food and Drug Administration employee and a representative of Congress, e.g., a committee staff member, relating to any pending or potential investigation, inquiry, or hearing would be recorded in a written memorandum which would be forwarded to the agency's Office of Legislative Services. This provision would not restrict the right of any agency employee to participate in any such meeting, but would guarantee that the agency would be aware of any congressional concern about agency activities and thus be in a position to respond in an adequate way.

#### DOCUMENTATION OF SIGNIFICANT DECISIONS IN ADMINISTRATIVE FILES (§ 2.16)

Section 2.16 would require all Food and Drug Administration employees to document, in an appropriate manner, every significant agency decision.

The agency employees responsible for handling any matter would be responsible for assuring that the agency has a complete administrative file on it. The file would contain appropriate documentation, including the recommendations and decisions of responsible employees. It would have to reveal any significant controversies or differences of opinion and their resolution. Any agency employee

working on a matter would have the opportunity to record his views on that matter, for inclusion in the file. Once a written, signed, and dated memorandum were placed in the file, it could not be altered, added to, or removed. Rather than permit changes to be made in a document by a person other than the person who prepared that document, such changes would be reflected by preparing a new memorandum. This would provide a complete record of the development of the matter within the agency.

Memoranda and other documents prepared by agency employees not contained in the administrative file would have no status or effect. Thus, the file would contain all pertinent material and would represent the definitive record of the administrative handling of the matter.

Memoranda placed in the administrative file would relate to the issues under consideration, and would be sent to other appropriate agency employees. Such memoranda would be required to avoid defamatory language, intemperate remarks, undocumented charges, or irrelevant matters, e.g., personnel complaints. To the extent that a memorandum records the views of any agency employee in addition to the author, it would be furnished to such other employee who would, pursuant to the new regulations, have an opportunity to respond in any way that they believed appropriate.

All agency employees working on a matter would have access to the administrative file on that matter, as appropriate for the conduct of their work. Reasonable restrictions could be placed upon access by employees to such files in order to make certain that the files do not become dismantled, lost, or unavailable to others who need them for their work. The Commissioner is of the opinion that these rules would guarantee full participation of all agency employees in the matters on which they were working and adequate documentation of the manner in which, and the reasons for which, decisions are made within the agency, without at the same time entangling the agency in endless red tape and producing pointless paperwork.

#### INTERNAL AGENCY REVIEW OF DECISIONS (§ 2.17)

Many Food and Drug Administration decisions vitally affect interested persons and groups outside the agency. Inquiries are constantly received, throughout the agency, from individual consumers, manufacturers, and affected professionals, as well as organizations representing these interests. Few people outside the agency understand where their questions and complaints should be directed.

Section 2.17 of the proposed regulations provides for an orderly process of administrative review of decisions within the agency, and thus advises those outside the agency of how they should pursue matters which interest and concern them. Any decision of an agency employee would be subject to review by that employee's supervisor at the request of the employee himself, on the initiative of the supervisor, at the request of any in-

terested person outside the agency, or as required by duly promulgated delegations of authority. Such review ordinarily would follow the established agency channels of supervision or review for the specific matter involved. Where a person outside the agency requested internal agency review of any decision, it would be done only through established agency channels. Review would take place to resolve issues, to review policy matters, in unusual situations requiring immediate review in the public interest, and as required by the delegations of authority.

Thus, where a matter had not yet been reviewed by a bureau director, any request from outside the agency that he review it would be denied until the matter was first reviewed at lower levels. Similarly, any request for intervention or review by the office of the Commissioner would be denied until the matter had been fully considered within the bureau and forwarded to the office of the Commissioner. It is, of course, entirely within the Commissioner's discretion to grant or deny a request to review any matter.

Any internal agency review of a decision would have to be based solely upon the data and information available in the administrative file. If any interested person presented new data or information not previously considered, the matter would be returned to the appropriate lower level within the agency for a re-evaluation before it is again subjected to internal review at a higher level. Thus, bureau directors and the office of the Commissioner would act in basically the same way as a reviewing court. Division personnel could be assured that higher agency officials would not intervene before a matter is fully considered at the lower level, and would not review any issue on the basis of information not available at that level.

#### DISSEMINATION OF DRAFT FEDERAL REGISTER NOTICES AND REGULATIONS (§ 2.18)

Until relatively recently, there has been no Food and Drug Administration policy or regulations governing the dissemination of draft FEDERAL REGISTER notices and regulations. As a result, such documents have at times been given to some persons and not to others, in a way that raised public concern about agency activities.

Proposed § 2.18 would codify the policy that has been followed by the Food and Drug Administration on this matter during the past 2 years.

The Food and Drug Administration welcomes assistance from anyone in developing its policy and regulations. General concepts could be discussed by agency employees with any interested person. Details of a document, or a draft of a document, could not be furnished to any interested person outside the Executive Branch of the Federal Government unless and until it was made available to all interested persons by a notice published in the FEDERAL REGISTER. See, e.g., the notices with respect to the availability of the GMP regulations for low-acid canned foods published in the FEDERAL

REGISTER of November 14, 1972 (37 FR

required by court order and in adminis-

drawing prior opinion letters relating to

contain the best information and opinion

product's labeling, if sufficient informa-

not be published in the FEDERAL REGISTER



REGISTER of November 14, 1972 (37 FR 24117), and the various regulations for shellfish control published in the FEDERAL REGISTER of December 13, 1973 (38 FR 34353) and January 14, 1975 (40 FR 2607).

In some instances, detailed discussion of a draft document would be necessary for proper development of administrative policy. This could be especially true where a specific industry which is the subject of a particular regulation had detailed technical knowledge not otherwise available to the Food and Drug Administration, and which was critical in developing an effective regulation. Where this occurred, the draft document would be made available to all interested persons through an announcement in the FEDERAL REGISTER, and any other appropriate protective procedures would be undertaken to make sure that a full and impartial administrative record would be established. Thus, public regulations would not be negotiated in private.

In certain limited instances, it has long been agency policy that a draft of a final regulation relating to a particular ingredient or product, e.g., a regulation relating to a food additive, new animal drug, or antibiotic drug, may be furnished to the petitioner for comment on the technical accuracy of such regulation. The proposed regulations would continue this long-standing practice. In these situations, where only technical accuracy rather than any policy issue is involved, publication of the availability of the draft regulation in the FEDERAL REGISTER would be unnecessary in order to protect the public interest.

The provisions of the Radiation Control for Health and Safety Act of 1968, 42 U.S.C. 263f, explicitly require the Commissioner to consult with interested persons in the development of performance standards. Accordingly, the Commissioner would publish in the FEDERAL REGISTER an announcement that a performance standard is being considered, and thereafter a draft of a proposed or final performance standard, including any amendment thereof, would be furnished to any interested person upon request and could be discussed by agency employees in detail with any interested person at any time through final consideration of such a document.

All such documents would be continuously available to the public after publication of the notice in the FEDERAL REGISTER, and it would therefore be unnecessary to publish in the FEDERAL REGISTER a specific notice of the availability of each draft of the document.

The regulations recognize that the restrictions on discussion and disclosure of draft FEDERAL REGISTER notices and regulations proposed in this paragraph would not apply to those situations in which internal agency documents were properly disclosed under §§ 4.83 through 4.89 of the agency's public information regulations. Such situations include disclosure to consultants, other Federal departments and agencies, Congress, State and local government officials, and foreign government officials, as well as disclosure

required by court order and in administrative or court proceedings. Thus, it would be entirely proper to provide a draft regulation to an advisory committee without making it publicly available to all interested persons. If it should become available to some members of the general public, however, the agency would make it available for public disclosure to all interested persons pursuant to § 4.21, as was done with a draft of revised drug GMP regulations by a notice published in the FEDERAL REGISTER of March 19, 1975 (40 FR 12535).

#### ADVISORY OPINIONS (§ 2.19)

Throughout its history, the Food and Drug Administration has issued advisory opinions in various forms. Early advisory opinions, between 1938 and 1946, were issued as trade correspondence (TC's). More recently, advisory opinions have been codified in the agency's Compliance Policy Guides manual, which is available from the Public Records and Documents Center, in other documents designated as "advisory opinions," and in preambles to FEDERAL REGISTER documents. The proposed regulations recognize the continuing status of these prior documents as advisory opinions except to the extent that they are revoked. Some of these advisory opinions, particularly those in the form of trade correspondence, have been revoked, e.g., the notice published in the FEDERAL REGISTER of May 20, 1969 (34 FR 7922).

Prior Food and Drug Administration policy has not distinguished between formal advisory opinions and informal oral advice and correspondence. As a result, confusion and uncertainty has been engendered both within the agency and outside as to whether opinions expressed in correspondence or orally carry the weight of the agency or only of the individual agency employee involved.

Absent specific regulations to the contrary, the statements of a government employee do not bind the government. See, e.g., *Bentex Pharmaceuticals, Inc. v. Richardson*, 463 F.2d 363, 368 n.17 (4th Cir. 1972), rev'd on other grounds, 412 U.S. 645 (1973); *Udall v. Oelschlaeger*, 389 F.2d 974, 977 (D.C. Cir. 1968), cert. denied, 392 U.S. 909 (1968); *AMP Inc. v. Gardner*, 275 F. Supp. 410, 412 n.1 (S.D.N.Y. 1967), aff'd, 389 F.2d 825 (2d Cir. 1968); and *United States v. 354 Bulk Cartons*, 178 F. Supp. 847, 853-854 (D.N.J. 1959). Accordingly, because of the lack of any agency regulations on this matter, none of the correspondence or oral advice previously issued by the agency has had any binding legal effect.

In many instances, important agency correspondence relating to the legal status of ingredients and products has not been compiled or reviewed in any comprehensive or systematic way, with the result that few in the agency have known about the existence of such correspondence nor has the fact that such correspondence has no legal status been understood by the public. For this reason, on recent occasions the agency has been forced to issue regulations formally with-

drawing prior opinion letters relating to the food additive and new drug status of products. See 21 CFR 121.11 and 310.100.

The Commissioner would resolve the present uncertainty by the proposal of regulations that would clearly and explicitly recognize the difference between the informal opinion of an individual in the agency, which represents his best information and advice, and the formal opinion of the agency, which represents a position of the Food and Drug Administration that is binding and commits the agency to the views expressed until they are formally modified or revoked. Section 2.19 of the proposed regulations would establish such a system.

Under § 2.19, a request for a formal advisory opinion would be made pursuant to a specified form. The resulting advisory opinion would have to be followed by the agency until it is amended or revoked. Amendment or revocation of an advisory opinion would be required to be made with the same degree of public dissemination as adoption of the original advisory opinion, or by publishing notice of such revocation in the FEDERAL REGISTER, which by statute constitutes adequate public notice. See 44 U.S.C. 1508; *North American Pharmacal, Inc. v. Department of HEW*, 491 F.2d 546 (8th Cir. 1973). An advisory opinion, would, however, have to be explicitly revoked, and could not be revoked by implication as a result of publication of other advisory opinions or regulations.

The Commissioner advises that a request for an advisory opinion would be granted whenever feasible. The fact that a course of action was already being followed by the person requesting the advisory opinion, or that an investigation or regulatory action was already pending with respect to the matter, would not operate to preclude an advisory opinion.

On the other hand, the Commissioner recognizes that there are some circumstances where an advisory opinion might not be feasible. For example, where there was insufficient information on which to base an informed opinion, e.g., further investigation was necessary before such opinion could be given, or where the subject matter was so complex that any opinion would be too qualified and indefinite to be helpful, a request for an advisory opinion could be denied. An advisory opinion would ordinarily concern policy matters or issues of broad applicability. Thus, advisory opinions ordinarily would not be given with respect to a particular product or label, unless a policy issue of broad applicability were involved. Similarly, a request for an advisory opinion on the legality of a product marketed by a competitor, or on any similar matter, would also ordinarily be denied, although the Food and Drug Administration would investigate complaints about the legality of products or practices when filed by any interested person.

All statements or advice given by a Food and Drug Administration employee orally or in writing, but which did not constitute an advisory opinion, would represent informal communications that

contain the best information and opinion available to that employee at that time, but would not have the same binding effect as an advisory opinion. Accordingly, such informal communications would in no way obligate or commit the agency to the views expressed.

On occasion, the Food and Drug Administration receives oral or written requests which require resolution of important issues that have broad applicability, but which do not specifically request an advisory opinion. Under the proposed regulations, the Commissioner could, in his discretion, handle such inquiries as a request for an advisory opinion in order to provide a definitive agency position on the matter and to give it wide dissemination.

Ordinarily, an advisory opinion would commit the Food and Drug Administration to the position stated in the opinion, until it is amended or revoked. In unusual situations involving an immediate and significant danger to health, however, the Commissioner could take appropriate civil enforcement action contrary to an advisory opinion prior to amending or revoking it. Thus, although an advisory opinion would in virtually all instances be binding upon the agency until amended or revoked, the regulations would provide for sufficient flexibility to permit immediate action where essential to public protection.

The Commissioner has carefully considered whether advisory opinions should be published in the FEDERAL REGISTER. In view of the potentially large number of advisory opinions and the resources that would be necessary to accomplish this, the Commissioner has concluded that it would not be feasible. Such advisory opinions may be compiled as part of the agency's Compliance Policy Guides manual, or in a separate compilation of advisory opinions. The substance of these advisory opinions would undoubtedly be disseminated widely by the agency trade associations, and the trade press.

One particular issue has frequently arisen within the Food and Drug Administration within the past few years. Companies have often requested the agency for so-called "certificates of free sale," i.e., a statement from the Food and Drug Administration that a particular ingredient or product may lawfully be sold in this country. Such "certificates" are often required by foreign governments before a product may be imported into that country.

In the opinion of the Commissioner, an unrestricted "certificate" of this kind cannot be given because the Food and Drug Administration cannot guarantee the legality of any particular product at all times. Nor would a formal advisory opinion be appropriate, since it would involve a particular product and the agency's resources are insufficient to provide this service for all products. The agency would, however, provide an informal letter stating specific information with respect to a product, e.g., that it is the subject of an approved NDA or food additive regulation, or that the agency does not presently object to the

product's labeling, if sufficient information had been submitted to make such a determination and if there were sufficient agency resources to provide this service. Such "certificates" would thus not constitute a formal advisory opinion on the status of a product, but would provide informal written views which state the current views of the agency employee who signs the letter.

#### FOOD AND DRUG ADMINISTRATION REGULATIONS, GUIDELINES, RECOMMENDATIONS, AND AGREEMENTS (§ 2.20)

The Commissioner is aware that there is uncertainty about the status of some of the various types of documents adopted by the Food and Drug Administration. In general, these documents fall into the following four categories: Regulations, guidelines, recommendations, and agreements. Proposed § 2.20 would clarify the status and legal effect of these different types of documents.

Proposed § 2.20(a) would provide that all agency regulations having general applicability and legal effect shall be promulgated in the FEDERAL REGISTER pursuant to proposed § 2.10 or § 2.12. This is in accordance with the requirements of the Administrative Procedure Act and current case law. Any document, other than a statute, which the Food and Drug Administration intended to enforce as a legal requirement, would have to be published as a regulation in the FEDERAL REGISTER.

Of course, the agency is not required to issue regulations implementing the law before it takes legal action to enforce specific statutory provisions against persons or products in violation of the law. Thus, the agency could continue to seize a food product containing a poisonous or deleterious substance, or a new drug which is being marketed illegally without an approved NDA, regardless whether it has first issued a regulation designating that substance as poisonous or deleterious or that drug as a new drug. On the other hand, if the agency chose to bring such action, it could not rely upon any guidelines it may have issued as establishing substantive legal requirements.

In addition to provisions which would be enforced as legal requirements, regulations could contain provisions which were intended only as guidelines and recommendations. The specific language of each provision in a regulation would state its intended application. For example, provisions which stated that a person "shall" take certain action would establish a legal requirement, whereas provisions which stated that a person "should" or "may" take certain action would establish guidelines and recommendations which would not be legal requirements. Thus, the fact that a provision was published in the FEDERAL REGISTER as a regulation would not be determinative of whether it established a legal requirement or guidelines and recommendations.

Proposed § 2.20(b) would govern the establishment and use of Food and Drug Administration guidelines, which would

not be published in the FEDERAL REGISTER as regulations. The Commissioner recognizes that such guidelines, which do not have the legal status of regulations, are increasingly important in providing assistance both to the regulated industry and to agency employees who are charged with consistent and fair administration of the law. In many instances, such guidelines would be available on an informal basis before comparable regulations could be promulgated. For example, the Commissioner might wish to issue guidelines for acceptable premarket substantiation for safety of cosmetics, as required by § 740.10(a), published in the FEDERAL REGISTER of March 3, 1975 (40 FR 8912), in order to obtain experience with such guidelines before publishing them in a proposed regulation. Moreover, not all guidelines would be appropriate for publication in the FEDERAL REGISTER as regulations. Some would be intended as no more than informal suggestions. Others would be so voluminous and complex as not to be appropriate for FEDERAL REGISTER dissemination.

Still others would be subject to such frequent change as to make their publication for comment virtually impossible. Under these circumstances, the development and use of guidelines that represented acceptable conduct from the standpoint of the agency, but which would not be published in the form of regulations are imperative for efficient administrative implementation of the law.

As the use of guidelines in the agency has increased, their methods of development, their availability, notice of any changes, and an opportunity to participate in their development and modification, have become more important. These proposed regulations would regularize these matters, and in the judgment of the Commissioner would provide for adequate notice and opportunity to participate for all interested persons.

Proposed § 2.20(b)(1) defines "guidelines" broadly to include all technical or policy criteria relating to any matter subject to the jurisdiction of the Commissioner. Guidelines state procedures or standards of general applicability which are not legal requirements but which are acceptable to the agency with respect to a particular subject matter. Although analytical methods are clearly guidelines, they would be excepted from the provisions of this regulation because of their large number, their length and complexity, and the volume and frequency of amendments involved. Such analytical methods are, of course, available for public disclosure pursuant to the public information regulations contained or cross-referenced in 21 CFR Part 4.

Although a person may rely upon an agency guideline with assurance that it is acceptable to the Food and Drug Administration, he is also free to use any different procedure or standard even though it is not provided for in a guideline. When a person chooses to differ from a guideline, he may, but is not required to, discuss the matter further with



the agency to prevent the expenditure of money and effort on work that may later be determined to be unacceptable. The Commissioner is concerned that innovation not be stifled by the adoption of guidelines. Nor does the Commissioner believe that, in all instances, a person who deviates from a guideline should feel obligated to consult with the agency first. Where such consultation is requested, however, the agency is obligated to provide the best answer available to it at that moment.

The Commissioner emphasizes that following a testing guideline does not in any way guarantee that the ingredient or product so tested will receive agency approval. Approval must depend, of course, upon all of the available information relating to the matter. The results may indicate that the ingredient or product should be disapproved, or that additional testing must be undertaken. Similarly, poor quality testing will not be acceptable even if the protocol complies with a guideline.

Guidelines would be issued by filing them in the public file established by the Hearing Clerk for this purpose, and publishing a notice of availability of the guideline in the *FEDERAL REGISTER*. Amendments to a guideline would be issued in the same way. Any interested person could, of course, petition the agency pursuant to proposed § 2.7 to issue a guideline relating to any matter.

When a guideline was amended or revoked, just as where an advisory opinion was amended or revoked, the question would inevitably arise as to whether work undertaken or completed in good faith reliance on the prior version of the guideline would remain acceptable to the Food and Drug Administration. The Commissioner believes that such work should remain acceptable unless substantial public interest considerations preclude continued acceptance. This determination would be made on the basis of all of the surrounding facts. Where the guideline consisted of a protocol for an animal study which was simply being revised to reflect the latest knowledge about appropriate scientific procedures rather than because of any concern about the scientific validity of prior results under the former protocol, the old work would undoubtedly remain acceptable. Where the guideline or advisory opinion consisted of labeling standards, however, labels meeting the old guideline ordinarily would no longer remain acceptable after an appropriate transition period. Whenever possible, the notice of an amended guideline would state when it has been determined that work previously undertaken or completed on the basis of the prior guideline no longer remains acceptable.

For the same reasons that *FEDERAL REGISTER* notices and regulations must be available to all members of the public on an equal basis, all draft guidelines must similarly be accessible to all interested persons on the same basis. Accordingly, the dissemination of draft guidelines would be subject to the requirements of proposed § 2.18. Similarly, to

guarantee an opportunity for interested persons to comment on guidelines and to suggest modifications, the notice of availability of a guideline would state the individual or office responsible for each guideline so that written comments could be filed. Such comments could then be used by the agency in considering further modifications.

The Commissioner advises that guidelines would have the same legal status as an advisory opinion. Until modified or revoked, they would represent the formal position of the agency and bind the agency to that position. Other informal communications relating to acceptable procedures or standards would represent the best information and opinion available to a particular employee at a particular time, but would not constitute a guideline or advisory opinion and thus would not obligate the agency to follow the views expressed.

The Commissioner emphasizes that only those guidelines which were issued by the Food and Drug Administration pursuant to proposed § 2.20(b) would have any official status. Other written documents would, until issued as guidelines, stand on the same legal footing as any informal communication by an agency employee. Accordingly, it would be important for all such written documents relied upon throughout the agency to be reviewed and a decision made whether they should be issued as guidelines pursuant to these provisions or should no longer be used by the agency. To complete this process, § 2.20(b) would not become effective for 180 days. Those internal written documents which had not been issued as guidelines by that time would no longer be regarded as having official agency approval as representing acceptable procedures or standards and would have no status other than as representing the views of a particular employee.

Proposed § 2.20(c) deals with agency recommendations which are not published in the *FEDERAL REGISTER* as regulations. In addition to guidelines, which relate to regulatory matters that fall within the laws administered by the Commissioner, the Food and Drug Administration also formulates and disseminates recommendations about matters which are authorized by, but do not involve direct regulatory action under those laws. Examples are model State and local ordinances, recommendations for physicians and technicians in the proper use of machines and products, and other similar matters.

The Commissioner is of the opinion that recommendations of this nature should be handled pursuant to the procedures for guidelines, except that they should be included in a separate public file established by the Hearing Clerk. Thus, recommendations could be made public in the same systematic and comprehensive way. Of course, recommendations could also be incorporated in agency regulations.

Finally, proposed § 2.20(d) deals with agency agreements. The Food and Drug Administration enters into agreements,

memoranda of understanding, and other similar formal written documents with government agencies, foreign governments, companies subject to the agency's regulatory jurisdiction, and other persons. All of these would be required to be published in the *FEDERAL REGISTER* and included in the public file on agreements established by the Public Records and Documents Center pursuant to § 4.108. Any such document not included in that public file would be deemed to be rescinded and would have no force or effect whatever.

#### PARTICIPATION IN OUTSIDE STANDARD-SETTING ACTIVITIES (§ 2.21)

As the Food and Drug Administration has increased its reliance upon regulations to establish standards to regulate the practices and products of those subject to the laws administered by the Commissioner, questions about the activities of agency employees in outside standard-setting activities have arisen. It is the Commissioner's opinion that agency policy on this matter should be reflected in proposed § 2.21.

"Standard-setting activities" is defined broadly to include all of the same technical and policy criteria that are properly the subject of agency regulations and guidelines. In general, the Food and Drug Administration encourages employee participation in outside standard-setting activities that are in the public interest.

Proposed § 2.21 divides outside standard-setting activities into three categories: Those conducted by other Federal government agencies; those conducted by State and local government agencies and by United Nations organizations and other international organizations and foreign governments pursuant to treaty; and those conducted by private groups and organizations.

With respect to all three categories of standard-setting activities, any agency employee could participate after the approval by the relevant bureau director or the Commissioner of Form PHS3763 ("Request for approval of appointment as liaison representative") covering the activity involved. This form and all pertinent background material describing the activities would have to be included in the public file on standard-setting activities established for this purpose by the Public Records and Documents Center. The Food and Drug Administration employee who participated in these activities would refer all requests for information about or participation in such activities to the group or organization responsible. Where, as often occurs, the agency employee could invite members of the public to accompany him at any meeting relating to such activities, such invitation would have to be extended to a representative sampling of the public and not just to one interest group.

Special additional requirements would apply with respect to standard-setting activities by private groups and organizations. The Food and Drug Administration employee could participate either as a voting or as a nonvoting liaison

representative, but participation by the individual would not connote Food and Drug Administration agreement with, or endorsement of, any decisions reached. Should the matter come before the agency at a later date, that employee could not serve as the deciding official on the matter involved. Nor would the fact of that employee's participation, per se, be relevant in any subsequent agency determination with respect to that matter.

In addition, the proposed regulation would establish minimum standards that would apply to all outside private standard-setting activities in which Food and Drug Administration employees participated. The activities would have to be based upon sound scientific and technological information, and be designed to protect the public against unsafe, ineffective, or deceptive products or practices. The activities could not be designed for economic benefit of any company, group, or organization, or involve violation of the antitrust laws. Perhaps most important, the group or organization responsible for the standard-setting activities would be required to have a procedure through which any interested person would have an opportunity to provide information and views on the activities involved, without the payment of fees. The exact manner in which this was accomplished, including whether such presentation was in person or in writing, would be at the discretion of the group or organization responsible for the activities.

In some situations involving private standard-setting activities, the Food and Drug Administration has a particular regulatory interest which justifies direct participation as an agency activity. Examples of such activities include the development of uniform State and local laws and regulations that will implement the same policies that are expressed in the laws administered by the Commissioner, and development of analytical methods used for regulatory purposes. In these situations, the Commissioner may determine that agency participation would be an official activity that does connote agreement with or endorsement of the decisions reached, and that participation by the individual would not in any way disqualify him from consideration of the matter if it arose within the agency. Any such determination would be included in the public file on the matter.

Many Food and Drug Administration employees have close daily contact with associations of State and local government officials who have parallel responsibilities at the local level. Many agency employees are members of these associations, and participate in their activities. The Commissioner concludes that the standard-setting activities of these associations, of which 11 are listed in the new regulations, should not be subject to the requirements of this section. Instead, a list of all committees and other groups of these associations would be included in the public file on standard-setting activities so that agency partici-

pation in these matters would be a matter of public record.

#### PUBLIC CALENDARS (§ 2.22)

Proposed § 2.22 would provide for two types of public calendars to be disseminated weekly: A prospective calendar of public proceedings that would contain all public meetings and similar events for the following 4 weeks, and a retrospective calendar of private meetings of top agency officials for the previous week with persons outside the Federal government.

The prospective calendar would contain public meetings, conferences, hearings, advisory committee meetings, seminars, and other public proceedings of the Food and Drug Administration, as well as significant public events involving the agency, such as congressional hearings and court cases. It would not contain future private meetings or similar nonpublic events, or public events of organizations other than the Food and Drug Administration in which agency employees participated. It is the opinion of the Commissioner that inclusion of such meetings and events would necessarily be incomplete and inaccurate because of the need to schedule or cancel meetings or agenda items on short notice, and would serve no useful purpose because others would not be entitled to attend private meetings and would in any event be able to obtain memoranda of meetings shown on the retrospective calendar to the extent permitted by the public information regulations contained in 21 CFR Part 4 and the regulations referenced therein.

The retrospective public calendar would contain, for the preceding week, all of the meetings with persons outside the Federal government and other significant events involving designated top officials of the Food and Drug Administration. The agency officials subject to this requirement are set forth in proposed § 2.22(b)(3).

The Commissioner has concluded that the retrospective public calendar should include all personal meetings, but might or might not include oral discussions by telephone at the option of the official making the report. Any meeting with an onsite contractor, e.g., at the National Center for Toxicological Research, would not have to be included because of the impracticalities involved. Meetings with other persons in the Federal government, e.g., with an official of another government agency or a member of Congress, would not be shown on the retrospective public calendar regardless of whether those other persons had also invited to the meeting persons from outside the Federal government.

The regulation would provide that meetings with the working press also would not be included in the retrospective calendar at this time. This issue was closely debated within the Food and Drug Administration, and there is a contrary view on it. Some agency officials believe that, because of the unique status of the press in this country, such

discussions should not be required to be made a matter of public record. Other agency officials strongly believe that the same principles should apply to the working press as to any other member of the public, with respect to meetings and discussions. The Commissioner proposes that, for purposes of these regulations, the working press be exempt on an interim basis. The Commissioner particularly invites comment on this aspect of the regulations so that a determination can be made on the matter.

Finally, the Commissioner recognizes that meetings which would prejudice law enforcement activities, or would invade privacy, are properly excluded from the retrospective public calendar, and the regulations would so provide.

#### REPRESENTATION BY AN ORGANIZATION (§ 2.23)

It is common practice for organizations to represent their members by filing petitions, comments, objections, and otherwise participating in any administrative proceeding of the Food and Drug Administration. The Commissioner believes that this is an entirely proper function and that it serves very useful purposes.

At the same time, the Commissioner believes that, when a trade association participates in the administrative process in this way, such representation is properly interpreted as expressing the viewpoint of all of the members of the trade association except those specifically excluded by name in any submission. Accordingly, proposed § 2.23(b) would require that every submission either attach a list of the members of the trade association or refer to such a list that is placed on permanent file with the Hearing Clerk and is kept current by the trade association. In this way, the representation of the trade association would be made a matter of public record.

When a trade association filed an objection or request for hearing in a proceeding that permits an opportunity for a formal evidentiary public hearing, all subsequent action by the association with respect to such matters would bind each member except to the extent that that member independently filed its own objection or request for hearing or was otherwise specifically excluded from representation by the trade association in the matter, in which case its rights would be entirely separate and distinct.

It has been common practice for trade associations and other organizations to file declaratory judgment actions or other judicial review proceedings on behalf of their members to determine the legality of Food and Drug Administration action. Again, the Commissioner believes that such activity is entirely proper and serves a useful public purpose. In the opinion of the Commissioner, a trade association or other membership organization has standing in the courts to represent its membership in such matters, and the Food and Drug Administration would not interpose procedural objections to such standing.

In the past, however, after a trade association has obtained an adverse

of this nature would not be admissible in evidence in any Food and Drug Ad-

as food additives and new drugs, which now govern formal agency hearings

tions made in the course of these reports and discussions. Many are incorporated

issues or on the credibility of witnesses but represented a judgment based upon consideration of relevant medical and

cation of a final regulation subject to this Subpart, however, any person who would be adversely affected would have 30 days



In the past, however, after a trade association has obtained an adverse judicial interpretation with respect to a particular issue, its members have continued to litigate the matter in separate judicial proceedings. For example, after the Pharmaceutical Manufacturers Association unsuccessfully challenged agency regulations governing adequate and well-controlled clinical investigations in *Pharmaceutical Manufacturers Ass'n v. Richardson*, 318 F. Supp. 301 (D. Del. 1970), and did not appeal that adverse determination, individual PMA members continued to litigate the same issues in courts throughout the country, and ultimately in the Supreme Court. Thus, the benefit of the initial representative legal action by the trade association to settle an issue on behalf of its members has been wholly destroyed, and litigation has proliferated, wasting public resources without the benefit of a definitive decision. The Commissioner believes that such proliferation is contrary to the public interest and to the purpose of such litigation, and that a determination in any suit involving a trade association properly binds all members of the association and precludes further litigation of the same issues by any association member.

In the future, the Commissioner intends to take two independent steps to assure that representative actions brought by trade associations or other organizations on behalf of their members settle issues and preclude further litigation by the membership. First, the Commissioner will take appropriate legal measures in such cases to have the case brought or considered as a class action or otherwise as binding upon all members of the association or organization except those explicitly excluded by name. Second, regardless whether the case is brought or considered as a class action or as otherwise binding upon all members, the Commissioner will take the position in any subsequent suit involving the same issues and any member of the association or organization not explicitly excluded by name from the prior suit that such issues are precluded from further litigation by such member pursuant to the doctrines of collateral estoppel or res judicata. Accordingly, proposed § 2.23 (c) gives adequate notice to all trade associations or organizations and their membership that future litigation by the association or organization will have this legal effect. See, e.g., *Abbott Laboratories v. Gardner*, 387 U.S. 136, 154-156 (1967), *National Automatic Laundry and Cleaning Council v. Schultz*, 443 F. 2d 689, 704 (D.C. Cir. 1971), and *Acree v. Air Line Pilots Ass'n*, 390 F. 2d 199, 202 (5th Cir. 1968).

#### SETTLEMENT PROPOSALS (§ 2.24)

The Commissioner wishes to encourage settlement of issues without hearings and litigation wherever this is feasible. Accordingly, proposed § 2.24 would provide that settlement proposals and related matters could be raised by any person at any point in any administrative proceeding, and that unaccepted proposals

of this nature would not be admissible in evidence in any Food and Drug Administration proceeding. The Food and Drug Administration would oppose admission of such proposals in any other administrative or court proceeding. Thus, settlement could be proposed without fear that it would later be used against the individual to imply that he did not have confidence in his case or was willing to concede the incorrectness of part of his position. The Commissioner recognizes that all settlement involves compromise on the part of all persons involved, and unless this protection is granted the possibility of settlement would be severely diminished.

On the other hand, where a compromise is accepted, it may well be necessary to submit the various settlement proposals and related matters in evidence in an administrative or court proceeding in order adequately to explain the compromise reached. Proposed § 2.24 therefore would apply only to unaccepted proposals for settlement.

#### WAIVER, SUSPENSION, OR MODIFICATION OF PROCEDURAL REQUIREMENTS (§ 2.25)

The Commissioner is of the opinion that it is important to establish detailed procedural rules for the various public hearings conducted by the agency. Without such rules, which are set forth in proposed Subparts B through F, neither the presiding officers nor the participants would have sound guidance on how to proceed, and the uncertainty and confusion that would prevail would substantially hinder the progress of these hearings.

By providing such detailed regulations, on the other hand, there is the danger that, on occasion, variations will be necessary. The Commissioner recognizes that the procedural requirements for these hearings must have sufficient flexibility to be workable in a wide variety of situations. It is simply not possible to take account of all reasonable variations and exceptions that have occurred in the past and will occur in the future. Accordingly, § 2.25 would provide that the Commissioner or the presiding officer in any such hearing could modify any procedural requirement with respect to a particular hearing to assure a fair and efficient hearing, where this would serve the interests of justice and not prejudice any participant.

#### FORMAL EVIDENTIARY PUBLIC HEARINGS (SUBPART B)

Proposed Subpart B would establish the requirements applicable to those situations where there is a statutory right to an opportunity for a hearing "on a record," i.e., a formal evidentiary trial-type public hearing, usually before an administrative law judge, or where the Commissioner concludes, in his discretion, that such an opportunity should be provided. The statutory provisions under which such an opportunity would be granted are listed in § 2.12(c) (1) through (18). Proposed Subpart B would replace former Subpart F of Part 2 and the provisions in other parts of the regulations relating to such specific matters

as food additives and new drugs, which now govern formal agency hearings.

Section 701(e) of the act originally required a formal evidentiary public hearing for every regulation promulgated pursuant to that section, regardless whether any controversy existed on the matter. Because this inflexible requirement was obviously unworkable, it was amended to require a hearing only upon receipt of objections and a request for a hearing. See Pub. L. No. 83-333, 68 Stat. 55 (1954) and Pub. L. No. 84-905, 70 Stat. 919 (1956). The courts have since narrowed the requirement for a hearing still further, as reflected in the provisions of proposed § 2.113(b), discussed below.

One commentator has pointed out that "some of this country's gravest administrative deficiencies stem from lawyer-induced overreliance on courtroom methods to cope with problems for which they are unsuited." Gellhorn, *Administrative Procedure Reform*; Hardy Perennial, 48 Am. Bar Ass'n. Journal 243 (March 1962). Largely as a result of lengthy trial-type hearings on the regulations for special dietary foods and peanut butter, there has been virtually unanimous criticism of the way in which section 701(e) has been utilized. See, e.g., Byerley, *Rx for Administrative Ills: Simplification, Association of Food & Drug Officials of the United States Quarterly Bulletin*, Vol. 34, No. 1, p. 17 (January 1970); Note, *FDA Rule-making Hearings: A Way Out of the Peanut Butter Quagmire*, 40 Geo. Wash. L. Rev. 726 (1972). In 1971, the Administrative Conference of the United States released a report on the agency's use of formal hearings in which a number of recommendations for improvement were made. See Hamilton, *Rulemaking on a Record by the Food and Drug Administration*, 50 Tex. L. Rev. 1132 (1972). Subsequently, the Administrative Conference has also issued a report and recommendations suggesting modification of the present statutory requirements for formal hearings. See Hamilton, *Procedures for the Adoption of Rules of General Applicability: The Need for Procedural Innovation in Administrative Rulemaking*, 60 Cal. Law R. 1276 (1972) and Crampton, *Causes and Cures of Administrative Delay*, 58 American Bar Ass'n. Journal 937 (September 1972).

At about the same time, the American Bar Association appointed a special committee to consider the agency's hearing procedures, which also issued a report and recommendations. See Pendergast, *The Diagnosis and Treatment of FDA Hearings*, Association of Food & Drug Officials of the United States Quarterly Bulletin, Vol. 34, No. 1, p. 23 (January 1970). These various reports and recommendations have been widely discussed. See, e.g., Hamilton, *Rulemaking on a Record*, 26 Food Drug Cosmetic Law Journal 627 (December 1971); Goodrich, *A Reply to Professor Hamilton's Comments and Recommendations for Procedural Reform*, 26 Food Drug Cosmetic Law Journal 639 (December 1971).

The Commissioner has carefully considered all of the comments and sugges-

tions made in the course of these reports and discussions. Many are incorporated into these proposed regulations.

During the same period, the courts have realized that the use of a formal evidentiary public hearing is not always appropriate for agency decisionmaking. In *American Airlines, Inc. v. Civil Aeronautics Board*, 359 F. 2d 624, 629 (D.C. Cir. 1965), cert. denied, 385 U.S. 843 (1966), the court noted that "rulemaking is not to be shackled, in the absence of clear and specific congressional requirement, by importation of formalities developed for the adjudicatory process and basically unsuited for policy rulemaking." In *Marine Space Enclosures, Inc. v. Federal Maritime Commission*, 420 F. 2d 577, 589-590 (D.C. Cir. 1969), it was suggested that, in appropriate situations, a formal evidentiary public hearing "may usefully approach the legislative rather than the adjudicatory model." In *Walter Holm & Co. v. Hardin*, 449 F. 2d 1009, 1016 (D.C. Cir. 1971), the court stated that "This requirement of hearing is not shackled by rigidities of procedure that may stultify the regulatory program." More recently, in *Cooper Laboratories, Inc. v. Commissioner*, 501 F. 2d 772, 792-793 (D.C. Cir. 1974), it was suggested that the hearing required by the Federal Food, Drug, and Cosmetic Act with respect to withdrawal of approval of an NDA "need not borrow the characteristics of conventional courtroom controversy, burdened with the impedimenta of the kind of arcane questions with which lawyers often bedevil expert witnesses," but rather "can perhaps best be provided by an on-the-record conference-hearing procedure, modeled on conference discussions between lawyers and experts."

Thus, the Commissioner has recognized that, in those situations where complex scientific and medical issues are involved, a searching scientific inquiry conducted by independent experts may well be more appropriate to resolve the matters involved than a formal evidentiary public hearing. Use of a public hearing before a Board of Inquiry pursuant to Subpart C, or a public hearing before a public advisory committee pursuant to Subpart D, would therefore be authorized. Similarly, where a legislative-type public hearing before the Commissioner pursuant to Subpart E would be appropriate to consider broad policy issues, the proposed regulations would provide for this mechanism.

The courts have recently sustained the use of section 701(a) of the act for substantive rule making, in addition to section 701(e), so that the Food and Drug Administration "may follow streamlined procedures designed to avoid the endless delays that have tended to paralyze adjudicatory hearings and render them ineffective as a means of utilizing agency expertise." See *National Nutritional Foods Ass'n v. Weinberger*, 512 F. 2d 688, 697 (2d Cir. 1975). As the Court stated in that case, which involved an agency rule making proceeding with respect to the safety of vitamins A and D, "Since the decision did not turn on precise factual

issues or on the credibility of witnesses but represented a judgment based upon consideration of relevant medical and scientific data, we doubt that a trial-type adversary hearing would have shed any further light on the question . . ."

There has been substantial concern expressed in recent years about the need for development of more appropriate procedures than trial-type hearing for resolving difficult scientific issues. See, e.g., Hall, A. " . . . Diet Wholesome, But Not Excessive," *Food Technology*, Vol. 27, No. 7, p. 61 (1973) and Katz, *One Profession's Finding of Fact is Not Necessarily Another's*, 22 *National Academy of Sciences News Report*, No. 6, pp. 4-5 (June-July 1972). The Commissioner believes that a Public Board of Inquiry or a public advisory committee represents a feasible approach to this problem, combining the features of traditional scientific inquiry with the need of the law to develop a full record on which to base the Commissioner's decision and subsequent judicial review. The Commissioner is hopeful that the flexibility provided by the range of procedures available under the proposed regulations would be fully utilized by the public and the regulated industries to avoid inappropriate use or abuse of formal trial-type hearings.

#### SCOPE OF SUBPART (§ 2.100)

Proposed Subpart B would be applicable both to adjudicatory and to rule making proceedings subject to the requirements for a formal evidentiary public hearing in the Administrative Procedure Act, 5 U.S.C. 554, 556, and 557. For the most part, the procedures are identical in both situations. In a few instances, however, the proposed regulations would provide different provisions for these two types of hearings.

In addition to formal evidentiary public hearings required by statute, the Commissioner could also, in his discretion, hold such a hearing with respect to any matter where he concluded that it would be in the public interest. Thus, even if a formal evidentiary hearing were requested but not justified pursuant to the proposed regulations, the Commissioner could order that a hearing be held on the matter pursuant to this Subpart if he concluded that there were sound public policy reasons for doing so.

#### INITIATION OF A FORMAL EVIDENTIARY PUBLIC HEARING INVOLVING THE ISSUANCE, AMENDMENT, OR REVOCATION OF A REGULATION (§ 2.110)

Proposed § 2.110 would govern initiation of a formal evidentiary public hearing involving rule making. The statutory provisions covered by this section are set out in proposed § 2.12(c) (1) through (15).

In general, rule making that would be subject to an opportunity for a formal evidentiary public hearing pursuant to § 2.12(c) (1) through (15) is no different than rule making that is subject only to the notice-and-comment procedures under 5 U.S.C. 553 and § 2.10 of the proposed regulations, up through promulgation of the final regulations. After publication of the final regulations, the courts

could review the final regulation subject to this Subpart, however, any person who would be adversely affected would have 30 days within which to file written objections and a request for a formal evidentiary public hearing.

The Commissioner notes that section 701(e) of the act and the other related statutory provisions explicitly provide 30 days within which objections and requests for hearing may be submitted. The Commissioner has no legal authority to extend this time period. In the past, many persons have requested, and been denied, an extension of this 30-day period. Accordingly, the proposed regulations would explicitly provide that this 30-day period shall not be extended by the Commissioner.

The statutory provisions relating to color additives and food additives are somewhat different from those for other regulations subject to this Subpart. Under sections 409 and 706 of the act, the notice of filing of a petition published in the *FEDERAL REGISTER* takes the place of the customary proposal, and thereafter the final order is published with time for objections and a request for hearing but no time for additional comment. Under §§ 8.9 and 121.51(h) (21 CFR 8.9 and 121.51(h)), as established in the recently promulgated public information regulations, the Commissioner will make available for public disclosure all safety and functionality data relating to any color additive or food additive at the time of filing of the petition, so that public comment can be prepared meaningfully and submitted prior to publication of the final regulations.

Similarly, the statutory provisions relating to new animal drug regulations explicitly eliminate the need for a proposal before promulgating a final regulation. Under section 512(i) of the act, a new animal drug regulation is promulgated by notice, which upon publication in the *FEDERAL REGISTER* is effective as a regulation.

For many years, it has been customary to promulgate technical amendments to antibiotic monographs as final regulations rather than as proposals because they usually involve only technical considerations rather than policy issues, are prepared in consultation with the manufacturers who must meet them, and impose new safety requirements in the public interest. The proposed regulations would permit the continuation of this practice under these circumstances. Where controversy or significant policy issues exist, such amendments would be published as proposals unless public health considerations required that they be made effective immediately.

#### INITIATION OF A FORMAL EVIDENTIARY PUBLIC HEARING INVOLVING ISSUANCE, AMENDMENT, OR REVOCATION OF AN ORDER (§ 2.111)

Proposed § 2.111 would govern the initiation of a formal evidentiary public hearing that is adjudicatory in nature. The statutory provisions involved are set out in proposed § 2.12(c) (16) through (18), and relate to approval or with-

drawal of approval of new drugs, new

13, 1974 (39 FR 9750). It is not necessary

The specific evidence identified in a re-

whether a hearing is justified, or the

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drawal of approval of new drugs, new animal drugs, and biological licenses.

In these circumstances, the Commissioner would issue a notice of opportunity for hearing on any proposal to take adverse action with respect to the particular matter involved. The applicant for or holder of the order in question, and all other persons subject to the notice, e.g., the manufacturer of an identical, related, or similar drug that is covered by the order, would have 30 days after the issuance of the notice within which to request a formal evidentiary public hearing on the matter.

The Commissioner notes that, pursuant to the statutory provisions involved, only specified persons would have the legal right to exercise the opportunity for a hearing on these matters. Unlike the situation involved in public rule making, where every member of the public is entitled to an opportunity for a hearing, the statute explicitly states that only the persons directly affected by the agency action, i.e., those who hold or are covered by the license involved, have an opportunity for a hearing with respect to the matters involved under these three statutory provisions. Thus, for example, a physician has no legal right to a hearing to contest withdrawal or approval of a new drug.

Nonetheless, the Commissioner could, in his discretion, grant a formal evidentiary public hearing, or some other type of public hearing, e.g., a public hearing before the Commissioner pursuant to proposed Subpart E, upon the request of any interested person even though he may not have the statutory right to a hearing. The Commissioner would consider any request for a hearing involving a new drug, new animal drug, or biologics license, even though the person submitting the request had no statutory opportunity for a hearing on the matter involved.

Specific provisions are included in other sections in agency regulations relating to a request for hearing upon adverse action relating to new drugs, new animal drugs, and biological licenses, i.e., §§ 314.200, 514.200, and 601.7(a). The proposed regulations cross-reference these existing provisions.

#### FILING OBJECTIONS AND REQUESTS FOR A HEARING ON A REGULATION OR ORDER (§ 2.112)

Section 2.112 of the proposed regulations specifies with particularity the form in which objections to agency action and requests for a hearing must be submitted. In general, each objection must be separately numbered and, if a hearing is requested on it, accompanied by a detailed description and analysis of the specified factual information intended to be presented in support of the objection if a hearing is held. Under proposed § 2.113(b) (6), the failure to follow this form, or to file it within the time period specified, would result in denial of a hearing. As discussed in paragraph 16 of the preamble to the hearing regulations for new drugs and antibiotics published in the *FEDERAL REGISTER* of March

13, 1974 (39 FR 9750), it is not necessary to submit unfavorable data and information in requesting a hearing, but if a hearing is granted such unfavorable data and information would be required to be submitted pursuant to proposed § 2.153(a) (2) and (b).

#### RULING ON OBJECTIONS AND REQUESTS FOR HEARING (§ 2.113)

Based upon any objections or requests for hearings filed pursuant to proposed §§ 2.111 and 2.112, the Commissioner would have a number of options to pursue. First, he could modify or revoke the regulation or order involved. Second, he could order a formal evidentiary public hearing or an alternative form of hearing on the matter. Third, he could deny any hearing as unjustified and let the regulation or order stand unmodified.

Proposed § 2.113(b) sets out the criteria under which the Commissioner could determine whether a request for hearing has been justified. The Commissioner believes that these criteria accurately reflect the legal standards enunciated by the courts in litigation on these matters during the past few years. See, e.g., *Weinberger v. Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609, 620-622 (1973); *Cooper Laboratories, Inc. v. Commissioner*, 501 F.2d 772, 776-777, 780 n.22 (D.C. Cir. 1974); *Hess & Clark v. Food & Drug Administration*, 495 F.2d 975, 982-985 (D.C. Cir. 1974); *Gulf States Utilities Co. v. Federal Power Comm'n.*, 411 U.S. 747, 772-775 (1973); *Federal Power Comm'n. v. Texaco*, 377 U.S. 33, 39-41 (1964); *United States v. Storer Broadcasting Co.*, 351 U.S. 192, 202-205 (1956); *Municipal Light Boards v. Federal Power Comm'n.*, 450 F.2d 1341, 1345-1346 (D.C. Cir. 1971); *Citizens for Allegan County, Inc. v. Federal Power Comm'n.*, 414 F.2d 1125, 1128-1129 (D.C. Cir. 1969); *Total Telecable, Inc. v. Federal Communications Comm'n.*, 411 F.2d 639, 641-642 (9th Cir. 1969); *Virginia Electric & Power Co. v. Federal Power Comm'n.*, 351 F.2d 408, 410 (4th Cir. 1965); and *Dyestuffs and Chemicals, Inc. v. Flemming*, 271 F.2d 281, 286-287 (8th Cir. 1959), cert. denied, 362 U.S. 911 (1960).

To justify a hearing, there must be a genuine and substantial issue of fact for resolution at the hearing. If there are only policy or legal issues involved, rather than factual issues, there is no requirement that a hearing be held on the matter.

The factual issue must, moreover, be capable of being resolved by available and specifically identified reliable evidence. A request for hearing accompanied only by general allegations or denials or descriptions of contentions would not be sufficient to justify a hearing. Such a request would have to be accompanied by a detailed description and analysis of the specific factual information intended to be presented in the event that a hearing were held, not by general allegations. The failure to identify reliable evidence to be presented at the hearing would result in a decision that the hearing had not been justified.

The specific evidence identified in a request for hearing must be adequate to justify resolution of the factual issue in the way sought by the person submitting the request. If the Commissioner concluded that, even assuming the truth and accuracy of all of the data and information submitted in support of the objection and request for the hearing, they are insufficient to justify the factual determination urged, there would be no issue of fact remaining and thus no point whatever in conducting a hearing on the matter. For example, an allegation that a regulation may have a particular economic impact could be accepted by the Commissioner as factually true, without the need for a hearing, and still not require any change in the regulation involved. Summary disposition of the matter would be clearly warranted at that stage of the proceeding. If, on the other hand, the data and information submitted were on their face sufficient to justify the factual determination urged and the Commissioner would change the regulation or order if such facts were proved to be true, a hearing on the issue would be warranted. Thus, a hearing would be denied only where there was no relevant factual issue in dispute.

Resolution of the factual issue in the way sought by the person must be adequate to justify the relief requested in the objections and requests for hearing. Irrelevant factual contentions that are not determinative or controlling with respect to the relief requested would not justify a hearing. In some instances in the past, the Commissioner has received requests for a hearing on food standards which fail to include a product, but which do not exclude or otherwise affect that product. Under these circumstances, a hearing is not justified. Whenever there is an effect upon a product, however, a hearing may be justified. See, e.g., *A. E. Staley Mfg. Co. v. Secretary of Agriculture*, 120 F.2d 258 (7th Cir. 1941).

The action requested must not, on its face, be inconsistent with or in violation of any provision of the act or in any agency regulation particularizing the statutory standards. Instead of requesting a hearing under these circumstances, the proper procedure for the person to follow is to request an amendment or waiver from the regulation involved. For example, the Food and Drug Administration is presently engaged in rule making proceedings to establish monographs for OTC drug products and for biological products. Once those monographs are promulgated and made effective, new drug applications and biological licenses which are not in conformity with the monographs will be revoked or required to be amended to be consistent with the monographs. Hearings would not be granted with respect to such revocation or amendment, since the issue would already have been decided in the rule making proceeding. The proper procedure for any aggrieved manufacturer would be to request an amendment of or waiver from the monograph.

In some instances, a request for hearing may present a close question as to

whether a hearing is justified, or the Commissioner may otherwise be uncertain as to whether the public interest justifies a hearing. In such circumstances § 2.113(d) would provide that the Commissioner may serve upon the party involved a proposed order denying a hearing, and the party would have 30 days within which to respond with justification for the hearing.

#### MODIFICATION OR REVOCATION OF REGULATION OR ORDER (§ 2.114)

Based upon objections or a request for hearing, the Commissioner could modify or revoke the regulation or order involved, in whole or in part. Such modification or revocation would be accomplished through a further *FEDERAL REGISTER* notice. Thereafter, further objections or requests for hearing would be submitted with respect to such modification or revocation, but not with respect to any other provisions in the regulation or order involved. Such other provisions would become final upon expiration of the original 30 days provided for objections or requests for hearing, and could not thereafter be reopened except upon further notice by the Commissioner specifically reopening them.

#### DENIAL OF FORMAL EVIDENTIARY PUBLIC HEARING IN WHOLE OR IN PART (§ 2.115)

Where the Commissioner concluded that a formal evidentiary public hearing, or the alternative form of hearing requested, was not justified, proposed § 2.115 would require that he issue a notice of such determination in the *FEDERAL REGISTER*. In accordance with present procedure and applicable case law, any such determination would specify the reasons therefor.

Proposed § 2.115(b) specifies the record of the administrative proceeding. That administrative record would constitute the exclusive record for the Commissioner's decision, and the record upon which subsequent court review of the denial of a hearing could be obtained.

In some instances, a request for hearing could be granted on some issues and denied on others. Under these circumstances, the denial would constitute final agency action on that matter, and would be subject to judicial review pursuant to the specific statutory provisions relating to that subject matter. The time for filing a petition for judicial review would begin to run on the date of publication in the *FEDERAL REGISTER* of the Commissioner's determination denying a public hearing on those particular issues. The failure to file such a petition within the time period established by the specific statutory provisions governing the matter would constitute a waiver of the right to judicial review of those particular issues at any later time, regardless whether a hearing had been granted on other issues. In this way, there would be prompt judicial review of any partial denial of a hearing. In the event that a reviewing court concluded such denial to be improper, the issues involved could then be added to the hearing before it was concluded.

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#### JUDICIAL REVIEW AFTER WAIVER OF HEARING ON A REGULATION (§ 2.116)

In the past, it has been assumed that any person who wishes to obtain judicial review of the Commissioner's decision on a final regulation which is subject to an opportunity for a hearing must request a hearing, and go through the entire hearing process, before he may obtain such review in the courts. The Commissioner concludes that this is a wasteful procedure that is not required by the statute. Accordingly, proposed § 2.116 provides a procedure under which judicial review could be obtained on any regulation which is subject to an opportunity for a formal evidentiary public hearing without the necessity of requesting or conducting such a hearing.

Under this procedure, the interested person need submit only an objection to the final regulation involved. After the Commissioner issued a notice in the *FEDERAL REGISTER* ruling upon any such objection, the person could then appeal the Commissioner's ruling on that objection to a United States Court of Appeals pursuant to the applicable statutory provisions in the act. The record for review would be the administrative record of the proceeding designated in the proposed regulations.

The Commissioner notes that this procedure would not be available where a hearing is in fact requested and justified on the particular matter involved by some other person. Under those circumstances, since the matter would be the subject of a formal evidentiary hearing or an alternative form of hearing, it would be impermissible to have it also subject to immediate court review while the issue is being reviewed in a hearing. If a hearing were requested and justified on an unrelated aspect of the matter, however, immediate court review of an adverse ruling on an objection could, and indeed should, be obtained pursuant to this new procedure. The failure to file a petition for court review within the statutory time period after the Commissioner's determination rejecting the objections would constitute a waiver of judicial review on those objections.

This procedure is quite similar to the procedure used for review of regulations issued by the Commissioner under section 701(a) of the act which are reviewable in the courts under the Administrative Procedure Act, 5 U.S.C. 701 et seq., except that the statutory provisions of the act permit direct review in a United States Court of Appeals rather than in a United States District Court. The record for review upon such appeal would be, however, the same record in both instances, i.e., the administrative record compiled before the Commissioner on the basis of which he made his decision.

The Commissioner concludes that this procedure would substantially expedite matters by eliminating the necessity for a public hearing prior to court review of any matter on which an interested person wishes to institute legal challenge. It would provide a fair and efficient procedure for such challenge, without burdening both the party involved and the

Food and Drug Administration in a needless public hearing. The courts would moreover, have a full administrative record to review, even without the public hearing. That record would consist of all of the relevant *FEDERAL REGISTER* notices, a full articulation of the Commissioner's decision, including the reasons for his rejection of the objections filed to the final regulation, and all of the data and information on which the Commissioner and the other parties to the matter relied. The reviewing court's determination of whether the Commissioner's decision were supported by substantial evidence of record in this instance would therefore be no more difficult, and indeed probably no different, than its determination after a public hearing was held on a matter.

#### REQUEST FOR ALTERNATIVE FORM OF PUBLIC HEARING (§ 2.117)

For the reasons already noted above, the Commissioner is of the opinion that it is important to establish alternative forms of public hearings in addition to the formal evidentiary public hearing provided in Subpart B of the proposed regulations. Proposed § 2.117 would provide that a person who had a right to an opportunity for a formal evidentiary hearing could waive that opportunity and, in lieu thereof, request a public hearing before a Public Board of Inquiry pursuant to Subpart C, a public hearing before a public advisory committee pursuant to Subpart D, or a public hearing before the Commissioner pursuant to Subpart E. Such a waiver could, but would not have to, be conditioned upon the grant of one of these alternative forms of hearing. Such a request could be on his own initiative or at the suggestion of the Commissioner. The Commissioner anticipates that, in many instances, such a person would request a hearing under Subpart B and then indicate his willingness to waive that right to a hearing, conditioned upon the use of an alternative form of hearing. A request for an alternative form of hearing could be filed by the Hearing Clerk in the same administrative file as any related objections and request for hearing under Subpart B.

It is the opinion of the Commissioner that an alternative form of hearing would be used only where all persons who had a right to a formal evidentiary public hearing, and who had justified such a hearing, agreed to the alternative form. Under recent case law, it is clear that an alternative form of hearing could in many instances be required even without the consent of the parties. The Commissioner believes, however, that it will be unnecessary to resort to this type of requirement, and that parties to a hearing would readily agree to the form of hearing that would resolve the issue most expeditiously. Should this not occur, however, the Commissioner would reconsider this portion of the proposed regulations and might require use of alternative forms of hearings where they were more appropriate under the circumstances involved.



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The Commissioner could, of course, determine to hold an alternative form of public hearing even where the formal evidentiary public hearing had not been fully satisfied. Where close questions arose with respect to justification for a formal evidentiary public hearing, it could well be in the best interests of all parties to agree to the use of an alternative form of hearing rather than to conduct litigation on the question whether a formal evidentiary public hearing had been justified.

If the Commissioner determined that an alternative form of public hearing should be used, a FEDERAL REGISTER notice would be published setting forth all of the pertinent information relating to the hearing, including any provision of the regulation or order which had been stayed, the issues to be considered at the hearing, and similar matters. If the hearing were to be conducted by a Public Board of Inquiry or a public advisory committee, the notice would state whether the findings and conclusions resulting from the hearing would be handled as a recommended decision or as an initial decision.

## NOTICE OF HEARING; STAY OF ACTION (§ 2.118)

If the Commissioner determined that a request for hearing justified a formal evidentiary public hearing, he would have to issue a notice of that determination in the FEDERAL REGISTER, setting forth all relevant information about the hearing, such as a statement as to which parts, if any, of the regulation or order involved are stayed pending the hearing, the parties to the hearing, the issues to be considered at the hearing, whether the presiding officer will prepare a recommended decision or an initial decision, and similar matters. The presiding officer and the time of the prehearing conference could be included in the notice of hearing or be published in a later notice.

The Commissioner notes that the various provisions of the act that would be subject to proposed § 2.12 and Subpart B state different requirements with respect to whether a regulation or order is automatically stayed pending a public hearing. All regulations and orders subject to sections 505 and 701(e) of the act are automatically stayed by the filing of proper objections and requests for a hearing. Under section 409 of the act, the Commissioner has discretion to stay or not to stay a food additive regulation pending a hearing. Neither section 507 of the act nor section 351 of the Public Health Service Act provides for a stay of an antibiotic or biologic regulation or order pending a hearing, and accordingly the Commissioner also has discretion to grant or deny a stay under these provisions. Where the Commissioner has discretion to consider a stay, any request for a stay pending a hearing would have to be submitted pursuant to proposed § 2.9.

The statement of the factual issues raised by the objections or requests for hearings contained in the notice of hear-

ing would determine the scope of the hearing. Although the presiding officer could revise or restate the issues, he could not add other issues or delete any of those issues contained in the notice of hearing.

## EFFECTIVE DATE OF A REGULATION (§ 2.119)

If no objections were filed and no hearing requested, the regulation would become effective as specified in the notice promulgating it, and the Commissioner would publish an appropriate notice in the FEDERAL REGISTER confirming the effective date of the regulation involved. Based upon additional information, the Commissioner could also extend the time for compliance with the new regulation.

## EFFECTIVE DATE OF AN ORDER (§ 2.120)

If no hearing were requested in response to a notice of opportunity for hearing, the Commissioner would publish a final order withdrawing approval of the NDA, NADA, or biologics license involved. Such withdrawal could, of course, involve the entire approval or only a portion of it, e.g., elimination of a single indication from labeling. The final order would establish the date on which it becomes effective.

Any person subject to the notice of opportunity for hearing, e.g., the manufacturer or distributor of a drug product which is identical, related, or similar to a drug product named in the notice, who did not request a hearing would be bound by the final order as of its effective date. If one person requested a hearing and others did not, the Commissioner could publish a final order covering those who did not request a hearing before he ruled upon the other person's request for hearing, or he could delay any such final order and handle them all at once.

In accordance with section 512(d) of the act, a final order withdrawing or modifying approval of an NADA would require that a corresponding change forthwith be made in the regulation reflecting the action taken.

## APPEARANCE AND PRACTICE (§§ 2.130 AND 2.131)

Proposed §§ 2.130 and 2.131 relate to the filing of a notice of appearance in any formal evidentiary public hearing. No person would have to be licensed or otherwise specially qualified to appear on his own behalf or on behalf of any other interested person.

No person could participate in any proceeding without first having filed a written notice of appearance under these provisions. A notice of appearance could be stricken by the presiding officer for good cause, in which case the person involved could no longer participate in the proceeding.

## PRESIDING OFFICER (§§ 2.140-2.144)

Proposed §§ 2.140 through 2.144 relate to the authority and functions of the presiding officer. In most instances the presiding officer will be an administrative law judge. In general, the presiding officer will have the authority and duty

to conduct a fair and expeditious hearing.

The Food and Drug Administration presently has no subpoena power, and accordingly the presiding officer would have no authority to require witnesses to answer questions. In the event that a person whose direct testimony has been presented then declines to answer any question presented by the presiding officer or by any other participant on cross-examination, however, the presiding officer could strike all the testimony of that witness. Similarly, where a participant in the hearing fails to abide by the regulations and the orders issued by the presiding officer, all evidence presented by that participant could properly be stricken from the record.

## HEARING PROCEDURES (§§ 2.150-2.165)

Proposed §§ 2.150 through 2.165 contain the procedures that would be utilized in the conduct of the formal evidentiary public hearing.

## FILING AND SERVICE OF SUBMISSIONS (§ 2.150)

Proposed § 2.150 would require all submissions relating to a formal evidentiary public hearing to be filed with the Hearing Clerk in accordance with proposed § 2.5. Copies of any such submission would be served on all participants in the proceeding except for documentary data and information.

## PETITION TO PARTICIPATE IN FORMA PAUPERIS (§ 2.151)

Proposed § 2.151 provides that the Commissioner could grant a participant's petition to proceed in forma pauperis, where the person was indigent and there was a strong public interest justification in his participation, or where such participation was in the public interest because it primarily benefited the general public. Under these circumstances, the participant would have to file only one copy of each submission with the Hearing Clerk, and the Hearing Clerk would then be responsible for serving copies upon all other participants.

## ADVISORY OPINIONS (§ 2.152)

Proposed § 2.152 provides for the use of advisory opinions to settle issues during the course of a formal evidentiary public hearing.

## DISCLOSURE OF DATA AND INFORMATION BY THE PARTICIPANTS (§ 2.153)

Proposed § 2.153 would require the director of the agency bureau responsible for the matter involved in the hearing to submit to the Hearing Clerk, before publication of the notice of hearing, all relevant portions of the administrative proceeding, all documents in the bureau files containing relevant factual data and information, whether favorable or unfavorable, all other documentary data and information on which the bureau relies for its position, and a narrative statement of his position on the factual issues involved and the type of evidence intended to be introduced in the hearing. Within 60 days after publication of the

notice of hearing, all other participants would have to file with the Hearing Clerk the same information. The failure to comply with this requirement would constitute a waiver of the right to participate further in the hearing and, in the case of a party, a waiver of the right to a hearing.

The Commissioner notes that those portions of the administrative record not relevant to the issues in the hearing would not be included in the documents filed by the bureau director. For example, if the manufacturing and quality control procedures for a new drug were not in issue in a hearing relating to the drug's safety or effectiveness, they would not be a part of the hearing record and, because they are otherwise prohibited from public disclosure pursuant to the provisions of Part 4 and the regulations referenced therein, would not be available for public disclosure.

Such submissions could be supplemented later in the proceeding with the approval of the presiding officer, but the Commissioner emphasizes that good cause would have to be shown as to why such supplemental material was not reasonably known or available, or why its relevance could not reasonably have been foreseen.

No participant would have to file data and information already filed by the Food and Drug Administration or by any other participant. Thus, participants are encouraged to exchange and consolidate lists of documentary evidence to reduce duplicative submissions.

## PURPOSE; ORAL AND WRITTEN TESTIMONY; BURDEN OF PROOF (§ 2.154)

Proposed § 2.154 would govern the presentation of evidence and the burden of proof in a formal evidentiary public hearing. The Commissioner is of the opinion that, since the use of oral direct testimony and the use of cross-examination have been the principal causes for delay of Food and Drug Administration hearings in the past, most of the hearing should be developed through the submission of written documentary and testimonial evidence. Oral evidence should be permitted only where necessary for a full and true disclosure of relevant evidentiary facts. See, e.g., *Long Island R.R. v. United States*, 318 F. Supp. 490 (E.D.N.Y. 1970).

Under the Administrative Procedure Act, 5 U.S.C. 556(d), all direct evidence in a formal evidentiary public hearing involving rule making may be required to be introduced in writing, and a party to an adjudicatory proceeding may introduce direct testimony either orally or in writing. Commentators and the courts have pointed out, however, that it is virtually impossible to draw a clear line between rule making and adjudicatory proceedings, and thus that the true nature of any proceedings and the requirements applicable to them must be considered by reviewing the nature of the issues involved rather than by the use of arbitrary labels. See, e.g., *Appalachian Power Co. v. Environmental Protection Agency*, 477 F.2d 495, 500-501 (4th Cir. 1973); *City of Chicago v. Federal Power Comm'n.*, 458 F.2d 731, 739 (D.C. Cir. 1971), cert. denied, 405 U.S. 1074 (1972); *American Airlines, Inc. v. Civil Aeronautics Board*, 359 F.2d 624, 627-632 (D.C. Cir. 1966), cert. denied, 385 U.S. 843 (1966); 1 Davis, *Administrative Law Treatise* § 5.01; 2 Davis, *Administrative Law Treatise* § 15.03; and Note, *The Judicial Role in Defining Procedural Requirements for Agency Rulemaking*, 87 Harv. L. Rev. 782 (1974). This is particularly true with respect to Food and Drug Administration proceedings. Although revocation of an antibiotic monograph and withdrawal of approval of a new drug on grounds of lack of safety or effectiveness involve the identical issue, the former is technically regarded as "rule making" whereas the latter is technically regarded as "adjudication." It is apparent, and the courts have recognized, that this distinction is meaningless and that, under the circumstances, an agency may apply similar procedural requirements depending upon the nature of the issues involved.

Accordingly, the Commissioner believes that the need for oral direct testimony should depend upon whether the type of proceeding involves "adjudicatory" facts or "legislative" facts. Where the issues involved a particular party or product and had no general applicability, e.g., the failure of one manufacturer to use adequate quality control in processing a specific drug product, they would be regarded as adjudicatory in nature. Where the issues had general applicability, as is true with the safety and effectiveness of a class of drugs produced by a number of companies, they would be regarded as "legislative" or "rule making" in nature. Accordingly, all issues of general applicability would be subject to the requirement for written direct testimony, whereas issues involving specific applicability and particular parties would be considered adjudicatory in nature and each party would determine whether, and the extent to which, he wished to present his direct testimony orally or in writing.

With respect to cross-examination, the Administrative Procedure Act, 5 U.S.C. 556(d), states that the same rules shall apply in both rule making and adjudicatory proceedings. Under the law, cross-examination shall be permitted upon a showing that it is necessary for a full and true disclosure of the facts. The Commissioner therefore would adopt this standard, under which the presiding officer would in all cases determine whether cross-examination has been justified. The burden would be on the party involved to justify cross-examination in each instance in which it is requested. Ordinarily, cross-examination would be justified when it related to witness perception or credibility, but not when it related to a judgment based on scientific, medical, or technical data.

The Commissioner emphasizes that these new regulations would not eliminate either oral direct examination or oral cross-examination. Rather, they would require that any participant in a

formal evidentiary public hearing justify the need for such oral presentation. Where the lack of an oral presentation could be shown to prejudice any participant, the proposed regulations would provide that such an oral presentation should be permitted. Accordingly, formal evidentiary public hearings would be far less protracted and legalistic but would preserve the right of each participant to make a full and fair presentation of his case.

It is the Commissioner's opinion that these rules fully meet the requirements of the Administrative Procedure Act, as interpreted by the courts. They would neither hinder the parties in developing the relevant facts, nor unduly prolong the proceeding to the detriment of the public interest. Any diligent party would have full opportunity to present all relevant information for consideration by the presiding officer and the Commissioner.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 556(d), the proponent of a regulation or order has the burden of proof in any formal evidentiary public hearing. Except as otherwise provided by statute, this means that, where an interested person submits a petition to the agency but the agency modifies it in any significant way, the agency itself must bear the burden of proof with respect to such modification. Where the matter involves a drug, food additive, or color additive, however, the provisions of the act specifically place the burden of proof on the person contending that the product is safe or effective or both and who is requesting approval or contesting withdrawal of approval. In these situations, the burden of proof remains on any such participants regardless whether the proceeding involves a denial of approval in the first instance, or revocation of prior approval. See, e.g., *Environmental Defense Fund v. Finch*, 428 F.2d 1083, 1092 n.27 (D.C. Cir. 1970) and *Dow Chemical Co. v. Ruckelshaus*, 447 F.2d 1317, 1324 (8th Cir. 1973).

## PARTICIPATION OF NONPARTIES (§ 2.155)

Proposed § 2.155 provides that a non-party participant would have basically the same rights as a party to the proceeding, except that he could not submit written interrogatories or conduct cross-examination except to the extent that the presiding officer found that such additional rights should be granted because the participant's interests would not be adequately protected otherwise, or it would be required for a full and true disclosure of relevant evidentiary facts. Any person whose petition was the subject of the hearing would have the same rights as a party, even though he did not meet the definition of a party in proposed § 2.3(a) (10).

## CONDUCT AT ORAL HEARINGS OR CONFERENCES (§ 2.156)

Proposed § 2.156 would require dignified and ethical conduct by all participants in a hearing. Failure to observe this requirement would result in exclusion from the proceeding by direction of the

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presiding officer. Exclusion of a partici-

be admissible in evidence without the

conclusions of law, at the conclusion of

and information will be available for ex-

of the issues on appeal would be the

would be published pursuant to proposed

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presiding officer. Exclusion of a participant for improper conduct at a hearing has been upheld in the courts. See, e.g., *Ubolita Corp. v. Food and Drug Administration*, 427 F.2d 376, 382 (6th Cir. 1970).

#### TIME AND PLACE OF PREHEARING CONFERENCE (§ 2.157)

Proposed § 2.157 provides for a prehearing conference to be held as scheduled in the notice of hearing or in a subsequent notice.

#### PREHEARING CONFERENCE PROCEDURE (§ 2.158)

Proposed § 2.158 describes the matters to be determined at a prehearing conference. In general, the purpose of the prehearing conference is to lay out the full course of the hearing to the extent feasible, to identify all issues, to resolve all matters in contention between the participants with respect to the conduct of the hearing, and otherwise to take whatever action is necessary to assure a fair and efficient hearing. At the conclusion of the prehearing conference, the presiding officer must prepare a written prehearing order summarizing all of the decisions made, which would control the subsequent course of the hearing unless later modified for good cause shown. The presiding officer may revise the prehearing order as the evidence develops in the course of the hearing.

#### SUMMARY DECISIONS (§ 2.159)

Proposed § 2.159 provides that, just as in court proceedings, part or all of a formal evidentiary public hearing would be decided by summary judgment at any point in the proceeding.

#### RECEIPT OF EVIDENCE (§ 2.160)

Proposed § 2.160 relates to the development of evidence at a formal evidentiary public hearing. All participants will be submitting evidence during the same time period, rather than having it developed in sequence. Separate rules are provided with respect to written and oral evidence.

A written submission to the record would be admissible as evidence unless the document was not authentic or was excluded in order to enforce the procedural requirements of Subpart B. Thus, all of a participant's evidence would be excluded if he failed to comply with the requirements for a hearing.

Written evidence would not be excluded as inadmissible on the ground that it was irrelevant, immaterial, or repetitive. All such evidence would be admitted even though it was of no probative value whatever. The admission of written evidence therefore would not indicate that it was of any weight or value in determining the issues raised at the hearing. The Commissioner believes that it is far preferable to admit all written evidence and then to disregard irrelevant material in reaching a decision, than it would be to spend substantial time in debating the admissibility of such evidence at the hearing. For example, a scientific study or consumer survey would

be admissible in evidence without the extensive voir dire that usually precedes it, in full court trials, and the other participants would then submit evidence on any alleged defects in the study or survey in order to support any contentions they might wish to make with respect to the weight that should be given to it. Admitting all written testimony into evidence, without consideration of evidentiary objections, would substantially shorten the time necessary to conduct a hearing.

Oral testimony, whether on direct or on cross-examination, would be admissible as evidence unless it was excluded as irrelevant, immaterial, or repetitive, or to enforce the procedural requirements relating to the hearing. If such evidence was excluded, it would remain a part of the administrative record, as a proffer of proof, in the event that such ruling was later challenged on judicial review. The Commissioner believes that excluding irrelevant, immaterial, and repetitious oral testimony would expedite the hearing by reducing the need for lengthy trial-type proceedings. Accordingly, by encouraging the use of written testimony and limiting oral testimony the proposed regulations would prevent the type of prolonged and contentious hearings for which the agency has been criticized in the past.

On occasion, oral testimony might be offered relating to matters which constitute trade secrets and which, pursuant to proposed § 2.5(j)(3), would be prohibited from public disclosure. After the presiding officer had assured himself that this was in fact the situation, he would order the portion of the hearing closed which dealt exclusively with oral testimony, whether on direct examination or cross-examination, relating to such matters.

Testimony relating to other matters could not be offered during such a closed session. The only persons who could attend and participate in such a closed session would be the witness, his counsel, and Federal Government Executive Branch employees and special government employees.

Any party could at any time in the course of the proceeding move for an order that the submission of oral and written evidence be concluded. It would be within the power of the presiding officer to grant or deny such order. Once the taking of evidence was concluded, no additional evidence could be submitted and considered as part of the record unless the record was reopened for that purpose.

#### OFFICIAL NOTICE (§ 2.161)

Under proposed § 2.161, the presiding officer could take official notice of specified matters on his own initiative or on the motion of any participant. All participants would have an opportunity to object to any specific matter of which official notice was proposed to be taken.

#### BRIEFS AND ARGUMENT (§ 2.162)

Proposed § 2.162 would assure all participants of the right to file briefs, together with proposed findings of fact and

conclusions of law, at the conclusion of the proceeding. The presiding officer could also permit oral argument in his discretion.

Where a formal evidentiary public hearing involved trade secret matters prohibited from public disclosure pursuant to proposed § 2.5(j)(3), the participants who had access to this information, and particularly Food and Drug Administration representatives, would be expected to make a reasonable effort to avoid disclosing the details of such matters in a way that would reveal the trade secrets involved, in their pleadings and oral arguments. Where such matters were at the very heart of the issue, however and it was essential that they be discussed for the issue to be resolved, whatever presentation is necessary under the circumstances would be permitted.

#### INTERLOCUTORY APPEAL FROM RULING OF PRESIDING OFFICER (§ 2.163)

Ordinarily, an interlocutory appeal from a ruling of the presiding officer to the Commissioner would not be permitted. Such an appeal pursuant to proposed § 2.163 would be allowed only where specifically provided for with respect to a particular matter in the subpart, or upon certification of the matter by the presiding officer.

#### OFFICIAL TRANSCRIPT (§ 2.164)

All oral testimony would be transcribed.

#### MOTIONS (§ 2.165)

Under proposed § 2.165, any participant could make a motion with respect to any matter by filing it with the Hearing Clerk and providing it to the other participants in the proceeding.

#### ADMINISTRATIVE RECORD (§§ 2.170-2.173)

Proposed §§ 2.170 through 2.173 designate the contents of the administrative record, provide for its examination and correction, and state that the record will be the sole basis for decision on the matter involved.

The administrative record begins with the final regulation or order and the objections and requests for hearing thereon, and thus would not include any proposed regulation and comments on it which led to the final regulation. The Commissioner's decision on the matter would have to be based upon the evidence introduced at the hearing, and not upon earlier comments. The original proposal and some or all of the comments on it could, of course, be introduced as evidence by any participant in the hearing who wished to rely upon such material.

The Commissioner has carefully considered the handling of data and information relevant to a formal evidentiary public hearing which would otherwise be prohibited from public disclosure pursuant to 21 U.S.C. 331(j) and 18 U.S.C. 1905, as interpreted and applied in the recently promulgated public information regulations contained in 21 CFR Part 4 and the regulations referenced therein. For the reasons already fully discussed above, § 2.5(j)(2) and (3) would provide that safety and effectiveness data

and information will be available for examination but not for copying, and that manufacturing procedures and related information will not be available for examination or copying. In the Commissioner's experience, this would mean that, in virtually all formal evidentiary public hearings, all of the data and information necessary to full and meaningful participation by members of the public would be accessible.

#### RECOMMENDED, INITIAL, TENTATIVE, AND FINAL DECISIONS (§§ 2.180-2.185)

Sections 2.180 through 2.185 of the proposed regulations would govern the initial decision of the presiding officer and the final decision of the Commissioner. Food and Drug Administration regulations now provide that the presiding officer in a formal evidentiary public hearing shall never prepare an initial decision on the matters involved, but shall always prepare a report and certify the record to the Commissioner. Thereafter, the Commissioner prepares a tentative order, with time for exceptions by any party, and then a final order after which judicial review can be obtained.

The Commissioner proposes that the new regulations should provide for the full flexibility permitted by the Administrative Procedure Act, 5 U.S.C. 557(b), and thus should state that the Commissioner will in each instance decide, in the notice of hearing, whether the presiding officer will prepare a recommended decision or an initial decision.

Where the notice of hearing states that the presiding officer will prepare a recommended decision, the proposed regulations provide for the same procedure that has been used in the past. That recommended decision would be certified to the Commissioner with the full record, and the Commissioner would then publish tentative and final decisions. This procedure would ordinarily be used where the hearing involved broad policy issues.

Where the notice of hearing stated that the presiding officer will prepare an initial decision, or where the notice of hearing was silent on this matter, the proposed regulations provide that the initial decision shall stand as the final decision unless it is appealed by a party to the Commissioner, or the Commissioner concludes on his own initiative to review it. This procedure would ordinarily be used where the hearing involved narrow technical issues.

The same rule would apply with respect to the handling of trade secret information prohibited from public disclosure pursuant to § 2.5(j)(3) in an initial or recommended decision as would apply under § 2.162(c) for briefs and oral argument by the participants.

If the initial decision was appealed to the Commissioner, or he concluded to review it on his own initiative, the Commissioner would have all the powers he would have had in making the initial decision, and could take whatever action was necessary in the interest of justice, including a remand to the presiding officer for further proceedings. The scope

of the issues on appeal would be the same as the scope of the issues at the public hearing unless the Commissioner concluded to limit the issues as permitted by the Administrative Procedure Act, 5 U.S.C. 557(b). The Commissioner's decision would, of course, have to be based upon substantial evidence of record, and would be published in the *FEDERAL REGISTER*. Following his final decision, any participant could petition for reconsideration or a stay of action.

#### JUDICIAL REVIEW (§§ 2.190 AND 2.191)

Proposed §§ 2.190 and 2.191 provide for judicial review of the Commissioner's final decision, pursuant to the specific statutory provisions governing the matter involved.

#### PUBLIC HEARING BEFORE A PUBLIC BOARD OF INQUIRY (SUBPART C)

Subpart C of the proposed regulations would establish, as an alternative to a formal evidentiary public hearing, an informal public hearing before a Public Board of Inquiry that would be conducted in the form of a scientific inquiry rather than as a legal trial. The reasons for providing this alternative to a formal evidentiary public hearing have been discussed fully above.

#### SCOPE OF SUBPART (§ 2.200)

The Commissioner could convene a Public Board of Inquiry whenever he concluded, in his discretion, that it was in the public interest to hold a public hearing before such a Board with respect to any matter pending before the agency. Although no agency regulations currently provide for the right to a public hearing before a Board of Inquiry, the Commissioner may in the future promulgate regulations providing this right. A Public Board of Inquiry could also be requested by any person who had an opportunity for a hearing pursuant to Subpart B, and who waived that opportunity and instead requested pursuant to proposed § 2.117 the establishment of a Board to act as an administrative law tribunal with respect to the matters involved. The Commissioner could, in his discretion, accept or deny such a request.

The Commissioner notes that the only persons who could request a Board of Inquiry pursuant to § 2.117 are those who would, by statute, be entitled to an opportunity for a hearing under Subpart B. For example, an NDA applicant or holder who had received a denial of approval or withdrawal of approval would have a statutory right to request a hearing on the matter, but no other member of the public would have such a right. A physician or other citizen who wished to have a Board inquire into the matter could request the Commissioner to order such a hearing pursuant to his discretionary authority, but he would have no legal right to require either a formal evidentiary public hearing or the establishment of a Board of Inquiry.

#### NOTICE OF A PUBLIC HEARING BEFORE A PUBLIC BOARD OF INQUIRY (§ 2.201)

Once it was determined that a Board would be established, a notice of hearing

would be published pursuant to proposed § 2.201 which would provide the essential information about the hearing. If the hearing was in lieu of a formal evidentiary public hearing the notice of hearing would provide all of the information required by § 2.117(e), and the criteria for granting a stay of the matter pending the hearing would be the same as for a formal evidentiary public hearing.

#### MEMBERS OF A PUBLIC BOARD OF INQUIRY (§ 2.202)

Proposed § 2.202 would require that the members of a Board have medical, technical, scientific, or other qualifications relevant to the issues to be considered at the hearing. The members would be special government employees and thus subject to the conflict of interest rules applicable to such employees. Although a Board member could be a full-time or part-time Federal government employee or serve on a Food and Drug Administration advisory committee, he could not be a full-time or part-time employee of the agency or otherwise act as a consultant to the agency unless all of the parties to the proceeding agreed.

Within 30 days after the notice of the hearing before the Board was published in the *FEDERAL REGISTER*, each of the parties to the proceeding and any person whose petition was the subject of the hearing would submit a list of five nominees for members of the Board. Such persons could agree upon a single list of nominees. Following receipt of such lists, such persons could submit comments on the other lists submitted. The Commissioner would then review the lists and comments and select one member of the Board from the lists submitted by the director of the agency bureau involved and any person whose petition was the subject of the hearing, one member from the lists submitted by the other parties, and one member of his own choosing from any source whatever who would serve as the Chairman of the Board. Thus, although the parties would have a right to participate in the selection of the members of the Board, the Commissioner would have the final determination on this matter.

In lieu of the nomination procedure set out above, the parties to such a proceeding and any person whose petition was the subject of the hearing could meet and agree upon any other method of selection that was reasonable, subject to the approval of the Commissioner. For example, any standing advisory committee of the agency could be utilized as the Board for a particular proceeding.

Since the Board would be acting as an administrative law tribunal with the consent of the parties involved, it would not meet the definition of an "advisory committee" and thus would not be subject to the requirements of the Federal Advisory Committee Act or Subpart D of these regulations. On the other hand, the procedures established for a Board clearly meet all of the requirements with respect to public notice and participation for an advisory committee. The only difference is that a Board would utilize a public notice of hearing rather than a

charter, and would not be required to be

The Commissioner believes that it will

Board could accept or deny such a re-

#### SCOPE OF SUBPART (§ 2.300)

Because of the requirements in this

administration would be precluded from meeting with any group of individuals

the maximum extent feasible, an advisory committee should conduct its discussions in the open, par-



charter, and would not be required to be approved by the Office of Management and Budget and the Department.

#### SEPARATION OF FUNCTIONS; EX PARTE COMMUNICATIONS; ADMINISTRATIVE SUPPORT (§ 2.203)

To assure objectivity and fairness, the proceedings of a Board would be subject to the same provisions with respect to separation of functions and ex parte communications as the proceedings of a formal evidentiary public hearing. Similarly, administrative support for a Board would be provided only by the office of the Commissioner and not by the Bureau which was a party to the proceeding.

#### SUBMISSIONS TO A PUBLIC BOARD OF INQUIRY (§ 2.204)

All submissions to the Board would be filed with the Hearing Clerk in accordance with the general requirements established in proposed § 2.5. Documentary data and information would have to be filed only with the Hearing Clerk, but all submissions that were generally regarded as "pleadings," such as transmittal letters, summaries, statements of position, and other similar documents, as well as any certification of service required by proposed § 2.204(d), would be sent to each participant so that he would understand the position of all of the participants and would be able to follow the progress of the proceeding. The same provisions with respect to participating in forma pauperis would apply to a public hearing before a Public Board of Inquiry as would apply to a formal evidentiary public hearing.

#### DISCLOSURE OF DATA AND INFORMATION BY THE PARTICIPANTS (§ 2.205)

Proposed § 2.205 would require that the director of the responsible agency bureau file with the Hearing Clerk, before the notice of hearing was published, the relevant portions of the administrative record of the proceeding up to that time, a list of the persons whose views would be presented orally or in writing at the hearing, all relevant documents in the agency files containing factual data and information, whether favorable or unfavorable, and all other documentary data and information on which he relied. In this way, the full position of the agency with respect to the matters involved would be made public at an early date.

Within 60 days after the notice of hearing, each participant in the proceeding who had submitted a notice of appearance would be required to submit the same information. Because the agency would already have filed its information, no participant would have to submit duplicative documents. This will substantially reduce the amount of paperwork involved.

These submissions could be supplemented later in the proceeding upon a showing of good cause, but no participant could fail to conduct an adequate search and then later supply new information that could reasonably have been found at the time of the initial submission.

The Commissioner believes that it will be important that this section be complied with fully. Accordingly, the failure to comply, e.g., the failure to submit any data and information as required by § 2.205 (a) and (b), would constitute a waiver of the right to participate further in the hearing and, in the case of a party, would constitute a waiver of the right to a hearing.

#### PROCEEDINGS OF A PUBLIC BOARD OF INQUIRY (§ 2.206)

Proposed § 2.206(a) would make it clear that the purpose of a Board is to review complex technical issues in a reasonably short time by using the informal approach of a scientific inquiry rather than the formal procedures of a legal trial. Accordingly, it is anticipated that there will be little, if any, need for participation by attorneys in the proceeding. The participants will primarily be the scientists and others with technical backgrounds who wish to present data and information relevant to issues raised at the hearing. The agency's Chief Counsel would participate only to the extent that he is requested by the Chairman of the Board to provide legal assistance to the Board.

The Chairman of the Board would determine the order in which the parties and participants make their presentations. Such order of presentation could well be the subject of a prior agreement. Each participant could then proceed with his presentation, which would be made without interruptions and without objection or other legalistic procedures. At the conclusion of a participant's presentation, each of the other participants could briefly state questions or criticism and suggest further questioning with respect to specific matters. The members of the Board could interrupt a participant at any time to ask questions, and could conduct further questioning at the conclusion of the participant's full presentation either on their own initiative or at the suggestion of the other participants. The exact nature of the proceeding would largely be in the discretion of the Chairman, who would be the presiding officer and would have all of the powers necessary to conduct a fair and expeditious hearing.

Following the initial session, each participant would have 30 days within which to submit additional written information. If a second session was requested and justified by any participant, the Chairman would schedule it. Each hearing would be subject to the same procedural requirements.

In addition to hearing the views of the participants, the Board could independently consult with any other person who it concluded may have useful information. All such consultation would have to be at an announced hearing of the Board unless all participants agreed that it could be done in writing.

Moreover, any participant in the proceeding could submit to the Board a request that it consult with specific persons who could have useful information. The

Board could accept or deny such a request, in its discretion.

All hearings of a Board would be conducted in open session, and thus could be attended by any interested person, except for presentation of data and information constituting trade secrets prohibited from public disclosure pursuant to proposed § 2.5(j)(3). Presentation of such material would be at a session closed to all persons except those making and participating in the presentation and Federal Government Executive Branch employees and special government employees. The person making the presentation could bring with him only such persons who are employees, consultants, or other persons with whom he had a commercial arrangement within the meaning of § 4.81(a), and thus to whom disclosure could properly be made without destroying the trade secret status of the material.

At the conclusion of all hearings, the Board would permit the participants to submit written statements on their positions, with proposed findings and conclusions. Oral argument could also be permitted, in the discretion of the Board. The Board would then prepare its findings and conclusions on the matter involved.

#### ADMINISTRATIVE RECORD OF A PUBLIC BOARD OF INQUIRY (§ 2.207)

Proposed § 2.207 specifies the administrative record of a hearing before a Board. The administrative record would be on public display and, except for trade secrets and other confidential information, available for copying.

#### EXAMINATION OF ADMINISTRATIVE RECORD (§ 2.208)

The same provisions with respect to confidentiality of information submitted in the course of the hearing would apply to the proceedings of a Board as would apply in a formal evidentiary public hearing. In addition, both the lists of nominees for members of a Board and any comments thereon would not be made available for public examination or copying at any time.

#### RECORD FOR ADMINISTRATIVE DECISION (§ 2.209)

The administrative record of the public hearing would constitute the exclusive record for decision on the matter. If the public hearing was held in lieu of a formal evidentiary public hearing pursuant to proposed § 2.117, the findings and conclusions of the Board would constitute an initial decision unless the notice of hearing specifically states that they are to constitute a recommended decision. Thereafter, the participants in the proceeding could pursue the administrative and court remedies that are available as specified in proposed §§ 2.180 through 2.191.

#### PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE (SUBPART D)

Proposed Subpart D would govern all proceedings and activities of Food and Drug Administration advisory committees.

#### SCOPE OF SUBPART (§ 2.300)

Because of the requirements in this subpart for public notice and participation, all proceedings before a public advisory committee would constitute a public hearing on the matters involved. Any interested person would be entitled to present his views for the consideration of the advisory committee, and the committee proceedings would constitute part of the administrative record on the basis of which the agency would make its determination with respect to that matter.

The Commissioner could utilize a public advisory committee with respect to any matter on his own initiative, pursuant to specific provisions in other sections of agency regulations, or at the request of any interested person. Proposed § 2.300 (a) (2) lists five specific provisions in existing laws and regulations which provide for the use of a public hearing before a public advisory committee as part of the administrative process. Pursuant to § 2.117, a person who had a right to an opportunity for a formal evidentiary public hearing could waive that opportunity and in lieu thereof request a public hearing before a public advisory committee.

As defined in the Federal Advisory Committee Act and in proposed § 2.3(a)(14), an advisory committee means any group or subgroup thereof that is not composed wholly of full-time employees of the Federal government and is established or utilized by the Food and Drug Administration to obtain advice or recommendations. On the basis of guidelines established by the Office of Management and Budget and the Department of Justice, and other available materials, the Commissioner proposes in § 2.300(b) a set of general principles governing the determination whether a committee or group falls within the definition of an advisory committee. All Food and Drug Administration advisory committees are also listed in proposed § 2.340.

In general, an advisory committee would ordinarily have a fixed membership, a defined purpose of providing advice to the agency on a particular matter, regular or periodic meetings, and an organizational structure, and would serve as a source of independent advice rather than as a representative of or advocate for any particular interest. The Commissioner notes that the agency is charged with seeking out the views of all segments of the public on enforcement of the laws he administers. Thus, the fact that the agency meets with and requests the comments of a group on pending regulatory matters, or that a group regularly meets with the agency, does not necessarily mean that it is an advisory committee which is utilized by the agency. The provisions relating to advisory committees would not be applicable, for example, to routine meetings, discussions, and other dealings, including exchanges of views, between the agency and any committee representing or advocating the particular interests of consumers, industry, professional organizations, or others. If this were not true, the Food and Drug Ad-

ministration would be precluded from meeting with any group of individuals interested in the activities of the agency. Thus, when a consumer organization or trade association meets with the agency to obtain a briefing on various matters, or to protest certain action or lack of action, it would not be an advisory committee for that purpose.

#### ESTABLISHMENT AND RENEWAL OF PUBLIC ADVISORY COMMITTEES (§ 2.301)

Before any advisory committee could be established by the Commissioner, it would first have to be approved by the Department and the Office of Management and Budget. Its establishment would then be published in the FEDERAL REGISTER, and the permanent list of standing advisory committees in proposed § 2.340 would be amended to include it.

#### TERMINATION OF PUBLIC ADVISORY COMMITTEES (§ 2.302)

All advisory committees except those established by statute would terminate every 2 years unless renewed for an additional period. The only two permanent statutory advisory committees established under the laws administered by the Commissioner are the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC) and the Board of Tea Experts.

#### PURPOSE OF PUBLIC HEARING BEFORE PUBLIC ADVISORY COMMITTEE (§ 2.303)

The Commissioner could use a public advisory committee to hold a public hearing on any matter pending before the Food and Drug Administration. The function of the advisory committee would be to provide advice and recommendations to the Commissioner. The Commissioner is charged with sole statutory responsibility for making the ultimate determination with respect to action that would be taken and policy that would be expressed with respect to such matters.

#### PORTIONS OF PUBLIC ADVISORY COMMITTEE MEETINGS (§ 2.304)

An advisory committee meeting could have four separable portions as described below. Every advisory committee meeting would have to have at least the first portion (an open public hearing). Whether or not it also had the other three portions would depend upon the specific meeting involved.

1. *The open public hearing.* Every advisory committee meeting would have to include an open portion which would constitute a public hearing on the issues pending before the advisory committee. During this portion, any interested person could present data, information, or views, orally or in writing. Proposed § 2.312 specifies the manner in which the hearing would be conducted.

2. *The open committee discussion.* All discussion of any pending matter by an advisory committee would be in an open portion of its meeting, unless that portion had been closed in accordance with the provisions in proposed § 2.318. The Commissioner is of the opinion that, to

the maximum extent feasible, an advisory committee should conduct its discussion of pending matters in the open portion. Ordinarily, there would be no public participation during this discussion by the advisory committee, but the chairman of the advisory committee could permit such further public participation when he concludes that it would be in the public interest and helpful to the advisory committee.

3. *The closed presentation of data.* On occasion, it may be important for an interested person to present to an advisory committee, for its consideration, data and information which are prohibited from public disclosure pursuant to the provisions relating to public information contained in Part 4 of the agency regulations. Such presentations would be made in a closed portion of a meeting. The Commissioner emphasizes, however, that this would be the exception rather than the rule, and would occur only when the information was clearly confidential.

4. *The closed committee deliberations.* Deliberations with respect to matters pending before an advisory committee could properly be made in a closed portion of its meeting, if the Commissioner made an appropriate determination pursuant to § 2.318. A court has specifically held that a Food and Drug Administration advisory committee may properly conduct its deliberations in private, and other courts have similarly recognized the need to protect the confidentiality of such internal discussions in order to promote free and frank consideration of issues among government employees and consultants. See *Smart v. Food and Drug Administration* (N.D. Cal. 1974); *Washington Research Project, Inc. v. Department of Health, Education, and Welfare*, 504 F.2d 238, 246-252 (D.C. Cir. 1974); *Montrose Chemical Corp. v. Train*, 491 F.2d 63, 66-71 (D.C. Cir. 1974); *Grumman Aircraft Engineering Corp. v. Renegotiation Board*, 482 F.2d 710, 718-720 (D.C. Cir. 1973); *Wu v. National Endowment for Humanities*, 460 F.2d 1030, 1032 (5th Cir. 1972); *Soude v. David*, 448 F.2d 1067, 1078 n.44 (D.C. Cir. 1971).

#### NOTICE OF PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE (§ 2.305)

Before the first day of each month, and at least 15 days before any meeting, the Commissioner would have to issue a notice in the FEDERAL REGISTER containing information on all advisory committee meetings to be held during the coming month. Additional notices might also be published, at least 15 days in advance of the meeting, except that a shorter notice period could be authorized where an immediate meeting of an advisory committee was required, and no notice in the FEDERAL REGISTER would be required in emergency situations. Whenever shorter notice was given or no notice was published in the FEDERAL REGISTER, public notice would be given at the earliest time and in the most accessible form feasible.

The FEDERAL REGISTER notice would include all relevant information on the advisory committee meeting, including the agenda items and, if any portion of the



## PROPOSED RULES

meeting is to be closed, the time of the open and closed portions. The name, address, and telephone number of the advisory committee executive secretary would also be included.

Where a public hearing before a public advisory committee is to be used in lieu of a formal evidentiary public hearing pursuant to proposed § 2.117, the initial notice of hearing would be published separately in the FEDERAL REGISTER containing all of the information described in § 2.117(e). The Commissioner could also publish such separate notices in the FEDERAL REGISTER whenever he concluded that it would be informative to do so, e.g., the notices relating to public hearings before advisory committees on intrauterine devices published in the FEDERAL REGISTER of July 15, 1974 (39 FR 25967), on reserpine published in the FEDERAL REGISTER of October 1, 1974 (39 FR 35404), and on medroxyprogesterone acetate injectable and other systemic steroidal contraceptives published in the FEDERAL REGISTER of March 21, 1975 (40 FR 12830).

In addition to the notice published in the FEDERAL REGISTER, the Food and Drug Administration would also distribute its list of advisory committee meetings to the press and would place them on its prospective public calendar.

## CHAIRMAN OF A PUBLIC ADVISORY COMMITTEE (§ 2.306)

The advisory committee chairman would have full authority to conduct the meetings of the advisory committee. Each advisory committee would also have an executive secretary or other designated agency employee, and an alternate, appointed by the Commissioner, who would serve as staff to the advisory committee for the agency.

As required by the Federal Advisory Committee Act, a designated Federal employee would be assigned to each advisory committee, and would be authorized to adjourn any meeting whenever he determined adjournment to be in the public interest. No advisory committee meeting could be conducted without the presence and approval of the designated Federal employee.

## MEETINGS OF A PUBLIC ADVISORY COMMITTEE (§ 2.307)

Proposed § 2.307 would require that there be an agenda for every advisory committee meeting. The Commissioner notes that, because the agenda would ordinarily have to be prepared at least 30 days in advance of a committee meeting to meet the requirement for publication in the FEDERAL REGISTER before the first day of each month and at least 15 days before the meeting, it is entirely possible that other agenda items might be added after its publication. The agency would take reasonable steps to anticipate agenda items, in order to minimize this problem. Where an agenda item was added to those published in the FEDERAL REGISTER, an attempt would be made to inform those persons known to be interested in the matter. Such changes would be announced at the be-

ginning of the open portion of the meeting.

As a general rule, all advisory committee meetings would be held in Washington, DC, or Rockville, MD, where the Food and Drug Administration is located. A different location could be approved to obtain cost savings, or when it was at a more central location, or the majority of the advisory committee members would be there at no expense to the Food and Drug Administration for other reasons, or to facilitate increased participation on any matter, or to be near specific information or facilities relevant to the advisory committee's work, e.g., a laboratory working on a particular matter.

Discussion of advisory committee proceedings by members of the committee has often been a source of confusion. The proposed regulations would provide that such discussion is permissible, as soon as the meeting is completed and before official minutes or a report are available, within the specific rules set out in the regulations. In general, there could be no attribution of individual views or discussion relating to trade secrets or specific matters that were determined by the advisory committee or the agency to be confidential, but all other matters could be freely discussed.

## CONSULTATION BY A PUBLIC ADVISORY COMMITTEE WITH OTHER PERSONS (§ 2.308)

An advisory committee could consult with any person who it concludes may have useful data, information, or views relating to any matter pending before it. Other interested persons could also recommend that the advisory committee consult with specific individuals, and the advisory committee could grant or deny such a request.

## ADDITIONAL RULES FOR A PARTICULAR PUBLIC ADVISORY COMMITTEE (§ 2.309)

The Commissioner recognizes that, in addition to the rules established for all Food and Drug Administration advisory committees, any individual advisory committee might wish to adopt additional rules. Proposed § 2.309 would permit such additional rules with the concurrence of the agency, as long as they were not inconsistent with the new regulations or legal requirements.

## COMPILATION OF MATERIALS FOR MEMBERS OF A PUBLIC ADVISORY COMMITTEE (§ 2.310)

The Food and Drug Administration has been criticized for failing to provide a comprehensive compilation of salient information and background material to all advisory committee members for their periodic review relating to their duties and responsibilities. Section 2.310 of the proposed regulations provides that such a compilation will be prepared and disseminated, and will contain all pertinent background information that may be helpful to the specific committee involved.

## WRITTEN SUBMISSIONS TO A PUBLIC ADVISORY COMMITTEE (§ 2.311)

Proposed § 2.311 would permit any interested person to make written submis-

sions to a public advisory committee before, during, or after any advisory committee meeting. Such submissions could be at the request of the advisory committee or on the initiative of any interested person. Ten copies of such submissions would be sent to the executive secretary of the advisory committee. No copies would have to be sent to the Hearing Clerk.

The Commissioner would provide to an advisory committee all data and information he concluded to be relevant to any matter pending before the advisory committee, but any member of the advisory committee would upon request also be provided whatever other material is available to the agency which related to the matter. In particular, any member of the advisory committee would be entitled to review raw data underlying any summary or report, if he wished to do so. Raw data could not routinely be provided to all committee members in all instances because of the massive amount of paperwork involved, but all advisory committee members who wished to review such data could do so.

## CONDUCT OF A PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE (§ 2.312)

Under proposed § 2.312, no Food and Drug Administration advisory committee could meet without having an open portion for public participation which would be a public hearing on the matters being considered by the advisory committee. The hearing would be at least 1 hour long, unless the public participation did not last that long, and could last for whatever length of time the advisory committee chairman determined would facilitate the work of the committee.

In the past, agency notices of public advisory committee meetings have specified a 1-hour open portion, where the remainder of the meeting is closed, and have failed to point out that this is the minimum rather than the maximum time allocated for public participation. In many instances, the hearing has lasted far beyond the allotted hour, and has extended up to the entire day. Accordingly, notices of advisory committee meetings would make this clear. A particular advisory committee meeting which was scheduled for more than one day nonetheless would constitute a single meeting for purposes of scheduling the open and closed portions.

Proposed § 2.312 specifies the manner in which the public hearing before a public advisory committee would be conducted. Persons who wished to be assured of an opportunity to make an oral presentation would have to so inform the committee executive secretary prior to the meeting. The executive secretary would then allot to each such person reasonable time for his presentation.

At the hearing, each person could use his allotted time in any reasonable way. The person making the presentation could be accompanied by others, to assist him. Persons making presentations would be taken in order, and if anyone was not present for his allotted time an attempt would be made to hear him at the con-

clusion of the hearing, as well as others who did not request an opportunity to make an oral presentation.

The chairman and other members of the advisory committee would sit as a panel in conducting the hearing. They could question any person during or at the conclusion of his presentation, but no other person attending the hearing could conduct such questioning. The hearings would be informal in nature, without motions or objections or other similar legal procedures. In short, the hearing would be conducted very much like hearings conducted by legislative bodies, in the same manner as a public hearing before the Commissioner pursuant to Subpart E.

## MINUTES AND REPORTS OF PUBLIC ADVISORY COMMITTEE MEETINGS (§ 2.313)

For every advisory committee proceeding, the executive secretary would have to prepare detailed minutes of the committee's activities. In the past, such minutes have at times been very detailed and at other times very general. The Commissioner has advised all executive secretaries that detailed minutes are required, and these regulations would so provide.

Under the proposed regulations, an advisory committee meeting is broken down into open and closed portions.

The open portion has two parts and includes both the open public hearing and the open advisory committee discussion. The open public hearing involves the presentation of views by interested members of the public, and any presentation of data and information by the Food and Drug Administration which are not confidential. The open portion may also include discussion by the advisory committee of all of the available data and information, to the extent that the presence of observers will not inhibit the discussion and thus interfere with the advisory committee or agency operations. The length of the open portion will vary from committee to committee, and from meeting to meeting, depending upon the agenda and other relevant factors. In general, it is the policy of the Commissioner to conduct as much of an advisory committee meeting in open session as is feasible.

The closed portion of an advisory committee meeting may include both the presentation of confidential information and closed advisory committee deliberations. Data and information that are prohibited from public disclosure pursuant to 21 U.S.C. 331(j) and 18 U.S.C. 1905, or by any provision in the public information regulations in 21 CFR Part 4, may properly be presented in such a closed portion. The person who owns such data and information may make such presentation, and may be accompanied by a reasonable number of persons to assist him. The use of this procedure will, however, be extremely rare. In accordance with 21 CFR Part 4 and the regulations referenced therein, a summary of safety and effectiveness data is itself not confidential. Accordingly, oral presentation of

## PROPOSED RULES

## EXAMINATION OF ADMINISTRATIVE RECORD AND OTHER ADVISORY COMMITTEE RECORDS (§ 2.316)

Proposed § 2.316(a) sets out, in detail, the specific time at which the various portions of the administrative record and other advisory committee records would be made available for public disclosure.

As a general rule, data and information contained in the administrative record which were provided to the advisory committee by the agency and are exempt from public disclosure pursuant to the public information regulations, or which were presented to the advisory committee by a person making a presentation and which are prohibited from public disclosure pursuant to such regulations, would not be available for public examination and copying. The sole exception to this general rule would be where a public hearing before a public advisory committee was being used in lieu of a formal evidentiary hearing pursuant to proposed § 2.117, in which case the limited disclosure of safety and effectiveness data pursuant to proposed § 2.5(j)(2) would be applicable.

The proposed regulations would require that the Public Records and Documents Center maintain a file for each advisory committee containing the principal records relating to that committee, i.e., the advisory committee charter, the list of members and their curricula vitae, the advisory committee minutes, and any formal advice or report of the advisory committee. These are the records for which public disclosure is most often sought.

## PUBLIC INQUIRIES AND REQUESTS FOR PUBLIC ADVISORY COMMITTEE RECORDS (§ 2.317)

All requests for records would be in accordance with the recently promulgated public information regulations, and particularly § 4.40. General inquiries could be handled by the agency's Committee Management Officer or the executive secretary of a particular advisory committee.

## DETERMINATION TO CLOSE PORTIONS OF PUBLIC ADVISORY COMMITTEE MEETINGS (§ 2.318)

Proposed § 2.318 sets out the circumstances under which the Commissioner could make a determination to close a portion of a public advisory committee meeting. As already noted, under no circumstances would all portions of a public advisory committee meeting be closed to the public.

The executive secretary of an advisory committee would prepare the initial request for a determination to close a portion of an advisory committee meeting, which would be forwarded to the agency Committee Management Officer and, from his office, to the office of the Chief Counsel and to the Commissioner. Based upon this request, the Commissioner could conclude to close a portion of the meeting, if the requirements of the regulations were satisfied, or could conclude that the portion should remain open.

such data will be in open session unless it relates to matters that are truly confidential, e.g., an IND or NADA the existence of which has not previously been disclosed to the public.

The other part of a closed advisory committee meeting is the executive session, during which the advisory committee deliberations take place and the recommendations of the advisory committee are formulated. This portion is closed to permit free and open discussion of views, and formulation of the best advice possible for the consideration of the Commissioner. In addition, such closed session may involve discussion of trade secret material, information that may not be released on the ground that it would invade personal privacy, and confidential regulatory issues pending before the agency.

To facilitate release, advisory committee minutes would be kept separately for three portions of the meeting: The open portions, the closed portion for presentation of confidential information, and the closed executive session for advisory committee deliberations. The minutes of a closed executive session of a meeting would not refer to advisory committee members by name, to encourage free discussion of the issues involved.

## TRANSCRIPTS OF PUBLIC ADVISORY COMMITTEE MEETINGS (§ 2.314)

Present law does not require that a transcript or other recording be made of either open or closed portions of an advisory committee meeting. The Commissioner has concluded that each advisory committee should decide whether some type of recording should be made and, if so, by what means, e.g., stenographer or tape. Any transcript or recording of any portion of an advisory committee meeting that is made by the agency, or otherwise furnished to the agency, would be retained by the agency and would not be discarded or erased.

The Commissioner emphasizes, however, that a transcript or recording of a closed portion of an advisory committee meeting would be retained as confidential by the agency and would not be considered by the agency or included in the record of the advisory committee proceeding, for the reasons set out in the preamble to the notices discussing this subject in the context of the OTC drug review, published in the FEDERAL REGISTER of June 4 and November 8, 1974 (39 FR 19878, 39556). The Commissioner would not refer to or otherwise consider any such transcript or recording in his review of the advisory committee recommendations and his decision on the matter involved.

## ADMINISTRATIVE RECORD OF A PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE (§ 2.315)

Proposed § 2.315(a) specifies the administrative record of the advisory committee proceedings with respect to a specific matter. That record would be included as a part of the record of any administrative proceeding involving that matter.

## PROPOSED RULES

The regulations set out various cri-

is the advice of the organization or of a

QUALIFICATIONS FOR MEMBERS OF STANDING

does not constitute a disqualifying conflict of interest. Thus, an industry liaison

of TEPRSSC, one of the two permanent statutory advisory committees of the

tions on such matters. Advisory committees of this nature have brought to the



The regulations set out various criteria for determining whether to close a portion of a meeting. Information prohibited from disclosure under 21 CFR Part 4 and the regulations referenced therein, e.g., trade secrets or material that would invade personal privacy, would be discussed only in closed session. Advisory committee deliberation on regulatory decisions with respect to specific ingredients or products or pending applications for IND or NDA products would ordinarily be conducted in closed session. On the other hand, discussion of policy issues, such as general testing protocols or labeling for a class of drugs, or other information that has already been disclosed to the public, would be conducted only in open session.

A closed session would be limited to the advisory committee members and employees and consultants of the Executive Branch of the Federal Government. If any other person attended such a portion, except to present confidential material, it would be opened to all interested persons. Of course, the Food and Drug Administration could properly limit attendance of consultants and employees at advisory committee meetings to those whose attendance was appropriate for the conduct of their work.

#### ADMINISTRATIVE REMEDIES (§ 2.319)

Proposed § 2.319 provides procedures under which any person could contest action taken by an agency employee or an advisory committee relating to any aspect of proposed Subpart D or the Federal Advisory Committee Act. If improper action had been taken, the Commissioner would take appropriate steps to remedy the error and to prevent its recurrence.

#### APPLICABILITY TO CONGRESS (§ 2.320)

Under the Federal Advisory Committee Act, Congress stands on the same legal footing as any other member of the public. Accordingly, the provisions of proposed Subpart D would apply to Congress in the same way that they would apply to any other member of the public, except that disclosure of advisory committee records to Congress would be governed by § 4.87 of the public information regulations.

#### COMMITTEES WORKING PURSUANT TO A CONTRACT WITH THE FOOD AND DRUG ADMINISTRATION (§ 2.321)

The Department of Justice has provided an opinion to the Food and Drug Administration that, when the agency contracts with another organization to obtain advice and recommendations on particular matters, and that organization in turn utilizes a committee to prepare such advice and recommendations, the provisions of the Federal Advisory Committee Act do not apply if the governing body of that organization undertakes substantial policy and factual review of the committee's work. In short, the applicability of Subpart D of the proposed regulations to such committee would depend upon whether the advice obtained

is the advice of the organization or of a committee of the organization.

The Commissioner has concluded, as a matter of policy, that committees working pursuant to a contract with the Food and Drug Administration should be subject to certain minimum standards regardless whether the other provisions of Subpart D are applicable to that committee. The Commissioner believes that such minimum standards should be applicable to assure that a fair procedure will be followed by such committees even though they are not subject to the specific requirements of the Federal Advisory Committee Act and Subpart D of the proposed regulations.

Accordingly, proposed § 2.321(b) would require that any such committee give public notice of its meetings and agenda, and provide any interested person an opportunity to submit relevant data, information, and views orally and in writing. Such notice could be published in the FEDERAL REGISTER or disseminated by any other reasonable means, but would in any event be filed with the Hearing Clerk at least 15 days before the meeting involved. Minutes of all open sessions would be maintained, but minutes of closed sessions would not be required. Finally, the organization would be required to apply the same principles relating to conflicts of interest as the agency does in establishing its own public advisory committees, but the organization would in no way be obligated to consult with the Food and Drug Administration on such matters. Upon request, the agency would assist or provide guidance to any organization in meeting this requirement.

These minimum standards would apply only to a committee of an independent scientific or technical organization which was working pursuant to a contract initially executed with the Food and Drug Administration on or after July 1, 1975. Accordingly, such ongoing projects as the GRAS list review, being conducted by the Federation of American Societies of Experimental Biology, would not be affected. The Commissioner concludes that it would be unfair to impose such requirements retroactively upon such an organization which had entered into a project of this kind in good faith and had had no advance warning that such requirements might become applicable. In all future documents relating to contracts, such requirements will clearly be spelled out so that no misunderstanding can exist.

#### APPLICATION OF ANTICANCER CLAUSES (§ 2.322)

The Food and Drug Administration has previously determined issues relating to the potential application of the anticancer clauses in the act in a number of different ways. The Commissioner proposes that, in the future, such issues shall ordinarily be referred to the newly created Toxicology Advisory Committee, so that a consistent application of the law will be obtained.

#### QUALIFICATIONS FOR MEMBERS OF STANDING POLICY AND TECHNICAL ADVISORY COMMITTEES (§ 2.330)

Proposed § 2.330 sets out general qualifications for advisory committee members. The proposed regulations would recognize that representatives of particular interest groups, e.g., labor, industry, consumers, or agriculture, could properly be included on policy advisory committees, but not technical advisory committees, as voting members specifically to represent such interests, and the regulations would constitute a determination pursuant to 18 U.S.C. 208(b) that no disqualifying conflict of interest existed by reason of the fact of such representation. The representational role of these members is clearly understood, and the Commissioner concludes that their viewpoint is essential for the type of general and broad issues considered by a policy advisory committee.

Advisory committee members could be removed from membership by the Commissioner for good cause. Although it is not possible to specify the precise content of "good cause," excessive unjustified absenteeism from meetings, a demonstrated bias, or a failure to abide by the advisory committee rules and regulations, would be adequate justification for removal from the advisory committee.

#### NOMINATIONS OF VOTING MEMBERS OF STANDING ADVISORY COMMITTEES (§ 2.331)

Proposed § 2.331 provides a mechanism for any interested member of the public to nominate persons for consideration as voting members of standing advisory committees. The members of any advisory committee could be chosen from among the lists of nominees and from any other sources.

Voting members of standing technical advisory committees would serve as individuals, and not as representatives of any group or organization which might have nominated them or with which they might be affiliated.

#### NOMINATIONS AND SELECTION OF NONVOTING MEMBERS OF STANDING TECHNICAL ADVISORY COMMITTEES (§ 2.332)

Proposed § 2.332 provides a mechanism for nominating and selecting nonvoting members of standing technical advisory committees. In the past 3 years, the Commissioner has increasingly included such nonvoting members to represent consumer and industry interests on standing technical advisory committees. These members serve in a liaison function with those whom they represent.

Nonvoting consumer liaison members would be nominated and selected by consumer organizations and other interested consumers, and nonvoting industry liaison members would be selected by industry associations. Because they have no vote and their liaison role for particular interests is well understood, the regulations would constitute a determination pursuant to 18 U.S.C. 208(b) that any financial interest they may have in the particular class which they represent

does not constitute a disqualifying conflict of interest. Thus, an industry liaison representative would not be disqualified because he held stock in the regulated industry which he represents, but a consumer liaison representative would be disqualified if he were to hold stock in the regulated industry affected by the work of the technical advisory committee of which he was a member.

#### RIGHTS AND RESPONSIBILITIES OF NONVOTING MEMBERS OF ADVISORY COMMITTEES (§ 2.333)

Proposed § 2.333 sets out the rights and responsibilities of nonvoting consumer and industry liaison members of advisory committees. In general, it is their responsibility to represent the consumer and industry interests fairly in all deliberations, but they must also exercise restraint in performing these functions and not engage in unseemly advocacy or attempt to exert undue influence over the other members of the advisory committee.

The Commissioner notes that nonvoting consumer and industry liaison representatives have served on all of the OTC drug review advisory committees, the biologics review advisory committees, and the medical device classification panels, with enormous success. With rare exception, their conduct has been entirely dignified and proper, and they have made major contributions to the issues pending before those advisory committees.

#### AD HOC ADVISORY COMMITTEE MEMBERS (§ 2.334)

Proposed § 2.334 provides that, when the Commissioner, in his discretion, utilizes an ad hoc advisory committee to review and consider a specific matter, he may select the members pursuant to §§ 2.331 and 2.332 or in any other appropriate manner.

#### COMPENSATION OF PUBLIC ADVISORY COMMITTEE MEMBERS (§ 2.335)

Proposed § 2.335 provides for uniform compensation of all members of Food and Drug Administration public advisory committees, except for those who waive such compensation. The criteria under which an advisory committee member would be compensated for an agency-directed assignment when it was performed at a time other than at an advisory committee meeting are proposed in this regulation.

#### LIST OF STANDING ADVISORY COMMITTEES (§ 2.340)

Proposed § 2.340 sets out a list of all current Food and Drug Administration standing advisory committees, including the date established and the function of the advisory committee. This list will be amended to add and delete advisory committees as they are formed and terminated.

#### TECHNICAL ELECTRONIC PRODUCT RADIATION SAFETY STANDARDS COMMITTEE (TEPRSSC) (§ 2.350-2.354)

Proposed §§ 2.350 through 2.354 would govern the establishment and procedures

of TEPRSSC, one of the two permanent statutory advisory committees of the Food and Drug Administration. These provisions are to a large extent governed by provisions of the Radiation Control for Health and Safety Act of 1968, and have been in effect for this advisory committee for some time.

#### COLOR ADDITIVE ADVISORY COMMITTEES (§§ 2.360-2.364)

Proposed §§ 2.360 through 2.364 would govern the establishment and procedures of a color additive advisory committee pursuant to section 706(b) (5) (B) of the act, as added by the Color Additive Amendments of 1960. There is a legal right to such an advisory committee for the limited purpose of reviewing the application of the anticancer clause contained in section 706 of the act to a specific color additive, and the Commissioner could, in his discretion, also refer to any such advisory committee other issues relating to a color additive.

Section 706(b) (5) (D) of the act provides that a color additive advisory committee would be composed of experts selected by the National Academy of Sciences or, if the NAS was unable or refused to act, by the Secretary. The law is clear that the recommendations and advice should be provided by the advisory committee, not by the NAS. Accordingly, the provisions of the Federal Advisory Committee Act and Subpart D of Part 2 would be fully applicable, and § 2.321, relating to committees working pursuant to a contract with the Food and Drug Administration, would not be applicable.

The Commissioner notes that section 203 of the Color Additive Amendments of 1960, which contain transitional provisions relating to commercially established colors, provided for reference of matters to a color additive advisory committee and for an opportunity for a formal evidentiary public hearing on certain matters, for a period of 2½ years after enactment of that statute. Since that time period has now expired, those provisions are no longer applicable and thus there is no right either to a color additive advisory committee or to an opportunity for a hearing on such matters at this time.

Some of the provisions contained in these proposed sections are now contained in §§ 8.12 through 8.14 of the agency regulations. Those sections will therefore be revoked by this proposal.

#### STANDING TECHNICAL PUBLIC ADVISORY COMMITTEES FOR HUMAN PRESCRIPTION DRUGS (§§ 2.370-2.373)

Proposed §§ 2.370 through 2.373 would govern the use of standing technical public advisory committees to conduct public hearings on and to consider issues with respect to human prescription drugs, including antibiotic drugs and biologics. In the past few years, as the medical and scientific issues raised by the agency's review of human prescription drugs have increased in complexity, the Commissioner has increasingly relied upon the use of standing technical public advisory committees for advice and recommenda-

tions on such matters. Advisory committees of this nature have brought to the agency the experience and expertise of outstanding experts in the field. The Commissioner concludes that this use of advisory committees has important benefits for the public and the agency and should be subject to clear guidelines proposed in these new regulations.

Proposed § 2.371 would establish the criteria for those investigational and marketed drugs for which there is a high priority for review by the appropriate standing technical advisory committee. Such drugs include those which represent a significant therapeutic advance, new single chemical entities, and issues that have attracted wide public interest. An advisory committee could also request the Commissioner for an opportunity to hold a public hearing on and to review any particular drug which fell within the pharmacological class covered by the advisory committee. Advisory committee members could be invited to bureau meetings and discussions relating to particular issues.

In the past, advice and recommendations on pending issues relating to human prescription drugs have at times been provided by advisory committees orally. This practice has led to some uncertainty about the specific opinions rendered by the advisory committee. Accordingly, § 2.372 provides that advice and recommendations given by these advisory committees would ordinarily be in the form of a written report, which could consist of the approved minutes or a separate written document. The written report would respond to the specific issues posed to the advisory committee, and state the basis of the advice and recommendations given.

The Commissioner is aware that interested persons outside the agency might at times disagree with an important agency decision with respect to a particular drug. Section 2.373 would therefore permit such interested persons to request that the agency refer any such matter to an advisory committee. The Commissioner could, of course, grant or deny any such request.

#### PUBLIC HEARING BEFORE THE COMMISSIONER (SUBPART E)

Proposed Subpart E would establish procedures governing a legislative-type public hearing during which any person may state his views, together with supporting data and information, with respect to the matters involved.

The Commissioner has concluded that a hearing of this type, which is basically the same as a hearing held by legislative bodies, is very useful when the agency is considering new regulations or broad policy or requirements which affect many interested persons. See, e.g., the notices of hearings on prescription drugs indicated for cough and allergy published in the FEDERAL REGISTER of May 15, 1973 (38 FR 12769), and on the tentative final order for OTC antacid drugs published in the FEDERAL REGISTER of January 8, 1974 (39 FR 1359). Such hearings assure concerned members of the public that

the agency officials responsible for the the presiding officer and could serve as lack sufficient information to make a

missioner intends in the near future to due process right to be advised and ac- Commissioner, and the basis in the



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the agency officials responsible for the matter will be directly presented with the issues involved, and provide agency officials with an opportunity to engage those concerned about the matter in a meaningful dialogue on those issues. See O'Keefe, A Fine New Twist—A brief Commentary on the Commissioner of Food and Drugs' First Oral Hearing, 29 Food Drug Cosmetic Law Journal 116 (March 1974).

#### SCOPE OF SUBPART (§ 2.400)

Proposed § 2.400 provides that a public hearing before the Commissioner pursuant to Subpart E could be held in the discretion of the Commissioner, or pursuant to specific provisions in other sections of agency regulations, or in lieu of a formal evidentiary public hearing pursuant to § 2.117. The only provision presently contained in Food and Drug Administration regulations which specifically provides for such a hearing is § 330.10(a)(8), which provides an opportunity for a public hearing before the Commissioner after the tentative final monograph is published for an over-the-counter (OTC) drug but before the final monograph is promulgated.

#### NOTICE OF A PUBLIC HEARING BEFORE THE COMMISSIONER (§ 2.401)

Proposed § 2.401 would require that public notice of a hearing before the Commissioner be published in the Federal Register. The hearing notice would state the purpose of the hearing and include or refer to any written document which was to be the subject matter of the hearing. If the hearing was in lieu of a formal evidentiary public hearing, the notice would comply with the requirements of § 2.117(e).

In some instances, such a hearing would be limited to review of an existing administrative record. For example, pursuant to § 330.10(a)(10) of the regulations governing the development of OTC drug monographs, the administrative record is closed when the advisory review committee issues its report and recommendations to the Commissioner. Thereafter, no additional data or information may be submitted or considered.

#### NOTICE OF APPEARANCE; SCHEDULE FOR HEARING (§ 2.402)

After the notice appeared in the Federal Register, any person interested in participating in the hearing would be required to inform the Hearing Clerk or, if only a short period of time was involved, a specifically named Food and Drug Administration employee, of that interest. A specific amount of time should be requested for each presentation. As promptly as possible after the time for making such requests expires, each person would be informed of the time of his presentation and the amount of time allocated for it.

#### CONDUCT OF A PUBLIC HEARING BEFORE THE COMMISSIONER (§ 2.403)

The Commissioner or his designee would preside at the hearing. Other agency employees could also accompany

the presiding officer and could serve as a panel in conducting the hearing.

The hearing would be conducted in the same way that a legislative hearing is conducted. Those making presentations could be accompanied by anyone of their choosing and could present any relevant data, information, or views during their allotted time. The presiding officer and those who serve with him could ask such questions as they deem appropriate, but no other person could ask questions. Additional time could be allotted to any person, in the discretion of the presiding officer, but the time allotted for any person could not be reduced.

#### WRITTEN SUBMISSIONS PERTAINING TO A PUBLIC HEARING BEFORE THE COMMISSIONER (§ 2.404)

Following the hearing, the record would remain open for 15 days for the filing of additional written submissions unless the notice of hearing or the presiding officer specified otherwise.

#### ADMINISTRATIVE RECORD OF A PUBLIC HEARING BEFORE THE COMMISSIONER (§ 2.405)

Proposed § 2.405 specifies the administrative record of the hearing. Such record would be included as part of the record of any administrative proceeding involving the matter.

#### EXAMINATION OF ADMINISTRATIVE RECORD (§ 2.406)

The entire administrative record of a public hearing before the Commissioner would be available for public examination and copying, pursuant to the provisions of § 2.5(j)(1), except that where this form of hearing was being used as an alternative form of hearing in lieu of a formal evidentiary public hearing the limitations in § 2.5(j)(2) and (3) would be applicable.

#### REGULATORY HEARING BEFORE THE FOOD AND DRUG ADMINISTRATION (SUBPART F)

Proposed Subpart F would govern all informal fact-finding hearings held by the Food and Drug Administration in determining whether any, or what type of, regulatory action should be taken with respect to a particular matter involving a specified person. This type of hearing would involve consideration of direct regulatory action in a specific fact situation limited to a particular firm, whether on an administrative basis or through the courts, and would not involve the type of policy issues usually considered in a public hearing before the Commissioner pursuant to Subpart E or other general matters such as the development of regulations. The requirements for a regulatory hearing, as proposed in this subpart, meet or exceed all the standards for procedural due process of law delineated in *Golberg v. Kelly*, 397 U.S. 254 (1970).

#### SCOPE OF SUBPART (§ 2.500)

A regulatory hearing before the Commissioner would be appropriate in two quite different types of situations. In some instances, the Commissioner could be considering a particular matter and

lack sufficient information to make a final determination as to whether any regulatory action is warranted and, if so, what type of action would be appropriate. In the past, the opportunity for informal presentation of views pursuant to section 305 of the act was frequently used for this purpose. The Food and Drug Administration concluded some time ago, however, that this was an improper use of section 305 of the act, and that section 305 should be limited to situations where criminal action is seriously being considered. Accordingly, wherever criminal action is not under serious consideration but additional information is needed for a regulatory determination, the Commissioner could use the regulatory hearing procedure proposed in this subpart as one method of gaining information to make a final determination on appropriate action. If the Commissioner concluded that the possibility of criminal action should be considered after a regulatory hearing was held, an opportunity for presentation of views would be given in accordance with section 305 of the act, but under no circumstances would a regulatory hearing be required prior to a section 305 citation.

In addition, under some provisions of current agency regulations, persons affected by adverse agency action have an opportunity for a hearing. Present provisions of law do not require that this be a "hearing on a record," and thus the provisions of Subpart B relating to a formal evidentiary public hearing would not be required to be applied. For the most part, present regulations simply provide an opportunity for a hearing, without specifying the form of the hearing or the procedure to be followed. Accordingly, the Commissioner proposes that a specific procedure should be incorporated in Subpart F for this purpose.

Proposed § 2.500(b) lists some 24 provisions of current agency regulations which provide a hearing, or which would be amended by these regulations to provide for a hearing, upon a determination by the Food and Drug Administration that is adverse to the interests of the persons involved. In each of these instances, the provisions of Subpart F would be applicable. The Commissioner invites all interested persons to identify, in comments on these proposed regulations, additional provisions of current regulations which should also be subject to an opportunity for a regulatory hearing.

The Commissioner emphasizes that the proposed regulations would provide a right to a regulatory hearing only with respect to those specific matters listed in § 2.500(b). In all other instances, an opportunity for a regulatory hearing would be solely within the discretion of the Commissioner.

#### INAPPLICABILITY AND LIMITED APPLICABILITY (§ 2.501)

Section 2.501(a) of the proposed regulations provides that the informal presentation of views before reporting a criminal violation pursuant to section 305 of the act and section 5 of the Federal Milk Import Act would not be governed by the provisions of Subpart F. The Com-

missioner intends in the near future to revise the regulations governing these presentations, in §§ 1.6 and 1210.31, to provide better guidance with respect to such matters. The Commissioner believes that these specific statutory proceedings are intended not to be adversarial in nature, but simply to provide an opportunity for discussion at an informal conference, for which the provisions of Subpart F would be inappropriate.

Similarly, proposed § 2.501(a) provides that the hearing held with respect to a refusal of admission of any product offered for import into the country would not be governed by proposed Subpart F. The courts have held that importation of any product subject to the act into the United States is entirely within the discretion of the Commissioner and is not subject to the requirements for an Adjudicatory hearing pursuant to the Administrative Procedure Act, 5 U.S.C. 554. See *Sugarman v. Forbrag*, 267 F. Supp. 817, 825-826 (N.D. Cal. 1967), aff'd, 405 F. 2d 1189 (9th Cir. 1968). The Commissioner concludes that, because of the large number of import detentions involved, the present procedure for informal conferences is more suited to this type of matter than a regulatory hearing under Subpart F.

The Commissioner recognizes that other specific procedural provisions in other sections of agency regulations, such as the new procedures governing emergency permit control under Subpart A of Part 90, should continue to govern those specific proceedings. Accordingly, where other specific procedural provisions exist, they would override the provisions of Subpart F except to the extent that the provisions in Subpart F supplemented but were not in conflict with them. Thus, § 2.501(b) provides that the additional procedural safeguards provided by the right to counsel, reconsideration and stay, and judicial review in Subpart F would be applicable in all instances, since no other Food and Drug Administration procedural regulations conflict with those provisions, except for the proceedings exempted in § 2.501(a).

#### PRESIDING OFFICER (§ 2.505)

Proposed § 2.505 provides that any Food and Drug Administration employee to whom the Commissioner delegated such authority, or any person designated by such employee, could serve as the presiding officer at a regulatory hearing. The presiding officer would be required to be, however, a neutral and unbiased official. Thus, he would not have participated in the investigation or action which was the subject of the hearing, or be directly subordinate to a person who had participated in such investigation. The Food and Drug Administration could substitute a different presiding officer for the one originally designated, without notice to the parties, since the person originally designated as the presiding officer could be unavailable when the hearing occurred.

#### RIGHT TO COUNSEL (§ 2.506)

Proposed § 2.506 would guarantee to every party to a hearing the fundamental

due process right to be advised and accompanied by counsel.

#### REGULATORY HEARING ON THE INITIATIVE OF THE COMMISSIONER (§ 2.510)

Proposed § 2.510 would govern the procedures to be followed at a regulatory hearing held on the initiative of the Commissioner. Such a hearing would be initiated by a notice of opportunity for hearing given by the Food and Drug Administration to the party or parties involved. Such notice would specify the facts and actions which are the subject of an opportunity for a hearing and require a response within a stated time period to a specified individual.

If no response was filed within the stated time period, the offer for a hearing would be deemed to have been refused, and no hearing would be held. If a hearing was requested, it would take place at a time and location agreed upon by the parties or, in the absence of such agreement, at a time and location designated by the presiding officer.

#### REGULATORY HEARING PURSUANT TO REGULATION (§ 2.511)

Proposed § 2.511 deals with regulatory hearings initiated at the request of a party, rather than on the initiative of the Commissioner. Pursuant to the various provisions of the agency regulations listed in § 2.500(b), any person who was adversely affected by the particular action specified therein would have a right to an opportunity for a regulatory hearing. The Food and Drug Administration would be required to furnish any such person a notice of opportunity for hearing, which would include the amount of time within which he could request a hearing. The failure to request a hearing would be deemed to constitute a waiver of any right to a hearing.

Before the hearing, the Food and Drug Administration would, upon request, give to the party requesting the hearing reasonable notice of the matters to be considered at the hearing, including a comprehensive statement of the basis for the decision or action taken or proposed by the Commissioner and a general summary of the information that would be presented by the agency at the hearing in support of such decision or action. The Commissioner believes that such notice would be necessary in order reasonably to inform the party of the matters involved. Because the time between the request for hearing and the hearing date could be short, however, such notice could be given either orally or in writing, in the discretion of the Commissioner.

The Commissioner could take such action pending a regulatory hearing under this section as he concludes to be necessary to protect the public health, except where expressly prohibited by statute or regulation. See *Goldberg v. Kelly*, 397 U.S. 254, 263 n. 10 (1970). If action was taken and not stayed pending the hearing, the hearing on the matter would be expedited. After the hearing is concluded, a written decision would be prepared stating the reasons for whatever administrative action was taken by the

Commissioner, and the basis in the record.

#### HEARING PROCEDURE (§ 2.512)

Proposed § 2.512 specifies the procedure to be used in conducting any regulatory hearing pursuant to Subpart F. A regulatory hearing would be a private hearing unless the party who requested the hearing determines otherwise. The determination to make the hearing a public hearing could be made in either of two ways. First, the party requesting the hearing could simply request that it be conducted in public, in which case this would be done. Second, if the party requesting the hearing wished to be accompanied by any person other than an employee or consultant or other person subject to a commercial arrangement as defined in § 4.81(a), the hearing would have to be a public hearing and any interested person could attend.

At the hearing, employees of the agency would be required to give a full and complete statement of the action which was the subject of the hearing, together with the information and reasons supporting it, and could present any information relevant to the hearing. The Food and Drug Administration would have the burden of proof in any hearing conducted pursuant to the specific provisions listed in § 2.500(b). The party requesting the hearing would have the right to present any oral or written information relevant to the hearing. All parties could conduct reasonable cross-examination.

The Commissioner emphasizes that the regulatory hearing is intended to be informal in nature. The technical rules of evidence would not apply. Accordingly, objections on the basis of hearsay, leading questions, or similar legal technicalities, would not be heard. All information in any way reasonably related to the matter would be included in the record.

The presiding officer would prepare a written report of the hearing. This report could be reviewed and corrected by all parties to the hearing if time permitted, i.e., if immediate action was not necessary in the public interest as a result of information obtained during the hearing. If the hearing was transcribed, such transcription would be a part of the report of the hearing.

#### ADMINISTRATIVE RECORD OF A REGULATORY HEARING (§ 2.513)

Proposed § 2.513 specifies the record of the administrative proceeding. This record would be included as part of the record of any administrative proceeding involving the matter.

#### EXAMINATION OF ADMINISTRATIVE RECORD (§ 2.514)

The availability for public disclosure of the administrative record of a regulatory hearing would be governed by the provisions of the public information regulations. Thus, disclosure would depend upon the subject matter involved in the hearing. For example, trade secrets and information that would represent a clearly unwarranted invasion of personal

privacy would not be available for public disclosure. §§ 1.61 and 4.62

the provisions of § 2.11. Such review would, of course, be based solely upon the

cy who was the subject of an adverse determination of any kind by the Office of

section of employees throughout the agency on them. On the one hand, it is

emption from the food labeling information requirements in that section shall be submitted pursuant to Part 2.

#### FOOD STANDARD TEMPORARY PERMITS

A new paragraph (1) would be added



privacy would not be available for public disclosure, pursuant to §§ 4.61 and 4.63. If the hearing involved an IND plan, the provisions of §§ 312.5 and 314.14 would apply, and if the hearing involved the safety of a cosmetic ingredient any safety information voluntarily submitted to the agency at the hearing would be available for public disclosure pursuant to § 4.111 (data and information submitted voluntarily to the Food and Drug Administration). Investigatory records compiled for law enforcement purposes would be made available pursuant to the provisions of § 4.64, i.e., all information disclosed to the party would immediately be available for public disclosure, except where possible criminal prosecution was involved.

#### RECORD FOR ADMINISTRATIVE DECISION (§ 2.515)

For those matters where the Commissioner had offered an opportunity for a hearing in his discretion, pursuant to § 2.500(a), the Commissioner could consider all relevant data and information as well as the administrative record of the hearing in determining whether regulatory action should be undertaken and, if so, what form of action should be taken.

With respect to those regulatory hearings which would be provided pursuant to the specific provisions in the regulations cross-referenced in § 2.500(b), the administrative record of the hearing would constitute the exclusive record for decision by the Commissioner.

#### RECONSIDERATION AND STAY OF ACTION (§ 2.516)

Proposed § 2.516 provides that, following any final administrative action which was the subject of a hearing, any participant could petition for reconsideration or a stay of action pursuant to §§ 2.8 or 2.9. This would exclude, of course, any decision to institute civil or criminal action in the courts.

#### JUDICIAL REVIEW (§ 2.520)

The availability of judicial review with respect to any administrative action which was the subject of a hearing pursuant to Subpart F would be governed by § 2.11. The Commissioner has concluded that it would not be feasible to propose definitive rules with respect to the availability of judicial review of action taken as a result of a regulatory hearing, because of the different types of action that may be the subject of such a hearing. If a regulatory hearing resulted in a seizure or injunction action or section 305 citation and criminal prosecution in the Federal courts, the proper remedy for any aggrieved party would be to contest such action in the courts. Judicial review of the Commissioner's decision to take such action would not be permissible. Where the administrative action taken by the Commissioner was not final in nature, judicial review also would not be permitted. Where the Commissioner took final administrative action as a result of a regulatory hearing, however, judicial review of such final action would clearly be permitted in accordance with

the provisions of § 2.11. Such review would, of course, be based solely upon the administrative record of the proceeding, and would not properly consider any data, information, or arguments not presented in the course of the regulatory hearing.

#### STANDARDS OF CONDUCT AND CONFLICTS OF INTEREST (SUBPART G)

Subpart G of the proposed regulations would include, or cross-reference, all regulations governing the standards of conduct and conflicts of interest with respect to present and former employees of the Food and Drug Administration, including special government employees and employees of the Food and Drug Division of the Office of General Counsel.

#### SCOPE OF SUBPART (§ 2.600)

Although Subpart G would be established to include all pertinent regulations with respect to these matters for all present and former agency employees, many of these regulations are still in the process of development. Accordingly, the provisions proposed in Subpart G at this time represent only brief and initial statements of very general policy. The Commissioner anticipates that substantial further regulations will be added to this subpart, particularly relating to former employees and all special government employees.

#### REFERENCE TO DEPARTMENT REGULATIONS (§ 2.610)

All Food and Drug Administration employees are fully subject to the regulations (45 CFR Part 73) governing standards of conduct for Department of Health, Education, and Welfare employees, except that agency special government employees are subject only to Subpart L of 45 CFR Part 73. In addition, only Food and Drug Administration employees are subject to the provisions of 45 CFR Part 73a, which supplement the Department regulations. The provisions of 45 CFR Part 73a do not apply to special government employees of the Food and Drug Administration.

#### CODE OF ETHICS FOR GOVERNMENT SERVICE (§ 2.611)

Proposed § 2.611 would make applicable to all Food and Drug Administration employees, including special government employees, the code of ethics for government service adopted by Congress in 1958. The Commissioner considers this code, embodying high ethical principles, applicable to all agency employees.

#### FOOD AND DRUG ADMINISTRATION CONFLICT OF INTEREST REVIEW BOARD (§ 2.612)

Under proposed § 2.612, the Commissioner would establish a permanent five-member Conflict of Interest Review Board which would review and make recommendations to the Commissioner with respect to all matters brought before it relating to conflicts of interest. The Associate Commissioner for Administration would be responsible for bringing issues to the Review Board. In addition, any individual inside or outside the agen-

cy who was the subject of an adverse determination of any kind by the Office of the Associate Commissioner for Administration would have the right to an appeal to the Review Board with respect to that matter.

The Review Board would be a permanent body whose purpose would be to establish guidelines and precedents, through written decisions, guidelines, and regulations, that would govern all conflict of interest issues within the agency. Whenever feasible, the policy adopted as a result of the work of the Review Board would be incorporated in regulations in Subpart G.

The Review Board would be sensitive to the privacy rights of individuals with respect to the information it received. In some instances, the only information that would be disseminated publicly would be written in a form that did not reveal the identity of the individual involved. In other instances, either pursuant to general regulations adopted by the agency or pursuant to a specific determination for a named individual, public disclosure of information related to an individual would be appropriate to provide public notice of the circumstances under which the individual was serving as a government employee or special government employee. For example, information could routinely be filed with the Public Records and Documents Center with respect to stockholdings of agency consultants which had been determined not to be substantial, to give public notice about such holdings.

#### DUTY TO REPORT VIOLATIONS (§ 2.613)

Proposed § 2.613 would provide that all agency employees who had factual information showing or who otherwise believed that any present or former Food and Drug Administration employee had violated or was violating any provision of the laws summarized in 45 CFR Part 73 should report such information directly to the agency's Policy Management Staff (HFA-20), which is responsible for handling all matters of this type. The Commissioner advises that, under existing statutory and case law, the failure to report a violation, by itself, is not sufficient to subject an individual who knows of such violation to potential criminal liability as an accessory or accomplice. Accordingly, § 2.613(a) would simply encourage reporting of violations, but no penalty would or could be imposed for failure to report under these circumstances. In considering reports submitted pursuant to this section, the Policy Management Staff would consult with the Conflict of Interest Review Board when close issues arose that required policy consideration.

The records received and generated pursuant to this section would be maintained by the agency in strictest confidence. Only those who were required to see such records in the performance of their duties would be given access to them.

The Commissioner has carefully considered the provisions proposed in this section, and has consulted with a cross-

section of employees throughout the agency on them. On the one hand, it is widely recognized that all citizens share a moral obligation to help enforce legal requirements. On the other hand, it is equally recognized that basic civil liberties must be respected, and that the rights of both the accuser and the accused must be fully protected. The Commissioner is of the opinion that the provisions in this section strike an adequate balance between these valid concerns. No one would be required to report violations, but all would be encouraged to do so. Only those reports which a person was willing to put in writing would be regarded as sufficiently serious to pursue. Those written records would be carefully safeguarded, so that there would be no concern about their improper release to persons who were not required to review them in the course of their duties.

#### PERMANENT DISQUALIFICATION OF FORMER EMPLOYEES (§ 2.620)

Proposed § 2.620 states the provisions of current law, 18 U.S.C. 207(a), with respect to permanent disqualification of former Food and Drug Administration employees on particular matters involving a specific party or parties in which the former employee participated personally and substantially. It is the intention of the Commissioner that this statutory language be supplemented in the future by interpretive regulations to give better guidance to former employees with respect to permissible and impermissible activity.

#### TEMPORARY DISQUALIFICATION OF FORMER EMPLOYEES (§ 2.621)

Proposed § 2.621 similarly summarizes the provisions of 18 U.S.C. 207(b) with respect to the 1-year disqualification of a former Food and Drug Administration employee on any matter which was under his official responsibility within 1 year preceding termination of such responsibility. Again, additional interpretive regulations will be issued to clarify this statutory disqualification.

#### CONFORMING CHANGES IN OTHER FOOD AND DRUG ADMINISTRATION REGULATIONS

The new procedures proposed in Part 2 of the regulations would require corresponding changes in numerous other existing agency regulations in Title 21 of the Code of Federal Regulations. The following is a brief summary of these changes. The Commissioner recognizes that other conforming changes might also be appropriate, and invites comment suggesting further amendments to the agency regulations.

#### EXEMPTION FROM REQUIRED LABEL STATEMENTS

Section 1.1a would be revised to provide that exemptions from required label statements shall be adopted pursuant to Part 2.

#### EXEMPTION FROM FOOD LABELING INFORMATION REQUIREMENTS

Section 1.8d(f) would be revised to state that a petition requesting an ex-

emption from the food labeling information requirements in that section shall be submitted pursuant to Part 2.

#### DELEGATIONS OF AUTHORITY AND ORGANIZATION

Former Subparts H and M of Part 2 would be recodified as a new Part 5. References to the Assistant General Counsel for Food and Drugs, Office of General Counsel, Department of Health, Education, and Welfare would be revised to reflect that he now has the additional title of Chief Counsel for the Food and Drug Administration.

#### COLOR ADDITIVE ADVISORY COMMITTEES

Section 8.12 would be revised to cross-reference the new provisions relating to color additive advisory committees in §§ 2.360 through 2.364; prior provisions in §§ 8.12 through 8.14 would be revoked.

#### EXEMPTION FROM COLOR ADDITIVE CERTIFICATION

Section 8.18 would be revised to state that a petition for exemption from certification for a color additive shall be submitted pursuant to Part 2.

#### OBJECTIONS AND HEARINGS RELATING TO COLOR ADDITIVE REGULATIONS

The existing provisions in §§ 8.19 through 8.21 would be revoked, and a new § 8.19 would provide that objections and hearings relating to color additive regulations shall be governed by Part 2.

#### COLOR ADDITIVE CERTIFICATION REFUSAL

Section 8.27(b) would be amended to add a sentence stating that a person who wishes to contest a refusal to certify a batch of a color additive has an opportunity for a regulatory hearing pursuant to Subpart F. No opportunity for a hearing now exists.

#### CERTIFICATION SERVICE REFUSAL

Section 8.28(b) would be revised to provide that a person who wishes to contest refusal of certification service has an opportunity for a regulatory hearing pursuant to Subpart F of Part 2. The current provisions, which would be revoked, provide for a formal evidentiary public hearing. The Commissioner is of the opinion that the statute does not require an opportunity for a formal evidentiary public hearing, and that a regulatory hearing is more appropriate for this type of proceeding.

#### INVESTIGATIONAL USE OF COLOR ADDITIVES

Section 8.33(a) would be amended to add a new sentence providing an opportunity for a regulatory hearing pursuant to Subpart F upon a refusal to permit the use of food derived from animals on which investigational color additives are used. No opportunity for a hearing now exists.

#### FOOD STANDARDS

Section 10.2 would be revised to state that the procedure for establishing a food standard shall be governed by Part 2. The provisions now contained in this section would be superseded by the more detailed provisions of Part 2.

#### FOOD STANDARD TEMPORARY PERMITS

A new paragraph (1) would be added to § 10.5 to provide that a person who wishes to contest denial, modification, or revocation of a temporary permit to vary from a standard of identity has an opportunity for a regulatory hearing pursuant to Subpart F of Part 2. No opportunity for a hearing exists.

#### STANDARDS OF QUALITY

Section 11.1(e) would be revised to state that standards of quality for foods for which there are no standards of identity may be established pursuant to Part 2 and to delete the reference to a former provision in Part 2 that would be revoked by the proposed regulations.

#### SPECIAL DIETARY FOODS

Section 80.1(b) (4) would be revised to delete the reference to a former provision in Part 2 that would be revoked by the proposed regulations.

#### EMERGENCY PERMIT CONTROL

Section 90.2(a) would be revised to refer to the provisions in Part 2 and to delete the reference to a former provision in Part 2 that would be revoked by the proposed regulation.

#### NUTRITIONAL QUALITY GUIDELINES FOR FOODS

Section 100.2 would be revised to refer to the provisions in Part 2 and to delete the reference to a former provision in Part 2 that would be revoked by the proposed regulations.

#### COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

Section 102.2(a) and (b) would be revised to refer to the provisions in Part 2 and to delete the reference to a former provision in Part 2 that would be revoked by the proposed regulations.

#### FOOD ADDITIVES

Sections 121.40(c) (1), 121.41(b) (1), and 121.400(c) would be revised to refer generally to the new procedures contained in Part 2 rather than to procedures now used.

Section 121.55 would be revised to state that objections and hearings relating to food additive regulations shall be governed by Part 2. All of the previous procedural provisions relating to food additives in Part 121 would be revoked.

Section 121.74 would be revised to state that the procedure for amending and repealing food additive regulations would be governed by Part 2.

#### APPROVAL OF PRESCRIPTION DRUG ADVERTISEMENTS

Section 202.1(j) (5) would be added to state that a regulatory hearing pursuant to Subpart F of Part 2 is available with respect to any determination that prior approval is required for advertisements concerning a particular prescription drug, or that a particular advertisement is not approvable. No opportunity for a hearing now exists.



# **PRESCRIPTION EXEMPTION PROCEDURE FOR NEW DRUGS**

Section 310.300(b) would be revised to replace the procedure now set out in that provision with a reference to Part 2.

## **PHASE IV CLINICAL STUDIES**

Section 310.303(b) would be revised to state that a proposal to require additional or continued studies for a new drug shall be pursuant to Part 2.

## **INVESTIGATIONAL NEW DRUGS**

Section 312.1 (c) (1) and (4) and (d) would be revised to state that any person who wishes to contest any issue arising out of disqualification of an investigator and his work, and termination of an IND, has an opportunity for a regulatory hearing pursuant to Subpart F of Part 2. This would replace the current procedure which is similar in nature but not specified in detail.

These provisions would also be revised to state that an IND plan may be terminated immediately upon a finding of a danger to health, rather than requiring an imminent hazard to health, in order to conform them to proposed § 2.511(e). Section 505(i) of the act does not require the Commissioner to find an imminent hazard to health before an IND plan may be terminated.

## **LABORATORY RESEARCH ON INVESTIGATIONAL NEW DRUGS**

Section 312.9(c)(2) would be revised to state that any person who wishes to contest termination of an investigational exemption for use of a new drug in laboratory research animals or in vitro tests has an opportunity for a regulatory hearing pursuant to proposed Subpart F of Part 2. Now, a conference is permitted but there is no opportunity for a hearing.

## **HEARINGS INVOLVING NEW DRUGS**

Section 314.200 would be revised to delete material that is duplicative of requirements contained in proposed Subpart B of Part 2.

Section 314.201 would be added to state that hearings relating to new drugs shall be governed by Part 2. All of the prior procedural provisions relating to new drug hearings would be revoked.

Section 314.235 would be revised to conform it to the provisions of proposed Subpart B by deleting duplicative material.

## **IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE**

Section 328.30(a) would be revised to refer to Part 2 and to delete the reference to a provision in Part 2 which would be revoked by the proposed regulations.

## **OTC DRUG REVIEW**

Section 330.1 (a) (12) would be revised to state that a petition to amend or repeal any OTC drug monograph shall be submitted pursuant to Part 2.

## **INSULIN**

Section 429.50 would be revised to state that, upon suspension of insulin certifi-

cation service, a person shall have an opportunity for a regulatory hearing pursuant to Subpart F of Part 2. Now, a formal evidentiary public hearing is provided. The Commissioner is of the opinion that a formal evidentiary public hearing is not required by statute and that a regulatory hearing pursuant to Subpart F is more appropriate for this type of proceeding.

## **ANTIBIOTIC REGULATIONS**

Section 430.20(a) would be revised to state that the procedures for the issuance, amendment, or repeal of antibiotic regulations shall be governed by proposed Part 2. The remaining procedural provisions relating to antibiotic hearings would be revoked.

Section 430.20(d), relating to requests for hearings with respect to the failure to issue an antibiotic regulation, or amendment or repeal of such a regulation, would be revised to make the same modifications that have been proposed in § 314.200 for new drugs, to conform it to the provisions in Subpart B.

## **CERTIFICATION OF ANTIBIOTIC DRUGS**

Section 431.52 would be revised to state that, upon suspension of certification service, a person shall have an opportunity for a regulatory hearing pursuant to Subpart F of Part 2. Now, suspension of certification service is subject to a formal evidentiary public hearing. The Commissioner is of the opinion that the statute does not require a formal evidentiary public hearing under these circumstances and that Subpart F provides a more appropriate procedure for this type of proceeding.

## **EXEMPTIONS FROM ANTIBIOTIC CERTIFICATION AND LABELING REQUIREMENTS**

A number of specific sections in Part 433, relating to exemptions from antibiotic certification and labeling requirements, would be revised to provide that a person who wishes to contest adverse action by the Food and Drug Administration shall be subject to an opportunity for a regulatory hearing pursuant to Subpart F of Part 2. Now, these provisions state only that such action is subject to a hearing, without specifying the type of hearing, or do not specify that any hearing is permitted.

The current provisions state that such exemptions can in some instances be revoked only after notice and opportunity for hearing. The proposed cross-reference to the provisions governing a regulatory hearing under Subpart F of Part 2 would mean that the Commissioner could make any such revocation effective immediately if he found that this was necessary to protect the public health, pursuant to § 2.511(e).

## **NEW ANIMAL DRUGS**

A number of specific provisions in Parts 511 and 514 relating to investigational and marketed new animal drugs would be revised in the same way as their counterpart provisions relating to investigational and marketed new drugs, to refer to the new procedural provisions

in Part 2. The prior procedural provisions relating to hearings would be revoked.

## **LICENSING OF BIOLOGICALS**

The procedural provisions in Part 601 relating to licensing of biologicals, revocation and suspension of a license, and hearings on such matters would be substantially revised, consolidated, and simplified. Hearings on denial, revocation, or suspension of a biologics license would be governed by Part 2. The procedural requirements for new drugs in § 314.200 would be incorporated by reference. Previous procedural provisions relating to biologics would be revoked.

## **COSMETIC LABELING**

Section 701.3 (b) and (e) would be revised to refer to the provisions in Part 2 and to delete the reference to a provision in Part 2 that would be revoked by the proposed regulations.

## **NOTIFICATION OF DEFECTS IN ELECTRONIC PRODUCTS**

Section 1003.11(a) would be amended and § 1003.31(d) would be added to include a provision stating that a person who wishes to contest a determination that a product fails to comply or has a defect, and a denial of an exemption from the notification provisions, has an opportunity for a regulatory hearing pursuant to Subpart F of Part 2. Now, no opportunity for a hearing exists.

## **REPURCHASE, REPAIRS, OR REPLACEMENT OF ELECTRONIC PRODUCTS**

Section 1004.6 would be amended to add a new provision stating that, upon denial of a plan with respect to repurchase, repair, or replacement of an electronic product, a person shall have an opportunity for a regulatory hearing pursuant to Subpart F of Part 2. Now, no opportunity for a hearing exists.

## **HEARINGS UNDER THE FEDERAL IMPORT MILK ACT**

Section 1210.30 would be revised to state that a person who wishes to contest denial, suspension, or revocation of a permit has an opportunity for a regulatory hearing pursuant to Subpart F of Part 2. All of the prior procedural provisions would be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act, (Sec. 201 et seq., 52 Stat. 1040; 21 U.S.C. 321 et seq.), the Public Health Service Act (sec. 1 et seq., 58 Stat. 682, as amended; 42 U.S.C. 201 et seq.), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241; 42 U.S.C. 257a), the Controlled Substances Act (sec. 301 et seq., 84 Stat. 1253; 21 U.S.C. 821 et seq.), the Federal Meat Inspection Act (sec. 409(b), 81 Stat. 600; 21 U.S.C. 679(b)), the Poultry Products Inspection Act (sec. 24(b), 82 Stat. 807; 21 U.S.C. 467f(b)), the Egg Products Inspection Act (sec. 2 et seq., 84 Stat. 1620; 21 U.S.C. 1031 et seq.), the Federal Import Milk Act (44 Stat. 1101; 21 U.S.C. 141 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Cautious Poison Act (44 Stat. 1406; 15

U.S.C. 401-411 notes), the Fair Packaging and Labeling Act (80 Stat. 1296; 15 U.S.C. 1451 et seq.), and all other statutory authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Chapter I of Title 21 of the Code of Federal Regulations as follows:

# **PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT**

1. By revising § 1.1a to read as follows:

§ 1.1a Foods, drugs, devices, and cosmetics; labeling; procedure for requesting variations and exemptions from required label statements.

Section 403(e) of the act (in this Part 1, the term "act" means the Federal Food, Drug, and Cosmetic Act) provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 403(f) of the act provides for the establishment by regulation of exemptions from the required declaration of ingredients where such declaration is impracticable, or results in deception or unfair competition. Section 502(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 602(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 5(b) of the Fair Packaging and Labeling Act provides for the establishment by regulation of exemptions from certain required declarations of net quantity of contents, identity of commodity, identity and location of manufacturer, packer, or distributor, and from declaration of net quantity of servings represented, based on a finding that full compliance with such required declarations is impracticable or not necessary for the adequate protection of consumers, and a further finding that the nature, form, or quantity of the packaged consumer commodity or other good and sufficient reasons justify such exemptions. The Commissioner, on his own initiative or on petition of an interested person, may propose a variation or exemption based upon any of the foregoing statutory provisions, including proposed findings if section 5(b) of the Fair Packaging and Labeling Act applies, pursuant to Part 2 of this chapter.

2. By revising § 1.8d(f) to read as follows:

§ 1.8d Food labeling; information panel.

(f) If the label of any package of food is too small to accommodate all of the information required by §§ 1.8a, 1.8c, 1.10, 1.13, 1.17, and 1.18, and Parts 80 and 125 of this chapter, the Commissioner may establish by regulation an acceptable alternative method of disseminating such information to the public, e.g., a type size smaller than one-sixteenth inch

in height, or labeling attached to or inserted in the package or available at the point of purchase. A petition requesting such a regulation, as an amendment to this paragraph shall be submitted pursuant to Part 2 of this chapter.

3. By revising Part 2 to read as follows:

# **PART 2—ADMINISTRATIVE PRACTICES AND PROCEDURES**

## **Subpart A—General**

2.1 Scope.  
2.2 Definitions.  
2.3 Summary of administrative practices and procedures.  
2.4 Submission of documents to Hearing Clerk; computation of time; availability for public disclosure.  
2.5 Initiation of administrative proceedings.  
2.6 Citizen petition.  
2.7 Administrative reconsideration of action.  
2.8 Administrative stay of action.  
2.9 Promulgation of regulations for the efficient enforcement of the law.  
2.10 Court review of final administrative action; exhaustion of administrative remedies.  
2.11 Promulgation of regulations and orders after an opportunity for a formal evidentiary public hearing.  
2.12 Separation of functions; ex parte communications.  
2.13 Referral by court.  
2.14 Meetings and correspondence.  
2.15 Documentation of significant decisions in administrative file.  
2.16 Internal agency review of decisions.  
2.17 Dissemination of draft Federal Register notices and regulations.  
2.18 Advisory opinions.  
2.19 Food and Drug Administration regulations, guidelines, recommendations, and agreements.  
2.20 Participation in outside standard-setting activities.  
2.21 Public calendars.  
2.22 Representation by an organization.  
2.23 Settlement proposals.  
2.24 Waiver, suspension, or modification of procedural requirements.

## **Subpart B—Formal Evidentiary Public Hearings**

2.100 Scope of subpart.  
2.110 Initiation of a formal evidentiary public hearing involving the issuance, amendment, or revocation of a regulation.  
2.111 Initiation of a formal evidentiary public hearing involving the issuance, amendment, or revocation of an order.  
2.112 Filing objections and requests for a hearing on a regulation or order.  
2.113 Ruling on objections and requests for hearing.  
2.114 Modification or revocation of regulation or order.  
2.115 Denial of formal evidentiary public hearing in whole or in part.  
2.116 Judicial review after waiver of hearing on a regulation.  
2.117 Request for alternative form of public hearing.  
2.118 Notice of hearing; stay of action.  
2.119 Effective date of a regulation.  
2.120 Effective date of an order.  
2.121 Appearance.  
2.122 Written notice of appearance.  
2.123 Presiding officer.  
2.124 Commencement of functions.  
2.125 Authority of presiding officer.  
2.126 Disqualification of presiding officer.  
2.127 Unavailability of presiding officer.  
2.128 Filing and service of submissions.

2.151 Petition to participate in forma pauperis.  
2.152 Advisory opinions.  
2.153 Disclosure of data and information by the participants.  
2.154 Purpose; oral and written testimony; burden of proof.  
2.155 Participation of nonparties.  
2.156 Conduct at oral hearings or conferences.  
2.157 Time and place of prehearing conference.  
2.158 Prehearing conference procedure.  
2.159 Summary decisions.  
2.160 Receipt of evidence.  
2.161 Official notice.  
2.162 Briefs and argument.  
2.163 Interlocutory appeal from ruling of presiding officer.  
2.164 Official transcript.  
2.165 Motions.  
2.170 Administrative record of a formal evidentiary public hearing.  
2.171 Examination of administrative record.  
2.172 Correction of administrative record.  
2.173 Record for administrative decision.  
2.180 Recommended decision or initial decision.  
2.181 Tentative order.  
2.182 Appeal from or review of initial decision.  
2.183 Decision by Commissioner after exceptions to the tentative order.  
2.184 Decision by Commissioner on appeal or review of initial decision.  
2.185 Reconsideration and stay of action.  
2.190 Review by the courts.  
2.191 Copies of petitions for judicial review.

## **Subpart C—Public Hearing Before a Public Board of Inquiry**

2.200 Scope of subpart.  
2.201 Notice of a public hearing before a Public Board of Inquiry.  
2.202 Members of a Public Board of Inquiry.  
2.203 Separation of functions; ex parte communications; administrative support.  
2.204 Submissions to a Public Board of Inquiry.  
2.205 Disclosure of data and information by the participants.  
2.206 Proceedings of a Public Board of Inquiry.  
2.207 Administrative record of a Public Board of Inquiry.  
2.208 Examination of administrative record.  
2.209 Record for administrative decision.

## **Subpart D—Public Hearing Before a Public Advisory Committee**

2.300 Scope of subpart.  
2.301 Establishment and renewal of public advisory committees.  
2.302 Termination of public advisory committees.  
2.303 Purpose of proceedings before a public advisory committee.  
2.304 Portions of public advisory committee meetings.  
2.305 Notice of public hearing before a public advisory committee.  
2.306 Chairman of a public advisory committee.  
2.307 Meetings of a public advisory committee.  
2.308 Consultation by a public advisory committee with other persons.  
2.309 Additional rules for a particular public advisory committee.  
2.310 Compilation of materials for members of a public advisory committee.  
2.311 Written submissions to a public advisory committee.  
2.312 Conduct of a public hearing before a public advisory committee.  
2.313 Minutes and reports of public advisory committee meetings.



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PROPOSED RULES

- Sec. 2.314 Transcripts of public advisory committee meetings.
- 2.315 Administrative record of a public hearing before a public advisory committee meeting.
- 2.316 Examination of administrative record and other advisory committee records.
- 2.317 Public inquiries and requests for public advisory committee records.
- 2.318 Determination to close portions of public advisory committee meetings.
- 2.319 Administrative remedies.
- 2.320 Applicability to Congress.
- 2.321 Committees working pursuant to a contract with the Food and Drug Administration.
- 2.322 Application of anticancer clauses.
- 2.330 Qualifications for members of standing policy and technical advisory committees.
- 2.331 Nominations of voting members of standing advisory committees.
- 2.332 Nominations and selection of non-voting members of standing technical advisory committees.
- 2.333 Rights and responsibilities of nonvoting members of advisory committees.
- 2.334 Ad hoc advisory committee members.
- 2.335 Compensation of public advisory committee members.
- 2.340 List of standing advisory committees.
- 2.350 Establishment of the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC).
- 2.351 Functions of TEPRSSC.
- 2.352 Procedures of TEPRSSC.
- 2.353 Membership of TEPRSSC.
- 2.354 Conduct of TEPRSSC meetings; availability of TEPRSSC records.
- 2.360 Establishment of a color additive advisory committee.
- 2.361 Functions of a color additive advisory committee.
- 2.362 Procedures of a color additive advisory committee.
- 2.363 Membership of a color additive advisory committee.
- 2.364 Fees and compensation pertaining to a color additive advisory committee.
- 2.370 Establishment of standing technical public advisory committees for human prescription drugs.
- 2.371 Utilization of a public advisory committee on the initiative of the Food and Drug Administration.
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- Subpart E—Public Hearing Before the Commissioner
- 2.400 Scope of subpart.
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- Subpart G—Standards of Conduct and Conflict of Interest
- 2.600 Scope of subpart.
- 2.610 Reference to Department regulations.
- 2.611 Code of ethics for government service.
- 2.612 Food and Drug Administration Conflict of Interest Review Board.
- 2.613 Duty to report violations.
- 2.620 Permanent disqualification of former employees.
- 2.621 Temporary disqualification of former employees.
- AUTHORITY: Sec. 201 et seq., Pub. L. 717, 52 Stat. 1040 as amended (21 U.S.C. 321 et seq.); sec. 1 et seq., Pub. L. 410, 58 Stat. 682 as amended (42 U.S.C. 201 et seq.); sec. 4, Pub. L. 91-513, 84 Stat. 1241 (42 U.S.C. 257a); sec. 301 et seq., Pub. L. 91-513, 84 Stat. 1253 (21 U.S.C. 821 et seq.); sec. 409(b), Pub. L. 242, 81 Stat. 600 (21 U.S.C. 679); sec. 24(b), Pub. L. 85-172, 82 Stat. 807 (21 U.S.C. 467f (b)); sec. 2 et seq., Pub. L. 91-597, 84 Stat. 1620 (21 U.S.C. 1031 et seq.); sec. 1 et seq., Pub. L. 625, 44 Stat. 1101-1103 as amended (21 U.S.C. 141 et seq.); sec. 1 et seq., Chapter 358, 29 Stat. 604-607 as amended (21 U.S.C. 41 et seq.); Pub. L. 783, 44 Stat. 1406 as amended by 74 Stat. 381 (15 U.S.C. 401-411 notes); sec. 2 et seq., Pub. L. 89-755, 80 Stat. 1296 (15 U.S.C. 1451 et seq.).
- Subpart A—General
- § 2.1 Scope.
- (a) Part 2 governs practices and procedures applicable to all petitions, hearings, and other administrative proceedings and activities conducted by the Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and other laws with respect to which authority has been delegated to the Commissioner of Food and Drugs pursuant to § 5.1 of this chapter, except to the extent that specific provisions in other sections of this chapter state different requirements with respect to a particular matter.
- (b) Where a specific provision in another section of this chapter states a different requirement with respect to a particular matter (e.g., the use of a form different from the one specified in § 2.7 (b)), the sections in this Part shall apply to the extent that they do not conflict with such other provisions (e.g., the requirements for inclusion of all data and information and for translations of foreign language in § 2.5(b) shall apply regardless of which form is used).
- § 2.3 Definitions.
- (a) As used in this Part, the following terms shall have the meanings specified:
- (1) "Act" means the Federal Food, Drug, and Cosmetic Act unless otherwise indicated.
- (2) "Department" means the United States Department of Health, Education, and Welfare.
- (3) "Secretary" means the Secretary of Health, Education, and Welfare.
- (4) "Commissioner" means the Commissioner of Food and Drugs, Food and Drug Administration, United States Department of Health, Education, and Welfare, or his designee.
- (5) "Agency" means the Food and Drug Administration.
- (6) "Person" includes an individual, partnership, corporation, association, or other legal entity.
- (7) "Presiding officer" means the Commissioner or his designee or an Administrative Law Judge appointed as provided in 5 U.S.C. 3105.
- (8) "Hearing Clerk" means the Hearing Clerk of the Food and Drug Administration, United States Department of Health, Education, and Welfare, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.
- (9) "Proceeding" and "administrative proceeding" mean any undertaking to issue, amend, or revoke a regulation or order, or to take or refrain from taking any other form of administrative action.
- (10) "Party" means the bureau of the Food and Drug Administration responsible for the matter involved and every person who either has exercised a right to request or has been granted the right by the Commissioner to have a formal evidentiary public hearing pursuant to Subpart B of this Part or a regulatory hearing before the Commissioner pursuant to Subpart F of this Part, or who has waived any such right in order to obtain the establishment of a Public Board of Inquiry pursuant to Subpart C of this Part, and as a result of whose action a formal evidentiary hearing or a regulatory hearing before the Commissioner has been granted or a Public Board of Inquiry has been established.
- (11) "Participant" means any person participating in any proceeding, including each party and any other interested person.
- (12) "Interested person" or "any person who will be adversely affected" means any person who submits a petition or comment or objection or otherwise requests an opportunity to participate in any informal or formal administrative proceeding or court action.
- (13) "Public Board of Inquiry" or "Board" means an administrative law tribunal constituted pursuant to the provisions of Subpart C of this Part.
- (14) "Public advisory committee" or "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is not composed wholly of full-time officers or employees of the Federal government and is established or utilized by the Food and Drug Administration to obtain advice or recommendations.
- (15) "Formal evidentiary public hearing" means any hearing conducted pursuant to the provisions of Subpart B of this Part.
- (16) "Public hearing before a Public Board of Inquiry" means any hearing conducted by a Board pursuant to the provisions of Subpart C of this Part.

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- (17) "Public hearing before a public advisory committee" means any hearing conducted by an advisory committee pursuant to the provisions of Subpart D of this Part.
- (18) "Public hearing before the Commissioner" means any hearing conducted by the Commissioner or his designee pursuant to the provisions of Subpart E of this Part.
- (19) "Regulatory hearing before the Food and Drug Administration" means any hearing conducted by an authorized employee of the Food and Drug Administration pursuant to the provisions of Subpart F of this Part.
- (20) "The laws administered by the Commissioner" means all the statutory provisions with respect to which authority has been delegated to the Commissioner pursuant to § 5.1 of this chapter.
- (21) "Petition" means any petition, application, or other document requesting the Commissioner to establish, amend, or revoke a regulation or order, or to take or refrain from taking any other form of administrative action, under the laws administered by him.
- (22) "Regulation" means any agency rule of general or particular applicability and future effect implementing or applying any law administered by the Commissioner or relating to administrative practices and procedures. Pursuant to § 2.20(a), all agency regulations shall be promulgated in the FEDERAL REGISTER and codified in the Code of Federal Regulations.
- (23) "Order" means any final agency disposition, other than the issuance of a regulation, in a proceeding concerning any matter and includes action on any new drug application, new animal drug application, or biological license.
- (24) "Meeting" means any oral discussion, whether by telephone or in person.
- (25) "Office of the Commissioner" includes the offices of the associate and assistant commissioners and excludes the bureaus, the office of the Executive Director for Regional Operations, and all regional and district offices.
- (26) "Administrative action" includes every form and kind of act, including the refusal or failure to act, involved in the implementations of the laws administered by the Commissioner, except that it does not include the referral of apparent violations to United States attorneys for the institution of civil and criminal proceedings and acts preparatory or incidental thereto.
- (27) "Administrative file" or "administrative record" means the file maintained by the Food and Drug Administration, either by the Hearing Clerk or by any other agency employee, in which all documents comprising the official record of any administrative proceeding are retained.
- (28) "Food and Drug Administration employee" or "Food and Drug Administration representative" shall be deemed to include members of the Food and Drug Division of the office of the General Counsel of the Department of Health, Education, and Welfare.

- (b) Any term which is defined in section 201 of the Federal Food, Drug, and Cosmetic Act or Part 1 of this chapter shall have that definition.
- (c) Words in the singular form shall be deemed to include the plural, words in the masculine form shall be deemed to include the feminine form, and vice versa, as the case may require.
- (d) Whenever any reference is made in this Part to any person in the Food and Drug Administration, e.g., the director of a bureau, such reference shall also be deemed to include all persons to whom that person has delegated the specific function involved.
- § 2.4 Summaries of administrative practices and procedures.
- The Commissioner shall prepare for public distribution summaries of Food and Drug Administration administrative practices and procedures in terms that are readily understood in order to encourage and facilitate participation in all agency activities.
- § 2.5 Submission of documents to Hearing Clerk; computation of time; availability for public disclosure.
- (a) All submissions to the Hearing Clerk of petitions, comments, objections, notices, compilations of data and information, and any other documents pursuant to this Part or other sections in this chapter shall be filed in quintuplicate, except as otherwise specifically provided in any relevant FEDERAL REGISTER notice or in other sections of this chapter. The Hearing Clerk shall be the agency custodian of such documents.
- (b) All such submissions shall be signed by the person making the submission, or by an attorney or other authorized representative on his behalf. If a submission is signed by an attorney or other authorized representative on behalf of another person, the submission shall be accompanied by a signed statement of authorization or other documentation verifying his authority to sign the submission as such person's representative, unless such authorization has previously been submitted as part of the administrative file in the same proceeding. Submissions by trade associations shall also be subject to the requirements of § 2.23(b).
- (c) All data and information referred to or in any way relied upon in any such submissions shall be included in full and may not be incorporated by reference, unless previously submitted as part of the administrative file in the same proceeding.
- (1) A copy of any article or other reference or source cited shall be included.
- (2) If any part of the material submitted is in a foreign language, it shall be accompanied by an English translation verified under oath to be complete and accurate, together with the name, address, and a brief statement of the qualifications of the person making the translation. Translations of literature or other material in a foreign language shall be accompanied by copies of the original publication.

- (3) Where relevant data or information are contained in a document also containing irrelevant matter, the irrelevant matter shall be deleted and only the relevant data or information shall be submitted.
- (4) Pursuant to § 4.63 (a) and (b) of this chapter, the names and other information which would identify patients or research subjects shall be deleted from any record before it is submitted to the Hearing Clerk in order to preclude a clearly unwarranted invasion of personal privacy.
- (5) Defamatory, scurrilous, or intemperate matter shall be deleted from any record before it is submitted to the Hearing Clerk.
- (6) The failure to comply with the requirements of this paragraph or any other requirement in this Part shall result in rejection of the submission for filing or, if it is filed, in exclusion from consideration of any portion of the submission which fails to comply. If a submission fails to meet any requirement of this section and such deficiency becomes known to the Hearing Clerk, the Hearing Clerk shall return the submission with a copy of the applicable regulations indicating those provisions not complied with in the submission. A deficient submission may be corrected or supplemented and subsequently filed.
- (d) The filing of a submission shall mean only that the Hearing Clerk has not determined that it fails to meet the technical requirements for filing established in this section and in any other applicable sections in this chapter, e.g., § 2.7 relating to a citizen petition. The filing of a petition shall not mean or imply that it in fact meets all applicable requirements or that it contains reasonable grounds for the action requested or that the action requested is in accordance with law.
- (e) All submissions to the Hearing Clerk shall be considered as submitted on the date on which they are postmarked or, if delivered in person during regular business hours, on the date on which they are so delivered, unless a provision in this Part or an applicable FEDERAL REGISTER notice specifically states that such documents must be received by a specified date, e.g., § 2.8(g) relating to a petition for reconsideration, in which case they shall be considered submitted on the date actually received.
- (f) All such submissions shall be mailed or delivered in person to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, except that a submission which is required to be received by the Hearing Clerk by a specified date may be delivered in person to the Food and Drug Administration building in downtown Washington, Rm. 6819, 200 C St., SW., Washington, DC 20201 and shall be considered as received by the Hearing Clerk on the date on which it is logged in at Rm. 6819.
- (g) The Food and Drug Administration ordinarily will not acknowledge or give receipt for such documents, except:

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- (1) Documents delivered in person or submitted by certified or registered mail verbatim recording or transcription unless it is otherwise available for public use.
- (b) Production, sales, distribution, and similar data and information, except any

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- istrative determination is feasible in light of agency priorities and resources.
- (c) Any petition which appears to meet the requirements of paragraph (b) of
- (3) A public hearing before a Public Board of Inquiry pursuant to Subpart C



(1) Documents delivered in person or submitted by certified or registered mail with a return receipt requested.

(2) Petitions for which acknowledgment of receipt of filing is provided by regulations in this chapter or by customary practice, e.g., § 2.7(c) relating to a citizen petition.

(h) Saturdays, Sundays, and Federal legal holidays shall be included in computing the time allowed for the submission of any document, except that when such time expires on a Saturday, Sunday, or Federal legal holiday, such period shall be extended to include the next following business day.

(i) All submissions to the Hearing Clerk constitute a representation that, to the best of the knowledge, information, and belief of the person making the submission, all statements made in the submission are true and accurate. All such submissions are subject to the False Reports to the Government Act, 18 U.S.C. 1001, under which a willfully false statement is a criminal offense.

(j) The availability for public examination and copying of submissions to the Hearing Clerk shall be governed by the following rules:

(1) Except to the extent provided in paragraphs (j) (2) and (3) of this section, the following submissions, including all supporting material, shall be on public display and shall be available for public examination during regular business hours on Monday through Friday. Requests for copies of such submissions shall be filed and handled pursuant to the provisions of Subpart C of Part 4 of this chapter.

(i) Petitions.

(ii) Comments on petitions, on documents published in the FEDERAL REGISTER, and on similar public documents.

(iii) Objections and requests for hearings filed pursuant to Subpart B of this Part.

(iv) Material submitted at a formal evidentiary public hearing pursuant to Subpart B of this Part, a public hearing before a Public Board of Inquiry pursuant to Subpart C of this Part, a public hearing before the Commissioner pursuant to Subpart E of this Part, or an alternative form of hearing before a public advisory committee pursuant to § 2.117(a) (2).

(v) Material placed on public display pursuant to regulations in this chapter, e.g., agency guidelines filed pursuant to § 2.20(b).

(2) (i) Material submitted with objections and requests for hearings filed pursuant to Subpart B of this Part, or at a formal evidentiary public hearing pursuant to Subpart B, a public hearing before a Public Board of Inquiry pursuant to Subpart C of this Part, or an alternative form of public hearing before a public advisory committee or a public hearing before the Commissioner pursuant to § 2.117(a) (2) or (3), of the following types shall be on public display and shall be available for public examination during regular business hours on Monday through Friday, but shall not be available for copying or any other form of

verbatim recording or transcription unless it is otherwise available for public disclosure pursuant to the provisions of Part 4 of this chapter and the regulations referenced therein:

(a) Safety and effectiveness data and information, which include all studies and tests of an ingredient or product on animals and humans and all studies and tests on the ingredient or product for identity, stability, purity, potency, bioavailability, performance, and usefulness.

(b) A protocol for a test or study.

(ii) Material submitted pursuant to the provisions of this paragraph (j) (2) shall be segregated from all other submitted material and clearly so marked. Any person who does not agree that such a submission is properly subject to the provisions of this paragraph (j) (2) may request a ruling thereon from the Assistant Commissioner for Public Affairs whose decision on the matter shall be final, subject to judicial review pursuant to § 4.46 of this chapter.

(iii) Material submitted pursuant to the provisions of this paragraph (j) (2) shall be retained on public display and available for public examination only for such period of time as is appropriate to permit public participation in a public hearing and any related judicial review, and shall thereafter be subject to the provisions of paragraph (j) (3) of this section.

(iv) In accordance with the policy stated in § 4.86 of this chapter, the limited availability of material pursuant to this paragraph (j) (2) shall be deemed not to constitute prior disclosure to the public as defined in § 4.81 of this chapter and no such data and information shall, if copied or otherwise recorded or transcribed in violation of the provisions of this paragraph (j) (2), be submitted to or received or considered by the Food and Drug Administration by any other person in support of a petition or other request.

(3) (i) Material prohibited from public disclosure pursuant to § 4.63 of this chapter (clearly unwarranted invasion of personal privacy) as interpreted and applied in Part 4 of this chapter and the regulations referenced therein, and material submitted with objections and requests for hearings filed pursuant to Subpart B of this Part, or at a formal evidentiary public hearing pursuant to Subpart B of this Part, a public hearing before a Public Board of Inquiry pursuant to Subpart C of this Part, or an alternative form of public hearing before a public advisory committee or a public hearing before the Commissioner pursuant to § 2.117(a) (2) or (3), of the following types shall not be on public display, shall not be available for public examination, and shall not be available for copying or any other form of verbatim transcription unless they are otherwise available for public disclosure pursuant to the provisions of Part 4 of this chapter and the regulations referenced therein:

(a) Manufacturing methods of processes, including quality control procedures.

(b) Production, sales, distribution, and similar data and information, except any compilation of such data and information aggregated and prepared in a way that does not reveal confidential data and information.

(c) Quantitative or semiquantitative formulas.

(d) Data and information on design or construction of products.

(ii) Material submitted pursuant to the provisions of this paragraph (j) (3) shall be segregated from all other submitted material and clearly so marked. Any person who does not agree that such a submission is properly subject to the provisions of this paragraph (j) (3) may request a ruling thereon from the Assistant Commissioner for Public Affairs whose decision on the matter shall be final, subject to judicial review pursuant to § 4.46 of this chapter.

#### § 2.6 Initiation of administrative proceedings.

An administrative proceeding under the laws administered by the Commissioner may be initiated in any of the following three ways:

(a) Any interested person may petition the Commissioner to issue, amend, or revoke a regulation or order, or to take or refrain from taking any other form of administrative action, under the laws administered by him. Any such petition shall be either (1) in the form specified in other applicable sections in this chapter, e.g., the form for a food additive petition in § 121.51 of this chapter or for a new drug application in § 314.1 of this chapter or for a new animal drug application in § 514.1 of this chapter, or (2) in the form for a citizen petition in § 2.7.

(b) The Commissioner may on his own initiative institute a proceeding to issue, amend, or revoke a regulation or order, or to take or refrain from taking any other form of administrative action, under the laws administered by him. The Food and Drug Administration has primary jurisdiction to make the initial determination on issues within its statutory mandate, and will request a court to dismiss, or to hold in abeyance its determination of or refer to the agency for administrative determination, any such issue which has not previously been determined by the agency or which, if it has previously been so determined, the agency concludes should be reconsidered and subject to a new administrative determination. The Commissioner may, in his discretion, utilize any of the procedures established in this Part in reviewing and making a determination on any matter on his own initiative.

(c) The Commissioner shall institute a proceeding to determine whether he should issue, amend, or revoke a regulation or order, or take or refrain from taking any other form of administrative action under the laws administered by him, whenever any court holds in abeyance or refers any such matter to him for an administrative determination and he concludes that such an admin-

istrative determination is feasible in light of agency priorities and resources.

#### § 2.7 Citizen petition.

(a) The provisions of this section shall apply to any petition submitted by any person, except to the extent that specific provisions in other sections of this chapter state different requirements with respect to a particular matter.

(b) Any petition (including any attachments) shall be submitted in accordance with § 2.5 and in the following form:

(Date)  
Hearing Clerk, Food and Drug Administration,  
Department of Health, Education, and  
Welfare, Rm. 4-65, 5600 Fishers Lane,  
Rockville MD 20852.

#### CITIZEN PETITION

The undersigned submits this petition pursuant to \_\_\_\_\_ (relevant statutory sections, if known) of the \_\_\_\_\_ (Federal Food, Drug, and Cosmetic Act and/or the Public Health Service Act and/or any other statutory provision with respect to which authority has been delegated to the Commissioner of Food and Drugs pursuant to 21 CFR 5.1) to request the Commissioner of Food and Drugs to \_\_\_\_\_ (issue, amend, or revoke a regulation or order or take or refrain from taking any other form of administrative action).

A. Action Requested.  
(1) If the petition requests the Commissioner to issue, amend, or revoke a regulation, the exact wording of the existing regulation (if any) and the proposed regulation or amendment requested.)

(2) If the petition requests the Commissioner to issue, amend, or revoke an order, a copy of the exact wording of and citation to the existing order (if any) and the exact wording requested for the proposed order.)

(3) If the petition requests the Commissioner to take or refrain from taking any other form of administrative action, the specific action or relief requested.)

B. Statement of Grounds.  
(A full statement of the factual and legal grounds upon which the petitioner relies. Such grounds shall include all relevant data, information, and views on which the petitioner relies, as well as representative data and information known to the petitioner which are unfavorable to the petitioner's position, and shall be submitted in a well-organized format.)

C. Environmental Impact.  
(An environmental impact analysis report in the form specified in 21 CFR 61(g), except for the types of actions specified in 21 CFR 61(e).)

The undersigned certifies, that, to the best of his knowledge and belief this petition includes all data, information, and views on which the petition relies, and that it includes representative data and information known to the petitioner which are unfavorable to the petition.

Very truly yours,

(Signature)

(Name of petitioner)

(Mailing address)

(Telephone number)

(c) Any petition which appears to meet the requirements of paragraph (b) of this section and § 2.5 shall be filed by the Hearing Clerk, stamped with the date of filing, and assigned a docket number. The docket number shall be used to identify the administrative file established by the Hearing Clerk for all submissions relating to the petition, as provided in this Part. All subsequent submissions relating to the matter shall refer to such docket number and shall be filed in such administrative file. Identical, similar, or related petitions may be filed together and given the same docket number. The Hearing Clerk shall promptly notify the petitioner in writing of the filing and docket number of a petition.

(d) Any interested person may submit written comments to the Hearing Clerk on any filed petition, which shall become part of the administrative file. Such comments shall specify the docket number of the petition and may support or oppose the petition in whole or in part. Any request for alternative or different administrative action shall be in the form of a separate petition.

(e) The Commissioner shall review and rule upon every petition filed pursuant to paragraph (c) of this section as promptly as is feasible, taking into consideration (1) the agency resources available to handle the category of subject matter involved, (2) the priority assigned to the petition in relation both to the category of subject matter involved and the overall work of the agency, and (3) time requirements established by statute. The Commissioner may grant or deny such a petition, in whole or in part, and may grant such other relief or take such other action as he may determine to be warranted by the petition. The petitioner shall be notified in writing of the Commissioner's decision on a petition. Such decision shall be placed in the public docket file in the office of the Hearing Clerk and may also be in the form of a notice published in the FEDERAL REGISTER.

(f) If a petition filed pursuant to paragraph (c) of this section requests the Commissioner to issue, amend, or revoke a regulation, the provisions of § 2.10 or § 2.12 shall also apply.

(g) A petitioner may supplement, amend, or withdraw his petition upon written request without agency approval prior to the time the Commissioner rules on the petition unless the petition has been referred for a hearing under Subparts B, C, D, or E of this Part. In all other instances, a petition may be supplemented, amended, or withdrawn only with approval of the Commissioner.

(h) In reviewing any matter which is the subject of a petition filed pursuant to paragraph (c) of this section, the Commissioner may, in his discretion, utilize any of the following procedures.

(1) Conferences, meetings, discussions, and correspondence pursuant to § 2.15.

(2) A formal evidentiary public hearing pursuant to Subpart B of this Part.

(3) A public hearing before a Public Board of Inquiry pursuant to Subpart C of this Part.

(4) A public hearing before a public advisory committee pursuant to Subpart D of this Part.

(5) A public hearing before the Commissioner pursuant to Subpart E of this Part.

(6) A regulatory hearing before the Food and Drug Administration pursuant to Subpart F of this Part.

(7) A notice published in the FEDERAL REGISTER requesting data, information, and views.

(8) A proposal to issue, amend, or revoke a regulation, in accordance with the provisions of § 2.10 or § 2.110.

(9) Any other specific public procedure established by the provisions in other sections of this chapter and explicitly made applicable to the matter by those provisions.

(1) The record of the administrative proceeding shall consist of the following:

(1) The petition, including all data and information on which it relies, filed by the Hearing Clerk.

(2) All comments received on the petition, including all data or information submitted as a part of such comments.

(3) If the petition resulted in a proposal to issue, amend, or revoke a regulation, all of the documents specified in § 2.10(g).

(4) The record, consisting of any transcripts, minutes of meetings, reports, FEDERAL REGISTER notices, and other documents, resulting from any of the optional procedures specified in paragraph (g) of this section, except that it shall not include the transcript of any closed portion of any public advisory committee meeting.

(5) The Commissioner's decision on the petition, including all data and information identified or filed by the Commissioner with the Hearing Clerk as part of the record supporting the decision.

(6) All documents filed with the Hearing Clerk pursuant to § 2.15(f).

(7) If any petition for reconsideration or for a stay of action is filed pursuant to paragraph (j) of this section, the administrative record specified in § 2.8 (k) or § 2.9(h) respectively.

(j) The administrative record specified in paragraph (i) of this section shall constitute the exclusive record for the Commissioner's decision. The record of the administrative proceeding shall be closed as of the date of the Commissioner's decision unless some other date for the closing of the record is specified by the Commissioner. Thereafter any interested person may submit a petition for reconsideration pursuant to § 2.8 and a petition for stay of action pursuant to § 2.9. Any person who wishes to rely upon data, information, or views not included in the administrative record shall submit it to the Commissioner with a new petition to modify the decision pursuant to this section.

(k) The provisions of this section shall not apply to requests, suggestions, and



recommendations made informally in routine correspondence received by the Food and Drug Administration. Such correspondence does not constitute a petition within the meaning of this section unless it purports to meet the requirements of this section. Action with respect to such routine correspondence does not constitute final administrative action which is subject to judicial review pursuant to § 2.11.

(b) The Hearing Clerk shall maintain a chronological list of all petitions filed pursuant to this section and § 2.19, but excluding petitions submitted elsewhere in the agency pursuant to § 2.6(a)(1), showing:

- (1) The docket number.
- (2) The date the petition was filed by the Hearing Clerk.
- (3) The name of the petitioner.
- (4) The subject matter involved.

#### § 2.8 Administrative reconsideration of action.

(a) The Commissioner may at any time conclude to reconsider any matter, on his own initiative or on the petition of any interested person.

(b) Any interested person may request reconsideration of any part or all of a decision of the Commissioner on any petition submitted pursuant to § 2.6(a). Any such request shall be submitted in accordance with § 2.5 and in the following form no later than 30 days after the date of the decision involved.

(Date)

Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852

#### PETITION FOR RECONSIDERATION

Docket No. \_\_\_\_\_

The undersigned submits this petition for reconsideration of the decision of the Commissioner of Food and Drugs in Docket No. \_\_\_\_\_

A. Decision Involved.  
(A concise statement of the decision of the Commissioner which the petitioner wishes to have reconsidered.)

B. Action Requested.  
(The decision which the petitioner requests the Commissioner to make upon reconsideration of the matter.)

C. Statement of Grounds.  
(A full statement of the factual and legal grounds upon which the petitioner relies. Such grounds shall demonstrate that relevant data, information, and views contained in the administrative record were not previously or not adequately considered by the Commissioner. No new data, information, or views may be included in a petition for reconsideration.)

Very truly yours,

(Signature)

(Name of petitioner)

(Mailing address)

(Telephone number)

(c) A petition for reconsideration relating to a petition submitted pursuant to § 2.6(a)(2) shall be subject to the

requirements of § 2.7 (c) and (d), except that it shall be filed in the same docket file as the petition to which it relates.

(d) The Commissioner shall promptly review a petition for reconsideration. The Commissioner may grant such a petition in any proceeding when he determines that it is in the public interest and in the interest of justice. The Commissioner shall grant a petition for reconsideration in any proceeding if he determines that all of the following apply:

- (1) the petition demonstrates that relevant data, information, or views contained in the administrative record were not previously or not adequately considered by the Commissioner,
- (2) the petitioner's position is not frivolous and is being pursued in good faith,
- (3) the petitioner has demonstrated sound public policy grounds supporting reconsideration, and
- (4) reconsideration is not outweighed by public health considerations or other public interests.

(e) A petition for reconsideration shall be based only on data, information, and views contained in the administrative record on which the Commissioner made his decision. Any interested person who wishes to rely upon data, information, or views not included in such administrative record shall submit it to the Commissioner with a new petition to modify the decision pursuant to § 2.6(a).

(f) The Commissioner's decision on a petition for reconsideration shall be in writing and shall be placed on public display as part of the administrative file on the matter in the office of the Hearing Clerk. A determination to grant reconsideration shall be published in the FEDERAL REGISTER if the Commissioner's original decision was published in the FEDERAL REGISTER. Any other determination to grant or to deny reconsideration may also be published in the FEDERAL REGISTER.

(g) The Commissioner will consider a petition for reconsideration only if it is submitted within 30 days of the date of the decision involved and before such petitioner brings legal action in the courts to review such action, except that such a petition shall also be considered if the Commissioner has denied a petition for stay of action and such petitioner has petitioned for judicial review of the Commissioner's action and requested the reviewing court to grant a stay pending consideration of such review. A petition for reconsideration submitted later than 30 days after the date of the decision involved shall be denied as untimely. A petition for reconsideration shall be considered as submitted on the day it is received by the Hearing Clerk.

(h) The Commissioner may on his own initiative decide to reconsider all or part of any matter at any time after it has been decided or action has been taken. If review of such matter is pending in the courts, the Commissioner may request that the court refer the matter back to the agency or hold its review in abeyance pending administrative reconsideration. The administrative record of the proceeding shall include all additional

documents relating to such reconsideration.

(i) After determining to reconsider a matter, whether on the petition of an interested person or on his own initiative, the Commissioner shall review and rule on the merits of the matter pursuant to § 2.7(e). The Commissioner may reaffirm, modify, or overrule his prior decision, in whole or in part, and may grant such other relief or take such other action as he may determine to be warranted.

(j) The Commissioner's reconsideration of any matter relating to a petition submitted pursuant to § 2.6(a)(2) shall be subject to the provisions of § 2.7(f) through (h), (j), and (k).

(k) The record of the administrative proceeding shall consist of the following:

- (1) The record of the original petition specified in § 2.7(i).
- (2) The petition for reconsideration, including all data and information on which it relies, filed by the Hearing Clerk.

(3) All comments received on such petition, including all data or information submitted as a part of such comments.

(4) The Commissioner's decision on such petition pursuant to paragraph (f) of this section, including all data and information identified or filed by the Commissioner with the Hearing Clerk as part of the record supporting the decision.

(5) Any FEDERAL REGISTER notices or other documents resulting from such petition.

(6) All documents filed with the Hearing Clerk pursuant to § 2.15(f).

(7) If the Commissioner reconsiders the matter, the administrative record relating to such reconsideration specified in § 2.7(i).

#### § 2.9 Administrative stay of action.

(a) The Commissioner may stay (including extend) the effective date of any relevant action pending or following his decision on any matter, on his own initiative or on the petition of any interested person.

(b) Any interested person may request the Commissioner to stay the effective date of any administrative action. Such a stay may be requested for a specific time period or for an indefinite time period. Any such request shall be submitted in accordance with § 2.5 and in the following form no later than 30 days after the date of the decision involved.

(Date)

Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852

#### PETITION FOR STAY OF ACTION

The undersigned submits this petition requesting that the Commissioner of Food and Drugs stay the effective date of his action with respect to the following matter.

A. Decision Involved.

(The specific administrative action being taken by the Commissioner for which a stay is requested, including the docket number or other citation to the action involved.)

#### B. Action Requested.

(The length of time for which the stay is requested, which may be for a specific or indefinite time period.)

#### C. Statement of Grounds.

(A full statement of the factual and legal grounds upon which the petitioner relies for the stay.)

Very truly yours,

(Signature)

(Name of petitioner)

(Mailing address)

(Telephone number)

(c) A petition for stay of action relating to a petition submitted pursuant to § 2.6(a)(2) shall be subject to the requirements of paragraphs (c) and (d) of § 2.7, except that it shall be filed in the same docket file as the petition to which it relates.

(d) Neither the filing of a petition for a stay of action pursuant to this section nor action taken by an interested person in accordance with any other administrative procedure in this part or in any other section of this chapter, e.g., the filing of a citizen petition pursuant to § 2.7 or a petition for reconsideration pursuant to § 2.8 or a request for an advisory opinion pursuant to § 2.18, shall operate to stay or otherwise delay any administrative action by the Commissioner, including enforcement action of any kind, unless one of the following applies:

- (1) The Commissioner, in his discretion, determines that a stay or delay is in the public interest and stays the action.
- (2) A statutory provision requires that the matter be stayed.
- (3) A court orders that the matter be stayed.

(e) The Commissioner shall promptly review a petition for stay of action. The Commissioner may grant or deny such a petition, in whole or in part, and may grant such other relief or take such other action as he may determine to be warranted by the petition. The Commissioner may grant a stay in any proceeding if he determines that all of the following apply:

- (1) The petitioner's case is not frivolous and is being pursued in good faith,
- (2) the petitioner has demonstrated sound public policy grounds supporting the stay, and
- (3) the delay resulting from the stay is not outweighed by public health considerations or other public interests.

(f) The Commissioner's decision on a petition for stay of action shall be in writing and shall be placed on public display as part of the file on the matter in the office of the Hearing Clerk. A determination to grant a stay shall be published in the FEDERAL REGISTER if the Commissioner's original decision was published in the FEDERAL REGISTER. Any other determination to grant or to deny

a stay may also be published in the FEDERAL REGISTER.

(g) A petition for a stay of action submitted later than 30 days after the date of the decision involved shall be denied as untimely. A petition for a stay of action shall be considered as submitted on the day it is received by the Hearing Clerk.

(h) The record of the administrative proceeding shall consist of the following:

- (1) The record of the proceeding to which the petition for stay of action is directed.

(2) The petition for stay of action, including all data and information on which it relies, filed by the Hearing Clerk.

(3) All comments received on such petition, including all data or information submitted as a part of such comments.

(4) The Commissioner's decision on such petition pursuant to paragraph (e) of this section, including all data and information identified or filed by the Commissioner with the Hearing Clerk as part of the record supporting the decision.

(5) Any FEDERAL REGISTER notices or other documents resulting from such petition.

(6) All documents filed with the Hearing Clerk pursuant to § 2.15(f).

#### § 2.10 Promulgation of regulations for the efficient enforcement of the law.

(a) The Commissioner may propose and promulgate regulations for the efficient enforcement of the laws administered by him whenever he concludes that it is necessary or appropriate to do so. The issuance, amendment, or revocation of any such regulation may be initiated in any of the ways specified in § 2.6.

(1) This section shall apply to any regulation (i) not subject to § 2.12 and Subpart B of this Part or (ii) if it is subject to § 2.12 and Subpart B of this Part, to the extent that those provisions make this section applicable.

(2) A regulation proposed by an interested person in a petition submitted pursuant to § 2.6(a) shall be published by the Commissioner in the FEDERAL REGISTER as a proposal if he determines that:

- (i) The petition contains facts demonstrating reasonable grounds for the proposal.
- (ii) The petition contains a substantial showing that the proposal is in the public interest and will promote the objectives of the act and the agency.
- (iii) The requested proposal is lawful.

(3) The Commissioner may publish two or more alternative proposed regulations on the same subject in order to obtain comment on the different alternatives.

(4) The Commissioner may publish a regulation proposed by an interested person in a petition submitted pursuant to § 2.6(a) together with the Commissioner's preliminary views on the proposal and any alternative proposal.

(b) Except as provided in paragraphs (d) and (e) of this section, any such

regulation shall be the subject of a notice of proposed rule making published in the FEDERAL REGISTER.

(1) Such notice shall contain (i) a general statement in the first or second paragraph describing the substance of the document in easily understandable terms, (ii) a preamble which summarizes the proposal and the facts and policy underlying it, (iii) references to all data and information on which the Commissioner relies for the proposal (copies of a full list of which shall be a part of the administrative file on the matter in the office of the Hearing Clerk), (iv) the authority under which the regulation is proposed, (v) either the terms or substance of the proposed regulation or a description of the subjects and issues involved, (vi) a proposed effective date, (vii) a reference to the existence or lack of need for an environmental impact statement pursuant to § 6.3(a)(3) (ii) or (iii) of this chapter, (viii) the time, place, and method for interested persons to submit written comments on the proposal, and a statement that comments shall be submitted in accordance with the requirements of this Part and (ix) the docket number of the matter, which shall be used to identify the administrative file established by the Hearing Clerk for all submissions relating to the matter, as provided in this Part.

(2) Such proposal shall ordinarily provide 60 days for comment, although the Commissioner may reduce or extend this time period for good cause. In no event shall the time for comment be less than ten days.

(3) After publication of the notice of proposed rule making, any interested person may request the Commissioner to extend the comment period for an additional specified period of time by submitting a written request to the Hearing Clerk stating the grounds therefor. Such requests shall be pursuant to § 2.9, except that the heading shall be "REQUEST FOR EXTENSION OF COMMENT PERIOD."

(i) Any such request shall demonstrate why comments could not reasonably be submitted within the time permitted, or that important new information will shortly be available, or that sound public policy otherwise supports an extension of the time for comment. The Commissioner may grant or deny such request or may grant an extension for a time period different than that requested. Extensions of time to comment will not ordinarily be granted. An extension of time to comment may be limited to specific persons who have made and justified such a request, but shall ordinarily apply to all interested persons.

(ii) Any extension of time to comment of 30 days or longer shall be the subject of a notice published in the FEDERAL REGISTER and shall be applicable to all interested persons. Any extension of time to comment of less than 30 days shall be the subject either of a letter or memorandum filed with the Hearing Clerk or of a notice published in the FEDERAL REGISTER.



(4) All comments shall be submitted in quintuplicate to the Hearing Clerk, except that individuals may submit single copies of comments. Comments will be stamped with the date of receipt and will be numbered chronologically.

(5) Persons submitting comments critical of a proposed regulation are encouraged to include alternative wording that they believe would be preferable.

(c) After the time for comment on a proposed regulation has expired, the Commissioner shall review the entire administrative record on the matter, including all comments, and shall terminate the proceeding, issue a new proposal, or promulgate a final regulation, by notice published in the FEDERAL REGISTER.

(1) The quality and persuasiveness of the comments shall determine the Commissioner's decision with respect to such comments. The number or length of comments shall not be a significant factor in such decision.

(2) The decision of the Commissioner with respect to the matter shall be based solely upon the administrative record.

(3) The preamble to a final regulation published in the FEDERAL REGISTER shall contain in the first and second paragraphs reference to prior notices relating to the same matter and a general statement describing the substance of the document in easily understandable terms, and shall summarize each type of comment submitted on the proposal and the Commissioner's conclusions with respect to each such type of comment. The preamble shall contain a thorough and comprehensible articulation of the reasons for the Commissioner's decision on each issue.

(4) The notice promulgating a final regulation published in the FEDERAL REGISTER shall specify the effective date. Such effective date shall be not less than 30 days after the date of publication in the FEDERAL REGISTER, except for:

(i) A regulation which grants an exemption or relieves a restriction.

(ii) Any other regulation where the Commissioner finds, and states in the notice, good cause for an earlier effective date.

(d) The provisions for notice and comment in paragraphs (b) and (c) of this section shall apply to interpretive rules and to rules of agency practice and procedure except as provided in paragraph (e) of this section. The provisions of paragraphs (b) and (c) of this section shall not apply to general statements of policy in the form of informational notices published in the FEDERAL REGISTER or to matters involving agency organization.

(e) The requirements of notice and public procedure in paragraph (b) of this section shall not apply in any of the following situations:

(1) When the Commissioner determines for good cause that they are impracticable, unnecessary, or contrary to the public interest. In such cases, the notice promulgating the regulation shall state the reasons for such determination, and shall provide an opportunity for the submission of comments to determine

whether the regulation should subsequently be modified or revoked.

(2) To food additive and color additive petitions, which are subject to the provisions of § 2.110(b)(2).

(3) To new animal drug regulations, which shall be promulgated by notice pursuant to section 512(i) of the act.

(f) In addition to the notice and public procedure required pursuant to paragraph (b) of this section, the Commissioner may, in his discretion, also subject any proposed or final regulation, before or after publication in the FEDERAL REGISTER, to any of the following additional procedures, where they are reasonably applicable to the matter involved:

(1) Conferences, meetings, discussions, and correspondence pursuant to § 2.15.

(2) A formal evidentiary public hearing pursuant to Subpart B of this Part.

(3) A public hearing before a Public Board of Inquiry pursuant to Subpart C of this Part.

(4) A public hearing before a public advisory committee pursuant to Subpart D of this Part.

(5) A public hearing before the Commissioner pursuant to Subpart E of this Part.

(6) A notice published in the FEDERAL REGISTER requesting data, information, and views before the Commissioner determines whether to propose a regulation.

(7) A draft of a proposed regulation placed on public display in the office of the Hearing Clerk. If this procedure is used, the Commissioner shall publish an appropriate notice in the FEDERAL REGISTER stating that the document is available and specifying the time within which comments may be submitted orally or in writing on the draft of the proposed regulation.

(8) A revised proposal published in the FEDERAL REGISTER, which shall be subject to all the provisions in this section relating to proposed regulations.

(9) A tentative final regulation placed on public display at the office of the Hearing Clerk. If this procedure is used, the Commissioner shall publish an appropriate notice in the FEDERAL REGISTER stating that the document is available and specifying the time within which comments may be submitted orally or in writing on the tentative final regulation and shall mail a copy of the tentative final regulation and the FEDERAL REGISTER notice to each person who submitted comments on the proposed regulation.

(10) A final regulation published in the FEDERAL REGISTER which provides an opportunity for the submission of further comments to determine whether the regulation should subsequently be modified or revoked.

(11) Any other specific public procedure established by the provisions in other sections of this chapter and explicitly made applicable to the matter by the terms of those provisions.

(g) The record of the administrative proceeding shall consist of all of the following:

(1) If the regulation was initiated by a petition, the administrative record specified in § 2.7(i).

(2) If any petition for reconsideration or for a stay of action is filed, the administrative record specified in § 2.8 (k) and § 2.9(h) respectively.

(3) The notice of proposed rule making published in the FEDERAL REGISTER, including all data and information identified or filed by the Commissioner with the Hearing Clerk as part of the administrative record supporting the proposal.

(4) All comments received on the proposal, including all data or information submitted as a part of such comments.

(5) The notice promulgating the final regulation, including all data and information identified or filed by the Commissioner with the Hearing Clerk as part of the administrative record supporting the final regulation.

(6) The transcripts, minutes of meetings, reports, FEDERAL REGISTER notices, and other documents resulting from any of the optional procedures specified in paragraph (f) of this section, except that it shall not include any transcript of any closed portion of any public advisory committee meeting.

(7) All documents submitted to the Hearing Clerk pursuant to § 2.15(f).

(h) The record of the administrative proceeding shall be closed as of the date the Commissioner's decision is published in the FEDERAL REGISTER or otherwise made available for public disclosure unless some other date for the closing of the record is specified by the Commissioner. Thereafter any interested person may submit a petition for reconsideration pursuant to § 2.8 and a petition for stay of action pursuant to § 2.9. Any person who wishes to rely upon data, information, or views not included in the administrative record shall submit it to the Commissioner with a new petition to modify the final regulation.

(i) The Hearing Clerk shall maintain a chronological list of all regulations proposed and promulgated pursuant to this section and § 2.12, but excluding regulations resulting from petitions filed and assigned a docket number pursuant to § 2.7, showing:

(1) The docket number, which in the case of a petition submitted directly to a bureau shall be the number or other designation assigned by the bureau, e.g., the number assigned to a food additive petition.

(2) The name of the petitioner, if any.

(3) The subject matter involved.

§ 2.11 Court review of final administrative action; exhaustion of administrative remedies.

(a) The provisions of this section shall apply to court review of any final administrative action taken by the Commissioner, including action taken pursuant to §§ 2.6 through 2.10 and § 2.500(b), except action subject to the provisions of § 2.12 and Subpart B of this Part.

(b) Any request that the Commissioner take or refrain from taking any form of administrative action shall first be the subject of a final administrative

decision based upon a petition submitted to the Commissioner pursuant to § 2.6(a) or, where applicable, a hearing pursuant to § 2.500(b) of this Part before any legal action is filed in a court complaining of the Commissioner's action or failure to act. If any court action is filed complaining of the Commissioner's action or failure to act prior to the submission of and decision on a petition pursuant to § 2.6(a) or, where applicable, a hearing pursuant to § 2.500(b) of this Part, the Commissioner will request dismissal of such court action or referral to the agency for an initial administrative determination on the grounds of a failure to exhaust the administrative remedies provided in this Part, the lack of final agency action as required by 5 U.S.C. 701 et seq., and the lack of an actual controversy as required by 28 U.S.C. 2201.

(c) Any request that any form of administrative action be stayed shall first be the subject of an administrative decision based upon a petition for stay of action submitted to the Commissioner pursuant to § 2.9 before any request is made that a court stay such action. If any court action is filed requesting a stay of any administrative action taken by the Commissioner prior to the Commissioner's decision on a petition submitted in a timely manner pursuant to § 2.9, the Commissioner will request dismissal of such court action or referral to the agency for an initial administrative determination on the grounds of a failure to exhaust the administrative remedies provided in this subpart, the lack of final agency action as required by 5 U.S.C. 701 et seq., and the lack of an actual controversy as required by 28 U.S.C. 2201. If any court action is filed requesting a stay of any administrative action taken by the Commissioner after a petition for a stay of action is denied because it was submitted after expiration of the 30-day time period specified in § 2.9, or after the time for submitting such a petition has expired, the Commissioner will request dismissal of such court action on the ground of a failure to exhaust the administrative remedies set out in this subpart.

(d) The Commissioner's final decision on a petition submitted pursuant to § 2.6(a), on a petition for reconsideration submitted pursuant to § 2.8, on a petition for stay of action submitted pursuant to § 2.9, or on any matter involving administrative action which is the subject of an opportunity for a hearing pursuant to § 2.500(b), each constitutes final agency action reviewable in the courts pursuant to 5 U.S.C. 701 et seq. and, where appropriate, 28 U.S.C. 2201.

(1) It is the position of the Food and Drug Administration except as otherwise provided in subparagraph (2) of this paragraph, that:

(i) Any such final agency action exhausts all administrative remedies and is ripe for pre-enforcement judicial review as of the date of such final decision, unless applicable law explicitly requires that the petitioner take further action before judicial review is available.

(ii) Any interested person is affected by, and thus has standing to obtain judicial review of, such final agency action.

(iii) It is not appropriate to move to dismiss a suit for pre-enforcement judicial review of such final agency action on the ground that indispensable parties are not joined or that it is an unconsented suit against the United States if such defect could be cured by amending the complaint.

(2) The Commissioner will object to judicial review of any matter if:

(i) The matter is committed by law to the discretion of the Commissioner, e.g., a decision to recommend or not to recommend civil or criminal enforcement action under sections 302, 303, and 304 of the act.

(ii) Review is not sought in a proper court.

(e) Any interested person may request judicial review of any final decision of the Commissioner in the courts without first petitioning the Commissioner for reconsideration or for a stay of action, except that in accordance with paragraph (c) of this section such person shall request a stay by the Commissioner pursuant to § 2.9 before he may request a stay by the court.

(f) The Commissioner will take the position in any action for judicial review under 5 U.S.C. 701 et seq., whether or not it includes a request for a declaratory judgment under 28 U.S.C. 2201, or in any other case in which the validity of administrative action is properly challenged, that the validity of the action shall be determined solely on the basis of the administrative record specified in §§ 2.7(i), 2.8(k), 2.9(h), 2.10(g), and 2.13(a), or the administrative record applicable with respect to any decision or action under the regulations referenced in § 2.500(b), and that additional data, information, or views may not be considered. Any interested person who wishes to rely upon data, information, or views not included in the administrative record shall submit it to the Commissioner with a new petition to modify the action pursuant to § 2.6(a).

(g) The Commissioner requests that all petitions for judicial review of a particular matter be filed in a single United States district court. If such petitions are filed in more than one jurisdiction, the Commissioner shall take appropriate action to prevent a multiplicity of suits in various jurisdictions, such as:

(1) A request for transfer of one or more suits to consolidate separate actions, pursuant to 28 U.S.C. 1404(a) or 28 U.S.C. 2112(a).

(2) A request that actions in all but one jurisdiction be stayed pending the conclusion of one proceeding.

(3) A request that all but one action be dismissed pending the conclusion of one proceeding, with the suggestion that the other plaintiffs intervene in that one suit.

(4) A request that one of the suits be maintained as a class action in behalf of all affected persons.

(h) Upon judicial review of administrative action pursuant to this section:

(1) If a court determines that the administrative record is inadequate to support the action, the Commissioner shall determine whether he wishes to proceed with such action.

(i) If the Commissioner concludes that such action should be pursued, he shall either request that the court re-open the administrative proceeding and record, or on his own initiative re-open the administrative proceeding and record upon receipt of the court determination. Any such reopened administrative proceeding shall be conducted pursuant to the provisions of this part and in accordance with any directions of the court.

(ii) If the Commissioner concludes that the public interest requires that the action remain in effect pending further administrative proceedings, he shall request that the court not stay the matter in the interim and shall expedite the further administrative proceedings.

(2) If a court determines that the administrative record is adequate, but the rationale for the action requires further elucidation:

(i) The Commissioner shall request either that such further explanation be provided in writing directly to the court without further administrative proceedings, or that the administrative proceeding be reopened pursuant to paragraph (h)(1)(i) of this section.

(ii) If he concludes that the public interest requires that the action remain in effect pending further court or administrative proceedings, he shall request that the court not stay the matter in the interim and shall expedite such further proceedings.

§ 2.12 Promulgation of regulations and orders after an opportunity for a formal evidentiary public hearing.

(a) The Commissioner shall promulgate regulations and orders after an opportunity for a formal evidentiary public hearing, in accordance with the procedures established in Subpart B of this Part, whenever all of the following apply:

(1) The subject matter of the regulation or order involved is subject by statute to an opportunity for a formal evidentiary public hearing.

(2) The person requesting such a hearing has a right to an opportunity for a hearing and submits adequate justification for such a hearing as required by §§ 2.110 through 2.115 and other applicable provisions in this chapter, e.g., §§ 314.200, 430.20(b), 514.200, and 601.7(a).

(b) The Commissioner may order a formal evidentiary public hearing on any matter whenever he determines, in his discretion, that it would be in the public interest to do so.

(c) The statutory provisions which permit a person who would be adversely affected by administrative action an opportunity for a formal evidentiary public hearing are as follows:

(1) Section 401 of the act relating to definitions and standards for food.

(2) Section 403(j) of the act relating to regulations for labeling of foods for special dietary uses.

(3) Section 404(a) of the act relating to regulations providing for emergency

partly to the hearing, be responsible for all investigative functions and for pres-

graph (b) or (c) of this section and the date of the Commissioner's decision on the

(7) A notice published in the FEDERAL REGISTER requesting data, information,

the Food and Drug Administration nor any other person may require the at-

tion with respect to memoranda summarizing the substance of the meeting.



(3) Section 404 (a) of the act relating to regulations providing for emergency permit control.

(4) Section 406 of the act relating to tolerances for poisonous substances in food.

(5) Section 409 (c), (d), and (h) of the act relating to food additive regulations.

(6) Section 501 (b) of the act relating to tests or methods of assay for drugs described in official compendia.

(7) Section 502 (d) of the act relating to regulations designating habit-forming drugs.

(8) Section 503 (h) of the act relating to regulations designating requirements for drugs liable to deterioration.

(9) Section 502 (n) of the act relating to prescription drug advertising regulations.

(10) Section 504 (c) of the act relating to insulin regulations.

(11) Section 501 (f) of the act relating to regulations for antibiotic drug certification.

(12) Section 512 (n) (5) of the act relating to regulations for animal antibiotic drugs and certification requirements.

(13) Section 704 (b) and (c) of the act relating to regulations for color additives listing and certification.

(14) Section 4 (a) of the Fair Packaging and Labeling Act relating to food, drug, device, and cosmetic labeling.

(15) Section 5 (c) of the Fair Packaging and Labeling Act relating to additional economic regulations for food, drugs, devices, and cosmetics.

(16) Section 505 (d) and (e) of the act relating to new drug applications.

(17) Section 512 (d), (e), (m) (3), and (m) (4) of the act relating to new animal drug applications.

(18) Section 351 (a) of the Public Health Service Act relating to plant and product licenses for a biologic.

#### § 2.13 Separation of functions; ex parte communications.

(a) The provisions of this section shall apply with respect to any matter which is subject by statute to an opportunity for a formal evidentiary public hearing, as listed in § 2.12 (c), and any matter subject to a public hearing before a Public Board of Inquiry pursuant to Subpart C of this Part.

(b) In the case of any matter listed in § 2.12 (c) (1) through (10) and (12) through (15):

(1) Any interested person may meet or correspond with any representative of the Food and Drug Administration with respect to any such matter prior to publication in the FEDERAL REGISTER of a notice announcing a formal evidentiary public hearing or a public hearing before a Public Board of Inquiry on the matter. The provisions of § 2.15 shall apply to such meetings and correspondence.

(2) Upon publication in the FEDERAL REGISTER of a notice announcing a formal evidentiary public hearing or a public hearing before a Public Board of Inquiry, the following separation of functions shall apply:

(i) The bureau responsible for the matter involved in the hearing shall, as a

party to the hearing, be responsible for all investigative functions and for presentation of the position of the bureau at the hearing and in any pleading or oral argument before the Commissioner. Representatives of the bureau shall not participate or advise in any decision except as witness or counsel in public proceedings. There shall be no other communication between representatives of the bureau and representatives of the office of the Commissioner with respect to the matter involved in the hearing prior to the decision of the Commissioner. All members of the Food and Drug Administration other than representatives of the involved bureau shall be available to advise and participate with the office of the Commissioner in its functions relating to the hearing and the final decision.

(ii) The Chief Counsel for the Food and Drug Administration shall designate those members of his office who shall advise and participate with the bureau in its functions in the hearing. The members of the office of General Counsel so designated shall not participate or advise in any decision except as counsel in public proceedings. Such designation shall be in the form of a memorandum filed with the Hearing Clerk and made a part of the administrative record in the proceeding. There shall be no other communication between those members of the office of General Counsel so designated and any other persons in the office of General Counsel or in the Food and Drug Administration except the members of the involved bureau with respect to the matter involved in the hearing, prior to the decision of the Commissioner. All members of the office of General Counsel other than those so designated shall be available to advise and participate with the office of the Commissioner in its functions relating to the hearing and the final decision. The Chief Counsel shall always advise and participate with the office of the Commissioner in its functions relating to the hearing and the final decision.

(iii) The office of the Commissioner shall be responsible for the agency review of and final decision on the matter, with the advice and participation of anyone in the Food and Drug Administration other than representatives of the involved bureau and those members of the office of General Counsel who have been designated to assist in the bureau's functions relating to the hearing.

(c) In the case of any matter listed in § 2.12 (c) (11) and (16) through (18), the specific provisions relating to separation of functions set forth in §§ 314.200 (f), 430.20 (b) (9), 514.200, and 601.7 (a) of this chapter shall be applicable prior to publication in the FEDERAL REGISTER of a notice announcing a formal evidentiary public hearing or a public hearing before a Public Board of Inquiry. Upon publication of any such notice the rules in paragraph (b) (2) of this section shall apply.

(d) Between the date that separation of functions applies pursuant to para-

graph (b) or (c) of this section and the date of the Commissioner's decision on the matter, communication with respect to the matter involved in the hearing shall be restricted as follows:

(1) No person shall have any ex parte communication, orally or in writing, with the presiding officer or any person representing the office of the Commissioner with respect to the matter involved in the hearing. All such communications shall be public communications, as witness or counsel, in accordance with the applicable provisions of this Part.

(2) Any participant in the hearing may submit a written communication to the office of the Commissioner with respect to a proposal for settlement. Such written communications shall be in the form of pleadings and shall be served on all other participants and filed with the Hearing Clerk in the same manner as any other pleading.

(3) Any written communication contrary to this section shall immediately be filed with the Hearing Clerk, and any oral communication contrary to this section shall immediately be recorded in a written memorandum and filed with the Hearing Clerk, as a part of the administrative record of the proceeding. Any person, including any representative of any participant in the hearing, who is involved in any such oral communication shall be made available for cross-examination during the hearing with respect to the substance of that conversation. Rebuttal testimony pertinent to any such written or oral communication shall be permitted. Any cross-examination and rebuttal testimony shall be transcribed and filed in the administrative record of the proceeding.

#### § 2.14 Referral by court.

(a) The provisions of this section shall apply whenever any Federal, State, or local court holds in abeyance, or refers to the Commissioner, any matter for an initial administrative determination pursuant to § 2.6 (c) or § 2.11 (b).

(b) The Commissioner shall promptly agree or decline to accept such referral. Whenever feasible in light of agency priorities and resources, the Commissioner shall agree to accept any such referral and shall institute a proceeding to determine the matter so referred.

(c) In reviewing such a matter, the Commissioner may, in his discretion, utilize any of the following procedures:

(1) Conferences, meetings, discussions, and correspondence pursuant to § 2.15.

(2) A formal evidentiary public hearing pursuant to Subpart B of this Part.

(3) A hearing before a Public Board of Inquiry pursuant to Subpart C of this Part.

(4) A public hearing before a public advisory committee pursuant to Subpart D of this Part.

(5) A public hearing before the Commissioner pursuant to Subpart E of this Part.

(6) A regulatory hearing before the Food and Drug Administration pursuant to Subpart F of this Part.

(7) A notice published in the FEDERAL REGISTER requesting data, information, and views before the Commissioner makes his decision on it.

(8) Any other specific public procedure established by the provisions in other sections of this chapter and explicitly made applicable to the matter by those provisions.

(d) If the Commissioner's review of the matter results in the proposal of a regulation, the provisions of § 2.10 or § 2.12 shall also apply.

#### § 2.15 Meetings and correspondence.

(a) In addition to the public hearings and proceedings established by the provisions of this Part and in other sections of this chapter, meetings may be held and correspondence may be exchanged between representatives of the Food and Drug Administration and any interested person outside the Food and Drug Administration with respect to any matter within the jurisdiction of the laws administered by the Commissioner. Action with respect to such meetings and correspondence does not constitute final administrative action which is subject to judicial review pursuant to § 2.11.

(b) The Commissioner may conclude, in his discretion, that it would be in the public interest to hold an open public meeting to discuss a matter (or class of matters) pending before the Food and Drug Administration, at which any interested person may participate.

(1) The Commissioner shall give public notice through the public calendar described in § 2.22 (a) of the time and place of the meeting and of the matters to be discussed, and may also publish such notice in the FEDERAL REGISTER.

(2) The meeting shall be conducted informally, i.e., any interested person may attend and participate fully in the discussion without giving prior notice to the agency or requesting time to make a presentation.

(3) No transcript or recording of any such meeting shall be required. A written memorandum summarizing the substance of the meeting shall be prepared by a representative of the Food and Drug Administration.

(c) Any meeting with any person outside the Department, including any person in the Executive or Legislative Branch of the Federal Government, relating to a pending court case, administrative hearing, or other regulatory action or decision, which involves more than a brief description of the matter shall be summarized in a written memorandum which shall be filed in the administrative file on the matter.

(d) Every person outside the Federal Government has a right to request and obtain a private meeting with a representative of the Food and Drug Administration in agency offices to discuss any matter in which he is interested.

(1) The person requesting such a meeting may be accompanied by a reasonable number of employees, consultants, or other persons with whom he has a commercial arrangement within the meaning of § 4.81 (a) of this chapter. Neither

the Food and Drug Administration nor any other person may require the attendance of any person who is not an employee of the Executive Branch of the Federal Government without the agreement of the person requesting the meeting. Any person may attend by mutual consent of the person requesting the meeting and the Food and Drug Administration.

(2) The Food and Drug Administration shall determine which representatives of the Food and Drug Administration shall attend the meeting. The person requesting the meeting may request but not require or preclude the attendance of any specific Food and Drug Administration employee.

(3) Whenever appropriate (e.g., the meeting involved a matter covered by paragraph (c) of this section or any other important matter, a decision on an issue, or statements or advice or conclusions to which future reference may be required as part of an administrative record), a written memorandum summarizing the substance of the meeting shall be prepared by a representative of the Food and Drug Administration.

(4) Any person who wishes to attend a specific private meeting, but who is not permitted to attend because the person requesting the meeting or the Food and Drug Administration does not grant permission for such attendance, or because it is conducted by telephone, may request and obtain a separate meeting with the Food and Drug Administration to discuss the same matter or any additional matter.

(e) Food and Drug Administration employees have a responsibility to meet with all segments of the public in order to promote the objectives of the act and the agency. In pursuing this responsibility the following general policy shall apply where agency employees are invited by persons outside the Federal Government to attend or participate in meetings outside agency offices as representatives of the agency:

(1) A person outside the Executive Branch of the Federal Government may invite an agency representative to attend or participate in a meeting outside agency offices. The agency representative is not obligated to attend or participate in any such meeting, but may do so where he concludes that it is in the public interest and will promote the objectives of the act and the agency.

(2) An agency representative may request that any such meeting be an open meeting when he concludes that this would be in the public interest. The agency representative may agree to decline to participate in any such meeting which is held as a private meeting, depending upon which action he concludes will best serve the public interest.

(3) An agency representative shall not knowingly participate in any meeting which is closed on the basis of sex, race, or religion.

(4) Any such meeting, whether open or closed, shall be subject to the requirements of paragraph (d) (3) of this section.

tion with respect to memoranda summarizing the substance of the meeting.

(f) Representatives of the Food and Drug Administration may initiate a meeting or correspondence with any person outside the Federal Government with respect to any matter relating to the laws administered by the Commissioner.

(1) Any meeting initiated by the Food and Drug Administration which involves a small number of interested persons, e.g., a meeting with a petitioner or with two manufacturers of a particular product which requires additional testing or with a trade association employee to discuss an industry labeling problem, may be a private meeting. Any meeting initiated by the Food and Drug Administration which involves a large number of interested persons, e.g., 10 manufacturers of an ingredient to discuss appropriate testing or labeling, shall be held as an open conference or meeting pursuant to paragraph (b) of this section.

(2) Whenever appropriate (e.g., the meeting involved a matter covered by paragraph (c) of this section or any other important matter, a decision on an issue, or statements or advice or conclusions to which future reference may be required as part of the administrative record), a written memorandum summarizing the substance of any meeting shall be prepared by a representative of the Food and Drug Administration.

(g) Any person who participates in any meeting described in paragraphs (b) through (f) of this section may prepare and submit to the Food and Drug Administration for inclusion in the administrative file a written memorandum summarizing the substance of the meeting.

(h) All memoranda of such meetings prepared by a representative of the Food and Drug Administration or by any other person and all correspondence which relate to any matter pending before the agency shall promptly be filed in the relevant administrative file and made a part of the administrative record of the proceeding.

(i) Any meeting with a representative of Congress relating to a pending or potential investigation, inquiry, or hearing by a congressional committee or a member of Congress shall be summarized in a written memorandum which shall be forwarded to the Food and Drug Administration, Office of Legislative Services. This provision shall not restrict the right of any agency employee to participate in any such meeting.

(j) Any meeting of an advisory committee shall be subject to the requirements of Subpart D of this Part.

(k) Pursuant to 42 U.S.C. 2631 (a) (8), a log or summary shall be made of all meetings held between representatives of the Food and Drug Administration and representatives of industry and other interested parties with respect to implementation of the Radiation Control for Health and Safety Act of 1968.

#### § 2.16 Documentation of significant decisions in administrative file.

(a) The provisions of this section shall apply to every significant Food and Drug

Administration decision on any matter under the laws administered by the Com-

additive regulation or new drug application, is subject to review by the employ-

if it is made available to all interested persons by a notice published in the Fed-

memorandum, and all such memoranda and correspondence shall be filed with

(A concise statement of the issues and questions on which an opinion is requested.)  
Statement of Facts and Law

(g) An advisory opinion may be amended or revoked at any time after it is issued. Notice of such amend-



Administration decision on any matter under the laws administered by the Commissioner, whether it is raised formally, e.g., by a petition, or informally, e.g., by correspondence.

(b) The Food and Drug Administration employees responsible for handling any matter shall be responsible for assuring the completeness of the administrative file relating to it. Such file:

(1) Shall contain appropriate documentation of the basis for the decision, including relevant evaluations, reviews, memoranda, letters, opinion of consultants, minutes of meetings, and all other written documents pertinent to the matter.

(2) Shall contain the recommendations and decisions of individual employees, including supervisory personnel, responsible for handling the matter.

(i) Such recommendations and decisions shall reveal any significant controversies or differences of opinion and their resolution.

(ii) Any agency employee working on a matter shall have the opportunity to record his views on that matter in a written memorandum, which shall be included in the file.

(c) All written documents placed in such an administrative file:

(1) Shall relate to the factual, scientific, legal, or related issues under consideration.

(2) Shall be dated and signed by the author.

(3) Shall be directed to the file, to appropriate supervisory personnel, and to other appropriate employees, and shall show all persons to whom copies were sent.

(4) Shall avoid defamatory language. Intemperate remarks, undocumented charges, or irrelevant matters (e.g., personnel complaints).

(5) Shall, if it records the views, analyses, recommendations, or decisions of any agency employee in addition to the author, be given to such other employees.

(6) Shall, once completed (i.e., typed in final form, dated, and signed), not be altered, added to, or removed. Subsequent additions to, or revisions of, any such document shall be accomplished by the preparation of a new document.

(d) Memoranda or other documents prepared by agency employees not contained in the administrative file shall have no status or effect.

(e) All Food and Drug Administration employees working on a matter shall have access to the administrative file on that matter, as appropriate for the conduct of their work. Reasonable restrictions may be placed upon such access to assure the proper cataloging and storage of documents, the availability of the file to others, and the completeness of the file for review.

#### § 2.17 Internal agency review of decisions.

(a) Any decision of a Food and Drug Administration employee other than the Commissioner on any matter, e.g., an informal opinion on the need for further animal toxicology tests to support a food

additive regulation or new drug application, is subject to review by the employee's supervisor under any of the following circumstances:

(1) At the request of the employee.

(2) On the initiative of the supervisor.

(3) At the request of any interested person outside the agency.

(4) As required by duly promulgated delegations of authority.

(b) Such review shall be accomplished by consultation between the employee and the supervisor or by review of the administrative file on the matter, or both. Such review shall ordinarily follow the established agency channels of supervision or review for that matter.

(c) Any interested person outside the agency may request internal agency review of any such decision through the established agency channels of supervision or review for that matter. Personal review of such matters by bureau directors or the office of the Commissioner shall take place for any of the following purposes:

(1) To resolve an issue which cannot be resolved at lower levels within the agency:

(i) Between two parts of a bureau or other component of the agency, or

(ii) Between two bureaus or other components of the agency, or

(iii) Between the agency and an interested person outside the agency.

(2) To review policy matters requiring the attention of bureau or agency management.

(3) In unusual situations requiring an immediate review in the public interest.

(4) As required by duly promulgated delegations of authority.

(d) Internal agency review of any such decision shall be based upon the data and information available in the administrative file. In the event that any interested person presents new data or information not contained in such file, the matter shall be referred to the appropriate lower level within the agency for a reevaluation based upon such new information.

#### § 2.18 Dissemination of draft Federal Register notices and regulations.

(a) Any representative of the Food and Drug Administration may discuss orally or in writing with any interested person ideas and recommendations for Federal Register notices or regulations. The Food and Drug Administration welcomes assistance in developing ideas for, and in gathering the data and information to support, notices and regulations.

(b) Once it is determined that a proposed notice or regulation will be prepared, the general concepts may be discussed by a representative of the Food and Drug Administration with any interested person. Details of a draft of a proposed notice or regulation may be discussed with any person outside the Executive Branch of the Federal Government only with the specific permission of the Commissioner. A draft of a proposed notice or regulation or its preamble, or any portion thereof, may be furnished to an interested person outside the Executive Branch of the Federal Government only

if it is made available to all interested persons by a notice published in the Federal Register.

(c) After publication of a proposed regulation in the Federal Register, and before preparation of a draft of the final regulation, a representative of the Food and Drug Administration may discuss the proposal with any interested person to understand and resolve questions raised and concerns expressed about the proposal.

(d) Details of a draft of a final notice or regulation may be discussed with any interested person outside the Executive Branch of the Federal Government only with the specific permission of the Commissioner. A draft of a final notice or regulation or its preamble, or any portion thereof, may be furnished to an interested person outside the Executive Branch of the Federal Government only if it is made available to all interested persons by a notice published in the Federal Register, except as otherwise provided in paragraphs (g) and (j) of this section.

(1) The final notice or regulation and its preamble shall be prepared solely on the basis of the administrative record.

(2) If any additional technical information from a person outside the Executive Branch of the Federal Government is necessary to draft the final notice or regulation or its preamble, it shall be requested by the Food and Drug Administration in general terms and furnished directly to the Hearing Clerk to be included as part of the administrative record.

(3) If direct discussion by the Food and Drug Administration of a draft of a final notice or regulation or its preamble is required with a person outside the Executive Branch of the Federal Government, appropriate protective procedures will be undertaken to make certain that a full and impartial administrative record is established. Such procedures may include:

(i) The scheduling of an open public meeting conducted pursuant to § 2.15(b) at which any interested person may participate in review of and comment on the draft document.

(ii) The preparation of a tentative final regulation or tentative revised final regulation pursuant to § 2.10(f) (9), on which all interested persons will be given an additional period of time for oral and written comment.

(e) After a final regulation is published in the Federal Register, a representative of the Food and Drug Administration may discuss any aspect of it with any interested person.

(f) In addition to the requirements of this section, the provisions of § 2.13 shall apply to the promulgation of any regulation subject to the provisions of § 2.12 and Subpart B of this Part.

(g) A draft of a final food additive, color additive, or new animal drug regulation or a proposed or final antibiotic regulation may be furnished to the petitioner for comment on the technical accuracy of such regulation. Every meeting with a petitioner relating to such a draft shall be recorded in a written

memorandum, and all such memoranda and correspondence shall be filed with the Hearing Clerk as part of the administrative record of the regulation, pursuant to the provisions of § 2.15.

(h) Pursuant to 42 U.S.C. 263f, the Commissioner is required to consult with interested persons in the development of, and with the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC) before prescribing, any performance standard for an electronic product. Accordingly, the Commissioner shall publish in the Federal Register an announcement when a proposed or final performance standard, including any amendment thereof, is being considered for an electronic product, and thereafter any draft of any such document shall be furnished to any interested person upon request and may be discussed in detail with any interested person at any time.

(i) The provisions of § 2.15 shall apply to meetings and correspondence relating to draft Federal Register notices and regulations.

(j) The provisions of this section restricting discussion and disclosure of draft Federal Register notices and regulations shall not apply to those situations covered by §§ 4.83 through 4.89 of this chapter.

#### § 2.19 Advisory opinions.

(a) Any person may request an advisory opinion from the Commissioner with respect to any matter of general applicability in which he is interested.

(1) Such request shall be granted whenever feasible.

(2) Such request may be denied if any of the following apply:

(i) The request contains incomplete information on which to base an informed advisory opinion.

(ii) The Commissioner concludes that an advisory opinion cannot reasonably be given on the matter involved.

(iii) The matter is adequately covered by a prior advisory opinion or a regulation.

(iv) The request covers a particular product or ingredient or label and does not raise a policy issue of broad applicability.

(v) The Commissioner otherwise concludes, in his discretion, that an advisory opinion would not be in the public interest.

(b) A request for an advisory opinion shall be submitted in accordance with § 2.5, shall be subject to the provisions of § 2.7(c) through (i), and shall be in the following form:

-----  
(Date)

Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852

REQUEST FOR ADVISORY OPINION

The undersigned submits this request for an advisory opinion of the Commissioner of Food and Drugs with respect to -----  
(the general nature of the matter involved).

A. Issues Involved.

(A concise statement of the issues and questions on which an opinion is requested.)

B. Statement of Facts and Law.

(A full statement of all facts and legal points relevant to the request.)

The undersigned certifies that, to the best of his knowledge and belief, this request includes all data, information, and views relevant to the matter, whether favorable or unfavorable to the position of the undersigned, which is the subject of the request.

Very truly yours,

-----  
(Signature)

-----  
(Person making request)

-----  
(Mailing address)

-----  
(Telephone number)

(c) The Commissioner may, in his discretion, handle any oral or written request to the agency as a request for an advisory opinion, in which case the request shall be filed with the Hearing Clerk and shall be subject to the provisions of this section.

(d) Any statement of policy or interpretation made in any of the following documents shall constitute an advisory opinion:

(1) Any portion of a Federal Register notice other than a proposed or final regulation, e.g., a notice to manufacturers or a preamble to a proposed or final regulation.

(2) Trade Correspondence (TC) Nos. 1-431 and 1A-8A issued by the Food and Drug Administration between 1938 and 1946.

(3) Compliance Policy Guides issued by the Food and Drug Administration beginning in 1968 and codified in the Compliance Policy Guides manual.

(4) Other documents specifically identified as advisory opinions, e.g., advisory opinions on the performance standard for diagnostic x-ray systems, issued prior to July 1, 1975, and filed in a permanent public file for such prior advisory opinions maintained in the Public Records and Documents Center.

(5) Guidelines issued by the Food and Drug Administration pursuant to § 2.20 (b).

(e) An advisory opinion represents the formal position of the Food and Drug Administration on the matter involved, and except as provided in paragraph (f) of this section obligates the agency to follow it until it is amended or revoked. The Commissioner shall not recommend legal action against any person or product with respect to any action taken in conformity with an advisory opinion which has not been amended or revoked.

(f) In unusual situations involving an immediate and significant danger to health, the Commissioner may take appropriate civil enforcement action contrary to an advisory opinion issued pursuant to this section prior to amending or revoking such advisory opinion as provided in paragraph (g) of this section. Such action shall be taken only with the approval of the Commissioner, which may not be delegated. Appropriate amendment or revocation of the advisory opinion involved shall be expedited.

(g) An advisory opinion may be amended or revoked at any time after it has been issued. Notice of such amendment or revocation shall be given in the same manner in which notice was originally given of the advisory opinion or in the Federal Register, and in any event shall be placed on public display as part of the file on the matter in the office of the Hearing Clerk.

(h) Action undertaken or completed in conformity with an advisory opinion issued pursuant to this paragraph which has subsequently been amended or revoked shall remain acceptable to the Food and Drug Administration unless the Commissioner determines that substantial public interest considerations preclude such continued acceptance. Whenever possible, an amended or revoked advisory opinion shall state when it has been determined that action previously undertaken or completed in conformity with a prior advisory opinion does not remain acceptable, and any transition period that may be applicable.

(i) Any interested person may submit written comments on an advisory opinion or modified advisory opinion. Three copies of any comments shall be sent to the Hearing Clerk for inclusion in the public file on the advisory opinion. Such comments shall be considered in determining whether further modification of an advisory opinion is warranted.

(j) An advisory opinion may be used in administrative or court proceedings to illustrate acceptable and unacceptable procedures or standards, but not as a legal requirement.

(k) A statement made or advice provided by an employee of the Food and Drug Administration shall constitute an advisory opinion only if it is issued in writing pursuant to this section. A statement or advice given by a Food and Drug Administration employee orally, or given in writing but not pursuant to this section or § 2.20, is an informal communication that represents the best information and opinion available to that employee at that time but does not constitute an advisory opinion, does not necessarily represent the formal position of the Food and Drug Administration, and thus does not bind or otherwise obligate or commit the agency to the views expressed.

#### § 2.20 Food and Drug Administration regulations, guidelines, recommendations, and agreements.

(a) Regulations. All Food and Drug Administration regulations having general applicability and legal effect shall be promulgated in the Federal Register pursuant to § 2.10 or § 2.12 and codified in the Code of Federal Regulations. Regulations may contain provisions which will be enforced as legal requirements, or which are intended only as guidelines and recommendations, or both. The dissemination of draft notices and regulations shall be subject to the provisions of § 2.17.

(b) Guidelines. All Food and Drug Administration guidelines having general applicability shall be included in the

public file of guidelines established by

matter it covers, and (iii) the office or

sions of this paragraph shall not apply

(2) The Form PHS-3763 and all pertinent background information describing

(i) Whether participation by the individual will be as a voting or nonvoting

setting activity shall be subject to the provisions of this paragraph.



public file of guidelines established by the Hearing Clerk, pursuant to this paragraph, unless they have been published in the *FEDERAL REGISTER* as regulations pursuant to paragraph (a) of this section.

(1) Guidelines establish principles or practices of general applicability and do not include decisions or advice limited to particular situations. Guidelines relate to such matters as performance characteristics, preclinical and clinical test procedures, manufacturing practices, product standards, scientific protocols, compliance criteria, ingredient specifications, labeling, or other technical or policy criteria. Guidelines state procedures or standards of general applicability which are not legal requirements but which are acceptable to the Food and Drug Administration for a subject matter which falls within the laws administered by the Commissioner, e.g., a protocol for a particular type of animal toxicity test or human clinical trial.

(1) A person may rely upon a guideline with assurance that it is acceptable to the Food and Drug Administration, or may follow different procedures or standards. Where a person chooses to use different procedures or standards, he may, but is in no instance required to, discuss the matter in advance with the Food and Drug Administration to prevent the expenditure of money and effort on activity that may later be determined to be unacceptable.

(ii) Use of testing guidelines established by the Food and Drug Administration assures acceptance of a test as scientifically valid, if properly conducted, but does not assure approval of any ingredient or product so tested. The results of any such test or other available information may require disapproval or that additional testing be undertaken.

(2) A guideline represents the formal position of the Food and Drug Administration on the matter involved, and except as provided in paragraph (b) (3) of this section obligates the agency to follow it until it is amended or revoked. The Commissioner shall not recommend legal action against any person or product with respect to any action taken in conformity with a guideline issued pursuant to this section that has not been amended or revoked.

(3) In unusual situations involving an immediate and significant danger to health, the Commissioner may take appropriate civil enforcement action contrary to a guideline issued pursuant to paragraph (b) of this section prior to amending or revoking such guideline as provided in paragraph (b) (5) of this section. Such action shall be taken only with the approval of the Commissioner, which may not be delegated. Appropriate amendment or revocation of the guideline involved shall be expedited.

(4) A guideline shall be included in the public file upon approval of the guideline by the relevant bureau director and publication by the Commissioner in the *FEDERAL REGISTER* of a notice of its availability. The notice shall state (1) the title of the guideline, (2) the subject

matter it covers, and (3) the office or individual responsible for maintaining the guideline.

(5) A guideline may be amended or revoked upon approval of the amended guideline or revocation of the guideline by the relevant bureau director and publication by the Commissioner in the *FEDERAL REGISTER* of a notice of such amendment or revocation. The notice shall state (i) the title of the guideline, (ii) the subject matter it covers, and (iii) the office or individual responsible for maintaining the guideline. All original guidelines and subsequent amendments shall be retained in the public file on a permanent basis so that a complete record of the development of each guideline remains available.

(6) Action undertaken or completed in conformity with a guideline issued pursuant to paragraph (b) of this section which has subsequently been amended or revoked shall remain acceptable to the Food and Drug Administration unless the Commissioner determines that substantial public interest considerations preclude such continued acceptance. Such determination may be made at the time of or subsequent to amendment or revocation of the guideline. Whenever possible, the notice of an amended or revoked guideline published pursuant to paragraph (b) (3) of this section shall state when it has been determined that action previously undertaken or completed in conformity with a prior guideline does not remain acceptable, and any transition period that may be applicable.

(7) The notice of a guideline or amended or revoked guideline published pursuant to paragraph (b) (2) or (3) of this section shall state that any interested person may submit written comments on the guideline or amended guideline. Two copies of any comments shall be sent to the Public Records and Documents Center for inclusion in the public file on the guideline and two copies shall be sent to the office or individual designated in the notice as responsible for maintaining the guideline. Such comments shall be considered in determining whether further amendments to or re-institution of a guideline are warranted.

(8) A guideline may be used in administrative or court proceedings to illustrate acceptable and unacceptable procedures or standards, but not as establishing a legal requirement.

(9) A statement relating to acceptable procedures or standards given by a Food and Drug Administration employee orally, or in writing but not pursuant to § 2.19 of this section, is an informal communication that represents the best information and opinion available to that employee at that time but does not constitute a guideline, does not necessarily represent the formal position of the Food and Drug Administration, and thus does not bind or otherwise obligate the agency to the views expressed.

(10) Because of the large number of analytical methods involved in Food and Drug Administration activities, their length and complexity, and the volume and frequency of amendment, the provisions of this paragraph shall not apply to such material except to the extent that the Commissioner concludes, in his discretion, that particular analytical methods should be included in the public file for a particular purpose. Food and Drug Administration analytical methods are available for public disclosure pursuant to the provisions of Part 4 of this chapter.

(11) The dissemination of draft guidelines shall be subject to the same provisions as the dissemination of draft notices and regulations pursuant to § 2.18.

(c) *Recommendations.* In addition to the guidelines subject to paragraph (b) of this section, the Food and Drug Administration often formulates and disseminates recommendations about matters which are authorized by, but do not involve direct regulatory action under, the laws administered by the Commissioner, e.g., model state and local ordinances, or personnel practices for reducing radiation exposure, issued pursuant to 42 U.S.C. 243 and 263d(b). Such recommendations may, in the discretion of the Commissioner, be handled pursuant to the procedures established in paragraph (b) of this section, except that such recommendations shall be included in a separate public file of recommendations established by the Public Records and Documents Center and shall be separated from the guidelines in the notice of availability published in the *FEDERAL REGISTER*, or be published in the *FEDERAL REGISTER* as regulations pursuant to paragraph (a) of this section.

(d) *Agreements.* All formal agreements, memoranda of understanding, or other similar written documents executed by the Food and Drug Administration and another person shall be included in the public file on agreements established by the Public Records and Documents Center pursuant to § 4.108 of this chapter. Any such document not included in the public file shall be deemed to be rescinded and shall have no force or effect whatever.

#### § 2.21 Participation in outside standard-setting activities.

(a) *General.* This section applies to participation by Food and Drug Administration employees in any standard-setting activities outside the Food and Drug Administration. Standard-setting activities include such matters as the development of performance characteristics, testing methodology, manufacturing practices, product standards, scientific protocols, compliance criteria, ingredient specifications, labeling, or other technical or policy criteria. The Food and Drug Administration encourages employee participation in outside standard-setting activities that are in the public interest.

(b) *Standard-setting activities by other Federal government agencies.* (1) Any Food and Drug Administration employee may participate in such activities after the approval by the appropriate bureau director or the Commissioner of Form PHS-3763 "Request for approval of appointment as liaison representative."

(2) The Form PHS-3763 and all pertinent background information describing such activities shall be included in the public file on standard-setting activities established in the Public Records and Documents Center.

(3) If any members of the public are invited by the Food and Drug Administration to present views to, or to accompany, the Food and Drug Administration employee at any meeting, such invitations shall be extended to a representative sampling of the public, including consumer groups, industry associations, professional societies, and academic institutions.

(4) A Food and Drug Administration employee appointed as the liaison representative to such an activity shall refer all requests for information about or participation in the activity involved to the group or organization responsible for such activity.

(c) *Standard-setting activities by State and local government agencies and by United Nations organizations and other international organizations and foreign governments pursuant to treaty.* (1) Any Food and Drug Administration employee may participate in such activities after the approval by the appropriate bureau director or the Commissioner of Form PHS-3763.

(2) The Form PHS-3763 and all pertinent background information describing such activities shall be included in the public file on standard-setting activities established in the Public Records and Documents Center.

(3) The availability for public disclosure of records relating to such activities shall be governed by the regulations in Part 4 of this chapter.

(4) If any members of the public are invited by the Food and Drug Administration to present views to, or to accompany, the Food and Drug Administration employee at any meeting, such invitations shall be extended to a representative sampling of the public, including consumer groups, industry association, professional societies, and academic institutions.

(5) A Food and Drug Administration employee appointed as the liaison representative to such an activity shall refer all requests for information about or participation in the activity involved to the group or organization responsible for such activity.

(d) *Standard-setting activities by private groups and organizations.* (1) Any Food and Drug Administration employee may engage in such activities after the approval by the appropriate bureau director or the Commissioner of Form PHS-3763. A request for such official participation shall be made by the group or organization in writing, shall describe the scope of the activity involved, and shall demonstrate that the minimum standards set out in paragraph (d) (5) of this section are met by the activity involved. Except as provided in paragraph (d) (7) of this section, any such request that is granted shall be the subject of a letter from the Commissioner or the bureau director to the organization stating:

(i) Whether participation by the individual will be as a voting or nonvoting liaison representative.

(ii) That participation by the individual shall not constitute Food and Drug Administration agreement with, or endorsement of, any decisions reached.

(iii) That participation by the individual disqualifies him from serving as the deciding official on the standard involved if it should later come before the Food and Drug Administration. The "deciding official" is the person who signs a document ruling upon such standard.

(2) The letter requesting official Food and Drug Administration participation, the Form PHS-3763, and the Commissioner's or bureau director's letter, together with all pertinent background information describing the activities involved, shall be included in the public file on standard-setting activities established in the Public Records and Documents Center.

(3) The availability for public disclosure of records relating to such activities shall be governed by the regulations in Part 4 of this chapter.

(4) A Food and Drug Administration employee appointed as the liaison representative to such an activity shall refer all requests for information about or participation in the activity involved to the group or organization responsible for such activity.

(5) The following minimum standards shall apply to all outside private standard-setting activities in which Food and Drug Administration employees participate.

(i) The activities shall be based upon consideration of sound scientific and technological information, shall permit revision on the basis of new information, and shall be designed to protect the public against unsafe, ineffective, or deceptive products or practices.

(ii) The activities and resulting standards shall not be designed for the economic benefit of any company, group, or organization, shall not be used as devices for such antitrust violations as fixing prices or hindering competition, and shall not involve establishment of certification or specific approval of individual products or services.

(iii) The group or organization responsible for the standard-setting activities shall have a procedure through which any interested person shall have an opportunity to provide information and views on the activities and standards involved, without the payment of fees, and such information and views shall be considered. The manner in which this is accomplished, including whether such presentation shall be in person or in writing, shall be decided by the group or organization responsible for the activities.

(6) Membership of a Food and Drug Administration employee in an organization that also conducts standard-setting activities does not invoke the provisions of this paragraph unless the employee participates in such standard-setting activities. Participation in any standard-

setting activity shall be subject to the provisions of this paragraph.

(7) The Commissioner may determine in writing that, because direct involvement by the Food and Drug Administration in a particular standard-setting activity is in the public interest and will promote the objectives of the act and the agency, such participation shall be exempt from the requirements set forth in paragraph (d) (1) (ii) and/or (iii) of this section. Any such determination shall be included in the public file on standard-setting activities established by the Public Records and Documents Center and in any relevant administrative file. Such activities may include the establishment and validation of analytical methods for regulatory use, drafting uniform laws and regulations, and the development of recommendations concerning public health and preventive medicine practices by national and international organizations.

(8) Because of the close daily cooperation between the Food and Drug Administration and the associations of State and local government officials listed below, and the large number of agency employees who are members of or work with these associations, such participation in the activities of these associations shall be exempt from the provisions of paragraphs (d) (1) through (d) (7) of this section, except that a list of all committees and other groups of these associations shall be included in the public file on standard-setting activities established in the Public Records and Documents Center:

- (i) Association of Food and Drug Officials.
- (ii) International Association of Milk, Food and Environmental Sanitarians, Inc.
- (iii) Conference of Radiation Control Program Directors.
- (iv) Association of American Feed Control Officials, Inc.
- (v) National Environmental Health Association.
- (vi) National Conference on Weights and Measures.
- (vii) American Public Health Association.
- (viii) Conference of State Sanitary Engineers.
- (ix) National Conference on Interstate Milk Shipments.
- (x) National Shellfish Sanitation Program.
- (xi) Interstate Seafood Seminar.
- (xii) Association of Official Analytical Chemists.

#### § 2.22 Public calendars.

(a) *Prospective public calendar of public proceedings.* (1) A public calendar shall be prepared and made publicly available each week showing, to the extent feasible, for the following 4 weeks all public meetings, public conferences, public hearings, public advisory committee meetings, public seminars, and other public proceedings of the Food and Drug Administration, and other significant public events involving the Food and Drug Administration, e.g., congressional



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hearings and trial or argument of court cases.

(2) A copy of this public calendar shall be placed on public display in the following places:

- (i) Office of the Hearing Clerk.
- (ii) Office of the Assistant Commissioner for Public Affairs.
- (iii) A central place in each bureau.
- (iv) A central place in each field office.
- (v) A central place at the National Center for Toxicological Research.

(b) *Retrospective public calendar of meetings.* (1) A public calendar shall be prepared and made publicly available each week showing for the previous week all meetings with persons outside the Federal government and other significant events involving the representatives of the Food and Drug Administration designated under paragraph (b) (3) of this section, except that telephone conversations shall be included on an optional basis and meetings with the working press and with on-site contractors shall not be included.

(2) Such calendar shall include all meetings, conferences, seminars, social events sponsored by the regulated industry, and speeches. The calendar shall specify the date, the person involved, and the subject matter involved. Where more than one Food and Drug Administration representative is in attendance, only the presiding or head representative shall report the meeting on the public calendar. If a large number of persons are involved, the names of each need not be specified. Meetings the existence of which would prejudice law enforcement activities (e.g., a meeting with an informant) or invade privacy (e.g., a meeting with a candidate for possible employment in the Food and Drug Administration) shall not be reported.

(3) The following Food and Drug Administration representatives and their deputies shall be subject to the requirements of paragraphs (b) (1) and (2) of this section:

- (i) Commissioner of Food and Drugs.
- (ii) Deputy Commissioner.
- (iii) Associate Commissioners.
- (iv) Assistant Commissioners.
- (v) Executive Director for Regional Operations.
- (vi) Director, Office of Legislative Services.
- (vii) Director, National Center for Toxicological Research.
- (viii) Bureau Directors.
- (ix) Chief Counsel for the Food and Drug Administration.

(4) A copy of this public calendar shall be placed on public display in the following places:

- (i) Office of the Hearing Clerk.
- (ii) Office of the Assistant Commissioner for Public Affairs.
- (iii) A central place in each bureau.
- (iv) A central place in each field office.
- (v) A central place at the National Center for Toxicological Research.

#### § 2.23 Representation by an organization.

(a) An organization may represent its members by filing petitions, comments, and objections, and otherwise participat-

ing in any administrative proceeding subject to this Part.

(b) Any such petitions, comments, objections, or other representation by a trade association shall be on behalf of its members and shall constitute a representation on behalf of each member of the trade association, except those specifically excluded by name in any such submission.

(1) Every petition, comment, objection, or other representation by a trade association in an administrative proceeding shall have attached thereto a current list of all of the members of such trade association, or shall refer to such a list that is placed on permanent file with the Hearing Clerk and is kept current by the trade association.

(2) The filing by a trade association of an objection or request for hearing pursuant to §§ 2.110 through 2.112 shall not provide to any member any legal right with respect to such objection or request for hearing that the member may exercise in its own name. All subsequent action by the trade association with respect to such objection or request for hearing shall bind each member except to the extent that any member independently files its own objection or request for hearing.

(c) In any court proceeding in which an organization participates, the Commissioner will take appropriate legal measures to have the case brought or considered as a class action or otherwise as binding upon all members of the organization except those specifically excluded by name for the reason that the organization does not represent their views. Regardless whether the case is brought or considered as a class action or as otherwise binding upon all members of the organization except those specifically excluded by name, the Commissioner will take the position in any subsequent suit involving the same issues and any member of the organization that such issues are precluded from further litigation by such member pursuant to the doctrines of collateral estoppel or res judicata.

#### § 2.24 Settlement proposals.

At any time in the course of any proceeding subject to this Part, any person may propose settlement of any of the issues involved. All participants in any proceeding shall have an opportunity to consider any proposed settlement. Unaccepted proposals of settlement and related matters, e.g., proposed stipulations not agreed to, shall not be admissible in evidence in any administrative proceeding of the Food and Drug Administration. The Food and Drug Administration will oppose the admission in evidence of any such information in any court proceeding or in any other administrative proceeding.

#### § 2.25 Waiver, suspension, or modification of procedural requirements.

The Commissioner, or the presiding officer, with respect to matters pending before him, may on his own initiative or at the request of any participant waive, suspend, or modify any provision in Sub-

parts B through F of this Part applicable to the conduct of a public hearing by announcement at the hearing or by notice in advance of the hearing, if he determines that no participant will be prejudiced, the ends of justice will thereby be served, and such action is in accordance with law.

#### Subpart B—Formal Evidentiary Public Hearings

##### § 2.100 Scope of subpart.

Subpart B governs the procedures applicable whenever any of the following applies:

- (a) A person has a right to an opportunity for a hearing under the provisions of the laws administered by the Commissioner specified in § 2.12(c).
- (b) The Commissioner concludes, in his discretion, that it would be in the public interest to hold a formal evidentiary public hearing on any matter, or class of matters, of importance pending before the Food and Drug Administration.

##### INITIATION OF PROCEEDINGS

#### § 2.110 Initiation of a formal evidentiary public hearing involving the issuance, amendment, or revocation of a regulation.

(a) An administrative proceeding in which there is an opportunity for a formal evidentiary public hearing pursuant to sections 409(f), 502(n), 507(f), 512(n)(5), 701(e), or 706(d) of the act or sections 4 or 5 of the Fair Packaging and Labeling Act involving the issuance, amendment, or revocation of a regulation shall be initiated:

- (1) By the Commissioner on his own initiative, e.g., as provided in § 121.72 for food additives, or
- (2) By a petition from an interested person:

(i) In the form specified in other applicable sections in this chapter, e.g., the form for a color additive petition in § 8.4 of this chapter or the form for an antibiotic petition in § 431.50 of this chapter, or

(ii) If no form is specified in other applicable sections of this chapter, in the form specified in § 2.7.

(b) Upon receiving a petition submitted pursuant to paragraph (a) (2) of this section, the Commissioner shall:

- (1) If it involves any matter subject to section 701(e) of the act or sections 4 or 5 of the Fair Packaging and Labeling Act, and meets the requirements for filing, follow the provisions of § 2.10 (b) through (f).
- (2) If it relates to a color additive or food additive, and the petition meets the requirements for filing in §§ 8.4, 8.5, and 121.51 through 121.53 of this chapter, publish a notice of filing of the petition in the FEDERAL REGISTER within 30 days after the petition is filed in lieu of a notice of proposed rule making.

(c) The Commissioner may issue, amend, or revoke an antibiotic regulation without the requirements of notice and public procedure in § 2.10(b) or delayed effective date in § 2.10(c) (4) on his own initiative or as a result of a petition containing the required evidence of

safety and effectiveness when the regulation is technical in nature, interested persons have been consulted, and there are no significant points of controversy, or when the regulation imposes safety requirements which the Commissioner concludes are important for the public health.

(d) The notice published in the FEDERAL REGISTER promulgating the regulation shall state the time, place, and method for adversely affected persons to submit objections and requests for hearing, and that objections and requests for hearing shall be submitted in accordance with the requirements of this Part.

(e) On or before the 30th day after the date of the publication in the FEDERAL REGISTER of a final regulation, or of a notice withdrawing a proposal initiated by a petition pursuant to § 2.6(a), subject to this section, any person who would be adversely affected if such regulation were placed in effect may submit written objections thereto to the Commissioner and may make a written request for a formal evidentiary public hearing on the stated objections. This 30-day period shall not be extended by the Commissioner. In the case of any petition or proposal to issue, amend, or repeal a color additive regulation after publication of the final regulation, if referral of such petition or proposal is made to an advisory committee in accordance with section 706(b)(5)(C) of the act, written objections and requests for a hearing may be submitted on or before the 30th day after the date on which the Commissioner publishes his order confirming or modifying his previous order.

#### § 2.111 Initiation of a formal evidentiary public hearing involving the issuance, amendment, or revocation of an order.

(a) An administrative proceeding in which there is an opportunity for a formal evidentiary public hearing pursuant to sections 505(d) or (e), 512(d), (e), (m)(3), or (m)(4) of the act, or section 351(a) of the Public Health Service Act, involving the issuance, amendment, or revocation of an order shall be initiated:

- (1) By the Commissioner on his own initiative, or
- (2) By a petition submitted in the form specified in other applicable sections in this chapter, e.g., § 314.1(c) for new drug applications, § 514.2 for new animal drug applications, § 514.2 for applications for animal feeds, or § 601.3 for licenses for biologic products, or

(3) By a petition from an interested person in the form specified in § 2.7.

(b) A notice of opportunity for hearing on any proposal to deny or revoke approval of an order or any part thereof shall be published in the FEDERAL REGISTER together with an explanation of the grounds for the proposed action. The notice of opportunity for hearing shall state the time, place, and method for adversely affected persons to submit requests for hearing, and that requests for hearing shall be submitted in accordance

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with the requirements of this Part. The applicant for or holder of the approval or license that is the subject of the order in question and all other persons subject to the notice shall have 30 days after issuance of the notice within which to request a hearing on the proposed action pursuant to the provisions of §§ 314.200, 514.200, and 601.7(a) of this chapter. This 30-day period shall not be extended by the Commissioner.

(c) In considering the issuance, amendment, or revocation of an order, the Commissioner may use any applicable optional procedure specified in § 2.7(g).

#### § 2.112 Filing objections and requests for a hearing on a regulation or order.

(a) Objections to agency action and requests for a hearing submitted pursuant to § 2.110(d) shall be submitted to the Hearing Clerk and shall be accepted for filing if they comply with all of the following conditions:

- (1) Objections and requests for a hearing shall be submitted on or before the day specified in § 2.110(d).
- (2) Each objection to a specific provision of the Commissioner's regulation or proposed order shall be separately numbered.

(3) Each numbered objection shall specify with particularity the provision of the regulation or proposed order to which objection is made.

(4) Each numbered objection on which a hearing is requested shall specifically so state. The failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection.

(5) Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. The failure to include such description and analysis for any particular objection shall constitute a waiver of the right to a hearing on that objection, but such description and analysis shall be used only for the purpose of determining whether a hearing has been justified pursuant to § 2.113 and shall not limit the evidence that may be presented if a hearing is granted.

(i) A copy of any report, article, survey, or other written document relied upon shall be submitted.

(ii) A summary of the nondocumentary testimony to be presented by any witnesses relied upon shall be submitted.

(b) Requests for hearing submitted pursuant to § 2.111(b) shall be submitted to the Hearing Clerk and shall be accepted for filing if they comply with all of the following conditions:

- (1) Requests for hearing shall be submitted on or before the 30th day after the date of publication of the notice of opportunity for hearing in the FEDERAL REGISTER.
- (2) Requests for hearing shall comply with the requirements specified in §§ 314.200, 514.200, and 601.7(a) of this chapter.

(c) Any objection or request for a public hearing which meets the requirements of this section shall be filed by the Hearing Clerk in the relevant docket file. If an objection or request for a public hearing fails to meet the requirements of this section and the deficiency becomes known to the Hearing Clerk, the Hearing Clerk shall return it with a copy of the applicable regulations, indicating those provisions not complied with. A deficient objection or request for a hearing may be supplemented and subsequently filed if submitted within the 30-day time period specified in § 2.110(d) or § 2.111(b).

(d) If an objection to a regulation issued pursuant to a petition submitted pursuant to § 2.110(a)(2) is submitted by a person other than the petitioner and is filed by the Hearing Clerk, the petitioner may submit a written reply thereto to the Hearing Clerk.

#### § 2.113 Ruling on objections and requests for hearing.

(a) As promptly as is feasible the Commissioner shall review all objections and requests for hearing filed pursuant to § 2.112 and shall determine:

- (1) Whether any of the objections or requests for hearing filed justify modification or revocation of the regulation or order involved pursuant to § 2.114.
- (2) If a formal evidentiary public hearing has been requested, whether it has been justified as required by this section.

(3) If a public hearing has been requested before a Public Board of Inquiry pursuant to Subpart C of this Part, or before a public advisory committee pursuant to Subpart D of this Part, or before the Commissioner pursuant to Subpart E of this Part, whether it has been justified.

(b) A request for a formal evidentiary public hearing shall be granted on a matter involving the issuance, amendment, or revocation of a regulation or order if, based upon the data, information, and views contained in his objection and request for hearing, a person has shown that all of the following are true:

- (1) There is a genuine and substantial issue of fact for resolution at a hearing. A hearing will not be granted on issues of policy or law.
- (2) The factual issue is capable of being resolved by available and specifically identified reliable evidence. A hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions.

(3) The data and information identified in the objection and request for hearing, if established at a hearing, would be adequate to justify resolution of the factual issue in the way sought by the person. A hearing will be denied if the Commissioner concludes that, even assuming the truth and accuracy of all of the data and information submitted in support of the objection and request for hearing, they are insufficient to justify the factual determination urged.

(4) Resolution of the factual issue in the way sought by the person is adequate to justify the action requested. A hearing



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will not be granted on factual issues that are not determinative or controlling with respect to the action requested, e.g., when the Commissioner concludes that his action would be the same even if the factual issue were resolved in the way sought, or in the case of a request that a final regulation include a provision not reasonably encompassed within the proposal. A hearing will be granted upon proper objection and request for hearing when a food standard or other regulation is shown to have the effect of excluding or otherwise affecting a product or ingredient, but not when such standard or regulation does not have such an effect.

(5) The action requested is not on its face inconsistent with or in violation of any provision in the act or any regulation in this chapter particularizing statutory standards. The proper procedure in such circumstances is for the person requesting the hearing to petition for an amendment or waiver of the regulation involved, e.g., a hearing will be denied with respect to withdrawal of approval of a new drug application which is not in compliance with an applicable OTC drug monograph promulgated pursuant to the procedures established in Part 330 of this chapter or which is not supported by evidence of effectiveness meeting the requirements of §§ 314.111(a)(5) and 330.10(a)(4)(ii) of this chapter on the ground that the procedure is to petition for an amendment to the monograph pursuant to § 330.10(a)(11) of this chapter or to obtain approval of a deviation pursuant to § 330.11 of this chapter, or to request a waiver of the requirements for proof of effectiveness as provided in §§ 314.111(a)(5) and 330.10(a)(4)(ii) of this chapter.

(6) All of the conditions and requirements specified in other applicable provisions of this chapter, e.g., §§ 2.5, 2.111, 2.112, 314.200, 430.20(b), 514.200, and 601.7(a), and in the notice promulgating the final regulation or the notice of opportunity for hearing are fully met.

(c) In making his determination pursuant to paragraph (a) of this section, the Commissioner may use any of the optional procedures specified in § 2.7(g) and in other applicable provisions of this chapter, e.g., §§ 314.200, 430.20(b), 514.200, and 601.7(a).

(d) Where a person files an objection and request for hearing pursuant to §§ 2.110 through 2.112 relating to a regulation or order, it is uncertain whether a hearing has been justified pursuant to the principles established in paragraph (b) of this section, and the Commissioner concludes that summary decision against the person requesting a hearing should be considered, he may serve upon such person by registered mail a proposed order denying a hearing. Such person shall have 30 days after receipt of such proposed order to demonstrate that the submission justifies a hearing.

#### § 2.114 Modification or revocation of regulation or order.

If the Commissioner determines upon review of an objection or request for hearing filed pursuant to §§ 2.110 through 2.112 that the regulation or order in-

volved in the proceeding should properly be modified or revoked, he shall promptly issue a notice of such modification or revocation in the FEDERAL REGISTER. Further objections or requests for hearing may be submitted to such modification or revocation, but not to any other provisions in the regulation or order, pursuant to §§ 2.110 through 2.112.

#### § 2.115 Denial of formal evidentiary public hearing in whole or in part.

If the Commissioner determines upon review of the objections or requests for hearing filed pursuant to §§ 2.110 through 2.114 that a formal evidentiary public hearing is not justified, in whole or in part, he shall publish a notice of such determination in the FEDERAL REGISTER.

(a) The notice shall state whether the hearing is denied in whole or in part. If the hearing is denied in part, the notice shall be combined with the notice of hearing required by § 2.118, and shall specify the objections and requests for hearing which have been granted and denied.

(1) Any determination denying a hearing in whole or in part shall specify in detail the reasons therefor. If such determination rests upon an analysis of the data and information submitted to justify a hearing, the inadequacy of such data and information submitted shall be explained.

(2) The notice shall confirm or modify or stay the effective date of the regulation or order involved.

(b) The record of the administrative proceeding relating to denial of a public hearing in whole or in part on any objection and request for hearing shall consist of all of the following:

(1) If the proceeding involves the issuance, amendment, or revocation of a regulation:

(i) All of the documents specified in § 2.10(g).

(ii) All objections and requests for hearing filed by the Hearing Clerk with respect to such regulation pursuant to §§ 2.110 and 2.112.

(iii) If it involves a color additive regulation which was referred to an advisory committee in accordance with section 708(b)(5)(C) of the act, the complete administrative record of the advisory committee proceedings and its report on the matter.

(iv) The notice denying a formal evidentiary public hearing published in the FEDERAL REGISTER.

(2) If the proceeding involves the issuance, amendment, or revocation of an order:

(i) The notice of opportunity for hearing.

(ii) All requests for hearing filed by the Hearing Clerk with respect to such order pursuant to §§ 2.111 and 2.112 of this chapter.

(iii) The record, consisting of the transcripts, minutes of meetings, reports, FEDERAL REGISTER notices, and other documents, resulting from any of the optional procedures specified in § 2.113(c), except that it shall not include the transcript of any closed por-

tion of any public advisory committee meeting.

(iv) The notice denying a formal evidentiary public hearing published in the FEDERAL REGISTER.

(c) The administrative record specified in paragraph (b) of this section shall constitute the exclusive record for the Commissioner's decision on denial of a formal evidentiary public hearing in whole or in part. The record of the administrative proceeding shall be closed as of the date of the Commissioner's decision unless some other date for the closing of the record is specified by the Commissioner. Thereafter any person who requested and was denied a hearing may submit a petition for reconsideration pursuant to § 2.8 and a petition for stay of action pursuant to § 2.9. Any person who wishes to rely upon data, information, or views not included in the administrative record shall submit it to the Commissioner with a new petition to modify the final regulation or order pursuant to § 2.6(a).

(d) Any determination denying a request for a formal evidentiary public hearing in whole or in part by any person who has an opportunity for such a hearing under the provisions of the laws administered by the Commissioner specified in § 2.12(c) constitutes final agency action reviewable in the courts, pursuant to the specific statutory provisions governing the matter involved, as of the date of publication in the FEDERAL REGISTER of the denial of the public hearing in whole or in part.

(1) Before requesting an order from a court for relief pending review, any person seeking judicial review shall first submit a petition for a stay of action pursuant to § 2.9.

(2) The Food and Drug Administration will request consolidation in a single court of all petitions for judicial review related to a particular matter pursuant to 28 U.S.C. 2112(a).

(3) The time for filing a petition for judicial review of a determination by the Commissioner denying a public hearing on a particular objection or issue shall begin as of the date of publication in the FEDERAL REGISTER of the Commissioner's determination. The failure to file such a petition within the period established in the specific statutory provisions governing the matter involved shall constitute a waiver of the right to judicial review of that objection or issue at any later time, regardless whether a hearing has been granted on other objections and issues.

§ 2.116 Judicial review after waiver of hearing on a regulation.

(a) Any person who has a right to submit objections and a request for hearing pursuant to § 2.110(d) may instead submit objections and waive the right to request a hearing. Such waiver may consist either of an explicit statement waiving such right, or of a failure to request a hearing as provided in § 2.112(a)(4).

(b) Where any person submits an objection and waives the right to request a hearing, the Commissioner shall rule

upon such objection pursuant to §§ 2.113 through 2.115. The Commissioner may, in his discretion, order a hearing on the matter pursuant to any of the provisions of this Part regardless whether a hearing is requested.

(c) If, after the notice published by the Commissioner in the FEDERAL REGISTER ruling upon any such objection, no hearing is granted with respect to the matters covered by such objection, and the Commissioner rules adversely on such objection, the person may petition for judicial review of the Commissioner's ruling on such objection in a United States Court of Appeals pursuant to the applicable provisions in the act.

(1) The record for judicial review shall be the record designated in § 2.115(b)(1).

(2) The time for filing such a petition for judicial review shall begin as of the date of publication in the FEDERAL REGISTER of the Commissioner's ruling on such objection.

#### § 2.117 Request for alternative form of public hearing.

(a) A person who has a right to an opportunity for a hearing under this Subpart B may waive that opportunity and in lieu thereof request one of the following alternative forms of public hearing:

(1) A public hearing before a Public Board of Inquiry pursuant to Subpart C of this Part.

(2) A public hearing before a public advisory committee pursuant to Subpart D of this Part.

(3) A public hearing before the Commissioner pursuant to Subpart E of this Part.

(b) Any such request:

(1) May be on his own initiative or at the suggestion of the Commissioner.

(2) Shall be submitted in writing to the Hearing Clerk pursuant to § 2.7.

(3) Shall be submitted at any time prior to publication of a notice of hearing pursuant to § 2.118 or a denial of hearing pursuant to § 2.115.

(4) Shall be:

(i) In lieu of a request for a hearing under this Subpart B, or

(ii) If submitted after or with a request for a hearing under this Subpart B, in the form of a waiver of the right to an opportunity for such a hearing conditioned upon an alternative form of public hearing. Upon acceptance by the Commissioner, such a waiver becomes binding and can thereafter be withdrawn only by waiving any right to any form of a hearing unless the Commissioner for good cause determines otherwise.

(c) Where more than one person has requested and justified a hearing under this Subpart B, an alternative form of hearing will be used only if all such persons concur and waive their right to an opportunity for a hearing under this Subpart B.

(d) The Commissioner will determine whether an alternative form of public hearing should be used, and if so which alternative will be acceptable to him, after considering the requests submitted

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and the appropriateness of the alternative forms of public hearing for the issues raised in the objections. Upon acceptance by the Commissioner, such acceptance becomes binding upon him unless the Commissioner for good cause determines otherwise.

(e) The Commissioner shall publish in the FEDERAL REGISTER a notice of hearing announcing an alternative form of public hearing pursuant to this section, setting forth the following information:

(1) A statement of the provisions of the regulation or order which is the subject of the public hearing.

(2) A statement specifying any part of the regulation or order which has been stayed.

(3) Any part of a regulation or order which is subject to an opportunity for a hearing under this Subpart B pursuant to statutory provisions under which the filing of proper objections and a request for hearing automatically stays the regulation or order, and for which a public hearing has been granted, shall be stayed.

(4) The Commissioner may, in his discretion, stay in whole or in part any regulation or order which is not required by statute to be stayed.

(5) The time, date, and place of the hearing, or a statement that such information shall be contained in a subsequent notice published in the FEDERAL REGISTER.

(6) The names of the parties to the public hearing.

(7) A statement of the issues to be considered at the public hearing. The statement of the issues determines the scope of the public hearing.

(8) If the public hearing will be conducted by a Public Board of Inquiry:

(i) The time within which the parties may submit nominees for the Board pursuant to § 2.203(b).

(ii) The time within which appearances shall be filed by any person who wishes to participate in the proceeding. An appearance shall be filed in the form and pursuant to the requirements specified in § 2.131.

(iii) The time within which participants shall submit written data and information pursuant to § 2.205. The notice shall list the contents of the portions of the administrative record of the proceeding as of that time relevant to the issues to be considered at the public hearing before the Board, and shall state that such portions have been placed on public display in the office of the Hearing Clerk and that additional copies of any material already submitted pursuant to § 2.205 need not be included with any later submissions by participants in the proceeding.

(9) If the public hearing will be conducted by a Public Board of Inquiry or a public advisory committee, a statement whether the findings and conclusions resulting from such public hearing shall have the legal status and be handled as a recommended decision or as an initial decision pursuant to § 2.180. If the notice of hearing is silent on this matter, the

findings and conclusions shall be an initial decision.

(f) The findings and conclusions resulting from a public hearing before a Public Board of Inquiry or a public advisory committee pursuant to this section shall have the same legal status and be handled as a recommended decision or an initial decision of a presiding officer issued pursuant to § 2.180, as determined by the notice of hearing published pursuant to paragraph (e) of this section. The findings and conclusions resulting from a public hearing before the Commissioner pursuant to this section shall have the same legal status and be handled as a tentative order issued pursuant to § 2.181. Thereafter, the participants in the proceeding may pursue the administrative and court remedies that are available as specified in §§ 2.180 through 2.191.

(g) If a public hearing before a public advisory committee pursuant to Subpart D of this Part or a public hearing before the Commissioner pursuant to Subpart E of this Part is used as an alternative form of hearing pursuant to this section, all submissions relating to the hearing which constitute the administrative record of the hearing shall be made to the Hearing Clerk and the provisions of § 2.5(j) shall govern the availability of such submissions for public examination and copying.

#### § 2.118 Notice of hearing; stay of action.

(a) If the Commissioner determines upon review of the objections and requests for hearing filed pursuant to §§ 2.110 through 2.114 that a formal evidentiary public hearing has been justified on any issue, he shall publish a notice of such determination in the FEDERAL REGISTER, setting forth the following information:

(1) A statement of the provisions of the regulation or order which is the subject of the formal evidentiary public hearing.

(2) A statement specifying any part of the regulation or order that has been stayed.

(3) Any part of a regulation or order which is subject to an opportunity for a hearing under this Subpart B pursuant to statutory provisions under which the filing of proper objections and a request for hearing automatically stays the regulation or order, and for which a hearing has been requested and justified, shall be stayed.

(4) The Commissioner may, in his discretion, stay in whole or in part any regulation or order which is not required by statute to be stayed.

(5) The names of the parties to the formal evidentiary public hearing.

(6) A statement of the issues of fact raised by the objections and request for hearing as to which a hearing has been justified.

(7) A statement of any objections or requests for hearing as to which a hearing has not been justified, which shall be subject to the provisions of § 2.115.

(8) The designation of the presiding officer to conduct the hearing or a statement that the presiding officer will be designated in a subsequent notice.

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(7) The time within which notices of

to § 2.111(b) requests a hearing and

C. Statement of Representation. (If the

to these ends, including, but not limited to the power to:

§ 2.144 Unavailability of presiding officer.

sion with the Hearing Clerk, and it shall be the responsibility of the Hearing



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(7) The time within which notices of appearance shall be filed pursuant to § 2.131.

(8) The date, time, and place when the prehearing conference will commence or a statement that such date, time, and place will be announced in a subsequent notice. The prehearing conference shall not commence until after the time for disclosure of data and information specified in § 2.153 has expired.

(9) The time within which participants shall submit written data, information, and views pursuant to § 2.153. The notice shall list the contents of the portions of the administrative record of the proceeding as of that time relevant to the issues to be considered at the public hearing and shall state that such portions have been placed on public display in the office of the Hearing Clerk and that additional copies of any material already submitted pursuant to § 2.153 need not be included with any later submissions by participants in the proceeding.

(10) Whether the presiding officer will prepare a recommended decision or an initial decision pursuant to § 2.180 through 2.184.

(b) The statement of the issues of fact raised by the objections or request for hearing as to which a hearing has been justified determines the scope of the formal evidentiary public hearing and the matters as to which the development of evidence will be permitted. The statement of the issues of fact may be revised by order of the presiding officer, except that it shall not be revised to include any issue as to which the Commissioner has not granted a hearing.

(c) A formal evidentiary public hearing shall be deemed to commence as of the date of publication of the notice of hearing in the FEDERAL REGISTER.

#### § 2.119 Effective date of a regulation.

(a) If no objections are filed and no hearing is requested on a regulation pursuant to § 2.110(e), the regulation shall be effective on the date specified in the notice promulgating it.

(b) The Commissioner shall publish a notice in the FEDERAL REGISTER stating that fact. Such notice may extend the time for compliance with the regulation.

#### § 2.120 Effective date of an order.

(a) If a person who is subject to a notice of opportunity for hearing published in the FEDERAL REGISTER pursuant to § 2.111(b) does not request a hearing, the Commissioner:

(1) Shall issue a final order published in the FEDERAL REGISTER withdrawing approval of an NDA, NADA, or biologics license, in whole or in part, and establishing the effective date of such final order.

(2) If the final order involves an NADA, shall forthwith revoke, in whole or in part, the applicable regulation pursuant to section 512(i) of the act.

(b) If a person who is subject to a notice of opportunity for hearing published in the FEDERAL REGISTER pursuant

to § 2.111(b) requests a hearing and others do not, the Commissioner may issue a final order covering all such drug products at once or may issue more than one final order covering different drug products at different times.

#### APPEARANCE AND PRACTICE

##### § 2.130 Appearance.

(a) Any interested person may appear in person or by or with counsel or other duly qualified representative in any formal evidentiary public hearing and, subject to § 2.155, may be heard with respect to all matters relevant to the issues under consideration.

(b) Any person appearing in a representative capacity in any such hearing shall submit a signed statement of authorization or other documentation verifying his authority to do so.

##### § 2.131 Written notice of appearance.

(a) Any interested person desiring to appear at any formal evidentiary public hearing shall, within 30 days after publication of the notice of hearing in the FEDERAL REGISTER pursuant to § 2.117, file with the Hearing Clerk in accordance with § 2.5 a written notice of appearance in the form specified in paragraph (b) of this section. The notice shall state with particularity the person's interest in the proceeding and shall set forth the issues on which the person desires to be heard.

(b) The form of the written notice of appearance shall be as follows:

-----  
(Date)  
Hearing Clerk, Food and Drug Administration,  
Department of Health, Education, and  
Welfare, Rm. 4-65, 5600 Fishers Lane,  
Rockville, MD 20852

#### NOTICE OF APPEARANCE

Docket No. -----

Pursuant to the provisions of 21 CFR Part  
2, Subpart B, governing the procedure in this  
matter, please enter the appearance of:

-----  
(Name)  
-----  
(Street address)  
-----  
(City and State)  
-----  
(Telephone number)

on behalf of:

-----  
(Name)  
-----  
(Street address)  
-----  
(City and State)  
-----  
(Telephone number)

The following statements are made as part  
of this notice of appearance.

A. *Specific Interest.* (A statement of the  
specific interest of the person in the pro-  
ceeding, including the specific issues of fact  
concerning which the person desires to be  
heard.)

B. *Commitment to Participate.* (A state-  
ment that the person will present docu-  
mentary evidence or testimony at the hearing  
and will comply with the requirements of 21  
CFR 2.153, or, in the case of a hearing before  
a Public Board of Inquiry, with the require-  
ments of 21 CFR 2.205.)

C. *Statement of Representation.* (If the  
person is appearing in a representative ca-  
pacity, a statement that he is authorized to  
do so. A signed statement of authorization  
or other documentation verifying his author-  
ity shall be attached.)

-----  
(Signed)

(c) All notices, pleadings, documents,  
and other submissions to be served upon  
a person in the course of the hearing  
pursuant to § 2.151 shall be mailed to the  
address shown in the notice of appear-  
ance or delivered in person to the person  
specified in the notice of appearance.

(d) A written notice of appearance  
may be amended by filing a new written  
notice of appearance and serving it upon  
all participants in the hearing.

(e) No person may participate in any  
aspect or at any stage of a formal evi-  
dentiary public hearing if he has not filed  
a written notice of appearance or if his  
notice of appearance has been stricken  
pursuant to paragraph (g) of this sec-  
tion.

(f) The presiding officer may, upon  
motion, permit a person to file a written  
notice of appearance in the hearing after  
the 30-day time period for filing such  
notices has expired, but only upon a  
showing of good cause as to why such a  
notice was not filed within such time pe-  
riod.

(g) The presiding officer may strike  
the appearance of any person, after giv-  
ing him an opportunity to show cause  
why his appearance should not be  
stricken, for nonparticipation in the  
hearing, for failure to comply with any  
requirement of this subpart, e.g., dis-  
closure of information as required by  
§ 2.153 or the prehearing order issued  
pursuant to § 2.158, or for violation of  
the rules of conduct established in  
§ 2.156. Any person whose appearance  
has been stricken may petition the Com-  
missioner for interlocutory review of  
such action.

#### PRESIDING OFFICER

##### § 2.140 Presiding officer.

A presiding officer shall preside over  
every formal evidentiary public hearing  
held pursuant to this subpart. The pre-  
siding officer shall be the Commissioner,  
a member of the office of the Commis-  
sioner to whom the Commissioner has  
delegated the responsibility for the mat-  
ter involved, or an Administrative Law  
Judge qualified under 5 U.S.C. 3105 and  
designated by the Commissioner to con-  
duct the hearing in the notice of hearing  
or in a later notice published pursuant  
to § 2.118(a) (6) of this chapter.

##### § 2.141 Commencement of functions.

The functions of the presiding officer  
shall commence upon his designation and  
terminate upon the forwarding of the  
recommended decision or the filing of the  
initial decision pursuant to § 2.180.

##### § 2.142 Authority of presiding officer.

The presiding officer shall have the  
authority and duty to conduct a fair and  
expeditious hearing and to maintain  
order. He shall have all powers necessary

to these ends, including, but not limited  
to, the power to:

(a) Arrange and issue notice of the  
date, time, and place of oral hearings and  
conferences and, upon proper notice, to  
change the date, time, and place of oral  
hearings and conferences previously set.

(b) Establish the methods and pro-  
cedures to be used in the development of  
evidentiary facts, including the proce-  
dures specified in § 2.158(b) and to rule  
upon the need for oral testimony and  
cross-examination pursuant to § 2.154  
(b).

(c) Prepare, after considering the  
views of the participants, written state-  
ments of areas of factual disagreement  
among the participants.

(d) Hold conferences to settle, sim-  
plify, or determine the issues in a hear-  
ing or to consider other matters that may  
facilitate the expeditious disposition of  
the hearing.

(e) Administer oaths and affirmations.  
(f) Regulate the course of the hearing  
and govern the conduct of participants  
therein.

(g) Examine witnesses and inform  
witnesses that they must fully respond  
to all questions or have all of their testi-  
mony stricken.

(h) Rule on, admit, exclude, or limit  
evidence.

(i) Establish the time for filing mo-  
tions, petitions, briefs, findings, or other  
submissions.

(j) Rule on motions and other proce-  
dural matters pending before him.

(k) Rule on motions for summary de-  
cision in accordance with § 2.159.

(l) Order that the hearing be con-  
ducted in stages in cases where the num-  
ber of parties is large or the issues are  
numerous and complex.

(m) Waive, suspend, or modify any  
rule in this subpart pursuant to § 2.25 if  
he determines that no party will be prej-  
udiced, the ends of justice will be thereby  
served, and such action is in accordance  
with law.

(n) Strike the appearance of any per-  
son pursuant to § 2.131(g) or exclude any  
person from the hearing pursuant to  
§ 2.156 or otherwise take reasonable disci-  
plinary action.

(o) Take any action permitted to the  
presiding officer as authorized by this  
Subpart B or in conformance with law  
for the maintenance of order at the hear-  
ing and for the expeditious, fair, and  
impartial conduct of the proceeding.

##### § 2.143 Disqualification of presiding officer.

(a) Any participant in the proceeding  
may, by motion made to the presiding  
officer, request that the presiding officer  
disqualify himself and withdraw from  
the proceeding. The presiding officer  
shall rule upon any such motion and  
shall promptly certify the motion and his  
ruling thereon to the Commissioner for  
interlocutory review.

(b) A presiding officer shall withdraw  
from any proceeding in which he deems  
himself disqualified for any reason.

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##### § 2.144 Unavailability of presiding officer.

(a) In the event that the presiding of-  
ficer is unable to act for any reason  
whatever, the powers and duties to be  
performed by him in connection with any  
proceeding shall be assigned by the Com-  
missioner to another presiding officer.  
Such substitution shall have no effect on  
any aspect of the hearing, except as the  
new presiding officer may order pursuant  
to the provisions of this subpart.

(b) Any motion predicated upon such  
substitution shall be made within 10 days  
thereafter.

#### HEARING PROCEDURES

##### § 2.150 Filing and service of submis- sions.

(a) All submissions, including plead-  
ings, relating to a formal evidentiary  
public hearing shall be filed with the  
Hearing Clerk pursuant to § 2.5.

(b) A copy of each such submission  
shall be served by the person making the  
submission upon each other participant  
in the proceeding, except that submis-  
sions of documentary data and informa-  
tion may but are not required to be  
served upon each participant. Any trans-  
mittal letter, pleading, summary, state-  
ment of position, certification pursuant  
to paragraph (d) of this section, or other  
similar document accompanying a sub-  
mission of documentary data and infor-  
mation shall be served upon each partici-  
pant pursuant to this paragraph.

(c) Service pursuant to this section  
shall be accomplished by mailing it to the  
address shown in the notice of appear-  
ance or by personal delivery.  
(d) All submissions pursuant to this  
section shall be accompanied by a signed  
certification stating the extent to which  
the submission has been served on each  
participant, or is exempt from such serv-  
ice, pursuant to paragraph (b) of this  
section.

(e) No written submission or other  
portion of the administrative record shall  
be held in confidence, except as provided  
in § 2.171.

##### § 2.151 Petition to participate in forma pauperis.

(a) Any participant who believes that  
compliance with the filing and service re-  
quirements of this section constitutes an  
unreasonable financial burden shall sub-  
mit to the Commissioner a petition to  
participate in forma pauperis.

(b) Such petition shall be pursuant to  
§ 2.7, except that the heading shall be  
"REQUEST TO PARTICIPATE IN  
FORMA PAUPERIS, DOCKET NO.  
-----" Pursuant to the guidelines es-  
tablished in § 4.43 (b) and (c) of this  
chapter, such petition shall demonstrate  
that either (i) the person is indigent and  
his participation has a strong public in-  
terest justification, or (ii) such partici-  
pation is in the public interest because it  
can be considered primarily as benefiting  
the general public.

(c) The Commissioner may, in his dis-  
cretion, grant or deny such petition. If  
such petition is granted, the participant  
may file only one copy of each submis-

sion with the Hearing Clerk, and it shall  
be the responsibility of the Hearing  
Clerk, at agency expense, to make suffi-  
cient additional copies for the adminis-  
trative record and to serve a copy upon  
each other participant.

##### § 2.152 Advisory opinions.

Prior to or during the pendency of any  
formal evidentiary public hearing any  
person may request the Commissioner  
for an advisory opinion as to the appli-  
cability to a specific situation of any reg-  
ulation or order under consideration in  
an administrative proceeding. Requests  
for such opinions shall be made pursuant  
to § 2.19.

##### § 2.153 Disclosure of data and infor- mation by the participants.

(a) Before the notice of hearing is  
published pursuant to § 2.118, the direc-  
tor of the bureau responsible for the mat-  
ters involved in the hearing shall submit  
to the Hearing Clerk:

(1) The relevant portions of the ad-  
ministrative record of the proceeding up  
to that time. Those portions of the ad-  
ministrative record of the proceeding  
which are not relevant to the issues to be  
considered at the public hearing shall not  
be placed on public display and shall not  
be part of the administrative record of  
that proceeding.

(2) All documents in his files contain-  
ing factual data and information,  
whether favorable or unfavorable to his  
position, which relate to the issues in-  
volved in the hearing.

(3) All other documentary data and  
information on which he relies.

(4) A narrative statement of his posi-  
tion on the factual issues stated in the  
notice of hearing and the type of evidence  
he intends to introduce in the hearing  
in support of his position.

(5) A signed statement that, to the  
best of his knowledge and belief, the sub-  
mission complies with the requirements  
of this section.

(b) Within 60 days after the notice  
of hearing is published in the FEDERAL  
REGISTER pursuant to § 2.118, each par-  
ticipant shall submit to the Hearing  
Clerk all data and information specified  
in paragraphs (a) (2) through (5) of this  
section, and any objections with respect  
to the completeness of the administra-  
tive record filed pursuant to paragraph  
(a) (1) of this section.

(c) The submissions required by para-  
graphs (a) and (b) of this section may  
be supplemented later in the proceeding,  
with the approval of the presiding of-  
ficer, upon a showing that the material  
contained in the supplement was not rea-  
sonably known or available when the  
submission was made or that the rele-  
vance of the material contained in the  
supplement could not reasonably have  
been foreseen at that time.

(d) The failure to comply with the  
provisions of this section in the case of  
a participant shall constitute a waiver  
of the right to participate further in the  
hearing and in the case of a party shall  
also constitute a waiver of the right to a  
hearing.

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determine reasonable time periods for the

(b) The presiding officer shall con-

(4) To hear and determine objections



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(e) Any documentary data and information submitted by one participant may be referenced by another. Participants are encouraged to exchange and consolidate lists of documentary evidence prior to reproducing it for submission to the Hearing Clerk in order to reduce duplicative submissions. If a particular document is bulky or is in limited supply and cannot reasonably be reproduced, and it constitutes relevant evidence, a participant may request the presiding officer for permission to submit a reduced number of copies to the Hearing Clerk.

(f) The presiding officer shall rule on questions relating to this section.

**§ 2.154 Purpose: oral and written testimony: burden of proof.**

(a) A formal evidentiary public hearing is held for the purpose of receiving evidence relating to an issue of fact determining the validity of a regulation or order subject to such a hearing. The objective of such a hearing is the fair determination of facts in a manner consistent with the right of all interested persons to participate and the public interest in expeditiously concluding controversies over matters affecting the public health and welfare.

(b) To achieve this objective, the evidence at a formal evidentiary public hearing shall be developed to the maximum feasible extent through written submissions, including written direct testimony which may be in narrative or in question-and-answer form, written cross-examination, and such other methods for the testing and proper evaluation of factual propositions as the presiding officer determines are necessary for a full and true disclosure of relevant evidentiary facts.

(1) In a hearing held pursuant to section 409(f), 502(n), 507(f), 512(n), 701(e), or 706(d) of the act or section 4 or 5 of the Fair Packaging and Labeling Act involving the issuance, amendment, or revocation of a regulation:

(i) All direct testimony shall be submitted in writing, except upon a showing that written direct testimony is insufficient to adduce testimony for a full and true disclosure of relevant evidentiary facts and that the participant will be prejudiced by denial of a request to present oral direct testimony.

(ii) Oral cross-examination of witnesses shall be permitted only upon a showing that the cross-examination requested is necessary because alternative means of developing relevant evidentiary facts are insufficient to adduce testimony required for a full and true disclosure of relevant evidentiary facts, and that the party requesting an opportunity for oral cross-examination will be prejudiced by denial of the request.

(2) In a hearing held pursuant to section 505 (d) or (e) or 512 (d), (e), (m) (3), or (4) of the act, or section 351 (a) of the Public Health Service Act, involving the issuance, amendment, or revocation of an order, the issues may have general applicability and depend upon general facts that do not concern any particular action of a specific party, e.g., the safety or effectiveness of a class

of drug products, or may have specific applicability to past action and depend upon particular facts concerning only that party, e.g., the applicability of a grandfather clause to a particular brand of a drug or the failure of a particular manufacturer to meet required manufacturing and processing specifications or other general standards.

(i) Where the proceeding involves general issues, all direct testimony shall be submitted in writing, except upon a showing that written direct testimony is insufficient to adduce testimony for a full and true disclosure of relevant evidentiary facts and that the participant will be prejudiced by denial of a request to present oral direct testimony. Where the proceeding involves particular issues, each party shall determine whether, and the extent to which, he wishes to present his direct testimony orally or in writing.

(ii) Oral cross-examination of witnesses shall be permitted only upon a showing that the cross-examination requested is necessary because alternative means of developing relevant evidentiary facts are insufficient to adduce testimony required for a full and true disclosure of relevant evidentiary facts, and that the party requesting opportunity for oral cross-examination will be prejudiced by denial of the request.

(3) All oral and written testimony of witnesses shall be under oath.

(c) In considering whether a request for cross-examination of a particular witness has been justified, the presiding officer shall take into account the following factors:

(1) The extent to which a full and true disclosure with respect to any disputed issue of fact can be achieved through the presentation of additional direct evidence.

(2) The extent to which there are circumstantial guarantees of the trustworthiness of the direct evidence sought to be made the subject of cross-examination.

(3) Whether the particular person's testimony sought to be made the subject of cross-examination is required for the resolution of any disputed issue of fact.

(4) Whether a dispute concerns facts in contrast to the inferences and conclusions to be drawn from the facts.

(5) Whether the direct evidence sought to be made the subject of cross-examination is relevant and material to the issues of fact as to which the hearing has been justified.

(d) Except as provided in paragraph (e) of this section, in any formal evidentiary public hearing involving the issuance, amendment, or revocation of a regulation or order, the originator of the proposal or petition or of any significant modification thereof shall be, within the meaning of 5 U.S.C. 550(d), the proponent of the regulation or order, and accordingly shall have the burden of proof. Any participant who proposes the substitution of a new provision for a provision objected to shall have the burden of proof in relation to the new provision so proposed.

(e) At any formal evidentiary public hearing involving the issuance, amend-

ment, or revocation of a regulation or order relating to the safety or effectiveness of a drug, food additive, or color additive, the participant who is contending that the product is safe or effective or both and who is requesting approval or contesting withdrawal of approval shall have the burden of proof in establishing safety or effectiveness or both and thus the right to approval. The burden of proof remains on such participant in an amendment or revocation proceeding.

**§ 2.155 Participation of nonparties.**

(a) A nonparty participant shall have the right:

(1) To attend all conferences (including the prehearing conference), oral proceedings, and arguments held in connection with or as part of a formal evidentiary public hearing.

(2) To submit written testimony and documentary evidence for inclusion in the record.

(3) To file written objections, briefs, and other pleadings.

(4) To present oral argument.

(b) A nonparty participant shall not have the right:

(1) To submit written interrogatories.

(2) To conduct cross-examination.

(c) Any person whose petition is the subject of the hearing shall have the same rights as a party.

(d) The presiding officer may, in his discretion, permit a nonparty participant additional rights when he concludes that the participant's interests would not be adequately protected otherwise or that broader participation is required for a full and true disclosure of relevant evidentiary facts, but the rights of a nonparty participant shall in no event exceed the rights of a party.

**§ 2.156 Conduct at oral hearings or conferences.**

All participants in a formal evidentiary public hearing shall conduct themselves with dignity and observe judicial standards of practice and ethics. They shall not indulge in personal attacks, unseemly wrangling, or intemperate accusations or characterizations. A representative of any party shall use his best efforts to restrain his client from improprieties in connection with any proceeding. Disrespectful, disorderly, or contemptuous language or contemptuous conduct, refusal to comply with directions, continued use of dilatory tactics, or refusal to adhere to reasonable standards of orderly and ethical conduct during any such hearing, shall constitute grounds for immediate exclusion from the proceeding at the direction of the presiding officer.

**§ 2.157 Time and place of prehearing conference.**

A prehearing conference shall commence at the date, time, and place announced in the notice of hearing or in a later notice, published in the FEDERAL REGISTER pursuant to § 2.118(a) (8). At that conference the presiding officer shall establish the methods and procedures to be used in developing the evidence,

determine reasonable time periods for the conduct of the hearing, and designate the times and places for the production of witnesses for direct and cross-examination if leave to conduct oral examination is granted on any issue, insofar as is practicable at that time.

**§ 2.158 Prehearing conference procedure.**

(a) All participants in a formal evidentiary hearing shall appear at the prehearing conference, which shall not commence until after the time for disclosure of data and information specified in § 2.153 has expired, fully prepared to discuss in detail and resolve all matters specified in paragraph (b) of this agenda as may be issued by the Commissioner or the presiding officer.

(1) All participants shall cooperate fully at all stages of the proceeding to achieve the objective of a fair and expeditious hearing, through advance preparation for the prehearing conference, including communications between the participants, requests for information at the earliest possible time, and the commencement of preparation of testimony. The failure of any participant to appear at the prehearing conference or to raise any matters that could reasonably be anticipated and resolved at the prehearing conference shall not be permitted to delay the progress of the hearing and shall constitute a waiver of the rights of the participant with regard thereto, including all objections to the agreements reached, actions taken, or rulings issued by the presiding officer with regard thereto, and may be grounds for striking his appearance pursuant to § 2.131.

(2) Each participant shall bring to the prehearing conference the following specific information, which shall be filed with the Hearing Clerk pursuant to § 2.151:

(i) Any additional data or information to supplement the submission filed pursuant to § 2.153, which may be filed if approved pursuant to § 2.153(c).

(ii) A list of all witnesses whose testimony will be offered, orally or in writing, at the hearing, together with a full curriculum vitae for each such witness. Additional witnesses may later be identified, with the approval of the presiding officer, upon a showing that the witness was not reasonably available at the time of the prehearing conference or that the relevance of his views could not reasonably have been foreseen at that time.

(iii) All prior written statements, which shall include articles and any written statement signed or adopted, or a recording or transcription of an oral statement made, by the persons who have been identified as witnesses if all of the following conditions apply:

(a) The statement is available without making request of the witness or any other person.

(b) The statement relates to the subject matter of the witness's testimony.

(c) The statement either was made before the time the person agreed to become a witness or has been made publicly available by the person.

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(b) The presiding officer shall conduct a prehearing conference for the following purposes:

(1) To determine and reduce to writing the areas of factual disagreement which are to be considered at the formal evidentiary hearing. The presiding officer may:

(i) Require each participant to prepare and file written statements of position on the areas of disagreement described in the notice of hearing.

(ii) Require each participant to summarize the testimony which he proposes to present in support of his position, and to describe and justify any additional documentary evidence not included with the submission pursuant to § 2.153 and expected to be introduced.

(iii) Consider oral or written argument with respect to the areas of disagreement described in the notice of hearing or with respect to objections thereto.

(iv) Hold conferences off the record in an effort to reach agreement as to factual questions on which disagreement exists, except that all statements as to areas of disagreement shall be reduced to writing or be the subject of a verbatim transcript approved by the participants.

(2) To identify the most appropriate techniques for the development of the evidence on issues in controversy in addition to the submissions pursuant to § 2.153, and the manner and sequence in which they will be used, including, where oral examination is to be conducted, the sequence in which witnesses will be produced for, and the time and place of, the oral examination. The methods and procedures which the presiding officer may consider for use in developing the evidence include but are not limited to:

(i) Submission of narrative statements of position on each factual issue in controversy.

(ii) Submission of evidence or identification of previously submitted evidence in support of such statements, such as affidavits, verified statements of fact, data, studies, reports, and any other type of written material.

(iii) Identification of all witnesses and submission of testimony of such witnesses.

(iv) Exchange of written interrogatories directed to particular witnesses for the purpose of developing the evidence on particular disputed facts.

(v) Written requests to any party for the production of additional documentation, data, or other information relevant and material to the facts in issue.

(vi) Submission of written questions to be orally propounded by the presiding officer to a specific witness.

(vii) Isolation of disputed facts as to which oral examination and/or cross-examination is appropriate pursuant to § 2.154(b).

(3) To group participants with substantially like interests for purposes of eliminating duplicative or repetitive development of the evidence, making and arguing motions and objections, including motions for summary decision, filing briefs, and presenting oral argument.

(4) To hear and determine objections to the admission into evidence of data and information submitted pursuant to § 2.153.

(5) To investigate the possibility of obtaining stipulations and admissions of facts.

(6) To consider such other matters and take such other action as may aid in the expeditious disposition of the proceeding.

(c) The presiding officer shall prepare a written prehearing order reciting the actions taken at the prehearing conference and setting forth the schedule for the hearing. Such order shall include a written statement of the areas of factual agreement and disagreement and of the methods and procedures to be used in developing the evidence and the respective duties of the parties in connection therewith. Such order shall control the subsequent course of the hearing unless modified by the presiding officer for good cause shown.

**§ 2.159 Summary decisions.**

(a) Any participant in a formal evidentiary public hearing may, after commencement of the hearing, submit to the Hearing Clerk pursuant to § 2.150 a motion with or without supporting affidavits for a summary decision in his favor with respect to any issue under consideration. Any other participant may, within 10 days after service of the motion, which time may be extended for an additional 10 days by the presiding officer for good cause shown, serve opposing affidavits or countermove for summary decision. The presiding officer may, in his discretion, set the matter for argument and call for the submission of briefs.

(b) The presiding officer shall grant such motion if the objections, requests for hearing, other pleadings, affidavits, and any material filed in connection with the hearing, or matters officially noticed, show that there is no genuine issue as to any material fact and that a participant is entitled to summary decision.

(c) Affidavits shall set forth such facts as would be admissible in evidence and shall show affirmatively that the affiant is competent to testify to the matters stated therein. When a motion for summary decision is made and supported as provided in this section, a participant opposing the motion may not rest upon mere allegations or denials or general descriptions of positions and contentions. His response, by affidavits or as otherwise provided in this section, must set forth specific facts showing that there is a genuine issue of fact for the hearing.

(d) Should it appear from the affidavits of a participant opposing the motion that he cannot, for sound reasons stated, present by affidavit facts essential to justify his opposition, the presiding officer may deny the motion for summary decision or may order a continuance to permit affidavits or additional evidence to be obtained or may make such order as is just.

(e) If on motion under this section a summary decision is not rendered upon the whole case or for all the relief asked, and development of evidentiary facts is

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found necessary, the presiding officer evidence may make an offer of proof, duce the evidence described in the affi-

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part may file a brief with the Commis-

(9) All documents of which official

or if the notice of hearing is silent on the



found necessary, the presiding officer shall make an order specifying the facts that appear without substantial controversy and directing further evidentiary proceedings. The facts so specified shall be deemed established.

(f) Any participant may obtain interlocutory review by the Commissioner of a summary decision of the presiding officer.

#### § 2.160 Receipt of evidence.

(a) A formal evidentiary public hearing consists of the development of evidence and the resolution of factual issues in the manner set forth in the procedures established in this subpart and in the order issued by the presiding officer after the prehearing conference.

(b) All orders issued by the presiding officer, transcripts of oral hearings or arguments, written statements of position, written direct testimony, written interrogatories and the responses thereto, and any other data, studies, reports, documentation, information, and other written material of any kind submitted in the proceeding shall be a part of the administrative record of the hearing, and shall be placed on public display in the office of the Hearing Clerk promptly upon receipt in that office, except as provided in § 2.171.

(c) A written submission to the record shall be admissible as evidence unless a participant objects and the presiding officer excludes it as inadmissible.

(1) The presiding officer shall exclude written evidence as inadmissible only on the following grounds:

(i) The evidence is a document that is not authentic, or

(ii) Exclusion of part or all of the written evidence of a participant is necessary or appropriate to enforce the requirements of this subpart.

(2) The presiding officer shall not exclude any written evidence as inadmissible on the ground that it is irrelevant, immaterial, or repetitive. All such written evidence shall be admitted even if it is of no probative value. Irrelevant or immaterial written evidence shall be regarded as such and shall not be given weight or probative value because of its admission.

(3) Any written evidence excluded by the presiding officer as inadmissible shall remain a part of the administrative record, as an offer of proof, for purposes of judicial review.

(d) Oral testimony, whether on direct or on cross-examination, shall be admissible as evidence unless a participant objects and the presiding officer excludes it as inadmissible.

(1) The presiding officer shall exclude oral evidence as inadmissible only on the following grounds:

(i) The oral evidence is irrelevant, immaterial, or repetitive, or

(ii) Exclusion of part or all of the oral evidence of a participant is necessary or appropriate to enforce the requirements of this subpart.

(2) Whenever oral evidence is excluded by the presiding officer as inadmissible, the participant offering such

evidence may make an offer of proof, which shall be part of the record. The offer of proof shall consist of a brief statement, which the presiding officer may require to be in writing, describing the evidence excluded. Upon review, the Commissioner may reopen the hearing to permit such evidence to be admitted if he determines that its exclusion was erroneous and prejudicial.

(e) All participants shall be responsible for apprising themselves of the contents of the administrative record in timely fashion for purposes of formulating objections to the admissibility of any item into evidence and evaluating the need for the submission of additional evidence.

(f) The presiding officer shall, on his own initiative as the circumstances warrant, or upon the motion of any participant for good cause shown, schedule conferences to monitor the progress of the hearing, narrow and simplify the issues, and consider and rule on motions, requests, and other matters concerning the development of the evidence.

(g) The presiding officer shall conduct such proceedings as are necessary for the taking of oral testimony, for the oral examination of witnesses by the presiding officer on the basis of written questions previously submitted to him by the parties, and for the conduct of cross-examination of witnesses by the parties. The presiding officer shall screen written questions submitted to him to be asked orally of witnesses in order to exclude irrelevant or repetitious questions. The presiding officer shall limit oral cross-examination to prevent irrelevant or repetitious examination.

(h) The presiding officer shall order that the proceedings be closed for the taking of oral testimony relating to matters specified in § 2.5(j) (3). Participation in such closed proceedings shall be limited to the witness, his counsel, and Federal Government Executive Branch employees and special government employees. Such closed proceedings shall be permitted only for such oral testimony as directly relates to matters specified in § 2.5(j) (3) and shall not include other matters.

(i) Any party may at any time move for an order that the taking of evidence be concluded. Such motion shall be granted unless within 10 days of service thereof a participant files an opposition to such motion, supported by an affidavit stating that he wishes to submit, or by specified means adduce, additional evidence on facts relevant to the issues at the hearing, describing the nature of such evidence, and estimating the time necessary to submit or adduce it. In the event that such an opposition is filed, the presiding officer may (1) grant the motion if it appears that the evidence described in the affidavit filed in support of the opposition does not relate to relevant facts or is duplicative or cumulative of evidence already on record at the hearing, (2) deny the motion, or (3) grant the motion but postpone its effect to a specified date in order that the participant opposing it may submit or ad-

duce the evidence described in the affidavit. Upon the denial of a motion made under this paragraph, or the granting of a motion with a postponed effective date, no participant may submit additional evidence unless he has filed an opposition to the motion, and any participant who has filed an opposition shall confine the submission of additional evidence to the matters set forth in the affidavit in support of the opposition.

#### § 2.161 Official notice.

(a) Upon motion of any participant, the presiding officer shall take official notice of official publications of the Food and Drug Administration and other Federal agencies and of any technical, scientific, or other fact that is not subject to reasonable dispute in that it is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

(b) The presiding officer may take official notice of matters whether requested to do so or not.

(c) Where official notice is requested to be taken or is taken of a material fact not appearing in the evidence of record, any participant, on timely request, shall be afforded an opportunity to show the contrary.

#### § 2.162 Briefs and argument.

(a) As soon as possible after the completion of the taking of evidence, the presiding officer shall announce a schedule for the filing of briefs. Briefs shall include a statement of position on each issue as supported by the evidence of record, with specific and complete citations to the evidence, together with citations of points of law relied upon. Briefs shall contain proposed findings of fact and conclusions of law.

(b) The presiding officer may permit the presentation of oral argument at his discretion and in such manner as he believes is both practical and fair.

(c) Briefs and oral argument shall attempt to refrain from disclosing specific details of written and oral testimony and documents relating to matters specified in § 2.5(j) (3), but any reference essential to resolution of the issues involved shall be permitted.

#### § 2.163 Interlocutory appeal from ruling of presiding officer.

(a) Except as provided in paragraph (b) of this section and in §§ 2.131(g), 2.143(a), 2.159(f), and 2.165(c), where an interlocutory appeal is specifically authorized by this subpart, rulings of the presiding officer may not be appealed to the Commissioner prior to his consideration of the entire administrative record of the hearing.

(b) Any ruling of the presiding officer shall be the subject of an interlocutory appeal to the Commissioner where the presiding officer certifies on the record or in writing that such an interlocutory appeal is necessary to prevent exceptional delay, expense, or prejudice to any participant, or substantial harm to the public interest.

(c) Where an interlocutory appeal is made to the Commissioner, any partici-

part may file a brief with the Commissioner within such period as the Commissioner directs. Oral argument will be heard only at the discretion of the Commissioner.

#### § 2.164 Official transcript.

(a) Any oral testimony given at a formal evidentiary public hearing shall be reported verbatim. The presiding officer will make provision for a stenographic record of the testimony and for such copies of the transcript thereof as he requires for his own purpose.

(b) One copy of such transcript shall be placed on public display in the office of the Hearing Clerk upon receipt, where it may be reviewed by any interested person.

(c) Any person desiring a copy of the transcript of the testimony taken at the hearing or of any part thereof shall be entitled to the same, except as provided in § 2.171, upon application to the official reporter and payment of the costs thereof or pursuant to the provisions of Part 4 of this chapter.

#### § 2.165 Motions.

(a) Any participant may make a motion, including any request, to the presiding officer with respect to any matter relating to the proceeding. All motions shall be filed pursuant to § 2.150, except those made in the course of an oral hearing before the presiding officer.

(b) Within 10 days after service of any such motion, which may be shortened to 3 days or extended for an additional 10 days by the presiding officer for good cause shown, any participant in the proceeding may file a response to the motion.

(c) The presiding officer shall rule upon such motion and may certify such motion, together with his ruling, to the Commissioner for interlocutory review.

#### ADMINISTRATIVE RECORD

#### § 2.170 Administrative record of a formal evidentiary public hearing.

(a) The record of the administrative proceeding shall consist of the following:

(1) The order or regulation which gave rise to the hearing.

(2) All objections and requests for hearing filed by the Hearing Clerk pursuant to §§ 2.110 through 2.112.

(3) The notice of hearing published pursuant to § 2.118.

(4) All notices of appearance filed pursuant to § 2.131.

(5) All FEDERAL REGISTER notices pertinent to the proceeding.

(6) All submissions filed pursuant to § 2.151, e.g., the submissions required by § 2.153, all other documentary evidence and written testimony, pleadings, statements of position, briefs, and other similar documents.

(7) The transcript, written order, and all other documents relating to the prehearing conference, prepared pursuant to § 2.158.

(8) All documents relating to any motion for summary decision pursuant to § 2.159.

(9) All documents of which official notice is taken pursuant to § 2.161.

(10) All pleadings filed pursuant to § 2.162.

(11) All documents relating to any interlocutory appeal pursuant to § 2.163.

(12) All transcripts prepared pursuant to § 2.164.

(13) Any other documents relating to the hearing and filed with the Hearing Clerk by the presiding officer or any participant.

(b) The record of the administrative proceeding shall be closed:

(1) With respect to the taking of evidence, at the time specified in § 2.160 (g).

(2) With respect to pleadings, at the time specified in § 2.162(a) for the filing of briefs.

(c) The presiding officer may, in his discretion, reopen the record to receive further evidence at any time prior to the filing of a recommended or initial decision.

#### § 2.171 Examination of administrative record.

The availability for public examination and copying of each document which is a part of the administrative record of the hearing shall be governed by the provisions of § 2.5(j). Each document which is available for public examination or copying shall be placed on public display in the office of the Hearing Clerk promptly upon receipt in that office.

#### § 2.172 Correction of administrative record.

After the close of the taking of evidence, the presiding officer shall afford witnesses, participants, and their counsel time, not longer than 30 days except in unusual cases, in which to submit written proposed corrections of the transcript of any oral testimony taken at the hearing, pointing out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony.

#### § 2.173 Record for administrative decision.

The administrative record of the hearing specified in § 2.170 shall constitute the exclusive record for decision.

#### RECOMMENDED, INITIAL, TENTATIVE, AND FINAL DECISIONS

#### § 2.180 Recommended decision or initial decision.

(a) Within 90 days after the filing of briefs and any oral argument pursuant to § 2.162, the presiding officer shall prepare and file a recommended decision or initial decision based solely upon the administrative record of the hearing.

(1) The presiding officer shall prepare a recommended decision if the notice of hearing so states pursuant to § 2.118 (a) (10).

(2) The presiding officer shall prepare an initial decision if the notice of hearing so states pursuant to § 2.118(a) (10).

or if the notice of hearing is silent on the matter.

(b) The recommended decision or initial decision shall contain:

(1) Findings of fact based upon relevant, material, and reliable evidence of record.

(2) Conclusions of law.

(3) A full articulation of the reasons for the findings and conclusions, including a discussion of the significant factual and legal contentions made by any participant.

(4) Full citations to the administrative record supporting the findings and conclusions.

(5) An appropriate regulation or order supported by substantial evidence of record and based upon the findings of fact and conclusions of law.

(6) An effective date for the regulation or order.

(c) The recommended decision or initial decision shall attempt to refrain from disclosing specific details of written and oral testimony and documents relating to matters specified in § 2.5(j) (3), but any reference essential to resolution of the issues involved shall be permitted.

(d) If the presiding officer prepares a recommended decision he shall forward it, together with the certified record of the hearing, to the Commissioner.

(e) If the presiding officer prepares an initial decision:

(1) It shall be filed with the Hearing Clerk and served upon all participants.

(2) The initial decision shall become the decision of the Commissioner unless within 30 days after it is filed with the Hearing Clerk a participant in the proceeding files with the Hearing Clerk a notice of appeal to the Commissioner pursuant to § 2.182(a) or the Commissioner, on his own initiative, files with the Hearing Clerk a notice of review pursuant to § 2.182(d).

#### § 2.181 Tentative order.

(a) If the presiding officer prepares a recommended decision, as soon as practicable after it is received the Commissioner either shall adopt it as his tentative order or shall prepare a different tentative order. The tentative order shall contain findings of fact and conclusions of law as set forth in § 2.180 (b) and (c), and shall be filed with the Hearing Clerk and served upon all participants.

(b) The tentative order shall specify a reasonable time, ordinarily not to exceed 60 days, within which any participant may file exceptions. The exceptions shall point out with particularity the alleged errors in the tentative order and shall contain a specific reference to the items in the record on which exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. If oral argument on the exceptions is desired, such a request shall be made with the exceptions.

(c) After the exceptions are filed the Commissioner shall determine whether he wishes to hear oral argument on the matter. If the Commissioner concludes that he should hear oral argument on

the matter, the participants shall be in-

mand the proceeding to the presiding

any matter, or class of matters, of im-

the Hearing Clerk the names and full

agree on any other procedure for selec-

(1) Such petition shall be pursuant to



the matter, the participants shall be informed of the date, time, and place for such oral argument, the amount of time that will be allotted to each participant for such oral argument, and the issues to be addressed.

**§ 2.182 Appeal from or review of initial decision.**

(a) If the presiding officer files an initial decision, any participant in a proceeding may appeal it to the Commissioner by filing a notice of appeal with the Hearing Clerk within 30 days after the initial decision is filed. If any participant appeals the initial decision, all participants shall have an equal opportunity to participate in the appeal.

(b) Promptly after a notice of appeal is filed with the Hearing Clerk, the Commissioner shall inform all participants of the date by which they may file briefs, stating exceptions to or agreement with the initial decision and supporting reasons therefor, the time for which shall be not less than 30 nor more than 60 days following such notice. Reply briefs may be filed only with the express permission of the Commissioner.

(c) If oral argument on the appeal is desired, such a request shall be made with the briefs. After the briefs are filed the Commissioner shall determine whether he wishes to hear oral argument on the matter. If the Commissioner concludes that he should hear oral argument on the matter, the participants shall be informed of the date, time, and place for such oral argument, the amount of time that will be allotted to each participant for such oral argument, and the issues to be addressed.

(d) Within 10 days after the initial decision is filed, the Commissioner may file with the Hearing Clerk a notice stating that he will review the initial decision on his own initiative. Such review shall proceed pursuant to the provisions of paragraph (b) of this section.

**§ 2.183 Decision by Commissioner after exceptions to the tentative order.**

If the presiding officer prepares a recommended decision and the Commissioner files a tentative order, as soon as practicable after the time for filing exceptions to the tentative order has passed, the Commissioner shall publish in the FEDERAL REGISTER his final order in the proceeding. The final order shall meet the requirements established in § 2.180 (b) and (c).

**§ 2.184 Decision by Commissioner on appeal or review of initial decision.**

(a) If the presiding officer files an initial decision and a notice of appeal or review is filed pursuant to § 2.182, the presiding officer shall certify to the Commissioner the full administrative record of the proceeding, which shall include all briefs filed pursuant to § 2.162 and the initial decision.

(b) On appeal from or review of the initial decision, the Commissioner shall have all the powers he would have in making the initial decision. The Commissioner may, on his own initiative or on the motion of any participant, re-

mand the proceeding to the presiding officer with specific directions, e.g., to receive further evidence relating to a particular issue, where he concludes that such action is necessary for a proper decision in the matter.

(c) The scope of the issues on appeal shall be the same as the scope of the issues at the public hearing unless the Commissioner specifies otherwise.

(d) As soon as practicable after the filing of briefs and any oral argument, the Commissioner shall issue in the FEDERAL REGISTER his final decision in the proceeding based solely upon the administrative record of the hearing. Such final decision shall meet the requirements established in § 2.180 (b) and (c).

(e) The Commissioner may adopt the initial decision as the final decision, in whole or in part, if he concludes, after reviewing the administrative record, that it meets all the requirements specified in § 2.180 (b) and (c) and represents a sound, reasonable, and fair decision based upon all relevant factual, legal, and policy considerations.

**§ 2.185 Reconsideration and stay of action.**

Following publication of the final decision, any participant may petition the Commissioner for reconsideration of any part or all of such decision pursuant to § 2.8 or may petition for a stay of such decision pursuant to § 2.9.

**JUDICIAL REVIEW**

**§ 2.190 Review by the courts.**

(a) The Commissioner's final decision constitutes final agency action from which any participant may petition for judicial review pursuant to the statutory provisions governing the matter involved. Before requesting an order from a court for relief pending review, any participant seeking court review shall first submit a petition for a stay of action pursuant to § 2.9.

(b) The Food and Drug Administration will request consolidation in a single court of all petitions for judicial review related to a particular matter pursuant to 28 U.S.C. 2112(a).

**§ 2.191 Copies of petitions for judicial review.**

The Chief Counsel for the Food and Drug Administration has been designated by the Secretary as the officer upon whom copies of petitions for judicial review shall be served. Such officer shall be responsible for filing in the court the record of the proceedings on which the final decision is based. The record of the proceeding shall be certified by the Commissioner.

**Subpart C—Public Hearing Before a Public Board of Inquiry**

**§ 2.200 Scope of subpart.**

Subpart C governs the practices and procedures applicable whenever:

(a) The Commissioner concludes, in his discretion, that it is in the public interest to hold a public hearing before a Public Board of Inquiry, hereinafter referred to as a "Board," with respect to

any matter, or class of matters, of importance pending before the Food and Drug Administration.

(b) Pursuant to specific provisions in other sections of this chapter, a matter pending before the Food and Drug Administration is subject to a public hearing before a Board.

(c) A person who has a right to an opportunity for a formal evidentiary public hearing under Subpart B of this Part waives that opportunity and in lieu thereof requests pursuant to § 2.117 of this Part the establishment of a Board to act as an administrative law tribunal with respect to the matters involved, and the Commissioner, in his discretion, accepts this request.

**§ 2.201 Notice of a public hearing before a Public Board of Inquiry.**

If the Commissioner determines that a Board should be established to conduct a public hearing on any matter, he shall publish in the FEDERAL REGISTER a notice of hearing setting forth the following information:

(a) If the hearing is pursuant to § 2.200 (a) or (b), all applicable information described in § 2.117(e).

(1) If any written document is to be the subject matter of the hearing, it shall be published as part of the notice, or reference shall be made to it if it has already been published in the FEDERAL REGISTER, or the notice shall state that the document is available from the Hearing Clerk or an agency employee designated in the notice.

(2) For purposes of any such hearing, all participants who file a notice of appearance pursuant to § 2.117(e) (6) (ii) shall be deemed to be parties and shall be entitled to participate in selection of the Board pursuant to § 2.203(b).

(b) If the hearing is in lieu of a formal evidentiary hearing as provided in § 2.200(c), all of the information described in § 2.117(e).

**§ 2.202 Members of a Public Board of Inquiry.**

(a) All members of a Board shall have medical, technical, scientific, or other qualifications relevant to the issues to be considered at the hearing, shall be subject to the conflict of interest rules applicable to special government employees, and shall be free from bias or prejudice with respect to the issues involved. A member of a Board may be a full-time or part-time Federal government employee or may serve on a Food and Drug Administration advisory committee but except with the agreement of all parties shall not currently be a full-time or part-time employee of the Food and Drug Administration or otherwise act as a special government employee of the Food and Drug Administration.

(b) The director of the bureau of the Food and Drug Administration responsible for the matter which is the subject of a public hearing before a Board, the other parties to the proceeding, and any person whose petition is the subject of the hearing, shall, within 30 days after publication of the notice of hearing in the FEDERAL REGISTER, each submit to

the Hearing Clerk the names and full curricula vitae of five nominees for members of the Board. Nominations shall state that the nominee is aware of the nomination, is interested in becoming a member of the Board, and appears to have no conflict of interest.

(1) All such persons may in consultation with each other agree upon a single list of five qualified nominees.

(2) Within 10 days after receipt of such names of nominees, such persons may submit comments to the Hearing Clerk on whether the nominees of the other persons meet the criteria established in paragraph (a) of this section.

(3) In addition to being filed with the Hearing Clerk, the lists of nominees and comments thereon shall be submitted to the persons who have the right to submit a list of nominees pursuant to this paragraph but not to all participants. They shall be held in confidence by the Hearing Clerk as part of the administrative record of the proceeding and shall not be available for public disclosure, and shall similarly be held in confidence by all persons who submit or receive them. This portion of the administrative record shall remain confidential but shall be available for judicial review in the event that it becomes relevant to any issue before a court.

(c) After reviewing the lists of nominees and any comments thereon, the Commissioner shall choose three qualified persons as members of a Board. One member shall be chosen from the lists of nominees submitted by the director of the bureau and any person who is not a party and whose petition is the subject of the hearing. The second member shall be chosen from the lists of nominees submitted by the other parties. The Commissioner shall then choose the third member from any source, who shall be the Chairman of the Board.

(1) If the Commissioner is unable to find a qualified person with no conflict of interest from among a list of nominees submitted, or if additional information is needed, the Commissioner shall request from the party involved the submission of such additional nominees or information as is necessary to choose a qualified person nominated by that person.

(2) If a person fails to submit a list of nominees as required by paragraph (b) of this section, the Commissioner may choose a qualified person in lieu of a person nominated by that person without further consultation with that person.

(3) The Commissioner shall announce the members of a Board by filing a memorandum in the record of the proceeding and sending a copy to each participant who has filed a notice of appearance.

(d) In lieu of the procedure for selection of the members of a Board specified in paragraphs (b) and (c) of this section, the director of the bureau, the other party or parties to the proceeding, and any person whose petition is the subject of the hearing, may agree that any standing advisory committee listed in § 2.330 shall constitute the Board for a particular proceeding, or may mutually

agree on any other procedure for selection of the members of the Board, or the number of members of the Board, subject to the approval of the Commissioner.

(e) The members of a Board shall serve as consultants to the Commissioner and shall be special government employees or government employees. A Board shall function as an administrative law tribunal with the consent of the parties involved in the proceeding and is not an advisory committee subject to the requirements of the Federal Advisory Committee Act or Subpart D of this Part.

(f) The chairman of a Board shall have the authority of a presiding officer set out in § 2.142.

**§ 2.203 Separation of functions; ex parte communications; administrative support.**

(a) All proceedings of a Board shall be subject to the provisions of § 2.13, relating to separation of functions and ex parte communications. Representatives of the participants in any proceeding before a Board shall have no contact with the members of the Board, except as participants in such proceeding, and shall not participate in the deliberations of the Board.

(b) Administrative support for a Board shall be provided only by the office of the Commissioner and the Chief Counsel for the Food and Drug Administration.

**§ 2.204 Submissions to a Public Board of Inquiry.**

(a) All submissions relating to a hearing before a Board shall be filed with the Hearing Clerk pursuant to § 2.5.

(b) A copy of any such submission shall be sent by the person making the submission to each participant in the proceeding, except as provided in §§ 2.202 (b) (3) and 2.207(c) and except that submissions of documentary data and information may but are not required to be sent to each participant. Any transmittal letter, summary, statement of position, certification pursuant to paragraph (d) of this section, or similar document accompanying a submission of documentary data and information shall be sent to each participant pursuant to this paragraph.

(c) Any such submission shall be sent as required by paragraph (b) of this section by mailing it to the address shown in the notice of appearance or by personal delivery.

(d) All submissions pursuant to this section shall be accompanied by a signed certification stating the extent to which the submission has been served on each participant, or is exempt from such service, pursuant to paragraph (b) of this section.

(e) No written submission or other portion of the administrative record shall be held in confidence, except as provided in §§ 2.202(b) (3) and 2.207(c).

(f) Any participant who believes that compliance with the requirements of this section constitutes an unreasonable financial burden shall submit to the Commissioner a petition to participate in forma pauperis.

(1) Such petition shall be pursuant to § 2.7, except that the heading shall be "REQUEST TO PARTICIPATE IN FORMA PAUPERIS, DOCKET NO. ...." Pursuant to the guidelines established in § 4.43 (b) and (c) of this chapter, such petition shall demonstrate that either (i) the person is indigent and his participation has a strong public interest justification, or (ii) such participation is in the public interest because it can be considered primarily as benefiting the general public.

(2) If the Commissioner grants such petition, the participant may file only one copy of each submission with the Hearing Clerk, and it shall be the responsibility of the Hearing Clerk to make sufficient additional copies for the administrative record and to serve a copy upon each other participant.

**§ 2.205 Disclosure of data and information by the participants.**

(a) Before the notice of hearing is published pursuant to § 2.201, the director of the bureau responsible for the matters involved in the hearing shall submit to the Hearing Clerk:

(1) The relevant portions of the existing administrative record of the proceeding. Those portions of the administrative record of the proceeding which are not relevant to the issues to be considered at the public hearing shall not be submitted to the Hearing Clerk or placed on public display and shall not be part of the administrative record of the proceeding.

(2) A list of all persons whose views will be presented orally or in writing at the hearing.

(3) All documents in his files containing factual data and information, whether favorable or unfavorable to his position, which relate to the issues involved in the hearing.

(4) All other documentary data and information on which he relies.

(5) A signed statement that, to the best of his knowledge and belief, the submission complies with the requirements of this section.

(b) Within 60 days after the notice of hearing is published pursuant to § 2.201, each participant shall submit to the Hearing Clerk all data and information specified in paragraph (a) (2) through (5) of this section, and any objections with respect to the completeness of the administrative record filed pursuant to paragraph (a) (1) of this section.

(c) The submissions required by paragraphs (a) and (b) of this section may be supplemented later in the proceeding, with the approval of the Board, upon a showing that the views of the persons or the material contained in the supplement were not known or reasonably available when the initial submission was made or that the relevance of the views of the persons or the material contained in the supplement could not reasonably have been foreseen.

(d) The failure to comply with the provisions of this section in the case of a participant shall constitute a waiver of the right to participate further in the hearing and in the case of a party shall



constitute a waiver of the right to a hearing.

(e) The Chairman of the Board shall rule on questions relating to this section. Any participant dissatisfied with any such ruling may request the Commissioner for an interlocutory review of that ruling.

#### § 2.206 Proceedings of a Public Board of Inquiry.

(a) The purpose of a Board is to review medical, scientific, and technical issues fairly and expeditiously in order to reach a reasonable decision that is sound from a medical, scientific, and technical standpoint. The proceedings of a Board shall be conducted in the manner of a scientific inquiry rather than as a legal trial.

(b) Prior to the first hearing of a Board, all participants in the hearing shall have submitted to the Hearing Clerk the data and information required to be disclosed pursuant to § 2.205, subject to the sanctions specified in § 2.205(d).

(c) The Chairman of a Board shall call the first hearing of the Board at a reasonable time subsequent to receipt of the data and information specified in paragraph (b) of this section. Notice of the time and location of such hearing shall be published in the FEDERAL REGISTER at least 15 days in advance and the hearing shall be open to the public. The director of the bureau, the other parties, and all other participants shall have an opportunity at the first hearing to make an oral presentation of the data, information, and views which in their opinion are pertinent to resolution of the issues being considered by a Board. The Chairman shall determine the order in which these presentations shall be made. Each initial presentation shall be made without interruption from other participants, but members of the Board may ask any questions that they wish. At the conclusion of each presentation, each of the other participants may briefly state questions and criticism of the presentation and may request that the Board conduct further questioning with respect to specified matters. The Chairman and members of the Board may then ask further questions, and the Chairman may permit any other participant in the proceeding to ask questions if he determines this will facilitate resolution of the issues.

(d) The hearing shall be informal in nature, and the rules of evidence shall not apply. No motions or objections relating to the admissibility of data, information, and views shall be made or considered, but other participants may comment upon or rebut all such data, information, and views. No participant may interrupt the presentation of another participant for any reason.

(e) Within 30 days after the first hearing of a Board is concluded, each participant in the proceeding may submit in writing such rebuttal data, information, and views as he believes relevant to the issues, in accordance with the requirements of § 2.206. The Chairman shall thereafter schedule a second hear-

ing of a Board if requested and justified by any participant. A second hearing, and any subsequent hearing, shall be called only if the Chairman concludes that it is necessary for the full and fair presentation of information that cannot otherwise adequately be considered and for the proper resolution of the issues involved. Notice of the time and location of any such subsequent hearings shall be published in the FEDERAL REGISTER at least 15 days in advance of the date of such hearing and the hearings shall be open to the public.

(f) A Board may consult with any person who it concludes may have data, information, or views relevant to resolution of the issues involved.

(1) Such consultation shall occur only at an announced hearing of a Board, and all participants shall have the right to be present and to suggest or, with the permission of the Chairman, conduct questioning of such consultants and to present rebuttal data, information, and views, as provided in paragraphs (c) and (d) of this section, except that written statements may be submitted to the Board with the consent of all participants.

(2) Any participant may submit to the Board a request that it consult with specific persons who may have data, information, or views relevant to the resolution of the issues. Such requests shall state the reasons why the person named should be consulted and why the views of that person cannot reasonably be furnished to the Board by any means other than having the Food and Drug Administration arrange for his appearance at a hearing of the Board. The Board may, in its discretion, grant or deny such a request.

(g) All hearings of a Board at which presentations of data, information, and views are made shall be transcribed. All such hearings shall be open to the public, except that the presentation of data and information which are prohibited from public disclosure pursuant to the provisions of § 2.5(j) (3) shall be closed to all persons except the persons making and participating in the presentation and Federal Government Executive Branch employees and special government employees. At least a majority of the members of the Board shall be present at every hearing. The executive sessions of a Board, during which a Board deliberates on the issues, shall be closed and shall not be transcribed. The report of the Board shall be voted upon by all members of the Board.

(h) All legal issues shall be referred to the Chief Counsel for the Food and Drug Administration for resolution.

(i) After the conclusion of all public hearings a Board shall announce that the record is closed with respect to the gathering of data and information. The Board shall provide an opportunity for all participants to submit a written statement of their positions, with proposed findings and conclusions, and may, in its discretion, provide an opportunity for participants to summarize their positions orally to assist the Board in its deliberations on the issues involved.

(j) At the conclusion of its deliberations, a Board shall prepare its decision on the issues, which shall include specific findings and references supporting and explaining its conclusions, and a detailed statement of the reasoning on which the conclusions are based. Any member of the Board may file a separate report with additional or dissenting views.

#### § 2.207 Administrative record of a Public Board of Inquiry.

(a) The administrative record of a hearing before a Board shall consist of the following:

(1) All relevant FEDERAL REGISTER notices.

(2) All written submissions pursuant to § 2.204.

(3) The transcripts of all hearings of the Board.

(4) The recommended or initial decision of the Board.

(b) The record of the administrative proceeding shall be closed:

(1) With respect to the gathering of information and data, at the time specified in § 2.206(i).

(2) With respect to pleadings, at the time specified in § 2.206(i) for the filing of a written statement of position with proposed findings and conclusions.

(c) The Board may, in its discretion, reopen the record to receive further evidence at any time prior to the filing of a recommended or initial decision.

#### § 2.208 Examination of administrative record.

(a) The availability for public examination and copying of each document which is a part of the administrative record of the hearing shall be governed by the provisions of § 2.5(j). Each document which is available for public examination or copying shall be placed on public display in the office of the Hearing Clerk promptly upon receipt in that office.

(b) Lists of nominees and comments thereon submitted pursuant to § 2.202 (b) (3) shall be subject to the provisions of § 2.5(j) (3).

#### § 2.209 Record for administrative decision.

The administrative record of the hearing specified in § 2.207(a) shall constitute the exclusive record for decision.

#### Subpart D—Public Hearing Before a Public Advisory Committee

##### GENERAL

#### § 2.300 Scope of subpart.

(a) Subpart D governs the practices and procedures applicable whenever:

(1) The Commissioner concludes, in his discretion, that it is in the public interest for a standing or ad hoc policy or technical public advisory committee, hereinafter an "advisory committee" or "committee," to hold a public hearing and to review and make recommendations with respect to any matter or class of matters of importance pending before the Food and Drug Administration, and for interested persons to present data, information, and views at an oral public

hearing before the advisory committee.

(2) Pursuant to specific provisions in other sections of this chapter, a matter pending before the Food and Drug Administration is subject to a public hearing before an advisory committee. Such specific provisions are:

(i) Section 2.350 relating to review of a performance standard for an electronic product by the Technical Electronic Product Radiation Safety Standards Committee.

(ii) Section 2.360 relating to review of the safety of color additives.

(iii) Section 2.370 relating to review of the safety and effectiveness of human prescription drugs.

(iv) Section 330.10 of this chapter relating to review of the safety and effectiveness of over-the-counter drugs.

(v) Section 601.25 of this chapter relating to review of the safety and effectiveness of biological drugs.

(3) A person who has a right to an opportunity for a formal evidentiary public hearing under Subpart B of this Part waives that opportunity and in lieu thereof requests pursuant to § 2.117 a public hearing before a public advisory committee pursuant to this subpart, and the Commissioner, in his discretion, accepts this request.

(b) In determining whether a group is a "public advisory committee" as defined in § 2.3(a) (14) and thus subject to the requirements of this subpart and of the Federal Advisory Committee Act, the following guidelines shall be used:

(1) An advisory committee may be a standing advisory committee or an ad hoc advisory committee. All standing advisory committees shall be listed in § 2.340.

(2) An advisory committee may be a policy advisory committee or a technical advisory committee. A policy advisory committee advises on broad and general matters. A technical advisory committee advises on specific regulatory issues.

(3) An advisory committee includes any subgroup thereof when it is working on behalf of the committee. An advisory committee may have members and consultants.

(4) A committee composed entirely of full-time Federal government employees is not an advisory committee.

(5) An advisory committee shall ordinarily have a fixed membership, a defined purpose of providing advice to the agency on a particular subject, regular or periodic meetings, and an organizational structure, e.g., a chairman and staff, and shall serve as a source of independent expertise and advice rather than as a representative of or advocate for any particular interest.

(i) A group of persons convened on an ad hoc basis to discuss a matter of current interest to the agency, but which has no continuing function or organization, does not involve substantial special preparation, and does not as a group issue a report to or advise the agency, is not an advisory committee.

(ii) A group of two or more agency consultants meeting with the agency on

an ad hoc basis is not an advisory committee.

(iii) A group of experts who are employed by a private company or a trade association which has been requested by the agency to provide its views on a regulatory matter pending before the agency is not an advisory committee.

(iv) A consulting firm hired by the agency to provide advice regarding a matter is not an advisory committee.

(6) An advisory committee which is utilized by the agency is subject to the requirements of this subpart even though it was not established by the agency. In general, a committee is "utilized" by the agency when the agency requests advice or recommendations from the committee on a specific matter in order to obtain an independent review and consideration of the matter, and not when the agency is merely seeking the comments of all interested persons or of persons who have a specific interest in the matter involved.

(i) A committee formed by an independent scientific or technical organization is utilized by the agency if the agency requests the advice of that committee rather than of the parent organization, or if the circumstances show that the advice given is that of the committee and not of the parent organization. A committee formed by an independent scientific or technical organization is not utilized by the agency if the agency requests advice of the organization rather than of a committee and if the recommendations of any committee formed in response to the agency's request for advice are subject to substantial independent policy and factual review by the governing body of the parent organization.

(ii) A committee is not utilized by the agency if it provides only data and information, as contrasted with advice or opinions or recommendations.

(iii) The Food and Drug Administration is charged with seeking out the views of all segments of the public on enforcement of the laws administered by the Commissioner. The fact that a group of individuals or a committee meets regularly with the agency, e.g., a monthly meeting with consumer representatives, does not make that group or committee an advisory committee. Thus, the provisions of this subpart are not applicable to routine meetings, discussions, and other dealings, including exchanges of views, between the agency and any committee representing or advocating the particular interests of consumers, industry, professional organizations, or others.

(7) The inclusion of one or two agency consultants who are special government employees on an internal agency committee does not make that committee an advisory committee.

(8) A Public Board of Inquiry established under Subpart C of this Part or other similar group convened by agreement between the parties to a regulatory proceeding pending before the Food and Drug Administration, to review and prepare an initial decision on the issue in lieu of a formal evidentiary public

hearing, is acting as an administrative law tribunal and is not an advisory committee.

(9) An open public conference or meeting conducted pursuant to § 2.15(b) is not an advisory committee meeting.

(c) The provisions of this subpart apply only when a committee convenes to conduct committee business. Site visits, social gatherings, informal discussions by telephone or during meals or while traveling or at other professional functions, or other similar activities do not constitute a meeting.

(d) An advisory committee which is utilized but not established by the Food and Drug Administration shall be subject to the provisions of this subpart only to the extent of such utilization, and not with respect to any other activities of such committee.

(e) Any conference or meeting between an employee of the Food and Drug Administration and a committee or group which is not an advisory committee shall be subject to the provisions of § 2.15 or other provisions specifically applicable to such committee or group, e.g., Subpart C of this Part for a Public Board of Inquiry.

(f) The provisions of this subpart shall apply to all Food and Drug Administration advisory committees, except to the extent that specific statutory requirements provide otherwise for a particular committee, e.g., the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC) and the Board of Tea Experts.

#### § 2.301 Establishment and renewal of public advisory committees.

(a) A public advisory committee may be established or renewed whenever it is necessary or appropriate for such an advisory committee to hold a public hearing and to review and make recommendations on any matter pending before the Food and Drug Administration. Before an advisory committee is established or renewed it shall first be approved by the Department pursuant to 45 CFR Part 11 and the Office of Management and Budget pursuant to duly promulgated procedures.

(b) Upon the establishment or renewal of an advisory committee, the Commissioner shall issue in the FEDERAL REGISTER a notice certifying that the establishment or renewal of the advisory committee is in the public interest and stating the structure, function, and purposes of the advisory committee and, if it is a standing advisory committee, shall amend § 2.340 to add it to the list of standing advisory committees. The notice shall be published in the FEDERAL REGISTER at least 15 days prior to the filing of the advisory committee charter pursuant to paragraph (c) of this section.

(c) No advisory committee shall meet or take any action until its charter is prepared and filed as required by section 9(c) of the Federal Advisory Committee Act. This requirement shall be met by an advisory committee utilized by the Food and Drug Administration, even though

is not established by the agency prior

(d) The Board of Tea Experts is a

its meeting upon an appropriate deter-

(d) A list of public advisory committee meetings shall be distributed to the

(5) The advisory committee wishes to review work or facilities in a specific lo-

whatever unless adopted as or incorporated into the official minutes or report



it is not established by the agency, prior to such utilization.

(d) An advisory committee not required by law will be established or utilized only if it is in the public interest and only if its functions could not reasonably be performed by other existing advisory committees or by the Food and Drug Administration directly.

(e) An advisory committee shall:

(1) Have a clearly defined purpose.

(2) Have a membership that is balanced fairly in terms of the points of view represented in light of the functions to be performed. Although proportional representation is not required, there shall be no discrimination on the basis of race, color, national origin, religion, age, or sex in the selection of advisory committee members.

(3) Be constituted and utilized procedures designed to assure that its advice and recommendations are not inappropriately influenced by any special interest or by the Food and Drug Administration, and are the result of the advisory committee's independent judgment.

(4) Have an adequate staff. The Commissioner shall designate an executive secretary and alternate for every advisory committee who shall be employees of the Food and Drug Administration. The executive secretary shall be responsible for all staff support for the advisory committee unless other agency employees are specifically designated for this function with respect to particular advisory committees.

(5) Whenever feasible, include representatives of the public interest.

#### § 2.302 Termination of public advisory committee.

(a) A standing advisory committee shall be terminated when it is no longer needed and in any event shall terminate not later than 2 years following its date of establishment unless it is renewed for an additional 2-year period. An advisory committee may be renewed for as many 2-year periods as the public interest requires. The requirements for establishment of an advisory committee pursuant to § 2.301 shall also apply to renewal of an advisory committee.

(b) Upon termination of any advisory committee the Commissioner shall issue in the FEDERAL REGISTER a notice announcing the termination and the reasons therefor and, if it is a standing advisory committee, amending § 2.340 to delete it from the list of standing advisory committees.

(c) The Technical Electronic Product Radiation Safety Standards Committee is a permanent statutory advisory committee established by section 358(f)(1) (A) of the Public Health Service Act (42 U.S.C. 263f(f)(1)(A)), as added by the Radiation Control for Health and Safety Act of 1968, and is not subject to the termination and renewal provisions of paragraph (a) of this section, except that a new charter shall be prepared and filed at the end of each 2-year period as provided in § 2.301(c).

(d) The Board of Tea Experts is a permanent statutory advisory committee established by the Tea Importation Act (21 U.S.C. 42), and is not subject to the termination and renewal provisions of paragraph (a) of this section, except that a new charter shall be prepared and filed at the end of each 2-year period as provided in § 2.301(c).

(e) Color additive advisory committees are required to be established under the circumstances specified in section 706(b)(1)(5) (C) and (D) of the act. A color additive advisory committee is subject to the termination and renewal requirements of the Federal Advisory Committee Act and of this subpart.

#### § 2.303 Purpose of proceedings before a public advisory committee.

(a) An advisory committee shall be utilized to conduct public hearings on matters of importance that come before the Food and Drug Administration, to review the issues involved, and to provide advice and recommendations to the Commissioner on such matters.

(b) The Commissioner shall have sole discretion with respect to action to be taken and policy to be expressed on any matter considered by an advisory committee.

#### § 2.304 Portions of public advisory committee meetings.

An advisory committee meeting shall have the following separable portions:

(a) *The open public hearing.* Every advisory committee meeting shall include an open portion which shall constitute a public hearing during which any interested person may present data, information, or views, orally or in writing, relevant to the advisory committee's agenda or other work. Such hearing shall be conducted in accordance with § 2.312.

(b) *The open committee discussion.* An advisory committee shall discuss any matter pending before it in an open portion of its meeting unless the meeting has been closed with respect to that matter pursuant to § 2.318. To the maximum extent feasible, consistent with the policy expressed in § 2.318, an advisory committee shall conduct its discussion of pending matters in an open portion. No public participation is permissible during this portion of the meeting except with the consent of the chairman of the advisory committee.

(c) *The closed presentation of data.* Data and information which are prohibited from public disclosure pursuant to the provisions of Part 4 of this chapter and the regulations referenced therein shall be presented to the advisory committee in a closed portion of its meeting. If such data and information are presented in the form of a summary which is not prohibited from public disclosure, such presentation shall not be made in a closed portion of its meeting.

(d) *The closed committee deliberations.* Deliberations with respect to matters pending before an advisory committee may be made in a closed portion of

its meeting upon an appropriate determination by the Commissioner pursuant to § 2.318.

#### § 2.305 Notice of public hearing before a public advisory committee.

(a) Before the first day of each month, and at least 15 days before any meeting so announced, the Commissioner shall publish a notice in the FEDERAL REGISTER containing information on all advisory committee meetings to be held during the subsequent month. Any advisory committee meetings for that month called subsequent to the publication of the general monthly notice shall be announced in the FEDERAL REGISTER on an individual basis at least 15 days in advance. The Commissioner may authorize an exception to the notice requirements of this section in an emergency or for other reasons requiring an immediate meeting of an advisory committee, in which case public notice shall be given at the earliest time and in the most accessible form feasible including, whenever possible, publication in the FEDERAL REGISTER.

(b) The FEDERAL REGISTER notice shall include:

(1) The name of the advisory committee.

(2) The date, time, and place of the meeting.

(3) The general function of the advisory committee.

(4) A list of all agenda items, showing whether each will be discussed in an open or closed portion of the meeting.

(5) If any portion of the meeting is closed, a statement of the time of the open and closed portions.

(6) The nature of the subjects to be discussed during, and the reasons for closing, any closed portion of the meeting.

(7) The time specifically set aside for oral statements by interested persons and for other public participation.

(8) The name, address, and telephone number of the advisory committee executive secretary and any other agency employee designated as responsible for the administrative support for the advisory committee.

(9) A statement that written submissions may be made to the advisory committee at any time. Such submissions shall be made pursuant to § 2.311(c).

(10) Where a notice is published in the FEDERAL REGISTER less than 15 days before a meeting, an explanation for the lateness of the notice.

(c) If a public hearing before a public advisory committee is being used in lieu of a formal evidentiary public hearing as provided in § 2.300(a)(3), an initial notice of hearing shall be published separately in the FEDERAL REGISTER containing all the information described in § 2.117(e). Such a separate notice may also be published in the FEDERAL REGISTER with respect to any other public hearing before a public advisory committee when the Commissioner concludes, in his discretion, that it would be informative to the public.

(d) A list of public advisory committee meetings shall be distributed to the press by the Assistant Commissioner for Public Affairs.

(e) All public advisory committee meetings shall be included on the public calendar described in § 2.21(a).

#### § 2.306 Chairman of a public advisory committee.

(a) The advisory committee chairman shall have the authority to conduct hearings and meetings, including the authority to adjourn any hearing or meeting whenever he determines adjournment to be in the public interest, to discontinue discussion of a particular matter, to conclude the open portion of a meeting, or to take any other action in furtherance of a fair and expeditious hearing or meeting.

(b) If the chairman is not a full-time employee of the Food and Drug Administration, the executive secretary of the advisory committee or other designated agency employee, or his alternate, shall be the designated Federal employee who is assigned to the advisory committee. The designated Federal employee is also authorized to adjourn any hearing or meeting whenever he determines adjournment to be in the public interest.

#### § 2.307 Meetings of a public advisory committee.

(a) No advisory committee may conduct a meeting except at the call or with the advance approval of, and with an agenda approved by, the designated Federal employee or his alternate. No such meeting shall be held in the absence of such designated Federal employee.

(1) If any matter is added to the agenda after its publication in the FEDERAL REGISTER pursuant to § 2.303(b)(4), an attempt shall be made to so inform any person known to be interested in such matter, and the addition of such matter shall be announced at the beginning of the open portion of the meeting.

(2) The advisory committee meeting shall be conducted in accordance with the approved final agenda insofar as is practical.

(b) Advisory committee meetings shall be held at places that are reasonably accessible to members of the public. All advisory committee meetings shall be held in Washington, DC, or Rockville, MD, or the immediate vicinity, unless the Commissioner receives a written request from the advisory committee for, and approves, a different location. A different location may be approved when one or more of the following applies:

(1) The total cost of the meeting to the government will be reduced.

(2) A substantial number of the advisory committee members will be at the location at no expense to the Food and Drug Administration for other reasons, e.g., for a meeting of a professional association.

(3) It is a central location which is more readily accessible to advisory committee members.

(4) There is a need for increased participation available at that location.

(5) The advisory committee wishes to review work or facilities in a specific location.

(c) Advisory committee members may, with the approval of the Food and Drug Administration, conduct onsite visits relevant to the work of the advisory committee.

(d) A quorum for an advisory committee shall be a majority of the current voting members of the advisory committee, except as provided in § 2.352(c) for TEPRSSC. Any matter before the advisory committee shall be decided by a majority vote of the voting members present at the time, except that the designated Federal official may require that any final report be voted upon by all current voting members of the advisory committee. Any current voting member of the advisory committee may file a separate report with additional or minority views.

(e) Subject to availability of space, any interested person may attend any portion of any advisory committee meeting which is not closed.

(f) Whenever feasible, meetings shall be held in government facilities or other facilities involving the least expense to the public. The size of the meeting room shall be reasonable, considering such factors as the size of the advisory committee, the number of members of the public who could be expected to attend a particular meeting, the number of persons who attended or sought to attend similar meetings in the past, and the resources and facilities available.

(g) Any portion of a meeting shall be closed by the advisory committee chairman when matters which have been determined by the Commissioner to be closed in accordance with § 2.318 are to be discussed. Where a portion of the meeting is closed, the closed portion shall be held after the conclusion of the open portion whenever practicable.

(h) Any advisory committee member may take notes during advisory committee meetings and report and discuss advisory committee deliberations after a meeting is completed and before official minutes or a report are available, within such rules and regulations as are adopted by the Food and Drug Administration and by the advisory committee with the concurrence of the Food and Drug Administration, including all of the following:

(1) There shall be no attribution of individual views expressed in a closed session or revealing of numerical votes.

(2) There shall be no reporting or discussion with respect to any particular matter where the advisory committee or the Food and Drug Administration specifically so directs, e.g., where deliberations are incomplete or involve a sensitive regulatory decision which requires preparation for implementation.

(3) There shall be no reporting or discussion with respect to data or information prohibited from public disclosure pursuant to § 2.316.

(4) Any notes or minutes kept or report prepared by any advisory committee member shall have no status or effect

whatever unless adopted as or incorporated into the official minutes or report by the advisory committee. It shall be the responsibility of each advisory committee member to make certain that the official minutes and reports are complete and accurate and fully reflect what happened at any meeting he attended.

#### § 2.308 Consultation by a public advisory committee with other persons.

(a) An advisory committee may consult with any person who may have data, information, or views relevant to any matter pending before the advisory committee.

(b) Any interested person may submit to the advisory committee a written request that it consult with specific persons who may have data, information, or views relevant to any matter pending before the advisory committee. Such request shall state why the specified person should be consulted and why the views of that person cannot reasonably be furnished to the advisory committee by any other means. The advisory committee may, in its discretion, grant or deny such a request.

#### § 2.309 Additional rules for a particular public advisory committee.

(a) In addition to the rules established for all Food and Drug Administration advisory committees in this subpart, any advisory committee may, with the concurrence of the designated Federal official, adopt additional rules which are not inconsistent with this subpart or with applicable legal requirements.

(b) Such additional rules shall be included in the minutes of the meeting when adopted and in the materials compiled pursuant to § 2.310 and shall be available for public disclosure pursuant to § 2.317(c).

#### § 2.310 Compilation of materials for members of a public advisory committee.

The Commissioner shall prepare and provide to all advisory committee members a compilation of materials bearing upon an advisory committee member's duties and responsibilities, including:

(a) All applicable conflict of interest laws and regulations and a summary of their principal provisions.

(b) All applicable laws and regulations relating to trade secrets and confidential commercial or financial information that may not be disclosed publicly and a summary of their principal provisions.

(c) All applicable laws, regulations, and guidelines relating to the subject matter covered by the advisory committee and a summary of their principal provisions.

(d) All applicable laws, regulations, advisory committee charters, FEDERAL REGISTER notices, curricula vitae, rules adopted by the advisory committee, and other material relating to the formation, composition, and operation of the advisory committee, and a summary of their principal provisions.

(e) Instructions on whom to contact when any questions arise.

(4) Such other material relating to the discretion of the advisory committee the time allotted for any person without

agency employee shall prepare a brief No person attending any closed portion those minutes or portions thereof is



(f) Such other material relating to the Food and Drug Administration and the subject matter covered by the committee as may facilitate the work of the advisory committee.

**§ 2.311 Written submissions to a public advisory committee.**

(a) Ten copies of all written submissions for an advisory committee shall be sent to the executive secretary of the advisory committee, unless an applicable FEDERAL REGISTER notice or other regulations in this chapter specify otherwise. All such submissions shall be subject to the provisions of § 2.5, except that no copies need be sent to the Hearing Clerk.

(b) At the request of an advisory committee, or on his own initiative, the Commissioner may at any time issue in the FEDERAL REGISTER a notice requesting the submission to the advisory committee of written data, information, and views pertinent to any matter being reviewed by an advisory committee. Such notice may specify the format in which the submission shall be made, the number of copies to be submitted, and the time within which submission shall be made.

(c) Any interested person may submit to an advisory committee written data, information, or views on any matter being reviewed by that advisory committee. Voluminous data shall be accompanied by a summary.

(1) Any such submission shall be distributed to each advisory committee member, either by mail or at the next advisory committee meeting, and shall be considered by the advisory committee in its review of the matter.

(2) An advisory committee may establish, and shall give public notice of, a cut-off date after which submissions relating to any matter shall no longer be received or considered.

(d) The Commissioner shall provide to an advisory committee all data and information he concludes to be relevant to any matter being reviewed by the advisory committee. Any member of the advisory committee shall, upon request, also be provided any additional material available to the Food and Drug Administration which he believes appropriate for an independent judgment on the matter, e.g., raw data underlying any summary or report, or a briefing on the legal aspects of the matter.

**§ 2.312 Conduct of a public hearing before a public advisory committee.**

(a) For each advisory committee meeting, the open portion for public participation which constitutes a public hearing pursuant to § 2.304(a) shall be at least 1 hour long unless the public participation does not last that long, and may last for whatever longer time the advisory committee chairman determines will facilitate the work of the advisory committee. The FEDERAL REGISTER notice published pursuant to § 2.303 shall designate the time specifically reserved for such public hearing, which shall ordinarily be the first portion of the meeting. Further public participation in any open portion of the meeting pursuant to § 2.304(b) shall be solely at the

discretion of the advisory committee chairman.

(b) Any interested person who wishes to be assured of the right to make an oral presentation at a particular advisory committee hearing shall so inform the executive secretary of the advisory committee or other designated agency employee, orally or in writing, prior to the advisory committee meeting.

(1) Such person shall state the general nature of the presentation and the approximate time requested. Whenever possible, all written data and information to be discussed by that person at the advisory committee hearing shall be furnished in advance to the executive secretary or other designated agency employee. Such written material shall be mailed to the advisory committee members in advance of the committee meeting if time permits, and otherwise will be distributed to the advisory committee members when they arrive for the meeting. Such mailing or distribution shall be undertaken only by the agency unless the agency specifically permits the person making the presentation to mail or distribute such material.

(2) Prior to the advisory committee hearing, the executive secretary or other designated agency employee shall determine the amount of time allocated to each person for his oral presentation and the time that oral presentation is scheduled to begin. Each such person shall be so informed in writing, or if the time prior to the hearing is short, by telephone. Joint presentations may be required by persons with common interests.

(c) The chairman of the advisory committee shall preside at the hearing pursuant to § 2.306 and shall be accompanied by other advisory committee members who shall serve as a panel in conducting the hearing.

(d) Each person may use his allotted time in whatever way he wishes, consistent with a reasonable and orderly hearing. A person may be accompanied by any number of additional persons, and may present any written data, information, or views for inclusion in the record of the hearing, subject to the requirements of § 2.311(c).

(e) If a person is not present at the time specified for his presentation, the persons following will appear in order. An attempt will be made to hear any such person at the conclusion of the hearing. Any interested persons attending the hearing who did not request an opportunity to make an oral presentation shall be given an opportunity to make an oral presentation at the conclusion of the hearing, in the discretion of the chairman of the advisory committee, to the extent that time permits.

(f) The chairman and other members of the advisory committee may question any person during or at the conclusion of his presentation. No other person attending the hearing may question a person making a presentation. The chairman may allot additional time to any person when he concludes that it is in the public interest, but may not reduce

the time allotted for any person without his consent.

(g) Public participants may question an advisory committee member only with that advisory committee member's permission and only about matters before the advisory committee.

(h) The hearing shall be informal in nature, and the rules of evidence shall not apply. No motions or objections relating to the admissibility of data, information, and views shall be made or considered, but other participants may comment upon or rebut all such data, information, and views. No participant may interrupt the presentation of another participant at any hearing for any reason.

**§ 2.313 Minutes and reports of public advisory committee meetings.**

(a) The executive secretary or other designated agency employee shall prepare detailed minutes of all advisory committee meetings, except that less detailed minutes may be prepared for open portions of meetings which are transcribed or recorded by the agency. Their accuracy shall be approved by the advisory committee and certified by the advisory committee chairman. Such approval and certification may be accomplished by mail and by telephone.

(b) The minutes shall include:

(1) The time and place of the meeting.

(2) The advisory committee members, committee staff, and agency employees present, and the names and affiliations or interests of public participants in the meeting.

(3) A copy of or reference to all written information made available for consideration by the advisory committee at such proceedings.

(4) A complete and accurate description of matters discussed and conclusions reached. Such description shall be kept separately for the following portions of the meeting to facilitate their public disclosure: The open portions specified in § 2.304 (a) and (b), any closed portion during which a presentation is made pursuant to § 2.304(c), and any closed deliberative portion pursuant to § 2.304(d). The minutes of a closed deliberative portion of a meeting shall not refer to advisory committee members by name, except upon their request, or to data or information described in § 2.316(b). Any such inadvertent references which do occur shall be deleted prior to public disclosure.

(5) A copy of or reference to all reports received, issued, or approved by the advisory committee.

(6) The extent to which the meeting was open and closed to the public.

(7) The extent of public participation, including a list of members of the public who presented oral or written statements.

(c) For all advisory committee meetings any portion of which is closed, either (1) the minutes of the closed portion shall be available for public disclosure pursuant to § 2.316(a) (6) (i), or (2) if pursuant to § 2.316(a) (6) (ii) such minutes are not promptly available, the executive secretary or other designated

agency employee shall prepare a brief summary of the matters considered in such manner as is informative to the public, consistent with the policy of 5 U.S.C. 552(b).

(d) Where a significant portion of the meetings of an advisory committee is closed, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of 5 U.S.C. 552(b). Such report shall be a compilation of or be prepared from the individual reports on closed portions of meetings prepared pursuant to paragraph (c) of this section.

(e) The executive secretary of each advisory committee or other designated agency employee shall, with the approval of the advisory committee, prepare an annual report describing its membership, functions, recommendations, and other actions.

**§ 2.314 Transcripts of public advisory committee meetings.**

(a) A transcript or recording is not required for any portion of an advisory committee meeting.

(b) Each advisory committee shall decide whether any portion or all of its meetings shall be transcribed or recorded and, if so, by what means. Any such transcription or recording shall be arranged by the agency.

(c) If a transcript or recording of an open portion of an advisory committee meeting is made by the Food and Drug Administration, or is made by any interested person and is submitted to the Food and Drug Administration, it shall be included in the record of the advisory committee proceedings.

(d) If a transcript or recording of any closed portion of an advisory committee meeting is made by the Food and Drug Administration, it shall not be included in the administrative record of the advisory committee proceedings. Any such transcript or recording shall be retained as confidential by the Food and Drug Administration and shall not be disclosed or erased. The chairman of the advisory committee may, in his discretion, permit discussion without transcription or recording during any closed portion of an advisory committee meeting that is otherwise being transcribed or recorded.

(e) Any transcript or recording of an advisory committee meeting or portion thereof which is publicly available pursuant to this section shall be available at actual cost of duplication, which shall be, where applicable, the fees established in § 4.42 of this chapter. The Food and Drug Administration may furnish the requested transcript or recording for copying to a private contractor who shall charge directly for the cost of copying pursuant to § 4.51 of this chapter.

(f) Any person attending any open portion of an advisory committee meeting may, consistent with the orderly conduct of the meeting, record or otherwise take his own transcript of the meeting.

(g) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(1) Policy advisory committee members shall possess diverse interests, education, and backgrounds.

(2) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(3) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(4) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(5) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(6) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(7) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(8) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(9) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(10) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(11) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(12) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(13) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

(14) The following minimum standards shall apply to any committee of an independent agency or other agency noncompliance with which would constitute a violation of the Federal Advisory Committee Act.

No person attending any closed portion of any advisory committee meeting may record or otherwise take his own transcript of the meeting, except for an official transcript or recording arranged by the Food and Drug Administration.

**§ 2.315 Administrative record of a public hearing before a public advisory committee.**

(a) Advice or recommendations of an advisory committee shall be given only on matters covered in the administrative record of the advisory committee's proceedings. Except as specified otherwise in regulations in this chapter, such administrative record shall consist of all of the following:

(1) Any transcript or recording that was made of any open portion of a meeting relating to the matter.

(2) The minutes of all portions of all advisory committee meetings relating to the matter, after any deletions pursuant to § 2.313(b) (4).

(3) All written submissions made to and data and information considered by the advisory committee relating to the matter.

(4) All reports made by the advisory committee relating to the matter.

(5) The record of the administrative proceeding shall be closed at the time the advisory committee renders its advice or recommendations or at any earlier time specified by the advisory committee or in other sections in this chapter.

**§ 2.316 Examination of administrative record and other advisory committee records.**

(a) The administrative record and other advisory committee records shall be available for public disclosure pursuant to the provisions of Part 4 of this chapter, except as provided in paragraph (b) of this section, at the following time:

(1) The written information made available for consideration by the advisory committee at any meeting, at the same time.

(2) The transcript or recording of any open portion of a meeting, as soon as it is available.

(3) The minutes of any open portion of a meeting, after they have been approved by the advisory committee and certified by the advisory committee chairman.

(4) The brief summary of any closed portion of a meeting prepared pursuant to § 2.313(c), as soon as it is available.

(5) All written data, information, or views submitted to the advisory committee at any open portion of a meeting, as soon as they are so submitted.

(6) The minutes or portions thereof of any closed executive portion of a meeting:

(i) For any matter not directed to be maintained as confidential pursuant to § 2.307(h) (2), after they have been approved by the advisory committee and certified by the advisory committee chairman.

(ii) For any matter directed to be maintained as confidential pursuant to § 2.307(h) (2), after the advice or report of the advisory committee relevant to

those minutes or portions thereof is acted upon by the Commissioner, or upon a determination by the Commissioner that such minutes or portions thereof may be made available for public disclosure without undue interference with agency or advisory committee operations.

(7) Any formal advice or report of the advisory committee, after it has been acted upon, i.e., approved, disapproved, or rejected as inadequate, by the Commissioner, or upon a determination by the Commissioner that such formal advice or report may be made available for public disclosure without undue interference with agency and/or advisory committee operations. Such formal advice or report may be retained as confidential while it is under active advisement.

(8) Any other advisory committee records relating to the matter involved, except transcripts and recordings of closed portions of advisory committee meetings, after the advice or report of the advisory committee relevant to those records is acted upon by the Commissioner, or upon a determination by the Commissioner that such records may be made available for public disclosure without undue interference with agency or advisory committee operations.

(b) The following data and information contained in the administrative record shall not be available for public examination or copying except as provided in § 2.117(g):

(1) Material provided to the advisory committee by the Food and Drug Administration which is exempt from public disclosure pursuant to the provisions of Part 4 of this chapter and the regulations referenced therein.

(2) Material provided to the advisory committee by a person making a presentation described in § 2.304(c) and which is prohibited from public disclosure pursuant to the provisions of Part 4 of this chapter and the regulations referenced therein.

(c) The Public Records and Documents Center shall maintain a file for each advisory committee containing the following principal records of that advisory committee for ready access by the public: The advisory committee charter, a list of advisory committee members and their curricula vitae, the minutes of advisory committee meetings, and any formal advice or report of the advisory committee.

**§ 2.317 Public inquiries and request for public advisory committee records.**

(a) Public inquiries on general advisory committee matters, except requests for records, shall be directed to: Committee Management Officer (HFS-20), Office of the Associate Commissioner for Science, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

(b) Public inquiries on matters relating to a specific advisory committee, except requests for records, shall be directed to the executive secretary of the advisory committee or other designated agency employee as listed in the FEDERAL REGISTER notices published pursuant to § 2.303.



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(c) All requests for public advisory committee records, including minutes, shall be made to the Food and Drug Administration Public Records and Documents Center pursuant to § 4.40 and the related provisions of Part 4 of this chapter.

#### § 2.318 Determination to close portions of public advisory committee meetings.

(a) No advisory committee meeting shall be entirely closed. A portion of an advisory committee meeting may be closed only pursuant to a determination made in writing by the Commissioner, stating the reasons therefor, in accordance with this section.

(b) The executive secretary of an advisory committee or other designated agency employee shall prepare the initial request for a determination to close a portion of an advisory committee meeting, specifying the matter(s) to be discussed during the closed portion and the reasons why the portion should be closed. The Commissioner, based upon this request and with the concurrence of the Chief Counsel, shall determine whether to close a portion of an advisory committee meeting. Such a determination may be made with respect to a single meeting or, where appropriate, a series of meetings. The reasons for closing a portion of a meeting shall be made in the FEDERAL REGISTER notice of the meeting published pursuant to § 2.305 in accordance with the following rules:

(1) Any determination to close a portion of a meeting shall restrict such closing to the shortest possible time consistent with the policy established in this section.

(2) Portions of meetings devoted to the review, discussion, evaluation, or ranking of grant applications, contract proposals, or performance by grantees and contractors shall be closed.

(3) Portions of meetings during which matters are considered that are prohibited from public disclosure pursuant to the provisions of Part 4 of this chapter and the regulations reference therein shall be closed.

(4) Portions of meetings during which matters are considered that are exempt from public disclosure pursuant to 5 U.S.C. 552(b) may be closed if the Commissioner determines that:

(i) It involves discussion of existing documents falling within 5 U.S.C. 552 (b) (1) through (4) and (6) through (9) or matters that, if in writing, would fall within 5 U.S.C. 552(b) (1) through (4) and (6) through (9).

(ii) It involves discussion of existing documents falling within 5 U.S.C. 552 (b) (5) and § 4.62 of this chapter (inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency) or matters that, if in writing, would fall within 5 U.S.C. 552 (b) (5) and § 4.62 of this chapter, and it is essential to close such portion of such meeting to protect the free exchange of internal views and to avoid undue inter-

ference with agency or advisory committee operations.

(5) Examples of portions of advisory committee meetings which ordinarily may be closed include the review, discussion, and evaluation of specific investigational or marketed drugs and devices which are intended to result in recommendations for regulatory decisions under the laws administered by the Commissioner, deliberative sessions to formulate advice and recommendations to the agency, review of confidential data and information, consideration of matters involving investigatory files compiled for law enforcement purposes, and review of matters involving personal privacy.

(6) Examples of advisory committee meetings which ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices which have previously been made public, and presentation of any other data or information which is not exempt from public disclosure pursuant to the provisions of Part 4 of this chapter and the regulations referenced therein.

(7) No portion of an advisory committee meeting devoted to matters other than those designated in paragraph (b) (1) through (4) of this section may be closed, and no portion of a meeting of the Technical Electronic Product Radiation Safety Standards Committee may be closed, except in accordance with § 2.354.

(8) A matter which is properly considered in an open portion of an advisory committee meeting may instead be considered in a closed portion only if it is so inextricably intertwined with matters to be discussed in a closed portion that it is not feasible to separate them or discussion of the matter in an open portion would compromise or impinge upon the matters to be discussed in the closed portion.

(c) A closed portion of an advisory committee meeting shall be attended only by advisory committee members and Federal Government Executive Branch employees and consultants, except as provided in § 2.304(c) for presentation of data and information which are prohibited from public disclosure pursuant to the provisions of Part 4 of this chapter and the regulations referenced therein. Any person making a presentation described in § 2.304(c) may be accompanied by a reasonable number of employees, consultants, or other persons with whom he has a commercial arrangement within the meaning of § 4.81(a) of this chapter. If any person other than an advisory committee member or a Federal Government Executive Branch employee or special government employee or a person making a presentation described in § 2.304(c) attends a portion of an advisory committee meeting, that portion shall be open to attendance by any interested person.

#### § 2.319 Administrative remedies.

Any person who alleges noncompliance by the Commissioner or an advisory committee with any provision of this subpart or the Federal Advisory Committee Act may pursue the following administrative remedies.

(a) If the person objects to any action, including a failure to act, other than denial of access to an advisory committee document, he shall submit a petition in the form and pursuant to the requirements specified in § 2.7. The provisions of § 2.11 relating to exhaustion of administrative remedies shall be applicable.

(1) If the person objects to past action, the petition shall be submitted within 30 days after the action objected to. If the Commissioner determines that there was noncompliance with any provision of this subpart or of the Federal Advisory Committee Act, he shall grant any appropriate relief and shall take appropriate steps to prevent its recurrence in the future.

(2) If the person objects to proposed future action, the Commissioner shall expedite his review of the petition and shall make a reasonable effort to render a decision prior to the action which is the subject of the petition.

(3) If the person objects to action that is imminent or is occurring and which could not reasonably have been anticipated in advance, e.g., the closing of a portion of a meeting which is made known for the first time on the day of the meeting, the matter may be handled by an oral petition in lieu of a written petition.

(b) If the person objects to a denial of access to an advisory committee document, administrative review shall be pursued in accordance with the procedures established by the Department of Health, Education, and Welfare under 45 CFR 5.82.

#### § 2.320 Applicability to Congress.

The provisions of this subpart shall apply to Congress, individual members of Congress, and other employees or representatives of Congress, in the same way that they apply to any other member of the public, except that disclosure of advisory committee records to Congress shall be governed by the provisions of § 4.87 of this chapter.

#### § 2.321 Committees working pursuant to a contract with the Food and Drug Administration.

(a) The Food and Drug Administration may enter into contracts with independent scientific or technical organizations to obtain advice and recommendations on particular matters, and such organizations may in turn undertake such work through existing or new committees. Whether a particular committee working pursuant to such a contract is a public advisory committee and thus subject to all of the provisions of the Federal Advisory Committee Act and this subpart will depend upon application of the criteria and principles established in § 2.300(b).

(b) The following minimum standards shall apply to any committee of an independent scientific or technical organization which is working pursuant to a contract initially executed with the Food and Drug Administration subsequent to July 1, 1975, but which is determined not to be a public advisory committee:

(1) The committee shall give public notice of its meetings and agenda, and shall provide any interested person an opportunity to submit data, information, and views, in writing at any time, and orally at specified times, relevant to the matter which is the subject of the contract. Such notice may be published in the FEDERAL REGISTER or disseminated by any other reasonable means, and shall in any event be filed with the Hearing Clerk not less than 15 days before the meeting. The length of time permitted for oral presentations and the extent to which the committee meets in open session other than for such oral presentations is in the discretion of the committee.

(2) Minutes of all open sessions shall be maintained, to which shall be attached all written submissions made to the committee in open session. After approval, such minutes shall be forwarded to the Hearing Clerk and placed on public display. The extent to which the committee maintains minutes of closed sessions is at the discretion of the committee.

(3) In selecting the members of the Committee, the organization involved shall apply the same principles relating to conflicts of interest as the Food and Drug Administration does in establishing a public advisory committee. Such principles are set out or cross-referenced in this subpart and in Subpart G of this Part. Upon request, the Food and Drug Administration will assist or provide guidance to any such organization in meeting this requirement.

#### § 2.322 Application of anticancer clauses.

Whenever the Commissioner concludes that it is appropriate to obtain an independent review of any scientific issue involving application of the anticancer clauses in section 409(c) (3) (A), 512(d) (1) (H), or 706(b) (5) (B) of the act, including whether a substance has been found to induce cancer when ingested by man or animal, and whether a substance has been found, after appropriate tests other than ingestion, to induce cancer in man or animal, he shall ordinarily refer such matter to the Toxicology Advisory Committee which shall hold a public hearing and provide advice and recommendations to the Commissioner on such matter, except as specifically required by the provisions of section 706(b) (5) (C) of the act and § 2.363(a) (2) relating to color additives.

#### MEMBERS OF PUBLIC ADVISORY COMMITTEES

#### § 2.330 Qualifications for members of standing policy and technical advisory committees.

(a) Members of policy advisory committees, which advise the Commissioner on broad and general matters, shall possess the following qualifications:

(1) Policy advisory committee members shall possess diverse interests, education, training, and experience. Technical expertise in the subject matter with which the advisory committee is involved shall not be a requirement.

(2) Policy advisory committee members are special government employees and are subject to the conflict of interest laws and regulations. The Commissioner has determined that, because members representing particular interests, e.g., a representative of labor, industry, consumers, or agriculture, are included on advisory committees specifically for the purpose of representing such interests, any financial interest covered by 18 U.S.C. 208(a) in the class which the member represents is irrelevant to the services which the government expects from them and thus is hereby exempted pursuant to 18 U.S.C. 208(b) as too remote and inconsequential to affect the integrity of their services.

(3) All members of policy advisory committees shall be voting members.

(b) Members of technical advisory committees, which advise on specific regulatory issues, shall possess the following qualifications:

(1) Voting members of technical advisory committees:

(i) Shall possess expertise in the particular subject matter with which the committee is concerned. Members shall have diverse professional education, training, and experience so that the committee will reflect a balanced composition of sufficient scientific expertise to handle the problems that come before it.

(ii) Are special government employees, subject to the conflict of interest laws and regulations.

(2) The Commissioner may, in his discretion, provide for nonvoting members of a technical advisory committee to serve as representatives of and liaison with interested organizations. Nonvoting members of technical advisory committees:

(i) Shall be selected by the interested organizations, as provided in § 2.332. Technical expertise in the subject matter with which the advisory committee is involved shall not be a requirement.

(ii) Are special government employees subject to the conflict of interest laws and regulations, except as provided in § 2.332(e).

(c) No person may serve as a voting or nonvoting member on more than one Food and Drug Administration advisory committee unless the Commissioner determines in writing that such dual membership will facilitate the work of the committees involved and is in the public interest.

(d) Members of Food and Drug Administration advisory committees and the chairman thereof shall be appointed from among those nominated pursuant to §§ 2.331 and 2.333 and from any other sources by the Secretary, the Assistant Secretary for Health, or the Commissioner, pursuant to duly promulgated procedures and delegations of authority.

(e) Members appointed to an advisory committee shall continue to serve for the duration of the advisory committee, or

until their terms of appointment expire, they resign, or are removed from membership by the Commissioner.

(f) An advisory committee member may be removed from membership by the Commissioner for good cause. Good cause shall include excessive unjustified absenteeism from advisory committee meetings, a demonstrated bias which interferes with the ability to render objective advice, failure to abide by the procedures established in this subpart, or violation of other applicable rules and regulations, e.g., for nonvoting members, the provisions of § 2.333(c).

#### § 2.331 Nominations of voting members of standing advisory committees.

(a) The Commissioner shall publish one or more notices in the FEDERAL REGISTER each year requesting nominations for voting members of all existing standing advisory committees. Each such notice shall list separately the standing advisory committees covered by the notice in which it is known that vacancies will occur during the next 12 months and in which vacancies are not expected but may occur. The notice shall invite the submission of nominations for voting members for any vacancies from any interested individual as well as from consumer, industry, and professional organizations for the advisory committees listed.

(b) The notice published in the FEDERAL REGISTER announcing the establishment of a new standing advisory committee pursuant to § 2.301(b) shall invite the submission of nominations for voting members for such advisory committee.

(c) Any interested person may nominate one or more qualified persons as a member of a particular advisory committee. Nominations shall specify the advisory committee for which the nominee is recommended. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest which would preclude committee membership.

(d) Voting members of standing technical advisory committees shall serve as individuals and not as representatives of any group or organization which nominated them or with which they may be affiliated.

#### § 2.332 Nominations and selection of nonvoting members of standing technical advisory committees.

(a) The provisions of this section shall apply whenever the Commissioner concludes, in his discretion, that a standing technical advisory committee should include nonvoting members in order to represent and serve as a liaison with interested individuals and organizations.

(b) Except where the Commissioner determines otherwise, non-voting members of a standing technical advisory committee shall be limited to one member selected by consumer groups and organizations and one person selected by industry groups and organizations.

## PROPOSED RULES

## PROPOSED RULES

Distribution to any person outside the

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tional prescription drugs for use in



(c) With respect to any nonvoting member representing consumer interests, the Commissioner shall publish a notice in the *FEDERAL REGISTER* requesting nominations for each specific standing technical advisory committee for which he has determined that nonvoting members are appropriate.

(1) A period of 60 days shall be permitted for submission of such nominations for that particular advisory committee. Any interested person may nominate one or more qualified persons as a nonvoting member of a particular advisory committee to represent consumer interests. Interested persons may, in addition, nominate one or more qualified persons for general consideration as a nonvoting member of any advisory committee to represent consumer interests. All nominations shall be submitted in writing to Director, Office of Consumer Programs (HFC-1), Office of Assistant Commissioner for Professional and Consumer Programs, Food and Drug Administration, Rm. 15B-41, 5600 Fishers Lane, Rockville, MD 20852.

(2) A complete curriculum vitae of any nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of an advisory committee, and appears to have no conflict of interest. If a nominee is interested only in a particular advisory committee, the nomination shall so state. If a nominee is interested in becoming a member of any advisory committee, the nomination shall so state. Nominations which do not comply with the requirements of this paragraph shall not be considered.

(3) The Director, Office of Consumer Affairs, shall compile a list of organizations representing consumers or otherwise involved in consumer affairs, who shall be entitled to vote upon the nominees. Any organization which qualifies as a consumer organization may be included on such list upon request.

(4) After the time for nominations has expired, the curriculum vitae for each of the nominees shall be sent to each of the organizations on the list compiled pursuant to paragraph (c) (3) of this section and to any other person submitting a nomination, together with a ballot to be filled out and returned within 30 days. After the time for return of the ballots has expired, the ballots shall be counted and the nominee who has received the highest number of votes shall be selected as the nonvoting member representing consumer interests for that particular advisory committee. In the event of a tie, the Commissioner shall select the winner by lot from among those tied for the highest number of votes.

(d) With respect to any nonvoting member representing industry interests, the Commissioner shall issue in the *FEDERAL REGISTER*, for each specific standing technical advisory committee for which he has determined that nonvoting members are appropriate, a notice requesting that any industry organization interested in participating in

the selection of an appropriate nonvoting member representing industry interests send a letter stating that interest to the Food and Drug Administration employee designated in the notice within 30 days. After the time for such expression of interest has expired, a letter shall be sent to each organization which has expressed such an interest, attaching a complete list of all such organizations, and stating that it is their responsibility to consult with each other in selecting a single nonvoting member representing industry interests for that particular advisory committee within 60 days after receipt of the letter. If no such individual is so selected within that period of time, the Commissioner shall select the nonvoting member representing industry interests to serve on that advisory committee.

(e) The Commissioner has determined that, because nonvoting members representing consumer and industry interests are included on advisory committees specifically for the purpose of representing such interests and have no vote, any financial interest covered by 18 U.S.C. 208(a) in the class which the member represents is irrelevant to the services which the government expects from them and thus is hereby exempted pursuant to 18 U.S.C. 208(b) as too remote and inconsequential to affect the integrity of their services.

#### § 2.333 Rights and responsibilities of nonvoting members of advisory committees.

(a) A nonvoting member of an advisory committee selected to represent and serve as a liaison with interested individuals, associations, and organizations, shall have the same rights as any other advisory committee member except that:

(1) A nonvoting member shall not vote on any matter before the advisory committee except such procedural matters as additional rules adopted pursuant to § 2.309(a), approval of minutes pursuant to § 2.313(a), decisions relating to transcripts pursuant to § 2.314(b), and future meeting dates.

(2) A nonvoting member shall not have access to data and information that constitute a trade secret or confidential commercial or financial information as defined in § 4.61 of this chapter.

(b) A nonvoting member of an advisory committee is subject to, and shall abide by, all rules and regulations adopted by the Food and Drug Administration and the advisory committee.

(c) It is the responsibility of the nonvoting consumer and industry members of an advisory committee to represent the consumer and industry interests in all deliberations.

(1) A nonvoting member does not represent any particular organization or group, but rather represents all interested persons within the class which he is selected to represent. Accordingly, any interested person within the class represented by that nonvoting member shall have access to all written statements or oral briefings related to the committee prepared by the nonvoting member for

distribution to any person outside the advisory committee.

(2) The nonvoting member shall review all official advisory committee minutes to assure their completeness and accuracy.

(3) The nonvoting member shall act as a liaison and conduit between the advisory committee and the interested persons whom he represents, and shall transmit requests for information from the committee and relevant data, information, and views to the committee. He shall take the initiative in contacting interested persons whom he represents, to seek out relevant data, information, and views, and to relate the progress of the advisory committee.

(4) A nonvoting industry member shall represent all members of the industry, and not any particular association, company, product, or ingredient. If a matter comes before the committee that directly or indirectly affects the company which employs the nonvoting industry member, he shall so inform the committee but need not absent himself during the discussion or decline to participate in the discussion. A nonvoting industry member shall not discuss his company's position as such, but may discuss any matter in general terms. All presentations and discussions of scientific data and their interpretation on behalf of a company shall occur in open session, except as provided in § 2.305(c).

(5) A nonvoting member of an advisory committee shall not make any presentation to that advisory committee during a hearing conducted by that advisory committee.

(6) Although a nonvoting member is serving in a representative capacity, he shall exercise restraint in performing his functions and shall not engage in unseemly advocacy or attempt to exert undue influence over the other members of the committee.

(d) A nonvoting member of an advisory committee may be removed by the Commissioner for failure to comply with the provisions of this section as well as § 2.330(f).

#### § 2.334 Ad hoc advisory committee members.

In selecting members of an ad hoc advisory committee, the Commissioner may utilize the procedures established in §§ 2.331 and 2.332 or any other procedure he concludes to be appropriate under the circumstances.

#### § 2.335 Compensation of public advisory committee members.

(a) All voting and nonvoting advisory committee members shall (1) be appointed as special government employees, except for members of the Technical Electronic Product Radiation Safety Standards Committee, and (2) receive a consultant fee and be reimbursed for their travel expenses, including per diem in lieu of subsistence, unless such compensation and reimbursement is waived.

(b) An advisory committee member, notwithstanding his primary residence, while in attendance at meetings of the full committee, or of a subcommittee,

will be paid whether the meetings are held in the Washington, DC area or elsewhere.

(c) An advisory committee member who participates in any agency-directed assignment will be paid at an hourly rate when he performs his work at his home, place of business, or in a Food and Drug Administration facility located within his commuting area, and at a daily rate when he is required to travel outside of his commuting area to perform his assignment. An advisory committee member will not be paid for time spent on normal preparation for a committee meeting.

(1) An agency-directed assignment is an assignment which meets the following criteria:

(i) An activity which requires undertaking a definitive study. The activity must produce a tangible end product, usually a written report. Examples are (a) an analysis of the risks and benefits of the use of a class of drugs or a report on a specific problem generated by an IND or NDA; (b) the performance of similar investigations or analysis of complex industry submissions to support advisory committee deliberations other than normal meeting preparation; (c) the preparation of a statistical analysis leading to an estimate of toxicologically safe dose levels; and (d) the design or analysis of animal studies of toxicity, mutagenicity, teratogenicity, or carcinogenicity.

(ii) The performance of an IND or NDA review or similar review.

(2) An advisory committee member who undertakes a special assignment, the end product of which does not represent the end product of the advisory committee, but rather of his own assignment, can be compensated. Should such preparatory work by advisory committee members collectively result in an end product of the advisory committee, this is to be considered normal meeting preparation and advisory committee members are not to be compensated for this work.

(d) Salary while in travel status is authorized when an advisory committee member has his ordinary pursuits interrupted for the substantial portion of an additional day beyond the day or days on which he performs services, and as a consequence he sustains a loss in his regular compensation. This applies on weekends and holidays if the special government employee suffers a loss in income he would otherwise earn on that day. For travel purposes, a substantial portion of a day is defined as 50 percent of the working day, and the traveler will be paid at a daily rate.

#### STANDING ADVISORY COMMITTEES

§ 2.340 List of standing advisory committees.

The following standing advisory committees have been established for the Food and Drug Administration.

(a) *Office of the Commissioner*—(1) *Board of Tea Experts*. (i) Date established: March 2, 1897.

(ii) Function: Advises on establishment of uniform standards of purity,

quality, and fitness for consumption of all tea imported into the United States pursuant to 21 U.S.C. 42.

(2) *National Advisory Food and Drug Committee*. (i) Date established: November 15, 1974.

(ii) Function: Reviews and evaluates agency programs and advises on policy matters of national significance as they relate to the statutory mission of the Food and Drug Administration in the areas of foods, drugs, cosmetics, medical devices, biological products, and electronic products. Reviews and makes recommendations on applications for grants-in-aid for research projects relevant to the mission of the Food and Drug Administration as required by law.

(3) *Toxicology Advisory Committee*. (i) Date established: December 9, 1974.

(ii) Function: Reviews and evaluates available data relating to the evaluation of the safety of chemicals present in foods, drugs, cosmetics, and medical devices. Advises on the safety of specific human drugs, animal drugs, color and food additives, cosmetic components, and components of devices. Recommends the development of standardized methodologies for the toxicity testing of such materials.

(b) *Bureau of Biologics*. (1) Advisory review panels for biological products, and dates established. (i) *Bacterial Vaccines and Bacterial Antigens Panel*. Established December 22, 1972.

(ii) *Bacterial Vaccines and Toxoids Panel*. Established April 16, 1973.

(iii) *Viral Vaccines and Rickettsial Vaccines Panel*. Established April 16, 1973.

(iv) *Skin Test Antigens Panel*. Established August 24, 1973.

(v) *Allergenic Extracts Panel*. Established August 24, 1973.

(vi) *Blood and Blood Derivatives Panel*. Established August 24, 1973.

(2) Function: Reviews and evaluates available data concerning the safety and effectiveness of biological products.

(c) *Bureau of Drugs*—(1) *Anti-Infective Agents Advisory Committee*. (i) Date established: August 30, 1967.

(ii) Function: Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in infectious diseases.

(2) *Arthritis Advisory Committee*. (i) Date established: April 5, 1974.

(ii) Function: Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

(3) *Biometric and Epidemiological Methodology Advisory Committee*. (i) Date established: March 7, 1968.

(ii) Function: Reviews and evaluates scientific studies and data with respect to, and otherwise advises the Commissioner on, epidemiological and biometrical methodology.

(4) *Cardiovascular and Renal Advisory Committee*. (i) Date established: August 27, 1970.

(ii) Function: Reviews and evaluates available data concerning safety and effectiveness of marketed and investiga-

tional prescription drugs for use in cardiovascular and renal disorders.

(5) *Controlled Substances Advisory Committee*. (i) Date established: September 27, 1973.

(ii) Function: Advises the Commissioner regarding the scientific and medical evaluation of all information gathered by the Department of Justice and the Department of Health, Education, and Welfare with regard to safety, effectiveness, and abuse potential of drugs or other substances classified as stimulants, sedatives, hypnotics, or analgesics, and recommends actions to be taken with regard to control of such substances.

(6) *Dental Drug Products Advisory Committee*. (i) Date established: June 6, 1972.

(ii) Function: Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the practice of dentistry.

(7) *FDA/NIDA Drug Abuse Research Advisory Committee*. (i) Date established: March 9, 1967.

(ii) Function: Advises the Food and Drug Administration on action to be taken with respect to investigational use of substances with abuse potential. Advises the National Institute on Drug Abuse on supplies of substances for clinical studies and on quantities of substances for animal and in vitro studies. Advises FDA and NIDA on development of broad outlines for studies of substances with abuse potential and on new methods and tests in animals and man by which the dependence liability of investigational drugs may be estimated.

(8) *Endocrinology and Metabolism Advisory Committee*. (i) Date established: August 27, 1970.

(ii) Function: Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in endocrine and metabolic disorders.

(9) *Gastrointestinal Drugs Advisory Committee*. (i) Date established: January 3, 1974.

(ii) Function: Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

(10) *Neurologic Drugs Advisory Committee*. (i) Date established: June 4, 1974.

(ii) Function: Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in neurologic disease.

(11) *Obstetrics and Gynecology Advisory Committee*. (i) Date established: August 31, 1965.

(ii) Function: Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

(12) *Oncologic Drugs Advisory Committee*. (i) Date established: October 24, 1973.

(ii) Function: Reviews and evaluates available data concerning the safety and

effectiveness of marketed and investigational prescription drugs for use in the

(j) *Contraceptive and Other Vaginal Drug Products Panel*. Established June

program that will assist the Commissioner of Food and Drugs and the Ad-

§ 2.353 Membership of TEPRSSC.

(a) The members shall be appointed

§ 2.354 Conduct of TEPRSSC meetings:

availability of TEPRSSC records.

mature or that it does not involve an issue arising under section 706(b) (5) (B)



effectiveness of marketed and investigational prescription drugs for use in the treatment of cancer.

(13) *Ophthalmic Drugs Advisory Committee*. (i) Date established: September 20, 1971.

(ii) Function: Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in diseases and disorders of the eye.

(14) *Psychopharmacological Agents Advisory Committee*. (i) Date established: June 4, 1971.

(ii) Function: Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

(15) *Pulmonary Allergy and Clinical Immunology Advisory Committee*. (i) Date established: February 17, 1972.

(ii) Function: Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

(16) *Radioactive Pharmaceuticals Advisory Committee*. (i) Date established: August 30, 1967.

(ii) Function: Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

(17) *Respiratory and Anesthetic Drugs Advisory Committee*. (i) Date established: March 23, 1966.

(ii) Function: Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the field of anesthesiology.

(18) *Surgical Drugs Advisory Committee*. (i) Date established: September 14, 1971.

(ii) Function: Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the field of surgery.

(19) *Advisory review panels for over-the-counter (OTC) drugs*. (i) Dates established:

(a) *Antimicrobial Panel*. Established March 16, 1972.

(b) *Internal Analgesic Panel*. Established August 31, 1972.

(c) *Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Panel*. Established September 19, 1972.

(d) *Sedative, Tranquilizer, and Sleep Aid Panel*. Established September 19, 1972.

(e) *Laxative, Antidiarrheal, Antiemetic, and Emetic Panel*. Established December 27, 1972.

(f) *Topical Analgesic Panel*. Established December 27, 1972.

(g) *Dentifrice and Dental Care Panel*. Established December 27, 1972.

(h) *Hemorrhoidal Panel*. Established April 16, 1973.

(i) *Ophthalmic Panel*. Established April 16, 1973.

(j) *Contraceptive and Other Vaginal Drug Products Panel*. Established June 27, 1973.

(k) *Oral Cavity Panel*. Established July 16, 1973.

(l) *Antiperspirant Panel*. Established July 16, 1973.

(m) *Miscellaneous Internal Drug Products Panel*. Established July 16, 1973.

(n) *Miscellaneous External Drug Products Panel*. Established July 16, 1973.

(o) *Vitamin, Mineral, and Hematinic Panel*. Established July 16, 1973.

(ii) Function: Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

(d) *Bureau of Medical Devices and Diagnostic Products*. (1) Advisory review panels for medical devices, and dates established:

(i) *Cardiovascular Panel*. Established March 22, 1972.

(ii) *Orthopaedic Panel*. Established April 25, 1972.

(iii) *Diagnostic Products Advisory Committee*. Established August 9, 1972.

(iv) *Dental Panel*. Established October 3, 1972.

(v) *Anesthesiology Panel*. Established October 3, 1972.

(vi) *Gastroenterology and Urological Panel*. Established April 16, 1973.

(vii) *Obstetrical and Gynecological Panel*. Established April 16, 1973.

(viii) *Radiology Panel*. Established October 15, 1973.

(ix) *Neurology Panel*. Established October 15, 1973.

(x) *General Hospital Panel*. Established October 15, 1973.

(xi) *Physiatry Panel*. Established October 15, 1973.

(xii) *General and Plastic Surgery Panel*. Established October 15, 1973.

(xiii) *Ear, Nose, and Throat Panel*. Established October 15, 1973.

(xiv) *Ophthalmic Panel*. Established October 15, 1973.

(2) Function: Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(e) *Bureau of Radiological Health—(1) Medical Radiation Advisory Committee*. (i) Date established: October 31, 1963.

(ii) Function: Advises on the formulation of policy and development of a coordinated program related to the application of ionizing radiation in the healing arts.

(2) *Technical Electronic Product Radiation Safety Standards Committee*. (i) Date established: October 18, 1968.

(ii) Function: Advises on technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation pursuant to 42 U.S.C. 263 (f) (1) (A).

(f) *National Center for Toxicological Research, Science Advisory Board*. (1) Date established: June 2, 1973.

(2) Function: Advises on establishment and implementation of a research

program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

#### TECHNICAL ELECTRONIC PRODUCTS RADIATION SAFETY STANDARDS COMMITTEE

#### § 2.350 Establishment of the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC).

The Technical Electronic Product Radiation Standards Committee (TEPRSSC), consisting of 15 members, is established pursuant to the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f (f) (1) (A)). The purpose of TEPRSSC is to provide consultation with the Commissioner before he prescribes any performance standard for an electronic product, as required by law.

#### § 2.351 Functions of TEPRSSC.

(a) In performing its function of advising the Commissioner, TEPRSSC:

(1) May propose electronic product radiation safety standards to the Commissioner for his consideration.

(2) Shall provide consultation to the Commissioner on all performance standards proposed for consideration under 42 U.S.C. 263f.

(3) May make recommendations to the Commissioner on any other matters it deems necessary or appropriate in fulfilling the purposes of the act.

(b) Responsibility for action with respect to performance standards under 42 U.S.C. 263f rests with the Commissioner, after receiving the advice of TEPRSSC.

#### § 2.352 Procedures of TEPRSSC.

(a) When the Commissioner is considering promulgation of a performance standard for an electronic product, or any amendment of an existing standard, he shall, prior to issuance of a proposed regulation in the FEDERAL REGISTER, submit to TEPRSSC the proposed standard or amendment under consideration, together with other relevant information to aid TEPRSSC in its deliberations.

(b) The agenda and other material to be considered at any meeting shall be sent to members whenever possible at least 2 weeks prior to the meeting.

(c) Ten members shall constitute a quorum, provided at least three members from each group specified in 42 U.S.C. 263f (f) (1) (A) and in § 2.353 (a), i.e., government, industry, and the public, are present.

(d) The chairman of TEPRSSC shall ordinarily submit to the Commissioner a report of the committee's consideration of any proposed performance standard for an electronic product within 60 days after such consideration. If the chairman believes that more time is needed, he shall so inform the Director of the Bureau of Radiological Health in writing, in which case an additional 30 days will be allowed to make the report.

(e) The provisions of §§ 2.300 through 2.319 shall be applicable to TEPRSSC, except where other provisions are specifically included in §§ 2.350 through 2.354.

#### § 2.353 Membership of TEPRSSC.

(a) The members shall be appointed by the Commissioner after consultation with public and private associations and organizations concerned with the technical aspect of electronic product radiation safety. TEPRSSC shall consist of fifteen members, each of whom shall be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety, as follows:

(1) Five members shall be selected from government agencies, including State and Federal governments.

(2) Five members shall be selected from the affected industries after consultation with industry representatives.

(3) Five members shall be selected from the general public, of whom at least one shall be a representative of organized labor.

(b) The Commissioner shall appoint a committee member as chairman of TEPRSSC.

(c) Appointments of members shall be for a term of 3 years or as specified by the Commissioner.

(1) The chairman shall be appointed for a term concurrent with his term as a member of TEPRSSC. If the chairmanship becomes vacant without adequate notice, the executive secretary may appoint a committee member as temporary chairman pending appointment of a new chairman by the Commissioner.

(2) Members shall not be reappointed for a second consecutive full term.

(d) A person otherwise qualified for membership shall not be eligible for selection as a member of TEPRSSC from government agencies or the general public if the Commissioner determines that he does not meet the requirements of the conflict of interest laws and regulations.

(e) Retention of membership is conditioned upon:

(1) The member's continued status as a member of the group from which he was selected as specified in paragraph (a) of this section.

(2) The absence of any conflict of interest during the term of membership as specified in paragraph (d) of this section.

(3) Active participation in TEPRSSC activities.

(f) Appointment as a member of TEPRSSC shall be conditioned upon a certification from the prospective member that he:

(1) Agrees to the procedures and criteria as specified in this subpart.

(2) Has no conflict of interest as specified in paragraph (d) of this section.

(3) Will notify the executive secretary of TEPRSSC prior to any change in his representative status on TEPRSSC which may be contrary to the conditions of his appointment.

(g) Members of TEPRSSC who are not full-time officers or employees of the United States shall, in accordance with 42 U.S.C. 210 (c), receive compensation pursuant to the provisions of § 2.335.

#### § 2.354 Conduct of TEPRSSC meetings: availability of TEPRSSC records.

(a) In accordance with 42 U.S.C. 263 (f) (1) (B), all proceedings of TEPRSSC shall be open, except as provided in paragraph (b) of this section, and shall be recorded, and the record of each such proceeding shall be available for public inspection.

(b) The provisions of paragraph (a) of this section with respect to open meetings shall not apply where TEPRSSC:

(1) Considers any information which contains or relates to a trade secret or other matter referred to in 18 U.S.C. 1905 and thus in accordance with 42 U.S.C. 263 (e) may not be publicly disclosed.

(2) Meets in executive session to formulate and vote on its recommendations or to consider administrative matters.

#### COLOR ADDITIVE ADVISORY COMMITTEES

#### § 2.360 Establishment of a color additive advisory committee.

The Commissioner shall establish a color additive advisory committee whenever:

(a) The Commissioner concludes, in his discretion, that it would be in the public interest for a color additive advisory committee to review and make recommendations with respect to the safety of any color additive on which important issues are pending before the Food and Drug Administration, and for interested persons to present data, information, and views at an oral public hearing before a color additive advisory committee.

(b) Any person who would be adversely affected by the issuance, amendment, or repeal of a regulation listing a color additive requests that any issue relating to the safety of the color additive arising under section 706 (b) (5) (B) of the act because of the color additive's potential or actual carcinogenicity and requiring the exercise of scientific judgment be referred to a color additive advisory committee.

(1) The provisions of paragraph (b) of this section are inapplicable to any issue arising under the transitional provisions in section 203 of the Color Additive Amendments of 1960 relating to provisional listing of commercially established colors. Any color additive advisory committee to consider any such matter shall be established pursuant to the provisions of paragraph (a) of this section.

(2) A request for establishment of a color additive advisory committee shall be pursuant to § 2.7. The Commissioner may deny any such petition if inadequate grounds are stated for establishment of a color additive advisory committee. A request for establishment of a color additive advisory committee may not rest on mere allegations or denials, but must set forth specific facts showing there is a genuine and substantial issue of fact that requires scientific judgment and justifies a hearing before a color additive advisory committee. When it conclusively appears from the request for a color additive advisory committee that the matter is pre-

mature or that it does not involve an issue arising under section 706 (b) (5) (B) of the act or there is no genuine and substantial issue of fact requiring scientific judgment or for any other reason a color additive advisory committee is not justified, the Commissioner may deny the establishment of a color additive advisory committee.

(3) Establishment of a color additive advisory committee on the request of an interested person shall be conditioned upon receipt of the applicable fee specified in § 2.364.

(4) Any person so adversely affected may request referral of such a matter to a color additive advisory committee at any time before, or within 30 days after, publication of an order of the Commissioner acting upon a color additive petition or proposal.

#### § 2.361 Functions of a color additive advisory committee.

(a) A color additive advisory committee shall review all available information relating to the matter referred to it, including all data and information contained in any pertinent color additive petition and in Food and Drug Administration files. All such data and information so reviewed shall be placed on public display and available for review at the office of the Hearing Clerk.

(b) The Commissioner shall specify to the color additive advisory committee, in writing, the issues on which review and recommendations are requested.

(c) The date of the first meeting of a color additive advisory committee, following receipt of the administrative record by each of the committee members, shall be designated as the beginning of the period allowed for consideration of the matter by the color additive advisory committee. Within 60 days after that first meeting, unless the time is extended as provided in paragraph (d) of this section, the chairman of the color additive advisory committee shall certify to the Commissioner the report containing the recommendations of the color additive advisory committee, including any minority report. The report shall state the recommendations of the color additive advisory committee and the reasons or basis for such recommendations. The report shall include copies of all material considered by the color additive advisory committee in addition to the administrative record furnished to it.

(d) If the chairman concludes that the color additive advisory committee needs additional time, he shall so inform the Commissioner in writing and may certify the report of the color additive advisory committee to the Commissioner within 90 days instead of 60 days.

(e) More than one matter may be handled by a color additive advisory committee concurrently.

#### § 2.362 Procedures of a color additive advisory committee.

(a) A color additive advisory committee shall be subject to all the requirements of the Federal Advisory Committee Act and this subpart.



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(b) All interested persons shall have a right to consult with the color additive advisory committee reviewing a matter, and to submit data, information, and views to a color additive advisory committee, in accordance with the procedures established in this subpart.

#### § 2.363 Membership of a color additive advisory committee.

(a) The members of a color additive advisory committee shall be selected in the following manner:

(1) If a color additive advisory committee is established for purposes that do not include review of an issue arising under section 706(b)(5)(B) of the act, or is established on the initiative of the Commissioner, the Commissioner may utilize the procedure established in paragraph (a)(2) of this section to select the members, or may utilize an existing standing advisory committee listed in § 2.340, or may establish a new advisory committee pursuant to the provisions of this subpart. Once the Commissioner has established a color additive advisory committee pursuant to this paragraph and has referred to it a matter relating to a color additive, no interested person may subsequently request that an additional or different color additive advisory committee be established to review and make recommendations with respect to that color additive.

(2) If the Commissioner establishes a color additive advisory committee to review an issue arising under section 706(b)(5)(B) of the act on the request of an interested person, it shall be established pursuant to the following requirements.

(i) Except as provided in paragraph (a)(2)(ii) and (iii) of this section, the Commissioner shall request the National Academy of Sciences to select the members of a color additive advisory committee from among experts qualified in the subject matter to be reviewed by the committee, and of adequately diversified professional backgrounds. The Commissioner shall appoint one of the members so selected as the chairman.

(ii) If the National Academy of Sciences is unable or refuses to select the members of a color additive advisory committee, the Commissioner shall select such members, who shall ordinarily be the Toxicology Advisory Committee in accordance with § 2.322.

(iii) If the Commissioner and the requesting party agree, the provisions of section 706(b)(5)(D) of the act may be waived and the matter may be referred to any standing advisory committee listed under § 2.340 or to any advisory committee established pursuant to any other procedure that is mutually agreeable, which shall ordinarily be the Toxicology Advisory Committee in accordance with § 2.322. Once the Commissioner has so established a color additive advisory committee and has referred to it a matter relating to a color additive, no interested person may subsequently request that an additional or different color additive advisory committee be established to review and make recom-

mendations with respect to that color additive.

(b) Members of a color additive advisory committee shall be subject to the requirements of the Federal Advisory Committee Act and this subpart, except that no member of a color additive advisory committee shall by reason of such membership alone be a special government employee or be subject to the conflict of interest laws and regulations.

#### § 2.364 Fees and compensation pertaining to a color additive advisory committee.

(a) In the event of a referral of any matter to a color additive advisory committee, all costs related thereto, including personal compensation of committee members, travel, materials, and other costs, shall be borne by the person requesting the referral, such costs to be assessed on the basis of actual cost to the government. The compensation of such costs shall include personal compensation of color additive advisory committee members at a rate not to exceed \$128.80 per member per day.

(b) In the case of a request for referral to a color additive advisory committee, a special advance deposit shall be made in the amount of \$2,500.00. Where required, further advances in increments of \$2,500.00 each shall be made upon request of the Commissioner. All deposits for referrals to a color additive advisory committee in excess of actual expenses shall be refunded to the depositor.

(c) All deposits and fees required by the regulations in this section shall be paid by money order, bank draft or certified check drawn to the order of the Food and Drug Administration, collectable at par in Washington, DC. All deposits and fees shall be forwarded to the Associate Commissioner for Administration, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, whereupon after making appropriate record thereof they will be transmitted to the Treasurer of the United States for deposit in the special account "Salaries and Expenses, Certification, Inspection, and Other Services, Food and Drug Administration."

(d) The Commissioner may waive or refund such fees in whole or in part when, in his judgment, such action will promote the public interest. Any person who believes that payment of these fees will work a hardship on him may petition the Commissioner pursuant to § 2.7 to waive or refund the fees.

#### PUBLIC ADVISORY COMMITTEES FOR HUMAN PRESCRIPTION DRUGS

#### § 2.370 Establishment of standing technical public advisory committees for human prescription drugs.

The standing technical advisory committees for human prescription drugs are established to advise the Commissioner:

(a) Generally on the safety and effectiveness, including the labeling and advertising, and regulatory control of any of the human prescription drugs falling within the pharmacologic class covered by the advisory committee and on the

scientific standards appropriate for a determination of safety and effectiveness in that class of drugs.

(b) Specifically on any particular matter involving a human prescription drug pending before the Food and Drug Administration, including whether the available data and information are adequate to support a determination that:

(1) A particular IND study may properly be conducted.

(2) A particular drug meets the statutory standard for proof of safety and effectiveness necessary for approval or continued approval for marketing.

(3) A particular drug is properly classified as a new drug, an old drug, or a banned drug.

#### § 2.371 Utilization of a public advisory committee on the initiative of the Food and Drug Administration.

(a) Any matter involving a human prescription drug under review within the agency may, in the discretion of the Commissioner, be the subject of a public hearing and continuing or periodic review by the appropriate standing technical advisory committee for human prescription drugs. The Commissioner's determinations with respect to the agenda of such an advisory committee shall be based upon the priorities of the various matters pending before the agency which fall within the pharmacologic class covered by that advisory committee.

(b) High priority for such hearing and review by the appropriate standing technical advisory committee for human prescription drugs shall be given to the following types of human prescription drugs:

(1) Investigational drugs which are potential therapeutic advances over currently marketed products from the standpoint of safety or effectiveness, or which pose significant safety hazards, or which present narrow benefit-risk considerations requiring a close judgmental decision in regard to approval for marketing, or which have a novel delivery system or formulation, or which are the subject of major scientific or public controversy, or which may be subject to special regulatory requirements such as a limitation on clinical trials, a patient followup requirement, post-marketing Phase IV studies, distributional controls, or boxed warnings.

(2) Marketed drugs for which an important new use has been discovered, or which pose newly discovered safety hazards, or which are the subject of major scientific or public controversy, or which may be subject to important regulatory actions such as withdrawal of approval for marketing, boxed warnings, distributional controls, or newly required scientific studies.

(c) The advisory committee may request the Commissioner for an opportunity to hold a public hearing and to review any matter involving a human prescription drug which falls within the pharmacologic class covered by the advisory committee. The Commissioner shall, after consulting with the advisory committee on such request, grant or deny

the request in light of the priorities of the other matters pending before the advisory committee. Whenever feasible, consistent with the other work of the advisory committee, such a request shall be granted.

(d) For any drug which meets any of the criteria established in paragraph (b) of this section, one or more members of or consultants to the appropriate advisory committee may be selected for more detailed monitoring of the matter and consultation with the Food and Drug Administration on behalf of the committee. Such member or consultant may be invited by the agency to attend appropriate meetings and shall assist the bureau in any briefing of the committee with respect to that matter.

(e) An advisory committee may obtain advice and recommendations from the Toxicology Advisory Committee, the Biometric and Epidemiological Methodology Advisory Committee, and from such other agency advisory committees, consultants and experts as the advisory committee and the bureau conclude would facilitate the work of the advisory committee.

(f) Presentation of all relevant data and information relating to any such matter shall be made in open session unless it relates to an IND the existence of which has not previously been disclosed to the public as defined in § 4.81 of this chapter or is otherwise prohibited from public disclosure pursuant to the provisions of Part 4 of this chapter and the regulations referenced therein.

The provisions of §§ 314.14, 431.71, and 601.51 of this chapter shall determine whether, and the extent to which, relevant data and information shall be made available for public disclosure, summarized and discussed in open session but not otherwise made available for public disclosure, or not in any way discussed or disclosed in open session or otherwise disclosed to the public.

#### § 2.372 Advice and recommendations in writing.

Advice and recommendations given by an advisory committee with respect to a specific drug or a class of drugs shall ordinarily be in the form of a written report. Such written report may consist of the approved minutes of the meeting or a separate written report. Such written report shall respond to the specific issues or questions which the Commissioner has addressed to the advisory committee, and shall state the basis of the advice and recommendations of the advisory committee.

#### § 2.373 Utilization of a public advisory committee at the request of an interested person.

Any interested person may request, pursuant to § 2.7 of this Part, that a specific matter relating to a particular human prescription drug be submitted to an appropriate advisory committee for a hearing and review and recommendations. Any such request shall demonstrate the importance of the matter and

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the reasons why it should be submitted for a hearing and at that time. The Commissioner may, in his discretion, grant or deny any such request.

#### Subpart E—Public Hearing Before the Commissioner

#### § 2.400 Scope of subpart.

Subpart E governs the practices and procedures applicable whenever:

(a) The Commissioner concludes, in his discretion, that it is in the public interest to permit interested persons to present data, information, and views at a public hearing on any particular matter, or class of matters, of importance pending before the Food and Drug Administration.

(b) Pursuant to specific provisions in other sections of this chapter, a matter pending before the Food and Drug Administration is subject to a public hearing before the Commissioner. Such specific provisions are in § 330.10(a)(8) of this chapter relating to review of the safety, effectiveness, and labeling of over-the-counter drugs.

(c) A person who has right to an opportunity for a formal evidentiary public hearing under Subpart B of this Part waives that opportunity and in lieu thereof requests pursuant to § 2.117 of this Part a public hearing before the Commissioner pursuant to this Subpart E, and the Commissioner, in his discretion, accepts this request.

#### § 2.401 Notice of a public hearing before the Commissioner.

(a) If the Commissioner determines that a public hearing before the Commissioner should be held on any matter, he shall publish in the FEDERAL REGISTER a notice of hearing setting forth the following information:

(1) If the hearing is pursuant to § 2.400 (a) or (b):

(i) The purpose of the hearing and the subject matter to be considered. If any written document is to be the subject matter of the hearing, it shall be published as part of the notice, or reference shall be made to it if it has already been published in the FEDERAL REGISTER, or the notice shall state that the document is available from the Hearing Clerk or an agency employee designated in the notice.

(ii) The time, date, and place of the hearing, or a statement that such information shall be contained in a subsequent notice published in the FEDERAL REGISTER.

(2) If the hearing is in lieu of a formal evidentiary hearing pursuant to § 2.400 (c), all of the information described in § 2.117(e) of this Part.

(b) The scope of the hearing shall be determined by the notice of hearing and any specific provisions in other sections of this chapter. If any such specific provision, e.g., § 330.10(a)(10) of this chapter, limits a hearing to review of an existing administrative record, data and information not already included in the record shall not be submitted or considered at the hearing.

#### § 2.402 Notice of appearance: schedule for hearing.

(a) The notice of hearing shall provide interested persons an opportunity to file a written notice of appearance with the Hearing Clerk within a specified period of time in the form and pursuant to the requirements specified in § 2.131. If the public interest requires that such a hearing be conducted within a short period of time, the notice may name a specific Food and Drug Administration employee, together with his telephone number, to whom an oral notice of appearance shall be given. A written or oral notice of appearance shall be received by the Hearing Clerk, or other designated person, by the close of business of the day specified in the notice.

(b) A notice of appearance shall state the approximate amount of time requested by the person for his presentation. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations.

(c) Promptly after expiration of the time specified in the notice for the filing of a notice of appearance, the Commissioner shall determine the amount of time allocated to each such person for his oral presentation and the time that oral presentation is scheduled to begin. Each such person shall be so informed in writing or, if the time prior to the hearing is short, by telephone. The Commissioner may require joint presentations by persons with common interests.

(d) The Commissioner shall prepare a hearing schedule showing the persons making oral presentations and the time allotted to each such person, which shall be filed with the Hearing Clerk and mailed or telephoned to each such person and, if time permits, published in the FEDERAL REGISTER.

#### § 2.403 Conduct of a public hearing before the Commissioner.

(a) The Commissioner or his designee shall preside at the hearing, except where specific provisions in other sections of this chapter require that the Commissioner preside personally. The presiding officer may be accompanied by other Food and Drug Administration employees or other Federal government employees designated by the Commissioner, who may serve as a panel in conducting the hearing.

(b) The hearing shall be transcribed.

(c) Each person may use his allotted time in whatever way he wishes, consistent with a reasonable and orderly hearing. A person may be accompanied by any number of additional persons, and may present any written data, information, or views for inclusion in the record of the hearing, subject to the requirements of § 2.404.

(d) If a person is not present at the time, specified for his presentation, the persons following will appear in order. An attempt will be made to hear any such person at the conclusion of the hearing. Any other interested persons attending the hearing who did not request an opportunity to make an oral

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presentation shall be given an opportunity to make an oral presentation at the

to act, and concludes, in his discretion, on his own initiative or at the suggestion

(21) Section 433.16(b), relating to an exemption for repackaging for a certifiable

#### § 2.506 Right to counsel.

Any party to a hearing pursuant to this

(3) Such notice shall state that the notice of opportunity for hearing and the

state whether the hearing shall be private or public, it shall be a private hearing.

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presentation shall be given an opportunity to make an oral presentation at the conclusion of the hearing, in the discretion of the presiding officer, to the extent that time permits.

(e) The presiding officer and any other persons serving with him as a panel may question any person during or at the conclusion of his presentation. No other person attending the hearing may question a person making a presentation. The presiding officer may allot additional time to any person when he concludes that it is in the public interest, but may not reduce the time allotted for any person without their consent.

(f) The hearing shall be informal in nature, and the rules of evidence shall not apply. No motions or objections relating to the admissibility of data, information, and views shall be made or considered, but other participants may comment upon or rebut all such data, information, and views. No participant may interrupt the presentation of another participant at any hearing for any reason.

#### § 2.404 Written submissions pertaining to a public hearing before the Commissioner.

Any interested person may submit data, information, or views on the matter that is the subject of the hearing in writing to the Hearing Clerk, pursuant to § 2.5. The record of the hearing shall remain open for 15 days after the hearing is held for any additional written submissions, unless the notice of the hearing specifies otherwise or the presiding officer rules otherwise at the hearing.

#### § 2.405 Administrative record of a public hearing before the Commissioner.

(a) The administrative record of a public hearing before the Commissioner shall consist of the following:

(1) All relevant FEDERAL REGISTER notices, including any documents to which they refer.

(2) All written submissions pursuant to § 2.404.

(3) The transcript of the oral hearing.

(b) The record of the administrative proceeding shall be closed at the time specified in § 2.404.

#### § 2.406 Examination of administrative record.

The availability for public examination and copying of each document which is a part of the administrative record of the hearing shall be governed by the provisions of § 2.5(j). Each document which is available for public examination or copying shall be placed on public display in the office of the Hearing Clerk promptly upon receipt in that office.

#### Subpart F—Regulatory Hearing Before the Food and Drug Administration

##### § 2.500 Scope of subpart.

Subpart F governs the practices and procedures applicable whenever:

(a) The Commissioner is considering any regulatory action, including a refusal

to act, and concludes, in his discretion, on his own initiative or at the suggestion of any person, to offer an opportunity for a regulatory hearing to obtain additional information before he makes a decision or takes action.

(b) Any provision in any regulation of this chapter provides any person with an opportunity for a hearing with respect to any regulatory action, including proposed action, and such regulation either specifically provides an opportunity for a regulatory hearing pursuant to this subpart or provides an opportunity for a hearing but does not specify the procedures for such hearing and such procedures are not specified in other provisions of this chapter. Such sections are:

(1) Section 202.1(j)(5), relating to approval of prescription drug advertisements.

(2) Section 8.27(b), relating to refusal to certify a batch of a color additive.

(3) Section 8.28(b), relating to suspension of certification service for a color additive.

(4) Section 8.33(a), relating to use of food containing a new color additive.

(5) Section 10.5(l), relating to a temporary permit to vary from a food standard.

(6) Section 121.75(b), relating to use of food containing an investigational food additive.

(7) Section 511.1(b)(5), relating to use of food containing an investigational new animal drug.

(8) Section 511.1(c)(1), relating to termination of an INAD for an investigator.

(9) Section 511.1(c)(4) and (d), relating to termination of an INAD for a sponsor.

(10) Section 514.210, relating to suspension of certification service for a veterinary antibiotic drug.

(11) Section 312.1(c)(1), relating to whether an investigator is entitled to receive investigational new drugs.

(12) Sections 312.1(c)(4) and (d), relating to termination of an IND for a sponsor.

(13) Section 312.9(c), relating to termination of an IND for tests in vitro and in laboratory research animals for a sponsor.

(14) Section 429.50, relating to suspension of certification service for an insulin drug.

(15) Section 431.52, relating to suspension of certification service for an antibiotic drug.

(16) Section 433.2(d), relating to exemption from certification for an antibiotic drug.

(17) Section 433.12(b)(5), relating to an exemption from labeling for a certifiable antibiotic drug.

(18) Section 433.13(b), relating to an exemption from manufacturing use for a certifiable antibiotic drug.

(19) Section 433.14(b), relating to an exemption for storage for a certifiable antibiotic drug.

(20) Section 433.15(b), relating to an exemption for processing for a certifiable antibiotic drug.

(21) Section 433.16(b), relating to an exemption for repackaging for a certifiable antibiotic drug.

(22) Section 1003.11(a)(3), relating to the failure of an electronic product to comply with an applicable standard or to a defect in an electronic product.

(23) Section 1003.31(d), relating to denial of an exemption from notification requirements for an electronic product which fails to comply with an applicable standard.

(24) Section 1004.6, relating to plan for repurchase, repair, or replacement of an electronic product.

(25) Section 1210.30, relating to denial, suspension, or revocation of a permit under the Federal Import Milk Act.

(26) Any other provision in the regulations in this chapter under which a party who is adversely affected by regulatory action is entitled to an opportunity for a hearing, and no other procedural provisions in this part are by regulation applicable to such hearing.

#### § 2.501 Inapplicability and limited applicability.

(a) The provisions of this subpart are inapplicable to the following:

(1) Informal presentation of views before reporting a criminal violation pursuant to section 305 of the act and § 1.6 of this chapter, and section 5 of the Federal Import Milk Act and § 1210.31 of this chapter.

(2) A hearing with respect to a refusal of admission of a food, drug, device, or cosmetic pursuant to section 801(a) of the act and § 1.318 of this chapter, or of an electronic product pursuant to section 360(a) of the Public Health Service Act and § 1005.20 of this chapter.

(b) The provisions of this subpart are applicable to hearings conducted pursuant to specific procedural provisions in other sections of this chapter to the extent that the provisions of this subpart are in addition to the provisions in such other sections and not in conflict with them, e.g., the right to counsel, public notice of the hearing, reconsideration and stay, and judicial review. Such other sections include Subpart A of Part 90 of this chapter, relating to emergency permit control.

#### § 2.505 Presiding officer.

(a) Any Food and Drug Administration employee to whom the Commissioner delegates such authority, or any other agency employee designated by an employee to whom such authority is delegated, may serve as the presiding officer at and conduct a regulatory hearing pursuant to the provisions of this subpart.

(b) The presiding officer shall be free from bias or prejudice and shall not have participated in the investigation or action that is the subject of the hearing or be subordinate to a person who has participated in such investigation or action.

(c) A different presiding officer may be substituted for the one originally designated pursuant to §§ 2.510 and 2.511 without notice to the parties.

#### § 2.506 Right to counsel.

Any party to a hearing pursuant to this subpart shall have the right at all times to be advised and accompanied by counsel.

#### § 2.510 Regulatory hearing on the initiative of the Commissioner.

(a) A regulatory hearing on the initiative of the Commissioner pursuant to § 2.500(a) shall be initiated by a notice of opportunity for hearing from the Food and Drug Administration.

(1) Such notice shall be sent by registered mail, telegram, telex, personal delivery, or any other mode of written communication.

(2) Such notice shall specify the facts and the action that are the subject of the opportunity for a hearing.

(3) Such notice shall state that the notice of opportunity for hearing and the hearing are governed by the provisions of this subpart.

(4) Such notice shall state the time within which a hearing shall be requested, shall be signed by the Food and Drug Administration employee who will be the presiding officer in the event a hearing is held, and shall state the name, address, and telephone number of the presiding officer.

(b) Any person offered an opportunity for a hearing shall have the amount of time specified in the notice, which shall be not less than 3 working days after receipt of such notice, within which to request a hearing. Such request may be filed by registered mail, telegram, telex, personal delivery, or any other mode of written communication, addressed to the presiding officer. If no response is filed within such time, the offer shall be deemed to have been refused and no hearing shall be held.

(c) If a hearing is requested, such hearing shall take place at a time and location agreed upon by the party requesting the hearing and the presiding officer or, if such agreement cannot be reached, at a reasonable time and location designated by the presiding officer.

(d) A notice of opportunity for hearing under this section shall not operate to delay or stay any administrative action, including enforcement action of any kind, by the agency unless the Commissioner, in his discretion, determines that delay or a stay is in the public interest.

#### § 2.511 Regulatory hearing pursuant to regulation.

(a) A regulatory hearing pursuant to a regulation listed in § 2.500(b) shall be initiated by a notice of opportunity for hearing from the Food and Drug Administration.

(1) Such notice shall be sent by registered mail, telegram, telex, personal delivery, or any other mode of written communication.

(2) Such notice shall specify the facts and the action that are the subject of the opportunity for hearing, and shall state whether the action is or is not being taken pending the hearing pursuant to paragraph (e) of this section.

(3) Such notice shall state that the notice of opportunity for hearing and the hearing are governed by the provisions of this subpart.

(4) Such notice shall state the time within which a hearing shall be requested, and shall state the name, address, and telephone number of the Food and Drug Administration employee to whom any request for hearing shall be addressed.

(b) Any person offered an opportunity for hearing shall have the amount of time specified in the notice, which shall be not less than 3 working days after receipt of such notice, within which to request a hearing. Such request may be filed by registered mail, telegram, telex, personal delivery, or any other mode of written communication, addressed to the presiding officer. If no response is filed within such time, the offer shall be deemed to have been refused and no hearing shall be held.

(c) If a hearing is requested, the Commissioner shall designate a presiding officer and such hearing shall take place at a time and location agreed upon by the party requesting the hearing and the presiding officer or, if such agreement cannot be reached, at a reasonable time and location designated by the presiding officer. The hearing may not be required to be held at a time less than two working days subsequent to receipt of the request for hearing.

(d) Before the hearing, the Food and Drug Administration shall give to the party requesting the hearing reasonable notice of the matters to be considered at the hearing, including a comprehensive statement of the basis for the decision or action taken or proposed that is the subject of the hearing and a general summary of the information that will be presented by the Food and Drug Administration at the hearing in support of such decision or action. Such information may be given orally or in writing, in the discretion of the Commissioner.

(e) The Commissioner may take such action pending a hearing pursuant to this section as he concludes is necessary to protect the public health, except where expressly prohibited by statute or regulation. A hearing to consider action already taken, and not stayed by the Commissioner, shall be conducted on an expedited basis.

(f) On the basis of the administrative record of the hearing specified in § 2.513(a), the Commissioner shall issue a written decision stating the reasons for his administrative action and the basis in the record.

#### § 2.512 Hearing procedure.

(a) A regulatory hearing may be conducted in private or may be a public hearing, as determined by the party requesting the hearing.

(1) The party requesting the hearing shall inform the presiding officer or other designated agency employee at the time that he requests the hearing, whether it will be a private or public hearing. If the party requesting the hearing fails to

state whether the hearing shall be private or public, it shall be a private hearing.

(2) If the hearing is a private hearing, no persons other than the party requesting the hearing, his counsel and witnesses, and an employee or consultant or other person subject to a commercial arrangement as defined in § 4.81(a) of this chapter, and Food and Drug Administration representatives, shall be entitled to attend.

(3) If the hearing is a public hearing, it shall be announced on the public calendar described in § 2.21(a) whenever feasible, and any interested person who attends the hearing may participate to the extent of presenting relevant information.

(b) A regulatory hearing shall be conducted by a presiding officer. Employees of the Food and Drug Administration shall first give a full and complete statement of the action which is the subject of the hearing, together with the information and reasons supporting it, and may present any oral or written information relevant to the hearing. The party requesting the hearing shall then have the right to present any oral or written information relevant to the hearing. All parties may confront and conduct reasonable cross-examination of any person (except for the presiding officer and counsel for the parties) who makes any statement with respect to the matter at the hearing.

(c) The hearing shall be informal in nature, and the rules of evidence shall not apply. No motions or objections relating to the admissibility of data, information, and views shall be made or considered, but any other party may comment upon or rebut all such data, information, and views.

(d) The Commissioner may, in his discretion, order the hearing to be transcribed. The party requesting the hearing shall have the right to have the hearing transcribed, at his expense, in which case a copy of such transcription shall be furnished to the Food and Drug Administration and included with the presiding officer's report of the hearing. Any transcription of the hearing shall be included with the presiding officer's report of the hearing.

(e) The presiding officer shall prepare a written report of the hearing. All written material presented at the hearing shall be attached to the report. Whenever time permits, the parties to the hearing shall be given the opportunity to review and offer corrections to the presiding officer's report of the hearing.

#### § 2.513 Administrative record of a regulatory hearing.

(a) The record of the administrative proceeding shall consist of the following:

(1) The notice of opportunity for hearing and the response thereto.

(2) All written data, information, and views submitted to the presiding officer at the hearing.

(3) Any transcript of the hearing.

charge, accusation, or other particular

Sec.

Delegations regarding issuance of no-

Subpart A—Delegations of Authority to the



(4) The presiding officer's report of the hearing.

(b) The record of the administrative proceeding shall be closed with respect to the submission of data, information, and views, at the close of the hearing, unless the presiding officer specifically permits additional time for a further submission.

#### § 2.514 Examination of administrative record.

The availability for public disclosure of each document which is a part of the administrative record of a regulatory hearing shall be governed by the provisions of Part 4 of this chapter and the regulations referenced therein.

#### § 2.515 Record for administrative decision.

(a) With respect to any matter which is subject to an opportunity for a hearing pursuant to §§ 2.500(a) and 2.510, the administrative record of the hearing specified in § 2.513(a) shall be considered by the Commissioner together with all other relevant data and information available to the Food and Drug Administration in determining whether regulatory action should be taken and, if so, what form of regulatory action should be taken.

(b) With respect to any matter which is subject to an opportunity for a hearing pursuant to §§ 2.500(b) and 2.511, the administrative record of the hearing specified in § 2.513(a) shall constitute the exclusive record for decision.

#### § 2.516 Reconsideration and stay of action.

Following any final administrative action which is the subject of a hearing pursuant to this subpart or any provision referenced in § 2.501(b), any party may petition the Commissioner for reconsideration of any part or all of such decision or action pursuant to § 2.8 or may petition for a stay of such decision or action pursuant to § 2.9.

#### § 2.520 Judicial review.

The availability of judicial review with respect to any regulatory action which is the subject of a hearing pursuant to this subpart shall be governed by the provisions of § 2.11.

#### Subpart G—Standards of Conduct and Conflicts of Interest

##### § 2.600 Scope of subpart.

Subpart G governs the standards of conduct for, and establishes regulations to prevent conflicts of interest by, all Food and Drug Administration employees.

##### § 2.610 Reference to Department regulations.

(a) The provisions of 45 CFR Part 73, establishing standards of conduct for all Department employees, are fully applicable to all Food and Drug Administration employees, except that such regulations shall be applicable to special government employees, i.e., consultants to the Food and Drug Administration, only to the extent stated in Subpart L of 45 CFR Part 73.

(b) The provisions of 45 CFR Part 73a supplement the Department standards of conduct and apply only to Food and Drug Administration employees except special government employees.

##### § 2.611 Code of ethics for government service.

The following code of ethics, adopted by Congress on July 11, 1958, shall apply to all Food and Drug Administration employees:

##### CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

##### § 2.612 Food and Drug Administration Conflict of Interest Review Board.

(a) The Commissioner shall establish a permanent five-member Conflict of Interest Review Board, which shall review and make recommendations to the Commissioner on all specific or policy matters relating to conflicts of interest arising within the Food and Drug Administration that are forwarded to it by

(1) the Associate Commissioner for Administration or (2) anyone who is the subject of an adverse determination by the Associate Commissioner for Administration on any matter arising under the conflict of interest laws, except a determination of an apparent violation of law. The Director, Division of Personnel Management, Office of the Associate Commissioner for Administration, shall serve as executive secretary of the Review Board.

(b) It shall be the responsibility of every Food and Drug Administration employee with whom any specific or policy issue relating to conflicts of interest is raised, or who otherwise wishes to have any such matter resolved, to forward the matter to the Associate Commissioner for Administration for resolution, except

that reporting of apparent violations of law are governed by § 2.613.

(c) All general policy relating to conflicts of interest shall be established in guidelines pursuant to the provisions of § 2.19(b) and whenever feasible shall be incorporated in regulations in this subpart.

(d) All decisions relating to specific individuals shall be placed in a public file established for this purpose by the Public Records and Documents Center, e.g., a determination that a consultant may serve on an advisory committee with specific limitations or with public disclosure of stock holdings, except that such determination shall be written in a way that does not identify the individual in the following situations:

(1) A determination that an employee must dispose of prohibited financial interests or refrain from incompatible outside activities in accordance with established Department or agency regulations.

(2) A determination that a proposed consultant is not eligible for employment by the agency.

(3) A determination that public disclosure of any information would constitute an unwarranted invasion of personal privacy in violation of § 4.63 of this chapter.

##### § 2.613 Duty to report violations.

(a) The Policy Management Staff, Associate Commissioner for Administration, is responsible for obtaining factual information for the Food and Drug Administration on any matter relating to allegations of misconduct, impropriety, conflict of interest, or other violations of Federal statutes by agency personnel.

(b) Any Food and Drug Administration employee who has factual information showing or who otherwise believes that any present or former Food and Drug Administration employee has violated or is violating any provision of this subpart or of 45 CFR Parts 73 or 73a or of any statute listed in Appendix A to 45 CFR Part 73 should report such information directly to the Policy Management Staff. Any such reports shall be in writing or shall with the assistance of the Policy Management Staff be reduced to writing, and shall be promptly investigated.

(c) Any report pursuant to paragraph (b) of this section and any records relating to an investigation of such reports shall be maintained in strict confidence in the files of the Policy Management Staff, shall be exempt from public disclosure, and may be reviewed only by authorized Food and Drug Administration employees who are required to do so in the performance of their duties.

##### § 2.620 Permanent disqualification of former employees.

No former Food and Drug Administration employee, including a special government employee, shall knowingly act as agent or attorney for anyone other than United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy,

charge, accusation, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise as a Food and Drug Administration employee.

##### § 2.621 Temporary disqualification of former employees.

Within 1 year after termination of employment with the Food and Drug Administration, no former Food and Drug Administration employee, including a special government employee, shall appear personally before the Food and Drug Administration or other federal agency or court as agent or attorney for any person other than the United States in connection with any proceeding or matter in which the United States is a party or has a direct and substantial interest and which was under his official responsibility at any time within one year preceding termination of such responsibility. The term "official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct government action.

4. By establishing a new Part 5—Delegations of Authority and Organization, consisting of the redesignated Subparts H and M of Part 2, to read as follows:

#### PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

##### Subpart A—Delegations of Authority to the Commissioner of Food and Drugs

Sec. 5.1 Delegations from the Secretary and Assistant Secretary.

##### Subpart B—Redelegations of Authority from the Commissioner of Food and Drugs

5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.

5.21 Delegations regarding hearings and review boards.

5.22 Delegations regarding imports.

5.23 Delegations regarding certification of true copies and use of Department seal.

5.24 Delegations regarding disclosure of official records.

5.25 Delegations regarding certification of color additives.

5.26 Delegations regarding certification of insulin.

5.27 Delegations regarding certification of antibiotic drugs.

5.28 Delegations regarding approved new animal drug applications and approved new animal drug application supplements for new animal drugs.

5.29 Delegations regarding approval of new-drug applications and new-drug application supplements for drugs for human use.

Sec. 5.30 Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new drug applications and new drug application supplements for drugs for human use.

5.31 Delegation regarding designation of official master and working standards for antibiotic drugs.

5.32 Delegations regarding emergency functions.

5.33 Delegations regarding enforcement activities.

5.34 Delegations regarding certification following inspections.

5.35 Delegations regarding grants and fellowships.

5.36 Delegation regarding issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

5.37 Delegation regarding issuance of notices of filing of petitions and notices of proposed rule making pertaining to food standards, food additives, and color additives.

5.38 Delegations regarding termination of exemptions for new drugs for investigational use in human beings or in animals.

5.39 Delegations regarding detention of meat, poultry, eggs, and related products.

5.40 Delegations regarding approval of schools providing food-processing instruction.

5.41 Delegations regarding issuance of reports of minor violations.

5.42 Delegations relating to granting and withdrawing variances from performance standards for electronic products.

5.43 Delegations relating to notification of defects in, and repair or replacement of, electronic products.

5.44 Delegations relating to testing programs and methods of certification and identification for electronic products.

5.45 Delegations relating to notification of defects in, and repair or replacement of, electronic products.

5.46 Delegations relating to manufacturer's resident import agents.

5.47 Delegations relating to requiring manufacturers to provide data to ultimate purchasers of electronic products.

5.48 Delegations relating to directing dealers and distributors of electronic products to provide data to manufacturers.

5.49 Delegations relating to acceptance of assistance from State and local authorities for enforcement of radiation control legislation and regulations.

5.50 Delegations regarding issuance and revocation of licenses for the propagation or manufacture and preparation of biological products.

5.100 Headquarters.

5.105 Chief Counsel for the Food and Drug Administration and Assistant General Counsel for Food and Drugs, Office of General Counsel, Department of Health, Education, and Welfare.

5.110 FDA Public Records and Documents Center.

5.111 FDA Hearing Clerk.

5.115 Field structure.

##### Subpart C—Organization

#### Subpart A—Delegations of Authority to the Commissioner of Food and Drugs

##### § 5.1 Delegations from the Secretary and Assistant Secretary.

(a) The Assistant Secretary for Health has redelegated to the Commissioner of Food and Drugs with authority to redelegate (35 FR 606 as amended) all authority delegated to him by the Secretary of Health, Education, and Welfare as follows:

(1) Functions vested in the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Filled Milk Act (21 U.S.C. 61-63), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Cautious Poison Act (44 Stat. 1406), and The Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), pursuant to section 12 of Reorganization Plan No. IV and Reorganization Plan No. 1 of 1953, including authority to administer oaths vested in the Secretary of Agriculture by 7 U.S.C. 2217.

(2) Functions vested in the Secretary under section 301 (Research and Investigation); section 307 (International Cooperation); section 310 (Health Education and Information); section 311 (Federal-State Cooperation); and section 314(f) (Interchange of Personnel with States) of the Public Health Service Act (42 U.S.C. 241, 2421, 2420, 243, 246(f)) which relate to the functions of the Food and Drug Administration.

(3) Functions vested in the Secretary under sections 354 through 360F of the Public Health Service Act (42 U.S.C. 263b through 263n) which relate to electronic product radiation control.

(4) Functions vested in the Secretary under section 361 of the Public Health Service Act (42 U.S.C. 264) which relate to the law enforcement functions of the Food and Drug Administration concerning the following products and activities: biologicals (including blood and blood products); interstate travel sanitation (except interstate transportation of etiologic agents under 42 CFR 72.25); food (including milk and food service sanitation and shellfish sanitation); and drugs, devices, cosmetics, and electronic products, and other items or products regulated by the Food and Drug Administration.

(5) Functions vested in the Secretary under sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262 and 263) which relate to biological products.

(6) Functions vested in the Secretary pertaining to section 302(a) of the Public Health Service Act (42 U.S.C. 242(a)) which relate to the determination and reporting requirements with respect to the medicinal and scientific requirements of the United States for controlled substances.

(7) Functions vested in the Secretary pertaining to section 303 of the Public Health Service Act (42 U.S.C. 242a) which relate to the authorization of persons engaged in research on the use and

effect of drugs to protect the identity of

meetings are concerned with matters

are of \$1,000 value or less and the total

§ 5.21 Delegations regarding hearings

tronic products and other items or prod-

(c) The Federal Register Writer and



## PROPOSED RULES

effect of drugs to protect the identity of their research subjects with respect to drugs scheduled under Public Law 91-513 for which a notice of claimed exemption for an investigational new drug is filed with the Food and Drug Administration and with respect to all drugs not scheduled under Public Law 91-513.

(8) Functions vested in the Secretary pertaining to section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (44 Stat. 1241) which relate to the determination of the safety and effectiveness of drugs or to approve new drugs to be used in the treatment of narcotic addicts.

(9) Functions vested in the Secretary pertaining to section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) which relate to the determination of the qualifications and competency of practitioners wishing to conduct research with controlled substances listed in Schedule I of the Act, and the merits of the research protocol.

(10) Functions vested in the Secretary pertaining to provisions of the Controlled Substances Act (21 U.S.C. 801 et seq.) which relate to administration of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(11) Functions vested in the Secretary under section 404(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(12) Functions vested in the Secretary under section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467f(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(13) Functions vested in the Secretary under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(14) Functions vested in the Secretary by amendments to the foregoing statutes subsequent to Reorganization Plan No. 1 of 1953.

(15) Function of issuing all regulations of the Food and Drug Administration. The reservation of authority contained in Chapter 2-000 of the Department Organization Manual shall not apply.

(16) Functions vested in the Secretary under Executive Order 11490, section 1103(5), and those portions of sections 1103(1), 1103(3), 1103(4), 3001(2), 3001(3), 3002(1), 3002(2), 3002(3), 3004, and 3009 which relate to food, drugs, and biologicals. In the performance of these emergency functions the Commissioner shall coordinate his activities with the Administrator, Health Services and Mental Health Administration, in order that preemergency plans shall be developed in consonance with postattack organization plans and structure of the Department for the Emergency Health Service.

(17) Function vested in the Secretary of authorizing and approving miscellaneous and emergency expenses of enforcement activities.

(18) Function vested in the Secretary under the Federal Advisory Committee Act, Public Law 92-463, to make determinations that advisory committee

meetings are concerned with matters listed in section 552(b) of title 5, U.S.C. and therefore may be closed to the public for those committees under the administrative jurisdiction of the Commissioner of Food and Drugs. This authority may not be redelegated. This authority is to be exercised in accordance with the requirements of the Act and only with respect to the following:

(i) Meetings, to the extent that they directly involve review, discussion or consideration of records of the Department which are exempt from disclosure under 5 U.S.C. 552(b) (4), (6), and (7), namely, (a) records containing trade secrets and commercial or financial information obtained from a person and privileged or confidential; (b) personnel, medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (c) investigatory files compiled for law enforcement purposes;

(ii) Meetings to the extent that they involve the review, discussion, and evaluation of specific drugs and devices regulated by FDA which are intended to result in recommendations for regulatory decisions under the Federal Food, Drug, and Cosmetic Act and which are concerned with matters listed in 5 U.S.C. 552(b) (4), (5), and (7);

(iii) Meetings held for the sole purpose of considering and formulating advice which the committee will give or any final report it will render. *Provided:*

(a) The meetings will involve solely the internal expression of views and judgments of the members and it is essential to close the meeting or portions thereof to protect the free exchange of such views and avoid undue interference with agency or committee operations, and such views if reduced to writing would be protected from mandatory disclosure under section 552(b) (5) of title 5 U.S.C.;

(b) The meeting is closed for the shortest time necessary, summarizing the work of the committee during the closed sessions, and a report, prepared by the executive secretary will be made available promptly to the public;

(c) When feasible, the public is given a timely opportunity to present relevant information and views to the committee; and

(d) Concurrence for closing the meetings for such purpose is obtained from the Office of the General Counsel and the Office of Public Affairs.

(19) Functions vested in the Secretary under the second sentence of section 309 (Health Conferences) of the Public Health Service Act (42 U.S.C. 242n) to call for a conference and invite as many health authorities and officials of State or local public or private agencies or organizations as deemed necessary or proper on subjects related to the functions of the Food and Drug Administration.

(20) Functions vested in the Secretary under section 501 (Gifts) of the Public Health Service Act (42 U.S.C. 219) to accept offers of unconditional gifts, of other than real property, provided such gifts

are of \$1,000 value or less and the total costs associated with acceptance of property will not exceed the cost of purchasing a similar item and the cost of normal care and maintenance.

(21) Functions vested in the Secretary under section 362 of the Public Health Service Act (42 U.S.C. 265) which relate to the prohibition of the introduction of foods, drugs, devices, cosmetics, and electronic products and other items or products regulated by the Food and Drug Administration into the United States when it is determined that it is required in the interest of public health when such functions relate to the law enforcement functions of the Food and Drug Administration.

(b) The Chief Counsel for the Food and Drug Administration and Assistant General Counsel in charge of the Division of Food and Drugs, Office of General Counsel, Department of Health, Education, and Welfare, has been authorized to report apparent violations to the Department of Justice for the institution of criminal proceedings, pursuant to section 305 of the Federal Food, Drug, and Cosmetic Act, section 4 of the Federal Import Milk Act, and section 9(b) of the Federal Caustic Poison Act.

(c) The Assistant Secretary for Health has redelegated to the Commissioner of Food and Drugs, with authority to redelegate, the authority delegated to him by the Assistant Secretary for Administration and Management: (1) To certify true copies of any books, records, papers, or other documents on file within the Department, or extracts from such; to certify that true copies are true copies of the entire file of the Department; to certify the complete original record or to certify the nonexistence of records on file within the Department; and to cause the Seal of the Department to be affixed to such certifications and to agreements, awards, citations, diplomas, and similar documents.

(2) To establish volunteer service programs and accept volunteer services for use in the operation of a health care facility or the provision of health care under section 223 of the Public Health Services Act (42 U.S.C. 217b).

Subpart B—Redelegations of Authority from the Commissioner of Food and Drugs

§ 5.20 General redelegations of authority from the Commissioner to other officers of the Administration.

(a) Final authority of the Commissioner of Food and Drugs is redelegated as set forth in this subpart. Further redelegation of the authority vested herein is not authorized. Authority redelegated herein to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

(b) The Deputy Commissioner of Food and Drugs and the Associate Commissioner for Compliance are authorized to perform all the functions of the Commissioner of Food and Drugs.

## § 5.21 Delegations regarding hearings and review boards.

(a) The Directors and Deputy Directors of Bureaus, Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to designate officials to hold informal hearings which relate to their assigned functions under sections 305, 404(b), and 801(a) of the Federal Food, Drug, and Cosmetic Act, section 6 of the Fair Packaging and Labeling Act, section 9(b) of the Federal Caustic Poison Act, and section 5 of the Federal Import Milk Act. Officials so designated are delegated authority vested in the Secretary of Agriculture by 7 U.S.C. 2217 (43 Stat. 803) to administer or to take from any person an oath, affirmation, affidavit, or deposition for use in any prosecution or proceeding under or in enforcement of any law as cited in this section.

(b) The Director and Deputy Director of the Bureau of Radiological Health are authorized to hold hearings under section 360(a) of the Public Health Service Act, and to designate officials to hold informal hearings under section 360(a) of the act.

## § 5.22 Delegations regarding imports.

(a) The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to designate officials who may request, under section 801(a) of the Federal Food, Drug, and Cosmetic Act, from the Secretary of the Treasury samples of foods, drugs, devices or cosmetics imported, or offered for import, in order to determine whether such articles are in compliance with the act.

(b) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau are authorized to request, under section 360(a) of the Public Health Service Act, from the Secretary of the Treasury samples of electronic products imported or offered for import in order to determine whether such articles are in compliance with that act.

(c) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau may, under section 360B(b) of the Public Health Service Act, exempt persons from issuing a certification as required by section 358 (h) of the act, for electronic products imported into the United States for testing, evaluation, demonstration, or training, which will not be introduced into commerce and upon completion of their function, will be destroyed or exported in accord with Bureau of Customs regulations.

(d) The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to exercise all of the functions of the Commissioner of Food and Drugs under section 362 of the Public Health Service Act (42 U.S.C. 265) that relate to the prohibition of the introduction of foods, drugs, devices, cosmetics, and elec-

## PROPOSED RULES

tronic products and other items or products regulated by the Food and Drug Administration into the United States when it is determined that it is required in the interest of public health, and such functions relate to the law enforcement functions of the Food and Drug Administration.

## § 5.23 Delegations regarding certification of true copies and use of Department seal.

(a) The following officials are authorized to certify true copies of or extracts from any books, records, papers, or other documents on file within the Food and Drug Administration, to certify that copies are true copies of the entire file, to certify the complete original record, or to certify the nonexistence of records on file within the Administration, and to cause the seal of the Department to be affixed to such certifications:

(1) Associate and Deputy Associate Commissioners.

(2) Assistant and Deputy Assistant Commissioners.

(3) Director of the Executive Secretariat.

(4) Director and Deputy Director of the Office of Legislative Services.

(5) The FDA Regulations Officer and the Federal Register Liaison Officer and their alternates of the Office of the Associate Commissioner for Compliance.

(6) Directors and Deputy Directors of Bureaus and Executive Director and Deputy Executive Director of Regional Operations.

(7) Director of the Office of Planning and Evaluation, the Associate Director and Deputy Associate Director for Compliance, and the Directors of the Divisions of: Methadone Monitoring; Drug Product Quality; Drug Labeling Compliance; and Drug Manufacturing of the Bureau of Drugs.

(8) Associate Director for Management, the Associate Director and Deputy Associate Director for Compliance, and the Directors of the Divisions of: Regulatory Guidance; Food Technology; and Food Service of the Bureau of Foods.

(9) Associate Director and the Director of the Division of Compliance of the Bureau of Biologics.

(10) Director and Deputy Director of the Division of Compliance of the Bureau of Veterinary Medicine.

(11) Associate Director for Administration of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau.

(12) Assistant Director for Program Operations and the Director of the Division of Compliance of the Bureau of Medical Devices and Diagnostic Products.

(b) The following officials are authorized to cause the seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents.

(1) Associate and Deputy Associate Commissioners.

(2) The Director of the Division of Personnel Management of the Office of Administration and the Chief of the Career Development and Training Branch of that Division and Office.

(c) The Federal Register Writer and his alternates of the Office of Compliance are authorized to certify true copies of Federal Register documents.

## § 5.24 Delegations regarding disclosure of official records.

(a) The following officials are authorized to make determinations to disclose official records and information in accordance with § 4.1 of this chapter.

(1) The Director and Deputy Director of the Bureau of Drugs, and the Associate Director and Deputy Associate Director for Compliance and the Directors of the Divisions of: Methadone Monitoring; Drug Product Quality; Drug Labeling Compliance; and Drug Manufacturing of that Bureau.

(2) The Director and Deputy Director of the Bureau of Foods, and the Associate Director and Deputy Associate Director for Compliance and the Director of the Division of Regulatory Guidance of that Bureau.

(3) The Director and Deputy Director of the Bureau of Veterinary Medicine and the Director and Deputy Director of the Division of Compliance of that Bureau.

(4) The Director and Deputy Director, Bureau of Radiological Health, and the Director of the Division of Electronic Products and the Director of the Division of Compliance of that Bureau.

(5) The Director and Deputy Director of the Bureau of Biologics, and the Associate Director and the Director of the Division of Compliance of that Bureau.

(6) The Director and Deputy Director of the Bureau of Medical Devices and Diagnostic Products and the Director of the Division of Compliance of that Bureau.

(b) The Chief of the Drug Listing Branch of the Division of Drug Labeling Compliance of the Bureau of Drugs is authorized to sign affidavits regarding the presence or absence of records of Registration of Drug Establishments.

(c) The Chief of the Records Section of the Administrative Services Branch, Division of Management Services, Office of Administration, is authorized to sign affidavits regarding the presence or absence of records in the files of that section.

## § 5.25 Delegations regarding certification of color additives.

The Director and Deputy Director of the Bureau of Foods, the Associate Director and Deputy Associate Director for Technology, and the Director and Deputy Director of the Division of Color Technology of that Bureau are authorized to certify batches of color additives for use in foods, drugs, or cosmetics, under section 706 of the Federal Food, Drug, and Cosmetic Act.

## § 5.26 Delegations regarding certification of insulin.

The Director, Deputy Director, and the Associate Director and Deputy Associate Director for Compliance of the Bureau of Drugs, the Director and Deputy Director of the Division of Drug Product Quality of that Bureau, and the Chief

## PROPOSED RULES

and Assistant Chief of the Certification § 5.30 Delegations regarding issuance of

Act, the Import Milk Act, the Filled Milk

mission and time extensions to bring

Drug, and Cosmetic Act regarding the is-

officials to perform all the functions of



## PROPOSED RULES

and Assistant Chief of the Certification Services Branch of that Division and Bureau are authorized to certify or reject batches of drugs containing insulin, pursuant to section 306(a) of the Federal Food, Drug, and Cosmetic Act.

#### § 5.27 Delegations regarding certification of antibiotic drugs.

The Director, Deputy Director, and the Associate Director and Deputy Associate Director for Compliance of the Bureau of Drugs, the Director and Deputy Director of the Division of Drug Product Quality of that Bureau, and the Chief and Assistant Chief of the Certification Services Branch of that Division and Bureau are authorized to certify or reject batches of antibiotic drugs, or any derivative of these drugs, pursuant to sections 507(a) and 512(n) of the Federal Food, Drug, and Cosmetic Act.

#### § 5.28 Delegations regarding approved new animal drug applications and approved new animal drug application supplements for new animal drugs.

The Director of the Bureau of Veterinary Medicine is authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the approval of new animal drug applications, and new animal drug application supplements, for new animal drugs submitted pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act. The Director of the Division of Veterinary Medical Review of the Bureau of Veterinary Medicine is authorized to perform for functions of the Commissioner with regard to the approval of applications for animal feeds containing new animal drugs.

#### § 5.29 Delegations regarding approval of new-drug applications and new-drug application supplements for drugs for human use.

(a) The Director, Deputy Director, and Associate Director for New Drug Evaluation of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the approval of new-drug applications and new-drug application supplements which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

(b) The Directors of the Divisions of: Anti-Infective Drug Products; Cardio-Renal Drug Products; Surgical-Dental Drug Products; Metabolism and Endocrine Drug Products; Neuropharmacological Drug Products; Oncology and Radiopharmaceutical Drug Products; and Drug Advertising of the Bureau of Drugs are authorized to perform all the functions of the Commissioner with regard to the approval of new-drug application supplements which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

#### § 5.30 Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new drug applications and new drug application supplements for drugs for human use.

The Director of the Bureau of Drugs is authorized to issue notices of an opportunity for a hearing on proposals to refuse approval or to withdraw approval of new drug applications and new drug application supplements for drugs for human use submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act and to issue notices of denial or withdrawal of approval when opportunity for hearing has been waived.

#### § 5.31 Delegation regarding designation of official master and working standards for antibiotic drugs.

The Director, Deputy Director, and Associate Director for Pharmaceutical Research and Testing of the Bureau of Drugs, and the Director of the National Center for Antibiotics Analysis of that Bureau are authorized to designate official Food and Drug Administration master and working standards for antibiotic drugs under § 430.5 of this chapter.

#### § 5.32 Delegations regarding emergency functions.

Each Regional Food and Drug Director is authorized, during any period when normal channels of direction are disrupted between the Food and Drug Administration headquarters and his region, to fully represent the Food and Drug Administration within his region in consonance with the Department of Health, Education, and Welfare regional emergency plans and to exercise the authority of the Commissioner for supervision of and direction to all Food and Drug Administration activities and use of resources within his region for continuity and for Federal Emergency Health Service operations. These same officials are authorized to provide in Regional Emergency Plans for the delegation of Food and Drug Administration regional authorities to heads of field activities when such activities are cut off from national and regional headquarters.

#### § 5.33 Delegations regarding enforcement activities.

(a) Duly appointed and authorized inspectors, officers, and employees of the Food and Drug Administration who have been issued the Food and Drug Administration official credentials consisting of FD Form 200a entitled "Identification Record" and FD Form 200b entitled "Specification of General Authority" are designated by the Commissioner of Food and Drugs:

(1) To conduct examinations, inspections, and investigations; to collect and obtain samples; to have access to and to copy and verify records; and to supervise compliance operations, for the enforcement of the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, the Federal Caustic Poison

Act, the Import Milk Act, the Filled Milk Act, the Tea Importation Act, the Radiation Control for Health and Safety Act of 1968, and section 361 of the Public Health Service Act.

(2) To administer oaths and affirmations under section 1 of the Act of January 31, 1925 (Ch. 124, 43 Stat. 803); sections 12 to 15 of Reorganization Plan No. IV, effective June 30, 1940; and Reorganization Plan No. 1 of 1953, effective April 11, 1953.

(b) Duly appointed and authorized inspectors, officers, and employees of the Food and Drug Administration who have been issued the Food and Drug Administration official credentials consisting of FD Form 200a entitled "Identification Record" and FD Form 200c entitled "Specification of General and Special Authority" are designated by the Commissioner of Food and Drugs:

(1) To perform the duties enumerated in paragraph (a) (1) and (2) of this section.

(2) As officers and employees having the authority to request and the authority to have access to and copy and verify records and reports required by sections 505 (i) and (j), 507 (d) and (g), and 512 (l) and (m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (i) and (j), 357 (d) and (g), and 360b (l) and (m)).

(c) The Food and Drug Administration official credentials referred to in paragraphs (a) and (b) of this section are described as follows:

(1) FD Form 200a entitled "Identification Record" bears a color photograph, description, and signature of the bearer, an identification number, an expiration date, the Department of Health, Education, and Welfare seal with blue imprint centered to the left of the photograph and the Food and Drug Administration symbol centered to the right of the photograph.

(2) FD Form 200b entitled "Specification of General Authority" bears the holder's name, his general authority, an identification number, an expiration date, and the Commissioner's signature.

(3) FD Form 200c entitled "Specification of General and Special Authority" bears the holder's name, his general and special authority, an identification number, an expiration date, and the Commissioner's signature and is superimposed in the lower right corner with a red, white, and blue stripe imprint.

(4) Both FD Form 200b and FD Form 200c bear the name of the Department of Health, Education, and Welfare, Public Health Service, and Food and Drug Administration and are superimposed with the Department seal with blue imprint.

(d) The Director and Deputy Director of the Bureau of Radiological Health are authorized to refuse admission of non-complying electronic product imports and to notify the Secretary of the Treasury of such refusal under section 360(a) of the Public Health Service Act and are authorized to refuse or to grant per-

mission and time extensions to bring such products into compliance, and are authorized to supervise or designate an official to supervise such operations under section 360(b) of the act.

(e) The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to perform all of the functions of the Commissioner of Food and Drugs under section 360A(a) of the Public Health Service Act relating to electronic product safety and inspection of electronic product manufacturers' premises, and to perform all of the functions of the Commissioner of Food and Drugs under section 360A(b) of the act relating to the establishment, maintenance, and inspection of electronic product manufacturers' records.

(f) The Director and Deputy Director of the Bureau of Radiological Health are authorized to designate officials to make accident and investigation reports under section 360A(d) of the Public Health Service Act.

(g) The Director, Deputy Director, and Associate Director of the Bureau of Biologics and the Director of the Division of Compliance of that Bureau may authorize, pursuant to section 351(c) of the Public Health Service Act (42 U.S.C. 262 (c)), any officer, agent, or employee to enter and inspect any establishment which is subject to the provisions of section 351 of the act (42 U.S.C. 262).

#### § 5.34 Delegations regarding certification following inspections.

Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to issue certificates of sanitation under 21 CFR 1240.20.

#### § 5.35 Delegations regarding grants and fellowships.

(a) The Associate and Deputy Associate Commissioner for Science are authorized to approve or disapprove all applications for grants and fellowships and to select officials to serve as program managers to exercise scientific oversight and to monitor grantee progress.

(b) The Associate and Deputy Associate Commissioner for Administration and the Director and Deputy Director of the Division of Contracts and Grants Management of the Office of the Associate Commissioner for Administration are authorized to execute grant awards upon approval by the Associate or Deputy Associate Commissioner for Science under sections 301, 308, 311, and 356 of the Public Health Service Act, and to notify grantees of officials who will serve as the FDA program manager for their grant.

#### § 5.36 Delegation regarding issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

The Director and Deputy Director of the Bureau of Drugs and the Assistant Director for Regulatory Affairs are authorized to perform all of the functions of the Commissioner of Food and Drugs under section 507 of the Federal Food,

## PROPOSED RULES

Drug, and Cosmetic Act regarding the issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

#### § 5.37 Delegation regarding issuance of notices of filing of petitions and notices of proposed rulemaking pertaining to food standards, food additives, and color additives.

The Director of the Bureau of Foods is authorized to perform all the functions of the Commissioner of Food and Drugs under sections 401, 409, and 706 of the Federal Food, Drug, and Cosmetic Act regarding the issuance of notices of filing of petitions and notices of proposed rulemaking pertaining to food standards, food additives, and color additives.

#### § 5.38 Delegations regarding termination of exemptions for new drugs for investigational use in human beings, in laboratory research animals or in vitro tests, or in animals.

(a) The Director and Deputy Director of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of exemptions for new drugs for investigational use in human beings under § 312.1 and in laboratory research animals or in vitro tests under § 312.9 of this chapter, except those which pertain to a biological product subject to the licensing provisions of section 351 of the Public Health Service Act (42 U.S.C. 262). The Associate Director and Deputy Associate Director for New Drug Evaluation and the Directors of the Divisions of: Anti-Infective Drug Products; Cardio-Renal Drug Products; Surgical-Dental Drug Products; Metabolism and Endocrine Drug Products; Neuropharmacological Drug Products; and Oncology and Radiopharmaceutical Drug Products of the Bureau of Drugs are authorized to notify sponsors and invite correction prior to termination action on such exemptions.

(b) The Director, Deputy Director, and Associate Director of the Bureau of Biologics are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of those exemptions for new drugs for investigational use in human beings under § 312.1 and in laboratory research animals or in vitro tests under § 312.9 of this chapter pertaining to a biological product subject to the licensing provisions of section 351 of the Public Health Service Act (42 U.S.C. 262).

(c) The Director and Deputy Director of the Bureau of Veterinary Medicine are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of exemptions for new animal drugs for investigational use in animals under § 511.1 of this chapter.

#### § 5.39 Delegations regarding detention of meat, poultry, eggs, and related products.

The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to perform and to designate other

officials to perform all the functions of the Commissioner of Food and Drugs under:

(a) Section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(b) Section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467f(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(c) The Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

#### § 5.40 Delegations regarding approval of schools providing food-processing instruction.

The Director and Deputy Director of the Bureau of Foods are authorized to perform all of the functions of the Commissioner of Food and Drugs under § 128b.10 of this chapter regarding the approval of schools giving instruction in retort operations, processing systems operations, aseptic processing and packaging systems operations, and container closure inspections.

#### § 5.41 Delegations regarding issuance of reports of minor violations.

(a) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs under section 306 of the Federal Food, Drug, and Cosmetic Act regarding the issuance of written notices or warnings:

(1) The Director and Deputy Director of the Bureau of Drugs and the Associate Director and Deputy Associate Director for Compliance of that Bureau.

(2) The Director and Deputy Director of the Bureau of Foods and the Associate Director and Deputy Associate Director for Compliance of that Bureau.

(3) The Director and Deputy Director of the Bureau of Veterinary Medicine and the Director and Deputy Director of the Division of Compliance of that Bureau.

(4) The Director and Deputy Director of the Bureau of Medical Devices and Diagnostic Products and the Director of the Division of Compliance of that Bureau.

(5) The Director and Deputy Director of the Bureau of Biologics, and the Associate Director and the Director of the Division of Compliance of that Bureau.

(b) The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs under section 360C(d) of the Public Health Service Act regarding the issuance of written notices or warnings.

#### § 5.42 Delegations relating to granting and withdrawing variances from performance standards for electronic products.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to grant and withdraw variances from the provisions of performance standards for electronic products established in Subchapter J of this chapter.

## PROPOSED RULES

§ 5.43 Delegations relating to exemp-

on first purchasers of such products to the manufacturer of the product under

Associate Director for Pharmaceutical Research and Testing.

Associate Director for Operations.  
Division of Animal Husbandry.  
Division of Diagnostics.

## PROPOSED RULES

REGION V  
Regional Field Office: Room A-1945, 175 West  
Madison Chicago, IL 60607.

certification pursuant to Part 2 of this chapter. Any such petition shall show why such certification is not necessary



## PROPOSED RULES

§ 5.43 Delegations relating to exemptions from performance standards for electronic products.

The Director of the Bureau of Radiological Health is authorized to exempt from performance standards any electronic product intended solely or predominantly for departments or agencies of the United States under section 358 (a)(5) of the Public Health Service Act.

§ 5.44 Delegations relating to testing programs and methods of certification and identification for electronic products.

The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to review and evaluate industry testing programs under section 358(g) of the Public Health Service Act, and to approve or disapprove alternate methods of certification and identification and to disapprove testing programs upon which certification is based under section 358(h) of the act.

§ 5.45 Delegations relating to notification of defects in, and repair or replacement of, electronic products.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs relating to notification of defects in, and repair or replacement of, electronic products under section 359 of the Public Health Service Act and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter. The Director of the Division of Compliance of the Bureau of Radiological Health is authorized to notify manufacturers of defects in, and noncompliance of, electronic products under section 359(e) of the Public Health Service Act.

§ 5.46 Delegations relating to manufacturer's resident import agents.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to reject manufacturers' designations of resident import agents pursuant to § 1005.25(b) of this chapter.

§ 5.47 Delegations relating to requiring manufacturers to provide data to ultimate purchasers of electronic products.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to require manufacturers to provide performance and technical data to the ultimate purchaser of electronic products under section 360A(c) of the Public Health Service Act.

§ 5.48 Delegations relating to directing dealers and distributors of electronic products to provide data to manufacturers.

The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau and the Regional Food and Drug Directors are authorized to direct dealers and distributors of electronic products to furnish information

on first purchasers of such products to the manufacturer of the product under section 360A(f) of the Public Health Service Act.

§ 5.49 Delegations relating to acceptance of assistance from State and local authorities for enforcement of radiation control legislation and regulations.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to accept assistance from State and local authorities engaged in activities related to health or safety or consumer protection on a reimbursable basis or otherwise, under section 360E of the Public Health Service Act.

§ 5.50 Delegations regarding issuance and revocation of licenses for the propagation or manufacture and preparation of biological products.

The Director and Deputy Director of the Bureau of Biologics and the Associate Director of that Bureau are authorized to issue licenses under section 351 of the Public Health Service Act (42 U.S.C. 262) for propagation or manufacture and preparation of biological products as specified in the act, and to revoke such licenses at the manufacturer's request.

## Subpart C—Organization

## § 5.100 Headquarters.

The central organization of the Food and Drug Administration consists of the following:

OFFICE OF THE COMMISSIONER<sup>1</sup>  
Commissioner of Food and Drugs.  
Deputy Commissioner.  
Administrative Law Judge.  
Associate Commissioner for Compliance.  
Hearing Clerk.  
Associate Commissioner for Medical Affairs.  
Associate Commissioner for Science.  
Associate Commissioner for Administration.  
Assistant Commissioner for Public Affairs.  
Assistant Commissioner for Planning and Evaluation.  
Assistant Commissioner for Professional and Consumer Programs.

BUREAU OF BIOLOGICS<sup>2</sup>  
Office of the Director.  
Division of Compliance.  
Division of Virology.  
Division of Blood and Blood Products.  
Division of Control Activities.  
Division of Pathology.  
Division of Bacterial Products.

BUREAU OF DRUGS<sup>3</sup>  
Office of the Director.  
Office of Planning and Evaluation.  
Associate Director for Drug Monographs.  
Division of OTC Drug Evaluation.  
Division of Biopharmaceutics.  
Division of Generic Drug Monographs.  
Associate Director for Biometrics and Epidemiology.  
Division of Biometrics.  
Division of Poison Control.  
Division of Drug Experience.  
Associate Director for Compliance.  
Division of Methadone Monitoring.  
Division of Drug Product Quality.  
Division of Drug Labeling Compliance.  
Division of Drug Manufacturing.

<sup>1</sup> Mailing address: 5600 Fishers Lane, Rockville, MD 20852.  
<sup>2</sup> Mailing address: 8800 Rockville Pike, Bethesda, MD 20014.

Associate Director for Pharmaceutical Research and Testing.  
Division of Drug Biology.  
Division of Drug Chemistry.  
National Center for Antibiotics Analysis.  
National Center for Drug Analysis.  
Associate Director for New Drug Evaluation.  
Division of Anti-Infective Drug Products.  
Division of Cardio-Renal Drug Products.  
Division of Surgical-Dental Drug Products.  
Division of Metabolism and Endocrine Drug Products.  
Division of Neuropharmacological Drug Products.  
Division of Oncology and Radiopharmaceutical Drug Products.  
Division of Drug Advertising.  
Associate Director for Information Systems.  
Division of Drug Information Resources.  
Division of Information Systems Design.  
Medical Library.

BUREAU OF FOODS<sup>4</sup>  
Office of the Director.  
Associate Director for Compliance.  
Division of Regulatory Guidance.  
Division of Compliance Programs.  
Division of Industry Programs.  
Division of Food and Color Additives.  
Associate Director for Sciences.  
Division of Chemistry and Physics.  
Division of Toxicology.  
Division of Pathology.  
Division of Microbiology.  
Division of Mathematics.  
Associate Director for Technology.  
Division of Food Technology.  
Division of Chemical Technology.  
Division of Color Technology.  
Division of Cosmetics Technology.  
Associate Director for Nutrition and Consumer Sciences.  
Division of Consumer Studies.  
Division of Food Service.  
Division of Nutrition.

BUREAU OF MEDICAL DEVICES AND DIAGNOSTIC PRODUCTS<sup>5</sup>  
Office of the Director.  
Division of Compliance.  
Division of Diagnostic Product Standards and Research.  
Division of Medical Device Standards and Research.  
Division of Classification and Scientific Evaluation.

BUREAU OF RADIOLOGICAL HEALTH<sup>1</sup>  
Office of the Director.  
Division of Compliance.  
Division of Biological Effects.  
Division of Electronic Products.  
Division of Radioactive Materials and Nuclear Medicine.  
Division of Training and Medical Applications.

BUREAU OF VETERINARY MEDICINE<sup>1</sup>  
Office of the Director.  
Division of Compliance.  
Division of New Animal Drugs.  
Division of Nutritional Sciences.  
Division of Veterinary Medical Review.  
Division of Veterinary Research.

EXECUTIVE DIRECTOR OF REGIONAL OPERATIONS<sup>1</sup>  
Office of the Executive Director.  
Division of Field Operations.  
Division of Planning and Analysis.  
Division of Federal-State Relations.

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH<sup>4</sup>  
Office of the Director.  
Office of Plans, Programs, and Systems.

<sup>3</sup> Mailing address: 200 C St. SW., Washington, D.C. 20204.  
<sup>4</sup> Mailing address: Jefferson, AR 72079.

## PROPOSED RULES

Associate Director for Operations.  
Division of Animal Husbandry.  
Division of Diagnostics.  
Division of Diet Preparation.  
Division of Facilities Engineering and Maintenance.  
Division of Chemistry.  
Associate Director for Pathology.  
Division of Histopathology.  
Division of Clinical Pathology.  
Division of Pathology Research.  
Associate Director for Toxicology.  
Division of Acute/Subacute Studies.  
Division of Chronic Studies.  
Division of Teratogenic Research.  
Division of Mutagenic Research.  
Division of Comparative Pharmacology.

§ 5.105 Chief Counsel for the Food and Drug Administration and Assistant General Counsel for Food and Drugs, Office of General Counsel, Department of Health, Education, and Welfare.

Chief Counsel for the Food and Drug Administration and Assistant General Counsel for Food and Drugs, Room 6-57, 5600 Fishers Lane, Rockville, MD 20852.

§ 5.110 FDA Public Records and Documents Center.

The FDA Public Records and Documents Center, HFC-18, is located in Rm. 4-62, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852, Telephone: 301-443-6310.

§ 5.111 FDA Hearing Clerk.

The FDA Hearing Clerk, HFC-20, is located in Rm. 4-65, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852. Telephone: 301-443-1753.

§ 5.115 Field structure.

REGION I  
Regional Field Office: 585 Commercial Street, Boston, MA 02109.  
District Office: 585 Commercial Street, Boston, MA 02109.  
Winchester Engineering and Analytical Center: 109 Holton Street, Winchester, MA 01890.

REGION II  
Regional Field Office: 850 Third Avenue, Brooklyn, NY 11232.  
District Office: 850 Third Avenue, Brooklyn, NY 11232.  
District Office: 599 Delaware Avenue, Buffalo, NY 14202.  
District Office: Room 831, 970 Broad Street, Newark, NJ 07102.  
District Office: Post Office Box S-4427, San Juan Station, San Juan, PR 00905.

REGION III  
Regional Field Office: Room 1204, Second and Chestnut Streets, Philadelphia, PA 19106.  
District Office: Room 1204, Second and Chestnut Streets, Philadelphia, PA 19106.  
District Office: 900 Madison Avenue, Baltimore, MD 21201.

REGION IV  
Regional Field Office: 880 West Peachtree Street, Atlanta, GA 30309.  
District Office: 880 West Peachtree Street, Atlanta, GA 30309.  
District Office: 297 Plus Park Boulevard, Nashville, TN 37217.  
District Office: Post Office Box 118, Orlando, FL 32802.

REGION V  
Regional Field Office: Room A-1945, 175 West Jackson Boulevard, Chicago, IL 60607.  
District Office: Room 1222, 433 West Van Buren Street, Chicago, IL 60607.  
District Office: 1141 Central Parkway, Cincinnati, OH 45202.  
District Office: 1560 East Jefferson Avenue, Detroit, MI 48207.  
District Office: 240 Hennepin Avenue, Minneapolis, MN 55401.  
Minneapolis Center for Microbiological Investigations: 240 Hennepin Avenue, Minneapolis, MN 55401.

REGION VI  
Regional Field Office: 3032 Bryan Street, Dallas, TX 75204.  
District Office: 3032 Bryan Street, Dallas, TX 75204.  
District Office: Room 222, 423 Canal Street, New Orleans, LA 70130.  
Houston Section: Room 413, 201 Fannin Street, Houston, TX 77002.

REGION VII  
Regional Field Office: 1009 Cherry Street, Kansas City, MO 64106.  
District Office: 1009 Cherry Street, Kansas City, MO 64106.

REGION VIII  
Regional Field Office: 721 19th Street, U.S. Customhouse, Denver, CO 80202.  
District Office: 721 19th Street, U.S. Customhouse, Denver, CO 80202.

REGION IX  
Regional Field Office: Room 518, 50 Fulton Street, San Francisco, CA 94102.  
District Office: Room 518, 50 Fulton Street, San Francisco, CA 94102.  
District Office: 1521 West Pico Boulevard, Los Angeles, CA 90015.

REGION X  
Regional Field Office: Room 5003, 909 First Avenue, Seattle, WA 98174.  
District Office: Room 5003, 909 First Avenue, Seattle, WA 98174.

## PART 6—ENVIRONMENTAL IMPACT CONSIDERATIONS

§ 6.1 [Amended]  
5. In Part 6, by amending § 6.4(a)(2) to change the reference to "§ 2.121" to read "Subpart B of Part 5".

## PART 8—COLOR ADDITIVES

6. In Part 8, by revising § 8.12 to read as follows:

§ 8.12 Advisory committee on the applicability of the anticancer clause.  
All requests for and procedures governing any advisory committee on the anticancer clause shall be subject to the provisions of Subpart D of Part 2, and particularly §§ 2.360 through 2.364, of this chapter.

§§ 8.13, 8.14 [Revoked].

7. By revoking §§ 8.13 and 8.14.  
8. By revising §§ 8.18 and 8.19 to read as follows:

§ 8.18 Petition for exemption from certification.

A manufacturer, packer, or distributor of a color additive or color additive mixture may petition for an exemption from

certification pursuant to Part 2 of this chapter. Any such petition shall show why such certification is not necessary for the protection of public health.

§ 8.19 Procedure for objections and hearings.

(a) Objections and hearings relating to color additive regulations under sections 706 (b) and (c) of the act shall be governed by Part 2 of this chapter.

(b) The fees specified in § 8.50 shall be applicable.

§§ 8.20, 8.21 [Revoked].

9. By revoking §§ 8.20 and 8.21.  
10. By amending § 8.27 by adding a sentence at the end of paragraph (b) to read as follows:

§ 8.27 Certification.

(b) \* \* \* Any person who contests such refusal shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

11. By revising § 8.28(b) to read as follows:

§ 8.28 Authority to refuse certification service.

(b) Any person who contests suspension of service shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

12. By amending § 8.33 by adding a sentence at the end of paragraph (a) to read as follows:

§ 8.33 Exemption of color additives for investigational use.

(a) \* \* \* Any person who contests a refusal to grant such authorization shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

## PART 10—DEFINITIONS AND STANDARDS FOR FOOD

13. In Part 10, by revising § 10.2 to read as follows:

§ 10.2 Procedure for establishing a food standard.

(a) The procedure for establishing a food standard under section 401 of the act shall be governed by Part 2 of this chapter.

(b) Any petition for a food standard shall show that the proposal if adopted, would promote honesty and fair dealing in the interest of consumers.

(c) Any petition for a food standard shall assert that the petitioner commits himself to substantiate the information in the petition by evidence in a public hearing, if such a hearing becomes necessary.

(d) If a petitioner fails to appear, or to substantiate the information in his petition, at a public hearing on the matter, the Commissioner may either (1)

## PROPOSED RULES

withdraw the regulation and terminate

## PART 90—EMERGENCY PERMIT CONTROL

§ 121.40 Affirmation of generally recognized and safe (GRAS) status.

lation pertaining to a food additive or granting or repealing an exemption for

by the Commissioner or by any interested person. Any interested person may

Drug Administration pursuant to Subpart F of Part 2 of this chapter. If a



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PROPOSED RULES

withdraw the regulation and terminate the proceeding or (2) if he concludes that it is in accordance with the requirements of section 401 of the act, continue the proceeding and introduce evidence to substantiate such information.

14. By adding a new paragraph (1) to § 10.5 to read as follows:

§ 10.5 Temporary permits for interstate shipment of experimental packs of food varying from the requirements of definition and standards of identity.

(1) Any person who contests denial, modification, or revocation of a temporary permit shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

PART 11—STANDARDS OF QUALITY FOR FOODS FOR WHICH THERE ARE NO STANDARDS OF IDENTITY

15. In Part 11, by revising § 11.1(e) to read as follows:

§ 11.1 General principles.

(e) The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may establish, amend, or repeal, under Subpart B of this Part, a regulation prescribing a standard of quality for a food pursuant to Part 2 of this chapter.

PART 80—DEFINITIONS AND STANDARDS OF IDENTITY FOR FOOD FOR SPECIAL DIETARY USES

16. In Part 80, by revising § 80.1(b) (4) to read as follows:

§ 80.1 Dietary supplements of vitamins and minerals: definition, identity, label statements.

(b) . . .

(4) Addition to or amendment of the list of permissible combinations of vitamins and/or minerals contained in paragraph (b) (1) of this section may be proposed by the Commissioner of Food and Drugs, on his own initiative, or upon petition by an interested person pursuant to Part 2 of this chapter. Any such petition shall include scientific data of a human nutritional and/or technological nature to support such addition or amendment as being consistent with the definition and purpose of dietary supplements as described by this section. The Commissioner, upon request, may extend the effective date of this section with respect to any particular product or class of products pending consideration and any administrative or court proceedings relating to any such petition, and may set a new effective date upon completion of the matter.

PART 90—EMERGENCY PERMIT CONTROL

17. In Part 90, by revising § 90.2(a) to read as follows:

§ 90.2 Establishment of requirements for exemption from section 401 of the act.

(a) Whenever the Commissioner finds after investigation that the distribution in interstate commerce of any class of food may, by reason of contamination with microorganisms during the manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered interstate commerce, he shall promulgate regulations in Subpart B of this part establishing requirements and conditions governing the manufacture, processing, or packing of the food necessary to protect the public health. Such regulations may be proposed by the Commissioner on his own initiative or in response to a petition from any interested person pursuant to Part 2 of this chapter.

PART 100—NUTRITIONAL QUALITY GUIDELINES FOR FOODS

18. In Part 100, by revising § 100.2 to read as follows:

§ 100.2 Petitions.

The Commissioner of Food and Drugs, on his own initiative, on the advice of the National Academy of Sciences or other experts, or on behalf of any interested person who has submitted a petition, may issue a proposal to issue, amend, or revoke a regulation prescribing a nutritional quality guideline for a class of foods, pursuant to Part 2 of this chapter.

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

19. In Part 102, by revising § 102.2 to read as follows:

§ 102.2 Petitions.

(a) The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to issue, amend, or revoke, under Subpart B of this Part, a regulation prescribing a common or usual name for a food, pursuant to Part 2 of this chapter.

(b) If the principal display panel of a food for which a common or usual name regulation is established is too small to accommodate all mandatory requirements, the Commissioner may establish by regulation an acceptable alternative, e.g., a smaller type size. A petition requesting such a regulation, which would amend the applicable regulation, shall be submitted pursuant to Part 2 of this chapter.

PART 121—FOOD ADDITIVES

20. In Part 121, by revising the introductory text of § 121.40(c) (1) to read as follows:

§ 121.40 Affirmation of generally recognized as safe (GRAS) status.

(c) (1) Persons seeking the affirmation of GRAS status of substances as provided for in § 121.3(e), except those subject to the NAS-NRC GRAS list survey (36 FR 20546), shall submit a petition for GRAS affirmation pursuant to Part 2 of this chapter. Such petition shall contain information to establish that the GRAS criteria as set forth in § 121.3(b) have been met, in the following form:

21. By revising § 121.4(b) (1) to read as follows:

§ 121.41 Determination of food additive status.

(b) (1) The Commissioner, on his own initiative or on the petition of any interested person, pursuant to Part 2 of this chapter, may issue a notice in the FEDERAL REGISTER proposing to determine that a substance is not GRAS and is a food additive subject to section 409 of the act. Any petition shall include all relevant data and information of the type described in § 121.74(b). The Commissioner will place all of the data and information on which he relies on public file in the office of the Hearing Clerk and will include in the FEDERAL REGISTER notice the name of the substance, its known uses, and a summary of the basis for the determination.

22. By revising § 121.55 to read as follows:

§ 121.55 Procedure for objections and hearings.

Objections and hearings relating to food additive regulations under section 409 (c), (d), or (h) of the act shall be governed by Part 2 of this chapter.

§§ 121.56, 121.57, 121.58, 121.59, 121.60, 121.61, 121.62, 121.63, 121.64, 121.65, 121.66, 121.67, 121.68, 121.69, 121.70, 121.71, 121.73 [Revoked]

23. By revoking §§ 121.56, 121.57, 121.58, 121.59, 121.60, 121.61, 121.62, 121.63, 121.64, 121.65, 121.66, 121.67, 121.68, 121.69, 121.70, 121.71, and 121.73.

24. By revising § 121.72(b) to read as follows:

§ 121.72 Adoption of regulation on initiative of Commissioner.

(b) Action upon a proposal made by the Commissioner shall proceed as provided in Part 2 of this chapter.

25. By revising § 121.74 to read as follows:

§ 121.74 Procedure for amending and repealing tolerances or exemptions from tolerances.

(a) The Commissioner, on his own initiative or on the petition of any interested person, pursuant to Part 2 of this chapter, may propose the issuance of a regulation amending or repealing a regu-

lation pertaining to a food additive or granting or repealing an exception for such additive.

(b) Any such petition shall include an assertion of facts, supported by data, showing that new information exists with respect to the food additive or that new uses have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the existing regulation or exemption may justify its amendment or repeal. New data shall be furnished in the form specified in § 121.51 for submitting petitions.

26. By revising the introductory text of § 121.4000(c) to read as follows:

§ 121.4000 General.

(c) The Commissioner, on his own initiative or on the petition of any interested person, pursuant to Part 2 of this chapter, may propose an interim food additive regulation. A final order promulgating an interim food additive regulation shall provide that continued use of the substance in food is subject to each of the following conditions:

PART 202—PRESCRIPTION DRUG ADVERTISING

27. In Part 202, by adding a new paragraph (j) (5) to § 202.1 to read as follows:

§ 202.1 Prescription-drug advertisements.

(j) . . .  
(5) The sponsor shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter with respect to any determination that prior approval is required for advertisements concerning a particular prescription drug, or that a particular advertisement is not approvable.

PART 310—NEW DRUGS

28. In Part 310, by revising § 310.200 (b) to read as follows:

§ 310.200 Prescription-exemption procedure.

(b) Prescription-exemption procedure for drugs limited by a new drug application. Any drug limited to prescription use under section 503(b) (1) (C) of the act shall be exempted from prescription-dispensing requirements when the Commissioner finds such requirements are not necessary for the protection of the public health by reason of the drug's toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, and he finds that the drug is safe and effective for use in self-medication as directed in proposed labeling. A proposal to exempt a drug from the prescription-dispensing requirements of section 503(b) (1) (C) of the act may be initiated

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by the Commissioner or by any interested person. Any interested person may file a petition seeking such exemption, which petition may be pursuant to Part 2 of this chapter, or in the form of a supplement to an approved new drug application.

29. By revising § 310.303(b) to read as follows:

§ 310.303 Continuation of long term studies, records, and reports on certain drugs for which new drug applications have been approved.

(b) A proposal to require additional or continued studies with a drug for which a new drug application has been approved may be made by the Commissioner on his own initiative or on the petition of any interested person, pursuant to Part 2 of this chapter. Prior to issuance of such a proposal, the applicant will be provided an opportunity for a conference with representatives of the Food and Drug Administration. When appropriate, investigators or other individuals may be invited to participate in the conference. All requirements for special studies, records, and reports will be published in § 310.304.

PART 312—NEW DRUGS FOR INVESTIGATIONAL USE

30. In Part 312, by revising § 312.1 (c) (1) and (4), (d), and (g) to read as follows:

§ 312.1 Conditions for exemption of new drugs for investigational use.

(c) (1) Whenever the Food and Drug Administration has information indicating that an investigator has repeatedly or deliberately failed to comply with the conditions of these exempting regulations outlined in Form FD-1572 or FD-1573, set forth in paragraph (a) (12) and (13) of this section, or has submitted to the sponsor of the investigation false information in his Form FD-1572 or FD-1573 or in any required report, the Director, Bureau of Drugs, will furnish the investigator written notice of the matter complained of in general terms and offer him an opportunity to explain the matter in an informal conference and/or in writing. If an explanation is offered but not accepted by the Bureau of Drugs, the investigator shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter, on the question of whether the investigator is entitled to receive investigational new drugs.

(4) If the Commissioner determines, after the unreliable data submitted by the investigator are eliminated from consideration, that the data remaining are inadequate to support a conclusion that it is reasonably safe to continue the investigation, he will notify the sponsor who shall have an opportunity for a regulatory hearing before the Food and

Drug Administration pursuant to Subpart F of Part 2 of this chapter. If a danger to the public health exists, however, he shall terminate the exemption forthwith and notify the sponsor of the termination. In such event the sponsor shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter on the question of whether the exemption should be reinstated.

(d) If the Director, Bureau of Drugs, finds that:

(1) The submitted "Notice of claimed investigational exemption for a new drug" contains an untrue statement of a material fact or omits material information required by said notice; or

(2) The results of prior investigations made with the drug are inadequate to support a conclusion that it is reasonably safe to initiate or continue the intended clinical investigations with the drug; or

(3) There is substantial evidence to show that the drug is unsafe for the purposes and in the manner for which it is offered for investigational use; or

(4) There is convincing evidence that the drug is ineffective for the purposes for which it is offered for investigational use; or

(5) The methods, facilities, and controls used for the manufacturing, processing, and packing of the investigational drug are inadequate to establish and maintain appropriate standards of identity, strength, quality, and purity as needed for safety and to give significance to clinical investigations made with the drug; or

(6) The plan for clinical investigations of the drugs described under section 10 of the "Notice of claimed investigational exemption for a new drug" is not a reasonable plan in whole or in part, solely for a bona fide scientific investigation to determine whether or not the drug is safe and effective for use; or

(7) The clinical investigations are not being conducted in accordance with the plan submitted in the "Notice of claimed investigational exemption for a new drug"; or

(8) The drug is not intended solely for investigational use, since it is being or is to be sold or otherwise distributed for commercial purposes not justified by the requirements of the investigation; or

(9) The labeling or other informational material submitted for the drug as required by section 7 of the "Notice of claimed investigational exemption for a new drug" or any other labeling of the drug disseminated within the United States by or on behalf of the sponsor fails to contain an accurate description of prior investigations or experience and their results pertinent to the safety and possible usefulness of the drug, including all relevant hazards, contraindications, side-effects, and precautions; or any promotional materials disseminated within the United States by or on behalf of the sponsor contains any representation or suggestion that the drug is safe or that

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its usefulness has been established for

31. By revising § 312.9(c) (2) to read as follows:

elects to avail himself of the opportunity for a hearing. The failure to file such a

for hearing, shall be listed. A copy of the complete protocol, a list of the participant

tion and any deficiencies noted are immediately corrected upon request.

hearing pursuant to paragraph (c) (1) (i) of this section and supported by a submission pursuant to paragraph (c)



its usefulness has been established for the purposes for which it is offered for investigations; or

(10) The sponsor fails to submit accurate reports of the progress of the investigations with significant findings at intervals not exceeding 1 year; or

(11) The sponsor fails promptly to investigate and inform the Food and Drug Administration and all investigators of newly found serious or potentially serious hazards, contraindications, side-effects, and precautions pertinent to the safety of the new drug; he shall notify the sponsor and invite his immediate correction or explanation. A conference will be arranged with the Bureau of Drugs if requested. If the Bureau of Drugs does not accept the explanation or the correction submitted by the sponsor, the sponsor shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter on the question of whether his exemption should be terminated. Such hearing shall be requested within 10 days after receipt of notification that the explanation or correction is not acceptable. After evaluating all the available information including any explanation and/or correction submitted by the sponsor, if the Commissioner determines that the exemption should be terminated he shall notify the sponsor of the termination of the exemption and the sponsor shall recall unused supplies of the drug. If at any time the Commissioner concludes that continuation of the investigation presents a danger to the public health, he shall terminate the exemption forthwith and notify the sponsor of the termination. The Commissioner will inform the sponsor that the exemption is subject to reinstatement on the basis of additional submissions that eliminate such danger and will afford the sponsor an opportunity for a regulatory hearing before the Commissioner pursuant to Subpart F of Part 2 of this chapter on the question of whether the exemption should be reinstated. The sponsor shall recall the unused supplies of the drug upon notification of the termination.

(g) A "Notice of Claimed Investigational Exemption for a New Drug" which pertains to a product subject to the licensing provisions of the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended; 42 U.S.C. 201 et seq.), shall be submitted initially to the Director, Bureau of Biologics, 8800 Rockville Pike, Bethesda, MD 20814. Amendments of or supplements to such notice, and progress reports, consultations, or other communications with regard to the investigation, shall be directed to the Bureau of Biologics, which monitors the development of biological products subject to license under section 351 of the Public Health Service Act. A sponsor for a "Notice of Claimed Investigational Exemption for a New Drug" pertaining to such biologic shall substitute in reading this § 312.1 "Bureau of Biologics" for "Bureau of Drugs," wherever it appears.

31. By revising § 312.9(c)(2) to read as follows:

§ 312.9 New drugs for investigational use in laboratory research animals or in vitro tests.

(2) The continuance of the investigation is unsafe or otherwise contrary to the public interest or the drug is used for purposes other than bona fide scientific investigation. He shall notify the sponsor and invite his immediate correction. If the conditions of the exemption are not immediately met, the sponsor shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter. If the exemption is terminated, the sponsor shall recall or have destroyed the unused supplies of the drug.

#### PART 314—NEW DRUG APPLICATIONS

32. In Part 314, by revising the introductory paragraph of § 314.115 to read as follows:

§ 314.115 Withdrawal of approval of an application.

The Commissioner shall notify the person holding an approved new drug application, and all other persons who manufacture or distribute identical, related, or similar drug products as defined in § 310.6 of this chapter, and afford an opportunity for a hearing on a proposal to withdraw approval of the application as provided in section 505(e) of the act and in accordance with the procedure in §§ 314.200 and 314.201. If:

32a. By revising § 314.200 to read as follows:

§ 314.200 Notice of opportunity for hearing; notice of appearance and request for hearing; grant or denial of hearing.

(a) The notice to the applicant, and to all other persons who manufacture or distribute identical, related, or similar drug products as defined in § 310.6 of this chapter, of an opportunity for a hearing on a proposal by the Director of the Bureau of Drugs to refuse to approve an application or to withdraw the approval of an application will state the reasons for his action and the grounds upon which he proposes to issue his order.

(1) Such notice may be general (i.e., simply summarizing in a general way the information resulting in the notice) or specific (i.e., either referring to specific requirements in the statute and regulations with which there is a lack of compliance, or providing a detailed description and analysis of the specific facts resulting in the notice).

(2) The notice will be published in the FEDERAL REGISTER and will state that the applicant, and other persons subject to the notice pursuant to § 310.6 of this chapter, has 30 days after the date of publication of the notice within which he is required to file a written notice of appearance and request for hearing if he

elects to avail himself of the opportunity for a hearing. The failure to file such a written notice of appearance and request for hearing within that 30 days constitutes an election by the applicant, and other persons subject to the notice pursuant to § 310.6 of this chapter, not to avail himself of the opportunity for a hearing.

(3) It is the responsibility of every manufacturer or distributor of a drug product to review every notice of opportunity for hearing published in the FEDERAL REGISTER to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of such a notice to a specific product he manufactures or distributes that may be identical, related, or similar by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance, HFD-310, 5600 Fishers Lane, Rockville, MD 20852. If such an opinion is requested, the time for filing an appearance and request for hearing and supporting studies and analyses shall begin as of the date of receipt of the opinion from the Food and Drug Administration.

(b) The notice of opportunity for hearing shall be provided to applicants and to other persons subject to the notice pursuant to § 310.6 of this chapter:

(1) To any person who has submitted a new drug application, by delivering the notice in person or by sending it by registered or certified mail to the last address shown in the new drug application.

(2) To any person who has not submitted a new drug application but who is subject to the notice pursuant to § 310.6 of this chapter, by publication of the notice in the FEDERAL REGISTER.

(c) (1) If the applicant, or any other person subject to the notice pursuant to § 310.6 of this chapter, elects to avail himself of the opportunity for a hearing, he shall file with the Hearing Clerk (1) within 30 days after the date of the publication of the notice (or of the date of receipt of an opinion requested pursuant to paragraph (a)(3) of this section) a written notice of appearance and request for hearing, and (ii) within 60 days after the date of publication of the notice, unless a different period of time is specified in the notice of opportunity for hearing, the studies on which he relies to justify a hearing as specified in paragraph (d) of this section. The raw data underlying a study submitted may be incorporated by reference from a prior submission as part of a new drug application or other report.

(2) No data or analysis submitted after such 60 days will be considered in determining whether a hearing is warranted unless they are derived from well-controlled studies begun prior to the date of the notice of opportunity for hearing, the results of which were not in existence during that 60 days. Exceptions may be made on the basis of a showing of inadvertent omission and hardship. All studies in progress, the results of which the person requesting the hearing intends later to submit in support of the request

for hearing, shall be listed. A copy of the complete protocol, a list of the participating investigators, and a brief status report of the studies shall be included in the submission made pursuant to paragraph (c)(1)(ii) of this section.

(3) Any other interested person who is not subject to the notice of opportunity for hearing may also submit comments on the proposal to withdraw approval of the new drug application. Such comments shall be submitted within the time and pursuant to the requirements specified in this section.

(d) A request for hearing shall be supported by a submission as specified in paragraph (c)(1)(ii) of this section containing the studies (including all protocols and underlying raw data) on which the person relies to justify a hearing with respect to his drug product.

(1) If effectiveness is at issue, a request for hearing shall be supported only by adequate and well-controlled clinical studies meeting all of the precise requirements of § 314.111(a)(5) and, for combination drug products, § 300.50 of this chapter, or by other studies not meeting those requirements for which a waiver has been previously granted by the Food and Drug Administration pursuant to the provisions of § 314.111(a)(5). All adequate and well-controlled clinical studies on the drug product known to the person requesting the hearing shall be submitted. Any unfavorable analyses, views, or judgments with respect to such studies known to such person shall also be submitted. No other data, information, or studies shall be submitted.

(2) Such submission shall include a factual analysis of all studies submitted. If effectiveness is at issue, such analysis shall specify how each study accords, on a point-by-point basis, with each criterion required for an adequate well-controlled clinical investigation established in § 314.111(a)(5) and, if the product is a combination drug product, with each of the requirements for a combination drug established in § 300.50 of this chapter, or shall be accompanied by an appropriate waiver previously granted by the Food and Drug Administration. If a study deals with a drug entity or dosage form, or condition of use, or mode of administration other than the one(s) in question, such fact(s) shall be clearly stated. Any study conducted on the final marketed form of the drug product shall be so designated.

(3) Such analysis shall be submitted in the following format, except that the required information relating either to safety or to effectiveness shall be omitted if the notice of opportunity for hearing does not raise any issue with respect to that aspect of the drug; and information on compliance with § 300.50 shall be omitted if the drug product is not a combination drug product. Submissions not made in this format or not containing the required analyses will not be considered and will result in denial of a hearing, except that minor technical deficiencies may be excused if it is apparent that a good faith attempt has been made to comply with the requirements of this section

tion and any deficiencies noted are immediately corrected upon request.

I. Safety data.  
A. Animal safety data.  
1. Individual active component(s).  
a. Controlled studies.  
b. Partially controlled or uncontrolled studies.  
2. Combinations of the individual active components.  
a. Controlled studies.  
b. Partially controlled or uncontrolled studies.  
B. Human safety data.  
1. Individual active component(s).  
a. Controlled studies.  
b. Partially controlled or uncontrolled studies.  
C. Documented case reports.

D. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.  
2. Combinations of the individual active components.  
a. Controlled studies.  
b. Partially controlled or uncontrolled studies.  
C. Documented case reports.

D. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.  
II. Effectiveness data.  
A. Individual active components: Controlled studies, with an analysis showing clearly how each study satisfies, on a point-by-point basis, each of the criteria required by § 314.111(a)(5).

B. Combinations of individual active components.  
1. Controlled studies, with an analysis showing clearly how such study satisfies, on a point-by-point basis, each of the criteria required by § 314.111(a)(5).  
2. An analysis showing clearly how each requirement of § 300.50 of this chapter has been satisfied.

III. A summary of the data and views setting forth the medical rationale and purpose for the drug and its ingredients and the scientific basis for the conclusion that the drug and its ingredients have been proven safe and/or effective for the intended use. If there is an absence of controlled studies in the material submitted, or the requirements of any element of § 300.50 of this chapter or § 314.111(a)(5) have not been fully met, such fact(s) shall be clearly stated, and a waiver obtained pursuant to § 314.111(a)(1) shall be enclosed.

IV. A statement signed by the person responsible for such submission, that it includes in full (or incorporates by reference as permitted in § 314.200(c)(2)) all studies and information specified in § 314.200(d). (Warning: A willfully false statement is a criminal offense, 18 U.S.C. 1001).

(e) A notice of opportunity for hearing encompasses all issues relating to the legal status of the drug product(s) subject to it, including identical, related, and similar drug products as defined in § 310.6 of this chapter. Any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act, or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, or for any other reason shall be stated in a notice of appearance and request for

hearing pursuant to paragraph (c)(1)(i) of this section and supported by a submission pursuant to paragraph (c)(1)(ii) of this section and shall be the subject of an administrative determination by the Commissioner. The failure of any person subject to a notice of opportunity for a hearing, including any person who manufactures or distributes an identical, related, or similar drug product as defined in § 310.6 of this chapter, to submit a notice of appearance and request for hearing or to raise all such contentions on which he relies shall constitute a waiver of any such contentions not so raised.

(1) A contention that a drug product is generally recognized as safe and effective within the meaning of section 201(p) of the act must be supported by submission of the same quantity and quality of scientific evidence as is required to obtain approval of a new drug application for the product, unless a waiver has been obtained from such requirement for effectiveness (as provided in § 314.111(a)(5)) and/or safety for good cause shown. Such submission shall be in the format and with the analyses required by paragraph (d) of this section. The failure to submit such scientific evidence or a submission that is not in the format or does not contain the analyses required by paragraph (d) of this section shall constitute a waiver of any such contention. General recognition of safety and effectiveness shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data and information.

(2) A contention that a drug product is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938 contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, shall be supported by submission of evidence of past and present quantitative formulas, labeling, and evidence of marketing, on which reliance is made for such contention. The failure to submit such formulas, labeling, and evidence of marketing in the following format shall constitute a waiver of any such contention.

#### I. Formulation.

A. A copy of each pertinent document or record to establish the exact quantitative formulation of the drug (both active and inactive ingredients) on the date of initial marketing of the drug.

B. A statement whether such formulation has at any subsequent time been changed in any manner. If any such change has been made, the exact date, nature, and rationale for each change in formulation, including any deletion or change in the concentration of any active ingredient and/or inactive ingredient, shall be submitted, together with a copy of each pertinent document or record to establish the date and nature of each such change including but not limited to the formula which resulted from each such change. If no such change has been made, a copy of representative documents or records showing the formula at representative points in time shall be submitted to support the statement.

#### II. Labeling.



A. A copy of each pertinent document or record to establish the identity of each item of written, printed, or graphic matter used as labeling on the date the drug was initially marketed.

B. A statement whether such labeling has at any subsequent time been discontinued or changed in any manner. If such discontinuance or change has been made, the exact date, nature, and rationale for each such discontinuance or change shall be submitted, including but not limited to the labeling which resulted from each such discontinuance or change. If no such discontinuance or change has been made, a copy of representative documents or records showing labeling at representative points in time shall be submitted to support the statement.

#### III. Marketing.

A. A copy of each pertinent document or record to establish the exact date the drug was initially marketed.

B. A statement whether such marketing has at any subsequent time been discontinued. If such marketing has been discontinued, the exact date of each such discontinuance shall be submitted, together with a copy of each pertinent document or record to establish each such date.

#### IV. Verification.

A statement signed by the person responsible for such submission, that all appropriate records have been searched and to the best of his knowledge and belief it includes a true and accurate presentation of the facts (Warning: A willfully false statement is a criminal offense, 18 U.S.C. 1001).

(3) No drug product, including any active ingredient, which is identical, related, or similar, as defined in § 310.6, to a drug product, including any active ingredient for which a new drug application is or at any time has been effective or deemed approved, or approved under section 505 of the act, will be determined to be exempt from part or all of the new drug provisions of the act.

(4) A contention that a drug product is not a new drug for any other reason must be supported by submission of such factual records, data, and information as is necessary and appropriate to support such contention.

(5) It is the responsibility of every person who manufactures or distributes a drug product in reliance upon a "grandfather" provision(s) of the act to maintain in his files, organized as required by this paragraph, the data and information necessary fully to document and support such status.

(f) Upon receipt of any request for hearing, the Director of the Bureau of Drugs shall prepare an analysis of the request and a proposed order ruling upon the matter. The analysis and proposed order, the request for hearing, and any proposed order denying a hearing and response pursuant to paragraph (g) (2) or (3) of this section, shall be submitted to the office of the Commissioner for independent review and decision. No representative of the Bureau of Drugs shall participate or advise in the review and decision by the Commissioner. The office of the General Counsel shall observe the same separation of functions.

(g) A request for a hearing may not rest upon mere allegations or denials,

but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing with respect to the particular drug product(s) specified in the request for hearing.

(1) Where a specific notice of opportunity for hearing (as defined in paragraph (a) (1) of this section) is used, it shall state that, if it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the refusal to approve the application or the withdrawal of approval of the application, e.g., no adequate and well-controlled clinical investigations meeting each of the precise elements of § 314.111(a) (5) and, for a combination drug product, § 300.50 of this chapter, showing effectiveness have been identified, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing. Any such order entering summary judgment shall set forth the Commissioner's findings and conclusions in detail and shall specify why each study submitted fails to meet the requirements of the statute and regulations or why the request for hearing does not raise a genuine and substantial issue of fact or shall specify the requirements of this section with respect to format or analyses with which there is a lack of compliance.

(2) Where a general notice of opportunity for hearing (as defined in paragraph (a) (1) of this section) is used and the Director of the Bureau of Drugs concludes that summary judgment against the person(s) requesting a hearing should be considered, he shall serve upon such person(s) by registered mail a proposed order denying a hearing. Such person(s) shall have 60 days after receipt of such proposed order to respond with sufficient data, information, and analyses to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing.

(3) Where a general or specific notice of opportunity for hearing is used and the person(s) requesting a hearing submits data or information of a type required by the statute and regulations, and the Director of the Bureau of Drugs concludes that summary judgment against such person(s) should be considered, he shall serve upon such person(s) by registered mail a proposed order denying a hearing. Such person(s) shall have 60 days after receipt of such proposed order to respond with sufficient data, information, and analyses to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing.

(4) If review of the data, information, and analyses submitted warrants the conclusion that the ground(s) cited in the notice are not valid, e.g., that substantial evidence of effectiveness exists, the Commissioner shall deny the hearing, enter summary judgment for the person(s) requesting the hearing, and

rescind the notice of opportunity for hearing.

(5) If a hearing is requested and is justified the hearing will commence no more than 90 days after the expiration of such 30 days unless the parties otherwise agree in the case of denial of approval, and as soon as practicable in the case of withdrawal of approval.

(6) A hearing shall be granted if there exists a genuine and substantial issue of fact or if the Commissioner concludes, in his discretion, that a hearing would otherwise be in the public interest.

(7) If the manufacturer or distributor of a drug product that may be an identical, related, or similar drug product requests and is granted a hearing, the issue whether the product is in fact identical, related, or similar to the drug subject to new drug application is properly encompassed within the hearing.

(8) A request for hearing, and any subsequent grant or denial of a hearing, shall be applicable only to the particular drug product(s) named in such documents.

(h) Any drug product subject to a notice of opportunity for hearing, including any identical, related, or similar drug product as defined in § 310.6 of this chapter, for which an opportunity for a hearing is waived or for which a hearing is denied shall promptly be the subject of a notice withdrawing the new drug application approval and declaring all such products unlawful. The Commissioner may, in his discretion, defer or stay such action pending a ruling on any related request for a hearing or pending any related hearing or other administrative or judicial proceeding.

33. By adding a new § 314.201 to read as follows:

#### § 314.201 Procedure for hearings.

Hearings relating to new drugs under section 505 (d) and (e) of the act shall be governed by Part 2 of this chapter.

§§ 314.202, 314.203, 314.204, 314.205, 314.206, 314.220, 314.221, 314.222, 314.230, 314.231, 314.232 [Revoked].

34. By revoking §§ 314.202, 314.203, 314.204, 314.205, 314.206, 314.220, 314.221, 314.222, 314.230, 314.231 and 314.232.

35. By revising § 314.235 to read as follows:

#### § 314.235 Judicial review.

(a) The transcript and record shall be certified by the Commissioner. In any case in which the Commissioner enters an order without a hearing pursuant to § 314.200(g), the requests for hearing together with the data and information submitted and the Commissioner's findings and conclusions shall be included in the record certified by the Commissioner.

(b) Judicial review of an order withdrawing approval of a new drug application, whether or not a hearing has been held, may be sought by a manufacturer or distributor of an identical, related, or similar drug product, as defined in § 310.6 of this chapter, in a United States court of appeals pursuant to section 505 (h) of the act.

#### PART 328—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

36. In Part 328, by revising § 328.30 (a) to read as follows:

§ 328.30 Procedure for establishing, amending or repealing standards.

(a) *Basis for standards and available approaches to developing standards.* Whenever in the judgment of the Commissioner the establishment of a product class standard is necessary to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of an in vitro diagnostic product and there are no other more practicable means to protect the public from such risk, he may propose such a standard. In proposing a product class standard he shall consider, and publish in the FEDERAL REGISTER findings on, the degree of risk or injury associated with the use of the product, the availability of information relating to the sciences upon which the products or their uses are based, the approximate number of products subject to the standard, the medical need for the products, and the probable effect of the standard upon the utility, cost, or availability of the product, and available means of achieving the objective of the standard with a minimal disruption of supply and of reasonable manufacturing and other commercial practices. Three procedures are available for developing product class standards and may be proposed on the initiative of the Commissioner or by petition of interested persons, pursuant to Part 2 of this chapter:

(1) An existing standard may be utilized, (2) interested persons outside of the Food and Drug Administration may develop a proposed standard or (3) the Food and Drug Administration may develop the standard.

(1) An existing standard may be utilized, (2) interested persons outside of the Food and Drug Administration may develop a proposed standard or (3) the Food and Drug Administration may develop the standard.

#### PART 330—OVER-THE-COUNTER (OTC) HUMAN DRUGS WHICH ARE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

37. In Part 330, by revising § 330.10 (a) (12) to read as follows:

§ 330.10 Procedures for classifying OTC drugs as generally recognized as safe and effective and not misbranded, and for establishing monographs.

(a) . . .

(12) *Amendment of monographs.* The Commissioner may propose on his own initiative to amend or repeal any monograph established pursuant to this section. Any interested person may petition the Commissioner for such proposal, pursuant to Part 2 of this chapter. The Commissioner may deny the petition if he finds a lack of safety or effectiveness employing the standards in paragraph (a) (4) of this section (in which case the appeal provisions of paragraph (a) (11) of this section shall apply) or he may issue a proposed amendment or repeal in the FEDERAL REGISTER if he finds general recognition of safety and effectiveness employing the standards in paragraph (a) (4) of this section (in which case the appeal provisions of paragraph (a) (11) of this section shall apply).

graph (a) (4) of this section (in which case the provisions of paragraph (a) (6), (7), (8), and (9) of this section shall apply). A new drug application may be submitted in lieu of or in addition to a petition under this paragraph.

#### PART 429—DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

38. In Part 429, by revising § 429.50 to read as follows:

#### § 429.50 Hearing procedure.

Hearings pursuant to § 429.47 shall be governed by Subpart F of Part 2 of this chapter.

#### PART 430—ANTIBIOTIC DRUGS: GENERAL

39. In Part 430, by revising § 430.20 to read as follows:

§ 430.20 Procedure for the issuance, amendment, or repeal of regulations.

(a) The procedures for the issuance, amendment, or repeal of regulations under section 507 of the act shall be governed by Part 2 of this chapter.

(b) (1) The Commissioner, on his own initiative or on the application or request of any interested person, may publish in the FEDERAL REGISTER a notice of proposed rule making and order to issue, amend, or repeal any regulation contemplated by section 507 of the act. Such notice and order may be general (i.e., simply summarizing in a general way the information resulting in the notice and order) or specific (i.e., either referring to specific requirements in the statute and regulations with which there is a lack of compliance, or providing a detailed description and analysis of the specific facts resulting in the notice and order).

(2) An opportunity shall be given for interested persons to submit written comments and to request an informal conference on the proposal, unless such notice and opportunity for comment and informal conference have already been provided in connection with the announcement of the reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, to persons who will be adversely affected, or as provided in §§ 2.10(e) or 2.110(b) (2) of this chapter. The time for requesting an informal conference shall be 30 days unless otherwise specified in the notice of proposed rule making. If an informal conference is requested and granted, those persons participating in the conference shall be provided an additional 30 days for comment, beginning the date of the conference, unless otherwise specified in the proposal.

(3) It is the responsibility of every manufacturer or distributor of an antibiotic drug product to review every proposal published in the FEDERAL REGISTER to determine whether it covers any product he manufactures or distributes.

(4) After considering the written comments, the results of any conference, and the data available, the Commissioner will publish an order in the FEDERAL REGISTER

acting on the proposal, with opportunity for any person who will be adversely affected to file objections, to request a hearing, and to show reasonable grounds for the hearing. Any such person who elects to avail himself of the opportunity for a hearing shall file with the Hearing Clerk (i) within 30 days after the date of publication of the order a written notice of appearance and request for hearing, and (ii) within 60 days after the date of publication of the order, unless a different period of time is specified in the order, the studies on which he relies to justify a hearing as specified in paragraph (b) (6) of this section. The raw data underlying a study submitted may be incorporated by reference from a prior submission as part of an antibiotic application, or other applications or reports.

(5) No data or analysis submitted after such 60 days will be considered in determining whether a hearing is warranted unless they are derived from well-controlled studies begun prior to the date of the order, the results of which were not in existence during that 60 days. Exceptions may be made on the basis of a showing of inadvertent omission and hardship. All studies in progress, the results of which the person requesting the hearing intends later to submit in support of the request for hearing, shall be listed. A copy of the complete protocol, a list of the participating investigators, and a brief status report of the studies shall be included in the submission made pursuant to paragraph (b) (4) (ii) of this section.

(6) A request for hearing shall be supported by a submission as specified in § 314.200(c) (1) (ii) of this chapter containing the studies (including all underlying raw data) on which the person relies to justify a hearing with respect to his drug product.

(i) If effectiveness is at issue, a request for hearing shall be supported only by adequate and well-controlled clinical studies meeting all of the precise requirements of § 314.111(a) (5) of this chapter and, for combination drug products, § 300.50 of this chapter, or by other studies not meeting those requirements for which a waiver has been previously granted by the Food and Drug Administration pursuant to the provisions of § 314.111(a) (5) of this chapter. All adequate and well-controlled clinical studies on the drug product known to the person requesting the hearing shall be submitted. Any unfavorable analyses, views, or judgments with respect to such studies known to such person shall also be submitted. No other data, information, or studies shall be submitted.

(ii) Such submission shall include a factual analysis of all studies submitted. If effectiveness is at issue, such analysis shall specify how each such study accords, on a point-by-point basis, with each criterion required for an adequate and well-controlled clinical investigation established in § 314.111(a) (5) of this chapter and, if the product is a combination drug product, with each of the requirements for a combination drug es-

established in § 300.50 of this chapter, or requirements of any element of § 300.50 of this chapter, shall be submitted to the Commissioner, together with a copy of each pertinent document or record to establish each such date.

other antibiotic drug, or any derivative thereof intended for use by man shall be submitted to the Commissioner, together with a copy of each pertinent document or record to establish each such date.

§ 433.12 Exemption for labeling.

ment of a material fact or that any provision of any such agreement has been



established in § 300.50 of this chapter, or shall be accompanied by an appropriate waiver previously granted by the Food and Drug Administration. If a study deals with a drug entity or dosage form, or condition of use, or mode of administration other than the one(s) in question, such fact(s) shall be clearly stated. Any study conducted on the final marketed form of the drug product shall be so designated.

(iii) Such analysis shall be submitted in the following format, except that information relating to safety or effectiveness shall be omitted if the order does not raise any issue with respect to that aspect of the drug; and information on compliance with § 300.50 of this chapter shall be omitted if the drug product is not a combination drug product. Submissions not made in this format or not containing the required analyses will not be considered and will result in denial of hearing, except that minor technical deficiencies may be excused if it is apparent that a good faith attempt has been made to comply with the requirements of this section and any deficiencies noted are immediately corrected upon request.

#### I. Safety data.

##### A. Animal safety data.

##### 1. Individual active component(s).

##### a. Controlled studies.

##### b. Partially controlled or uncontrolled studies.

##### 2. Combinations of the individual active components.

##### a. Controlled studies.

##### b. Partially controlled or uncontrolled studies.

##### B. Human safety data.

##### 1. Individual active component(s).

##### a. Controlled studies.

##### b. Partially controlled or uncontrolled studies.

##### c. Documented case reports.

##### d. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.

##### 2. Combinations of the individual active components.

##### a. Controlled studies.

##### b. Partially controlled or uncontrolled studies.

##### c. Documented case reports.

##### d. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.

#### II. Effectiveness data.

##### A. Individual active components: Controlled studies, with an analysis showing clearly how each study satisfies, on a point-by-point basis, each of the criteria required by § 314.111(a)(5) of this chapter.

##### B. Combinations of individual active components.

##### 1. Controlled studies with an analysis showing clearly how each study satisfies, on a point-by-point basis, each of the criteria required by § 314.111(a)(5) of this chapter.

##### 2. An analysis showing clearly how each requirement of § 300.50 of this chapter has been satisfied.

##### III. A summary of the data and views setting forth the medical rationale and purpose for the drug and its ingredients and the scientific basis for the conclusion that the drug and its ingredients have been proven safe and/or effective for the intended use. If there is an absence of controlled studies in the material submitted, or the re-

quirements of any element of § 300.50 of this chapter or § 314.111(a)(5) of this chapter have not been fully met, such fact(s) shall be clearly stated, and a waiver obtained pursuant to § 314.111(a)(5) of this chapter shall be enclosed.

IV. A statement signed by the person responsible for such submission, that it includes in full (or incorporates by reference as permitted in § 430.20(b)(4)) all studies and information specified in § 430.20(b). (Warning: A willfully false statement is a criminal offense, 18 U.S.C. 1001.)

(7) Upon receipt of any request for hearing, the Director of the Bureau of Drugs shall prepare an analysis of the request and a proposed order ruling upon the matter. The analysis and proposed order, the request for hearing, and any proposed order denying a hearing and response pursuant to paragraph (b)(8)(i) or (ii) of this section, shall be submitted to the office of the Commissioner for independent review and decision. No representative of the Bureau of Drugs shall participate or advise in the review and decision by the Commissioner. The office of the General Counsel shall observe the same separation of functions.

(8) A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact with respect to the particular drug product(s) which is specified in the request for hearing that requires a hearing.

(i) Where a specific proposal or order (as defined in paragraph (b)(1) of this section) is used, the order published in the FEDERAL REGISTER shall state that, if it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact which precludes the action taken on the proposal, e.g., no adequate and well-controlled clinical investigations meeting each of the precise elements of § 314.111(a)(5) of this chapter and, for a combination drug product, § 300.50 of this chapter, showing effectiveness have been identified, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests a hearing, making findings and conclusions, denying a hearing. Any such order entering summary judgment shall set forth the Commissioner's findings and conclusions in detail and shall specify why each study submitted fails to meet the requirements of the statute and regulations or why the request for hearing otherwise does not raise a genuine and substantial issue of fact or shall specify the requirements of this paragraph with respect to format or analyses with which there is a lack of compliance.

(ii) Where a general notice or order (as defined in paragraph (b)(1) of this section) is used and the Director of the Bureau of Drugs concludes that summary judgment against the person(s) requesting a hearing should be considered, he shall serve upon such person(s) by registered mail a proposed order denying a hearing. Such person(s) shall have 60

days after receipt of such proposed order to respond with sufficient data, information and analyses to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing.

(iii) Where a general or specific notice or order is used and the person(s) requesting a hearing submits data or information of a type required by the statute and regulations, and the Director of the Bureau of Drugs concludes that summary judgment against such person(s) should be considered, he shall serve upon such person(s) by registered mail a proposed order denying a hearing. Such person(s) shall have 60 days after receipt of such proposed order to respond with sufficient data, information, and analyses to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing.

(iv) If review of the data, information, and analyses submitted warrants the conclusion that the basis for the order is not valid, e.g., that substantial evidence of effectiveness exists, the Commissioner shall deny the hearing, enter summary judgment for the person(s) requesting the hearing, and revoke the order. If a hearing is not requested, the order will become effective as published.

(v) If a hearing is requested and justified, the provisions of Part 2 of this chapter shall apply to such hearing.

(vi) A hearing shall be granted if there exists a genuine and substantial issue of fact or if the Commissioner concludes, in his discretion, that a hearing would otherwise be in the public interest.

(9) The repeal of any regulation constitutes a revocation of all outstanding certificates based upon such regulation. However, the Commissioner may, in his discretion, defer or stay such action pending a ruling on any related request for a hearing or pending any related hearing or other administrative or judicial proceeding.

(c) Whenever any interested person submits an application or request pursuant to provisions of section 507 of the act, or regulations promulgated thereunder, which application or request contemplates the issuance, amendment, or repeal of any regulation, and such person has been informed in writing that such application or request is not approvable, or whenever such person has received no written communication advising whether or not such application is approvable by the 180th day after its submission, such interested person may file a petition proposing the issuance, amendment, or repeal of such regulation under the provisions of section 507(f) of the act and Part 2 of this chapter. The Commissioner shall cause the regulation proposed in such petition to be published in the FEDERAL REGISTER within 60 days of the receipt of an acceptable petition and further proceedings shall be in accord with the provisions of sections 507(f) and 701(f) and (g) of the act and Part 2 of this chapter.

(d)(1) No regulation providing for the certification of any batch of any drug composed wholly or in part of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any

other antibiotic drug, or any derivative thereof, intended for use by man shall be promulgated and no existing regulation will be continued in effect unless it is established by substantial evidence that the drug will have such characteristics of identity, strength, quality, and purity necessary to adequately insure safety and efficacy of use. "Substantial evidence" has been defined by Congress to mean "evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effectiveness it purports and is represented to have under the conditions prescribed, recommended or suggested in the labeling thereof." This definition is made applicable to a number of antibiotic drugs by section 507(h) of the act and it is the test of efficacy that will be applied in promulgating, amending, or repealing regulations for the certification of all antibiotics under section 507(a) of the act as well.

(2) The scientific essentials of an adequate and well-controlled clinical investigation are described in § 314.111(a)(5) of this chapter.

#### PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

40. In Part 431, by revising § 431.52 to read as follows:

##### § 431.52 Hearings.

Any person who contests the suspension of certification service under § 431.51 shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

#### PART 433—EXEMPTIONS FROM ANTI-BIOTIC CERTIFICATION AND LABELING REQUIREMENTS

41. In Part 433, by revising § 433.2 (c) and (d) to read as follows:

##### § 433.2 Conditions on the effectiveness of exemptions from certification.

(c) If the Commissioner repeals or suspends an exemption for an antibiotic drug, the approved new drug application, or an exemption from batch certification requirements, a notice to that effect and the reasons therefor will be published in the FEDERAL REGISTER.

(d) Any person who contests the revocation or suspension or denial of reinstatement of an exemption shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

42. By revising § 433.12(b)(4) and adding a paragraph (b)(5) to read as follows:

##### § 433.12 Exemption for labeling.

(b) \* \* \*

(4) When the Commissioner finds that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(5) Any person who contests the denial or revocation of a permit shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

43. By revising § 433.13(b) to read as follows:

##### § 433.13 Exemption for manufacturing use.

(b) An application for such a permit shall be in a form specified by the Commissioner, shall give the name and location of the establishment in which such drug is to be used and shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for the manufacture of such other drug; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof and showing the quantity and batch mark of each batch of such other drug manufactured by him and the disposition thereof; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after its manufacture is completed that he will request certification of each batch thereof unless it is exempt under section 801(d) of the act or §§ 433.12, 433.14, 433.16, or 433.17, and that he will not remove any of such drug from such establishment unless it complies with section 502(1) of the act or the certification requirements of section 512(n) of the act or is so exempt or is returned to him for labeling.

When the Commissioner finds that such application contains any untrue state-

ment of a material fact or that any provision of any such agreement has been violated, he may revoke such permit. Any person who contests the denial or revocation of a permit shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

44. By revising § 433.14(b) to read as follows:

##### § 433.14 Exemption for storage.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the warehouse in which such drug is to be stored. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will request certification of each batch thereof unless it is exempt under section 801(d) of the act or §§ 433.12, 433.13, or 433.16, that he will not remove any of such drug from such warehouse unless it complies with section 502(1) of the act or the certification requirements of section 512(n) of the act or is so exempt or, if certification is refused unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such warehouse, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery; and

(2) A written statement signed by the operator of such warehouse showing that he has adequate facilities for such storage; such statement shall contain an agreement that he will hold each shipment or other delivery of such drug intact, under such conditions as will not cause failure of the drug to comply with the requirements for certification, that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

If the applicant keeps complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug from such warehouse and the name and post-office address of the person to whom such shipment or delivery was made, the agreement to keep records of such disposals, to make such records available, and to

afford opportunity for checking their correctness may be included in the appli-

opportunity for a regulatory hearing before the Food and Drug Administration

#### PART 511—NEW ANIMAL DRUGS FOR INVESTIGATIONAL USE

(d) \* \* \*

(2) The continuance of the investigation is unsafe or otherwise contrary to

##### § 601.4 Issuance and denial of license.

(a) An establishment or product li-

##### § 601.6 Suspension of license.

(a) Whenever the Commissioner has



afford opportunity for checking their correctness may be included in the applicant's agreement and omitted from that of the operator. When the Commissioner finds that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit. Any person who contests the denial or revocation of a permit shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

45. By revising § 433.15(b) to read as follows:

§ 433.15 Exemption for processing.

(b) An application for such a permit shall be in a form specified by the Commissioner and shall give the name and location of the establishment in which such processing is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, potency, and batch mark of each shipment and other delivery of any such solution to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery;

(2) A written agreement signed by the operator of such establishment showing that he has adequate facilities for such processing; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the processing is completed that he will request certification of each batch thereof unless it is exempt under section 801(d) of the act or §§ 433.12, 433.13, 433.14, 433.16, or 433.17, and that he will not remove any of such drug from such establishment unless it complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is so exempt.

When the Commissioner finds that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit. Any person who contests the denial or revocation of a permit shall have an

opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

46. By revising § 433.16(b) to read as follows:

§ 433.16 Exemption for repacking.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the establishment in which such repacking is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of each shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for such repacking; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the repacking is completed that he will request certification of each batch thereof unless it is exempt under section 801(d) of the act or §§ 433.12, 433.13, 433.14, or 433.17, and that he will not remove any of such drug from such establishment unless it complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is so exempt or is returned to him for labeling or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

When the Commissioner finds that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit. Any person who contests the denial or revocation of a permit shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

PART 511—NEW ANIMAL DRUGS FOR INVESTIGATIONAL USE

47. In Part 511, by amending § 511.1 by revising the undesignated paragraph at the end of paragraph (b) (5) and paragraphs (c) (1) and (4) and (d) (2) to read as follows:

§ 511.1 New animal drugs for investigational use exempt from section 512 (a) of the act.

(b) . . . . .  
(5) . . . . .

Authorizations granted under this subparagraph do not exempt investigational animals and their products from compliance with other applicable inspection requirements. Any person who contests a refusal to grant such authorization shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

(c) *Withdrawal of eligibility to receive investigational-use new animal drugs.*

(1) Whenever the Food and Drug Administration has information indicating that an investigator has repeatedly or deliberately failed to comply with the conditions of these exempting regulations or has submitted false information either to the sponsor of the investigation or in any required report, the Director, Bureau of Veterinary Medicine, will furnish the investigator written notice of the matter complained of in general terms and offer him an opportunity to explain the matter in an informal conference and/or in writing. If an explanation is offered but not accepted by the Bureau of Veterinary Medicine, the investigator shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter on the question of whether the investigator is entitled to receive investigational new animal drugs.

(c) (4) If the Commissioner determines, after the unreliable data submitted by the investigator are eliminated from consideration, that the data remaining are inadequate to support a conclusion that it is reasonably safe to continue the investigation, he shall first notify the sponsor, who shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter on whether the exemption should be terminated. If a danger to the public health exists, however, he shall terminate the exemption forthwith and notify the sponsor of the termination. In such event the sponsor shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter on the question of whether the exemption should be reinstated.

(d) . . . . .

(2) The continuance of the investigation is unsafe or otherwise contrary to the public interest or the drug is being or has been used for purposes other than bona fide scientific investigation, he shall first notify the sponsor and invite his immediate correction. If the conditions of the exemption are not immediately met, the sponsor shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter on whether the exemption should be terminated. If the exemption is terminated the sponsor shall recall or have destroyed the unused supplies of the new animal drug.

PART 514—NEW ANIMAL DRUG APPLICATIONS

48. In Part 514, by revising § 514.201 to read as follows:

§ 514.201 Procedure for hearings.

Hearings relating to new animal drugs under section 505 (d), (e), (m) (3), and (m) (4) of the act shall be governed by Part 2 of this chapter.

§§ 514.202, 514.203, 514.204, 514.205, 514.206 [Revoked].

49. By revoking §§ 514.202, 514.203, 514.204, 514.205, and 514.206.

50. By revising § 514.210 to read as follows:

§ 514.210 Hearing procedure.

Hearings pursuant to § 514.155 shall be governed by Subpart F of Part 2 of this chapter.

§§ 514.220, 514.221, 514.222, 514.230, 514.231, 514.232 [Revoked].

51. By revoking §§ 514.220, 514.221, 514.222, 514.230, 514.231, and 514.232.

52. By revising § 514.235 as follows:

§ 514.235 Judicial review.

(a) The transcript and record shall be certified by the Commissioner. In any case in which the Commissioner enters an order without a hearing pursuant to § 314.200(g) of this chapter, the request(s) for hearing together with the data and information submitted and the Commissioner's findings and conclusions shall be included in the record certified by the Commissioner.

(b) Judicial review of an order withdrawing approval of a new drug application, whether or not a hearing has been held, may be sought by a manufacturer or distributor of an identical, related, or similar drug product, as defined in § 310.6 of this chapter, in a United States court of appeals pursuant to section 505(h) of the act.

PART 601—LICENSING

53. In Part 601, by revoking §§ 601.4, 601.5, and 601.6(c), by redesignating the remainder of § 601.6 as § 601.12, by adding new §§ 601.4 through 601.9, and by revising § 601.22 to read as follows:

§ 601.4 Issuance and denial of license.

(a) An establishment or product license shall be issued upon a determination by the Commissioner that the establishment or the product, as the case may be, meets the applicable standards established in this chapter. Licenses shall be valid until suspended or revoked.

(b) If the Commissioner determines that the establishment or product does not meet the standards established in this chapter, he shall deny the application and inform the applicant of the grounds for, and of an opportunity for a hearing on, his decision. If the applicant so requests, the Commissioner shall issue a notice of opportunity for hearing on the matter pursuant to § 2.111(b) of this chapter.

§ 601.5 Revocation of license.

(a) An establishment or product license shall be revoked upon application of the manufacturer giving notice of intention to discontinue the manufacture of all products or to discontinue the manufacture of a particular product for which a license is held, and waiving an opportunity for a hearing on the matter.

(b) If the Commissioner finds that (1) authorized Food and Drug Administration employees after reasonable efforts have been unable to gain access to an establishment or a location for the purpose of carrying out the inspection required under § 600.21 of this chapter, (2) manufacturing of products or of a product has been discontinued to an extent that a meaningful inspection or evaluation cannot be made, (3) the manufacturer has failed to report a change as required by § 601.12, (4) the establishment or any location thereof, or the product for which the license has been issued, fails to conform to the applicable standards established in the license and in this chapter designed to ensure the continued safety, purity, and potency of the manufactured product, (5) the establishment or the manufacturing methods have been so changed as to require a new showing that the establishment or product meets the standards established in this chapter in order to protect the public health, or (6) the licensed product is not safe and effective for all of its intended uses or is misbranded with respect to any such use, he shall notify the licensee of his intention to revoke the license, setting forth the grounds for, and offering an opportunity for a hearing on, the proposed revocation. Except as provided in § 601.6 and in cases involving willfulness, the notification required in this paragraph shall provide a reasonable period for the licensee to demonstrate or achieve compliance with the requirements of this chapter, before proceedings will be instituted for the revocation of the license. If compliance is not demonstrated or achieved and the licensee does not waive the opportunity for a hearing, the Commissioner shall issue a notice of opportunity for hearing on the matter pursuant to § 2.111(b) of this chapter.

(c) Hearings pursuant to §§ 601.4 through 601.6 shall be governed by Part 2 of this chapter.

(c) When a license has been suspended pursuant to § 601.6 and a hearing request has been granted, the hearing shall proceed on an expedited basis.

§ 601.8 Publication of revocation.

Notice of revocation of a license, with statement of the cause therefor, shall be issued by the Commissioner and published in the FEDERAL REGISTER.

§ 601.9 Licenses: reissuance.

(a) Compliance with standards. An establishment or product license, previously suspended or revoked, may be reissued or reinstated upon a showing of compliance with required standards and upon such inspection and examination as may be considered necessary by the Commissioner.

(b) *Exclusion of noncomplying location.* An establishment or product license, excluding a location or locations that fail to comply with required standards, may be issued without further application and concurrently with the suspension or revocation of the license for non-compliance at the excluded location or locations.

§ 601.22 Products in short supply: initial manufacturing at other than licensed establishment.

Licenses issued to a manufacturer for an establishment shall authorize persons other than such manufacturer to conduct at places other than such establishment the initial, and partial manufac-

§ 601.6 Suspension of license.

(a) Whenever the Commissioner has reasonable grounds to believe that any of the grounds for revocation of a license exist and that by reason thereof there is a danger to health, he may notify the licensee that his license for the establishment or the product is suspended and require that the licensee (1) notify the selling agents and distributors to whom such product or products have been delivered of such suspension, and (2) furnish to the Director, Bureau of Biologics, complete records of such deliveries and notice of suspension.

(b) Upon suspension of a license, the Commissioner shall either (1) proceed pursuant to the provisions of § 601.5(b) to revoke the license, or (2) if the licensee agrees, hold revocation in abeyance pending resolution of the matters involved.

§ 601.7 Procedure for hearings.

(a) A notice of opportunity for hearing, notice of appearance and request for hearing, and grant or denial of hearing for a biological drug pursuant to this Part, for which the exemption from the Federal Food, Drug, and Cosmetic Act in § 310.4 of this chapter has been revoked, shall be subject to the provisions of § 314.200 of this chapter except to the extent that the notice of opportunity for hearing on the matter issued pursuant to § 2.111(b) of this chapter specifically provides otherwise.

(b) Hearings pursuant to §§ 601.4 through 601.6 shall be governed by Part 2 of this chapter.

(c) When a license has been suspended pursuant to § 601.6 and a hearing request has been granted, the hearing shall proceed on an expedited basis.

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turing of a product for shipment solely to Commissioner may establish by regulation an



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turing of a product for shipment solely to such manufacturer only to the extent that the names of such persons and places are registered with the Commissioner of Food and Drugs and he finds upon application of such manufacturer, that (a) the product is in short supply due either to the peculiar growth requirements of the organism involved or to the scarcity of the animal required for manufacturing purposes, and (b) such manufacturer has established with respect to such persons and places such procedures, inspections, tests or other arrangements as will assure full compliance with the applicable regulations of this subchapter related to continued safety, purity, and potency. Such persons and places shall be subject to all regulations of this subchapter except §§ 601.1 to 601.6, 601.9, 601.10, 601.20, 601.21, 601.30 to 601.33, and 601.60 to 601.65 of this chapter. Failure of such manufacturer to maintain such procedures, inspections, tests, or other arrangements, or failure of any person conducting such partial manufacturing to comply with applicable regulations shall constitute a ground for suspension or revocation of the authority conferred pursuant to this section on the same basis as provided in §§ 601.6 to 601.8 with respect to the suspension and the revocation of licenses.

§§ 601.40, 601.41, 601.42, 601.43, 601.44 [Revoked].

54. By revoking §§ 601.40 through 601.44.

**PART 701—COSMETIC LABELING**

55. In Part 701, by revising § 701.3 (b) and (c) to read as follows:

§ 701.3 Designation of ingredients.

(b) The declaration of ingredients shall appear with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The declaration shall appear on any appropriate information panel in letters not less than 1/16 of an inch in height and without obscuring design, vignettes, or crowding. In the absence of sufficient space for such declaration on the package, or where the manufacturer or distributor wishes to use a decorative container, the declaration may appear on a firmly affixed tag, tape, or card. In those cases where there is insufficient space for such declaration on the package, and it is not practical to firmly affix a tag, tape, or card, the Com-

missioner may establish by regulation an acceptable alternate, e.g., a smaller type size. A petition requesting such a regulation as an amendment to this paragraph shall be submitted pursuant to Part 2 of this chapter.

(c) Interested persons may submit a petition requesting the establishment of a specific name for a cosmetic ingredient pursuant to Part 2 of this chapter. The Commissioner may also propose such a name on his own initiative.

**PART 1003—NOTIFICATION OF DEFECTS OF FAILURE TO COMPLY**

56. In Part 1003, by amending § 1003.11 by adding an undesignated paragraph at the end of paragraph (a) as follows:

§ 1003.11 Determination by Secretary that product fails to comply or has a defect.

(a) . . . . . The manufacturer shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

57. By adding § 1003.31(d) to read as follows:

§ 1003.31 Granting the exemption.

(d) Any person who contests denial of an exemption shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

**PART 1004—REPURCHASE, REPAIRS, OR REPLACEMENT OF ELECTRONIC PRODUCTS**

58. In Part 1004, by amending § 1004.6 by adding the following new sentence at the end, as follows:

§ 1004.6 Approval of plans.

. . . . . Any person who contests denial of a plan shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

**PART 1210—REGULATIONS UNDER THE FEDERAL IMPORT MILK ACT**

59. In Part 1210, by revising the heading of Subpart D and § 1210.30 to read as follows:

**Subpart D—Hearings**

§ 1210.30 Hearing procedure for permit denial, suspension, and revocation.

Any person who contests denial, suspension, or revocation of a permit shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Subpart F of Part 2 of this chapter.

60. By revoking § 1210.31 and by redesignating § 1210.63 as new § 1210.31 to read as follows:

§ 1210.31 Hearing before prosecution.

Before violation of the act is referred to the Department of Justice for prosecution under section 5 of the Federal Import Milk Act, an opportunity to be heard will be given to the party against whom prosecution is under consideration. The hearing will be private and confined to questions of fact. The party notified may present evidence, either oral or written, in person or by attorney, to show cause why he should not be prosecuted. After a hearing is held, if it appears that the law has been violated, the facts will be reported to the Department of Justice.

§§ 1210.32, 1210.33, 1210.40, 1210.41, 1210.42, 1210.43, 1210.44, 1210.50, 1210.51, 1210.52, 1210.53, 1210.54, 1210.55, 1210.56, 1210.57, 1210.58, 1210.59, 1210.60, 1210.61, 1210.62, [Revoked].

61. By revoking §§ 1210.32, 1210.33, and Subparts E, F and G of Part 1210, including 1210.40, 1210.41, 1210.42, 1210.43, 1210.44, 1210.50, 1210.51, 1210.52, 1210.53, 1210.54, 1210.55, 1210.56, 1210.57, 1210.58, 1210.59, 1210.60, 1210.61, 1210.62.

Interested persons may, on or before (insert date 30 days after date of publication in the FEDERAL REGISTER), submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments should be filed in quintuplicate (except that individuals may submit single copies), and should be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: August 29, 1975.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc. 75-23409 Filed 9-2-75; 8:45 am]

WEDNESDAY, SEPTEMBER 3, 1975



**PART IV:**

**PRIVACY ACT  
OF 1974**

**VARIOUS AGENCIES**

Proposed Rules and Notices of  
Systems of Records

federal register



**Title 16—Commercial Practices**  
**CHAPTER I—FEDERAL TRADE**  
**COMMISSION**  
**SUBCHAPTER A—PROCEDURES AND RULES**  
**OF PRACTICE**

**PART 4—MISCELLANEOUS RULES**  
**Implementation of Privacy Act Regulations**

The Commission announces the following rules, which are effective on October 3, 1975, to implement the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). The Commission's proposed rules, which were promulgated on August 14, 1975 (40 FR 34162), are amended by these rules. The only changes made have been renumbering the rules and clarifying that all requests under § 4.13 (c) (formerly § 4.13.3) must name the system of records which is the subject of the request and must include any additional information specified in the pertinent system notice as necessary to locate the records requested. Other than correction of typographical errors, no other changes have been made.

Section 4.13 is added to read as follows:

**§ 4.13 Privacy Act rules.**

(a) *Purpose and Scope*—(1) This section is promulgated to implement the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) by establishing procedures whereby an individual can, as to all systems of records maintained by the Commission except those set forth in § 4.13(m) as exempt from disclosure, (i) request notification of whether the Commission maintains a record pertaining to him in any system of records, (ii) request access to such a record or to an accounting of its disclosure, (iii) request that the record be amended or corrected, and (iv) appeal an initial adverse determination of any such request. This section also establishes those systems of records that are specifically exempt from disclosure and from other requirements.

(2) The procedures of this section apply only to requests by an individual as defined in § 4.13(b). Except as otherwise provided, they govern only records containing personal information in systems of records for which notice has been published by the Commission in the *FEDERAL REGISTER* pursuant to section 552a(e)(4) of the Privacy Act of 1974 and which are neither exempt from the provisions of this section nor contained in government-wide systems of personnel records for which notice has been published in the *FEDERAL REGISTER* by the Civil Service Commission. Requests for notification, access, and amendment of personnel records which are contained in a system of records for which notice has been given by the Civil Service Commission are governed by the Civil Service Commission's notices, 5 CFR Part 297. Access to records which are not subject to the requirements of the Privacy Act are governed by §§ 4.8-4.11.

(b) *Definitions*—The following definitions apply to this section only:

(1) "Individual" means a natural person who is a citizen of the United States

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or an alien lawfully admitted for permanent residence.

(2) "Record" means any item, collection, or grouping of personal information about an individual that is maintained by the Commission, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph, but does not include information concerning proprietorships, businesses, or corporations.

(3) "System of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual, for which notice has been published by the Commission in the *FEDERAL REGISTER* pursuant to 5 U.S.C. 552a(e)(4).

(c) *Procedures for requests pertaining to individual records in a record system*—An individual may request access to his records or any information pertaining to him in a system of records, and notification of whether and to whom the Commission has disclosed a record for which an accounting of disclosures is required to be kept and made available to him, using the procedures of this subsection. Requests for the disclosure of records under this subsection or to determine whether a system of records contains records pertaining to an individual or to obtain an accounting of disclosures, shall be in writing and if mailed, addressed as follows:

Privacy Act Request, Office of the Secretary,  
 Federal Trade Commission, 6th Street and  
 Pennsylvania Avenue NW., Washington,  
 D.C. 20580.

If requests are presented in person at the Office of the Secretary, the individual shall be required to execute a written request. All requests must name the system of records which is the subject of the request, and must include any additional information specified in the pertinent system notice as necessary to locate the records requested. If the requester desires to permit a person to accompany him to review his record, the request shall so state. Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(d) *Times, places, and requirements for identification of individuals making requests*—Verification of identity of persons making written requests to the Secretary ordinarily will not be required. The signature upon such requests shall be deemed to be a certification by the person signing that he is the individual to whom the record pertains or the parent of a minor or the duly appointed legal guardian of the individual to whom the record pertains. The Secretary may require additional verification of identity as specified by him when necessary reasonably to assure that records are not

improperly disclosed; provided, however, that no verification of identity will be required where the records sought are publicly available under the Freedom of Information Act.

(e) *Disclosure of requested information to individuals*—Within ten (10) working days of receipt of a request under § 4.13 (c), the Secretary shall acknowledge receipt of the request. Within thirty (30) working days of the receipt of a request under § 4.13(c), the Secretary shall inform the requester whether a system of records containing retrievable information pertaining to the requester exists, and if so, either that his request has been granted or that the requested records or information is exempt from disclosure pursuant to § 4.13(m). When, for good cause shown, the Secretary is unable to respond within thirty (30) working days of the receipt of the request, he shall notify the requester of that fact and approximately when it is anticipated that a response will be made.

(f) *Special procedures: Medical records*—When the Secretary determines that disclosure of a medical or psychological record directly to a requesting individual could have an adverse effect on the individual, he shall require the individual to designate a medical doctor to whom the record will be transmitted.

(g) *Request for correction or amendment of record*—An individual to whom access to his records or any information pertaining to him in a system of records has been granted may request that any portion thereof be amended or corrected because he believes it is not accurate, relevant, timely, or complete. An initial request for correction or amendment of a record shall be in writing whether presented in person or by mail, and if by mail, addressed as in § 4.13(c). In making a request under this subsection, the requesting party shall state the nature of the information in the record the individual believes to be inaccurate, irrelevant, untimely, or incomplete, the correction or amendment desired, and the reasons therefore.

(h) *Agency review of request for correction or amendment of record*—Whether presented in person or by mail, requests under § 4.13(g) shall be acknowledged by the Secretary within ten (10) working days of the receipt of the request if action on the request cannot be completed and the individual notified of the results within that time. Thereafter, the Secretary shall promptly either make the requested amendment or correction or inform the requester of his refusal to make the amendment or correction, the reasons for the refusal, and the requester's right to appeal that determination in accordance with § 4.13 (i).

(i) *Appeal of initial adverse agency determination*—(1) If the Secretary denies an initial request under § 4.13(c) or § 4.13(g), the requester may appeal that determination to the Commission. The appeal shall be in writing and addressed as follows:

Privacy Act Appeal, Office of the General  
 Counsel, Federal Trade Commission, 6th  
 Street and Pennsylvania Avenue NW.,  
 Washington, D.C. 20580.

The Commission shall notify the requester within thirty (30) working days of the receipt of his appeal of the disposition of that appeal, except that the thirty (30) day period may be extended for good cause, in which case the requester will be advised of the approximate date on which review will be completed.

(2) (i) If the Commission refuses to amend or correct the record in accordance with a request under § 4.13(g), it shall notify the requester of that determination and inform him of his right to file with the Secretary of the Commission a concise statement setting forth the reasons for his disagreement with that determination and the fact that such a statement will be treated as set forth in subparagraph (ii). The Commission shall also inform the requester that judicial review of the determination is available by a civil suit in the district in which the requester resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia.

(ii) If the individual files a statement disagreeing with the Commission's determination not to amend or correct a record, it shall be clearly noted in the record involved and made available to

**RULES AND REGULATIONS**

anyone to whom the record has been disclosed after September 27, 1975, or is subsequently disclosed together with, if the Commission deems it appropriate, a brief statement of the reasons for refusing to amend the record.

(j) *Disclosure of record to person other than the individual to whom it pertains*—Except as provided by 5 U.S.C. 552a(b), the written request or prior written consent of the individual to whom a record pertains, or of his parent if a minor, or legal guardian if incompetent, shall be required before such record is disclosed. If the individual elects to inspect a record in person and desires to be accompanied by another person, the Secretary may require the individual to furnish a signed statement authorizing his record to be disclosed in the presence of the accompanying named person.

(k) *Fees*—No fees shall be charged for searching for a record, reviewing it, or for copies of records made by the Commission for its own purposes incident to granting access to a requester. Copies of records to which access has been granted under this section may be obtained by the requester from the Secretary upon payment of the reproduction fees provided in § 4.8(c)(2).

(l) *Penalties*. Section 552a(i)(3) of the Privacy Act, 5 U.S.C. 552a(i)(3), makes it a misdemeanor, subject to a maximum fine of \$5,000, to knowingly and willfully request or obtain any record concerning an individual under false pre-

tenses. Sections 552a(i)(1) and (2) of the Privacy Act, 5 U.S.C. 552a(i)(1) and (2), provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder. Title 18 U.S.C. 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

(m) *Specific exemptions*—Pursuant to 5 U.S.C. § 552a(k)(2), investigatory material compiled for law enforcement purposes in the following systems of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a, and from the provisions of this section, except as otherwise provided in § 552a(k)(2):

Disciplinary Action Investigatory Files—FTC.  
 Investigational, Legal, and Public Records—FTC.

Litigation Information Management Systems for Investigations, Rulemaking, and Adjudicatory Proceedings—FTC.  
 Preliminary Investigation Files—FTC.

Issued by direction of the Commission dated August 27, 1975.

CHARLES A. TOBIN,  
 Secretary.

[FR Doc.75-23270 Filed 9-2-75;8:45 am]

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**CIVIL AERONAUTICS BOARD**

**CIVIL AERONAUTICS BOARD**

and Congressional Relations, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428.

**COMMISSION ON CIVIL RIGHTS**  
**[ 45 CFR Part 706 ]**

**PROPOSED RULES**

(c) The rules in this part apply only to records disclosed or requested under the Privacy Act of 1974, and not to re-

(b) An individual making a request to the General Counsel in person may do so at the Commission's headquarters



# CIVIL AERONAUTICS BOARD PRIVACY ACT OF 1974 Notices of Systems of Records

By PDR-39, 40 F.R. 30283, the Civil Aeronautics Board issued notice of its proposed rules to implement the Privacy Act of 1974, and proposed notices of various "systems of records," under that Act, were published at 40 F.R. 33181. The Board hereby gives notice of the existence and character of two additional systems of records which it maintains. Public comment is invited with respect to the "routine use" which the Board proposes to make of the within-described information, as set forth in these notices. Comments may be filed on or before September 27, 1975, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Dated: August 27, 1975.

Edwin Z. Holland,  
Secretary.

## CAB-11

**System name:** Members of Congress biographical information and correspondence—CAB

**System location:** Office of Community and Congressional Relations, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428.

**Categories of individuals covered by the system:** Individuals who are current Members of Congress.

**Categories of records in the system:** Biographical information, including committee assignments and voting records, from public sources such as the Congressional Quarterly, Congressional Directory, and extracts from the Congressional Record and various aviation publications; and copies of correspondence between Members of Congress and the CAB which are duplicates of those maintained in the "Correspondence between Civil Aeronautics Board and persons outside the Board—CAB" system of records and subject to that Notice of System of Records.

**Authority for maintenance of the system:** Section 204 of the Federal Aviation Act, 49 U.S.C. 1324.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by CAB staff to answer staff and Congressional inquiries, and may be used for any regulatory purpose including evidence in proceedings before the Board and the courts. Relevant records in this system of records may be disclosed to any person if required under "freedom of information" or other laws governing access to materials in the Board's possession.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in individual file folders. Indexed by name of Member of Congress.

**Safeguards:** Folders are located in lockable metal file cabinets in an area to which access is controlled by CAB personnel and which is locked after business hours.

**Retention and disposal:** Biographical material is retained during the time an individual is a Member of Congress and then destroyed; duplicate correspondence is retained through the current session of Congress and is then destroyed.

**System manager(s) and address:** Director, Office of Community

and Congressional Relations, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428.

**Notification procedure:** By mailing or delivering to the Office of the Secretary, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428 a written request bearing the individual's return address, printed or typewritten name, and signature.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Published Congressional reference materials, aviation publications, Members of Congress writing to the CAB, and the CAB.

## CAB-12

**System name:** Mailing lists of persons requesting CAB informational, technical, or statistical material—CAB.

**System location:** Publications Services Section, Office of Facilities and Operations, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428.

**Categories of individuals covered by the system:** Individuals who have requested that they be placed on a CAB mailing list, including regular publication customers.

**Categories of records in the system:** CAB Form 103—"Subscription and Publications Order" containing name, address, item(s) requested, and amount of order; and requests for materials for which no charge is made containing name, address, and item(s) requested.

**Authority for maintenance of the system:** Section 204 of the Federal Aviation Act, 49 U.S.C. 1324.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by CAB staff to send items requested, and may be used for any regulatory purpose including use in evidence in proceedings before the Board and the courts.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in individual file folders, address card files, and metal addressograph plates.

**Retrievability:** Folders indexed by name, cards and addressograph plates filed alphabetically by name.

**Safeguards:** Stored in metal cabinets in an area to which access is controlled by and restricted to CAB personnel and which is locked after business hours.

**Retention and disposal:** CAB Form 103 is retained until the end of each calendar year and then destroyed; address card files and metal addressograph plates retained until the individual requests removal from the mailing list and then destroyed; requests for materials for which no charge is made are kept for up to one year after the material is sent and then destroyed.

**System manager(s) and address:** Chief, Publications Services Section, Office of Facilities and Operations, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428.

**Notification procedure:** By mailing or delivering to the Office of the Secretary, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428 a written request bearing the individual's return address, printed or typewritten name, and signature.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual or person requesting the material

[FR Doc.75-23126 Filed 8-28-75; 10:21 am]

# COMMISSION ON CIVIL RIGHTS [45 CFR Part 706]

## THE REQUIREMENTS OF THE PRIVACY ACT OF 1974

### Proposed Rulemaking

The Commission on Civil Rights proposes to adopt rules regarding records maintained by the Commission concerning individuals pursuant to and in accordance with Section F of the Privacy Act of 1974. After consideration by the Commission of any comments regarding the proposed rules, final rules will be adopted by the Commission. When adopted, the rules will reflect the Commission's implementation of the requirement of the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93-579), and will comprise a new Part 706 of Title 45 of the Code of Federal Regulations.

Interested persons are invited to submit comments, suggestions, or objections regarding the proposed rules to the Office of General Counsel, Commission on Civil Rights, 1121 Vermont Avenue, NW, Washington, D.C. 20425. Comments received prior to September 26, 1975, will be considered before final action is taken on this proposal.

It is proposed to make these rules effective September 27, 1975, the effective date of the Privacy Act of 1974.

LOUIS NUNEZ,  
Acting Staff Director.

AUGUST 25, 1975.

### PART 706—MATERIALS AVAILABLE PURSUANT TO 5 U.S.C. 552a

Sec.	Purpose and scope.
706.1	Definitions.
706.2	Procedures for requests pertaining to individual records in a system of records.
706.3	Times, places, and requirements for identification of individuals making requests and identification of records requested.
706.4	Disclosure of requested information to individuals.
706.5	Request for correction or amendment to record.
706.6	Agency review of request for correction or amendment of the record.
706.7	Appeal of an initial adverse agency determination.
706.8	Disclosure of records to a person other than the individual to whom the record pertains.
706.9	Fees.
706.10	Penalties.
706.11	Special procedures: Information furnished by other agencies.
706.12	Exemptions.
706.13	

AUTHORITY: Pub. L. 93-579; 5 U.S.C. 552a.

#### § 706.1 Purpose and scope.

(a) The purpose of this part is to set forth rules to inform the public regarding information maintained by the Commission on Civil Rights about identifiable individuals and to inform those individuals how they may gain access to and correct or amend information about themselves.

(b) The rules in this part carry out the requirements of the Privacy Act of 1974 (Pub. L. 93-579) and in particular 5 U.S.C. 552a as added by that Act.

(c) The rules in this part apply only to records disclosed or requested under the Privacy Act of 1974, and not to requests for information made pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

#### § 706.2 Definitions.

For the purpose of this regulation:

(a) The terms "Commission" and "agency" mean the U.S. Commission on Civil Rights;

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, or disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his or her education, financial transactions, medical history, and criminal or employment history and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(e) The term "system record" means a group of any records under the control of the Commission from which information may be retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to that individual;

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in section 8 of title 13; and

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

#### § 706.3 Procedures for requests pertaining to individual records in a system of records.

(a) An individual seeking notification of whether a system of records contains a record pertaining to him or her or an individual seeking access to information or records pertaining to him or her which is available under the Privacy Act of 1974, shall present his or her request in person or in writing to the General Counsel of the Commission.

(b) In addition to meeting the requirements set forth in § 706.4(d), the individual seeking notification or access, either in person or by mail, shall describe the nature of the records sought, the approximate dates covered by the record, and the system in which it is thought to be included, as described in the "Notices of Record Systems" published in the FEDERAL REGISTER. (Citation to be supplied upon final adoption of the rules.)

#### § 706.4 Times, places, and requirements for identification of individuals making requests and identification of records requested.

(a) The General Counsel is the designated Privacy Act Officer for the Commission.

(b) An individual making a request to the General Counsel in person may do so at the Commission's headquarters office, 1121 Vermont Avenue, NW., Washington, D.C. 20425, on any business day during business hours. Persons may also appear for purposes of identification only at any of the regional offices of the Commission on any business day during business hours. Regional offices are located as follows:

Central States Regional Office, U.S. Commission on Civil Rights, 911 Walnut Street, Kansas City, Missouri 64106, (816) 374-5253 or 374-2454 (8:00-5:00).

Mid-Atlantic Regional Office, U.S. Commission on Civil Rights, 2120 L Street, N.W., (Room 510), Washington, D.C. 20037, (202) 254-6717 or 254-6670 (8:45-5:30).

Midwestern Regional Office, U.S. Commission on Civil Rights, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7371 or 353-7479 (8:45-5:30).

Mountain States Regional Office, U.S. Commission on Civil Rights, Ross Building (Room 216), 1726 Champa Street, Denver, Colorado 80282, (303) 837-2211 or 837-2485 (8:00-4:30).

Northeastern Regional Office, U.S. Commission on Civil Rights, 26 Federal Plaza (Room 1639), New York, New York 10007, (212) 264-0400 or 264-0543 (9:00-5:30).

Southern Regional Office, U.S. Commission on Civil Rights, Citizens Trust Bank Bldg. (Room 362), 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (404) 526-4391 or 526-4344 (9:00-5:30).

Southwestern Regional Office, U.S. Commission on Civil Rights, New Moore Building (Room 240), 106 Broadway, San Antonio, Texas 78205, (512) 225-4764 or 225-4810 (8:45-5:30).

Western Regional Office, U.S. Commission on Civil Rights, 312 North Spring Street (Room 1015), Los Angeles, California 90012, (213) 688-3437 or 688-5705 (8:30-5:00).

(c) An individual seeking access to records in person may establish his or her identity by the presentation of one document bearing a photograph (such as a driver's license, passport, or identification card or badge) or by the presentation of two items of identification which do not bear a photograph, but do bear both a name and address (such as a credit card). When identification is made without photographic identification the Commission will request a signature comparison to the signature appearing on the items offered for identification, whenever possible and practical.

(d) An individual seeking access to records by mail shall establish his or her identity by a signature, address, date of birth, and one other identifier, such as a driver's license or other document. The words "PRIVACY ACT REQUEST" should be placed in capital letters on the face of the envelope in order to facilitate requests by mail.

(e) An individual seeking access in person or by mail who cannot provide the required documentation of identification may provide a notarized statement, swearing or affirming to his or her identity and to the fact that he or she understands that there are criminal penalties for the making of false statements.

or she would otherwise be eligible for, as a result of the maintenance of such

§ 706.9 Disclosure of records to a per-

decisions on the rights, benefits, or entitlements of individuals

(4) Testing or examination material used solely to determine individual qual-



(f) The parent or guardian of a minor or a person judicially determined to be incompetent, in addition to establishing the identity of the minor or incompetent person he or she represents as required by paragraphs (a) through (c) of this section, shall establish his or her own parentage or guardianship by furnishing a copy of a birth certificate showing parentage or court order establishing guardianship.

(g) An individual seeking to review information about himself or herself may be accompanied by another person of his or her own choosing. In all such cases, the individual seeking access shall be required to furnish a written statement authorizing the discussion of his or her record in the presence of the accompanying person.

#### § 706.5 Disclosure of requested information to individuals.

The General Counsel, or one or more assistants designated by him or her, upon receiving a request for notification of the existence of a record, or for access to a record shall: (a) determine whether such record exists; (b) determine whether access is available under the Privacy Act; (c) notify the requesting person of those determinations within 10 (ten) working days (excluding Saturdays, Sundays, and legal public holidays); and (d) provide access to information pertaining to that person which has been determined to be available.

#### § 706.6 Request for correction or amendment to record.

(a) Any individual who has reviewed a record pertaining to him or her that was furnished to him or her under this part may request the agency to correct or amend all or part of that record.

(b) Each individual requesting a correction or amendment shall send the request to the General Counsel.

(c) Each request for a correction or amendment of a record shall contain the following information:

(1) The name of the individual requesting the correction or amendment.

(2) The name of the system of records in which the record sought to be amended is maintained.

(3) The location of the record system from which the record was obtained.

(4) A copy of the record sought to be amended or a description of that record.

(5) A statement of the material in the record that should be corrected or amended.

(6) A statement of the specific wording of the correction or amendment sought.

(7) A statement of the basis for the requested correction or amendment including any material that the individual can furnish to substantiate the reasons for the amendment sought.

#### § 706.7 Agency review of request for correction or amendment of the record.

Within ten (10) working days (excluding Saturdays, Sundays and legal public holidays) of the receipt of the request for the correction or amendment of a

record, the General Counsel shall acknowledge receipt of the request and inform the individual that his or her request has been received and inform the individual whether further information is required before the correction or amendment can be considered. Further, the General Counsel shall promptly, and, under normal circumstances, not later than thirty (30) working days after receipt of the request, make the requested correction or amendment or notify the individual of his or her refusal to do so, including in the notification the reasons for the refusal, and the procedures established by the Commission by which the individual may initiate a review of that refusal.

#### § 706.8 Appeal of an initial adverse agency determination.

(a) Any individual whose request for access or for a correction or amendment which has been denied, in whole or in part, by the General Counsel may appeal that decision to the Staff Director of the Commission, 1121 Vermont Avenue, N.W., Room 800, Washington, D.C. 20425, or to a designee of the Staff Director.

(b) The appeal shall be in writing and shall:

(1) Name the individual making the appeal;

(2) Identify the record sought to be amended or corrected;

(3) Name the record system in which that record is contained;

(4) Contain a short statement describing the amendment or correction sought; and

(5) State the name of the person who initially denied the correction or amendment.

(c) Not later than thirty (30) working days (excluding Saturdays, Sundays, and legal public holidays) after the date on which the agency received the appeal, the Staff Director shall complete his or her review of the appeal and make a final decision thereon, unless, for good cause shown, the Staff Director extends the appeal period beyond the initial thirty (30) day appeal period. In the event of such an extension the Staff Director shall promptly notify the individual making the appeal that the period for a final decision has been extended.

(d) After review of an appeal request, the Staff Director will send a written notice to the requester containing the following information:

(1) The decision, and if the denial is upheld, the reasons for the decision;

(2) The right of the requester to institute a civil action in a Federal District Court for judicial review of the decision, if the appeal is denied; and

(3) The right of the requester to file with the Commission a concise statement setting forth the reasons for his or her disagreement with the Commission's decision denying the request. The Commission shall make this statement available to any person to whom the record is later disclosed, together with a brief statement, if the Commission considers it appropriate, of the agency's reasons for denying the requested correction or amendment.

#### § 706.9 Disclosure of records to a person other than the individual to whom the record pertains.

(a) Any individual who desires to have his or her record disclosed to or mailed to a third person may authorize that person to act as his or her agent for that specific purpose. The authorization shall be in writing, signed by the individual, and notarized. The agent shall also submit proof of his or her own identity as provided in § 706.4.

(b) The parent of any minor individual or the legal guardian of any individual who has been declared by a court to be incompetent, due to physical or mental incapacity, may act on behalf of that individual in any matter covered by this part. A parent or guardian who desires to act on behalf of such an individual shall present suitable evidence of parentage or guardianship, by birth certificate, copy of a court order or similar documents, and proof of the individual's identity as provided in § 706.4.

(c) An individual to whom a record is to be disclosed, in person, pursuant to this part may have a person of his or her own choosing accompany the individual when the record is disclosed.

#### § 706.10 Fees.

If an individual requests copies of his or her records the charge shall be three (3) cents per page, provided, however, that the Commission shall not charge for copies furnished to an individual as a necessary part of the process of disclosing the record to an individual. Fees may be waived or reduced in accordance with § 704.1(e) of the Commission's regulations (45 CFR 704) because of indigency, where the cost is nominal, when it is in the public interest not to charge, or when waiver would not constitute an unreasonable expense to the Commission.

#### § 706.11 Penalties.

Any person who makes a false statement in connection with any request for a record, or in any request for an amendment to a record under this part, is subject to the penalties prescribed in 18 U.S.C. 494 and 495.

#### § 706.12 Special procedures: information furnished by other agencies.

When records or information sought from the Commission include information furnished by other Federal agencies, the General Counsel shall consult with the appropriate agency prior to making a decision to disclose or to refuse to disclose the record, but the decision whether or not to disclose the record shall be made by the General Counsel.

#### § 706.13 Exemptions.

(a) Systems of records or portions of such records are exempt under the Privacy Act of 1974, 5 U.S.C. 552a(k), including the following:

(1) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j) (2) of the Privacy Act. Provided, however, That if any individual is denied any right, privilege, or benefit that he

or she would otherwise be eligible for, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

(2) Statistical personnel records that are used only to generate aggregate data or for other evaluative or analytical purposes and which are not used to make

decisions on the rights, benefits, or entitlements of individuals.

(3) Investigatory material maintained solely for the purposes of determining an individual's qualifications, eligibility, or suitability for employment in the Federal civilian service, Federal contracts, or access to classified information, but only to the extent that disclosure of such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(4) Testing or examination material used solely to determine individual qualifications for promotion or appointment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(b) For purposes of this section, a "confidential source" means a source who furnished information to the Government under an express promise that the identity of the source would remain confidential, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

studies in support of the function for which the records are collected and maintained, or for related personnel management functions or personnel resources studies; may also be utilized to

divisional or regional offices, the records are retained for an indefinite period of time. They are then forwarded to the Personnel Office or discarded. In the Personnel Office, every year the appli-

plaints may be referred. (Subject to the requirements of 42 U.S.C. sec. 1975a(e).)

Policies and practices for storing, retrieving, accessing, retaining,



# U.S. COMMISSION ON CIVIL RIGHTS PRIVACY ACT OF 1974 Notice of Systems of Records

The Privacy Act of 1974, Pub. L. 93-579, amended Title 5 of the United States Code by adding a new section, 5 U.S.C. sec. 552a, to afford safeguards against the invasion of personal privacy. The Privacy Act becomes effective on September 27, 1975. Agencies of the Federal Government are required by the Act to publish each year a notice of systems of records they maintain.

Pursuant to the Privacy Act of 1974, the Civil Rights Commission submits the following notices of the existence and character of systems of records maintained by the Civil Rights Commission. Interested persons are invited to submit written data, views, or arguments concerning the routine use portions of the notices to the Office of General Counsel, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Washington, D.C. 20425. Comments, data, views or arguments received on or before September 26, 1975, will be considered prior to final publication of the notices.

August 26, 1975

Louis Nunez,  
Acting Staff Director

## Alphabetical Listing and Table of Contents to Notices of Systems of Records Pursuant to the Privacy Act

- (1) Appeals, Grievances and Complaints (staff)
- (2) Applications for Employment
- (3) Complaints
- (4) Commission Projects
- (5) Information on Commissioners, Staff and State Advisory Committee members
- (6) Other Employee Programs EEO, Troubled Employee, and Upward Mobility
- (7) Personnel
- (8) Resource and Consultant
- (9) State Advisory Committees Projects
- (10) Travel, Payroll, Time and Attendance of Commissioners, Staff, Consultants and State Advisory Committee Members

### CRC-001

**System name:** Appeals, Grievances and Complaints (staff)

#### System location:

Office of Management  
Personnel Office  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W., Room 507  
Washington, D.C. 20425

**Categories of individuals covered by the system:** Applicants for Federal employment, current and former employees, agencies and annuitants who appeal a determination made by the Commission.

**Categories of records in the system:** This system of records contains information or documents relating to a decision and determination made by the Commission affecting an individual. The records consist of the initial grievance, complaint, or appeal letters of notices to the individual, records of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, notice of decision and related correspondence, opinions and recommendations.

#### Authority for maintenance of the system:

42 U.S.C. sec. 1975d(a)  
Federal Personnel Regulation (FPM) 293  
Federal Personnel Regulation (FPM) 771  
Federal Personnel Regulation (FPM) 752

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records and information in the records may be used to respond to a request from a member of Congress regarding the status of an appeal, complaint or grievance; to provide information to the public on the decision of an appeal, complaint or grievance required by the Freedom of Information Act; to respond to a court subpoena and/or refer to a district court in connection with a civil suit; to adjudicate an appeal, complaint, or grievance; as a data source for management information for production of summary descriptive statistics and analytical

studies in support of the function for which the records are collected and maintained, or for related personnel management functions or personnel resources studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate a specific individual for personnel research or other personnel management function; and to provide information or disclose to a Federal agency, in response to another agency's request, in connection with the hiring or retention of an employee.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Storage—These records are maintained in secured file folders, and index card. Retrievability—These records are indexed by the names of the individuals on whom they are maintained. Safeguards—Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Retention and Disposal—The records are maintained up to two years and are transferred to the National Personnel Records Center, St. Louis, Missouri. They are destroyed by the Federal Records Center when the records are seven (7) years old.

#### System manager(s) and address:

Office of Management  
Personnel Office  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Notification procedure:** Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the record. They may, however, contact the:

Office of General Counsel  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W., Room 600  
Washington, D.C. 20425

**Record access procedures:** Same as above with appeal to the Staff Director.

**Record source categories:** Individual to whom the record pertains; agency and/or Commission officials; affidavits or statements from employees; testimony of witnesses; official documents relating to the appeal, grievance, or complaints; and correspondence from specific organizations or persons.

### CRC-002

**System name:** Applications for Employment

#### System location:

U.S. Commission on Civil Rights  
Office of Management  
Personnel Division  
1121 Vermont Avenue, N.W., Room 507  
Washington, D.C. 20425 Occasionally located on a temporary basis in divisional or regional offices.

**Categories of individuals covered by the system:** Applicants seeking employment with the U.S. Commission on Civil Rights.

**Categories of records in the system:** The system comprises S.F. 171's, personal resumes, and in many instances Civil Service Commission examination scores of individuals seeking employment with the Commission on Civil Rights.

**Authority for maintenance of the system:** 5 U.S.C. secs. 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 3349, 4103, 5532, 5533, 5723, and Executive Orders 1057 and 11103, 42 U.S.C. 1975d.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records may be used to refer applicants to the various offices of the Commission for purposes of consideration for placement in positions for which the applicants have applied and are qualified. The records are available to personnel specialists who review the applicants' qualifications and consider them for appropriate agency vacancies.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Storage—The records are maintained in file folders. Retrievability—In some regional and divisional offices, the records are retrieved by name. In the Personnel Office, the records are recorded by name and grade in a log book. They can also be retrieved, however, by grade classification. Safeguards—Access to these records are restricted to those with appropriate function within the agency. Retention and Disposal—In

divisional or regional offices, the records are retained for an indefinite period of time. They are then forwarded to the Personnel Office or discarded. In the Personnel Office, every year the applications are returned to the applicants for update and resubmission if applicants are still interested in employment with the Commission.

#### System manager(s) and address:

Personnel Officer  
Office of Management, Room 507  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

#### Notification procedure:

General Counsel  
Office of General Counsel, Room 600  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Record access procedures:** Address inquiries same as Notification, with appeals to the Staff Director.

**Record source categories:** Information submitted by applicants seeking employment with the Commission.

### CRC-003

**System name:** Complaints

#### System location:

U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425  
Office of Federal Civil Rights Enforcement, Complaints Division  
Office of General Counsel  
Office of Field Operations Regional Offices:  
Central States Regional Office, U.S.C.C.R.  
911 Walnut Street  
Kansas City, Missouri 64106  
Mid-Atlantic Regional Office, U.S.C.C.R.  
2120 L Street, N.W. (Room 510)  
Washington, D.C. 20037  
Midwestern Regional Office, U.S.C.C.R.  
230 South Dearborn Street, 32nd Floor  
Chicago, Illinois 60604  
Mountain States Regional Office, U.S.C.C.R.  
Ross Building (Room 216)  
1726 Champa Street  
Denver, Colorado 80282  
Northeastern Regional Office, U.S.C.C.R.  
26 Federal Plaza (Room 1639)  
New York, New York 10007  
Southern Regional Office, U.S.C.C.R.  
Citizens Trust Bank Building (Room 362)  
75 Piedmont Avenue, N.E.  
Atlanta, Georgia 30303  
Southwestern Regional Office, U.S.C.C.R.  
New Moore Building (Room 249)  
106 Broadway  
San Antonio, Texas 78205  
Western Regional Office, U.S.C.C.R.  
312 North Spring Street (Room 1015)  
Los Angeles, California 90012

**Categories of individuals covered by the system:** Records are maintained by the name of the person filing the complaint and by the name of the person or organization the complaint is filed against.

**Categories of records in the system:** The record contains the complaint alleging a denial of equal protection based on race, color, religion, national origin, or sex or in the Administration of Justice and the action taken by the Commission on that complaint.

**Authority for maintenance of the system:** 42 U.S.C. sec. 1975c(a)(1) and (5)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The record is used to assist in resolving complaints alleging denials of rights based on race, color, religion, national origin, or sex or in the Administration of Justice. Users of the record are the person or persons, groups, corporations or governmental agencies against whom the complaint is made and the Commissioners and Commission staff dealing with the complaint, as well as Federal or State agencies to which com-

plaints may be referred. (Subject to the requirements of 42 U.S.C. sec. 1975a(e).)

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Storage—Records are maintained on paper. Retrievability—Records are indexed by subject matter, name of the complaining person or persons and the name of the persons, groups, corporations or governmental agencies against whom the complaint is brought. Retention and Disposal—Records are maintained in file cabinets during the course of the complaint investigation and for a reasonable period of time afterwards until they are retired to the National Archives.

#### System manager(s) and address:

Director  
Office of Management  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

#### Notification procedure:

General Counsel  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Record access procedures:** General Counsel

**Contesting record procedures:**

Staff Director  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Record source categories:** Complaints are received from the public; responses are received from those the complaint is filed against; further information is developed by Commission staff during the course of dealing with complaints.

### CRC-004

**System name:** Commission projects

#### System location:

U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Categories of individuals covered by the system:** Members of the public from whom the Commission has sought information, individuals active or interested in civil rights issues who have information on project subject areas; public and private individuals with civil rights responsibilities.

**Categories of records in the system:** Reports from staff field investigations; interview reports, hearing files, transcripts; letters to and from individuals regarding civil rights; reports and publications prepared by governmental agencies and private groups and individuals concerning civil rights; reports from Commissioners regarding civil rights; communications between the Commission and other governmental agencies and between the Commission and private groups and individuals generated in the course of project investigations; Commission reports and publications.

Project files have been compiled by the following offices: Office of General Counsel, Office of Research, Office of National Civil Rights Issues; Office of Staff Director, Women's Rights Program Unit; Office of Program and Policy Review; Office of Federal Civil Rights Evaluation; Office of Field Operations.

**Authority for maintenance of the system:** 42 U.S.C. sec. 1975c

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are used to determine what projects the Commission should initiate; records are used as background and supporting material for the conduct of Commission projects; records are used during Commission hearings; records are used as background and supporting material in the preparation of Commission reports and publications. Primary users of these records are Commissioners and staff of the U.S. Commission on Civil Rights in the conduct of projects. The 51 State Advisory Committees to the Commission make use of project records in carrying out their advisory functions. Records are also available, in part, to use by the public upon request under the Freedom of Information Act. (Subject to 42 U.S.C. sec. 1975a(e).)

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Storage—Material is maintained in the form of typed paper copy. Retrievability—System is indexed by project title, subject matter, and by name of person or



organization. Retaining—Records are kept in file cabinets during the project and for a reasonable time thereafter, and are retired to the National Archives when the records no longer serve a continuing use.

**System manager(s) and address:**

Director  
Office of Management  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Notification procedure:**

General Counsel  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Record access procedures:** Same as above with appeal to the Staff Director.

**Record source categories:** Members of the public, Commissioners, State Advisory Committee members, and Commission staff.

**CRC—005**

**System name:** Information on Commissioners, staff and State Advisory Committee members, past and present.

**System location:**

U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425  
Office of the Staff Director  
Office of Information and Publication  
Office of Field Operations  
All Regional Offices

**Categories of individuals covered by the system:** Commissioners who are appointed by the President and confirmed by members of the Senate; State Advisory Committee members appointed by the Commissioners, and information on past Commissioners and advisory committee members. Limited information is kept on former employees in this system; also limited information is included on potential State Advisory Committee members.

**Categories of records in the system:** Contains rosters of Commissioners, State Advisory Committee members and staff; biographical information, and correspondence between the individual Commissioners, Advisory Committee members and staff. Staff lists reflect position and grade level.

**Authority for maintenance of the system:** 42 U.S.C. sec. 1975; and sec. 1975d(a) and (c).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information (names, rosters) is maintained for distribution to the public, and for mailing Commission materials and publications. Rosters containing names of employees, position and grade level are used to review staffing patterns, personnel practices, hirings and separations. Biographical data on advisory committee members is reviewed by the Commissioners and staff in selecting, reappointing or rechartering State Advisory Committees. Biographical data on the Commissioners is also made available to the public.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Storage—Information is stored in file folders. Retrieval—Information is retrieved by subject matter, i.e., Commissioners, a named State Advisory Committee, or staff; and then by individual name. Safeguards—Information is contained in unlocked file drawers with access limited to staff who manage or assist in activities relating to the categories of individuals covered. Retention and Disposal—Information is kept in files during current tenure of Commissioners, Advisory Committee members, and staff. Upon resignation or change of membership files are retained for 2-3 years and then retired to the National Archives.

**System manager(s) and address:**

Director  
Office of Management  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W., Room 502A  
Washington, D.C. 20425 For State Advisory Committee files:  
Assistant Staff Director, Office of Field Operations  
U.S. Commission on Civil Rights  
Office of Field Operations  
1121 Vermont Avenue, N.W., Room 500

Washington, D.C. 20425

**Notification procedure:**

General Counsel  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Record access procedures:** Same as above for notification with appeals to the Staff Director.

**Record source categories:** Individual to whom the record pertains; personnel office and some members of the general public.

**CRC—006**

**System name:** Other Employee Programs: Equal Employment Opportunity, Troubled Employee and Upward Mobility

**System location:**

Office of Staff Director  
Director of Equal Employment Opportunity  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Categories of individuals covered by the system:** Equal Employment Opportunity: all employees of the Commission. Troubled Employee Program: employees with personal problems which detract from job effectiveness (alcoholism, drug abuse, mental stress, etc.). Upward Mobility: clerical employees who are eligible for entry into the program or who are participating in the program.

**Categories of records in the system:** Equal Employment Opportunity: open and restricted investigative files pertaining to equal employment opportunity complaints and problems. Troubled Employee Program: records are confidential and contain data regarding employees enrolled in the program, what assistance or counseling is received, and related information. Upward Mobility: records of enrollment in training or educational programs, class progress and grades, as well as promotions or advancements within the Commission.

**Authority for maintenance of the system:** Executive Order 11478; 42 U.S.C. sec. 1975d(a) and Federal Personnel Regulations, Chapter 293, 42 U.S.C. sec. 2000e

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Equal Employment Opportunity: Used by Equal Employment Opportunity director, counselors, investigators and other agency officials where appropriate to resolve discrimination complaints. After disposition is made of the case, files are reviewed by the Office of General Counsel and where appeals are taken, files are reviewed by hearing officers and Civil Service Board of Appeals and Review. Where court actions are filed, records are reviewed by the courts and attorneys for the parties.

Equal Employment Opportunity records are used to meet Civil Service Commission and Federal employment reporting requirements.

Troubled Employee Program files are used by the Equal Employment Opportunity director and supervisory or management personnel in determining the prognosis, need for counseling, or other action in individual cases.

Upward Mobility files are used to counsel employees and supervisors; to monitor the effectiveness of the program, the training received, on-the-job experience and overall progress of the participants. Records in the Equal Employment Opportunity and Upward Mobility Programs are used to assist the agency in developing its Affirmative Action program.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Records are maintained in the Office of the Director, Equal Employment Opportunity with access limited to the staff of that office. Investigative files (Equal Employment Opportunity) are retained in secured file cabinets. Troubled Employee files are maintained in locked file cabinets and are unavailable to agency staff (except the Equal Employment Opportunity Director) in their entirety, however extractions are made as necessary for management decisions.

Upward Mobility files are maintained in the same office. The Equal Employment Opportunity director and the Federal Women's Program Coordinator are the primary users of these records with extracts made available to Personnel, supervisors or others within management. Upon completion of the program some of this data may be placed in the Official Personnel Folder.

**System manager(s) and address:**

Director of Equal Employment Opportunity  
Office of Staff Director  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Notification procedure:**

General Counsel  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Record access procedures:** Same as above with appeals to the Staff Director.

**Record source categories:** The employee in the program, supervisors, management and co-workers. Educational institutions, trainers, medical officials and other third parties dealing with covered employees.

**CRC—007**

**System name:** Personnel Records

**System location:**

U.S. Commission on Civil Rights  
Office of Management  
Personnel Division  
1121 Vermont Avenue, N.W., Room 507  
Washington, D.C. 20425  
Office of the Staff Director  
Office of Management  
Office of Information and Publications  
Office of General Counsel  
Office of Program and Policy Review  
Office of Field Operations  
Office of Research  
Office of Federal Civil Rights Evaluation  
Office of National Civil Rights Issues  
All Regional Offices

**Categories of individuals covered by the system:** Current Commission employees and those formerly employed by the Commission.

**Categories of records in the system:** This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed at the Commission. These records contain information about an individual relating to his birth date; Social Security Number; veterans preference; tenure; handicap; past and present salaries, grades, and position titles; letters of communication, reprimand, charges, and decisions on charges; notice of reduction-in-force; locator files; personnel actions; including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training; minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; training; performance ratings, data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

**Authority for maintenance of the system:** 42 U.S.C. sec. 1975d(a); and Federal Personnel Regulations, Chapter 293

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records is used or a record may be used by agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual. Records are used to provide information to a prospective employer of a Commission employee or former employee.

These records are used in accordance with Civil Service Commission notices of Systems of Personnel Records including as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Storage—Records are maintained in file folders, in file cabinets with access limited to those persons whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure. Retention and

Disposal—The Official Personnel Folder (OPF) is retained indefinitely. The OPF is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for two years or destroyed when an individual resigns, transfers, or is separated from the Federal service.

**System manager(s) and address:**

Office of Management  
Personnel Officer  
1121 Vermont Avenue, N.W., Room 507  
Washington, D.C. 20425

**Notification procedure:**

General Counsel  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Record access procedures:** Same as above with appeals to the Staff Director. Former Federal employees who wish to contest their records should direct such a request in writing to:

Director  
Bureau of Manpower Information Systems  
U.S. Civil Service Commission  
1900 E Street, N.W.  
Washington, D.C. 20415

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he/she supplied, except information provided by agency officials.

**CRC—008**

**System name:** Resource and Consultant

**System location:**

U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425  
Office of Staff Director, Room 800  
Women's Rights Program Unit, Room 503  
Office of General Counsel, Room 600  
Office of Information and Publications, Room 700 All Regional Offices:  
Central States Regional Office, U.S.C.C.R.  
911 Walnut Street  
Kansas City, Missouri 64106  
Mid-Atlantic Regional Office, U.S.C.C.R.  
2120 L Street, N.W., Room 510  
Washington, D.C. 20037  
Midwestern Regional Office, U.S.C.C.R.  
230 South Dearborn Street, 32nd Floor  
Chicago, Illinois 60604  
Mountain States Regional Office, U.S.C.C.R.  
Ross Building, Room 216  
1726 Champa Street  
Denver, Colorado 80282  
Northeastern Regional Office, U.S.C.C.R.  
26 Federal Plaza, Room 1639  
New York, New York 10007  
Southern Regional Office, U.S.C.C.R.  
Citizens Trust Bank Building, Room 362  
75 Piedmont Avenue, N.E.  
Atlanta, Georgia 30303  
Southwestern Regional Office, U.S.C.C.R.  
New Moore Building, Room 249  
106 Broadway  
San Antonio, Texas 78205  
Western Regional Office, U.S.C.C.R.  
312 North Spring Street, Room 1015  
Los Angeles, California 90012

**Categories of individuals covered by the system:** Individuals with expertise and experience in civil rights matters; consultants, conference participants, appointees to Federal employment, boards of directors, state advisory committees, and other organizations.

**Categories of records in the system:** This system contains resumes, biographical sketches, mailing lists, rosters, some employment data and interview reports, newspaper clippings, magazine articles, and miscellaneous information about individuals.

**Authority for maintenance of the system:** 42 U.S.C. sec. 1975d(a) and (c), and sec. 1975c(a)(4)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is referred

dividuals active or interested in civil rights issues in their States and local communities; public and private individuals with civil rights responsibilities.

U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W., Room 502  
Washington, D.C. 20425 All divisional offices All regional offices

and reporting requirements; and for retrieving and supplying payroll and leave information as required for agency needs. Travel records or vouchers may be used for purposes of providing reimbursements to covered individuals for travel expenses and/or record of offi-



**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is referred to other Commission offices upon request for use in recruitment of employees, for use in obtaining information on persons interested in serving on advisory committees, or providing potential resource or consultant assistance to the agency. Data is shared with non-agency requesters where individuals have consented or data is of a public nature. Mailing lists and rosters are used for correspondence between the Commissioners, staff, advisory committees and members of the public; also for dissemination of information where appropriate.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Records are on paper in file folders. Most data are stored strictly by project and subject title. Project directors and division heads are primary personnel using the system. Women's Rights Program Unit. Resumes are filed by name in the Unit's locked file cabinets; access is available to Unit staff and, on occasion, to other Commission supervisory staff and hiring officials. Office of General Counsel and Office of Information and Publication. Data is stored in file cabinets with limited access. These records are kept for an indefinite period of time within the agency and subsequently retired to the National Archives when the project file is inactive.

**System manager(s) and address:**

Director  
Office of Management  
U.S. Commission on Civil Rights, Room 502A  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Notification procedure:**

Office of General Counsel, Room 600  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Record access procedures:** Same as above with appeal to the Staff Director.

**Record source categories:** Biographical information and background information is obtained from the individual; resumes and S.F. 171's are also obtained from the individual. Other information is obtained from newspapers, magazines, and public sources.

CR-009

**System name:** State Advisory Committee Project Files

**System location:**

Office of Field Operations  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425 Regional Offices:  
Central States Regional Office, U.S.C.C.R.  
911 Walnut Street  
Kansas City, Missouri 64106  
Mid-Atlantic Regional Office, U.S.C.C.R.  
2120 L Street, N.W., Room 510  
Washington, D.C. 20037  
Midwestern Regional Office, U.S.C.C.R.  
230 South Dearborn Street 32nd Floor  
Chicago, Illinois 60604  
Mountain States Regional Office, U.S.C.C.R.  
Ross Building, Room 216  
1726 Champa Street  
Denver, Colorado 80282  
Northeastern Regional Office, U.S.C.C.R.  
26 Federal Plaza, Room 1639  
New York, New York 10007  
Southern Regional Office, U.S.C.C.R.  
Citizens Trust Bank Building, Room 362  
75 Piedmont Avenue, N.E.  
Atlanta, Georgia 30303  
Southwestern Regional Office, U.S.C.C.R.  
New Moore Building, Room 249  
106 Broadway  
San Antonio, Texas 78205  
Western Regional Office, U.S.C.C.R.  
312 North Spring Street, Room 1015  
Los Angeles, California 90012

**Categories of individuals covered by the system:** Members of the public from whom staff or advisory committee members seek information in connection with a project or their advisory function; in-

dividuals active or interested in civil rights issues in their States and local communities; public and private individuals with civil rights responsibilities.

**Categories of records in the system:** Reports from staff field investigations, interview reports, informal hearings or open meetings files, transcripts, letters to and from individuals regarding civil rights, reports and publications prepared by governmental agencies and private groups and individuals concerning civil rights; reports from State Advisory Committee members concerning civil rights; communications between the State Advisory Committees and State, local and Federal governmental agencies and between the State Advisory Committees and private individuals and groups generated during the course of State Advisory Committee project investigations, Commission reports and investigations. (Subject to the requirements of 42 U.S.C. sec. 1975a(e).)

Project files by the 51 State Advisory Committees have been compiled by the Office of Field Operations in Washington, D.C. and in the following regional offices:

Central States Regional Office: Iowa; Kansas; Missouri; Nebraska.  
Mid-Atlantic Regional Office: Delaware; District of Columbia; Maryland, Pennsylvania; Virginia; West Virginia.  
Midwestern Regional Office: Illinois; Indiana; Michigan; Minnesota; Ohio; Wisconsin.  
Mountain States Regional Office: Arizona; Colorado; Montana; North Dakota; South Dakota; Utah; Wyoming.  
Northeastern Regional Office: Connecticut; Maine; Massachusetts; New Hampshire; New Jersey; New York; Rhode Island; Vermont.  
Southern Regional Office: Alabama; Florida; Georgia; Kentucky; Mississippi; North Carolina; South Carolina; Tennessee.  
Southwestern Regional Office: Arkansas; Louisiana; Oklahoma; Texas; New Mexico.  
Western Regional Office: Alaska; California; Hawaii; Idaho; Nevada; Oregon; Washington.

**Authority for maintenance of the system:** 42 U.S.C. sec. 1975d(e).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are used to determine what projects State Advisory Committees should initiate and as background and supporting material for the conduct of State Advisory Committee projects; records are used by State Advisory Committees as background and supporting material for the preparation of State Advisory Committee reports and recommendations to the U.S. Commission on Civil Rights. Primary users of these records are State Advisory Committee members and Commission staff assisting State Advisory Committees in the conduct of projects. State Advisory Committee records are available, in part, to the public upon request under the Freedom of Information Act. (Subject to 42 U.S.C. sec. 1975a(e).)

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Storage—records are stored on paper. Retrievability—records are indexed by project title, subject matter and within these categories by name of individuals and organization. Retention—records are maintained by the Office of Field Operations in the headquarters office in Washington, D.C. and in the regional offices.

**System manager(s) and address:**

Assistant Staff Director  
Office of Field Operations  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Notification procedure:**

General Counsel  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Record access procedures:** Same as above with appeal to the Staff Director.

**Record source categories:** Members of the public, State Advisory Committee members, Commissioners and Commission staff.

CR-010

**System name:** Travel, payroll, time and attendance of Commissioners, staff, consultants, and State Advisory Committee members.

**System location:**

Office of Management

U.S. Commission on Civil Rights

1121 Vermont Avenue, N.W., Room 502

Washington, D.C. 20425 All divisional offices All regional offices

**Categories of individuals covered by the system:** Commissioners, staff, consultants, and State Advisory Committee members.

**Categories of records in the system:** Records consist of manual files containing payroll related information for staff and consultants. Payroll and time and attendance records and information includes many records or information also maintained in the Official Personnel Folder and related files maintained in accordance with Civil Service Commission regulations and of which notice has been given by the Civil Service Commission in its notice of government-wide systems of personnel records. Payroll and related information consists of various forms which disclose on a biweekly, year-to-date, and in some cases, an annual basis, payroll and leave data for staff and consultants relating to rate and amount of pay, leave, and hours worked, and leave balances; tax and retirement deductions; life insurance and health insurance deductions; savings allotments, savings bond and charity deductions.

For all categories of individuals covered, records include mailing addresses and home addresses, travel requests and travel vouchers where appropriate, statements of per diem and expense allowances.

Official travel records for the Commission are maintained by the General Services Administration.

**Authority for maintenance of the system:** 42 U.S.C. 1975d(a), Federal Personnel Manual and Treasury Fiscal Requirements Manual.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Relevant records in this system are referred to the General Services Administration for preparation of payroll; to meet government payroll recordkeeping

and reporting requirements; and for retrieving and supplying payroll and leave information as required for agency needs. Travel records or vouchers may be used for purposes of providing reimbursements to covered individuals for travel expenses and/or record of official travel. Relevant records in this system may be referred as a routine use, to the Department of Justice or other appropriate Federal agency for investigating or prosecuting any violation of any Federal law or requirement thereunder.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Storage—Maintained in individual folders for each category of individuals covered. Retrievability—Files are maintained in alphabetical order by category and by name. Safeguards—Maintained in areas to which access is controlled by or restricted to Commission management personnel. Retention and Disposal—In accordance with General Services Administration requirements for financial/ payroll/travel related records.

**System manager(s) and address:**

Director  
Office of Management  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Notification procedure:**

Office of General Counsel  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

**Record access procedures:** Same as above with appeal to the Staff Director.

**Record source categories:** Provided by Civil Rights Commission employees and all categories of individuals covered

[FR Doc.75-23064 Filed 9-2-75;8:45 am]



**ENVIRONMENTAL PROTECTION AGENCY**  
**[40 CFR Part 16]**  
 (FR 424-1)  
**IMPLEMENTATION OF PRIVACY ACT OF 1974**

**Proposed Rulemaking**

Notice is hereby given that the Environmental Protection Agency (EPA) proposes to amend Chapter I of Title 40 of the Code of Federal Regulations by adding a new Part 16 to implement provisions of the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93-579, 88 Stat. 1896). Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments pertaining to these proposed rules. Comments on the proposed rules received by the Agency on or before September 17, 1975, will be considered before taking final action on the proposed rules. Necessary for considering comments and finalizing the rules by September 27, 1975, furnishes good cause for an abbreviated comment period. Such comments should be addressed to Director, Management and Organization Division, PM-213, Environmental Protection Agency, Washington, D.C. 20460. Copies of all written comments will be available for examination by interested persons between 8 a.m. and 4:30 p.m. Mondays through Fridays (except holidays) at Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

These proposed regulations establish procedures to be followed by individuals who request information about records pertaining to themselves and access to or amendments of records which are contained in systems of records maintained by EPA.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 40, Code of Federal Regulations, by adding a new Part 16 as follows:

**PART 16—IMPLEMENTATION OF PRIVACY ACT OF 1974**

- Sec.
- 16.1 Purpose and scope.
  - 16.2 Definitions.
  - 16.3 Procedures for requests pertaining to individual records in a record system.
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AUTHORITY: 5 U.S.C. 552a.

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**§ 16.1 Purpose and scope.**

(a) This part sets forth the Environmental Protection Agency procedures under the Privacy Act of 1974 as required by 5 U.S.C. 552a(f).

(b) These procedures describe how an individual may request notification of whether EPA maintains a record pertaining to him or her in any of its systems of records, request access to the record or to an accounting of its disclosure, request that the record be amended or corrected, and appeal an initial adverse determination concerning any such request.

(c) These procedures apply only to requests by individuals and only to records maintained by EPA, excluding those systems specifically exempt under §§ 16.13 and 16.14 and those determined as government-wide and published by the Civil Service Commission in 5 CFR Parts 293 and 297.

**§ 16.2 Definitions.**

As used in this Part:

(a) The terms "individual," "maintain," "record," "system of records," and "routine use" shall have the meaning given them by 5 U.S.C. 552a (a) (2), (a) (3), (a) (4), (a) (5) and (a) (7), respectively.

(b) "EPA" means the Environmental Protection Agency.

(c) "Working days" means calendar days excluding Saturdays, Sundays, and legal public holidays.

**§ 16.3 Procedures for requests pertaining to individual records in a record system.**

Any individual who wishes to have EPA inform him or her whether a system of records maintained by EPA contains any record pertaining to him or her which is retrieved by name or personal identifier, or who wishes to request access to any such record, shall submit a written request in accordance with the instructions set forth in EPA's annual notice of systems for that system of records. This request shall include:

- (a) The name of the individual making the request;
- (b) The name of the system of records (as set forth in the EPA notice of systems) to which the request relates;
- (c) Any other information which the system notice indicates should be included; and
- (d) If the request is for access, a statement as to whether a personal inspection or a copy by mail is desired.

**§ 16.4 Times, places, and requirements for identification of individuals making requests.**

(a) If an individual submitting a request for access under § 16.3 has asked that EPA authorize a personal inspection of records, and EPA has granted the request, he or she may present himself or herself at the time and place specified in EPA's response or arrange another time with the appropriate agency official.

(b) Prior to inspection of records, an individual shall present sufficient identification (e.g., driver's license, employee

identification card, social security card, credit card) to establish that he or she is the individual to whom the records pertain. An individual who is unable to provide such identification shall complete and sign, in the presence of an agency official, a statement declaring his or her identity and stipulating that he or she understands it is a misdemeanor punishable by fine up to \$5,000 to knowingly and willfully seek or obtain access to records about another individual under false pretenses.

(c) If an individual, having requested personal inspection of his or her records, wishes to have another person accompany him or her during inspection, he or she shall submit a written statement authorizing disclosure in the presence of the other person(s).

(d) An individual who has made a personal inspection of records may then request copies of those records. Such requests may be granted, but fees may be charged in accordance with § 16.11.

(e) If an individual submitting a request under § 16.3 wishes to have copies furnished by mail, he or she must include with the request sufficient data to allow EPA to verify his or her identity. Should sensitivity of the records warrant it, EPA may require a requester to submit a signed and notarized statement indicating that he or she is the individual to whom the records pertain and that he or she understands it is a misdemeanor punishable by fine up to \$5,000 to knowingly and willfully seek or obtain access to records about another individual under false pretenses. Such mail requests may be granted, but fees may be charged in accordance with § 16.11.

(f) No verification of identity will be required where the records sought are publicly available under the Freedom of Information Act, as EPA procedures under 40 CFR Part 2 will then apply.

**§ 16.5 Disclosure of requested information to individuals.**

(a) Each request received will be acted upon promptly.

(b) Within 10 working days of receipt of a request, the system manager shall acknowledge the request. Whenever practicable, the acknowledgment will indicate whether or not access will be granted and, if so, when and where. When access is to be granted, it shall be provided within 30 working days of first receipt.

If the agency is unable to meet this deadline, the records system manager shall so inform the requester stating reasons for the delay and an estimate of when access will be granted.

(c) If a request pursuant to § 16.3 for access to a record is in a system of records which is exempted, the records system manager will determine whether the information will nonetheless be made available. If the determination is to deny access, the reason for denial and the appeal procedure will be given to the requester.

(d) Any person whose request is initially denied may appeal that denial to the Privacy Act Officer, who shall make

an appeal determination within 10 working days.

(e) If the appeal under paragraph (d) of this section is denied, the requester may bring a civil action under 5 U.S.C. 552a(g) to seek review of the denial.

**§ 16.6 Special procedures: medical records.**

Should EPA receive a request for access to medical records (including psychological records) disclosure of which the system manager determines would be harmful to the individual to whom they relate, EPA may refuse to disclose the records directly to the individual and instead offer to transmit them to a physician designated by the individual.

**§ 16.7 Request for correction or amendment of record.**

(a) An individual may request correction or amendment of any record pertaining to him or her in a system of records maintained by EPA by submitting to the system manager, in writing, the following:

- (1) The name of the individual making the request;
- (2) The name of the system, as described in the notice of systems;
- (3) A description of the nature and substance of the correction or amendment request; and
- (4) Any additional information specified in the system notice.

(b) Any person submitting a request under this section shall include sufficient information in support of that request to allow EPA to apply the standards set forth in 5 U.S.C. 552a (e) (1) and (e) (5).

(c) Any person whose request is denied may appeal that denial to the Privacy Act Officer.

(d) In the event that appeal is denied, the requester may bring a civil action to seek review of the denial, under 5 U.S.C. 552a(g).

**§ 16.8 Initial determination on request for correction or amendment of record.**

(a) Within 10 working days of receipt of a request for amendment or correction, the system manager shall acknowledge the request, and promptly either:

- (1) Make any correction, deletion, or addition which the requester believes should be made; or
- (2) Inform the requester of his or her refusal to correct or amend the record, the reason for refusal, and the procedures for appeal.

(b) If the system manager is unable to comply with the preceding paragraphs within 30 working days of his or her receipt of a request, he or she will inform the requester of that fact, the reasons, and an estimate of when a determination will be reached.

(c) In conducting the review of the request, the system manager will be guided

**PROPOSED RULES**

by the requirements of 5 U.S.C. 552a (e) (1) and (e) (5).

(d) If the system manager determines to grant all or any portion of the request, he or she will:

- (1) Advise the individual of that determination;
- (2) Make the correction or amendment; and
- (3) So inform any person or agency outside EPA to whom the record has been disclosed, and, where an accounting of that disclosure is maintained in accordance with 5 U.S.C. 552a(c), note the occurrence and substance of the correction or amendment in the accounting.

(e) If the system manager determines not to grant all or any portion of a request for correction or amendment, he or she will:

- (1) Comply with paragraph (d) (3) of this section (if necessary);
- (2) Advise the individual of the determination and its basis;
- (3) Inform the individual that an appeal may be made; and
- (4) Describe the procedures for making the appeal.

(f) If EPA receives from another Federal agency a notice of correction or amendment of information furnished by that agency and contained in one of EPA's systems of records, the system manager shall advise the individual and make the correction as if EPA had originally made the correction or amendment.

**§ 16.9 Appeal of initial adverse agency determination on request for correction or amendment.**

(a) Any individual whose request for correction or amendment is initially denied by EPA and who wishes to appeal may do so by letter to the Privacy Act Officer. The appeal shall contain a description of the initial request sufficient to identify it.

(b) The Privacy Act Officer shall make a final determination not later than 30 working days from the date on which the individual requests the review, unless, for good cause shown, the Privacy Act Officer extends the 30-day period and notifies the requester. Such extension will be utilized only in exceptional circumstances.

(c) In conducting the review of an appeal, the Privacy Act Officer will be guided by the requirements of 5 U.S.C. 552a (e) (1) and (e) (5).

(d) If the Privacy Act Officer determines to grant all or any portion of an appeal he or she shall so inform the requester and EPA shall make the correction or amendment and comply with § 16.8(d) (3).

(e) If the Privacy Act Officer determines not to grant all or any portion of an appeal he or she shall inform the requester:

(1) Of the determination and its basis;

(2) Of the requester's right to file a concise statement of reasons for disagreeing with EPA's decision;

(3) Of the procedures for filing such statement of disagreement;

(4) That such statements of disagreement will be made available in subsequent disclosures of the record, together with an agency statement (if deemed appropriate) summarizing its refusal;

(5) That prior recipients of the disputed record will be provided with statements as in paragraph (e) (4) of this section, to the extent that an accounting of disclosures is maintained under 5 U.S.C. 552a(c); and

(6) Of the requester's right to seek judicial review under 5 U.S.C. 552a(g).

**§ 16.10 Disclosure of record to person other than the individual to whom it pertains.**

EPA shall not disclose any record which is contained in a system of records it maintains except pursuant to a written request by, or with the written consent of, the individual to whom the record pertains, unless the disclosure is authorized by one or more of the provisions of 5 U.S.C. 552a(b).

**§ 16.11 Fees.**

No fees shall be charged for providing the first copy of a record or any portion to an individual to whom the record pertains. The fee schedule for reproducing other records is the same as that set forth in 40 CFR § 2.120.

**§ 16.12 Penalties.**

The Act provides, in pertinent part: "Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000." (5 U.S.C. 552a(i) (3).)

**§ 16.13 [Reserved]**

**§ 16.14 Specific exemptions.**

Pursuant to 5 U.S.C. 552a(k) (2), investigatory material compiled for law enforcement purposes in the following systems of records is exempt from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H) and (I), and (f) of 5 U.S.C. 552a and from the provisions of this Part, except as otherwise provided in 552a(k) (2).

(Reserved for list of exempt systems to be later identified.)

Dated: August 27, 1975.

RUSSELL E. TRAIN,  
 Administrator.

Environmental Protection Agency.

[FR Doc.75-23199 Filed 8-28-75; 10:00 am]

**NATIONAL SECURITY COUNCIL**

**PROPOSED RULES**

considered an agency for the purposes of this Act, the materials which are used

with the purpose for which it was collected.

(f) Disclosure: the granting of access

there is information concerning them must address a request in writing to the Staff Secretary of the NSC (see Section

(4) A description of any other procedures which may be required of the individual in order to process the appeal.

**§ 2102.41 Fees.**

(a) Individuals will not be charged for:



**NATIONAL SECURITY COUNCIL**  
[ 32 CFR Part 2102 ]  
**PRIVACY ACT OF 1974**  
**Proposed Rulemaking**

August 27, 1975.

Notice is hereby given that the National Security Council proposes to amend Title 32, Chapter XXI Code of Federal Regulations by adding a new Part 2102 to implement the provisions of the Privacy Act of 1974, 5 U.S.C. 552a (f), Pub. L. 93-579.

Interested persons are invited to submit written comments, suggestions or objections regarding these proposed rules to the Staff Secretary, National Security Council, Washington, D.C. 20506. All relevant material received before September 15, 1975 will be considered by the NSC in formulating its final regulations.

JEANNE W. DAVIS,  
Staff Secretary.

Notice is hereby given that it is proposed to make the final regulations effective September 27, 1975, the effective date of section 3, Pub. L. 93-579.

These regulations are the exclusive means by which individuals may request personally identifiable records and information from the National Security Council.

Title 32, Chapter XII, Code of Federal Regulations, is proposed to be amended by establishing a new Part 2102, as follows:

**PART 2102—PRIVACY ACT  
REGULATIONS**

Sec.	
2102.1	Introduction.
2102.2	Purpose and scope.
2102.3	Definitions.
2102.11	Procedures for determining if an individual is the subject of a record.
2102.13	Requirements for requesting access to a record.
2102.15	Requirements for requests to amend records.
2102.21	Procedures for appeal of determination to deny access to or amendment of requested records.
2102.31	Disclosure of record to persons other than the individual to whom it pertains.
2102.41	Fees.
2102.51	Penalties.
2102.61	Exemptions.

**§ 2102.1 Introduction.**

Insofar as the Privacy Act of 1974 (5 U.S.C. 552a) applies to the National Security Council (hereafter NSC), it provides the American public with expanded opportunities to gain access to records maintained by the NSC Staff which may pertain to them as individuals.

The NSC Staff, in addition to performing the functions prescribed in the National Security Act of 1947, as amended (50 U.S.C. 401), also serves as the supporting staff to the President in the conduct of foreign affairs. In doing so the NSC Staff is acting not as an agency but as an extension of the White House Office. In that the White House Office is not

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considered an agency for the purposes of this Act, the materials which are used by NSC Staff personnel in their role as supporting staff to the President are not subject to the provisions of the Privacy Act of 1974. A description of these White House Office files is, nevertheless, appended to the NSC notices of systems of files and will be published annually in the *FEDERAL REGISTER*.

In general, records in NSC files pertain to individual members of the public only if these individuals have been (1) employed by the NSC, (2) have corresponded on a foreign policy matter with a member of the NSC or its staff, or (3) have, as a U.S. Government official, participated in an NSC meeting or in the preparation of foreign policy-related documents for the NSC.

**§ 2102.2 Purpose and scope.**

The following regulations set forth procedures whereby individuals may seek and gain access to records concerning themselves and will guide the NSC Staff response to requests under the Privacy Act. In addition, they outline the requirements applicable to the personnel maintaining NSC systems of records.

(a) These regulations, published pursuant to the Privacy Act of 1974, Pub. L. 93-579, section 552a (f) and (k), 5 U.S.C. (hereinafter the Act), advise of procedures whereby an individual can:

(1) Request notification of whether the NSC Staff maintains or has disclosed a record pertaining to him or her in any non-exempt system of records;

(2) Request a copy of such record or an accounting of that disclosure;

(3) Request an amendment to a record; and

(4) Appeal any initial adverse determination of any request under the Act.

(b) These regulations also specify those systems of records which the NSC has determined to be exempt from certain provisions of the Act and thus not subject to procedures established by this regulation.

**§ 2102.3 Definitions.**

As used in these regulations:

(a) *Individual*: A citizen of the United States or an alien lawfully admitted for permanent residence.

(b) *Maintain*: includes maintain, collect, use or disseminate. Under the Act it is also used to connote control over, and, therefore, responsibility for, systems of records in support of the NSC statutory function (50 U.S.C. 401, et seq.).

(c) *Systems of Records*: a grouping of any records maintained by the NSC from which information is retrieved by the name of the individual or by some other identifying particular assigned to the individual.

(d) *Determination*: any decision made by the NSC or designated official thereof which affects the individual's rights, opportunities, benefits, etc. and which is based in whole or in part on information contained in that individual's record.

(e) *Routine Use*: with respect to the disclosure of a record, the use of such a record in a manner which is compatible

with the purpose for which it was collected.

(f) *Disclosure*: the granting of access or transfer of a record by any means.

**§ 2102.1 Procedures for determining if an individual is the subject of a record.**

(a) Individuals desiring to determine if they are the subject of a record or system of records maintained by the NSC Staff should address their inquiries, marking them plainly as a Privacy Act Request, to:

Staff Secretary, National Security Council,  
Room 374, Old Executive Office Building,  
Washington, D.C. 20506.

(b) All requests must be made in writing and should contain:

(1) A specific reference to the system of records maintained by the NSC as listed in the NSC Notices of Systems and Records (copies available upon request); or

(2) A description of the record or systems of records in sufficient detail to allow the NSC to determine whether the record does, in fact, exist in an NSC system of records.

(c) All requests must contain the printed or typewritten name of the individual to whom the record pertains, the signature of the individual making the request, and the address to which the reply should be sent. In instances when the identification is insufficient to insure disclosure to the individual to whom the information pertains in view of the sensitivity of the information, NSC reserves the right to solicit from the requestor additional identifying information.

(d) Responses to all requests under the Act will be made by the Staff Secretary, or by another designated member of the NSC Staff authorized to act in the name of the Staff Secretary in responding to a request under this Act. Every effort will be made to inform the requestor if he or she is the subject of a specific record or system of records within ten working days (excluding Saturdays, Sundays and legal Federal Holidays) of receipt of the request. Such a response will also contain the procedures to be followed in order to gain access to any record which may exist and a copy of the most recent NSC notice, as published in the *FEDERAL REGISTER*, on the system of records in which the record is contained.

(e) Whenever it is not possible to respond in the time period specified above, the NSC Staff Secretary or a designated alternate will, within ten working days (excluding Saturdays, Sundays and legal Federal Holidays), inform the requestor of the reasons for the delay (e.g., insufficient requestor information, difficulties in record location, etc.), steps that need to be taken in order to expedite the request, and the date by which a response is anticipated.

**§ 2102.13 Requirements for access to a record.**

(a) Individuals requesting access to a record or system or records in which

there is information concerning them must address a request in writing to the Staff Secretary of the NSC (see Section 1, above). Due to restricted access to NSC offices in the Old Executive Office Building where the files are located, requests cannot be made in person.

(b) All written requests should contain a concise description of the records to which access is requested. In addition, the requestor should include any other information which he or she feels would assist in the timely identification of the record. Verification of the requestor's identity will be determined under the same procedures used in requests for learning of the existence of a record.

(c) To the extent possible, any request for access will be answered by the Staff Secretary or a designated alternate within ten working days (excluding Saturdays, Sundays, and legal Federal holidays) of the receipt of the request. In the event that a response cannot be made within this time, the requestor will be notified by mail of the reasons for the delay and the date upon which a reply can be expected.

(d) The NSC response will forward a copy of the requested materials unless further identification or clarification of the request is required. In the event access is denied, the requestor shall be informed of the reasons therefor and the name and address of the individual to whom an appeal should be directed.

**§ 2102.15 Requirements for requests to amend records.**

(a) Individuals wishing to amend a record contained in the NSC systems of records pertaining to them must submit a request in writing to the Staff Secretary of the NSC in accordance with the procedures set forth herein.

(b) All requests for amendment or correction of a record must state concisely the reason for requesting the amendment. Such requests should include a brief statement which describes the information the requestor believes to be inaccurate, incomplete, or unnecessary and the amendment or correction desired.

(c) To the extent possible, every request for amendment of a record will be answered within ten working days (excluding Saturdays, Sundays, and legal Federal holidays) of the receipt of the request. In the event that a response cannot be made within this time, the requestor will be notified by mail of the reasons for the delay and the date upon which a reply can be expected. A final response to a request for amendment will include the NSC Staff determination on whether to grant or deny the request. If the request is denied, the response will include:

(1) The reasons for the decision;

(2) The name and address of the individual to whom an appeal should be directed;

(3) A description of the process for review of the appeal within the NSC; and

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(4) A description of any other procedures which may be required of the individual in order to process the appeal.

**§ 2101.21 Procedures for appeal of determination to deny access to or amendment of requested records.**

(a) Individuals wishing to appeal an NSC Staff denial of a request for access or to amend a record concerning them must address a letter of appeal to the Staff Secretary of the NSC. The letter must be received within thirty days from the date of the Staff Secretary's notice of denial and, at a minimum, should identify the following:

(1) The records involved;

(2) The dates of the initial request and subsequent NSC determination; and

(3) A brief statement of the reasons supporting the request for reversal of the adverse determination.

(b) Within thirty working days (excluding Saturdays, Sundays and legal Federal Holidays) of the date of receipt of the letter of appeal, the Assistant to the President for National Security Affairs (hereinafter the "Assistant"), or the Deputy Assistant to the President for National Security Affairs (hereinafter the "Deputy Assistant"), acting in his name, shall issue a determination on the appeal. In the event that a final determination cannot be made within this time period, the requestor will be informed of the delay, the reasons therefor and the date on which a final response is expected.

(c) If the original request was for access and the initial determination is reversed, a copy of the records sought will be sent to the individual. If the initial determination is upheld, the requestor will be so advised and informed of the right to judicial review pursuant to 5 U.S.C. 552a(g).

(d) If the initial denial of a request to amend a record is reversed, the records will be corrected and a copy of the amended record will be sent to the individual. In the event the original decision is upheld by the Assistant to the President, the requestor will be so advised and informed in writing of his or her right to seek judicial review of the final agency determination, pursuant to Section 552a (g) of Title 5, U.S.C. In addition, the requestor will be advised of his right to have a concise statement of the reasons for disagreeing with the final determination appended to the disputed records. This statement should be mailed to the Staff Secretary within ten working days (excluding Saturdays, Sundays, and legal Federal Holidays) of the date of the requestor's receipt of the final determination.

**§ 2102.31 Disclosure of a record to persons other than the individual to whom it pertains.**

Except as provided by the Privacy Act, 5 U.S.C. 552a(b), the NSC will not disclose a record concerning an individual to another person or agency without the prior written consent of the individual to whom the record pertains.

**§ 2102.41 Fees.**

(a) Individuals will not be charged for:

(1) The first copy of any record provided in response to a request for access or amendment;

(2) The search for, or review of, records in NSC files;

(3) Any copies reproduced as a necessary part of making a record or portion thereof available to the individual.

(b) After the first copy has been provided, records will be reproduced at the rate of twenty-five cents per page for all copying of four pages or more.

(c) The Staff Secretary may provide copies of a record at no charge if it is determined to be in the interest of the Government.

(d) The Staff Secretary may require that all fees be paid in full prior to the issuance of the requested copies.

(e) Remittances shall be in the form of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the "United States Treasury" and mailed to the Staff Secretary, National Security Council, Washington, D.C. 20506.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

**§ 2102.51 Penalties.**

Title 18, U.S.C. section 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than five years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States. Section (i) (3) of the Privacy Act (5 U.S.C. 552a) makes it a misdemeanor, subject to a maximum fine of \$5,000, to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Sections (i) (1) and (2) of 5 U.S.C. 552a provide penalties for violations by agency employees, of the Privacy Act or regulations established thereunder.

**§ 2102.61 Exemptions.**

Pursuant to subsection (k) of the Privacy Act, (5 U.S.C. 552a), the Staff Secretary has determined that certain NSC systems of records may be exempt in part from sections 553 (c) (3), (d), (e) (1), (e) (4) (G), (H), (I), and (f) of Title 5, and from the provisions of these regulations. These systems of records may contain information which is classified pursuant to Executive Order 11652. To the extent that this occurs, records in the following systems would be exempt under the provision of 5 U.S.C. 552a(k) (1):

NSC 1.1—Central Research Index.  
NSC 1.2—NSC Correspondence Files.  
NSC 1.3—NSC Meetings Registry.

[FR Doc.75-23202 Filed 8-28-75;9:59 am]

**NOTICE TO FEDERAL REGISTER READERS**

As part of its continuing program to improve the quality of the daily *FEDERAL REGISTER* and *CODE OF FEDERAL REGULATIONS*, the Office of the Federal Register is soliciting the views of interested persons on the



NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

I. For the following reasons I found it difficult to understand the document from \_\_\_\_\_ in column \_\_\_\_\_, page \_\_\_\_\_ of the \_\_\_\_\_ issue of the \_\_\_\_\_

(agency)

(date)

FEDERAL REGISTER:

- ☐ only technical language was used; ☐ document contained long and difficult sentences;  
☐ preamble did not contain a clear and concise explanation of the document's purpose;  
☐ other (explain) \_\_\_\_\_

II. I believe that the requirement(s) contained in:

A. The document from \_\_\_\_\_ in column \_\_\_\_\_, page \_\_\_\_\_ of the \_\_\_\_\_

(agency)

\_\_\_\_\_ issue of the FEDERAL REGISTER, or

(date)

B. Section(s) \_\_\_\_\_ of Title \_\_\_\_\_ of the CODE OF FEDERAL REGULATIONS

impose(s) an: ☐ unnecessary; ☐ unreasonable; ☐ impractical; or ☐ obsolete  
requirement on those persons subject to that regulation.

My reasons are: \_\_\_\_\_

III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows: \_\_\_\_\_

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Washington, D.C. 20408

Name and address (optional)

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# federal register

THURSDAY, SEPTEMBER 4, 1975



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### Title 3—The President

Executive Order 11877 • September 2, 1975

Amending Executive Order No. 11861,<sup>1</sup> as Amended, Placing Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. Executive Order No. 11861 of May 21, 1975, as amended, is further amended:

(a) In Section 1 thereof, placing certain positions in level IV of the Executive Schedule, delete "(2) Director, National Institutes of Health, Department of Health, Education, and Welfare." and substitute therefor "(2) Administrator, Alcohol, Drug Abuse and Mental Health Administration, Department of Health, Education, and Welfare."

(b) In Section 1 thereof, placing certain positions in level IV of the Executive Schedule, delete "(13) Adviser to the Secretary (Counselor, Economic Policy Board), Department of the Treasury, to terminate effective August 1, 1975." and substitute therefor "(13) Adviser to the Secretary (Counselor, Economic Policy Board), Department of the Treasury."

(c) In Section 2 thereof, placing certain positions in level V of the Executive Schedule, delete "(7) Assistant to the Secretary and Director, Office of Revenue Sharing, Department of the Treasury."

SEC. 2. Executive Order No. 11864 of June 13, 1975, is hereby superseded.

*Gerald R. Ford*

THE WHITE HOUSE,  
September 2, 1975.

[FR Doc. 75-23666 Filed 9-2-75; 4:25 pm]

<sup>1</sup> 40 FR 22531.



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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 21—Food and Drugs  
CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75F-0168]

PART 121—FOOD ADDITIVES  
Acrylonitrile/Butadiene/Styrene/Methyl Methacrylate Copolymer

The Commissioner of Food and Drugs is amending § 121.2627 (21 CFR 121.2627) to expand the use of acrylonitrile/butadiene/styrene/methyl methacrylate copolymer to include its use as an article or component of articles intended to contact all foods, except those containing alcohol, effective September 4, 1975.

Notice was given by publication in the FEDERAL REGISTER of March 27, 1975 (40 FR 13541), that a petition (FAP 5B3078) had been filed by Carr, Bonner, O'Connell, Kaplan, and Thompson, 900 Seventeenth St., NW., Washington, DC 20006, on behalf of Borg-Warner Corp., proposing that § 121.2627 Acrylonitrile/butadiene/styrene/methyl methacrylate be amended to provide for the use of this copolymer, currently restricted to low moisture fats and oils, to be expanded to include contact with all types of food, except that it would not be used in fabricating bottles intended to hold carbonated beverages or beer.

A proposal was published in the FEDERAL REGISTER of November 4, 1974, (39 FR 38907), which discussed a previously unknown migration problem of acrylonitrile monomer that may be common to many food-contact articles containing acrylonitrile copolymers, and the absence of toxicological data to establish a definitive "no-effect" level for acrylonitrile monomer. The proposal would define the prior sanctions for acrylonitrile copolymers under a new § 121.2010 (21 CFR 121.2010), and it would establish an interim food additive regulation, § 121.4010 (21 CFR 121.4010), for such copolymers to allow their continued use for a limited period of time while the questions raised are being resolved by further study. The proposed regulations include a tolerance of 0.3 part per million (ppm) as the maximum amount of acrylonitrile monomer that can migrate from the food-contact article, and it requires the submission of certain chemical and toxicological data.

The Commissioner, having evaluated the data in the food additive petition (FAP 5B3078) and other relevant material, concludes that the acrylonitrile/butadiene/styrene/methyl methacrylate copolymer described in the regulations will meet the 0.3 part per million (ppm) extractives limitation of the proposed interim regulation when used within the

restrictions set forth below. Upon adoption of the interim food additive regulation, this regulation will be amended to cross-reference the requirements of § 121.4010.

As no authority for use of this food additive as a container (bottle) for carbonated beverage or beer use is sought by the petitioner, such use is not authorized by this regulation. Therefore, the Commissioner concludes that this action will not significantly affect the quality of the human environment and that no environmental impact statement is necessary.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371 (a))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2627 is amended by revising the introductory text; amending paragraph (b) by revising the listing therein; and revising paragraphs (c) (1) and (d) (2), to read as follows:

§ 121.2627 Acrylonitrile/butadiene/methyl methacrylate copolymer.

Acrylonitrile/butadiene/styrene/methyl methacrylate copolymer identified in this section may be safely used as an article or component of articles intended for use with food identified in table 1 of § 121.2526(c) as type I, II, III, IVA, IVB, V, VIB, (except bottles intended to hold carbonated beverages), VIIA, VIIB, VIII and IX, under conditions of use C, D, E, F, and G described in table 2 of § 121.2526 (c) with a high temperature limitation of 190° F.

(b) . . . . .	
Substances	Limitations
2-Mercaptoethanol.	The finished copolymer shall contain not more than 800 ppm 2-mercaptoethanol-acrylonitrile adduct as determined by a method available upon request from the Commissioner of Food and Drugs.

(c) Specifications. (1) Nitrogen content of the copolymer is in the range of 13.0 to 16.0 percent as determined by Micro-Kjeldahl analysis.

(d) . . . . .  
(2) The finished food-contact article shall yield not more than 0.0025 milligram per square inch of acrylonitrile monomer when exposed to distilled water, 3 percent acetic acid and n-heptane at 190° F for 2 hours, cooled to 120° F (80 to 90 minutes) and maintained at 120° F for 10 days when ana-

lyzed by a polarographic method available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives (HFF-330), 200 C St., SW., Washington, DC 20204.

Any person who will be adversely affected by the foregoing order may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections and a request for hearing. Objections and requests for hearing will be accepted during regular business hours, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays, and shall be submitted on or before October 6, 1975.

Objections and requests for hearing should be submitted in quintuplicate and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections and requests for hearing may be seen in the office of the Hearing Clerk, Rockville, MD, during the above stated hours.

Effective date. This order shall become effective September 4, 1975.

(Secs. 201(s), 409, 701(a), 52 Stat. 1056, 72 Stat. 1784-1788 as amended (21 U.S.C. 321 (s) 348, 371(a)).)

Dated: August 28, 1975.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 75-23407 Filed 9-3-75; 8:45 am]

[Docket No. 75F-0167]

PART 121—FOOD ADDITIVES  
Acrylonitrile/Butadiene/Styrene Copolymer

The Commissioner of Food and Drugs is amending the food additive regulations to provide for safe use of an acrylonitrile/butadiene/styrene copolymer as an article or component of articles intended to contact all foods except those containing alcohol, effective September 4, 1975.

Notice was given by publication in the FEDERAL REGISTER of November 29, 1974 (39 FR 41569) that a petition (FAP 5B3051) had been filed by Carr, Bonner, O'Connell, Kaplan, and Thompson, 900 Seventeenth St., NW., Washington, DC 20006, on behalf of Borg-Warner Corp., proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of an acrylonitrile/butadiene/styrene copolymer in contact with food other than carbonated beverages.

FEDERAL REGISTER, VOL. 40, NO. 172—THURSDAY, SEPTEMBER 4, 1975

Notice was given by publication in the FEDERAL REGISTER of January 10, 1975 (40

safely used as an article or component of articles intended for use with all should be identified with the Hearing

Objections and requests for hearing should be submitted in quintuplicate and should be identified with the Hearing

FR 28814). In response to this notice of proposal a total of 504 responses was

interested parties, or shall make other provision for affording interested parties an opportunity to be heard.

(1) Eligibility. Any student aged 14 or 15 years who authoritative local school personnel identify as being able to bene-



Notice was given by publication in the FEDERAL REGISTER of January 10, 1975 (40 FR 2247), that the filing notice of November 29, 1974 was being amended to provide for the above copolymer in the manufacture of bottles intended to hold carbonated beverages.

The amended notice of filing stated the intent of the Food and Drug Administration to issue an environmental impact statement for the agency's actions on substances used or intended for use in the fabrication of plastic bottles for carbonated beverages and beer use. The environmental impact analysis report submitted by the petitioner for the subject additive as a component of soft drink bottles was evaluated as part of this overall consideration of the environmental impact of all plastic bottles for carbonated beverages and beer use. Notice of availability of the draft environmental impact statement was published in the FEDERAL REGISTER of April 14, 1975 (40 FR 16708).

A proposal was published in the FEDERAL REGISTER of November 4, 1974 (39 FR 38907), which discussed a previously unknown migration problem of acrylonitrile monomer, which may be common to many food-contact articles containing acrylonitrile copolymers, and the absence of toxicological data to establish a definitive "no-effect" level for acrylonitrile monomer. The proposal would define the prior sanctions for acrylonitrile copolymers under a new § 121.2010 (21 CFR 121.2010), and it would establish an interim food additive regulation § 121.4010 (21 CFR 121.4010) for such copolymers to allow their continued use for a limited period of time while the questions raised are being resolved by further study. The proposed regulations include a tolerance of 0.3 part per million (ppm) as the maximum amount of acrylonitrile monomer migration from the food-contact article, and require submission of certain chemical and toxicological data.

The proposed interim regulation described above is intended to apply to all food additive uses of acrylonitrile copolymers. The Commissioner having evaluated the data in the food additive petition (FAP 5B3051) and other relevant material, concludes that the acrylonitrile/butadiene/styrene copolymers described in the regulation will meet the 0.3 ppm extractives limitation of the proposed interim regulation when used within the restrictions set forth below. Upon adoption of the interim food additive regulation, this regulation will be amended to cross-reference the requirements of § 121.4010.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section, to read as follows: § 121.2633 Acrylonitrile/butadiene/styrene copolymer.

Acrylonitrile/butadiene/styrene copolymer identified in this section may be

safely used as an article or component of articles intended for use with all foods, except those containing alcohol, under conditions of use E, F, and G described in table 2 of § 121.2526(c).

(a) *Identity.* For the purpose of this section, the acrylonitrile/butadiene/styrene copolymer consists of:

(1) Eighty-four to eighty-nine parts by weight of a matrix polymer containing 73 to 78 parts by weight of acrylonitrile and 22 to 27 parts by weight of styrene; and

(2) Eleven to sixteen parts by weight of a grafted rubber consisting of (i) 8 to 13 parts of butadiene/styrene elastomer containing 72 to 77 parts by weight of butadiene and 23 to 28 parts by weight of styrene and (ii) 3 to 8 parts by weight of a graft polymer having the same composition range as the matrix polymer.

(b) *Adjuvants.* The copolymer identified in paragraph (a) of this section may contain adjuvant substances required in its production. Such adjuvants may include substances generally recognized as safe in food, substances used in accordance with prior sanction, substances permitted in this part, and the following:

Substance	Limitations
2-Mercaptoethanol.	The finished copolymer shall contain not more than 100 ppm 2-mercaptoethanol. Acrylonitrile adduct as determined by a method available upon request from the Commissioner of Food and Drugs.

(c) *Specifications.* (1) Nitrogen content of the copolymer is in the range of 16 to 18.5 percent as determined by Micro-Kjeldahl analysis.

(2) Residual acrylonitrile monomer content of the finished copolymer articles is not more than 11 parts per million as determined by a gas chromatographic method, available upon request from the Commissioner of Food and Drugs.

(d) *Extractive limitations.* (1) Total nonvolatile extractives not to exceed 0.0005 milligram per square inch surface area when the finished food contact article is exposed to distilled water, 3 percent acetic acid, or *n*-heptane for 8 days at 120° F.

(2) The finished food-contact article shall yield not more than 0.0015 milligram per square inch of acrylonitrile monomer when exposed to distilled water and 3 percent acetic acid at 150° F for 15 days when analyzed by a polarographic method, available upon request from the Division of Food and Color Additives, HFF-330, 200 C St., SW., Washington, DC 20204.

Any person who will be adversely affected by the foregoing order may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections and a request for hearing. Objections and requests for hearing will be accepted during regular business hours, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays, and shall be submitted on or before October 6, 1975.

Objections and requests for hearing should be submitted in triplicate and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections and requests for hearing may be seen in the office of the Hearing Clerk, Rockville, MD, during the above stated hours.

*Effective date.* This order shall become effective September 4, 1975.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 (21 U.S.C. 321(s), 348, 371(a))).

Dated: August 28, 1975.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 75-23405 Filed 9-3-75; 8:45 am]

[Docket No. 75N-0103]

#### PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL PART 1040—PERFORMANCE STANDARDS FOR LIGHT-EMITTING PRODUCTS

##### Performance Standard for Laser Products Correction

In FR Doc. 75-17892 appearing at page 32252 in the issue for Thursday, July 31, 1975, on page 32263, the left column below the figure, the ninth line which reads "or equal to  $2.5 \times 10^{-3}$  W/cm<sup>2</sup> and with" should read "or equal to  $2.5 \times 10^{-3}$  W/cm<sup>2</sup> and with".

#### Title 29—Labor

#### CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

#### PART 570—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

##### Employment of Minors Between 14 and 16 Years of Age in Work Experience and Career Exploration Programs

Pursuant to authority in Section 3(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203) and Reorganization Plan No. 2 of 1946 (3 CFR 1943-48 Comp., p. 1064), § 570.35a of Title 29 of the Code of Federal Regulations is revised as set forth below. This revision continues indefinitely on a permanent basis the Work Experience and Career Exploration Programs which have been conducted on an experimental basis since 1969. This regulation varies some provisions of Child Labor Regulation No. 3, 29 CFR 579.31, *et seq.*, for the employment of minors between 14 and 16 years of age enrolled in and employed pursuant to school-supervised and school-administered work experience and career exploration programs.

A notice of proposal to amend § 570.35a of Title 29 of the Code of Federal Regulations to provide for such programs on a permanent basis was published in the FEDERAL REGISTER (40 FR 24215) on June 5, 1975. A period of 30 days was provided for comment by interested parties to be received on or before July 7, 1975. This period was extended to July 22, 1975 (40

FR 28814). In response to this notice of proposal a total of 504 responses was received. The overwhelming majority—all but 7—were in favor of the proposal.

These responses emphasized the beneficial character of the program during its experimental phase. It was pointed out that there was an increase in the desire to learn and an improved educational performance by WECEP participants, which was evidenced by improvement in grade point average, fewer absences from school, and reduced tardiness. It was also indicated that participation in the program resulted in greater self confidence, an increased sense of responsibility, and aided the maturation process. Of those opposed, objections were raised, among other things, to the limitations of the evaluations of the experimental program with respect to the displacement of older workers and the lack of periodic assessment and/or evaluation of students who had been enrolled in the experimental programs to determine subsequent effects of such participation. A question was also raised as to the role within this program of the Office of Education of the U.S. Department of Health, Education, and Welfare.

After careful analysis of these comments and in consideration of the findings of the several evaluations made during the course of the experimental program, I find that the regulations should be made permanent.

After further study and consideration it has been determined that employment of participants must not have the effect of displacing a worker employed in the establishment of the employer and a new § 570.35a(e) is included to establish this restriction. The present § 570.35a(e) is renumbered § 570.35a(f).

Further, I find that this program is one that is not detrimental to the health and well-being of 14 and 15 year old WECEP participants and does not interfere with their schooling. To the contrary their education has been enhanced by participation in such programs. However, a continuing study of these programs will be undertaken to determine whether or not employment of participants displaces regular employees of a participating establishment and whether or not participation in the program has a long range effect on educational achievement.

The Secretary of Labor, based on experience in the administration and enforcement of these regulations and/or after consideration of the studies to be made thereunder, on his own initiative may institute proceedings to amend or terminate these regulations. Any person wishing a revision of any of the terms of these regulations may also submit, pursuant to § 570.38 of Title 29 of the Code of Federal Regulations, in writing to the Secretary of Labor a petition setting forth the changes desired and the reasons for proposing them. If, after consideration of such petition, the Secretary of Labor believes that reasonable cause for amendment of the regulation is set forth, the Secretary shall either schedule a hearing with due notice to

interested parties, or shall make other provision for affording interested parties an opportunity to be heard.

The Administrator of the Wage and Hour Division will coordinate as appropriate with the Commissioner of Education of the Department of Health, Education and Welfare on effective administration of this program. The Administrator will also take such steps as are necessary to assure that the employment of students in this program is in strict accordance with the terms and conditions set out herein including, as appropriate, the withdrawal of approval pursuant to subsection (f).

Further, I find that the regulations providing for WECEP programs on an experimental basis have been in effect for a number of years, that these regulations were terminated on June 30, 1975, and that for WECEP programs which are planned for the 1975-76 school year some gap in effective date may exist which should be held to a minimum. Therefore, I find that the above circumstances are good cause for not delaying the effective date of these regulations and thus this revision shall be effective on September 4, 1975.

Section 570.35a of Title 29 of the Code of Federal Regulations is revised to read as follows:

##### § 570.35a Work experience and career exploration programs.

(a) This section varies some provisions of this subpart for the employment of minors between 14 and 16 years of age who are enrolled in and employed pursuant to a school-supervised and school-administered work-experience and career exploration program which meets the requirements of paragraph (b) of this section, in the occupations permitted under paragraph (c) of this section, and for the periods and under the conditions specified in paragraph (d) of the section. With these safeguards, such employment is found not to interfere with the schooling of the minors or with their health and well-being and therefore is not deemed to be oppressive child labor.

(b) (1) A school-supervised and school-administered work-experience and career exploration program shall meet the educational standards established and approved by the State Educational Agency in the respective State.

(2) The State Educational Agency shall file with the Administrator of the Wage and Hour Division a letter of application for approval of a State program as one not interfering with schooling or with the health and well-being of the minors involved and therefore not constituting oppressive child labor. The application must include information concerning the criteria listed in subparagraph (3) of this paragraph. The Administrator of the Wage and Hour Division shall approve the application, or give prompt notice of any denial and the reasons therefor.

(3) The criteria to be used in consideration of applications are the following:

(i) *Eligibility.* Any student aged 14 or 15 years who authoritative local school personnel identify as being able to benefit from the program shall be eligible to participate.

(ii) *Credits.* Students shall receive school credits for both in-school related instruction and on-the-job experience.

(iii) *Size.* Each program unit shall be a reasonable size. A unit of 12 to 25 students to one teacher-coordinator would be generally considered reasonable. Whether other sizes are reasonable would depend upon the individual facts and circumstances involved.

(iv) *Instructional schedule.* There shall be (a) allotted time for the required classroom instruction in those subjects necessary for graduation under the State's standards and (b) regularly scheduled classroom periods of instruction devoted to job-related and to employability skill instruction.

(v) *Teacher-coordinator.* Each program unit shall be under the supervision of a school official to be designated for the purpose of the program as a teacher-coordinator, who shall generally supervise the program and coordinate the work and education aspects of the program and make regularly scheduled visits to the work stations.

(vi) *Written training agreement.* No student shall participate in the program until there has been made a written training agreement signed by the teacher-coordinator, the employer, and the student. The agreement shall also be signed or otherwise consented to by the student's parent or guardian.

(vii) *Other provisions.* Any other provisions of the program providing safeguards ensuring that the employment permitted under this section will not interfere with the schooling of the minors or with their health and well-being may also be submitted for use in consideration of the application.

(4) Every State Educational Agency having students in a program approved pursuant to the requirements of this section shall comply with the following:

(i) *Permissible occupations.* No student shall be assigned to work in any occupation other than once permitted under paragraph (c) of this section.

(ii) *Records and reports.* The names and addresses of each school enrolling work experience and career exploration program students and the number of enrollees in each unit shall be kept at the State Educational Agency office. A copy of the written training agreement for each student participating in the program shall be kept in the State Educational Agency office or in the local educational office. The records required for this paragraph shall be kept for a period of 3 years from the date of enrollment in the program and shall be made available for inspection or transcription to the representatives of the Administrator of the Wage and Hour Division.

(c) Employment of minors enrolled in a program approved pursuant to the requirements of this section shall be per-

mitted in all occupations except the following:

No objections have been received and the proposed regulations are hereby

delay shall be dispatched within the first ten days, excluding Saturdays, Sundays,

a rate in excess of the clerical rate, namely, for each one quarter hour spent

engineer services, to conform descriptions of scarce medical specialist services

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mitted in all occupations except the following:

- (1) Manufacturing and mining.
- (2) Occupations declared to be hazardous for the employment of minors between 16 and 18 years of age in Subpart E of this part, and occupations in agriculture declared to be hazardous for employment of minors below the age of 16 in Subpart E-1 of this part.

(3) Occupations other than those permitted under §§ 570.33 and 570.34, except upon arrival of a variation in individual cases or classes of cases by the Administrator of the Wage and Hour Division after notice to interested persons and opportunity to be heard. Any such variation of general application shall be published as an amendment to this subpart. Applications for such approval may be included with the application for approval of the program; or filed specifically under § 570.38. Such applications shall be processed under § 570.38.

(d) Employment of minors enrolled in a program approved pursuant to the requirements of this section shall be confined to not more than 23 hours in any 1 week when school is in session and not more than 3 hours in any day when school is in session, any portion of which may be during school hours. Insofar as these provisions are inconsistent with the provisions of § 570.35, this section shall be controlling.

(e) The employment of a minor enrolled in a program pursuant to the requirements of this section must not have the effect of displacing a worker employed in the establishment of the employer.

(f) Programs shall be in force and effect for a period of (2) school years from the date of their approval by the Administrator of the Wage and Hour Division. A new application for approval must be filed at the end of that period. Failure to meet the requirements of this section may result in withdrawal of approval.

Signed at Washington, D.C.

BERNARD E. DELURY,  
Assistant Secretary for  
Employment Standards.

[FR Doc.75-23431 Filed 9-3-75; 8:45 am]

#### Title 36—Parks, Forests, and Public Property

### CHAPTER X—COMMISSION OF FINE ARTS PART 1000—RULES FOR COMPLIANCE WITH 5 U.S.C. 552, THE FREEDOM OF INFORMATION ACT

#### Final Rulemaking

On July 23, 1975 there was published in the *Federal Register* on page 30841, a notice of proposed rulemaking with the proposed establishment of Chapter X and Part 1000. This proposed Part 1000 would serve as the regulations of the Commission of Fine Arts for implementing 5 U.S.C. 552, The Freedom of Information Act, as required by that act. Interested parties were given 30 days in which to submit comments regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Signed in Washington, D.C. on August 28, 1975 by:

CHARLES H. ATHERTON,  
Secretary,  
Commission of Fine Arts.

Sec.	
1000.1	Purpose and scope.
1000.2	Requests for identifiable records and copies.
1000.3	Action on initial requests.
1000.4	Appeals.
1000.5	Fees.

AUTHORITY: 5 U.S.C. 552, as amended.

#### § 1000.1 Purpose and scope.

This part contains the regulations of the Commission of Fine Arts implementing 5 U.S.C. 552. The regulations of this part provide information concerning the procedures by which records may be obtained from the Commission. Members and employees of the Commission may continue to furnish to the public, informally and without neglecting the rights of requesters described herein, information and records which prior to enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties. Persons seeking information or records of the Commission may find it useful to consult with the Secretary before invoking the formal procedures set out below.

#### § 1000.2 Requests for identifiable records and copies.

(a) Formal public requests for information from the records of the Commission of Fine Arts shall be made in writing with the letter clearly marked "FREEDOM OF INFORMATION REQUEST." All such requests should be addressed to the Secretary, Commission of Fine Arts, 708 Jackson Place, N.W., Washington, D.C. 20006.

(b) Records must be reasonably described. A request for all records falling within a reasonably specific category shall be regarded as conforming to the requirement that records be reasonably described if it enables the records requested to be identified by any process that is not unreasonably burdensome or disruptive of Commission operations.

#### § 1000.3 Action on initial requests.

(a) The Secretary will make a determination as to whether or not to release requested information. Generally, determination will be made to release the requested information if (1) it is not exempt from disclosure or (2) it is exempt from disclosure but its withholding is neither required by statute, nor supported by sound grounds.

(b) Determination will be dispatched within ten days, excluding Saturdays, Sundays, and legal public holidays, after initial receipt of the request.

(c) In unusual circumstances, the time for initial determination on requests may be delayed up to a total of ten additional days, excluding Saturdays, Sundays, and legal public holidays and notice of such

delay shall be dispatched within the first ten days, excluding Saturdays, Sundays, and legal public holidays following the initial receipt of the request.

(d) Letters denying access to information will:

(1) provide the requester with the reason for the denial.

(2) inform the requester of his right to appeal the denial within 30 days.

(3) give the name and title of the official to whom the appeal may be sent.

(4) give the name and title of the official responsible for the denial.

#### § 1000.4 Appeals.

(a) The Chairman of the Commission is the appellate authority for all denials.

(b) The Chairman will act upon the appeal within twenty days, excluding Saturdays, Sundays, and legal public holidays.

(c) In unusual circumstances, the time for action on an appeal may be extended by an additional ten days, excluding Saturdays, Sundays, and legal public holidays minus any extension granted at the initial request level under § 1000.3(c).

(d) In the event that the appeal upholds the denial, the requester will be advised that there are provisions for judicial review of such decisions under the Freedom of Information Act.

#### § 1000.5 Fees.

(a) Fees shall be charged according to the schedule in paragraph (b) of this section for services rendered in responding to requests for Commission of Fine Arts records under this part unless determination is made that such charges or a portion of them are not in the public interest because furnishing the information primarily benefits the general public.

(b) The following charges will be assessed for the services listed:

(1) For copies of documents 8½" x 14" or smaller, \$0.25 for the first copy of the first page and \$0.10 for each copy of each page thereafter.

(i) Ordinarily, no more than one copy of each page will be supplied.

(ii) Ordinarily, photographs 8½" x 14" or smaller will be copied on a photocopy machine, rather than by photographing and printing of such photographs.

(2) When in responding to a request, copying of bound works such as books or periodicals, copying of documents larger than 8½" x 14", photographing and printing of records, or other services not normally performed by the Commission and its staff are required, the direct cost of such services or material to the Commission of Fine Arts may be charged, but only if the requester has been notified of such cost before it is incurred.

(3) For each one quarter hour spent by clerical personnel in excess of the first quarter hour in searching for and producing a requested record, \$1.50.

(4) When a search cannot be performed by clerical personnel and the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges may be made at

a rate in excess of the clerical rate, namely, for each one quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record, \$3.00.

(5) No charge will be made for time spent in resolving legal or policy issues affecting access to records of known contents. In addition, no charge will be made for the time involved in examining records in connection with determining whether they are exempt from mandatory disclosure and should be withheld as a matter of sound policy. In addition, no charge will ordinarily be made if the records requested are not found. However, if the time expended in processing the request is substantial, and if the requester has been notified that it cannot be determined in advance whether any records will be made available, fees may be charged.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than \$10.00, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it. Such a notification will be transmitted as soon as possible but in any event, within five days, excluding Saturdays, Sundays, and legal public holidays after the receipt of the initial request.

(d) Payment should be made by check or money order payable to the U.S. Treasury.

(e) (1) Where the anticipated fee chargeable under this section exceeds \$10.00, an advance deposit of 25% of the anticipated fee or \$10.00, whichever is greater may be required.

(2) Where a requester has previously failed to pay a fee under this section, an advance deposit of the full amount of the anticipated fee may be required.

[FR Doc.75-23384 Filed 9-3-75; 8:45 am]

#### Title 41—Public Contracts and Property Management

### CHAPTER 8—VETERANS ADMINISTRATION

#### PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

#### PART 8-3—PROCUREMENT BY NEGOTIATION

#### Miscellaneous Amendments

Chapter 8 of Title 41, Code of Federal Regulations, is amended as set forth below. Sections 8-2.102, 8-3.101, 8-3.200, 8-3.207, 8-3.209 and 8-3.215 are revised to reflect the increase in small purchase negotiating authority Section 8-3.203 is revised to decentralize the approving authority for contracts for professional services negotiated under the authority of 38 U.S.C. 213, and to reflect increase in small purchase negotiating authority. Section 8-3.204 is revised to reflect change in small purchase negotiating authority, to amend reference to architect-

engineer services, to conform descriptions of scarce medical specialist services and sharing agreements to the language of Pub. L. 93-82 (87 Stat. 179), and to amend internal processing of such contracts and agreements. In addition, minor editorial changes have been made to reflect agency policy of using precise terms denoting gender.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rule making process. However, the amendments herein concern agency procedures and practices. Therefore, the public rule-making process is deemed unnecessary in this instance.

1. In § 8-2.102, the introductory portion preceding paragraph (a) is revised to read as follows:

#### § 8-2.102 Policy.

Contracts in excess of \$10,000 or in excess of \$1,000 for contracts made for repairs to property acquired by the Veterans Administration under chapter 37, title 38, United States Code, will be made by formal advertising when all of the following elements necessary to formal advertising are present.

2. In § 8-3.101, the introductory portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

#### § 8-3.101 General requirements for negotiation.

(a) Contracts in excess of \$10,000 or \$1,000 for contracts made for repairs to properties acquired under chapter 37, title 38, United States Code, will be entered into by negotiation only in the absence of any one or more of the elements essential to formal advertising set forth in § 8-2.102, or when:

3. In § 8-3.200, paragraph (b) is revised to read as follows:

#### § 8-3.200 Scope of subpart.

(b) In those instances where a purchase in excess of \$10,000 may be negotiated under more than one authority, the contracting officer will select the authority he/she deems most appropriate to accomplish the purchase and will include in the contract file complete justification for his/her selection.

4. Section 8-3.203 is revised to read as follows:

#### § 8-3.203 Purchases not in excess of \$10,000.

(a) Procurement of medical services and resources authorized by sections 4117 and 5053 of title 38, United States Code, costing less than \$10,000 may be procured by negotiation under authority of FPR 1-3.203. Each such contract and revision thereof is, however, subject to the same approval as those costing in excess of \$10,000. See § 8-3.204.

(b) Except as provided in this paragraph, purchases authorized to be negotiated under the special procurement authorities contained in title 38, United

States Code, will be negotiated under the authority of FPR 1-3.203 when the amount of the purchase is not in excess of \$10,000. An exception exists in the case of services or supplies purchased on account of any property acquired under the Loan Guaranty program. For such purchases, 38 U.S.C. 1820(b) requires formal advertising if the amount will exceed \$1,000.

5. Section 8-3.204 is revised to read as follows:

#### § 8-3.204 Personal or professional services.

(a) Various sections of title 38, United States Code, authorize the Administrator to enter into contracts for the purpose of acquiring personal or professional services. These authorizations do not, however, stipulate the manner in which such contracts are to be entered into, i.e., negotiation or formal advertising. Civilian agencies are, under the authority of FPR 1-3.204, authorized to procure such services by negotiation. Therefore, when the services listed in this section are to be acquired by the Veterans' Administration, at a cost in excess of \$10,000, a contract will be negotiated by the contracting officer. These contracts will cite in addition to the authority to negotiate, FPR 1-3.204, the appropriate section of title 38 which authorizes the contract.

(b) Architect-engineer services when required in conjunction with construction (see subparts 8-4.10 and 8-16.7 of this chapter) will cite as the authority for such negotiation FPR 1-3.204—38 U.S.C. 5002.

(c) Contracts with medical schools, clinics, and any other group or individual capable of furnishing such services to provide scarce medical specialist services at Veterans Administration facilities (including but not limited to services of physicians, dentists, nurses, technicians, and other medical support personnel) will be negotiated under authority of FPR 1-3.204 and 38 U.S.C. 4117.

(d) Contracts with other hospitals (or other medical installations having hospital facilities) or medical schools, or clinics in the medical community for:

(1) The mutual use, or exchange of use, of specialized medical resources when such a contract will obviate the need for a similar resource to be provided in a Veterans Administration facility; or

(2) The mutual use, or exchange of use, of specialized medical resources in a Veterans Administration facility, which have been justified on the basis of veterans' care, but which are not utilized to their maximum effective capacity will be negotiated under authority of FPR 1-3.204—38 U.S.C. 5053.

(e) Proposed contracts for the services and resources specified in paragraphs (c) and (d) of this section may be entered into for 1 year only. When deemed essential to the mission of the stations, proposed renewal contracts will be negotiated for the subsequent year. Except as provided in paragraph (f) of this section, such proposed contracts will

be submitted for approval to the Associ-

ceed \$10,000. Contracts of this nature

(4) Chief, Marketing Division for

#### § 8-3.209 Subsistence supplies.

(a) (1) Except as provided in this

nee and when such services are not reasonably available from private commer-

through age 20 by the same Foster Grandparent if: (a) It has been pro-



be submitted for approval to the Associate Deputy Chief Medical Director for Operations (10C4A), when authority is 38 U.S.C. 5053, or (134) when authority is 38 U.S.C. 4117, so as to reach Central Office 60 days prior to effective date of the contract.

(1) Complete justification for all contracts will be submitted, as approval depends on the adequacy of the justification.

(2) Proposed contracts under authority of 38 U.S.C. 4117 will be submitted in five copies, and contracts under authority of 38 U.S.C. 5053 will be submitted in six copies.

(3) The transmittal letter and each supporting document will be submitted in the same number of copies as the contract. As an incomplete submission delays processing of the proposed contract in Central Office, care should be exercised to assure that the proper number of copies are submitted, and that submissions are complete (e.g., complete name and address of the other party or parties to the contract are included).

(4) Proposed contracts of the type specified in paragraph (d) (1) and (2) of this section will be accompanied by a recommendation of the head of the station as to the geographical limits to be applied to the medical community.

(5) A copy of all executed sharing contracts, both new and renewal, will be forwarded to the Associate Deputy Chief Medical Director for Operations (10C4A) for post audit and for purposes of making the annual report to Congress as required by 38 U.S.C. 5057.

(f) Proposed renewal sharing contracts under the authority of 38 U.S.C. 5053 may be approved by the appropriate Medical District Director when such contract proposals meet the following conditions:

(1) There shall be no new services added to the sharing contract. (Services, however, may be deleted from the contract without Central Office approval.) No individual cost item that is being procured from the contractor (non-Veterans Administration facility identified in the contract) shall increase in cost more than 10 percent over the cost for that same item in the previous contract.

(2) The sharing proposal has been reviewed for legality by the District Counsel responsible for servicing the Veterans Administration hospital involved. The District Counsel shall be sent, along with the sharing proposal, a copy of the previous sharing agreement for the same services so that a comparison can be made of the two documents.

(3) All contract clauses required by Chapters 1 and 4, Title 41, Code of Federal Regulations are included in the proposal.

(4) Equal Employment Opportunity clearance has been obtained, when required (see § 8-11.805-1).

(g) Contracts for professional or technical services with private or public agencies not specifically authorized in any other section of title 38, United States Code, may be acquired under 38 U.S.C. 213 and negotiated under FPR 1-3.204 when the cost of such services will ex-

ceed \$10,000. Contracts of this nature must meet the requirements of FPR 1-3.204(a). The approval of the appropriate department or staff head will be secured before any contract is negotiated under this authority.

(h) Personal service contracts having an employer-employee relationship, except to the extent indicated in paragraph (c) of this section, will not be negotiated under this authority but will be consummated in accordance with MP-5, Parts I and II. The determination as to whether a contract is of this nature is primarily the responsibility of the appointing official. Contracting officers should, however, be alert to the conditions or circumstances set forth in this paragraph which, if present, could result in an invalid contract. If any of those conditions or circumstances are present, any doubts will be resolved by consultation with the requester and by seeking legal advice.

(1) *Contracts with individuals.* (i) The contract does not call for an end product which is adequately described in the contract.

(ii) The contract price or fee is based on the time actually worked rather than the results to be accomplished.

(iii) The services are to be of a continuing rather than a temporary or intermittent nature.

(2) *Contracts with concerns.* (i) Office space, equipment, and supplies necessary for contract performance are to be furnished by the Veterans Administration.

(ii) Contractor-furnished personnel are to be integrated within the Veterans Administration organizational structure.

(iii) Contractor-furnished personnel are to be used interchangeably with Veterans Administration personnel to perform the same functions.

(iv) The Veterans Administration retains the right to control and direct the means and methods by which contractor-furnished personnel accomplish this work.

6. Section 8-3.207 is revised to read as follows:

§ 8-3.207 Medicines or medical supplies.

(a) *General.* (1) Except as provided in this § 8-3.207 or when specific prior approval has been granted by the Director, Supply Service, to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under authority of FPR 1-3.207, when the estimated cost of the item(s) required, singly or collectively, is in excess of \$10,000 for a single transaction.

(2) When an individual is designated to act in the capacity of one of the positions specified in this § 8-3.207, that individual is authorized to consummate contracts in the same manner, and in the same amount, as the incumbent of the position.

(b) *Drugs and chemicals.* The following contracting officers are authorized to negotiate contracts for the purchase of drugs and chemicals:

(1) Director, Supply Service.  
(2) Chief, Procurement Division.  
(3) Director, Veterans Administration Marketing Center.

(4) Chief, Marketing Division for Drugs and Chemicals.

(5) One senior contracting officer and one contracting officer, Marketing Division for Drugs and Chemicals, when so designated by the marketing division chief.

(c) *Prosthetic appliances.* (1) The following contracting officers are authorized to negotiate contracts for the purchase of prosthetic appliances defined as wheelchairs, hearing aids and batteries, artificial limbs, canes and stump socks:

(i) Director, Supply Service.  
(ii) Chief, Procurement Division.

(2) The following contracting officers are authorized to negotiate contracts for the purchase of the appliances specified in paragraph (c) (1) of this section provided the dollar value of the item(s) to be purchased, singly or collectively, does not exceed \$25,000:

(i) Director, Veterans Administration Marketing Center.

(ii) Chief, Marketing Division for Administrative Medical Supplies and Equipment.

(iii) One senior contracting officer, Marketing Division for Administrative Medical Supplies and Equipment, when so designated by the marketing division chief.

(d) *Medical equipment.* (1) The following contracting officers are authorized to negotiate contracts for the purchase of equipment of this nature:

(i) Director, Supply Service.  
(ii) Chief, Procurement Division.

(2) The following contracting officers are authorized to negotiate contracts for the purchase of equipment of this nature, provided the dollar value of the item(s) to be purchased, singly or collectively, does not exceed \$25,000:

(i) Director, Veterans Administration Marketing Center.

(ii) Chief, Marketing Division for Medical Equipment.

(iii) One senior contracting officer, Marketing Division for Medical Equipment, when so designated by the marketing division chief.

(e) *Radiological and nuclear equipment and supplies.* (1) The following contracting officers are authorized to negotiate contracts for the purchase of equipment and supplies of this nature:

(i) Director, Supply Service.  
(ii) Chief, Procurement Division.

(2) The following contracting officers are authorized to negotiate contracts for the purchase of equipment and supplies of this nature, provided the dollar value of the item(s) to be purchased, singly or collectively, does not exceed \$25,000:

(i) Director, Veterans Administration Marketing Center.

(ii) Chief, Marketing Division for Radiological and Nuclear Equipment and Supplies.

(iii) One senior contracting officer, Marketing Division for Radiological and Nuclear Equipment and Supplies when so designated by the marketing division chief.

7. In § 8-3.209, paragraphs (a) (1) and (b) (2) and (3) are revised to read as follows:

#### § 8-3.209 Subsistence supplies.

(a) (1) Except as provided in this § 8-3.209 or when specific prior approval has been granted by the Director, Supply Service, to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under authority of FPR 1-3.209 when the estimated cost of the item(s) required, singly or collectively, is in excess of \$10,000 for a single transaction.

(b) The following contracting officers are authorized to negotiate contracts for the purchase of subsistence supplies:

(2) Chief, Procurement Division.

(3) Director, Veterans Administration Marketing Center.

8. In § 8-3.210, paragraph (d) is revised to read as follows:

§ 8-3.210 Impracticable to secure competition by formal advertising.

(d) Contracts for the maintenance, repair and inspection of electronic automatic elevators may be negotiated under authority of FPR 1-3.210. The determinations and findings required by FPR 1-3.3 to support the use of this authority will be prepared by the contracting officer. They will be supported by a written statement from the engineer officer setting forth in detail why, in his/her professional engineering opinion, the negotiation of a contract for this purpose is in the best interest of the Veterans Administration.

9. In § 8-3.215, the introductory portion preceding paragraph (a) and paragraphs (c) and (d) are revised to read as follows:

§ 8-3.215 Otherwise authorized by law.

Various sections of title 38, United States Code, authorize the Administrator to enter into certain contracts, and certain types of contracts, without regard to any other provision of law. Veterans Administration contracting officers entering into contracts by negotiation for any of the following items or services, estimated to cost in excess of \$10,000, will cite, in addition to FPR 1-3.215, the appropriate section of title 38, United States Code as their authority to do so:

(c) Contracts or leases for the operation of parking facilities established under authority of 38 U.S.C. 5004 (b) (1), provided that (1) the establishment, operation and maintenance of such facilities have been authorized by the Administrator or designee; and (2) the station head determines in writing that operation by contract or lease is both desirable and warranted. FPR 1-3.215—38 U.S.C. 5004 (b) (3).

(d) Contracts for laundry and other common services, such as the purchase of steam, may be negotiated with nonprofit, tax-exempt, educational, medical, or community institutions, when specifically approved by the Administrator or designee and when such services are not reasonably available from private commercial sources. FPR 1-3.215—38 U.S.C. 5012.

(1) Contracts of this nature shall contain the clause in FPR 1-7.103-3, examination of records. They are also subject to the provisions of FPR 1-1.5 and Subpart 8-1.5 of this chapter, contingent fees; FPR 1-3.401, types of contracts; FPR 1-3.405-5 and § 8-3.405-5, cost-plus-a-fixed fee contract.

(2) Requests to enter into such contracts will be submitted to the Associate Deputy Chief Medical Director for Operations (10C4A) for approval by the Administrator or designee.

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; 38 U.S.C. 210, 40 U.S.C. 486(c))

These regulations are effective September 5, 1975.

Approved: August 27, 1975.

By direction of the Administrator.

[SEAL] A. J. SCHULTZ, Jr.,  
Associate Deputy Administrator.

[FR Doc. 75-23452 Filed 9-3-75; 8:45 am]

nee and when such services are not reasonably available from private commercial sources. FPR 1-3.215—38 U.S.C. 5012.

(1) Contracts of this nature shall contain the clause in FPR 1-7.103-3, examination of records. They are also subject to the provisions of FPR 1-1.5 and Subpart 8-1.5 of this chapter, contingent fees; FPR 1-3.401, types of contracts; FPR 1-3.405-5 and § 8-3.405-5, cost-plus-a-fixed fee contract.

(2) Requests to enter into such contracts will be submitted to the Associate Deputy Chief Medical Director for Operations (10C4A) for approval by the Administrator or designee.

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Associate Deputy Administrator.

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#### Title 45—Public Welfare

#### CHAPTER XII—ACTION

#### PART 1208—FOSTER GRANDPARENT PROGRAM

#### Adoption of Proposed Regulations

On October 18, 1974, there was published in the FEDERAL REGISTER (39 FR 37205), a notice of proposed rule making to replace Chapter IX of Title 45, Part 907. The Foster Grandparent Program is authorized by section 211(a) of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, and provides opportunities for low-income persons, age 60 or older, to serve as volunteers to provide supportive services to children having special or exceptional needs. A number of clerical errors were noted and corrections were made in the proposed regulations. All comments submitted with respect to the proposed new Foster Grandparent Program regulations were given due consideration.

As a result of comments received, the following clarifying changes are made:

1. Section 1208.2-5(b) is amended to read: "The director shall not be concurrently employed, paid, or used in another position during established working hours while serving as director of the project. However, under certain circumstances, established by the Director of ACTION to avoid consequences detrimental to either project, the project director may also direct a 'Senior Companion Program.' The similarity of program policies and operation make it administratively attractive under some circumstances to have one project director managing two projects."

2. Section 1208.3-4 is amended regarding the specific age limit, as follows: "Children served by Foster Grandparents shall be chronologically age 17 or under, with preference given to younger children. In exceptional cases, however, a child may continue to be served

through age 20 by the same Foster Grandparent if: (a) It has been professionally determined that with the same Foster Grandparent, there is a likelihood of improvement for the child in personal adjustment, social relationship, learning ability, and/or motor coordination; and (b) The volunteer station has developed a plan in writing to provide for an alternative supportive relationship after age 20 for the person being served by the Foster Grandparent."

The basic characteristic of the Foster Grandparent Program is to have older persons serve children, as authorized in P.L. 93-113. The proposed regulations specified that children served shall be chronologically 17 or under. The new language was added to permit Foster Grandparents, in exceptional cases, to serve children through age 20.

Several comments suggested that the proposed language for this subsection of the regulation would exclude persons who had the mental age of children, but were beyond the chronological age of 17. The additional language to this subsection will permit children to be served beyond the age of 17 up to their 21st birthday. In the opinion of the ACTION General Counsel, the Foster Grandparent Program cannot legally serve persons beyond their 21st birthday. Absent legislative intent to the contrary, the term "children" in Section 211(a) of the Domestic Volunteer Service Act of 1973 must be given its ordinary meaning, i.e., defined with reference to years, chronological age. (Ordinarily this will extend through age 20.) This view is confirmed by the fact that Congress provided an almost identical program for persons, other than children, in Section 211(b), the legislative authority for ACTION's Senior Companion Program.

3. Section 1208.3-2(a) is amended to delete "including privately owned nursing homes," because Foster Grandparents do not serve adults, normally the residents of nursing homes.

4. Section 1208.3-2(a) (2) is amended to be more explicit, as follows: "Volunteer stations making assignments to private homes shall provide supervision to Foster Grandparents through regular visits to individual homes."

5. Section 1208.3-2(c) is amended as follows to offer more flexibility in the determination of how many Foster Grandparents will serve in group care volunteer stations: "Placement of Foster Grandparents in group care volunteer stations shall be made in numbers large enough to permit social interaction between Foster Grandparents and to facilitate group transportation and adequate supervision."

6. Section 1208.3-4(b) was amended to provide elaboration, as follows: "Sponsors shall arrange to provide volunteer services to children with special or exceptional needs such as the physically handicapped, delinquent, emotionally disturbed, mentally retarded or dependent and neglected children in hospitals, correctional facilities and other residential institutions, and in schools or day care establishments, and in private residences."

In addition to the foregoing changes

responsibility to pay for Foster Grand-

Accordingly, with these changes and

accept grants for the purposes of this

Community Action Agencies (CAA's)

§ 1208.2-4 Responsibilities.



In addition to the foregoing changes, a number of suggestions were made but are not adopted. The following comments relate to relevant sections, subjects covered, and reasons why suggestions were not incorporated in the final regulations.

1. A comment would have amended section 1208.2-3, to require that Area Agencies on Aging also review and comment on grant applications. Section 212 of Pub. L. 93-113 already involves appropriate State agencies on aging either in reviewing applications for projects in one community or in the development or operational phase of projects in an area larger than one community.

2. A number of comments related to section 1208.3-4(d), asking that Foster Grandparents serve no more than one child at a time. However, the proposed language of this section reflects congressional intent. During the congressional committee hearings to consider the reenactment of the Foster Grandparent Program's authorizing legislation in the Older American Comprehensive Services Amendments of 1973, Public Law 93-29, which was substantially reenacted as section 211(a) of Title II of the Domestic Volunteer Service Act of 1973, P.L. 93-113, the committees indicated that the term "person-to-person services" was not limited to the assignments of Foster Grandparents in a direct one-to-one relationship with a particular child. The proposed version of this section, therefore, permits some flexibility in the assignment of Foster Grandparents. However, the assignment of a Foster Grandparent to two children served individually is preferable so as to maximize gains to the children. (See House Committee on Education and Labor, Report No. 93-43, March 2, 1973, page 23; and Senate Committee on Labor and Public Welfare, Report No. 92-1242, September 28, 1972, page 18.)

3. a. Several comments were offered to amend section 1208.4-1(b) (1) to permit otherwise eligible older persons who have excess income, but not more than 20 percent above the income eligibility level for Foster Grandparents, to be enrolled in the program. Eligibility for service in the program is established pursuant to section 421(4) of Pub. L. 93-113 and provides for the adjustment of the national poverty guidelines issued by the Community Service Administration (formerly the Office of Economic Opportunity) to reflect local situations. ACTION does this by adding to the CSA poverty guidelines for each State the amount which that State supplements the Federal Supplemental Security Income payments for the aged.

b. Recommendations were also made to permit unusual expenses to be deducted from annual income for persons to be eligible for enrollment or for continuation as Foster Grandparents. The CSA poverty guidelines are based on a total income concept with no allowance for deduction of expenses from annual income.

4. The comment was made to have section 1208.4-1(c) clarify the sponsor's responsibility to pay for Foster Grandparent annual physical examinations.

Costs for annual physical examinations for each Foster Grandparent are an allowable budget item, meaning they can be paid for federally or locally, but they are frequently used as a source of non-federal support of the budget.

5. Recommendations were received to have language in Section 1208.4-2(b) reduce or consolidate hours of service instructions required each month for Foster Grandparents. The regular monthly in-service instruction is prescribed to best serve the needs and interests of Foster Grandparents.

6. a. Changes were suggested for section 1208.4-3(b) to permit the sponsor to increase the Foster Grandparent stipend from the sponsor's resources with two consequences: (1) to allow such increase to be treated as sponsor's local cost sharing; and (2) to have this additional amount of stipend eligible for the income-disregard-benefits available under section 418 of Pub. L. 93-113, which would affect federal income and federal Social Security tax liabilities. It was recommended that a minimum stipend be set at the federal minimum wage.

The stipend is not related to the federal minimum wage and has not been set to reflect the value of the Foster Grandparent's service in the competitive labor market. Section 418 of Pub. L. 93-113 states that no payments or stipends to volunteers shall "... be treated as wages or compensation for the purpose of ... minimum wage laws." Only the federally established stipend is nontaxable income and only the federally designated amount of stipend is allowable in the program budget. (This is so whether ACTION or the sponsor pays it.) Thus any local increases in the stipend will probably be taxable and be considered in determining the Foster Grandparent's continued eligibility to serve in the program.

b. This comment was made to clarify section 1208.4-3(d), to determine when the new types of insurance coverage must start. Foster Grandparents shall not be placed in volunteer assignments until ACTION has received a written statement from the sponsor indicating compliance with all insurance requirements.

7. A comment was made to change section 1208.5-5(a) (3) to take into account the Federal Election Campaign Act Amendments of 1974 changes to the Hatch Act. These Amendments permit State and local officers, whose principal employment is in connection with an activity financed in whole or in part by federal grants, to take an active part in political management or political campaign. The Amendments would also bar any such employees from running for elective office, except in a nonpartisan election. The existing paragraph to this section does not contradict the changes in the Hatch Act. It aims to prevent a volunteer or a sponsor's employee from taking any action with respect to a political activity which would result in the apparent identification of the program with such activity.

Accordingly, with these changes and additions, the proposed replacement is adopted as set forth below.

RONALD GEREVAS,  
Acting Deputy Director.

A new Part 1208 to Chapter XII of Title 45 of the Code of Federal Regulations is added as follows:

#### Subpart A—General

- Sec.  
1208.1-1 Introduction.  
1208.1-2 Definitions.

#### Subpart B—Project Sponsors

- Sec.  
1208.2-1 Eligibility and funding.  
1208.2-2 Grant application.  
1208.2-3 State Agency on Aging and CAA participation.  
1208.2-4 Responsibilities.  
1208.2-5 Project staff.  
1208.2-6 Suspension or termination of a grant and denial of application for refunding.

#### Subpart C—Project Operation

- 1208.3-1 Introduction.  
1208.3-2 Volunteer stations.  
1208.3-3 Activities.  
1208.3-4 Children served.  
1208.3-5 Memorandum of understanding.  
1208.3-6 Advisory Council.

#### Subpart D—Volunteers

- 1208.4-1 Eligibility.  
1208.4-2 Recruitment and instruction.  
1208.4-3 Terms of service.  
1208.4-4 Legal fees.

#### Subpart E—General

- 1208.5-1 Coordination.  
1208.5-2 Grant awards.  
1208.5-3 Grant conditions.  
1208.5-4 Project changes.  
1208.5-5 Special legal limitations.

AUTHORITY: Secs. 211(a), 212, 221, 222, 223, 402(14) and 420 of Pub. L. 93-113, 87 Stat. 402, 403, 404, 407, 414.

#### Subpart A—General

##### § 1208.1-1 Introduction.

The purpose of this program is to provide meaningful part-time volunteer opportunities for low-income older persons to render supportive person-to-person services to children having special or exceptional needs in health, education, welfare and related settings.

(a) Section 211(a) of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 402, authorizes the Director of ACTION to make grants or contracts to develop and operate a Foster Grandparent Program.

(b) These regulations relate only to grants. The contract format will not be used in the development and operation of local projects.

##### § 1208.1-2 Definitions.

As used in this part the terms "ACTION" or "ACTION office" include each Regional office. The local program for which a sponsor receives grant assistance will be referred to as a project.

#### Subpart B—Project Sponsors

##### § 1208.2-1 Eligibility and funding.

ACTION shall make grants only to public and nonprofit private agencies and organizations which have authority to

accept grants for the purposes of this part and have the capability of administering such a project. Volunteer stations, as defined in § 1208.3-2, shall not be sponsors. These grants can be made to pay up to 90 percent of the costs of development and operation of programs designed to carry out the purpose of this part. In exceptional situations, the Director of ACTION may approve assistance for more than 90 percent of such costs. A project must meet one of the following criteria to be eligible to receive grant assistance for more than 90 percent of costs:

(1) The project is located in an area where non-federal resources are too limited to provide 10 percent of the total project cost. This may be due to short or long-term conditions of poverty in an area where there is a serious need for the project, or

(2) The project is located in an area where an emergency situation exists, such as a county or state which has been declared a disaster area and there is a serious need for the project.

##### § 1208.2-2 Grant application.

Any eligible agency or organization may file an application for a grant with ACTION. Grant application forms may be obtained from any ACTION office. The grant application is designed to provide ACTION with information needed to evaluate an applicant's capacity to develop and operate a project. The application will include:

(a) General goals for the proposed project, consistent with the purpose of this part.

(b) Specific objectives to be achieved, activities to be undertaken and methods to be followed during the project budget period in support of the stated goals.

(c) A detailed budget and budget item justification.

(d) Duties of projected staff positions and qualifications required for incumbents of the positions.

(e) Ways in which active coordination is to be established with other aging and volunteer-related organizations, including the State Agency on Aging, if the State agency is not the sponsor.

(f) Type of membership and functions of a Foster Grandparent Advisory Council.

(g) The proposed service area to be served by the project.

(h) Copies of Memoranda of Understanding with proposed volunteer stations.

(i) Available data on the population, age 60 and over, in the proposed service area.

(j) A description of the special efforts the sponsor will make to recruit and to select qualified individuals from minority groups to serve as Foster Grandparents.

##### § 1208.2-3 State Agency on Aging and Community Action Participation.

Under certain circumstances, State Agencies on Aging under section 304(a) (1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a) (1)) and

Community Action Agencies (CAA's) under Title II of the Economic Opportunity Act, as amended, must be offered a reasonable opportunity to apply for a grant or must be consulted in the development of the project.

(a) *State Agencies on Aging.* (1) When a project is proposed to be carried out throughout a State or in an area more comprehensive than one community, the appropriate State Agency on Aging must be afforded a reasonable opportunity to apply for and receive the grant and to administer or supervise the administration of the project. The State Agency on Aging will be considered to have received a reasonable opportunity if it has not submitted a grant application to ACTION within 45 days after receiving notice from ACTION that another organization has applied for a project grant, or if it has waived its opportunity in writing.

(2) ACTION shall notify the applicable State Agency in writing or by telegram that it is considering awarding a grant. This will enable the agency to consider applying for such an award within the 45-day period. The assurances referred to in paragraph (a) (4) of this section will constitute a written waiver.

(3) If both a State Agency on Aging and another organization apply for grant assistance when available funds are limited, the decision to award a grant to the other organization must be based on a clear written statement that the application and a review of the prospective sponsor's qualifications indicate it will carry out the project more effectively.

(4) Where the State Agency is not the grantee, applications for projects must contain satisfactory written assurances that the project has been developed, and will, to the extent appropriate, be conducted in consultation with or with the participation of the appropriate State Agency on Aging. A letter in the grant application from the appropriate State Agency on Aging containing the following information constitutes such an assurance: (i) The project has been developed with assistance of the State Agency, and (ii) will be, to the extent appropriate, conducted in consultation with it.

(b) *Community Action Agency.* Where a project is proposed to be undertaken entirely in a community served by a Community Action Agency, the procedure described in paragraph (a) of this section shall be followed, except that requirements relating to the State Agency on Aging shall relate instead to the Community Action Agency.

(c) Except for new grant applicants to which paragraph (a) of this section applies, no new grant awards shall be made unless the State Agency on Aging has been afforded at least 45 days in which to review the application and to make recommendations thereon. The applicable State Agency shall state in writing to ACTION that: (1) It has waived its right to comment on the project, or (2) it supports or cannot recommend the project and its reasons therefor.

##### § 1208.2-4 Responsibilities.

(a) The sponsor shall be responsible for the programmatic and fiscal aspects of the project, including:

(1) Creation of a Foster Grandparent Program Advisory Council as soon as possible, in accord with § 1208.3-5.

(2) Selection and employment of a full time director and other project staff, as approved.

(3) Development of specific assignments for volunteer service at or through approved volunteer stations.

(4) Recruitment, selection, orientation, in-service instruction and placement of Foster Grandparents.

(5) Orientation of volunteer station staff in working with foster grandparents before and, as appropriate, during their period of assignment.

(6) Provision of or arrangement for adequate on-site supervision and support of Foster Grandparents.

(7) Payment of volunteer stipends and arrangement of transportation and, when possible, meals for volunteers.

(8) Provision of the required non-federal cost sharing support of the project in cash or allowable in-kind support.

(9) Maintenance of an internal record-keeping system including information on Foster Grandparents, volunteer stations, children served, and other pertinent project information.

(10) Submission of such reports, including programmatic and fiscal reports and retention of such records as ACTION may require.

(11) Arrangement for appropriate recognition of volunteers for their services to the community.

(12) Adherence to ACTION's policies and procedures concerning or affecting the project.

(13) Annual project appraisal.

(14) Public information functions.

(b) The sponsor may contract, or otherwise arrange, with other organizations for services to help the sponsor carry out its responsibilities, such as transportation or accounting services. However, the sponsor has primary responsibility for the operation and administration of the project. Such responsibility cannot be contracted or delegated to any person, agency, or organization.

##### § 1208.2-5 Project staff.

(a) Project staff are employees of the sponsoring organization. Foster Grandparent Program volunteers may not serve as staff of the sponsor. Relatives of the sponsor's employees, or of a member of its Board of Directors, may not be employed in the project, except with the knowledge and concurrence of the project's Advisory Council and notification to ACTION.

(b) ACTION must concur in writing before the sponsor employs a project director. The project director shall not be concurrently employed, paid, or used in another position during established working hours while serving as director of the project. However, under certain circumstances, established by the Direc-

tor of ACTION to avoid consequences detrimental to either project, the project

cerning the Foster Grandparent Program, and volunteer service of Foster

station to whom the Foster Grandparent Program staff will relate; the number of

(2) An enrolled Foster Grandparent shall lose eligibility for continued service as a consequence of annual income that

(3) The sponsor may pay a higher stipend than that established by ACTION but this excess payment may

limits of the state financial responsibility law, whichever is higher.

(3) The sponsor shall provide ade-



## RULES AND REGULATIONS

tor of ACTION to avoid consequences detrimental to either project, the project director may also direct a Senior Companion Program.

#### § 1208.2-6 Suspension or termination of a grant and denial of application for refunding.

(a) A grant may be suspended or terminated because of the sponsor's material failure to comply with the terms and conditions of a grant. A grant will not be terminated unless the sponsor has been afforded reasonable notice and a grant may not be suspended, except in emergency situations, unless the opportunity for a full and fair hearing, sponsor has been given reasonable notice and opportunity to show cause why such action should not be taken. Procedures for termination and suspension are contained in Part 1206, Subpart A of this chapter in the Code of Federal Regulations.

(b) Application for a continuation grant may not be denied unless the sponsor has been given reasonable notice and an opportunity to show cause why such action should not be taken. Procedures for denial of such an application are contained in Part 1206, Subpart B, of this chapter in the Code of Federal Regulations.

#### Subpart C—Project Operation

##### § 1208.3-1 Introduction.

Foster Grandparents perform a variety of activities at various kinds of volunteer stations.

##### § 1208.3-2 Volunteer stations.

(a) Volunteer stations are public or private nonprofit agencies or organizations, or proprietary health care organizations, in or through which volunteers serve in accordance with program policies. Each child care facility serving as a volunteer station must be licensed or otherwise certified by the appropriate State or local government.

(1) Individual private homes are not volunteer stations. Volunteer stations select and recommend children with special or exceptional needs to be served in their homes by Foster Grandparents.

(2) Volunteer stations making assignments to private homes shall provide supervision to Foster Grandparents through regular visits to the individual homes.

(b) Volunteer stations shall be within the service area of the project. The service area is the community or communities in which the sponsor is authorized to recruit volunteers and in which they are to serve. Existing or traditional boundaries for planning or for social service delivery systems may influence, but shall not predetermine the service area.

(c) Placement of Foster Grandparents in group care volunteer stations shall be made in numbers large enough to permit social interaction between the Foster Grandparents and to facilitate group transportation and adequate supervision.

(d) Volunteer station staff shall receive orientation from the sponsor, prior to the assignment of volunteers, con-

cerning the Foster Grandparent Program, and volunteer service of Foster Grandparents. Additional orientation may be provided to volunteer station staff, if necessary, during the period Foster Grandparents serve in the volunteer station.

##### § 1208.3-3 Activities.

Foster Grandparent activities develop person-to-person, supportive relationships with children and do not provide service to the volunteer stations or any other organization in which volunteers may be serving. Activities serve the dual purpose of being personally meaningful to Foster Grandparents and providing support and companionship to children being served.

##### § 1208.3-4 Children served.

(a) Children served by Foster Grandparents shall be chronologically age 17 or under, with preference given to younger children. In exceptional cases, however, a child may continue to be served through age 20 by the same Foster Grandparents if: (1) It has been professionally determined that with the same Foster Grandparent, there is a likelihood of improvement for the child in personal adjustment, social relationships, learning ability and/or motor coordination; and (2) The volunteer station has developed a plan in writing to provide for an alternative supportive relationship after age 20 for the person being served by the Foster Grandparent.

(b) Sponsors shall arrange to provide volunteer services to children with special or exceptional needs such as the physically handicapped, delinquent, emotionally disturbed, mentally retarded or dependent and neglected children in hospitals, correctional facilities and other residential institutions, and in schools or day care establishments, and in private residences.

(c) Volunteer stations shall select the children to be served with concurrence of the sponsor. The sponsor shall match and assign Foster Grandparents to selected children in cooperation with the volunteer station.

(d) Foster Grandparents shall preferably, but not exclusively, be assigned to two children, served individually, to maximize the gains to children from a supportive, person-to-person relationship with a mature adult.

##### § 1208.3-5 Memorandum of understanding.

Prior to assignment of volunteers, the sponsor and each volunteer station, shall jointly prepare and sign a Memorandum of Understanding for the purpose of clarifying working relationships, facilitating communication and promoting cooperation. The Memorandum must include the following information: The kind of volunteer station (residential, nonresidential, etc.), the type of child care provided, the number of children with special needs to be served by Foster Grandparents and the potential number of the children eligible to receive service; the primary staff person at the volunteer

station to whom the Foster Grandparent Program staff will relate; the number of Foster Grandparents planned for the volunteer station; the extent of the Foster Grandparent's benefits to be provided by the volunteer station: meals, transportation, physical examinations, space, etc.; the safety provisions that will protect the Foster Grandparents, and other conditions mutually desired. In the case of Foster Grandparents serving in private homes, the Memorandum of Understanding shall also require that the volunteer station obtain a letter or other written document from the person(s) legally responsible for that child, authorizing or requesting volunteer service in the home and indicating what specific volunteer activities are requested. The Memorandum of Understanding must be reviewed for possible changes and updated annually by the sponsor and the volunteer station. It may be amended at any time by mutual agreement.

##### § 1208.3-6 Advisory Council.

(a) The sponsor shall establish a Foster Grandparent Program Advisory Council to advise and assist the sponsor in planning, community support, project operational problems, and provide an annual appraisal of project operations and progress.

(b) The Advisory Council membership shall be representative of the community, including major private and public community agencies, minority groups, civic and service organizations and representation from volunteer stations and organizations concerned with the interests of older persons and volunteerism. One-fourth of the members shall be or represent low income persons, age 60 or older, and may include Foster Grandparents.

(c) The sponsor's chief executive or his designee, a member of its governing body, and the project director shall be members, but not officers of the Council. Only the member of the sponsor's governing board shall be a voting member of the Council.

#### Subpart D—Volunteers

##### § 1208.4-1 Eligibility.

(a) A Foster Grandparent shall be 60 years or older, no longer in the regular work force, determined by a physical examination to be capable of serving children with special or exceptional needs without detriment to self or child, and willing to accept supervision as required.

(b) (1) A Foster Grandparent applicant shall not be enrolled with an annual income from all sources which exceeds the income eligibility level for Foster Grandparents established by ACTION. The income eligibility level established in conformance with section 421(4) of Pub. L. 93-113, is determined by the national poverty line set forth in section 625 of the Economic Opportunity Act of 1964, as amended, to which is added for individual states the amount a state supplements Federal Supplemental Security Income payments for the aged.

(2) An enrolled Foster Grandparent shall lose eligibility for continued service as a consequence of annual income that, at the time such determination is made, has increased in excess of 120 percent of the income eligibility level established by paragraph (b) (1) of this section. The sponsor is responsible for an annual review of the income of each Foster Grandparent.

(c) The sponsor shall provide each volunteer with a physical examination prior to service to assure that he is able to serve without detriment to himself or to the children served. Physical examinations shall be provided annually thereafter as a benefit to the Foster Grandparent.

(d) Participation as a Foster Grandparent may not be denied on the basis of the race, creed, sex, national origin or political affiliation of the applicant. Sponsors shall ensure that special efforts are made to recruit and select qualified individuals from minority groups to serve as Foster Grandparents.

##### § 1208.4-2 Recruitment and instruction.

(a) The sponsor is responsible for recruitment of Foster Grandparents in accordance with the standards of eligibility in § 1208.4-1. Volunteer assignments in identified volunteer stations shall be determined before recruitment of Foster Grandparents begins.

(b) The sponsor shall provide or arrange an orientation of not less than 40 hours for each Foster Grandparent volunteer before regular service begins. Thereafter, each volunteer shall be provided group in-service instruction for a minimum of four hours each month in addition to in-service instruction provided to volunteers on assignments. Time spent in orientation and in-service meetings by Foster Grandparents earns the same benefits as regular volunteer service time.

##### § 1208.4-3 Terms of Service.

(a) *Service schedule.* Foster Grandparents normally serve four hours a day, for a total of twenty hours a week. Transportation time between the volunteer's home and place of assignment, and meal time during volunteer service, shall not be considered part of the service period. However, if it is required that meals are taken with the children served, such time shall count as volunteer service.

(b) *Stipends.* (1) Foster Grandparents receive an annual stipend, payable in regular instalments. The amount of such stipend is established by the Director of ACTION consistent with the availability of program funds and at a level that will permit and encourage eligible low-income older persons to serve as volunteers without cost to themselves.

(2) Sponsor shall establish policy and procedures to reduce the stipend to reflect the volunteer's absence from his assignment. Reasonable periods of vacation or absence because of sickness or other unusual situations, consistent with policies of the sponsor, are allowable.

## RULES AND REGULATIONS

(3) The sponsor may pay a higher stipend than that established by ACTION, but this excess payment may not be included in the federal cost or be counted as part of the non-federal cost sharing contribution required of the project sponsor.

(4) For federal, state and local purposes, no stipend shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, temporary disability, retirement, public assistance, or similar benefit payments, or minimum wage laws. Stipends shall not in any way reduce or eliminate the level of or eligibility for assistance or services any Foster Grandparents may be receiving under any federal, state or local governmental program.

(c) *Transportation and meals.* (1) Sponsors shall provide or arrange for transportation for Foster Grandparents as needed, between their homes and volunteer assignments and for official project activities, including orientation, recognition ceremonies and attendance at Advisory Council meetings. Sponsors may also reimburse Foster Grandparents for transportation costs to the extent permitted by both grant and local funds and in accordance with transportation policy of the project. The sponsor will arrange for, or assist with, the cost of meals for orientation and volunteer assignments extending through a meal period within the limits of available resources and local project policy.

(d) *Insurance and safety.* (1) The sponsor shall ensure that Foster Grandparents driving their own vehicles while traveling to or from assignments have automobile liability insurance equal to the minimum required by state law or, in lieu thereof, the minimum specified in the Foster Grandparent Program Operations Handbook.

(2) The sponsor shall provide adequate insurance at such levels as defined in the Foster Grandparent Program Operations Handbook, of the following kinds:

(i) *Accident insurance.* If coverage is not required for Foster Grandparents under the state worker's compensation act, project sponsors shall provide accident insurance covering Foster Grandparents in travel to and from their place of assignment as well as during their volunteer service and during mealtime at the volunteer station.

(ii) *Personal liability insurance.* Third party, non-automobile, insurance shall be provided to protect Foster Grandparents in the event of personal injury or property damage claims arising out of their volunteer service.

(iii) *Excess automobile liability insurance.* This coverage is provided to protect Foster Grandparents against bodily injury or property damage claims arising out of the use of their automobiles to transport themselves and other Foster Grandparents to or from volunteer assignments. The insurance is to be excess over the insurance that a Foster Grandparent carries on his automobile or the

limits of the state financial responsibility law, whichever is higher.

(3) The sponsor shall provide adequate automobile liability insurance protection for vehicles used by the project, as defined in ACTION policy, whether the vehicles be owned, non-owned or hired.

(4) Insurance coverage may be purchased from any source.

Sponsors shall ensure that adequate provisions for safety of Foster Grandparents are in force at each volunteer station.

(e) *Appeal of sponsor's actions and separations.* (1) The sponsor shall establish a procedure whereby a Foster Grandparent may appeal an action or decision by the sponsor or project staff or the supervisory staff of the volunteer stations. The procedure shall provide for the review of the Foster Grandparent's appeal by the Advisory Council, or a committee thereof, which shall recommend to the chief executive of the sponsoring organization what action to take. Final decision on such an appeal shall be made by the chief executive.

(2) The sponsor may separate Foster Grandparents from the project for cause, including extended absence, chronic illness, misconduct, inability to perform volunteer assignments and income in excess of the standard set forth in § 1208.4-1(b). The sponsor shall provide a procedure to review appeals from such separations. The procedure shall be the same as that mentioned in the preceding paragraph in connection with appeals of sponsor's action.

##### § 1208.4-4 Legal Fees.

Counsel may be employed and counsel fees, court costs, bail and other expenses incidental to the defense of a volunteer may be paid in a criminal, civil, and administrative proceeding when such a proceeding arises directly out of the performance of the volunteer's activities. Part 1220, Vol. 45, Code of Federal Regulations establishes under what circumstances such expenses shall be paid.

#### Subpart E—General

##### § 1208.5-1 Coordination.

(a) The sponsor of a project under this part shall coordinate project activities with related groups and individuals, including those representing government, industry, labor, voluntary organizations, programs for the aging, including in particular State Agencies on Aging, and Area Agencies on Aging, and with other ACTION programs, to facilitate cooperation with existing community services and develop needed community support.

(b) ACTION will consult and coordinate with national, state and local agencies, the Federal Administration on Aging in particular, and nonprofit private organizations to promote the development of volunteer service opportunities for older persons.

##### § 1208.5-2 Grant awards.

ACTION will, within funds available, award a grant in writing to those applicants whose grant proposals provide the

## RULES AND REGULATIONS

best potential for serving the purpose

nished at the lowest possible costs consistent with the effective operation of a

Highway Administrator's delegation of authority to collect and compromise

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life Refuge, Kansas, is permitted in accordance with applicable State regula-



best potential for serving the purpose of the program.

#### § 1208.5-3 Grant conditions.

Fiscal and administrative policies and procedures set forth in ACTION instructions and handbooks shall be made available to sponsors at the time they receive a grant award. Grant termination, suspension, and denial of refunding appeal procedures are contained in Part 1206 of this Chapter.

#### § 1204.5-4 Project changes.

Permissible changes in the approved project plan shall be limited to minor changes which do not substantially alter the substance of the project plan for which the grant was received. The following changes must receive prior written approval of ACTION:

- Appointment of the project director and subsequent replacements.
- Placement of Foster Grandparents with volunteer stations not included in the grant application or in subsequently approved project amendments.
- Reassignment of Foster Grandparents that cause an increase or decrease of 10 percent or more of the Foster Grandparents assigned to approved volunteer stations.

#### § 1208.5-5 Special legal limitations.

(a) *Political activities.* (1) No part of any grant shall be used to finance, directly or indirectly, any activity to influence the outcome of any election to federal office, or any voter registration activity. The term "election" has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971 (Pub. L. 92-225) and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

(2) No project shall be conducted in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such project with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (ii) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or any voter registration activity.

(3) No Foster Grandparent nor employee of a sponsor or volunteer station may take any action, when serving in such a capacity, with respect to a partisan or non-partisan political activity that would result in the apparent identification of the Foster Grandparent Program with such activity.

(b) *Special limitations.* (1) The service of Foster Grandparent volunteers is limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

(2) All support, including transportation provided to volunteers, shall be fur-

nished at the lowest possible costs consistent with the effective operation of a volunteer project.

(3) No sponsor or volunteer station shall request or receive any compensation for services of Foster Grandparents supervised by it.

(4) No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organizations or related activity.

(c) *Nondiscrimination.* (1) No person with responsibilities in the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, age, or political affiliation.

(2) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any project.

(d) *Religious activities.* Foster Grandparents will not give religious instruction, conduct worship services or engage in any other religious activity as part of their duties.

Effective September 4, 1975.

[FR Doc.75-23420 Filed 9-3-75;8:45 am]

#### Title 47—Telecommunications CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

##### Certified Equipment for Identification Requirements Correction

In FR Doc. 75-20205 appearing at page 32746 in the issue for Monday, August 4, 1975, in § 91.304(a) on page 32747, the second line of the table under the heading "Limitations" should read "10".

[Doc. 19661; FCC 75-842]

#### PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES Slide and Voice Announcements; FM and UHF Translator Stations

##### Correction

In FR Doc. 75-19500 appearing at page 31604 in the issue for Monday, July 28, 1975, in § 74.731(f) on page 31605, after the seventeenth line, add the following phrase: "ceipt of a control signal from the TV".

#### Title 49—Transportation CHAPTER III—FEDERAL HIGHWAY ADMIN- ISTRATION, DEPARTMENT OF TRANS- PORTATION

##### PART 385—COLLECTION AND COMPROMISE OF CLAIMS FOR FORFEITURES UNDER SECTION 222(h) OF THE INTER- STATE COMMERCE ACT

##### Delegation of Authority

The purpose of this notice is to amend 49 CFR Part 385 by changing the Federal

Highway Administrator's delegation of authority to collect and compromise claims of the United States for civil forfeitures under section 222(h) of the Interstate Commerce Act (49 U.S.C. 322 (h)) from the Director, Bureau of Motor Carrier Safety to the Associate Administrator for Safety with respect to claims of \$25,000 or more in the aggregate, and to the Regional Administrators with respect to claims of less than \$25,000 in the aggregate.

In that the amendment relates to rules of agency organization, procedure, or practice, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule-making, opportunity for public participation and delay in effective date are inapplicable.

In consideration of the foregoing, 49 CFR Part 385 is amended as follows:

1. Section 385.2 is amended to read as follows:

##### § 385.2 Delegation of authority.

The functions, powers, and duties of the Federal Highway Administrator to collect and to compromise claims of the United States for civil forfeitures under section 222(h) of the Interstate Commerce Act (49 U.S.C. 322(h)) and to suspend and terminate actions to collect such claims are delegated to the Associate Administrator for Safety with respect to claims of \$25,000 or more in the aggregate, and to the Regional Administrators with respect to claims of less than \$25,000 in the aggregate. The Associate Administrator may redelegate the authority delegated to him by this section to the Director of the Bureau of Motor Carrier Safety, but he may not authorize a further redelegation of this authority. The authority delegated by this section to the Regional Administrators may not be further redelegated. The Associate Administrator and the Regional Administrators are hereinafter referred to as the Claimant.

##### § 385.3 [Amended]

2. Section 385.3 is amended by deleting the words "Director of the Bureau of Motor Carrier Safety" and "Director" wherever they appear in paragraph (a) and substituting the word "Claimant."

##### § 385.4 [Amended]

3. Section 385.4 is amended by deleting the word "Director" in paragraph (a) (1) and (b) (3) and substituting the word "Claimant."

##### § 385.5 [Amended]

4. Section 385.5 is amended by deleting the word "Director" wherever it appears and substituting the word "Claimant."

##### § 385.6 [Amended]

5. Section 385.6 is amended by deleting the word "Director" in paragraphs (a) (6) and (b) and substituting the word "Claimant."

(49 U.S.C. 304, 322; 31 U.S.C. 951-953; delegations of authority at 49 CFR Part 89)

Effective date: October 1, 1975.

Issued on August 26, 1975.

J. R. COUPAL, Jr.,  
Acting Federal Highway  
Administrator.

[FR Doc.75-23403 Filed 9-3-75;8:45 am]

#### Title 50—Wildlife

##### CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTER- IOR

##### PART 32—HUNTING

##### Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on September 4, 1975.

##### § 32.22 Special regulations; upland game; for individual wildlife refuge areas.

##### ILLINOIS

##### CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, bobwhite quail, rabbits, raccoons, opossums, skunks, weasels and crows is permitted in accordance with the seasons and limits established by the Illinois Department of Conservation. The area open to hunting within Crab Orchard National Wildlife Refuge is designated by green public hunting signs. This open area is delineated on a map available at refuge headquarters, Carterville, Illinois 62918 and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1976.

DARRELL D. UPTGRAFT,  
Acting Project Manager, Crab  
Orchard National Wildlife  
Refuge, Carterville, Ill. 62918

AUGUST 27, 1975.

[FR Doc.75-23396 Filed 9-3-75;8:45 am]

##### PART 32—HUNTING

##### Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on September 4, 1975.

##### § 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

##### KANSAS

##### KIRWIN NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Kirwin National Wild-

#### ST. STEPHENS MERIDIAN

T. 19 N., R. 11 E.,  
Sec. 6, NE¼NW¼, part of the NW¼NE¼,  
more particularly described as beginning  
at the NE corner of the NE¼NW¼,  
thence due east 4.44 chains to branch,  
thence along said branch S. 18°11' W.,  
1.41 chains, thence S. 28°00' W., 4.26  
chains, thence S. 22°13' W., 5.29 chains  
to a point on the west boundary of  
NW¼NE¼, thence north 10 chains to  
point of beginning;  
Sec. 19, W¼NW¼.

The areas described, 129.15 acres in  
Dallas County, 1,441.27 acres in Clay  
County, and 2,722.59 acres in Cleburne  
County, aggregate 4,293.01 acres.

2. The boundaries of the DeSoto National  
Forest and the Talladega National  
Forest are hereby adjusted to exclude  
the following described lands:

#### DESOTO NATIONAL FOREST

##### ST. STEPHENS MERIDIAN

##### MISSISSIPPI

T. 1 N., R. 17 W.,  
Sec. 33, N¼ of lot 3.  
T. 3 S., R. 9 W.,  
Sec. 1, SW¼NW¼,  
T. 5 S., R. 12 W.,  
Sec. 32, S¼NE¼, NE¼SE¼, SE¼NW¼,  
T. 6 S., R. 10 W.,  
Sec. 24, SE¼SW¼.

The areas described, 211.00 acres in  
Harrison County, 46 acres in Marion  
County, and 40 acres in George County,  
aggregate 297.00 acres.

#### TALLADEGA NATIONAL FOREST

##### HUNTSVILLE MERIDIAN

##### ALABAMA

T. 13 S., R. 12 E.,  
Sec. 28, NW¼SE¼,  
T. 14 S., R. 11 E.,  
Sec. 11, NW¼NE¼,  
T. 14 S., R. 12 E.,  
Sec. 22, E¼SW¼.

The areas described aggregate approxi-  
mately 160.10 acres in Cleburne County.

#### JACK O. HORTON,

Assistant Secretary of the Interior.

AUGUST 27, 1975.

[FR Doc.75-23388 Filed 9-3-75;8:45 am]

[Public Land Order 5515;

Oregon 9540 (Wash.)]

#### WASHINGTON

Withdrawal for National Wildlife Refuge:  
Revocation of Executive Order Nos.  
1959, 7594, 7595, and Public Land Or-  
der Nos. 2249, 4148, and 4889

By virtue of the authority vested in the  
President and pursuant to Executive Or-  
der No. 10355 of May 26, 1952 (17 FR  
4831), it is ordered as follows:

1. Subject to valid existing rights, the  
following described public lands are  
hereby withdrawn from all forms of ap-  
propriation under the public land laws,  
including the mining laws, 30 U.S.C. Ch.  
2, but not from leasing under the mineral  
leasing laws, and reserved for the San  
Juan Islands National Wildlife Refuge:



## RULES AND REGULATIONS

## Willamette Meridian

(Asterisks identify legal descriptions of surveyed lands)

(Legal descriptions appearing in parentheses indicate unsurveyed lands, and are tentative. The numbers appearing to the left of the names are for identification purposes only)

No.	Name	Description	Remarks
2	Two unnamed islands, 0.5 acres.	48°28'34" N., 122°40'36" W. (T. 35 N., R. 1 W., sec. 32); 48°28'48" N., 122°40'42" W. (T. 35 N., R. 1 W., sec. 32).	Two small islands directly north-east of Ram Island.
3	Unnamed island, 3.2 acres.	48°27'57" N., 122°50'15" W. (T. 34 N., R. 1 W., sec. 5).	Known as Fortress Island.
4	Unnamed island, 0.5 acre.	48°27'54" N., 122°49'54" W. (T. 34 N., R. 1 W., sec. 5).	Known as Skull Island.
5	do.	48°27'45" N., 122°50'36" W. (T. 34 N., R. 1 W., sec. 7).	Known as Crab Island.
7	Davidson Rock, 0.1 acre.	48°24'48" N., 122°48'30" W. (T. 31 N., R. 1 W., sec. 28).	
8	Castle Island, 0.3 acres.	48°25'18" N., 122°49'15" W. (T. 34 N., R. 1 W., sec. 21).	
9	3 unnamed islands, 3 acres.	48°25'27" N., 122°49'33" W. (T. 34 N., R. 1 W., sec. 20).	Three islets located immediately west of Castle Island.
11	Unnamed island, 1 acre.	48°25'08" N., 122°49'48" W. (T. 34 N., R. 1 W., sec. 19).	Known as Swirl Island.
12	Unnamed rock, 0.3 acre.	48°25'39" N., 122°50'18" W. (T. 34 N., R. 1 W., sec. 20).	Located in Hughes Bay.
13	4 unnamed islands, 3 acres.	48°25'12" N., 122°51'58" W. (T. 34 N., R. 2 W., sec. 24).	A circular island 200 yards offshore of Lopez Island, with three bare islands nearby.
14	3 unnamed islands, 1 acre.	48°25'09" N., 122°53'04" W. (T. 34 N., R. 2 W., sec. 24).	Rocky islets extending off the south end of a small point 60 to 80 yards from Lopez Island.
15	Unnamed rock, 0.5 acre.	48°26'30" N., 122°54'00" W. (T. 34 N., R. 2 W., sec. 14).	Known as Round Rock, located about 375 yards east of Charles Island and immediately north east of Secor Rock.
19	3 unnamed islets, 1 acre.	48°26'21" N., 122°55'03" W. (T. 34 N., R. 2 W., sec. 15).	Three rocky islets located just offshore of Long Island.
20	13 unnamed islands, 3 acres.	48°26'18" N., 122°55'30" W. (T. 34 N., R. 2 W., sec. 15).	Thirteen small islets and rocks located off the south shore of Long Island.
23	Shark Reef, 1 acre.	48°28'36" N., 122°56'48" W. (T. 35 N., R. 2 W., sec. 33) (T. 34 N., R. 2 W., sec. 4).	
24	Harbor Rock, 0.5 acre.	48°28'12" N., 122°58'09" W. (T. 34 N., R. 2 W., sec. 5).	
25	Unnamed rock, 0.5 acre.	48°28'18" N., 122°59'15" W. (T. 34 N., R. 3 W., sec. 1).	Known as North Pacific Rock.
26	Half Tide Rocks, 0.02 acre.	48°28'45" N., 122°59'54" W. (T. 35 N., R. 3 W., sec. 36, lot 5).	Appears as two rocks.
27	7 unnamed islands, 1 acre.	48°28'07" N., 123°03'03" W. (T. 34 N., R. 3 W., sec. 3).	A series of seven rocky islets which are part of a long reef extending out from the southwest end of San Juan Island.
28	Low Island, 0.5 acre.	48°32'38" N., 123°09'45" W. (T. 35 N., R. 4 W., sec. 11, lot 5).	
29	Unnamed island, 0.5 acre.	48°36'03" N., 123°10'09" W. (T. 36 N., R. 4 W., sec. 23).	Known as Pole Island.
30	Barren Island, 3 acres.	48°37'21" N., 123°07'36" W. (T. 36 N., R. 4 W., sec. 14).	
31	Battleship Island, 5 acres.	48°37'30" N., 123°11'00" W. (T. 36 N., R. 4 W., sec. 10).	
32	Unnamed rock, 0.5 acre.	48°37'27" N., 123°09'21" W. (T. 36 N., R. 4 W., sec. 2).	Known as Sentinel Rock.
33	Center Reef, 2 acres.	48°38'12" N., 123°16'30" W. (T. 36 N., R. 4 W., sec. 17).	
34	Gull Reef, 0.5 acre.	48°38'18" N., 123°06'45" W. (T. 36 N., R. 4 W., sec. 30).	
35	Ripple Island, 3.2 acres.	48°39'29" N., 123°07'43" W. (T. 36 N., R. 4 W., sec. 30).	
36	Unnamed reef, 0.5 acre.	48°39'19" N., 123°07'51" W. (T. 36 N., R. 4 W., sec. 30).	Known as Shag Reef.
37	Unnamed island, 0.76 acre.	48°38'57" N., 123°07'24" W. (T. 36 N., R. 3 W., sec. 6, lot 3).	Known as Little Cactus Island.
38	Gull Rock, 1.34 acres.	48°39'06" N., 123°08'18" W. (T. 36 N., R. 3 W., sec. 5, lot 2).	
40	White Rocks, 1.5 acres.	48°40'06" N., 123°04'12" W. (T. 37 N., R. 3 W., sec. 27).	Consists of one large island and one very small islet.
41	Monatt Reef, 2.5 acres.	48°41'00" N., 123°02'45" W. (T. 37 N., R. 3 W., sec. 23).	
42	Skipjack Island, 20 acres.	48°44'00" N., 123°02'00" W. (T. 37 N., R. 3 W., sec. 2).	
43	Unnamed island, 0.5 acre.	48°44'00" N., 123°01'42" W. (T. 37 N., R. 3 W., sec. 1) (T. 36 N., R. 3 W., sec. 30).	
44	Clements Reef, 0.5 acre.	48°46'39" N., 122°53'21" W. (T. 38 N., R. 2 W., sec. 13).	
45	Unnamed island, 1 acre.	48°46'10" N., 122°52'39" W. (T. 38 N., R. 2 W., sec. 24).	
46	Parker Reef, 0.02 acre.	48°43'33" N., 122°53'34" W. (T. 37 N., R. 2 W., sec. 1, lot 1 and 2).	
47	The Sisters, 6 acres.	48°41'39" N., 122°43'24" W. (T. 37 N., R. 1 W., sec. 13).	The Sisters Islands consist of three islands or islet groups.
48	Unnamed island, 2 acres.	48°41'24" N., 122°45'39" W. (T. 37 N., R. 1 W., sec. 13).	Known as Little Sister Islands.

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## RULES AND REGULATIONS

No.	Name	Description	Remarks
53	Shag Rock, 1 acre.	48°35'33" N., 122°52'24" W. (T. 36 N., R. 1 W., sec. 10).	
54	Flower Island, 4.6 acres.	48°32'45" N., 122°51'09" W. (T. 35 N., R. 1 W., sec. 7).	
55	Willow Island, 9.27 acres.	48°32'26" N., 122°49'16" W. (T. 35 N., R. 1 W., sec. 9, lot 4).	
56	Lawson Rock, 2 acres.	48°31'51" N., 122°47'15" W. (T. 35 N., R. 1 W., sec. 10).	
57	Pointer Island, 1 acre.	48°32'18" N., 122°46'51" W. (T. 35 N., R. 1 W., sec. 11).	
58	Black Rock, 1 acre.	48°32'48" N., 122°45'51" W. (T. 35 N., R. 1 W., sec. 2).	
59	3 unnamed rocks, 0.5 acre.	48°35'12" N., 122°48'06" W. (T. 36 N., R. 1 W., sec. 22, 27).	A group of three rocky islets off the northeast shore of Blakely Island.
61	Unnamed rock, 0.2 acre.	48°30'09" N., 122°49'53" W. (T. 36 N., R. 1 W., sec. 16).	Rocky islet in east sound of Orens Island, and 1 mile south of Duck Bay.
62	South Peapod Rock, 1 acre.	48°38'03" N., 122°45'27" W. (T. 36 N., R. 1 W., sec. 11).	
63	Peapod Rocks, 1 acre.	48°38'24" N., 122°45'04" W. (T. 36 N., R. 1 W., sec. 1) (T. 36 N., R. 1 E., sec. 6).	A group of three islets lying between, north, and south Peapod Rocks.
64	North Peapod Rock, 5.5 acres.	48°38'30" N., 122°44'39" W. (T. 36 N., R. 1 E., sec. 6).	
65	Ellza Rock, 0.4 acre.	48°38'30" N., 122°34'33" W. (T. 36 N., R. 2 E., sec. 5).	
66	Vidu Rocks, 2.7 acres.	48°38'03" N., 122°37'12" W. (T. 36 N., R. 1 E., sec. 1 and 12).	Consists of one large island and a small islet to the southeast.
67	Dot Island, 2.5 acres.	48°32'09" N., 122°33'06" W. (T. 35 N., R. 2 E., sec. 9).	Consists of one large island with a small islet immediately to the southwest.
68	Unnamed rock, 0.5 acre.	48°35'54" N., 123°00'51" W. (T. 36 N., R. 3 W., sec. 24, lot 5).	Known as Bird Rock.
70	Low Island, 1.31 acres.	48°35'21" N., 123°01'27" W. (T. 36 N., R. 3 W., sec. 24, lot 7).	
71	Unknown island group and assoc. unsurveyed rocks, 1.42 acres.	48°35'28" N., 123°01'02" W. (T. 36 N., R. 3 W., sec. 24, lots 5 and 6).	Known as Nob Island.
73	Unnamed island, 0.2 acre.	48°35'02" N., 123°00'42" W. (T. 36 N., R. 3 W., sec. 25, lot 3).	Small islet located about 150 yards west of Shaw Island.
74	Unnamed rocks, 0.2 acre.	48°30'17" N., 123°00'22" W. (T. 35 N., R. 3 W., sec. 25).	This is a group of bare, rocky islets located about 200 yards south of Dinner Island.
75	Smith Island, 62.8 acres.	48°19'09" N., 122°50'33" W. (T. 33 N., R. 1 W., sec. 29).	
76	Minor Island, 2.2 acres.	48°19'27" N., 122°49'03" W. (T. 33 N., R. 1 W., sec. 29).	
77	Matisa Island, 145 acres.	48°44'48" N., 122°40'09" W. (T. 38 N., R. 1 W., sec. 29, 32, and 33).	
78	Puffin Island, 10 acres.	48°44'42" N., 122°49'13" W. (T. 38 N., R. 1 W., sec. 33).	
79	Turn Island, 35.15 acres.	48°32'06" N., 122°57'47" W. (T. 35 N., R. 2 W., sec. 17, lot 1, sec. 15, lot 10).	
80	Four Bird Rocks, 3 acres.	48°29'12" N., 122°45'33" W. (T. 35 N., R. 1 W., sec. 30).	
81	Three Williamson Rocks, 1.18 acres.	48°29'48" N., 122°42'18" W. (T. 34 N., R. 1 E., sec. 8, lots 1 and 2).	
82	Colville Island, 7 acres.	48°24'57" N., 122°49'18" W. (T. 34 N., R. 1 W., sec. 28, 29).	
83	Buck Island, 1 acre.	48°27'09" N., 122°45'12" W. (T. 34 N., R. 2 W., sec. 10, lot 7).	
84	Bare Island, 3 acres.	48°43'48" N., 123°00'48" W. (T. 37 N., R. 3 W., sec. 1).	

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## RULES AND REGULATIONS

The areas described aggregate 388.32 acre Building, 2800 Cottage Way, Sacra-

[Public Land Order 5518; S-5042]

## RULES AND REGULATIONS

subject to administration by the Secretary of the Interior under applicable laws 416 (1970). It is ordered as follows:

as amended and supplemented, 43 U.S.C. market, the fresh market demand for Valencia oranges. Valencia orange prices.



The areas described aggregate 388.32 acres in Island, San Juan, Skagit, and Whatcom Counties.

2. Executive Order Nos. 1959 of June 6, 1914, 7594 and 7595 of March 30, 1937, and Public Land Order Nos. 2249 of December 24, 1960, 4148 of January 6, 1967, and 4889 of September 3, 1970, are hereby revoked insofar as they affect any of the islands described in this order.

3. The withdrawal made by this order does not alter the jurisdiction of the United States Coast Guard over the lands for lighthouse purposes as provided for by Executive Orders of July 9, 1875, and July 15, 1875. Nothing in this order shall be construed to diminish the authority of the Coast Guard, pursuant to 14 U.S.C. 2 and 81, and Title 1 of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221), or of the Federal Aviation Administration to use the area designated wilderness for navigational aid and maritime and aviation safety purposes.

JACK O. HORTON,  
Assistant Secretary  
of the Interior.

AUGUST 27, 1975.

[FR Doc.75-23394 Filed 9-3-75;8:45 am]

[Public Land Order 5516; LA-0153368]

#### CALIFORNIA

##### Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 45 Stat. 729; 49 U.S.C. 214 (1970), it is ordered as follows:

1. The departmental order of September 27, 1935, which withdrew the following described lands as Air Navigation Site No. 99, is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 11 N., R. 6 E.,  
Sec. 6, SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ .  
T. 16 N., R. 11 E.,  
Sec. 19, lots 1, 2, E  $\frac{1}{2}$  NW  $\frac{1}{4}$ .

The areas described aggregate 199.11 acres in San Bernardino County.

The lands in T. 11 N., R. 6 E., are situated approximately  $2\frac{1}{2}$  miles southeast of Fort Irwin; those in T. 16 N., R. 11 E., are about 5 miles east of Fort Irwin. The lands are typical desert sands with some rocky outcrops.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, at 10 a.m. on October 2, 1975, the lands shall be open to operation of the public land laws generally. All valid applications received at or prior to 10 a.m. on October 2, 1975, shall be considered as simultaneously filed at that time. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841, Federal Of-

fice Building, 2800 Cottage Way, Sacramento, California 95825.

JACK O. HORTON,  
Assistant Secretary of the Interior.

AUGUST 27, 1975.

[FR Doc.75-23391 Filed 9-3-75;8:45 am]

[Public Land Order 5517; Wyoming 22387]

#### WYOMING

##### Powersite Restoration No. 710; Partial Revocation of Powersite Reserve No. 5

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847, 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 41 Stat. 1063, 1075-6; 16 U.S.C. 818 (1970), and pursuant to the determination of the Federal Power Commission in DA-167-Wyoming, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Powersite Reserve No. 5 is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 36 N., R. 110 W.,  
Sec. 20, SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ .

The area described contains 40 acres in Sublette County.

2. The State of Wyoming declined to exercise its preference right of application for highway rights-of-way or material sites as provided by section 24 of the Federal Power Act of June 10, 1920, *supra*, when notified of the proposed restoration of the land from powersite withdrawal.

3. At 10 a.m. on October 2, 1975, the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 2, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, 69 Stat. 681, 30 U.S.C. 621.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyoming 82001.

JACK O. HORTON,  
Assistant Secretary of the Interior.

AUGUST 27, 1975.

[FR Doc.75-23395 Filed 9-3-75;8:45 am]

[Public Land Order 5518; S-5042]

#### CALIFORNIA

##### Exclusion of Lands From National Forest

By virtue of the authority vested in the President by section 1 of the Act of June 4, 1897, 30 Stat. 34, 16 U.S.C. 473 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

The following described lands are hereby excluded from the Six Rivers National Forest, and the boundaries of said national forest are adjusted accordingly:

HUMBOLDT MERIDIAN

T. 16 N., R. 1 E.,  
Sec. 26, S  $\frac{1}{2}$  NW  $\frac{1}{4}$ ;  
Sec. 27, NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , S  $\frac{1}{2}$  NE  $\frac{1}{4}$ .

The area described aggregates approximately 200 acres of privately owned lands.

JACK O. HORTON,  
Assistant Secretary of the Interior.

AUGUST 27, 1975.

[FR Doc.75-23390 Filed 9-3-75;8:45 am]

[Public Land Order 5519]

#### ALASKA

##### Amendment of Public Land Orders No. 5175, as Amended, No. 5180, as Amended, and No. 5418

By virtue of the authority vested in the Secretary of the Interior by sections 11 (a) (3) and 22(h) (4) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 696, 714 (hereinafter referred to as the "Act"), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 5175 of March 9, 1972, as amended by Public Land Order No. 5191 of March 17, 1972, Public Land Order No. 5394 of September 14, 1973, and Public Land Order No. 5438 of October 24, 1974, withdrawing lands for selection under section 12 of the Act by the village corporations and the regional corporation for the approximate area covered by the operations of the Aleut Corporation, is hereby amended by adding the following described lands to paragraph 1 of that order:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 50 S., R. 82 W. (Fractional)  
T. 51 S., R. 83, 84 W. (Fractional)  
Containing approximately 21,120 acres.

2. The lands described in paragraph 1 of this order were added to Public Land Order No. 5180 of March 9, 1972, by Public Land Order No. 5418 of March 25, 1974, for classification and protection of the public interest in lands. These lands are hereby deleted from Public Land Order No. 5180, as amended.

3. Prior to conveyance of any of the withdrawn lands to any village or regional corporations, the lands shall be

subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements, shall not be impaired by such withdrawal. Applications for leases under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181-287 (1970), will be rejected unless the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,  
Assistant Secretary of the Interior.

AUGUST 27, 1975.

[FR Doc.75-23389 Filed 9-3-75;8:45 am]

[Public Land Order 5520; C-17259]

#### COLORADO

##### Partial Revocation of Stock Driveway Withdrawals

By virtue of the authority contained in section 10 of the Act of December 29, 1916, as amended, 43 U.S.C. 300 (1970), it is ordered as follows:

1. The departmental orders of November 17, 1917, and September 21, 1920, which created and modified Stock Driveway Withdrawal No. 5, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 3 N., R. 76 W.,  
Sec. 20, W  $\frac{1}{2}$  W  $\frac{1}{2}$ ;  
Sec. 28, SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;  
Sec. 29, W  $\frac{1}{2}$  NW  $\frac{1}{4}$ , N  $\frac{1}{2}$  SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ,  
S  $\frac{1}{2}$  SE  $\frac{1}{4}$ ;  
Sec. 32, N  $\frac{1}{2}$  NE  $\frac{1}{4}$ ;  
Sec. 33, NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , S  $\frac{1}{2}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ .  
Containing 720 acres in Grand County.

2. At 10 a.m. on October 3, 1975, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 3, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and continues to be open to the filing of applications and offers under the mineral leasing laws, and to location and entry under the United States mining laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Colorado State Office, Denver, Colorado.

JACK O. HORTON,  
Assistant Secretary of the Interior.

AUGUST 28, 1975.

[FR Doc.75-23392 Filed 9-3-75;8:45 am]

[Public Land Order 5521, NM-13332]

#### NEW MEXICO

##### Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902,

as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The Secretary's Order of January 4, 1943, withdrawing the following described lands for the State Line Reservoir Site, La Plata Project, is hereby revoked:

PRINCIPAL MERIDIAN

T. 32 N., R. 13 W.,  
Sec. 9, lot 5, SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;  
Sec. 10, lot 5, SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;  
Sec. 11, lot 8;  
Sec. 14, W  $\frac{1}{2}$  W  $\frac{1}{2}$ ;  
Sec. 15, E  $\frac{1}{2}$  E  $\frac{1}{2}$ , W  $\frac{1}{2}$  SW  $\frac{1}{4}$ .

The areas described aggregate 538.56 acres in San Juan County.

The lands lie approximately 16 miles north of the town of Farmington. They are rough and mountainous with numerous arroyos to rolling hills and flat. The soils are mostly sandy loams to volcanic gravels mixed with caliche. The vegetation varies from pinon-juniper, sagebrush, rabbit brush, and native shrubs to grasses.

2. At 10 a.m. on October 3, 1975, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 3, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on October 3, 1975. They have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Santa Fe, New Mexico 87501.

JACK O. HORTON,  
Assistant Secretary of the Interior.

AUGUST 28, 1975.

[FR Doc.75-23393 Filed 9-3-75;8:45 am]

#### Title 7—Agriculture

##### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 514]

##### PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

###### Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 5-11, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for

market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.814 Valencia Orange Regulation 514.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to improve. Prices f.o.b. averaged \$3.70 per carton on a reported sales volume of 650,000 cartons last week, compared with an average f.o.b. price of \$3.49 per carton and sales of 542,000 cartons a week earlier. Track and rolling supplies at 243 cars were up 24 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof

effective as hereinafter set forth. The committee held an open meeting during

several charter rules in cases where there is established Board precedent for such

study group charters, inclusive tour charters, and one-stop-inclusive tour

body an approach somewhat different from the proposed Appendix I published for comment on June 9, 1971. (36 FR

that reduce to low levels the total activity in effluent releases or expected effluent releases from such plants, the application

is negligible compared with the other sources.

Additional redwaste equipment con-



effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereof which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 2, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 5, 1975, through September 11, 1975, are hereby fixed as follows:

- (i) District 1: 233,000 cartons;
  - (ii) District 2: 517,000 cartons;
  - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 3, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 75-23717 Filed 9-3-75; 12:00 pm]

#### Title 14—Aeronautics and Space CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation OR-99, Amdt. 47]

#### PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NON- HEARING MATTERS

*Delegations of Authority to Director, Bureau of Operating Rights, Concerning One-Stop-Inclusive Tour Charters and Special Event Charters*

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 29, 1975.

Part 385 of the Board's Organization Regulations (14 CFR Part 385) sets forth delegations of authority from the Board to various members of the staff. Included among the delegations are several to the Director, Bureau of Operating Rights, concerned with the administration of the Board's charter rules. Thus, for example, the Director has delegated authority to grant or deny requests for waivers of the

several charter rules in cases where there is established Board precedent for such action (§ 385.13(cc)); and he also has delegated authority to reject or accept various filings required pursuant to Parts 372a, 373, and 378 of the Board's Special Regulations (14 CFR Parts 372a, 373, and 378) concerned with Travel Group Charters, Study Group Charters, and Inclusive Tour Charters, respectively (§ 386.13(ff)). Recently, by SPR-85, August 7, 1975, the Board adopted a new Part 378a of its Special Regulations (14 CFR Part 378a), establishing a new type of inclusive tour charter designated as a One-stop-inclusive Tour Charter (OTC), of which a subtype is the Special Event Charter (SEC). The purpose of the within amendments is to include within the various delegations to the Director, Bureau of Operating Rights, concerned with the administration of the various charter rules, appropriate references to Part 378a. In addition, in order to facilitate administration of the new rules, we have determined to delegate to the Director authority to grant or deny an application by a direct air carrier for a Statement of Authorization to operate an SEC pursuant to § 378a.107.

Because the amendments being adopted herein are rules of agency organization, the Board finds that notice and public procedure are not required, and the rule may be effective September 13, 1975, which will also be the effective date of Part 378a.

In consideration of the foregoing, the Board hereby amends Part 385 of the Organization Regulations (14 CFR Part 385) effective September 13, 1975, as follows:

1. Amend the introductory paragraph of § 385.13 (v) and (v) (2), to read in part as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

(v) With respect to study group charters, inclusive tour charters, and/or one-stop-inclusive tour charters (including special event charters) performed under Parts 373, 378, and 378a of this charter, respectively:

- (1) . . . . .
- (2) Grant or deny waivers of the respective filing time requirements of Parts 373, 378, and 378a of this chapter.

2. Amend § 385.13(cc) to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

(cc) Grant or deny requests for waiver of Parts 207, 208, 212, 214, 372, 372a, 373, 378, and 378a of this chapter, where grant or denial of the request is in accordance with established Board precedent.

3. Amend § 385.13(ff) to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

(ff) Reject or accept filings made with respect to travel group charters,

study group charters, inclusive tour charters, and one-stop-inclusive tour charters, pursuant to §§ 372a.22(a), 373.10(b), 378.10(a), and 378a.25(a) (1), respectively, and to permit amended filings reflecting changes of such study group charters, inclusive tour charters, and one-stop-inclusive tour charters, to become effective prior to the expiration of the 15-day waiting period prescribed by §§ 373.10(b), 378.10(b), and 378a.25(a) (2), respectively.

4. Amend § 385.13 by adding a new paragraph (ii) to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

(ii) Grant or deny applications for a Statement of Authorization to operate special event charters pursuant to § 378a.107.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc. 75-23451 Filed 9-3-75; 8:45 am]

#### Title 10—Energy

#### CHAPTER I—NUCLEAR ENERGY COMMISSION

#### PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

*Application of Cost-Benefit Analysis Requirements of Appendix I to Certain Nuclear Power Plants*

The Nuclear Regulatory Commission has adopted amendments to Appendix I of 10 CFR Part 50. Appendix I sets forth numerical guides for design objectives and limiting conditions for operation to meet the criterion "as low as practicable" for radioactive material in light-water-cooled nuclear power reactor effluents. The amendments provide persons who have filed applications for construction permits for light-water-cooled nuclear power reactors which were docketed on or after January 2, 1971, and prior to June 4, 1976, the option of dispensing with the cost-benefit analysis required by Paragraph II.D of Appendix I if the proposed or installed radwaste systems and equipment satisfy the Guides on Design Objectives for Light-Water-Cooled Nuclear Power Reactors proposed by the regulatory staff in the rulemaking proceeding on Appendix I (Docket-RM-50-2).

Paragraph II.D requires each applicant for a permit to construct a light-water-cooled nuclear power reactor to submit a cost-benefit analysis of additional radwaste systems and equipment that could reduce the radiation dose to the population reasonably expected to be within 50 miles of the reactor. In this cost-benefit analysis, the values \$1000 per total body man-rem and \$1000 per man-thyroid-rem (or such lesser values as may be demonstrated to be suitable in a particular case) are required to be used. The requirements of Paragraph II.D em-

body an approach somewhat different from the proposed Appendix I published for comment on June 9, 1971 (36 FR 11113).

After a lengthy Appendix I rulemaking proceeding initiated in 1971 which was conducted by the former Atomic Energy Commission, the Nuclear Regulatory Commission, which was assigned the responsibility of carrying out the licensing and related regulatory functions of the Atomic Energy Commission by the Energy Reorganization Act of 1974 (effective January 19, 1975), adopted on May 5, 1975, a new Appendix I to Part 50 (40 FR 19439).

Appendix I provides numerical guides for design objectives and limiting conditions for operation for light-water-cooled nuclear power reactors to keep radioactivity in effluents as low as practicable. All Commission licensees are required by 10 CFR Part 20 to make every reasonable effort to maintain radiation exposures, and releases of radioactive materials in effluents to unrestricted areas, as far below Part 20 limits as practicable. The definition of "as low as practicable" in both 10 CFR §§ 20.3(c) and 50.34a(a) includes consideration of the economics of improvements in relation to the public health and safety.

Appendix I as adopted by the Commission provides in Section II—in addition to design objectives for annual doses for any individual in an unrestricted area from both liquid and gaseous effluents, including radioactive iodine and radioactive material in particulate form—a further requirement that the applicant include in the radwaste system all items of reasonably demonstrated technology that, when added to the system sequentially and in order of diminishing cost-benefit ratio, effect reductions in dose to the population reasonably expected to be within 50 miles of the reactor. As an interim measure and until establishment and adoption of better values (or other appropriate criteria), the values \$1000 per total body man-rem and \$1000 per man-thyroid-rem (or such lesser values as may be demonstrated to be suitable in a particular case) are to be used in this cost-benefit analysis. A rule-making hearing is planned at the earliest practicable date to establish more appropriate monetary values for the worth of reduction of radiation doses to the population.

The design objectives proposed by the staff in the rulemaking proceeding on Appendix I included specifications on the total radioactivity released (5 curie/per year reactor for liquid effluents, excluding tritium and dissolved gases; and 1 curie/per year per reactor of radioiodine-131) and a 5 millirem limitation on the annual whole body dose to individuals at or beyond the site boundary from all pathways of exposure. Because the former criterion used by the staff that each plant meet those design objectives has led to the proposed or actual installation of radwaste systems and equipment

that reduce to low levels the total activity in effluent releases or expected effluent releases from such plants, the application of the \$1000 per man-rem criterion specified in Paragraph II.D of Appendix I to these or similarly designed plants is unlikely to result in radwaste equipment augmentation.

Cost-benefit analyses by the NRC staff of applications for construction permits for light-water-cooled nuclear power reactors filed and reviewed since 1971 in accordance with those design objectives show that for boiling water reactors, additional radwaste equipment cannot be added for less than \$1000/man-rem. Therefore, in general, boiling water reactors that have radwaste systems and equipment that meet those proposed design objectives will meet the requirements of Section II.D of Appendix I. Similar cost-benefit analyses have shown that pressurized water reactors whose radwaste systems have been evaluated and found acceptable under those design objectives also meet the requirements of Section II.D of Appendix I.

Basic assumptions used in these analyses were: (1) Iodine-131 in gaseous releases was the only release considered, since this is the dominant factor in the cost-benefit analyses; (2) boiling water reactor condenser offgas and pressurized water reactor waste gas treatment systems were considered to be augmented in order to meet the individual dose guidelines proposed by the staff in the Appendix I rulemaking proceeding; (3) a release of 1 curie of iodine-131 results in a population exposure of 100 man-thyroid-rem. The assumption that iodine-131 in gaseous releases is the dominant factor is based on the results of staff evaluations, reported in draft and final environmental impact statements, of proposed light-water-cooled nuclear power reactors for which applications for construction permits were docketed since 1971. The total body man-rem associated with noble gas and liquid releases for radwaste systems and equipment found acceptable under the design objectives proposed by the staff were small, i.e., less than 10 man-rem for the annual noble gas releases and less than 5 man-rem for the annual liquid releases in almost all cases. As a consequence, it can reasonably be concluded that reduction of population dose by augmentation of the noble gas and liquid radwaste treatment systems was not likely to be achieved without exceeding the \$1000/man-rem criterion.

A. *Boiling Water Reactor Cost-Benefit Analyses.* Sources of radioiodine releases in boiling water reactors are:

1. Reactor building vent.
2. Auxiliary building vent.
3. Radwaste building vent.
4. Turbine building vent.
5. Turbine gland seal condenser exhaust.
6. Main condenser vacuum pump.
7. Condenser air ejector exhaust.

The last source was assumed to be treated such that the iodine-131 release

is negligible compared with the other sources.

Additional radwaste equipment considered included: charcoal adsorbers for building ventilation exhaust (Sources 1, 2, 3, 6) and equipment for clean sealing steam for the turbine gland seal exhaust and for sealing valve stems in the steam system (Sources 4, 5). The charcoal adsorbers reduce the iodine-131 release to approximately 10% of the expected release without the filters. The turbine gland seal condenser exhaust releases can be reduced to negligible levels by the use of clean steam. Releases from the turbine building vent can be reduced approximately 80% by using clean steam on valves, 2.5-in. and larger, in the turbine building.

The cost of the additional equipment is greater than the benefit of reduced population exposure (at \$1000/man-rem) in all cases. Accordingly, such additional equipment for boiling water reactors would not be justified according to the criterion of Section II.D of Appendix I.

B. *Pressurized Water Reactor Cost-Benefit Analyses.* Sources of iodine-131 releases in pressurized water considered were:

1. Containment.
2. Auxiliary building vent.
3. Turbine building vent.
4. Condenser air ejector exhaust.
5. Blowdown flash tank vent.

Reduction in released activity can be achieved with charcoal adsorbers (Sources 1, 2, 4), with clean sealing steam for valves (Source 3), and by installation of a piped blowdown flash tank vent to the main condenser or feedwater heater (Source 5). As with boiling water reactors, charcoal adsorbers can reduce the activity approximately 90 per cent. Clean sealing steam effects an 80% reduction in releases. The blowdown flash tank vent source can be eliminated by routing the release to the main condenser or feedwater heater.

With respect to the pressurized water reactor containment as a source of effluent release, the estimated cost of charcoal adsorbers was based upon a plant having a low volume purge system in the initial design stage. Charcoal adsorbers cannot be installed in plants which have a high volume purge system for less than \$1000/man-rem. Most pressurized water reactors for which license applications have been docketed after January 2, 1971, fall into this latter category. Those which have a low volume purge system are located on sites where the reduction in population exposure is less than 100 man-rem per curie of iodine-131, so that the cost of installation of charcoal adsorbers is greater than \$1000/man-rem.

Based on the foregoing, there is no need, on a cost-benefit basis, to apply the requirements of Paragraph II.D of Appendix I of Part 50 to those light-water-cooled nuclear power reactors having radwaste systems and equipment determined to be acceptable under the pro-

posed staff design objectives. Accord-

3. Notwithstanding the guidance in para-

2. The calculated annual total quantity of iodine-131 in gaseous effluents should not

consideration of all the written and oral presentations, the FEA has determined

Generally, lease condensate is produced, separated, stored, and tendered

indicated, however, that at least some producers had been treating as exempt



posed staff design objectives. Accordingly, Paragraph II.D of Appendix I has been amended to specify that persons who have filed applications for construction permits for light-water-cooled power reactors which were docketed on or after January 2, 1971, and prior to June 4, 1976, need not comply with the cost-benefit requirements of that paragraph if the radwaste systems and equipment described in the preliminary or final safety analysis report and amendments thereto satisfy the design objectives proposed by the staff in the Appendix I rule-making proceeding.

Because the amendments will result in no appreciable change in the population exposure from the affected plants than would result if the amendments were not promulgated, the Commission has found that notice of proposed rulemaking and public procedure thereon are unnecessary. Since the amendments relieve from restrictions imposed under regulations currently in effect, they may, pursuant to 5 U.S.C. 553, become effective immediately.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 and sections 552 and 553 of Title 5 of the United States Codes, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 50, are published as a document subject to codification.

1. A sentence is added at the end of paragraph D of Section II of Appendix I to read as follows:

The requirements of this paragraph D need not be complied with by persons who have filed applications for construction permits which were docketed on or after January 2, 1971, and prior to June 4, 1976, if the radwaste systems and equipment described in the preliminary or final safety analysis report and amendments thereto satisfy the Guidelines on Design Objectives for Light-Water-Cooled Nuclear Power Reactors proposed in the Concluding Statement of Position of the Regulatory Staff in Docket-RM-50-2 dated February 20, 1975, pp. 25-30, reproduced in the Annex to this Appendix I.

2. An Annex is added at the end of Appendix I to read as follows:

**CONCLUDING STATEMENT OF POSITION OF THE REGULATORY STAFF (DOCKET-RM-50-2)**  
**GUIDES ON DESIGN OBJECTIVES FOR LIGHT-WATER-COOLED NUCLEAR POWER REACTORS**

A. For radioactive material above background in liquid effluents to be released to unrestricted areas:

1. The calculated annual total quantity of all radioactive material from all light-water-cooled nuclear power reactors at a site should not result in an annual dose or dose commitment to the total body or to any organ of an individual in an unrestricted area from all pathways of exposure in excess of 5 millirems; and
2. The calculated annual total quantity of radioactive material, except tritium and dissolved gases, should not exceed 5 curies for each light-water-cooled reactor at a site.

<sup>1</sup> "Background" means the quantity of radioactive material in the effluent from light-water-cooled nuclear power reactors at a site that did not originate in the reactors.

3. Notwithstanding the guidance in paragraph A.2, for a particular site, if an applicant for a permit to construct a light-water-cooled nuclear power reactor has proposed baseline in-plant control measures<sup>2</sup> to reduce the possible sources of radioactive material in liquid effluent releases and the calculated quantity exceeds the quantity set forth in paragraph A.2, the requirements for design objectives for radioactive material in liquid effluents may be deemed to have been met provided:

- a. the applicant submits an evaluation of the potential for effects from long-term buildup in the environment in the vicinity of the site of radioactive material, with a radioactive half-life greater than one year, to be released; and
- b. the provisions of paragraph A.1 are met.

B. For radioactive material above background in gaseous effluents the annual total quantity of radioactive material to be released to the atmosphere by all light-water-cooled nuclear power reactors at a site:

1. The calculated annual air dose due to gamma radiation at any location near ground level which could be occupied by individuals at or beyond the boundary of the site should not exceed 10 millirads; and
2. The calculated annual air dose due to beta radiation at any location near ground level which could be occupied by individuals at or beyond the boundary of the site should not exceed 20 millirads.

3. Notwithstanding the guidance in paragraphs B.1 and B.2, for a particular site:

- a. The Commission may specify, as guidance on design objectives, a lower quantity of radioactive material above background in gaseous effluents to be released to the atmosphere if it appears that the use of the design objectives described in paragraphs B.1 and B.2 is likely to result in an annual dose to an individual in an unrestricted area in excess of 5 millirems to the total body or 15 millirems to the skin; or
- b. Design objectives based on a higher quantity of radioactive material above background in gaseous effluents to be released to the atmosphere than the quantity specified in paragraphs B.1 and B.2 may be deemed to meet the requirements for keeping levels of radioactive material in gaseous effluents as low as practicable if the applicant provides reasonable assurance that the proposed higher quantity will not result in annual doses to an individual in an unrestricted area in excess of 5 millirems to the total body or 15 millirems to the skin.

C. For radioactive iodine and radioactive material in particulate form above background released to the atmosphere:

1. The calculated annual total quantity of all radioactive iodine and radioactive material in particulate form from all light-water-cooled nuclear power reactors at a site should not result in an annual dose or dose commitment to any organ of an individual in an unrestricted area from all pathways of exposure in excess of 15 millirems. In determining the dose or dose commitment the portion thereof due to intake of radioactive material via the food pathways may be evaluated at the locations where the food pathways actually exist; and

<sup>2</sup> Such measures may include treatment of clear liquid waste streams (normally tritiated, nonaerated, low conductivity equipment drains and pump seal leakoff), dirty liquid waste streams (normally nontritiated, aerated, high conductivity building sumps, floor and sample station drains), steam generator blowdown streams, chemical waste streams, low purity and high purity liquid streams (resin regenerate and laboratory wastes), as appropriate for the type of reactor.

2. The calculated annual total quantity of iodine-131 in gaseous effluents should not exceed 1 curie for each light-water-cooled nuclear power reactor at a site.

3. Notwithstanding the guidance in paragraphs C.1 and C.2 for a particular site, if an applicant for a permit to construct a light-water-cooled nuclear power reactor has proposed baseline in-plant control measures<sup>1</sup> to reduce the possible sources of radioactive iodine releases, and the calculated annual quantities taking into account such control measures exceed the design objective quantities set forth in paragraphs C.1 and C.2, the requirements for design objectives for radioactive iodine and radioactive material in particulate form in gaseous effluents may be deemed to have been met provided the calculated annual total quantity of all radioactive iodine and radioactive material in particulate form that may be released in gaseous effluents does not exceed four times the quantity calculated pursuant to paragraph C.1.

**Effective date.** The foregoing amendment is effective on September 4, 1975. (Sec. 161, Pub. L. 93-703, 68 Stat. 948; Sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 USC 2201, 5841))

Dated at Washington, D.C., this 2nd day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.  
(FR Doc. 75-23693 Filed 9-3-75; 10:06 am)

**CHAPTER II—FEDERAL ENERGY ADMINISTRATION**

**PART 210—GENERAL ALLOCATION AND PRICE RULES**

**PART 212—MANDATORY PETROLEUM PRICE REGULATIONS**

**Crude Oil Definition; Inapplicability of Stripper Well Lease Exemption to Gas Wells; Nomenclature Changes**

On April 18, 1975, the Federal Energy Administration gave notice (40 FR 18004, April 24, 1975) of its intention to reconsider the issue whether the stripper well lease exemption of 10 CFR 210.32 is applicable to condensate produced from gas wells and of a proposal to amend the definition of "crude oil" in 10 CFR 212.31 to clarify the extent to which condensate from non-associated (or gas-well) production, as well as from associated (or oil-well) production, is included in that term. Written comments were received from more than seventy interested persons, and a public hearing was held on May 20, 1975, at which thirteen oral statements were presented. After con-

<sup>1</sup> Such in-plant control measures may include treatment of steam generator blowdown tank exhaust, clean steam supplies for turbine gland seals, condenser vacuum systems, containment purging exhaust and ventilation exhaust systems and special design features to reduce contaminated steam and liquid leakage from valves and other sources such as sumps and tanks, as appropriate for the type of reactor.

sideration of all the written and oral presentations, the FEA has determined that there is no basis to depart from the conclusion, stated in Ruling 1974-28 (39 FR 44414, December 24, 1974), that the stripper well lease exemption does not apply to condensate produced from gas wells; the FEA has determined further that with regard to the treatment of condensate for purposes of the Mandatory Petroleum Price Regulations, the tentative conclusions of the April 18 notice should be adopted, and condensate, whether separated at the lease, at a central facility, or at the inlet side of a gas processing plant, should be treated as crude oil, whether recovered from associated or non-associated production. Additionally, Part 212 is amended at this time to correct certain inadvertent omissions and errors, and Parts 210 and 212 are amended to effect non-substantive conforming changes in nomenclature.

**I. TREATMENT OF CONDENSATE FOR PURPOSES OF THE MANDATORY PETROLEUM PRICE REGULATIONS**

Condensate occurs in nature as the heavy hydrocarbon portion of natural gas in the underground reservoir, and is mechanically separated from natural gas as a liquid through a process of retrograde condensation, involving pressure reduction, sometimes accompanied by a reduction in temperature as well. In some cases, condensate is separated from natural gas by conventional lease separation facilities ("surface separators") at the well-head, and in other cases by a single mechanical separator ("field facility") located centrally and servicing two or more wells, and in either case is typically referred to as "lease condensate". In yet other cases, condensate is not separated from natural gas until it reaches a mechanical separation device similar to a surface separator or field facility, but located instead at the inlet side of a gas processing plant ("inlet separator" or "scrubber") and, in that case, the condensate is referred to as "plant condensate". Generally, condensate can be distinguished from the lighter natural gas liquid products (e.g., propane, butane, and natural gasoline), whether fractionated or in a mixed stream of natural gas liquids, which are incapable of being separated from natural gas by mechanical means only and are generally recovered from natural gas at a gas processing plant by absorption, adsorption, or extraneous refrigeration processes. Natural gas liquids and natural gas liquid products are subject to the provisions of Subpart K (Natural Gas Liquids, 10 CFR 212.161, et seq.) of the price regulations.

The FEA has concluded that condensate should, as a general matter, be treated as crude oil under Subpart D of the price regulations, rather than as natural gas liquids or natural gas liquid products under Subpart K of the price regulations. This view is based upon the following factual considerations, supported by the majority of written and oral presentations received in connection with this proceeding.

Generally, lease condensate is produced, separated, stored, and tendered at the lease, or at off-lease gathering and separating systems, through facilities that are essentially identical to those used in the production of crude oil; in most instances lease condensate traditionally and historically has been marketed and priced as crude oil. Moreover, lease condensate is generally used by refiners in the same way as crude oil, and these patterns exist both as to condensate recovered in associated and non-associated production, whether by lease separators or at central field facilities.

Although some comments received in this proceeding pointed out that plant condensate generally is of a lighter gravity than lease condensate (as a result of gas transmission over relatively longer distances, and a corresponding further condensation of liquids), the only significant difference between condensate separated at the inlet side of a gas processing plant and condensate separated by conventional lease separators or at central field facilities is the mere location of the identical mechanical separation equipment. Moreover, most of the comments indicated that as with lease condensate, the pricing of plant condensate traditionally and historically has been tied to posted prices for crude oil, and that the uses for lease and plant condensate are the same.

In sum, the FEA has determined that the comments submitted in connection with this proceeding support the conclusion that condensate, whether recovered in associated or non-associated production, whether recovered from conventional surface separators, central field facilities, or at the inlet side of a gas processing plant, traditionally and historically has been gathered, priced, and refined as crude oil, and is therefore properly treated as crude oil under Subpart D of the price regulations. Inasmuch as the overwhelming majority of comments indicated that since the inception of the price regulations the industry has been treating most condensate as such under Subpart D, the definition of "crude oil" adopted today merely serves to clarify what has always been included in the previous definitions of that term. Accordingly, the clarifying definition of "crude oil" adopted today will be effective January 10, 1975 as part of the Clarifications to the Definitions of Covered Products adopted at that time (40 FR 2795, January 16, 1975).

The changes adopted herein do not affect in any way the treatment under Part 211 of condensate for purposes of a refiner's crude oil runs to stills under the Old Oil Allocation Program, which continue to be measured in accordance with Bureau of Mines Form 6-1300-M, pursuant to 10 CFR 211.62.

**II. RULING 1974-28**

FEA Ruling 1974-28 (39 FR 44414, December 24, 1974) held that the stripper well lease exemption of 10 CFR 210.32 is in applicable to gas wells. Comments received after the issuance of the Ruling indicated, however, that at least some producers had been treating as exempt from price and allocation regulations gas-well condensate produced from properties where production of condensate was 10 barrels or less per well per day in the preceding calendar year. These comments urged that the statutory stripper well lease exemption is sufficiently broad to encompass such production, and asserted that exempt prices for gas-well condensate are an important factor in maintaining production from marginal gas wells.

In light of these considerations, the FEA concluded that a formal rulemaking proceeding, with full opportunity for comment from interested parties, would be the appropriate context for reconsideration of the factual and legal bases of Ruling 1974-28.

Having considered all the written and oral presentations submitted in this proceeding, and after a careful re-examination of the Ruling itself and the history of the legislation that gave rise to the statutory exemption, the FEA reaffirms the conclusion that the Ruling, as issued, accurately reflects the intent of Congress in promulgating the stripper well lease exemption as part of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159), and that the ruling accurately reflects the meaning of the term "stripper well," as it had been used and understood by the industry at the time the stripper well lease exemption was enacted by Congress.

This is especially evident in view of the fact that the 10 barrel per well per day limit, which Congress used to mark the upper production limits of a marginal oil well, has no meaningful correlation to the upper production limits of a marginal gas well. FEA recognizes the force of the argument, advanced by many producers of gas wells, that Congress intended to exempt all marginal wells. But as pointed out in Ruling 1974-28, a price exemption for condensate produced in quantities of 10 barrels or less per day per well is not particularly well-suited as a means of maintaining condensate production from marginal gas wells, since a gas well producing large and profitable quantities of natural gas could well be yielding only small amounts of condensate; exempt prices for such condensate would clearly not be needed as an incentive to the continued condensate production from such wells.

That conclusion is supported by comments submitted in this proceeding indicating that condensate production from marginal gas wells is produced from leases that average 1 barrel or less per well per day. Applying the stripper well lease exemption in its present form, therefore, would likely exempt the condensate production from many gas wells, not just those that are truly marginal. Had Congress intended the exemption to apply to marginal gas wells, therefore, it would not have used the 10 barrels per day standard, but, rather, a standard that more properly relates to a marginal gas well.

The FEA is aware that before the issuance of Ruling 1974-28 there was con-

in refining and are further refined" as crude oil costs, and that they continue to be refined under the

January 10, 1975, except that the amendment to the stripper well lease exemption in 5.210.32 of Part 210 shall be effective

the type "I" purchased or landed in the period "t". The cost of a specific covered product or products of the type "I" shall

**USE OF IMPORTED PROPANE AND BUTANE FOR SNG FEEDSTOCK**

Although several comments urged a

**EMERGENCY REDIRECTION**

Some comments suggested that FEA's authority to redirect imports was a new



The FEA is aware that before the issuance of Ruling 1974-28 there was considerable uncertainty with respect to whether the stripper well lease exemption was applicable to the production of condensate produced from gas wells, and that those who did treat gas-well condensate as qualifying for the stripper well lease exemption, did so in the good faith belief that this was permitted under FEA regulations. As a general matter FEA Rulings are to be regarded merely as publication of the formal interpretation that FEA has always placed upon its regulations since their inception. However, because of producers' good faith treatment of gas-well condensate as eligible for the stripper well lease exemption prior to the issuance of Ruling 1974-28, with respect to the treatment of gas-well condensate for purposes of the stripper well lease exemption the Ruling will be effective January 1, 1975, and the regulations will be enforced pursuant to the interpretation rendered in Ruling 1974-28 prospectively only from that date. In all other respects, Ruling 1974-28 remains interpretive of the price regulations since they were first promulgated.

In order further to eliminate any uncertainty that might have arisen from the regulatory language, conforming amendments are made today, effective January 1, 1975, to the stripper well lease exemption in 10 CFR 210.32 to reflect that the exemption extends only to crude oil and condensate recovered in associated production.

### III. CORRECTIVE AMENDMENT AND CONFORMING CHANGES IN NOMENCLATURE

Part 212 is hereby amended to correct certain inadvertent omissions and errors, and Parts 210 and 212 are amended to effect non-substantive conforming changes in nomenclature.

A. Sections 212.83(b), 212.83(c) (2) (iii)—Definitions of "Cost of crude petroleum" and "B<sub>1</sub>". On February 28, 1975, FEA amended 10 CFR Parts 211 and 212 to reflect the President's program of increased import fees on crude oil and petroleum products (40 FR 10444, March 6, 1975). Section 212.83(c) (2) (iii) is amended today to conform the definition of "Cost of crude petroleum" to changes made by the February 28 amendment in the definition of "B<sub>1</sub>" factor in the refiner's cost allocation formulae, and further to coordinate the two definitions.

The February 28 amendment revised the "B<sub>1</sub>" factor of the refiner's formulae for allocation of increased product costs, to permit refiners to include as the cost of a specific covered product or products of the type "i" the cost of a specific covered product or products not of the type "i" that are "blended or further refined" to produce the covered product or products of the type "i".

Section 212.83(b) includes in the "Cost of crude petroleum" the cost of unfinished oils and natural gas liquids that are "used in refining and are further refined and are covered products." To ensure that refiners continue to treat these costs of unfinished oils which are "used

in refining and are further refined" as crude oil costs, and that they continue to calculate as increased costs under the "B<sub>1</sub>" factor the costs of covered products purchased for resale or for blending, § 212.83(c) (2) (iii) is revised to make it clear that the "B<sub>1</sub>" factor includes the cost of a specific covered product or products (whether or not of the type "i") that the refiner has purchased for blending to produce the covered product or products of the type "i".

B. Nomenclature Changes. Parts 210 and 212 are further revised to change all references therein from "crude petroleum" to "crude oil." Most such references have already been changed, but certain sections of the regulations inadvertently have not been revised since the January 10 revisions to the definitions of covered products.

FEA has determined that inasmuch as extensive rulemaking proceedings have already been undertaken with respect to the February 28 amendments, and since the changes being made today under this Part III are intended simply to correct inadvertent omissions or errors, or to make non-substantive changes in nomenclature, further rulemaking proceedings are unnecessary to effect the corrective changes adopted today. As noted, the corrective amendments and conforming changes in nomenclature made effective by this notice are merely technical refinements to the final rules made effective on February 28. Before those final rules were promulgated, extensive rulemaking proceedings were held.

A notice of proposed rulemaking and public hearing was issued on January 17, 1975, containing, among others, changes to § 212.83 (40 FR 3467, January 22, 1975). In response to that notice, written comments were received and interested parties presented statements at a public hearing held on February 6 and 7, 1975. After evaluation of these oral and written presentations, FEA adopted the final rules on February 28, 1975.

During the rulemaking proceeding culminating in the February 28 amendments, oral and written comments were received with respect to proposed changes in the refiner's cost allocation formulae, and such comments have been taken into account in the promulgation of the technical refinements in the corrective amendments and conforming changes in nomenclature set forth herein. The notice and hearing requirements of subsections 7(i) (1) (B) and (C) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) have therefore previously been satisfied and a further opportunity for the presentation of oral and written views is unnecessary.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Parts 210 and 212 of Chapter II, Title 10 of the Code of Federal Regulations are amended as set forth below, effective

January 10, 1975, except that the amendment to the stripper well lease exemption in § 210.32 of Part 210 shall be effective January 1, 1975, and except further that the amendment to the definition of "B<sub>1</sub>" in § 212.83(c) (2) (iii) of Part 212 shall be effective February 28, 1975.

Issued in Washington, D.C., August 29, 1975.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

1. Nomenclature change. Wherever the term "crude petroleum" appears in Parts 210 and 212, it is changed to read "crude oil."

2. Section 210.32 is amended in paragraph (b) to read as follows:

§ 210.32 Stripper well leases.

(b) Definitions. For purposes of this section—

"Crude oil, including condensates" means a mixture of hydrocarbons that existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities, and condensate recovered in associated production by mechanical separators, whether located on the lease, at central field facilities, or at the inlet side of a gas processing plant.

3. Section 212.31 is amended to revise the definition of "Crude oil" to read as follows:

§ 212.31 Definitions.

"Crude oil" means a mixture of hydrocarbons that existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities. "Crude oil" includes condensate recovered in associated or non-associated production by mechanical separators, whether located on the lease, at central field facilities, or at the inlet side of a gas processing plant.

4. Section 212.54 is revised to read as follows:

§ 212.54 Crude oil.

The first sale of domestic crude oil, including condensates, produced from any stripper well lease as defined in Part 210 of this chapter is exempt.

5. Section 212.83 is amended in paragraph (c) (2) (iii) to revise the definition of "B<sub>1</sub>" to read as follows:

§ 212.83 Allocation of refiner's increased costs.

(c) Allocation of increased product costs.

(2) . . . . .  
(iii) . . . . .

"B<sub>1</sub>" is the total increased cost of the specific covered product or products of

the type "i" purchased or landed in the period "i". The cost of a specific covered product or products of the type "i" shall include the cost of a specific covered product or products not of the type "i" that are purchased and blended to produce the covered product or products of the type "i". The cost and quantity of covered products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

[FR Doc. 75-23436 Filed 8-29-75; 4:42 pm]

### PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

### PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

#### Propane and Butane Imports

On July 16, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 30671, July 22, 1975), proposing to amend FEA regulations concerning propane and butane imports other than from Canada.

Representatives of 18 organizations made oral presentations at the public hearing on August 7, 1975. FEA received 23 timely comments and 13 late comments. All comments addressing the proposed amendments were considered. In light of the oral presentations, written comments and other considerations, FEA has decided to adopt the proposed amendments with certain modifications.

#### IMPORTS BY INDUSTRIAL USERS

As proposed, the limitations with respect to importing propane and butane other than from Canada were to be eased to permit wholesale purchaser-consumers and end-users to import and use such imports in excess of their domestic allocation entitlements for industrial use (including petrochemical feedstock use and refinery fuel use) to the extent such imports exceed base period imports. No objections were raised to the proposal although several comments pointed out that restricting the period during which such imports could be made between May 1 and September 30 would be counterproductive and would lead to a possible overburdening of the receiving and distribution systems if restricted to that five-month period.

The regulations issued today provide for direct imports of propane and butane other than from Canada by industrial users generally in the manner proposed. These imports may be made and used at any time during the year subject to certain provisions. Sections 211.86 and 211.96, as modified, permit industrial wholesale purchaser-consumers and end-users to accumulate non-Canadian imports of propane and butane in inventory free of the inventory restrictions otherwise applicable to industrial users. Also, the use limitations and inventory reduction requirements in §§ 211.10(g) (8), 211.86 and 211.96 are modified with respect to non-Canadian imports of propane and butane.

#### USE OF IMPORTED PROPANE AND BUTANE FOR SNG FEEDSTOCK

Although several comments urged a relaxation of the regulations with respect to the use of imported propane and butane for SNG feedstock use, FEA has concluded that current restrictions must be maintained. FEA still views the use of propane and butane for SNG manufacture as being, in most instances, inefficient, and therefore undesirable. Use of SNG plants is a temporary answer to the problem of increasing natural gas curtailments and the development of such plants should be restricted to those situations where no other feasible alternative solution to natural gas curtailments exists.

#### USE OF NON-CANADIAN IMPORTED PROPANE AND BUTANE BY GAS UTILITIES

A number of the comments were devoted to the issue of whether gas utilities should be afforded access to propane and butane imported other than from Canada. FEA, however, is very concerned that gas utilities, with their extremely large potential demand for propane and butane, could, if unrestrained, purchase the bulk of the limited supplies of non-Canadian imported propane and butane and thereby divert significant supplies from traditional propane/butane users which have no alternative fuel capability. Moreover, purchases of high priced non-Canadian imported propane and butane by utilities for industrial users may be able to be rolled into the utilities' rate base so that prices paid by all customers of a utility would be increased rather than the placing the full burden of the increase in the industrial user. Thus, the demand reduction effects of higher priced propane imports which will occur with respect to industrial users that directly import may occur to a much lesser degree in the case of utilities. Finally, FEA remains convinced that customers of utilities experiencing natural gas curtailments should strive to convert to other substitute fuels which are not in short supply instead of propane.

Despite these concerns, however, FEA recognizes that there are certain gas utilities which by reason of the very high level of residential use of natural gas and the inability of their customers to convert to use of substitute fuels in the near term should be permitted to acquire and use supplies of non-Canadian propane and butane in excess of base period use. For this reason, FEA has retained authority in §§ 211.10(g) (8), 211.86 and 211.96 to permit relaxation of the use limitation and inventory accumulation restrictions otherwise applicable to gas utilities. Gas utilities may petition for relief pursuant to these sections and subpart G of part 205 of the FEA procedural regulations. Such a petition will not be treated as an exception request and should be submitted to the Assistant Administrator for Regulatory Programs, FEA, Washington, D.C. 20461.

#### EMERGENCY REDIRECTION

Some comments suggested that FEA's authority to redirect imports was a new concept which would be a strong disincentive to potential importers. The provision of § 211.12(g) in question is not new, but rather has been in effect for over a year. Retention of this authority is essential if in the face of emergency conditions FEA is to carry out its responsibilities under the Emergency Petroleum Allocation Act of 1973 to protect the public health, safety and welfare. Therefore, this provision has been retained in the amendment. In addition, provision is made whereby FEA may limit or terminate domestic allocation entitlements to an end-user or wholesale purchaser-consumer which has propane or butane imported under these amendments.

#### IMPORTS BY SUPPLIERS

In the notice of proposed rulemaking, FEA sought comments with respect to whether suppliers should be permitted to import non-Canadian propane and butane and distribute it to industrial users without regard to the supplier/purchaser relationships imposed by § 211.9 and the allocation methods required by § 211.10. There was nearly universal support for permitting suppliers to import propane and butane other than from Canada for direct sale to industrial users and the regulations, as amended, so provide.

Section 211.12(g) permits suppliers to distribute imported non-Canadian propane and butane in excess of volumes which they distributed during the base period to wholesale purchaser-consumers and end-users which certify in writing that these imports will be for industrial use. Suppliers may also distribute such imports to wholesale purchaser-resellers which certify in writing that they will distribute such supplies pursuant to the provisions of § 211.12(g).

Suppliers, however, may not distribute imported non-Canadian propane and butane to industrial users unless they have allocation fractions of one (1.0) and certify in writing to the purchaser that the propane or butane is non-Canadian propane or butane imported for industrial use. If a supplier has an allocation fraction of less than 1.0, it must add at least enough imported non-Canadian propane and butane, if it has any, to its allocable supply to bring its allocation fraction up to 1.0. Any volumes added to a supplier's allocable supply to bring the supplier's fraction up to 1.0 may not subsequently be treated as non-Canadian imports subject to distribution under § 211.12(g) but rather must be thereafter allocated under § 211.10, including § 211.10 (f) and (g), in the same manner as all other domestic or Canadian propane or butane. Inventory records of non-Canadian imports which qualify for distribution pursuant to § 211.12(g) must be separately maintained from inventory records of other propane and butane supplies.

The provisions of § 211.10, except for § 211.10(g) (8), shall not apply to imported non-Canadian propane and butane acquired and distributed pursuant

objectives of the Act and pursuant to paragraph (a) (1) (A) of this section, be allocated to other wholesale purchasers

firm pursuant to this paragraph (g) (2)

the base period except that butane imported other than from Canada pursuant



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to § 211.12(g). Thus, suppliers which have imported propane or butane other than from Canada may sell such propane or butane to industrial users even though they do not have a supplier/purchaser relationship with the purchaser under § 211.9 provided they have an allocation fraction of one (1.0) and otherwise have complied with these amendments. With respect to propane or butane imported from Canada or produced domestically, suppliers must continue to comply with § 211.9 and allocate such propane and butane pursuant to § 211.10.

In addition, § 212.93 of subpart F of the Mandatory Petroleum Price Regulations is being amended to require sellers of propane or butane which distribute products pursuant to § 211.12(g) to calculate separately the increased costs attributable to its inventory of non-Canadian imports. The amended price rule provides that the weighted average per gallon cost of non-Canadian imports of propane or butane currently held in inventory for industrial use shall be compared to the weighted average per gallon cost on May 15, 1973 of the propane or butane in inventory on that date. The increased costs represented by this comparison shall be used in accordance with the other provisions of subpart F to calculate maximum lawful prices for all non-Canadian imported propane and butane designated for industrial use. Such prices, however, are not subject to the provision of paragraph (f) of § 212.93 which limits the amount of increased costs that may be applied in prices charged to purchasers other than independent marketers and residential users.

A separate increased cost calculation is required for the remainder of the seller's propane or butane inventory for use in computing lawful prices for the remainder of such products. Thus, where non-Canadian imports have not been designated for industrial use a seller must include the cost of such imports in making the separate calculation of increased costs for the remainder of its inventory. It should be noted in this regard that once offshore imports of propane or butane have been included in the seller's domestic and Canadian inventory, they may not be designated subsequently for industrial use and the costs of such products therefore may not be taken into account in calculating the increased costs attributable to the inventory maintained for industrial use.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23135)

In consideration of the foregoing, Parts 211 and 212, Chapter II of Title 10, Code of Federal Regulations, are amended as set forth below, effective immediately.

Issued in Washington, D.C., August 29, 1975.

DAVID G. WILSON,  
Acting General Counsel.

1. Section 211.10 is amended in paragraph (b) by revising subparagraph (1)

and is amended in paragraph (g) by revising subparagraphs (1) and (8) to read as follows:

**§ 211.10 Supplier's method of allocation.**

(b) \* \* \*

(1) *Allocable supply.* Each supplier's allocable supply of an allocated product for a period which corresponds to a base period shall be equal to its total supply for that period, which is the sum of its estimated production, including amounts received under processing and exchange agreements, imports (except to the extent imports may be excluded pursuant to § 211.12(g)), purchases and any reduction in inventory of that allocated product made pursuant to § 211.22 except as otherwise ordered by FEA; less (i) any amounts designated as a state set-aside for a prime supplier pursuant to § 211.17, (ii) any amounts of allocation requirements supplied directly to end-users or wholesale purchaser-consumers under an allocation level not subject to an allocation fraction, (iii) any amounts supplied to wholesale purchaser-resellers which have certified these amounts to be for ultimate use under an allocation level not subject to an allocation fraction, and (iv) any amounts supplied to customers through exchange agreements. Any existing inventory, or production, importation or purchase of an allocated product used to increase that inventory consistent with the provisions of § 211.22 shall not be included in the allocable supply of that product.

(g) *Allocation fractions greater than one—(1) General.* In allocating allocable supplies of any allocated product among wholesale purchasers and end-users, no supplier may use an allocation fraction greater than one (1.0) except as provided herein. Propane and butane imported and distributed by suppliers pursuant to § 211.12(g) shall be subject only to the provisions of paragraph (g) (8), of this section.

(8) *Limitation on purchaser's rights including special restrictions on propane and butane.* (i) No supplier shall supply and no end-user or wholesale purchaser-consumer shall accept quantities of an allocated product which exceed one hundred (100) percent of the end-user's or wholesale purchaser-consumer's current requirements. *Provided,* That unless directed by FEA upon application pursuant to subpart G of Part 205 of this chapter, (A) no supplier shall supply and no end-user or wholesale purchaser-consumer (except with respect to imports acquired and distributed pursuant to § 211.12(g) (1) (ii) and (2) shall accept or use propane or butane (including the propane and butane content of natural gas liquids and refinery gas) in excess of one hundred (100) percent of base period use for any industrial use (other than for refinery fuel use) except for the purpose of increasing inventories for such uses to the levels

allowed under §§ 211.86(g) and 211.96(e), (B) no supplier shall supply and no end-user or wholesale purchaser-consumer (except with respect to imports acquired and distributed pursuant to § 211.12(g) (1) (ii) and (2) shall accept or use quantities of propane or butane (excluding the propane and butane content of natural gas liquids and refinery gas) in excess of one hundred (100) percent of base period use for refinery fuel use except for the purpose of increasing inventories for such uses to the levels allowed under §§ 211.86(g) and 211.96(e), and (C) no supplier shall supply and no end-user or wholesale purchaser-consumer shall accept or use quantities of propane or butane (including the propane and butane content of natural gas liquids and refinery gas) in excess of one hundred (100) percent of base period use for gas utility use or synthetic natural gas feedstock use except for the purpose of increasing inventories for such uses to the levels allowed under §§ 211.86(g) and 211.96(e).

(ii) Suppliers and wholesale purchasers shall comply with §§ 211.87 and 211.97 in the purchase of surplus propane and butane.

2. Section 211.12 is amended by revising paragraph (g) to read as follows:

**§ 211.12 Purchaser's allocation entitlement.**

(g) *Importers—(1) End-user and wholesale purchaser-consumer importers.* (i) Subject to paragraph (g) (1) (ii), (iii), (iv) and (v) of this section, end-users and wholesale purchasers-consumers which import an allocated product in excess of volumes which they imported in the base period, and end-users and wholesale purchaser-consumers which have not previously imported an allocated product may import that product for their own use *provided,* That should circumstances warrant, FEA may order suppliers of a firm which imports or purchases an allocated product to limit or terminate the allocation entitlement of such firm for any period corresponding to a base period or FEA may order that imports made pursuant to this paragraph (g) be allocated to other end-users, wholesale purchasers, producers or suppliers.

(ii) Imports of propane and butane other than from Canada for industrial use (including petrochemical feedstock use and refinery fuel use) (A) by wholesale purchaser-consumers and end-users in excess of volumes imported in the base period and (B) by wholesale purchaser-consumers and end-users which have not previously imported these products are not subject to the use limitations imposed by § 211.10(g) (8) of this subpart.

(iii) Imports of propane and butane other than from Canada for industrial use (including petrochemical feedstock use and refinery fuel use) will not affect a firm's allocation entitlements unless FEA determines that such imports, without a reduction in domestic allocation entitlements, are inconsistent with the

objectives of the Act and pursuant to paragraph (g) (1) (i) of this section orders a firm's supplier to limit or terminate the firm's allocation entitlement.

(iv) End-users and wholesale purchaser-consumers who import allocated products are required to report to both the FEA National and appropriate Regional offices pursuant to § 211.225.

(v) End-users and wholesale purchaser-consumers availing themselves of the provisions of this paragraph (g) shall not be considered to be prime suppliers or producers of propane.

(2) *Supplier importers of propane and butane.* (i) Subject to clauses (ii), (iii), (iv), and (v) of this section, suppliers and producers may import (or purchase from suppliers and producers who have so imported) propane or butane other than from Canada in excess of volumes which they distributed in the base period (A) for distribution to wholesale purchaser-consumers and end-users which certify in writing that they will use such imported propane or butane for industrial use, (including petrochemical feedstock use or refinery fuel) or (B) for distribution to any wholesale purchaser-resellers which certify in writing that they will distribute such imported propane or butane pursuant to this paragraph (g).

(ii) Propane or butane imported other than from Canada shall not be distributed pursuant to this paragraph (g) to any purchaser by a supplier or producer in any period corresponding to a base period unless the supplier or producer has an allocation fraction of one (1.0) and the supplier or producer certifies in writing that the propane or butane has been imported under the provisions of this paragraph. Suppliers and producers shall use propane or butane imported other than from Canada for distribution pursuant to this paragraph (g) to increase their allocable supply of propane and butane for a period corresponding to a base period to the extent necessary to achieve an allocation fraction of one (1.0). A supplier or producer may use propane or butane imported other than from Canada to achieve an allocation fraction in excess of one (1.0). Any imported propane and butane used to increase a supplier's or producer's allocable supply of propane and butane to achieve an allocation fraction of (1.0), or more than one), shall be allocated pursuant to the provisions of § 211.10.

(iii) A supplier or producer which has propane or butane to be distributed pursuant to this paragraph shall maintain inventory records for such propane or butane separate from its inventory records for propane or butane allocated under the provisions of § 211.10.

(iv) Imported propane and butane distributed pursuant to this paragraph shall not be subject to the provisions of § 211.10 other than § 211.10(g) (8) except to the extent such propane or butane is used to increase a supplier's or producer's allocation fraction to one (1.0).

(v) Should circumstances warrant, FEA may require that propane or butane other than from Canada obtained by a

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firm pursuant to this paragraph (g) (2) be allocated to other wholesale purchasers, end users, producers or suppliers.

3. Section 211.86 is amended by revising the first sentence of paragraph (d) and by revising paragraph (g) to read as follows:

**§ 211.86 Method of allocation.**

(d) *Producers.* Notwithstanding the provisions of §§ 211.9-13 (except the provisions of § 211.12(g)), producers shall allocate their allowable supply in the following manner:

(g) *Inventory accumulation.* (1) Except as otherwise provided in this paragraph (g), producers, suppliers, wholesale purchasers and end-users may accumulate propane in inventory in quantities which are normal and reasonable for seasonal usage in accordance with their normal business practices.

(2) Unless directed by FEA gas utilities shall not accumulate propane in inventory in excess of one hundred twenty (120) percent of the allocation entitlement specified in § 211.83.

(3) Industrial users (including petrochemical feedstock users and refinery fuel users) may accumulate propane in inventory pursuant to paragraph (a) (1) of this section but only up to an amount equal to one hundred twenty (120) percent of the volumes used for all industrial uses (including standby volumes) during the base period except that propane imported other than from Canada pursuant to § 211.12(g) shall not be subject to this limitation.

(4) If a firm controls greater than the above mentioned inventories of propane, excluding the volume of propane imported and distributed pursuant to § 211.12(g), it shall not accept an allocation of propane from a supplier or producer until its inventories are reduced to conform to the limitations imposed by this paragraph (g).

4. Section 211.96 is amended by revising paragraph (e) to read as follows:

**§ 211.96 Method of allocation.**

(e) *Inventory accumulation.* (1) Except as otherwise provided in this paragraph (e), suppliers, wholesale purchasers and end-users may accumulate butane in inventory in quantities which are normal and reasonable for seasonal usage in accordance with their normal business practices.

(2) Unless directed by FEA gas utilities shall not accumulate butane in inventory in excess of one hundred (100) percent of the allocation entitlement specified in § 211.93.

(3) Industrial users (including petrochemical feedstock users and refinery fuel users) may accumulate butane in inventory pursuant to paragraph (e) (1) of this section but only up to an amount equal to one hundred twenty (120) percent of the volumes used for all industrial uses (including standby volumes) during

the base period except that butane imported other than from Canada pursuant to § 211.12(g) shall not be subject to this limitation.

(4) If a firm controls greater than the above-mentioned inventories for butane, excluding the volume of butane imported and distributed pursuant to § 211.12(g), it shall not accept an allocation of butane from a supplier until its inventories are reduced to conform to the limitations imposed by this paragraph (e).

5. Section 211.225 is revised to read as follows:

**§ 211.225 Report of end-user and wholesale purchaser-consumer importers.**

Pursuant to § 211.12(g), end-user and wholesale purchaser-consumer importers of an allocated product are required to report to the FEA National and appropriate Regional offices (a) by September 30 and April 1 of each calendar year in the case of propane and butane which they import and (b) in the case of any other allocated product at least fifteen (15) days prior to commencing use of such other allocated product which they import:

(1) The amounts and sources of these products imported since the last report filed pursuant to this section;

(2) The intended use of these imports;

(3) The projected monthly consumption of these imports; and

(4) A complete record of the domestic suppliers and amounts supplied of the allocated product from January 1, 1972, to the date of the filing of the report.

6. Section 212.93 is amended by revising paragraph (f) to read as follows:

**§ 212.93 Price rule.**

(f) *Special rules for propane and butane—(1) Exception to equal application rules for propane.* Notwithstanding the provisions of paragraph (e) of this section, a seller may comply with the provisions of this section by applying unequal amounts of increased costs to the weighted average May 15, 1973 selling price of propane to classes of purchaser of propane, provided that the highest amount of increased cost applied to the weighted average May 15, 1973 selling price to any class of purchaser shall not exceed by more than one hundred (100) percent the amount of increased cost applied to the weighted average May 15, 1973 selling price to any other class of purchaser, and, provided further, that no greater amount of increased cost shall be applied to the weighted average May 15, 1973 selling price of propane in sales to any class of purchaser which includes either an independent marketer, as defined in § 211.51 of part 211 of this chapter, or a purchaser that uses the product for residential use, as defined in 211.51, than is applied to the weighted average May 15, 1973 selling price of propane in sales to any other class of purchaser.

(2) *Separate cost of product in inventory for imported propane and butane.*

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Any seller of imported propane or butane other than from Canada shall, to the extent such propane or butane is distributed pursuant to the provisions of § 211.12(g)(2), determine the price permitted to be charged for propane or butane pursuant to paragraph (a) of this section by calculating increased costs as follows:

(i) With respect to the imported propane or butane maintained in a separate inventory pursuant to § 211.12(g)(2)(iii), for distribution in accordance with § 211.12(g)(2)(i), the seller shall make a separate calculation of increased costs as defined in § 212.92 to be used in determining its selling price for such propane or butane pursuant to paragraphs (a) and (b) of this section, with the selling prices for such propane not, however, subject to paragraph (f)(1) of this section; and

(ii) With respect to any imported propane or butane distributed in accordance with § 211.12(g)(2)(ii), the seller shall include the cost of such propane or butane in with the cost of all other propane or butane which is not sold pursuant to § 211.12(g)(2)(i), in making a separate calculation of increased costs as defined in § 212.92 to be used in determining its selling price for all sales of propane or butane other than those distributed pursuant to § 211.12(g)(2)(i), subject to all other provisions of this section, including paragraph (f)(1).

[FR Doc. 75-23484 Filed 8-29-75; 5:10 pm]

#### PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

##### Retroactive Application of Subpart K; Issuance of Decision and Order

On May 29, 1975, the FEA published a notice of proposal to issue a decision and order (40 FR 23320) granting exception relief to natural gas processors in the form of retroactive application of certain aspects of the price rules of Subpart K of Part 212 to transactions made prior to the January 1, 1975 effective date of Subpart K. The proposed exception relief was in response to a growing awareness by the FEA of the numerous problems encountered by natural gas processors in applying the pricing regulations of Subpart E which were applicable prior to January 1, 1975 to all "refiners"—both of crude oil and natural gas—but which were primarily written to cover the refining of crude oil. Comments were invited from interested parties and a public hearing on the proposal was held on July 10, 1975.

Notice is hereby given that the decision and order set forth below was issued August 29, 1975 by FEA's Office of Exceptions and Appeals. The basis for the exception relief is set forth in the decision and order.

Issued in Washington, D.C., August 29, 1975.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

#### DECISION AND ORDER OF THE FEDERAL ENERGY ADMINISTRATION CLASS EXCEPTION

On May 29, 1975, the Federal Energy Administration published a notice of a proposal to issue a class exception to natural gas processors, 40 Fed. Reg. 23320 (May 29, 1975). The exception, if granted, would generally permit the price rules of Subpart K of Part 212 to be applied retroactively in those cases where a firm would obtain a benefit from a retroactive application. Subpart K sets forth the requirements to which a firm must adhere in establishing its maximum permissible price levels for natural gas liquids and natural gas liquid products, including propane, butane and natural gasoline. The FEA solicited comments with respect to the proposed class exception, and on July 10, 1975 a public hearing was held in regard to the proposal.

In the May 29, 1975 notice of the proposed class exception, the FEA stated that, prior to the January 1, 1975 effective date of Subpart K, the FEA Price Regulations applicable to the pricing of natural gas liquids and natural gas liquid products were set forth in Subpart E of the general price regulations applicable to all "refiners"—both of crude oil and natural gas liquids. However, in view of the particular situation existing in the natural gas processing industry, on January 1, 1975 a separate Subpart K of the Price Regulations was adopted dealing exclusively with that segment of the petroleum industry. In adopting the Subpart K regulations, the FEA stated that the determination of the maximum lawful selling price for natural gas liquids and natural gas liquid products was to be a function of:

(1) The May 15, 1973 lawful selling price;  
(2) An adjustment to May 15, 1973 selling prices to correct a disequilibrium market condition;

(3) The passthrough of increased product costs, including increased costs of natural gas shrinkage, in a manner analogous to that provided in Subpart E for the passthrough of increased costs of crude oil and petroleum products; and

(4) A specific price increment to permit producers and processors of natural gas liquids to increase their prices to reflect increased non-product costs which they incurred without the necessity of prenotification.

As stated above, prior to the adoption of Subpart K, the pricing of natural gas liquids and natural gas liquid products was controlled by Subpart E of the FEA price regulations. Those Regulations, however, did not indicate precisely how the price rules of Subpart E, which did not specifically address the activities of natural gas producers and processors, should be construed with respect to those operations.

A major ambiguity of the Subpart E price rules as they related to natural gas processing was that they did not explicitly provide for the recovery of increased natural gas "shrinkage" costs incurred by the extraction of natural gas liquids from the gas (i.e., the incremental reduction in value of natural gas after it has been reduced in volume and BTU content by the extraction of liquids). In order to clarify this aspect of the Subpart E Regulations, the FEA issued a ruling which stated explicitly that the provisions of Subpart E which permit a dollar-for-dollar passthrough of increased product costs also afford a passthrough of the increased product costs which result from natural gas shrinkage in the same manner as is now expressly provided by Subpart K. See Ruling 1975-6, 40 Fed. Reg. 23272 (May 29, 1975).

The notice of the proposed class exception stated that the proposed action was designed to eliminate additional inequities which may have resulted from the application of Subpart E to the pricing of natural gas liquids and natural gas liquid products prior to the adoption by the FEA of Subpart K on January 1, 1975.

Having considered the written comments submitted with respect to the proposed class exception and the oral testimony presented at the July 10, 1975 public hearing, the Federal Energy Administration has concluded that:

(a) Subpart K specifies a number of adjustments to the May 15, 1973 lawful selling price of natural gas liquids and natural gas liquid products which gas plant operators may implement on a prospective basis in determining the maximum permissible selling prices of those products under FEA Regulations. The adoption of Subpart K was based in part upon the judgment of the FEA that the May 15, 1973 price levels of natural gas liquids products which were used as a reference point under Subpart E were in disequilibrium and resulted in an inequitable situation. However, the Subpart K Regulations only partly resolved the inequities that previously existed. Since Subpart K had only prospective effect, the prior inequities that the FEA has acknowledged to have existed were not alleviated by the adoption of Subpart K.

(b) A further inequity existed under the prior regulations with respect to the manner in which processors could increase the prices of the products which they sold to reflect the increased non-product costs which they incurred in 1974. Pursuant to Subpart E of the FEA Regulations, refiners are permitted to pass through "allowable" increased non-product costs, subject to prenotification and profit margin limitations. Although some gas processors were able to follow the prenotification requirements which previously existed with respect to non-product cost increases, some other gas processors, particularly the smaller operators, may not have been aware of the availability of this procedure under the FEA price regulations. Moreover the burdens which these firms faced with respect to prenotification of price increases were significantly different from the procedures applicable to other similar small business operations under FEA Regulations. See, e.g., 10 CFR, Part 212, Subpart F. Furthermore, the requirement of prenotification was particularly impractical and onerous for gas processors, since, in many instances, the ownership of such operations is divided among numerous parties, many of whom have additional interests in other, financially unrelated gas processing operations.

(c) Natural gas processors also encountered considerable difficulty in the past as a consequence of the application to them of Section 212.83(c)(1)(iii)(A)(IV) of Subpart E of Part 212 of the FEA Regulations. That section provides that a refiner: "... to limit the amount of increased costs of crude oil that may be applied to propane prices by a refiner to an amount which is proportional to the quantity of propane produced from crude oil by that refiner." See 39 Fed. Reg. 28608 (August 9, 1974). Although Section 212.83(c)(1)(iii)(A)(IV) was not designed to apply to propane processed from natural gas, a number of gas processors which do not refine crude oil have nevertheless been prevented

from passing through actual increased product costs incurred prior to July 1, 1974 to propane as a result of Section 212.83(c)(1)(iii)(A)(IV). In view of the fact that this result by the FEA at the time Section 212.83(c)(1)(iii)(A)(IV) was adopted, and in view of the fact that Section 212.83(c)(1)(iii)(A)(IV) has adversely affected natural gas processors to a significant extent, a gross inequity exists which warrants exception relief. See, *Vickers Petroleum Corporation*, 2 FEA Par. — (August 8, 1975); *The Oil Shale Corporation*, 2 FEA Par. 83,198 (June 27, 1975); *Kerr-McGee Corporation*, 2 FEA Par. 83,197 (June 27, 1975); *Continental Oil Company*, 2 FEA Par. 83,057 (March 10, 1975); *Skelly Oil Company*, 2 FEA Par. 83,054 (March 6, 1975); and *Midroc Oil Company*, 1 FEA Par. 20,679 (October 9, 1974).

(d) Finally, it should be noted that, in calculating the carry-forward of unrecovered increased costs prior to the adoption of Subpart K, natural gas processors were required to compute the carry-forward amount in each month in accordance with the provisions of Section 212.83(e) of Subpart E of Part 212 of the FEA Regulations. However, in November 1974 the FEA amended Section 212.83(e) to limit the use of this carry-forward of unrecovered increased costs in months subsequent to the month in which the increased costs were incurred. See Section 212.83(e)(5). This limitation has imposed a significant burden on natural gas processors. The application of Section 212.83(e)(5) to natural gas processors requires that these firms adjust their accounting practices with regard to the carry-forward of unrecovered increased costs under the applicable FEA Regulations for a period of only two months, November and December 1974, and then to increase these accounting practices once again on January 1, 1975. In accordance with the provisions of Subpart K of Part 212 of the FEA Regulations, this result was clearly not intended by the FEA in adopting this regulation. In fact, as the introduction which accompanied the adoption of Section 212.83(e)(5) by the FEA indicates, this limitation was designed to apply to the unrecovered increased product costs of refiners of crude oil rather than the unrecovered increased costs of natural gas processors. See 39 Fed. Reg. 39259 (November 6, 1974). In addition, it should be noted that Subpart K, which was adopted to apply specifically to natural gas processors and was promulgated less than two months after the introduction of Section 212.83(e)(5), does not contain any similar limitation with respect to the carry-forward of unrecovered increased costs by natural gas processors after January 1, 1975. See Section 212.167(e). In view of the fact that the effect of Section 212.83(e)(5) on natural gas processors was not intended by the FEA at the time of its adoption, and in view of the significant adverse effects which the application of Section 212.83(e)(5) to natural gas processors for a period of only two months causes to such firms, a gross inequity exists which warrants exception relief.

(e) Since a significant number of gas processors have been subject to the conditions described above and may in many cases lack sufficient resources to file individual requests for exception, the FEA has determined that class exception relief is appropriate. The exception granted should permit the class to whom it applies to use the adjusted May 15, 1973 prices specified by Subpart K in computing lawful selling prices prior to the effective date of Subpart K. The relief would apply notwithstanding any contrary provisions of Subpart E which were applicable prior to the adoption of Subpart K.

(f) In view of the inordinate burden which natural gas processors as a class experienced

from passing through actual increased product costs incurred prior to July 1, 1974 to propane as a result of Section 212.83(c)(1)(iii)(A)(IV). In view of the fact that this result by the FEA at the time Section 212.83(c)(1)(iii)(A)(IV) was adopted, and in view of the fact that Section 212.83(c)(1)(iii)(A)(IV) has adversely affected natural gas processors to a significant extent, a gross inequity exists which warrants exception relief. See, *Vickers Petroleum Corporation*, 2 FEA Par. — (August 8, 1975); *The Oil Shale Corporation*, 2 FEA Par. 83,198 (June 27, 1975); *Kerr-McGee Corporation*, 2 FEA Par. 83,197 (June 27, 1975); *Continental Oil Company*, 2 FEA Par. 83,057 (March 10, 1975); *Skelly Oil Company*, 2 FEA Par. 83,054 (March 6, 1975); and *Midroc Oil Company*, 1 FEA Par. 20,679 (October 9, 1974).

(g) As stated above, the provisions of Section 212.83(c)(1)(iii)(A)(IV) and Section 212.83(e)(5) were never envisioned or intended to apply to natural gas processors. Consequently, class exception relief should also be provided to members of the class from these provisions.

(h) In weighing the considerations which would lead to the approval of the class exception relief discussed in this Decision, the FEA has taken into account the adverse effect which could be experienced by firms and individuals who purchased natural gas liquid products during the period prior to January 1, 1975. Although natural gas processors have been subject to a certain degree of inequitable treatment in the past, the mitigation of that situation should not be permitted to affect purchasers in an unduly adverse manner. Consequently, the FEA has determined that the exception relief provided in this Decision should be limited in the following manner:

(i) The relief granted should not be implemented in a manner which would result in retroactive billing to purchasers of natural gas liquids and natural gas liquid products; (ii) If a firm is unable to recover the full measure of relief provided as a result of the restrictions on retroactive billing, it should be permitted to establish a "bank" of unrecovered costs which may be used to implement price increases on a prospective basis in a manner similar to that specified in Section 212.167(e) of the FEA Price Regulations; and

(iii) In order to avoid severe short-term market dislocations or pricing anomalies, the amount of unrecovered costs which a firm should be permitted to recover in any month as a result of the relief provided in this Decision and Order should be further limited to an amount which does not exceed ten percent of the total dollar value of the exception relief provided.

It is therefore ordered that:

(1) The class to whom the exception relief set forth below applies is all firms, including gas plant operators, producers of natural gas, natural gas royalty owners and refiners (except resellers or retailers which are subject to Subpart F of Part 212 of the FEA Regulations), which sold natural gas liquids or natural gas liquid products from August 19, 1973, through December 31, 1974, which were produced in gas processing plants. The class therefore consists of only those firms to which the provisions of Subpart K of Part 212 of the FEA Regulations currently apply, and only to the extent to which the provisions of Subpart K apply to the operations of the firms.

(2) Notwithstanding any contrary provisions of Subpart E of Part 212 of the FEA Regulations, the members of the class referred to in Paragraph (1) may, subject to the limitations set forth in Paragraphs (3) and (4) below, determine their maximum

permissible selling prices for the natural gas liquids and natural gas liquid products which they sold from August 19, 1973, through December 31, 1974, by:

(a) Using the adjusted May 15, 1973 selling price specified in Section 212.164 (a) and (b) of the current FEA Price Regulations in all instances in which the term "May 15, 1973 selling price" was used in Section 212.83 (a) (1) (ii) of the FEA Regulations applicable to the members of the class from August 19, 1973, through December 31, 1974;

(b) Increasing the adjusted May 15, 1973 selling price specified in Section 212.164 (a) and (b) and referred to in subparagraph (a) above by the nonproduct cost increases which the members of the class actually experienced in 1974, but in no event by more than \$.0025 per gallon;

(c) Disregarding the limitation specified in Section 212.11 of the FEA Price Regulations applicable to members of the class;

(d) Disregarding the requirements specified in Section 212.83(c)(1)(iii)(A)(IV) of the FEA Price Regulations applicable to members of the class; and

(e) Disregarding the limitations specified in Section 212.83(e)(5) of the FEA Price Regulations applicable to members of the class during the months of November and December 1974.

(3) The term non-product cost increases as used in this Decision and Order is synonymous with the term "increased non-product costs" as defined in 10 CFR 212.83. In addition, the specific computation of non-product cost increases referred to in Paragraph (2)(b) of this Order shall be made by comparing the average non-product cost which the member of the class actually experienced on a plant-by-plant basis during the fiscal quarter which includes May 15, 1973, with such average non-product costs incurred by the firm on a plant-by-plant basis during the entire 1974 calendar year. The implementation of the non-product cost increase provision of Paragraph (2)(b) is however contingent on each member of the class maintaining detailed records of the costs incurred, the volume of products produced and the manner in which the calculations referred to in this paragraph have been made.

(4) The members of the class may not implement the provisions of this Order by increasing the prices which they charged purchasers of natural gas liquids and natural gas liquid products in transactions concluded prior to the adoption of Subpart K of the FEA Price Regulations either through retroactive billing, provisional billing at the time of the transaction or otherwise. A transaction, for the purposes of this Order, is considered to have occurred at the time the product is actually delivered to the purchaser. In applying the relief provided by this Order to transactions which occurred prior to the adoption of Subpart K of the FEA Price Regulations, each member of the class shall remain subject to the provisions of Section 212.83(e) of Subpart E of Part 212 in calculating the carryover of unrecovered costs. Each member of the class may however include the adjustments provided in Paragraph (2) of this Order in its calculation of unrecovered increased product costs pursuant to Section 212.83(e). In implementing prospectively the relief provided by this Order each member of the class to whom relief is extended shall increase its carry-forward of unrecovered increased product costs as referred to in Section 212.167(e) of the current FEA Price Regulations by an amount equal to the dollar value of the relief specified in this Order which has not previously been recovered. However, a firm may not use the relief provided in this Order to increase aggregate prices in any month by an amount greater than ten percent of the increment to

permissible selling prices for the natural gas liquids and natural gas liquid products which they sold from August 19, 1973, through December 31, 1974, by:

(a) Using the adjusted May 15, 1973 selling price specified in Section 212.164 (a) and (b) of the current FEA Price Regulations in all instances in which the term "May 15, 1973 selling price" was used in Section 212.83 (a) (1) (ii) of the FEA Regulations applicable to the members of the class from August 19, 1973, through December 31, 1974;

(b) Increasing the adjusted May 15, 1973 selling price specified in Section 212.164 (a) and (b) and referred to in subparagraph (a) above by the nonproduct cost increases which the members of the class actually experienced in 1974, but in no event by more than \$.0025 per gallon;

(c) Disregarding the limitation specified in Section 212.11 of the FEA Price Regulations applicable to members of the class;

(d) Disregarding the requirements specified in Section 212.83(c)(1)(iii)(A)(IV) of the FEA Price Regulations applicable to members of the class; and

(e) Disregarding the limitations specified in Section 212.83(e)(5) of the FEA Price Regulations applicable to members of the class during the months of November and December 1974.

(3) The term non-product cost increases as used in this Decision and Order is synonymous with the term "increased non-product costs" as defined in 10 CFR 212.83. In addition, the specific computation of non-product cost increases referred to in Paragraph (2)(b) of this Order shall be made by comparing the average non-product cost which the member of the class actually experienced on a plant-by-plant basis during the fiscal quarter which includes May 15, 1973, with such average non-product costs incurred by the firm on a plant-by-plant basis during the entire 1974 calendar year. The implementation of the non-product cost increase provision of Paragraph (2)(b) is however contingent on each member of the class maintaining detailed records of the costs incurred, the volume of products produced and the manner in which the calculations referred to in this paragraph have been made.

(4) The members of the class may not implement the provisions of this Order by increasing the prices which they charged purchasers of natural gas liquids and natural gas liquid products in transactions concluded prior to the adoption of Subpart K of the FEA Price Regulations either through retroactive billing, provisional billing at the time of the transaction or otherwise. A transaction, for the purposes of this Order, is considered to have occurred at the time the product is actually delivered to the purchaser. In applying the relief provided by this Order to transactions which occurred prior to the adoption of Subpart K of the FEA Price Regulations, each member of the class shall remain subject to the provisions of Section 212.83(e) of Subpart E of Part 212 in calculating the carryover of unrecovered costs. Each member of the class may however include the adjustments provided in Paragraph (2) of this Order in its calculation of unrecovered increased product costs pursuant to Section 212.83(e). In implementing prospectively the relief provided by this Order each member of the class to whom relief is extended shall increase its carry-forward of unrecovered increased product costs as referred to in Section 212.167(e) of the current FEA Price Regulations by an amount equal to the dollar value of the relief specified in this Order which has not previously been recovered. However, a firm may not use the relief provided in this Order to increase aggregate prices in any month by an amount greater than ten percent of the increment to

permissible selling prices for the natural gas liquids and natural gas liquid products which they sold from August 19, 1973, through December 31, 1974, by:

(a) Using the adjusted May 15, 1973 selling price specified in Section 212.164 (a) and (b) of the current FEA Price Regulations in all instances in which the term "May 15, 1973 selling price" was used in Section 212.83 (a) (1) (ii) of the FEA Regulations applicable to the members of the class from August 19, 1973, through December 31, 1974;

(b) Increasing the adjusted May 15, 1973 selling price specified in Section 212.164 (a) and (b) and referred to in subparagraph (a) above by the nonproduct cost increases which the members of the class actually experienced in 1974, but in no event by more than \$.0025 per gallon;

(c) Disregarding the limitation specified in Section 212.11 of the FEA Price Regulations applicable to members of the class;

(d) Disregarding the requirements specified in Section 212.83(c)(1)(iii)(A)(IV) of the FEA Price Regulations applicable to members of the class; and

(e) Disregarding the limitations specified in Section 212.83(e)(5) of the FEA Price Regulations applicable to members of the class during the months of November and December 1974.

the firm's carry-forward of unrecovered costs which resulted from the exception relief pro-

Ruling 1975-1, however, did not expressly deal with charges incidental to

ers, the Texas storage costs, pipeline costs and pipeline terminal costs may be

definition of "increased costs" as set forth in § 212.92.

Facts. Firm X, a reseller of a covered

porting the product, whether to Firm X's customers or to other selling locations of Firm X, are costs of doing business that

[Ruling 1975 11]

NEW AND HIGHER COST STORAGE



the firm's carry-forward of unrecovered costs which resulted from the exception relief provided herein.

(5) In accordance with the provisions of 10 CFR, Part 205, an aggrieved party may file an appeal from this Decision and Order with the Federal Energy Administration. The provisions of 10 CFR, Part 205, Subpart H, set forth the procedures and criteria which govern the filing and determination of any such appeal.

Date: August 29, 1975.

GEORGE B. BREENAY,  
For MELVIN GOLDSTEIN,  
Director, Office of Exceptions and Appeals.  
[FR Doc. 75-23413 Filed 8-29-75; 2:55 pm]

#### [Ruling 1975-9] STORAGE COSTS

**Facts.** Firm A, a reseller and retailer of propane, purchases propane in large quantities at a location in Texas which has a large underground propane storage facility. The propane is stored in merchant storage at that location for several months, and is then transmitted by pipeline to a pipeline terminal located several hundred miles from Firm A's bulk plant. Propane transmitted by pipeline is dispensed at the pipeline terminal to various parties, in addition to Firm A. Some of the propane received by Firm A at the pipeline terminal is delivered by truck from the pipeline terminal to Firm A's bulk plant, and some is delivered from the pipeline terminal directly to Firm A's large, commercial user customers. Further deliveries of propane are made by truck from Firm A's bulk plant to several of Firm A's retail outlets.

Firm A incurs storage costs for storage of the propane in Texas, a pipeline tariff for transmission of the propane to the pipeline terminal, terminalling charges for services at the pipeline terminal, including transferring the propane from the pipeline terminal to trucks at the terminal, and trucking fees for the delivery of the propane from the pipeline terminal to Firm A's bulk plant, from the pipeline terminal to certain of Firm A's customers, and from Firm A's bulk plant to Firm A's retail outlets.

**Issue.** Which of these transportation and/or storage charges can be included by Firm A in determining its "weighted average unit cost of a product in inventory" for purposes of determining "increased costs" pursuant to § 212.92?

**Ruling.** As set forth in Ruling 1975-1:

The "weighted average unit cost of a product in inventory" includes transportation costs incurred in bringing the covered product into the seller's inventory. The cost of product is, in other words, considered to be the "delivered cost" to the buyer. In many instances, the product is purchased at a "delivered price," and there is no separate transportation cost incurred. Where transportation costs are incurred separately in connection with acquiring product, however, they have historically been treated as a cost of acquiring the product. For example, refiners are expressly allowed to treat increased transportation costs associated with obtaining crude oil or covered products as increased product costs, pursuant to the definitions of "cost of crude petroleum" and "cost of petroleum product" in § 212.93(b).

#### RULES AND REGULATIONS

Ruling 1975-1, however, did not expressly deal with charges incidental to transportation, such as storage or terminal charges, nor did it address the questions that arise concerning the point at which product is regarded as being in the seller's inventory, where, as here, a seller takes title to a product at an early point in the overall distribution system for the product concerned.

The purpose of this ruling is to make clear that miscellaneous charges incident to transporting product to a seller, such as storage and terminalling charges, may be treated as transportation costs, and therefore may be included as part of the weighted average unit cost of product in inventory.

This ruling also sets forth the general guideline that transportation and related costs may be included as part of the weighted average cost of product in inventory to the extent that they are incurred in bringing the product into storage at a location that constitutes a part of the buying firm's storage and distribution system. In other words, the costs associated with movement of the product through a distribution system that is used in common to distribute product to various firms operating at the same level of distribution as the buying firm may generally be treated as part of the cost of the product to the buying firm.

In the case of Firm A, therefore, application of this general principle means that the transportation and associated costs of bringing propane to Firm A's bulk plant are permitted to be treated as part of that firm's cost of product. Similarly, refiners are generally permitted to treat transportation and associated costs of bringing crude oil to their refineries as part of the cost of crude oil.

As noted in Ruling 1975-1, a firm

... is not, however, permitted to treat increased transportation costs associated with delivering the covered product to its customers as "increased costs" under § 212.92. Such costs are not related to the cost of product to [that firm], but are, rather, a cost of doing business for [that firm], which must be treated as all other non-product costs, and which may be reflected in [that firm's] selling prices only to the extent permitted by § 212.93(b).

Thus, the transportation costs of delivering propane to Firm A's customers, whether from Firm A's bulk plant, or from the pipeline terminal, may not be treated as part of the cost of product to Firm A.

Similarly, the cost of transporting product from Firm A's bulk plant to its retail outlets does not constitute a cost of product to Firm A, but is, rather, a general cost of doing business that is incurred by Firm A.

In summary, therefore, with respect to product sold by Firm A from its bulk plant or from its retail outlets, the cost of product may include the actual price paid for the propane, the cost of storage in Texas, the cost of pipeline transportation, the cost of pipeline terminal charges and the cost of truck transportation to Firm A's bulk plant. With respect to product delivered by Firm A directly from the pipeline terminal to its customers,

the Texas storage costs, pipeline costs and pipeline terminal costs may be treated as cost of product, but no truck transportation costs may be included.

It should be noted that in some instances a firm may own or lease a transportation or distribution facility of a kind that more typically would form part of a distribution system available for use by various firms, rather than a part of the firm's own storage and distribution system. For example, a refiner may own a pipeline by which crude oil is delivered to its refinery, or a reseller may own a facility for transferring imported product from ocean vessels to trucks or railroad cars, for distribution to its bulk plants. In such cases, a firm may treat its actual increased costs of furnishing such facilities as an increased cost of product, provided, however, that such cost increases shall not exceed increases over the May 15, 1973 per unit charges made for comparable facilities or services by unaffiliated third parties. Any firm that claims such increased costs with respect to facilities or services which it furnishes will have the burden of establishing not only that it has actually incurred those increased costs, but also that those cost increases do not exceed increases in the per unit charges made for comparable facilities or services by third parties. Tariffs published by regulatory authorities may be used for measuring compliance with this requirement.

It should also be noted that, as required by Ruling 1975-1, a firm must be consistent in its accounting procedures when computing "weighted average unit cost" of a product in inventory pursuant to § 212.92, and to the extent that transportation and other costs associated with acquiring a product are treated as a product cost for purposes of calculating the current weighted average unit cost of product in inventory, those costs must also be included in calculating the weighted average unit cost of product in inventory on May 15, 1973.

Issued in Washington, D.C., August 29, 1975.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

[FR Doc. 75-23411 Filed 8-29-75; 2:54 pm]

#### [Ruling 1975-10]

#### TRANSPORTATION COSTS WHERE TRANSPORTATION IS PROVIDED BY THE FIRM CONCERNED

In Ruling 1975-1 (40 FR 6768, February 14, 1975), the Federal Energy Administration set forth guidelines regarding treatment of increased transportation costs in the calculation of "increased costs" by resellers and retailers pursuant to 10 CFR 212.92. While this ruling helped to clarify the treatment of increased transportation costs where transportation is furnished by an independent carrier, it did not deal with related questions of increased costs of transportation where the product is transported by the firm concerned, rather than by an independent carrier. This ruling, therefore, is intended further to clarify the

#### RULES AND REGULATIONS

[Ruling 1975-11]

#### NEW AND HIGHER COST STORAGE TANKS Rentals

**Facts:** Firms A and Z are sellers of propane at both the wholesale and retail marketing levels. On May 15, 1973, Firm A provided 500 gallon propane storage tanks which it owned for the use of certain of its customers free of charge, on the condition that the tanks could be filled only by the owner of the tank or upon the owner's authorization. Firm Z leased 500 gallon propane storage tanks to certain of its customers at an annual rental of \$25.00, also on the condition that the tanks could be filled only by the owner of the tank or upon the owner's authorization.

New 500 gallon storage tanks cost Firms A and Z \$250.00 on May 15, 1973. Recently, Firms A and Z purchased several new 500 gallon storage tanks at a cost of \$400.00 each. Firm A has offered to lease the new storage tanks at an annual rate of \$15.00 for a 500 gallon tank. Firm Z has offered to lease the new storage tanks to its customers at an annual rate of \$40.00 for a 500 gallon tank. Both firms have notified their affected customers that the new or higher rental rates are due to the higher cost of acquiring the new tanks.

**Issue:** May Firm A institute a rental charge for new storage tanks and may Firm Z charge a higher rental rate for new storage tanks, in light of the increased costs associated with the purchase of these tanks?

**RULING:** Yes. Firms A and Z can charge new or higher rental rates than were charged on May 15, 1973 for the lease of new storage tanks acquired at a higher cost, but only to the extent that the new or increased rental rate is justified by the higher cost actually incurred in the acquisition of the storage tank being leased. Thus, new or increased rentals may be charged only to customers leasing new tanks from Firms A and Z, and the rental rate may be increased by no more than an amount fairly reflecting the increased cost of the storage tanks since May 15, 1973. Any further increase would constitute "a means to obtain a price higher than that permitted by the regulations" within the meaning of § 210.62(c) of the FEA regulations (See FEA Ruling 1975-4).

The above result is reached by application of 10 CFR 212.31 and 10 CFR 210.62 in accordance with the analysis detailed in FEA Ruling 1975-4. That ruling, in effect, established a presumption that an increase in tank rental rates is regarded as an increase in the price of the product, and, as such, is regarded as a means to obtain a price higher than is permitted by the regulations. That presumption is, however, overcome where, as here, the storage tanks being furnished have been acquired at higher cost and the amount of new or increased rent being charged for those storage

definition of "increased costs" as set forth in § 212.92.

**Facts.** Firm X, a reseller of a covered product, purchases the covered product from Refiner W and sells it to various firms, including Firm Y and Firm Z. Firm X uses its own vehicles to transport the covered product to its own terminal. Firm X also uses its own vehicles to transport the covered product directly from the refinery of Refiner W to Firm Y. Firm X transports the covered product from its terminal to Firm Z, also using its own vehicles. Firm X's costs incurred in connection with transporting the covered product to its terminal, to Firm Y and to Firm Z have increased.

**Issue 1.** May Firm X treat its increased costs incurred in connection with transporting the covered product from Refiner W to its terminal as "increased costs" as defined in § 212.92?

**Issue 2.** May Firm X treat its increased costs incurred in connection with transporting the covered product from Refiner W to Firm Y or from its terminal to Firm Z as "increased costs" as defined in § 212.92?

**Ruling.** Firm X may, subject to certain limitations, treat its increased costs, incurred in connection with transporting the covered product to its terminal as "increased costs" pursuant to § 212.92, but may not treat as "increased costs" its increased transportation costs incurred in connection with transporting the covered product from Refiner W to Firm Y or with delivering the covered product from its terminal to Firm Z.

Pursuant to § 212.92, "increased costs" are defined as "the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973." Thus, "increased costs" are defined to be the increased "cost[s] of a product," and such increased costs are permitted to be passed through, on a dollar-for-dollar basis, in the prices charged for the product by resellers, reseller-retailers, and retailers pursuant to § 212.93. Conversely, increased non-product costs are permitted to be reflected in the prices charged by resellers, reseller-retailers, and retailers only to the extent permitted by § 212.93(b).

Ruling 1975-1 states:

The "weighted average unit cost of a product in inventory" includes transportation costs incurred in bringing the covered product into the seller's inventory. The cost of product is, in other words, considered to be the "delivered cost" to the buyer. In many instances, the product is purchased at a "delivered price," and there is no separate transportation cost incurred. Where transportation costs are incurred separately in connection with acquiring product, however, they have historically been treated as a cost of acquiring the product.

The intent of Ruling 1975-1, therefore, is to permit resellers and retailers to treat increased transportation charges associated with bringing a covered product into inventory as "increased costs," whereas the subsequent costs of trans-

porting the product, whether to Firm X's customers or to other selling locations of Firm X, are costs of doing business that are not associated with the cost of acquiring the product. Accordingly, Firm X may not treat increased transportation costs incurred when Firm X uses its own vehicles to deliver the covered product directly from Refiner W to Firm Y as "increased costs." The covered product is, in effect, brought into Firm X's inventory when Firm X receives the product from Refiner W. In other words, the "delivered cost" to Firm X is the cost of the product when it receives the product to be delivered from its terminal to its customers. Increased transportation costs are considered to be a cost of doing business and must be treated as all other non-product costs. Similarly, the increased transportation costs incurred by Firm X in delivering the product from its terminal to Firm Z are considered to be cost of doing business rather than a cost of acquiring the product.

Pursuant to Ruling 1975-1, increased transportation costs associated with bringing a covered product into inventory are considered to be "increased costs" pursuant to § 212.92. Although Ruling 1975-1 did not deal with an example of a firm that furnished its own transportation instead of using an independent carrier, the rationale for treating the increased costs associated with bringing the product into inventory is the same in both instances, and a firm should not be disadvantaged under the FEA price regulations because it chose to use its own facilities rather than an independent carrier. Accordingly, Firm X may treat its actual increased transportation costs associated with transporting the covered product from Refiner W into its inventory as "increased costs." However, the amount of such increased transportation costs must be established by the firm concerned and may not, in any event, exceed increases in the amount being charged for comparable services by independent carriers (e.g., increases in published I.C.C. tariffs since May 15, 1973). The firm concerned has the burden of establishing not only that it has actually incurred those increased costs, but also that the increased costs it computes as attributable to the cost of transportation do not exceed such third-party rate increases for comparable services.

Finally, as pointed out in Ruling 1975-1,

... in computing the "weighted average unit cost" a firm must be consistent in its accounting procedures. Thus, a firm which includes transportation costs associated with acquiring a covered product as a product cost when calculating its current weighted average unit cost of product in inventory must also include such costs in its calculation of the weighted average unit cost of that product in inventory on May 15, 1973.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

AUGUST 29, 1975.  
[FR Doc. 75-23412 Filed 8-29-75; 2:54 pm]

#### RULES AND REGULATIONS

significantly curtailed by reason of mechanical

Periodic shutdowns for other reasons, duction is significant is neither feasible

It could therefore be argued from a



tanks is reasonably related to the increased costs of those storage tanks.

The fact that new or higher storage tank rentals may be charged by Firms A and Z only with respect to customers leasing the new, higher cost storage tank flows from the fact that the practice of furnishing existing storage facilities free of charge, or the rental rates respecting such existing storage facilities have previously been established. Once established, the rental for a previously furnished or leased storage tank is required to be maintained at or below the May 15, 1973 level.

In the case of Firms A and Z, application of this principle justifies a result different from that reached on the facts of Ruling 1975-4 due to the fact of the higher costs associated with the new tanks. Firms A and Z are subject to the requirement of 1975-4 that their charges, if any, for furnishing storage facilities that were furnished May 15, 1973 may not be increased. However, with respect to new tanks purchased at higher cost a new or higher rental than that which was charged on May 15, 1973 for lower cost tanks may be charged. Firms A and Z continue however to be subject to the overall restriction that any instance in which the amount of the new or increased rental for new, higher cost tanks is not reasonably related to the amount of the increase in the cost of storage tanks over May 15, 1973 levels would continue to be regarded as a means of obtaining a price for propane that is higher than permitted by the regulations, and would therefore constitute a violation of the regulations.

Thus, for example, the new rental rate established by Firm A can only reflect the \$150.00 increment in the cost of storage tanks since May 15, 1973, and not the full amount of the current cost of new storage tanks. This is because Firm A's May 15, 1973 prices for propane included the provision of a storage tank that cost \$250.00, and an attempt now by Firm A to obtain rental income for the value of storage facilities previously furnished free of charge in connection with the purchase of propane would constitute an unwarranted increase in the price of propane. In addition, Firm A's recovery of the \$150 increased storage tank cost would have to conform to the conventional practice of spreading the cost over the reasonable life of the tank. Firm Z would be restricted to recovering its \$150.00 increase on the same annual percentage basis which it applied to the basic \$250.00 cost.

Ruling 1975-4 stated generally that increased costs associated with furnishing storage facilities constitute increased non-product costs under FEA regulations, and that, as such, they could only be passed through in prices charged for product to the extent and in the manner provided for by the increased non-product cost provisions applicable to such firms. To the extent that this Ruling permits higher tank rentals to be charged for new, higher-cost tanks, the increased costs of such tanks obviously do not also constitute increased non-product costs

for purposes of the non-product cost passthrough regulations, and this Ruling modifies Ruling 1975-4 only to this limited extent.

The principles set forth in this ruling govern the application of the FEA regulations to the described modes of furnishing storage facilities by resellers, reseller-retailers, and retailers as defined in 10 CFR 212.31. These principles are not applicable to refiners, since the type of storage facility discussed herein falls within the express terms of the container cost increase provisions of § 212.87(c) (5) (iv).

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

AUGUST 29, 1975.

[FR Doc. 75-23468 Filed 8-29-75; 4:43 pm]

[Ruling 1975-12]

#### STRIPPER WELL LEASE EXEMPTION Calculation of Average Daily Production Where Curtailed

Section 4(e) (2) of the Emergency Petroleum Allocation Act of 1973 ("EPAA", Pub. L. 93-159, as amended, Pub. L. 93-511) reads, in pertinent part:

(A) The regulation promulgated under subsection (a) of this section [FEA price and allocation regulations] shall not apply to the first sale of crude oil produced in the United States from any lease whose average daily production of crude oil for the preceding calendar year does not exceed ten barrels per well.

(B) To qualify for the exemption under this paragraph a lease must be operating at the maximum feasible rate of production and in accord with recognized conservation practices.

The Federal Energy Administration implemented this statutory requirement in 10 CFR 210.32 (Stripper well leases), which as originally promulgated afforded an exemption from the Mandatory Petroleum Allocation and Price Regulations for the first sale of crude oil, including condensates, produced in the United States from any property whose average daily production of crude oil, including condensates, for the preceding calendar year did not exceed 10 barrels per well. As recently amended (40 FR 22123, May 21, 1975), the stripper well lease exemption of 10 CFR 210.32 now defines a stripper well lease as a property whose average daily production of crude oil, including condensates, per well did not exceed 10 barrels per day during any preceding calendar year beginning after December 31, 1972.

"Average daily production" for purposes of the stripper well lease exemption is defined in § 210.32 as:

The qualified maximum total production of crude oil, including condensates, produced from a property, divided by a number equal to the number of days in the year times the number of wells that produced crude oil, including condensates, from that property in that year. To qualify as maximum total production, each well on the property must have been maintained at the maximum feasible rate of production, in accordance with recognized conservation practices, and not significantly

curtailed by reason of mechanical failure or other disruption in production.

The purpose of this ruling is to set forth the guidelines to be applied in those cases where production from a property for which the stripper well lease exemption is claimed appears not to have been maintained at the maximum feasible rate of production or to have been significantly curtailed.

1. *Stripper Well Lease Production Requirements.*—Section 210.32 establishes two criteria that each well on a property must satisfy in order for its production during the measuring calendar year to qualify as "maximum total production." The well must have been (1) maintained at the maximum feasible rate of production, in accordance with recognized conservation practices, and (2) not significantly curtailed by reason of mechanical failure or other disruption in production.

The first requirement, that production be at the maximum feasible rate, reflects the statutory qualifying language "in accord with recognized conservation practices", in recognition of the fact that the practicalities of producing crude oil frequently limit the operation of some wells to a rate of production that is less than the maximum possible rate. For example, some state regulatory bodies establish for each property allowable production rates ("allowables"), which may not be exceeded by the operator. Although it might be possible to produce crude oil from the property at a greater rate than the allowable, the ultimate total recovery of crude oil from the property is maximized where production is held to the more efficient rate. Thus, while a particular property might be capable of producing 1,000 barrels of crude oil per month in the short term, to produce continuously at that rate would result in a lesser total recovery of crude oil from the reservoir than the continuous production of perhaps 800 barrels per month. In this example, production—although not at the maximum possible rate—is, for purposes of the stripper well lease exemption, at the maximum feasible rate. In accordance with a recognized conservation practice, as required by § 210.32.

In some cases, the maximum feasible rate of production may be equal to the rate at which crude oil in the reservoir flows into the area of the well-bore from which it is pumped to the surface. For example, if the rate of flow into the area of well-bore is low, perhaps one to two barrels per day, it is common operating practice to allow the crude oil in the reservoir to accumulate in the area of the well-bore for several days before it is pumped. Though the well is not pumping, however, it will be considered to be in operation, and no adjustment to the calculation of average daily production (as in Part II, below) is required if this practice comports with historical and traditional use. Wells in formations of higher flow rates are normally pumped more frequently, however, and it is to be expected that wells that average approximately 10 barrels or more per day are usually pumped every day.

Periodic shutdowns for other reasons, such as maintenance and mechanical repairs, also might result in no significant loss of production. This is so because after having been interrupted for a short period of time, production is sometimes resumed with a corresponding short period of increased rate of production due to a build-up of reservoir pressure during the period of non-operation. The result, which can normally be verified by an examination of the property's production records, is that the production lost during the time that the well was shut down is, in effect, recouped or "made up" after production is resumed. For example, assuming that total daily production from a three-well property is generally twenty-five barrels of crude oil, including condensates, but that over a two-day period during which one well is shut down for maintenance, total daily production from the property might decline to, perhaps, seventeen barrels. However, after production is again resumed from all three wells, the total production from the property might increase to twenty-nine barrels daily for four days, thus compensating for the production lost during the two days that one well was shut down. In this example, therefore, operation of the property would be considered to be "at the maximum feasible rate of production," and there would be no need for an adjustment to the calculation of average daily production (as in Part II, below) to reflect the time that one well was not operating.

As a general matter, FEA will be guided by the allowable production figures established by state regulatory bodies, where such figures exist, as well as earlier and later production figures for the property concerned in determining whether the maximum feasible rate of production, consistent with recognized conservation practices, has been maintained.

The second production requirement of § 210.32 is that production not be "significantly curtailed by reason of mechanical failure or other disruption in production." In this regard, FEA recognizes that just as the practicalities of producing crude oil sometimes limit the operation of some wells to less than the maximum possible rate of production, so too do those same practicalities prevent the actual flow of crude oil from every well on the property during every day of the year. Factors such as mechanical failures, which are normally beyond the producer's control, and periodic maintenance result in a nominal amount of "down time" for most properties each year. Accordingly, such normal periods of down time are not considered significant, and no adjustments to the calculation of average daily production need be made to reflect such down time. Where an abnormally large period of down time is experienced on a particular property and production is significantly disrupted or curtailed, however, an adjustment to the calculation of average daily production must be made.

FEA has determined that the use of an absolute rule to establish whether a particular case of curtailed or disrupted pro-

duction is significant is neither feasible nor equitable. Factors such as the ages of wells, their depths, the types of crude oil being produced, etc., all serve to influence what is properly regarded as a "normal" amount of down time for a particular well. As a guideline, however, FEA will presume that if, for any reason, a well has not operated for a period of more than 24 consecutive hours, production has been significantly curtailed or disrupted and, unless that presumption is overcome, appropriate adjustments must be made in the calculation of average daily production.

The 24 hour presumption is rebuttable in either of two ways. First, the presumption may be overcome upon the showing, by production records or otherwise, that the down time for mechanical failure or maintenance has not been in excess of the historical pattern for a well operating on that particular property, or (if the information is available) for similar wells operating in the same or nearby fields. Therefore, if due to mechanical failure a well was not operated for 17 days during the measuring calendar year, but the historical pattern for that property has been that the average per-well down time for mechanical failure or maintenance is normally 20 days per year, there has not been a significant curtailment or disruption in production. Overcoming the presumption with respect to curtailment for miscellaneous reasons other than mechanical failure or maintenance will be handled by FEA on a case-by-case basis, since there may be a variety of causes for such curtailments that cannot now be foreseen.

There will undoubtedly be some cases where the production from one or more wells has been curtailed or disrupted for periods longer than the historical pattern would indicate is normal for mechanical failure and maintenance. In this regard (as stated above), FEA recognizes that the mere curtailment or disruption for a short period of time in the actual flow of crude oil from a producing well does not per se effect in significant measure a decrease in the average daily production calculated over the period of a calendar year. Accordingly, where the period of time during which production from the well was curtailed or disrupted has been in excess of the normal historical average for mechanical failure and maintenance, the presumption may secondly be overcome upon the showing, by production records or otherwise, that production lost during the abnormally long period of curtailment or disruption was subsequently recouped.

Where the presumption is still not fully overcome, however, failure of one or more wells to satisfy both of the production requirements set forth above means that the stripper well lease exemption cannot be extended to that particular property based on its unadjusted average daily production for the year. This is so because had the property met both production requirements, its average daily production might well have been in excess of the statutory maximum of 10 barrels per well per day.

It could therefore be argued from a literal reading of the statutory and regulatory language that the FEA should require the total disqualification of any property that has not met both production requirements because it has not operated "at the maximum feasible rate of production and in accord with recognized conservation practices" during the measuring calendar year. The statutory requirement that a property be operated "at the maximum feasible rate of production and in accord with recognized conservation practices" first appeared in section 406(b) of the Trans-Alaska Pipeline Authorization Act of 1973 (Pub. L. 93-153, enacted eleven days prior to the EPAA), which contained an exemption for stripper well leases similar to the one adopted in the EPAA. The Conference Committee included the restrictive provisions "to insure that the exemption is narrowly defined and prudently administered, and to insure that the incentive being granted is properly limited in accord with congressional intent." Moreover, Congress intended that the limiting provisions of the exemption be "strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes [e.g., preventing the premature shutdown of stripper wells for economic reasons] is not in any way broadened." The Conference specifically directed that implementing regulations be "so designed as to provide safeguards against any abuse, over-reaching or altering of normal patterns of operations to achieve a benefit under [the exemption] which would not otherwise be available."

Because of this legislative intent, the FEA will not allow curtailments or disruptions in operations beyond normal levels, for whatever reasons, to make the stripper well exemption operative when it would not have applied if operations had been normal. At the same time, however, the FEA believes that it would only defeat the congressional purpose of the stripper well exemption if it also disqualified those properties whose wells would not have exceeded an average of 10 barrels per day even if operations had been normal. Such a harsh application of the exemption would for no rational reason penalize those producers to whom Congress intended to provide the incentives of the exemption and who would have qualified for the exemption but for operational problems beyond their control.

Accordingly, rather than require the complete disqualification of properties that do not satisfy the production criteria outlined in this Part I, FEA will instead require appropriate adjustments to the computation of average daily production whenever there has been significantly curtailed or disrupted production, so that the calculation more accurately reflects the average daily production of the property when operated at the maximum feasible rate of production.

II. *Adjustments for Significantly Curtailed or Disrupted Production.*—Reduced to a mathematical formula,

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"average daily production" may be expressed as follows:

$$A = \frac{Q}{D \times W}$$

number of days for that well in which production was not significantly curtailed or otherwise disrupted (production days).

(a) The well consists of two (or more) separate tubing strings run inside the

ISSUE #2: How should Firm A compute its recovery of increased product

ISSUE #2: Firm A should compute its recovery of increased product costs without regard to the amount discounted be-



"average daily production" may be expressed as follows:

$$A = \frac{Q}{D \times W}$$

Where:

A = Average daily production of crude oil, including condensates.

Q = Qualified maximum total production of crude oil, including condensates, from the property during the measuring calendar year.

D = Number of days in the measuring calendar year. (Always either 365 or 366.)

W = Number of wells that produced crude oil, including condensates, from the property during the measuring calendar year.

Thus, assuming that Firm X operated property A on which there were four producing wells, which, in the measuring calendar year, produced a total of 14,000 barrels of crude oil, including condensates, and assuming further that all four wells satisfied both production criteria set forth in Part I above, the property's average daily production for that calendar year is properly computed as follows:

$$A = \frac{Q}{D \times W}$$

$$A = \frac{14,000 \text{ barrels}}{365 \text{ days} \times 4 \text{ wells}}$$

$$A = 9.59 \text{ barrels per day per well}$$

Therefore, on the basis of its average daily production per well during that calendar year, property A qualifies as a stripper well lease.

Assume, however, that Firm X operated a second property B, which also produced a total of 14,000 barrels of crude oil, including condensates, from four wells during the measuring calendar year, but that of those four wells, two produced crude oil for the entire year, but two were new wells that did not begin producing crude oil until July 1 of the measuring year. Without any adjustment to the formula to reflect the fact that two of the wells were not producing crude oil for the entire measuring calendar year, the computation of average daily production for property B would yield exactly the same result as the calculation for property A. Yet as discussed in Part I above, an adjustment must be made in calculating property B's average daily production, to reflect the significant "curtailment" or "disruption" in production, i.e., non-production from two wells for six months each. Accordingly, for purposes of the calculation, the two wells that did not produce crude oil until July 1 can be considered only as partial producing wells. Therefore, instead of four producing wells, property B counts two "whole" producing wells and two partial producing wells that must count as one-half well each. Accordingly, the property calculation for property B is as follows:

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$$A = \frac{Q}{D \times W}$$

$$A = \frac{14,000 \text{ barrels}}{365 \text{ days} (2 \text{ wells} + \frac{1}{2} \text{ well} + \frac{1}{2} \text{ well})}$$

$$A = \frac{14,000 \text{ barrels}}{365 \text{ days} \times 3 \text{ wells}}$$

$$A = 12.79 \text{ barrels per day per well}$$

On the basis of its average daily production during the measuring calendar year, therefore, property B does not qualify as a stripper well lease.

Adjustments to the calculation of average daily production for the period of time during which production from a particular well was significantly curtailed or disrupted are reflected, then, in the denominator of the formula by expressing that well as a fraction equal to the

One well is counted as:

$$\left( \frac{365 - 35}{365} \right) \text{ well} = \left( \frac{330}{365} \right) \text{ well}$$

and the other well is counted as:

$$\left( \frac{365 - 55}{365} \right) \text{ well} = \left( \frac{310}{365} \right) \text{ well}$$

Accordingly, average daily production is computed as follows:

$$A = \frac{Q}{D \times W}$$

$$A = \frac{14,000 \text{ barrels}}{365 \text{ days} (2 \text{ wells} + \left( \frac{330}{365} \right) \text{ well} + \left( \frac{310}{365} \right) \text{ well})}$$

$$A = 10.22 \text{ barrels per day per well}$$

On the basis of its average daily production during the measuring calendar year, therefore, property A does not qualify as a stripper well lease.

**III. Multiple Completion Wells.**—Where a property encompasses the right to produce crude oil from two or more producing formations or reservoirs, producers sometimes utilize a production technique involving "multiple completion wells." This technique, which makes use of an existing well that produces from one formation, involves drilling from the existing casing separate well-bores or elongating existing well-bores in order to reach other formations. By the installation of additional tubing strings, crude oil may in this manner be produced concurrently from two or more formations. A multiple completion well is to be distinguished from a "recompleted well", which involves the technique of drilling a separate well-bore from an existing casing in order to reach the same reservoir, or redrilling the same well-bore to reach a new reservoir after production from the original reservoir has been abandoned. While a multiple completion well involves the simultaneous production from two or more reservoirs, a recompleted well involves production from only one formation.

Thus, a multiple completion well is designed to accomplish the same task as two or more separate and distinct producing wells, although conserving initial capital outlay, it functions in many ways as two or more separate producing wells: Crude oil from each formation

number of days for that well in which production was not significantly curtailed or otherwise disrupted (production days), divided by the number of days in the measuring calendar year. To illustrate:

Property A produced 14,000 barrels of crude oil, including condensates, from 4 wells during the measuring calendar year. Well 1 production from two of the wells was not significantly curtailed, production from one well was curtailed for 35 days, and from the other well for 55 days beyond the number of days normally attributed to mechanical failure and maintenance for those wells, and the production normally associated with those wells was not recouped when they resumed operations. In such a case of the calculation of the property's average daily production during the measuring calendar year must be adjusted to reflect the significantly curtailed production from two wells as follows:

One well is counted as:

$$\left( \frac{365 - 35}{365} \right) \text{ well} = \left( \frac{330}{365} \right) \text{ well}$$

$$\left( \frac{365 - 55}{365} \right) \text{ well} = \left( \frac{310}{365} \right) \text{ well}$$

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(a) The well consists of two (or more) separate tubing strings run inside the casing, each of which carries crude oil from a separate and distinct producing formation, and

(b) the production capabilities of each formation are unaffected by any change in the production level of any other formation producing through the same well.

This result is consistent with the congressional policy of increasing the incentive and economic feasibility of maintaining production of crude oil from stripper well leases through advanced production techniques.

**IV. Enforcement.**—The producer is responsible in the first instance for determining whether production from a particular property is eligible for the stripper well lease exemption; such determinations are and have been, of course, subject to FEA audit. All future determinations as to the exempt status of production from a particular property must take into account the guidelines set forth herein. FEA will afford appropriate consideration to determinations concerning down time for mechanical failure and maintenance that are made by producers, consistent with this ruling, but to the extent that questions are raised with respect to down time that go beyond the scope of the matters discussed in this ruling, producers should contact the FEA for a determination as to whether the 24 hour presumption, discussed in Part I, above, can be overcome.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

AUGUST 29, 1975.

[FR Doc.75-23469 Filed 8-29-75;4:43 p.m.]

[Ruling 1975-13]

### EARLY PAYMENT PERCENTAGE DISCOUNTS

**FACTS:** On May 15, 1973, Firm A, a refiner, sold gasoline to Firm B and other members of the class of purchaser of which Firm B is a member at a weighted average price of 25 cents per gallon, payable within 30 days of delivery. A discount of 1 percent off the purchase price was extended by Firm A to all purchasers in Firm B's class of purchaser who paid for gasoline within a 10-day period following delivery; payment in full was due within 30 days of delivery.

In the current month, Firm A applies 15 cents per gallon of increased product costs, measured pursuant to the provisions of § 212.83, to determine a lawful selling price for gasoline in this month of 40 cents per gallon to Firm B's class of purchaser. Firm A wishes to change the terms of the early payment discount offered on May 15, 1973, from 1 percent of the purchase price to a fixed amount of 0.25 cents per gallon, or 1 percent of the May 15, 1973 price to the class of purchaser concerned.

**ISSUE #1:** May Firm A institute this change in the terms of the discount offered for early payment?

**ISSUE #2:** How should Firm A compute its recovery of increased product costs where sales are made to a class of purchaser which has an early payment percentage discount option?

**ISSUE #3:** How should Firm B compute its cost of product with respect to purchases made under an early payment percentage discount option?

### RULING

**ISSUE #1:** Firm A may not change the terms of its early payment discount. On May 15, 1973, Firm A extended the credit option of paying for deliveries within a 10-day period and receiving a 1 percent discount off the purchase price to the members of the class of purchaser to which Firm B belongs, and that option must remain in effect.

Section 210.62(a) provides in part that:

Credit terms other than those associated with seasonal credit programs are included as a part of the May 15, 1973 price charged to a class of purchaser under Part 212 of this chapter. . . . [N]o supplier may require or impose more stringent credit terms or payment schedules on purchasers than those in effect for that class of purchaser during the base period (for seasonal credit), or on May 15, 1973 (for other credit terms).

On May 15, 1973, Firm A had a credit term in effect that provided for payment in full after 30 days and a discount of 1 percent off the purchase price when payment was made within ten days. The amount of the discount and, therefore, the value of the credit term, has always been a function of the total purchase price, with the value of the incentive for prompt payment of a greater or lesser total dollar amount depending upon the dollar amount of the purchase price. Pursuant to § 210.62(a) the credit term must therefore now remain in effect as it existed on May 15, 1973, and it must continue to be offered to all members of the class of purchaser to which it was offered on May 15, 1973. To discontinue the option or to change its terms as described above would be to impose more stringent credit terms than those in effect on May 15, 1973.

While the cost to Firm A of extending a percentage discount obviously increases in proportion to increases in the selling price of the product, the benefit to Firm A of receiving early payment also increases in proportion to increases in the selling price of the product.

Firm A's May 15, 1973 selling price for gasoline to the class of purchaser of which Firm B is a member was 25 cents per gallon. Firm A's current price to that class of purchaser is 40 cents per gallon. If a member of that class of purchaser pays for gasoline within ten days of delivery, Firm A must continue in effect its credit term of a 1 percent discount. This means that the per-gallon payment by Firm B made within 10 days of delivery is 40 cents, minus the early payment discount of 1 percent (0.4 cents), or a total of 39.6 cents.

**ISSUE #2:** Firm A should compute its recovery of increased product costs without regard to the amount discounted because of early payment. The amount of increased product costs added to the May 15 1973 price to Firm B's class of purchaser, 15 cents per gallon, is the amount which is recovered through sale of the product to Firm B, even though Firm B may exercise its option to make payment within 10 days and thereby receive a 1 percent discount off the purchase price.

The discount involved herein does not represent a decrease in the amount received for the product, but rather represents a cost to Firm A of the use of Firm B's money for the 20 or more additional days for which Firm B could otherwise retain the money, before payment in full, based on a stated price per gallon, would be due, 30 days after delivery. Thus, the price to Firm B is 40 cents per gallon with payment required within 30 days. As an inducement to Firm B to make early payment, Firm A has offered a financial incentive. However, this incentive is for the purpose of obtaining payment, and therefore use of the money, 20 days prior to the time it would otherwise be due.

Firm A, assuming that it is able to pass through all of its increased product costs in the form of increased prices, will have recovered all of its increased product costs whether or not Firm B takes advantage of the early payment discount option. The discount represents a cost of doing business for Firm A (i.e., the interest expense of obtaining the use of Firm B's money), and has no effect on the calculation of the recovery of increased product costs.

**ISSUE #3:** Firm B should compute the cost of product purchased based upon the price which it is required to pay 30 days after delivery, without regard to the discount for early payment, provided that the same method shall also be used for purposes of determining the May 15, 1973 cost of product.

In the same way that reduced revenues to Firm A which result from the discount extended to Firm B constitute an interest expense to Firm A, and do not affect Firm A's recovery of increased product costs, the reduced expenses of Firm B which result from the early payment discount do not affect Firm B's calculation of its product costs.

Thus, a price reduction resulting from actual payment made within 10 days represents a non-product financial benefit to Firm B (i.e., the interest received from Firm A for affording Firm A the use of money that could otherwise have been retained by Firm B.) The cost of product to Firm B is therefore 40 cents per gallon, the stated per gallon amount due under the regular payment schedule.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

AUGUST 29, 1975.

[FR Doc.75-23467 Filed 8-29-75;4:43 pm]



[Ruling 1975-15]

## PROPERTY

## Definition for Purposes of Computing Base Production Control Level

## I. INTRODUCTION

Pursuant to Subpart D of the Mandatory Petroleum Price Regulations, sales of domestic crude oil are subject to the ceiling price rule of 10 CFR 212.73. However, as an incentive to producers to increase current production above 1972 levels, the price regulations permit the sale, without regard to the ceiling price, of the amount of new and released crude oil produced from a particular property in each month. In 10 CFR 212.72, the definitions of "new crude oil" and "released crude oil" provide, in relevant part:

"New crude oil" means, with respect to a specific property, the total number of barrels of domestic crude oil produced and sold in a specific month, less (1) the base production control level for that month, and less (2) the current cumulative deficiency in base production control level crude oil.

"Released crude oil" means that part of the base production control level crude oil for a property in a particular month which is equal to the total number of barrels of new crude oil produced and sold from that property in a specific month. The amount of released crude oil for a property in a particular month shall not exceed the amount of the base production control level crude oil for that property in that month.

Thus, calculations of new and released crude oil are determined by looking to the relationship between current monthly production and the base production control level ("BPCL") for that month, for each particular property. "Based production control level crude oil" is also defined in 10 CFR 212.72:

"Base production control level crude oil" for a particular month for a particular property means:

(1) If crude oil was produced and sold from that property in every month of 1972, the total number of barrels of domestic crude oil produced and sold from that property in the same month of 1972;

(2) If domestic crude oil was not produced and sold from that property in every month of 1972, the total number of barrels of domestic crude oil produced and sold from that property in 1972 divided by 12.

Therefore, the new and released provisions extend generally to those levels of current production in excess of 1972 production levels, and the price regulations establish the concept of "property" as a reference by which a producer is to compare current production levels against those of 1972 to determine the amount of increased production.

The definition of "property," for purposes of determining new and released crude oil, is found at 10 CFR 212.72:

"Property" is the right which arises from a lease or from a fee interest to produce domestic crude oil.

Property is also defined in the context of the stripper well lease exemption in 10 CFR 210.32 as:

the right that arises from a lease in existence in 1972 or from a fee interest to produce crude oil in existence in 1972 and is coextensive with the term "property" used in § 212.72

for purposes of determining "base production control level crude oil."

For purposes of the price regulations then, the property concept is one that identifies the right to produce crude oil, whether that right arises from a lease or from a fee interest. While the FEA recognizes that various state and other federal regulatory authorities may, for other purposes, have monitored production levels on other bases (e.g., by physical boundaries or by producing formations or reservoirs), it is necessary that the price regulations embody a uniform concept, the parameters of which can be readily applied to all domestic production, regardless of varying state classifications. For this reason, FEA regulations utilize, as a reference, a property concept, based upon the right to produce crude oil, that can be readily identified for all producers.

Accordingly, in applying the provisions of Subpart D regarding new and released crude oil, a producer must look to the limits of the right to produce crude oil in defining a particular property. Since the production of crude oil is anticipated to be an on-going operation, normally there will have been no changes in ownership or restructuring of the right to produce crude oil since before 1972. This ruling is addressed to those cases where, due to such a change or restructuring since 1972, an interpretation of the definition of "property" is required for proper application of the price rules in determining BPCL.

Because of the need to quantify the 1972 monthly production levels for a particular property in order to calculate that property's base production control level for each month, the producer must refer to the right to produce crude oil as it existed in 1972 in order to define the property involved. This is dictated, of course, by the need to compare like quantities, today and in 1972, in order to ensure a meaningful application of the new and released provisions. In the majority of cases, involving only one lease that remains unchanged since 1972, a producer will simply compare his current monthly production for the property (the lease in those cases) against the corresponding monthly production for the lease in 1972.

## II. EXAMPLES

A. *Pre-1972 Unitization*.—A property that was unitized prior to 1972 requires the same treatment as a single property that has been unchanged since 1972. Often, where two or more leases have reached the declining stages of production, they are unitized (i.e., the operations of the several leases are combined, more efficiently to undertake enhanced recovery techniques.) Such techniques usually involve the conversion of some previously producing wells to injection wells and/or the shutting-in of other wells in a coordinated overall-production effort, and for this reason some leases are left after unitization with fewer producing wells within their geographical boundaries than before. Unitization sometimes results in one or more leases being left

only with injection wells, or with no operating wells at all. Because this realignment of producing patterns, then, may result in the distorted actual production from any one lease comprising the unit, production from the unit is allocated to each lease based upon imputed production percentages. Accordingly, the agreement under which the several leases are unitized typically combines the several rights to produce crude oil that, prior to unitization, existed in the previous producers into a single right to produce crude oil now existing in the unit. Generally, therefore, since the unit agreement signifies one right to produce crude oil arising from several leases or fee interests, the unit defines the property.

Accordingly, for purposes of determining new and released crude oil, the current total monthly production from a unitized property must be compared with limits of the corresponding right (or rights) to produce crude oil that existed in 1972. Therefore, in cases of pre-1972 unitizations, the total current monthly production from the unit must be compared with the corresponding 1972 total monthly production from the unit. This will avoid the anomalies that are likely to result from attempting to compare current actual or imputed monthly production for each lease within the unit with actual or imputed monthly production for individual leases in 1972.

B. *Post-1972 Unitization*.—In the case of a property that was unitized after calendar year 1972, the need for comparison of like quantities requires the producer in computing the BPCL to measure and total the individual 1972 monthly production levels for each of the leases that now comprise the unit. Accordingly, for example, where a unit consists of several leases that were unitized in 1973, the property consists of the unit, and the BPCL is the total 1972 monthly production from all of the several leases that now comprise the unit. Under no circumstances, therefore, would a post-1972 unitization create a "new" property, i.e., one that has no BPCL.

Example 1: In 1973, seven leases were unitized. For each lease, the March 1972 production was as follows:

A—500 barrels  
B—750 barrels  
C—350 barrels  
D—800 barrels  
E—400 barrels  
F—1000 barrels  
G—200 barrels

Production from the unit in March 1975 was 4300 barrels. Totaling the March 1972 production levels of each lease yields a BPCL of 4000 barrels. Accordingly, since the March 1975 production from the unit exceeded the property's BPCL by 300 barrels, and assuming there is no current cumulative deficiency in BPCL for any of the leases or for the unit, 300 barrels of new and 300 barrels of released crude oil may be sold by the producer without regard to the ceiling price rule.

C. *Unitization During 1972*.—In those cases where a property was unitized during 1972, comparison of like quantities requires a two-stage computation of BPCL to be done with reference to 1972 production levels. For that portion of

calendar year 1972 before unitization, the BPCL is equal to the total production from all of the several leases that now comprise the unit; for the remaining portion of calendar year 1972 after unitization, the BPCL is equal to the total production from the unit.

Example 2: Assume that the seven leases in Example 1 were unitized on April 1, 1972, and that the production figures shown in Example 1 represent the production levels for each lease in January, February, and March of that year. Thereafter the unit produced crude oil at the rate of 4000 barrels in April and May, at the rate of 4100 barrels in June, July and August, and at the rate of 4150 barrels in September, October, November and December.

For each of the months of January through March, the BPCL is 4000 barrels (i.e., the total production of all leases comprising the unit). For the months after April 1, the BPCL is equal to the total production of the unit, i.e., 4000 barrels in the months of April and May, 4100 barrels in the months of June, July, and August, and 4150 barrels in the months of September, October, November and December.

In sum, in determining the BPCL for a particular property, the producer must look to the property as it existed in 1972 in order to establish the appropriate production levels.

D. *Post-1972 Subdivision*.—Just as a post-1972 unitization does not establish a new property, neither does the subdivision after 1972 (through assignment, creation of new leases, or otherwise) of a single right to produce crude oil into several rights to produce crude oil establish a new property for purposes of measuring the BPCL and determining whether any new or released crude oil has been produced.

Example 3: A is a firm that produced crude oil from a 650 acre lease in 1972. The lease established in A a single right (assignable in whole or in part) to produce crude oil from the entire 650 acres. In 1974, A assigned 100 acres to B, who drilled for and began producing crude oil. During 1972, there were no producing wells on the 100 acres assigned from A to B.

The production from B's lease is not necessarily classified as new crude oil.

The fact that during 1972 there were no producing wells within the geographical boundaries of the lease now operated by B does not establish, per se, that all of B's production will qualify as new oil. Only when the total current production from the entire 650 acres is measured against the 1972 production from the comparable area can a determination be made as to the existence of new and released crude oil.

The result reached in Example 3 is consistent with the policy that underlies the two-tier pricing system. For if instead of assigning a portion of the original lease to B, A developed that portion of the lease himself, the production of new oil would occur only if production from the entire property exceeded 1972 levels for the entire 650 acres. That is, where A's property consisted of a single right to produce crude oil from a 650 acre lease, the drilling of a new well located upon a previously undeveloped portion of the lease would not automatically establish new crude oil. Under no circumstances does the mere drilling of a new

well automatically establish the production as new crude oil. Production from a property qualifies as new crude oil only if in excess of the property's 1972 production levels and any current cumulative deficiency. The result in the example above is no different merely because A has assigned to B the right to produce crude oil from a portion of the lease. Obviously, neither would B's acquisition from A of the right to produce crude oil from the entire 650 acres establish a new property, resulting in the production of all new oil. Rather, the BPCL for B's property in that case would be equal to the 1972 production levels from the property described by A's right to produce crude oil in 1972. A's transfer of less than the entire property does not yield a different result.

E. *Subdivision During 1972*.—Cases where a property was subdivided during 1972 are governed by a rule similar to that described in Example 2 for unitization during 1972. The BPCL during the first portion of the year (i.e., before the subdivision) is equal to the monthly production in 1972 from the entire lease; during the second portion of the year (i.e., after the month in which the subdivision occurred), the BPCL is equal to the two leases.

Example 4: A is a firm that produced crude oil from a 650 acre lease since 1969. In the first portion of 1972, the property's production levels were as follows:

January—400 barrels  
February—450 barrels  
March—450 barrels  
April—500 barrels

On May 1, A transferred 250 acres to B. During 1972, there were no producing wells on the 250 acres transferred from A to B. The corresponding production levels for the balance of 1972 were as follows:

	Lease A (barrels)	Lease B (barrels)
May.....	500	0
June.....	400	50
July.....	450	100
August.....	500	150
September.....	500	200
October.....	550	200
November.....	500	200
December.....	450	200

Accordingly, for the months from January through April, the BPCL is equal to the production from the entire 650 acres (A's lease), i.e., 400 barrels for the month of January, 450 barrels for the months of February and March, and 500 barrels for the month of April. For the months of May through December, the BPCL is still equal to the total production from the entire 650 acres (now A's lease plus B's lease), i.e., 500 barrels for the month of May, 450 barrels for the month of June, 550 barrels for the month of July, 650 barrels for the month of August, 700 barrels for the month of September, 700 barrels for the month of October, and 650 barrels for the month of December.

For any current month, the production from A's lease plus the production from B's lease must exceed the BPCL and any cumulative deficiency before any crude oil may be sold without regard to the ceiling price rule.

In cases where a property has been subdivided during or since 1972, the cur-

rent producers must show that the accumulated total current production from the present leases is in excess of the 1972 production levels for the property as it existed in 1972 plus any current cumulative deficiency in order to establish new and released crude oil. Where the producers have determined that based upon the proper application of the new and released provisions as interpreted in this Ruling, a specific amount of current production qualifies as new and released, they may allocate such new and released crude oil among themselves in whatever proportions they may agree upon. If they are unable to agree, they may petition the FEA pursuant to Subpart G of Part 205 for a resolution.

F. *Production From More Than One Reservoir on a Single Property*.—Because the property concept is based upon the right to produce crude oil, whether arising from a lease or from a fee interest, the existence of two or more separate and distinct reservoirs will not in itself create two or more separate "properties". Therefore, for purposes of determining BPCL, where a producer holds a single right to produce crude oil from two or more reservoirs, together the two or more reservoirs constitute a single property; where there are separate and distinct rights to produce crude oil from each reservoir, each reservoir accordingly represents a different property.

Example 5: O is the fee owner of a 650 acre parcel of land. In 1969, O executes a lease granting A the exclusive right to produce crude oil from the entire 650 acres. In 1972, A was producing crude oil from a reservoir at the level of 2,000 feet. A reservoir at the level of 3,000 feet had not at that time ever produced crude oil. In 1975, A drills a well and begins to produce crude oil from a separate reservoir at the level of 3,000 feet. Since A holds the right to produce crude oil from all levels, the property consists of the entire 650 acres including both reservoirs. Production does not qualify as new unless the total amount of monthly production from both reservoirs is in excess of 1972 levels and any current cumulative deficiency from the entire 650 acres.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

AUGUST 29, 1975.

[FR Doc.75-23481 Filed 8-29-75;5:15 pm]

[Ruling 1975-14]

## RESELLERS, RESELLER-RETAILERS AND RETAILERS

## Prices Charged to Reflect Non-Product Cost Increases

FACTS: Firm I, a reseller of residual fuel oil, sold in retail sales 50,000,000 gallons of residual fuel oil during the period April 1, 1974, through March 31, 1975. During that time period, Firm I's non-product costs attributable to its retail sales of residual fuel oil averaged 1.25 cents per gallon, which represented an increase in the level of non-product costs incurred by Firm I in connection with its retail sales of residual fuel oil of .25 cents per gallon since May 15, 1973. In its retail

sales of residual fuel oil since April, 1974, segments of the petroleum industry concerned on May 15, 1973:

increases but be unable to increase prices gallon to 12.8 cents per gallon, the price costs before the additional price in-



sales of residual fuel oil since April, 1974. Firm I has charged prices reflecting first, the amount permitted to be charged pursuant to § 212.93(a), which provides that:

(a) A seller may not charge a price for any item subject to this subpart which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, plus an amount which reflects on a dollar-for-dollar basis, increased costs of the item.

and, second, an additional .75 cents per gallon. Firm A seeks to justify the charging of an additional .75 cents per gallon under the terms of § 212.93(b), which provides in relevant part:

(b) Notwithstanding the provisions of paragraph (a) of this section:

(3) With respect to residual fuel oil beginning with April 1974: in retail sales, a seller may charge three-fourths cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973. . . .

**ISSUE:** May increased prices be charged pursuant to § 212.93(b) that exceed the amount of non-product cost increases incurred by the seller after May 15, 1973?

**RULING:** Resellers, reseller-retailers, and retailers cannot charge increased prices pursuant to § 212.93(b) except to the extent that such prices actually "reflect non-product cost increases which the seller incurred after May 15, 1973."

Thus, in the case of Firm I, the prices charged in the one year period beginning April 1, 1974, resulted in overcharges by that firm of 0.5 cents per gallon.

Although the language of § 212.93(b) clearly sets forth the requirement that sellers must have incurred non-product cost increases to avail themselves of the various price increases permitted in sales of certain products by that section, the FEA has not provided any regulations governing the method by which such increased non-product costs are to be computed. This is because the various entities subject to the price rules of Subpart F (Resellers and Retailers) are so numerous and so diverse as to make such an effort impracticable. Accordingly, the FEA will generally permit such firms to establish their non-product cost increases attributable to their reseller or retailer operations based upon their customary accounting procedures generally accepted and historically and consistently applied by the firm concerned.

The FEA is also aware that many of the hundreds of thousands of small retail firms subject to Subpart F do not have elaborate accounting procedures capable of yielding precise non-product cost figures, and the increments permitted to be added to selling prices to reflect increased non-product costs pursuant to § 212.93(b) were adopted by FEA with a view toward approximating the average actual non-product cost increases being experienced by the various

segments of the petroleum industry concerned. For the most part, the FEA believes, based on information submitted in various rulemaking proceedings that have been held to consider revising § 212.93(b), that the maximum non-product cost increments set forth in § 212.93(b) generally are representative of the relevant overall non-product cost increases that have been experienced in the industry. Moreover, for products that are in abundant supply, such as gasoline, the forces of competition tend to restrict prices charged to levels that represent the recoupment of actual product and non-product costs, plus the historical margin of profit needed to sustain the business.

Accordingly, the FEA does not anticipate that this ruling will have any widespread effects with respect to the majority of firms subject to Subpart F, even if they might erroneously have regarded the price increments specified by § 212.93(b) as not having to be justified by actual non-product cost increases, since most firms have in fact incurred non-product cost increases equal to, if not more than, those specified in § 212.93(b).

However, in those instance where a firm's increased non-product costs have been substantially less on a per-unit basis than the amount of the per-unit price increases allowable to reflect increased non-product costs pursuant to § 212.93(b), FEA will, as stated above, treat as overcharges any prices ostensibly charged pursuant to § 212.93(b) that do not, in fact, reflect actual increased non-product costs. Based on the information available to FEA at this time, the most likely instances in which non-product costs actually incurred may not have been equal to or greater than the amounts set forth in § 212.93(b) are with respect to very large resellers, whose sales volumes result in relatively small per unit non-product costs, compared with the per unit non-product costs of smaller firms.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

AUGUST 29, 1975.

[FR Doc. 75-23466 Filed 8-29-75; 4:43 pm]

[Ruling 1975-16]

#### RESELLERS, RESELLER-RETAILERS, AND RETAILERS

##### Carry-Forward of the Amount by Which Prices Charged Are Less Than the Price Increases Permitted To Reflect Increased Non-Product Costs

**FACTS:** Firm X, a retailer of gasoline, computed its maximum lawful price for gasoline on June 1, 1975, following a delivery of gasoline on that date, which resulted in a new, higher weighted average unit cost of gasoline in inventory, pursuant to 10 CFR 212.93 as follows:

(1) The weighted average price at which gasoline was lawfully priced by the seller in transactions with the class of

purchaser concerned on May 15, 1973: 37.2 cents per gallon; plus

(2) Increased costs (as defined in § 212.92, based on a weighted average unit cost of product in inventory on May 15, 1973, of 30.2 cents per gallon, and a current weighted average unit cost of product in inventory of 42.5 cents per gallon): 12.3 cents per gallon; plus

(3) The amount permitted to be charged pursuant to § 212.93(b) to reflect non-product cost increases which the seller incurred after May 15, 1973: 3.0 cents per gallon; for a total of 52.5 cents per gallon.

Based on this computation, Firm X on June 1, increases its selling price for gasoline to 51.5 cents per gallon.

On June 15, 1975, Firm X receives a delivery of gasoline at 43.5 cents per gallon, and, as a result the weighted average unit cost of gasoline in inventory of Firm X is increased to 43.0 cents per gallon. Since Firm X has already increased its price once in June, to reflect increased costs, it may not again increase its prices until July.

**ISSUE:** What portion, if any, of the amount by which Firm X's price is less than the maximum lawful price can Firm X carry forward from June, for recovery in prices charged in a subsequent month?

**RULING:** Pursuant to § 212.93(e), Firm X is permitted to carry forward unrecovered "increased costs," as defined in § 212.92 (i.e., unrecovered increased product costs), for recovery in a subsequent month. The regulations do not include a corresponding provision for the carry forward of amounts by which prices charged do not take full advantage of the authorization in § 212.93(b) to charge prices in excess of those otherwise permitted, to reflect increased non-product costs. Section 212.93(b) therefore simply affords a seller a continuing opportunity to recover increased non-product costs up to a specified price increment per unit of sales, but does not entail any authority to carry forward for use in determining prices in subsequent months the amount by which prices charged are less than the price increment permitted by that section.

In order to implement this distinction in treatment between increased product costs and price increments to reflect increased non-product costs, prices are regarded as being constituted of three elements, in the sequence in which those elements are set forth in the regulations: i.e., first, the May 15, 1973 price; second, the increased product cost; and, third, increased non-product costs. Accordingly, as a general rule, only where a price charged is less than the price based on the first two elements (May 15, 1973 price plus increased product costs), and exclusive of any price increase pursuant to § 212.93(b), which affords the opportunity to pass through increased non-product costs, will there be any unrecovered increased product costs available for carry forward under § 212.93(e).

An exception to this general rule is afforded, however, in recognition of the fact that sellers may incur product cost

increases but be unable to increase prices because of previous price adjustments in that month, or may otherwise not find it practicable to adjust prices each time they receive a delivery of product which results in a change in their weighted average unit cost of product in inventory. In such cases, a seller will be permitted to treat the prices charged during the entire period between its price adjustment as including the same increment of non-product cost recovery as was included when that price was initially adjusted.

Thus, in the case of Firm X, its price on June 1, 1975 represented a May 15, 1973 price of 37.2 cents per gallon, increased product costs of 12.3 cents per gallon, and increased non-product costs of 2 cents per gallon. Then, when the amount of its increased product costs changed on June 15, from 12.3 cents per

gallon to 12.8 cents per gallon, the price charged continued to represent a 2 cent per gallon recovery of increased non-product costs. Thus, notwithstanding the fact that Firm X, beginning June 15, had increased product costs of 12.8 cents per gallon, the 51.5 cent price being charged continues to represent a May 15, 1973 price of 37.2 cents, increased product costs of 12.3 cents, and increased non-product costs of 2 cents. The 0.5 cent per gallon increase in product costs that is not recovered in sales beginning on June 15 and continuing until Firm X makes its next price adjustment may therefore be carried forward pursuant to § 212.93(e) for recovery in a subsequent month. However, when Firm X computes its maximum prices for purposes of its next price adjustment, the price that is established will again be deemed to include all available increased product

costs before the additional price increases permitted pursuant to § 212.93(b) to reflect increased non-product costs will be deemed to have been charged.

This ruling only addresses the maximum level to which prices may be increased pursuant to § 212.93(b) "to reflect" increased non-product costs. Questions relating to the extent to which actual non-product cost increases must be incurred to take advantage of § 212.93(b) price increases are discussed in Ruling 1975-14. It should be noted in that regard, however, that there is no requirement that increased non-product costs be passed through pursuant to § 212.93(b) in the same month they are incurred.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

AUGUST 29, 1975.

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tion; and a recommendation for handler carryover of inshell filberts at the end of a year.

established on the basis of a production estimate released in September and the production estimate is subsequently in-

not available as inshell filberts for the domestic market in the succeeding year. The marketing policy year discussed in



## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

[7 CFR Part 982]

[Docket No. AO 205-A 4]

#### FILBERTS GROWN IN OREGON AND WASHINGTON

##### Decision on Proposed Further Amendment of the Marketing Agreement and Order

A public hearing was held upon proposed further amendment of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), (hereinafter referred to collectively as the "order") regulating the handling of filberts grown in Oregon and Washington. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Portland, Oregon, on April 29, 1975, pursuant to notice thereof issued on April 15, 1975.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on July 15, 1975, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed.

The material issues, findings and conclusions, rulings, and general findings of the recommended decisions are hereby approved and adopted and are set forth in full herein.

**Material issues.** The material issues of record are as follows:

- (1) Provide for a "marketing policy year" for purposes of volume regulation under the order;
- (2) Change references to "fiscal year" in the order to "marketing policy year" where applicable;
- (3) Provide flexibility in estimating mending inshell carryover when recommending merchantable production and in recommending marketing policy;
- (4) Provide for establishment of a preliminary free percentage early in the marketing policy year;
- (5) Provide for establishment of free and restricted percentages on a "marketing policy year" basis and that such percentages established in one year remain in effect until percentages for the subsequent year are established;
- (6) Require shelled filberts which are to be credited in satisfaction of a restricted obligation to be inspected and certified by the Federal-State inspection service;
- (7) Permit handlers to withhold shelled filberts to satisfy restricted obligations, and require that any filberts to be so withheld be inspected and certified as meeting the requirements of Oregon No. 1 grade for shelled filberts;

(8) Provide for an equivalent weight basis for shelled filberts to be credited in satisfaction of a restricted obligation;

(9) Change the latest date to which handlers may temporarily defer under bond, the withholding of filberts in satisfaction of restricted obligations;

(10) Require handlers to report their inventory of inshell and shelled filberts as of the first day of the marketing policy year; and

(11) Make such changes in the order as may be necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

**Findings and conclusions.** The following findings and conclusions on the material issues are based on the record of the hearing:

(1) Section 982.17 of the marketing agreement and order (hereinafter, in this text of the findings and conclusions, collectively referred to as the "order") should be amended to provide for a marketing policy year. That section currently defines the term "fiscal year" to mean the 12 months from August 1 to the following July 31, both inclusive. The operation and administration of the marketing order is geared to this period. However, this period does not correspond closely with the actual production and marketing cycle of filberts. Delivery to handlers of new crop filberts normally begins about October 1. The heavy shipment of new crop filberts by handlers begins as soon as these nuts can be processed and packaged.

Establishment of a marketing policy year corresponding with filbert production and marketing would enable the Filbert Control Board (hereinafter, in this text of the findings and conclusions, referred to as the "Board") to make its marketing policy estimates and recommendations as close to the actual production and marketing cycle as is practicable.

Currently, annual volume regulation is established for a fiscal year and is based upon data kept on a fiscal year basis. Thus, annual marketing decisions which usually are made by the Board in mid-September do not ordinarily take into account any changes that may have occurred since the end of the previous fiscal year. If the marketing policy year were set from new crop to new crop, it would not be necessary to estimate requirements from August 1 to July 31 and then estimate additional requirements from August 1 to October 1 of the following year. In other words, the proposal would enable the Board to recommend a one-year supply to fill a one-year demand.

The proposed marketing policy year would be used only for purposes of volume regulation. The Board would continue to maintain statistical data, administrative activities, and the financial operation of the order on a fiscal year basis.

At the hearing, there was some uncertainty on the part of the proponents as to the exact dates which should be established for the proposed marketing policy year. Some handlers customarily ship carryover inshell filberts into export outlets, or shell the carryover, in August and September, to accumulate restricted credits. These credits are then applied to the restricted obligations incurred when these handlers begin to ship merchantable filberts (of the new crop) to the domestic market in October. The proponents testified that further review of this matter should be made by the Board before establishing a marketing policy year that would cover a period of time different from the fiscal year. Furthermore, the marketing policy year should not be changed indiscriminately, but only when experience proves that there should be an adjustment, or when it becomes obvious that the established dates are not functional from the standpoint of industry operational practices. Therefore, the dates of the present fiscal year (i.e., August 1 through July 31) should be used for the marketing policy year and authority be included in § 982.17 to change that year to such other period of time as may be recommended by the Board and established by the Secretary through rulemaking.

(2) Material issue (1), as proposed, regarding establishment of a marketing policy year for purposes of volume regulation, would necessitate conforming changes in other sections of the order. Accordingly, all references to "fiscal year" should be changed to "marketing policy year" in §§ 982.16; 982.50 (c) and (d); 982.52 (a) and (d); 982.54 (a), (c), and (e); 982.71; and 982.86(b)(3). It would also be necessary to change references to "fiscal year" to "marketing policy year" in certain other provisions. These changes will be recommended in the discussion of the particular material issue of this recommended decision wherever applicable.

(3) Section 982.40 of the order contains the estimates and recommendations which must be made by the Board in recommending its annual marketing policy to the Secretary. Among these are: An estimate of merchantable production; and a recommendation for handler carryover of inshell filberts at the end of a year.

The estimate of merchantable production of filberts made by the Board at its marketing policy meeting is based upon an estimate of field-run filbert production by the Statistical Reporting Service, USDA. The first SRS estimate of this production is released early in September. From this estimate, the Board deducts a quantity of filberts for small sizes, culls and blows, and farm and miscellaneous use, to arrive at its estimate of merchantable production. Whenever volume regulations are made effective for a year, a quantity of inshell filberts is made available for the domestic market by means of a free percentage to meet the estimated inshell trade demand. The volume regulation also includes a restricted percentage, which prescribes the portion that must be withheld from handling as inshell filberts. Restricted filberts may be disposed of by handlers as inshell filberts into the export market, or as shelled filberts into either the domestic or export market. These percentages are recommended by the Board and established by the Secretary. The free and restricted percentages should be established as early in the year as is practicable so that handlers will be aware of their restricted obligations and can plan their operations accordingly. When a handler makes a shipment of inshell filberts into the domestic market, he is required by the order to withhold a specific quantity of filberts as restricted filberts.

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It was proposed in the notice of hearing that the first sentence of § 982.40(a) be amended to read, "Each marketing policy year, prior to the time the new crop filberts are available for handling, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for that year." (The proposal would require a Board meeting after the beginning of a marketing policy year to make marketing policy recommendations for that year. This could cause difficulty for the industry if the marketing policy year begins October 1, especially when coupled with an early crop or development of new varieties of filberts which may be harvested earlier than current varieties. Furthermore, since the first estimate of production upon which marketing policy is based is released in September and new crop filberts are ordinarily available early in October, the Board generally has held its marketing policy meeting in September, and there is no indication that the Board will change its practice in the future. Therefore, the first sentence of § 982.40(a) should be amended to read, "For each marketing policy year, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for that year."

In some years, the production estimate used by the Board in estimating merchantable production of filberts has been less than actual production. Once the free and restricted percentages are established, the free percentage cannot be lowered. Thus, if the free percentage is established on the basis of a production estimate released in September and the production estimate is subsequently increased, an over-supply of inshell filberts is made available for the domestic market. To correct this problem, § 982.40(a)(1)(i) should be amended to provide that the Board may include in its estimate of the quantity of merchantable filberts to be produced during a marketing policy year an adjustment to protect against any error in estimation of that production. The order should not prescribe an exact amount which should be used for the adjustment. The Board should take into consideration the amount of any errors in production estimates in previous years. The adjustment should be reasonable and should not be such as might materially short the supply of inshell filberts to be made available for the domestic market early in the year. When the estimate of production is released in November, the Board should meet to determine if any change in the free percentages is necessary.

In the notice of hearing it was proposed that provision to permit the Board to include an adjustment to protect against any error in estimation of production should be included in § 982.40(a)(1)(v). However, at the hearing, the proponents testified that this provision should be contained in § 982.40(a)(1)(i) because this subdivision deals with the Board's estimate of merchantable production and any adjustment would be made in this estimate. Subdivision (v) of § 982.40(a)(1) deals with the Board's recommended free and restricted percentages for a marketing policy year. Therefore, it is more appropriate that this provision for adjustment be included in § 982.40(a)(1)(i).

The Board should not be required to include an adjustment for any error in estimation of production, but rather should be permitted to use such an adjustment if it deems this necessary.

Section 982.40(a)(1)(iii) of the order provides for a Board recommendation for handler carryover of inshell filberts at the end of a year which may be available for handling as inshell filberts in the subsequent year. The purpose of this provision is to make available inshell filberts for shipment after July 31 of a year before new crop filberts become available (early October). In practice, the industry views this as requiring the Board to recommend a specific quantity as carryover, and the Board has acted accordingly. That is, the industry does not interpret this provision as permitting the Board to recommend a "zero" carryover. However, there is no requirement that handlers actually carry over the recommended quantity of inshell filberts. In fact, marketing conditions determine the size of any carryover. Thus, the recommended carryover at the end of a year merely makes a quantity of inshell filberts available to the domestic market which is in excess of the quantity needed for shipment as inshell filberts during the year. In many instances, this recommended carryover has been exported or shelled, and thus was

not available as inshell filberts for the domestic market in the succeeding year. The marketing policy year discussed in material issue (1) of this recommended decision, when fully implemented, could result in the Board's recommendations on marketing policy being based upon a time period that more closely coincides with production and marketing cycles. Such a time period as a basis for marketing policy recommendations lessens the need for any carryover.

It is possible that circumstances, trade conditions, or industry practices may change in the future and make it advisable for the Board to again include in its marketing policy a recommendation for inshell handler carryover. Therefore, § 982.40(a)(1)(iii) should make it clear that the Board is permitted, not required, to recommend a carryover of inshell filberts in its marketing policy determinations.

Material issue (1) of this recommended decision recommends establishment of a marketing policy year for purposes of volume regulation. Section 982.40 sets forth the Board estimates and recommendations upon which volume regulation is based. Therefore, all references in § 982.40 to "fiscal year" should be changed to "marketing policy year", with the following exception: Paragraph (b) of this section currently provides for revisions of marketing policy. Such revisions may be recommended by the Board, or by handlers who handled at least 10 percent of all filberts in the preceding fiscal year. The reference to "fiscal year" must be retained in this paragraph. The reason is that the first year the marketing policy year is used, there will be no preceding marketing policy year. If a reference to fiscal year is not retained, handlers would be precluded from recommending revisions in marketing policy during the first marketing policy year.

(4) Proposal No. 4 contained in the notice of hearing would have amended § 982.40 of the order to provide for establishment of a preliminary free percentage (early in the marketing policy year) which would release 90 percent of the estimated trade demand for inshell filberts. Then, no later than November 15, the Board would have been required to recommend a free percentage which would tend to release a quantity equal to the estimated trade demand for inshell filberts for that year.

This proposal was abandoned by the proponents and no testimony in support of it was presented at the hearing.

(5) Section 982.41 contains authority for establishment of free and restricted percentages. The proposed amendment of this section is primarily to bring it into conformity with proposed §§ 982.17 and 982.40 by changing references to "fiscal year" to "marketing policy year". In addition, some minor changes should be made in § 982.41 for clarity and to delete repetition. In the notice of hearing, it was proposed that the ratio to be considered by the Secretary when establishing free and restricted percentages be changed by deleting reference to "the

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inshell handler carryover at the end of the year" in the second sentence of

hold a specified quantity (weight) of merchantable filberts. This obligation

not tender a quantity of certified merchantable filberts, or a quantity of credit-

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tified as merchantable filberts, or have the creditable weight of the ungraded

report. It is not intended that establishment of a marketing policy year which is

rectly burdens, obstructs, or affects such commerce.

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inshell handler carryover at the end of the year" in the second sentence of § 982.41. The recommended amendment of § 982.40(a) (1) (iii) included in the discussion of material issue (3) of this recommended decision would permit the Board to recommend or not recommend a handler carryover of inshell filberts at the end of a marketing policy year. To conform with the recommended amendment of § 982.40(a) (1) (iii), the reference to "the inshell handler carryover at the end of a year" should be retained in the second sentence of § 982.41, with the addition of a modifying phrase "when applicable" inserted after the first "and". Thus, the reference to inshell carryover should read, "and, when applicable, the inshell handler carryover at the end of the year."

In the notice of hearing, it was also proposed that the last sentence of § 982.41 be deleted. That sentence reads, "Until free and restricted percentages are established by the Secretary for a fiscal year, the percentages in effect at the end of the previous year shall be applicable". At the hearing, the proponents testified that this sentence should not be deleted. Shipments of merchantable filberts into the domestic market may be made by handlers after the beginning of a marketing policy year but prior to the time the free and restricted percentages for the new year are established. In order for handlers to make their plans for early season shipments, they should have to meet a definite withholding obligation. Thus, the last sentence of § 982.41, which provides that until free and restricted percentages for a year are established, the percentages in effect at the end of the previous year shall be applicable, should be retained.

(6) Section 982.46(a) should be amended to provide that shelled filberts which are to be credited in satisfaction of a restricted obligation shall be inspected and certified by the Federal-State Inspection Service. This arises from the recommended amendment of § 982.50 which is discussed in material issue (7) of this recommended decision. The recommended amendment of § 982.50 will provide that shelled filberts may be credited in satisfaction of a handler's restricted obligation, and it is therefore appropriate that these shelled filberts should be inspected and certified and the quality be comparable to that of merchantable filberts. The proponent testimony indicates that the services of the Federal-State Inspection Service should be utilized for this inspection and certification since this agency is currently providing inspection service under the order and there should be no problem in providing this additional service.

(7) Section 982.50(a) should be amended to permit handlers to withhold shelled filberts (in lieu of inshell filberts) to satisfy restricted obligations. Under the current marketing order provisions, when a handler ships a quantity of merchantable filberts (i.e., inshell filberts that meet grade and size regulations under the order) into the domestic market, he incurs an obligation to with-

hold a specified quantity (weight) of merchantable filberts. This obligation may be satisfied by withholding from handling a specified quantity of merchantable filberts, or in lieu of merchantable filberts, by withholding from handling an equivalent quantity of creditable ungraded inshell filberts. The domestic demand for inshell filberts is highly seasonal, and is the greatest during the fall and winter holiday season. Therefore, the largest quantities of inshell filberts are shipped during the last quarter of the calendar year. Under the current order, the handler must withhold the largest quantity of inshell filberts during that part of the year in which he has the greatest need for availability of inshell nuts. At the same time handlers are making shipments of inshell filberts, many of them are active in the shelled filbert market, thereby making it desirable and necessary for them to have quantities of shelled filberts in inventory.

Permitting handlers to satisfy their restricted obligations by setting aside shelled filberts in lieu of merchantable filberts would afford handlers the maximum flexibility in responding to their individual needs for both inshell and shelled filberts.

Since merchantable filberts withheld by handlers must be inspected and certified as meeting the requirements of Oregon No. 1 grade and medium size (as defined in the Oregon Grade Standards Filberts In Shell), any shelled filberts for which a handler wishes to receive credit in satisfaction of his restricted obligation should meet some grade requirement. The evidence of record is that a satisfactory requirement for these shelled filberts would be a requirement that they be inspected and certified as meeting the standard in effect for Oregon No. 1 grade for shelled filberts (as contained in Oregon Grade Standards for Filbert (Hazel-nut) Kernels) or such other standards as may be recommended by the Board and established by the Secretary. However, this requirement should not be considered as the minimum standard for shelled filberts authorized in § 982.45(a) of the order.

At present, filberts withheld from handling as inshell filberts may be disposed of by handlers by: Shelling the filberts exporting them (inshell or shelled); or disposing of them in outlets which the Board determines are noncompetitive with normal market outlets for inshell filberts. Most filberts which are withheld in satisfaction of restricted obligations are ultimately shelled and sold as filbert kernels. Thus, permitting handlers to withhold shelled filberts affords them maximum flexibility in their operations.

A revision in wording of § 982.50(a) from that contained in the notice of hearing is included in the recommended amendment of that section. This would require any handler who intends to withhold shelled filberts in order to satisfy a restricted obligation to declare this intention to the Board before the filberts are shelled. The reason for this revision is to make it clear that a handler could

not tender a quantity of certified merchantable filberts, or a quantity of creditable ungraded inshell filberts, to satisfy a withholding obligation, and then at a later time, shell these nuts and tender the kernels obtained from that lot to again satisfy withholding obligations, thus obtaining a double withholding credit from the same filberts.

(8) Section 982.51 of the order should be amended to provide that the Board may recommend, and the Secretary establish, any terms and conditions applicable to the withholding, in lieu of merchantable filberts, by handlers, of shelled filberts in satisfaction of restricted obligations. Section 982.51 should also contain a conversion factor for determining the inshell equivalent of shelled filberts and the authority to change such factor. This amendment is needed to implement the amendment discussed in material issue (7) of this recommended decision.

It is difficult to foresee every requirement which may need to be established and included in the administrative rules and regulations to control the withholding of shelled filberts, in lieu of merchantable filberts, to satisfy restricted obligations. The Board may need to prescribe: A time period during which handlers would be permitted to use this authority; adequate identification procedures; requirements governing transfer of restricted credits derived from shelled filberts; and maintenance of lot identification.

Section 982.51 should also be amended to establish a weight ratio, or equivalent weight basis, upon which shelled filberts may be withheld, in lieu of merchantable filberts, in satisfaction of restricted obligations. Proponent testimony indicated that it takes approximately 2½ pounds of inshell filberts to yield 1 pound of filbert kernels, or in other words, multiplying the weight of a quantity of filbert kernels by 250 percent results in approximately the equivalent of that quantity as inshell nuts. This ratio is generally supported by industry experience, although some small variances may occur from one season to the next and from one lot to another. It is possible that this ratio may change in the future because of such things as: New filbert varieties; improved cultural practices; or improved processing techniques. Therefore, the order should provide that the equivalent weight basis may be changed upon recommendation of the Board with the approval of the Secretary.

(9) Section 982.54(a) should be amended to change the latest date to which handlers may defer, under bond, withholding of filberts in satisfaction of a restricted obligation. Currently, the latest date permitted is January 31. This date should be changed to April 30.

In years when a large crop of filberts is produced, handlers generally have large quantities of field-run filberts, which they intend to process, in storage containers on their premises in January. With January 31 as the latest date to which handlers may defer withholding, handlers must either process these filberts and have them inspected and cer-

tified as merchantable filberts, or have the creditable weight of the ungraded inshell filberts determined by the Federal-State Inspection Service, in order to meet their restricted obligations after that date.

The evidence of record is that the January 31 deadline date is impracticable because it requires handlers to speed up processing and inspecting which ordinarily would be completed by April 30. The proponents testified that the latest date for deferment should be extended to April 30. Except in unusual circumstances, most filbert handlers tend to complete their processing and shipping operations for the year shortly before April 30. Extending the deferment date to April 30 would be consistent with the intent of the bonding provision which is to give handlers flexibility in their operations with respect to shipping merchantable filberts. Therefore, § 982.54(a) should be amended to provide this later date.

The notice of hearing with respect to the proposed amendment of § 982.54(a) included only the change in the date of bonding from January 31 to April 30. However, at the hearing, the proponents offered testimony to support revising paragraph (c) of § 982.54 to provide that the bonding rate established for a marketing policy year should remain in effect until a rate is established for the subsequent marketing policy year.

Section 982.54(c) of the order does not provide that the bonding rates for the preceding year should continue in effect until the new rates are fixed. Therefore, a sentence should be added to § 982.54(c) reading, "Until bonding rates for a marketing policy year are fixed, the rates in effect for the preceding marketing policy year shall continue in effect and when such new rates are fixed, necessary adjustments should be made".

(10) Section 982.65 should be amended to require each handler to report to the Board, within 10 days following the end of a marketing policy year, his inventory of inshell and shelled filberts as of the first day of the new marketing policy year.

The need for this amendment is created by the establishment of the marketing policy year as discussed in material issue (1) of this recommended decision.

The purpose of this amendment is to enable the Board to collect and assemble information on the amount of filberts which handlers have in inventory at the beginning of a marketing policy year. This information is needed, in conjunction with other data, by the Board in order to make the necessary estimates and recommendations for the annual marketing policy required under § 982.40 of the order.

Currently, § 982.65 requires handlers to report their inventory of inshell filberts and shelled filberts as of January 1 and August 1. Thus, two inventory reports per year are required. Establishment of a marketing policy year which is a different period of time from the fiscal year (August 1-July 31) contained in current § 982.17 would require a third inventory

report. It is not intended that establishment of a marketing policy year which is identical to the present fiscal year would require a third inventory report.

(11) Some of the amendatory actions included in this recommended decision cause the need to make certain conforming changes so that the order, as amended, will be in conformity with those actions. Any such changes are discussed with the issues to which they are pertinent. All such changes should be incorporated in the recommended amendment of the order.

*Rulings on briefs of interested persons.* At the conclusion of the hearing, the Administrative Law Judge fixed May 28, 1975, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. No briefs were filed.

*General findings.* Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 14 FR 5964; 19 FR 1163; 24 FR 6185; 37 FR 588).

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of filberts grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of filberts grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of filberts grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or di-

rectly burdens, obstructs, or affects such commerce.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington", and "Order Amending the Order, as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered.* That this entire decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

*Referendum order.* It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 et seq.), to determine whether the issuance of the annexed order as amended and as hereby proposed to be amended, regulating the handling of filberts grown in Oregon and Washington, is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during the representative period were engaged in the production area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be August 1, 1974, through July 31, 1975.

The agents of the Secretary to conduct such referendum are hereby designated to be Allan E. Henry, Joseph C. Perrin, Dennis L. West, and William J. Higgins, of the Fruit and Vegetable Division, Agricultural Marketing Service.

Signed at Washington, D.C. on August 29, 1975.

RICHARD L. FELNER,  
Acting Secretary.

*Order amending the order, as amended, regulating the handling of filberts grown in Oregon and Washington.*

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(a) *Findings.* A public hearing was held upon proposed amendment of the mar-

the trade from all handlers during a marketing policy year for distribution

§ 982.41 Free and restricted percentages.

merchantable filberts determined by dividing the quantity handled, or to be

ing a creditable weight of less than 50 percent of its total weight, or not meet-

handler may be permitted to act as agent of the Board, upon such terms and con-



(a) *Findings.* A public hearing was held upon proposed amendment of the marketing agreement and the order regulating the handling of filberts grown in Oregon and Washington on April 29, 1975, in Portland, Oregon. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the record it is found that:

(1) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of filberts grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing agreement and order upon which hearings have been held.

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act.

(4) There are no differences in the production and marketing of filberts grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of filberts grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of filberts grown in Oregon and Washington, shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision issued by the Acting Administrator on July 15, 1975, and published in the *FEDERAL REGISTER* on July 18, 1975 (40 FR 30277), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. Revise § 982.16 to read:

§ 982.16 *Inshell trade demand.*

"Inshell trade demand" means the quantity of inshell filberts acquired by

the trade from all handlers during a marketing policy year for distribution in the continental United States.

2. Revise § 982.17 to read:

§ 982.17 *Fiscal year and marketing policy year.*

(a) "Fiscal year" means the 12 months from August 1 to the following July 31, both inclusive.

(b) "Marketing policy year" means the 12 months from August 1 to the following July 31, both inclusive, or such other period of time as may be recommended by the Board and established by the Secretary.

3. Revise § 982.40 to read as follows:

§ 982.40 *Board's estimates and recommendations.*

(a) For each marketing policy year, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for that year. The recommendation shall include the following:

(1) *Inshell allocation.* (i) The Board's estimate of the quantity of merchantable filberts or available supply expected to be produced that year, taking into consideration an adjustment to protect against any error in estimation of that production. As soon as practicable after the official estimate of production is released in November, the Board shall, if necessary, meet to determine if a change should be made in the Board's estimate of the quantity of merchantable filberts or available supply expected to be produced.

(ii) The Board's estimate of the inshell handler carryover on the first day of the marketing policy year, segregated as to the quantity subject to regulation and not subject to regulation.

(iii) The Board's recommendation, if any, for handler carryover of inshell filberts on the last day of the marketing policy year, which may be available for handling as inshell filberts thereafter.

(iv) The Board's estimate of the trade demand for inshell filberts for that year, taking into consideration trade carryover at the beginning and end of the year, imports, prices, prospective shelled filbert market conditions and other factors affecting trade demand for inshell filberts during the year.

(v) The Board's recommendation as to a free percentage and a restricted percentage to be established for that year.

(2) *Grade and size regulations.* The Board shall review the grade and size regulations in effect and may recommend modifications thereof.

(b) *Revisions.* At any time prior to February 15 of any year, the Board, or two or more handlers who during the preceding marketing policy year (or fiscal year, when appropriate) handled at least 10 percent of all filberts handled, may recommend to the Secretary revision in the marketing policy for that year.

4. Revise § 982.41 to read:

§ 982.41 *Free and restricted percentages.*

Whenever the Secretary finds, on the basis of the Board's recommendation or other information, that limiting the quantity of merchantable filberts which may be handled during a marketing policy year would tend to effectuate the declared policy of the act, he shall establish a free percentage or increase the free percentage, as applicable, to prescribe the portion of those filberts which may be handled as inshell filberts and a restricted percentage to prescribe the portion that must be withheld from such handling. In establishing such percentages the Secretary shall consider the ratio of (a) the sum of the estimated inshell trade demand and, when applicable, the inshell handler carryover at the end of the year, less that portion of the inshell handler carryover at the beginning of the marketing policy year not subject to regulation to (b) the estimated supply of merchantable filberts subject to regulation and other relevant factors. Until free and restricted percentages are established by the Secretary for a marketing policy year, the percentages in effect at the end of the previous year shall be applicable.

5. Revise § 982.46 to read:

§ 982.46 *Inspection and certification.*

(a) Before or upon handling any filberts, or before any inshell or shelled filberts are credited (under §§ 982.50 or 982.51) in satisfaction of a restricted obligation, each handler shall, at his own expense, cause such filberts to be inspected and certified by the Federal-State Inspection Service as meeting the then effective grade and size regulations or, if inshell or shelled filberts are withheld under § 982.51, the applicable requirements specified in that section. The handler obtaining such inspection of filberts shall cause a copy of the certificate issued by such inspection service applicable to such filberts to be furnished to the Board.

(b) All filberts so inspected and certified shall be identified by seals, stamps, tags, or other identification prescribed by the Board. Such identification shall be affixed to the filbert containers by the handler under direction and supervision of the Board or the Federal-State Inspection Service, and shall not be removed or altered by any person except as directed by the Board.

(c) Whenever the Board determines that the length of time in storage and conditions of storage of any lot of certified merchantable filberts have been or are such as to normally cause deterioration, it may require that such lot of filberts be reinspected at the handler's expense prior to handling.

6. Revise § 982.50 to read:

§ 982.50 *Restricted obligation.*

(a) No handler shall handle inshell filberts unless prior to or upon shipment thereof, he: (1) Has withheld from handling a quantity, by weight, of certified

merchantable filberts determined by dividing the quantity handled, or to be handled, by the free percentage and multiplying the quotient by the restricted percentage; (2) has withheld from handling an equivalent quantity of creditable ungraded inshell filberts under § 982.51 (a); or (3) has under § 982.51 (b), declared in lieu of a quantity of certified merchantable filberts, under subparagraph (1) of this paragraph, the equivalent quantity, by weight as determined under that section, of shelled filberts certified as meeting the standards in effect for Oregon No. 1 grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazel) Nuts. Kernels or such other standards as may be recommended by the Board and established by the Secretary. Any handler who intends to withhold shelled filberts in satisfaction of a restricted obligation must make such declaration to the Board prior to shelling any such filberts. Withholding may be temporarily deferred under the bonding provisions in § 982.54. The quantity of filberts required to be withheld shall be the restricted obligation. Certified merchantable filberts handled in accordance with this subpart shall be deemed to be the handler's quota fixed by the Secretary within the meaning of section 8a(5) of the Act.

(b) Inshell filberts withheld by a handler in satisfaction of his restricted obligation shall not be handled and shall be held by him subject to examination by and accounting control of, the Board until disposed of pursuant to this part.

(c) A handler having certified merchantable filberts which have not been handled at the end of a marketing policy year may elect to have those filberts bear the restricted and assessment obligations of that year or of the marketing policy year in which handled. The Board shall establish such procedures as are necessary to facilitate the administration of this option among handlers.

(d) Whenever the restricted percentage for a marketing policy year is reduced, each handler's restricted obligation shall be reduced to conform with the new restricted percentage. Any handler who, upon such reduction, is withholding restricted filberts in excess of his new restricted obligation may have the excess freed from withholding by complying with such procedures as the Board may require to insure identification of the remaining filberts withheld.

7. Revise § 982.51 to read:

§ 982.51 *Restricted credit for ungraded inshell filberts and for shelled filberts.*

(a) A handler may withhold ungraded inshell filberts in lieu of certified merchantable filberts in satisfaction of his restricted obligation, and the weight on which credit may be received shall be the total weight less the cumulative total percentage, by weight, of (1) all internal defects, (2) all external defects in excess of 10 percent and (3) all small-sized filberts in excess of 5 percent (as defined in the Oregon Grade Standards Filberts In Shell). Any lot of ungraded filberts hav-

ing a creditable weight of less than 50 percent of its total weight, or not meeting the moisture requirements for certified merchantable filberts shall not be eligible for credit. All determination as to defects and small-sized filberts shall be made by the Federal-State Inspection Service at the handler's expense. Filberts so withheld shall be subject to the applicable requirements of § 982.50. The provisions of this section may be modified by the Secretary on the basis of a recommendation of the Board or other information.

(b) A handler may withhold, in accordance with § 982.50 (a) shelled filberts in lieu of merchantable filberts in satisfaction of his restricted obligation subject to such terms and conditions as are recommended by the Board and established by the Secretary. The inshell equivalent of any such filberts shall be determined by multiplying the weight of the shelled filberts by 250 percent. This percent may be changed upon recommendation of the Board and approval of the Secretary.

8. Revise § 982.52 to read:

§ 982.52 *Disposition of restricted filberts.*

Filberts withheld from handling as inshell filberts pursuant to §§ 982.50 and 982.51 may be disposed of as follows:

(a) *Shelling.* Any handler may dispose of such filberts by shelling them under the direction or supervision of the Board or by delivering them to an authorized sheller. Any person who desires to become an authorized sheller in any marketing policy year may submit written application during such year to the Board. Such application shall be granted only upon condition that the applicant agrees:

(1) To use such restricted filberts as he may receive for no purpose other than shelling;

(2) To dispose of or deliver such restricted filberts, as inshell filberts, to no one other than another authorized sheller;

(3) To comply fully with all laws and regulations applicable to shelling of filberts; and

(4) To make such reports, certified to the Board and to the Secretary as to their correctness, as the Board may require.

(b) *Export.* Sales of certified merchantable restricted filberts for shipment or export to destinations outside the continental United States shall be made only by the Board. Any handler desiring to export any part or all of his certified merchantable restricted filberts shall deliver to the Board the certified merchantable restricted filberts to be exported, but the Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the Board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the Board only on execution of an agreement to prevent reimportation into the continental United States. A

handler may be permitted to act as agent of the Board, upon such terms and conditions as the Board may specify, in negotiating export sales, and when so acting shall be entitled to receive a selling commission of five percent of the export sales price, f.o.b. area of production. The proceeds of all export sales after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose certified merchantable restricted filberts are so sold by the Board.

(c) *Other outlets.* In addition to the dispositions authorized in paragraphs (a) and (b) of this section, the Board may designate such other outlets into which such filberts may be disposed which it determines are noncompetitive with normal market outlets for inshell filberts. Such dispositions shall be made under the direction or supervision of the Board.

(d) *Restricted credits.* During any marketing policy year, handlers who dispose of a quantity of certified merchantable filberts, in restricted outlets, in excess of their restricted obligation, may transfer such excess credits to another handler or handlers. Upon a handler's written request to the Board during a marketing policy year, the Board shall transfer any or all of such excess restricted credits to such other handler or handlers as he may designate. The Board, with the approval of the Secretary, shall establish rules and regulations for the transfer of excess restricted credits.

9. Revise § 982.54 to read:

§ 982.54 *Deferment of restricted obligation.*

(a) *Bonding.* Compliance by any handler with the requirements of § 982.50 as to the time when restricted filberts shall be withheld shall be temporarily deferred to any date desired by the handler, but not later than April 30 of the marketing policy year, upon the voluntary execution and delivery by such handler to the Board, before he handles any merchantable filberts of such marketing policy year, of a written undertaking, secured by a bond or bonds with a surety or sureties acceptable to the Board, that on or prior to such date he will have fully satisfied his restricted obligation required by § 982.50.

(b) *Bonding requirement.* Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the handler's deferred restricted obligation. The bonding value shall be the deferred restricted obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the handler filing same.

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to handler f.o.b. shipping point which shall be computed

at the opening price for such pack an-

10. Revise § 982.65 to read:

duced for market within said States; but

than September 19, 1975. All written sub-

The material issues on the record re-

a dependable source of supply for his



## PROPOSED RULES

at the opening price for such pack announced by the handler or handlers who during the preceding marketing policy year handled more than 50 percent of the merchantable filberts handled by all handlers. Such handler or handlers shall be selected in the order of volume handled in the preceding marketing policy year (or fiscal year, if applicable) using the minimum number of handlers to represent a volume of more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more handlers for respective packs, the price so announced shall be averaged on the basis of the quantity of such packs handled during the preceding marketing policy year (or fiscal year, if applicable) by each such handler. Until bonding rates for a marketing policy year are fixed, the rates in effect for the preceding marketing policy year (or fiscal year, if applicable) shall continue in effect and when such new rates are fixed, necessary adjustments should be made.

(d) *Filbert purchases.* Any sums collected through default of a handler on his bond shall be used by the Board to purchase from handlers, as provided in this paragraph, a quantity of certified merchantable filberts on which the restricted obligation has been met, not to exceed the total quantity represented by the sums collected. The Board shall at all times purchase the lowest priced packs offered, and the purchases shall be made from the various handlers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(e) *Unexpended sums.* Any unexpended sums, which have been collected by the Board through default of a handler on his bond, remaining in the possession of the Board at the end of a marketing policy year shall be used to reimburse the Board for its expenses, including administrative and other costs incurred in the collection of such sums, and in the purchase of filberts as provided in paragraph (d) of this section. Any balance remaining after reimbursement of such expenses shall be distributed among all handlers in proportion to the quantity of certified merchantable filberts handled by them during the marketing policy year in which the default occurred.

(f) *Transfer of filbert purchases.* Filberts purchased as provided in this section shall be turned over to those handlers who have defaulted on their bonds for disposal by them as restricted filberts. The quantity delivered to each handler shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various handlers on the basis of the ratio of the quantity of filberts to be delivered to each handler to the total quantity purchased by the Board with bonding funds.

(g) *Collection upon bonds.* Collection upon any defaulted bond shall be deemed a satisfaction of the restricted obligation represented by the collection.

10. Revise § 982.65 to read:

§ 982.65 *Carryover reports.*

On or before January 15 and August 5, of each year and within 10 days following the end of a marketing policy year, respectively, each handler shall report to the Board his inventory of inshell and shelled filberts as of January 1, August 1, and the first day of the marketing policy year, respectively. Such reports shall be certified to the Board and the Secretary as to their accuracy and completeness and shall show, among other items, the following: (a) Certified merchantable filberts on which the restricted obligation has been met; (b) merchantable filberts on which the restricted obligation has not been met; (c) the merchantable equivalent of any filberts intended for handling as inshell filberts; and (d) restricted filberts withheld.

11. Revise § 982.71 to read:

§ 982.71 *Records.*

Each handler shall maintain such records of filberts received, held and disposed of by him as may be prescribed by the Board in order to perform its function under this part. Such records shall be retained and be available for examination by authorized representatives of the Board or the Secretary for a period of two years after the end of the marketing policy year in which the transactions occurred.

12. Revise paragraph (b) (3) of § 982.80 to read:

§ 982.80 *Effective time, termination or suspension.*

(b) \* \* \*

(3) The Secretary shall terminate the provisions of this subpart at the end of any marketing policy year whenever he finds that such termination is favored by a majority of the producers of filberts who during the preceding marketing policy year (or fiscal year, if applicable) have been engaged in the production for marketing of filberts in the States of Oregon and Washington: *Provided*, That, such majority have during such period produced for market more than 50 percent of the volume of such filberts pro-

duced for market within said States; but such termination shall be effected only if announced 30 days or more before the end of the then current marketing policy year.

[FR Doc.75-23444 Filed 9-3-75;8:45 am]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposal To Designate Desirable Free Tonnage for Natural Thompson Seedless, Dipped Seedless, and Zante Currant Raisins and Export Outlets for Reserve Tonnage Raisins

Notice is given of a proposal to: Designate a desirable free tonnage for natural Thompson Seedless, Dipped Seedless, and Zante Currant raisins of 148,000, 5,620, and 2,850 tons, respectively, which would be made available as free tonnage of those varietal types of raisins during the 1975-76 crop year; and revise the list of countries to which sale of reserve tonnage raisins may be made so that it would apply to reserve raisins of any varietal type. Currently, the list applies only to natural Thompson Seedless raisins. This action would be in accordance with the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Raisin Administrative Committee.

The Committee's recommendation with respect to desirable free tonnage is under § 989.54 of the order and is based on its review of shipment data, inventory data, and other matters, relating to a desirable free tonnage for natural Thompson Seedless, Dipped Seedless, and Zante Currant raisins, for the 1975-76 crop year. The recommendation with respect to a list of countries to which sale of reserve tonnage raisins may be made is under § 989.67(c).

The proposed desirable free tonnages are based upon the following estimates:

Item	Natural condition tons		
	Natural Thompson seedless	Dipped seedless	Zante currants
1. Free tonnage demand.....	150,000	6,750	2,637
2. Desirable carryout, Aug. 21, 1976.....	20,000	750	900
3. Total requirements.....	170,000	7,500	3,537
4. Less estimated carrying, Sept. 1, 1975.....	22,000	1,880	287
5. Desirable free tonnage.....	148,000	5,620	2,850

At present, the list of countries to which sale in export of reserve tonnage raisins may be made by handlers is contained in § 989.221 of Subpart—Supplementary Regulations (7 CFR § 989.201-989.230; 40 FR 4417, 31739). The list now is applicable only to sale of reserve raisins of the natural Thompson Seedless varietal type. It is proposed that § 989.221

be amended to make it applicable to all reserve tonnage raisins without regard to varietal type.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later

than September 19, 1975. All written submissions should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: August 29, 1975.

CHARLES R. BRADER,  
Deputy Director,  
Fruit and Vegetable Division.

[FR Doc.75-23442 Filed 9-3-75;8:45 am]

[7 CFR Part 1046]

[Docket No. AO-123-A42]

MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Louisville, Kentucky, on December 18, 1974, pursuant to notice thereof issued November 29, 1974 (39 FR 41986).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator on June 30, 1975, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under "1. Pool plant qualifications—(a) Automatic pool status in March–August for a country plant that qualified as a pool plant each month in the preceding September–February," the third paragraph is changed and five paragraphs are added immediately following the last paragraph.

2. Under "1. Pool plant qualifications—(b) Elimination of automatic pooling for a country plant operated by a cooperative," the first and third paragraphs are changed, two paragraphs are added immediately following the fifth paragraph, and the sixth paragraph is deleted.

3. Under "2. Diversion of producer milk," six paragraphs are added immediately following the 16th paragraph.

4. Under "3. Partial payments to producers and cooperatives," the first, eighth, tenth, twelfth, and thirteenth paragraphs are changed; and single paragraphs are added immediately following the eighth, tenth, and sixteenth paragraphs.

## PROPOSED RULES

The material issues on the record relate to:

1. Pool plant qualifications.
2. Diversion of producer milk.
3. Partial payments to producers and cooperatives.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant qualifications.* (a) *Automatic pool status in March–August for a country plant that qualified as a pool plant each month in the preceding September–February.* The provision providing automatic pooling status during the flush production months, for supply plants which met the specified performance standards in each of the short production months, should be retained. However, the months of September through February should be substituted for the present October through March qualifying period for automatic pooling status in other months.

The order now provides that a supply plant may qualify as a pool plant by specific performance in any month. During the months of October through March shipments of at least 50 percent of dairy farm receipts must be made to city (distributing) plants. In the months of April through September a 40 percent shipment is required. Under the automatic pooling provision, a plant that qualified in each month of the preceding October–March period need ship no milk in April–September to be pooled in these months.

A cooperative's proposal, which was supported by a second cooperative, would eliminate automatic pooling and condition the pooling of a supply plant on performance each month. Proponent contended there is no need for automatic pooling of supply plants in the market because distributing plants can be adequately supplied with milk shipped directly from dairy farms.

The cooperative alleged that the operator of the supply plant, which began operating in October 1974, was attempting to take advantage of the automatic pooling provision to facilitate pooling a supply of milk that would be used primarily for manufacturing. The supply plant operator denied any intent to exploit the pool. He stated that milk associated with the supply plant is and would be available to distributing plants and that substantial quantities of the supply plant's dairy farm receipts were being shipped to distributing plants. In November 1974, 70 percent of the supply plant's milk was shipped to a distributing plant.

The supply plant operator (a proprietary handler) and other handlers opposed the cooperative's proposal. They contended that elimination of automatic pooling would force a supply plant operator to make uneconomic movements of milk to qualify it for pooling in the months of heavy production. The operator of the distributing plant that receives milk from the supply plant contended that he depends on the supply plant as

a dependable source of supply for his Class I needs.

Provisions for pooling supply plants and for automatic pooling of such plants in certain months are customarily included in Federal milk orders. Such provisions allow a distributing plant operator to elect whether to receive his milk supply directly from producers' farms and/or from supply plants. A distributing plant operator may utilize supply plant milk as his sole source of supply or to meet his plant's supplemental needs.

Even though a supply plant may not be needed to accommodate the orderly movement of milk to the market from farms in the immediate production area, such a plant may be needed for the assembly and movement of milk from alternative supply sources. To this end, it is essential that the order recognize the role of supply plants in a marketing system and present the conditions for pooling such plants.

It is probable that the demand for milk from a supply plant would vary seasonally and would be greatest during the season of lowest production. This would be particularly true in situations where handlers using supply plant milk were receiving part of their supply direct from producers' farms. During the months of flush production, supplies of milk received directly at fluid processing plants in the market might be sufficient to supply their Class I requirements. If this were the case, it would be more economical to leave the more distant milk in the country for manufacturing and utilize the nearby milk for Class I use. Performance standards under the order should not force milk to be transported to distributing plants during the flush production months for the single purpose of maintaining eligibility for pooling.

September–February should replace October–March as the qualifying period for a supply plant to earn automatic pooling in the following months of seasonally higher production. As adopted in this decision, such change gives appropriate consideration to the current seasonality of production for the market. September–February is the 6-month period when milk production is substantially lower relative to demand than in the remaining months of the year. In September 1973 through February 1974, the most recent such 6-month period for which data were available at the hearing, Class I utilization of producer milk was 81 percent. In the following 6 months, March–August 1974, the comparable Class I utilization percentage was 64 percent.

March, which is replaced with September as a qualifying month for automatic pooling, is now a month of relatively high production relative to demand. For the years 1972, 1973, and 1974, Class I utilization of producer milk in March averaged 70 percent, a percentage generally representative of that in the months of seasonally high production for the market.

The September Class I utilization of producer milk averaged 81 percent for 1972, 1973, and 1974. This is the same

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the Class I utilization for the 6-month

Cooperatives' exceptions claimed that

to a plant that qualified for pooling as a

a producer on every-other-day pickup) to a pool plant during the month to

month, should not be included in the designated months in which the more re-

plants is more limited than in other months.



as the Class I utilization for the 6-month period of seasonally low production. It is therefore appropriate that September be included in the 6-month qualifying period for a supply plant to qualify for automatic pooling in the subsequent flush production months.

The proposal to require a supply plant to ship 50 percent of its receipts to distributing plants to qualify for pooling in any month is denied. In view of the variation in Class I utilization as between the short production and flush production months there is no demonstrated need for more stringent shipping requirements in the flush production months. The present 40 percent shipping requirement for pooling in April-September (which would apply during March-August as adopted herein) is adequate to establish a supply plant's association with the fluid market during the months when milk production is greatest relative to Class I use.

According automatic pool status to a qualified supply plant recognizes the plant's role in facilitating the disposition of its dairy farmer receipts in the months of heavy production. Such plant's dairy farmer receipts normally would be from its regular patrons, those who had delivered to the plant during the preceding September-February and established their bona fide association with the fluid market.

Under present order provisions, however, a supply plant that has automatic pooling in March-August could attach to the pool in those months additional supplies of milk without an established association with the market and intended solely for manufacturing use. This would result in an unwarranted reduction in returns to those established producers who are the regular suppliers of the market's fluid needs.

To preserve the integrity of regulation, the order should provide a safeguard against the possibility of such exploitation of the pool. It was suggested at the hearing that milk to be pooled in March-August by a supply plant with automatic pool status be limited to the milk of those dairy farmers whose total production was pooled at the supply plant in the preceding September-February. Such a stringent measure is not necessary to prevent the pooling of that milk without an established association with the market.

Under conditions in this market, it is appropriate to require that milk pooled by a supply plant during the months when it has automatic pool status be limited to receipts from dairy farmers who had at least 60 days' production pooled under the Louisville-Lexington-Evansville order in the preceding September-February. Receipts at a supply plant pooled on the basis of its acquired automatic status, other than from producers, would be other source milk and would not be pooled. Milk from dairy farmers not previously associated with the market would, of course, be pooled in any month that the supply plant met the shipping requirements for pool plant status for such month.

Cooperatives' exceptions claimed that pooling milk through a supply plant in the Louisville-Lexington-Evansville market results in the uneconomic handling of milk. While it may be true that a cooperative's member milk can be supplied most efficiently from the farm to distributing plants, the statement may not be valid for a handler seeking an alternative source of supply.

Cooperatives are concerned that a supply plant with automatic pooling status could attach to the pool additional supplies of milk included solely for manufacturing uses and reduce the blend price of producers regularly supplying the market's Class I needs. The order changes adopted in this decision provide appropriate safeguards against diluting returns to the market's regular producers in the event a supply plant attains automatic pooling status in March-August.

One cooperative's exception proposed that a more restrictive basis than provided in the recommended decision be adopted for pooling the milk of dairy farmers delivering to a supply plant with automatic pooling status. As proposed by exception, the milk of a dairy farmer delivering to a supply plant with automatic pooling status would be pooled only if such dairy farmer's total production in the preceding September-February was delivered to the same supply plant. The cooperative also proposed, as an alternative, that at least 120 days of a dairy farmer's production be delivered to a pool plant in the preceding September-February to qualify a dairy farmer's milk for pooling under the order during the March-August period.

Milk from the same farm is frequently delivered on different days to two or more pool plants during the month. Also, it is not uncommon for producers (particularly members of a cooperative) to ship to plants under different orders during the year. In this circumstance, it would be unreasonable to provide that a dairy farmer's deliveries in March-August to a pool supply plant (with automatic pooling) be pooled only if he delivered his total production in the preceding September-February to the same plant.

A requirement, as provided in this decision, that at least 60 days of a dairy farmer's production must have been delivered to a pool plant in the preceding September-February to pool his deliveries to a supply plant (with automatic pooling) in March-August will clearly establish a dairy farmer's association with the fluid market and hence his right to share in the pool proceeds. The exception's proposal to require the delivery of at least 120 days' production (instead of 60 days) to a pool plant in the preceding September-February to pool a dairy farmer's deliveries in the automatic pooling months would be unduly restrictive and could be a deterrent to continuing orderly marketing.

(b) *Elimination of automatic pooling for a country plant operated by a cooperative.* The according of automatic pool plant status in subsequent months

to a plant that qualified for pooling as a balancing plant in the preceding October through February should not be discontinued.

The order now provides for pooling as a balancing plant a country plant operated by a cooperative in any month that two-thirds or more of its producer member milk is delivered to pool plants of other handlers, either directly from the members' farms or by transfer from the cooperative's plant. A plant that so qualified in October through February thereby obtains automatic pool plant status for the following March through September.

A cooperative that operates the only balancing plant in the market proposed elimination of automatic pooling for such a plant. A second cooperative supported the proposal.

The cooperative's balancing plant, which is located in the city of Louisville, provides a means whereby handlers may adjust their receipts each day to fit their bottling needs and at the same time have assurance that milk will be available for fluid use as needed.

A bottling plant that receives milk by direct delivery from the farms of designated producer members of the cooperative may accept part or none of such deliveries on any day. The total deliveries of such producers on the days the bottling plant is not operated, and the amount in excess of its Class I needs on other days, may be received at the cooperative's plant. Thus, its basic function is as an assembly point for producer milk not needed by handlers, which generally must be disposed of to nonpool plants. However, milk in storage at the plant is available to meet handlers' unanticipated requirements on short notice.

The cooperative that proposed eliminating the automatic pooling presently provided for a balancing plant excepted to the conclusion reached in the recommended decision to adopt such proposal. Exceptor held that since its proposal to eliminate automatic pooling during the flush months for a supply plant that had qualified during other months on the basis of its shipments to pool distributing plants was denied, the automatic pooling provision applicable to its balancing plant should likewise not be removed from the order.

The cooperative has not needed the automatic pooling provision to qualify its balancing plant for pooling. Neither is it apparent that the provision has been utilized to exploit the pool. Moreover, there is no current or prospective marketing situation that removal of the automatic pooling provision is intended to correct. In view of the above and of the opposition to its removal from the order by the cooperative that initially proposed discontinuance of automatic pooling for a balancing plant, no action should be taken on that proposal on the basis of this record.

2. *Diversion of producer milk.* During the months of March through August a producer should be required to deliver at least 2 days' production (one delivery for

a producer on every-other-day pickup) to a pool plant during the month to qualify any remainder of his monthly production for pooling as milk diverted to a nonpool plant. In September-February, monthly diversions of a producer's milk to a nonpool plant should not exceed 22 days' production (11 every-other-day pickups).

The present order limits diversion of a producer's milk to nonpool plants to 22 days in October, November, January, and February. There are no limits on diversions to nonpool plants in other months.

A cooperative proposed that a producer be required to deliver to pool plants during the month 20 days' production in September-February and 10 days' production in March-August to qualify his remaining monthly production for diversion to nonpool plants. It also proposed that a cooperative be allowed to divert to nonpool plants the total monthly production of individual producers in March-August if the cooperative's total milk so diverted is not more than one-third of its total producer milk for the month. This option would likewise apply to a proprietary handler for his non-member milk.

Another cooperative proposed that at least 4 days in September-February and 2 days in March-August of a producer's monthly production be delivered to a pool plant to qualify his remaining production for diversion to a nonpool plant.

The cooperatives contended that present provisions (unlimited diversions to nonpool plants in March through September and in December, and diversion of 22 days' production in October, November, January, and February) provide a means for handlers to associate with the market milk intended primarily for manufacturing purposes to the detriment of producers who regularly supply the market and on whom the market depends for its Class I needs. They urged the adoption of substantial delivery requirements to deter this result.

The cooperative that proposed requiring the delivery to a pool plant of at least 4 days of a producer's monthly production to establish diversion eligibility for his remaining monthly production in September-February claimed that such requirement would be adequate to demonstrate that the milk was available for fluid use and was associated with the market. However, there was no showing that any purpose would be served by adopting a lesser standard than is now provided in the order for the months of seasonally low production.

Proprietary pool plant operators opposed changing the diversion provisions. One opposed not only the proposed diversion limitations, but also the addition of September and December to the designated months during which diversion limits are more restrictive than in other months. He contended that adoption of the cooperative's proposals would cause numerous dairy farmers to lose pool status for their milk, particularly in December, when schools are closed for 12 days. He also contended that September, because it is a summer

month, should not be included in the designated months in which the more restrictive diversion limits are applicable.

A handler who operates a pool distributing plant and a separate plant for processing milk into Class II products opposed the proposed limits on diversions to nonpool plants. He contended that their adoption would force him to receive milk needed for Class II uses at his pool plant and then transfer it to his other plant, rather than diverting it to such plant as he is generally able to do under the present order.

A supply plant operator stated that the cooperatives' proposed limitations on diversions to nonpool plants were punitive in effect and would negate the purpose of the diversion provisions.

The diversion provisions are provided to implement the efficient handling of the market's milk supply in excess of handlers' immediate requirements. Because of variations in market needs and in production, the milk of each producer may not be needed every day for processing as fluid milk at the plant to which it is customarily delivered. It is necessary, however, that there be a reserve of qualified milk available for the fluctuating needs of handlers serving the market. When milk of any dairy farmer regularly supplying the market is not needed at the plant to which it is usually shipped, it can be handled most economically by diversion directly from the farm to nonpool, manufacturing plants.

In October, November, January, and February, when diversion of a producer's milk to a nonpool plant may not exceed 22 days (11 days in the case of every-other-day delivery), at least 8 days' production in a 30-day month would be delivered to a pool plant. To replace this standard with a requirement that 20 days of a producer's monthly production in the fall and winter months must be delivered to pool plants, as proposed by one cooperative, would be a deterrent to efficient handling of that milk in excess of handlers' needs.

In March-August, it is reasonable to require that 2 days' production of a producer be physically received at a plant in any month that his milk is diverted to a nonpool plant. This requirement will provide a means for establishing that milk of individual dairy farmers reported as diverted producer milk is associated with the market and is, in fact, milk which is qualified for fluid use. With the flexibility that this provides, in March-August there is no need to provide an optional method of computing allowable diversions based on aggregate milk deliveries.

Both proponents of diversion provisions different from those now in the order proposed that the more stringent limits be applicable for September-February rather than for the 4 months now specified. The months of September-February are the months when production is lowest relative to Class I utilization. It is therefore appropriate to designate these six months as the period in which the diversion of milk to nonpool

plants is more limited than in other months.

The cooperatives' concerns are directed to the possibility that proprietary handlers might use the diversion provisions as a means of associating with the pool additional milk intended solely for manufacturing use. While this could possibly result, it is not practical to deal with such a matter without more specific facts.

Certainly milk which is not available for fluid use should not be accorded pooling eligibility. However, it is not apparent from the record that this has happened. Proponents apparently foresee possible market developments which they believe could be detrimental to their interest. Through a cooperative's balancing plant, it has flexibility not available to proprietary handlers for marketing its members' milk. It would not be appropriate to adopt restrictive requirements which could deter the efficient handling of the market's total supply.

The operator of a supply plant should be permitted to divert only to nonpool plants and such diversions should be included as a receipt at the supply plant in determining its pool status. The order now specifies that milk may be diverted from a pool plant to another pool plant on any number of days in any month. However, since a supply plant's pooling status is determined on the basis of its transfers to distributing plants, it would not be practicable for a supply plant to move milk to pool plants by diversion. No useful purpose therefore is served by providing diversion privileges to pool plants for a supply plant.

A cooperative excepted to the recommended decision's providing that the operator of a supply plant may divert only to nonpool plants. It claimed that the decision had not given appropriate consideration to a practice in the market of moving milk from the farms of producers assigned to a supply plant as diverted milk to pool distributing plants.

The operator of a pool distributing plant has the responsibility of accounting for the total quantity of milk delivered directly to his plant from producers' farms (including milk from those producers otherwise assigned to a supply plant). In this circumstance, it is appropriate that such milk be accounted for as producer milk received at the pool distributing plant instead of as diverted milk from the supply plant.

Another cooperative exception to the recommended decision would exclude December from the "short production months" when diversion of a producer's milk for the month is limited to 22 days (11 days in the case of every-other-day deliveries) during the month. Although Class I sales in December are adversely affected because of school closings and reduced demand during the holiday season, December production relative to demand is significantly less than in the months of seasonally high production and is more in line with the other months of the year when diversion is limited to 22 days during the month.

In excepting to the recommended decision's diversion limits, the cooperative

reiterated its position presented at the hearing in urging that its own proposed

riods of the month. Under their proposal these payments to individual producers

In their exceptions, cooperative argued that the partial payment rate 20 per

cent of the weighted average price for the preceding month less the Louisville

explored carefully in depth and in conjunction with other alternative actions

AGREEMENT regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in



reiterated its position presented at the hearing in urging that its own proposed limits be adopted. That position was fully considered in formulating the recommended decision's findings which, except as noted above, are adopted herein.

The exceptor complained that the recommended decision did not include findings and determinations as to why a proposed alternative method for computing maximum allowable diversions in the flush production months was not adopted. (As proposed, a producer's milk could be diverted to a nonpool plant without limit in March-August, provided the diverting handler's total diversions to nonpool plants did not exceed one-third of his producer milk for the month.) It claimed that failure to adopt the proposal would preclude handlers from achieving maximum efficiency in disposing of the market's reserve milk supplies through the diversion provisions.

Under the diversion limits adopted, a dairy farmer must deliver only 2 days' production to a pool plant to divert to a nonpool plant any remainder of his monthly production in March through August. Providing that milk of certain producers could be diverted without meeting this minimal delivery requirement would tend to defeat the purpose of requiring association with the market to establish eligibility for diverting milk.

The hearing notice stated that because some proposals applicable to diverted milk would be considered, the point of pricing diverted milk would also be considered. Diverted milk now is priced at the location of the pool plant from which diverted.

A pending request for a hearing includes proposals to change the Class I price and location adjustment provisions of the order. The issue of the location at which diverted milk is priced would be more appropriate for consideration at such a hearing. Accordingly, no action is taken with respect to the point of pricing diverted milk on the basis of this proceeding.

3. *Partial payments to producers and cooperatives.* The rate at which partial payments for producer milk are made should be changed from the Class III price for the preceding month to the weighted average price for the preceding month, but not less than the Class III price for the preceding month. Also, handlers should make a partial payment at the same rate for milk received during the first 15 days of the month from a cooperative bulk tank handler.

The present order requires handlers to pay by the last day of the month for milk received during the first 15 days of the month from producers who did not discontinue delivery of milk to such handler during the month. The rate of payment is the Class III price for the preceding month. Payments to cooperatives authorized to collect payment for their members are due 2 days prior to the last day of the month.

A cooperative proposed that handlers be required to make separate partial payments for producer milk received during each of the first two 10-day delivery pe-

riods of the month. Under their proposal these payments to individual producers would be due on the 17th and 27th of the month, respectively, at 90 percent of the previous month's weighted average price, and to cooperatives collecting for their member producers at least 2 days earlier. Partial payments for milk received from a cooperative bulk tank handler during the same two 10-day delivery periods would be due on the 17th and 27th days of the month. The rate for such payments would be the same as that applicable for partial payments to producers.

Proponent cooperative's spokesman recognized that the proposed changes would increase handlers' costs for milk, but held they are needed to improve the cash flow to dairy farmers. He contended that dairy farmers, faced with increasing production costs and greater demands for cash for purchasing items needed to continue producing milk, urgently need payment for their milk at a higher rate and at more frequent intervals. Higher interest rates in the last two years were cited in particular as justifying more frequent payments to producers.

The proposed partial payment rate (90 percent of the previous month's weighted average price) is desirable, the cooperative claimed, because it would increase the amount of money dairy farmers would receive as partial payments. Also, according to proponent's spokesman, it would reduce the risk carried by producers in situations where a handler suddenly is unable to pay for milk.

At the hearing another cooperative proposed that the partial payment rate be either 90 percent of the preceding month's uniform price or the Class III price for the preceding month, whichever is higher. The same cooperative opposed requiring two partial payments based on 10-day delivery periods. It proposed instead that the present single partial payment date requirement be advanced three days and be paid to producers who delivered milk to handlers at least 20 days during the month.

The cooperative's spokesman argued that the higher rate is necessary to more nearly represent the actual value of the milk. He contended that the present partial payment rate is disproportionate to the actual value of the milk and that producers should receive the partial payment at the earliest practicable date. However, this cooperative opposed more frequent partial payments on the basis that it would impose considerable additional costs on all parties and therefore would not be advantageous to producers.

The Associate Administrator concluded that the partial payment rate should be increased to 90 percent of the previous month's weighted average price. He indicated that this would provide producers a larger portion of the value of their milk through partial payments. For the two years ending November 1974, the proposed 90 percent rate averaged 8.9 cents per hundredweight more than the actual partial payment rate.

In their exceptions, cooperative argued that the partial payment rate, 90 percent of the previous month's weighted average price, should not be less than the previous month's Class III price. Since the intent of the change here adopted is to obtain an increased partial payment rate, it is appropriate to provide that the partial payment rate be not less than the previous month's Class III price.

Since the partial payment applies only to the first 15 days' deliveries by producers who had not discontinued shipping by the payment date, the likelihood of overpayment will not be significantly increased. The record provides no basis for concluding that the present arrangement, whereby a producer must not have discontinued delivery of milk by the date partial payment is made, is inappropriate. Accordingly, no action is taken to change the number of days a producer must deliver milk to a handler to receive the partial payment.

It is not apparent that any purpose would be served by advancing by three days the date for making partial payments. Although such a modification of the proposal was suggested, no specific testimony was presented to justify such a change.

Adoption of the requested earlier partial payment date could result in a handler having insufficient time to determine which producers were eligible to receive a partial payment. In fact, handlers might not receive the information needed in time to make such determination before the partial payment was due. This could result in cases of overpayments to producers who had left the market during the month, which overpayments the handler likely could not recover. For this reason, it is not practicable to advance the partial payment date.

Milk that a cooperative delivers to plants of other handlers in its capacity as a bulk tank handler is direct-shipped from producers' farms to the handlers' plants. Under the present order the plant operator is required to pay the cooperative at the applicable class prices for such milk by the 10th day of the following month. Since milk so received at a plant is essentially the same as milk that the plant operator receives directly from dairy farmers for his own account, the order should require handlers to make a partial payment for such milk received during the first 15 days of the month. Otherwise, to the extent that a plant operator receives his milk supply through a cooperative bulk tank handler, he enjoys a competitive advantage over other handlers that receive their milk as producer milk for which a partial payment is required.

As herein provided, the partial payment rate adopted will exclude the effect of the takeout-pay back (Louisville) plan money on the uniform price in the pay back months. This is accomplished by requiring partial payment for producer milk deliveries during the first 15 days of the month at 90 percent of the previous month's weighted average price in August through March. For April through July the rate would be 90 per-

cent of the weighted average price for the preceding month less the Louisville plan takeout rate for the current month. Otherwise, there would be an increased likelihood that the actual value of the milk would be overstated in the partial payments.

There was no specific opposition to requiring 90 percent of the previous month's uniform price as the partial payment rate. Although handlers opposed changing the partial payment procedure, their testimony was directed to the proposal for requiring two partial payments.

The basis of handler opposition was that the reasons cited by proponent for needing more frequent partial payments reflect general business conditions facing handlers and producers alike. Handlers' representatives contended the order should not be changed to recognize producers' problems at the expense of handlers.

Handlers claimed that two partial payments for a larger volume of producer milk at a higher rate, as proposed, would increase their costs for milk. In addition to requiring more frequent cash outlays, administrative costs related to making more frequent payments would increase as well, according to their spokesmen. They also contended that adoption of the proposal would impose a burdensome time schedule on handlers during the first 15 days of the month, and would increase the likelihood of overpayments to producers who did not ship milk the entire month.

Providing an additional advance payment date would, as opponents indicated, increase handlers' costs and would not in any way change the total monies producers would receive in a 30-day period.

The Milk Industry Foundation, a national trade association of milk processors, opposed the proposal for two partial payments and stated that its adoption would result in added costs to handlers. It took the position that any changes to be made in payment dates or procedures should be applicable on a uniform basis in all Federal orders.

Proponent of two partial payments took exception to the recommended decision. It claimed that two partial payments are justified because such provision is included in the three Florida orders. The provisions in the Florida orders differ substantially from those proposed for the Louisville-Lexington-Evansville order. Moreover, the Florida orders' partial payment provisions were adopted as appropriate under the conditions peculiar to those order markets. The existence of these provisions in the Florida orders cannot be considered a basis for including them in the Louisville-Lexington-Evansville order.

The increasing risk of loss of money among producers through handler failure is a matter of concern. However, if a second advance payment is desirable for this purpose, it is clear that such procedure would be helpful in other orders also. The added cost and time demands involved are a significant impediment to adoption. This is not a matter that can be resolved easily. It should be

explored carefully in depth and in conjunction with other alternative actions with a broader segment of the industry.

#### RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

#### GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act:

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

#### RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

#### MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a MARKETING

AGREEMENT regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

#### DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

June 1975 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 29, 1975.

RICHARD L. FELTNER,  
Acting Secretary.

Order<sup>1</sup> amending the order, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

#### FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) The said order as hereby amended, § 1016.12 Producer.

(vii) Receipts of milk from a dairy

Court cases brought by the Government pursuant to either the Export Apple and Pear



## PROPOSED RULES

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Associate Administrator on June 30, 1975, and published in the FEDERAL REGISTER on July 7, 1975 (40 FR 28465) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein, subject to the following modifications in §§ 1046.7, 1046.12 and 1046.73.

1. In § 1046.7, paragraphs (b) and (c) are revised as follows:

## § 1046.7 Pool plant.

(b) A country plant during any of the months of September through February from which not less than 50 percent, and during other months not less than 40 percent, of milk from persons described in § 1046.12(a)(1) and from handlers described in § 1046.9(c) that is physically received at, or diverted from such plant pursuant to § 1046.13, is transferred to and received at a city plant(s) in the form of milk or skim milk.

(c) In March through August a country plant that was a pool plant pursuant to paragraph (b) of this section each month during the preceding September through February, unless the operator of such plant notifies the market administrator in writing on or before February 15 of withdrawal of the plant from the pool for the months of March through August next following.

2. In § 1046.12, paragraphs (b) (2) and (3) are revised and a new paragraph (b) (4) is added as follows:

## § 1046.12 Producer.

(b) . . . . .  
(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1046.44(a) (8) (iii) and the corresponding step of § 1046.44(b);

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(4) A person with respect to any milk produced by him that is received at or diverted from a country plant in any month of March through August, unless at least 60 days' production from the farm of such person was producer milk during the preceding September through February or unless such country plant is a pool plant for the month pursuant to § 1046.7 (b) or (d).

3. In § 1046.13, paragraph (c) is revised as follows:

## § 1046.13 Producer milk.

(c) Diverted by a handler from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) Milk so diverted shall be deemed to have been received at the pool plant from which it is diverted;

(2) Not less than 2 days' production of a producer whose milk is diverted to a nonpool plant is physically received at a pool plant during the month;

(3) Producer milk pursuant to this paragraph shall not include the milk of any person during September through February on days that it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month; and

4. In § 1046.44, paragraph (a) (7) (v) and (vi) are revised and a new paragraph (a) (7) (vii) is added as follows:

## § 1046.44 Classification of producer milk.

(a) . . . . .  
(7) . . . . .

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of milk from a dairy farmer described in § 1046.12(b) (4);

5. In § 1046.60, paragraph (d) is revised as follows:

## § 1046.60 Handler's value of milk for computing uniform price.

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1046.44(a) (7) (i) through (iv) and (vii) and the corresponding step of § 1046.44(b), excluding receipts of bulk fluid cream products from an other order plant;

6. In § 1046.73, paragraphs (a) and (f) are revised as follows:

## § 1046.73 Payments to producers and to cooperative associations.

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the applicable rate pursuant to paragraph (a) (1) and (2) of this section without deductions for hauling:

(1) In August through March, the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher; and

(2) In April through July, the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month minus the applicable rate per hundredweight described in § 1046.61(g), whichever is higher.

(f) Each handler shall pay to the cooperative association for milk received from it as a handler described in § 1046.9 (c) as follows:

(1) On or before 2 days prior to the last day of the month for milk received during the first 15 days of the month, an amount computed at not less than the applicable rate pursuant to paragraph (a) of this section; and

(2) On or before the 10th day of the following month for milk received during the month an amount computed at not less than the value of such milk at the minimum prices for milk in each class, as adjusted by the butterfat differential specified in § 1046.74, that are applicable at the location of the receiving handler's pool plant, less the payment made pursuant to paragraph (f) (1) of this section.

[FR Doc.75-23443 Filed 9-3-75; 8:45 am]

## PROPOSED RULES

40849

## Office of the Secretary

## [7 CFR Part 1]

PRIVACY ACT OF 1974: IMPLEMENTATION  
Proposed Rulemaking

Notice is hereby given that the Department of Agriculture (USDA) proposes to amend Subpart G of 7 CFR Part 1 by issuing § 1.123 (Specific Exemptions) of its regulations implementing the Privacy Act of 1974 (5 U.S.C. 552a). In the Notice of Proposed Rulemaking proposing the addition of Subpart G to 7 CFR Part 1 (40 FR 32756) on August 4, 1975, this section was reserved. It was also reserved in the final regulations published on August 28, 1975 (40 FR 39519).

On those dates USDA had not determined which of its system of records were to be exempted from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k). This determination has now been made. Therefore, USDA proposes to adopt the following § 1.123 listing all systems of records which are to be so exempted.

Interested persons may submit written comments on this proposed regulation to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before September 19, 1975. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA. This regulation is proposed under the authority of 5 U.S.C. 301, 552.

In consideration of the foregoing, it is proposed to amend Subpart G of 7 CFR Part 1 by issuing § 1.123 to read as follows:

## § 1.123 Specific Exemptions.

Pursuant to 5 U.S.C. 552a(k), the systems of records (or portions thereof) maintained by agencies of USDA identified below are exempted from the provisions of 5 U.S.C. 552a (c) (3), (d), (e) (1), (e) (4) (G), (H) and (I), and (f). The reasons for exempting each system are set out in the notice for that system published in the FEDERAL REGISTER.

AGRICULTURAL STABILIZATION AND  
CONSERVATION SERVICE

EEO Complaints and Discrimination Investigation Reports, USDA/ASCS-14.  
Investigation and Audit Reports, USDA/ASCS-20.  
Producer Appeals, USDA/ASCS-23.

ANIMAL AND PLANT HEALTH INSPECTION  
SERVICE

Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industrial Compliance Records System, USDA/APHIS-1.

Plant Protection and Quarantine Programs—Regulatory Violations, USDA/APHIS-2.

Veterinary Services Programs—Records of Accredited Veterinarians, USDA/APHIS-3.

Veterinary Services Programs—Animal Quarantine Regulatory Actions, USDA/APHIS-4.

Veterinary Services Programs—Animal Welfare and Horse Protection Regulatory Actions, USDA/APHIS-6.

## FARMERS HOME ADMINISTRATION

Credit Report File, USDA/FmHA-3.

## FOOD AND NUTRITION SERVICE

Civil Rights Complaints and Investigations, USDA/FNS-1.

Claims Against Food Stamp Recipients, USDA/FNS-3.

Investigations of Fraud, Theft, or Other Unlawful Activities of Individuals Involving Food Stamps, USDA/FNS-5.

## OFFICE OF THE GENERAL COUNSEL

ANIMAL AND PLANT HEALTH INSPECTION  
DIVISION

Cases by the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the voluntary inspection and certification provisions of the Agricultural Marketing Act of 1946, USDA/OGC-8.

Cases by the Department under the Horse Protection Act of 1970, USDA/OGC-9.

Cases by the Department under the Humane Methods of Livestock Slaughter law (i.e., the Act of August 27, 1958), USDA/OGC-10.

Cases by the Department under the Laboratory Animal Welfare Act, USDA/OGC-11.

Cases by the Department under the 28 Hour Law, as amended, USDA/OGC-12.

Cases by the Department under the various Animal Quarantine and related laws, USDA/OGC-13.

Cases by the Department under the various Plant Protection and Quarantine and related laws, USDA/OGC-14.

## COMMUNITY DEVELOPMENT DIVISION

Community Development Division Litigation, USDA/OGC-15.

Farmers Home Administration (FmHA) General Case Files, USDA/OGC-16.

## FOOD AND NUTRITION SERVICE

Claims by and against USDA Under the Food Assistance Legislation, USDA/OGC-17.  
Perishable Agricultural Commodities, USDA/OGC-18.

FOREIGN AGRICULTURE AND COMMODITY  
STABILIZATION DIVISION

Agricultural Stabilization and Conservation Service (ASCS), Foreign Agricultural Service (FAS), and Commodity Credit Corporation Cases, USDA/OGC-19.

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Court cases brought by the Government pursuant to either the Cotton Statistics and Estimates Act of 1927 or the United States Cotton Standards Act, USDA/OGC-31.

Court cases brought by the Government pursuant to either the Export Apple and Pear Act or the Export Grape and Plum Act, USDA/OGC-32.

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Court cases brought by the Government pursuant to either the Peanut Statistics Act or the Tobacco Statistics Act, USDA/OGC-34.

Court cases brought by the Government pursuant to either the Plant Variety Protection Act or the Egg Products Inspection Act, USDA/OGC-35.

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Court cases brought by the Government pursuant to either the United States Grain Standards Act or the Federal Seed Act, USDA/OGC-37.

Court cases brought by the Government pursuant to the Agricultural Fair Practices Act, USDA/OGC-38.

## PACKERS AND STOCKYARDS DIVISION

Packers and Stockyards Act, Administrative Cases, USDA/OGC-67.

Packers and Stockyards Act, Civil and Criminal Cases, USDA/OGC-68.

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## OFFICE OF INVESTIGATION

Intelligence Records, USDA/OI-2.  
Investigative Files and Subject/Title Index, USDA/OI-3.

## OFFICE OF THE SECRETARY

Non-Career Applicant File, USDA/SEC-1.  
Dated: August 29, 1975.

RICHARD L. FELTNER,  
Acting Secretary.

[FR Doc.75-23485 Filed 9-3-75; 8:45 am]

## DEPARTMENT OF LABOR

Occupational Safety and Health  
Administration

[29 CFR Part 1910]

[Docket No. H-017]

STANDARD FOR EXPOSURE TO COKE  
OVEN EMISSIONS

Extension of Comment Period;  
Corrections

On Thursday, July 31, 1975, a notice of proposed rulemaking regarding an occupational safety and health standard for exposure to coke oven emissions was published in the FEDERAL REGISTER (40 FR 32268). Interested persons were given until September 15, 1975, to submit written data, views, and arguments with respect to the proposal and to file notices of intention to appear at the hearing scheduled for November 4, 1975. Three requests for extension of time to file written comments have been received. The additional time requested ranged from 15 to 45 days. In order to provide interested persons additional time to compile information relevant to the issues raised by the proposed standard without delaying the scheduled hearing which remains set for November 4, 1975,

## PROPOSED RULES

the period for submission of written com-

(d) Measurement of coke oven emis- present, be of such character as to sub-

## PROPOSED RULES

The time-period for restoration of the same survey and certification re-

The proposed amendments are to be



the period for submission of written comments and for filing notices of intention to appear is hereby extended to September 30, 1975. In all other respects, the procedures for filing written comments and notices of intention to appear contained in the FEDERAL REGISTER notice published at 40 FR 32268 remain in effect.

In addition, the following changes should be made in FR Doc. 75-19869 appearing at pages 32268-32282 in the FEDERAL REGISTER for Thursday, July 31, 1975.

1. On page 32270, in the first column the twenty-fifth line, the date is corrected to read "24 May 1975".

2. On page 32272, in the second column, the seventh line from the bottom is corrected to read "measurement of the respirable particu-".

3. On page 32274, in the first column, line six of the first full paragraph is corrected to read "the measured value and the true value."

4. On page 32274, in the first column, line 10 of the fifth full paragraph is corrected to read "of the hose limits the wearer's mobility as".

5. On page 32275, in the third column, lines three and four of the fifth full paragraph are corrected to read "to be maintained to ensure that tests of the system are".

6. On page 32277, in the second column, the first sentence of the second paragraph is corrected by inserting the name "Jeanne C. Werner," before the words "OSHA Committee Management Office" and by correcting the telephone number to read "(202-523-8024)".

7. On page 32278, in the second column, line four of paragraph (e) (7) of the proposed standard is corrected by changing the word "limit" to read "level".

8. On page 32280, in the second column, paragraph (m) (1) of the proposed § 1910.1029 is corrected to read as set forth below in order to be consistent with the language of the preamble on page 32272 requiring recording of benzo(a) pyrene measurements and paragraph (m) (8) is added to read as set forth below, in order to be consistent with the language of the preamble, on page 32275, requiring records of respirator usage:

**§ 1910.1029 Coke oven emissions.**

(m) **Recordkeeping** (1) **Exposure measurements.** The employer shall keep an accurate record of all measurements taken to monitor employee exposure to coke oven emissions required in paragraph (e) of this section, including those required in paragraph (e) (4) of this section.

(8) **Respirator usage.** The employer shall keep and maintain an accurate record of all respirator usage pursuant to paragraph (g) of this section.

(1) This record shall include:

(a) Type of respirator used;

(b) The nature, duration and location of use;

(c) Name, social security number and job title of the employee using the respirator; and

(d) Measurement of coke oven emissions.

(ii) This record shall be maintained for at least five years.

10. Under Appendix B, on page 32282, in the first column, the first line in item 8 is corrected to read: "8. Fill the larry car hoppers with coal to a pre-".

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657), and 29 CFR Part 1911)

Signed at Washington, D.C. this 28th day of August 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc 75-23422 Filed 9-3-75; 8:45 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Social Security Administration

[20 CFR Part 405]

[Regulations No. 5]

**FEDERAL HEALTH INSURANCE FOR THE  
AGED AND DISABLED**

**Validation of Accreditation Surveys**

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to Subparts O and S of Regulations No. 5 set forth in tentative form below, are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed amendments implement Section 244 of the Social Security Amendments of 1972 (P.L. 92-603) and Section 1865(a) of the Social Security Act pre-existing the Social Security Amendments, and relate to validation of the surveys performed by the Joint Commission on Accreditation of Hospitals (JCAH) or by the American Osteopathic Association (AOA) to grant accreditation to hospitals participating in the Medicare program.

As a result of such accreditation, these hospitals are ordinarily presumed (the statute uses "deemed") to comply with all the Medicare conditions of participation for hospitals, subject to certain specific exceptions. For example, they are not "deemed" to meet the requirements for utilization review, as described in Section 1861(e) (6) of the Social Security Act; institutional planning, as described in Section 1861(e) (8) of the Act; health and safety requirements higher than those required for accreditation, as described in Sections 1861(e) (9) and 1865 (a) (4) of the Act; and, in the case of psychiatric and tuberculosis hospitals, the additional special staffing and medical records requirements considered necessary for the provision of intensive care under the Medicare program. The 1972 amendments require the Secretary to validate the appropriateness of this presumption with respect to JCAH-accredited hospitals, through surveys performed on a selective sample or other basis (or where a survey is appropriate, because of substantial allegations of the existence of a significant deficiency or deficiencies which would, if found to be

present, be of such character as to substantially limit the provider's capacity to render adequate care, or which would adversely affect the health and safety of patients). Under the authority of Section 1865(a) of the Social Security Act, which existed before Section 244 of P.L. 92-603, the proposed amendments to the regulations provide that the Secretary will also validate AOA-accredited hospitals in the same way. As a result, AOA accreditation survey reports are not held to be confidential because Section 244, which provides confidentiality with respect to JCAH reports, does not apply to AOA reports. Procedures for the surveys have been issued by the Secretary and discussed with the JCAH and the AOA.

If it is found in the course of a selective sample validation survey, or a substantial health and safety deficiency allegation survey, that an accredited hospital is not in compliance with one or more of the Medicare health and safety conditions of participation for hospitals, the Secretary, after the date of notice of such findings to the hospital, will remove the Medicare "deemed" status of such hospital. Likewise, if an accredited hospital, following proper notice that it is the subject of such a survey, refuses to allow the Secretary (or such State agency as the Secretary may designate under Section 1864(a) of the Act) to conduct either a selective sample validation survey or a substantial health and safety deficiency allegation survey; or refuses to authorize disclosure to the Secretary (on a confidential basis for JCAH hospitals) of the most current survey report by its accrediting body, the Secretary, after the date of notice of such findings to the hospital, will remove the Medicare "deemed" status of such hospital. The Secretary's determination to remove an accredited hospital's "deemed" status would be an administrative action subject to an administrative review, but such determination would not be considered an initial determination, and therefore, the hospital does not have the rights of appeal provided in Subpart O of Regulations No. 5 (§ 405.1501 et. seq.) with respect to initial determinations.

A hospital which has had its "deemed" status removed solely because of failure to meet provisions of the National Fire Protection Association's (NFPA) Life Safety Code (21st edition, 1967), will have its "deemed" status restored more quickly if the deficiency(ies) are of the non-recurring type than if the deficiencies are of the recurring type. The hospital will have its "deemed" status restored as soon as the Secretary has determined that the non-recurring type of deficiencies have been corrected; that the hospital meets the provisions of the NFPA's Life Safety Code (21st edition, 1967); and that the hospital meets all the Medicare conditions of participation for hospitals.

Examples of Life Safety Code (LSC) deficiencies, which once corrected, could be considered non-recurring, are the installation of solid core doors or the installation of an automatic sprinkler system.

The time-period for restoration of "deemed" status applicable to non-recurring LSC deficiencies would not apply, however, to Life Safety Code deficiencies which could recur, such as failure to store hazardous materials properly, or other deficiencies related to human failure. Therefore, a hospital which loses its "deemed" status due to such recurring-type LSC deficiencies, or noncompliance with one or more Medicare health and safety condition(s) not covered by the LSC, or a combination of these deficiencies, will not have its "deemed" status restored for a period of at least 2 years after the date of the Secretary's notice to the hospital of its loss of "deemed" status. During that time there must be at least 2 successive State agency surveys for Medicare and a determination that the hospital subsequently achieved and maintained compliance with all the Medicare conditions of participation for hospitals. The 2-year period was selected because of the Joint Commission's usual 2-year survey cycle.

A hospital which loses its "deemed" status due to its refusal, following proper notice, to allow the Secretary (or such State agency as the Secretary may designate) to conduct either a selective sample validation survey or a substantial health and safety deficiency allegation survey or its refusal, following proper notice, to authorize disclosure to the Secretary (on a confidential basis for JCAH hospitals) of the most current survey report by its accrediting body, may have its "deemed" status restored when it meets certain conditions. Its "deemed" status will be restored as soon as it subsequently authorizes disclosure of its most current accreditation survey report; and permits the Secretary (or such State agency as the Secretary may designate) to conduct a selective sample validation survey or a substantial health and safety deficiency allegation survey, and following completion of such a survey, is determined to be in compliance with all the Medicare conditions of participation for hospitals.

A hospital which loses its "deemed" status due to its refusal to authorize disclosure to the Secretary (on a confidential basis for JCAH hospitals) of the most current survey report by its accrediting body, but which permits the Secretary (or such State agency as the Secretary may designate) to conduct a selective sample validation survey or a substantial health and safety deficiency allegation survey; and following completion of such a survey, is determined to be in compliance with all the Medicare conditions of participation for hospitals, will not have its "deemed" status restored until it authorizes disclosure of its most current accreditation survey report, and is determined at the time of such authorization to also be in compliance with all the Medicare conditions of participation for hospitals.

Loss of a hospital's deemed status would not automatically lead to termination of its participation in the Medicare program. A hospital that has lost its "deemed" status would be subject to

the same survey and certification requirements of Section 1864(a) of the Act as imposed on non-accredited hospitals. Thus, during the period of loss of "deemed" status, an accredited hospital could remain in the Medicare program if it continued to be in compliance with all Medicare conditions of participation for hospitals or it could be terminated for failure to be in compliance with such conditions. Continued refusal by a hospital to permit the conduct of a Medicare survey would also be the basis for initiating termination of its participation in the program.

Any standard identified and promulgated by the Secretary as being higher or more precise than the requirements for accreditation adopted under the authority of Sections 1861(e) (9) and 1865 (a) (4) of the Act, i.e., necessary in the interest of the health and safety of patients, would have to be met by all Medicare-certified hospitals after the Secretary consults with the accrediting bodies concerning the higher requirements and after appropriate and adequate time for compliance. Such standard (like utilization review, institutional planning, and, in the case of psychiatric and tuberculosis hospitals, the additional special staffing and medical records requirements considered necessary for the provision of intensive care) would not be "deemed" to be met by accredited hospitals. The JCAH or the AOA may subsequently, as a condition for accreditation of a hospital, require a utilization review plan, as described in Section 1861(e) (6) of the Act, or an institutional plan, as described in Section 1861(e) (8) of the Act, or a plan which is substantially equivalent to one of those; or impose a standard which the Secretary determines is at least equivalent to the standard previously established and identified by the Secretary as being higher or more precise than the requirements for accreditation adopted under the authority of Section 1861(e) (9) of the Act. In such event, the Secretary may find that all hospitals accredited by the JCAH or the AOA are "deemed" to meet the requirements for utilization review adopted under the authority of Section 1861(e) (6) of the Act, or are "deemed" to meet the requirements for institutional planning adopted under the authority of Section 1861(e) (8) of the Act, or are "deemed" to meet the higher or more precise standard.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before October 6, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in Sections 1102, 1861(e), 1864, 1865, 1871, and 1875(b) of the Social Security Act, as amended, 49 Stat. 647, as amended, 79 Stat. 314, as amended, 79 Stat. 326, as amended, 79 Stat. 331, 79 Stat. 332, as amended; 42 U.S.C. 1302, 1395x(e), 1395 aa, 1395bb, 1395hh and 1395ll(b).

(Catalog of Federal Domestic Assistance Programs No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance.)

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular A-107.

Dated: July 25, 1975.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: August 28, 1975.

DAVID MATHEWS,  
Secretary of Health,  
Education, and Welfare.

Part 405 of Title 20 of the Code of Federal Regulations is amended as set forth below:

1. In § 405.1505 a new paragraph (1) is added to read as follows:

§ 405.1505 Administrative actions which are not initial determinations.

(1) The finding that, in accordance with § 405.1901(b), a hospital accredited by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association and "deemed" to meet, pursuant to section 1865 of the Act, the applicable definitional requirements of section 1861(e) of the Act, is no longer "deemed" to meet such requirements. A finding of this type may receive administrative review if the hospital submits a written request for such review within 15 days after the date of the Secretary's written notice to the hospital of such finding.

2. Paragraph (b) of § 405.1901 is revised to read as follows:

§ 405.1901 The certification process.

(b) (1) (i) Pursuant to section 1865(a) of the Act (42 U.S.C. 1395bb(a)), an institution currently accredited as a hospital by the Joint Commission on Accreditation of Hospitals (JCAH) or by the American Osteopathic Association (AOA) shall, subject to paragraph (b) (1) (ii) of this section, be "deemed" to meet all of the title XVIII conditions of participation for hospitals, except:

(a) The requirements for utilization review as specified in section 1861(e) (6) of the Act; and

(b) The institutional planning requirements as specified in section 1861(e) (8) of the Act; and

(c) In the case of psychiatric and tuberculosis hospitals, the additional special staffing and medical records requirements considered necessary for the provision of intensive care; and

(d) Any standard identified and promulgated by the Secretary pursuant to

sections 1861(e) (9) and 1865(a) (4) of

release, with respect to a report by the

agency as the Secretary may designate)

(iii) The hospital meets all the con-

agency, shall determine whether a pro-

In order to assess the advisability of



sections 1861(e)(9) and 1865(a)(4) of the Act (i.e., in the interest of the health and safety of patients) as one which is higher or more precise than the requirements for accreditation, and which all hospitals certified under title XVIII of the Act must meet after the Secretary consults with the accrediting bodies concerning the higher requirements and provides appropriate and adequate time for compliance.

(ii) The provision of paragraph (b) (1)(i) of this section shall be effective only if the hospital (where it is included in a survey specified in paragraph (b) (3) of this section) authorizes the JCAH or AOA to release to the Secretary, upon the Secretary's request (or the request of such State agency as the Secretary may designate), a copy of the most current accreditation survey report of such hospital (and with respect to a report made by the JCAH, on a confidential basis).

(2) The Secretary, however, may find that all hospitals accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or the American Osteopathic Association (AOA), as the case may be, are "deemed" to meet the requirement(s) specified in paragraph (b) (1)(i) (a), or (b), or (d) of this section, whichever is applicable, if the JCAH or AOA, as a condition for accreditation of a hospital,

(i) Requires a utilization review plan, as specified in section 1861(e)(6) of the Act, or imposes a substantially equivalent requirement; or

(ii) Requires institutional planning, as specified in section 1861(e)(8) of the Act, or imposes a substantially equivalent requirement; or

(iii) Imposes a standard which the Secretary determines is at least equivalent to the standard previously identified and promulgated by the Secretary pursuant to sections 1861(e)(9) and 1865(a)(4) of the Act, as one which is higher or more precise than the requirements for accreditation by the JCAH or AOA.

(3) Notwithstanding that a hospital is accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or the American Osteopathic Association (AOA), the Secretary may direct that, pursuant to sections 1864(c) and 1865(a) of the Act (42 U.S.C. 1395aa(c) and 1395bb(a)), a survey be conducted on a selective-sample basis or, in response to substantial allegations or evidence of a condition adverse to the health and safety of patients, to validate the JCAH and AOA accreditation processes in any accredited hospital which has a title XVIII agreement with the Secretary (see § 405.602). (Procedures for such surveys and the proper disposition of such allegations or evidence, have been issued by the Secretary to the State agencies performing surveys (see § 405.1902(a)). Hospitals included within the surveys described in sections 1864(c) and 1865(a) of the Act, must authorize the JCAH or the AOA to release to the Secretary, upon his request (or the request of such State agency as the Secretary may designate), a copy of the most current JCAH- or AOA-accreditation survey report. The

release, with respect to a report by the JCAH, shall be on a confidential basis.

(4)(i) The Secretary shall determine that an accredited hospital shall no longer be "deemed" to meet the applicable definitional requirements of section 1861(e) of the Act and shall issue a notice of such determination to the hospital if:

(a) on the basis of a selective-sample validation survey (hereafter referred to as sample validation survey) or a substantial health and safety deficiency allegation survey (hereafter referred to as deficiency allegation survey), the Secretary finds that a hospital is not in compliance with one or more of the conditions of participation contained in Subpart J of this part; or

(b) a hospital which has been notified that it is included in a sample validation survey or a deficiency allegation survey refuses, upon the request of the Secretary (or the request of such State agency as the Secretary may designate), to authorize disclosure to the Secretary (and with respect to a report by the JCAH, on a confidential basis) of a copy of the most current accreditation survey report of such hospital; or

(c) such hospital, following receipt of proper notice, refuses to allow the Secretary (or such State agency as the Secretary may designate under section 1864(a) of the Act (42 U.S.C. 1395aa(a))) to conduct either a sample validation survey or a deficiency allegation survey.

(ii) Loss of "deemed" status as provided in paragraph (b) (4) (i) of this section does not automatically lead to termination of the hospital's provider agreement (see § 405.602). A hospital that has lost its "deemed" status is subject to the same survey and certification requirements of section 1864(a) of the Act as those imposed on nonaccredited hospitals. Thus, during the period of loss of "deemed" status, an accredited hospital may continue to participate in the title XVIII program if during that period it remains in compliance with all the conditions of participation for hospitals contained in Subpart J of this part.

On the other hand, such hospital may be terminated during that period for failure to be in compliance with such conditions. Continued refusal by such a hospital to permit a survey to be conducted under section 1864(a) of the Act, shall lead to termination of its participation in the title XVIII program. (See § 405.1901(b)(5).)

(5) During the period when a hospital accredited by the JCAH or the AOA does not have "deemed" certification status, the State agency may recommend to the Secretary that the hospital's agreement with the Secretary (pursuant to § 405.602) be terminated for cause (see § 405.614) if:

(i) After extensive State agency consultation and assistance, it has been determined that such hospital no longer meets the conditions of participation necessary to qualify as a hospital; or

(ii) The hospital continues to refuse to allow the Secretary (or such State

agency as the Secretary may designate) to conduct either:

(a) A selective-sample validation survey; or

(b) A substantial health and safety deficiency allegation survey; or

(c) A State agency survey under section 1864(a) of the Act.

(6) A hospital which has lost its "deemed" status due to its refusal to authorize disclosure to the Secretary (on a confidential basis with respect to a report by the JCAH) of the most current survey report by its accrediting body; or its refusal, following receipt of proper notice, to allow the Secretary (or such State agency as the Secretary may designate) to conduct either a sample validation survey or a deficiency allegation survey, shall have its "deemed" status restored if it subsequently:

(i) Authorizes disclosure of its most current accreditation survey report; and

(ii) Permits the Secretary (or such State agency as the Secretary may designate) to conduct a sample validation survey or a deficiency allegation survey; and

(iii) Following completion of such a survey, is determined to be in compliance with all the conditions of participation contained in Subpart J of this part.

(7)(i) A hospital which has lost its "deemed" status due to its refusal to authorize disclosure to the Secretary (with respect to a report by the JCAH, on a confidential basis) of the most current survey report by its accrediting body; but which permits the Secretary (or such State agency as the Secretary may designate) to conduct a sample validation survey or a deficiency allegation survey and, following completion of such a survey, is determined to be in compliance with all the conditions of participation contained in Subpart J of this part, shall not have its "deemed" status restored until it:

(a) Authorizes disclosure of its most current accreditation survey report; and

(b) Is determined to be in compliance with all the conditions of participation contained in Subpart J of this part.

(ii) During the period of its refusal to authorize disclosure of such survey report, such a hospital remains in the title XVIII program on the basis of its being in compliance with all the conditions of participation contained in Subpart J of this part.

(8) A hospital which lost its "deemed" status solely because of its failure to meet such provisions of the National Fire Protection Association's (NFPA) Life Safety Code (21st edition, 1967) as are applicable to hospitals which participate in the title XVIII program and which, when corrected, are not expected to recur in the foreseeable future (e.g., installation of solid core doors or the installation of an automatic sprinkler system) shall have its "deemed" status restored as soon as the Secretary has determined that:

(i) The deficiencies have been corrected; and

(ii) The hospital meets the provisions of the NFPA's Life Safety Code (21st edition, 1967); and

(c) The certifications by the State agency represent recommendations to the Secretary. The Secretary, on the basis of such certifications by the State

(iii) The hospital meets all the conditions of Subpart J of this part.

(9)(i) The provisions of § 405.1901(b) (8) relating to the time period for restoration of "deemed" status which apply in the case of non-recurring deficiencies, do not apply, however, to Life Safety Code deficiencies which may recur, such as failure to store hazardous materials properly or other deficiencies related to human failure. Therefore, a hospital may not have its "deemed" status restored until 2 years after the date of the Secretary's notice to the hospital of its loss of "deemed" status if such hospital has lost its "deemed" status due to:

(a) Recurring-type Life Safety Code deficiencies, as described in paragraph (b) (9) (i) of this section; or

(b) Noncompliance with one or more of the condition(s) which are contained in Subpart J of this part, but are not included in the Life Safety Code; or

(c) A combination of those reasons specified in paragraphs (b) (9) (i) (a) and (b) of this section.

(ii) Upon the expiration of the 2-year period specified in paragraph (b) (9) (i) of this section, the hospital may have its "deemed" status restored if the Secretary has determined (or as soon thereafter as he does determine) that the hospital has been found to have achieved and maintained compliance with all of the applicable conditions of participation on each of two successive State agency surveys performed after the date of the Secretary's notice to the hospital of its loss of "deemed" status.

3. Paragraphs (a) and (c) of § 405.1902 are revised to read as follows:

§ 405.1902 Certification by State agency.

(a) Sections 1864 (a) and (c) of the Social Security Act provide that the services of State agencies, operating under agreements with the Secretary, will be used by the Secretary in determining whether providers or prospective providers, including hospitals accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or the American Osteopathic Association (AOA), meet the conditions of participation; or suppliers meet the conditions of coverage (see § 405.1901(a)). Under section 1864 (c) of the Act, the Secretary may also enter into agreements whereby the appropriate State or local agency will survey participating hospitals (accredited by the JCAH or AOA) on a selective-sample basis or where the Secretary finds that a substantial health and safety deficiency allegation survey is appropriate (see § 405.1901(b)). Pursuant to these agreements, State or local agencies shall survey each provider and supplier and certify to the Secretary as to whether they are found to be in compliance with the conditions of participation and/or coverage.

(c) The certifications by the State agency represent recommendations to the Secretary. The Secretary, on the basis of such certifications by the State

agency, shall determine whether a provider or supplier is eligible to participate in the Health Insurance for the Aged and Disabled Program (title XVIII of the Act) or whether a hospital accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or the American Osteopathic Association (AOA) should retain, lose, or regain its "deemed" certification status under section 1865(a) of the Act (see § 405.1901(b)). Notice of determination of eligibility or non-eligibility or with respect to "deemed" certification status will be sent to the provider or supplier.

[FR Doc. 75-23432 Filed 9-3-75, 8:45 am]

## DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-23, Notice 1]

### MOTOR VEHICLE SAFETY STANDARDS Advance Notice of Proposed Rulemaking on Electrical System Integrity

This is an advance notice of proposed rulemaking to establish a motor vehicle safety standard to regulate electrical system integrity. It is issued to gather information relevant to the development of a standard that would ameliorate the threat of fires involving the electrical system and ensure the crashworthiness of the electrical system and its components. No rule will be issued on this subject without further notice of proposed rulemaking and the opportunity to comment.

Various studies have indicated that gasoline vapor can easily be ignited by electrical sparks. Although there are no conclusive data relating to the number of motor vehicle fires directly caused by electrical sparks, there is sufficient evidence to demonstrate that the electrical system plays an important role in the vulnerability of vehicles to fires. Statistics indicate that between 500 and 750 deaths are caused yearly by motor vehicle fires. Motor Vehicle Safety Standard No. 301, *Fuel System Integrity*, 49 CFR 571.301, regulates the spillage of fuel as a means of preventing motor vehicle fires during crash situations. The implementation of Standard 301, however, handles only one major cause of motor vehicle fires. It is the NHTSA's view that establishment of minimum performance requirements for motor vehicle electrical systems would combat the other major contributor to these fires.

The NHTSA is also concerned with electrical system component failure and malfunction. Malfunction or failure of headlamps, taillamps, defrosters and defoggers, electric windows and door locks, and anti-skid systems poses a safety threat. Promulgation of a standard that would ensure a continuing minimum level of operation for these electrical systems would, thus, achieve greater overall safety for vehicle occupants.

In order to assess the advisability of issuing such a standard and to arrive at a satisfactory and objective set of performance criteria, the NHTSA would like to receive comments and information relating to the following areas of specific concern. The list of areas is intended only as a guide and should not limit the submission of comments relating to the entire problem of electrical system fires and malfunctions. Statistical data from warranty claims, fleet records, and other sources would be helpful in responding to the following list:

The extent of fatalities, injuries, and property damage resulting from both collision-induced and noncollision motor vehicle fires, and statistical data on their causes.

Specific motor vehicle ignition sources, including electrical system arcing.

Practicable countermeasures for those ignition sources deemed to be the most likely cause of motor vehicle fires, including costs for implementing such countermeasures and resulting benefits. Countermeasures to be considered should include, but not be limited to, automatic electric circuit deactivation in severe crashes, use of nonconductive, impact-resistant battery housing to minimize the likelihood of arcing as an ignition source, and retention of physical integrity of the battery after impact.

Need for independent overload protection for specific safety related components.

Protective measures to ensure at least partial system operation of critical safety components in the event of short circuits and/or open circuits in the associated wiring, connectors, and components.

Necessity for prescribed voltage operating limits at specified safety component terminals under prescribed conditions of engine speed and accessory load.

Need for countermeasures, such as use of redundant and fail-safe components, to ameliorate effects of malfunction of components critical to operation of the total vehicle electrical system or major parts thereof.

Need for driver indicators of tail and brake light outage, and methods of installing such features.

Recent developments in battery design which reduce "gassing," and thereby ameliorate the possibility of explosion initiated by sparks during connection or disconnection of battery cables.

Protective and corrective action already in effect on certain car models to alleviate electrical system integrity problems, including cost data and cost-benefit analyses on these measures.

Countermeasures which have been developed or considered but not implemented, including related technical and economic problems and benefit-cost data.

Arguments for or against the development of more extensive electrical system failure countermeasures.

Possible test procedures that could be incorporated into a standard to evaluate electrical system integrity.



Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 3, 1975.

(Secs. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on August 27, 1975.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.75-23367 Filed 9-3-75; 8:45 am]

#### [49 CFR Part 571]

[Docket 75-24; Notice 1]

#### MOTOR VEHICLE SAFETY STANDARDS Proposed Redefinition of "School Bus"

This notice proposes amending the definition of "school bus" in 49 CFR 571.3, to make it consistent with the definition of "schoolbus" used by Congress in the Motor Vehicle and Schoolbus Safety Amendments of 1974, Pub. L. 93-492, which mandated the promulgation of Federal motor vehicle safety standards covering eight aspects of school bus performance.

Congress defined "schoolbus" as "a passenger motor vehicle which is designed to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting primary, preprimary, or secondary school students to or from such schools or events related to such schools." The present definition in Part 571 focuses on design rather than use: "School bus" means a bus designed primarily to carry children to and from school, but not including buses operated by common carriers in urban transportation of school children." This definition does not include all the vehicle types "likely to be significantly used" in school transportation. Especially in the case of small van-type vehicles, the fact that the same basic vehicle may be used

as a commercial delivery truck, a camper, a small moving van, a family station wagon, or a commuter bus as well as a school bus makes it difficult to include many van designs under the existing "designed primarily" definition. Yet van-type vehicles are "likely to be significantly used" in school transportation and the NHTSA is therefore required to issue standards which cover them.

After careful consideration of the alternatives, the NHTSA has tentatively decided to define "school bus" according to the purpose for which the bus is sold. Responsibility for complying with safety standards applicable to school buses would rest with the seller who was party to the first sale of a vehicle in which either party intended the vehicle to be used for the purpose of carrying children to and from school or related events. Thus, if a bus were equipped by its manufacturer with school bus lights, painted school bus yellow, or labeled a school bus, the manufacturer would have to comply with all safety standards for school buses. If the bus were not so equipped the manufacturer would not be responsible for certification as a school bus unless he had reason to know a particular vehicle was "likely to be significantly used" as a school bus. A dealer who took a bus or MPV and painted it yellow or added a school bus lighting system would be responsible. So would a dealer knowingly selling any MPV or bus capable of being converted and used as a school bus to a school or a school bus contract operator, unless the buyer made it clear that the vehicle would not be used to transport school children. While difficult borderline cases may be imagined, NHTSA believes such instances would prove rare. By focusing on the intended use of each vehicle, nearly all vehicles which ought to meet the school bus standards would be covered, and very few vehicles which ought not to be required to meet them would be affected.

The practicality of this definition depends to some extent on the good faith of schools and other school bus purchasers, and also on the present and anticipated operation of the used bus market and the vehicle conversion market. Comments are particularly requested that include data and opinions concerning the effect on these markets of the proposed definition.

In consideration of the foregoing it is proposed that in 49 CFR 571.3 the definition of school bus be amended to read:

#### § 571.3 Definitions.

(b) \* \* \*

"School bus" means a bus which is equipped to carry more than 10 passengers in addition to the driver and which is sold, or introduced, or delivered for introduction in interstate commerce, for purposes that include carrying students to and from school or related events, but does not include buses designed and sold for operation as a common carrier in urban transportation.

\* \* \*

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: October 20, 1975.

Proposed effective date: 6 months after publication of rule.

(Sec. 102, 103, 119, Pub. L. 89-563, 80 Stat. 718, as amended by Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1391, 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on August 28, 1975.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.75-23366 Filed 9-3-75; 8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

##### [40 CFR Part 52]

[FRL 425-8]

#### ALABAMA

##### Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), the Administrator approved portions of the Alabama plan to attain and maintain the national ambient air quality standards in the State. Chapter 5 of the air pollution control regulations included in the approved Alabama plan provides for the control of sulfur compound emissions. On August 8, 1974 (39 FR 28528), the Administrator approved changes in Part 5.1, Fuel Combustion, of this chapter except as the new emission limits of the revised Part 5.1 apply to the Tennessee Valley Authority's Widows Creek Steam Plant. The State now proposes to make changes in Part 5.2, Sulfuric Acid Plants, of its original regulations. The latter changes were adopted by the Alabama Air Pollution Control Commission on April 22, 1975, after notice and public hearing, and were submitted for the Agency's approval on July 25, 1975. The purpose of the present notice is to de-

scribe the proposed changes in Part 5.2 and to invite public comment on them.

The regulations dealing with sulfuric acid plants now read in their entirety as follows:

5.2 Sulfuric Acid Plants. No person shall cause or permit sulfur dioxide tail gas emissions from sulfuric acid manufacturing plants to exceed 6.5 lb/ton of 100 percent sulfuric acid produced. The tail gas acid mist emissions are not to exceed 0.5 lb/ton of sulfuric acid produced and the sulfur trioxide emissions are not to exceed 0.2 lb/ton of sulfuric acid produced.

For existing sulfuric acid plants in operation on January 18, 1972, when the original regulations of the plan were adopted, the limits on acid mist and sulfur trioxide emissions would remain as specified above. The limit on SO<sub>2</sub> emissions, however, would be relaxed to 27 pounds per ton of 100% H<sub>2</sub>SO<sub>4</sub> produced, except that sources now emitting less than 27 lb SO<sub>2</sub>/ton 100% H<sub>2</sub>SO<sub>4</sub> would not be allowed to increase emissions of this pollutant.

Also, new sulfuric acid plants would be required to meet SO<sub>2</sub> and acid mist emission limits equivalent to those specified in the Agency's New Source Performance Standards for this category of sources: 4 lb SO<sub>2</sub> and 0.15 lb H<sub>2</sub>SO<sub>4</sub> mist per ton of 100% acid produced (40 CFR 60.82 and 60.83).

Finally, all sulfuric acid plants would be required to install, calibrate, maintain, and operate equipment for the continuous monitoring and recording of sulfur dioxide emissions. Such equipment must be approved by the State air pollution control agency.

In connection with the present plan revision, the State submitted, in addition to revised sulfur dioxide control strategy information, diffusion modeling results for the vicinity of three existing sources: Stauffer Chemical Company and American Cyanamid Company of Mobile County and Swift Chemical Company of Dothan. The State asserts that this supporting information shows that approval of the revision would not interfere with the attainment and maintenance of the national ambient air quality standards for sulfur dioxide.

Copies of the information submitted by Alabama are available for public inspection during normal business hours at the following locations:

Air Programs Branch  
Air & Hazardous Materials Division  
Region IV  
Environmental Protection Agency  
1421 Peachtree Street, N.E.  
Atlanta, Georgia 30309

Alabama Air Pollution Control Commission  
645 South McDonough Street  
Montgomery, Alabama 36104

Interested persons are encouraged to participate in this rulemaking by submitting written comments on the proposed plan revision just described. To be considered, comments must be received on or before October 6, 1975. After relevant comments and other available information have been weighed in the light of requirements set forth in the

Clean Air Act and in the Agency's implementing regulations at 40 CFR Part 51, the Administrator will take action on the Alabama proposal.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: August 26, 1975.

JACK E. RAVAN,  
Regional Administrator, Region IV.  
[FR Doc.75-23473 Filed 9-3-75; 8:45 am]

#### [40 CFR Part 52]

[FRL 426-5]

#### DISTRICT OF COLUMBIA

##### Proposed Revision to Implementation Plan

On March 20, 1973 (38 FR 7323, 7325), the Administrator of the Environmental Protection Agency (EPA), acting in response to a court order, notified the District of Columbia that Transportation Control Plans (TCP's) must be submitted by April 15, 1973 for its portion of the National Capital Air Quality Control Region (AQCR). In response, the District of Columbia submitted a plan on April 20, 1973.

The strategies proposed included improved mass transit, parking disincentives, emission inspection programs and additional stationary source controls. Although portions of this plan were approvable, the plan could not be approved in its entirety. On June 22, 1973 (38 FR 16550, 16556), the Administrator issued an approval/disapproval notice containing EPA's evaluation of the District's plan.

The District of Columbia responded in a timely fashion to correct some of the deficiencies in its original submissions, submitting supplemental material on July 9 and July 16, 1973. Public comment on these additional submissions was invited by a FEDERAL REGISTER notice on July 18, 1973 (38 FR 19132).

On August 2, 1973, the Administrator published a proposed TCP for the District of Columbia portion of the National Capital AQCR (38 FR 20758). The proposals were largely based on the material submitted by the District of Columbia, State of Maryland, and Commonwealth of Virginia. Public hearings on these EPA proposals were held in the District on September 5, 1973.

Portions of the material submitted in April and July by the District were approved by the Administrator on December 8, 1973 (38 FR 33702). In this same notice, the Administrator promulgated a TCP, which to the maximum extent possible reflected the preferences of the District of Columbia.

On May 6, 1975, the District of Columbia submitted an amendment to the District's Implementation Plan, along with proof that hearings were held on December 10, 1974 in accordance with the requirements set forth in 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans. The submission is comprised of a pilot bikelane project, consisting of immediate institution of 14.87 miles of

bikelanes. The bikelanes are located in various parts of the District and are of varied design. The District has also requested that the bikelane program be considered a replacement to the pilot bikelane project for Pennsylvania Avenue set forth in 40 CFR 52.491(g), contending that the pilot bikelane project promulgated by EPA would be difficult to implement for the following reasons: (1) The route chosen may lead to traffic, safety, and funding problems, (2) the design criteria set forth by EPA is too stringent.

This notice is to advise the public of receipt of this amendment to the District of Columbia's Implementation Plans, and to request public comments, especially comments pertaining to the adequacy of the network in terms of safety factors and user demand. Only those comments received on or before October 6, 1975, will be considered. The Administrator's decision to approve or disapprove this proposed revision will be based on whether it meets the requirements of section 110(a)(2)(A)(H) of the Clean Air Act and the requirements set forth in 40 CFR Part 51. If this revision is approved, the Administrator will consider action to rescind 40 CFR 52.491(g).

Copies of the proposed revision and the analysis on which it is based, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

D.C. Department of Environmental Services, Bureau of Air and Water Quality Control, Room LL-1, 614 H Street, N.W., Washington, D.C. 20001.

Freedom of Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. All comments should be directed to: Howard Helm, Chief, Air Planning Branch, U.S. Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. AT-1 AH006DC.

(42 U.S.C. 1857 c-5)

Dated: August 25, 1975.

A. R. MORRIS,  
Acting Regional Administrator.

[FR Doc.75-23476 Filed 9-3-75; 8:45 am]

#### [40 CFR Part 52]

[FRL 425-7]

#### FLORIDA

##### Approval and Promulgation of Implementation Plans; Correction and Extension of Comment Period

In the FEDERAL REGISTER of Friday, August 15, 1975, at page 34408, the Agency announced as proposed rulemaking the State of Florida's newly adopted regulations for the control of sulfur dioxide emissions from fossil-fuel-fired steam generators. The fifth paragraph of that notice should have included language making it clear that under the terms of the proposed revision, owners of fossil-fuel-fired steam generators with a heat input of 250 million Btu per hour or less would have the option of

meeting the new limits proposed for

relate to securities of investment companies and insurance companies, are

ment of appropriate regulatory standards. The information requested includes

1-5 of Form TA-1 becomes inaccurate, misleading or incomplete, the registrant

This amendment relating to State member banks is proposed to assist in







Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 29, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

By order of the Board of Governors, August 25, 1975.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.  
[FR Doc. 75-23456 Filed 9-3-75; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240 and 249]

[Release No. 34-11922; File No. S7-583]

### REGISTRATION OF TRANSFER AGENTS

#### Proposed Rule and Related Form

Notice is hereby given that the Securities and Exchange Commission (the "Commission") has under consideration a proposal to adopt Rule 17Ac2-1, 17 CFR 240.17Ac2-1, and related Form TA-1 under the Securities Exchange Act of 1934 (the "Act"), 15 USC 78a et seq.

Proposed Rule 17Ac2-1 would require each transfer agent for which the Commission is the appropriate regulatory agency, as defined in Section 3(a)(34)(B)<sup>1</sup> of the Act, to file with the Commission an application for registration on Form TA-1.

#### BACKGROUND

As amended by the Securities Acts Amendments of 1975 (the "1975 Act"), which was signed into law on June 4, 1975,<sup>2</sup> the Act provides for federal regulation of the securities handling process, including clearing agencies, depositories, and transfer agents, with the view to facilitating the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions. In some areas the Commission's authority is exclusive; in other areas, the Commission's authority is shared with federal bank regulatory agencies (i.e., the Board of Governors of

<sup>1</sup> Section 3(a)(34)(B) of the Act defines the term "appropriate regulatory agency" when used with respect to a clearing agency or transfer agent to be: "(i) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank; (ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company which is a bank other than a bank specified in clause (i) or (iii) of this subparagraph; (iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), or a subsidiary thereof; and (iv) the Commission in the case of all other clearing agencies and transfer agents."

<sup>2</sup> Pub. L. 94-29 (June 4, 1975).

the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation).

One of the areas in which the Commission and the federal bank regulatory agencies have shared regulatory authority is the registration of transfer agents.

Pursuant to Section 17A(c) of the Act, on and after December 1, 1975,<sup>3</sup> it will be unlawful for any transfer agent subject to the registration requirements to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent unless registered with the appropriate regulatory agency for such transfer agent. Transfer agents for securities registered under Section 12 of the Act, or for securities which would be required to be registered under Section 12 except for the exemption from registration contained in subsections (g)(2)(B) or (g)(2)(G) of Section 12 (which subsections relate to securities of investment companies and insurance companies), are subject to the registration requirement.

The term "transfer agent" is defined in Section 3(a)(25) of the Act to mean any person who engages, on behalf of an issuer of securities or on behalf of itself as an issuer of securities, in (i) counter-signing such securities upon issuance, (ii) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar, (iii) registering the transfer of such securities, (iv) exchanging or converting such securities, or (v) transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates. The term "transfer agent" does not include any insurance company or separate account which performs such functions solely with respect to variable annuity contracts or variable life policies which it issues or any registered clearing agency which performs such functions solely with respect to options contracts which it issues.

A transfer agent which is a national bank or a subsidiary of any such bank or a bank operating under the Code of Law for the District of Columbia or a subsidiary of any such bank is required to register with the Comptroller of the Currency. A transfer agent which is a State member bank of the Federal Reserve System or a subsidiary of any such bank, a bank holding company or a subsidiary of a bank holding company which is a bank<sup>4</sup> (other than a bank which is required to register with the Comptroller of the Currency or the Federal Deposit Insurance Corporation) is required to register with the Board of Governors of the Federal Reserve System. A transfer agent which is a bank insured by the Federal Deposit Insurance Corporation

<sup>3</sup> See Section 31(a) of the 1975 Act.

<sup>4</sup> Section 3(a)(34) of the Act provides that for purposes of that section the terms "bank holding company" and "subsidiary of a bank holding company" have the meanings given them in Section 2 of the Bank Holding Company Act of 1956.

(other than a bank which is a member bank of the Federal Reserve System) or a subsidiary thereof is required to register with the Federal Deposit Insurance Corporation. All other transfer agents are required to register with the Commission.

Under the Act, a transfer agent registers by filing with the appropriate regulatory agency an application for registration containing information and documents prescribed by the appropriate regulatory agency. Registration of a transfer agent becomes effective thirty days after receipt of the application for registration by the appropriate regulatory agency for the transfer agent, unless the appropriate regulatory agency takes affirmative action to accelerate, deny or postpone the registration in accordance with the provisions of Section 17A(c).

Each federal bank regulatory agency is publishing, concurrently with the publication of this rule and registration statement, a substantially similar rule and an identical registration statement for transfer agents which are required to register with that agency.

#### PROPOSED RULE 17Ac2-1

Pursuant to proposed Rule 17Ac2-1, a transfer agent for which the Commission is the appropriate regulatory agency will be required to apply for registration with the Commission on, and in accordance with the instructions contained in, Form TA-1. The filing of any amendment to an application for registration, which has not become effective, will postpone the effective date of the registration until the thirtieth day after the date on which the amendment was filed, unless the Commission takes affirmative action to accelerate, deny or postpone the registration in accordance with the Act.

Within ten calendar days following the date on which any information contained in items 1-5 of Form TA-1 becomes inaccurate, misleading or incomplete, the registrant will be required to file an amendment to Form TA-1 correcting the inaccurate, misleading or incomplete information. Within thirty calendar days following the close of any calendar year quarter (beginning with the calendar quarter ending March 31, 1976) during which the information reported at items 6-7 of Form TA-1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, incomplete or misleading information. Form TA-1 shall constitute a "report" or "application" within the meanings of Sections 17, 17A(c) and 32(a) of the Act.

#### PROPOSED FORM TA-1

Form TA-1 will be a common form for the registration of all transfer agents required to register under the Act. Form TA-1 is designed to identify, and to provide basic information related to, transfer agents and to aid in the development of appropriate regulatory standards. The information requested includes the name of the registrant, the address of the principal place of the registrant's

business, the address of the principal office(s) for transfer agent activities, the name of the person in charge of the registrant's transfer agent activities, the registrant's form of organization, the types of transfer agent activities engaged in by the registrant, the names of issues for which the registrant acts as transfer agent (or co-transfer agent) or registrar (or co-registrar), the nature and extent of the registrant's insurance coverage relating to transfer agent activities and certain operational data pertaining to the registrant's transfer agent activities. Comments on proposed Form TA-1 may include comments on the format of the Form.

#### STATUTORY BASIS

Proposed Rule 17Ac2-1 and Form TA-1 thereunder would be adopted pursuant to Sections 2, 17, 17A and 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78b, 78g, 78q-1 and 78w(a).

The text of proposed Rule 17Ac2-1 (§ 240.17Ac2-1) follows:

#### § 240.17Ac2-1 Application for registration of transfer agents.

(a) An application for registration, pursuant to Section 17A(c) of the Act, of a transfer agent for which the Commission is the appropriate regulatory agency, as defined in section 3(a)(34)(B) of the Act, shall be filed with the Commission on Form TA-1, in accordance with the instructions contained therein.

(b) The filing of any amendment to an application for registration as a transfer agent pursuant to paragraph (a) of this rule, which registration has not become effective, shall postpone the effective date of the registration until the thirtieth day following the date on which the amendment is filed unless the Commission takes affirmative action to accelerate, deny or postpone the registration in accordance with the provisions of section 17A(c) of the Act.

(c) Within ten calendar days following the date on which any information reported at items 1-5 of Form TA-1 becomes inaccurate, misleading or incomplete, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, misleading or incomplete information. Within thirty calendar days following the close of any calendar year quarter (beginning with the calendar quarter ending March 31, 1976) during which the information reported at items 6-7 of Form TA-1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, incomplete or misleading information.

(d) Every registration or amendment filed pursuant to this rule shall constitute a "report" or "application" within the meanings of section 17, 17A(c) and 32(a) of the Act.

Section 249... is proposed to be amended as follows:

§ 249... Form TA-1, for application for registration as a transfer agent pursuant to section 17A(c) of the Securities Exchange Act of 1934, or to amend such application.

This form shall be used for application for registration as transfer agent pursuant to section 17A(c) of the Securities Exchange Act of 1934, or to amend such application.

NOTE.—Copies of proposed Form TA-1 have been filed with the Office of the Federal Register as part of this document. Additional copies will be available on request from the Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit their views on proposed Rule 17Ac2-1 and Form TA-1 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than September 29, 1975. Reference should be made to File No. S7-583. All comments received will be subject to public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 28, 1975.

[FR Doc. 75-23453 Filed 9-3-75; 8:45 am]

### DEPARTMENT OF THE TREASURY

#### Comptroller of the Currency

[12 CFR Part 9]

#### FIDUCIARY POWER OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

##### Notice of Proposed Rulemaking

Notice is hereby given that the Comptroller of the Currency (the "Comptroller") pursuant to Sections 17, 17A and 23(a) of the Securities Exchange Act of 1934, as amended (Secs. 14, 15 and 18 of Pub. L. 94-29, 89 Stat. 137, 141 and 155 (15 U.S.C. 78g, 78q-1 and 78w1) (the "Act")) proposes to add a new § 9.20 and related Form TA-1 to Part 9 of Title 12 of the Code of Federal Regulations.

Proposed § 9.20 would require each transfer agent for which the Comptroller is the appropriate regulatory agency, as defined in Section 3(a)(34)(B)<sup>1</sup> of the Act, to file with the Comptroller an application for registration on Form TA-1.

#### BACKGROUND

As amended by the Securities Acts Amendments of 1975 (the "1975 Act"), which was approved on June 4, 1975,<sup>2</sup> the Act provides for federal regulation of the securities handling process, including clearing agencies, depositories, and transfer agents, with the view to facilitating the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions. In some areas the Securities and Exchange Commission's ("SEC") authority is exclusive; in other

areas, the SEC's authority is shared with federal bank regulatory agencies (i.e., the Comptroller, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation).

One of the areas in which the Comptroller and the SEC have shared regulatory authority is the registration of transfer agents.

Pursuant to Section 17A(c) of the Act, on and after December 1, 1975,<sup>3</sup> it will be unlawful for any transfer agent subject to the registration requirements to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent unless registered with the appropriate regulatory agency for such transfer agent. Transfer agents for securities registered under Section 12 of the Act, or for securities which would be required to be registered under Section 12 except for the exemption from registration contained in subsections (g)(2)(B) or (g)(2)(G) of Section 12 (which subsections relate to securities of investment companies and insurance companies), are subject to the registration requirement.

The term transfer agent is defined in Section 3(a)(25) of the Act to mean any person who engages, on behalf of an issuer of securities or on behalf of itself as an issuer of securities, in (i) counter-signing such securities upon issuance, (ii) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar, (iii) registering the transfer of such securities, (iv) exchanging or converting such securities, or (v) transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates. The term transfer agent does not include any insurance company or separate account which performs such functions solely with respect to variable annuity contracts or variable life policies which it issues or any registered clearing agency which performs such functions solely with respect to options contracts which it issues.

A transfer agent which is national bank or a subsidiary of any such bank or bank operating under the Code of Law for the District of Columbia or a subsidiary of any such bank is required to register with the Comptroller. A transfer agent which is a State member bank of the Federal Reserve System or a subsidiary of any such bank, a bank holding company or a subsidiary of a bank holding company which is a bank<sup>4</sup> (other than a bank which is required to register with the Comptroller or the Federal Deposit Insurance Corporation) is required to register with the Board of Governors of the Federal Reserve System. A transfer agent which is a bank insured by the Federal Deposit Insurance Corporation (other than a bank which is a member bank of the Federal Reserve System) or a subsidiary thereof is required to reg-

ister with the Federal Deposit Insurance transfer agent activities, the registrant's which the information reported at items

3. Six copies of Form TA-1, Schedule A and any attachments are to be completed

15 of Form TA-1 becomes inaccurate, incomplete or misleading, the registrant shall

IV. Instructions as to SPECIFIC ITEMS on Form TA-1



ister with the Federal Deposit Insurance Corporation. All other transfer agents are required to register with the SEC.

Under the Act, a transfer agent registers by filing with the appropriate regulatory agency an application for registration containing information and documents prescribed by the appropriate regulatory agency. Registration of a transfer agent becomes effective thirty days after receipt of the application for registration by the appropriate regulatory agency for the transfer agent, unless the appropriate regulatory agency takes affirmative action to accelerate, deny or postpone the registration in accordance with the provisions of Section 17A(c).

Each federal bank regulatory agency and the SEC is publishing, concurrently with the publication of the regulation and registration statement, a substantially similar regulation and an identical registration statement for transfer agents which are required to register with that agency.

#### PROPOSED § 9.20

Pursuant to proposed § 9.20, a transfer agent for which the Comptroller is the appropriate regulatory agency will be required to apply for registration with the Comptroller on, and in accordance with the instructions contained in, Form TA-1. The filing of any amendment to an application for registration, which has not become effective, will postpone the effective date of the registration until the thirtieth day after the date on which the amendment was filed, unless the Comptroller takes affirmative action to accelerate, deny or postpone the registration in accordance with the Act. Within ten calendar days following the date on which any information contained in items 1-5 of Form TA-1 becomes inaccurate, misleading or incomplete, the registrant will be required to file an amendment to Form TA-1 correcting the inaccurate, misleading or incomplete information. Within thirty calendar days following the close of any calendar year quarter (beginning with the calendar quarter ending March 31, 1976) during which the information reported at items 6-7 of Form TA-1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, incomplete or misleading information. Form TA-1 shall constitute a "report" or "application" within the meanings of Sections 17, 17A(c) and 32(a) of the Act.

#### PROPOSED FORM TA-1

Form TA-1 will be a common form for the registration of all transfer agents required to register under the Act. Form TA-1 is designed to identify, and to provide basic information related to, transfer agents and to aid in the development of appropriate regulatory standards. The information requested includes the name of the registrant, the address of the principal place of the registrant's business, the address of the principal office(s) for transfer agent activities, the name of the person in charge of the registrant's

transfer agent activities, the registrant's form of organization, the types of transfer agent activities engaged in by the registrant, the names of issues for which the registrant acts as transfer agent (or co-transfer agent) or registrar (or co-registrar), the nature and extent of the registrant's insurance coverage relating to transfer agent activities and certain operational data pertaining to the registrant's transfer agent activities.

Comments on proposed Form TA-1 may include comments on the format of the Form.

#### STATUTORY BASIS

Proposed § 9.20 and Form TA-1 thereunder would be adopted pursuant to Section 17, 17A and 23(a) of the Securities Exchange Act of 1934.

#### COMMENTS

All interested parties are invited to submit comments in writing to C. Westbrook Murphy, Deputy Comptroller for Law and Chief Counsel, Office of the Comptroller of the Currency, Washington, DC 20219, to be received not later than September 29, 1975. Such comment material will be made available to the public for inspection and copying upon request except as provided in § 4.16(a) of the Comptroller's rules concerning the availability of information.

Dated: August 28, 1975.

(SEAL) JAMES E. SMITH,  
Comptroller of the Currency,  
Administrator of National Banks.

It is proposed to amend 12 CFR Part 9 by adding a new § 9.20, to read as follows:

#### § 9.20 Registration of National Bank Transfer Agents.

(a) An application for registration, pursuant to Section 17A(c) of the Securities Exchange Act of 1934, as amended (the "Act"), of a transfer agent for which the Comptroller is the appropriate regulatory agency, as defined in Section 3(a) (34) (B) of the Act, shall be filed with the Comptroller on Form TA-1, in accordance with the instructions contained therein.

(b) The filing of any amendment to an application for registration as a transfer agent pursuant to paragraph (a) of this section, which registration has not become effective, shall postpone the effective date of the registration until the thirtieth day following the date on which the amendment is filed unless the Comptroller takes affirmative action to accelerate, deny or postpone the registration in accordance with the provisions of Section 17A(c) of the Act.

(c) Within ten calendar days following the date on which any information reported at items 1-5 of Form TA-1 becomes inaccurate, misleading or incomplete, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, misleading or incomplete information. Within thirty calendar days following the close of any calendar year quarter (beginning with the calendar quarter ending March 31, 1976) during

which the information reported at items 6-7 of Form TA-1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, incomplete or misleading information.

(d) Every registration or amendment filed pursuant to this rule shall constitute a "report" or "application" within the meanings of Sections 17, 17A(c) and 32(a) of the Act.

#### FOOTNOTES

<sup>1</sup> Section 3(a) (34) (B) of the Act defines the term "appropriate regulatory agency" when used with respect to a clearing agency or transfer agent to be: "(i) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank; (ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company which is a bank other than a bank specified in clause (i) or (ii) of this subparagraph; (iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), or a subsidiary thereof; and (iv) the Commission in the case of all other clearing agencies and transfer agents."

<sup>2</sup> Pub. L. 94-29 (June 4, 1975).

<sup>3</sup> See Section 31(a) of the 1975 Act.

<sup>4</sup> Section 3(a) (34) of the Act provides that for purposes of that section the terms "bank holding company" and "subsidiary of a bank holding company" have the meanings given them in Section 2 of the Bank Holding Company Act of 1956.

#### FORM TA-1

UNIFORM FORM FOR REGISTRATION AS A TRANSFER AGENT AND FOR AMENDMENT TO REGISTRATION AS A TRANSFER AGENT PURSUANT TO SECTION 17A OF THE SECURITIES EXCHANGE ACT OF 1934 (THE "ACT").

#### I. General Instructions for Preparing and Filing Form TA-1

1. Form TA-1 is to be used to apply for registration and to amend registration with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission. The respective addresses for filing are included as a separate page following these instructions.

2. A. A transfer agent which is a national bank or a subsidiary of any such bank or a bank operating under the Code of Law for the District of Columbia or a subsidiary of any such bank is required to register with the Comptroller of the Currency.

B. A transfer agent which is a State member bank of the Federal Reserve System or a subsidiary of any such bank, a bank holding company or a subsidiary of a bank holding company which is a bank (other than a bank which is required to register with the Comptroller of the Currency or the Federal Deposit Insurance Corporation) is required to register with the Board of Governors of the Federal Reserve System.

C. A transfer agent which is a bank insured by the Federal Deposit Insurance Corporation (other than a bank which is a member bank of the Federal Reserve System) or a subsidiary thereof is required to register with the Federal Deposit Insurance Corporation.

3. Six copies of Form TA-1, Schedule A and any attachments are to be completed and filed with the appropriate regulatory agency for the transfer agent, as set forth in instruction 2 immediately above. An exact copy should be retained for your records. Copies of Form TA-1 and Schedule A may be obtained from any of the agencies listed on the pages following these instructions. Copies of Form TA-1 and Schedule A may be mechanically duplicated and are acceptable for filing provided an original, manual signature is affixed in response to item 13 of Form TA-1 on each copy. Form TA-1 and Schedule A may be duplicated by any method producing legible copies, of type size identical to that in the Form, on good quality, unglazed, white paper, 8 1/2 x 11 inches in size.

4. If Form TA-1 is filed by a corporation, it shall be signed in the name of the corporation by a principal officer duly authorized; if it is filed otherwise than by a corporation, it shall be signed by a duly authorized principal of the organization filing the Form.

5. If the space provided for any answer on Form TA-1 is insufficient, the complete answer shall be prepared on Schedule A, which shall be attached to the Form.

6. Individuals' names, except for executing signatures, shall be given in full wherever required (last name, first name, middle name). The full middle name is required. Initials are not acceptable unless the individual legally has only an initial.

7. A Form TA-1 which is not prepared and executed in compliance with applicable requirements may be returned as not acceptable for filing. However, acceptance of Form TA-1 shall not constitute any finding that it has been filed as required or that the information submitted is true, current, or complete.

8. Unless the context otherwise requires, "registrant" means the entity on whose behalf Form TA-1 is filed, whether as a registration or as an amendment to a previously filed Form TA-1.

9. The information contained in Form TA-1 shall be amended upon the happening of certain events (See instruction 12 relating to amendments to Form TA-1).

10. Section 17(c) (1) of the Act, among other things, requires every transfer agent who files a registration form or amendment thereto with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency or the Federal Deposit Insurance Corporation to file a copy of such registration form or amendment with the Securities and Exchange Commission. The Securities and Exchange Commission and the federal bank regulatory agencies have developed procedures pursuant to which the federal bank regulatory agencies will transmit a copy of any registration form or amendment filed with them to the Securities and Exchange Commission. Accordingly, such filings with the federal bank regulatory agencies by transfer agents for which the Commission is not the appropriate regulatory agency will constitute filings with the Commission for purposes of Section 17(c) (1) of the Act.

#### II. Instructions Relating to Filing Form TA-1 as a Registration Form

11. If Form TA-1 is being filed as a registration form, all applicable items are required to be answered in full. If any item is not applicable, respond with "none" or "N/A" (not applicable), as appropriate.

#### III. Instructions Relating to Filing Form TA-1 as an Amendment to a Registration Form

12. Within ten calendar days following the date on which information reported at items

1-5 of Form TA-1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, incomplete or misleading information. Within thirty calendar days following the close of any calendar year quarter (beginning with the calendar quarter ending March 31, 1976) during which the information reported at items 6-7 of Form TA-1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, incomplete or misleading information.

13. If an item is amended, the registrant must answer all other items on the page on which the amended item appears and must file the new page and a properly executed page 6. Unless Schedule A or an attachment is being amended, it is not necessary to file a new Schedule A or attachment pertaining to an unamended item on a page which is filed because it contains an amended item.

#### FORM TA-1

FORM TA-1—UNIFORM FORM FOR REGISTRATION AS A TRANSFER AGENT AND FOR AMENDMENT TO REGISTRATION AS A TRANSFER AGENT PURSUANT TO SECTION 17A OF THE SECURITIES EXCHANGE ACT OF 1934

GENERAL: Form TA-1 is to be used to register as a transfer agent and to amend registration as a transfer agent with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission pursuant to Section 17A of the Securities Exchange Act of 1934 (the "Act"). Read all instructions before preparing the form. Please print or type all responses.

1. This Form is filed with _____	(Name of agency)
A registration _____	An amendment _____
2. (a) Exact name, principal business address, mailing address, if different, and telephone number of registrant:	
Full name of registrant: _____	
Name under which transfer agent activities are conducted, if different: _____	
If name of registrant is hereby amended, state name under which registered previously: _____	
If name under which transfer agent activities are conducted is hereby amended, state name given previously: _____	
Address of principal place of business:	
Number and Street _____	City _____ State _____ Zip Code _____
Mailing Address, if different:	
Number and Street _____	City _____ State _____ Zip Code _____
Telephone Number: _____	
(Area Code) _____ (Telephone Number) _____	
(b) Address of Principal Office(s) for Transfer Agent Activities:	
Number and Street _____	City _____ State _____ Zip Code _____
(c) Name, title, mailing address and telephone number of person in charge of registrant's transfer agent activities:	
Name _____	Title _____
Number and Street _____	City _____ State _____ Zip Code _____
Telephone Number: _____	
(Area Code) _____ (Telephone Number) _____	
Registrant agrees and consents that the notice of any proceeding under the Act involving registrant may be given by sending such notice by registered or certified mail or confirmed telegram to the person named, at the address given, in response to item 2(c).	
4. (a) If registrant is a corporation or a national association:	
Date and jurisdiction of organization: _____	
DATE: _____ JURISDICTION: _____	
(b) If registrant is not a corporation or a national association, describe on Schedule A the form of organization under which registrant conducts its business and identify the jurisdiction in which registrant is organized.	
5. Does registrant have any arrangement with any person under which, with regard to registrant's transfer agent activities, such other person processes, keeps or maintains any records or accounts of registrant or issuers relating to transfer agent services: _____ Yes _____ No	
If the answer is "yes," furnish on Schedule A, as to each such arrangement, the full name and principal business address of the other person and a brief summary of each such arrangement. As used in this question, the term person includes any individual corporation, partnership, association, joint stock company, business trust, unincorporated organization, or any other entity.	



## PROPOSED RULES

6. List issuers serviced as transfer agent, co-transfer agent, registrar or co-registrar, as the terms are commonly used in the transfer agent industry. For each issuer provide the following information:

Name of Issuer	CUSIP Number	Issuer	Indicate capacity or capacities in which registrant acts for issuer (transfer agent, co-transfer agent, registrar, co-registrar)	Identity of co-transfer agents (co-registrars or, if registrant is a co-transfer agent or co-registrar, of principal transfer agent or registrar)
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7. Check below types of business activities engaged in by registrant:

- (a) Countersigning securities upon issuance \_\_\_\_\_  
 (b) Monitoring the issuance of securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar \_\_\_\_\_  
 (c) Registering the transfer of securities \_\_\_\_\_  
 (d) Exchanging or converting securities \_\_\_\_\_  
 (e) Transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates \_\_\_\_\_  
 (f) Activities related to transfer agent functions:  
 (1) Acting as dividend disbursing agent or paying agent \_\_\_\_\_  
 (2) Effecting dividend reinvestment \_\_\_\_\_  
 (3) Processing stock subscriptions \_\_\_\_\_  
 (4) Mailing of stockholders notices, proxies and other materials \_\_\_\_\_  
 (5) Other activities (give details on Schedule A) \_\_\_\_\_

8. (a) With regard to transfer agent activities, please provide the following information regarding the type of insurance carried:

Type of Insurance	Yes	No	Amount of Coverage	Amount of Deductible
1. Blanket Bond	_____	_____	\$ _____	\$ _____
2. Fidelity	_____	_____	_____	_____
3. Errors and Omissions	_____	_____	_____	_____
4. Mail Policy	_____	_____	_____	_____
5. Air Courier	_____	_____	_____	_____
6. Lost Instrument	_____	_____	_____	_____
7. Other (please specify on Schedule A)	_____	_____	_____	_____

- (b) If registrant's transfer agent activities are not covered by insurance, has provision been made for self-insurance? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, indicate on Schedule A the provisions made for self-insurance (e.g., accounting reserve or funded reserve) and the amount thereof.

9. If registrant is not a bank insured by the Federal Deposit Insurance Corporation, please answer items (a) and (b) below:  
 (a) Are the registrant's transfer agent activities subject to regulation by a state or political subdivision? (If yes, specify name of agency). \_\_\_\_\_ Yes \_\_\_\_\_ No

Name of State or Political Subdivision \_\_\_\_\_ Name of Agency \_\_\_\_\_

- (b) Have the registrant's transfer agent activities been the subject of periodic examinations by an agency of a state or political subdivision? (If yes, specify name of agency). \_\_\_\_\_ Yes \_\_\_\_\_ No

Name of State or Political Subdivision \_\_\_\_\_ Name of Agency \_\_\_\_\_

10. (a) Is registrant audited by an independent public accountant? \_\_\_\_\_ Yes \_\_\_\_\_ No

- (b) If audited, does the audit include a review of internal controls related to transfer agent activities? \_\_\_\_\_ Yes \_\_\_\_\_ No

- (c) Fiscal year of registrant \_\_\_\_\_  
 (d) What are registrant's internal policies and procedures for reconciling differences in its transfer agent operations? (Please describe on Schedule A.) \_\_\_\_\_  
 (e) What is registrant's normal period for reconciling differences in its transfer agent operations?  
 (f) As of September 30, 1975, did registrant have any differences beyond its normal period for reconciling differences in its transfer agent operations? \_\_\_\_\_ Yes \_\_\_\_\_ No

- (g) If answer to (c) is "yes," indicate as of September 30, 1975, the number of issues out of proof beyond the registrant's normal period for reconciling differences and, for each issue, the number and market value of the shares by which the issue is out of proof.

12. (a) How many employees does registrant have engaged in transfer agent activities? \_\_\_\_\_

- (b) How many years has registrant performed transfer agent activities? \_\_\_\_\_

- (c) Indicate the average monthly number of certificates issued during each of the following calendar quarters:

Period	Average Monthly Number of Certificates Issued
1. October 1, 1974-December 31, 1974	_____
2. January 1, 1975-March 31, 1975	_____
3. April 1, 1975-June 30, 1975	_____
4. July 1, 1975-September 30, 1975	_____

- (d) Does registrant act as a transfer agent solely for its own securities? \_\_\_\_\_ Yes \_\_\_\_\_ No

- (e) Does registrant act as a transfer agent solely for securities of a person, as defined in item 5 of Form TA-1, that controls, or is controlled by, or is under common control, with the registrant? \_\_\_\_\_ Yes \_\_\_\_\_ No

## PROPOSED RULES

13. **EXECUTION:** The Registrant submitting this Form, its Schedules and its attachments and the person by whom it is executed represent hereby that all information contained herein is true, current and complete. It is understood that all required items, Schedules and attachments are considered integral parts of this Form and that the submission of any amendment represents that all unamended items, Schedules and attachments remain true, current and complete as previously submitted.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

(Name of Transfer Agent)

(Manual signature of Principal Officer or duly authorized Principal)

(Title)

**ATTENTION—**Intentional misstatements or omissions of facts constitute Federal Criminal Violations. (See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a))

## SCHEDULE A OF FORM TA-1

1. Full name of Registrant exactly as stated in Item 2(a) of Form TA-1.

Item of Form (Identify)	Answer
_____	_____

[FR Doc. 75-23455 Filed 9-3-75; 8:45 am]

## NOTICES

the Court. Comments should be directed to John A. Weedon, Chief, Great Lakes Field Office, 205 E. Calabrese, Federal

Ordered, Adjudged and Decreed as follows:  
 I. This Court has jurisdiction of the Clay-

the other of those two corporations, so long as both corporations engage (i) in the NSA business or SSA business, or (ii) in the VBM



## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF STATE Agency for International Development HOUSING GUARANTY PROGRAM FOR CHILE

#### Information for Investors

The Agency for International Development ("A.I.D.") is advising the Central Bank of Chile (the "Borrower") that A.I.D. is prepared to guaranty repayment of principal and interest on a loan in an amount not to exceed \$25 million by an eligible U.S. investor to the Borrower. The amount of this loan will be in addition to a loan in an amount up to \$30 million which A.I.D. previously announced for the information of investors in the FEDERAL REGISTER of July 25, 1975.

A.I.D.'s guaranty will be subject to execution of an agreement by an eligible U.S. investor acceptable to A.I.D. for the loan and subject to the satisfaction of certain further terms and conditions by the Borrower. The guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority, contained in section 222 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to finance housing for lower income families organized in cooperatives.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Edgar Mann, Central Bank of Chile, c/o CORFO, World Trade Center Building, Suite 5151, New York, N.Y. 10048; telephone 212-466-6705.

Investors eligible to receive a guaranty are those specified in section 233(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 300E, SA-2, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and

not A.I.D. will select a lender and negotiate the terms of the proposed loan.

PETER M. KIMM,  
Director of Housing, Agency for  
International Development.

AUGUST 26, 1975.

[FR Doc.75-23402 Filed 9-3-75; 8:45 am]

### DEPARTMENT OF THE TREASURY Internal Revenue Service COMMISSIONER'S ADVISORY GROUP Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, a meeting of the Commissioner's Advisory Group will be held on September 17 and 18, 1975, beginning at 10 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The agenda will include various topics concerning the procedures and operations of the Internal Revenue Service.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Committee Members, there will be time for statements by non-members. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 3011, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Committee Members, there will be time for statements by non-members. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 3011, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

DONALD C. ALEXANDER,  
Commissioner.

[FR Doc.75-23433 Filed 8-29-75; 4:01 pm]

### SMALL BUSINESS ADVISORY COMMITTEE Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, a meeting of the Internal Revenue Service Small Business Advisory Committee will be held on October 1 and 2, 1975, beginning at 10 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The agenda will include various topics concerning the tax problems of small businesses.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Committee Members,

there will be time for statements by non-members. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 3011, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

DONALD C. ALEXANDER,  
Commissioner.

[FR Doc.75-23434 Filed 8-29-75; 4:01 pm]

### DEPARTMENT OF JUSTICE

#### Antitrust Division

### UNITED STATES V. THE CLEVELAND TRUST COMPANY

#### Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Northern District of Ohio in Civil Action No. C-70-301, the *United States of America v. The Cleveland Trust Company*. The original complaint in this case alleged that the effect of Cleveland Trust's stock holdings in Acme-Cleveland Corp., Pneumo-Dynamics Corp., Warner & Swasey Company, and White Consolidated Industries, Inc., major manufacturers of automatic machine tools, may have been to substantially lessen competition. It further alleged that Cleveland Trust Company officers served on the boards of directors of Pneumo-Dynamics, W & S, and White in violation of Section 8. The claims asserting a violation of Section 7 and Section 8 (with respect to Pneumo-Dynamics) were dismissed by the court on July 31, 1974.

The proposed judgment prohibits The Cleveland Trust Company from permitting any of its officers to sit on the boards of directors of both Warner & Swasey Co. and White Consolidated Industries, so long as these corporations, or their subsidiaries, engage in the machine tool businesses as defined in the proposed judgment. The defendant is further enjoined, until January 1, 1985, from allowing any of its officers to sit on the boards of directors of two or more companies listed in the proposed judgment, as well as unnamed new entrants which compete in the specified machine tool lines. Public comments are invited on or before November 3, 1975. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with

## NOTICES

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the Court. Comments should be directed to John A. Weedon, Chief, Great Lakes Field Office, 995 Celebrezze Federal Building, Cleveland, Ohio 44199.

Dated: August 28, 1975.

THOMAS E. KAUFER,  
Assistant Attorney General,  
Antitrust Division.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

United States of America, Plaintiff, v. The Cleveland Trust Company, Defendant; Civil Action No. C70-301; Filed: August 28, 1975.

#### STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

For the Plaintiff:

Thomas E. Kauper, Assistant Attorney General; William E. Swope, Charles F. B. McAleer, John A. Weedon, Jill Nickerson, Attorneys, Department of Justice; Frank B. Moore, Robert S. Zuckerman, David F. Hils, Robert A. McNew, Gerald H. Rubin, Susan B. Cyphert, Attorneys, Department of Justice.

Dated: August 28, 1975.

For the Defendant:

RICHARD W. POGUE,  
Jones, Day, Reavis & Pogue.

#### FINAL JUDGMENT

United States of America, Plaintiff, v. The Cleveland Trust Company, Defendant; Civil Action No. C70-301; Judge Frank J. Battisti

Plaintiff, United States of America, having filed its Amended Complaint on October 4, 1972, and defendant having filed its Answer thereto denying the material allegations of the Amended Complaint, and defendant having consented to jurisdiction over its person, and the Court on July 31, 1974, having dismissed the Amended Complaint as to Section 7 of the Act of Congress of October 15, 1914, commonly known as the Clayton Act, as amended, 15 U.S.C. § 18 ("Section 7") and (as to Pneumo-Dynamics Corporation) Section 8 of the Act of Congress of October 15, 1914, commonly known as the Clayton Act, as amended, 15 U.S.C. § 19 ("Section 8"), and plaintiff and defendant, by their respective attorneys, having each consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party hereto with respect to any such issue;

Now, Therefore, before the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and upon consent of the parties as aforesaid, it is hereby

Ordered, Adjudged and Decreed as follows:

I. This Court has jurisdiction of the Clayton Act Section 8 claims of plaintiff now pending in this action and of the parties hereto. With respect to such still pending claims the Amended Complaint states a claim against defendant upon which relief may be granted under Section 8.

II. As used in this Final Judgment:

(A) "MSA business" shall mean the manufacture and sale, in the United States, of new multiple spindle automatic bar and chucking machines, which are non-portable, power-driven, metal-cutting machine tools which have a completely self-acting or self-regulated mechanism which controls the movement of a cutting tool, movement of a spindle and indexing of a spindle carriage and have, in a spindle carriage which indexes from position to position, more than one rotating spindle to each of which a workpiece to be cut may be attached and each of which turns the work-piece in relationship to a cutting tool.

(B) "SSA business" shall mean the manufacture and sale, in the United States, of new single spindle automatic bar and chucking machines, which are non-portable, power-driven, metal-cutting machine tools which have a completely self-acting or self-regulated mechanism which controls the movement of a cutting tool and of the spindle in a pre-set manner, and have only one rotating spindle to which a work-piece to be cut may be attached and which turns the work-piece in relationship to a cutting tool.

(C) "VBM business" shall mean the manufacture and sale, in the United States, of new vertical boring mills, which are non-portable, power-driven, self-regulated metal-cutting machine tools which operate by turning about a vertical axis a work-piece in contact with a cutting tool for the purpose of removing metal from either the interior or the exterior of a work-piece which is fixed by a chucking device to a horizontal bed which is at least 26 inches in diameter.

(D) "Defendant" shall mean The Cleveland Trust Company, its parent, subsidiaries, successors and assigns.

(E) "Executive Officer" shall mean the Chairman of the Board, President, any Executive Vice President, Secretary, Treasurer, any other officer designated as an Executive Officer by The Cleveland Trust Company and, for the purpose of this Final Judgment only, the officer in charge of the trust department.

(F) "Sale" shall mean regular commercial sale in the ordinary course of business.

(G) "W&S" shall mean The Warner & Swasey Company, an Ohio corporation, and its subsidiaries, successors and assigns.

(H) "White" shall mean White Consolidated Industries, Inc., a Delaware corporation, and its subsidiaries, successors and assigns.

III. The provisions of this Final Judgment shall apply to defendant and each of its present and future officers and employees, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. None of the provisions of this Final Judgment shall be applicable to the foreign commerce of the United States.

IV. From and after the date of entry of this Final Judgment, defendant shall:

(A) Refuse to hire or cease to employ, as an officer or employee of defendant, any individual who is or becomes a Director of W&S or White if, at the same time, an officer or employee of defendant is a Director of

the other of those two corporations, so long as both corporations engage (1) in the MSA business or SSA business, or (2) in the VBM business.

(B) Refuse to hire or cease to employ, as an officer or employee of defendant, any individual who is or becomes a Director of one of the following corporations if, at the same time, an officer or employee of defendant is a Director of another of the following corporations, so long as both corporations themselves or through their subsidiaries are engaged in the MSA business or the SSA business:

(1) Any corporation (or unit of it, as indicated in parentheses) among the following:

Acme Cleveland Corporation (National Acme Division)  
Bardons & Oliver, Inc.  
Browne & Sharpe Mfg. Co.  
Cincinnati Milacron Inc.  
Colt Industries, Inc. (Pratt & Whitney Machine Tool Division)  
Cone-Blanchard Machine Company  
The Cross Company  
Davenport Machine Tool Co., Inc.  
The Economy Machine Tool Corporation  
Esterline Corporation (Boyar-Schultz unit)  
Ex-Cell-O Corporation (Greenlee Brothers & Co. unit)  
Giddings & Lewis, Inc.  
Hardinge Brothers, Inc.  
The Leavitt Machine Co.  
LeBlond Incorporated  
Lifton Industries, Inc. (New Britain Machine Division)  
The Mott & Merryweather Machinery Co.  
MPB Corporation (Kinefac subsidiary)  
The Olsson Corporation  
Sheldon Machine Co.  
Sundstrand Corporation  
Textron Company (Jones & Lamson Division of Waterbury Farrell Company)  
The U.S. Baird Corporation  
Waddell Equipment Co., Inc.  
W&S (Cleveland Turning Machine Division)  
White (The Bullard Company subsidiary)

(2) Any corporation (having capital, surplus and undivided profits in excess of \$1,000,000) which, or a subsidiary of which, to the actual knowledge of an Executive Officer, becomes a successor to the MSA business or SSA business of any of the corporations listed in Section IV(B)(1).

(3) Such other corporation (having capital, surplus and undivided profits in excess of \$1,000,000), if any, which, or a subsidiary of which, to the actual knowledge of an Executive Officer becomes a new entrant into the MSA business or the SSA business, and has domestic sales of such business which are not de minimus.

(C) Refuse to hire or cease to employ, as an officer or employee of defendant, any individual who is or becomes a Director of any one of the following corporations if, at the same time, an officer or employee of defendant is a Director of another of the following corporations, so long as both corporations themselves or through their subsidiaries are engaged in the VBM business:

(1) Any corporation (or unit of it, as indicated in parentheses) among the following:

American Machine & Science, Inc. (Johnson Drill Head Company Division and Master Machine Tools, Inc. subsidiary)  
Ex-Cell-O Corporation  
Giddings & Lewis, Inc.  
Lifton Industries, Inc. (New Britain Machine Division)  
The Mott & Merryweather Machinery Co.  
Snyder Corporation  
Sundstrand Corporation  
USM Corporation (Farrel Company Division)

## NOTICES

W&S (The G. A. Gray Company subsidiary)

(B) In all other respects, this Final Judgment

If such corporations are . . . competitors . . .

tive was a proposed decree which would have

brook Lane, Cherry Hill, N.J. 08002 (July 28,

The purpose of this notice is to inform

## NOTICES



W&S (The G. A. Gray Company subsidiary) White (The Bullard Company subsidiary)

(2) Any corporation (having capital, surplus and undivided profits in excess of \$1,000,000) which, or a subsidiary of which, to the actual knowledge of an Executive Officer becomes a successor to the WBM business of any of the corporations listed in Section IV (C) (1).

(3) Such other corporation (having capital, surplus and undivided profits in excess of \$1,000,000), if any, which, or a subsidiary of which, to the actual knowledge of an Executive Officer becomes a new entrant into the WBM business, and has domestic sales of such business which are not de minimus.

V. Defendant shall give personal notice of the prohibitions contained in this Final Judgment to all of its officers, by incorporating the text of Section IV hereof in its Personnel Policy Manual and its successor personnel policy manuals; provided, however, that the lists of named companies in Section IV hereof may be omitted from said Manuals if reference is made to a specific office in The Cleveland Trust Company where such lists may be obtained upon request. A copy of such personal notice shall be filed with the plaintiff upon publication.

VI. (A) For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, defendant shall permit duly authorized representatives of the Department of Justice, on written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice, subject to any legally recognized privilege:

(1) Access during the business hours of defendant, who may have counsel present, to those books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendant which relate to any matters contained in this Final Judgment;

(2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview individuals who are officers or employees of defendant, any of whom may have counsel present, regarding any matters contained in this Final Judgment.

(B) For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, upon written requests of the Attorney General, or of the Assistant Attorney General in charge of the Antitrust Division, defendant shall submit such reports in writing, with respect to the matters contained in this Final Judgment as may from time to time be requested.

(C) No information obtained by the means provided in this Section VI of this Final Judgment shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

VII. Jurisdiction is retained by this Court for the purpose of enabling the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate (i) for construction or modification (other than Section VIII(B)), (ii) for the enforcement of compliance therewith, and (iii) for the punishment of violations thereof.

VIII. Unless earlier terminated pursuant to an Order of this Court:

(A) Section IV (A) hereof (and to the extent necessary to implement Section IV (A)) after January 1, 1985, Sections I, II, III, VII (ii) and (iii) and VIII (A)) shall remain in effect in perpetuity;

(B) In all other respects, this Final Judgment shall remain in full force and effect until January 1, 1985, and no longer.

Entry of this Final Judgment is in the public interest.

Dated: \_\_\_\_\_

United States District Judge.

#### COMPETITIVE IMPACT STATEMENT

United States of America, Plaintiff, v. the Cleveland Trust Company, Defendant; Civil Action No. C 70-301; Judge Frank Battisti; Filed: August 28, 1975.

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (b)-(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed Consent Judgment submitted for entry in this civil antitrust proceeding.

#### I—NATURE AND PURPOSE OF THE PROCEEDING

On March 26, 1970, the United States filed suit against The Cleveland Trust Company ("Cleveland Trust") charging that it had violated Sections 7 and 8 of the Clayton Act. The complaint alleged that Cleveland Trust's acquisition of a substantial number of shares of stock of four competing manufacturers of machine tools, Acme-Cleveland Corp., Pneumo-Dynamics Corp., Warner & Swasey Company, and White Consolidated Industries, Inc., was in violation of Section 7 of the Clayton Act. The complaint also alleged that Cleveland Trust officers served on the boards of directors of Pneumo-Dynamics, Warner & Swasey, and White in violation of Section 8 of the Clayton Act. The complaint sought to have Cleveland Trust divest its stock interest and eliminate the interlocking directorships in these companies.

An amended complaint was filed October 4, 1972, limiting the Section 7 claim to the acquisition of stock in Pneumo-Dynamics Corp. and Acme-Cleveland Corp. by Cleveland Trust and leaving the Section 8 claim unchanged. In 1972, Pneumo-Dynamics Corp. sold its machine tool operations, thus removing itself from the line of commerce alleged in the complaint and amended complaint.

On April 27, 1973, the Government filed a motion for summary judgment. In turn, Cleveland Trust filed a motion to dismiss the Government's complaint on the grounds that the retirement from Cleveland Trust of the two employees serving on the Warner & Swasey and White boards and Pneumo-Dynamics' withdrawal from the machine tool business mooted the Government's claims under Sections 7 and 8 of the Clayton Act.

The Court dismissed the Government's Section 7 claim and Section 8 claim as it related to Pneumo-Dynamics on July 31, 1974. The Court found that Pneumo-Dynamics' withdrawal from competition with Acme-Cleveland in the machine tool market, and the unlikelihood that it would reenter the market, rendered the relief requested by the Government unnecessary. However, the Court recognized that the Government might well be able to prove, assuming a violation of Section 8 were shown, that the danger of recurrent violation existed. The Court therefore denied Cleveland Trust's motion as to the alleged illegal interlocks between Cleveland Trust and Warner & Swasey and White.

The Court denied the Government's motion for summary judgment on the remaining Section 8 claims primarily on the ground that there remained a genuine issue of fact, viz., whether Cleveland Trust had deputized its officials to sit on the boards of directors of Warner & Swasey and White. Summary judgment was therefore inappropriate. Section 8 of the Clayton Act provides in pertinent part that "No person at the same time shall be a director in any two or more corporations . . .

if such corporations are . . . competitors . . ." The Government's Section 8 claim rested on the fact that Cleveland Trust, a corporation, by placing its employees on the boards of competing corporations in the machine tool business had violated Section 8.

The proposed Consent Judgment will terminate litigation as to the remaining Section 8 claims.

#### II—PROPOSED CONSENT JUDGMENT

The proposed Consent Judgment prohibits Cleveland Trust from permitting any of its officers or employees from serving as directors of both Warner & Swasey Co. and White Consolidated Industries, so long as these corporations, or their subsidiaries, engage in the machine tool businesses as defined in the proposed Consent Judgment.

Cleveland Trust is further enjoined, until January 1, 1985, from permitting any of its officers or employees to serve as directors of any two or more companies which are listed in the Consent Judgment and which compete in the machine tool business.

The proposed Consent Judgment also enjoins Cleveland Trust, until January 1, 1985, from permitting any of its officers or employees to serve on the boards of any two corporations, or subsidiaries thereof, which are or become engaged in the machine tool business as defined in the proposed Consent Judgment.

Cleveland Trust is further required to give personal notice of the prohibitions contained in the proposed Consent Judgment to all of its officers and employees and is required to incorporate the terms of the injunctive provisions of the proposed Consent Judgment in its Personnel Policy Manual.

#### III—ANTICIPATED EFFECTS ON COMPETITION

The evidence in this case did not encompass known restraints of trade but did encompass the probability that such restraints might result from the interlocking directorates involved. Thus, the impact on competition of the proposed Consent Judgment cannot be measured in terms of specific effects which might release identifiable competitive forces. The sole anticipated effect upon competition is the removal of the danger that anticompetitive effects will result from interlocking directorates.

#### IV—REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

This Consent Judgment may not be used in private litigation as *prima facie* evidence, pursuant to Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), that the antitrust laws have been violated. However, anyone damaged by the alleged violation retains the right to sue for money damages and all other legal and equitable remedies, just as if the proposed Consent Judgment had not been entered.

#### V—PROCEDURES AVAILABLE FOR MODIFICATION OF CONSENT JUDGMENT

This proposed Consent Judgment is subject to a stipulation between the parties that the United States may withdraw its consent to the proposed Judgment at any time within 60 days or until the Court finds that entry of the proposed Consent Judgment is in the public interest. Any persons so desiring may submit written comments relating to the proposed judgment for consideration by plaintiff to John A. Weedon, Chief, Great Lakes Field Office, 995 Celebrezze Federal Building, Cleveland, Ohio 44199. Such comments, together with responses thereto, will be filed with the Court and published in the FEDERAL REGISTER.

#### VI—DESCRIPTION AND EVALUATION OF ALTERNATIVES TO THIS PROPOSED CONSENT JUDGMENT

The United States considered one alternative to the proposed judgment. That alterna-

tive was a proposed decree which would have enjoined the defendant from ever having an officer or employee sit on the board of directors of any of a list of machine tool companies, including Warner & Swasey and White, if at the same time an employee of defendant sat on the board of directors of any other listed machine tool company. The injunctive provisions of the proposed decree are perpetual only with respect to interlocks involving Warner & Swasey and White; as to all other listed companies, such provisions terminate in ten years. The broader decree, proposed by the Government, was rejected by the defendant.

The Government would have had to proceed to trial to obtain further relief. It was felt that the public benefit that might be derived from any such relief was not worth the costs and risks of proceeding to trial. Moreover, the relief contained in the proposed decree eliminates the interlock which gave rise to the complaint and prohibits similar interlocks in the machine tool industry for a period of ten years.

No materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) were considered in formulating this proposed Consent Judgment.

JOHN A. WEEDON,  
Attorney, Department of Justice,  
FRANK B. MOORE,  
ROBERT S. ZUCKERMAN,  
DAVID F. HILLS,  
ROBERT A. McNEW,  
GERALD H. RUBIN,  
SUSAN B. CYPHERT,  
Attorneys, Department of Justice,  
Antitrust Division.

[FR Doc.75-23400 Filed 9-3-75;8:45 am]

#### Drug Enforcement Administration IMPORTATION OF CONTROLLED SUBSTANCES

##### Importation Application

Pursuant to Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that the following importers made application to the Drug Enforcement Administration to be registered as importers of the basic class of controlled substance listed below: Cord Laboratories, Inc., 2555 West Midway Blvd., Broomfield, Colorado 80020 (July 24, 1975):

Drug:	Schedule
Opium powders	II
Codeine	II
Hydrocodone	II
Amphetamine	II
Amobarbital	II
Pentobarbital	II
Secobarbital	II
Opium tinctures	II
Methylphenidate	II

Elkins-Sinn, Inc., Subsidiary of Medical Electroscience & Pharmaceuticals, 2 Ester-

brook Lane, Cherry Hill, N.J. 08002 (July 28, 1975):

Drug:	Schedule
Amobarbital	II
Pentobarbital	II
Secobarbital	II
Codeine	II
Hydrocodone	II
Pethidine	II
Morphine	II

Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11530 (July 29, 1975):

Drug:	Schedule
Codeine	II
Hydrocodone	II
Oxycodone	II
Oxymorphone	II
Thebaine	II

Pursuant to section 1008 of the Controlled Substance Act (21 U.S.C. 958(h)), and in accordance with section 1311.42(a) of Title 21 of the Code of Federal Regulations, notice is hereby given that the above persons have made application to the Drug Enforcement Administration to be registered as importers of the basic class of controlled substances indicated. As to each basic class of controlled substances listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registrations and may, at the same time, file a written request for a hearing on such applications in accordance with 21 CFR § 1301.54 in such form as prescribed by 21 CFR § 1316.47. Such comments, objections and requests for a hearing may be filed no later than October 6, 1975.

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, N.W., Washington, D.C. 20537.

Dated: August 27, 1975.

HENRY S. DOGIN,  
Acting Administrator,  
Drug Enforcement Administration.  
[FR Doc.75-23457 Filed 9-3-75;8:45 am]

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management

[NM 26421]

##### NEW MEXICO

##### Application

AUGUST 26, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 15 S., R. 27 E.

Sec. 13, NE¼SW¼ and NW¼SE¼.

This pipeline will convey natural gas across .28 mile of national resource land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,  
Chief, Branch of  
Lands and Minerals Operations.

[FR Doc.75-23387 Filed 9-3-75;8:45 am]

#### Bureau of Reclamation

##### GENERAL ADJUSTMENTS IN POWER RATES

##### Tentative Power Rate Changes for Five Reclamation Projects

Tentative rate increases for wholesale commercial hydroelectric power sold by five Bureau of Reclamation multipurpose projects are announced to be made effective on the first full billing date on or after January 1, 1977.

The five projects involved are the Central Valley Project in northern California; the Parker-Davis Project serving Arizona, southern Nevada, and southern California; the Colorado River Storage Project in Colorado, Utah, Wyoming, New Mexico, Nevada, and Arizona; the Rio Grande Project in New Mexico; and the Eastern and Western Divisions of the Pick-Sloan Missouri Basin Program serving customers in Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Minnesota, and Iowa.

Final decisions as to the exact amounts of the increases will be made following a series of public forums at which there will be an opportunity for public participation in the development of the adjustments in the power rates.

The tentative rate changes by project are as follows:

**Central Valley Project**—Change the existing wholesale firm demand rate from \$1.15 per kilowatt per month (kW/mo) to \$1.70/kW/mo, and replace the 3 mills per kilowatt-hour (kWh) energy block with a two-step rate of 4 mills/kWh for energy under 60 percent load factor and 6 mills/kWh above 60 percent load factor.

The actual rate for Central Valley Project power will depend on the outcome of present negotiations with the Pacific Gas and Electric Company, the major investor-owned utility in northern California which purchases surplus power from the Central Valley Project. The wholesale firm demand rate could be increased from \$1.15/kW/mo to \$1.80/kW/mo, and the rate for energy use could go to 5 and 7 mills/kWh, depending on the negotiations.

**Parker-Davis Project**—Change the existing wholesale firm rate from \$1.35/kW/mo to \$1.38/kW/mo and raise the existing energy rate of 3 mills/kWh to 3.5 mills/kWh.

**Colorado River Storage Project**—Change the existing wholesale firm de-

mand rate from \$1.32 kW mo to \$1.34/kW mo. Change the existing energy rate

one entry of each intake and return air course in its entirety, idle workings, and in-

material to be hauled long distances in the return air course. Since the required

[Docket No. M 75-132]

SAHARA COAL COMPANY, INC.

at the controls. This procedure prohibits anyone from accidentally activating the

Federal Crop Insurance Corporation

[Notice No. 97]



mand rate from \$1.32 kW mo to \$1.34 kW mo. Change the existing energy rate of 3 mills/kWh to 3.4 mills/kWh. Change the future peaking capacity rate from \$15.84 kW/yr to \$8.04 kW/season.

**Rio Grande Project**—Change the wholesale firm demand rate of \$1.55 to \$3.20 kW/mo. The existing energy rate would be increased from 4.5 mills/kWh to 8.5 mills/kWh.

**Pick-Sloan Missouri Basin Program—Eastern Division**—Change the peaking power rate from \$13.20/kW/yr to \$7.20/kW/season. Change the wholesale firm demand rate from \$1.15 to \$1.20 kW/mo. The existing energy rate would be changed from 3 mills/kWh to 3.2 mills/kWh for energy under 60 percent load factor. For energy above 60 percent load factor, the rate would be changed from 5 mills/kWh to 3.2 mills/kWh.

**Pick-Sloan Missouri Basin Program—Western Division**—Change the peaking power rate from \$15.50/kW/yr to \$8.04/kW/season. Change the wholesale firm demand rate from \$1.27 to \$1.34 kW/mo. The existing energy rate of 4 mills/kWh will be retained.

For contract violations involving unauthorized overruns, the rate will be changed from five times to 10 times the wholesale rate for Parker-Davis Project, the Colorado River Storage Project, and the Pick-Sloan Missouri Basin Program only. The rate has been eliminated from the Central Valley Project and the Rio Grande Project.

Brochures explaining in detail the tentative rate changes and containing the schedule for public forums in each Reclamation region will be mailed to customers and other interested parties September 4, 1975.

Dated: August 27, 1975.

JACK O. HORTON,  
Assistant Secretary  
of the Interior.

[FR Doc. 75-23189 Filed 9-3-75; 8:45 am]

#### Office of Hearings and Appeals

[Docket No. M 75-109]

#### CRESCENT HILLS COAL COMPANY, INC.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Crescent Hills Coal Company, Inc. has filed a petition to modify the application of 30 CFR 75.305 to its Crescent Hills Mine, Washington County, Pennsylvania.

30 CFR 75.305 in pertinent part, provides:

In addition to the pre-shift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least

one entry of each intake and return air-course in its entirety, idle workings, and insofar as safety considerations permit abandoned areas.

Petitioner seeks modification of that portion of Section 75.305 which requires a certified person to make a weekly examination in each return split of air with respect to the return air course between the pitmouth and the No. 1 Main Working Section in No. 1 Hill, and the No. 2 North Mains in No. 3 Hill.

(1) At the subject mine, over three and one-half (3½) miles of primary return air courses are used to ventilate the haulage roads and active sections. Of this length, approximately two (2) miles of return air courses must be examined weekly in accordance with Section 75.305 of the Departmental regulations.

(2) Most of the development at the mine was done before roof bolts were used at this mine for roof support, and timbers were used for support as part of the mining cycle. These timbers have long since deteriorated due to adverse conditions (moisture, roof pressure, etc.) leaving most of the roof unsupported. Even in the areas where roof bolts were used, the roof has deteriorated above the anchorage and fallen, leaving the roof unsupported. Only the haulage road entries have been maintained. As the roof deteriorated, numerous falls have occurred, filling the entries and leaving little clearance in most areas. High, tight falls have also occurred in numerous places. Travel through this area is extremely difficult, following a zig-zag path, and extremely dangerous in some areas due to the deteriorated ribs and flaking roof that could fall when disturbed. Water also forms an impassable barrier in several places.

(3) Due to the poor conditions (roof falls, deteriorated roof and ribs, and water) in the return air course between the pitmouth, and the No. 1 Main Working Section in No. 1 Hill, and the No. 2 North Mains in No. 3 Hill, weekly examinations for hazardous conditions were considered, in themselves, too hazardous to be performed. As a result, they could not be safely performed and thus Petitioner was in violation of the Act. Only the mainline haulage (empty and loaded track) is located in this area. There is a fan in each of the Hills and each fan handles approximately 90,000 cubic feet per minute of air at 0% methane. In the lifetime of this mine, there has never been any methane encountered.

(4) To attempt to rehabilitate the two and one-half (2½) miles more or less, of return air courses would be a difficult task requiring tremendous expenditures of labor and money with years until completion. No mechanical equipment could be used in the return air course to aid in the rehabilitation work so all work would have to be performed by hand. The entire rehabilitation work would be hazardous and would be exposing workmen to unnecessary danger that would exist despite all safety precautions or actions taken by the company. In addition, access to the return is limited due to falls and places where the roof has been shot down to grade the haulage forcing needed

material to be hauled long distances in the return air course. Since the required rehabilitation is neither practical, feasible, or safe, an alternative method is proposed that would guarantee the miners at the subject mine no less than the same measure of protection afforded by the mandatory standard.

##### (5) ALTERNATE METHOD:

Despite the condition existing in the return aircourse, at certain points, air readings can be made to assure the air flow in its proper course and usual volume. The alternate method is as follows:

(a) Six (6) air measuring stations would be established underground. One would be located at the face of each section, and one approximately midway and one at the fans. In addition, the air readings taken at the locations will be kept on record.

(b) Guidelines for the establishment of air measuring stations would be as follows:

1. Air readings will be made by a certified, competent person, at such times as the law requires.

2. Both access to and the vicinity of the measuring stations will be kept in travelable and safe conditions.

3. A date board will be located at each measuring station and air quantity readings will be taken and recorded along with the certified person's initials, date, and time, at such times as the law provides.

4. All employees required to perform measurements at the underground stations will be certified for such work on the basis of state examinations.

(6) Although return aircourses are involved, returning air from active workings, it should be noted that methane gas has never been detected during the life of this mine.

(7) Methane gas and air quantity measurements shall be taken on a daily basis (once every twenty-four (24) hours) by a certified, competent person and recorded in a book provided for this purpose which shall be kept on the surface. Such book shall be made available to the Union, Government inspectors, and all other interested persons.

(8) A mine map showing the normal direction of air flow shall be located at each monitoring station.

(9) If there are any significant variations in the quantity of air, immediate action shall be taken to determine the cause and appropriate measures taken to alleviate same.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 6, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director.  
Office of Hearings and Appeals.

AUGUST 25, 1975.

[FR Doc. 75-23398 Filed 9-3-75; 8:45 am]

[Docket No. M 75-132]

#### SAHARA COAL COMPANY, INC.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Sahara Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1405 to its Sahara Nos. 20 and 21 Mines, Harrisburg, Illinois.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

The haulage system at each of these mines is composed of belt haulage for transporting coal, and mine cars for the delivery of supplies and as man trip cars. These are low-sided cars made by the American Mine Car Co.

The alternate coupling method requested in this petition will provide greater protection for the miners than the automatic couplers required by 30 CFR 75.1405 by eliminating the accidental uncoupling of cars which frequently occurs when the track or mine bottom is uneven or when the cars are lowered down the slope into the mine. The alternate method will also eliminate the necessity of persons going between the cars to align the automatic couplers when they are misaligned. Statistics indicate that there have been numerous accidents and some fatalities in the industry directly attributable to automatic couplers since the above standard was adopted in 1969.

The system used at both of the aforementioned mines consists of a single link and a drop pin. This system allows for up and down or side movement between the locomotive and car without any danger of uncoupling. Additionally, only one car at a time is pulled by a locomotive, and only one man, the person operating the locomotive, is involved with coupling or uncoupling the car. Trip riders are not used at either of these mines. The person operating the locomotive couples the car from the cab of his locomotive. If it becomes necessary to couple the car to the opposite end of the locomotive, the motorman will bring his locomotive to a complete stop, and disengage the trolley pole from the trolley wire until the car is coupled. The locomotives at each of these mines are equipped with a circuit breaker which shuts the locomotive off automatically when there is a break in the power, e.g., when the trolley pole is removed from the wire. Once the pole is removed, the motorman must manually reset the circuit breaker before power is established

at the controls. This procedure prohibits anyone from accidentally activating the controls and moving the locomotive.

The single link-drop pin type coupling has proven to be a safe coupling as there has been no lost time due to accidents, resulting from the coupling or uncoupling of cars at Mine No. 20, which started producing coal in March 1970, or Mine No. 21, which started producing coal in February 1971.

Each person who operates a locomotive at either of these mines is instructed in the safe operation of the equipment and the proper procedure for making a coupling.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 6, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director,  
Office of Hearings and Appeals.

AUGUST 27, 1975.

[FR Doc. 75-23399 Filed 9-3-75; 8:45 am]

#### DEPARTMENT OF AGRICULTURE

##### Agricultural Research Service

##### NATIONAL ARBORETUM ADVISORY COUNCIL

##### Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), notice is hereby given that a public meeting of the National Arboretum Advisory Council will be held on October 30 and 31, 1975, at the U.S. National Arboretum, Washington, D.C. The meeting will convene at 8:30 a.m. on both days and will be open to the public.

The Council reviews progress relating to the Arboretum's mandate which is research and education concerning trees and plant life. The Council submits its findings and recommendations to the Secretary of Agriculture.

Details of the meeting may be obtained from Dr. Hugo O. Graumann, Executive Secretary, Agricultural Research Service, U.S. Department of Agriculture, Room 324 Administration Building, Washington, D.C. 20250. The telephone number is AC 202, 447-3961.

Any person may file a written statement with the Executive Secretary before or after the meeting.

Done at Washington, D.C., this 28th day of August 1975.

T. W. EDMISTER,  
Administrator,  
Agricultural Research Service.  
[FR Doc. 75-23445 Filed 9-3-75; 8:45 am]

#### Federal Crop Insurance Corporation

[Notice No. 97]

##### SUGARCANE; LOUISIANA

##### Closing Date Extension for Filing of Applications for the 1976 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for sugarcane crop insurance in Louisiana where such insurance is otherwise authorized to be offered is hereby extended until the close of business on September 30, 1975.

Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] M. R. PETERSON,  
Manager, Federal Crop  
Insurance Corporation.

[FR Doc. 75-23446 Filed 9-3-75; 8:45 am]

#### Soil Conservation Service

##### LITTLE LYNCHES CREEK WATERSHED

##### Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Lynchies Creek Watershed Project, Kershaw and Lancaster Counties, South Carolina.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. G. E. Huey, State Conservationist, Soil Conservation Service, USDA, Suite 200, 240 Stoneridge Drive, Columbia, South Carolina 29210, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, and municipal water supply. The planned works of improvement include conservation land treatment supplemented by five floodwater retarding structures and one multiple purpose structure for flood prevention and municipal water supply.

The environmental assessment file is available for inspection during regular working hours and single copies of the negative declaration can be obtained, upon request, at the following location:

Soil Conservation Service, USDA, Suite 200, 240 Stoneridge Road, Columbia, South Carolina 29210.

No administrative action on implementation of the proposal will be taken, until September 19, 1975.



(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: August 27, 1975.

SHELDON G. BOONE,  
Acting Deputy Administrator  
for Water Resources Soil Conservation Service.

[FR Doc.75-23383 Filed 9-3-75; 8:45 am]

#### LITTLE NESTUCCA DRAINAGE DISTRICT RC&D MEASURE PLAN

##### Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b) (3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture gives notice that an environmental impact statement is not being prepared for the Little Nestucca Drainage District RC&D Measure Plan, Tillamook County, Oregon.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James W. Mitchell, State Conservationist, Soil Conservation Service, USDA, 1220 S.W. Third Avenue, 16th Floor, Portland, Oregon 97204, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The plan includes works of improvement for flood prevention, drainage, and recreation. The planned works of improvement include rehabilitation of portions of the existing dike, and installation of four trestle structures, two pumping plants, and a small amount of channel revision. There will also be a boat launching ramp with related parking and rest room facilities installed.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 1220 S.W. Third Avenue, 16th Floor, Portland, Oregon 97204.

The Negative Declaration is available for single copy requests from the above address.

No administrative action on implementation of the proposal will be taken until September 19, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: August 27, 1975.

R. C. BARNES, JR.,  
Acting Deputy Administrator  
for Field Services, Soil Conservation Service.

[FR Doc.75-23382 Filed 9-3-75; 8:45 am]

#### NOTICES

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Food and Drug Administration

##### ADVISORY COMMITTEES

##### Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-778 (5 U.S.C. App. D)), the annual reports required by the act for Food and Drug Administration advisory committees have been filed with the Library of Congress.

Copies are available for public inspection at: (1) The Library of Congress, Special Forms Reading Room, Main Building, First St. and Independence Ave. SE., Washington, DC 20540; (2) the Department of Health, Education, and Welfare Library, Rm. 1436, 330 Independence Ave. SW., Washington, DC 20201, on weekdays between 9 a.m. and 4:30 p.m.; and (3) the Food and Drug Administration Public Records and Documents Center, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20852, during working hours Monday through Friday.

Dated: August 27, 1975.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.75-23406 Filed 9-3-75; 8:45 am]

#### RADIATION BIO-EFFECTS AND EPIDEMIOLOGY ADVISORY COMMITTEE

##### Notice of Termination

The Food and Drug Administration announces the termination of the Radiation Bio-Effects and Epidemiology Advisory Committee by the Secretary, Department of Health, Education, and Welfare, on August 4, 1975. Termination was recommended by FDA because the committee, as it was structured, no longer met the needs of FDA's diversified radiological health research programs.

Dated: August 27, 1975.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.75-23408 Filed 9-3-75; 8:45 am]

#### Health Services Administration MATERNAL AND CHILD HEALTH RESEARCH GRANTS REVIEW COMMITTEE Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1975:

Name: Maternal and Child Health Research Grants Review Committee.  
Date and Time: October 15-17, 1975, 9:00 a.m.  
Place: Conference Room K, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland.  
Open on October 15, 9:00 a.m.-12:30 p.m.  
Closed remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.

Agenda: During the open portion of the meeting, agenda items include Opening Remarks, as well as administrative reports and discussions. During the closed session, the Committee will be performing the review of grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in section 552 (b) (4), (5), and (6), U.S. Code and the Determination by the Administrator, Health Services Administration, pursuant to Public Law 92-463.

Agenda items are subject to change as priorities dictate.

Anyone wishing to obtain a roster or other relevant information should contact Gloria Wackernah, Parklawn Building, Room 12A-08, 5600 Fishers Lane, Rockville, Maryland, Telephone (301) 443-2190.

Dated: August 22, 1975.

WILLIAM H. ASPEN, JR.,  
Acting Associate Administrator  
for Management.

[FR Doc.75-23385 Filed 9-3-75; 8:45 am]

#### National Institutes of Health NIH GRANTS PEER REVIEW STUDY TEAM Establishment

The National Institutes of Health (NIH) has established an internal study team to conduct a detailed and comprehensive study of the procedures generally known as "peer review" and make a report of its findings and recommendations to the Director, NIH. The team will focus on the applicability of the peer review process to the NIH awarding instruments and programs, the attributes and problems of alternative review procedures, and the role and character of peer review in the decision-making process at the NIH. In addition to this broad charge, the study team has been asked specifically to assess the impact on and make recommendations relative to peer review and provisions of the Freedom of Information Act, the Federal Advisory Committee Act, and the Privacy Act.

The fifteen members of the study team reflect a broad cross section of the NIH. It is under the chairmanship of Dr. Ruth L. Kirschstein, Director, National Institute of General Medical Sciences. The study team at this time would be pleased to receive written comments, views, and information from the scientific community or other interested groups or individuals. These may be addressed to Dr. Mathilde Soloway, Executive Secretary, NIH Grants Peer Review Study Team, Room 4A52, Building 31, National Institutes of Health, Bethesda, Maryland 20014.

Dated: August 21, 1975.

DONALD S. FREDRICKSON,  
Director,  
National Institutes of Health.

[FR Doc.75-23398 Filed 9-3-75; 8:45 am]

#### Office of Education NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

##### Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Adult Education will be held on September 25, 1975, from 1:00 p.m. to 5:00 p.m. (new appointees), September 26, 1975, from 9:00 a.m. to 5:00 p.m., and on September 27, 1975, from 9:00 a.m. to 3:00 p.m., at the Statler Hilton Hotel, Sixteenth and K Streets, N.W., Washington, D.C.

The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Orientation of new Presidential appointees (September 25, 1975).  
Establishment of new standing committees, selection of committee chairmen, and committee members.  
Establishment of ad hoc committees.  
Committee meetings.  
Committee reports: National Clearinghouse, Parent/Early Childhood Education, State Advisory Councils.  
Congressional oversight hearing.  
NACAE FY-76 operational budget.  
Adult education reports from NSOE officials.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004).

Signed at Washington, D.C. on August 28, 1975.

GARY A. EYRE,  
Executive Director, National  
Advisory Council on Adult Education.

[FR Doc.75-23386 Filed 9-3-75; 8:45 am]

#### NOTICES

#### DEPARTMENT OF TRANSPORTATION

##### National Highway Traffic Safety Administration

##### NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

##### Orientation Sessions

On September 23 and 24, 1975, the new members of the National Highway Safety Advisory Committee are being invited to attend orientation sessions at the Department of Transportation Headquarters Building, 400 Seventh Street, S.W., Washington, D.C.

This is not considered an official meeting of the Advisory Committee. The orientation sessions are being conducted for the benefit of the new members and are open to the public.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The orientation session will be held in room 2230 from 9 a.m. to 4 p.m. on September 23 with the following agenda:

Presentation on Organization and Responsibilities of Advisory Committee; NHTSA; FHWA.

Briefing on State and Community Program.

Briefing on Highway Safety Standards and Status of State Implementation.

Briefing on Highway Trust Fund.

Briefing on Highway Safety Construction Programs.

The session on September 24 will be held from 8:30 a.m. until 1 p.m., with the following agenda:

Briefing on Research Programs.

Demonstration Projects Underway and Planned.

Discussion of Selected Highway Safety Programs.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Fed-

eral Advisory Committee Act (FACA), effective January 5, 1973.

Issued: August 29, 1975.

WM. H. MARSH,  
Executive Secretary.

[FR Doc.75-23421 Filed 9-3-75; 8:45 am]

[Docket No. 75-20; Notice 2]

#### CALIFORNIA HEARING

##### Appointment of Board Members

On July 28, 1975, the Federal Highway Administrator and the National Highway Traffic Safety Administrator acting jointly issued a notice (40 FR 32153, July 31, 1975) initiating proceedings to determine whether to invoke the sanctions specified in 23 U.S.C. section 402 against the State of California. The basis for the initiation of the proceedings was California's failure to enact a helmet use law for motorcycle drivers and passengers. The notice also announced that the sanctions hearing would be held at the Department of Transportation Headquarters Building, Room 4234, 400 Seventh Street, S.W., Washington, D.C. 20590 at 10:00 a.m. on September 11, 1975.

Accordingly, pursuant to § 1206.7 of Title 23, Code of Federal Regulations, a review board of three officials of the Department of Transportation has been appointed to conduct the hearing in accordance with the rules of procedure set forth in Part 1206 of Title 23, Code of Federal Regulations, for the purpose of receiving evidence and views from the State of California and interested persons concerning the proposal to invoke sanctions.

The membership of the board is as follows:

Office of the Secretary Member and Presiding Officer: Herbert H. Kaiser, Jr., Deputy Assistant Secretary for Environment, Safety, and Consumer Affairs.

Federal Highway Administration Member: Francis J. Locke, Regional Counsel, Region III, Baltimore, Maryland.

National Highway Traffic Safety Administration Member: Frank Ephraim, Director of the Office of Program Evaluation.

Issued on August 28, 1975.

HERBERT H. KAISER, JR.,  
Presiding Officer, Sanctions  
Hearing Board.

[FR Doc.75-23364 Filed 9-3-75; 8:45 am]

[Docket No. 75-19; Notice 2]

#### ILLINOIS HEARING

##### Appointment of Board Members

On July 28, 1975, the Federal Highway Administrator and the National Highway Traffic Safety Administrator acting jointly issued a notice (40 FR 32153, July 31, 1975) initiating proceedings to determine whether to invoke the



sanctions specified in 23 U.S.C. section 402 against the State of Illinois. The basis for the initiation of the proceedings was Illinois' failure to enact a helmet use law for motorcycle drivers and passengers. The notice also announced that the sanctions hearing would be held at the Department of Transportation Headquarters Building, Room 4234, 400 Seventh Street, S.W., Washington, D.C. 20590 at 10:00 a.m. on September 9, 1975.

Accordingly, pursuant to § 1206.7 of Title 23, Code of Federal Regulations, a review board of three officials of the Department of Transportation has been appointed to conduct the hearing in accordance with the rules of procedure set forth in Part 1206 of Title 23, Code of Federal Regulations, for the purpose of receiving evidence and views from the State of Illinois and interested persons concerning the proposal to invoke sanctions.

The membership of the board is as follows: Office of the Secretary Member and Presiding Officer: Herbert H. Kaiser, Jr., Deputy Assistant Secretary for Environment, Safety, and Consumer Affairs.

Federal Highway Administration Member: Francis J. Locke, Regional Counsel, Region III, Baltimore, Maryland.

National Highway Traffic Safety Administration Member: Frank Ephraim, Director of the Office of Program Evaluation.

Issued on August 28, 1975.

HERBERT H. KAISER, JR.,  
Presiding Officer, Sanctions,  
Hearing Board.

[FR Doc 75-23365 Filed 9-3-75; 8:45 am]

#### YOUTH HIGHWAY SAFETY ADVISORY COMMITTEE Public Meeting

On September 26-27, 1975, the Youth Highway Safety Advisory Committee will hold an open meeting at the DOT Headquarters Building, 400 Seventh Street, SW, Room 5332-5334, Washington, D.C. The Committee is composed of persons appointed by the National Highway Traffic Safety Administrator to consult with and advise him concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

The meeting will be in session from 9:00 a.m. to 4:00 p.m. on September 26, 1975 and from 9:00 a.m. to 12:00 noon on September 27, 1975. The agenda is as follows:

- Presentation on Defensive Driving Course.
- Discussion on Speakers Bureau.
- Presentation on 55 MPH Speed Limit.
- Swearing-in by Administrator, NHTSA.
- Orientation and Selection of Chairperson.
- Discussion on Resolution Passed at June 20-21, 1975 Meeting.

#### NOTICES

Discussion on Resolutions Tabled at June 20-21, 1975 Meeting.  
Discussion on Driver Excellence Program.  
Future Plans.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street, SW, Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to Section 10(a) (2) of Public Law 92-463, Federal Advisory Committee Act (FACA) effective January 5, 1973.

Issued on August 28, 1975.

WILLIAM H. MARSH,  
Executive Secretary.

[FR Doc 75-23365 Filed 9-3-75; 8:45 am]

#### Office of the Secretary LONG-RANGE COMMERCIAL VEHICLE GOALS

Environmental, Safety and Economic Objectives; Public Hearing

The Chairman of the Energy Resources Council requested the Secretary of Transportation "... to lead a joint task force to recommend long range energy goals to the motor vehicle fleet that will be compatible with environmental, safety and economic objectives." The ERC's request further stated:

As part of the Nation's long range effort to conserve energy, there is a need to set motor vehicle fuel economy goals beyond 1980. Such goals must meet the transportation needs for automobiles, trucks and buses, but they must also be blended with environmental, safety and economic considerations.

Separate interagency task forces have been established to approach passenger car and light truck concerns, on the one hand, and commercial vehicle (medium and heavy-duty trucks and buses) concerns on the other. Notices of Public Hearings discussing the passenger car and light truck task force work and setting forth dates for public hearings were published in the FEDERAL REGISTER of July 8, 1975, (40 FR 28666) and July 21, 1975, (40 FR 30522). This notice addresses the long-range commercial vehicle goals.

The long-range commercial vehicle goals study will complement the Voluntary Truck and Bus Fuel Economy Improvement Program. A docket (FE-01) to provide public comment on the form such a program should take was established in the FEDERAL REGISTER of March 26, 1975, (40 FR 13331). Comments received in response to the thirteen specific areas of concern outlined in that docket have been summarized and summaries are available as background information on both the voluntary program and the goals study from the Manager, Voluntary Truck and Bus Fuel Economy Improvement Program, TST-50, U.S. Department of Transportation, Washington, D.C. 20590. The voluntary program is designed to achieve maximum energy conservation and productivity improvement in the motor carrier industry in the near term while the long-range goals study looks at the 1980-1990 decade to provide

information of value to the Federal Government and others necessary for setting realistic goals and making realistic decisions for that time frame and beyond.

The Long-Range Commercial Vehicle Goals Study will look at possible alternative futures in the 1980-1990 decade in the following areas:

- A. The Future Commercial Motor Vehicle Fleet.
  1. Sales projection—capacity.
  2. Vehicle configurations, specifications and mix.
  3. The future highway system and inter-modal mix.
- B. Fuel Economy.
  1. Technological changes.
  2. Operational changes.
- C. Environment.
  1. Gaseous emissions.
  2. Noise.
  3. Safety.
- D. New vehicles.
  1. Vehicles in use.
- E. Economic Constraints.
  1. Regulatory.
  2. System limitations.

This information will be used to outline the trade-offs necessary to achieve certain levels of fuel economy, safety, environmental control and economic control in the 1980-1990 decade. A sample future, including sample priorities, compromises and assumptions will then be explored. Finally, a rudimentary sensitivity analysis of the interactions among fuel economy, safety, environmental and economic controls, will be performed.

It is recognized that many persons concerned with the present and future commercial vehicle fleet may have taken the opportunities presented by the passenger car and light truck task force hearings to discuss their interests and concerns. This information will be forwarded to the commercial vehicle task force. However, in the interest of public participation, a separate hearing, concerned with the commercial vehicle long-range goals study alone, will be held. The hearing will be non-adversary in nature and will provide an opportunity for all concerned to provide input which they feel will be of value to the task force in its deliberations. The hearing will be held on October 8, 1975, beginning at 10 a.m., e.d.t., in Room 2330-2332, Department of Transportation (Nassif) Building, 400 7th Street, SW, Washington, D.C. 20590.

Any person wishing to be heard must make a written request for the opportunity to make an oral presentation. The request should be directed to:

Mr. David A. Fay, TST-50, Room 5222, Transit Point Building, U.S. Department of Transportation, Washington, D.C. 20590.

The request should include the approximate time necessary to make the presentation, which in no case should exceed 30 minutes. Presentation times will be assigned in the order requests are received. At this time it is not contemplated that the hearing will continue beyond 6 p.m., nor be carried over into a second day. Persons requesting to make

#### NOTICES

an oral presentation will be informed, prior to the date of the hearing, of the approximate time they will be heard. A minimum of 10 copies of each presentation is requested to be submitted by each person heard. Written statements in addition to the oral statement or submitted by persons not making an oral statement are also welcome and will become part of the record. A transcript of the hearing will be made and placed in Docket No. FE-01, which is open to the public during normal working hours in the Docket Section, National Highway Traffic Safety Administration, U.S. Department of Transportation, Room 5108, 400 7th Street, S.W., Washington, D.C. 20590. Any person may purchase a copy of the transcript from the reporter, at the cost of duplication.

Issued in Washington, D.C., on August 28, 1975.

J. E. WESLER,  
Acting Manager, Voluntary  
Truck and Bus Fuel Economy  
Improvement Program.

[FR Doc 75-23404 Filed 9-3-75; 8:45 am]

#### CIVIL AERONAUTICS BOARD

[Docket No. 27790]

##### BALAIR AG

Prehearing Conference and Hearing Regarding Foreign Charter Permit Renewal

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on September 22, 1975, at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 12, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., August 28, 1975.

[SEAL] ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc 75-23448 Filed 9-3-75; 8:45 am]

[Order 75-8-149; Docket No. 28242]

##### EASTERN AIR LINES, INC.

Order of Investigation and Suspension Regarding Advance Ticketing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of August, 1975.

By tariff revisions<sup>1</sup> marked to become effective September 1, 1975, Eastern Air Lines, Inc. (Eastern) proposes to tighten significantly its advance ticket purchase rule applicable in the northeast United States-Florida market for travel during

<sup>1</sup>Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 142.

the 1975/1976 Christmas/New Year holiday season. The proposed rule requires tickets to be purchased from one hour in advance of departure to not later than 5 days after acceptance of reservations, depending on how far in advance reservations are made. The present rule requires ticket purchase a maximum of four weeks prior to departure.

In support of its proposal, Eastern recites reservation problems in the northeast-Florida market during the Christmas/New Year holiday season. Allegedly flights are frequently sold out 90 days or more in advance, with consequent lack of saleable space and encouragement of speculative advance bookings. Eastern claims the wait lists for peak-period flights equal or exceed the number of seats on the flight and that 40 percent of those wait-listed reserve a seat on an alternative flight. It asserts that 58 percent of the bookings made more than 90 days in advance are canceled and that the incremental cost of efforts to fill the seats resulting from those cancellations is \$1.84 per passenger. Eastern claims 67 days prior to departure is the average for bookings for peak travel periods. According to Eastern, experience shows that ticketed passengers tend to no-show at a much lower rate than persons who have not purchased tickets. Eastern claims that the proposed rule will result in a decrease in speculative bookings and be effective in streamlining the reservation procedures and in allowing it to book a significantly increased level of traffic on the flight of their choice. However, it alleges that speculative booking would not be sufficiently curtailed to offset interest paid on money held as a result of the advance ticketing rule, and Eastern therefore does not propose such interest payments. Eastern estimates, based on an average ticket price of \$90.00 and its average advance reservation of 67 days, that interest would average 99 cents or about half the incremental cost per passenger from wait lists.

No complaints were filed.

Upon consideration of the tariff filing and all other relevant matters, the Board concludes that the proposed advance ticketing rule may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that it should be suspended pending investigation.

The heavy advance bookings, cancellations, and no-show difficulties the carriers encounter in the northeast-Florida market during the Christmas/New Year holiday peak travel period have long been acknowledged by the Board, and over the years the carriers have been permitted to establish reasonable advance ticketing requirements to alleviate the problem. However, the Board has consistently suspended proposals which would tie up the passenger's money for more than four weeks where there was no provision for interest payments. Eastern's proposal to require ticketing within five days of reservation no matter

when the reservation is made runs counter to that policy and would, in our opinion, impose an unnecessarily harsh burden on the passenger, tie up his funds for an unacceptably long period of time, and has not been shown to be necessary for substantial alleviation of the problem.<sup>2</sup> In our view, Eastern has not demonstrated that the present four-week maximum advance ticketing period has failed to control significant speculative advance bookings or that the proposed rule would so substantially improve the situation as to justify the added burden it would place on the passengers.<sup>3</sup>

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof, it is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule 65(A) on 28th Revised Page 20-B of Airline Tariff Publishing Company, Agent's Tariff C.A.B. No. 142, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;
2. Pending hearing and decision by the Board, the provisions of Rule 65(A) on 28th Revised Page 20-B of Airline Tariff Publishing Company, Agent's Tariff C.A.B. No. 142 are suspended and their use deferred to and including November 29, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;
3. The investigation ordered herein be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and
4. Copies of this order be filed with the aforesaid tariff and be served upon Eastern Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc 75-23450 Filed 9-3-75; 8:45 am]

[Docket Nos. 27595 and 27596]

#### FINNAIR OY AND KAR AIR OY Regarding Foreign Permit Amendment and Renewal

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on October 7, 1975, at

<sup>2</sup>The severity of the requirement is illustrated by Eastern's claim that its reservations are made an average of 67 days in advance of departure.

<sup>3</sup>Eastern makes not a single allegation that planes have or will depart with empty seats because of multiple reservations and consequent no-shows under the present four-week maximum advance ticketing rule.

#### NOTICES

On September 9, 1975 at 10 a.m. (e.d.t.) in the Commission's Seventh Floor Conference Room, 12750 K St., N.W., Washington, D.C. 20541, in that they did not meet the

This meeting will be conducted pursuant to the provisions of the Federal

#### CONSUMER PRODUCT SAFETY COMMISSION

September 9th, 1975 at 10 a.m. (e.d.t.) in the Commission's Seventh Floor Conference Room, 12750 K St., N.W., Washington, D.C. 20541, in that they did not meet the

#### NOTICES



9:30 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Burton S. Kolko.

Dated at Washington, D.C., August 28, 1975.

[SEAL] ROBERT L. PARK,  
Chief Administrative Law Judge.  
[FR Doc 75-23447 Filed 9-3-75; 8:45 am]

[Order No. 75-8-146; Docket Nos. 28096, 27625, 27684]

**PAN AMERICAN WORLD AIRWAYS, INC. AND NORTHWEST AIRLINES, INC.**

**Fare Investigation; Order on Reconsideration**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of August, 1975.

By Order 75-7-104, July 22, 1975, the Board instituted an investigation of the military fares listed in tariffs filed by Pan American World Airways, Inc. (Pan Am) and Northwest Airlines, Inc. (Northwest). The Board also permitted the fares and provisions set forth in these tariffs to be effective through June 30, 1976.

Five supplemental carriers jointly filed a petition on August 8, 1975, requesting the Board to reconsider Order 75-7-104 and suspend the subject tariffs pending their investigation or to expedite and terminate the investigation and the tariffs by December 31, 1975.

Answers in opposition to the petition were filed by the Department of Defense, Northwest and Pan Am.

In support of their petition the carriers state that the Category Y tariffs are completely at odds with the Board's rate-making policies set out in Part 288 of the Economic Regulations which distinguished military charter service rates from scheduled service rates. Moreover, past Board expressions have questioned the economics of the charter rates for scheduled services and, with the extension of the tariffs, the Category Y rates are becoming embedded in the fare structure. The petitioners request, in the alternative, that in this case where there is prima facie inconsistency with other Board rate determinations and where larger questions of policy and precedent are involved, the Board should fix a December 31, 1975, termination date on the Category Y tariffs and commit itself to conclude the investigation by that date.

The petition presents no new facts or considerations for Board reconsideration. The contentions raised were before the Board in reaching the decision in Order 75-7-104. As indicated therein, neither past experience nor the evidence submitted indicate an adverse impact

<sup>1</sup> Tariff C.A.B. No. 438 issued by International Traffic Tariffs Corp., Agent.

<sup>2</sup> Tariff C.A.B. No. 520 issued by Northwest Airlines, Inc. (also operating as Northwest Orient Airlines).

<sup>3</sup> Capitol International Airways, Inc.; Overseas National Airways, Inc.; Saturn Airways, Inc.; Trans International Airlines, Inc.; and World Airways, Inc.

upon the petitioners which would warrant an earlier expiration of these tariffs or a departure from normal tariff investigation procedures.

Accordingly, upon consideration of the foregoing, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404 and 1002 thereof.

It is ordered, That:  
The petition for reconsideration of Order 75-7-104 in Dockets 28096, 27625 and 27684 be and it is hereby denied.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.  
[FR Doc 75-23449 Filed 9-3-75; 8:45 am]

**COMMISSION ON CIVIL RIGHTS**

**ILLINOIS STATE ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 2 p.m. and end at 4 p.m. on September 24, 1975, at 230 South Dearborn, Room 3251, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd floor, 230 S. Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to discuss Illinois school problems with the director of the Illinois Department of Education.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 29, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc 75-23416 Filed 9-3-75; 8:45 am]

**NEBRASKA STATE ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska State Advisory Committee (SAC) to this Commission will convene at 1 p.m. and end at 5 p.m. on September 22, 1975, at 215 S. 15th Street, Room 327, Lincoln, Nebraska.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to release Nebraska Report and a planning meeting to discuss programs for the following year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 29, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.  
[FR Doc 75-23417 Filed 9-3-75; 8:45 am]

**NEW HAMPSHIRE STATE ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 10:30 p.m. on September 25, 1975, at the Sheraton Wayfarer Motor Inn, Manchester, New Hampshire.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss planning for activities and projects for coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 29, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc 75-23418 Filed 9-3-75; 8:45 am]

**OHIO STATE ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee (SAC) to this Commission will convene at 10 a.m. and end at 4:30 p.m. on September 27, 1975, at the Netherland Hotel, 5th & Race, Cincinnati, Ohio 45201.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd floor, 230 S. Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to discuss report of Education Subcommittee; plan for release of Prison Study and to discuss Revenue Sharing Project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 29, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc 75-23419 Filed 9-3-75; 8:45 a.m.]

**CONSUMER PRODUCT SAFETY COMMISSION**

**BARRETT CARPET MILLS, INC. ET AL**

**Commencement of Enforcement Proceeding and Prehearing Conference**

Barrett Carpet Mills, Inc., a corporation, and Roy C. Barrett, individually and as an officer of the corporation.

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on September 9, 1975 pursuant to an order (reprinted below) served by Administrative Law Judge Paul N. Pfeiffer. This notice is given pursuant to the Consumer Product Safety Commission's Proposed and Interim Rules of Practice for Adjudicative Proceedings published on July 23, 1974 (39 FR 26848) and which governs adjudicative proceedings in this matter.

A Notice of Enforcement has been prepared by the Commission's staff, issued by the Commission and served upon Barrett Carpet Mills, Inc., and Roy C. Barrett, individually and as an officer of the corporation (the respondents) as required by the above referenced Rules. In this Notice of Enforcement (reprinted below) the staff alleges that respondents manufactured, sold and delivered in interstate commerce between January 1, 1973 and December 31, 1973 certain carpets and rugs in style 222, Paradise Valley (foam backed) which failed to conform to the test and acceptance criteria set forth in sections 3 (b) and (c) of the Department of Commerce Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70) as required by section 3(a) of the Flammable Fabrics Act (15 U.S.C. 1192). This defect may also be an unfair method of competition and an unfair and deceptive act within the intent and meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

The docket in this matter is available in the Office of the Secretary of the Commission. Any person, other than the respondents, who desires to become a party to the proceedings, to participate in the prehearing conference, or to testify at the hearing, may request to do so by writing to the Honorable Paul N. Pfeiffer, Administrative Law Judge, Consumer Product Safety Commission, Room 1000, Washington, D.C. 20207 or by telephoning (202) 634-7171 by close of business September 8, 1975.

Dated: August 28, 1975.

SADYE E. DUNN,  
Secretary, Consumer  
Product Safety Commission.

[CPSD Docket No. 75-5]

In the Matter of: BARRETT CARPET MILLS, INC. a corporation, and ROY C. BARRETT, individually and as an officer of the corporation.

NOTICE OF PREHEARING CONFERENCE

A prehearing conference for the purpose, inter alia, of defining the issues to be heard, providing for discovery of evidence, and establishing dates for the service of written testimony and exhibits and the time and place of hearing will be held Tuesday, September 9th, 1975 at 10 a.m. (e.d.s.t.) in the Commission's Seventh Floor Conference Room at 1750 K St., N.W. Washington, D.C. 20207.

Memoranda addressed to the above items should be served on opposing counsel by the close of business Friday, September 5th, 1975.

PAUL N. PFEIFFER,  
Administrative Law Judge.

NOTICE OF ENFORCEMENT

In the Matter of: BARRETT CARPET MILLS, INC., a corporation, and ROY C. BARRETT, individually and as an officer of the corporation.

[CPSD Docket No. 75-5]

The staff of the Consumer Product Safety Commission (Commission) believes that Barrett Carpet Mills, Inc. and Roy C. Barrett, individually and as an officer of the corporation, (respondents), have violated the provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), the rules and regulations promulgated under the Flammable Fabrics Act (16 CFR, Part 300), and the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70). Commission jurisdiction over this matter is based on the transfer of functions under the foregoing Acts to the Commission by section 30 of the Consumer Product Safety Act (15 U.S.C. 2051, 2079).

The Commission has reason to believe, on the basis of evidence presented by the staff, that violations of the Acts may have occurred. It appears to the Commission that it would be in the interest of the public to issue this Notice of Enforcement to commence adjudicatory proceedings. Therefore, pursuant to the provisions of the Federal Trade Commission Act, the Flammable Fabrics Act, and the Proposed and Interim Rules of Practice promulgated thereunder (16 CFR 1025, 39 FR 26848, July 23, 1974), the Commission has authorized the staff to issue this Notice of Enforcement.

The staff of the Commission states its charges as follows:

(1) Respondent Barrett Carpet Mills, Inc. is a corporation organized and doing business under the laws of the State of Georgia. Respondent Roy C. Barrett is an officer of the corporate respondent. He formulates, directs, and controls the acts, practices and policies of the corporation.

Respondents are engaged in the manufacture and sale of carpets and rugs with their office and principal place of business located at 2216 Abutment Road, P.O. Box 2045, Dalton, Georgia 30720.

(2) Respondents are now and have been engaged in the following: the manufacture for sale, sale or offering for sale in commerce, and the introduction, delivery for introduction, transportation and causing to be transported in commerce, and the sale or delivery after sale or shipment in commerce of products, as the terms "commerce" and "product" are defined in the Flammable Fabrics Act as amended (15 U.S.C. 1191 et seq.), which products are subject to the requirements of the Flammable Fabrics Act, the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70), and the Rules and Regulations issued under the Standard and the Act. Among such products mentioned above were carpets and rugs in Style 222, Paradise Valley (foam backed), manufactured by respondents between January 1, 1973 and December 31, 1973, which are subject to the Department of Commerce Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70), but which failed to conform to the requirements of the standard, as required by Section 3(a) of the Flammable Fabrics Act (15 U.S.C. 1192), in that they did not meet the criteria set out in § 3 (b) and (c) of the Standard.

Attached hereto are copies of the following documents, which the staff considers to constitute a prima facie case:

(1) CPSC laboratory test report, No. C-2438, showing a sample swatch of Style 222, Paradise Valley (foam back) carpet, roll #7048-21, color Copper Glow, secured at Barrett Carpet Mills, not to meet the test and acceptance criteria for carpets and rugs.

(2) Barrett Carpet Mills Invoice #15412, dated 7/19/73, showing the acquisition by David C. Gibson, Inc., 2553 Rock Hill Industrial Court, St. Louis, Missouri 63144 of Style 222, Paradise Valley (foam back) carpet, roll #7048-11, color Copper Glow, from Barrett Carpet Mills, Inc.

(3) CPSC laboratory test report, No. C-2455 showing a sample swatch of Style 222, Paradise Valley (foam back) carpet, roll #10923-12, color Antique Satin, secured at Barrett Carpet Mills, not to meet the test and acceptance criteria for carpets and rugs.

(4) Barrett Carpet Mills Invoice #18594, dated 12/14/73, showing the acquisition by David C. Gibson, Inc., 2553 Rock Hill Industrial Court, St. Louis, Missouri 63144 of Style 222, Paradise Valley (foam back) carpet, roll #7048-11, color Copper Glow, from Barrett Carpet Mills, Inc.

(5) CPSC laboratory test report, No. C-2673, showing a sample swatch of Style 222, Paradise Valley (foam back) carpet, roll #10348-11, color Fiesta Red, secured at Overberg Decorating Center, Festus, Missouri, not to meet the test and acceptance criteria for carpets and rugs.

(6) Barrett Carpet Mills Invoice #18411, dated 12/7/73, showing the acquisition of Style 222, Paradise Valley (foam back) carpet, roll #10348-11, by Overberg Decorating Center from David C. Gibson, Inc., St. Louis, Missouri, distributor for Barrett Carpet Mills.

The aforementioned Commission Exhibits shall not preclude Enforcement Counsel from offering further evidence bearing on the subject matter.

(3) The aforesaid acts and practices of respondents were and are in violation of the Flammable Fabrics Act, as amended, and the rules and regulations promulgated thereunder and as such constitute unfair methods of competition and unfair and deceptive acts and practices in commerce, within the intent and meaning of the Federal Trade Commission Act.

Therefore, the staff of the Consumer Product Safety Commission, with approval of the Commission, hereby issues this Notice of Enforcement on the 18th day of July 1975.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc 75-23373 Filed 9-3-75; 8:45 am]

**DEFENSE MANPOWER COMMISSION**

**MEETING**

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on September 19, 1975 at 9:00 a.m. in the New Executive Office Building, Room 2008, 726 Jackson Place, N.W., Washington, D.C. 20036.

The meeting will be open to the public.

In compliance with the Act, the EPA

The Study Group will meet in the Conference Room of the San Francisco Office

Notices of these meetings will be published in the Federal Register

Form Number

FEA-P315-M-O----

Title

Monthly Survey of Pro-

The meeting is open to the public. The Chairman of the Committee is empow-



The meeting will be open to the public. Because of limited space, interested persons wishing to attend should telephone (202) 254-7803 prior to this meeting.

BRUCE PALMER, JR.,  
General, USA (Ret.),  
Executive Director.

[FR Doc.75-23439 Filed 9-3-75;8:45 am]

### ENVIRONMENTAL PROTECTION AGENCY

[FRL 426-2; OPP-00013]

#### STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE WORKING GROUP ON ENFORCEMENT

##### Meeting

Pursuant to P. L. 92-463, notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Enforcement will be held on September 18 and 19, 1975, in Denver, Colorado.

This is the first meeting of the Working Group on Enforcement under SFFIAC auspices. The meeting will be concerned primarily with review and drafting of priorities that it feels EPA should give attention to in the enforcement area during the next 12 months, including but not limited to, needed Pesticide Enforcement Policy Statements and procedures for their development and review by the Working Group; cooperative State-Federal enforcement agreements; and performance standards for State enforcement programs.

This meeting is open to the public. For details as to the time and place, please contact George Beshore, Acting Chief, Program Support and Special Projects Branch, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 755-6180.

Dated: August 28, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.75-23474 Filed 9-3-75;8:45 am]

[FRL 426-4]

#### NOISE ABATEMENT APPROACH PROCEDURES

##### Submission to FAA of Proposed Regulations

Section 611(c) (1) of the Federal Aviation Act (the Act) of 1958, 49 U.S.C. 1431, as amended by Section 7(b) of the Noise Control Act of 1972, 86 Stat. 1239, requires that the Administrator of the Environmental Protection Agency (EPA) submit to the Federal Aviation Administration (FAA) proposed regulations to provide such control and abatement of aircraft noise and sonic boom including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations as EPA determines is necessary to protect the public health and welfare.

In compliance with the Act, the EPA submitted to the Administrator of the FAA on August 29, 1975 three proposed regulations on noise abatement approach procedures, as follows:

- (1) Reduced flap setting noise abatement approach for turbojet engine-powered airplanes;
- (2) Two-segment ILS noise abatement approach for turbojet engine-powered airplanes;
- (3) Visual two-segment noise abatement approach for turbojet engine-powered airplanes.

These proposed regulations have been submitted to the Federal Aviation Administration under the authority of 49 U.S.C. 1431.

Dated: August 29, 1975.

EDWARD F. TUERK,  
Acting Assistant Administrator  
for Air and Waste Management.

[FR Doc.75-23475 Filed 9-3-75;8:45 am]

[FRL 425-6]

#### NATIONAL DRINKING WATER ADVISORY COUNCIL

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Public Law 93-523, the "Safe Drinking Water Act," will be held at 8:30 a.m. on September 25 and September 26, 1975 in Conference Room 1101, West Tower, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

The purpose of the meeting will be to discuss health effects research, the status of the interim primary regulations, state program regulations, demonstration grants, underground water regulations and training.

The meeting will be open to the public. Any member of the public wishing to attend or submit a written statement should contact the Acting Executive Secretary, William N. Long, Office of Water Supply (WH-450), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, by September 23, 1975.

The telephone number is Area Code: 202/426-8847.

GARY N. DIETRICH,  
Acting Assistant Administrator  
for Water and Hazardous Materials.

[FR Doc.75-23471 Filed 9-3-75;8:45 am]

#### ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

##### STUDY GROUP ON FIELD AND LABORATORY UTILIZATION

##### Meeting

August 28, 1975.

The Study Group on Field and Laboratory Utilization will conduct meetings during the months of September and October.

The Study Group will meet in the Conference Room of the San Francisco Operations Office in the Wells Fargo Building, Oakland, California, on September 9, 1975. A public session to discuss the role of the field operations and their relationships to ERDA contractors, and other management and organization matters, will be held starting at 9 a.m. on the morning of September 9. A closed session will be held in the afternoon. The latter session will include discussion of budget information and intra-agency communications on pending issues.

I have determined in accordance with Subsection 10(d) of Public Law 92-463, that this closed session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 USC 552(b). It is essential to close this portion of the meeting to protect free interchange of internal views and to avoid undue interference with Agency or Study Group operations.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

The Study Group will reconvene at the Albuquerque Operations Office in Albuquerque, New Mexico, on September 25, 1975, to discuss the role of the field operations and their relationships to ERDA contractors, and other management and organization matters.

With respect to public participation in the Study Group meetings, the following requirements shall apply: (a) persons wishing to submit written statements on agenda items for the September 9 meeting may do so by mailing 10 copies thereof, postmarked no later than September 23, 1975, to Miss Antonette Joseph, Office of the Assistant Administrator for Laboratory and Field Coordination, Energy Research and Development Administration, Washington, D.C. 20545. Additionally, persons wishing to submit written statements for the September 25 meeting may do so, as stated above, postmarked no later than October 9, 1975. Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Study Group who is empowered to apportion the time available against those selected by him to make oral statements to him; (b) questions at the meeting may be asked only by members of the Study Group; (c) seating for the public will be made available on a first-come, first-serve basis; and (d) copies of minutes will be made available for copy, following their acceptance by the Study Group in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration Public Document Room, 1717 H Street NW., Washington, D.C. 20545, upon payment of all charges required by law.

Two or three meetings will be held in Washington, D.C., during October, tentatively scheduled for the weeks of October 6, October 13, and October 20, 1975.

Notices of these meetings will be published in the FEDERAL REGISTER.

HARRY L. PEEBLES,  
Deputy Advisory Committee  
Management Officer.

[FR Doc.75-23369 Filed 9-3-75;8:45 am]

### FEDERAL ENERGY ADMINISTRATION

#### FEA REPORTS

##### Reports To Be Filed After August 31, 1975

Notice is hereby given that FEA reports currently required to be filed under the authority of the Emergency Petroleum Allocation Act of 1973 (the "EPAA") will continue to be required to be filed pursuant to the authority in section 13 of the Federal Energy Administration Act of 1974 (the "FEAA") following the August 31, 1975 expiration of the EPAA.

Most reports now required under authority provided by EPAA concern the mandatory petroleum allocation and price programs. FEA will continue to need many of these reports for at least a short period following the expiration of EPAA to provide a basis for FEA to confirm compliance with the allocation and price regulations during the last few months preceding the expiration of EPAA. Some of these reports may also be required on a continuing basis to supplement FEA's current data collection responsibilities. Following a reasonable period of time to determine those reports necessary to assist FEA in the performance of its statutory responsibilities, FEA will provide further notice to discontinue any reporting requirements.

Therefore, FEA under authority provided by § 13 of the FEAA hereby provides notice and orders that the reports and information described in the Appendix of this notice shall continue to be submitted to FEA until further notice.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

AUGUST 29, 1975.

#### APPENDIX

Form Number	Title
FEA-P303-S-O----	Historical Survey of Non-Branded Independent Marketers.
FEA-P304-M-O----	Monthly Survey of Non-Branded Independent Marketers.
FEA-P305-S-O----	Refiner/Importer Historical Report of Petroleum Product Distribution.
FEA-P306-M-O----	Refiner / Importer Monthly Report of Petroleum Product Distribution.
FEA-P308-S-O----	Historical Survey of Propane, Distillate Fuel Oil and Residual Fuel Oil Sales to Ultimate Consumers.
FEA-P314-M-O----	Monthly Survey of Distillate and Residual Fuel Oil Sales to Ultimate Consumers.

Form Number	Title
FEA-P315-M-O----	Monthly Survey of Propane Sales to Ultimate Consumers.
FEA-1002-CP-----	Weekly Crude Oil Pipeline Report.
FEA-1003-RF-----	Weekly Refinery Report.
FEA-1004-PP-----	Weekly Products Pipeline Report.
FEA-1005-IM-----	Weekly Products Imports Report.
FEA-1006-BT-----	Weekly Bulk Terminal Stocks Report.
FEA-1007-SR-----	Weekly Report of petroleum Shipments Puerto Rico to United States.
FEA-RA-F-88-----	Petroleum Reporting Address Information.
FEA-P109-S-O----	Surplus Propane/Butane Purchase Report.
FEA-90-----	Crude Oil Production Monthly Report.
FEA-96-----	Monthly Cost Allocation Report.
FEA-F701-M-O----	Transfer Pricing Report.
FEA-P102-M-O----	Old Oil Entitlement Program; Refiners Monthly Report.
FEA-P103-M-O----	Old Oil Entitlements Program; Entitlement Transaction Report.
FEA-P101-Q-1----	Crude Oil Allocation Program; Refiners Quarterly Report.
FEA-903-----	Refiner Report of Buy/Sell Crude Oil Transaction.
FEA-1000-----	Prime Supplier's Monthly Report.
FEA-1001-----	Refiner/Importer / Gas Processing Plant Operator Monthly Report by Facility.
FEA-100A-----	Producers and Wholesale Purchaser-Resellers Report for Propane and Butane.
FEA-103B-----	Storage Operators Monthly Report.
CLC-92 and 92A----	No. 2 Heating Oil Price Adjustment.

[FR Doc.75-23435 Filed 8-29-75;4:01 pm]

#### LP-GAS INDUSTRY ADVISORY COMMITTEE

##### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the LP-Gas Industry Advisory Committee will meet Friday, September 26, 1975 at 10 a.m., Room 3400, 12th & Pennsylvania Avenue, NW., Washington, DC.

The Committee was established to provide independent advice and review to the Federal Energy Administration with respect to the implementation of programs that affect the LP-Gas industry.

The agenda for the meeting is as follows:

1. Update Study on the Supply/Demand of LP-Gas.
2. Increased Recovery of Natural Gas Liquids from Natural Gas and the Impact of this Extraction on the BTU Content of Gas Delivered to Utilities.
3. The Role of LP-Gas Imports in Meeting U.S. Energy Requirements.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C., on August 29, 1975.

DAVID G. WILSON,  
Acting General Counsel.

[FR Doc.75-23483 Filed 9-2-75;8:45 am]

#### FEDERAL HOME LOAN BANK BOARD

[H.C. No. 199]

##### NEW MEXICO FINANCIAL CORP., ET AL.

##### Receipt of Application

AUGUST 29, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from New Mexico Financial Corporation, Forest Products Company, Inc. and McNary Lumber Company, Inc. all holding companies located in Albuquerque, New Mexico for approval of acquisition of control of McKinley County Savings and Loan Association, Gallup, New Mexico, an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of the majority of the outstanding shares of McKinley County Savings and Loan Association's capital stock. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before October 6, 1975.

[SEAL] J. J. FINN,  
Secretary, Federal Home Loan Bank Board.

[FR Doc.75-23479 Filed 9-3-75;8:45 am]

#### FEDERAL RESERVE SYSTEM

##### GLENCOE CAPITAL CORP.

##### Formation of Bank Holding Company

Glencoe Capital Corporation, Glencoe, Illinois, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (1)) to become a bank holding company through acquisition of 90 percent



or more of the voting shares of Glencoe National Bank, Glencoe, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20561 to be received not later than October 2, 1975.

Board of Governors of the Federal Reserve System, August 28, 1975.

[SEAL] GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.  
[FR Doc. 75-23440 Filed 9-3-75; 8:45 am]

#### NORTHWEST BANCORPORATION Amended Order for Hearing

On March 21, 1975, the Board of Governors of the Federal Reserve System entered an Order (40 Federal Register 14376), pursuant to a decision by the United States Court of Appeals for the Eighth Circuit, directing that a public hearing be held on the application of Northwest Bancorporation to acquire T. G. Evensen and Associates, a corporation which provides financial and investment advice to State and local governments. Pursuant to that Board Order, the Secretary of the Board, in an Order issued July 24, 1975 (40 Federal Register 32795), appointed Philip J. LaMacchia, former Administrative Law Judge, now retired, as the Presiding Officer to conduct the hearing and set the hearing for September 16, 1975, at the Federal Reserve Bank of Minneapolis. That Order of the Secretary is hereby amended to rescind the appointment of Philip J. LaMacchia as Presiding Officer and to appoint in his place Administrative Law Judge James W. Mast, Room 7150, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. James E. Scott and Allan Schott of the Board's Legal Division are hereby appointed, pursuant to the Board's Rules of Practice for Formal Hearings (12 CFR § 263.6(d)), as Board counsel to represent the Board of Governors in this proceeding.

The Secretary's Order is amended further to rescind the hearing date and to order that a prehearing conference be held at 10 a.m. (e.d.t.) on September 16, 1975, in Room 1202 of Board's Building at 20th & Constitution Avenue, N.W. in Washington, D.C., where a schedule for the hearing will be set.

By order of the Board of Governors, August 27, 1975.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.  
[FR Doc. 75-23441 Filed 9-3-75; 8:45 am]

<sup>1</sup> Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Wallach, and Jackson. Absent and not voting: Governors Holland and Coldwell.

## NOTICES

#### GENERAL ACCOUNTING OFFICE REGULATORY REPORTS REVIEW

##### Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on August 22, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the Federal Register is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before September 19, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548. Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

##### FEDERAL ENERGY ADMINISTRATION

Request for clearance of Federal Energy Administration Monthly Petroleum Reporting Forms, Refinery Report (FEA-P320-M-O), Bulk Terminal Stocks of Finished Petroleum Products (FEA-P321-M-O), Pipeline Products Report (FEA-P322-M-O), and Crude Oil Stocks (FEA-P323-M-O). These are monthly reports required to be filed by all petroleum refineries (P-320), Bulk Terminal Operating Companies (P-321), Petroleum Product Pipelines (P-322), and Operators of Crude Oil Storage Facilities (Refineries, Crude Pipelines, and Crude Lease Holders with stocks in excess of 1,000 bbls) (P-323). This information is collected under the Mandatory Authorities vested in the Federal Energy Administration under Public Law 93-275. The Bureau of Mines, Department of Interior is the data collection agent for FEA. Both the Bureau of Mines and Federal Energy Administration will use the information in the compilation of their respective petroleum statistical reports. After an initial testing period of these forms, FEA will eliminate reporting requirements for forms FEA-1002, 1003, 1004 and 1006; similarly, Bureau of Mines will eliminate its forms 1300, 1302, 1303, and 1314.

FEA-P320-M-O, Refinery Report, has about 280 respondents and requires about 4 hours per monthly report.

FEA-P321-M-O, Bulk Terminal Report, has about 188 respondents and requires about 4 hours per monthly report.

FEA-P322-M-O, Pipeline Products Report, has about 80 respondents and requires about 3 hours per monthly report.

FEA-P323-M-O, Crude Oil Stocks Report, has about 255 respondents and requires about 2 hours per monthly report.

NORMAN F. HEYL,  
Regulatory Reports Review Officer.  
[FR Doc. 75-23480 Filed 9-3-75; 8:45 am]

#### INTERNATIONAL TRADE COMMISSION

[TA-201-6]

##### SLIDE FASTENERS AND PARTS Investigation and Hearing

Investigation instituted. Following receipt of a petition on August 18, 1975, filed by the Slide Fastener Association, New York, New York, the U.S. International Trade Commission, on August 28, 1975, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether slide fasteners and parts thereof, including tapes in continuous lengths but not including tapes wholly of textile fibers, provided for in items 745.70, 745.72, and 745.74 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., EST, on Monday, November 24, 1975, in the Hearing Room, U.S. International Trade Commission, 701 E Street, N.W. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his offices in Washington not later than noon, Wednesday, November 19, 1975.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: August 29, 1975.

[SEAL] KENNETH R. MASON,  
Secretary.  
[FR Doc. 75-23470 Filed 9-3-75; 8:45 am]

#### NATIONAL CREDIT UNION ADMINISTRATION

##### NATIONAL CREDIT UNION BOARD Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on September 30-October 1, 1975, at the offices of the National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456. The meetings will commence at 9 a.m. daily in Room 4210.

The agenda for this meeting will consist of an update briefing regarding the

## NOTICES

activities of the several offices of the National Credit Union Administration, a briefing on share insurance activities, and other aspects of the Administration. Matters for discussion will include legislative activities.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

HERMAN NICKERSON, Jr.,  
Administrator.

AUGUST 28, 1975.

[FR Doc. 75-23401 Filed 9-3-75; 8:45 am]

#### NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-22]

##### SAFETY RECOMMENDATIONS AND RESPONSES

###### Availability and Receipt

The National Transportation Safety Board has commented in a recommendation letter issued August 29, 1975, to the Federal Aviation Administration that pilots who are on an IFR flight plan and destined to arrive at night at an airport served by a published instrument approach which is restricted to daytime use should be advised of this restriction by air traffic control. Investigation of the February 21, 1975, crash of a Beechcraft BE-55 while on instrument approach to Lawrenceburg, Tennessee, prompted the Board to recommend that the FAA (1) change the wording of the restriction on the National Ocean Survey instrument approach charts for locations where night approaches are not authorized so that the restriction is clearly understood, and (2) advise pilots arriving in a terminal area on an IFR flight plan whenever the published instrument approach procedure is not authorized for night operations. Instead of an approach clearance, the FAA is requested to issue a clearance to cruise at the appropriate minimum en route altitude/minimum obstruction clearance altitude at night.

Also during the past week, the Safety Board received two letters from the Federal Aviation Administration responding to earlier Safety Board recommendations.

FAA's letter of August 6 concerns recommendations A-75-115 and 116, issued December 10, 1974, regarding the durability of CF6 engines in the DC-10 airplane. Re recommendation A-75-115 concerning modification of the tail engine inlet duct. FAA does not believe that

increasing the size of the inlet duct drain hole would prevent ice from accumulating. Further, as to possible application of such measures to the Lockheed L-1011, FAA states that it has examined the service records and has not found any significant history of fan blade damage attributed to ice ingestion. Recommendation A-74-116, concerning fuel line protection for all DC-10 airplanes regardless of the engine installed, would extend the modification to airplanes having CF6 engines with solid fan blades and airplanes having JT9D engines. FAA states, "The armor modification was designed and approved for fuel line protection against damage from fragments that could be released from drilled fan blades and propelled through the inlet duct walls." Also, FAA notes that the CF6 and JT9D solid fan blades do not exhibit similar fragmentation when damaged by foreign objects.

FAA's letter of August 18 is in reply to recommendation A-75-10, issued March 4, 1975, whereby the Safety Board recommended issuance of an Airworthiness Directive to relocate the trim cutoff switch on the Learjet Model 25B airplane. The letter states, "Based on recent tests conducted by our Central Region and on the operating history of the Model 25B airplane, the FAA does not feel that adoption of the proposed recommendation is justified." During type certification, the FAA notes, the Gates Learjet Model 25B was shown "to comply with the control forces allowed under FAR 25.143 after a three-second trim runaway." Finally, the FAA states that the "existing fleet of approximately five hundred Learjets have logged 1,050,000 hours with no trim runaways having been reported."

The recommendation letter is available to the general public; single copies may be obtained without charge. A \$4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)))

MARGARET L. FISHER,  
Federal Register Liaison Officer.  
August 29, 1975.

[FR Doc. 75-23438 Filed 3-3-75; 8:45 am]

#### NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-440 and 50-441]

##### CLEVELAND ELECTRIC ILLUMINATING CO. (PERRY NUCLEAR POWER PLANT, UNITS 1 & 2)

###### Issuance of Revision to Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the

Commission has authorized the Cleveland Electric Illuminating Company to conduct certain site activities in connection with the Perry Nuclear Power Plant, Units 1 and 2 prior to a decision regarding the issuance of a construction permit. Notice of the Limited Work Authorization was published in the Federal Register on October 29, 1974 (39 FR 38125).

At that time the Atomic Safety and Licensing Board found that no barge slip construction activities that would affect the shoreline could be undertaken until the staff had completed its review of the probable maximum surge at the site and the effects of the proposed barge slip on the natural erosion rate of the shoreline. The staff has now completed its review and determined that the issue on the probable maximum surge has been resolved and that future construction of shoreline protection will not affect, or be affected by, the proposed barge slip. Construction of the proposed barge slip is within the scope of activities authorized by 10 CFR 50.10(e) (1).

A copy of (1) the Partial Initial Decisions; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated April 1974; (5) the Commission's letters of authorization, dated October 21, and November 8, 1974; and (6) the Commission's letter revising the Limited Work Authorization to include the barge slip construction activities dated August 27, 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and the Perry Public Library, 3753 Main Street, Perry Township, Ohio.

Dated at Bethesda, Maryland, the 27th day of August 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,  
Chief, Environmental Projects  
Branch 4, Division of Reactor Licensing.

[FR Doc. 75-23370 Filed 9-3-75; 8:45 am]

[Docket No. 50-245]

#### NORTHEAST NUCLEAR ENERGY CO., ET AL.

##### Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the licensees) for operation of the Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut.

The amendment would modify operating limits in the Technical Specifications based upon an evaluation of the ECCS

## NOTICES

Such petitions must be filed in accord-

without evidence and examine and cross-

Such petitions must be filed in accord-

[Docket No. 50-271]

## NOTICES

holes. The reactor was shut down on Au-

in the Vermont Yankee reactor have pre-



performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 19 CFR Part 50, Section 50.46. The amendment would also incorporate operating limits in the Technical Specifications based on the General Electric Thermal Analysis Basis in accordance with the licensee's application for amendment dated July 9, 1975 and supplement dated July 25, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 6, 1975, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this Federal Register notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may

present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated July 9, 1975, with supplement submitted July 25, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated in Bethesda, Maryland, this 25th day of August 1975.

NUCLEAR REGULATORY  
COMMISSION,  
WALTER A. PAULSON,  
Acting Chief, Operating Reactors  
Branch No. 3, Division of  
Reactor Licensing.

[FR Doc 75-23260 Filed 9-3-75; 8:45 am]

[Docket No. 50-274]

NORTHEAST NUCLEAR ENERGY CO.,  
ET AL.

Proposed Issuance of Amendment to  
Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the licensees), for operation of the Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut.

The amendment would revise the provisions in the Technical Specifications relating to temperature limits for the pressure suppression pool water.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 6, 1975, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may

Such petitions must be filed in accordance with the provisions of this Federal Register notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esq., Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the letter from G. Lear to D. C. Switzer dated February 15, 1975, the letter from D. C. Switzer to G. Lear dated March 31, 1975, and the letter from K. R. Goller to D. C. Switzer dated July 16, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The proposed license amendment and the Safety Evaluation, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 25th day of August, 1975.

NUCLEAR REGULATORY  
COMMISSION,  
WALTER A. PAULSON,  
Acting Chief, Operating Reactors  
Branch No. 3, Division of  
Reactor Licensing.

[FR Doc 75-23259 Filed 9-3-75; 8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER  
CORP.

Order for Modification of License

I. Vermont Yankee Nuclear Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-28 which authorizes operation of the Vermont Yankee Nuclear Power Station (the facility) at steady-state reactor core power levels not in excess of 1953 megawatts thermal (rated power). The facility is a boiling water reactor (BWR) located near Vernon, Vermont.

II. 1. On July 23, 1975, the Nuclear Regulatory Commission (the Commission) issued an "Order for Modification of License" (40 FR 32180, July 31, 1975) which confirmed a plan for limited additional operation of the facility. As detailed in the Order, the facility's channel box wear, as indicated by the noise-to-signal ratio recorded by the traversing in-core probe (TIP), had exceeded the remedial action threshold. The remedial plan confirmed by the Order contemplated operation of the facility for a limited period of time (until August 3, 1975) at not more than 80% of rated core power and 70% of rated core flow, provided the TIP noise-to-signal ratio at those levels did not exceed 0.05. In addition, the Order permitted operation up to full flow and power for a brief period of time as necessary to obtain baseline TIP data.

2. On August 1, 1975, the Commission issued an "Order for Modification of License" (40 FR 33739, August 11, 1975) which modified the July 23, 1975 Order to extend operation for an additional three days until August 6, 1975. The basis for this action was the licensee's request dated July 31, 1975. The licensee's letter states that the request is made at the behest of the New England Power Exchange based upon a serious power shortage resulting from the unscheduled outage of several units and forecasted weather conditions. Our evaluation of the request concluded that the recently obtained TIP traces did not show any accelerated channel box wear, and that operation of Vermont Yankee for an additional three days beyond the period contemplated by our previous safety evaluation was acceptable since no appreciable additional wear would be incurred.

3. By its letter dated July 17, 1975, the licensee formally proposed a plan, previously discussed with the Commission, setting forth a course of remedial action. The plan, as modified by the licensee's letter dated July 31, 1975, entailed continuation of operation at 80% of rated core power and 70% of rated flow until a shutdown not later than August 6, 1975, with the exception of a brief period of operation at full flow and power immediately prior to shutdown as necessary to obtain baseline TIP data for use in connection with the shutdown inspection and in connection with future operations. During the shutdown, worn channel boxes were to be replaced as necessary, and plugs to be inserted in the bypass

holes. The reactor was shut down on August 6, 1975, for visual inspection of the channel boxes and the necessary repairs.

4. By letter dated July 30, 1975, the licensee provided details relating to the inspection and repair program for correction of channel box wear and to the installation of core bypass flow plugs in the lower core plate and supplied analyses to demonstrate the adequacy of such plugs and the adequacy of the procedures for plug installation.

5. On August 15, 1975, the Commission issued an "Order for Modification of License" that approved the repair program and authorized the installation of bypass hole plugs in the facility's lower core plate. As discussed in the August 15, 1975 Order, the NRC staff concluded that the plugs will reduce the vibration of the instrument thimbles caused by flow through the bypass holes. By telecon dated August 22, 1975, Vermont Yankee has confirmed that the licensee's inspection and repair program has been completed. This resulted in the rejection of 24 channel boxes with unacceptable wear as defined in the repair program. Thirty-eight channel boxes with indications of wear, but within the criteria of the repair program, were reinstalled in the reactor in locations which are not next to instrument channels in accordance with the repair program. Vermont Yankee also confirmed that all flow bypass holes in the core plate were plugged.

6. The licensee's July 30, 1975 letter and their letter dated August 6, 1975 provided analyses, including an emergency core cooling performance analysis, for reactor power operation with the plugs installed in the bypass holes.

7. The Commission's staff has reviewed the analyses submitted by the licensee on July 30, and August 6, 1975, to support operation with bypass flow plugs installed. As discussed in the Commission's concurrently issued Safety Evaluation, Vermont Yankee Nuclear Power Station Operation with Plugged Bypass Flow Holes, the proposed operation with plugs will require that certain modifications be made to earlier restrictions set forth in the December 27, 1974 Order for Modification of License (40 FR 1778, Jan. 9, 1975) relating to the emergency core cooling performance. In this regard, it is appropriate to replace the original Appendix A to the December 27, 1974 Order with a revised Appendix A listing restrictions for operation with bypass flow plugs installed. All other provisions of the December 27, 1974 Order remain in full force and effect. It should also be noted that plugs identical to those installed

1 Copies of (1) the licensee's letters of July 30 and August 6, 1975, and (2) the NRC staff Safety Evaluation of Vermont Yankee Nuclear Power Station Operation with Plugged Bypass Flow Holes and the documents referenced therein, are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and are being placed in the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

in the Vermont Yankee reactor have previously been installed in both the Vermont Yankee and Pilgrim reactors in 1973 and 1974, respectively, to eliminate the vibration of temporary control curtains that caused channel box wear in those reactors. They have also been installed in the Duane Arnold reactor to mitigate channel box wear. After ten months of successful service the previous plugs in the Vermont Yankee reactor were removed at the time that the temporary curtains were removed.

8. Based on a review of the licensee's submittals of July 30 and August 6, 1975, and the prior related experience at the Pilgrim and Vermont Yankee reactors, the NRC staff concluded in its concurrently issued Safety Evaluation that operation of the Vermont Yankee reactor in accordance with the additional restrictions set forth in Appendix A to the Safety Evaluation will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50,

It is ordered, That:

1. The Order for Modification of License dated December 27, 1974 be amended by replacing Appendix A of that Order with Appendix A attached to this Order. All other provisions of the December 27, 1974 Order shall remain in full force and effect.

2. Operation of the Vermont Yankee Nuclear Power Station with plugged bypass flow holes is hereby authorized subject to the restrictions set forth in the Order for Modification of License, dated December 27, 1974 as amended by paragraph 1 above.

Dated at Bethesda, Maryland, this 22d day of August 1975.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,  
Director, Office of Nuclear  
Reactor Regulation.

APPENDIX A

VERMONT YANKEE NUCLEAR POWER STATION  
OPERATING RESTRICTIONS

There are two limitations on the continued operation of the reactor for the remainder of this fuel cycle. These are the limiting assembly maximum average planar linear heat generation rate, MAPLHGR, and the minimum critical power ratio limit related to boiling crisis, MCPRL. Operation shall conform to a MCPRL value of equal to or greater than 1.28 as proposed by the licensee. The limiting value of MAPLHGR included with the proposed Technical Specifications submitted on October 31, 1974 have been revised to account for the staff requirements of December 27, 1974 and the proposed operation with plugged bypass holes. The revised values are given in Figures 1 and 2 for Generic B 7x7 Fuel and 8D219 8x8 Fuel types. A maximum value linear heat generation rate of 13.4 kw/ft for 8x8 fuel shall remain in effect until the Commission completes its review of the licensee's proposed increase in linear heat generation rate.







(d) Reallocation of DTC stock after 1975 shall be consummated prior to the record date for voting at the annual meeting of DTC stockholders and shall be accomplished as described below. Each Participant will be (1) entitled to purchase the shares necessary to increase its ownership to its allocation or (2) obligated to sell the shares which it then holds which are in excess of its allocation except that purchases and sales in respect of Broker-Dealer Participants will be effected by the Exchange, AMEX and NASD, collectively. The rights and obligations of the Exchange, AMEX and NASD shall be pro rated in accordance with their respective interest immediately prior to the reallocation. "Broker-Dealer Participants" include all member organizations of the Exchange, AMEX and NASD and clearing corporation Participants associated with the Exchange, AMEX or the NASD. "Institutional Participants" include all Participants who are not Broker-Dealer Participants and shall not include the Exchange, AMEX or the NASD.

(e) At the annual meeting of DTC stockholders in 1975 and thereafter, DTC's Board of Directors will be elected annually by cumulative voting.

(f) The price per share in the initial and all subsequent sales of DTC stock shall be the book value per DTC share as of the close of the preceding calendar year.

In order to ensure the continued qualification of DTC as a "clearing corporation" under § 8-102(3) of the New York Uniform Commercial Code, which defines a "clearing corporation" with reference to the nature of the holders of its capital stock and the amounts of such stock held by them, and in order to preserve the primary objective of the agreement, that the users of DTC's services share in its direction and control through ownership of its stock, the agreement among DTC and its stockholders providing for the annual allocation of stock commencing in 1976 will also contain provisions to the effect that: (1) no DTC stock shall be transferred to any person except in a manner consistent with DTC's continuing status as a "clearing corporation"; (2) in the event that any holder becomes insolvent or ceases to use, or represent others which use, DTC's services, the stock held by it shall be transferred to all other holders of DTC stock pro rata in accordance with their stockholdings; and (3) neither DTC nor any holder shall sell stock otherwise than in an annual reallocation without first offering such stock to the holders of stock pro rata in accordance with their stockholdings.

*Exhibit A* attached indicates the maximum entitlement of ownership of DTC stock in 1975.

*Statement of Basis and Purpose.*—The basis and purpose of the foregoing proposed rule change is as follows:

3. *Purpose of Proposed Rule Change.* The purpose of the proposed rule change is to assure DTC's participants a fair representation in the selection of DTC's

directors and the administration of its affairs and thereby permit DTC to comply with § 17A(b)(3)(C) of the Securities Exchange Act of 1934 when it becomes effective.

4. *Basis under the Act for adopting the proposed rule change.* (a) Not applicable.

(b) The proposed rule change relates to the Exchange's wholly-owned subsidiary, DTC. It provides the basis for a fair representation of DTC's participants in the selection of DTC's directors and the administration of its affairs by affording DTC participants a reasonable opportunity to acquire voting stock of DTC, directly or indirectly, in reasonable proportion to their use of DTC's service.

(c) Not applicable.

5. *Comments Received From Members, Participants or Others on Proposed Rule Changes.* Comments were solicited from DTC participants, pledgee banks and depository facilities by notice dated March 25, 1975. No comments have been received other than questions as to the meaning of certain provisions of the proposal, including: the rationale for selecting the formula; why DTC stock allocable to broker-dealer participants is not available for direct purchase by them at this time rather than being offered to the Exchange, AMEX and NASD; when the Exchange's Board of Directors expects to consider whether an Exchange member organization could purchase its DTC stock entitlement directly and whether AMEX and NASD member organizations would have a similar right; the basis for the sale of 8% of the DTC stock to each of AMEX and NASD; how is the formula adjusted to account for usage by broker-dealer participants which are members of more than one of the Exchange, AMEX and NASD; who receives the DTC stock not purchased by those entitled to purchase and on what basis; the method of allocating the DTC stock held by an insolvent to all other holders; and the effect of some states not having adopted amendments to Uniform Commercial Code § 8-102(3) (which amendment broadens the permissible ownership of a clearing corporation such as DTC) on DTC's ability to conduct business in such non-adopting states, to have depository facilities in those states, to effect book-entry transfers for participants organized or located in those states or to effect book-entry transfers for issuers located or organized in those states.

#### EXPLANATORY NOTES

1. *Rationale for Ownership Entitlement Formula.* A 1971 Memorandum of Understanding on a Comprehensive Securities Depository System among the Exchange, AMEX, NASD and the member banks of the New York Clearing House Association set forth various understandings regarding the creation of DTC and, among other things, provided that at such time as amendments to Article 8 of the Uniform Commercial Code had been adopted in substantially all of the domestic jurisdictions under

the laws of which corporations, whose securities were eligible for inclusion in the depository, were organized, an equitable portion of the capital stock of the depository would be acquired by or for the account of the depositors in the depository other than Broker-Dealers. Although at the time the Memorandum of Understanding was executed the basis on which the distribution of capital stock among the depositors was not specified, it was understood that such distribution might be based, for example, on one or more of the following criteria: (a) in proportion to the use anticipated to be made by participants of the depository as measured by use recently made by them; (b) 50% by national securities exchanges and associations whose members were expected to be depositors and 50% by a party or parties representing other types of depositors; or (c) in proportion to the value of securities deposited by participants.

BASIC considered a formula for determining stock ownership of the New York depository during the first half of 1972. No exception was taken during the discussions to the specific formula being considered, namely: one-half of ownership entitlement to be based upon fees paid, and one-half upon the value of securities on deposit. A part of a memorandum considered by BASIC at that time read as follows:

The depository's services may be said to break down into two broad groups: (1) processing transactions; and (2) providing custody. In terms of utilizing these two types of services, there will probably be a sharp distinction between broker-dealers, on the one hand, and banks, insurance companies, and mutual funds (call them "fiduciaries"), on the other hand. Broker-dealer transaction through-put will be much greater than that of fiduciaries, but the latter will have a higher value of securities on deposit.

There are many ways that share ownership in (the depository) could be divided between the two groups so as to assure each some voice in management and control. Arbitrary apportionment could be made, or an objective formula based upon use could be used. "Use" could be measured in any of a variety of ways.

Any arbitrary apportionment would probably be criticized from the outset as favoring some at the expense of others. Moreover, as trends in depository participation change, the arbitrary allocation of shares would either have to be changed periodically or encounter even greater questions as to whether it is fair.

An objective formula could be devised in which share ownership derives from extent of use of each of the two groups of depository services: transactions, and custody. Of the many ways of measuring use, these are suggested:

Transactions—Annual total of fees paid to the depository.

Custody—Average annual value of securities on deposit.

The Board of Directors of Central Certificate Service, Inc. ("CCS, Inc."), which succeeded to the Central Certificate Service division operated by Stock Clearing Corporation, adopted a resolution in July 1972, expressing its support of the BASIC formula for determining share entitlement which is embodied in

the Plan. In a memorandum enclosed with CCS, Inc.'s letter to the Commission dated October 18, 1972, which related to its proposed rules, the following statement was made:

The Board of CCS, Inc. has provided that user entitlement to own the trust company's stock should be based equally on the amount of fees paid by users of depository and the value of their long positions there.

2. *Rationale for Allocation of Stock to the Exchange, AMEX and NASD Rather than Directly to Broker-Dealer Participants.* Due to the limited profit and limited dividend policies of DTC, there is little economic incentive to own DTC capital stock. The incentive to own the stock is essentially limited to its voting rights. Banks and other fiduciaries have expressed their desire to have stock representation in DTC so that they will be in a position to participate, through directors elected by them, in the management of DTC and thereby promote the safeguarding of securities deposited by them with DTC. Although the Exchange, AMEX and NASD can conveniently hold DTC stock in representation of their members, there is no organization in existence that could properly hold DTC stock, collectively, on behalf of such banks and fiduciaries. Exchanges and the NASD have held stock of clearing corporations for many years and their members have thus been in a position to influence the policies adopted by clearing corporations.

Attached as *Exhibit B* is a list based upon the proposed stock entitlement formula as applied to the last quarter of 1974, of the percentage use by all DTC participants. The list shows the entitlement broker-dealers would have if the Exchange were to sell its holdings of DTC stock to all Broker-Dealer Participants. As indicated by the list, only eight Broker-Dealer Participants would be entitled to purchase more than 2% (370 shares) and only 16 would be entitled to purchase more than 1% (185 shares). The top 10 broker-dealers would be entitled to purchase approximately 34% (6,300 shares) and the top 16 broker-dealers would be entitled to purchase approximately 43% (8,000 shares), leaving a broad dispersion of shares among the many remaining broker-dealers. This may explain why a number of broker-dealers have indicated that they would not wish to purchase DTC stock but would prefer the Exchange to hold the stock instead.

DTC distributed a memorandum describing the stock sale to its Participants and others on March 25, 1975. To date there has been little expression of interest in direct ownership from the recipients of that memorandum. Until further consideration as a result of a significant expression of interest in direct ownership by the Exchange's membership, the Exchange feels that it is in the best interests of the membership that the Exchange retain direct ownership on behalf of its membership.

3. *Consideration by the Exchange of Direct Ownership of DTC Stock by Ex-*

*change Member Organizations.* At its March 6, 1975 meeting the Exchange's Board of Directors considered the question of direct ownership of DTC stock by broker-dealers and deferred action on that issue, carefully specifying that no action proposed to be taken at that meeting would preclude the later possibility of direct ownership by member organizations. The Board of Directors will consider the matter if there is sufficient expression of interest in the matter by Exchange member organizations. In any event, it is the intention of Exchange management to bring the matter before the Board within the ensuing year.

Although we have no definitive information as to whether AMEX or NASD will purchase shares, we understand informally that both organizations are inclined to purchase their entitlements. We have no information as to whether they would propose to make any shares purchased available subsequently for purchase by their respective members.

4. *Rationale for Sale of 8% of DTC Stock to AMEX and NASD.* The 1971 Memorandum of Understanding contemplated that prior to such time as the depository ceased to be a wholly-owned subsidiary of the Exchange, it would have a 12 man board of directors consisting of six directors nominated by the Exchange, one director nominated by AMEX, one director nominated by the NASD, three directors nominated by bank signatories to the Memorandum of Understanding and one director who would be the President of the depository. It was understood that these proportions of representation would be reflected in the initial stock sale by the Exchange. This would mean an AMEX and NASD entitlement to DTC stock of about 8 percent each.

DTC's board has already been expanded to 14 directorships in order to permit wider participation by parts of the financial community not included in the Memorandum of Understanding. After the stock sale, DTC's Board will be expanded to 15 members, one of which will be the Chairman of the Board and another of which will be the President. The sale of 8% of the capital stock of DTC to each of AMEX and the NASD will permit each of them, by utilizing the cumulative voting provision set forth in DTC's Organization Certificate, to elect one member to DTC's Board of Directors, thus carrying out the understandings embodied in the Memorandum of Understanding. These understandings were based on the belief, stated in paragraph 2 above, that members of AMEX and the NASD would be represented through their self-regulatory organizations.

5. *Allocations to Self-Regulatory Organizations in View of Built-Memberships by Broker-Dealer Participants in Such Self-Regulatory Organizations.* It is not intended that the formula for entitlement to stock ownership will account for usage by Broker-Dealer Participants which are members of more than one of the Exchange, AMEX and the NASD in a precise manner. As indicated in the de-

scription of the stock sale plan above, assuming that all persons purchase their full entitlement to DTC capital stock, the percentage ownership of the Exchange, AMEX and the NASD would be approximately 60%, 8% and 8%, respectively. In substance this reflects the fact that the usage of DTC services by all Broker-Dealer Participants, whether they be a member of one or more of such self-regulatory organizations, during the last three months of 1974 would under the formula entitle them to collective representation in stock ownership equal to approximately 76% of the DTC capital stock. Subsequent annual reallocations will be made by determining the collective usage of DTC services by all such broker-dealer participants, determining the stock ownership attributable to that usage and allocating that aggregate amount of stock ownership among the three self-regulatory organizations, pro rata in accordance with their stock ownership as it stands immediately prior to the reallocation. For example, on the basis of the assumed 60-8-8 initial allocation, the Exchange would own 11,100 shares and AMEX and the NASD would each own 1,480 shares. If at the first annual reallocation Broker-Dealer Participant usage indicated a collective entitlement to an additional 760 shares, the Exchange would be entitled to 600 (60/76ths) of the additional shares and each of AMEX and the NASD would be entitled to 80 (8/76ths) of the additional shares. On the other hand if on the subsequent annual reallocation the usage of all Broker-Dealer Participants indicated a collective entitlement of 760 fewer shares, the Exchange would be obligated to sell 600 of the shares held by it and each of AMEX and the NASD would be obligated to sell 80 of the shares held by them. Annual allocations in succeeding years would be based upon the holdings of the three self-regulatory organizations immediately prior to the annual reallocation. No effort will be made to identify usage relating to a Broker-Dealer Participant's Exchange, AMEX or NASD business, since it is, we believe, impossible to devise a formula reflecting such usage without making numerous arbitrary decisions.

6. *Allocation of Shares Not Purchased by Persons Entitled Thereto.* If an organization entitled to purchase DTC capital stock declines to purchase all or part of its entitlement, the shares not purchased will remain with the organizations then holding such shares. Entitlement of each organization to purchase constitutes the right to purchase pro rata from all the then holders who hold more than their entitlement. If the purchase is not made it will result in the unpurchased shares remaining pro rata with all the then holders who hold more than their entitlement. For example, if there were only five stockholders which held the following amounts of stock: A—1,000, B—1,500, C—2,000, D—2,400, and E—11,500; and Participant F was entitled to purchase 1,000 shares in an annual reallocation and F was the only

Participant entitled to purchase shares, F would purchase 1,000/18,500ths of

adopting states is irrelevant since securities deposited with Depository Facilities

For the Commission, by the Division of Market Regulation, pursuant to dele-

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or

solute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial

the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be



Participant entitled to purchase shares, F would purchase 1,000/18,500ths of 1,000 shares from A, 1,500/18,500ths of 1,000 shares from B, etc. If F elected only to purchase 500 shares, F would purchase 1,000/18,500ths of 500 shares from A, 1,500/18,500ths of 500 shares from B, etc.

It is believed that while the opportunity to purchase stock would be an incentive to expanded depository participation, the obligation to purchase stock would be a disincentive to such participation. The decision reflected in the preceding paragraph is due to this conclusion. As a result thereof excess stock held by a participant and not purchased by others would remain in its hands, there being no other person to purchase it.

7. *Allocation in the Event of a Holder's Insolvency.* No stock certificates will be held by stockholders; rather one certificate will be held by DTC and the interest of each stockholder will be reflected on the books of DTC. If an owner of DTC stock becomes insolvent, its stock will upon the event of insolvency be deemed transferred to all other then holders of stock in proportion to their then ownership. Upon discovery of insolvency, DTC will effect a book-entry transfer of the shares from the account of the insolvent pro rata to the accounts of all the then stockholders pro rata in accordance with their then interests and payment will be required to be made by the transferees to the insolvent's estate at a price per share equal to the book value per share as of the end of the preceding calendar year.

8. *Problems In Respect Of Non-Adoption of Amended Version of UCC Section 8-102(3) by All States.* Section 8-102(3) of the Uniform Commercial Code has been amended in 42 states to provide for ownership of DTC stock by persons other than a national securities exchange or association. The amendment has not been enacted in Alabama, District of Columbia, Idaho, Louisiana, Montana, West Virginia, Oklahoma, Vermont and Wisconsin, but has been introduced in the last three states named. Though we expect further enactments will occur in 1975, it is certain that the amendment will not be adopted in all jurisdictions prior to 1976.

In February 1974 DTC circulated a memorandum to all DTC Participants, Pledges and issuers of DTC Eligible Securities regarding the problems which might arise as a result of the sale of DTC capital stock by the Exchange prior to the adoption of the amendment to § 8-102(3) in all jurisdictions. The Memorandum states that DTC cannot guarantee that Participants and Pledges will be fully protected in respect of book-entry transfers and pledges in the event of a stock sale prior to the adoption of the amendment by all states.

At this time DTC does not conduct business in states other than New York. We believe that the fact that two Depository Facilities are located in non-

adopting states is irrelevant since securities deposited with Depository Facilities are immediately sent to DTC in New York. Moreover, we believe that the fact that some Participants are located in non-adopting states is irrelevant as their location, per se, should not require the application of the law of that jurisdiction.

We have been advised by counsel that, while there is no conclusive judicial precedent, it believes that a court should hold that (1) the applicable law in respect of a book-entry transfer of securities of issuers organized in non-adopting states would be the law governing the transaction, which the parties would be able to designate, rather than the law of the jurisdiction of the issuer's incorporation and (2) the applicable law in respect of pledges would be the law of the jurisdiction where the physical securities are located—i.e. New York.

9. *Rationale for Cumulative Voting.* The provision for cumulative voting provides groups of minority stockholders with an opportunity to elect some members of the DTC Board of Directors. It prevents one or more owners with over 50 percent of the stock from electing all directors.

10. *Limited Dividends.* A limitation on dividends payable to stockholders was fixed at 6 percent to reflect the policy that the depository should minimize rather than maximize charges to its Participants, but at the same time offer some incentive to Participants to purchase their stock entitlements.

6. *Burden on Competition.* None. Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (1) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (2) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within three weeks after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>1</sup>

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 27, 1975.

[FR Doc.75-23375 Filed 9-3-75; 8:45 am]

[File No. 500-1]

VALHI, INC.

Suspension of Trading

AUGUST 25, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Valhi, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:50 p.m. (e.d.t.) on August 25, 1975 through midnight (e.d.t.) on September 3, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-23374 Filed 9-3-75; 8:45 am]

#### WATER RESOURCES COUNCIL

##### PRIVACY ACT OF 1974

##### Notice of Systems of Records

##### Correction

In FR Doc. 75-22544 appearing at page 39231 in the issue of Wednesday, August 27, 1975, the date "September 26, 1975" should be inserted in the second line of the second paragraph.

#### DEPARTMENT OF LABOR

##### Office of the Secretary

[TA-W-125]

##### AMERADA HESS OIL

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Oil, Chemical and Atomic Workers Union, on behalf of the workers and former workers of State Street, First Reserve and Second Reserve Terminals of Amerada Hess Oil, Woodbridge, New Jersey (TA-W-125). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

<sup>1</sup> Exhibits filed as part of the original documents.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with oil products including gasoline and heating oil produced by Amerada Hess Oil, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-23423 Filed 9-3-75; 8:45 am]

[TA-W-119]

##### ANACONDA CO.

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers, on behalf of the workers and former workers of Anaconda Wire and Cable Division, Hastings on Hudson, New York of Anaconda Company, New York, New York (TA-W-119). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with copper wire and cables produced by Anaconda Company, or an appropriate subdivision thereof have contributed importantly to an ab-

solute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-23424 Filed 9-3-75; 8:45 am]

[TA-W-120]

##### BEKAERT STEEL WIRE CORP.

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers, on behalf of the workers and former workers of Bekaert Steel Wire Corporation, Rome, Georgia (TA-W-120). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with bead wire, tire cord, and hose wire produced by Bekaert Steel Wire Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and

the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-23425 Filed 9-3-75; 8:45 am]

[TA-W-123]

##### CLAROSTAT VIRGINIA, INC.

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers, on behalf of the workers and former workers of Clarostat Virginia, Incorporated, Orange, Virginia, a subdivision of Clarostat Manufacturing Company, Inc., Dover, New Hampshire (TA-W-123). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electronic parts produced by Clarostat Virginia, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.



## NOTICES

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-23426 Filed 9-3-75;8:45 am]

[TA-W-118]

# JAYSON SHOE MANUFACTURING CO., INC.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Jayson Shoe Manufacturing Company, Inc., Birch Tree, Missouri (TA-W-118). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with infants and children's footwear produced by Jayson Shoe Manufacturing Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-23427 Filed 9-3-75;8:45 am]

[TA-W-124]

# JOHANSEN BROTHERS SHOE CO.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union, on behalf of the workers and former workers of Johansen Brothers Shoe Company, St. Louis, Missouri (TA-W-124). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Johansen Brothers Shoe Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

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## NOTICES

[TA-W-121]

# MURATA MANUFACTURING CO.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers, on behalf of the workers and former workers of Murata Manufacturing Company, Rockmart, Georgia (TA-W-121). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with resistors produced by Murata Manufacturing Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, DC., this 25th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-23430 Filed 9-3-75;8:45 am]

Signed at Washington, D.C., this 25th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-23428 Filed 9-3-75;8:45 am]

[TA-W-122]

# KAY-TOWNES ANTENNA CO.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers, on behalf of the workers and former workers of Kay-Townes Antenna Company, Rome, Georgia (TA-W-122). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with television antennas and related electronic parts produced by Kay-Townes Antenna Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-23429 Filed 9-3-75;8:45 am]

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## NOTICES

## INTERSTATE COMMERCE COMMISSION

ularity the facts, matters, and things relied upon, but shall not include issues or

are used in connection with the operation of cafeterias, from points in Connecticut, Delaware, Maryland, Massa-

Waynesboro, Miss., in lieu of Waynesboro, 33152. Applicant's representative: J. dress as applicant). Authority sought to

operate as a common carrier by motor

## NOTICES



# INTERSTATE COMMERCE COMMISSION

[Notice No. 846]

## ASSIGNMENT OF HEARINGS

August 29, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 100666 Sub 298, Melton Truck Lines, Inc., MC 106497 Sub 118, Parkhill Truck Company, a Corporation, MC 119700 Sub 28, Steel Haulers, Inc., MC 120257 Sub 24, E. L. Breeden & Sons, Inc., and MC 123407 Sub 243, Sawyer Transport, Inc., now being assigned September 18, 1975 (2 days), at Birmingham, Alabama, in Room 345, U.S. Courthouse, 1800 5th Avenue North.

MC 114818 Sub 17, Motor Cargo, now assigned September 15, 1975 at Carson City, Nevada, is postponed indefinitely.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-2346 Filed 9-3-75; 8:45 am]

[Notice No. 70]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

August 29, 1975.

The following applications are governed by Special Rule 1100 247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with partic-

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

# NOTICES

ularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before November 24, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2135 (Sub-No. 12), filed August 11, 1975. Applicant: D. J. McNICHOL CO., 6951 Norwitch Drive, Philadelphia, Pa. 19153. Applicant's representative: Harold P. Boss, 1100 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such foods, commodities, and equipment as*

are used in connection with the operation of cafeterias, from points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, and the District of Columbia to the Distribution Center and other facilities of ARA Services, Inc., located in Philadelphia, Pa., under a continuing contract or contracts with ARA Services, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 2642 (Sub-No. 4) (Correction), filed July 21, 1975, published in the FEDERAL REGISTER issue of August 14, 1975, republished as corrected this issue. Applicant: STANDARD TRANSPORTATION CO., INC., 290 Armistice Boulevard, Pawtucket, R.I. 02861. Applicant's representative: Randall D. Wels, c/o Drackett Products Company, 5020 Spring Grove Avenue, Cincinnati, Ohio 45232. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such Merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses, restricted against the transportation of commodities in bulk, between the plantsites of Saylesville Warehouse, Inc., located in Saylesville, Ashton, and Pawtucket, R.I., on the one hand, and on the other, points in New Hampshire.*

NOTE.—The purpose of this republication is to correct the restriction in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass. or Providence, R.I.

No. MC 2765 (Sub-No. 33), filed August 11, 1975. Applicant: SQUARE DEAL CARTAGE CO., a Corporation, 13401 Eldon Avenue, Detroit, Mich. 48234. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicles, in secondary movements, in truckaway service, from Wilmington, Del., to points in Indiana and Michigan.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 277) (Correction), filed July 21, 1975, published in the FEDERAL REGISTER issue of August 14, 1975, republished as corrected this issue. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32209. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Serving Waynesboro, Miss., as an off-route point in connection with applicant's presently authorized regular routes.*

NOTE.—The purpose of this republication is to indicate the service sought is to

Waynesboro, Miss., in lieu of Waynesboro, Mass., as previously published. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held either at Jackson, Miss., Birmingham, Ala., or Washington, D.C.

No. MC 3978 (Sub-No. 6), filed August 13, 1975. Applicant: SCHEER TRANSFER CO., P.O. Box 137, New Haven, Mo. 63068. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), (1) between Hermann, Mo., and junction Missouri County Road D and Missouri Highway 94; From Hermann, Mo., over Missouri Highway 19 to junction Missouri Highway 94, thence over Missouri Highway 94 to junction Callaway County Route CC, thence over Callaway County Route CC to junction Callaway County Route O, thence over Callaway County Route O to junction Callaway County Route D, thence over Callaway County Route D to junction Missouri Highway 94, and return over the same routes, serving the intermediate points of McKittrick, Rhineland, Portland, Steedman, and Reform, Mo.; and (2) between Hermann, Mo., and the plant site and facilities of Union Electric Company, located at or near Reform, Mo.; From Hermann, Mo., over Missouri Highway 19 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Callaway County Route D, thence over Callaway County Route D to junction Callaway County Route O, thence over Callaway County Route O to junction Callaway County Route CC, thence over Callaway County Route CC to the plant site and facilities of Union Electric Company, located at or near Reform, Mo., and return over the same routes, serving the off-route points of McKittrick, Rhineland, Portland, Steedman, and Reform, Mo.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jefferson City, or St. Louis, Mo.

No. MC 14251 (Sub-No. 4), filed August 11, 1975. Applicant: COLUMBUS RETAIL MERCHANTS DELIVERY, INC., 3275 Alum Creek Drive, Columbus, Ohio 43207. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by gasoline service stations (except commodities in bulk), from points in Franklin County, Ohio, to points in Boone, Campbell, and Kenton Counties, Ky.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 19227 (Sub-No. 219), filed July 31, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., P.O. Box 52062, 2515 N.W. 20th St., Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings, prefabricated metal, knocked down or in sections, including all component parts, materials, supplies, fixtures, used in the construction or erection of prefabricated metal buildings, from LaGrange, Ga., to points in Alabama, Florida, Maryland, Mississippi, North Carolina, Pennsylvania, South Carolina, Tennessee, West Virginia, and Virginia.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19550 (Sub-No. 4), filed August 7, 1975. Applicant: THE OBSERVER TRANSPORTATION COMPANY, a Corporation, 1600 West Independence Boulevard, Charlotte, N.C. 28208. Applicant's representative: Warren A. Goff, 2008 Clark Tower, Memphis, Tenn. 38137. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *General commodities (except those of unusual value, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), restricted to packages not to exceed 100 pounds in weight; and (2) fresh cut flowers, decorative greens, and live potted plants, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulations, between Charlotte, N.C., on the one hand, and on the other, points in Ashe, Alleghany, Stokes, Forsyth, Rockingham, Guilford, Randolph, Caswell, Alamance, Chatham, Lee, Harnett, Person, Orange, Durham, Wake, Johnston, Granville, Vance, Franklin, Nash, and Wilson Counties, N.C., and Union, Greenville, Spartanburg, and Anderson, S.C.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 25798 (Sub-No. 275), filed July 11, 1975. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Perishable pudding, from Menomonee, Wis., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina; (2) slate, from Middle Granville, N.Y., to points in Florida; (3) ceramic bathroom accessories, from Trenton, N.J., to points in Florida; and (4) tape, from Emigville, Pa., to points in Florida.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tampa or Orlando, Fla.

No. MC 30844 (Sub-No. 549), filed August 4, 1975. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant).

# NOTICES

dress as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacturing of glass aquariums, aquarium accessories, household pet cages, pet supplies and equipment, from points in the United States (except Alaska and Hawaii, and New Jersey) to the plantsites and storage facilities used by Meta-frame Corp. located at Elmwood Park and Maywood, N.J., restricted to traffic destined to the named plantsites and storage facilities.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify location.

No. MC 30884 (Sub-No. 21), filed August 12, 1975. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, Mo. 64129. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicles (except trailers), in initial movements, in truckaway service, from the plants of General Motors Corporation, located at Kansas City, Mo., to points in Ohio, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with General Motors Corporation.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 30887 (Sub-No. 219), filed August 11, 1975. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, Baltimore, Md. 21225. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW, Suite 600, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Natural latex, in bulk, from Baltimore, Md., to Troy, Ala.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 41849 (Sub-No. 35), filed August 6, 1975. Applicant: KEIGHTLEY BROS. INC., 1601 South 39th Street, St. Louis, Mo. 63110. Applicant's representative: Robert Keightley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aggregate, (1) from points in Leno and Rittenbend Counties, Ark., to points in Illinois, Indiana, and Missouri; and (2) from points in Appanoose County, Iowa, to points in St. Louis County, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 42828 (Sub-No. 9), filed August 11, 1975. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, Vt. 05641. Applicant's



representative: James Conner, 431 Keith Avenue, Akron, Ohio 44313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Syracuse, N.Y., to Barre, Vt.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Barre, Vt.

No. MC 44875 (Sub-No. 5), filed July 7, 1975. Applicant: KNIGHT'S EXPRESS & WAREHOUSE, INC., Industrial Drive, Coventry, R.I. 02816. Applicant's representative: Russell B. Burnett, P.O. Box 366, 826 Orleans Road, Harwich, Mass. 02645. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores and mail order houses*, in retail delivery service, between points in Rhode Island, on the one hand, and, on the other, points in Massachusetts.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 47333 (Sub-No. 24), filed August 8, 1975. Applicant: TOLLIE FREIGHTWAYS, INC., 41 Lyons Ave., Kansas City, Kans. 66118. Applicant's representative: D. S. Hulls, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, insulating products and materials*, from the plant site and storage facilities of Certain-Teed Products Corporation/CSG Group, located at Kansas City, Kans., and the storage facilities of Certain-Teed Products Corporation/CSG Group, located at Pauline, Kans., to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 51143 (Sub-No. 435) (Correction), filed June 30, 1975, published in the FEDERAL REGISTER issue of July 31, 1975, republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by discount and variety stores (except foodstuffs, furniture, and commodities in bulk)*, and (2) *foodstuffs (except in bulk)* and furniture, in mixed loads with the commodities in (1) above, from the facilities of S. S. Kresge Company, located at or near Savannah, Ga., and points in its commercial zone, to points in Kansas, Missouri, Iowa, Nebraska, Illinois, Indiana, Ohio, and Michigan, restricted to traffic originating at and destined to the described facilities of S. S. Kresge Company.

NOTE.—The purpose of this republication is to eliminate a restriction which was previously published in error. Common control may be involved. If a hearing is deemed

necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59117 (Sub-No. 49), filed August 11, 1975. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, P.O. Box 1, Vinita, Okla. 74301. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in bulk, (a) from Guion, Ark., to points in Oklahoma and Kansas, and (b) from the plant site of Pennsylvania Glass Sand Corporation at or near Pacific, Mo., to points in Oklahoma, and (2) *kaolin clay*, in bulk, (a) from Jefferson County, Ga., to Pryor, Okla., and (b) from Pulaski and Alexander Counties, Ill., to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla.

No. MC 61396 (Sub-No. 288), filed August 11, 1975. Applicant: HERMAN BROS.-INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, from Rogers County, Okla., to points in Iowa, Illinois, and Nebraska; and (2) *fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from points in Oklahoma (except Pryor, Tulsa, and Port of Catoosa), to points in Nebraska, Iowa, and Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Oklahoma City, Okla.

No. MC 61506 (Sub-No. 31), filed August 4, 1975. Applicant: RUSSELL TRANSFER COMPANY, INC., P.O. Box 829, Washington, Ga. 30673. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd. NE, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, including naphtha, but exclusive of all other acids and chemicals defined in Appendix XV therein, from Charleston, S.C., and North Charleston, S.C., to points in Florida; and (2) *empty containers*, from points in Florida to Charleston, S.C., and North Charleston, S.C., under a continuing contract, or contracts with Texaco, Inc., of Atlanta, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 61623 (Sub-No. 18), filed August 11, 1975. Applicant: GATE CITY TRANSPORT COMPANY, a Corporation, 13401 Eldon Avenue, Detroit, Mich., 48234. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, from Wilmington, Del., to points in Ohio and Kentucky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 63562 (Sub-No. 53), filed August 8, 1975. Applicant: BN TRANSPORT INC., 796 South Pearl Street, Galesburg, Ill. 61401. Applicant's representative: Larry J. Schwarz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except Classes A and B explosives and household goods as defined by the Commission)*. Serving the Grand Coulee Dam and construction site, Wash., as an off-route point in connection with carrier's regular route operations in Sub 32 between Spokane, Wash., and Coulee, Wash.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 135674 (Sub-No. 2) therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Spokane or Seattle, Wash., or Billings, Mont.

No. MC 64600 (Sub-No. 46), filed August 6, 1975. Applicant: WILSON TRUCKING CORPORATION, P.O. Drawer 2, Fishersville, Va. 22939. Applicant's representative: William J. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*: (1) *Between Craigsville, Va. and the junction of Virginia Secondary Highway 780 and U.S. Highway 60: From Craigsville over Virginia Highway 42 to junction Virginia Secondary Highway 780, thence over Virginia Secondary Highway 780 to junction U.S. Highway 60, and return over the same route, serving all intermediate points*; (2) *Between the junction of Virginia Highway 42 and Virginia Highway 39 at or near Goshen, Va., and the junction of Virginia Highway 39 and U.S. Highway 60: From the junction of Virginia Highway 42 and Virginia Highway 39 over Virginia Highway 39 to junction U.S. Highway 60, and return over the same route, serving all intermediate points*; (3) *Between Norfolk, Va. and the junction of Virginia Highway 134 and U.S. Highway 17: From Norfolk over U.S. Highway 60 to junction Virginia Highway 134, thence over Virginia Highway 134 to junction U.S. Highway 17, and return over the same route, serving all intermediate points*; and (4) *Between Norfolk, Va. and Gloucester Point, Va.: From Norfolk over U.S. Highway 460 to junction U.S. Highway 17, thence over U.S. Highway 17 to Gloucester Point, and return over the same route, serving all intermediate points*.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 82492 (Sub-No. 125), filed August 11, 1975. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products (except commodities in bulk)*, from Vicksburg, Mich., to points in Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 89697 (Sub-No. 29), filed August 11, 1975. Applicant: KRAJACK

No. MC 68980 (Sub-No. 17), filed August 11, 1975. Applicant: CHECKER EXPRESS CO., 6801 South 13th Street, Milwaukee, Wis. 53221. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment)*, serving Burns Harbor, Ind., as an off-route point in connection with carrier's regular route operations to and from Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 72243 (Sub-No. 51), filed August 11, 1975. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road, P.O. Box 350, Warren, Ohio 44482. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard and composition board*, from the plant site of Kroehler Manufacturing Co. at or near Meridian, Miss., to points in Arkansas, Tennessee, Alabama, Kentucky, Indiana, South Carolina, North Carolina, Virginia, and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Jackson, Miss.

No. MC 82079 (Sub-No. 43), filed August 13, 1975. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malin-zak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods and frozen bakery goods*, from the plant sites and warehouse facilities of Stouffer Foods, at Solon, Ohio, to points in the Upper Peninsula of Michigan, restricted against the transportation of commodities in bulk or in tank vehicles.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 82492 (Sub-No. 125), filed August 11, 1975. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products (except commodities in bulk)*, from Vicksburg, Mich., to points in Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 89697 (Sub-No. 29), filed August 11, 1975. Applicant: KRAJACK

TANK LINES, INC., 480 Westfield Avenue, Roselle Park, N.J. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between points in New Jersey and Philadelphia, Pa., on the one hand, and, on the other, points in Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 95376 (Sub-No. 10), filed August 11, 1975. Applicant: McVEY TRUCKING, INC., Rural Route 1, Oakwood, Ill. 61858. Applicant's representative: Clyde Meachum, 41 On the Mall, Danville, Ill. 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete coping for swimming pools*, from Urbana, Ill., to points in Indiana, Iowa, Wisconsin, Ohio, Kentucky, Tennessee, Michigan, Missouri, Minnesota, Florida, New York, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Springfield, Ill.

No. MC 95920 (Sub-No. 40), filed August 11, 1975. Applicant: SANTRY TRUCKING COMPANY, 11552 SW., Pacific Highway, Portland, Ore. 97223. Applicant's representative: George R. La-Bissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth* from Clark and Colado, Nev., to points on the International Boundary line between the United States and Canada located at or near Blaine, Wash., under a continuing contract or contracts with Van Waters & Rogers, Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 99427 (Sub-No. 23), filed August 11, 1975. Applicant: ARIZONA TANK LINES, INC., 4150 East Magnolia Street, Phoenix, Ariz. 85034. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, from Fredonia, Ariz., to points in Utah; (2) *fertilizer and ammonium nitrate*, in bulk, from points in Arizona, to points in California and New Mexico; (3) *sugar, syrups and blends thereof*, in bulk, from Los Angeles, Calif., to points in Cochise, Graham, Maricopa, Navajo, Pima, Pinal, Yavapai and Yuma Counties, Ariz., and points in Clark County, Nev., and return of off-quality or unsaleable product; and (4) *residual fuel oil*, in bulk, from points in San Juan County, N. Mex., to points in Arizona, Colorado, Utah and Nevada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 99695 (Sub-No. 10), filed August 7, 1975. Applicant: ATLAS TRAN-SIT, INC., 1077 Gorge Blvd., P.O. Box

471, Akron, Ohio 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)*, serving the DLM, Inc. plant site at or near Malvern, Ark. as an off-route point.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Washington, D.C.

No. MC 99780 (Sub-No. 44) (Amendment), filed July 8, 1974, published in the FEDERAL REGISTER issues of August 22, 1974, November 7, 1974, and November 27, 1974, and republished as amended this issue. Applicant: CHIPPER CART-AGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)*, (1) from (a) the storage facilities of the Dry Storage Corporation, (b) the plantsites and storage facilities of M & M Mars, (c) the plantsites and storage facilities of the A. E. Staley Manufacturing Co., (d) the plantsites and storage facilities of the M. J. Holloway Co., (e) the plantsites and storage facilities of the Leaf Confectionary, Division of W. R. Grace & Co., and (f) the plantsites and storage facilities of the Beatrice Foods Co., located in that portion of the Chicago, Ill. Commercial Zone in Illinois, to points in Iowa east of U.S. Highway 169; and (2) *foodstuffs*, from (a) the storage facilities of the Dry Storage Corporation and (b) the plantsites and storage facilities of Standard Brands, Inc., located in that portion of the Chicago, Ill. Commercial Zone in Illinois, to points in Iowa east of U.S. Highway 169, restricted in (1) and (2) above to traffic originating at the above specified origins and designed to the above specified destinations.

NOTE.—The purpose of this republication is to amend the request for authority in (1) above to include the origins listed as (d), (e) and (f) therein. The application has been assigned for hearing at Chicago, Ill. on October 28, 1975.

No. MC 105375 (Sub-No. 59), filed August 17, 1975. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, New Port, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc. near Glenwood, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin; (2) *Anhydrous ammonia*, in bulk, in tank



vehicles, from the storage facilities of CF Industries, Inc. near Grand Forks, N. Dak. to points in Minnesota, South Dakota and North Dakota; (3) *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc. near Grand Forks, N. Dak. to points in Minnesota, North Dakota and South Dakota; and (4) *Ammonium nitrate*, in bulk, from Pine Bend, Minn., to Rogers City, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, or St. Paul, Minn. or Chicago, Ill.

No. MC 105843 (Sub-No. 207), filed August 11, 1975. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th St., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203 (b) (6) of the Act when transported in mixed loads with bananas, from Gulfport, Miss., to points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 106478 (Sub-No. 41), filed August 11, 1975. Applicant: E. B. LAW AND SON, INC., P.O. Box 1360, Las Cruces, N. Mex. 88001. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from El Paso, Tex., to points in Colorado and Utah.

NOTE.—Applicant holds contract carrier authority in MC 106078, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Albuquerque, N. Mex.

No. MC 106497 (Sub-No. 121), filed August 11, 1975. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 112, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt making machinery, storage systems, storage silos, surge systems, control centers, and heaters*; (2) *equipment, parts, materials, and supplies* used in the construction and manufacturing of items in (1) above, between the plantsite of CMI Systems, Inc., located at Oklahoma City, Okla., and points in the

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United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Dallas, Tex.

No. MC 106644 (Sub-No. 213), filed August 8, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments and accessories*; and (2) *materials, equipment and supplies* used in the manufacturing of commodities in (1) above, between the plantsites and facilities of FMC Corporation, located in Warren County, Ky., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 106674 (Sub-No. 167), filed August 14, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and lead alloys* (except commodities which because of size and weight require use of special equipment), from Glover, Mo., to points in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, Wyoming and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 106943 (Sub-No. 115), filed August 12, 1975. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808. Applicant's representative: Peter M. Witham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission and commodities requiring special equipment), serving the plant site of Essex International, located at or near Hoisington, Kans., an off-route point in connection with carrier's authorized regular route operations to and from Wichita, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Wichita, Kans.

No. MC 107012 (Sub-No. 221), filed August 4, 1975. Applicant: NORTH

AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mail storage and handling bins*, from the plantsite of Penn Metal Fabricators, Inc., located at or near Ebensburg, Pa., to points in the United States within and west of Ohio, Kentucky, Tennessee, Georgia and Florida (except Nebraska, Arizona, Arkansas, California, New Mexico, Oklahoma, Texas, Alaska, and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Philadelphia, Pa.

No. MC 107839 (Sub-No. 163), filed August 6, 1975. Applicant: DENVER ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., Suite 1600, Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, as described in Sections A of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Company located at or near Cactus, Tex., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with Riss & Co. Bray Lines, Incorporated, and numerous similar pending applications.

No. MC 108393 (Sub-No. 92), filed August 7, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, from Urbana, Ohio to St. Joseph, Mich., under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108460 (Sub-No. 52), filed July 23, 1975. Applicant: PETROLEUM CARRIERS COMPANY, 5104 West 14th St., P.O. Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, (1) from Watertown, S. Dak., to points in

North Dakota; and (2) from Fargo, N. Dak., to points in South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Sioux Falls, S. Dak., Fargo, N. Dak., or Minneapolis, Minn.

No. MC 109397 (Sub-No. 317), filed August 11, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113 (Bus. Rte I-44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves and regulators*, from the plantsite of Grove Valve and Regulator Company located at Washoe County, Nev., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Reno or Carson City, Nev.

No. MC 109689 (Sub-No. 292), filed August 13, 1975. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Sulphuric Acid*, in bulk from El Paso Tex., to points in Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 111201 (Sub-No. 23), filed August 11, 1975. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a Corporation, P.O. Box 90818, East Point, Ga. 30044. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* (except alcoholic), from the plant and warehouse facilities of Shasta Beverages in Jefferson Parish, La., to points in Mississippi, Alabama, Florida, Tennessee, Georgia, North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111485 (Sub-No. 18), filed August 8, 1975. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, Ky. 42071. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Monumental stone*, from points in Elbert County, Ga., to points in Illinois, Indiana, Kentucky, Missouri and Tennessee.

NOTE.—Duplicating authority may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 111545 (Sub-No. 214), filed August 4, 1975. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E.

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Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes*; and (2) *parts, attachments and accessories* for the commodities named in (1) above, between the plantsites and facilities of FMC Corporation located at or near Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the plantsite and facilities of FMC Corporation located at or near Bowling Green, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Washington, D.C.

No. MC 111729 (Sub-No. 543) (Correction), filed May 19, 1975, published in the FEDERAL REGISTER issue of July 10, 1975, republished as corrected this issue. Applicant: PUROLATOR COURIER CORP., a Corporation, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, Classes A and B explosives, articles of unusual value, and commodities which because of their size and weight require special equipment; and commercial papers, documents and written instruments as are used in the business of banks and banking institutions), (A) Between points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, (B) between points in Pennsylvania, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, West Virginia and the District of Columbia, (1) restricted such that no service shall be provided for the transportation of packages weighing more than 50 pounds and each package or article shall be considered a separate and distinct shipment; and (2) restricted such that no service shall be provided for the transportation of packages or articles weighing the aggregate more than 100 pounds from one consignor at one location in any one day.

NOTE.—The purpose of this republication is to indicate that both weight restrictions were intended to apply to the entire commodity description of this proceeding. Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 111729 (Sub-No. 556) (Partial correction), filed July 7, 1975, published in the FEDERAL REGISTER issue of July 31, 1975, republished as corrected this issue. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street N.W., Washington, D.C. 20006.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds*, (a) between Albany, N.Y., on the one hand, and, on the other, Cortland, Fulton, Glens Falls, Herkimer, Kingston, Poughkeepsie, Rome, Schenectady and Utica, N.Y.; and Nashua and Newington, N.H., restricted to the transportation of traffic having an immediately prior or subsequent movement by air; (b) between Baltimore, Md., on the one hand, and, on the other, Nashua and Newington, N.H.; Glens Falls, Herkimer, Johnson City, Kingston, Poughkeepsie and Rome, N.Y.; Rocky Mount, N.C.; Butler, Charleot, Dubois, Greensburg, Kittanning, Lewistown, Lower Burrell, Meadville, Sunbury, and Uniontown, Pa.; Fredericksburg, Hampton, Norfolk, Portsmouth and Staunton, Va.; Elkins, Morgantown, and Parkersburg, W. Va.

NOTE.—The purpose of this republication is to correct the spelling of two destination points "Nashua, N.H. and Parkersburg, W. Va." The rest of the publication remains the same. Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 557) (Partial Correction), filed July 3, 1975, published in the FEDERAL REGISTER issue of August 7, 1975, republished as corrected this issue. Applicant: PUROLATOR COURIER CORP., a Corporation, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which because of their size and weight require special equipment; and commercial papers, documents and written instruments as are used in the business of banks and banking institutions), (c) Between points in Ohio, on the one hand, and, on the other, points in New York and Pennsylvania.

NOTE.—The purpose of this republication is to correct the territorial description in part (c) of this proceeding. Common control may be involved. Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.; Lexington, Ky.; or Washington, D.C. The rest of this application remains the same.

No. MC 111729 (Sub-No. 563), filed August 5, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radioactive material*, special form, in type B approved containers, in packages or articles not to ex-

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ceed 75 pounds from one consignor to one consignee on any one day, from Burling-

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harris-

No. MC 114045 (Sub-No. 424), filed August 7, 1975. Applicant: TRANS-COLD

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NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*

Hampshire, Maine, New York, New Jersey and Pennsylvania.



ceed 75 pounds from one consignor to one consignee on any one day, from Burlington, Mass., to points in Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; (2) *empty containers* used for radioactive material set forth above, in packages or articles not to exceed 75 pounds from one consignor to one consignee on any one day, from points in Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, to Burlington, Mass.; and (3) *emergency computer repair and replacement parts, and emergency office supplies, in packages or articles not to exceed 60 pounds from one consignor to one consignee on any one day, between Nashua and Merrimack, N.H., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Jersey, New York, and Rhode Island.*

**NOTE.**—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Washington, D.C.

No. MC 111729 (Sub-No. 564), filed August 6, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhardt, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, (a) between Cleveland, Ohio and Clinton, Ky.; and (b) between Cincinnati, Ohio and DeKalb, Ill.; (2) *proofs, cuts, copy and related advertising material*, between Cincinnati, Ohio and DeKalb, Ill.; (3) *ophthalmic goods*, from Cleveland, Ohio to Charleston and Huntington, W. Va.; and (4) *business or office machine parts, supplies, devices, and units*, restricted against the transportation of articles or packages weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Mechanicsburg and Pittsburgh, Pa., on the one hand, and, on the other, Martins Ferry and Steubenville, Ohio.

**NOTE.**—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Washington, D.C.

No. MC 111940 (Sub-No. 64), filed August 11, 1975. Applicant: SMITH'S TRUCK LINES, a Corporation, P.O. Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from Buffalo, N.Y., to points in Pennsylvania (except Muncy, Pa., and points within 25 miles of Muncy), and Cumberland, Md.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 112006 (Sub-No. 4), filed August 11, 1975. Applicant: BENJAMIN S. NEWHALL, Madison Street, North Berwick, Maine 03906. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bleachers and grandstands*, knocked down, and *materials, supplies and equipment* used in the manufacture and erection thereof. Between North Berwick, Maine, on the one hand, and, on the other, points in that part of the United States on and east of a line beginning at El Paso, Tex., and extending along U.S. Highway 85 to the International Boundary line between the United States and Canada at or near Crosby, N. Dak., restricted to a transportation service to be performed, under a continuing contract, or contracts, with Hussey Manufacturing Company, Inc., of North Berwick, Maine.

**NOTE.**—Applicant seeks no duplicating authority. If this application is granted, applicant will request cancellation of its existing permits which substantially duplicate that sought herein. If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine or Boston, Mass.

No. MC 113475 (Sub-No. 26), filed August 1, 1975. Applicant: RAWLINGS TRUCK LINE, INC., Post Office Box 831, Emporia, Va. 23847. Applicant's representative: Harry J. Jordan, 100 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from points in Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Virginia, to the plantsite of Weyerhaeuser Company at Plymouth, N.C.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 323), filed July 21, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles, and wire products*, from points in Washington and California to points in the United States and Canada, through, but not limited to the ports of entry on the International Boundary line between the United States and Canada located at Washington, including Alaska but excluding Hawaii; and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) above, from points in the United States, including Alaska, but excluding Hawaii, to points in Washington and California.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 114045 (Sub-No. 424), filed August 7, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, dyes, shaving cream, toilet preparations and shoe dressings*, from Jamaica, N.Y., to points in Tennessee and Texas, New Orleans, La., Little Rock, Ark. and St. Louis, Mo.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 114533 (Sub-No. 327), filed August 8, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Milk samples* for laboratory testing purposes; and (2) *audit media and other business records*, between Omaha, Nebr., on the one hand, and, on the other, points in Raylins, Ellis, Nemaha, Sedgwick, and Morris Counties, Kans., and Jackson County, Mo.

**NOTE.**—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Washington, D.C.

No. MC 114606 (Sub-No. 9), filed August 8, 1975. Applicant: S. F. DOUGLAS TRUCK LINE, INC., P.O. Box 1-2863, 587 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Samuel Rubenstein, 301 North 5th St., Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, beet or cane*, in bags, barrels or boxes, from East Grand Forks, Moorhead, and Crookston, Minn., to Superior, Wis.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 115331 (Sub-No. 396), filed August 15, 1975. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural chemicals and materials and equipment* used in the distribution and application thereof, from the plantsite and storage facilities of American Cyanamid Company located in Marion County, Mo., to points in the United States (except Alaska and Hawaii) and (2) *agricultural chemicals and materials, supplies and equipment* used in the production and distribution thereof, from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of American Cyanamid Company located in Marion County, Mo.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115353 (Sub-No. 22), filed July 30, 1975. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, a Corporation, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (except in bulk) on flatbeds, (1) from, Baltimore, Md., to points in New Jersey, New York, Pennsylvania, Ohio, Delaware, Virginia, and West Virginia; and (2) from Warren, Ohio, Sproul, Salina and Claysburg, Pa., to points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Ohio, Virginia, and West Virginia, under a continuing contract or contracts with General Refractories Company.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117119 (Sub-No. 544), filed July 30, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen meats, and frozen and unfrozen foodstuffs* (except in bulk), from the facilities of New Orleans Cold Storage Co., at New Orleans, La., and its Commercial Zone, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Wisconsin, and those points in the lower peninsula of Michigan.

**NOTE.**—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 117815 (Sub-No. 247), filed August 11, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale grocery and food business houses, and in connection therewith, equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), from the facilities of Consolidated Sales Corporation at or near Indianapolis, Ind., to the facilities of the Jewel Food Stores, a division of Jewel Companies, Inc. at or near Franklin Park, Ill., restricted to traffic originating at the named origin and destined to the named destination.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. and Indianapolis, Ind.

No. MC 117940 (Sub-No. 166), filed August 11, 1975. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's

representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products* and (2) *materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries in mixed shipments with salt and salt products, from Akron, Ohio and St. Clair, Mich., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

**NOTE.**—Applicant holds contract carrier authority in MC 114789 Sub 1 and other subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Detroit, Mich.

No. MC 118535 (Sub-No. 67), filed August 7, 1975. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 Nat'l Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, in bulk, from Kansas City, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118989 (Sub-No. 128), filed August 11, 1975. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends and material and supplies* used in connection with the manufacture and distribution of containers and container ends, from the plant and warehouse sites of American Can Company located in Edison Township, N.J. and South Brunswick, N.J., to points in the United States (except Alaska and Hawaii).

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119543 (Sub-No. 10), filed July 31, 1975. Applicant: RICHARD J. MULLANEY, 66 Helena St., Leominster, Mass. 01453. Applicant's representative: David M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate*, between Lunenburg, Mass., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, Vermont, New

Hampshire, Maine, New York, New Jersey and Pennsylvania.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass., Hartford, Mass., or Albany, N.Y.

No. MC 119777 (Sub-No. 321), filed August 8, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and materials equipment and supplies* used in the manufacture and distribution of iron and steel articles, between Columbus, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

**NOTE.**—Applicant holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., Nashville, Tenn., or Birmingham, Ala.

No. MC 121006 (Sub-No. 2), filed August 4, 1975. Applicant: GADSDEN TRUCK LINE, INC., 1708 Mt. Zion Ave., Gadsden, Ala. 35901. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: (A) Irregular route, (1) *Wrecked or disabled motor vehicles and replacement motor vehicles therefor*, between points in Alabama, on the one hand, and, on the other, points in Tennessee, Mississippi, Georgia, and Florida; (2) *Household goods*, between points in Alabama; (3) *General commodities*, (a) between Gadsden, Ala., and points in Etowah, Cherokee, De Kalb, Jackson, Marshall, Madison, Morgan, Limestone, Cullman, Blount, Walker, Jefferson, Shelby, Talladega, Cleburne, Coosa, Tallapoosa, Calhoun, Clay, Randolph, St. Clair, Winston, Lawrence, and Chambers Counties, Ala.; (b) between Gadsden, Ala., on the one hand, and, on the other, Decatur, Mobile and Montgomery, Ala.; (B) Regular route, *General commodities* (except those of unusual value, Classes A and B explosives, household goods, personal effects and such commodities as are injurious or contaminating to other lading), (1) Between Birmingham, Ala., and Gadsden, Ala.; From Birmingham over U.S. Highway 11 to the junction thereof with U.S. Highway 278 (also over Interstate Highway 59 to the junction thereof with U.S. Highway 278), thence over U.S. Highway 278 to Gadsden, Ala., serving no intermediate points; (2) Between Gadsden, Ala., and the Alabama-Georgia State line; From Gadsden, Ala., over U.S. Highway 278 to the Alabama-Georgia State Line, serving all intermediate points.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, or either Gadsden, Ala., or Atlanta, Ga.

No. MC 121658 (Sub-No. 7) (partial correction), filed July 11, 1975, published in the FEDERAL REGISTER issue of Au-

gust 14, 1975, and republished as corrected this issue. Applicant: STEVE D.

Hampshire, Maine, Tennessee, and the District of Columbia.

National Can Corporation at Ft. Worth, Tex., Birmingham, Ala., and St. Louis,

Mississippi, Missouri, Montana, Nebraska, North Dakota, New Mexico, Oklahoma, South Dakota, Texas, and

by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil*, from the plant site of Penny Plate, Inc., lo-

ada, including Alaska but excluding Hawaii.

**NOTE.**—Common control may be involved.



gust 14, 1975, and republished as corrected this issue. Applicant: STEVE D. THOMPSON, P.O. Drawer 149, 1205 Percy Street, Winnsboro, La. 71295. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value. Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment). The purpose of this republication is to change the applicant's name to Steve D. Thompson, in lieu of Steve D. Thomas, which was previously published in the *FEDERAL REGISTER*. The rest of the application remains the same.

No. MC 123681 (Sub-No. 32), filed August 11, 1975. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: David C. White, 2400 SW, Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsions and road oils*, in bulk, in tank vehicles, from points in Ada County, Idaho, to points in Malheur, Harney, Grant, Baker, Union, and Wallowa Counties, Ore. and Humboldt, Elko, Lander, and Eureka Counties, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 124075 (Sub-No. 659), filed August 11, 1975. Applicant: SCHWERMANN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk, from Hartford, Conn., to points in Massachusetts; and (2) *commodities*, in bulk, from Owensboro, Ky., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, Virginia, and West Virginia.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. MC 124170 (Sub-No. 53), filed August 1, 1975. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, from Gulfport, Miss., to points in Iowa, Minnesota, Wisconsin, Nebraska, North Dakota, South Dakota, Missouri, Kansas, Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Virginia, Delaware, Maryland, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New

Hampshire, Maine, Tennessee, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or Washington, D.C.

No. MC 124211 (Sub-No. 268), filed August 6, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Personal care products, toilet preparations, health aids, and cleaning, washing, scouring, and buffing compounds* (except commodities in bulk), from Danville, Ill. and Ft. Madison, Iowa, to points in Arizona, California, Colorado, Kansas, Missouri, Nebraska, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—Applicant states that it is currently providing the above requested services through interline service in connection with its authority held in MC 124211 (Sub-Nos. 123 and 151). The purpose of this application is to eliminate said interline service. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125777 (Sub-No. 159), filed August 13, 1975. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig iron*, in dump vehicles, from Portsmouth, Ohio, to points in the United States (except Alaska and Hawaii), restricted against the transportation of material having a prior movement by water in foreign commerce; and (2) *pig iron*, in dump vehicles, from points in Kentucky, Tennessee, Arkansas, Texas, Missouri, Iowa, Wisconsin, Minnesota, Indiana, Kansas, Nebraska, and Illinois, to points in Alabama, Mississippi, Tennessee, Kentucky, Louisiana, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington, restricted to a transportation of material having a prior movement by water or rail and further restricted against the transportation of material having a prior movement by water in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 133), filed August 11, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container components and ends, container closures, and materials and supplies* used in the manufacture and distribution of containers, ends, and closures, from the plantsites and warehouse facilities of

National Can Corporation at Ft. Worth, Tex., Birmingham, Ala., and St. Louis, Mo., to points in Illinois, Indiana, Kentucky, Louisiana, Missouri, Ohio, Tennessee, and Wisconsin, under contract with National Can Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126305 (Sub-No. 71), filed August 6, 1975. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys, furniture, baby carriages, playground apparatus, plastic articles and materials, equipment and supplies* used or useful in the manufacture and sale of toys, furniture, playground apparatus and plastic articles (except commodities in bulk), between the plantsite and warehouse facilities of Hedstrom Company located at or near Dothan, Ala., on the one hand, and, on the other, California and points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to the transportation of shipments originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, or Montgomery, Ala.

No. MC 127784 (Sub-No. 4), filed August 6, 1975. Applicant: R & G AIR-FREIGHT, INC., R.D. #4, Allentown, Pa. 18103. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between John F. Kennedy International Airport and LaGuardia Airport, New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, Kutztown, Merztown, and Topton (Berks County), Pa.; Pennsburg and East Greenville (Montgomery County), Pa., and points in that portion of Bucks County, Pa., north of Pennsylvania State Highway 563, restricted to the transportation of traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128007 (Sub-No. 81), filed August 14, 1975. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trace minerals and pigments*, from Hardin County, Ill., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota,

Mississippi, Missouri, Montana, Nebraska, North Dakota, New Mexico, Oklahoma, South Dakota, Texas and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128375 (Sub-No. 133), filed July 17, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, devices, products, related items, and parts thereof, and commodities* used by and dealt in by manufacturers thereof (except in bulk and commodities which because of size or weight require special equipment), (a) between Somersworth, N.H.; Pittsfield, Mass., and Rotterdam, N.Y., on the one hand, and, on the other, points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; and (b) between Somersworth, N.H., Pittsfield, Mass., and Rotterdam, N.Y., under a continuing contract or contracts with General Electric Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 128592 (Sub-No. 4), filed August 11, 1975. Applicant: K. L. M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 6066, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel junction boxes, circuit breakers, and transformers* (except commodities which by reason of size or weight require the use of special equipment), from the facilities of Zinsco Electrical Products of Mississippi, Inc., at Jackson, Miss., to the facilities of GTE Sylvania at Los Angeles and Burlingame, Calif., and Portland, Ore., under a continuing contract or contracts with Zinsco Electrical Products of Mississippi, Inc., restricted to traffic originating at and destined to the above named points.

NOTE.—Applicant holds common carrier authority in MC 138308 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 128866 (Sub-No. 55), filed August 4, 1975. Applicant: B & B TRUCKING, INC., 9 Brade Lane, P.O. Box 128, Cherry Hill, N.J. 08034. Applicant's representative: J. Michael Farrell, 1725 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil*, from the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., to the plant site of Penny Plate, Inc., located at Deerfield, Ill.; from the plant site of Penny Plate, Inc., located at Deerfield, Ill., to the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., and Searcy and Atkins, Ark.; from the plant site of Penny Plate, Inc., located at Searcy, Ark., to the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., and Deerfield, Ill.; and from the plant site of Penny Plate, Inc., located at Atkins, Ark., to the plant site of Penny Plate, Inc., located at Deerfield, Ill., (2) *Scrap aluminum*, from the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., to the plant site of Penny Plate, Inc., located at Deerfield, Ill., (3) *Dies* used in the manufacture of aluminum food containers, from the plant site of Heraldize, Inc., located at Fort Wayne, Ind., and the plant site of Four Penny, Inc., located at Berlin, N.J., to the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., Deerfield, Ill., and Atkins and Searcy, Ark.; from the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., to and Searcy, Ark., from the plant site of Penny Plate, Inc., located at Atkins and Searcy, Ark., to the plant site of Penny Plate, Inc., located at Deerfield, Ill., and Cherry Hill, N.J., parts (1), (2), and (3) above are under a continuing contract or contracts with Penny Plate, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 129631 (Sub-No. 47), filed August 7, 1975. Applicant: PACK TRANSPORT, INC., 3975 South 300 West, Salt Lake City, Utah 84107. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board, insulation, insulated gypsum foam board panels, insulated panels and insulated building sections*, between points in Salt Lake County, Utah; Denver, Arapahoe, and Adams Counties, Colo., and Dallas County, Tex., on the one hand, and, on the other, points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Can-

ada, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at the same time and place as Sammon Trucking C & H Transportation and F-B Truck Line.

No. MC 133095 (Sub-No. 83), filed August 11, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), moving in mechanically refrigerated equipment, from points in Kentucky, to points in Louisiana and Arkansas and points in Texas on and east of U.S. Highway 277.

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133193 (Sub-No. 1), filed August 8, 1975. Applicant: JAMES ANDREWS doing business as JAMES ANDREWS TRUCKING CO., 69 Catlin Ave., Roosevelt, Long Island, N.Y. 11575. Applicant's representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, (1) from Inwood, N.Y., to points in New Jersey (except Bergen, Essex, Hudson, Passaic, and Union Counties), and (2) from points in the New York, N.Y., Harbor Limits as defined in 49 CFR 1070.1(a), to Inwood, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133656 (Sub-No. 4), filed August 7, 1975. Applicant: TOMBRO TRUCKING LIMITED, R.R. No. 5, Milton, Ontario, Canada. Applicant's representative: Robert D. Gundersman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from ports of entry on the International Boundary line between the United States and Canada located in New York and Michigan, to points in New York, Pennsylvania, and Ohio, for the account of the R. T. Jones Lumber Company, Inc., of North Tonawanda, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 133684 (Sub-No. 16), filed August 14, 1975. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98422. Applicant's representative: Michael D. Duppenthaler, Room 515, Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between points in the Los Angeles

Commercial Zone located in California to points in Everett, Wash.

merchandise as is dealt in by wholesale, retail, and chain grocery and food businesses, except commodities in bulk.

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*,

Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*,

Inc.; and (b) from Westfield, N.Y., to Salisbury, Md., under a continuing con-

FARM TRANSPORTATION, INC., 707 Derby Avenue, Orange, Conn. Applicant's representative: William J. Mayer, 98



Commercial Zone located in California to points in Everett, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle or Everett, Wash.

No. MC 134219 (Sub-No. 7), filed August 7, 1975. Applicant: GEORGE V. D'AGOSTINO doing business as AIR-LIN TRUCKING CO., P.O. Box 264, Foot of Cutters Dock Road, Woodbridge, N.J. 07095. Applicant's representative: A. David Millner, 744 Broad St., Suite 2005, Newark, N.J. 07102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel bars, rods, sheets, angles, plates, and structural steel* (except steel building products), (1) from Harrison, N.J., to points in New York, N.Y., Commercial Zone, as defined by the Commission in M.C.C. 665, (2) between points in the New York Commercial Zone as defined by the Commission, and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, under a continuing contract or contracts with Sovereign Metals, Inc., of New York, N.Y.

NOTE.—Applicant holds common carrier authority in MC 134743, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 134692 (Sub-No. 1), filed July 17, 1975. Applicant: LUCK TRUCKING, INC., P.O. Box 372, Beaver Dam, Wis. 53916. Applicant's representative: Nancy J. Johnson, 4596 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Beaver Dam, Wis., to points in the United States (except Alaska and Hawaii); (2) *materials, equipment, and supplies* used in the manufacture of paper and paper products (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Beaver Dam, Wis., under a continuing contract or contracts in (1) and (2) above with K & L Services, Inc.; and (3) *commodities* otherwise exempt from economic regulation as described in Section 203(b) (6) of the Interstate Commerce Act, when moving in the same vehicle with food canning and food packaging machinery, and amphibious all-terrain type motor vehicles, as authorized in MC 134692, and paper and paper products, as described above, from Beaver Dam and Randolph, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 135204 (Sub-No. 3), filed August 12, 1975. Applicant: FLEETWOOD TRANSPORTATION CORP., 520 North Seventh Ave., Scranton, Pa. 18503. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such*

*merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk), (1) from the Borough of Bordentown and the Township of Florence, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and (2) from points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, to the Borough of Bordentown and the Township of Florence, N.J., under a continuing contract or contracts with Ag-foods, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135316 (Sub-No. 4), filed August 11, 1975. Applicant: AIR TRUCK SERVICE, INC., doing business as KANAWHA VALLEY AIR FREIGHT, Kanawha Airport, Charleston, W. Va. 25311. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Kanawha County, W. Va., and those in the Charleston, W. Va., Commercial Zone, those in Putnam County, W. Va., on the one hand, and, on the other, points in Cuyahoga County, Ohio, restricted to traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 135811 (Sub-No. 5), filed August 11, 1975. Applicant: GARDNER TRUCKING CO., INC., 320 Woodlawn, Box 567, Walterboro, S.C. 29488. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cured preserved meat*, in vehicles equipped with mechanical refrigeration, from Lansing, Ill., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, West Virginia, and the District of Columbia, under a continuing contract or contracts with Land O'Frost, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 16343 (Sub-No. 49), filed August 13, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority

sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials, equipment and supplies*, used in the manufacture and sale of paper products (except commodities in bulk), between the facilities of Millen Industries, Inc., at Franklin, Ohio, on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Maryland, West Virginia, Virginia, Connecticut, Massachusetts, Illinois, Michigan, Indiana, Rhode Island, Alabama, Georgia, South Carolina, North Carolina, and the District of Columbia, restricted to shipments originating at the above origins and destined to the above destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 136409 (Sub-No. 3), filed March 31, 1975. Applicant: M. A. ELLEFSON & SON, INC., doing business as ACME MOVING & STORAGE, P.O. Box 5444, Augusta, Ga. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods, in containers*, between points in Burke, Emanuel, Jefferson, Lincoln, Richmond, Taliaferro, Wilkes, Columbia, Glascock, Jenkins, McDuffie, Screven, and Warren Counties, Ga.; and points in Aiken, Barnwell, Hampton, Allendale, Edgefield, and McCormick Counties, S.C., restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Augusta, Ga.

No. MC 136511 (Sub-No. 5), filed August 12, 1975. Applicant: VIRGINIA APALACHIAN LUMBER CORPORATION, P.O. Box 48, Big Island, Va. 24526. Applicant's representative: Frank B. Hand Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from Galax, Va., and Pulaski County, Va., and Beaufort, Caldwell, Graham, Guilford, Lee, Surry, and Wilkes Counties, N.C., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (2) from Henry County, Va. and Moore and Davidson Counties, N.C., to points in Colorado, Idaho, Montana, New Mexico and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 136904 (Sub-No. 19), filed August 7, 1975. Applicant: WORSTER-MICHIGAN, INC., R.D. No. 1, Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. Mackrell, 23 West

Tenth St., Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and materials, supplies, and equipment*, used by the Food Processing Industry, from Lawton and Mattawan, Mich., to points in North Carolina, South Carolina, Georgia, and Florida, restricted to shipments originating at the warehouses and facilities of Welch Foods, Inc., located at the above-named origins and destined to the above-named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Buffalo, N.Y.

No. MC 138054 (Sub-No. 11) (Amendment), filed July 30, 1975, published in the FEDERAL REGISTER issue of August 21, 1975, and republished as amended this issue. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment and supplies* used in the installation of floor coverings, from Compton and Azusa, Calif., to points in the United States (except Alaska, California and Hawaii); and (2) *materials, equipment and supplies* used in the manufacturing, production and distribution of materials, equipment and supplies used in the installation of floor coverings, from points in the United States (except Alaska, California and Hawaii), to Compton and Azusa, Calif., restricted against the transportation of commodities in bulk, in tank vehicles and commodities which because of size or weight require the use of special equipment, under a continuing contract or contracts with Adhesives Industries Mig. Company.

NOTE.—The purpose of this republication is to amend the application and add part (2). If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 138350 (Sub-No. 2), filed August 6, 1975. Applicant: FRANKLIN O. DAVIS, doing business as WHITE PLAINS TRANSPORTATION, Box 97, White Plains, Md. 20695. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, (a) from the facilities of Miller Brewing Co., located at or near Syracuse, N.Y., the facilities of Latrobe Brewing Co., located at Latrobe, Pa., and Milwaukee, Wis., to Upper Marlboro, Md., under a continuing contract or contracts with Buck Distributing Co., Inc.; and (b) from Reading, Pa., to Salisbury, Md., under a continuing contract or contracts with W. R. Pease Distributor, Inc.; and (2) *wine* (except in bulk), (a) from Baltimore, Md., to Upper Marlboro, Md., restricted to shipments having a prior movement by water, under a continuing contract or contracts with Buck Distributing Co.,

Inc.; and (b) from Westfield, N.Y., to Salisbury, Md., under a continuing contract or contracts with W. R. Pease Distributor, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138522 (Sub-No. 1), filed August 4, 1975. Applicant: R. G. STANKO EXPRESS, INC., West Highway 20, P.O. Box 509, Gordon, Nebr. 69343. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the facilities of Nebraska Beef Packers Co., located at or near Gordon, Nebr., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, under a continuing contract or contracts with Nebraska Beef Packers Co., of Gordon, Nebr.; and (2) from the facilities of Stanko Packing Company d/b/a Nebraska Beef Packers located at or near Gering, Nebr., to points in the United States (except Alaska, Hawaii, and Nebraska), under a continuing contract, or contracts with Stanko Packing Company d/b/a Nebraska Beef Packers of Gering, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Omaha, Nebr.

No. MC 139495 (Sub-No. 82), filed August 1, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Oil well drilling tools*, (1) from Houston, Tex., to points in Colorado, California, Massachusetts, Maryland, Oklahoma, Kansas, Missouri, Illinois, Michigan, Tennessee, Pennsylvania, Washington, and Oregon; (2) from Chicago, Ill., DuBois, and Mortonville, Pa., and Chattanooga, Tenn., to Houston, Tex.; and (3) from Chicago, Ill., to Chattanooga, Tenn.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140000 (Sub-No. 1), filed July 22, 1975. Applicant: FIELD VIEW

FARM TRANSPORTATION, INC., 707 Derby Avenue, Orange, Conn. Applicant's representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, Conn. 06460. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizers, insecticides, weed killing compound, chlorinated lime, dry, calcium salts, common salt, hand sprayers, birdseed and outdoor bird feeders* (except commodities in bulk), between Derby, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, and Pennsylvania, under a continuing contract or contracts with Derby Feed Co., Inc., at Derby, Conn., and Fer-Mel Corporation, at Wethersfield, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn.

No. MC 140468 (Sub-No. 3), filed August 6, 1975. Applicant: DONALD R. BAJEMA and GERALD D. BAJEMA, doing business as RIVERVIEW DAIRY FARMS, 2777 Hillside Drive, Grand Rapids, Mich. 49504. Applicant's representative: David E. Jerome, 22375 Hagerly Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* (except in bulk), in vehicles equipped with mechanical refrigeration, and (2) *returned empty containers, refused or damaged products*, from Lansing, Mich., to retail outlets of Sealtest Foods Division, Kraftco Corp., located in Lansing, Ill.; Valparaiso, Ind.; La Porte, Ind.; and South Bend, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 140578 (Sub-No. 2), filed August 7, 1975. Applicant: ROBERT E. L. SMITH and SHIRLEY A. SMITH, a partnership, doing business as SMITH TRUCKING COMPANY, 918 Ednor Road, Silver Spring, Md. 20904. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Decomposed hardwood fine, mulch, chips, bark, shavings, and sawdust*, from points in Fauquier, Surry, Hanover, Prince George, Culpeper, Chesterfield, Dinwiddie, Charles City, and New Kent Counties, Va., to points in Delaware, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140770 (Sub-No. 1), (Correction), filed July 7, 1975, published in the FEDERAL REGISTER issue of August 14, 1975, and republished as corrected this issue. Applicant: BINGHAMTON-ITHACA EXPRESS, INC., 1301 Arterial Highway, P.O. Box 1133, Binghamton, N.Y. 13902. Applicant's representative:



Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Binghamton and Ithaca, N.Y.: (a) From Binghamton, N.Y., over New York Highway 17 and also 17C to Owego, N.Y., thence over New York Highways 96 and 96B to Ithaca, N.Y., and also (b) from Owego, N.Y., over New York Highway 38 to junction New York Highway 79, thence over New York Highway 79 to Ithaca, N.Y., serving all intermediate points and the off-route points of Brooktondale, Harford, and Harford Mills, N.Y.

NOTE.—The purpose of this correction is to indicate the destination in (a) and origin in (b) above. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Binghamton or Syracuse, N.Y.

No. MC 140837 (Sub-No. 1), filed August 11, 1975. Applicant: ANDY T. WIDHOLM, doing business as ANDY T. WIDHOLM TRUCK AND GRAIN, 12787 Hillcrest Drive, Longmont, Colo. 80501. Applicant's representative: Thomas J. Burke, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients* (except petroleum products), from points in Iowa and Nebraska, to points in Colorado, under a continuing contract or contracts with Colorado Commodity Traders, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 140878 (Sub-No. 1), filed August 13, 1975. Applicant: SOUTHSIDE TRUCKING CO., INC., 401 Murry's Avenue, Alexandria, Va. 22301. Applicant's representative: Henry U. Snarely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating, air conditioning, and plumbing equipment, materials, supplies, parts, and accessories* (except commodities in bulk), between points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with Automatic Equipment Sales of Virginia, Inc., at Richmond, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140908 (Sub-No. 2), filed August 4, 1975. Applicant: COMMERCIAL & PACKAGE DELIVERY SERVICE, INC., Route 6, Box 53-A, Wilmington, N.C. 28401. Applicant's representative: Ralph McDonald, P.O. Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those

of unusual value, commodities in bulk, dangerous explosives, commodities requiring special equipment, and household goods as defined by the Commission), between Charlotte and Raleigh-Durham Airport (Wake County), N.C., on the one hand, and, on the other, points in Brunswick, Duplin, New Hanover, Onslow, and Pender Counties, N.C., restricted (1) to packages not to exceed 150 pounds in weight; (2) to traffic originating at or destined to Charlotte, N.C., to traffic having a prior or subsequent movement by air or rail; and (3) as to traffic originating at or destined to Raleigh-Durham Airport (Wake County), N.C., to traffic having a prior or subsequent movement by air transportation; and (2) *refrigeration equipment and air conditioning coils*, between Charlotte, N.C., on the one hand, and, on the other, points in Brunswick, Duplin, New Hanover, Onslow, and Pender Counties, N.C., restricted to traffic having a prior or subsequent movement by air or rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh, Wilmington, or Charlotte, N.C.

No. MC 141025 (Sub-No. 2), filed August 11, 1975. Applicant: AIR CREW TRANSIT, INC., doing business as GREAT AMERICAN STAGELINE, One West Thousand Oaks Boulevard, Suite 14, Thousand Oaks, Calif. 91360. Applicant's representative: James S. Hebert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in packages having a prior or subsequent movement by air, between Agoura, Westlake, Thousand Oaks, and Newbury, Calif., on the one hand, and, on the other, the Los Angeles International Airport, Los Angeles, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Camarillo, Simi, or Los Angeles, Calif.

No. MC 141033 (Sub-No. 5), filed August 8, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Telephone equipment, and equipment, materials, and supplies* used in the construction, installation, and maintenance of telephone systems, from the facilities of Stromberg-Carlson located in Rochester, N.Y.; Atlanta, Ga.; Burlingame, Calif.; Des Plaines, Ill.; N. Kansas City, Mo.; Camden, Ark.; Ardmore, Okla.; Sparks, Nev.; St. Louis, Mo.; and Lake Mary, Fla., to points in the United States (except Alaska and Hawaii); and (2) *returned shipments* of the commodities named in (1) above and *equipment, materials and supplies* used in the manufacture of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the facilities of Stromberg-Carlson located in Rochester, N.Y.; Atlanta, Ga.; Burlingame, Calif.; Des Plaines, Ill.; N. Kansas City, Mo.; Cam-

den, Ark.; Ardmore, Okla.; Sparks, Nev.; St. Louis, Mo.; and Lake Mary, Fla., restricted against the transportation of shipments which, because of size or weight require special handling or special equipment and further restricted against the transportation of commodities in bulk.

NOTE.—Applicant holds contract carrier authority in MC 124796 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Rochester, N.Y.

No. MC 141118 (Sub-No. 1), filed August 8, 1975. Applicant: CLAIRE LARSON, Route 3, Pipestone, Minn. 56164. Applicant's representative: Samuel Rubenstein, 301 North 5th St., Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and malt beverages*; and (2) *returned empty containers*, from Milwaukee, Wis., to Pipestone, Minn., under a continuing contract or contracts with the Pepsi Cola Bottling Co. of Pipestone, Minn., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 141122 (Sub-No. 2), filed August 1, 1975. Applicant: SENTRY TRUCKING CO., INC., P.O. Box 901, Union, N.J. 07083. Applicant's representative: Paul J. Keeler, P.O. Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alumina oxide platinum catalyst* (except in bulk, in tank vehicles), in barrels, boxes, or packages, from Newark, N.J., to Delaware City, Del.; and (2) (a) *platinum chemical solution* (except in bulk, in tank vehicles), in barrels, boxes, or packages, and (b) *alumina*, calcined (except in bulk, in tank vehicles), in 2,800 pound capacity plastic bags, in straight or mixed shipments, from Newark, N.J., to Huntsville, Ala., under a continuing contract or contracts with Engelhard Industries Division, Engelhard Minerals & Chemicals Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 141154 (Sub-No. 2), filed August 8, 1975. Applicant: DARRELL D. MADDEN, doing business as DARRELL D. MADDEN TRUCKING, Rural Route #1, Boone, Iowa 50036. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Component homes and associated items*, on shipper-owned trailers, from Boone, Iowa, to points in Illinois, Wisconsin, Minnesota, South Dakota, Nebraska, Kansas, and Missouri, under a continuing contract or contracts with Sandler-Bilt Homes, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 141189 (Sub-No. 2), filed August 8, 1975. Applicant: L & L TRANSPORT CO., INC., 209 West Main St., Greenfield, Ind. 46140. Applicant's representative: Robert W. Loser, 1009 Chamber of Comm. Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas*, (1) from Tuscola and Kankakee, Ill., and Todhunter, Ohio, to the plant site and storage facilities of Leary's Bottle Gas Co., Inc., located in Greenfield, Ind.; and (2) from Tuscola and Kankakee, Ill., and Todhunter, Ohio, to the plant site and storage facilities of Shelby Bottled Gas Corp., located at Shelbyville, Ind., (1) and (2) above are to be performed under a continuing contract or contracts with Leary's Bottle Gas Co., Inc., and Shelby Bottled Gas Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Ind., or Cincinnati, Ohio.

No. MC 141197 (Sub-No. 2), filed August 12, 1975. Applicant: FLEMING-BABCOCK, INC., Box 107, Platte City, Mo. 64079. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Bldg., 101 W. Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hay-dite and aggregates*, in dump vehicles, from Kansas City and New Market, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma.

NOTE.—Applicant seeks by this application to convert its Permit in MC 113740 and subs thereto, into a Certificate of Public Convenience and Necessity. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141215 (Sub-No. 2), filed August 11, 1975. Applicant: C & L FARMS, INC., P.O. Box 267, Highland, Wis. 53543. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and materials, equipment and supplies* used or useful in the manufacture, sale, installation, or distribution of pipe, between Highland, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison or Highland, Wis.

No. MC 141218, filed August 4, 1975. Applicant: NUCLEAR DIAGNOSTIC LABORATORIES, INC., 1000 Lower South Street, Peekskill, N.Y. 10566. Applicant's representative: Edward M. Alfano and John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste material* (except in bulk, in tank vehicles), (1) from points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Virginia, to car-

rier's facility located at Peekskill, N.Y.; and (2) from carrier's facility located at Peekskill, N.Y., to the Disposal facilities located at or near West Valley, N.Y., Morehead, Ky., Red Oak Township, Barnwell County, S.C., and Sheffield, Ill., restricted to a transportation service to be performed under a continuing contract or contracts with persons as defined in Section 203(a) of the Interstate Commerce Act who are licensed by the Nuclear Regulatory Commission.

NOTE.—Applicant has concurrently filed a motion to dismiss this application. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141230, filed July 31, 1975. Applicant: CECIL "SANDY" BURNETT TRUCKING AND RADIATOR SERVICE, INC., R.R. #2, Box 30, Craig Avenue, Greendale, Ind. 47025. Applicant's representative: James T. Hooper, Sr., 31 East High Street, Lawrenceburg, Ind. 47025. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, bank run, sand and gravel aggregate, rock and dirt* or similar commodities moved in dump trucks, between the plant site of the Dearborn Gravel Company, located at or near the town of Greendale, Dearborn County, Ind.; the plant site of the Harrison Sand & Gravel Company located at or near Harrison, Hamilton County, Ohio; the plant site of the Ohio Gravel Company, located at or near Hooen, Dearborn County, Ind.; the plant site of C-Block of Indiana, Inc., located at or near the city of Lawrenceburg, Dearborn County, Ind., and the plant site of the Top Quality Concrete Company, Inc., located at or near the city of Lawrenceburg, Dearborn County, Ind., under a continuing contract or contracts with Dearborn Gravel Company, Inc.; C-Block Inc., of Indiana; and Top Quality Concrete Company, Inc.,

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hamilton County, Ohio.

No. MC 141236, filed August 6, 1975. Applicant: TWINCO TRUCKING CO., INC., 145 Talmadge Road, Edison, N.J. 08817. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business (except commodities in bulk), between Edison, N.J., on the one hand, and, on the other, the New York, N.Y., Commercial Zone, points in New Haven and Litchfield Counties, Conn., and points in Orange, Rockland, Nassau, Suffolk, Westchester Counties, N.Y., restricted to a transportation service to be performed under contract with Twin County Grocers, Inc., at Edison, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 141240, filed August 8, 1975. Applicant: E. W. BALL DISTRIBUTING, 9617 Flower Street, Bellflower, Calif. 90706. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood finishes, varnish, waxes, cement compounds, patching plaster, and materials, equipment, and supplies* used in the manufacture and sales thereof (except commodities in bulk), (1) from Clifton and Linden, N.J., and Peabody, Mass., to Sparks, Nev.; Denver, Colo.; Omaha, Nebr.; Los Angeles and San Francisco, Calif.; Portland, Oreg., and Seattle, Wash.; and (2) from Sparks, Nev., to Omaha, Nebr.; St. Louis, Mo.; Chicago, Ill., and Clifton, N.J., under a continuing contract with Minwax Co., Inc., Clifton, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

#### PASSENGER APPLICATION

No. MC 1515 (Sub-No. 204), filed August 4, 1975. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) between the junction of U.S. Highway 48 and Maryland Highway 36 near Frostburg, Md., and Clarksburg, W. Va., serving all intermediate points; from the junction of U.S. Highway 48 and Maryland Highway 36 over U.S. Highway 48 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction U.S. Highway 50, thence over U.S. Highway 50 to Clarksburg, W. Va., and serving the off-route points of Frostburg, Md., via unnumbered highway, and Fairmont, W. Va., via unnumbered highway (old Grafton Road) and return over the same route; (2) between New Orleans, La., and the junction of U.S. Highway 90 and Business Route U.S. Highway 90, serving all intermediate points; from New Orleans, La., via Business Route U.S. Highway 90 to junction U.S. Highway 90 and return over the same route;

Restriction: No passengers transported whose entire ride is between New Orleans and points intermediate to the junction of Business Route U.S. Highway 90 and U.S. Highway 90 on Business Route U.S. Highway 90; (3) between Sault Ste. Marie, Mich., and St. Ignace, Mich., serving all intermediate points; from Sault Ste. Marie, Mich., over Interstate Highway 75 to St. Ignace, Mich., and return over the same route; (4) between the junction of Interstate Highway 75 and U.S. Highway 31 south of Mackinaw City, Mich., and the junction of Interstate Highway 75 and Business Route Interstate Highway 75 south of Grayling, Mich., serving all intermediate points; from the junction of Interstate Highway 75 and U.S. Highway 31 south of Mack-



inaw City over Interstate Highway 75 to junction Business Route Interstate Highway 75 south of Grayling and return over the same route; (5) between the junction of Interstate Highway 75 and Business Route Interstate Highway 75 north of Grayling, Mich., and the junction of Interstate Highway 75 and Business Route Interstate Highway 75 south of Grayling, Mich., serving all intermediate points: From the junction of Interstate Highway 75 and Business Route Interstate Highway 75 north of Grayling over Business Route Interstate Highway 75 to junction Interstate Highway 75 south of Grayling and return over the same route; (6) between the junction of U.S. Highway 27 and Interstate Highway 75 south of Grayling, Mich., and Bay City, Mich., serving all intermediate points: From the junction of U.S. Highway 27 and Interstate Highway 75 south of Grayling over U.S. Highway 27 to junction U.S. Highway 10, thence over U.S. Highway 10 to Bay City, Mich., and return over the same route;

(7) Between the junction of U.S. Highway 27 and Business Route U.S. Highway 27 west of Clare, Mich., and the junction of U.S. Highway 10 and unnumbered highway east of Clare, Mich., serving all intermediate points: From the junction of U.S. Highway 27 and Business Route U.S. Highway 27 west of Clare via Business Route U.S. Highway 27 to Clare, thence over unnumbered highway to junction U.S. Highway 10 east of Clare and return over the same route; (8) between the junction of U.S. Highway 10 and Business Route U.S. Highway 10 north of Midland, Mich., and the junction of U.S. Highway 10 and Business Route U.S. Highway 10 east of Midland, Mich., serving all intermediate points: From the junction of U.S. Highway 10 and Business Route U.S. Highway 10 north of Midland over Business Route U.S. Highway 10 to junction U.S. Highway 10 east of Midland and return over the same route; (9) between Parkersburg, W. Va., and the junction of Interstate Highway 77 and unnumbered highway near Kenna, W. Va., serving all intermediate points including the off-route point of Ripley, W. Va., via U.S. Highway 33: From Parkersburg, W. Va., over West Virginia Highway 95 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction unnumbered highway near Kenna, W. Va., serving the off-route point of Ripley, W. Va., via U.S. Highway 33 and return over the same route. In conjunction with Route 9 applicant proposes to abandon portions of its present authority as follows: (A) Abandon old U.S. Highway 21 between Parkersburg, W. Va., and Ripley, W. Va., as contained in MC 1501 Sub 172 (renumbered MC 1515 Sub 8 not yet reissued) Sheet No. 4; (B) Abandon old U.S. Highway 21 between Fairplain Junction, W. Va., and Kenna, W. Va., as contained in MC 1501 Sub 172 (renumbered MC 1515 Sub 8 not yet reissued) Sheet No. 4, and abandon unnumbered highway between Kenna, W. Va., and the junction of Interstate Highway 77 and unnumbered highway east of Kenna,

W. Va., as contained in MC 1515 Sub 184, Sheet No. 2;

(C) Abandon West Virginia Highway 56 between the junction of West Virginia Highway 56 and old U.S. Highway 21 and the junction of West Virginia Highway 56 and Interstate Highway 77 as contained in MC 10501 Sub 172 (renumbered MC 1515 Sub 8 not yet reissued), Sheet No. 19; (10) Between the junction of Interstate Highway 77 and U.S. Highway 21 north of Pocatalico, W. Va., and the junction of Interstate Highway 77 and U.S. Highway near Bland, Va., serving all intermediate points including the off-route points of Princeton, W. Va., and Bluefield, W. Va.: From the junction of Interstate Highway 77 and U.S. Highway 21 north of Pocatalico, W. Va., over Interstate Highway 77 via Charleston, W. Va., to junction Interstate Highway 77 and U.S. Highway 21 near Bland, Va., and serving the off-route points of Princeton, W. Va., via U.S. Highway 460 and Bluefield, W. Va., via West Virginia Highway 290 and return over the same route. In conjunction with Route 10 applicant proposes to abandon portions of its present authority as follows: (A) Abandon U.S. Highway 21 between the junction of Interstate Highway 77 and U.S. Highway 21 near Pocatalico, W. Va., and Charleston, W. Va., as contained in MC 1501 Sub 172 (renumbered MC 1515 Sub 8 not yet reissued) Sheet No. 4; (B) Abandon U.S. Highway 21 between Bluefield, W. Va., and Bland, Va., as contained in MC 1501 Sub 172 (renumbered MC 1515 Sub 8 not yet reissued) Sheet No. 4. Applicant currently holds authority between Charleston, W. Va., and Beckley, W. Va., and between Beckley, W. Va., and Princeton, W. Va., over Interstate Highway 77 (also known as the West Virginia Turnpike) serving no intermediate points as described on page 2 of Appendix VII(c) in this application. Authority sought in Proposed Route No. 10 would allow applicant to serve all intermediate points on Interstate Highway 77 between Charleston, W. Va., and Beckley, W. Va., and between Beckley, W. Va., and Princeton, W. Va.

(11) Between Mobile, Ala., and Pensacola, Fla., serving all intermediate points: From Mobile, Ala., via Interstate Highway 10 to junction Interstate Highway 110, thence over Interstate Highway 110 to Pensacola, Fla., and return over the same route. In conjunction with Route No. 11 applicant proposes to abandon a portion of its present authority over U.S. Highway 90 between the junction of U.S. Highway 90 and Alabama Highway 59 near Robertsdale, Ala., and the junction of U.S. Highway 90 and Alabama County Highway 87 as contained in MC 1515 Sub 6, Sheet No. 23.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., Morgantown or Charleston, W. Va., or Detroit, Mich.

No. MC 141053 (Sub-No. 2), filed August 11, 1975. Applicant: ENSEC SERVICE CORPORATION, 1927 York Road, Timonium, Md. 21093. Applicant's repre-

sentative: Robert J. Weiss (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Wallops Island, Va., and points in Virginia, New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia, under a continuing contract or contracts with National Aeronautics and Space Administration.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either Baltimore, Md., or Washington, D.C.

#### WATER CARRIER APPLICATION

No. W 1289 (Sub-No. 1), filed August 7, 1975. Applicant: RAZ INLAND NAVIGATION CO., INC., P.O. Box 19526, Portland, Ore. 97219. Applicant's representative: James H. Sanders, 7296 SW. 21st Ave., Portland, Ore. 97219. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier*, by water in the transportation of *general commodities*, in standard intermodal containers or truck trailers, empty standard intermodal containers or truck trailers, and other general cargo, by self-propelled and non-self-propelled vessels, between ports and points along the Columbia-Snake River System, from Astoria, Ore., to Clarkston-Lewiston on the Washington-Idaho line.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc 75 23158 Filed 9-3-75; 8:45 am]

[Notice No. 31]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

August 29, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before October 3, 1975.

Successfully filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered con-

secutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 1924 (Deviation No. 1), WALLACE-COLVILLE MOTOR FREIGHT, INC., N. 400 Sycamore St., P.O. Box 3383, Terminal Annex, Spokane, Wash. 99220, filed July 15, 1975. Carrier's representative: Jerry R. Woods, 620 Blue Cross Bldg., Portland, Ore. 97201. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Spokane, Wash., over U.S. Highway 10 to junction Montana Highway 461 near St. Regis, Mont., thence over Montana Highway 461 to junction Montana Highway 200, thence over Montana Highway 200 to junction Montana Highway 28, thence over Montana Highway 28 to junction U.S. Highway 93, thence over U.S. Highway 93 to Kalspell, Mont., and (2) From Spokane, Wash., over U.S. Highway 10 to junction Idaho Highway 4, thence over Idaho Highway 4 to junction unnumbered Montana Highway thence over unnumbered Montana Highway to junction Montana Highway 200 at Thompson Falls, Mont., thence over Montana Highway 200 to junction Montana Highway 28, thence over Montana Highway 28 to junction U.S. Highway 93, thence over U.S. Highway 93 to Kalspell, Mont., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Spokane, Wash., over U.S. Highway 195 to Sandpoint, Idaho, thence over U.S. Highway 95 to junction U.S. Highway 2, thence over U.S. Highway 2 to Kalspell, Mont., and return over the same route.

No. MC 1924 (Deviation No. 2), WALLACE-COLVILLE MOTOR FREIGHT, INC., N. 400 Sycamore St., P.O. Box 3383, Terminal Annex, Spokane, Wash. 99220, filed July 15, 1975. Carrier's representative: Jerry R. Woods, 620 Blue Cross Bldg., Portland, Ore. 97201. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 10 and Washington Highway 27 over Washington Highway 27 to junction unnumbered Washington highway near Rockford, Wash., thence over unnumbered Washington highway to the Washington-Idaho State line, thence over Idaho Highway 58 to junction U.S. Highway 95 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 10 and Washington Highway 27 over U.S. Highway 10 to Coeur d'Alene, Idaho, thence over U.S. Highway 95 to junction Idaho Highway 58 and return over the same route.

No. MC 1924 (Deviation No. 3), WALLACE-COLVILLE MOTOR FREIGHT, INC., N. 400 Sycamore St., P.O. Box 3383, Terminal Annex, Spokane, Wash. 99220, filed August 18, 1975. Carrier's representative: Jerry R. Woods, 620 Blue Cross Bldg., Portland, Ore. 97201. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 95 and Montana Highway 200 over Montana Highway 200 to junction Montana Highway 202, thence over Montana Highway 202 to junction U.S. Highway 2 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Sandpoint, Idaho, over U.S. Highway 95 to junction U.S. Highway 2, thence over U.S. Highway 2 to junction Montana Highway 202 and return over the same route.

No. MC 26739 (Deviation No. 39), CROUCH FREIGHT SYSTEMS, INC., P.O. Box 1059, St. Joseph, Mo. 64502, filed August 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 94 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 150, thence over U.S. Highway 150 to junction Interstate Highway 74, thence over Interstate Highway 74 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 35, thence over Interstate Highway 35 to Minneapolis, Minn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to St. Joseph, Mo., thence over U.S. Highway 71 to Auburn, Iowa, thence over Iowa Highway 175 to junction Iowa Highway 4, thence over Iowa Highway 4 to the Iowa-Minnesota State line, thence over Minnesota Highway 4 to St. James, Minn., thence over combined Minnesota Highways 30 and 80 to Mankato, Minn., thence over U.S. Highway 169 to Minneapolis, Minn., and return over the same route.

No. MC 106163 (Deviation No. 1), ET&WNC TRANSPORTATION COMPANY OF ARKANSAS, 132 Legion Street, Johnson City, Tenn. 37601, filed August 20, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From West Crossett, Ark., over U.S. Highway 82 to Texarkana, Ark., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities,

over a pertinent service route as follows: From West Crossett, Ark., over U.S. Highway 82 to junction Arkansas Highway 81, thence over Arkansas Highway 81 to junction U.S. Highway 65, thence over U.S. Highway 65 to Pine Bluff, Ark., thence over U.S. Highway 270 to junction Interstate Highway 30, thence over Interstate Highway 30 to Texarkana, Ark., and return over the same route.

No. MC 134303 (Deviation No. 1), OHARE WISCONSIN LIMOUSINE SERVICE, INC., 530 S. Michigan Ave., Chicago, Ill. 60605, filed August 20, 1975. Carrier's representative: Allan C. Zuckerman, 39 S. LaSalle St., Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From O'Hare International Airport, Chicago, Ill., over Interstate Highway 90 west to junction Illinois Highway 31, thence north along Illinois Highway 31 to junction U.S. Highway 12, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From O'Hare International Airport, Chicago, Ill., over U.S. Highway 12 to junction Illinois Highway 31, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc 75-23463 Filed 9-3-75; 8:45 am]

[Notice No. 69]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

August 29, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 C.F.R. § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before October 3, 1975 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest



should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) or section 240(c) (4) of the special rules, and shall include the certification required therein.

No. MC 96324 (Sub-No. 24) (Republication), filed October 23, 1973, and published in the FEDERAL REGISTER issues of December 13, 1973 and January 15, 1975, and republished this issue. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, W. Va. 26554. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. An Order of the Commission, Division 1, Acting as an Appellate Division, dated July 29, 1974, and served August 6, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *containers and closures* therefor, (1) from Winchester, Va., Cumberland, Md., and Short Gap and Martinsburg, W. Va., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) from Chattanooga, Tenn., to points in Kentucky, North Carolina, Ohio, Virginia, and West Virginia, that the authority herein granted, to the extent that it duplicates applicant's existing authority, shall not be construed as conferring more than a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

The purpose of this publication is to indicate that the authority granted has been modified by deleting the phrase "restricted in (1) and (2) above to the transportation of traffic originating at

and destined to the indicated destinations". Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107515 (Sub-No. 887) (Republication), filed December 6, 1973 and published in the FEDERAL REGISTER issue of March 7, 1974, and republished this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. An Initial Decision of the Commission, Administrative Law Judge Edward J. Reidy, served June 10, 1975, which became the Order of the Commission July 10, 1975, served July 18, 1975, finds that, operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *food-stuffs and meats, meat products and meat by-products* (except in bulk, and except canned citrus products), in vehicles equipped with mechanical refrigeration, and (2) *canned citrus products, in mixed loads with citrus products, frozen, and/or citrus products not canned and not frozen* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Florida, to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted against tacking and further restricted against the transportation of canned vegetables from points in Florida to points in North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, that applicant is fit, willing, and able to perform the service for which authority is granted, and to conform to the requirements of the Interstate Commerce Act, and the rules and regulations promulgated thereunder.

The purpose of this republication is to eliminate the following gateways presently being observed by applicant: Tifton, Ga., for transportation of *frozen foods* to points in South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Connecticut, New Jersey, New York, Ohio, Illinois, Indiana, Michigan, Kentucky, Tennessee, Alabama, Rhode Island, Massachusetts, Louisiana, Texas, and the District of Columbia;

Gainesville, Ga., for the transportation of *frozen foods* to points in Texas, Oklahoma, Arkansas, Missouri, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, and Kentucky; Atlanta, Ga., for the transportation of *frozen citrus products* to points in Kansas, Arkansas, Illinois, Michigan, Ohio, Oklahoma, and Texas; Louisville, Ky., for transportation of *chilled citrus products* from plant site of Food Specialties of Kentucky to points in Alabama, Connecticut, Delaware, Georgia-Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *mixed loads of chilled and frozen citrus products* to points in Minnesota, Iowa, West Virginia, Delaware, New Jersey, Pennsylvania, New York, Massachusetts, Connecticut and Rhode Island; Doraville, Ga., for the transportation of *meat* to points in South Carolina, North Carolina, Tennessee, Alabama, Mississippi, Louisiana, and Tennessee; Gatesville, N.C., for the transportation of *meat* to points in Wisconsin, Minnesota, Illinois, Tennessee, Michigan, Indiana, Kentucky, North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, Ohio, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, and the District of Columbia; Madison, Tenn., plant-sites of Odoms Sausage Co. for the transportation of *meat* to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Pennsylvania, Virginia, West Virginia, and Wisconsin; Adairville, Ky., for the transportation of *meat* to points in Alabama, Georgia, North Carolina, Arkansas, Louisiana, Oklahoma and Texas; Bristol, Va., for transportation of *meat* to points in Kentucky and Illinois; Kansas City, Mo.-Kansas City, Kansas, Commercial Zone for the transportation of frozen vegetables to points in Illinois, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, and Nebraska. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 116645 (Sub-No. 16) (Republication), filed November 5, 1973, and published in the FEDERAL REGISTER issue of January 3, 1974, and republished this issue. Applicant: DAVIS TRANSPORT CO., a corporation, P.O. Box 56, Gilcrest, Colo. 80623. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, Denver, Colo. 80623. A Report and Order of the Commission, Review Board Num-

ber 2, dated July 25, 1975, and served August 12, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of *animal and vegetable oils*, and blends thereof, in bulk, from Denver, Colo., to points in Arizona, California, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, North Dakota, and South Dakota; and (2) of *vegetable oils*, in bulk, from Stuttgart, Ark., and points in California, Illinois (except Decatur and Wills County), Minnesota (except Minneapolis), Oregon, and Texas, to Denver, Colo.; that applicant is fit, willing, and able to properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

The purpose of this republication is to indicate that Stuttgart, Ark., has been added as an origin point in part (2) of the application. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117478 (Sub-No. 4), (Republication), filed July 13, 1973, and published in the FEDERAL REGISTER issue of December 6, 1973, as MC 60465 (Sub-No. 8), and republished this issue. Applicant: SPERRY TRANSPORTATION COMPANY, a corporation, 907 F Street, P.O. Box 468, Charles City, Iowa. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. A Second Supplemental Order of the Commission, Operating Rights Board, dated August 1, 1975, and served August 18, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *castings*, from the facilities of White Farm Equipment Company at or near Charles City, Iowa, to points in Illinois and north of a line beginning at the Illinois-Missouri State line near Alton, Ill., and extending along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line, restricted to the transportation of traffic originating at said facilities and destined to points in the specified destination territory; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rule and regulations thereunder. The purpose of this republication

is to indicate that the contract carrier authority requested in MC 60465 (Sub-No. 8) has been changed to common carrier authority, to be issued under MC 117478 (Sub-No. 4). Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 140538 (Sub-No. 2) (Republication), filed February 21, 1975, and published in the FEDERAL REGISTER issue of March 27, 1975, and republished this issue. Applicant: LESLIE NORMAN FRED, doing business as NORMAN FRED, Desoto, Ill. 62924. Applicant's representative: John G. Gilbert, P.O. Box 1058, 231 West Main Street, Carbondale, Ill. 62901. An Order of the Commission Operating Rights Board, dated July 15, 1975, and served August 15, 1975, finds, that we find, that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of (1) *dairy products*, between Carbondale, Ill., on the one hand, and, on the other, points in St. Louis, Cape Girardeau, Scott, Mississippi, and Stoddard Counties, Mo.; (2) *dairy products*, from Carbondale, Ill., to Paragould, Ark., under a continuing contract or contracts with Prairie Farms Dairy, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that Paragould, Ark., has been added as a destination point in (2) above. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 140548 (Sub-No. 2) (Republication), filed February 24, 1975, and published in the FEDERAL REGISTER issue of April 3, 1975, and republished this issue. Applicant: FRANK PAGE, doing business as FRANK PAGE TRUCKING CO., P.O. Box 442, Buffalo, Okla. 73834. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. An Order

of the Commission, Operating Rights Board, dated July 24, 1975, and served August 11, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, of *granulated minerals* (except in bulk, in tank vehicles), (1) from the facilities of U.S. Soil, Inc., near Salida, Colo., to points in Kansas on and west of U.S. Highway 81, and points in Oklahoma and west of Interstate Highway 35; and (2) from points in Kansas and west of U.S. Highway 81 to points in Oklahoma on and west of Interstate Highway 35; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that the proper designation of the origin in part (1) is the facilities of U.S. Soils, Inc., rather than "Soil and Earth Products Co." Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 47662 (Sub-No. 5) (Notice of filing of petition to modify commodity description), filed August 7, 1975. Petitioner: MacEVOY, INC., Milnor and Bleigh Sts., Philadelphia, Pa. 19136. Petitioner's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Petitioner holds motor *common carrier* operating rights to be issued in MC 47662 (Sub-No. 5) which were consummated July 2, 1975, in MC-FC-75560, authorizing transportation, as pertinent, over irregular routes, of *heavy machinery*, between points in New Jersey, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. By the instant petition, petitioner seeks to modify the commodity description in the above-described authority so as to read, *commodities*, the transportation of which because of size or weight requires the use of special equipment or special handling, *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 108461 (Notice of filing of petition to remove restriction), filed August 4,

1975. Petitioner: WHITFIELD TRANSPORTATION, INC., P.O. Drawer 15469,

points within 40 miles of Monroe, Mich., in (a) and (b) above, from the above-

(3) traffic moving from points in Lucas specified destination points, to the site

transportation, over irregular routes, in Sub-No. 1, of (1) *Footwear*: (a) From

continuing contract, or contracts, with G. H. Bass & Co.; and in Sub-No. 28,



1975. Petitioner: **WHITFIELD TRANSPORTATION, INC.**, P.O. Drawer 15469, Salt Lake City, Utah 84117. Petitioner's representative: James E. Snead, 215 Lincoln Avenue, P.O. Box 2228, Santa Fe, N. Mex. 87501. Petitioner holds a motor common carrier certificate in No. MC 108461, issued October 7, 1972, authorizing transportation, as pertinent, over regular routes, of general commodities (except livestock, commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): Between Shiprock, N. Mex., and Farmington, N. Mex., in connection with carrier's presently authorized regular route operations, serving no intermediate points: From Shiprock over U.S. Highway 550 to Farmington, and return over the same route, restricted against the transportation of traffic between Farmington, N. Mex., and points in the commercial zone thereof, as defined by the Commission, on the one hand, and, on the other, Salt Lake City, Utah, and points in the commercial zone thereof, as defined by the Commission, and points beyond Salt Lake City, Utah. By the instant petition, petitioner seeks to remove the restriction on the above described authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the **FEDERAL REGISTER**.

No. MC 11415 (Sub-Nos. 5 and 12) (Notice of filing of petition to add contracting shipper), filed August 11, 1975. Petitioner: **TRUCKWAY SERVICE, INC.**, 1099 Oakwood Blvd., Detroit, Mich. 48217. Petitioner's representative: James R. Stiversen, 1396 West Fifth Ave., Columbus, Ohio 43212. Petitioner holds motor contract carrier permits in No. MC 11415 (Sub-Nos. 5 and 12), issued November 4, 1968, and September 23, 1971, respectively, authorizing transportation, over irregular routes, in Sub-No. 5, of Salt, in bulk: (1) Between points in Ohio (except those in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio); (2) between points in West Virginia; (3) between points in Kentucky; (4) between points in Michigan (except from Detroit and Port Huron, Mich., to points in the Lower Peninsula of Michigan), restricted in (1), (2), (3), and (4) above to traffic having a prior movement by rail; and (5) from water terminals on the Ohio River and its tributaries, to points in Ohio, West Virginia, and Kentucky, restricted in (5) above to traffic having a prior movement by water, under a continuing contract, or contracts, with International Salt Company, Morton Salt Company, and Diamond Crystal Salt Company; and in Sub-No. 12, of rock salt, in bulk, between points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and the Lower Peninsula of Michigan, restricted against:

(1) Traffic moving between points in Pennsylvania; (2) traffic moving between

points within 40 miles of Monroe, Mich.; (3) traffic moving from points in Lucas County, Ohio, to points in Michigan and Indiana; and (4) traffic moving between points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, and Pennsylvania, under a continuing contract, or contracts, with Diamond Crystal Salt Company, International Salt Company, Morton Salt Company, Division of Morton International, Inc., and Cargill, Incorporated, with service to Cargill, Incorporated, restricted against traffic moving from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Illinois and that part of Indiana on and south of U.S. Highway 136 and on and west of Indiana Highway 37. By the instant petition, petitioner seeks to add Domtar Chemicals, Inc., Sift to Salt Division, as an additional contracting shipper in the above described authorities. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the **FEDERAL REGISTER**.

No. MC 116816 (Sub-No. 10) (notice of filing of petition to substitute contracting shippers), filed August 15, 1975. Petitioner: **MERIT SERVICE INDUSTRIES, INC.**, 849 Harrison Ave., Kearny, N.J. 07032. Petitioner's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Petitioner holds a motor contract carrier permit in No. MC 116816 (Sub-No. 10), issued July 22, 1975, authorizing transportation, over irregular routes, of (1) (a) *Household appliances, air conditioning equipment, water heaters, central home heating and cooling units, radio, recorder, phonograph, and television sets, and parts and equipment therefor*, from site of carrier's warehouse at Kearny, N.J., to New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Fairfield County, Conn.; and (b) *returned shipments of the above-specified commodities*, from the above-specified destination points, to site of carrier's warehouse at Kearny, N.J., under a continuing contract or contracts, with the following shippers: L & P Distributors of New Jersey, of Maspeth, N.Y.; Cooper Distributing Company, Inc., of Newark, N.J.; Philco Distributors, Inc., of New York, N.Y.; Motorola Metro, Inc., of Franklin Park, Ill.; Bruno-New York, Inc., of New York, N.Y.; Emerson TV Sales Corp., of Moonachie, N.J.; and Admiral Corp., of East Rutherford, N.J.; and (2) (a) *Household appliances, air conditioning equipment, radios, phonograph, and television sets*, and (b) *parts and equipment for the commodities in (a) above*, from the site of carrier's warehouse at Kearny, N.J., to points in Dutchess, Orange, Putnam, Sullivan, and Ulster Counties, N.Y., and Middlesex and New Haven Counties, Conn.; and (c) *returned shipments of the commodities*

in (a) and (b) above, from the above-specified destination points, to the site of carrier's warehouse at Kearny, N.J., under a continuing contract, or contracts with Philco Distributors, Inc.; Bruno-New York, Inc.; and Admiral Corp., of East Rutherford, N.J.

By the instant petition, petitioner seeks to delete L & P Distributors of New Jersey, of Maspeth, N.Y.; Philco Distributors, Inc. of New York, N.Y.; and Zenith Radio Corp., of Cranford, N.J., as contracting shippers in the above-described authority, and substitute in lieu thereof, Sunbeam Appliance Co., of Oakbrook, Ill.; Fedders Corporation, of South Hackensack, N.J.; and Evergreen Industries, Inc., of New York, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the **FEDERAL REGISTER**.

No. MC 125010 (Sub-Nos. 2 and 3) (Notice of filing of petition to substitute contracting shipper), filed July 27, 1975. Petitioner: **GIBCO MOTOR EXPRESS, INC.**, P.O. Box 312, 3405 N. 33rd St., Terre Haute, Ind. 47808. Petitioner's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Petitioner holds motor contract carrier permits in No. MC 125010 (Sub-Nos. 2 and 3), both issued June 11, 1975, authorizing transportation, over irregular routes, in Sub-No. 2, of coal and coke, in bulk, from points in Clay, Greene, Sullivan, and Vigo Counties, Ind., to points in Illinois, under a continuing contract, or contracts with, (a) Amax Coal Company, a Division of American Metal Climax, Inc.; (b) Republic Carbon Products, Inc.; and (c) Central Illinois Public Service Company; and in Sub-No. 3, of coke, in bulk, from Terre Haute, Ind., to points in that part of Michigan on and south of Michigan Highway 21, that part of Ohio on and west of U.S. Highway 23, and that part of Kentucky on and west of U.S. Highway 27, under a continuing contract, or contracts with Republic Carbon Products, Inc. By the instant petition, petitioner seeks to delete Republic Carbon Products, Inc. as a contracting shipper in the above authorities, and to substitute in lieu thereof, Pickands Mather & Co. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the **FEDERAL REGISTER**.

No. MC 134806 (Sub-Nos. 1, 9, 14 and 28) (Notice of filing of petition to substitute contracting shipper), filed August 4, 1975. Petitioner: **B-D-R TRANSPORT, INC.**, P.O. Box 813, Brattleboro, Vt. 05301. Petitioner's representative: Francis J. Ortman, 1100 Seventeenth Street NW., Suite 613, Washington, D.C. 20036. Petitioner holds motor contract carrier permits in No. MC 134806 (Sub-Nos. 1, 9, 14, and 28), issued September 4, 1973, September 4, 1973, May 6, 1974, and April 15, 1975, respectively, authorizing

transportation, over irregular routes, in Sub-No. 1, of (1) *Footwear*: (a) From Wilton, Maine, and Brattleboro, Vt., to Chicago, Ill., Denver, Colo., Salt Lake City, Utah, and Reno, Nev., under a continuing contract, or contracts, with G. H. Bass & Co.; and (b) from Brunswick and North Berwick, Maine, and from Manchester, Nashua, Rollinsford, N.H., and Lebanon, Pa., to Brattleboro, Vt., under a continuing contract, or contracts, with G. H. Bass & Co.; and (2) *Tanned leather*, from Milwaukee and Fond du Lac, Wis., and Chicago and Waukegan, Ill., to Wilton, and Portland, Maine, under a continuing contract, or contracts, with G. H. Bass & Co.; in Sub-No. 9, of *footwear*, from points in Massachusetts, New Hampshire (except Manchester, Nashua, and Rollinsford), and Maine (except Brunswick and North Berwick), to Brattleboro, Vt., under a continuing contract, or contracts, with G. H. Bass & Co., of Brattleboro, Vt.; in Sub-No. 14, of (1) *Tanned leather*, from Manchester and Pittsfield, N.H., to Wilton and Portland, Maine; and (2) *Footwear*: (a) From Peace Bridge, N.Y., to Brattleboro, Vt., and Wilton, Maine; and (b) from Brattleboro, Vt., and Exeter, N.H., to Wilton, Maine, under a continuing contract, or contracts, with G. H. Bass & Co.; and in Sub-No. 28, of *footwear*, from Lancaster, Pa., to Brattleboro, Vt., under a continuing contract, or contracts, with G. H. Bass & Co., of Wilton, Maine. By the instant petition, petitioner seeks to substitute Dunham Brothers Company as the contracting shipper in certain of the above authorities so as to Authorize: in Sub-No. 1, (1) *Footwear*:

(a) From Wilton, Maine to Chicago, Ill., Denver, Colo., Salt Lake City, Utah, and Reno, Nev., under a continuing contract, or contracts, with G. H. Bass & Co.; (b) from Brattleboro, Vt., to Chicago, Ill., Denver, Colo., Salt Lake City, Utah, and Reno, Nev., under a continuing contract, or contracts, with Dunham Brothers Company; and (c) from Brunswick and North Berwick, Maine, and from Manchester, Nashua, Rollinsford, N.H., and Lebanon, Pa., to Brattleboro, Vt., under a continuing contract, or contracts, with Dunham Brothers Company; and (2) *Tanned leather*, from Milwaukee and Fond du Lac, Wis., and Chicago and Waukegan, Ill., to Wilton and Portland, Maine, under a continuing contract, or contracts, with G. H. Bass & Co.; in Sub-No. 9, *Footwear*, from points in Massachusetts, New Hampshire (except Manchester, Nashua, Rollinsford), and Maine (except Brunswick and North Berwick), to Brattleboro, Vt., under a continuing contract, or contracts, with Dunham Brothers Company, of Brattleboro, Vt.; in Sub-No. 14, (1) *Tanned leather*, from Manchester and Pittsfield, N.H., to Wilton and Portland, Maine, under a continuing contract, or contracts, with G. H. Bass & Co.; and (2) *Footwear*: (a) From Peace Bridge, N.Y., to Brattleboro, Vt., under a continuing contract, or contracts, with Dunham Brothers Company; and (b) from Brattleboro, Vt., and Exeter, N.H., to Wilton, Maine, under a

continuing contract, or contracts, with G. H. Bass & Co.; and in Sub-No. 28, *Footwear*, from Lancaster, Pa., to Brattleboro, Vt., under a continuing contract, or contracts, with Dunham Brothers Company. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the **FEDERAL REGISTER**.

No. MC 139759 (Sub-No. 2) (Notice of filing of petition to remove restriction), filed August 14, 1975. Petitioner: **DIRECT COURIER, INC.**, 2780 Jefferson Davis Highway, Arlington, Va. 22202. Petitioner's representative: Steven L. Weiman, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Petitioner holds a motor common carrier certificate in No. MC 139759 (Sub-No. 2), issued June 25, 1975, authorizing transportation, over irregular routes, of *sera, cell and tissue cultures, biological research products and equipment, chemicals, laboratory equipment and apparatus, medical reagents, plasma, and live laboratory animals*, between points in the District of Columbia, and those in Frederick, Montgomery, and Howard Counties, Md., on the one hand, and, on the other, points in Maryland, Virginia, West Virginia, Pennsylvania (except Johnstown, Pa.), Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, restricted: (a) To the transportation of shipments everything not more than 150 of pounds from one consignor to one consignee on a single day; (b) against the transportation of radio pharmaceuticals, radioactive drugs, and medical isotopes; and (c) against the transportation of whole human blood and blood derivatives between Washington, D.C., on the one hand, and, on the other, Charlottesville, Culpeper, Fort Belvoir, Front Royal, Fredericksburg, Gordonsville, Harrisonburg, Leesburg, Louisa, Luray, Manassas, Quantico, Warrenton, Winchester, and Woodstock, Va.; Berkely Spring, Martinsburg, Petersburg, Ranson, and Romney, W. Va.; and Clinton, Frederick, Hagerstown, La Plata, Leonardtown, Lexington Park, Olney, and Prince Frederick, Md. By the instant petition, petitioner seeks to delete the restriction described in (a) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the **FEDERAL REGISTER**.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

#### MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 2202 (Sub-No. 491), filed July 25, 1975. Applicant: **ROADWAY EXPRESS, INC.**, 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment): (1) between Knoxville and Chattanooga, Tenn.: (A) From Knoxville over U.S. Highway 11 to Chattanooga, and return over the same route, serving all intermediate points (except those between Cleveland and Chattanooga, with no service at Cleveland, and service at Chattanooga restricted to joiner only); (B) from Knoxville over Interstate Highway 75 to Chattanooga, and return over the same route, serving all intermediate points (except those between Cleveland and Chattanooga, with no service at Cleveland, and service at Chattanooga restricted to joiner only); (C) from Knoxville over U.S. Highway 129 to junction U.S. Highway 411 (south of Maryville), thence over U.S. Highway 411 to junction U.S. Highway 64 at Ocoee, thence over U.S. Highway 64 to Chattanooga, and return over the same route, serving all intermediate points (except those between Cleveland and Chattanooga, with no service at Cleveland, and service at Chattanooga restricted to joiner only); (2) between Knoxville and Rockwood, Tenn.:

(A) From Knoxville over U.S. Highway 70 (via Midtown and Kingstown), to Rockwood, and return over the same route, serving all intermediate points; (B) from Knoxville over Interstate Highway 40 to Rockwood, and return over the same route, serving all intermediate points; (3) between Kingston and Chattanooga, Tenn.: From Kingston over Tennessee Highway 58 to Chattanooga, and return over the same route, serving all intermediate points, with service at Chattanooga restricted to joiner only; (4) between Knoxville and Gatlinburg, Tenn.: (A) From Knoxville over Tennessee Highway 73 (via Alcoa and Maryville), to Gatlinburg, and return over the same route, serving all intermediate points; (B) from Knoxville over U.S. Highway 441 (via Sevierville), to Gatlinburg, and return over the same route, serving all intermediate points; (5) between Knoxville and Wartburg, Tenn.: From Knoxville over Tennessee Highway 62 (via Oak Ridge) to Wartburg, and return over the same route, serving all intermediate points; (6) between Oneida and Rockwood, Tenn.: From Oneida (via Sunbright, Wartburg, and Harriman), over U.S. Highway 27 to

Rockwood, and return over the same route, serving all intermediate points:

No. MC 59856 (Sub-No. 63), filed June 26, 1975. Applicant: **SALT CREEK**

terstate Highway 90, thence southerly and easterly along Interstate Highway

Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio,

authority as a motor contract carrier under permits granted in No. MC-112113

E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, IN 46204. Operating rights



Rockwood, and return over the same route, serving all intermediate points; (7) between Knoxville and Jellico, Tenn.: (A) From Knoxville over U.S. Highway 25-W (via Clinton and Lake City) to Jellico, and return over the same route, serving all intermediate points; (B) from Knoxville over Interstate Highway 75 to Jellico, and return over the same route, serving all intermediate points; (8) Between Knoxville and Rogersville, Tenn.: From Knoxville over U.S. Highway 11-E (via Jefferson City and Morristown), to junction Tennessee Highway 66-A at or near Whitesburg, thence over Tennessee Highways 66-A and 70 to Rogersville, and return over the same route, serving all intermediate points.

(9) Between Knoxville and Rutledge, Tenn.: From Knoxville over U.S. Highway 11-W to Rutledge, and return over the same route, serving all intermediate points; (10) between Knoxville and Luttrell, Tenn.: From Knoxville over Tennessee Highway 33 to junction Halls Crossroad with Tennessee Highway 131, thence over Tennessee Highway 131 to junction Tennessee Highway 61, thence over Tennessee Highway 61 to Luttrell, and return over the same route, serving all intermediate points; and (11) between Knoxville and Maryville, Tenn.: (A) From Knoxville (via Alcoa) over U.S. Highway 129 and Tennessee Highway 73, to Maryville, and return over the same route, serving all intermediate points; and (B) from Knoxville over Tennessee Highway 33 to Maryville, and return over the same route, serving all intermediate points. Service is authorized to and from all points within 50 miles of the city limits of the City of Knoxville, Tenn. as off route points.

NOTE.—By the instant application, applicant seeks to convert a Certificate of Registration it is seeking to acquire to a Certificate of Public Convenience and Necessity. Common control may be involved. This is a matter directly related to a Section 5(2) proceeding in MC-F-12555, published in the FEDERAL REGISTER issue of June 25, 1975. If a hearing is deemed necessary, applicant requests it be held at either Knoxville, Chattanooga, or Cleveland, Tenn.

No. MC 35234 (Sub-No. 78), filed August 4, 1975. Applicant: COOPER JARRETT, INC., 23 South Essex Ave., Orange, N.J. 07051. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Kentucky on the one hand, and, on the other, Memphis, Tenn. The purpose of this filing is to eliminate gateways at Duketown, Pilot Oak, Fairbanks, Harvy, Tri-City, Cuba, Bell City, and Lynnville, Ky.

NOTE.—Common control may be involved. This is a gateway elimination request and is directly related to a Section 5(2) proceeding in MC-F-12598 published in the FEDERAL REGISTER issue of August 20, 1975. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59856 (Sub-No. 63), filed June 26, 1975. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 3333 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: John R. Davidson, Room 805, Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, and household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467). Between Billings and Harlowton, Mont.: From Billings, Mont., over Montana Highway 3 to junction U.S. Highway 12, thence over U.S. Highway 12 to Harlowton, serving the intermediate points of Action, Broadview, Lavina, Ryegate, and Shawmut.

NOTE.—Common control may be involved. This is a matter directly related to a Section 5(2) application in MC-F-12575 published in the FEDERAL REGISTER issue of July 9, 1975. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 71536 (Sub-No. 12) (Partial correction), filed July 17, 1975, published in the FEDERAL REGISTER issue of August 13, 1975, and republished, as corrected in part, this issue. Applicant: ARROW CARRIER CORPORATION, 160 Route 17, Rochelle Park, N.J. 07662. Applicant's representative: A. David Milner, 744 Broad Street, Newark, N.J. 07102. (7) Magazines and periodicals, between Sharonhill, Pa., on the one hand, and, on the other, points in Passaic and Bergen Counties, N.J., and points in Westchester, Orange, Rockland, Nassau, and Suffolk Counties, N.Y. The purpose of this filing is to eliminate gateways at points in Bergen and Passaic Counties, N.J.

NOTE.—The purpose of this republication is to include part 7 in the original request for authority which was erroneously omitted in the previous publication. This is a gateway elimination request and is directly related to a Section 5(2) proceeding in MC-F-12584 published in the FEDERAL REGISTER issue of July 30, 1975. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116273 (Sub-No. 197), filed August 18, 1975. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Chemicals, petroleum products, and coal tar products, in bulk, in tank vehicles, between points in the Illinois counties of Lake, Kane, Du Page, Cook, Kendall, that part of McHenry, on, south, and east of a line beginning at the Lake-McHenry County Boundary line on Illinois Highway 173 and extending in a westerly direction along Illinois Highway 173 to intersection Illinois Highway 47, thence southerly along Illinois Highway 47 to Woodstock, Ill., thence westerly on an unnamed county road to intersection Illinois Highway 23, thence southerly on Illinois Highway 23 to intersection In-

terstate Highway 90, thence southerly and easterly along Interstate Highway 90 to the McHenry-Kane County Boundary line, that part of Grundy County on, north, and east of a line beginning at the Kendall-Grundy County Boundary line on Illinois Highway 47, thence southerly along Illinois Highway 47 to intersection Illinois Highway 113, thence easterly along Illinois Highway 113 to the Grundy-Will County Boundary line, that part of Will County on, north, and east of a line extending along Illinois Highway 113 from the Grundy-Will County Boundary line to the Will-Kankakee County Boundary line, that part of Kankakee County on and north of a line beginning at the Kendall-Will County Boundary line on Illinois Highway 113, thence southerly and easterly along Illinois Highway 113 to intersection Illinois Highway 17, thence easterly along Illinois Highway 17 to intersection Illinois Highway 114, thence easterly along Illinois Highway 114 to the Illinois-Indiana State Boundary line, and La Salle, Ottawa, and Peru, Ill.

NOTE.—The purpose of this application is to convert a Certificate of Registration applicant seeks to acquire to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding published in the FEDERAL REGISTER issue of June 25, 1975. If a hearing is deemed necessary, applicant requests it be held in Chicago, Ill.

No. MC-F-12389. (Correction) (SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT—PURCHASE (PORTION)—COASTAL CONTRACT CARRIER CORPORATION), published in the December 27, 1974 issue of the FEDERAL REGISTER. Prior notice should have included the following operating authority: (1) Fabric and such merchandise as is sold by Fabric Stores; and (2) material, supplies, and equipment utilized in the installation and operation of retail stores, as a contract carrier over irregular routes, between the retail and distribution facilities of House of Fabric of South Carolina, Inc., located at points in the United States (except Alaska and Hawaii).

No. MC-F-12613. Authority sought for purchase by GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947, of a portion of the operating rights of BEVERAGE TRANSPORT, INC. (JAMES B. DOYLE, Trustee in Bankruptcy), 529 Times Square Bldg., Rochester, NY, and for acquisition by ROBERT GANGLOFF, also of Logansport, IN 46947, of control of such rights through the purchase. Applicants' attorney: Charles W. Beinhauer, 1224 Seventeenth St., N.W., Washington, DC 20036. Operating rights sought to be transferred: Foodstuffs, and canning materials and supplies, as a common carrier over irregular routes, between Hamlin, Holley, Williamson, Rochester, and Brockport, N.Y., on the one hand, and, on the other, Hartford, Bailey, and Grawn, Mich., with restriction. Vendee is authorized to operate as a common carrier in Indiana, Connecticut, Delaware,

Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Kentucky, Michigan, Florida, Georgia, Iowa, North Carolina, Illinois, Tennessee, and the District of Columbia. Application for temporary authority under section 210a (b) was granted August 5, 1975, under Docket No. MC-PC-76015.

MC-F-12614. Authority sought for control by LEASEWAY LTD., 42 Charles Street, East, Toronto, Canada, and CHARLTON TRANSPORT (QUEBEC) LIMITED, 458 22nd Avenue, Blainville, Quebec, Canada, and for acquisition by LEASEWAY TRANSPORTATION CORP., 21111 Chagrin Boulevard, Cleveland, OH, 44122, of control of CHARLTON TRANSPORT (QUEBEC) LIMITED, through the acquisition by LEASEWAY TRANSPORTATION CORP. Applicants' attorneys: JOHN ANDREW KUNDITZ, 1100 National City Bank Bldg., Cleveland, OH, 44114 and ROLAND RICE, 618 Perpetual Building, Washington, D.C. 20004. Operating rights sought to be controlled: Automobiles, trucks, and buses, as defined by the Commission in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 706, and parts and accessories thereof, moving at the same time and with the vehicle of which they are a part and on which they are to be installed, in truck-away and driveway service, in initial and secondary movements, as a common carrier over irregular routes between ports of entry on the United States-Canada Boundary line located in New York and Vermont, on the one hand, and, on the other, Champlain and Rouses Point, N.Y., and Derby Line, Vt., with restrictions. LEASEWAY LTD. AND LEASEWAY TRANSPORTATION CORP. holds no authority from this Commission. However, presently controls, with Commission approval, Anchor Motor Freight, Inc. (Anchor), which holds contract carrier authority pursuant to permit granted in No. MC 808 and sub-numbered proceedings thereunder, Signal Delivery Service, Inc. (Signal), which holds contract carrier authority under permits granted in No. MC 108393 and sub-numbered proceedings thereunder, Sugar Transport, Inc. (Sugar), which holds contract carrier authority under permits granted in No. MC 115924 and sub-numbered proceedings thereunder, Pep Lines Trucking Co. (Pep), which holds authority as a motor contract carrier under permits granted in No. MC 135280 and sub-numbered proceedings thereunder, and as a motor common carrier under certificates granted in No. MC 120184 and sub-numbered proceedings thereunder, Mitchell Transport, Inc. (Mitchell), which holds authority as a motor common carrier under certificates granted in No. MC 124212 and sub-numbered proceedings thereunder, and Refiners Transport & Terminal Corporation (Refiners), which holds authority as a motor common carrier under certificates granted in No. MC 50069 and sub-numbered proceedings thereunder; Gypsum Haulage, Inc. (Gypsum), which holds

authority as a motor contract carrier under permits granted in No. MC-112113 and sub-numbered proceedings thereunder. Application has not been filed for temporary authority under section 210a(b).

MC-F-12615. Authority sought for purchase by MY-OWN TRUCKING CO., INC., P.O. Box 21, Westbury, New York, 11590, of a portion of the operating rights of HAMILTON MOTOR LINES, INC. (William S. Kaye, Assignee for the Benefit of Creditors), 118-21 Queens Boulevard, Forest Hills, New York 11375, and for acquisition by BENEDETTO J. INDIVIGLIA, also of Westbury, New York 11590, of control of the rights through the purchase. Applicants' attorneys: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368; and Charles E. Skoller, 118-21 Queens Boulevard, Forest Hills, N.Y. 11375. Operating rights sought to be transferred: General commodities, except livestock, class A and B explosives, commodities in bulk, articles of unusual value, including gold and silver bullion and coin, commodities requiring special equipment, and household goods as defined by the Commission as a common carrier over irregular routes between New York, N.Y., on the one hand, and, on the other, points within New York, N.Y. Vendee is authorized to operate as a common carrier in New York and New Jersey. Application has not been filed for temporary authority under section 210a(b).

#### MOTOR CARRIERS OF PASSENGERS

No. MC-F-12616. Authority sought for merger by CONTINENTAL TRAILWAYS, INC., 315 Continental Ave., Dallas, TX 75207, of the operating rights and property of RANDOLPH FIELD BUS COMPANY, INC., also of Dallas, TX 75207, and for acquisition by TCO INDUSTRIES, INC., 1500 Jackson St., Dallas, TX 75201, of control of such rights and property through the transaction. Applicants' attorney: D. Paul Stafford, of Dallas, TX 75207. Operating rights sought to be merged: Passengers and their baggage, as a common carrier over regular routes, between San Antonio, Tex., and Randolph Field, Tex., serving all intermediate points. CONTINENTAL TRAILWAYS, INC., is authorized to operate as a common carrier in Illinois, Missouri, Kansas, California, Texas, Oklahoma, Utah, Arizona, New Mexico, Colorado, Nebraska, Arkansas, Iowa, and Louisiana. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated September 16, 1968, in No. MC-F-10160 embracing No. MC-F-10161, transferee acquired control of transferor.

No. MC-F-12617. Authority sought for purchase by PROPANE TRANSPORT, INC., P.O. Box 232, Milford, OH 45150, of the operating rights of MURPHY TRUCKING CO., INC., Rural Route 2, Lebanon, IN 46052, and for acquisition by CALIFORNIA LIQUID GAS CORPORATION, Box 28397, Sacramento, CA 95828, of control of such rights through the purchase. Applicants' attorney: Alki

E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, IN 46204. Operating rights sought to be transferred: Fertilizer and superphosphates, as a common carrier over irregular routes, from the site of the Virginia-Carolina Chemical Corporation plant at St. Bernard, Ohio, to points in Indiana on and north of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 40 through Terre Haute, Brazil, Stilesville, Indianapolis, Greenfield, Pershing, and Richmond, Ind., to the Indiana-Ohio State line, except points in Benton County, Ind., from Fort Wayne and Remington, Ind., to the site of the Virginia-Carolina Chemical Corporation plant at St. Bernard, Ohio, with restriction; grain, fertilizer, commercial feeds and ingredients thereof, unprocessed agricultural products, and livestock, between points in Indiana on and north of U.S. Highway 40 extending from the Illinois-Indiana State line through Terre Haute, Indianapolis, Greenfield, and Richmond to the Indiana-Ohio State line, on the one hand, and, on the other, points in Illinois on and north of U.S. Highway 40 extending from the Illinois-Missouri State line through East St. Louis, Mulberry Grove, Brownstown, Effingham, Greenup, and Marshall to the Illinois-Indiana State line; fertilizer, from Rushville and Seymour, Ind., and points within ten miles of Rushville and Seymour, to points in that part of Indiana on and north of U.S. Highway 40 extending from the Illinois-Indiana State line through Terre Haute, Indianapolis, Greenfield, and Richmond to the Indiana-Ohio State line, and points in that part of Illinois on and north of U.S. Highway 40 extending from the Illinois-Missouri State line through East St. Louis, Mulberry Grove, Brownstown, Effingham, Greenup, and Marshall to the Illinois-Indiana State line;

Alfalfa meal and alfalfa pellets, from Toledo, Ohio, to points in Indiana, from Blissfield, Mich., to points in Indiana; dicalcium phosphate, from Sylvania, Ohio, to points in Indiana; dry fertilizer, from Kewanna, Ind., to points in the Lower Peninsula of Michigan; dry animal and poultry feed, from Castleton, Ind., to points in Ohio, except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties; dry fertilizer and dry fertilizer materials, from the plant and warehouse sites of Olin Mathieson Chemical Corporation, at or near Joliet, Ill., to points in Indiana, Ohio, and the Lower Peninsula of Michigan; dry feed, from East St. Louis and Peoria, Ill., to points in that part of Indiana south of U.S. Highway 40, from Chicago, Springfield, and Monmouth, Ill., to the plant and warehouse sites of the Indiana Farm Bureau Cooperative Association, Inc., near Loogootee, Ind.; dry feed ingredients (except limestone products), from points in that part of Illinois on and north of U.S. Highway 40, to the plant and warehouse sites of the Indiana Farm Bureau Cooperative Association, Inc., near Loogootee, Ind.; dry feed and dry feed ingredients, from points in Ohio, to the plant sites of Ful-O-Pep, Division of



Allied Mills, Inc., located at or near Castleton, Ind., with restriction, from the plant sites of Ful-O-Pep, Division, of Allied Mills, Inc., located at or near Castleton, Ind., to points in Michigan; malt beverages, from South Bend, Fort Wayne, and Evansville, Ind., Detroit, Mich., Peoria, Ill., Milwaukee, Wis., Louisville, Ky., and St. Louis, Mo., to points in that part of Indiana south of U.S. Highway 40, with restriction; fertilizer and fertilizer materials, from the plant and warehouse sites of W. R. Grace & Co., at Fritchton, Ind., to points in Illinois and Kentucky. Vendee is authorized to operate as a common carrier in Indiana, Ohio, Michigan, and Illinois. Application has been filed for temporary authority under section 210a(b).

MC-F-12618. Authority sought for purchase by ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Arkansas, 72901, of a portion of the operating rights of H. A. DAY, d.b.a. H. A. DAY TRUCK LINE, 801 East Reno Street, Oklahoma City, Ok., 73100, and for acquisition by ARKANSAS BEST CORPORATION, 1000 So. 21st., Ft. Smith, Ark., 72901, of control of such rights through the purchase. Applicants' attorney: Thomas Harper, P.O. Box 43, Kelley Bldg., Fort Smith, Ark., 72901. Operating rights sought to be transferred: Under a certificate of registration Docket No. MC 97461 (Sub-No. 2), general commodities, as a common carrier solely within the State of Oklahoma, in intrastate commerce. Vendee is authorized to operate as a common carrier in Alabama, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Georgia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12619. Authority sought for control by UNITED DRAYAGE COMPANY, 2425 Porter St., Los Angeles, CA 90021, of C. N. BATES DRAYAGE, INC., 649 Brannan St., San Francisco, CA 94107, and for acquisition by PAUL S. & MARIETTA K. BEIDLEMAN, 2782 Casadero Dr., La Habra, CA 90621, THOMAS M. BEIDLEMAN, 1627 Kalanika Way, Honolulu, HI 96821, and MICHAEL PAUL BEIDLEMAN, 1595 North Berenida Dr., Brea, CA 92621, of control of C. N. BATES DRAYAGE, INC., through the acquisition by UNITED DRAYAGE COMPANY. Applicants' attorney: Ann M. Pougiales, 100 Bush St., 21st Floor, San Francisco, CA 94104. Operating rights sought to be controlled: Under a certificate of registration in Docket No. MC 121697 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. UNITED DRAYAGE COMPANY, is authorized to operate as a common carrier in California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12620. Authority sought for purchase by CLEMMER MOVING AND STORAGE, INCORPORATED, 38 W. Chestnut St., Souderton, PA 18964, of the operating rights of RED LION MOVING COMPANY, INC., 1809 Market St., Philadelphia, PA 19103, and for acquisition by NORMAN CLEMMER, also of Souderton, PA 18964, of control of such rights through the purchase. Applicants' attorney: Franklin A. Wurman, 1400 Two Girard Plaza, Philadelphia, PA 19102. Operating rights sought to be transferred: Household goods, as a common carrier over irregular routes, between Philadelphia, Pa., and points in Pennsylvania within 25 miles of Philadelphia, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Maryland, and the District of Columbia. Vendee is authorized to operate as a common carrier in New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12621. Authority sought for merger by CONTINENTAL TENNESSEE LINES, INC., 711 Fifth Avenue, South Nashville, TN 37203, of the operating rights and properties of (B) TENNESSEE TRAILWAYS, INC., 2011 Davenport Road, Knoxville, TN 37290, and (BB) CONTINENTAL CRESCENT LINES, INC., 1789 Highway 80 West, Jackson, MS 39204, and for acquisition by CONTINENTAL TRAILWAYS, INC., 315 Continental Ave., Dallas, TX 75207, and TCO INDUSTRIES, INC., 1500 Jackson St., Dallas, TX 75201, of control of such rights and properties through the transaction. Applicants' attorney and representative: D. Paul Stafford, and Gayla L. Campbell, 315 Continental Ave., Dallas, TX 75207. Operating rights sought to be merged: (B) Passengers and their baggage, and etc., as a common carrier over regular and irregular routes authorizing service from Knoxville, Tenn., to Roanoke, Va.; Knoxville, Tenn., to Bluefield, Va.; Knoxville, Tenn., to Nashville, Tenn., and Knoxville, Tenn., to Atlanta, Ga., via Chattanooga, Tenn., (BB) Passengers and their baggage and etc., as a common carrier over regular and irregular routes, authorizing service from Birmingham, Ala., to Montgomery, Ala.; Birmingham, Ala., to Columbus, Ga.; Birmingham, Ala., to Atlanta, Ga.; Birmingham, Ala., to Nashville, Tenn.; and Birmingham, Ala., to Chattanooga, Tenn. CONTINENTAL TENNESSEE LINES, INC., is authorized to operate as a common carrier in Alabama, Georgia, Tennessee, Virginia, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated September 16, 1968, in No. MC-F-10160 embracing No. MC-F-10161, transferee acquired control of transferors.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-23464 Filed 9-3-75; 8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 172—THURSDAY, SEPTEMBER 4, 1975

#### FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

August 29, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Texas Docket No. 2625, as amended, filed August 7, 1975. Applicant: LIBERTY EXPRESS, INC., Suite 508 Regal Plaza, 1499 Regal Row, Dallas, Tex. 75247. Applicant's representatives: Lanham, Hatchell & Sedberry, 1102 Perry Brooks Bldg., Austin, Tex. 78701; and Rogers, Ehrle & Hughes, 1200 Southwest Tower Bldg., Austin, Tex. 78701. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of general commodities, moving in express service, to, from and between all points along the routes shown below, restricted to shipments having a total weight of three hundred (300) pounds or less with no single piece or parcel weighing in excess of one hundred (100) pounds: (1) State Highway 289 between Dallas, Tex., and Celina, Tex.; (2) F. M. Road 455 between Celina, Tex., and Pilot Point, Tex.; (3) U.S. Highway 377 between Pilot Point, Tex., and Whitesboro, Tex.; (4) U.S. Highway 82 between Whitesboro, Tex., and Honey Grove, Tex.; (5) U.S. Highway 75 between Dallas, Tex., and Denison, Tex.; (6) U.S. Highway 67 between Dallas, Tex., and Mt. Pleasant, Tex.; (7) State Highway 24 between Greenville, Tex., and Paris, Tex.; (8) U.S. Highway 69 and State Highway 78 between Greenville, Tex., and Bonham, Tex., via Leonard, Tex.; (9) U.S. Highway 80 and Interstate 20 between Dallas, Tex., and Marshall, Tex.; (10) F. M. Road 1403 between Longview, Tex., and Gilmer, Tex.; (11) State Highway 155 and U.S. Highway 59 between Gilmer, Tex., and Atlanta, Tex.; (12) U.S. Highway 259 between Daingerfield, Tex., and its intersection with State Highway 155 near Ore City, Tex.;

(13) State Highway 11 between Daingerfield, Tex., and Linden, Tex.; (14) U.S. Highway 59 between Linden, Tex., and Marshall, Tex., and between Carthage, Tex., and Garrison, Tex., via Tenaha, Tex.; (15) State Highway 149 between Longview, Tex., and Carthage, Tex.; (16) U.S. Highway 79 between Carthage, Tex., and Henderson, Tex.;

(17) F. M. Road 124 between Beckville, Tex., and its intersection with U.S. Highway 79; (18) State Highway 64 between Willis Points, Tex., and Henderson, Tex.; (19) U.S. Highway 69 between Mineola, Tex., and Tyler, Tex.; (20) State Highway 31 between Tyler, Tex., and Kilgore, Tex.; (21) State Highway 135 between Troup, Tex., and Gladewater, Tex., via Kilgore, Tex.; (22) U.S. Highway 259 between Kilgore, Tex., and Longview, Tex., and between Henderson, Tex., and Mt. Enterprise, Tex.; (23) F. M. Road 95 and U.S. Highway 84 between Mt. Enterprise, Tex., and Garrison, Tex.; (24) State Highway 87 between Timpson, Tex., and Center, Tex.; (25) U.S. Highway 96 between Tenaha, Tex., and San Augustine, Tex.; between Bronson, Tex., and Jasper, Texas; and between Kirbyville, Tex., and Silsbee, Tex.; (26) State Highway 21 between San Augustine, Tex., and Milam, Tex.; (27) State Highway 87 and F. M. Road 184 between Milam, Tex., and Bronson, Tex.; (28) U.S. Highway 190 between Jasper, Tex., and Newton, Tex.; (29) State Highway 87 and F. M. Road 363 between Newton, Tex., and Kirbyville, Tex., via Bleakwood, Tex.; (30) U.S. Highway 82 between Paris, Tex., and Texarkana, Tex.; (31) U.S. Highway 271 between Pittsburg, Tex., and Paris, Tex.; (32) State Highway 37 between Clarksburg, Tex., and Bogart, Tex.; (33) State Highway 11 between Pittsburg, Tex., and Commerce, Tex., via Sulphur Springs, Tex., serving all intermediate points along said routes;

(34) State Highway 34 between Honey Grove, Tex., and Greenville, Tex., serving only the intermediate point of Wolfe City, Tex., coordinating the service with existing services and interlining with other carriers at appropriate interline points; and (35) State Highway 66 between Dallas and Greenville, Tex. Applicant also proposes to operate over the additional alternate routes without service to any intermediate points except as otherwise authorized: (1) F. M. Road 17 between Canton, Tex., and Grand Saline, Tex.; (2) State Highway 323 between Henderson, Tex., and Overton, Tex.; (3) State Highway 37 between Winnsboro, Tex., and Mount Vernon, Tex.; (4) State Highway 50 between its intersection with I. H. Highway 30 and Commerce, Tex.; (5) State Highway 121 between its intersection with State Highway 289 south of Frisco, Tex., and Fort Worth, Tex.; (6) U.S. Highway 377 between Pilot Point, Tex., and its intersection with U.S. Highway 380; (7) U.S. Highway 380 between its intersection with U.S. Highway 377 and Denton, Tex.; (8) I. H. Highway 35 between Denton, Tex., and its intersection with State Highway 121, south of Lewisville, Tex.; (9) U.S. Highway 259 between De Kalb, Tex., south and its intersection with I. H. Highway 30; (10) U.S. Highway 271 between Gladewater, Tex., and Gilmer, Tex.; (11) U.S. Highway 84 between Timpson, Tex., and Concord, Tex.; and (12) State Highway 19 between Carthage, Tex., and its intersection with U.S. Highway 80. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2674 (amended), filed August 4, 1975. Applicant: TEXAS TEX-PACK EXPRESS, INC., 150 E. Zavalla St., San Antonio, Tex. 78204. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (A) General commodities, subject to the following restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day; and motion picture films and theater supplies, flowers and potted plants, magazines and newspapers, to from and between all points along the routes set forth below, with service to all intermediate points unless otherwise specified: (1) F. M. Road 1304 between Aquilla and its intersection with I. S. 35; (2) F. M. Road 933 between Whitney and Waco; (3) F. M. Road 510 between its intersection with U.S. 77 B. R. and its intersection with State Hwy. 100, near Port Isabel; (4) F. M. Road 580 between San Saba and Lampasas; (5) F. M. Road 501 and F. M. Road 581 between Lometa and Pontotoc; (6) State Hwy. 22 between Laguna Park and Frost; (7) F. M. Road 667 between Italy and Frost; (8) State Hwy. 72 between Tilden and Three Rivers; (9) U.S. Hwy. 83 and State Hwy. 55 between Uvalde and Rocksprings;

(10) State Hwy. 21 between its intersection with State Hwy. 80 near San Marcos and its intersection with State Hwy. 71; (11) State Hwy. 286 and F. M. Road 70 between Corpus Christi and the intersection of F. M. Road 70 and U.S. Hwy. 77; (12) State Hwy. 97 between Jourdan and Charlotte; (13) State Hwy. 7 between Kosse and its intersection with U.S. Hwy. 77; (14) State Hwy. 320 between its intersection with State Hwy. 7 near Chilton and its intersection with State Hwy. 53; (15) State Hwy. 53 between Temple and Rosebud; (16) F. M. Road 140 between Charlotte and Campbellton; (17) U.S. Hwy. 90 between Del Rio and Sanderson; (18) State Hwy. 95 between Taylor and Elgin; (19) F. M. Road 1854 between its intersection with State Hwy. 21 near Mendoza and its intersection with F. M. Road 20; (20) State Hwy. 31 between Dawson and its intersection with U.S. Hwy. 84; (21) State Hwy. 9 and I. S. 27 between Mathis and Corpus Christi; (22) F. M. Road 1021 and F. M. Road 2644 between Eagle Pass and the intersection of F. M. Road 2644 and U.S. Hwy. 277 near Carrizo Springs; (23) F. M. Road 812 between its intersection with U.S. Hwy. 183 near Austin and Red Rock; (24) State Hwy. 29 and F. M. Road 864 between Menard and Fort

McKavett; (25) State Hwy. 97 and State Hwy. 72 between Cotulla and the intersection of State Hwy. 72 and State Hwy. 16 near Tilden; (26) State Hwy. 123 between Seguin and San Marcos; (27) State Hwy. 80 and State Hwy. 123 between Nixon and Karnes City; (28) F. M. Road 493 between its intersection with State Hwy. 107 near Elsa and its intersection with State Hwy. 186; (29) F. M. Road 413 between Rosebud and Kosse; (30) F. M. Road 308 between Elm Mott and its intersection with I. S. 35 near Milford; (31) F. M. Road 1431 between Jonestown and its intersection with U.S. Hwy. 183;

(32) F. M. Road 1222 between Kattency and its intersection with U.S. 87 and U.S. Hwy. 377; (33) F. M. Road 471 between Natalia and its intersection with U.S. Hwy. 90; (34) F. M. Road 755 between Rio Grande City and Rachal; (35) F. M. Road 1017 between La Gloria and its intersection with U.S. Hwy. 281; (36) State Hwy. 186 between Raymondville and its intersection with U.S. Hwy. 281; (37) F. M. Road 1015 between its intersection with State Hwy. 186 near LaSara and its intersection with F. M. Road 1422; (38) F. M. Road 1422 and F. M. Road 491 between the intersection of F. M. Road 1422 and F. M. Road 88 near Monte Alto and the intersection of F. M. Road 491 and U.S. Hwy. 77 near Lyford; (39) U.S. Hwy. 83 between Uvalde and Leakey; (40) State Hwy. 127 between Sabinal and Goncan; (41) F. M. Road 337 between Leakey and Camp Wood; (42) U.S. Hwy. 87 between Fredericksburg and Mason; (43) F. M. Road 1604 between Somerset and its intersection with I. S. 10 east of San Antonio; (44) State Hwy. 218 between its intersection with I. S. 35 and its intersection with F. M. 78 at Randolph Air Force Base; (45) F. M. 973 between its intersection with U.S. Hwy. 290 and its intersection with State Hwy. 71 near Del Valle; (46) State Hwy. 80 between San Marcos and Luling; (47) F. M. Road 1346 between San Antonio and its intersection with U.S. Hwy. 87 near La Vernia; (48) State Hwy. 142 between Martindale and Lockhart; (49) U.S. Hwy. 190 between its intersection with U.S. Hwy. 77 and Hearne, excluding general commodity service to Hearne except for the purpose of interline with other carriers; (50) U.S. Hwy. 290 between Elgin and Giddings, including the nearby points of Butler and McDade; (51) F. M. Road 86 between its intersection with U.S. 183 near Luling and its intersection with F. M. Road 20 near Red Rock;

(52) F. M. Road 20 between Fentress and its intersection with State Hwy. 71 near Bastrop; (53) F. M. Road 2028 between Melvin and its intersection with U.S. Hwy. 87; (54) F. M. Road 88 between its intersection with U.S. Hwy. 281 near Progreso and its intersection with State Hwy. 186; (55) F. M. Road 339 between its intersection with F. M. Road 308 near Birome and its intersection with State Hwy. 164 east of Mart; (56) State Hwy. 9 between its intersection with U.S. 281 near Three Rivers and its intersection with U.S. Hwy. 59 east of George

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West; (57) State Hwy. 72 between Ken- performed under existing authority and magazines to, from, and between all

the nearby points of Grulla, Sullivan City, Los Ebanos, and La Joya; (8) State holder of this authority shall operate with closed doors between Waelder and

Commission, (1) from points in Nebraska on and west and north of a line begin-



West; (57) State Hwy. 72 between Kennedy and Three Rivers; (58) F. M. Road 2114 between West and its intersection with State Hwy. 71 near Hubbard; (59) F. M. Road 1427 between Penitas and its intersection with U.S. Hwy. 83; (60) F. M. Road 1824 and F. M. Road 685 between the intersection of F. M. 1825 and I. S. 35 north of Austin and the intersection of F. M. 685 and U.S. Hwy. 79 near Hutto; (61) State Hwy. 71 between Llano and its intersection with U.S. Hwy. 87 and U.S. Hwy. 377 near Brady; (62) State Hwy. 186 between Raymondville and San Perlita; (63) F. M. Road 497 between Port Mansfield and its intersection with State Hwy. 186 near San Perlita; (64) State Hwy. 342 and U.S. Hwy. 77 between Red Oak and the intersection of U.S. Hwy. 77 and I.S. 35; (65) F. M. Road 106 between Harlingen and its intersection with State Hwy. 345 east of Rio Hondo; (66) State Hwy. 345 between San Benito and its intersection with F. M. 106 east of Rio Hondo; (67) F. M. Road 535 between Cedar Creek and Rosanky; (68) State Hwy. 304 between Gonzales and its intersection with State Hwy. 21 and State Hwy. 71 near Bastrop; (69) F. M. Road 487 between Florence and Bartlett;

(70) F. M. Road 1535 between San Antonio and its intersection with F. M. 1604 near Shavano Park; (71) F. M. Road 1518 between Schertz and Lytle; (72) F. M. Road 2241 between Llano and Tow; (73) State Hwy. 261 between Bluffton and its intersection with State Hwy. 29 near Buchanan Dam; (74) State Hwy. 359 between Mathis and Skidmore; (75) F. M. Road 187 between Sabinal and Utopia; (76) F. M. Road 1050 between Utopia and its intersection with U.S. Hwy. 83; (77) F. M. Road 972 between its intersection with U.S. Hwy. 83; (77) F. M. Road 972 between its intersection with I. S. 35 north of Georgetown and its intersection with State Hwy. 95 south of Bartlett; (78) F. M. Road 971 between Granger and its intersection with I. S. 35; (79) F. M. Road 12 between San Marcos and Wimberley; (80) F. M. Road 2200 between Devine and D'Hanis; (81) F. M. Road 462 between Hondo and Moore; (82) F. M. Road 2114 between Laguna Park and West; (83) F. M. Road 1242 between Bynum and its intersection with I. S. 35; (84) State Hwy. 171 and State Hwy. 14 between Coolidge and Groesbeck, excluding service to any intermediate point; (85) F. M. Road 107 between its intersection with I. S. 35 near Eddy and its intersection with U.S. Hwy. 77 near Chilton; (86) State Hwy. 317 between Moody and Belton; (87) State Hwy. 36 between Temple and its intersection with State Hwy. 317; (88) Alt. U.S. Hwy. 90 between Seguin and Belmont; (89) State Hwy. 97 between Gonzales and Waelder; (90) U.S. Hwy. 281 between Johnson City and its intersection with State Hwy. 71 near Marble Falls; (91) I. S. 10 between Kerrville and Comfort; (92) State Hwy. 107 between Edinburg and Mission; and (93) State Hwy. 80 between Luling and Belmont.

Applicant proposed to coordinate the service proposed above with service now

performed under existing authority and to interline with other carriers at appropriate interline points.

(B) *Motion picture films and theater supplies, flowers and potted plants, magazines and newspapers* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) I. S. 35 between Dallas and San Antonio (to be added to present authority over U.S. Hwy. 77 and U.S. Hwy. 81); (2) U.S. Hwy. 79 between Hearne and Taylor; (3) U.S. Hwy. 183 between Austin and Gonzales; (4) State Hwy. 80 and State Hwy. 97 and Alternate Route U.S. Hwy. 90 between Nixon and Gonzales; (5) F. M. Road 881 between Sinton and Rockport; (6) F. M. Road 136 between Woodsboro and its intersection with F. M. Road 881; (7) U.S. Hwy. 183 between Lampasas and its intersection with State Hwy. 29 near Liberty Hill; (8) State Hwy. 29 between Llano and Mason; (9) State Hwy. 71 between its intersection with U.S. Hwy. 281 and Llano; (10) State Hwy. 361 between Gregory and Port Aransas; (11) U.S. Hwy. 77 between Waco and Victoria; (12) State Hwy. 39 between Hunt and Ingram; (13) State Hwy. 48, F. M. Road 1792 and State Hwy. 100 between Brownsville and Port Isabel; (14) State Hwy. 100 between Port Isabel and its intersection with U.S. Hwy. 83 and 77 near Olmito; (15) U.S. Hwy. 281 between Pharr and Brownsville, including Hidalgo; (16) F. M. Road 133 between Artesia Wells and its intersection with U.S. Hwy. 83 near Catarina; (17) F. M. Road 190 between Asherton and Brundage; (18) F. M. Road 649 between Mirando City and its intersection with State Hwy. 359.

(19) F. M. Road 1518 between Elmerdorf and its intersection with U.S. Hwy. 181; (20) F. M. Road 1123 and F. M. Road 436 between Belton and Heldenheimer, via Little River; (21) U.S. Hwy. 190 and State Hwy. 36 between Cameron and Temple; (22) F. M. Road 967 between Buda and its intersection with I.S. 35; (23) F. M. Road 1786 between its intersection with U.S. Hwy. 79 and Alcoa; (24) F. M. Road 1786 and F. M. Road 2116 between Alcoa and Rockdale; (25) State Hwy. 173 between Jourdanton and its intersection with State Hwy. 16 near Kerrville; (26) State Hwy. 97 between Pleasanton and its intersection with U.S. Hwy. 87 near Stockdale; (27) State Hwy. 46 between Seguin and its intersection with State Hwy. 16 near Pipe Creek; (28) State Hwy. 202 and U.S. Hwy. 77A and 183 between Beeville and Refugio; (29) U.S. Hwy. 290 between Fredericksburg and its intersection with State Hwy. 27; (30) U.S. Hwy. 290 between Austin and Johnson City; (31) State Hwy. 71 between Austin and its intersection with U.S. Hwy. 281 near Marble Falls; (32) U.S. Hwy. 83 between Brownsville and Mission; (33) U.S. Hwy. 77 between Harlingen and San Benito; (34) U.S. Hwy. 281 between Edinburg and Pharr; and (35) U.S. Hwy. 84 and F. M. Road 73 between Waco and Coolidge.

(C) *Motion picture films and theater supplies, flowers and potted plants, and*

*magazines* to, from, and between all points along the routes shown below serving all intermediate points thereon unless otherwise specified: (1) State Hwy. 16 between Kerrville and San Antonio; (2) I. S. 10 between Kerrville and San Antonio (added to present authority over State Hwy. 27 and U.S. Hwy. 87); (3) U.S. Hwy. 83 between Catarina and Laredo; (4) U.S. Hwy. 83 between Rio Grande City and Mission, including the nearby points of Grulla, Sullivan City, Los Ebanos, and La Joya; (5) State Hwy. 16 between San Antonio and Poteet; and (6) State Hwy. 16 between Jourdanton and Freer; and (7) State Hwy. 27, I. S. 10 and U.S. Hwy. 290 between Comfort and Junction.

(D) *Motion picture films and theater supplies and magazines* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) U.S. Hwy. 90 between Seguin and Luling; (2) I. S. 10 between San Antonio and Houston (added to present authority over U.S. Hwy. 90 between San Antonio and Seguin, U.S. Hwy. 90 between Luling and Houston, alternate authority over U.S. Hwy. 90 between Seguin and Luling, and application immediately above); and (3) State Hwy. 44 between Robstown and Alice.

(E) *Flowers and potted plants, magazines and newspapers* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise authorized: (1) State Hwy. 123 between Seguin and Stockdale; and (2) U.S. Hwy. 87 between San Antonio and Nixon.

(F) *Flowers, potted plants and newspapers* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) U.S. Hwy. 90 between Seguin and Luling; (2) U.S. Hwy. 90 between Waelder and Houston; (3) I. S. 10 between San Antonio and Houston (added to present authority and that requested immediately above over U.S. Hwy. 90); (4) U.S. Hwy. 181 between San Antonio and Corpus Christi; (5) State Hwy. 35 between Gregory and Fulton; (6) State Hwy. 44 between Corpus Christi and Alice; (7) U.S. Hwy. 77 between Victoria and Brownsville; (8) State Hwy. 141 between Kingsville and its intersection with U.S. Hwy. 281; (9) U.S. Hwy. 281 between Alice and Edinburg; (10) U.S. Hwy. 59 between Victoria and Houston; (11) U.S. Hwy. 83 between Harlingen and Mission; and (12) State Hwy. 107 between Combes and Edinburg. (G) *Newspapers* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) U.S. Hwy. 290 between Johnson City and Fredericksburg; (2) State Hwy. 16 between Fredericksburg and San Antonio; (3) State Hwy. 27, I. S. 10 and U.S. Hwy. 290 between Comfort and Junction; (4) U.S. Hwy. 87 and I. S. 10 between Fredericksburg and San Antonio; (5) U.S. Hwy. 90 between San Antonio and Del Rio; (6) U.S. Hwy. 277 between Del Rio and Carrizo Springs; (7) U.S. Hwy. 83 between Catarina and Mission, including

the nearby points of Grulla, Sullivan City, Los Ebanos, and La Joya; (8) State Hwy. 85 between Carrizo Springs and Dilley; (9) F. M. Road 65 between Crystal City and Brundage; (10) State Hwy. 6 between Waco and Hearne, via Marlin and Calvert; (11) State Hwy. 164 between Waco and Groesbeck, via Mart; (12) State Hwy. 14 between Groesbeck and its intersection with State Hwy. 6 south of Bremond;

(13) F. M. Road 107 between Moody and Eddy; (14) State Hwy. 16 between San Antonio and Freer; and (15) U.S. Hwy. 87 between Nixon and Victoria, serving only the intermediate points of Smiley and Westoff. Applicant proposes to coordinate the service proposed in (B), (C), (D), (E), (F), and (G) with service presently being performed under existing authorities and to interline with other carriers at appropriate interline points. (H) Applicant further proposes to delete the restrictions presently contained on Page 3 and Page 5 of Applicant's certificate, and substitute, in lieu thereof, the restrictions contained below: (1) No service shall be rendered on any shipments originating in Houston and destined to Victoria, or any intermediate point located on U.S. Hwy. 59 between Victoria and Houston; nor on shipments originating at Victoria destined to Houston, or any intermediate point located on U.S. Hwy. 59 between Victoria and Houston; nor on shipments originating at any intermediate point located on U.S. Hwy. between Victoria and Houston destined to Houston, Victoria, or any other intermediate point along said route.

(2) No service shall be rendered on shipments of general commodities as described herein moving to, from, or between the following named towns: Brownsville, Olmito, San Benito, McAllen, Pharr, Alamo, Donna, Weslaco, Mercedes, LaFeria, San Juan, and Mission.

(3) No service shall be rendered on shipments of general commodities as described herein moving between Harlingen and Edinburg.

(4) The holder of this authority is prohibited from serving LaGrange, Hallettsville, or any intermediate point on U.S. Hwy. 77 between Schulenburg and Victoria.

(5) The holder of this authority is prohibited from serving Hearne in the transportation of General Commodities as described herein except for the purpose of interline with other carriers.

(6) The holder of this authority shall operate with closed doors in the transportation of Motion Picture Films and Theater Supplies between Refugio and Houston, Texas, and is prohibited from transporting films originating in Dallas, Texas, over the route between Houston and Refugio, and vice versa.

(7) The carrier is prohibited from transporting Magazines to or from Houston, Corpus Christi, Robstown, Sinton, Oden, Woodsboro, and Refugio except in interline service with Bluebonnet Express, Inc.

(8) In the transportation of Motion Picture Films and Theater Supplies, the

holder of this authority shall operate with closed doors between Waelder and Houston, serving Waelder and Houston in both directions.

(9) The holder of this authority is prohibited from transporting Motion Picture Films and Theater Supplies, Flowers and Potted Plants, and Magazines to or from LaGrange, Schulenburg, Victoria, or any intermediate point between Schulenburg and Victoria; and (10) The holder of this authority is prohibited from transporting Motion Picture Films originating in Dallas moving through Houston to any point served by the holder hereof and vice versa, and prohibited from transporting Motion Picture Films originating at Houston destined to Victoria or vice versa.

Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station—P.O. Drawer 12967, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[PR Doc. 75-23465 Filed 9-3-75; 8:45 am]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

##### Elimination of Gateway Letter Notices

AUGUST 29, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 15, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 88368 (Sub-E39), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the

Commission, (1) from points in Nebraska on and west and north of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to Lincoln, Nebraska, thence along U.S. Interstate Highway 80 to the Nebraska-Iowa State line to points in Arkansas on, east and south of U.S. Highway 62.

(2) From points in Nebraska on, west and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 20, thence along U.S. Highway 20 to junction State Highway 14, thence along State Highway 14 to junction State Highway 39, thence along State Highway 39 to Columbus, Nebraska, thence along U.S. Highway 81 to junction State Highway 92, thence along State Highway 92 to junction State Highway 79, thence along State Highway 79 to Lincoln, Nebraska, thence along U.S. Highway 77 to the Nebraska-Missouri State line to points in Connecticut.

(3) From points in Nebraska within a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 281, thence along U.S. Highway 281 to Grand Island, Nebraska, thence along U.S. Highway 34 to Lincoln, Nebraska, thence along U.S. Highway 77 to the Nebraska-Kansas State line to points in Connecticut on and east of a line beginning at Bridgeport, Connecticut and extending along U.S. Highway 1 to New Haven, Connecticut, thence along Interstate Highway 91 to Hartford, Connecticut, thence along U.S. Highway 44 to the Connecticut-Rhode Island State line.

(4) From points within an area bounded by a line beginning at the Nebraska-South Dakota State line near Valentine, Nebraska, and extending along U.S. Highway 83 to North Platte, Nebraska, thence along U.S. Highway 30 to Columbus, Nebraska, thence along U.S. Highway 81 to the Nebraska-South Dakota State line, thence along Nebraska-South Dakota State line to point of beginning to points in Kansas on and east and south of a line beginning at the Kansas-Oklahoma State line near Kiowa, Kansas and extending along U.S. Highway 281 to Pratt, Kansas, thence along U.S. Highway 54 to the Kansas-Missouri State line.

(5) From points in Nebraska in Kimball, Banner, and Cheyenne Counties to points in Kansas.

(6) From points in Nebraska on, east and south of a line beginning at the Nebraska-Iowa State line and extending along Interstate Highway 80 to Lincoln, Nebraska, thence along U.S. Highway 77 to the Nebraska-Kansas State line to points in Louisiana south of U.S. Highway 80.

(7) From points in Nebraska on and west of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to Lincoln, Nebraska, thence along U.S. Highway 34 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-South Dakota State line to points in Maine on and east of a line beginning on State Road 220, thence along State Road 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction State Road 32, thence along State Road 32 to junction

tion State Road 17, thence along State

U.S. Highway 385, thence along U.S.

(17) From points in Nebraska west of

Ohio, Philadelphia, Pa., in (2) above; 3.

Iowa on and east of a line beginning at

ties, to points in Oklahoma on and east



tion State Road 17, thence along State Road 17 to Augusta, Maine, thence along Interstate Highway 95 to junction U.S. Highway 267, thence along U.S. Highway 267 to junction U.S. Highway 201, to Skowhegan, Maine, thence along State Road 150 to State Road 6 and 16, thence along State Road 6 and 16 to junction State Road 11, thence along State Road 11 to the International Boundary Line between the United States and Canada.

(8) From points in Nebraska on, west and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to Lincoln, Nebraska, thence along U.S. Highway 34 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction State Highway 2, thence along State Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-South Dakota State line to points in Massachusetts on, east and south of a line beginning at the Massachusetts-Connecticut State line and extending along U.S. Highway 5 to Springfield, Massachusetts, thence along Interstate Highway 90 to State Highway 12, thence along State Highway 12 to junction Interstate Highway 290, thence along Interstate Highway 290 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Interstate Highway 93, thence along Interstate Highway 93 to the Massachusetts-New Hampshire State line.

(9) From points in Nebraska on, west and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to Lincoln, Nebraska, thence along U.S. Highway 34 to junction State Highway 2, thence along State Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-South Dakota State line to points in Massachusetts on, east and south of a line beginning at the Massachusetts-Connecticut State line and extending along U.S. Highway 5 to Springfield, Massachusetts, thence along Interstate Highway 90 to junction State Highway 12, thence along State Highway 12 to junction U.S. Highway 9, thence along U.S. Highway 9 to Boston, Massachusetts.

(10) From points in Nebraska on and east of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 81 to Columbus, Nebraska, thence along U.S. Highway 30 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Nebraska-Kansas State line to points in Missouri on, east and south of a line beginning at the Missouri-Iowa State line near Irena, Missouri and extending along U.S. Highway 169 to U.S. Highway 136, thence east along U.S. Highway 136 to Interstate Highway 35, thence along Interstate Highway 35 to the Missouri-Kansas State line.

(11) From points in Nebraska on and west and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to Lincoln, Nebraska, thence along U.S. Highway 34 to junction State Highway 2, thence along State Highway 2 to junction

U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-South Dakota State line to points in New Jersey on, east and north of a line beginning on U.S. Highway 30 at Atlantic City, New Jersey, and extending along U.S. Highway 206 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction State Highway 26, thence along State Highway 26 to junction State Highway 27, thence along State Highway 27 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction U.S. Highway 1, thence along U.S. Highway 1 to Jersey City, New Jersey.

(12) From points in Nebraska on, south and west of a line beginning at the Nebraska-Kansas State line near Beatrice, Nebraska and extending along U.S. Highway 77, to junction U.S. Highway 34, thence along U.S. Highway 34 to junction State Highway 2, thence along State Highway 2 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 20, thence along U.S. Highway 20 to Valentine, Nebraska, thence along U.S. Highway 83 to the Nebraska-South Dakota State line to points in Suffolk and Nassau Counties, and New York City, N.Y.

(13) From points in Nebraska on, south and west of a line beginning at the Nebraska-Kansas State line near McCook, Nebraska and extending along U.S. Highway 83 to North Platte, Nebraska, thence along U.S. Highway 30 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line to points in New York on, east and south of a line beginning at the New York-New Jersey State line near Suffern, New York and extending along Interstate Highway 87 to Albany, New York, thence along State Highway 2 to the New York-Massachusetts State line.

(14) From points in Nebraska to points in North Carolina.

(15) From points in Nebraska in, north, and east of Webster, Adams, Hall, Howard, Sherman, Custer, Keith, Deuel, Cheyenne, and Kimball Counties and that portion of Lincoln County on and north of Interstate Highway 80 to points in Oklahoma on and within an area bounded by a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 281 to junction Oklahoma Highway 45, thence along Oklahoma Highway 45 to junction Oklahoma Highway 8, thence along Oklahoma Highway 8 to Watonga, Oklahoma, thence along U.S. Highway 281 to Oklahoma-Texas State line, thence east along the Oklahoma-Texas State line and north along the Oklahoma-Arkansas State line to Fort Smith, Arkansas, thence along U.S. Highway 64 to Tulsa, Oklahoma, thence along U.S. Highway 75 to the Oklahoma-Kansas State line, thence west along the Oklahoma-Kansas State line to the point of beginning.

(16) From points on and east of U.S. Highway 81 to points in Oklahoma on, west, and north of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 75 to Tulsa, Oklahoma, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line.

(17) From points in Nebraska west of U.S. Highway 81 to points in Oklahoma on, east and north of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 75 to Tulsa, Oklahoma, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line.

(18) From points in Nebraska within an area bounded by a line beginning at the Nebraska-Kansas State line near Beatrice, Nebraska, and extending along U.S. Highway 77 to Lincoln, Nebraska, thence along Interstate Highway 80 to the Nebraska-Kansas State line near north along the Nebraska-Iowa State line to the Nebraska-South Dakota State line, thence west along the Nebraska-South Dakota State line, thence west along the Nebraska-South Dakota State line to U.S. Highway 183 to the Nebraska-Kansas State line to point of beginning to points in Oklahoma within an area bounded by a line beginning at the Oklahoma-Kansas State line near Bartlesville, Oklahoma and extending along U.S. Highway 75 to Henrietta, Oklahoma, thence along Indian Nation Turnpike to Hugo, Oklahoma, thence along U.S. Highway 271 to the Oklahoma-Texas State line, thence west along the Oklahoma-Texas State line to U.S. Highway 283, thence along U.S. Highway 283 to junction State Highway 44, thence along State Highway 44 to junction State Highway 33, thence along State Highway 33 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Oklahoma-Kansas State line, thence east along the Oklahoma-Kansas State line to the point of beginning.

(19) From points in Nebraska to Philadelphia, Pennsylvania.

(20) From points in Nebraska on and west of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 183, thence along U.S. Highway 183 to the Nebraska-South Dakota State line to points in Pennsylvania on and south of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 22, thence along U.S. Highway 22 to Harrisburg, Pennsylvania, thence along Interstate Highway 76 to the Pennsylvania-New Jersey State line.

(21) From points in Nebraska on, west and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to Lincoln, Nebraska, thence along U.S. Highway 34 to Grand Island, Nebraska, thence along State Highway 2 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Nebraska-South Dakota State line to points in Rhode Island.

(22) From points in Nebraska on, west, and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 97 to Lincoln, Nebraska, thence east along Interstate Highway 80 to the Nebraska-Iowa State line to points in Tennessee.

The purpose of this filing is to eliminate the gateways of 1. Brainard, Kans., Poplar Bluff, Mo., in (1) above; 2. Goessel, Kans.; Clinton, Ill., Steubenville,

Ohio, Philadelphia, Pa., in (2) above; 3. Goessel, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., Peabody, Kans., in (3) above; 4. Burrton, Kans., Brainard, Kans., in (4) above; 5. Julesburg, Colo., Clinton, Ill., in (5) above; 6. Arkansas City, Kans., Troup, Texas, in (6) above; 7. Peabody, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., Lowell, Mass., in (7) above; 8. Peabody, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., in (8) above; 9. Goessel, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., in (9) above; 10. Harlan, Iowa, Poplar Bluff, Mo., in (10) above; 11. Peabody, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., in (11) above; 12. Goessel, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., in (12) above; 13. Goessel, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., in (13) above; 14. St. Joseph, Mo., Corinth, Miss., Florence, Ala., in (14) above; 15. Cowley City, Kans., Newton, Kans., Bentley, Kans., in (15) above; 16. Newton, Kans., Cowley City, Kans., in (16) above; 17. Newton, Kans., in (17) above; 18. Burrton, Kans., Dexter, Kans., in (18) above; 19. St. Joseph, Mo., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., in (19) above; 20. Goessel, Kans., Clinton, Ill., Steubenville, Ohio, in (20) above; 21. Goessel, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., Attleboro, Mass., in (21) above; 22. Peabody, Kans., Poplar Bluff, Mo., Corinth, Miss., Florence, Ala., in (22) above;

No. MC 88368 (Sub-No. E41), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1205 Connecticut Ave. NW, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: From points in North Carolina to points in California in and north of Sonoma, Napa, Solano, Sacramento, and Placer Counties. The purpose of this filing is to eliminate the gateways of Florence, Ala., Corinth, Miss., Salina, Kans., Sterling, Colo., and Walla Walla, Wash.

No. MC 88368 (Sub-No. E44), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1205 Connecticut Ave. NW, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods as defined by the Commission, (1) from points in Colorado in and east of Conejos, Alamosa, Saguache, Chaffee, Park, Clear Creek, Gilpin, Boulder, and Larimer Counties, to points in Idaho in and north of Canyon, Ada, Elmore, Camos, Blaine, Butte, Jefferson, Bonneville (on and west of Idaho Highway 191), Madison, and Teton Counties; (2) from points in Colorado on and south of a line beginning at the Colorado-Kansas State line near Burlington extending along Interstate Highway 70 to Denver, thence along U.S. Highway 6 to the Colorado-Utah State line, to points in

Iowa on and east of a line beginning at the Iowa-Minnesota State line near Northland extending along U.S. Highway 65 to Iowa Falls, thence along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Iowa-Missouri State line; (3) from points in Colorado, to Harlan, Iowa, and points within 15 miles thereof.

(4) From points in Colorado, to points in Kentucky in and east of Henderson, Webster, Hopkins, and Christian Counties; (5) from points in Colorado on and west of U.S. Highway 85, to points in Kentucky; (6) from points in Colorado, to points in Maryland in, south and east of Baltimore, Anne Arundel, and Prince Georges Counties; (7) from points in Colorado on and south of a line beginning at the Colorado-Kansas State line near Burlington extending along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to the Colorado-Utah State line, to points in Michigan on and east of a line beginning at Marquette extending along U.S. Highway 41 to Escanaba and the Lower Peninsula of Michigan; (8) from points in Colorado, to points in Michigan in Chippewa, Mackinac Counties and the Lower Peninsula of Michigan; (9) from points in Colorado in and south of Cheyenne, Lincoln (south of Colorado Highway 94), El Paso, Teller, Park (south of U.S. Highway 24), Chaffee, Gunnison, and Mesa Counties, to points in Minnesota on and east of a line beginning at the Minnesota-Iowa State line near Albert Lea extending along Interstate Highway 35 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 61, thence along U.S. Highway 61 to Duluth.

(10) From points in Colorado, to points in New York on and east of a line beginning at the New York-Pennsylvania State line near Binghamton, extending along New York Highway 167 to junction New York Highway 7, thence along New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line; (11) from points in Colorado on and south of U.S. Highway 40 to points in New York on and east of a line beginning at the New York-Pennsylvania State line near Binghamton extending along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 13, thence along New York Highway 13 to its end; (12) from points in Colorado in and north of Kit Carson, Washington, Arapahoe, Jefferson, Clear Creek, Summit, Eagle, Garfield, and Mesa Counties, to points in Oklahoma in and east of Cotton, Comanche, Caddo, Canadian, Kingfisher, Garfield, and Grant Counties; (13) from points in Colorado in, north and west of Kit Carson, El Paso, Teller, Park, Chaffee, Saguache, Alamosa, and Conejos Counties, to points in Oklahoma on and east of U.S. Highway 81.

ties, to points in Oklahoma on and east of U.S. Highway 81.

(14) From points in Colorado east of the Continental Divide, to points in Oregon in, north and west of Klamath, Deschutes, Crook, Wheeler, Morrow, Umatilla, Union, and Walla Walla Counties; (15) from points in Colorado, to points in South Carolina on, south and east of U.S. Highway 1; (16) from points in Colorado on and north of a line beginning at the Colorado-Kansas State line near Burlington extending along U.S. Highway 24 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Colorado Highway 13, thence along Colorado Highway 13 to the Colorado-Wyoming State line, to points in Texas on and east of a line beginning at the Texas-Oklahoma State line extending along Interstate Highway 35 to junction Texas Highway 51, thence along Texas Highway 51 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line; (17) from points in Colorado in and north of Cheyenne, Lincoln, El Paso, Teller, Park, Lake, Pitkin, and Mesa Counties, to points in Texas on and east of a line beginning at the Texas-Oklahoma State line near Gainesville extending along Interstate Highway 35 to junction Texas Highway 51, thence along Texas Highway 51 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Texas Highway 80, thence along Texas Highway 80 to junction Texas Highway 72, thence along Texas Highway 72 to junction U.S. Highway 281, thence along U.S. Highway 281 to the United States-Mexico International Boundary line.

(18) From points in Colorado on and west of U.S. Highway 85, to points in Virginia; (19) from points in Colorado on and west of U.S. Highway 85 to points in West Virginia; (20) from points in Colorado on and south of a line beginning at the Colorado-Kansas State line near Burlington extending along U.S. Highway 24 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line, to points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line near Brodland, Wis., extending along Wisconsin Highway 104 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay, Wis.

The purpose of this filing is to eliminate the gateways of Monida, Mont., in (1) above; Newton and Goessel, Kans., in (2) above; Sidney, Nebr., and Newton, Kans., in (3) above; Newton, Kans., Clinton, Ill., and Vincennes, Ind., in (4) above; Newton, Kans., and Clinton, Ill., in (5) above; Newton, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa., in (6) above; Goessel, Kans., Morton, Ill., Bloomington, Ill., Newton, Kans.,



and Eureka, Ill., in (7) above; Newton, Kans., and Bloomington, Ill., in (8) above; Goessel, Kans., and Kimbalton, Iowa, in (9) above; Newton, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa., in (10) above; Newton, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa., in (11) above; Arkansas City, and Newton, Kans., in (12) above; Arkansas City, Kans., in (13) above; Mary Hill, Dalesport, and Walla Walla, Wash., in (14) above; Liberal, Kans., Corinth, Miss., Florence, Ala., Valdosta, Ga., and Hays, Kans., in (15) above; Arkansas City, Kans., in (16) and (17) above; Goessel, Kans., Clinton, Ill., Cumberland, Ky., and Newton, Kans., and Harlan, Ky., in (18) above; Goessel, Kans., Clinton, Ill., Emerson, Ohio, Newton, Kans., and Cumberland, Ill., in (19) above; and Goessel, Kans., Morton, Ill., Newton, Kans., and Hopedale, Ill., in (20) above.

No. MC 88368 (Sub-No. E45), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points on, west, and south of a line beginning at the Wyoming-South Dakota State line near New Castle, Wyo., and extending along U.S. Highway 16 to Gillette, Wyo., thence along Interstate Highway 90 to Sheridan, Wyo., thence along U.S. Highway 87 to the Wyoming-Montana State line to points in Connecticut; (2) from points in Wyoming in and west of Laramie, Albany, Carbon, Fremont, Hot Springs, and Park Counties to points in the District of Columbia; (3) from points in and east of Park, Hot Springs, Fremont, and Carbon Counties to points in Idaho in and north of Ada, Canyon, Boise, Gem, Payette, Washington, and Idaho Counties; (4) from points in Wyoming to points in Idaho in and north of Idaho County; (5) from points in Wyoming to Danville, Ill., and points within 100 miles thereof; (6) from points in and west of Sheridan, Johnson, Natrona, Albany, Platte, Goshen, and Laramie Counties to points in Illinois in and south of Adams, Schuyler, Mason, Logan, McLean, Ford, and Iroquois Counties; (7) from points in Wyoming in and west of Carbon, Sweetwater, and Lincoln Counties to points in Indiana; (8) from points in Wyoming in and west of Sheridan, Johnson, Natrona, Albany, Platte, Goshen, and Laramie Counties to points in Indiana on and south of a line beginning at the Indiana-Illinois State line near Kentland, Ind., and extending along U.S. Highway 24 to Huntington, Ind., thence along U.S. Highway 224 to the Indiana-Ohio State line.

(9) From points in Wyoming to points in Indiana within 100 miles of Danville, Ill.; (10) from points in Wyoming to points in Kansas in, east, and south of Harper, Kingman, Reno, McPherson, Sa-

line, Dickinson, Geary, Riley, Wabaunsee, Shawnee, Jefferson, and Leavenworth Counties; (11) from points in Wyoming in and west of Park, Hot Springs, Freemont, Lincoln, and Uinta Counties, to points in Kansas in and east of Republic, Cloud, Ottawa, Saline, Ellsworth, Barton, Stafford, Pratt, and Barker Counties; (12) from points in Wyoming in, south, and west of Campbell and Weston Counties to points in Maine; (14) from points in Wyoming in and west of Park, Hot Springs, Freemont, Natrona, Albany, and Laramie Counties to points in Maryland in, south, and east of Baltimore, Anne Arundel, and Prince Georges Counties; (15) from points in Wyoming to points in Massachusetts in and east of Franklin, Hampshire, and Hampden Counties; (16) from points in Wyoming in and west of Sheridan, Johnson, Converse, Platte, Goshen, and Laramie Counties to points in Massachusetts; (17) from points in, south, and west of Park, Hot Springs, Fremont, Carbon, Albany, and Laramie Counties to points in Michigan on the Lower Peninsula in, north, and east of Ottawa, Kent, Ionia, Ingham, Jackson, and Hillsdale Counties; (18) from points in Wyoming, in and west of Laramie, Albany, Carbon, Fremont, Hot Springs, and Park Counties to points in New Hampshire; (19) from points in Wyoming to points in New Jersey in and south of Passaic, Morris, and Warren Counties.

(20) From points in Wyoming on, south, and west of a line beginning at the Wyoming-Nebraska State line near Pine Bluffs, Wyo., and extending along Interstate Highway 80 to Rawlins, Wyo., thence along U.S. Highway 287 to Lander, Wyo., thence along Wyoming Highway 789 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to the Wyoming-Montana State line to points in New York on, east, and south of a line beginning at the New York-New Jersey State line near Fort Jervis, N.Y., and extending along U.S. Highway 209 to Kingsport, N.Y., thence along Interstate Highway 87 to the United States-Canada International Boundary line; (21) from points in Wyoming on, south, and west of a line beginning at the Wyoming-Nebraska State line near Torrington, Wyo., and extending along U.S. Highway 26 to Casper, Wyo., thence along U.S. Highway 87 to the Wyoming-Montana State line to points in New York on, south, and east of a line beginning at the New York-New Jersey State line near Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, N.Y., thence along Interstate Highway 87 to Albany, N.Y., thence along U.S. Highway 4 to Troy, N.Y., thence along Wyoming Highway 2 to the New York-Pennsylvania State line; (22) from points in Wyoming on, south, and west of a line beginning at the Wyoming-Nebraska State line near Tarrington, Wyo., and extending along U.S. Highway 26 to Casper, Wyo., thence along U.S. Highway 87 to the Wyoming-Montana State line to

points in Ohio on, south, and east of a line beginning at the Ohio-Indiana State line near Greenville, Ohio, and extending along U.S. Highway 36 to junction U.S. Highway 26, thence along U.S. Highway 25 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line.

(23) From points in Wyoming to points in Oregon in, north, and west of Klamath, Deschutes, Crook, Wheeler, Morrow, Umatilla, Union, and Wallowa Counties; (24) from points in Wyoming to points in Oklahoma in and east of Woods, Alfalfa, Garfield, Kingfisher, Canadian, Grady, Comanche, and Cotton Counties; (25) from points in Wyoming in and west of Laramie, Albany, Carbon, Fremont, Hot Springs, and Park Counties to points in Pennsylvania; (26) from points in Wyoming to points in Pennsylvania in, east, and south of Washington, Allegheny, Westmoreland, Blair, Centre, Union, Northumberland, Montour, Columbia, Luzerne, Wyoming, Carbondale, and Wayne Counties; (27) from points in Wyoming to points in South Carolina in, and south of Aiken, Lexington, Richland, Sumter, Lee, Florence, and Dillon Counties; (28) from points in Wyoming to points in Virginia in, east, and south of Giles, Montgomery, Roanoke, Rockbridge, Botetourt, Augusta, Albemarle, Louisa, Hanover, King William, New Kent, Tonnano, and York Counties; (29) from points in Wyoming in and west of Laramie, Albany, Carbon, Fremont, Hot Springs, and Park Counties to points in Vermont, in Essex, Caledonia, Washington, Orange, Windsor, and Windham Counties; (30) from points in Wyoming in and west of Carbon, Fremont, Hot Springs, and Park Counties to points in Virginia; and (31) from points in Wyoming, in and west of Laramie, Albany, Carbon, Fremont, Hot Springs, and Park Counties to points in West Virginia in, south, and east of Jackson, Kanawha, Boone, Logan, and Mingo Counties.

The purpose of this filing is to eliminate the gateways of: in (1) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa.; in (2) above, Sidney, Nebr., Goessel, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa.; in (3) above, Monida and Missoula, Mont.; in (4) above, Missoula, Mont.; in (5) above, Sidney, Nebr., Chenda, Ill., and Shelby, Iowa; in (6) above, Sidney, Nebr., and Goessel, Kans.; in (7) above, Sidney, Nebr., and Newton, Kans.; in (8) above, Sidney, Nebr., and Newton, Kans.; in (9) above, Sidney, Nebr., Shelby, Iowa, and Bloomington, Ill.; in (10) above, Sidney, Nebr., Shelby, Iowa, and Bloomington, Ill.; in (11) above, Sidney, Nebr., Newton, Kans., and Moundridge, Kans.; in (12) above, Shelby, Iowa, Bloomington, Ill., Vincennes, Ind., Sidney, Nebr., Newton, Kans., and Clinton, Ill.; in (13) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., Boston, Mass., and Lawrence, Mass.; in (14) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., Steubenville, Ohio,

Philadelphia, Pa.; in (15) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa.; in (16) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa.; in (17) above, Sidney, Nebr., Newton, Kans., and Bloomington, Ill.; in (18) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa.; in (19) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa.; in (20) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa.; in (21) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa.; in (22) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., and Goessel, Kans.

In (23) above, Mary Hill, Wash., and Dalesport, Wash.; in (24) above, Sidney, Nebr., and Newton, Kans.; in (25) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., and Steubenville, Ohio; in (26) above, Steubenville, Ohio, Sidney, Nebr., Newton, Kans., Clinton, Ill., and Philadelphia, Pa.; in (27) above, Sidney, Nebr., Newton, Kans., Clinton, Ill., and Harlan, Ky.; and in (31) above, Sidney, Nebr., Goessel, Kans., Clinton, Ill., Emerson, Ohio, Steubenville, Ohio, and Cumberland, Ky.

No. MC 92983 (Sub-No. E15), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids*, in bulk, in tank vehicles, from Groton, Conn., to points in Arkansas, Colorado, Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and points in Tennessee in and west of Montgomery, Houston, Benton, Henderson, Chester, and McNairy Counties; (2) *Phosphoric acid*, in bulk, in tank vehicles, from Groton, Conn., to points in Louisiana in and west of Union, Ouachita, Jackson, Winn, Grant, Rapides, Evangeline, Acadia, Lafayette and Vermilion Parishes; (3) *Acetic acid*, from Groton, Conn., to points in Louisiana on and west of a line beginning at the Gulf of Mexico at Grand Isle extending along Louisiana Highway 1 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to the southern boundary of St. James Parish, thence along the southern and eastern boundaries of St. James, St. John the Baptist, and Tangitahoa Parishes, to the Mississippi-Louisiana State line, and points in Mississippi in, south, and west of Pike, Lincoln, Copiah, Hinds, and Warren Counties (except points in Hinds and Warren Counties located on and north of U.S. Highway 80).

(4) *Such liquid acids* as are embraced within liquid chemicals, from Groton, Conn., to points in Kentucky, in and west of Union, Crittenden, Caldwell, and Trigg Counties; (5) *Acids*, in bulk, in tank vehicles, from Groton, Conn., to points in Illinois, in and west of Rock Island, Henry, Stark, Peoria, Tazewell, Logan, Sangamon, Christian, Montgomery, Fayette, Marion, Jefferson, Franklin, Williamson, Johnson, and Pulaski Counties; (6) *Chemicals*, in bulk, in tank vehicles, from Groton, Conn., to points in Illinois located in and west of Jersey, Green, and Morgan Counties, that part of Sangamon County located on and west of U.S. Highway 66, Menerd, Mason, Tazewell, Woodford, La Salle, Lee, Ogle, and Winnebago Counties; (7) *Liquid chemicals*, in bulk, in tank vehicles, from Groton, Conn., to points in Illinois, in and west of Lake, Kane, Du Page, Kendall, Grundy, Livingston, McLean, DeWitt, Macon, Christian, Montgomery, Bond, Madison, St. Clair, and Randolph Counties, and points in Wisconsin; and (8) *Chemicals*, in bulk, in tank vehicles, from Groton, Conn., to points in Missouri in, north, and west of Jefferson, St. Francois, Madison, Wayne and Butler Counties. The purpose of this filing is to eliminate the gateways of (1) those points that are in the Chicago, Ill. commercial zone, and the Whiting, Ind. commercial zone; (2) those points that are in the Chicago, Ill. commercial zone, and the Whiting, Ind. commercial zone, and the Whiting, Ind. commercial zone, and the Whiting, Ind. commercial zone, and the Whiting, Ind. commercial zone; (3) those points that are in the Chicago, Ill. commercial zone, and the Whiting, Ind. commercial zone, and the Whiting, Ind. commercial zone, and the Whiting, Ind. commercial zone; (4) Selma, Mo.; (5) Pike County, Mo.; (6) Muscatine, Iowa; (7) the plant site of the Hawkeye Chemical Co., at or near Clinton, Iowa; and (8) Burlington, Iowa.

No. MC 92983 (Sub-No. E16), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from Groton, Conn., to points in Arkansas located in and west of Sharp, Independence, Cleburne, Faulkner, Pulaski, Grant, Dallas, Calhoun, and Union Counties; (2) *Liquid chemicals*, in bulk, in tank vehicles, from Groton, Conn., to points in Arkansas in and west of Craighead, Poinsett, Jackson, Woodruff, Prairie, Lonoke, Jefferson, Cleveland, Bradley, and Union Counties (except the transportation of petroleum products as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to those points in Arkansas, located within 200 miles of Tulsa, Okla.); (3) *Acids and chemicals*, (except petroleum and petroleum products), in bulk, in tank vehicles, from Groton, Conn., to points in South Dakota; (4) *Liquid chemicals*, in bulk, in tank vehicles, from Groton, Conn., to points in Texas (except Orange, Jefferson, Chambers, Liberty, Montgomery, Harris, Galveston, Brazoria, and Fort Bend Counties, and that part of Mata-

gorda County located east of Texas Highway 60 and except Dallas).

(5) *Acids and chemicals*, in bulk, in tank vehicles, from Groton, Conn., to points in Minnesota and that part of Wisconsin in, north, and west of Brown, Calumet, Fond du Lac, Dodge, Jefferson, and Rock Counties; (6) *Chemicals*, in bulk, in tank vehicles, from Groton, Conn., to points in North Dakota; (7) *Acids and chemicals*, in bulk, in tank vehicles, from points in Connecticut to Dallas, Tex.; (8) *Such polyvinyl acetate, linseed oil, linseed oil blends, and linseed oil products*, as are embraced within acids and chemicals, from points in Connecticut to Houston, Tex.; (9) *Chemicals* (except derivatives of petroleum or petroleum products, synthetic resins and varnishes), in bulk, in tank or hopper vehicles, from points in Connecticut (except Groton), to points in Minnesota on, south, and west of a line beginning at the Minnesota-South Dakota State line at Ortonville extending along U.S. Highway 75 to the northern boundary of Lac Qui Parle County, thence along the north and east boundaries of Lac Qui Parle, Yellow Medicine, Lyon, Murray, and Noble Counties, to the Minnesota-Iowa State line; (10) *Acids and chemicals*, in bulk, (A) from points in Connecticut to points in Idaho, Montana, Wyoming, South Dakota, points in North Dakota in and west of Cavalier, Ramsey, Benson, Eddy, Foster, Stutsman, LaMoore, and Sargent Counties (except from Groton, Conn., to points in North Dakota); (B) from points in Connecticut to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah.

(11) *Acids and chemicals*, in bulk, in tank or hopper vehicles, from points in Connecticut, to points in Colorado, Kansas, Nebraska, Oklahoma, points in Iowa in and west of Osceola, O'Brien, Buena Vista, Calhoun, Greene, Dallas, Madison, Clark, and Decatur Counties, and points in Missouri in and west of Mercer, Grundy, Livingston, Carroll, Saline, Cooper, Morgan, Camden, Laclede, Wright, Douglas, and Ozark Counties, and points in Arkansas in and west of Baxter, Searcy, Van Buren, Conway, Perry, Saline, Hot Spring, Clark, Nevada, and Lafayette Counties; (12) *Acids and liquid chemicals* (except those derived from petroleum and petroleum products), in bulk, in tank vehicles, from points in Connecticut to points in Texas (except Newton, Orange, and Jefferson Counties); (13) *Liquid chemicals*, in bulk, in tank or hopper vehicles, from points in Connecticut to points in Texas in and west of Sabine, San Augustine, and Angelina, Trinity, Walker, Grimes, Waller, Austin Wharton and Matagorda Counties; (14) *Acids and chemicals*, in bulk, from points in Connecticut to points in Louisiana located in Caddo and DeSoto Parishes and points in Sabine Parish on and west of U.S. Highway 171 from the southern county boundary to junction with Louisiana Highway 175, thence along Louisiana Highway 175 to northern boundary of Sabine Parish.

The purpose of this filing is to eliminate the gateways of: (1) Burlington,

Mo., and points within 10 miles thereof, Columbus, Akron, Springfield, or Cleveland, points in Lea and Eddy Counties, N. Mex.,

south, and west of a line extending from the Wyoming-Colorado State line, along

tion Kansas Highway 7, thence along Kansas Highway 7 to junction U.S. High-

vehicle, over irregular routes, transporting: *Liquid sulphuric acid*, in bulk, in



(1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main pipelines): (a) between points in Oklahoma on and south of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 54 to the Oklahoma-Kansas State line, on the one hand, and, on the other, points in Colorado on, west, and north of a line extending from the Colorado-New Mexico State line along U.S. Highway 87 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line (Texas)\*; (b) between points in Arkansas, Louisiana, Mississippi, and Texas, on the one hand, and, on the other, points in Kansas (Oklahoma)\*; (c) between

(h) Between points in Utah, on the one hand, and, on the other, points in Kansas on, south, and east of a line extending from the Kansas-Missouri State line along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line (Oklahoma and Texas)"; (i) between points in Kansas on, south, and east of a line extending from the Kansas-Missouri State line along U.S. Highway 54 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Wyoming on

(e) Between points in Montana, on the one hand, and, on the other, points in Kansas on and south of a line extending from the Kansas-Oklahoma State line along U.S. Highway 56 to Dodge City, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction

No. MC 107002 (Sub E238), (correction), filed May 20, 1974, published in the Federal Register July 24, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor

No. MC 107002 (Sub-E283), filed June 11, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* (except anhydrous ammonia) in bulk, in tank vehicles, from Memphis, Tenn., to points in North Carolina and South Carolina, restricted against any transportation from the site of the pipeline terminal of Oklahoma-Mississippi River Products, Inc., at or near West Memphis, Ark. (Tuscaloosa, Ala.); (2) *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Memphis, Tenn. to points in Louisiana (Vicksburg, Miss.) and Florida (Mississippi and Mobile, Ala. and points within 10 miles thereof)\*; and (3) *petroleum products* (except anhydrous ammonia), in bulk, in tank vehicles, from Memphis, Tenn., to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending along Texas Highway 21 to junction Texas Highway 7, to junction U.S. Highway 79, to junction Texas Highway 95, to junction Texas Highway 29, to junction Interstate Highway 10 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107002 (Sub-E285), filed June 15, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 Jackson, Miss. 39205. Applicant's repre-

sas south and east of a line beginning miles thereof. (Rogerslacey and Crupp, Carolina (Fox or Decatur, Ala.)\*, and



sentative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Cordova, Ala., to points in Texas. The purpose of this filing is to eliminate the gateway of Natchez, Miss.

No. MC 107002 (Sub-E286), filed June 13, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals* (except fertilizer and fertilizer ingredients), in bulk, in tank vehicles, from Jackson, Miss., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Vicksburg, Miss.

No. MC 107002 (Sub-E287), filed June 13, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petrochemicals, liquid hydrogen, liquid oxygen, and liquid nitrogen), liquid, in bulk, in tank vehicles, from Decatur, Ala., to those points in Minnesota, on, north, and east of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 61 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 19, and thence along Minnesota Highway 19 to the Minnesota-South Dakota State line. The purpose of this filing is to eliminate the gateway of Cedar town, Ga.

No. MC 107002 (Sub-E288), filed June 13, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *liquid tall oil, liquid tall oil products, liquid naval stores, and liquid naval store products*, in bulk, in tank vehicles, from Picayune, Miss., to points in West Virginia. The purpose of this filing is to eliminate the gateway of the plantsite of Monsanto Chemical Company in Anniston, Ala.

No. MC 107002 (Sub-E289), filed June 13, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *tall oil, tall oil products, naval stores, and naval store products*, (except petrochemicals), in bulk, in tank vehicles, from Picayune, Miss., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC 107002 (Sub-E290), filed June 13, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123,

Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *tall oil, tall oil products, naval stores, and naval store products*, in bulk, in tank vehicles, from Picayune, Miss., to points in Iowa. The purpose of this filing is to eliminate the gateway of Iowa.

No. MC 107002 (Sub-E291), filed June 13, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petrochemicals), liquid, in bulk, in tank vehicles, from Decatur, Ala., to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Collierville, Tennessee.

No. MC 107002 (Sub-E292), filed June 13, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petrochemicals and dry fertilizer and fertilizer ingredients), in bulk, in tank vehicles, from Decatur, Ala., to points in Kansas, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in Tennessee within 10 miles of Barfield, Arkansas.

No. MC 107002 (Sub-E293), filed June 12, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except fertilizer and fertilizer ingredients), from Jackson, Miss., to those points in Georgia on, south, and east of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 62 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Georgia Highway 118, thence along U.S. Highway 118 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Georgia Highway 22, thence along Georgia Highway 22, to junction Georgia Highway 16, thence along Georgia Highway 16 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Georgia-South Carolina State line (Mobile, Ala.). \* and *Liquid chemicals* (except fertilizer and fertilizer ingredients and liquid glue), in bulk, in tank vehicles, from Jackson, Miss., to points in Georgia, except those named in (1) above. (Fox, Ala.) \* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107002 (Sub-E294), filed June 12, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson,

Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Mississippi and Lynn Park, Ala.

No. MC 107002 (Sub-E295), filed June 12, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), in bulk, in tank vehicles from Chalmette and Meraux, La., to points in Texas (except those points bounded by a line beginning at Galveston Bay and extending along Texas Highway 225 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, thence along the Texas-Louisiana State line to the Gulf of Mexico, thence along the Gulf of Mexico to the Galveston Bay, thence along Galveston Bay to the point of beginning. The purpose of this filing is to eliminate the gateway of Harrison County, Miss., or Natchez, Miss.

No. MC 107002 (Sub-E296), filed June 11, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquefied petroleum gases), in bulk, in tank vehicles, from Chalmette and Meraux, La., to those points in Arkansas on, north, and east of a line beginning at the Oklahoma-Arkansas State line and extending along Arkansas Highway 8 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction Arkansas Highway 81, thence along Arkansas Highway 81 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Crupp and Rogerslacy, Miss.

No. MC 107002 (Sub-E297), filed June 11, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, liquid, in bulk, in tank vehicles (except fertilizer and fertilizer ingredients), from Jackson, Miss., to those points in Kan-

sas south and east of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 54 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Kansas Highway 7, thence along Kansas Highway 7 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction U.S. Highway 54, thence along U.S. Highway 54 to U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line. The purpose of this filing is to eliminate the gateway of Collierville, Tennessee.

No. MC 107002 (Sub-E298), filed June 8, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except asphalt and liquefied gases), in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Illinois (Washington County, Miss.), \* and *asphalt*, in bulk, in tank vehicles, from Chalmette and Meraux, La., to those points in Illinois on and south of a line beginning at the Illinois-Missouri State line and extending along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction U.S. Highway 51, thence along U.S. Highway 51 to Ashley, thence along U.S. Highway 460 to the Illinois-Indiana State line. (Crupe and Rogerslacy, Miss., and Memphis, Tenn.) \* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107002 (Sub-E299), filed June 8, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Michigan. The purpose of this filing is to eliminate the gateway of Mississippi and Mobile, Ala.

No. MC 107002 (Sub-E300), filed June 8, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Ohio, (Washington County, Miss.), \* and *asphalt*, in bulk, in tank vehicles, from Chalmette and Meraux, La., to Cincinnati, Ohio and points in Ohio within 25

miles thereof. (Rogerslacy and Crupp, Miss., and Memphis, Tenn.) \* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107002 (Sub-No. E301), filed June 8, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Indiana, (Washington County, Miss.), \* and *asphalt*, in bulk, in tank vehicles, from Chalmette and Meraux, La., to those points in Indiana on and south of U.S. Highway 50. (Crupe and Rogerslacy, Miss., and Memphis, Tenn.) \* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107002 (Sub-No. E302), filed May 12, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Florida. The purpose of this filing is to eliminate the gateway of Mississippi and Mobile, Ala., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E325), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals* (except fertilizer and fertilizer ingredients), in bulk, in tank vehicles, from Taylorsville, Miss., to points in Illinois (restricted against the transportation of dry chemicals and hydrogen peroxide to points in the East St. Louis, Ill., Commercial Zone). The purpose of this filing is to eliminate the gateways of points in Louisiana within the Vicksburg, Miss., Commercial Zone; points in Arkansas within the Memphis, Tenn., Commercial Zone; and Arlington, Tenn.

No. MC 107002 (Sub-No. E326), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, restricted to liquid animals and poultry feed ingredients, in bulk, in tank vehicles, from points in Mississippi to points in Florida (Mobile and Fox, Ala.), \* Georgia (Fox, Mobile, or Decatur, Ala.), \* South Carolina (Mobile, Fox, Decatur, or McIntosh, Ala.), \* North

Carolina (Fox or Decatur, Ala.), \* and West Virginia (the plant site of the Monsanto Chemical Company in Anniston, Ala.), \*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107002 (Sub-No. E327), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Memphis, Tenn., to points in North Carolina, South Carolina (Tuscaloosa, Ala.), \* Louisiana (Vicksburg, Miss.), \* Florida (points in Mississippi on and north of U.S. Highway 80 and Mobile, Ala.), \* and Texas (Natchez, Miss.), \*, restricted against the transportation of anhydrous ammonia to points in South Carolina and Texas, and to the transportation of petroleum products as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209. The purpose of this filing is to eliminate the gateways as indicated by the asterisks above.

No. MC 107107 (Sub-No. E37), filed April 16, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in New York on and east of U.S. Highway 11 (except those in the New York, N.Y., commercial zone), to points in Louisiana, those in Georgia on and south of U.S. Highway 280 (except Savannah), those in Alabama on and south of U.S. Highway 80, and those in Texas in and south of Childress, Hall, Briscoe, Swisher, Castro, and Parmer Counties (Florida) \*; (2) *Candy and confectionery, and related advertising materials*, from New York, N.Y., and points within 15 miles thereof, to points in Louisiana, those in Alabama on and south of U.S. Highway 80, those in Mississippi on and south of U.S. Highway 80 (Pensacola and Tallahassee, Fla.), \* and those in Georgia on and south of a line beginning at the Atlantic Ocean and extending along Georgia Highway 99 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Georgia State line (Jacksonville, Fla.), \*; (3) *Meats, meat products, and meat by-products*, as defined by the Commission, and *dairy products*, as defined by the Commission, from New York, N.Y., and points within 15 miles thereof, to those points in Georgia on and south of U.S. Highway 280 (except Savannah), and those in Alabama on and south of U.S. Highway 80 (Florida) \*; (4) *Meats, meat products, and meat by-products*, as defined by the Commission, and *frozen foods*, from New York, N.Y., and points within 15 miles thereof to those points in Mississippi on and south of U.S. Highway 84 (Florida and Sylvester, Ga.), \* and Louisiana (Jacksonville, Fla.), \*; (5) *Fresh*



meats and frozen foods, from New York, N.Y., and points with 15 miles thereof to points in Texas (Florida)\*; (6) *Canned tomato products, cheese, and spices*, from New York, N.Y., and points within 15 miles thereof, to points in Louisiana, those in Alabama on and south of Alabama Highway 80, and those in Mississippi on and south of U.S. Highway 84 (Jacksonville, Fla.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 108207 (Sub-No. E38) (Correction), filed May 31, 1974, published in the Federal Register, December 3, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, canned or packaged meats, and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), from points in New Mexico, California, Arizona, and points in Texas on, west and south of a line beginning at the Texas-Oklahoma State line to Dallas, thence along Interstate Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Texas Highway 63, thence along Texas Highway 63 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to Columbia, Tenn., and Henderson, Ky. The purpose of this filing is to eliminate the gateway of Palestine, Tex. The purpose of this correction is to change the commodity and territorial description.

No. MC 108341 (Sub-No. E5), filed May 13, 1974. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Turbines, steam condensers, feed water heaters, weldments and heat exchangers*, and parts thereof, and *iron and steel castings and forgings*, which because of size or weight require the use of special equipment, and *turbines, steam condensers, feed water heaters, weldments and heat exchangers and parts thereof, and iron and steel castings and forgings*, which are contractors' materials, supplies and equipment, which do not require the use of special equipment in mixed loads with commodities which because of size or weight require the use of special equipment. The purpose of this filing is to eliminate the gateways of Chester, Eddystone, and Essington, Pa., and Wilmington, Del., and points in Virginia within the District of Columbia Commercial Zone.

No. MC 108341 (Sub-No. E7), filed May 13, 1974. Applicant: MOSS TRUCKING

CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast stone*, which because of size or weight require the use of special equipment, (1) from points in Connecticut, Massachusetts and Rhode Island, to points in Arkansas, Louisiana, Mississippi, and Alabama (except those in Augusta, Bibb, Blount, Calhoun, Chilton, Clay, Coosa, Cullman, Etowah, Fayette, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties), and those in Tennessee on and south of Tennessee Highway 20 and west of U.S. Highway 43; (2) from points in Delaware and the District of Columbia to points in Arkansas, Louisiana, Mississippi, and Alabama (except points in Augusta, Bibb, Blount, Calhoun, Chilton, Clay, Coosa, Cullman, Etowah, Fayette, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties), and those in Tennessee on and south of Tennessee Highway 20 and west of U.S. Highway 45; (3) from those points in Maryland on and east of U.S. Highway 15 to points in Alabama (except those in Augusta, Bibb, Blount, Calhoun, Chilton, Clay, Coosa, Cullman, Etowah, Fayette, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties, Cherokee, DeKalb, Jackson, Lauderdale, Limestone, and Madison Counties); (4) from those points in Maryland on and east of Interstate Highway 95 to points in Arkansas; (5) from points in Maryland to points in Louisiana; (6) from those points in Maryland on and east of Interstate Highway 81 to points in Mississippi.

(7) From those points in Maryland on and east of Interstate Highway 95 to those points in Tennessee on and south of Tennessee Highway 20 and west of U.S. Highway 45; (8) from those points in Pennsylvania east of the Susquehanna River to points in Louisiana and those in Alabama on and south of U.S. Highway 78 (except those in Augusta, Bibb, Blount, Calhoun, Chilton, Clay, Coosa, Cullman, Etowah, Fayette, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties), and those in Mississippi south of a line beginning at the Mississippi-Arkansas State line and extending along U.S. Highway 49 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Alabama State line; (9) from points in New Jersey to points in Louisiana, Mississippi and Alabama (except those in Augusta, Bibb, Blount, Calhoun, Chilton, Clay, Coosa, Cullman, Etowah, Fayette, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties), and those in Tennessee on and south of Tennessee Highway 20 and west of U.S. Highway 45; (10) from those points in New York on and east of New York Highway 8 to points in Mississippi and Alabama (except those in Augusta, Bibb, Blount, Calhoun, Chilton,

Clay, Coosa, Cullman, Etowah, Fayette, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties); (11) from those points in New York on and south of Interstate Highway 84 to points in Arkansas; and (12) from those points in New York on and east of New York Highway 26, to points in Louisiana. The purpose of this filing is to eliminate the gateways of the District of Columbia and Peachtree City, Ga.

No. MC 108341 (Sub-No. E8), filed May 13, 1974. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials* (except stone, marble, granite, and slate), which because of size or weight require the use of special equipment, (1) between those points in Tennessee on and east of U.S. Highway 231, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, those in Pennsylvania east of the Susquehanna River, those in Maryland on and east of U.S. Highway 11, those in New York east of New York Highway 14, and the District of Columbia; (2) between those points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 231 to Bowling Green, thence along U.S. Highway 31W to Louisville, thence along U.S. Highway 460 to the Kentucky-Virginia State line, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, those in Maryland on and east of U.S. Highway 15, those in New York on, south and east of Interstate Highway 84, those in Pennsylvania east of the Susquehanna River and extending along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Plasterco, Va., and those points in Virginia within the District of Columbia Commercial Zone.

No. MC 108341 (Sub-No. E10), filed May 13, 1974. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Flat glass*, and glass glazing units, which because of size or weight require the use of special equip-

ment, (1) from points in Delaware and the District of Columbia to points in Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas, and those in Tennessee south of Tennessee Highway 20 and west of U.S. Highway 45; (2) from points in Connecticut and Massachusetts to points in Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas and those in Tennessee on and west of U.S. Highway 41; (3) from those points in Maryland on and east of U.S. Highway 15 to points in Alabama, Arkansas, and Mississippi; (4) from those points in Maryland on and east of U.S. Highway 220 to points in Louisiana; (5) from those points in Maryland on and east of U.S. Highway 11 to points in New Mexico; (6) from those points in Maryland on and east of U.S. Highway 301 to points in Oklahoma; (7) from those points in Maryland on and east of U.S. Highway 11 to points in Texas; (8) from points in New Jersey to points in Alabama, Louisiana, Mississippi, New Mexico, Texas, those in Arkansas and Oklahoma on and south of Interstate Highway 40, and those in Tennessee on and west of Tennessee Highway 22; (9) from those points in Pennsylvania east of the Susquehanna River to points in New Mexico (except those in Colfax, Rio Arriba, Taos, and Union Counties), Alabama, Louisiana, and Mississippi, those in Shelby County, Tenn., and those in Arkansas and Texas on and south of Interstate Highway 40; (10) from those points in New York on and east of New York Highway 8 to points in Louisiana, those in Alabama on and south of U.S. Highway 78, and those in Mississippi on and south of U.S. Highway 82; and (11) from points in Rhode Island to points in Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, those in Oklahoma on and south of U.S. Highway 64, and those in Tennessee on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateways of points in Virginia within the District of Columbia Commercial Zone and Clinton or Laurinburg, N.C.

No. MC 108341 (Sub-No. E12), filed May 13, 1974. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Turbines, steam condensers, feed water heaters, weldments, and heat exchangers*, and parts of the commodities above; and *iron and steel castings and forgings*, restricted to the transportation of commodities which because of size or weight require the use of special equipment and contractors' materials, supplies and equipment, which do not require the use of special equipment in mixed loads with commodities which because of size or weight require the use of special equipment, (1) between points in Florida, on the one hand, and, on the other, points in West Virginia and those in Pennsylvania west of the Susquehanna River; (2) between those points in Florida on and east of a line beginning at the Florida-Georgia State

line and extending along U.S. Highway 221 to junction Florida Highway 361A, thence along Florida Highway 361A to the Gulf of Mexico, on the one hand, and, on the other, points in Michigan, Ohio, and Wisconsin; (3) between points in Georgia, on the one hand, and, on the other, points in Pennsylvania west of the Susquehanna River; (4) between those points in Georgia on and south of Interstate Highway 85, on the one hand, and, on the other, those points in Ohio and West Virginia on and east of Interstate Highway 77; (5) between those points in Georgia south of U.S. Highway 29 and east of U.S. Highway 129, on the one hand, and, on the other, points in Michigan.

(6) Between those points in Georgia east of U.S. Highway 221, on the one hand, and, on the other, points in Wisconsin; (7) between those points in North Carolina on and east of U.S. Highway 21, on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, and Wisconsin, and those in Kentucky and Tennessee on and west of U.S. Highway 41; (8) between those points in Virginia east of U.S. Highway 21, on the one hand, and, on the other, points in Louisiana, those in Alabama on and south of U.S. Highway 78, and those in Mississippi on and south of U.S. Highway 82; (9) between those points in Virginia on and east of U.S. Highway 220, on the one hand, and, on the other, those points in Arkansas on and south of U.S. Highway 63; (10) between points in South Carolina, on the one hand, and, on the other, points in Michigan, Wisconsin, those in Pennsylvania west of the Susquehanna River, and those in West Virginia on and east of U.S. Highway 52; and (11) between those points in South Carolina on and east of Interstate Highway 85, on the one hand, and, on the other, those points in Ohio on and east of U.S. Highway 23. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 108341 (Sub-No. E13), filed May 13, 1974. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Turbines, steam condensers, feed water heaters, weldments, and heat exchangers*, and parts of the commodities above; and *iron and steel castings and forgings*; (1) between points in Alabama and Mississippi, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, and the District of Columbia, those in Maryland on and east of U.S. Highway 522, those in Pennsylvania east of the Susquehanna River, and those in New York on and east of New York Highway 26; (2) between points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, and the District of Columbia, those in Maryland east of U.S. Highway 15, and those in Pennsyl-

vania east of the Susquehanna River; (3) between those points in Arkansas on and south of U.S. Highway 70, on the one hand, and, on the other, those points in New York on and south of New York Highway 8; (4) between points in Louisiana, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, those in Pennsylvania east of the Susquehanna River, and the District of Columbia; (5) between points in Tennessee, on the one hand, and, on the other, points in Massachusetts and Rhode Island.

(6) Between those points in Tennessee on and west of Tennessee Highway 70, on the one hand, and, on the other, points in Connecticut; (7) between those points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 25W to junction U.S. Highway 441, thence along U.S. Highway 441 to the Tennessee-North Carolina State line, on the one hand, and, on the other, points in Delaware and the District of Columbia; (8) between those points in Tennessee on and west of U.S. Highway 217, on the one hand, and, on the other, points in New Jersey, those in New York on and east of New York Highway 8, those in Maryland on and east of Interstate Highway 95, and those in Pennsylvania east of the Susquehanna River and south of Interstate Highway 80; and (9) between those points in New York on and west of U.S. Highway 11, on the one hand, and, on the other, those points in Alabama on and south of U.S. Highway 11, those in Mississippi on and south of U.S. Highway 80, and those in Louisiana on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateways of the facilities of Westinghouse Electric Corp., at or near Charlotte, N.C., and points in Virginia within the District of Columbia Commercial Zone.

No. MC 113843 (Sub-E14), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *dairy products*, as defined by the Commission, from Martins Ferry, Ohio, to those points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 80 to junction Interstate Highway 180, to junction Illinois Highway 29, to junction Illinois Highway 116, to junction U.S. Highway 67, to junction U.S. Highway 34, to the Mississippi River. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E170), filed May 17, 1974. Applicant: Refrigerated Food Express, Inc., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *frozen foods*, (1) from Allentown

and Philadelphia, Pa. and Atlantic City, New Mexico, North Dakota, South Da-

No. MC 115841 (Sub-No. E183), filed

Roger M. Shaner (same as above). Authority sought to operate as a common

INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative:

No. MC 115841 (Sub-No. E241), filed May 22, 1975. Applicant: COLONIAL



and Philadelphia, Pa. and Atlantic City, and Camden, N.J. to Paducah, Ky.; (2) from points in Mercer, Monmouth and Middlesex Counties, and Toms River, N.J. to Owensboro and Paducah, Ky.; (3) from those points in Pennsylvania on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 80 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to Glasgow, thence along U.S. Highway 68 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Indiana State line; and (4) from Scranton, Pa., to those points in Kentucky on, south, and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to Lexington, thence along Interstate Highway 64 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-E481), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Scranton, Wilkes-Barre, Pittston, Swoyersville, and Exeter, Pa., to points in that part of Vermont on and north of a line beginning at the New York-Vermont State line and extending along Vermont Highway 15 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-E546), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in Pennsylvania on and west of U.S. Highway 15 to points in Vermont, New Hampshire, and those in Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 115840 (Sub-No. E80) (Correction), filed December 30, 1974, published in the FEDERAL REGISTER June 30, 1975. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) from points in California, Oregon, Washington, Idaho, Nevada, Arizona, Montana, Utah, Colorado,

New Mexico, North Dakota, South Dakota, Nebraska, Texas, Louisiana, Oklahoma, Kansas, Minnesota, Iowa, Wisconsin, Michigan, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Pennsylvania, and points in Mississippi on and south of Interstate Highway 20 to Birmingham, Anniston, and Bessemer, Ala. The purpose of this filing is to eliminate the gateway of Holt, Ala. The purpose of this correction is to include Pennsylvania as an origin State. The remainder of this letter-notice will remain as previously published.

No. MC 115841 (Sub-No. E181), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen food preparations, and fresh edible vegetables and fresh edible fruits*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Indiana except points in Lake County, points in Ohio on, north and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to junction U.S. Highway 50, to the Ohio-West Virginia State line, and points in Kentucky on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 127 to junction Kentucky Blue Grass Parkway, to junction U.S. Highway 27, to the Kentucky-Ohio State line, North Adams, Mass., Wisconsin (except Kenosha, Milwaukee, and Racine), points in Pennsylvania on and west of U.S. Highways 11 and 15, and points in New York on and west of Interstate Highway 87, restricted against the movement of any traffic which has as its origin any points in Florida, and further restricted to the transportation of mixed loads of perishable and non-perishable commodities. The purpose of this filing is to eliminate the gateway of Huntsville or Decatur, Ala.

No. MC 115841 (Sub-No. E182), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, frozen edible dairy products, and frozen edible articles distributed by meat packinghouses*, as defined by the Commission, (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in New York, N.Y. commercial zone, as defined by the Commission within which local operations may be conducted under the exemption provided by the Act (the exempt zone), to points in Florida on and west of Florida Highway 85. The purpose of this filing is to eliminate the gateway of Springfield, N.J., Nashville, Tenn. and Atlanta, Ga.

No. MC 115841 (Sub-No. E183), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (except in bulk in tank vehicles), in vehicles equipped with mechanical refrigeration, from Pittsburgh, to points in Florida on and east of Florida Highway 85. The purpose of this filing is to eliminate the gateways of Nashville, Tenn. and Atlanta, Ga.

No. MC 115841 (Sub-No. E186), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible poultry and poultry products*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Iowa, Kansas, Oklahoma, Minnesota, Missouri, Nebraska, South Dakota, and Texas, restricted against the transportation of any shipment originating at points in Florida. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-E190), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORP., P.O. BOX 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in containers, in vehicles equipped with mechanical refrigeration, from points in the Lower Peninsula of Michigan (except Mattawan) to points in Florida and points in South Carolina on and east of U.S. Highway 17. The purpose of this filing is to eliminate the gateways of Nashville, Tenn. and Atlanta, Ga.

No. MC 115841 (Sub-E192), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORP., P.O. BOX 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen berries*, in vehicles equipped with mechanical refrigeration, from Hammononton and Glassboro, N.J., (A) to Atlanta, Ga. (Chattanooga, Tenn.) \* (B) to points in Alabama on and east of U.S. Highway 31 (except Montgomery) (Chattanooga, Tenn. and Atlanta, Ga.) \* restricted to traffic originating at Hammononton and Glassboro, N.J.; The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-E193), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORP., P.O. BOX 10327, Birmingham, Ala. 35201. Applicant's representative:

Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *frozen edible meats, frozen edible meat products, and frozen edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Bellefontaine, Ohio, (A) to Atlanta, Ga. (Nashville, Tenn.) \* (B) to points in Florida and points in Alabama on, south and east of a line beginning at the Alabama-Georgia State line and extending along Alabama Highway 10 to junction U.S. Highway 31, to Mobile Bay (except Montgomery) (Nashville, Tennessee; and Atlanta, Georgia) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-No. E208), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible bakery materials* (except in bulk), in vehicles equipped with mechanical refrigeration, from Knoxville, Tenn., to Atlanta, Ga. The purpose of this filing is to eliminate the gateway of points in Alabama on and east of U.S. Highway 31 (except Montgomery).

No. MC 115841 (Sub-E215), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *frozen foods*, in vehicles equipped with mechanical refrigeration, from Albion, Avon, Fulton, Geneseo, Holley, LeRoy, Medina, Mount Morris, Oswego, Waterport, and Wayland, N.Y. (A) to points in Alabama on and beginning at the Alabama-Georgia State line and extending along U.S. Highway 278 to junction U.S. Highway 31, to Mobile Bay (except Montgomery) (Chattanooga, Tenn., and Atlanta, Ga. (B) to Atlanta, Ga. (Chattanooga, Tenn.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-E216), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *frozen foods, frozen cured meats and frozen meats*, in vehicles equipped with mechanical refrigeration, from Boston, Mass., to Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 115841 (Sub-E217), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION

INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *frozen fruits, frozen berries, and frozen vegetables*, in vehicles equipped with mechanical refrigeration, from points in New York, and points in Maryland on and east of U.S. Highway 1, to points in Alabama on and south and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 278 to junction U.S. Highway 31, to Mobile Bay (except Montgomery). The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 115841 (Sub-E218), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *frozen edible meats, frozen edible meat products, and frozen edible meat by-products*, as defined by the Commission, in vehicles equipped with mechanical refrigeration, from New Orleans, La., and points within 10 miles thereof, to points in North Carolina on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of points in Tennessee west of the Tennessee River (except Memphis) and Atlanta, Ga.

No. MC 115841 (Sub-No. E234), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen food-stuffs, and frozen edible food preparations* (except commodities in bulk, candy, confectionery products, and canned goods other than canned meats and canned seafoods), in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to (a) Atlanta, Ga. (Chattanooga, Tenn.) \*, and (b) points in Alabama on and east of U.S. Highway 31 (except Montgomery) (Chattanooga, Tenn., and Atlanta, Ga.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-No. E235), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen fruits, berries, and vegetables), and *frozen edible fruits, berries, and vegetables*, when moving in mixed shipments with other frozen foods, in vehicles equipped with mechanical refrigeration, from LaPorte, Ind., to (a) Atlanta, Ga. (Chattanooga, Tenn.) \*, and (b) points in South Carolina (except Chesterfield and Marlboro Counties) (Chattanooga, Tenn., and Atlanta, Ga.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-No. E241), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, frozen edible meat by-products, and frozen edible articles distributed by meat packinghouses*, as defined by the Commission (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plant site of Producers Packing Company, near Garden City, Kans., to points in North Carolina and points in South Carolina (except in Chesterfield and Marlboro Counties), restricted to traffic originating at the above-named plant site. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 115841 (Sub-No. E242), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, frozen edible meat by-products, and frozen edible articles distributed by meat packinghouses*, as defined by the Commission (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plant site of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in North Carolina, South Carolina (except points in Chesterfield and Marlboro Counties), points in Florida on and east of U.S. Highway 331, and points in Alabama on, south, and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 78 to junction U.S. Alternate Highway 231, thence along U.S. Alternate Highway 231 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line, restricted to traffic originating at the above-named plant site. The purpose of this filing is to eliminate the gateways of points in Tennessee west of the Tennessee River (except Memphis) and Atlanta, Ga.

No. MC 115841 (Sub-No. E243), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen fruits, berries, and vegetables), and *frozen edible fruits, berries, and vegetables*, when moving in mixed shipments with other frozen foods, in vehicles equipped with mechanical refrigeration, from Jamestown, Westfield, Brocton, Brockport, Morton, Alton, LeRoy, Bergen, Mt. Morris, South Dayton, Penn Yan, Dundee, Shortsville, Gorham, Phelps, and Buffalo, N.Y., and North

East and Erie, Pa. except from the factory of Dietz Products Corp. at or near

equipped with mechanical refrigeration, from Potsdam, Ogdensburg, Buffalo, and

points in Mississippi on and south of U.S. Highway 84; (2) from Brockton and

No. MC 119777 (Sub-No. E100), filed April 23, 1974. Applicant: LIGON SPR-

(9) From points in Illinois on, south, and east of a line beginning at Chester,

Quincy, Ill., thence along Illinois Highway 104 to junction U.S. Highway 36.



East and Erie, Pa., except from the facilities of Rich Products Corp., at or near Buffalo, N.Y., (a) to points in Florida, and points in Alabama on, south, and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 78 to junction U.S. Highway 31, thence along U.S. Highway 31 to Mobile Bay (except Montgomery), (Lynchburg, Va., and Atlanta, Ga.), and (b) to Atlanta, Ga. (Lynchburg, Va.). The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 115841 (Sub-No. E244), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible bakery materials* (except in bulk), in vehicles equipped with mechanical refrigeration, from Knoxville, Tenn., to Miami, Fla. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., and Atlanta, Ga.

No. MC 115841 (Sub-No. E252), filed May 22, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, and frozen edible meat by-products, and frozen edible articles distributed by meat packinghouses*, as defined by the Commission (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in New Jersey, New York, Maryland, Pennsylvania, Connecticut, Massachusetts, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn., and Bristol, Va.

No. MC 115841 (Sub-No. E253), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods, and fresh edible fruits and vegetables*, when moving in mixed loads therewith, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Arkansas on and west of Arkansas Highway 1, points in Louisiana and Natchez, Miss. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., and Bristol, Va.

No. MC 115841 (Sub-No. E254), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles

equipped with mechanical refrigeration, from Potsdam, Ogdensburg, Buffalo, and Binghamton, N.Y., and North East Pa., to Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 115841 (Sub-No. E255), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible beef, lamb and veal cuts*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., to Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 115841 (Sub-No. E282), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible dough, and frozen pastries*, in vehicles equipped with mechanical refrigeration, from Florence, Ala., to points in New York on and east of U.S. Highway 15, points in Pennsylvania on and east of U.S. Highway 11, and points in Connecticut, Rhode Island, Massachusetts, and New Jersey. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Chattanooga, Tenn.

No. MC 115841 (Sub-No. E285), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, and frozen edible articles distributed by meat packinghouses* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite of Briggs and Company, within the Washington, D.C. Commercial Zone, as defined by the Commission, to points in Texas, and points in Oklahoma on, south and west of a line beginning at the Arkansas-Oklahoma State line and extending along Interstate Highway 40 to junction Interstate Highway 35 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. and points in the commercial zone of Montgomery, Ala.

No. MC 115841 (Sub-No. 355), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from Jamestown, Westfield, Mt. Morris, Bergen, Shortsville, Gorham, Phelps, and Buffalo, N.Y. (except from the facilities of Rich Products Corp. at Buffalo, N.Y.) to points in Louisiana, and

points in Mississippi on and south of U.S. Highway 84; (2) from Brockton and Brockport, Morton, Le Roy, South Dayton, and Penn Yan, N.Y., to points in Louisiana, and points in Mississippi on and south of Interstate Highway 20; (3) from Alton, N.Y., to points in Louisiana and points in Mississippi on and south of U.S. Highway 82; (4) from Dundee, N.Y., to points in Louisiana and Mississippi. The purpose of this filing is to eliminate the gateways of Lynchburg, Va., Atlanta, Ga., and Birmingham or Brundige, Ala.

No. MC 115841 (Sub-No. 356), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods, as embraced in foodstuffs, in vehicles equipped with mechanical refrigeration*, from Jamestown, Westfield, Brockton, Brockport, Morton, Alton, Le Roy, Bergen, Mount Morris, South Dayton, Penn Yan, Dundee, Shortsville, Gorham, Phelps, and Buffalo, N.Y., to points in California on and south of California Highway 78 including San Diego County. The purpose of this filing is to eliminate the gateways of Lynchburg, Va., Atlanta, Ga., and Birmingham, Ala.

No. MC 115841 (Sub-No. 357), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, frozen edible meat by-products, and frozen edible articles distributed by meat packinghouses* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Lexington, Ky., to points in Texas on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., Birmingham, Ala., or points in the commercial zone of Montgomery, Ala.

No. MC 115841 (Sub-No. 358), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, frozen edible meat by-products, and frozen edible articles distributed by meat packinghouses* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Lexington, Ky., to points in California on and south of California Highway 78, and on and west of Interstate Highway 5. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Birmingham, Ala.

No. MC 119777 (Sub-No. E100), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, except those the transportation of which by reason of size or weight requires the use of special equipment, (a) from the plant site of Tennessee Forging Steel Corporation, near Harriman, Tenn., to points in Maine, that part of Michigan on and north of Michigan Highway 21, Minnesota, New Hampshire, and Vermont; and (b) from the plant site of Tennessee Forging Steel Corporation near Harriman, Tenn., to points in Nebraska on, north, and west of a line beginning at the Nebraska-Colorado State line on U.S. Highway 30, thence along U.S. Highway 30 to the junction of U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 20, thence along U.S. Highway 20 to the junction of Nebraska Highway 12, thence along Nebraska Highway 12 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateways of Wayne and Cabell Counties, W. Va.

No. MC 119777 (Sub-No. E132), filed January 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fibreboard, pulp-board, strawboard*, (restricted to commodities, the transportation of which, because of their size or weight, require the use of special equipment); (1) from points in Illinois to points in South Carolina; (2) from points in Indiana to points in Arizona, California, Florida, Louisiana, New Mexico, Mississippi, and Oregon, and Texas; (3) from points in Kentucky to points in Arizona, California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; (4) from points in Ohio (except Columbus) to points in Arizona, Arkansas, California, Iowa, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington; (5) from points in Pennsylvania to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington; (6) from points in Tennessee to points in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, Wyoming, and Wisconsin (except points in Brown, Manitowoc, Oconto, Marinette, and Forest Counties, Wis.); (7) from points in West Virginia to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming; (8) from points in Illinois on and north of U.S. Highway 50 to points in Alabama on and east of U.S. Highway 43.

(9) From points in Illinois on, south, and east of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Wisconsin State line to points in Arizona; (10) from Olney, Ill., and points in Illinois on, north, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction Illinois Highway 1, thence along Illinois Highway 1 to Chicago, Ill., thence along Interstate Highway 94 to the Illinois-Wisconsin State line to points in Arkansas on, east, and south of a line beginning at the Arkansas-Missouri State line extending along Arkansas Highway 5 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction U.S. Highway 64, thence along U.S. Highway 64 to a terminus at Ft. Smith, Ark.; (11) from points in Illinois on, south, and east of a line beginning at Chicago, Ill., thence along U.S. Highway 66 to junction Illinois Highway 140, thence along Illinois Highway 140 to the Illinois-Missouri State line to points in California; (12) from Olney, Ill., and points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 145, thence along Illinois Highway 145 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line to points in Colorado.

(13) From points in Illinois on and south of a line beginning at the Illinois-Missouri State line at Quincy, Ill., thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to the junction of Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Connecticut; (14) from points in Illinois on, south, and west of a line beginning at Quincy, Ill., thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Delaware; (15) from points in Illinois on, south, and west of a line beginning at

Quincy, Ill., thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 32, thence along Illinois Highway 32 to Effingham, Ill., thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 250, thence along Illinois Highway 250 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in the District of Columbia.

(16) From points in Illinois on and north of a line beginning at Chester, Ill., thence along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 14, thence along Illinois Highway 14 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Illinois-Indiana State line to points in Florida; (17) from points in Illinois on and north of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Illinois-Indiana State line to points in Georgia; (18) from points in Illinois on, south, and east of a line beginning at Alton, Ill., thence along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to points in Idaho on and west of a line beginning at the United States-Canada International Boundary line on U.S. Highway 95, thence along U.S. Highway 95 to a terminus at Payette, Idaho; (19) from Brookport, Ill., to Davenport, Iowa, and points in Iowa on and north of Interstate Highway 80.

(20) From Olney, Ill., and points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 145, thence along Illinois Highway 145 to junction U.S. Highway 45, thence along U.S. Highway 45 to a terminus at Brookport, Ill., to points in Kansas on, north, and west of a line beginning at the Colorado-Kansas State line extending along Kansas Highway 98, thence along Kansas Highway 98 to junction Kansas Highway 27, thence along Kansas Highway 27 to the Kan-

sas-Nebraska State line; (21) from junction U.S. Highway 150, thence along

Quincy, Ill., thence along Illinois Highway 104 to junction Illinois Highway 4.

thence along Illinois Highway 125 to junction U.S. Highway 67, thence along

U.S. Highway 50 to the Illinois-Indiana State line to points in Wyoming; (49)

junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Ken-



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sas-Nebraska State line; (21) from points in Illinois, on, north, and east of a line beginning at Moline, Ill., thence along U.S. Highway 6 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Louisiana on, south, and east of a line beginning at the Louisiana-Arkansas State line extending along U.S. Highway 165 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to the Louisiana-Texas State line.

(22) From points in Illinois on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Maine; (23) from Quincy, Ill., and points in Illinois on, south, and west of a line beginning at Alton, Ill., thence along Illinois Highway 140 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 250, thence along Illinois Highway 250 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Maryland; (24) from points in Illinois on, south, and west of a line beginning at Quincy, Ill., thence along Illinois Highway 57 to junction U.S. Highway 36, thence along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Massachusetts; (25) from points in Illinois on and south of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Kentucky State line to points in the Lower Peninsula of Michigan; (26) from Brookport, Ill., to points in Minnesota.

(27) From points in Illinois on and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to

junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Iowa State line to points in Mississippi; (28) from points in Illinois on and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Interstate Highway 60, thence along Interstate Highway 60 to junction Interstate Highway 94, thence along Interstate Highway 94 to a terminus at Chicago, Ill., to points in Missouri on, south, and east of a line beginning at the Arkansas-Missouri State line extending along Missouri Highway 17 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Illinois-Missouri State line; (29) from Olney and Cairo, Ill., and points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 45, thence along U.S. Highway 45 to a terminus at Brookport, Ill., to points in Montana; (30) from Olney, Ill., and points in Illinois on, east, and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 51 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Nebraska on and west of U.S. Highway 83.

(31) From points in Illinois on, east, and south of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 15 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to a terminus at Chester, Ill., to points in Nevada; (32) from points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line to points in New Hampshire; (33) from points in Illinois on, south, and west of a line beginning at

Quincy, Ill., thence along Illinois Highway 104 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in New Jersey.

(34) From points in Illinois on and east of a line beginning at Chicago, Ill., thence along Interstate Highway 94 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 145, thence along Illinois Highway 145 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line to points in New Mexico; (35) from Alton, Ill., and points in Illinois on and south of U.S. Highway 50 to points in New York; (36) from points in Illinois to points in North Carolina on, south, and east of a line beginning at Point Harbor, N.C., thence east and south on U.S. Highway 158 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 140, thence along Interstate Highway 140 to junction U.S. Highway 23, thence along U.S. Highway 23 to the North Carolina-Georgia State line; (37) from Olney and Cairo, Ill., and points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Nebraska on and west of U.S. Highway 83.

(38) From points in Illinois on, north, and east of a line beginning at Waukegan, Ill., thence along Illinois Highway 120 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 250, thence along Illinois Highway 250 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Oklahoma on and south of Interstate Highway 94, thence along Interstate Highway 94 to a terminus at Milwaukee, Wis. (except those points in Brown, Manitowoc, Oconto, Marinette, and Forest Counties, Wis.); (48) from points in Illinois on, south, and east of a line beginning at Cairo, Ill., thence along U.S. Highway 51 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 250, thence along Illinois Highway 250 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line to points in New Hampshire; (33) from points in Illinois on, south, and west of a line beginning at

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thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line to points in Rhode Island; (41) from Brookport, Ill., to points in South Dakota.

(42) From points in Illinois on and east of a line beginning at Chicago, Ill., thence along U.S. Highway 66 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Illinois-Indiana State line to points in Texas; (43) from points in Illinois on, east, and south of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 250, thence along Illinois Highway 250 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to points in Utah; (44) from points in Illinois on, south, and west of a line beginning at Quincy, Ill., thence along Illinois Highway 57 to junction U.S. Highway 36, thence along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Vermont; (45) from Quincy, Alton, and Olney, Ill., and points in Illinois on and south of U.S. Highway 50 to points in Virginia.

(46) From points in Illinois on, south, and east of a line beginning at Alton, Ill., thence along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to points in Washington; (47) from Cairo and Brookport, Ill., to Kenosha, Wis., and points in Wisconsin on and north of a line beginning at LaCrosse, Wis., thence along U.S. Highway 16 to junction Interstate Highway 94, thence along Interstate Highway 94 to a terminus at Milwaukee, Wis. (except those points in Brown, Manitowoc, Oconto, Marinette, and Forest Counties, Wis.); (48) from points in Illinois on, south, and east of a line beginning at Cairo, Ill., thence along U.S. Highway 51 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 250, thence along Illinois Highway 250 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along Kentucky State line to points in Maine; (60) from Evansville, Ind., to points in Maryland; (61) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Massachusetts; (62) from Evansville, Ind., to points in the Lower Peninsula of Michigan; (63) from Jeffersonville, Ind., and points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Kentucky State line to points in Minnesota on, north, and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 59 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to a terminus at Duluth, Minn.

(64) From points in Indiana on, south, and east of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 40 to Richmond, Ind., thence along U.S. Highway 27 to Liberty, Ind., thence along Indiana Highway 101 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 62, thence along Indiana Highway 62 to a terminus at Evansville, Ind., to points in Arkansas; (51) from points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40 to the Indiana-Ohio State line to points in Colorado; (52) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Connecticut; (53) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Delaware; (54) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to a terminus at Vincennes, Ind., to points in the District of Columbia; (55) from points in Indiana on, north, and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 19, thence along Indiana Highway 19 to the Indiana-Michigan State line to points in Georgia.

(56) From points in Indiana on, south, and east of a line beginning at the Ohio-Indiana State line extending along Indiana Highway 37 to Indianapolis, Ind., thence along U.S. Highway 40 to the Indiana-Illinois State line to points in Idaho; (57) from Jeffersonville, Ind., and points in Indiana on and south of a line beginning at Evansville, Ind., thence along U.S. Highway 460 to the Indiana-Kentucky State line to points in Iowa; (58) from points in Indiana on, south, and east of a line beginning at Evansville, Ind., thence along U.S. Highway 460 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction Indiana Highway 56, thence along Indiana Highway 56 to a terminus at Madison, Ind., to points in Kansas; (59) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to

junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Maine; (60) from Evansville, Ind., to points in Maryland; (61) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Massachusetts; (62) from Evansville, Ind., to points in the Lower Peninsula of Michigan; (63) from Jeffersonville, Ind., and points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Kentucky State line to points in Minnesota on, north, and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 59 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to a terminus at Duluth, Minn.

(64) From points in Indiana on, south, and east of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 40 to Richmond, Ind., thence along U.S. Highway 27 to Liberty, Ind., thence along Indiana Highway 101 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 62, thence along Indiana Highway 62 to a terminus at or near Jeffersonville, Ind., to points in Missouri on and south of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 66 to Joplin, Mo., thence along U.S. Highway 71 to junction Missouri Highway 76, thence along Missouri Highway 76 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to Cape Girardeau, Mo.; (65) from points in Indiana on and south of U.S. Highway 40 to points in Montana; (66) from points in Indiana on and south of a line beginning at Madison, Ind., thence along Indiana Highway 56 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 460, thence along U.S. Highway 460 to a terminus at Evansville, Ind., to points in Nebraska; (67) from points in Indiana to points in Nevada on, south, and west of a line beginning at Denio, Nev., thence along Nevada Highway 140 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 51, thence along Nevada Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line.

(68) From points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in New

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Hampshire; (69) from points in Indiana

along U.S. Highway 50 to junction Indiana Highway 67, thence along Indiana

tending along U.S. Highway 167 to junction U.S. Highway 80, thence along U.S.

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way 231, thence along U.S. Highway 231 to Owensboro, Ky., to points in New

Kentucky on and west of a line beginning at Owensboro, Ky., thence along Ken-

line beginning at the Minnesota-Iowa State line extending along Interstate



Hampshire; (69) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in New Jersey; (70) from Evansville, Ind., to points in New York; (71) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in North Carolina; (72) from points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 56, thence along Indiana Highway 56 to a terminus at Madison, Ind., to points in North Dakota; (73) from Kokomo, Ind., and points in Indiana on, north, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 35, thence along U.S. Highway 35 to a terminus at Michigan City, Ind., to points in Oklahoma on and south of Interstate Highway 40.

(74) From points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Rhode Island; (75) from Michigan City, Ind., and points in Indiana on and west of U.S. Highway 41 to points in South Carolina; (76) from points in Indiana on and south of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 60, thence along Indiana Highway 60 to junction Indiana Highway 56, thence along Indiana Highway 56 to a terminus at Madison, Ind., to points in South Dakota; (77) from points in Indiana on, south, and west of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40 to Indianapolis, Ind., thence along Interstate Highway 69 to the Indiana-Michigan State line to points in Utah; (78) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Vermont; (79) from Evansville, Ind., to points in Virginia; (80) from points in Indiana on and south of U.S. Highway 24 to points in Washington; (81) from Evansville, Ind., to points in Wisconsin (except points in Brown, Manitowoc, Oconto, Marinette, and Forest Counties, Wis.); (82) from points in Indiana on, south, and west of a line beginning at the Illinois-Indiana State line extending

along U.S. Highway 50 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line to points in Wyoming.

(83) From Owensboro, Ky., and points in Kentucky on and north on Interstate Highway 64 to points in Kentucky on, Ala.; (84) from points in Kentucky on, and east of U.S. Highway 41 to Sulphur Springs, Ark.; (85) from points in Kentucky on and east of a line beginning at Paducah, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 91, thence along Kentucky Highway 91 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line to points in Colorado; (86) from points in Kentucky on and west of U.S. Highway 431 to points in Connecticut; (87) from points in Kentucky on and west of U.S. Highway 431 to points in Delaware; (88) from points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31W to junction U.S. Highway 231, thence along U.S. Highway 231 to the terminus at Owensboro, Ky., to points in the District of Columbia; (89) from points in Kentucky on and north of a line beginning at the Kentucky-Illinois State line extending along U.S. Highway 60 to a terminus at Louisville, Ky., to Gainesville, Fla., and points in Florida on, south, and east of a line beginning at Jacksonville, Fla., thence along U.S. Highway 17 to junction U.S. Highway 92, thence along U.S. Highway 92 to a terminus at St. Petersburg, Fla.; (90) from points in Kentucky on and northwest of a line on U.S. Highway 60 to points in Georgia on, east, and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 1 to junction Georgia Highway 24, thence along Georgia Highway 24 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line.

(91) From points in Kentucky on and east of U.S. Highway 41, and points in Kentucky on and south of a line beginning at Louisville, Ky., thence along U.S. Highway 460 to junction U.S. Highway 119, thence along U.S. Highway 119 to a terminus at South Williamson, Ky., to points in Iowa; (92) from points in Kentucky on and east of U.S. Highway 41 to points in Kansas; (93) from Albany and Jenkins, Ky., and points in Kentucky on and north of a line beginning at Owensboro, Ky., thence along Kentucky Highway 54 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to the Kentucky-Virginia State line to points in Louisiana on, south, and west of a line beginning at the Louisiana-Arkansas State line ex-

tending along U.S. Highway 167 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 167, thence along U.S. Highway 167 to the terminus at Abbeville, La.; (94) from points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 231 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line to points in Maine; (95) from points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along U.S. Highway 431 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 171, thence along Kentucky Highway 171 to junction Kentucky Highway 107, thence along Kentucky Highway 107 to Hopkinsville, Ky., thence along U.S. Highway 41A to the Kentucky-Tennessee State line to points in Maryland; (96) from points in Kentucky on and west of U.S. Highway 431 to points in Massachusetts.

(97) From points in Kentucky on and west of U.S. Highway 431 to points in the Lower Peninsula of Michigan; (98) from South Williamson, Ky., and points in Kentucky on, south, and west of U.S. Highway 460 to points in Minnesota; (99) from points in Kentucky on and north of a line beginning at Owensboro, Ky., thence along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-Ohio State line to points in Mississippi on, south, and west of a line beginning at the Mississippi-Alabama State line extending along U.S. Highway 64 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Mississippi-Tennessee State line; (100) from points in Kentucky on and east of a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 45 to junction Kentucky Highway 121, thence along Kentucky Highway 121 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line in Westboro, Mo.; (101) from points in Kentucky on, north, and east of a line beginning at Paducah, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 139, thence along Kentucky Highway 139 to the Kentucky-Tennessee State line to points in Nebraska; (102) from points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along U.S. Highway 231 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line to points in New Hampshire;

(103) From points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31W to junction U.S. High-

way 231, thence along U.S. Highway 231 to Owensboro, Ky., to points in New Jersey; (104) from points in Kentucky on, north, and east of a line beginning at Paducah, Ky., thence along U.S. Highway 62 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line to points in New Mexico; (105) from points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along U.S. Highway 431 to junction U.S. Highway 32, thence along U.S. Highway 32 to junction Kentucky Highway 171, thence along Kentucky Highway 171 to junction Kentucky Highway 107, thence along Kentucky Highway 107 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line to points in New York; (106) from points in Kentucky on and west of a line beginning at the Kentucky-Illinois State line extending along U.S. Highway 60 to a terminus at Owensboro, Ky., to points in North Carolina on and east of U.S. Highway 25; (107) from points in Kentucky on, north, and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 127 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to Elizabethtown, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line to points in Oklahoma.

(108) From points in Kentucky on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 62, thence along U.S. Highway 62 to U.S. Highway 431, thence along U.S. Highway 431 to the terminus at Owensboro, Ky., to points in Rhode Island; (109) from points in Kentucky on, north, and west of a line beginning at Paducah, Ky., thence along U.S. Highway 60 to a terminus at Owensboro, Ky., to points in South Carolina on, south, and east of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 29 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Georgia-South Carolina State line; (110) from points in Kentucky on and east of U.S. Highway 41 to points in Texas on and west of U.S. Highway 75; (111) from points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along U.S. Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line to points in Vermont; (112) from points in

Kentucky on and west of a line beginning at Owensboro, Ky., thence along Kentucky Highway 81 to junction Kentucky Highway 85, thence along Kentucky Highway 85 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line to points in Virginia on, north, and east of a line beginning at the West Virginia-Virginia State line extending along Virginia Highway 311 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line.

(113) From Middlesboro, Ky., and points in Kentucky bounded on and north by Illinois and Indiana, bounded on the south by Tennessee, bounded on the west by U.S. Highway 45, and bounded on the east by a line beginning at Owensboro, Ky., thence along U.S. Highway 231 at Bowling Green, Ky., thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to Albany, Ky., thence along U.S. Highway 127 to the Kentucky-Tennessee State line to points in Wisconsin (except points in Brown, Manitowoc, Marinette, Forest, and Oconto Counties); (114) from points in Ohio (except Columbus), to points in Alabama on, south, and west of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to a terminus at Mobile, Ala.; (115) from points in Ohio on, south, and west of a line beginning at Cleveland, Ohio, thence along Interstate Highway 71 to junction U.S. Highway 224, thence along U.S. Highway 224 to Findlay, Ohio, thence along Interstate Highway 75 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Indiana-Ohio State line (except Columbus) to points in Colorado; (116) from Springfield, Ohio, and points in Ohio on, north, and west of a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to Findlay, Ohio, thence along U.S. Highway 68 to Bellefontaine, Ohio, thence along Ohio Highway 47 to the Indiana-Ohio State line to points in Florida; (117) from points in Ohio on, north, and west of a line beginning at Union City, Ohio, thence along Ohio Highway 47 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 20, thence along U.S. Highway 20 to the terminus at Cleveland, Ohio, to points in Georgia on and west of a line beginning at Columbus, Ga., thence along U.S. Highway 27 to the Georgia-Florida State line;

(118) From Chesapeake, Ohio, to points in Iowa on and west of a line beginning at Davenport, Iowa, thence along U.S. Highway 61 to the Iowa-Illinois State line; (119) from Harrison, Ohio, and points in Ohio on, south, and east of a line beginning at Cleveland, Ohio, thence along U.S. Highway 42 to junction Ohio Highway 3, thence along Ohio Highway 3 to a terminus at Cincinnati, Ohio (except Columbus) to points in Kansas; (120) from Chesapeake, Ohio, to points in Minnesota on and west of a

line beginning at the Minnesota-Iowa State line extending along Interstate Highway 35 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line; (121) from points in Ohio on and south of U.S. Highway 50 to points in Missouri on and south of Interstate Highway 70; (122) from points in Ohio on, south, and east of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 224 to junction Ohio Highway 21, thence along Ohio Highway 21 to Cleveland, Ohio (except Columbus) to Dell, Mont., and points in Montana on, north, and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 93 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Montana State line; (123) from Cincinnati, Ohio, and points in Ohio on and south of U.S. Highway 22 to points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Nebraska-Kansas State line; (124) from Springfield, Ohio, and points in Ohio on, south, and east of U.S. Highway 22 to Fortuna, Williston, and Marmarth, N. Dak.

(125) From Bryan, Ohio, to Hardeeville, S.C.; (126) from points in Ohio on and south of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 50 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 159, thence along Ohio Highway 159 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line to points in South Dakota on and west of a line beginning at the South Dakota-North Dakota State line extending along South Dakota Highway 63 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line; (127) from Chesapeake, Ohio, to points in Wisconsin on, north, and west of a line beginning at St. Croix Falls, Wis., thence along U.S. Highway 8 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to a terminus at Hurley, Wis.; (128) from points in Ohio on and south of a line beginning at Steubenville, Ohio, thence along U.S. Highway 22 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line (except Columbus), to points in Wyoming; (129) from points in Pennsylvania on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along Interstate Highway 90 to junction U.S. Highway 6N, thence along U.S. Highway 6N to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania

Highway 59, thence along Pennsylvania U.S. Highway

points in Pennsylvania on, south, and east of a line beginning at the Pennsil-

thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to

nessee-Kentucky State line extending along U.S. Highway Alternate 41 to junc-

(163) From points in Tennessee on and east of a line beginning at Cumber-

tion U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to



Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line to points in Alabama; (130) from Punxsutawney, Pa., and points in Pennsylvania on and north of Interstate Highway 80 to Pensacola, Fla.

(131) From Erie, Pa., to points in Georgia on, south, and west of a line beginning at Columbus, Ga., thence along U.S. Highway 27 to Bainbridge, Ga., thence along U.S. Highway 84 to Valdosta, Ga., thence along U.S. Highway 41 to the Georgia-Florida State line; (132) from points in Pennsylvania on, south, and east of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line to Payne, Iowa; (133) from Morrisville, Pa., to St. Vincent, Warroad, Marshall, and Ortonville, Minn., and points in Minnesota on, south, and west of a line beginning at the Minnesota-South Dakota State line extending along Interstate Highway 90 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Minnesota State line; (134) from points in Pennsylvania to points in Missouri on, south, and west of a line beginning at St. Joseph, Mo., thence along U.S. Highway 169 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Missouri-Illinois State line; (135) from points in Pennsylvania to points in Montana on, north, and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 91 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line; (136) from points in Pennsylvania to Superior, Nebr., and points in Nebraska on, south, and west of a line beginning at the Wyoming-Nebraska State line extending along Nebraska Highway 92 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line.

(137) From Uniontown, Pa., and points in Pennsylvania on, south, and east of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 11 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to a terminus at Stroudsburg, Pa., to points in North Dakota on and west of U.S. Highway 85; (138) from points in Pennsylvania on, south, and east of a line beginning at Philadelphia, Pa., thence along Pennsylvania Highway 611 to junction U.S. Highway 1, thence along U.S. Highway 1 to the New Jersey-Pennsylvania State line to Elk Point, S. Dak., and points in South Dakota on and west of U.S. Highway 81; (139) from Glasgow, Pa., and

points in Pennsylvania on, south, and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line to points in Wyoming; (140) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 641 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line to points in Arizona; (141) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 25E to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-North Carolina State line to points in Arkansas on and north of a line beginning at the Arkansas-Oklahoma State line extending along Arkansas Highway 72 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line.

(142) From points in Tennessee on and east of a line beginning at the Tennessee-Mississippi State line extending along U.S. Highway 45 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to the terminus at Heloise, Tenn., to points in California; (143) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line to points in Colorado; (144) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in Connecticut; (145) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line to points in Delaware; (146) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18,

thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in the District of Columbia.

(147) From points in Tennessee on and north of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 79 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to the Tennessee-Missouri State line to points in Florida on and west of a line beginning at West Palm Beach, Fla., thence along U.S. Highway 1 to the terminus at Key West, Fla.; (148) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Tennessee Highway 11, thence along Tennessee Highway 11 to the Tennessee-Alabama State line to points in Iowa; (149) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line to points in Kansas; (150) from Chanute, Cumberland Gap, and Mountain City, Tenn., to points in Louisiana on and west of a line beginning at the Louisiana-Texas State line extending along Louisiana Highway 6 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Louisiana-Arkansas State line; (151) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in Maine.

(152) From points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in Maryland; (153) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in Massachusetts; (154) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in the Lower Peninsula of Michigan; (155) from points in Tennessee on, north, and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in New Hampshire; (159) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in New Jersey; (160) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in New Mexico; (161) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in New York; (162) from points in Tennessee on, north, and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 641 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to the Tennessee-Missouri State line to points in North Carolina on, north, and east of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 258 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 70, thence along U.S. Highway 70 to its terminus at the Atlantic Ocean.

nessee-Kentucky State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line to Springfield, Mo., and points in Missouri on and north of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 66 to the Missouri-Illinois State line; (156) from Paris, Tenn., and points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Tennessee Highway 127, thence along Tennessee Highway 127 to the Tennessee-Alabama State line to points in Nebraska; (157) from points in Tennessee on, north, and east of a line beginning at the Tennessee-Missouri State line extending along Tennessee Highway 20 to junction Tennessee Highway 104, thence along Tennessee Highway 104 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line to points in Nevada.

(158) From points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in New Hampshire; (159) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in New Jersey; (160) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line to points in New Mexico; (161) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in New York; (162) from points in Tennessee on, north, and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 641 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to the Tennessee-Missouri State line to points in North Carolina on, north, and east of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 258 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 70, thence along U.S. Highway 70 to its terminus at the Atlantic Ocean.

(163) From points in Tennessee on and east of a line beginning at Cumberland Gap, Tenn., thence along U.S. Highway 25E to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-North Carolina State line to points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 66 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Oklahoma-Texas State line; (164) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in Rhode Island; (165) from points in Tennessee on, north, and east of a line beginning at the Tennessee-Missouri State line extending along Tennessee Highway 20 to junction Tennessee Highway 104, thence along Tennessee Highway 104 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line to points in South Dakota; (166) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 127 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Tennessee Highway 63, thence along Tennessee Highway 63 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Tennessee-North Carolina State line to points in Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 75 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the terminus at Corpus Christi, Tex.

(167) From points in Tennessee on, north, and east of a line beginning at the Tennessee-Missouri State line extending along Tennessee Highway 20 to junction Tennessee Highway 104, thence along Tennessee Highway 104 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line to points in Utah; (168) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in Vermont; (169) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in Virginia on, north, and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 250 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 60 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line; (170) from the points of Largent and Short Gap, W. Va., and points in West Virginia on, north, and west of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 119 to junction U.S. Highway 19, thence along West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 60, thence along U.S. Highway 60 to a terminus at Huntington, W. Va., to points in Alabama on, south, and west of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to a terminus at Mobile, Ala.; (171) from points in West Virginia on and north of U.S. Highway 40 to points in Florida on and west of U.S. Highway 231.

(172) From the point of Chester, W. Va., to the points of Bainbridge and Faceville, Ga.; (173) from points in West Virginia on, south, and east of a line beginning at Williamson, W. Va., thence along U.S. Highway 52 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line to points in Iowa; (174) from points in West Virginia on, north, and west of a line beginning at the Maryland-West Virginia State line extending along U.S. Highway 219 to junction West Virginia Highway 15, thence along West Virginia Highway 15 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 119, thence along U.S. Highway 119 to a terminus at Williamson, W. Va., to points in Louisiana; (175) from points in West Virginia on and south of a line beginning at Williamson, W. Va., thence along U.S. Highway 52 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 63, thence along West Virginia Highway 63 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39



to the Virginia-West Virginia State line to points in Minnesota; (176) from points in West Virginia on and north of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 60 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Maryland State line to points in Mississippi.

(177) From points in West Virginia to St. Joseph, Mo., and points in Missouri on and south of Interstate Highway 70; (178) from points in West Virginia on, south, and east of a line beginning at Parkersburg, W. Va., thence along U.S. Highway 50 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Pennsylvania-West Virginia State line to points in Montana; (179) from points in West Virginia on and south of U.S. Highway 50 to points in Nebraska; (180) from points in West Virginia on and south of U.S. Highway 50 to points in North Dakota on and west of U.S. Highway 83; (181) from points in West Virginia to points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 85 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction South Dakota Highway 71, thence along South Dakota Highway 71 to the Nebraska-South Dakota State line; and (182) from points in West Virginia on and south of a line beginning at Williamson, W. Va., thence along U.S. Highway 52 to a terminus at Bluefield, W. Va., to points in Wisconsin on, north, and west of a line beginning at Marinette, Wis., thence along Wisconsin Highway 64 to Merrill, Wis., thence along U.S. Highway 51 to Wausau, Wis., thence along Wisconsin Highway 29 to junction U.S. Highway 53, thence along U.S. Highway 53 to a terminus at La-Crosse, Wis. (except points in Marinette, Oconto, and Forest Counties, Wis.). The purpose of this filing is to eliminate the gateway of Henderson, Ky.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc 75-23439 Filed 9-3-75; 8:45 am]

[Notice No. 100]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

August 29, 1975.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protest to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application

is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 52579 (Sub-No. 144TA), filed August 21, 1975. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Fred L. Cardascia (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Kosciusko, Miss., to Chicago, Ill.; Columbus, Ohio; Dallas and Garland, Tex.; Lawrence, Mass.; Los Angeles, Calif.; Newport, Del.; North Bergen, N.J.; Philadelphia, Pa., and Tucker, Ga. Applicant intends to tack its existing authority at Lawrence, Mass., interline at Secaucus, N.J., with Merit Drees Delivery Co., docket No. MC 101219, for 180 days. Supporting shipper: Shutter Industries, Inc., 250 Canal St. Lawrence, Mass. 01840. Southern Division, 200 S. W. Depot, St. Durant, Miss. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 99625 (Sub-No. 5TA), filed August 21, 1975. Applicant: LUCIEN BISSON, INC., P.O. Box 262, West Bath, Maine 04530. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, from West Bath, Augusta, and Portland, Maine, to points in the State of Maine, for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl St., Portland, Ore. 04111.

No. MC 110191 (Sub-No. 24TA), filed August 21, 1975. Applicant: TURNER'S

EXPRESS, INCORPORATED, 1300 Shelton Ave., Norfolk, Va. 23502. Applicant's representative: D. L. Turner, P.O. Box 1106, Norfolk, Va. 23501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuff* (except in bulk, in vehicles equipped with mechanical refrigeration), between Exmore, Va., and points in North Carolina. Applicant intends to tack its existing authority with MC 110191, for 180 days. Supporting shipper: M. Lorraine Williams, Secretary, Exmore Foods, Inc., P.O. Box 663, Exmore, Va. 23350. Send protests to: Paul Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 400 N. 8th St., Room 10-502, Richmond, Va. 23240.

No. MC 111729 (Sub-No. 568TA), filed August 19, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Television film and video tape*, (1) between Atlanta, Ga., and Birmingham and Huntsville, Ala.; Augusta, Columbus, and Savannah, Ga.; Baton Rouge, Lafayette, and New Orleans, La.; Jackson, Miss.; (2) between Baltimore, Md., and Washington, D.C.; (3) between Boston, Mass., and Hartford, New Haven, and West Hartford, Conn.; Poland Spring, Maine; Providence, R.I.; (4) Charlotte, N.C., and Greensboro, High Point, Raleigh, Washington, and Wilmington, N.C.; Charleston, Columbia, and Spartanburg, S.C.; Norfolk, Richmond, and Roanoke, Va.; Charleston and Huntington, W. Va.; (5) Chicago, Ill., and Peoria, Rockford, and Springfield, Ill.; Evansville, Ft. Wayne, Indianapolis, South Bend, and Terre Haute, Ind.; Sioux City, Iowa; Wichita, Kans.; Lexington, Louisville, and Paducah, Ky.; Alexandria, Duluth, and Minneapolis, Minn.; Omaha, Nebr.; Bismarck and Minot, N. Dak.; Oklahoma City, Okla.; Florence, Reliance, and Sioux Falls, S. Dak.; Madison, Milwaukee, and Wausau, Wis.; (6) Cincinnati, and Columbus and Dayton, Ohio.

(7) Cleveland, Ohio, and Youngstown and Toledo, Ohio; (8) Dallas, Tex., and Shreveport, La.; Amarillo, El Paso, Ft. Worth, Lubbock, Midland, Waco, and Wichita Falls, Tex.; (9) Detroit, Mich., and Cheboygan, Chio, Flint, Jackson, Kalamazoo, Lansing, Southfield, and Traverse City, Mich.; (10) Houston, Tex., and Austin, Bryan, San Antonio, and Temple, Tex.; (11) Los Angeles, Calif., and Bakersfield, Hollywood, and San Diego, Calif.; (12) Miami, Fla., and Jacksonville, Orlando, and West Palm Beach, Fla.; (13) Philadelphia, Pa., and Johnstown, Lancaster, Pittsburgh, Scranton, York, Pa., and Wheeling, W. Va.; (14) Phoenix, Ariz., and Tucson, Ariz.; (15) St. Louis, Mo., and Quincy, Ill., Joplin, Kansas City, and Springfield, Mo.; (16) San Francisco, Calif., and Fresno, Sacramento, Salinas, and San Luis Obispo, Calif., Portland, Oreg., and Seattle and Spokane, Wash.; (17) Tampa, Fla., and St. Petersburg, Fla. Re-

striction: Restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 180 days. Supporting shipper: Jet Air Freight, 248-06 Rockaway Blvd., Jamaica, N.Y. 11422. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116175 (Sub-No. 5TA), filed August 22, 1975. Applicant: WILLIAM E. (BILLY) ONEY, doing business as WILLIAM E. ONEY, Route 7, Box 37, Kingsport, Tenn. 37660. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Livestock Feed*, in bags and containers, from Cincinnati, Ohio, to points in Lee County, Va., and the City of Bristol, Va., for 180 days. Supporting shipper(s): Southern States Bristol Co-op, Inc., 1313 Euclid Avenue, Bristol, Va. 24201. Lee Farmers Co-op, Inc., Jonesville, Va. 24263. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, S.W. Roanoke, Va. 24011.

No. MC 117589 (Sub-No. 29TA), filed August 21, 1975. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, P.O. Box 24507, Seattle, Wash. 98124. Applicant's representative: Michael D. Duppenhaler, 607 Third Avenue, 515 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat and meat products and articles distributed by meat packinghouses*, as described in Appendix I to the Report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Seattle, Wash., to Salt Lake City, Utah, and Denver, Colo., for 180 days. Supporting shipper(s): Cudahy Company, P.O. Box 3454, 2203 Airport Way South, Seattle, Wash. 98124. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 123408 (Sub-No. 22TA), filed August 22, 1975. Applicant: FOOD HAULERS, INC., 600 York St., Elizabeth, N.J. 07207. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business*, for the account of Wakefern Food Corporation, between Elizabeth and Edison, N.J., on the one hand, and, on the other, points in Florida, under a continuing contract with Wakefern Food Corporation, for 180 days. Supporting shipper: Wakefern Food Corporation, 600 York St., Elizabeth, N.J. 07207. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 134922 (Sub-No. 137TA) (Amendment), filed July 15, 1975, published in the FEDERAL REGISTER issue of July 28, 1975, and republished as amended this issue. Applicant: B.J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic film*, from the plantsite and warehouse facilities of Dow Chemical, USA, at or near Fresno, Calif., to Houston, Texas, and Houston, Miss., restricted to traffic transported in vehicles equipped with mechanical refrigeration, for 180 days. Supporting shipper: Dow Chemical U.S.A., 4787 E. Date Ave., Fresno, Calif. 93725. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201. The purpose of this republication is to amend the restriction.

No. MC 138299 (Sub-No. 7TA), filed August 20, 1975. Applicant: TRAILS TRUCKING, INC., 719 Union St., Montebello, Calif. 90640. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Insulating, filtering, and roofing materials; pipe or duct; and fiberglass mats or pads*, for the account of Owens-Corning Fiberglas Corporation, from Santa Clara, Calif., to points in Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and El Paso, Tex., under a continuing contract with Owens-Corning Fiberglas Corporation, for 180 days. Supporting shipper: Owens-Corning Fiberglas Corporation, P.O. Box 89, Santa Clara, Calif. 95052. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138482 (Sub-No. 2TA), filed August 20, 1975. Applicant: SPACE-MASTER TRUCKING CORP., P.O. Box Drawer E. Charleston Heights, S.C. 29405. Applicant's representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Display racks and stands and display racks and stands containing hosiery*, from Wichita, Kans., to points in the United States (except Alaska and Hawaii), under a continuing contract with Kayser-Roth Hosiery Co., Inc., for 180 days. Supporting shipper: Kayser-Roth Hosiery Co., Inc., P.O. Box 820, Burlington, N.C. 27220. Send protests to: E. E. Strothfeld, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 139459 (Sub-No. 84TA), filed August 22, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative:

John Jacobson, Jr., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Drugs, toilet preparations, medical instruments, and chemicals*, in vehicles equipped with mechanical refrigeration, from the facilities of Miles Laboratories, Inc., located at or near Elkhart, Ind., and West Haven, Conn., to points in Indiana, Tennessee, Missouri, Texas, and Colorado, for 180 days. Supporting shipper: Miles Laboratories, Inc., 1127 Myrtle St., Elkhart, Ind. 46514. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 141222 (Sub-No. 1TA), filed August 20, 1975. Applicant: BLOOD TRANSPORTATION, INC., 2948 South Preston St., Salt Lake City, Utah, 84106. Applicant's representative: Janet Blood (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Chocolates, chocolate products*, packaged and cased packaging materials, wooden boxes, ingredients for producing finished chocolate products, between Salt Lake City, Utah, on the one hand, and, on the other, points in California, Washington, Colorado, New Mexico, Nevada, Idaho, Montana, North Dakota, Illinois, Minnesota, Texas, Arkansas, Missouri, Michigan, Iowa, Ohio, Massachusetts, Florida, Pennsylvania, Delaware, New Jersey, South Carolina, North Carolina, Georgia, and Alabama, under a continuing contract with Mrs. J. G. McDonald's Chocolate Co., for 180 days. Supporting shipper: Mrs. J. G. McDonald's Chocolate Co., 2250 South Third East, Salt Lake City, Utah 84115. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 141256 (Sub-No. 1TA), filed August 21, 1975. Applicant: ROBERT GORECKI AND DEAN GORECKI, doing business as GORECKI TRUCKING, Ghent, Minn. 56239. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cabinets and vanity sets*, transported in shipper-owned trailers, from Cottonwood, Minn., to points in Illinois, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin, under a continuing contract or contracts with Midcontinent Millwork, Inc., of St. Paul, Minn., for 180 days. Supporting shipper: Midcontinent Millwork, Inc., 1130 Minnesota Bldg., St. Paul, Minn. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141257TA, filed August 21, 1975. Applicant: VALLEY VIEW TRUCKING CO. INC., Route 2, Box 417, Snohomish, Wash. 98290. Applicant's representative: George R. LaBissoniere,

1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a com-

No. MC 141210TA (Correction), filed August 4, 1975, published in the FEDERAL

pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate



1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed or ingredients and seed*, between Mt. Angel and McMinnville, Oreg., on the one hand, and, points in Washington and Idaho, on the other, under a continuing contract with McDaniel Grain and Feed Co., and Wilco Farmer's, for 180 days. Supporting shippers: McDaniel Grain and Feed Co., 7th & Alpine, P.O. Box 208, McMinnville, Oreg. 97128. Wilco Farmer's, P.O. Box 318, Mt. Angel, Oreg. 97362. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 141258TA, filed August 22, 1975. Applicant: ANSON A. DEARING, doing business as HEREFORD IRON AND METAL, P.O. Box 455, Hereford, Tex. 79045. Applicant's representative: John D. Aikin, 140 E. 3rd, Hereford, Tex. 79045. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural manufactured feed lot equipment and grain handling equipment*, from Hereford, Tex., to points in Oklahoma, New Mexico, and Kansas, under a continuing contract with McCullar Machine & Welding, Poarch Bros. Inc., B & R Welding and Manufacturing, Inc., for 180 days. Supporting shipper: Poarch Bros., Inc., Box 693, Hereford, Tex. 79045. McCullar Machine & Welding, P.O. Box 1693, Hereford, Tex. 79045. B & R Welding and Manufacturing, Inc., P.O. Box 1875, Hereford, Tex. 79045. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 141210TA (Correction), filed August 4, 1975, published in the FEDERAL REGISTER issue of August 18, 1975, and republished as corrected this issue. Applicant: SWARTZ & SONS, INC., doing business as SERVICE CAB COMPANY, 910 North Broadway, Pittsburg, Kans. 66762. Applicant's representative: K. I. Loy, P.O. Box 566, Pittsburg, Kans. 66762. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage of passengers*, both special and charter operations, between the duty sites of the cities of Pittsburg, Mulberry, Fort Scott, and Kansas City, Kans.; Asbury, Joplin, Tipton Ford, Neosho, Dalby McElhaney, Goodman, Anderson, Lanagan, Noel, Mulberry, Eve, Hume, Grandview, Drexel, Cleveland, and Kansas City, Mo.; Gravette and Gentry, Ark.; and Watts and Heavener, Okla., under continuing contract with Kansas City Southern Railway Company, for 180 days. Supporting shipper: Kansas City Southern Railway Company, 114 W. 11th, Kansas City, Mo. 64105. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202. The purpose of this republication is to correct the applicant's name.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23460 Filed 9-3-75;8:45 am]

[Notice No. 68]

#### MOJOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 4, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission

pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 25, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75972. By order of August 28, 1975, the Motor Carrier Board approved the transfer to Kelley & Hawes Express, Inc., Lynnfield, Mass., of Certificate No. MC 19008 issued by the Commission February 12, 1951, to Harrison Dispatch Co., Inc., Lynn, Mass., authorizing the transportation of general commodities, with exceptions, over regular routes, between Boston and Gloucester, Mass., Boston and Worcester, Mass., Boston and Brockton, Mass., and Boston and Taunton, Mass. John P. O'Donnell, Esquire, Barrett and Barrett, Attorney for Applicants, 60 Adams Street, Milton, Mass. 02187.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23462 Filed 9-3-75;8:45 am]

THURSDAY, SEPTEMBER 4, 1975



#### PART II:

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

## INDIAN SELF-DETERMINATION AND EDUCATION ACT

Proposed Procedures

**federal register**



## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

[25 CFR Parts 33, 401, 402, 403, 404, 405, 406, 407]

## CONTRACTS, GRANTS, AND OTHER ASSISTANCE UNDER THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

## Notice of Proposed Rulemaking

August 26, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to amend Chapter I of Title 25 of the Code of Federal Regulations by revoking Part 33 under Subchapter E and by adding new Parts 401, 402, 403, 404, 405, 406 and 407 under a new Subchapter Y. This amendment is proposed under the authority in the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638; 88 Stat. 2203).

The purpose of the amendment is to implement the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638; 88 Stat. 2203). Part 401 contains regulations under which tribal organizations, upon the request of an Indian tribe, can contract for the operation of all or parts of authorized Bureau of Indian Affairs programs for the benefit of Indians, and Alaska Natives. Under Part 402, tribal governing bodies may receive grants for strengthening tribal and Alaska Native governments; planning, training, evaluation, or other activities to improve a tribal organization's capacity to contract; acquiring land for those purposes; and planning, designing, monitoring, and evaluating Federal programs serving the tribe or Alaska Native group.

Under Part 403, a State, school district, or Indian corporation may contract for supplemental programs or operational support for education. The regulations in Part 403 replace the regulations in Part 33 and reflect the changes made to the Johnson-O'Malley Act (the Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458, 25 U.S.C. 452-456) by the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638; 88 Stat. 2203). Tribal organizations can contract for supplemental programs or operational support for education under Part 401 upon the request of an Indian tribe.

Part 404 contains regulations under which tribal organizations may receive contracts or services for school construction for previously private schools that are controlled or managed by an Indian tribe or tribal organization. Part 405 informs the Indian tribes of ways in which they can obtain the use of Government employees in operating all or parts of Bureau of Indian Affairs programs under contract.

Part 406 contains the administrative requirements for grants available under Part 402. These administrative requirements are basically the same as those in Federal Management Circular 74-7

which applies to the administration of grants with States and local governments. Federal Management Circular 74-7 is being revised to also apply to Indian tribes.

Under Part 407, a State education agency or school district may contract for acquiring sites for, or for constructing, acquiring, or renovating, school facilities needed for educating Indians residing on an Indian reservation or other trust land.

The proposed regulations have been developed in consultation with national, regional, tribal, and Alaska Native organizations served by the Bureau of Indian Affairs.

Based on two series of nationwide Indian and Alaska Native consultation sessions, the Bureau of Indian Affairs has attempted to spell out clearly the regulatory requirements necessary to implement Pub. L. 93-638. A concerted effort has been made to incorporate into the regulations three principal perspectives: The intent of Congress and the President as reflected in the legislation; the continuing Federal responsibility and trust relationships toward Indian tribes; and the expressed wishes and desires of tribal and Alaska Native leaders and members. The Bureau of Indian Affairs believes that such a posture has been achieved in these proposed regulations.

Public Law 93-638 is a significant piece of legislation for Indian and Alaska Native people. The proposed implementing regulations buttress the spirit and substance of this legislation by emphasizing the following elements: The role of tribal and Alaska Native governments as the key decision-makers in the self-determination process; the expanded powers and responsibilities of Indian Education Committees in public school assistance programs serving Indian and Alaska Native children; the recognition of the desirability of tribally-controlled and operated schools as an alternative to Federal and public learning systems; the availability of grants to strengthen tribal and Alaska Native governments and to enhance their eventual capability to operate a Bureau program under contract or to redesign a Bureau program for operation by the Bureau; and the use of Federal personnel for expanding the human resource base of tribal and Alaska Native governing bodies.

An important feature of the legislation is the change it makes in the contract relationship by directing the Bureau to contract a program to a tribal organization upon the request of a tribe unless the Bureau can make a finding to support declination in accordance with criteria set out in the Act. Unlike the ordinary relationship between the government and a prospective contractor, under this legislation the burden of proof is on the Bureau to show that the contract should not be entered into.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit

written comments, suggestions, or objections regarding the proposed amendment to the Bureau on or before October 4, 1975, as follows:

1. By mail addressed to the Commissioner of Indian Affairs, Attention: Public Law 93-638 Task Force (Code 101A), Washington, D.C. 20245.

2. Or by hand delivery to the Commissioner of Indian Affairs, Attention: Public Law 93-638 Task Force, Room 4620, 18th and C Streets, NW., Washington, D.C.

Comments, suggestions, or objections received on or before October 4 will be considered in preparing the final regulations.

It is proposed to amend Chapter I of Title 25 of the Code of Federal Regulations by revoking Part 33 under Subchapter E and by adding new Parts 401, 402, 403, 404, 405, 406, and 407 under a new Subchapter Y to read as follows:

## SUBCHAPTER Y—INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT PROGRAMS

## PART 401—CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT

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AUTHORITY: Sec. 102, Public Law 93-638, 88 Stat. 2203, unless otherwise noted.

## Subpart A—General Provisions

## § 401.1 Purpose and scope.

(a) The purpose of the regulations in this Part is to give the application and approval process for non-profit contracts with the Bureau under section 102 of Title I of the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203). Title I is known as the Indian Self-Determination Act. Contracts under the Act include "tribal governmental functions" as defined in § 401.2(s), "business related functions" as defined in § 401.2(t), and certain contractable trust resources programs or parts of programs as set forth in § 401.32. The nature of contracts with Indian entities which do not fall within the purview of the Act, including contracts which may provide for profit, and the conditions for entering into such contracts, are set forth in the regulations implementing the Act of June 25, 1910 (36 Stat. 861, 25 U.S.C. 47), commonly referred to as the "Buy Indian" Act.

(b) Section 104 of Title I of the Act provides authority for making grants for certain purposes. It is the Bureau's policy to make grants for the purpose specified in Section 104 of the Act in lieu of contracts. Part 402 of this chapter gives the procedures and requirements for obtaining grants under section 104 of the Act.

(c) Nothing in these regulations shall be construed as:

(1) Affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe;

(2) Authorizing or requiring the termination of any trust responsibility of

the United States with respect to the Indian people; or

(3) Permitting significant reduction in services to Indian people as a result of this Part.

(d) Nothing in these regulations shall be construed to mandate a tribe to apply for a contract or contracts with the Bureau to plan, conduct, and administer all or parts of any Bureau program. Such applications under these regulations are strictly voluntary.

## § 401.2 Definitions.

As used in this part: (a) "Act" means the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203).

(b) "Area Director" means the official in charge of a Bureau of Indian Affairs Area Office.

(c) "Bureau" means the Bureau of Indian Affairs.

(d) "Business related function" means all programs and activities authorized to be administered by the Bureau for the benefit of Indians enumerated as line items in the Bureau's annual budget request under Tribal Resources Development as the Sub-activities of Business Enterprise Development, Credit and Indian Action Teams and also programs or parts of programs connected with construction projects but exclusive of the actual construction of the project.

(e) "Commissioner" means the Commissioner of Indian Affairs.

(f) "Days" means calendar days.

(g) "Economic enterprise" means any commercial, industrial, agricultural, or business activity that is at least 51 percent Indian owned, established or organized for the purpose of profit.

(h) "Indian" means a person who is a member of an Indian tribe.

(i) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible by the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(j) "Previously private school" means a school (other than a Federal school formerly operated by the Bureau) that is operated primarily for Indian students in any grade or grades from early childhood through grade 12; and, which at the time of application is controlled, and sanctioned or chartered by the governing body(s) of an Indian tribe(s). Where a former mission school is involved, the title to the school facility and the land on which it is situated must have been transferred to an Indian tribe for operation as a non-sectarian school. (25 U.S.C. 278).

(k) "Recontracting" means the entering into a contract with a tribal organization which holds a contract for the same program.

(l) "Resolution" means the formal manner in which the tribal government

expresses its legislative will in accordance with its organic documents. In the absence of formal organization, a written expression adopted pursuant to current practices will be acceptable.

(m) "Secretary" means the Secretary of the Interior.

(n) "Superintendent" means the official in charge of a Bureau of Indian Affairs Agency Office.

(o) "Tribal Chairman" means tribal chairman, governor, chief or other person recognized by the tribal government as its chief executive officer.

(p) "Tribal government" and "tribal council" means the recognized governing body of an Indian tribe.

(q) "Tribal governmental function" means all programs and activities authorized to be administered by the Bureau for the benefit of Indians enumerated as line items in the Bureau's annual budget requests under the Activities of Education and Indian Services, the Sub-activities of Direct Employment and Road Maintenance, and the program elements of Irrigation and Power Operation and Maintenance under the Activity of Tribal Resources Development.

(r) "Tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract must be made by the tribe that will receive services under the contract; *Provided further*, That in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

(s) "Trust resources" means land, water, minerals, funds or property, asset, or claim, and any right or interest in any of the foregoing, which is held by the United States in trust for any Indian tribe or any Indian individual or which is held by any Indian tribe or Indian individual subject to a restriction on alienation imposed by the United States.

(t) "Trust responsibility" means the right or power vested by law in the United States, or any official or employee thereof, to approve or otherwise regulate the alienation, disposition, encumbrance, management, development, or use of trust resources.

## § 401.3 Revision or amendment of regulations.

Before making any substantive revisions or amendments to the regulations in this Part, the Secretary shall take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Present the proposed revision or which it wishes the Bureau to operate a

§ 401.13 Obtaining application forms.

ment to establish a bookkeeping and accounting system that meets the standards

(1) Equipment, buildings and facilities. No higher standards with regard

quate protection of trust resources or impossibility of service maintenance, the



(b) Present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(c) Publish the proposed revisions or amendments in the Federal Register as proposed rulemaking to provide adequate notice to, and receive comments from, all interested parties.

(d) After consideration of all comments received, publish the regulations in the Federal Register in final form not less than 30 days before the date they are made effective.

#### § 401.4 Statement of policy.

(a) The Congress has recognized the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress has declared its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibilities to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

(c) It is the policy of the Bureau to facilitate the efforts of Indian tribes to plan, conduct, and administer programs, or portions thereof, which the Bureau is authorized to administer for the benefit of Indians and to facilitate the coordination of all Federal and other programs on Indian reservations.

(d) It is the policy of the Bureau to continually encourage Indian tribes to become increasingly knowledgeable about Bureau programs and the opportunities Indian tribes have regarding them; however, it is the policy of the Bureau to leave to Indian tribes the initiative in making requests for contracts and to regard self-determination as including the decision of an Indian tribe not to request contracts.

(e) It is the policy of the Bureau not to impose sanctions on Indian tribes with regard to contracting or not contracting; however, the special resources made available to facilitate the efforts of those Indian tribes which do wish to contract should be made known to all tribes, as should the current realities of funding and Federal personnel limitations.

(f) Contracting is one of several mechanisms by which Indian tribes can exercise their right to plan, conduct, and administer programs or portions thereof which the Secretary is authorized to administer for the benefit of Indians. Another mechanism afforded Indian tribes is the use of a grant, as provided in Part 402 of this chapter, or other resources, to plan the manner in

which it wishes the Bureau to operate a program or portion thereof.

(g) Contracting by its very nature places Bureau officials in the dual position of assisting Indian tribes, in many instances, by furnishing technical assistance in preparation of contract proposals, and of carrying out their fiscal and administrative responsibilities as officials of the Federal Government. It is recognized that very often these two positions are in opposition to each other. The Act and these regulations are designed to address this problem to the degree practicable. The Commissioner, Area Directors and Superintendents, as line officers of the Bureau, are expected to balance these two positions within the framework of the regulations in this Part.

#### Subpart B—Application Process

##### § 401.11 Eligible applicants.

Any tribal organization of any Indian tribe is eligible to apply for a contract or contracts with the Bureau to plan, conduct, and administer all or parts of Bureau programs under section 102 of the Act. However, before the Bureau can enter into a contract with a tribal organization, it must be requested to do so by the Indian tribe or tribes to be served by the contract in accordance with § 401.18.

##### § 401.12 Contractable Bureau programs.

Tribal organizations are entitled to contract with the Bureau to plan, conduct, and administer all or parts of any program which the Bureau is authorized to administer for the benefit of Indians. All or parts of any program include:

(a) Any part of a Bureau program which is divisible from the remainder of the program so long as the contract does not significantly reduce benefits to Indians served by the non-contracted part(s) of the program. However, to the extent that it is within the Bureau's existing authority and the program or part thereof involves only one tribe and one Bureau Agency or Area Office, the benefits provided to Indians by the non-contracted part(s) of the program may be reduced at the request of the tribe. When the program or part thereof serves more than one tribe, the benefits provided by the non-contracted part(s) of the program may be reduced when all of the tribes served consent to a reduction.

(b) A single employee position only when the functions to be performed provide a direct service to Indians and meets the criteria in paragraph (a) of this section.

(c) Programs or parts of programs or services that are authorized but not currently operated or provided by the Bureau.

(d) Operation of, or services provided by, previously private schools.

(e) All of the foregoing paragraphs of this section apply to trust resources programs or portions thereof. Additional criteria for contractable trust resources programs, or portions thereof, are given in § 401.32.

##### § 401.13 Obtaining application forms.

Application forms, instructions and related application materials are available from Superintendents, Area Directors, and the Commissioner. Use of standard application forms will facilitate processing of applications. However, if they are not required if the information contained in § 401.14 is stated in the applicant tribe's request for a contract.

##### § 401.14 Contents of contract application.

Application for a contract under this Part shall contain the following information in sufficient detail to permit evaluation of the application in light of the declination criteria set forth in § 401.15. No further detail is, or shall be, required.

(a) Full name, address and telephone number of the tribal organization which is applying for the contract.

(b) Full name of tribe(s) with which the tribal organization is affiliated.

(c) Full name of tribe(s) directly benefiting or receiving services from the proposed contract.

(d) Documentation of the tribal request to contract as required in § 401.18.

(e) Date of submission to the Bureau and the name of the office where the application was submitted.

(f) Signature by the authorized representative of the tribal organization and the date thereof.

(g) Estimated number of Indian people who will receive benefits or services from the contract, based on available data including tribal records.

(h) Descriptive narrative of what functions, Bureau programs, or portions of programs the tribal organization wants to contract for.

(i) Plan of operations, which shall include but is not limited to:

(1) A statement of tribal goals and objectives to be obtained by the contract.

(2) The organization, methods and procedures to be used to accomplish the tribal goals and objectives.

(3) The means to measure progress and accomplishment.

(4) The budget showing the amount and sources of funding, staffing and other resources required for the contract.

(5) The evaluation criteria and control systems the tribal organization will use to assure that the quality and quantity of actual performance conforms to the requirements of the plan.

(j) Statement of tribal organization's substantive knowledge of the program, part of a program or functions to be contracted.

(k) Description of personnel system and position descriptions for key personnel.

(l) Listing of equipment, facilities, and buildings needed to carry out the contract and how the tribal organization intends to obtain them.

(m) Certification by a licensed accountant that the bookkeeping and accounting procedures the tribal organization presently uses meet the standards of Appendix B of Part 406 of this chapter. In place of the certification, the tribal organization may submit a written agree-

ment to establish a bookkeeping and accounting system that meets the standards of Appendix B of Part 406 of this chapter and to have the bookkeeping and accounting system certified before the Bureau disburses any funds under a contract awarded as a result of the application. When a certification has been submitted in connection with a previous application, the applicant may state this fact instead of submitting a new certification.

(n) Proposed system for managing property and keeping records or agreement to establish within 90 days of contract execution, a satisfactory system for managing property and keeping records.

(o) Advance payment required by the tribal organization for contract.

(p) Term of contract requested and proposed starting date of contract.

##### § 401.15 Criteria for declining to contract.

(a) The Commissioner may decline to contract only for the specific causes given in paragraph (b) of this section. The burden of proof is on the Commissioner to demonstrate, through substantial evidence, that one of the specific grounds for declination exists and that, therefore, the application must be declined.

(b) The Commissioner may decline to contract when:

(1) The services to be provided to the intended Indian beneficiaries of the particular program or function to be contracted will not be satisfactory.

(2) It will be presumed by the Bureau that the program plan and budget set forth by the tribal organization provides a basis for the delivery of satisfactory services to the Indian people unless it can be demonstrated by the Bureau by substantial evidence that the program will yield results which will be deleterious to the welfare of the Indian people to be served.

(3) The service to be provided shall be deemed satisfactory if the contract application indicates that the applicant has or will establish procedures to assure that services and assistance shall be provided to the Indians affected by the contract in a fair and uniform manner. Such procedures include eligibility criteria for a tribal member to receive services; recordkeeping adequate to verify the fairness and uniformity of services in case of formal complaints; an adequate complaint procedure available to all Indians affected; and those rights the individual will retain following the complaint.

(4) Adequate protection of trust resources is not assured. Criteria for determining if there is adequate protection of trust resources are given in § 401.34.

(5) The proposed project or function to be contracted cannot be properly completed or maintained by the proposed contract.

(6) In arriving at his finding, the Commissioner shall consider whether the tribal organization would be deficient in performance under the contract with respect to the factors listed in this paragraph.

(7) Equipment, buildings and facilities. No higher standards with regard to buildings, facilities, or equipment shall be applied to tribal organizations than have previously been applied to the Bureau. As provided in § 401.42, the Bureau shall make available the use of all equipment which has been allocated to the operation of the program by the Bureau in the past, unless the Bureau proves the provision of the equipment will seriously interfere with the Bureau's ability to provide services to Indian people in non-contracted programs. Where equipment is shared by the programs to be contracted and other non-contracted programs, equipment-sharing or other suitable arrangements shall be stated in the contract.

(8) Bookkeeping and accounting procedures. It must be clearly demonstrated by the Bureau that the tribal organization which will undertake the contract does not have or cannot set in place, using the contract funds, an accounting and bookkeeping system which will be adequate.

(9) Substantive knowledge of the program to be contracted.

(10) Where the tribal organization proposing to contract is the tribal governing body and the program or function to be contracted is a tribal governmental function, there shall be an absolute presumption that the tribal governing body has substantive knowledge of the program or function to be contracted.

(11) Where the tribal organization proposing to contract is not the tribal governing body or the program or function to be contracted is not a tribal governmental function, the tribal organization shall be presumed to have substantive knowledge of the program to be contracted if the tribal organization meets one or more of the following conditions:

(A) The tribal organization has adequately managed a similar program before through grant or contract.

(B) The tribal organization which is to manage the project possesses by virtue of its knowledge and/or experience substantive knowledge of the program to be contracted.

(C) The tribal organization has been a consumer of such services in the past and thus has developed an understanding of the issues involved with the program sufficient to enable it to effectively carry out the contract operation; and, the tribal organization can secure through the resources of the contract, Bureau staff or other resources, the training in the particular subject area which will develop its substantive knowledge of the program.

(D) Lack of community support. Before the Bureau can enter into a contract there must be a request made in accordance with § 401.18. The tribal governing body's resolution under § 401.18 shall be presumed to demonstrate that there is not a lack of community support for the proposed contract. Unless it can be demonstrated by substantial evidence that there is a lack of community support for the contract and the lack of support will result in unsatisfactory services, inadequate

quate protection of trust resources or impossibility of service maintenance, the tribal governing body's resolution shall be deemed conclusive. In any event, there will be no finding by the Bureau of a lack of community support that would result in deficiencies in performance under the contract until those asserting it have exhausted all their tribal remedies.

(5) Adequacy of trained personnel. The adequacy of trained personnel available to the tribal organization to carry out the proposed contract will be presumed if any of the following conditions exist:

(1) If the tribal organization has a personnel system that prescribes minimum occupational qualification standards, procedures for the selection of personnel on the basis of such standards, and the personnel to be used under the proposed contract are to be employed under the personnel system.

(2) If there is no tribal personnel system, it will be assumed that the personnel to be employed under the proposed contract are adequately trained if the tribal organization has established position descriptions for key personnel to be employed under the contract and establishes a personnel system similar to the one described in paragraph (c) (5) (1) of this section.

(3) Other necessary components of contract performance.

(4) All other necessary components of contract performance will be deemed to be met unless a tribal organization:

(A) Does not have an adequate personnel system that provides selection standards which insure equal access to all qualified tribal members;

(B) Has not agreed to establish and maintain a property management system which will adequately account for and protect government property.

(C) Has not agreed to keep such records as required pursuant to § 401.46, make reports required by § 401.49, or to make such reports and information available to Indian clients as required by § 401.48.

(D) Has not submitted a completed contract application.

(E) All "other necessary components" have been specifically identified in this section. No other components shall be defined which may serve as a basis for declination unless they are added to these regulations by revision or amendment of the regulations.

(6) Program plans and designs of tribal organizations for contract operation of Bureau programs or parts may be inconsistent with other Parts of this chapter if a waiver is obtained from the Commissioner. Inconsistencies between such plans and designs and Bureau manuals, guidelines or other procedures that are appropriate to programs or parts of programs operated by the Bureau are not grounds for declination.

(7) Tribes may request a waiver from the Commissioner of regulations in this chapter as given in § 1.2 of this chapter.

(8) Bureau officials may not decline to enter into a contract with a tribal organization because of any objection that could be overcome through the contract.



## § 401.16 Access to Bureau records.

(a) Upon the request of a tribal organization, the Superintendent or Area Director shall make available any information requested and such other information as the tribal organization may need to prepare a contract application or carry out a contract. Tribal organizations, other than the governing body of an Indian tribe (except when operating under a contract authorized under the Act), should seek such information through that tribe's chairman or other official(s) designated by the tribal governing body. Requests for information are subject only to the limits of the Freedom of Information Act (5 U.S.C. 552) as amended by the Act of November 21, 1974 (Public Law 93-502, 38 Stat. 1561), the Privacy Act (Public Law 93-579) and other applicable laws. Information to be made available shall include, but not be limited to:

- (1) Data on program services to intended beneficiaries;
  - (2) Reports on Bureau program operations for the past three years;
  - (3) Present Bureau staffing pattern and grade levels, existing vacancies and position descriptions;
  - (4) Data on the amount of funds which have been provided for the direct operation of the specific program(s) or portions thereof by the Bureau during the past fiscal year;
  - (5) Existing appraisals, inventories, and assessment of trust resources.
- (b) The tribal organization shall have access to Bureau records as follows:
- (1) The tribal organization shall have access to needed Bureau records at the appropriate Bureau office for review and making copies of selected records.
  - (2) If the tribal contractor needs a reasonable volume of identifiable Bureau records, the Bureau will furnish the copies to the tribal organization.
  - (3) Failure of the Bureau to provide such access may be appealed under the provisions set out in 43 CFR 2.17.

## § 401.17 Pre-application technical assistance.

(a) Upon the request of a tribe, Bureau Agency and Area Offices shall provide technical assistance to a tribal organization to assist them in:

- (1) Determining the appropriateness of contracting.
- (2) Developing an effective program design and plan of operations.
- (3) Preparing technical parts of the contract application.
- (4) Such other ways as may be requested.

(b) Upon the request of a tribe, to the extent that funds are available, the Bureau may make technical assistance available to the tribal organizations from sources including, but not limited to:

- (1) Technical assistance organizations under contract with the Bureau.
- (2) Grants under Part 402 of this chapter.
- (3) Other technical assistance resources funded by the Bureau.

(c) Upon the request of a tribe, the Bureau will also assist tribal organiza-

tions in obtaining technical assistance from other Federal agencies.

## § 401.18 Tribal request for initial contract.

(a) Before the Bureau can enter into a contract with a tribal organization, it must be requested to do so by the tribe to be served under the contract. The tribe's request shall be in the form of a resolution by the tribal governing body. If the tribal organization is applying for a contract to perform services benefiting more than one tribe, an authorizing resolution from each tribal governing body must be obtained before submitting the application to the Bureau for approval. A tribal governing body may pass a single resolution authorizing a tribal organization to apply for, negotiate, and execute more than one contract if the resolution specifies for each contract the same information required in paragraphs (b) and (c) of this section.

(b) The resolution of the tribal governing body shall authorize the applicant tribal organization to apply for, negotiate and contract with the Bureau, subject to the specific terms, conditions and limitations of the resolution and applicable tribal laws, codes, and regulations. The resolution shall include the results of the vote (the number for and against), the date the resolution was approved, and signature of the person authorized to certify the accuracy of the information contained in the resolution.

(c) The tribal governing body's request (resolution) should include the following:

- (1) When the tribal organization is the tribal governing body:
- (i) A brief statement of the contract scope.

(ii) The tribal official authorized to negotiate the contract and any amendments thereto.

(iii) The tribal official authorized to execute the contract and any amendments thereof.

(iv) The expiration date of the authorities granted by the resolution.

(v) The extent and procedure, if any, for review of the contract and any amendments thereto by the tribal governing body before execution.

(vi) The proposed date for contract commencement.

(vii) The proposed term of the contract.

(2) When the tribal organization is other than the tribal governing body:

(i) The name of the tribal organization.

(ii) A brief statement of the contract scope.

(iii) The extent and procedure for review by the tribal governing body of the contract and any amendments thereto prior to execution by the tribal organization.

(iv) The tribal office or official to which the Bureau should send copies of contract documents and correspondence.

(v) The proposed term of the contract.

(vi) The proposed date for contract commencement.

(vii) Any limitations on authorities granted the tribal organization, includ-

ing authorities vested in the tribal organization and/or tribal governing body in regard to requests for retrocession of contracts.

(d) Any procedures given in this section concerning the manner in which a tribal governing body passes a tribal resolution shall apply except where inconsistent with tribal constitution, law, code, ordinance, or other written document. In such cases, the tribal law or procedures shall be cited in the resolution and shall take precedence.

## § 401.19 Status of contracts in effect before effective date of regulations.

(a) Contracts between the Bureau and tribal organizations, which were entered into before the effective date of these regulations and are still in effect, shall continue until expiration of that Contract. Any revisions or amendments requested during the contract period shall be subject to the provisions of Subpart E of this Part.

(b) Upon completion of contracts in effect before the effective date of the regulations, one of the following will occur:

(1) Where the tribal organization was authorized to enter into its existing contract by a tribal resolution, even if the resolution was passed before the effective date of these regulations, the tribal organization shall have the right to re-contract subject to the provisions given in § 401.20.

(2) Where the tribal organization did not have a tribal resolution authorizing it to enter into the existing contract, it shall not be entitled to recontract, but must obtain a tribal request as provided in § 401.18 and submit an application as provided in § 401.14.

## § 401.20 Recontracting.

The Bureau will recontract for the same function(s) or programs as the original contract at the written request of the tribal organization designated in the tribal resolution. Requests for recontracting shall be made as follows:

(a) If the original contract provided services to only one Indian tribe, written applications to recontract shall be sent by the tribal organization to the Agency Office as follows:

(1) Directly, when the tribal organization involved is the governing body of the tribe.

(2) Through the governing body of the tribe for review when the tribal organization is not the governing body of the tribe. Submission shall be made to the governing body at least 75 days before the original contract expires. The tribal organization shall promptly notify the Superintendent in writing of the date the tribal governing body received the application. If, within 45 days after receiving the application, the tribal governing body does not provide the Superintendent with a formal resolution objecting to the application to recontract, the absence of receipt of such resolution shall constitute the tribe's request to recontract.

(b) If the original contract provided services to more than one Indian tribe, the tribal organization must give a copy

of the written application to recontract to each tribal governing body 75 days before the original contract expires. The tribal organization shall promptly notify the Bureau office, where the application is to be submitted under § 401.21, in writing of the date the tribal governing bodies received copies of the application. If, within 45 days after receiving copies of the application, none of the tribal governing bodies provide the appropriate Bureau office with a formal resolution objecting to the application to recontract, the absence of receipt of such resolutions shall constitute the tribe's request to recontract. If one or more of the tribal governing bodies involved object to the contract, the contract will not be made until all of the tribal governing bodies have approved the request and the matter is resolved.

## § 401.21 Submission of requests to contract.

Tribal requests to contract and contract applications shall be submitted to the Bureau, as follows:

(a) To the Superintendent when the tribe(s) or Indians to be served by the contract are within the jurisdiction of that Agency office.

(b) To the Area Director when the tribe(s) or Indians to be served by the contract are within the jurisdiction of more than one Agency office in the same Bureau Area.

(c) To the Commissioner when the tribe(s) or Indians to be served by the contract are within the jurisdiction of more than one Area Office.

## § 401.22 Review and action by Superintendent.

The Superintendent shall take the following actions after receiving the contract application:

(a) Within five days, the Superintendent shall notify the applicant and the tribal governing body, if different from the applicant, that the application was received.

(b) Within 15 days, the Superintendent shall review the application for completeness and request any additional information from the applicant or from the requesting tribe that is needed to satisfy the requirements of § 401.14.

(c) Within 30 days, the Superintendent shall make recommendations in writing to the applicant and the tribal governing body which he feels are needed to avoid possible declination and shall indicate the technical assistance available from the Agency Office to correct any deficiencies.

(d) The Superintendent shall provide the technical assistance offered in the written recommendation as requested by the tribal organization and tribal governing body.

(e) The Superintendent shall forward the application to the Area Office with his comments and recommendations as follows:

(1) Within 30 days after receiving the application when the Superintendent has no recommendations to make to the applicant.

(2) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(3) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(4) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(5) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(6) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(7) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(8) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(9) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(10) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(11) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(12) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(13) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(14) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(15) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(16) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(17) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(18) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(19) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(20) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

(2) Within 10 days after making written recommendations to the applicant when the applicant does not respond or refuses the technical assistance offered.

## § 401.23 Review and action by Area Director.

Upon receipt of the contract application, the Area Director will review the application and the Superintendent's recommendations or, where the application was submitted directly to the Area Director as provided for in § 401.21, obtain the appropriate Superintendent's recommendations and then proceed as follows:

(a) Notify the applicant and the tribal governing body, if different from the applicant, that the application was received, within five days of its receipt.

(b) Within 15 days, review the contract application, the recommendations of the Superintendent, any responses from the contract applicant or the tribal governing body and the criteria for declination set forth in § 401.15 to determine if there are any declination issues that must be addressed, and at the completion of the review, take one of the following actions as appropriate:

(1) If there are no declination issues, the Area Director will notify the contract applicant in writing of this fact, and offer to enter into contract negotiations within 30 days of advising the applicant or at the applicant's convenience, and furnish a copy of any documents to be used by the Bureau during negotiations.

(2) If it is felt that there are declination issues that must be resolved, the Area Director will notify the applicant and/or tribal governing body of this fact in writing. The notice shall include a list of the declination issues identified by the Area Director, the reason(s) for such identification, a copy of any documents used in arriving at the issues, recommendations for resolving the issues and the technical assistance available for this purpose. The notice shall also request a meeting with the applicant and/or tribal governing body to discuss the issues and seek agreement on a course of action to resolve them. The meeting shall be held within 15 days of the applicant's and/or tribal governing body's receipt of the notice or at a time mutually agreed to by the parties.

(3) If the applicant accepts the technical assistance, it shall be provided in accordance with the applicant's request. At such time as the issues are thus resolved, the Area Director will so advise the applicant and offer to enter into negotiations within 15 days of resolution or at the applicant's convenience.

(4) If the applicant declines the Area Director's offer of technical assistance and the matter is not otherwise resolved, the Area Director shall proceed in accordance with § 401.24.

(5) If the applicant does not respond within 30 days of receipt of the Area Director's recommendations and offer of assistance, and does not request additional time in which to respond, the Area Director shall proceed in accordance with § 401.24.

(6) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(7) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(8) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(9) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(10) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(11) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(12) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(13) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(14) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(15) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(16) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(17) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(18) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(19) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(20) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

(iv) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's receipt of the applicant's response to the Area Director's recommendations, the Area Director shall proceed in accordance with § 401.24.

## § 401.24 Area Director's recommendation to decline.

(a) If the Area Director, the applicant and the tribal governing body fail to resolve the declination issues, the Area Director shall prepare a written recommendation to decline.

(b) This recommendation shall contain, at a minimum, the following information:

(1) Identification of specific objections, categorized under one or more of the declination factors set forth in § 401.15.

(2) Specific recommendations on actions required by the applicant or tribe to overcome objections.

(3) Description of the nature, scope, and source of the technical assistance which has been provided or offered by the Bureau to assist the tribal organization to overcome declination objections.

(4) Copies of all correspondence between the Agency, Area and applicant and/or tribe, and all responses thereto, including any reports of meetings between the parties relative to the application.

(5) Copy of original application.

(c) The Area Director shall send the written recommendation to the Commissioner within 15 days after the time periods provided in § 401.23(b) (2) (iii) and (iv). At the same time, he shall send a copy of the written recommendation to the tribal organization and tribal governing body.

(d) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(e) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(f) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(g) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(h) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(i) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(j) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(k) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(l) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(m) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(n) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(o) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(p) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(q) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(r) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

(s) Within 15 days of receipt of the Area Director's recommendation to decline, the applicant may notify the Commissioner and the Area Director that it accepts the offer of technical assistance described in paragraph (b) (3) of this section, thereby staying the declination process. To reconstitute the application process the applicant must notify the Area Director, at which time the Area Director shall proceed in accordance with § 401.23.

or eliminate potential for conflicts-of-interest, and that no delegation of trust as follows:

(e) Allowance payments shall be made

be provided, the Bureau shall determine whether it can provide comparable serv-



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(c) Within 15 days after receiving the Area Directors' recommendations, the Commissioner shall review the application, the Area Directors' recommendations, and the declination criteria in § 401.15.

(d) Within 15 days after receiving the Area Directors' recommendations, the Commissioner shall notify the applicant, the appropriate tribal governing bodies, and the Area Director(s) of one of the following:

(1) When the Commissioner does not accept the Area Director's recommendations to decline, notice shall be given that the recommendations are not accepted and that the Bureau shall enter into a contract with the applicant.

(2) When the Commissioner accepts the Area Directors' recommendations and believes that the Bureau should not contract as requested, notice shall be given that the Commissioner plans to issue a declination notice and that the applicant has the following rights:

(i) The applicant may submit a written rebuttal to the Commissioner's plan to issue a declination notice.

(ii) The applicant may request to appear before the Commissioner or his representative under paragraph (e) of this section.

(iii) The applicant must use these rights within 30 days after receiving the notice required in paragraph (d) (2) of this section.

(e) If the applicant requests to appear before the Commissioner under paragraph (d) (2) (ii) of this section, the Commissioner shall:

(1) Select a site for a meeting between the applicant and the Commissioner or his representative from the Bureau's headquarters.

(2) Authorize payment of transportation costs and per diem under terms he may make to allow adequate representation of the applicant and the appropriate tribe(s), if the meeting is more than 50 miles from the office of the applicant.

(3) Notify the applicant and the appropriate tribe(s) of the time, location and other terms of the meetings.

(4) Hold the meeting within 30 days of the request, unless the applicant requests a later date.

(f) (1) The Commissioner shall issue a declination notice as follows:

(i) Within 15 days after receiving the applicant's rebuttal submitted under paragraph (d) (2) (i) of this section or after the conclusion of the meeting under paragraph (e) of this section.

(ii) Within 45 days after notifying the applicant under paragraph (d) (2) of this section when the applicant has not used the rights under paragraph (d) (2) of this section.

(2) The declination notice shall be in writing and shall contain:

(i) Identification of specific objectives, categorized under one or more of the declination criteria set forth in § 401.15.

(ii) Specific recommendations on actions required by the applicant or tribe(s) to overcome objections.

(iii) Description of the nature, scope, and source of the technical assistance

which has been provided to overcome declination objections.

(iv) Copies of all correspondence between the Bureau, applicant and/or tribe(s), and all responses thereto, including any reports or meetings between the parties relative to the application.

(v) Copy of original application.

(vi) The appeal rights of the applicant and/or the tribal governing body under § 401.83.

§ 401.26 Appeals of Commissioner's decision to decline.

The tribal organization and/or the tribal governing body shall have 60 days to appeal to the Board of Indian Appeals, Department of Interior, Washington, D.C., the decision by the Commissioner to decline to contract. The appeal shall be made as provided in § 401.83.

§ 401.27 Failure of Bureau Agency or Area Office to act.

Whenever a Bureau Agency or Area Office official fails to take action on a contract application within the time limits established in this Part, the tribal organization that submitted the application, may, at its option, request action by the next higher Bureau official. In such cases, the official that failed to act shall immediately forward the application and all material pertinent thereto to the official to whom the request for action was made.

Subpart C—Additional Requirements for Trust Responsibilities

§ 401.31 Applicability.

This Subpart gives additional requirements applicable to the application and approval process for contracts under this Part which involve the Bureau's trust responsibilities in the area of natural resources, such as assessments, irrigation, real estate, forestry, range management, wildlife and parks, water inventories, and hunting and fishing.

§ 401.32 Contractable functions or programs.

Contractable trust resources programs, or portions thereof, include the following:

(a) Assessments; inventories of existing resources in trust for individuals and for tribes.

(b) Soil and moisture conservation; basic soil and water conservation, watershed protection, flood prevention, cooperative surveys and investigations, and resource conservation and development; *Provided*, That lease and permit management and monitoring shall be conducted in accordance with prior accepted local procedures and accepted principles of good husbandry.

(c) Irrigation; development, construction, recordkeeping, rehabilitation, operations and maintenance; *Provided*, That when operations and maintenance activities are contracted such contracts will not adversely affect services provided by the system, and each such contract contains prescribed guidelines and specific standards for services to be performed under said contract.

(d) (1) Real estate: maintenance of land records, preparation of abstracts of title, research programs to determine heirship and inventory of estates, collection of technical data and studies to be used in determinations of tribal claims to real property, collection of data leading to ascertainment of surface and subsurface resources, administration of leases.

(2) Advice and technical assistance provided individual landowners in connection with lease negotiations initially will be made concurrently by a contractor and an appropriately designated Federal official. Depending upon Indian community reaction to tribal involvement in this area, contracts subsequently may be modified to increase tribal participation progressively.

(e) Forestry: forest management and planning, including the making of inventories, management plans and maintenance, tribal or individual Indian consultation services, administration of timber sales and Indian permit cutting, conduct of timber stand improvement projects, protection of the forest against wildlife, trespass, disease, or insect infestation, and participation in cooperative programs with other Federal, State, or tribal organizations similar to programs of the Bureau. Activities which already are provided Indian forests from non-Bureau sources, as part of the management of a forested area larger than the reservation, are not contractable under provisions of this Part.

(f) Range management: development of contract stipulations for agricultural leases/permits (land use stipulations or conservation standards necessary to define each use shall be incorporated in and made a part of such lease or permit); supervision of compliance, fee collection, watershed management, game and fish management, outdoor recreation, wildlife prevention and control.

(g) Wildlife and parks: conservation, use, and development of wildlife (including fisheries resources), and preservation of natural beauty, historical sites, and archeological remains.

(h) Water inventories for protection of water rights.

(i) Hunting and fishing: programs to implement court decisions affecting on- and off-reservation hunting and fishing rights and programs to provide biological data supporting litigation concerning hunting and fishing issues.

§ 401.33 Content of application.

In addition to the information required in § 401.14, the following additional information shall be included in the contract application when a trust resource or responsibility is involved:

(a) A statement of the impact of proposed activity on trust resources related to:

(1) Maintenance of inventory levels and values to tribes and to individuals; and

(2) Income to individuals and tribe. The statement must also demonstrate a thorough assessment of the trust resources issues, positive steps to protect the trust resources, provisions that limit

or eliminate potential for conflicts-of-interest, and that no delegation of trust responsibility is requested.

(b) A statement of the special skills and qualifications required of personnel attached to program activity impacting on trust resources and trust responsibility.

§ 401.34 Criteria for declining to contract.

(a) If a contract application includes a project or function which is related to the Bureau's performance of a trust responsibility in the area of natural resources as given in § 401.32, the Commissioner shall decline to contract if he finds that:

(1) The contract application provides for or would necessarily require the delegation to the tribal organization of a trust responsibility vested by law in the Secretary or the Commissioner.

(2) The contract application provides for the termination of a trust responsibility.

(b) The contract application provides for completion or maintenance of the project or function to a lesser standard than under Bureau administration. However, a tribal proposal to raise performance standards shall not be used as a reason for declination.

(c) The proposed activity requires special skills for its performance and the proposed key staff does not meet Civil Service Commission or excepted qualification standards, other accepted professional standards appropriate to the discipline involved, or are not otherwise recognized as technically qualified.

Subpart D—General Contract Requirements

§ 401.41 Advance payments.

(a) At the request of a tribal contractor, the Bureau contracting officer shall make advance payments under contracts as provided in this section. The requirements given in this section and in Chapter 2000 of the Treasury Fiscal Requirements Manual apply to making the advance payments.

(b) Any request for advance payment by a tribal contractor shall specify the amount(s) required and the dates such advance(s) will be required and shall be supported by a schedule of estimated expenditures.

(c) An initial advance will be limited to the amount of estimated expenditures for a period of time required to effect payment, based on experience in the locality. The initial advance may be made in amounts and at times determined suitable to satisfy the minimum essential needs of the contractor.

(d) Later advances may be made at times and in amounts determined necessary to insure availability of funds for timely payment of the tribal contractor's obligations and to minimize the time between withdrawal from the Treasury and expenditure. Requests for advances after an initial advance shall be accompanied and supported by a report of expenditures to date and the amount of funds on hand.

(e) Allowance payments shall be made as follows:

(1) When the annual advance to a tribal contractor is expected to exceed \$250,000 in the aggregate and the contract term is for at least one year, the letter-of-credit method normally shall be used. The requirements contained in Chapter 2000 of the Treasury Fiscal Requirements Manual shall apply to making these advance payments.

(2) Except as provided in paragraph (e) (1) of this section, advance payments shall be made by check made payable to the tribal contractor and handled as follows:

(i) Advance payments may be made directly to the tribal contractor when the contractor is a tribal governing body, a non-profit Indian organization serving as a governmental instrumentality of an Indian tribe or an intertribal council. However, when the contractor is not one of the above, the advance payment may be made directly if all of the following conditions exist:

(A) The advance payment does not exceed \$2500.

(B) It is the only advance payment involved in the contract.

(C) The performance time is less than 90 days.

(D) The advance payment does not exceed 85% of the amount of the contract.

(ii) Checks for advance payments which cannot be made directly to the tribal contractor, as given in paragraph (e) (2) (i) of this section, shall be marked for deposit in a special bank account established for the contract. No part of the funds deposited in the special bank account shall be mingled with other funds of the tribal contractor before the funds are withdrawn to meet obligations under the contract.

(f) Tribal contractors shall not be held accountable for interest earned on funds advanced pending disbursement. However, bank balances must be maintained at the minimum level consistent with program requirements. Requests for advances shall be reviewed to insure that excess funds are not advanced.

(g) Sub-advances may be made when predetermined as a part of contracted programs or when specifically authorized in writing by the contracting officer. Sub-advances will not be made to individuals except for approved travel. In such cases, the sub-advances shall not exceed the minimum required for one trip and shall be settled by voucher or repayment within 30 days.

§ 401.42 Use of Government property.

(a) In carrying out a contract made under this Part, the Superintendent, Area Director or Commissioner shall, wherever possible, permit a tribal contractor to use existing buildings, facilities, and related equipment and other personal property owned by the Bureau within his jurisdiction. To the extent possible, arrangements on the use of Bureau property shall be provided for in the contract agreement. In determining whether real or personal property can

be provided, the Bureau shall determine whether it can provide comparable services for any of the uncontracted part(s) of the program.

(b) Requests for the use of Bureau property which arise after signing of the contract shall be submitted to the relevant Bureau official by the tribal organization. Such requests should be granted and the contract appropriately amended unless such use will seriously interfere with the administration of existing Bureau programs. The property must conform to the minimum standards established by the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

§ 401.43 Wage and labor standards.

(a) All laborers and mechanics employed by tribal contractors or subcontractors in the construction, alteration, or repair of buildings or other facilities in connection with contracts under this Part shall be paid wages not less than those on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended. However, this requirement does not apply where the tribal contractor is the recognized governing body of the tribe or a non-profit Indian organization serving as a governmental instrumentality of an Indian tribe and the construction, alteration, or repair work is being performed by the tribal organization or the tribe with its own employees.

§ 401.44 Indian preference.

(a) Any contract made by the Bureau with a tribal organization shall provide that the tribal contractor shall, to the greatest extent feasible, give preference in and opportunities for employment and training to Indians.

(b) Any contract made by the Bureau with a tribal organization shall provide that the tribal contractor shall, to the greatest extent feasible, give preference in the award of subcontract to Indian organizations and to Indian-owned economic enterprises.

(c) All subcontractors employed by the tribal organization shall, to the extent possible, give preference to Indians for employment and training and shall be required to include in their bid submission a plan to achieve maximum use of Indian personnel.

§ 401.45 Liability and motor vehicle insurance.

(a) Tribal organizations shall obtain public liability and motor vehicle insurance under contracts entered with the Bureau under this Part. However, where the contracting officer determines that the risk of death, personal injury or property damage under the contract is small and that the time and cost of procuring the insurance is great in relation to the risk, the contract may be exempted from this requirement.

(b) Notwithstanding paragraph (a) of this section, any contract which requires or authorizes, either expressly or by im-

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plication, the use of motor vehicles must

available to the Indian people which the

missioner. The report shall include, but not be limited to, an accounting of the

than \$1,000 or imprisoned not more than one year, or both.

supplying labor and material in carrying out the contract. Whenever the total

not be less than the Bureau would have provided if the Bureau operated the pro-



plication, the use of motor vehicles must contain a provision requiring the tribal organization to provide liability insurance, regardless of how small the risk.

#### § 401.46 Recordkeeping.

A tribal contractor will be required to develop and maintain a recordkeeping system which will:

- (a) Fully reflect all financial transactions involving the receipt and expenditure of funds provided under the contract in a manner which will provide accurate, current and complete disclosure of financial status; correlation with budget or allowable cost schedules; and clear audit facilitating data.
- (b) Reflect the amounts and sources of funds other than contract funds which may be included in the operation of a program.

(c) Provide for the creation, maintenance and safeguarding of records of lasting value, including those involving individual rights, such as permanent student records and transcripts.

(d) Provide for orderly retirement of permanent records in accordance with General Records Schedules and the Bureau Records Control Schedule.

#### § 401.47 Records—access to and retention.

(a) During the term of a contract under this Part and for three years after the project or undertaking is completed, the Comptroller General, the Secretary and the Commissioner or any of their duly authorized representatives shall have access, for audit and examination purposes, to any of the tribal contractor's books, documents, papers, and records which, in their opinion, may be related or pertinent to the contract or any subcontract, with the following exceptions:

(1) The records shall be retained beyond the three year period if audit findings have not been resolved.

(2) When records are transferred to or maintained by the Bureau, the three year retention requirement does not pertain to the contractor for those records.

(b) The tribal contractor will be responsible for maintaining all documents such as invoices, purchase orders, cancelled checks, balance sheets and all other records relating to financial transactions in a manner which will facilitate auditing. The tribal contractor will be responsible for maintaining files of correspondence and other documents relating to the administration of the program or project properly separated from general records or cross-referenced to general files.

#### § 401.48 Freedom of information.

(a) Unless otherwise required by law, the Bureau shall not place restrictions on tribal contractors which will limit public access to the tribal contractors' records except when records must remain confidential.

(b) A tribal contractor under this Part shall make all reports and information concerning the contract, including the report required under § 401.49,

available to the Indian people which the contractor serves or represents. Reports and information may be withheld from disclosure only when both of the following conditions exist:

(1) The reports and information fall within one of the following exempt categories:

- (i) Specifically required by statute or Executive Order to be kept secret.
- (ii) Related solely to internal personnel rules and practices of the Bureau.
- (iii) Commercial or financial information obtained from a person or firm on a privileged or confidential basis.
- (iv) Memoranda or letters between agencies of the Federal Government which would not be available by law to a party other than the Federal Government in litigation with the Federal Government.

(v) Personnel, medical, and similar files where disclosure would be a clearly unwarranted invasion of personal privacy.

(vi) Investigatory records compiled for law enforcement purposes when production of the records would:

(A) Interfere with enforcement proceedings;

(B) Deprive a person of a right to a fair trial;

(C) Be an unwarranted invasion of personal privacy;

(D) Disclose the identity of a confidential source and confidential information furnished only by the confidential source;

(E) Disclose investigative techniques and procedures; or

(F) Endanger the life or physical safety of law enforcement personnel.

(vii) Contained in or related to examination, operating, or condition reports prepared for the use of an agency of the Federal Government responsible for the regulation or supervision of financial institutions.

(viii) Geological and geophysical information and data concerning wells.

(2) Disclosure is prohibited by statute or Executive Order or sound grounds exist for using the exemption given in paragraph (b)(1) of this section.

(c) A request to inspect or copy reports and information shall be in writing and must reasonably describe the reports and information requested. The request may be delivered or mailed to the tribal contractor. Within ten working days after receiving the request, the tribal contractor shall determine whether to grant or deny the request. The requester shall be notified immediately of the determination.

(d) The time limit for making a determination may be extended up to an additional ten working days for good reason. The requester shall be notified in writing of the extension, reasons for the extension, and date on which the determination is expected to be made.

#### § 401.49 Annual reporting.

(a) For each fiscal year during which a tribal organization receives or expends funds pursuant to a contract under this Part, the tribe which requested the contract must submit a report to the Com-

missioner. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended, the tribe's evaluation of the contract performance using the criteria submitted in the contract application, and information on the conduct of the program or services involved. The report shall include any other information requested by the Commissioner and may be submitted as follows:

(1) When the contract is with the governing body of an Indian tribe, the tribe shall submit the report to the Area Director.

(2) When the contract is with a tribal organization other than the governing body of the tribe, the tribe has the option of having the tribal organization prepare the report and submit it to the tribe for review and approval before the tribe submits it to the Area Director or Commissioner as appropriate.

(3) When the contract benefits more than one tribe, the tribal organization shall prepare and submit the report to each of the tribes benefiting under the contract. Each tribe shall endorse the report before submitting it to the Area Director or Commissioner as appropriate.

(b) The annual report shall be submitted to the Area Director or Commissioner as appropriate within 90 days after the end of the fiscal year in which the contract was performed. However, upon receipt of a written request, the period for submitting the report may be extended by the Area Director or the Commissioner if there is just cause for such extension.

(c) In addition to the yearly reporting requirement given in paragraphs (a) and (b) of this section, the contract shall provide that the tribal contractor will make available monthly, to members of the tribe(s) affected, an accounting of the amounts and the purposes for which the contract funds were expended during the previous monthly period in the following manner:

(1) By posting a notice containing such information on or before the tenth of each month, at a conspicuous place readily accessible to members of the tribe(s) affected; or

(2) By such other means as is mutually agreed to by the tribal contractor and the Bureau.

(d) In addition to the requirements contained in paragraphs (a), (b) and (c) of this section, the tribal contractor shall furnish other reports when and as required by the Area Director or Commissioner.

§ 401.50 Penalties.

If any officer, director, agent, or employee of, or connected with, any contractor or subcontractor under this Part embezzles, willfully misapplies, steals, or obtains by fraud any of the funds or property connected with the contract or subcontract, he shall be subject to the following penalties:

(a) If the amount involved does not exceed \$100, he shall be fined not more

than \$1,000 or imprisoned not more than one year, or both.

(b) If the amount involved exceeds \$100, he shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

#### § 401.51 Federal contracting laws and regulations.

(a) Contracts with a tribal organization under this Part shall comply with the Bureau procurement regulations contained in 41 CFR 14H-70, except as provided in paragraph (b) of this section.

(b) The Commissioner may waive any Federal contracting laws, executive orders, regulations, rules and other administrative requirements which he determines are not appropriate for the purposes of the contract involved or are inconsistent with the Act. Regulations and clauses which are deemed inconsistent or inappropriate for inclusion in contracts entered into under the Act may be waived, modified or supplemented in 41 CFR 14H-70 of the Bureau's procurement regulations. Requests for waivers may be made as follows:

(1) Tribal organizations may submit written requests for a waiver or modification of contract regulations on specific contracts to the Commissioner through, or jointly with, the contracting officer. The contracting officer will promptly transmit the request and his recommendations on it to the Commissioner, who shall issue a ruling within 15 days after receipt of the request.

(2) When the waiver or modification requested is determined by the Commissioner to apply in general, it will be made a part of 41 CFR 14H-70. When the Commissioner determines that the request for modification or waiver should not apply in general but is warranted for the contract to which the request pertains, the tribal organization and the contracting officer will be so advised in writing.

(3) If the request for waiver or modification is determined by the Commissioner not to be appropriate, the tribal organization will be notified in writing.

(c) Contracts will be negotiated on a sole source basis without advertising when the contracts are requested by a tribal governing body in accordance with § 401.18.

(d) A tribal organization is not required to furnish performance and payment bonds before carrying out a contract under this Part for the construction of public buildings or works as required by the Miller Act of August 24, 1935 (49 Stat. 793), as amended. However, the tribal organization shall require each of its subcontractors to furnish both performance and payment bonds as follows:

(1) A performance bond with a surety or sureties satisfactory to the approving official, and in an amount he deems adequate, for the protection of the United States.

(2) A payment bond with a surety or sureties satisfactory to the approving official for the protection of all persons

supplying labor and material in carrying out the contract. Whenever the total amount payable by the terms of the contract is not more than \$1,000,000, the payment bond shall be one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract is more than \$1,000,000 but not more than \$5,000,000, the payment bond shall be 40 percent of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract is more than \$5,000,000, the payment bond shall be \$2,500,000.

#### § 401.52 Term of contract.

(a) The term of contracts under this Part shall not exceed one year except that contracts may be made for a longer term up to three years, subject to availability of funds under the following circumstances:

(1) The services provided under the contract can reasonably be expected to be continuing in nature and, as a result, a longer contract term would be advantageous.

(2) The Indian tribe(s) to be served by the contract request that the term be more than one year. The tribal organization will indicate the desired term of the contract on the application form. When the Indian tribe(s) request that the contract be approved as provided in § 401.18, that will also be deemed a request for the longer term indicated in the application.

(b) Contracts made for a term of more than one year may be renegotiated annually to reflect factors including, but not limited to, cost increases beyond the control of the tribal contractor. Proposed changes in the services provided under the contract which reflect changes in program emphasis may be considered during the annual renegotiation if the changes fall within the general scope of the contract. Such changes may be initiated by either the tribal contractor or the Bureau but must be agreed to by both.

#### § 401.53 Performing personal services.

Any contract made under this Part may include provisions for the performance of personal services which would otherwise be performed by Federal employees. Such services include, but are not limited to, performing the following functions in accordance with the contract and applicable rules and regulations:

(a) Determining the eligibility of applicants for assistance, benefits, or services.

(b) Determining the extent or amount of assistance, benefits, or services to be provided.

(c) Determining the provisions of such assistance, benefits, or services.

#### § 401.54 Contract funds.

The tribal organization shall be entitled to be funded for direct and indirect costs under the contract as follows:

(a) Direct costs under contracts for operations of programs or parts shall

not be less than the Bureau would have provided if the Bureau operated the program or part during the contract, and shall include funds to plan, administer, control and evaluate the program or part.

(b) Direct costs under contracts for operation of programs or parts operated by the Bureau before contract operations shall be not less than the funds that are programmed and available for the program or part at the time of the contract application, except as limited in paragraph (g) of this section.

(c) Direct costs under contracts for the operation of programs or parts authorized to be operated by the Bureau, but not operated by the Bureau, for the benefit of the Indians to be served under the contract shall be determined by mutual agreement based on a comparison of similar programs operated by the applicant, the requesting tribe, other tribes, other governmental, public or private organizations.

(d) Direct costs for programs or parts to be contracted at the Agency Office level shall be based on the funds available at that level.

(e) Direct costs for programs or parts to be contracted at the Area Office level shall be based on funds available at that level.

(f) Allowability of costs under contracts shall be determined under Appendix A of Part 406 of this chapter.

(g) Funds provided under contract for direct or indirect costs shall not cause a reduction in funds provided for other programs or parts not under contract, except as agreed to by the affected tribe(s) and within the existing authorities of the Bureau.

#### § 401.55 Savings under contract.

(a) If it becomes apparent during the contract term that the estimated amount of a contract under this Part will be in excess of actual expenditures under the contract, the identified savings shall be used to provide additional services or benefits within the scope and limitations of the contract.

(b) When both the tribal organization and the Bureau agree that it is not practicable to spend the savings during the contract term and the contract funds were appropriated pursuant to the Act of November 2, 1921 (42 Stat. 208), the savings may be carried over into the succeeding fiscal year contract, except as otherwise specifically provided in appropriation acts. Savings carried over into a succeeding fiscal year shall be added to the contract amount for that fiscal year. The savings shall not reduce the amount that would have been made available if there had been no savings.

(c) If there are savings under a contract that is retroceded as provided in § 401.71, the savings shall be used by the Bureau to operate the program or part of a program covered by the retroceded contract. The savings may be carried over and used for such operations during the succeeding fiscal year, except as otherwise specifically provided in appropriation acts.



### Subpart E—Contract Revision or Amendment

#### § 401.61 Requesting revision or amendment.

(a) Any contract made under this Part may be revised or amended as deemed necessary to carry out the purposes of the program, project or function being contracted.

(b) The contractor shall submit proposed revisions and amendments to the Bureau as follows:

(1) To the contracting officer in the Area Office when the tribe(s) or Indians served by the contract are within the jurisdiction of that Area Office.

(2) To the contracting officer in the Bureau's headquarters in Washington, D.C. when the tribe(s) or Indians served are within the jurisdiction of more than one Area Office.

(c) The contractor shall send copies of all requests for revisions or amendments to the designated representative of the tribal governing body at the same time as they are sent to the appropriate contracting officer.

#### § 401.62 Review and action by contracting officer.

Upon receipt of the proposed revision or amendment from the contractor, the contracting officer shall:

(a) Within five days, notify in writing the contractor and the tribal governing body(s) if different from the contractor, of receipt of the proposed revision or amendment and that the tribal governing body(s) shall have 15 days from receipt of the notice to send any written objections to the contracting officer. If the tribal governing body(s) object to the proposed revision or amendment, the contracting officer shall so notify the contractor and the proceedings under this subpart shall cease.

(b) Within 30 days after the tribal governing body(s) received the notice, if no objections are received, review the proposed revision or amendment and the criteria for declination given in § 401.15. At the completion of the review, the following action will be taken as appropriate:

(1) If there are no declination issues, the contracting officer will notify the contractor and the tribal governing body(s) in writing of this fact and offer to revise or amend the contract within 30 days of issuing the notice or at their convenience.

(2) If it is felt that there are declination issues that must be resolved, the contracting officer will notify the contractor and the tribal governing body(s) of this fact and the extent of the issues, recommend a course of action to resolve the issues and offer technical assistance to resolve the issues within 30 days after issuing the notice.

(3) If the contractor and the tribal governing body(s) accept the technical assistance, it shall continue in accordance with their request. At such time as the issues are thus resolved the contracting officer will so advise the contractor and the tribal governing body(s) and

offer to enter into negotiations within 15 days of resolution or at their convenience.

(4) If the contractor and the tribal governing body(s) decline the contracting officer's offer of technical assistance and the matter is not otherwise resolved, the contracting officer shall proceed in accordance with § 401.63.

(5) If the contractor and the tribal governing body(s) do not respond within 30 days of receipt of the contracting officer's recommendations and offer of assistance and do not request additional time in which to respond the contracting officer shall proceed in accordance with § 401.63.

(6) If the contractor and the tribal governing body(s) do not agree with the contracting officer's recommendations and the matter is not resolved within 30 days of the contracting officer's receipt of their response to the contracting officer's recommendations, the contracting officer shall proceed in accordance with § 401.63.

#### § 401.63 Contracting officer's recommendation to decline.

(a) If the contracting officer, the contractor, and the tribal governing body fail to resolve the declination issues, the contracting officer shall prepare a written recommendation to decline.

(b) This recommendation shall contain, at a minimum, the following information:

(1) Identification of specific objections, categorized under one or more of the declination factors set forth in § 401.15.

(2) Specific recommendations on actions required by the contractor or tribe(s) to overcome objections.

(3) Description of the nature, scope, and source of the technical assistance which has been provided or offered by the Bureau to assist the contractor and the tribal governing body(s) to overcome the declination objections.

(4) Copies of all correspondence between the contracting officer and contractor and tribal governing body(s) and all responses thereto, including any reports of meetings between the parties relative to the proposed revision or amendment.

(5) Copy of original proposed revision or amendment.

(c) The contracting officer shall make written recommendations to:

(1) The Area Director when the tribe(s) or Indians served by the contract are within the jurisdiction of that Area Office.

(2) The Commissioner when the tribes or Indians served are within the jurisdiction of more than one Area Office.

#### § 401.64 Review and action by Area Director or Commissioner.

(a) Within five days after receiving a proposed revision or amendment and the contracting officer's recommendations to decline, the Area Director or Commissioner as given in § 401.61 shall notify the contractor and the tribal governing body(s) in writing of the receipt of the proposed revision or amendment.

(b) Within 15 days after receiving the contracting officer's recommendations, the Area Director or Commissioner shall review the application, the contracting officer's recommendations, and the declination criteria in § 401.15.

(c) Within 15 days after receiving the contracting officer's recommendations, the Area Director or Commissioner shall notify the contractor, the appropriate tribal governing body(s), and the contracting officer of one of the following:

(1) When the Area Director or Commissioner does not accept the contracting officer's recommendations to decline, notice shall be given that the recommendations are not accepted and that the Bureau shall revise or amend the contract as requested by the contractor and the tribal governing body(s).

(2) When the Area Director or Commissioner accepts the contracting officer's recommendations and believes the Bureau should not revise or amend the contract as requested, notice shall be given that the Area Director or Commissioner plans to issue a declination notice and that the contractor and the tribal governing body(s) have the following rights:

(i) The contractor and the tribal governing body(s) may submit a written rebuttal to the Area Director's or Commissioner's plan to issue a declination notice.

(ii) The contractor and the tribal governing body(s) may request to appear before the Area Director or Commissioner or their representatives under paragraph (d) of this section.

(iii) The contractor and the tribal governing body(s) must exercise these rights within 30 days after receiving the notice required in paragraph (c) (2) of this section.

(d) If the contractor and the tribal governing body(s) request to appear before the Area Director or Commissioner under paragraph (c) (2) (ii) of this section, the Area Director or Commissioner shall:

(1) Select a site for a meeting between the contractor, the tribal governing body(s), and the Area Director or Commissioner. The Area Director or Commissioner may designate a representative from his office to attend the meeting.

(2) Authorize payment of transportation costs and per diem under terms he may make to allow adequate representation of the contractor and the appropriate tribe(s), if the meeting is more than 50 miles from the office of the contractor.

(3) Notify the contractor and the appropriate tribe(s) of the time, location and other terms of the meeting.

(4) Hold the meeting within 30 days of the request, unless the contractor and the tribal governing body(s) request a later day.

(e) (1) The Area Director or Commissioner shall issue a declination notice as follows:

(i) Within 15 days after receiving the contractor's and tribal governing body(s)' rebuttal submitted under paragraph (c) (2) (i) of this section or after the conclusion of the meeting under paragraph (d) of this section.

(1) Within 45 days after issuing the notice under paragraph (c) (2) of this section when the contractor and tribal governing body(s) have not used the rights under paragraph (c) (2) of this section.

(2) The declination notice shall be in writing and shall contain:

(i) Identification of specific objections, categorized under one or more of the declination criteria set forth in § 401.15.

(ii) Specific recommendations on actions required by the contractor or tribe to overcome the objections.

(iii) Description of the nature, scope, and source of the technical assistance which has been provided or offered by the Bureau to assist the contractor and the tribal governing body(s) to overcome the declination objections.

(iv) Copies of all correspondence between the Bureau, the contractor and/or tribe, and all responses thereto, including any reports or meetings between the parties relative to the application.

(v) Copy of original proposed revision or amendment.

(vi) The appeal of rights of the contractor and the tribal governing body(s) under § 401.82 or 401.83 as given in § 401.65.

#### § 401.65 Appeal of Area Director's or Commissioner's decision to decline.

(a) The contractor and/or the tribal governing body(s) shall have 60 days after the decision by the Area Director or Commissioner to decline to amend the contract.

(b) An appeal from an Area Director's decision to decline to amend the contract shall be made to the Commissioner as provided in § 401.82.

(c) An appeal from the Commissioner's decision to decline to amend the contract shall be made to the Board of Indians and Appeals, Department of Interior, Washington, D.C., as provided in § 401.83.

#### § 401.66 Revisions or amendments proposed by Bureau.

(a) Where the Bureau proposes a revision or amendment to a specific contract, it shall notify the contractor and the tribal governing body(s) in writing of the following:

(1) The specific revision or amendment which is proposed.

(2) The rationale for the proposal.

(b) All amendments proposed by the Bureau must be agreed to, in writing, by the contractor, the tribal governing body(s) and the Bureau. If such agreement cannot be obtained, the proposed amendment shall not be adopted by the Bureau.

### Subpart F—Retrocession and Reassumption

#### § 401.71 Retrocession.

(a) Tribal governing bodies not only have a right to contract for Bureau programs or portions thereof, as they choose, but also have a right to return responsibility for the operation of a contracted program or portion thereof to

the Bureau for any reason they deem appropriate. Retrocession specifically recognizes the Federal Government's unique and continuing relationship with and responsibility to Indian people.

(b) When a tribal organization experiences specific problems with the operation of a contract and is considering the possibility of retrocession, it may request the Bureau to assist it to avoid retrocession. In the event of such a request, the Bureau will:

(1) Meet with appropriate officials of the tribal organization and the tribe, where the tribal governing body is not the contractor, to develop a plan to avoid retrocession.

(2) Provide, to the extent possible, special technical assistance to assist the tribal organization to satisfactorily operate the program and enable it to avoid retrocession.

#### § 401.72 Full retrocession procedures.

(a) Whenever an Indian tribe requests retrocession of a contract, whether operated directly by the tribal governing body or a tribal organization, or in the case of a contract with a tribal organization which is performing services benefiting more than one Indian tribe and all of the benefiting tribes request retrocession, retrocession shall be effective upon a date specified by the Commissioner or Area Director as appropriate but no later than 120 days after the date of the request from the tribe(s), except when the tribe(s) and the Commissioner mutually agree on a later date. When the contract is with a tribal organization other than the tribal governing body and the tribal resolution required under § 401.18(c) (2) does not vest in the tribal governing body the sole right to request retrocession, the tribal governing body shall consult with the tribal organization and, if so requested, offer it an opportunity to be heard in accordance with tribal procedures before requesting retrocession of the contract.

(b) Within 15 days after receipt by the Commissioner or Area Director of a request for retrocession, representatives of the tribe(s), the tribal organization when appropriate, and the Commissioner or Area Director as appropriate shall meet and take the following actions:

(1) Mutually agree on a plan for orderly transfer of responsibilities.

(2) Mutually agree on a plan for inventorying and accounting for materials and supplies on hand, equipment, facilities and real property.

(3) Establish an accounting of funds, current and anticipated obligations, and costs of operation until the retrocession date.

(4) Identify all records relating to the contract and to the contracted function.

(c) On the date of retrocession, the tribal contractor will deliver to the Bureau all property that was acquired with contract funds and all materials, supplies and records of whatever nature which have been identified as necessary for the continuation of the program, project or function.

(d) Within 60 days after retrocession, the tribe(s) and the Bureau will jointly develop a report to the Commissioner outlining the reasons why retrocession was requested.

(e) Retrocession of a contract by an Indian tribe shall be without prejudice to:

(1) Any other contract to which it is a party.

(2) Any other contracts it may request.

(3) Any future request to contract for the programs or services covered by the retroceded contract, insofar as the conditions which led to retrocession are no longer a factor and the tribal organization is the same one that held the retroceded contract.

#### § 401.73 Tribal assumption of retroceded contracts.

Wherever an Indian tribe chooses to retrocede a contract operated by a tribal organization other than the tribal governing body, the tribal governing body pursuant to § 401.18 may request to contract for the program. In such a case, the tribal governing body shall submit a contract application pursuant to § 401.14.

#### § 401.74 Reassumption.

(a) A contract made under this Part may be terminated, and control or operation of the program or function assumed by the Commissioner or Area Director as appropriate, in whole or in part, when the Commissioner or Area Director determines that the tribal organization's performance under the contract involves:

(1) The violation of the rights, or endangerment of the health, safety or welfare of any persons, or

(2) Gross negligence or mismanagement in the handling or misuse of funds provided under the contract.

(b) If the Commissioner or Area Director as appropriate finds there is an immediate threat to safety, he may, upon written notice to the tribal organization, immediately terminate the contract and resume control or operation of the program. In such an event, the Commissioner or Area Director will schedule a hearing within 10 days at which time he shall state the corrective action needed to be taken by the tribal organization and the time in which the corrective action must occur before it can continue operations under the contract. The hearing shall be conducted as provided in § 401.81.

(c) If there is no immediate threat to safety, the Commissioner or Area Director as appropriate shall provide written notice to the tribal organization of intent to terminate the contract. The notice shall give the reasons for termination, the corrective measures necessary, and a reasonable time period in which corrective action must be taken. The Commissioner or Area Director shall also schedule a hearing in accordance with § 401.81.

(d) Upon failure by the tribal organization to take the necessary corrective measures in the time given, the Commissioner or Area Director as appropriate shall terminate the contract and re-

assume control or operation of the program or function. The decision

with a contractor that is not a tribal organization or who is not approved by

under contract with a tribal organization under this Part, the Biv Indian Act.

(d) "Bureau" means the Bureau of Indian Affairs.

§ 402.4 Revision or amendment of regulations.



## PROPOSED RULES

assume control or operation of the program or function involved. The decision to terminate the contract and reassume control or operation may be appealed as provided in § 401.82 or § 401.83, as appropriate.

(e) The Commissioner may decline to enter into a new contract and may retain control of the program or function until he is satisfied that the conditions which caused the contract to be terminated have been corrected.

#### § 401.75 Cancellation of contract for cause.

(a) Any contract with a tribal organization entered into under this Part may be cancelled for cause when the tribal organization fails to perform within the terms and conditions of the contract.

(b) (1) Before cancellation of the contract, the contracting officer shall advise the tribal organization in writing of the following:

(i) The reasons why the contracting officer is considering cancelling the contract.

(ii) That the tribal organization will be given an opportunity to bring its work up to an acceptable level of performance within a specified period of time.

(iii) That the Bureau will furnish technical advice and assistance to help overcome the deficiencies in the contract performance, when requested.

(2) When the contract is with other than the governing body of the Indian tribe, the tribe(s) receiving services or benefits under the contract will be notified when a cancellation for cause is contemplated. The notice shall include the reasons why a cancellation for cause is contemplated and any supporting documents used by the contracting officer to reach his conclusions. The notice shall also offer to hold a meeting with the tribe(s) to discuss the issues and explore any options available to the tribe(s). The contracting officer and the tribe(s) will mutually consider the relevant issues before the contracting officer proceeds with any cancellation action.

(c) If the tribal organization does not overcome the deficiencies in its contract performance within 45 days of its receipt of the notice of deficiencies and the Indian tribe(s) affected do not advise the contracting officer within that time that they consider the services provided under the contract to be satisfactory, the contracting officer shall cancel the contract for cause. The contracting officer will notify the tribal organization, in writing, of the cancellation. The notice shall give the reasons for the cancellation and the right of the tribal organization to appeal under § 401.84.

(d) When a contract is cancelled for cause, the Bureau will either perform the work with its own forces or by another contract, as appropriate. When the Bureau does not have sufficient forces on hand to immediately perform the work, it may, for temporary periods of the shortest duration possible, contract

with a contractor that is not a tribal organization or who is not approved by the governing body of the tribe(s). However, in such cases, the advice of the tribe(s) will be obtained to determine how they desire the services to be rendered.

(e) Excess costs resulting from a cancellation that are required to operate the program will be provided by the Bureau to the extent that funds are available. However, if current funds are not sufficient to maintain the program at its planned level, the program may be reduced until funds become available.

(f) The decision to cancel a contract for cause may be appealed in accordance with § 401.84.

(g) Any tribal organization that has a contract cancelled for cause must demonstrate that the causes which led to the cancellation have been cured before it will be considered for another contract. In addition, there must be a new resolution and a new request from the Indian tribe(s) that will receive services or benefits under the contract.

#### § 401.76 Bureau operation of retroceded, reassumed or cancelled for cause contracts.

(a) The Bureau shall provide to the tribe(s) and Indians served by a contract which is retroceded, reassumed, or cancelled for cause not less than the same quantity and quality of service it would have provided if there had been no contract.

(b) The Bureau shall provide to the tribe(s) and Indians served by a contract which is retroceded, reassumed, or cancelled for cause not less than the same quantity and quality of permanent and temporary personnel that meet the U.S. Civil Service qualifications it would have provided if there had been no contract. The procedures in § 401.77 will be followed to obtain personnel to operate programs or parts of programs previously under contract with a tribal organization but returned for operation by the Bureau because the contract was either retroceded, reassumed or cancelled for cause.

(c) This section shall apply to all contracts for the operation of Bureau programs or parts of programs in effect at the time of the effective date of these regulations entered into under the authority of the Buy Indian Act (25 U.S.C. 47), and any contracts under this Part.

(d) Actions under this section shall not cause a reduction in the quality and quantity of services to tribe(s) or Indians not served by contracts which are retroceded, reassumed or cancelled for cause.

#### § 401.77 Authorized position and end-of-year employment ceiling reserve for Bureau operation of retroceded, reassumed or cancelled contracts.

(a) When authorized permanent and other positions and permanent and other end-of-year employment ceiling are not required for the operation of all or parts of a Bureau program because the program or parts of a program are

under contract with a tribal organization under this Part, the Buy Indian Act or any other authority, the positions and ceilings shall be reserved. The positions and ceiling reserved shall be available only for the same program or parts of a program at the same locations if the Bureau must operate the program or parts of a program because a tribe has retroceded the contract or because the Bureau has reassumed or cancelled the contract for cause.

(b) Upon the effective date of these regulations, the Bureau shall establish a position and ceiling reserve for all contracts for the operation of all or parts of Bureau programs in effect as of the date of enactment of the Act, January 4, 1975, or entered into thereafter.

#### Subpart G—Hearings and Appeals

##### § 401.81 Hearings.

Hearings required by § 401.74 shall be conducted as follows:

(a) The tribal organization and the Indian tribe(s) shall be notified, in writing, of the hearing. The notice shall give the date, time, place, and purpose of the hearing.

(b) A written record of the hearing shall be made. The record shall include written statements submitted at the hearing or within five days following the hearing.

(c) The hearing will be conducted on as informal a basis as possible.

##### § 401.82 Appeals from decision or action by Area Director.

A tribal organization or tribal governing body may appeal any decision made or action taken by an Area Director under this Part. Such appeal shall be made to the Commissioner as provided in Part 2 of this chapter.

##### § 401.83 Appeals from decision or action by Commissioner.

(a) A tribal organization or tribal governing body may appeal the Commissioner's decision to decline to contract or to decline to amend a contract under § 401.25 or 401.64 to the Board of Indian Appeals, Department of the Interior, as provided in Subpart D of 43 CFR Part 4.

(b) A tribal organization or tribal governing body may appeal any other decision made, action taken, or action not taken within the time limits required by this Part, by the Commissioner if authorized and as provided in Part 2 of this chapter. A decision by the Commissioner concerning funding levels for a program or part of a program to be contracted is considered to be an exercise of the Commissioner's discretionary authority and, therefore, is final for the Secretary.

##### § 401.84 Appeals from Bureau decision to cancel contract for cause.

A tribal organization may appeal the Bureau's decision to cancel for cause any contract made under this Part. Such appeal shall be made to the Director of the Office of Hearings and Appeals as provided in Subpart G of 43 CFR Part 4.

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## PART 402—GRANTS UNDER INDIAN SELF-DETERMINATION ACT

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AUTHORITY: Sec. 104, Pub. L. 93-638, 88 Stat. 2203, unless otherwise noted.

### Subpart A—General Provisions

#### § 402.1 Purpose and scope.

The purpose of the regulations in this Part is to provide the application and approval procedures for the award by the Bureau of grants under section 104(a) of Title I of the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203). Title I is known as the Indian Self-Determination Act.

#### § 402.2 Definitions.

As used in this Part:

(a) "Act" means the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203).

(b) "Applicant" means a tribal governing body applying for a grant under this Part.

(c) "Area Director" means the official in charge of a Bureau of Indian Affairs Area Office.

(d) "Bureau" means the Bureau of Indian Affairs.

(e) "Commissioner" means the Commissioner of Indian Affairs.

(f) "Days" means calendar days.

(g) "Economic enterprise" means any commercial, industrial, agricultural or business activity that is at least 51 per cent Indian owned, established or organized for the purpose of profit.

(h) "Grant" means a written agreement between the Bureau and a tribal governing body where the Bureau provides funds to carry out specified programs, services or activities and where the administrative and programmatic provisions are specified.

(i) "Grantee" means the tribal governing body which is responsible for administration of the grant.

(j) "Indian" means a person who is a member of an Indian tribe.

(k) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible by the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(l) "Resolution" means the formal manner in which the tribal government expresses its legislative will pursuant to its organic documents. In the absence of formal organization written expression adopted pursuant to current practices will be acceptable.

(m) "Secretary" means the Secretary of the Interior.

(n) "Superintendent" means the official in charge of a Bureau of Indian Affairs Agency Office.

(o) "Subcontracts" means contracts undertaken some of the obligations of primary grants.

(p) "Subgrants" means secondary grants undertaken some of the obligations of primary grants.

(q) "Trust resources" means land, water, minerals, funds or property, asset, or claim, and any right or interest in any of the foregoing, which is held by the United States in trust for any Indian tribe or Indian individual subject to a restriction on alienation imposed by the United States.

(r) "Trust responsibility" means any right or power vested by law in the United States, or any official or employee thereof, to approve or otherwise regulate the alienation, disposition, encumbrance, management, development, or use of trust resources.

#### § 402.3 Effect on existing Indian rights.

The regulations in this Part are not meant to and do not:

(a) Affect, modify, diminish, or otherwise impair the sovereign immunity from suit enjoyed by an Indian tribe; or

(b) Authorize, require or permit the termination of any existing trust responsibility of the United States with respect to the Indian people.

#### § 402.4 Revision or amendment of regulations.

Before making any substantive revisions or amendments to the regulations in this part, the Secretary shall take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(c) Publish any proposed revisions or amendments in the FEDERAL REGISTER as proposed rulemaking to provide adequate notice to, and receive comments from all interested parties.

(d) After consideration of all comments received, publish the regulations in the FEDERAL REGISTER in final form not less than 30 days before the date they are made effective.

#### § 402.5 Statement of policy.

(a) The Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) is intended to facilitate increased self-determination for American Indians by providing a means through which they may plan, conduct and administer programs and services to Indian people. These programs and services are essentially those authorized by the Act of April 16, 1934 (Johnson-O'Malley Act); the Act of November 2, 1921 (Snyder Act) and other subsequent Acts.

(b) A most important aid available to assist Indians in achieving this objective of increased self-determination is the grant authority provided in section 104 of the Act. This grant authority will assist Indian tribes in improving their governing capabilities, increase their ability to effectively administer programs under contract, and enable them to provide direction to the Federal programs intended to serve Indian people.

(c) Under this grant authority the Bureau of Indian Affairs will administer a program of Indian self-determination grants which shall be subject to Parts 402 and 406 of this chapter. In the administration of this grant program, it shall be the Bureau's policy that approval of applications for these grants shall include a determination that there is a direct and reasonable relationship between the applicant's proposal and the provisions of section 104a of the Act and of § 402.12.

(d) In accordance with this policy, it shall be the responsibility of the applicant to establish that such a grant will improve the tribe's governing capabilities, enhance the tribe's ability to administer Federal programs under contract, or enable the tribe to provide direction to Bureau programs and to other Federal programs serving it.

(e) Emphasis on planning and training in relation to the purposes of a grant

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given in paragraph (d) of this section

(4) Costs associated with contracting

(1) An application for an initial plan-

§ 402.19 Agency Office review and rec-

add his recommendation for approval or

planned, replanned, designed or re-



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given in paragraph (d) of this section is considered in keeping with the intent of section 104(a) of the Act. Applications which include these elements are encouraged.

## Subpart B—Application Process

## § 402.11 Eligibility requirements.

The governing body of any Indian tribe or tribes may apply for a grant under this Part.

## § 402.12 Purpose of grants.

Grants are for the purpose of: (a) Strengthening and improving administration of tribal government. This includes but is not limited to the following:

(1) Developing the capability of the executive, legislative, and judicial branches of tribal government in such areas as administration of planning, financial management, or merit personnel systems.

(2) Improvement of tribally funded programs or activities.

(3) Development, construction, improvement, maintenance, preservation, or operation of tribal facilities or resources.

(4) Training of tribal officials and employees in areas relating to the planning, conduct and administration of tribal programs.

(5) Design and implementation of new tribal government operations.

(6) Development of policy-making, legislative and judicial skills.

(b) Planning, training, evaluation or other activities designed to improve the capacity of an Indian tribe to enter into a contract or contracts pursuant to section 102 of the Act and the additional costs associated with the initial years of operation under such a contract or contracts. Use of grants by Indian tribes, as indicated in this paragraph, may include the following:

(1) Evaluation of programs and services currently being provided directly by the Bureau in order to determine:

(i) Whether it is appropriate for the Indian tribe to enter into a contract pursuant to section 102 of the Act for a program or a portion of a program.

(ii) Whether the Indian tribe can improve the quality or quantity of the service now available.

(iii) Whether certain components should be redesigned but the program should continue to be operated by the Bureau.

(iv) Whether the program as currently administered by the Bureau is adequate to meet tribal needs and, therefore, the Indian tribal organization does not wish to contract or modify the program.

(2) Planning or redesigning a Bureau program before the Indian tribe contracts for it, and development of an operational plan for carrying out the anticipated contract in order to facilitate the transition of the program from Bureau to tribal operation.

(3) Training of tribal officials and employees in areas related to the conduct and administration of programs of the Bureau which the Indian tribe may wish to operate under contract.

(4) Costs associated with contracting to enable tribal contracting. Examples of such costs include curriculum development in support of tribal contracting of schools, in-service training programs to develop the skills of employees of the Indian tribe on a continuing basis, special on-the-job training activities in support of tribal members being prepared to assume program responsibilities.

(c) Acquisition of land in connection with paragraphs (a) and (b) of this section. Procedures for acquisition of land are prescribed in § 406.11 of this chapter.

(d) Planning, designing, monitoring, and evaluating Federal programs serving the Indian tribe. This may include assisting the tribal government to influence Federal programs presently offered or those that could be offered to the tribe to assure that they are responsive to the needs of Indian tribes. A tribal government may monitor and evaluate the operations of such programs which now serve tribal members and replan and redesign those programs to better respond to their needs. Bureau programs which are planned, replanned, designed or redesigned in accordance with this paragraph shall be implemented by the Bureau as prescribed in § 402.27.

(e) Funds made available for grants for the purposes described above may be applied as matching shares for other Federal or non-Federal grant programs as prescribed in § 402.33.

## § 402.13 Obtaining application forms.

Standard application forms, instructions and related application materials may be obtained from Superintendents, Area Directors, and the Commissioner.

## § 402.14 Content of application.

Application for a grant under this Part shall include:

(a) Name and address of Indian tribal governing body(s) applying for a grant.

(b) Descriptive name of project.

(c) Federal funding needed.

(d) Population directly benefiting from the project.

(e) Length of project.

(f) Beginning date.

(g) Project budget categories or items.

(h) Program narrative statement.

(i) Certification or evidence of request by Indian tribe.

(j) Name and address of Bureau office to which application is submitted.

(k) Date application is submitted to Bureau.

(l) Additional information pertaining to grant applications for funds to be used as matching shares will be requested as prescribed in § 402.33.

## § 402.15 Assistance in developing and completing grant applications.

(a) Technical assistance and support necessary to develop and complete grant applications under this Part shall be provided by the Superintendents, Area Directors and their designated representatives upon request of the applicant.

(b) Applicants may apply for initial planning grants to cover the costs of developing and completing larger grant applications as follows:

(1) An application for an initial planning grant may be accomplished by submission of a tribal request as prescribed in § 402.16, together with an accompanying letter from the tribal governing body requesting an initial planning grant in a specific amount. This letter shall include a brief description of the proposed initial planning project, its purpose or objective as related to development or completion of a larger grant application, and the initial planning project budget categories or items.

(2) This initial planning grant shall be no more than 10% of the total grant which may be available to the tribal governing body, up to a maximum of \$20,000.

(3) An application for an initial planning grant shall be submitted directly to the appropriate officer having grant application approval authority as prescribed in § 402.17 (a) or (b) and shall be acted upon by that officer with a minimum of delay.

## § 402.16 Tribal request.

The Bureau shall not make a grant under this Part unless specifically and officially requested to do so by an Indian tribe. This request may be in the form of a tribal resolution, an endorsement included in the grant application or such other forms as the tribal constitution or current practice requires.

## § 402.17 Grant approval limitations.

(a) Area Office approval. Authority for approval of a grant application under this Part shall be with the Area Director when the intent, purpose and scope of the grant proposal pertains solely to an Indian tribe or tribes located within that Area Director's administrative jurisdiction.

(b) Central Office approval. Authority for approval of a grant application under this Part shall be with the Commissioner when the intent, purpose and scope of the grant proposal pertains to Indian tribes representing different Area Office administrative jurisdictions but located within the Commissioner's overall administrative jurisdiction.

(c) Grant approvals under this section shall be subject to availability of funds. These funds will include those which are:

(1) Directly appropriated for implementation of this Act.

(2) Appropriated under other Acts for Bureau programs which are related to the purposes prescribed in § 402.12. However, this does not include funds appropriated for Indian Business Development Fund grants which are administered under Part 80 of this chapter.

## § 402.18 Submitting application to Agency Office.

An application for a grant under this Part shall be initially submitted to the appropriate Superintendent for review and recommendation as prescribed in § 402.19. This does not include applications for initial planning grants to develop and complete larger grant applications. Such initial planning grant applications are submitted and acted upon as prescribed in § 402.15(b).

## § 402.19 Agency Office review and recommendation.

(a) Recommendation for approval or disapproval of a grant under this Part shall be made by the Superintendent when the intent, purpose and scope of the grant proposal pertains to or involves an Indian tribe or tribes located within that Superintendent's administrative jurisdiction.

(b) Upon receipt of an application for a grant under this Part, the Superintendent shall:

(1) Acknowledge in writing receipt of the application within 10 days of its arrival at the Agency Office.

(2) Review the application for completeness of information and promptly request any additional information which may be required to make a recommendation.

(3) Assess the completed application for appropriateness of purpose as prescribed in § 402.12, and for overall feasibility.

(4) Inform the applicant, in writing and before any final recommendation, of any special problems or impediments which may result in a recommendation for disapproval; offer any available technical assistance required to overcome such problems or impediments; and solicit the applicant's written response.

(5) Recommend approval or disapproval following full assessment of the completed application and forward the application and recommendation to the Area Director for further action.

(6) Promptly notify the applicant in writing as to the final recommendation. If the recommendation is for disapproval, the Superintendent will include in the written notice to the applicant the specific reasons therefor.

(7) In instances where a joint application is made by tribes representing more than one Agency Office administrative jurisdiction, copies of the application shall be provided by the applicants to each involved Superintendent for review and recommendation as prescribed in this section.

## § 402.20 Deadline for Agency Office action.

Within 30 days of receipt of an application for a grant under this Part, the Superintendent shall take action as prescribed in § 402.19. Extension of this deadline will require consultation with and written consent of the applicant.

## § 402.21 Area Office review and action.

(a) Upon receipt of an application for a grant requiring Area Office approval, the Area Director shall:

(1) Review the application following the applicable review procedure prescribed in § 402.19.

(2) Review the Superintendent's recommendation as pertains to the application.

(3) Approve or disapprove the application.

(b) In instances where a joint application is made by tribes representing more than one Area Office administrative jurisdiction, the Area Director shall

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add his recommendation for approval or disapproval to that of the Superintendent and shall forward the application and recommendations to the Commissioner for further action.

(c) Upon taking action as prescribed in paragraph (a) or (b) of this section, the Area Director shall promptly notify the applicant in writing as to the action taken. If the action taken is disapproval or recommendation for disapproval of the application, the Area Director will include in the written notice the specific reasons therefor.

## § 402.22 Deadline for Area Office action.

Within 30 days of receipt of an application for a grant under this Part, the Area Director shall take action as prescribed in § 402.21. Extension of this deadline will require consultation with and written consent of the applicant.

## § 402.23 Central Office review and decision.

Upon receipt of an application for a grant requiring Central Office approval, the Commissioner shall:

(a) Review the application following the applicable review procedures prescribed in § 402.19.

(b) Review Agency and Area Office recommendations as pertain to the application.

(c) Approve or disapprove the application.

(d) Promptly notify the applicant in writing as to the approval or disapproval of the application. If the application is disapproved, the Commissioner will include in the written notice the specific reasons therefor.

## § 402.24 Deadline for Central Office action.

Within 30 days of receipt of an application for a grant under this Part the Commissioner shall take action as prescribed in § 402.23. Extension of this deadline will require consultation with and written consent of the applicant.

## § 402.25 Grant execution and administration.

(a) Grants approved pursuant to § 402.17(a) shall be executed and administered at the Area Office level.

(b) Grants approved pursuant to § 402.17(b) shall be executed and administered at the Central Office level provided that the Commissioner may designate an Area Office to execute or administer such a grant.

## § 402.26 Subgrants and subcontracts.

The grantee may make subgrants or subcontracts under this part provided that such subgrants or subcontracts are for the purpose for which the grant was made and that the grantee retains administrative and financial responsibility over the activity and the funds.

## § 402.27 Acceptance of tribal plans for the operation of Bureau programs.

Any Bureau program, excluding any trust resources program, which is

planned, replanned, designed or redesigned by a tribe under a grant provided under this Part shall be implemented by the Bureau if requested by the tribe through resolution. However, before implementation the program shall meet the following requirements:

(a) Funding, staffing and other resources are available to implement the plan.

(b) The implementation of the plan would not cause a reduction in the quality or quantity of services to Indians.

(c) The plan meets the administrative planning requirements of the Bureau. However, the plan need not meet the planning requirements for the particular program.

(d) The plan provides a basis for the delivery of satisfactory services to Indian people, unless it can be demonstrated by the Bureau by substantial evidence that the plan will yield results which will be deleterious to the welfare of the Indian people to be served.

(e) The Commissioner may waive any regulatory requirements given elsewhere in this chapter or any other requirements not inconsistent with law. Inconsistencies between tribal plans and Bureau manual, guidelines, or other non-regulatory procedures are not constraints on the tribal plans.

## Subpart C—General Grant Requirements

## § 402.31 Applicability.

The general requirements for grant administration in this Subpart are applicable to all Bureau grants provided to tribal governing bodies under this Part, except to the extent inconsistent with an applicable Federal statute or regulation.

## § 402.32 Reports and availability of information to Indians.

Any tribal governing body receiving a grant under this Part shall make information and reports concerning that grant available to the Indian people which it serves or represents. Access to these data shall be requested in writing and shall be made available by the tribe within 10 days of receipt of that request, subject to any exceptions provided for in the Freedom of Information Act (5 U.S.C. 552), as amended by the Act of November 21, 1974 (P.L. 93-502; 88 Stat. 1561).

## § 402.33 Matching share.

(a) Specific Federal laws notwithstanding, grant funds provided to tribal governing bodies under this Part may be used as matching shares for any other Federal or non-Federal grant programs which contribute to the purposes specified in § 402.12.

(b) Superintendents, Area Directors, and their designated representatives will, upon tribal request, assist tribes in obtaining information concerning other Federal grantor agencies with matching fund programs and will, upon tribal request, provide technical assistance to tribes in developing applications for submission to those Federal grantor agencies.

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**§ 402.34 Performing personal services.**

Any grant provided under this Part may include provisions for the performance of personal services which would otherwise be performed by Federal employees.

**§ 402.35 Fair and uniform services.**

Any grant provided under this Part shall include provisions to assure the fair and uniform provision by the grantee of services and assistance to all Indians included within or affected by the intent, purpose and scope of that grant.

**§ 402.36 Penalties.**

If any officer, director, agent, or employee of, or connected with, any recipient of a grant, subgrant, contract or subcontract under this Part, embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, assets, or property which are the subject of such a grant, subgrant, contract, or subcontract, he shall be subject to the following penalties:

(a) If the amount involved does not exceed \$100, he shall be fined not more than one year, or both.

(b) If the amount involved exceeds \$100, he shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

**Subpart D—Grant Revision, Cancellation, or Assumption****§ 402.41 Revisions or amendments of grants.**

(a) Requests for budget revisions or amendments to grants awarded under this Part shall be made as provided in § 406.14 of this chapter.

(b) Requests for revisions or amendments to grants provided under this Part, other than budget revisions referred to in paragraph (a) of this section, shall be made to the Bureau officer responsible for approving the grant in its original form. Upon receipt of a request for revisions or amendments to grants, the responsible Bureau officer shall follow precisely the same review procedures and time specified in § 402.19.

**§ 402.42 Assumption.**

(a) When the Bureau cancels a grant for cause as specified in § 406.15 of this chapter, the Bureau may assume control or operation of the grant program, activity or service. However, the Bureau shall not assume a grant program, activity or service that it did not administer before tribal grantee control unless the tribal grantee and the Bureau agree to the assumption.

(b) When the Bureau assumes control or operation of a grant program cancelled for cause, the Bureau may decline to enter into a new grant agreement until satisfied that the cause for cancellation has been corrected.

**Subpart E—Hearings and Appeals****§ 402.51 Hearings.**

Hearings referred to in § 406.15 of this chapter shall be conducted as follows:

(a) The grantee and the Indian tribe(s) affected shall be notified, in writing, at least 10 days before the hearing. The notice should give the date, time, place, and purpose of the hearing.

(b) A written record of the hearing shall be made. The record shall include written statements submitted at the hearing or within 5 days following the hearing.

(c) The hearing will be conducted on as informal a basis as possible.

**§ 402.52 Appeals from decision or action by Superintendent.**

(a) A grantee may appeal any decision made or action taken by a Superintendent under this Part. Such appeal shall be made to the Area Director as provided in Part 2 of this chapter.

(b) The appellant shall provide its own attorney or other advocates to represent it during the appeal process.

**§ 402.53 Appeals from decision or action by Area Director.**

(a) A grantee may appeal any decision made or action taken by an Area Director under this Part. Such appeal shall be made to the Commissioner as provided in Part 2 of this chapter.

(b) The appellant shall provide its own attorney or other advocates to represent it during the appeal process.

**§ 402.54 Appeals from decision or action by Commissioner.**

(a) A grantee may appeal any decision made or action taken by the Commissioner under this Part only as provided in Part 2 of this chapter.

(b) The appellant shall provide its own attorney or other advocates to represent it during the appeal process.

**§ 402.55 Failure of Agency or Area Office to act.**

Whenever a Superintendent or Area Director fails to take action on a grant application within the time limits established in this Part, the applicant may at its option, request action by the next higher Bureau official who has grant approval authority as prescribed in this Part. In such instances, the Superintendent or Area Director who failed to act shall immediately forward the application and all related materials to that next higher Bureau official.

**PART 403—EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT****Subpart A—General Provisions**

Sec. 403.1 Purpose and scope.  
403.2 Definitions.  
403.3 Revision or amendment of regulations.

403.4 Policy of maximum Indian participation.

**Subpart B—Application Process**

403.11 Eligible applicants.  
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403.14 Preparing the education plan.  
403.15 Establishment of Indian Education Committee.

403.16 Powers and duties of Indian Education Committee.

Sec. 403.17 Programs approved by Indian Education Committee.  
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403.20 Content of application to contract.  
403.21 Tribal request for contract.  
403.22 Application approval officials.  
403.23 Submitting application to Area Office.  
403.24 Area Office review and decision.  
403.25 Deadline for Area Office action.  
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**Subpart C—Funding Provisions**

403.31 Distribution formula.  
403.32 Pro rata requirement.  
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**Subpart D—General Contract Requirements**

403.41 Special program provisions to be included in contract.  
403.42 Civil Rights Act violations.  
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403.44 Use and transfer of Government property.  
403.45 Wage and labor standards.  
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403.47 Liability and motor vehicle insurance.  
403.48 Recordkeeping.  
403.49 Audit and inspection.  
403.50 Freedom of information.  
403.51 Annual reporting.  
403.52 Penalties.  
403.53 State school laws.  
403.54 Applicable procurement regulations.

**Subpart E—Contract Revision or Cancellation**

403.61 Contract revision or amendment.  
403.62 Cancelling a contract for cause.

**Subpart F—Appeals**

403.71 Contract appeal.  
403.72 Appeal from decision to cancel contract for cause.  
403.73 Other appeals.

AUTHORITY: 25 U.S.C. 452-456; sec. 202, Pub. L. 93-638, 88 Stat. 2203, unless otherwise noted.

**Subpart A—General Provisions****§ 403.1 Purpose and scope.**

(a) The purpose of the regulations in this Part is to set forth the application and approval process for education contracts under the Johnson-O'Malley Act. Such contracts shall be for the purpose of financially assisting those efforts designed to meet the specialized educational needs of eligible Indian students, including programs supplemental to the regular school program and school operational support, where such support is necessary to maintain established State educational standards.

(b) The application and approval process in this Part applies specifically to contracts with a State, school district, or Indian corporation.

(c) Contracts with tribal organizations for supplemental and operational

support will be entered into only upon the request of an Indian tribe(s), and shall be subject to the provisions of Part 401 of this chapter and 41 CFR Part 14H-70, except as provided in § 403.11.

(d) Nothing in these regulations shall be construed as:

(1) Affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe;

(2) Authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people; or,

(3) Permitting significant reduction in services to Indian people as a result of this Part.

(e) Nothing in these regulations shall be construed to mandate an Indian tribe to request a contract or contracts. Such requests are strictly voluntary.

**§ 403.2 Definitions.**

As used in this Part:

(a) "Area Director" means the official in charge of a Bureau of Indian Affairs Area Office.

(b) "Bureau" means the Bureau of Indian Affairs.

(c) "Commissioner" means the Commissioner of Indian Affairs.

(d) "Days" means calendar days.

(e) "Economic enterprise" means any commercial, industrial, agricultural, or business activity that is at least 51 percent Indian owned, established or organized for the purpose of profit.

(f) "Education plan" means a comprehensive plan for the programmatic and fiscal services of and accountability by a contractor for the education of eligible Indian students under this Part.

(g) "Indian" means a person who is a member of an Indian tribe.

(h) "Indian corporation" means a legally established organization of Indians chartered under State or Federal law and which is not included within the definition of "tribal organization" given in paragraph (i) of this section.

(i) "Indian Education Committee" means one of the entities specified by § 403.15.

(j) "Indian tribe" means any Indian Tribe, Band, National, Rancheria, Pueblo, Colony or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible by the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(k) "Johnson-O'Malley Act" means the Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458, 25 U.S.C. 452-456), and further amended by the Act of January 4, 1975 (88 Stat. 2203).

(l) "Operational support" means those expenditures for school operational costs in order to meet established State educational standards.

(m) "Pub. L. 93-638" means the Indian Self-Determination and Education

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Assistance Act (Pub. L. 93-638; 88 Stat. 2203).

(n) "Previously private school" means a school (other than a Federal school formerly operated by the Bureau) that is operated primarily for Indian students in any grade or grades from early childhood through grade 12; and, which at the time of application is controlled, sanctioned, or chartered by the governing body(s) of an Indian tribe(s). Where a former mission school is involved, the title to the school facility and the land on which it is situated must have been transferred to an Indian tribe for operation as a nonsectarian school. (25 U.S.C. 278)

(o) "Reservation" means any Indian tribe's reservation Pueblo, Colony, or Rancheria, including former reservations in Oklahoma, Alaska Native regions, and public domain Indian allotments.

(p) "School district" or "local education agency" means that subdivision of the State which contains the public elementary and secondary educational institutions providing educational services and is controlled by a duly elected board, commission, or similarly constituted assembly.

(q) "Secretary" means the Secretary of the Interior.

(r) "State" means a State of the United States of America or any political subdivision of a State.

(s) "Superintendent" means the official in charge of a Bureau of Indian Affairs Agency Office.

(t) "Supplemental programs" means those programs designed to meet the specialized educational needs of eligible Indian students which may have resulted from socio-economic conditions of the parents, from cultural or language differences or other factors.

(u) "Tribal organization" means the recognized governing body of an Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract must be made by the Indian tribe that will receive services under the contract; *Provided further*, That in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

(v) "Tribal organization" means the recognized governing body of an Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract must be made by the Indian tribe that will receive services under the contract; *Provided further*, That in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

(w) "Tribal organization" means the recognized governing body of an Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract must be made by the Indian tribe that will receive services under the contract; *Provided further*, That in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

(x) "Tribal organization" means the recognized governing body of an Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract must be made by the Indian tribe that will receive services under the contract; *Provided further*, That in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

(y) "Tribal organization" means the recognized governing body of an Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract must be made by the Indian tribe that will receive services under the contract; *Provided further*, That in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

(z) "Tribal organization" means the recognized governing body of an Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract must be made by the Indian tribe that will receive services under the contract; *Provided further*, That in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

(aa) "Tribal organization" means the recognized governing body of an Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract must be made by the Indian tribe that will receive services under the contract; *Provided further*, That in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

(ab) "Tribal organization" means the recognized governing body of an Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract must be made by the Indian tribe that will receive services under the contract; *Provided further*, That in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

**§ 403.3 Revision or amendment of regulations.**

Before revising or amending the regulations in this Part, the Commissioner shall take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Publish the proposed revisions or amendments in the Federal Register as proposed rulemaking to provide adequate notice to, and receive comments from, all interested parties.

(c) After consideration of all comments received, publish the regulations in the Federal Register in final form not less than 30 days before the date they are made effective.

**§ 403.4 Policy of maximum Indian participation.**

The meaningful participation in all aspects of educational program development and implementation by those affected by such programs is an essential requisite for success. Such participation not only enhances program responsiveness to the needs of those served, but also provides them with the opportunity to determine and affect the desired level of educational achievement and satisfaction which education can and should provide. Consistent with this concept, maximum Indian participation in the development, approval and implementation of all programs contracted under this Part shall be required.

**Subpart B—Application Process****§ 403.11 Eligible applicants.**

(a) Any State, school district, tribal organization or Indian corporation is eligible to apply for contracts for supplemental or operational support programs. For the purposes of this Part, previously private schools as defined in § 403.2(n) are considered tribal organizations.

(b) States, school districts, or Indian corporations shall apply for contracts for supplemental or operational support programs as required in this Part.

(c) Tribal organizations must comply with the following requirements to obtain contracts for supplemental programs or operational support:

(1) The application submitted by the tribal organization shall meet the requirements in § 403.20 in addition to those in § 401.14 of this chapter.

(2) The requirements in §§ 401.1 through 401.27, 401.41 through 401.52, 401.54, 401.61 through 401.66, and 401.81 through 401.84 shall apply to such contracts with tribal organizations.

(3) The provisions in §§ 401.71 through 401.77 of this chapter concerning retrocession and re-assumption of programs do not apply to a tribal organization retroceding a contract for supplemental programs or operational support as the Bureau does not operate education programs authorized to be contracted under the Johnson-O'Malley Act. However, the tribal organization may retrocede such a contract and the Bureau will then contract with a State, school district, or Indian corporation under this Part for the supplemental programs or operational support.

(4) The requirements in §§ 403.12 through 403.18, 403.20, 403.21, 403.31 through 403.39, 403.41, 403.51 and 403.53 shall apply to such contracts with tribal organizations.

## PROPOSED RULES

(5) The requirements in 41 CFR Part

(a) The education programs approved

§ 403.16 Powers and duties of Indian

the same powers and duties as given in

the Indian Education Committee as re-

§ 403.19 Obtaining application forms.



(5) The requirements in 41 CFR Part 14H-70 shall apply to such contracts with tribal organizations.

#### § 403.12 Eligible students.

Indian students, from early childhood through grade 12, shall be eligible for benefits provided by a contract pursuant to this Part if they are ¼ or more degree Indian blood and recognized by the Secretary as being eligible for Bureau services. Priority shall be given to contracts (a) which would serve Indian students on or near reservations and (b) where a majority of such Indian students will be members of the tribe(s) of such reservations (as defined in § 403.2(c)).

#### § 403.13 Proposals eligible for contracts.

(a) Any proposal to contract for funding a program which meets the definition of a supplemental program given in § 403.2(t) will be considered an eligible proposal under this Part.

(b) (1) To be an eligible proposal to contract for operational support, a public school district shall be required to establish as part of the proposal that:

(i) It cannot meet the applicable minimum State standards without such funds.

(ii) It has made a reasonable tax effort with a mill levy at least equal to the State average in support of educational programs.

(iii) It has fully utilized all other sources of financial aid, including all forms of State aid and Pub. L. 874 payments. The State aid contribution per pupil must be at least equal to the State average.

(iv) There is at least 75 percent eligible Indian enrollment within the school district or within any particular school served. The Commissioner may waive this requirement at the request of the affected tribe(s) and Indian Education Committee(s) if there is at least a 51 percent eligible Indian enrollment within the school district or with any particular school served.

(2) The requirements given in paragraph (b) (1) of this section do not apply to previously private schools.

(c) At his discretion, the Commissioner may consider as eligible a proposal to contract under which a school district will be reimbursed for the full per capita costs of educating Indian students who meet all of the following:

(1) Are members of recognized Indian tribes.

(2) Do not normally reside in the State in which the school district is located.

(3) Are residing in Federal boarding facilities for the purpose of attending public schools within the school district.

#### § 403.14 Preparing the education plan.

A prospective contractor in consultation with its Indian Education Committee(s) shall formulate an education plan and submit it to the appropriate Area Director as a part of the application to contract required by § 403.20. Such plan shall become a part of any contract awarded. The education plan shall contain:

(a) The education programs approved by the Indian Education Committee(s) as required in § 403.17.

(b) Other requirements for the education plan given in § 403.18.

#### § 403.15 Establishment of Indian Education Committee.

(a) When a school district to be affected by a contract(s) for the education of Indians pursuant to this Part has a local school board composed of a majority of Indians, that school board will serve in place of an Indian Education Committee for the purposes of this Part. The school board shall have the duties and powers given in § 403.16 and shall have approval authority over the programs to be contracted as given in § 403.17.

(b) When a school district to be affected by a contract(s) for the education of Indians pursuant to this Part has a local school board not composed of a majority of Indians, the tribal governing body(s) of the Indian tribe(s) affected by the contract(s) under this Part shall specify one of the following entities to serve as the Indian Education Committee for the purpose of this Part:

(1) An Indian Education Committee to be elected from among the parents (including persons acting *in loco parentis* except school administrators or officials) of eligible Indian students enrolled in the school(s) affected by a contract(s) under this Part; or

(2) A local Indian committee established pursuant to section 305(b) (2) (B) (ii) of the Act of January 23, 1972 (86 Stat. 235) and existing prior to January 4, 1975; or

(3) An Indian advisory school board or Indian Education Committee established pursuant to the Johnson-O'Malley Act and existing prior to January 4, 1975.

(c) When the local school board is not composed of a majority of Indians and the tribal governing body(s) of the Indian tribe(s) affected by a contract(s) under this Part determine which of the entities provided for in paragraph (b) of this section is to serve as the Indian Education Committee for the purpose of this Part, it shall notify the Area Director of such determination by January 15 preceding the school year for which the contract will be let.

(d) The Indian Education Committee established under paragraph (b) of this section and its members shall establish procedures under which the Committee shall serve. Such procedures shall be set forth in the Committee's organizational documents and by-laws. Each Committee shall file a copy of its organizational documents and by-laws with the appropriate Area Director, together with a list of its officers and members as soon as practicable after the Committee is organized.

(e) The existence of an Indian Education Committee shall not limit the continuing participation of the rest of the Indian community in all aspects of programs contracted under this part.

#### § 403.16 Powers and duties of Indian Education Committee.

(a) Consistent with the purpose of the Indian Education Committee, each such Committee shall be vested with the authority to:

(1) Participate fully in the planning, development, implementation, and evaluation of all programs, including both supplemental and operational support, conducted under a contract or contracts pursuant to this Part. Such participation shall include further authority to:

(i) Recommend curricula, including texts, materials, and teaching methods to be used in the contracted program or programs.

(ii) Approve budget preparation and execution.

(iii) Recommend criteria for employment in the program.

(iv) Nominate a reasonable number of qualified prospective educational programmatic staff members from which the contractor would be required to select.

(v) Evaluate staff performance and program results and recommend appropriate action to the contractor.

(2) Approve and disapprove all programs to be contracted under this Part. All programs contracted pursuant to this Part shall require the prior approval of the appropriate Indian Education Committee.

(3) Secure a copy of the negotiated contract(s) which include the program(s) approved by the Indian Education Committee.

(4) Recommend to the appropriate Bureau contracting officer cancellation of a contract(s) which contains the program(s) approved by the Indian Education Committee if the contractor fails to permit such Committee to exercise its powers and duties as specified by this section.

(b) The organizational papers and by-laws of the Indian Education Committee may include additional powers and duties which would permit the Committee to:

(1) Participate in negotiations concerning all contracts under this Part.

(2) Make an annual assessment of the learning needs of Indian children in the community affected.

(3) Have access to all reports, evaluations, surveys, and other program and budget related documents determined necessary by the Committee to carry out its responsibilities, subject only to the provisions of § 403.50.

(4) Request periodic reports and evaluations regarding the Indian education program.

(5) Hear grievances related to programs in the education plan.

(6) Meet regularly with the professional staff serving Indian children and with the local education agency.

(7) Hold committee meetings on a regular basis which are open to the public.

(8) Have such additional powers as are consistent with these regulations.

(c) A local school board composed of a majority of Indians and serving in place of the Indian Education Committee as prescribed in § 403.15(a) shall have

the same powers and duties as given in this section.

#### § 403.17 Programs approved by Indian Education Committee.

(a) All programs contracted under this Part shall:

(1) Be developed and approved in full compliance with the powers and duties of the Indian Education Committee as set out in § 403.16 and as may be contained in the Committee's organizational documents and by-laws.

(2) Be included as a part of the education plan provided for in § 403.14.

(b) No program contracted pursuant to this Part shall be changed from the time of its original approval by the Indian Education Committee to the end of the contract period without the prior approval, in writing, of the Committee.

(c) Programs developed or approved by the Indian Education Committee pursuant to this Part may, at the option of such Committee, include funds for the performance of Committee duties, including the following:

(1) Members' attendance at regular and special meetings, workshops and training sessions, as the Committee deems appropriate.

(2) Such other reasonable expenses incurred by the Committee in performing its primary duties, including the planning, development, implementation and evaluation of the program.

(d) A local school board composed of a majority of Indians and serving in place of the Indian Education Committee as prescribed in § 403.15(a) shall perform all the functions that the Committee is required or authorized to perform in this section.

#### § 403.18 Additional requirements for education plan.

In addition to incorporating the programs approved by the Indian Education Committee(s) as required by § 403.14(a), the education plan prepared by the prospective contractor shall:

(a) Contain educational objectives which adequately address the educational needs of the Indian students to be served by the contract.

(b) Incorporate the program or programs developed and approved by the Indian Education Committee(s). As provided in § 403.17(b), changes in such programs must have prior written approval of the Indian Education Committee(s).

(c) Contain procedures for hearing grievances from Indian students, parents, community members, and tribal representatives relating to the program(s) contracted under this Part. Such procedures shall provide for adequate advance notice of the hearing.

(d) Identify established State standards which shall be maintained in operating programs and services contracted under this Part.

(e) Describe how the State standards will be maintained.

(f) Provide that the contractor shall comply in full with the requirements concerning meaningful participation by

the Indian Education Committee as required by § 403.4.

(g) Provide that education facilities receiving funds shall be open to visits and consultations by the Indian Education Committee(s), tribal representatives, Indian parents in the community, and by duly authorized representatives of the Federal and State governments.

(h) Outline procedures of administrative and fiscal management to be used by the contractor.

(i) Contain justification for requesting funds for operational support. The public school district must establish in its justification that it meets the requirements given in § 403.13(b). The information given should include records of receipt of local, State, and Federal funds.

(j) List special programs which are or will be operated. Examples are guidance and counseling, educational aides, summer programs, tutors, Indian culture and history, and exceptional child education programs.

(k) Include budget estimates and financial information needed to determine program costs to contract for services. This includes, but is not limited to, the following:

(1) State and district average operational cost per pupil.

(2) Other sources of Federal funding the applicant is receiving, the amount received from each, the programs being funded, and the number of eligible Indian students served by such funding.

(3) Administrative costs involved, total number of employees, and total number of Indian employees.

(4) Costs which parents normally are expected to pay.

(5) Supplemental and operational funds outlined in a separate budget, by line item, to facilitate accountability.

(6) Total number of employees for each special program and number of Indian employees for that program.

(7) State the total enrollment of school or district, by age and grade level.

(8) State the eligible Indian enrollment—total and classification by tribal affiliation(s) and by age and grade level.

(9) State the total number of school board members and number of Indian school board members.

(10) List Government equipment needed to carry out the contract.

(11) State the period of contract term requested.

(12) Include the signature of the authorized representative of applicant.

(13) Provide a narrative description, information and data regarding:

(1) Identification of problems, assessment of documented educational needs, and educational philosophy.

(2) Determination and statement of program goals and behavioral objectives.

(3) Selection and description of solution strategies and tools to contribute to desired changes.

(4) Implementation steps for the operation of the funded program.

(5) Determination of program and performance effectiveness in meeting the stated objectives.

#### § 403.19 Obtaining application forms.

Application forms, instructions, and related application materials are available from Area Directors and the Commissioner. Use of standard application forms will facilitate processing of applications. However, they are not required if the information required by § 403.20 is given in the application to contract.

#### § 403.20 Content of application to contract.

An application for a contract under this Part shall be in writing and shall contain the following:

(a) Name, address, and telephone number of the proposed contractor.

(b) Name, address, and telephone number of the tribe(s) to be served by the contract.

(c) Descriptive narrative of the contract proposal.

(d) The education plan required by § 403.14.

(e) A separate budget outlining the Johnson-O'Malley funds for operational support and/or supplemental programs, by line item, to facilitate accountability.

(f) A clear identification of what educational needs the Johnson-O'Malley funds requested for operational support will address.

(g) Documentation of the requirements for operational support in § 403.13 (b) (1).

#### § 403.21 Tribal request for contract.

(a) An Indian tribal governing body(s) that desires that a contract be entered into with a tribal organization must so notify the Area Director no later than January 15 preceding the school year for which the contract will be let.

(b) If the tribal governing body's notice is not received by the date given in paragraph (a) of this section, the Area Director may contract with the State, school district, or Indian corporation under this Part.

#### § 403.22 Application approval officials.

(a) Each Area Director is authorized to approve the contract(s) submitted by the State, school district, or Indian corporation under this Part which will provide services to Indian children within the jurisdiction of that Area Office.

(b) When a proposed contract(s) will provide services to Indian children within the jurisdiction of more than one Area Office, the contract must be approved by the Commissioner.

#### § 403.23 Submitting application to Area Office.

When services under the proposed contract will be provided to Indian children within the jurisdiction of a single Area Office, the completed application shall be submitted to the Area Director of that Area Office.

#### § 403.24 Area Office review and decision.

Upon receiving a contract application, the Area Director shall:

(a) Notify the applicant in writing that the application has been received. This notice shall be made within fourteen

(14) days after the Area Office receives the eligible Indian students, except

by 41 CFR 14 and 41 CFR 14H except

structing, altering, or repairing buildings or other facilities in connection with



(14) days after the Area Office receives the application.

(b) Review the application for completeness and promptly request any additional information from the applicant which will be needed to reach a decision.

(c) On receiving an application for operational support, make formal written determination and findings supporting the need for such funds. In arriving at such a determination, the Area Director must be assured that each local education agency has made a good faith effort in computing State and local contributions without regard to funds requested pursuant to this Part.

(d) Assess the completed application to determine if the contract proposal is feasible and if the proposal and the application comply with the appropriate requirements of the Johnson-O'Malley Act and of the regulations in this Part.

(e) Approve or disapprove the application after fully reviewing and assessing the application and any additional information submitted by the applicant.

(f) Promptly notify the applicant in writing of the decision to approve or disapprove the application. If the application is disapproved, the notice will give the reasons for disapproval and the applicant's right to appeal pursuant to Part 2 of this chapter.

#### § 403.25 Deadline for Area Office action.

(a) The Area Director shall approve or disapprove an application for a contract within sixty (60) days after the Area Office receives the application, except as given in paragraph (b) of this section. The sixty (60) day deadline can be extended after obtaining the written consent of the applicant.

(b) An application under this Part cannot be approved before January 15 preceding the school year for which the contract will be let.

#### § 403.26 Submitting application to Central Office.

When services under the proposed contract will be provided to Indian children within the jurisdiction of two or more Area Offices, the completed application shall be submitted to the Commissioner through the respective Area Offices.

#### § 403.27 Central office review and decision.

Upon receiving a contract application, the Commissioner shall:

(a) Notify the applicant in writing that the application has been received. This notice shall be made within fourteen (14) days after the Central Office receives the application.

(b) Review the application for completeness and promptly request any additional information from the applicant which will be needed to reach a decision.

(c) On receiving an application for operational support, make formal written determination and findings supporting the need for such funds. In arriving at such a determination, the Commis-

sioner must be assured that each local education agency has made a good faith effort in computing State and local contributions without regard to funds requested pursuant to this Part.

(d) Assess the completed application to determine if the contract proposal is feasible and if the proposal and the application comply with the appropriate requirements of the Johnson-O'Malley Act and of the regulations in this Part.

(e) Approve or disapprove the application after fully reviewing and assessing the application and any additional information submitted by the applicant.

(f) Promptly notify the applicant in writing of the decision to approve or disapprove the application. If the application is disapproved, the notice will give the reasons for disapproval and the applicant's right to appeal pursuant to Part 2 of this chapter.

#### § 403.28 Deadline for Central Office action.

(a) The Commissioner shall approve or disapprove an application for a contract within sixty (60) days after the Central Office receives the application, except as given in paragraph (b) of this section. The sixty (60) day deadline can be extended after obtaining the written consent of the applicant.

(b) An application under this Part cannot be approved before January 15 preceding the school year for which the contract will be let.

#### § 403.29 Negotiating the contract.

After the proposal for a contract has been approved by the Area Director or Commissioner as provided in § 403.22, the contract will be negotiated by a Bureau contracting officer assisted by Bureau education personnel.

#### Subpart C—Funding Provisions

##### § 103.31 Distribution formula.

Funds for both supplemental programs and operational support shall be apportioned among the States on a substantially equal basis, based upon the number of eligible Indian students for whom funds are sought with allowances being made for the actual cost of delivering educational services in each State. Within each State, funds shall be distributed among the contractors so that each contractor will receive approximately the same amount for each eligible Indian student to be served under the contract. The Commissioner may make exceptions based upon the special cultural, linguistic, social and educational needs of the communities involved.

##### § 103.32 Pro rata requirement.

All monies provided by a contract pursuant to this Part, shall be expended only for the benefit of eligible Indian students. Where students other than eligible Indian students participate in programs contracted under this Part, money expended under such contract shall be pro-rated to cover the participation of only

the eligible Indian students, except where the participation of non-eligible students is so incidental as to be de minimus.

##### § 403.33 Use of funds for operational support.

All funds for school operational support shall be used to meet State educational standards.

##### § 403.34 Use of other Federal, State and local funds.

(a) Contract funds under this Part shall supplement, and not supplant, Federal, State and local funds. Each contract shall require that the use of these contract funds will not result in a decrease in State, local, or Federal funds which would be made available for Indian students if there were no funds under this Part.

(b) State, local and other Federal funds must be used to provide comparable services to non-Indian and Indian students prior to the use of Johnson-O'Malley funds for the provision of supplementary program services to Indian children.

(c) Funds for operational support shall be used only as prescribed in § 403.33.

##### § 403.35 Capital outlay or debt retirement.

In no instance shall contract funds provided under this Part be used as payment for capital outlay or debt retirement expenses.

##### § 403.36 Eligible subcontractors.

No contract funds under the Johnson-O'Malley Act shall be made available by the Bureau directly to other than tribal organizations, States, school districts and Indian corporations. However, tribal organizations, States, school districts, and Indian corporations receiving funds under this Part may use the funds to subcontract for necessary services with any appropriate individual, organization or corporation.

##### § 403.37 Use of funds outside of schools.

Nothing in these regulations shall prevent the Commissioner from contracting with Indian corporations who will expend all or part of the funds in places other than the public or private schools in the community affected.

##### § 403.38 Equal quality and standard of education.

Contracts with State education agencies or school districts receiving funds under the provisions of this Part shall provide educational opportunities to all Indian children within that school district on the same terms and under the same conditions that apply to all other students. School districts receiving funds under this Part must insure that Indian children receive all aid from the State, and other proper sources other than this contract, which other schools in the district and other school districts similarly situated in the State are entitled to receive.

#### Subpart D—General Contract Requirements

##### § 403.41 Special, program provisions to be included in contract.

All contracts under this Part shall contain the following:

(a) The education plan required by §§ 403.14 and 403.18 and, as part of the education plan, the education programs approved by the Indian Education Committee(s) under § 403.17.

(b) Any formal written determination and findings made by the Area Director or Commissioner supporting the need for operational support as required by §§ 403.24(c) and 403.27(c).

(c) The provision that State, local, and other Federal funds shall be used to provide comparable services to non-Indian and Indian students prior to the use of Johnson-O'Malley funds for the provision of supplementary program services to Indian children, as required in § 403.34(b).

##### § 403.42 Civil Rights Act violations.

In no instance shall there be discrimination against Indians or schools enrolling such Indians. When informed by a complainant or through its own discovery that possible violation of Title VI of the Civil Rights Act of 1964 exists within a State school district receiving funds under this Part, the Department of the Interior shall, in accordance with Federal requirements, notify the Department of Health, Education and Welfare of the possible violation of Title VI. The Department of Health, Education and Welfare will conduct an investigation into the matters alleged, pursuant to a Memorandum of Understanding between the Department of the Interior and the Department of Health, Education and Welfare. If the report of the investigation conducted by the Department of Health, Education and Welfare discloses a failure or threatened failure to comply with this Part, and if the non-compliance cannot be corrected by informal means, compliance with this Part may be effected by the suspension or termination of or refusal to contract or to continue financial assistance under the Johnson-O'Malley Act or by any other means authorized by law. As delineated in 43 CFR 17.1, 17.8, and 17.9, such other means may include reference to the Department of Justice with a recommendation that appropriate legal proceedings be brought by the United States to secure compliance or by formal hearing before the Commissioner or, at his discretion, before an administrative law judge designated in accordance with section 11 of the Administrative Procedure Act. The Secretary, may, by agreement with one or more other Federal departments, provide for the conduct of consolidated or joint hearings as prescribed in 43 CFR 17.8(e).

##### § 403.43 Advance payments.

Advance payments to States, school districts and Indian corporations will be made in accordance with the applicable provisions of 41 CFR 1 as supplemented

by 41 CFR 14 and 41 CFR 14H except 41 CFR Part 14H-70.

##### § 403.44 Use and transfer of Government property.

(a) The use of Government-owned facilities for school purposes may be authorized when not needed for Government activities. Transfer of title to such facilities (except land) may be arranged under the provisions of the Act of June 4, 1953 (67 Stat. 41).

(b) In carrying out a contract made under this Part, the Area Director or Commissioner may permit a contractor to use existing buildings, facilities, and related equipment and other personal property owned by the Bureau within his jurisdiction under terms and conditions agreed upon for their use and maintenance. The property must conform to the minimum standards established by the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651). Use of Government property is subject to the following conditions:

(1) When nonexpendable Government property is turned over to public school authorities or Indian corporations under a use permit, the permittee shall insure such property against damage by flood, fire, rain, windstorm, vandalism, snow, and tornado in amounts and with companies satisfactory to the Federal officer in charge of the property. In case of damage or destruction of the property by flood, fire, rain, windstorm, vandalism, snow or tornado, the insurance money collected shall be expended only for repair or replacement of property. Otherwise, insurance proceeds shall be paid to the Bureau.

(2) If the public school authority is self-insured and can present evidence of that fact to the Area Director or Commissioner, insurance for lost or damaged property will not be required. However, the public school authority will be responsible for replacement of such lost or damaged property at no cost to the Government or for paying the Government enough to replace the property.

(3) The permittee shall maintain the property in a reasonable state of repair consistent with the intended use and educational purposes.

(c) The contractor may have access to existing Bureau records needed to carry out a contract under this Part, as follows:

(1) The Bureau will make the records available subject to the provisions of the Freedom of Information Act (5 U.S.C. 552), as amended by the Act of November 21, 1974 (Pub. L. 93-502, 88 Stat. 1561).

(2) The contractor may have access to needed Bureau records at the appropriate Bureau office for review and making copies of selected records.

(3) If the contractor needs a small volume of identifiable Bureau records, the Bureau will furnish the copies to the contractor.

##### § 403.45 Wage and labor standards.

All laborers and mechanics employed by contractors or subcontractors in con-

structing, altering, or repairing buildings or other facilities in connection with contracts under this Part shall be paid wages not less than those on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended.

##### § 403.46 Indian preference.

(a) Any contract made by the Bureau with a State, school district or Indian corporation shall provide that the contractor shall, to the greatest extent feasible, give preference in and opportunities for employment and training to Indians.

(b) Any contract made by the Bureau with a State, school district or Indian corporation shall provide that the contractor shall, to the greatest extent feasible, give preference in the award of subcontracts to Indian organizations and Indian-owned economic enterprises.

(c) All subcontractors employed by the contractor shall, to the extent possible, give preference to Indians for employment and training and shall be required to include in their bid submission a plan to achieve maximum use of Indian personnel.

##### § 403.47 Liability and motor vehicle insurance.

(a) States, school districts and Indian corporations shall obtain public liability and motor vehicle insurance under contracts entered into with the Bureau under this Part. However, where the Bureau contracting officer determines that the risk of death, personal injury or property damage under the contract is small and that the time and cost of procuring the insurance is great in relation to the risk, the contractor may be exempted from this requirement.

(b) Notwithstanding paragraph (a) of this section, any contract which requires or authorizes, either expressly or by implication, the use of motor vehicles must contain a provision requiring the State, school district, or Indian corporation to provide liability insurance, regardless of how small the risk.

(c) If the public school authority is self-insured and can present evidence of that fact to the Area Director or Commissioner, liability and motor vehicle insurance will not be required.

##### § 403.48 Recordkeeping.

A contractor will be required to develop and maintain a recordkeeping system which will:

(a) Fully reflect all financial transactions involving the receipt and expenditure of funds provided under the contract in a manner which will provide accurate, current and complete disclosure of financial status; correlation with budget or allowable cost schedules; and clear audit facilitating data.

(b) Reflect the amounts and sources of funds other than Bureau contract funds which may be included in the operation of the contract.

(c) Provide for the creation, maintenance and safe guarding of records of lasting value, including those involving

individual rights, such as permanent rec-

similar files where disclosure would be a

body of the tribe adopts a resolution of

this Part as provided in Subpart C of

Subpart A—General Provisions

business activity that is at least 51 per-



individual rights, such as permanent records and transcripts.

(d) Provide for orderly retirement of permanent records in accordance with General Records Schedules and the Bureau Records Control Schedule, when there is no established system set up by the State, school district, or Indian corporation.

#### § 403.19 Audit and inspection.

(a) During the term of a contract under this Part and for three years after the project or undertaking is completed, the Comptroller General and the Secretary, or any of their duly authorized representatives, shall have access, for audit and examination purposes, to any of the contractor's books, documents, papers, and records which, in their opinion, may be related or pertinent to the contract or any subcontract.

(b) The contractor will be responsible for maintaining all documents such as invoices, purchase orders, cancelled checks, balance sheets and all other records relating to financial transactions in a manner which will facilitate auditing. The contractor will be responsible for maintaining files of correspondence and other documents relating to the administration of the contract properly separated from general records or cross-referenced to general files.

(c) The contractor receiving funds under this Part shall be responsible for contract compliance.

(d) The records involved in any claim or expenditure that has been questioned shall be further maintained until final determination has been made on the questioned expenditures.

(e) All contracts, non-confidential records concerning all students served by the program, reports, budgets, budget estimates, plans, and other documents pertaining to preceding and current year administration of the contract program shall be made available by the contractor and local school officials to each member of the Indian Education Committee and to members of the public upon request. The contractor or local school official shall provide, free of charge, single copies of such documents upon request.

#### § 403.50 Freedom of information.

(a) Unless otherwise required by law, the Bureau shall not place restrictions on contractors which will limit public access to the contractor's records except when records must remain confidential.

(b) A contractor under this Part shall make all reports and information concerning the contract available to the Indian people which the contract affects. Reports and information may be withheld from disclosure only when both of the following conditions exist:

(1) The reports and information fall within one of the following exempt categories:

(i) Specifically required by statute or Executive Order to be kept secret.

(ii) Commercial or financial information obtained from a person or firm on a privileged or confidential basis.

(iii) Personnel, medical, social, psychological, academic achievement and

similar files where disclosure would be a clearly unwarranted invasion of personal privacy.

(2) Disclosure is prohibited by statute or Executive Order or sound grounds exist for using the exemption given in paragraph (b) (1) of this section.

(c) A request to inspect or copy reports and information shall be in writing and must reasonably describe the reports and information requested. The request may be delivered or mailed to the contractor. Within ten working days after receiving the request, the contractor shall determine whether to grant or deny the request. The requester shall be notified immediately of the determination.

(d) The time limit for making a determination may be extended up to an additional ten working days for good reason. The requester shall be notified in writing of the extension, reasons for the extension, and date on which the determination is expected to be made.

#### § 403.51 Annual reporting.

(a) A contractor under this Part shall make a detailed annual report to the approving official before September 15 of each year and covering the previous school year. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended, information on the conduct of the program, a quantitative evaluation of the effectiveness of the contract program in meeting the stated objectives contained in the applicant's educational plans, and a complete accounting of actual receipts at the end of the contract period.

(b) In addition to the yearly reporting requirement given in paragraph (a) of this section, the contractor shall furnish other reports when and as required by the Area Director or Commissioner.

(c) A contractor under this Part shall send copies of the reports required by paragraphs (a) and (b) of this section to the Indian Education Committee(s) under the contract at the same time as the reports are sent to the Bureau.

#### § 403.52 Penalties.

If any officer, director, agent, or employee of, or connected with, any contractor or subcontractor under this Part embezzles, willfully misapplies, steals, or obtains by fraud any of the funds or property connected with the contract or subcontract, he shall be subject to the following penalties:

(a) If the amount involved does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) If the amount involved exceeds \$100, he shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

#### § 403.53 State school laws.

In those States where Public Law 93-280, 18 U.S.C. 1162 and 28 U.S.C. 1360 do not confer civil jurisdiction, State employees may be permitted to enter upon Indian tribal lands, reservations, or allotments if the duly-constituted governing

body of the tribe adopts a resolution of consent for the following purposes:

(a) Inspecting school conditions in the public schools located on Indian tribal lands, reservations, or allotments.

(b) Enforcing State compulsory school attendance laws against Indian children, parents or persons standing in loco parentis.

#### § 403.54 Applicable procurement regulations.

States, school districts, or Indian corporations wanting to contract with the Bureau under this Part must comply with the applicable requirements in the Federal Procurement Regulations (41 CFR 1), as supplemented by the Interior Procurement Regulations (41 CFR 14), and the Bureau of Indian Affairs Procurement Regulations (41 CFR 14H), except 41 CFR Part 14H-70.

#### Subpart E—Contract Revision or Cancellation

##### § 403.61 Contract revision or amendment.

Any contract made under this Part may be revised or amended as deemed necessary to carry out the purposes of the program being contracted. A contractor may make a written request for a revision or amendment of a contract to the Bureau contracting officer. However, no program approved by the Indian Education Committee shall be altered from the time of its original approval to the end of the contract period without the written approval of the Committee.

##### § 403.62 Cancelling a contract for cause.

(a) Any contract entered into under this Part may be cancelled for cause when the contractor fails to perform the work called for under the contract or fails to permit an Indian Education Committee to perform its duties pursuant to this Part.

(b) Before cancelling the contract, the Bureau will advise the contractor in writing of the following:

(1) The reasons why the Bureau is considering cancelling the contract.

(2) The contractor will be given an opportunity to bring its work up to an acceptable level.

(c) If the contractor does not overcome the deficiencies in its contract performance, the Bureau shall cancel the contract for cause. The Bureau will notify the contractor, in writing, of the cancellation. The notice shall give the reasons for the cancellation and the right of the contractor to appeal under Subpart C of 43 CFR Part 4.

(d) When a contract is cancelled for cause, the Bureau will attempt to perform the work by another contract.

(e) Any contractor that has a contract cancelled for cause must demonstrate that the cause(s) which led to the cancellation have been remedied before it will be considered for another contract.

#### Subpart F—Appeals

##### § 403.71 Contract appeal.

A contractor may appeal an adverse decision or action of a Bureau contracting officer regarding a contract under

this Part as provided in Subpart C of 43 CFR Part 4.

##### § 403.72 Appeal from decision to cancel contract for cause.

A contractor may appeal the decision of a Bureau official to cancel a contract under this Part for cause. The appeal shall be made as provided in Subpart C of 43 CFR Part 4.

##### § 403.73 Other appeals.

Any decision or action taken by a Bureau official under this Part, other than those given in §§ 403.71 and 403.72, may be appealed as provided in Part 2 of this chapter.

#### PART 404—SCHOOL CONSTRUCTION CONTRACTS OR SERVICES FOR TRIBALLY OPERATED PREVIOUSLY PRIVATE SCHOOLS

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404.53 Other appeals.

AUTHORITY: Sec. 204 and 208, Pub. L. 93-638, 88 Stat. 2203, unless otherwise noted.

#### Subpart A—General Provisions

##### § 404.1 Purpose.

The purpose of the regulations in this Part is to give the application and approval process for obtaining a contract or services from the Bureau for school construction for previously private schools now controlled and operated by tribes or tribally approved Indian organizations under sections 204 and 208 of Title II of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638, 88 Stat. 2203).

##### § 404.2 Scope.

The Act authorizes the expenditure of funds authorized and appropriated under Part B of the Act to contract or provide services for school construction for tribally operated previously private schools. After an application has been completed and approved by the tribe, the application is forwarded through Bureau channels to the Commissioner for ranking by priority. If a project is within the funding priority, the Bureau contracting officer offers to negotiate a contract with the applicant subject to approval by the requesting tribe(s) for architectural-engineering design, facilities construction and purchase of equipment to provide educational facilities meeting Bureau space standards and construction code regulations. Subject to approval by the requesting tribe(s), the applicant then has the following options:

(a) Enter into a contract with the Bureau under which the applicant performs all or part of the necessary work with the Bureau performing the rest.

(b) Request that the Bureau perform or arrange for the performance of all the necessary work.

##### § 404.3 Definitions.

As used in this Part:

(a) "ADM" means average daily membership which is the aggregate of the sums of the days of membership of each child in the school divided by the number of days school was in session. Only days in which pupils were under the guidance and direction of teachers in the teaching process will be considered days in session.

(b) "Act" means the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203).

(c) "Area Director" means the official in charge of a Bureau of Indian Affairs Area Office.

(d) "Attendance area" means, in relation to a particular school, the area in which the children who are normally served by that school reside.

(e) "Bureau" means the Bureau of Indian Affairs.

(f) "Commissioner" means the Commissioner of Indian Affairs.

(g) "Contractor" means an applicant who has been awarded a contract under this Part.

(h) "Days" means calendar days.

(i) "Economic enterprise" means any commercial, industrial, agricultural, or

business activity that is at least 51 percent Indian owned, established or organized for the purpose of profit.

(j) "Existing school facilities" means all facilities constructed as school buildings and used continuously for classroom purposes. Excluded are basement rooms, hallways, or other space, the use of which for school purposes (in view of the character, inaccessibility or other equally cogent reasons) seriously restricts the educational objective, or has impaired or will impair the health or safety of the school children.

(k) "Indian" means a person who is a member of an Indian tribe.

(l) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible by the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(m) "Initial equipment" means any movable equipment necessary and appropriate to equip minimum school facilities. Such term does not include equipment purchased to replace any equipment which is obsolete or worn out and which was purchased with funds under the Act.

(n) "Minimum school facilities" means classroom and auxiliary rooms and initial equipment necessary to operate an approved educational program for the membership of the school at normal capacity in accordance with criteria established by the Bureau.

(o) "Previously private school" means a school (other than a Federal school formerly operated by the Bureau), that is operated primarily for Indian students in any grade or grades from early childhood through grade 12; and, which at the time of application is controlled, sanctioned, or chartered by the governing body(s) of an Indian tribe(s). Where a former mission school is involved, the title to the school facility and the land on which it is situated must have been transferred to an Indian tribe for operation as a non-sectarian school.

(25 U.S.C. 278)

(p) "Secretary" means the Secretary of the Interior.

(q) "Superintendent" means the official in charge of a Bureau of Indian Affairs Agency Office.

(r) "Tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; *Provided*, That a request for a contract or services must be made by the Indian tribe that will re-

ceive services under the contract or from

##### § 404.13 Contents of application.

should be current as of the time of application.

tribe's request shall be in the form of a resolution by the tribal governing body.

##### § 404.17 When to submit application.

(c) Update the Bureauwide priority listing of all approved projects in order



ceive services under the contract or from the Bureau by other means; *Provided further*, That in any case where a contract or services will affect more than one Indian tribe, the approval of each such Indian tribe shall be prerequisite to the approval of the application for the contract or services.

#### § 404.4 Effect on existing Indian rights.

Nothing in these regulations shall be construed as:

(a) Affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe;

(b) Authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people; or

(c) Permitting significant reduction in services to Indian people as a result of this Part.

#### § 404.5 Revision or amendment of regulations.

Before revising or amending the regulations in this Part, the Commissioner shall take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Publish the proposed revisions or amendments in the Federal Register as proposed rulemaking to provide adequate notice to, and receive comments from, all interested parties.

(c) After consideration of all comments received, publish the regulations in the FEDERAL REGISTER in final form not less than 30 days before the date they are made effective.

#### Subpart B—Application Process

##### § 404.11 Eligible applicants.

Any tribal organization which meets all of the following criteria is eligible to apply for a contract with or services from the Bureau for school construction:

(a) The tribal organization must control and manage the previously private school for which the organization is applying for a contract or services under this Part.

(b) Title to the land on which the construction for the previously private school will be located must be vested in the tribe or the United States.

(c) The previously private school controlled and managed by the tribal organization must have a minimum current enrollment or projection of 25 students in early childhood through grade 8 and/or 50 students in grades 9 through 12.

##### § 404.12 Obtaining application forms.

Application forms, instructions and related application materials are available from Area Directors and the Commissioner. Use of standard application forms will facilitate processing of applications. However, they are not required if the information contained in § 404.13 is stated in the applicant tribe's request for a contract or services.

##### § 404.13 Contents of application.

An application for funding under this Part shall be in writing and shall contain the following information:

(a) Full name, address and telephone number of the tribal organization which is applying for the contract.

(b) Full name of tribe(s) with which the tribal organization is affiliated.

(c) Full name of tribe(s) directly benefiting or receiving services from the proposed contract or from the Bureau by other means.

(d) Documentation of the tribal request in the form of a resolution as outlined in § 404.15.

(e) Date of submission to the Bureau and the name of the office where the application was submitted.

(f) Signature by the authorized representative of the tribal organization and the date thereof.

(g) Outline of the educational program including:

(1) Narrative description of elementary programs with educational philosophy.

(2) Narrative description of secondary programs with educational philosophy. If application is for secondary facility, include course offering with each course outlining enrollment, class size, class meetings per week, minutes per class and fraction of year taught.

(3) What will happen to the education of the students now, in 1 to 3 years and in 4 to 10 years if the proposed facilities are not constructed? Discuss all available options, including but not limited to:

(i) Off-reservation boarding schools.

(ii) On-reservation boarding schools.

(iii) Public, Bureau or other day schools.

(iv) Temporary facilities.

(v) Outline geographic attendance boundaries and include:

(1) Map of attendance area with description.

(2) Description of other Federal, public and/or private schools within the above attendance boundary.

(3) Discussion of impact the project will have on the schools listed in paragraph (h)(2) of this section and on feeder schools.

(4) Bus routes and/or change in bus routes caused by construction of facilities.

(i) Outline school enrollment characteristics and data including:

(1) Present total enrollment and enrollment by grade.

(2) Enrollment for the past six years by total and by grade.

(3) Estimate of enrollment by year for the next five years by total and by grade.

(4) Source and/or reasons for any student population growths.

(5) Number of students residing in attendance area but enrolled in other schools, number of students attending school but residing outside attendance area, and number of people by age group residing in attendance area between one and twenty-five. The data

should be current as of the time of application.

(j) Outline project description and justification data including:

(1) Function of proposed new facility, i.e., kitchen dining building for 300 students grades K-8, etc.

(2) Data such as capacity, date constructed, square footage and condition of existing facility described in paragraph (j)(1) of this section which needs to be replaced.

(3) Problems which may be encountered such as lack of adequate construction site, disputed jurisdiction, flood plain, soil conditions, archeological clearance, lack of electric power or water.

(4) Justification for project (Choose one and explain):

(i) The facility has been destroyed by a natural disaster.

(ii) The facility is unsafe or unsanitary. Documentation in the form of an engineering and/or safety report must be included for facilities that are unsafe or unsanitary. Also, there are no local educational facilities available that can provide seats for the unhoused students.

(iii) The same conditions exist as given in paragraph (j)(4)(ii) of this section for unsafe or unsanitary facilities except that other facilities can be used to seat the unhoused students temporarily.

(iv) Unhoused pupils due to enrollment and population changes.

(v) The facility is functionally obsolete. It will not meet the education program or other requirements such as poor arrangement of rooms, inadequate spaces, structural and utility changes.

(vi) The facility is functionally obsolete due to age. Operation and maintenance is costly and the facility is impractical to maintain.

(vii) The facility will make it possible for children to attend school nearer their home.

(5) A current overall plan for constructing Bureau facilities, prepared by the Bureau and approved by the tribes affected.

(6) Attendance area school construction plans and memoranda of agreements. Attach any school construction plans for the applicable attendance area for all Federal, public or private schools and any memoranda of agreement concerning such plans. If there are none, a current status report shall be submitted.

##### § 404.14 Assistance in completing applications.

An applicant may obtain assistance in completing the application forms from the Agency or Area Offices. The Superintendent, Area Director, or Commissioner shall make any information available to the applicant needed to prepare the application except as restricted from disclosure by the Freedom of Information Act (5 U.S.C. 552), as amended by the Act of November 21, 1974 (P.L. 93-502; 88 Stat. 1561).

##### § 404.15 Tribal request.

(a) Before the Bureau can approve a tribal organization's application for a contract or services, it must be requested to do so by the Indian tribe to be affected by the contract or services. The Indian

tribe's request shall be in the form of a resolution by the tribal governing body. If the tribal organization is applying for a contract or services which will affect more than one tribe, an authorizing resolution from each tribal governing body must be obtained before submitting the application to the Bureau for approval.

(b) The resolution of the tribal governing body shall also specify the tribal organization which is to operate the school. The resolution shall include the results of the vote (the number for and against), the date the resolution was approved, and signature of the person authorized to certify the accuracy of the information contained in the resolution.

(c) The tribal governing body's request (resolution) should include the following:

(1) When the tribal organization is the tribal governing body, the expiration date of the authorities granted by the resolution.

(2) When the tribal organization is other than the tribal governing body:

(i) The name of the tribal organization.

(ii) The tribal office or official to which the Bureau should send copies of documents and correspondence.

(iii) Any limitations on authorities granted the tribal organization.

(3) The tribal governing body's approval or disapproval of the Bureau's current overall educational facilities construction plan which includes the new construction proposed by this project to ensure:

(i) Coordination of facility construction with public school projects.

(ii) Coordination of facility construction with other agencies.

(iii) Approval and support of the proposed project.

(d) Any procedures given in this section concerning the manner in which a tribal governing body passes a tribal constitution, law, code, ordinance, or other written document. In such cases, the tribal law or procedures shall be cited in the resolution and shall take precedence.

##### § 404.16 Where to submit application.

(a) The completed application with documentation of the tribal request(s) shall be delivered or mailed to the Superintendent having jurisdiction over the tribe(s) requesting the contract or services.

(b) When the contract or services requested in the application will benefit more than one tribe under the jurisdiction of more than one Agency Office within one Area, the application and documentation of the tribal requests shall be delivered or mailed to the Area Director involved.

(c) When the contract or services requested in the application will benefit more than one tribe under the jurisdiction of more than one Area Office, the application and documentation of the tribal requests shall be delivered or mailed to the Commissioner.

##### § 404.17 When to submit application.

Applications may be submitted by a tribal organization to the Bureau at any time to be placed on the Bureau's priority listing.

##### § 404.18 Agency Office review and action.

(a) The Superintendent has 30 days from receipt of an application to notify the applicant in writing of its receipt, review the application for completeness, and request any needed information from the applicant.

(b) When the Superintendent has determined that the application is complete, he will forward the completed application with documentation of the tribal request(s) to the Area Director having jurisdiction over that Agency Office with a written statement that the application is complete.

##### § 404.19 Area Office review and action.

Within 30 days after receiving an application directly or from the Superintendent, the Area Director will take the following actions:

(a) Notify the applicant in writing that the application was received in the Area Office.

(b) Review each application submitted directly to the Area Office as provided in § 404.16(b) for completeness and obtain any needed information from the applicant.

(c) Assign each proposed project an Area Office priority. The Area Office will include an updated priority index with each application or group of applications transmitted to the Commissioner for applicable action.

(d) Forward each application and documentation of tribal request(s) to the Commissioner.

##### § 404.20 Priorities for funding construction.

As prescribed in §§ 404.19(c) and 404.21(b), the Area Director and Commissioner shall evaluate and assign priorities on the basis of the application data submitted as required by § 404.13 including:

(a) Education program required by § 404.13(g).

(b) Geographic attendance boundaries given in § 404.13(h).

(c) Enrollment characteristics given in § 404.13(i).

(d) Project description and justification required by § 404.13(j).

##### § 404.21 Central Office review and action.

Within 30 days after receiving an application directly or from the Area Director, the Commissioner will take the following actions:

(a) Notify the applicant in writing that the application was received in the Central Office.

(b) Review each application submitted directly to the Commissioner as given in § 404.16(c) for completeness, request any needed information from the applicant, and assign the proposed project a priority.

(c) Update the Bureauwide priority listing of all approved projects in order of priority with the project with the highest priority listed first. As new applications are received, they will be added to the priority listing according to their ranking.

(d) Notify each applicant in writing of the project's priority ranking on the Bureauwide list. The applicant will be notified of any subsequent changes to that ranking if new applications were received with a higher ranking.

##### § 404.22 On-site inspection and cost estimate.

(a) Three months before the new fiscal year begins, the Commissioner or his representative shall conduct an on-site inspection for projects high on the priority listing, beginning with the project ranked highest on the Bureauwide priority listing. The on-site inspection is to determine which buildings are to be retained, demolished or remodeled and to gather initial information required for development of the planning document.

(b) From this information, a tentative cost estimate for design, construction and equipment will be made for budget purposes in cooperation with the tribal organization.

##### § 404.23 Preparing a commitment-to-fund listing.

As each high priority project is given an on-site inspection and a tentative cost estimate is made, the project will be placed on a commitment-to-fund listing. Projects will be added as long as the total of the tentative cost estimates is less than the amount of funds appropriated for previously private school construction for the new fiscal year. Each applicant will be notified in writing when the project has been placed on the commitment-to-fund listing.

##### § 404.24 Performing construction work.

When a project has been placed on the commitment-to-fund listing, the applicant will be given the following options, subject to approval by the requesting tribe(s):

(a) To negotiate a contract with the Bureau to perform all of the work or part of the work needed for the project with the Bureau performing the rest. Such contracts shall comply with the requirements in Subpart C of this Part and with 41 CFR Part 141-70.

(b) To have the Bureau perform or arrange for the performance of all the work needed.

##### § 404.25 Renapplication.

Once an applicant has applied for a contract or services and the project has been placed on the Bureauwide priority listing, there is no need to reapply. The project will be carried on the priority listing until placed on the commitment-to-fund list. However, if changes occur which would affect the project's rank and, thus, its priority, the applicant must submit a new application.

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## PROPOSED RULES

## § 404.26 Funding provisions.

(a) No funds from any contract under this Part shall be made available by the Bureau directly to other than Indian tribes and tribal organizations. However, Indian tribes and tribal organizations assisted under this Part may use funds provided to subcontract for necessary services.

(b) Twenty-five (25) per cent of all funds appropriated under Title II, Part B, section 204 of the Act shall be expended for construction of previously private schools controlled and managed by a tribal organization. Any unobligated funds will be retained until completion of the project and unexpended funds returned to the Bureau. Projects which are partially funded shall be given first consideration for the additional funding necessary to complete such projects.

## Subpart C—General Contract Requirements

## § 404.31 Applicability.

This Subpart applies only when the applicant exercises the option of contracting with the Bureau to perform all or part of the construction work.

## § 404.32 Architectural design.

(a) Plans and specifications for a project shall comply with such Federal, State and local laws, ordinances and regulations pertaining to standards or construction and safety requirements as may be applicable.

(b) An Architect/Engineer shall be selected by the contractor subject to the advice and assistance of the Commissioner who shall counsel the contractor with respect to professional qualifications and performance history of firms so the best qualified firm for the work is selected. No Architect/Engineer agreement shall be entered into by the contractor until the Commissioner has reviewed the agreement and consented in writing to its provisions.

(c) Plans and specifications must conform to the project description, with approved revisions. Such plans and specifications must be forwarded for the approval of the Commissioner including schematic design, design development, and final construction document.

## § 404.33 Facilities construction.

(a) The Commissioner may assist in preconstruction and construction activities to assure conformity with the requirements of the Act. Approval of all proposed preconstruction documents will be obtained from the Commissioner. Assistance prior to the preparation of these and similar documents will be provided, upon request, by the Commissioner or his representative. A preliminary conference may be suggested with the project architect and others if that seems desirable. The Commissioner will provide sufficient copies of all forms used to prepare the documents required for the project.

(b) The Commissioner will provide, upon request, technical supervision and

services to the contractor in connection with the construction of school facilities. When appropriate, such services will provide assistance with periodic inspection of construction progress and determine the propriety of making partial payments as construction progresses.

## § 404.34 Selecting initial equipment.

The Commissioner or his representative may, upon request, provide technical assistance in the selection of initial equipment.

## § 404.35 Payment to contractors.

(a) At the request of a contractor, the Bureau contracting officer may make advance payments under contracts made under this Part. The requirements given in this section and in Chapter 2000 of the Treasury Fiscal Requirements Manual apply to making the advance payments.

(b) Any request for advance payment by a contractor shall specify the amount(s) required and the dates such advance(s) will be required and shall be supported by a schedule of estimated expenditures.

(c) An initial advance shall be limited to the amount of estimated expenditures for a period of time required to effect payment, based on experience in the locality. The initial advance shall be made in amounts and at times determined suitable to satisfy the minimum essential needs of the contractor.

(d) Later advances shall be made at times and in amounts determined necessary to insure availability of funds for timely payment of the contractor's obligations and to minimize the time between withdrawal from the Treasury and expenditure. Requests for advances after an initial advance shall be accompanied and supported by a report of expenditures to date and the amount of funds on hand.

## § 404.36 Use and transfer of Government property.

(a) The use of Government-owned facilities for tribal purposes may be authorized when not needed for Government activities. Transfer of title to such facilities may be arranged under the provisions of the Act of June 4, 1953 (67 Stat. 41).

(b) In carrying out a contract made under this Part, the Commissioner may permit a contractor to use existing buildings, facilities, and related equipment and other personal property owned by the Bureau within his jurisdiction under terms and conditions agreed upon for their use and maintenance. The property must conform to the minimum standards established by the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

(c) Use of Government property is subject to the following conditions:

(1) When nonexpendable Government property is turned over to the tribal organization under a use permit, the permittee shall insure the property against damage by flood, fire, rain, windstorm,

vandalism, snow and tornado in amounts and with companies satisfactory to the Federal officer in charge of the property. In case of damage or destruction of the property by flood, fire, rain, windstorm, vandalism, snow or tornado, the insurance money collected shall be expended only for repair or replacement of the property. Otherwise, insurance proceeds shall be paid to the Bureau.

(2) If the tribal organization is self-insured and can present evidence of that fact to the Commissioner, insurance for lost or damaged property will not be required. However, the tribal organization will be responsible for replacement of such lost or damaged property at no cost to the Government or for paying the Government enough to replace the property.

(3) The permittee shall maintain the property in a reasonable state of repair consistent with the intended use and educational purposes.

(d) The contractor may have access to existing Bureau records needed to carry out a contract under this Part, as follows:

(1) The Bureau will make the records available subject to the provisions of the Freedom of Information Act (5 U.S.C. 552), as amended by the Act of November 21, 1974 (Pub. L. 93-502, 88 Stat. 1561).

(2) The contractors may have access to needed Bureau records at the appropriate Bureau office for review and making copies of selected records.

(3) If the contractor needs a small volume of identifiable Bureau records, the Bureau will furnish the copies to the contractor.

## § 404.37 Wage and labor standards.

All laborers and mechanics employed by contractors or subcontractors in constructing, altering, or repairing buildings or other facilities in connection with contracts under this Part shall be paid wages not less than those on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended. However, this requirement does not apply where the contractor is the recognized governing body of the tribe and the construction, alteration or repair work is being performed by the tribal organization or the tribe with its own employees.

## § 404.38 Indian preference.

(a) Any contract made by the Bureau with a tribal organization shall provide that the contractor shall, to the greatest extent feasible, give preference in and opportunities for employment and training to Indians.

(b) Any contract made by the Bureau with a tribal organization shall provide that the contractor shall, to the greatest extent feasible, give preference in the award of subcontracts to Indian organizations and Indian-owned economic enterprises.

(c) All subcontractors employed by the contractor shall, to the extent possible, give preference to Indians for em-

ployment and training and shall be required to include in their bid submission a plan to achieve maximum use of Indian personnel.

## § 404.39 Liability and motor vehicle insurance.

(a) Tribal organizations shall obtain public liability and motor vehicle insurance under contracts entered into with the Bureau under this Part. However, where the Bureau contracting officer determines that the risk of death, personal injury or property damage under the contract is small and that the time and cost of procuring the insurance is great in relation to the risk, the contract may be exempted from this requirement.

(b) Notwithstanding paragraph (a) of this section, any contract which requires or authorizes, either expressly or by implication, the use of motor vehicles must contain a provision requiring the tribal organization to provide liability insurance, regardless of how small the risk.

## § 404.40 Recordkeeping.

A contractor will be required to develop and maintain a record-keeping system which will:

(a) Fully reflect all financial transactions involving the receipt and expenditure of funds provide under the contract in a manner which will provide accurate, current and complete disclosure of financial status; correlation with budget or allowable cost schedules; and clear audit facilitating data.

(b) Reflect the amounts and sources of funds other than Bureau contract funds which may be included in the construction project.

(c) Provide for the creation, maintenance and safeguarding of records of lasting value.

## § 404.41 Audit and inspection.

(a) During the term of a contract under this Part and for three years after the project or undertaking is completed, the Comptroller General and the Secretary, or any of their duly authorized representatives, shall have access for audit and examination purposes to any of the contractor's books, documents, papers, and records which, in their opinion, may be related or pertinent to the contract or any subcontract.

(b) The contractor will be responsible for maintaining all documents such as invoices, purchase orders, cancelled checks, balance sheets and all other records relating to financial transactions in a manner which will facilitate auditing. The contractor will be responsible for maintaining files of correspondence and other documents relating to the administration of the program under the contract properly separated from general records or cross-referenced to general files.

(c) The contractor receiving funds under this Part shall be primarily responsible for contract compliance.

(d) The records involved in any claim or expenditure that has been questioned shall be further maintained until final

determination has been made on the questioned expenditure.

(e) All contracts, reports, budgets, budget estimates, plans, and other documents pertaining to administration of the contract shall be made available by the contractor. The contractor shall provide, free of charge, single copies of such documents upon request.

## § 404.42 Freedom of information.

(a) Unless otherwise required by law, the Bureau shall not place restrictions on contractors which will limit public access to the contractor's records except when records must remain confidential.

(b) A contractor under this Part shall make all reports and information concerning the contract available to the Indian people which the contractor serves or represents. Reports and information may be withheld from disclosure only when both of the following conditions exist:

(1) The reports and information fall within one of the following exempt categories:

(i) Specifically required by statute or Executive Order to be kept secret.

(ii) Commercial or financial information obtained from a person or firm on a privileged or confidential basis.

(iii) Personnel, medical, and similar files where disclosure would be a clearly unwarranted invasion of personal privacy.

(iv) Geological and geophysical information and data concerning wells.

(2) Disclosure is prohibited by statute or Executive Order or sound grounds exist for using the exemption given in paragraph (b) (1) of this section.

(c) A request to inspect or copy reports and information shall be in writing and must reasonably describe the reports and information requested. The request may be delivered or mailed to the contractor within 10 working days after receiving the request, the contractor shall determine whether to grant or deny the request. The requester shall be notified immediately of the determination.

(d) The time limit for making a determination may be extended up to an additional ten (10) working days for good reason. The requester shall be notified in writing of the extension, reasons for the extension, and the date on which the determination is expected to be made.

## § 404.43 Reporting.

(a) A contractor under this Part shall make a detailed report to the Commissioner after construction is completed. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended.

(b) The contractor shall furnish other reports when and as required by the Commissioner.

(c) A contractor under this Part shall send copies of the reports required by paragraphs (a) and (b) of this section to the tribal governing body(s) who requested the contract at the same time as the reports are sent to the Bureau.

## PROPOSED RULES

## § 404.44 Repayment of funds.

Any funds paid under a contract entered into under this Part which are not expended, obligated or used for the purposes of the contract during its term shall be returned to the Bureau.

## § 404.45 Penalties.

If any officer, director, agent, or employee of, or connected with, any contractor or subcontractor under this Part embezzles, willfully misapplies, steals, or obtains by fraud any of the funds or property connected with the contract or subcontract, he shall be subject to the following penalties:

(a) If the amount involved does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) If the amount involved exceeds \$100, he shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

## § 404.46 Applicable procurement regulations.

41 CFR Part 14H-70 provides the contract clauses which shall be included in contracts made with tribal organizations under this Part and places some requirements on them in addition to those given in this Subpart.

## § 404.47 Contract revision or amendment.

(a) Any contract made under this Part may be revised or amended as deemed necessary to carry out the purposes of the contract. No revision or amendment shall be made without the consent of the contractor. A contractor may make a written request for a revision or amendment of a contract to the Bureau contracting officer.

(b) If the contracting officer disapproves the proposed revision or amendment of the contract, he will notify the contractor in writing within 30 days after receiving the request. The notice shall state:

(1) The objections to the requested revision or amendment.

(2) The right of the contractor to appeal as provided in Subpart C of 43 CFR Part 4.

## § 404.48 Cancelling a contract for cause.

(a) Any contract entered into under this Part may be cancelled for cause when the contractor fails to perform the work called for under the contract.

(b) Before cancelling the contract, the Bureau will advise the contractor in writing of the following:

(1) The reasons why the Bureau is considering cancelling the contract.

(2) That the contractor will be given an opportunity to bring its work up to an acceptable level.

(3) That the Bureau may furnish technical advice and assistance to help overcome the deficiencies in the contract performance, when requested.

(c) If the contractor does not overcome the deficiencies in its contract performance, the Bureau will cancel the contract for cause. The Bureau will noti-

## PROPOSED RULES

fy the contractor in writing, of the cancellation. The notice shall give the rea-

(g) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo,

eral range of duties prescribed in the employee's Bureau position.

check to a grantee upon its request or through the use of predetermined payment schedules before payments are

quest for reimbursement from the grantee.

(c) "Suspension of a grant" means an

## PROPOSED RULES



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fy the contractor in writing, of the cancellation. The notice shall give the reasons for the cancellation and the right of the contractor to appeal under Subpart C of 43 CFR Part 4.

(d) When a contract is cancelled for cause, the Bureau will either perform the work with its own forces or by another contract, as appropriate. However, when the contract is with other than the governing body of the Indian tribe, the advice of the tribe(s) will be obtained to determine how they wish the work to be performed.

Subpart D—Appeals

§ 404.51 Contract appeal.

A contractor may appeal an adverse decision or action of a Bureau contracting officer regarding a contract under this Part as provided in Subpart C of 43 CFR Part 4.

§ 404.52 Appeal from decision to cancel contract for cause.

A contractor may appeal the decision of a Bureau official to cancel a contract under this Part for cause. The appeal shall be made as provided in Subpart C of 43 CFR Part 4.

§ 404.53 Other appeals.

Any decision or action taken by a Bureau official under this Part, other than those given in §§ 404.51 and 404.52 may be appealed only as provided in Part 2 of this chapter.

PART 405—STAFFING

Sec.

405.1 Purpose and scope.

405.2 Definitions.

405.3 Methods for staffing.

405.4 Implementing regulations.

AUTHORITY: Sec. 502, 84 Stat. 1909, 1925; Sec. 105, Pub. L. 93-638, 88 Stat. 2203; 25 U.S.C. 48.

§ 405.1 Purpose and scope.

The purpose of this Part is to outline methods available to tribes for utilizing the services of Bureau employees. These regulations are not intended to prevent an Indian tribe or tribal organization from staffing their programs in the manner they feel appropriate. However, when an Indian tribe or tribal organization decides to provide Bureau employees certain Federal benefits, Civil Service Commission regulations must be adhered to.

§ 405.2 Definitions.

As used in this Part:

(a) "Act" means the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203).

(b) "Area Director" means the official in charge of a Bureau of Indian Affairs Area Office.

(c) "Bureau" means the Bureau of Indian Affairs.

(d) "Commissioner" means the Commissioner of Indian Affairs.

(e) "Days" means calendar days.

(f) "Indian" means a person who is a member of an Indian tribe.

(g) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible by the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(h) "Superintendent" means the official in charge of a Bureau of Indian Affairs Agency Office.

(i) "Tribal Chairman" means tribal chairman, governor, chief or other person recognized by the tribal government as its chief executive officer.

(j) "Tribal government" and "tribal council" means the recognized governing body of any Indian tribe.

(k) "Tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

§ 405.3 Methods for staffing.

An Indian tribe may use any of the following three methods to employ or obtain the assignment of Bureau employees:

(a) Agreement in accordance with the Intergovernmental Personnel Act of 1970 (5 U.S.C. 3371-3376). The agreement shall be arranged between the tribal organization, the employee, and the Area Director or Commissioner. Assistance will be provided by the Area Personnel Office in complying with Civil Service instructions (Federal Personnel Manual Chapter 334) for completing an agreement.

(b) Employment of Bureau employees on or before December 31, 1985, when serving under an appointment not limited to one year or less. A mutual agreement will be made between a tribal organization and the employee before leaving Federal employment to retain coverage for any of the following Federal benefits:

- (1) Compensation for work injuries.
- (2) Retirement.
- (3) Health insurance.
- (4) Life insurance.

(c) An agreement by an Indian tribe in accordance with the 1834 Act (25 U.S.C. 48) may be made in connection with contracts under section 102 of the Act.

(1) The agreement may provide for the tribal government to direct the day-to-day activities of Bureau employees. Tribal government direction of Bureau employees means the tribal chairman or other tribal official, as designated by the tribal governing body, is responsible for the planning, coordination, and completion of the daily on-the-job assignments of Bureau employees. The daily assignments of each such Bureau employee are limited to those that fall within the general range of duties prescribed in the employee's Bureau position.

(2) The agreement to direct day-to-day activities of Bureau employees shall include all employees:

(1) whose positions are in the program or portion of the program to be contracted; or

(2) in a portion of the program to continue under Bureau operation in connection with a contract for other portions of the program.

(3) The proposed agreement will be worked out between the tribe, the Superintendent, and the Area Director and forwarded to the Commissioner for final approval.

(4) When a contract does not include an agreement for direction of Bureau employees, the Area Director will be notified at least 120 days in advance of the proposed effective date of the contract to allow time for placement of affected employees.

§ 405.4 Implementing regulations.

Regulations to implement section 105 of the Act will be issued by the Civil Service Commission in 5 CFR. The regulations will cover the situations described in paragraphs (a) and (b) of § 405.3.

PART 406—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS

Sec.

406.1 Purpose and scope.

406.2 Definitions.

406.3 Cash depositories.

406.4 Bonding and insurance.

406.5 Recordkeeping.

406.6 Program income.

406.7 Standards for grantee financial management systems.

406.8 Financial reporting requirements.

406.9 Monitoring and reporting program performance.

406.10 Grant payment requirements.

406.11 Property management standards.

406.12 Procurement standards.

406.13 Indian preference in grant administration.

406.14 Budget revision.

406.15 Grant closeout.

406.16 Subgrants and subcontracts to non-profit organizations.

APPENDIX A—PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO GRANTS

APPENDIX B—FINANCIAL REPORTING REQUIREMENTS

AUTHORITY: 34 CFR 256; Sec. 104, Public Law 93-638, 88 Stat. 2203, unless otherwise noted.

§ 406.1 Purpose and scope.

(a) The purpose of the regulations in this Part is to give the uniform administrative requirements for grants awarded by the Bureau of Indian Affairs.

(b) The regulations in this Part shall apply to all grants awarded by the Bureau of Indian Affairs unless the Part which gives the application process and special requirements for the specific type of grant states otherwise.

(c) "Real property" means land, land improvements, structures and appurtenances thereto, excluding removable personal property, machinery and equipment.

§ 406.2 Definitions.

As used in this Part:

(a) "Advancy by Treasury check" means a payment made by a Treasury check to a grantee upon its request or through the use of predetermined payment schedules before payments are made by the grantee.

(b) "Date of completion" means the date when all work under a grant is completed or the date in the grant award document, or any supplement or amendment thereto, on which Federal assistance ends.

(c) "Disallowed costs" means those charges to a grant which the Bureau or its representative determines to be unallowable.

(d) "Economic enterprise" means any commercial, industrial, agricultural or business activity that is at least 51 percent Indian owned, established or organized for the purpose of profit.

(e) "Excess property" means property under the control of the Bureau which, as determined by the Commissioner, is no longer required for its needs.

(f) "Expendable personal property" means all tangible personal property other than nonexpendable property.

(g) "Grant closeout" means the process by which the Bureau determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the Bureau.

(h) "Grantee" means the entity which is responsible for administration of the grant.

(i) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible by the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(j) "Letter of credit" means an instrument certified by an authorized official of the Bureau which authorizes a grantee to draw funds when needed from the Treasury, through a Federal Reserve Bank and the grantee's commercial bank, in accordance with the provisions of Treasury Circular No. 1075.

(k) "Nonexpendable personal property" means tangible personal property having useful life of more than one year and an acquisition cost of \$300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above.

(l) "Personal property" means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

(m) "Real property" means land, land improvements, structures and appurtenances thereto, excluding removable personal property, machinery and equipment.

(n) "Reimbursement by Treasury check" means a payment made to a grantee with a Treasury check upon request for reimbursement from the grantee.

(o) "Suspension of a grant" means an action by the Bureau which temporarily suspends assistance under the grant pending corrective action by the grantee or pending decision to terminate the grant by the Bureau.

(p) "Termination of a grant" means the cancellation of Federal assistance, in whole or in part, under a grant at any time prior to the date of completion.

(q) "Tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body; or any legally established organization of Indians which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of activities.

§ 406.3 Cash depositories.

(a) Except for situations described in paragraphs (b) and (c) of this section, the Bureau will not:

(1) Require physical segregation of cash depositories for Bureau grant funds provided to a grantee.

(2) Establish any eligibility requirements for cash depositories in which Bureau grant funds are deposited by grantees or their subgrantees.

(b) A separate bank account shall be used when payments under letter of credit are made on a "check-paid" basis in accordance with agreements entered into by a grantee, the Bureau, and the banking institutions involved. A check-paid basis letter of credit is one under which funds are not drawn from the Treasury until the grantee's checks have been presented to its bank for payment.

(c) Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees are encouraged to use minority banks.

§ 406.4 Bondings and insurance.

In administering Bureau grants, grantees shall observe their regular requirements and practices with respect to bonding and insurance. The Bureau will not impose additional bonding and insurance requirements, including fidelity bonds, except as provided in paragraphs (a) and (b) of this section.

(a) The recipient of a Bureau grant which requires contracting for construction or facility improvement (including any Bureau grant which provides for alterations or renovations of real property) shall follow its own requirements and practices relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding \$100,000. For contracts exceeding \$100,000, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The bid guarantee shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under the contract.

(3) A payment bond on the part of the part of the contractor for 100 percent of the contract price. A payment bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(b) Where, in connection with a Bureau grant, the Bureau also guarantees the payment of money borrowed by the grantee, the Bureau may at its discretion require adequate bonding and insurance if the bonding and insurance requirements of the grantee are not deemed to be sufficient to protect adequately the interests of the Federal Government.

§ 406.5 Recordkeeping.

(a) The Bureau shall not impose record retention requirements over and above those established by the grantee except that financial records, supporting documents, statistical records, and all other records pertinent to a Bureau grant, or to any subgrant (or negotiated contract exceeding \$2500) under a grant, shall be retained for a period of three years, with the following qualifications:

(1) The records shall be retained beyond the three year period if audit findings have not been resolved.

(2) Records for nonexpendable property which was acquired with Bureau grant funds shall be retained for three years after its final disposition.

(3) When grant records are transferred to or maintained by the Bureau, the three-year retention requirement is not applicable to the grantee.

(b) The retention period starts from the date of submission of the final expenditure report or, for grants which are renewed annually, from the date of the submission of the annual expenditure report.

(c) Grantees are authorized, if they desire, to substitute microfilm copies in lieu of original records.

(d) The Bureau shall request transfer of certain records to its custody from grantees when it determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping the Bureau may make arrangements with the grantee for the grantee to retain any records which are continuously needed for joint use.

(e) The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books, documents, papers, and records of the grantees and their subgrants which are pertinent to a specific grant program for the purpose of making audit, examination, excerpts, transcripts and copies at government expense.

§ 406.6 Implementing regulations.

Regulations to implement section 105 of the Act will be issued by the Civil Service Commission in 5 CFR. The regulations will cover the situations described in paragraphs (a) and (b) of § 405.3.

§ 406.7 Standards for grantee financial management systems.

Standards for grantee financial management systems will be issued by the Civil Service Commission in 5 CFR. The standards will cover the situations described in paragraphs (a) and (b) of § 405.3.

§ 406.8 Financial reporting requirements.

Financial reporting requirements will be issued by the Civil Service Commission in 5 CFR. The requirements will cover the situations described in paragraphs (a) and (b) of § 405.3.

§ 406.9 Monitoring and reporting program performance.

Monitoring and reporting program performance will be issued by the Civil Service Commission in 5 CFR. The requirements will cover the situations described in paragraphs (a) and (b) of § 405.3.

§ 406.10 Grant payment requirements.

Grant payment requirements will be issued by the Civil Service Commission in 5 CFR. The requirements will cover the situations described in paragraphs (a) and (b) of § 405.3.

§ 406.11 Property management standards.

Property management standards will be issued by the Civil Service Commission in 5 CFR. The standards will cover the situations described in paragraphs (a) and (b) of § 405.3.

§ 406.12 Procurement standards.

Procurement standards will be issued by the Civil Service Commission in 5 CFR. The standards will cover the situations described in paragraphs (a) and (b) of § 405.3.

§ 406.13 Indian preference in grant administration.

Indian preference in grant administration will be issued by the Civil Service Commission in 5 CFR. The requirements will cover the situations described in paragraphs (a) and (b) of § 405.3.

§ 406.14 Budget revision.

Budget revision will be issued by the Civil Service Commission in 5 CFR. The requirements will cover the situations described in paragraphs (a) and (b) of § 405.3.

§ 406.15 Grant closeout.

Grant closeout will be issued by the Civil Service Commission in 5 CFR. The requirements will cover the situations described in paragraphs (a) and (b) of § 405.3.

§ 406.16 Subgrants and subcontracts to non-profit organizations.

Subgrants and subcontracts to non-profit organizations will be issued by the Civil Service Commission in 5 CFR. The requirements will cover the situations described in paragraphs (a) and (b) of § 405.3.

the goals of the grant. This review shall be completed within that period from the date of the grant award document, or any supplement or amendment thereto, on which Federal assistance ends.

period and the total amount of advances least two sides other trust or restricted lands as prescribed in Part 402 of this by the Bureau for the use of the real



## PROPOSED RULES

(f) Unless otherwise required by law, the Bureau shall not place restrictions on grantees which will limit public access to the grantee's records created as part of the grant except when records must remain confidential. Following are some of the reasons for withholding records:

- (1) Prevent a clearly unwarranted invasion of personal privacy;
- (2) Specifically required by statute or Executive Order to be kept secret;
- (3) Commercial or financial information obtained from a person or firm on a privileged or confidential basis.

## § 406.6 Program income.

(a) No grantee receiving a grant shall be held accountable for interest earned on grant funds, pending their disbursement for program purposes.

(b) Proceeds from the sale of real or personal property either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with § 406.11.

(c) Royalties received from copyrights and patents produced under the grant during the grant period shall be retained by the grantee and, in accordance with the grant agreement, be either added to the funds already committed to the program or deducted from total allowable project costs for the purpose of determining the net costs on which the Bureau share of costs will be based. After termination or completion of the grant, the Bureau share of royalties in excess of \$200 received annually shall be returned to the Bureau in the absence of other specific agreements between the Bureau and the grantee. The Bureau share of royalties shall be computed on the same ratio basis as the Bureau share of the total project cost.

(d) All other program income earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be either:

(1) Added to funds committed to the project by the Bureau and the grantee and be used to further eligible program objectives, or

(2) Deducted from the total project costs for the purpose of determining the net costs on which the Bureau share of costs will be based.

(e) Grantees shall record the receipt and expenditures of revenues (such as taxes, special assessments, levies, fines, etc.) as a part of grant project transactions when such revenues are specifically earmarked for a grant project in accordance with grant agreements.

## § 406.7 Standards for grantee financial management systems.

(a) Grantee financial management systems for grants and subgrantee financial management systems for subgrants shall provide for:

(1) Accurate, current, and complete disclosure of the financial results of each grant program in accordance with Federal reporting requirements and for each subgrant in accordance with the grantees' requirements. Except when specifically required by law, the Bureau will not require financial reporting on

the accrual basis from tribal organizations whose records are not maintained on that basis. However, when accrual reporting is required by law, tribal organizations whose records are not maintained on that basis will not be required to convert their accounting systems to the accrual basis; they may develop the accrual information through an analysis of the documentation on hand or on the basis of best estimates.

(2) Records which identify adequately the source and application of funds for grant—or subgrant—supported activities. These records shall contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(3) Effective control over and accountability for all grant or subgrant funds, and real and personal property acquired with grant or subgrant funds. Grantees and subgrantees shall adequately safeguard all such property and shall assure that it is used solely for authorized purposes.

(4) Comparison of actual with budgeted amounts for each grant or subgrant, and, when specifically required by the performance reporting requirements of the grant or subgrant, relation of financial information with performance or productivity data, including the production of unit cost information.

(5) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury through his commercial bank as close as possible to the time of making the disbursements. Subgrantees shall institute similar procedures when funds are advanced by the grantee.

(6) Procedures for determining the allowability and allocability of costs shall be in accordance with the applicable cost principles prescribed in Appendix A of this Part.

(7) Accounting records which are supported by source documentation.

(8) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(b) Grantees shall require subgrantees (recipients of grants which are passed through by the grantee) to adopt all of the standards in paragraph (a) of this section.

## § 406.8 Financial reporting requirements.

Requirements for grantees to report financial information to the Bureau, and to request advances and reimbursement when a letter of credit method is not used, are prescribed in Appendix B of this Part.

## § 406.9 Monitoring and reporting program performances.

(a) Grantees shall constantly monitor the performance under grant-supported activities to assure that adequate progress is being made toward achieving

the goals of the grant. This review shall be made for each program, function, or activity of each grant as set forth in the approved grant application.

(b) Grantees shall submit a performance report for each grant which briefly presents the following for each program, function, or activity involved:

(1) A comparison of actual accomplishments to the goals established for the period. Where the output of grant programs can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(2) Reasons for slippage in those cases where established goals were not met.

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(c) Grantees shall submit the performance reports to the Bureau with the Financial Status Reports (prescribed in Appendix B of this Part) in the frequency established by Appendix B. The Bureau shall prescribe the frequency with which the performance reports will be submitted with the Request for Advance or Reimbursement (prescribed in Appendix B) when that form is used in lieu of the Financial Status Report. In no case shall the performance reports be required more frequently than quarterly or less frequently than annually.

(d) Between the required performance reporting dates, events may occur which have significant impact upon the project or program. In such cases, the grantee shall inform the Bureau as soon as the following types of conditions become known:

(1) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accomplished by a statement of the action taken, or contemplated, and any Bureau assistance needed to resolve the situation.

(2) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

(e) If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with the criteria established in § 406.14, the grantee shall submit a request for budget revision.

(f) The Bureau shall make site visits as frequently as practicable to:

(1) Review program accomplishments and management control systems.

(2) Provide such technical assistance as may be required, or requested.

## § 406.10 Grant payment requirements.

(a) Except for construction grants for which the letter-of-credit method is optional, the letter-of-credit funding method shall be used by the Bureau where all of the following conditions exist:

(1) When there is or will be a continuing relationship between a grantee and the Bureau for at least a 12-month

period and the total amount of advances to be received within that period from the Bureau is \$250,000, or more, as prescribed by Treasury Circular No. 1075.

(2) When the grantee has established or demonstrated to the Bureau the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the grantee.

(3) When the grantee's financial management system meets the standards for fund control and accountability prescribed in § 406.7.

(b) The method of advancing funds by Treasury check shall be used, in accordance with the provisions of Treasury Circular No. 1075, when the grantee meets all of the requirements specified in paragraphs (a) (2) and (3) of this section.

(c) The reimbursement by Treasury check method shall be the preferred method when the grantee does not meet the requirements specified in either paragraph (a) (2) or (a) (3), or both. This method may also be used when the major portion of the program is accomplished through private market financing or Federal loans, and when the Bureau grant assistance constitutes a minor portion of the program.

(d) Unless otherwise required by law, the Bureau shall not withhold payments for proper charges made by grantees at any time during the grant period unless:

(1) A grantee has failed to comply with the program objectives, grant award conditions, or Bureau reporting requirements; or

(2) The grantee is indebted to the United States and collection of the indebtedness will not impair accomplishment of the objectives of any grant program sponsored by the United States. Under such conditions, the Bureau may, upon reasonable notice, inform the grantee that payments will not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal government is liquidated.

(e) Appendix B of this Part provides the procedures for requesting advances or reimbursements.

## § 406.11 Property management standards.

(a) Grantees may follow their own property management policies and procedures if they observe the requirements of this section. With respect to property covered by this section, the Bureau may not impose on grantees any requirements (including property reporting requirements) not authorized by this Part unless specifically required by Federal law.

(b) Title to real property to be acquired in whole or in part from a Bureau grant under Part 402 of this Chapter shall vest in one of the following manners:

(1) Title may be taken by the United States in trust for the Indian tribe upon the request of the tribe and when the real property to be acquired is within the reservation boundaries or adjoins on at

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least two sides other trust or restricted lands as prescribed in Part 402 of this chapter.

(2) Fee title to the acquired real property shall vest in the Indian tribe whenever the acquisition does not meet the criteria in paragraph (1) of this section or unless for other reasons a tribe requests title to be taken in the name of the United States. In the absence of applicable statutory authority governing the disposition of real property acquired by a tribe, the tribe shall use the real property for the authorized purposes and in accordance with any other requirements imposed by the terms and conditions of the original grant.

Changes in use compatible to other tribal programs may be authorized by the Bureau. When no longer needed for the authorized purposes, the real property shall be used in accordance with the standards set forth in § 406.11(d) (1) for non-expendable personal property. Accordingly, the following priority order for use of such property shall be:

(i) Other grants from the Bureau.

(ii) Grants from other Federal agencies.

(iii) Tribal purposes consistent with those authorized for support by Bureau grants.

(iv) Tribal official activities.

(3) In those instances where the Indian tribe requests, title may be acquired by the United States. Use of these acquired real property interests will be subject to the authorized purposes and in accordance with the provisions of the original grant. Upon a determination that the real property is no longer needed for the authorized purposes, disposition may be made by declaring it excess under provisions of the Act of January 2, 1975 (88 Stat. 1954) and title transferred to the Secretary to be held by the United States in trust for the tribe. Where real property does not meet the requirements under the Act of January 2, 1975 (88 Stat. 1954), the tribe may elect to acquire title under applicable enabling statutory authorities, or in the absence of statutory authority, request withholding disposition in aid of legislation, or authorize disposal under the General Services Administration procedures.

(c) The provisions of paragraph (b) (2) and (3) of this section shall also apply when real property is acquired in whole or in part by a Bureau grant other than that provided under Part 402 of this Chapter. However, when such property is acquired by a grantee other than an Indian tribe, or a tribal governing body, fee simple title to the property shall vest in the grantee upon acquisition. In the absence of applicable statutory provisions governing the use or disposition of such property, it shall be subject to the following requirements, in addition to any other requirements imposed by the terms and conditions of the grant:

(1) The grantee shall use the real property for the authorized purpose of the original grant as long as needed.

(2) The grantee shall obtain approval by the Bureau for the use of the real property in other projects when the grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs, or programs that have purposes consistent with those authorized for support by the grantor.

(3) When the real property is no longer needed as provided in paragraphs (c) (1) and (2) of this section, the grantee shall return all real property furnished or purchased wholly with Bureau grant funds to the control of the Bureau. In the case of property purchased in part with Bureau grant funds, the grantee may be permitted to take title to the Federal interest therein upon compensating the Federal Government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the property was acquired to the current fair market value of the property.

(d) Standards and procedures governing ownership, use, and disposition of nonexpendable personal property furnished by the Bureau or acquired with Bureau funds are set forth below:

(1) *Nonexpendable personal property acquired with Bureau funds.* When non-expendable personal property is acquired by a grantee wholly or in part with Bureau funds, title will not be taken by the Bureau except as provided in paragraph (d) (1) (iv) of this section but shall be vested in the grantee subject to the following restrictions on use and disposition of the property:

(i) The grantee shall retain the property acquired with Bureau funds in the grant program as long as there is a need for the property to accomplish the purpose of the grant program whether or not the program continues to be supported by Bureau funds. When there is no longer a need for the property to accomplish the purpose of the grant program, the grantee shall use the property in connection with the other Federal grants it has received in the following order of priority:

(A) Other grants from the Bureau needing the property.

(B) Grants of other Federal agencies needing the property.

(ii) When the grantee no longer has need for the property in any of its Federal grant programs, or programs that have purposes consistent with those authorized for support by the grantor, the property may be used for its own official activities in accordance with the following standards:

(A) Nonexpendable property with an acquisition cost of less than \$500 and used four years or more. The grantee may use the property for its own official activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(B) All other nonexpendable property. The grantee may retain the property for

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its own use if a fair compensation is made to the Bureau for the latter's share of

thority to transfer title has been granted to an agency, title to Federally-owned

ent issued on it—shall be allocated and administered in order to protect the

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(i) Proposed procurement actions shall be reviewed by grantee officials to

(D) The contract is for personal or professional services, or for any service

11246, entitled "Equal Employment Opportunity," as amended by Labor Regulations (41 CFR Part 60). However, this



its own use if a fair compensation is made to the Bureau for the latter's share of the property. The amount of compensation shall be computed by applying the percentage of Bureau participation in the grant program to the current fair market value of the property.

(iii) If the grantee has no need for the property, disposition of the property shall be made as follows:

(A) Nonexpendable property with an acquisition cost of \$1,000 or less. Except for that property which meets the criteria of paragraph (d) (1) (ii) (A) of this section, the grantee shall sell the property and reimburse the Bureau an amount which is computed in accordance with paragraph (d) (1) (iii) of this section.

(B) Nonexpendable property with an acquisition cost of over \$1,000. The grantee shall request disposition instructions from the Bureau. The Bureau shall determine whether the property can be used to meet the Bureau's requirement. If no requirement exists within the Bureau, the availability of the property shall be reported to the General Services Administration (GSA) by the Bureau to determine whether a requirement for the property exists in other Federal agencies. The Bureau shall issue instructions to the grantee within 120 days and the following procedures shall govern:

(1) If the grantee is instructed to ship the property elsewhere, the grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the grantee's participation in the grant program to the current fair market value of the property, plus any shipping or interim storage costs incurred.

(2) If the grantee is instructed to otherwise dispose of the property, he shall be reimbursed by the Bureau of such costs incurred in its disposition.

(3) If disposition instructions are not issued within 120 days after reporting, the grantee shall sell the property and reimburse the Bureau an amount which is computed by applying the percentage of Bureau participation in the grant program to the sales proceeds. Further, the grantee shall be permitted to retain \$100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

(iv) Where the Bureau determines that property with an acquisition cost of \$1,000 or more and financed solely by Bureau funds in unique, different, or costly to replace, it may reserve title to such property, subject to the following provisions:

(A) The property shall be appropriately identified in the grant agreement or otherwise made known to the grantee.

(B) The Bureau shall issue disposition instructions within 120 days after the completion of the need for the property under the grant for which it was acquired. If the Bureau fails to issue disposition instructions within 120 days, the grantee shall apply the standards of paragraphs (d) (1) (i), (d) (1) (ii) (B), and (d) (1) (iii) (B) of this section.

(2) Federally-owned nonexpendable personal property. Unless statutory au-

thority to transfer title has been granted to an agency, title to Federally-owned property (property to which the Federal Government retains title including excess property made available by the Bureau to grantees) remains vested by law in the Federal Government. Upon termination of the grant or need for the property, such property shall be reported to the Bureau for further Bureau use or, if appropriate, for reporting to the General Services Administration for other Federal agency use. Appropriate disposition instructions will be issued to the grantee after completion of Bureau review.

(d) The grantee's property management standards for nonexpendable personal property shall also include the following procedural requirements:

(1) Property records shall be maintained accurately and provide for a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; source of the property; percentage of Federal funds used in the purchase of the property; location, use, and condition of the property; and ultimate disposition data including sales price or the method used to determine current fair market value if the grantee reimburses the Bureau for its share.

(2) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current use, and continued need for the property.

(3) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented.

(4) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(5) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

(e) When the total inventory value of any unused expendable personal property exceeds \$500 at the expiration of need for any grant purposes, the grantee may retain the property or sell the property as long as he compensates the Bureau for its share in the cost. The amount of compensation shall be computed in accordance with paragraph (d) (1) (ii) (B) of this paragraph.

(f) Specific standards for control of intangible property are provided as follows:

(1) If any program produces patentable items, patent rights, processes, or inventions, in the course of work aided by a Bureau grant, such fact shall be promptly and fully reported to the Bureau. Unless there is prior agreement between the grantee and Bureau on disposition of such items, the Bureau shall determine whether protection on such invention or discovery shall be sought and how the rights in the invention or discovery—including rights under any pat-

ent issued on it—shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" (President's memorandum for heads of executive departments and agencies), dated August 23, 1971, and Statement of Government Patent Policy as printed in 36 FR 16889.

(2) Where the grant results in a book or other copyrightable material, the author or grantee is free to copyright the work, but the Bureau reserves a royalty-free nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

(g) The use of Bureau-owned facilities under the jurisdiction of the Commissioner by a grantee for purposes of carrying out a grant may be authorized when the facilities are not needed for Bureau purposes.

#### § 406.12 Procurement standards.

(a) The standards contained in this section do not relieve the grantee of the contractual responsibilities arising under its contracts. The grantee is the responsible authority, without recourse to the Bureau regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant. This includes but is not limited to: disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to the tribal, Federal or other authority which has proper jurisdiction.

(b) Grantees may use their own procurement regulations provided that procurements made with Bureau grant funds adhere to the standards set forth as follows:

(1) The grantee shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Bureau grant funds. Grantee's officers, employees or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by law, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the grantee officers, employees, or agents, or by contractors or their agents.

(2) All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or non-competitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. However, this provision will apply only after the Indian preference requirements prescribed in § 406.13 have been met.

(3) The grantee shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(i) Proposed procurement actions shall be reviewed by grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(ii) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. In competitive procurements, such description shall not contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. When so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(iii) Positive efforts shall be made by the grantees to use small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed using Bureau grant funds. However, this provision will apply only after the Indian preference requirements prescribed in § 406.13 have been met.

(iv) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the grant program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(v) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (b) (3) (vi) of this section is necessary to accomplish sound procurement. However, procurement of \$10,000 or less need not be so advertised. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered. (Factors such as discounts, transportation costs, taxes may be considered in determining the lowest bid.)

Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the grantee. Any or all bids may be rejected when it is in the grantee's interest to do so.

(vi) Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the grantee if:

(A) The public exigency will not permit the delay incident to advertising;

(B) The material or service to be procured is available from only one person or firm; (all contemplated sole source procurements where the aggregate expenditure is expected to exceed \$5,000 shall be referred to the Bureau for prior approval).

(C) The total amount involved does not exceed \$10,000;

(D) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institutions;

(E) No acceptable bids have been received after formal advertising;

(F) The purchases are for highly perishable materials or medical supplies; for material or services where the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for supplies purchased for authorized resale; and for technical or specialized supplies requiring substantial initial investment for manufacture;

(G) Otherwise authorized by law, rules or regulations. Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

(vii) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(viii) Procurement records or files for purchases in amounts over \$10,000 shall provide at least the following pertinent information: Justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiation.

(ix) A system for contract administration shall be maintained to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

(c) In addition to provisions to define a sound and complete agreement, the grantee shall include the following provisions in all contracts and subgrants:

(1) Contracts shall contain such contractual provisions or conditions which will also for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contracts, amounts for which are over \$10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions where the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) In all contracts for construction or facility improvement awarded over \$100,000, grantees shall observe the bonding requirements provided in § 406.4.

(4) All construction contracts awarded by recipients and their contractors or subgrantees having a value of more than \$10,000, shall contain a provision requiring compliance with Executive Order No.

11246, entitled "Equal Employment Opportunity," as amended by Labor Regulations (41 CFR Part 60). However, this Equal Employment Opportunity provision will apply only after the Indian preference requirements prescribed in § 406.13 have been met.

(5) All contracts and subgrants for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the Bureau.

(6) When required by the Federal grant program legislation, all construction contracts awarded by grantees and subgrantees over \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The grantee shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The grantee shall report all suspected or reported violations to the Bureau.

(7) Where applicable, all contracts awarded by grantees and subgrantees over \$2,000 for construction contracts and over \$2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under Section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard workday or workweek is permissible if the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked over 8 hours in any calendar day or 40 hours in the work week. Section 107 of the Act applies to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles

ordinarily available on the open market, for transportation or trans-

transfers among programs, functions, and activities when budgeted separately

and notify the grantee whether or not the budget revisions have been approved. If

APPENDIX A—PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO GRANTS

(c) (1) Cancellation for cause. The Bureau may cancel any grant in whole, or

10. Supporting services means auxiliary functions necessary to sustain the direct effort involved in administering a grant pro-



ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(8) Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or constraints in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Bureau. The contractor shall be advised as to the source of additional information regarding these matters.

(9) All negotiated contracts (except those of \$10,000 or less) awarded by grantees shall include a provision to the effect that the grantee, the Bureau, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

(10) Contracts and subgrants of amounts over \$100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970 (42 U.S.C. 1251 et seq.) as amended. Violations shall be reported to the Bureau and the Regional Office of the Environmental Protection Agency.

#### § 406.13 Indian preference in grant administration.

Any grant or subgrant shall require that to the greatest extent feasible:

(a) Preferences and opportunities for training and employment in connection with the administration of such a grant or subgrant shall be given to Indians.

(b) Preference in the award of a subgrant, contract or subcontract in connection with administration of a grant shall be given to Indian organizations and economic enterprises.

#### § 406.14 Budget revision.

Criteria and procedures to be followed by grantees in reporting deviations from grant budgets, and requesting approval for budget revisions are as follows:

(a) For nonconstruction grants, grantees shall request prior approvals promptly from the Bureau for budget revisions whenever:

(1) The revision results from changes in the scope or the objective of the grant-supported program.

(2) The revision indicates the need for additional Bureau funding.

(3) The grant budget is over \$100,000 and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed \$10,000, or five percent of the grant budget, whichever is greater. The same criteria apply to cumulative amount of

transfers among programs, functions, and activities when budgeted separately for a grant, except that the Bureau shall permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended.

(4) The grant budget is \$100,000, or less, and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed five percent of the grant budget. The same criteria apply to the cumulative amount of transfers among programs, functions, and activities when budgeted separately for a grant, except that the Bureau shall permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended.

(5) The revisions involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs.

(6) The revisions pertain to the addition of items requiring approval in accordance with the provisions of Appendix A of this Part.

(b) All other changes to nonconstruction grant budgets, except for the changes described in paragraph (d) of this section do not require approval. These changes include (1) the use of grantee funds in furtherance of program objectives over and above the grantee minimum share included in the approved grant budget and (2) the transfer of amounts budgeted for direct costs of absorb authorized increases in indirect costs.

(c) For construction grants, grantees shall request prior approval promptly from the Bureau for budget revisions whenever:

(1) The revision results from changes in the scope or the objective of the grant-supported program.

(2) The revision increases the budgeted amounts of Bureau funds needed to complete the project.

(d) When the Bureau awards a grant which provides support for both construction and nonconstruction work, the Bureau may require, in the grant agreement, the grantee to request prior approval before making any fund or budget transfers between the two types of work supported.

(e) For both construction and nonconstruction grants, the Bureau shall require tribal grantees to notify the Bureau promptly whenever the amount of Bureau authorized funds is expected to exceed the needs of the grantee by more than \$5,000 or 5 percent of the Bureau grant, whichever is greater. This notification will not be required when applications for additional funding are submitted for continuing grants.

(f) When requesting approval for budget revisions, grantees shall use the budget forms which were used in the grant application. However, grantees may request by letter the approvals required by the provisions of Appendix A of this Part.

(g) Within 30 days from the date of receipt of the request for budget revisions, the Bureau shall review the request

and notify the grantee whether or not the budget revisions have been approved. If the Bureau does not reach a decision prior to the end of the 30 day period or should the grantee not be notified of the Bureau's decision by the end of the 30 day period the grantee may appeal directly to the Commissioner.

#### § 406.15 Grant closeout.

(a) In closing out Bureau grants, the following shall be observed:

(1) Upon request, the Bureau shall make prompt payments to a grantee for allowable reimbursable costs under the grant being closed out.

(2) The grantee shall immediately refund to the Bureau any unencumbered balance of cash advanced to the grantee.

(3) The Bureau shall obtain from the grantee within 90 days after the date of completion of the grant all financial, performance, and other reports required as a condition of the grant. The Bureau may grant extensions when requested by the grantee.

(4) The Bureau shall make a settlement for any upward or downward adjustments to the Federal share of costs after these reports are received.

(5) The grantee shall account for any property acquired with grant funds, or received from the Government in accordance with the provisions of § 406.11.

(6) If a final audit has not been performed before the closeout of the grant, the Bureau shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

(b) Suspension. When a grantee has materially failed to comply with the terms and conditions of a grant, the Bureau may after reasonable notice to the grantee, suspend the grant. The notice preceding suspension shall include the effective date of the suspension, the reasons for the suspension, the corrective measures necessary for reinstatement of the grant, and, if there is no immediate threat to safety, a reasonable time frame for corrective action prior to actual suspension. No obligations incurred by the grantee during the period of suspension shall be allowable under the suspended grant, except that the Bureau may at its discretion allow necessary and proper costs which the grantee could not reasonably avoid during the period of suspension if such costs would otherwise be allowable under the applicable cost principles specified in Appendix A of this Part. Appropriate adjustments to the payments under the suspended grant will be made, either by withholding the payments or by not allowing the grantee credit for disbursements which he may make in liquidation of unauthorized obligations he incurs during the period of suspension. Suspensions shall remain in effect until the grantee has taken corrective action to the satisfaction of the Bureau or given assurances satisfactory to the Bureau that corrective action will be taken, or until the Bureau cancels the grant.

(c) (1) Cancellation for cause. The Bureau may cancel any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has:

(i) Materially failed to comply with the terms and conditions of the grant;

(ii) Violated the rights or endangered the health, safety, or welfare of any persons;

(iii) Been grossly negligent in or has mismanaged the handling or use of funds provided under the grant.

(2) Upon deciding to cancel for cause, the Bureau shall promptly notify the grantee in writing of that decision, the reasons for the cancellation, and the effective date. The Bureau shall also provide a hearing for the grantee before cancellation. However, the Bureau may immediately cancel the grant, upon notice to the grantee, if the Bureau determines that continuance of the grant poses an immediate threat to safety. In this event, the Bureau shall provide a hearing for the grantee within ten (10) days of cancellation.

(3) Payments made to grantees or recoveries by the Bureau under grants cancelled for cause shall be in accordance with the legal rights and obligations of the parties.

(d) (1) Cancellation on other grounds. Except as provided in paragraph (c) of this section, grants may be cancelled in whole or in part only as follows:

(i) By the Bureau with the consent of the grantee, in which case the two parties shall agree upon the cancellation conditions, including the effective date, and in the case of partial cancellation, the portion to be cancelled; or

(ii) By the grantee, upon written notice to the Bureau, setting forth the reasons for the cancellation, the effective date, and, in the case of partial cancellation, the portion to be cancelled.

(2) When a grant is cancelled in accordance with paragraph (d) of this section, the grantee shall not incur new obligations for the cancelled portion after the effective date, and shall cancel as many outstanding obligations as possible. The Bureau shall allow full credit to the grantee for the Bureau share of the noncancellable obligations properly incurred by the grantee before cancellation.

#### § 406.16 Subgrants and subcontracts to non-profit organizations.

The uniform administrative requirements in this Part, including the cost principles in Appendix A, are applicable to all subgrants or subcontracts made by a grantee in accordance with the provisions of this chapter. However, these requirements and cost principles are applicable as minimum standards for subgrants or subcontracts made to non-profit organizations. Accordingly, the grantee may prescribe additional or more stringent requirements with regard to subgrants or subcontracts made to non-profit organizations.

6. *Budgeting.* Costs incurred for the development, preparation, presentation, and

#### APPENDIX A—PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO GRANTS

##### PART I—GENERAL

A. *Purpose and scope.* 1. *Objectives.* This attachment sets forth principles for determining the allowable costs of programs administered by grantees under grants from the Bureau. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Bureau and tribal participation in the financing of a particular grant. They are designed to provide that Bureau assisted programs bear their fair share of costs recognized under these principles, except where restricted or prohibited by law. No provision for profit or other increment above cost is intended.

2. *Policy guides.* The application of these principles is based on the fundamental premises that:

a. Grantees are responsible for the efficient and effective administration of grant programs through the application of sound management practices.

b. The grantee assumes the responsibility for seeing that Bureau assisted program funds have been expended and accounted for consistent with underlying agreements and program objectives.

c. Each grantee organization, in recognition of its own unique combination of staff facilities and experience, will have the primary responsibility for employing whatever form of organization and management techniques may be necessary to assure proper and efficient administration.

3. *Application.* These principles will be applied by the Bureau in determining costs incurred by grantees under Bureau grants (including subgrants, contracts by grantees and subcontracts).

B. *Definitions.* 1. *Approval or authorization of the Bureau* means documentation evidencing consent prior to incurring specific cost. 2. *Cost allocation plan* means the documentation identifying, accumulating, and distributing allowable costs under grants and contracts together with the allocation methods used.

3. *Cost*, as used herein, means cost as determined on a cash, accrual, or other basis acceptable to the Bureau as a discharge of the grantee's accountability for Bureau funds.

4. *Cost objective* means a pool, center, or area established for the accumulation of cost. Such areas include organizational units, functions, objects or items of expense as well as ultimate cost objectives including specific grants, projects, contracts, and other activities.

5. *Federal agency* means any department, agency, commission, or instrumentality in the executive branch of the Federal Government which makes grants to grantees.

6. *Grant* means an agreement between the Bureau and a grantee whereby the Bureau provides funds or aid in kind to carry out specified programs, services, or activities. The principles and policies stated in this circular are applicable to grants in general also apply to any Federally sponsored cost reimbursement type of agreement performed by a grantee, including contracts, subcontracts and subgrants.

7. *Grant program* means those activities and operations of the grantee which are necessary to carry out the purposes of the grant, including any portion of the program financed by the grantee.

8. *Grantee* means the entity which is responsible for administration of the grant.

9. *Services*, as used herein, means goods and facilities, as well as services.

10. *Supporting services* means auxiliary functions necessary to sustain the direct effort involved in administering a grant program or an activity providing service to the grant program. These services may be centralized in the grantee department or in some other agency, and include procurement, payroll, personnel functions, maintenance and operation of space, data processing, accounting, budgeting, auditing, mail and messenger service, and the like.

C. *Basic guidelines.* 1. *Factors affecting allowability of costs.* To be allowable under a grant program, costs must meet the following general criteria:

a. Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of a grantee.

b. Be authorized or not prohibited under applicable laws or regulations.

c. Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items.

d. Be consistent with policies, regulations, and procedures that apply uniformly to both Federally assisted and other activities of which the grantee is a part.

e. Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.

f. Not be allocable to or included as a cost of any other Federally financed program in either the current or a prior period.

g. Be net of all applicable credits.

2. *Allocable costs.* a. A cost is allocable to a particular cost objective to the extent of benefits received by such objective. b. Any cost allocable to a particular grant or cost objective under the principles provided for in this Appendix may not be shifted to other Federal grant programs to overcome funds deficiencies, avoid restrictions imposed by law or grant agreements, or for other reasons.

c. Where an allocation of joint cost will ultimately result in charges to a grant program, an allocation plan will be required as prescribed in Section I.

3. *Applicable credits.* a. Applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allocable to grants as direct or indirect costs. Examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indentities on losses; sale of publications, equipment, and scrap; income from personal or incidental services; and adjustments of overpayments or erroneous charges.

b. Applicable credits may also arise when Bureau funds are received or are available from sources other than the grant program involved to finance operations or capital items of the grantee. This includes costs arising from the use of depreciation of items donated or financed by the Bureau to fulfill matching requirements under another grant program. These types of credits should likewise be used to reduce related expenditures in determining the rates or amounts applicable to a given grant.

D. *Composition of cost.* 1. *Total cost.* The total cost of a grant program is comprised of the allowable direct cost incident to its performance, plus its allocable portion of allowable indirect costs, less applicable credits.

2. *Classification of costs.* There is no universal rule for classifying certain costs as either direct or indirect under every ac-

counting system. A cost may be direct with respect to some specific service or function.

When this method is used, a determination should be made that the amount negotiated

a. The nature and extent of services provided and their relevance to the Federally

6. *Budgeting.* Costs incurred for the development, preparation, presentation, and

computation. The computation will exclude the cost or any portion of the cost of build-

furnished by the chief legal officer of a tribal government or his staff solely for the purpose



counting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the grant or other ultimate cost objective. It is essential, therefore, that each item of cost be treated consistently either as a direct or an indirect cost. Specific guides for determining direct and indirect costs allocable under grant programs are provided in the sections which follow.

**E. Direct costs.** 1. *General.* Direct costs are those that can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts, or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the other ultimate cost objective.

2. *Application.* Typical direct costs chargeable to grant programs are:

a. Compensation of employees for the time and effort devoted specifically to the execution of grant programs.

b. Cost of materials acquired, consumed, or expended specifically for the purpose of the grant.

c. Equipment and other approved capital expenditures.

d. Other items of expense incurred specifically to carry out the grant agreement.

e. Services furnished specifically for the grant program by other agencies, provided such charges are consistent with criteria outlined in Section G of these principles.

**F. Indirect costs.** 1. *General.* Indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities to the grantee department. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect cost within a grantee department or in other agencies providing services to a grantee department. Indirect cost pools should be distributed to benefiting cost objectives on bases which will produce an equitable result in consideration of relative benefits derived.

2. *Grantee departmental indirect costs.* All grantee departmental indirect costs, including the various levels of supervision, are eligible for allocation to grant programs provided they meet the conditions set forth in this Part. In lieu of determining the actual amount of grantee departmental indirect cost allocable to a grant program, the following methods may be used:

a. *Predetermined fixed rates for indirect costs.* A predetermined fixed rate for computing indirect costs applicable to a grant may be negotiated annually in situations where the cost experience and other pertinent facts available are deemed sufficient to enable the contracting parties to reach an informed judgment (1) as to the probable level of indirect costs in the grantee department during the period to be covered by the negotiated rate, and (2) that the amount allowable under the predetermined rate would not exceed actual indirect cost.

b. *Negotiated lump sum for overhead.* A negotiated fixed amount in lieu of indirect costs may be appropriate under circumstances where the benefits derived from a grantee department's indirect services cannot be readily determined as in the case of small, self-contained or isolated activity.

When this method is used, a determination should be made that the amount negotiated will be approximately the same as the actual indirect cost that may be incurred. Such amounts negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses of the grantee department before allocation to remaining activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

3. *Limitation on indirect costs.* a. Bureau grants may be subject to laws that limit the amount of indirect costs that may be allocated. In this event, the Bureau will establish procedures which will assure that the amount actually allowed for indirect costs under each such grant does not exceed the maximum allowable under the statutory limitation or the amount otherwise allowable under this Appendix, whichever is the smaller.

b. When the amount allowable under a statutory limitation is less than the amount otherwise allocable as indirect costs under this Appendix the amount not recoverable as indirect costs under a grant may not be shifted to another Federally sponsored grant program or contract.

c. *Cost incurred by organizations other than the grantee.* 1. *General.* The cost of service provided by other organizations may only include allowable direct costs of the service plus a prorata share of allowable supporting costs and supervision directly required in performing the service, but not supervision of a general nature such as that provided by the head of an organization and his staff assistants not directly involved in operations. However, supervision by the head of an organization whose sole function is providing the service furnished would be an eligible cost. Supporting costs include those furnished by other units of the supplying organizations.

2. *Alternative methods of determining indirect cost.* In lieu of determining actual indirect cost related to a particular service furnished by another organization, either of the following alternative methods may be used provided only one method is used for a specific service during the fiscal year involved.

a. *Standard indirect rate.* An amount equal to ten percent of direct labor cost in providing the service performed by another organization (excluding overtime, shift, or holiday premiums and fringe benefits) may be allowed in lieu of actual allowable indirect cost for that service.

b. *Predetermined fixed rate.* A predetermined fixed rate for indirect cost of the unit or activity providing service may be negotiated as set forth in Section F.2.a.

H. *Cost incurred by grantee for others.* 1. *General.* The principles provided in Section G will also be used in determining the cost of services provided by the grantee to another agency.

1. *Cost allocation plan.* 1. *General.* A plan for allocation of costs will be required to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by formal accounting records which will substantiate the propriety of eventual charges.

2. *Requirements.* The allocation plan of the grantee should cover all joint costs of the grantees as well as costs to be allocated under plans of other agencies or organizational units which are to be included in the costs of Federally sponsored programs. The cost allocation plans of all the agencies rendering services to the grantee, to the extent feasible, should be presented in a single document. The allocation plan should contain, but not necessarily be limited to, the following:

a. The nature and extent of services provided and their relevance to the Federally sponsored programs.

b. The items of expense to be included.

c. The methods to be used in distributing cost.

3. *Instructions for preparation of cost allocation plans.* The Bureau, in consultation with the other Federal agencies concerned, will be responsible for developing and issuing the instructions for use by grantees in preparation of cost allocation plans.

4. *Negotiation and approval of indirect cost proposals for grantees.* a. The Bureau, in collaboration with the other Federal agencies and offices concerned, will be responsible for negotiation, approval, and audit of cost allocation plans, which will be submitted to it by the grantees. These plans will cover central support service costs of the grantees.

b. The Department of the Interior Office of Audit and Investigation will have responsibility similar to that set forth in a., above, for the negotiation, approval, and audit of the indirect cost proposal.

c. Questions concerning the cost allocation plans approved under a. and b., above, should be directed to the Bureau.

#### PART II—STANDARDS FOR SELECTED ITEMS OF COST

A. *Purpose and applicability.* 1. *Objective.* This attachment provides standards for determining the allowability of selected items of cost.

2. *Application.* These standards will apply irrespective of whether a particular item of cost is treated as direct or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable, rather determination of allowability in each case should be based on the treatment of standards provided for similar or related items of cost. The allowability of the selected items of cost is subject to the general policies and principles stated in Part I of this Appendix.

B. *Allowable costs.* 1. *Accounting.* The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes cost incurred by central service agencies for these purposes. The cost of maintaining central accounting records required for overall tribal government purposes, such as appropriation and fund accounts by the Treasurer, Comptroller, or similar officials, is considered to be a general expense of government and is not allowable.

2. *Advertising.* Advertising media includes newspapers, magazines, radio and television programs, direct mail, trade papers, and the like. The advertising costs allowable are those which are solely for:

a. Recruitment of personnel required for the grant program.

b. Solicitation of bids for the procurement of goods and services required.

c. Disposal of scrap or surplus materials acquired in the performance of the grant agreement.

d. Other purposes specifically provided for in the grant agreement.

3. *Advisory councils.* Costs incurred by grantee advisory councils or committees established pursuant to Bureau requirements to carry out grant programs are allowable. The cost of like organizations is allowable when provided for in the grant agreement.

4. *Audit service.* The cost of audits necessary for the administration and management of functions related to grant programs is allowable.

5. *Bonding.* Costs of premiums on bonds covering employees who handle grantee funds are allowable.

6. *Budgeting.* Costs incurred for the development, preparation, presentation, and execution of budgets are allowable. Costs for services of a central budget office are generally not allowable since these are costs of general government. However, where employees of the central budget office actively participate in the grantee budget process, the cost of identifiable services is allowable.

7. *Building lease management.* The administrative cost for lease management which includes review of lease proposals, maintenance of a list of available property for lease, and related activities is allowable.

8. *Central stores.* The cost of maintaining and operating a central store's organization for supplies, equipment, and materials used either directly or indirectly for grant programs is allowable.

9. *Communications.* Communication costs incurred for telephone calls or service, telegraph, teletype service, wide area telephone service (WATS), centrex, telapak (tie lines), postage, messenger service and similar expenses are allowable.

10. *Compensation for personal services.* a. *General.* Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and supplementary compensation and benefits. The costs of such compensation are allowable to the extent that total compensation for individual employees:

(1) is responsible for the services rendered, (2) follows an appointment made in accordance with tribal government ordinances and rules which meets Federal merit system or other requirements, where applicable; and (3) is determined and supported as provided in b., below. Compensation for employees engaged in federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the tribal government. In cases where the kinds of employees required for the federally assisted activities are not found in the other activities of the tribal government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

b. *Payroll and distribution of time.* Amounts charged to grant programs for personal services, regardless of whether treated as direct or indirect costs, will be based on payrolls documented and approved in accordance with generally accepted practice of the tribal government. Payrolls must be supported by time and attendance or equivalent records for individual employees. Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort.

11. *Depreciation and use allowance.* a. Grantees may be compensated for the use of their own buildings, capital improvements, and equipment through use allowances of depreciation. Use allowances are the means of providing compensation in lieu of depreciation or other equivalent costs. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

b. The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used in the

computation. The computation will exclude the cost or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Bureau through charges to Bureau grant programs or otherwise, irrespective of whether title was originally vested or where it presently resides. In addition, the computation will also exclude the cost of land. Depreciation or a use allowance on idle or excess facilities is not allowable, except when specifically authorized by the Bureau.

c. Where the depreciation method is followed, adequate property records must be maintained, and any generally accepted method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected Federally sponsored programs and must result in equitable charges considering the extent of the use of the assets for benefit of such programs.

d. In lieu of depreciation, a use allowance for buildings and improvements may be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized as building cost) will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost of usable equipment.

e. No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated, provided, however, that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to utilization of the facility or item for the purpose contemplated.

12. *Disbursing service.* The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable. Disbursing services cover the processing of checks or warrants, from preparation to redemption, including the necessary records of accountability and reconciliation of such records with related cash accounts.

13. *Employee fringe benefits.* Costs identified under a. and b. below are allowable to the extent that total compensation for employees is reasonable as defined in Section B.10.

a. Employee benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, court leave, military leave, and the like. If they are: (1) provided pursuant to an approved leave system, and (2) the cost thereof is equitably allocated to all related activities, including grant programs.

b. Employee benefits in the form of employees' contribution or expenses for social security, employees' life and health insurance plans, unemployment insurance coverage, workmen's compensation insurance, pension plans, severance pay, and the like, provided such benefits are granted under approved plans and are distributed equitably to grant programs and in other activities.

14. *Employee morale, health and welfare costs.* The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred, are allowable. Income generated from any of these activities will be offset against expenses.

15. *Exhibits.* Costs of exhibits relating specifically to the grant programs are allowable.

16. *Legal expenses.* The cost of legal expenses required in the administration of grant programs is allowable. Legal services

furnished by the chief legal officer of a tribal government or his staff solely for the purpose of discharging his general responsibilities as legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

17. *Maintenance and repair.* Costs incurred for necessary maintenance, repair, or upkeep of property which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

18. *Materials and supplies.* The cost of materials and supplies necessary to carry out the grant programs is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

19. *Memberships, subscriptions and professional activities.* a. *Memberships.* The cost of membership in civic, business, technical and professional organizations is allowable provided: (1) the benefit from the membership is related to the grant program, (2) the expenditure is for agency membership, (3) the cost of the membership is reasonably related to the value of the services or benefits received, and (4) the expenditure is not for membership in an organization which devotes a substantial part of its activities to influencing legislation.

b. *Reference material.* The cost of books, and subscriptions to civic, business, professional, and technical periodicals is allowable when related to the grant program.

c. *Meetings and conferences.* Costs are allowable when the purpose of the meeting is the dissemination of technical information relating to the grant program and they are consistent with regular practices followed for other activities of the grantee.

20. *Motor pools.* The costs of a service organization which provides automobiles to grantees at a mileage or fixed rate and/or provides vehicle maintenance, inspection and repair services are allowable.

21. *Payroll preparation.* The cost of preparing payrolls and maintaining necessary related wage records is allowable.

22. *Personnel administration.* Costs for the recruitment, examination, certification, classification, training, establishment of pay standards, and related activities for grant programs, are allowable.

23. *Printing and reproduction.* Cost for printing and reproduction services necessary for grant administration, including but not limited to forms, reports, manuals, and informational literature, are allowable. Publication costs of reports or other media relating to grant program accomplishments or results are allowable when provided for in the grant agreement.

24. *Procurement service.* The cost of procurement service, including solicitation of bids, preparation and award of contracts, and all phases of contract administration in providing goods, facilities and services for grant programs, is allowable.

25. *Taxes.* In general, taxes or payments in lieu of taxes which the grantee is legally required to pay are allowable.

26. *Training and education.* The cost of in-service training, customarily provided for employee development which directly or indirectly benefits grant programs is allowable. Out-of-service training involving extended periods of time is allowable only when specifically authorized by the Bureau.

27. *Transportation.* Costs incurred for freight, cartage, express, postage and other



transportation costs relating either to goods purchased, delivered, or moved from one location to another are allowable.

28. *Travel.* Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business incident to a grant program. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in non-Federally sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is allowable except when less-than-first-class air accommodations are not reasonably available.

C. *Costs allowable with approval of the Bureau.* 1. *Automatic data processing.* The cost of data processing services to grant programs is allowable. This cost may include rental of equipment or depreciation on grantee-owned equipment. The acquisition of equipment, whether by outright purchase, rental-purchase agreement or other method of purchase, is allowable only upon specific prior approval of the Bureau as provided under the selected item for capital expenditures.

2. *Building space and related facilities.* The cost of space in privately or publicly owned buildings used for the benefit of the grant program is allowable subject to the conditions stated below. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy, without authorization of the Bureau.

a. *Rental cost.* The rental cost of space in a privately owned building is allowable.

b. *Maintenance and operation.* The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations and the like, are allowable to the extent they are not otherwise included in rental or other charges for space.

c. *Rearrangements and alterations.* Cost incurred for rearrangement and alteration of facilities required specifically for the grant program or those that materially increase the value or useful life of the facilities (Section C.3.) are allowable when specifically approved by the Bureau.

d. *Depreciation and use allowances on publicly owned buildings.* These costs are allowable as provided in Section B.11.

e. *Occupancy of space under rental-purchase or a lease with option-to-purchase agreement.* The cost of space procured under such arrangements is allowable when specifically approved by the Bureau.

3. *Capital expenditures.* The cost of facilities, equipment, other capital assets, and repairs which materially increase the value or useful life of capital assets is allowable when such procurement is specifically approved by the Bureau. When assets acquired with Bureau grant funds are (a) sold, (b) no longer available for use in a Federally sponsored program or (c) used for purposes not authorized by the Bureau, the Bureau's equity in the asset will be refunded in the same proportion as Bureau participation in its cost. In case any assets are traded on new items, only the net cost of the newly acquired assets is allowable.

4. *Insurance and indemnification.* a. Costs of insurance required, or approved and maintained pursuant to the grant agreement, is allowable.

b. Costs of other insurance in connection with the general conduct of activities is allowable subject to the following limitations: (1) Types and extent and cost of coverage will be in accordance with sound business practice.

(2) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property is allowable except to the extent that the Bureau has specifically required or approved such costs.

c. Contributions to a reserve for a self-insurance program approved by the Bureau are allowable to the extent that the type of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

d. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are allowable unless expressly provided for in the grant agreement. However, costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice, and minor losses not covered by insurance, such as spoilage, breakage and disappearance of small hand tools which occur in the ordinary course of operations, are allowable.

e. *Indemnification* includes securing the grantee against liabilities to third persons and other losses not compensated by insurance or otherwise. The Bureau is obligated to indemnify the grantee only to the extent expressly provided for in the grant agreement, except as provided in d. above.

5. *Management studies.* The cost of management studies to improve the effectiveness and efficiency of grant management for ongoing programs is allowable except that the cost of studies performed by agencies other than the grantee or outside consultants is allowable only when authorized by the Bureau.

6. *Preagreement costs.* Costs incurred prior to the effective date of the grant, whether or not they would have been allowable thereunder if incurred after such date, are allowable when specifically provided for in the grant agreement.

7. *Professional services.* Cost of professional services rendered by individuals or organizations not a part of the grantee is allowable subject to such prior authorization as may be required by the Bureau.

8. *Proposal costs.* Costs of preparing proposals on potential Federal Government grant agreements are allowable when specifically provided for in the grant agreement.

9. *Tribal government officer salaries and expenses.* Identifiable salary and expense costs incurred as a direct result of a tribal government officer's service to a grant program provided under this chapter are allowable subject to advance agreement with and approval by the Bureau. A general limitation in this regard is prescribed in section D.6.

D. *Unallowable costs.* 1. *Bad debts.* Any losses arising from uncollectible accounts and other claims, and related costs, are unallowable.

2. *Contingencies.* Contributions to a contingency reserve or any similar provision for unforeseen events are unallowable.

3. *Contributions and donations.* Unallowable.

4. *Entertainments.* Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities, are unallowable.

5. *Fines and penalties.* Costs resulting from violations of, or failure to comply with Federal, State and local laws and regulations are unallowable.

6. *Tribal officer salaries and expenses.* The salaries and expenses of tribal government officers are considered a cost of general tribal

government and are unallowable except as prescribed in Section C.9.

7. *Interest and other financial costs.* Interest on borrowing (however requested), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection therewith, are unallowable except when authorized by Federal legislation.

8. *Underrecovery of costs under grant agreements.* Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements.

#### APPENDIX B—FINANCIAL REPORTING REQUIREMENTS

A. *Purpose and scope.* This appendix prescribes requirements for grantees to report financial information to the Bureau and to request advances and reimbursement when a letter-of-credit method is not used.

B. *Definitions.* 1. *Accrued expenditures.* Accrued expenditures are the charges incurred by the grantee during a given period requiring the provision of funds for: (1) goods and other tangible property received; (2) services performed by employees, contractors, subgrantees, and other payees; and (3) amounts becoming owed under programs for which no current services or performance are required.

2. *Accrued income.* Accrued income is the earnings during a given period which is a source of funds resulting from: (1) services performed by the grantee; (2) goods and other tangible property delivered to purchasers; and (3) amounts becoming owed to the grantee for which no current services or performance are required by the grantee.

3. *Disbursements.* Disbursements are payments in cash or by check.

4. *Bureau funds authorized.* Funds authorized represent the total amount of the Bureau funds authorized for obligations and establish the ceilings for obligation of Bureau funds. This amount may include any authorized carryover of unobligated funds from prior fiscal years.

5. *Obligations.* Obligations are the amounts of orders placed, contracts and grants awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

6. *Outlays.* Outlays represent charges made to the grant project or program. Outlays can be reported on a cash or accrued expenditure basis.

7. *Program income.* Program income represents earnings by the grantee realized from the grant-supported activities. Such earnings exclude interest income and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, sale of assets purchased with grant funds, and royalties on patents and copyrights. Program income can be reported on a cash or accrued income basis.

8. *Unobligated balance.* The unobligated balance is the portion of the funds authorized by the Bureau which has not been obligated by the grantee and is determined by deducting the cumulative obligations from the funds authorized.

9. *Unpaid obligations.* Unpaid obligations represent the amount of obligations incurred by the grantee which have not been paid.

C. *Standard forms.* 1. Only the following forms will be authorized for obtaining financial information from grantees for grant programs:

a. *Financial Status Report.* (1) The Bureau shall require grantees to use a standard Financial Status Report to report the status of funds for all nonconstruction grant programs. The Bureau may, however, have the option of not requiring a Financial Status Report when a Request for Advance or Reimbursement (paragraph 2a) is determined to provide adequate information to meet their needs, except that a final Financial Status Report shall be required at the completion of the grant when the Request for Advance or Reimbursement form is used only for advances.

(2) The Bureau shall prescribe whether the report shall be on a cash or accrual basis. If the Bureau requires accrual information and the grantee's accounting records are not normally kept on the accrual basis, the grantee should develop such information through an analysis of the documentation on hand or on the basis of best estimates.

(3) The grant agreement shall determine the frequency of the Financial Status Report for each grant program considering the size and complexity of the particular program. However, the report shall not be required more frequently than quarterly or less frequently than annually. Also, a final report shall be required at the completion of the grant.

(4) The original and two copies of the Financial Status Report shall be submitted 30 days after the end of each specified reporting period. In addition, final reports shall be submitted 90 days after the end of the grant period or the completion of the project or program. Extensions to reporting due dates may be approved when requested by the grantee.

b. *Report of federal cash transactions.* (1) When funds are advanced to grantees through letters of credit or with Treasury checks, each grantee shall submit a report of Federal Cash Transactions. The Bureau shall use this report to monitor cash advanced to grantees and to obtain disbursement or outlay information for each grant or project from the grantees.

(2) The grant agreement may require forecasts of Federal cash requirements in the Remarks section of the report.

(3) When practical and deemed necessary, the Bureau may require grantees to report in the Remarks section the amount of cash in excess of three days' requirements in the hands of subgrantees or other secondary recipients and to provide short narrative explanations of actions taken by the grantees to reduce the excess balances.

(4) The Bureau shall accept the identical information from the grantees in a machine-readable format in lieu of the Report of Federal Cash Transactions.

(5) Grantees shall submit the original and two copies of the Report of Federal Cash Transactions no later than 15 working days following the end of each quarter. For those grantees receiving annual grants totalling one million dollars or more, the Bureau shall require a monthly report.

(6) The Bureau shall waive the requirement for submission of a Report of Federal Cash Transactions when monthly advances do not exceed \$10,000 per grantee provided that such advances are monitored through other forms contained in this Appendix or the grantee's accounting controls are adequate to minimize excessive Federal advances.

2. Except as noted below, only the following forms will be authorized for the grantees in requesting advances and reimbursements.

a. *Request for advance or reimbursement.* (1) The "Request for Advance or Reimbursement" form is the standard form for all nonconstruction grant programs when letters of credit or predetermined automatic advance methods are not used. The Bureau, however, has the option of using this form for construction programs in lieu of an "Outlay Report and Request for Reimbursement for Construction Programs" (paragraph 2b) and shall specify in the grant agreement.

(2) Grantees shall be authorized to submit requests for advances or reimbursement

at least monthly when letters of credit are not used. Grantees shall submit the original and two copies of a Request for Advance or Reimbursement.

b. *Outlay Report and Request for Reimbursement for Construction Programs.* (1) The "Outlay Report and Request for Reimbursement for Construction Programs" form is the standard format to be used for requesting reimbursement for construction programs. The Bureau may, however, have the option of substituting a "Request for Advance or Reimbursement" form (paragraph 2a) in lieu of this form when the Bureau determines that the former provides adequate information to meet its needs as stated in the grant agreement.

(2) Grantees shall be authorized to submit requests for reimbursement at least monthly when letters of credit are not used. Grantees shall submit the original and two copies of an "Outlay Report and Request for Reimbursement for Construction Programs" form.

3. When the Bureau needs additional information in using these forms, the following shall be observed:

a. When necessary to comply with future legislative requirements, the Bureau shall issue instructions to require grantees to submit such information under the Remarks section of the reports.

b. When necessary to meet specific program needs, the Bureau shall submit the proposed reporting requirements to the General Services Administration for approval under the exception provision of this Appendix.

c. The Bureau, in obtaining information as in paragraphs a and b above, must also comply with report clearance requirements of the Office of Management and Budget Circular No. A-40, as revised.

(2) The grant agreement may require forecasts of Federal cash requirements in the Remarks section of the report.

(3) When practical and deemed necessary, the Bureau may require grantees to report in the Remarks section the amount of cash in excess of three days' requirements in the hands of subgrantees or other secondary recipients and to provide short narrative explanations of actions taken by the grantees to reduce the excess balances.

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#### Subpart E—Appeals

Sec.  
407.51 Contract appeal.  
407.52 Appeal from decision to cancel contract for cause.  
407.53 Other appeals.

AUTHORITY: Sec. 204, Pub. L. 93-638, 88 Stat. 2203, unless otherwise noted.

#### Subpart A—General Provisions

##### § 407.1 Purpose.

The purpose of the regulations in this Part is to give the application and approval process for a State or local education agency to obtain school construction contracts from the Bureau under Section 204 of Title II of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638, 88 Stat. 2203), to assist in the education of Indians.

##### § 407.2 Scope.

(a) The application process for public school construction contracts under Section 204 of Pub. L. 93-638 is given in 20 U.S.C. 631-645 and 45 CFR 114. The application process is administered by and is the responsibility of the Commissioner of Education. The Commissioner of Indian Affairs participates with the Commissioner of Education in preparation of programs, cost estimates and other supplemental data which are part of the application and national priority index. The Commissioner of Education furnishes the national priority index to the Bureau at the start of each fiscal year.

(b) The Bureau requests and receives funding for acquisition of sites and for architectural-engineering design, facilities construction and equipment for the program. Funds are allocated to projects by the Bureau on the basis of



(f) "Days" means calendar days.  
 (g) "Economic enterprise" means any commercial, industrial, agricultural, or business activity that is at least 51 percent Indian owned, established or organized for the purpose of profit.

(h) "Existing school facilities" means all facilities constructed as school buildings and used continuously for classroom purposes. Excluded are basement rooms, hallways, or other space, the use of which for school purposes (in view of the character, inaccessibility or other equally cogent reasons) seriously restricts the educational objective, or has impaired or will impair the health or safety of the school children.

(i) "Indian" means a person who is a member of an Indian tribe.

(j) "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony, or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible by the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(k) "Initial equipment" means any movable equipment necessary and appropriate to equip minimum school facilities. Such term does not include equipment purchased to replace any equipment which is obsolete or worn out and which was purchased with funds under Pub. L. 81-815 or Pub. L. 93-638.

(l) "Minimum school facilities" means classroom and auxiliary rooms and initial equipment necessary to operate an approved educational program for the membership of the school at normal capacity in accordance with the criteria established by the State in which the facilities are to be located.

(m) "P.L. 81-815" means the Act of September 23, 1950 (P.L. 81-815, 72 Stat. 548), as amended.

(n) "P.L. 93-638" means the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 88 Stat. 2203).

(o) "School district" or "local education agency" means that subdivision of the State which contains the public elementary and secondary educational institutions providing educational services and is controlled by a duly elected board, commission or similarly constituted assembly.

(p) "Secretary" means the Secretary of the Interior.

(q) "State" means a State of the United States of America or any political subdivision of a State.

(r) "State education agency" means the State Board of Education or other agency or office primarily responsible for supervision by the State of public elementary and secondary schools or, if there is no such office or agency, an office or agency designated by the Governor or by State law.

§ 407.4 Revision or amendment of regulations.

Before revising or amending the regulations in this Part, the Commissioner

of Indian Affairs shall take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Publish any proposed revisions or amendments in the FEDERAL REGISTER as proposed rulemaking to provide adequate notice to, and receive comments from, all interested parties.

(c) After consideration of all comments received, publish the regulations in the FEDERAL REGISTER in final form not less than 30 days before the date they are made effective.

#### Subpart B—Application Process

##### § 407.11 Eligible applicants.

(a) Any State education agency or school district may apply for a contract with the Bureau to assist the agency or district in acquiring sites for, or in constructing, acquiring, or renovating, facilities (including all necessary equipment) in school districts on or adjacent to or in close proximity to any Indian reservation or other lands held in trust by the United States for Indians if the facilities are necessary for educating Indians residing on any such reservation or lands.

(b) The project for which the applicant is requesting funding must meet the eligibility requirements under subsections (a) and (b) of section 14 of Pub. L. 81-815.

##### § 407.12 Consultation with Indians.

(a) Except where there is a majority of Indians on an elected public school board, the Commissioner of Indian Affairs shall consult with the local public school officials and the tribal governing body(s) of the local Indian tribe(s) affected before the application for funding public school construction is submitted to the Commissioner of Education.

(b) This requirement will be deemed to be met unless the official tribal governing body(s) of the Indian tribe(s) to be benefited by the application notify the Commissioner of Education, in writing, within 60 days after the date of the consultation that the tribe(s) disapprove the application. The notice of disapproval must give specific stated objections to the application. A copy of the notice of disapproval shall be delivered or mailed to the Commissioner of Indian Affairs at the same time as the notice is delivered or mailed to the Commissioner of Education.

(c) After being notified that the tribe(s) disapproved a proposed application, the Commissioner of Indian Affairs or his designated representatives shall meet with tribal and public school officials to provide assistance in resolving the stated objectives to the application. The Commissioner of Indian Affairs shall notify the Commissioner of Education 15 days in advance of the date, place, and time of such meetings and shall invite the Commissioner of Education or his representatives to attend.

##### § 407.13 Application procedure for placement on priority list.

(a) Applications for public school construction assistance under this Part will be submitted and processed in accordance with procedures outlined in 20 U.S.C. 631-645 and 45 CFR 114. Application forms, instructions, advice, and assistance in accordance with 20 U.S.C. 636 and 45 CFR 114.1 may be obtained from each State education agency. All questions pertaining to the preparation and filing of preapplications, applications, and request for materials should be directed to the State Representative for School Assistance, who will respond or may forward the inquiries, where appropriate, to the Regional Commissioner of Education.

(b) Section 204(b) of Pub. L. 93-638 assigns responsibility for the application processing, determination of eligibility and establishment of project priority to the Commissioner of Education. Such application and review and determination processes includes the following:

(1) Field and site review by the Commissioner of Education assisted by the Commissioner of Indian Affairs to determine:

(i) Tentative cost estimate for budget purposes. The Commissioner of Indian Affairs or his representative will assist the Commissioner of Education in conducting the on-site inspection to determine which buildings need to be retained, demolished or remodeled and to gather initial information required for development of the planning document. From this information, a tentative cost estimate for design, construction, and equipment will be made for budget purposes in cooperation with the applicant.

(ii) Equal quality and standard of education. While assisting in the on-site inspection, the Commissioner of Indian Affairs or his representative must determine whether the quality and standard of education (including facilities and auxiliary services) for Indian students enrolled in the school are at least equal to that provided all other students from resources, other than resources provided under this Part, which are available to the local school district. If it is determined that the quality and standard of education for Indian students is not at least equal to that given all other students enrolled in the schools, the Commissioner of Indian Affairs or his representative shall recommend that the project not be placed on the priority list. Such a project will not be placed on the Bureau's commitment-to-fund list which is prepared under § 407.15.

(2) Discussion and consultation with State and local education agencies to determine the exact nature of the project to be constructed, including existing structure renovation or replacement.

(3) Presentation of program development for review and approval by the State and/or local education representatives and a current and updated project cost estimate.

(c) The Commissioner of Indian Affairs participates in the application process by furnishing technical assistance to

the Commissioner of Education. The Commissioner of Indian Affairs insures consultation with Indians and assists with the preparation of the program, cost estimates, etc. as part of the data needed in order for the Commissioner of Education to prepare the priority listing of eligible applicants.

(d) The projects will be ranked by priority based on criteria established by the Commissioner of Education as given in 45 CFR 114.16.

##### § 407.14 Submitting priority list to Bureau.

Pursuant to Section 204(b) of Pub. L. 93-638, a list of public school projects eligible for funding under this Part shall be submitted to the Commissioner of Indian Affairs by the Commissioner of Education at the beginning of each fiscal year.

##### § 407.15 Preparing a commitment-to-fund list.

(a) When the Commissioner of Indian Affairs receives the priority list from the Commissioner of Education, the Commissioner of Indian Affairs will place the project highest on the priority list at the top of a commitment-to-fund list. Projects will be added to the commitment-to-fund list in the same order as they are on the priority list. Each project will be added to the commitment-to-fund list as long as the total of the tentative cost estimates is less than the amount of funds appropriated for public school construction under this Part for the new fiscal year. However, a project shall not be placed on the commitment-to-fund list if the Commissioner of Indian Affairs or his representative has determined under § 407.13(b) (1) (ii) that the quality and standard of education for Indian students enrolled in the schools are not at least equal to that provided all other students from resources, other than resources provided under this Part, which are available to the local school district.

(b) Each applicant will be notified in writing when the project has been placed on the commitment-to-fund list.

##### § 407.16 Negotiating a contract.

When a project has been placed on the commitment-to-fund list, a contract will be negotiated by a Bureau contracting officer with the applicant. The contract will be developed in accordance with the regulations in 41 CFR 1 as supplemented by 41 CFR 14 and 41 CFR 14H, except 41 CFR Part 14H-70.

(b) Projects which are partially funded shall be given first consideration for the additional funding necessary to complete such projects.

##### § 407.17 Funding provisions.

(a) The Commissioner of Indian Affairs will expend not less than 75 percent of appropriated funds authorized pursuant to Title II, Part B, Section 204 of Pub. L. 93-638 on those projects which meet the eligibility requirements under subsections (a) and (b) of section 14 of Pub. L. 81-815.

(b) Projects which are partially funded shall be given first consideration for the additional funding necessary to complete such projects.

(c) No funds from any contract under this Part shall be made available by any Federal agency directly to other than public agencies. However, school districts and State education agencies assisted by this Part may use funds provided under this Part to contract for necessary services with any appropriate individual, organization, or corporation.

(d) Funds approved for public school construction under this Part may not exceed the Federal share of the total cost of the proposed school facilities, as such facilities are defined within the meaning of Pub. L. 81-815, to serve both Indian and non-Indian children, with the definition of children to be as prescribed by Pub. L. 81-815.

(e) When non-Federal funds are involved, a local school district shall have 120 days from receipt of the notice that the project has been placed on the commitment-to-fund list to assemble the funds from local and/or State sources before the contract negotiations are completed. An extension may be granted by the Commissioner of Indian Affairs for unusual circumstances.

#### Subpart C—General Contract Requirements

##### § 407.21 Costs included in contracts.

A contract with a school district under this Part may include costs for architectural design, site acquisition, facilities construction (including site development and supervision), and equipment in accordance with the approved project description.

##### § 407.22 Architectural design.

(a) Drawings and specifications for a project shall comply with such Federal, State, and local laws, codes, ordinances and regulations pertaining to standards of construction and safety requirements, as may be applicable.

[16 Comp. Gen. 948 (1937)]

(b) Local education agencies shall give due consideration to excellence of architecture and design when constructing minimum school facilities under this Part.

(c) An Architect/Engineer shall be selected by the contractor to prepare the plans and specifications with the advice and assistance of the Commissioner of Indian Affairs who shall counsel the contractor with respect to professional qualifications and performance history of firms in order that the best qualified firm be selected. No Architect/Engineer agreement involving the expenditures of Federal funds shall be entered into by the contractor until the Commissioner of Indian Affairs has reviewed such agreement.

(d) The drawings and specifications will conform to the project description as shown in the completed application, or as modified by approved revisions.

(e) The drawings and specifications will be sent to the Commissioner of Education for review to ensure that the approved program is followed. The drawings and specifications will be reviewed with the tribe to obtain its approval.

After approval by the State and other regulatory agencies, the final drawings and specifications will be reviewed and approved by the Bureau for structural and safety adequacy, educational functionality and conformity with the project description.

##### § 407.23 Facilities construction.

The contractor usually bids, awards and administers the construction contract. The Commissioner of Indian Affairs will assist in preconstruction and construction activities to assure conformity with the requirements of Pub. L. 93-638. Approval of all proposed preconstruction documents will be obtained from the Commissioner of Indian Affairs. Assistance prior to the preparation of these and similar documents will be provided upon request. In this connection, the Commissioner of Indian Affairs may suggest a preliminary conference with the project architect and others if that seems desirable. The Bureau shall make interim inspections and audits during construction and participate in the final acceptance inspection.

##### § 407.24 Selecting initial equipment.

The Commissioner of Indian Affairs shall provide technical assistance in the selection of initial equipment, if requested by the contractor.

##### § 407.25 Advance payments.

Advance payments to State education agencies or school districts will be made in accordance with the applicable provisions of 41 CFR 1 as supplemented by 41 CFR 14 and 41 CFR 14H, except 41 CFR Part 14H-70.

##### § 407.26 Use and transfer of Government property.

(a) The use of Government-owned facilities for public school purposes may be authorized when not needed for Government activities. Transfer of title to such facilities (except land) may be arranged under the provisions of the Act of June 4, 1953 (67 Stat. 41).

(b) In carrying out a contract made under this Part, the Commissioner of Indian Affairs may permit a contractor to use existing buildings, facilities, and related equipment and other personal property owned by the Bureau under terms and conditions agreed upon for their use and maintenance. The property must conform to the minimum standards established by the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

(c) Use of Government property is subject to the following conditions:

(1) When nonexpendable Government property is turned over to public school authorities under a use permit, the permittee shall insure such property against damage by flood, fire, rain, windstorm, vandalism, snow, and tornado in amounts and with companies satisfactory to the Bureau officer in charge of the property. In case of damage or destruction of the property by flood, fire, rain, windstorm, vandalism, snow or tornado, the insurance money collected shall be expended only for repair or replacement of prop-



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## PROPOSED RULES

erty. Otherwise, insurance proceeds shall be paid to the Bureau.

(2) If the public school authority is self-insured and can present evidence of that fact to the Commissioner of Indian Affairs, insurance for lost or damaged property will not be required. However, the public school authority will be responsible for replacement of such lost or damaged property at no cost to the Government or for paying the Government enough to replace the property.

(3) The permittee shall maintain the property in a reasonable state of repair consistent with the intended use and educational purposes.

**§ 407.27 Wage and labor standards.**

All laborers and mechanics employed by contractors or subcontractors in constructing, altering, or repairing buildings or other facilities in connection with contracts under this Part shall be paid wages not less than those on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended.

**§ 407.28 Indian preference.**

(a) Any contract made by the Bureau with a State or school district shall provide that the contractor shall, to the greatest extent feasible, give preference in employment and training to Indians.

(b) Any contract made by the Bureau with a State or school district shall provide that the contractor shall, to the greatest extent feasible, give preference in the award of subcontracts to Indian organizations and to Indian-owned economic enterprises.

(c) All subcontractors employed by the contractor shall, to the greatest extent feasible, give preference to Indians for employment and training and shall be required to include in their bid submission a plan to achieve maximum use of Indian personnel.

**§ 407.29 Liability and motor vehicle insurance.**

(a) States and school districts shall obtain public liability and motor vehicle insurance under contracts entered into with the Bureau under this Part. However, where the Bureau contracting officer determines that the risk of death, personal injury or property damage under the contract is small and that the time and cost of procuring the insurance is great in relation to the risk, the contract may be exempted from this requirement.

(b) Notwithstanding paragraph (a) of this section, any contract which requires or authorizes, either expressly or by implication, the use of motor vehicles must contain a provision requiring the State or school district to provide liability insurance, regardless of how small the risk.

(c) If the State or public school authority is self-insured and can present evidence of that fact to the Commissioner of Indian Affairs, liability and motor vehicle insurance will not be required.

**§ 407.30 Recordkeeping.**

A contractor will be required to develop and maintain a recordkeeping system which will:

(a) Fully reflect all financial transactions involving the receipt and expenditure of funds provided under the contract in a manner which will provide accurate, current and complete disclosure of financial status; correlation with budget or allowable cost schedules; and clear audit facilitating data.

(b) Reflect the amounts and sources of funds other than Bureau contract funds which may be included in the construction project.

(c) Provide for the creation, maintenance and safeguarding of records of lasting value.

**§ 407.31 Audit and inspection.**

(a) During the term of a contract under this Part and for three years after the project or undertaking is completed, the Comptroller General and the Secretary, or any of their duly authorized representatives, shall have access, for audit and examination purposes, to any of the contractor's books, documents, papers, and records which, in their opinion, may be related or pertinent to the contract or any subcontract.

(b) The contractor will be responsible for maintaining all documents such as invoices, purchase orders, cancelled checks, balance sheets and all other records relating to financial transactions in a manner which will facilitate auditing. The contractor will be responsible for maintaining files of correspondence and other documents relating to the contract properly separated from general records or cross-referenced to general files.

(c) The contractor receiving funds under this Part shall be primarily responsible for contract compliance.

(d) The records involved in any claim or expenditure that has been questioned shall be further maintained until final determination has been made on the questioned expenditure.

(e) All contracts, reports, budgets, budget estimates, plans, and other documents pertaining to administration of the contract shall be made available by the contractor. The contractor shall provide, free of charge, single copies of such documents upon request.

**§ 407.32 Freedom of information.**

(a) Unless otherwise required by law, the Bureau shall not place restrictions on contractors which will limit public access to the contractor's records except when records must remain confidential.

(b) A contractor under this Part shall make all reports and information concerning the contract available to the Indian people which the contract affects. Reports and information may be withheld from disclosure only when both of the following conditions exist:

(1) The reports and information fall within one of the following exempt categories:

(i) Specifically required by statute or Executive Order to be kept secret.

(ii) Commercial or financial information obtained from a person or firm on a privileged or confidential basis.

(iii) Personnel, medical, and similar files where disclosure would be a clearly unwarranted invasion of personal privacy.

(iv) Geological and geophysical information and data concerning wells.

(2) Disclosure is prohibited by statute or Executive Order or sound grounds exist for using the exemption given in paragraph (b) (1) of this section.

(c) A request to inspect or copy reports and information shall be in writing and must reasonably describe the reports and information requested. The request may be delivered or mailed to the contractor. Within ten working days after receiving the request, the contractor shall determine whether to grant or deny the request. The requester shall be notified immediately of the determination.

(d) The time limit for making a determination may be extended up to an additional ten working days for good reason. The requester shall be notified in writing of the extension, reasons for the extension, and the date on which the determination is expected to be made.

**§ 407.33 Reporting.**

(a) A contractor under this Part shall make a detailed report to the Commissioner of Indian Affairs after construction is completed. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended.

(b) The contractor shall furnish other reports when and as required by the Commissioner of Indian Affairs.

(c) A contractor under this Part shall send copies of the reports required by paragraphs (a) and (b) of this section to the tribe(s) affected by the construction at the same time as the reports are sent to the Bureau.

**§ 407.34 Repayment of funds.**

Any funds paid under a contract entered into under this Part which are not expended, obligated or used for the purposes of the contract during its term shall be returned to the Bureau.

**§ 407.35 Penalties.**

If any officer, director, agent, or employee of, or connected with, any contractor or subcontractor under this Part embezzles, willfully misapplies, steals, or obtains by fraud any of the funds or property connected with the contract or subcontract, he shall be subject to the following penalties:

(a) If the amount involved does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) If the amount involved exceeds \$100, he shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

**§ 407.36 Applicable procurement regulations.**

States or school districts wanting to contract with the Bureau under this Part

must comply with the applicable requirements in the Federal Procurement Regulations (41 CFR 1), as supplemented by the Interior Procurement Regulations (41 CFR 14) and the Bureau of Indian Affairs Procurement Regulations (41 CFR 14H), except 41 CFR Part 14H-70.

**Subpart D—Contract Revision or Cancellation****§ 407.41 Contract revision or amendment.**

Any contract made under this Part may be revised or amended as deemed necessary to carry out the purposes of the contract. A contractor may make a written request for a revision or amendment of a contract to the Bureau contracting officer.

**§ 407.42 Cancelling a contract for cause.**

(a) Any contract entered into under this Part may be cancelled for cause when the contractor fails to perform the work called for under the contract.

(b) Before cancelling the contract, the Bureau will advise the contractor in writing of the following:

(1) The reasons why the Bureau is considering cancelling the contract.

(2) That the contractor will be given an opportunity to bring its work up to an acceptable level.

(c) If the contractor does not overcome the deficiencies in its contract performance, the Bureau shall cancel the contract for cause. The Bureau will notify the contractor, in writing, of the cancellation. The notice shall give the reasons for the cancellation and the right of the contractor to appeal under Subpart C of 43 CFR Part 4.

(d) When a contract is cancelled for cause, the Bureau will either perform the work with its own forces or by another contract, as appropriate.

**Subpart E—Appeals****§ 407.51 Contract appeal.**

A contractor may appeal an adverse decision or action of a Bureau contracting officer regarding a contract under this Part as provided in Subpart C of 43 CFR Part 4.

**§ 407.52 Appeal from decision to cancel contract for cause.**

A contractor may appeal the decision of a Bureau official to cancel a contract under this Part for cause. The appeal shall be made as provided in subpart C of 43 CFR Part 4.

**§ 407.53 Other appeals.**

Any decision or action taken by a Bureau official under this Part, other than those given in §§ 407.51 and 407.52, may be appealed only as provided in Part 2 of this chapter.

MORRIS THOMPSON,  
Commissioner of Indian Affairs.

[FR Doc. 75-22938 Filed 9-3-75; 8:45 am]

## PROPOSED RULES

**[ 41 CFR Part 14H-70 ]  
CONTRACTING WITH INDIAN ORGANIZATIONS PURSUANT TO THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT**

AUGUST 26, 1975.

Chapter 14H of 41 CFR was published beginning on page 13659 of the August 26, 1969, FEDERAL REGISTER (38 FR 13659) and subsequently amended. Chapter 14H contains the Bureau of Indian Affairs Procurement Regulations (BIAPR).

Notice is hereby given that it is proposed to amend Chapter 14H of Title 41 of the Code of Federal Regulations by adding a new Part 14H-70. This amendment is proposed pursuant to the authority contained in the Act of January 4, 1975 (Pub. L. 93-638; 88 Stat. 2203) called the Indian Self-Determination and Education Assistance Act.

The purpose of the amendment is to consolidate in one Part all of the contracting requirements which Indian tribal and Alaska Native organizations must follow in contracting with the Bureau of Indian Affairs under the Indian Self-Determination and Education Assistance Act. In preparing the regulations in new Part 14H-70, waivers were made of some of the standard Federal Procurement Regulations as authorized by Section 106(a) of the Act. Certain requirements were waived in an attempt to simplify contracting procedures for Indian tribal and Alaska Native organizations. Additional waivers may be made on a case-by-case basis as the Commissioner considers such waivers appropriate.

The Bureau of Indian Affairs has sought to be responsive to the recommendations of Indian and Alaska Native governing bodies who are, or have contemplated, operating Bureau programs under contract. For some time, these groups have been critical of the complexities inherent in negotiating contracts under the standard Federal Procurement Regulations. In many instances, an unfavorable psychological climate was created that inhibited local desires for more meaningful expressions of self-determination based on their own needs and goals.

Through experience, the Bureau of Indian Affairs and its constituents have found the standard procurement regulations to contain numerous requirements that have little if any applicability to contracts. For this reason, the Bureau has evolved what, in essence, is a set of "Indian" Procurement Regulations for dealing with tribal and Alaska Native groups as the proposed new Part 14H-70.

These proposed regulations reflect the Bureau's attempt to follow the recommendations of Indian and Alaska Native people to place in one Part all pertinent contracting regulations or references to such regulations affecting contracts with tribal organizations; to reduce refer-

encing regulations contained in other CFR Parts, if possible; to make the regulations as comprehensive and clear as possible; to assure that both parties to the contract know their rights, roles and responsibilities; and to remove any unnecessary or inapplicable requirements found in the standard procurement rules which would not apply to self-determination contracts with tribal organizations.

The contractual approach is one of several voluntary options available to Indian and Alaska Native governing bodies to assist them in the self-development process. Depending on their basic needs and goals, they may want to use the contract mechanism in their self-development process. If so, the proposed Part 14H-70 seeks to simplify the contracting procedure for them.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Bureau on or before October 4, 1975, as follows:

1. By mail addressed to the Commissioner of Indian Affairs, Attention: Public Law 93-638 Task Force (Code 101A), Washington, D.C. 20245.

2. Or by hand delivery to the Commissioner of Indian Affairs, Attention: Public Law 93-638 Task Force, Room 4620, 18th and C Streets N.W., Washington, D.C.

Comments, suggestions, or objections received on or before October 4, will be considered in preparing the final regulations.

It is proposed to amend Chapter 14H of Title 41 of the Code of Federal Regulations by adding a new Part 14H-70 to read as follows:

**PART 14H-70—CONTRACTING WITH INDIAN ORGANIZATIONS PURSUANT TO THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT**

Sec.	Scope of part.
14H-70.000	Scope of part.
Subpart 14H-70.0—Regulation System	
14H-70.001	Scope of subpart.
14H-70.002	General.
14H-70.003	Federal and Interior procurement regulations.
14H-70.004	Area office implementation of Federal or Interior procurement regulation issuances.
14H-70.005	Applicability.
14H-70.006	Changes of regulations.
Subpart 14H-70.1—Definition of Terms	
14H-70.101	Definitions.
14H-70.102	Contract.
14H-70.103	Program.
14H-70.104	Project.
Subpart 14H-70.2—General Policies	
14H-70.201	Method of procurement.
14H-70.202	Profit.
14H-70.203	Payment of interest on contractor's claim.
14H-70.204	Protests to Comptroller General.

## PROPOSED RULES

**Subpart 14H-70.3—Procurement Responsibility and Authority**

Sec.

**Subpart 14H-70.9—Labor**

Sec.

14H-70.901 Labor standards in construction

which he determines are not appropriate for the purposes of the contract in-

## PROPOSED RULES

**Subpart 14H-70.1—Definition of Terms**

14H-70.101 Definitions

terms of the price prevailing in the locality for similar materials or services,

budget for that program and do not exceed the amount programmed for and



Subpart 14H-70.3—Procurement Responsibility and Authority	
Sec.	
14H-70.301	General.
Subpart 14H-70.4—Procurement by Negotiation	
14H-70.401	Scope of subpart.
14H-70.402	Circumstances permitting negotiation.
14H-70.403	Determinations, findings and authorities.
14H-70.404	Types of contract.
14H-70.405	Negotiated overhead rates.
14H-70.406	Price negotiated policies.
14H-70.407	Requirements for price or cost analysis and cost or pricing data.
14H-70.408	Audit as a pricing aid.
14H-70.409	Subcontracting.
Subpart 14H-70.5—Special and Directed Sources of Supply	
14H-70.501	General Services Administration supply sources.
14H-70.502	Inter-agency motor pool vehicles.
14H-70.503	Purchase of passenger carrying vehicles.
Subpart 14H-70.6—Contract Clauses	
14H-70.601	Scope of subpart.
14H-70.602	Required clauses.
14H-70.603	Definitions.
14H-70.604	Effect on existing rights.
14H-70.605	Retraction.
14H-70.606	Examination of records.
14H-70.607	Penalties.
14H-70.608	Indian employment preference.
14H-70.609	Equal opportunity.
14H-70.610	Use of Indian business concerns.
14H-70.611	Indemnity and insurance.
14H-70.612	Advance payment.
14H-70.613	Contract funding and renegotiation.
14H-70.614	Government furnished property.
14H-70.615	Annual reporting.
14H-70.616	Reassumption of programs.
14H-70.617	Fair and uniform services.
14H-70.618	Disputes.
14H-70.619	Officials not to benefit.
14H-70.620	Changes.
14H-70.621	Bid guarantee and bonds.
14H-70.622	Certificate of nonsegregated facilities.
14H-70.623	Convict labor.
14H-70.624	Limitation of costs.
14H-70.625	Allowable cost and payment.
14H-70.626	Negotiated overhead rates.
14H-70.627	Assignment of claims.
14H-70.628	Payment of interest on contractor's claims.
14H-70.629	Audit and records.
14H-70.630	Contract Work Hours and Safety Standards Act—Over-time Compensation.
14H-70.631	Price reduction for defective cost or pricing data.
14H-70.632	Subcontractor cost and pricing data.
14H-70.633	Buy American Act.
14H-70.634	Anti-Kickback Act.
Subpart 14H-70.7—Cancellation or Reassumption of Contracts	
14H-70.701	General.
14H-70.702	Settlement of cancelled contracts.
Subpart 14H-70.8—Bonds and Insurance	
14H-70.801	Scope of subpart.
14H-70.802	Policy on use of bid guarantees.
14H-70.803	Performance bonds.
14H-70.804	Payment bonds.
14H-70.805	Liability insurance.
14H-70.806	Insurance coverage.
14H-70.807	Exceptions.
14H-70.808	Motor Vehicle Insurance.
14H-70.809	Indemnity and insurance clause.

Subpart 14H-70.9—Labor	
Sec.	
14H-70.901	Labor standards in construction contracts.
14H-70.902	Labor standards in subcontracts.
Subpart 14H-70.10—Contract Cost Principles and Procedures	
14H-70.1001	Principles for determining costs.
14H-70.1002	Predetermined fixed rates.
14H-70.1003	Procedures.
Subpart 14H-70.11—Procurement Forms	
14H-70.1101	Applicability of standard forms.
Subpart 14H-70.12—Procurement of Construction	
14H-70.1201	Scope of subpart.
13H-70.1202	Exceptions.
Subpart 14H-70.13—Retention Requirements for Contractor and Subcontractor Records	
14H-70.1301	General.
Subpart 14H-70.14—Contract Financing	
14H-70.1401	General.
14H-70.1402	Reimbursement.
14H-70.1403	Advance payments by Treasury check.
14H-70.1404	Advance payments when special bank account required.
14H-70.1405	Letter of credit.
14H-70.1406	Approval of advance payments.
14H-70.1407	Sub-advances.
14H-70.1408	Interest.
14H-70.1409	Automatic advances.
14H-70.1410	Agreement for special bank account.
Subpart 14H-70.15—Novation and Change of Name Agreements	
14H-70.1501	General.
Subpart 14H-70.16—Procurement Reports	
14H-70.1601	General.
14H-70.1602	Standard Form 37. Report on Procurement by Civilian Executive Agencies.
AUTHORITY: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 (c); Pub. L. 93-638, 88 Stat. 2203.	
§ 14H-70.000 Scope of part.	
This part sets forth policies and procedures concerning the Bureau of Indian Affairs Procurement Regulation System insofar as the system pertains to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-683, 88 Stat. 2203).	
Subpart 14H-70.0—Regulation System	
§ 14H-70.001 Scope of subpart.	
This Subpart establishes a system for the codification and publication of procurement policy and procedural regulations of the Bureau of Indian Affairs which implement the Indian Self-Determination and Education Assistance Act (Pub. L. 93-683, 88 Stat. 2203).	
§ 14H-70.002 General.	
The Act provides that, contracts with tribal organizations pursuant to Section 102 of the Act shall be in accordance with all contracting laws and regulations except that, in the discretion of the Secretary, contracts may be negotiated without advertising and need not conform with the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended. The Secretary may waive any provision of such contracting laws or regulations	

which he determines are not appropriate for the purposes of the contract involved or inconsistent with the provisions of the Act.

#### § 14H-70.003 Federal and Interior procurement regulations.

To the extent that the Federal Procurement Regulations and Interior Procurement Regulations, 41 CFR Chapter 1, Chapter 14, and Chapter 14H (except 41 CFR Part 14H-1) respectively are not made specifically applicable to contracts entered into pursuant to the Act by reference in this Part 14H-70 they are hereby waived. If this part conflicts with any of the provisions of either the Federal Procurement Regulations or Interior Procurement Regulations the provisions of this Part 14H-70 shall govern. When either the Federal Procurement Regulations or Interior Procurement Regulations are referenced in this Part, the reference shall be similar to the following:

(a) "§ 1-1.000 of this title", when referring to a section of the Federal Procurement Regulations.

(b) "§ 14-1.000 of this title", when referring to a section of the Interior Procurement Regulations.

#### § 14H-70.004 Area Office implementation of Federal or Interior procurement regulation issuances.

Any regulations issued through the Federal Procurement Regulation or Interior Procurement Regulation System shall not be implemented by contracting officers insofar as contracts entered into pursuant to the Act are concerned unless such regulations are implemented in this Part 14H-70.

#### § 14H-70.005 Applicability.

The provisions of this Part 14H-70 apply only to those contracts between the Bureau and Indian organizations entered into pursuant to the Act. They do not apply to contracts with individuals, partnerships, corporations or other Indian organizations that do not fall under the purview of the Act.

#### § 14H-70.006 Changes of regulations.

(a) To the extent that a change of the regulations issued under this Part 14H-70 may—

(1) Impose additional requirements on the contractor;

(2) Have an adverse effect on the contractor's operations; or,

(3) Delay or impede the contracting process, such changes shall be made only after consultation, to the maximum extent practicable, with Indian tribes and national and regional Indian organizations. Further those changes shall be presented to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives before publication in the FEDERAL REGISTER for comments.

(b) To the extent that changes of the regulations issued under this Part 14H-70 affect only the internal operation of the Bureau's contracting offices, the changes may be made without consultation.

#### Subpart 14H-70.1—Definition of Terms

##### § 14H-70.101 Definitions.

For the purpose of this part, unless otherwise indicated in 25 CFR 401.2, the terms given in this subpart have the meanings set forth in this subpart. The definitions in 25 CFR 401.2 also apply to this part.

##### § 14H-70.102 Contract.

"Contract" means any promissory arrangement between a tribal organization and the Federal government which is reduced to writing and signed by duly authorized agents of the parties. The term "contract" will also mean a transaction authorized by a purchase order signed in behalf of the Federal government by a duly authorized agent and accepted in behalf of a tribal organization by beginning performance.

##### § 14H-70.103 Program.

"Program" means a delivery of service generally of a continuing nature separated from other similar efforts by funds, staff or location, except that a program may involve, in certain instances, more than one location.

##### § 14H-70.104 Project.

"Project" means an effort aimed at a specific objective, not of a continuing nature, and having defined parameters.

#### Subpart 14H-70.2—General Policies

##### § 14H-70.201 Method of procurement.

It is neither feasible nor practicable to obtain competition on contracts entered into under the Act. Therefore, contracts with tribal organizations entered into pursuant to the Act will be negotiated without competition.

##### § 14H-70.202 Profit.

(a) Profit is not allowable on contracts entered into pursuant to the Act.

(b) Profit may be allowed when a contract is entered into pursuant to the Act of June 25, 1910 (36 Stat. 861; 25 U.S.C. 47), commonly referred to as the "Buy Indian Act" and its implementing regulations and when all of the following conditions are met:

(1) The contract is for the procurement of goods, materials, supplies, etc., or, if for services, the services are for a specific project rather than for the operation of a Bureau program or part of a program.

(2) The materials to be supplied or the services to be provided are normally supplied or provided by a private contractor rather than by Bureau personnel or, in the case of services traditionally performed by Bureau personnel, a contract for such services does not involve "tribal governmental functions" or "business related functions" as defined in 25 CFR 401.2 or contractable trust resources programs as set forth in 25 CFR 401.32.

(3) Definitive specifications are used which permit rejection by the Bureau of defective material and workmanship and replacement at the contractor's expense as may be required.

(4) The price to be paid can be demonstrated to be fair and reasonable in

terms of the price prevailing in the locality for similar materials or services, including profit.

(5) All requirements of applicable procurement laws and regulations are followed.

##### § 14H-70.203 Payment of interest on contractor's claim.

(a) Payment of interest on contractor's claims is allowable under the conditions set forth in § 1-1.322 of this title.

(b) Payment of interest is allowable whether the clause set forth in § 14H-70.628-28 is or is not included in the contract.

##### § 14H-70.204 Protests to Comptroller General.

Contracting officers will process protests to the Comptroller General in accordance with the procedures set forth in § 1-2.407-8 and § 14-2.407-8 of this title.

#### Subpart 14-70.3—Procurement Responsibility and Authority

##### § 14H-70.301 General.

The responsibilities of the Bureau under Subparts 1-1.4 and 14-1.4 of this title are not changed by the Act.

#### Subpart 14H-70.4—Procurement by Negotiation

##### § 14H-70.401 Scope of subpart.

This subpart concerns negotiation of contracts entered into pursuant to the Act.

##### § 14H-70.402 Circumstances permitting negotiation.

Contracts entered into at the request of an Indian tribe will be negotiated on a non-competitive basis with the tribal organization designated by the tribe in its request.

##### § 14H-70.403 Determinations, findings and authorities.

A tribe's request that a contract be entered into with a designated tribal organization will be entered into the contract file and will serve as the contracting officer's justification for negotiating the contract on a non-competitive basis.

##### § 14H-70.404 Types of contract.

Cost-reimbursement type contracts provide for payment to the contractor of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract. This type of contract establishes an estimate of total cost to obligate the funds, and a monetary ceiling which the contractor may not exceed. Cost reimbursement type contracts will be used for all contracts made pursuant to this Part.

##### § 14H-70.405 Negotiated overhead rates.

Overhead (indirect costs) is allowable on contracts entered into pursuant to the Act under the conditions set forth in Subpart 14H-70.10 of this part.

##### § 14H-70.406 Price negotiation policies.

(a) When costs reflected in a program proposal submitted by a tribal organization essentially conform with the Bureau

budget for that program and do not exceed the amount programmed for and allocated to the operating level, the proposal may be accepted without price negotiation.

(b) When costs reflected in a program proposal differ from the Bureau budget with respect to certain budget items, the contracting officer may request the tribal organization to submit cost and pricing data in sufficient detail to determine the validity and reasonableness of costs.

(c) When a program proposal is not based on a Bureau budget which has previously been established in the budget process for that program, unit costs and total costs will be subject to negotiation.

(d) Nothing in this section is to be construed to mean that contracting officers and cognizant program officials are relieved from responsibility for assuring that elements of total contract amounts are reasonable as to unit prices, salary scales, and program requirements. Recognition will be given to the special and unique relationship between the Bureau and tribal organizations under this Act; however, acceptance of proposals, without review, discussion and resolution of differences by negotiation will not be made, except as provided in § 14H-70.408. Files will be properly documented to reflect the negotiation process, including the basis for final determination of the scope of work and price.

##### § 14H-70.407 Requirements for price or cost analysis and cost or pricing data.

Except for initial contracts or other agreements, the requirements of § 1-3.807-2 and § 1-3.807-3 of this title are optional with the contracting officer.

##### § 14H-70.408 Audit as a pricing aid.

(a) In instances in which a basis for price determination does not exist in sufficient detail and form and the contract amount is expected to exceed \$100,000, the contracting officer may request a pre-award audit; or if time does not permit, a clause may be inserted in the contract providing for adjustment of allowable costs when determined necessary or advisable by a post-award audit.

(b) When the contracting officer determines that there is sufficient information to award a contract without a pre-award audit the audit may be waived. However, the waiver of a pre-award audit shall be supported by a written statement in the contract files setting forth the reason for the waiver as prescribed by § 14-63.103(a) (1) of this title.

##### § 14H-70.409 Subcontracting.

Any contract proposal or plan of operations submitted by a tribal organization which contains a proposed subcontract will identify the subcontractor, the amount and purpose of the subcontract, the manner in which the subcontractor was selected, and the basis for the cost of subcontract. Subcontract opportunities shall be advertised or negotiated in a manner that provides open and free competition to the maximum extent practicable and subcontracts will be awarded in accordance with sound business practices.

#### Subpart 14H-70.5—Special and Directed Sources of Supply

##### § 14H-70.605 Retrocession

contract (hereinafter collectively called "records") to the extent and in such detail as

(b) The contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in paragraph (a)

off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

with a limit of not less than \$5,000 for each accident.

(5) Food products liability insurance with



### Subpart 14H-70.5—Special and Directed Sources of Supply

#### § 14H-70.501 General Services Administration supply sources.

Tribal organizations performing services under cost reimbursement contracts pursuant to the Act are entitled to use General Services Administration supply sources in accordance with Subpart 1-5.9 of this title.

#### § 14H-70.502 Inter-agency motor pool vehicles.

Tribal organizations performing services under cost reimbursement contracts pursuant to the Act are entitled to use General Services Administration inter-agency motor pool vehicles in accordance with Subpart 1-5.5 of this title.

#### § 14H-70.503 Purchase of passenger carrying vehicles.

Purchase of passenger carrying vehicles is prohibited. If allowed under the contract, purchase of other vehicles shall be through Federal buying channels unless a waiver by the General Services Administration is obtained.

### Subpart 14H-70.6—Contract Clauses

#### § 14H-70.601 Scope of subpart.

This subpart sets forth the clauses to be included in the contracts entered into with tribal organizations pursuant to the Act.

#### § 14H-70.602 Required clauses.

The clauses set forth in this subpart shall be included in all contracts entered into pursuant to the Act unless otherwise indicated.

#### § 14H-70.603 Definitions.

##### DEFINITIONS

The following terms shall have the meanings set forth below throughout this contract:

- (a) The term "head of the agency" or "Secretary" as used herein means the Secretary, the Under Secretary, and Assistant Secretary, or any other head or assistant head of the Department of the Interior; and the term "his duly authorized representative" means any person or persons or board (other than the contracting officer) authorized to act for the head of the agency or the Secretary.
- (b) The term "contracting officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is properly designated as a contracting officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a contracting officer acting within the limits of his authority.

#### § 14H-70.604 Effect on existing rights.

##### EFFECT ON EXISTING RIGHTS

- (a) Nothing in this contract shall be construed as—
  - (1) Affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe; or,
  - (2) Authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

### § 14H-70.605 Retrocession.

#### RETROCESSION

(a) The Indian tribe that initially requested this contract may also request its retrocession, notwithstanding the fact that the contractor may be a tribal organization other than the tribe.

(b) Should the tribe request retrocession of the contract and the contractor is other than the tribe, the contracting officer will notify the contractor of the request and establish the effective date of the retrocession in consultation with the tribe and the contractor. The retrocession will become effective no later than 120 days after the contracting officer receives the tribe's request unless the tribal governing body, the tribal organization and the contracting officer mutually agree on a later date.

(c) Immediately after receipt of the request for retrocession and where applicable notifying the contractor, the contracting officer will meet the contractor and, where applicable, the tribal governing body and mutually agree to the following:

- (1) A plan for the orderly transfer of responsibilities;
- (2) A plan for inventorying materials and supplies on hand;
- (3) An accounting for funds, including but not limited to current and anticipated obligations;
- (4) The cost of operation until retrocession; and,
- (5) The identification of all records relating to the contract and the contracted function.

#### § 14H-70.606 Examination of records.

(a) The following clause shall be included in all negotiated contracts which do not exceed \$10,000:

##### EXAMINATION OF RECORDS

(a) (1) The contractor agrees to maintain books, records, documents and other evidence pertaining to the costs and expense of this contract (hereinafter collectively called records) to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs of whatever nature for which reimbursement is claimed under the provisions of this contract.

(2) The contractor agrees to make available at the office of the contractor at all reasonable times during a period of three years, after final payment under this contract all records specified in paragraph (1) above for examination and audit by designated representative of the Comptroller General, the Secretary of Interior or the contracting officer.

(3) The contractor further agrees that records which relate to claims, litigation, or to any costs or expenses of this contract to which exception has been taken by the Comptroller General, the Secretary of Interior or the contracting officer or any of their duly authorized representatives shall be retained by the contractor until such appeals, litigation or exceptions have been disposed of.

(4) The provisions of this clause shall be applicable to and included in any negotiated subcontract.

(b) The following clause shall be included in all negotiated contracts which exceed \$10,000:

##### EXAMINATION OF RECORDS

(a) (1) The contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this

contract (hereinafter collectively called "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract.

(2) The contractor agrees to make available at the office of the contractor at all reasonable times during the period set forth in subparagraph (4) below any of the records for inspection, audit or reproduction by any authorized representative of the Comptroller General, Secretary of the Interior, and the contracting officer.

(3) If the Comptroller General or any of his duly authorized representatives determine that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the contractor, the contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within 2 years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through the contracting officer, such documentary evidence in support of transportation costs as may be required by the Comptroller General or any of his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the contractor shall preserve and make available his records:

(i) Until expiration of 3 years after final payment under this contract or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier; and

(ii) For such longer period, if any, as is required by applicable statutes, by any other clause of this contract, or by (A) or (B) below:

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting settlement.

(B) Records which relate to:

(i) Appeals under the disputes clause of this contract;

(ii) Litigation or the settlement of claims arising out of the performance of this contract; or,

(iii) Costs and expenses of this contract to which exception has been taken by the Comptroller General, Secretary of the Interior or the contracting officer, or any of their duly authorized representatives, shall be retained by the contractor until such appeals, litigation, claims or exceptions have been disposed of.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in subparagraph (4) (i) (B) above, the contractor may in fulfillment of his obligation to retain his records as required by this clause substitute photographs, microphotographs, or other authentic reproductions of such records, after the expiration of 2 years following the last days of the month of reimbursement to the contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the contracting officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost-plus-a-fixed-fee, time-and-material or labor-hour basis.

have a lien to the extent of the Government's interest under this contract on any mass of

(b) The contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in paragraph (a) (6) above, a provision to the effect that the subcontractor agrees that the Comptroller General, the Secretary of the Interior, and the contracting officer, or any of their duly authorized representatives, shall, until the expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract", as used in this paragraph (b) only, excludes:

(1) Purchase orders not exceeding \$10,000; and

(ii) Subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

#### § 14H-70.607 Penalties.

##### PENALTIES

(a) Any officer, director, agent, employee or such other person connected in any capacity with this contract or any subcontract thereunder that embezzles, willfully misapplies, steals or obtains by fraud any of the money, funds, assets or property provided through the contract shall be fined not more than \$10,000 or imprisoned for not more than two years, or both: Provided, that if the amount embezzled, misapplied, stolen, or obtained by fraud does not exceed \$100, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) The contractor agrees to insert this clause in all subcontracts.

#### § 14H-70.608 Indian employment preference.

##### INDIAN EMPLOYMENT PREFERENCE

(a) The contractor shall give preference in employment for all work performed under the contract, including subcontracts thereunder, to qualified Indians regardless of age, religion or sex, and to the extent feasible consistent with the efficient performance of the contract, provide employment and training opportunities to Indians, regardless of age, religion or sex that are not fully qualified to perform under the contract.

(b) If the contractor or any of its subcontractors is unable to fill its employment openings after giving full consideration to Indians as required in paragraph (a) above, these employment openings may then be filled by other than Indians under the conditions set forth in the Equal Opportunity clause of this contract.

(c) The contractor agrees to include this clause or one similar thereto in all subcontracts issued under the contract.

#### § 14H-70.609 Equal opportunity.

##### EQUAL OPPORTUNITY

During the performance of this contract and after complying with the Indian Employment Preference clause of this contract, the contractor agrees as follows:

(a) The contractor will not discriminate against any employee or applicant for employment because of race, age, religion, or sex. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, age, religion, or sex. Such action shall include, but not be limited to, the following: Employment, up-grading, demotion, or transfer; recruitment or recruitment advertising; pay-

ment(s) hereunder, and has taken all necessary action to authorize such

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payment(s) hereunder, and has taken all necessary action to authorize such

off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, age, religion or sex.

(c) The contractor will include the provisions of paragraphs (a) through (b) in every subcontract or purchase order, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action which respect to any subcontract or purchase order as the Bureau of Indian Affairs may direct as a means of enforcing such provisions, including sanctions for noncompliance. However, if the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Bureau of Indian Affairs, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

#### § 14H-70.610 Use of Indian business concerns.

##### USE OF INDIAN BUSINESS CONCERNS

(a) As used in this clause, the term "Indian business concern" means Indian organizations or an Indian-owned economic enterprise as defined in 25 CFR 401.2.

(b) The contractor agrees to give preference to qualified Indian business concerns in the awarding of any subcontracts entered into under the contract consistent with the efficient performance of the contract.

(c) If no Indian business concerns are available under the conditions in paragraph (b) above, the contractor agrees to accomplish the maximum amount of subcontracting, as the contractor determines is consistent with its efficient performance of the contract, with small business concerns, labor surplus area concerns or minority business enterprises, the definitions for which are contained in Subparts 1-1.7, 1-1.8, and 1-1.13 of the Federal Procurement Regulations. The contractor is not, however, required to establish a small business, labor surplus, or minority business subcontracting program as described in § 1-1.710-3(b), § 1-1.805-3(b) and § 1-1.1310-2(b) respectively of the Federal Procurement Regulations (41 CFR 1).

#### § 14H-70.611 Indemnity and insurance.

##### INDEMNITY AND INSURANCE

(a) The contractor shall indemnify and save and keep harmless the Government against any or all loss, cost, damage, claim, expense or liability whatsoever, because of accident or injury to persons or property or others occurring in connection with any program included as a part of this contract, and provide where applicable, the insurance described below.

(b) The contractor shall secure, pay the premium for, and keep in force until the expiration of this contract or any renewal period thereof, insurance as provided below. Such insurance policies shall specifically include a provision stating the liability assumed by the contractor under this contract.

(1) Workman's compensation insurance as required by laws of the State.

(2) Owner's, landlord's and tenant's bodily injury liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(3) Property damage liability insurance with limits of not less than \$25,000 for each accident.

(4) Automobile bodily injury liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident and property damage liability insurance

with a limit of not less than \$5,000 for each accident.

(5) Food products liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(6) Other insurance not specifically mentioned when required.

(c) Each policy of insurance shall contain an endorsement providing that cancellation by the insurance company shall not be effective unless a copy of the cancellation is mailed (registered) to the contracting officer at least 30 days before the effective date of cancellation.

(d) A certificate of each policy of insurance, and any changes therein, shall be furnished to the contracting officer immediately upon receipt from the insurance company.

(e) Insurance companies of the contractor shall be satisfactory to the contracting officer. When in his opinion an insurance company is not satisfactory for reasons that will be stated, the contractor shall provide insurance through companies that are satisfactory to the contracting officer.

(f) Each policy of insurance shall contain a provision that the insurance carrier waives any rights it may have to raise as a defense the tribe's sovereign immunity from suit, but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy of insurance. The policy shall contain no provision, either express or implied, that will serve to authorize or empower the insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

§ 14H-70.612 Advance payment.

(a) The following clause will be inserted in all contracts in which deposit of the advance in a special bank account is not required.

##### ADVANCE PAYMENT

(a) Amount of advance. At the request of the contractor, and subject to the conditions set forth herein, the Government shall make advance payments to the contractor. Each payment shall be limited to the amount determined necessary for the contractor's operation under the contract for the period of time covered by the advance, which shall not be less than two weeks, except that the final payment under the contract may be a period less than two weeks.

(b) Payment will be made by check payable to the contractor.

(c) Funds advanced under this contract may not be used for any purpose except for making payments for materials, labor, administrative and overhead expenses allowable under this contract.

(d) The contractor shall keep separate accounts in his accounting system which will reflect all receipts, expenditures, fund balances and obligations under this contract.

(e) Return of funds. The contractor may at any time repay any or all of the funds advanced hereunder when it is determined that such funds will not be required for operations under the contract; or, when requested, in writing, by the contracting officer, as a result of retrocession, rescission or termination for cause of this contract, the contractor shall return such amount as may be determined by the contracting officer is not required for settlement of outstanding obligations.

(f) Liquidation. Advance payments may be liquidated by expenditure for purposes allowable under the contract. When the sum of all the advance payments made under this contract equals 85 per cent of the contract amount, no further advance payments shall be made until a review or audit of accounts has been made and any non-allowable

charges against the contract have been identified. Such amounts shall be subtracted

by the contracting officer or by an official of the Bureau of Indian Affairs authorized in

have a lien to the extent of the Government's interest under this contract on any mass of

(5) The commission of an act of bankruptcy by the Government, without limiting

payment(s) hereunder, and has taken all necessary action to authorize such

(7) Permit a writ of attachment or any similar process to be issued against its prop-



charges against the contract have been identified. Such amounts shall be subtracted from remaining funds due under the contract.

(g) No interest will be charged on advance payments.

(b) The following clause will be used in all contracts under which deposit of advance payments in a special bank account will be required.

#### ADVANCE PAYMENTS

(a) *Amount of advance.* At the request of the contractor and subject to conditions set forth herein, the Government shall make advance payments to the contractor in amounts and at such times as agreed to between the contractor and the contracting officer and which are specified in \_\_\_\_\_ of this contract.

(b) *Special bank account.* Until the advance payment(s) made hereunder is liquidated and the contracting officer approves in writing the release of any funds due and payable to the contractor, the advance payment(s) and all other payments (progress, partial, and final) made under the contract shall be made by check payable to the contractor but mailed to the bank, where the special bank account is maintained as stated in the Agreement for Special Bank Account. The check must be marked for "Deposit in Special Bank Account Number \_\_\_\_\_, Bureau of Indian Affairs." The Agreement for Special Bank Account shall designate the account number. No part of the funds deposited in the Special Bank Account shall be mingled with other funds of the contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided, each withdrawal shall be only by check of the contractor, unless countersigning on behalf of the Government by the contracting officer or such other person as he may designate in writing is determined to be in the best interest of the Government and the contracting officer notifies the contractor and bank in writing that countersigning will be required.

(c) *Use of funds.* The funds in the Special Bank Account may be withdrawn by the contractor solely for the purposes of making payments for materials, labor, administrative and overhead expenses, and other purposes required for this contract, or for the purposes of reimbursing the contractor for such payments, and for such other purposes as the contracting officer may approve in writing. If this is a cost reimbursement contract, the funds in the Special Bank Account may be withdrawn by the contractor solely for the purpose of making payments for items of allowable costs as provided in the clause titled "Allowable Cost and Payment" of this contract. Any interpretation required as to the proper use of funds shall be made in writing by the Contracting Officer.

(d) *Return of funds.* The contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the contracting officer, the contractor shall repay to the Government such part of the unliquidated balance of the advance payment as shall be in excess of the contractor's current requirements or, when added to total advances previously made and liquidated, are in excess of the amount specified in paragraph (n)(1) hereof or are no longer to be made available to the contractor because of default, or abuse of their use, or for such other reasons as the contracting officer may specify. If the contractor fails to repay such part of the unliquidated balance of the advance payment when so requested by the Contracting Officer, all or any part thereof may be withdrawn from the Special Bank Account by check(s) made payable to the Bureau of Indian Affairs signed

by the contracting officer or by an official of the Bureau of Indian Affairs authorized in writing by the contracting officer to take such action. Such withdrawals shall be applied in reduction of the advance payment(s) then outstanding hereunder. The contracting officer shall notify the contractor and the bank of the action taken.

(e) *Liquidation.* If not otherwise liquidated, the advance payment(s) made hereunder shall be liquidated as herein provided. When the sum of all the estimated payments remaining due on the contract approximate the unliquidated amount of the advance payment(s), the contracting officer shall thereafter withhold further payments due on the contract, represented by proper invoiced amounts submitted by the contractor, and apply the amount(s) withheld against the liquidation of the advance payment until the advance payment has been fully liquidated. If, upon completion or termination of the contract, or for other reasons, the entire advance payment(s) is not fully liquidated, by the process indicated above, and the contractor does not repay the balance due upon request, then the balance thereof shall be offset against any sums otherwise due or which may become due to the contractor from the Government on any other contracts or from any source.

(f) *Interest charge.* No interest will be charged on the amount of the advance payment(s), but any interest earned on the advance payment(s) including sub-advances or contract earnings deposited in the Special Bank Account shall be used in the performance of the contract and to liquidate the advance payment(s) made.

(g) *Bank agreement.* Before an advance payment(s) is made hereunder, the contractor shall submit to the contracting officer in the form prescribed, an Agreement for Special Bank Account, in triplicate, signed by the contractor and an official of the bank in which the Special Bank Account is established as the depository for the advance payment(s) and other payments. The agreement shall clearly set forth the character of the Special Bank Account and the responsibilities of the contractor, the bank and contracting officer, thereunder. Wherever possible, such bank shall be a member of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, 49 Stat. 684, as amended; 12 U.S.C. 264).

(h) *Lien on special bank account.* The Government shall have a lien upon any balance in the Special Bank Account paramount to all other liens, which lien shall secure the repayment of any advance payment(s) made hereunder.

(i) *Lien on property under contract.* Any advance payment(s) made under this contract shall be secured, when made, by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract. The Government's lien shall apply to all material and other property acquired for or allocated to the of this contract, except to the extent that the Government by virtue of any other provision of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the contractor. The contractor shall identify, by marking or segregation, all property which is subject to a lien in favor of the Government by virtue of any provisions of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to

have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The contractor shall maintain adequate accounting control over such property on his books and records. If at any time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia, the existence of such lien. A copy of each receipt shall be delivered by the contractor to the contracting officer. If this contract is cancelled in whole or in part and the contractor is authorized to sell or retain cancellation inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the contracting officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such cancellation inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention of the contractor's termination claim, is applied in reduction of advance payment(s) then outstanding hereunder.

(j) *Insurance.* The contractor represents and warrants that he is now maintaining with responsible insurance carriers:

(1) Insurance upon his own plant and equipment against fire and other hazards to the extent that like properties are usually insured by others operating plants and properties of similar character in the same general locality;

(2) Adequate insurance against liability on account of damage to persons or property; and,

(3) Adequate insurance under all applicable workmen compensation laws. The contractor agrees that, until work under this contract has been completed and the advance payment(s) made hereunder has been liquidated, he will:

(i) Maintain such insurance;

(ii) Maintain adequate insurance upon any materials, parts, assemblies, sub-assemblies, supplies, equipment, and other property acquired for or allocated to this contract and subject to the Government lien hereunder; and,

(iii) Furnish such certificate with respect to his insurance as the contracting officer may require from:

(k) *Default provisions.* Upon the happening of any of the following events of default:

(1) Cancellation of this contract by reason of fault of the contractor;

(2) A finding by the contracting officer that the contractor:

(i) Has failed to observe any covenants, conditions, or warranties of these provisions or has failed to comply with any material provision of this contract; or,

(ii) Has so failed to make progress or is in such unsatisfactory financial conditions as to endanger performance of this contract; or,

(iii) Has allocated inventory to this contract substantially exceeding reasonable requirements; or,

(iv) Is delinquent in payment of taxes, or of the costs of performance of this contract in the ordinary course of business.

(3) Appointment of a trustee, receiver or liquidator for all or a substantial part of the contractor's property or institution of bankruptcy, reorganization, arrangement, or liquidation proceedings by or against the contractor;

(4) Service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account; or,

(5) The commission of an act of bankruptcy; the Government, without limiting any rights which it may otherwise have, may in its discretion and upon written notice to the contractor and bank, withhold further withdrawals from the Special Bank Account and withhold further payments on this contract. Upon the continuance of any such events of default for a period of 30 days after such written notice to the contractor and bank, the Government may, in its discretion, and without limiting any other rights which the Government may have, take the following additional actions as it may deem appropriate in the circumstances:

(i) Withdraw all or any part of the balance in the Special Bank Account by checks made payable to the Bureau of Indian Affairs, signed solely by an official of the Bureau of Indian Affairs authorized in writing by the contracting officer to take such action, and apply such amounts in reduction of the advance payment(s) then outstanding hereunder and in reduction of any other claims of the Government against the contractor;

(ii) Demand immediate repayment of the unliquidated balance of the advance payment(s) hereunder; or,

(iii) Take possession of and, with or without advertisement, sell at public sale at which the Government may be the purchaser, or at a private sale, all or any part of the property on which the Government has a lien under this contract and, after deducting any expenses incident to such sale, apply the net proceeds of such sale in reduction of the unliquidated balance of the advance payment(s) hereunder and in reduction of any other claims of the Government against the contractor.

(l) *Prohibition against assignment.* Notwithstanding any other provision of this contract, the contractor shall not, while any part of the advance payment(s) is unliquidated, pledge, or otherwise assign any monies due under this contract, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution.

(m) *Information—access to records.* The contractor shall furnish to the contracting officer signed or certified balance sheets and profit and loss statements monthly, if required by the contracting officer, together with a monthly bank statement for the Special Bank Account and such other information concerning the operation of the contractor's business as may be requested. The contractor shall afford to authorize representatives of the Government facilities for inspection of the contractor's books, records, and accounts.

(n) *Designations and determinations.* (1) *Amount.* The amount of the advance payment(s) at any time outstanding hereunder shall not exceed the amount authorized in the Findings, Determinations, and Authorization for the advance payment(s).

(2) *Depository.* The advance payment(s) shall be deposited in the bank with which the Agreement for Special Bank Account is established.

(o) *Other security.* The terms of this contract shall be considered adequate security for advance payment(s) hereunder.

(p) *Representations and warranties.* To induce the making of the advance payment(s), the contractor represents and warrants that:

(1) No litigation or proceedings are presently pending or threatened against the contractor.

(2) None of the provisions herein contravenes or is in conflict with the authority under which the contractor is doing business or with the provision of any existing agreement of the contractor.

(3) The contractor has the power to enter into this contract and accept an advance

payment(s) hereunder, and has taken all necessary action to authorize such acceptance under the terms and conditions of this contract.

(4) None of the assets of the contractor is subject to any lien or encumbrance of any character except for current taxes not delinquent. There has been no assignment of claims under any contract affected by these advance payment provisions, or if there has been any assignment, such assignments have been terminated.

(5) All information furnished by the contractor to the contracting officer in connection with the request for an advance payment is true and correct.

(6) These representations and warranties shall be continuing and shall be deemed to have been repeated by the submission of any subsequent request for additional advance payment(s) under this contract.

(q) *Subadvances.* Subject to the prior written approval of the contracting officer, funds from the Special Bank Account may be used by the contractor to make advance payment(s) or down payments to subcontractors and suppliers of material in advance of performance by the subcontractor or suppliers of material. Such subadvances shall not exceed the subcontract price or estimated cost as the case may be. The subcontractors or suppliers of material to whom such advance payment(s) is made shall furnish adequate security therefor. Unless other security is required by the contracting officer, covenants in subcontracts, expressly made for the benefit of the Government providing for a Special Bank Account for the subadvance with Government lien thereon, and providing for a Government lien, paramount to all other liens, on all property under such subcontract, and the depository bank substantially the same duties and giving the Government substantially the same rights as are provided herein (and in the Agreement for Special Bank Account supplemental hereto) between the Government, the contractor, and the bank may be considered as adequate for such subadvance(s), unless adequate justification is first furnished to and approval obtained by the contracting officer.

(r) *Covenants.* During the period of time that an advance payment(s) made hereunder remains unliquidated, the contractor shall not, without prior written consent of the contracting officer:

(1) Mortgage, pledge, or otherwise encumber, or suffer to be encumbered, any of the assets of the contractor now owned or hereinafter acquired by it, or permit any pre-existing mortgages, liens, or other encumbrances to remain on or attach to any assets of the contractor which are allocated to the performance of this contract and with respect to which the Government has a lien hereunder;

(2) Sell, assign, transfer, or otherwise dispose of accounts receivable, notes, or claims for money due or to become due.

(3) Declare or pay any dividends, except dividends payable in stock of the corporation, or make any other distribution on account of any shares of its capital stock, or purchase, redeem, or otherwise acquire for value any such stock, except as required by sinking fund or redemption arrangements reported to the contracting officer incident to the establishment of these advance payment(s) provisions;

(4) Sell, convey, or lease all or a substantial part of its assets;

(5) Acquire for value the stock or other securities of any corporation, municipality, or governmental authority, except direct obligations, of the United States.

(6) Make any advance or loan to or incur any liability as guarantor;

(7) Permit a writ of attachment or any similar process to be issued against its property without procuring release thereof or bonding the same within 30 days after the entry of the writ of attachment or any similar process;

(8) Pay any salaries, commissions, bonuses, or other remuneration in any form or manner to its directors, officers, or key employees in excess of existing rates of payments, or of rates provided by this contract, or in existing agreements, in connection with which notice has been given to the contracting officer; or accrue such excess remuneration without first obtaining an agreement subordinating the same to all claims of the Government hereunder.

(9) Make any substantial change in management, ownership, or control of the organization with which this contract is made.

(10) Merge or consolidate with any other firm or corporation, change the type of its business, or engage in any transaction outside the ordinary course of its business as presently conducted;

(11) Deposit any of its funds except in a bank or trust company insured by the Federal Deposit Insurance Corporation; or,

(12) Create or incur indebtedness, borrow money or advances other than advances to be made hereunder, except as specified herein.

(c) The following clause will be used in all contracts in which the advance payment will be made by Letter of Credit:

#### ADVANCE PAYMENT

At the request of the contractor, and subject to the conditions set forth herein, and to Treasury Fiscal Requirements Manual, Department Circular 1075, the Government shall make advance payments to the contractor by Letter of Credit.

(a) The contractor agrees to comply with all the requirements and conditions set forth in Treasury Fiscal Requirements Manual, Department Circular 1075, a copy of which is attached and made a part of this contract.

(b) The contractor agrees to initiate cash draw-downs only when actually needed for its disbursements.

(c) The contractor agrees to report to the contracting officer cash disbursements and balances monthly not later than 15 days after the end of the month covered by the report.

(d) Failure to adhere to the provisions of this clause may cause the unobligated portion of the Letter of Credit to be dissolved by the contracting officer or the Department of the Treasury.

§ 14H-70.613. Contract funding and renegotiation.

The following clause shall be included in contracts which have a term of more than one year under the conditions set forth in 25 CFR 401.51.

#### CONTRACT FUNDING AND RENEGOTIATION

(a) Funds other than those appropriated during the fiscal year in which the contract commenced, that are included in the contract amount are subject to the availability of appropriations from Congress and there shall be no legal liability on the part of the Government in regard to such funds unless and until they are appropriated. Funds appropriated during the fiscal year in which the contract commenced that are included in the contract amount but not expended at the end of such fiscal year may be carried over and used for contract purposes in the succeeding fiscal year of the contract's operation, when the contract funds were appropriated pursuant to the Act of November 2, 1921 (42 Stat. 208), except as otherwise specifically provided in appropriation acts, or may be used to provide addi-

tional services upon modification of the con-

same in the condition in which received or

(c) When there is no immediate threat to the contractor, the contracting officer shall pro-

tract, the matter shall be resolved as prescribed in 25 CFR 401.63, 25 CFR 401.64 and

rective or are in fact segregated on the basis of race, color, religion, or national origin, be-

(c) If the estimated cost is not increased, and additional funds are not allocated to the contract, and all work under this contract



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tional services upon modification of the contract to include such services therein.

(b) Each succeeding year of the contract may be renegotiated prior to the end of the then current fiscal year in order to reflect changes that have taken place beyond the control of the contractor since the contract was originally negotiated or last renegotiated as is applicable.

#### § 14H-70.614 Government furnished property.

##### GOVERNMENT FURNISHED PROPERTY

(a) The Government will deliver to the contractor the property described in the Schedule and may, at its option, furnish other supplies or equipment as it may from time to time deem necessary or desirable for use in performing the work under this contract. All property furnished by the Government, together with all property acquired or furnished by the contractor with contract funds, title to which vests in the Government under this article, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property."

(b) The title of each item of equipment purchased with funds made available under this contract, the cost of which is reimbursable to the contractor under the contract, shall pass to and vest in the Government upon:

(1) Issuance for use of such property and in the performance of this contract; or,  
(2) Commencement of processing or use of such property in the performance of this contract; or,

(3) Reimbursement of the cost thereof by the Government, whichever first occurs. A simple record listing all items of equipment purchased with funds made available under this contract showing such property by names, manufacturers, serial number (if any), and the cost of the equipment, will be furnished to the contracting officer by the contractor. Each item of Government property shall be given an identification number, be subject to accountability, and become a part of the Bureau's property inventory, all as provided by the Bureau Manual.

(c) Title to Government property shall remain in the Government and shall be unaffected by the incorporation or attachment thereof to any property not owned by the Government, nor shall Government property or any part thereof be or become a fixture or lose its identity as personal property by reason of affixation to any realty. Except as otherwise specifically provided in this contract, the contractor:

(1) Shall not pledge, assign, or transfer title to any Government property; nor to allow or suffer anything to be done whereby any Government property may be seized, taken in execution, attached, destroyed or injured, and

(2) Shall not remove or otherwise part with possession of, or permit the use by others of, any Government property.

(d) The contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection and preservation of Government property.

(e) Except as may be otherwise provided for herein, Government property shall be used only for the performance of this contract unless written permission is granted by the contracting officer.

(f) Upon completion or termination of the contract, the contractor shall make such disposition of Government property then in his possession or custody as the contracting officer shall direct.

(g) The contractor shall be responsible for the care and safekeeping of Government property, and for the return or delivery of the

same in the condition in which received or appropriated for the contract, except for reasonable wear and tear, and except to the extent such property is consumed in the performance of this contract.

#### § 14H-70.615 Annual reporting.

##### ANNUAL REPORTING

(a) Within 90 days of the end of each fiscal year of this contract's term, the Indian tribe that requested the contract shall furnish the contracting officer a report that includes but is not limited to an accounting of the amounts and purposes for which the contract funds were expended and information on the conduct of the program or services and the extent to which the goals and objectives of the tribe were accomplished.

(b) When the contractor is the governing body of the Indian tribe that requested the contract, the report shall be submitted directly to the contracting officer.

(c) When the contractor is a tribal organization other than the governing body of the tribe, the tribal governing body that requested the contract shall submit the report. However, at the option of the tribe, the contractor shall prepare the report and submit it to the tribe for review and approval prior to the tribe submitting the report to the contracting officer.

(d) When the contract benefits more than one tribe, the contractor shall prepare the report and submit it to each of the tribes. Each of the tribes will endorse and make any comments they consider applicable before submitting the report to the contracting officer.

(e) Notwithstanding this requirement for an annual report, the contracting officer may request the contractor to furnish such other reports at such intervals as is deemed necessary.

#### § 14H-70.616 Reassumption of programs.

##### REASSUMPTION OF PROGRAMS

(a) Upon written notice to the contractor, the contracting officer may rescind the contract in whole or in part and assume or resume control or operation of the program, activity or service involved if it is determined that the contractor's performance involves

(1) the violation of the rights, or endangerment of the health, safety or welfare of any person; or (2) gross negligence or mismanagement in the handling or use of funds provided the contractor under the contract; or (3) when the contractor fails to perform the work required under the contract.

(b) If it is determined, under paragraph (a) of this clause, that there is an immediate threat to safety the contracting officer may by written notice to the contractor immediately rescind the contract or that portion thereof that poses such threat and assume or resume operation of the program activity or service involved. Within 10 calendar days of the date the contract was rescinded, the contracting officer will schedule a hearing at a time and place mutually agreed to by the parties. When the contractor is other than the governing body of the Indian tribe that requested the contract, the tribe will be advised of the contract rescission at the same time as the contractor and invited to attend the hearing and present its views. The time and place of the hearing will be coordinated with the tribe. If agreement on corrective measures is not reached at the hearing, the contracting officer shall reduce the issues to writing and mail or otherwise furnish a copy thereof to the contractor within 30 calendar days from the date of the hearing. The contractor may appeal the issues as provided for in Subpart C of 43 CFR Part 4.

(c) When there is no immediate threat to safety, the contracting officer shall provide written notice to the contractor of intent to rescind the contract which will include the reason why contract rescission is contemplated, what corrective measures are considered necessary and a reasonable time period in which corrective measures must be accomplished. If the contractor does not take corrective action within the time specified, the contracting officer may rescind the contract. However, the contractor has a right to a hearing and appeal as provided in paragraph (b) of this clause.

(c) When there is no immediate threat to safety, the contracting officer shall provide written notice to the contractor of intent to rescind the contract which will include the reason why contract rescission is contemplated, what corrective measures are considered necessary and a reasonable time period in which corrective measures must be accomplished. If the contractor does not take corrective action within the time specified, the contracting officer may rescind the contract. However, the contractor has a right to a hearing and appeal as provided in paragraph (b) of this clause.

#### § 14H-70.617 Fair and uniform services.

##### FAIR AND UNIFORM SERVICES

The contractor agrees that any services or assistance provided to Indians under the contract shall be provided in a fair and uniform manner.

#### § 14H-70.618 Disputes.

##### DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract, which is not disposed of by agreement, shall be decided by the contracting officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the contractor. The decision of the contracting officer shall be final and conclusive unless within thirty (30) days from the date of receipt of such copy, the contractor mails or otherwise furnishes to the contracting officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the contractor shall proceed diligently with the performance of the contract and in accordance with the contracting officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above. However, nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

(c) Upon written notice to the contractor, the contracting officer may rescind the contract in whole or in part and assume or resume control or operation of the program, activity or service involved if it is determined that the contractor's performance involves

(1) the violation of the rights, or endangerment of the health, safety or welfare of any person; or (2) gross negligence or mismanagement in the handling or use of funds provided the contractor under the contract; or (3) when the contractor fails to perform the work required under the contract.

(b) If it is determined, under paragraph (a) of this clause, that there is an immediate threat to safety the contracting officer may by written notice to the contractor immediately rescind the contract or that portion thereof that poses such threat and assume or resume operation of the program activity or service involved. Within 10 calendar days of the date the contract was rescinded, the contracting officer will schedule a hearing at a time and place mutually agreed to by the parties. When the contractor is other than the governing body of the Indian tribe that requested the contract, the tribe will be advised of the contract rescission at the same time as the contractor and invited to attend the hearing and present its views. The time and place of the hearing will be coordinated with the tribe. If agreement on corrective measures is not reached at the hearing, the contracting officer shall reduce the issues to writing and mail or otherwise furnish a copy thereof to the contractor within 30 calendar days from the date of the hearing. The contractor may appeal the issues as provided for in Subpart C of 43 CFR Part 4.

(b) If it is determined, under paragraph (a) of this clause, that there is an immediate threat to safety the contracting officer may by written notice to the contractor immediately rescind the contract or that portion thereof that poses such threat and assume or resume operation of the program activity or service involved. Within 10 calendar days of the date the contract was rescinded, the contracting officer will schedule a hearing at a time and place mutually agreed to by the parties. When the contractor is other than the governing body of the Indian tribe that requested the contract, the tribe will be advised of the contract rescission at the same time as the contractor and invited to attend the hearing and present its views. The time and place of the hearing will be coordinated with the tribe. If agreement on corrective measures is not reached at the hearing, the contracting officer shall reduce the issues to writing and mail or otherwise furnish a copy thereof to the contractor within 30 calendar days from the date of the hearing. The contractor may appeal the issues as provided for in Subpart C of 43 CFR Part 4.

#### § 14H-70.619 Officials not to benefit.

##### OFFICIALS NOT TO BENEFIT

No members of Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

#### § 14H-70.620 Changes.

The following changes clauses are for use as indicated:

(a) For contracts other than construction.

##### CHANGES

This contract may be modified or amended on the written request of the contractor to the contracting officer; or when recommended by the contracting officer and with the consent of the contractor. When the contracting officer recommends a declination of a contractor's request to amend the con-

tract, the matter shall be resolved as prescribed in 25 CFR 401.63, 25 CFR 401.64 and 25 CFR 401.65.

(b) In addition, all cost-reimbursement contracts over \$10,000 shall contain the following clause:

##### FUNDING CHANGES

If for any reason beyond the control of the contracting office, the amount of funds allocated for the program operated under this contract are reduced by an amount or by a percentage resulting in a specific amount, the contract will be modified accordingly after consultation with the contractor. Such modification shall be made without penalty to the Government and shall not constitute basis for a claim under this contract.

#### § 14H-70.621 Bid guarantee and bonds.

The following clause shall be included in all construction contracts with a tribal organization, in accordance with § 1-10.103, § 1-10.104-1(a) and § 1-10.104-1(b) of this title, when it is estimated that the amount of the contract will exceed \$2,000:

##### BID GUARANTEE AND BONDS

(a) The contractor shall require a bid guarantee from all (sub) contractors who submit bids (proposals) for performing work under the contract in accordance with the policy set forth in § 1-10.103-1 of the Federal Procurement Regulations (41 CFR 1). When the bid guarantee is in the form of a bid bond, it may be submitted on other than the standard Government form: Provided, that the bond binds the Principal and the Surety(ies) in the same manner as they would be bound had the bid (proposal) been submitted to the Government.

(b) The contractor shall require the successful bidder (offeror) to furnish performance and payment bonds in the amounts set forth in the Miller Act (40 U.S.C. 270a-270e) and in accordance with the policies in §§ 1-10.104 and 1-10.105 of the Federal Procurement Regulations (41 CFR 1) as a condition precedent to the award of the (sub) contract. The bonds may be submitted on other than the standard Government form: Provided, that the form used binds the Principal and the Surety(ies) in the same manner that they would be bound were the (sub) contract with the Government.

#### § 14H-70.622 Certificate of nonsegregated facilities.

##### CERTIFICATE OF NONSEGREGATED FACILITIES

By signing the contract, the contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit di-

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rective or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

##### NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NON-SEGREGATED FACILITIES

A certification of nonsegregated facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

#### § 14H-70.623 Convict labor.

##### CONVICT LABOR

In connection with the performance of work under this contract, the contractor agrees not to employ any person undergoing sentence of imprisonment except as provided by Public Law 89-176, September 10, 1965 (16 U.S.C. 4082(c) (2)) and Executive Order 11755, December 29, 1973.

#### § 14H-70.624 Limitation of costs.

##### LIMITATION OF COSTS

(a) It is estimated that the total costs to the Government for the performance of the work specified in this contract, will not exceed the estimated costs set forth in the Schedule. The contractor agrees to use its best efforts to perform this contract within the estimated total amount so specified, but neither the Government nor the contractor guarantees the accuracy of such estimate. If at any time the contractor has reason to believe that the costs which it expects to incur in the performance of this contract in the next succeeding thirty (30) days, when added to all costs previously incurred, will exceed eighty-five percent (85%) of the estimated costs then set forth in the Schedule, or if at any time the contractor has reason to believe that the total costs for the performance of this contract, will be greater or substantially less than the then estimated cost thereof, the contractor shall notify the contracting officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obliged to reimburse the contractor for costs incurred in excess of the estimated costs set forth in the Schedule, and the contractor shall not be obliged to continue performance under the contract or to incur costs in excess of such estimate, unless and until the contracting officer has notified the contractor in writing that such estimated cost has been increased, and has specified in such notice a revised estimated cost, which shall thereupon constitute the estimated cost of performance of this contract. When, and to the extent that, the estimated cost has been increased, any costs previously incurred by the contractor in excess of such estimated cost shall be allowable to the same extent as if such costs are incident to and necessary for the performance of work specifically authorized under this contract at the time incurred.

(c) If the estimated cost is not increased, and additional funds are not allocated to the contract, and all work under this contract is discontinued because of exhaustion of funds, the contractor shall furnish a final report on the work which has been performed and the Government shall have no obligation to make further payments hereunder.

#### § 14H-70.625 Allowable cost and payment.

##### ALLOWABLE COST AND PAYMENT

(a) For the performance of this contract, the Government shall pay to the contractor (1) the costs thereof (hereinafter referred to as "allowable cost") determined by the contracting officer to be allowable in accordance with:

(i) Appendix A to 25 CFR 406 as in effect on the date of this contract.

(ii) The terms of this contract.  
(b) Once each month (or at more frequent intervals as may be specified elsewhere, or if approved by the contracting officer), the contractor may submit to the contracting officer or his authorized representative, in such form and reasonable detail as may be required, an invoice or public voucher supported by a statement of cost incurred by the contractor in the performance of this contract and claimed to constitute allowable cost.

(c) Promptly after receipt of each invoice or voucher, the Government shall make payment of the allowable costs incurred subject to the provisions of (d) below.

(d) At any time or times prior to final payment under this contract, the contracting officer may cause to be made such audit of the invoices or vouchers and statements of cost as shall be deemed necessary. Each payment made before that time shall be subject to reduction to the extent that amounts included in the related invoice or vouchers and statement of cost are found by the contracting officer not to constitute allowable cost, and shall also be subject to reduction for overpayments or to increase for underpayments on preceding invoices or vouchers.

(e) On receipt and approval of the voucher or invoice designated by the contractor as the "completion voucher" or "completion invoice" and statement of cost, which shall be submitted by the contractor as promptly as may be practicable following completion of the work under this contract but no later than six (6) months (or such longer period as the contracting officer may in his discretion, approve in writing) from the date of such completion, and following compliance by the contractor with all provisions of this contract, the Government shall as promptly as may be practicable pay to the contractor any balance of allowable cost.

(f) Any cost incurred by the contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specification or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the contractor at its expense or without cost to the Government.

#### § 14H-70.626 Negotiated overhead rates.

##### NEGOTIATED OVERHEAD RATES

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to

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bases agreed upon by the parties, as specified below.

date the contractor furnishes to the contracting officer his written appeal under the

higher-tier subcontractor at the level involved in place of the contractor; to add "of

this contract was increased by any significant sums because the contractor, or any

\$100,000, the contractor shall insert the substance of the following clause:

Subpart 14H-70.7—Cancellation or Reassumption of Contracts



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bases agreed upon by the parties, as specified below.

(b) The contractor, as soon as possible, but not later than six (6) months after the expiration of the contractor's financial year or such other period as may mutually be agreed upon by the Government and the contractor shall submit to the contracting officer, with a copy of the cognizant audit agency, a proposed final overhead rate or rates for that period based on the contractor's costs experience during that period, together with supporting cost data. Negotiation of final overhead rates by the contractor and the contracting officer shall be undertaken as promptly as practicable after receipt of the contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Appendix A of 25 CFR 406, as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, (3) the periods for which the rates apply, and (4) the specific items treated as direct costs or any changes in the items previously agreed to be direct costs.

(e) Pending establishment of final overhead rates for any period, the contractor shall be reimbursed either at negotiated provisional rates as provided in this contract or at billing rates acceptable to the contracting officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in this contract shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the contracting officer within the meaning of the clause of this contract entitled "Disputes."

## § 14H-70.627 Assignment of claims.

## ASSIGNMENT OF CLAIMS

Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating \$1,000 or more, claims for monies due or to become due the contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing.

## § 14H-70.628 Payment of interest on contractor's claims.

## PAYMENT OF INTEREST ON CONTRACTOR'S CLAIMS

(a) If an appeal is filed by the contractor from a final decision of the contracting officer under the disputes clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 9241, 85 Stat. 97, from the

date the contractor furnishes to the contracting officer his written appeal under the disputes clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to the contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a board of contract appeals.

(b) Notwithstanding (a) above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the contracting officer determines the contractor has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

## § 14H-70.629 Audit and records.

## AUDIT AND RECORDS

(a) The contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The contractor's facilities, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the contracting officer or his authorized representatives. In addition, for purpose of verifying that cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of \$100,000, were accurate, complete and current, the contracting officer, or his authorized representative, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or of the time period for the particular records specified in 41 CFR Part 1-20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (c) (2) (i) or (ii) below.

(i) If the contract is completely or partially cancelled the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract as to which exception has been taken by the contracting officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) (1) The contractor shall insert the substance of this clause, including the whole of this paragraph (d), in each subcontract hereunder that is not firm-fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the

higher-tier subcontractor at the level involved in place of the contractor; to add "of the Government prime contract" after "contracting officer"; and to substitute "the Government prime contract" in place of "this contract" in (B) of paragraph (c) (2) (ii) above.

## § 14H-70.630 Contract Work Hours and Safety Standards Act—Overtime Compensation.

## CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

This contract is subject to the Contract Work Hours and Safety Standards Act and to the applicable rules, regulations, and the interpretations of the Secretary of Labor.

(a) *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any work-week in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such work-week on work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of forty hours in such work-week, whichever is the greater number of overtime hours.

(b) *Violation, liability for unpaid wages, liquidated damages.* In the event of any violation of the provisions of paragraph (a), the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of \$10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of the standard work-week of forty hours without payment of the overtime wages required by paragraph (a).

(c) *Withholding for unpaid wages and liquidated damages.* The contracting officer may withhold from the Government prime contractor, from any monies payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the provision of paragraph (b).

(d) *Subcontracts.* The contractor shall insert paragraphs (a) through (d) of this section in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for three years from the completion of the contract.

## § 14H-70.631 Price reduction for defective cost or pricing data.

The following clause shall be included in all contracts where cost and pricing data is required in accordance with § 14H-70.407.

## PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA

(a) If the contracting officer determines that any price negotiated in connection with this contract or any cost reimbursable under

## PROPOSED RULES

this contract was increased by any significant sums because the contractor, or any subcontractor pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data-Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate of Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

## § 14H-70.632 Subcontractor cost and pricing data.

The following clause should be included in all contracts, when the subcontracts of the type and size described herein are contemplated.

## SUBCONTRACTOR COST AND PRICING DATA

(a) The contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursed type, time and material, labor-hour, incentive, or price redeterminable subcontract the price of which is expected to exceed \$100,000; and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed \$100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed \$100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (a) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The contractor shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursable type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceed \$100,000 unless the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such expected subcontract hereunder which exceed

\$100,000, the contractor shall insert the substance of the following clause:

## SUBCONTRACTOR COST AND PRICING DATA—PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of \$100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursable type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed \$100,000; and—

(2) Prior to award of any other subcontract, the price of which is expected to exceed \$100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed \$100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The contractor shall require subcontractors to certify, in substantially the same form as that used in the Certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds \$100,000.

## § 14H-70.633 Buy American Act.

## BUY AMERICAN ACT

(a) The Buy American Act (41 U.S.C. 10a-d) requires, with certain exceptions, that in the procurement of supplies and services only domestic source end products shall be acquired for public use.

(b) The provisions of Part 1-6 of the Federal Procurement Regulations (41 CFR 1-6) deals with the Buy American Act and its application to Government contracts.

(c) The provisions of Part 1-6 of the Federal Procurement Regulations (41 CFR 1-6) are applicable to this contract and any subcontracts entered into under the contract. Questions concerning the Buy American Act and its applicability in specific circumstances should be directed to the contracting officer.

## § 14H-70.634 Anti-Kickback Act.

## ANTI-KICKBACK ACT

(a) Pub. L. 86-695, September 2, 1960 (41 U.S.C. 51-54) among other things, prohibits the payment, directly or indirectly, by or on behalf of a subcontractor in any tier under any Government negotiated contract of any fee, gift, or gratuity to the prime contractor or any higher tier subcontractor or any officer, agent, partner or employee thereof, as an inducement or acknowledgement for the award of a subcontract or order.

(b) The provisions of Pub. L. 86-695, are set forth in more detail in § 1-1.320 of the Federal Procurement Regulations (41 CFR 1-1) and are applicable to this contract and any subcontracts entered into under the contract.

## Subpart 14H-70.7—Cancellation or Reassumption of Contracts

## § 14H-70.701 General.

(a) Contracts pursuant to the Act may only be cancelled or reassumed under the conditions set forth in 25 CFR 401 as follows:

(1) Retrocession (25 CFR 401.71)  
(2) Reassumption (25 CFR 401.74)  
(3) Cancellation for cause (25 CFR 401.76)

(b) The clauses to be included in contracts covering the above situations are found in Subpart 14H-70.6 of this Part 14-70.

## § 14H-70.702 Settlement of cancelled contracts.

The settlement of any contracts cancelled or reassumed for the reasons set forth in § 14H-70.701 shall be as mutually agreed to by the Bureau and the contractor. If mutual agreement cannot be reached, the principles set forth in Subpart 1-8.6 of this title shall be used to arrive at the settlement.

## Subpart 14H-70.8—Bonds and Insurance

## § 14H-70.801 Scope of subpart.

This subpart deals with the requirement for tribal organizations to furnish bid guarantees, performance bonds and payment bonds on contracts for construction.

## § 14H-70.802 Policy on use of bid guarantees.

Bid guarantee will not be required in connection with construction contracts negotiated on a sole source basis with an Indian tribe or an Indian organization serving as a governmental instrumentality of an Indian tribe; *Provided* that such tribe or tribal organization shall require any potential subcontractor to furnish a bid guarantee in the amount and manner set forth in § 1-10.103-2 of this title.

## § 14H-70.803 Performance bonds.

(a) Performance bonds will not be required from an Indian tribe or Indian organization serving as a governmental instrumentality or an Indian tribe; *Provided* that such tribe or tribal organization shall require any subcontractor performing work under the contract to provide a performance bond in the amount and manner set forth in § 1-10.104.1 of this title.

(b) The clause to be included in construction contracts with Indian tribes and Indian organizations relative to performance bonds is set forth in § 14H-70.621.

## § 14H-70.804 Payment bonds.

(a) Payment bonds will not be required from an Indian tribe or Indian organization serving as a governmental instrumentality of an Indian tribe. However, such tribe or tribal organization shall require any subcontractor performing work under the contract to provide a payment bond in the amount and manner set forth in § 1-10.104-1 of the Federal Procurement Regulations.

## PROPOSED RULES

(b) The clauses to be included in con- § 14H-70.809 Indemnity and insurance. rate be established. The request shall be

of an Indian tribe, but shall be prefaced

§ 14H-70.1404 Advance payments when

dictable, automatic advance payments may be authorized by the contracting



## PROPOSED RULES

(b) The clause to be included in construction contracts with Indian tribes and Indian organizations relative to payment bonds is set forth in § 14H-70.621.

## § 14H-70.805 Liability insurance.

(a) This section prescribes policies and procedures with respect to the furnishing of liability insurance by Indian contractors in accordance with 25 CFR 401.44.

(b) Contracting offices shall assure themselves that all contracts with tribal organizations provide for the tribal organization to obtain general liability insurance and motor vehicle insurance. Each such contract shall further provide that the insurance carrier must be satisfactory to the contracting officer and that the contractor shall forward to the contracting officer a copy of the certificate of insurance as soon as such certificate is received from the insurance carrier.

## § 14H-70.806 Insurance coverage.

(a) The insurance provided by the contractor shall provide coverage to the contractor, the United States, their agents, and their employees within minimum amounts that are at least comparable to the minimum insurance coverage carried by other organizations in the same general area performing similar activities.

(b) The insurance shall provide for a waiver by the insurance carrier of any right it may have to raise as a defense the tribe's sovereign immunity from suit when a claim is within the limits of the policy. Further, the insurance shall not empower the insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

## § 14H-70.807 Exceptions.

(a) In those cases where the contracting officer determines that the risk of death, personal injury or property damage under the contract is small and that the time and cost of procuring the insurance is great in relation to the risk, he may exempt such contracts from the requirements of this Subpart.

(b) Some of the factors which the contracting officer shall consider in determining the magnitude of the risk involved are:

(1) The nature of the program contracted for.

(2) The number of persons involved in performing the contract.

(3) The contract period.

(4) The number of persons likely to come in contact with or be affected by the performance of the contract.

(5) The nature and value of any property which might be affected by the contract.

## § 14H-70.808 Motor vehicle insurance.

Notwithstanding the provisions of § 14H-70.807, any contract which requires or authorizes, either expressly or by implication, the use of motor vehicles must contain a provision requiring the tribal contractors to provide motor vehicle insurance, regardless of how small the risk may seem.

## § 14H-70.809 Indemnity and insurance clause.

The clause contained in § 14H-70.611 shall be included in all contracts with tribal contractors, unless the contracting officer determines that an exemption is warranted under § 14H-70.807. The limits of liability prescribed in the clause may be modified by the contracting officer when he determines such action is warranted.

## Subpart 14H-70.9—Labor

## § 14H-70.901 Labor standards in construction contracts.

The provisions of Subpart 1-12.4 of this title are applicable to construction contracts entered into pursuant to the Act, except when the contractor is the recognized governing body of an Indian tribe or a non-profit Indian organization serving as a governmental instrumentality of an Indian tribe.

## § 14H-70.902 Labor standards in subcontracts.

Subcontracts shall include and subcontractors shall comply with the provisions of Part 1-12 of the Federal Procurement Regulations (41 CFR 1-12) to the extent that the provisions are applicable to the subcontract requirements. Questions concerning the applicability of the provisions of Part 1-12 of the Federal Procurement Regulations should be addressed to the contracting officer.

## Subpart 14H-70.10—Contract Cost Principles and Procedures

The principles for determining costs applicable to contracts under the Act are contained in Appendix A to 25 CFR 406.

## § 14H-70.1001 Principles for determining costs.

(a) Indirect cost or overhead rates may be negotiated annually where cost experience, reliable accounting data and other pertinent facts are available to support the projection of allowable costs for the period covered by the contract or grant. Negotiated rates shall not result in an amount which will exceed actual costs.

(b) Where cost experience and accounting data are not available to support a negotiated rate and where the estimated amount of the contract is less than \$10,000, a lump sum overhead amount may be negotiated. Such an amount will be based on reasonable projection of estimated costs to be incurred by the tribal organization and shall take into consideration all costs which can be applied as direct costs, and shall not exceed 10 percent of the direct labor costs.

## § 14H-70.1003 Procedures.

(a) When a tribal organization desires overhead rates to be established and where no other Federal agency has established a rate nor will be expected to do so, the tribal organization may request through the contracting officer that a

rate be established. The request shall be supported by, as a minimum:

(1) A schedule of common costs which cannot be feasibly charged as direct costs of a program and are costs benefiting more than one program.

(2) The nature and extent of services provided and their relevance to the specific program.

(3) Methods and manner of distribution of costs.

(4) Total business of all programs to which indirect costs will be distributed.

(b) The contracting officer shall, after review and if indicated, further consultations with the tribal organization, forward the request to the Department of Interior, Office of Audit and Investigation, for review and audit as determined necessary. In the event a rate is approved without audit, the contract shall contain a clause to the effect that upon audit the rate may be changed retroactively to the beginning of the contract period.

(c) An audit by the Department's Office of Audit and Investigation will not be required prior to contract award and overhead rates may be approved by the Contracting Officer when:

(1) The amount of the contract is less than \$100,000.

(2) The contract is not the initial contract with the particular tribal organization, an overhead rate was previously established, and the overhead rate currently requested does not exceed that previously established one by more than one percentage point.

(3) Current overhead rates have been established by another Federal agency.

## Subpart 14H-70.11—Procurement Forms

## § 14H-70.1101 Applicability of standard forms.

The standard forms prescribed in Part 1-16 of this title may be used in connection with contracts entered into pursuant to the Act when applicable and may be modified when deemed necessary. However, standard forms other than SF 147 that contain clauses not prescribed by this Part 14H-70 shall not be used.

## Subpart 14H-70.12—Procurement of Construction

## § 14H-70.1201 Scope of subpart.

This subpart sets forth procedures and requirements peculiar to construction contracts. The terms and conditions of construction contracts when negotiated with an Indian organization pursuant to the Act shall to the extent applicable be in accordance with the requirements set forth in Part 1-18 of this title. However, if there is a conflict between Part 1-18 of this title and any provision of the Act or 25 CFR 401, the Act or 25 CFR 401 shall govern.

## § 14H-70.1202 Exceptions.

(a) Subpart 1-18.10 of this title is not applicable.

(b) The contract clauses required by § 1-18.703-1 of this title shall be inserted in construction contracts with an Indian tribe or an Indian organization which serves as a governmental instrumentality

of an Indian tribe, but shall be prefaced by the provision contained in § 1-18.703-2 of this title.

(c) In all cases, the contracting officer shall obtain and insert the Wage Determination Decision issued by the Secretary of Labor in the contract prior to award of any contract for construction that falls within the purview of the Davis-Bacon Act. The Wage Determination Decision should be furnished sufficiently in advance of the contract award date to permit full consideration by the tribal organization and any prospective subcontractors prior to contract award.

## Subpart 14H-70.13—Retention Requirements for Contractor and Subcontractor Records

## § 14H-70.1301 General.

The record retention requirements in Subpart 1-20.2 and Subpart 1-20.3 of this title are applicable to contracts under the Act.

## Subpart 14H-70.14—Contract Financing

## § 14H-70.1401 General.

This subpart sets forth the methods of making payments to tribal organizations performing contracts under the Act.

## § 14H-70.1402 Reimbursement.

This method will be used when a tribal organization does not request an advance payment. Payment will be made on receipt of a SF-1034 or other approved invoice form supported by documentation required by the contract after completion of the contract or such portions thereof as provided in the contract for partial payments.

## § 14H-70.1403 Advance payments by Treasury check.

(a) At the request of a tribal contractor, and subject to the conditions hereinafter set forth, and Chapter 2000 of the Treasury Fiscal Requirements Manual, the Government will make advance payments to tribal organizations as prescribed in 25 CFR 401.41.

(b) Any request for advance payment by a tribal contractor shall specify the amount(s) required and the dates such advance(s) will be required and shall be supported by a schedule of estimated expenditures.

(c) An initial advance will be limited to the amount of estimated expenditures for a period of time required to effect payment, based on experience in the locality. The initial advance may be made in amounts at times determined suitable to satisfy the minimum essential needs of the contractor.

(d) Subsequent advances may be made at times and in amounts determined necessary to insure availability of funds for timely payment of the contractor's obligations and to minimize the time between withdrawal from the Treasury and expenditure. Requests for advances subsequent to an initial advance shall be accompanied and supported by a report of expenditures to date and the amount of funds on hand.

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## § 14H-70.1404 Advance payments when special bank account required.

(a) Contracts authorizing the making of advance payments shall, except as provided in 25 CFR 401.41(a)(2)(i), require that the check be mailed to a bank to be deposited in a special bank account in the name of the contractor. No part of the funds deposited in the special bank account other funds of the contractor prior to withdrawal to meet obligations accruing under the contract.

(b) For all advance payments requiring the use of a special bank account, the form of Agreement for Special Bank Account prescribed in § 14H-70.1410 shall be used.

(c) All contracts requiring the use of a special bank account shall contain the contract clause prescribed in § 14H-70.6.

## § 14H-70.1405 Letter of credit.

When a contract authorizes advance payments totaling \$250,000 or more and the contract period is one year or more, advance payments will normally be made by Letter of Credit in accordance with the policies and procedures contained in Treasury Fiscal Requirements Manual, Chapter 2000.

## § 14H-70.1406 Approval of advance payments.

(a) Area Directors may approve advance payments which do not exceed \$250,000. When the contract term is for more than one year, Area Directors may approve advance payments which do not exceed \$250,000 each succeeding year of the contract.

(b) Requests for advance payments exceeding \$250,000 in the aggregate for the term of the contract, or one year if a multi-year contract, shall be forwarded to the Commissioner of Indian Affairs by Area Director for submission to the Department in accordance with § 14-30.406 of this title.

## § 14H-70.1407 Sub-advances.

Sub-advances may be made when predetermined as a part of a contracted program or when specifically authorized in writing by the contracting officer. Sub-advances will not be made to individuals except for approved travel and in such cases shall not exceed the minimum required for one trip and shall be settled by voucher or repayment within 30 days.

## § 14H-70.1408 Interest.

(a) Contractors shall not be held accountable for interest earned on funds advanced pending disbursement. However, it is required that bank balances be maintained at the minimum level consistent with program requirements, and requests for advances shall be reviewed to insure that excess funds are not advanced.

(b) Contractors shall not be charged interest by the Bureau for funds advanced under contracts entered into pursuant to the Act.

## § 14H-70.1409 Automatic advances.

When periodic payments under a contract will be essentially uniform and pre-

dictable, automatic advance payments may be authorized by the contracting officer to avoid delay inherent in payments based on formal request by the contractor. In such cases, reports of expenditures will be required and payments will be adjusted as necessary to prevent withdrawal of funds over and above that needed for efficient operation, and to insure adequate funds for timely settlement of the contractor's obligations. Adjustments to automatic advances shall be made after consultation with the contractor.

## § 14H-70.1410 Agreement for special bank account.

(a) In all instances where deposit of an advance payment in a special bank account is required, the following form of agreement will be used:

## AGREEMENT FOR SPECIAL BANK ACCOUNT

(1) This agreement entered into between the United States of America, hereinafter called the "Government," contractor, and Bank, each represented by the officials executing this agreement.

(2) The Government and the contractor entered into the contract(s) or Supplemental Agreement(s) thereto, providing for the making of advance payment(s) to the contractor. Copy of the advance payment clause included in the contract is attached to and made a part of this agreement.

(3) The advance payment clause requires that amounts advanced to the contractor be deposited in a Special Bank Account at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U.S.C. 264), separate from the contractor's general or other funds; and, the Bank being such a bank, the parties are agreeable to so depositing said amounts with the Bank.

(4) This Special Bank Account shall be designated as indicated in paragraph (7) of this agreement.

(5) In consideration of the foregoing, and for other good and valuable considerations, it is agreed that:

(i) The Government shall have a lien upon the credit balance in said account to secure the repayment of all advance payments made to the contractor, which lien shall be superior to any lien or claim of the bank with respect to such account.

(ii) The Bank will be bound by the provisions of the advance payment clause relating to the deposit in and withdrawal of funds from the Special Bank Account, but shall not be responsible for the use of funds withdrawn from said account. Upon receipt by the Bank of written directions of any kind from the contracting officer, or from the duly authorized representative of the contracting office, pertaining to the use of the funds in the Special Bank Account upon Department of the Interior, Bureau of Indian Affairs stationery and purporting to be signed by the contracting officer or the contracting officer's authorized representative, the Bank shall act thereon and insofar as the rights, duties, and liabilities of the Bank are concerned, the written directions shall be conclusively deemed to have been properly issued and filed with the Bank by the Department of the Interior, Bureau of Indian Affairs.

(iii) The Government, or its authorized representatives, shall have access to the books and records maintained by the Bank with respect to the Special Bank Account at all reasonable times and for all reasonable



## PROPOSED RULES

purposes, including (but without limiting the generality thereof) the inspection or copying of such books and records and any and all memoranda, checks, correspondence or documents appertaining thereto. Such books and records shall be preserved by the Bank for a period of six (6) years after the closing of the Special Bank Account.

(4) In the event of the service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account, the Bank will promptly notify the contracting officer.

(5) The Bank, contractor, and Government by executing this agreement are bound by all of the provisions contained in the advance payment clause attached which is made a part of the contract.

(6) The contract number and purpose of the Contract(s) or supplemental agreement(s) referred to above are as follows:

(7) The Special Bank Account shall be designated as SPECIAL BANK ACCOUNT NUMBER \_\_\_\_\_ Bureau of Indian Affairs. IN WITNESS WHEREOF, The parties hereto have caused this agreement to be executed as of the date and year written below:

Date \_\_\_\_\_ 19\_\_\_\_  
CONTRACTOR  
Name: \_\_\_\_\_

Name and title of representative: \_\_\_\_\_

Complete mailing address: \_\_\_\_\_

BANK

Name: \_\_\_\_\_

Name and title of representative: \_\_\_\_\_

Complete mailing address: \_\_\_\_\_

UNITED STATES OF AMERICA DEPARTMENT OF THE INTERIOR  
Bureau of Indian Affairs:

Complete Mailing Address: \_\_\_\_\_

(b) The following instructions apply to the form of agreement shown in paragraph (a) of this section:

(1) Under paragraph (6) of the agreement, state the contract number and describe the purpose of the contract in brief but sufficient detail to convey a general understanding of its nature. If the contract uses a descriptive title to designate its purpose, that description should be used.

(2) Insert, in the blank space in paragraph (7) of the agreement, the number assigned by the Bank as the Account Number for the "Special Bank Account."

(3) The agreement should be dated on the date it is signed by the contracting officer.

(4) The complete mailing address of the Bank is necessary as the advance payment check and all progress payment checks will be mailed to the Bank. The zip code is required.

(5) The contracting officer should not sign the agreement until authority to make the advance payment has been obtained.

(c) The following is the form of modification of an agreement for a special bank account for advance payments:

AGREEMENT FOR SPECIAL BANK ACCOUNT  
Modification Number \_\_\_\_\_

(1) The Agreement for Special Bank Account dated \_\_\_\_\_, 19\_\_\_\_, is modified as follows:

(2) The contract number and the purpose of the contract is as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(4) The Special Bank Account number is indicated as follows: \_\_\_\_\_

IN WITNESS WHEREOF, the parties hereto have caused this modification to be executed as of the date and year written below:

Date \_\_\_\_\_ 19\_\_\_\_

Name of contractor \_\_\_\_\_

Signature \_\_\_\_\_

By \_\_\_\_\_

Name and title of contractor's representative: \_\_\_\_\_

\_\_\_\_\_

Name of bank \_\_\_\_\_

Signature \_\_\_\_\_

By \_\_\_\_\_

Name and title of bank's representative: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Subpart 14H-70.15—Novation and Change of Name Agreements

§ 14H-70.1501 General.

The provisions of Subpart 1-26.4 of this title are applicable to contracts under the Act.

Subpart 14H-70.16—Procurement Reports

§ 14H-70.1601 General.

This subpart sets forth the requirements for reporting procurement actions under the Act.

§ 14H-70.1602 Standard Form 37, Report on Procurement by Civilian Executive Agencies.

Procurements under the Act shall be reported on SF-37, in accordance with § 1-16.804-3 and § 14-16.804-3 of this title. However, the number and dollar amount of such procurements shall be entered in the "remarks" section of SF-37, and shall be clearly identified as having been entered into with tribal organizations pursuant to the Act.

MORRIS THOMPSON,  
Commissioner of Indian Affairs.

[FR Doc.75-22939 Filed 9-3-75;8:45 am]



# **federal register**

THURSDAY, SEPTEMBER 4, 1975



PART III:

## **DEPARTMENT OF TRANSPORTATION**

Office of the Secretary

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### **RELOCATION ASSISTANCE AND LAND ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS**

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**Title 49—Transportation**  
**SUBTITLE A—OFFICE OF THE**  
**SECRETARY OF TRANSPORTATION**  
 [OST Docket No. 29; Amdt. No. 25-1]

**PART 25—RELOCATION ASSISTANCE AND**  
**LAND ACQUISITION FOR FEDERAL AND**  
**FEDERALLY-ASSISTED PROGRAMS**

This amendment revises Part 25 of the Regulations of the Office of the Secretary of Transportation in accordance with experience gained by the Department since Part 25 was issued on May 13, 1971, and pursuant to revised guidelines of the General Services Administration (Federal Management Circular 74-8, dated October 4, 1974 (39 FR 37367)), for procedures to carry out the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970. Part 25, which applies to Federal and Federally-assisted programs administered by each operating administration in the Department as well as the Office of the Secretary implements a uniform Federal policy for the fair and equitable treatment of persons displaced by Federal or Federally-assisted programs or whose land is acquired for those programs.

On June 14, 1973, the Department published a notice in the Federal Register proposing to amend the regulations in Part 25. (38 FR 15696, Docket No. 29, Notice No. 73-7). Interested persons were invited to submit comments or suggestions by close of business on August 10, 1973. After consideration of all the comments and suggestions received, insofar as they relate to matters within the scope of the notice, changes to a number of the proposed rules have been incorporated in the final versions of those rules. The principal changes made follow, listed by section in the notice:

§ 25.1. Paragraph (b) was modified to make it clear that the Department will not participate in a project unless comparable replacement dwellings are available to displacees in advance of displacement.

§ 25.3. The definition "dwelling" was modified by deleting subparagraph (4) because subparagraph (5) (now redesignated subparagraph (4)) is broad enough to include subparagraph (4).

A minor editorial change was made in the definition of "own" by transferring a portion of the introductory sentence to § 25.181(d). In addition, in subparagraph (5) the word "proprietary" was added.

§ 25.11. A minor editorial change was made in the introductory paragraph of (a) of § 25.11. A portion of paragraph (c) (3) was deleted because it imposed an inequitable requirement.

§ 25.12. This section was deleted because it duplicates the requirements set forth in § 25.93.

§ 25.13. Paragraph (b) was clarified to indicate that the appropriate DOT official need not approve every written notice, but rather the conditions under which written notices may be issued.

§ 25.15. Paragraph (a) (3) (iii) was corrected to indicate that consideration should be given to unreasonable adverse

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environmental factors. Paragraph (a) (6) was deleted as surplusage. Paragraph (a) (7) was redesignated (a) (6). Paragraph (a) (8) was redesignated (a) (7) and revised to require comparable replacement dwellings to be available to all individuals regardless of sex.

§ 25.17. Paragraph (a) (7) was revised to require adequate and safe wiring to cover situations where localities have no codes governing electrical systems. Paragraph (a) (9) was changed editorially to clarify the paragraph. Paragraph (a) (10) was changed to clarify the paragraph. Paragraph (11) was deleted because it is covered in the comparable replacement dwelling requirement.

§ 25.19. Paragraph (a) (5) was changed editorially to clarify the paragraph. Paragraph (6) was deleted since it is covered in the comparable replacement dwelling requirement. Paragraph (a) (7) was deleted as surplusage.

§ 25.21. Paragraph (a) was modified to specify the subparts applicable to the paragraph.

§ 25.23. Paragraph (a) was revised so that each agency concerned shall maintain relocation accounts, records and reports in accordance to the requirement prescribed by the appropriate DOT official.

§ 25.25. This section was clarified to indicate that the appropriate DOT official is to be guided by HUD criteria.

§ 25.27. This section was clarified to indicate that the appropriate DOT official is to be guided by the HUD criteria.

§ 25.29. Paragraph (b) was revised to include the Federal Register citation to OMB Circular A-95.

§ 25.30. This section in the notice was redesignated 25.31 and clarified to include the displacement of persons.

§ 25.31. This section in the notice was redesignated 25.41 without change.

§ 25.33. This section in the notice was redesignated 25.43 without change. A new section 25.33 was added to make clear that relocation payments are not to be considered income for certain purposes.

§ 25.35. This section in the notice was redesignated 25.45 without change.

§ 25.53. Paragraph (a) was revised to indicate the sources that may be used when the preliminary investigations are made. In addition, it details the kind of data that should be included.

§ 25.55. Paragraph (c) (1) was revised since some of the information required in the notice would be obtained at an earlier stage of the project.

§ 25.57. This section was revised to indicate that with regard to displacements occurring before July 1, 1972, the assurance required applies only to the extent the State agency was able to make the assurance under State law.

§ 25.59. This section was revised to indicate that with regard to property acquisitions occurring before July 1, 1972, the assurance required applies only to the extent the State agency was able to make the assurance under State law.

§ 25.61. This section was deleted since similar requirements are covered in Subpart D.

§ 25.63. This section in the notice was redesignated 25.61 without change.

§ 25.65. This section in the notice was redesignated 25.63 without change.

§ 25.75. The introductory sentence in this section was revised to indicate that the relocation assistance advisory program must comply with Title VI of the Civil Rights Act of 1964 requirements and the Department's implementing regulations.

§ 25.77. Paragraph (c) (5) was changed to make clear the information required to be maintained.

§ 25.91. The introductory sentence in this section was revised to indicate that notices are to be posted unless prohibited by law.

§ 25.117. Paragraph (b) was changed editorially to clarify the paragraph.

§ 25.121. Paragraph (a) (5) (iii) has been deleted as surplusage. Paragraph (a) (7) was added to enable the appropriate DOT official to determine other additional allowable expenses.

§ 25.123. Paragraph (b) was added to make it clear that paragraph (a) is not applicable to an outdoor advertising display owned and located on the premises of a business or farm operation being displaced.

§ 25.157. Paragraph (b) revised the criteria for a business conducted for profit. In paragraph (b) (2) (iv) an editorial change was made to clarify the sentence. Paragraph (c) (1) corrected an error in the notice by changing the words "appropriate DOT official" to "agency concerned".

§ 25.159. In paragraph (a) a sentence was added making the criteria for a business conducted for profit applicable to a farm operation. Paragraph (b) revised the criteria for a partial displacement of a farm operation.

§ 25.163. This section was added and provides for rules in considering fixed allowances.

§ 25.187. Minor editorial changes were made to clarify the section.

§ 25.195. This section was revised to clarify the period and term applicable to payments for increased interest cost. In addition, paragraph (b) (3) provides the conditions under which purchaser points, or origination fees, or both, are payable.

§ 25.199. Minor editorial changes were made to clarify the section.

§ 25.205. Paragraph (a) was revised to provide for installments when the displaced person so requests.

§ 25.207. A minor editorial change was made in this section by including the words "and incidental expenses" in the introductory sentence to conform with paragraph 25.185(b) (2).

§ 25.209. This section was revised and paragraph (a) sets the upper limits of a down payment.

§ 25.217. This section was revised and now requires the appropriate DOT official to establish implementing criteria.

§ 25.235. Paragraph (f) was deleted since the requirement is covered in paragraph (a).

§ 25.252. This section in the notice has been redesignated as 25.260 without change.

§ 25.253. In paragraph (c), a minor editorial change was made.

Paragraph (c) was modified since deposits for the benefit of the owner may be made with a board, commission, or similar body not having jurisdiction over the condemnation proceedings.

Paragraph (d) was deleted as surplusage.

§ 25.255. The introductory paragraph was revised to indicate that the phrase "to the greatest extent practicable" is applicable to the contents of the statement.

§ 25.259. Paragraph (a) was changed to clarify the paragraph.

§ 25.261. The introductory sentence of this section was revised to conform with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

§ 25.267. This section has been added. While this provision is not part of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Department feels that is appropriate that its policy regarding replacing publicly-owned property be placed in this part.

Appendix A was deleted. Section 25.23 requires the appropriate DOT official to prescribe the record-keeping criteria.

Appendix B in the notice has been redesignated Appendix A. In addition, Table 1 and Table 2 of Appendix A were revised to reflect changes in the schedule.

Appendix C in the notice has been redesignated Appendix B without change.

In consideration of the foregoing, Part 25 of Title 49 of the Code of Federal Regulations is amended as set forth below, by—

- (a) Revising the table of sections.
- (b) Revising Subparts A through I.
- (c) Deleting Appendix A.
- (d) Redesignating Appendix B as Appendix A.
- (e) Redesignating Appendix C as Appendix B.

This amendment is issued under the authority of section 213, 84 Stat. 1900, 42 U.S.C. 4633.

*Effective date:* This amendment is effective September 4, 1975.

Issued in Washington, D.C., on August 27, 1975.

WILLIAM T. COLEMAN, Jr.,  
 Secretary of Transportation.

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APPENDIX A—Schedule of Moving Expense Allowances  
 AUTHORITY: Sec. 213, 84 Stat. 1900, 42 U.S.C. 4633.

**Subpart A—General**

**§ 25.1 Purpose and policy.**

(a) This part implements the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 which provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and Federally-assisted programs and establishes uniform and equitable land acquisition policies for Federal and Federally-assisted programs.

(b) In implementing the Act, it is the policy of the Department of Transportation to deal consistently and fairly with all persons whose property is taken for public projects and all persons who are displaced from their homes, businesses, or farms. The Department will not participate in a project which displaces individuals and families from their homes unless comparable replacement dwell-

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ings are available to them in advance of

"Homeowner" means an individual or

(i) U.S. Coast Guard.  
 and Federal Administration.

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(ii) For the purposes of Subparts D and E and §§ 25.153 and 25.155 to vacate

(6) Within the financial means of the displaced family or individual;

properly connected to a sewage water drainage system;



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ings are available to them in advance of their displacement.

## § 25.3 Definitions.

As used in this part—

"Agency concerned" means the operating administration within the Department of Transportation or the State agency responsible for carrying out the project concerned, or the Office of the Secretary of Transportation in the case of a project being carried out by that office.

"Appropriate DOT official" means an official of the Department of Transportation to whom the Secretary of Transportation has delegated authority to carry out this part, and includes any person to whom that official has redelegated that authority.

"Business" means a lawful activity, other than a farm operation, conducted primarily—

(1) For the purchase, sale, lease, or rental of personal and real property, and the manufacture, processing or marketing of products, commodities, or other personal property;

(2) For the sale of services to the public; or

(3) By a nonprofit organization.

"Dwelling" means the place of permanent or customary and usual residence of an individual or family, and includes:

(1) A single-family house;

(2) A single-family unit in a multi-family building;

(3) A unit of a condominium or cooperative housing project; or

(4) Any other residential unit.

"Economic rent" means the amount of rent a tenant or homeowner would have to pay for a dwelling comparable to the acquired dwelling in a similar area.

"Family" means two or more individuals who live together in a dwelling and are—

(1) Related by blood, marriage, adoption, or legal guardianship; or

(2) Determined to be jointly eligible for benefits under this part by the appropriate DOT official.

"Farm operation" means a lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use.

"Federal agency" means a department, agency or instrumentality in the Executive Branch of Government (except the National Capital Housing Authority), any wholly-owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

"Federal financial assistance" means a grant, loan, or contribution by the United States, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

"Federally-assisted" means assisted by a grant, loan or contribution by the United States, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

"Homeowner" means an individual or family who owns and occupies a dwelling.

"Initiation of negotiations" means the date the agency concerned makes its first personal contact with the owner of real property, or his representative, to give him a written offer for the property to be acquired.

"Mortgage" means a lien commonly given to secure an advance on, or the unpaid purchase price of, real property under the laws of the State in which real property is located, together with any credit instruments secured thereby.

"Own" means holding any of the following interests in a dwelling, or a contract to purchase one of those interests:

(1) A fee title.

(2) A life estate.

(3) A 99-year lease.

(4) A lease with at least 50 years to run from the date of acquisition of the property.

(5) A proprietary interest in a cooperative housing project which includes the right to occupy a dwelling; or

(6) Any other interest which the appropriate DOT official determines to be a sufficient proprietary right.

"Person" includes a partnership, company, corporation, or association as well as an individual or family.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, the trust territories of the Pacific Islands, or a political subdivision of any of those jurisdictions.

"State agency" means a department, public body, agency or instrumentality of a State or of a political subdivision of a State, or any department, agency or instrumentality of two or more States or of two or more political subdivisions of a State or States, the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency.

"Tenant" means an individual or family who rents, or is temporarily in lawful possession of a dwelling, including a sleeping room.

## § 25.5 Applicability.

This part applies to projects which are part of a Federal or Federally-assisted program administered by the Department of Transportation and which, after January 1, 1971, cause the displacement of persons or the acquisition of real property, including acquisition by a State agency without Federal financial assistance.

## § 25.7 Delegations of authority.

(a) Except as provided in § 25.153, the functions, powers, and duties of the Secretary of Transportation with respect to the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" are delegated to—

(1) The Assistant Secretary for Administration with respect to programs administered directly by the Office of the Secretary; and

(2) The head of each of the following operating administrations with respect to programs administered by their respective organizations:

(i) U.S. Coast Guard.

(ii) Federal Aviation Administration.

(iii) Federal Highway Administration.

(iv) Federal Railroad Administration.

(v) Urban Mass Transportation Administration.

(vi) National Highway Traffic Safety Administration.

(vii) St. Lawrence Seaway Development Corporation.

(b) Each officer to whom authority is delegated by paragraph (a) of this section may redelegate and authorize successive redelegations of that authority within the organization under his jurisdiction.

## § 25.9 Regulations.

(a) Each officer to whom authority is delegated by § 25.7 may prepare, and submit to the Assistant Secretary for Environment, Safety and Consumer Affairs for approval, regulations that—

(1) Implement the requirements of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" (84 Stat. 1894) and this part; and

(2) Prescribe additional procedures and requirements that are appropriate to the particular programs administered by the preparing officer's organization and are not inconsistent with the Act or this part.

(b) After the Assistant Secretary for Environment, Safety and Consumer Affairs approves the regulations, the preparing officer shall submit them to the FEDERAL REGISTER for publication.

(c) Regulations issued under this section are effective only after approval by the Assistant Secretary for Environment, Safety and Consumer Affairs and publication in the FEDERAL REGISTER.

(d) This section applies to each amendment of regulations issued under this section.

(e) Regulations issued under this section shall be revised, as necessary, to conform to any amendments that may be made to this part.

## § 25.11 Displaced person: qualifications.

(a) Subject to the requirements of paragraph (c) of this section, a person qualifies as a displaced person if after January 1, 1971, he moves from real property, or moves his personal property from real property, and the move is a direct result of—

(1) The initiation of negotiations—

(i) For the real property; or

(ii) For the purposes of Subparts D and E and §§ 25.153 and 25.155, for other real property on which he conducts a business or farm operation;

(2) A written notice from the agency concerned of its intent—

(i) To acquire the real property by a definite date; or

(ii) For the purposes of Subparts D and E and §§ 25.153 and 25.155, to acquire other real property on which he conducts a business or farm operation; or

(3) A written order from the agency concerned—

(i) To vacate the real property; or

(ii) For the purposes of Subparts D and E and §§ 25.153 and 25.155, to vacate other real property on which he conducts a business or farm operation.

(b) A person may qualify as a displaced person, regardless of—

(1) Whether the property is acquired by a Federal or State agency;

(2) The method of acquisition;

(3) The name or status of the person who acquires or holds fee title to the property; or

(4) Whether Federal funds contribute directly to the payment for the property, if the property must be acquired for a Federal or Federally-assisted program or project, and the end result is to serve or be considered to serve in the public interest.

(c) A person does not qualify as a displaced person under paragraph (a) (1) or (2) of this section until—

(1) The agency concerned becomes entitled to possession of the real property under an agreement or a court order in a condemnation proceeding for acquiring the property;

(2) The owner conveys title to the real property to the agency concerned; or

(3) The owner and the agency concerned enter into a contract for the purchase of the real property.

## § 25.13 Notices of intent to acquire real property.

The agency concerned may not issue written notices of intent to acquire real property by a definite date until—

(a) The beginning of any project phase which will cause the displacement of persons who are to receive the written notices; and

(b) The appropriate DOT official has approved the conditions under which the written notices may be issued.

## § 25.15 Comparable replacement dwelling: requirements.

(a) A dwelling is a comparable replacement dwelling for the purposes of this part if it is available on the market and—

(1) Decent, safe, and sanitary;

(2) Functionally equivalent and substantially the same as the dwelling being acquired, but not excluding newly constructed housing, with respect to—

(i) Number of rooms;

(ii) Area of living space;

(iii) Type of construction;

(3) In an area not generally less desirable than the dwelling being acquired with respect to—

(i) Public utilities;

(ii) Public and commercial facilities; and

(iii) Neighborhood conditions, including municipal services, and unreasonably adverse environmental factors;

(4) Reasonably accessible to the place of employment, or potential place of employment, of the head of the displaced family, or the displaced individual, as the case may be;

(5) Adequate in size to accommodate the needs of the displaced family or individual;

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(6) Within the financial means of the displaced family or individual;

(7) Is open to all individuals regardless of race, color, religion, or national origin, in a manner consistent with the requirements of title VIII of the Civil Rights Act of 1968, and which is available to all individuals regardless of sex.

(b) If replacement dwellings which meet the requirements of paragraphs (a) (1)-(7) of this section are not available on the market, the agency concerned may, after a proper finding of the need therefor, treat available dwellings which exceed those requirements as comparable replacement dwellings.

(c) For the purpose of paragraph (a) (6) of this section, a dwelling is within the financial means of an individual or family if, taking into account payments made under Subpart G of this part, the monthly housing cost (including payments for mortgage, insurance, and property taxes) or rental cost is not more than—

(1) 25 percent of the monthly gross income of the individual or family, including supplemental income payments received from public agencies; or

(2) The portion of the monthly gross income of the individual or family, including supplemental income payments received from public agencies, paid for rent or housing cost at the acquired dwelling if the rent or housing cost is not excessive taking into consideration the cost of other needs of the family or individual.

## § 25.17 Decent, safe, and sanitary dwelling: requirements.

(a) A dwelling is decent, safe, and sanitary for the purposes of this part if it—

(1) Meets the applicable State or local building, plumbing, electrical, housing and occupancy codes or similar ordinances or regulations for existing structures;

(2) Has a continuing and adequate supply of potable safe water;

(3) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and properly connected to hot and cold water, and to a sewage water drainage system;

(4) Has a cooking stove and refrigerator in good operating condition, if required by local code or ordinance, or, if not so required, utility service connections and adequate space for these installations in the kitchen or area set aside for kitchen use;

(5) Except in a geographical area where it is not normally included in new housing, has an adequate heating system in good working order capable of maintaining a minimum temperature of 68 degrees F. in the living area (not including the bedrooms) under local outdoor temperature design conditions;

(6) Has a bathroom, well lighted and ventilated and affording privacy to an individual within it, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and

properly connected to a sewage water drainage system;

(7) Has an adequate and safe electrical wiring system for lighting and other electrical services in each room;

(8) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;

(9) Has a continuous and unobstructed path of travel from any point in the dwelling to a safe open space at ground level and, in the case of a multi-dwelling building of more than two stories, at least two continuous and unobstructed paths of travel from the common corridor on each story; and

(10) Has habitable sleeping, living, cooking, and dining floor space (exclusive of such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, or similar spaces) which is subdivided into adequately ventilated rooms sufficient to accommodate the occupants.

(b) If an applicable local housing code does not meet all the requirements of paragraph (a) of this section or there is no local housing code, the agency providing relocation assistance may establish and submit the standards to the appropriate DOT official for approval as acceptable standards for decent, safe, and sanitary housing.

(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the agency concerned may, with the concurrence of the appropriate DOT official, waive any requirement of paragraph (a) of this section.

## § 25.19 Decent, safe, and sanitary rental sleeping rooms: requirements.

(a) A rental sleeping room is decent, safe, and sanitary for the purposes of this part if it—

(1) Meets applicable State or local building, plumbing, electrical, housing and occupancy codes or similar ordinances or regulations for existing structures;

(2) Except in a geographical area where it is not normally included in new housing, has an adequate heating system in good working order which will maintain a minimum temperature of 68 degrees F. under local outdoor temperature design conditions;

(3) Has an adequate and safe electrical wiring system for lighting and other electrical services;

(4) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;

(5) Has a continuous and unobstructed path of travel from any point in a dwelling to a safe open space at ground level and, in the case of a rooming house, access from each sleeping room directly or through a common corridor to a safe open space at ground level and, in the case of a rooming house of more than two stories, at least two continuous and unobstructed paths of travel from the common corridor on each story; and

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(6) Provides use of a bathroom, well lighted and affording privacy to an individual within it, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and

properly connected to a sewage water drainage system;

(7) Has an adequate and safe electrical wiring system for lighting and other electrical services in each room;

(8) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;

(9) Has a continuous and unobstructed path of travel from any point in the dwelling to a safe open space at ground level and, in the case of a multi-dwelling building of more than two stories, at least two continuous and unobstructed paths of travel from the common corridor on each story; and

(10) Has habitable sleeping, living, cooking, and dining floor space (exclusive of such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, or similar spaces) which is subdivided into adequately ventilated rooms sufficient to accommodate the occupants.

(b) If an applicable local housing code does not meet all the requirements of paragraph (a) of this section or there is no local housing code, the agency providing relocation assistance may establish and submit the standards to the appropriate DOT official for approval as acceptable standards for decent, safe, and sanitary housing.

(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the agency concerned may, with the concurrence of the appropriate DOT official, waive any requirement of paragraph (a) of this section.

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(3) He prepares a relocation plan which meets the requirements of § 25.55

Federally-assisted project to which this part applies until the State agency has

written assurance from the head of the State agency that—



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(6) Provides use of a bathroom, well lighted and ventilated and affording privacy to an individual within it, including a door that can be locked if the facilities are separate from the sleeping room, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage water drainage system.

(b) If an applicable local housing code does not meet all the requirements of paragraph (a) of this section if there is no local housing code, the agency providing relocation assistance may establish and submit the standards to the appropriate DOT official for approval as acceptable standards for decent, safe, and sanitary housing.

(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the agency concerned may, with the concurrence of the appropriate DOT official, waive any requirement of paragraph (a) of this section.

## § 25.21 Appeals.

(a) An applicant for a payment under Subparts E, F, G and I who is aggrieved by an agency's determination as to the applicant's eligibility for payment or the amount of the payment may appeal that determination in accordance with the procedures established by the agency concerned under paragraph (b) of this section.

(b) Each agency concerned shall establish procedures for reviewing appeals by aggrieved applicants for payments under this part. The procedures shall ensure that—

(1) Each appellant applicant has the opportunity for oral presentation;

(2) Each appeal will be decided promptly and the applicant is informed of the decision in writing;

(3) Each appeal decision will include a statement of the reasons upon which it is based;

(4) The agency retains all documents associated with each appeal; and

(5) Each appellant applicant has a right of final appeal to the head of the agency concerned.

## § 25.23 Accounts, records and reports.

(a) Each agency concerned, in accordance with requirements prescribed by the appropriate DOT official, shall—

(1) Maintain relocation accounts and records and make them available for inspection by Federal officials during regular business hours; and

(2) Submit timely, complete, and accurate reports on relocation assistance and benefits rendered.

(b) The accounts and records maintained under paragraph (a) (1) of this section must be retained by the agency at least 3 years after completion of the project to which they pertain.

## § 25.25 Last report housing.

If a relocation plan submitted under §§ 25.33 or 25.55 discloses that there are not enough comparable replacement

dwellings, the appropriate DOT official may use project funds, or authorize a State agency to use project funds, as the case may be, to develop housing. In doing so, that official is to be guided by criteria and procedures of the Secretary of Housing and Urban Development appearing at 24 CFR Part 43, Subpart A.

## § 25.27 Loans for planning and preliminary expenses.

An appropriate DOT official may make or approve loans for planning and preliminary expenses in connection with the construction or rehabilitation of housing under Section 214 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894). In doing so, that official is to be guided by the criteria and procedures of the Secretary of Housing and Urban Development appearing at 24 CFR Part 43, Subpart B.

## § 25.29 Consultation at planning stage.

(a) Each agency concerned that plans a project which will result in the displacement of persons in an area in which one or more other Federal or State agencies are also planning projects which will result in the displacement of persons, shall—

(1) Coordinate its relocation assistance activities and available housing resources with the other agencies;

(2) Designate at least one employee to meet with the representatives of the other agencies to review the impact of their respective projects on the persons that will be displaced by the project; and

(3) Consult with the appropriate Housing and Urban Development regional area office on the availability of housing resources and provide that office with information concerning the persons that will be displaced by the project. (See 39 F.R. 37374 for a listing of the area offices.)

(b) Each agency concerned that plans a project which will result in the displacement of persons shall coordinate that project through the State, regional, and metropolitan planning and development clearinghouses pursuant to the Office of Management and Budget Circular published on November 28, 1973, at 38 F.R. 32874.

## § 25.31 State agency obligated to provide real property for Federal or Federally-assisted project.

(a) Whenever real property is acquired by a State agency and provided as the required contribution incident to a Federal or Federally-assisted project, no DOT official may accept that real property until he determines that the State agency has carried out the requirements of §§ 25.57 and 25.59. However, in the case of displacement of persons or real property acquisition occurring before July 1, 1972, this section is applicable only to the extent that agency was able to meet the requirements of §§ 25.57 and 25.59 under State law.

(b) The cost to a State agency of providing the payments and services required by this part shall be paid in the same manner and to the same extent as

the cost of the real property acquired for the project. The Department of Transportation will pay a State agency the full amount of the first \$25,000 of the cost of providing payment and services for any person displaced before July 1, 1972.

## § 25.33 Payments not to be considered income.

Payments received by a displaced person under Subparts E, F, or G of this part shall not be considered income for the purpose of—

(1) Internal Revenue Code of 1954; or

(2) Determining the eligibility or extent of eligibility for assistance under the Social Security Act or any other Federal law.

## Subpart B—Requirements for Federal Projects

## § 25.41 Scope.

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a Federally-assisted program administered by the Department of Transportation.

## § 25.43 Determinations: displacement of persons.

(a) No DOT official may approve a Federal project to which this part applies which will result in the displacement of any person until he determines that—

(1) Fair and reasonable relocation payments will be provided to displaced persons as required by Subparts E, F, and G of this part;

(2) Relocation assistance programs offering the services described in Subpart D of this part will be provided for displaced persons;

(3) The public was or will be adequately informed of the relocation payments and services which will be available under Subparts D, E, F, and G of this part; and

(4) Comparable replacement dwellings will be available, or provided if necessary, within a reasonable period of time before any individual or family is displaced.

(b) No DOT official may proceed with any phase of a Federal project if that phase will cause the displacement of any individual or family until—

(1) He determines that based on a current survey and analysis of available replacement housing and considering competing demands for that housing, comparable replacement dwellings will be available within a reasonable period of time prior to displacement equal in number to the displaced individuals and families that require them;

(2) He determines that adequate provisions have been made to provide orderly, timely, and efficient relocation of displaced individuals and families to decent, safe, and sanitary housing available without regard to race, color, religion, sex, or national origin with minimum hardship to those affected; and

(3) He prepares a relocation plan which meets the requirements of § 25.55 (a), (b) and (c).

## § 25.45 Determinations: acquisition of real property.

No DOT official may approve a Federal project to which this part applies and which will result in the acquisition of real property until he determines that adequate provisions have been made to—

(a) Fully comply with the requirements of Subpart I, of this part; and

(b) Inform the public of the acquisition policies, requirements, and payments which will apply to the project.

## Subpart C—Requirements for Federally-Assisted Projects

## § 25.51 Scope.

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a Federally-assisted program administered by the Department of Transportation.

## § 25.53 Preliminary requirements.

Before a State agency begins a Federally-assisted project to which this part applies, it shall—

(a) Make preliminary investigations of relocation problems by visual inspection of the proposed project area and by community and other sources where available to determine—

(1) The approximate number of persons that will be displaced;

(2) The number of businesses and farm operations that will be displaced;

(3) The characteristics of the individuals and families that will be displaced with respect to racial and ethnic identification, age, number of children, income level, nature of occupancy and tenure of residency.

(4) The probable availability of comparable replacement dwellings.

(b) Submit to the appropriate DOT official—

(1) A statement of the basis for the data required by paragraph (a) of this section;

(2) A statement of the displacement problems involved at each identifiable location, along with possible solutions; and

(3) If the data required by paragraph (a) of this section disclose that the comparable replacement dwellings will be insufficient to meet the displacement needs of the project, a description of the actions proposed to insure that the necessary dwellings will be available in advance of any displacement.

If a public hearing is held concerning the project, the State agency shall submit the information required by paragraph (b) of this section in advance of that hearing. Where prepared, the information shall be set forth in an environmental impact statement or in a negative declaration.

## § 25.55 Relocation plan required.

No DOT official may authorize a State agency to proceed with any phase of a

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Federally-assisted project to which this part applies until the State agency has submitted a relocation plan to him for approval. The plan shall include:

(a) An inventory of the characteristics and needs of persons to be displaced. This inventory may be based upon a representative sampling process rather than a complete occupancy survey.

(b) An estimated inventory of currently available comparable replacement dwellings. The inventory shall set forth for each dwelling the type of house or building, state of repair, number of rooms, type of neighborhood, proximity of public transportation, schools, and commercial shopping areas, and distance to any pertinent social institutions, such as religious and community facilities.

(c) An analysis of the information required by paragraphs (a) and (b) of this section which—

(1) Discusses relocation problems and possible solutions;

(2) Provides an analysis of Federal, State, and community programs currently in operation in the project area which will affect the availability of housing;

(3) Provides detailed information on concurrent displacement and relocation by other governmental agencies or private concerns;

(4) Describes the methods to be used to relocate displaced persons; and

(5) Explains the amount of lead time necessary to carry out a timely, orderly, and humane relocation program.

(6) Sets forth the results of consultation held under § 25.29.

## § 25.57 Assurances required: displacement of persons.

(a) No DOT official may approve a Federally-assisted project to which this part applies and which results in the displacement of any person until the head of the State agency provides that official with satisfactory written assurances that after January 1, 1971—

(1) It provides fair and reasonable relocation payments to displaced persons as required by Subparts E, F, and G of this part;

(2) It provides relocation assistance programs for displaced persons offering the services described in Subpart D of this part;

(3) It adequately informs the public of the relocation payments and services which are available under Subparts D, E, F, and G of this part; and

(4) Based on the requirements of § 25.53 comparable replacement dwellings are available, or provided if necessary, within a reasonable period of time before any individual or family is displaced. However, the assurances required by this paragraph apply to displacements occurring before July 1, 1972, only to the extent the State agency was able to make the assurances under State law.

(b) No DOT official may authorize a State agency to proceed with any phase of a project if that phase will cause the displacement of any individual or family until that official receives satisfactory,

written assurance from the head of the State agency that—

(1) Based on a current survey and analysis of available replacement housing and in considering competing demands for that housing, comparable replacement dwellings will be available within a reasonable period of time prior to displacement, equal in number to the displaced individuals and families that require them; and

(2) The State agency relocation program is realistic and is adequate to provide orderly, timely, and efficient relocation of displaced individuals and families to decent, safe, and sanitary housing available without regard to race, color, religion, sex, or national origin with minimum hardship to those affected.

## § 25.59 Assurances required: acquisition of real property.

No DOT official may approve a Federally-assisted project to which this part applies and which results in the acquisition of real property until the head of the State agency concerned provides that official with satisfactory written assurances that after January 1, 1971, it—

(a) Is guided by the requirements of §§ 25.253, 25.255, 25.257 and 25.259 to the greatest extent practicable under State law and fully complies with all other requirements of Subpart I of this part; and

(b) Adequately informs the public of the acquisition policies, requirements, and payments which apply to the project. However, the assurances required by this section apply to real property acquisitions occurring before July 1, 1972, only to the extent the State agency was able to make the assurances under State law.

## § 25.60 Monitoring assurances.

After a State agency provides the assurances under §§ 25.57 and 25.59 for a Federally-assisted project, the appropriate DOT official shall monitor the activities of the State agency with respect to the project to insure that those assurances are or have been carried out.

## § 25.61 Use of Federal financial assistance.

(a) Federal financial assistance may not be used for relocation and acquisition costs unless—

(1) The Federally-assisted project concerned has been approved and authorized to proceed;

(2) The relocation and acquisition costs are lawfully incurred; and

(3) The project agreement has been executed for the particular project involved.

(b) The type of interest acquired in real property does not affect the eligibility of related relocation costs for Federal financial assistance provided the interest is sufficient to cause displacement.

(c) Federal financial assistance may not be used to pay a relocated person for any loss that is due to his negligence.

(d) Federal financial assistance may not be used for any payment under this part to a displaced person if that person receives a separate payment which is—



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- (1) Required by the State law of eminent domain;
- (2) Determined by the appropriate DOT official to have substantially the same purpose and effect as a payment under this part; and
- (3) Otherwise included as a project cost for which Federal financial assistance is available.

## § 25.63 Federal share of costs.

(a) The cost to a State agency of providing the payments and services required by this part, shall be included as part of the cost of the Federally-assisted project and, except as provided in paragraphs (b) and (c) of this section, the State agency is eligible for Federal financial assistance with respect to those costs in the same manner and to the same extent as other project costs.

(b) If Federal financial assistance is by grant or contribution, the Department of Transportation will pay a State agency the full amount of the first \$25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

(c) If Federal financial assistance is by loan, the Department of Transportation will loan a State agency the full amount of the first \$25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

## Subpart D—Relocation Assistance Advisory Programs

## § 25.71 Scope.

This subpart prescribes requirements for relocation assistance advisory programs for persons who will be displaced by projects which are part of a Federal or Federally-assisted program administered by the Department of Transportation.

## § 25.73 Extension of services to adjacent occupants.

Each agency concerned shall provide the relocation assistance advisory services described in this subpart to all prospective displaced persons. The agency may also offer those services to any person occupying property immediately adjacent to the real property being acquired who, in the agency's opinion, will suffer substantial economic injury.

## § 25.75 Relocation programs: general requirements.

Each agency concerned shall carry out a relocation assistance advisory program so that displaced persons will receive uniform and consistent services and payments regardless of race, color, or national origin pursuant to Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000a) and Part 21 of this title. The program must provide for—

- (a) Explaining to persons the relocation assistance and payments that are available;
- (b) Assisting persons to complete applications required for payments;

(c) Determining the needs of persons for relocation assistance;

(d) Informing persons as to the availability and costs of comparable replacement dwellings and comparable locations for businesses and farm operations;

(e) Assisting each individual or family to obtain and move to a comparable replacement dwelling;

(f) Informing individuals and families as to Federal and State housing programs; and

(g) Providing counsel and advice to displaced persons that will minimize the hardships associated with adjusting to a new location.

## § 25.77 Organizational requirements.

The organization and procedures of the agency concerned for carrying out a relocation assistance advisory program must include provisions for:

(a) Assigning at least one employee whose primary responsibility is to provide relocation assistance for one or more projects;

(b) Establishing a local relocation office for each project where the agency determines that the volume of work or the needs of the displaced persons so require.

(c) Maintaining and providing the following information for each project:

(1) Lists of replacement dwellings available without regard to race, color, religion, sex, or national origin drawn from various sources, suitable in price, size, and condition for individuals and families.

(2) Current information as to security deposits, closing costs, typical down payments, interest rates, and terms for residential real property in the area.

(3) Maps showing the location of schools, parks, playgrounds, shopping, and public transportation routes in the area.

(4) Schedules and costs of public transportation in the area.

(5) Copies of:

(i) The agency's brochure explaining its relocation program;

(ii) Local ordinances pertaining to housing and building codes;

(iii) Consumer education literature on housing, shelter costs, and family budgeting; and

(iv) Federal and local statutes and regulations on open housing.

(6) Subscriptions for apartment directory services, neighborhood and metropolitan newspapers, and where available, multiple listing services.

## § 25.79 Local relocation office.

(a) A determination of whether or not to establish a local relocation office must be made before any phase of a project causes the displacement of any person, and submitted to the appropriate DOT official for approval.

(b) The office must be established at a place reasonably convenient to public transportation or within walking distance of the project and shall be open during hours (including evening hours when necessary) convenient to the persons being displaced.

(c) In the employment of individuals in the local relocation office, consideration should be given to those who are familiar with the problems of the area.

## § 25.81 Coordination with other agencies.

(a) Each agency concerned shall coordinate its relocation assistance activities with the local officials of the Federal Housing Administration and Veterans Administration responsible for making properties acquired by those agencies available for direct sale to persons to be relocated as a result of governmental action.

(b) The employee assigned by the agency concerned to provide relocation assistance for a particular project shall maintain personal contact and exchange information with welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Federal Housing Administration, the Veterans Administration, the Small Business Administration and other Federal and State agencies providing services to displaced persons. He shall also collect and maintain information on private replacement properties in the area of the project through personal contact with real estate brokers, real estate boards, property managers, apartment owners and operators, and home building contractors.

## § 25.83 Public information: general.

(a) To ensure public awareness of its relocation assistance advisory program, when a public hearing is held for a project, the agency concerned shall provide an opportunity for presentation of information and discussion of relocation services and payments at the hearing. The agency shall also prepare a relocation brochure, and give full and adequate public notice of the relocation program for each project to which this part applies.

(b) In areas where a language other than English is predominant, public information must be published in the predominant language as well as in English, unless—

(1) The appropriate DOT official finds that publication in a language other than English is unnecessary; and

(2) An alternative program is established for the displaced person unable to communicate in English.

## § 25.85 Public information: hearings.

If a public hearing is held for a project, the following information must be presented at the hearing:

(a) Eligibility requirements, payment procedures and limitations for moving expenses and replacement housing;

(b) A description of the expenses incidental to transfer of property that will be paid;

(c) Appeal procedures;

(d) A description of how relocation assistance and services will be provided;

(e) The address and telephone number of the local office of the State agency and the name of the relocation officer in charge;

(f) The identity, local address, and telephone number of any other cooperating agency;

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(g) An estimate of the number of individuals, families, businesses, and farm operations to be relocated;

(h) The estimated number of dwelling units presently available to meet the replacement housing needs; and

(i) An estimate of the time necessary for relocation and the number of comparable replacement dwellings that will become available during that period. The extent of the presentation should depend on the comprehensiveness of the brochure. If the brochure covers a particular item in detail, it is sufficient to merely highlight what the brochure contains. If a particular item is not applicable to the project, it is not necessary to discuss the item in detail.

## § 25.87 Public information: brochure.

The agency concerned shall prepare a brochure which fully describes its relocation assistance advisory program, including information on payments for replacement housing, moving expenses and appeal procedures. The brochure must be distributed free of charge at all public hearings and given to any prospective displaced person upon request. The brochure must state where copies of any regulations implementing the relocation assistance program may be obtained.

## § 25.89 Public information: announcements.

The agency concerned shall provide brief public announcements of the relocation services, payments, and where the brochure describing the relocation program can be obtained, unless the appropriate DOT official finds that public announcements are not necessary because only a small number of persons will be displaced. Public announcements must be made over any type of mass media that is familiar to persons who will be displaced by the project, such as local newspapers, radio, television, or posted advertisements.

## § 25.91 Public information: notices.

Within 15 days after approval to begin any phase of a project which will cause the displacement of any person, unless prohibited by law, the agency concerned shall post notices of acquisition in adequate numbers and in places accessible to occupants of dwellings to be taken for the project. In addition, an adequate number of advertisements must be run in newspapers normally read by occupants of dwellings to be taken. The posted notices and newspaper advertisements must—

(a) State the date approval was given for that phase of the project;

(b) Define the area of the project;

(c) Advise occupants of the area of the eligibility requirements for receiving moving and replacement housing payments;

(d) Advise occupants to notify the agency before moving to ensure eligibility for moving and replacement housing payments;

(e) Advise homeowners that to be eligible for relocation benefits they must sell to the agency concerned; and

(f) State where the brochure describing the relocation program may be obtained.

## § 25.93 Information for displaced persons.

(a) The agency concerned shall deliver to each prospective displaced person either in person or by certified or registered first-class mail, return receipt requested—

(1) A brochure explaining the relocation assistance advisory program; and

(2) If it is not included in the brochure, a notice stating the eligibility requirements for payments for replacement housing and moving expenses.

(b) In addition to the information furnished under paragraph (a) of this section, the agency concerned shall deliver to each homeowner and tenant that will be displaced, either in person or by certified or registered first-class mail, return receipt requested, a written statement setting forth the optional types and amounts of replacement housing payments to which they may be entitled.

(c) The information required by paragraphs (a) and (b) of this section must be furnished—

(1) To homeowners not later than the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(2) To tenants within 7 days after the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be.

(d) The agency concerned shall notify each prospective displaced person of his right of appeal under § 25.21.

## Subpart E—Moving and Related Expenses

## § 25.111 Scope.

This subpart prescribes the requirements governing the payment of moving and related expenses of persons displaced by projects which are part of a Federal or Federally-assisted program administered by the Department of Transportation.

## § 25.113 Eligibility.

(a) A displaced person is eligible for payment of moving and related expenses under this subpart without regard to the length of time that he occupied the real property from which he is displaced.

(b) A person eligible for a payment under § 25.121 with respect to a business or farm operation may also be eligible for a payment under § 25.121 as a dwelling occupant, even though he resides on the business or farm property that is acquired.

## § 25.115 Payment limited to one move: exception.

(a) Except as provided by paragraph (b) of this section, payment of a displaced person's moving and related expenses may not be made for more than one move in connection with a particular project.

(b) If the appropriate DOT official considers it to be in the public interest, he may authorize payment of a displaced person's moving and related expenses for additional moves.

## § 25.117 Moving expenses: application and payment.

(a) Upon application by a displaced person for payment of moving and related expenses, the agency concerned shall—

(1) Pay those expenses in accordance with this subpart; or

(2) If the applicant elects to receive it, pay him a fixed allowance in accordance with Subpart F of this part.

(b) The application must be in writing and filed with the agency concerned within 18 months after the date the applicant moves from real property, or moves his personal property from real property, as the case may be, or the date of acquisition, whichever is later. The application must include an itemization of the expenses involved and, except as provided in paragraphs (d) and (e) of this section, must be supported by receipts and such other evidence as the agency concerned may require.

(c) A displaced person may not be paid for his moving expenses in advance of the actual move unless the agency concerned finds that a hardship would otherwise result.

(d) If a displaced person, his mover, and the agency concerned agree in writing, the displaced person may submit an unpaid bill for moving expenses for direct payment.

(e) If the agency concerned contracts with independent movers on a schedule basis and provides a displaced person with a list of movers he may choose from to move his personal property, payment shall be made directly to the mover.

(f) In the case of a self-move by a displaced person who conducts a business or farm operation, the amount of payment for actual reasonable moving expenses is negotiable but may not be more than the lower of two firm bids or estimates received by the agency concerned, unless the appropriate DOT official determines that a greater amount is justified.

## § 25.119 Exclusions.

A displaced person is not entitled to be paid for—

(a) Additional expenses incurred because of living in a new location;

(b) The cost of moving structures or other improvements to real property in which ownership is reserved by the displaced person, except as otherwise provided under section 25.193.

(c) Improvements to the replacement site, except when required by law;

(d) Interest on loans to cover moving expenses;

(e) Loss of good will;

(f) Loss of profits;

(g) Loss of trained employees;

(h) Personal injury;

(i) Cost of preparing the application for moving and related expenses;

(j) Expenses in searching for a replacement dwelling; or

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(k) Any item which the appropriate DOT official excludes from payments

the agency concerned shall consider acquiring the display as part of the real

who conducts a business or farm operation is entitled to not more than \$500, or such higher amount as the agency

meets the requirements of paragraphs (b) or (c) of this section may elect to receive a fixed allowance in lieu of actual

§ 25.161 Computing average annual net income: businesses and farm operations.

(g) Contracts for the construction of a dwelling on a site provided by a builder or on a site which he owns or acquires.



(k) Any item which the appropriate DOT official excludes from payments consistent with this part.

**§ 25.121 Moving expenses: displaced persons.**

(a) Except as provided in § 25.119, a displaced person is entitled to actual reasonable expenses for—

(1) Transporting individuals, families and personal property from the displacement site to a replacement site, but not more than fifty (50) miles unless the agency concerned finds that the displaced person cannot relocate within that distance;

(2) Packing and unpacking, crating and uncrating, and, if the agency concerned finds it necessary, storing his personal property for not more than 12 months;

(3) If the agency concerned finds it necessary advertising for packing, crating, storing or transporting his personal property;

(4) Insuring against loss or damage of his personal property while in storage or transit;

(5) Removing and reinstalling machinery, appliances, and equipment, including modifying the machinery, appliance, or equipment, and reconnecting utilities, if—

(i) It is not acquired by the agency concerned as real property; and

(ii) The displaced person agrees in writing that the machinery, appliance, or equipment is personal property and releases the agency concerned from paying for it;

(6) Searching for a replacement business or farm operation, to the extent those expenses meet the requirements of § 25.129, if the displaced person conducts a business or farm operation which is discontinued or relocated; and

(7) Such other reasonable expenses determined to be allowable by the appropriate DOT official.

(b) A displaced person is entitled to be reimbursed for uninsurable loss or damage of his personal property while in the process of moving, if the loss or damage was not the result of his fault or damage.

(c) A displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to the actual direct losses of personal property resulting from the discontinuation or relocation, to the extent those losses meet the requirements of § 25.127.

**§ 25.123 Moving expenses: outdoor advertising businesses.**

(a) A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays, whether or not the displays are located on the premises on which any of those activities are conducted, is entitled to the moving expenses described in § 25.121. However, if the cost of moving an outdoor advertising display is more than the in-place fair market value of the display,

the agency concerned shall consider acquiring the display as part of the real property, unless prohibited by State law.

(b) Paragraph (a) of this section does not apply to an outdoor advertising display owned by and located on the premises of a business or farm operation being displaced.

**§ 25.125 Low value, high bulk property: businesses and farm operations.**

In the case of low value, high bulk personal property, such as junk, stockpiled sand, gravel, minerals, metals, or similar items, used in connection with a relocated business or farm operation, payment for actual reasonable moving expenses may not be more than the cost of replacing that property at the relocation site less the amount for which it could be sold at the displacement site.

**§ 25.127 Actual direct losses: businesses and farm operations.**

(a) Subject to the requirements and limitations in paragraphs (b) through (e) of this section, a displaced person who conducts a business or farm operation is entitled to payment for actual direct losses of personal property that is used in connection with the business or farm operation but is—

(1) No longer needed because the business or farm operation is being discontinued; or

(2) Not being moved to a relocation site because it is not suitable for use there.

(b) A displaced person who conducts a business or farm operation which is discontinued or relocated shall make a bona fide effort to sell personal property he does not move.

(c) If a displaced person relocates a business or farm operation and sells an item of personal property and promptly replaces it with a comparable item, payment for actual direct loss of the original item may not be more than the replacement cost less its sale price, or the estimated cost of moving the original item, whichever is less.

(d) If a displaced person discontinues a business or farm operation and sells an item of personal property, payment for actual direct loss of the item may not be more than the fair market value of the item for continued use at its location prior to displacement less its sale price, or the estimated cost of moving the original item 50 miles, whichever is less.

(e) If a displaced person abandons an item of personal property after making a bona fide effort to sell it, payment for the actual direct loss of that item may not be more than the fair market value of the item for continued use at its location prior to displacement or the estimated cost of moving the original item 50 miles, whichever is less, irrespective of the cost to the agency concerned of removing that item.

**§ 25.129 Expenses in searching for replacement business or farm operation.**

(a) Except as provided in paragraph (b) of this section, a displaced person

who conducts a business or farm operation is entitled to not more than \$500, or such higher amount as the agency concerned considers justified under the circumstances, for actual reasonable expenses in searching for a replacement business or farm operation including—

(1) Cost of travel;

(2) Cost for meals and lodging;

(3) An amount for time spent searching, based on the salary or earnings of the displaced person from the business or farm operation, but not more than \$10 per hour; and

(4) If the agency concerned considers it desirable, the cost of a broker or realtor, or other professional fees, to locate a replacement site.

(b) A displaced person who conducts an advertising business described in § 25.123, is entitled to not more than \$100, or if the agency concerned considers it justified under the circumstances not more than \$500, for actual reasonable expenses in searching for a replacement outdoor advertising display site.

**Subpart F—Fixed Allowance in Lieu of Moving and Related Expenses**

**§ 25.151 Scope.**

This subpart prescribes the requirements governing payment of dislocation and moving expense allowances to displaced persons who are eligible for payment of their actual moving and related expenses under Subpart E of this part, but elect to receive a fixed allowance in lieu thereof.

**§ 25.153 Schedule of moving expense allowances: individuals and families.**

The Federal Highway Administrator shall establish and maintain in Appendix B a schedule of moving expense allowances applicable to individuals and families displaced by projects to which this part applies for each State. The schedule shall cover every locality in the State and shall be based on current local moving costs. The allowance for any individual or family may not be more than \$300.

**§ 25.155 Dislocation and moving expense allowances: individuals and families.**

(a) Except as provided in paragraph (b) of this section, a displaced individual or family who elects to receive fixed dislocation and moving expense allowances in lieu of payment of actual moving and related expenses is entitled to—

(1) A dislocation allowance of \$200; and

(2) The applicable moving expense allowance specified in the schedule of moving expense allowances maintained in Appendix A for the locality in which the displacement occurs.

(b) Two or more individuals, not a family, who occupy the same dwelling, are considered to be a single family for the purposes of this section.

**§ 25.157 Fixed allowance: profit and nonprofit businesses.**

(a) A displaced person who conducts a business (other than an advertising business as described in § 25.123) which

meets the requirements of paragraphs (b) or (c) of this section may elect to receive a fixed allowance in lieu of actual moving and related expenses equal to the average annual net earnings of the business, computed in accordance with § 25.161, but not less than \$2,500 or more than \$10,000.

(b) A business conducted for profit qualifies for payment under this section if, in the opinion of the agency concerned, it—

(1) During the two taxable years immediately preceding displacement has—

(i) Average gross receipts of at least \$2,000 in value;

(ii) Average annual net earnings of at least \$1,000 in value; or

(iii) Contributes to at least 33½ percent of the average gross income of the displaced person.

(2) Cannot be relocated without substantial loss of existing patronage, taking into consideration—

(i) The type of the business;

(ii) The nature of its clientele;

(iii) The relative importance of the displacement and proposed relocation sites to the business; and

(iv) The availability of the relocation site for the business; and

(3) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired by the agency concerned.

(c) A business conducted by a nonprofit organization qualifies for payment under this section if, in the opinion of the agency concerned, it—

(1) Cannot be relocated without substantial loss of existing patronage, taking into consideration the persons, community, or clientele served or affected by the business; and

(2) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired by a State agency or the United States.

**§ 25.159 Fixed allowance: farm operation.**

(a) A displaced person who conducts a farm operation and elects to receive a fixed allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net income of the farm operation, computed in accordance with § 25.161, but not less than \$2,500 or more than \$10,000. Each farm operation shall be subject to the criteria established in § 25.157(b)(1).

(b) In the case of a partial acquisition and displacement of a farm operation, the fixed allowance described in paragraph (a) of this section may be paid only if the agency concerned determines that—

(1) The displaced activity was a farm operation before the acquisition of the displacement site;

(2) The acquisition caused the displacement from the farm operation or the remaining land; or

(3) The acquisition caused such a substantial change in the nature of the farm operation as to constitute a displacement.

**§ 25.161 Computing average annual net income: businesses and farm operations.**

(a) For the purposes of this subpart, the average annual net earnings is one-half of any net earnings of a business or farm operation before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which it was displaced. Net earnings include any compensation obtained from the business or farm operation by its owner, his spouse, or dependents. However, when a business or farm operation has no average annual net earnings or has an average annual net deficit during the period used to compute average annual net earnings, the person who conducts that business or farm operation may receive a \$2,500 payment if he is otherwise eligible for payment under § 25.157 or § 25.159.

**§ 25.163 Rules in considering fixed allowance: businesses and farm operations.**

(a) If the agency concerned finds that the two tax years immediately preceding displacement are not representative, or if the business or farm operation has not been in operation that long, it may, with the concurrence of the appropriate DOT official, prescribe some other time period for computing average annual net earnings.

(b) If the agency concerned finds that the criteria established in § 25.157(b)(1) or § 25.159(b) creates an inequity in a particular case, it may, with the concurrence of the appropriate DOT official, prescribe other criteria.

(c) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this subpart, he shall provide proof of his earnings from the business or farm operation to the agency concerned. Proof of earnings may be established by income tax returns, certified financial statements, or other similar evidence.

**Subpart G—Replacement Housing Payments**

**§ 25.171 Scope.**

This subpart prescribes the requirements governing payment for replacement housing for individuals and families displaced by projects which are part of a Federal or Federally-assisted program administered by the Department of Transportation.

**§ 25.173 Purchase of a decent, safe, and sanitary dwelling.**

A displaced tenant or homeowner "purchases" a dwelling within the meaning of this subpart when he—

(a) Acquires an existing dwelling;

(b) Rehabilitates a substandard dwelling which he owns or acquires;

(c) Relocates a dwelling which he owns or acquires;

(d) Relocates and rehabilitates a substandard dwelling which he owns or acquires;

(e) Constructs a new dwelling on a site which he owns or acquires;

(f) Contracts to purchase a dwelling on a site provided by a builder; or

(g) Contracts for the construction of a dwelling on a site provided by a builder or on a site which he owns or acquires.

**§ 25.175 Occupancy.**

(a) A displaced tenant or homeowner "occupies" a dwelling within the meaning of this subpart only if the dwelling is his permanent place of residence.

(b) If a tenant or homeowner contracts for the construction or rehabilitation of a replacement dwelling, and for reasons not within his control the construction or rehabilitation is delayed beyond the date occupancy is required, the agency concerned may extend the period of eligibility for a replacement housing payment until the tenant or homeowner occupies the replacement dwelling.

**§ 25.177 Inspection of replacement dwelling required.**

(a) Before making a replacement housing payment to a displaced homeowner or tenant, or releasing a payment from escrow, as the case may be, the agency concerned shall inspect the replacement dwelling to determine whether or not it meets the criteria for decent, safe, and sanitary dwellings. The agency concerned may use the services of any public agency ordinarily engaged in housing inspection to conduct the inspection required by this section.

(b) A determination by the agency concerned that a dwelling meets the criteria for decent, safe, and sanitary housing is solely for the purpose of this subpart and is not a representation for any other purpose.

**§ 25.179 Application and payment.**

(a) Upon application by a displaced homeowner or tenant who meets the requirements of this subpart for a replacement housing payment, the agency concerned shall—

(1) If he has purchased or rented, and occupied a decent, safe, and sanitary dwelling, make the payment directly to him, or, at his option, to the seller or lessor of the decent, safe, and sanitary dwelling; or

(2) If he has purchased or rented, but not yet occupied a decent, safe, and sanitary dwelling, upon his request make the payment into an escrow account.

(b) The application must be in writing and filed with the agency concerned within 6 months after the date the applicant becomes eligible for a replacement housing payment in accordance with § 25.181.

**§ 25.181 Eligibility.**

(a) A displaced homeowner is eligible for a replacement housing payment under § 25.183 or § 25.185(a), if he—

(1) Qualifies as a displaced person under § 25.11;

(2) Actually owned and occupied the acquired dwelling for at least 180 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be;

(3) In the case of a payment under § 25.183, purchases and occupies, or in

the case of a payment under § 25.185(a), before the initiation of negotiations for the acquired dwelling and if the cost of

and occupy a decent, safe, and sanitary dwelling higher in price than the ac-

§ 25.195 Increased interest costs.

(a) The amount payable for increased

**§ 25.195 Increased interest costs.**

(a) The amount payable for increased

§ 25.185(b)(1) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the average

§ 25.203 Rental payments: method of payment.

A rental payment under § 25.185(a)

§ 25.203 Rental payments: method of payment.

A rental payment under § 25.185(a)



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the case of a payment under § 25.185(a), rents and occupies a decent, safe and sanitary dwelling within one year after the latest of the following events:

- (i) He receives final payment for the acquired dwelling;
- (ii) In the case of a condemnation suit, the State agency deposits the required amount in court for the benefit of the owner; or
- (iii) He is required to move from the acquired dwelling.

(b) A displaced homeowner who is not eligible for a replacement housing payment under § 25.183, is eligible for a payment under § 25.185, if he—

- (1) Qualifies as a displaced person under § 25.11;
- (2) Actually owned and occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and
- (3) Rents or purchases, and occupies a decent, safe and sanitary dwelling within one year after the latest of the following events:
  - (i) He receives final payment for the acquired dwelling;
  - (ii) In the case of a condemnation suit, the State agency deposits the required amount in court for the benefit of the owner; or
  - (iii) He is required to move from the acquired dwelling.

(c) A displaced tenant is eligible for a replacement housing payment under § 25.185 if he—

- (1) Qualifies as a displaced person under § 25.11;
  - (2) Actually lawfully occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and
  - (3) Rents or purchases, and occupies a decent, safe and sanitary dwelling within one year after the date he is required to move from the acquired dwelling, or if earlier, the date he actually moves.
- (d) For the purpose of paragraphs (a) (2) and (b) (2) of this section, if a homeowner inherits an interest in a dwelling by devise or operation of law, his tenure of ownership includes the tenure of the preceding homeowner.

#### § 25.183 Replacement housing payment: purchase price.

A displaced homeowner who qualifies under § 25.181(a) is entitled to a replacement housing payment of not more than \$15,000. Within that limitation the payment includes the following amounts:

(a) Subject to the requirements of § 25.189, if the reasonable cost of a comparable replacement dwelling is more than the acquisition price of the acquired dwelling, the difference between them.

(b) If there was a bona fide mortgage which constituted a valid lien on the acquired dwelling for at least 180 days

before the initiation of negotiations for the acquired dwelling and if the cost of financing the purchase of a replacement dwelling includes increased interest costs, an amount to compensate for that increase, as provided in § 25.195.

(c) An amount necessary to cover incidental expenses on the purchase of a replacement dwelling, but not including prepaid expenses, as provided in § 25.197.

#### § 25.185 Replacement housing payments: rent and down payments.

A displaced homeowner or a displaced tenant who qualifies under § 25.181 is entitled to a replacement housing payment of not more than \$4,000. Within that limitation the payment is that amount necessary for—

- (a) The homeowner who qualifies under § 25.181(a) to rent a comparable replacement dwelling for a period of not more than four years, subject to the requirements of §§ 25.199 and 25.201; or
- (b) The homeowner who qualifies under § 25.181(b) or the tenant who qualifies under § 25.181(c) to—
  - (1) Rent a comparable replacement dwelling for a period of not more than four years, subject to the requirements of §§ 25.199 and 25.201; or
  - (2) Make the down payment required for a conventional loan (including incidental expenses as provided in § 25.197) on the purchase of a comparable replacement dwelling, subject to the requirements of § 25.207.

#### § 25.187 Rules for considering land values.

In determining the amount of a replacement housing payment under § 25.183(a) the following rules apply:

- (a) If the acquired dwelling is located on a tract typical for residential use in the area, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the acquisition price of the acquired dwelling.
- (b) If the acquired dwelling is located on a tract larger than typical for residential use in the area, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for residential use in the area less the acquisition price of the dwelling assuming it is located on a tract typical for the area.
- (c) If the acquired dwelling is located on a tract that has a use higher and better than residential, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for residential use in the area less the acquisition price of that portion of the acquired land which represents a tract typical for residential use in the area.

#### § 25.189 Limitations: payment for purchase price.

(a) The price established as the reasonable cost of a comparable replacement dwelling under § 25.191 sets the upper limit of the differential amount payable under § 25.183(a). To qualify for any amount, the homeowner must purchase

and occupy a decent, safe, and sanitary dwelling higher in price than the acquired dwelling.

(b) If the homeowner voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the reasonable cost established for a comparable replacement dwelling, the amount payable under § 25.183(a) is that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the decent, safe, and sanitary dwelling.

#### § 25.191 Reasonable cost of comparable replacement dwelling.

(a) In determining the reasonable cost of a comparable replacement dwelling, the agency concerned shall use one of the following methods:

- (1) It may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings. If more than one agency is administering a project causing displacements in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area. The schedule must be based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban areas this analysis may be confined to one area of the city, or may cover several different areas if they are comparable and equally accessible to public services and places of employment. To assure the greatest comparability of dwellings in any analysis, the analysis must be divided into classifications of the type of construction, number of rooms, and price ranges.
- (2) It may determine the reasonable cost of a comparable replacement dwelling by examining the probable selling prices of at least three comparable replacement dwellings. Selection of the dwellings must be made by a qualified employee of the agency concerned who is familiar with real property values and current real estate transactions.
- (3) If it finds that the methods described in paragraph (a) (1) and (2) of this section are not feasible for determining the reasonable cost of a comparable replacement dwelling, it may propose what it considers to be a feasible method to the appropriate DOT official for approval.

(b) If the acquired dwelling is located on a tract larger than typical for residential use in the area, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for residential use in the area less the acquisition price of the dwelling assuming it is located on a tract typical for the area.

#### § 25.193 Owner retention.

(a) If a displaced homeowner elects to retain, move, and occupy his dwelling, the amount payable under § 25.183(a) is the difference between the acquisition price of the acquired dwelling and the sum of—

- (1) The moving and restoration expenses;
- (2) The cost of correcting decent, safe, and sanitary deficiencies, if any; and
- (3) The actual purchase price of a comparable relocation site.

(b) The amount computed in accordance with paragraph (a) of this section is subject to the limitations prescribed in § 25.189.

#### § 25.195 Increased interest costs.

(a) The amount payable for increased interest costs under § 25.183(b) is—

- (1) The present value of the difference in interest costs and other debt service costs (including points paid by the purchaser) charged for refinancing an amount equal to the new mortgage or the balance of the mortgage on the acquired dwelling at the time of acquisition, whichever is less over a period equal to the term of the new mortgage or the remaining term of the mortgage on the acquired dwelling, whichever is shorter; or
- (2) An amount based on a schedule prescribed or approved by the appropriate DOT official and computed in accordance with this section.

(b) For purposes of computing increased interest costs, the following rules apply:

- (1) The interest charge on the new mortgage may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.
- (2) The present value of the increased interest cost must be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area in which the replacement dwelling is located.
- (3) Purchaser's points or origination fees, or both, may be added to the increased interest costs upon approval by the appropriate DOT official.
- (4) Seller's points may not be added to the increased interest costs.

#### § 25.197 Incidental expenses.

(a) The incidental expenses payable under § 25.183(c) or § 25.185(b) (2) is the amount necessary to compensate the homeowner or tenant for actual costs incurred incident to the purchase of a decent, safe, and sanitary dwelling, including the following:

- (1) Legal closing costs, including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.
- (2) Lender, FHA, or VA appraisal fees.
- (3) FHA or VA application fee.
- (4) Certification of structural soundness when required by the lender, FHA, or VA.
- (5) Credit report.
- (6) Title policies or abstract of title.
- (7) Escrow agent's fee.
- (8) State revenue stamps or sale or transfer taxes.

(b) An incidental expense which is part of a finance charge under the Truth in Lending Act, Title I, Pub. L. 90-321, and Regulation "Z" (12 CFR Part 226) issued thereunder by the Board of Governors of the Federal Reserve System, may not be reimbursed.

#### § 25.199 Computation of rental payments: tenants.

(a) Except as provided in § 25.202, the amount payable to a displaced tenant (other than a tenant of the agency concerned) for rent under § 25.185(a) or

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§ 25.185(b) (1) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the average month's rent paid by the displaced tenant for the last three months before initiation of negotiations for the acquired dwelling if that rent was reasonable, and if not reasonable, 48 times the monthly economic rent for the dwelling unit as established by the agency concerned.

(b) Except as provided in § 25.202, the amount payable to a displaced tenant of the agency concerned for rent under § 25.185(a) or § 25.185(b) (1) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the monthly economic rent.

#### § 25.201 Computation of rental payments: homeowners.

Except as provided in § 25.202, the amount payable to a displaced homeowner for rent under § 25.185(a) or § 25.185(b) (1) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the monthly economic rent.

#### § 25.202 Limitation of rental payment.

(a) The rent established as the reasonable monthly rent under § 25.203 for a comparable replacement dwelling sets the upper limit of the differential amount payable under §§ 25.199 and 25.201. To qualify for any amount, the displaced homeowner or tenant must rent and occupy a decent, safe, and sanitary dwelling higher in rent than the rent or economic rent at the acquired dwelling.

(b) If the displaced homeowner or tenant voluntarily rents and occupies a decent, safe, and sanitary dwelling at a rent less than the reasonable monthly rent established for a comparable replacement dwelling, the amount payable under §§ 25.199 and 25.201 is that amount required to pay the difference between 48 times the average monthly rent or economic rent at the acquired dwelling and 48 times the actual monthly rent paid for the decent, safe, and sanitary dwelling.

#### § 25.203 Determining reasonable monthly rent.

In determining the reasonable monthly rent for a comparable replacement dwelling for the purposes of §§ 25.199 and 25.201, the agency concerned shall use one of the following methods:

- (a) It may establish a schedule of monthly rents for each type of dwelling required. The schedule must be based on a current analysis of the available private market. If more than one agency is administering a project causing displacement in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area.
- (1) It may determine a reasonable monthly rent by examining the rent of at least three comparable replacement dwellings.
- (2) If it finds that the methods described in paragraph (a) (1) and (2) of this section are not feasible, it may propose what it considers to be a feasible method to the appropriate DOT official for approval.

#### § 25.205 Rental payments: method of payment.

A rental payment under § 25.185(a) must be made in installments if requested by the displaced person.

#### § 25.207 Computation of down payments.

The amount payable to a displaced homeowner or tenant for a down payment and incidental expenses under § 25.185(b) (2) is the full amount of the first \$2,000 of the required down payment and incidental expenses plus one half of any amount required over \$2,000. However, the homeowner or tenant shall provide the other half of any amount required over \$2,000.

#### § 25.209 Down payments.

(a) The amount payable to a displaced homeowner or tenant under § 25.207 sets the upper limits of the down payment under § 25.185(b) (2) and shall be the required down payment for financing a conventional loan on a comparable dwelling or the required down payment for financing the conventional loan on the replacement dwelling actually purchased whichever is less.

(b) A displaced homeowner or tenant shall apply the full amount of the payment to which he is entitled under § 25.185(b) (2) to the down payment and the incidental expenses described in the closing statement.

#### § 25.211 Provisional payment pending condemnation.

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the agency concerned may make a provisional replacement housing payment to the displaced homeowner equal to the difference between the agency's maximum offer for the property and the reasonable cost of a comparable replacement dwelling, but only if the homeowner enters into an agreement with the agency that—

(a) Upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court;

(b) If the acquisition price as determined by the court is greater than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference will be refunded to the agency; and

(c) If the acquisition price as determined by the court is less than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference will be paid to the homeowner.

#### § 25.213 Combined payments.

(a) If a homeowner is eligible for payment under § 25.183, but has previously received a rental payment under § 25.185(a), the amount of rental payment previously received must be deducted from any amount that he receives under § 25.183.

(b) If a homeowner or tenant is eligible for a down payment under § 25.185

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(b), but has previously received a rental payment under § 25.185(a), the amount

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payment of the final voucher on each project, regardless of which agency re-

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(5) If any interest in real property is to be acquired by exercise of the power

(e) In the case of partial taking, the amount of damages, if any, to the re-

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying



(b), but has previously received a rental payment under § 25.185(a), the amount of rental payment previously received shall be deducted from the amount of any down payment that he receives under § 25.185(b).

**§ 25.215 Partial use of home for business or farm operation.**

(a) In the case of a displaced homeowner or tenant who has allocated part of his dwelling for use in connection with a displaced business or farm operation, a replacement housing payment may not be paid for that part of the property which is allocated to the business or farm operation.

(b) The eligibility of a homeowner or tenant to receive a payment under § 25.121 is not affected by this section.

**§ 25.217 Multiple occupants of a single dwelling.**

(a) Where two or more individuals, families, or combination thereof occupy an acquired dwelling, the replacement housing payment is based on the cost of a single comparable replacement dwelling.

(b) If a single replacement dwelling which meets the requirements of § 25.15 (a) (1)-(7) is not available on the market, then the replacement housing payment may be based on the cost of more than one comparable replacement dwelling.

(c) The appropriate DOT official shall establish criteria to implement this section.

**§ 25.219 Multi-family dwelling.**

In the case of a displaced homeowner who is required to move from a one-family unit of a multi-family building which he owns, the replacement housing payment must be based on—

(a) The cost of a comparable one-family unit in a multi-family building without regard for the number of units in the building being acquired; or

(b) If a comparable one-family unit in a multi-family building is not available, the cost of a single-family structure.

**§ 25.221 Certificate of eligibility pending purchase of replacement dwelling.**

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a decent, safe, and sanitary replacement dwelling, but who is otherwise eligible for a replacement housing payment under this subpart, the agency concerned shall certify to any interested party, financial institution, or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he purchases and occupies a decent, safe, and sanitary dwelling within the time limits prescribed by § 25.181(a) (1), (b) (3), or (c) (3), as the case may be.

**Subpart H—Relocation Assistance Functions Carried Out Through Other Agencies**

**§ 25.231 Authority to carry out relocation assistance through other agencies.**

(a) To prevent unnecessary expenses and duplication of activities, an agency concerned that is required to provide relocation services or make relocation payments under this part may carry out any of those functions through the facilities, personnel, and services of the central relocation agency for the area in which the project is located. The appropriate regional area office of the Department of Housing and Urban Development will provide information concerning the services furnished by that agency. (See 39 FR 37374 for a listing of the area offices.)

(b) The agency concerned may carry out its relocation assistance program by contracting with a public or private agency having an established organization for providing relocation services and payments other than the central relocation agency, if—

(1) There is no central relocation agency in the area in which the project is located; or

(2) In the opinion of the agency concerned, the central relocation agency does not have the capacity to furnish the requisite relocation program within the time required by the project's schedule.

**§ 25.233 Information to be furnished to DOT.**

If an agency concerned elects to provide relocation services or make relocation payments through another agency, the agency shall furnish the appropriate DOT official with the following information concerning the other agency:

(a) The name and location of the agency.

(b) An analysis of the agency's present workload and of its ability to perform the requirements of this subpart.

(c) The estimated number and the job titles of relocation personnel of the agency that will provide the relocation assistance for the project.

**§ 25.235 Interagency agreement required.**

If an agency concerned elects to provide relocation services or make relocation payments through another agency, it shall enter into a written agreement with that agency. The agreement must be approved by the appropriate DOT official and contain the following:

(a) An obligation on the part of the other agency to perform the services and make the relocation payments in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and this part.

(b) A requirement that the records required by § 25.23 be retained by the other agency or turned over to the agency concerned and that they be retained for a period of at least 3 years after

payment of the final voucher on each project, regardless of which agency retains them.

(c) A requirement that the records required by § 25.23 be available for inspection by representatives of the Department of Transportation at any reasonable business hour.

(d) If the contract is with a public agency administering another Federal or Federally-assisted program, a description of the financial responsibilities of each program to finance the relocation program required by this part.

(e) A provision acknowledging that only those costs directly chargeable to the Federal or Federally-assisted project are eligible for Federal funds.

(f) A provision for negotiation of major changes that become necessary in the scope, character, or estimated total cost of the work to be performed.

**§ 25.237 Amendment of existing agreements required.**

Each agreement between an agency concerned and another agency for carrying out relocation assistance functions through the other agency that is in effect on June 1, 1971, shall be amended or supplemented as necessary to include the requirements of § 25.235. The agency concerned shall furnish the appropriate DOT official with a copy of the amended agreement or the existing agreement and the supplement, as the case may be.

**Subpart I—Acquisition of Real Property**

**§ 25.251 Scope.**

This subpart prescribes requirements for the acquisition of real property in a Federal or Federally-assisted program administered by the Department of Transportation.

**§ 25.253 Real property acquisition practices.**

(a) In acquiring real property, each agency concerned shall to the greatest extent practicable—

(1) Make every reasonable effort to acquire real property expeditiously through negotiation;

(2) Before the initiation of negotiations have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during inspection of the property;

(3) Before the initiation of negotiations establish an amount which it believes to be just compensation for the real property and make a prompt offer to acquire the property for that amount;

(4) Before requiring any owner to surrender possession of real property—

(i) Pay the agreed purchase price;

(ii) Deposit with the court, for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of the property; or

(iii) Pay the amount of the award of compensation in a condemnation proceeding for the property;

(5) If any interest in real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property; and

(6) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, offer to acquire that remnant.

(b) In acquiring real property, to the greatest extent practicable an agency may not—

(1) Schedule the construction or development of a public improvement that will require any person lawfully occupying real property to move from a dwelling, or to move his business or farm operation, without giving that person at least 90 days' written notice of the date he is required to move.

(2) If it rents acquired real property to the former owner or tenant for short term or subject to termination by the agency on short notice, charge rent that is more than the fair rental value of the property to a short-term occupier;

(3) Compel an agreement on the price to be paid for the property by—

(i) Advancing the time of condemnation;

(ii) Deferring negotiations, condemnation, or the deposit of funds in court for use of the owner; or

(iii) Taking any other coercive action.

(c) For purposes of paragraph (a) (4) (i) and (b) (3) (i) of this section, the word court includes any board, commission or similar body.

**§ 25.255 Statement of just compensation to owner.**

At the time it makes an offer to purchase real property, the agency concerned shall provide the owner of that property with a written statement of the basis for the amount estimated to be just compensation. To the greatest extent practicable, the statement must include the following:

(a) An identification of the real property and the particular interest being acquired.

(b) A certification, where applicable, that any separately held interest in the real property is not being acquired in whole or in part.

(c) An identification of buildings, structures, and other improvements, including fixtures, removable building equipment, and any trade fixtures which are considered to be part of the real property for which the offer of just compensation is made.

(d) A declaration that the agency's determination of just compensation—

(1) Is based on the fair market value of the property;

(2) Is not less than the agency's approved appraised value of the property;

(3) Disregards any decrease or increase in the fair market value caused by the project for which the property is being acquired; and

(4) In the case of separately held interests in the real property, includes an apportionment of the total just compensation for each of those interests.

(e) In the case of partial taking, the amount of damages, if any, to the remaining real property.

**§ 25.257 Equal interest in improvements to be acquired.**

In acquiring any interest in real property each agency concerned shall acquire at least an equal interest in all buildings, structures, or other improvements located on that real property which will be removed or which will be adversely affected by the completed project.

**§ 25.259 Payments to tenants for improvements.**

(a) In the case of a building, structure, or other improvement owned by a tenant on the real property acquired for a project to which this part applies, the agency concerned shall, subject to paragraph (b) of this section, pay the tenant the larger of—

(1) The fair market value that the building, structure, or other improvement contributes to the fair market value of the real property acquired; or

(2) The fair market value of the building, structure, or other improvement, assuming its removal from the property.

(b) A payment may not be made to a tenant under paragraph (a) of this section unless—

(1) The tenant, in consideration for the payment, assigns, transfers, and releases to the agency concerned all his right, title, and interest in the improvement;

(2) The owner of the land involved disclaims all interest in the improvement; and

(3) The payment is not duplicated by any payment otherwise authorized by law.

(c) Nothing in this section shall be construed to deprive the tenant of any rights to reject payment under this section and to obtain payment as otherwise authorized by law.

**§ 25.260 Criteria for appraisals.**

(a) The appropriate DOT official shall establish—

(1) Criteria for determining the qualifications of appraisers;

(2) Criteria for a system of review by qualified appraisers; and

(3) Standards for appraisals consistent with the "Uniform Appraisal Standards for Federal Land Acquisition" (1972 edition, published by the Interagency Land Acquisition Conference).

(b) The publication incorporated by reference in paragraph (a) (3) of this section may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, for 35 cents. Requests for copies should refer to Stock No. 5259-0002. A copy may be examined in the Office of the General Counsel, Room 10100, Department of Transportation, 7th and D Streets SW., Washington, D.C.

**§ 25.261 Expenses incidental to transfer of title.**

As soon as possible after real property has been acquired, the agency concerned shall, to the extent it deems fair and reasonable, reimburse the owner for expenses necessarily incurred for—

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the agency;

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro rata portion of any prepaid real property taxes which are allocable to a period subsequent to the date of vesting title in the agency or the effective date of possession of the real property by the agency, whichever is the earlier.

**§ 25.263 Litigation expenses.**

(a) In any condemnation proceeding brought by the agency concerned to acquire real property, it shall reimburse the owner of any right, title, or interest in the real property for his reasonable costs, disbursements, and expenses, including attorney, appraisal, and engineering fees, actually incurred because of the proceeding, if—

(1) The final judgment is that the agency concerned cannot acquire the real property by condemnation; or

(2) The proceeding is abandoned by the agency concerned.

(b) In any inverse condemnation proceeding where the owner of any right, title, or interest in real property receives an award of compensation by judgment or settlement, the agency concerned shall reimburse the plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the proceeding.

**§ 25.265 Allowance for benefits prohibited.**

No allowance for benefits provided by this part may be included in—

(a) Contracts or options to purchase real property;

(b) The appraised value of real property; and

(c) Estimated compensation in the event of condemnation with a declaration of taking.

**§ 25.267 Cost of replacing publicly-owned property.**

(a) When publicly-owned property used for public purposes is acquired for a project to which this part applies, the cost of replacing that property (including any improvement thereon) may be included in the cost of the project, if the appropriate DOT official finds that:

(1) The State agency has determined that the replacement of this property is in the public interest;

(2) The replacement property substantially has the same functional utility as the property acquired for the project; and

(3) The replacement cost will be actually incurred.

(b) As used in paragraph (a) of this section, "replacement" includes—

(1) The acquisition or construction of property similar to the acquired property; or

(2) The addition or modification of other property to provide for functionally equivalent public use.

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THURSDAY, SEPTEMBER 4, 1975



PART IV:

## VARIOUS AGENCIES

■

PRIVACY ACT OF 1974

Regulations

# federal register



Title 17—Commodity and Securities  
Exchanges

CHAPTER I—COMMODITY FUTURES  
TRADING COMMISSION

PART 146—RECORDS MAINTAINED ON  
INDIVIDUALS

On August 5, 1975, the Commodity Futures Trading Commission published in the FEDERAL REGISTER, 40 Fed Reg. 32839, notice that it was considering adoption of rules to implement the Privacy Act of 1975, 5 U.S.C. 552a (P.L. 93-579). These rules generally relate to an individual's right to know what personal information the Commission has in its files about him, his right to have those records be relevant, accurate, timely, and complete and his right to prevent personal information about himself from being disseminated to unauthorized persons. The Commission invited interested persons to participate in the rulemaking process by providing written submissions to the Commission. No comments have been received. However, upon further consideration the Commission has determined to make certain modifications, adopting rules in the form set forth below in lieu of the form proposed. Those modifications relate to a clarification of the systems of records being exempted from certain provisions of the Privacy Act and to a simplification of the schedule of fees for copies of records requested by the individual. The rules, as adopted, comprise a new Part 146 of Title 17 of the Code of Federal Regulations.

SUMMARY OF THE RULES' PROVISIONS

The Privacy Act and the rules adopted by the Commission provide for the annual publication by the Commission in the FEDERAL REGISTER of notices of each "system of records" it maintains on individuals. The individual may then examine these system notices, determine which system might contain records pertaining to him, and, following procedures established in the rules, ask the Commission to determine whether those systems do in fact contain any information about him.

If the system of records has information concerning an individual, the individual may request and obtain access to those records. Upon payment of specified charges, he may also obtain copies of the records. Furthermore, if he believes information contained in the records is not accurate, relevant, timely, or complete, procedures are established whereby he may seek amendment or correction.

The rules restrict access by others to personal information concerning an individual that is contained in the Commission files, without the specific consent of the individual. The information is available to members of the Commission and the Commission staff who need it in the pursuit of their duties. Disclosure of the record as required under the Freedom of Information Act, 5 U.S.C. 552, is also permitted without restriction. Beyond that, a record may be disclosed only for purposes specifically authorized under the Privacy Act, or for "routine uses," which must be described and published by the

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Commission in the Federal Register for each system of records it maintains. Furthermore, the Commission is required to keep a record of each disclosure, except those made to Commission employees or made pursuant to the Freedom of Information Act. Upon request, it must provide that record to the individual.

The rules exempt certain kinds of records from some of the provisions of the Privacy Act. This is done pursuant to specific statutory authority provided in that Act, 5 U.S.C. 552a(k). The exemptions relate to investigatory material compiled for law enforcement purposes and confidential employee background investigation materials.

Finally, the rules prescribe certain information that the Commission must give to an individual whenever the Commission requests personal information from him, and standards that the Commission will meet in maintaining its files.

SCOPE OF RULES

Section 146.1 of Part 146 generally describes the scope and purpose of the rules which follow. Section 146.2 contains definitions of terms as they are used in the Privacy Act and in the Commission's rules. An understanding of several key terms is essential to an understanding of the scope of the remainder of the provisions.

Of central importance to the Privacy Act and to the Commission's rules, is the concept of a "system of records." A "record" is defined as any item, collection or grouping of information about an individual that contains his name or other identifying particular. A "system of records" is defined as a group of records: (1) which is under the control of the agency; (2) from which information may be retrieved by the name of the individual. Thus, information about an individual might be contained in the Commission record, but unless the information is filed under or indexed by the name of the individual, or an individual identifier, it will not come within many of the provisions of the Privacy Act.

The Privacy Act and these rules apply only to records concerning individuals. An "individual" is defined under the Act and for purposes of the rules to mean a citizen of the United States or an alien lawfully admitted for permanent residence. Thus, the Privacy Act and the rules will not apply to records of corporations and business organizations. The legislative history of the Privacy Act indicates that it is not intended to apply to individuals acting in an entrepreneurial capacity. As a practical matter, however, it may at times be difficult to distinguish between personal and entrepreneurial records concerning an individual, and the Commission does not intend to rely upon the distinction as a basis upon which it will deny an individual access to records that concern him, if they contain what is essentially personal information, and are retrievable by use of his name or other identifier.

Among the other important definitions included in Section 146.2 are "routine use," which describe a use of a record

for a purpose which is compatible with the purpose for which it was collected, and "system notice," which is the description of a system of records that an agency is required to publish in the Federal Register.

PROCEDURES FOR REQUESTING INFORMATION  
OR ACCESS TO RECORDS PERTAINING TO  
AN INDIVIDUAL, AND FOR DISCLOSURE OF  
THE REQUESTED INFORMATION TO THE  
INDIVIDUAL

Section 146.3 of the rules establishes procedures by which an individual may request information as to whether a system of records maintained by the Commission contains any information relating to him and may request access to his records. Requests are to be made in writing and are to be directed to a Privacy Unit established in the Office of Public Information in the Commission's Washington, D.C. office.

To assist the Commission staff in identifying the requested records, certain information is required to be supplied with respect to each system of records from which information is sought. The individual is also required to include in his request certain other information which is designed to enable the Commission to (1) identify the individual to whom the records pertain and (2) select the particular information sought by the individual within a record which may contain other types of personal information as well. To assist in properly preparing requests, the Commission offers individuals, free of charge, a compilation of its systems notices. A description of the information included in the system notice and instructions on how to obtain these compilations are set forth in Section 146.11.

Requests will be processed promptly, and the individual will be informed whether any information available to him is contained in the systems of records the Commission maintains. If the individual has requested access, he will be advised where and when he may inspect the records or be given the name and address of the person with whom he should communicate to make further arrangements.

The Commission's rules are designed not only to give an individual access to information about himself, but also to protect him against unauthorized disclosure of that information to others. Section 146.4 of the proposed rules sets forth the methods by which an individual must identify himself in order to gain access to his records. Generally, an individual will be able to satisfy those requirements with forms of identification that he may be expected to have in his possession, e.g., a driver's license or credit cards. However, provision is made for the use of other types of identification in appropriate circumstances. Of course, no identification will be required where access is requested to records that are available to any person under the Freedom of Information Act.

Section 146.5 of the rules establishes procedures by which information will be supplied to the individual after the re-

quest for access has been granted. The individual will normally be given access to his records during the normal business hours in the Commission office where the records are maintained, but exceptions will be granted for good cause. The individual may be accompanied by persons of his own choosing when reviewing the records, but will be required to provide the Commission with a statement in writing authorizing access by these persons, unless access would be available to them under the terms of the Freedom of Information Act.

The Privacy Act makes no special provision for access by a second person unless accompanied by the individual, to whom the record pertains and the legislative history suggests that the Privacy Act was in fact directed toward personal participation by the individual in the process. However, the Commission anticipates that in most cases it will honor a request by the individual that another person be granted access in his absence, so long as the authority and identity of the other person are unambiguously demonstrated.

The individual is entitled to the information he requests in a meaningful form. Under some circumstances, this may not be possible through direct access to the record itself. For example, the record may contain information concerning matters which do not pertain to the individual and which he is not entitled to see. To extract only the information relating to that individual may not be a satisfactory solution. Accordingly, where necessary to make the record meaningful, the staff is authorized to prepare a report of the relevant information and present that to the individual.

As an alternative to personal inspection of the record, or in addition thereto, the individual may obtain copies of the records which pertain to him. The fees which the Commission has established for copies are set forth in an appendix to Section 146. The Commission in its final rules has eliminated specific charges for all materials as set forth in the proposed rules, except for copies of paper records for which explicit fees are set. It is anticipated that in nearly all cases records will be supplied in the form of paper records and that the detailing of specific charges for other types of records is unnecessary. For other types of records the rules provide generally that the individual shall be charged the cost of the materials furnished.

DISCLOSURE OF THE INDIVIDUAL'S  
RECORD TO THIRD PARTIES

To protect against disclosure of personal information to unauthorized persons, Section 146.6 of the rules implements the provisions of the Privacy Act limiting disclosure without the written consent of the individual whose record is involved, except in certain specified circumstances.

There are three situations in which disclosure is authorized under the rules that can be expected to arise frequently: Disclosure to those persons within the Commission who need to have access to

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the information in order to perform their jobs; disclosure required under the Freedom of Information Act; and disclosure that has been established as a routine use for that system of records, through publication in the FEDERAL REGISTER.

When disclosures are made of individual information contained in a system of records, the Commission's rules, consistent with the Privacy Act, require that an accounting be kept of such disclosures. This accounting serves two purposes: (1) to enable the individual, with certain exceptions, to determine to whom disclosures about him are being made, and (2) to enable the Commission to notify prior recipients of subsequent corrections to records or of the existence of a dispute concerning their accuracy. No accounting is required, however, for disclosures made with the consent of the individual, for internal disclosures, and for disclosures pursuant to the Freedom of Information Act.

PROCEDURES FOR CORRECTION OR  
AMENDMENT OF RECORDS

If an individual believes that records concerning him are not accurate, relevant, timely and complete, he may request an amendment to these records following procedures established in Section 146.8. If the staff grants a request to amend a record, not only will the individual be notified of the decision, but prior recipients of the record—identified in the accounting of disclosures—will be notified of the correction and of its substance. If the request for amendment should be denied, the individual will be given the reasons for that decision and notified that he may seek review of the denial by the Commission itself, in accordance with procedures set forth in Section 146.9.

PROCEDURES FOR APPEALS TO THE  
COMMISSION

In order to assure that all persons will have direct access to the Commission to complain about an alleged failure of the Commission or members of its staff to comply with the requirements of the Privacy Act and of these rules, Section 146.9 creates a right to petition the Commission in writing to seek correction of the deficiency. The individual may petition for review of a denial of access or denial of a request to amend a record. This section also authorizes a petition to the Commission when it is claimed that a determination was made previously on the basis of inaccurate, incomplete, irrelevant, or out of date information about the individual contained in Commission records. Commission review may also be sought with respect to other matters as well. The procedures established are not, however, intended to permit the reopening of litigated cases although, under exceptional circumstances, if injustice has been done, the Commission may treat a petition under this section as a petition to reopen an otherwise finally decided matter.

Instructions on preparing and filing a petition are contained in Section 146.9. While the word "petition" is used in the

rule, the Commission will consider any written complaint, however informally presented, if the complainant indicates it is being submitted pursuant to Section 146.9 or if it plainly encompasses a complaint remediable under that provision. The Commission has undertaken in its rule to make a determination of the matter within thirty business days after it is received.

In those situations where an individual has sought review of the denial of a request to amend a record, which was made pursuant to Section 146.8, certain special provisions apply. If the Commission determines that the record should be amended, prior recipients of the record will be notified of the change and its substance. If the petition is denied, the individual will be advised of that determination, the reasons for the denial and of his right to obtain judicial review. The rules also permit an individual to file a statement indicating why he disagrees with the Commission's refusal to amend the record. Subsequent disclosures of the disputed record will note the dispute and include a copy of the statement of disagreement.

EXEMPTIONS

The Privacy Act, 5 U.S.C. 552a(k), authorizes the Commission by rule to exempt certain systems of records from some of the provisions of the Act, primarily those provisions relating to disclosure to the individual of information about himself contained in Commission files. Pursuant to that authority the Commission in Section 146.12 of the rules is exempting investigatory material compiled for law enforcement purposes, and employee background investigation material obtained under a promise of confidentiality.

The exemptions being adopted are limited in scope. They will be applied only to the extent that the protection of the records comes within the purposes and policies underlying the exemptions, as stated therein. As a result, an investigation or inquiry into a law enforcement or employment matter may involve records contained in both exempted and non-exempted systems of records. The records contained in the two systems will not necessarily be segregated, however, since a determination concerning which system a given record falls within can and will be made at the time when a request is made for access to the record.

The Commission has made revisions in the wording of § 146.12 of these rules to clarify that exempted and non-exempted systems dealing with the same general subject matter may, in fact, exist concurrently.

OTHER MATTERS

The individual is entitled, pursuant to Section 146.10 of the rules, to certain information from the Commission when it seeks personal information from him. This includes information about: (1) the Commission's authority to request the information; (2) the purposes and uses which will be or may be made of the data; (3) whether the disclosure is mandatory or voluntary; and (4) the effect,

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if any, of not providing the information. Current Commission reporting forms are

§ 146.2 Definitions.

For purposes of this Part 146—

(b) A request for information or for access to records under this Part may be made by an individual as in person. The request

(1) One piece of identification containing a photograph and signature, such as

izing discussion of that individual's record in the accompany persons'

(3) Disclosure is required under the Freedom of Information Act (5 U.S.C. 552).



if any, of not providing the information. Current Commission reporting forms are being modified to include this information and other arrangements for disclosure will be made in appropriate cases.

Section 146.7 provides that the Commission's records shall be timely, relevant, accurate and complete, and that the Commission shall not maintain information in the files which is not relevant or necessary to accomplish statutory objectives. The rules also circumscribe the collection of material by the Commission relating to the exercise of First Amendment rights, and require that the Commission should collect information directly from the individual—rather than secondary sources—where fairness so requires.

Chapter I of Title 17 of the Code of Federal Regulations is amended by adding a new Part 146, reading as follows:

Sec.

- 146.1 Purpose and Scope.
- 146.2 Definitions.
- 146.3 Requests by an individual for information or access.
- 146.4 Procedures for identifying the individual making the request.
- 146.5 Disclosure of requested information to individuals; fees for copies of records.
- 146.6 Disclosure to third parties.
- 146.7 Content of Systems of Records.
- 146.8 Amendment of a record.
- 146.9 Appeals to the Commission.
- 146.10 Information supplied by the Commission when collecting information from an individual.
- 146.11 Public notice of records systems.
- 146.12 Exemptions.

AUTHORITY: Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a); Sec. 101(a), Pub. L. 93-463, 58 Stat. 1389 (7 U.S.C. 4a(j)).

§ 146.1 Purpose and Scope.

(a) This part contains the rules of the Commission for the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. 552a). These rules apply to all records maintained by this Commission which are not excepted or exempted as set forth in § 146.12, insofar as they contain personal information concerning an individual, identify that individual by name or other symbol and are contained in a system of records from which information is retrieved by the individual's name or identifying symbol. Among the primary purposes of these rules are to permit individuals to determine whether information about them is contained in Commission files and, if so, to obtain access to that information; to establish procedures whereby individuals may have inaccurate and incomplete information corrected; and, to restrict access by unauthorized persons to that information.

(b) In this part the Commission is also exempting certain Commission systems of records from some of the provisions of the Privacy Act of 1974 that would otherwise be applicable to those systems. These exemptions are authorized under the Privacy Act, 5 U.S.C. 552a(k).

§ 146.2 Definitions.

For purposes of this Part 146—

(a) The term "Commission" means the Commodity Futures Trading Commission;

(b) The term "Executive Director" refers to the executive level staff official appointed pursuant to § 2(a)(5) of the Commodity Exchange Act;

(c) The term "Privacy Unit" refers to a staff subdivision established in the Commission's Office of Public Information in Washington, D.C. to process requests and handle various other matters relating to the Commission's implementation of the Privacy Act of 1974;

(d) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(e) The term "maintain" includes maintain, collect, use, or disseminate;

(f) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Commission, including but not limited to, his education, financial transactions, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(g) The term "system of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(h) The term "system notice" means a notice of the existence and character of the Commission's system of records published in the Federal Register pursuant to § 146.11(a) of these rules;

(i) The term "routine use" means, with respect to the disclosure of a record, the use of that record for a purpose which is compatible with the purpose for which it was collected;

(j) The term "Freedom of Information Act" encompasses both the Freedom of Information Act, as amended, 5 U.S.C. 552, and the Commission's rules contained in Part 145 of this Title.

(k) The term "agency" means any executive department, military department, Government corporation, Government controlled corporation or other establishment in the Executive branch of the Government or any independent regulatory agency.

§ 146.3 Requests by an individual for information or access.

(a) Any individual may request information on whether a system of records maintained by the Commission contains any information pertaining to him, or may request access to his record or to any information pertaining to him which is contained in a system of records. All requests shall be directed to the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

(b) A request for information or for access to records under this Part may be made by mail or in person. The request shall (1) be in writing and signed by the individual making the request; (2) include the full name (including the middle name) of the individual seeking the information or record, his home address and telephone number, his business address and telephone number; and (3) if he is or ever has been registered with the Commission or its predecessor agency, or associated with a firm so registered as a partner, officer or director or 10% shareholder, state in what capacity he is or was registered.

(c) For each system of records from which information is sought, the request shall (1) specify the title and identifying number for that system as it appears in the system notice published by the Commission; (2) provide additional identifying information, if any, specified in the system notice; (3) describe the specific information or kind of information sought within that system of records; and (4) set forth any special arrangements sought concerning the time, place, or form of access. A description of the information contained in a system notice and instructions on how to obtain copies of the Commission's system notices appear in § 146.11(b).

(d) The Commission will respond in writing to a request made under this section within ten days (excluding Saturdays, Sundays and legal public holidays) after receipt of the request. If a definitive reply cannot be given within ten days, the request will be acknowledged and an explanation will be given of the status of the request.

(e) When an individual has requested access to records, available to him under these rules, he will either be notified in writing of where and when he may obtain access to the records requested or be given the name, address and telephone number of the member of the Commission staff with whom he should communicate to make further arrangements for access.

§ 146.4 Procedures for identifying the individual making the request.

When a request for information or for access to records has been made pursuant to § 146.3, before information is given or access is granted pursuant to § 146.5 of these rules the Commission shall require reasonable identification of the person making the request to insure that information is given and records are disclosed only to the proper person.

(a) An individual may establish his identity by—

(1) Submitting with his request for information or for access a photocopy of two pieces of identification bearing his name and signature, one of which shall bear his current home or business address; or

(2) Appearing at any office of the Commission (located at the addresses set forth in § 145.6 of these rules) during the regular working hours for that office and presenting either

(i) One piece of identification containing a photograph and signature, such as a driver's license or passport or

(ii) Two pieces of identification bearing his name and signature, one of which shall bear his current home or business address; or

(3) Providing such other proof of identity as the Commission deems satisfactory in the circumstances of a particular request.

(b) If the Executive Director or other designated Commission official determines that the data in a requested record is so sensitive that unauthorized access could cause harm or embarrassment to the person whose record is involved, or if the person making the request is unable to produce satisfactory evidence of identity under paragraph (a) of this section, the individual making the request may be required to submit a notarized statement attesting to his identity and that he is familiar with and understands the criminal penalties provided under Section 1001 of Title 18 of the United States Code for making false statements to a Government agency and under the Privacy Act, Section 552a(i)(3) of Title 5 of the United States Code, for obtaining records under false pretenses. Copies of these statutory provisions and forms for such notarized statements may be obtained upon request from the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

(c) The parent or guardian of a minor or a person judicially determined to be incompetent, in addition to establishing the identity of the person he represents as described in the previous paragraphs of this subsection, shall establish his own identity and his parentage or guardianship by furnishing a copy of a birth certificate showing parentage or a court order establishing the guardianship.

(d) Nothing in this section shall preclude the Commission from requiring additional identification before granting access to the records if there is reason to believe that the person making the request may not be the individual to whom the record pertains, or where the sensitivity of the data warrants it.

(e) The requirements of this § 146.4 shall not apply if the records involved would be available to any person pursuant to the Commission's rules under the Freedom of Information Act as set forth in Part 145 of this chapter.

§ 146.5 Disclosure of requested information to individuals; fees for copies of records.

(a) Any individual who has requested access to his record or to any information pertaining to him in the manner prescribed in § 146.3, and has identified himself as prescribed in § 146.4, shall be permitted to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, subject to fees for copying services set forth in Appendix A to this Part. Upon his request persons of his own choosing may accompany him, but the individual shall first furnish a written statement author-

izing discussion of that individual's record in the accompany persons' presence.

(b) Access will generally be granted in the office of the Commission where the records are maintained during normal business hours, but for good cause shown the Commission may grant access at another office of the Commission or at different times for the convenience of the individual making the request.

(c) Where a document containing information about an individual also contains information not pertaining to him, the portion not pertaining to the individual shall not be disclosed to him except to the extent the information is available to any person under the Freedom of Information Act. If the records sought cannot be provided for review and copying in a meaningful form, the Commission shall provide to the individual a report of the information concerning the individual contained in the record or records which shall be complete and accurate in all material aspects.

(d) Where the disclosure involves medical records, the records may be provided only to a physician designated in writing by the individual.

(e) Requests for copies of documents may be directed to the Privacy Unit or to the member of the Commission's staff through whom arrangements for access were made.

(f) Fees for copies of records shall be charged as set forth in the schedule of fees contained in Appendix A to this Part. Copies of the schedule may be obtained upon request from the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036. Payment should be made by check or money order payable to the Treasury of the United States. Advance payment of all or part of the fee may be required at the discretion of the Commission, but generally this will not be required for requests where the anticipated fee is less than \$25.

(g) Nothing in this § 146.5 or in § 146.3 shall:

(1) Require the disclosure of investigative records exempted under § 146.12 of these rules;

(2) Allow an individual access to any information compiled in reasonable anticipation of a civil action, administrative proceeding or a criminal proceeding;

(3) Require the furnishing of information or records which cannot be retrieved by the name or other identifier of the individual making the request.

§ 146.6 Disclosure to third parties.

(a) The Commission shall not disclose to any agency or to any person by any means of communication a record pertaining to an individual which is contained in a system of records, except under the following circumstances:

(1) The individual to whom the record pertains has given his written consent to the disclosure;

(2) The disclosure is to officers and employees of the Commission who need it in the performance of their duties;

(3) Disclosure is required under the Freedom of Information Act (5 U.S.C. 552);

(4) Disclosure is for a routine use as defined in § 146.2(g) and described in the system notice for that system of records;

(5) The disclosure is made to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity;

(6) The disclosure is made to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(7) The disclosure is made to another agency or to an instrumentality of any Governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the Commission specifying the particular portion desired and the law enforcement activity for which the record is sought.

(8) The disclosure is made to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) The disclosure is made to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) The disclosure is made to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) The disclosure is pursuant to the order of a court of competent jurisdiction.

(b) The Commission will make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record.

(c) The Commission, with respect to each system of records under its control, shall keep an accurate accounting of certain disclosures.

(1) A record shall be kept of all disclosures made under paragraph (a) of this § 146.6, except disclosures made with the consent of the individual to whom the record pertains [subparagraph (a)(1)], disclosures to authorized employees [subparagraph (a)(2)] and disclosures required under the Freedom of Information Act (subparagraph (a)(3)).

(2) The record shall include:

(i) The date, nature, and purpose of each disclosure of a record made to any person or to another agency;

(ii) The name and address of the person or agency to whom the disclosure was made.



(3) The accounting will be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(d) The accounting described in paragraph (c) of this section will be made available to the individual named in the record upon his written request, directed to the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036, except that the accounting will not be revealed with respect to disclosures made under paragraph (a)(7) of this § 146.6, pertaining to law enforcement activity, and to disclosures involving systems of investigative records exempted under § 146.12 of these rules.

(e) Whenever an amendment or correction of a record or a notation of dispute concerning the accuracy of records is made by the Commission in accordance with §§ 146.8 and 146.9 of these rules, the Commission will inform any person or other agency to whom the record was previously disclosed, if an accounting of the disclosure was made pursuant to the requirements of paragraph (c) of this section.

#### § 146.7 Content of Systems of Records.

(a) The Commission will maintain in its records only such information about an individual as is relevant and necessary to accomplish the purposes of the Commodity Exchange Act and other purposes required to be accomplished by statute or by executive order of the President.

(b) The Commission will maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(c) The Commission will collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs.

(d) The Commission will maintain all records which are used by the Commission in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.

#### § 146.8 Amendment of a record.

(a) Any individual may request amendment of information pertaining to him which is contained in a system of records maintained by the Commission and which is filed under his name or other individual identifier if he believes the information is not accurate, relevant, timely or complete. A request for amendment shall be directed to the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

(b) A request for amendment may be made by mail or in person and shall (1) be in writing and signed by the person

making the request; (2) describe the particular record to be amended with sufficient specificity to permit the record to be located among those maintained by the Commission; and (3) specify the nature of the amendment sought and the justification for the requested change. The person making the request may be required to provide the information specified in § 146.3 and § 146.4 of these rules in order to simplify identification of the record and permit verification of the identity of the person making the request for amendment.

(c) Receipt of a request for amendment will be acknowledged in writing within ten days (excluding Saturdays, Sundays and legal public holidays) except that, if the individual is given notice within the ten day period that his request will or will not be complied with, no acknowledgement is required.

(d) Assistance in preparing a request to amend a record may be obtained from the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036; Telephone: (202) 254-8630.

(e) Upon receipt of a request for amendment the Executive Director of the Commission or a person designated by the Executive Director shall promptly determine whether the record is materially inaccurate, incomplete, misleading, or is irrelevant or not timely, as claimed by the individual, and, if so, shall cause the record to be amended in accordance with the individual's request.

(f) If the Executive Director or designee grants the request to amend the record, the individual shall promptly be advised of the decision and of the action taken, and notice shall be given of the correction and its substance to each person or agency to whom the record had previously been disclosed, as shown on the record of disclosures maintained in accordance with § 146.6(c).

(g) If the Executive Director or designee disagrees in whole or in part with a request for amendment of a record, the individual shall promptly be notified of the complete or partial denial of his request and the reasons for the refusal. The individual shall also be notified of the procedures for administrative review by the Commission of any complete or partial denial of a request for amendment, which are set forth in § 146.9.

(h) If a request is received for amendment of a record prepared by another agency which is in the possession or control of the Commission, the request for amendment will be forwarded to that agency. If that agency determines that the correction should be made, the Commission will amend its records accordingly and notify the individual making the request for amendment of the change. If the other agency declines to make the amendment, the Executive Director or designee will independently determine whether the amendment will be made to the record in the Commission's possession or control, considering any explanation given by the other agency for its decision.

#### § 146.9 Appeals to the Commission.

(a) Any individual may petition the Commission:

(1) To review a refusal to comply with an individual request for access to records pursuant to the Privacy Act, 5 U.S.C. 552a(d)(1), and §§ 146.3 and 146.5 of the rules in this part;

(2) To review denial of a request for amendment made pursuant to § 146.8;

(3) To correct any determination that may have been made adverse to the individual based in whole or in part upon inaccurate, irrelevant, untimely or incomplete information;

(4) To correct a failure to comply with any other provision of the Privacy Act, 5 U.S.C. 552a, and the rules of this Part 146, which has had an adverse effect on the individual.

(b) The petition to the Commission shall be in writing and shall (1) state in what manner it is claimed the Commission or any Commission employee has failed or refused to comply with provisions of the Privacy Act or of the rules contained in this Part 146, and (2) set forth the corrective action the petitioner wishes the Commission to take. The petitioner may, if he wishes, state such facts and cite such legal or other authorities as he considers appropriate.

(c) The petition should be directed to the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

(d) The Commission will make a determination of any petition filed pursuant to this § 146.9 within thirty days (excluding Saturdays, Sundays and legal public holidays) after receipt by the Privacy Unit of the petition, unless for good cause shown, the Commission extends the 30-day period. If a petition is denied, the Commission will notify the petitioner in writing and state the reasons therefor.

(e) Where the petition is made for review of a denial of a request for amendment made pursuant to § 146.8, the following additional procedures shall apply:

(1) If upon review the Commission grants the petition to amend the record, notice of the correction and its substance shall be given to each person or agency to whom the record had previously been disclosed, as shown on the record of disclosures maintained in accordance with § 146.6(c) of these rules.

(2) If upon review the initial denial of the request for amendment is upheld in whole or in part, the individual shall be notified of the provisions for judicial review of that determination which are set forth in Section 552a(g)(1)(A) and (2)(A), of Title 5 of the United States Code and the provisions for disputed records set forth in subparagraph (e)(3) of this § 146.7.

(3) If after review the Commission has declined to amend the records as the individual has requested, the individual may file with the Privacy Unit a concise statement setting forth why he disagrees with the Commission's denial of his request. Any subsequent disclosure containing information about which a

statement of disagreement has been filed shall clearly note the portion which is disputed, and include a copy of the individual's statement. The Commission may also include a copy of a concise statement explaining its reasons for not making the amendments requested.

#### § 146.10 Information supplied by the Commission when collecting information from an individual.

The Commission will inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual of—

(a) The authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(b) The principal purpose or purposes for which the information is intended to be used;

(c) The routine uses which may be made of the information, as published in the FEDERAL REGISTER; and

(d) The effects on him, if any, of not providing all or any part of the requested information.

#### § 146.11 Public notice of records systems.

(a) The Commission will publish in the FEDERAL REGISTER at least annually a notice of existence and character of each of its systems of records, which notice shall include—

(1) The name and location of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) Each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(5) The policies and practices of the Commission regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The title and business address of the Commission official who is responsible for the system of records;

(7) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(8) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its contents; and

(9) The categories of sources of records in the system.

(b) Copies of the notices as printed in the FEDERAL REGISTER will be available in each office of the Commission. Locations of Commission offices are listed in § 145.6. Mail requests should be directed to the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036. The first copy will be furnished free of charge. A charge will be made for each additional copy.

#### § 146.12 Exemptions.

(a) Investigatory materials compiled for law enforcement purposes are exempt from portions of the Privacy Act of 1974 and of these rules as set forth in paragraph (c) of this section, on the basis and to the extent that individual access to these files could impair the effectiveness and orderly conduct of the Commission's regulatory and enforcement program. Materials exempted under this paragraph are contained in the system of records entitled "Exempted Investigatory Records." Notwithstanding the foregoing, however, no record which has served as a basis for denying an individual a right, privilege, or benefit to which he would otherwise be eligible, shall be maintained in this system, unless the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. For records of this type, if practicable, material identifying the confidential source shall be extracted or summarized in a manner which protects the source and the summary or extract shall be maintained in a comparable non-exempted system of records.

(b) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for employment with the Commission are exempt from portions of the Privacy Act of 1974 and of these rules as set forth in paragraph (c) of this section, to the extent that it identifies a confidential source. This is done in order to encourage persons from whom information is sought to provide information to the Commission which, absent assurances of confidentiality, they would be unwilling to give. However, if practicable, material identifying a confidential source shall be extracted or summarized in a manner which protects the source and the summary or extract shall be maintained in a non-exempt system containing the same category of record. Materials exempted under this paragraph are included in the system of records entitled "Exempted Employee Background Investigation Material."

(c) The systems set forth in paragraphs (a) and (b) of this section are hereby exempted from the provisions of Sections 552a (c), (3) (d), (e) (1), (e) (4)(G), (e) (4)(H), (e) (4)(I) and (f) of Title 5 of the United States Code (the Privacy Act of 1974), and are also exempted from the following Sections of these rules: § 146.3 [requests for information and for access]; § 146.5 [access to records]; § 146.6(d) [accounting of disclosures to be made available to the individual]; § 146.11(a)(7), (8), (9) [content of the system notice]; and § 146.7(a) [relevancy of records].

#### APPENDIX A—FEES FOR COPIES OF RECORDS REQUESTED UNDER THE PRIVACY ACT OF 1974

a. The following schedule of fees shall apply to copies of records requested by individuals pursuant to the Privacy Act of 1974, 5 U.S.C. 552a and § 146.5(f).

(1) No fee shall be charged for copies of documents if the number of pages requested by that individual totals less than 10. This limit applies to the total requests under this section during any 180-day period.

(2) For requests for copies of documents in excess of 10 pages the charge will be \$0.10 per page.

(3) For materials other than paper records, the direct cost of the materials shall be charged, but person making the request shall be notified of the amount of the charge and shall give specific approval prior to the preparation of copies.

(4) The Commission may, upon application by the individual, furnish any records without charge or at a reduced rate, if it determines that such waiver or reduction of fee is in the public interest.

b. Requests for copies of documents should be addressed to Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036, or may be made to the member of the Commission's staff through whom arrangements for access were made.

c. Payment must be made by check or money order payable to the Treasury of the United States. No employee of the Commission is authorized to accept payment of fees in cash.

d. Advance payment of all or part of the fee may be required at the discretion of the Commission. Generally, advance payment will not be required where the anticipated fee is less than \$25.

The foregoing rules shall be effective on September 27, 1975, the effective date of the Privacy Act. The publication of these rules less than 30 days before their effective date is necessary to prevent a lapse between the effective date of the Act and the rules. The shortened notice period will not prejudice persons affected by these rules.

Issued in Washington, D.C. on August 28, 1975.

WILLIAM T. BAGLEY,  
Chairman, Commodity Futures  
Trading Commission.

[FR Doc.75-23377 Filed 9-3-75; 8:45 am]



# COMMUNITY SERVICES ADMINISTRATION PRIVACY ACT OF 1974

## Notice of Systems of Records

Notice is hereby given that the Community Services Administration (formerly the Office of Economic Opportunity), in accordance with 5 U.S.C. 552a (e) (4) and (11), Section 3 of the Privacy Act of 1974 (Pub. L. 93-579), proposes to adopt the notice of systems of records set forth below. Although the Privacy Act requires only publication for comment of that portion of a notice which describes the routine uses of the particular systems of records, the Community Services Administration (CSA) invites public comment on all parts of the notice. Comments should be submitted on or before September 10, 1975 to the Privacy Act Officer, Community Services Administration, Management and Systems Staff, 1200 19th Street NW., Washington, D.C. 20506.

This notice does not include detailed information on certain systems of records for which other Federal agencies have assumed responsibility for publishing a Government-wide notice. The primary example is the publication of systems of records pertaining to Federal employee personnel by the United States Civil Service Commission. The Community Services Administration lists all such known notices and publishing agencies in Appendix B to the proposed regulations published in the FEDERAL REGISTER.

**AUTHORITY:** 5 U.S.C. 552a

**Effective date:** This notice shall be effective September 27, 1975.

**Dated:** August 25, 1975.

BERT A. GALLEGOS,  
Director.

## PREFATORY STATEMENT OF GENERAL ROUTINE USES FOR THE COMMUNITY SERVICES ADMINISTRATION SYSTEMS OF RECORDS

The following routine uses apply to and are incorporated by reference into each system of records set forth below:

(1) In the event that records in this system of records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the records may be referred, as

## NOTICES

a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. Furthermore, presentation of evidence and disclosure to counsel for litigants before any court, magistrate, or administrative tribunal, or in the normal process of discovery attendant to such litigation or procedures shall constitute a routine use of records in this system of records.

(2) Records from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(3) Records from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(4) A record from this system of records may be disclosed, as a routine use, to a member of Congress seeking information concerning the individual, but only when the individual is a constituent of the member and has requested assistance from the member with respect to the subject matter of the record.

## GEOGRAPHICAL GUIDANCE FOR ACCESSING SYSTEMS OF RECORDS

Many CSA systems of records are maintained wholly or partially in the CSA Regional Offices. To facilitate access to such records, a listing of the CSA Regional Offices, the states served thereby, their addresses and telephone numbers are provided:

### REGION I

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (617) 223-4025.

### REGION II

New Jersey, New York, Puerto Rico, Virgin Islands. 26 Federal Plaza, 32nd Floor, New York, New York 10007, (212) 264-1900.

### REGION III

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia. Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104 (215) 597-1000.

### REGION IV

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. 730 Peachtree Street NE., Atlanta, Georgia 30308 (404) 526-3172.

### REGION V

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606 (312) 353-5987.

### REGION VI

Arkansas, Louisiana, New Mexico, Oklahoma, Texas. 1200 Main Street, Dallas, Texas 75202 (214) 749-1301.

### REGION VII

Iowa, Kansas, Missouri, Nebraska. 911 Walnut Street, Kansas City, Missouri 64106 (816) 374-3364.

### REGION VIII

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming. Federal Building, 1961 Stout Street, Denver, Colorado 80202 (303) 837-4767.

### REGION IX

Arizona, California, Guam, Hawaii, Nevada, Pacific Trust Territories. 100 McAllister Street, San Francisco, California 94102 (415) 556-3706.

### REGION X

Alaska, Idaho, Oregon, Washington. Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101 (206) 442-4910.

## INDEX OF COMMUNITY SERVICES ADMINISTRATION

### SYSTEMS OF RECORDS UNDER THE PRIVACY ACT OF 1974

- CSA 1 Employee Applicants for Upward Mobility Program.
- CSA 2 Employee Attendance, Leave & Payroll Records.
- CSA 3 Employee Employment History.
- CSA 4 Employee Suggestion System.
- CSA 5 Employee of CSA and Other Government Agencies & Invited Travelers' Travel Records.
- CSA 6 Freedom of Information Act Requests for Records.
- CSA 7 Inspection Reports on Grantees, Contractors and CSA Employees.

## CSA—1

**System name:** Employee applicants for upward mobility program—CSA

**System location:** See system manager title and address below for location.

**Categories of individuals covered by the system:** CSA employees making application for crossover positions.

**Categories of records in the system:** Applications include, name, address, social security number, job title, grade, service time, sex, organizational element, present supervisor, work experience, education, training, awards, association memberships, co-worker evaluation and job evaluation.

**Authority for maintenance of the system:** FPM Chapter 410, EEO Act of 1972.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See routine use paragraphs in Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms in file folders.

**Retrievability:** Filed by name.

**Safeguards:** Locked metal file cabinets accessible by authorized personnel only.

**Retention and disposal:** Maintained for one year or until employee resigns, transfers or retires, then destroyed.

**System manager(s) and address:** Training Officer, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record source categories:** Subject individuals, supervisors and co-workers.

## CSA—2

**System name:** Employee Attendance, Leave & Payroll Records—CSA

**System location:** See System Manager title and address below for location. (Magnetic tapes of this system of records are located at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland, 20910; and a currently updated record (one month) for emergency backup at the General Services Administration, Region 3, 7th and D Streets, N. W., Washington, D.C.)

**Categories of individuals covered by the system:** Current and past employees of the Community Services Administration and its predecessor agency, the Office of Economic Opportunity.

**Categories of records in the system:** Individual employee pay data and leave records which include a pay folder containing copies of Allotment Forms, Health Benefit Forms, SF-50 Personnel Action forms, Payroll Listing and Tax Deductions. The system also produces Master Earnings History Files and numerous reports such as Bond Listings, Tax Withholdings, W-2 Listings with addresses, etc. The records contain name, social security number and employee number, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, state, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds,

marital status and number of dependents; and "Notification of Personnel Action." The individual records listed herein are included only as pertinent or applicable to the individual employee.

**Authority for maintenance of the system:** Title 6, GAO Policy and Procedures Manual, pursuant to 5 U.S.C. and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Transmittal of data to U.S. Treasury to effect issuance of paychecks to employee and distribution of pay according to employee directions for savings bonds, allotments, financial institutions and other authorized purposes. Reporting of: tax withholdings to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to the employee union; withholdings for health insurance to the insurance carriers and the U.S. Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Both manual and computer-produced paper copy, and magnetic tape.

**Retrievability:** By name of employee and/or social security number.

**Safeguards:** Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

**Retention and disposal:** Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

**System manager(s) and address:** Chief, Financial Policies, Procedures & Payroll Division, Office of the Controller, Community Services Administration, 1200 19th Street, N. W., Washington, D. C. 20506

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record source categories:** Subject individuals, supervisor, timekeepers, official personnel records and IRS.

## CSA—3

**System name:** Employee employment history—CSA

**System location:** See System Manager title and address below for location. (Magnetic tapes of this system of records are located at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland 20910; and a currently updated record (one month) for emergency backup at the General Services Administration, Region 3, 7th and D Streets N.W., Washington, D.C.)

**Categories of individuals covered by the system:** Current and past employees of the Community Services Administration and its predecessor agency, the Office of Economic Opportunity.

**Categories of records in the system:** Data relating to the employment of each CSA employee including name, social security number, position title, organizational element, veterans preference, entrance on duty date, pay plan and occupational code, last promotion date, tour of duty, total federal service date, salary grade and step, retirement system, within-grade due date, actual salary, position type, physical handicap, educational level, appointment status, college major, birth date, and related data necessary to maintain the accuracy of the file.

**Authority for maintenance of the system:** Title 5, U.S.C. Sections 1302, 2951, 4118, 4308, and 4506.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See routine use paragraphs in Prefatory Statement.

lations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record source categories:** Subject individual and evaluators of

**Categories of records in the system:** Name, address, and telephone number of requester; description or identification of records requested, furnished and/or denied; dates of request and response; amount of fees paid, reduced or waived, if any; payment

and CSA officials and employees engaged in processing or making determinations on FOIA requests.

## CSA—7

**System name:** Employee employment history—CSA



**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See routine use paragraphs in Prefatory Statement.

To provide information to a prospective employer of a Government employee.

To provide statistical and background information to Civil Service Commission.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** System is maintained on magnetic tape.

**Retrievability:** By social security number/name.

**Safeguards:** Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance when open, is restricted to authorized personnel only. All personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

**Retention and disposal:** Retained on site, then disposed of, or transferred to Federal Records Storage Centers, as appropriate, in accordance with General Record Schedules of GSA.

**System manager(s) and address:** Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record source categories:** Subject individuals, supervisors and official personnel records.

#### CSA—4

**System name:** Employee Suggestion System—CSA

**System location:** See system manager title and address below for location.

**Categories of individuals covered by the system:** Current and past employees of CSA.

**Categories of records in the system:** Name, position title, grade, social security number, organization element, appraisal of suggestion and supervisory evaluator's name.

**Authority for maintenance of the system:** FPM Chapter 451-7.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See routine use paragraphs in Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms and description of suggestion in file folders.

**Retrievability:** File is retrieved by individual's name.

**Safeguards:** Locked metal file cabinets accessible by authorized personnel only.

**Retention and disposal:** Maintained two years after close of case and then destroyed.

**System manager(s) and address:** Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C., 20506, and at each CSA Regional Office the Personnel Officer, address above, under "Geographical Guidance for Accessing Systems of Records."

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

lations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record source categories:** Subject individual and evaluators of suggestion.

#### CSA—5

**System name:** Employees of CSA and Other Government Agencies & Invited Travelers' Travel Records—CSA

**System location:** Paper records, see System Manager Title and address below. Supporting records are maintained in other offices at Headquarters and each of the Regional Offices listed under Geographical Guidance above. Magnetic tape records are at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland, 20910.

**Categories of individuals covered by the system:** Employees of CSA, members of CSA Advisory Committees, other government agency employees and private persons traveling under invitation on official program matters.

**Categories of records in the system:** Name, address, social security number; destination, itinerary, mode and purpose of travel; dates; expenses including amounts advanced (if any), amounts claimed and amounts reimbursed; travel orders, travel vouchers and receipts.

**Authority for maintenance of the system:** Chapter 57, Subchapter 1 of U.S.C. 5, Budget & Accounting Act of 1921, Accounting & Auditing Act of 1950, and Federal Claim Collection Act of 1966.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Transmittal to U.S. Treasury for payment, to GAO for audit support of Accountable Offices and internally to support disbursement of Federal funds.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual and computer-produced paper copy, and magnetic tape.

**Retrievability:** Filed by name, social security number or travel order number.

**Safeguards:** Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All processing personnel, including computer operators and programmers are instructed and cautioned on the confidentiality of the records.

**Retention and disposal:** Retained according to GSA Federal Travel Regulations and on site until after GAO audit, then disposed of, or transferred to Federal Records Storage in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

**System manager(s) and address:** Chief, Finance & Grants Management Division, Office of the Controller, Community Services Administration, 1200 19th Street, N.W., Room 320, Washington, D.C. 20506.

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record source categories:** Subject individuals, supervisors, and finance or accounting office standards references.

#### CSA—6

**System name:** Freedom of Information Act Requests for Records—CSA

**System location:** See System Manager's Title and location below. Supporting records are maintained in other offices at Headquarters and the Regional Offices.

**Categories of individuals covered by the system:** Individuals who have requested records from CSA under the provisions of the Freedom of Information Act, as amended.

**Categories of records in the system:** Name, address, and telephone number of requester; description or identification of records requested, furnished and/or denied; dates of request and response; amount of fees paid, reduced or waived, if any; payment delinquencies, if any; appeals of denials, final determinations; and names and titles of denying officials and determining officials.

**Authority for maintenance of the system:** Freedom of Information Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Annual Report to the Congress under section (d) of the Freedom of Information Act, as amended, and available for public inspection at all times. Also see routine use paragraphs of the Prefatory Statement above.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Correspondence in file folders, manual chronological log, suspense control card file and accounts receivable record.

**Retrievability:** Filed by requester name and/or chronological dates of action steps.

**Safeguards:** Records are retained in locked furniture in secured rooms with access limited to those whose official duties require access, and under supervisory controls as defined in the CSA Rules and Regulations published in the FEDERAL REGISTER.

**Retention and disposal:** Retained on site, then disposed of, or transferred to Federal Records Storage Center, as appropriate, in accordance with General Record Schedules of GSA.

**System manager(s) and address:** FOIA Records Officer, Office of Administration, Community Services Administration, 1200 19th Street, N.W., Washington, D.C., 20506.

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in proposed form at 40 F.R. 38165, August 27, 1975.

**Record source categories:** Requesters for information under FOIA

and CSA officials and employees engaged in processing or making determinations on FOIA requests.

#### CSA—7

**System name:** Inspection reports on grantees, contractors, and CSA employees—CSA

**System location:** See system manager title and address below for location.

**Categories of individuals covered by the system:** Inspection reports of investigations in complaints alleging misfeasance, malfeasance and nonfeasance by employees of CSA, grantees, contractors and consultants.

**Categories of records in the system:** Name, address, date and place of birth, citizenship, physical characteristics, employment history, financial records, education, arrest records, Federal employee's relatives, names of spouses, relatives, references, personal associates, activities and conflict of interest.

**Authority for maintenance of the system:** Title 18 U.S.C. including sections 201, 287, 508, 641, 1001, and 1913 and sections 602, 603, and 626 of the Community Services Act of 1974 (42 U.S.C. 2942, 2943, and 2971f).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See routine use paragraphs in Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Indexed by Grantees, Regional Officer, and/or individual respondents against whom complaints have been filed.

**Safeguards:** Padlock, bar type filing cabinets and used only by authorized screened personnel.

**Retention and disposal:** Retired to Federal Records Center 3 years after close of case.

**System manager(s) and address:** Chief, Inspection Division, Office of General Counsel, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

**Systems exempted from certain provisions of the act:** System exempted from certain provision of the Act: Pursuant to 5 U.S.C. 552a (k) (2), this system is exempted from 5 U.S.C. 552a (c) (3), (d), (e) (1), (e) (4) (g), (h), and (f). The exemption of this information is necessary to facilitate the enforcement of the Community Services Act of 1974 and other relevant statutes, and to avoid revealing and endangering sources of information.

[FR Doc.75-22878 Filed 8-27-75; 8:48 am]

### MARINE MAMMAL COMMISSION

and goals of the Act, and in accordance working day. Systems of records that are therewith provide for relative ease of the subject of a request should be identified.

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(8) The propriety and feasibility of



**MARINE MAMMAL COMMISSION**  
**[50 CFR Part 501]**  
**PRIVACY ACT OF 1974**  
**Proposed Implementation**

Notice is hereby given that the Marine Mammal Commission (the "Commission"), pursuant to Section 3 of the Privacy Act of 1974 (the "Act"), 5 U.S.C. 552(a) (e) (4) and (e) (11), proposes to adopt the proposed rules set forth below to establish procedures for inquiries concerning access to, and correction or amendment of records maintained by the Commission. Interested persons may submit any written comments regarding this Notice to the Executive Director, Marine Mammal Commission, 1625 I Street, N.W., Room 307, Washington, D.C. 20006, for consideration by the Commission before a final notice is published. Submissions received on or before September 27, 1975 will be considered by the Commission in formulating the final notice. All submissions will be available for public inspection at the Commission offices during normal business hours.

JOHN R. TWISS, JR.,  
 Executive Director.

August 27, 1975.

It is proposed to amend 50 CFR by adding a new chapter V, Marine Mammal Commission, consisting of the following Part 501:

**PART 501—IMPLEMENTATION OF THE**  
**PRIVACY ACT OF 1974**

- Sec.  
 501.1 Purpose and scope.  
 501.2 Definitions.  
 501.3 Procedure for responding to requests regarding the existence of records pertaining to an individual.  
 501.4 Requests for access—times, places and requirements for identification of individuals.  
 501.5 Disclosure of requested information.  
 501.6 Requests for correction or amendment of a record.  
 501.7 Agency review of requests for amendment or correction of a record.  
 501.8 Appeal of initial denial of a request for amendment or correction.

AUTHORITY: Sec. 3, Privacy Act of 1974 (5 U.S.C. 552a(e) (4) and (11)).

**§ 501.1 Purpose and scope.**

(a) **Purpose.** The purpose of these rules is to fulfill the responsibilities of the Marine Mammal Commission (the "Commission") under Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(f) (the "Act") by establishing procedures whereby an individual will be notified if any system of records maintained by the Commission contains a record pertaining to him or her; by defining the times and places at which records will be made available and the identification requirements which must be met by any individual requesting access to them; by establishing procedures for disclosure to an individual, on request, of any record pertaining to him or her; and by establishing procedures for processing, reviewing, and making a final determination on requests of individuals to correct or amend a record pertaining to him or her, including a provision for administrative appeal of initial adverse determinations on such requests. These rules are promulgated with particular attention to the purposes

and goals of the Act, and in accordance therewith provide for relative ease of access to records pertaining to an individual, and for maintenance by the Commission of only those records which are current, accurate, necessary, relevant and complete with respect to the purposes for which they were collected.

(b) **Scope.** These rules apply only to "records" contained in "systems of records," defined by the Act as follows:

The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

The term "system of records" means a group of any record under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

Notices with respect to the systems maintained by the Commission have been published in the FEDERAL REGISTER, as required by the Act. These rules pertain only to the systems of records disclosed in such notices, and to any systems that may become the subject of a notice at any time in the future.

Nothing in these rules shall be construed as pertaining to requests made under the Freedom of Information Act, 5 U.S.C. § 552.

**§ 501.2 Definitions.**

(a) As used in this Part:

(1) The term "Act" means the Privacy Act of 1974, 5 U.S.C. 552a.

(2) The term "Commission" means the Marine Mammal Commission.

(3) The term "Director" means the Executive Director of the Marine Mammal Commission.

(4) The term "individual" means any citizen of the United States or an alien lawfully admitted for permanent residence into the United States.

(5) The term "Privacy Officer" means an individual designated by the Director to receive all requests regarding the existence of records, requests for access and requests for correction or amendments; to review and make initial determinations regarding all such requests; and to provide assistance to any individual wishing to exercise his or her rights under the Act.

(b) Other terms shall be used in this part in accordance with the definitions contained in Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(a).

**§ 501.3 Procedure for responding to requests regarding the existence of records pertaining to an individual.**

Any individual may submit a request to be notified whether a system of records, with respect to which the Commission has published a notice in the FEDERAL REGISTER, contains a record pertaining to him or her. Requests may be made in writing to the Privacy Officer or by appearing in person at the Commission offices located at 1625 I Street, N.W., Room 307, Washington, D.C. 20006 between the hours of 9:00 a.m. and 5:00 p.m. on any

working day. Systems of records that are the subject of a request should be identified by reference to the system name designated in the Notice of Systems of Records published in the FEDERAL REGISTER. In the event a system name is not known to the individual, a general request will suffice if it indicates reasons for the belief that a record pertaining to the named individual is maintained by the Commission. Receipt of inquiries submitted by mail will be acknowledged within 10 days of receipt (excluding Saturdays, Sundays, and legal public holidays) unless a response can also be prepared and forwarded to the individual within that time.

**§ 501.4 Requests for access—times, places and requirements for identification of individuals.**

Requests for access to a system of records pertaining to any individual may be made by that individual by mail addressed to the Privacy Officer, or by submitting a written request in person at the Commission offices located at 1625 I Street, N.W., Room 307, Washington, D.C. 20006, between the hours of 9:00 a.m. and 5:00 p.m. on any working day. An individual appearing in person at the Commission offices will be granted immediate access to any records to which that individual is entitled under the Act upon satisfactory proof of identity by means of a document bearing the individual's photograph or signature. For requests made by mail, identification of the individual shall be adequate if established by means of submitting a certificate of a notary public, or equivalent officer empowered to administer oaths, substantially in accord with the following:

City of \_\_\_\_\_  
 County of \_\_\_\_\_ ss \_\_\_\_\_  
 (name of individual)  
 who affixed (his)(her) signature below in my presence, came before me, a \_\_\_\_\_  
 (title)

In the aforesaid County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and established (his)(her) identity to my satisfaction. My Commission expires \_\_\_\_\_

The Privacy Officer shall determine the adequacy of any proof of identity offered by an individual.

**§ 501.5 Disclosure of requested information.**

(a) Upon request and satisfactory proof of identity, an individual appearing at the Commission offices shall be given immediate access to and permission to review any record, contained in a system of records, pertaining to him or her, shall be allowed to have a person of his/her choosing accompany him/her, and shall be given a copy of all or any portion of the record. The individual to which access is granted shall be required to sign a written statement authorizing the presence of the person who accompanies him or her, and authorizing discussion of his or her record in the presence of the accompanying person.

(b) Requests made by mail to the Privacy Officer at the Commission offices will be acknowledged within 10 days from date of receipt (excluding Saturdays, Sundays, and legal public holidays). This

acknowledgment shall provide the individual with information regarding whether access to the record will be granted and, if access is granted, a description of the records, documents or other information that will be disclosed and copies of such records.

(c) If the Privacy Officer initially determines to deny access to all or any portion of a record, notice of denial shall be given to the individual in writing, within a reasonable time, and shall include the following:

(1) The precise record to which access is being denied;

(2) The reasons for denial, including a citation to the appropriate provisions of the Act and of these Rules;

(3) A statement that the denial may be appealed to the Director;

(4) A statement of what steps must be taken to perfect an appeal to the Director; and,

(5) A statement that the individual has a right to judicial review under 5 U.S.C. 552a(g) (1) of any final denial issued by the Director.

(d) Administrative appeal of a final denial, in whole or in part, of any request for access to a record, shall be available. An individual may appeal by submitting to the Director a written request for reconsideration stating therein specific reasons for reversal, which address directly the reasons for denial, stated in the initial notice of denial. If access is denied on appeal, a final notice of denial shall be sent to the individual within a reasonable time, and shall state with particularity the grounds for rejecting all reasons for reversal submitted by the individual. The denial shall then be deemed final for purposes of obtaining judicial review.

**§ 501.6 Requests for correction or amendment of a record.**

(a) Any individual may request the correction or amendment of a record pertaining to him or her in writing addressed to the Privacy Officer at the Commission offices. Verification of identity required for such requests shall be the same as that specified in Section 401.4 above with respect to requests for access. Records sought to be amended must be identified with as much specificity as is practicable under the circumstances of the request, and at a minimum, should refer to the system name designated in the Notice of System Records published in the FEDERAL REGISTER, the type of record in which the information thought to be improperly maintained or incorrect is contained, and the precise information that is the subject of the request (for example, system name, description of record, paragraph, sentence, line, words). Assistance in identifying a record, and in otherwise preparing a request, may be obtained by contacting the Privacy Officer at the Commission offices.

(b) A request should, in addition to identifying the individual and the record sought to be amended or corrected, include:

(1) The specific wording or other information to be deleted, if any;

(2) The specific wording or other information to be inserted, if any, and the exact place in the record at which it is to be inserted, and,

(3) A statement of the basis for the requested amendment or correction (e.g., that the record is inaccurate, unnecessary, irrelevant, untimely, or incomplete), together with supporting documents, if any, which substantiate the statement.

**§ 501.7 Agency review of requests for amendment or correction of a record.**

(a) Where possible, each request for amendment or correction shall be reviewed, and a determination on the request made, by the Privacy Officer within 10 days of receipt (excluding Saturdays, Sundays and holidays). Requests shall be acknowledged within that period where insufficient information has been provided to enable action to be taken. An acknowledgment shall inform the individual making the request of the estimated time within which a disposition of the request is expected to be made, and shall prescribe such further information as may be necessary to process the request. The request shall be granted, or an initial decision to deny shall be made, within ten days of receipt of all information specified in the acknowledgment (excluding Saturdays, Sundays and holidays).

(b) Within a reasonable time after arriving at a decision on a request, the Privacy Officer shall either:

(1) Make the requested amendment or correction, in whole or in part, and advise the individual in writing of such action; or,

(2) Advise the individual in writing that the request has been initially denied, in whole or in part, stating, with respect to those portions denied:

(a) The date of the denial;

(b) The reasons for the denial, including a citation to an appropriate section of the Act and these Rules; and,

(c) The right of the individual to prosecute an appeal and to obtain judicial review should a final denial result from the appeal.

(c) In reviewing a request for amendment or correction of a record, the Privacy Officer shall consider the following criteria:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information sought to be amended or corrected;

(3) The relevance and necessity of the information sought to be amended or corrected in terms of the purposes for which it was collected;

(4) The timeliness and currency of the information sought to be amended or corrected in terms of the purposes for which it was collected;

(5) The completeness of the information sought to be amended or corrected in terms of the purposes for which it was collected;

(6) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(7) The character of the record sought to be corrected or amended; and,

(8) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

If an amendment or correction is otherwise permissible under the Act and other relevant statutes, a request shall be denied only if the individual has failed to establish, by a preponderance of the evidence, the propriety of the amendment or correction in light of these criteria.

**§ 501.8 Appeal of initial denial of a request for amendment or correction.**

(a) The initial denial of a request for amendment or correction may be appealed by submitting to the Director, within thirty days after the date of such denial, the following appeal papers:

(1) A copy of the original request for amendment or correction;

(2) A copy of the initial denial; and,

(3) A precise statement of the reasons for the individual's belief that the denial is in error, referring specifically to the criteria contained in § 501.7(c) (1-8).

The appeal must be signed by the individual. While these papers normally will constitute the entire Record on Appeal, the Director may add additional information, from sources other than the individual, where necessary to facilitate a final determination. Any such additional information added to the record shall promptly be disclosed to the individual to the greatest extent possible, and an opportunity for comment thereon shall be afforded prior to the final determination.

(b) The Director shall issue a final determination on appeal within thirty days (excluding Saturdays, Sundays, and legal public holidays) from the date on which a completed Record on Appeal (including any additional information deemed necessary) is received. Review, and final determination by the Director, shall be based upon the criteria specified in § 501.7(c) (1-8).

(c) If the appeal is resolved favorably to the individual, the final determination shall specify the amendments or corrections to be made. Copies of the final determination shall be transmitted promptly to the individual and to the Privacy Officer. The Privacy Officer shall make the requested amendment or correction and advise the individual in writing of such action.

(d) If the appeal is denied, the final determination shall state, with particularity, the reasons for denial, including a citation to an appropriate section of the Act and of these Rules. The final determination shall be forwarded promptly to the individual, together with a notice which shall inform the individual of his or her right to submit to the Privacy Officer, for inclusion in the record, a concise statement of grounds for disagreement with the final determination. Receipt of any such statement shall be acknowledged by the Privacy Officer, and subsequent users of the record shall be provided copies of the statement. The notice shall also inform the individual of his or her right, under 5 U.S.C. 552a (g) (1), to obtain judicial review of the final determination.

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**Categories of individuals covered by the system:** Commission employees.

**Categories of records in the system:** SF 1038. Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in the performance of their duties.

**Authority for maintenance of the system:** 31 U.S.C., generally; Section 206(5) of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1406(5).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper and tape.

**Retrievability:** Manual and automated by name.

**Safeguards:** Stored in guarded building; released only to authorized personnel.

**Retention and disposal:** Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

**System manager(s) and address:** Executive Director, Marine Mammal Commission, 1625 I Street N.W., Washington, D.C. 20006, Room 307.

**Notification procedure:** See Commission access regulations in 50 CFR Part 401.3.

**Record access procedures:** See Commission access regulations in 50 CFR Parts 401.4, 401.5.

**Contesting record procedures:** See Commission regulations in 50 CFR Parts 401.6 through 401.8.

**Record source categories:** The subject individual; the Commission.

MMC—S

**System name:** Payroll records—MMC

**System location:** General Services Administration, Region 3 Of-

ice; copies held by the Commission (GSA holds records for Commission under contract.)

**Categories of individuals covered by the system:** Past and present Commission employees

**Categories of records in the system:** Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms; W2 forms; overtime requests; leave data; retirement records. Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

**Authority for maintenance of the system:** 31 U.S.C., generally.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records also are released to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper and microfilm

**Retrievability:** Social Security Number

**Safeguards:** Stored in guarded building; released only to authorized personnel.

**Retention and disposal:** Disposition of records shall be in accordance with HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

**System manager(s) and address:** Executive Director, Marine Mammal Commission, 1625 I Street, N.W., Washington, D.C. 20006.

**Notification procedure:** See Commission access regulations, 50 CFR Part 401.3.

**Record access procedures:** See Commission access regulations in 50 CFR Parts 401.4, 401.5.

**Contesting record procedures:** See Commission regulations in 50 CFR Parts 401.6 through 401.8.

**Record source categories:** The subject individual; the Commission.

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## reminders

**NOTE:** There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

### Daily List of Public Laws

**NOTE:** No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

The following government agencies have submitted Privacy Act documents to the Office of the Federal Register for publication. These documents are available for public inspection at the Federal Register Office, 1100 L St. NW., Rm. 8401. They will be published according to the following schedule:

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Dept. of Labor, notices.....	Sept. 8
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\*Will be published as soon as possible but not yet scheduled.

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Title 16—Commercial Practices  
CHAPTER I—FEDERAL TRADE COMMISSION  
[Docket No. C-2686]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Amerada Hess Corp.  
Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.  
(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

In the Matter of Amerada Hess Corp., a Corporation.

Consent order requiring a New York City energy company, among other things to cease permitting any individual to serve on its board of directors if such individual is or would be at the same time a director of Newmont Mining Corp. The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

It is ordered, That Amerada Hess Corporation (Amerada), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of Newmont Mining Corporation.

II. It is further ordered, That Amerada shall, within thirty (30) days after service of this Order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Amerada controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the exploration, production and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

III. It is further ordered, That for a period ending five (5) years after service of this Order, Amerada shall, at least

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing or proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of the Board of Directors but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

IV. It is further ordered, That for a period ending five (5) years after service of this Order, Amerada shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of Amerada by virtue of its business and location of operation in the exploration, production or sale of crude petroleum or natural gas. If compliance with Paragraphs I and IV requires any member of Amerada's Board of Directors to resign or to be removed from the Board of Directors of either Amerada or such other corporation, Amerada shall be allowed a reasonable period of time within which to take any legal or other steps which are necessary to secure compliance with this Order.

V. It is further ordered, That Amerada notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this Order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

VI. It is further ordered, That respondent Amerada shall, within thirty (30) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order, and shall within sixty (60) days submit copies of those lists provided by all current directors of Amerada pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-23532 Filed 9-4-75;8:45 am]

[Docket No. 8905]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Associated Dry Goods Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

In the Matter of Associated Dry Goods Corporation, a corporation.

Consent order requiring a New York City department store organization, among other things to divest itself of all stocks, assets, properties, etc.; which it acquired in 1972, comprising Ayr-Way Stores, Inc.

The Divestiture Order, including further order requiring report of compliance therewith, is as follows:

ORDER

I. Respondent shall, as soon as possible and in no event later than two years from the effective date of this Order, divest all of the assets, properties, stores, goodwill, rights, privileges and interests of whatever nature, real, personal, tangible and intangible (subject to liabilities and to the other provisions of this Order) comprising Ayr-Way Stores, Inc., a division of respondent Associated. Divestiture shall include but shall not be limited to the Ayr-Way stores and warehouse listed in the schedule attached hereto as exhibit A and all Ayr-Way facilities opened after December 1, 1974, and prior to divestiture.

Respondent may, but shall not be required to divest the names, trademarks, service names, service marks, or logos "Ayr-Way" or "Ayr-Way Stores, Inc." Nothing in this order shall be deemed to require the divestiture of respondent of the names, trademarks, service names, service marks, or logos "Associated Dry Goods Company," "Ayres," "L. S. Ayres" or "L. S. Ayres and Company, Inc.," or to require the divestiture of any other assets relating to the business of Associated Dry Goods Corporation or L. S. Ayres and Company, Inc.

Divestiture shall be in a manner which preserves the assets and business of Ayr-Way Stores, Inc. as a going concern and fully effective competitor.

<sup>1</sup> Copies of the Complaint, Appendices, Decision and Order, filed with the original document.

In the event that respondent elects to divest itself of the assets or capital stock Associated shall not utilize the names, trademarks, service names, service marks, or logos "Ayr-Way Stores, Inc." to the divestiture as may, from time to time, be requested by the Commission.

and proper utilization; 13.382-1(a) Fair Credit Reporting Act; 13.382-5 Formal regulatory and/or statutory require-

persons are who they represent themselves to be.  
2. Failing to require nonmember con-

ment; and (d) when consumer reports are requested in connection with business transactions having a personal,



In the event that respondent elects to divest itself of the assets or capital stock of Ayr-Way Stores, Inc. by a sale of such assets or capital stock other than by means of a public offering of capital stock which is registered pursuant to the Securities Act of 1933, the acquirer or acquirers shall be approved in advance by the Commission. Nothing in this Order shall be deemed to preclude divestiture to a firm which is engaged in operating department stores or GMAF stores, as defined by the Complaint, if such acquirer is otherwise acceptable to the Commission. Respondent shall not knowingly sell, divest, or otherwise transfer, directly or indirectly, any assets or stock of Ayr-Way Stores, Inc. to any person (other than an underwriter or selling dealer) who is at the time of the transfer the beneficial owner of more than two (2) percent of the outstanding stock of Associated.

If divestiture has not been effected within the two-year period provided by this Order, the Commission, on request submitted at least 30 days prior to the expiration of the period shall grant respondent an opportunity to file a written submission which it will consider before issuing any further order or orders which may be deemed appropriate.

II. Associated or its subsidiaries may be obligated on the effective date of this Order as lessee, guarantor or otherwise with respect to leases pertaining to Ayr-Way stores, its land or buildings, and other obligations of Ayr-Way. Associated will use its good faith efforts to obtain releases of such obligations in connection with the divestiture. In the event that Associated is unable to obtain such releases, the divestiture herein provided shall be deemed to have been accomplished notwithstanding the continuance of any such obligations on the part of Associated provided that at the time of divestiture the acquiring entity assumes responsibility for the operation of the divested facilities; and provided further that the continuance of any such obligation on the part of Associated does not give rise to any influence or control, on the part of Associated in, over or with respect to the operations by said entity of the facilities divested.

In the event of default by the acquiring entity with respect to any such lease or other obligation upon which Associated may remain obligated, Associated shall be entitled, without being deemed to have violated any provisions of this Order, to take whatever action may be necessary with respect to the defaulted facility or facilities to hold itself harmless from the consequences of any such default or defaults, including the right to repossess and to reoperate any such retail facility or facilities the lease of which is in default, provided that Associated notifies the Commission within 48 hours of taking such action, and Associated shall redive itself of any such retail facilities so repossessed within one year from the date of repossession unless a longer period is approved by the Commission, or unless the Commission approves the continued operation by Associated of any such facility.

Associated shall not utilize the names, trademarks, service names, service marks, or logos "Ayr-Way" or "Ayr-Way Stores, Inc." in the course of any retail business operated by Associated for a period of at least two years from the date of the divestiture.

III. (1) Pending divestiture, respondent shall make every reasonable effort to maintain and preserve the assets and business of Ayr-Way Stores, Inc. in good operating condition with such replacements and additions and such effective overall organization as may be necessary to divest Ayr-Way Stores, Inc. as a viable competitive entity; provided, however, that nothing contained herein shall be deemed to require respondent to continue to operate any store which has become so unprofitable that sound business judgment requires its closing or which is rendered inoperative as a result of force majeure or other event beyond the control of respondent.

(2) Whether the operation of a particular store has become so unprofitable during the pendency of divestiture that sound business judgment requires its closing shall be determined on the basis that such operation shall have yielded an aggregate operating loss during the last previous two calendar years, taken together. An "operating loss" occurs when the total operating revenues of a store fail to cover its total reasonable operating costs. "Operating costs" shall not include taxes on net income or any provision for the general and administrative overhead of L. S. Ayres and Company, Inc. or Associated Dry Goods Corporation. Other general and administrative expenses, provision for doubtful accounts and inventory adjustments shall be deemed to be reasonable if they do not exceed by more than one-third Associated Dry Goods' average for stores of similar size. Corrections to year-end statements and inventory shall be made in accordance with the methods and procedure used by Ayr-Way Stores, Inc. for the two years prior to the making of corrections.

(3) The judgment of respondent that a particular store should be closed prior to divestiture shall be communicated in writing to the Commission at least 30 days before the proposed closing, together with a full statement of (a) the reasons for such closing; (b) in case unprofitability is alleged, the store's sales and profitability history; (c) respondent's plans, if any, for the disposition of the store's assets, the consideration to be received therefor and the identity of proposed transferees so far as then known; and (d) such other information, including production of and/or access to original accounting records, as may be required for consideration of the proposed closing.

It is further ordered, That respondent shall, within ninety (90) days from the date of service of this Order, and every one hundred eighty (180) days thereafter until the divestiture required by this Order has been completed submit in writing to the Commission, a report setting forth its plans, actions and progress in complying with the divestiture required by this Order and such other reports related

to the divestiture as may, from time to time, be requested by the Commission.

#### EXHIBIT A APPENDIX A

1. Ayr-Way East, 6800 Pendleton Pike, Indianapolis, Indiana 46226.
2. Ayr-Way West, 2333 Lafayette Road, Indianapolis, Indiana 46222.
3. Ayr-Way South, 3700 South East Street, Indianapolis, Indiana 46227.
4. Ayr-Way Washington East, 8101 East Washington Street, Indianapolis, Indiana 46219.
5. Ayr-Way Richmond, 4401 National Road East, Richmond, Indiana 47374.
6. Ayr-Way Evansville East, 730 South Green River Road, Evansville, Indiana 47715.
7. Ayr-Way Anderson, 5501 Scatterfield Road, Anderson, Indiana 47401.
8. Ayr-Way Evansville North, 4000 First Avenue, Evansville, Indiana 46368.
9. Ayr-Way Indianapolis N.W., 6901 North Michigan Road, Indianapolis, Indiana 46268.
10. Ayr-Way Kokomo, 1037 South Reed Road, Kokomo, Indiana 46901.
11. Ayr-Way Nora, 1300 East 86th Street, Indianapolis, Indiana 46240.
12. Ayr-Way Bloomington, 601 College Mall Road, Bloomington, Indiana 47401.
13. Ayr-Way Fort Wayne North, 3801 Coldwater Road, Fort Wayne, Indiana 46805.
14. Ayr-Way Fort Wayne South, 7601 South Anthony Boulevard, Fort Wayne, Indiana 46806.
15. Ayr-Way Washington West, 1225 S. High School Road, Indianapolis, Indiana 46241.
16. Ayr-Way South Bend, McKinley Square, 3512 East Cedar, South Bend, Indiana 46615.
17. Ayr-Way St. Matthews, 4714 West Port Road, Louisville, Kentucky 40207.
18. Ayr-Way Clarksville, 1500 Greentree Boulevard, Clarksville, Indiana 47130.
19. Ayr-Way Columbus, 2985 N. National Road, Columbus, Indiana 47201.
20. Ayr-Way Champaign, 2002 Glen Park Drive, Champaign, Illinois 61820.
21. Ayr-Way Danville, 2917 N. Vermillion, Danville, Illinois 61832.
22. Ayr-Way Bashford Manor, 2034 Bashford Manor Lane, West Buechel, Kentucky 40218.
23. Ayr-Way Middletown, 1701 University Boulevard, Middletown, Ohio 45042.
24. Ayr-Way Preston Road, 7100 Preston Road, Louisville, Kentucky 40218.
25. Ayr-Way Lafayette, 3100 Sagamore Parkway, North, Lafayette, Indiana 47904.
26. Ayr-Way Scottsdale, 1112 Scottsdale Mall Road, South Bend, Indiana 46612.
27. Ayr-Way Downtown Louisville, 427-437 South 4th Street, Louisville, Kentucky 40202.
28. Ayr-Way Distribution Center, 8250 Zionville Road, Indianapolis, Indiana 46268.

The Decision and Order was issued by the Commission July 28, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-23533 Filed 9-4-75;8:45 am]

[Docket No. C-2712]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

##### Credit Data Northwest, et al.

Subpart—Collecting, assembling, furnishing or utilizing consumer reports: § 13.382 Collecting, assembling, furnishing or utilizing consumer reports; 13.382-1 Confidentiality, accuracy, relevancy,

and proper utilization; 13.382-1(a) Fair Credit Reporting Act; 13.382-5 Formal regulatory and/or statutory requirements; 13.382-5(a) Fair Credit Reporting Act. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records; 13.533-45(k) Records, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 84 Stat. 1127-36; 15 U.S.C. 1601, et seq.)

In the Matter of Credit Data Northwest, a partnership, doing business as Seattle Credit Bureau; and Olympia Credit Bureau, Inc., a corporation, individually and as a partner in Credit Data Northwest; and Credit Bureau of Spokane, Inc., a corporation, individually and as a partner in Credit Data Northwest; and Retail Credit Grantors Bureau, Ltd., a corporation, individually and as a partner in Credit Data Northwest; and Terry B. Smith, individually and as General Manager of Credit Data Northwest; and Allen F. Leiter, individually and as Credit Reporting Manager of Credit Data Northwest.

Consent order requiring a Seattle, Wash., credit reporting agency and three affiliated agencies located in Washington and Canada, among other things to cease collecting, assembling, furnishing or utilizing consumer reports in violation of the Fair Credit Reporting Act.

The Order to cease and desist, including further order requiring report of compliance therewith, is as follows:

#### ORDER

It is ordered, That respondents Credit Data Northwest, a partnership; Olympia Credit Bureau, Inc., Credit Bureau of Spokane, Inc., and Retail Credit Grantors Bureau, Ltd., corporations, individually and as partners in Credit Data Northwest; and Terry B. Smith and Allen F. Leiter, individually, and as principal operating officials of Credit Data Northwest; and respondents' agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division, or other device, in connection with the collecting, assembling, evaluating or furnishing of consumer reports, as "consumer report" is defined in the Fair Credit Reporting Act (15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make reasonable efforts to verify the identity of new members and nonmember consumer report applicants who are unknown to respondents by checking references, such as the yellow pages, a city directory, business reports, on-site inspection of the business premises or other methods adequate to reasonably ensure that such entities or

<sup>1</sup> Copies of the Complaint, Exhibits, Decision and Order, filed with the original document.

persons are who they represent themselves to be.

2. Failing to require nonmember consumer report applicants at the time they apply for each consumer report to certify in writing the purposes for which the consumer report is sought and that it will be used for no other purpose.

3. Furnishing consumer reports to members and nonmember applicants who have not, through the execution of a membership contract or an application for a single report, clearly stated a purpose for the report which is listed in Section 604 of the Fair Credit Reporting Act.

4. Failing to specifically inquire of prospective members concerning the particular purposes for which information will be used, to set out such purposes in the membership contract, and to require that prospective members certify to such purposes and certify that the information will be used for no other purposes as required by Section 607(a) of the Fair Credit Reporting Act.

5. Failing to require attorneys, private investigators and private clubs, and such other classes of members who respondents have reason to obtain consumer reports for impermissible purposes, to certify orally or in writing at the time such members seek each consumer report, the purpose for which the information is sought, and that the information will be used for no other purpose, in accordance with Section 607(a) of the Fair Credit Reporting Act. The respondents shall require such members to agree in their membership contracts with respondents that if oral certification is given such members must provide written certification of the said purpose within 5 business days of such oral certification. If certification is made orally, the respondents shall make a written record of such oral certification at the time of the request.

6. Failing to make reasonable efforts to verify the uses certified by prospective members and to make reasonable efforts to reverify the purposes certified by members in the membership agreement every three (3) years.

7. Failing to make reasonable efforts to verify the uses certified by nonmember applicants for consumer reports. Such efforts shall include (a) when consumer reports are requested for purported credit transactions, inquiry shall be made to seek verification of such transactions through contacting the other party to the transaction or other knowledgeable parties; (b) in the case of a property owner purportedly seeking a consumer report on a prospective buyer or tenant, inquiry shall be made to seek verification of the applicant's ownership of the property in question and whether it is for sale or rent; (c) in the case of a party seeking a report for purported employment purposes, inquiring whether the consumer is employed by the party or has applied for employment and, if so, verifying whether the consumer is so employed or has applied for employ-

ment; and (d) when consumer reports are requested in connection with business transactions having a personal, family or household purpose for the consumer, inquiry shall be made to seek verification of such transactions through contacting the other party to the transaction or other knowledgeable parties.

8. Failing, prior to the dissemination of any consumer report, to separate or delete adverse items of information in the consumer's file which antedate the date of the report by more than the applicable period specified in Section 605(a) of the Fair Credit Reporting Act.

9. Making any consumer report containing any item of information prohibited by Section 605(a) of the Fair Credit Reporting Act, except as provided in Section 605(b) of that Act, including the giving of any consumer report concerning the delinquency of an account more than seven years after such delinquency.

10. Recording information in a consumer's file, unless the source of the information provides at least one type of identification for the consumer in addition to the consumer's name, such as address, social security number, employer, or name of spouse.

11. Failing, when the completeness or accuracy of information in his or her file is disputed by a consumer, to:

a. (i) Initiate reinvestigation within three business days, (ii) continue to make reasonable efforts to complete the reinvestigation and (iii) to complete the reinvestigation within thirty days of the initiation thereof or, in the alternative, delete such information. Such reinvestigations with creditors shall include, but not necessarily be limited to, requesting examination by the creditor, where relevant, of any original documentation relating to the dispute in addition to credit records; such reinvestigations concerning suits and judgments shall include making inquiry of original creditors, where relevant and possible, and making inquiry in official records to determine if the judgment has been satisfied, the suit dismissed or other relevant action taken;

b. Reinvestigate with the original creditor when an account placed for collection is disputed;

c. Record immediately after reinvestigation the current status of information disputed by the consumer;

d. Immediately delete information which is found to be inaccurate or not verifiable after reinvestigation;

e. Inform the consumer, orally or in writing by mailing the information, of the results of the reinvestigation within five business days after the completion of the reinvestigation.

12. Failing to explicitly orally disclose to the consumer his or her right to request that all deletions, notations and consumer statements with respect to disputed information be sent by respondents to persons designated by the consumer who have received the deleted or disputed information within two years for employment purposes or within six months for any other purpose. Such dis-

closure shall be made at or prior to the time the information is deleted or the

ance of their present business or employment and of their affiliation with a new

revenues of less than \$1,000,000 from the exploration, production and sale of

[Docket No. C-2694]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

IV. It is further ordered, That for a period ending five (5) years after service of this order, Ayr-Way Stores shall not

or testimonials falsely or misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly.



closure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

13. Failing to furnish notification of deletion of information and any consumer statement, codification or summary thereof to any person designated by the consumer and qualified under Section 611(d) of the Fair Credit Reporting Act to receive such information. Such notification shall take place within five business days after the deletion or receipt of the consumer's request that the statement, codification or summary be sent.

14. Failing, whenever a statement of dispute has been filed, unless there are reasonable grounds to believe that the statement of dispute is frivolous or irrelevant, to clearly note in any subsequent consumer report containing the information in question that it is disputed by the consumer, and to provide either the consumer's statement or a clear and accurate codification or summary thereof.

15. Failing to provide each consumer who requests disclosure of information in his or her file with an exact facsimile of Exhibit A attached hereto.

*It is further ordered*, That respondents shall, at all times subsequent to the effective date of this order, maintain complete business records relative to the manner and form of their compliance with this order during the immediately preceding two-year period. Such records shall include all correspondence with consumers and consumer report applicants, policy directives, completely filled out interview reports, complaints from consumers and consumer report applicants, and other pertinent documents. Such records shall be kept in chronological order separate from the consumer files and shall be made available for inspection and photocopying by any authorized representative of the Federal Trade Commission upon reasonable notice at respondents' place of business or other properly designated location.

*It is further ordered*, That respondents deliver a copy of this order to cease and desist to all employees now or hereafter engaged in the collecting, assembling, evaluating or furnishing of consumer information to third parties and that respondents secure a signed statement acknowledging receipt of said order from each such person.

*It is further ordered*, That respondents notify the Commission at least thirty days prior to any proposed changes in the corporate respondents or in the partnership entity, such as dissolution, assignment or sale, resulting in the emergence of successor corporations or partnerships, creation or dissolution of subsidiaries, or any other changes in the legal entities which may affect compliance obligations arising out of this order.

*It is further ordered*, That the individual respondents named herein promptly notify the Commission of the discontinu-

ance of their present business or employment and of their affiliation with a new business or employment in the event of such discontinuance or affiliation. Such notice shall include respondents' current business or employment in which they are engaged as well as a description of their duties and responsibilities.

*It is further ordered*, That respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission July 29, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23534 Filed 9-4-75; 8:45 am]

[Docket No. C-2688]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

##### El Paso Natural Gas Co.

Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

*In the Matter of El Paso Natural Gas Company, a corporation.*

Consent order requiring a Houston, Texas, energy company, among other things to cease permitting any individual to serve on its board of directors if such individual is or would be at the same time a director of Transcontinental Gas Pipeline Corporation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

##### ORDER

*It is ordered*, That El Paso Natural Gas Company (El Paso), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of Transcontinental Gas Pipeline Corporation.

*It is further ordered*, That El Paso shall, within thirty days after service of this order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which El Paso controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

revenues of less than \$1,000,000 from the exploration, production and sale of natural gas; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

*It is further ordered*, That for a period ending five (5) years after service of this order, El Paso shall, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of the Board of Directors, but has not been a member of its Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

*It is further ordered*, That for a period ending five (5) years after service of this order, El Paso shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of El Paso by virtue of its business and location of operation in the exploration, production or sale of natural gas. If compliance with Paragraphs I and IV requires any member of El Paso's Board of Directors to resign or to be removed from the Board of Directors of either El Paso or such other corporation, El Paso shall be allowed a reasonable period of time within which to take any legal or other steps which are necessary to secure compliance with this order.

*It is further ordered*, That El Paso notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

*It is further ordered*, That respondent El Paso shall, within thirty (30) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, and shall within sixty (60) days submit copies of those lists provided by all current directors of El Paso pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23535 Filed 9-4-75; 8:45 am]

[Docket No. C-2694]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

##### Kerr-McGee Corp.

Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

*In the Matter of Kerr-McGee Corporation, a corporation.*

Consent order requiring an Oklahoma City, Okla., energy company, among other things to cease permitting any individual to serve on its board of directors if such individual is or would be at the same time a director of Oklahoma National Gas Company.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

##### ORDER

*I. It is ordered*, That Kerr-McGee Corporation (Kerr-McGee), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of Oklahoma Natural Gas Company.

*II. It is further ordered*, That Kerr-McGee shall, within thirty days after service of this order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Kerr-McGee controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the exploration, production and sale of natural gas, the purchase and refining of crude oil, and the sale of refined petroleum products; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

*III. It is further ordered*, That for a period ending five (5) years after service of this order, Kerr-McGee shall, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of the Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

*IV. It is further ordered*, That for a period ending five (5) years after service of this order, Kerr-McGee shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of Kerr-McGee by virtue of its business and location of operation in the exploration for, production or sale of natural gas or in the purchase or refining of crude oil, or in the sale of refined petroleum products. If compliance with Paragraphs I and IV requires any member of Kerr-McGee's Board of Directors to resign or to be removed from the Board of Directors of either Kerr-McGee or such other corporation, Kerr-McGee shall be allowed a reasonable period of time within which to take any legal or other steps which are necessary to secure compliance with this Order.

*V. It is further ordered*, That Kerr-McGee notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

*VI. It is further ordered*, That respondent Kerr-McGee shall, within thirty (30) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, and shall within sixty (60) days submit copies of those lists provided by all current directors of Kerr-McGee pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23536 Filed 9-4-75; 8:45 am]

[Docket No. C-2711]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

##### Maralco Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.73 Formal regulatory and statutory requirements; § 13.73-92 Truth in Lending Act; § 13.110 Endorsements, approval and testimonials; § 13.143 Opportunities; § 13.155 Prices; § 13.155-95 Terms and conditions; § 13.155-95(a) Truth in Lending Act; § 13.175 Quality of product or service; § 13.205 Scientific or other relevant facts. Subpart—Claiming or using endorsements

or testimonials falsely or misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-45 (k) Records, in general. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1665 Endorsements; § 13.1670 Jobs and employment; § 13.1697 Opportunities in product or service; § 13.1715 Quality; § 13.1740 Scientific or other relevant facts. —Prices: § 13.1823 Terms and conditions; § 13.1823-20 Truth in Lending Act; —Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; § 13.1852-75 Truth in Lending Act; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; § 13.1905-60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.2015 Opportunities in product or service.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

*In the Matter of Maralco Enterprises, Inc., a corporation, New York School of Computer Technology, Inc., a corporation, Education Beneficial, Inc., a corporation, Tuition Payments, Inc., a corporation, and Hyman Marcus, Bartholomew Colangelo, and Fred Rosenberg, individually and as officers of said corporation.*

Consent order requiring four New York City corporations operating a computer programming school, among other things to cease misrepresenting the demand for its graduates, job opportunities, earnings, and using testimonials and endorsements unfairly; and violating the Truth in Lending Act in connection with the sale of its courses.

The Order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

##### ORDER

*It is ordered*, That respondents Maralco Enterprises, Inc., New York School of Computer Technology, Inc., Education Beneficial, Inc., and Tuition Payments, Inc., corporations, their successors and

<sup>1</sup> Copies of the Complaint, Appendices, Decision and Order, filed with the original document.

assigns, and their officers, and Hyman Marcus, Bartholomew Colangelo, and Fred Rosenberg, individually and as officers of said corporation.

which shall be the percentage of students who were scheduled to graduate

provided to the consumer which can be used by him as a means of cancellation.

median salary disclosed pursuant to paragraph 3(a).

remitted up until the notice of cancellation.

with a consumer credit transaction, without also stating all of the following



assigns, and their officers, and Hyman Marcus, Bartholomew Colangelo and Fred Rosenberg, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, or under any other name, in connection with the advertising, offering for sale, sale of courses of instruction in electronic data processing, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to send by certified mail, return receipt requested, to each person that shall contract with respondents for the sale of any course of instruction, a notice which shall disclose the following information and none other:

(a) The title "IMPORTANT INFORMATION" printed in bold face type across the top of the form.

(b) Paragraphs containing the information set forth below, which shall be compiled and updated at least once every month. Such information shall be computed separately for each course of instruction offered by respondents at each school, location or facility.

(1) A paragraph as follows: "The information below relates to the (name of vocational school). The placement rate is the percentage of graduating students who obtained employment within three months of their graduation, in positions for which they were trained by this school."

(2) The "Placement Rate", using this term, to be determined as follows:

A. Respondents shall ascertain whether each graduate has obtained employment within three months of graduation in a position for which respondents' course has prepared him. If such employment has been obtained, respondents shall further ascertain the name of the employer, the position and the starting salary obtained by the graduate.

B. The placement rate shall be the percentage of students who have graduated within the base period (as defined in paragraph 1(b)(2)(C)) who have obtained employment as determined in 1(b)(2)(A). The placement rate need not include those students exempted pursuant to subparagraph 1(b)(2)(D).

C. The base period shall be the one year period ending four months prior to the date on which the information required under 1(b) is compiled or updated.

D. At the time each student signs his enrollment contract, respondents shall have him complete the form set forth in Appendix A of this order. Students who indicate their intention not to seek employment in the computer field (by checking box number 3 on such form) need not be included in the computation of the school's placement rate.

(3) The "Salary Range" and the "Average Salary (Median)", using these terms, of the graduates who have obtained employment as determined pursuant to 1(b)(2)(A).

(4) The dropout rate, using the term "Students Not Completing Course",

which shall be the percentage of students who were scheduled to graduate from respondents' course during the base period who have discontinued or interrupted their studies without completing such course. Provided, however, the dropout rate need not include:

A. Any student who indicates in writing his desire to interrupt his course of study, provided such interruption not exceed six months; or

B. Any student whose enrollment contract, and all obligations thereunder, are expressly conditioned upon the receipt by the student of an educational loan guaranteed by a federal or state agency, if the student's application for such a loan is in fact rejected; or

C. Any student who cancels his enrollment contract pursuant to his right of cancellation set forth in Paragraph 8 of this order.

(5) A sentence which sets forth the time period upon which the data in subparagraphs (1)-(4) above are based.

Provided, however, subparagraph (b) shall be inapplicable, and no disclosures shall be made thereunder, in the case of any newly established school or course, as described in subparagraph (c), until such time as the new school or course has been in operation for 16 months.

(c) In the case of any newly established school that respondents may establish in any metropolitan area or county, whichever is larger, where they did not previously operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for 16 months, the following paragraph: "This school (course) has not been in operation long enough to indicate, what, if any, actual employment or salary may result upon graduation from this school (course)."

(d) A paragraph which states that a list is available for inspection during respondents' business hours which contains the names of employers who have hired graduates of respondents' courses. Such list shall contain the names of those firms who employed students graduating in the most recent base period as ascertained by respondent in 1(b)(2)(A).

(e) An explanation of the cancellation procedure provided in this order, namely that any contract or other agreement may be cancelled for any reason within three business days after receipt by the customer of this notice, or any other cancellation procedure provided by applicable state or local laws more favorable to the customer. Respondents shall include with the notice a detachable form or post card, or other separate form as may be applicable under state or local law, which the person may use as a notice of cancellation, and, which indicates the proper address for accomplishing any such cancellation.

The notice required under this paragraph shall be sent by respondents no sooner than the day after the person shall have contracted for the sale of any course of instruction. No other information or materials shall be sent with this notice except for the form or postcard

provided to the consumer which can be used by him as a means of cancellation. During the period provided in paragraph (e), respondents shall not initiate contact with such persons other than required by this paragraph. This shall not prohibit respondents from conducting classes for those students who have begun their classes prior to signing a contract, provided that such classes are solely instructional in nature.

2. Making any representations, orally or in writing, directly or by implication, concerning any of the following:

(a) The demand for persons completing any of the courses offered by respondents in the area of electronic data processing, or any other course in any field;

(b) The opportunities or prospects for employment, or the opportunities of any type or number, available to persons completing any of respondents' courses;

(c) The likelihood of placement in positions for which respondents' graduates have been trained; or

(d) The salaries that might be earned by graduates or potential graduates of respondents' courses; or the salaries of such graduates or potential graduates as compared to their previous or present salaries; or the salaries of such graduates or potential graduates as compared to the salaries of any other persons or groups of persons.

Provided, however, that respondents may disclose in advertising, promotional materials or in any other manner the information otherwise disclosable pursuant to subparagraphs 1(b), 1(c) and 1(d) of this order. Such information shall be disclosed in the form and manner set forth in subparagraphs 1(b), 1(c), and 1(d) except that for the purposes of this provision, the information need only be updated once every six (6) months. If any such information is disclosed, all the information shall be disclosed.

3. Representing, by the use of photographs, testimonials or otherwise, the positions or salaries obtained by graduates of respondents' courses, or the employers who have hired such graduates. However, respondents may make such representations provided that:

(a) In immediate conjunction therewith, respondents disclose the information required to be disclosed under subparagraphs 1(a), 1(b), 1(c) and 1(d) of this order. Such information shall be disclosed in the form and manner set forth in subparagraphs 1(a), 1(b), 1(c) and 1(d) except that for the purposes of this provision, the information shall be updated at least once every six (6) months. Such disclosures shall be made clearly, conspicuously and with the prominence afforded to the salary, job, and other employment representations.

(b) Any such representations are based on the experiences of persons who graduated from respondents' courses during the base period used to compute the information to be disclosed pursuant to Paragraph 3(a).

(c) The arithmetic average of the salaries disclosed is no greater than the

median salary disclosed pursuant to paragraph 3(a).

4. Representing, orally or in writing, directly or by implication that:

(a) College education, training beyond a high school diploma or job experience is not necessary or advantageous for the placement of persons in the field of electronic data processing, or otherwise representing that persons with a high school education or its equivalent will achieve employment in the electronic data processing field, unless in every such instance it is disclosed, in immediate and conspicuous conjunction therewith, that college education or job experience is highly advantageous for placement; or misrepresenting in any manner the qualifications necessary to achieve employment in any field.

(b) Any number of occupationally useful programming languages are taught in respondents' courses of instruction in excess of those actually provided; or representing in any manner the materials available to enrollees in said courses unless true; or representing that types or brands of computers are used, unless true and the designation of the computer is disclosed.

(c) Individual instruction adapted to the needs of each student is provided in respondents' courses of instruction; or misrepresenting in any manner the quality or type of instructional method used in said courses. Provided, however, respondents may represent that a student can proceed at his or her own rate through the respondents' course material, if such is the fact.

5. Representing, orally or in writing, directly or by implication, that any courses of instruction are the equivalent of practical experience in the field of computer programming, or that the graduates of any such courses can represent themselves to prospective employers as experienced programmers.

6. Providing students of respondents' courses of instruction with resumes containing untrue information, suggesting to students that such resumes be prepared, or aiding in any way in the preparation of such resumes, or in any way verifying or attesting to false information included in resumes by graduates of respondents' courses of instruction.

7. Misrepresenting directly or by implication the significance or importance of any courses of instruction in qualifying any persons for employment in a particular field of endeavor, or misrepresenting in any manner the positions which graduates have obtained.

8. Contracting for any sale of any course of instruction in the form of a sales contract or other agreement which shall become binding prior to midnight of the third business day after the receipt by the customer of the form of notice provided for in Paragraph One above. Upon cancellation of any said sales contract or other agreement, as provided in Paragraph 1(c) above, respondents are obligated to refund within three business days to any person exercising the cancellation right all monies paid or

remitted up until the notice of cancellation.

9. Making any representations of any kind whatsoever in connection with the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of electronic data processing or any other course offered to the public in any field of commerce, for which respondents have no reasonable basis prior to the making or dissemination thereof.

II. It is further ordered, That respondents Maralco Enterprises, Inc., New York School of Computer Technology, Inc., Education Beneficial, Inc., and Tuition Payments, Inc., corporations, their successors and assigns and their officers, and Hyman Marcus, Bartholomew Colangelo and Fred Rosenberg, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or in connection with any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 C.F.R. 226) and the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing, when offering a reduction from the cash price to those who elect to meet their obligation on or before a specified date, to disclose, as required by § 226.8(c)(1) of Regulation Z:

(a) The rate of discount, and date by which or period within which the discount may be taken; —

(b) The amount of the discount, designated as a "finance charge", using that term; and

(c) The "annual percentage rate", using that term.

2. Failing to accurately disclose the "cash price", using that term, as required by § 226.8(c)(1), computed in accordance with § 226.8(c)(7) of Regulation Z.

3. Failing to disclose the downpayment in money, and to describe that amount as the "cash downpayment," as required by § 226.8(c)(2) of Regulation Z.

4. Failing to disclose the difference between the cash price and the total downpayment, and to describe that amount as the "unpaid balance of cash price," as required by § 226.8(c)(3) of Regulation Z.

5. Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed," as required by § 226.8(c)(7) of Regulation Z.

6. Failing to disclose the sum of the payments scheduled to repay the indebtedness, and to describe that sum as the "total of payments," as required by § 226.8(b)(3) of Regulation Z.

7. Failing to disclose the sum of the cash price and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c)(8) of Regulation Z.

8. Stating the period of payments which can be arranged in connection

with a consumer credit transaction, without also stating all of the following items, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) thereof:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

9. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That respondents maintain adequate records, to be furnished upon request of the staff of the Federal Trade Commission, which evidence compliance with the provisions of this order, including, but not limited to, the names, addresses and scores of all persons who take an aptitude test of any kind, copies of all contracts entered into between respondents and customers, copies of all correspondence between respondents and their customers, records showing the name and address of each student, the dates of his attendance, the date of his graduation or other termination of his studies, the names and addresses of any employers he was referred to, and his position and starting salary.

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this



order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

## APPENDIX A

## IMPORTANT NOTICE

The (name of school), in accordance with an agreement with the Federal Trade Commission, must determine the job placement rate of its graduates. To make this determination, it is necessary to know the intention of each student with regard to his or her desire to obtain employment in the computer field.

In order to assist the school in computing the placement rate of its graduates, please read and complete this form carefully.

Name: \_\_\_\_\_  
Last First Middle  
Address: \_\_\_\_\_  
Number and Street  
City State Zip

Please check one of the following boxes:

- ☐ 1. I am not presently working, and I am taking this course to help me get a job in the computer field.
- ☐ 2. Although I am presently employed, I am taking this course to help me get a job in the computer field or to help me get a promotion in the computer field.
- ☐ 3. I do not plan to look for a job in the computer field after I graduate.

If you checked box number 3, please indicate why you do not plan to look for a job in the computer field. Please circle the appropriate letter: (Do not fill out this part if you checked #1 or #2 above.)

A. I am presently employed and I am taking this course to help me better understand my current job and better perform my duties.

B. I am taking this course solely because I am interested in computers, but I do not wish to look for a job in the computer field.

C. Other (Please specify) \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

The Decision and Order was issued by the Commission July 25, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23537 Filed 9-4-75; 8:45 am]

## RULES AND REGULATIONS

[Docket No. C-2687]

## PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

## Newmont Mining Corp.

Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

In the Matter of Newmont Mining Corp., a corporation.

Consent order requiring a New York City energy company, among other things to cease permitting any individual to serve on its board of directors if such individual is or would be at the same time a director of Amerada Hess Corp.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

## ORDER

I. It is ordered, That Newmont Mining Corporation (Newmont) its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of Amerada Hess Corporation.

II. It is further ordered, That Newmont shall, within thirty (30) days after service of this Order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Newmont controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the exploration, production and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

III. It is further ordered, That for a period ending five (5) years after service of this order, Newmont shall, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of the Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

IV. It is further ordered, That for a period ending five (5) years after service

of this order, Newmont shall, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of the Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

V. It is further ordered, That Newmont shall, within thirty (30) days after service of this order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Newmont controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the exploration, production and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

VI. It is further ordered, That Newmont shall, within thirty (30) days after service of this order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Newmont controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the exploration, production and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

1 Copies of the Complaint, Decision and Order, filed with the original document.

of this Order, Newmont shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of Newmont by virtue of its business and location of operation in the exploration, production or sale of crude petroleum or natural gas. If compliance with Paragraphs I and IV requires any member of Newmont's Board of Directors to resign or to be removed from the Board of Directors of either Newmont or such other corporation, Newmont shall be allowed a reasonable period of time within which to take any legal or other steps which are necessary to secure compliance with this order.

V. It is further ordered, That Newmont notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

VI. It is further ordered, That respondent Newmont shall, within thirty (30) days after service upon it, of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order, and shall within sixty (60) days submit copies of those lists provided by all current directors of Newmont pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23538 Filed 9-4-75; 8:45 am]

[Docket No. C-2693]

## PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

## Oklahoma Natural Gas Company

Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

In the Matter of Oklahoma Natural Gas Company, a corporation.

Consent order requiring a Tulsa, Okla., energy company, among other things to cease permitting any individual to serve on its board of directors if such individual is or would be at the same time a director of Kerr-McGee Corporation.

## RULES AND REGULATIONS

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

## ORDER

I. It is ordered, That Oklahoma Natural Gas Company (ONG), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of Kerr-McGee Corporation.

II. It is further ordered, That ONG shall, within thirty (30) days after service of this order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which ONG controls directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the exploration for, production and sale of natural gas; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

III. It is further ordered, That for a period ending five (5) years after service of this order, ONG shall at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of the Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

IV. It is further ordered, That for a period ending five (5) years after service of this order, ONG shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of ONG by virtue of its business and location of operation in the exploration for, production, or sale of natural gas. If compliance with Paragraphs I and IV requires any member of ONG's Board of Directors to resign or to be removed from the Board of Directors of either ONG or such other corporation, ONG shall be allowed a reasonable period of time within which to take any legal or other steps which are necessary to secure compliance with this order.

V. It is further ordered, That ONG notify the Commission at least thirty

(30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

VI. It is further ordered, That respondent ONG shall, within thirty (30) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, and shall within sixty (60) days submit copies of those lists provided by all current directors of ONG pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23539 Filed 9-4-75; 8:45 am]

[Docket 8991]

## PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

## Serr of Washington, D.C., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.155 Prices; § 13.155-5 Additional charges unmentioned; § 13.170 Qualities or properties of product or service; § 13.170-24 Cosmetic or beautifying; § 13.170-30 Durability or permanence; § 13.195 Safety; § 13.205 Scientific or other relevant facts. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-10 Corrective advertising; § 13.533-20 Disclosures. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. —Prices: § 13.1778 Additional costs unmentioned. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 Prices; § 13.1882-10 Additional prices unmentioned; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; § 13.1905-50 Sales contract. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Serr of Washington, D.C., Inc., a corporation, and Herb Mann, individually and as an officer of said corporation.

Consent order requiring a Washington, D.C., promoter of a hair implant replacement system, among other things to cease misrepresenting the nature, appearance and other related characteristics of its system; and failing to disclose that their system involves surgical procedures and continually requires special care. Further, respondents are required to devote 15% of all of their advertisements to warning prospective customers of the inherent dangers associated with their system of hair implant replacement.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

1. The System does not involve wearing a device or cosmetic which is like a hair-piece or toupee;

2. After the System has been applied, the hair applied becomes part of the anatomy like natural hair, and has the following characteristics of natural hair:

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair, particularly in that actions such as washing, combing, brushing and mousing might be performed on it in the same manner as might a person with natural hair;

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

3. After the System has been applied, the wearer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the System, and that the customer will not incur maintenance costs over and above the cost of applying the System.

It is further ordered, That respondents, in advertising, offering for sale, selling or distributing the System, disclose clearly and conspicuously that:

1. The System involves a surgical procedure resulting in the implantation of synthetic sutures in the scalp, to which hair is affixed.

Consent order requiring a Washington, D.C., promoter of a hair implant replacement system, among other things to cease misrepresenting the nature, appearance and other related characteristics of its system; and failing to disclose that their system involves surgical procedures and continually requires special care. Further, respondents are required to devote 15% of all of their advertisements to warning prospective customers of the inherent dangers associated with their system of hair implant replacement.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

## ORDER

It is ordered, That respondent Serr of Washington, D.C., Inc., a corporation, its successors and assigns and its officers, and Herb Mann, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device or through franchisees or licensees, in connection with the advertising, offering for sale, sale, or distribution of the implant replacement system or other hair replacement product or process involving surgery (hereinafter sometimes referred to as the "System"), in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of section 12(a)(1) of the Federal Trade Commission Act do forthwith cease and desist from representing, directly or by implication, that:

1. The System does not involve wearing a device or cosmetic which is like a hair-piece or toupee;

2. After the System has been applied, the hair applied becomes part of the anatomy like natural hair, and has the following characteristics of natural hair:

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair, particularly in that actions such as washing, combing, brushing and mousing might be performed on it in the same manner as might a person with natural hair;

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

3. After the System has been applied, the wearer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the System, and that the customer will not incur maintenance costs over and above the cost of applying the System.

It is further ordered, That respondents, in advertising, offering for sale, selling or distributing the System, disclose clearly and conspicuously that:

1. The System involves a surgical procedure resulting in the implantation of synthetic sutures in the scalp, to which hair is affixed.

1 Copies of the Complaint, Decision and Order, filed with the original document.



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2. By virtue of the surgical procedure involving implantation of synthetic sutures in the scalp, and by virtue of the synthetic suture remaining in the scalp, there is a risk of discomfort, pain, infection, scarring, and other skin disorders.

3. Continuing special care of the System is necessary to minimize the probabilities and risks referred to in Subparagraph Two of this Paragraph, and such care may involve additional costs for medications and assistance.

4. The purchaser is advised to consult with his personal physician about the System before deciding whether to purchase it.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale, or distribution of the System, and shall devote no less than 15% of each advertisement or presentation to such disclosures. Provided, however, that in advertisements which consist of less than ten column inches in newspapers and periodicals, and in radio and television advertisements with a running time of one minute or less, respondents may substitute the following statement, in lieu of the above requirements:

Warning: This application involves surgery whereby synthetic sutures are placed in the scalp. Discomfort, pain, and medical problems may occur. Continuing care is necessary. Consult your own physician.

No less than 15% of such advertisements shall be devoted to this disclosure, such disclosure shall be set forth clearly and conspicuously from the balance of each of such advertisements, and if such disclosure is a newspaper or periodical, it shall be in at least eleven point type.

It is further ordered, That respondents, in connection with the sale of the System, provide prospective purchasers with a separate disclosure sheet containing the information required in the immediately preceding Paragraph of this Order, Subparagraphs One (1) through Four (4) thereof, and that respondents require that, prior to executing any contract to purchase said System, such prospective purchasers, sign and date the disclosure sheet after the sentence, "I have read the foregoing disclosures and understand what they mean," and that Serr of Washington, D.C., Inc. provide a copy of said disclosure sheet to the customer and retain such signed disclosure sheet for at least three years.

It is further ordered, That, in connection with the sale of the System, no contract for application of the System shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument executed by the purchaser in connection with the sale of the System, that the purchaser may rescind or cancel any obligation incurred by mailing or deliv-

ering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed.

It is further ordered, That respondents, in connection with the advertising, offering for sale, sale, or distribution of the System, serve a copy of this Order upon each present and every future licensee or franchisee, and upon each physician participating in application of respondents' System, and obtain written acknowledgment of the receipt thereof; and that respondents obtain from each present and future licensee or franchisee an agreement in writing, (1) to abide by the terms of this Order, and (2) to cancellation of their license or franchise for failure to do so; and that respondents cancel the license or franchise of any licensee or franchisee that fails to abide by the terms of this Order. Respondents shall retain such acknowledgments and agreements for so long as such persons or firms continue to participate in the application or sale of respondents' System.

It is further ordered, That respondents, in connection with the advertising, offering for sale, sale, or distribution of the System, forthwith distribute a copy of this Order to each of their operating divisions or departments.

It is further ordered, That the corporate respondent notify the Commission at least thirty (30) days prior to any proposed change in said respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this Order; provided that if said respondent wishes to present to the Commission any reasons why said Order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That the individual respondent Herb Mann promptly notify the Commission of the discontinuance of his present business or employ-

ment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission July 23, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-23540 Filed 9-4-75;8:45 am]

[Docket C-2684]

# PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

## The Standard Oil Co.

Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

In the Matter of The Standard Oil Company, a corporation.

Consent order requiring a Cleveland, Ohio, energy company, among other things to cease permitting any individual to serve on its board of directors if such individual is or would be at the same time a director of Diamond Shamrock Corporation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

## ORDER

I. It is ordered, That The Standard Oil Company, an Ohio corporation (Sohio), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of Diamond Shamrock Corporation.

II. It is further ordered, That Sohio shall, within thirty days after service of this Order annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of The British Petroleum Company Limited, a United Kingdom Corporation, and any corporation in which Sohio or The British Petroleum Company Limited controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

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exploration, production, and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce" as defined in section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

III. It is further ordered, That for a period ending five (5) years after service of this Order, Sohio shall, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of its Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

IV. It is further ordered, That for a period ending five (5) years after service of this Order, Sohio shall not permit on its Board of Directors any individual who fails to submit a written statement pursuant to Paragraphs — and —, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs — and — when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of Sohio by virtue of its business and location of operations in the exploration, production, or sale of crude petroleum or natural gas. If compliance with Paragraphs I and IV requires any member of Sohio's Board of Directors to resign or to be removed from the Board of Directors of Sohio or such other corporation, Sohio shall be allowed a reasonable period of time within which to take any legal or other steps which are necessary to secure compliance with this Order. For purposes of this Order, Sohio, The British Petroleum Company Limited and any corporation which Sohio or The British Petroleum Company Limited controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock shall not be considered competitors.

V. It is further ordered, That Sohio notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this Order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

VI. It is further ordered, That respondent Sohio shall, within thirty (30) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order, and shall within sixty (60) days submit copies of those lists provided by all current directors of Sohio pursuant to Paragraphs — and — design-

nating all other corporations of which they are directors.

Decision and order issued by the Commission, July 17, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-23541 Filed 9-4-75;8:45 am]

[Docket C-2689]

# PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

## Transcontinental Gas Pipe Line Corp.

Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 19)

In the Matter of Transcontinental Gas Pipe Line Corp., a corporation.

Consent order requiring a Houston, Texas, energy company, among other things to cease permitting any individual to serve on its board of directors if such individual is or would be at the same time a director of El Paso Natural Gas Company.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

## ORDER

I. It is ordered, That Transcontinental Gas Pipe Line Corporation (Transcontinental), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of El Paso Natural Gas Company.

II. It is further ordered, That Transcontinental shall, within thirty (30) days after service of this order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Transcontinental controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the exploration, production and sale of natural gas; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

III. It is further ordered, That for a period ending five (5) years after service of this order, Transcontinental shall, at least thirty (30) days prior to any directors' meeting at which one or more

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of its Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in paragraph II.

IV. It is further ordered, That for a period ending five (5) years after service of this order, Transcontinental shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of Transcontinental by virtue of its business and location of operations in the exploration, production or sale of natural gas. If compliance with Paragraphs I and IV requires any member of Transcontinental's Board of Directors to resign or to be removed from the Board of Directors of either Transcontinental or such other corporation, Transcontinental shall be allowed a reasonable time within which to take any legal or other steps which are necessary to secure compliance with this order.

V. It is further ordered, That Transcontinental notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

VI. It is further ordered, That respondent Transcontinental shall, within thirty (30) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, and shall within sixty (60) days submit copies of those lists provided by all current directors of Transcontinental pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-23542 Filed 9-4-75;8:45 am]

[Docket C-2683]

# PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

## World Wide Systems, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or

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misleadingly: § 13.15 Business status, ad-

vice and unfair means to sell instruction

F. They, or others, will permit enrollees

"This school (course) has not been in operation long enough to indicate what

receipt by the customer, via the U.S. Mails, of this notice.

II. 1. It is further ordered, That:  
(a) Respondents herein deliver, by

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misleadingly; § 13.15 Business status, advantages or connections; § 13.15-30 Connections or arrangements with others; § 13.15-70 Financing activities; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.71 Financing; § 13.115 Jobs and employment service; § 13.135 Nature of product or service; § 13.143 Opportunities; § 13.155 Prices; § 13.155-5 Additional charges unmentioned; § 13.155-95 Terms and conditions; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Contracting for sale in any form binding on buyer prior to specified time period; § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-45 (c) Complaints. Subpart—Delaying or withholding corrections, adjustments or action owed; § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections; § 13.1395 Connections or arrangements with others; § 13.1417 Financing activities; § 13.1490 Nature—Goods; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1670 Jobs and employment; § 13.1740 Scientific or other relevant facts. —Prices; § 13.1778 Additional costs unmentioned; § 13.1823 Terms and conditions. —Services; § 13.1882 Prices; § 13.1882-10 Additional prices unmentioned; § 13.1892 Sales contract, right to cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; § 13.1905-50 Sales contract. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.1935 Earnings and profits; § 13.1995 Job guarantee and employment; § 13.2015 Opportunities in product or service; § 13.2068 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46 Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 46)

*In the Matter of World Wide Systems, Inc., a corporation, and Francis J. Witherbee, individually and as an officer of said corporation, and doing business as Associated Systems, and d/b/a Atlas Systems, and d/b/a Coastway American Systems, and d/b/a Great Lakes Development Corporation and Steven L. Bradshaw, individually and as former officer of said corporation, and d/b/a Associated Systems, and d/b/a Atlas Systems, and d/b/a Coastway American Systems, and d/b/a Great Lakes Development Corporation, and d/b/a New Horizons Unlimited and others, and Eugene C. Kobylarz, individually and d/b/a New Horizons Unlimited, and d/b/a Rapidway Systems, and d/b/a Trailmasters, and d/b/a Roads and Lands.*

Consent order requiring an Indianapolis, Ind., training school for truck drivers and heavy equipment operators, among other things to cease using decep-

tive and unfair means to sell instruction courses or any other product or service.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

## ORDER

It is ordered, That respondents World Wide Systems, Inc., a corporation, its successors and assigns and Francis J. Witherbee, individually and as an officer of said corporation and doing business as Associated Systems, Atlas Systems, Coastway American Systems and Great Lakes Development Corporation and Steven L. Bradshaw, individually and as a former officer of said corporation and doing business as Associated Systems, Atlas Systems, Coastway American Systems, Great Lakes Development Corporation, New Horizons Unlimited and others, and Eugene C. Kobylarz, individually and doing business as New Horizons Unlimited, Rapidway Systems, Trailmasters and Roads and Lands, and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study and instruction in heavy equipment operation, truck driving or courses of study and instruction in any other subject, trade or vocation, or in connection with any other product or service, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally or in writing, that:

A. They are, or represent, or are affiliated with, construction or trucking companies or any industry for which enrollees of any courses offered by respondents are being trained; or misrepresenting, in any manner, the nature of their business.

B. Persons receiving training will, or may, earn any specified amounts or misrepresenting in any manner the prospective earnings of such persons after completion of said training.

C. They have been requested by construction and trucking companies or any other business or organization to train persons for specific jobs, or misrepresenting, in any manner, respondents' connection or affiliation with any industry or any member thereof.

D. Graduates of any courses offered by respondents will be qualified thereby for employment at jobs for which said graduates were purportedly trained when additional training or experience is required.

E. The nature of the initial payment by prospective enrollees of courses offered by respondents prior to the undertaking of a formal obligation to respondents is not that of a non-refundable tuition fee; or misrepresenting in any other manner the nature of any payment made by prospective enrollees of any courses offered by respondents.

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

F. They, or others, will permit enrollees of any courses to defer payment of the balance of the cost of said courses remaining after the initial or registration fee has been paid until after the enrollee has completed said courses and commenced employment; or misrepresenting in any other manner the terms or conditions under which payment is to be made for said courses.

G. They, or others, will handle or arrange financing of the balance of the cost of said courses remaining after the initial or registration fee has been paid, unless respondents, or others specifically named, will, in fact, handle or arrange said financing.

H. They, or others, provide a placement service which will secure a job for graduates of said courses.

I. Graduates of said courses are assured jobs as a consequence of graduation from said courses.

J. There is a substantial demand, or a demand of any size or proportion, for persons completing any of the courses offered by the respondents in the field of truck driving or heavy equipment operations, or any other field, or otherwise representing, orally or in writing, that opportunities of any type or number, are available to such persons, except as hereinafter provided in Paragraph 6 of this Order. Provided, however, that respondents shall cease and desist making such representations unless the respondents in each and every instance:

(1) until the passage of a base period to be determined pursuant to Paragraph 6(b) of Part I of this Order, after the establishment of a new school location by respondents in any metropolitan area or county, whichever is larger, where they did not previously operate a school, and after the introduction by respondents of any new course of instruction at any school or location, shall:

(A) have in good faith conducted a statistically valid survey which establishes the validity of any such representation at all times when the representation is made, and

(B) have disclosed in immediate and conspicuous conjunction with any such representation, that: "All representations for potential employment demand or opportunities for graduates of this school (course) are merely estimates. This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation."

(2) After the passage of a base period to be determined pursuant to Paragraph 6(b) of Part I of this Order, and until two years after the establishment of a new school location by respondents in any metropolitan area or county, whichever is larger, where they did not previously operate a school, and after the introduction by respondents of any new course of instruction at any school or location, shall:

(A) make any representations in the form and manner provided in Paragraph 6(b) of Part I of this Order, and

(B) disclose in immediate and conspicuous conjunction with any such representation, that:

"This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation."

2. Placing ads in "Help-Wanted" columns or representing by any means that employment is being offered when such offer is not a bona fide offer of employment.

3. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course offered by respondents, the full cost of such courses including the fee for any home study lessons and for any residential training.

4. Failing to place the title "CONTRACT", in bold face type, or any document which evidences an agreement between a person and respondents relating to the purchase of any of the courses offered by respondents, and failing to remove from any such document the word "application", or words of similar import or meaning.

5. Failing to show each prospective purchaser the home study portion of said courses and allow said prospective purchaser a reasonable time for examination of said home study materials before said prospective purchaser has paid any money or has signed any contract, or has obligated himself in any other way.

6. Failing to send by certified mail, return receipt requested, to each person that shall contract with respondents for the sale of any course of instruction a notice, the specific provisions of which will be based upon the record in adjudicative proceedings in this matter, which shall disclose the following information and none other:

(a) The title "IMPORTANT INFORMATION" printed in bold face type across the top of the form.

(b) Paragraphs providing the following information computed in the manner and using a form and for a base period to be approved by the Commission:

(1) The placement rate, ratio or percentage for graduates, and also the numbers upon which such rates, ratios or percentages are based;

(2) A list of firms or employers which are currently hiring graduates of respondents' courses in substantial numbers and in the positions for which such graduates have been trained, and the number of such graduates hired, as to the same graduates used to compute the placement percentage in (b)(1) above;

(3) The salary range of respondents' graduates as to the same graduates used to compute the placement percentage in (b)(1) above;

(4) The percentage of enrollees who have failed to complete their course of instruction, such percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility.

(c) An explanation of the cancellation procedure provided in this Order, namely that any contract or other agreement may be cancelled for any reason until midnight of the third business day after

receipt by the customer, via the U.S. Mails, of this notice.

(d) A detachable form which the person may use as notice of cancellation, which indicates the proper address for accomplishing any such cancellation.

This notice shall be sent by respondents no sooner than the next day after the person shall have contracted for the sale or any course of instruction; respondents, during such period provided for in subparagraph (c) above, shall not initiate contact with such person other than that required by this paragraph.

Provided, however, that subparagraph (b) above shall be inapplicable to any newly established school that respondents may establish in any metropolitan area or county, whichever is larger, where they did not previously operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for the base period to be established pursuant to subparagraph (b) above. The following statement shall be included in such notice during such period:

"All representations of potential employment or salaries are merely estimates. This school (course) has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course)."

After such time as the new school or course has been in operation for the base period to be established pursuant to subparagraph (b) above, and until two years after the establishment of a new school location in any metropolitan area or county, whichever is larger, where they did not previously operate a school, or the introduction of any new course by respondents, the following statement shall be included in such notice:

"This school (course) has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course)."

7. Contracting for any sale of any course of instruction in the form of a sales contract or other agreement which shall become binding prior to midnight of the third business day after the date of receipt by the customer of the form of notice provided for in Paragraph 6 above. Upon cancellation of any said sales contract or other agreement as provided in Paragraph 6(c) above, respondents are obligated to refund within three business days to any person exercising the cancellation right, all monies paid or remitted up until the notice of cancellation.

8. Failing to disclose, clearly and conspicuously, in advertisements, in catalogs, brochures and on letterheads that respondents' business is solely and exclusively that of a private school, not affiliated with any members of the construction industry, the trucking industry or any member of any other industry.

9. Failing to refund promptly to purchasers who have cancelled their contracts such monies as may be due and owing according to the terms of such contracts.

II. 1. It is further ordered, That:

(a) Respondents herein deliver, by registered mail, a copy of this Decision and Order to each of their present and future franchisees, licensees, employees, sales representatives, agents, solicitors, brokers, independent contractors or to any other person who promotes, offers for sale, sells or distributes any course of instruction included within the scope of this Order;

(b) Respondents herein provide each person or entity so described in subparagraph (a) of this Paragraph with a form returnable to the respondents clearly stating his or her intention to be bound by and to conform his or her business practices to the requirements of this Order; retain said statement during the period said person or entity is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request;

(c) Respondents herein inform each person or entity described in subparagraph (a) of this paragraph that the respondents will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and does file notice with the respondents that he or she will be bound by the provisions contained in this Order;

(d) If such party as described in subparagraph (a) of this paragraph will not agree to file the notice set forth in subparagraph (b) above with the respondents and be bound by the provisions of this Order, the respondents shall not use or engage or continue the use or engagement of such party to promote, offer for sale, sell or distribute any course of instruction included within the scope of this Order;

(e) Respondents herein inform the persons or entities described in subparagraph (a) above that the respondents are obligated by this Order to discontinue dealing with or to terminate the use or engagement of persons or entities who continue on their own the deceptive acts or practices prohibited by this Order;

(f) Respondents herein institute a program of continuing surveillance adequate to reveal whether the business practices of each said person or entity described in subparagraph (a) above conform to the requirements of this Order;

(g) Respondents herein discontinue dealing with or terminate the use or engagement of any person described in subparagraph (a) above, who continues in his or her own any act or practice prohibited by this Order as revealed by the aforesaid program of surveillance.

(h) Respondents herein maintain files containing all inquiries of complaints from any source relating to acts or practices prohibited by this Order, for a period of two years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

2. It is further ordered, That respondents herein present to each interested



applicant or prospective student immediately prior to the commencement of any interview or sales presentation during which the purchase of or enrollment in any course of instruction offered by respondents herein is discussed or solicited a 5" x 7" card containing only the following language:

**"YOU WILL BE TALKING TO A SALESPERSON"**

3. *It is further ordered.* That respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

4. *It is further ordered.* That the respondent World Wide Systems, Inc., shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sales resulting in the emergency of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondents which may affect compliance obligations arising out of this Order.

5. *It is further ordered.* That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged as well as a description of their duties and responsibilities.

*It is further ordered.* That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The Decision and Order was issued by the Commission July 16, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-2354 Filed 9-4-75;8:45 am]

**Title 19—Customs Duties**

**CHAPTER I—UNITED STATES CUSTOMS SERVICE**

[TD 75-221]

**PART 112—CARRIERS, CARTMEN, AND LIGHTER MEN**

**Private Carriers of Bonded Merchandise**

On April 7, 1975, there was published in the FEDERAL REGISTER (40 FR 15389) a notice of a proposal to amend § 112.11 (a) (4) (iii) of the Customs Regulations (19 CFR 112.11 (a) (4) (iii)) to expand the authority granted to private carriers in the transportation of their own bonded merchandise.

Presently, § 112.11 (a) (4) (iii) of the Customs Regulations (19 CFR 112.11 (a) (4) (iii)) only permits a private carrier to carry his own bonded merchandise from the port of importation or port of entry for warehouse to his own bonded warehouse for physical deposit. Private carriers have advised the United States Customs Service that this limitation has resulted in an extravagant consumption of fuel and use of vehicles by prohibit-

ing possible "two-way" hauling operations that could be instituted if this limitation was removed.

In order to conserve fuel and to better utilize the vehicles and equipment of private carriers, it was proposed to amend § 112.11 (a) (4) (iii) of the Customs Regulations by also permitting a private carrier to transport his own merchandise under bond from his Customs bonded warehouse to another Customs bonded warehouse for physical deposit or, if for exportation, to transport his own merchandise under bond from his Customs bonded warehouse to a Customs bonded warehouse at the port of exportation. After consideration of the comments received in response to the notice of proposed rulemaking, it has been decided to adopt the proposed amendment without change.

Accordingly, § 112.11 (a) (4) (iii) of the Customs Regulations (19 CFR 112.11 (a) (4) (iii)) is amended to read as follows:

- § 112.11 Carriers which may be authorized.
- (a) \* \* \*
  - (4) \* \* \*
  - (iii) The merchandise is to be transported from the port of importation or port of entry for warehouse to the private carrier's Customs bonded warehouse for physical deposit, or from the private carrier's Customs bonded warehouse to another Customs bonded warehouse for physical deposit, or, if for exportation, from a Customs bonded warehouse of which the private carrier is the proprietor to a Customs bonded warehouse at the port of exportation.

(R.S. 251, as amended, secs. 551, 565, 624, 46 Stat. 742, as amended, 747, as amended, 759 (19 U.S.C. 66, 1551, 1565, 1624))

*Effective date.* This amendment will become effective October 7, 1975.

VERNON D. ACREE,  
Commissioner of Customs.

Approved: August 26, 1975.

DAVID R. MACDONALD,  
Assistant Secretary  
of the Treasury.

[FR Doc.75-23633 Filed 9-4-75;8:45 am]

[T.D. 75-220]

**PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS**

**Public International Organizations Entitled to Free Entry Privileges**

By Executive Order No. 11866 signed June 18, 1975 (40 FR 26015), the President designated the World Intellectual Property Organization as a public international organization entitled to enjoy all the privileges, exemptions, and immunities provided for by the International Organizations Immunities Act of December 29, 1945 (59 Stat. 669).

The names of public international organizations currently designated as entitled to free entry privileges under the International Organizations Immunities Act are set forth in § 148.87 (b) of the

Customs Regulations (19 CFR 148.87 (b)) together with the number and date of the Executive order by which they were designated.

Accordingly, § 148.87 (b) is amended by the following addition (in proper alphabetical order):

Organization	Executive Order	Date
World Intellectual Property Organization	11866	June 18, 1975

(R.S. 251, as amended, secs. 498, 624, 46 Stat. 728, as amended, 759, sec. 1, 59 Stat. 669 (19 U.S.C. 66, 1498, 1624, 22 U.S.C. 288))

Inasmuch as these amendments merely correct the listing of organizations entitled by law to claim free entry privileges as public international organizations, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

G. R. DICKERSON,  
Acting Commissioner of Customs.

Approved: August 26, 1975.

DAVID R. MACDONALD,  
Assistant Secretary  
of the Treasury.

[FR Doc.75-23634 Filed 9-4-75;8:45 am]

**Title 20—Employees' Benefits**  
**CHAPTER II—RAILROAD RETIREMENT BOARD**

**PART 200—PROCEDURES AND FORMS**  
**PART 260—APPEALS WITHIN THE BOARD**

**Additional Types of Determinations**

This document provides a revision of the Board's Regulations with respect to the additional types of determinations, in addition to determinations on applications for benefits, which are considered to be "initial decisions" from which a claimant may appeal.

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j), § 200.1 (a) of Part 200 (20 CFR 200.1 (a)) and §§ 260.1, 260.2 (a), (b), and (d) of Part 260 (20 CFR 260.1 and 260.2 (a), (b), and (d)) of the Regulations under such act are amended as follows:

§ 200.1 The general course and method by which the Board's functions are channeled and determined.

(a) *Retirement and death benefits.* Retirement and death benefits must be applied for by filing application therefor. (For details as to application, see Parts 210 and 237 of this chapter.) The Bureau of Retirement Claims considers the application and the evidence and information submitted with it. Wage and service records maintained by the Board are checked and if necessary, further evidence is obtained from the employee, the employer, fellow employees, public records and any other person or source

available. The Bureau makes initial decisions on the following matters:

- (1) Applications for benefits;
- (2) Requests for the withdrawal of an application;
- (3) Requests for a change in an annuity beginning date;
- (4) The termination of an annuity;
- (5) The modification of the amount of an annuity or lump sum;
- (6) Requests for the reinstatement of an annuity which had been terminated or modified;
- (7) The existence of an erroneous payment; and
- (8) The eligibility of an individual for a supplemental annuity or the amount of such supplemental annuity.

A claimant dissatisfied with the Bureau's decision may, upon filing notice within one year from the date the decision is mailed to the claimant, appeal to the Bureau of Hearings and Appeals. There he may have an oral hearing before a referee of which a stenographic record is made, submit additional evidence, be represented, and present written and oral argument. If dissatisfied with the decision of the referee, the claimant may appeal to the Board itself. This appeal must be made on a prescribed form within four months of the date a copy of the referee's decision was mailed to him. If new evidence is received, the Board may remand the case to the referee for investigation and recommendation concerning the new evidence. (For details on appeals procedure, see Part 260 of this chapter.) A claimant, after he has unsuccessfully appealed to the Board itself and has thus exhausted all administrative remedies within the Board, may obtain a review of a final decision of the Board by filing a petition for review, within one year after the entry of the decision on the records of the Board and its communication to the claimant, in the United States court of appeals for the circuit in which the claimant resides, or in the United States Court of Appeals for the Seventh Circuit, or in the United States Court of Appeals for the District of Columbia Circuit.

§ 260.1 Initial decisions by the Bureau of Retirement Claims.

- (a) Claims shall be adjudicated and initial decisions made by the Bureau of Retirement Claims concerning:
- (1) Applications for benefits;
- (2) Requests for the withdrawal of an application;
- (3) Requests for a change in an annuity beginning date;
- (4) The termination of an annuity;
- (5) The modification of the amount of an annuity or lump sum;
- (6) Requests for the reinstatement of an annuity which had been terminated or modified;
- (7) The existence of an erroneous payment; and
- (8) The eligibility of an individual for a supplemental annuity or the amount of such supplemental annuity.

Adjudication and initial decision shall be in accordance with instructions issued

by the Director of the Bureau and shall be made upon the basis of evidence submitted by the claimant and evidence otherwise available.

(b) Notice of an initial decision shall be communicated by the Bureau of Retirement Claims to the claimant in writing within thirty days after such decision is made.

§ 260.2 Appeal from an initial decision of the Bureau of Retirement Claims.

(a) Every claimant shall have a right to appeal to the Bureau of Hearings and Appeals from any initial decision of the Bureau of Retirement Claims by which he claims to be aggrieved.

(b) Appeal from an initial decision of the Bureau of Retirement Claims shall be made by the execution and filing of the appeal form prescribed by the Board. Such appeal must be filed with the Bureau of Hearings and Appeals within one year from the date upon which notice of the initial decision is mailed to the claimant at the address furnished by him.

(d) Within a reasonable time after the claimant has filed a properly executed appeal, the Director of the Bureau of Hearings and Appeals shall appoint a referee to act in the appeal. Such referee shall not have any interest in the parties or in the outcome of the proceedings, shall not have directly participated in the initial decision from which the appeal is made, and shall not have any other interest in the matter which might prevent a fair and impartial decision.

By Authority of the Board.

Dated: August 29, 1975.

[SEAL] R. F. BUTLER,  
Secretary of the Board.

[FR Doc.75-23653 Filed 9-4-75;8:45 am]

**Title 21—Food and Drugs**

**CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 121—FOOD ADDITIVES**

**PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD**

**Medroxyprogesterone Acetate**

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing a notice withdrawing approval for use of the drug Repromix (contains medroxyprogesterone acetate for the synchronization of estrus and ovulation in breeding cattle and ewes). Use of the drug was provided for by new animal drug application No. 13-578V held by The Upjohn Co., Kalamazoo, MI 49001.

The notice is based on a request from the firm that the application be withdrawn since the drug is no longer being marketed. Since approval of the drug product is being withdrawn, corresponding regulations in Parts 121 and 556 (21 CFR Parts 121, 556), which provide for the use of the drug in feed and establish

an appropriate tolerance for residues in food, are accordingly revoked.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i), 82 Stat. 340-351 (21 U.S.C. 360b (i))) and under the authority delegated to him (21 CFR 2.120), Parts 121 and 556 are amended as follows:

§ 121.276 [Revoked]

1. In Part 121, § 121.276 *Medroxyprogesterone acetate* is revoked.

§ 556.370 [Revoked]

2. In Part 556, § 556.370 *Medroxyprogesterone acetate* is revoked.

*Effective date.* This regulation becomes effective September 5, 1975.

(Sec. 512 (i), 82 Stat. 340-351 (21 U.S.C. 360b (i)))

Dated: August 28, 1975.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.75-23614 Filed 9-4-75;8:45 am]

**Title 7—Agriculture**

**SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF AGRICULTURE**

**PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT**

**Miscellaneous Revisions and Amendments**

Part 2, Subtitle A of Title 7, Code of Federal Regulations, is amended to revise the delegations of authority to the Under Secretary, the Assistant Secretary for Administration, the Director of Agricultural Economics, the Director, Office of Management and Finance, the Director, Office of Audit, and the Administrator, Economic Research Service, relating to the planning and evaluation responsibilities within the Department, and to make other revisions as follows:

1. Section 2.15 (b) relating to planning, evaluation and budgeting is revoked and reserved, as follows:

§ 2.15 Delegations of authority to the Under Secretary.

(b) [Reserved]

2. Section 2.25 is amended to read as follows:

§ 2.25 Delegations of Authority to the Assistant Secretary for Administration.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Administration:

(b) *Related to management and finance.*

(14) Develop comprehensive long-range program plans.

(15) Administer the Department's program evaluation system; maintain an integrated multi-year programming and

budgeting structure; and monitor performance of agencies in meeting budget-

*Effective Date:* These amendments shall become effective on September 5,

(2) The need for this regulation to limit the quantity of lemons that may be

may be handled during the period September 7, 1975, through September 13,

spect to loan and purchase operations, apply to farm-stored loans and pur-

eligible for farm-stored loan and purchase must be free of *Aspergillus flavus*

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budgeting structure; and monitor performance of agencies in meeting budgeting targets and objectives.

- (i) *Related to Audit.* . . .  
(iii) Conduct all required audits of program results.

3. Section 2.27 is amended to read as follows:

**§ 2.27 Delegations of Authority to the Director of Agricultural Economics.**

The following delegations of authority are made by the Secretary of Agriculture to the Director of Agricultural Economics:

- (b) *Related to economics research.*

(12) Conduct long-range forecasting, technology assessments and alternative futures research, and serve as the Department's liaison with the Office of Technology Assessment.

4. Section 2.43 is revoked and reserved as follows:

**§ 2.45 [Reserved]**

5. Section 2.75 is amended to read as follows:

**§ 2.75 Director, Office of Management and Finance.**

- (a) *Delegations.* . . .

(15) Develop comprehensive long-range program plans.

(16) Administer the Department's program evaluation system; maintain an integrated multi-year programming and budgeting structure; and monitor performance of agencies in meeting budgeting targets and objectives.

6. Section 2.81 is amended to read as follows:

**§ 2.81 Director, Office of Audit.**

- (a) *Delegations.* . . .

(5) Conduct all required audits of program results.

7. Section 2.86 is amended to read as follows:

**§ 2.86 Administrator, Economic Research Service.**

- (a) *Delegations.* . . .

(11) Conduct long-range forecasting, technology assessment and alternative futures research, and serve as the Department's liaison with the Office of Technology Assessment.

Effective Date: These amendments shall become effective on September 5, 1975.

Dated: September 2, 1975.

For Subpart C:

EARL L. BUTZ,  
Secretary of Agriculture.

Dated: August 29, 1975.

For Subpart E:

RICHARD A. ASHWORTH,  
Deputy Under Secretary.

Dated: August 28, 1975.

For Subpart J:

JOSEPH R. WRIGHT, JR.,  
Assistant Secretary  
for Administration.

Dated: August 27, 1975.

For Subpart K:

DON PAARLBERG,  
Director,  
Agricultural Economics.

[FR Doc.75-23594 Filed 9-4-75; 8:45 am]

**CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE**

[Lemon Regulation 9]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period September 7-13, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

**§ 910.309 Lemon Regulation 9.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is active on all fruit, thus for this week. Average f.o.b. price was \$7.99 per carton the week ended August 30, 1975, compared to \$7.48 per carton the previous week. Track and rolling supplies at 102 cars were down 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 2, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which

may be handled during the period September 7, 1975, through September 13, 1975, is hereby fixed at 225,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: September 3, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc.75-23842 Filed 9-4-75; 11:22 am]

**CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE**

[CCC Grain Price Support Regulations, 1975 Crop Peanut Farm-Stored Loan and Purchase Supplement]

**PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES**

Loan and Purchase Rates

On January 27, 1975, notice of proposed rulemaking regarding loan and purchase rates for 1975 crop peanuts and operating provisions to carry out the 1975 crop peanut loan and purchase program was published in the FEDERAL REGISTER, 40 FR 4019.

Six responses were received from individual producers and other interested parties. None of the written comments, suggestions, or objections received, pertained to the aspects of the loan and purchase program covered by this subpart. The regulations contained in 7 CFR, §§ 1421.291 through 1421.295 are revised to read as follows, effective as to the 1975 crop of peanuts. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

**Subpart—1975 Crop Farm Stored Peanut Loan and Purchase Program**

Sec.  
1421.291 Purpose.  
1421.292 Availability.  
1421.293 Maturity of loans.  
1421.294 Loan and purchase rates.  
1421.295 Eligible peanuts.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 (b) and (c)); Secs. 101, 401, 403 and 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421, 423, 425).

**Subpart—1975 Crop Farm Stored Peanut Loan and Purchase Program**

**§ 1421.291 Purpose.**

This supplement contains program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grains and Similarly Handled Commodities (35 FR 7363 and 7761, 7 CFR 1421.1-29), as amended, and the provisions of the 1970 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Supplement (35 FR 12706, 7 CFR 1421.280-289), as amended, (hereinafter referred to as "the continuing supplement"), which contain regulations of a general nature with re-

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spect to loan and purchase operations, apply to farm-stored loans and purchases for the 1975 crop of peanuts.

**§ 1421.292 Availability.**

(a) *Farm-stored loans.* Producers must request a loan on 1975 crop eligible peanuts on or before March 31, 1976.

(b) *Purchases.* Producers desiring to offer for purchase, eligible peanuts not under loan must execute and deliver to the appropriate county ASCS office, on or before April 30, 1976, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1975 crop peanuts he may sell to CCC.

**§ 1421.293 Maturity of loans.**

Unless demand is made earlier, farm-stored loans on farmers' stock peanuts will mature on April 30, 1976.

**§ 1421.294 Loan and purchase rates.**

(a) *Loan rate.* Subject to the discounts specified in paragraph (b) of this section, the loan rates for farmers' stock peanuts placed under farm-stored loan shall be the following rates by types per ton:

Type:	Dollars per ton
Virginia	394
Runner	399
Southeast Spanish	385
Southwest Spanish	381
Valencia (suitable for cleaning and roasting in southwest)	394

(b) *Location adjustment to support prices.* The loan rates specified in paragraph (a) of this section shall be subject to the following discounts for farmers' stock peanuts placed under a farm-stored loan in the States specified where peanuts are not customarily shelled or crushed:

State:	Dollars per ton
Arizona	25
Arkansas	10
California	33
Louisiana	7
Mississippi	10
Missouri	10
Tennessee	25

(c) *Settlement values.* The support prices, premiums, and discounts for use in computing the settlement value, under § 1421.289(b) (2) of the continuing supplement, of peanuts acquired by CCC under loan or purchase shall be those specified in § 1446.12 of the 1975 crop peanut warehouse storage loan supplement (39 FR 26715, 7 CFR 1446.12), including the location adjustments specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

**§ 1421.295 Eligible peanuts.**

In addition to meeting the requirements of § 1421.228 of the continuing supplement, farmers' stock peanuts to be

The price for all Valencia-type peanuts in the Southeast and Virginia-Carolina areas and for those Valencia-type peanuts in the Southwest area which are not suitable for cleaning and roasting will be the same as for Spanish-type peanuts in the same area.

eligible for farm-stored loan and purchase must be free of *Aspergillus flavus* mold as determined by a Federal-State inspector.

Effective date: September 5, 1975.

Signed at Washington, D.C., on August 27, 1975.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.75-23592 Filed 9-4-75; 8:45 am]

[CCC Grain Price Support Regulations, 1975 Crop Honey Supplement]

**PART 1434—HONEY**

Purchase Rates

On January 15, 1975, notice of proposed rulemaking regarding purchase rates for 1975 crop honey and detailed operating provisions to carry out the 1975 crop honey purchase program was published in the FEDERAL REGISTER (40 FR 2726).

Two responses were received, one from an interested individual honey producer and the other from a marketing association. The responses recommended that a proposed purchase program permit producers to make declaration of intent to sell honey to CCC through March 31 for the previous year's production, that producers be notified of their delivery date and destination by June 1, and that delivery be made by producers on or about July 1. Specific delivery dates are not being adopted by CCC because of their impracticability under the purchase program.

The regulations contained in 7 CFR 1434.40 through 1434.44 are revised to read as follows, effective as to 1975 crop honey. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

**Subpart—1975 Crop Honey Purchase Program**

Sec.  
1434.40 Purpose.  
1434.41 Availability.  
1434.42 Purchase rates.  
1434.43 Discounts.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421).

**Subpart—1975 Crop Honey Purchase Program**

**§ 1434.40 Purpose.**

This subpart contains program provisions which, together with (a) the Honey Purchase Regulations for 1975 and Subsequent Crops (40 FR 30798), (b) the Cooperative Marketing Association Eligibility Requirements for Price Support in Part 1425 of this chapter, and (c) any amendments to such regulations set forth the requirements with respect to purchases of 1975-crop honey.

**§ 1434.41 Availability.**

Producers desiring to offer eligible honey for purchase must complete a pur-

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chase agreement (Form CCC-614) at the

Discount (cents  
per pound)

2. Section 113.97 is amended by revis-

have a virus titer sufficiently greater

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§ 113.144 Bovine Parainfluenza: Vac-

titration method used in paragraph (c)



chase agreement (Form CCC-614) at the county ASCS office on or before March 31, 1976.

#### § 1434.42 Purchase rates.

(a) *Table and nontable honey.* The rate for the quantity of 1975-crop honey purchased shall be the rate for the respective class and color set forth below:

Class and color:	Cents per pound
Table honey:	
1. White and lighter.....	26.3
2. Extra light amber.....	25.3
3. Light amber.....	24.3
4. Other table honey.....	22.3
Nontable honey.....	22.3

(b) *Objectionable flavor, fermentation, or caramelization.* The settlement value for a lot of honey delivered for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the purchase rate for nontable honey.

(c) *Grade not certified.* The settlement value for a lot of honey for purchase on which the grade cannot be certified shall be the lower of its market value as determined by CCC or a value as determined on the basis of the purchase rate for nontable honey.

(d) *Substandard.* The rate for a lot of honey delivered for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the discounts in § 1434.43.

#### § 1434.43 Discounts.

(a) *Defects.* The purchase rate for a lot of honey delivered for purchase which grades substandard on account of defects shall be adjusted by the following discount:

Substandard account of:	Discount (cents per pound)
Defects.....	2

(b) *Moisture.* The purchase rate for a lot of honey delivered for purchase which contains moisture in excess of 18.5 percent shall be adjusted by the following discounts which shall be in addition to the discount for defects:

Moisture (percent):	Discount (cents per pound)
18.5.....	\$0.0
19.0.....	.5
19.5.....	1.0
20.0.....	1.5
20.5.....	2.0
21.0.....	2.5
21.5.....	3.0
22.0.....	3.5
22.5.....	4.0
23.0.....	4.5
23.5.....	5.0
24.0.....	5.5
24.5.....	6.0

(c) *Commingled storage.* The purchase rate for a lot of honey tendered for purchase by CCC while stored commingled in a warehouse, or delivered to a warehouse in bulk, shall be adjusted by the following discount:

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Discount (cents per pound)

Bulk commingled..... 1.5

Effective date: September 5, 1975.

Signed at Washington, D.C., on August 27, 1975.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.  
[FR Doc.75-23593 Filed 9-4-75; 8:45 am]

#### Title 9—Animals and Animal Products

#### CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

#### PART 113—STANDARD REQUIREMENTS

#### Miscellaneous Amendments

• Purpose: To make minor editorial changes for scientific accuracy in the choice of words and to correct spelling and printing errors.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), Part 113, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by making corrections as follows:

"Perfringens" was incorrectly capitalized in § 113.96 and § 113.97 and the plural of "gram" was incorrectly used in § 113.97. The word "samples" was inadvertently omitted from § 113.162(d)(3) and "per chicken" from § 113.164(e)(2)(iii). An incorrect reference was made in § 113.164(e)(3)(i). The word "centrifuge" was misprinted in § 113.202(a).

For scientific accuracy, "Potency Test" has been changed to "Virus titer requirements" and "0.7 logs" has been changed to  $10^{0.7}$  where they occur in paragraphs 113.139(d)(2), 113.140(d)(2), 113.141(d)(2), 113.142(d)(3), 113.143(c)(3)(v), 113.144(d)(3), 113.145(d)(3), 113.146(d)(3), 113.160(d)(3), 113.161(d)(2), 113.162(d)(3)(iii), 113.163(d)(3), and 113.164(d)(3). Other minor editorial changes have been made for correctness, consistency, and clarity.

Also for consistency, the parenthesis has been deleted from the headings for sections 113.125, 113.128, and 113.129.

All words in the headings should be capitalized.

1. Section 113.96 is amended by revising the introductory paragraph to read:

§ 113.96 *Clostridium Perfringens* Type C Toxoid and Bacterin-Toxoid.

*Clostridium Perfringens* Type C Toxoid and *Clostridium Perfringens* Type C Bacterin-Toxoid shall be produced from a culture of *Clostridium perfringens* Type C which has been inactivated and is non-toxic. Each serial shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. Any serial found unsatisfactory by a prescribed test shall not be released.

2. Section 113.97 is amended by revising the introductory paragraph and paragraph (c)(1)(vi) to read:

§ 113.97 *Clostridium Perfringens* Type D Toxoid and Bacterin-Toxoid.

*Clostridium Perfringens* Type D Toxoid and *Clostridium Perfringens* Type D Bacterin-Toxoid shall be produced from a culture of *Clostridium perfringens* Type D which has been inactivated and is non-toxic. Each serial shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. Any serial found unsatisfactory by a prescribed test shall not be released.

(c) \* \* \*

(vi) *Diluent.* The solution used to make proper dilutions prescribed in this test. Such solutions shall be made by dissolving 1 gram of peptone and 0.25 gram of sodium chloride in each 100 ml of distilled water; adjusting the pH to 7.2; autoclaving at 250° F for 25 minutes; and storing at 4° C until used.

3. Section 113.125 is amended by revising the heading to read:

§ 113.125 *Newcastle Disease Vaccine, Killed Virus.*

§ 113.128 *Avian Encephalomyelitis Vaccine, Killed Virus.*

4. Section 113.128 is amended by revising the heading as set forth above.

§ 113.129 *Rabies Vaccine, Killed Virus.*

5. Section 113.129 is amended by revising the heading as set forth above.

6. Section 113.139 is amended by revising paragraph (d)(2) to read:

§ 113.139 *Feline Panleukopenia Vaccine.*

(d) \* \* \*

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  ID<sub>50</sub> per dose.

7. Section 113.140 is amended by revising paragraph (d)(2) to read:

§ 113.140 *Canine Hepatitis Vaccine.*

(d) \* \* \*

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall

have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  TCID<sub>50</sub> per dose.

8. Section 113.141 is amended by revising paragraph (d)(2) to read:

§ 113.141 *Canine Distemper Vaccine, Ferret Avirulent.*

(d) \* \* \*

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  ID<sub>50</sub> per dose.

9. Section 113.142 is amended as follows:

§ 113.142 *Canine Distemper Vaccine, Ferret Virulent.*

(d) \* \* \*

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the virus dose used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  TCID<sub>50</sub> per dose.

13. Section 113.146 is amended by revising paragraph (d)(3) to read:

§ 113.146 *Bovine Virus Diarrhea Vaccine.*

(d) \* \* \*

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  TCID<sub>50</sub> per dose.

10. Section 113.143 is amended by revising paragraph (c)(3)(v) to read:

§ 113.143 *Encephalomyelitis Vaccine, Venezuelan.*

(c) \* \* \*

(3) \* \* \*

(v) Final container samples of completed product shall be tested for virus titer. To be eligible for release, each serial of vaccine shall have a GPIPID<sub>50</sub> titer of sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (b) of this section to assure that when tested at any time within the expiration period, each serial shall have a GPIPID<sub>50</sub> titer  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  GPIPID<sub>50</sub> per dose.

11. Section 113.144 is amended by revising paragraph (d)(3) to read:

§ 113.144 *Bovine Parainfluenza Vaccine.*

(d) \* \* \*

(3) \* \* \*

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  TCID<sub>50</sub> per dose.

14. Section 113.160 is amended by revising paragraph (d)(3) and the introductory paragraph in (e) to read:

§ 113.160 *Avian Encephalomyelitis Vaccine.*

(d) \* \* \*

(3) \* \* \*

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the

#### RULES AND REGULATIONS

§ 113.144 *Bovine Parainfluenza Vaccine.*

(d) \* \* \*

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  TCID<sub>50</sub> per dose.

12. Section 113.145 is amended by revising paragraph (d)(3) to read:

§ 113.145 *Bovine Rhinotracheitis Vaccine.*

(d) \* \* \*

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  TCID<sub>50</sub> per dose.

15. Section 113.161 is amended by revising paragraph (d)(2) to read:

§ 113.161 *Avian Pox Vaccine.*

(d) \* \* \*

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  EID<sub>50</sub> per dose.

16. Section 113.162 is amended by revising the introductory portion of paragraph (d)(3) and paragraph (d)(3)(iii) to read:

§ 113.162 *Bronchitis Vaccine.*

(d) \* \* \*

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  TCID<sub>50</sub> per dose.

17. Section 113.163 is amended by revising paragraph (d)(3) to read:

§ 113.163 *Fowl Laryngotracheitis Vaccine.*

(d) \* \* \*

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section and in this paragraph.

(iii) To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  EID<sub>50</sub> per dose.

17. Section 113.163 is amended by revising paragraph (d)(3) to read:

§ 113.163 *Fowl Laryngotracheitis Vaccine.*

(d) \* \* \*

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section and in this paragraph.

(iii) To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{0.7}$  greater than that used in such immunogenicity test but not less than  $10^{0.5}$  EID<sub>50</sub> per dose.

17. Section 113.163 is amended by revising paragraph (d)(3) to read:

§ 113.163 *Fowl Laryngotracheitis Vaccine.*

(d) \* \* \*

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the

#### RULES AND REGULATIONS

shall be tested for virus titer using the

(27 Stat. 832-833; 21 U.S.C. 151-158)

issued to the member in connection with

face of the APU compartment and could

#### RULES AND REGULATIONS

This amendment becomes effective October 6, 1975.

prior to the adoption on October 2, 1975. Since this amendment provides relief



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shall be tested for virus titer using the titration method provided in paragraphs (c) (2) or (3) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{5.5}$  greater than that used in such immunogenicity test but not less than  $10^{5.0}$  EID<sub>50</sub> per dose for chicken embryo origin vaccine and  $10^{5.0}$  EID<sub>50</sub> or  $10^{5.0}$  TCID<sub>50</sub> per dose for tissue culture origin vaccine.

18. Section 113.164 is amended by revising paragraphs (b), (d) (3), (e) (1), (e) (2) (iii), and (e) (3) (i) to read:  
§ 113.164 Newcastle Disease Vaccine.

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c) (2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of  $10^{5.5}$  greater than that used in such immunogenicity test but not less than  $10^{5.0}$  EID<sub>50</sub> per dose.

(1) A virus titration shall be conducted on final container samples of completed product in accordance with the titration methods used in paragraph (c) (2) of this section. A serial or subserial which does not contain at least  $10^{5.5}$  EID<sub>50</sub> per dose of Newcastle disease virus through the expiration date is unsatisfactory.

(iii) Twenty to twenty-eight days post-vaccination, the vaccinates and the controls shall be challenged intramuscularly with at least  $10^{5.5}$  EID<sub>50</sub> per chicken of Newcastle disease virus provided or approved by Veterinary Services. The chickens shall be observed each day for 14 days.

(i) Vaccines recommended for use in chickens 10 days of age or younger shall be tested in accordance with paragraphs (d) (2) (i), (ii), and (iii) of this section.

(37 Stat. 832-833; 21 U.S.C. 151-158)

These amendments are administrative or editorial and the changes are corrective or conformative in nature and make no substantive changes in the affected regulations.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon issuance.

Done at Washington, DC, this 29th day of August 1975.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 75-23591 Filed 9-4-75; 8:45 am]

#### Title 12—Banks and Banking CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

##### PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

###### Cashing Checks and Money Orders

On pages 30291-30292 of the July 18, 1975, edition of the FEDERAL REGISTER (40 FR 30291-30292) there was published a proposal to amend Part 701 (12 CFR 701) by revising § 701.23(d). The purpose of the proposal is to give to each Federal credit union the option of charging a fee when the cashing of a check or money order is not applied in its entirety for payment of a loan, payment of interest, payment of any obligation to the credit union, or the purchase of shares. Interested persons were given until August 11, 1975, to submit written comments, suggestions and objections regarding the proposed amendment. As a result of the comments, no changes were deemed necessary.

Accordingly, the proposed amendment to Part 701 (12 CFR 701) is adopted as set forth below and is effective immediately.

HERMAN NICKERSON, Jr.,  
Administrator.

AUGUST 28, 1975.

(Sec. 120, 73 Stat. 635, (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014, (12 U.S.C. 1789))

##### § 701.23 Cashing checks and money orders.

(d) No fee shall be charged by a Federal credit union to a member for the cashing of a check or money order when such check or money order is applied in its entirety for payment of a loan, payment of interest, payment of any obligation to the credit union, or the purchase of shares. Nor shall any fee be charged to the member for the cashing of a check or money order drawn by the Federal credit union on its own bank account and

issued to the member in connection with a withdrawal by the member from a share account or in connection with the disbursement of a loan.

[FR Doc. 75-23502 Filed 9-4-75; 8:45 am]

#### Title 14—Aeronautics and Space CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75-WE 1 AD; Amdt. 39-2357]

##### PART 39—AIRWORTHINESS DIRECTIVES AirResearch Model GTC660-4 and -4R Auxiliary Power Units (APU)

Pursuant to a Notice of Proposed Rule Making, published June 12, 1975, in the FEDERAL REGISTER, (40 FR 25027), the agency proposed to amend Amendment 39-2108 (40 FR 8541), AD 75-05-17, as amended by Amendment 39-2224 (40 FR 23722), to require accomplishment of modifications and inspections described in AirResearch Service Bulletin GTC660-49-3713, dated May 15, 1975, or later FAA-approved revisions, within six months of the effective date of the adopted rule on certain Boeing 747 aircraft. When the modifications and inspections were performed, the placard required by paragraph (a) of the AD may be removed, and the inspections required by paragraph (b) may be discontinued.

The agency considered the incorporation of these modifications and inspections as necessary to minimize the hazard of injury to persons near the aircraft during ground operations.

Interested persons have been afforded an opportunity to participate in the making of the amendment.

Three comments were received. The Air Transport Association on behalf of member air carriers, British Airways, and Belgian World Airlines (Sabena), as Central Agency for the ATLAS group (Air France, Lufthansa, Alitalia, Iberia and Sabena) submitted comments. The comments stressed problems of parts availability, scheduling capabilities of the operators, and spare APU availability; Sabena also noted that there had been only one penetration of the aircraft Body Station 2658 firewall due to non-containment of fragments during over more than 2,900,000 total aircraft hours of operation. Based on the foregoing, the comments requested substantial extensions of the compliance time within which the actions were to be taken in the adopted rule, while concurring in the agency's intent to effect a terminating action with some time frame.

The Sabena comment referencing the incident in which there had been penetration of the firewall at Body Station 2658 is true, but is not pertinent to the agency's intent to protect ground personnel from shrapnel piercing the adjacent fuselage. In addition to the fragments which pierced the forward firewall of the APU compartment during the incident cited above, there were numerous fragments which penetrated the lower sur-

face of the APU compartment and could have endangered ground personnel and produced a condition which could impair fire containment because of firewall degradation.

With respect to the compliance time proposed in the Notice of Proposed Rule Making, it is to be noted that the agency previously, by Amendment 39-2224, referenced above, issued on May 21, 1975, and made effective on June 5, 1975, authorized the operators to incorporate the modifications and inspections of the manufacturer's service bulletin as a terminating action to the placard requirement of paragraph (a) of the AD, and the inspections of paragraph (b). Amendment 39-2224 was adopted as an immediately adopted rule, as it provided an alternative means of compliance, which, when performed, relieved the operators of the AD requirements, as indicated above. The agency believes that the operators, both in the interest of safety for the ground personnel involved, and the advantages of eliminating the restrictions of the AD, would have been incorporating the actions set forth in the service bulletin on a scheduled basis even before the issuance of the Notice. And, while it is true that there has been but one incident involving the failure to contain the fragments of the APU, the potential hazard presented by the occurrence is sufficiently serious to warrant effective corrective action at the earliest time, and on a practicable basis.

The ATA comment suggested a compliance time of 24 months or 1,000 hours time in service on the APU, whichever occurs later.

British Airways suggested a date of June 30, 1976. Sabena suggested that the service bulletin be incorporated the first time the APU is removed from the airplane with a maximum delay of 24 months after the effective date of the amendment.

The agency has considered these comments. In the interest of safety in aviation, the agency believes that the compliance time adopted herein, namely, on or before July 1, 1976, to do the work, represents a reasonable standard.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2108 (40 FR 8541), AD 75-05-17, as amended by Amendment 39-2224 (40 FR 23722), is further amended, by revising paragraph (c) to read:

##### § 39.13 [Amended]

(c) The modifications and inspections described in AirResearch Bulletin GTC660-49-3713, dated May 15, 1975, or later FAA-approved revisions must be incorporated on or before July 1, 1976. Upon completion of these modifications and inspections, the placard required by paragraph (a), above, may be removed and the inspections required by (b), above, may be discontinued.

This amendment becomes effective October 6, 1975.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on August 21, 1975.

LYNN L. HINK,  
Acting Director,  
FAA Western Region.

[FR Doc. 75-23488 Filed 9-4-75; 8:45 am]

[Airworthiness Docket No. 75-SW-11, Amdt. 39-2350]

##### PART 39—AIRWORTHINESS DIRECTIVES Bell Models 206A, 206B, 206A-1, and 206B-1 Helicopters

Amendment 39-2122 (40 FR 10661), AD 75-06-03, as revised by Amendment 39-2146 (40 FR 14297) requires an immediate and a 100-hour repetitive inspection for possible cracks in the upper and lower clevis on each main rotor blade pitch link assembly, P/N 206-010-330 or 206-010-342, and an inspection of the outer swashplate ring horn bearings for excessive breakaway torque on Bell Models 206A, 206B, 206A-1 and 206B-1 helicopters. After issuing Amendment 39-2122, AD 75-06-03, and Amendment 39-2146, the agency has been informed of satisfactory service history on the affected clevises and helicopters by several operators and by the Helicopter Association of America. Bell Helicopter Company has inspected approximately 40 clevises with alleged cracks that were returned to them as prescribed in the Mailgram dated February 15, 1975, from Bell Helicopter Company to all 206A, 206B, and TH57A operators. None of these clevises had cracks in the threaded shanks. Amendment 39-2122, AD 75-06-03, has been in effect since March 12, 1975, and the FAA has not received a confirmed case of a cracked clevis as a result of this AD. Based on this information and the numerous requests for relief from further repetitive inspections, the AD is being amended to delete any further requirement for a repetitive inspection.

The agency again requests interested persons to submit written information and comments on the main rotor pitch link assemblies as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All comments will be available in the Office of Regional Counsel for examination by interested persons.

The comments received on or before September 22, 1975, that are submitted in response to the request for additional information will be considered by the Director and the amendment may be changed in the light of those comments.

prior to the adoption on October 2, 1975. Since this amendment provides relief from further repetitive inspections and imposes no additional burden on any person, the amendment may be made effective in 40 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2122 (40 FR 10661), AD 75-06-03 as amended by Amendment 39-2146 (40 FR 14297) is further amended by changing the compliance paragraph to read as follows:

Compliance required within 10 hours' time in service after March 12, 1975, unless already accomplished.

This amendment becomes effective October 2, 1975.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Texas, on August 13, 1975.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc. 75-23480 Filed 9-4-75; 8:45 am]

[Airworthiness Docket No. 75-SW-39; Amdt. 39-2356]

##### PART 39—AIRWORTHINESS DIRECTIVES

###### Rockwell Models 690, 690A, and 685

Amendment 39-2275, 40 FR 29272, AD 75-15-01, imposes a speed and deflection limitation during flap operation, and requires a one-time inspection of flap bracket, P/N 510003-92, with a subsequent modification prior to lifting the flap speed and deflection limitation. After issuing Amendment 39-2257, service experience established that cracks were still occurring while operating with the flap speed and deflection limitation.

Therefore, the AD is being superseded by a new AD that requires a repetitive inspection while operating in accordance with the flap speed and deflection limitation. Also, further modification information is provided.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROCKWELL: Applies to Models 690, S/N 11000 and subsequent, 690A, S/N 11100 and subsequent, and 685, S/N 12000 and subsequent.

Compliance required as indicated:  
A. Immediately upon receipt of this AD, limit flap speed and deflection as follows:

Flap

bine shafts that have not been reworked by undersizing the threads in the collar

33-6, or later FAA approved revision, prior to the accumulation of 6700 cycles in service or

changes and additions may be obtained

[Docket No. 14120, Amdt. No. 171-10]

§ 101-26.000 Scope of part.



Flap speed (Kts)	Flap deflection (degrees)	Models
101.....	40	600, 600A, 685
113.....	35	600, 600A, 685
128.....	30	600, 600A, 685
140.....	27	600, 600A, 685
156.....	20	600
170.....	20	685
180.....	20	600A

B. Within 25 hours' time in service after the effective date of this AD, unless already accomplished.

1. Install a limitation placard, covering paragraph A, in accordance with Rockwell International Service Bulletin No. 156 dated June 27, 1975, Revision 1 dated July 3, 1975, or later approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

2. Inspect flap bracket P.N. 510003-92 for cracks.

a. If cracks are found, modify the flap bracket in accordance with Rockwell International Service Bulletin No. 157 dated July 16, 1975, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas, and install prior to further flight.

A special flight permit pursuant to FAR 21.197 may be issued to allow ferrying of the aircraft to a facility where the required maintenance can be performed. Flaps should not be operated during ferry flight. Following modification, the placard required by paragraph B may then be removed and the limitations specified in paragraph A may be disregarded.

b. If no cracks are found, continue to operate the aircraft in accordance with the limitations specified in paragraph A. Reinspect at intervals of 25 hours thereafter, and within the next 100 hours' time in service, accomplish the modification specified in paragraph B(2)(a). Upon installation of this modification, the placard required by paragraph B may be removed and the limitations specified in paragraph A may be disregarded.

This amendment becomes effective on receipt of an individual copy or on September 8, 1975, whichever occurs first.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 135(a), 1421, and 1423) and of Section 6(e) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Texas, on August 22, 1975.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc. 75-23490 Filed 9-4-75; 8:45 am]

[Docket No. 74-NE-45; Amdt. 39-2358]

#### PART 39—AIRWORTHINESS DIRECTIVE

##### Pratt & Whitney JT6D Aircraft Engines

Amendment 39-2055 (39 FR 40167), AD 75-01-01 requires operators of certain JT6D engines to remove low tur-

bine shafts that have not been reworked by undercutting the threads in the spline end, and to repetitively inspect shafts with reworked splines at intervals of 6700 cycles in service. The AD also requires an inspection of the No. 2 compressor hub spline.

Since the issuance of the AD, an alternate procedure has been approved for inspection of the shaft splines. Paragraph 2 of the AD has been revised to reflect this. In addition, it has come to our attention that some confusion exists on the required No. 2 compressor hub spline inspection required by Paragraph 3. For clarification, the plated and the nonplated titanium hub inspections have been separated into Paragraph 3 and 4, respectively, of the amended AD.

Since this amendment clarifies the AD, provides an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1835 (39 FR 16388), AD 75-01-01, is amended as follows:

Compliance Paragraph 1 is amended by deleting the words "after the effective date of this AD, whichever is later", and inserting the words "after January 8, 1975, whichever is later".

Compliance Paragraph 2 is amended by:

a. Deleting the words "eddy current spline inspection procedure in Pratt & Whitney Service Bulletin 2452, Revision 5", and inserting the words "Pratt & Whitney Service Bulletin 2452, Revision 10".

b. Deleting the words "since last eddy current spline inspection", and inserting the words "since last inspection".

c. Deleting the words "after the effective date of this AD, whichever is later, unless already accomplished", and inserting the words "after January 8, 1975, whichever is later, unless already accomplished in accordance with Pratt & Whitney Service Bulletin No. 2452, Revision Nos. 5 thru 9".

Compliance Paragraph 3 is deleted in its entirety and the following paragraphs inserted in lieu thereof:

3. Inspect all No. 2 compressor hub splines plated per Pratt & Whitney Service Bulletins 2964 and 4193, in accordance with Pratt & Whitney Alert Service Bulletin 4357, Paragraphs IV.D.2 and IV.D.3, or later FAA approved revision, as applicable, when the low turbine shafts are removed or inspected in accordance with Paragraph 1 or 2 above. Remove hubs with plate peeling from service before further flight.

4. Inspect nonplated titanium No. 2 compressor hub splines, run with low turbine shafts requiring inspection under Paragraphs 1 or 2 of this AD, for taper wear in accordance with Pratt & Whitney JT6D manual, P.N. 481672, Revision 76, Section 72-

33-6, or later FAA approved revision, prior to the accumulation of 6700 cycles in service or within the next 2000 cycles in service after January 8, 1975, whichever is later, unless already accomplished. Inspect thereafter at intervals not to exceed 6700 cycles in service since last inspection. Remove hubs with taper wear in excess of .010 inch from service before further flight.

This amendment becomes effective September 7, 1975.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on August 22, 1975.

WILLIAM E. CROSBY,  
Acting Director,  
New England Region.

[FR Doc. 75-23596 Filed 9-4-75; 8:45 am]

[Airspace Docket No. 75-SW-59]

#### PART 73—SPECIAL USE AIRSPACE

##### Alteration of Restricted Areas

##### Correction

In FR Doc. 75-22639, appearing at page 38146 of the issue for Wednesday, August 27, 1975, in the third column, the third full paragraph, the third line from the top, the effective date "September 27, 1975", should read "August 27, 1975".

[Docket No. 14954; Amdt. No. 984]

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

##### Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP

changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 9723 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective October 16, 1975.

Anoka, MN—Gateway North Industrial Arpt., VOR Rwy 33, Orig.

\* \* \* effective September 18, 1975.

Marion, IL—Williamson County Arpt., VOR Rwy 2, Amdt. 5.

Marion, IL—Williamson County Arpt., VOR Rwy 20, Amdt. 6.

\* \* \* effective September 11, 1975.

Santa Rosa, CA—Sonoma County Arpt., VOR Rwy 32, Amdt. 8.

\* \* \* effective August 20, 1975.

Escanaba, MI—Delta County Arpt., VOR Rwy 18, Amdt. 3.

2. Section 9727 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective October 16, 1975.

Greer, S.C.—Greenville-Spartanburg Arpt., NDB Rwy 3, Amdt. 7.

\* \* \* effective October 9, 1975.

San Bernardino, CA—Tri-City Arpt., NDB Rwy 7, Amdt. 1.

\* \* \* effective September 11, 1975.

Marble Falls, TX—Horseshoe Bay Arpt., NDB Rwy 18, Orig.

3. Section 9729 is amended by originating, amending, or canceling the following ILS SIAPs, effective October 16, 1975.

Greer, S.C.—Greenville-Spartanburg Arpt., ILS Rwy 3, Amdt. 10.

\* \* \* effective October 9, 1975.

Kenai, AK—Kenai Municipal Arpt., ILS Rwy 19, Orig.

Yakutat, AK—Yakutat Arpt., ILS Rwy 11, Orig.

\* \* \* effective September 11, 1975.

Santa Rosa, CA—Sonoma County Arpt., ILS Rwy 32, Amdt. 2.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 28, 1975.

JAMES M. VINES,  
Chief,  
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969 (35 FR 5610).

[FR Doc. 75-23537 Filed 9-4-75; 8:45 am]

[Docket No. 14120, Amdt. No. 171-10]

#### PART 171—NON-FEDERAL NAVIGATION FACILITIES

##### Interim Standard Microwave Landing System

##### Correction

In FR document 75-21690, appearing at page 36109, in the issue of Tuesday, August 19, 1975, make the following changes:

1. On page 36110, second column, in the second full paragraph, the abbreviation in the last line reading (STERPS) should read (TERPS).

2. The theta  $\theta$  appears incorrectly in several paragraphs. Wherever the theta appears as  $\theta$  it should be corrected to appear as  $\theta$ .

#### CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation SPR 85]

#### PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTER

##### Adoption of Part

##### Correction

In FR Doc. 75-21143, appearing at page 34089, in the issue for Thursday, August 14, 1975, make the following changes:

1. On page 34094, in the third column, the first full paragraph, the ninth line from the top, the word "mixture" should read "minimum".

2. On page 34098, in the third column, in the fourth full paragraph, the third line from the bottom should be followed by the words: "OTC rule, and to be in a position to act".

3. On page 34103, in the second column under § 378a.30(j), the section referred to in the last line should read "§ 378a.31 (d)".

4. On page 34105, in the first column under § 378a.102, in the definition for "Special event", the first line, the word "specific" should be inserted immediately after the word "significant".

#### Title 41—Public Contracts and Property Management

#### CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

##### SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-169]

#### PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

##### Policy and Procedural Changes

This amendment provides policy and procedural changes in GSA's procurement sources and programs.

The table of contents for Part 101-26 is amended to include the following revised entry:

§ 101-26.104 End-of-year submission of requisitions for action by GSA.

Section 101-26.000 is revised to read as follows:

#### § 101-26.000 Scope of part.

This part prescribes policies and procedures which govern the procurement of personal property and nonpersonal services by Federal agencies from or through GSA supply sources as established by law or other competent authority. The specific subparts or sections covering the subject matter involved prescribe the extent to which the sources of supply are to be used by Government agencies. Certain civilian and military commissaries and nonappropriated fund activities are also eligible to use GSA supply sources for their own use, not for resale, unless otherwise authorized by the individual Federal agency and concurred in by GSA. Policy and procedures pertaining to purchasing of property or contracting for services from commercial sources, without recourse to established GSA supply sources, are provided in the Federal Procurement Regulations and are exempted from this part.

#### Subpart 101-26.1—General

1. Section 101-26.100-1 is revised to read as follows:

§ 101-26.100-1 Procurement of lowest cost items.

GSA provides lines of similar items to meet particular end-use requirements under both its supply distribution system and the Federal Supply Schedule program. Although these similar items may differ in terms of price, quality, and essential characteristics, they can often serve the same functional end-use procurement needs of the various ordering agencies. Therefore, in submitting requisitions for an item obtainable from both GSA stock and Federal Supply Schedule contracts, agencies shall utilize the source from which the lowest cost item can be obtained which will adequately serve the functional end-use purpose.

2. Section 101-26.102-3 is amended to read as follows:

§ 101-26.102-3 Procurement leadtime.

When GSA performs the purchasing services for other agencies or activities as contemplated by this § 101-26.102-3, calculation of the delivery dates required for the items involved shall be based on the procurement leadtimes illustrated in § 101-26.4801. These leadtimes are based on the normal time required after receipt of agency requisitions by GSA to effect delivery to destinations within the 50 States.

3. The title of § 101-26.104 is changed and §§ 101-26.104 (b) and (c) are revised as follows:

§ 101-26.104 End-of-year submission of requisitions for action by GSA.

(b) Under the FEDSTRIP/MILSTRIP systems, the requisitions submitted to GSA are not required to reflect the applicable appropriation or fiscal year funds to be charged. The Fund Code entry on the requisition simply indicates



to the supply source (GSA) that funds are available to pay the charge, thereby providing authority for the release of material and subsequent billing. Requisitions received by GSA in purchase authority format are normally likewise converted to FEDSTRIP/MILSTRIP documentation so that processing can be accomplished expeditiously through a uniform system based on the use of automated equipment. Accordingly, primary responsibility rests with the ordering activity for ensuring that requisitions intended to be chargeable to appropriations expiring the last day of the fiscal year are submitted in sufficient time for GSA to consummate the necessary action before the end of the fiscal year. Requisitions submitted on or before the last day of the fiscal year may be chargeable to appropriations expiring on that date provided the ordering agency is required by law or GSA regulation to use GSA supply sources. When the ordering agency is not required to use GSA sources, requisitions for GSA stock items may be recorded as obligations provided the items are intended to meet a bona fide need of the fiscal year in which the need arises or to replace stock used in that fiscal year; requests for other than GSA stock items are to be recorded as obligations at the time GSA awards a contract for the required items. In the latter case, GSA procurement leadtimes illustrated in § 101-26.4811 should be used as a guide for timely submission of these requisitions. The leadtimes referred to relate to the number of days between submission of a requisition and actual delivery of the items involved. While this may furnish some guidance to requisitioners, there is no direct relationship between those leadtimes and the time it takes for GSA to make an award of a contract.

(c) End-of-year submission of requisitions which require GSA to award a contract not later than the last day of the fiscal year in order to obligate the appropriation or funds of the ordering agency will be annotated to indicate that GSA procurement of the requested items must be accomplished not later than the last day of the fiscal year in which the requisitions are submitted. For example, a FEDSTRIP/MILSTRIP requisition should be prepared to include Document Identifier Code A0E or A05 and reflect the annotation in the "Remarks" block. With this information GSA will attempt to complete procurement action before the end of the fiscal year. When a requisition is received too late to permit GSA to complete procurement action before the end of the fiscal year, the requisitioning activity will be so notified and requested to furnish instructions regarding the action to be taken. Based on these instructions, procurement action will be taken or the requisition will be canceled and returned to the ordering activity.

4. Section 101-26.105 is revised to read as follows:

**§ 101-26.105** Justification to support negotiated procurement by GSA for other agencies.

Each requisition submitted by an agency to GSA requiring negotiated pro-

curement shall be accompanied by a justification or findings and determination, as applicable. When the justification or findings and determination does not clearly and fully support the requested procurement, the requesting agency will be so notified and requested to furnish sufficient information to satisfy the requirements of the applicable negotiation authority. The GSA contracting officer will suspend procurement action pending receipt of the requested information.

(a) When the requisition is for a requirement to be procured under § 1-3.202 (public exigency), citation of a FEDSTRIP priority designator 03 or 06, or a Uniform Material Movements and Issue Priority System (UMMIPS) priority designator 01 through 06, inclusive, will indicate that the agency is identifying a circumstance within the purview of § 1-3.202. No further information is required to support the findings and determination to be made by the GSA contracting officer.

Note: A requisition which cites a priority designator above 06 may justify negotiation under this or other negotiation authority, but in such cases the request must be accompanied by a justification setting forth specific circumstances sufficient to support the findings and determination to be made by the GSA contracting officer.

(b) When the requisition is for a requirement to be procured by negotiation under § 1-3.208 (property purchased for authorized resale) or § 1-3.210 (impracticable to secure competition by formal advertising), the request must refer to and be accompanied by a statement containing sufficient information to justify use of the negotiating authority contemplated. For circumstances permitting negotiation as set forth in § 1-3.210, each requisition for a particular make, model, brand, or other similarly designed item, or which restricts procurement action to a limited number of competing commercially available products, must be justified by a statement of facts establishing the minimum needs to be fulfilled, and that these needs can be satisfied only by procurement of the designated item or any one of a limited number of competing commercially available products. (Personal preference and subjective evaluations are not acceptable as sufficient justification.) Specifically, the justification statement must include the following detailed information:

(1) The specific needs to be satisfied in terms of identified tasks or work processes;

(2) The requirements that generate the specific needs;

(3) The characteristics of the designated item that enable it to satisfy the specific needs; and

(4) Identification of other items evaluated and, for each, a statement of the characteristics (or lack thereof) which preclude their satisfying the specific needs.

(c) When the requisition is for a requirement to be procured by negotiation under § 1-3.211 (experimental, developmental, or research work), § 1-3.212 (purchases not to be publicly disclosed),

or § 1-3.213 (technical equipment requiring standardization and interchangeability of parts), the requests must refer to and be accompanied by a copy of a findings and determination made by the head of the requesting agency. However, in the case of contracts for experimental, developmental, or research work which will not require the expenditure of more than \$25,000 or such higher amount as may have been delegated by the head of the requesting agency, the findings and determination may be made by the chief officer responsible for procurement when authorized by the delegation or as provided in § 1-3.303.

(d) When the requisition is for a requirement to be procured by negotiation in accordance with § 1-3.215 (otherwise authorized by law), the request must cite the law authorizing negotiation and refer to and be accompanied by any justification or findings and determination required by such authority and applicable regulations.

5. Section 101-26.106 is revised to read as follows:

**§ 101-26.106** Consolidation of requirements.

Full consideration shall be given to the consolidation of individual small volume requirements to enable the Government to benefit from lower prices normally obtainable through definite quantity contracts for larger volume procurements. This policy pertains to procurement from commercial sources either direct or through an intermediary agency and does not apply to GSA stock items or small volume requirements normally obtained from a GSA self-service store. When it is practical, each agency shall establish procedures that will permit planned requirements consolidation on an agency-wide basis. When it is impractical to plan requirements on an agency-wide consolidated basis, the requirements consolidation effort may be limited to a bureau, to other agency segments, or to a program, if such limited consolidation will provide significant price advantages when procurement is effected on a volume basis. Requisitions for items requirements exceeding maximum order limitations in Federal Supply Schedule contracts shall be submitted to GSA in accordance with the applicable instructions in the respective schedules. Special buying services desired by agencies for procurement of other consolidated item requirements shall be requested from GSA in accordance with § 101-26.102.

#### Subpart 101-26.2—Federal Requisitioning System

1. Section 101-26.201 is amended as follows:

**§ 101-26.201** General.

This requisitioning and issue system is identified as the Federal Standard Requisitioning and Issue Procedures (FEDSTRIP) and is similar to and compatible with the Military Standard Requisitioning and Issue Procedures (MILSTRIP). The FEDSTRIP system pro-

vides GSA and other supply sources the means to automate the processing of requisitions. Its main features are:

2. Section 101-26.203-1 is amended as follows:

**§ 101-26.203-1** Forms prepared by ordering offices.

(a) GSA Form 1348m, Single Line Item Requisition System Document (Mechanical), (illustrated in the FEDSTRIP Operating Guide) is prepared mechanically by ADP equipment through computer output or key punch machine.

(b) (1) Standard Form 344, Multiuse Standard Requisitioning Issue System Document, (illustrated in the FEDSTRIP Operating Guide) is a manually prepared form used for requisitioning, cancellation, or followup;

(2) GSA Form 1348 (6-PT), Single Line Item Requisition System Document (Manual), (illustrated in the FEDSTRIP Operating Guide) and;

(3) GSA Form 1348-6, Non-NSN Requisition (Manual), (illustrated in the FEDSTRIP Operating Guide) will be used when ordering non-national stock numbered items which exceed the stock or part number field and/or require additional information; e.g., manufacturers part number, technical data, or detailed description. Document Identifier code (DIC) A05 or A0E will be used for non-part-numbered requirements.

3. Section 101-26.203-2 is amended as follows:

**§ 101-26.203-2** Forms furnished to ordering offices.

(a) (1) GSA Form 1348-1, Single Line Item Release/Receipt Document (illustrated in the FEDSTRIP Operating Guide). This form serves as a shipping and receiving document for GSA supply distribution facilities shipments. On items for direct delivery, a copy of the requisition will be furnished instead of the GSA Form 1348-1.

(2) GSA Format 952, Single Line Item Billing Register (illustrated in the FEDSTRIP Operating Guide). This form serves as a billing support for GSA stock shipments made during the billing period. On items for direct delivery, copies of requisitions will be used to support the billing instead of the GSA Format 952.

(b) Supply/shipment status information will be provided by electrical transmission in machine-sensible (card) format via the Defense Automatic Addressing System (DAAS), Dayton, Ohio, to all military and civil activities having capabilities to receive or transmit by electrical communications. Military and civil activities not having electrical transmission facilities will be furnished information on the status of requisitions and replies to followup inquiries by DAAS (via first class mail) on GSA Form 2779, Supply/shipment Status Information As Of,

or DD Form 1348m, DOD Single Line Item Requisition System Document (Mechanical), as requested by the media and status (M & S) code (cc 7) of the requisition.

4. Section 101-26.205-2 is revised to read as follows:

**§ 101-26.205-2** Assignment of codes.

Codes will be assigned by GSA for the requisitioning agency as specified in the FEDSTRIP Operating Guide. When agency procedures provide for payment of bills on a national or other basis extending beyond respective GSA regional boundaries, each agency shall furnish address information to the General Services Administration (FF), Washington, DC 20406, for assignment of codes and distribution to all GSA regional offices.

5. Section 101-26.206 is revised to read as follows:

**§ 101-26.206** GSA assistance.

The Federal Supply Service at each GSA regional office will advise and assist in the development of procedures required to adopt FEDSTRIP within an agency's field activities. Agency headquarters activities requiring assistance may contact General Services Administration (FF), Washington, DC 20406.

(Sec. 205(c), 63 Stat. 390, 49 U.S.C. 486(c))

Effective date. This regulation is effective September 5, 1975.

Dated: August 25, 1975.

ARTHUR F. SAMPSON,  
Administrator of General Services.  
[FR Doc. 75-23544 Filed 9-4-75; 8:45 am]

#### Title 42—Public Health CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE SUBCHAPTER J—HEALTH CARE DELIVERY SYSTEMS PART 110—HEALTH MAINTENANCE ORGANIZATIONS Correction

In FR Doc. 74-24046 published at 39 FR 37308-23 on Friday, October 18, 1974, the following corrections should be made:

1. On page 37311, in the subpart H title, add the letter s to the word "Benefit" to read "Benefits".

2. On page 37313, § 110.102(a), delete subparagraphs (9) and (10).

3. On page 37313, § 110.102 in subparagraph (b) (9), on line 2, insert "(A) or (1)" between the number (1) and the letter (H) to read "(1) (A) or (1) (H)".

4. On page 37313, § 110.102, in subparagraph (b) (10), on line 2, insert "(A) or (1)" between the number (1) and the letter (H) to read "(1) (A) or (1) (H)".

5. On page 37316, in § 110.201, delete the word and comma "contracts," on line 2.

6. On page 37317, § 110.203 subparagraph (e), on line 2, close up the first two letters in the word "appropriate."

7. On page 37317, § 110.203, in subparagraph (k), on line 2, delete the word and comma "contract."

8. On page 37319, in the subpart C title, delete the words "and Contracts".

9. On page 37323, in the subpart H title, add the letter s to the word "Benefit" to read "Benefits".

Dated August 27, 1975.

THOMAS S. McFEE,  
Deputy Assistant Secretary for  
Management, Planning, and  
Technology.  
[FR Doc. 75-23616 Filed 9-4-75; 8:45 am]

#### Title 43—Public Lands: Interior CHAPTER II—BUREAU OF LAND MANAGEMENT APPENDIX—PUBLIC LAND ORDERS Public Land Order 5524 [Los Angeles 0167441] CALIFORNIA Evocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 49 U.S.C. 214 (1970), it is ordered as follows:

1. The departmental order of December 15, 1944, withdrawing public lands as Air Navigation Site Withdrawal No. 67, is hereby revoked as to the remaining land described as follows:

SAN BERNARDINO MERIDIAN  
T 10 S., R. 21 E.,  
Sec. 27, E 1/4 NE 1/4 SE 1/4 SW 1/4.

The area described contains 5 acres in Imperial County.

2. The land is withdrawn from all forms of appropriation under the public land laws, including the United States mining laws, for reclamation purposes, and will remain so withdrawn. The land has been and will continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JACK O. HORTON,  
Assistant Secretary of the Interior.

AUGUST 29, 1975.

[FR Doc. 75-23550 Filed 9-4-75; 8:45 am]

#### [Public Land Order No. 5523] [Idaho 4982] IDAHO Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from nonmetallic mineral location and entry under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

comment period ending August 31, 1975. In this connection, the Final Environ-

ment Impact Statement (EIS) for the proposed action is being prepared by the Bureau of Reclamation. There is no excuse for the toleration of practices which allow one

years. It appears that the Department is straining too hard to produce additional







recognized that hunters vary greatly in ability to distinguish between species of waterfowl in flight or in hand. This is primarily a matter of basic identification skill and only secondarily a matter of light conditions. While light conditions may, at times, affect the ease of identification, this problem is not confined to the period one-half hour before sunrise, but may be operative at other times of the day as when a bird approaches a hunter from the direction of bright sunlight. As noted above, it is not necessary for hunters to identify ducks before shooting in order to avoid violations. It is the responsibility of the individual hunter to determine when light conditions enable him to identify ducks in flight. The Service is of the opinion that hunter responsibility is sufficiently great that the shooting hours in these regulations pose no significant dangers to protected species.

2. No acceptable standard exists against which the effectiveness of a game law enforcement program can be measured. Consequently, the imposition of sanctions such as reduced season lengths and bag limits would necessarily be capricious in nature. However, the Service attempts to enforce its regulations uniformly for all age groups, and expects the various States to do the same.

3. Section 20.25, Part 20, CFR Title 50 states that "No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird and include it in his daily bag limit." The determination of "reasonable effort" can best be ascertained from the circumstances of each situation.

4. The basic frameworks for ducks and geese in each Flyway already correspond closely to the suggested hunting period of three and one-half months. For instance, the following frameworks have been set by flyways: Atlantic and Mississippi Flyways, October 1 through January 20, and Central and Pacific Flyways, October 4 through January 18. Departures from the basic season frameworks are limited to a few species and situations such as snow (including blue) geese in Louisiana to facilitate crop depredations control, to black brant in the Pacific Flyway to permit hunting when birds are most abundant, and to sea ducks and September teal seasons. The total permissible season lengths for various species of migratory game birds within a given geographical location is limited by Treaty obligations.

5. The seeming complexity of present day hunting regulations for migratory game birds is an outgrowth of accumulating knowledge about differences in the status, behavior, and habitat needs for various species and manageable population units within species, geographical and temporal differences in distribution, variations in actual and potential shooting pressures, habitat availability and trends, and the obligation to manage the resource more efficiently to satisfy the needs of both the hunting and non-hunting public while insuring the welfare of the resource. In practice, most hunters

confine their activities to one general hunting location and consequently can limit their understanding of regulations to those applicable to this area. The review and improvement of regulations is a continuing process by the Service and others who provide input into the regulatory process.

6. The purpose of this regulation is to reduce hunting pressure on the black duck but not on other species in the harvest area. The potential of a hunter for bagging a second black duck is significantly greater than his potential of bagging a fifth duck of any other species. The increased hunting pressure as measured by the increased harvest, estimated at 2 to 5 percent, derived from the fifth bird in the bag is distributed among other species available in the harvest area.

7. Black duck harvests have been relatively stable for the past 7 years and no significant changes in band recovery rates have occurred during the past 20 years. Meanwhile, winter inventory indices have shown a decline in black duck numbers but such indices are not altogether reliable measures of the populations of this species. Indeed, it is far from clear what the populations are, or what their limiting factor is. A large-scale cooperative program, therefore, is being initiated to band increased numbers of the species and an intensive study program, perhaps including experimental area closures, will follow this effort. But season closure does not presently appear justified for the species.

The one-black-duck option has been offered to Atlantic Flyway States for many years, and has frequently been chosen by mid-Atlantic and southeastern States.

8 and 9. Winter surveys suggest that a decline in goldeneye and merganser numbers may have occurred. However, it is not known to what extent, if any, the inventories of these species reflect actual population changes as opposed to survey sampling error. Mergansers are not inventoried separately by species because the three species are indistinguishable from survey aircraft. Mergansers are known to be common and widely distributed over vast northern breeding areas that are not systematically surveyed because of remoteness and inaccessibility. They are also widely distributed on their wintering areas. The same applies in a somewhat lesser degree to goldeneyes. Hooded mergansers frequent wooded habitats where they are not observable, and large water bodies sometimes used by other mergansers are often incompletely covered or unsurveyed by aerial crews.

In the point system, mergansers are assigned point values along with other species of ducks, and under both point and conventional regulation systems, the hooded merganser is given special protection. Separate merganser daily bag and possession limits were removed this year in the Central and Mississippi Flyways. The Service believes that these measures, and the regulatory frameworks

adopted herein, provide sufficient protection for these species, ensuring that no jeopardy will befall them.

The special goldeneye-scaup season in Vermont resulted in a total harvest of about 300 birds; such a harvest level is not great enough to adversely affect the goldeneye population.

10. Fall flights of cackling geese and white-fronted geese are expected to be of average size this year. Greater snow geese and Atlantic brant are expected to have high production this year, based on satellite imagery of arctic habitat conditions and Canadian field observations. The loss of brant winter food supplies could occur if heavy fall rains substantially reduce the estuarine salinities of the detriment of sea lettuce, a key brant food. The emergency closure provision for the Atlantic brant season provides insurance against such natural calamities. Similarly, the emergency closure provision for snow geese simply provides a safety valve in case of an altogether unforeseen calamity affecting the population.

As was announced in the proposed regulations frameworks published in the FEDERAL REGISTER on August 15, 1975 (40 FR 34363), environmental assessments on the proposed resumption of snow goose and brant hunting in the Atlantic Flyway have been prepared and copies are available upon request.

11. In managing waterfowl, the Service seeks to provide responsible stewardship for the resource while providing people with opportunities for utilizing the resource through various pursuits and interests, including sport hunting. Proponents of these various uses often reflect differing viewpoints. Insofar as sport hunting is concerned, the regulatory record demonstrates that regulations have been made more restrictive when circumstances dictate, and more liberal when conditions allow. Hunters of migratory game birds traditionally have been in the forefront of the conservation movement and many of the management programs, treaties, laws and regulations governing the use and protection of migratory game birds have been outgrowths of sportsmen involvement. The Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54) documents these contributions in more detail.

With mounting pressures being brought to bear against the migratory bird resource by environmental destruction and degradation, it is desirable that all those having an interest in the welfare and perpetuation of the resource be given an opportunity to express their viewpoints and provide information useful in the formulation of management programs, including the development of hunting regulations. Because of this desire, the Service made special effort this year to solicit greater public input into the regulatory process. These efforts included the publication in the FEDERAL REGISTER of detailed regulatory proposals, news releases announcing the availability of proposed regulations,

and supplying proposed regulatory frameworks to interested persons. In addition, public comment was solicited at the Director's Waterfowl Advisory Committee meeting held in Washington, D.C., on August 5, 1975, and at the special meeting of the same committee in Pittsburgh, Pennsylvania, on March 16, 1975.

The foregoing concludes comments responding to Wildlife Preserves, Inc. The following comments relate to those from other respondents or Service changes.

**Changes in Season Lengths in the Two Eastern Flyways.** The 47-day basic season length proposed for the Atlantic Flyway is changed to 45 days to conform to the Atlantic Flyway Council's recommendations. For the same reason, the basic season length in the Mississippi Flyway is changed from 44 days to 45 days. These modifications are not expected to have a significant effect on harvests. In both flyways, five additional days may be taken if Wednesday noon openings are selected. This incentive is offered to alleviate crowded hunting conditions which occur with weekend openings, and to reduce opening day harvests.

**Brant.** Five comments related to proposed brant regulations. Four proposed that the season not be reopened on Atlantic Flyway brant because the population had not recovered sufficiently. The fifth respondent wrote of "black brant" but inasmuch as this species has been hunted for many years, we concluded that his concern was also about Atlantic brant.

**Response.** Atlantic brant populations are expected to reach a level this fall equivalent to that of many past years when brant seasons were twice as long, and bag limits were larger. The delayed opening provision in the brant regulation will further reduce the impact of hunting on total harvest.

**Proposed Closure Provision for Atlantic Brant and Greater Snow Goose.** Three organizations stated that the 49-hour emergency closure provision was indicative that the population status of these species was uncertain.

**Response.** The rationale for the emergency provision is explained in the response to Wildlife Preserves, Inc.

**Greater Snow Geese.** Six comments were directed to the proposal for opening the hunting season on greater snow geese. One comment favored the proposal, pointing out that concentrations of this species damage marsh habitat. One State requested that a 50-day, 1 goose per day bag be allowed as an alternative to the proposed season and bag. Three organizations opposed resumption of hunting of this species, chiefly because of the status of the population.

**Response.** The fall flight of greater snow geese is expected to be the largest on record, probably approaching 200,000 birds. The estimated harvest, based on Canadian experience with greater snow goose seasons, should not exceed 5 to 10 percent of the fall population. This rate of harvest will not adversely affect the greater snow goose population. The Service believes that for purposes of

evaluating the harvest, a uniform season length and bag limit should be required on a flyway-wise basis. The comments did not provide any new facts or information that would substantiate a need to change the proposal.

**Point System Category in Atlantic Flyway.** One individual questioned the justification for a point category of less than 25 points in the Atlantic Flyway.

**Response.** A 10-point value has been placed on those species that are lightly harvested and relatively abundant. Hunting pressure on these species provides additional harvest opportunity and relieves hunting pressure on other more heavily harvested birds. Harvest data do not indicate that populations of low point species are unable to sustain the annual harvests that occur under low point regulations.

**Change in Boundary of Long Island Zone in New York.** New York requested that the boundary of the Long Island Zone be changed so that Interstate Route 95 rather than the Hutchinson River is the boundary in Westchester County. The change reduces the Long Island Zone by about 10 square miles, most of which is highly urbanized.

**Response.** The change would provide a more understandable and enforceable boundary and would result in no significant change in the waterfowl harvest and is therefore accepted.

**Season Length in Atlantic Flyway.** One individual asked why a 55- or 60-day duck season could not be allowed in the Atlantic Flyway.

**Response.** The season length permitted is designed to allow reasonable harvest opportunity while safeguarding the welfare of the waterfowl resource. The season length is based on consideration of waterfowl population size, habitat conditions, and hunter numbers and success. Waterfowl population levels under present harvest conditions do not warrant a longer harvest season in 1975-76.

**Closure of Lake Mattamuskeet to Duck Hunting.** One organization asked why Lake Mattamuskeet, North Carolina, remains closed to duck hunting.

**Response.** Populations of Canada geese wintering at Mattamuskeet declined over the years to a low of 8,700 birds during the winter of 1972. As part of an effort to restore populations, the waterfowl season there was closed in 1973 and 1974. During the past winter the Canada goose population increased to 18,500 birds. The effects on the wintering goose population of season closures and other factors are being studied, with the objective of developing long-range management plans.

**Wednesday Noon Opening Option.** Two respondents favored the Wednesday noon option and one State opposed it on the grounds that it deprived persons such as workers and students from going afield.

**Response.** The purpose of the Wednesday noon opening option is to afford a means of reducing hunting pressure and harvest on the opening day when ducks are most vulnerable to shooting. The problem of heavy first-day shooting pressure is greater in the Atlantic and Mississippi Flyways than elsewhere because

of more limited habitat and higher densities of hunters.

**Request for Regulations Changes in Portions of the Mississippi Flyway.** On August 19, 1975, seven States in the Mississippi Flyway submitted a resolution seeking changes in season length and bag limits. The major points in the resolution are as follows:

A 50-day waterfowl season and, if noon opening is offered as an option, a 55-day season be offered, including the following point values:

100 Points	90 Points
Canvasback	Hen mallard
Redhead	Hooded merganser
15 Points	
Blue-winged teal	Scaup
Pintail	Wigeon
Shoveler	Green-winged teal
Gadwall	All other ducks
35 Points	
Wood duck	30 Points
Fulvous tree duck	Drake mallard
Ring-necked duck	Mottled duck
	Black duck
	Other mergansers

After careful consideration, it was concluded that the proposal would result in an unacceptable increase in the harvest of mallards, black ducks, wood ducks and wigeon, and that the addition of one more point category would be confusing to hunters. The features of the resolution were supported by one association of duck hunters. Two individuals expressed dissatisfaction with the general season and bag limit provision of the Mississippi Flyway proposals, and another was dissatisfied with those for southwestern Louisiana.

**Redhead.** Three comments were received, two favoring more restrictive regulations because of the species' status, and one requesting liberalization.

**Response.** The redhead breeding population index for 1975 is the highest recorded since waterfowl breeding ground surveys began. However, the Service does not attach great significance to indicated annual population changes of species such as the redhead because of survey sampling problems; rather, the reliance is placed on population trends over several years. Redhead regulations this year are conservative in view of the redhead population size. The season remains closed in the Atlantic Flyway except for some off-shore areas in western Florida where only one bird may be taken in the daily bag. In the Mississippi and Central Flyways, most of the closures of historically high harvest areas remain in effect and daily bag limits elsewhere cannot exceed a single bird. Area closures have been removed in the Pacific Flyway but the daily bag has been restricted so that no more than two redheads or two canvasbacks or one of each may be taken. The comments do not provide any new facts or information that would substantiate a need to change the proposal.

**Changes in Mississippi Flyway Point Category and Allocation.** The 15-point category in the point system originally proposed for the Mississippi Flyway is changed to a 10-point category. The purpose of the change is to allow additional

harvest opportunity for low point cate-

fronted geese) or 3 snow geese." This

The Fish and Wildlife Service is of the

before sunrise until sunset except that

ducks of 5 daily and 10 in possession of

species and sexes taken are as follows:



harvest opportunity for low point category ducks which are harvested lightly and are relatively abundant. The change raises the highest potential number of ducks which may be taken daily from 7 to 10; harvest statistics in the Mississippi Flyway for the 1974-75 season indicate that the average hunter bagged 0.8 ducks per day and 5.7 per season. Consequently, a small change in harvest is expected from this liberalization.

In the Mississippi Flyway the point allocation for the fulvous tree duck is changed from 90 to 35, increasing the highest potential daily bag from 2 to 3 birds. This change returns this species to the 1974-75 point category, and will not alter the potential harvest rate.

**Application of Point System in Four Central Flyway-Pacific Flyway Boundary States.** The proposed regulatory language stated, "Any State selecting the point system must do so on a statewide basis. . . ." The boundary between the Central and Pacific Flyways generally follows the Continental Divide, resulting in portions of Montana, Wyoming, Colorado, and New Mexico being placed in the two Flyways. Consequently, the present wording might be construed to prohibit the Central Flyway portions of the four States from participating in the point system. In practice, the point system has been offered and implemented in the Central Flyway portions of these States for several years. Inasmuch as it is intended that this option continue, the wording is being clarified.

**Closures of Hunting Seasons During Whooping Crane Migration.** One individual asked why hunting seasons are not closed when whooping cranes are migrating.

**Response.** The migration route of the endangered whooping cranes is well known, as is the timing of their migration. Care is taken in setting sandhill crane seasons that hunting is not permitted at times and in areas where whooping cranes might be expected to occur. On one occasion whooping cranes appeared in an area of South Dakota during the lesser sandhill crane season, resulting in an emergency closure of the crane season. The sandhill crane is the species which most closely resembles the whooping crane, particularly young whooping cranes which have not obtained the white plumage characteristic of the adult whooping crane. Other large white birds do not closely resemble whooping cranes; furthermore, they are not likely to occur in places or at times when whooping cranes are present. Within the past decade, only one whooping crane is known to have been killed by waterfowl hunters, and in this instance the violator was convicted and fined.

**Pacific Flyway Framework.** One State offered two suggestions for clarifying certain proposed goose frameworks relating to the Pacific Flyway. In describing the general daily bag and possession limit for geese, the proposed wording reads, ". . . provided that the daily bag limit does not include more than 3 geese of the dark species (Canada and white-

fronted geese) or 3 snow geese." This wording suggests that hunting would have to cease after a hunter obtained 3 dark geese—or 3 snow geese. It is intended that hunters be allowed to take up to 3 dark geese and 3 snow geese separately, and the wording of the regulation is being clarified by substituting "and" for "or". The second comment pointed out that the general daily bag and possession limit of 6 geese did not apply uniformly throughout the Flyway. In many areas special restrictions of 1 and 2 Canada geese apply, thus the daily bag and possession limit of 6 birds would not be possible. The regulatory wording has been modified to reflect situations where restrictions on Canada geese result in reductions in the total number of geese which may be bagged and possessed. Some restrictions are imposed by State regulations.

**Miscellaneous Comments.** One group believed that the hunting regulations for ring-necked ducks were too liberal and questioned the wisdom of the proposed regulations for buffleheads. In the Atlantic Flyway both species count 25 points each and in the Mississippi Flyway both count 35 points each. The Service does not believe that these point allocations, or the number of birds permitted under conventional regulations, would result in excessive harvests.

One State and one waterfowl hunters' organization agreed with all provisions of the proposed frameworks.

One State expressed the belief that hunting opportunities offered by the proposed regulations in the Central and Pacific Flyways were too liberal.

Three organizations in one letter plus one individual opposed the opening of the season on greater snow geese and continuation of black duck hunting; the response to Wildlife Preserves, Inc., addresses these same points.

One State strongly objected to the proposed zoning of Louisiana, and expressed hope that the proposal would be withdrawn because of the dissension it has caused among the Mississippi Flyway States. Reasons for allowing the zoning experiment were given at the time the proposal was announced.

One State expressed satisfaction with the proposal to retain a separate bag and possession limit on mergansers in the Atlantic Flyway under conventional regulations.

The foregoing text relates to all responses received during the official comment period. In addition, 40 communications on waterfowl proposals were received before the designated comment period, or after the comment period to 9 a.m. on August 28, 1975. These communications generally covered the same subjects commented upon by persons responding within the official comment period.

Comments on the Service's regulations proposals are available for public inspection during normal business hours at the Service's Office of Migratory Bird Management, Fish and Wildlife Service, Room 2257, U.S. Department of the Interior, 18th and C Streets, Washington, D.C.

The Fish and Wildlife Service is of the view that, although the rulemaking process for migratory bird hunting must by its nature, operate under severe time constraints, every attempt should be made to give the public the greatest possible opportunity to comment on the regulations; thus, when the above-mentioned proposed rulemaking was published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the end of the periods, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States would have insufficient time to select their season dates, shooting hours, and bag limits, to communicate those selections to the Service, and finally to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d) (3) of the Administrative Procedure Act; and these regulations will therefore take effect immediately upon publication.

After due consideration of the comments received, the U.S. Fish and Wildlife Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended, (40 Stat. 755; 16 U.S.C. 703-711), prescribes final rulemaking on all but the lesser sandhill (little brown) crane portion of the Final Regulations Frameworks for 1975-76 Hunting Seasons on Waterfowl, Coots, and Gallinules; Cranes in Parts of North Dakota, South Dakota, New Mexico, Oklahoma, Montana, and Wyoming; and for Common Snipe in the Pacific Flyway.

Effective date: September 5, 1975.

F. V. SCHMIDT,  
Acting Director,  
U.S. Fish and Wildlife Service.

SEPTEMBER 2, 1975.

**Final Regulations Frameworks for 1975-76 Hunting Seasons on Waterfowl, Coots, and Gallinules; Cranes in Parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and for Common Snipe in the Pacific Flyway.** Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved final frameworks which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may select seasons for hunting waterfowl, coots, and gallinules; cranes in parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and for common snipe in the Pacific Flyway. Frameworks are summarized below.

#### GENERAL

States may split their season for ducks or geese into two segments without penalty in number of days. Segments may be of unequal length. Exceptions to this rule are noted.

Shooting hours in all States, on all species, and for all seasons are ½ hour

before sunrise until sunset except that during September teal seasons the shooting hours are sunrise to sunset. States have the option to select a later opening time within this framework.

Any State in the Atlantic, Mississippi, or Central Flyways selecting neither a September teal season nor the point system may take an extra bag limit on blue-winged teal of 2 daily and 4 in possession for 9 consecutive days during the regular duck season. This extra limit is in addition to the regular duck bag limit.

States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days with a daily bag limit of 5 and a possession limit of 10 scaup, subject to the following conditions:

1. Such special season must fall between October 1, 1975, and January 31, 1976, in the Atlantic and Mississippi Flyways, and between October 4, 1975, and January 31, 1976, in the Central Flyway, all dates inclusive.

2. Such special season must fall outside the open season for any other ducks except sea ducks.

3. Such season must be limited to described areas mutually agreed upon between the State and the Service prior to September 4, and

4. Such areas must be described and delineated in State hunting regulations; or

As an alternative, States in the Atlantic, Mississippi, and Central Flyways, except those States selecting a point system, may take an extra bag limit on scaup of 2 daily and 4 in possession during the regular duck hunting season, subject to conditions 3 and 4 listed above. This extra limit is in addition to the regular duck bag limit and may be taken during the entire regular duck season.

Any State entirely within a flyway in selecting the point system must do so on a statewide basis, except if New York selects the point system, conventional regulations may be retained for the Long Island Area.

Dates within which States may select their open seasons, season lengths, bag and possession limit options, and other special provisions are listed below by Flyway.

States in the Atlantic, Mississippi, and Central Flyways are reminded that if they did not select their gallinule season in July, they should do so at the time they make their waterfowl selections. Frameworks for gallinules are: outside dates: September 1, 1975-January 20, 1976; season length: not more than 70 days; bag limits: 15 daily, 30 in possession. Season may be split without penalty.

#### ATLANTIC FLYWAY

Between October 1, 1975, and January 20, 1976, States in this Flyway may hold open seasons on ducks, coots, and mergansers of: (a) 45 days with basic bag limits on ducks of 4 daily and 8 in possession of which no more than 2 daily and 4 in possession may be black ducks; or (b) 45 days with basic bag limits on

ducks of 5 daily and 10 in possession of which no more than 1 daily and 2 in possession may be black ducks. Under either Option (a) or (b), a 50-day season may be selected provided the season is opened on a Wednesday at noon, local time. If the season is split, each opening must occur on a Wednesday at noon, local time.

Under both options, the daily bag limit may not include more than 2 wood ducks, and 4 in possession. The season is closed on canvasback and redhead ducks throughout the Flyway except in Florida as described: seaward of the mainland shoreline including offshore islands from the northern boundary of Everglades National Park in Collier County north and west to and including Escambia County, but excluding all inland bays and mouths of rivers landward of a line between the most seaward points of the mouth of such bays and rivers; specifically excluded, but not inclusive of all exclusions, are Escambia Bay, Choctawhatchee Bay, West Bay and St. Andrews Bay at Panama City, East Bay at Apalachicola, and Ochlochonee Bay the waters of which are north of U.S. Highway 95; Tampa Bay landward of U.S. Highway 19 and Charlotte Harbor landward of U.S. Highway 41. In this redhead harvest area the daily bag and possession limits are 1 redhead or 1 canvasback.

The bag limit on mergansers is 5 daily and 10 in possession, of which not more than 1 daily and 2 in possession may be hooded mergansers. The bag limit on coots is 15 daily and 30 in possession. The Lake Champlain area of New York State must follow the waterfowl seasons, limits, and shooting hours selected by Vermont. This area includes that part of New York State lying east and north of a line running south from the Canadian border along U.S. Highway 9 to New York Route 22 south of Keeseville, along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22, along New York Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border.

In lieu of a special scaup season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to the special scaup season elsewhere.

The State of New York may, for the Long Island area, select season dates and bag limits which differ from those in the remainder of the State. As an alternative to the conventional bag limits for ducks, a point system bag limit may be selected by States in the Atlantic Flyway for 45 days during the framework dates shown above. A 50-day season may be selected provided the season is opened on a Wednesday at noon, local time. If the season is split, each opening must occur on a Wednesday at noon, local time. The point values for

species and sexes taken are as follows: in Florida only, the fulvous tree duck, and the canvasback and redhead in designated redhead harvest areas, count 100 points each; in all States, the hen mallard, black duck, mottled duck, wood duck, and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, pintail, gadwall, shoveler, scaup, sea ducks, and mergansers (except hooded) count 10 points each; all other species of ducks count 25 points each. The daily bag limit is reached when the point values of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sexes which could have legally been taken in 2 days.

Coots have a point value of zero, but the bag is limited to 15 daily and 30 in possession as under the conventional limits.

In any State in the Atlantic Flyway selecting a point system bag limit and also having a special sea duck season, sea ducks count 10 points each during the point system season, but during any part of the regular sea duck open season falling outside the point system season, the regular sea duck limit of 7 daily and 14 in possession applies.

Between October 1, 1975, and January 20, 1976, the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, New Jersey, Delaware, Maryland, and Virginia (excluding the Back Bay area) may hold an open season on Canada geese of 70 days; the daily bag limit is 3 and the possession limit is 6. The States of North Carolina, South Carolina, and the Back Bay area of Virginia may select an open season on Canada geese of 50 days; the daily bag limit is 1 and the possession limit is 2.

The season on Canada geese is closed in the States of Florida and Georgia.

Between October 1, 1975, and January 20, 1976, but within its regular waterfowl season, each State in the Atlantic Flyway may select an open season on snow geese (including blue geese) of 30 days; the daily bag limit is 2 and the possession limit is 4.

Between November 10, 1975, and January 20, 1976, States in this Flyway may select an open season on Atlantic brant of 30 days; the daily bag limit is 4 and the possession limit is 8.

For Atlantic brant, snow, and blue geese the Secretary shall close the season within 48 hours upon recommendation of the Director, Fish and Wildlife Service, that such closure is necessary to avoid excessive harvest.

#### MISSISSIPPI FLYWAY

Between October 1, 1975, and January 20, 1976, States in this Flyway may hold concurrent open seasons on ducks, coots, and mergansers of 45 days with a basic bag limit on ducks and mergansers of 4 daily, including no more than 2 mallards or 2 black ducks, or 1 of each, 2 wood ducks, 2 fulvous tree ducks and 1 hooded merganser; and 8 in possession, including



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no more than 4 mallards or 4 black ducks, or 4 in the aggregate, 4 wood ducks, 4 fulvous tree ducks and 2 hooded mergansers. A 50-day season may be selected provided the season is opened on a Wednesday at noon, local time. If the season is split, each opening must occur on a Wednesday at noon, local time.

Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system, canvasbacks and redheads count 100 points each except in closed areas. The areas closed to canvasback and redhead hunting are:

Mississippi River—Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama—Baldwin and Mobile Counties.

Louisiana—Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan—Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota—Sibley and Nicollet Counties, and the area encompassed by a line drawn as follows: beginning at the North Dakota border on U.S. Highway 2, thence east on U.S. Highway 2 to Bemidji, thence south on U.S. Highway 71 to U.S. Highway 12 at Willmar, thence west on U.S. Highway 12 to the South Dakota border, thence north on the South Dakota and North Dakota border to the point of beginning.

Ohio—Land and water areas comprising Erie, Ottawa and Sandusky Counties.

Tennessee—Kentucky Lake lying north of Interstate Highway 40.

Wisconsin—In the Mississippi River Zone, all that part of Wisconsin west of the CB&Q railroad in Grant, Crawford, Vernon, La Crosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, Dodge and Winnebago Counties and the land and water areas extending 100 yards from the shorelines of Lake Poygan in Waushara County, Lake Winnebago in Calumet and Fond du Lac Counties, and Rush Lake, Fond du Lac County.

The bag limit on coots is 15 daily and 30 in possession.

As an alternative to the conventional bag limits for ducks, a point system bag limit may be selected by all States in the Mississippi Flyway for 45 days during the framework dates shown above. A 50-day season may be selected provided the season is opened on a Wednesday at noon, local time. If the season is split, each opening must occur on a Wednesday at noon, local time. The point values for species and sexes taken are as follows:

except in closed areas, the canvasback and redhead count 100 points each; the hen mallard, wood duck, black duck and hooded merganser count 90 points each; the pintail, blue-winged teal, cinnamon teal, gadwall, shoveler, scaup and green-winged teal count 10 points each; the drake mallard and all other species of ducks and mergansers count 35 points each. The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sexes which could have legally been taken in 2 days.

Coots have a point value of zero, but the bag is limited to 15 daily and 30 in possession as under the conventional limits.

In that portion of Louisiana west of a line beginning at the Arkansas-Louisiana border on Louisiana Highway 3; thence south along Louisiana Highway 3 to Shreveport; thence east along Interstate 20 to Minden; thence south along Louisiana Highway 7 to Ringgold; thence east along Louisiana Highway 4 to Jonesboro; thence south along U.S. Highway 167 to Lafayette; thence southeast along U.S. Highway 90 to Houma; thence south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass—the season on ducks, coots and mergansers may extend 5 additional days, provided that the season opens on November 1, 1975. If the 5-day extension is selected, and if a point system bag limit is selected for the State, point values will be the same as for the rest of the State.

The Pymatuning Reservoir area of Ohio takes the waterfowl seasons, limits, and shooting hours selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Between October 1, 1975, and January 20, 1976, States in this Flyway, except Louisiana, may hold an open season of 70 days on geese, with daily bag and possession limits of 5 geese, to include no more than 2 white-fronted geese. Regulations for Canada geese are shown below by State.

Between October 1, 1975, and February 14, 1976, Louisiana may hold an open season of 70 days on snow (including blue) and white-fronted geese, with daily bag and possession limits of 5 geese, to include no more than 2 white-fronted geese. The season on Canada geese is closed in Louisiana.

In the State of Minnesota, in the:

(a) Lac Qui Parle Quota Zone—the season on Canada geese closes after 45 days or when 4,000 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose or two white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese. The quota zone is that area encompassed by a line drawn as follows: beginning at Montevideo, thence west on U.S. Highway 212 to U.S. Highway 75,

thence north on U.S. Highway 75 to State Highway 7 at Odessa, thence north on County State Aid Highway 21, Big Stone County, to U.S. Highway 12, thence east on U.S. Highway 12 to County State Aid Highway 17, Swift County, thence south on C.S.A.H. 17 and C.S.A.H. 9, Chippewa County, to State Highway 40, thence east on State Highway 40 to State Highway 29, thence south on State Highway 29 to point of beginning at Montevideo.

(b) Southeastern Zone (same description as in 1971)—The season for Canada geese may extend for 70 consecutive days. The daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

(c) Remainder of State—The season on Canada geese may not exceed 45 days. The daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In the State of Iowa the season for Canada geese may extend for 45 consecutive days. The daily bag and possession limits are 2 Canada geese.

In the State of Missouri, in the:

(a) Swan Lake Quota Zone (same description as in 1971)—the season on Canada geese closes after 45 days or when 25,000 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

(b) Southeastern area (east of U.S. Highway 67 and south of Crystal City)—State may select a 45-day season on Canada geese between December 1, 1975, and January 20, 1976, with a daily bag limit of 2 Canada geese or 2 white-fronted geese, or 1 of each; and a possession limit of 4 Canada and white-fronted geese in the aggregate, of which not more than 2 may be white-fronted geese.

(c) Remainder of the State—the season on Canada geese may not exceed 45 days. The daily bag limit is 2 Canada geese or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In the State of Wisconsin, the harvest of Canada geese is limited to 28,000 with 16,000 birds allocated to the Horicon Zone (same description as in 1971). The daily bag limit is 1 Canada goose, 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese. In the Horicon Zone, Canada goose hunting is restricted to those persons holding a valid Horicon Zone Canada goose hunting permit issued by the State.

In the State of Illinois, the harvest of Canada geese is limited to 28,000 with 22,000 birds allocated to the Southern Illinois Zone (same description as in 1971). The daily bag limit is 2 Canada geese or 2 white-fronted geese, or 1 of each; the possession limit is 4 Canada geese and white-fronted geese in the aggregate, of which not more than 2 may be white-fronted geese. The season on Canada geese may open at a later date

in the Southern Illinois Quota Zone and extend to January 20, 1976, or until the Zone's quota of 22,000 birds is reached, whichever occurs first.

In the States of Michigan, Ohio, and Indiana, the daily bag limit may not include more than 1 Canada goose, or 2 white-fronted geese, or 1 of each; the possession limit may not include more than 2 Canada and 2 white-fronted geese, except in Michigan, the possession limit on Canada geese is 1.

In the State of Kentucky, in the Counties of Ballard, Hickman, Fulton, and Carlisle, the daily bag limit is 2 Canada geese or 2 white-fronted geese, or 1 of each; the possession limit is 4 Canada geese and white-fronted geese in the aggregate, of which not more than 2 may be white-fronted geese. In the remainder of the State, the daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In Tennessee, the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese except that in the Counties of Shelby, Lake, Tipton, Lauderdale, Dyer, and Obion, the daily bag and possession limits are 2 Canada geese.

In Mississippi, the daily bag and possession limits are 2 Canada geese, except that in the Counties of Lafayette, Marshall, and Panola, the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese. The season is closed on Canada geese in the Counties of Washington, Sharkey, and Issaquena.

The season is closed on all geese in the Alabama counties of Russell and Barbour. Elsewhere in Alabama, the bag limit is 1 Canada goose, or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In Arkansas, the Canada goose season may not exceed 30 consecutive days, subject to State closure of designated areas. The daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese.

When it has been determined by the Director that the quota of Canada geese allotted to the State of Illinois, to the Swan Lake area of Missouri, and to the Lac Qui Parle Area of Minnesota will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

Geese taken in the States of Illinois and Missouri and in the Kentucky Counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped, or delivered for transportation of shipment by common carrier, the postal service, or by any person except as the personal baggage of the hunter taking the birds.

CENTRAL FLYWAY

Between October 4, 1975, and January 18, 1976, States and portions of States in this Flyway may hold concurrent open seasons on ducks, including mergansers, and coots, of 60 days with basic bag limits on ducks of 6 daily and 12 in possession. The daily bag limit on ducks includ-

ing mergansers may include no more than 1 hooded merganser, 2 wood ducks and 3 mallards of which no more than one mallard may be a hen and the possession limit on ducks may include no more than 2 hooded mergansers, 4 wood ducks and 6 mallards of which no more than two mallards may be hens.

The bag limit on coots is 15 daily and 30 in possession.

The bag limits, except in closed areas, may include no more than 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Except in closed areas, canvasbacks and redheads count 100 points each under the point system. The areas closed to canvasback and redhead hunting are:

North Dakota—all that portion east of State Highway 3, including all or portions of 27 counties.

South Dakota—the Counties of Brookings, Codington, Day, Kingsbury, Roberts, Marshall, and Hamlin.

Texas—the Counties of Brazoria, Chambers, Galveston, Orange, Harris and Jefferson.

The season is closed on the Mexican duck.

As an alternative to the conventional bag limits for ducks, States in this Flyway may select a point system. The point system season length in the High Plains Mallard Management Unit portions of Colorado, Kansas, Montana, Nebraska, New Mexico, Texas, Oklahoma, North Dakota, South Dakota, and Wyoming is 83 days, provided, that the last 23 days of such season must begin on or after December 8, 1975. The season length for those portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas not included in the High Plains Mallard Management Unit may not exceed 60 days. The High Plains Area is roughly defined as that portion of the Central Flyway which lies between the 100th meridian and the Continental Divide.

The point values for species and sexes taken in the High Plains Area of the Flyway are as follows: except in closed areas, the canvasback and redhead count 100 points each; the hen mallard, wood duck, and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, cinnamon teal, scaup, pintail, gadwall, shoveler, and mergansers (except the hooded merganser) count 10 points each; all other species and sexes of ducks count 20 points each. The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have been legally taken in 2 days.

The point values for species and sexes taken in the remainder of the Flyway are as follows: except in closed areas, the canvasback and redhead count 100 points each; the hen mallard, wood duck, and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, cinnamon teal, scaup, pintail, gadwall, shoveler, and mergansers (except the hooded merganser) count 10 points each; all other species and sexes of ducks count 20 points each. The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have been legally taken in 2 days.

Between October 4, 1975, and January 18, 1976, States and portions of States in this Flyway may hold concurrent open seasons on ducks, including mergansers, and coots, of 60 days with basic bag limits on ducks of 6 daily and 12 in possession. The daily bag limit on ducks includ-

ing mergansers (except the hooded merganser) count 10 points each; all other species and sexes of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have been legally taken in 2 days.

Coots have a point value of zero, but the bag is limited to 15 daily and 30 in possession as under the conventional limits.

Those portions of the States of Colorado and Wyoming lying west of the Continental Divide, that portion of New Mexico lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation, and that portion of Montana which includes the Counties of Hill, Chouteau, Cascade, Meagher, and Park and all counties west thereof, must select open seasons on waterfowl and coots in accordance with the framework for the Pacific Flyway.

Between October 4, 1975, and January 18, 1976, States in this Flyway may hold an open season on geese as follows:

(a) For the Central Flyway portions of Montana, Wyoming, Colorado and New Mexico, and that portion of Texas west of U.S. Highway 81, States may select a season of 93 days, with a daily bag limit of 2 and a possession limit of 4 geese.

(b) The States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas for that portion east of U.S. Highway 81 may select a season of 72 days.

The daily bag and possession limits may not exceed 5 geese subject to the following:

In North Dakota the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese. The possession limit may include no more than 2 Canada or 2 white-fronted geese or 1 of each. The season on Canada geese may not extend beyond November 16, 1975.

In South Dakota the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each. The season on Canada geese may not extend beyond November 30, 1975.

In Nebraska the season on Canada and white-fronted geese may not extend beyond December 21, except the season on Canada and white-fronted geese is closed in that portion of Nebraska encompassed by a line from the South Dakota border south on Nebraska Highway 27 to Ellsworth, east on Nebraska Highway 2 to Dunning, northeast on Nebraska Highway 91 to Burwell, north on Nebraska Highway 11 to Atkinson, west on U.S. Highway 20 to Valentine, and north on U.S. Highway 83 to the South Dakota border.

The season on Canada and white-fronted geese will close December 7 in

that portion of Nebraska encompassed within an October 4, 1975-January 18,

Exception: the limit on canvasbacks

plete closure on Canada geese during the 1975-76 waterfowl hunting season.

Canada geese and the season on Canada geese may not extend beyond December

tion, subject to the provisions of Title 50, Code of Federal Regulations, all ap-



that portion of Nebraska encompassed by a line from Hyannis south on State Highway 61 to its junction with State Highway 92, west on State Highway 92 to its junction with U.S. 26, east on U.S. Highway 26 to its junction with U.S. Highway 30, east on U.S. Highway 30 to its junction with U.S. Highway 183, north on U.S. Highway 183 to its junction with State Highway 91, west on State Highway 91 to its junction with State Highway 2 and west on State Highway 2 to its junction with State Highway 61 at Hyannis.

The daily bag limit may include no more than 1 Canada and 1 white-fronted goose and the possession limit may include no more than 2 Canada or 2 white-fronted geese or 1 of each.

In Kansas the season on Canada and white-fronted geese may not extend beyond December 21. The daily bag limit may include no more than 1 Canada and 1 white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In the Oklahoma Counties of Alfalfa, Bryan, Johnston, and Marshall, the State may select either:

(a) A season of 72 days with a daily bag limit of no more than 1 Canada goose and 1 white-fronted goose, and a possession limit of no more than 2 Canada geese, or 2 white-fronted geese, or 1 of each; or

(b) A season of 53 days (within the 72-day period selected for the remainder of the State) with a daily bag limit of no more than 2 Canada geese, or 1 Canada goose and 1 white-fronted goose, and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In the remainder of Oklahoma, the daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose and the possession limit no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In that portion of Texas east of U.S. Highway 81, the State may select either:

(a) A season of 72 days with a daily bag limit of no more than 1 Canada goose or 1 white-fronted goose, and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each; or

(b) A season of 64 days beginning no earlier than November 16, 1975, with a daily bag of no more than 1 Canada goose and 1 white-fronted goose, and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In all States in the Flyway, the daily bag and possession limits may include no more than 1 Ross' goose.

The States of Colorado, New Mexico, Oklahoma, Texas, Montana, and Wyoming may select a season on the lesser sandhill (little brown) crane with a daily bag limit of 3 and a possession limit of 6

within an October 4, 1975-January 18, 1976, framework as follows:

(a) 36 consecutive days from October 4 through November 8, 1975, in the Central Flyway portion of Colorado except the San Luis Valley area.

(b) 93 consecutive days between October 25, 1975, and January 31, 1976, in the New Mexico Counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of the State of Texas lying west of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Howard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio.

(c) 58 consecutive days on or after November 29, 1975, in that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas lying east of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and lying west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border.

(d) 37 consecutive days to open with the goose season in Phillips County, Montana.

(e) 30 consecutive days on or after October 11, 1975, in Platte and Goshen Counties, Wyoming.

The States of North Dakota and South Dakota may select a sandhill crane season of: 30 consecutive days between November 8 and December 7, 1975, in the North Dakota Counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh; and in part of South Dakota described as follows: from the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border.

(Note: Proposed additions to the lesser sandhill (little brown) crane section regarding daily bag and possession limits in North and South Dakota, plus the requirement for a Federal sandhill crane hunting permit, were published in the FEDERAL REGISTER dated August 21, 1975 (40 FR 36572).)

#### PACIFIC FLYWAY

Between October 4, 1975, and January 18, 1976, States or portions of States in this Flyway, except the Columbia Basin Area, may hold concurrent open seasons on ducks, mergansers, coots, and gallinules of 93 days with basic bag limits on ducks of 7 daily and 14 in possession.

No more than 2 redheads or 2 canvasbacks or 1 of each daily may be taken and no more than 4 singly or in the aggregate may be possessed.

Exception: the limit on canvasbacks is 1 daily and 1 in possession in the following area:

California—San Francisco Bay—San Jose area—beginning at Golden Gate Bridge, north on U.S. Highway 101 to State Highway 37; then east on State Highway 37 to U.S. Highway 80; then north on U.S. Highway 80 to State Highway 12 at Fairfield; then east on State Highway 12 to Rio Vista at State Highway 84 (160); then south on State Highway 84 (160) to State Highway 4; then west on State Highway 4 to U.S. Highway 80; then south on U.S. Highway 80 to State Highway 17; then south on State Highway 17 to U.S. Highway 101 at San Jose; then north on U.S. Highway 101 to point of beginning.

The season is closed on the Mexican duck.

The bag limit on mergansers is 5 daily and 10 in possession of which not more than 1 daily and 2 in possession may be hooded mergansers.

The daily bag and possession limit on coots and gallinules is 25 singly or in the aggregate of these species.

For that portion of California lying south of the Tehachapi Mountains and west of the Colorado River Area (as described in Title 14 California Fish and Game Code, Section 502), the State may designate season dates differing from those in the rest of the State.

Clark and Lincoln Counties in Nevada and the Colorado River area of California have the season dates selected by Arizona for waterfowl; and the Tule Lake area of California has the season dates selected by Oregon for waterfowl.

In the Columbia Basin Areas of Washington, Oregon and Idaho, between October 4, 1975, and January 18, 1976, the season lengths for ducks, mergansers, coots, and gallinules may be 100 days with all seasons running concurrently. The daily bag is 7 ducks with a possession limit of 14 ducks with no more than 2 redheads or 2 canvasbacks or 1 of each daily and no more than 4 singly or in the aggregate in possession. The bag limit on mergansers is 5 daily and 10 in possession of which not more than 1 daily and 2 in possession may be hooded mergansers. The daily bag and possession limit on coots and gallinules is 25.

Between October 4, 1975, and January 18, 1976, States or portions of States in this Flyway, except the Columbia Basin Area, may hold an open season on geese of 93 days with a basic daily bag and possession limit of 6, provided, that the daily bag limit does not include more than 3 snow geese and 3 geese of the dark species (Canada and white-fronted); the daily bag and possession limits are proportionately reduced in those areas where special restrictions apply to Canada geese. In the States of Washington and Idaho, the daily bag limit is 3 and the possession limit is 6 geese.

In three areas in California restrictions on the hunting of Canada geese are as follows:

(1) In the Counties of Del Norte, Humboldt and Mendocino, there will be a complete closure on Canada geese during the 1975-76 waterfowl hunting season.

(2) In the Sacramento Valley in the area described as follows: beginning at the town of Willows in Glenn County, proceeding south on Interstate Highway 5 to the junction of State Highway 20 near the town of Williams in Colusa County; thence easterly on State Highway 20 to the junction of State Highway 45 in the town of Colusa; thence northerly on State Highway 45 to its junction with State Highway 162; thence continuing northerly on State Highways 45-162 to the town of Glenn; thence westerly on State Highway 162 to the point of beginning; the hunting season here for taking Canada geese will not open until December 15, 1975. It will then continue to the end of the 1975-76 waterfowl hunting season.

(3) In the San Joaquin Valley in the area described as follows: beginning at the city of Modesto in Stanislaus County and proceeding west on State Highway 132 to the junction of Interstate 5; thence southerly on Interstate 5 to the junction of State Highway 152 in Merced County; thence easterly on State Highway 152 to the junction of State Highway 59; thence northerly on State Highway 59 to the junction of State Highway 99 at the city of Merced; thence northerly and westerly to the point of beginning; the hunting season here for taking Canada geese will close on December 15, 1975.

In the Washington Counties of Adams, Franklin, Grant, Walla Walla, Lincoln, Douglas, Yakima, Benton, Klickitat, and Kittitas, and in the Oregon Counties of Morrow, Wasco, Sherman, Gilliam, Umatilla, Union and Wallowa, the goose season must be concurrent with the Columbia Basin duck season and the bag limits for geese are to be the same as in the general goose season in their respective States.

In the State of Arizona; in that portion of New Mexico placed in the Pacific Flyway; in Clark and Lincoln Counties, Nevada; in Washington County, Utah; and in the Tehachapi waterfowl area of California except Fish and Game District 22, the season on Canada geese may be no more than 65 days. The daily bag and possession limits are 2 Canada geese and the season on Canada geese may not extend beyond January 4, 1976.

In that portion of California Fish and Game District 22 for which California selects the open season (that portion of District 22 lying outside the Colorado River area), the daily bag and possession limits may not include more than 1 Canada goose and the season on Canada geese may be no more than 65 days and may not extend beyond January 4, 1976.

In that portion of Colorado placed in the Pacific Flyway, in the State of Utah except Washington County; in that portion of the State of Idaho lying east of U.S. Highway 93; and in that portion of the State of Montana placed in the Pacific Flyway but lying east of the Continental Divide the season on Canada geese may be no more than 65 days. The daily bag and possession limits are 2

Canada geese and the season on Canada geese may not extend beyond December 14, 1975.

In that portion of the State of Idaho lying west of U.S. Highway 93 (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater, and Idaho Counties); in the Oregon Counties of Baker and Malheur; and in that portion of Montana lying west of the Continental Divide, the daily bag and possession limits are 2 Canada geese, and the season on Canada geese may be concurrent with ducks but may not extend beyond December 28, 1975.

In that portion of Wyoming place in the Pacific Flyway, the daily bag and possession limits are 2 Canada geese and the season on Canada geese may be no more than 75 days and the season may not extend beyond December 28, 1975.

In all States in the Flyway, the daily bag and possession limits may not include more than 1 Ross' goose.

Between October 25, 1975, and February 22, 1976, States in this Flyway may select an open season on black brant of 93 days with a daily bag limit of 4 and possession limit of 8.

In the States of Utah, Nevada, and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) the season must run concurrently with the season for ducks; (b) in the State of Utah, no more than 2,500 permits may be issued authorizing each permittee to take 1 whistling swan; (c) in the State of Nevada, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in the County of Churchill; (d) in the State of Montana, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in the County of Teton; (e) permit forms and correspondingly numbered metal locking seals furnished by the Service must be issued by the appropriate Department of Game and Fish on an equitable basis without charge.

States (or portions of States) in this Flyway may select open seasons on common snipe (Wilson's) with a daily bag limit of 8 and a possession limit of 16. The snipe season dates shall coincide with the duck season locally in effect.

[FR Doc.75-23683 Filed 9-4-75; 8:45 am]

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Bosque del Apache National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on September 5, 1975.

§ 28.28 Special regulations: public access, use, and recreation: for individual wildlife refuge areas.

#### NEW MEXICO

##### BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Bosque del Apache National Wildlife Refuge, San Antonio, New Mexico, is open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Vehicular access to existing roads on the Bosque del Apache National Wildlife Refuge will be through the headquarters entrance during daylight hours only. Refuge headquarters is located on U.S. Highway 85, eight miles south of San Antonio, New Mexico.

Portions of the Bosque del Apache National Wildlife Refuge have been included in the National Wilderness System under the "Wilderness Act" of 1964. Boundaries of these areas are appropriately posted with "Wilderness Area" signs. The following special conditions apply to the wilderness:

(1) Fires will be limited to camp stoves.

(2) Entry will be by foot only.

(3) Only backpack-type camping is permitted.

(4) Hunting dogs may be used in the taking of quail and doves.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

ROBERT F. STEPHENS,  
Acting Regional Director,  
Albuquerque, N. Mex.

AUGUST 29, 1975.

[FR Doc.75-23559 Filed 9-4-75; 8:45 am]

#### PART 32—HUNTING

##### Browns Park National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on September 5, 1975.

§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.

#### COLORADO

##### BROWNS PARK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots and mergansers on the Browns Park National Wildlife Refuge, Colorado, is permitted for the 1975-76 season in accordance with State regulations; except in those areas designated by signs as closed to hunting. This open area, comprising 1,775 acres, is delineated on maps available at refuge headquarters, Grey-stone, Colorado, and from the Area Supervisor, U.S. Fish and Wildlife Service, Federal Building, Room 2215, 125 South State Street, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of waterfowl, subject to the following special regulations:

(1) Vehicle travel within the refuge will be restricted to designated routes and parking areas.

The provisions of this special regulation supplement the regulations which

#### PART 32—HUNTING

govern hunting on wildlife refuge areas

permitted only on the area designated

govern hunting on wildlife refuge areas

key Island area designated by signs as

tional Wildlife Refuge is permitted over



govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 10, 1976.

H. J. JOHNSON,  
Refuge Manager, Browns Park  
National Wildlife Refuge,  
Greystone, Colo.

AUGUST 29, 1975.

[FR Doc.75-23555 Filed 9-4-75; 8:45 am]

#### PART 32—HUNTING

##### Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on September 5, 1975.

§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.

#### KANSAS

##### FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and mergansers on the Flint Hills National Wildlife Refuge, Kansas, is permitted, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Burlington, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. All applicable opening and closing hunting dates as issued by State and Federal Laws apply, as well as all other State and Federal regulations. Refuge hunting shall be subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Blind construction by the public is permitted but limited to temporary above ground construction. Constructed blinds become the property of the government. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come-first-serve basis.

(3) The transportation or possession of firearms is not permitted on the Neosho River from the northern refuge boundary to the point where the river empties into John Redmond Reservoir.

The provisions of the special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

MICHAEL J. LONG,  
Refuge Manager, Flint Hills Na-  
tional Wildlife Refuge, Bur-  
lington, Kans.

AUGUST 15, 1975.

[FR Doc.75-23556 Filed 9-4-75; 8:45 am]

#### PART 32—HUNTING

##### Pathfinder National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on September 5, 1975.

§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.

#### WYOMING

##### PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and mergansers on the Pathfinder National Wildlife Refuge, Wyo., is permitted within regular 1975 waterfowl season dates established by Wyoming Game and Fish Commission, but only on areas designated by signs as open to hunting. This open area, comprising 3,760 acres, is delineated on maps available at refuge headquarters in Walden, Colorado and from the office of the Area Manager, U.S. Fish and Wildlife Service, 2215 Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and mergansers subject to the following special condition:

(1) Blinds—The construction of permanent blinds or pits is not permitted. Portable blinds may be used but not left on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through open season dates established on these species by Wyoming Game and Fish Commission.

V. CARROL DONNER,  
Refuge Manager, Pathfinder  
National Wildlife Refuge,  
Walden, Colo.

AUGUST 27, 1975.

[FR Doc.75-23558 Filed 9-4-75; 8:45 am]

#### PART 32—HUNTING

##### Havasu National Wildlife Refuge, Ariz. & Calif.

The following special regulation is issued and is effective on September 5, 1975. The limited time ensuing from the date of establishment of seasons on upland game by the States of Arizona and California makes it impracticable to give public notice of rule making.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

#### ARIZONA AND CALIFORNIA

##### HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jackrabbits on the Havasu National Wildlife Refuge, Arizona and California, is

permitted only on the area designated by signs as open to hunting. This open area, comprising 29,150 acres, is delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—Quail, from October 1, 1975 through January 31, 1976, inclusive; cottontail and jackrabbits, from September 1, 1975 through January 31, 1976, inclusive. California—Quail, from October 25, 1975 through January 31, 1976, inclusive; cottontail and jackrabbits, from September 1, 1975 through January 31, 1976, inclusive. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail, cottontail and jackrabbits subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) Weapons—Shotguns only, not larger than 10 gauge and incapable of holding more than three shells.

(3) Shooting hours are from one-half hour before sunrise to sunset.

(4) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.

(5) Hunters must enter the hunting area known as Topock Marsh by way of the parking lots only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

#### IMPERIAL NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—quail and cottontail rabbits, from October 1, 1975 through February 1, 1976, inclusive; California—quail, from October 25, 1975 through February 1, 1976, inclusive; and cottontail rabbits, from October 1, 1975 through February 1, 1976, inclusive. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and rabbits subject to the following special conditions:

(1) Quail and rabbits may be taken with shotguns only. Possession of .22 caliber rimfire firearms is prohibited.

(2) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.

The provisions of this special regulation supplement the regulations which

govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 1, 1976.

ROBERT F. STEPHENS,  
Acting Regional Director,  
Albuquerque, N.Mex.

AUGUST 29, 1975.

[FR Doc.75-23554 Filed 9-4-75; 8:45 am]

#### PART 32—HUNTING

##### Mark Twain National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on September 5, 1975.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

#### ILLINOIS

##### MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Illinois, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,400 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following special conditions:

(1) The open season for hunting squirrels on the Keithsburg Division of the Mark Twain National Wildlife Refuge extends from September 1, 1975, through October 15, 1975, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1975.

HOWARD A. LIPKE,  
Refuge Manager, Mark Twain  
National Wildlife Refuge,  
Quincy, Ill. 62301.

AUGUST 27, 1975.

[FR Doc.75-23599 Filed 9-4-75; 8:45 am]

#### PART 32—HUNTING

##### Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on September 5, 1975.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

#### IOWA

##### MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as Big Timber Division and Tur-

key Island area designated by signs as open to hunting. These open areas, comprising 1,760 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 29, 1976.

HOWARD A. LIPKE,  
Refuge Manager, Mark Twain  
National Wildlife Refuge,  
Quincy, Ill.

AUGUST 27, 1975.

[FR Doc.75-23600 Filed 9-4-75; 8:45 am]

#### PART 32—HUNTING

##### Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on September 5, 1975.

§ 32.32 Special regulations: big game; for individual wildlife refuge areas.

#### IOWA

##### MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,760 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1975.

HOWARD A. LIPKE,  
Refuge Manager, Mark Twain  
National Wildlife Refuge,  
Quincy, Ill.

AUGUST 27, 1975.

[FR Doc.75-23601 Filed 9-4-75; 8:45 am]

#### PART 32—HUNTING

##### Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on September 5, 1975.

§ 32.22 Special regulations: big game; for individual refuge areas.

#### MINNESOTA

##### TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer with legal firearms on the Tamarac Na-

tional Wildlife Refuge is permitted over the entire refuge with exception of those areas posted as "Area Beyond This Sign Closed." The open area comprises 40,200 acres. Areas open for deer hunting are delineated on maps available at refuge headquarters, Rochert, Minnesota 56578 and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) The open season for hunting deer with legal firearms is from sunrise to sunset, November 1 and 2, inclusive, and November 5 through 30, 1975, inclusive. Hunters have the choice of two consecutive days, November 1 and 2, 1975, or any five consecutive days, November 5, 1975, through November 30, 1975.

Portions of Tamarac Refuge open to hunting is delineated on refuge hunting maps. In addition, no persons shall, for the purpose of hunting, enter or leave a refuge except by access roads which may be so designated; and all hunters shall comply with further regulations which the refuge Manager may prescribe.

OMER N. SWENSON,  
Refuge Manager.

AUGUST 29, 1975.

[FR Doc.75-23602 Filed 9-4-75; 8:45 am]

#### PART 32—HUNTING

##### Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on September 5, 1975.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

#### MINNESOTA

##### TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse, gray and fox squirrels, cottontail, jack, and snowshoe rabbits on the Tamarac National Wildlife Refuge, Rochert, Minnesota, is permitted in the area designated by signs as open to hunting. This open area comprising 12,500 acres is delineated on a map available at the Refuge Headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

An additional area of 18,000 acres will be open for public hunting of ruffed grouse only. This ruffed grouse only public hunting area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of other upland species as may be authorized by Minnesota State regulations is prohibited.

Open seasons: Ruffed grouse—September 13, 1975, through October 29, 1975, and the second season opens December 1, 1975, through December 31, 1975, inclu-

#### PART 32—HUNTING

sive, with shooting hours from sunrise to

govern hunting on wildlife refuge areas



## RULES AND REGULATIONS

## PART 32—HUNTING

## Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on September 5, 1975.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

## UTAH

## OURAY NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Ouray National Wildlife Refuge, Utah, is permitted on the area designated by signs as open to hunting. This open area, comprising 7,500 acres is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Area Supervisor, U.S. Fish and Wildlife Service, Federal Building, Room 2215, 125 South State Street, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1975.

H. J. JOHNSON,  
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

AUGUST 29, 1975.

[FR Doc. 75-23559 Filed 9-4-75; 8:45 am]

## PART 32—HUNTING

## Seedskaade National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on September 5, 1975.

§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.

## WYOMING

## SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, coots, mergansers and snipe on the Seedskaade National Wildlife Refuge, Wyoming is permitted as follows: Geese from October 4 through November 17, 1975, inclusive, and November 29 through December 28, 1975, inclusive; Ducks, coots, mergansers and snipe from October 4, 1975 through January 4, 1976, inclusive. All of the refuge area, comprising 14,284 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming, and from the Area Manager, U.S. Fish and Wildlife Service, 2215 Federal Building, Salt Lake City, Utah 84138. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of geese, coots, ducks, mergansers and snipe.

The provisions of this special regulation supplement the regulations which govern hunting in wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations Part 32 and are effective through December 31, 1975.

HAROLD H. BURGESS,  
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

AUGUST 28, 1975.

[FR Doc. 75-23567 Filed 9-4-75; 8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 173—FRIDAY, SEPTEMBER 5, 1975

govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 4, 1976.

MERLE O. BENNETT,  
Refuge Manager, Seedskaade National Wildlife Refuge, Green River, Wyo.

[FR Doc. 75-23636 Filed 9-4-75; 8:45 am]

## Title 24—Housing and Urban Development

## CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

## SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-539]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

## Final Flood Elevations for the City of El Dorado, Butler County, Kans.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of El Dorado under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at 2011 West Sixth Street, El Dorado, Kansas 67042.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

§ 1917.10 Notice of final determination.

## RULES AND REGULATIONS

[Docket No. FI-512]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

## Final Flood Elevations for the City of St. Matthews, Jefferson County, Ky.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of St. Matthews under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 201 Thierman Lane, St. Matthews, Kentucky 40207.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

§ 1917.10 Notice of final determination.

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Walnut River	U.S. Highway 54 and 77	1,278	N/A	N/A
	U.S. Highway 54	1,286	N/A	N/A
	Confluence with West Branch	1,286	N/A	N/A
West Branch	Confluence with Walnut River	1,286	N/A	N/A
	A.T. and S.F. RR	1,287	450	1,575
	U.S. Highway 77	1,287	750	1,500
	9th Avenue	1,289		1,575
	A.T. and S.F. RR	1,283	1,825	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc. 75-23570 Filed 9-4-75; 8:45 am]

[Docket No. FI 535]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

## Final Flood Elevations for the City of Jeffersonton, Jefferson County, Ky.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Jeffersonton under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 10416 Watterson Trail, Jeffersonton, Kentucky 40299.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

§ 1917.10 Notice of final determination.

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Chenoweth Run	Plantside Dr.	643	100	300
	Bunsen Way	652	200	150
	1-64	674	350	300

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc. 75-23571 Filed 9-4-75; 8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 173—FRIDAY, SEPTEMBER 5, 1975

## RULES AND REGULATIONS

U.S.C. 4001-4128; and Secretary's delegation

## RULES AND REGULATIONS

Elevation Width from shoreline or bank of stream (facing down-

trator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)



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Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing down- stream) to 100-yr flood boundary (feet)	
			Right	Left
Middle Fork Beargrass Creek	Shelbyville Rd.	516	50	50
	Brown Lane	511	250	1,500
	Breckenridge Lane	509	800	2,300

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 75-23573 Filed 9-4-75; 8:45 am]

[Docket No. FI-514]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevations for the City of Kansas City, Clay County, Mo.**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10), hereby gives notice of his final determinations of flood elevations for the city of North Kansas City under § 1917.8 of Title

24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 1828 Swift Street, North Kansas City, Missouri.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

§ 1917.10 Notice of final determination.

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing down- stream) to 100-yr flood boundary (feet)	
			Right	Left
North Hillside drainage ditch	Route 210	752	0	0
	Highway 1	756	0	0
	Midtown Freeway	758	0	0
	Ozark St.	758	0	0
	Howell St.	761	0	0
Rock Creek	Highway 210	745	50	100
	Rock Creek Parkway	751	150	100
	Low Water Crossing	756	100	100
Missouri River	Chouteau Highway	748	(1)	200
	Paseo Highway	747	(1)	0

<sup>1</sup> To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act

of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42

U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 75-23573 Filed 9-4-75; 8:45 am]

[Docket No. 518]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevations for the City of Hermann, Gasconade County, Mo.**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10), hereby gives notice of his final determinations of flood elevations for the City of Hermann under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at 312 Schiller, Herman, Missouri 65041.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

§ 1917.10 Notice of final determination.

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing down- stream) to 100-yr flood boundary (feet)	
			Right	Left
Frene Creek (backwater flooding from Missouri River)	Highway 100 (1st St.)	518	500	650
	Guttenberg St.	518	200	(1)
	Market St.	518	400	450
	14th St.	518	0	500
Frene Creek (headwaters)	No streets crossing the stream			

<sup>1</sup> To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 75-23574 Filed 9-4-75; 8:45 am]

[Docket No. FI-515]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevations for the City of Paris, Monroe County, Mo.**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10), hereby gives notice of his final determinations of flood elevations for the City of Paris under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 124 W. Caldwell Street, Paris, Missouri 65275.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

§ 1917.10 Notice of final determination.

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing down- stream) to 100-yr flood boundary (feet)	
			Right	Left
Middle Fork River	Wabash R.R.	652	50	(1)
	Main St.	653	1,150	(1)
Payne Branch	Locust St.	652	150	350
	Main St.	663	400	100
	McMurray St.	675	150	200
West Fork Payne Branch	Warren St.	687	50	50
	Cleveland St.	685	100	100

<sup>1</sup> To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Adminis-

trator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 75-23575 Filed 9-4-75; 8:45 am]

[Docket No. FI-516]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevations for the Borough of Deal, Monmouth County, N.J.**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10), hereby gives notice of his final determinations of flood elevations for the Borough of Deal under § 1917.8 of Title 24 of the Code of Federal Regulations.

The administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, Durant Square, Deal, New Jersey 07723.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

§ 1917.10 Notice of final determination.



## RULES AND REGULATIONS

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing down- stream) to 100-yr flood boundary (feet)	
			Right	Left
Popular Brook	Ocean Ave.	14	1,050	800
	Almyr Ave.	11	100	400
	Norwood Ave.	15	100	100
Distance from shoreline				
Atlantic Ocean	Jerome Ave.	10	400	
	Roosevelt Ave.	10	1,500	
	Phillips Ave.	10	800	
	Rosold Ave.	10	50	
Deal Lake	Hathaway Ave.	10	50	
	Borough limits	9	50	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc 75-23576 Filed 9-4-75; 8:45 am]

[Docket No. FI-530]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevations for the City of Absecon, Atlantic County, N.J.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Absecon under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Absecon, New Jersey 08201.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

§ 1917.10 Notice of final determination.

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing down- stream) to 100-yr flood boundary (feet)	
			Right	Left
Ingersolls Branch, Absecon Creek, and Absecon Bay.	Pleasant Ave.	10	From Madison Sq. to Mill Rd.	
	Summit Ave.	10	To 100 ft southwest of Mill Rd.	
	Anlna St.	10	100	100
Ingersolls Branch and Absecon Bay.	Mill Rd.	10	600	1,500
	.....do.....	10	1,500	1,200
Absecon Creek and Absecon Bay.	Morton Ave.	10	To 850 ft north of Mill Rd.	
	Cannon Ave.	10	.....	575

## RULES AND REGULATIONS

[Docket No. FI-531]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevations for the Borough of Sea Girt, Monmouth County, N.J.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Sea Girt under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, Sea Girt, New Jersey 08750.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

§ 1917.10 Notice of final determination.

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing down- stream) to 100-yr flood boundary (feet)	
			Right	Left
Absecon Creek and Absecon Bay.	Leona St.	10	From 550 ft southwest of Lincoln Ave. to 200 ft north-east of Lincoln Ave.	
	Pershing St.	10	From 575 ft southwest of Lincoln Ave. to 550 ft northeast of Lincoln Ave.	
	Coolidge St.	10	From 250 ft southwest of Lincoln Ave. to the intersection with McKinley Ave.	
Wilson St.	.....	10	From the intersection with Lincoln Ave. to 900 ft north-east of intersection with Lincoln Ave.	
	Harding St.	10	2650	
	Lincoln Ave.	10	Entire street.	
McKinley Ave.	.....	10	Do.	
	Taft Ave.	10	Do.	
	Garfield St.	10	Do.	
Dawes Ave.	.....	10	Do.	
	Grant St.	10	Do.	
	St. James Pl.	10	Do.	
Charlotte Pl.	.....	10	Do.	
	Deland Pl.	10	Do.	
	Maple Ave.	10	Do.	
Keefer Ave.	.....	10	From 1,000 ft south of Ohio Ave. to 225 ft north of Ohio Ave.	
	Orchard St.	10	From 425 ft south of Orchard St. to 150 ft north of Orchard St.	
	Ohio Ave.	10	Entire street.	
New Rd.	.....	10	Between Keefer Ave. and St. James Pl.	
	Pennsylvania-Reading Seashore Lines.	10	1,350	1,075
	.....	10	1,100	425
Shore Rd.	.....	10	1,500	200
	Absecon Blvd.	10	1,600	250
	Church St.	10	.....	500
Vassar Sq.	.....	10	Entire street.	
	Trenont Ave.	10	Do.	
	Berkley Ave.	10	Do.	
Shore Rd.	.....	10	From 150 ft southwest of Berkley Ave. to 275 ft north-east of Berkley Ave.	
	Faunce Landing Rd.	10	1,500 ft west of 4th Ave.	
	Lisbon Ave.	10	1,375 ft north of Faunce Landing Rd.	
4th Ave.	.....	10	1,400 ft north of Faunce Landing Rd.	
	Reed Rd.	10	325	
	Iowa Ave.	10	300	
Conover Creek, Absecon Bay	.....	10	Entire street.	
Absecon Bay	Absecon Blvd.	10	To 2 mi north of corporate limits.	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-23578 Filed 9-4-75; 8:45 am]

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Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
Atlantic Ocean and Wreck Pond	The Terrace	10	End of street	
	Ocean Ave.	10	Do.	
	5th Ave.	10	To 100 ft east end of the terrace	
	4th Ave.	10	Do.	
	3d Ave.	10	To 150 ft southwest of the terrace	
	2d Ave.	10	To 125 ft southwest of the terrace	
	1st Ave.	10	To 225 ft southwest of the terrace	
	Beacon Blvd.	10	To 175 ft northwest of Ocean Ave.	
	Chicago Blvd.	10	To 100 ft northwest of Ocean Ave.	
	Brooklyn Blvd.	10	To 150 ft northwest of Ocean Ave.	
	New York Blvd.	10	To 100 ft northwest of Ocean Ave.	
	Baltimore Blvd.	10	To 425 ft northwest of Ocean Ave.	
	Manassan Turnpike	10	To 525 ft southwest of corporate limits	
	New York and Long Branch RR.	10	To 500 ft southwest of corporate limits	
	Philadelphia Blvd.	10	To 400 ft northwest of Ocean Ave.	
	Trenton Blvd.	10	To 300 ft northwest of Ocean Ave.	
	Stockton Blvd.	10	To 200 ft northwest of 3d Ave.	
	Neptune Pl.	10	To 150 ft northwest of 3d Ave.	
Sea Side Pl.	3d Ave.	10	To 350 ft northwest of 1st Ave.	
	2d Ave.	10	From 125 ft southwest of Stockton Blvd. to 100 ft northeast of Stockton Blvd.	
	1st Ave.	10	From 75 ft southwest of Neptune Pl. and ends 130 ft northeast of Stockton Blvd.	
	2d Ave.	10	To 200 ft northeast of Neptune Blvd.	
	1st Ave.	10	To 200 ft northeast of Neptune Blvd.	
	Marven Ter.	10	End of road	
	Sea Girt Ave.	10	To 350 ft northeast of 1st Ave.	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-23579 Filed 9-4-75; 8:45 am]

[Docket No. FI-503]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevations for the Borough of Spring Lake, Monmouth County, N.J.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood In-

surance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10), hereby gives notice for his final determinations of flood elevations for the borough of Spring Lake under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at 334 Pitney Avenue, Spring Lake, New Jersey 07762.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

§ 1917.10 Notice of final determination.

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Polly Pod Brook	3d Ave.	10	(1)	600
	1st Ave.	10	(1)	1,700
	2d Ave.	10	(1)	1,650
	3d Ave.	10	(1)	400
	4th Ave.	10	(1)	450
	5th Ave.	10	(1)	50
	Railroad Ave.	10	(1)	150
Distance from shoreline				
Atlantic Ocean	Brown Ave.	10	100	
	Atlantic Ave.	10	50	
	Pascale Ave.	10	100	
	Brighton Ave.	10	250	
	Monroe Ave.	10	250	
Lake Como	Pitney Ave.	10	200	
	Howell Ave.	9	200	

To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-23580 Filed 9-4-75; 8:45 am]

[Docket No. FI-519]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevations for the Borough of Jersey Shore, Lymington County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10), hereby gives notice of his final determinations of flood elevations for the Borough of Jersey Shore under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at 425 Allegheny Street, Jersey Shore, Pennsylvania 17740.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

#### § 1917.10 Notice of final determination.

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
West Branch, Susquehanna River	Allegheny St. (Route 44 bridge)	551.5	Corporate limits	to culvert.
	South of new R.R. spur, Penn-Central R.R.	578.3	80	100
	North of new R.R. spur, Penn-Central R.R.	576.3	300	450
	Penn-Central R.R. bridge	582.0	450	300
	High St.	588.0	(1)	100

To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-23577 Filed 9-4-75; 8:45 am]

[Docket No. FI-233]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Longmont, Colo.

On October 23, 1973, in 38 FR 29228, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Lindenhurst, Illinois, as an eligible community and included Map No. H 170379 01 which indicates that Lot 15, Block 202, Unit 27, Seven Hills Subdivision, being 306 High Point Drive, Lindenhurst, Illinois, and recorded in Book 44 of Plats, Page 48, as Document No. 1368554 in the office of the Recorder of Lake County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective April 5, 1974, Map No. H 170379 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 21, 1975.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-23582 Filed 9-4-75; 8:45 am]

trator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

term step toward conforming the reporting requirements for foreign brokers the CFTCA, nor do they affect the reporting requirements for futures com-



[Docket No. FI-321]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

Letter of Map Amendment for the Village of Mundelein, Ill.

On August 6, 1974, in 39 FR 28253, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Mundelein, Illinois, as an eligible community and included Map No. H 170382 61 which indicates that Lot 10, Block 3, Loch Lomond Subdivision Unit One, being 503 Kilmarney Pass, Mundelein, Illinois, as recorded in Book 32, Pages 98, 99, and 100 of Document 820686 in the office of the Recorder of Deeds of Lake County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 170382 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 21, 1975.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-23583 Filed 9-4-75;8:45 am]

[Docket No. FI-270]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

Letter of Map Amendment for the City of Indianapolis, Ind.

On May 17, 1974, in 39 FR 17518, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Indianapolis, Indiana, as an eligible community and included Map No. H 180159 12 which indicates that Lot 19, Somerset Hills Second Section, being 715 Round Hill Road, Indianapolis, Indiana, as recorded in Plat Book 32, Page 161 in the office of the Recorder of Marion County, Indiana, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective May

**RULES AND REGULATIONS**

17, 1974, Map No. H 180159 12 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 21, 1975.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-23584 Filed 9-4-75;8:45 am]

[Docket No. FI-403]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

Letter of Map Amendment for the City of Kansas City, Mo.

On November 19, 1974, in 39 FR 40571, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Kansas City, Missouri, as an eligible community and included Map No. H 290173 34 which indicates that the subdivision known as Mission Lake, First Plat, Kansas City, Missouri, as recorded in Plat Book 34, Page 7, in the office of the Recorder of Deeds of Jackson County, Missouri, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures Nos. 1-16 and the Club House, as shown on the Site Grading Plan S-4, are not within the Special Flood Hazard Area. Accordingly, effective November 8, 1974, Map No. H 290173 34 is hereby corrected to reflect that the above mentioned structures are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 21, 1975.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-23585 Filed 9-4-75;8:45 am]

[Docket No. FI-438]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

Letter of Map Amendment for the Town of Cairo, N.Y.

On January 3, 1975, in 40 FR 779, the Federal Insurance Administrator pub-

lished a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Cairo, New York, as an eligible community and included Map Nos. H 360286 02 and 05 which indicate that several lots in Half Moon Acres, Cairo, New York, as recorded in Drawer 168 in the office of the Clerk of Greene County, New York, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 1, 3, 5, 7, 9, 11, 13, 15 through 33, 38, and 41 through 46 of the above property are not within the Special Flood Hazard Area. Accordingly, effective December 20, 1974, Map Nos. H 360286 02 and 05 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 21, 1975.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-23586 Filed 9-4-75;8:45 am]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

Letter of Map Amendment for the City of Chesapeake, Va.

On July 18, 1970, in 35 FR 11586, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Chesapeake, Virginia, as an eligible community and included Map No. H 510034 01 which indicates that Lot 119, Point Elizabeth Subdivision Section 1, Chesapeake, Virginia, as recorded in Map Book 50, Pages 70 and 71 in the office of the Circuit Court, Chesapeake, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective July 18, 1970, Map No. H 510034 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Adminis-

**RULES AND REGULATIONS**

trator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 21, 1975.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-23587 Filed 9-4-75;8:45 am]

**Title 17—Commodity and Securities Exchange****CHAPTER I—COMMODITY FUTURES TRADING COMMISSION****PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS****PART 18—REPORTS BY TRADERS****Amendment of Large-Trader Reporting Requirements for Foreign Traders**

On July 3 the Commodity Futures Trading Commission (the "Commission") announced that it would delay, for a period of up to 60 days, the application of Parts 17 and 18 of the Regulations under the Commodity Exchange Act, as amended (the "Act"), to foreign traders and foreign brokers for the commodities newly regulated under the Commodity Futures Trading Commission Act of 1974 ("CFTCA"), and to require, for a similar period, futures commission merchants to report on a gross basis the positions in these commodities carried for omnibus accounts of foreign brokers. This action was taken after concern was expressed within the Commission about the effect of the new reporting requirements when applied to foreign-based traders and brokers. The provisions delaying application of large trader reporting requirements for foreign traders and foreign brokers are due to expire on September 4, 1975.

The Commission now intends on September 4, 1975 to implement an in-

\* See 40 FR 23994-6 (June 4, 1975) for the extension of large trader reporting requirements to newly regulated commodities and see 40 FR 29795 (July 16, 1975) for the delayed application of such large trader reporting requirements to foreign traders and foreign brokers.

term step toward conforming the reporting requirements for foreign brokers and foreign traders for commodities newly regulated under the CFTCA substantially to the reporting requirements which are presently in effect for foreign brokers and traders for all other commodities regulated prior to April 21, 1975. Reporting requirements currently in existence for commodities regulated prior to April 21, 1975, shall apply to all foreign traders and foreign brokers, with the sole exception that foreign traders with reportable positions in newly regulated commodities will not now be required to file series '03 reports. Such traders, however, will be required to file CFTC Form 40, "Statement of Reporting Trader."

The Commission fully intends, at a date in the near future, to require foreign traders to file CFTC series '03 reports for the newly regulated commodities. This requirement is being delayed, however, until after the Commission meets with representatives of the European trading community to discuss, among other important subjects, the objectives and mechanics of the CFTC large-trader reporting system, and the steps which the Commission takes to insure the confidentiality of individual trader information.

The Commission is fully aware that the definition of bona fide hedging transactions or positions which is contained in section 1.3(2) of the Regulations under the Act may not be appropriate for the classification of positions (speculative or hedging) on the required reports. However, the Commission has recently announced its intention to define bona fide hedging transaction or positions by October 18, 1975 and in requesting public comment on this matter expressed particular interest in the definition of hedging as it applies to the so-called "world" commodities.

These amendments, of course, do not affect reports required of foreign traders and foreign brokers for trades and positions in commodities regulated prior to

\* See 40 FR 34627 (August 18, 1975).

the CFTCA, nor do they affect the reporting requirements for futures commission merchants and domestic traders in the newly regulated commodities.

**STATUTORY AUTHORITY**

Because the effect of this amendment is to relieve foreign traders of the obligation of filing CFTC series '03 reports which would take effect on September 4, 1975 the Commission finds that the notice and public procedure specified in 5 U.S.C. 553(b), and the publication thirty days before the effective date, specified in 5 U.S.C. 553(d), are impractical and unnecessary and would be contrary to the public interest.

In consideration of the foregoing, § 18.07 of Part 18 in Chapter I of Title 17 of the Code of Federal Regulations has been amended, effective September 4, 1975, as follows:

**§ 18.07 Reports by Foreign Traders.**

Any trader located outside of the United States or its territories shall not be required, until such date as the Commission upon 20 days notice provides, to file the reports required by § 18.00 of this Part 18 of these regulations for any commodity regulated under the Act but not specifically set forth in section 2(a) of the Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974, except that any such trader is required to file such reports within one business day after a special call upon such trader by the Commission. (7 U.S.C. 61, 12a(5))

**§ 17.04 and 17.05 [Expired]**

[The provisions of Sections 17.04 and 17.05 of Part 17 in Chapter I of Title 17 of the Code of Federal Regulations by their terms have ended.]

Issued in Washington, D.C., on September 4, 1975.

WILLIAM T. BAGLEY,  
Chairman, Commodity Futures  
Trading Commission.

[FR Doc.75-23849 Filed 9-4-75;12:07 pm]



## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 12]

#### SPECIAL CLASSES OF MERCHANDISE

##### Proposed Requirements for Entry and Release of Electronic Products

Notice is hereby given that under the authority of 5 U.S.C. 301, R.S. 251, as amended (19 U.S.C. 66), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend § 12.91 of the Customs Regulations (19 CFR 12.91) with respect to the declarations required to be made by the importer or consignee for the entry and release of electronic products subject to the performance standards in effect under section 358 of the Public Health Service Act, as amended (42 U.S.C. 263f). It is also proposed to amend § 12.90 of the Customs Regulations (19 CFR 12.90) to provide that "the Act", as referred to in § 12.91, refers to the Public Health Service Act, as amended (42 U.S.C. 201 *et seq.*), and not to the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b-263n).

The present regulations require a declaration by the importer or consignee of such electronic products that the products either (1) conform to the standards of section 358 of the Public Health Service Act, as amended (42 U.S.C. 263f), or (2) will be brought into compliance with these standards. The proposed amendment to § 12.91(b) adds two additional alternative declarations, whereby the importer or consignee may affirm that the products either (1) were manufactured prior to the date the standards became effective, or (2) are being imported for the purpose of research, investigations, studies, demonstrations or training. The proposed amendment to section 12.91(b) also modifies the language of the two alternative declarations presently contained in that section to bring them into conformity with current procedures.

In addition, the cross-references in § 12.91 to the provisions of the Code of Federal Regulations pertaining to the administration and enforcement of the provisions of the Public Health Service Act added by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b-263n), are changed in order to reflect their current numerical designations (as set forth in 38 FR 28624). The proposed amendment also sets forth the current citation of authority for § 12.91.

Accordingly, it is proposed to amend §§ 12.90 and 12.91 of the Customs Regulations (19 CFR 12.90, 12.91) to read as follows:

#### § 12.90 Definitions.

As used in § 12.90 and 12.91, the term "the Act" shall mean the Public Health Service Act (42 U.S.C. 201 *et seq.*), as amended by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b *et seq.*), and as further amended from time to time.

#### § 12.91 Electronic products offered for importation under the Act.

(a) *Standards prescribed by the Department of Health, Education, and Welfare.* Electronic products offered for importation into the Customs territory of the United States are subject to standards prescribed under section 358 of the Act (42 U.S.C. 263f). (See 21 CFR Parts 1000-1030.)

(b) *Requirements for entry and release.* Electronic products subject to standards in effect under section 358 of the Act (42 U.S.C. 263f), when offered for importation into the Customs territory of the United States shall be refused entry unless there is filed with the entry, in duplicate, a declaration verified by the importer or consignee which identifies the product and affirms:

(1) That the electronic products were manufactured prior to the date of any applicable electronic product performance standard (the date of manufacture shall be specified); or

(2) That the electronic products comply with all standards in effect under section 358 of the Act (42 U.S.C. 263f), and Parts 1000-1030 of title 21 of the Code of Federal Regulations (21 CFR Parts 1000-1030), and that the certification required by section 360 of the Act (42 U.S.C. 263h) in the form of a label or tag is attached thereto; or

(3) (i) That the electronic products do not comply with all standards in effect under section 358 of the Act (42 U.S.C. 263f), and Parts 1000-1030 of title 21 of the Code of Federal Regulations (21 CFR Parts 1000-1030), but are being imported for the purpose of research, investigations, studies, demonstrations or training, (ii) that the products will not be introduced into commerce and when their mission is completed they will be destroyed or exported under Customs supervision, and (iii) that an exemption for these products has been or will be requested from the Director of the Bureau of Radiological Health in accordance with section 360B of the Act (42 U.S.C. 263j); or

(4) That the electronic products do not comply with all standards in effect under section 358 of the Act (42 U.S.C. 263f) and Parts 1000-1030 of title 21 of the Code of Federal Regulations (21

CFR Parts 1000-1030), but that a timely and adequate petition for permission to bring the product into compliance with applicable standards has been or will be filed with the Secretary of Health, Education, and Welfare in accordance with 21 CFR 1005.21.

#### § 12.91 [Amended]

Paragraph (c) of section 12.91 is amended by substituting "21 CFR 1005.10" for "42 CFR 78.604". Paragraph (d) of section 12.91 is amended by substituting "21 CFR 1005.23" for "42 CFR 78.604".

The citation of authority at the end of § 12.91 is amended to read as follows:

(Sec. 2(3), 82 Stat. 1177, as amended, 1181; 42 U.S.C. 263f, 263h)

Data, views, or arguments with respect to the foregoing may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure their consideration, they must be received not later than October 7, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

G. R. DICKERSON,

Acting Commissioner of Customs.

Approved: August 26, 1975.

DAVID R. MACDONALD,

Assistant Secretary

of the Treasury.

[FR Doc. 75-23835 Filed 9-4-75; 8:45 am]

#### Internal Revenue Service

[26 CFR Part 1]

#### INCOME TAX

##### Fringe Benefits; Notice of Publication of Discussion Draft of Regulations

Notice is hereby given that the Department of the Treasury is currently considering proposed amended regulations prescribing standards for determining whether incidental facilities, goods and services benefitting employees, commonly referred to as fringe benefits, result in compensation includible in gross income. The proposed regulations are set forth below in discussion draft form.

The Internal Revenue Code does not provide specific rules for determining which economic benefits provided to employees by their employers are required to be included in gross income. Adminis-

trative practice over the years has permitted certain items to be excluded from the employees' income. The need to provide guidance for all taxpayers has been apparent for some time. Before publishing a notice of proposed rulemaking, the Department of the Treasury is publishing the attached discussion draft to provide an opportunity for review and comment by all interested parties, including the tax writing committees of Congress.

Consideration will be given to any comments or suggestions with respect to the provisions contained in the discussion draft. Such comments or suggestions should be submitted in writing (preferably in duplicate) to the Office of the Assistant Secretary of the Treasury for Tax Policy, Washington, D.C. 20220, with copies (preferably four) sent to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, on or before November 4, 1975.

Designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed that every written comment submitted in response to this notice is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the same procedures as are prescribed in 26 CFR 601.702(d) (9) for public inspection and copying of written comments received in response to a notice of proposed rulemaking.

FREDERIC W. HICKMAN,  
Assistant Secretary  
for Tax Policy.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) prescribing rules to determine whether or not incidental facilities, goods, and services benefitting employees result in compensation includible in gross income. These benefits commonly are referred to as fringe benefits.

Some fringe benefits, such as the provision of health insurance by an employer for his employees, are excluded expressly from gross income by statute. The status of most other fringe benefits is not answered expressly by statute. The amendments to the regulations prescribe rules to determine whether or not these fringe benefits constitute compensation includible in gross income.

The general rule of the proposed amendments permits an employer to share with its employees benefits arising from its business where the employer incurs no additional cost. To prevent abuse, the general rule does not apply to fringe benefits that are available only to the most highly compensated employees. An example covered by the general rule is the stand-by travel privileges accorded to flight attendants by commercial airlines.

Failure of a benefit to qualify under the general rule does not automatically mean that the benefit results in taxable

income. In all cases where the requirement of the general rule is not met the fringe benefits must be examined more closely to determine whether or not the benefit derived is taxable as compensation. Under the proposed amendments where the benefit provided by an item is so small as to make accounting for it unreasonable or administratively impractical, there is no taxable compensation. This de minimis exception applies, for example, to an employee having his secretary type a personal letter.

Where a fringe benefit does not meet all of the tests of the general rule and it is too significant to be ignored under the de minimis exception, whether or not the benefit conferred constitutes compensation includible in gross income is determined on the basis of all the relevant facts and circumstances. The proposed amendments set out nine of the factors to be taken into consideration. Among these factors are: (i) Whether or not the employer incurs a substantial and identifiable additional cost, (ii) whether or not the benefit is reimbursement of an unusually large expense of the employee incurred on account of his employment, (iii) whether or not the benefit is provided to employees in a way that does not discriminate in favor of the most highly compensated employees, and (iv) the relationship of the expense to the employers' business.

Where a fringe benefit is determined to result in compensation includible in gross income, the amount of compensation is the fair market value of the benefit. This is the amount that the employee would have to pay on an arm's-length basis for the benefit or its equivalent.

Among the examples included in the proposed amendments applying the facts and circumstances test is an executive who has a company jet make a special trip to enable him and his wife to shop and attend a play in another city. The executive is held taxable on an amount equal to the cost of chartering an equivalent plane to make the trip. Another example states that an employee does not have gross income where his employer provides him with protection in response to threats made by terrorists alleging that the employer has exploited the terrorists' country.

A number of examples deal with the use of an automobile furnished by the employer. One example holds that a fire chief does not have compensation from the use of a car to enable him to go on short notice to the scene of major fires. Another example holds that the use of a government automobile by a United States ambassador to travel to and from work, as permitted by Federal statutes regulating the use of official vehicles, does not result in gross income. There also is an example holding that providing a chauffeur-driven car to take a top executive of a corporation to and from work results in compensation, but that use of the car to take the executive from his office to business appointments does not result in compensation.

### PROPOSED RULES

41119

#### PROPOSED AMENDMENTS TO THE REGULATION

In order to provide rules relating to whether or not incidental facilities, goods, and services benefitting employees result in gross income to the employees, the Income Tax Regulations (26 CFR PART 1) are amended as follows:

PARAGRAPH 1. Immediately after § 1.61-15 there is added the following new section:

§ 1.61-16 Incidental facilities, goods, and services benefitting employees.

(a) *In general.* Where an employer makes available to its employees generally facilities, goods, or services that exist incidentally to its trade or business, the resulting benefits to employees, their immediate families, or guests accompanying the employees shall not be treated as compensation includible in gross income under the following circumstances:

(1) The facilities, goods, or services are owned by or under the control of the employer for purposes proper to the conduct of the trade or business involved and are primarily unrelated to the personal use or consumption of such items by employees of the employer.

(2) The facilities, goods, or services are made available to employees under terms and conditions such that the employer incurs no substantial additional cost in making them so available, and

(3) The facilities, goods, or services are made available to employees generally or to reasonable classifications of employees determined, for example, on the basis of the nature of their work, seniority, or similar factors (but not including classifications primarily including only the most highly compensated employees).

The extension under like circumstances of similar privileges by an employer to individuals who are employees of another employer in the same or a related trade or business shall not be included in the income of such individuals or their employer.

(b) *Other benefits.* Where facilities, goods, or services are made available under circumstances that do not meet the requirements of paragraph (a) of this section, whether or not the benefit conferred constitutes compensation includible in gross income will be determined on the basis of all the facts and circumstances. The following factors, among others, shall be considered where present. The presence of one or more of them will not necessarily be controlling, but will be a fact tending to indicate that the benefit does not constitute compensation includible in gross income.

(1) The cost incurred by the employer in providing the benefit is not identifiable or is not significant in relation to the fair market value of the benefit received by the employee.

(2) The personal use occurs during, immediately before, or immediately after working hours at or near the business premises of the employer and has a



proximate relation to work performed by the employee.

(3) The benefit is provided to employees generally or to reasonable classifications of employees determined, for example, on the basis of the nature of their work, seniority, or similar factors (but not including classifications primarily including only the most highly compensated employees).

(4) The benefit is similar to a service or other benefit which is commonly provided by state or local governments in the United States, but which is not readily available to the employees because of the location of their employment.

(5) The benefit accommodates an important requirement of the employer or relieves the employer of significant expense or inconvenience.

(6) The benefit is reimbursement of a greater than usual item of expense which was incurred by the employee for a purpose normally thought primarily personal but which was incurred because a business requirement of the employer prevented the employee from obtaining the item in the ordinary manner.

(7) The benefit is provided primarily to insure the employee's safety by protecting against significant risk arising from the employment relation.

(8) The benefit is not a substantial amount absolutely or in comparison to the employee's stated compensation.

(9) The item generally is not thought of as constituting compensation includible in gross income.

The failure of a benefit to qualify under one or more of the above factors, in appropriate cases, may be a fact tending to indicate that it does constitute compensation includible in gross income.

(c) *De minimis exception.* The provision of facilities, goods, or services shall not be deemed to give rise to compensation includible in gross income when the amount of such item is so small as to make accounting for it unreasonable or administratively impractical.

(d) *Amount of income.* If it is determined that an item is compensation includible in an employee's gross income, then the amount included in gross income is the fair market value of the item, which is the amount that the employee would have had to pay, on an arm's-length basis, to obtain use or possession of equivalent facilities, goods, or services.

(e) *Definition.* For purposes of this section the term "employee" includes self-employed individuals, independent contractors, and officers of a corporation, but does not include shareholders of a corporation as such.

(f) *Examples.* The principles of this section are illustrated by the following examples.

*Example (1).* Flight attendants for a commercial airline are permitted to make a specified number of trips each year at no cost. The number of trips allowed each flight attendant depends upon the length of time each flight attendant has been an employee of the airline. A flight attendant must have been an employee for at least six months before being eligible to take any such flight. Flight attendants may travel to any destination served by the employer airline or by any airlines with which the employer has reciprocal arrangements. Trips are permitted only on a space available basis and do not result in loss of revenue to the airline. The trips taken by a flight attendant on the employer airline, or on another airline with which the employer has a reciprocal arrangement, qualify under paragraph (a) and are not compensation includible in gross income because the flights on which the flight attendant travels are a part of the airline's regular business and are primarily unrelated to personal use by employees, the employer incurs no substantial additional cost, and the classification of employees by their function as flight attendants and sub-classification by seniority is a reasonable method of classification.

*Example (2).* A commercial airline encourages bona fide travel agents to take a reasonable number of trips each year on a stand-by basis at a nominal price. The purpose of making the travel privileges available to the travel agents is to familiarize them with the airline's services and with the attractions at destinations served by the airline, and thus to increase the likelihood that they will arrange for their customers' travel using services provided by the airline. The business of travel agents is related to that of the airline. The extension of transportation to a travel agent for a nominal price qualifies under paragraph (a) for the reasons given in Example (1) regarding the similar benefit made available to a flight attendant.

*Example (3).* A retail store allows its employees with at least six months' service a discount on purchases made at the store. The price of merchandise net of the discount to the employees is not less than the wholesale price of the merchandise. The benefits received by an employee may qualify under the de minimis exception of paragraph (c). Even if they do not so qualify, the merchandise discounts do not qualify under paragraph (a) because the merchandise is from normal inventory, the employer merely forgoes additional income and does not incur any significant additional costs, and the discount is generally available to all employees. An employee does not realize compensation includible in gross income by reason of the discount.

*Example (4).* An interior decorator purchases furniture for her own home at the wholesale price generally charged interior decorators by the manufacturer. The business of the interior decorator is related to that of the furniture manufacturer. The lower price to the interior decorator does not result in compensation includible in gross income under paragraph (a) for the reasons given in Example (3) regarding similar benefits to employees of a retail store.

*Example (5).* (a) An executive of a company and his wife travel in a company-owned plane to City A to shop and attend the theater. The plane otherwise would not have made the flights. The executive works during the flights to and from City A. Company policy allows top executives to use its planes for such personal trips. The use of the company plane does not qualify under paragraph (a) because the employer incurred substantial additional cost and because such use of company planes is restricted to top executives. Under paragraph (b) the most important relevant factors are the large identifiable costs incurred by the employer, the absence of a proximate relationship of the trip to the executive's employment, and the limitation of the use of the company planes to top executives. The executive has compensation includible in gross income. Since the company plane made the trip solely for

the benefit of the executive and his wife, the amount of gross income is the cost of chartering the same or an equivalent plane for the round trip to City A.

(b) The executive's secretary accompanied him on the trip to City A to take dictation and perform other secretarial duties during the flight. Since the secretary's primary purpose of traveling to City A was to be available to the executive, the incidental personal pleasure which she derives from the travel qualifies under the de minimis exception of paragraph (c). The secretary's travel also qualifies under paragraph (a) because the use of the plane to transport the secretary to City A was proper to the secretary's employment as the executive's personal secretary, the employer incurred no substantial additional cost in her traveling, and the availability of such travel to the secretary under such circumstances constitutes a reasonable classification because of the nature of her duties. The Secretary has no compensation includible in gross income as a result of traveling to City A.

(c) The secretary's mother also accompanied her on the trip at no additional cost to the company. Since the travel did not constitute compensation includible in gross income to the secretary under paragraph (a), the same benefit extended to her mother, as a member of her immediate family, did not constitute compensation includible in income to anyone.

*Example (6).* A company executive travels to City B on a company-owned plane to attend a two-day trade convention important to the business of the company. At his invitation he is accompanied by his wife and daughter and the president of a college located in the same community as the company. The wife, daughter, and college president occupy seats on the plane that otherwise would have gone unused. The wife, daughter, and the college president do not attend the trade convention. Under paragraph (a) transportation furnished to the wife, daughter, and college president does not constitute compensation includible in gross income to anyone because under paragraph (a) the flight to City B was primarily for a business purpose and was primarily unrelated to the personal enjoyment of the executive, the furnishing of transportation to additional persons did not entail any substantial additional expense to the company, and the extension of the privilege of inviting guests to those classes of employees who are themselves traveling for a proper purpose of the employer is a reasonable classification. The furnishing of transportation to the wife, daughter, and college president does not constitute compensation includible in gross income.

*Example (7).* A company's plant is located in an area which is unsafe at night and in which there is not suitable public transportation available to employees leaving work between midnight and 6 a.m. An employee finishing work at 2 a.m. is reimbursed exactly for taxi fare home under a general policy extending taxi service or reimbursement to all employees finishing work between midnight and 6 a.m. Employees who drive their own automobiles may park in a protected area, but are not paid for taxi service not used. The furnishing of taxi fare at night does not qualify under paragraph (a) because the employer incurs substantial additional cost in furnishing it. Under paragraph (b) the most important relevant factors are the exact reimbursement of a greater than usual expense incurred by an employee who would ride mass public transportation if it were available, the safety factor, and the general availability of the taxi fare to similarly situated employees. The taxi fare reimbursement does not constitute compensation includible in gross income.

*Example (8).* An accounting firm reimburses an employee the exact amount the employee spends on dinner and on taxi fare home where the employee works several hours beyond his normal quitting time because of the press of the employer's business. The reimbursement does not qualify under paragraph (a) because the employer incurs substantial additional expense. Under paragraph (b) the most important relevant factors are the exact reimbursement of a greater than usual expense incurred by the employee, the accommodation of an important business requirement of the employer, and the proximate relation of the reimbursement to the overtime period. The reimbursement does not constitute compensation includible in gross income to the employee.

*Example (9).* A company provides a chauffeur-driven automobile to and from work for each of its top executives. The cars also are available to the executives for trips to and from business appointments. The furnishing of such service to the executives does not qualify under paragraph (a) because the cars and chauffeurs are not primarily unrelated to the personal use by the executives, the employer incurs substantial additional cost, and the service is limited to the highest paid executives. Under paragraph (b) the most important relevant factors are the limitation of the chauffeur service to the top executives, the proximate relation of the transportation to the executive's work, and the accommodation of the needs of the employer. In this case a distinction must be made between providing transportation to and from work, which is a personal commuting expense, and transportation to and from business appointments, which is a business expense. The former constitutes compensation includible in gross income while the latter does not. The amount of compensation realized by the executives is the cost of obtaining the same or equivalent chauffeur service to and from work on an arm's-length basis.

*Example (10).* A company's headquarters are in an office building which it owns in the downtown area of a large city. The building has garage space in the basement that is used for deliveries and guest parking. A limited number of spaces also are available for parking by the company's employees. In allotting those spaces among its employees, the company gives preference to those employees whose duties require them to work irregular hours, who frequently use their cars for business purposes during the day, and, other things being equal, to employees with seniority. These criteria, in fact, result in most of the spaces being allotted to executives, but spaces also are provided to others who meet the criteria and are not available to executives who do not meet the criteria. The employer incurred a substantial additional cost in acquiring the parking facility and incurring continuing substantial additional costs in maintaining and operating the facility. Because the parking spaces are assigned to employees on a guaranteed basis, the use by the employees preempts other potential uses. Accordingly, the use of a parking space does not qualify under paragraph (a) because the employer incurs substantial additional cost. Under paragraph (b) the most important relevant factors are the availability of the parking in the employer's building during working hours, the reasonableness of the employer's important requirement that the employees using the parking facilities be readily available. The employees using the parking facility do not have compensation includible in gross income.

*Example (11).* United States ambassadors are furnished an official vehicle and driver. An ambassador uses his car on official business and for commuting from his residence to the embassy. Federal laws governing the use of funds appropriated for Executive departments and agencies prohibit the use of appropriated funds to operate and maintain any Government-owned automobile that is not used exclusively for official purposes. Under these provisions, official purposes does not, with limited exceptions, include transporting a government employee to and from work. An employee who willfully uses, or authorizes the use of, a government vehicle for such transportation may be suspended from employment or, if the circumstances warrant, summarily removed from office. However, these prohibitory provisions do not apply to vehicles for official use of the President, the heads of certain enumerated executive departments, ambassadors, minister, charges d'affaires, and other principal diplomatic and consular officials. The providing of an official vehicle and driver to ambassadors does not qualify under paragraph (a) because the vehicles and drivers are not primarily unrelated to the personal use by the executive, the employer incurs substantial additional cost, and the benefit is limited to the most highly compensated officials. Under paragraph (b) the most important relevant factor is the finding by Congress, implicit in the provisions regulating use of appropriated funds, that the official duties of certain federal employees require that they be on call at all times and have the use of an official vehicle for transportation to and from work. Depending on the circumstances provision of an official vehicle and driver also may protect the ambassador from a danger arising from the employment relationship. See examples (7) and (13). The use of the official vehicle and driver by the ambassador does not constitute compensation includible in gross income.

*Example (12).* The fire chief of City C is required to be available by telephone at all times and to be able to go on short notice to the scene of major fires. The city provides a car and driver which is available at all times. The fire chief occasionally uses the car for nonbusiness purposes. The providing of the car and driver to the fire chief does not qualify under paragraph (a) because it requires substantial additional expenses by the employer. Under paragraph (b) the most important relevant factors are the proximate relation of the car and driver to the fire chief's duty to supervise personally fighting of all major fires and the accommodation of the employer's requirement that the fire chief be readily available for this duty. The use of the car and driver by the fire chief to go to fires does not constitute compensation includible in gross income. The occasional personal use of the car and driver by the fire chief qualifies under the de minimis exception of paragraph (c) and does not constitute compensation includible in gross income.

*Example (13).* The president of a multinational corporation is threatened by an organization of political extremists in a foreign country who allege that the corporation has exploited their country. The corporation provides bodyguards for the president and his immediate family. The protection does not qualify under paragraph (a) because it requires substantial additional expense by the employer. The most important relevant factor under paragraph (b) is providing for protection of the executive and his family from a danger arising from the employment relationship. The protection does not result in compensation includible in gross income.

*Example (14).* An automobile agency furnishes cars to its employees as "demonstrators" without charge. The employees use the automobiles primarily for personal use. Because of such use the employer receives a reduced price when the demonstrators are sold. The furnishing of the automobiles does not qualify under paragraph (a) because the employer incurs substantial additional cost. Under paragraph (b) the most important

relevant factors are the significant cost incurred by the employer and the absence of a proximate relation of the furnishing of the automobiles to the employees' employment. The employees each have compensation includible in gross income in an amount equal to the cost of leasing the same model automobile in an arm's-length transaction. *Example (15).* An employer furnishes automobiles to all 30 of its outside traveling salesmen who are away from home an average of four days a week. The company permits the employees to keep the cars over weekends and to use them for personal purposes, provided that they pay for all gasoline they consume for personal use. The employer does not incur any substantial and identifiable cost to maintain and operate the cars because of the personal use of them by the employees. When the employer trades in the fleet of automobiles used by the salesmen, personal use of the cars does not materially affect the price it is able to obtain. The furnishing of the automobiles qualifies under paragraph (a) because the use of the automobiles is proximately related to the employer's business and the personal use by the employees is not the primary purpose for their acquisition, the employer incurs no substantial additional cost, and providing the benefit for a class consisting of all the outside traveling salesmen is a reasonable classification. The use of the automobiles by the salesmen does not result in compensation includible in gross income.

*Example (16).* An employee occasionally has his secretary type a personal letter and make a copy of it for his records on his employer's electric copying machine. The personal use of the secretary and the copying machine qualifies under the de minimis exception of paragraph (c) and does not result in compensation includible in gross income.

*Example (17).* A law firm pays bar association dues of lawyers employed by it. The firm also has a monthly cocktail party for all attorneys and paralegal personnel and has an annual golf, tennis, and swimming outing at a country club.

(a) The payment of bar association dues may qualify under the de minimis exception of paragraph (c). If the amount paid by the employer on behalf of each attorney is a substantial additional cost, then paragraphs (a) and (c) will not apply. For purposes of paragraph (b) the most important relevant factors are the proximate relation of the bar association dues to the practice of law, the general availability of the dues reimbursement to all employed attorneys, and the employer's interest in having its attorneys participate in local bar associations. No compensation includible in gross income results from the payment of the dues.

(b) The monthly cocktail party and the annual outing may qualify under the de minimis rule of paragraph (c). If the costs incurred by the employer are substantial, then paragraphs (a) and (c) will not apply. For purposes of paragraph (b) the most important relevant factors are the general availability of the cocktail party to all attorneys and paralegal personnel and the employer's interest in having all of the legal staff become acquainted with each other and the on-going work in the firm. Permitting only attorneys and paralegal personnel to attend the cocktail parties and outings is a reasonable classification of employees. No compensation includible in gross income results from the cocktail parties and outings.

*Example (18).* A corporation maintains American-style schools for the children of its employees at overseas locations where local schools either are not available or are not comparable to American schools. No tuition is charged. Paragraph (a) does not apply because the employer incurs substantial additional expenses. Under paragraph (b) the most important relevant factor is that the



school provides benefits similar in nature to services provided in the United States by local governments. The employees have no compensation includible in gross income as a result of their children attending the employer-sponsored school without paying tuition.

*Example (19).* An employer maintains a day care center on its premises for pre-school children of its employees who desire to use the facility. Paragraph (a) does not apply because the employer incurred substantial additional costs. Under paragraph (b) the most important relevant factor in this case is that section 214 of the Internal Revenue Code provides special rules regarding the deduction of day care and certain other expenses. It would frustrate the policy of section 214 if the fair market value of the services of the day care center were not included in gross income of the employees utilizing them and then deducted only to the extent provided in section 214. The employees whose pre-school children use the day care center have compensation includible in gross income. They may have an offsetting deduction under section 214.

(g) *Effective Date.* (1) No employee of the United States shall be treated as having compensation includible in gross income by reason of the use of any official vehicle owned or operated by or on behalf of the United States on or before September 5, 1975.

(2) No employer of an automobile agency or related business shall be treated as having compensation includible in gross income by reason of the use of a car furnished by his employer as a "demonstrator" without charge (see example (14) of paragraph (f)) on or before (insert date this Notice is published in the FEDERAL REGISTER).

PAR. 2. Paragraph 1.61-2(d) is amended by adding at the end thereof the following new subparagraph:

§ 1.61-2 Compensation for services, including fees, commissions, and similar items.

(d) Compensation paid other than in cash.

(6) For special rules relating to certain incidental facilities, goods, and services benefiting employees, see § 1.61-16.

[FR Doc. 75-23865 Filed 9-2-75; 4:20 pm]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### Geological Survey

[43 CFR Parts 23, 3040]

[30 CFR Parts 211, 216]

### COAL MINING OPERATING REGULATIONS

#### Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181-287), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359), (5 U.S.C. 301), the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347), and various statutes relating to mining on Indian lands, is now proposed to revise

30 CFR Part 211, and 43 CFR 23, and to promulgate a new subpart 3041 of 43 CFR, as set forth below. It is also proposed that 30 CFR Part 216, applicable to coal mining operations under leases in the State of Alaska which were issued pursuant to the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), prior to its repeal by P.L. 86-252, September 9, 1959 (73 Stat. 490), be revoked and that operations under those leases also be governed by the regulations in 30 CFR Part 211 as set forth below.

On January 30, 1975, and on April 30, 1975, notices and texts of proposed revisions to the coal mining operating regulations of the U.S. Geological Survey were published in the FEDERAL REGISTER (38 FR 10686; 40 FR 4428). Those regulations govern operations conducted under coal permits, leases, and licenses on public and acquired lands of the United States and Indian lands administered by the Department of the Interior. The previously proposed regulations would also govern the mining of coal in Alaska and, therefore, were proposed to revoke 30 CFR Part 216, which contains such regulations.

Prior to the publication of the 211 regulations proposed on January 30, 1975, the President had withheld signature from S. 425, the surface mining legislation passed by the 93rd Congress.

On February 6, 1975, new proposed Federal surface mining legislation was submitted by the Administration along with a detailed analysis of the unacceptable adverse effects which S. 425 would have had. Thereafter, the Congress passed H.R. 25, which failed to meet the objections which had led to the President's disapproval of S. 425, and would have resulted in greater adverse impacts than that bill. The President vetoed H.R. 25 on May 20, 1975, and that veto was sustained by the House of Representatives on June 10, 1975.

As the President noted in his veto message, recent revisions of State laws regarding surface mining have improved the environmental controls imposed upon lands subject to their jurisdiction. This situation may be expected to continue, as States update, amend, and revise their controls.

A major portion of the Nation's coal resources lies in Federal ownership. Timely and orderly development of this domestic energy resource is a matter of high priority to the Nation as a whole and to the Federal Government, as the custodian of these resources on behalf of all of the people.

At the same time, it is imperative to insure that in developing such resources appropriate consideration is given to the serious environmental concerns associated with mining. Development must be balanced against these concerns, and allowed to take place only when and under such circumstances as will assure such balancing protection.

The proposed regulations 43 CFR 3041 were formerly covered by 43 CFR 23, and relate to the leasing, permitting, and licensing of coal and reclamation regulations by the BLM. The proposed regu-

lations 30 CFR 211 again relate to coal exploration and mining operations, and reclamation of affected lands.

The purpose of the proposed set of regulations is to delete obsolete provisions, update existing regulations so as to impose reclamation and performance standards upon operations relating to Federal coal, and clarify the responsibility of lessees, permittees, and licensees for the protection of the surface, natural resources, environment, and existing improvements during all such operations.

Together, the proposed regulations govern pre- and post-leasing operations conducted under coal permits, leases, and licenses on public and acquired lands of the United States, regardless of surface ownership. In addition, the new proposed 30 CFR 211 would govern operation on Indian lands administered by the Department of the Interior, and 30 CFR Part 216 is again accordingly proposed to be revoked.

Finally, conforming amendments to 43 CFR Part 23 to reflect the new proposed 43 CFR Part 3041 are also proposed.

The proposed regulations provide specific language to clarify responsibilities of lessees, permittees, and licensees for all phases of coal mining operations on public and acquired lands of the United States and Indian lands administered by the Department of the Interior. The scope of the regulations addresses not only the "orderly and efficient development" phase of the operations, but also the total spectrum of events beginning with the pre-lease land-use planning and environmental analyses into prospecting, exploration, and testing activities and extending through the development, mining, production, and coal processing practices, as well as the abandonment and reclamation measures.

Under the proposed regulations, leases, permits, and licenses for coal would be issued, and plans of operation approved only where reclamation of the affected lands, pursuant to the standards set forth, is attainable and assured, and reclamation programs will be required to be undertaken as contemporaneously as practicable with mineral development.

The new regulations set forth environmental standards that will be used in conducting pre-lease, permitting, and licensing examinations, from which the terms and conditions of the lease, permit, or license will be developed.

Performance and reclamation standards that would automatically apply to all operations subject to these regulations are provided and set forth in identical terms in each proposed regulation so that performance and reclamation requirements will be consistent throughout the pre-leasing, exploration mining, reclamation, and abandonment phases of coal operations.

The new regulations further require that exploration and/or mining plans, describing in detail the operations to be undertaken, be prepared and submitted in advance of that operation.

These two revisions are complementary, and designed to create a coordinated mechanism for coal development.

Under the proposed 43 CFR Part 3041, a decision mechanism is outlined whereby decisions as to whether coal leasing should occur, and what specific conditions might be applied to a lease, will be made after appropriate environmental review. Under the proposed 30 CFR Part 211, the Geological Survey will monitor coal operations, and enforce lease terms and conditions and general performance standards which are included in identical language in both regulations.

The Department of the Interior is currently completing an environmental review of its entire coal leasing program. This review will be published shortly, and will contain a formal mechanism defining with greater specificity the Department's coal leasing policy. With the proposed regulations, it will constitute a unified program to direct future development of our resources. Several elements of the proposed regulations should be specifically noted and public comment is specifically requested thereon.

First, the relationship between Federal and State jurisdiction to impose reclamation standards has arisen in the recent proposed legislation. On the one hand, it is clear that the States have a direct public policy interest in coal development within their geographical boundaries. In addition, the historical development of coal resources has, in many areas, resulted in patterns of intermingled tracts of Federal and private ownership with respect to which coordinated regulatory mechanisms would be desirable.

On the other hand, it is also clear that Federal coal resources belong not to one or more of the several States, but to the Nation as a whole. The Federal interest in assuring the timely and orderly development of such resources must be implemented with that end in mind.

A mechanism is, therefore, proposed in these regulations which would satisfy both Federal and State interests. This mechanism would allow the Secretary of the Interior to direct that some or all of the existing State laws, regulations, practices, and procedures of a State relating to reclamation be applied by Federal officers within that State as a matter of Federal law. Such discretion may be exercised at the request of the Governor, if the Secretary, upon review of that State's regulations, determines that such application would:

(a) Effectuate the purpose of the proposed regulations;

(b) Afford protection of the environmental values which would be at least as stringent as would occur under otherwise applicable Federal standards; and

(c) Would be consistent with the interest of the United States in the timely and orderly development of its coal resources.

Such an order would remain in effect until rescinded or amended, and would enable Federal and State concerns to be appropriately balanced.

It has been and is the current practice of the Department to include in coal leases a provision requiring compliance in State and local laws. It is also the

practice of the Mining Supervisors of the Geological Survey to follow this practice in the implementation of their responsibilities with respect to ongoing operations. The proposed mechanism would allow continuation of this existing practice, while reserving the power to insure that the National interest in resource development is accommodated.

It is hoped that this mechanism will have the effect of encouraging those States without comprehensive, reasonable regulatory mechanisms to enact such control, with the assurance that the development of Federal coal within their boundaries may take place on similar terms.

Second, the method of applying the proposed regulatory mechanism to existing operations, and the timing of such application, is not specifically addressed. The notice of proposed rulemaking for the proposed 211 regulations published on January 30, 1975, provided: "Operators holding existing permits, leases, or licenses will be required to comply with the requirements of this part no later than 180 days following the date of republication of these regulations in the FEDERAL REGISTER with respect to lands from which overburden and the coal seam being mined have not been removed."

Public comment is expressly requested upon the question of whether separate provision should be made within the proposed regulations to cover existing regulations, or whether separate effective dates for the regulations should be provided for new and existing operations, and in either event what time period for compliance is appropriate.

#### SPECIFIC PROVISIONS OF THE REGULATIONS

##### DEFINITIONS

No attempt has been made comprehensively to define terms of general applicability which have accepted scientific definitions. In the event that additional terms are suggested for specific definition, they will be included in the final regulations.

The following specific provisions are common to both proposed regulations:

*Approximate Original Contour.* The definition has been changed from the earlier proposed 211 regulations so as to eliminate operative portions of the previous definition, which are more properly included in the main body of the regulations.

*Logical Mining Unit.* This term is defined for the first time in the proposed regulations and represents an approach to coordination of development planning between public and private lands.

*Maximum Extent Practicable.* Also defined for the first time, this concept is intended to express a qualification applicable to given performance standards or levels of control which would incorporate a cost benefit balancing of technological feasibility, economic cost, and tangible and intangible environmental benefits attributable to various levels of such standard or control. It is not intended to imply that economic considerations will automatically prevail in determining the level of controls which

must be utilized. On the other hand, it is intended that cost benefit balancing will reduce the possibility that disproportionately expensive technology might be required to be employed where only incremental, minimal environmental advantage would result therefrom.

*Reclamation.* This term has been restated so as to eliminate operative language setting forth degrees of reclamation, which is more properly set forth in the body of the regulations. The phrase "consistent with" is intended to express the concept that post-mining rehabilitation efforts should be addressed in the first instance with reference to the prevailing condition, but that actual reclamation measures and post-mining conditions and uses are properly considered, approved, and executed pursuant to the operative provisions of the regulations and the approved plan of operations.

*Significant Valley Floor Vegetation.* The term is used as a qualifying note in determining certain areas of valley floors subject to hydrological protection in the body of the regulations.

#### GENERAL OPERATION AND RECLAMATION REQUIREMENTS

(References are to the proposed 30 CFR Part 211 regulations.)

*Section 211.4(a)* requires that all operations conform to the provisions of applicable laws and regulations, including effluent and emission limitations.

*Section 211.4(c)* imposes a general obligation to avoid to the maximum extent practicable specific elements of environmental concern. It is not intended that this general obligation substitute for the more precise requirements which may be imposed by these regulations or provisions of other applicable laws or regulations.

*Section 211.4(d)* has been simplified from the earlier proposed revisions of this part, and clarified to provide that water quality be monitored so as to establish such data as may be necessary to determine procedures or measures required to comply with the proposed regulations.

*Section 211.5(b)* has been expanded to insure actual "public notice of proposed mining plans."

*Section 211.10(a)* now provides that a proposed mining plan shall, where possible, include all operations in an approved logical mining unit. It should be noted that it is not intended that resulting inclusion of portions of an operation involving non-federal coal in such a plan would expand federal jurisdiction beyond appropriate limits, by either requiring a federal bond on such non-federal operations or by imposing the requirements of the operating or performance standards or enforcement mechanisms of the regulations to such operations.

*Section 211.10(d)* authorizes the mining supervisor to require reasonable revisions or supplements to approved plans where changed conditions or unforeseen circumstances exist, or approve changes at the request of an operator. Where any such revision would be major, the public notice provisions of § 211.5(b)



will apply. In the event of disagreement as to the propriety of any such change, an appeal from the mining supervisors decision will lie under Part 290 pursuant to § 211.73.

#### RECLAMATION AND PERFORMANCE STANDARDS

(References are to the proposed 30 CFR 211 texts, but identical language is included in the proposed 43 CFR 3041.)

Section 211.40(a)(2) requires the operator to reclaim affected lands pursuant to his approved plan and as contemporaneously as practicable with operations, to a condition at least fully capable of supporting previous practicable uses or equal or better uses that can reasonably be attained. It is intended that this provision would authorize the Department to require reclamation, where appropriate, to a use that was practicable prior to mining but not necessarily in effect. To require exact parity between post-mining and pre-mining land condition would impose an impossible burden. Requiring reclamation to a condition capable of supporting equal or better uses that can reasonably be achieved affords adequate assurance that post-mining land condition will be acceptable.

Section 211.40(a)(3) requires restoration to the approximate original contour to the maximum extent practicable. Variances from that requirement based upon equal or better post-mining land uses or unusual conditions may be granted only by the Director of the Geological Survey, with the concurrence of the Director of the Bureau of Land Management. Any such variance will, of course, be included in an approved plan of operations, and thus subject to appropriate public consideration.

Section 211.40(a)(8) sets forth the requirement that disturbances to prevailing hydrologic conditions be minimized, and in subparagraph (iv) specifically requires protection of the surface and ground water resources of valley floors which provide water sources that support significant vegetation or existing uses.

Subparagraph 211.40(a)(16) imposes the obligation to revegetate affected lands and authorizes the use of introduced species where quick cover is desirable.

Section 211.40(a)(17) sets forth the time limitations within which liability upon the operator's bond for revegetation will apply. A maximum period of liability of 10 years from the first planting date is provided. After substantial review of this question, it is felt that this period is appropriate. Failure of successful revegetation after 10 years of effort is felt to be determinative of the question of whether the additional efforts represented by expending the retained portion of the bond would be successful. On the other hand, in some circumstances it will be apparent from the conditions at the site of operations that successful revegetation is likely to occur within the 5 year minimum time period. Where this is the case, authority is provided to waive the automatic application of this minimum period at the time of lease issuance.

It should be noted that operation of this waiver would not in any way diminish the burden upon the operator to establish that revegetation has in fact successfully been accomplished within that period.

#### SPECIFICATION PROVISIONS OF 43 CFR 3041

Section 3041.0-4 spells out the specific areas of responsibility of the BLM and the Geological Survey with respect to surface management and operations for coal development, consistent with internal Departmental orders.

Section 3041.0-6 sets forth the procedures whereby the environmental impact on both an area-wide and specific tract basis will be assessed prior to making a determination as to whether leasing, permitting, or licensing will be allowed. This procedure provides for obtaining the views and recommendations of the Geological Survey and other appropriate Federal agencies, for holding public hearings, where necessary, and for consultation with State and local governments and interested parties, including surface owners where applicable.

Section 3041.0-7(c) allows the authorized officer of the Federal surface management agency, in consultation with the Mining Supervisor, to establish additional and more stringent requirements than required by the performance standards set forth in Section 3041.0-7(b), to meet exceptional and special circumstances such as the degree of slope and soil conditions.

Section 3041.0-7(d) allows the authorized officer to propose to the Mining Supervisor that an approved exploration or mining plan be revised or supplemented to adjust to changed conditions or to correct oversights. This is consistent with and complementary to the authority in 30 CFR 211.10(d) to require such changes.

Section 3041.0-8 permits an operator to use only so much of the surface of the lands as is deemed necessary, and has been designated in an approved plan. It is expressly provided that use of Federal lands for a power generation plant or commercial or industrial facility requires a special permit. This is not intended to imply that other facilities which might require permits under other laws would be relieved of any such obligations under the regulations proposed here. Facilities directly related to the mining, processing, and preparation of the coal resource would not require a separate permit.

Section 3041.1, the requirement for submission of a preliminary plan by an applicant for a coal lease, permit, or license, is an expansion of the requirements of 43 CFR Part 23. The purpose of the preliminary plan is to provide operational and environmental information which will assist the authorized officer in evaluating the proposed operation, and in the preparation of necessary impact statements and the terms and conditions to be included in a lease, permit, or license, if issued.

Section 3041.5 is different from Part 23 in that it requires a notice of availability of the application and its proposed terms, conditions, and special stipulations, for inspection and comment

thereon. No action may be taken on any application until interested parties have had 30 days to comment. The application and proposed terms and conditions will remain available for inspection thereafter in the proper BLM office.

Section 3041.7(b) is different from Part 23 in that it allows the authorized officer, in emergency situations where activities threaten immediate, serious, or irreparable damage to the environment, resources, health and safety of the employees and the public, to order the immediate cessation of such activities. Although exercise of this authority would normally be the responsibility of the USGS, it is felt that where such extraordinary circumstances exist any authorized representative of responsible agencies of the United States should be able to take the limited immediate action set forth, to prevent the adverse environmental effect described.

A detailed environmental impact statement on the proposed regulation has been prepared in compliance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The statement is being printed and will be available in approximately three weeks. A notice of availability will be published in the FEDERAL REGISTER.

In accordance with the Department's policy on public participation in rule-making, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240 and the Director, U.S. Geological Survey, Reston, Virginia 22092, on or before November 4, 1975.

After the expiration of such period for comment, and the expiration of the appropriate comment period upon the above mentioned environmental impact statement, the proposed regulations will be revised, if appropriate, and republished in the FEDERAL REGISTER in final form.

A new subpart 3041 is proposed to be added to 43 CFR, to read as follows:

#### PART 3040—ENVIRONMENT AND SAFETY

Subpart 3041—Surface Management—Federal Coal Resources	
Sec.	
3041.0-1	Purpose.
3041.0-3	Authorities.
3041.0-4	Responsibilities.
3041.0-5	Definitions.
3041.0-6	Coal leasing, permitting, and licensing planning procedures.
3041.0-7	Performance standards.
3041.0-8	Use of surface.
3041.1	Applications.
3041.1-1	Preliminary plan.
3041.2	Technical examination / environmental analysis report.
3041.3	Basis for denial of a lease, permit, or license based on past forfeiture.
3041.4	Compliance or performance bond.
3041.5	Public notice and inspection of records.
3041.6	Reports.
3041.7	Notice of noncompliance: Revocation.

Sec. 3041.8 Application of State laws, regulations, practices, and procedures as Federal law by Federal officers.

#### Subpart 3041—Surface Management—Federal Coal Resources

##### § 3041.0-1 Purpose.

(a) The purpose of these regulations is to establish rules to be followed in the management of the Federally-owned coal estate consistent with the policies, goals, and objectives established by the Acts cited in § 3041.0-3 of this Subpart, regardless of surface ownership or method of operation.

(b) It is the policy of the Department to encourage the development of Federally-owned coal, where such development is authorized, through a program that will provide for the protection, orderly development and conservation of Federal mineral and nonmineral resources in a manner that will minimize adverse effects to society and the environment resulting from coal development. It is also the policy of the Department to authorize leases, permits, and licenses for coal only where reclamation of the affected lands to the standards set forth herein is attainable and assured and a reclamation program will be undertaken as contemporaneously as practicable with mineral development. Departmental policy regarding privately owned surface where the mineral estate is Federally owned is that any mineral activity on the private surface should be conducted to result in protection of environmental values which is at least as stringent as would apply to Federally owned surface.

##### § 3041.0-3 Authorities.

These regulations are issued pursuant to: The Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181-287), and the Mineral Leasing Act For Acquired Lands (30 U.S.C. 351-359). Additional regulations governing the issuance of Federal coal leases, permits, and licenses are found in 43 CFR 3500 of this Chapter, including the specific requirement in § 3501.2-6 that the consent of the Department of Agriculture or other administering agency be obtained with respect to leases, permits, and licenses covering acquired lands subject to the jurisdiction of such other Federal surface managing agency. Regulations governing lease or permit operations are found in 30 CFR 211. Regulations setting forth the general and basic policies for disposal and management of the public lands are found in 43 CFR 1725 of this Chapter.

##### § 3041.0-4 Responsibilities.

(a) The Bureau of Land Management (BLM) exercises at the Bureau level the Secretary's discretionary authority to determine whether or not leases, permits, and licenses are to be issued. The Bureau of Land Management is responsible for issuing mineral leases, permits, and licenses, and is the office of record in mineral leasing matters.

(b) The Geological Survey (GS) exercises the Secretary's delegated authority

regarding operations conducted within the area of operation by permittees, lessees, and licensees and determines the action to be taken by them from the standpoint of the development, conservation, and management of mineral resources under the jurisdiction of the Department. The Geological Survey is responsible for all geologic, engineering, and economic value determinations for the Department's mineral leasing program. These determinations include: the mineral characteristics of lease and permit areas; parcelling; amounts of bonds; royalties; unit values; rentals; mineral resource evaluations; reserves; investments, diligent development, and minimum production requirements; and all other terms and conditions relating to mineral operations under leases and permits.

(c) The Bureau of Land Management or other Federal surface management agency, in cooperation with the Geological Survey, and, in the case of non-Federal surface, the surface owner, formulates the requirements to be incorporated in leases, permits, and licenses for the protection of the surface and non-mineral resources and for reclamation, using the surface operating and reclamation performance standards contained in § 3041.0-7 of these regulations and in 30 CFR Part 211.

(d) The Geological Survey, before approving exploration and mining plans, or the abandonment of operations, consults with the Bureau of Land Management or other Federal surface management agency on the adequacy of the surface use, environmental protection, and reclamation aspects of such plans and will not grant approval if inconsistent with the BLM's or other Federal surface management agency's recommendations without further discussions.

(e) As to the lands outside of the area of operations the authorized officer of the BLM or other Federal surface management agency is responsible for conducting compliance examinations and for assuring compliance by the lessee, permittee, or licensee, with the requirements of this Subpart, and the terms and conditions of a lease, permit, or license and for reporting infractions to the GS for discussion with, or orders to, the lessee, permittee, or licensee. As to the lands inside the area of operations the GS examines operations to ensure compliance with environmental protection and rehabilitation requirements. GS refers to BLM any instance of noncompliance with lease terms which may require cancellation action, and BLM may initiate such action. With respect to approval of access roads, pipelines, utility routes and other surface uses outside the operating areas, the Bureau of Land Management, or other Federal surface management agency, has the primary responsibility but obtains the recommendations of the Geological Survey before taking final action. Orders to operators for any remedial action are the responsibility of the Geological Survey.

(f) Subject to the Supervisory authority of the Secretary, the regulations

in this Subpart shall be administered by the Director, Bureau of Land Management through the authorized officer having jurisdiction over the lands subject to these regulations and authorized to perform the duties described. Prior to the issuance of any coal lease, permit, or license, the authorized officer will consult with and receive and consider recommendations from the Mining Supervisor, the Federal surface management agency when other than the BLM, or the surface owner, as to the terms and conditions required to achieve the purpose of these regulations.

##### § 3041.0-5 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) "Acid and toxic producing effluents" means natural or reworked earth materials having chemical and physical characteristics that under mining or post-mining conditions of drainage, exposure, or other processes may produce effluents that contain chemical constituents, such as acids, bases, or metallic compounds, in sufficient concentrations to adversely affect the environment.

(b) "Affected lands" means any lands affected or to be affected by exploration, development, and mining operations, and by the construction of facilities necessary and related to such operations.

(c) "Approximate original contour" means the surface configuration achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to mining (although not necessarily the original elevation) and blends into and complements the drainage pattern and topography of the surrounding terrain.

(d) "Area of operations" means that area of the leased, permitted, or licensed lands which is required for exploration, development, producing and processing operations, including all related surface structures and facilities, which is delineated on a map or plat which is made a part of the approved plan.

(e) "Authorized officer" means that officer designated by any Federal surface managing agency to exercise its authority in matters relating to coal leases, licenses, and permits and these regulations.

(f) "Coal" means coal of all ranks, from lignite to anthracite.

(g) "Exploration plan" means a detailed plan submitted to the Mining Supervisor for approval before exploration operations commence, showing the location and type of exploration work to be conducted, environmental protection procedures, roads, and reclamation procedures to be followed upon completion of such operations.

(h) "Lease Lands, leased premises, or leased tract" means lands embraced within a Federal coal lease and subject to the regulations in this Subpart.

(i) "Lessee" means any person or persons, partnership, association, corporation, or municipality to whom a coal lease is issued subject to the regulations in this Subpart, or an assignee of such lease under an approved assignment.

(j) "Licensee" means any individual,

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(4) The operator shall stabilize and

(A) Contributions of suspended solids

(i) Provide adequate advance written



(j) "Licensee" means any individual, association of individuals, or municipality to whom a coal license is issued subject to the regulations in this Subpart.

(k) "Maximum extent practicable" means, with respect to a performance standard or level of control, that degree of compliance which can be achieved with commercially available technology, taking into account the costs of such compliance and all tangible and intangible environmental and other benefits which would be derived therefrom.

(l) "Method of Operation" means the method and manner by which any activities are performed by the operator, as described in the Preliminary plan.

(m) "Mine" means an underground or surface excavation, and the surface or underground support facilities that contribute directly or indirectly to coal mining, preparation, and handling.

(n) "Mining plan" means a detailed plan submitted to the Mining Supervisor for approval before mining operations commence showing the location, method and extent of mining and all related activities necessary and incident to such operations, including the steps to be taken to protect the environment during operations, reclamation, and abandonment.

(o) "Mining Supervisor" means the Area Mining Supervisor, Conservation Division, Geological Survey, or District Mining Supervisor, or other subordinate acting under his direction.

(p) "Operator" means a lessee, permittee, or licensee, or one conducting operations on lands under the authority of the lessee, permittee, or licensee.

(q) "Overburden" means all the earth and other materials which lie above a natural deposit of minerals.

(r) "Permanent impoundment" means an artificially built, dammed or excavated place for retention of water or sediment that is intended to remain after abandonment of the operation.

(s) "Permit lands" means lands embraced within a coal prospecting permit and subject to the regulations in this Subpart.

(t) "Permitter" means any person or persons, partnership, association, corporation, or municipality to whom a coal prospecting permit subject to the regulations in this Subpart is issued, or an assignee of such permit under an approved assignment.

(u) "Preliminary plan" means a plan submitted by an applicant to the authorized officer, with an application for a lease, permit, or license, which describes the applicant's proposal in the detail necessary to assist the authorized officer in conducting a pre-lease, permit, or license technical evaluation and environmental analyses as described in 3041.1-1.

(v) "Reclamation" means the process of returning affected lands to a stable condition and form consistent with their pre-mining productivity and use.

(w) "Secretary" means the Secretary of the Interior.

(x) "Significant valley floor vegetation" means farm crops, including hay, that are integral parts of agricultural or ranching operations, and forests or

meadows with significant recreational, watershed, or wildlife habitat value.

(y) "Topsoil" means natural earth materials at or adjacent to the land surface with physical and chemical characteristics necessary to support vegetation.

(z) "Valley floors" means the channels, floodplains, and adjacent low terraces of perennial, intermittent, or ephemeral streams that are flooded during periods of high flow and that are underlain by unconsolidated stream-laid deposits. Excluded are higher terraces and slopes underlain by colluvial and other surficial deposits normally occurring along valley margins.

§ 3041.0-6 Coal leasing, permitting, and licensing planning procedures.

(a) When an area is initially considered for coal development the authorized officer shall make an environmental impact assessment of the potential effect of such development upon the resources of the area and its environment.

(b) Prior to the selection of tracts for coal leases, permits, or licenses the authorized officer of the BLM or, if other than the BLM, the authorized officer of the agency charged with administration of the surface, shall evaluate the potential effects of all phases of such coal development on the environment, including fish and other aquatic resources, wildlife habitats and populations, aesthetics, recreation, cultural, and other resources in the affected area. This evaluation shall take into account alternative uses of the land and its other natural resources, the need for the proposed coal development, and the socioeconomic considerations relevant to multiple-use management principles. To aid him in this evaluation and selection of coal lease, permit, or license tracts the authorized officer shall request and consider the views and recommendations of the Geological Survey and other appropriate Federal agencies, may hold public hearings after appropriate notice, and shall, as appropriate, consult with applicants, State and applicable local agencies, organizations, industries, and, where only the mineral estate is in Federal ownership, surface owners.

(c) If the Director determines that a decision made pursuant to paragraphs (a) or (b) of this section would be a major Federal action significantly affecting the quality of the human environment, and that an environmental impact statement as required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq) has not been prepared with respect thereto, such a statement will be prepared.

(d) If National Register or eligible National Register cultural resources might be affected by the issuance of coal leases, permits, or licenses, none will be authorized until compliance with Section 106 of the Historic Preservation Act and section 2(b) of E.O. 11593 has been accomplished.

(e) If a decision is made to offer tracts for coal leases, permits, or licenses, the authorized officer may, following the procedures in § 3041.2-1 of this Chapter, develop and include in such offer such special terms and conditions as may be required by specific local conditions to protect the environment, to permit use of the land for other purposes, to allow new postmining land uses, and to protect other resources.

(f) The following general performance standards shall be applicable to all coal exploration, development, mining, drilling, preparation, processing and reclamation operations on the surface of the land subject to these regulations:

(1) The operator shall conduct surface coal mining operations so as to maximize the extraction of the coal resource so that future disturbance through the resumption of mining will be minimized.

(2) The operator shall reclaim the land affected, as contemporaneously as practicable with operations, to a condition at least fully capable of supporting all actual or practicable uses which it was capable of supporting prior to any exploration or mining, or equal or better uses that can reasonably be attained.

(3) The operator shall replace overburden and waste materials in the mined area by backfilling (compacting where advisable, to insure stability or to prevent leaching of toxic materials), grading or other means so as, to the maximum extent practicable, to restore the approximate original contour and to eliminate high walls and spoil piles. Where the thickness of the coal deposits relative to the volume of overburden is large or where the overburden and other spoil waste materials are either insufficient or more than sufficient to restore the approximate original contour, the operator shall backfill, grade, and compact, using all available overburden or spoil material to obtain the lowest practicable grade, but not more than the angle of repose, in order to provide adequate drainage and to cover all acid-forming or other toxic materials. Excess overburden or other spoil material, after restoring the approximate original contour, shall be graded, compacted (where advisable), stabilized, and shaped in a way to protect against slides, erosion, subsidence and water pollution in accordance with the requirements of this Subpart. Restoration to approximate original contour may not be required if the Director of the Geological Survey, with the concurrence of the Director of the Bureau of Land Management or the appropriate officer of the Federal surface management agency, determines:

(i) That an equal or better proposed postmining land use is practicable and attainable and that a modification of this requirement is the best method of achieving the postmining use, or (ii) that unusual conditions, such as steeply dipping coal beds or multiple seam mining, exist which make backfilling pursuant to this paragraph impractical.

(4) Controlling acid or other toxic mine drainage and the adverse consequences thereof by such measures as, but not limited to, restricting the flow of water through acid or other toxic-producing materials; treating drainage to reduce acid or other toxic content which adversely affects downstream water upon being released to water courses; and casing, sealing, or otherwise treating drill holes, shafts and wells to keep acid or other toxic drainage from entering ground and surface waters.

(5) Conducting surface mining operations so as to prevent, to the maximum extent practicable,

(A) Contributions of suspended solids to streamflow or runoff outside the mining site above natural levels under seasonal flow conditions as measured for a period and at sites determined by the Mining Supervisor, in consultation with the authorized officer of the Federal surface management agency, and

(B) Deepening or enlargement of stream channels where operations require the discharge of water from mines.

(6) Removing or modifying siltation structures after disturbed areas are revegetated and stabilized, unless otherwise directed by the Mining Supervisor after consultation with the authorized officer of the surface management agency.

(7) Protecting to the maximum extent practicable throughout the mining and reclamation process, the quality and quantity of both upstream and downstream surface and ground water resources of these valley floors which provide water sources that support significant valley floor vegetation, or supply water for other purposes by such measures as, but not limited to, relocating and maintaining the gradient of streams.

(8) The operator shall, with respect to disposal of mine wastes, coal processing wastes and other wastes in areas other than the mine workings or other excavations, place all waste piles in area designated in the approved mining plan and stabilize them through construction in compacted layers, including, if necessary the use of incombustible and impervious materials; shape the waste pile to be compatible with natural surroundings and terrain, cover with topsoil, or other suitable material in accordance with paragraph (b)(4) of this section and revegetate in accordance with paragraph (b)(16) of this section.

(9) The operator shall refrain from surface coal mining within 200 feet of active and abandoned underground mines except as authorized in an approved mining plan.

(10) The operator shall incorporate sound engineering standards and practices for the design, construction, and use of impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes to insure that structures and impoundments will have necessary stability with an adequate margin of safety. No mine or processing waste shall be used in the construction of water impoundments, water retention facilities, dams, or settling ponds unless authorized in an approved mining plan.

(11) The operator shall:

(i) Treat or dispose of all rubbish and noxious substances in a manner designed to prevent air and water pollution and fire hazards.

(ii) Dispose of all solid waste resulting from the mining and preparation of coal in a manner designed to prevent to the maximum extent practicable air and water pollution and spontaneous ignition.

(12) The operator shall use explosives only in accordance with existing Federal and State laws and the conditions specified by the Mining Supervisor, who may require the operator to:

(i) Provide adequate advance written notice by publication and/or posting of the planned blasting schedule to local governments and to residents who might be affected by the use of such explosives, and maintain a log of the magnitudes and times of blasts for a period of at least two years.

(ii) Limit the size, timing, and frequency of blasts as determined by the physical conditions of the site, to prevent personal injury or damage to public and private property.

(13) The operator shall construct, maintain, and, when they are no longer necessary, remove roads, pipelines, powerlines, and similar utility access facilities into and across the area of operations in a manner that will prevent to the maximum extent practicable erosion and siltation, pollution of water, damage to fish or wildlife or their habitats, or public or private property, except that the Mining Supervisor with the concurrence of the authorized officer of the surface management agency, may approve the retention, after mining of specific roads where consistent with the proposed postmining use of the affected lands.

(14) The operator shall refrain from constructing roads or other access ways in or near stream beds or drainage channels that would seriously alter the normal flow of water therein.

(15) The operator shall, except where other reclamation is expressly provided for in an approved mining plan, establish on the regraded areas and all other affected lands a diverse vegetative cover, native to the area if capable of self-regeneration, at least equal in density and permanence to the natural vegetation. The Mining Supervisor, with the concurrence of the authorized officer of the surface management agency, may allow the use of introduced species as an interim measure where desirable to achieve quick cover.

(16) The operator shall assume responsibility for successful revegetation, as herein provided. The operator's responsibility and liability for revegetation of each planting area shall extend until such time as the authorized officer of the surface management agency, in consultation with the Mining Supervisor, determines that successful revegetation in compliance with paragraph (b)(16) of this section has occurred; provided that, this period shall extend for a minimum of five full years after the first year of planting and for a total period of liability not to exceed ten years from the original planting, and further provided that, where the authorized officer of the surface management agency determines that natural conditions, such as annual precipitation, soil characteristics and native vegetation, are stable and favor rapid revegetation, and that revegetation pursuant to paragraph (b)(16) of this section is likely to occur before the expiration of such minimum period, he may specify in the lease, permit, or license that such minimum period will not apply with respect to some or all of the lands included in the lease, permit, or license.

(1) An examination of the technical records, including the mining plan and § 3041.5 Public notice and inspection of records.

(2) The Mining Supervisor and the authorized officer of the surface management agency shall:

(i) Provide adequate advance written notice by publication and/or posting of the planned blasting schedule to local governments and to residents who might be affected by the use of such explosives, and maintain a log of the magnitudes and times of blasts for a period of at least two years.

(ii) Limit the size, timing, and frequency of blasts as determined by the physical conditions of the site, to prevent personal injury or damage to public and private property.

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(17) The operator shall incorporate sound engineering standards and practices for the design, construction, and use of impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes to insure that structures and impoundments will have necessary stability with an adequate margin of safety. No mine or processing waste shall be used in the construction of water impoundments, water retention facilities, dams, or settling ponds unless authorized in an approved mining plan.

(18) The operator shall:

(i) Treat or dispose of all rubbish and noxious substances in a manner designed to prevent air and water pollution and fire hazards.

(ii) Dispose of all solid waste resulting from the mining and preparation of coal in a manner designed to prevent to the maximum extent practicable air and water pollution and spontaneous ignition.

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(14) The operator shall refrain from constructing roads or other access ways in or near stream beds or drainage channels that would seriously alter the normal flow of water therein.

(4) The operator shall stabilize and protect all surface areas, including spoil piles, affected by the coal mining and reclamation operation, to effectively control slides, erosion, subsidence and attendant air and water pollution.

(5) The operator shall remove the topsoil separately, replace it on the backfill area or, if not utilized immediately, segregate it in a separate pile from other spoil. When the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, establish and maintain a cover by quick-growing plants or other means thereafter so that the topsoil is preserved from wind and water erosion and is in a condition for sustaining vegetation when used during reclamation. If topsoil is of insufficient quantity or of poor quality for sustaining vegetation, and if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which are best able to support vegetation.

(6) Where permanent impoundments of water on mining sites are to be created, the operator shall insure that:

(i) The impoundment is adequate for its intended purposes.

(ii) The impoundment will be designed and built in accordance with sound engineering standards and practices and applicable Federal and State laws and regulations.

(iii) The quality of impounded water will be suitable for its intended use and discharges from the impoundment will not unreasonably degrade the water quality in the receiving stream.

(iv) Final grading will provide adequate safety and access for proposed water users.

(v) Such water impoundments will not adversely affect the water resources utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

(7) The operator shall cover or plug all auger mine holes with noncombustible material in order to minimize or prevent harmful drainage.

(8) The operator shall minimize disturbances to the prevailing quality and quantity of water in surface and ground water systems, and of the prevailing erosion and deposition conditions at the mine site and in adjacent offsite areas, both during and after coal mining operations and during reclamation by:

(i) Controlling acid or other toxic mine drainage and the adverse consequences thereof by such measures as, but not limited to, restricting the flow of water through acid or other toxic-producing materials; treating drainage to reduce acid or other toxic content which adversely affects downstream water upon being released to water courses; and casing, sealing, or otherwise treating drill holes, shafts and wells to keep acid or other toxic drainage from entering ground and surface waters.

(ii) Conducting surface mining operations so as to prevent, to the maximum extent practicable,

(A) Contributions of suspended solids to streamflow or runoff outside the mining site above natural levels under seasonal flow conditions as measured for a period and at sites determined by the Mining Supervisor, in consultation with the authorized officer of the Federal surface management agency, and

(B) Deepening or enlargement of stream channels where operations require the discharge of water from mines.

(6) Removing or modifying siltation structures after disturbed areas are revegetated and stabilized, unless otherwise directed by the Mining Supervisor after consultation with the authorized officer of the surface management agency.

(7) Protecting to the maximum extent practicable throughout the mining and reclamation process, the quality and quantity of both upstream and downstream surface and ground water resources of these valley floors which provide water sources that support significant valley floor vegetation, or supply water for other purposes by such measures as, but not limited to, relocating and maintaining the gradient of streams.

(8) The operator shall, with respect to disposal of mine wastes, coal processing wastes and other wastes in areas other than the mine workings or other excavations, place all waste piles in area designated in the approved mining plan and stabilize them through construction in compacted layers, including, if necessary the use of incombustible and impervious materials; shape the waste pile to be compatible with natural surroundings and terrain, cover with topsoil, or other suitable material in accordance with paragraph (b)(4) of this section and revegetate in accordance with paragraph (b)(16) of this section.

(9) The operator shall refrain from surface coal mining within 200 feet of active and abandoned underground mines except as authorized in an approved mining plan.

(10) The operator shall incorporate sound engineering standards and practices for the design, construction, and use of impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes to insure that structures and impoundments will have necessary stability with an adequate margin of safety. No mine or processing waste shall be used in the construction of water impoundments, water retention facilities, dams, or settling ponds unless authorized in an approved mining plan.

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(ii) Limit the size, timing, and frequency of blasts as determined by the physical conditions of the site, to prevent personal injury or damage to public and private property.

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(14) The operator shall refrain from constructing roads or other access ways in or near stream beds or drainage channels that would seriously alter the normal flow of water therein.

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(B) Deepening or enlargement of stream channels where operations require the discharge of water from mines.

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(7) Protecting to the maximum extent practicable throughout the mining and reclamation process, the quality and quantity of both upstream and downstream surface and ground water resources of these valley floors which provide water sources that support significant valley floor vegetation, or supply water for other purposes by



## PROPOSED RULES

(18) The operator shall allow access to and upon the affected Federal land subject to lease, permit, or license for all lawful and proper purposes except where such access would unduly interfere with the authorized use or would constitute a hazard to public health and safety.

(19) The operator shall in all areas of active operations including lands undergoing reclamation, regulate public access, vehicular traffic, and wildlife or livestock grazing to protect the public, wildlife, and livestock from hazards associated with the operations and to protect the revegetated areas from unplanned and uncontrolled grazing. For this purpose the operator shall provide warnings, fencing, flag men, barricades, and other safety and protective measures as appropriate.

(20) In areas in which there are no current operations, the operator shall substantially backfill, fence, protect, or otherwise effectively close all surface openings, auger holes, subsidence holes, surface excavations or workings which are a hazard to people or animals. Openings at all underground mines which are temporarily closed shall be adequately fenced or equipped with a substantial incombustible gate or door which shall remain locked when not in use. Conspicuous signs shall be posted prohibiting entrance of unauthorized persons. All such protective measures shall be maintained in a secure condition during the term of the lease, permit, or license. Before permanent abandonment of operations, the operator shall:

(i) Close or backfill all openings and excavations, including water discharge points, or otherwise permanently deal therewith in accordance with sound engineering practices and according to the approved mining plan.

(ii) Promptly complete final reclamation and clean-up of surface areas around and near permanently abandoned operations including, except where otherwise expressly provided in the approved mining plan, removal of equipment and structures following cessation of mining operations.

(c) Prior to the issuance of a permit, lease, or license, the authorized officer may, in consultation with the Mining Supervisor, and the authorized officer of the surface management agency if other than the BLM, establish additional and more stringent requirements to meet exceptional and special circumstances, such as the degree of slope, soil conditions, and other site characteristics, and, if he does so, such additional and more stringent requirements shall be included in the permit, lease, or license.

(d) If the authorized officer of the surface management agency determines, after the issuance of the lease, permit, or license, that an approved exploration or mining plan should be required to be revised or supplemented to adjust to changed conditions or to correct oversights, he may propose such revision or supplement to the Mining Supervisor. Upon approval of the Mining Supervisor, such plan may be revised or supplemented pursuant to § 211.10(d) of 30 CFR Part 211.

(e) The following special provisions shall be applicable to the surface effects of underground mining.

(1) Each operator of an underground coal mine shall adopt measures consistent with feasible known technology in order to prevent or control subsidence, maximize mine stability, and maintain the value and use of surface lands, except in those instances where the mining method used requires planned subsidence in a predictable and controlled manner.

(2) Where pillars or panels are not removed and controlled subsidence is not part of the mining plan, pillars or panels of adequate dimensions shall be left to assure surface stability giving due consideration of the thickness and strength characteristics of the coal beds and of the strata above and immediately below the coal bed.

(3) The Mining Supervisor may require the operator to install a subsidence monitoring system consisting of elevation stations and tiltmeters in a number sufficient to determine the extent of area that may be affected. All records of such surveys shall be accessible for review by the Mining Supervisor.

(f) Visual resources. The operator shall take visual resources into account in the planning, design, and construction of facilities on the affected lands in accordance with lease terms and the approved plan.

(g) Fish and wildlife. The operator shall employ such measures as are deemed necessary to protect fish and wildlife and their habitat in accordance with lease terms and the approved plan.

(h) Cultural and scientific resources. The operator shall conduct operations that might have an effect on known or suspected archeological, paleontological, historical, or other cultural and scientific values in accordance with lease terms and the approved plan.

## § 3041.0-3 Use of surface.

(a) The operator shall be entitled to use only so much of the surface of the lands within the affected lands as is deemed necessary and has been designated in an approved plan. Any use of the Federal lands for a power generation plant or a commercial or industrial facility will be authorized only under a separate permit issued by the appropriate agency for that specific use and subject to all terms and conditions which it may include in that permit. The uses of the lands within the area of operation are subject to the supervision of the Mining Supervisor, and the uses of the remaining lands are subject to the supervision of the appropriate surface management agency. The operator shall not be entitled to use any mineral materials subject to the Materials Act except as provided by Part 3600 of this Chapter.

(b) Operations under other authorized uses on the same lands shall not unreasonably interfere with or endanger operations under uses authorized under the regulations in this chapter nor shall operations under the regulations in this Chapter unreasonably interfere with or endanger operations under any lease, license, permit, or other authorized use

pursuant to the provisions of any other Act.

## § 3041.1 Applications.

(a) Any person desiring a lease, permit, or license for coal development shall file an application in the proper BLM office, in accordance with the regulations in this Chapter.

(b) The application shall contain a preliminary plan of operation as described in § 3041.1-1 of this Subpart.

## § 3041.1-1 Preliminary plan.

(a) The preliminary plan required by these regulations shall include the following information:

(1) A map, or maps, available from State or Federal sources, showing the topography of the land applied for, on which the applicant shall show physical features, drainage patterns, present road and trail locations, present utility systems, proposed road and trail location, proposed location of surface and subsurface exploration sites, such as pits, seismic lines, drill holes, trenches, surface or underground mine workings; the proposed location of development or extraction facilities; and the proposed location and aerial extent of the areas to be used for pits, overburden, and tailings; and the location of water sources or other resources which may be used in the proposed operation or facilities incidental thereto.

(2) A narrative statement setting forth his proposed plan, methods, and schedule for diligent operations.

(b) The narrative statement shall also describe the measures proposed to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, damage to fish and wildlife or other natural resources, air and noise pollution and hazards to public health and safety during lease activities, including measures for monitoring the effects of operations on air and water. Such measures shall also include the actions to be taken and the methods to be utilized to meet the performance standards set forth in § 3041.0-7 of these regulations. The applicant shall not enter upon the land for any operational purpose, except for casual use, until he has received a lease, permit, or license and submitted to the Mining Supervisor an exploration or mining plan and received approval thereof. Casual use, as used in this section means activities which do not cause significant surface disturbance, or damage lands, resources and improvements, such as activities which do not include use of heavy equipment, or explosives or vehicular movement off established roads and trails which cause such disturbance.

## § 3041.2 Technical examination/environmental analysis.

In connection with an application for a coal lease, permit or license, or on BLM motion, the authorized officer, with the assistance of the Mining Supervisor, shall make a technical examination and environmental analysis (TEEA).

(a) The technical examination shall include:

(1) An examination of the technical feasibility of the preliminary plan and;

(2) An evaluation of the effect of the preliminary plan on other land uses, resources, or programs on or adjacent to the area.

(b) The environmental analysis shall include: An analysis of the impact of the preliminary plan and alternatives on the living and non-living components of the environment.

## § 3041.2-1 Technical examination/environmental analysis report.

(a) The TEEA report shall contain a summary which, using information from the TEEA, sets forth recommended bonding requirements and stipulations formulated to: (1) Require conformance with the performance standards found in § 3041.0-7 of this Chapter, (2) Identify specific reclamation requirements, (3) Identify tracts requiring special environmental consideration, and (4) minimize adverse impacts on the environment and other resources, land uses or programs.

(b) If it is recommended that a specific area within the applied for lands should be excluded from a lease, permit, or license, or modification thereof, or if it is recommended that an environmental impact statement is required, the TEEA report shall substantiate these findings.

## § 3041.3 Basis for denial of lease, permit, or license based upon past forfeiture.

(a) An application for a lease, permit, or license to conduct coal exploratory or extractive operations may be denied any applicant or offeror who has forfeited a bond because of failure to comply with an approved exploration or mining plan. However, a lease, permit, or license may not be denied an applicant or offeror because of the forfeiture of a bond if the affected lands under his previous lease, permit, or license have subsequently been reclaimed without cost to the Federal Government.

## § 3041.4 Compliance or performance bond.

(a) The provisions of the regulations in Subpart 3504 of this Chapter are hereby made applicable to these regulations. In addition each compliance bond will be conditioned upon faithful compliance with the regulations in this Subpart and any additional terms and conditions of the lease, permit, or license. In determining the amount of the compliance bond to be required, the authorized officer of the surface management agency and the Mining Supervisor shall consider the cost of complying with the performance and reclamation standards in § 3041.0-7, and with the terms and conditions of the lease, permit, or license.

(b) The authorized officer shall set the amount of a bond and take the necessary action for an increase or for a complete or partial release of a bond. He shall take such actions only after consultation with the Mining Supervisor.

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## § 3041.5 Public notice and inspection of records.

Any application for a lease, permit, or license, together with proposed terms, conditions, and special stipulations shall be made available in the proper BLM office. A notice that such material is available shall be posted in the proper BLM office, sent to the County Clerk for the County in which the affected lands are located for posting, and mailed to the surface owner of record if other than the United States. Except as otherwise provided in Part 3520 of this Chapter, the applicant shall, at no expense to the Federal Government, have published a copy of such notice in a newspaper of general circulation in the county in which the lands are situated once a week for four consecutive weeks, or for such other period as may be deemed advisable. Interested parties shall have a period of 30 days after publication of notice that such material is available for public inspection and comment thereon.

## § 3041.6 Reports.

(a) Operations. An operator, under a coal lease, permit or license, shall file with the Mining Supervisor, within 30 days after the end of each calendar year or within 30 days after the cessation of operations, a report, in duplicate, containing the following:

(1) Serial number of the lease, permit or license and a description of the lands affected by operations.

(2) The number of acres disturbed and the number of acres reclaimed, including revegetation.

(3) A description of the reclamation work remaining to be done.

(b) Grading and backfilling. Upon completion of backfilling and grading required by the operating plan, the operator shall submit a report thereon, in duplicate, to the Mining Supervisor and request inspection for approval. Whenever it is determined by such inspection that the backfilling and grading, which may proceed in appropriate stages, has met the requirements of the approved plan, the Mining Supervisor shall recommend to the authorized officer of the Bureau of Land Management, and/or other Federal surface management agency the release of an appropriate amount of the bond for the area satisfactorily backfilled and graded.

(c) Revegetation. (1) The operator shall file a report, in duplicate, with the Mining Supervisor within 30 days after each planting is completed. The report shall:

(i) Identify the lease, permit, or license.

(ii) Show the type of planting or seeding, including mixtures and amounts.

(iii) Show the date of planting or seeding.

(iv) Identify or describe the planted or seeded lands.

(v) Describe fertilization and irrigation procedures, if any, and contain such other information as may be considered relevant.

(2) The Mining Supervisor and the authorized officer of the surface management agency shall, as soon as possible after each full growing season, inspect and evaluate the revegetated areas to determine whether satisfactory vegetative growth has been established, or whether additional revegetation efforts may be required.

(d) Cessation or abandonment of operations. (1) Not less than 30 days prior to cessation or abandonment of operations, the operator shall submit to the Mining Supervisor, in duplicate, a report of his intention to cease or abandon operations, together with a statement of the exact number of acres affected by his operations, the extent and kind of reclamation accomplished, and a statement as to the structures and other facilities that are to be removed from or remain on the leased, permitted, or licensed lands.

(2) Upon receipt of such report, the Mining Supervisor and the authorized officer of the surface management agency shall make a joint inspection to determine whether operations have been completed in accordance with the approved operating plan. When the operator has complied with all requirements of the lease, permit, or license and the regulations of this Subpart, the Mining Supervisor shall recommend to the authorized officer of the Bureau of Land Management and/or the other Federal surface management agency that the period of bonded liability be terminated.

(3) When the surface of lands in a lease, permit or license is not owned by the United States, the Mining Supervisor shall consult the surface owner and obtain his recommendation as to whether the operation has been completed in accordance with the approved operating plan before recommending to the appropriate authorized officer that the period of liability of the bond be terminated.

## § 3041.7 Notice of noncompliance: Revocation.

(a) The authorized officer and the Mining Supervisor shall have the right to enter upon the lands under lease, permit, or license, at any reasonable time.

(b) If the authorized officer of the Federal surface management agency determines that an operator is conducting activities which are not in compliance with the requirements of a lease, permit, or license, applicable regulations, or the approved plan and such activities threaten immediate, serious, or irreparable damage to the environment, resources, health and safety of the employees and the public, the authorized officer may order the immediate cessation of such activities and shall promptly notify the Mining Supervisor. Upon such notification, the Mining Supervisor shall orally order immediate remedial action and issue a written notice of noncompliance, where appropriate.

(c) If the authorized officer determines that an operator is in noncompliance with the requirements of a lease, permit, or license, applicable regulations,

## PROPOSED RULES

or the approved plan and such noncompliance does not threaten immediate

thereof which shall be binding upon such officers. Any such order shall remain in

handling of coal in tribal and allotted Indian lands under leases and permits.

(e) "Authorized officer" means that officer designated by any Federal surface

for approval before mining operations commence showing the location, method and extent of mining and all related

testing, development, mining, preparation, handling, reclamation, and abandonment operations under the regu-



or the approved plan and such noncompliance does not threaten immediate, serious, or irreparable damage to the environment, resources, health and safety of the employees and the public, the authorized officer shall refer the matter to the Mining Supervisor for remedial action.

(d) Failure of the operator to take action in accordance with a written notice of noncompliance issued by the Mining Supervisor in accordance with the provisions of 30 CFR 211.72 shall be grounds for suspension of the operation and for possible cancellation of the lease, permit, or license in accordance with the regulations in 43 CFR 3500 of this Chapter.

#### § 3041.8 Application of State laws, regulations, practices, and procedures as Federal law by Federal officers.

(a) Upon request of the Governor of any State, the Secretary shall promptly review the laws, regulations, administrative practices and procedures in effect or due to come into effect with respect to reclamation of lands disturbed by surface mining of coal subject to the jurisdiction of that State, to determine whether such controls may appropriately be applied as Federal law to operations relating to coal owned by or subject to the jurisdiction of the United States. In such review the Secretary may hold such public hearings within the State as he may deem necessary and appropriate, and may receive evidence of mining or enforcement practices submitted in writing under oath by any person. He will take into account all relevant constructions and applications of such controls by competent State and local judicial and regulatory authorities, the desirability and practicability of uniformity between Federal and State controls, and the public policy of the State regarding the development of coal resources located therein.

(b) After such review, the Secretary may, by order, direct that all or part of such State laws, regulations, practices and procedures shall be applied as Federal law by the authorized officers of the Department with respect to coal within that State owned by or subject to the jurisdiction of the United States, if he determines that such application would

(1) effectuate the purposes of this Subpart;

(2) result in protection of environmental values which is at least as stringent as would otherwise occur under exclusive application of Federal controls; and

(3) would be consistent with the interest of the United States in the timely and orderly development of its coal resources.

(c) Pending issuance of an order under paragraph (b) of this section, nothing in this section shall be deemed or construed to stay or suspend any otherwise applicable Federal law, regulation, practice or procedure. Any such order under paragraph (b) of this section shall specifically set forth the controls to be applied by Federal officers, and may include specific findings of fact or interpretations

thereof which shall be binding upon such officers. Any such order shall remain in effect until rescinded or modified by subsequent order of the Secretary, upon his own motion or at the request of a Governor.

As proposed Part 211 of Title 30 of the Code of Federal Regulations is revised to read as follows:

#### PART 211—COAL MINING OPERATING REGULATIONS

Sec.	Scope and purpose.
211.1	Definitions.
211.2	Responsibilities.
211.3	General obligations of lessees, permittees, and licensees (including designated operators or agents).
211.4	Public inspection of records.

##### MAPS AND PLANS

211.10	Exploration and mining plans.
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##### PROSPECTING AND EXPLORATION OPERATIONS

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##### MINING METHODS AND MINE ABANDONMENT

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##### RECLAMATION AND PERFORMANCE STANDARDS

211.40	Operating and reclamation standards.
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##### MISCELLANEOUS PROVISIONS

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##### INSPECTION, ISSUANCE OF ORDERS, ENFORCEMENT OF ORDERS AND APPEALS

211.70	Inspection of underground and surface conditions.
211.71	Notices, instructions and orders.
211.72	Enforcement of orders.
211.73	Appeals.
211.74	Application of State laws, regulations, practices, and procedures as Federal law by Federal officers.

#### § 211.1 Scope and purpose.

(a) The regulations in this Part shall govern operations for the discovery, testing, development, mining, preparation, and handling of coal under coal leases, licenses, and permits issued for federally-owned coal, regardless of surface ownership, pursuant to the regulations in 43 CFR Group 3500 and the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), and for the reclamation of lands disturbed by such operations. These regulations shall also apply to operations for the discovery, testing, development, mining, preparation, and

handling of coal in tribal and allotted Indian lands under leases and permits, regardless of ownership of the surface, issued under the regulations in 25 CFR Parts 171, 172, and 174, and for the reclamation of lands disturbed by such operations.

(b) The purpose of the regulations in this Part is to assure orderly and efficient prospecting, exploration, testing, development, mining, preparation and handling operations, and production practices, without avoidable waste or loss of coal or other mineral resources or damage to coal-bearing or other mineral-bearing formations; to encourage maximum recovery and use of coal resources; to ensure operating practices which will avoid, minimize, or correct resulting damage to the environment—land, water, and air—and to public health and safety; to require effective reclamation of lands; and to require a proper record and accounting of all coal produced.

(c) When the regulations in this Part relate to matters included in the regulations in 25 CFR Part 177—Surface Exploration, Mining, and Reclamation of Lands—pertaining to Indian lands, the regulations in that Part shall govern to the extent of any inconsistencies. In any event, the operating and reclamation standards of § 211.40 of this Part shall apply.

(d) The responsibility for enforcement of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801) and the coal mine health and safety regulations contained in Chapter I of this Title is vested in the Mining Enforcement and Safety Administration, Department of the Interior.

#### § 211.2 Definitions.

As used in this Part, the following terms shall have the following meanings:

(a) *Acid and toxic producing deposits* means natural or reworked earth materials having chemical and physical characteristics that, under mining or postmining conditions of drainage, exposure, or other processes, may produce effluents that contain chemical constituents, such as acids, bases, or metallic compounds, in sufficient concentrations to adversely affect the environment.

(b) *Affected lands* means any lands affected or to be affected by exploration, development, and mining operations and the construction of facilities necessary and related to such operations.

(c) *Approximate original contour* means the surface configuration achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to mining (although not necessarily the original elevation) and blends into and complements the drainage pattern and topography of the surrounding terrain.

(d) *"Area of operations"* means that area of the leased, permitted or licensed lands which is required for exploration, development, producing, and processing operations, including all related surface structures and facilities, and which is delineated on a map or plat that is made a part of the approved plan.

(e) *"Authorized officer"* means that officer designated by any Federal surface managing agency to exercise its authority in matters relating to coal leases, licenses, and permits and these regulations.

(f) *"Coal"* means coal of all ranks, from lignite to anthracite.

(g) *"Conservation Manager"* means a Conservation Manager, Conservation Division, Geological Survey.

(h) *"Director"* means the Director of the Geological Survey, U.S. Department of the Interior.

(i) *"Division Chief"* means the Chief of the Conservation Division, Geological Survey.

(j) *"Exploration plan"* means a detailed plan submitted to the Mining Supervisor for approval before exploration operations commence showing the location and type of exploration work to be conducted, environmental protection procedures, roads, and reclamation procedures to be followed upon completion of such operations.

(k) *"General Coal Mining Order"* means a formal numbered order issued by the Mining Supervisor, with the prior approval of the Division Chief, which implements the regulations in this Part and applies to operations in a specified geographic area.

(l) *"Lease lands, leased premises, or leased tract"* means lands embraced within a coal lease and subject to the regulations in this Part.

(m) *"Lessee"* means any person or persons, partnership, association, corporation, or municipality to whom a coal lease is issued, subject to the regulations in this Part, or an assignee of such lease under an approved assignment.

(n) *"Licensee"* means any individual, association of individuals, or municipality to whom a coal license is issued, subject to the regulations in this Part.

(o) *"Logical mining unit"* means an area of coal land that can be developed and mined in an efficient, economical, and orderly manner, with due regard to conservation of coal reserves and other resources. A unit may consist of one or more Federal leaseholds and may include intervening or adjacent non-Federal lands, insofar as all lands are under the effective control of a single operator.

(p) *"Maximum extent practicable"* means, with respect to a performance standard or a level of control, that degree of compliance which can be achieved with commercially available technology, taking into account the costs of such compliance and all tangible and intangible environmental and other benefits which would be derived therefrom.

(q) *"Method of Operation"* means the method and manner by which any activities are performed by the operator, as described in a preliminary plan or an exploration or mining plan.

(r) *"Mine"* means an underground or surface excavation and the surface or underground support facilities that contribute directly or indirectly to coal mining, preparation, and handling.

(s) *"Mining plan"* means a detailed plan submitted to the Mining Supervisor

for approval before mining operations commence showing the location, method and extent of mining and all related activities necessary and incident to such operations, including the steps to be taken to protect the environment during operations, reclamation, and abandonment.

(t) *"Mining Supervisor"* means the Area Mining Supervisor, Conservation Division, Geological Survey, or District Mining Supervisor or other subordinate acting under his direction.

(u) *"Operator"* means a lessee, permittee, or licensee, or one conducting operations on lands under the authority of the lessee, permittee, or licensee.

(v) *"Permanent impoundment"* means an artificially built, dammed, or excavated place for retention of water or sediment that is intended to remain after abandonment of the operation.

(w) *"Permit lands"* means lands embraced within a coal prospecting permit and subject to the regulations in this Part.

(x) *"Permittee"* means any person or persons, partnership, association, corporation, or municipality to whom a coal prospecting permit subject to the regulations in this Part is issued, or an assignee of such permit under an approved assignment.

(y) *"Preparation"* means the crushing, sizing, cleaning, drying, mixing, and other processing of coal to prepare it for market.

(z) *"Reclamation"* means the process of returning affected lands to a stable condition and form consistent with their premining productivity and use.

(aa) *"Secretary"* means the Secretary of the Interior.

(bb) *"Significant valley floor vegetation"* means farm crops, including hay, that are integral parts of agricultural or ranching operations and forests or meadows with significant recreational, watershed, or wildlife habitat value.

(cc) *"Topsoil"* means natural earth materials at or adjacent to the land surface with physical and chemical characteristics necessary to support vegetation.

(dd) *"Valley floors"* means the channels, floodplains, and adjacent low terraces of perennial, intermittent, or ephemeral streams that are flooded during periods of high flow and that are underlain by unconsolidated stream-laid deposits. Excluded are higher terraces and slopes underlain by colluvial and other surficial deposits normally occurring along valley margins.

#### § 211.3 Responsibilities.

(a) Subject to the supervisory authority of the Secretary, the regulations in this Part shall be administered by the Director, through the Division Chief, the Conservation Manager, and the Mining Supervisor.

(b) The Mining Supervisor is empowered to approve, disapprove, or require modification of exploration and mining plans pursuant to this Part.

(c) The Mining Supervisor is empowered to oversee prospecting, exploration,

testing, development, mining, preparation, handling, reclamation, and abandonment operations under the regulations in this Part. The Mining Supervisor, in the performance of his duties shall:

(1) *Inspection of operations.* Examine, as frequently as necessary but at least quarterly, the lease, permit, or license lands where operations for the discovery, testing, development, mining, preparation, and handling of coal and reclamation of affected lands are conducted, or are to be conducted; inspect such operations, for the purpose of determining whether waste or degradation of mineral substances or damage to formations and deposits or non-mineral resources affected by the operations is being minimized, and whether all provisions of applicable laws, regulations and orders, all terms and conditions of leases, permits, or licenses, and all requirements of approved exploration or mining plans are being complied with.

(2) *Compliance.* Require operators to conduct operations subject to this Part in compliance with all provisions of applicable laws, regulations, and orders, all terms and conditions of leases, permits, or licenses, and all requirements of approved exploration or mining plans.

(3) *Reports and recommendations.* Make reports to the Division Chief, through the Conservation Manager, as to the general conditions of lands under permit, lease, or license, and the manner in which operations are being conducted and orders or instructions are being complied with; and submit information and recommendations for protecting the coal, the coal-bearing formations, other mineral resources, and the non-mineral resources.

(4) *Manner and form of records, reports, and notices.* Prescribe, subject to the approval of the Division Chief, the manner and form in which records of operations, reports, and notices shall be made.

(5) *Records of production; rentals and royalties.* Obtain and check coal production and sales records; determine rental and royalty liability of lessees and permittees; collect and deposit rental and royalty payments; maintain rental and royalty accounts.

(6) *Waiver, suspension, or reduction of rental or minimum royalty.* Act on applications for waiver, suspension, or reduction of rental or minimum royalty filed pursuant to 43 CFR 3503.3-2(d); and transmit to the Bureau of Indian Affairs for appropriate action, applications for waiver, suspension, or reduction of rental or minimum royalty under leases on Indian lands.

(7) *Suspension of operations and production.* Act on applications for suspension of operations or production, or both, filed pursuant to 43 CFR 3503.3-2(e), and terminate, when appropriate, suspensions which have been granted; and transmit to the Bureau of Indian Affairs for appropriate action, applications for suspension of operations or production, or both, under leases on Indian lands.

(8) *Cessation and abandonment of operations.* Upon receipt of notice of pro-

cessing shall conform to the provisions of applicable laws and regulations, including

vegetation. The number of holes and analyses will be specified by the Mining

the lands affected by the operations. The

velocity of prevailing winds; and the

tary into which mine waters will be discharged, if applicable.



(8) *Cessation and abandonment of operations.* Upon receipt of notice of proposed cessation or abandonment of operations, or relinquishment of a lease, permit, or license, inspect and determine whether the operator has complied with the terms and conditions of the permit, lease, or license, and the approved exploration or mining plans; whether all rentals and royalties due the lessor have been paid; and determine and report to the Federal agency having administrative jurisdiction over the lands when the lands have been properly conditioned for abandonment. Before approving any such proposed action, the Mining Supervisor will consult with, or obtain the concurrence of, the authorized officer of the Federal agency having administrative jurisdiction over the lands with respect to compliance by the operator with the surface protection and reclamation requirements of the lease, permit, or license, and the exploration or mining plan.

(9) *Wells or prospect holes.* Prescribe or approve the methods for protecting coal-bearing formations from damage or contamination that might be incurred as a result of any wells or prospect holes drilled to, or through, the coal-bearing formations, for any purpose, on lands embraced within a coal lease, permit, or license.

(10) *Trespass.* Report to the Federal agency having administrative jurisdiction over the lands any trespass that involves exploration activities or removal of coal.

(11) *Water and air quality.* Inspect operations to determine compliance with water management and pollution control measures for the protection and control of the quality of surface and ground water resources and compliance with emission control measures for the protection and control of air quality, as required by the approved plans.

(12) *Implementation of regulations.* Issue General Coal Mining Orders and other orders and instructions, and grant consents and approvals, when necessary, to implement or assure compliance with the regulations in this Part. Oral orders, instructions, approvals, and consents shall be confirmed in writing.

(13) *Reclamation bonds.* Determine whether the amounts of bonds or other equally appropriate financial arrangements are at all times adequate to satisfy the estimated costs of completion of remaining reclamation requirements of the approved exploration or mining plan.

(14) *Consultation.* Consult with the authorized officer of the Federal surface managing agency before taking any final action to approve an exploration or mining plan or modification thereof and to determine the amount of a bond for reclamation purposes.

#### § 211.4 General obligations of lessees, permittees, and licensees (including designated operators or agents).

(a) *Operations involving the discovery, testing, development, mining, preparation, and handling of coal, and reclamation and abandonment of lands*

shall conform to the provisions of applicable laws and regulations, including applicable effluent and emission limitations; the terms and conditions of the lease, permit, or license; the requirements of an approved exploration or mining plan; and the orders and instructions issued by the Mining Supervisor.

(b) The operator shall take all actions necessary to minimize waste and damage to coal-bearing formations or other mineral resources.

(c) The operator shall take such action as may be needed to minimize, control, and to the maximum extent practicable, avoid (1) soil erosion; (2) pollution of air; (3) pollution of surface or ground water; (4) serious diminution of the normal flow of water; (5) permanent damage to vegetative growth, crops, or timber; (6) injury or destruction of fish and wildlife and their habitat; (7) creation of unsafe or hazardous conditions; (8) damage to improvements, whether owned by the United States, its permittees, licensees, or lessees, or by others; and (9) damage to recreational, scenic, historical, and archaeological values of the land. The surface of leased or permit lands shall be reclaimed as contemporaneously as practicable with the mining operations and in accordance with the terms and conditions prescribed in the lease, permit, or license and the provisions of the approved mining or exploration plan. Good housekeeping practices shall be observed at all times. Where any question arises as to the necessity for, or the adequacy of, an action to meet the requirements of this paragraph, the determination of the Mining Supervisor shall be final, subject to the right of appeal as provided in Part 290 of this Chapter.

(d) The operator shall, when and as required by the Mining Supervisor, monitor water quality to establish data necessary to determine procedures which may be required to minimize, control, or avoid water pollution pursuant to the regulations in this Part.

(e) Accidents threatening damage to the mine, the lands or other resources, or accidents which could cause air or water pollution, along with corrective actions initiated, shall be reported promptly to the Mining Supervisor by telephone. Within 30 days after an accident the operator shall submit to the Mining Supervisor a detailed report of damages caused by the accident and the corrective actions taken.

(f) In areas where surface mining is anticipated, the operator shall drill an adequate number of holes in the overburden overlying the coal, and the stratum immediately below the coal to be mined. The operator shall sample and log each stratum penetrated and analyze each stratum for at least the following: nitrogen, phosphorus, potassium, and pH, and conduct any other tests which the Mining Supervisor may specify. The analyses will be used to determine which materials must be buried during the stripping operations and to determine suitable material that will be placed near the surface for favorable propagation of

vegetation. The number of holes and analyses will be specified by the Mining Supervisor.

(g) The operator shall submit the reports required by 25 CFR Part 177, Part 200 of this Chapter, this Part, and any other reports required by the Mining Supervisor.

#### § 211.5 Public inspection of records.

(a) Geological and geophysical information and data, including maps, concerning wells and trade secrets, and commercial or financial information obtained from a person under this Part and identified as privileged or confidential shall not be available for public inspection without the consent of the permittee or lessee, so long as the permittee or lessee furnishing such data, or his successors or assignees, continues to hold a permit or lease of the lands involved.

(b) Mining plans submitted under § 211.10 of this Part will be made available for public inspection in the office of the appropriate Mining Supervisor. For new mine plans, for major modifications in existing surface mine plans, or for surface related changes in existing underground plans submitted for approval, interested parties will have a 30-day period after publication of notice to inspect such plans in the office of the District or Area Mining Supervisor and to comment thereon before any action with respect to such approval shall be taken by the Mining Supervisor. A notice of the availability of the plan shall be prepared by the Mining Supervisor, posted at the appropriate office on the day the plan is received, and mailed to the surface owner of record, if other than the United States, and to the appropriate county clerk for posting or publication. A copy of such notice shall be published by the operator in a local newspaper of general circulation in the locality of the proposed operation at least once a week for four consecutive weeks.

#### MAPS AND PLANS

#### § 211.10 Exploration and mining plans.

(a) *General.* Before conducting any operation other than casual use, the operator shall submit to the Mining Supervisor, and obtain his approval of, an exploration or mining plan. Casual use, as used in this section, means activities which do not cause significant surface disturbance or damage to lands, resources and improvements, such as activities which do not include heavy equipment, explosives, or vehicular movement off established roads and trails which causes such disturbance. All such plans shall be submitted in quintuplicate, and shall show in detail the proposed prospecting, exploration, testing, development, mining, preparation, reclamation, and abandonment operations to be conducted. Exploration and mining plans shall be consistent with and responsive to the requirements of the lease, permit, or license for maximizing recovery of the resources, for the protection of non-mineral resources, and for the reclamation of the surface of

the lands affected by the operations. The exploration and mining plans shall show that reclamation is an integral part of the plan and will progress as contemporaneously as practicable with the operations, and shall provide sufficient information to substantiate the effectiveness of the proposed reclamation method. Except as provided in paragraph (e) of this section as to partial plans, where a logical mining unit has been approved by the Mining Supervisor, the mining plan shall cover all operations in the unit. The Mining Supervisor, after considering all comments received pursuant to § 211.5(b), shall, in writing, promptly approve or disapprove the plan or indicate what modifications are necessary to conform to the provisions of the applicable laws and regulations and the terms and conditions of the permit or lease.

(b) *Exploration plans.* The Mining Supervisor shall require that an exploration plan include all of the following:

(1) A brief description of geologic, water, vegetation, fish, wildlife, and other physical factors that may be affected by the proposed operation within the area where exploration is to be conducted.

(2) A description of the present land use within and adjacent to the area.

(3) A narrative description including:

(i) Method of exploration and types of equipment to be used.

(ii) Measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat and other natural resources, and hazards to public health and safety.

(iii) Method for plugging drill holes.

(iv) Measures to be taken for surface reclamation which shall take into account the impact of the proposed operation on adjacent land uses and shall include, as appropriate:

(A) A reclamation schedule.

(B) Method of grading, backfilling, and contouring.

(C) Method of soil preparation and fertilizer application.

(D) Type and mixture of shrubs, trees, grasses, or legumes to be planted.

(E) Method of planting, including quantity and spacing.

(4) Estimated timetable for each phase of the work and for final completion of the program.

(5) Suitable maps or aerial photographs showing existing topographic, cultural, and drainage features, the proposed location of drill holes, trenches, access roads, and other items, as required by the Mining Supervisor.

(c) *Mining plans.* The Mining Supervisor shall require that a mining plan include all of the following:

(1) A description of the environment within the area where mining is to be conducted. Such description shall include, as a minimum, geologic conditions, including potential geologic hazards; types, depths, and distribution of soils; types, density, and distribution of vegetation; a monthly range of temperature, precipitation and average direction and

velocity of prevailing winds; and the dominant fish and wildlife species.

(2) The conditions of the land covered by the mining plan prior to any mining, including:

(i) The uses existing at the time the mining plan is submitted for approval.

(ii) The capability of the land prior to any mining to support alternative uses, giving consideration to soil characteristics, topography, annual precipitation, and vegetative cover.

(3) The use which is proposed to be made of the land following reclamation, including any consideration which has been given to making the surface mining and reclamation operations consistent with applicable State and local land use plans and programs.

(4) A description of how the proposed postmining land use is to be achieved, including any necessary support activities and facilities.

(5) A narrative description, including:

(i) Nature and extent of the coal deposit, including estimated recoverable reserves.

(ii) Method of mining, including mining sequence and proposed production rate.

(iii) The engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; the plan for the control of water drainage and accumulation; the plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and revegetation; and an estimate of the cost per acre of the reclamation, including a statement as to how the operator plans to comply with the requirements set out in Section 211.40(a) of this Part and any special terms and conditions of the lease, permit or license.

(iv) The anticipated starting and termination dates of each phase of the mining operation and number of acres of land to be affected.

(v) The steps to be taken to comply with applicable air and water quality laws and regulations.

(vi) Proposed measures for insuring the maximum practicable recovery of the mineral resource.

(vii) An estimated timetable for the accomplishment of each major step of reclamation.

(viii) The method of abandoning mine openings.

(ix) The logs and analyses of overburden samples and the method of depositing the spoils based on these samples.

(x) The hydrology of the area, including quantity and quality of water in surface and ground water systems, water levels and water table measurements, data regarding dissolved and suspended solids under seasonal flow conditions, and an assessment of the probable impacts of the anticipated mining operation upon the hydrology of the area.

(6) Suitable maps or aerial photographs showing:

(i) Topographic, cultural, archaeological, and natural drainage features, roads, and vehicular trails.

(ii) The name of the watershed and location of the surface stream or tribu-

tary into which mine waters will be discharged, if applicable.

(iii) Cross sections and plan views of the land to be affected, including the actual area to be mined, showing elevation and location of drill holes and depicting the following information: the nature and depth of the various strata of overburden; the information on subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined within the area of land to be affected; existing surface mining limits, if any; the location and extent of known workings of any underground mines, including mine openings; the location of aquifers; the estimated elevation of the water table; the location of spoil, waste, or refuse areas and topsoil preservation area; the location of all impoundments or other water treatment facilities; constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and cross sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation activities.

(iv) Locations of surface structures and facilities.

(v) For an underground mine, the planned mine layout, including location and dimensions of shafts, slopes, drifts, crosscuts, rooms, haulageways, air-courses, entries, and barrier pillars.

(d) *Changes in plans.* Exploration and mining plans may be required to be reasonably revised or supplemented at any time by the Mining Supervisor, after consultation with the authorized officer of the Federal surface managing agency, to adjust to changed conditions or to correct oversights. If the operator seeks to change an approved plan, he shall submit a written statement of the proposed revision and the justification therefore to the Mining Supervisor. If any such revision or supplement would constitute a major modification of an approved mining plan, the Mining Supervisor shall follow the procedures provided in § 211.5(b) of this Part. The Mining Supervisor, after considering any comments received, shall, in writing, approve any such revision or specify the modifications thereto under which the proposed revision would be acceptable.

(e) *Partial plan.* If the circumstances warrant, or if development of an exploration or mining plan for the entire operation is dependent upon unknown factors which cannot, or will not, be determined except during the progress of the operations, a partial plan may be approved and supplemented from time to time. A partial plan shall include all information required by paragraph (c) of this section to the extent that such information is available.

§ 211.11 Approaching oil, gas, or water wells.

When mining operations approach wells or bore holes that may liberate oil,

ing vegetation when used during reclamation. If the soil is of insufficient quantity, the operator shall, in writing, notify the Mining Supervisor of the need for additional vegetation.

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fore mining the available coal in each

on the surface of the land subject to

ing vegetation when used during reclamation. If the soil is of insufficient quantity, the operator shall, in writing, notify the Mining Supervisor of the need for additional vegetation.



gas, water, or other fluid substances, the lessee shall present his plans for mining the coal, protecting the wells or bore holes, and for obtaining maximum recovery, so far as practicable, in the vicinity of such holes, and must obtain the approval of the Mining Supervisor before proceeding with mining.

#### § 211.12 Mine maps.

(a) *General requirements.* The operator shall maintain an accurate and up-to-date map of the mine, drawn to a scale acceptable to the Mining Supervisor. All maps shall be appropriately marked with reference to government landmarks or lines and elevations with reference to sea level. Before any mine, or section of a mine, is abandoned, closed, or made inaccessible, a survey of such mine or section shall be made and recorded on the maps. All excavations in each separate bed shall be shown in such a manner that the production of coal for any royalty period can be accurately ascertained. Additionally, the map shall show the name of the mine; the name of the lessee; the lease, permit, or license serial number, or Bureau of Indian Affairs lease or permit contract number, tribal name of tribal land, allotment number, if allotted land, and name of the Indian reservation; the lease boundary lines; surface buildings; dip of the bed; true north; map scale and explanatory legend; and such other information as the Mining Supervisor shall request. Copies of such maps shall be properly posted to date and furnished, in duplicate, to the Mining Supervisor annually, or at such other times as he deems necessary.

(b) *Underground mine maps.* Underground mine maps shall, in addition to the general requirements of paragraph (a) of this section, show all mine workings; the date of extension of the mine workings and a coal section at each entry face; the location of all surface mine fans; the position of all fire walls, dams, main pumps, fire pipelines, permanent ventilation stoppings, doors, overcasts, undercasts, permanent seals, and regulators; the direction of the ventilating current in the various parts of the mine at the time of making the latest surveys; sealed areas, known bodies of standing water, either in or above the workings of the mine; areas affected by squeezes; the elevations of surface and underground levels of all shafts, slopes or drifts; and the elevation of the floor, or bottom of the mine workings, at regular intervals in main entries, panels or sections, and sump areas.

(c) *Surface mine maps.* Surface mine maps shall, in addition to the general requirements of paragraph (a) of this section, include date of extension of the mine workings and a coal section at not less than 100-foot intervals along the highwall; all worked out areas; the uncovered, but unmined, coal beds; and the elevation of the top of the coal beds.

(d) *Vertical projections and cross sections of mine workings.* When required by the Mining Supervisor, vertical projections and cross sections shall accompany plan views.

(e) *Other maps.* The operator shall prepare such other maps of the leased lands as, in the judgment of the Mining Supervisor, are necessary to show the surface boundaries; location, surface elevation, depth and thickness of the coal, and total depth of each bore hole; improvements; reclamation completed; topography, including subsidence resulting from mining; and the geological and hydrologic conditions as determined from outcrops, drill holes, exploration or mining; and water monitoring stations.

(f) *Accuracy of maps.* The accuracy of maps furnished shall be certified by a professional engineer, professional land surveyor, or other professionally qualified person.

#### § 211.13 Failure of lessee to furnish maps.

(a) *Liability of lessee for expense of survey.* If the operator fails to furnish a required map, the Mining Supervisor shall employ a qualified mine surveyor to make a survey and a map of the mine, the cost of which shall be charged to, and promptly paid by, the operator.

(b) *Incorrect maps.* If any map submitted by an operator is believed to be incorrect, the Mining Supervisor may cause a survey to be made. If the survey shows the maps submitted by the lessee to be substantially incorrect, in whole or in part, the cost of making the survey and preparing the maps shall be charged to, and promptly paid by, the operator.

#### PROSPECTING AND EXPLORATION OPERATIONS

#### § 211.20 Information required to be submitted.

The operator shall submit promptly to the Mining Supervisor, upon request, upon completion or suspension of prospecting or exploration operations, or as provided in the leases, permits, and licenses, duplicate signed copies of records and geologic interpretations of all prospecting and exploration operations performed on the lease or permit lands, including recoverable reserve calculations, along with vertical cross sections through the land and a map showing the exact location of coal outcrops, all drill holes, trenches and other prospecting activities. The records shall include a log of all strata penetrated and conditions encountered, such as water, quicksand, gas, or any unusual conditions; copies of all other in-hole surveys, such as electric logs, gamma ray-neutron logs, sonic logs, or any other logs produced; and copies of coal analyses and results of other tests conducted on the land. All drill holes, trenches, and excavations will be logged under the supervision of a qualified geologist or engineer. Unless otherwise authorized by the Mining Supervisor, representative samples of all drill cores or cuttings shall be retained by the operator for one year and shall be available for inspection or analysis at the convenience of the Mining Supervisor.

#### § 211.21 Core and test holes.

(a) *Surveillance wells.* With the approval of the Mining Supervisor, drill

holes may be utilized as surveillance wells for the purpose of monitoring the effect of subsequent operations upon the quantity, quality, or pressure of ground water or mine gases.

(b) *Blowout control devices.* When drilling on lands valuable or potentially valuable for oil and gas or geothermal resources, the operator shall, when required by the Mining Supervisor, set and cement casing in the hole and install suitable blowout prevention equipment.

(c) *Use of wells by others.* Upon receipt of a written request from the surface owner or Federal surface administering agency, the Mining Supervisor may approve the transfer of an exploratory well for further use as a water well. Approval of such well transfer will be accompanied by a corresponding transfer of responsibility for any liability for damage and eventual plugging.

#### MINING METHODS AND MINE ABANDONMENT

#### § 211.30 Maximum recovery—underground mines.

Mining operations shall be conducted in a manner to yield the maximum recovery of the coal deposits consistent with the protection and use of other natural resources, sound economic practice, and the protection of the environment—land, water, and air. No entry, level, or panel workings in which the pillars have not been completely extracted within safe limits shall be permanently abandoned and rendered inaccessible, except with the written approval of the Mining Supervisor.

#### § 211.31 Subsidence.

(a) Each operator of an underground coal mine shall adopt measures consistent with feasible known technology in order to prevent or control subsidence, maximize mine stability, and maintain the value and use of surface lands, except in those instances where the mining method used requires planned subsidence in a predictable and controlled manner.

(b) Where pillars or panels are not removed and controlled subsidence is not part of the mining plan, pillars or panels of adequate dimensions shall be left to assure surface stability, giving due consideration to the thickness and strength characteristics of the coal beds and of the strata above and immediately below the coal bed.

(c) The Mining Supervisor may require the operator to install a subsidence monitoring system consisting of elevation stations and tiltmeters in a number sufficient to determine the extent of area that may be affected. All records of such surveys shall be accessible for review by the Mining Supervisor.

#### § 211.32 Multiple seam mining: underground mining.

(a) *Sequence of mining.* In general, the available coal in the upper beds shall be worked out before the coal in the lower beds is mined, and simultaneous workings in an upper coal bed shall be kept in advance of the workings in each lower bed. The Mining Supervisor may authorize mining of any lower beds be-

fore mining the available coal in each known upper bed.

(b) *Protective barrier pillars in multiple seam mining.* In areas subject to multiple seam extraction, the protective barrier pillars for all main and secondary slope entries, main haulageways, primary aircourses, bleeder entries, and manways in each seam shall be superimposed, regardless of vertical separation or rock competency; however, modifications, exceptions, or variations of this requirement may be approved in advance by the Mining Supervisor.

#### § 211.33 Advance workings: underground mines.

Where the room and pillar or other system of mining requires advance workings in solid coal, including entries, rooms or crosscuts, the lessee shall leave sufficient pillars to ensure the maximum practicable recovery of the coal deposits.

#### § 211.35 Pillars left for support.

(a) *Barrier pillars.* The operator shall not, without the prior consent of the Mining Supervisor, mine any coal, drive any underground workings, or drill any lateral bore holes within 50 feet of any of the outside boundary lines of the leased lands, or within such greater distance of said boundary lines as the Mining Supervisor may prescribe. Payment up to and including the full value of the coal mined may be required for coal mined within such designated distances of the boundary without the written consent of the Mining Supervisor.

(b) *Lessee may be required to mine barrier pillars on adjacent lands.* If the coal beyond any barrier pillar has been worked out and the water level beyond the pillar is below the lessee's adjacent operations, the lessee shall, on the written order of the Mining Supervisor, mine out and remove all available Federal coal in such barrier, both in the lands covered by the lease and in the adjoining premises, if it can be mined without hardship to the lessee.

(c) *Privately or tribally owned coal on adjoining premises.* If the coal mining rights in adjoining premises are privately or tribally owned and this coal has been worked out, an agreement may be made with the coal owner for the extraction of the coal remaining in the boundary pillars which otherwise may be lost.

#### § 211.36 Development of leased tract through adjoining mines.

An operator may, with the approval of the Mining Supervisor, mine leased land from an adjoining underground mine on land privately owned or controlled or from adjacent leased lands, subject to the right of free access to the Federal premises by the Mining Supervisor.

#### RECLAMATION AND PERFORMANCE STANDARDS

#### § 211.40 Operating and reclamation standards.

(a) *Performance standards.* The following performance standards shall be applicable to all coal exploration, development, mining, drilling, preparation, processing, and reclamation operations

on the surface of the land subject to these regulations.

(1) The operator shall conduct surface coal mining operations so as to maximize the extraction of the coal resource so that future disturbance through the resumption of mining will be minimized.

(2) The operator shall reclaim the land affected pursuant to his approved plan, as contemporaneously as practicable with operations, to a condition at least fully capable of supporting all practicable uses which it was capable of supporting prior to any exploration or mining, or equal or better uses that can reasonably be attained.

(3) The operator shall replace overburden and waste materials in the mined area by backfilling (compacting, where advisable, to insure stability or to prevent leaching of toxic materials), grading, or other means so as, to the maximum extent practicable, to eliminate highwalls and spoil piles and to restore the original contour. Where the thickness of the coal deposits relative to the volume of overburden is large or where the overburden and other spoil and waste materials are either insufficient or more than sufficient to restore the approximate original contour, the operator shall backfill, grade, and compact, using all available overburden or spoil material, to obtain the lowest practicable grade, but not more than the angle of repose, in order to provide adequate drainage and to cover all acid-forming or other toxic materials.

Excess overburden or other spoil material, after restoring the approximate original contour, shall be graded, compacted (where advisable), stabilized, and shaped in a way to protect against slides, subsidence, erosion, and water pollution, in accordance with the requirements of this Part. Restoration to approximate original contour may not be required if the Director of the Geological Survey, with the concurrence of the Director of the Bureau of Land Management or the appropriate officer of the Federal surface management agency, determines: (i) That an equal or better proposed postmining land use is practicable and attainable and that a modification of this requirement is the best method of achieving that postmining use, or (ii) that unusual conditions, such as steeply dipping coal beds or multiple seam mining, exist which make backfilling pursuant to this paragraph impractical.

(4) The operator shall stabilize and protect all surface areas, including spoil piles, affected by the coal mining and reclamation operation, to effectively control slides, erosion, subsidence and attendant air and water pollution.

(5) The operator shall remove the topsoil separately, replace it on the backfill area or, if not utilized immediately, segregate it in a separate pile from other spoil. When the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, the operator shall establish and maintain a cover by quickgrowing plants or other means thereafter so that the topsoil is preserved from wind and water erosion and is in a condition for sustain-

ing vegetation when used during reclamation. If topsoil is of insufficient quantity or of poor quality for sustaining vegetation, and if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which are best able to support vegetation.

(b) The operator shall, where permanent impoundments of water on mining sites are to be created, insure that:

(i) The impoundment is adequate for its intended purposes.

(ii) The impoundment will be designed and built in accordance with sound engineering standards and practices and applicable Federal and State laws and regulations.

(iii) The quality of impounded water will be suitable for its intended use and discharges from the impoundment will not unreasonably degrade the water quality in the receiving stream.

(iv) Final grading will provide adequate safety and access for proposed water users.

(v) Such water impoundments will not adversely affect the water resources utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

(7) The operator shall cover or plug all auger mine holes with noncombustible material in order to minimize or prevent harmful drainage.

(8) The operator shall minimize disturbances to the prevailing quality and quantity of water in surface and ground water systems, and of the prevailing erosion and deposition conditions at the mine site and in adjacent offsite areas, both during and after coal mining operations and during reclamation by:

(i) Controlling acid or other toxic drainage and the adverse consequences thereof by such measures as, but not limited to, restricting the flow of water through acid or other toxic-producing materials, treating drainage to reduce acid or other toxic content which adversely affects downstream water upon being released to water courses; and casing, sealing, or otherwise treating drill holes, shafts and wells to keep acid or other toxic drainage from entering ground and surface waters.

(ii) Conducting surface mining operations so as, to the maximum extent practicable, to prevent (A) contributions of suspended solids to streamflow or runoff outside the mining site above natural levels under seasonal flow conditions as measured for a period and at sites determined by the Mining Supervisor, in consultation with the authorized officer of the Federal surface managing agency, and (B) deepening or enlargement of stream channels where operations require the discharge of water from mines.

(iii) Removing or modifying siltation structures after disturbed areas are revegetated and stabilized unless otherwise directed by the Mining Supervisor after consultation with the authorized officer of the Federal surface managing agency.

(iv) Protecting, to the maximum extent practicable throughout the mining

and reclamation process, the quality and

tions in a manner that will control or

fencing, flagmen, barricades, and other

§ 211.42 Disposal of mine waste or re-

and other impurities of final weighing of

port of his intention to cease or abandon



and reclamation process, the quality and quantity of both upstream and downstream surface and ground water resources of those valley floors which provide water sources that support significant valley floor vegetation or supply water for other purposes, by such measures as, but not limited to, relocating and maintaining the gradients of streams.

(9) The operator shall, with respect to surface disposal of mine wastes, coal processing wastes, and other wastes in areas other than the mine workings or other excavations, place all waste piles in areas designated in the approved mining plan and stabilize them through construction in compacted layers, including, if necessary, the use of incombustible and impervious materials; shape waste piles to be compatible with the natural surroundings and terrain; cover with topsoil or other suitable material in accordance with paragraph (a) (5) of this section; and revegetate in accordance with paragraph (a) (16) of this section.

(10) The operator shall refrain from surface coal mining within 200 feet of active and abandoned underground mines, except as may be authorized in the approved mining plan.

(11) The operator shall incorporate sound engineering standards and practices for the design, construction, and use of impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes to insure that structures and impoundments will have necessary stability with an adequate margin of safety. No mine or processing waste shall be used in the construction of water impoundments, water retention facilities, dams, or settling ponds unless authorized in the approved mining plan.

(12) The operator shall:

(i) Treat or dispose of all rubbish and noxious substances in a manner designed to prevent air and water pollution and fire hazards;

(ii) Dispose of all solid waste resulting from the mining and preparation of coal in a manner designed to prevent, to the maximum extent practicable, air and water pollution and spontaneous ignition.

(13) The operator shall use explosives only in accordance with existing Federal and State laws and the conditions specified by the Mining Supervisor, who may require the operator to:

(i) Provide adequate advance written notice by publication and/or posting of the planned blasting schedule to local governments and to residents who might be affected by the use of such explosives, and maintain a log of the magnitudes and times of blasts for a period of at least two years.

(ii) Limit the size, timing, and frequency of blasts, as determined by the physical conditions of the site, to prevent personal injury or damage to public and private property.

(14) The operator shall construct, maintain and, when they are no longer necessary, remove roads, pipelines, powerlines and similar utility access facilities into and across the site of opera-

tions in a manner that will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property, except that the Mining Supervisor, with the concurrence of the authorized officer of the Federal surface managing agency, may approve the retention, after mining, of specific access roads where consistent with the proposed postmining use of the affected lands.

(15) The operator shall refrain from constructing roads or other access ways in or near stream beds or drainage channels that would seriously alter the normal flow of water therein.

(16) The operator shall, except where other reclamation is expressly provided for in an approved mining plan, establish on the regraded areas and all other affected lands a diverse vegetative cover, native to the area and capable of self-regeneration, at least equal in density and permanence to the natural vegetation. The Mining Supervisor, with the concurrence of the authorized officer of the Federal surface managing agency, may allow the use of introduced species as an interim measure, where desirable, to achieve quick cover.

(17) The operator shall assume responsibility for successful revegetation, as herein provided. The operator's responsibility and liability for revegetation of each planting area shall extend until such time as the authorized officer of the Federal surface managing agency, in consultation with the Mining Supervisor, determines that successful revegetation, in compliance with paragraph (a) (16) of this section, has occurred; provided that, this period shall extend for a minimum of five full years after the first year of planting, and for a total period of liability not to exceed 10 years from the original planting; and further provided that, where the authorized officer of the Federal surface managing agency determines that natural conditions, such as annual precipitation, soil characteristics and native vegetation, are stable and favor rapid revegetation, and that revegetation pursuant to paragraph (a) (16) of this section is likely to occur before the expiration of such minimum period, he may specify in the lease, permit, or license that such minimum period will not apply with respect to some or all of the lands included in such lease, permit, or license.

(18) The operator shall allow access to and upon the affected Federal lands subject to lease, permit, or license for all lawful and proper purposes, except where such access would unduly interfere with the authorized use or would constitute a hazard to public health and safety.

(19) The operator shall, in all areas of active operations, including lands undergoing reclamation, regulate public access, vehicular traffic, and wildlife or livestock grazing to protect the public, wildlife, and livestock from hazards associated with the coal mining and exploration operations and to protect the revegetated areas from unplanned and uncontrolled grazing. For this purpose, the operator shall provide warning signs,

fencing, flagmen, barricades, and other safety and protective measures as appropriate.

(b) *Fire prevention.* Accumulations of slack coal or combustible waste shall be stored in a location and manner so as not to be a fire hazard. If a coal seam exposed by surface mining or an accumulation of slack coal or combustible waste becomes ignited during the term of a lease, the operator will immediately extinguish the fire.

(c) *Coal face to be covered in strip pits.* Upon completion or indefinite suspension of mining operations in all or any part of a strip pit, the face of the coal shall be covered with non-combustible material that will effectively protect the coal bed from becoming ignited.

(d) *Underground workings from any strip pit.* The driving of any underground openings by auger or other methods from any strip pit shall not be undertaken without prior written approval of the Mining Supervisor.

§ 211.41 Abandonment; surface openings.

(a) *Prospecting and development.* Drill holes, trenches, and other excavations for development or prospecting shall be abandoned in a manner to protect the surface and not to endanger any present or future underground operations or any deposit of oil, gas, other mineral resources, or ground water. Methods of abandonment shall be approved in advance by the Mining Supervisor and may include backfilling, cementing, capped casing, or combinations of these, or other methods.

(b) *Temporary abandonment.* In areas in which there are no current operations, the operator shall substantially backfill, fence, protect, or otherwise effectively close all surface openings, auger holes, subsidence holes, surface excavations or workings which are a hazard to people or animals. Openings at all underground mines which are temporarily closed shall be adequately fenced or equipped with a substantial incombustible gate or door which shall remain locked when not in use. Conspicuous signs shall be posted prohibiting entrance of unauthorized persons. All such protective measures shall be maintained in a secure condition during the term of the lease, permit, or license.

(c) *Mining—permanent abandonment.* Before permanent abandonment of operations, all openings and excavations, including water discharge points, shall be closed or backfilled, or otherwise permanently dealt with in accordance with sound engineering practices and according to the approved mining plan.

(d) *Reclamation and clean-up.* Reclamation and clean-up of surface areas around and near permanently abandoned underground and strip mines, including, except where otherwise expressly provided in the approved mining plan, removal of equipment and structures related to the mining operation, shall commence without delay following cessation of mining operations.

§ 211.42 Disposal of mine waste or rejects.

(a) All waste or rejects containing practically no coal shall be deposited separately and apart from sized coal for which no immediate market exists. Waste piles shall be shaped to blend into the surrounding area, covered with topsoil or other suitable material in accordance with § 211.40(a) (5) and revegetated in accordance with § 211.40(a) (16).

(b) Waste containing coal in such quantity that it may be later separated from the waste by washing or other means shall also be stored separately.

#### MISCELLANEOUS PROVISIONS

§ 211.60 Production records, royalty, and audits; maintenance of and access to records.

(a) Lessee shall maintain current and accurate records showing: (1) The type, quality or grade, and weight of all coal mined, sold, used on the premises, or otherwise disposed of, and all coal in storage (remaining in inventory); (2) The prices received for all coal sold and to whom sold, by type and by quality or grade.

(b) All records maintained in accordance with paragraph (a) of this section, and all other records which are pertinent to or related to lessee's operation, shall be available for examination, upon request, by the Mining Supervisor or other authorized officer of the Secretary of the Interior.

(c) Licensees must maintain a correct record of all coal mined and removed.

§ 211.61 Basis for royalty computation.

(a) *Value Basis.* The value of production for the purpose of computing royalty shall be the product of (1) the sale or contract price of the coal prepared for shipment f.o.b. the mine and (2) the weight of coal delivered at the usual and customary place of shipment. However, if there is no sale or contract price, as in the case of coal used or stored by the operator, or if the Mining Supervisor determines that the sale or contract price has not been arrived at in an arms-length transaction, the Mining Supervisor shall determine the estimated reasonable value of the product, giving due consideration to the price of coal being sold in any current arms-length transactions in the same area, and such other relevant factors as may be appropriate to establish the comparability of such transactions.

(b) *Bone or other impurities.* All bone coal, rock, and other impurities may be removed from the raw coal prior to determination of coal weights for royalty purposes.

(c) *Discretion of Mining Supervisor.* (1) The right is reserved to the Mining Supervisor to determine and declare the value, either before or after receipt of royalty payments, if it is deemed necessary by him to do so for protection of the interests of the lessor.

(2) If royalties become due and payable prior to removal of bone coal, rock,

and other impurities of final weighing of coal, the Mining Supervisor may determine, by estimate, the weight of the coal for royalty purposes. In addition, the Mining Supervisor may, after the removal of bone coal, rock, and other impurities and final weighing of the coal, require the payment of such additional royalties, or allow such credits or refunds as may be necessary, to adjust the royalty payments to reflect the true weight of the coal.

§ 211.62 Reports.

(a) *Operations.* An operator under a coal lease, permit, or license shall file with the Mining Supervisor, within 30 days after the end of each calendar year or within 30 days after the cessation of operations, a report, in duplicate, containing the following:

(1) Serial number of the lease, permit, or license and a description of the lands affected by operations.

(2) The number of acres disturbed and the number of acres reclaimed, including revegetation.

(3) A description of the reclamation work remaining to be done.

(b) *Grading and backfilling; bond.* Upon completion of backfilling and grading required by the operating plan, the operator shall submit a report thereon, in duplicate, to the Mining Supervisor and request inspection for approval. Whenever it is determined by such inspection that the backfilling and grading, which may proceed in appropriate stages, has met the requirements of the operating plan, the Mining Supervisor shall recommend to the authorized officer of the Bureau of Land Management and/or other Federal surface managing agency release of an appropriate amount of the compliance bond for the area satisfactorily backfilled and graded.

(c) *Revegetation.* (1) The operator shall file a report, in duplicate, with the Mining Supervisor within 30 days after each planting is completed. The report shall:

(i) Identify the lease, permit, or license.

(ii) Show the type of planting or seeding, including mixtures and amounts.

(iii) Show the date of planting or seeding.

(iv) Identify or describe the planted or seeded lands.

(v) Describe fertilization and irrigation procedures, if any, and contain such other information as may be considered relevant.

(2) The Mining Supervisor and the authorized officer of the Federal surface managing agency shall, as soon as possible after each full growing season, inspect and evaluate the revegetated areas to determine whether satisfactory vegetative growth has been established, or whether additional revegetation efforts may be required.

(d) *Cessation or abandonment of operations.* (1) Not less than 30 days prior to cessation or abandonment of operations, the operator shall submit to the Mining Supervisor, in duplicate, a re-

port of his intention to cease or abandon operations, together with a statement of the exact number of acres affected by his operations, the extent and kind of reclamation accomplished, and a statement as to the structures and other facilities that are to be removed from or remain on the leased, permitted, or licensed lands.

(2) Upon receipt of such report, the Mining Supervisor and the authorized officer of the Federal surface managing agency shall make a joint inspection to determine whether operations have been completed in accordance with the approved operating plan. Where the operator has complied with all requirements of the lease, permit, or license and the regulations of this Part, the Mining Supervisor shall recommend to the authorized officer of the Bureau of Land Management and/or the Federal surface managing agency that the period of bonded liability be terminated.

(3) When the surface of lands in a lease, permit, or license is not owned by the United States, the Mining Supervisor shall consult the surface owner and obtain his recommendation as to whether the operation has been completed in accordance with the approved operating plan before recommending to the appropriate authorized officer that the period of liability of the bond be terminated.

(e) *Production and payments.* (1) *Lessees.* Lessees shall report, on the report form provided, within 30 days after expiration of the period covered by the report, all coal mined during each calendar quarter and the value basis on which royalty has been paid or will be paid. Except as provided by leases and permits issued under the regulations in 25 CFR Parts 171, 172, 173, and 174, the royalty for coal mined shall be paid prior to the end of the third month succeeding the extraction of the coal from the mine.

(2) *Licensees.* Licensees shall report all coal mined on a semi-annual basis on the report form provided.

(3) *Penalty.* If a lessee or permittee records or reports less than the true weight or value of coal mined, the Secretary may impose a penalty equal to double the amount of royalty due on the shortage, or the full value of the shortage. If, after warning, a lessee or permittee maintains false records or files false reports, a suit to cancel the lease may be instituted in addition to the imposition of penalties.

§ 211.63 Audits.

An audit of the lessee's accounts and books may be required annually, or at other such times as may be directed by the Mining Supervisor, by a qualified independent certified public accountant and at the expense of the lessee. The lessee shall furnish, free of cost, duplicate copies of such annual or other audits to the Mining Supervisor within 30 days after the completion of each auditing. Where such audits are required, the Mining Supervisor will specify the purpose and scope of the audit and the information which is to be verified or obtained.



# INSPECTION, ISSUANCE OF ORDERS, ENFORCEMENT OF ORDERS AND APPEALS § 211.70 Inspection of underground and surface conditions.

The operator shall provide access and means at all reasonable times for the Mining Supervisor to inspect or investigate the operation to determine whether it is in compliance with applicable laws, regulations, and orders; the terms and conditions of the lease, permit, or license; and the requirements of the exploration or mining plan.

## § 211.71 Notices, instructions, and orders.

(a) *Address of responsible party.* Before beginning operations, the operator shall inform the Mining Supervisor, in writing, of the operator's temporary and permanent post office address and the name and post office address of the superintendent, or designated agent, who will be in charge of the operations and who will act as the local representative of the operator. Thereafter, the Mining Supervisor shall be informed of each change of address.

(b) *Receipt of notices, instructions, and orders.* The operator shall be construed to have received all notices, instructions, and orders that are mailed to or posted at the mine or mine office, or mailed or handed to the superintendent, the mine foreman, the mine clerk, or higher officials connected with the mine or exploration site for transmittal to the operator or his local representative.

## § 211.72 Enforcement of orders.

(a) If the Mining Supervisor determines that an operator has failed to comply with the regulations in this Part, other applicable Departmental regulations, the terms and conditions of the lease, permit, or license, the requirements of an approved exploration or mining plan, or with the Mining Supervisor's orders or instructions, and such non-compliance does not threaten immediate, serious, and irreparable damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Mining Supervisor shall serve a notice of non-compliance upon the operator by delivery in person to him or his agent or by certified or registered mail addressed to the operator at his last known address. Failure of the operator to take action in accordance with the notice of non-compliance or to appeal to the Director pursuant to Part 290 of this Chapter shall be grounds for suspension of operations by the Mining Supervisor or his recommendation for the initiation of action for cancellation of the lease, permit, or license and forfeiture of the required bonds.

(b) The notice shall specify in what respect the operator has failed to comply with the provisions of applicable regulations, the terms and conditions of the lease, permit, or license, the requirements of an approved exploration or mining plan, or the orders and instructions of the Mining Supervisor, and shall specify the action which must be taken to cor-

rect the non-compliance and the time limits within which such action must be taken. A written report shall be submitted by the operator when a non-compliance has been corrected.

(c) If, in the judgment of the Mining Supervisor, an operator is conducting activities which fail to comply with the regulations, the terms and conditions of the lease, permit, or license, the requirements of approved exploration or mining plans or the Mining Supervisor's orders or instructions and which threaten immediate, serious, or irreparable damage to the environment, the mine or the deposit being mined, or other valuable ore-bearing mineral deposits or other resources, the Mining Supervisor shall order the immediate cessation of such activities, without prior notice of non-compliance, either in writing or orally with written confirmation. Such order may be appealed as provided in Part 290 of this Chapter. Compliance with such order shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Director or the Interior Board of Land Appeals (depending upon the official before whom the appeal is pending), and then only upon a determination that such suspension will not be detrimental to the lessor or adversely affect the public interest, or upon submission of a bond deemed adequate to indemnify the lessor from loss or damage.

## § 211.73 Appeals.

Orders or decisions issued under the regulations in this Part may be appealed as provided in Part 290 of this Chapter.

## § 211.74 Application of State laws, regulations, practices, and procedures as Federal law by Federal officers.

(a) Upon request of the Governor of any State, the Secretary shall promptly review the laws, regulations, administrative practices and procedures in effect, or due to come into effect, with respect to reclamation of lands disturbed by surface mining of coal, subject to the jurisdiction of that State, to determine whether such controls may appropriately be applied as Federal law to operations relating to coal owned by or subject to the jurisdiction of the United States. He shall take into account all relevant constructions and applications of such controls by competent State and local judicial and regulatory authorities, the desirability and practicability of uniformity between Federal and State controls, and the public policy of the State regarding the development of coal resources located therein.

(b) After such review, the Secretary may, by order, direct that all or part of such State laws, regulations, practices, and procedures shall be applied as Federal law by the authorized officers of the Department with respect to coal within that State owned by or subject to the jurisdiction of the United States, if he determines that such application would

(1) effectuate the purposes of this Part; (2) result in protection of environmental values which is at least as stringent as would otherwise occur under exclusive

application of Federal controls; and (3) would be consistent with the interest of the United States in the timely and orderly development of its coal resources.

(c) Pending issuance of an order under subsection (b) hereof, nothing in this Section shall be deemed or construed to stay or suspend any otherwise applicable Federal law, regulation, practice, or procedure. Any such order under subparagraph (b) shall specifically set forth the controls to be applied by Federal officers and may include specific finds of fact, or interpretations thereof, which shall be binding upon such officers. Any such order shall remain in effect until rescinded or modified by subsequent order of the Secretary, upon his own motion or at the request of a Governor.

## PART 216—OPERATING REGULATIONS GOVERNING THE MINING OF COAL IN ALASKA

Part 216 of Chapter II of this Title 30 of the Code of Federal Regulations is revoked.

## PART 23—SURFACE EXPLORATION, MINING AND RECLAMATION OF LANDS

### § 23.2 [Amended].

Section 23.2(b) of Part 23 of Title 43 of the Code of Federal Regulations is amended by the deletion of the period and the addition at the end thereof of the following language: "; nor minerals or operations subject to the provisions of 43 CFR Subpart 3041."

Dated: August 29, 1975.

KENT FRIZZELL,  
Acting Secretary.

[FR Doc.75-23486 Filed 9-4-75; 8:45 am]

## Geological Survey [30 CFR Parts 211, 216] COAL MINING OPERATING REGULATIONS

### Notice of Proposed Rulemaking

CROSS REFERENCE: For a document issued by the Bureau of Land Management and Geological Survey, Department of the Interior, see FR Doc. 75-23486 appearing elsewhere in this issue.

## National Park Service [36 CFR Part 7]

### BLUE RIDGE PARKWAY, NORTH CAROLINA-VIRGINIA

#### Parking and Crossing Permits for Hunters

Notice is hereby given that pursuant to the authority contained in Section 3 of the Act of August 25, 1916 (39 Stat. 555; 16 U.S.C. 3); the Act of June 30, 1936 (49 Stat. 2041; 16 U.S.C. 460a-2 as amended); 245 DMI (27 F.R. 6395); National Park Service Order No. 66 (36 F.R. 21218), as amended; and Regional Director, Southeast Region Order No. 5 (37 F.R. 7721), it is proposed to amend § 7.34 of Title 36 of the Code of Federal Regulations as is set forth below.

The purpose of the amendment is to conform hunter parking and crossing permits issued by the Superintendent, Blue Ridge Parkway, with the applica-

ble hunting seasons of the States of Virginia and North Carolina.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Blue Ridge Parkway, Post Office Box 7606, Asheville, N.C. 28807 on or before October 7, 1975.

Section 7.34(d) is revised as set forth below:

## § 7.34 Blue Ridge Parkway.

(d) *Parking and crossing permits for hunters.* During the hunting seasons for game birds and game animals prescribed by the States of North Carolina and Virginia, hunters may, under permits issued by the Superintendent, park vehicles in designated parking areas, cross Parkway lands from and to their vehicles with dogs on leash, firearms unloaded with breach or chamber open, bows unstrung, and wildlife lawfully killed on lands adjacent to the Parkway. The loading or unloading of any hunter, dog, or game from any point within the Parkway boundaries other than at previously designated parking areas is prohibited.

GRANVILLE B. LILES,  
Superintendent,  
Blue Ridge Parkway.

[FR Doc.75-23764 Filed 9-4-75; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### [9 CFR Part 113]

### VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

#### Notice of Extension of Time To Submit Written Data, Views, or Arguments

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that the time for filing data, views, and arguments with respect to the proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in 9 CFR Part 113, as published in the FEDERAL REGISTER on June 17, 1975, (40 FR 15754) is extended to October 17, 1975. (37 Stat. 832-833; 21 U.S.C. 151-158).

Because of the newness of the requirements contained in the proposal, unexpected variations in the test results have occurred and additional time has been requested by industry to conduct more of the tests before making their comments.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, Maryland 20782. All comments re-

ceived on or before October 17, 1975, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at the above address, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27 (b)).

Done at Washington, D.C., this 2nd day of September, 1975.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc.75-23653 Filed 9-4-75; 8:45 am]

## [9 CFR Parts 317, 319]

### "COUNTRY," "COUNTRY STYLE," OR "DRY CURED" HAMS AND PORK SHOULDERS

#### Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture, pursuant to the authority conferred by sections 7 and 21 of the Federal Meat Inspection Act, as amended (21 U.S.C. 607, 621), proposes to amend the Federal meat inspection regulations (9 CFR, Chapter III, Subchapter A) to establish a standard for products labeled "Country Ham," "Country Style Ham," "Country Pork Shoulder," "Country Style Pork Shoulder," "Dry Cured Ham," and "Dry Cured Pork Shoulder."

*Statement of Considerations:* On July 17, 1971, there appeared in the FEDERAL REGISTER (36 FR 13273) a notice of proposed rule making, pursuant to a request by a group of meat processors in North Carolina, to provide a standard for hams and pork shoulders labeled with the term "Country" or "Country Style."

A total of 145 comments were received. General agreement was indicated on the following points:

1. A standard should be established for hams and pork shoulders labeled as "Country" or "Country Style."
2. "Country" or "Country Style" hams and pork shoulders must be free of live trichinae and capable of being distributed without refrigeration.
3. The products should be dry cured; have a salt content of at least 4 percent throughout, and shrink a minimum of 18 percent from the weight of the raw uncured meat.

4. The term "Country" should be considered as generic when used in the labeling of hams and pork shoulders, referring to product characteristics rather than the geographic location where the product is produced.

A significant number of the comments recommended that the standard be flexible enough to permit processors to prepare products with variable characteristics of flavor and texture or other unique properties that were familiar to

and expected by their customers. This included provisions to permit product preparation under natural atmospheric conditions. There was a lack of unanimity, as shown by the numerous recommendations made, on the time period necessary for curing, salt equalization, and drying or "aging."

The majority of comments suggested that allowing an internal temperature in excess of 95° F. during the drying or "aging" period would not be consistent with the processing practices traditionally associated with hams and pork shoulders merchandised as "Country."

Based on the information, views, and arguments submitted on the proposal, as well as other information available to the Department on July 13, 1972, the Department published in the FEDERAL REGISTER (37 FR 13717-18) a second proposal.

Forty seven comments were received in response to the second proposed standard. The response was generally favorable except, again for the time period necessary for curing, salt equalization and aging; and the maximum temperature to which such products should be subjected during drying or aging.

In an effort to establish appropriate requirements, the Department has reviewed the development of these products. The Department's information indicates that years ago it became common practice for people, especially in the rural areas, to prepare meat during the colder months of the winter so that it would not spoil when the warmer months of spring and summer arrived. This preparation, or preserving procedure, involved the application of salt, and in some cases other things such as saltpeter, and the natural removal of moisture. The salt had time to penetrate and equalize in the meat during these colder months. With the warming temperatures of spring and summer the drying process continued and completed the preservation; killed any possible live trichinae; and contributed to the development of flavor, odor, texture, and visual characteristics which became associated with products prepared in this manner.

With the advent of mechanical refrigeration and other technological advances, the preservation of these types of products were no longer dependent on climatic conditions. However, the Department is interested in establishing minimum requirements that will produce a product having properties which will approximate those traditionally associated with country cured products. In so doing, the Department is neither attempting to forestall technological advances, nor trying to contribute to a rapid evolution in the methods used in preparing country cured products.

A review of 230 processing procedures for country cured products revealed that the majority of plants are using procedures which do not raise the product's temperature above 95° F., and require at least 70 days for hams, and 50 days for pork shoulders, for curing, salt equalization and drying (or aging). A shorter



time period can be used for pork shoulders because of the difference in shape and smaller size of the pork shoulders. These procedures, coupled with the usual applications of salt and cure and an 18 percent shrink from fresh weight, seem to produce a product which has characteristics approximating those traditionally expected, and which has gained wide recognition and acceptance as being country cured. Adopting such procedures, however, will not prohibit the production of products under natural climatic conditions and which are held for aging for much longer periods provided such preparation procedures assure a safe and wholesome finished product.

Some hams and pork shoulders are prepared using procedures that are very similar to those proposed herein for country cured products, but differ primarily in drying (aging time). Since such products could not be called "country" or "country style," the Department proposed that they could properly and accurately be called "dry cured hams" or "dry cured pork shoulders," as the case may be.

The proposed standard provides for the use of mixtures of salt and sodium (or potassium) nitrate and/or nitrite, and of salt alone. In curing mixtures containing nitrate or nitrite and salt, the usual application is 4 pounds of salt per 100 pounds of meat.

When salt is used alone, the Department believes the amount used should be based on obtaining a brine concentration of at least 10 percent or a water activity of not more than 0.92. Such a brine concentration can usually be attained by using 7 pounds of salt for each 100 pounds of meat. However, because of the effects of time and temperature during drying, 7 pounds may not be needed in each process. The brine concentration is determined in the finished product by analyzing for salt and moisture, and dividing the salt content by the total salt plus moisture content. Water activity (usually abbreviated as *A<sub>w</sub>*) refers to available water in product which microorganisms depend on for growth, since their nutrients must be in solution. The *A<sub>w</sub>* for fresh meat is 0.99 or above, as compared to an *A<sub>w</sub>* of 1.0 for pure water. The *A<sub>w</sub>* of 0.99 for meat is at or near the optimum for many varieties of microorganisms, although many can grow at a lower *A<sub>w</sub>*. As the *A<sub>w</sub>* decreases the conditions become less favorable for microbial growth.

Therefore, based on the comments, views, data and other information considered, the Department is proposing to amend the federal meat inspection regulations to provide standards of composition for country cured and dry cured products as set forth herein.

1. Subpart D of Part 319 would be amended by adding thereto a new § 319.106 to read:

§ 319.106 "Country ham," "country style ham," "dry cured ham," "country pork shoulder," "country style pork shoulder," and "dry cured pork shoulder."

(a) "Country Ham," "Country Style Ham," or "Dry Cured Ham" and "Country

Style Pork Shoulder," "Country Style Pork Shoulder," or "Dry Cured Pork Shoulder" are the uncooked, cured, dried, smoked or unsmoked meat food products made respectively from a single piece of meat conforming to the definition of "ham," as specified in § 317.8(b) (13) of this subchapter, or from a single piece of meat from a pork shoulder. They are prepared in accordance with paragraph (b) of this section by the dry application of salt (NaCl), or by the dry application of salt (NaCl) and one or more of the optional ingredients as specified in paragraph (c) of this section. They may not be injected with nor placed in curing solutions.

(b) (1) The entire exterior of the ham or pork shoulder shall be coated by the dry application of salt or by the dry application of salt combined with other ingredients as permitted in paragraph (c) of this section. Additional salt or salt mixed with other permitted ingredients, may be reapplied to the product as necessary to insure complete penetration of cure.

(2) When sodium (or potassium) nitrate or nitrite, or both, is used, the application of salt shall be in sufficient quantity to insure that the finished product has an internal salt content of at least 4 percent.

(3) When sodium (or potassium) nitrate or nitrite is not used, the application of salt shall be in sufficient quantity to insure that the finished product has a brine concentration of not less than 10 percent or a water activity of not more than 0.92.

(4) For hams or pork shoulders labeled "country" or "country style," the combined period for curing and salt equalization shall not be less than 45 days for hams, and shall not be less than 25 days for pork shoulders; and the total time for curing, salt equalization, and drying shall not be less than 70 days for hams, and shall not be less than 50 days for pork shoulders. If the product is dried under controlled atmospheric conditions during the drying period, the internal temperature of the product must not exceed 95° F.

(5) For hams or pork shoulders labeled "dry cured," the combined period for curing and salt equalization shall not be less than 45 days for hams, and shall not be less than 25 days for pork shoulders; and the total time for curing, salt equalization, and drying shall not be less than 55 days for hams, and shall not be less than 40 days for pork shoulders.

(6) The weight of the finished hams and pork shoulders covered in this section shall be at least 18 percent less than the fresh weight.

(c) The optional ingredients for products covered in this section are:

(1) Sucrose, dextrose, corn syrup solids, honey, pepper, spices, flavorings and other ingredients as approved by the Administrator in specific cases.

(2) Sodium or potassium nitrate and sodium or potassium nitrite used as prescribed in this section and in accordance with § 318.7(c) (4) of this subchapter.

(d) The product must be treated for the destruction of possible live trichinae in accordance with section 318.10 of the regulations in this subchapter.

(e) The method of preparation must result in product capable of being distributed without refrigeration.

#### § 317.8 [Amended]

2. In § 317.8(b), the following provision would be added at the end of the first sentence in subparagraph (2): "And Provided further, That the provisions of this subparagraph shall not apply to products prepared in accordance with § 319.106 of this subchapter."

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Product Standards Staff, Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by November 4, 1975.

Any person desiring an opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views presented orally.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: August 28, 1975.

F. J. MULHERN,  
Administrator, Animal and Plant  
Health Inspection Service.

[FR Doc. 75-23589 Filed 9-4-75; 8:45 am]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Office of the Secretary

[45 CFR 5b]

#### PRIVACY ACT

#### Notice of Proposed Exemptions

Notice is hereby given that the Secretary proposes exemptions as provided

under subsections (j) and (k) of the Privacy Act, Public Law 93-579, 5 U.S.C. 552a. These exemptions are proposed in addition to those exemptions proposed in § 5b.9(b) of the Secretary's proposed regulations, implementing the Privacy Act, published in the FEDERAL REGISTER on August 14, 1975 (40 FR 34129).

The "Maryland Psychiatric Case Register" (hereinafter "Register") is a system of records maintained by the National Institute of Mental Health (hereinafter NIMH) proposed to be exempted, as provided in subsection (k) (4) of the Act, from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H) and (I), and (f) of the Act.

The "Register" was established in 1961 as a part of a collaborative and ongoing effort between NIMH and the Maryland Department of Mental Hygiene for the purpose of research and study in the area of mental health. Included in this effort is a survey, initiated by NIMH, relating to emotionally disturbed or mentally retarded Maryland residents who received services in Maryland or elsewhere from psychiatrists, psychiatric facilities, and vocational rehabilitation and other agencies. NIMH engaged in this joint effort under the authority of section 301 of the Public Health Service Act (42 U.S.C. 241 as amended).

To assure the full cooperation of the Maryland authorities who would be the voluntary sources of information included in the "Register" and in anticipation of the enactment of a new section to Article 35 of the Annotated Code of Maryland, NIMH entered into an agreement under the authority of 42 CFR 1.103(a) with the Maryland Department of Mental Hygiene in July 1962. This agreement provided an assurance to every person or agency furnishing information for "Register" purposes that all individually identifiable information supplied would be held confidential; would be used solely by personnel engaged in and only for the purposes of the research project, and would not be disclosed to persons not participating in that project. The new section (§ 101) to Article 35 of the Annotated Code of Maryland was enacted into law in June 1963. It requires the State Board of Health and Mental Hygiene and its authorized agents to use individually identifiable records within its control only for the purposes of research and study for which assembled or procured. The section also includes criminal penalties should any person give away or otherwise disclose any individually identifiable information to persons not engaged in research and study for the Board.

It is on the basis of Article 35, § 101, Annotated Code of Maryland (1957 Edition and 1962 Supplement as amended) and in light of the agreement between NIMH and the Maryland Department of Mental Hygiene, that the Secretary now proposes a (k) (4) exemption for the "Maryland Psychiatric Case Register." The "Investigatory Material compiled for Law Enforcement Purposes System, HEW," is a system of records proposed to be exempted, as provided in subsection

(j) (2) of the Act, from all subsections of the Act except subsections (b), (c) (1) and (2), (e) (4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (I). This system is maintained for criminal investigation purposes by the Division of Investigations in the Agency's Office of Investigations and Security. Records maintained in the system pertain to employees, former employees, grantees, subgrantees, contractors, subcontractors, and others doing business with the Department who have or allegedly have violated Federal and/or State criminal laws.

The Division of Investigations performs as its principal function criminal investigations for the purpose of enforcement of criminal laws. Information which it compiles and maintains for this purpose includes reports of informants and investigators associated with an identifiable individual.

The "General Criminal Investigations File HEW SSA," the "Criminal Investigations File HEW SSA," and the "Program Integrity Case Files HEW SSA," maintained by various offices and bureaus in the Social Security Administration, are systems of records proposed to be exempted as provided in (k) (2) of the Act from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I), and (f) of the Act. Information contained in these systems includes investigatory materials on alleged violators of Federal and State criminal laws on Social Security Administration property and on alleged violators of the criminal provisions of the Social Security and Federal Coal Mine Health and Safety Acts.

The (j) (2) and (k) (2) exemptions are proposed for these systems to assure the orderly and unbiased conduct of law enforcement investigations. Investigatory efforts for law enforcement purposes would be severely impaired if the subjects of these investigations were aware that their activities were being observed. If these subjects were given access to the investigatory materials in these systems of records, they may have ample opportunity to attempt to thwart the investigation or escape prosecution.

Also proposed to be exempted from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H) and (I), and (f) of the Act are the "Investigatory Material Compiled for Security and Suitability Purposes System, HEW," maintained by the Division of Security of the Agency's Office of Investigations and Security, and the "Suitability for Employment Records, HEW," a system maintained by the Agency's Personnel Offices. As provided in subsection (k) (5) of the Act these systems are proposed to be exempted from these subsections to the extent that access to its records or portions of its records would reveal a confidential source or to the extent that disclosure of its records or a portion of its records is otherwise prohibited by law. Information contained in these systems includes information pertaining to the suitability, eligibility, or qualifications of Agency applicants, employees, former employees, and others doing business with the Agency.

The (k) (5) exemption is proposed for these systems to assure that efforts to obtain accurate and objective information relating to a person's suitability and eligibility for Agency employment or business will not be frustrated. Many sources of this type of information will be reluctant to provide a full and objective appraisal of a person's suitability or eligibility unless they can be assured that their identity will not be revealed. Additionally much of the information presently contained in these systems of records was obtained under an implied promise that the identity of the source would be held in confidence. No useful public purpose would be served if these past confidences were violated or if the Agency was not in a position to expressly guarantee that the identity of future sources would be treated confidentially if the giving of such appraisals were conditioned upon a promise that the identity of its source would not be revealed.

As provided in subsections (j) (2), (k) (2) and (5) of the Act, the "Clinical Investigator Records, HEW/FDA," the "Regulated Industry Employee Enforcement Records, HEW/FDA," and the "employee, consultant, contractor security and investigative records," systems of records maintained by the Food and Drug Administration, are proposed to be exempted from subsections (c) (3), (d) (1) through (4) and (f), (e) (4) (G) and (H), and (e) (3) of the Act. The Commissioner of Food and Drugs is proposing regulations to implement the Privacy Act as it will affect systems of records maintained by the Food and Drug Administration. Also included in these proposed regulations are those systems of records maintained by the Food and Drug Administration proposed to be exempted in this notice. The proposed Food and Drug Administration regulations should be consulted for a full statement of the rationale and justification for the exemptions.

Interested persons and organizations are invited to submit written comments on these proposed exemptions to the Director, Fair Information Practices Staff, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

All comments received on or before September 17, 1975 will be considered by the Secretary before taking action on the proposed exemptions, and will be available for public inspection in Room 4513, at the above address.

These exemptions are proposed under the authority of subsections (j) and (k) of 5 U.S.C. § 552a and 5 U.S.C. § 301.

In consideration of the foregoing, it is proposed to amend Part 5b of 45 CFR Subtitle A (40 FR 34129) as follows:

#### PART 5b—PRIVACY ACT REGULATION

1. By adding paragraphs (b) (2) (iv), (3), (4), (5), (6) and (c) as follows:

#### § 5b.9 Exemptions.

(b) . . .  
(2) . . .

(iv) The "Maryland Psychiatric Case

cess to records; maintain in its records

access is required under that subsection

such records except where access is re-

ficency files reflect that many of them have developed corrosion in various



## PROPOSED RULES

(iv) The "Maryland Psychiatric Case Register," a system of records which includes the "Social Security Earnings Study," the "Washington County (Maryland) Census Project," the "Division of Special Services of the Baltimore City Public School System," and the "Family Services (Agencies) of Prince Georges and Montgomery Counties, Maryland," authorized under section 301 of the Public Health Service Act (42 U.S.C. 241 as amended), and required under Article 35, § 101, Annotated Code of Maryland (1957 Edition and 1962 Supplement as amended) to be maintained and used by the National Institute of Mental Health solely as statistical records.

(3) As provided in subsection (j) (2) of the Act, the "Investigatory Material Compiled for Law Enforcement Purposes System, HEW," a system of records, maintained by the Division of Investigation of the Agency's Office of Investigations and Security is exempt from all subsections of the Act except subsections (b), (c) (1) and (2), (e) (4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i) which govern conditions of disclosing records contained in a system of records and criminal penalties for the willful and knowing disclosure of records which are prohibited from disclosure under 552a; and which require each agency, with respect to each system of records under its control, to: make and keep an accounting for all disclosures except for disclosures made under subsections (b) (1), (2), and (7) of the Act; annually published the existence and character of the systems of records; assure that records are accurate and relevant for agency purposes prior to disseminating any record about an individual; maintain no record describing how an individual exercises First Amendment rights unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity; establish rules of conduct for persons maintaining systems of records and administrative, technical and physical safeguards to insure the security and confidentiality of records; and, publish in the FEDERAL REGISTER notice of new or intended uses of information in a system at least 30 days prior to publication of a routine use for public comment. This system of records is maintained for the purpose of criminal investigation and includes reports of informants and investigators associated with an identifiable individual under the authority of section 535(b) of title 28, United States Code and title 18, United States Code.

(4) As provided in subsection (k) (2) of the Act and except where access is required under that subsection, and paragraph (c) (2) of this section, the following systems of records are exempt from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H) and (I), and (f) of the Act which require each agency, with respect to systems of records, under its control, to: make accountings of disclosures available to individuals named in records at their request; provide ac-

cess to records; maintain in its records only such information about an individual which is relevant and necessary to accomplish an agency purpose; annually publish access procedures and categories of sources of records in the system, and the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him; and to promulgate rules establishing procedures whereby individuals can be notified of information in systems of records pertaining to the individual, requirements for verification of the identity of individuals requesting access to records, for reviewing requests for amending an individual's record, and procedures for establishing fees.

(i) The "General Criminal Investigation Files HEW SSA," a system of records, maintained by the Office of Management and Administration, SSA containing information on alleged violators of Federal and State criminal laws on Social Security Administration property maintained under the authority of § 535 of title 28, United States Code, to the extent that the records are investigatory material compiled for law enforcement in anticipation of criminal proceedings.

(ii) The "Criminal Investigations File HEW SSA," a system of records maintained by the Office of Management and Administration, SSA maintained under the authority of §§ 206, 208, 221, 222, 1106, 1107, 1631, 1632, 1633, 1816, 1842, 1872, 1874, 1876, and 1877 of the Social Security Act (42 U.S.C. 406, 408, 421, 422, 1306, 1307, 1383, 1383a, 1395h, 1395u, 1395kk, 1395mm, 1395nn), and §§ 413 and 427 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 923 and 937) containing information on alleged violators of the criminal provisions of the Social Security Act and the Federal Coal Mine Health and Safety Act to the extent that the records are investigatory materials compiled for law enforcement purposes or investigatory materials compiled in anticipation of criminal law enforcement proceedings.

(iii) The "Program Integrity Case Files HEW SSA," a system of records maintained by the Bureau of Retirement and Survivors Insurance, Bureau of Disability Insurance, Bureau of Health Insurance, Health Insurance Regional offices, and the Office of Management and Administration, SSA containing information on alleged violators of the criminal provisions of the Social Security Act and the Federal Coal Mine Health and Safety Act and maintained for the purpose of determining whether investigation of alleged violators of the criminal provisions of the Social Security Act and the Federal Coal Mine Health and Safety Act is warranted. This system of records is maintained under the authority of §§ 206, 208, 221, 222, 1106, 1107, 1631, 1632, 1633, 1816, 1842, 1872, 1874, 1876, and 1877 of the Social Security Act (42 U.S.C. 406, 408, 421, 422, 1306, 1307, 1383, 1383a, 1395h, 1395u, 1395kk, 1395mm, 1395nn), and §§ 413 and 427 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 923 and 937).

(5) As provided in subsection (k) (5) of the Act and except to the extent that

access is required under that subsection and paragraph (c) (2) of this section, the following systems of records are exempt from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H) and (I), and (f) of the Act which require each agency, with respect to each system of records under its control, to: make accountings of disclosures available to individuals named in records at their request; provide access to records; maintain in its records only such information about an individual which is relevant and necessary to accomplish an agency purpose; annually publish access procedures and categories of sources of records in the system, and the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him; and to promulgate rules establishing procedures whereby individuals can be notified of information in systems of records pertaining to the individual, requirements for verification of the identity of individuals requesting access to records, for reviewing requests for amending an individual's records, and procedures for establishing fees.

(i) The "Investigatory Material Compiled for Security and Suitability Purposes System, HEW," a system of records, maintained by the Division of Security of the Agency's Office of Investigations and Security under the authority of § 7302 of title 5, United States Code and Executive Orders 10450 and 11652 containing investigatory material compiled for the purpose of determining the suitability, eligibility, or qualifications of Agency applicants, employees, former employees, and others doing business with the Agency.

(ii) The "Suitability for Employment Records, HEW," a system of records, maintained by the Agency's Personnel Offices under the authority of §§ 3301, 3302, 7301 of title 5, United States Code and Executive Orders 10577 and 11222 containing information pertaining to an agency employee's suitability for employment. This system includes information relating to an employee's character, reputation, and fitness, and includes letters of reference, responses to pre-employment inquiries, National Agency Checks and Inquiries material received from the Civil Service Commission relating to non-sensitive positions, qualifications and character investigations.

(6) As provided in subsections (j) (2), (k) (2), and (5) of the Act, the "Clinical Investigator Records, HEW/FDA," the "Regulated Industry Employee Enforcement Records, HEW/FDA," and the "employee, consultant, and contractor security and investigative records," systems of records maintained by the Food and Drug Administration, are exempt from the following provisions of the Act:

(i) 552a(c) (3) requiring that an individual be provided with the accounting of disclosures of records about himself; and,

(ii) 552a(d) (1) through (4) and (f) requiring procedures for individuals to be given notification of and access to records about themselves, and to be allowed to challenge the accuracy, relevance, timeliness, and completeness of

such records except where access is required under subsection (k) (2) of the Act and to the extent that access is required under subsection (k) (5) of the Act, and paragraph (c) (2) of this section; and,

(iii) 552(e) (4) (G) and (H) regarding the inclusion in the notice for the system of information about agency procedures for notification, access, and contest; and,

(iv) 552a(e) (3) requiring that individuals asked to supply information be provided a form outlining the authority for the request, the purposes for which the information will be used, the routine uses in the notice of a Food and Drug Administration record system notice, and the consequences to the individual of not providing the information, but only with respect to information compiled by the Food and Drug Administration in a criminal law enforcement investigation where the conduct of the investigation would be prejudiced by such procedures.

(c) Access to Exempted Systems. (1) Where a system of records is exempt under paragraph (b) of this section, an individual may request notification of whether a system of records about him exists and may request access to any record about himself in that system.

(2) Except as provided in paragraph (c) (3) of this section, an individual making a request in accordance with paragraph (c) (1) of this section shall be given access to any record if:

(i) The record is in a system of records which is exempt under subsection (k) (2) of the Act and the individual has been denied any right, privilege, or benefit to which he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of that record; or,

(ii) The record is in a system of records which is exempt under subsection (k) (5) of the Act.

(3) An individual shall not be given access to any record or any portion of a record, as provided in paragraph (c) (2) of this section:

(i) When disclosure would reveal the identity of a source who furnished information contained in the record to the agency under an express promise, and prior to September 27, 1975 an implied promise, that his identity would be held in confidence; or,

(ii) Where public disclosure of the record or a portion of the record is otherwise prohibited by law. Individuals requesting records that would reveal a confidential source shall be informed in a general way that an item of information exists in the record which would reveal the identity of that source.

Dated: August 29, 1975.

DAVID MATHEWS,  
Secretary.

[FR Doc.75-23621 Filed 9-4-75; 8:45 am]

## PROPOSED RULES

**Social and Rehabilitation Service**  
[45 CFR Part 233]  
**DEFINITION OF UNEMPLOYED FATHERS**

**Extension of Comment Period**

This notice extends the period for comments provided in the notice published August 8, 1975 (40 FR 33461) proposing requirements for States to have a definition of "unemployed father" that includes fathers who are unemployed because of conduct or circumstances that disqualify them for unemployment compensation under State law and exclude those who are disqualified for unemployment compensation under State law because of the nature of their involvement in a labor dispute. The time for comment is hereby extended from September 8, 1975 to October 8, 1975.

Prior to the adoption of the proposed amended regulation, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Acting Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, on or before October 8, 1975. Comments will be available for public inspection in Room 5225 of the Department's offices at 330 C Street SW., Washington, D.C., beginning approximately two weeks after date of publication, on Monday thru Friday of each week from 8:30 to 5 p.m. (area code 202-245-0950).

(Section 1102, 49 Stat. 647 (42 U.S.C. Section 1302))

(Catalog of Federal Domestic Assistance Program 18.761, Public Assistance-Maintenance Assistance (State Aid))

Dated: September 2, 1975.

JOHN A. SVAHN,  
Acting Administrator, Social  
and Rehabilitation Service.

Approved: September 3, 1975.

DAVID MATHEWS,  
Secretary.

[FR Doc.75-23719 Filed 9-4-75; 8:45 am]

**DEPARTMENT OF  
TRANSPORTATION**

**Federal Aviation Administration**

**[14 CFR Part 39]**

[Docket No. 75-EA-51]

**MARTIN 404**

**Proposed Airworthiness Directive**

The Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations to include a new airworthiness directive applicable to Martin 404 aircraft.

Copies of these aircraft now in operation have accumulated from 22,000 to 55,000 hours, and Maintenance and De-

ficiency files reflect that many of them have developed corrosion in various areas. This condition caused the Federal Aviation Administration to issue AC 20-7L which recommends periodic inspection to detect corrosion. On at least 15% of the Martin 404 fleet some degree of corrosion has been found in wing spar splices at station 187.

Since this indicates that a like condition may exist or develop in other aircraft of the Martin 404 fleet, it is proposed to issue an airworthiness directive which will require periodic inspections for corrosion of wing spar splice joints at wing station 187, and appropriate corrective action.

Interested parties are invited to participate in the making of the proposed rule by submitting written data or views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Bldg., John F. Kennedy International Airport, Jamaica, New York 11430.

All communications received on or before October 7, 1975 will be considered before taking action upon the proposed rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

**MARTIN.** Applies to all Martin 404 Aircraft Certified in all categories.

Compliance required as indicated.

1. Affects the wing spar chord splice joints at wing station 187.

a. Within the next three months after the effective date of this AD, unless accomplished within five years preceding the effective date, remove the left and right outer wings and visually inspect the wing spar splice joints at wing station 187 for corrosion.

b. Repeat the inspection specified in paragraph (a) at intervals not to exceed 10,000 hours' time in service or five years, whichever comes first, for left wings, and 12,000 hours' time in service or six years, whichever comes first, for right wings.

c. For airplanes that have an FAA approved alteration installed at the wing spar chord splice joints at WS 187 for corrosion control, in lieu of the foregoing accomplish the following:

1. Externally inspect the left and right wing panels at wing station 187 within the next 10,000 hours' time in service or five years, whichever comes first, by:

(i) Stripping all sealant from the joint and performing a complete dye-check of the alteration and spars.

(ii) Removing two bolts from each splice and inspecting the bolts visually and the holes by borescope for corrosion. If corrosion is evident, remove both wing panels and inspect the wing structure.

1. After another 10,000 hours' time in service or five years, whichever comes first, remove both wings at wing station 187 and accomplish complete corrosion inspection of the wing structure.

## PROPOSED RULES

2. Repair corroded parts in accordance Sec.

any food represented, marketed or in-

## PROPOSED RULES

vision of this part which is applied to advertising as defined in this part shall

§ 454.8 Health hazard disclosures.

The following disclosure shall be in-

energy from calories, by itself, will produce or provide strength, endurance, in-



2. Repair corroded parts in accordance with an FAA approved repair or replace with an unused part of the same part number or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

3. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the inspection interval specified in this AD.

This amendment is made under the authority of section 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1411 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on August 28, 1975.

DUANE W. FREER,  
Director, Eastern Region.

[FR Doc. 75-23598 Filed 9-4-75; 8:45 am]

## FEDERAL TRADE COMMISSION

### [16 CFR Part 454]

#### ADVERTISING AND LABELING OF PROTEIN SUPPLEMENTS

##### Proposed Trade Regulation

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, *et seq.*, the provisions of Part I, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, *et seq.*, and Section 553 of Subchapter II, Chapter 5, Title 5, U.S. Code (Administrative Procedure) has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning the Advertising and Labeling of Protein Supplements.

Accordingly, the Commission has proposed the following Trade Regulation Rule and would amend Subchapter D, Trade Regulation Rules, Chapter 1 of 16 CFR by adding a new Part 454 as follows:

#### PART 454—ADVERTISING AND LABELING OF PROTEIN SUPPLEMENTS

- Sec.
- 454.1 Preamble.
- Subpart I—General
- 454.2 Definitions.
- 454.3 Methods of calculation.
- 454.4 Form, content and method of making disclosures.
- 454.5 Inconsistent or derogating representations.
- 454.6 Interpretation and conformity with related regulations.
- Subpart II—Affirmative Disclosures
- 454.7 Protein content disclosure.
- 454.8 Health hazard disclosures.
- 454.9 Protein need disclosure.
- Subpart III—Voluntary Claims
- 454.10 Use of protein supplements by infants or young children.
- 454.11 Quick energy representations.
- 454.12 Energy and calorie representations.
- 454.13 Athletic or physical activity representations.
- 454.14 Aging, senility or therapeutic representations.
- 454.15 Weight reduction representations.

- Sec.
- 454.16 Emphatic nutrition representations.
- 454.17 Protein comparison representations.
- 454.18 Protein need representations.

Authority: 38 Stat. 717, as amended, 16 U.S.C. 41, *et seq.*

#### § 454.1 Preamble.

In connection with the advertising and labeling of protein supplements in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of such products, it is an unfair method of competition and an unfair or deceptive act or practice within the meaning of Section 5 and 12 of that Act to fail to comply with the following provisions of the Trade Regulation Rule in this part.

#### Subpart I—General

##### § 454.2 Definitions.

For the purposes of this part, the following definitions shall apply:

(a) "Advertisement" or "advertising". (1) Any written or verbal statement, illustration, or depiction, which is designed to effect the sale of any protein supplement, or create interest in the purchase of such product, whether the same appears in a newspaper, magazine, leaflet, circular, mailer, book insert, catalog, sales promotional material, other periodical literature, billboard, public transit card, or in a radio or television broadcast or in any other medium.

(2) For purposes of this part, the terms "advertisement" or "advertising" do not include: (i) Labeling or (ii) point-of-purchase advertising or any promotional material developed and/or disseminated by manufacturers or distributors of protein supplements, the content of which refers solely to the price of the advertised protein supplement and which does not contain representations regarding nutrition, nourishment, or other nutrition claims relative to the product.

(b) "Label" and "labeling". (1) "Label" means a display of written, printed, or graphic matter upon the immediate container of any article, or any such matter affixed to or appearing upon a package containing any consumer commodity.

(2) "Labeling" includes all written, printed, or graphic matter accompanying an article, and specifically includes, although it is not limited to, labels.

(c) "Food". Any article used for food or drink by humans, including chewing gum. However, it does not include: (1) Foods represented for use solely under medical supervision to meet nutritional requirements under specific medical conditions and which, if advertised, are advertised only in professional medical journals or publications.

(2) Alcoholic beverages subject to the provisions of the Federal Alcohol Administration Act of 1935 (27 U.S.C. § 201, *et seq.*).

(d) "Protein supplement". For purposes of this part protein supplement is

any food represented, marketed or intended for use as a protein supplement.

(e) "Clearly and conspicuously disclose". (1) Disclosing in a manner which can be easily understood (in the case of television and print advertising, also easily seen and read) by the casual observer, listener, or reader, among members of the public, and which, for advertising in any medium, conforms in all relevant respects (except where otherwise provided in this part) to the Commission's Statement of Enforcement Policy of October 21, 1970. (See Vol. 2, CCH Trade Regulation Reporter § 7569:09.)

(2) Each disclosure shall be printed in the same language principally employed in the advertising or labeling. (See Commission's Statement of Policy of July 24, 1973, as amended, 38 FR 21494-95.) Such disclosures in any medium must in no way be obscured by background contrast, obscuring designs or vignettes, or crowding with any other written, printed, or graphic or audio-visual matter.

(f) "Representation" or "represent"; guarantees as representations. Any direct or indirect statement, suggestion, or implication in advertising or labeling, including but not limited to one which is made orally, in writing, pictorially, or by any other audio or visual means, or by any combination thereof. Any statement in the form of a guarantee of the attributes or effects of any protein supplement is a representation that the product possesses those attributes or will produce those effects.

(g) "Calorie". One kilocalorie.

(h) "United States Recommended Daily Allowance" (U.S. RDA). The U.S. RDA of the protein in a protein supplement is 45 grams if the protein efficiency ratio (PER) of the total protein in the product is equal to or greater than that of casein, and 65 grams if the PER of the total protein in the product is less than that of casein.

##### § 454.3 Methods of calculation.

(a) "Protein Efficiency Ratio" (PER). A measure of protein quality, as determined by the method prescribed in § 43.183 of the *Official Methods of Analysis of the Association of Analytical Chemists*, 12th edition, 1975.

(b) *Percentage of protein*. The percentage of protein by weight in the protein supplement in the form sold for consumer use.

(c) *Measurement of "protein" or "protein content"*. For purposes of this part, protein or protein content may be calculated on the basis of the product of the factor 6.25 times the nitrogen content of the food as determined by the appropriate method of analysis prescribed in the *Official Methods of Analysis of the Association of Analytical Chemists*, 12th edition, 1975, unless otherwise specified by the AOAC or when the official Food and Drug Administration procedure for a specific food requires another factor.

##### § 454.4 Form, content and method of making disclosures.

(a) *Advertising disclosures*. Any disclosure required or described by any pro-

vision of this part which is applied to advertising as defined in this part shall be made (1) clearly and conspicuously; (2) in accordance with the provisions of 16 CFR 437.2; and (3) as may be specifically prescribed in a section of this part dealing with that particular disclosure.

(b) *Labeling disclosures*. Any disclosure required or described by any provision of this part to be made in labeling shall be made (1) clearly and conspicuously; and (2) as may be specifically prescribed in the section of this part dealing with that particular disclosure; but in no event shall the smallest letter of such a disclosure be smaller than one-sixteenth of an inch in height except as may be otherwise permitted under § 454.4(c).

(c) *Alternative forms of disclosure*. For unusual advertising or labeling materials or material too small to reasonably comply with the requirements of this section, the Commission may establish acceptable alternative forms of making the required disclosures. A petition formally requesting permission to utilize an alternative form of disclosure may be submitted to the Secretary for due consideration by the Commission.

##### § 454.5 Inconsistent or derogating representations.

No representation shall be made which, directly or by implication, contradicts, negates or is inconsistent with any disclosure required or described by any provision of this part, or in any way obscures, mitigates or derogates from the intent or meaning of such disclosure.

##### § 454.6 Interpretation and conformity with related regulations.

(a) The advertising of all products covered by this part shall comply with the requirements of 16 CFR Part 437. No provision in this part shall be construed or interpreted to exempt any advertisement or advertising from the provisions of 16 CFR Part 437.

(b) The labeling of all products covered by this part shall comply with the requirements of 21 CFR 1.17 and any other applicable FDA regulations. No provision in this part shall be construed or interpreted to exempt any labeling from the provisions of 21 CFR 1.17.

(c) This part shall not be interpreted to contradict or conflict with the provisions of 16 CFR Part 437 or of 21 CFR 1.17.

(d) If any provision of this part cannot be interpreted consistently with the provisions of 16 CFR Part 437 or 21 CFR 1.17, then this part shall govern, but only the conflicting portion of 16 CFR Part 437 or 21 CFR 1.17 shall be inapplicable.

#### Subpart II—Affirmative Disclosures

##### § 454.7 Protein content disclosure.

The advertising and labeling of any protein supplement shall disclose clearly and conspicuously, in immediate conjunction with or within the principal display of the product name, the percentage of protein in the product and the major source(s) of protein in the product.

##### § 454.8 Health hazard disclosures.

The following disclosure shall be included verbatim clearly and conspicuously both on the label and in labeling for any protein supplement which derives 50 percent or more of its calories from the protein content of the food in the form in which it is sold for consumer use:

#### WARNING

Serious illness can result from improper use of this product: Not to be used for feeding of infants (birth to 1 year of age) or by persons with chronic or acute liver or kidney disease, except under medical supervision. Use of this product by children 1 to 3 years of age increases their need for liquids other than milk.

##### § 454.9 Protein need disclosure.

The following disclosure shall be included verbatim clearly and conspicuously in advertising, on the label and in labeling for any protein supplement:

Protein supplements are unnecessary for most Americans. The U.S. Public Health Service has determined that the daily diet of most Americans provides adequate protein.

#### Subpart III—Voluntary Claims

##### § 454.10 Use of protein supplements by infants or young children.

(a) No representation shall be made, directly or by implication, that:

(1) any protein supplement is to be used, without medical supervision or authorization, as any part of the diet of infants from birth to one year of age, or

(2) any protein supplement is to be used by children one to three years of age unless the following disclosure is included verbatim clearly and conspicuously in immediate conjunction with each such representation:

Use of this product by children 1-3 years of age increases their need for liquids other than milk.

(b) This section, however, shall not apply to any protein supplement which derives less than 50 percent of its calories from the protein content of the food in the form in which it is sold for consumer use.

##### § 454.11 Quick energy representations.

No representation shall be made, directly or by implication, that protein produces or provides quick energy or promptly remedies fatigue or lassitude.

##### § 454.12 Energy and calorie representations.

No representation shall be made, directly or by implication, that:

(a) Any protein supplement or protein itself contains, produces, provides, enhances, or is a source of "energy" or "food energy," unless it is clearly and conspicuously disclosed in immediate conjunction with each such representation, that "energy" or "food energy" is supplied by calories, as well as the number of calories contained in a stated serving of the protein supplement;

(b) Consumption of any protein supplement or protein, by itself, will produce or provide health, general vigor, sustained energy or alertness, or that the

energy from calories, by itself, will produce or provide strength, endurance, intellectual performance, or the prevention or relief of fatigue, or

(c) Consumption of any protein supplement or protein itself in any way enhances or contributes to a person's vigor, energy, alertness, strength or endurance, unless it is clearly and conspicuously disclosed, in immediate conjunction with each such representation:

(1) That such vigor, energy, alertness, strength or endurance is enhanced by and depends, in part, upon the calories in the protein supplement or in protein itself, and

(2) The number of calories contained in a stated serving of the protein supplement.

##### § 454.13 Athletic or physical activity representations.

No representation shall be made, directly or by implication, that:

(a) Protein is used or depleted in greater than normal amounts by strenuous physical activity or that physical activity of any kind, particularly by athletes, children or busy individuals, significantly increases the body's need for protein; or

(b) Use of a protein supplement can improve or increase the level of performance of athletics or strenuous physical labor by increasing strength, endurance, vitality, vigor or muscle tissue unless the following disclosure is included verbatim, clearly and conspicuously in immediate conjunction with each such representation:

Consumption of protein beyond the Recommended Daily Allowance (55 grams or about 2 ounces for a 154-pound man) does not improve or increase the level of performance of athletic or strenuous physical labor.

##### § 454.14 Aging, senility or therapeutic representations.

No representation shall be made, directly or by implication, that any protein supplement: (a) Can counteract or delay the effects or signs of aging or senility including but not limited to baldness, thinning hair, aging skin and decreased mental and physical capacities;

(b) Is to be used for the cure, diagnosis, treatment, mitigation or prevention of disease or of subclinical disorders or can serve a specific medical purpose; or

(c) Is to be used by the elderly unless the following disclosure is included verbatim clearly and conspicuously in immediate conjunction with each such representation:

Not to be used by persons with chronic or acute liver or kidney disease except under medical supervision.

Provided, however, that this disclosure may be omitted if the protein supplement so represented does not derive 50 percent or more of its calories from the protein content of the food in the form in which it is sold for consumer use.

<sup>1</sup>For purposes of this section, the reference is not to U.S. RDA, but to RDA as defined in *Recommended Dietary Allowances*, Food and Nutrition Board, National Research Council, National Academy of Sciences, Washington, D.C. 8th edition, 1974, p. 47.



#### § 454.15 Weight reduction representations.

No representation shall be made, directly or by implication, that:

(a) Protein burns or eliminates body fat;

(b) A protein supplement or a serving thereof constitutes a nutritionally adequate meal, unless the protein supplement or a serving thereof complies with an applicable Federal regulation prescribed in the Code of Federal Regulations; or

(c) Consumption of any protein supplement or protein itself is useful for, or contributes in any way to, or is useful in regulating or maintaining caloric intake or body weight by the use of any demonstration or depiction, or any word or phrase such as "diet", "dietetic", "low calorie", "low in calories", "fewer calories", "calorie reduced", "contains artificial sweeteners", "artificially sweetened", or any other demonstration, depiction or term of similar import, unless it is clearly and conspicuously disclosed in immediate conjunction with each such representation:

(1) That protein has approximately the same caloric content by weight as carbohydrate, and ingestion of protein in excess of the body's daily caloric and protein needs contributes calories which can cause weight gain;

(2) That weight reduction can occur only if the body uses more calories than it ingests from all sources, including protein;

(3) The protein supplement so represented complies with the provisions of 21 CFR 125.6;<sup>2</sup> and

(4) The number of calories contained in a stated serving of the protein supplement is clearly and conspicuously disclosed in immediate conjunction with each such representation.

#### § 454.16 Emphatic nutrition representations.

(a) No representation shall be made, directly or by implication, in the product name (e.g., "Protein Plus" or "Hi-Pro"), or otherwise that any protein supplement is exclusively or totally protein or nearly so unless: (1) The percentage of protein is clearly and conspicuously disclosed in immediate conjunction with such representations, and (2) the percentage of protein is no less than 90 percent.

(b) No representation shall be made, directly or by implication, that any protein supplement is of good nutritional quality, unless the protein is of at least as high a quality as that of casein, as shown by a Protein Efficiency Ratio (PER) equal to or greater than 100 percent of casein.

For purposes of this part, any of the following representations among others shall constitute a representation that the protein supplement is of good nutritional quality: The product

<sup>2</sup> Section 125.6, "Label Statements Relating to Food Which Purports to Be or Is Represented for Use as a Means of Regulating Caloric Intake or Body Weight" has not yet been adopted by FDA in final form.

(1) Contains all of the essential amino acids;

(2) Is of good biological value, or

(3) Is biologically complete.

#### § 454.17 Protein comparison representations.

(a) No representation shall be made, directly or by implication, that any protein supplement is a more economical source of protein than any other food unless:

(1) The cost per gram of protein in the protein supplement is less than the cost per gram of protein in the compared food; and

(2) The representation is in compliance with the requirements of 16 CFR 437.4.

(b) No representation shall be made, directly or by implication, that any protein supplement is higher, richer or more concentrated in protein than another food unless the comparison is one which measures the protein concentration of the protein supplement and a compared food in the same form, for example, liquid milk to a protein supplement drink or powdered milk to a protein supplement in powdered form. If the protein supplement is not (generally) recommended for consumption in the form in which it is sold to consumers, no comparison shall be made between the protein concentration of the product and the protein concentration of any food which is in a form in which it is generally consumed or recommended for consumption.

#### § 454.18 Protein need representations.

No representation shall be made, directly or by implication, that:

(a) The adult daily protein need is greater than the Recommended Daily Allowance (RDA) established by the Food and Nutrition Board, National Research Council, or the U.S. RDA; or

(b) The adult RDA for protein is other than .8 grams per kilogram body weight plus the additional increment recommended for pregnant and lactating women, provided, however, that within six months after establishment of a different adult RDA for protein by the National Research Council, the new adult RDA for protein shall be used.

#### STATEMENT OF REASONS FOR THE PROPOSED RULE

It is the Commission's purpose, in issuing this statement, to set forth its reasons for proposing this Trade Regulation Rule with sufficient particularity to allow informed comment. The precise format of such statements may vary from rule to rule depending on the complexity of the issues involved. In this proceeding, the Commission has determined that meaningful comment by the public will be facilitated by presenting (1) a statement describing the basic factual and legal premises underlying the Commission's determination to propose the Rule, and (2) a series of questions designed to draw to the public's attention matters which the Commission deems particularly pertinent and on which comment is especially solicited.

The Commission's objective in these proceedings is to develop a Rule which will: (1) Require advertisers and sellers of protein supplements to disclose possible health hazards from improper use of protein supplements and to prevent the unsafe marketing of these products, if such would be the case, for the use of certain groups of persons, such as infants; (2) require advertisers and sellers of protein supplements to disclose material facts concerning the need for and the utility of protein supplements, if any, for American consumers; and (3) prevent advertisers and sellers of protein supplements from misrepresenting the nutritive characteristics and health benefits of these products or failing to disclose material facts concerning claimed nutritional and health benefits from the use of these products, without restricting the amount of useful information an advertiser may present in marketing these products.

The Commission emphasizes that neither the statement of factual and legal premises nor the questions set out in the materials accompanying the proposed Rule should be interpreted as a designation of disputed issues of fact. Such designations shall be made by the Commission or its duly authorized presiding officer pursuant to the Commission's Procedures and Rules of Practice.

#### STATEMENT

In connection with the marketing of protein supplements in and among the United States, the Commission has reason to believe that:

(1) Industry members commonly misrepresent or fail to disclose in both labeling and advertising (a) the amount or percentage of protein in the product and (b) the product's protein source;

(2) Industry members represent that concentrated protein supplements are safe and beneficial for all persons when, in fact, they are not and, further, fail to disclose, in either advertising or labeling, the health hazards associated with improper use of certain protein supplements by infants, young children and persons with liver or kidney disorders;

(3) Industry members commonly represent, often directly and almost invariably by implication, that, contrary to fact, protein deficiency is a common and significant health problem among Americans generally and among various subgroups of Americans;

(4) Industry members commonly advertise, contrary to fact, that protein supplements are sources of "quick energy," likening the metabolic effect of protein foods to sugar and carbohydrates;

(5) Industry members commonly represent or imply, contrary to fact, that (a) protein is a source of food "energy" apart from its caloric value; (b) consumption of protein will itself produce general good health, vigor, sustained energy and alertness; and (c) consumption of protein itself enhances strength and endurance apart from the caloric value of the protein food;

(6) Industry members commonly represent, without an adequate basis in fact and contrary to the clear weight of scientific evidence, that protein is used or depleted in greater than normal amounts by strenuous physical activity;

(7) Industry members commonly represent, contrary to fact, that use of protein supplements can improve or increase the level of the user's athletic performance or other strenuous physical activity regardless of whether the user's diet contains the amounts of protein sufficient to meet daily requirements;

(8) Industry members commonly represent, contrary to fact, that (a) consumption of protein supplements can effectively combat or delay various effects and signs of aging (such as balding or decreased mental and physical vigor), and (b) protein supplements can be used for the cure, treatment, mitigation or prevention of disease and subclinical disorders;

(9) Industry members often promote their products for use by the elderly without disclosing that persons with liver and kidney disorders (the elderly are, as a group, most susceptible to such ailments) may be injured by high protein intake and ought to have their protein intake medically supervised;

(10) Industry members commonly promote the use of protein supplements as weight reduction aids, in part by misrepresenting the metabolic effects and characteristics of protein; and in part by deceptively failing to disclose in connection with voluntary weight reduction claims: (a) That protein has the same caloric content by weight as carbohydrate, (b) that ingestion of protein in excess of the body's daily needs contributes calories which can cause weight gain, and (c) that weight reduction can occur only if the body uses more calories than it ingests from all sources, including protein;

(11) Industry members represent, directly and by implication, through the use of product names and otherwise, that their protein supplements are exclusively or totally protein or nearly so, when in fact they are not;

(12) Industry members commonly represent, contrary to fact, directly and by implication, that the protein component of their protein supplements is of good nutritional quality;

(13) Industry members commonly represent, often falsely, that their protein supplements are more economical sources of protein than specified ordinary protein-rich foods (e.g., steak or eggs) without disclosing the inferiority of the protein supplement in overall nutritional value;

(14) Industry members commonly make deceptive comparisons between their protein supplements and ordinary protein-rich foods with regard to the concentration of protein in the compared foods, e.g., comparison of a powder not intended for consumption except as it would be used in liquid form with a liquid such as milk;

(15) Industry members commonly represent, directly and by implication

and contrary to fact, that daily adult protein need is greater than the Recommended Daily Allowance (RDA) established by the Food and Nutrition Board of the National Research Council, or the U.S. RDA;

(16) Industry members commonly delay for unreasonable periods of time, with resultant deception, alterations in advertising and labeling to reflect changes in established protein RDA's for adults.

The Commission is of the view that it is an unfair or deceptive act or practice under Section 5 and Section 12 of the Federal Trade Commission Act for advertisers of protein supplements to fail to disclose affirmatively certain information concerning the health hazards and nutritive characteristics of protein supplements and the extent of protein deficiency in the United States. The Commission's authority to require the disclosure of health and safety hazards from products is unquestionable.<sup>3</sup> Further, even where no danger to consumers exists, the Commission's authority to require the disclosure of other material facts is well established.<sup>4</sup> The pattern of protein supplement misrepresentations concerning the extent of protein deficiency and the percentage of protein in protein supplements has established a need for accurate consumer information. However, beyond these past practices, disclosures of the nutritive characteristics of protein supplements and the extent of protein deficiency in the United States are required in order to give consumers adequate information to make product comparisons and rational marketplace purchasing decisions.

The Commission has determined that it has reason to believe the above statements on the basis of information compiled by Commission staff during a comprehensive industrywide investigation of protein supplement advertising and labeling which was aimed at: identifying common protein supplement messages; analyzing the nutritional health information they provide; and identifying patterns of misleading nutrition, health, and other benefit claims. In the course of the investigation the Commission staff has received extensive documentary evidence bearing upon the issues raised in this proposed Rule. The staff investigation included consultations with experts from a variety of disciplines whose expertise bears upon the issues raised in this proposal and examination of the findings of many studies related to these issues. The Commission has not adopted any findings or conclusions of the staff. All findings in this proceeding shall be based solely on matter in the rulemaking record.

<sup>3</sup> See, e.g., *American Medicinal Products, Inc. v. FTC*, 136 F.2d 426 (9th Cir. 1943).

<sup>4</sup> See, e.g., *J. B. Williams Company, Inc. v. FTC*, 381 F.2d 884 (6th Cir. 1966); *Theodore Kagen Corp. v. FTC*, 283 F.2d 371 (D. C. Cir. 1960); *Keele Hair and Scalp Specialists, Inc. v. FTC*, 275 F.2d 18 (5th Cir. 1960); *Mohawk Refining Corp. v. FTC*, 263 F.2d 818 (3d Cir. 1959); and *Segal v. FTC*, 142 F.2d 255 (2d Cir. 1944).

The Proposed Trade Regulation Rule concerning the Advertising and Labeling of Protein Supplements is designed to eliminate deception and unfairness which may result from the making of certain affirmative claims with respect to the nutritive, health and other benefits of protein supplements. This proposed Rule prohibits outright certain other claims, the making of which would be deceptive. Additionally, this proposed Rule requires the advertising and labeling of protein supplements to disclose affirmatively certain information concerning the health hazards and nutritive characteristics of protein supplements, and the extent of protein deficiency in the United States.

Furthermore, the Commission has recently accepted a consent order requiring a protein supplement advertiser to cease and desist from the dissemination of certain misleading claims. The Commission, having reason to believe that adjudication alone is inadequate to establish well-defined legal standards for the guidance of consumers and protein supplement manufacturers and distributors, undertakes herewith to define with specificity some acts or practices which may be unfair or deceptive and to prescribe requirements for affirmative disclosures to further avoid unfairness or deception to consumers.

#### QUESTIONS

Interested persons are urged to consider carefully these questions. Although certain proposals were drafted in specific language, the Commission retains its authority to promulgate a final Rule which differs in ways suggested by the following questions.

#### (CONSUMER BENEFITS)

1. What is the nature and extent, if any, of possible hazards from improper use of protein supplements? Are consumers currently sufficiently aware of these possible health hazards?

2. What is the need, if any, for protein supplementation of the ordinary or usual diets of (a) American consumers in general; (b) infants; (c) young children; (d) teenagers; (e) adults; (f) pregnant women; (g) the elderly; (in all income groups), in particular. Is protein deficiency a significant health problem for any significant group or number of persons in the U.S.?

3. Are consumers currently sufficiently aware of the protein content of protein supplements to make informed product comparisons?

4. Are consumers currently sufficiently aware of the health and nutrition effects of protein supplements to evaluate advertising and labeling claims and shop wisely? To what extent do considerations of expected health and nutrition benefits play a role in the purchasing decisions made by consumers for protein supplements?

5. Would the additional information required to be disclosed by §§ 454.7, 454.8 and 454.9 help consumers to make more prudent purchase decisions for protein supplements? If not, are there any additions, modifications or deletions to these

disclosures which would so aid consumers?

protein? Can use of a protein supplement improve or increase the level of performance?

sions hereunder, identify any such issues in a Notice which will be published in the

decision and describing the plan (38 FR

Commission as contained in 29 CFR Part



disclosures which would so aid consumers?

6. What is the prevalence in the protein supplement industry of the acts and practices addressed by this Rule? In what manner and to what extent are the acts and practices addressed by this Rule potentially or currently unfair or deceptive?

(RULE COVERAGE)

7. Is the definition of "protein supplement" adequate to indicate to the protein supplement industry the products which are intended to be covered by the Rule? If not, what alternative definition(s) would be appropriate and adequate for purposes of this Rule?

8. Is the definition of "protein supplement" adequate to indicate that ordinary foods are not intended to be subject to this Rule? If not, what would be an adequate alternative definition to convey this intent?

(AFFIRMATIVE REQUIREMENTS)

9. Is the information required to be disclosed by § 454.7, Protein content disclosure, necessary and sufficient to advise consumers of the protein content of protein supplements? If not, what should be deleted, modified or added.

10. Is the information required to be disclosed by § 454.8, Health hazard disclosures, necessary and sufficient to inform consumers of possible adverse effects of concentrated protein supplements? Is the class of protein supplement subject to the Health hazard disclosure appropriately defined? If not, what alternative definition would cover all of the appropriate products but not any inappropriate products? What is the extent and severity of the health hazard to infants, children 1-3 years of age, and persons with chronic or acute liver or kidney disease from protein supplements with different protein concentration levels? Are any other groups of persons exposed to significant health risks from the improper use of protein supplements?

11. Is the information required to be disclosed by § 454.9, Protein need disclosure, necessary and sufficient to inform consumers of their need for protein supplementation of their usual diet? If not, what should be deleted, modified or added? Do most Americans get all the protein they need from their usual diet? If a consumer doubts that he gets enough protein, what is the best way for the consumer to determine that fact?

12. Is the length of the disclosures required in any labeling by §§ 454.7, 454.8 and 454.9 and in any advertising by §§ 454.7 and 454.9 unduly burdensome? If so, what should be deleted or modified for what size, manner and type of advertising or labeling? Should required disclosures be tailored to different sizes or lengths of advertising and labeling messages?

(HEALTH AND NUTRITION CLAIMS)

13. Does protein produce or provide quick energy or promptly remedy fatigue or lassitude?

14. Does physical activity of any kind significantly increase the body's need for

protein? Can use of a protein supplement improve or increase the level of performance of athletics or strenuous physical activity?

15. Can use of a protein supplement counteract or delay the effects or signs of aging or senility?

16. What is the extent and severity of health hazards to the elderly due to liver or kidney disease? Are there any other diseases which afflict the elderly which create health risks from the improper use of a concentrated protein supplement? Is the class of protein supplements which derive 50 percent or more of their calories from their protein content the necessary and sufficient class of products for which the health disclosure required by §§ 454.8 and 454.14(c) is appropriate?

17. What is the utility of protein supplements for weight reduction? Is the information required to be disclosed by § 454.15(c) when a voluntary weight reduction or maintenance claim is made necessary and sufficient for consumers to evaluate such claims and shop wisely? If not, what should be deleted, modified or added?

18. Is comparison to the Protein Efficiency Ratio of casein the appropriate standard and test for protein supplement representations of good nutritional quality?

19. Is six months after the establishment of a new Recommended Daily Allowance (RDA) for protein an adequate period for the protein supplement industry to update voluntary advertising and labeling representations concerning the RDA for protein?

(POSSIBLE RESTRICTIONS ON RULE PROVISIONS)

20. To what extent would any Public health, safety, welfare or economic problems be created or exacerbated by the proposed Rule? Are there any available alternatives that would protect the public interest with fewer adverse effects?

21. What costs or other impact to health food stores, pharmacies and other wholesale or retail distributors, especially those which are small businesses, would result from implementation of the proposed Rule? How could such costs and adverse impacts be minimized?

(LEGAL AND POLICY CONSIDERATIONS)

22. Would implementation of the proposed Rule go beyond the statutory authority of the Federal Trade Commission? Please be specific.

23. Can well-defined legal standards for the guidance of consumers and protein supplement manufacturers and distributors most efficiently be established by promulgation of a Trade Regulation Rule? If not, are there any available alternatives which could accomplish this goal?

INVITATION TO PROPOSE ISSUES OF FACT FOR CONSIDERATION IN PUBLIC HEARINGS

All interested persons are hereby given notice of opportunity to propose any disputed issues of fact which are material and necessary to resolve. The Commission, or its duly authorized presiding official, shall, after reviewing submis-

sions hereunder, identify any such issues in a Notice which will be published in the FEDERAL REGISTER. Such issues shall be considered in accordance with Section 18(c) of the Federal Trade Commission Act as amended by Public Law 93-637, and rules promulgated thereunder. Proposals shall be accepted until not later than November 7, 1975, by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as "Proposal Identifying Issues of Fact—Advertising and Labeling of Protein Supplements," and furnished, when feasible and not burdensome, in five copies. The times and places of public hearings will be set forth in a later Notice which will be published in the FEDERAL REGISTER.

INVITATION TO COMMENT ON THE PROPOSED RULE

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law or policy which may have some bearing upon the proposed Rule. The Commission also especially and specifically solicits comment on the need for the appropriateness of the provisions of § 454.9 of the proposed Rule. The Commission also seeks comments evaluating the economic impact of the Rule on small business and consumers. Written comments, other than proposals identifying issues of fact, will be accepted until forty-five (45) days before commencement of public hearings, but at least until November 7, 1975. To assure prompt consideration of a comment, it should be identified as a "Advertising and Labeling of Protein Supplements Comment," and furnished, when feasible and not burdensome, in five copies.

Issued: September 5, 1975.

By direction of the Commission.

CHARLES A. TOBIN,  
Secretary.

[FR Doc 75-23526 Filed 9-4-75; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

TENNESSEE

Proposed Supplements to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On July 5, 1973, a notice was published in the Federal Register of the approval of the Tennessee plan and the adoption of Subpart P of Part 1952 containing the

decision and describing the plan (38 FR 17838). In March 1974, and on June 21, 1974, the State of Tennessee submitted supplements to its plan involving developmental changes (see Subpart B of 29 CFR Part 1953). The supplements consist of the Tennessee "Occupational Safety and Health Public Sector Plan" and procedures of the Tennessee Occupational Safety and Health Review Commission. Following Regional review the supplements have been forwarded to the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as Assistant Secretary) for his determination as to whether they should be approved.

2. *Issues.* (a) The Tennessee Occupational Safety and Health Act of 1972 provides for coverage of State and local government employees in a manner designed to be at least as effective as that in the private sector. The plan supplement provides detail on how the program will be administered. State agencies are required to maintain an effective and comprehensive occupational safety and health program consistent with the standards promulgated under the Tennessee Occupational Safety and Health Act including a program of self-inspection and internal sanctions subject to monitoring by the Tennessee Commissioners of Labor and Public Health. This public sector plan supplement contains details on the establishment of a Tennessee Occupational Safety and Health Council to assist State agencies in achieving compliance; the individual State agency obligation to comply with standards, regulations, and submission of annual reports; and the designees' intended monitoring actions including but not limited to investigation of fatalities, catastrophes, and complaints, and work-site inspections of at least 100 State agency sites per year.

State agency programs found defective may be cited and may contest the citation before the Tennessee Occupational Safety and Health Review Commission which will in turn submit its findings of fact and recommendations to the Governor. County, municipal and other local governments have the option of being treated as a private employer or developing their own program of compliance. Guidelines on intended State compliance action for local governments choosing to be treated as private employers are provided. For local governments choosing a self-compliance approach details on the components of an adequate program including a model ordinance for enactment by the local governing body are discussed. Each such political subdivision must submit a plan of action for approval by the Commissioner of Labor.

(b) Rules of Procedure adopted by the Tennessee Occupational Safety and Health Review Commission are largely parallel to those of the Federal Review

Commission as contained in 29 CFR Part 2200. However, it appears that in cases where a hearing examiner presides, his decision may be the final decision which is then appealable through the courts. Two additional rules allow the Commissioners of Labor and Public Health to administratively amend contested citations during the 20 day contest period (rule 132) and to rule on Petitions for Modification of Abatement subject to employee appeal to the Review Commission (rule 34).

The Assistant Secretary has reviewed the above described supplements and hereby gives notice that their approval is in issue before him.

3. *Location of the supplement for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room N-3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Assistant Regional Director Occupational Safety and Health Administration, 1375 Peachtree Street, NE., Suite 587, Atlanta, Georgia 30309; and Office of the Tennessee Commissioner of Labor, Room C-1-100, Cordell Hull Building, 5th Avenue North, Nashville, Tennessee 37219; Office of the Commissioner of Public Health, Cordell Hull Building, 5th Avenue North, Nashville, Tennessee 37219.

4. *Public participation.* Interested persons are hereby given until October 6, 1975, in which to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If, in the opinion of the Assistant Secretary, substantial objections are filed which warrant further public discussions, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart P of Part 1952, and initiate further proceedings, if necessary.

Signed at Washington, D.C. this 28th day of August 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc.75-23650 Filed 9-4-75; 8:45 am]

Office of Federal Contract Compliance  
[41 CFR Part 60-5]

AFFIRMATIVE ACTION PLAN FOR FEDERALLY INVOLVED CONSTRUCTION CONTRACTORS IN THE WASHINGTON, D.C. AREA

Notice of Proposed Rulemaking

This notice of proposed rulemaking is issued under the authority of sections 201, 205, 207, 301, and 303 of Executive Order 11246 (30 FR 12319), as amended.

Section 201 of Executive Order 11246, as amended, provides that the Secretary of Labor shall adopt rules and regulations necessary and appropriate to achieve the purposes of the Order. One of the purposes of Executive Order 11246, as amended, is to require Federal and Federally assisted construction contractors and subcontractors to "take affirmative action to ensure that applicants are employed, and that employees are treated, during employment, without regard to their race, color, religion, sex or national origin." (section 202(1)).

Notice is hereby given that the Secretary proposes to adopt a Revised Washington Plan in order to further implement the affirmative action mandate of Executive Order 11246, as amended. If adopted it is proposed to make the Revised Washington Plan effective thirty days from the date of its republication in the FEDERAL REGISTER.

BACKGROUND

In April 1970, public hearings were conducted by the Department of Labor to determine what action should be taken to ensure equal employment opportunity in the construction industry in the Washington, D.C. area. These hearings were convened after efforts to formulate a hometown plan failed.

As a result of the material presented at the public hearing and other investigations the Washington Plan was issued by the Secretary of Labor (41 CFR 60-5.35 FR 19352, December 22, 1970). The Washington Plan applies to eleven trades and covers the Washington Standard Metropolitan Statistical Area which includes portions of Maryland and Virginia as well as the District of Columbia. The Washington Plan was scheduled to expire on May 31, 1974, but has since been extended a number of times, the most recent extension being effective through July 9, 1975. The purpose of these extensions was to provide the Department of Labor with ample time to explore the possibility of replacing the Washington Plan with a voluntary hometown plan. The principle support for a voluntary hometown plan originated from a group of construction contractors, building trades representatives and minority community leaders known as the Washington Plan Review Committee. The Committee held public hearings on September 23-25, 1973 to evaluate the Washington Plan and develop recommendations for

future action in support of the affirmative

position which they would have enjoyed

sults from dividing the total of minority

during normal business hours at the foregoing address.

§ 60-5.3 Goals for minority utilization.

(a) The following goals for minority



## PROPOSED RULES

future action in support of the affirmative action mandate of Executive Order 11246, as amended. Following the public hearings, the Washington Plan Review Committee developed a proposed hometown plan the emphasis of which was upon the recruitment and training of minorities through apprenticeship programs. For various reasons this proposal was unacceptable to the Office of Federal Contract Compliance. Subsequent efforts by the Washington Plan Review Committee and the OFCC have failed to produce an acceptable affirmative action plan for the Washington, D.C. area construction industry. As a result of these efforts it is the determination of the Office of Federal Contract Compliance that a viable hometown plan is not forthcoming despite the best efforts of the Department of Labor and the Washington Plan Review Committee.

Therefore, it is the recommendation of OFCC that a Revised Washington Plan be promulgated which includes 23 construction crafts rather than the current eleven.

## GENERAL FINDINGS

Executive Order 11246, as amended, is designed to make equal employment opportunity a reality for present and potential employees of Federal and Federally assisted construction contractors and subcontractors. The contract compliance program is premised on the right and the responsibility of the Federal Government to determine the terms and conditions upon which it will contract with private parties for the procurement of supplies and services, including construction, essential to the functioning of Government. Under Executive Order 11246, as amended, Federal and Federally assisted construction contractors are obliged to forbear from employment discrimination based on race, color, religion, sex, or national origin, and to take affirmative action to ensure that employees and applicants for employment are treated without regard to these non-merit factors. This obligation is embodied in Section 202 of Executive Order 11246, as amended, and is commonly referred to as the Equal Employment Opportunity Clause. The Executive Order's affirmative action requirement is intended to ensure prompt achievement of full and equal employment opportunity through the establishment of specific and results-oriented procedures.

## COMPUTATION OF GOALS FOR MINORITY UTILIZATION

In order to give form and content to the affirmative action obligation of Executive Order 11246, as amended, the Department of Labor developed the concept of goals and timetables. In computing goals for minority manpower utilization, the Department has attempted to rely upon the most precise standards and statistics available. In assessing whether a goal for minority manpower utilization is reasonable, the Department of Labor is guided by the principle that the objective of a goal is to place eligible minority members in the

position which they would have enjoyed if not for underutilization in the past. The Department believes that statistics reported in the 1970 Census are a reasonable measure of the relevant minority labor force which, but for underutilization, would be equally represented in the Washington, D.C. area construction industry. Even though the labor force statistics in the 1970 Census reflect persons who were 16 years of age and over in 1970, such persons are now at least 18 years of age and are eligible for consideration for employment in the construction industry. Data is available on the black, Oriental, American Indian, and Spanish language civilian labor force in the Washington, D.C. area but there are no labor force statistics collected by the Bureau of the Census on Spanish surnamed individuals in the area. Therefore, absolute precision is not possible. However, statistics on Spanish surnamed individuals in the labor force can be estimated from data compiled for the Spanish language<sup>1</sup> population of the area.

It is also necessary to consider the percentage of persons of Spanish origin in the labor force in the Washington, D.C. area who regard themselves as being black rather than white. Otherwise, certain individuals will be counted twice, once as black and once as a member of the Spanish origin group, resulting in an artificially inflated statistic. This statistic varies depending upon the jurisdiction in which the person of Spanish origin resides. In the District of Columbia 37.3 percent of the persons reported as being of Spanish origin regard themselves as being black. However, in Maryland and Virginia persons of Spanish origin regard themselves as black to a lesser degree, 12.2 percent and 13.7 percent respectively. Therefore, it was necessary to break out the Spanish language labor force by local jurisdictions in order to calculate an accurate overcount.

Taking into account these basic factors, the number of minorities in the labor force in the Washington, D.C. area may be derived by adding the black (307,795), Oriental (3,439) and American Indian (1,317) labor forces, together with the number of Spanish language persons in the labor force (28,439). This result is then reduced by the percentage of Spanish language individuals in the area who count themselves as black rather than white. Based upon these calculations, the adjusted Spanish language labor force of the Washington, D.C. area is estimated to be 22,965. The percentage of minorities in the total labor force re-

sults from dividing the total of minority labor force (335,516) by the number of persons in the labor force in the Washington, D.C. area (1,227,597).

Accordingly, the resulting relevant minority labor force statistic is 27.33 percent.

The Department of Labor also considers the availability of qualified minorities for work in the construction industry. Assessments of current availability are speculative at best. However, it is reasonable to consider the educational achievement of construction workers. It is significant that as of 1970, 92 percent of the construction workers reported by the Bureau of the Census had completed four years of high school or less. Thus, it is deemed appropriate to compare the minority labor force in the Washington, D.C. area who have a high school education or less with the total labor force with similar educational achievement. After considering the educational achievement of the minority labor force with that of the total labor force it appears that a greater portion of the minority labor force is available for employment in the construction industry. As a result of adjustment for this educational factor, the relevant minority labor force becomes 34.7 percent.

One other factor in the analysis of the proper goal for minority utilization in the Washington, D.C. area is the population "undercount", defined as omission in coverage of the decennial Census. The undercount is computed by the Bureau of the Census and is used by the Bureau to update the decennial Census findings in intermediate years. The Bureau of Census reports that the national minority undercount is approximately 7.7 percent while that of non-minorities is 1.9 percent. Inclusion of this factor in the computation of the relevant labor force raises the goal to 38.5 percent.

**Conclusion of Findings.** Taking into account the factors recited herein, as well as considering the availability of qualified and qualifiable minorities for employment in the construction industry and allowing for possible over inclusiveness of the Spanish language data as a substitute for statistics for Spanish surnamed individuals, the Department of Labor finds that the goal for minority utilization for each construction trade covered by the Revised Washington Plan should be 36 percent.

In adopting this goal, the Department believes that it is less important that a particular percentage goal might be slightly optimistic, given current availability of qualified and qualifiable minorities, provided the Revised Washington Plan contains fair procedures for contractors to make such a showing. Accordingly, the Revised Washington Plan includes provisions for notice to contractors and a meaningful opportunity to challenge any allegations of noncompliance and prove that they have made the good faith efforts required of them to comply with the requirements of the Plan.

<sup>1</sup> United States Department of Commerce, Bureau of the Census, *1970 Census of the Population, Current Social and Economic Characteristics—District of Columbia PC (1)-C10, Appendix B*, indicates that persons of Spanish heritage are identified in various ways. In 42 states and the District of Columbia, this population is identified as "Persons of Spanish language;" in five Southwestern States as "Persons of Spanish language or Spanish Surname;" and in three middle Atlantic States as "Persons of Puerto Rican birth or parentage."

## PROPOSED RULES

41151

## TIMETABLES

In an effort to ensure equal employment opportunity and provide practical intermediate goals for the annual increase in minority participation in the Washington D.C. area construction industry, the Department has determined that the proposed Revised Washington Plan should cover a three-year period. Those trades currently covered by the Washington Plan shall be deemed to be committed to the goals of the last year of the Washington Plan with subsequent increases to meet the 36 percent figure by 1978. As to those trades not covered by the Washington Plan, intermediate goals are established which recognize that efforts in support of affirmative action have been in effect in Washington since 1970. Therefore, the first year goals are set at a level which reflects the Department's confidence that effort toward equal employment opportunity has occurred.

## COVERAGE

It is determined that the Revised Washington Plan is necessary to provide for minority participation in the following trades:

Asbestos Workers	Operating Engineers
Boiler Makers	Millwrights
Brick Layers	Painters &
Carpenters	Paperhangers
Cement Masons	Pile Drivers
Electricians	Plasterers
Elevator	Plumbers
Constructors	Roofers
Glaziers	Sheet Metal Workers
Pipefitters &	Sprinkler Fitters
Steamfitters	Stone & Marble
Iron Workers	Masons
Laborers	Tile & Terrazzo
Lathers	Workers

## EVALUATION AND ADVISORY RECOMMENDATION

The Department recognizes that the contractors, unions, and the minority community, who must operate on a day-to-day basis under the Revised Washington Plan are in the best position to evaluate the effectiveness of the Plan. Therefore, the Department of Labor has encouraged the development of a voluntary committee representing these three groups, which shall periodically review the effectiveness of the Plan and make advisory recommendations to the Department in this regard. Accordingly, the Washington Plan Review Committee was formed and is encouraged to continue its activities.

## OPPORTUNITY FOR COMMENTS

Inquiries may be addressed, and data, views, and arguments concerning the proposed Revised Washington Plan may be submitted to Mr. Phillip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210. All material received on or before October 7, 1975, will be considered. All comments in response to this proposal will be available for public inspection

during normal business hours at the foregoing address.

It is therefore proposed to issue 41 CFR Part 60-5 in the manner set forth below:

## PART 60-5—REVISED WASHINGTON PLAN

Sec.	Purpose and scope of the revised Washington Plan.
60-5.1	Notice.
60-5.2	Goals for minority utilization.
60-5.3	Good faith efforts.
60-5.4	Administrative procedure for enforcement.
60-5.5	Contractor obligations.
60-5.6	Obligations of the Federal Government.
60-5.7	

AUTHORITY: Secs. 201, 202, 205, 211, 301, 302, and 303 of Executive Order 11246 (30 FR 12319, 3 CFR 1964-65 Comp., P. 406) and 41 CFR §§ 60-1.1 and 60-1.40.

## § 60-5.1 Purpose and scope of the revised Washington Plan.

The purpose of this regulation is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors and Federally assisted construction contractors and subcontractors in the Washington, D.C. area, including the District of Columbia, the Virginia cities of Alexandria, Fairfax, Loudon, and Prince William and the Maryland counties of Montgomery, Prince Georges and Charles. All construction activity, including non-Federally involved work of any contractor or subcontractor performing on a non-exempt Federal and Federally assisted construction contract in the Washington, D.C. area shall be subject to the requirements of this regulation. Accordingly, the Revised Washington Plan must be included in all invitations and other solicitations for bids for a Federally involved construction contract or subcontract in the Washington, D.C. area when its estimated cost exceeds \$10,000.

## § 60-5.2 Notice.

The following Notice shall be included in all invitations and other solicitations for bids on non-exempt Federally involved construction contracts in the Revised Washington Plan area.

## NOTICE OF REQUIREMENT—SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

Each bidder, contractor or subcontractor (hereafter the Contractor) must fully comply with the requirements, terms and conditions of the Revised Washington Plan including the goals for minority manpower utilization as to each construction trade it intends to use on this construction contract and all other construction work (both Federal and non-Federal) in the Washington, D.C. area during the performance of this contract or subcontract. The Contractor commits itself to the goals for minority manpower utilization contained herein and all other requirements, terms and conditions of the Revised Washington Plan by submitting a properly signed bid.

## § 60-5.3 Goals for minority utilization.

(a) The following goals for minority manpower utilization shall express the contractor's commitment to the percentage of minority workhours to be worked in each specified craft on all work performed by the contractor in the Washington, D.C. area during the performance of this contract. "Minority" is defined as including blacks, Spanish surnamed Americans, Orientals and American Indians and includes both minority men and minority women.

## GOALS FOR MINORITY GROUP EMPLOYMENT UNTIL SEPTEMBER 30, 1976

Trade:	Percent
Asbestos Workers <sup>1</sup>	32
Boilermakers <sup>1</sup>	30
Bricklayers	30
Carpenters	30
Cement Masons	30
Electricians <sup>1</sup>	34
Elevator Constructors <sup>1</sup>	36
Glaziers <sup>1</sup>	34
Pipefitters & Steamfitters <sup>1</sup>	30
Ironworkers <sup>1</sup>	36
Laborers	36
Lathers <sup>1</sup>	36
Operating Engineers	30
Millwrights	30
Painters & Paperhangers <sup>1</sup>	36
Pile Drivers	30
Plasterers	30
Plumbers <sup>1</sup>	30
Roofers	30
Sheet Metal Workers <sup>1</sup>	31
Sprinkler Fitters	30
Stone & Marble Masons	30
Tile & Terrazzo Workers <sup>1</sup>	34

## GOALS FOR MINORITY GROUP EMPLOYMENT UNTIL SEPT. 30, 1977

Trade:	Percent
Asbestos Workers <sup>1</sup>	34
Boilermakers <sup>1</sup>	33
Bricklayers	33
Carpenters	33
Cement Masons	33
Electricians <sup>1</sup>	36
Elevator Constructors <sup>1</sup>	36
Glaziers <sup>1</sup>	36
Pipefitters & Steamfitters <sup>1</sup>	33
Ironworkers <sup>1</sup>	36
Laborers	36
Lathers <sup>1</sup>	36
Operating Engineers	33
Millwrights	33
Painters & Paperhangers <sup>1</sup>	36
Pile Drivers	33
Plasterers	33
Plumbers <sup>1</sup>	33
Roofers	33
Sheet Metal Workers <sup>1</sup>	33
Sprinkler Fitters	33
Stone & Marble Masons	33
Tile & Terrazzo Workers <sup>1</sup>	33

## GOALS FOR MINORITY GROUP EMPLOYMENT UNTIL SEPT. 30, 1978

Trade:	Percent
Asbestos Workers <sup>1</sup>	36
Boilermakers <sup>1</sup>	36
Bricklayers	36
Carpenters	36
Cement Masons	36
Electricians <sup>1</sup>	36
Elevator Constructors <sup>1</sup>	36
Glaziers <sup>1</sup>	36
Pipefitters & Steamfitters <sup>1</sup>	36
Ironworkers <sup>1</sup>	36
Laborers	36
Lathers <sup>1</sup>	36
Operating Engineers	36

## PROPOSED RULES

Trade—Continued	Percent
Millwrights	36
Painters & Paperhangers <sup>1</sup>	36

ment opportunity in violation of the Equal Opportunity Clause of this contract it shall not be in compliance with

(a) Notification to the minority community organizations when the contractor or union has employment opportunity

(n) Assuring that all facilities and activities are non-segregated.

(o) Continual monitoring of all personnel activities to ensure that its EEO

tracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization, U.S. Department of Labor,

Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

## PROPOSED RULES



## PROPOSED RULES

Trade—Continued	Percent
Millwrights	36
Painters & Paperhangers	36
Pile Drivers	36
Plasterers	36
Plumbers	36
Roofers	36
Sheet Metal Workers	36
Sprinkler Fitters	36
Stone & Marble Masons	36
Tile & Terrazzo Workers	36
Trade covered by current Washington Plan	

(b) The goals for minority manpower utilization above are expressed in terms of workhours of training and employment as a proportion of the total workhours to be worked by the contractor's aggregate work force in that trade on all projects (both Federal and non-Federal) in the Washington, D.C. area during the performance of its contract or subcontract (i.e. the period beginning with the first day of work on the Federal or Federally assisted construction contract and ending with the last day of work).

(c) The workhours of minority employment must be substantially uniform throughout the length of the contract in each trade, and minorities should be employed evenly on each of a contractor's projects. Nevertheless, failure of a contractor to employ minorities evenly on each of its projects shall not constitute noncompliance provided the percentage of minority manhours employed by the contractor in its aggregate work force in the Washington, D.C. area meets or exceeds its commitment to the goals for minority manpower utilization in the Revised Washington Plan and the contractor has not violated the Equal Opportunity Clause of the contract in the assignment of minorities to its projects. The transfer of minority employees from employer-to-employer or from project-to-project for the purpose of meeting the contractor's goal shall be a violation of the Revised Washington Plan. Otherwise, the contractor shall be deemed to be in compliance with the requirements, terms, and conditions of the Revised Washington Plan if:

(1) The minority manpower utilization rate of the contractor meets or exceeds its commitment to the goals for minority manpower utilization in its aggregate work force, both Federally involved and non-Federal, within the Washington, D.C. area provided, that if the contractor has denied equal employment opportunity in violation of the Equal Opportunity Clause of this contract, it shall not be in compliance with the Revised Washington Plan or

(2) The contractor can establish that it is a member of a contractor's association or other employer organization which has as one of its purposes the expanded utilization of minority manpower and the total minority manpower utilization rate of all the member contractors on all projects in which they are involved within the Washington, D.C. area meets the contractor's minority manpower utilization commitment in the Revised Washington Plan provided, that if the contractor has denied equal employ-

ment opportunity in violation of the Equal Opportunity Clause of this contract it shall not be in compliance with the Revised Washington Plan or

(3) The contractor can establish that it has a collective bargaining agreement with a labor organization, that it utilizes such organization as its source for over 80 percent of its manpower needs and, that the percentage of minority membership of such organization and the total percentage of minorities referred for employment on all projects within the Washington, D.C. area meets the contractor's commitment in the Revised Washington Plan provided, that if the contractor has denied equal employment opportunity in violation of the Equal Opportunity Clause of this contract it shall not be in compliance with the Revised Washington Plan.

(d) In the event that work is performed after the expiration date of the Revised Washington Plan on a construction contract awarded pursuant to the requirements, terms and conditions of the Plan the goals for minority manpower utilization for 1978 shall be applicable to such work.

(e) The contractor's commitment to goals of minority manpower utilization is intended to meet its affirmative action obligations under Executive Order 11246, as amended, and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the contractor's attention that the goals are being used in a discriminatory manner, it shall immediately report that fact to the Office of Federal Contract Compliance so that appropriate proceedings may be instituted.

## § 60-5.4 Good faith efforts.

The contractor shall be deemed to be in compliance with the requirements, terms, and conditions of the Revised Washington Plan if it meets or exceeds its commitment to the goals for minority manpower utilization in its aggregate work force in the Washington, D.C. area for each trade for which it is committed to a goal under the Revised Washington Plan. The contractor's commitment to the goals for minority manpower utilization as required by the Revised Washington Plan constitutes a commitment that it will make every good faith effort to meet such goals. No contractor shall be found in noncompliance solely on account of its failure to meet its goals, but shall be given the opportunity to demonstrate that it has instituted all the affirmative action steps specified in the Revised Washington Plan and has made every good faith effort to make these steps work toward the attainment of its goals within the timetables, all to the purpose of expanding minority manpower utilization in its aggregate work force in the Washington, D.C. area. Contractors who fail to achieve their commitments to the goals for minority manpower utilization must have engaged in affirmative action directed at increasing minority manpower utilization, which is at least as extensive as the following steps:

(a) Notification to the minority community organizations when the contractor or union has employment opportunities available and maintenance of records regarding the organizations' response.

(b) Maintenance of a file of the names and addresses of each minority worker referred by the union to the contractor and what action was taken with respect to each such referred worker. If a worker was sent to the union hiring hall for referral and such worker was not referred back by the union or, if referred, not employed by the contractor, the file should document this and the reasons therefor.

(c) The contractor shall promptly notify the Office of Federal Contract Compliance when the union or unions with which the contractor has collective bargaining agreements has not referred to the contractor a minority worker sent by the contractor, or the contractor has other information that the union referral process has impeded efforts to meet its goals.

(d) Participation in training programs in the area, especially those funded by the Department of Labor.

(e) Dissemination of the contractor's or union's EEO policy within the respective organizations as applicable by including it in any policy manual; by publicizing it in company or union newspaper, annual report, etc.; by posting of the policy; and by specific review of the policy with minority employees or members.

(f) Dissemination of its EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all contractors, and subcontractors.

(g) Specific and constant written and oral recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations and minority training organizations within the contractor's or union's recruitment area.

(h) Specific efforts to encourage present minority employees or members to recruit their friends and relatives.

(i) The contractor shall validate all tests and other selection requirements as required by the Testing and Selection Order (41 CFR Part 60-3).

(j) Making every effort to provide after school, summer and vacation employment to minority youths.

(k) Where reasonable, the development of on-the-job training opportunities and participation and assistance in any association or group training programs relevant to the contractor's or union's needs.

(l) Continuing inventory and evaluation of all minority personnel or members for promotional opportunities and encouragement of minority employees or members to seek such opportunities.

(m) Assuring that seniority practices, job classifications, etc., do not have a discriminatory effect.

## PROPOSED RULES

(n) Assuring that all facilities and activities are non-segregated.

(o) Continual monitoring of all personnel activities to ensure that its EEO policy is being carried out.

(p) The contractor shall solicit bids for subcontracts from available minority subcontractors with the trades covered by the Revised Washington Plan to the maximum extent practicable including circulation of minority contractor associations.

## § 60-5.5 Administrative procedure for enforcement.

(a) Each agency shall review the contractor's employment practices during the performance of the contract. If the contractor meets its goals or can demonstrate that it has made every good faith effort to meet the goals and is not otherwise violating the Equal Opportunity Clause of this contract or any other Federal equal employment opportunity laws or regulations, the contractor shall be presumed to be in compliance with Executive Order 11246, as amended, and the Revised Washington Plan. In that event, no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor is not providing equal employment opportunities.

(b) Where the agency (see 41 CFR § 60-1.3 (a) and (b)) finds that the contractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and the Revised Washington Plan, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and its regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of the Revised Washington Plan. The contractor's failure to meet its goals shall, however, shift to it the requirement to come forward with evidence to show that it has made every "good faith" effort (as described in § 60-5.4) to meet such goals. The pendency of such formal proceedings shall be taken into consideration by Federal agencies in determining whether such contractor can comply with the requirements of Executive Order 11246, as amended, and is therefore a "responsible prospective contractor" within the meaning of Federal procurement law.

(c) It shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and Title VII of the Civil Rights Act of 1964. It is the policy of the Office of Federal Contract Compliance that contractors have a responsibility to provide equal employment opportunity if they wish to participate in Federally-involved con-

tracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization and, as a result, are prevented from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, its implementing rules, and regulations.

## § 60-5.6 Contractor obligations.

(a) All contractors shall include the Revised Washington Plan in all bid invitations or other prebid communications, written or otherwise, with their prospective subcontractors. Whenever a contractor subcontracts a portion of the work in any trade covered by the Revised Washington Plan it shall include the Plan in such subcontracts and each subcontractor shall be bound by the Revised Washington Plan to the full extent as if it were the prime contractor. The contractor shall not be accountable for the failure of its subcontractor to fulfill its affirmative action commitments. However, the prime contractor shall give notice to the Office of Federal Contract Compliance and the contracting agency of any refusal or failure of any subcontractor to fulfill its obligations under the Revised Washington Plan. Noncompliance with these requirements by a subcontractor will be treated in the same manner as such failure by the prime contractor.

(b) Contractors must keep such records and file such reports relating to the provisions of the Revised Washington Plan as shall be required by the contracting or administering agency.

## § 60-5.7 Obligations of the Federal Government.

(a) Nothing in the Revised Washington Plan shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors pursuant to Executive Order 11246 as amended, for those trades and those contracts not covered by the Plan.

(b) The procedures set forth in the Revised Washington Plan shall not apply to any contract when the head of the agency (see 41 CFR 60-1.3 (a) and (b)) determines that such contract is essential to the national security and that its award without following such procedure is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

(c) Nothing in the Revised Washington Plan shall be interpreted to diminish the present contract compliance review and complaint programs.

(d) Requests for exemptions from the Revised Washington Plan must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor,

Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

Signed at Washington, D.C. this 2nd day of September, 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

BERNARD E. DELURY,  
Assistant Secretary for  
Employment Standards.

PHILLIP J. DAVIS,  
Director, Office of Federal  
Contract Compliance.

[FR Doc.75-23648 Filed 9-4-75; 8:45 am]

INTERSTATE COMMERCE  
COMMISSION

[49 CFR Part 1106]

[EX PARTE NO. 314]

SPECIAL PROCEDURES FOR GENERAL  
FREIGHT RATE INCREASES BASED ON  
REVENUE NEED

## Notice of Oral Argument

August 26, 1975.

The Interstate Commerce Commission, will hold oral argument in the above entitled proceeding in order to provide the parties with a further opportunity to make their views known to the Commission. Oral argument is scheduled to commence at the office of the Commission in Washington, D.C. at 9:30 a.m. on Wednesday, October 1, 1975.

The October 1st date has been selected to afford the parties an advance opportunity to consider the views expressed by the other parties to this proceeding and based on that review to determine whether there is a possibility of consolidating their presentation at oral argument with other parties expressing the same or similar views. Further, the October 1, 1975, date will enable the parties to evaluate the Commission's statement delivered by Chairman Stafford on July 16, 1975. This statement attached as Appendix I hereto entitled "Statement of George M. Stafford, Chairman of the Interstate Commerce Commission, Before the Subcommittee on Transportation and Commerce of the House Committee on Interstate and Foreign Commerce on H.R. 6351 and H.R. 7681, 'together with a summary, places the proposed special procedures in context and provides the parties to this proceeding with an insight as to why the Commission prefers to consider changes through the administrative process.

In response to the notice of proposed rulemaking entered in this proceeding on June 10, 1975, served June 12, 1975 (40 FR 25603), 75 parties submitted written statements of verified facts, views, and arguments regarding the proposed procedures. Attached hereto as Appendix II

<sup>1</sup> Service list and statement of the Chairman with covering letter, are filed as part of original.

## PROPOSED RULES

is a service list of the parties submitting Procedures for Recovery of Fuel Costs, special procedures be limited to increases



is a service list of the parties submitting representations. Ten days from date of service of this notice the parties listed on Appendix II are to serve the other parties on the list with copies of their statements previously filed with the Commission. Ten days prior to oral argument the parties desiring to participate therein shall by letter advise the Commission (1) that they have complied with the service requirement; (2) the name of their representative who will appear at the oral argument on their behalf and/or representing other parties having similar positions; and (3) the approximate amount of time needed to present their position at oral argument.

Although the Commission has made no determination on the merits on whether or not to adopt the proposed regulations with or without modification, it would be helpful to the Commission if the parties at oral argument would address the following issues, which are not to be construed as all inclusive, but rather as focal points for informed discussion:

1. Is there a need for special procedures of the type contemplated by the notice of proposed rulemaking for all modes or for any one mode?

2. Has the entry of the Commission's decision in Ex Parte No. 311, Expedited

Procedures for Recovery of Fuel Costs, 350 I.C.C. 563, rendered unnecessary or undesirable the promulgation of another expedited procedure?

3. If the procedures set forth in the notice of proposed rulemaking were to be adopted on an experimental basis for one mode, several modes or all modes, should the increases be based solely on increased labor cost as was originally contemplated in Ex Parte No. 296, Procedures for Partial Recoupment of Increased Carrier Labor Costs?

4. If it were possible to fashion an expedited procedure that would clearly spell out that the Commission retains the right to suspend a general revenue proposal (or portion thereof, i.e., increases pertaining to individual commodities or weight brackets) filed under the special procedure for potential undue preference, prejudice or discrimination, would this be acceptable to the carriers and shippers alike? How do you view this proposal as compared with the rate provisions set forth in the Rail Revitalization Act of 1975 and discussed in Appendix I hereto?

5. If the special procedures were to be adopted, should the carriers utilizing the procedures be limited to one other general increase per year and should the

special procedures be limited to increases timed to become effective on a specified date as for example January 1 of each calendar year?

6. If special procedures are adopted on an experimental basis, what are your views as to the reasonableness of the proposed 5-percent figure? Would some other figure be more appropriate?

7. Does the Commission's practice of allowing interim increases pending formal investigation of rail general increases offer a viable alternative to the special procedures set forth in the notice of proposed rulemaking and should such a procedure be available to other modes absent a statutory refund provision?

Notice of oral argument shall be given to the general public by depositing a copy of this notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy of the notice, without attachments, to the Director, Office of the Federal Register for publication therein as notice to interested persons.

[SEAL] ROBERT L. OSWALD,  
Secretary.

AUGUST 26, 1975.

[FR Doc 75-23668 Filed 9-4-75; 8:45 am]

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF STATE

#### Agency for International Development

##### HOUSING GUARANTIES

###### Prescription of Rate

Pursuant to section 223(f) of the Foreign Assistance Act of 1961 as amended ("the Act"), contracts of guaranty to be entered into for loan investments in housing under section 221 and section 222 of the Act will be subject to the following restriction:

The maximum allowable rate of interest to an eligible U.S. investor shall not exceed nine and one-half percent (9½ percent) per annum.

This prescription of rate shall be effective August 21, 1975.

Dated: August 27, 1975.

CHARLES A. MANN,  
Assistant Administrator, Bureau  
for Program and Management  
Services.

[FR Doc.75-23637 Filed 9-4-75; 8:45 am]

### DEPARTMENT OF THE TREASURY

#### Office of the Secretary

##### CERTAIN NON-POWERED HAND TOOLS FROM JAPAN

###### Determination of Sales at Less Than Fair Value and Discontinuance of Antidumping Investigation

Information was received on August 5, 1974, that certain non-powered hand tools from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

For purposes of this notice, the term "certain non-powered hand tools" means chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, battery service tools, micrometers, vernier calipers and dial indicators. Battery service tools include battery terminal lifters, battery post and terminal cleaning brushes, battery terminal spreaders, angle-nose pliers, booster cables and battery service kits (terminal puller, cleaning brush and two terminals).

A notice of "Withholding of Appraisal and Notice of Tentative Discontinuance of Antidumping Investigation" was published in the FEDERAL REGISTER of June 5, 1975 (40 FR 24218).

**Determination of Sales at Less than Fair Value.** I hereby determine that, for reasons stated below, punches, chisels, hammers and sledges (with or without handles), vises, c-clamps and battery

service tools from Japan, are being, or are likely to be sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

###### Statement of Reasons on Which This Determination is Based:

Analysis of information from all sources reveals that the proper basis of comparison for fair value purposes is between purchase price of the merchandise and its adjusted home market price, adjusted third country price, or constructed value, as applicable to individual manufacturers.

Purchase price was calculated on the basis of a c.i.f. or f.o.b. price, as appropriate, with deductions for inland freight, Customs clearance charges, and a commission, as applicable.

The adjusted home market price was based on a weighted-average delivered price with deductions for inland freight, interest, advertising, catalogs, direct selling expenses, and discounts, as appropriate. Adjustments were made for difference in packing, and differences in the merchandise, as appropriate.

The adjusted third country price was calculated on the basis of the f.o.b. or c.i.f. price with deductions for inland freight, ocean freight, shipping charges and insurance, as appropriate. An adjustment was made for differences in packing, as appropriate.

The constructed value was calculated on the basis of the cost of materials and labor, the statutory minimum or actual general expenses and profit, and the cost of packing, as appropriate.

Using the above criteria, purchase price was found to be lower than the applicable adjusted home market price, adjusted third country price, or constructed value of such or similar merchandise.

Hammers from Imoto Hamono Co., Ltd., Kyoto Tool Co., Ltd., sledges from Hiroto Tekko K.K., angle nose pliers and terminal spreaders from Tashiro Seisakusho, and battery post and terminal cleaning brushes, from Japan Export Brush Co., Ltd., are excluded from this determination since 100 percent or virtually 100 percent of their export sales of these articles during the period under consideration were examined as appropriate, and the foreign market value or constructed value, as applicable, was found to be lower than the purchase price of identical merchandise in every instance.

The United States International Trade Commission is being advised of this determination.

**Discontinuance of Antidumping Investigation.** With regard to non-powered

precision measuring instruments consisting of micrometers, vernier calipers, and dial indicators, a statement of reasons for the tentative action was published in the notice of tentative discontinuance referred to above, and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative discontinuance.

After consideration of all views and arguments, and for the reasons stated in the notice of "Withholding of Appraisal and Notice of Tentative Discontinuance of Antidumping Investigation", I hereby discontinue the antidumping investigation on micrometers, vernier calipers, and dial indicators from Japan.

This "Determination of Sales at Less Than Fair Value and Discontinuance of Antidumping Investigation" is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and section 153.15(d) of the Customs Regulations (19 CFR 153.15(d)).

DAVID R. MACDONALD,  
Assistant Secretary  
of the Treasury.

AUGUST 29, 1975.

[FR Doc.75-23487 Filed 9-4-75; 8:45 am]

### DEPARTMENT OF DEFENSE

#### Office of the Secretary

##### DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

###### Notice of Closed Meetings

Pursuant to the provisions of Section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed meetings of a Panel of the DIA Scientific Advisory Committee will be held as follows:

26 September 1975—Pomponio Plaza, Rosslyn, Va.

27 September 1975—Naval Intelligence Support Center, Suitland, Md.

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized intelligence data requirements.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

AUGUST 29, 1975.

[FR Doc.75-23527 Filed 9-4-75; 8:45 am]



Office of the Secretary  
DEFENSE SCIENCE BOARD TASK FORCE  
ON "SYSTEMS VULNERABILITY"

Notice of Advisory Committee Meeting

The Defense Science Board Task Force on "Systems Vulnerability" will meet in closed session on 29-30 September 1975 at Lawrence Livermore Laboratory, Livermore, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The DSB Systems Vulnerability Task Force will review the Air Force Weapons Laboratory report on KC-135 hardness and provide an assessment of the validity and completeness of this effort. The Task Force will also review the hardness parameters used for other strategic aircraft. In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives OASD (Comptroller).

SEPTEMBER 2, 1975.

[FR Doc.75-23648 Filed 9-4-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE  
ON "ELECTRONIC TEST EQUIPMENT"

Notice of Advisory Committee Meeting

Pursuant to the provisions of Public Law 92-463, notice is hereby given that the Defense Science Board Task Force on "Electronic Test Equipment" will meet in open session on 23 and 24 October 1975 in Room 9W67, National Center Building #1, 2511 Jefferson Davis Highway, Arlington, Virginia.

The session will commence at 9 a.m. each day.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to examine the greater use of the Department of Defense of privately-developed, commercially-available, off-the-shelf electronic test equipment, including modifications thereof, with the goal of achieving economy and reliability benefits for the several Armed Services and to recommend policies and procedures which will maximize these benefits.

This will be the seventh meeting of the Task Force. The planned agenda will cover three general areas:

1. Procurement.
2. Logistics.
3. Applications Requirements and Equipment.

The detailed discussions and investigations into these general areas will be conducted by working groups made up of designated Task Force members or their designated representatives and selected Task Force Observers. Each working group will formulate proposals related to its general area of responsibility corresponding to one of the three specified above. The working group proposals as approved by the Task Force will form the basis for the ultimate Task Force recommendations.

Persons wishing to attend are advised that a reasonable quantity of seating for observers will be available on a first-come, first-seated basis. No specific arrangements or notification of desire to attend is necessary.

The Executive Secretary for the Task Force is Mr. Rudolph J. Sgro, OASD (I&L) WS, Room 2A318, Pentagon, Washington, D.C. 20301.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives OASD (Comptroller).

SEPTEMBER 2, 1975.

[FR Doc.75-23629 Filed 9-4-75;8:45 am]

DEPARTMENT OF INTERIOR

Bureau of Land Management  
BOISE DISTRICT ADVISORY BOARD  
Meeting

Notice is hereby given that the Advisory Board of the Boise District of the Bureau of Land Management will meet in the Boise District Office at 9:00 a.m., September 18, 1975. This will be a one day meeting.

The agenda for the meeting is as follows:

1. Orientation of Board to District programs and Advisory Board operations.
2. Election of Advisory Board officers.
3. Consideration of work plan for Board range improvement funds.

The meeting will be open to the public. Time will be made available for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager. Further information concerning the meeting may be obtained from D. Dean Bibles, District Manager, 230 Collins Road, Boise, Idaho 83702. His telephone number is (208) 342-2711, Ext. 2582.

D. DEAN BIBLES,  
District Manager.  
[FR Doc.75-23545 Filed 9-4-75;8:45 am]

[Colorado 22923]

NORTHWEST PIPELINE CORP.  
Notice of Pipeline Application

AUGUST 28, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act

of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right of way for a natural gas pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 3 S., R. 102 W.,  
Section 34: SW $\frac{1}{4}$  SE $\frac{1}{4}$ ,  
Section 35: SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ ,  
T. 4 S., R. 102 W.,  
Section 1: Lots 7 and 8,  
Section 2: Lot 5, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ ,  
Section 3: Lots 5, 6, and 7, NE $\frac{1}{4}$  SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ .

The pipeline is an addition to Northwest Pipeline Corporation's natural gas gathering system in Rio Blanco County, Colorado. The purpose of this project is to enable the applicant to meet the increasing demands for natural gas.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of Environmental and other analyses necessary for determining whether the application should be approved; and if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within 30 days from the date of this notice.

RODNEY A. ROBERTS,  
Acting Chief,  
Branch of Land Operations.

[FR Doc.75-23546 Filed 9-4-75;8:45 am]

[NM 26441]

NEW MEXICO  
Notice of Application

AUGUST 28, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one  $\frac{1}{2}$  inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 28 E.,  
Sec. 30, lots 1 and 2.

This pipeline will convey natural gas across .207 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their

name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.75-23547 Filed 9-4-75;8:45 am]

[Wyoming 52113]

WYOMING

Notice of Application

AUGUST 27, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Stauffer Chemical Company has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 103 W., sec. 6,  
T. 22 N., R. 103 W., sec. 28; sec. 32; sec. 34,  
T. 21 N., R. 104 W., sec. 12.

The pipeline will convey natural gas from wells in the NW $\frac{1}{4}$  of sec. 34, T. 22 N., R. 103 W., and the NE $\frac{1}{4}$  of sec. 5, T. 21 N., R. 103 W., to a gas gathering line in the SW $\frac{1}{4}$  of sec. 12, T. 21 N., R. 104 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions. Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.75-23549 Filed 9-4-75;8:45 am]

[Wyoming 52164]

WYOMING

Notice of Application

AUGUST 27, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Kansas-Nebraska Natural Gas Company has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 39 N., R. 90 W.,  
sec. 32, W $\frac{1}{2}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ ,  
and W $\frac{1}{2}$  SE $\frac{1}{4}$ .


The pipeline will convey natural gas from the Inesco-Madden Deep #1-32 well in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of sec. 32 to existing facilities in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of sec. 32, T. 39 N., R. 90 W., Fremont County, Wyoming.

Fish and Wildlife Service  
ENDANGERED SPECIES PERMIT  
Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:  
Woodland Park Zoological Gardens,  
5500 Phinney Avenue,  
North Seattle, Wash. 98107  
James W. Foster, D.V.M., Interim Director

PHILIP C. HAMILTON,  
Chief, Branch of Lands and  
Minerals Operations.  
[FR Doc.75-23548 Filed 9-4-75;8:45 am]

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>1. APPLICATION FOR (Indicate only one)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT (Export)</p>	
<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS DESIRED.</p> <p>Woodland Park Zoological Gardens wishes to export 1.2 Starlings, Rothschild's Wren (Leucocorax rothschildi) (an endangered species) to the Calgary Zoological Society, Alberta, Canada for breeding program which has been in progress since 1972.</p>		<p>3. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <p><input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MLE NAME HEIGHT</p> <p>DATE OF BIRTH COLOR HAIR COLOR EYES</p> <p>PHONE NUMBER (WHERE EMPLOYED) SOCIAL SECURITY NUMBER</p> <p>OCCUPATION</p> <p>ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT</p>	
<p>4. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>EDUCATION TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION</p> <p>A society operated municipal zoological park</p>		<p>5. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED</p> <p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.</p> <p>James W. Foster, D.V.M., Interim Director</p>	
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p>Calgary Zoological Society St. George Island Calgary, Alberta, Canada T2G 3H4</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THE NECESSARY APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>9. PROVINCIAL IMPORT PERMIT, ALBERTA, ISSUED FOR ONLY 30 DAYS. ORIGINAL PERMIT MUST BE SUBMITTED WITH THIS APPLICATION.</p> <p>Immediate Nine (9) months</p>	
<p>10. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE, ENCLOSED IN AMOUNT OF</p> <p>17.22</p>			
<p>11. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 16 U.S.C. 1531) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THE APPLICATION. LIST SECTIONS OF 50 C.F.R. UNDER WHICH ATTACHMENTS ARE PROVIDED.</p>			
<p>CERTIFICATION</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 15, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN 50 CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN IS SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>Signature of Applicant: <i>James W. Foster</i> DATE: 7/31/75</p> <p>James W. Foster, D.V.M., Interim Director Woodland Park Zoological Gardens, Seattle, Washington</p>			

(1) Starlings, Rothschild's Wren, and (2) We believe that the Calgary Zoological

Office of the Secretary

and locally administered components. environmental impact involved, for Single copies are available upon re-



(1) Starlings, Rothschild's Mynah (*Leucopsar rothschildi*) 1.2 animals 3 1974 2's 1973. The Woodland Park Zoological Gardens at 5500 Phinney Ave N. Seattle, WA, wishes to export these animals to the Calgary Zoological Society, Calgary, Alberta, Canada for a breeding program which has been in progress since 1972.

(2) These animals were born at the Woodland Park Zoological Gardens in 1973-1974.

(3) Calgary Zoological Society is attempting to obtain captive raised animals from a professional zoological garden rather than attempt capture of wild birds.

(4) Wildlife sought was born and raised by professional staff at the Woodland Park Zoological Gardens (a municipal zoo), 5500 Phinney Ave. N. Seattle, Washington 98107.

(5) Calgary Zoological Society, St. George Island, Calgary, Alberta, Canada T2G 3H4; Phone (403) 265-9310.

(6) Live wildlife requested by permit.

(i) The area where these birds will be housed is: flight cage off of main aviary which is 8' wide x 25' long by 8' high. It has a small pool on the ground with a continuous fresh water feed, a large number of both exotic and native plants, nest boxes and nesting materials, two feeding stations, glass on 3 sides to permit natural lighting. See Attachment A.

(ii) The present person in charge of the Aviary and waterfowl started working at Calgary in 1966. He resigned his position in 1971 to work in an Australian Zoo for two years and then rejoined the Calgary Zoo in 1973. He is an extremely knowledgeable and capable person with birds as is witnessed by the fact that over 80% of the Calgary waterfowl collection is successfully breeding with remarkable success with a large number of Passeriformes.

(iii) The Calgary Zoological Society as applicant is willing to participate in a cooperative breeding program and to contribute data to a studbook on a regular basis.

(iv) Birds will be shipped in individual compartmented cage, 10"x12"x12" (each compartment) with perch near bottom. Screened vents, bedding material, water and feed containers adequate for sustenance for 48 hours. The shipment could leave on Hughes Airwest Flight #772, from Seattle, at 9:00 AM any day, arriving Spokane, Washington at 9:50 AM, transfer to Hughes Airwest Flight #8, arriving at Calgary at 2:00 PM the same day. A total of 5 hours flight time. The Calgary Zoo will meet flight.

(v) Rothschild's Mynah—Calgary Zoological Society record for last five years.

Oct. 31, 1960....	None in collection.
Oct. 31, 1970....	Do.
Oct. 31, 1971....	Do.
Oct. 31, 1972....	Do.
Dec. 28, 1972....	1/1 bought from Mich Ken Breeding Farm, 01212 Carlevoix St., Montreal, Canada.
Aug. 18, 1973....	0/1 found dead in pen.
Oct. 31, 1973....	1/0 in collection.
Oct. 31, 1974....	Do.

The 2 that died August 18, 1973, appeared to have flown into the glass window in June; as a consequence she developed central nervous system problems and died August 18, 1973. The exhibit was immediately modified to include more branches and plants in front of window areas. Have had no problems since.

(7) See Attachment B.

(8) We believe that the Calgary Zoological Society can provide the necessary housing facility and environment conducive to propagating Rothschild's Mynahs (an endangered species.)

We therefore wish to export 1.2 Rothschild's Mynahs from Woodland Park Zoo to Calgary, in order to establish their breeding colony. Upon receipt of a valid permit, the birds would then be shipped to the Calgary Zoo via Hughes Airwest as follows:

Flight #722 departing Seattle, at 9:00 AM, arriving Spokane 9:50 AM, transfer to Flight #8 arriving in Calgary at 2:00 PM, the same day. Flight time: 5 (five) hours.

Two of the primary functions of zoological parks today are conservation and education. These birds would be placed in a breeding program which will, if successful, help to prevent the extinction of another species and at the same time add valuable information which will help in captive management and husbandry practices.

These birds will remain at the Calgary Zoological Park the remainder of their natural life.

JAMES W. POSTER, D.V.M.,  
Interim Director, Woodland Park  
Zoological Gardens, Seattle, Wash.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before October 7, 1975, will be considered.

Dated: August 29, 1975.

LOREN K. PARCHER,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc.75-23632 Filed 9-4-75; 8:45 am]

#### MARINE MAMMALS Issuance of Permit

On April 9, 1975, a notice was published in the FEDERAL REGISTER (40 FR 16105-6-7) that an application had been filed with the Fish and Wildlife Service by the Louisville Zoological Garden, Louisville, Kentucky (Robert B. Bean, Director) for a permit for the importation of two POLAR BEAR cubs from the Calgary Zoo, Calgary, Alberta, Canada.

Notice is hereby given that on August 27, 1975, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to the Louisville Zoological Garden, Louisville, Kentucky, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Dated: August 29, 1975.

LOREN K. PARCHER,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc.75-23681 Filed 9-4-75; 8:45 am]

#### Office of the Secretary

[INT FES 75-76]

#### PROPOSED DESERT WILDERNESS AREA Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed Desert Wilderness Area, Clark and Lincoln Counties, Nevada.

The proposal recommends that approximately 1,322,900 acres of the Desert National Wildlife Range, in Clark and Lincoln Counties, Nevada, be designated wilderness within the National Wilderness Preservation System. It is further recommended that 76,000 acres of adjoining public domain lands administered by the Bureau of Land Management be designated wilderness at such time as they become part of the Desert National Wildlife Range.

Copies of the final statement are available for inspection at the following locations:

Regional Director, U. S. Fish and Wildlife Service, 730 N. E. Pacific Street, P. O. Box 3737, Portland, Oregon 97208.  
Refuge Manager, Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nevada 89108.  
U.S. Fish and Wildlife Service, Division of Wildlife Refuges, Room 2280, 18th & C Streets, N.W., Washington, D.C. 20240.

Single copies may be obtained by writing the Environmental Impact Statement Coordinator, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: August 29, 1975.

ROYSTON C. HUGHES,  
Assistant Secretary of the Interior.  
[FR Doc.75-23561 Filed 9-4-75; 8:45 am]

[INT DES 75-50]

#### PROPOSED LEWIS AND CLARK NATIONAL HISTORIC TRAIL Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed authorization and designation of the Lewis and Clark National Historic Trail as a component of the national trails system and invites written comment on or before October 20, 1975. Comments should be addressed to Regional Director, Mid-Continent Region, Bureau of Outdoor Recreation, Denver Federal Center, Building 41, P.O. Box 25387, Denver, Colorado 80225.

The environmental statement considers the designation of the entire 3,700-mile route between Wood River, Illinois, and the Pacific Ocean in Oregon as a national historic trail. The trail borders or passes through the States of Illinois, Missouri, Iowa, Kansas, Nebraska, South Dakota, North Dakota, Montana, Idaho, Washington, and Oregon. Development would be confined to 21 Federal, State,

and locally administered components. This action would provide 2,010 miles of land- and water-based trail (135 miles of land, 1,875 miles of water).

Copies are available for inspection at the following locations:

Office of Communications, Office of the Secretary, Department of the Interior, Washington, D.C. 20240.

Office of Information, Bureau of Outdoor Recreation, Room 4024, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-5726.

State Clearinghouses at the following addresses:

Division of Budget, Policy Planning and Coordination, Room 122, Statehouse, Boise, Idaho 83720.

Office of Planning and Programming, State Capitol, Des Moines, Iowa 50319.

State Clearinghouse, Bureau of Budget, 103 State House, Springfield, Illinois 62706.

Office of Administration, Division of State Planning and Analysis, P.O. Box 809, State Capitol, Jefferson City, Missouri 65101.

Office of Budget and Program Planning, Office of the Governor, Helena, Montana 59601.

State Office of Planning and Programming, State Capitol, Box 94601, Lincoln, Nebraska 68509.

North Dakota State Planning Agency, State Capitol, Bismarck, North Dakota 58501.

Intergovernmental Relations Division, State of Oregon, Executive Department, 240 Cottage Street, S.E., Salem, Oregon 97310.

State Planning Agency and the Office of the Budget, State Capitol, Pierre, South Dakota 57501.

Office of Program Planning and Fiscal Management, Second Floor, House Office Building, Olympia, Washington 98504.

Budget Division, Department of Administration, 1st Floor, State House, Topeka, Kansas 66612.

Regional Offices of the Bureau of Outdoor Recreation located at the following addresses:

Mid-Continent Regional Office, 603 Miller Court, Lakewood, Colorado 80215.  
Northwest Regional Office, 915 Second Avenue, Seattle, Washington 98174.

Lake Central Regional Office, 3853 Research Park Drive, Ann Arbor, Michigan 48104.

Dated: August 29, 1975.

ROYSTON C. HUGHES,  
Assistant Secretary of the Interior.  
[FR Doc.75-23560 Filed 9-4-75; 8:45 am]

#### DEPARTMENT OF AGRICULTURE

##### Animal and Plant Health Inspection Service FLEMING KEY ANIMAL IMPORT CENTER

##### Notice of Meeting and Extension of Comment Period

On July 3, 1975, a Notice of Availability of Draft Environmental Statement relating to the construction of the proposed Fleming Key Animal Import Center, Key West, Florida was published in the FEDERAL REGISTER (40 FR 28111).

Comments to be received by September 2, 1975, were invited from the public, from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any

environmental impact involved, for which comments had not been requested specifically.

Among comments received to date are requests that a public meeting be held in order to provide certain individuals and interested groups an opportunity to express ideas and views concerning the proposal.

Since the Department is interested in receiving all meaningful views and comments, a public meeting will be held September 18, 1975, in the Key West High School Auditorium, 2100 Flagler Avenue, Key West, Florida at 8:00 p.m., to receive further comments concerning the Draft Environmental Statement relating to the proposed Fleming Key Animal Import Center. The meeting will be open to the public. Persons wishing to present oral views or comments will be given an opportunity to do so. Under these circumstances, it is also deemed proper to extend the original comment period from September 2, 1975 to September 18, 1975.

Therefore, written comments and other material relating to this matter may be submitted to the meeting in Key West or may be submitted to Mr. O. V. Cummings, Jr., Director, Administrative Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 5148-S, 14th and Independence Ave., S.W., Washington, D.C. 20250, on or before September 18, 1975.

Dated: August 29, 1975.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc.75-23588 Filed 9-4-75; 8:45 am]

#### Forest Service

##### AQUATIC WEED CONTROL Availability of Addendum to Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared an addendum to the final environmental statement for Aquatic Weed Control, Apache-Sitgreaves National Forests, USDA-FS-FES (Adm) R3-74-01.

The addendum to the environmental statement includes copies of internal communication from the Arizona State Clearing House and the Forest Service response.

The addendum to the final statement was transmitted to CEQ on August 28, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3028, 12th & Independence Ave., S.W., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87102.

Apache-Sitgreaves National Forests, Federal Building, Springerville, Arizona 85938.

Single copies are available upon request to the Forest Supervisor, Apache-Sitgreaves National Forests, Federal Building, Springerville, Arizona 85938; Regional Forester Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102; and the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to name and number of environmental statement addendum when ordering.

Copies of the addendum to the final environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

M. J. HASSELL,  
Deputy Regional Forester, R3.

August 28, 1975.

[FR Doc.75-23590 Filed 9-4-75; 8:45 am]

#### DEPARTMENT OF COMMERCE

##### Bureau of the Census

##### CENSUS ADVISORY COMMITTEE ON THE BLACK POPULATION FOR THE 1980 CENSUS

##### Public Meeting

The Census Advisory Committee on the Black Population for the 1980 Census will convene on October 10, 1975, at 9:30 a.m. in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Committee was established in October 1974 to advise the Director, Bureau of the Census, on such 1980 census planning elements as improving the accuracy of the population count, recommending subject content and tabulations of special use to the black population, and expanding the dissemination of census results among present and potential users of census data in the black population.

The Committee is composed of 21 members appointed by the Secretary of Commerce.

The agenda for the meeting is: (1) Developments at the Census Bureau since the last meeting, (2) 1980 census subject content plans, (3) coverage and content research, and (4) update on Minority Statistics Programs with emphasis on Community Services program.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Clifton S. Jordan, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone: (301) 763-5169.

Dated: August 28, 1975.

VINCENT P. BARABEA,  
Director, Bureau of the Census.

[FR Doc.75-23615 Filed 9-4-75; 8:45 am]



Domestic and International Business  
Administration  
[Order No. 43-2; Amdt. 2]  
**BUREAU OF INTERNATIONAL COMMERCE**  
Organization and Functions

August 6, 1975.

This order, effective August 6, 1975, amends the material appearing at 39 FR 20622 of June 12, 1974 and 39 FR 35694 of October 3, 1974.

DIBA Organization and Function Order 43-2, dated March 25, 1974, as amended, is hereby further amended, as follows:

1. Section 5. Office of Export Development

In order to reflect transfer from the Office of Market Planning of the staff support for the President's Interagency Committee on Export Expansion (PICEE), the following sentence should be added to Subsection .04 Domestic Export Programs Division: "The Division shall provide coordination and support services for the President's Interagency Committee on Export Expansion (PICEE)."

2. Pen and ink Deletion to Amendment 1:  
Amend Section 4.01, Office of Market Planning by deleting the following:

"The Office of the Director shall coordinate all Bureau publications and communications programs and information systems and shall provide coordination and support services for the President's Interagency Committee on Export Expansion."

3. SECTION 6. OFFICE OF INTERNATIONAL MARKETING is amended to read, as follows:

SECTION 6. OFFICE OF INTERNATIONAL MARKETING

.01 The Office of the Director includes: the Director who shall plan and direct the execution of the policies and programs of the Office; and the Deputy Director who shall provide principal direction to overseas operations and perform the functions of the Director in his absence. The Director shall have responsibility for any activities resulting from the participation of the United States in the International Exposition on the Environment which was held in Spokane, Washington, in 1974, and shall supervise and direct the following:

.02 The Assistant Director for Program Development shall coordinate country programs, collect foreign market data and develop the mechanism for securing the necessary approvals for country commercial programs within DIBA.

a. The Program Coordination Division shall coordinate the development of individual country commercial programs with the country marketing managers, other elements of DIBA, the State Department, Foreign Service Posts, and assure concurrence with Government policy and program documents such as Policy Analysis and Resource Allocation (PARA) and the Country Analysis and Strategy Paper (CASP).

b. The Market Research Division shall design and coordinate the program to

produce marketing information about countries, regions and markets which will identify U.S. export problems and opportunities; and shall collect specific product/industry information to assist U.S. industry in solving problems of advertising, pricing and product development in the marketing of specific products.

.03 The Assistant Director for Emergent Markets shall have responsibility for the following areas:

Northern Europe (Scandinavia, United Kingdom, Canada, Benelux).  
Western Europe (France, Germany, Austria).  
Southern Europe (Italy, Greece, Yugoslavia, Switzerland, Portugal, Spain).  
Japan, Australia, New Zealand.

.04 The Assistant Director for Emergent Markets shall have responsibility for the following areas:

Far East (including South Asia).  
Latin America.  
Africa (exclusive of Egypt, Morocco, Tunisia, Algeria, and Libya).

.05 The Developed Markets and Emergent Markets areas shall each be responsible for the content and management of country marketing programs for its assigned territory within global export priorities and targets established by the Office of Market Planning; shall serve as the focal point in DIBA for the development of the Country Commercial Program; provide overseas marketing information and counseling services to the U.S. business community and to other U.S. Government agencies; identify key economic, trade, financial, and marketing problems in overseas country or country groupings; provide to the U.S. business community a regular review of the prospects for increased U.S. exports in significant overseas markets; provide for development in detail of the annual country commercial programs; plan and direct trade promotional activities within the country, including Trade Centers and commercial fairs; within the framework of Bureau-approved country programs, provide guidance and direction to overseas personnel engaged in commercial activities; i.e., the Commercial Foreign Service, Trade Center staffs, commercial fair staffs, and other trade promotion personnel; maintain contact with foreign government representatives in the United States on matters concerning the marketing programs developed for their countries.

In addition to the functions set forth in paragraph .05, the Office of the Assistant Director for Emergent Markets shall administer the Department's responsibilities pursuant to the China Trade Act of 1922, as amended.

.06 The Assistant Director for Resources shall plan, develop and manage the fiscal and physical resources supporting and complementing the various programs of the Office; specifically it shall provide logistical support for overseas promotional activities; shall provide for exhibition design; prepare specifications and provide technical administration of contracts with private design firms; provide for the leasing, construction, operation, and promotional support of over-

seas exhibitions and seminars; provide for leasing, design, and construction of U.S. Trade Center facilities; and coordinate the shipment of exhibition products and support material. It shall also provide for program allocation of resources; coordinate the development of operational budgets and fiscal plans; shall plan and develop promotional techniques and activities as required by the Emergent Markets and Developed Markets areas to meet special export marketing needs of U.S. industry such as catalogue fairs, trade missions, in-store consumer products promotions, and seminars.

4. The attached Organization Chart supersedes the chart dated August, 1974. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

CHARLES W. HOSTLER,  
Deputy Assistant Secretary for  
International Commerce.

Approved:

DONALD E. JOHNSON,  
Deputy Assistant Secretary for  
Domestic and International  
Business.

[FR Doc.75-23531 Filed 9-4-75; 8:45 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Food and Drug Administration  
UPJOHN CO.

Repromix; Notice of Withdrawal of  
Approval of New Animal Drug Application

Under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued: The Commissioner is withdrawing the new animal drug application (NADA) No. 13-578V held by The Upjohn Co., Kalamazoo, MI 49001, which provides for Repromix (medroxyprogesterone acetate premix containing 15 grams of the drug per pound), and which is intended for use for the synchronization of estrus and ovulation in breeding cattle and ewes.

The applicant has requested that approval of the application be withdrawn on the basis that the drug is not being manufactured and none has been sold since 1972.

Therefore, in accordance with paragraph (d) of § 514.115 withdrawal of approval of applications (21 CFR 514.115 (d)), notice is given that the approval of NADA No. 13-578V and all supplements and amendments thereto is hereby withdrawn, effective September 5, 1975.

A regulation published elsewhere in this issue of the FEDERAL REGISTER revokes the corresponding new animal regulations that provide for the use of the drug.

Dated: August 28, 1975.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc.75-23613 Filed 9-4-75; 8:45 am]

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Indian reservation tribal leaders, and the

Rehabilitation Services Administration (1E

9. Maintains working relationships

Office of the Secretary  
**OFFICE OF THE REGIONAL DIRECTOR,  
REGION IV**  
Statement of Organization, Functions, and  
Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, (40 FR 1543-48 1/8/75) is amended to add under Section 1E84.20, Functions, the functions of the Office of the Assistant Regional Director for Planning and Evaluation and the Office of the Assistant Regional Director for Intergovernmental Affairs. The amended statement reads as follows:

Section 1E84.20H Assistant Regional Director for Planning and Evaluation.

1. Serves as a principal advisor to the Regional Director in identifying and directing activities to meet the needs and requirements for the planning and evaluation of HEW and related Federal, State, local, and private human resources programs within the Region.

2. Identifies needs, opportunities, and mechanisms for Regional Office inter-agency coordination in planning and evaluation activities, in order to better accomplish Regional Office goals and objectives.

3. Establishes and maintains an inter-governmental issues identification and a resolution process, in coordination with the Assistant Regional Director, Intergovernmental Affairs (ARD/IGA), and with this process:

a. coordinates identification and analysis of HEW-related issues needing policy clarification, and facilitates resolution of such issues; and

b. identifies on a geographic basis needs and problems in the Region with a special emphasis on target and special concern groups, and descriptions of available resources.

4. Establishes with the ARD/IGA an intergovernmental review and comment process in order to:

a. disseminate proposed National policies, legislation, and regulations within the Region.

b. analyze these proposals for Regional implications, especially in light of regional observations of needs; and

c. participate in Master Planning Calendar activities, including the forward planning process, development of preliminary budgets and model State legislation.

5. Coordinates an evaluation planning and management process which:

a. provides an interface with central office evaluation planning process;

b. identifies programs directly operated by the RD, information needed to describe programs progress and then develops instrument and techniques for measuring progress in reaching program goals; and

c. ensures for all DHEW programs dissemination of evaluation results within the Region.

6. Coordinates and monitors a Regional policy implementation planning process.

7. Develops and monitors implementation of a Regional capacity-building plan, in coordination with ARD/IGA and POCs. Identifies and assesses the constraints which impede current and/or potential participants from preparing effective program designs. Develops strategies for eliminating constraints and improving capacities. In coordination with Assistant Regional Director for Administration and Management, plans for and monitors the provisions of technical or financial assistance to general purpose governments in the development of integrated services and management systems.

8. Establishes in coordination with the Assistant Regional Director, Administration and Management and ARD/IGA, procedural and substantive criteria for the management review of those project grants covered by the RDRS system, all developmental assistance programs, and all programs serving cross-agency target groups.

9. Assists the ARD/IGA in the accomplishment of Regional manpower responsibilities by the Regional Manpower Coordination Units.

10. OPS functions are included in the model statement under K Office of the Assistant Regional Director for Administration and Management, Item 2.

11. Administers the Regional OPS program including the CO tracked objectives plus prioritized regional objectives (primarily composed of broad cross cutting issues).

Section 1E8 4.20I Assistant Regional Director for Intergovernmental Affairs.

1. Serves as a principal representative to the Regional Director and supervises a staff unit to help accomplish the Department's intergovernmental technical assistance and program coordination mission in the Region.

2. Serves as the Regional Director's representative in establishing and maintaining systematic contacts with the office of governors, Congressmen, State legislators, county executives and mayors. Recommends alternative methods for achieving goals and objectives, exercising priorities and implementing policies pertaining to relationships with State and local general purpose governments.

3. As a result of establishing a system for intergovernmental contacts, establishes and maintains a process for the identification of intergovernmental issues; refers these issues to the Regional Director, Assistant Regional Director, Planning and Evaluation (ARD/P&E), and the Regional POCs for proper analysis and resolution; and coordinates the dissemination of information on problems that have been resolved to State and local governments and representatives of private interest groups.

4. In cooperation with the ARD/P&E and POCs, coordinates and monitors procedures for securing timely State and local GPG review and comment on appropriate policies, legislation and regulations, keeps Regional Office and Headquarters Staff informed about major current developments concerning sig-

nificant new human resource legislation and policies at the State and local levels.

5. Identifies, and brings to the attention of the ARD/P&E problems and issues in the States that may be amenable to DHEW evaluation efforts; facilitates, in coordination with the ARD/P&E, the dissemination of significant human resource evaluation, and monitoring findings to and from State and local governments.

6. Ensures that the Regional Office role in the implementation of DHEW policies, through such systems as OPS, is clearly spelled out to State and local general purpose governments. In cooperation with the ARD/P&E develops a process for disseminating information on operational objectives to State and local governments and special concerns groups. In cooperation with the ARD/P&E and the POCs, attempts to ensure that State and local governments institute adequate mechanisms for implementing major common operational objectives. Provides for an exchange of information and interface with other Departments where interdepartmental efforts are required to implement policies.

7. Coordinates the planning and delivery of technical assistance to assist States and local general purpose government in the accomplishment of common program objectives.

8. Maintains liaison with ARD/P&E and POCs regarding implementation of a capacity building plan. Participates in the identification and assessment of the constraints which impede current and/or potential participants from developing effective delivery systems.

9. Participates from time to time in interagency or interdepartmental studies with responsibility for fact-finding, analysis, and making recommendations to top level policy making officials about National and intergovernmental program planning.

10. Provides guidance and staff support to the Federal Regional Council, in connection with operations and activities that require coordination with Federal, State and local governments. This includes responsibility for maximizing the Federal Regional Council's potential for improving the quality and effectiveness of intergovernmental operations. Coordinates Regional participation on the Federal Executive Board, its committees and task forces.

11. Has leadership responsibility for carrying out the Regional Office responsibilities for the CETA program. Administers and assures that the Regional Office manpower work plan is being accomplished. Participates actively in the implementation of Departmental policy for CETA through the Regional Office Manpower Coordinator and Regional Agency program-related staff. Assures and identifies the inter-relationships of DHEW CETA activities with related Departmental initiatives such as capacity building and services integration.

12. Assures that DHEW resources are provided to special concerns groups, including Indian Reservations. Develops and maintains systematic contact with

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eral Counsel; on all other matters he is and granting waivers, under specified

9. Reviews complaints received by the



Indian reservation tribal leaders, and the principal representatives of special concerns groups.

Dated: August 25, 1975.

JOHN OTTINA,  
Assistant Secretary for  
Administration and Management.  
[FR Doc. 75-23620 Filed 9-4-75; 8:45 am]

# OFFICE OF THE REGIONAL DIRECTOR, REGION X

## Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to delete Sections 1E (35 FR 13546), 8/25/70, and 1E8109 (39 FR 20713) 6/13/74. Section 1E80, Assistant Regional Director for Human Development (38 FR 17262) 6/29/73, is retained and redesignated 1E95. New Sections are added for the several regions. Section 1E91 reflects the official organization of the Office of the Regional Director, Region X, whose headquarters is Seattle, Washington. The new Chapter reads as follows.

**Section 1E91.00 Mission.** The Regional Director represents the Secretary in his Region. Under his direction, the Office of the Regional Director provides leadership and coordination in various Department programs and activities within the Region and represents the Department in direct official dealings with State and other governmental units, representatives of the Congress, and the general public.

**Section 1E91.10 Organization.** The Office of the Regional Director, Region X, is under the direction and control of the Regional Director, who reports directly to the Secretary and Under Secretary, and consists of the following:

Regional Director (1E9101)  
Deputy Regional Director (1E9102)  
Staff Assistant to the Regional Director (1E9103)  
Office of the Regional Attorney (1E9104)  
Regional Office of Audit (1W1391)  
Regional Office for Civil Rights (1D91)  
Regional Office of Long Term Care Standards Enforcement (1E9171)  
Assistant Regional Director, Administration and Management (1E9111)/Director of OEO (1E9104):  
Division of Personnel (1E9112)  
Division of Regional Operations for Facilities Engineering and Construction (1E9113)  
Division of Material Management (1E9114)  
Division of Management Planning and Review (1E9115)  
Assistant Regional Director, Financial Management (1E9121):  
Division of Accounting and Reporting (1E9122)  
Division of Budget (1E9123)  
Division of Grantee Liaison and Assistance (1E9124)  
Assistant Regional Director, Human Development (1E9131):  
Administration on Aging (1E9132)  
Division of Child Development (1E9133)  
Division of Youth Development (1E9134)  
Division of Native American Programs (1E9135)

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Rehabilitation Services Administration (1E9136)  
Assistant Regional Director, Intergovernmental Affairs (1E9141)  
Assistant Regional Director, Planning and Evaluation (1E9151)  
Assistant Regional Director, Public Affairs (1E9161)  
Office of Federal Property Assistance (1E9105)

**Section 1E91.20 Functions.** A. Regional Director (1E9101). The Regional Director:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.
2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunities in the region so that efforts and resources may be brought to bear on them. Formulates regional plans for each priority and assures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exchange of significant management information.
3. Exercises general coordination and supervision of personnel and activities in the region to ensure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.
4. Assures that staff offices provide full support to agency operating programs.
5. Provides coordination of the activities of the principal representatives of the principal operating components who are stationed in or detailed to the region, including determination of regional program priorities and official communications with representatives of State or other Federal agencies.
6. Through coordination and supervision, exercises leadership in bringing about necessary awareness of the status of other programs of the Regional Office, and fosters cooperative relationships among program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.
7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a Regionwide information and public information program.
8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Provides guidance to regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the Region; through the medium of Regional Councils seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers the child development programs in the region, including the Head Start program. Makes certain Head Start grants and takes other grants actions as required.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office with regional office activities.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of the Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters, including major disasters under Public Law 93-288.

15. Administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to the approval and termination of agreements with skilled nursing facilities for the purpose of participation in either the Medicare (Title XVIII) or in both the Medicare and Medicaid (Title XIX) programs.

B. Deputy Regional Director (1E9102). Serves as Acting Regional Director in the absence or disability of the Regional Director or in the event of a vacancy in the Office of Regional Director. The Deputy Regional Director performs other duties and functions at the request of the Regional Director.

C. Staff Assistant to the Regional Director (1E9103). Serves as a Staff Assistant to the Regional Director to provide direct assistance in relation to the Regional Director's personal responsibilities for program coordination in the Region and to provide staff support for the Regional Executive Council.

D. Office of the Regional Attorney (1E9104). The functions of the Office of the Regional Attorney are as follows:

1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities within the region; on all matters within the competence of the legal profession, the Regional Attorney is subject to the supervision of the General Counsel;

on all other matters he is subject to the supervision of the Regional Director.

2. As requested by the Regional Director, assists in legal aspects of program development and of policy problem solution;

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports, and interpretive analyses;

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature;

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs, as requested by the Regional Director;

6. As requested by the General Counsel, prepares for and conducts administrative hearings, aids the U.S. attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel;

7. Seeks to so order his time and workload priorities as to meet the needs of the Regional Office as determined by the Regional Director;

8. Subject to final approval by the Regional Director, selects, promotes, and takes all personnel actions with respect to his professional and clerical staff, in accordance with the personnel policies of the Office of the General Counsel.

E. Regional Office of Audit (1W1391). The functional statement for the Regional Office of Audit is to be found with the statement of its parent organization.

F. Regional Office for Civil Rights (1091). The functional statement for the Regional Office for Civil Rights is to be found with the statement of its parent organization.

G. Office of Long Term Care Standards Enforcement (1E9171). Performs these functions as follows:

1. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Titles XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and the Title XIX certification include: the issuance of Title XVIII time limited agreements; for homes participating under Title XVIII or under both Titles XVIII and XIX, the approval of corrective plans of action for deficiencies in SNFs which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other provisions of physical environment standards as they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code;

2. Establishes and maintains close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of an assistance to SNFs and ICFs. Performs evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs; and the state agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitors States' implementation of the ICF regulations.

3. Participates in the negotiations of budgets with State survey agencies for their services and reviews those portions of the State agency budget relative to SNF/ICF certification and the provision of state consultative services to SNFs and ICFs and recommends to the Social Security Administration (SSA) Regional Commissioner and to the Social and Rehabilitation Service (SRS) Regional Commissioner amounts that should be approved for SNF and ICF certification and certification-related activities.

4. Participates with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participates in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency.)

5. Develops and implements procedures to assure the timely and effective conduct of the following: (a) State surveys of individual SNFs and ICFs, (b) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal direct validation surveys of selected SNF and ICF facilities.

6. Provides technical assistance for the professional training of State agency personnel on their duties in survey/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

7. Assists State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICFs of highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

8. Assists States, provider organizations, and educational institutions in the stimulation, development, and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

9. Reviews complaints received by the Regional Directors concerning State agency and SNF/ICF activities and initiates appropriate action for investigation and resolution.

10. With SSA, SRS and the Public Health Service (PHS), as appropriate, provides information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations, and other health and welfare groups.

11. Based on regional conditions and trends related to SNFs and ICFs, makes recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS and SRS, as appropriate, on revisions to present program policies criteria, standards or procedures.

12. Provides data and reports to ONHA on SNF/ICF survey/certification activities on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provides reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

13. Works with and provides information as requested to the Social Security Administration, on the following SNF related activities:

- a. Utilization review processes of SNFs;
- b. Change to provider status in the Medicare program (e.g., change of ownership, termination because of failure to provide proper financial information or because of requests for payment substantially in excess of costs or for improper or unnecessary services; or withdrawal from program);
- c. Certification of SNFs as a "distinct part" of another facility; and
- d. Requests for hearings on terminated SNFs participating in Medicare.

14. Works with and provides information as requested to the Social and Rehabilitation Service, on the following SNF and ICF related activities:

- a. Utilization and periodic medical review procedures for SNFs;
- b. Utilization and independent professional review procedures for ICFs;
- c. Level of care determinations;
- d. Recipient eligibility issues; and
- e. Cost-sharing requirements.

15. Works with, and provides information as requested to, the Public Health Service on the following SNF and ICF related activities:

- a. Health care standards development efforts of the Bureau of Quality Assurance;
- b. Utilization review determinations under Professional Standards Review Organizations;
- c. Provider improvement program initiatives of the Health Resources Administration;
- d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and
- e. Other relevant SNF and ICF program activities conducted by the Health

office policy and develops procedures to

e. Develop standard procedures for

## NOTICES

## NOTICES

Rehabilitation Administration, Health Service, the application of optimum standards, director and other Regional personnel; de-

governments, Congressional and Legis-

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office policy and develops procedures to

e. Develop standard procedures for



Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institutes of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinates with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinates under the Office for Civil Rights in monitoring the implementation of Title VI of the Civil Rights Act of 1964 with respect to SNFs and ICFs.

18. Coordinates under the direction of the Regional Director, with regional personnel of the Office of Facilities Engineering and Property Management on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinates with the Department of Housing and Urban Development in implementation of Public Law 93-204.

H. Office of the Assistant Regional Director for Administration and Management (1E9111).

1. Acts as the Director, Office of Equal Employment Opportunity. Serves as the Regional Director's staff for the establishment and maintenance of a positive program of non-discrimination in Departmental employment in the Region. Has responsibility for the Regional HEW Federal Women's Program and the Regional Spanish-Surnamed Program. Monitors the Regional Equal Employment Opportunity Complaint System and issues proposed dispositions on all Office of the Secretary formal complaints. Prepares the Regional Annual Affirmative Action Plan.

2. Serves as the principal adviser to the Regional Director on, and directs or participates actively in, all aspects of administrative management, including organization, procedures, management systems, delegations of authority, management surveys and studies, and paper-work management.

3. Oversees the negotiation, procurement and administration of Regional Office contracts of a continuing nature which involve substantial expenditures.

4. Directs and coordinates the regional activities related to the operation of the Operational Planning System. Assumes the effective inter-phasing of the OPS with related program and budgetary operations.

5. Serves as the principal adviser to the Regional Director on all aspects of personnel management. Administers the regional program, including the classification of positions, the processing of appointments, and selected on-the-job training activities.

6. Provides the leadership in the establishment, maintenance, and effective use of management information and the system related thereto.

7. Establishes a system of effective property management, including the maintenance of item and financial property accounts.

8. Conducts periodic inspections of regional space and facilities to assure

the application of optimum standards and practices related to physical and personnel safety and security.

9. Insures the provision of office services to all activities in and near the regional headquarters location, including mail pick-up and delivery; procurement, stocking, and distribution of common supplies; maintenance of the official regional files; printing and reproduction services, moving and storage services.

10. Assures the delivery of the total architectural/engineering services in support of HEW grant and loan and direct Federal construction programs and of HEW owned and utilized facilities.

11. Reviews grants and contract proposals for general adherence to program goals and management soundness and exercises Regional sign-off authority as appropriate.

I. Office of the Assistant Regional Director for Financial Management (1E9121).

1. Provides financial management support to the Regional Director and Regional Agency Heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and works with State and local government and HEW grantees to include indirect cost negotiation, single letter of credit implementation, technical assistance, and audit follow-up.

2. On behalf of the Regional Director, provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration, and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs Regional accounting and reporting activities: accounting, controlling, fiscal services, and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services.

5. Performs budget activities as follows: Prepares the Regional budget for activities for which the Regional Director has delegated authority and assists other Regional staffs in developing their budgets; prepares consolidated Regional budget estimates and justifications and assists the Regional Director and Regional Agency Heads in advocating program budget priorities for centralizing and decentralizing programs based on Regional needs and characteristics; supervises budget execution in the Region including the recording and distribution of budget resources based on allocations, allotments and allowances for Regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other Regional activities, reviews these plans, and provides comments to the Regional Director and other Regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information of fund availability for Regional programs; and receives Regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries on cost allocation and payment systems activities as follows: Pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including State and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures; provides financial management technical assistance to State and local governments and to other HEW grantees and contractors; assists the Office of the Assistant Secretary, Comptroller, to develop the single letter of credit system within the Region; and assists the Regional Director and Regional Agency Heads in assuring effective follow-up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

J. The Assistant Regional Director for Human Development (1E9131).

1. Serves under the direct line of authority of the Regional Director.

2. Serves as the representative of the Assistant Secretary for Human Development and the Regional Director in direct official dealings with other Federal agencies, State and local activities related to Human Development Programs, and reports progress and status to the Regional Director and the Assistant Secretary for Human Development.

3. Recommends program priorities and policy or procedural changes to the Assistant Secretary for Human Development through the Regional Director.

4. Works with other elements of the Regional Office to ensure that all areas of OHD program operations in the Region receive necessary assistance, including programmatic and administrative management assistance to perform their mission effectively and efficiently.

5. Maintains working relationships with other Federal agencies, State and local governments and institutions, and develops ways in which their plans and programs and those of the Department can actively complement each other.

6. Directs, implements and administers the human development programs delegated to the Regional Office.

7. Ensures intra-departmental coordination between the Office of Human Development, other elements of the Office of the Regional Director, and the operating agencies of the Department on Human Development matters; serves as the advocate for those interests represented in the Office of Human Development with the other elements of the Department.

K. Office of the Assistant Regional Director for Intergovernmental Affairs (1E9141).

1. Serves as chief advisor to the Regional Director in all matters concerning Regional relations with State and local

governments, Congressional and Legislative offices, and other Federal departments, and to design Regional plans and strategies for improving communications and the delivery of resources among the various levels of government.

2. Serves as the Regional Director's representative in establishing and maintaining working relationships with the offices of governors, county executives, mayors, State agency officials, and consumers of HEW services. Represents the Regional Director on the Federal Regional Council staff and insures that the HEW perspective is adequately represented in FRC decisions.

3. Independently initiates beneficial relationships with principal members of government, as well as other Federal department officials. Provides the Regional Director with advice and communication to and from the legislatures of the four States of the Region, as their activity affects or is affected by HEW programs or policies. Manages Regional Office relations with members of Congress, which includes periodic briefings to Congressional delegations and staff on Regional operations, and the monitoring and approval of Congressional correspondence prior to RD sign-off.

4. Provides innovative leadership and guidance to Regional managers and program officials in developing and improving ways of assisting States to improve their capacity to respond to the needs of their localities. Conveys to Regional agency heads and program managers information concerning the political, economic and social conditions and postures of the States on current program issues. Provides technical assistance in its broadest sense to States and localities to enable them to plan for the accomplishment of common program objectives, considering changes and trends foreseen by the Department. In consultations with other ORD units, identifies recipients of and recommends appropriate expenditures for the RD's discretionary funds. Performs research, demonstration, and evaluation project management responsibilities as delegated by the RD.

5. Assists the agencies in getting the RD's backing and active support in their initiatives and problem-solving work, including his intercession with OS where needed.

6. Approves in advance all HEW Regional contacts initiated with the Governors' Offices, Congressional offices, and HEW Regional contacts with State legislators or their staffs.

7. Acts as a general HEW contact point for other elected officials, public interest groups and Federal, State, or local agencies which lack counterpart agencies in HEW. This responsibility includes relationships with minority and other special concerns groups and organizations. Coordinates such Regional activities with the OS Special Assistant for External Affairs.

8. Insures regional office compliance with the National Environmental Policy Act, National Historic Preservation Act, National Archeological Preservation Act, relates laws, executive orders, regulations and guidelines. Recommends regional

improvements located outside his jurisdiction and intended for removal to and of compliance with the terms and conditions of disposal of:

(3) To take the actions set forth in (1) (b), (c), and (e) above in connection

and agency representatives on public in-

Secretary or Under Secretary will design-

skilled nursing facilities have been af-

office policy and develops procedures to insure a coordinated and interdisciplinary approach to assist programs in the conduct of environmental analysis and preparation of documents for activities subject to the above-mentioned requirements in accordance with Departmental procedures. Identifies and advises the Regional Director as to a recommended course of action with respect to emerging environmental issues of concern to the Department and coordinates environmental reviews by regional program staff in response to other Federal agency requests for input. Appraises general purpose government, Federal Regional Councils, Clearinghouses and other concerned organizations with respect to HEW NEPA requirements and proposed actions impacting on the community. Serves as the principal regional contact point with the Department's Chief Environmental Officer and notifies him of key issues and emerging problems on which the Secretary should be advised. Participates in and coordinates regional input to environmentally related interagency studies and task forces.

L. Office of the Assistant Regional Director for Planning and Evaluation (1E9151).

1. Provides the Regional Director advice and staff services on policy development, planning and evaluation, including analysis of issues of national and/or Regional significance, long range planning, and advice and information on significant agency developments.

2. Coordinates Regional participation in the Department's long range planning process, including preparation of the Regional Memorandum and analysis of Departmental issues, such as the Planning Guidance Memorandum, Forward Plans, and Program Memoranda. Promotes the use of these planning documents in budget formulation by the Assistant Regional Director for Financial Management. Among principal activities involved in maintaining a Regional intergovernmental planning process are these:

a. Facilitating the identification of issues needing policy clarification.

b. Exploring the implications of implementing policies in the Region to determine needed Regional deviations from a national norm.

c. Identifying Regional needs by means of a bottom-up planning process.

3. Develops and maintains a system to monitor and coordinate various Regional Office activities, such as:

a. Preparation and implementation of an annual Regional Office Evaluation Plan, including design and management of evaluation projects.

b. Coordination of Regional Office input to Departmental Central Office evaluation systems.

c. Coordination of Regional evaluation system with Regional OPS and Forward Planning systems.

d. Provision of technical assistance to further develop the evaluation capability of the Regional Office and to maintain a liaison function between the various Regional agencies.

and agency representatives on public in-

Secretary or Under Secretary will design-

skilled nursing facilities have been af-

improvements located outside his jurisdiction and intended for removal to and

of compliance with the terms and conditions of disposal of:

(3) To take the actions set forth in (1) (b), (c), and (e) above in connection



and agency representatives on public information, public reporting, and related aspects of program matters.

5. Serves as a central point of communication with the press, radio, and TV news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental headquarters.

6. Is responsible for overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for all illustrations and related materials.

7. Prescribes procedures for planning, production, clearance, release, and distribution of all material prepared with the Region for release through Government channels.

8. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

9. Serves as the initial denial authority for all regional documents requested under the Freedom of Information Act.

N. Office of Federal Property Assistance (1E9105).

1. Serves as principal advisor in the Region on all matters relating to Federal surplus property, real and personal.

2. Allocates Federal surplus personal property to State agencies for distribution to eligible institutions and organizations.

3. Transfers Federal surplus real property to eligible education and health organizations.

4. Exercises compliance responsibility of the donee for both personal and real property transfers.

5. Provides technical assistance and direction to State agencies under the Federal Property Assistance Program, including the approval of State plans of operation.

**Section 1E9140 Relationship to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff.** POC regional staffs and Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organizations. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from the latter's staff. The functional statements for these offices are to be found with the statements of their parent organizations.

**Section 1E9140 Order of Succession.** In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence or disability of both the Regional Director and Deputy Regional Director and where there is a vacancy in both positions, the

Secretary or Under Secretary will designate the acting Regional Director.

**Section 1E9150 Delegation of Authority.** The delegations of authority to the Regional Director to operate programs are:

A. Long Term Care Standards Enforcement.

1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. To approve or disapprove certifications made by State agencies under the provisions of Section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in Section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in Section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of Section 1866(b) (2) (B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of Section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in Section 1861(j) (13);

e. To determine, in accordance with Section 1861(j) (13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in Section 1861(j) (15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 20 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of Section 1864(a), that State agency survey reports (including reports of follow-up reviews), and statements of deficiencies based upon official survey reports, relating to the certification of skilled nursing facilities for compliance with the applicable provisions of Section 1861 are final and official. This includes the authority to: (1) Assume that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved

skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as amended, which pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of Section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in Section 1861(j) (13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in Section 1861(j) (15) of the Social Security Act.

d. Authority vested in the Secretary under Section 1905(c) of the Social Security Act to certify intermediate care facilities located on Indian reservations.

e. Authority vested in the Secretary under Section 1905(h) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

B. Office of Federal Property Assistance.

1. Regional Directors have been delegated certain authority which may not be redelegated as follows:

a. Real property. This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set forth in applicable regulations of the Department, is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement cost of property where less than \$1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was \$1 million or more and the Office of Federal Property Assistance specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of

improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. Personal property. To act or designate a member of his staff (other than the Director, Office of Federal Property Assistance) to act as reviewing officer to approve or disapprove determinations by the Director, Office of Federal Property Assistance authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of \$1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the Director, Office of Federal Property Assistance as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction; and

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than \$1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1) (a) and a(1) (c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1) (a) and a(1) (c) above;

(4) To execute instruments of transfer relative to property described in a(1) (a) above; except in those cases provided for in A 1a(3).

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was \$1 million or more and the Office of Federal Property Assistance specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), a(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement

of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to the General Services Administration vested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the Director, Office of Federal Property Assistance: the latter may likewise redelegate in writing the authority to the Deputy Director, OFPA. The Director, OFPA, may also redelegate in writing to his allocator(s) the authority stipulated in a(1) (a), a(1) (b), and a(1) (e), insofar as a(1) (e) pertains to a(1) (a) and a(1) (b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated below with respect to the allocation for donation of surplus personal property located within his jurisdiction for educational, health, or civil defense purposes.

(a) To make determinations concerning the usability of and need for surplus personal property by educational or health institutions and civil defense organizations;

(b) To allocate surplus personal property and to take all actions necessary to accomplish donation, or transfer of property so allocated;

(c) To make determinations of eligibility of educational and public health donees to acquire donable property;

(d) To designate individuals recommended by State agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

(e) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(2) To allocate property within his jurisdiction to any other regional jurisdiction and to take the actions set forth in (1) (b) above in connection with such out-of-region allocation.

(3) To take the actions set forth in (1) (b), (c), and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in possession of State agencies for subsequent donation for educational, public health, and civil defense purposes:

(a) To effect redistribution of usable and needed property to other State agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acquisition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes:

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, revision of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State agencies for surplus property: Provided, however, That disapproval of a State plan in whole or in part is concurred in by the Director, Office of Federal Property Assistance.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State agencies for surplus property of such States, either individually or collectively.

4. The Director, Office of Federal Property Assistance has been delegated certain authority related to personal property directly by the Director of the Office of Federal Property Assistance, DHEW. The authority may be redelegated in writing to the Deputy Director, OFPA.

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To authorize destruction or abandonment by a determination in writing that the property has no commercial



value, subject, however, to approval of such determination in the case of property having a line item acquisition cost of \$1,000 or more, by a reviewing officer before authorization to destroy or abandon is given to the State agency.

C. *Office of Human Development.* 1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under section 511 of the Community Services Act of 1974 (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. To make grants and contracts for Urban Indian Projects under the authority of section 893 of the Community Services Act of 1974.

d. To make, amend, suspend, and cancel the grants and contracts authorized in "a", "b" and "c" above and to issued audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

Dated: August 25, 1975.

JOHN OTTINA,  
Assistant Secretary for  
Administration and Management.  
[FR Doc.75-23617 Filed 9-4-75; 8:45 am]

#### Office of the Assistant Secretary INCIDENT AND NATURE OF RUNAWAY BEHAVIOR

##### Notice of Program Results

Pursuant to Section 606 of the Community Services Act of 1974, (Pub. L. 93-644) 42 USC 2946, this agency announces the results, findings, data and recommendations reported as a result of activities associated with HEW project entitled, "The Incidence and Nature of Runaway Behavior."

This final report presents a feasibility study in estimating the incidence of runaway youth, through a survey technique. The estimate was derived from incidence observed in a selected subset of households in the Denver and North East Colorado area, representing both a urban and rural setting. The sample in-

cluded data from 2500 households with known runaways.

The report discusses issues of feasibility and recommends that a national probability sample be used in estimating the incidence of runaway youths. The episodic, social-psychological and human service information collected by the survey are the basis for discussions of the incidence and explanation of runaways.

General findings report satisfaction by a majority of users with agencies providing services to runaways and their families. The most frequently utilized sources of assistance are social service agencies, friends and relatives, police, and schools. Many users also expressed satisfaction with advertised runaway shelters.

Finally, seven types of runaways are characterized by the analysis. In addition, five generalized models or typical episodes are described in the report.

A copy of the report will be filed and available as soon as possible from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: September 2, 1975.

WILLIAM A. MORRILL,  
Assistant Secretary for  
Planning and Evaluation.  
[FR Doc.75-23618 Filed 9-4-75; 8:45 am]

#### EXCLUSIVE PATENT LICENSE Notice of Proposed Issuance

Pursuant to § 6.3, 45 CFR, Part 6, notice is hereby given of intent to issue a limited-term, revocable, exclusive patent license in and to an invention of Theodor Kolobow entitled, "Method of Making Thin Defect-Free Silicone Rubber Films and Membranes."

Any objection thereto together with request for opportunity to be heard, if desired, should be directed to the Assistant Secretary for Health, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, on or before October 7, 1975. Interested parties may obtain a copy of the patent directed to this invention upon request in writing to the party hereinabove named.

45 CFR 6.3

Dated: August 27, 1975.

RUPERT MOORE,  
Acting Assistant Secretary  
for Health.  
[FR Doc.75-23619 Filed 9-4-75; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

Coast Guard  
[CGD 75-169]  
COAST GUARD ACADEMY ADVISORY  
COMMITTEE

##### Notice of Open Meeting

In accordance with § 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the

Coast Guard Academy Advisory Committee will conduct an open meeting on October 9 and 10, 1975, at the United States Coast Guard Academy, New London, Connecticut. The meeting will begin at 1:00 p.m. on October 9, and adjourn at 9:30 p.m. On October 10 the meeting will begin at 8:00 a.m. and adjourn at 3:15 p.m.

Members of the committee and their positions are:

RADM William A. Brockett, USN (Ret).

Dean Lindsey Cowen—Chairman, The Franklin Thomas Backus School of Law, Case Western Reserve University.

Mr. James J. Henry, President, J. J. Henry Company, Inc.

Dr. Melvin R. Lohmann, Dean, College of Engineering, Oklahoma State University.

Dr. Luna I. Mishoe, President, Delaware State College.

Dr. James D. Palmer, President, Metropolitan State College.

RADM W. A. Jenkins, USCG—Executive Director, Superintendent, U.S. Coast Guard Academy.

Items to be discussed include:

a. Review of Spring 1975 Advisory Committee recommendations.

b. Academic program.

c. New England Association of Schools and Colleges accreditation and conditions.

d. Review of Engineers' Council for Professional Development accreditation and conditions.

e. Faculty (balance; quality; professional growth).

f. Rehabilitation and growth of McAllister Hall.

g. Communications.

h. General discussion with the Academic Council.

i. Programs, personnel and physical plant.

The Coast Guard Academy Advisory Committee was authorized by Congress on April 16, 1937. Its mission and objective is to advise the Commandant, United States Coast Guard, on the status of the curriculum and faculty of the United States Coast Guard Academy and to make recommendations for maintenance and improvement of their high quality. By notice published in the January 6, 1975, FEDERAL REGISTER (40 FR 1115), the Coast Guard Academy Advisory Committee was renewed by the Secretary of Transportation for a two year period beginning on January 16, 1975, and terminating on January 16, 1977.

Public members of the committee serve voluntarily and without compensation, except for reimbursement of actual travel and lodging expenses, plus a subsistence allowance.

Interested persons may seek additional information by writing to Commandant (G-PTE), U.S. Coast Guard, Washington, D.C. 20590 or by calling 202-426-1381.

Dated: August 15, 1975.

R. W. DUFFEY,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Personnel.  
[FR Doc.75-23376 Filed 9-4-75; 8:45 am]

#### Federal Aviation Administration AIRPORT NOISE POLICY Public Hearings

The Federal Aviation Administration will hold a series of public hearings on its airport noise policy. These hearings will afford interested persons the opportunity to present views, data, and arguments regarding the subjects and issues stated in a general notice published in the FEDERAL REGISTER on July 9, 1975 (40 FR 28844). Additional hearings at other locations will be announced at later dates.

The first of the series of hearings will be conducted at the following times and locations:

Sept. 16-17, 1975—Los Angeles, California: Convening at 9:00 a.m. in the Golden State Room, Los Angeles Hilton Hotel, 930 Wilshire Boulevard, Los Angeles, California.

Sept. 17, 1975—San Diego, California: Convening at 1:00 p.m. in the Copper Room, San Diego Convention and Performing Arts Center, 202 "C" Street, San Diego, California.

Sept. 18-19, 1975—San Francisco, California: Convening at 1:00 p.m. on Sept. 18, and 9:00 a.m. on Sept. 19, 1975 in the Fine Arts Room, Hall of Flowers Auditorium, San Mateo County Fairgrounds, 2495 South Delaware Street, San Mateo, California.

Sept. 22—Missoula, Montana: Convening at 1:00 p.m. at the Village Motor Inn, 100 Madison, Missoula, Montana.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator.

Since the hearings will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given the opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearings and to participate by making oral or written statements concerning the respective topics, their substance and issues. Written statements should be submitted in duplicate and will be made a part of the record of proceedings. Persons wishing to make oral statements at the hearings must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard or to receive additional information should be made as follows:

For the hearings at Los Angeles, San Diego, and San Francisco, California—write or call:

Public Affairs Officer, Western Region (AWE-5), Federal Aviation Administration, 18000 Aviation Boulevard, Lawndale, California, 90260; or Telephone: (213) 536-6431.

For the hearings at Missoula, Montana—write or call:

Public Affairs Officer, Rocky Mountain Region (ARM-5), Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010; or Telephone: (303) 837-4992.

In addition to materials presented at the hearing, persons not participating in the hearings are invited to submit written comments on the airport noise policy in accordance with the notice published in the FEDERAL REGISTER on July 9, 1975. Such communications should be addressed to:

Federal Aviation Administration: Associate Administrator for Policy Development and Review, 800 Independence Avenue, S.W., Washington, D.C. 20591, Attention: Airport Noise Policy Proceedings.

The closing date for submitting written comments is January 1, 1976. All comments will be available for examination both before and after the closing date for comments.

The general notice (40 FR 28844, July 9, 1975) regarding the FAA's airport noise policy identifies a number of possible airport use-restriction options which may be considered for inclusion in an airport noise relief program. In addition, the FAA identified four potential policy options and their implications. Those policy options are as follows:

1. Airport proprietor actions unconstrained by the FAA.

2. Airport proprietor completely constrained by the FAA with a correlated development of a Federal airport noise abatement plan.

3. Airport proprietor to establish a noise abatement plan.

4. Continue the present policy.

The notice presents analysis of the respective options and contains the material that is the subject of these public hearings. While all comments are of interest, the FAA specifically invites statements or comments regarding the policy options in terms of the specific questions stated in the notice.

Before taking final action regarding its airport noise policy, the FAA will consider the statements presented at the hearings and all written comments submitted.

Transcripts of each hearing will be made and anyone may purchase copies from the reporter. A transcript of each hearing will be available for examination in the office of the Associate Administrator for Policy Development and Review, Room 1000W, 800 Independence Avenue, S.W., Washington D.C.

Since the hearings contained in this notice have been previously announced in their respective localities in which they will be held, it is determined that publication of the notice of public hearing in the FEDERAL REGISTER less than 15 days before the first hearing is reasonable under 44 U.S.C. 1508.

Issued in Washington D.C. on September 3, 1975.

FREDERICK A. MEISTER,  
Associate Administrator for Policy  
Development and Review (Acting).  
[FR Doc.75-23734 Filed 9-4-75; 8:45 am]

#### TERMINAL INSTRUMENT PROCEDURES (TERPS) ADVISORY COMMITTEE; HELICOPTER WORKING GROUP

##### Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act of 1972 (86 Stat. 770), that the Helicopter Working Group of the U.S. Terminal Instrument Procedures (TERPs) Advisory Committee will hold a meeting September 17 and 18 convening at 9 a.m. in Room 5A, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. This meeting of the Helicopter Working Group is conducted with approval and under the auspices of the TERPs Advisory Committee.

The agenda item for this meeting is a discussion and review of the obstacle clearance requirements applicable to helicopter instrument approach procedures presently specified in Chapter 11 of the TERPs Handbook.

This meeting is open to the public. Persons interested in attending the meeting should contact Juan K. Croft, Chairman, TERPs Helicopter Working Group, Federal Aviation Administration, AFS-824, 800 Independence Avenue, S.W., Washington, D.C. 20591, telephone 202 426-8194.

Issued in Washington, D.C., on September 2, 1975.

JAMES A. FORGAS,  
Chairman, U.S. Terminal Instrument Procedures (TERPs) Advisory Committee.

[FR Doc.75-23735 Filed 9-4-75; 8:45 am]

#### National Highway Traffic Safety Administration

[Docket No. EX75-8; Notice 3]

##### KOEHRING CO.

#### Petition for Exemption From Federal Motor Vehicle Safety Standard

Koehring Company has petitioned the National Highway Traffic Safety Administration for an extension until December 1, 1976, of its exemption from Federal Motor Vehicle Safety Standard No. 121, Air Brake Systems, on the basis that compliance would cause it substantial economic hardship.

Notice of Koehring's original petition was published on February 13, 1975 (40 FR 6702), and an opportunity afforded for comment. The notice that the petition was granted was published on April 22, 1975 (40 FR 17775).

Koehring requests an extension based upon the reasons set forth in both its original and current petitions. The vehicles concerned are trucks, primarily hydraulic excavators and crane carriers manufactured by its Bantam Division. They are six-wheel units with front driving steerable axles. The smaller models are the T-644 excavator and T-350 crane using steering driving axles rated at 11,000 pounds GAWR. The larger models are the T-744 excavator and the T-588 crane using steering driving axles rated at 18,000 pounds GAWR. Koehring states that it has been unable to find a supplier

other than Rockwell Standard to build Highway Safety Act Sanctions Hearing. Judge at time of the prehearing confer-

hold products containing vinyl chloride

caused by exposure to the substance. The

presents the possibility that cans will



other than Rockwell Standard to build front driving axles for its lighter vehicles, but "Because of previous order commitments Rockwell Standard will not be able to deliver complying axles to Koehring [until approximately July 1976]." Although Oshkosh Truck Corporation had commented that it could supply Koehring with axles for its heavier vehicles, Koehring, after investigation, believes that Oshkosh is not a realistic source of supply. The axle ratings differ, and, in Koehring's words, "The Oshkosh Truck axles use air over hydraulic brakes whereas Bantam Division uses full air brakes; the gear ratios available from Oshkosh Truck would require redesign of the gears currently in use by Bantam Division whereas the Rockwell Standard axles would not; the price quoted by Oshkosh Truck is approximately \$4,300 to \$4,500 per axle as compared to Rockwell Standard's quote of \$2,700 per axle." Koehring also argues that to turn to Oshkosh "would require Bantam to . . . start afresh with new designs . . . which might further delay . . . the date on which Bantam Division would comply with FMVSS-121 . . ."

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on the subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Koehring Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER.

Comment closing date: October 6, 1975. (Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on August 29, 1975.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc. 75-23630 Filed 9-4-75; 8:45 am]

[Docket No. 75-19; Notice 3]

#### ILLINOIS

#### Postponement of Sanctions Hearing

The purpose of this notice is to announce the postponement of the Illinois

Highway Safety Act Sanctions Hearing, scheduled to be held September 9, 1975, in order to give the State of Illinois additional time to prepare its presentation.

The hearing now will be held at 10 a.m., September 30, 1975, in the Department of Transportation Headquarters Building, Room 4234, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued on September 3, 1975.

HERBERT H. KAISER, JR.,  
Presiding Officer,  
Sanctions Hearing Board.

#### CENTRAL INTELLIGENCE AGENCY

##### PRIVACY ACT OF 1974

##### Notice of Systems of Records

##### Correction

In FR Doc. 75-22626, appearing at page 39773 in the issue of Thursday, August 28, 1975, in the first column on page 39778, the second line under "Record System" which reads "Agency Training Record- CIA-2", should read "Agency Training Record- CIA-8". In addition, in the first column on page 39801, the first two lines under "CIA-57," which read "Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Security Records", should read "System name: Security Records".

#### CIVIL AERONAUTICS BOARD

[Docket 27568; Order 75-8-76]

#### METROPOLITAN AIRPORT AUTHORITY

##### Order Dismissing Petition

##### Correction

In FR Doc. 75-21822, appearing at page 36174, in the issue for Tuesday, August 19, 1975, in the first column, the last paragraph, the second line should read: "and all the relevant facts, we have de-".

[Docket No. 28085]

#### LUFTRANSPORT-UNTERNEHMEN GMBH & CO. KG. (LTU)

##### Notice of Hearing

Notice is hereby given that the hearing in this proceeding is set for September 29, 1975, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

In order to facilitate the conduct of the hearing, the Bureau of Operating Rights will circulate (1) its statement of proposed issues and (2) proposed requests for evidence on or before September 10, 1975, and all other parties on or before September 17, 1975. The applicant shall make all its evidence responses available to the parties and the

Circulate, in this case, shall mean delivered to counsel for the parties and to the Judge.

Judge at time of the prehearing conference, which has been set for September 24, 1975, as previously noticed.

Dated at Washington, D.C., August 29, 1975.

[SEAL] FRANK M. WHITING,  
Administrative Law Judge.  
[FR Doc. 75-23630 Filed 9-4-75; 8:45 am]

#### CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

##### Notice of Application

SEPTEMBER 2, 1975.

Notice is hereby given that the Civil Aeronautics Board on September 2, 1975, received an application, Docket 28255, from Hughes Air Corp. d/b/a Hughes Airwest for amendment of its certificate of public convenience and necessity for route 76 to provide Burbank-Phoenix nonstop service.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] EDWIN Z. HOLLAND,  
Secretary.  
[FR Doc. 75-23631 Filed 9-4-75; 8:45 am]

#### CONSUMER PRODUCT SAFETY COMMISSION

##### SELF-PRESSURIZED HOUSEHOLD SUBSTANCES CONTAINING VINYL CHLORIDE

##### Notice of Environmental Assessment and Reconsideration

On August 21, 1974 the Commission published in the FEDERAL REGISTER, 39 FR 30112-30114 a regulation promulgated pursuant to section 2(q)(1)(B) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261(q)(1)(B), declaring any self-pressurized products intended or suitable for household use that contain vinyl chloride monomer as an ingredient or in the propellant to be "banned hazardous substances". In the same notice the Commission declined to exercise any discretion which it might have had under the FHSA, to make its banning order prospective only, thus requiring repurchase under the provisions of section 15, FHSA, 15 U.S.C. 1274, and regulations promulgated thereunder, 16 CFR 1500.202. The banning order as well as the repurchase requirements became effective on October 7, 1974.

On October 8, 1974 a petition for review of the Commission's order insofar as it affected goods introduced into interstate commerce prior to the effective date of the order was filed in the United States Court of Appeals for the Ninth Circuit. Pactra Industries, Inc. v. Consumer Product Safety Commission, No. 74-2902. Petitioner filed a motion for partial summary reversal with the Court alleging that the Commission erred in failing to comply with the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq. On December 13, 1974 the Court stayed that portion of the Commission order requiring repurchase and disposal of all house-

hold products containing vinyl chloride monomer pending compliance by the Commission with the requirements of NEPA.

Thereafter, the Commission's Bureau of Economic Analysis was instructed to take any necessary steps to comply with the requirements of NEPA. Numerous draft environmental assessments were prepared. Comments were received from members of the Commission's staff and from counsel for Pactra Industries, Inc. with respect to one draft assessment. Under the Commission's "openness policy" draft assessments and comments were available to the public as the work progressed.

On June 30, 1975, the staff's final assessment on the environmental effects of the repurchase requirement was submitted to the Commission for its review. The assessment concluded that the repurchase requirement would produce no significant adverse effects on the human environment. On the basis of the assessment, the Commission in accordance with the guidelines of the Council on Environmental Quality (CEQ), 40 CFR 1500.11(f), on July 11, 1975, preliminarily decided that no formal environmental impact statement was necessary and reaffirmed its decision regarding repurchase. Thereafter, the Commission's General Counsel forwarded the assessment to CEQ for its evaluation as to whether the assessment and the procedures utilized in preparing the assessment were in compliance with NEPA and the policies and guidelines of CEQ. On August 4, 1975, CEQ responded advising that "the assessment procedures . . . followed are consistent with those recommended in the Council on Environmental Quality Guidelines . . . and that the assessment is sufficient and considers the relevant environmental effects of the repurchase requirement." CEQ further advised that "the assessment provides the Commission with sufficient information on which to base its negative declaration as required by [NEPA] and the CEQ Guidelines."

Based on the information provided in the assessment, the opinion of CEQ, and other information available, the Commission concludes that the repurchase requirement is necessary for the safety of the public and will not have any significant adverse environmental effect. It therefore reaffirms its decision requiring repurchase as set forth in its regulation published August 21, 1974, 39 FR 30112-30114.

At the time of its initial consideration of the ban of vinyl chloride monomer, the Commission through notice and comment was advised that the substance was no longer utilized in the manufacture of products subject to the Commission's jurisdiction. Discontinuation of manufacture occurred in early 1974. The Commission was advised, however, that stocks of products containing the substance were in the channels of commerce and in the hands of consumers. The Commission decided that repurchase was the only feasible manner to eliminate any danger to the public

caused by exposure to the substance. The environmental assessment together with all of the other information before the Commission demonstrates that repurchase will not produce any significant adverse effects on the human environment and further convinces the Commission that its initial decision regarding repurchase was necessary and proper.

At the time of its initial decision, the Commission was faced with only two options: to reverse the flow of vinyl chloride away from the consumer, or to allow the products to remain in use until available stocks were exhausted. The Commission opted for immediate reversal of the flow rather than allowing the supply of the products to be exhausted. The Commission was of the belief that the potential cancer producing effects were so dangerous that this was the only manner in which to insure the protection of the public. The evidence before the Commission demonstrated that the substance had caused numerous deaths and in at least two cases where the victims had only been exposed to relatively small doses. Moreover, the record was devoid of any mention of a known safe level of exposure to vinyl chloride monomer. Finally, the record demonstrated that the latency period between exposure and symptoms to be so long that present testing could not conclusively demonstrate a safe exposure level. On the basis of this evidence, the Commission, in fulfilling its mandate under the FHSA concluded that the risk of injury to the public was so great that a ban and repurchase of products containing the substance was required. Without the repurchase requirement there would be little or no incentive for consumers to get the products out of the household or for the retailers and others in the distribution chain to remove the products from the shelves and out of the channels of commerce. Although the danger posed by vinyl chloride monomer has been publicized, the consumer in many instances is unable to determine which products contain the substance and which do not. Prior to the Commission's action herein, vinyl chloride was not considered to be a hazardous substance and thus no labeling requirement was in existence and in fact many of the products involved do not designate ingredients. Apart from labeling is the fact that many consumers may still be unaware of the dangers of vinyl chloride, even if the ingredients of the products are labeled. On balance, the dangers posed by use of the substance far outweigh the financial burden of repurchase.

Adding the current environmental assessment into the equation, the balance tips decidedly in favor of the Commission's earlier determination. The assessment demonstrates that absent any repurchase requirement, the products already in commerce containing vinyl chloride monomer will be sold and used thus exposing the user to the dangers of the substance. Disposal of the containers would be accomplished in a conventional manner by normal incineration or by dumping in common landfills. This

presents the possibility that cans will explode or otherwise release the vinyl chloride gas during the disposal process and poses an additional danger to persons exposed to the substance during disposal.

The only potential environmental hazard posed by the repurchase requirement appears to be the disposal of large concentrations of cans containing the substance. The Environmental Protection Agency (EPA) Office of Solid Waste Management has issued guidelines for the safe disposal of aerosol cans containing vinyl chloride. EPA recommends incineration in special facilities equipped with "scrubbing" devices as the preferred method of disposing of aerosols containing vinyl chloride. Use of this method eliminates both the vinyl chloride gas and any dangerous metallic residues remaining from the active ingredient in the products. EPA has also advised that burial of the aerosols in certain designated landfills set aside for hazardous industrial wastes is acceptable if suggested procedures are followed. Both of these methods of disposal are available and no additional facilities or other resources such as land are necessary.

The number of aerosol cans in existence which are affected by the repurchase requirement is small in comparison to the total number of aerosols generally. The assessment estimates that approximately 3.3 million cans of vinyl chloride aerosols are in existence. Of these, approximately 1 million are in the hands of manufacturers, wholesalers and retailers. The remaining 2.3 million cans are in the possession of the consumer public. The estimates were determined through a survey of manufacturers and the use of recognized market survey techniques, and appear to provide an accurate evaluation. At the present time, approximately four large concentrations (35,000-500,000 cans) of products containing vinyl chloride monomer exist but adequate techniques exist for their disposal. The repurchase requirement is not expected to produce any other large concentrations.

Given the health hazards posed and the fact that disposal of concentrations of vinyl chloride aerosols can be accomplished without any significant environmental danger by following the EPA guidelines, the Commission believes that the repurchase requirement will not have a significant adverse effect on the human environment. The Commission is aware of the possibility that disposal of all of the products may not be accomplished in accordance with EPA guidelines. This most likely could occur in the case of small lots of the products. The Commission does not believe that this poses any greater environmental problem than that which would occur through use and conventional disposal of the containers. To the extent that this raises any problem, the Commission believes that the environmental effects of improper disposal will be de minimis and certainly will not outweigh the safety hazard of continued use.

The Commission requests appropriate comment on draft environmental impact

comment on draft environmental impact

the loss of agricultural production on 20 acres of land, prevention of interchange of fish

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The Commission requests appropriate industry officials to conduct their repurchase and disposal guidelines suggested by EPA. The Commission expects that industry will act responsibly in arranging safe and orderly repurchase and disposal in the fashion recommended. The Commission notes that many states and municipalities have adopted codes for the disposal of hazardous wastes. In many instances these regulations are in conformity with EPA guidelines and will insure the proper disposal of the products involved. To date the Commission has not initiated any seizure actions against the products in question. However, if at any time it deems it necessary to initiate such action, the Commission, in the event it is successful in such actions will recommend to the Courts disposal methods consistent with the EPA guidelines.

Dated: August 29, 1975.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc. 75-23623 Filed 9-4-75; 8:45 am]

#### SPACE HEATERS

##### Partial Denial of Petition

Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial.

On January 10, 1974, the Missouri Public Interest Group (MoPIRG) petitioned the Commission to develop mandatory standards and labeling requirements addressed to safety problems associated with space heaters. Section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) provides that a proceeding for development of a consumer product safety standard is begun by publishing a Notice in the FEDERAL REGISTER. This Notice of Proceeding invites any person or group to either submit an existing standard or offer to develop a new standard which could eliminate or reduce unreasonable risks of injury associated with a consumer product.

On October 31, 1974, the Commission concluded that the MoPIRG petition should be granted "in substance" and requested that the staff present it with information from which the Commission could preliminarily determine whether an unreasonable risk of injury existed with regard to space heaters. Upon review of further information from the staff, the Commission concluded, on January 9, 1975, that the notice to commence proceedings, (Notice of Proceeding) for issuance of a consumer product safety standard, should apply only to gas space heaters. Therefore, the Commission decision denied the petition as to other types of space heaters.

The Commission's decision to proceed with development of a mandatory standard addressed only to gas space heaters

was made after study and evaluation of data available at this time on all space heaters which indicated that only gas space heaters presented an unreasonable risk of injury to consumers.

Specifically, gas space heaters are associated with serious hazards that are not present in electric space heaters, such as carbon monoxide poisoning, anoxia and explosion. Death and injury information available to the Commission indicates a high rate of injurious or fatal incidents involving gas.

The Commission expects to publish, in the near future, a Notice of Proceeding to commence development of a consumer product safety rule which will apply only to gas space heaters. The Commission believes that the decision to develop a standard for gas space heaters is needed to reduce the unreasonable risk of injury associated with gas space heaters.

Accordingly, this notice confirms that MoPIRG's petition to develop a standard for space heaters has been granted as to gas space heaters and denied at this time as to space heaters fueled by other energy sources.

Dated: August 29, 1975.

SADYE E. DUNN,  
Secretary, Consumer  
Product Safety Commission.

[FR Doc. 75-23624 Filed 9-4-75; 8:45 am]

#### COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

##### HEARINGS

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat., 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under authority of Section Pub. L. 91-452, Part D, Sec. 804-808 of the Organized Crime Control Act of 1970, will hold hearings on September 23-25, 1975, in the Everett Dirksen Conference Room, U.S. Federal Building and Court House, 219 South Dearborn Street, Chicago, Illinois.

The purpose of the above-described hearings is to elicit testimony from Federal, State, and local Government officials, law enforcement representatives and such others who might have knowledge as to the existence and character of gambling and gambling-related activities in Chicago and other areas, both legal and illegal, and as to the effectiveness of gambling enforcement toward the element of organized crime in the United States.

The hearings of the Commission will be open to the public, and interested persons are invited to attend. The Rules of Procedure for person or persons presenting matters to the Commission are subject to the following conditions:

(a) Any such interested person or persons must receive authorization to present such matters from the Chairman of the Commission. Not later than seven (7) days preceding such Executive or Public Hearings, a request for such authorization

must be received in writing at the offices of the Commission. Such a request shall be accompanied by a concise description of the material which such person or persons desire to present to the Commission or Subcommittee.

(b) The Chairman of the Commission shall, within three (3) days from the receipt of such a request make a determination that the subject matter presented by such interested person or persons is timely and appropriate for such Executive or Public Hearings of the Commission or Subcommittee thereof, and shall notify such interested person or persons by Certified Mail of the decision.

(c) In the event such interested person or persons is allowed to present matters to the Commission or Subcommittee thereof in Executive or Public Hearings, then a prepared written statement of expected presentation shall be filed in the office of the Commission, not later than 48 hours in advance of the Hearings at which the statement is to be presented.

(d) After the receipt of the statement of expected presentation, the Chairman shall then make a determination of the extent that time is available for such interested person or persons to present oral statements in addition thereto. In the event that the Chairman determines that time is not available for such oral statements, the interested person or persons' statement shall be recorded and made a part of the subject proceedings.

(e) Provided further that any such interested person or persons who feels aggrieved by or takes exception to any of the determinations made by the Chairman of the Commission shall have the opportunity to present in writing to each member of the Commission the basis for such grievance or exception taken to such ruling by the Chairman and thereafter the decision of the Chairman shall be reconsidered by each member of the Commission at its next regular meeting or hearing. Notice by Certified Mail to such interested person or persons shall include the final decision of the full Commission on its reconsideration and shall constitute notification of the action taken by the Commission.

(f) Any deviation from the preceding requirements, shall constitute on the part of such interested person or persons, a withdrawal of any request previously made.

JAMES E. RITCHIE,  
Executive Director.

SEPTEMBER 2, 1975.

[FR Doc. 75-23529 Filed 9-4-75; 8:45 am]

#### COUNCIL ON ENVIRONMENTAL QUALITY

##### ENVIRONMENTAL IMPACT STATEMENTS

###### List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from August 25 through August 29, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and

comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (October 20, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

##### DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

##### FOREST SERVICE

###### Draft

Horse Creek Administrative-Research, Nezperce National Forest, Idaho County, Idaho, August 25: The proposed Horse Creek Administrative Research Project, Nezperce National Forest will attempt to assess the impact of land management activities on the soil and water resources in the Western Rocky Mountain physiographic province. Procedures involve utilization of an instrument network to monitor hydrometeorological parameters before, during, and after a controlled sequence of timber harvest and road construction activities. Adverse impacts include the disturbance of the roadless portions of the Meadow Creek drainage, the effects of the yearly installation and removal of sediment catch basins, and 2 timber sales. (ELR Order No. 51286.)

Conroe Unit, Sam Houston National Forest, Montgomery and Walker Counties, Tex., August 25: The statement concerns the proposed 10-year management plan for the Conroe Unit of the Sam Houston National Forest. Management goals for the 75,574-acre unit will be directed toward meeting the local and regional needs of the public while respecting the production and carrying capacities of the forest resources. Environmental impacts will be on water quality, soils, vegetation, wildlife and forest aesthetics due to timber harvesting, road and trail construction, and developed recreation facilities. Air quality will be affected by burning of forest floor fuels. (ELR Order No. 51274.)

Monticello Land Use Plan, Manti-LaSal National Forest, San Juan County, Utah, August 25: The statement concerns a land use plan for the 368,000 acre Monticello Unit of Manti-LaSal National Forest. The plan allocates sections of the unit to activities such as timber harvest, revegetation treatments, mining, road construction, livestock grazing and recreation use. The plan also provides for the protection and preservation of natural, scenic, archeologic, and wildlife values within the planning unit. (ELR Order No. 51268.)

Dixie National Forest Timber Management Plan, several counties in Utah, August 25: The statement concerns a timber management plan for the 609,557 acres of productive forest land in Dixie National Forest. The management direction provides for a programmed harvest of 19.4 million board feet of sawtimber per year. Temporary adverse effects will be on air, natural beauty, outdoor recreation, range wildlife, fire control, insect and disease control, and soil and water conditions because of the dust and noise from harvesting operations, slash created by harvesting, and increased activity in the forest. (ELR Order No. 51283.)

###### Final

Timber Management, Gunnison National Forest, Colorado, August 25: The statement refers to the 10 year (1975-1984) timber management plan for the Gunnison National Forest. Under management activities would be applied on from 5,360 to 8,270 acres annually. There will be impacts to air, water, units of wood products, including 170 million board feet of sawtimber. Also included is the construction of 209 miles of roads and the reforestation of 4,000 acres of "understocked" forest lands. The Gunnison National Forest contains 128,465 acres of unroaded land which will undergo road construction and timber harvest. Comments made by: DOI, USDA, EPA, State and local agencies, and concerned citizens. (ELR Order No. 51270.)

Shafer Butte Planning Unit, Boise National Forest, Ada and Boise Counties, Idaho, August 27: The statement refers to the land use plan for the 98,500-acre Shafer Butte Planning Unit of Boise National Forest. Balanced resource use is given emphasis in the plan. Watershed, visual quality, and recreation as noncommodity items or nonconsumptive resource activities are complemented. Wildlife habitat improvement or maintenance is stressed. Consumptive demands are mixed to the extent the land base can meet and support. Comments made by: DOI, EPA, DOC, HEW, AHP, USDA, FEA, COE, State and local agencies, and concerned citizens. (ELR Order No. 51296.)

South Fork Salmon River Planning Unit, Boise, Payette National Forest, Valley County, Idaho, August 28: The statement concerns a planning unit containing 349,328 acres, approximately 246,000 of which are within Payette National Forest, 102,328 of which are within Boise National Forest, and 855 acres are in private ownership. The plan sets forth the allocation of lands to resource uses and activities. Minor adverse effects such as temporary air pollution due to burning of residual material after timber harvests are expected. Comments made by: EPA, DOI, DOC, COE, AHP, USDA, DOT, FEA, HEW, HUD, State and local agencies, and concerned citizens. (ELR Order No. 51303.)

North Evangeline Unit, Kisatchie National Forest, Rapides County, La., August 25: The statement concerns the 10-year management plan for the 34,837-acre Evangeline Unit, Kisatchie National Forest. The plan includes wildlife improvements, concentration of recreationists around Valentine and Kincaid Lakes, intensive range management and timber management. Timber harvests will result in degradation of scenery and road construction. Comments made by: USDA, DOD, DOI, EPA, and State and local agencies. (ELR Order No. 51288.)

Multiple Use, Camp-Tolan Unit, Bitterroot National Forest, Ravalli County, Mont., August 25: Proposed is the implementation of a revised multiple use plan for the Camp-Tolan Planning Unit, Sula Ranger District, Bitterroot National Forest. The 39,848 acre unit has been divided into seven management units, for such values as big game winter range, timber production, recreation and scenic values, and wildlife cover. There are 13,100 acres of inventoried roadless area lying within the planning unit, of which 8,428 will remain roadless under the plan (110 pages). Comments made by: EPA, DOI, USDA, State and local agencies, and concerned citizens. (ELR Order No. 51284.)

##### SOIL CONSERVATION SERVICE

###### Final

Browning Watershed Project, Glacier County, Mont., August 25: The statement refers to the city of Browning's watershed protection and flood prevention in Glacier County, Montana. Adverse impacts include

the loss of agricultural production on 20 acres of land, prevention of interchange of fish populations along upper Willow Creek, temporary inundation of land, and increased air and water pollution during construction. Comments made by: COE, HEW, DOI, DOT, EPA, AHP, State agencies, and concerned citizens. (ELR Order No. 51281.)

Mission Hill Watershed, Yankton County, S. Dak., August 27: The statement refers to the proposed construction of the Mission Hill Watershed in Yankton County. The project is for watershed protection and flood prevention in agricultural lands and to homes in the town of Mission Hill. The planned project measures to be installed include conservation land treatment, one floodwater retarding structure, one grade stabilization structure, and 3.8 miles of channel work. There will be a periodic inundation by floodwater of up to 34 acres of cropland and 59 acres of pasture. There will also be a temporary loss of 124 acres of pasture, cropland, herbaceous habitat, and woody habitat during construction, and increased levels of noise and dust (39 pages). Comments made by: COE, HEW, DOI, EPA, AHP, and State agencies. (ELR Order No. 51297.)

Nibbs Creek Watershed, Amelia County, Va., August 25: The statement refers to the proposed Nibbs Creek Watershed protection, flood prevention, and municipal and industrial water storage project in Amelia County, Virginia. Adverse impacts are the inundation of land, and increased turbidity during construction. Comments made by: COE, DOI, DOT, EPA, AHP, and State agencies. (ELR Order No. 51285.)

##### DEPARTMENT OF DEFENSE

###### ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW, Washington, D.C. 20314, (202) 693-6861.

###### Draft

Fisherman's Wharf, San Francisco Harbor, San Francisco County, Calif., August 26: Proposed is the construction of a 700-foot concrete pile baffle breakwater extending from the solid portion of the Hyde Street Pier, a 1,200 foot concrete sheet pile breakwater extending from the buffed breakwater, with a 10-foot wide concrete walkway and a 370-foot concrete pile and baffle breakwater extending along the bayward end of Pier 45. Adverse impacts include the commitment of 5,400 square feet of natural benthos, relocation of two vessels in State Historic Maritime Park during construction, and displacement of fishing vessels from other nearby harbors. (San Francisco District.) (ELR Order No. 51280.)

Little Calumet River Basin (2). Indiana, August 25: The recommended plan will provide protection from flooding along the Little Calumet River, Indiana and provide recreation for the area. The flood protection will be provided through main stem channel alterations (widening and deepening) and levees. Limited destruction of wetlands will occur in the path of the widened river and corridor. (ELR Order No. 51275.)

St. Clair River, Maintenance Dredging, Mich., August 25: Proposed is the maintenance dredging of the Federal Navigation channels in the St. Clair River to remove 130,000 cubic yards annually consisting primarily of sand and silt. The material removed will be disposed of in deep water or placed ashore on upland sites. The action will temporarily adversely affect water quality and disrupt benthic habitat and fish populations. (ELR Order No. 51270.)



Grand Haven Harbor, Grand River Dredging, Ottawa County, Mich., August 25: Proposed is the periodic maintenance dredging of the navigation channels in Grand Haven Harbor and the Grand River, Michigan. Unpolluted materials dredged from the 14.5 mile long upstream channel will be placed primarily on shoreline reaches, particularly those that have been subject to erosion. Polluted materials dredged from the harbor proper will be contained in a confined disposal site. Disruption of benthic habitat will occur due to construction. (Detroit District.) (ELR Order No. 51271.)

Saginaw River and Saginaw Bay, Mich., August 25: The proposed project is to perform maintenance dredging of the Saginaw River and Saginaw Bay Federal Navigation channels. Approximately 140,000 cubic yards of polluted material dredged from the river are placed on the confined disposal area on Middle Ground Island. The polluted channel section from the D&M R.R. bridge to the river mouth and the section throughout the inner bay will not be dredged until a confined disposal site is constructed to contain the material. Adverse environmental impacts will result from the resuspension of polluted sediments. (Detroit District.) (ELR Order No. 51283.)

St. Mary's River and Straits of Mackinac, Mich., August 27: Proposed is the maintenance dredging of those portions of the St. Mary's River and the Straits of Mackinac which require the removal of shoals and obstructions. Some materials dredged by derrickboat will be disposed of on land in designated disposal areas. All other dredgings will be deposited in deep water outside and adjacent to the channels from which it was removed, or in other designated open water disposal areas. Construction disruption will result. (Detroit District.) (ELR Order No. 51294.)

Colleton R. Dredging & Pier Construction (Supplement), Beaufort County, S.C., August 25: The purpose of the supplement is to document the environmental impacts of two changes in plans of Chicago Bridge and Iron Company for proposed use of land at Victoria Bluff. The changes are a less restrictive definition of the products to be manufactured so as to include manufacture of LNG containers, and a deletion of 308 acres from the buffer area indicated in the original permit application. (Charleston District.) (ELR Order No. 51267.)

#### Final

So. Dade Conveyance Canals, East Coast Backpumping, Florida, August 28: The proposals consist of deepening, modifying, and realigning existing canal stretches, construction of new canals, and provisions of new inlet and water control structures and pumping stations in the West Palm Beach and South Dade County areas. The construction and modifications will provide flood control in the backpumped areas and will provide water for secondary water supply, salinity intrusions control, and Everglades N.P. Adverse impacts include: temporarily increased turbidity; possible displacement of people and businesses; possible disruption of archaeological sites; loss of wildlife habitat; and increased noise and dust during construction. (Jacksonville District.) Comments made by: USDA, DOC, EPA, DOI, and State agencies. (ELR Order No. 51292.)

Neuse River, Craven County, N.C., August 28: The statement considers the dredging of a commercial navigation channel 12' deep and 120' wide for 9 miles on the Neuse River. Aquatic life will be disturbed by dredging and 34 acres of wildlife habitat will be lost to spoil deposit (49 pages). Comments made by: AEC, DOC, EPA, OEO, DOI, and State agencies. (ELR Order No. 51305.)

#### ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, (202) 755-0940.

#### Draft

Central Kitsap Co. Wastewater Facilities, Kitsap County, Wash., August 25: The statement concerns the awarding of grant funds to Kitsap County for the construction of interceptor sewer lines, wastewater treatment facility, and wastewater disposal facility to service drainage sub-basin 9 and 10 and the Trident Support Site. Construction of a wastewater treatment facility would have significant adverse aesthetic impacts for half of the alternatives, due to high visibility on a desirable shoreline or the residential character of the neighborhood. Significant increases in property taxes will result from the construction and operation of the system. (ELR Order No. 51291.)

#### DEPARTMENT OF HUD

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6308.

#### Draft

Second Waterfront Urban Renewal, Gloucester, Mass., August 28: The statement concerns an urban renewal project for 43 acres of land located at the head of the North Channel of the City of Gloucester, Massachusetts. The project includes demolition of some existing structures and the construction of new wharves and piers, commercial buildings, a fish processing plant, a cold storage area, retail stores, and some office space. The program will also result in the filling in the area at the terminus of Inner Harbor at the North Channel, the disposal of dredge, relocation and disruption of businesses, and the demolition of existing buildings. (ELR Order No. 51304.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

#### SECTION 104(h)

#### Draft

Arcadia Industrial Park, Newark, Wayne County, N.Y., August 28: The statement concerns the allocation of Community Development Block Grant funds for the construction of a road access and sewer and water lines up to the property line of the proposed Arcadia Industrial Park. The park is located north of the Brage Canal in the western sector of the Village of Newark. Construction of Edgett Street will require the placement of fill north of the Brage Canal. Increased noise levels, truck traffic, and commuter traffic will be inevitable. (ELR Order No. 51307.)

#### DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

#### Draft

Rio Grande-Valarde to Caballo Dam, several counties in New Mexico, August 27: The statement concerns a program for operations and maintenance of a 300 mile stretch of the Rio Grande from Velarde, New Mexico to Caballo Dam. The project includes continuation of O&M activities, which the statement indicates will have little or no environmental

effect, and the construction of new facilities which will result in a decrease in wetland habitat, an annual conservation of 6,600 acre-feet of water, a replacement of 125 acres of vegetation by new facilities, and an increase of 600 to 1,000 acres of desirable woody vegetation. (ELR Order No. 51302.)

#### NATIONAL PARK SERVICE

#### Final

Proposed Buffalo National River Master Plan, several counties in Arkansas, August 25: The statement refers to the proposed master plan for the Buffalo National River. The plan includes the acquisition of 95,730 acres of land. The action will result in increased visitation to the river; approximately 350 area residents will be displaced due to the acquisition. Comments made by: DOI, USDA, COE, HUD, FPC, AHP, EPA, State and local agencies, and concerned citizens. (ELR Order No. 51279.)

Proposed Master Plan, Rocky Mountain National Park, Colo., August 25: The statement refers to a proposed master plan for the management and use of the Rocky Mountain National Park. The plan is intended to increase public enjoyment of park experiences with reduced impact on park resources. Large sections of the park are proposed for wilderness. Effects of the plan will include the reduction or elimination of concession operations; high cost pollution abatement; and restriction of visitor use (110 pages). Comments made by: USDA, DOI, DOC, EPA, DOT, FPC, AHP, and State agencies. (ELR Order No. 51278.)

Pecos National Monument, Proposed Master Plan, San Miguel County, N. Mex., August 25: The statement concerns the proposed master plan and development concept plan for Pecos National Monument. The plan includes introduction of a major visitor facility structure, employee housing, archaeological workshop housing, materials and equipment yard, water and sewerage systems and attendant roads and parking. Legislation is proposed to authorize addition of two adjoining parcels of land to be donated, totaling 23.5 acres and to increase the ceiling of development (94 pages). Comments made by: AHP, DOI, USDA, EPA, and State and regional agencies. (ELR Order No. 51269.)

#### INTERNATIONAL-BOUNDARY AND WATER COMM.

Contact: Mr. T. R. Martin, ARA/Mex., State Department, Room 3906A, Washington, D.C. 20520, (202) 632-1317.

#### Final

Rio Grande Canal Project Improvements, Texas and New Mexico, August 27: Proposed Phase I Improvements will provide flood protection to developed portions of Canutillo, Texas and Anapra, New Mexico, to 13,200 acres of farms and to transportation and irrigation facilities. Phase II entails the completion of SCS dams to provide protection for 135,000 acres of urban and highly developed agricultural lands against the highest possible flood. Adverse impacts include the modification of 24 acres of grassland (which will change the habitat of small wildlife) with negligible effect and temporary construction noise and interference with transportation at three crossings. Comments made by: USDA, COE, EPA, DOI, AHP, and State and local agencies. (ELR Order No. 51293.)

#### DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 426-6]

#### PESTICIDE ENFORCEMENT POLICY STATEMENT NO. 2

Use of Registered Pesticides For the Control of Unnamed Target Pests In Structural Pest Control

#### I. General Background.

On May 5, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER a document entitled "Institution of Enforcement Policy Statements" (40 FR 19526). It was the Agency's purpose in instituting this series of Pesticide Enforcement Policy Statements (PEPS) to inform the general public and persons engaged in the formulation, distribution, sale, application, or other use of pesticides, of the policies adopted by the Agency in the enforcement of the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended [Pub. L. 92-516; 86 Stat 973; 7 U.S.C. 136 et seq.; hereinafter referred to as FIFRA]. PEPS are prepared and published by EPA's Office of Enforcement. A detailed explanation of the purpose and scope of PEPS was set forth in the May 5, 1975, FEDERAL REGISTER notice.

Federal regulation of the use of pesticides was established for the first time with the enactment of the 1972 amendments, specifically through the provisions of FIFRA section 12(a) (2) (G). Any person who uses a registered pesticide in a manner inconsistent with its labeling is in violation of the Act and may be subject to civil or criminal sanctions. However, as set forth in the legislative history, Congress intended that EPA enforce the prohibition of section 12(a) (2) (G) in a "common sense manner" and not prohibit the use of registered pesticides which are in no way harmful and which have demonstrated beneficial effects. [House Committee on Agriculture, H.R. REP. No. 92-511, 92d Cong., 1st Sess. 16 (1971), and Senate Committee on Agriculture and Forestry, S. Rep. No. 92-838, 92d Cong., 2d Sess. 16 (1972)].

As the Senate Committee on Agriculture and Forestry stated:

"... it is the belief of the Committee that the use of the word 'inconsistent' should be read and administered in a way so as to visit penalties only upon those individuals who have disregarded instructions on a label that would indicate to a man of ordinary intelligence that use not in accordance with such instructions might endanger the safety of others or the environment. Senate Report, *Id.*

In view of the legislative history concerning the use of registered pesticides for the control of unnamed target pests, this PEPS touches upon matters which may appear to be jurisdictional in nature. It does not, however, presume to define the Agency's regulatory jurisdiction. If the Administrator subsequently promulgates regulations, which interpret the scope of the Agency's regulatory jurisdiction, the Office of Enforcement will revoke or amend this PEPS to conform with such regulations.

to be relocated and one business will have to be acquired. (ELR Order No. 51290.)

U.S. 14, Evansville to Madison, Dane County, Wis., August 27: The proposed project consists of reconstructing Highway 14, from Highway 92 near the south Dane County line, northerly to the intersection with County Highway "MM" located 0.64 mile north of the village of Oregon. The recommended project provides for an ultimate expressway facility south of Oregon and a freeway facility bypassing the village to connect with the freeway section of relocated Highway 14 between Oregon and Madison. The project will require 280 acres of land currently used for agricultural purposes and 46 acres of unutilized wildlife habitat. Two families were affected by the project; acquisition of the land has already been partially accomplished. (ELR Order No. 51301.)

#### Final

U.S.-54, Pratt and Kingman Counties, Kans., August 27: The project involves the improvement of 48 miles of U.S. 54 from Cullison in Pratt County to a point north-east of Kingman in Kingman County. The project includes grading, surfacing, bridge construction, and right-of-way acquisition. Adverse impacts are loss of some cropland, severance of some properties, and increased air, noise, and surface water pollution due to construction. A 4(f) determination may be necessary on the Kingman County Game Reserve depending on what alternative is selected. Comments made by: USDA, HEW, EPA, HUD, DOI, COE, and State and local agencies. (ELR Order No. 51299.)

Rogue River, Rockford, Kent County, Mich., August 27: The project involves the construction or reconstruction of a bridge and approaches spanning the Rogue River in the city of Rockford, Kent County. The facility will have four twelve foot lanes. Adverse impacts include, increased air, noise, and dust pollution during construction, possible erosion, sedimentation and pollution in and near the Rogue River, displacement of wildlife, and the displacement of families and businesses (100 pages). Comments made by: DOT, HUD, DOI, COE, USDA, EPA, State, regional, and local agencies. (ELR Order No. 51298.)

State Highway 37, Garrison, McLean County, N. Dak., August 27: Proposed is the improvement of State Highway 37 from Garrison to U.S. 83, a distance of 6 miles. The project consists of acquiring additional agricultural land for right of way and constructing a two lane hard surfaced roadway along the alignment of existing State Highway 37. One business and one residence will be displaced (61 pages). Comments made by: DOI, HUD, EPA, DOT, USDA, and State and local agencies. (ELR Order No. 51300.)

I-275, Hamilton County, Ohio, August 25: The project involves the improvement of I-275 in Hamilton County, Ohio. Improvement will consist of constructing 1.55 miles of a six-lane facility. Included in the project will be 3 bridge structures, a full interchange with Kellogg Avenue, landscaping and installation of fencing in the vicinity of the California Golf Course and improvement of the drainage system. Adverse impacts are loss of open space and wooded areas, some localized increase in water, air, and noise pollution, some erosion and sedimentation during construction, and demolition of 63 dwellings and 3 businesses. A 4(f) determination is necessary concerning the California Golf Course (100 pages). Comments made by: DOI, EPA, HUD, USDA, COE, and State agencies. (ELR Order No. 51273.)

GARY L. WIDMAN,  
General Counsel.

[FR Doc.75-23569 Filed 9-4-75; 8:45 am]

#### FEDERAL AVIATION ADMINISTRATION

#### Draft

Air Route Surveillance Radar, Eugene, Lane County, Oreg., August 25: The project consists of the construction of an Air Route Surveillance Radar Facility as part of a 21-facility system that would control flight traffic between airport terminals. The proposed site is one acre of land on Table Top Mountain, located in the southwest portion of the Willamette Valley, 17 miles northwest of Eugene, Oregon. There will be possible minor adverse environmental effects with respect to surface and subsurface waters, ecology, fossil fuel emissions, and electromagnetic radiation. (ELR Order No. 51272.)

#### FEDERAL HIGHWAY ADMINISTRATION

#### Draft

Florence Avenue, Bloomfield Ave. to Telegraph Rd., Los Angeles County, Calif., August 25: Proposed is the construction of a 1.30 mile segment of Florence Avenue from Bloomfield Avenue to Telegraph Road on new alignment. The project will include full width construction to major highway standards including a raised median with turning lanes, sidewalks, and drainage facilities. Approximately 8.7 acres will be acquired for the project displacing eight residential structures and five residential garages. Thirty-five trees will be removed and there will be an increase in vehicular noise experienced by occupants nearby. (ELR Order No. 51289.)

Poplar Level Road (Ky. 864), Louisville, Jefferson County, Ky., August 29: The statement concerns a 0.5 mile segment of the Poplar Level Road project beginning at Waterson Expressway (I-264) and ending 1275' east of the Southern Railway. An at-grade crossing of Poplar Level Road by the Southern Railway will be eliminated by bridging. The project will require the acquisition of approximately 5.10 acres of land and displacement of 2 residents and 13 businesses for right-of-way. Fifteen businesses would lose direct access to Poplar Level Road due to the construction of the grade separation structure. (ELR Order No. 51306.)

S.H. 641, U.S. 61 to I-10, St. James Parish, St. James County, La., August 25: The proposed action involves the construction of a 3.06 mile extension of State Highway 641 from U.S. 61 (Airline Highway) approximately one mile east of the town of Gramercy, northward on new location to I-10. The action includes the construction of a diamond interchange with I-10 with access only to the south. The project will irreversibly replace 95 acres of cypress-tupelo swamp, and temporarily change 130 acres of swamp to drier forest. There will be some temporary increase in air, water, and noise pollution. (ELR Order No. 51277.)

L.R. 1061, Blair County, Pa., August 27: The proposed highway improvement consists of a 14.5 mile portion of L.R. 1060 (T.R. 220), located in Logan and Antis Townships, Pennsylvania as part of the Appalachian Development Highway System. The project will displace a number of people and will result in increased noise and erosion. A 4(f) statement is included concerning a public park. (ELR Order No. 51295.)

Onelda St. Bridge and Approaches, Appleton, Outagamie County, Wis., August 25: The proposed project involves the construction of a new bridge across the Fox River and a Government Lock Canal and its approaches in the City of Appleton. The bridge, located 600' west of the present Onelda Street crossing, would be four lanes wide and .67 mile long. The construction of the north approach roadways will require the acquisition of a portion of Jones Park (a 4(f) statement is included) and the south approach will sever the practice area of Riverview Country Club's golf course. Five to eight residences will have

This policy statement concerns the use of a registered pesticide in structural

All of the limiting and defining provisions contained in the paragraphs which

not or will not be harmful to man or the environment.

pest, (b) the user had attempted to procure any such pesticide registered for the

D.C. 20460. Three copies of these comments should be submitted to facilitate

[OPP-33000/312; FRL 425-1]  
NOTICE OF RECEIPT OF APPLICATIONS



This policy statement concerns the use of a registered pesticide in structural pest control for the control of pests which are not named on the product's label. It neither addresses nor in any way affects the requirement of compliance with affirmative provisions of an approved label.

EPA has long been aware of the fact that there exist a host of structural pests which are limited in number and sporadic in their occurrence. These pests are not sufficiently important to justify or in some cases even to permit the collection of sufficient data to meet EPA standards for revision of registration and labeling to include them. Another class of pest problems involves pests which are unpredictable or unprecedented in their occurrence. In the past, pest control operators have commonly used registered pesticides successfully to control pests which, for the reasons described above, were not specifically listed on the pesticide's approved labeling. These pesticide applications against unnamed target pests are conducted with application rates and intervals, and at use sites which conform to those appearing on the approved labeling. However, such a use constitutes a technical violation of section 12(a)(2)(G), in that the target pest differs from that listed on the approved label.

Recently, many interested people have sought permission from EPA to use registered pesticides to control minor or infrequently encountered pests which appear in, on, or adjacent to any structure when such pests are not named on the approved label of the pesticide. Consistent with the legislative history of section 12(a)(2)(G), EPA has determined that under the specified conditions and limitations set forth below, use of a registered pesticide against unnamed pests does not warrant prosecution for a violation of section 12(a)(2)(G).

## II. Use of a Registered Pesticide for the Control of Unnamed Target Pests in Structural Pest Control.

The Agency has determined that the use of a registered pesticide at use sites approved on the label for the control of unnamed target pests in, on, or adjacent to any structure is permitted, provided that:

(A) The pesticide selected is registered for use at the type of site which is to be treated;

(B) Either (1) the user is a knowledgeable expert in structural pest control who has himself recommended the use of a registered pesticide against the unnamed target pest; or (2) the use is recommended in writing by a knowledgeable expert in structural pest control;

(C) No pesticide registered for use against the target pest in, on, or adjacent to any structure is reasonably available in the geographic area in which the pesticide is to be used;

(D) The user complies with all other instructions, warnings, precautions, and prohibitions which appear on the label and labeling of the product which is used; and

(E) The use is efficacious, in that it has beneficial effects, and is not harmful to man or the environment.

## NOTICES

All of the limiting and defining provisions contained in the paragraphs which follow are an integral part of this PEPS. Whether the user has reasonably met the criteria set forth in this PEPS will be determined by the Agency on a case-by-case basis. The burden of showing that the criteria set forth herein has been met rests with the person applying or otherwise using a registered pesticide for the control of unnamed target pests in structural pest control.

### III. Applicability of the Pesticide Enforcement Policy Statement Regarding Use of Registered Pesticides for the Control of Unnamed Target Pests.

#### A. Use at the Specific Type of Site Which is to be Treated.

The policy set forth in this statement allows the use of a registered pesticide against unnamed target pests only when the application is made at the specific type of use site for which the product is registered. This policy applies to the use of registered pesticides in, on, or adjacent to enclosed man-made structures such as human dwellings, institutions (including schools and hospitals), industrial establishments, non-commercial greenhouses and other structures used for the protection of stored, processed, or manufactured products. This PEPS does not, for example, allow any person to use a pesticide which is registered for use in, on, or adjacent to structures to perform any agricultural or other outdoor application or use which is not related to structural pest control. No pesticide registered solely for agricultural use may be used for the control of unnamed target pests in, on, or adjacent to any structure.

#### B. Recommendation by a Knowledgeable Expert in Structural Pest Control.

##### 1. Definition of the Term "Knowledgeable Expert in Structural Pest Control."

The term "knowledgeable expert in structural pest control" refers to any person who (1) holds a college or higher level degree in entomology or other science related to pest control; or (2) has five (5) or more years of practical experience in professional pest control; or (3) is the supervisory official of the firm, organization or Agency making the application who is responsible for making technical judgments regarding pest control practice; or (4) is certified by a State pursuant to FIFRA Section 4 to use restricted use pesticides in industrial, institutional, structural or health-related pest control (40 CFR 171.3(b)(7)).

Knowledgeable experts in the field of structural pest control may also include qualified persons employed by organizations such as State Cooperative Extension Services, Federal, State, or local departments or agencies, or public health services.

##### 2. Use by a Knowledgeable Expert in Structural Pest Control.

A registered pesticide may be applied or otherwise used for the control of unnamed target pests by a "knowledgeable expert in structural pest control" if that expert himself makes the judgment that such use is efficacious against the unnamed target pest, and that such use is

not or will not be harmful to man or the environment.

### 3. Recommendation of Knowledgeable Expert in Structural Pest Control.

A registered pesticide may be applied or otherwise used for the control of unnamed target pests by a person who is not himself a knowledgeable expert in structural pest control only if the application or use has been recommended in writing by a knowledgeable expert.

These recommendations will be made part of the records of pest control activities. Sufficient records must be kept to describe accurately the circumstances of the pest infestation, the pesticide recommended for control of the problem, the results of the treatment, and the name and address of the knowledgeable expert. These records shall be maintained by the person who applies or otherwise uses the pesticide for a period of six (6) months from the date of application or use. Recommendations of a knowledgeable expert in structural pest control may be in the form of articles published in current scientific journals, manuals, or other technical bulletins or specific instructions. The applicator or user must have obtained the written recommendation prior to the time of the application. He must make such recommendations available to an official representative of the Agency upon request.

#### 4. Enforcement Liability.

The responsibility for the safe and efficacious use of the pesticide and for full compliance with the terms of this PEPS may rest with either the applicator or the knowledgeable expert in structural pest control or both, as the equities and the circumstances may require.

A knowledgeable expert in structural pest control who personally uses or supervises the use of a registered pesticide against unnamed target pests is responsible for the proper use of the pesticide and for the efficacy of the product against the unnamed target pest. The expert in this position is therefore also subject to enforcement liability for any misuse of the pesticide. In all applications performed by persons other than a knowledgeable expert, the primary responsibility for compliance rests with the person who performs the actual application. Enforcement action will be considered on a case-by-case basis for violations involving significant harm to man or the environment or deviations from the provisions of section II (A) through (E) above.

#### C. Reasonable Availability of a Pesticide Registered for Use Against the Target Pest.

Any registered pesticide currently in the channels of commerce in the geographic area where the user resides or does business is presumed, for purposes of enforcement, to be reasonably available for the control of pests. In determining whether a registered pesticide is reasonably available in the geographic area in which the pesticide is to be used the Agency will consider whether (a) the user had made a reasonable effort to ascertain whether any pesticide had been registered for the control of the target

## NOTICES

D.C. 20460. Three copies of these comments should be submitted to facilitate the work of the EPA and others interested in inspecting such documents.

Dated: August 29, 1975.

STANLEY W. LEGRO,  
Assistant Administrator  
for Enforcement.

[FR Doc.75-23677 Filed 9-4-75; 8:45 am]

[PF16; FRL 426-8]

## PESTICIDE PETITIONS

### Notice of Filing

Petitions proposing the establishment of pesticide tolerances in or on certain raw agricultural commodities have been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act. The petitions and proposals are:

PP6F1657. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. Proposes that 40 CFR 180.352 be amended to establish a tolerance for the combined residues of the insecticide terbufos (S-[[1,1 - dimethylethyl]thio]methyl] 0,0-diethyl phosphorothioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities corn forage and fodder (field corn, popcorn, and sweet corn) at 0.5 part per million (ppm); and corn grain (popcorn) and sweet corn (kernels plus cob with husks removed) at 0.05 ppm. The proposed analytical method for determining residues is a gas chromatographic procedure using a phosphorus-sensitive alkali flame ionization detector. PM16

PP6F1655. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. Proposes that 40 CFR 180.234 be amended to establish a tolerance for residues of the insecticide 0,0-diethyl 0-[4-(methylsulfinyl) phenyl] phosphorothioate in or on the raw agricultural commodities sorghum grain at 0.05 ppm and sorghum forage and fodder at 1.0 ppm. The proposed analytical method for determining residues is by the termionic emission gas chromatographic procedure. PM15

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: August 27, 1975.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.75-23678 Filed 9-4-75; 8:45 am]

## NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before November 4, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received on or before November 4, 1975.

Dated: August 27, 1975.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/312)  
EPA File Symbol 9143-LL. Chemscope Corp., 1909 Hi-Line Dr., PO Box 10752, Dallas TX 75207. LEMON-KLEAN CLEAR DISINFECTANT. Active Ingredients: Methyldecylxylene bis(trimethyl ammonium chloride) [20%], Methyldecylbenzyl trimethyl ammonium chloride [80%] 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

## NOTICES



EPA File Symbol 8700-T. Herculte Protective Fabrics Corp., 1407 Broadway, New York NY 10010. HERCON "INSECTAPE" CONTAINS DIAZINON. Active Ingredients: 0.0. diethyl 0-(2-isopropyl-6-methyl-4-primidyl) phosphorothioate 10.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM15

EPA File Symbol 1817-U. IWM Corp., 1495 Davis Rd., Elgin IL 60120. A 10 ALGAE-CIDE. Active Ingredients: Sodium Pentachlorophenate 5.8%; Sodium Salts of Other Chlorophenols 2.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA Reg. No. 6962-19. Madison-Bionics, 11250 W. Addison St., Franklin Park IL 60131. DIE-SECT SPRAY POWDER. Active Ingredients: Orthoboric Acid 6.33%; Sodium Tetraborate Decahydrate 0.07%. Method of Support: Application proceeds under 2(a) of interim policy. PM15

EPA Reg. No. 3122-213. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. DASANT 15% GRANULAR INSECTICIDE-NEMATOCIDE. Active Ingredients: 0.0-Diethyl 0-[4-(methylsulfinyl) phenyl] phosphorothioate 15%. Method of Support: Application proceeds under 2(a) of interim policy. PM15

EPA File Symbol 1020-EE. Oakite Products, Inc., 50 Valley Rd., Berkeley Heights NJ 07922. OAKITE 80. Active Ingredients: Hexahydro-1,3,5-tris (2-hydroxyethyl)-s-triazine 78.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 600-37. Ralston Purina Co., General Offices, 835 S. 8th St., Checkerboard Square, St. Louis MO 63102. PURINA LIQUID STOMACH SPRAY. Active Ingredients: Toxaphene 45.0%; Gamma Isomer of Benzene Hexachloride, (from Lindane) 2.7%; Aromatic Petroleum Derivative Solvents 20.0%; Petroleum Hydrocarbons 19.3%; Xylene 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 20-157. Shell Chemical Co., 1025 Conn. Ave., NW, Washington DC 20036. AZODRIN 5 INSECTICIDE. Active Ingredients: Dimethyl phosphate of 3-hydroxy-N-methyl-cis-crotonate 55%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA Reg. No. 20-278. Shell Chemical Co., 1025 Conn. Ave., NW, Washington DC 20036. AZODRIN 3.2 INSECTICIDE. Active Ingredients: Dimethyl phosphate of 3-hydroxy-N-methyl-cis-crotonamide 39.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 8727-A. Wright, Inc., 5703 Crawford Ln., Ft. Worth TX 76119. STERILEAN. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

[FR Doc 75-23452 Filed 9-4-75; 8:45 am]

# FEDERAL COMMUNICATIONS COMMISSION

[Report No. 769]

## COMMON CARRIER SERVICES INFORMATION

### Domestic Public Radio Services Applications Accepted for Filing

SEPTEMBER 2, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's Rules, an appli-

\* All applications listed in the appendix are subject to further consideration and review

cation, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

### APPLICATIONS ACCEPTED FOR FILING

#### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20332-CD-P-76. Empire Paging Corporation (KEA256) C.P. for additional facilities to operate on 454.025 MHz (Base) at new Loc. #6: 5 Horizon Road, Fort Lee, New Jersey.

20333-CD-TC-(3)-76. Minnesota Communications Corp. Consent to Transfer of Control from John P. Bonner, TRANSFEROR to Jean A. Poole, TRANSFEREE, Minneapolis, Minnesota—KDN408, KSV993, KUC949.

20334-CD-TC-(4)-76. McCord Communication Service, Inc. Consent to Transfer of Control from Clyde McCord, TRANSFEROR, to Frances R. McCord, Executrix of the Estate of Clyde McCord, TRANSFEREE. Gadsden, Alabama—KIG303, KUS 390; Anniston, Alabama—KIV532, KUD225.

20335-CD-P-76. The Mountain States Telephone and Telegraph Company (KAF634) C.P. for additional facilities to operate on 152.60 MHz (Base) at 7.2 miles SW of Pueblo, Colorado; also to change antenna system and replace transmitter operating on 152.75 MHz at same location.

20336-CD-P-76. Mobilfone Service, Inc. (KUS266) C.P. to change antenna system and relocate facilities operating on 152.15 MHz located ¾ mile N. of Ponca City limits on Hwy. #77, Oklahoma.

and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

\* The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

20337-CD-R-76. Michigan Bell Telephone Company (KQM40) Renewal of Developmental Radio Station License. Temp.-Fixed Location. TERM: 9/28/75 thru 9/28/76.

20338-CD-P-(3)-76. Mobile Telephone Service of Southern Utah, Inc. (NEW) C.P. for a new 2-way station to operate on 152.03 MHz, 152.09 MHz and 454.125 MHz (Base) at Red Hills, St. George, Utah.

20339-CD-P-(3)-76. Mobile Telephone Service of Southern Utah, Inc. (NEW) C.P. for a new 2-way station to operate on 454.225, 152.12 and 152.15 MHz (Base) located at SW Corner of City boundary of Cedar City, Utah.

20340-CD-P-(3)-76. The Ohio Bell Telephone Company (KUC971) C.P. for additional facilities to operate on 152.84 MHz at Loc. #9: 7782 Maple St., Kirtland, Ohio, and Loc. #10: 34 S. St. Clair, Painesville, Ohio, and Loc. #11: 25 E. Orange St., Chagrin Falls, Ohio.

20341-CD-P-(4)-76. The Ohio Bell Telephone Company (KQD314) C.P. to change frequency at Loc. #1, 2, and 3 from 35.50 MHz (Base) to 152.84 MHz (Base) and relocate same to the following: Loc. #1: Coitsville, Struther-Liberty Rd., Youngstown, Ohio; Loc. #2: N. Jackson C.O., Salem-Warren Rd., North Jackson, Ohio; Loc. #3: N. Riverside C.O., 1127 Girard-Hubbard Road, E. of Sampson Rd., Youngstown, Ohio; also for add'l. facilities to operate on 35.50 at New Loc. #4: Sweetbriar C.O., 7 North Osborn Avenue, Youngstown, Ohio.

20342-CD-P-76. RCC of Virginia, Inc. (KTS 243) C.P. to relocate facilities operating on 152.09 MHz (Base) located on top of Mill Mt., Roanoke, Virginia.

20343-CD-P-76. Farmers Mutual Cooperative Telephone Company (NEW) C.P. for a new 2-way station to operate on 152.60 MHz (Base) located at NW Edge of Harlan, Iowa.

20344-CD-MF-76. RAM Broadcasting of Texas, Inc. (KKG412) C.P. to change antenna system and replace transmitter operating on 454.100 MHz, 454.200 MHz at Loc. #3: ¼ mile S. of Corsicana on U.S. Hwy. 75, Corsicana, Texas; and to change antenna system and replace transmitter operating on 454.050 MHz and 454.325 MHz at Loc. #4: 3820 Moulton Street, Greenville, Texas.

20345-CD-P-76. Monon Telephone Company, Inc. (NEW) C.P. for a new 2-way station to operate on 152.69 MHz located at 315 North Market Street, Monon, Indiana.

20346-CD-P-76. Robert Carl Klass (NEW) C.P. for a new 1-way station to operate on 158.70 MHz located 6 miles NW of Marinette, nr. Hwy. 180, Wisconsin.

20347-CD-P-76. Tribune Publishing Company d/b/a Radio Page of Tacoma (KOP 258) C.P. to change antenna system, replace transmitter, and relocate facilities operating on 43.22 MHz to be located at 3700 53rd NE Tacoma, Washington.

Correction

20236-CD-P-76. Airtel International, Inc. (KAP245) Correct frequency to read 72.96 MHz. All other particulars to remain the same as reported on Public Notice #768, dated August 25, 1975.

Major amendments

21339-C2-P-(2)-74. RCC of Virginia, Inc. Winchester, Virginia (KRS834) Amend base frequencies 159.09 and 152.15 MHz to read 152.03 and 152.12 MHz. All other particulars are to remain the same as reported on Public Notice #700, dated May 13, 1974.

8409-C2-P-72. Albert W. Dale, Jr. (KLF509) Amend base frequency to 152.06 MHz also the location to: 8 miles W. of Garden City, Texas. Also add repeater facilities to operate on 459.325 MHz to above location, and Control facilities to operate on 454.325 MHz at 2632 E. Pearl St., Odessa, Texas.

#### RURAL RADIO SERVICE

60047-CR-P-76. Arvig Telephone Company (WSN61) C.P. to change antenna system operating on 454.650 MHz (Central Office-Fixed) located 1.8 mile N. of Ash River Falls, Minnesota.

60048-CR-P/L-76. The Mountain States Telephone and Telegraph Company (NEW) C.P. and License for a new Rural Subscriber-Fixed station to operate on 157.77 MHz located 9.6 miles ESE of Bitter Creek, Wyoming.

60049-CR-P-76. Continental Telephone Company of Utah (NEW) C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 MHz located at Fry Canyon, Utah.

#### POINT TO POINT MICROWAVE RADIO SERVICE

236-CF-P-76. Island Telepage Systems (New) Lummi Mountain, 8 Miles Southwest of Bellingham, Washington. Lat. 48 39 22 N.—Long. 122 37 42 W. C.P. for a new station on 2166.4H towards Oak Harbor, Washington on azimuth 184 degrees 0 minutes.

237-CF-P-76. Same Same (New) 4086 400 Feet Oak Harbor, Washington. Lat. 48 17 31 N.—Long. 122 38 47 W. C.P. for a new station on 2112.4V towards Blyn Mountain, Washington on azimuth 218 degrees 12 minutes.

238-CF-P-76. Same (New) Blyn Mountain, 1.9 Mile Southeast of Blyn, Washington. Lat. 48 09 25 N.—Long. 122 58 16 W. C.P. for a new station on 2162.4V towards Oak Harbor on azimuth 38 degrees 12 minutes.

239-CF-P-76. Same (New) Corner of Crosby & Heller Roads, Oak Harbor, Washington. Lat. 48 17 50 N.—Long. 122 40 30 W. C.P. for a new station on 2116.4H towards Lummi Mountain, Washington on azimuth 4 degrees 0 minutes.

463-CF-MP-76. Southern Pacific Communications Co. (WLJ76) (DEVELOPMENTAL) Southern Pacific Radio Building: Lat. 32 56 42 N.—Long. 115 47 57 W. Mod. C.P. to test equipment on 6175.0V towards Holtville, California on azimuth 111 degrees 46 minutes.

464-CF-P-76. Same (WQ035) DEVELOPMENTAL. Southern Pacific Station. Lat. 32 47 36 N.—Long. 115 33 03 W. C.P. to test equipment on 6424.5V towards Holtville, California on azimuth 96 degrees 21 minutes.

465-CF-P-76. Same (WQ024) Southern Pacific Microwave Building. Lat. 32 42 36 N.—Long. 115 07 33 W. C.P. to test equipment on 6925.5V towards Holtville, California on azimuth 294 degrees 51 minutes.

473-CF-MF-76. Southwestern Bell Telephone Company (KTQ98) 5.4 Miles NE of Slaton, Texas. Lat. 33 29 46 N.—Long. 101 34 13 W. Mod. of License to change polarity from Vertical to Horizontal on frequency 4170 MHz toward Lubbock, Texas on azimuth 290°50'.

1006-CF-MP-76. Southern Bell Telephone and Telegraph Company (KJG67) 115 N.E. Third Avenue, Ft. Lauderdale, Florida. Lat. 26 07 25 N.—Long. 80 08 28 W. Mod. of C.P. to change power and polarity from Horizontal to Vertical on frequencies 5974.8 6093.5 MHz toward Margate, Florida on azimuth 337°31'.

1006-CF-P-76. Same (KJW98) Margate, 0.5 Mile NE of Hammondville, Florida. Lat. 26 14 56 N.—Long. 80 11 55 W. Mod. of C.P. to change power and polarity from Horizontal to Vertical on frequencies 6226.9 6345.5 MHz toward Ft. Lauderdale, Florida on azimuth 157°20'.

[FR Doc 75-23608 Filed 9-4-75; 8:45 am]

## FCC PBX TECHNICAL STANDARDS SUBCOMMITTEE

### Notice of Meeting

SEPTEMBER 2, 1975.

In accordance with Public Law 92-463, announcement is made of a public meeting of the FCC PBX Technical Standards Subcommittee to be held October 1-2, 1975 in Washington, D.C. The meeting will commence at 10 a.m. on October 1 for the Interface Criteria Task Group, and 9 a.m. on October 2 for the On Site Test Standards Task Group. Both meetings will be held in Room 752, 1919 M Street NW.

1. *Purpose:* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the switched telecommunications network without the need for carrier-provided connecting arrangements.

2. *Activities:* As at prior meetings, the Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public network.

3. *Agenda:* The agenda for the October 1st meeting is as follows:

(1) Review and revise draft chapters of Interface Criteria covering message registration and automatic identification for outward dialing.

(2) Initiate work on new Interface Criteria drafts covering Key Telephone Systems and customer-provided connecting arrangements.

The agenda for the October 2nd meeting is to revise the latest draft of the On Site Test Standards to assure compatibility with the Revision B of the Interface Criteria Document, T97.

4. *Public Participation:* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Subcommittee may do so before or after the meeting.

For more information, contact the Common Carrier Bureau on (202) 632-6917.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc 75-23609 Filed 9-4-75; 8:45 am]

[Docket Nos. 20277, File No. BP-19564, etc.]

## NORMAN BROADCASTING CO. (WGNU), ET AL.

Applications for Construction Permits and Renewal of License; Commission Consent to Assignment

In re applications of Norman Broadcasting Co. (WGNU), Granite City, Illinois, Docket No. 20277, File No. BP-19564; Curtis L. Mann, trustee in bankruptcy (KWK), St. Louis, Missouri, Docket No. 20278, File No. BP-19648; for construction permits, Curtis L. Mann, trustee in bankruptcy (KWK), St. Louis, Missouri, Docket No. 20279, File No. BR-4884; for renewal of license, Curtis L. Mann, trustee in bankruptcy (assignor) and Doubleday Broadcasting Company, Inc. (Assignee), Docket No. 20280, File No. BAL-8127; for Commission consent to assignment of license for Radio Station KWK, St. Louis, Missouri.

1. This proceeding involves the application of Norman Broadcasting Company (WGNU) for a construction permit to make changes in its facilities at Granite City, Illinois; the applications of Curtis L. Mann, Trustee in Bankruptcy (KWK), for modification of the facilities of Station KWK at St. Louis, Missouri, and for renewal of the license of Station KWK; and an application for assignment of license to Doubleday Broadcasting Company, Inc. (Doubleday), by Memorandum Opinion and Order, 50 FCC 2d 529, 32 RR 2d 213 (1974), the Commission designated these applications for consolidated hearings on various issues. Now before the Review Board are a petition to enlarge issues, filed January 6, 1975, by WGNU, requesting the addition of Rules 73.37 and 73.188 issues against KWK; a motion to strike, filed February 26, 1975, by Doubleday; and a petition to enlarge issues, filed March 4, 1975, by Doubleday, requesting Rule 73.37 and sham pleading issues

\* Vic-Way Broadcasting, Inc., licensee of Station KWK, ceased operations on September 21, 1973. On October 10, 1973, Curtis L. Mann was appointed Receiver to take over the assets of Vic-Way, including the facilities of Station KWK. For a further history of this proceeding, see the designation Order, *Bronco Broadcasting Co., Inc.*, 50 FCC 2d 529, 32 RR 2d 213 (1974).

\* The Commission stated that the comparison in this proceeding will be "between the WGNU proposal and the application for renewal taken in conjunction with the applications for assignment and modification of KWK" and that "[t]he applications for renewal, modification, and assignment must stand or fall together." Doubleday was made a party to the proceeding. The operation proposed by Mann and by Doubleday will hereinafter be referred to as KWK.

against WGNU. Because the requests WGNU's allegation of incomplete city path traversed by the measured radial.

operations was intended to foreclose whether Doubleday's proposed nighttime form of the test transmitter measure-



against WGNU.<sup>1</sup> Because the requests before us are interrelated, the Board has chosen to treat them in a single opinion.

#### WGNU'S PETITION TO ENLARGE AND DOUBLEDAY'S MOTION TO STRIKE

2. In support of its request to enlarge issues, WGNU alleges that Doubleday erred in using FCC Figure M-3 conductivities in determining the extent of its proposed nighttime contours,<sup>2</sup> and that "far more accurate" data are on file with the Commission in the form of measurement data taken on existing stations. Specifically, in using the addition of Rules 73.37 and 73.188 issues,<sup>3</sup> WGNU submits an affidavit of its consulting engineer asserting that Doubleday's proposed nighttime 2 mV/m contour will overlap the nighttime 25 mV/m contour of Station KJCF, Festus, Missouri,<sup>4</sup> and that the proposed 5 mV/m city-grade contour will not cover all of the city of St. Louis, Missouri. WGNU's allegation of a 2 and 25 mV/m overlap is based on its contention that measurements made on Station WIL at 204 degrees indicate a conductivity between the proposed KWK nighttime site and Station KJCF higher than that indicated by FCC Figure M-3.<sup>5</sup>

<sup>1</sup> The Board also has before it the following related pleadings: (a) opposition to WGNU petition to enlarge, filed January 30, 1975, by Doubleday; (b) comments on WGNU petition to enlarge, filed January 30, 1975, by the Broadcast Bureau; (c) reply to (a) and (b), filed February 18, 1975, by WGNU; (d) petition for leave to file supplement, filed February 19, 1975, by WGNU; (e) supplement to (c), filed February 19, 1975, by WGNU; (f) opposition to motion to strike, filed March 14, 1975, by WGNU; (g) comments on motion to strike, filed March 14, 1975, by the Broadcast Bureau; (h) opposition to Doubleday petition to enlarge, filed March 17, 1975, by WGNU; (i) opposition to Doubleday petition to enlarge, filed March 19, 1975, by the Broadcast Bureau; (j) reply to (h) and (i), filed April 4, 1975, by Doubleday; (k) request to file an additional pleading, filed April 11, 1975, by Doubleday; (l) supplement to (j), filed April 11, 1975, by Doubleday; (m) response to (c) and (e), filed June 9, 1975, by Doubleday; (n) petition for leave to file responsive pleading, filed June 20, 1975, by WGNU; (o) comments on (m), filed June 20, 1975, by WGNU; and (p) opposition to (n), filed June 27, 1975, by Doubleday.

<sup>2</sup> No change is proposed in daytime operation from that previously authorized for Station KWK. The proposed KWK nighttime operation, according to WGNU, would be located at East Carondelet, Illinois, at a site 16 miles from the KWK daytime site.

<sup>3</sup> The pertinent parts of the Rules are the following: Rule 73.37(a) prohibits, *inter alia*, acceptance of an application for a change in facilities of an existing station involving an overlap of the proposed 2 mV/m contour with the 25 mV/m contour of any existing station on a second adjacent frequency, where there is not already such overlap between the stations involved. Rule 73.188(b) (2) requires a minimum field intensity of 5 to 10 mV/m over the most distant residential section of the city of license.

<sup>4</sup> Station KJCF operates on 1400 kHz, 20 kHz removed from the proposed operation.

<sup>5</sup> According to WGNU, the conductivity is 30 mmhos/m, not 15 as shown on Figure M-3, and the WIL site is 2.7 miles east of the KWK site.

WGNU's allegation of incomplete city coverage is grounded on its contentions that measurements made in the St. Louis area, particularly those on file with the Commission for Stations KATZ and WIL, show the conductivity in the area to be "extremely low,"<sup>6</sup> and that the proposed KWK 5 mV/m contour is based on the standard radiation pattern, which may not be achieved in practice.

3. In opposition to the request for a Rule 73.37 issue, Doubleday asserts that measurements along the WIL 160 and 244 degree radials show that the conductivity in the area is not uniform, that the WIL 204 degree radial relied upon by WGNU passes two miles from the proposed Doubleday site, and hence that Doubleday was required to use the conductivity of 15 shown on Figure M-3 to determine its 2 mV/m contour. Doubleday further asserts that, earlier in this proceeding, measurements were taken by WGNU's engineer on a radial passing within  $\frac{1}{10}$  of a mile of the proposed KWK site indicating a conductivity of 6, in contrast to the value of 30 determined from the WIL measurements.<sup>7</sup> With respect to the city coverage issue (Rule 73.188), Doubleday submits that even if WGNU's allegation of incomplete coverage were true, only 3.3 percent of the city would be excluded and that this would constitute "substantial compliance" with Rule 73.188. However, Doubleday contends, the measurements relied upon by WGNU are too far from the proposed site to be valid, and thus the Figure M-3 value of 15 must be used.<sup>8</sup>

The Broadcast Bureau opposes addition of the requested overlap issue, contending that the WIL 204 degree radial cannot be relied upon because the radial runs close to railroad tracks, because it "misses the proposed site by  $2\frac{1}{2}$  miles at its closest point," and because it lies along "radically different" terrain from the path in question. Similarly, the Bureau asserts that WGNU's allegation of incomplete city coverage is based on measurements of stations too far removed from the proposed site and on measurements along radials which do not run in pertinent directions. In reply, WGNU submits new measurements taken on a test transmitter located at the proposed KWK nighttime site.<sup>9</sup>

These measurements WGNU argues, show definite overlap of the proposed 2 mV/m contour with the 25 mV/m contour of Station KJCF at night and establish the lack of coverage of the entire city of St. Louis with a 5 mV/m signal. Also, WGNU disputes Doubleday's argument that measurements made on Station WGNU itself should apply in the direction of Station KJCF, contending that WGNU is located 16.2 miles north of the KWK proposed site and several cities are located along portions of the

<sup>6</sup> According to WGNU, the measurements along the KATZ 240 and 270 degree radials show a conductivity of 4 mmhos/m over the city of St. Louis, and the measurements along the WIL 305 and 340 degree radials "indicate that the soil conductivity can drop as low as 4."

path traversed by the measured radial.

4. Doubleday's motion to strike is directed against the WGNU reply and the supplement thereto, which Doubleday alleges, rely entirely on new measurement data, and therefore violate Rule 1.45.<sup>10</sup> Moreover, in Doubleday's view, good cause has not been shown by WGNU for delaying the taking of these measurements until nine months after the filing of Doubleday's application to change nighttime facilities. In opposition to the motion to strike, WGNU contends that the new data must be considered, regardless of the time they were presented to the Commission, since a grant to Doubleday would effectively modify the license of Station KJCF without affording it a hearing. The Broadcast Bureau, in its comments on the motion to strike, submits that WGNU's reply and supplement are not authorized, but that the public interest requires consideration of the information contained therein. The Bureau indicates in its comments that it now supports addition of a Rule 73.37 overlap issue against Doubleday, based on the new measurements taken by WGNU's engineer along the 196 degree radial at the proposed KWK nighttime site, from which he determined the conductivity to be 40 mmhos/m.

5. In its response to WGNU's reply and supplement,<sup>11</sup> Doubleday argues that WGNU's test transmitter measurements should be rejected because of alleged inadequacies in the manner of transmitter installation and nonconformity with the requirements of Rule 73.186.<sup>12</sup> Doubleday also asserts that WGNU's timing of the disclosure of the commencement of test

<sup>10</sup> These measurements, according to Doubleday, were made in order to establish that no 2 and 25 mV/m overlap would occur between WGNU's proposal and Station KJCF.

<sup>11</sup> Doubleday indicates that the transmitter sites of Stations WIL and KATZ, whose data are relied upon by WGNU, are 3 and 10 miles distant, respectively, from the proposed KWK site, and that the measured radials are too far removed from the paths in question to be of significance. Nevertheless, Doubleday alleges that consideration of all pertinent WIL measurements, properly analyzed, indicates values of 6 and 16 mmhos/m rather than 4, and that either of these values supports its contention that its 5 mV/m contour will encompass the entire city.

<sup>12</sup> Measurements were taken along three radials: 196 degrees for 21.1 miles, 0 degrees for 15.8 miles, and 315 degrees for 18 miles.

<sup>13</sup> Rule 1.45 provides, in pertinent part, that a reply "shall be limited to matters raised in the oppositions. . . ."

<sup>14</sup> Doubleday's motion to strike contained, *inter alia*, a request for additional time to respond to the allegedly new allegations in WGNU's reply and supplement. The Board, by Order, FCC 75R-210, released May 28, 1975, afforded Doubleday an opportunity to file comments. It was not our intention to provoke, thereby, an endless stream of pleadings. WGNU has had ample opportunity to state its position on the matters considered herein, and its petition for leave to file responsive pleading, filed June 20, 1975, will be denied and its comments, filed the same day, will be dismissed.

<sup>15</sup> Rule 73.186 sets forth requirements governing the taking and submission of data on field intensity.

operations was intended to foreclose observation by Doubleday of the taking of the measurements. Moreover, according to Doubleday, even if the measurements were accepted, there would be no violation of Rule 73.37 because the alleged overlap "would occur in areas already under overlap from KWK's existing operation. . . ." Finally, Doubleday submits that any possibility of prohibited overlap can be eliminated by adjustment of the proposed radiation pattern.

6. The Review Board agrees with the position of the Broadcast Bureau expressed in its comments on Doubleday's motion to strike, and will add a prohibited overlap (Rule 73.37) issue, but not a city coverage (Rule 73.188) issue against Doubleday. Although we do not condone the submission of new data in a reply pleading, in view of the substantial public interest question raised by WGNU's test transmitter measurements and the fact that Doubleday has had an opportunity to respond, we shall accept these data for consideration and deny Doubleday's motion to strike.<sup>16</sup> Cf. *Columbia Broadcasting System, Inc.*, 46 FCC 2d 903, 30 RR 2d 133 (1974). Although, as Doubleday alleges, WGNU's measurements do not conform precisely to the requirements of Rule 73.186(a) (1), we nevertheless are satisfied, because of the apparent inaccessibility of certain parts of the terrain, that they come within the range of flexibility afforded by Rule 73.181(d), and, in our view, raise a substantial question of prohibited 2 mV/m and 25 mV/m overlap with Station KJCF. Cf. *Radio Eden*, 21 FCC 2d 464, 18 RR 2d 354 (1970); *St. Lucie Broadcasting Co.*, 7 FCC 2d 71, 9 RR 2d 671 (1967). Since Doubleday was not entitled, as a matter of legal right, to advance notice of the test or the opportunity to observe or participate in it, Doubleday's objection to the timing of the disclosure of the test operations is rejected. Moreover, in our view, Doubleday could have conducted its own tests, had it chosen to do so. See *Voice of Middlebury*, 3 FCC 2d 512, 7 RR 2d 347, *recon. denied*, FCC 66-666, *aff'd sub nom. TI Broadcasting, Inc. v. FCC*, 126 U.S. App. D.C. 54, 374 F. 2d 268 (1966).<sup>17</sup> We are not persuaded, however, that a city coverage issue against Doubleday is warranted. As noted by the Broadcast Bureau, petitioner has not shown the boundary of the "most distant residential section" of St. Louis, and absent such a showing, WGNU has not raised a substantial question of

<sup>16</sup> WGNU's petition for leave to file supplement, filed February 19, 1975, will be granted and the supplement, filed the same day, will be accepted in view of the fact that the reply pleading indicated that the engineer's affidavit which constitutes the supplement would be filed upon receipt and because of the lapse of only one day in filing. Cf. *United Broadcast Industries, Inc.*, 49 FCC 2d 313, 31 RR 2d 958 (1974).

<sup>17</sup> With respect to Doubleday's argument that any alleged overlap "would occur in areas already under overlap from KWK's existing operation," we believe the evidence before us is not sufficient to make this determination. This is a matter to be determined in the evidentiary hearing.

whether Doubleday's proposed nighttime contour complies with the requirements of Rule 73.188(b) (2). Cf. *Broadcasting, Inc.*, 20 FCC 2d 713, 17 RR 2d 1117 (1969).

#### DOUBLEDAY'S PETITION TO ENLARGE

7. In support of its request for a Rule 73.37 issue, Doubleday alleges that WGNU has submitted to the Commission "two sets of measurements indicating widely varying conductivities over that portion of the path between WGNU and KJCF beginning at the proposed KWK site."<sup>18</sup> Doubleday contends that the two sets of measurements "must be either accepted and averaged, or rejected and figure M-3 used." According to Doubleday, both alternatives result in a conductivity of 15 mmhos/m for the portion of the path in question, and a consequent 2 and 25 mV/m overlap between WGNU and Station KJCF. Doubleday also alleges that the petition to enlarge issues filed by WGNU on January 6, 1975, considered *supra*, is a sham pleading, and was filed in order to have the Commission consider "measurements which, because of an extreme lack of diligence, could not have been considered otherwise." In opposition, WGNU asserts that the Commission disposed of Doubleday's allegations of 2 and 25 mV/m overlap in its designation Order herein, and that the method of averaging proposed by Doubleday is not good engineering practice. The Broadcast Bureau also opposes Doubleday's petition.

8. The Review Board will deny Doubleday's petition to enlarge.<sup>19</sup> First, with respect to the request for a Rule 73.37 issue, we point out that in the designation Order herein, the Commission held that "WGNU has met those parts of Section 73.37 which . . . it was required to meet. . . ." The Commission further stated therein that, except for a difference in site of approximately 2.4 miles, WGNU's requested facilities are virtually identical to the KWK facilities proposed in the application for renewal, and that there is no requirement that a timely filed application specifying the same facilities as those proposed by an existing licensee make any of the showings required by Rule 73.37. In light of the Commission's reasoned analysis of this matter, we may not hold otherwise in the absence of additional information unknown to the Commission at the time of designation. See *Atlantic Broadcasting Co. (WUST)*, 5 FCC 2d 717, 8 RR 2d 991 (1966). Although new information, in the

<sup>18</sup> Doubleday refers to the measurements taken in January and February 1975 and submitted by WGNU with its reply (see paragraph 3, *supra*), and an earlier set of measurements taken in February 1974 and allegedly submitted by WGNU to establish that no 2 and 25 mV/m overlap would occur between WGNU's proposal and Station KJCF (see note 9, *supra*).

<sup>19</sup> We have accepted Doubleday's petition, even though late-filed, because petitioner has made a showing of good cause. Similarly, we will grant Doubleday's request to file an additional pleading and accept the supplement which contains an apparently unintentionally omitted engineering statement.

form of the test transmitter measurements taken by WGNU's engineer in January and February 1975 at the proposed KWK site, is now before us, we believe petitioner's allegations are speculative since there is no showing of similarity between the terrain surrounding the proposed KWK site and the WGNU site 17 miles away. Moreover, in the circumstances of this case, the method of averaging proposed by Doubleday is not appropriate. Next, Doubleday's allegations of sham on WGNU's part are unsupported by affidavits of persons having personal knowledge, as required by Rule 1.229(c). Furthermore, they appear to be merely conjecture and surmise, and therefore do not warrant addition of an issue.

9. Accordingly, it is ordered, That the petition for leave to file supplement, filed February 19, 1975, by Norman Broadcasting Company (WGNU), and the request to file an additional pleading, filed April 11, 1975, by Doubleday Broadcasting Company, Inc., are granted; and the supplements, filed February 19, 1975 and April 11, 1975, by Norman Broadcasting Company (WGNU), and Doubleday Broadcasting Company, Inc., respectively, are accepted; and

10. It is further ordered, That the motion to strike, filed February 26, 1975, by Doubleday Broadcasting Company, Inc.; and the petition for leave to file responsive pleading, filed June 20, 1975, by Norman Broadcasting Company (WGNU), are denied; and the comments, filed June 20, 1975, by Norman Broadcasting Company (WGNU), are dismissed; and

11. It is further ordered, That the petition to enlarge issues, filed January 6, 1975, by Norman Broadcasting Company (WGNU), is granted to the extent indicated herein, and is denied in all other respects, and that the issues are enlarged to include the following:

To determine whether the proposal contained in the applications of Curtis L. Mann, Trustee in Bankruptcy (KWK), for renewal, modification, and assignment to Doubleday Broadcasting Company, Inc., will involve 2mV/m and 25 mV/m overlap with Station KJCF, Festus, Missouri, in contravention of Section 73.37(a) of the Commission's Rules and, if so, whether the applications should be dismissed.

12. And, it is further ordered, That the burden of proceeding with the introduction of evidence on the above issue and the burden of proof thereon shall be on Curtis L. Mann, Trustee in Bankruptcy (KWK); and

13. It is further ordered, That the petition to enlarge issues, filed March 4, 1975, by Doubleday Broadcasting Company, Inc., is denied.

Adopted: August 19, 1975.

Released: August 22, 1975.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] VINCENT J. MULLINS,

Secretary.

[FR Doc. 75-23607 Filed 9-4-75; 8:45 am]



# RCC-TELEPHONE CO. Notice of Meetings

August 25, 1975.

The Commission's Common Carrier Bureau has revised the previously announced schedule of meetings concerning interconnection between the wireline telephone companies and the Radio Common Carriers (RCCs), which furnish two-way radiotelephone and one-way signaling service to the public. The schedule changes were made in response to requests from both the Bell System and the National Association of Radiotelephone Systems, to which many of the RCCs belong.

The previously scheduled meetings for August 23-26 and September 2-3 have been cancelled. The schedule of meetings now is as follows:

Thursday, September 18  
Friday, September 19  
Tuesday, September 30  
Wednesday, October 1  
Monday, October 5  
Tuesday, October 6  
Wednesday, October 8

The meetings will be held in Room 8210, 2025 M Street, N.W., Washington, D.C. The September 18 meeting will begin at 9:30 a.m. The starting time for each of the other meetings will be determined at the close of the preceding meeting.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 75-23610 Filed 9-4-75; 8:45 am]

[FCC 75-980]

# TELEVISION RENEWAL APPLICATIONS Use of Terrain Roughness Correction Procedures Temporarily Suspended for FM Applicants

On July 22, 1975 the Commission released a Public Notice (52986) announcing that the date for submission of revised predicted (service) contours utilizing the new television field intensity charts and the terrain roughness correction procedure had been extended insofar as those applications for renewal of television licenses due August 1, 1975 were concerned. The announcement provided that television renewal applications due on August 1, 1975 would be accepted and reviewed without regard to the outstanding requirement for submission of new predicted service contours.

Since August 1, 1975 was not only the effective date of the amended rules but also a date on which many applications for renewal of television licenses were due it has been suggested that television renewal applicants filing on August 1, 1975 may actually have until August 1, 1978 to submit revised predicted service contours. This was not the intention of the Commission. Accordingly, August 1, 1975 television renewal applicants should submit this data prior to December 1, 1975. The October 1, 1975 television renewal applicants have been advised to provide the revised service contours with

# NOTICES

their applications. However, in view of the relief given the August 1, 1975 applicants it seems appropriate to provide similar relief to the October 1, 1975 applicants. Accordingly, they need not submit revised service contours until December 1, 1975.

With regard to service contours for FM stations or applicants, either commercial or non-commercial educational, many questions have arisen with respect to the use of the terrain roughness corrections. These questions are valid and deserve clarification. Therefore, to permit full consideration of such questions by the Commission, it seems appropriate that FM applicants should be temporarily relieved of meeting the requirements for terrain roughness computations. Accordingly, FM applicants (commercial and non-commercial educational) for new facilities or for changes in existing facilities which alter service contours need not include terrain roughness correction factors until further notice. The new curves, however, must be used. (FM stations were not required by the Report and Order in Docket 16004/18052 to file revised service contours at the time of renewal.)

At a later date the Commission will issue a clarification statement on these matters and establish a date beyond which such terrain roughness information must be included with FM applications involving new stations or major changes in existing stations.

Action by the Commission August 28, 1975.

Adopted: August 28, 1975.

Released: August 28, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 75-23612 Filed 9-4-75; 8:45 am]

# TV TRANSLATOR APPLICATIONS

## Ready and Available for Processing

Notice is hereby given, pursuant to section 1.572(c) of the Commission's rules, that on October 23, 1975, the TV translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b) (1) and section 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 22, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on October 22, 1975.

The attention of any party in interest desiring to file pleadings concerning any

\* Those licensees filing December 1, 1975 and after will be expected to submit the new terrain corrected service contours with their renewal applications.

\* Commissioners Wiley (Chairman), Lee and Robinson acting as a Board.

pending TV translator applications, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions concerning the time for filing and other requirements relating to such pleadings.

Adopted: August 27, 1975.

Released: September 3, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

# VHF TV TRANSLATOR APPLICATIONS

- BPTTV-5304 New, Silver City, N. Mex. Hubbard Broadcasting, Inc. Req: Channel 10, 100 watts. Primary: KOB-TV, Albuquerque, N. Mex.
- BPTTV-5307 New, Central Point, White City, and Eagle Point, Oregon Broadcasting Co. Req: Channel 3, 5 watts. Primary: KOB-TV, Medford, Oregon.
- BPTTV-5309 K04EO, Ashland, Talent, Phoenix and Jacksonville, Oregon. Radio Medford, Inc. Req: Channel 11, 5 watts. Delete Jacksonville as a principal community.
- BPTTV-5310 New, Jacksonville, Oregon. Radio Medford, Inc. Req: Channel 3, one watt. Primary: KMED-TV, Medford, Oregon.
- BPTTV-5311 New, Hoxie and Immediate Area, Kans. City of Hoxie, Kans. Req: Channel 11, 5 watts. Primary: KLNE-TV, Lexington, Nebr.
- BPTTV-5313 K04FA, Lakeview, West Side, and New Idaho, Oregon. Lallish TV, Inc. Req: Channel 7, 10 watts. Change transmitter location.
- BPTTV-5319 New, Selden, Kans. City of Selden, Kans. Req: Channel 13, 5 watts. Primary: KWNB-TV, Hayes Center, Nebr.
- BPTTV-5325 K07KO, Homer and Seldovia, Alaska. State of Alaska. Req: Change frequency to channel 11.
- BPTTV-5326 New, Naco, Ariz. Oliver W. Swan t/a Swan Antenna Co. Req: Channel 2, one watt. Primary: KZAZ-TV, Nogales, Ariz.
- BPTTV-5327 New, Hereford, Ariz. Oliver W. Swan t/a Swan Antenna Co. Req: Channel 7, one watt. Primary: KPHO-TV, Phoenix, Ariz.
- BPTTV-5328 New, Willow Beach, Ariz. Willow Beach Resort. Req: Channel 6, one watt. Primary: KLAS-TV, Las Vegas, Nev.
- BPTTV-5329 New, Willow Beach, Ariz. Willow Beach Resort. Req: Channel 7, one watt. Primary: KORK-TV, Las Vegas, Nev.
- BPTTV-5330 New, Willow Beach, Ariz. Willow Beach Resort. Req: Channel 11, one watt. Primary: KSHO-TV, Las Vegas, Nev.

- BPTTV-5332 New, Homer and Seldovia, Alaska. State of Alaska. Req: Channel 2, 10 watts. Primary: KENI-TV, Anchorage, Alaska.
- BPTTV-5333 New, Kongiganak and Cape Newenham, Alaska. Bethel Broadcasting, Inc. Req: Channel 10, 10 watts. Primary: KYUK-TV, Bethel, Alaska.
- BPTTV-5334 New, Stony River and Georgetown, Alaska. Bethel Broadcasting, Inc. Req: Channel 10, 10 watts. Primary: KYUK-TV, Bethel, Alaska.
- BPTTV-5335 New, Chevak and Hooper Bay, Alaska. Bethel Broadcasting, Inc. Req: Channel 12, 10 watts. Primary: KYUK-TV, Bethel, Alaska.
- BPTTV-5336 New, Ruth, Nev. White Pine Television District #1. Req: Channel 13, one watt. Primary: KLVS-TV, Las Vegas, Nev.
- BPTTV-5337 New, East Glacier, Montana. East Glacier TV Association. Req: Channel 8, one watt. Primary: CJOC-TV, Lethbridge, Alberta, Canada.
- BPTTV-5338 K06AA, Broadus, Montana. Broadus TV Club. Req: Change of name to Powder River County TV Board. Add Rural Mizpah, Mid Powder River, and Upper Powder River to principal communities. Change transmitter location. Increase power to 10 watts.
- BPTTV-5339 K07AI, Broadus, Montana. Powder River County TV Board. Req: Add Rural Mizpah, Mid Powder River, and Upper Powder River to principal communities. Increase power to 10 watts.
- BPTTV-5340 K10AC, Broadus Rural Area, Montana. Broadus TV Club. Req: Change name to Powder River County TV Board. Add Rural area west of Broadus and Stacy to principal communities. Increase power to 10 watts.
- BPTTV-5341 K12CQ, Broadus Rural Area, Montana. Broadus TV Club. Req: Change name to Powder River County TV Board. Add Rural area west of Broadus and Stacy to principal communities. Increase power to 10 watts.
- BPTTV-5345 New, Crooked Creek, Alaska. Bethel Broadcasting, Inc. Req: Channel 3, one watt. Primary: KYUK-TV, Bethel, Alaska.
- BPTTV-5346 New, Platinum, Alaska. Bethel Broadcasting, Inc. Req: Channel 7, 10 watts. Primary: KYUK-TV, Bethel, Alaska.
- BPTTV-5347 New, Goodnews Bay, Alaska. Bethel Broadcasting, Inc. Req: Channel 11, 10 watts. Primary: KYUK-TV, Bethel, Alaska.

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- BPTTV-5348 New, Pipeline Pump Station #1, Alaska. Northern Television, Inc. Req: Channel 12, 10 watts. Primary: KTUV-TV, Fairbanks, Alaska, by video tape.
- BPTTV-5349 New, Pump's Ranch, Montana. Henry Pump and David Pump. Req: Channel 11, one watt. Primary: KTQV-TV, Billings, Montana.
- BPTTV-5350 New, Pump's Ranch, Montana. Henry Pump and David Pump. Req: Channel 13, one watt. Primary: KULR-TV, Billings, Montana.
- BPTTV-5355 New, Pipeline Pump Station #12, Alaska. Northern Television, Inc. Req: Channel 12, 10 watts. Primary: KTUV-TV, Fairbanks, Alaska, via video tape.
- BPTTV-5357 K08AS, Henefer, Utah. Summit County, Utah. Req: Add Echo, Utah, to principal communities. Change transmitter location.
- BPTTV-5358 K10AY, Henefer, Utah. Summit County, Utah. Req: Add Echo, Utah, to principal communities. Change transmitter location.
- BPTTV-5359 K12AY, Henefer, Utah. Summit County, Utah. Req: Add Echo, Utah, to principal communities. Change transmitter location.
- BPTTV-5360 New, Pipeline Pump Station #1, Alaska. Midnight Sun Broadcasters, Inc. Req: Channel 12, 10 watts. Primary: KPAR-TV, Fairbanks, Alaska, via video tape.
- BPTTV-5363 New, Pipeline Pump Station #12, Alaska. Midnight Sun Broadcasters, Inc. Req: Channel 12, 10 watts. Primary: KPAR-TV, Fairbanks, Alaska, via video tape.
- BPTTV-5364 New, Indian Springs, Nevada. Indian Springs Civic Association. Req: Channel 4, one watt. Primary: KLAS-TV, Las Vegas, Nev.
- BPTTV-5365 New, Scottsburg, Oregon. Liberty Communications, Inc. Req: Channel 6, 10 Watts. Primary: KEZI-TV, Eugene, Oregon.
- BPTTV-5366 New, St. George Island, Alaska. Community Council of St. George Island. Req: Channel 4, 10 watts. Primaries: KUAC-TV, Fairbanks, Alaska; KYUK-TV, Bethel, Alaska; and KAKM-TV, Anchorage, Alaska. All via video tape.
- BMPPTV-837 K02HV, Newtok, Kwigillinguk, and Mecoryuk, Alaska. Bethel Broadcasting, Inc. Req: Change frequency to channel 13. Delete Newtok as principal community.

# UHF TV TRANSLATOR APPLICATIONS

- BPTT-2851 New, Twin Falls, Idaho. Boise Valley Broadcasters, Inc. Req: Channel 55, 100 watts. Primary: KBIC-TV, Boise, Idaho.
- BPTT-2853 New, Jerome, Idaho. Boise Valley Broadcasters, Inc. Req: Channel 55, 100 watts. Primary: KBIC-TV, Boise, Idaho.
- BPTT-2860 New, Anchor Point, Alaska. State of Alaska Department of Public Works. Req: Channel 62, 10 watts. Primary: KTVA-TV, Anchorage, Alaska.
- BPTT-2861 New, Sterling Highway from Clam Gulch store to Ninilchik, Alaska. State of Alaska Department of Public Works. Req: Channel 56, 10 watts. Primary: KTVA-TV, Anchorage, Alaska.
- BPTT-2862 New, Hagerman, Idaho. Hagerman Translator District. Req: Channel 65, 100 watts. Primary: KAID-TV, Boise, New, Hagerman, Idaho. Hagerman Translator District.
- BPTT-2863 New, Hagerman, Idaho. Hagerman Translator District. Req: Channel 67, 100 watts. Primary: KIVI-TV, Boise, Idaho.
- BPTT-2864 New, Hagerman, Idaho. Hagerman Translator District. Req: Channel 69, 100 watts. Primary: KTVB-TV, Boise, Idaho.
- BPTT-2869 New, Anchor Point, Alaska. State of Alaska Department of Public Works. Req: Channel 59, 10 watts. Primary: KENI-TV, Anchorage, Alaska.
- BPTT-2870 New, Sterling Highway from Clam Gulch store to Ninilchik, Alaska. State of Alaska Department of Public Works. Req: Channel 67, 10 watts. Primary: KENI-TV, Anchorage, Alaska.
- BPTT-2878 K80BE, Twentynine Palms and Twentynine Palms Marine Base, Calif. Morongo Basin TV Club, Inc. Req: Channel 80, 10 watts. New, Arlington and Vicinity, Va.
- BPTT-2881 Central Virginia Educational Television Corp. Req: Channel 14, 1000 watts. Primary: WNVN-TV, Goldvein, Va.
- BPTT-2882 New, Black Butte Ranch. Brooks Resources Corp. Req: Channel 64, 20 watts. Primary: KOIN-TV, Portland, Oregon.
- BPTT-2883 K76CN, Lihue, Hawaii. Hawaii Public Broadcasting Authority. Req: Channel 67, 100 watts. New, Salmon, Idaho. Lemhi TV Corp. Req: Channel 59, 100 watts. Primary: KXLP-TV, Butte, Montana.

FEDERAL REGISTER, VOL. 40, NO. 173—FRIDAY, SEPTEMBER 5, 1975

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BPTT-2885 New, Ely and McGill, Nev. Western Communications,

in the evaluation. In all other respects, the August 15 notice remains the same.

# CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

for licenses as independent ocean freight forwarders pursuant to Section 44(a) of

ment at the Field Offices located at New York, New Orleans, Louisiana, San

or unfairness with particularity. If a violation of the Act or detriment to the

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- BPTT-2885 New, Ely and McGill, Nev. Western Communications, Inc. Req: Channel 58, 100 watts. Primary: KORK-TV, Las Vegas, Nev.
- BPTT-2887 K61AE, Daggett, Calif. County of San Bernardino. County Service Area #40. Req: Channel 29, 100 watts. New, Tryon, N.C.
- BPTT-2888 University of North Carolina. General Administration. Req: Channel 56, 100 watts. Primary: WUNG-TV, Concord, N.C.
- BPTT-2889 New, Princeton, Mo. KTVO, Inc. Req: Channel 55, 100 watts. Primary: KTVO(TV), Ottumwa, Iowa, and Kirksville, Mo.
- BPTT-2890 New, Spickardville, Mo. KTVO, Inc. Req: Channel 60, 100 watts. Primary: KTVO(TV), Ottumwa, Iowa, and Kirksville, Mo.
- BPTT-2891 New, Parkersburg, W. Va. West Virginia Educational Broadcasting Authority. Req: Channel 57, 1 watt. Primary: WMUL-TV, Huntington, W. Va.
- BPTT-2892 New, Tucumcari Vicinity, New Mexico. DHF T.V. Association. Req: Channel 89, 100 watts. Primary: KVII, Amarillo, Tex.
- BPTT-2893 New, Princeville, Hanalei, Hawaii. Princeville at Hanalei Community Association. Req: Channel 56, 100 watts. Primary: KITV(TV), Honolulu, Hawaii.
- BPTT-2898 New, Rural Elgin and Grande Ronde Valley, Oreg. Blue Mt. Television Assn. Req: Channel 60, 100 watts. Primary: KREM-TV, Spokane, Wash.
- BPTT-2899 New, Rural Elgin and Grande Ronde Valley, Oreg. Blue Mt. Television Assn. Req: Channel 64, 100 watts. Primary: KXLY-TV, Spokane, Wash.

[FR Doc.75-23611 Filed 9-4-75;8:45 am]

# FEDERAL ENERGY ADMINISTRATION EVALUATION OF THE MANDATORY OIL IMPORT PROGRAM

## Extension of Time for Public Comment

On August 15, 1975, the Federal Energy Administration (FEA) issued a request for public comment in connection with an evaluation of the Mandatory Oil Import Program required pursuant to Proclamation No. 4341 (40 FR 36619, August 21, 1975). In view of the substantial number of requests that the comment period be extended beyond September 3, FEA hereby announces that all comments received by 4:30 p.m., e.d.s.t., September 17, 1975, will be considered

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in the evaluation. In all other respects, the August 15 notice remains the same. Issued in Washington, D.C., September 2, 1975.

ROBERT E. MONTGOMERY, Jr.,  
General Counsel,  
Federal Energy Administration.  
[FR Doc.75-23606 Filed 9-4-75;8:45 am]

# FEDERAL MARITIME COMMISSION CANADIAN-AMERICAN WORKING ARRANGEMENT Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

## Notice of agreement filed by:

Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10090-3, among the member conferences of the above-named arrangement, would extend the term of the original agreement pending the disposition of Agreement No. 10090-2 now before the Commission or for a period of six months, whichever occurs first.

By Order of the Federal Maritime Commission.

Dated: September 2, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23658 Filed 9-4-75;8:45 am]

# CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

## Notice of agreement filed by:

Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 8210-31 among the member lines of the above-named conference would extend the term of the provisions by which the conference is a participant in the Canadian-American Working Arrangement and by which Canadian conference member lines serving the same European port ranges may become associate members until Agreement No. 10090-2 now before the Commission is disposed of or for a period of six months, whichever occurs first.

By Order of the Federal Maritime Commission.

Dated: September 2, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23660 Filed 9-4-75;8:45 am]

# INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

## Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications

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for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

West Coast International, Kenneth Barnes, d/b/a, 1505 W. Wardlow Road, Long Beach, California 90810.

Amton Shipping Company, Edwin S. Yee, d/b/a, 235 Canal Street, New York, New York 10013.

Skelton-Kohara & Co., Leslie Parker Skelton, d/b/a, 850 Richards Street, Honolulu, Hawaii 96813.

Transpacific Air Cargo, Inc., 5335 W. 104th Street, Los Angeles, California 90045. Officers: Tsutomu Aoyagi, President; Brian Suzuki, Vice President; Clifford Douglas, Secretary.

Leland Services, Wesley L. Chang, d/b/a, 10695 S.W. 87th Avenue, Miami, Florida 33156.

Cam Freight Forwarding, Inc., 7850 N.W. 55th Street, Miami, Florida 33166. Officers: Charles A. Menezes, President; Raul Saenz, Vice President; Richard Hagood, Secretary/Treasurer.

B.I.L. International Corporation, P.O. Box 480136, Miami, Florida 33148. Officers: Robert R. Torra, President/Secretary; Leonor C. Brito, Vice President/Treasurer.

TAF Delivery Systems, Inc., Rte. 17 and Williams Avenue, Hasbrouck Heights, New Jersey 07604. Officers: Martha F. Lapp, President; Richard E. Wittmann, Vice President; Albert Schaffhauser, Secretary/Treasurer.

Airpac International, Inc., 5325 West 102nd Street, Los Angeles, California 90045. Officers: Brian Lewallen, President; Robert Hansen, Secretary/Treasurer; William Sauer, Jr., Exec. Vice President; Paul Zavatero, Regional Vice President.

Satin Air Freight Incorporated, 147-05 176th Street, Jamaica, New York 11434. Officers: Lawrence F. Quinlan, President; Joseph Zambuto, Vice President; Stanley Feingold, Secretary.

Franklin Financial Management, Inc., d/b/a Franklin International, 12121 Wilshire Boulevard, Suite 107, Los Angeles, California 90025. Officers: Thomas Luttel Fairbairn, President; Carol Devilliss Fairbairn, Secretary/Treasurer; Ethel Louise Fairbairn, Vice President.

By the Federal Maritime Commission.

Dated: August 29, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23664 Filed 9-4-75;8:45 am]

# MALAYSIA-PACIFIC RATE AGREEMENT Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 29, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination

at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 29, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

## Notice of agreement filed by:

D. D. Day, Jr., Secretary, Malaysia-Pacific Rate Agreement, 635 Sacramento Street, San Francisco, California 94111.

Agreement No. 9836-4, entered into by the member lines of the Malaysia-Pacific Rate Agreement, amends the first paragraph of the WITNESSETH section of the agreement by (1) adding the State of (2) limiting the Canadian portion thereof to its West Coast.

By Order of the Federal Maritime Commission.

Dated: September 2, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23655 Filed 9-4-75;8:45 am]

# NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

## Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 29, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9214-16, among the member lines of the above-named conference, would extend the term of the provisions by which the conference is a participant in the Canadian-American Working Arrangement and by which Canadian conference member lines serving the same European port ranges may become associate members until Agreement No. 10090-2 now before the Commission is disposed of or for a period of six months, whichever occurs first.

By Order of the Federal Maritime Commission.

Dated: September 2, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23663 Filed 9-4-75;8:45 am]

# NORTH ATLANTIC/FRENCH ATLANTIC FREIGHT CONFERENCE

## Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

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## NOTICES

and the statement should indicate that

ference, would extend the term of the

No. 10090-2 now before the Commission

classifications, rules, regulations, and changes thereto adopted pursuant to the

on the Mediterranean and North Africa coasts, provides for the interchange of

El Paso Natural Gas Co.----- RP72-6.  
Use Note: RP71-119

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## NOTICES



and the statement should indicate that this has been done.

**Notice of Agreement filed by:**

Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 7770-14 among the member lines of the above-named conference, would extend the term of the provisions by which the conference is a participant in the Canadian-American Working Arrangement and by which Canadian conference member lines serving the same European port ranges may become associate members until Agreement No. 10090-2 now before the Commission is disposed of or for a period of six months, whichever occurs first.

By Order of the Federal Maritime Commission.

Dated: September 2, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc. 75-23661 Filed 9-4-75; 8:45 am]

**NORTH ATLANTIC UNITED KINGDOM  
FREIGHT CONFERENCE**

**Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 7100-19 among the member lines of the above-named con-

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ference, would extend the term of the provisions by which the conference is a participant in the Canadian-American Working Arrangement and by which Canadian conference member lines serving the same European port ranges may become associate members until Agreement No. 10090-2 now before the Commission is disposed of or for a period of six months, whichever occurs first.

By Order of the Federal Maritime Commission.

Dated: September 2, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc. 75-23662 Filed 9-4-75; 8:45 am]

**NORTH ATLANTIC WESTBOUND  
FREIGHT ASSOCIATION**

**Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 5850-29 among the member lines of the above-named conference would extend the term of the provisions by which the conference is a participant in the Canadian-American Working Arrangement and by which Canadian conference member lines serving the same European port ranges may become associate members until Agreement

No. 10090-2 now before the Commission is disposed of or for a period of six months, whichever occurs first.

By Order of the Federal Maritime Commission.

Dated: September 2, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc. 75-23659 Filed 8-4-75; 8:45 am]

**PORT OF PALM BEACH DISTRICT CANA-  
VERAL PORT AUTHORITY AND PORT  
EVERGLADES AUTHORITY**

**Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Mr. Dwight Green, Traffic Consultant, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Agreement No. T-3149, among the Port of Palm Beach District (Palm Beach), the Canaveral Port Authority (Canaveral) and the Port Everglades Authority (Everglades), provides for the creation of a conference to be known as the Southeast Florida Port Association (SEFPA) to govern the parties' operations at their respective ports. The agreement provides for the parties to: (1) assess and collect all terminal rates and/or charges for or in connection with traffic handled by them; (2) establish, maintain, publish and file tariffs; and (3) file with the Commission all tariffs, rates, charges,

**NOTICES**

classifications, rules, regulations, and changes thereto adopted pursuant to the agreement. Changes in the SFPA tariff will not become effective until after 30 days' notice to the public, unless good cause exists for a change on shorter notice. Admission to the SFPA is open to any responsible port terminal operator at said Southeast Florida Ports upon a majority vote of the members of the SFPA.

By Order of the Federal Maritime Commission.

Dated: August 29, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc. 75-23657 Filed 9-4-75; 8:45 am]

**SEATRAN INTERNATIONAL S.A. AND  
ITALIA DI NAVIGAZIONE S.P.A.**

**Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 15, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Mr. Neal M. Mayer, Coles & Goertner, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreement No. 10177, between the above named carriers which operate regular services in the trades between United States ports and port of Seatrain in Europe and ports of Italian Line

on the Mediterranean and North Africa coasts, provides for the interchange of cargo containers and/or related equipment in accordance with the terms and conditions set forth therein.

By Order of the Federal Maritime Commission.

Dated: August 29, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc. 75-23656 Filed 8-4-75; 8:45 am]

**FEDERAL POWER COMMISSION**

[Docket No. CI74-439]

**AIKINS AND OWEN (OPERATOR), ET AL.**

**Notice of Withdrawal**

AUGUST 26, 1975.

On August 20, 1975, Aikins and Owen filed a request for withdrawal of its application for abandonment filed on February 14, 1974, in the above-designated matter.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on September 19, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23492 Filed 9-4-75; 8:45 am]

[Docket Nos. RP74-42, et al.]

**ALABAMA-TENNESSEE NATURAL GAS  
CO., ET AL.**

**Notice of Extension of Time**

AUGUST 26, 1975.

On August 15, 1975, Texas Eastern Transmission Corporation filed a motion for an extension of time within which to file the special report required on or before August 28, 1975, by order issued August 8, 1975, in the above-designated matter. On August 20, 1975, Columbia Gas Transmission Corporation and United Gas Pipeline also filed motions for extension of time in the same matter.

Upon consideration, notice is hereby given that the time within which to file the special report required by order issued August 8, 1975, is extended for all parties until September 11, 1975.

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23517 Filed 9-4-75; 8:45 am]

**APPENDIX A**

Respondent	Docket Nos.
Arkansas-Louisiana Gas Co.	RP71-122.
Cities Service Gas Co.	RP75-62.
Columbia Gas Transmission Corp.	RP72-89.

\* See Appendix A.

El Paso Natural Gas Co.	RP72-6.
Panhandle Eastern Pipeline Co.	RP71-119.
Texas Eastern Transmission Corp.	RP71-130 and RP72-58.
Transwestern Pipeline Co.	RP73-101.
Trunkline Gas Co.	RP71-100.
RP71-29 and United Gas Pipeline Co.	RP71-120.
Alabama-Tennessee Natural Gas Co.	RP74-42.
East Tennessee Natural Gas Co.	RP75-28.
Eastern Shore Natural Gas Co.	RP71-121 and RP72-21.
Lawrenceburg Gas Transmission Corp.	RP75-110.

[FR Doc. 75-23519 Filed 9-4-75; 8:45 am]

[Docket No. RP72-110 PGA No. 76-2]

**ALGONQUIN GAS TRANSMISSION CO.**

**Notice of Rate Change Pursuant to  
Purchased Gas Cost Adjustment Provision**

AUGUST 27, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on August 12, 1975, tendered for filing Fifth Substitute Sixth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate change is being filed to reflect an increase in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern), scheduled to be effective October 1, 1975, as a result of a general rate increase filed by Texas Eastern on March 14, 1975, in Docket No. RP75-73.

The proposed effective date of the revised tariff sheet is October 1, 1975, the scheduled effective date of Texas Eastern's rate increase.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23493 Filed 9-4-75; 8:45 am]

**NOTICES**

[Docket No. CP76-60]

mission order that Defendant cease and

[Docket Nos. RP73-65 PGA76-1]

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(1) those costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opin-

most recently modified by notice issued August 6, 1975, in the above-designated matter. Staff Counsel has contacted both

participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.



[Docket No. CP76-60]

**ARKANSAS LOUISIANA GAS CO., COM-  
PLAINANT V. McCULLOCH OIL CORP.  
OF TEXAS, DEFENDANT**

**Notice of Complaint**

August 27, 1975.

Take notice that on August 18, 1975, Arkansas Louisiana Gas Company (Complainant), P.O. Box 1734, Shreveport, Louisiana 71151 filed in Docket No. CP 76-60 a complaint pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure (18 CFR 1.6) against McCulloch Oil Corporation of Texas (Defendant) alleging a violation of the Natural Gas Act, as more fully set forth in the complaint on file with the Commission and open to public inspection.

Complainant alleges that gas from leases in Hemphill County, Texas, is dedicated to it for resale in interstate commerce pursuant to a gas sales contract between itself and Amarex, Inc. (Amarex), dated June 6, 1970. Complainant further alleges that Defendant is the assignee of certain of the subject leases, subject to the terms and provisions of the aforementioned gas sales contract and that in violation of the contract and the Natural Gas Act Defendant is delivering natural gas from the acreage covered by the contract to Pioneer Natural Gas Company (Pioneer), an intrastate gas company.

It is stated that a gas purchase contract dated June 6, 1970, was entered into by and between Amarex as seller, and Complainant, as buyer, covering a large block of oil, gas and mineral leases owned by Amarex in Texas. The gas purchase contract is said to have been filed with the Commission in support of Complainant's application pursuant to § 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing its Anadarko pipeline in Docket No. CP70-267.<sup>1</sup> Complainant alleges that subsequent to the execution of the gas purchase contract, Amarex assigned certain oil, gas and mineral leases that are stated to be covered by the contract to Defendant and further alleges that Defendant, as assignee of the leases, is subject to the terms and provisions of the gas purchase contract.

Complainant states that on November 24, 1971, that it began taking deliveries of gas into interstate commerce from certain of the oil, gas and mineral leases covered by the gas purchase contract which were retained by Amarex. Complainant alleges that the deliveries to Pioneer are being made in violation of the Natural Gas Act and the Rules and Regulations promulgated thereunder and are also in violation of the gas purchase contract. Complainant states that it has demanded that Defendant deliver to it such gas under the terms of the contract, but that Defendant has failed and refused, and fails and refused to deliver the gas to Complainant.

Complainant requests that the Com-

<sup>1</sup> Order of the Commission granting certificate of public convenience and necessity issued February 18, 1972 (47 FPC 585).

**NOTICES**

mission order that Defendant cease and desist from delivering the subject gas to Pioneer, that Defendant commence the delivery of such gas to Complainant and that Defendant repay to Complainant those volumes of natural gas which Defendant is alleged to have wrongfully delivered to Pioneer.

Any person desiring to be heard or to make any protest with reference to said complaint should on or before September 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23494 Filed 9-4-75; 8:45 am]

[Docket No. RI76-19]

**WILLIAM C. BLANKS**

**Notice of Petition for Special Relief**

August 27, 1975.

Take notice that on August 13, 1975, William C. Blanks, Petitioner, 302 Southwest Bldg., Midland, Texas 79701, filed a petition for special relief in Docket No. RI76-19, seeking a rate above the applicable area ceiling under Opinion No. 662. Petitioner seeks the current nationwide rate of 51 cents plus Btu adjustment and taxes for the sale of gas to El Paso Natural Gas Company from the Stites Lease, North Branch Field, Sutton County, Texas. The petition is based upon the installation and operation of a gas compressor for the delivery of the additional gas reserves to the gas purchaser. Petitioner also states that if relief is not granted it will have no other recourse than to file for abandonment since it will be uneconomical to produce at the present rate of 35 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23495 Filed 9-4-75; 8:45 am]

[Docket Nos. RP73-65 PGA76-1]

**COLUMBIA GAS TRANSMISSION CORP.**

**Order Accepting for Filing and Suspending Proposed PGA Rate Change Subject to Conditions**

August 29, 1975.

On July 17, 1975, Columbia Gas Transmission Corporation (Columbia) tendered for filing a proposed PGA rate adjustment<sup>1</sup> to become effective September 1, 1975, to reflect (1) an increase of 0.9¢ per Mcf or \$10.8 million annually in the cost of gas purchased from pipeline and producer suppliers and (2) changes in PGA surcharges to recoup \$23.6 million in its deferred purchased gas cost account.<sup>2</sup> Columbia, anticipating a one-day suspension, also submitted alternate rates<sup>3</sup> which are lower than the above rates and eliminate the effect of small producer and Ohio "intrastate" rates in excess of the rate levels established by Opinion 699-H.

The filing was noticed on July 21, 1975, with responses due on or before August 6, 1975. No responses have been received.

We note that this filing contains producer purchases by Columbia in Ohio which are alleged to be intrastate. By order issued February 28, 1975, in Docket Nos. RP73-65 and PGA75-5, we ordered an investigation to determine the propriety of including such purchases in Columbia's PGA rate adjustments. Accordingly, we shall make the determination of that issue in this proceeding subject to the outcome of that issue in Docket Nos. RP73-65 and PGA75-5.

We note further that Columbia's rates are based, in fact, upon small independent producer purchases at rates in excess of the rate levels established in Opinion No. 699-H.<sup>4</sup> In light of this fact, and in light of the inclusion in Columbia's rates of the Ohio purchases referred to above, we find that the proposed rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept Columbia's proposed PGA change for filing and suspend it for one day until August 2, 1975, to become effective, subject to refund.

With regard to the question of small producer rates, we note that the Supreme Court has remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness for small producer purchases.<sup>5</sup> Accordingly, we believe it premature to set this matter for hearing at this time.

Our review of Columbia's proposed tariff sheet indicates that the claimed increased purchased gas costs, other than

<sup>1</sup> Twenty-fourth Revised Sheet No. 16 and Ninth Revised Sheet No. 64A to FPC Gas Tariff, Original Volume No. 1.

<sup>2</sup> Rates for Zones 1, 2, 3, 6, and 7 are reduced; rates for Zones 4 and 5 are increased.

<sup>3</sup> Alternate Twenty-fourth Revised Sheet No. 16 and Alternate Ninth Revised Sheet No. 64A to FPC Gas Tariff, Original Volume No. 1.

<sup>4</sup> Issued June 21, 1974, in Docket No. R-389-B.

<sup>5</sup> F.P.C. v. Texaco, Inc., 417 U.S. 380 (1974).

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(1) those costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion 699-H and (2) those costs associated with the Ohio "intrastate" purchases indicated that such costs are fully justified and comply with the standards set forth in Docket No. R-406. Accordingly, we shall permit Columbia to file substitute tariff sheets to become effective September 1, 1975, reflecting increased purchased gas costs, other than (1) those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by Opinion 699-H and (2) those costs associated with Ohio "intrastate" purchases. In light of this, we shall not accept for filing the tariff sheets containing the lower rates which are listed in footnote 3 above.

**The Commission finds:**

(1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Columbia's proposed PGA adjustment be suspended for one day to become effective September 2, 1975, subject to refund as hereinafter ordered and conditioned.

(2) The claimed increased costs, other than (1) those costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H and (2) those costs associated with Ohio intrastate purchases, have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

**The Commission orders:**

(A) Columbia's proposed PGA rate change filed on July 17, 1975, is accepted for filing and suspended for one day to become effective September 2, 1975.

(B) Within 15 days of the date of issuance of this order, Columbia may file revised tariff sheets to become effective as of September 1, 1975, reflecting those claimed increased costs other than (1) those costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion 699-H and (2) those costs associated with Ohio "intrastate" purchases.

(C) The issue of the propriety of including costs associated with Ohio "intrastate" purchases in the instant PGA filing is hereby made subject to the determination of that issue in Docket Nos. RP73-65 and PGA75-5.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23514 Filed 9-4-75; 8:45 am]

[Docket No. E-9002]

**COMMONWEALTH EDISON CO.**

**Notice of Further Extension of Procedural Dates**

August 28, 1975.

On August 26, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 14, 1975, as

most recently modified by notice issued August 6, 1975, in the above-designated matter. Staff Counsel has contacted both counsel for the company and for intervenors and has been informed that the parties have no objection to this motion.

Upon consideration, notice is hereby given that the date of service of staff testimony in the above matter is extended to and including September 5, 1975.

MARY B. KIDD,  
Acting Secretary.

[FR Doc. 75-23496 Filed 9-4-75; 8:45 am]

[Project No. 2507]

**CONFEDERATED SALISH AND KOOTENAI  
TRIBES OF THE FLATHEAD RESERVA-  
TION, MONTANA AND THE MONTANA  
POWER CO.**

**Notice of Extension of Time**

August 28, 1975.

On August 6, 1975, The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana filed a motion to extend the time within which to respond to the Motion of Commission Staff Counsel to Dismiss Application for License, filed on July 1, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date within which to respond to Staff Counsel's motion is extended to and including October 16, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23497 Filed 9-4-75; 8:45 am]

[Docket No. RI76-21]

**EXXON CORP.**

**Notice of Petition for Special Relief**

August 27, 1975.

Take notice that on August 18, 1975, Exxon Corporation (Petitioner), P.O. Box 2180, Houston, Texas 77001, filed a petition for special relief in Docket No. RI76-21, seeking a rate above the applicable area ceiling under Opinion No. 607. Petitioner seeks a price of 32 cents per Mcf for the sale of gas to Arkansas Louisiana Gas Company under its FPC Gas Rate Schedule No. 420 from the Federal King Well No. 1, Kinta Field, Haskell County, Oklahoma. The petition is based on remedial work and for purchasing, installing, equipping and maintaining compressor facilities for gas sold to Arkla from this well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to par-

ticipate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23498 Filed 9-4-75; 8:45 am]

[Docket No. RP74-26; AP76-1]

**LOUISIANA-NEVADA TRANSIT CO.**

**Order Accepting for Filing and Suspending Proposed Advance Payments Adjustment**

August 29, 1975.

On August 1, 1975 Louisiana-Nevada Transit Company (LNT) tendered for filing an increase in its rates<sup>1</sup> to reflect the inclusion in rate base of additional advance payments in the sum of \$487,292. Notice of LNT's filing was issued August 8, 1975 with protests and petitions to intervene due on or before August 21, 1975. None have been received.

LNT has not filed information concerning the expenditure by producers of these advance payments received from LNT. Therefore, the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise illegal. Accordingly, we shall suspend the use of the new rates for one day to become effective September 3, 1975 and order a hearing thereon.

**The Commission finds:**

It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of LNT's proposed rate adjustment as identified above, and that the tendered tariff sheets be accepted for filing and suspended as hereinafter provided.

**The Commission orders:**

(A) LNT's Fourth Revised Sheet No. PGA-1 to its FPC Gas Tariff, Original Volume No. 1 is hereby accepted for filing and suspended for one day to become effective September 3, 1975, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly §§ 4 and 5 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing concerning the lawfulness of LNT's proposed change shall be held on January 27, 1976 at 10 a.m. at the offices of the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426.

(C) On or before January 2, 1976 the Staff shall serve its prepared testimony and exhibits. On or before January 16, 1976 LNT shall serve any rebuttal testimony and exhibits.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the rules of procedure.

<sup>1</sup> Fourth Revised Sheet No. PGA-1 to its FPC Gas Tariff, Original Volume No. 1.

**NOTICES**

cordance with the policies expressed in the Commission's Rules of Practice and

next required Purchase Gas Adjustment clause rate filing.

[Docket No. ER76-83]

**OHIO POWER CO.**

serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to inter-

Northwest. If the total quantity of gas so delivered by Northwest were not to equal the total quantity delivered to North-

rate schedule to become effective June 11, 1975, which it claims is the date of commencement of power sales under the schedule.



## NOTICES

cordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.  
[FR Doc. 75-235 5 Filed 9-4-75; 8:45 am]

[Docket No. RP73-91; PGA 76-1]

**MCCULLOCH INTERSTATE GAS CORP.**  
Notice of Purchased Gas Adjustment Clause

AUGUST 28, 1975.

Take notice that on August 15, 1975, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing, copies of two Sixth Revised Sheets No. 32 to McCulloch Interstate Gas Corporation's FPC Gas Tariff Original Volume No. 1, as required under the Commission's Regulations under the Natural Gas Act.

McCulloch Interstate's Sixth Revised Sheets No. 32 provide in the alternative for Purchased Gas Adjustment rate reductions of:

- (1) 2.03¢ per Mcf effective October 1, 1975, and
- (2) 14.62¢ per Mcf effective October 1, 1975.

McCulloch states that its filings are made in order to provide for a current Gas Cost Adjustment in order to bring its Purchased Gas Cost in line with the cost of gas purchases which it is currently incurring. McCulloch states that in this first alternative filing McCulloch is proposing no adjustment to account for the one-time temporary reduction of 12.59¢ per Mcf in McCulloch's Unrecovered Purchased Gas Cost Account as of June 30, 1975.

McCulloch states further that its second alternative filing provides for a reduction of 14.62¢ per Mcf effective October 1, 1975 takes into account both the reduction in the Gas Cost Adjustment of 2.03¢ per Mcf and the reduction of 12.59¢ per Mcf in the Surcharge Adjustment, covering the one-time temporary reduction in its Unrecovered Purchased Gas Cost Account as of June 30, 1975.

McCulloch asks that the first alternative Sixth Revised Sheet No. 32, providing for a reduction of 2.03¢ per Mcf be permitted to go into effect on October 1, 1975 and that the second alternative Sixth Revised Sheet No. 32 providing for a reduction of 14.62¢ per Mcf effective October 1, 1975 be rejected.

McCulloch explains that it asks for this alternative treatment in order to avoid a "yo-yo" effect in the present level of its jurisdictional natural gas rates requiring a substantial reduction to be made effective at the present time, coupled with a new substantial rate increase which would become effective on April 1, 1976, the effective date of McCulloch's

next required Purchase Gas Adjustment clause rate filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23500 Filed 9-4-75; 8:45 am]

[Docket No. RP72-149; PGA75-12]

**MISSISSIPPI RIVER TRANSMISSION CORP.**

Notice of Proposed Change in Rates

AUGUST 27, 1975.

Take notice that Mississippi River Transmission Corporation ("Mississippi") on August 20, 1975, submitted for filing Thirty-Third Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective October 1, 1975.

The instant filing is being made pursuant to the provisions of Mississippi's purchased gas cost adjustment clause to its tariff to reflect a change in Mississippi's deferred gas cost adjustment.

Mississippi submitted schedules containing computations supporting the rate changes to be effective October 1, 1975. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23501 Filed 9-4-75; 8:45 am]

[Docket No. ER76-83]

**OHIO POWER CO.**

Notice of Tariff Change

AUGUST 28, 1975.

Take notice that Ohio Power Company, on August 22, 1975, tendered for filing proposed changes in its FPC Electric Tariff MRS For Municipal Resale Electric Service, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by \$907,694, based on the 12-month period ending December 31, 1975.

Ohio Power Company states that the proposed rate increase is occasioned by increases in the cost of providing electric service, increased costs of capital and increased construction requirements.

Copies of the filing were served upon the affected municipal customers and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23502 Filed 9-4-75; 8:45 am]

[Docket No. ER76-74]

**OKLAHOMA GAS AND ELECTRIC CORP.**

Notice of Filing of Notice of Termination

AUGUST 28, 1975.

Take notice that Oklahoma Gas and Electric Company, on August 15, 1975, tendered for filing a Notice of Termination of its Rate Schedule FPC No. 92 with Arkansas Valley Electric Cooperative. That rate schedule terminated under its own terms on July 8, 1975.

The filing indicates that a copy of the notice of termination was served upon Arkansas Valley Electric Cooperative.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20002, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not

serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23503 Filed 9-4-75; 8:45 am]

[Docket No. CP76-50]

**PACIFIC GAS TRANSMISSION CO.**

Notice of Application

AUGUST 25, 1975.

Take notice that on August 11, 1975, Pacific Gas Transmission Company (Applicant), 245 Market Street, San Francisco, California 94105, filed in Docket No. CP76-50 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to Northwest Pipeline Corporation (Northwest), on an emergency basis, by revision of deliveries of gas to Pacific Gas and Electric Company (PG&E) all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has been represented to it that for Northwest to maintain continuity of service to firm priority 1 and 2 requirements customers during the period commencing November 1, 1975, through April 30, 1976 (winter season), additional volumes of natural gas will be required. Applicant states that it has therefore entered into an emergency agreement with Northwest, to which PG&E is also a party, for the temporary revision of the deliveries of natural gas that Applicant would have to make to PG&E. It is stated that under the terms of the agreement, during the winter season Applicant would make exchange deliveries up to 150,000 Mcf of gas per day and 1,200,000 Mcf of gas over the term of the agreement to Northwest, to the extent agreed to by PG&E from day to day. The deliveries are proposed to be made at the Stanfield, Oregon, interconnection and at the Spokane, Washington, delivery point.

It is stated that Northwest would pay Applicant on a monthly basis, an amount equal to \$1.68 per Mcf multiplied by the volume of gas delivered as emergency exchanges in the month. Applicant states that such amount would then be credited to PG&E's monthly cost of service charge rendered to PG&E to reimburse it for the additional burden placed upon its system due to the revisions so made. Applicant states further that the cost of service charge would be allocated as though the deliveries so made were to be made at PG&E at Oregon-California border.

Applicant states that Northwest would, in exchange for the volumes of gas received from Applicant, deliver to Applicant between May 1, 1976, and September 30, 1976 such volumes of gas as Northwest has available and Applicant and PG&E can accept until the quantity of gas so delivered equals the quantity of exchange gas theretofore received by

Northwest. If the total quantity of gas so delivered by Northwest were not to equal the total quantity delivered to Northwest, Northwest would pay to Applicant an additional sum based on the purchase price of gas then existing, plus an average transportation charge, for credit to PG&E's bill.

The application indicates that no new facilities are required to institute the proposed emergency exchange.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by §§ 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23516 Filed 9-4-75; 8:45 am]

[Docket No. ER76-80]

**PACIFIC POWER & LIGHT CO.**

Notice of Filing of Amended Rate Schedule

AUGUST 28, 1975.

Take Notice that Pacific Power & Light Company (Pacific) on August 20, 1975, tendered for filing, in accordance with Section 35.13 of the Commission's Regulations, an amended rate schedule for electric power and energy sales and transmission service to Black Hills Power and Light Company (Black Hills).

The amended rate schedule provides for changes in rates, equipment supplied and Black Hills' peak and energy forecast. There is no change in rates by these amendments.

Pacific requests waiver of the Commission's notice requirements to permit the

rate schedule to become effective June 11, 1975, which it claims is the date of commencement of power sales under the rate schedule.

A copy of this filing has been supplied to the Wyoming Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23504 Filed 9-4-75; 8:45 am]

[Docket No. E-9212]

**PACIFIC POWER & LIGHT CO.**

Notice of Initial Tariff Filing

AUGUST 28, 1975.

Take notice that Pacific Power & Light Company, by letter dated January 8, 1975, and supplemented thereafter on August 1, 1975, tendered for filing what it claims to be a new rate schedule RR-2 to become part of its FPC Electric Service Tariff.

The company states that the proposed rate schedule covers nonfirm, thermal-generated electric energy at transmission interconnections to any electric public utility in amounts and at times when available at the rate agreed to prior to delivery but not more than 12 mills per kilowatt-hour.

Copies of the filing were supplied to the regulatory commissions in the States of Oregon, Washington, California and Wyoming.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23505 Filed 9-4-75; 8:45 am]

## NOTICES

41191

## NOTICES

[Docket No. ER76-77]

**PUBLIC SERVICE CO. OF**

to intervene or protest with the Federal Power Commission, 825 North Capitol

Notice of the petition for special relief was issued on April 14, 1975, and ap-

tion to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C.

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in

[Docket No. ER 76-69]

**SOUTHERN CALIFORNIA EDISON CO.**

Notice of Filing of Rate Schedule

41193



[Docket No. ER76-77]

**PUBLIC SERVICE CO. OF  
NEW HAMPSHIRE****Notice of Filing of Agreement**

August 28, 1975.

Take notice that Public Service Company of New Hampshire (PSNH) on August 15, 1975, tendered for filing as an initial rate schedule a Transmission Contract with the Connecticut Light and Power Company, The Hartford Electric Light Company and Western Massachusetts Electric Company (the Buyers).

Under the Contract, PSNH will transmit through its system an entitlement of power which the Buyers will be purchasing from Vermont Electric Power Company, Inc.

PSNH requests that the Commission waive the normal 30-day notice requirement and permit the rate schedule to be effective as of May 1, 1975.

According to PSNH, a copy of the filing was served upon each of the Buyers and the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20002, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23504 Filed 9-4-75;8:45 am]

[Docket No. RP78-92, PGA76-1]

**RATON NATURAL GAS CO.****Notice of Change in Rates**

August 28, 1975.

Take notice that Raton Natural Gas Company (Raton) on August 21, 1975, tendered for filing, proposed changes in its FPC Gas Tariff, Volume No. 1, consisting of Eighth Revised Sheet No. 3a. The change in rates is for Jurisdictional Gas Service.

Raton states that the instant notice of change in rates is occasioned solely by, and will compensate Raton only for, increases in the cost of gas purchased from Colorado Interstate Gas Company (CIG). The tracking of CIG gas cost increase of \$0.11 per MCF of demand results in increased rate from \$1.23 to \$1.34 per MCF and increase of \$0.06 cents per MCF of Commodity results in increased rate from 56.23 cents to 56.29 cents per MCF. The annual revenue increase by reason of the tracking increased rate amounts to \$8,850.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23507 Filed 9-4-75;8:45 am]

[Docket No. RI75-122]

**ROBINSON BROTHERS DRILLING CO.****Order Granting Special Relief**

August 14, 1975.

On April 4, 1975, Robinson Brothers Drilling Company (Robinson) filed in Docket No. RI75-122 a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76) for sales of natural gas to El Paso Natural Gas Company (El Paso) from the Manry Elliott No. 1 Well located in Chaves County, New Mexico. Robinson is a small producer and was granted a small producer certificate in Docket No. CS75-350 effective as of March 3, 1975. Robinson is successor in interest to Robinson Brothers Oil Producers, which previously sold the subject gas to El Paso under a small producer certificate issued in Docket No. CS71-972 on October 21, 1971.

Robinson is currently collecting a rate of 25.3 cents per Mcf for the sales to El Paso pursuant to a contract dated December 9, 1960. Robinson states that in November 1974 it installed a two-stage compression facility which was necessary in order to produce the remaining well reserves against existing pipeline pressure. Without the installation of the compression facility, Robinson asserts that the well would be incapable of production and would have to be plugged and abandoned. Robinson leases the compression facility at a cost of \$50 per day.

By letter dated January 28, 1975, Robinson informed El Paso that continued operation of the well with the compression facility was uneconomical, and that a substantial price increase would be necessary to prevent abandonment of the well. Subsequently, on February 18, 1975, the parties executed an amendatory agreement to their gas sales contract of December 9, 1960. The amendment provides for a base contract rate of 51.0 cents per Mcf at 14.73 psia, plus 1.0 cent per Mcf annual escalations, plus tax and proportionate Btu adjustments.

The rate sought by Robinson does not take into account any effect on Robinson's tax liability resulting from the repeal of the percentage depletion allowance by the Tax Reduction Act of 1975.

**NOTICES**

Notice of the petition for special relief was issued on April 14, 1975, and appeared in the Federal Register on April 18, 1975, at 40 FR 17336. No petitions to intervene have been filed.

Staff has reviewed the cost data submitted by Robinson and has made an extensive field audit of Robinson's books and records. Based thereon Staff has estimated that 205,000 Mcf of reserves remain to be produced over a period of three years, and Staff has determined that the proposed rate is cost justified. After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Robinson's petition.

**The Commission finds:**

The petition for special relief filed by Robinson meets the criteria set forth in § 2.76 of the Commission's General Policy and Interpretations.

**The Commission orders:**

(A) The petition for special relief of Robinson is hereby granted.

(B) The contract amendment dated February 18, 1975 between Robinson and El Paso is accepted for filing effective as of the date of issuance of this order.

(C) Robinson is authorized to collect a base rate of 51.0 cents per Mcf at 14.73 psia plus tax and Btu adjustments, as provided in the February 18, 1975 contract amendment, effective as of the date of issuance of this order.

(D) During the one year period commencing January 1, 1976, and during each succeeding one year period thereafter, Robinson may increase the base rate authorized herein by 1.0 cent per Mcf as provided in the February 18, 1975 contract amendment; *Provided, however*, that prior to any such change in the rate to be collected by Robinson, Robinson must file a notice of change in rate in accordance with § 154.94 of the Commission's Regulations under the Natural Gas Act (18 CFR § 154.94).

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23517 Filed 9-4-75;8:45 am]

[Docket No. ER76-75]

**ROCHESTER GAS AND ELECTRIC CORP.****Notice of Filing of Supplement to  
Interchange Agreement**

August 28, 1975.

Take notice that Rochester Gas and Electric Corporation (Rochester), on August 15, 1975, tendered for filing a supplement to its contract with Niagara Mohawk Power Corporation (Niagara). The contract is designated Rochester Rate Schedule FPC No. 10 and Niagara Rate Schedule FPC No. 69.

The supplemental agreement amends the filed rate schedule to permit energy exchange in the event of outages scheduled by either of the parties.

Rochester requests that the Commission waive the normal 30-day notice requirement and permit the supplement to be effective as of June 29, 1975.

Any person desiring to be heard or to protest said application should file a pe-

**NOTICES**

proceeding in Docket Nos. RP71-29, et al., certified a proposed settlement to the Presiding Administrative Law Judge on

Further hearing in connection with Phase I was thereupon suspended and the Presiding Administrative Law Judge on

**NOTICES**

[Docket No. ER 76-69]

**SOUTHERN CALIFORNIA EDISON CO.****Notice of Filing of Rate Schedule  
Cancellation Notice**

August 28, 1975.

Take notice that on August 4, 1975, Southern California Edison Company filed with the Commission a Notice of Cancellation of Rate Schedule FPC No. 73 relating to service to the Department of Water and Power of the City of Los Angeles.

The cancellation is proposed to be made effective thirty days after filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23511 Filed 9-4-75;8:45 am]

[Docket No. RP72-91 (Phase I)]

**SOUTHERN NATURAL GAS CO.****Notice of Extension of Time**

August 28, 1975.

On August 21, 1975, Southern Natural Gas Company filed a motion to extend the time within which to respond to the "Request for Early Decision on Pending Exceptions to April 3, 1975, Initial Decision and Response Thereto" filed by Mississippi Valley Gas Company on August 15, 1975, in the above-designated matter.

Notice is hereby given that the date by which to file responses to the "Request for Early Decision on Pending Exceptions to April 3, 1975, Initial Decision and Response Thereto" is, for all parties, extended to and including September 17, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23512 Filed 9-4-75;8:45 am]

[Docket No. ER76-85]

**TOLEDO EDISON CO.****Notice of Contract Revision**

August 28, 1975.

Take notice that The Toledo Edison Company on August 27, 1975 tendered for filing a revised Exhibit B (Service Specifications) to the contract for wholesale electric service to the Village of Oak Harbor, Ohio.

Toledo Edison states that the revised Exhibit B has been executed by the

petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20002, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23508 Filed 9-4-75;8:45 am]

[Docket No. ER76-87]

**SIERRA PACIFIC POWER CO.****Notice of Proposed Changes in Rates and  
Charges**

August 28, 1975.

Take notice that on August 25, 1975, Sierra Pacific Power Company (Sierra Pacific) tendered for filing a notice of change in rates and charges in its Rate Schedule FPC No. 11 and a notice of change in rates and charges in Rate Schedule R; Fuel Adjustment; Terms and Conditions; and associated changes in its FPC Electric Tariff, Volume No. 1. Based upon the test period of twelve months ending June 1976, Sierra Pacific estimates that the total effect of the changes in rates and charges would increase annual revenues from jurisdictional sales and services by approximately \$716,132, or 14.7%.

Sierra Pacific requested a waiver of the thirty (30) day rule pursuant to § 35.11 of the Commission's Rules and Regulations under the Federal Power Act to cancel Supplement No. 2 to Rate Schedule FPC No. 11 to transfer Mt. Wheeler Power, Inc. (Mt. Wheeler) to the existing Rate Schedule R of its FPC Electric Tariff (Supplement No. 3) as the type of service rendered Mt. Wheeler was changed with completion of the Sierra Pacific-Utah Power and Light Company interconnection on August 8, 1975. Sierra Pacific estimates that this change would increase jurisdictional revenues during the test period by \$595,172.

Sierra Pacific proposed that the effective date of the changes in rates and charges of its FPC Electric Tariff be September 21, 1975, and stated that these changes would effect an increase in test period jurisdictional revenues of \$121,679.

In addition, Sierra Pacific requested permission to initiate deferred fuel and purchased power cost accounting on its books and records, and interest charges on delayed payment of service billings.

Copies of the filing were served upon Sierra Pacific's jurisdictional customers, the California Public Utilities Commission, and the Public Service Commission of Nevada.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23509 Filed 9-4-75;8:45 am]

[Docket No. ER76-76]

**SOUTH CAROLINA ELECTRIC & GAS CO.****Notice of Filing of Interconnection  
Agreement**

August 28, 1975.

Take notice that on August 15, 1975, South Carolina Electric & Gas Company (Company), pursuant to Part 35 of the Commission's Regulations under the Federal Power Act, tendered for filing an interconnection agreement dated January 1, 1975 between the Company and South Carolina Public Service Authority (Authority).

The agreement, which supersedes a prior interconnection agreement on file with the Commission and designated as the Company's Rate Schedule FPC No. 15, provides for the establishment of two new points of interconnection between the Company and the Authority. The interconnection arrangement, according to the Company, is to provide means with which to coordinate the operation of the respective generation, transmission and subsection facilities to the mutual advantage of both parties.

In order to effectuate the new agreement of January 1, 1975, the Company requests waiver of the 30-day notice provision of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23510 Filed 9-4-75;8:45 am]

**NOTICES**

[Project No. 2716—Virginia]

**VIRGINIA ELECTRIC AND POWER CO.****Notice of Availability of Environmental**

300 Mcf step mentioned in paragraph 2 above.

(6) Industrial customers may petition

4307-001-R-2 (S&S 90 Battery Tractor Motor, I.D. No. 04), ICP Permit No. 4307-002-R-2 (Kersey 445 Battery Tractor Motor, I.D. No. 05), ICP Permit No. 4307-003-R-2 (Owens 05), ICP Permit I.D. No. 01), ICP Permit No.

Village and replaces Exhibit B in Rate Schedule F.P.C. No. 16 on file with the Commission.

proceeding in Docket Nos. RP71-29, et al., certified a proposed settlement to the

Further hearing in connection with Phase I was thereupon suspended and the



Village and replaces Exhibit B in Rate Schedule F.P.C. No. 16 on file with the Commission.

Toledo Edison states that the Village is presently served at one delivery point at 4000 volts, but that the Village has undertaken a project to convert their distribution system from 4000 volts to 12,000 volts. The revised Exhibit B provides that during the period of such conversion, the Village will receive service at two delivery points, one each at 4000 and 12,000 volts and that the amount of demand and consumption at each shall be added and the sum so obtained shall be used for billing purposes. The Commission has been requested to assign to this revised Exhibit B the earliest effective date permitted by the Commission's rules.

A copy of this filing has been served upon the Village of Oak Harbor, Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23511 Filed 9-4-75; 8:45 am]

[Docket No. RP75-51]

#### TRANSCONTINENTAL GAS PIPELINE CORP.

#### Investigation of Revised Curtailment Level on System, Notice of Extension of Time

August 27, 1975.

On August 25, 1975, General American Oil Company of Texas filed a motion to extend the date for filing the report required by paragraph (A) of order issued August 8, 1975, in the above-designated matter.

Notice is hereby given that the date for filing the report required by paragraph (a) of the order issued August 8, 1975, in the above matter is extended to September 4, 1975 for all parties.

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23499 Filed 9-4-75; 8:45 am]

[Docket Nos. RP71-29, et al.]

#### UNITED GAS PIPE LINE CO.

#### Notice of Proposed Settlement

August 25, 1975.

Take notice that on August 14, 1975, the Administrative Law Judge in the

#### NOTICES

proceeding in Docket Nos. RP71-29, et al., certified a proposed settlement to the Commission for action. The said proceeding is being conducted for the purpose of developing a plan to curtail the service rendered by United Gas Pipe Line Company (United) to its customers. The proposed settlement was submitted by United and it constitutes a scheme of allocation of United's services during the period of November 1, 1975 through October 31, 1976. The scheme of allocation is a departure from United's service obligations under the currently effective interim agreement, which departure is necessitated by a foreseeable decrease in the supply of natural gas that will be available to United during the period mentioned.

#### PROCEEDINGS

The proposed settlement resulted from proceedings held pursuant to a Federal Power Commission order issued on March 7, 1975 under Docket No. RP71-29. The March 7 order denied a motion for immediate modification of the existing curtailment plan and directed that further hearings in these proceedings be conducted in two phases. Phase I was to be convened immediately for the purpose of determining, in advance of the 1975-76 winter heating season, whether United's currently-effective interim curtailment program should either (1) remain in effect pending formulation of a permanent plan, or (2) be modified by the Commission pursuant to Section 5 (a) of the Natural Gas Act. The March 7 order also provided for a later Phase II hearing for the purpose of formulating a permanent curtailment plan for implementation on United's System. By an "Order on Rehearing" issued May 2, 1975, the Commission ordered that a Phase III be added to the proceedings to consider matters pertaining to § 12.3 of United's proposed tariff dealing with United's contractual liability filed on March 3, 1975 in Docket No. RP75-71.<sup>1</sup>

The Phase I hearing was convened on May 20, 1975 and recessed upon application of the combined parties for settlement conferences. Informal on May 30, 1975 that unanimous agreement upon a settlement in connection with an interim curtailment plan appeared unlikely but that further negotiations conducted simultaneously with the taking of testimony in connection therewith might eventually prove fruitful, the hearing on Phase I, as previously directed by the Presiding Administrative Law Judge, commenced on June 2, 1975 and continued with short interim recesses through June 24, 1975. A further settlement conference was convened on June 30, 1975 and on July 1, 1975 the Presiding Administrative Law Judge was advised by counsel for United that the majority of the parties had reached agreement on modifications to the three-category program as a settlement of the issues in Phase I.

<sup>1</sup> Docket No. RP75-71 was consolidated with RP71-29 by Commission order dated April 2, 1975.

Further hearing in connection with Phase I was thereupon suspended and the Presiding Administrative Law Judge, on request of the parties, directed that a hearing be convened on July 22, 1975 at which time testimony would be presented in support of, and in opposition to, United's proposed settlement, together with proposed variations thereto and any alternate proposals which any of the dissenting parties might wish to present. The hearing on the proposed settlement and variations thereto proceeded as scheduled and was concluded on August 4, 1975.<sup>2</sup>

The settlement proposal and the transcript of the hearing in connection with Phase I were certified to the Commission by the Administrative Law Judge on August 14, 1975 pursuant to § 1.18(e) of the Rules of Practice and Procedure. The Judge's certification stated that "United's settlement proposal, concurred in by a substantial majority of the parties, constitutes the 'ameliorating' plan for the coming winter heating season."

#### HIGHLIGHTS OF SETTLEMENT PLAN

Under the proposed settlement plan, the currently-effective interim three-category curtailment program would continue in effect subject to the following modifications:

(1) The curtailment allocations of United's customers shall be determined using the new end-use data which has been collected pursuant to the directives of the Commission in Opinion Nos. 647 and 647-A. Appendix A of the proposed plan contains an impact study showing estimated curtailments and deliveries under the proposed plan.

(2) The 3,000 Mcf per day Category III cut-off will be continued for the protection of industrial customers. However, any curtailments below that level shall be effectuated on a pro rata basis in three successive steps, to 1,500, 300, and 0 Mcf per day.

(3) Industrial feedstock requirements of United's city gate customers shall be reclassified from Category III to Category II. Only two city gate customers have reported such requirements.

(4) United's pro rata share of the industrial feedstock requirements reported by its seven pipeline customers shall also be reclassified from Category III to Category II except that no such deliveries shall be made when United must curtail below the 300 Mcf Category III step mentioned in paragraph 2 above.

(5) Industrial process gas requirements shall be protected to the extent of 3,000 Mcf per day which shall not be curtailed until all other Category III requirements have been curtailed to the

<sup>2</sup> An alternate settlement proposal presented by Allied Chemical Corporation, et al., through the prepared testimony of Mr. R. A. Ransom based on the issue of "new and enlarged service" was stricken from the record by the Presiding Administrative Law Judge on motion by United inasmuch as the issue of "new and enlarged service" had previously been stated by the Commission to be more appropriate for consideration in Phase II.

#### NOTICES

[Project No. 2716—Virginia]

#### VIRGINIA ELECTRIC AND POWER CO. Notice of Availability of Environmental Impact Statement for Inspection

Notice is hereby given that on September 15, 1975, as required by the Commission Rules and Regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-100) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of an application for license filed pursuant to the Federal Power Act by Virginia Electric and Power Company for proposed Bath County Pumped Storage Project No. 2716 to be located on Back Creek and Little Back Creek in Bath, Highland, Augusta, and Rockbridge Counties, Virginia and partially within the George Washington National Forest. This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 and its Atlanta Regional Office located at 730 Peachtree Building, Room 500, Atlanta, Georgia 30308. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

The project would consist of a 265-acre upper reservoir (full power pool elevation 3320 feet m.s.l.), a 555-acre lower reservoir (full power pool elevation 2118 feet m.s.l.), three tunnels connected to six penstocks, and an indoor-type powerhouse which would contain six 350 MW pump-turbine generating units. Also associated with the project would be two 500 kV transmission lines, one extending 50 miles to Burketown, Virginia, and one extending 35 miles to Lexington, Virginia. Recreation facilities include streamside fishing, 2 recreation ponds (total of 85 acres), camping facilities, and a visitors center.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23491 Filed 9-4-75; 8:45 am]

#### INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY) ELECTRIC FACE EQUIPMENT STANDARD

##### Applications for Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

- (1) ICP Docket No. 4291-000, INDIAN HEAD MINING COMPANY, Indian Head Mine No. 3, Mine ID No. 15 02378 0, Hazard, Kentucky, ICP Permit No. 4291-003-R-4 (Porter End Dump Battery Buggy, I.D. No. B-3).
- (2) ICP Docket No. 4307-000, DARBY B COAL COMPANY, MINE No. 6, Mine ID No. 15 02794 0, Linefork, Kentucky, ICP Permit No.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23518 Filed 9-4-75; 8:45 am]

4307-001-R-2 (S&S 90 Battery Tractor Motor, I.D. No. 04), ICP Permit No. 4307-002-R-2 Kersey 445 Battery Tractor Motor, I.D. No. 05), ICP Permit No. 4307-003-R-2 (Owens Coal Wagon Drill, I.D. No. 01), ICP Permit No. 4307-004-R-2 (Owens Coal Wagon Drill, I.D. No. 02).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before September 22, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

SEPTEMBER 2, 1975.

[FR Doc. 75-23604 Filed 9-4-75; 8:45 am]

#### ELECTRIC FACE EQUIPMENT STANDARD

##### Applications for Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4011-000, B & S COAL COMPANY, INC., Mine No. 21, Mine ID No. 15 02749 0, Vico, Kentucky, ICP Permit No. 4011-010-R-2 (Kersey 944 Tractor, I.D. No. 12-3), ICP Permit No. 4011-011-R-2 (Kersey 944 Tractor, I.D. No. 6-4).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before September 22, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

AUGUST 29, 1975.

[FR Doc. 75-23605 Filed 9-4-75; 8:45 am]

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#### NOTICES

#### NATIONAL SCIENCE FOUNDATION

AD HOC TASK GROUP TO STUDY THE

may be obtained from the Committee Management Coordination Staff, Man-

Purpose of Ad Hoc Task Group: To provide the Advisory Committee for Re-

#### NOTICES

#### NTSB-5

System name: Reports of Employee's Financial Interests and Out-

tained in accordance with Civil Service Commission regulations and notified by the Commission in its Governmentwide systems of personnel records. Payroll and related information consists of various



**NATIONAL SCIENCE FOUNDATION  
AD HOC TASK GROUP 10 OF THE  
ADVISORY COMMITTEE FOR RESEARCH  
Notice of Open Meeting**

Ad hoc Task Group 10 of the Advisory Committee for Research will hold a meeting in Rm. 543 on September 24, and in Rm. 540 on September 25, 1975, beginning at 9 a.m. each day at the National Science Foundation, 1800 G St., NW., Washington, D.C.

The purpose of the ad hoc task groups of the Advisory Committee for Research is to provide the Committee with a mechanism to consider numerous issues of interest to the full Committee. The task groups are composed of members of the Advisory Committee for Research and function in accordance with the Federal Advisory Committee Act, Pub. L. 92-463. The agenda for this meeting will be to work on draft material for the task group's report on the Social Sciences which will be submitted to the full Committee in November 1975.

The meeting is open to the public. Anyone who plans to attend or would like more information about the ad hoc task group should contact Mr. Leonard Gardner, Executive Secretary, Advisory Committee for Research, Rm. 320, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4278.

Summary minutes of this meeting

may be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, Rm. 248, Washington, D.C. 20550.

FRED K. MURAKAMI,  
Committee Management Officer.

SEPTEMBER 2, 1975.

[FR Doc. 75-23622 Filed 9-4-75; 8:45 am]

**ADVISORY COMMITTEE FOR RESEARCH  
Notice of Open Meeting**

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Ad hoc Task Group 13 of the Advisory Committee for Research.  
Date: September 25 and 26, 1975.  
Time: 9 a.m. each day.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of Meeting: Open.

Contact Person: Mr. Leonard Gardner, Executive Secretary, Advisory Committee for Research, Rm. 320, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4278.

Summary Minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of Ad Hoc Task Group: To provide the Advisory Committee for Research with a mechanism to consider numerous issues of interest to the full Committee. The task groups are composed of members of the Advisory Committee for Research.

FRED K. MURAKAMI,  
Committee Management Officer.

SEPTEMBER 2, 1975.

[FR Doc. 75-23595 Filed 9-4-75; 8:45 am]

**NATIONAL TRANSPORTATION  
SAFETY BOARD  
IMPLEMENTATION OF PRIVACY ACT  
OF 1974**

Notice of Systems of Records;  
Amendment  
Correction

In FR Doc. 75-22885 appearing on page 40137 of the issue for Friday, August 29, 1975, make the following changes:

1. In the third line of the first paragraph and the third line of the second paragraph, the date "1985" should read "1975";
2. The signature, now reading "Fritz L. Puls", should read "Fritz L. Puls";
3. The text of the systems of records was printed out of order and should read as follows:

**NTSB—5**

**System name:** Reports of Employee's Financial Interests and Outside Employment.

**System location:** National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594

**Categories of individuals covered by the system:** NTSB employees.

**Categories of records in the system:** Confidential statements of financial interests and outside employment required of certain employees. The statements set forth the financial interests of the employees and members of their immediate families and specify the employment of the members of the immediate family or any other employment of the NTSB employees involved.

**Authority for maintenance of the system:** 5 CFR Part 735 (Federal Personnel Manual), implemented by 49 CFR Part 805.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used by authorized personnel for ascertaining conflicts or apparent conflicts of interest and for recommending appropriate action to NTSB employees. In the event of a violation or potential violation of law, whether civil, criminal, or regulatory, the records may be referred to the appropriate agency. Routine use includes, but is not limited to, referral to law enforcement agencies of violations of the law and for discovery purposes ordered by a court, referral to potential employers, and for security clearance.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on 8-1/2 inch by 10-1/2 inch forms kept in a manila folder.

**Retrievability:** Indexed alphabetically by name.

**Safeguards:** Records are stored in a locked safe.

**Retention and disposal:** Records are manually kept during employment of the individual and then destroyed.

**System manager(s) and address:** Director of Administration, Office of the General Manager, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

**Notification procedure:** Address inquiries to System Manager.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** NTSB employees.

**NTSB—6**

**System name:** Employee Payroll, Leave, and Attendance Records—NTSB

**System location:** National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

**Categories of individuals covered by the system:** NTSB employees.

**Categories of records in the system:** Manual files and computer-retrievable data containing payroll-related information covering NTSB employees. Payroll, leave and attendance records include many records or information also maintained in the employees' Personnel Nonpermanent Records and related files which are main-

**NUCLEAR REGULATORY  
COMMISSION**

[Docket No. 50-254]

**COMMONWEALTH EDISON CO. AND  
IOWA-ILLINOIS GAS AND ELECTRIC CO.**

**Notice of Proposed Issuance of Amend-  
ment to Facility Operating License**

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-29 issued to the Commonwealth Edison Company (the licensee, acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) for operation of Quad-Cities Unit 1 (the facility), a boiling water reactor located in Rock Island County, Illinois, and currently authorized for operation at power levels up to 2511 MWt.

In accordance with the licensee's application for a license amendment dated July 1, 1975, the amendment would modify operating limits in the Technical

Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to Quad-Cities Unit 1, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

tained in accordance with Civil Service Commission regulations and noticed by the Commission in its Governmentwide systems of personnel records. Payroll and related information consists of various forms and computer-retrievable data which discloses on a biweekly, year-to-date, and/or annual basis, payroll and leave data for each NTSB employee. This data relates to the rate and amount of pay, leave, hours worked, and leave balances. It also includes tax and retirement deductions, life insurance and health deductions, savings allotments, savings bond and charity deductions, mailing addresses, and home addresses.

**Authority for maintenance of the system:** Federal Personnel Manual and Treasury Fiscal Requirements Manual; and Pub. L. 93-633, 88 Stat. 2168 (sec. 303(c)(3) of the Independent Safety Board Act of 1974, 49 U.S.C. 1902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For preparation of payroll, to fulfill Government payroll recordkeeping and reporting requirements; and to retrieve and supply payroll and leave information as required for NTSB needs. Other routine uses for certain records are specified in the Civil Service Commission notice: "C.S.C.—General Personnel Records (Official Personnel Folder and records related thereto)." Routine use includes, but is not limited to, referral to law enforcement agencies of violations of the law and for discovery purposes ordered by a court, referral to potential employees, and for security clearance.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Storage for NTSB is maintained by the Federal Highway Administration (FHWA), 400 7th Street, S.W., Washington, D.C. 20590.

**Retrievability:** Time cards are machine-printed, 7-1/2 inch by 3-1/2 inch cards (FHWA Form 320A); tapes are standard 2, 400-foot IBM tapes.

**Safeguards:** There are no safeguards for the time cards. The tapes, however, are maintained in the computer center and access is permitted only to certain specified FHWA employees or appropriate employees of contractor agencies.

**Retention and disposal:** The time cards are maintained in the office for the current and prior year and are thereafter sent to the Federal Records Center in St. Louis. The tapes are retained, based on the cycle of the particular system. The disposal occurs when the cycle ends. The tapes are kept by employee number, which is a number assigned to the employee on hiring.

**System manager(s) and address:** Director of Administration, Office of the General Manager, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

**Notification procedure:** Address inquiries to System Manager.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** NTSB employees.

By October 6, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date.

A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regu-

sequently an amendment to Facility Operating License No. R-110 to Idaho State University (the licensee). The

REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commis-

quired in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k)

recommending the purchase or sale of the common stock of Bausch & Lomb, Inc., in violation of Section 10(b) of the

securities analysts when such recommenda- tion and information is allegedly formulated in part on the basis of material non-public information with respect to which no prec-



A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to John W. Rowe, Esquire of Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60670, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceedings as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 1, 1975, and (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974, published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1783), which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20555 and at the Moline Public Library, 504—17th Street, Moline, Illinois 61265. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 26th day of August, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of Reactor Licensing.

[FR Doc. 75-23371 Filed 9-4-75; 8:45 am]

[Docket No. 50-284]

#### IDAHO STATE UNIVERSITY

#### Notice of Proposed Issuance of Construction Permit and Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of a construction permit and sub-

sequently an amendment to Facility Operating License No. R-110 to Idaho State University (the licensee). The licensee is currently authorized by the Commission to possess and operate an AGN-201 research reactor (the facility) at 100 milliwatts on its campus in Pocatello, Idaho, for teaching and training purposes.

The proposed permit would authorize the licensee to move the reactor from the Physical Science Building to the Lillibridge Engineering Laboratory Building (a distance of approximately 110 yards) and to reconstruct it at the new location. The proposed amendment to the license subsequently would authorize operation of the facility in the new location at the previously approved power level. The amendment would also extend the expiration date of the license from July 11, 1987 to the fall of 1995.

Prior to issuance of the proposed construction permit, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

Upon completion of the relocation of the facility in compliance with the terms and conditions of the construction permit and the application, and in the absence of good cause to the contrary, the Commission will issue to Idaho State University (without prior notice) an amendment to the existing facility license authorizing operation of the reactor in the new location for the extended period of time specified above since the application is complete enough to permit evaluation of the safety considerations associated with the operation of the facility in the new location and for the additional period of time. Prior to the issuance of the license amendment, the facility will be inspected by a representative of the Commission to determine whether it has been satisfactorily relocated in accordance with the application and the provisions of the construction permit. The amendment to the operating license will not be issued until the Commission makes the findings required by the Act and the Commission's rules and regulations, and concludes that the issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

By October 6, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the construction permit and the amendment to the license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing actions. Such petitions must be filed in accordance with the provisions of this FEDERAL

REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see (1) the application for amendment filed by the Idaho State University dated June 17, 1975 and letter dated July 21, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. The license amendment and the Safety Evaluation, when issued, may be inspected at the above location, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 26th day of August, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of Reactor Licensing.

[FR Doc. 75-23372 Filed 9-4-75; 8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

#### CONTINENTAL VENDING MACHINE CORP.

##### Suspension of Trading

August 27, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is re-

quired in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 28, 1975 through September 6, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-23638 Filed 9-4-75; 8:45 am]

[Release No. 8909; 812-3815]

DOUGLAS CAMPBELL, JR., ET AL.

#### Application for Exemption

August 28, 1975.

Notice is hereby given that Douglas Campbell, Jr. ("Campbell"), 522 Fifth Avenue, New York, New York 10036, Campbell Asset Management Company ("Campbell Asset") and Campbell Advisors, Inc. ("Campbell Advisors") ("Applicants"), have filed an application and amendment thereto pursuant to Section 9(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting Applicants from the provisions of Section 9(a) of the Act insofar as any ineligibility to serve or act in the capacities enumerated in Section 9(a) of the Act arises out of an injunction entered in connection with an action entitled *Securities and Exchange Commission v. Bausch & Lomb, Inc., et al.* (United States District Court for the Southern District of New York) (the "Action"). All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations therein.

Campbell is the majority stockholder, President and Chief Executive Officer and a director of Campbell Advisors, a registered investment adviser pursuant to Section 203(c) of the Investment Advisers Act of 1940, and formerly conducted a business as an unregistered private investment adviser by means of a sole proprietorship under the assumed name of Campbell Asset.

The Action arose out of the sale by Campbell and Campbell Asset of common stock of Bausch & Lomb, Inc. The complaint in the Action alleges the improper use by Campbell and Campbell Asset of material non-public information in connection with transactions in the securities of Bausch & Lomb, Inc., in violation of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.

On March 7, 1975, a final judgment of permanent injunction against Campbell and Campbell Asset was entered upon the consent of the Securities and Exchange Commission and Campbell and Campbell Asset. The judgment enjoined Campbell and Campbell Asset, directly or indirectly by use of any means or instruments of transportation or communication in interstate commerce or of the mails, from purchasing or selling or

recommending the purchase or sale of the common stock of Bausch & Lomb, Inc., in violation of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder. The judgment further ordered Campbell and Campbell Asset to adopt and implement a written statement of procedures concerning the receipt of material inside, non-public corporate information with respect to Bausch & Lomb, Inc. or any other securities.

Section 9(a) (2) of the Act makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree or any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company. Section 9(a) (3) makes it unlawful for a company any affiliated person of which is ineligible by reason of Section 9(a) (2) to serve or act in the foregoing capacities.

Campbell represents that he was formerly a director of Smith Barney Equity Fund, Inc. and Smith Barney Income and Growth Fund, Inc., which are registered investment companies and it is anticipated that he will rejoin the board of directors of these companies upon the Commission entering an order exempting Campbell from the provisions of Section 9(a) of the Investment Company Act of 1940.

Section 9(c) of the Act provides that any person who is ineligible by reason of subsection (a) to serve or act in the capacities enumerated therein may file with the Commission an application for an exemption from the provisions of that subsection and further provides that the Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Except for the action which resulted in the Consent Decree of March 7, 1975, Campbell and Campbell Asset have never previously been the subject of an injunctive action initiated by the Commission (Campbell Advisors, has never been the subject of any such injunctive action).

Applicants submit that for the following reasons:

(1) the limited nature of the matters covered by Consent Decree in relation to the matters specified in Section 9(a) (2) of the Act and the purposes of Section 9(a) of the Act;

(2) the fact that the allegations of the Commission's complaint in the Action involved novel questions of law concerning the receipt and use of investment recommendations and other information disseminated by

securities analysts when such recommendations and information is allegedly formulated in part on the basis of material non-public information with respect to which no precedent existed;

(3) the fact that the Consent Decree was entered with the consent of Campbell and Campbell Asset for the purposes of the Action only, without admitting or denying the material allegations of the complaint and without consenting to the adjudication of any wrongdoing or liability; and

(4) the fact that Campbell and Campbell Asset have participated with the Commission in formulating a written statement of procedures with respect to their activities and the activities of Campbell Advisors as an investment adviser concerning the receipt of material non-public corporate information with respect to the securities of Bausch & Lomb, Inc. or any other securities which is in the form annexed to a document filed with the Court and that Campbell through Campbell Advisors has agreed to implement such statement of procedures;

the prohibitions of Section 9(a) of the Act, if applicable by reason of the above-mentioned final judgment, would be unduly and disproportionately severe if applied to Applicants and asserts that it is consistent with the public interest and the protection of investors and the purposes fairly intended by the policy and provisions of Section 9 of the Act for the Commission to enter an order granting this application for an exemption from the provisions of Section 9(a) of the Act.

Notice is further given that any interested person may, not later than September 22, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-23639 Filed 9-4-75; 8:45 am]

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[Rel. No. 89147; 70-5728]  
GULF POWER CO.

10% of capital, surplus and secured debt provided that (a) the amount of securi-

Act and Rule 50 promulgated thereunder as applicable to the following proposed

[Rel. No. 8908; 812-3826]  
LIBERTY FUND, INC. AND  
THE KNICKERBOCKER FUND

stock in any such year. The redemption price will equal the initial public offering price plus accrued dividends to the date

vestment advisory agreement, and election to Liberty's Board of Directors of three members of Knickerbocker's Board at the same time they will



[Rel. No. 19147; 70-5728]

**GULF POWER CO.****Proposal To Amend Articles of Incorporation and Solicit Proxies**

August 29, 1975.

Notice is hereby given that Gulf Power Company ("Gulf"), 75 North Pace Boulevard, Pensacola, Florida 32505, an electric utility subsidiary of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested parties are referred to said declaration, which is summarized below, for a complete statement of the proposed transactions.

Gulf proposes to amend its Articles of Incorporation to increase the authorized number of shares of preferred stock, par value \$100 per share, from 401,626 shares, of which 301,626 shares are currently outstanding, to 801,626 shares.

Gulf's Articles of Incorporation presently empower the Board of Directors to establish various series of preferred stock, and to fix and determine the relative rights and preferences, as to which there may be variations between different series. Gulf proposes to authorize, by amendment to the Articles of Incorporation, the Board of Directors to fix and determine the sinking fund provisions, if any, for the redemption or purchase of shares of any series.

Gulf further proposes to amend its Articles of Incorporation so as to limit the issuance or assumption of securities representing unsecured debt without consent of preferred stockholders only if after such issuance or assumption (1) the total outstanding amount of securities representing unsecured debt would exceed 20% of the aggregate of capital, surplus and secured debt or (2) the total amount of securities representing unsecured debt having maturities of less than 10 years would exceed 10% of such aggregate.

Gulf further proposes that, if the proposed amendment to its Articles of Incorporation relating to limitations on the issuance or assumption of securities representing unsecured debt is adopted, it be authorized by vote of the holders of its preferred stock to issue or assume, until July 1, 1982, securities representing unsecured debt having maturities of less than ten years in excess of 10% of capital, surplus and secured debt, provided that (a) the amount of securities representing unsecured debt having maturities of less than ten years outstanding on January 1, 1983, shall not exceed said 10% limitation, and (b) Gulf's total indebtedness represented by unsecured securities shall at no time exceed 20% of capital, surplus and secured debt. If the proposed amendment relating to limitations on the issuance or assumption of securities representing unsecured debt is not adopted Gulf proposes to issue or assume, until July 1, 1982, securities representing unsecured debt in excess of

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10% of capital, surplus and secured debt provided that (a) the amount of securities representing unsecured debt outstanding on January 1, 1983 shall not exceed said 10% limitation and (b) Gulf's total unsecured indebtedness shall at no time exceed 20% of capital, surplus and secured debt.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$30,000, including fee for solicitation of proxies of \$10,000 and legal fees of \$8,400. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 23, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] **GEORGE A. FITZSIMMONS,**  
Secretary.

[FR Doc. 75-23640 Filed 9-4-75; 8:45 am]

[Rel. No. 19140; 70-5727]

**HARTFORD ELECTRIC LIGHT CO.****Proposal To Issue and Sell First Mortgage Bonds and Preferred Stock at Competitive Bidding**

August 29, 1975.

Notice is hereby given that The Hartford Electric Light Company ("HELCO"), 176 Cumberland Avenue, Wethersfield, Connecticut 06109, an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the

Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested parties are referred to said application, which is summarized below, for a complete statement of the proposed transactions.

HELCO proposes to issue and sell, at competitive bidding, up to \$30 million principal amount of its —% First Mortgage Bonds, 1975 Second Series ("bonds"). The maturity date of the bonds will be not less than five nor more than thirty years from October 1, 1975. The interest rate, which shall be a multiple of  $\frac{1}{8}$  of 1%, and the price, which will be not less than 99% nor more than 102.75% of the principal amount thereof, will be determined by competitive bidding. The bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of January 1, 1958 ("Indenture") between HELCO and The First National Bank of Boston, Successor Trustee, as supplemented and amended from time to time, and as further supplemented by a fifteenth supplemental indenture to be dated October 1, 1975 ("supplemental indenture"). The supplemental indenture provides, among other things, that bonds shall not be redeemed at the applicable general redemption price prior to October 1, 1980, from the proceeds of borrowings secured by HELCO at an effective interest cost to HELCO of less than the effective interest cost of the bonds. The supplemental indenture further provides for a mandatory cash sinking fund, so long as any bonds are outstanding, in the annual amount of \$1,875,000 commencing October 1, 1980, continuing to and including October 1, 1994. HELCO will also have the noncumulative option to increase any such sinking fund payment by an amount not exceeding \$1,875,000, provided that no bonds may be redeemed prior to October 1, 1980, by operation of the sinking fund provision.

HELCO also proposes to issue and sell, at competitive bidding, 200,000 shares of its Preferred Stock, 1975 Series ("preferred stock"), par value \$50 per share. The dividend rate, which shall be a multiple of \$0.08 and the price to be paid to CL&P, which will be not less than \$50 nor more than \$51.375 per share, will be determined by the competitive bidding. The terms of the preferred stock include a prohibition, until October 1, 1980, against redeeming the preferred stock through the use, directly or indirectly, of borrowings or the proceeds of the issuance of stock ranking prior to or on a parity with the preferred stock as to dividends or assets, if such borrowings or stock have an effective interest or dividend cost to HELCO of less than the effective dividend cost of the preferred stock. The terms of the preferred stock also provide for a cumulative sinking fund commencing October 1, 1980, to the extent any funds of HELCO are legally available therefor, for the annual redemption or purchase of 10,000 shares of the preferred stock. HELCO has the noncumulative option to purchase or redeem for said sinking fund up to an additional 10,000 shares of the preferred

stock in any such year. The redemption price will equal the initial public offering price plus accrued dividends to the date of redemption.

The application states that HELCO will use the net proceeds from the sale of the bonds and preferred stock, together with a capital contribution of \$20 million which Northeast Utilities will make no later than December 1, 1975, to repay short-term borrowings incurred for the purpose of financing HELCO's 1974-1975 construction program. Such short-term borrowings will aggregate an estimated \$60 million at the time of the aforementioned sales. The balance of the proceeds of the sales will be used to finance, in part, HELCO's 1975-1976 construction program.

A statement of the fees, commissions, and expenses incurred or to be incurred in connection with the proposed transactions will be supplied by amendment. The approval of the Connecticut Public Utilities Commission is required for the issuance of the bonds and preferred stock. It is stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 22, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] **GEORGE A. FITZSIMMONS,**  
Secretary.

[FR Doc. 75-23641 Filed 9-4-75; 8:45 am]

**NOTICES**

[Rel. No. 8908; 812-3826]

**LIBERTY FUND, INC. AND THE KNICKERBOCKER FUND**  
**Application for an Order Exempting a Proposed Transaction**

August 28, 1975.

Notice is hereby given that Liberty Fund, Inc. ("Liberty") 245 Park Avenue, New York, New York, 10017, and The Knickerbocker Fund ("Knickerbocker") (collectively referred to as "Applicants") (open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), filed an application on June 30, 1975, and an amendment thereto on August 20, 1975 pursuant to Section 17 (b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed sale by Knickerbocker of substantially all of its assets to Liberty. All interested persons are referred to the application on file with the Commission for a statement of the matters contained therein, which are summarized below.

Liberty was incorporated in Maryland on January 11, 1956 and is authorized to issue one class of shares. It had 1,978,002 shares of common stock outstanding and total assets of \$7,679,682 as of May 30, 1975. Knickerbocker was organized as a common law trust under the laws of the State of New York on August 17, 1938 and all of its shares are of the same class. On June 1, 1975 Knickerbocker had 1,521,900 shares outstanding and total assets of \$8,165,750. Since CNA Management Corporation ("Management") is the investment adviser and distributor of the shares of both applicants and certain members of the Board of Managers of Knickerbocker are also directors of Liberty, each applicant might be deemed to be an "affiliated person" of the other within the meaning of the definition set forth in Section 2(a)(3) of the Act.

The application states that the Funds have entered into an agreement and plan of reorganization ("Plan") under which substantially all of the assets and liabilities of Knickerbocker are to be purchased by Liberty in exchange for shares of Liberty at net asset value as of the "closing date" as defined in the Plan. Thereupon, the Liberty shares will be distributed pro-rata to Knickerbocker's shareholders in liquidation of Knickerbocker. Following such distribution and the payment of any remaining obligations of Knickerbocker, Knickerbocker will be dissolved. Liberty has covenanted to call a shareholders meeting to consider, among other matters, an amendment to Liberty's Articles of Incorporation changing its name to "The Knickerbocker Fund, Inc."

The adoption of the Plan requires the affirmative vote of at least a majority of the outstanding voting securities of each of the Applicants. Since the shareowners of Liberty will be asked to vote on certain important matters concerning Liberty—namely the adoption of a new in-

vestment advisory agreement, and election to Liberty's Board of Directors of three members of Knickerbocker's Board of Managers—at the same time they will be asked to vote on the plan of reorganization, and since proxies will be solicited from shareowners of Knickerbocker in connection with the Plan prior to the vote by the shareowners of Liberty, the merger will be conditioned on the shareowners of Liberty adopting these proposed changes.

The proposed merger is also contingent upon the receipt of a ruling from the Internal Revenue Service, or in lieu thereof, an opinion of counsel, to the effect that the Plan will constitute a tax free reorganization.

Each fund, immediately preceding the merger, will distribute all of its net realized capital gains in excess of any applicable loss carryforwards and substantially all of its net investment income realized since the close of its last fiscal year.

As of March 31, 1975 Liberty had capital loss carryforwards of approximately \$603,000, expiring \$930,000 in 1976, \$2,832,000 in 1979 and \$2,271,000 in 1980. Knickerbocker, at March 31, 1975 had no such capital loss carryforwards. No adjustments in the aggregate net asset values of Liberty or Knickerbocker will be made to compensate shareholders for any potential Federal income tax impact which may result from the differences between Liberty and Knickerbocker in their capital loss carryforwards. Applicants assert that there is no assurance that capital gains will be realized against which the capital loss carryforwards may be offset or that the unrealized depreciation or unrealized appreciation appearing on the books of the Applicants will ultimately be realized. In addition, it is asserted that no adjustment is being made because the advantage or disadvantage to a shareholder resulting from the reorganization is dependent on a variety of factors peculiar to the particular shareholder such as the individual's capital gains tax rate, cost basis, the time shares were purchased and redeemed and other factors.

Applicants assert that the proposed transaction is consistent with the investment policies of each of the funds. The primary investment objective of Liberty is obtaining liberal income consistent with reasonable safety of capital. As a secondary objective, Liberty also selects investments with a view to capital growth. The investment objective of Knickerbocker is to provide shareholders with an opportunity to participate in a professionally managed portfolio selected for long term growth with current income an important consideration. The investment policies through which Applicants seek to implement their respective objectives, although differing in some regards, are basically consistent. Further, both Applicants have similar restrictions which cannot be changed without the approval of a majority of the outstanding

**NOTICES**

voting securities of each of the Applicants.

ordered, will receive any notices and orders issued in this matter, including

SFI's obligations under the Loan Agreement.

[Rel. No. 8906; 811-2101]

**MUTUAL BENEFIT GROWTH FUND**

the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission

December 31, 1976. Shareholders who elect to participate in the Plan may invest regular cash dividends and/or op-



voting securities of each of the Applicants.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants assert that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. Applicants believe that the consummation of the proposed reorganization will result in certain economies of operation through the reduction of certain expenses, such as auditing fees, filing fees, custodial fees and the expenses of preparation of proxy statements and shareholder reports. The aggregate expenses of consummating the reorganization of Liberty and Knickerbocker are estimated to be \$30,000. Under the agreement, such expenses are the obligation of Liberty and Knickerbocker in proportion to their respective net asset values as of June 30, 1975 whether or not the reorganization is carried out. Finally, as a registered investment company, Liberty will be required to continue to comply with all applicable provisions of the Act.

Notice is further given that any interested person may, not later than September 22, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is

ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-23642 Filed 9-4-75; 8:45 am]

[Rel. No. 19149; 70-5729]

#### MIDDLE SOUTH UTILITIES, INC. AND SYSTEM FUELS, INC.

Proposed Loan Agreement With Bank by System Fuel Supply Subsidiary and Guaranty of Obligations Thereunder by Holding Company

August 29, 1975.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, and System Fuels, Inc. ("SFI"), a fuel supply subsidiary of Middle South's operating electric utility subsidiaries, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 12(b), and 12(f) of the Act and Rules 45 and 50(a) (2) thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

SFI proposes to enter into a loan agreement ("Loan Agreement") with a consortium of 50 banks headed by First National Bank of Commerce, New Orleans, Louisiana ("Bank"), under which SFI will borrow up to \$25 million between the date thereof and March 31, 1976. It is intended that the Bank will loan SFI 11% of the borrowings outstanding at any one time and that other banks, participating in the loan pursuant to agreements with the Bank, will loan the balance.

Each loan by the Bank will be evidenced by a note dated the date of such loan and stated to mature on March 31, 1976. Each note will bear interest from its date at the rate of one percent (1%) in excess of the interest rate in effect at the Bank for prime commercial loans of 90-day maturities. The loans may be repaid at any time without penalty and reborrowed through March 31, 1976.

To compensate the Bank for costs associated with coordinating the consortium of participating banks, SFI will pay the Bank a facility servicing fee equal to one eighth of one percent ( $\frac{1}{8}$  of 1%) of the total amount to be loaned under the Loan Agreement, or \$31,250. There are no compensating balance arrangements between SFI or MSU and the Bank or any participating bank as a result of the proposed transaction. Middle South proposes to unconditionally guarantee

SFI's obligations under the Loan Agreement.

SFI will apply the proceeds of the loan to (i) repay loans made to SFI by its parent operating companies under authority heretofore given (HCAR No. 18221, December 17, 1973) which, at July 31, 1975, totalled \$16,550,585, and (ii) complete construction on oil storage tanks and related equipment located at Mississippi Power & Light Company's Baxter Wilson Steam Electric Generating Station near Vicksburg, Mississippi. It is anticipated that once the facilities are completed, SFI will enter into a long-term sale-leaseback with certain investors, and that the proceeds therefrom will be used to retire all of the loans referred to above. Any such sale-leaseback arrangement would be the subject of a future application-declaration.

It is stated that no special or separable fees, commissions or expenses will be paid in connection with the proposed transactions other than incidental expenses all at cost by Middle South Services, Inc., and estimated not to exceed \$500. It is further stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 23, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-23643 Filed 9-4-75; 8:45 am]

[Rel. No. 8906; 811-2101]

#### MUTUAL BENEFIT GROWTH FUND Application for an Order Declaring That Applicant Has Ceased To Be an Invest- ment Company

August 28, 1975.

Notice is hereby given that Mutual Benefit Growth Fund ("Applicant"), 520 Broad Street, Newark, New Jersey, 07101, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on July 22, 1975 pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act and that its registration as an investment company has ceased to be in effect. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was incorporated under the laws of the State of Delaware on August 4, 1970 and registered under the Act on August 14, 1970.

Applicant entered into an Agreement and Plan of Reorganization with Mutual Benefit Fund ("Benefit"), a registered open-end diversified management investment company, pursuant to which Applicant transferred to Benefit substantially all of its assets in exchange for shares of Benefit common stock to be credited to the shareholders of Applicant. These transactions were approved by the shareholders of Applicant and of Benefit and were consummated on April 18, 1975. Applicant has filed a Certificate of Dissolution with the Secretary of State of Delaware and has applied to terminate the registration of its shares with the appropriate state securities departments. Applicant no longer conducts the business of an investment company for which it was organized but rather intends that its existence shall be terminated subject to final settlement of its affairs pursuant to the General Corporation Law of Delaware.

Applicant transferred to Benefit all of its assets except the sum of \$9,860, representing a reserve established for the payment of expenses in carrying out its obligations under the Agreement and Plan of Reorganization. After the payment of these expenses, \$1,046 remained, which amount was transferred to Benefit.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 25, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and

the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 25, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-23644 Filed 9-4-75; 8:45 am]

[Rel. No. 19150; 70-5539]

#### NORTHEAST UTILITIES

Notice of Proposal To Issue and Sell Common Stock Through Dividend Reinvestment and Common Share Purchase Plan

August 29, 1975.

Notice is hereby given that Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, a registered holding company, has filed a post-effective amendment to its previously amended declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated October 23, 1974 (HCAR No. 18617), Northeast was authorized to issue and sell from time to time through November 15, 1975, 500,000 shares of its common stock, par value \$5.00 per share, under a voluntary dividend reinvestment and common share purchase plan ("Plan"). At August 1, 1975, 362,159 of such shares had been issued and sold under the Plan for \$2,786,608. The proceeds have been applied to the continuing construction program of the Northeast system companies.

In order to meet the anticipated requirements for its common stock under the Plan over the next year, Northeast proposes to issue and sell an additional 1,000,000 shares, together with the balance of those which remain unsold under its current authorization, through

December 31, 1976. Shareholders who elect to participate in the Plan may invest regular cash dividends and/or optional cash payments of between \$500 to \$1,000 per quarter in such stock. It is stated that the purchase price will be the average of the closing sales price for Northeast's common stock on the New York Stock Exchange during the first fifteen trading days of the twenty trading days preceding the dividend payment. The net proceeds from the sale of shares pursuant to the Plan, estimated at \$10,240,569, will be applied to Northeast's construction program.

The Plan will be administered by The First National Bank of Boston ("Agent"), and all shares purchased will be held for the exclusive benefit of the Plan participants. All record holders of Northeast's outstanding common stock are eligible to participate in the Plan and may join by executing an authorization form and returning it to the Agent. A participant may withdraw from the Plan at any time upon giving written notice to the Agent. Upon withdrawal, certificates for whole shares credited to a participant's account will be issued and a cash payment will be made for any fractional shares so credited. The Plan provides that a participant may also request that certificates for any number of full shares credited to his account be issued to him even though he wishes to remain in the Plan.

It is stated that all costs for administering the Plan will be paid by Northeast and that there will be no brokerage fees when shares are purchased under the Plan. However, if a participant withdrawing from the Plan requests the Agent to sell his shares, there will be brokerage commissions.

The Agent will not vote any shares held by it under the Plan. Participants will receive a single proxy with respect to full shares which they own of record or which are credited to their accounts under the Plan.

A statement of the fees, commissions, and expenses incurred or to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no State commission and no Federal commission other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 24, 1975, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an at-

torney at law, by certificate) should be filed with the request. At any time after

amount. The application states that One Hundred will be reimbursed by the Ad-

tive shareholders substantially all undistributed net investment income and

shareholder reports, franchise taxes and possible brokerage commissions.

Notice is further given that any in-

shares outstanding and net assets of \$11,102,903 as of June 2, 1975. Knickerbocker was incorporated on May 22, 1953

As of March 31, 1975, Schuster had a capital loss carryforward of approximately \$7,972,000, expiring \$1,191,000 in



torney at law, by certificate) should be filed with the request. At any time after said date, the post-effective amendment, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-23643 Filed 9-4-75; 8:45 am]

[Rel. No. 8907; 812-3832]

**ONE HUNDRED FUND, INC. AND  
FLEMING BERGER FUND, INC.**

Application for an Order Exempting a  
Proposed Transaction

August 28, 1975.

Notice is hereby given that The One Hundred Fund, Inc., 899 Logan Street, Denver, Colorado 80203, ("One Hundred") and Fleming Berger Fund, Inc. ("Fleming Berger") (collectively referred to as "Applicants"), registered under the Investment Company Act of 1940 ("Act") as open-end management investment companies of the diversified and non-diversified type, respectively, filed an application on July 7, 1975 and an amendment thereto on August 21, 1975, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed sale by Fleming Berger of substantially all its assets to One Hundred pursuant to an Agreement and Plan of Reorganization ("Agreement"). All interested persons are referred to the application on file with the Commission for a statement of matters contained therein, which are summarized below.

On March 31, 1975, total net assets of One Hundred amounted to \$13,770,507, or \$6.60 per share outstanding. Fleming Berger, as of April 30, 1975, had total net assets of \$2,280,097 and a net asset value of \$7.11 per share. The investment objective of One Hundred is long-term capital growth through investment, primarily, in common stocks of established companies. The investment objective of Fleming Berger is to seek capital appreciation. Fleming Berger does not currently offer its shares to the public, while One Hundred offers its shares at net asset value without sales charge.

Berger Associates, Inc. ("Adviser") is the investment adviser of One Hundred. The investment advisory fee payable by One Hundred is at the annual rate of  $\frac{3}{4}$  of 1% of the first \$50,000,000 of the average daily net asset value. The fee is reduced for assets exceeding such

amount. The application states that One Hundred will be reimbursed by the Adviser in any fiscal year when the total cost of normal operating expenses exceeds 2% of the first \$10,000,000, 1½% of the next \$20,000,000 and 1% of the balance of the average net asset value of One Hundred for that year.

Effective March 27, 1975, the sale of in excess of 40% of the outstanding voting securities of the Adviser to Mr. William M. B. Berger effected an assignment of the Adviser's contract with Fleming Berger, and consequently, its termination. The application states that on April 1, 1975, Fleming Berger entered into an agreement with the Adviser pursuant to which the Adviser agreed to provide Fleming Berger with investment advisory services without a fee upon terms otherwise essentially identical to the previous contract. Under this interim arrangement the Adviser must reimburse Fleming Berger for its expenses in any fiscal year which are in excess of 1½% of the first \$30,000,000 and 1% of any excess over \$30,000,000 of the average of the daily net asset value of Fleming Berger. This interim arrangement will terminate if the proposed sale of assets is approved by the Fleming Berger shareholders at their September 1975 Special Meeting and such sale is consummated.

Due to common officers and the common Adviser, Applicants may be deemed to be under common control and, thus, affiliated persons of each other within the meaning of Section 2(a)(3) of the Act. Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for an affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair, do not involve overreaching on the part of any person concerned with the proposed transaction and are consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Under the terms of the Agreement the sale in the form of an exchange will be based upon the net asset value of Fleming Berger and the net asset value per share of One Hundred as of the closing date provided in the Agreement. The number of shares of common stock of One Hundred to be transferred to Fleming Berger will be computed by dividing the net asset value of Fleming Berger by the net asset value per share of One Hundred, in each case as of the close of trading on the New York Stock Exchange on the closing date. Following the closing date Fleming Berger will liquidate and distribute pro-rata to its stockholders of record the shares of One Hundred's common stock received by Fleming Berger. Each Applicant will, to the extent earned or realized in material amounts prior to the closing date, distribute to its respec-

tive shareholders substantially all undistributed net investment income and net capital gains realized since the close of their fiscal years in excess of any applicable loss carryforwards.

In the computation of each Applicant's net asset value, no adjustment will be made to compensate for any potential tax impact on their respective shareholders which may result from differences between the Applicants in the percentage of each Applicant's realized or unrealized capital gains or losses to its net asset value and in the amount of each Applicant's tax loss carryforward. As of September 30, 1974, One Hundred had a Federal capital loss carryforward of approximately \$22,213,000 and, as of April 30, 1975, Fleming Berger had a Federal capital loss carryforward of approximately \$4,162,000. As of August 11, 1975 One Hundred had Federal net unrealized appreciation of approximately \$250,000, and Fleming Berger had Federal net unrealized appreciation of approximately \$45,000. Applicant's assert that it is not appropriate to implement a tax adjustment formula with respect to the foregoing differences because there is no assurance that capital gains will be realized against which the capital loss carryforwards may be offset or that the unrealized appreciation will ultimately be realized. Furthermore, the amount of any advantage or disadvantage to a particular shareholder receiving shares in a reorganization is dependent upon a variety of factors peculiar to the shareholder, among which are his individual capital gains rate, his individual cost basis, the time at which his shares are ultimately repurchased or redeemed, and the investment company's pattern of realization and distribution of capital gains between the date of the reorganization and the date of the ultimate repurchase or redemption of his shares.

The aggregate expenses of the Applicants in effecting the reorganization are estimated at \$22,000. One Hundred and Fleming Berger will each bear that portion of such expenses incurred by it, except that One Hundred and Fleming Berger shall each pay one-half of the printing expenses in excess of an amount equal to the printing expenses of Fleming Berger for its 1973 meeting of shareholders, which amount shall be paid by Fleming Berger. This arrangement applies whether or not the Agreement is consummated. Adviser has, however, agreed to pay certain of Fleming Berger's reorganization expenses, as set forth in the application.

Applicants submit that the terms of the proposed transaction are reasonable and fair to all parties, do not involve overreaching and that the transaction is consistent with the investment policies of each Applicant and with the policies of the Act. No brokerage commission or other fees will result from the proposed transaction and in the opinion of the management of both Applicants, their combination will result in certain economies, particularly with regard to expenses of director and shareholder meetings, fees of attorneys, auditors and custodians, expenses of preparation of

shareholder reports, franchise taxes and possible brokerage commissions.

Notice is further given that any interested person may, not later than September 22, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-23646 Filed 9-4-75; 8:45 am]

[Rel. No. 8910; 812-3836]

**SCHUSTER FUND, INC. AND  
KNICKERBOCKER GROWTH FUND, INC.**

Application for an Order Exempting a  
Proposed Transaction

August 28, 1975.

Notice is hereby given that Schuster Fund, Inc., 245 Park Avenue, New York, New York 10017, ("Schuster") and Knickerbocker Growth Fund, Inc. ("Knickerbocker") (sometimes collectively referred to as "Applicants"), open-end, diversified management investment companies registered under the Investment Company Act of 1940 (the "Act"), filed an application on July 3, 1975, and an amendment thereto on August 20, 1975, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed sale by Knickerbocker of substantially all of its assets to Schuster. All interested persons are referred to the application on file with the Commission for a statement of the matters contained therein, which are summarized below.

Schuster was incorporated in Maryland in April 1967 and is authorized to issue one class of shares. It had 1,664,838

shares outstanding and net assets of \$11,102,903 as of June 2, 1975. Knickerbocker was incorporated on May 22, 1953 under the laws of the State of Delaware and is authorized to issue 4,999,000 shares of Special stock and 1,000 shares of common stock. On June 2, 1975, Knickerbocker had outstanding 955,336 shares of Special stock and total net assets of \$5,423,339. There are no shares of common stock outstanding. Since CNA Management Corporation ("Management") is the investment adviser and distributor of the shares of both Applicants and certain members of the Board of Directors of Schuster are also directors of Knickerbocker, each applicant might be deemed to be an "affiliated person" of the other within the meaning of the definition set forth in Section 2(a)(3) of the Act.

The application states that the Funds have entered into an agreement and Plan of Reorganization ("Plan") under which substantially all of the assets and liabilities of Knickerbocker are to be transferred to Schuster in exchange for shares of Schuster Capital stock. The number of shares of Capital stock of Schuster to be transferred to Knickerbocker will be computed by dividing the net asset value of Knickerbocker by the net asset value per share of Schuster, in each case as of the close of trading on the New York Stock Exchange on the Closing Date as defined in the Agreement. Thereupon, the Schuster shares will be distributed pro rata to Knickerbocker's shareholders in liquidation of Knickerbocker. Following such distribution and the payment of any remaining obligations of Knickerbocker, Knickerbocker will be dissolved. Schuster has covenanted to call a shareholders meeting to consider, among other matters, an amendment to Schuster's Articles of Incorporation changing its name to CNA Growth Fund, Inc.

The adoption of the Plan requires the affirmative vote of at least a majority of the outstanding voting securities of each of the Applicants. Since the shareowners of Schuster will be asked to vote on certain important matters concerning Schuster—namely the adoption of a new investment advisory agreement, and election to Schuster's Board of Directors of several of Knickerbocker's directors—at the same time they will be asked to vote on the plan of reorganization, and since proxies will be solicited from shareowners of Knickerbocker in connection with the plan prior to the vote by the shareowners of Schuster, the merger will be conditioned on the shareowners of Schuster adopting these proposed changes.

The proposed merger is also contingent upon the receipt of a ruling from the Internal Revenue Service, or in lieu thereof, an opinion of counsel, to the effect that the plan will constitute a tax free reorganization.

Each fund, immediately preceding the merger, will distribute all of its net realized capital gains in excess of any applicable loss carryforwards and substantially all of its net investment income realized since the close of its last fiscal year.

As of March 31, 1975, Schuster had a capital loss carryforward of approximately \$7,972,000, expiring \$1,191,000 in 1976, \$65,000 in 1978, \$4,014,000 in 1979, and \$2,702,000 in 1980. At March 31, 1975 Knickerbocker had a capital loss carryforward of approximately \$1,822,724, expiring \$1,531,474 in 1978 and \$291,250 in 1979. No adjustments in the aggregate net asset values of Schuster or Knickerbocker will be made to corporate shareholders for any potential Federal income tax impact which may result from the differences between Schuster and Knickerbocker in their capital loss carryforwards. Applicants assert that there is no assurance that capital gains will be realized against which the capital loss carryforwards may be offset or that the unrealized depreciation or unrealized appreciation appearing on the books of the Applicants will ultimately be realized. In addition, it is asserted that no adjustment is being made because the advantage or disadvantage to a shareholder resulting from the reorganization is dependent on a variety of factors peculiar to the particular shareholder such as the individual's capital gains tax rate, cost basis, the time shares were purchased or redeemed and other factors.

Applicants assert that the proposed transaction is consistent with the investment policies of each of the funds. The primary investment objective of Schuster is to seek appreciation of capital through professional management, with some short term trading. The investment objective of Knickerbocker is long-term appreciation of investors' capital. The investment policies through which the Applicants seek to implement their respective objectives, though differing in some regards, are basically consistent. Further, both Applicants have similar investment restrictions which cannot be changed without the approval of a majority of the outstanding voting securities of each of the Applicants.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants assert that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. Applicants believe that the consummation of the proposed reorganization will result in certain economies of operation through the reduction of certain expenses, such as auditing fees, filing fees, custodial fees and the expenses of preparation of proxy statements and share-



holder reports. The aggregate expenses of consummating the reorganization of Schuster and Knickerbocker are estimated to be \$25,000. Under the agreement, such expenses are the obligation of Schuster and Knickerbocker in proportion to their respective net asset values as of June 30, 1975, whether or not the reorganization is carried out. Finally, as a registered investment company, Schuster will be required to continue to comply with all applicable provisions of the Act.

Notice is further given that any interested person may, not later than September 22, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 75-23567 Filed 9-4-75; 8:45 am]

#### SMALL BUSINESS ADMINISTRATION CLARKSBURG DISTRICT ADVISORY COUNCIL

##### Public Meeting

The Small Business Administration Clarksburg District Advisory Council will hold a public meeting at 9:00 a.m., Friday, October 10, 1975, at the Pipestem Resort, Pipestem, West Virginia, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present. For further information, write or call Isaac R. Mayfield, Lowndes Bank Building, 109 North Third Street, Clarksburg, West Virginia 24301 (304) 624-1365.

Dated: August 25, 1975.

ANTHONY S. STASIO,  
Chief Counsel for Advocacy,  
Small Business Administration.  
[FR Doc. 75-23564 Filed 9-4-75; 8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 173—FRIDAY, SEPTEMBER 5, 1975

#### NOTICES

[Declaration of Disaster Loan Area #1172]

##### FLORIDA

##### Declaration of Disaster Area

As a result of the President's declaration I find that Bay, Gulf, Holmes, Okaloosa, Santa Rosa, Wakulla, Walton, Washington, and adjacent counties within the State of Florida constitute a disaster area because of damage resulting from heavy rains and flooding beginning about July 28, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 20, 1975, and for economic injury until the close of business on May 21, 1976, at:

Small Business Administration, District Office, 400 West Bay Street, Jacksonville, Florida 32202.

or other locally announced locations.

Dated: August 25, 1975.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc. 75-23566 Filed 9-4-75; 8:45 am]

[Declaration of Disaster Loan Area #1146; Amdt. 1]

##### LOUISIANA

##### Declaration of Disaster Area

In addition to areas previously declared (40 F.R. 25525), the Port of New Orleans in the State of Louisiana constitutes a disaster area because of damage resulting from heavy rains, flooding and tornadoes beginning about March 14, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 24, 1975, and for economic injury until the close of business on May 22, 1976, at:

Small Business Administration, District Office, Plaza Tower—17th Floor, 1001 Howard Avenue, New Orleans, Louisiana 70113.

or other locally announced locations.

Dated: August 27, 1975.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc. 75-23567 Filed 9-4-75; 8:45 am]

#### NASHVILLE DISTRICT ADVISORY COUNCIL

##### Public Meeting

The Small Business Administration Nashville District Advisory Council will hold a public meeting at 11:00 a.m., Tuesday, October 14, 1975, at the Holiday Inn, Oak Ridge, Tennessee, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present. For further information, write or call W. J. Shaver, District Director, Small Business Administration, 1012 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37219 (615) 749-5850.

Dated: August 28, 1975.

ANTHONY S. STASIO,  
Chief Counsel for Advocacy,  
Small Business Administration.  
[FR Doc. 75-23565 Filed 9-4-75; 8:45 am]

#### NOTICES

stantial interest in the subject matter of the investigation may request a public

It is ordered, That applicant be, and it is hereby, directed to publish the ap-

#### VETERANS ADMINISTRATION WAGE COMMITTEE

##### Availability of Annual Report

Pursuant to the provisions of section 10(d) of Public Law 92-463 (Federal Advisory Committee Act) and OMB Circular A-63 of March 27, 1974, notice is hereby given that the Annual Report of the Veterans Administration Wage Committee for calendar year 1974 has been issued.

The report summarizes activities of the Committee on matters related to wage surveys and pay schedules for Federal prevailing rate employees. It is available for public inspection at two locations:

Library of Congress, Microfilm Reading Room, Room MB-140B, Main Building, 10 First Street, SE., Washington, D.C.

Veterans Administration, Office of the Secretary, VA Wage Committee, Room 1102, 810 Vermont Avenue, NW., Washington, D.C.

By direction of the Administrator.

Dated: August 26, 1975.

[SEAL] A. J. SCHULTZ, Jr.,  
Associate Deputy Administrator.

#### DEPARTMENT OF LABOR

##### Office of Federal Contract Compliance

##### EQUAL EMPLOYMENT OPPORTUNITY IN BALTIMORE, MD., AREA CONSTRUCTION INDUSTRY AND GENERAL QUESTIONS REGARDING THE CONTRACT COMPLIANCE PROGRAM

##### Request for Information and Notice of Factfinding Hearing

Notice is hereby given that the Department of Labor is requesting information concerning equal employment opportunity in the Baltimore, Maryland area construction industry in order to determine the scope and extent of any existing problems of minority group and female underutilization in the various trades (both union and non-union) and to assist the Department in formulating further actions and approaches. If appropriate, to provide full and equal employment opportunity in the Baltimore area construction industry consistent with the nondiscrimination and affirmative action mandate of Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303).

Relevant information on the Baltimore area construction industry would include, but not be limited to:

(1) The current extent of minority group and female participation in the construction trades as journeymen, apprentices, trainees, helpers, and other classifications as compared with the full employee complement of each trade by classification;

(2) A description and evaluation of present employee recruitment methods, including the assistance and effectiveness of any employer, union, and community programs to increase minority and female participation in the trades;

(3) The availability of qualified and trainable minority group and female persons for employment in each construction trade, indicating the sources

[AB 1; sub-No. 39]

CHICAGO AND NORTH WESTERN

#### NOTICES

for such persons and how they may be brought into the trades;

(4) Descriptions and evaluations of existing training programs, including apprenticeship and special training programs in the area, indicating the numbers of minorities, women, and all others recruited into the programs, the attrition rates in each program by race and sex, and the proportion of persons by race and sex who achieve journeyman status and union membership, if appropriate;

(5) Apprenticeship and special training program standards and their effect on minority and female participation in each trade, employer experience with apprentices and trainees, and the need for additional or expanded training programs;

(6) An analysis of the number of workhours performed by minorities and women in comparison to other workers.

(7) An analysis of the growth and attrition in each trade or craft and their effect on minority group and female participation over the past five years.

(8) An analysis of the number of additional workers that could be absorbed into each trade without displacing present employees, including consideration of present employee shortages or surpluses, projected growth and attrition in each trade, and any technological changes which may affect employee demand.

(9) The desirability, extent, and content of possible federal action, initiatives, and approaches to insure nondiscrimination and affirmative action for minorities and women in the construction trades, including considerations of geographical scope, the need and parameters of employment goals and timetables for various trades, including goals for women as well as for minorities, and various other equal employment mechanisms;

(10) The viability and content of supplementary or alternative, privately developed affirmative action approaches which may be negotiated and implemented by contractors and their associations (both union and non-union), labor organizations, community organizations and others in lieu of further federally developed equal employment specifications under Executive Order 11246, as amended;

(11) Recommendations of federal, state and local governmental equal employment agencies involved in the Baltimore area.

In addition, the Department is interested in soliciting information concerning the broader questions of discharging its duties pursuant to the affirmative action mandate of Executive Order 11246, as amended, with regard to the construction industry. Accordingly, the Department is also requesting relevant information concerning its construction contract compliance program including, but not limited to:

(1) The appropriateness of the formula proposed in the New Philadelphia Plan (40 FR 28477, July 7, 1975) and the Revised New York Plan (40 FR 28472, July 7, 1975), as a method of computing ultimate goals for minority utilization in other areas;

(2) Methods for establishing intermediate goals and timetables;

(3) Establishment of meaningful good faith efforts compliance with which is acceptable in lieu of achievement of the goals for minority and female utilization;

(4) The creation of effective record keeping and/or reporting systems which enable agencies to determine compliance with a minimum of paperwork;

(5) The role of private groups in the development, monitoring, and enforcement of affirmative action requirements;

(6) The proper geographical scope of affirmative action requirements, i.e., union jurisdiction, Standard Metropolitan Statistical Area, counties or some combination of one or more geographical references;

(7) Methods of computing goals and timetables for women in construction trades.

Such information may be submitted either in writing or at an informal fact-finding hearing to be held pursuant to Section 208 of E.O. 11246, as amended, and commencing on October 15, 1975, at Room 108, Federal Building, 31 Hopkins Plaza, Baltimore, Maryland. Beginning at 9:30 a.m. on October 15, 1975, the presiding Administrative Law Judge will hold a pre-hearing conference in order to settle matters relating to the proceedings. The public hearing will immediately follow the pre-hearing conference. Participants in the hearing will include representatives of the Office of Federal Contract Compliance and the Office of the Solicitor of Labor.

Persons desiring to appear at the hearing must file a written notice of intention to appear along with four duplicate copies including enclosures, if any, with Philip J. Davis, Director, Office of Federal Contract Compliance, New U.S. Department of Labor Building, Room N-3402, 200 Constitution Avenue, NW., Washington, D.C. 20210. If possible, notices should be filed before October 6, 1975, in order to facilitate scheduling the appearances.

The notice should state the name, address, and phone number (business and home) of the person wishing to appear, the capacity in which he or she will appear, and the approximate amount of time required for the presentation. The notice should also include, or be accompanied by, a brief statement of the presentation to be made.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. An original and four copies of all documents to be used should be submitted at the hearing.

Persons who wish to submit information but who do not wish to attend the hearing may mail such written information, along with four duplicate copies to Mr. Davis at the above address by October 6, 1975. Such information will be submitted to the Administrative Law Judge for inclusion in the hearing record.

The Administrative Law Judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the hearing;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the requested information;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to question and permit questioning of any witness; and

(f) In his discretion, to keep the record open for a reasonable stated time to receive written information from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Secretary of Labor.

Signed at Washington, D.C., this 30th day of August 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

ROBERT C. CHASE,  
Acting Assistant Secretary for  
Employment Standards.

PHILIP J. DAVIS,  
Director, Office of Federal  
Contract Compliance.  
[FR Doc. 75-33649 Filed 9-4-75; 8:45 am]

##### Office of the Secretary

[TA-W-126]

##### DORSEY TRAILERS, INC.

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 12, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Dorsey Trailers, Inc., Elba, Alabama (TA-W-126). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with seagoing containers produced by Dorsey Trailers, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a sub-

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water quality will be minimal. In addition, the State Department of Transportation has expressed an interest in

U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania

in Muscogee, Harris, and Talbot Counties, Ga., to points in, north, and east of Greenville, Spartanburg, Union, New-



stantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.  
[FR Doc. 75-23655 Filed 9-4-75; 8:45 am]

### INTERSTATE COMMERCE COMMISSION

[Notice No. 847]

#### ASSIGNMENT OF HEARINGS

SEPTEMBER 2, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 119619 Sub 74, Distributors Service Co., now assigned September 9, 1975, at Columbus, Ohio, has been postponed to September 18, 1975 (2 days), at Columbus, Ohio.

No. MC 97270 Subs 5 & 6, Reyco Motor Express, Inc., applications dismissed.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-23670 Filed 9-4-75; 8:45 am]

[AB 1; Sub-No. 27]

### CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

#### Abandonment of Service

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request, and

*It appearing*, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

*It is ordered*, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Calhoun and Carroll Counties, Iowa, on or before September 17, 1975, and certify to the Commission that this has been accomplished.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the Federal Register.

Dated Washington, D.C., this 25th day of August, 1975.

By the Commission, Commissioner  
Brown.

[SEAL] ROBERT L. OSWALD,  
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated August 25, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line between Milepost 389.1 near Somers and Milepost 420 near Carroll, a distance of approximately 31 miles, in Carroll and Calhoun Counties, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the volume of traffic handled on the line has been low and is declining, (2) any resultant diversion of traffic from rail to truck will not have a significant impact on air and water quality, (3) Somers, Lohrville, and Carroll will continue to have rail service and, (4) there are no development plans or land use policies in the tributary territory which are dependent on the availability of rail service. Furthermore, governmental units have expressed an interest in utilizing this right-of-way for recreational purposes should the abandonment be authorized.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before September 22, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc. 75-23675 Filed 9-4-75; 8:45 am]

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[AB 1; sub-No. 39]

### CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

#### Abandonment of Service

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

*It appearing*, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

*It is ordered*, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Bureau County, Ill., on or before September 11, 1975, and certify to the Commission that this has been accomplished.

*And it is further ordered*, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 18th day of August, 1975.

By the Commission, Commissioner  
Brown.

[SEAL] ROBERT L. OSWALD,  
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated August 18, 1975, it has been determined that the proposed abandonment of the Chicago and North Western Transportation Company of its line between Milepost 72.0 near La Salle and Milepost 77.0 near Spring Valley, a distance of 5.0 miles, all in Bureau County, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) several washouts have occurred on the subject line, and no traffic has moved since May 1974, (2) overhead traffic is presently handled via other interchange points, (3) the applicant's shippers in Spring Valley are presently served by the Chicago, Rock Island and Pacific Railroad Company, and (4) the degradation of the affected area's air and

water quality will be minimal. In addition, the State Department of Transportation has expressed an interest in obtaining a part of the right-of-way property for public use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Washington, D.C. 20423, on

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before September 16, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-23673 Filed 9-4-75; 8:45 am]

### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY LETTER NOTICES

SEPTEMBER 2, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 15, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 113843 (Sub-No. E510), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

*Frozen prune juice*, from those points in Pennsylvania on and west of U.S. Highway 15, and, on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to junction

U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 477, thence along Pennsylvania Highway 477 to junction Pennsylvania Highway 192, thence along Pennsylvania Highway 192 to junction U.S. Highway 15, thence along U.S. Highway 15 to points in South Dakota. The purpose of this filing is to eliminate the gateway of the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, or Williamson, N.Y.

No. MC 114604 (Sub-No. E4), filed June 4, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farmer Market No. 33, Forest Park, Ga. 30050. Applicant's representative: Guy Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs, from points in Fayette, Henry, Jasper, Putnam, Pike, Spalding, Butts, Monroe, Jones, Lamar, Baldwin, and Bibb Counties, Ga., to points in and north of Lamar, Fayette, Walker, Jefferson, St. Clair, Calhoun, and Cleburne Counties, Ala. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 114604 (Sub-No. E8), filed June 4, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farmer Market No. 33, Forest Park, Ga. 30050. Applicant's representative: Guy Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs, from points in Walker, Floyd, Polk, Chattanooga, Gordon, Bartow, Cobb, Haralson, Paulding, De Kalb, Carroll, Clayton, Dade, Catoosa Counties, Ga., to points in and east of Lancaster, Chester, Fairfield, Richland, Calhoun, Orangeburg, Bamberg, Colleton, and Jasper, S.C. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 114604 (Sub-No. E11), filed June 4, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farmer Market No. 33, Forest Park, Ga. 30050. Applicant's representative: Guy Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs, from points in Muscogee, Harris, and Talbot Counties, Ga., to points in, north, and east of Greenville, Spartanburg, Union, Newberry, Fairfield, Kershaw, Lee, Florence, Clarendon, and Berkeley Counties, S.C. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 114604 (Sub-No. E19), filed June 4, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farmer Market No. 33, Forest Park, Ga. 30050. Applicant's representative: Guy Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs, from points in Cherokee, Paulding, Bartow, Douglas Counties, Ga., to Coffee, Dale, Henry, Geneva, and Houston Counties, Ala. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 114897 (Sub-No. E1), filed May 15, 1974. Applicant: WHITFIELD TANK LINES, INC., P.O. Drawer 9897, El Paso, Tex. 79989. Applicant's representative: J. E. Gallegos, 215 Lincoln Ave., Santa Fe, N. Mex. 87501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles; (a) from El Paso, Tex., to points in Texas on, north, and west of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 380 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Texas-Oklahoma State line; and (b) from points in Colorado located on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 789, thence along Colorado Highway 789 to the Colorado-Wyoming State line, to points in Texas on and bounded by a line beginning at the New Mexico-Texas State line extending along Texas Highway 54 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Texas Highway 116, thence along Texas Highway 116 to junction Texas Highway 125, thence along Texas Highway 125 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Milesand, N. Mex.

(2) *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in that part of Texas in and west

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of Coke, Tom Green, Schleicher, Sutton, and Kendrick, Conn.

ning at the Iowa-Minnesota State line, thence along Interstate Highway 35 to

north of a line beginning at the Ohio-Pennsylvania State line near Sharon, Pa.,

35202. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street

gateways of Chattanooga, Tenn., and Birmingham, Ala.

spent nickel catalyst, which are embraced within ferro-chrome, ferrochrome



of Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney and Maverick Counties, Tex., and those in and south of El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Midland, Glasscock, and Sterling Counties, Tex., to points in Colorado. The purpose of this filing is to eliminate the gateway of points in New Mexico.

(3) *Petroleum and petroleum products*, in bulk, in tank vehicles; (a) from points in Andrews, Martin, Howard, Mitchell, Scurry, Borden, Dawson, Gaines, Yoakum, Terry, Lynn, Lubbock, Hookley, Cochran, Lamb, Bailey, and Farmer Counties, Tex., to points in Colorado; (b) from points in Deaf Smith, Castro, Swisher, and Hale Counties, Tex., to points in Colorado (except points in Baca and Prowers Counties, Colo.); (c) from points in Hutchinson County, Tex., to points in Colorado in and west of Conejos, Rio Grande, Mineral, Hinsdale, Gunnison, Chaffee, Park, Clear Creek, Gilpin, Grand, and Jackson Counties, Colo. (except points in Archuleta, La Plata, and Montezuma Counties, Colo.); (d) from points in Moore County, Tex., to points in Colorado in, west, and north of Dolores, San Juan, Ouray, Gunnison, Mesa, Garfield, and Routt Counties, Colo.; (e) from points in Potter and Randall Counties, Tex., to points in Colorado on and west of a line beginning at the New Mexico-Colorado State line and extending along Interstate Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Nebraska State line; and (f) from points in Gray and Carson Counties, Tex., to points in Colorado (except Walsenberg, Colo.), on and west of a line beginning at the New Mexico-Colorado State line and extending along Colorado Highway 159 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateway of points in New Mexico south of U.S. Highway 66.

(4) *Petroleum products*, in bulk, in tank vehicles; (a) from Fruita, Colo., to points in Arizona; and (b) from points in Colorado to points in Arizona. The purpose of this filing is to eliminate the gateway of points in New Mexico.

No. MC 115544 (Sub-No. E13), filed June 4, 1974. Applicant: SCOTTS TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, Iowa 50306. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Chicago, Ill. 60610. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration, cooling, heating and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities; (1) between points in Minnesota on and east of U.S. Highway 63, beginning at the Minnesota-Iowa State line and ending at Lake City, Minn., and Duluth, Minn., on the one hand, and, on the other, points in Wyoming south of Interstate Highway 80; (2) between points in Minnesota on, east, and south of a line begin-

ning at the Iowa-Minnesota State line, thence along Interstate Highway 35 to junction Minnesota Highway 48, thence along Minnesota Highway 48 to the Minnesota-Wisconsin State line, on the one hand, and, on the other, points in Colorado on and west of Interstate Highway 25; (3) between points in Minnesota on, south, and east of a line beginning at the Minnesota State line, thence along Interstate Highway 35 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Wisconsin State line, on the one hand, and, on the other, points in Oregon; (4) between Minneapolis, Minn., on the one hand, and, on the other, points in Oregon on and south of a line beginning at the Oregon-Idaho State line, thence along U.S. Highway 20 to junction Oregon Highway 126, thence along Oregon Highway 126 to the Pacific Ocean; (5) between points in Minnesota on, south, and east of a line beginning at the Iowa-Minnesota State line, thence along Interstate Highway 35 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Minnesota-Wisconsin State line, on the one hand, and, on the other, points in Washington on and west of U.S. Highway 97; and (6) between points in Minnesota on, north, and east of a line beginning at the Minnesota-Iowa State line, thence along Interstate Highway 35 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Minnesota State line, on the one hand, and, on the other, Boise, Idaho. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC 115840 (Sub-No. E70) (Correction), filed December 30, 1974, published in the FEDERAL REGISTER July 28, 1975. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Valves, hydrants, fittings, components, parts, and accessories which are materials and supplies (except in bulk), used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes; (1) from points in Florida to points in Arizona, California, Colorado, Idaho, those points in Illinois on and bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 89 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 31, thence along Illinois Highway 31 to unnumbered highway (referred to as Aurora Avenue), thence along unnumbered highway to junction U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State line to the point of beginning, points in Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, Washington, Wyoming, and Ohio (except those points in that part of Ohio on, west, and

north of a line beginning at the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio);

(2) From points in Florida east of U.S. Highway 231 to points in Texas; (3) from points in Florida on and south of Interstate Highway 4 to points in West Virginia; (4) from points in Georgia to points in Arizona, California, Colorado, Idaho, Illinois on and bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 89 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction unnumbered highway (referred to as Aurora Avenue), thence along unnumbered highway to U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State line to the point of beginning, points in Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio (except those points in that part of Ohio on, west, and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio), Oregon, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Anniston, Ala. The purpose of this partial correction is to include (2), (3), and (4) above. The remainder of this letter-notice remains as previously published.

No. MC 115841 (Sub-No. E53), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Candy*, in vehicles equipped with mechanical refrigeration, (A) from Birmingham, Ala., to points in North Carolina, Virginia, and West Virginia, (B) from Brundidge, Ala., to points in Virginia, West Virginia, and to points in North Carolina on and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 64 to junction North Carolina Highway 98, thence along North Carolina Highway 98 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction Interstate Highway 40, thence along Interstate Highway 40 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 115841 (Sub-No. E90), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala.

35202. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meats products, edible meat by-products, edible dairy products, and edible articles distributed by meat packinghouses*, unfrozen, as defined by the Commission, and frozen foods, in vehicles equipped with mechanical refrigeration (except liquid commodities, in bulk), from Nashville, Tenn., (A) to points in California, Oregon, and Washington (Chattanooga, Tenn. and Birmingham, Ala.); (B) to points in Virginia, North Carolina, South Carolina, Georgia, and points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 20 (including Anniston), to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Alabama Highway 25, thence along Alabama Highway 25 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line (including Tuscaloosa, Northport, Cottondale, and Holt), and New Orleans, La. (Chattanooga, Tenn.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-No. E97), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products*, as defined by the Commission (except liquid commodities, in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn., to points in Texas and points in Oklahoma on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Montgomery, Ala.

No. MC 115841 (Sub-No. E101), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Unfrozen edible meats* (except canned meats) and *unfrozen edible dairy products*, as defined by the Commission, and *unfrozen edible bakery products*, when moving in mixed loads therewith (except liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Texas on and south of a line beginning at the Texas-Louisiana State line and extending along Interstate Highway 10 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Interstate Highway 10, thence along Interstate Highway 10 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the

gateways of Chattanooga, Tenn., and Birmingham, Ala.

No. MC 115841 (Sub-No. E143), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible fruits, frozen edible berries, and frozen edible vegetables*, in vehicles equipped with mechanical refrigeration, (1) from points in Tennessee on and east of Interstate Highway 65 (including Nashville and Davidson Counties), to points in California, Oregon, and Washington; (2) from points in Tennessee on and west of Interstate Highway 65 to points in Indiana to points in Louisiana, Mississippi, and Texas; (3) from points in Tennessee on and west of U.S. Highway 51 (including Memphis and Shelby Counties), to points in Georgia and South Carolina; and (4) from points in Tennessee on and north of a line beginning at the Tennessee-North Carolina State line and extending along Interstate Highway 40 to junction Interstate Highway 65 (including Nashville and Davidson Counties), to the Tennessee-Kentucky State line, to Bainbridge, Ga. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E352), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, frozen edible meat by-products, frozen edible dairy products, and frozen edible articles distributed by meat packinghouses*, as defined by the Commission (except in bulk), in vehicles equipped with mechanical refrigeration, from points in that part of the New York, N.Y., Commercial Zone, as defined by the Commission, within which local operations may be conducted under the exemption provided in Section 203(b) (8) of the Act (the exempt zone), to points in Texas on and south of Interstate Highway 40 and points in Oklahoma on and south of U.S. Highway 70. The purpose of this filing is to eliminate the gateway of Springfield, N.J., Chattanooga, Tenn., Atlanta, Ga., and Montgomery, Ala., or Birmingham, Ala., and points in Tennessee west of the Tennessee River.

No. MC 119777 (Sub-No. E42), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such metallic grindings, and shavings, residue, dross, slag, concentrates, oxides, and*

*spent nickel catalyst*, which are embraced within ferro-chrome, ferrochrome silicon, ferro-silicon, silicon-manganese, ferro-manganese, silicon metal, and scrap iron for remelting purposes only (except liquid chemicals, in bulk, in tank vehicles); (1) from points in California to points in Connecticut, Delaware, Georgia, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Tennessee (except Woodstock, Nashville, and Memphis), and Owen, Columbia, East Greenville, and Charleston, S.C.; (2) from points in Florida to points in Illinois, Iowa, Kansas, Missouri, and Wisconsin; (4) from points in Illinois to points in Alabama, Florida, and Georgia; (5) from points in Indiana to points in Louisiana, Mississippi, and Texas; (6) from points in Kansas to points in Connecticut, Delaware, Florida, Georgia, Maryland, New Jersey, Virginia, and Owen, Columbia, East Greenville, and Charleston, S.C.; (7) from points in Louisiana to points in Connecticut, Delaware, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin; (8) from points in Maryland to points in Arkansas, Kansas, Oklahoma, and Texas; (9) from points in Michigan to points in Florida, Louisiana, and Mississippi; (10) from points in Missouri to points in Georgia, and Owen, Columbia, East Greenville, and Charleston, S.C.;

(11) From points in Nebraska to points in Alabama, Florida, Georgia, and Owen, Columbia, East Greenville, and Charleston, S.C.; (12) from points in New Jersey to points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas; (13) from points in New York to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas; (14) from points in Ohio to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas; (15) from points in Pennsylvania to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas; (16) from points in South Carolina to points in Iowa, Kansas, Missouri, Oklahoma, and Wisconsin; (17) from points in Texas to points in Connecticut, Delaware, Indiana, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia; (18) from points in Virginia to points in Arkansas, Kansas, Oklahoma, and Texas; (19) from points in West Virginia to points in Arkansas, Oklahoma, and Texas; (20) from points in California to points in Alabama on, north, and east of a line beginning at the Florida-Alabama State line extending along U.S. Highway 331 to junction Alabama Highway 55, thence along Alabama Highway 55 to junction U.S. Highway 31, thence along U.S. Highway 31 to Montgomery, Ala., thence along U.S. Highway 82 to the Alabama-Mississippi State line; (21) from points in California on, north, and west of a line beginning at the California-Nevada State line extending along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 14, thence along California Highway 14 to junction Interstate Highway 5, thence along In-

Interstate Highway 5 to junction California Highway 11, thence along California

thence along Michigan Highway 72 to a terminus at Traverse City, Mich.; (27)

Montague, N.J.; (37) from points in Florida on and west of U.S. Highway

along Florida Highway 520 to its terminus at the Atlantic Ocean to points in Tennessee on, north, and west of a line

Savannah Beach, Ga., to points in Indiana on and west of a line beginning at the Michigan-Indiana State line extend-

nesses Highway 104, thence along Tennessee Highway 104 to junction Tennessee Highway 20, thence along Ten-



terstate Highway 5 to junction California Highway 11, thence along California Highway 11 to a terminus at Fort MacArthur, Calif., to points in Arkansas on, north, and east of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 63 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Tennessee State line; (22) from points in California on, north, and west of a line beginning at San Diego, Calif., thence along U.S. Highway 395 to junction Interstate Highway 10, thence along Interstate Highway 10 to the California-Arizona State line to points in Florida;

(23) From points in California on, south, and west of a line beginning at the California-Oregon State line extending along U.S. Highway 101 to junction California Highway 128, thence along California Highway 128 to junction Interstate Highway 80, thence along Interstate Highway 80 to Sacramento, Calif., thence along California Highway 99 to Bakersfield, Calif., thence along California Highway 58 to Barstow, Calif., thence along U.S. Highway 66 to the California-Nevada State line to points in Illinois on, south, and east of a line beginning at Alton, Ill., thence along U.S. Highway 67 to junction Illinois Highway 108, thence along Illinois Highway 108 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 50, thence along Illinois Highway 50 to junction U.S. Highway 66, thence along U.S. Highway 66 to its terminus at Chicago, Ill.; (24) from points in California on, south, and west of a line beginning at the United States-Mexico International Boundary line extending along California Highway 111 to junction Interstate Highway 8, thence along Interstate Highway 8 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction U.S. Highway 101, thence along U.S. Highway 101 to a terminus at Santa Barbara, Calif., to Davenport, Iowa; (25) from points in California on and north of a line beginning at the California-Iowa State line extending along Interstate Highway 80 to junction California Highway 20, thence along California Highway 20 to a terminus at Noyo, Calif., to points in Louisiana on and east of a line beginning at the Louisiana-Arkansas State line extending along U.S. Highway 65 to junction Louisiana Highway 15, thence along Louisiana Highway 15 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La.;

(26) From points in California to points in Michigan on and south of a line beginning at Alpena, Mich., thence along Michigan Highway 32 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 72,

thence along Michigan Highway 72 to a terminus at Traverse City, Mich.; (27) from points in California to points in Mississippi on, east, and north of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 61 to Clarksdale, Miss., thence along U.S. Highway 61 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line; (28) from points in California to points in Missouri on and east of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 67 to a terminus at St. Louis, Mo.; (29) from Merced, Calif., and points in California on, south, and west of a line beginning at the Arizona-California State line extending along U.S. Highway 66 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 99, thence along U.S. Highway 99 to junction California Highway 152, thence along California Highway 152 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 68, thence along California Highway 68 to its terminus at Monterey, Calif., to points in Wisconsin on and east of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 51 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to a terminus at Marinette, Wis.;

(30) From points in Florida on and east of a line beginning at Jacksonville, Fla., thence along U.S. Highway 17 to junction U.S. Highway 41, thence along U.S. Highway 41 to a terminus at Fort Myers, Fla., to points in Arkansas on and north of a line beginning at Fort Smith, Ark., thence along U.S. Highway 64 to junction U.S. Highway 65, thence along U.S. Highway 65 to Little Rock, Ark., thence along U.S. Highway 67 to junction Arkansas Highway 78, thence along Arkansas Highway 78 to its terminus at the Arkansas-Tennessee State line on the Mississippi River; (31) from Pensacola, Fla., to Canaan, Conn.; (32) from points in Florida to points in Indiana on, north, and west of Indiana Highway 37; (33) from points in Florida to points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along Kentucky Highway 81 to junction Kentucky Highway 85, thence along Kentucky Highway 85 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line; (34) from points in Florida on and east of a line beginning at Cocoa, Fla., thence along U.S. Highway 1 to its terminus at West Key, Fla., to Walls, Miss.; (35) from points in Florida to Springfield, Mo., and points in Missouri on and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 60 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction Missouri Highway 38, thence along Missouri Highway 38 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Oklahoma State line; (36) from Pensacola, Fla., to

Montague, N.J.; (37) from points in Florida on and west of U.S. Highway 231 to points in New York on, north, and west of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 90 to Utica, N.Y., thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 3, thence along New York Highway 3 to the terminus at Plattsburgh, N.Y.;

(38) From points in Florida on and west of a line beginning at the Florida-Georgia State line extending along U.S. Highway 27 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction Florida Highway 363, thence along Florida Highway 363 to a terminus at St. Marks, Fla., and points in Florida on and south of a line beginning at Cedar Key, Fla., thence along Florida Highway 345 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Florida Highway 26, thence along Florida Highway 26 to junction Florida Highway 20, thence along Florida Highway 20 to junction Florida Highway 207, thence along Florida Highway 207 to St. Augustine, Fla., to Findley, Ohio, and points in Ohio on and north of a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 34, thence along Ohio Highway 34 to junction Ohio Highway 49, thence along Ohio Highway 49 to the Michigan-Ohio State line; (39) from points in Florida on and east of a line beginning at the Georgia-Florida State line extending along U.S. Highway 17 to its terminus at Punta Gorda, Fla., to points in Oklahoma on, north, and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 183 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 226, thence along U.S. Highway 226 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line;

(40) From points in Florida on and west of U.S. Highway 231 to points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line extending along Pennsylvania Highway 68 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line; (41) from points in Florida on and south of a line beginning at St. Petersburg, Fla., thence along U.S. Highway 92 to junction Interstate Highway 4, thence along Interstate Highway 4 to junction Florida Highway 50, thence along Florida Highway 50 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Florida Highway 520, thence

along Florida Highway 520 to its terminus at the Atlantic Ocean to points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 59, thence along Tennessee Highway 59 to the terminus at Richland, Tenn.; (42) from points in Florida on, south, and east of a line beginning at the Florida-Georgia State line extending along U.S. Highway 221 to junction U.S. Highway 641 to junction U.S. Highway 68, thence along U.S. Highway 68 to Hopkinsville, Ky., thence along U.S. Highway 41 to junction U.S. Highway 60, thence along U.S. Highway 60 to a terminus at Owensboro, Ky.; (47) from Rossville, Ga., to Blairsville, Ga., to Ida, La.; (48) from points in Georgia on, south, and west of a line beginning at Savannah, Ga., thence along U.S. Highway 80 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 23, thence along U.S. Highway 23 to Atlanta, Ga., thence along U.S. Highway 41 to the Georgia-Tennessee State line to points in Michigan on, north, and west of a line beginning at St. Joseph, Mich., thence along U.S. Highway 33 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 32, thence along Michigan Highway 32 to its terminus at Alpena, Mich.; (49) from points in Georgia on and west of U.S. Highway 27 to points in New York on and north of a line beginning at Ogdensburg, N.Y., thence along New York Highway 37 to junction U.S. Highway 11, thence along U.S. Highway 11 to its terminus at Rouses Point, N.Y.; (50) from Faceville, Ga., to points in Ohio on, north, and west of a line beginning at Union City, Ohio, thence along Ohio Highway 47 to junction Interstate Highway 75, thence along Interstate Highway 75 to a terminus at Toledo, Ohio; (51) from points in Georgia to points in Oklahoma on and north of a line beginning at the Oklahoma-Texas State line extending along Oklahoma Highway 51 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line; (52) from Faceville, Ga., to Erie and Cherry Hill, Pa.;

(53) From points in Georgia on, south, and east of a line beginning at the Georgia-Florida State line extending along U.S. Highway 41 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 230, thence along U.S. Highway 230 to junction U.S. Highway 1, thence along U.S. Highway 1 to a terminus at Augusta, Ga., to points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 104, thence along Tennessee Highway 104 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to its terminus at Heloise, Tenn.; (54) from points in Georgia on, north, and east of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 278 to Atlanta, Ga., thence along U.S. Highway 23 to the Florida-Georgia State line to points in Texas on, north, and west of a line beginning at Presidio, Tex., thence along U.S. Highway 67 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 115, thence along Texas Highway 115 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line; (55) from points in Illinois on, north, and east of a line beginning at East Dubuque, Ill., thence along U.S. Highway 20 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Arkansas on, south, and east of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 70 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Arkansas-Missouri State line;

(56) From points in Illinois on, south, and west of a line beginning at Alton, Ill., thence along Illinois Highway 143 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line to points in Connecticut; (57) from points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 141 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to a terminus at Chester, Ill., to points in Delaware; (58) from Cairo and Brookport, Ill., to points in Illinois on, north, and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 6 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line; (59) from points in Illinois on, north, and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 6 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to Cairo and Brookport, Ill.; (60) from Cairo and

Savannah Beach, Ga., to points in Indiana on and west of a line beginning at the Michigan-Indiana State line extending along Indiana Highway 19, thence along Indiana Highway 19 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to Indianapolis, Ind., thence along Indiana Highway 67 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line;

(46) From points in Georgia on, south, and east of U.S. Highway 17 to points in Kentucky on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 68, thence along U.S. Highway 68 to Hopkinsville, Ky., thence along U.S. Highway 41 to junction U.S. Highway 60, thence along U.S. Highway 60 to a terminus at Owensboro, Ky.; (47) from Rossville, Ga., to Blairsville, Ga., to Ida, La.; (48) from points in Georgia on, south, and west of a line beginning at Savannah, Ga., thence along U.S. Highway 80 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 23, thence along U.S. Highway 23 to Atlanta, Ga., thence along U.S. Highway 41 to the Georgia-Tennessee State line to points in Michigan on, north, and west of a line beginning at St. Joseph, Mich., thence along U.S. Highway 33 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 32, thence along Michigan Highway 32 to its terminus at Alpena, Mich.; (49) from points in Georgia on and west of U.S. Highway 27 to points in New York on and north of a line beginning at Ogdensburg, N.Y., thence along New York Highway 37 to junction U.S. Highway 11, thence along U.S. Highway 11 to its terminus at Rouses Point, N.Y.; (50) from Faceville, Ga., to points in Ohio on, north, and west of a line beginning at Union City, Ohio, thence along Ohio Highway 47 to junction Interstate Highway 75, thence along Interstate Highway 75 to a terminus at Toledo, Ohio; (51) from points in Georgia to points in Oklahoma on and north of a line beginning at the Oklahoma-Texas State line extending along Oklahoma Highway 51 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line; (52) from Faceville, Ga., to Erie and Cherry Hill, Pa.;

(53) From points in Georgia on, south, and east of a line beginning at the Georgia-Florida State line extending along U.S. Highway 41 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 230, thence along U.S. Highway 230 to junction U.S. Highway 1, thence along U.S. Highway 1 to a terminus at Augusta, Ga., to points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 104, thence along Tennessee Highway 104 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to its terminus at Heloise, Tenn.; (54) from points in Georgia on, north, and east of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 278 to Atlanta, Ga., thence along U.S. Highway 23 to the Florida-Georgia State line to points in Texas on, north, and west of a line beginning at Presidio, Tex., thence along U.S. Highway 67 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 115, thence along Texas Highway 115 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line; (55) from points in Illinois on, north, and east of a line beginning at East Dubuque, Ill., thence along U.S. Highway 20 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Arkansas on, south, and east of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 70 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Arkansas-Missouri State line;

Brookport, Ill., to points in Indiana on and east of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 64 to junction U.S. Highway 23, thence along U.S. Highway 23 to McRae, Ga., thence along U.S. Highway 280 to junction U.S. Highway 80, thence along U.S. Highway 80 to its terminus at

Highway 45, thence along U.S. Highway 45 to the Kentucky-Illinois State line north of a line beginning at the Illinois-

(75) From points in Illinois on and north of a line beginning at the Illinois-

Arkansas on and south of a line beginning at Fort Smith, Ark., thence along U.S. Highway 64 to junction U.S. Highway 23, thence along U.S. Highway 23 to McRae, Ga., thence along U.S. Highway 280 to junction U.S. Highway 80, thence along U.S. Highway 80 to its terminus at

(89) from points in Indiana to Wickliffe and Paducah, Ky.; (90) from Evansville, Ind., to points in Maryland on, south,

Wisconsin-Minnesota State line extending along U.S. Highway 8 to junction U.S. Highway 63, thence along U.S. Highway



Brookport, Ill., to points in Indiana on and east of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to the terminus at Vincennes, Ind.;

(61) From Cairo and Brookport, Ill., to points in Iowa on and north of a line beginning at the Iowa-Nebraska State line extending along Iowa Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State line; (62) from points in Illinois on and south of a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 45 to junction Illinois Highway 169, thence along Illinois Highway 169 to junction Illinois Highway 37, thence along Illinois Highway 37 to the terminus at Cairo, Ill., to points in Kansas on, north, and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 77 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 15W, thence along Kansas Highway 15W to the Kansas-Nebraska State line; (63) from points in Illinois on and north of U.S. Highway 40 to Paducah, Ky.; (64) from points in Illinois to points in Louisiana on, south, and east of a line beginning at the Louisiana-Texas State line extending along Louisiana Highway 6 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Louisiana Highway 34, thence along Louisiana Highway 34 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction Louisiana Highway 2, thence along Louisiana Highway 2 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Louisiana-Arkansas State line; (65) from points in Illinois on and south of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Illinois-Indiana State line to points in Maryland; (66) from Cairo and Brookport, Ill., to points in Michigan;

(67) From points in Illinois on, north, and east of a line beginning at Quincy, Ill., thence along U.S. Highway 24 to junction Illinois Highway 125, thence along Illinois Highway 125 to Springfield, Ill., thence along Illinois Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S.

Highway 45, thence along U.S. Highway 45 to the Kentucky-Illinois State line to points in Mississippi; (68) from points in Illinois on and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Wisconsin State line to points in Missouri on and south of a line beginning at the Missouri-Kentucky State line extending along U.S. Highway 60 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Missouri Highway 21, thence along Missouri Highway 21 to the Missouri-Arkansas State line; (69) from points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 141 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 460, thence along U.S. Highway 460 to the terminus at East St. Louis, Ill., to points in New Jersey; (70) from points in Illinois on and south of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Kentucky State line to points in New York;

(71) From Cairo and Brookport, Ill., to points in Ohio; (72) from points in Illinois on and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 51, thence along U.S. Highway 51 to the terminus at Cairo, Ill., to points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 183 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Interstate Highway 40 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction Oklahoma Highway 19, thence along Oklahoma Highway 19 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to the Oklahoma-Arkansas State line; (73) from points in Illinois on and south of a line beginning at the Illinois-Kentucky State line extending along Illinois Highway 13 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 150, thence along Illinois Highway 150 to its terminus at Chester, Ill., to points in Pennsylvania; (74) from points in Illinois to Columbia, Charleston, and Owen, S.C.;

(75) From points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line to points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to junction U.S. Highway 51, thence along U.S. Highway 51 to the Tennessee-Alabama State line (except Nashville, Memphis, and Woodstock); (76) from points in Illinois on, east, and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction U.S. Highway 51, thence along U.S. Highway 51 to a terminus at Cairo, Ill., to points in Texas; (77) from points in Illinois on, south, and west of a line beginning at East St. Louis, Ill., thence along Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Kentucky State line to points in Virginia; (78) from points in Illinois on, south, and west of a line beginning at East St. Louis, Ill., thence along Illinois Highway 3 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line to points in West Virginia on and south of U.S. Highway 33; (79) from Cairo and Brookport, Ill., to points in Wisconsin;

(80) From Ray, Ind., and points in Indiana on, north, and west of a line beginning at the Michigan-Indiana State line extending along Interstate Highway 69 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Alabama on, south, and west of a line beginning at the Tennessee-Alabama State line extending along Alabama Highway 17 to junction Alabama Highway 243, thence along Alabama Highway 243 to junction Alabama Secondary Highway 93, thence along Alabama Secondary Highway 93 to junction Alabama Highway 195, thence along Alabama Highway 195 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 31, thence along U.S. Highway 31 to Montgomery, Ala., thence along U.S. Highway 80 to the Alabama-Georgia State line; (81) from points in Indiana to points in

Arkansas on and south of a line beginning at Fort Smith, Ark., thence along U.S. Highway 64 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to the Arkansas-Missouri State line; (82) from Evansville, Ind., to points in Connecticut; (83) from Evansville, Ind., to points in Delaware; (84) from points in Indiana on and west of Indiana Highway 37 to points in Florida; (85) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 53, thence along Indiana Highway 53 to the terminus at Gary, Ind., to points in Georgia on, south, and east of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 278 to junction Georgia Highway 113, thence along Georgia Highway 113 to junction Georgia Highway 61, thence along Georgia Highway 61 to junction Georgia Highway 20, thence along Georgia Highway 20 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Georgia-North Carolina State line;

(86) From points in Indiana on and east of a line beginning at Evansville, Ind., thence along U.S. Highway 41 to a terminus at Vincennes, Ind., to Cairo and Brookport, Ill.; (87) from Jeffersonville, Ind., and points in Indiana on and south of a line beginning at Evansville, Ind., thence along U.S. Highway 460 to the Kentucky-Indiana State line to points in Iowa on and west of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 59 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line; (88) from points in Indiana on, south, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Indiana-Michigan State line to points in Kansas on, south, and west of a line beginning at the Colorado-Kansas State line extending along Kansas Highway 96 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 166, thence along U.S. Highway 166 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line;

(89) from points in Indiana to Wickliffe and Paducah, Ky.; (90) from Evansville, Ind., to points in Maryland on, south, and east of U.S. Highway 1;

(91) From points in Indiana to points in Missouri on and south of a line beginning at the Arkansas-Missouri State line extending along Missouri Highway 17 to U.S. Highway 160, thence along U.S. Highway 160 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Illinois-Missouri State line; (92) from Evansville, Ind., to points in New Jersey; (93) from Evansville, Ind., to points in New York on and east of a line beginning at Hale Eddy, N.Y., thence along New York Highway 17 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 8, thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 12 to Watertown, N.Y., thence along New York Highway 12E to a terminus at Cape Vincent, N.Y.; (94) from points in Indiana on, south, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction U.S. Highway 421, thence along U.S. Highway 421 to its terminus at Michigan City, Ind., to points in Oklahoma on and south of Interstate Highway 40; (95) from Evansville, Ind., to points in Pennsylvania on and east of a line beginning at Philadelphia, Pa., thence along Pennsylvania Highway 611 to a terminus at Stroudsburg, Pa.; (96) from points in Indiana on, north, and west of a line beginning at Michigan City, Ind., thence along U.S. Highway 12 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to Charleston, S.C.;

(97) From points in Indiana on, north, and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 24 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 10 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 421, thence along U.S. Highway 421 to its terminus at Michigan City, Ind., to points in Tennessee on, south, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway Alternate 41, thence along U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Tennessee State line; (98) from Evansville, Ind., to points in Virginia on, east, and south of a line beginning at Reedville, Va., thence along U.S. Highway 360 to junction Virginia Highway 307, thence along Virginia Highway 307 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-North Carolina State line; (99) from Evansville, Ind., to points in Wisconsin on and north of a line beginning at the

Wisconsin-Minnesota State line extending along U.S. Highway 8 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to a terminus at Hurley, Wis.; (100) from points in Kansas on, north, and east of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 50 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line to points in Alabama; (101) from Narka, Kans., and points in Kansas on and north of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 36 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Nebraska State line to Blytheville, Ark.;

(102) From points in Kansas on and west on U.S. Highway 81 to Cairo and Brookport, Ill.; (103) from points in Kansas on, south, and west of a line beginning at the Kansas-Colorado State line extending along Kansas Highway 96 to Tribune, Kans., thence along Kansas Highway 27 to junction U.S. Highway 50, thence along U.S. Highway 50 to Dodge City, Kans., thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line to points in Indiana on, south, and east of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 37 to Indianapolis, Ind., thence along Indiana Highway 67 to junction U.S. Highway 41, thence along U.S. Highway 41 to a terminus at Vincennes, Ind.; (104) from Narka, Kans., and points in Kansas on, south, and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 81 to Wichita, Kans., thence along U.S. Highway 54 to junction Kansas Highway 96, thence along U.S. Highway 96 to the Kansas-Missouri State line to points in Kentucky on and east of U.S. Highway 45; (105) from points in Kansas on and north on Interstate Highway 70 to Bogalusa, La.; (106) from Liberal and Arkansas City, Kans., to points in the Upper Peninsula of Michigan on and east of Interstate Highway 75, and points in the Lower Peninsula of Michigan on, north, and east of a line beginning at St. Joseph, Mich., thence along U.S. Highway 33 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 66, thence along Michigan Highway 66 to the Indiana-Michigan State line; (107) from points in Kansas on and north of a line beginning at the Kansas-Colorado State line extending along Kansas Highway 96 to Wichita, Kans., thence along U.S. Highway 81 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Missouri State line to points in Mississippi on and east of a line beginning at Gulfport, Miss., thence along U.S. Highway 90 to junction Mississippi Highway 63, thence along Mississippi Highway 63 to junction U.S. Highway 45, thence along U.S. Highway

45 to the Mississippi-Tennessee State line;

18 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 5, thence along Iowa Highway

Highway 333 to Intracoastal, La., to points in Virginia; (124) from New Orleans, La., to Reynolds Store, Monterey,

along Mississippi Highway 6 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee

along Kansas Highway 96 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway

of Interstate Highway 75 to points in Texas; (146) from points in the Upper Peninsula of Michigan on and north of a



45 to the Mississippi-Tennessee State line;

(108) From points in Kansas on and west of Kansas Highway 27 to Cape Girardeau and Sikeston, Mo.; (109) from points in Kansas on, south, and west of a line beginning at Kansas City, Kans., thence along U.S. Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line to points in New York; (110) from points in Kansas on, south, and west of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 36 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 166, thence along U.S. Highway 166 to the Kansas-Missouri State line to points in Ohio on, south, and east of a line beginning at Cleveland, Ohio, thence along Ohio Highway 21 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 22, thence along U.S. Highway 22 to its terminus at Cincinnati, Ohio; (111) from points in Kansas to points in Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 119 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line; (112) from points in Kansas to points in Tennessee on and east of a line beginning at the Alabama-Tennessee State line extending along Tennessee Highway 13 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to the Tennessee-Kentucky State line; (113) from points in Kansas to points in West Virginia on, south, and east of a line beginning at Parkersburg, W. Va., thence along U.S. Highway 50 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line; (114) from Ida, La., to Rossville and Blairsville, Ga.; (115) from points in Louisiana on, south, and east of a line beginning at the Arkansas-Louisiana State line extending along U.S. Highway 165 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to the Louisiana-Texas State line to points in Illinois;

(116) From Delta and Vidalia, La., and points in Louisiana on, south, and east of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 82, thence along Louisiana Highway 82 to junction Louisiana Highway 333, thence along Louisiana Highway 333 to its terminus at Intracoastal, La., to points in Iowa on, north, and east of a line beginning at the Iowa-Minnesota State line extending along Iowa Highway 4 to junction U.S. Highway 18, thence along U.S. Highway

18 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line; (117) from Bogalusa, La., to points in Kansas on, north, and east of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 40, thence along U.S. Highway 40 to a terminus at Kansas City, Kans.; (118) from New Orleans, La., to points in Kentucky on, north, and west of a line beginning at Jenkins, Ky., thence along U.S. Highway 119 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line; (119) from points in Louisiana to Annapolis, Md., and points in Maryland on, north, and east of a line beginning at the Maryland-West Virginia State line extending along U.S. Highway 340 to junction U.S. Highway 40, thence along U.S. Highway 40 to Baltimore, Md., thence along Maryland Highway 2 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Maryland Highway 404, thence along Maryland Highway 404 to the Delaware-Maryland State line;

(120) From points in Louisiana on, east, and south of a line beginning at the Louisiana-Mississippi State line extending along Louisiana Highway 131 to junction Louisiana Highway 15, thence along Louisiana Highway 15 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 14 at or near Lake Charles, La., thence along Louisiana Highway 14 to junction Louisiana Highway 27, thence along Louisiana Highway 27 to the terminus at Creole, La., to points in Missouri on, north, and east of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 63 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 61, thence along U.S. Highway 61 to a terminus at or near Cape Girardeau, Mo.; (121) from Ida, La., to East Greenville, Columbia, and Charleston, S.C.; (122) from points in Louisiana to Clarksville, Tenn.; (123) from Millikin, La., and points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line extending along Louisiana Highway 17 to junction Louisiana Highway 2, thence along Louisiana Highway 2 to junction U.S. Highway 165, thence along U.S. Highway 165 to Alexandria, La., thence along U.S. Highway 167 to junction Louisiana Highway 13, thence along Louisiana Highway 13 to junction Louisiana Highway 14, thence along Louisiana Highway 14 to Abbeville, La., thence along Louisiana Highway 82 to Esther, La., thence along Louisiana

Highway 333 to Intracoastal, La., to points in Virginia; (124) from New Orleans, La., to Reynolds Store, Monterey, and Winchester, Va.; (125) from points in Louisiana to points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line extending along U.S. Highway 119 to junction West Virginia Highway 10, thence along West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line;

(126) From points in Maryland to points in Illinois on and south of a line beginning at Chester, Ill., thence along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Illinois-Indiana State line; (127) from Annapolis, Md., and points in Maryland bounded on the north by a line beginning at the Delaware-Maryland State line extending along Maryland Highway 404 to junction U.S. Highway 50, thence along U.S. Highway 50 to a terminus at Chesapeake Bay and bounded on the west by the Chesapeake Bay and bounded on the south by Virginia, and bounded on the east by Delaware and the Atlantic Ocean to Evansville, Ind.; (128) from Newburg, Md., to points in Iowa on, south, and west of a line beginning at Sioux City, Iowa, thence along U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line; (129) from points in Maryland to points in Kentucky on, south, and west of a line beginning at Paducah, Ky., thence along U.S. Highway 62 to junction U.S. Highway 68, thence along U.S. Highway 68 to Hopkinsville, Ky., thence along U.S. Highway 41A to the Kentucky-Tennessee State line; (130) from Annapolis, Md., and points in Maryland on, north, and east of a line beginning at or near Washington, D.C., on U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 13, thence along U.S. Highway 13 to the Maryland-Delaware State line to points in Louisiana;

(131) From points in Maryland to points in Mississippi on, north, and west of a line beginning at Natchez, Miss., thence along U.S. Highway 61 to junction Mississippi Highway 18, thence along Mississippi Highway 18 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Natchez Trace National Parkway, thence along the Natchez Trace National Parkway to junction Mississippi Highway 6, thence

along Mississippi Highway 6 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line; (132) from points in Maryland on and east of Interstate Highway 81 to points in Missouri on, south, and west of a line beginning at Cape Girardeau, Mo., thence along Missouri Highway 72 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Iowa State line; (133) from points in Maryland to points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line extending along Tennessee Highway 18 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line (except Memphis and Woodstock, Tenn.); (134) from points in Michigan to points in Alabama on, south, and west of a line beginning at the Alabama-Tennessee State line extending along Alabama Highway 17 to junction Alabama Highway 20, thence along Alabama Highway 20 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Georgia State line;

(135) from points in Michigan to points in Arkansas on, south, and east of a line beginning at the Arkansas-Oklahoma State line extending along Interstate Highway 40 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 201, thence along Arkansas Highway 201 to the Arkansas-Missouri State line; (136) from points in the Upper Peninsula of Michigan to points in Georgia, (137) from points in Michigan to Brookport and Cairo, Ill.; (138) from Ironwood, Mich., to Evansville, Ind.; (139) from Traverse City, Mich., and points in Michigan on and east of a line beginning at Alpena, Mich., thence along Michigan Highway 32 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Business Route Interstate Highway 75, thence along Business Route Interstate Highway 75 to junction Michigan Highway 72, thence along Michigan Highway 72 to junction Michigan Highway 33, thence along Michigan Highway 33 to junction Michigan Highway 76, thence along Michigan Highway 76 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 66, thence along Michigan Highway 66 to the Indiana-Michigan State line to points in Kansas on and south of a line beginning at the Colorado-Kansas State line extending

along Kansas Highway 96 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 166, thence along U.S. Highway 166 to the Kansas-Missouri State line;

(140) From points in Michigan to points in Kentucky on and west of a line beginning at Calvert City, Ky., thence along Kentucky Highway 282 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line; (141) from points in Michigan to points in Missouri on and south of a line beginning at Cape Girardeau, Mo., thence along U.S. Highway 61 to Sikeston, Mo., thence along U.S. Highway 60 to Poplar Bluff, Mo., thence along U.S. Highway 160 to West Plains, Mo., thence along Missouri Highway 17 to the Missouri-Arkansas State line; (142) from Grand Rapids, Mich., and points in the Upper Peninsula of Michigan on and east of Interstate Highway 75, and points in the Lower Peninsula of Michigan on, north, and east of a line beginning at the Michigan-Indiana State line extending along Michigan Highway 66 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Michigan Highway 104, thence along Michigan Highway 104 to its terminus at Ferrysburg, Mich., to points in Oklahoma; (143) from points in the Upper Michigan on, north, and west of a line beginning at Menominee, Mich., thence along Michigan Highway 35 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Michigan Highway 171, thence along Michigan Highway 171 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction Interstate Highway 75, thence along Interstate Highway 75 to the terminus at Sault Ste. Marie to Charleston, S.C.; (144) from points in Michigan on, north, and west of a line beginning at St. Joseph, Mich., thence along U.S. Highway 33 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 55, thence along Michigan Highway 55 to its terminus at Tawas City, Mich., to points in Tennessee, on and west of a line beginning at the Georgia-Tennessee State line extending along U.S. Highway 41 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Tennessee-Kentucky State line (except Woodstock, Nashville, and Memphis, Tenn.);

(145) From points in the Lower Peninsula of Michigan and points in the Upper Peninsula of Michigan on and east

of Interstate Highway 75 to points in Texas; (146) from points in the Upper Peninsula of Michigan on and north of a line beginning at Marquette, Mich., thence along Michigan Highway 28 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line to Bristol, Va.; (147) from Springfield, Mo., and points in Missouri on and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 60 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Oklahoma State line to points in Alabama on and east of U.S. Highway 43; (148) from Anson, Hannibal, and St. Louis, Mo., to Readland, Ark.; (149) from points in Missouri on, south, and west of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 54, thence along U.S. Highway 54 to a terminus at Louisiana, Mo., to points in Connecticut; (150) from St. Joseph, Mo., and points in Missouri on and south of U.S. Highway 40 to points in Delaware; (151) from points in Missouri to points in Florida on and east of U.S. Highway 231; (152) from points in Missouri on, south, and east of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 67 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line to the point of Waukegan, Ill., and points in Illinois on and east of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 74 to junction Illinois Highway 1, thence along Illinois Highway 1 to and including Chicago, Ill.;

(153) From Sikeston, Mo., and points in Missouri on, south, and east of a line beginning at the Arkansas-Missouri State line extending along Missouri Highway 17 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Illinois-Missouri State line to points in Indiana on and east of a line beginning at Evansville, Ind., thence along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to its terminus at Vincennes, Ind.; (154) from Sikeston, Mo., to points in Iowa on, north, and west of a line beginning at the Iowa-Minnesota State line extending along Iowa Highway 4 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 73, thence along U.S. Highway 73 to a terminus at Council Bluffs, Iowa; (155) from points in Missouri on and east of a line beginning at Cape Girardeau, Mo., thence along

U.S. Highway 61 to a terminus at New

23 to junction U.S. Highway 10, thence

Bethel, Tenn., and points in Tennessee

Nebraska-Iowa State line to points in

thence along U.S. Highway 60 to junction

a line beginning at the Maryland-Penn-



U.S. Highway 61 to a terminus at New Madrid, Mo., to points in Kansas on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 270 to Syracuse, Kans., thence along Kansas Highway 27 to the Kansas-Nebraska State line; (156) from points in Missouri on, south, and west of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 66 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas-Missouri State line to points in Kentucky on, north, and east of a line beginning at Paducah, Ky., thence along U.S. Highway 62 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line.

(157) From points in Missouri on, north, and east of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 25, thence along Missouri Highway 25 to junction Missouri Highway 77, thence along Missouri Highway 77 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Missouri-Kentucky State line to points in Louisiana on and southeast of a line beginning at the Louisiana-Mississippi State line extending along Louisiana Highway 10 to junction Louisiana Highway 21, thence along Louisiana Highway 21 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Lake Pontchartrain Causeway, thence along Lake Pontchartrain Causeway to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 90, thence along U.S. Highway 90 to a terminus at Houma, La.; (158) from points in Missouri on, south, and west of a line beginning at Kansas City, Mo., thence along U.S. Highway 40 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 68, thence along Missouri Highway 68 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 32, thence along Missouri Highway 32 to Ste. Genevieve, Mo., to points in Maryland;

(159) From points in Missouri on and south of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 66 to Springfield, Mo., thence along U.S. Highway 60 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to Cape Girardeau, Mo., to points in the Lower Peninsula of Michigan on, east, and north of a line beginning at the Michigan-Ohio State line extending along U.S. Highway

23 to junction U.S. Highway 10, thence along U.S. Highway 10 to a terminus at Ludington, Mich., and points in the Upper Peninsula of Michigan on, north, and east of a line beginning at Marquette, Mich., thence along Michigan Highway 28 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Mackinaw City-St. Ignace Bridge; (160) from Anson and Hannibal, Mo., to points in Mississippi; (161) from St. Joseph, Mo., and points in Missouri on and south of U.S. Highway 40 to points in New Jersey; (162) from points in Missouri on and south of U.S. Highway 40 to points in New York on, north, and east of a line beginning at Cape Vincent, N.Y., thence along New York Highway 12E to junction New York Highway 12, thence along New York Highway 12 to Utica, N.Y., thence along New York Highway 8 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 79, thence along New York Highway 79 to the Pennsylvania-New York State line; (163) from points in Missouri on and south of a line beginning at the Kansas-Missouri State line extending along Missouri Highway 18 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction Missouri Highway 32, thence along Missouri Highway 32 to a terminus at Ste. Genevieve, Mo., to points in Ohio on, south, and east of a line beginning at Cincinnati, Ohio, thence along U.S. Highway 22 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line;

(164) From points in Missouri on, north, and east of a line beginning at Cape Girardeau, Mo., thence along U.S. Highway 61 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Illinois-Missouri State line to points in Oklahoma on, south, and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 54 to the Kansas-Oklahoma State line; (165) from points in Missouri on, south, and west of a line beginning at the Kansas-Missouri State line extending along Interstate Highway 70 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to a terminus at Cape Girardeau, Mo., to points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 15 to the New York-Pennsylvania State line; (166) from points in Missouri on, north, and west of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 67 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Kentucky State line to

Bethel, Tenn., and points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line (except Memphis); (167) from Sikeston, Mo., and points in Missouri on and east of a line beginning at St. Louis, Mo., thence along Interstate Highway 55 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line to points in Texas on, south, and west of a line beginning at the Texas-New Mexico State line extending along Texas Highway 18 to Kermit, Tex., thence along Texas Highway 302 to Odessa, Tex., thence along U.S. Highway 385 to junction U.S. Highway 67, thence along U.S. Highway 67 to San Angelo, Tex., thence along U.S. Highway 87 to Brady, Tex., thence along U.S. Highway 190 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 7, thence along Texas Highway 7 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 21, thence along Texas Highway 21 to the Louisiana-Texas State line;

(168) From points in Missouri on and south of U.S. Highway 40 to points in Virginia; (169) from points in Missouri on and south of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 66 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to Cape Girardeau, Mo., to points in West Virginia; (170) from Sikeston, Mo., and points in Missouri on, south, and west of a line beginning at the Missouri-Arkansas State line extending along Missouri Highway 17 to West Plains, Mo., thence along U.S. Highway 160 to Poplar Bluff, Mo., thence along U.S. Highway 60 to the Illinois-Missouri State line to points in Wisconsin on and east of a line beginning at Red Cliff, Wis., thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to Wausau, Wis., thence along Wisconsin Highway 29 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 57, thence along Wisconsin Highway 57 to Milwaukee, Wis., thence along Wisconsin Highway 32 to a terminus at Kenosha, Wis.; (171) from points in Nebraska on, west, and north of a line beginning at Omaha, Nebr., thence along Nebraska Highway 92 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to the Nebraska-Kansas State line to points in Blytheville, Ark.; (172) from points in Nebraska on, south, and east of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 385 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the

Nebraska-Iowa State line to points in Delaware; (174) from points in Nebraska to Brookport and Cairo, Ill.; (175) from points in Nebraska to Jeffersonville, Ind., and point in Indiana on and south of a line beginning at Evansville, Ind., thence along U.S. Highway 460 to the Indiana-Kentucky State line;

(176) From points in Nebraska to Ashland, Ky., and points in Kentucky on and south of Interstate Highway 64; (177) from points in Nebraska on, north, and west of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 30 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line to Delta, La., and points in Louisiana on and east of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to a terminus at Houma, La.; (178) from points in Nebraska on, south, and west of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Nebraska-Kansas State line to points in Maryland; (179) from points in Nebraska on, north, and west of a line beginning at the Nebraska-Wyoming State line extending along Nebraska Highway 92 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line to points in Mississippi.

(180) From points in Nebraska on, north, and west of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 19, thence along Nebraska Highway 19 to the Nebraska-Colorado State line to points in Missouri on and south of a line beginning at Cape Girardeau, thence along Missouri Highway 74 to junction Missouri Highway 25, thence along Missouri Highway 25 to junction U.S. Highway 60,

thence along U.S. Highway 60 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line; (181) from Ansley, Nebr., and points in Nebraska on, south, and west of a line beginning at the Nebraska-Wyoming State line extending along Nebraska Highway 92 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to the Kansas-Nebraska State line to points in New Jersey; (182) from points in Nebraska on, south, and west of a line beginning at the Colorado-Nebraska State line extending along Nebraska Highway 19 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Wyoming State line to points in New York on and east of a line beginning at Oswego, N.Y., thence along New York Highway 69, thence along New York Highway 69 to junction Interstate Highway 90, thence along Interstate Highway 90 to Utica, N.Y., thence along New York Highway 8 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 79, thence along New York Highway 79 to the New York-Pennsylvania State line;

(183) From points in Nebraska on and south of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 26 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to the Nebraska-Kansas State line to points in Ohio on and south of a line beginning at Cincinnati, Ohio, thence along U.S. Highway 50 to junction Ohio Highway 159, thence along Ohio Highway 159 to junction U.S. Highway 22, thence along U.S. Highway 22 to a terminus at Steubenville, Ohio; (184) from points in Nebraska on, south, and west of a line beginning at the Colorado-Nebraska State line extending along Nebraska Highway 19 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line, and points in Nebraska on and south of a line beginning at the Colorado-Nebraska State line extending along U.S. Highway 34 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to the Kansas-Nebraska State line to points in Pennsylvania on and east of

a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line; (185) from points in Nebraska to points in Tennessee on, north, and east of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 45 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to its terminus at the Mississippi River (except Memphis);

(186) From points in Nebraska to points in Virginia on and south of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 250 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line; (187) from points in Nebraska to points in West Virginia on and south of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line; (188) from points in Nebraska on, south, and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction Nebraska Highway 39, thence along Nebraska Highway 39 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line to Graham, W. Va.; (189) from points in New Jersey on and north of a line beginning at the New Jersey-Pennsylvania State line extending along U.S. Highway Alternate 22 to junction Interstate Highway 78, thence along Interstate Highway 78 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to a terminus at South Amboy, N.J., to points in Alabama on and west of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 43 to a terminus at Mobile, Ala.;

(190) From Montague, N.J., to Pensacola Fla.; (191) from points in New Jersey to points in Illinois on and south of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois

Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 45,

Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13,

Highway Alternate 41 to junction U.S. Highway 31, thence along U.S. Highway

Kansas-Missouri State line; (213) from points in Ohio to points in Kentucky on

to junction U.S. Highway 119, thence along U.S. Highway 119 to junction

kansas Highway 14, thence along Arkansas Highway 14 to junction Arkansas



Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Illinois-Indiana State line; (192) from points in New Jersey to Evansville, Ind.; (193) from points in New Jersey to Payne, Iowa; (194) from points in New Jersey to points in Kentucky on and west of a line beginning at the Kentucky-Illinois State line extending along Kentucky Highway 91 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to the Kentucky-Tennessee State line; (195) from points in New Jersey to points in Missouri on, south, and west of a line beginning at St. Joseph, Mo., thence along Interstate Highway 29 to Kansas City, Mo., thence along Interstate Highway 70 to St. Louis, Mo.; (196) from points in New Jersey on and north of a line beginning at South Amboy, N.J., thence along New Jersey Highway 35 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 78, thence along Interstate Highway 78 to the New Jersey-Pennsylvania State line to points in Tennessee on and west of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 31 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Kentucky State line (except Woodstock, Nashville, and Memphis); (197) from points in New York to points in Alabama on and west of a line beginning at the Alabama-Tennessee State line extending along Alabama Highway 17 to the terminus at Mobile Ala.; (198) from points in New York on, north, and west of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 62 to junction U.S. Highway Alternate 20, thence along U.S. Highway Alternate 20 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 33, thence along New York Highway 33 to junction Interstate Highway 490, thence along Interstate Highway 490 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 3, thence along New York Highway 3 to the terminus at Plattsburgh, N.Y., to points in Florida on and west of a line beginning at Panama City, Fla., thence along U.S. Highway 231 to the Florida-Alabama State line; (199) from points in New York on and north of a line beginning at Buffalo, N.Y., thence along New York Highway 33 to its terminus at Rochester, N.Y., to Columbus, Ga.; (200) from points in New York to points in Illinois on and south of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois

Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 141, thence along Illinois Highway 141 to its terminus at the Illinois-Indiana State line; (201) from points in New York on, east, and south of a line beginning at Ogdensburg, N.Y., thence along New York Highway 68 to junction New York Highway 56, thence along New York Highway 56 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 17, thence along New York Highway 17 to a terminus at Hale Eddy, N.Y., to Evansville, Ind.; (202) from points in New York on and south of a line beginning at the New York-New Jersey State line extending along U.S. Highway 9W to junction Interstate Highway 287, thence along Interstate Highway 287 to junction Interstate Highway 95, thence along Interstate Highway 95 to a terminus at Port Chester, N.Y., to points in Iowa on, south, and west of a line beginning at the Iowa-Nebraska State line extending along Iowa Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line; (203) from points in New York to points in Kansas on, south, and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 287 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line; (204) from points in New York to points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A, to Hopkinsville, Ky., thence along Kentucky Highway 91 to its terminus at the Kentucky-Illinois State line; (205) from points in New York to points in Missouri on, south, and west of a line beginning at Kansas City, Mo., thence along U.S. Highway 71 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 68, thence along Missouri Highway 68 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 32, thence along Missouri Highway 32 to a terminus at Ste. Genevieve, Mo.; (206) from points in New York on, north, and east of a line beginning at Buffalo, N.Y., thence along New York Highway 33 to Rochester, N.Y., thence along Interstate Highway 490 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line to points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S.

Highway Alternate 41 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line (except Woodstock, Nashville, and Memphis, Tenn.);

(207) From points in Ohio on and north of a line beginning at Union City, Ohio, thence along Ohio Highway 47 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line to points in Alabama-Tennessee State line extending along U.S. Highway 43 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 82, thence along U.S. Highway 82 to Montgomery, Ala., thence along U.S. Highway 331 to the Alabama-Florida State line; (208) from points in Ohio on and north of U.S. Highway 40 to points in Florida on and west of U.S. Highway 231; (209) from Van Wert, Ohio, and points in Ohio on and north of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 224 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 605, thence along Interstate Highway 605 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Ohio-Pennsylvania State line to Faceville, Ga.; (210) from points in Ohio on and southwest of a line beginning at Cincinnati, Ohio, thence along U.S. Highway 42 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 3, thence along Ohio Highway 3 to a terminus at Cleveland, Ohio, to points in Illinois on and west of a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 45 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction Illinois Highway 3, thence along Illinois Highway 3 to a terminus at Chester, Ill.;

(211) From Chesapeake, Ohio, to points in Iowa on, south, and west of a line beginning at Sioux City, Iowa, thence along Interstate Highway 29 to Council Bluffs, Iowa, thence along U.S. Highway 275 to junction Iowa Highway 2, thence along Iowa Highway 2 to Centerville, Iowa, thence along Iowa Highway 5 to the Iowa-Missouri State line; (212) from points in Ohio on, south, and east of a line beginning at Cincinnati, Ohio, thence along U.S. Highway 22 to the Ohio-West Virginia State line to points in Kansas on, south, and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 283 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to the

Kansas-Missouri State line; (213) from points in Ohio to points in Kentucky on and west of a line beginning at the Illinois-Kentucky State line extending along Kentucky Highway 91 to junction Kentucky Highway 139, thence along Kentucky Highway 139 to the Kentucky-Tennessee State line; (214) from points in Ohio on, south, and east of a line beginning at the Ohio-Michigan State line extending along U.S. Highway 25 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 72, thence along Ohio Highway 72 to junction Ohio Highway 28, thence along Ohio Highway 28 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio-Indiana State line to points in Missouri on and south of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 66 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to a terminus at Cape Girardeau, Mo.;

(215) From points in Tennessee on and west of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 45 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line to points in Ohio; (216) from points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 219 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 536, thence along Pennsylvania Highway 536 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 50, thence along Pennsylvania Highway 50 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-Ohio State line to points in Alabama on and west of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 43 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 78, thence along U.S. Highway 78 to Birmingham, Ala., thence along U.S. Highway 31 to Montgomery, Ala., thence along U.S. Highway 331 to the Alabama-Florida State line; (217) from points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 119 to junction Pennsylvania Highway 982, thence along Pennsylvania Highway 982

to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 118, thence along Pennsylvania Highway 118 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New York State line to Pensacola, Fla.;

(218) From Cherry Hill, Pa., and points in Pennsylvania on and north of U.S. Highway 20 to points in Georgia on, south, and west of a line beginning at the Florida-Georgia State line extending along Georgia Highway 309 to Bainbridge, Ga., thence along Georgia Highway 253 to the Florida-Georgia State line; (219) from points in Pennsylvania to points in Illinois on and south of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line; (220) from points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 209 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to a terminus at or near Philadelphia, Mo., thence along Interstate Highway 70 to Columbia, Mo., thence along U.S. Highway 63 to junction Missouri Highway 68, thence along Missouri Highway 68 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 32, thence along Missouri Highway 32 to the Missouri-Illinois State line; (225) from points in Pennsylvania to points in Tennessee on and west of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 45 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line (except Memphis and Woodstock, Tenn.); (226) from points in South Carolina to points in Arkansas on, north, and west of a line beginning at the Oklahoma-Arkansas State line extending along U.S. Highway 70 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction Ar-

kansas Highway 14, thence along Arkansas Highway 14 to junction Arkansas Highway 18, thence along Arkansas Highway 18 to its terminus on the Mississippi River at the Arkansas-Tennessee State line;

(227) From points in South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 27 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line to points in Illinois; (228) from points in South Carolina on and south of U.S. Highway 78 to points in Indiana on, north, and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 12, thence along U.S. Highway 12 to a terminus at Michigan City, Ind.; (229) from points in South Carolina on, south, and east of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 17 to junction South Carolina Highway 90, thence along South Carolina Highway 90 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 378, thence along U.S. Highway 378 to Columbia, S.C., thence along U.S. Highway 21 to junction U.S. Highway 17, thence along U.S. Highway 17 to the South Carolina-Georgia State line to points in Kentucky on, north, and west of a line beginning at Owensboro, Ky., thence along U.S. Highway 60 to junction Audubon Parkway, thence along Audubon Parkway to junction Pennsylvania Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line; (230) from points in South Carolina on, north, and east of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 76 to Columbia, S.C., thence along U.S. Highway 176 to junction U.S. Highway 52, thence along U.S. Highway 52 to a terminus at Charleston, S.C., to Ida, La.; (231) from points in South Carolina on and south of U.S. Highway 78 to Sault St. Marie, Mich., and points in the Upper Peninsula of Michigan on and west of a line beginning at Menominee, Mich., thence along U.S. Highway 41 to a terminus at Marquette, Mich., and points in the Lower Peninsula of Michigan on and west of a line beginning at the Michigan-Illinois State line extending along Interstate Highway 94 to junction U.S. Highway 31, thence along U.S. Highway 31 to a terminus at Traverse City, Mich.;

(232) From points in Long Creek, Spartanburg, Ft. Mill, Wallace, and Little River, S.C., to Walls, Miss.; (233) from points in South Carolina to points in Texas on, north, and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway

67 to its terminus at Presidio, Tex.; (234) from points in Texas on, north, and east of

west by a line beginning at the Alabama-Tennessee State line extending along

see on and east of a line beginning at the Tennessee-North Carolina State line ex-

nessee on and north of a line beginning

U.S. Highway 98, thence along U.S.

81 to junction U.S. Highway 83, thence



67 to its terminus at Presidio, Tex.; (234) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 127 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Tennessee Highway 63, thence along Tennessee Highway 63 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-North Carolina State line to points in Arkansas; (235) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line to points in Connecticut; (236) from points in Tennessee on, west, and north of a line beginning at the Mississippi-Tennessee State line extending along Tennessee Highway 18 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line to points in Delaware;

(237) From points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 70, thence along U.S. Highway 70 to Memphis, Tenn., to points in Florida on, south, and east of a line beginning at Cocoa, Fla., thence along U.S. Highway 1 to junction Florida Highway 70, thence along Florida Highway 70 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Highway 78, thence along Florida Highway 78 to junction Florida Highway 29, thence along Florida Highway 29 to junction Florida Highway 80 to Ft. Myers, Fla.; (238) from points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 104, thence along Tennessee Highway 104 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to its terminus at Heloise, Tenn., to points in Georgia on and east of a line beginning at the Georgia-Florida State line extending along U.S. Highway 41 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 1, thence along U.S. Highway 1 to a terminus at Augusta, Ga.; (239) from points in Tennessee in an area bounded on the

west by a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 31 to Nashville, Tenn., thence along U.S. Highway 41 to the Georgia-Tennessee State line, and bounded on the south by the Alabama-Tennessee and Georgia-Tennessee State line to points in Illinois on, north, and west of a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 45 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line;

(240) From points in Tennessee on, south, and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 41A, thence along U.S. Highway 41A to Nashville, Tenn., thence along U.S. Highway 41 to the Tennessee-Georgia State line to points in Indiana on, north, and west of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 24 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Indiana-Michigan State line; (241) from points in Tennessee to points in Iowa on, north, and east of a line beginning at Council Bluffs, Iowa, thence along Iowa Highway 92 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line; (242) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 69 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to the Tennessee-Alabama State line to points in Kansas; (243) from Clarksville, Tenn., to points in Louisiana; (244) from points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line extending along Tennessee Highway 18 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line to points in Maryland;

(245) From points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line to points in Michigan; (246) from Chanute, Tenn., and points in Tennessee

on and east of a line beginning at the Tennessee-North Carolina State line extending along Interstate Highway 40 to junction Tennessee Highway 32, thence along Tennessee Highway 32 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line to points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 61 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line; (247) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to Nashville, Tenn., thence along U.S. Highway 31 to junction Tennessee Highway 11, thence along Tennessee Highway 11 to the Alabama-Tennessee State line to points in Missouri; (248) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 25E, thence along U.S. Highway 25E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line to points in New Jersey; (249) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line to points in New York;

(250) From points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in Ohio; (251) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line to points in Oklahoma; (252) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 43, thence along U.S. Highway 43 to the Alabama-Tennessee State line to points in Pennsylvania on, north, and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 87, thence along Pennsylvania Highway 87 to junction U.S. Highway 6, thence along U.S. Highway 6 to a terminus at Matamoras, Pa.; (253) from points in Tennessee

on and north of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 641 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to the terminus at or near Heloise, Tenn., to points in Owen, Columbia, and Charleston, S.C.; (254) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along Tennessee Highway 78 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Tennessee-Mississippi State line to points in Tennessee on, east, and north of a line beginning at the Tennessee-Kentucky State line extending along Interstate Highway 75 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Tennessee-North Carolina State line;

(255) From points in Tennessee on, east, and north of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to its terminus at Port Arthur, Tex., to Lansing, Iowa, and points in Iowa on and east of a line beginning at Ft. Madison, Iowa, thence along U.S. Highway 61 to a terminus at Dubuque, Iowa; (262) from points in Texas to points in Kentucky on, north, and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 121, thence along Kentucky Highway 121 to a terminus at Wickliffe, Ky.; (263) from points in Texas to points in the Upper Peninsula of Michigan on and east of Interstate Highway 75 and points in the Lower Peninsula of Michigan; (264) from Texline, El Paso, and Presidio, Tex., to Corinth, Miss.; (265) From points in Texas on and south of a line beginning at El Paso, Tex., thence along U.S. Highway 80 to junction U.S. Highway 80 to junction U.S. Highway 290, thence along U.S. Highway 290 to Houston, Tex., thence along U.S. Highway 59 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 87, thence along Texas Highway 87 to junction Texas Highway 21, thence along Texas Highway 21 to the Louisiana-Texas State line to points in Missouri on, north, and east of a line beginning at St. Louis, Mo., thence along Interstate Highway 55 to junction U.S. Highway 61 at or near Cape Girardeau, Mo., thence along U.S. Highway 61 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Illinois-Missouri State line; (266) from points in Texas on, north, and west of a line beginning at Texarkana, Tex., thence along U.S. Highway 67 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 81, thence along U.S. Highway

U.S. Highway 98, thence along U.S. Highway 98 to a terminus at St. Teresa, Fla.;

(259) From points in Texas on and west of a line beginning at Corpus Christi, Tex., thence along Interstate Highway 37 to junction Texas Highway 9, thence along Texas Highway 9 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-Arkansas State line to points of Rossville and Blairsville, Ga.; (260) from points in Texas on and south of a line beginning at Presidio, Tex., thence along U.S. Highway 67 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line to points in Illinois; (261) from points in Texas on and south of a line beginning at Del Rio, Tex., thence along U.S. Highway 90 to junction U.S. Highway 69, thence along U.S. Highway 69 to its terminus at Port Arthur, Tex., to Lansing, Iowa, and points in Iowa on and east of a line beginning at Ft. Madison, Iowa, thence along U.S. Highway 61 to a terminus at Dubuque, Iowa; (262) from points in Texas to points in Kentucky on, north, and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 121, thence along Kentucky Highway 121 to a terminus at Wickliffe, Ky.; (263) from points in Texas to points in the Upper Peninsula of Michigan on and east of Interstate Highway 75 and points in the Lower Peninsula of Michigan; (264) from Texline, El Paso, and Presidio, Tex., to Corinth, Miss.;

(265) From points in Texas on and south of a line beginning at El Paso, Tex., thence along U.S. Highway 80 to junction U.S. Highway 80 to junction U.S. Highway 290, thence along U.S. Highway 290 to Houston, Tex., thence along U.S. Highway 59 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 87, thence along Texas Highway 87 to junction Texas Highway 21, thence along Texas Highway 21 to the Louisiana-Texas State line to points in Missouri on, north, and east of a line beginning at St. Louis, Mo., thence along Interstate Highway 55 to junction U.S. Highway 61 at or near Cape Girardeau, Mo., thence along U.S. Highway 61 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Illinois-Missouri State line; (266) from points in Texas on, north, and west of a line beginning at Texarkana, Tex., thence along U.S. Highway 67 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 81, thence along U.S. Highway

81 to junction U.S. Highway 83, thence along U.S. Highway 83 to its terminus at Brownsville, Tex., to points in Owen, Columbia, East Greenville, and Charleston, S.C.; (267) from points in Texas to points in Tennessee on, north, and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Tennessee Highway 96, thence along Tennessee Highway 96 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Tennessee-North Carolina State line; (268) from points in Texas on, south, and east of a line beginning at Texarkana, Tex., thence along Texas Highway 59 to Houston, Tex., thence along U.S. Highway 90 to a terminus at Del Rio, Tex., to points in Wisconsin on and east of U.S. Highway 53;

(269) From points in Virginia on and south of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 250 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line to points in Illinois on and west of a line beginning at Alton, Ill., thence along Illinois Highway 3 to a terminus at Cairo, Ill.; (270) from points in Virginia on, south, and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 52 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 60, thence along U.S. Highway 60 to its terminus at Virginia Beach, Va., to Evansville, Ind.; (271) from points in Virginia on and south of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to the terminus at Reedville, Va., to points in Iowa on, south, and west of a line beginning at Fort Madison, Iowa, thence along Iowa Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 5, thence along Iowa Highway 5 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 71, thence along U.S. Highway 71 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line; (272) from points in Virginia to points in Kentucky on, south, and west of a line beginning at Paducah, Ky., thence along U.S. Highway 62 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line;

(273) From Kelsa, Allegheny, and Monterey, Va., and points in Virginia on and north of U.S. Highway 50 to points in Louisiana; (274) from points in Vir-

ginia on and south of a line beginning at

Alabama Highway 61, thence along Ala-

tion U.S. Highway 60, thence along U.S.

thence along New York Highway 17 to

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hicles, from points in Washington in and



ginia on and south of a line beginning at the Virginia-Kentucky State line extending along U.S. Highway 58 to a terminus at Bristol, Va., and points in Virginia on and south of a line beginning at U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line to points in Michigan on, north, and west of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 2 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Michigan Highway 26, thence along Michigan Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to a terminus at Fort Wilkins, Mich.; (275) from points in Virginia on and east of a line beginning at Arlington, Va., thence along U.S. Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 60 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line to points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 45 to junction Mississippi Highway 30, thence along Mississippi Highway 30 to junction Mississippi Highway 7, thence along Mississippi Highway 7 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Mississippi-Louisiana State line; (276) from points in Virginia on and south of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 60 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line to points in Missouri;

(277) From South Boston, Va., and points in Virginia on and south of U.S. Highway 58 to points in Wisconsin on and north of a line beginning at Superior, Wis., thence along U.S. Highway 53 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to Red Cliff, Wis.; (278) from points in West Virginia on, north, and west of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 50 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Pennsylvania State line to points in Alabama on, west, and south of a line beginning at the Alabama-Tennessee State line extending along Alabama Highway 17 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction

Alabama Highway 61, thence along Alabama Highway 61 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Alabama Highway 41, thence along Alabama Highway 41 to junction Alabama Highway 89, thence along Alabama Highway 89 to junction Alabama Highway 28, thence along Alabama Highway 28 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction Alabama Highway 47, thence along Alabama Highway 47 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 55, thence along Alabama Highway 55 to the Alabama-Florida State line; (279) from points in Ohio, Brooke, and Hancock Counties, W. Va., to points in Florida on and west of U.S. Highway 231; (280) from points in West Virginia to points in Illinois on and south of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to Marion, Ill., thence along Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line;

(281) From points in West Virginia on and south of a line beginning at Huntington, W. Va., thence along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line to points in Iowa on, south, and west of a line beginning at Sioux City, Iowa, thence along U.S. Highway 20 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line; (282) from points in West Virginia to Narka, Kans., and points in Kansas on, west, and south of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 24 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line; (283) from points in West Virginia on and north of a line beginning at Parkersburg, W. Va., thence along U.S. Highway 50 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line to points in Kentucky on, south, and west of a line beginning at Paducah, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 91, thence along Kentucky Highway 91 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line; (284) from points in West Virginia on and north of a line beginning at Williamson, W. Va., thence east and north on U.S. Highway 119 to junction

U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line to points in Louisiana; (285) from points in West Virginia on and north of a line beginning at Williamson, W. Va., thence along U.S. Highway 119 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the Virginia-West Virginia State line to points in Mississippi;

(286) From points in West Virginia to points in Missouri on and south of a line beginning at the Kansas-Missouri State line extending along Missouri Highway 18 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 32, thence along Missouri Highway 32 to a terminus at Genevieve, Mo.; and (287) from Bradshaw, W. Va., to Superior and Red Cliff, Wis. The purpose of this filing is to eliminate the gateway of the plant site of the Pittsburgh Metallurgical Company at or near Calvert City, Ky.

No. MC 123375 (Sub-No. E6), filed May 16, 1974. Applicant: KIRK TRUCKING SERVICE, INC., 3766 William Penn Highway, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Boilers, boiler parts, economizers, water walls, headers, stokers, power house installation materials, steel and steel products, machinery, contractors' tools and equipment, office equipment, and architects' supplies*, all of which by reason of size or weight require specialized handling or rigging, between points in that part of Maryland on and west of U.S. Highway 220, on the one hand, and, on the other, points in New Jersey, those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line, thence along U.S. Highway 202 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 33, thence along Pennsylvania Highway 33 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 402, thence along Pennsylvania Highway 402 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 191, thence along Pennsylvania Highway 191 to the Pennsylvania-New York State line, and those in that part of New York on and east of a line beginning at the Pennsylvania-New York State line,

purpose of this filing is to eliminate the gateway of Multnomah or Washington

thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 23, thence along New York Highway 23 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 22, thence along New York Highway 22 to the New York-Canada Boundary line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 123681 (Sub-No. E2), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry sodium chlorate*, in bulk, in tank trucks, from points in Washington, to points in California and Arizona. The purpose of this filing is to eliminate the gateway of Portland, Ore.

No. MC 123681 (Sub-No. E5), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids* (except fertilizer and fertilizer solutions and liquid oxygen, hydrogen, and nitrogen), in bulk, in tank vehicles, between points in California, on the one hand, and, on the other, points in Idaho in and north of Idaho County. The purpose of this filing is to eliminate the gateway of Union County, Ore.

No. MC 123681 (Sub-No. E6), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* (except fertilizers and fertilizer solutions and liquid oxygen, hydrogen, and nitrogen), in bulk, in tank vehicles, between points in Washington and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania Counties, and in Yakima, Klickitat, Benton, Franklin, and Walla Walla Counties, on the one hand, and, on the other, points in Montana on and east of a line beginning at the United States-Canada International Boundary line and extending along Montana Highway 233 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 236, thence along Montana Highway 236 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateway of Union County, Ore.

beginning at the California-Nevada State line and extending along Inter-

No. MC 123681 (Sub-No. E7), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Washington, to points in Utah. The purpose of this filing is to eliminate the gateway of Wallula, Wash.

No. MC 123681 (Sub-No. E8), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid acids and chemicals* (except fertilizers and fertilizer solutions and liquid oxygen, hydrogen, and nitrogen), in bulk, in tank vehicles, between points in Idaho, on the one hand, and, on the other, points in Oregon (except points in Wallawa, Baker, Grant, Malheur, Harney, Wheeler, Crook, Deschutes, Lake, and Klamath Counties). The purpose of this filing is to eliminate the gateway of Portland or Union County, Ore.

No. MC 123681 (Sub-No. E9), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids* (except fertilizers and fertilizer solutions and liquid oxygen, hydrogen, and nitrogen), in bulk, in tank vehicles, between points in Oregon (except points in Malheur and Wallawa Counties), on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of Union County, Ore.

No. MC 123681 (Sub-No. E10), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Oregon (except points in Baker, Crook, Deschutes, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Union, Wallawa, and Wheeler Counties), to points in Utah. The purpose of this filing is to eliminate the gateway of Wallula, Wash.

No. MC 123681 (Sub-No. E11), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids* (except fertilizer and fertilizer solutions and liquid oxygen, hydrogen and nitrogen), in bulk, in tank ve-

hicles, from points in Washington in and west of Whatcom, Skagit, Chelan, Kittitas, Yakima, and Klickitat Counties, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Missoula, Mont., and Portland or Union County, Ore., or Tacoma, Wash.

No. MC 123681 (Sub-No. E12), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids* (except fertilizer and fertilizer solutions and liquid oxygen, hydrogen and nitrogen), in bulk, in tank vehicles, from points in Benton, Franklin, and Walla Walla Counties, Wash., to points in Wyoming (except points in Lincoln, Uintah, Sublette, and Sweetwater Counties). The purpose of this filing is to eliminate the gateways of Missoula, Mont., and Union County, Ore.

No. MC 123681 (Sub-No. E13), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids* (except fertilizers and fertilizer solutions and liquid oxygen, hydrogen, and nitrogen), in bulk, in tank vehicles, from points in Benton, Linn, Lane, Douglas, Coos, Curry, Josephine, and Jackson Counties, Ore., to points in Wyoming (except points in Teton, Fremont, Lincoln, Sublette, Uintah, Carbon, Albany, Platte, Goshen, and Laramie Counties). The purpose of this filing is to eliminate the gateways of Portland, Ore., and Missoula, Mont.

No. MC 123681 (Sub-No. E14), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids* (except fertilizers, fertilizer solutions and liquid oxygen, hydrogen, and nitrogen), in bulk, in tank vehicles, from points in Oregon in, north, and west of Wallawa, Union, Umatilla, Morrow, Gilliam, Sherman, Wasco, Clackamas, Marion, Linn, Lane, Douglas, and Coos Counties, to points in Colorado in and east of Jackson, Grand, Summit, Park, Fremont, Custer, Huerfano, and Costilla Counties. The purpose of this filing is to eliminate the gateways of Missoula County, Mont., and Portland or Union County, Ore.

No. MC 123681 (Sub-No. E15), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids* (except fertilizers

and fertilizer solutions and liquid oxygen, hydrogen, and nitrogen), in bulk, in tank

representative: V. J. Eggleston (same as above). Authority sought to operate as

purpose of this filing is to eliminate the gateway of Multnomah or Washington

following line: From Climax, Minn., on

U.S. Highway 75 to junction U.S. High-

Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 10, thence



and fertilizer solutions and liquid oxygen, hydrogen, and nitrogen), in bulk, in tank vehicles, from points in Washington in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Cowlitz and Clark Counties, to points in Colorado. The purpose of this filing is to eliminate the gateways of Tacoma, Wash., and Missoula County, Mont.

No. MC 123681 (Sub-No. E16), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids* (except fertilizers, fertilizer solutions and liquid oxygen, hydrogen, and nitrogen), in bulk, in tank vehicles, from points in Washington in and west of Okanogan, Douglas, Grant, Franklin, and Walla Walla Counties, to points in Colorado in and east of Jackson, Grand, Summit, Park, Fremont, Custer, Huerfano, and Costilla Counties. The purpose of this filing is to eliminate the gateways of Missoula County, Mont., and Tacoma, Wash., or Portland or Union County, Ore.

No. MC 123681 (Sub-No. E17), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Portland, Linnton, and Willbridge, Ore., to points in Montana and points in Idaho north of Idaho County. The purpose of this filing is to eliminate the gateways of Garfield or Asotin Counties, Wash.

No. MC 123681 (Sub-No. E18), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, from Portland, Ore., to points in Oregon, except Pendleton, Haines, and Malheur Counties. The purpose of this filing is to eliminate the gateway of Vancouver, Wash.

No. MC 123681 (Sub-No. E19), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, from Vancouver, Wash., to points in Montana. The purpose of this filing is to eliminate the gateways of Garfield or Asotin Counties, Wash.

No. MC 123681 (Sub-No. E20), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's

representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, from Vancouver, Wash., to points in Idaho in, north, and east of Idaho, Lemhi, Custer, Butte, Bingham, Power, and Oneida Counties. The purpose of this filing is to eliminate the gateways of Garfield or Asotin Counties, Wash.

No. MC 123681 (Sub-No. E21), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of the commodities authorized above, restricted against the transportation of boats, between points in Utah, on the one hand, and, on the other, points in Idaho, in Fayette, and Gem Counties. The purpose of this filing is to eliminate the gateway of Washington or Oregon.

No. MC 123681 (Sub-No. E22), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of the commodities authorized above, restricted against the transportation of boats, between points in Kootenai, Benewah, Latah, Nez Perce, Lewis, Adams, Washington, Fayette, Gem, Canyon, and Ada Counties, Idaho, and in Idaho County, Idaho on and west of U.S. Highway 95, on the one hand, and, on the other, points in Montana on and east of U.S. Highway 93. The purpose of this filing is to eliminate the gateway of Washington or Oregon.

No. MC 123681 (Sub-No. E23), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Heavy machinery, structural and fabricated iron and steel, and such iron and steel articles* as are used in the construction of buildings and bridges, and contractors' equipment and supplies, in lots of not less than 20,000 pounds, between points in Idaho in and south of Adams, Valley, and Lemhi Counties, on the one hand, and, on the other, points in Washington in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Cowlitz Counties. The

purpose of this filing is to eliminate the gateway of Multnomah or Washington Counties, Ore.

No. MC 123681 (Sub-No. E24), filed May 13, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids* (except fertilizers, fertilizer solutions and liquid oxygen, hydrogen, and nitrogen), in bulk, in tank vehicles, from points in Multnomah, Clackamas, Marion, Polk, Yamhill, Washington, Tillamook, Clatsop, and Columbia Counties, Ore., to points in Wyoming (except Uintah, Lincoln, and Teton Counties). The purpose of this filing is to eliminate the gateways of Portland, Ore., and Missoula County, Mont.

No. MC 123744 (Sub-No. E5) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER June 30, 1975. Republished July 30, 1975. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: E. Steward Butler (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Refractories* (except in bulk) from the facilities of Kaiser Refractories at Frostburg, Md., to points in Indiana north of U.S. Highway 30, and points in Illinois, Missouri, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of Clearfield, Pa., and points within 25 miles thereof. The purpose of this correction is to include Illinois as a destination.

No. MC 124211 (Sub-E87), filed March 6, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Recreational motor vehicles* for off-highway use, *Motorcycles and motorbikes, and motor vehicle parts, supplies, and accessories* (except commodities which, because of their size or weight, require the use of special equipment and commodities in bulk), from Los Angeles, Gardena, Wilmington, and Santa Clara, Calif., to points in Kentucky (except Louisville, Ky., and those in Kentucky within the Cincinnati, Ohio commercial zone as defined by the Commission), Virginia, North Carolina, South Carolina, Georgia (except those south of U.S. Highway 82 and west of U.S. Highway 19), Tennessee, Florida (except those west of Interstate Highway 75), those in Alabama and Mississippi on and north of U.S. Highway 78, those in Nebraska on and east of U.S. Highway 281, and Kansas City, Mo. (B) *Motor vehicle parts, supplies and accessories* (except commodities in bulk, and commodities which, because of their size or weight, require the use of special equipment): (1) Between those points in California on, north, and west of a line

beginning at the California-Nevada State line, and extending along Interstate Highway 15 to San Bernardino, thence along California Highway 90 to junction California Highway 55, thence along California Highway 55 to the Pacific Ocean, on the one hand, and, on the other, those points in Alabama (except those south of U.S. Highway 78), Florida (except those west of Interstate Highway 75), Georgia (except those south of U.S. Highway 82 and west of U.S. Highway 19), Kentucky (except Louisville, Ky., and those in Kentucky within the Cincinnati, Ohio commercial zone as defined by the Commission), Mississippi (except those south of U.S. Highway 78), North Carolina, South Carolina, Tennessee, and Virginia, and Kansas City, Mo.;

(2) Between those points in Nebraska on and north of a line beginning at the Nebraska-Colorado State line, and extending along U.S. Highway 6 to Lincoln, thence along Nebraska Highway 2 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky (except Louisville, Ky., and those in Kentucky within the Cincinnati, Ohio commercial zone as defined by the Commission), Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; (3) between those points in Nebraska on and east of U.S. Highway 77 and north of Nebraska Highway 2, on the one hand, and, on the other, points in Arizona, California, New Mexico, and Texas, and those points in Oklahoma on and south of Interstate Highway 40; (4) between those points in Nebraska on and north of a line beginning at the Nebraska-Iowa State line, and extending along U.S. Highway 6 to Grand Island, thence along Interstate Highway 80 to the Nebraska-Wyoming State line, on the one hand, and, on the other, points in Arkansas and Kansas City, Mo.; (5) from Flint, Mich., to points in Arizona, California, Nebraska, New Mexico, those in Oklahoma and Texas on and west of U.S. Highway 75, and Kansas City, Mo.; (6) from Toledo, Ohio, to points in Arizona, California, Nebraska, New Mexico, those in Oklahoma and Texas on and west of Interstate Highway 35, and Kansas City, Mo.; restricted in (B) above against traffic originating at Phenix City, Ala., Marianna, Ark., Cleveland, Miss., Cushing, Okla., and Lynchburg and Radford, Va., and from Columbus, and Rushville, Nebr., to points in California. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 124692 (Sub-No. E3), filed May 13, 1974. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Johnson & Houland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wood product building materials and lumber products*; (a) from points in Idaho in and north of Idaho County (except those in Boundary County north of U.S. Highway 2) to points in (1) Minnesota that are on, east, and south of the

following line: From Climax, Minn., on U.S. Highway 75 to junction U.S. Highway 2, thence along U.S. Highway 2 to Grand Rapids, Minn., thence along U.S. Highway 169 to junction Minnesota Highway 169, thence along Minnesota Highway 169 to Ely, thence along Minnesota Highway 1 to junction U.S. Highway 61, and (2) South Dakota: (b) from points in Idaho in and north of Idaho County (except points north of Idaho Highway 200) to the Minot Air Force Base near Minot, N. Dak., and points in North Dakota that are on and east of the following lines: From the South Dakota-North Dakota State line on North Dakota Highway 22 to Killdeer, thence along North Dakota Highway 200 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Canada International Boundary line; (c) from points in Boundary County, Idaho, on and south of U.S. Highway 2, to points in North Dakota that are on and south of the following line: From the Montana-North Dakota State line on Interstate Highway 94 to Jamestown, thence along North Dakota Highway 20 to Glenfield, thence along North Dakota Highway 200 to the Minnesota-North Dakota State line;

(II) *Lumber and lumber products* (except commodities in bulk), (a) from points in Montana in Lewis and Clark County and those points east of the Continental Divide and south of U.S. Highway 12 (except those in Custer, Fallon, Powder River, and Carter Counties) to points in Minnesota (except those north of U.S. Highway 2 from East Grand Forks to Bemidji, thence along U.S. Highway 71 to Blackduck, thence along Minnesota Highway 72 to the United States-Canada International Boundary line), (b) from points in Montana east of the Continental Divide, north of U.S. Highway 12 and west of a line beginning at Sweetgrass over U.S. Highway 91 to Great Falls, thence along U.S. Highway 87 to junction U.S. Highway 12 to Duluth, Minn., and points in Minnesota south of Minnesota Highway 210, (c) from points in Montana east and south of the Continental Divide lying in or south of Lewis and Clark, Broadwater, Gallatin, Park, Sweetgrass, Carbon, Big Horn, Rosebud south of U.S. Highway 10, Powder River, and Carter Counties to points in North Dakota on and east of U.S. Highway 83 and those on and east of North Dakota Highway 49 and south of North Dakota Highway 200, (d) from points in Yellowstone County, Mont., to points in Barnes County, N. Dak., and those on and east of North Dakota Highway 32, and those on and east of North Dakota Highway 3 on and south of North Dakota Highway 46, (e) from points in Glacier, Pondera, Teton, Cascade, and Tooele Counties, Mont., to points in Logan, McIntosh, La-Moure, Dickey, Ransom, Sargent, and Richland Counties, N. Dak., (f) from Lewistown, Mont., and points in Montana east of the Continental Divide on, west, and south of a line from Sweetgrass on U.S. Highway 91 to Great Falls, thence along U.S. Highway 87 to junction U.S.

Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming State line to points in South Dakota (except those north of South Dakota Highway 20 and west of U.S. Highway 83);

(III) *Woodproduct building materials, and lumber products* (a) from points in Pend Oreille, Stevens, Spokane, Whitman, and Asotin Counties, Wash., to points in (1) Minnesota, (2) North Dakota (except points in Divide, Williams, and Burke Counties), and (3) South Dakota, (b) from points in Silver Bow County, Mont., to points in (1) North Dakota (except those in that part of North Dakota bounded on the east by North Dakota Highway 3 and on the south of North Dakota Highway 200 and those points west of U.S. Highway 85), (2) Minnesota and (3) South Dakota (except those in Butte, Harding, Perkins, and Corson Counties), (c) from Creston, Kalispell, and Somers, Mont., to points in North Dakota on and south of Interstate Highway 94 and on and east of North Dakota Highway 1, (d) from points in Flathead County, Mont. (except points in Glacier National Park) to points in Minnesota on, south, and east of a line beginning at Breckenridge, Minn., thence along Minnesota Highway 210 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction Minnesota Highway 200, thence along Minnesota Highway 200 to junction U.S. Highway 2, thence along U.S. Highway 2 to Duluth, Minn., (e) from points in Flathead County, Mont. (except points in Glacier National Park) to points in South Dakota on, south, and east of a line from the Wyoming-South Dakota State line over U.S. Highway 212 to junction South Dakota Highway 65, thence along South Dakota Highway 65 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line, (f) from Missoula and Bonner, Mont., to points in North Dakota on and east of a line beginning on North Dakota Highway 49 at the South Dakota-North Dakota State line, thence along North Dakota Highway 49 to junction North Dakota Highway 20, thence along North Dakota Highway 20 to junction North Dakota Highway 3, thence along North Dakota Highway 3 to the United States-Canada International Boundary line (except those in Rolette, Towner, Cavalier, and Pembina Counties), and points in Minnesota and South Dakota (points in Wyoming);

(IV) *Lumber and wood products building materials*, (a) from points in Lemhi County, Idaho, on U.S. Highway 93 at and north of Salmon, Idaho, to points in California (except Imperial County), (b) from points in Idaho in and north of Kootenai and Shoshone Counties to points in California in and south of El Dorado, Amador, San Joaquin, Stanislaus, Merced, San Benito, Fresno, and San Luis Obispo Counties, (c) from

points in Idaho in Bonner and Boundary Counties, to points in Sacramento, So-

and salt compounds, crushed and ground oyster shells, animal feed, grade sugar, Jersey

Pa., commercial zone that is in New Jersey

(1) Wilmington, Del., or points in New Jersey within 40 miles of Philadelphia, Brown.

By the Commission, Commissioner

and certify to the Commission that this has been accomplished.



## NOTICES

points in Idaho in Bonner and Boundary Counties to points in Sacramento, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, Santa Cruz, and Monterey Counties, Calif. (Missoula, Mont.) \*; (V) *Wood product building materials*, from points in Oregon and Washington (except those in Pend Oreille, Stevens, Spokane, Whitman, and Asotin Counties), to points in North Dakota, South Dakota, and Minnesota (points in Big Horn County, Wyo.) \*; (VI) *Lumber and wood product building materials*, from Meagher County, Mont., to points in Kansas and Nebraska (points in Big Horn County, Wyo.) \*; and (VII) *Lumber products* (except commodities in bulk), from Silver Bow County, Mont., to points in Butte, Harding, Perkins, and Corson Counties, S. Dak. (points in Wyoming) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 125996 (Sub-No. E1), filed May 10, 1974. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: George Bacon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed ingredients* (except commodities in bulk, and except beet pulp and beet pulp pellets), (a) from points in Illinois on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line (except Quincy, Ill., and points in its Commercial Zone), to points in California on and west of Interstate Highway 5, and (b) from points in Illinois (except Quincy, Ill., and points in its Commercial Zone), to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Buhl, Idaho.

No. MC 125996 (Sub-No. E2), filed May 10, 1974. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: George Bacon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed and animal feed ingredients* (except commodities in bulk, in tank vehicles, and except salt and salt compounds, crushed and ground oyster shells, animal feed grade sugar, and molasses, in bulk), from points in that part of Kansas on, north, and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 81 to Wichita, thence along Interstate Highway 35 to Emporia, and thence along U.S. Highway 50 to Kansas City (except Muncie), to points in that part of Colorado on and north of a line beginning at the Nebraska-Colorado State line and extending along Interstate Highway 805 to Denver, and thence along U.S. Highway 6 to the Colorado-Utah State line; (2) *animal and poultry feed and feed ingredients* (except salt

and salt compounds, crushed and ground oyster shells, animal feed grade sugar, and molasses, in bulk), from points in Kansas (except Muncie), to points in Washington and Oregon (except Ontario); (3) *animal and poultry feed and animal and poultry feed ingredients* (except commodities in bulk, in tank vehicles, and also except salt and salt compounds, crushed and ground oyster shells, animal feed grade sugar, and molasses, in bulk), from points in that part of Kansas on, east, and north of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 81 to Wichita, thence along Interstate Highway 35 to Emporia, and thence along U.S. Highway 50 to Kansas City (except Muncie), to points in that part of California on, north, and west of a line beginning at the Arizona-California State line and extending along Interstate Highway 10 to junction California Highway 60, thence along California Highway 60 to junction U.S. Highway 395, thence along U.S. Highway 395 to San Diego, and points in Nevada; and (4) *animal and poultry feed and feed ingredients* (except salt and salt compounds, crushed and ground oyster shells, animal feed grade sugar, and molasses, in bulk), from points in Kansas (except Muncie), to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 125996 (Sub-No. E3), filed May 10, 1974. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: George Bacon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed ingredients* (except liquid commodities in bulk), (a) from Sioux Falls, S. Dak., and points in its Commercial Zone, to points in Colorado on and north of U.S. Highway 24, and points in Oregon on and west of Interstate Highway 5, and (b) from Huron and Sioux Falls, S. Dak., to points in Arizona, California, and points in Nevada on and south of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 50 to Fallon, thence along Alternate U.S. Highway 95 to junction Interstate Highway 80 to the Nevada-California State line. The purpose of this filing is to eliminate the gateway of the facilities of Allen Products Co., Inc., at Crete, Nebr.

No. MC 126034 (Sub-No. E1), filed June 3, 1974. Applicant: BUCKS COUNTY CONSTRUCTION COMPANY, P.O. Box 196, Pennel, Pa. 19047. Applicant's representative: E. Stephen Helsley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such machinery* (including pumps, condensers, dynamos, motors, and parts) as would be embraced within lime, fence materials, and building materials, from Wilmington, Del., to unincorporated points in Bucks County, Pa. The purpose of this filing is to eliminate the gateway of any point in the Philadelphia,

Pa., commercial zone that is in New Jersey.

No. MC 126034 (Sub-No. E2), filed June 3, 1974. Applicant: BUCKS COUNTY CONSTRUCTION COMPANY, P.O. Box 196, Pennel, Pa. 19047. Applicant's representative: E. Stephen Helsley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such machinery* (including pumps, condensers, dynamos, motors, and parts) as would be embraced within machinery and boilers, and factory equipment, together with stocks and supplies when part of the movement of a factory: (1) between Philadelphia, Pa., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Washington, D.C., Aberdeen, Md., points in Pennsylvania on and east of the Susquehanna River, Sayre and Erie, Pa., and Martinsburg, W. Va.; (2) between Wilmington, Del., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Erie and Sayre, Pa., and points in Pennsylvania on and east of the Susquehanna River; and (3) between Wilmington, Del., on the one hand, and, on the other, points in New Jersey north of a line beginning at the Delaware River on Mantua Creek near Woodbury, N.J., extending along Mantua Creek to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of (1) New Jersey, (2) points in the Philadelphia, Pa. commercial zone which are in New Jersey, and (3) points in the Philadelphia, Pa. commercial zone which are on and east of the Susquehanna River.

No. MC 126034 (Sub-No. E3), filed June 3, 1974. Applicant: BUCKS COUNTY CONSTRUCTION COMPANY, P.O. Box 196, Pennel, Pa. 19047. Applicant's representative: E. Stephen Helsley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such machinery* (including pumps, condensers, dynamos, motors, and parts) as would be embraced within construction machinery and equipment: (1) between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania and Delaware within a 40 mile radius of Philadelphia, Pa., including Philadelphia, and (2) between Wilmington, Del., on the one hand, and, on the other, points in Delaware, Pennsylvania within 40 miles of Philadelphia, Pa., including Philadelphia, and points in New Jersey that are within 40 miles of Philadelphia and on and north of a line beginning at the Delaware River on Mantua Creek near Woodbury, N.J., extending along Mantua Creek to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction U.S. Highway 322, thence along U.S. Highway 322 to Weymouth, N.J. The purpose of this filing is to eliminate the gateways of

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(1) Wilmington, Del., or points in New Jersey within 40 miles of Philadelphia, Pa., and (2) Philadelphia, Pa., or points in New Jersey that are in the Philadelphia commercial zone.

No. MC 136186 (Sub-No. E72), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Ore. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in tank vehicles, from those points in Riverside, Imperial, and San Bernardino Counties, Calif., on and west of a line beginning at the United States-Mexico International Boundary line and extending along California Highway 111 to junction California Highway 195, thence along California Highway 195 to junction unnumbered highway near Shavers Wells, to junction California Highway 62 at Twentynine Palms, to junction unnumbered highway near Dale Lake (Dry), to junction U.S. Highway 66 at Amboy, to junction unnumbered highway at Ludlow, to junction Interstate Highway 15, to junction California Highway 127, to the San Bernardino County line to Helena, Mont. The purpose of this filing is to eliminate the gateway of Maywood, Calif.

By the Commission,

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23676 Filed 9-4-75; 8:45 am]

[AB 3; sub-No. 7]

#### MISSOURI PACIFIC RAILROAD CO. Abandonment of Service

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

*It appearing*, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

*It is ordered*, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Washington, County, on or before September 17, 1975, and certify to the Commission that this has been accomplished.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the Federal Register.

Dated Washington, D.C., this 25th day of August, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,  
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated August 25, 1975, it has been determined that the proposed abandonment by the Missouri Pacific Railroad Company of its line of railroad between Greenleaf and Washington, Kans., a distance of 6.9 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1939 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the low volume of traffic involved and the absence of any major historic, safety or ecological impacts associated with the proposed action.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before September 22, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-23672 Filed 9-4-75; 8:45 am]

[AB 57; sub-No. 1]

#### SOO LINE RAILROAD CO. Abandonment of Service

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

*It appearing*, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

*It is ordered*, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Alger and Delta Counties, Mich., on or before September 17, 1975,

and certify to the Commission that this has been accomplished.

*And it is further ordered*, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 25th day of August, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,  
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated August 25, 1975, it has been determined that the proposed abandonment by the Soo Line Railroad Company of its line of railroad between Rapid River and Eben Junction, Mich., a distance of 32.50 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because area environmental quality will only be degraded slightly due to increased air pollution and energy consumption resulting from diversion of rail traffic to motor carrier transport. Sale of the right-of-way to a public agency would ensure availability of the land in the right-of-way for future use as a transportation or other public use corridor, and would be consistent with current interest in recreational trail development.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Washington, D.C., 20423, on or before September 22, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23674 Filed 9-4-75; 8:45 am]

[Notice No. 69]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 5, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission

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pursuant to Sections 212(b), 206(a), 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

*It is ordered*, That: I.C.C. Order No. 139 be and it is



## NOTICES

pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 26, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75011. By order entered August 29, 1975, the Motor Carrier Board approved the transfer to Star Trucking Company, Inc., Monahans,

Tex., of Certificate of Registration No. MC-58856 (Sub-No. 2), issued May 12, 1964, to Roy M. Griffin, (Winona Griffin, Heir-at-Law), doing business as Star Trucking, Odessa, Tex., evidencing a right to engage in transportation, in interstate or foreign commerce, of various specified commodities, between points in Texas. George Fowler, 115 West 5th, Odessa, Tex. 79761, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.75-23669 Filed 9-4-75; 8:45 am]

[I.C.C. Order No. 139 Under Rev. S.O. No. 994; Amdt. 1]

ASSOCIATION OF AMERICAN RAILROADS  
AND AMERICAN SHORT LINE RAIL-  
ROAD ASSOCIATION

#### Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 139, and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 139 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 29, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 25, 1975.

[SEAL] INTERSTATE COMMERCE  
COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc.75-23671 Filed 9-4-75; 8:45 am]

FRIDAY, SEPTEMBER 5, 1975



## PART II:

## ENVIRONMENTAL PROTECTION AGENCY

### NAVIGABLE WATERS

Discharge of Dredged  
or Fill Material

# federal register

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## RULES AND REGULATIONS

Title 40—Protection of the Environment  
CHAPTER I. ENVIRONMENTAL

throughout the country; and that we believe to be responsive to the overall objec-

discharges will not be allowed if it is determined that the proposed discharge will do unacceptable harm to the

## RULES AND REGULATIONS

Coastal Zone Management Programs: An individual in States with such programs

Interim final Part 230 is added to read as follows:

227, "Ocean Dumping Final Regulations and Criteria".  
(2) These guidelines apply in a like



## Title 40—Protection of the Environment

## CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 421-1]

## PART 230—NAVIGABLE WATERS

## Discharge of Dredged or Fill Material

The Administrator of the Environmental Protection Agency (EPA) on May 6, 1975, proposed guidelines, pursuant to section 404(b) of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 (hereinafter, "the Act"), for the purpose of providing guidance to be applied in evaluating proposed discharge of dredged or fill material in navigable waters. The guidelines were developed in conjunction with the Army pursuant to section 404(b) of the Act.

Written comments were to be submitted to the Environmental Protection Agency by June 5, 1975. This date was extended to June 30 and consideration has been given to all comments received.

The guidelines are applicable to all activities involving the discharge of dredged or fill material in navigable waters, defined in the Act to mean "the waters of the United States, including the territorial seas." Such discharges are unlawful except in compliance with permits issued by the Secretary of the Army, acting through the Chief of Engineers, after notice and opportunity for public hearings (see 33 CFR 209.120, "Permits for Activities in Navigable Waters or Ocean Waters," published by the Corps of Engineers in the Federal Register on July 25, 1975). These guidelines are applicable to all Federal projects or activities, just as they are applicable to any other project or activity involving a discharge of dredged or fill materials.

Interim final guidelines are being published in order to provide immediate guidance in the implementation of the permit program under section 404 of the Act. While these guidelines become effective upon publication, there will be an additional comment period of 90 days in order that the public may comment further on any of its provisions. Thereafter, these comments will be reviewed and the guidelines modified if necessary.

The development of a permit program to regulate the discharge of dredged material and fill material in all waters of the United States has been the subject of intensive discussions between the Environmental Protection Agency and the Corps of Engineers, as well as other Federal and State agencies and the public. We have worked together in an effort to develop a program that is manageable, responsive to the concerns of protecting vital national water resources from destruction through irresponsible and irreversible decisions, and sensitive to the often conflicting needs and desires of people who utilize these resources. We have attempted to create a program that recognizes the need to interweave all concerns of the public in the decision-making process; that recognizes that present limitations on manpower preclude its immediate implementation

throughout the country; and that we believe to be responsive to the overall objectives and needs of the Federal Water Pollution Control Act.

Section 230.1 summarizes the purpose and scope of the guidelines. Section 230.2 and Appendix A contain definitions to be used in the application of the guidelines in the program under section 404 of the Act.

The procedures for evaluating the discharge of dredged or fill material are outlined in § 230.3. This section is intended to emphasize that each provision of §§ 230.4 and 230.5 must be applied in reaching one of the following determinations: (1) Allowing the proposed discharge with appropriate discharge conditions to minimize unacceptable effects on the aquatic environment; (2) denying the proposed discharge when the discharge will have an unacceptable effect on the aquatic environment; or (3) requesting additional information where necessary to ensure a sound decision.

Section 230.4 presents general approaches for technical evaluation of discharges of dredged or fill material. Section 230.4-1 describes the types of ecological effects that may result from the discharge of dredged or fill material and technical approaches which are available to evaluate such effects where appropriate. Section 230.4-2 explains the considerations that will be given to water quality standards.

Section 230.5 presents objectives and considerations for evaluating proposed sites and for conditioning discharges so as to minimize harmful effects when the disposal site can be approved. All proposed discharges will be analyzed by application of each provision presented.

Section 230.6 provides guidance on the use of general permits for categories of discharge activities that will have only minimal effect on the aquatic environment. Section 230.7 encourages advanced study of aquatic areas to identify those areas of critical ecological concern and those areas that are less sensitive. It is expected that, where practicable, advanced identification of such areas will facilitate planning and improve evaluation of individual and general permits. State and local implementation of advanced planning through mechanisms such as Coastal Zone Management Programs will significantly contribute to the success of these studies.

The following analysis summarizes key comments received on various sections of the proposed guidelines and presents a rationale for the changes made:

(1) Several commenters suggested that the guidelines lack a strong commitment to the spirit of the law by failing to place strict controls on the discretionary power given to the District Engineers. The nationwide application of a single set of guidelines to a variety of discharge activities in a myriad of different aquatic systems requires that the permitting agencies retain the discretion to adapt the approaches and considerations in the guidelines to local conditions. However, many of the approaches and considerations have been rewritten to clarify that

discharges will not be allowed if it is determined that the proposed discharge will result in unacceptable harm to the aquatic system.

(2) Several commenters indicated confusion over the organization of the guidelines. The guidelines have been reorganized, renumbered and retitled to provide greater clarity and utility.

(3) Many commenters objected to the execution of raw material extraction from the section 404 permit system. The Corps of Engineers regulations and the guidelines now recognize that the discharge of material extracted and processed on shipboard is included in the section 404 program, while discharges from land-based processing are included in the National Pollutant Discharge Elimination System under section 402 of the Act.

(4) Most of the comments concerned technical analytical procedures, the adequacy of using the results as a description of constituents actually contained in sediments, whether constituents measured are actually available to aquatic organisms and humans, and the criteria for evaluating technical analyses. In addition to the comments volunteered by the interested public, we sought opinions of experts in each of the above areas of concern. All comments indicated that at this time none of the tests specified in the proposed guidelines can be used on a nationwide basis to examine all sediments thought to contain toxic substances. However, each of the technical evaluations specified in the proposed guidelines can be used meaningfully under some disposal conditions. Since there is no single technical evaluation available for nationwide use, additional physical analysis, bioassays, and biological evaluations have been added. Technical evaluations should be required only when a case-by-case review indicates that the results will provide information necessary to reach a final decision. When used carefully, the results of an appropriate technical evaluation in a given case will serve as one of many factors involved in the decision-making process. The Environmental Protection Agency, in conjunction with the Corps of Engineers will publish a procedures manual to provide details on technical evaluations. Interim technical guidance is available from the District Engineers.

(5) A number of commenters criticized the apparent lack of State participation in the permit program. It has never been the intention of this Agency or the Corps of Engineers to exclude the States from this program.

First, since each discharge of dredged or fill material into a navigable water is, in effect, the discharge of a pollutant into the water, a State water quality certification is required under section 401 of the Act before that discharge can be lawfully undertaken. Provision has therefore been made in the Corps of Engineers regulations (see 40 CFR 209.120(f)(3)) to indicate this legal requirement. Thus, any State may cause the denial of a section 404 permit if it chooses to deny a water quality certification. Similar situations also exist in those States with approved

Coastal Zone Management Programs: An individual in States with such programs must also certify that his activity will comply with the approved plan. On the other hand, where the State does not have such a certification program or delays the processing of its certification, the Corps of Engineers will still begin to process the section 404 permit. In absence of a timely response from the State, the section 404 permit will be processed to a conclusion.

Second, we are aware that some States have existing permit programs to regulate the same types of activities that will be regulated through section 404 of the Act by the Corps of Engineers. To the extent possible, it is our desire to support the State in its decision. Thus, where a State denies a permit, the Corps will not issue a section 404 permit. On the other hand, if a State issues a permit, the Corps would not deny its permit unless there are overriding environmental factors as reflected in these guidelines. We believe that conflicting decisions will be minimized if State permit programs include the policies, procedures, goals, requirements, and objectives embodied in the Corps permit program (see 40 CFR 209.120(f)(3)) and the national legislation which molded and supports it. This would include, for example, the concerns and requirements of the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the Coastal Zone Management Act, and the FWPCA.

Finally, provision has been made in the Corps regulations (see 40 CFR 209.120(f)(3)) to allow the District Engineer to enter into an agreement with those States having ongoing permit programs which would enable joint processing of the Department of the Army and the State permit application to an independent conclusion by each entity. This would include joint public notices, joint public hearings, and the joint development, review, and analysis of information which leads to the final decision on a permit application. We strongly encourage States to work with District Engineers in this effort as this is a valuable mechanism for avoiding unnecessary duplication of effort.

Accordingly, having considered the comments received and other relevant information, the Administrator hereby adopts these guidelines as interim final, effective upon publication as guidance for evaluating all proposed discharges of dredged or fill material into the navigable waters, and also allowing 90 additional days for public comment after which time the guidelines may be modified if necessary.

All comments should be submitted to Eckardt C. Beck, Deputy Assistant Administrator for Water Planning and Standards, Office of Water and Hazardous Materials (WH-451), EPA, 401 M Street, S.W., Washington, D.C. 20460. All comments received on or before December 4, 1975 will be considered.

Dated: August 28, 1975.

RUSSELL E. TRAIN,  
Administrator.

Interim final Part 230 is added to read as follows:

Sec.	Purpose and scope.
230.1	Definitions.
230.2	Evaluation procedures.
230.3	General approaches for technical evaluation.
230.4-1	Physical and chemical-biological interactive effects and approaches for evaluation.
230.4-2	Water quality considerations.
230.5	Selection of disposal sites and conditioning of discharges of dredged or fill material.
230.6	General or categorical permits.
230.7	Advanced identification of dredged material disposal areas.
230.8	Revision.

## APPENDIX A.

AUTHORITY: Sec. 404(b) Federal Water Pollution Control Act of 1972; Pub. L. 92-500.

## § 230.1 Purpose and scope.

(a) *Purpose.* The guidelines contained herein have been developed by the Administrator, Environmental Protection Agency in conjunction with the Secretary of the Army pursuant to section 404(b) of the Federal Water Pollution Control Act (33 USC 1344).

(1) These guidelines are required by section 404 of the Act to be applied in the issuance of permits for the discharge of dredged or fill material at specified disposal sites. In the event the District Engineer's application of the guidelines would preclude the discharge of dredged or fill material, the District Engineer in making the decision will also evaluate the economic impact on navigation and anchorage which will occur by failing to utilize the proposed disposal site.

(2) In addition, under section 404(c) of the Act, no discharge of dredged or fill material will occur at a proposed disposal site in a navigable water if the Administrator of EPA determines, after notice and opportunity for a public hearing and consultation with the Secretary of the Army, that such discharge will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife or recreational areas.

(b) *Applicability.* These guidelines are applicable to all activities involving the discharge of dredged or fill material in navigable waters. They will be applied by the Corps of Engineers in the review of proposed discharges of dredged or fill material into navigable waters which lie inside the baseline from which the territorial sea is measured or the discharge of fill material into the territorial sea pursuant to the procedures specified in 33 CFR 209.120 and 33 CFR 209.145.

(1) The discharge of dredge material into the territorial sea is governed by the Marine Protection, Research, and Sanctuaries Act of 1972, Pub. L. 92-532, and regulations and criteria issued pursuant thereto. (See 33 CFR 209.120, "Permits for Activities in Navigable Waters or Ocean Waters" and 33 CFR 209.145, "Federal Projects Involving the Disposal of Dredged Material in Navigable and Ocean Waters," and 40 CFR

227, "Ocean Dumping Final Regulations and Criteria".)

(2) These guidelines apply in a like manner to all discharges of dredged or fill material into navigable waters proposed to be undertaken by members of the general public and Federal Agencies including those Corps of Engineers operations that will result in such discharges.

## § 230.2 Definitions.

For purposes of this subpart 230, the following terms shall have the meanings indicated:

(a) The term "Act" means the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 33 USC 1251 et seq.).

(b) The definitions set forth in 33 CFR 209.120(d) are incorporated herein by reference. These cover: navigable waters, dredged material, discharge of dredged material, fill material, and discharge of fill material. A copy of these definitions is appended hereto.

(c) The term "Regional Administrator" means the EPA Regional Administrator for the particular EPA Region in which dredged or fill material is proposed to be discharged.

(d) The term "District Engineer" means the District Engineer for the U.S. Army Corps of Engineers District in which dredged or fill material is proposed to be discharged or such other individual as may be designated by the Secretary of the Army to issue or deny permits under section 404 of the Act.

(e) The term "territorial sea" means the belt of the sea measured from the baseline as determined in accordance with the Convention on the Territorial Sea and the Contiguous Zone and extending seaward a distance of three miles.

(f) The term "disposal site" means the location within fixed geographic boundaries in which a discharge of dredged or fill material is proposed or has been undertaken, and includes the volume of water and the substrate over which such water volume lies, where applicable.

(g) The term "constituents" means the chemical substances, the solids, and the organisms associated with dredged or fill material.

## § 230.3 Evaluation procedures.

(a) All proposed discharges of dredged or fill material will be processed and evaluated in accordance with these guidelines and with applicable Corps of Engineers regulations (33 CFR 209.120 and 33 CFR 209.145).

(b) Upon issuance of the public notice required by 33 CFR 209.120(j) and 209.145(g) the District Engineer shall send a copy of the public notice to the Regional Administrator.

(c) The role of the Regional Administrator shall include consultation with the District Engineer on the interpretation of the guidelines, review and comment to the District Engineer on permit applications, and implementation of section 404(c) in appropriate cases.

(d) The District Engineer shall utilize these guidelines by making an eco-

... following the guidance... cents in regard to the amounts and types... values, and direct destructive effects on

... sufficiently removed from sources of pol... would be of value in comparing sediment... ical and biological integrity of the aqua-



logical evaluation following the guidance in § 230.4, including technical evaluation where appropriate, in conjunction with the evaluation considerations specified in § 230.5. This evaluation shall be utilized by the District Engineer in making one of the following determinations pursuant to section 404(b)(1) of the Act:

(1) Allowing the proposed discharge with appropriate discharge conditions to minimize unacceptable effects on the aquatic environment;

(2) Denying the proposed discharge when the discharge will have an unacceptable effect on the aquatic environment;

(3) Requesting additional information where necessary to ensure a sound decision.

(e) The District Engineer shall make use of the following approaches where practicable: Short form application procedures as may be subsequently developed by the Chief of Engineers for minor activities with minimal environmental effects; use of general permit procedures (see § 230.6); and advance identification of disposal areas (see § 230.7). Evaluation of the proposed discharge will also be made based on information contained in Environmental Impact Assessments, Environmental Impact Statements if required, Coastal Zone Management Programs, and River Basin Plans.

#### § 230.4 General approaches for technical evaluation.

The effects of discharges of dredged or fill material on aquatic organisms and human uses of navigable waters may range from insignificant disruption to irreversible change at the disposal site. Section 230.4-1 describes the types of ecological effects that may result from the discharge of dredged or fill material and technical approaches to evaluate such effects. Ecological impact from dredged or fill material discharges can be divided into two main categories: (a) physical effects; and (b) chemical-biological interactive effects.

#### § 230.4-1 Physical and chemical-biological interactive effects and approaches for evaluation.

No single test or approach can be applied in all cases to evaluate the effects of proposed discharges of dredged or fill material. Evaluation of the significance of physical effects often may be made without laboratory tests by examining the character of the dredged or fill material proposed for discharge and the discharge area with particular emphasis on the principles given in § 230.5. The chemical change in water quality may best be simulated by use of an elutriate test. To the extent permitted by the state of the art, expected effects such as toxicity, stimulation, inhibition or bioaccumulation may best be estimated by appropriate bioassays. Suitability of the proposed disposal sites may be evaluated by the use, where appropriate, of sediment analysis or bioevaluation. In order to avoid unreasonable burdens on appli-

cants in regard to the amounts and types of data to be provided, consideration will be given by the District Engineer to the economic cost of performing the evaluation, the utility of the data to be provided, and the nature and magnitude of any potential environmental effect. EPA in conjunction with the Corps of Engineers will publish a procedures manual that will cover summary and description of tests, definitions, sample collection and preservation, procedures, calculations, and references. Interim guidance to applicants concerning the applicability of specific approaches or procedures will be furnished by the District Engineer.

(a) *Physical Effects.* Physical effects on the aquatic environment include the potential destruction of wetlands, impairment of the water column, and the covering of benthic communities. Other physical effects include changes in bottom geometry and substrate composition that cause subsequent alterations in water circulation, salinity gradients and the exchange of constituents between sediments and overlying water with subsequent alterations of biological communities. (See § 230.5 of these guidelines.)

(1) From a national perspective, the degradation or destruction of aquatic resources by filling operations in wetlands is considered the most severe environmental impact covered by these guidelines. Evaluation procedures for determining the environmental effects of fill operations in wetlands are relatively straight forward. The guiding principle should be that destruction of highly productive wetlands may represent an irreversible loss of a valuable aquatic resource. (See 33 CFR 209.120(g) (3) and 230.5 of these guidelines.) Wetlands considered to perform important functions include but are not limited to the following:

(i) Wetlands that serve important natural biological functions, including food chain production, general habitat, and nesting, spawning, rearing and resting sites for aquatic or land species;

(ii) Wetlands set aside for study of the aquatic environment or as sanctuaries of refuges;

(iii) Wetlands contiguous to areas listed in paragraphs (a) (1) (i) and (ii) of this section, the destruction or alteration of which would affect detrimentally the natural drainage characteristics, sedimentation patterns, salinity distribution, flushing characteristics, current patterns, or other environmental characteristics of the above areas;

(iv) Wetlands that are significant in shielding other areas from wave action, erosion or storm damage. Such wetlands often include barrier beaches, islands, reefs and bars;

(v) Wetlands that serve as valuable storage areas for storm and flood waters; and

(vi) Wetlands that are prime natural recharge areas. Prime recharge areas are locations where surface and ground water are directly interconnected.

(2) Effects on the water column are principally those associated with a reduction in light transmission, aesthetic

values, and direct destructive effects on nektonic and planktonic populations. The significance of water column physical effects are not readily predicted by current technical approaches.

(3) The effect on benthos is essentially the covering of benthic communities with a subsequent change in community structure or function. It has been noted that the benthic community often will reestablish, although sometimes of a somewhat different ecological structure. Evaluation of the significance of the effect on the benthic community can be estimated prior to the discharge activity from a knowledge of the hydrodynamics of the disposal site, mode of discharge, volume of materials, particle size distribution and types of dredged or fill material, and from a knowledge of the benthic community.

(b) *Chemical-biological interactive effects.* Ecological perturbation caused by chemical-biological interactive effects resulting from discharges of dredged or fill material is very difficult to predict. Research performed to date has not clearly demonstrated the extent of chemical-biological interactive effects resulting from contaminants present in the dredged or fill material. The principal concerns of open water discharge of dredged or fill material that contain chemical contaminants are the potential effects on the water column or on benthic communities.

(1) *Evaluation of chemical-biological interactive effects.* Dredged or fill material may be excluded from the evaluation procedures specified in paragraphs (b) (2) and (3) of this section if any of the conditions specified in paragraphs (b) (1) (i), (ii) or (iii) of this section are determined to exist, unless the District Engineer, after evaluating and considering any comments received from the Regional Administrator, determines that these approaches and procedures are necessary. The Regional Administrator may require, on a case-by-case basis, testing approaches and procedures by stating what additional information is needed through further analyses and how the results of the analysis will be of value in evaluating potential environmental effects. Dredged or fill material may be excluded from this evaluation, if:

(i) Dredged or fill material is composed predominantly of sand, gravel, or any other naturally occurring sedimentary material with particle sizes larger than silt, characteristic of and generally found in areas of high current or wave energy such as streams with large bed loads or coastal areas with shifting bars and channels;

(ii) Dredged or fill material is for beach nourishment or restoration and is composed predominantly of sand, gravel or shell with particle sizes compatible with material on receiving shores; or

(iii) When:

(a) The material proposed for discharge is substantially the same as the substrate at the proposed disposal site; and

(b) The site from which the material proposed for discharge is to be taken is

sufficiently removed from sources of pollution to provide reasonable assurance that such material has not been contaminated by such pollution; and

(c) Adequate terms and conditions are imposed on the discharge of dredged or fill material to provide reasonable assurance that the material proposed for discharge will not be moved by currents or otherwise in a manner that is damaging to the environment outside the disposal site.

(2) *Water column effects.* Sediments normally contain constituents that exist in different chemical forms and are found in various concentrations in several locations within the sediment. The potentially bioavailable fraction of a sediment is dissolved in the sediment interstitial water or in a loosely bound form that is present in the sediment. In order to predict the effect on water quality due to release of contaminants from the sediment to the water column, an elutriate test may be used. The elutriate is the supernatant resulting from the vigorous 30-minute shaking of one part bottom sediment from the dredging site with four parts water (vol./vol.) collected from the dredging site followed by one-hour settling time and appropriate centrifugation and a 0.45μ filtration. Major constituents to be analyzed in the elutriate are those deemed critical by the District Engineer, after evaluating and considering any comments received from the Regional Administrator, and considering known sources of discharges in the area and known characteristics of the extraction and disposal sites. Elutriate concentrations should be used in conjunction with the same constituents in disposal site water and other data which describe the volume and rate of the intended discharge, the type of discharge, the hydrodynamic regime at the disposal site, and other available information that aids in the evaluation of impact on water quality (see § 230.5 of these guidelines). The District Engineer may specify bioassays when he determines that such procedures will be of value. In reaching this determination, dilution and dispersion effects subsequent to the discharge at the disposal site will be considered.

(3) *Effects on benthos.* Evaluation of the significance of chemical-biological interactive effects on benthic organisms resulting from the discharge of dredged or fill material is extremely complex and demands procedures which are at the forefront of the current state of the art. Although research has shown that benthic species can ingest contaminated sediment particles, it has not been determined to what degree the contaminants are dissociated from the sediment and incorporated into benthic body tissues thereby gaining entry to the food web. The District Engineer may use an appropriate benthic bioassay when such procedures will be of value in assessing ecological effect and in establishing discharge conditions.

(c) *Procedure for comparison of sites.* (1) When an inventory of the total concentration of chemical constituents deemed critical by the District Engineer

would be of value in comparing sediment at the dredging site with sediment at the disposal site, he may require a total sediment chemical analysis. Total sediment analysis is accomplished by concentrated strong acid digestion or solvent extraction for inorganic and organic constituents respectively. Markedly different concentrations of critical constituents between the excavation and disposal sites may aid in making an environmental assessment of the proposed disposal operation.

(2) When an analysis of biological community structure will be of value to assess the potential for adverse environmental impact at the proposed disposal site, a comparison of the biological characteristics between the excavation and disposal sites may be required by the District Engineer. Biological indicator species may be useful in evaluating the existing degree of stress at both sites. Sensitive species representing community components colonizing various substrate types within the sites should be identified as possible bioassay organisms if tests for toxicity are required. Community structure studies are expensive and time consuming, and therefore should be performed only when they will be of value in determining discharge conditions. This is particularly applicable to large quantities of dredged material known to contain adverse quantities of toxic materials. Community studies should include benthic organisms such as micro-biota and harvestable shellfish and finfish. Abundance, diversity, and distribution should be documented and correlated with substrate type and other appropriate physical and chemical environmental characteristics.

#### § 230.4-2 Water quality considerations.

After application of the approaches presented in § 230.4, the District Engineer will compare the concentrations of appropriate constituents to applicable narrative and numerical guidance contained in such water quality standards as are applicable by law. In the event that such discharge would cause a violation of such appropriate and legally applicable standards at the perimeter of the disposal site after consideration of the mixing zone (see § 230.5(e)) discharge shall be prohibited.

#### § 230.5 Selection of disposal sites and conditioning of discharges of dredged or fill material.

(a) *General considerations and objectives.* In evaluating whether to permit a proposed discharge of dredged or fill material into navigable waters, consideration shall be given to the need for the proposed activity (see 33 CFR 209.120 and 33 CFR 209.145), the availability of alternate sites and methods of disposal that are less damaging to the environment, and such water quality standards as are appropriate and applicable by law. The following objectives shall be considered in making a determination on any proposed discharge:

(1) Avoid discharge activities that significantly disrupt the chemical, phys-

ical and biological integrity of the aquatic ecosystem, of which aquatic biota, the substrate, and the normal fluctuations of water level are integral components;

(2) Avoid discharge activities that significantly disrupt the food chain including alterations or decrease in diversity of plant and animal species;

(3) Avoid discharge activities that inhibit the movement of fauna especially their movement into and out of feeding, spawning, breeding and nursery areas;

(4) Avoid discharge activities that will destroy wetland areas having significant functions in maintenance of water quality;

(5) Recognize that discharge activities might destroy or isolate areas that serve the function of retaining natural high waters or flood waters;

(6) Minimize, where practicable, adverse turbidity levels resulting from the discharge of material;

(7) Minimize discharge activities that will degrade aesthetic, recreational, and economic values;

(8) Avoid degradation of water quality as determined through application of § 230.4, 230.5 (c) and (d).

(b) *Considerations relating to degradation of water uses at proposed disposal sites—(1) Municipal water supply intakes.* No disposal site may be designated in the proximity of a public water supply intake. The District Engineer and the Regional Administrator will determine the acceptable location of the disposal site in such cases.

(2) *Shellfish.* (i) Disposal sites for dredged or fill material shall not be designated in areas of concentrated shellfish production. In the case of widely dispersed shellfish populations where it is demonstrated by the applicant that the avoidance of shellfish population areas is impossible the disposal site may be located within such areas, but should be situated so as to cause the least impact on the shellfish population with particular reference to the burial of living forms and maintenance of a suitable substrate.

(ii) Disposal sites should be located to minimize or prevent the possible movement of pollutants by currents or wave action into productive shellfish beds.

(iii) Banks formed by dredged or fill material should be located and oriented to prevent undesirable changes in current patterns, salinity patterns and flushing rates which may affect shellfish.

(iv) The disposal operation should be scheduled to avoid interference with reproductive processes and avoid undue stress to juvenile forms of shellfish.

(3) *Fisheries.* (i) Significant disruptions of fish spawning and nursery areas should be avoided.

(ii) Dredging and disposal operations should be scheduled to avoid interference with fish spawning cycles and to minimize interference with migration patterns and routes.

(iii) Consideration shall be given to preservation of submersed and emergent vegetation.

(4) *Wildlife.* Disposal sites will be designated so as to minimize the impact

on habitat, the food chain, community structures of wildlife, and marine or

(9) *Submersed Vegetation.* Disposal sites shall be located to minimize the im-

fectively confined to prevent the discharge, leaching, or erosion of the ma-

certification under Section 401 of the Federal Water Pollution Control Act and, where applicable, a certification of com-

years of the date of this initial promulgation or earlier as determined by research results and affirmed by the Administra-

(3) For industrial purposes by industries in interstate commerce; or  
(4) In the production of agricultural



on habitat, the food chain, community structures of wildlife, and marine or aquatic sanctuaries.

(5) *Recreation activities.* In evaluating proposed discharges of dredged or fill material in or near recreational areas, the following factors should be considered:

(i) Reasonable methods should be employed to minimize any increase in amount and duration of turbidity which would reduce the numbers and diversity of fish or cause a significant aesthetically displeasing change in the color, taste, or odor of the water.

(ii) Release of nutrients from dredged or fill material should be minimized in order to prevent eutrophication, the degradation of aesthetic values, and impairment of recreation uses.

(iii) No material that will result in unacceptable levels of pathogenic organisms shall be discharged in areas used for recreation involving physical contact with the water.

(iv) No material shall be discharged which will release oil and grease in harmful quantities as defined in 40 CFR 110.

(6) *Threatened and endangered species.* No discharge will be allowed that will jeopardize the continued existence of threatened or endangered species or destroy or modify the habitat of those species determined critical in accordance with the Endangered Species Act.

(7) *Benthic life.* Disposal sites should be areas where benthic life which might be damaged by the discharge is minimal recognizing that enhancement may also occur. Use of existing disposal sites is generally desirable.

(8) *Wetlands.* (i) Discharge of dredged material in wetlands may be permitted only when it can be demonstrated that the site selected is the least environmentally damaging alternative; provided, however, that the wetlands disposal site may be permitted if the applicant is able to demonstrate that other alternatives are not practicable and that the wetlands disposal will not have an unacceptable adverse impact on the aquatic resources. Where the discharge is part of an approved Federal program which will protect or enhance the value of the wetlands to the ecosystem, the site may be permitted.

(ii) Discharge of fill material in wetlands shall not be permitted unless the applicant clearly demonstrates the following:

(a) the activity associated with the fill must have direct access or proximity to, or be located in, the water resources in order to fulfill its basic purpose, or that other site or construction alternatives are not practicable; and

(b) that the proposed fill and the activity associated with it will not cause a permanent unacceptable disruption to the beneficial water quality uses of the affected aquatic ecosystem, or that the discharge is part of an approved Federal program which will protect or enhance the value of the wetlands to the ecosystem.

(9) *Submersed Vegetation.* Disposal sites shall be located to minimize the impact on submersed grassflats (for example *Thalassia* and *Zostera* beds) and other areas containing submersed vegetation of significant biological productivity.

(10) *Size of disposal site.* The specified disposal site shall be confined to the smallest practicable area consistent with the type of dispersion determined to be appropriate by the application of these guidelines. Although the impact of the particular discharge may constitute a minor change, the cumulative effect of numerous such piecemeal changes often results in a major impairment of the water resource and interferes with the productivity and water quality processes of existing environmental systems. Thus, the particular disposal site will be evaluated with the recognition that it is part of a complete and interrelated ecosystem. The District Engineer may undertake reviews of particular areas in response to new applications, and in consultation with the appropriate Regional Director of the Fish and Wildlife Service, the Regional Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, the Regional Administrator of the Environmental Protection Agency, the State Conservationist of the Soil Conservation Service of the Department of Agriculture, and the head of the appropriate State agencies, including the State Director of an approved Coastal Zone Management Program, to assess the cumulative effect of activities in such areas.

(c) The following may also be considered in determining the site and disposal conditions to minimize the possibility of harmful effects:

(1) Appropriate scientific literature, such as the National Water Quality Criteria developed by the Administrator, pursuant to section 304(a) (1) of the Act;

(2) Alternatives to open water disposal such as upland or confined disposal;

(3) Disposal sites where physical environmental characteristics are most amenable to the type of dispersion desired;

(4) Disposal seaward of the baseline of the territorial sea;

(5) Covering contaminated dredged material with cleaner material;

(6) Conditions to minimize the effect of runoff from confined areas on the aquatic environment; and

(7) The Regional Administrator may specify appropriate monitoring conditions in proximity of disposal sites where necessary to control and minimize water quality degradation, pursuant to Section 308 of the Act.

(d) *Contaminated fill material restrictions.* The discharge of fill material originating from a land source shall not be allowed when the District Engineer determines that the material contains unacceptable quantities, concentrations or forms of the constituents deemed critical by the District Engineer or the Regional Administrator for the proposed disposal site, unless such material is effectively confined to prevent the discharge, leaching, or erosion of the material outside the confined area. Appropriate approaches in 230.4 may be used in making this determination.

(e) *Mixing zone determination.* The mixing zone shall be the smallest practicable mixing zone within each specified disposal site, consistent with the objectives of these guidelines, in which desired concentrations of constituents must be achieved.

The District Engineer and the Regional Administrator shall consider the following factors in determining the acceptability of a proposed mixing zone:

(1) Surface area, shape and volume of the discharge site;

(2) Current velocity, direction and consistency at the discharge site;

(3) Degree of turbulence;

(4) Stratification attributable to causes which include without limitation salinity, obstructions, and specific gravity;

(5) Any on-site studies or mathematical models which have been developed with respect to mixing patterns at the discharge site; and

(6) Such other factors prevailing at the discharge site that affect rates and patterns of mixing.

§ 230.6 General or categorical permits.

(a) The District Engineer upon compliance with the procedures of 33 CFR 209.120 may issue a general permit for a clearly described category of discharge activities if he determines that the category meets the following conditions:

(1) The activities included in the category are substantially similar in nature; and

(2) The activities included in the category have substantially similar impact on water quality and the aquatic system, and the adverse impact on water quality and the aquatic system is minimal for each discharge activity; and

(3) The cumulative impact of the total number of activities predicted to occur during the period authorized by the permit, is expected to have only minimal adverse effect on water quality and the aquatic system.

(b) The District Engineer, may condition general permits to require dischargers to submit the following information at least 45 days prior to commencement of the discharge of dredged or fill material:

(1) The name and address of the discharger.

(2) The location of the contemplated activity including the name and general description of the receiving waters, including wetlands, and the size of the area to be filled.

(3) A brief description of the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills.

(4) A description of the type, composition, and quantity of materials to be discharged and means of conveyance.

(5) A copy of other Federal, State, and local government authorizations obtained including a State water-quality

certification under Section 401 of the Federal Water Pollution Control Act and, where applicable, a certification of compliance with an approved State Coastal Zone Management Program pursuant to Section 307(c) (3) of the Coastal Zone Management Act.

(c) If reporting is required the District Engineer shall record the individual disposal site as authorized and authorization will occur automatically 30 days after receipt of notification unless the applicant is otherwise notified by the District Engineer.

(d) A general permit may be revoked completely or partially by the District Engineer independently or on the advice of the Regional Administrator, if he determines that the discharges of dredged or fill material authorized by it or the cumulative effects thereof will have an adverse impact on water quality and the aquatic system. Following revocation, any discharges of dredged or fill material in areas formerly covered by the general permit shall be processed as individual permits under this regulation.

§ 230.7 Advanced identification of dredged material disposal areas.

(a) The District Engineer and the Regional Administrator, after consultation with the affected State or States, may at their discretion and consistent with the guidelines, identify areas which will be considered as:

(1) Possible future disposal sites; or

(2) Areas which will not be available for disposal site specification.

(b) The identification of any area as a possible future disposal site shall not be deemed to constitute a permit for the discharge of dredged or fill material within such areas, but may be used in evaluating individual or general permit applications.

(c) A record of areas so identified shall be maintained at the offices of the District Engineer and the Regional Administrator.

(d) To provide the basis for advanced identification of disposal areas and of areas not available for disposal, the Regional Administrator and the District Engineer should assess waterbodies to determine those areas which are of critical ecological concern, those which are of environmental concern, and non-sensitive areas. To facilitate this analysis, they should assemble water resource management data including such data as may be available from the other Federal and State agencies listed in § 230.5(b) (10) and information from approved Coastal Zone Management Programs and River Basin Plans.

§ 230.8 Revision.

The provisions of these guidelines will be periodically reviewed by the Administrator in conjunction with the Secretary of the Army pursuant to section 404(b) (1) of the Act. The guidelines may not be modified without approval of the Secretary of the Army and the Administrator. Any proposed revisions, or notice that a review has been completed and no revisions are proposed, will be published in the FEDERAL REGISTER within three

years of the date of this initial promulgation or earlier as determined by research results and affirmed by the Administrator in conjunction with the Secretary of the Army.

#### APPENDIX A

DEFINITIONS FROM 33 CFR 209.120, "PERMITS FOR WORK IN NAVIGABLE WATERS OR OCEAN WATERS"

(1) "Navigable waters of the United States." The term, "navigable waters of the United States," is administratively defined to mean waters that have been used in the past, are now used, or are susceptible to use as a means to transport interstate commerce landward to their ordinary high water mark and up to the head of navigation as determined by the Chief of Engineers, and also waters that are subject to the ebb and flow of the tide shoreward to their mean high water mark (mean higher high water mark on the Pacific Coast). See 33 CFR 209.260 (ER 1165-2-302) for a more definitive explanation of this term.

(2) "Navigable waters". (i) The term, "navigable waters," as used herein for purposes of Section 404 of the Federal Water Pollution Control Act, is administratively defined to mean waters of the United States including the territorial seas with respect to the disposal of fill material and excluding the territorial sea with respect to the disposal of dredged material and shall include the following waters:

(a) Coastal waters that are navigable waters of the United States subject to the ebb and flow of the tide, shoreward to their mean high water mark (mean higher high water mark on the Pacific Coast);

(b) All coastal wetlands, mudflats, swamps, and similar areas that are contiguous or adjacent to other navigable waters. "Coastal wetlands" includes marshes and shallows and means those areas periodically inundated by saline or brackish waters and that are normally characterized by the prevalence of salt or brackish water vegetation capable of growth and reproduction;

(c) Rivers, lakes, streams, and artificial water bodies that are navigable waters of the United States up to their headwaters and landward to their ordinary high water mark;

(d) All artificially created channels and canals used for recreational or other navigational purposes that are connected to other navigable waters, landward to their ordinary high water mark;

(e) All tributaries of navigable waters of the United States up to their headwaters and landward to their ordinary high water mark;

(f) Interstate waters landward to their ordinary high water mark and up to their headwaters;

(g) Intrastate lakes, rivers and streams landward to their ordinary high water mark and up to their headwaters that are utilized;

(1) By interstate travelers for water-related recreational purposes;

(2) For the removal of fish that are sold in interstate commerce;

(3) For industrial purposes by industries in interstate commerce; or

(4) In the production of agricultural commodities sold or transported in interstate commerce;

(h) Freshwater wetlands including marshes, shallows, swamps and, similar areas that are contiguous or adjacent to other navigable waters and that support freshwater vegetation. "Freshwater wetlands" means those areas that are periodically inundated and that are normally characterized by the prevalence of vegetation that requires saturated soil conditions for growth and reproduction; and

(i) those other waters which the District Engineer determines necessitate regulation for the protection of water quality as expressed in the guidelines (40 CFR 230). For example, in the case of intermittent rivers, streams, tributaries, and perched wetlands that are not contiguous or adjacent to navigable waters identified in paragraphs (a)-(h) a decision on jurisdiction shall be made by the District Engineer.

(ii) The following additional terms are defined as follows:

(a) "Ordinary high water mark" with respect to inland fresh water means the line on the shore established by analysis of all daily high waters. It is established as that point on the shore that is inundated 25% of the time and is derived by a flow-duration curve for the particular water body that is based on available water stage data. It may also be estimated by erosion or easily recognized characteristics such as shelving, change in the character of the soil, destruction of terrestrial vegetation or its inability to grow, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area;

(b) "Mean high water mark" with respect to ocean and coastal waters means the line on the shore established by the average of all high tides (all higher high tides on the Pacific Coast). It is established by survey based on available tidal data (preferably averaged over a period of 18.6 years because of the variations in tide). In the absence of such data, less precise methods to determine the mean high water mark may be used, such as physical markings or comparison of the area in question with an area having similar physical characteristics for which tidal data are already available;

(c) "Lakes" means natural bodies of water greater than five acres in surface area and all bodies of standing water created by the impounding of navigable waters identified in paragraphs (a)-(h), above. Stock watering ponds and settling basins that are not created by such impoundments are not included;

(d) "Headwaters" means the point on the stream above which the flow is normally less than 5 cubic feet per second; provided, however, the volume of flow, point and nonpoint source discharge characteristics of the watershed, and other factors that may impact on the water quality of waters of the United States will be considered in determining this upstream limit; and

(e) "Primary tributaries" means the of dredged material to a specified dis- or approaches, and transportation struc-



(e) "Primary tributaries" means the main stems of tributaries directly connecting to navigable waters of the United States up to their headwaters and does not include any additional tributaries extending off of the main stems of these tributaries.

(3) "Ocean waters". The term "ocean waters," as defined in the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532), 86 Stat. 1052), means those waters of the open seas lying seaward of the base line from which the territorial sea is measured as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(4) "Dredged material". The term "dredged material" means material that is excavated or dredged from navigable waters. The term does not include material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for production of food, fiber, and forest products.

(5) "Discharge of dredged material". The term "discharge of dredged material" means any addition of dredged material, in excess of one cubic yard when used in a single or incidental operation, into navigable waters. The term includes, without limitation, the addition

of dredged material to a specified disposal site located in navigable waters and the runoff or overflow from a contained land or water disposal area. Discharges of pollutants into navigable waters resulting from the onshore subsequent processing of dredged material that is extracted for any commercial use (other than fill) are not included within this term and are subject to section 402 of the Federal Water Pollution Control Act even though the extraction of such material may require a permit from the Corps of Engineers under section 10 of the River and Harbor Act of 1899.

(6) "Fill material." The term "fill material" means any pollutant used to create fill in the traditional sense of replacing an aquatic area with dry land or of changing the bottom elevation of a water body for any purpose. "Fill material" does not include the following:

(i) Material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for the production of food, fiber, and forest products;

(ii) Material placed for the purpose of maintenance, including emergency reconstruction of recently damaged parts of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments

or approaches, and transportation structures;

(iii) Additions to these categories of activities that are not "fill" will be considered periodically and these regulations amended accordingly.

(7) "Discharge of fill material." The term "discharge of fill material" means the addition of fill material into navigable waters for the purpose of creating fastlands, elevations of land beneath navigable waters, or for impoundments of water. The term generally includes, without limitation, the following activities in a navigable water: placement of fill that is necessary to the construction of any structure; the building of any structure or impoundment requiring rock, sand, dirt, or other pollutants for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes; artificial islands, property protection and/or reclamation devices such as riprap, groins, seawalls, breakwalls, and bulkheads and fills; beach nourishment; levees; sanitary landfills; fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants, and subaqueous utility lines; and artificial reefs.

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# federal register

FRIDAY, SEPTEMBER 5, 1975



PART III:

## ENVIRONMENTAL PROTECTION AGENCY

### PULP, PAPER AND PAPERBOARD POINT SOURCE CATEGORY

Advance Notice of  
Proposed Rulemaking

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# ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 430 ]

[ ERL 425-4 ]

## EFFLUENT LIMITATIONS AND GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE BLEACHED KRAFT, GROUNDWOOD, SULFITE, SODA, DEINK AND NON-INTEGRATED PAPER MILLS SEGMENT OF THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

### Advanced Notice of Proposed or Promulgated Rule Making

The Environmental Protection Agency (EPA) is hereby giving advance notice of intent to propose or promulgate effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below. On May 29, 1974, EPA promulgated a regulation adding Part 430 to Chapter 40 of the Code of Federal Regulations (39 FR 18742). That regulation established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the pulp, paper, and paperboard point source category. The regulation set forth below when promulgated will amend 40 CFR 430—pulp, paper, and paperboard point source category by adding thereto the dissolving kraft subcategory (Subpart F); the market kraft subcategory (Subpart G); the BCT kraft subcategory (Subpart H); the fine kraft subcategory (Subpart I); the papergrade sulfite subcategory (Subpart J); the dissolving sulfite subcategory (Subpart K); the GW-chemi-mechanical subcategory (Subpart L); the GW-thermo-mechanical subcategory (Subpart M); the GW-CMN papers subcategory (Subpart N); the GW-fine papers subcategory (Subpart O); the soda subcategory (Subpart P); the deink subcategory (Subpart Q); the NI fine papers subcategory (Subpart R); the NI tissue papers subcategory (Subpart S); and the NI tissue (FWP) subcategory (Subpart T) pursuant to sections 301, 304 (b) and (c), 306(b), 307(c), and 501(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act).

This advance notice of proposed or promulgated rulemaking is being issued pursuant to EPA's policy of providing the interested public the greatest possible opportunity for review and comment. In developing the requisite data to support effluent limitations guidelines and standards, EPA commissioned a study and report entitled "Draft Development Document for Effluent Limitations Guidelines and Standards of Performance—Pulp, Paper, and Paperboard Industry" prepared by WAPORA, Inc. dated July, 1974. Copies of the contractor's reports have been circulated among industry representatives, government agencies,

public interest groups, and other interested persons, and comments have been received thereon. In light of these comments, as well as its own review of the reports, EPA presently intends to establish regulations which differ in some material respects from the recommendations contained in the contractor's report. The purpose, therefore, in giving this advance notice is to apprise interested persons of EPA's expected course of action, and to provide such interested persons with an opportunity to submit comments thereon.

In addition, this advance notice is given so as to obtain the aforesaid comments in sufficient time to enable EPA to promulgate effluent limitations and guidelines by December 15, 1975, in accordance with the order of the United States District Court for the District of Columbia in *Natural Resources Defense Council, Inc. v. Russell E. Train et al.* (Civil Action No. 1609-73; order entered April 24, 1975, modifying previous order of November 1, 1974).

#### (a) Legal Authority.

##### (1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The advance notice regulation herein when promulgated will set forth effluent limitations guidelines, pursuant to sections 301 and 304(b) of the Act, for the dissolving kraft subcategory (Subpart F); the market kraft subcategory (Subpart G); the BCT kraft subcategory (Subpart H); the fine kraft subcategory (Subpart I); the papergrade sulfite subcategory (Subpart J); the dissolving sulfite subcategory (Subpart K); the GW-chemi-mechanical subcategory (Subpart L); the GW-thermo-mechanical subcategory (Subpart M); the GW-CMN papers subcategory (Subpart N); the GW-fine papers subcategory (Sub-

part O); the soda subcategory (Subpart P); the deink subcategory (Subpart Q); the NI fine papers subcategory (Subpart R); the NI tissue papers subcategory (Subpart S); and the NI tissue (FWP) subcategory (Subpart T) of the pulp, paper, and paperboard point source category.

##### (2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b) (1) (B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b) (1) (A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the pulp, paper, and paperboard category. The advanced notice regulations herein set forth the standards of performance applicable to new sources for the dissolving kraft subcategory (Subpart F); the market kraft subcategory (Subpart G); the BCT kraft subcategory (Subpart H); the fine kraft subcategory (Subpart I); the papergrade sulfite subcategory (Subpart J); the dissolving sulfite subcategory (Subpart K); the GW-chemi-mechanical subcategory (Subpart L); the GW-thermo-mechanical subcategory (Subpart M); the GW-CMN papers subcategory (Subpart N); the GW-fine papers subcategory (Sub-

part O); the soda subcategory (Subpart P); the deink subcategory (Subpart Q); the NI fine papers subcategory (Subpart R); the NI tissue papers subcategory (Subpart S); and the NI tissue (FWP) subcategory (Subpart T) of the pulp, paper, and paperboard point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 430.66, 430.76, 430.86, 430.96, 430.106, 430.116, 430.126, 430.136, 430.146, 430.156, 430.166, 430.176, 430.186, 430.196 and 430.206, below, provide advanced notice pretreatment standards for new sources within dissolving kraft subcategory (Subpart F); the market kraft subcategory (Subpart G); the BCT kraft subcategory (Subpart H); the fine kraft subcategory (Subpart I); the papergrade sulfite subcategory (Subpart J); the dissolving sulfite subcategory (Subpart K); the GW-chemi-mechanical subcategory (Subpart L); the GW-thermo-mechanical subcategory (Subpart M); the GW-CMN papers subcategory (Subpart N); the GW-fine papers subcategory (Sub-

part O); the deink subcategory (Subpart Q); the NI fine papers subcategory (Subpart R); the NI tissue papers subcategory (Subpart S); and the NI tissue (FWP) subcategory (Subpart T) of the pulp, paper, and paperboard point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and Basis of Advanced Notice Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources.

#### (1) General methodology.

The advanced notice effluent limitations guidelines, standards of performance, and pretreatment standards proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The advanced notice of pretreatment standards herein is intended to be complementary to the pretreatment standards proposed for existing sources under 40 CFR 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for section 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the advanced notice pretreatment standards herein apply to new sources, §§ 430.66, 430.76, 430.86, 430.96, 430.106, 430.116, 430.126, 430.136, 430.146, 430.156, 430.166, 430.176, 430.186, 430.196 and 430.206 below amend § 128.133 to specify the application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the dissolving kraft subcategory (Subpart F); the market kraft subcategory (Subpart G); the BCT kraft subcategory (Subpart H); the fine kraft subcategory (Subpart I); the papergrade sulfite subcategory (Subpart J); the dissolving sulfite subcategory (Subpart K); the GW-chemi-mechanical subcategory (Subpart L); the GW-thermo-mechanical subcategory (Subpart M); the GW-CMN papers subcategory (Subpart N); the GW-fine papers subcategory (Subpart O); the soda subcategory (Subpart P); the deink subcategory (Subpart Q); the NI fine papers subcategory (Subpart R); the NI tissue papers subcategory (Subpart S); and the NI tissue (FWP) subcategory (Subpart T) of the pulp, paper, and paperboard point source category.

#### (i) Categorization.

For the purpose of studying waste treatment and effluent limitations, the bleached kraft, groundwood, sulfite, soda, deink and non-integrated paper mills segment of the pulp, paper and paperboard manufacturing industry category were divided into fifteen discrete subcategories, primarily based on a consideration of the raw materials utilized, production processes employed, products produced, size and age of mills, waste water characteristics and treatability, and geographical location as outlined in the report entitled, "Development Document for Advance Notice of Proposed or Promulgated Rulemaking for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink and Non-Integrated Paper Mills Segment of the Pulp, Paper and Paperboard Point Source Category". When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

(1) Subpart F—Dissolving Kraft Subcategory. This subcategory includes mills which produce a highly bleached pulp by a "full cook" process, utilizing a highly alkaline sodium hydroxide and sodium sulfide cooking liquor. Included in the manufacturing process is a "pre-cook" operation termed pre-hydrolysis. The principal product made by this process is a highly bleached and purified dissolving pulp used principally for the manufacture of rayon and other products requiring the virtual absence of lignin and a very high alpha cellulose content.

(2) Subpart G—Market Kraft Subcategory. This subcategory includes mills which produce a bleached pulp by a "full cook" process utilizing a highly alkaline sodium hydroxide and sodium sulfide cooking liquor. The principal product made by this process is papergrade market pulp.

(3) Subpart H—BCT Kraft Subcategory. This subcategory includes mills which produce a bleached pulp by a "full cook" process utilizing a highly alkaline sodium hydroxide and sodium sulfide cooking liquor. The principal product made by this process is papers with clays and filler contents less than eight percent, including paperboard, coarse papers, and tissue papers.

(4) Subpart I—Fine Kraft Subcategory. This subcategory includes mills which produce a bleached pulp by a "full cook" process utilizing a highly alkaline sodium hydroxide and sodium sulfide cooking liquor. The principal product made by this process is fine papers which contain eight percent clays and filler or above.

(5) Subpart J—Papergrade Sulfite Subcategory. This subcategory includes mills which produce pulp, usually bleached, by a "full cook" process using an acidic cooking liquor of bisulfites of calcium, magnesium, ammonia, or sodium containing an excess of free sulfite dioxide. The principal products made by this process are tissue and fine papers.

(6) Subpart K—Dissolving Sulfite Subcategory. This subcategory includes mills which produce pulp, usually bleached, by a "full cook" process using an acidic cooking liquor of bisulfites of calcium, magnesium, ammonia, or sodium containing an excess of free sulfite dioxide. The principal products made by this process are tissue and fine papers.

papers from wood pulp or deinked pulp prepared at another site. The principal best available technology economically

technology currently available, (b) the best available technology economically

the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal

#### NSPS

Total	Total annual

seives on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6,



## PROPOSED RULES

(6) Subpart E—Dissolving Sulfite Subcategory. This subcategory includes mills which produce a highly bleached and purified pulp by a "full cook" process using very strong solutions of bisulfites of calcium, magnesium, ammonia, or sodium containing an excess of free sulfur dioxide. The principal product made by this process is rayon and other products requiring the virtual absence of lignin and a very high alpha cellulose content.

(7) Subpart L—Groundwood Chemical-Mechanical Subcategory. This subcategory includes mills which produce a pulp, with or without brightening, utilizing a chemical cooking liquor to partially cook the wood followed by mechanical defibration by refining at atmospheric pressure. The principal products made by this process are fine papers, newsprint, and molded fiber products.

(8) Subpart M—Groundwood Thermo-Mechanical Subcategory. This subcategory includes mills which produce a pulp, with or without brightening, by a brief cook utilizing steam, with or without the addition of cooking chemicals such as sodium sulfite, followed by mechanical defibration by refiners which are under pressure. The principal products of this process are fine papers, newsprint, and tissue products.

(9) Subpart N—Groundwood-CMN Papers Subcategory. This subcategory includes mills which produce pulp, with or without brightening, utilizing only mechanical defibration by either stone grinders or refiners. The principal products made by this process are coarse papers, molded fiber products, and newsprint which include papers with clay and filler contents less than eight percent.

(10) Subpart O—Groundwood Fine Papers Subcategory. This subcategory includes mills which produce pulp, with or without brightening, utilizing only mechanical defibration by either stone grinders or refiners. The principal product made by this process is fine papers which contain eight percent or more clays and fillers.

(11) Subpart P—Soda Subcategory. This subcategory includes mills which produce a bleached pulp by a "full cook" process utilizing a highly alkaline sodium hydroxide cooking liquor. The principal products made by this process are printing and writing papers.

(12) Subpart Q—De-ink Subcategory. This subcategory includes mills which produce a pulp usually brightened or bleached from recycled waste papers in which an alkaline treatment is utilized to remove contaminants such as ink and coating pigments. The principal products of this process are printing paper, tissue, and newsprint.

(13) Subpart R—Non-Integrated Fine Subcategory. This subcategory includes mills which produce fine papers from wood pulp or deinked pulp prepared at another site. The principal products of this process are printing, writing, and technical grade papers.

(14) Subpart S—Non-Integrated Tissue Paper Subcategory. This subcategory includes mills which produce tissue

papers from wood pulp or deinked pulp prepared at another site. The principal products of this process include facial and toilet papers, glassine, paper diapers, and paper towels.

(15) Subpart T—Non-Integrated Tissue Papers (FWP) Subcategory. This subcategory includes mills which produce tissue papers from recycled waste papers. The principal products made by this process include facial and toilet papers, glassine, paper diapers, and paper towels.

(ii) Waste characteristics. The significant pollutant parameters in waste waters resulting from the dissolving kraft subcategory, market kraft subcategory, BCT kraft subcategory, fine kraft subcategory, papergrade sulfite subcategory, dissolving sulfite subcategory, GW-chem-mechanical subcategory, GW-thermo-mechanical subcategory, GW-CMN papers subcategory, GW-fine papers subcategory, soda subcategory, deink subcategory, NI fine papers subcategory, and the NI tissue (FWP) subcategory of the pulp, paper and paperboard manufacturing category includes five day biochemical oxygen demand (BOD<sub>5</sub>), total suspended non-filterable solids (TSS), pH, color (for bleached kraft and soda subcategories) and zinc (for groundwood subcategories).

Advanced notice effluent limitation guidelines and standards of performance are established below to control each of the above pollutants. No limitations have been established for several other waste water pollutants which are considered to be of lesser importance because (a) available data has indicated these pollutants are normally removed when BOD<sub>5</sub> or TSS are removed, (b) they occur in insignificant quantities, or (c) technology is not available to control the pollutant discharges.

(iii) Origin of waste water pollutants. The origin of waste water pollutants in the dissolving kraft, market kraft, BCT kraft, fine kraft, papergrade sulfite, dissolving sulfite, GW-chem-mechanical, GW-thermo-mechanical, GW-CMN papers, GW-fine papers, soda, deink, NI fine papers, NI tissue papers, and the NI tissue (FWP) subcategories result from the following applicable operations:

woodyard, digestion, and pulp washing, chemical recovery, cooking liquor preparation, pulp screening, bleaching, and papermaking. The primary continuous sources of waste water pollutants are (a) the white water from the paper machine, (b) evaporator and digester condensates, (c) pulp washing and screening operations, and (d) bleaching operations. Major intermittent sources of waste water pollutants are (e) spills from cooking liquor preparation areas, (f) spills of spent cooking liquor from the evaporator and recovery systems, (g) papermaking system spills and washups.

(iv) Treatment and control technology.

Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control

technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

In-plant procedures to control pollution include strict management control over housekeeping and water use practices, minimization of the intake of water by re-use and recirculation of waste waters.

"End-of-process" waste water treatment processes include preliminary screening, primary sedimentation, biological treatment, and some physical-chemical treatment.

Best practicable control technology currently available for all subcategories except for NI tissue includes biological treatment.

The most commonly employed biological treatment systems presently used by mills within all of the subcategories include (1) aerated stabilization basins and (2) activated sludge treatment systems.

Reduction of pollutant parameters levels by either can achieve the best practicable control technology currently available effluent limitations guidelines. A specific level of effluent quality can generally be achieved by either aerated stabilization basins or activated sludge depending upon the design and operation of the treatment system.

Best available control technology economically achievable for all subcategories includes biological treatment and mixed media filtration with, if necessary, chemical addition and coagulation. In addition, color may be removed from mill effluents within the bleached kraft and soda subcategories by lime treatment.

Treatment required to achieve the best available demonstrated control technology, processes, operating methods or other alternatives for new sources is the same as the best available control technology economically achievable except that color removal for the subcategories of bleached kraft and soda is not required, and mixed media filtration is not required for any of the subcategories.

Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to insure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geological conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate,

(4) One commenter said that there was no real analysis of the costs of air

the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdictions.

(v) Cost estimates for control of waste water pollutants.

Pollution control costs have been estimated for each subcategory for one to four plant sizes. Both aerated stabilization basins (ASB) and activated sludge treatment systems (A) were examined for EPCTCA, BATEA, and NSPS. Costs for the largest model mill in each subcategory are presented as cumulative costs and are as follows:

BPCTCA				
Mill	Total investment costs (\$MM)		Total annual costs (in thousands of kilograms)	
	ASB	A	ASB	A
Dissolving kraft, 907 kkg/d	\$21.6	\$27.2	\$15.2	\$19.0
Market kraft, 645 kkg/d	14.7	18.3	13.9	17.4
BCT kraft, 1,179 kkg/d	21.2	26.1	19.5	18.0
Fine kraft, 1,179 kkg/d	19.0	22.9	9.8	12.0
Papergrade sulfite, 481 kkg/d	18.1	21.9	20.1	23.1
Dissolving sulfite, 499 kkg/d	17.6	21.6	22.6	27.8
GW chem-mechanical, 544 kkg/d	10.0	11.6	10.8	13.2
GW thermo-mechanical, 544 kkg/d	7.5	8.9	8.0	10.0
GW CMN papers, 454 kkg/d	8.5	9.9	10.8	12.9
GW fine papers, 499 kkg/d	8.8	10.1	10.0	11.8
Soda, 644 kkg/d	15.0	17.5	14.4	17.1
Deink, 454 kkg/d	11.6	13.5	16.6	18.8
NI fine papers, 254 kkg/d	3.0	3.0	6.7	6.7
NI tissue papers, 408 kkg/d	5.2	5.2	7.1	7.1
NI tissue (FWP), 408 kkg/d	7.2	9.1	9.9	12.6

<sup>1</sup> Multiply by 0.907 to convert to dollars per ton.

BATEA				
Mill	Total investment costs (\$MM)		Total annual costs (in thousands of kilograms)	
	ASB	A	ASB	A
Dissolving kraft, 907 kkg/d	\$31.4	\$37.0	\$23.1	\$28.9
Market kraft, 645 kkg/d	21.2	24.8	22.8	24.8
BCT kraft, 1,179 kkg/d	30.5	35.5	15.5	18.1
Fine kraft, 1,179 kkg/d	28.0	31.9	14.8	16.9
Papergrade sulfite, 481 kkg/d	22.8	26.7	26.1	31.1
Dissolving sulfite, 499 kkg/d	22.9	27.0	30.0	35.2
GW chem-mechanical, 544 kkg/d	12.0	14.6	14.8	16.8
GW thermo-mechanical, 544 kkg/d	10.0	11.4	10.8	12.7
GW CMN papers, 454 kkg/d	11.1	12.8	14.4	16.8
GW fine papers, 499 kkg/d	11.5	12.9	13.6	15.2
Soda, 644 kkg/d	20.8	23.3	20.0	22.7
Deink, 454 kkg/d	13.8	15.2	19.6	21.6
NI fine papers, 254 kkg/d	4.5	5.5	10.7	12.8
NI tissue papers, 408 kkg/d	7.4	9.3	10.8	13.0
NI tissue (FWP), 408 kkg/d	8.8	10.6	12.7	15.8

<sup>1</sup> Multiply by 0.907 to convert to dollars per ton.

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NSPS				
Mill	Total investment costs (\$MM)		Total annual costs (in thousands of kilograms)	
	ASB	A	ASB	A
Dissolving kraft, 907 kkg/d	\$28.0	\$27.8	\$10.4	\$19.6
Market kraft, 645 kkg/d	15.5	14.2	14.8	14.0
BCT kraft, 1,179 kkg/d	27.6	28.3	13.7	13.8
Fine kraft, 1,179 kkg/d	25.7	24.5	12.8	12.6
Papergrade sulfite, 481 kkg/d	19.8	18.1	24.7	24.5
Dissolving sulfite, 499 kkg/d	22.9	21.7	30.1	30.5
GW chem-mechanical, 544 kkg/d	13.0	12.0	13.9	13.8
GW thermo-mechanical, 544 kkg/d	9.0	10.4	9.3	11.0
GW CMN papers, 454 kkg/d	10.9	9.8	14.1	12.9
GW fine papers, 499 kkg/d	11.7	10.5	13.4	12.5
Soda, 644 kkg/d	17.9	16.2	16.3	15.0
Deink, 454 kkg/d	13.7	12.7	18.6	19.4
NI fine papers, 254 kkg/d	5.0	4.6	11.1	10.7
NI tissue papers, 408 kkg/d	7.5	7.5	11.6	10.4
NI tissue (FWP), 408 kkg/d	8.9	8.2	12.3	11.9

<sup>1</sup> Multiply by 0.907 to convert to dollars per ton.

(vi) Energy requirements and non-water quality environmental impacts.

Non water quality impacts of the pollution control systems were analyzed and found to be of little consequence. Energy requirements of the industry are relatively low; power required to operate the internal controls and the mechanically aerated biological systems will increase consumption on an average of 2.5 percent. Solid wastes from treatment sludges and some odor from treatment systems are encountered, but no substantial impact can be identified.

(vii) Economic impact analysis.

A study of the economic impact of these advanced notice regulations is under way and will be reported separately in the near future as a separate report.

The report entitled "Development Document for Advanced Notice of Proposed or Promulgated Rulemaking for Effluent Limitations Guidelines and New Source Performance Standards for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink and Non-Integrated Paper Mills Segment of the Pulp, Paper, and Paperboard Point Source Category" details the analysis undertaken in support of the advanced notice regulation herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation will be available for inspection at these locations at a later date. Copies of both of these documents will be sent to persons or institutions affected by the advanced notice regulation or who have placed them-

selves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Attention: Ms. Ruth Brown, A-107.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards setting actions and was provided with detailed background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it, delineating the major nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the Federal Register, where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material may be made available in an alternate format.

The report entitled "Development Document for Advanced Notice of Proposed or Promulgated Rulemaking for Effluent Limitations Guidelines and New Source Performance Standards for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink and Non-Integrated Paper Mills Segment of the Pulp, Paper, and Paperboard Point Source Category" contains information available to the Agency concerning the major environmental effects of the advanced notice regulation below, including:

(1) the pollutants presently discharged into the Nation's waterways by manufacturers of pulp, paper, and paperboard and the degree of pollution reduction obtainable from implementation of the proposed guidelines and standards (see particularly Sections IV, V, VI, VII, IX, X, and XI);

(2) the anticipated effects of the advanced notice regulation on other aspects of the environment including air, solid waste disposal and land use, and noise (see particularly Section VIII); and

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(3) options available to the Agency in

Gamble Co.; Newton Falls Paper Mill,

the basis for the limitations and not the

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application of an assumed pollutant reduction efficiency.

brous materials in the raw waste are removed by primary treatment and that the biological suspended solids in the

parameter and has the following detrimental effects: (1) color in receiving waters retards sunlight transmission and



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(3) options available to the Agency in developing the advanced notice regulatory system and the reasons for its selecting the particular levels of effluent reduction (see particularly Sections VI, VII, and VIII).

The supplementary economic report will contain an estimate of the cost of pollution control requirements and an analysis of the possible effects of the advanced notice regulation on prices, production levels, employment, communities in which pulp, paper, and paperboard manufacturing plants are located, and international trade. In addition, the Development Document describes, in Section VIII, the cost and energy consumption implications of the advanced notice regulations.

The two reports described above in the aggregate exceed 1000 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the *Federal Register*. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of comments received and the Agency's response to them. As has been indicated, both documents will be available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the advanced notice regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation. Prior to this publication, agencies and groups were consulted and given an opportunity to participate in the development of advanced notice effluent limitations, guidelines and standards for the pulp, paper, and paperboard manufacturing category. All participating agencies and groups have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report.

The following responded with comments: Nicolet Paper Co.; National Council of the Paper Industry for Air and Stream Improvement, Inc.; Kimberly-Clark Corp.; State of Michigan; Mead Corp.; Crown Zellerbach Corp.; International Paper Corp.; The Buckeye Cellulose Corp.; Scott Paper Co.; Hammermill Paper Co.; State of North Carolina; State of Wisconsin; State of New York; State of Idaho; The Procter &

Gamble Co.; Newton Falls Paper Mill, Inc.; State of Illinois; Eastex Inc.; ESWQIAC; Weyerhaeuser Corp.; American Paper Institute; and IVL (Sweden).

The primary issues raised in the development of the advanced notice effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) A large number of comments were received that stated that special allowances should be established for mills subject to climatological extremes (i.e., temperature).

The effects of temperature upon biological treatment efficiencies should be accounted for in the design and operation of biological treatment systems (i.e., short term detention time biological treatment systems such as activated sludge are much less affected by climatic conditions than are long term detention time systems such as aerated stabilization basins). See the Development Document (Section VII).

(2) Comments were received which stated that two stage biological treatment systems in use by many pulp and paper mills should be considered as BATEA and not BPCTCA. The external treatment at these mills includes two-stage biological systems which include aerated stabilization basins followed by storage ponds. The commenters argued that these two-stage systems represent BATEA since the storage ponds primary purpose is to control the discharge according to the receiving water quality.

The Agency agrees that one of the purposes of the storage ponds is for controlling the discharge to meet receiving water requirements. However, further reductions in BOD<sub>5</sub> and TSS generally occur in the storage ponds, as these ponds are frequently described as storage oxidation ponds. The two-stage biological system represents BPCTCA at these mills. The design and operation of the aerated stabilization basins are such that the storage oxidation ponds are relied upon to remove BOD<sub>5</sub> and TSS. Thus, the aerated stabilization basins at these particular mills cannot be specified as BPCTCA. Therefore, the final effluent data from these particular mills was utilized in developing the limitations.

(3) A few commenters felt that the effluent limitations should be influenced by receiving water assimilative capacities at each particular site.

Under the Act, it is not necessary that a showing be made regarding the effect of the pollution discharge upon the quality of the receiving water. Under sections 301, 304 (b) and (c), 306 (b) and (c), and 307(c), the principal means of control is through the adoption of effluent limitations directly applicable to the discharge itself. The effluent limitations are to be based upon defined levels of technology which are specified in the Act. Nevertheless, water quality standards are retained as a secondary means of control and will have their principal applicability in those instances where effluent limitations are not stringent enough to provide for the achievement of water quality standards.

(4) One commenter said that there was no real analysis of the costs of air and water pollution control and the benefits derived.

The limitations, as mandated by the "Act" are technologically based, and benefits are expressed in terms of effluent reduction. Although air pollution control costs were not quantified, consideration is being given to this factor for the current economic impact analysis.

(5) Many comments were received that stated that the costs of achieving BPCTCA limitations presented in the draft Development Document were unsupported by the information presented in the report and impossible to determine the individual costs of internal and external controls used in the aggregate costs. The commenters also felt that the methodology used to determine the costs of achieving BATEA limitations and the NSPS were unsupported and inadequate.

The Agency has totally revised the costs contained in the Development Document to reflect changes in methodology, technologies identified as BPCTCA, BATEA, and BADT, and the expanded data base. Specific technologies included in BPCTCA, BATEA, and BADT have been identified and costs have been developed and presented in the Development Document. Two sets of treatment costs are presented including both the costs of aerated stabilization basins and activated sludge systems. Extensive information and data has been added to the Development Document in order to fully support and document the costs, some of which includes the following:

(1) Description of internal and external controls, (2) basic schematic drawings and design parameters of identified technologies, (3) cost curves for each subcategory relating mill size to costs, and (4) a specific sample calculation for one subcategory presenting the compilation of the costs into the aggregate cost figure.

(6) Several comments were received that stated that effluent limitations and standards should be established for zinc for groundwood mills. It was stated that high levels of zinc are discharged from groundwood mills which use zinc hydrosulfite as a brightening agent and that use of an alternate brightening agent, such as sodium hydrosulfite, should reduce the zinc in groundwood mill effluents to presently acceptable levels.

The Agency concurs that high levels of zinc in groundwood mill effluents are unacceptable and zinc effluents limitations and standards have been established.

(7) Several commenters suggested an approach to developing BPCTCA limitations. Essentially, the approach involved determining average BOD<sub>5</sub> raw waste loads for the industry and applying 85% reduction which was said to be representative of biological treatment.

The BPCTCA limitations are based upon mills which treat their waste waters by technologies representing BPCTCA. Thus, mill operating data is

the basis for the limitations and not the application of an assumed pollutant reduction efficiency.

(8) Several comments were received which stated that the total suspended solids concentrations resulting from testing methods utilizing filter paper (nonstandard methods) should be accounted for in the development of the effluent limitations and standards. A conversion factor for nonstandard methods to standard methods of 3 to 1 was suggested for use in the evaluation of data.

The TSS analytical measurement techniques are discussed in the Development Document, and data for mills utilizing nonstandard methods was not used in development of the limitations. Conversion factors for nonstandard methods to standard methods range from less than 2 to more than 10 depending upon the effluent stream sampled. Thus, the Agency feels that use of a conversion factor is not applicable.

(9) One commenter felt that additional subcategories should be added for small mills. Suggestions were provided for what constitutes a small mill and how the limitations should be increased for small mills.

In developing the subcategories, many factors were evaluated as possible bases for establishing subcategories. One of these factors was the size of mills. The Agency concluded that size of mills was not a significant factor for subcategorization because the waste water characteristics and control technologies are independent of plant size.

(10) It was alleged that the limitations for color removal do not appear to be workable since there is no direct linear relationship between color units and color mass.

The Agency concurs that there is no direct linear relationship between color units and color mass. However, in order for the color limitations to be related to mill production, the Agency defined, for purposes of implementing the color limitations, the following standard relationship used by several other countries: 1 mg/l equals 1 color unit.

(11) Several comments were made that the variabilities of raw waste load were not considered in the development of the limitations.

The limitations are based upon actual mill operating data including both raw waste and final effluent data. The Agency determined that any effects of variations in raw waste load are upon the treatment system and the quality of the final effluent. Thus, the effects of raw waste variability were considered in the development of the limitations through consideration of variations in final effluent quality.

(12) Many commenters stated that the limitations for TSS should be removed or replaced by a settleable solids limitation as the suspended solids in the final effluent from pulp and paper mill biological treatment systems are biological organisms generated during treatment for the removal of BOD and not the fibrous materials contained in mill raw wastes. It was argued that the fi-

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brous materials in the raw waste are removed by primary treatment and that the biological suspended solids in the final effluent from the biological treatment system characteristically do not settle. It was stated that the biological solids do not settle and cause problems of sludge beds in receiving waters and that no harm is caused to the environment other than an exertion of BOD which is regulated by the BOD<sub>5</sub> limitations.

The Agency believes that the TSS in final effluents from pulp and paper mill biological treatment systems are harmful to aquatic environments. The Agency concurs that the fibrous materials in the raw waste should settle out in a well designed and operated primary treatment system. As discussed in Section VI of the Development Document, the Agency believes that the TSS from pulp and paper mill biological treatment systems have the following detrimental effects upon receiving water environments: (1) increases in the turbidity of the receiving water resulting in reduced light transmission and accompanying effects, such as reduced photosynthesis, (2) aesthetic effects, (3) settling of suspended solids to the bottom of receiving waters, and (4) exertion of BOD by the biological suspended solids. Limiting just settleable solids would exclude a portion of the total suspended solids which should be controlled, and therefore the TSS limitation was not removed from the regulation.

(13) Comments were received that stated that BPCTCA limitations will require mills to install both internal and external controls. It was argued that, in effect, this pushes the 1983 limitations up to 1977 because the intent of the Act was to emphasize external treatment to meet the 1977 limitations and to emphasize internal controls in 1983. It was also suggested that since the 1983 internal technologies are essentially being required in 1977, the costs of achieving BPCTCA limitations will be substantially higher and the economic impact may be significant.

It is the opinion of the Agency that the Act does not preclude considering some in-plant control changes as part of BPCTCA. Section 304(b)(1)(B) includes consideration of "the process employed" and "process changes" as part of the determination of BPCTCA. Where an in-plant change can be implemented by 1977 and meets the other requirements of Section 304(b)(1), there is no reason to differentiate such control measure from any other control measure or practice imposed as part of BPCTCA. The in-plant changes which have been identified as available in 1977 are practices which are in common use in the industry.

(14) It was suggested by several commenters that the color limitation should be removed from the regulations as color has not been established as a pollutant and its inclusion for BATEA is not justified.

As discussed in Section VI of the Development Document, the Agency believes that color is a major pollutant

parameter and has the following detrimental effects: (1) color in receiving waters retards sunlight transmission and interferes with photosynthesis thereby reducing productivity of the aquatic community; (2) color alters the natural stream color and is thereby aesthetically displeasing; (3) color has a detrimental effect upon downstream municipal and industrial water users, as color, even when not visually apparent (i.e., turbid streams), must be removed before use in municipal and industrial water supplies; (4) color bodies complex with metal ions, such as iron or copper, forming tar-like residues which remove metals from the stock available to stream organisms for normal metabolism, and the complexes can have direct inhibitory effects on some of the lower scale organisms in the aquatic community; (5) color is an indicator of potentially inhibitory compounds discharged to the aquatic environment; and (6) color in receiving waters affects fish productivity and fish movements. Therefore, the limitations for color for BATEA were not removed from the regulations as the Agency believes that color is a major pollutant parameter.

(15) Two commenters stated that the limitations should be written as net pollutants and mills should be given credit for pollutants in their raw water supply.

The effluent limitations have generally been developed on a gross or absolute basis. However, the Agency recognizes that in certain instances pollutants will be present in navigable waters which supply a plant's intake water in significant concentrations which may not be removed to the levels specified in the limitations by the application of treatment technology contemplated by BPCTCA.

Accordingly, the Agency has promulgated amendments to its NPDES permit regulations (40 CFR 29850, July 16, 1975) which specify the situations in which the Regional Administrator may allow a credit for such pollutants.

(16) Several commenters stated that the Agency should provide a range of effluent limitations instead of a single limitation, as the range would allow the Regional Administrators to determine the appropriate limitation for each mill depending upon the specific conditions at the mills.

The present limitations take differences within an industry into account through subcategorization, rather than by use of ranges of numbers to be varied at the discretion of the office issuing permits. The 28 industries noted in Section 306 of the Act, for example, have already broken some of the broad industrial groups into subgroups such as the chemical industry into inorganic chemicals, organic chemicals, plastics and synthetics, petrochemicals, soaps and detergents, fertilizers, and rubber. The pulp and paper industry has been broken into 5 initial subcategories in the first segments of the industry and 15 subcategories which are covered by these regulations.

(17) Several commenters stated that the costs for pollution control presented

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in the draft report are expressed in 1973 establish effluent limitations and standards. the data base upon which effluent limita-

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tive proportions of the fiber, mineral, and biological TSS in secondary treatment

of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, At-

Sec. 430.65 Standards of performance for new



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in the draft report are expressed in 1973 dollars and that these 1973 costs do not reflect the actual costs to the industry in 1977 or 1983.

The costs presented in the Development Document have been updated to represent 1974 costs. The economic analysis has assumed that the cost of pollution control will increase at a rate similar to the general inflation rate. Therefore, the annual cost of pollution control as a percent of sales, or the capital cost as a percent of plant investment, is expected to be relatively stable. As a result, the economic analysis used these relatively stable parameters for assessing economic impact in 1977 and 1983.

(18) Many commenters stated that allowances should be established for mills with woodyard operations which use large quantities of water in preparation of logs prior to chipping.

The Agency agrees that the wood preparation operations are part of the manufacturing process and in certain cases additional waste loads are discharged from these operations. As discussed in the Development Document, woodyard operations are similar between mills in all wood pulping subcategories and thereby, any waste loads generated by the woodyard operation were not used as a basis for subcategorization. Instead, additional allowances for BOD5 and TSS were established for mills in any subcategory using specific woodyard operations which result in additional waste loads. The additional allowance is only included for BPCTCA effluent limitations as technology is presently available to essentially eliminate the water use within woodyard operations and is included as BATEA and best available demonstrated technology (BADT). It should be emphasized that additional data is being solicited on raw waste loads (flow, BOD5, and TSS) generated by woodyard operations including the following: (1) debarking (hydraulic drum), (2) flumes for transporting or defreezing, and (3) log ponds for defreezing.

(19) A number of commenters stated that the list of mills in each subcategory was inaccurate and several mills were misplaced in the wrong subcategory.

The list of mills in the Appendix of the Draft Development Document should not be interpreted as a placement of a mill in a subcategory but should only be used as a reference.

(20) Several comments stated that the subcategorization was inadequate and specifically that separate subcategories for dissolving bleached kraft and market bleached kraft mills should be established.

In response, the Agency has established a total of 15 subcategories based upon the greatly expanded data base, and separate subcategories for dissolving bleached kraft mills and market bleached kraft mills have been established. In addition, two groups of mills within the non-integrated paper mills segment have been excluded from these regulations due to what the Agency feels is inadequate data on which to subcategorize and es-

tablish effluent limitations and standards. These mills include those non-integrated paper mills producing coarse papers and specialty papers. Effluent limitations and standards will be developed for these mills at a later date.

(21) One commenter felt that the limitations and standards for bleached kraft mills producing market pulp should be more stringent than for bleached kraft mills producing paper products.

The available data shows that raw waste loads generated by bleached kraft market pulp mills are generally higher than bleached kraft mills producing paper products. This apparent anomaly can be attributed to the higher degree of cooking and bleaching which is usually practiced by bleached kraft market pulp mills. Effluent limitations and standards for bleached kraft market pulp mills were thereby established more stringent than for bleached kraft mills producing paper products.

(22) Several commenters stated that the data base was inadequate. The original data base included information and data collected by on-site surveys of approximately 105 mills. Since the original survey efforts, information and data has been collected from approximately 70 additional mills and approximately 30 mills have been recontacted for supplementary or revised information and data. Efforts are continuing to be made in collecting information and data from both surveyed and non-surveyed mills and as such, any information or data which is relevant to the development of these regulations is being solicited. The present data base includes extensive information and data for over 50% of the mills covered by these regulations.

(23) Several comments were received that stated that the methodologies used for data analysis and in determining the effluent limitations and standards were inadequate. The effluent limitations and standards were completely revised based upon modifications in the methodologies used in the data and variability analyses as well as upon the expanded data base. The general methodology used to establish BPCTCA limitations was to use the average flow for each subcategory with the capabilities of the identified external treatment systems. The maximum 30 day and maximum daily limitations were then determined by multiplication by variability factors which reflected the normal variability associated with the identified treatment technologies.

(24) Several commenters felt that the exclusion of some of the higher data points in the data analysis was not justified and had the effect of lowering the effluent limitations and standards. Analysis of the data from the 105 mills sometimes showed excursions in the data which were not considered to be normal operation of a particular plant. These data points were only excluded after extensive investigations into the cause of the excursion. The Agency believes that normal variability should be included in

the data base upon which effluent limitations and standards are based; however, conditions not representative of normal practice or BPCTCA should not be included as part of the data base.

(25) Several commenters stated that non-integrated specialty mills should not be included in the non-integrated coarse papers subcategory.

The Agency concurs that coarse papers are distinctly different from specialty papers and that manufacture of specialty papers generally results in higher raw waste loads than manufacture of coarse papers. The original subcategorization included a subcategory entitled "Non-Integrated Coarse Papers" which included both coarse and specialty papers. The effluent limitations and standards were actually based upon mills producing specialty papers, and coarse paper mills would thereby have been given a slight advantage. However, review of the available data for non-integrated paper mills producing coarse or specialty papers resulted in excluding these mills from these regulations for reasons cited previously.

(26) One commenter stated that the discussion of energy requirements of pollution control was inadequate.

The Agency has made extensive efforts to update and revise the estimates of energy requirements of the treatment technologies identified for BPCTCA, BATEA, and BADT. The Development Document presents revised and updated energy values for all 15 subcategories.

(27) Several comments were received that stated that BPCTCA for the sulfite subcategory should include (1) spent sulfite liquor (SSL) recovery, (2) secondary (aerated stabilization basins or activated sludge) treatment, and (3) reasonable in plant pollution control measures.

The Agency agrees with these comments and the effluent limitations for 1977 for sulfite mills have been developed based upon (1) SSL recovery, (2) biological treatment, and (3) in plant control measures as normally practiced within the industry.

(28) A number of commenters stated that the TSS in biological treatment system effluents are not related to the mill raw waste TSS and should be recognized as biological TSS in the Development Document.

The three general types of TSS occurring in biological treatment system effluents include (1) cellulose fiber, (2) mineral materials, and (3) biological TSS. Fibers and, for many mills, mineral type TSS are lost during the manufacturing process into the process waste waters. Most of the raw waste load TSS should be removed by primary treatment with most of the remaining TSS removed by secondary treatment. The majority of the TSS in the final effluents from well designed and operated secondary treatment systems should be biological TSS which were created in oxidizing the soluble BOD5 in the waste water. Mills with inadequately designed or operated primary treatment facilities generally have high TSS levels in the effluent from their secondary treatment facilities. The rela-

tive proportions of the fiber, mineral, and biological TSS in secondary treatment effluents can be considered as an indicator of the design and operation of the primary treatment as well as the secondary treatment facilities. Thus, effluents from well designed and operated primary and secondary treatment facilities should contain mostly biological TSS with only some fiber and mineral TSS. The Development Document was revised to reflect that the TSS in secondary treatment effluents are mostly biological TSS and as such are more related to the raw waste BOD5 than raw waste TSS.

(29) Two comments were received that stated that the raw waste load used in establishing BPCTCA effluent limitations for sulfite mills should be the raw waste load generated prior to SSL recovery. The rationale presented by the commenters was that SSL recovery is not economical as is liquor recovery in kraft mills.

The BPCTCA effluent limitations for sulfite mills were based upon raw waste loads from mills practicing SSL recovery. SSL recovery is an internal pollution control measure and since it is commonly practiced by the large majority of sulfite mills (18 of 22 papergrade sulfite mills have SSL recovery systems), it is included in BPCTCA. SSL recovery may not be economical at the present time, but internal pollution control measures are not necessarily economical. Internal measures which control pollution and have a net return on the investment are normally considered to be integral parts of the manufacturing process, such as liquor recovery by kraft mills. Thus, BPCTCA for sulfite mills includes commonly used internal controls (i.e. SSL recovery) and secondary treatment (i.e. biological treatment).

(30) A large number of comments were received that stated that BATEA effluent limitations and the New Source Performance Standards were based upon unproven and undocumented assumptions regarding raw waste load reductions and increases in external treatment effectiveness.

In response the Agency has completely revised BATEA effluent limitations and New Source Performance Standards. In most cases, the actual limitations and standards are based upon raw waste loads presently being achieved by the best mill or mills within each subcategory. The internal controls in use by these mills were thoroughly evaluated, and estimates were made of raw waste load reductions possible by use of identified BATEA or BADT internal controls not presently in use by these mills. The effluent reduction capabilities of the identified BATEA and BADT external treatment was then estimated and used in conjunction with the raw waste load to establish the limitations and standards. The estimates of the external treatment reduction capabilities were based upon actual mill data in each subcategory.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office

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of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the advanced notice regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before October 7, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: August 27, 1975.

JAMES L. AGEE,  
Assistant Administrator for  
Water and Hazardous Materials.

# PART 430—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE BLEACHED KRAFT, GROUNDWOOD, SULFITE, SODA, DEINK, AND NON-INTEGRATED PAPER MILLS SEGMENT OF THE PULP, PAPER AND PAPERBOARD POINT SOURCE CATEGORY

## Subpart F—Dissolving Kraft Subcategory

Sec.	
430.60	Applicability; description of the dissolving kraft subcategory.
430.61	Specialized definitions.
430.62	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.63	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.64	[Reserved]

Sec.	
430.65	Standards of performance for new sources.
430.66	Pretreatment standards for new sources.

## Subpart G—Market Kraft Subcategory

430.70	Applicability; description of the market kraft subcategory.
430.71	Specialized definitions.
430.72	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.73	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.74	[Reserved]
430.75	Standards of performance for new sources.
430.76	Pretreatment standards for new sources.

## Subpart H—BCT Kraft Subcategory

430.80	Applicability; description of the BCT kraft subcategory.
430.81	Specialized definitions.
430.82	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.83	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

430.84	[Reserved]
430.85	Standards of performance for new sources.
430.86	Pretreatment standards for new sources.

## Subpart I—Fine Kraft Subcategory

430.90	Applicability; description of the fine kraft subcategory.
430.91	Specialized definitions.
430.92	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.93	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.94	[Reserved]
430.95	Standards of performance for new sources.
430.96	Pretreatment standards for new sources.

## Subpart J—Papergrade Sulfite Subcategory

430.100	Applicability; description of the papergrade sulfite subcategory.
430.101	Specialized definitions.
430.102	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.103	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.104	[Reserved]
430.105	Standards of performance for new sources.
430.106	Pretreatment standards for new sources.

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Subpart K—Dissolving Sulfite Subcategory

Subpart O—GW Fine Papers Subcategory

Subpart S—NI Tissue Papers Subcategory

§ 430.62 Effluent limitations guidelines representing the degree of effluent

(b) The following limitations establish the quantity or quality of pollutants

Effluent limitations



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Subpart K—Dissolving Sulfite Subcategory	
Sec.	
430.110	Applicability; description of the dissolving sulfite subcategory.
430.111	Specialized definitions.
430.112	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.113	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.114	[Reserved].
430.115	Standards of performance for new sources.
430.116	Pretreatment standards for new sources.
Subpart L—GW-Chem-Mechanical Subcategory	
430.120	Applicability; description of the GW-chem-mechanical subcategory.
430.121	Specialized definitions.
430.122	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.123	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.124	[Reserved].
430.125	Standards of performance for new sources.
430.126	Pretreatment standards for new sources.
Subpart M—GW-Thermo-Mechanical Subcategory	
430.130	Applicability; description of the GW-thermo-mechanical subcategory.
430.131	Specialized definitions.
430.132	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.133	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.134	[Reserved].
430.135	Standards of performance for new sources.
430.136	Pretreatment standards for new sources.
Subpart N—GW-CMN Papers Subcategory	
430.140	Applicability; description of the GW-CMN papers subcategory.
430.141	Specialized definitions.
430.142	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.143	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.144	[Reserved].
430.145	Standards of performance for new sources.
430.146	Pretreatment standards for new sources.

Subpart O—GW Fine Papers Subcategory	
Sec.	
430.150	Applicability; description of the GW fine papers subcategory.
430.151	Specialized definitions.
430.152	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.153	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.154	[Reserved].
430.155	Standards of performance for new sources.
430.156	Pretreatment standards for new sources.
Subpart P—Soda Subcategory	
430.160	Applicability; description of the soda subcategory.
430.161	Specialized definitions.
430.162	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.163	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.164	[Reserved].
430.165	Standards of performance for new sources.
430.166	Pretreatment standards for new sources.
Subpart Q—Deink Subcategory	
430.170	Applicability; description of the deink subcategory.
430.171	Specialized definitions.
430.172	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.173	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.174	[Reserved].
430.175	Standards of performance for new sources.
430.176	Pretreatment standards for new sources.
Subpart R—NI Fine Papers Subcategory	
430.180	Applicability; description of the NI fine papers subcategory.
430.181	Specialized definitions.
430.182	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.183	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.184	[Reserved].
430.185	Standards of performance for new sources.
430.186	Pretreatment standards for new sources.

Subpart S—NI Tissue Papers Subcategory	
Sec.	
430.190	Applicability; description of the NI tissue papers subcategory.
430.191	Specialized definitions.
430.192	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.193	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.194	[Reserved].
430.195	Standards of performance for new sources.
430.196	Pretreatment standards for new sources.
Subpart T—NI Tissue (FWP) Subcategory	
430.200	Applicability; description of the NI tissue (FWP) subcategory.
430.201	Specialized definitions.
430.202	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
430.203	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
430.204	[Reserved].
430.205	Standards of performance for new sources.
430.206	Pretreatment standards for new sources.
Subpart F—Dissolving Kraft Subcategory	
§ 430.60 Applicability; description of the dissolving kraft subcategory.	
The provisions of this subpart are applicable to discharges resulting from the production of pulp by dissolving kraft mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.	
§ 430.61 Specialized definitions.	
(a) For the purpose of this subpart:	
(1) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.	
(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/l.	
(c) Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).	
(d) Production shall be defined as the annual average off the machine (air-dry tons).	
(e) Wet woodyard operations shall mean: (1) log ponds used for defreezing logs prior to processing; (2) log transport and defreeze flumes; (3) log washing; and (4) wet debarking.	

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## § 430.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	21.05.....	12.95
TSS.....	34.05.....	15.55
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	43.9.....	25.9
TSS.....	68.1.....	31.1
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart, in addition to the limitations set forth by paragraph (a) of this section:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	0.9.....	0.5
TSS.....	1.6.....	0.75
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	1.8.....	1.0
TSS.....	3.2.....	1.5
pH.....	Within the range 6.0 to 9.0.	

## § 430.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	11.25.....	5.45
TSS.....	7.6.....	3.45
Color.....	250.....	125
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	22.5.....	10.9
TSS.....	15.2.....	6.9
Color.....	500.....	250
pH.....	Within the range 6.0 to 9.0.	

§ 430.64 [Reserved]  
§ 430.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	11.25.....	5.45
TSS.....	15.35.....	7.0
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	22.5.....	10.9
TSS.....	30.7.....	14.0
pH.....	Within the range 6.0 to 9.0.	

## § 430.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the dissolving kraft subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40 CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No Limitation.....	
TSS.....	do.....	
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No Limitation.....	
TSS.....	do.....	
pH.....	Within the range 6.0 to 9.0.	

Subpart G—Market Kraft  
§ 430.70 Applicability; description of the market kraft subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp by market kraft mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations ap-

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pliable to the total production covered by each subcategory.

tions, specify other limitations, or initiate proceedings to revise these regulations.

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—

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products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established.

use of logs from wet woodyard operations, which may be discharged by point source subject to the provisions of this subpart. In addition to the limitations



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pliable to the total production covered by each subcategory.

## § 430.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/l.

(c) Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

(e) Wet woodyard operations shall mean: (1) log ponds used for defreezing logs prior to processing; (2) log transport and defreeze flumes; (3) log washing; and (4) wet debarking.

§ 430.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart, in addition to the limitations set forth by paragraph (a) of this section:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	12.06.....	7.1
TSS.....	22.9.....	10.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	24.1.....	14.2
TSS.....	45.2.....	20.6
pH.....	Within the range 6.0 to 9.0.	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	12.06.....	7.1
TSS.....	22.9.....	10.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	24.1.....	14.2
TSS.....	45.2.....	20.6
pH.....	Within the range 6.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart, in addition to the limitations set forth by paragraph (a) of this section:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	12.06.....	7.1
TSS.....	22.9.....	10.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	24.1.....	14.2
TSS.....	45.2.....	20.6
pH.....	Within the range 6.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart, in addition to the limitations set forth by paragraph (a) of this section:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	12.06.....	7.1
TSS.....	22.9.....	10.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	24.1.....	14.2
TSS.....	45.2.....	20.6
pH.....	Within the range 6.0 to 9.0.	

(e) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart, in addition to the limitations set forth by paragraph (a) of this section:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	12.06.....	7.1
TSS.....	22.9.....	10.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	24.1.....	14.2
TSS.....	45.2.....	20.6
pH.....	Within the range 6.0 to 9.0.	

§ 430.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	6.9.....	3.35
TSS.....	4.95.....	2.25
Color.....	190.....	95
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	13.8.....	6.7
TSS.....	9.9.....	4.5
Color.....	390.....	190
pH.....	Within the range 6.0 to 9.0.	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	6.9.....	3.35
TSS.....	4.95.....	2.25
Color.....	190.....	95
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	13.8.....	6.7
TSS.....	9.9.....	4.5
Color.....	390.....	190
pH.....	Within the range 6.0 to 9.0.	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	6.9.....	3.35
TSS.....	4.95.....	2.25
Color.....	190.....	95
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	13.8.....	6.7
TSS.....	9.9.....	4.5
Color.....	390.....	190
pH.....	Within the range 6.0 to 9.0.	

§ 430.74 [Reserved]

§ 430.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	3.8.....	1.85
TSS.....	5.65.....	2.6
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	7.6.....	3.7
TSS.....	11.3.....	5.2
pH.....	Within the range 6.0 to 9.0.	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	3.8.....	1.85
TSS.....	5.65.....	2.6
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	7.6.....	3.7
TSS.....	11.3.....	5.2
pH.....	Within the range 6.0 to 9.0.	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	3.8.....	1.85
TSS.....	5.65.....	2.6
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	7.6.....	3.7
TSS.....	11.3.....	5.2
pH.....	Within the range 6.0 to 9.0.	

§ 430.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the market kraft subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40 CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No Limitation.....	
TSS.....	do.....	
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No Limitation.....	
TSS.....	do.....	
pH.....	Within the range 6.0 to 9.0.	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No Limitation.....	
TSS.....	do.....	
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No Limitation.....	
TSS.....	do.....	
pH.....	Within the range 6.0 to 9.0.	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No Limitation.....	
TSS.....	do.....	
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No Limitation.....	
TSS.....	do.....	
pH.....	Within the range 6.0 to 9.0.	

Subpart H—BCT Kraft Subcategory

§ 430.80 Applicability; description of the BCT kraft subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of paper board, coarse paper, and tissue paper by bleached kraft mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitations shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/l.

(c) Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

(e) Wet woodyard operations shall mean: (1) log ponds used for defreezing logs prior to processing; (2) log transport and defreeze flumes; (3) log washing; and (4) wet debarking.

§ 430.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes,

products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	10.75.....	6.85
TSS.....	22.6.....	10.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	21.5.....	12.7
TSS.....	45.2.....	20.6
pH.....	Within the range 6.0 to 9.0.	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	10.75.....	6.85
TSS.....	22.6.....	10.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	21.5.....	12.7
TSS.....	45.2.....	20.6
pH.....	Within the range 6.0 to 9.0.	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	10.75.....	6.85
TSS.....	22.6.....	10.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	21.5.....	12.7
TSS.....	45.2.....	20.6
pH.....	Within the range 6.0 to 9.0.	

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products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	10.75.....	6.85
TSS.....	22.6.....	10.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	21.5.....	12.7
TSS.....	45.2.....	20.6
pH.....	Within the range 6.0 to 9.0.	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	10.75.....	6.85
TSS.....	22.6.....	10.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	21.5.....	12.7
TSS.....	45.2.....	20.6
pH.....	Within the range 6.0 to 9.0.	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	10.75.....	6.85
TSS.....	22.6.....	10.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	21.5.....	12.7
TSS.....	45.2.....	20.6
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the



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Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	5.8	2.85
TSS.....	7.2	3.6
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	12.8	6.7
TSS.....	15.9	7.2
pH.....	Within the range 6.0 to 9.0.	

## § 430.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the BCF kraft subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40 CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation.	
TSS.....	do.	
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No Limitation.	
TSS.....	do.	
pH.....	Within the range 6.0 to 9.0.	

## Subpart I—Fine Kraft Subcategory

## § 430.90 Applicability: description of the fine kraft subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and fine paper by bleached kraft mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the

limitations applicable to the total production covered by each subcategory.

## § 430.91 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/l.

(c) Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

(e) Wet woodyard operations shall mean: (1) log ponds used for defreezing logs prior to processing; (2) log transport and defreeze flumes; (3) log washing; and (4) wet debarking.

§ 430.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may

approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	7.9	4.7
TSS.....	32.1	7.35
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	15.8	9.4
TSS.....	70.5	14.7
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart, in addition to the limitations set forth by paragraph (a) of this section:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	0.9	0.5
TSS.....	1.6	0.75
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	1.8	1.0
TSS.....	3.2	1.5
pH.....	Within the range 6.0 to 9.0.	

## § 430.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Total suspended solids (TSS)

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Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	4.0	1.9
TSS.....	6.7	1.55
Color.....	130	65
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	8.0	3.8
TSS.....	260	130
Color.....	Within the range 6.0 to 9.0.	
pH.....	Within the range 6.0 to 9.0.	

## § 430.94 [Reserved]

## § 430.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	4.0	1.9
TSS.....	6.7	3.05
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	8.0	3.8
TSS.....	13.4	6.1
pH.....	Within the range 6.0 to 9.0.	

## § 430.96 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the fine kraft subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40 CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged

to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation.	
TSS.....	do.	
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No limitation.	
TSS.....	do.	
pH.....	Within the range 6.0 to 9.0.	

## Subpart J—Papergrade Sulfite Subcategory

## § 430.100 Applicability: description of the papergrade sulfite subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by papergrade sulfite mills. When a plant is subject to effluent limitations covering more than one subcategory the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

## § 430.101 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(c) Production shall be defined as the annual average off the machine (air-dry tons).

(d) Wet woodyard operations shall mean: (1) log ponds used for defreezing logs prior to processing; (2) log transport and defreeze flumes; (3) log washing; and (4) wet debarking.

§ 430.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have

not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	25.75	15.2
TSS.....	40.4	21.15
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	51.5	30.4
TSS.....	92.8	42.3
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that proportion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart, in addition to the limitations set forth by paragraph (a) of this section:



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Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub>	0.9	0.5
TSS	1.8	0.75
pH	Within the range 6.0 to 9.0	
(English units) lb/ton of product		
BOD <sub>5</sub>	1.8	1.0
TSS	3.2	1.5
pH	Within the range 6.0 to 9.0	

### § 430.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub>	13.0	6.15
TSS	1.8	3.15
pH	Within the range 6.0 to 9.0	
(English units) lb/ton of product		
BOD <sub>5</sub>	26.0	12.3
TSS	3.2	6.3
pH	Within the range 6.0 to 9.0	

### § 430.104 [Reserved]

### § 430.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub>	4.5	4.1
TSS	8.5	3.95
pH	Within the range 6.0 to 9.0	

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(English units) lb/ton of product		
BOD <sub>5</sub>	17.0	8.2
TSS	17.3	7.9
pH	Within the range 6.0 to 9.0	

### § 430.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the papergrade sulfite subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40 CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub>	No Limitation	
TSS	1.8	
pH	Within the range 6.0 to 9.0	
(English units) lb/ton of product		
BOD <sub>5</sub>	No Limitation	
TSS	3.2	
pH	Within the range 6.0 to 9.0	

### Subpart K—Dissolving Sulfite Subcategory

#### § 430.110 Applicability: description of the dissolving sulfite subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp by dissolving sulfite mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

#### § 430.111 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and

methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(c) Production shall be defined as the annual average off the machine (air-dry tons).

(d) Wet woodyard operations shall mean: (1) log ponds used for defreezing logs prior to processing; (2) log transport and defreeze flumes; (3) log washing; and (4) wet debarking.

#### § 430.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub>	17.3	8.35
TSS	8.5	4.05
pH	Within the range 6.0 to 9.0	



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vidual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	5.6.....	3.5
TSS.....	12.9.....	5.9
Zinc.....	0.25.....	0.125
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	11.9.....	7.0
TSS.....	28.8.....	11.8
Zinc.....	0.4.....	0.25
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of

this subpart, in addition to the limitations set forth by paragraph (a) of this section:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	0.9.....	0.5
TSS.....	1.6.....	0.75
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	1.8.....	1.0
TSS.....	3.2.....	1.5
pH.....	Within the range 6.0 to 9.0.	

§ 430.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	2.6.....	1.25
TSS.....	2.65.....	1.2
Zinc.....	0.25.....	0.115
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	5.2.....	2.5
TSS.....	5.3.....	2.4
Zinc.....	0.46.....	0.23
pH.....	Within the range 6.0 to 9.0.	

§ 430.124 [Reserved]

§ 430.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	2.6.....	1.25
TSS.....	5.3.....	2.4
Zinc.....	0.23.....	0.115
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	5.2.....	2.5
TSS.....	10.6.....	4.8
Zinc.....	0.46.....	0.23
pH.....	Within the range 6.0 to 9.0.	

§ 430.126 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the GW-Chem-Mechanical subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40 CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation.....	
TSS.....	do.....	
Zinc.....	0.25.....	0.125
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No limitation.....	
TSS.....	do.....	
Zinc.....	0.50.....	0.25
pH.....	Within the range 6.0 to 9.0.	

## Subpart M—GW-Thermo-Mechanical Subcategory

§ 430.130 Applicability; description of the GW-Thermo-Mechanical subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by groundwood thermo-mechanical mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.131 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(c) Production shall be defined as the annual average off the machine (air-dry tons).

(d) Wet woodyard operations shall mean: (1) log ponds used for defreezing logs prior to processing; (2) log transport and defreeze flumes; (3) log washing; and (4) wet debarking.

§ 430.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the

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NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	4.4.....	2.6
TSS.....	17.....	4.45
Zinc.....	0.10.....	0.065
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	8.8.....	5.2
TSS.....	32.....	8.9
Zinc.....	0.2.....	0.19
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart, in addition to the limitations set forth by paragraph (a) of this section:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	0.9.....	0.5
TSS.....	1.6.....	0.75
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	1.8.....	1.0
TSS.....	3.2.....	1.6
pH.....	Within the range 6.0 to 9.0.	

§ 430.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this sec-

tion, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	2.25.....	1.1
TSS.....	1.4.....	0.65
Zinc.....	0.13.....	0.065
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	4.5.....	2.2
TSS.....	2.8.....	1.3
Zinc.....	0.25.....	0.13
pH.....	Within the range 6.0 to 9.0.	

§ 430.134 [Reserved]

§ 430.135 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	5.35.....	2.6
TSS.....	4.4.....	2.0
Zinc.....	0.13.....	0.065
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	10.7.....	5.2
TSS.....	8.8.....	4.0
Zinc.....	0.25.....	0.19
pH.....	Within the range 6.0 to 9.0.	

§ 430.136 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the GW-Thermo-Mechanical subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standards as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40

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CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of

manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the

section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation.....	
TSS.....	do.....	
Zinc.....	0.50.....	0.25
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No limitation.....	
TSS.....	do.....	
Zinc.....	1.0.....	0.5
pH.....	Within the range 6.0 to 9.0.	

the production of pulp and fine paper by groundwood mills. When a plant is subject to effluent limitations covering more

specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish



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CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation.....	.....
TSS.....	.....	0.05
Zinc.....	.....	0.15
pH.....	Within the range 6.0 to 9.0.....	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No limitation.....	.....
TSS.....	.....	0.10
Zinc.....	.....	0.30
pH.....	Within the range 6.0 to 9.0.....	.....

## Subpart N—GW—CMN Papers Subcategory

## § 430.140 Applicability; description of the GW—CMN papers subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of coarse paper, molded pulp products, and newspaper by groundwood mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

## § 430.141 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(c) Production shall be defined as the annual average off the machine (air-dry tons).

(d) Wet woodyard operations shall mean: (1) log ponds used for defreezing logs prior to processing; (2) log transport and defreeze flumes; (3) log washing; and (4) wet debarking.

## § 430.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials,

manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	7.1.....	4.2
TSS.....	15.35.....	7.0
Zinc.....	0.30.....	0.15
pH.....	Within the range 6.0 to 9.0.....	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	14.2.....	8.4
TSS.....	30.7.....	14.0
Zinc.....	0.60.....	0.30
pH.....	Within the range 6.0 to 9.0.....	.....

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this

section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart, in addition to the limitations set forth by paragraph (a) of this section:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	0.9.....	0.5
TSS.....	1.6.....	0.75
pH.....	Within the range 6.0 to 9.0.....	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	1.8.....	1.0
TSS.....	3.2.....	1.5
pH.....	Within the range 6.0 to 9.0.....	.....

## § 430.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	3.65.....	1.75
TSS.....	2.8.....	1.3
pH.....	Within the range 6.0 to 9.0.....	0.12
(English units) lb/ton of product		
BOD <sub>5</sub> .....	7.3.....	3.5
TSS.....	5.6.....	2.6
pH.....	Within the range 6.0 to 9.0.....	0.24

## § 430.144 [Reserved]

## § 430.145 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

ization and effluent levels established. It is, however, possible that data which would affect these limitations have not

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the production of pulp and fine paper by groundwood mills. When a plan is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

## § 430.151 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(c) Production shall be defined as the annual average off the machine (air-dry tons).

(d) Wet woodyard operations shall mean: (1) log ponds used for defreezing logs prior to processing; (2) log transport and defreeze flumes; (3) log washing; and (4) wet debarking.

## § 430.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations,

specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	6.35.....	3.75
TSS.....	14.1.....	6.45
Zinc.....	0.27.....	0.135
pH.....	Within the range 6.0 to 9.0.....	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	12.7.....	7.5
TSS.....	28.2.....	12.9
Zinc.....	0.54.....	0.27
pH.....	Within the range 6.0 to 9.0.....	.....

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart, in addition to the limitations set forth by paragraph (a) of this section:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	0.9.....	0.5
TSS.....	1.6.....	0.75
pH.....	Within the range 6.0 to 9.0.....	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	1.8.....	1.0
TSS.....	3.2.....	1.5
pH.....	Within the range 6.0 to 9.0.....	.....

## § 430.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	3.65.....	1.75
TSS.....	5.65.....	2.6
Zinc.....	0.24.....	0.12
pH.....	Within the range 6.0 to 9.0.....	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	7.3.....	3.5
TSS.....	11.3.....	5.2
Zinc.....	0.48.....	0.24
pH.....	Within the range 6.0 to 9.0.....	.....

## § 430.146 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the GW—CMN papers subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters) shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40 CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation.....	.....
TSS.....	.....	0.15
Zinc.....	.....	0.15
pH.....	Within the range 6.0 to 9.0.....	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No limitation.....	.....
TSS.....	.....	0.30
Zinc.....	.....	0.30
pH.....	Within the range 6.0 to 9.0.....	.....

## Subpart O—GW Fine Papers Subcategory

## § 430.150 Applicability; description of the GW fine papers subcategory.

The provisions of this subpart are applicable to discharges resulting from

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Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	.....	.....
TSS.....	.....	.....
Zinc.....	.....	.....
pH.....	.....	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	.....	.....
TSS.....	.....	.....
Zinc.....	.....	.....
pH.....	.....	.....

ization and effluent levels established. It is, however, possible that data which would affect these limitations have not

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	.....	.....
TSS.....	.....	.....
Zinc.....	.....	.....
pH.....	.....	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	.....	.....
TSS.....	.....	.....
Zinc.....	.....	.....
pH.....	.....	.....

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	.....	.....
TSS.....	.....	.....
Zinc.....	.....	.....
pH.....	.....	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	.....	.....
TSS.....	.....	.....
Zinc.....	.....	.....
pH.....	.....	.....

## Subpart Q—Deink Subcategory

## § 430.170 Applicability; description of the deink subcategory.



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Effluent limitations			Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product			(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	3.45	1.65	BOD <sub>5</sub> .....	No limitation	.....
TSS.....	1.0	1.2	TSS.....	do	0.135
Zinc.....	0.23	0.115	Zinc.....	0.27	0.135
pH.....	Within the range 6.0 to 9.0.	.....	pH.....	Within the range 6.0 to 9.0.	.....
(English units) lb/ton of product			(English units) lb/ton of product		
BOD <sub>5</sub> .....	6.0	3.3	BOD <sub>5</sub> .....	No limitation	.....
TSS.....	2.0	2.4	TSS.....	do	0.27
Zinc.....	0.46	0.23	Zinc.....	0.54	0.27
pH.....	Within the range 6.0 to 9.0.	.....	pH.....	Within the range 6.0 to 9.0.	.....

## § 430.154 [Reserved]

## § 430.155 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	3.45	1.65
TSS.....	1.0	1.2
Zinc.....	0.23	0.115
pH.....	Within the range 6.0 to 9.0.	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	6.0	3.3
TSS.....	2.0	2.4
Zinc.....	0.46	0.23
pH.....	Within the range 6.0 to 9.0.	.....

## § 430.156 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the GW fine papers subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40 CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

## Subpart P—Soda Subcategory

## § 430.160 Applicability; description of the soda subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by soda mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

## § 430.161 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 263," December 1971. Color units are to be assumed equal to mg/l.

(c) Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air dry tons).

(e) Wet woodyard operations shall mean: (1) log ponds used for defreezing logs prior to processing; (2) log transport and defreeze flumes; (3) log washing; and (4) wet debarking.

## § 430.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory.

ization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	9.75	5.75
TSS.....	18.2	8.3
pH.....	Within the range 6.0 to 9.0.	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	19.5	11.5
TSS.....	36.4	16.6
pH.....	Within the range 6.0 to 9.0.	.....

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to that portion of the total mills production due to the use of logs from wet woodyard operations, which may be discharged by a point source subject to the provisions of this subpart, in addition to the limitations set forth by paragraph (a) of this section:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	0.9	0.5
TSS.....	1.6	0.75
pH.....	Within the range 6.0 to 9.0.	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	1.8	1.0
TSS.....	3.2	1.5
pH.....	Within the range 6.0 to 9.0.	.....

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## Subpart Q—Deink Subcategory

## § 430.170 Applicability; description of the deink subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by deink mills. When a plant is subject to effluent limitations covering more than one subcategory the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

## § 430.171 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Total suspended solids (TSS) shall mean TSS as measured by the techniques utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(c) Production shall be defined as the annual average off the machine (air-dry tons).

## § 430.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such funda-

Effluent limitations			Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product			(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	0.9	0.5	BOD <sub>5</sub> .....	5.0	2.4
TSS.....	1.6	0.75	TSS.....	6.7	3.05
pH.....	Within the range 6.0 to 9.0.	.....	pH.....	Within the range 6.0 to 9.0.	.....
(English units) lb/ton of product			(English units) lb/ton of product		
BOD <sub>5</sub> .....	1.8	1.0	BOD <sub>5</sub> .....	10.0	4.8
TSS.....	3.2	1.5	TSS.....	13.4	6.1
pH.....	Within the range 6.0 to 9.0.	.....	pH.....	Within the range 6.0 to 9.0.	.....

## § 430.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	5.0	2.4
TSS.....	18.2	8.3
Color.....	20	150
pH.....	Within the range 6.0 to 9.0.	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	10.0	4.8
TSS.....	36.4	16.6
Color.....	20	150
pH.....	Within the range 6.0 to 9.0.	.....

## § 430.164 [Reserved]

## § 430.165 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	5.0	2.4
TSS.....	18.2	8.3
Color.....	20	150
pH.....	Within the range 6.0 to 9.0.	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	10.0	4.8
TSS.....	36.4	16.6
Color.....	20	150
pH.....	Within the range 6.0 to 9.0.	.....

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation	.....
TSS.....	do	.....
pH.....	Within the range 6.0 to 9.0.	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No limitation	.....
TSS.....	do	.....
pH.....	Within the range 6.0 to 9.0.	.....

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## § 430.175 Standards of performance for new sources.

mentally different factors are found to exist, the Regional Administrator or the

## Subpart R—NI Fine Papers Subcategory

## § 430.180 Applicability; description of

approve or disapprove such limitations, specify other limitations, or initiate pro-

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applicable to the total production covered by each subcategory.

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation	.....
TSS.....	do	.....
pH.....	Within the range 6.0 to 9.0.	.....
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No limitation	.....
TSS.....	do	.....
pH.....	Within the range 6.0 to 9.0.	.....



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mentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	11.9	7.0
TSS.....	27.0	12.65
pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	23.0	14.0
TSS.....	53.0	25.3
pH.....	Within the range 6.0 to 9.0	

#### § 430.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	5.0	2.5
TSS.....	5.0	2.4
pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	10.4	5.0
TSS.....	10.6	4.8
pH.....	Within the range 6.0 to 9.0	

#### § 430.175 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	7.5	3.75
TSS.....	7.96	3.0
pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	15.6	7.5
TSS.....	15.9	7.2
pH.....	Within the range 6.0 to 9.0	

#### § 430.176 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the delink subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40 CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation	
TSS.....	do	
pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No limitation	
TSS.....	do	
pH.....	Within the range 6.0 to 9.0	

#### Subpart R—NI Fine Papers Subcategory

##### § 430.180 Applicability; description of the NI fine papers subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of fine paper by non-integrated mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

##### § 430.181 Specialized definitions.

For the purpose of this subpart:

- Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.
- Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).
- Production shall be defined as the annual average off the machine (air-dry tons).

##### § 430.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may

approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	7.1	4.2
TSS.....	9.35	4.25
pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	14.2	8.4
TSS.....	18.7	8.5
pH.....	Within the range 6.0 to 9.0	

##### § 430.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	2.6	1.25
TSS.....	1.4	0.65
pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	5.2	2.5
TSS.....	2.8	1.3
pH.....	Within the range 6.0 to 9.0	

##### § 430.184 [Reserved]

##### § 430.185 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

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Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	2.6	1.25
TSS.....	2.65	1.2
pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	5.2	2.5
TSS.....	5.3	2.4
pH.....	Within the range 6.0 to 9.0	

##### § 430.186 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the NI fine papers subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40 CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation	
TSS.....	do	
pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product		
BOD <sub>5</sub> .....	No limitation	
TSS.....	do	
pH.....	Within the range 6.0 to 9.0	

#### Subpart S—NI Tissue Papers Subcategory

##### § 430.190 Applicability; description of the NI tissue papers subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of tissue papers by non-integrated mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations

applicable to the total production covered by each subcategory.

##### § 430.191 Specialized definitions.

For the purpose of this subpart:

- Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.
- Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).
- Production shall be defined as the annual average off the machine (air-dry tons).

##### § 430.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

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## Subpart T—NI Tissue (FWP)

##### § 430.200 Applicability; description of the NI tissue (FWP) subcategory.

Effluent limitations		Effluent limitations	
Effluent	Average of daily	Effluent	Average of daily
(Metric units) kg/kg of product			
BOD <sub>5</sub> .....	5.0	BOD <sub>5</sub> .....	5.0
TSS.....	4.8	TSS.....	4.8
pH.....	Within the range 6.0 to 9.0	pH.....	Within the range 6.0 to 9.0
(English units) lb/ton of product			
BOD <sub>5</sub> .....	10.4	BOD <sub>5</sub> .....	10.4
TSS.....	10.6	TSS.....	10.6
pH.....	Within the range 6.0 to 9.0	pH.....	Within the range 6.0 to 9.0

ment Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State

##### § 430.204 [Reserved]

##### § 430.205 Standards of performance for new sources.



Effluent limitations			Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product			(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	7.9	4.7	BOD <sub>5</sub> .....	4.15	2.0
TSS.....	10.25	4.65	TSS.....	4.25	1.85
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product			(English units) lb/ton of product		
BOD <sub>5</sub> .....	15.8	9.4	BOD <sub>5</sub> .....	8.3	4.0
TSS.....	20.5	9.3	TSS.....	8.5	3.7
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	

§ 430.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations			Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product			(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	4.15	2.0	BOD <sub>5</sub> .....	No limitation	
TSS.....	2	0.95	TSS.....	do.	
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product			(English units) lb/ton of product		
BOD <sub>5</sub> .....	8.3	4.0	BOD <sub>5</sub> .....	No limitation	
TSS.....	4	1.9	TSS.....	do.	
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	

§ 430.194 [Reserved]

§ 430.195 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent limitations			Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product			(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation		BOD <sub>5</sub> .....	No limitation	
TSS.....	do.		TSS.....	do.	
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product			(English units) lb/ton of product		
BOD <sub>5</sub> .....	No limitation		BOD <sub>5</sub> .....	No limitation	
TSS.....	do.		TSS.....	do.	
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	

#### Subpart T—NI Tissue (FWP)

§ 430.200 Applicability; description of the NI tissue (FWP) subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of tissue paper from waste paper by non-integrated mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.201 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Total suspended solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(c) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations			Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product			(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	7.9	4.7	BOD <sub>5</sub> .....	7.9	4.7
TSS.....	10.25	4.65	TSS.....	10.25	4.65
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product			(English units) lb/ton of product		
BOD <sub>5</sub> .....	15.8	9.4	BOD <sub>5</sub> .....	15.8	9.4
TSS.....	20.5	9.3	TSS.....	20.5	9.3
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	

§ 430.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations			Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product			(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	4.15	2.0	BOD <sub>5</sub> .....	4.15	2.0
TSS.....	2	0.95	TSS.....	2	0.95
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product			(English units) lb/ton of product		
BOD <sub>5</sub> .....	8.3	4.0	BOD <sub>5</sub> .....	8.3	4.0
TSS.....	4	1.9	TSS.....	4	1.9
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	

§ 430.204 [Reserved]

§ 430.205 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent limitations			Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product			(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	4.15	2.0	BOD <sub>5</sub> .....	4.15	2.0
TSS.....	4.25	1.85	TSS.....	4.25	1.85
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product			(English units) lb/ton of product		
BOD <sub>5</sub> .....	8.3	4.0	BOD <sub>5</sub> .....	8.3	4.0
TSS.....	8.5	3.7	TSS.....	8.5	3.7
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	

§ 430.206 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the NI tissue (FWP) subcategory, which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. In addition to the prohibitions set out in 40 CFR 128.131, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart:

Effluent limitations			Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product			(Metric units) kg/kg of product		
BOD <sub>5</sub> .....	No limitation		BOD <sub>5</sub> .....	No limitation	
TSS.....	do.		TSS.....	do.	
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	
(English units) lb/ton of product			(English units) lb/ton of product		
BOD <sub>5</sub> .....	No limitation		BOD <sub>5</sub> .....	No limitation	
TSS.....	do.		TSS.....	do.	
pH.....	Within the range 6.0 to 9.0		pH.....	Within the range 6.0 to 9.0	

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# federal register

FRIDAY, SEPTEMBER 5, 1975



PART IV:

## DEPARTMENT OF JUSTICE

Parole Board

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### PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Revised Rules

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**Title 28—Judicial Administration**  
**CHAPTER I—DEPARTMENT OF JUSTICE**  
**PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS**

**Parole Board**

(A) *Background.* On December 31, 1974, the United States Board of Parole published in the *Federal Register* at 39 FR 45296 a notice of proposed rule-making setting forth the rules proposed for publication at Part 2, Title 28, of the Code of Federal Regulations governing parole, release, supervision, and recommitment of prisoners, youth offenders, and juvenile delinquents. A deadline of March 3, 1975, was established for the submission of written statements or comments on the proposed regulations. On March 10, 1975, the deadline was extended to May 4, 1975, (40 FR 10996) and on May 2, 1975, was again extended by 60 days to July 3, 1975, (40 FR 19204). Copies of the proposed rules were placed in Federal institutions throughout the country to facilitate prisoner comment. The full text of the proposed rules may be found at 40 FR 10973 (March 10, 1975).

Prior to December 31, 1974, the Board of Parole published its regulations in the Code of Federal Regulations without providing opportunity for public comment as provided in the Administrative Procedure Act, 5 U.S.C. § 553(b) (3). In so doing, the Board was acting on the assumption that even if it was an agency within the meaning of that statute, its regulations fell, in any event, within the exemptions provided at 5 U.S.C. § 553(b) (3) for interpretative and procedural rules, and statements of general policy.

Subsequent litigation in *Pickus v. United States Board of Parole*, 507 F. 2d 1101 (D.C. Cir. 1974) resulted in a ruling that the Board of Parole was an agency as defined by the Administrative Procedure Act and held that the Board was required to comply with the notice and comment section, 5 U.S.C. § 553(b) (3). The court expressly held that its decision did not touch upon the substantive validity of the Board's regulations.

The Board, therefore, republished its rules on an emergency basis at 39 FR 45223 (December 31, 1974), with notice of proposed rule-making as described above. These rules were later amended at 40 FR 5357 (February 5, 1975) and at 40 FR 10973 (March 10, 1975).

Written statements and comments were received from 18 different sources: five from attorneys, seven from individual prisoners, three from committees of prisoners, one from a parolee, one from a Bureau of Prisons employee, and one from a public interest group (The Institute for Public Interest Representation, Georgetown University Law Center). All of these comments were carefully considered by the Board prior to the Board's quarterly meeting held July 30-31, 1975, in Atlanta, Georgia.

(B) *Rule changes.* As finally adopted and set forth below, these regulations contain a number of substantive changes

from the March 10, 1975, publication (40 FR 10973). The changes made will be discussed in this section, together with those comments found relevant to the changes. Other comments are evaluated and discussed in the following section.

The changes made are as follows: (a) Section 2.14(b). (*Review Hearings*) was changed to provide that a prisoner sentenced under the Youth Corrections Act, Federal Juvenile Delinquency Act, or under 18 U.S.C. § 4208(a) (2), or 924(a) shall not be continued past one-third of his maximum sentence without a further, in-person hearing upon completion of one-third of his maximum sentence. This practice became effective for prisoners who complete one-third of their maximum sentences after August 1, 1975. Prior to this change, § 2.14(b) provided for a review on the record with a current institutional progress report, rather than an in-person hearing. This rule provoked considerable criticism, and a number of comments urged the change presently adopted. While the Board does not believe that constitutional due process or the statutes concerned require this result (see *Grasso v. Norton*, — F. 2d —, No. 74-1222 [2d Cir., decided June 23, 1975]), it was concluded that the better course would be to modify this rule as adopted.

(b) A number of rules were amended to reflect existing practices of the Board and the Bureau of Prisons concerning the prisoner's opportunities to review the information in his official records, and to correct errors of fact appearing therein. The Board has amended its former regulations that emphasized confidentiality as the general rule, in order to conform to applicable laws governing disclosure of federal records. These changes are discussed below:

(1) Section 2.11(d) (*Application for Parole*), has been changed to provide that prisoners shall be furnished with an Inmate Background Statement (Parole Form I-32) for completion prior to the initial hearing. This form permits the prisoner to present his version of the factors which make up his salient factor score. Completion of this form with the assistance of the prisoner's case worker will provide for a more meaningful hearing on the salient factor score, and will serve to point up immediately areas of disagreement on the facts. This rule change reflects present policy and was urged by several comments.

(2) Section 2.13(a) (*Initial Hearing*) has been changed to provide that the examiner panel at an initial hearing shall discuss with the prisoner his offense severity rating and salient factor score as described in § 2.20(c), his institutional conduct, and, in addition, any other matters the panel may deem relevant. This requirement codifies the present practice and ensures that the prisoner will be afforded the opportunity to respond at the hearing to those assumptions of fact upon which the panel relies in computing the offense severity rating and salient factor score.

(3) Section 2.57 (*Disclosure of Records*), paragraphs (a) through (c) have

been changed to provide for access by the prisoner to factual reports.

This rule incorporates a procedure recently implemented by the Bureau of Prisons which provides for disclosure of the central file maintained at the institution in which the prisoner is confined. See Bureau of Prisons Policy Statement No. 2211.8, *Inmate Review of Central Files*, dated June 12, 1975. The central file is the file from which the initial parole hearing and all subsequent review hearings are conducted. At the time of the prisoner's initial classification, his central file is assembled and a duplicate file of the basic documents is prepared for the later use of the Board of Parole. After the initial hearing, the duplicate, or parole file, is sent to the appropriate Board of Parole regional office and is thereafter the repository of all Board of Parole internal memoranda and administrative records concerning the prisoner, as well as updated material duplicated from the central file.

The procedure employed by the Bureau of Prisons is to segregate material exempt from disclosure under the Freedom of Information Act, 5 U.S.C. § 552 (b), at the time of the initial classification. The prisoner may thereafter make an appointment with his case worker to review the non-exempt documents and obtain copies thereof. Documents withheld may be sought through written request to the Bureau of Prisons, under applicable statutes and regulations governing disclosure of government documents.

The retention of four narrowly drawn exemptions to disclosure in § 2.57(a) was found necessary to protect vital interests, both of the government, and of private persons whose names or identities appear in the prisoner's file. These exemptions parallel those contained in the Freedom of Information Act, 5 U.S.C. § 552(b), and the Federal Rules of Criminal Procedure, Rule 32, dealing with disclosure of the Presentence Investigation Report.

With regard to Presentence Investigation Reports furnished to the Bureau of Prisons and Board of Parole, the Board has been advised by the Administrative Office of the United States Courts that this report does not become a document of the Bureau of Prisons or Board of Parole upon receipt from the U.S. Probation Office, which can be disclosed under applicable statutes governing disclosure of government documents. The sentencing court retains the sole authority to disclose the report. *Cook v. Willingham*, 400 F. 2d 885 (10th Cir. 1968). The regulation at Subparagraph (c), places the responsibility for seeking disclosure of the Presentence Report upon the prisoner, as a matter to be resolved between the prisoner and his sentencing court. However, it should be borne in mind that each prisoner will have been afforded the opportunity to review that report, prior to sentencing, to the extent required by Rule 32, Federal Rules of Criminal Procedure, as amended August 1, 1975.

The above changes will operate in conjunction with a number of related provisions. The principal provision is that

contained in § 2.13, which provides for reasons in the case of parole denial. The reasons given indicate the number of months in custody, the salient factor score, offense severity rating with reasons for the rating if not apparent from the conviction, the guideline range indicated, reasons for going outside the range (where such a decision is made) and any other reason supporting the decision. The salient factor scoresheet, showing each point given or withheld for each of the nine salient factor score items, is furnished to the prisoner as a part of the reasons given.

Prisoners are also afforded a two-level administrative appeal procedure in §§ 2.25 and 2.26. Written statements may be submitted on appeal to the Regional Director under § 2.25, and to the National Appellate Board under § 2.26.

Section 2.57(d) was added to notify prisoners and other persons of their rights to make written requests for disclosure of documents in Board of Parole files, pursuant to the Privacy Act of 1974 and the Freedom of Information Act, by complying with the applicable Department of Justice regulations.

While the Board maintains the position that properly framed reasons for parole denial afford the prisoner a sufficient basis for an effective exercise of his rights to appeal (see *Fisher v. United States*, 382 F. Supp. 241 (D. Conn. 1974)), it recognizes that prisoners often seek to obtain copies of the tape recordings of their parole hearings and the Hearing Examiner's Summary (Parole Form H-1). Copies of tape recordings are furnished to prisoners upon request. The Bureau of Prisons provides recording equipment which enables prisoners to listen to these tapes. Technical difficulties with recording equipment sometimes result in inaudible or garbled recordings. Thus, the Board is not in a position to guarantee an accurate recording of every hearing. Hearing Summaries, which are prepared for the convenience of the examiners and the Board Members participating in the decision-making process, are disclosed subject to exemptions provided by law.

Section 2.12(b) (*Application for Parole*) was changed to delete a provision relating to confidentiality of parole records in order to avoid possible conflict with the disclosure provisions described above. It is nonetheless the Board's policy to avail itself of statutory exemptions to disclosure where appropriate, for example, in order to prevent clearly unwarranted invasions of the personal privacy of prisoners, ex-convicts, and persons communicating with the Board on the assumption of confidentiality.

(c) Section 2.20(c) (*Paroling Policy Guidelines*) has been changed in a number of specific instances.

(1) The severity of Firearms Act violations was felt to be greater than the severity categories (low-moderate and moderate) to which such offenses were formerly assigned. Thus, the possession, purchase, or sale of a single weapon (not a sawed-off shotgun or machine gun) was placed in the moderate severity category

of offenses, and the possession, purchase, or sale of a sawed-off shotgun, machine gun, or multiple weapons, was placed in the high severity category of offenses. This change does not preclude decisions below the guideline range indicated when circumstances mitigating the seriousness of the offense are presented to the Board. Sawed-off shotguns were expressly included in this rule change since the possession of such a weapon indicates the unlikelihood of an innocent purpose in the violation. A sawed-off shotgun is generally a weapon purposefully altered to facilitate criminal concealment, and its use presents an unusually grave threat to the personal safety of the victim or innocent bystanders.

(2) In the moderate severity category of offenses, smuggling of aliens was changed to include the smuggling or transporting of aliens, since the Board felt that the individual who transports an alien who has been smuggled into the country, as part of the general scheme to complete the smuggling offense, has committed a crime which cannot, for this purpose, be rationally differentiated from the act of smuggling itself.

(3) It is further concluded the offense of possession of hard drugs with intent to distribute or sell, in order to support a drug habit, should be consolidated with possession/sale for profit in the very high severity category. The Board found that the factor of drug addiction is no more consistent or valid a mitigating circumstance than any other which might be found, and that the serious consequences inherent in this offense could not justify the severity category to which it had previously been assigned. Thus, the Board has determined that offenses involving the possession of hard drugs with intent to distribute or sell warrant a very high severity rating, with the exception of those involving a prior conviction for the same offense, to which the greatest severity rating is presently assigned. However, mitigating or aggravating circumstances may warrant a decision above or below the guideline range indicated.

(4) In relation to the offense of counterfeiting currency, the Board amended the offense behavior description in the high category to read counterfeiting currency, Passing/Possession (\$20,000-\$100,000) making it consistent with other property related offenses in that category.

(5) One item in the salient factor score was changed. Cocaine or barbiturate dependence was found to be a somewhat less reliable predictive factor in general than heroin (opiate) dependence, and was, therefore, deleted from Item F. That item now reads: "no history of heroin or opiate dependence." This does not, however, preclude the Board from considering abuse of the drugs noted or other drugs as a negative indicant on an individual basis.

(6) The definition of Item G, High School Graduate or GED Completed was clarified to refer to such completion prior to the prisoner's present commitment. Completion of a GED during the

present commitment (found to be a weaker predictive item) is appropriately considered in relation to institutional program achievement.

(d) Section 2.32 (*Committed Fines*) has been changed to reflect more clearly the operation and effect of the governing statute, 18 U.S.C. § 3569. The regulation as amended places the responsibility for resolving questions involving payment or discharge of prisoners' committed fines upon the chief executive officer of the institution, as provided by statute. One comment called attention to the need for this change.

(e) Section 2.58 (*Special Parole Term*) was revised to provide guidance as to the operation of the special parole term required for certain drug offenses. 21 U.S.C. §§ 8801-966.

(f) Section 2.13(d) (*Initial Hearing*) was changed to provide that notice to the prisoner of the examiner panel's tentative decision shall be mailed within 15 working days, except in emergencies, in order to conform to present practice.

(C) *Evaluation of other comments received.* The comments received by the Board following publication of its proposed rule-making on December 31, 1974, raised a number of difficult issues regarding paroling policy. Many of these issues are valid concerns, even though the specific proposals offered by the writers were not acceptable to the Board at this time. These issues will continue to be given serious attention in the future.

(1) *The paroling policy guidelines.* Nearly every comment received referred to some aspect of the Board's Paroling Policy Guidelines at § 2.20.

Generally, the guidelines were criticized for failing to consider with sufficient emphasis, rehabilitation or institutional progress. However, one comment stated that although prison performance is relevant to the parole decision, the Board's guidelines correctly de-emphasize rehabilitative factors which social science suggests can neither be detected nor measured.

We support the development of detailed guidelines for decision-making not only because of the Board's stated goals, but also because § 2.20 as applied by the Board serves other commendable purposes. First, by its choice of criteria, the Board has made clear that it has de-emphasized rehabilitative factors as a condition of release. Extensive social science research strongly suggests that rehabilitation can neither be observed, detected or measured. An inmate's institutional behavior and performance should be relevant to the parole decision, however, and we support the Board rule allowing this factor to justify decisions outside the range indicated by the guidelines. Second, to a large degree the guidelines remove inmate uncertainty as to how much time they will have to serve. Because the release criteria in § 2.20 are based almost exclusively upon data fixed at the time of conviction, when he first enters prison, an inmate can calculate with great accuracy the average time he will have to serve.

(Statement submitted by the Institute for Public Interest Representation, Georgetown University Law Center, dated May 2, 1975, at Page 3-4).

It should be noted, however, that the Board's guidelines do not totally exclude consideration of institutional discipline

(i.e., based on a poll of community opinion), citing *Rossi, The Seriousness of Crime*, 39 Am. Soc. Ref. 224 (April, 1974).

at initial hearing believes that the notice given is inadequate to allow for preparation for the hearing or for the

4210 and 5005-5037, 28 CFR Chapter 1, Part 2, is amended as set forth below, effective October 6, 1975.

Sec. 2.53 Warrant placed as a detainer and dispositional interview.  
 2.54 Revocation by the Board, preliminary

§ 2.5 Same; committed youth offenders.  
 The Youth Correction Division may at any time, after reasonable notice to the



It should be noted, however, that the Board's guidelines do not totally exclude consideration of institutional discipline or program achievement. First, the guidelines are predicated upon good institutional performance. Secondly, exceptionally good or poor institutional performance may be considered as a reason for a decision above or below the guidelines.

There were also several specific proposals. One comment urged the Board to set parole dates early in a prisoner's term to remove uncertainty. This proposal is presently being put into practice by one state parole board (California), and the United States Board of Parole will study the results of that policy. In the Federal system, a prisoner continued for an institutional review hearing (when that continuance is not limited by Board policy) will frequently be paroled at that date, absent institutional misconduct.

Several comments suggested that sentence length play some role in the guideline evaluation. While this factor is listed at § 2.19(a) (2), the Board has rejected the proposal that sentence length in itself be included in the guidelines. Such a course would defeat one of the primary benefits of the Board's guidelines, which is to reduce sentence disparity, an important goal endorsed in comments received by the Board. Of course, facts which may have persuaded the sentencing court to impose a shorter or longer than average sentence will be presented to the Board in the Presentence Investigation Report, and may influence the Board to render a decision above or below the guideline range indicated. Moreover, the sentencing courts specific recommendations regarding parole will be considered, in addition to other relevant information, by the Board.

Several comments singled out Item I of the Salient Factor Score as discriminating against unmarried individuals. This item is, however, a strong indicator of parole prognosis. In addition, it should be pointed out that only nine of the 11 possible points on the salient factor score are required in order to achieve the most favorable parole prognosis category.

Regarding the offense severity categories, one comment suggested that all ratings be based on offense of conviction only. A corollary suggestion was that all Federal statutory offense descriptions be listed on the severity scale. The Board presently considers the total circumstances of the offense committed (offense behavior) and exercises its best judgment as to the correct rating in each case. Rigidly codifying offenses by statutory section would preclude objective assessment of the actual offense behavior, and would place excessive reliance on convictions obtained more often by negotiation of pleas than by trial of the facts. Neither justice nor uniformity of treatment could be achieved with such a system, and the Board has, therefore, found the proposal unacceptable.

Another comment urged that the severity ratings be empirically validated

(i.e., based on a poll of community opinion), citing Rossi, The Seriousness of Crime, 39 Am. Soc. Ref. 224 (April, 1974). While this proposal does not account for Congressional delegation of authority to the Board in 18 U.S.C. § 4203 to consider "the welfare of society," the type of research suggested by the proposal could be useful to the Board, on a long term basis, in the exercise of this authority. Serious consideration will be given to future studies in this field.

Regarding the factual basis for computing the guideline evaluation, one comment suggested that the Board require, by amended regulation at § 2.9 (Study prior to sentencing) that the United States Probation Officers include a guideline evaluation in preparation of the Presentence Investigation Report. For the Board's purposes, the factual basis for the guideline evaluation is presently included in these reports. Moreover, as noted above the prisoner provides information regarding his salient factor score in his background statement. The preparation of the determinative guideline evaluation is properly the task of a Board of Parole hearing examiner panel, and must be accomplished at a parole hearing pursuant to § 2.13 of the Board's regulations.

However, the preparation of a prospective guideline evaluation by probation officers could be an aid in the sentencing process if it is used to inform the court of the manner in which the Parole Board will exercise its discretion, rather than as a predetermination of the Board's final evaluation.

The Board notes that United States Probation Officers in the Southern District of New York, and other Probation Officers at the request of individual judges in other districts, currently prepare guideline evaluations for the benefit of the sentencing court.

(2) *Hearing Procedure.* Various aspects of the hearing procedure at § 2.12 were criticized. Two comments were made that the rule of representatives should be expanded to provide for their participation throughout the hearing. This proposal is not acceptable because the parole hearing is not an adversary proceeding, but an evaluative interview. The present regulation provides that the prisoner's representatives may offer a statement at the conclusion of the hearing and respond to questions of the examiner panel during the course of the hearing. There is no restriction in the present rule against the appearance of a lawyer as the prisoner's representative.

Another comment suggested that written notice of the hearing be given 30 days in advance. The Board's regulation at § 2.12(a) provides for written notice prior to a hearing.

However, a rigid 30 day notice requirement would not account for those prisoners transferring into an institution and who are placed on the next hearing docket on short notice. (Hearing examiner panels regularly visit each institution

at two month intervals). If a prisoner

at initial hearing believes that the notice given is inadequate to allow for preparation for the hearing or for the attendance of his representative, he may request the examiner panel to postpone his hearing until the next docket.

With regard to prisoners serving concurrent state and local sentences in state, local, or territorial institutions, two comments proposed that in-person parole hearings be granted by the Board. The present regulation at § 2.16(b) provides for reviews on the record for such prisoners. These prisoners are heard by the state or territorial parole authorities having jurisdiction over them. Upon a grant of parole from such authority, the Board will review its record to determine whether or not to grant parole at that time if it has not previously granted parole to that prisoner upon a record review. If the Board does not grant parole, the prisoner is returned to a Federal institution, and if he has not previously received an in-person parole hearing from the Board, and is otherwise eligible for parole, he will be scheduled for a hearing on the next docket following his transfer to the institution.

(3) *Appellate procedure.* Comments regarding the Board's appellate procedure generally emphasized the possibility for delays inherent in the absence of a time limit for rendering appeal decisions. While the Board has succeeded in rendering timely appeal decisions in most cases, it will continue to study means of expediting appeals as it evaluates the progress of the regional system which opened in 1974.

One comment pointed out the apparent futility of an appeal under § 2.26 to a Regional Director who has previously referred the examiner panel decision to the National Directors for decision under § 2.24. It was considered necessary to require this appeal since prisoner appeals may contain new or corrected information following receipt of the notice of action (reasons) and the salient factor scoresheet. As a matter of administrative policy, new information should be presented first at the regional level, rather than the national level, to allow the Regional Director full consideration of the case.

(4) *Mental competency hearing procedure.* One comment advanced the position that a § 2.35 mental competency hearing is an adversary proceeding requiring written notice, representation by counsel, and the opportunity to present favorable psychiatric testimony. The competency hearing, however, is an inquiry only into the prisoner's ability to understand the nature of and participate in the parole or parole revocation hearing. Implicit in the regulation is the understanding that the Board of Parole and the Bureau of Prisons will attempt to hold the parole or parole revocation hearing if at all possible, or at the earliest opportunity, in order to achieve a speedy resolution of the merits of the case.

(D) *Conclusion.* Accordingly, pursuant to the authority of 28 CFR Chapter 1, Part 0, Subpart I, and 18 U.S.C. 4201-

4210 and 5005-5037, 28 CFR Chapter 1, Part 2, is amended as set forth below, effective October 6, 1975.

Approved: August 29, 1975.

Dated: August 29, 1975.

MAURICE H. SIGLER,  
Chairman,  
United States Board of Parole.

- Sec. 2.1 Definitions.
- 2.2 Eligibility for parole, regular adult sentences.
- 2.3 Same; adult indeterminate sentences.
- 2.4 Same; juvenile delinquents.
- 2.5 Same; committed youth offenders.
- 2.6 Same; sentences under the Narcotic Addict Rehabilitation Act.
- 2.7 Same; sentences under the gun control statute.
- 2.8 Same; sentences of six months or less followed by probation.
- 2.9 Study prior to sentencing.
- 2.10 Date service of sentence commences.
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- 2.12 Hearing procedure.
- 2.13 Initial hearing.
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- 2.16 Parole of prisoner in state or territorial institution.
- 2.17 Original jurisdiction cases.
- 2.18 Granting of parole.
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- 2.20 Paroling policy guidelines; statement of general policy.
- 2.21 Reports considered.
- 2.22 Communication with the Board.
- 2.23 Delegation to hearing examiners.
- 2.24 Review of panel decision by the Regional Director and the National Directors.
- 2.25 Appeal of hearing panel decision.
- 2.26 Appeal to National Appellate Board.
- 2.27 Appeal of original jurisdiction cases.
- 2.28 Reopening of cases.
- 2.29 Withheld and forfeited good time.
- 2.30 Release on parole.
- 2.31 False or withheld information.
- 2.32 Committed fines.
- 2.33 Parole to detainees, statement of policy.
- 2.34 Parole to local or immigration detainees.
- 2.35 Mental competency proceedings.
- 2.36 Release plans.
- 2.37 Rescission of parole.
- 2.38 Sponsorship of parolees; statement of policy.
- 2.39 Mandatory release in the absence of parole.
- 2.40 Same; youth offenders.
- 2.41 Reports to police departments of names or parolees; statement of policy.
- 2.42 Community supervision by United States Probation Officers.
- 2.43 Duration of period of community supervision.
- 2.44 Conditions of release.
- 2.45 Travel by parolees and mandatory releases.
- 2.46 Supervision reports, modification and discharge from supervision.
- 2.47 Modification and discharge from supervision; youth offenders.
- 2.48 Setting aside conviction.
- 2.49 Revocation of parole or mandatory release.
- 2.50 Same; youth offenders.
- 2.51 Unexpired term of imprisonment.
- 2.52 Execution of warrant; notice of alleged violations.

- Sec. 2.53 Warrant placed as a detainee and dispositional interview.
- 2.54 Revocation by the Board, preliminary interview.
- 2.55 Local revocation hearing.
- 2.56 Revocation hearing procedure.
- 2.57 Disclosure of Records.
- 2.58 Special Parole Term.

AUTHORITY: 18 U.S.C. 42101-4210, 5001-5037; 28 CFR Part 0, Subpart V.

## § 2.1 Definitions.

(a) For the purpose of this part, the term "Board" means the United States Board of Parole; and the terms "Youth Correction Division" and "Division" each mean the Youth Correction Division of the Board.

(b) As used in this part, the term "National Appellate Board" means the Chairman, Vice Chairman, and at least one member of the Board, all of whom also serve as National Appellate Board members in the headquarters office, i.e., Washington, D.C.

(c) All other terms used in this part shall be deemed to have the same meaning as identical or comparable terms have when those terms are used in Chapter 311 of Part IV of Title 18 of the United States Code or Chapter I, Part 0, Subpart V of Title 28 of the Code of Federal Regulations.

## § 2.2 Eligibility for parole, regular adult sentences.

Except as set out in the following sections, a federal prisoner wherever confined and serving a definite term or terms of over one hundred and eighty days may, in accordance with the regulations prescribed in this part, be released on parole after serving one-third of such term or terms or after fifteen years of a life sentence or a sentence of over forty-five years (18 U.S.C. 4202).

## § 2.3 Same; adult indeterminate sentences.

A Federal prisoner, other than a juvenile delinquent or a committed youth offender, who has been sentenced to a maximum term of imprisonment in excess of one year may, if the court has designated a minimum term to be served, which term may be less than, but not more than, one-third of the maximum sentence imposed, be released on parole after serving the minimum term. In cases in which a court imposes a maximum sentence of imprisonment upon a prisoner and specifies that the prisoner may become eligible for parole at such times as the Board may determine, the prisoner may be released on parole at any time in the discretion of the Board (18 U.S.C. 4208(a)).

## § 2.4 Same; juvenile delinquents.

The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice (18 U.S.C. 5041).

## § 2.5 Same; committed youth offenders.

The Youth Correction Division may at any time, after reasonable notice to the Director of the Bureau of Prisons, release conditionally under supervision a committed youth offender. A youth offender committed under section 5010(b) of title 18 of the United States Code to a maximum six year term shall be released conditionally under supervision on or before the expiration of four years from the date of his conviction. A youth offender committed under section 5010(c) of title 18 of the United States Code to a maximum term which is more than six years shall be released conditionally under supervision not later than two years before the expiration of the term imposed by the court (18 U.S.C. 5017).

## § 2.6 Same; sentences under the Narcotic Addict Rehabilitation Act.

The Narcotic Addict Rehabilitation Act provides for sentence to a maximum term for treatment as a narcotic addict. Parole may be ordered by the Board after at least six months in treatment, not including any period of time for "study" prior to final judgment of the court. Before parole is ordered by the Board, the Surgeon General or his designated representative must certify that the prisoner has made sufficient progress to warrant his release and the Attorney General or his designated representative must also report to the Board whether the prisoner should be released. Recertification by the Surgeon General prior to rep parole consideration is not required (18 U.S.C. 4254).

## § 2.7 Same; sentences under the gun control statute.

A Federal prisoner sentenced under 18 U.S.C. 924(a) for violation of Federal gun control laws is considered eligible for parole at such time as the Board may determine. Prisoners sentenced under this provision are considered for parole in the same manner as if they had been sentenced under 18 U.S.C. 4208(a) (2).

## § 2.8 Same; sentences of six months or less followed by probation.

A Federal prisoner sentenced under 18 U.S.C. 3651 to serve a period of six months or less in a jail type or treatment institution, with a period of probation to follow, is not eligible for parole.

## § 2.9 Study prior to sentencing.

(a) When an adult Federal offender has been committed to an institution by the sentencing court for observation and study prior to sentencing under the provisions of 18 U.S.C. 4208(b), the report to the sentencing court is prepared and submitted directly by the United States Bureau of Prisons.

(b) The court may order a youth to be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the

Youth Correction Division shall report its findings to the court (18 U.S.C.

## § 2.12 Hearing procedure.

(a) Prisoners shall be given written

hearings. Review hearings by examiners designated by the Board shall be sched-

parole at the next visit by an examiner panel of the Board.

## § 2.19 Consideration by the Board.

In the exercise of its discretion, the

(b) Results of scientific data and tools:  
(1) Psychological tests and evaluations;



Youth Correction Division shall report its findings to the court (18 U.S.C. 5010(e)).

#### § 2.10 Date service of sentence commences.

(a) Service of a sentence of imprisonment commences to run on the date on which the person is received at the penitentiary, reformatory, or jail for service of the sentence: *Provided, however*, That any such person shall be allowed credit toward the service of his sentence for any days spent in custody in connection with the offense or acts for which sentence was imposed.

(b) Service of the sentence of any person who is committed to a jail or other place of detention to await transportation to the place at which his sentence is to be served shall commence to run from the date on which he is received at such jail or other place of detention.

(c) Service of the sentence of a committed youth offender or a person committed under the Narcotic Addict Rehabilitation Act commences to run and continues to run uninterruptedly from the date of conviction, except when such offender is on bail pending appeal or is in escape status.

#### § 2.11 Application for parole.

(a) A prisoner, other than a juvenile delinquent, a committed youth offender, or an offender committed under the Narcotic Addict Rehabilitation Act, desiring to apply for parole shall execute such application forms as may be prescribed by the Board. Such forms shall be available at each Federal institution and shall be provided to prisoners eligible for parole. Such prisoners may waive parole consideration on a form provided for that purpose. If such a prisoner waives parole consideration, he may later supply for parole and may be heard during the next visit of the Board to the institution where he is confined, provided he has applied prior to 45 days from the first scheduled date of this visit. A prisoner who receives an initial hearing may not waive any subsequent review hearing scheduled by the Board except as provided in § 2.16(c). New parole applications are not necessary for such review hearings.

(b) A prisoner who is required to apply before receiving a parole hearing but who fails to submit either an application or a waiver form shall be referred to the Board's representatives by the chief executive officer of the institution. The prisoner shall then receive an explanation of his right to apply for parole at a later date.

(c) Prisoners committed under the Federal Juvenile Delinquency Act, the Youth Correction Act, and the Narcotic Addict Rehabilitation Act shall be considered for parole without application and may not waive parole consideration.

(d) Notwithstanding the above provisions relating to parole application, all prisoners prior to initial hearing shall be provided with an inmate background statement by the Bureau of Prisons for completion by the prisoner.

#### § 2.12 Hearing procedure.

(a) Prisoners shall be given written notice of the time and place of the hearing described in §§ 2.13 and 2.14. Prisoners may be represented at hearings by a person of their choice. The function of the prisoner's representative shall be to offer a statement at the conclusion of the interview of the prisoner by the examiner panel, and to provide such additional information as the examiner panel shall request. Interested parties who oppose parole may select a representative to appear and offer a statement. The presiding hearing examiner shall limit or exclude any irrelevant or repetitious statement.

(b) No interviews with the Board, or any representative thereof, shall be granted to a prisoner unless his name is docketed for a hearing in accordance with Board procedures. Hearings shall not be open to the public, and the records

#### § 2.13 Initial hearing.

(a) An initial hearing shall be conducted by a panel of two hearing examiners designated by the Board. The examiner panel shall discuss with the prisoner his offense severity rating and salient factor score as described in § 2.20, his institutional conduct, and, in addition, any other matter the panel may deem relevant. At the conclusion of the hearing, the examiner panel shall inform the prisoner of its tentative decision, and, if parole is denied, of the reasons therefor.

(b) In accordance with § 2.18 the reasons for parole denial may include, but are not limited to, the following reasons, with further specification where appropriate:

(1) Release at this time would depreciate the seriousness of the offense committed and would thus be incompatible with the welfare of society.

(2) There does not appear to be a reasonable probability at this time that the prisoner would live and remain at liberty without violating the law.

(3) The prisoner has (a serious) (repeated) disciplinary infraction(s) in the institution.

(4) Additional institutional treatment is required to enhance the prisoner's capacity to lead a law-abiding life.

(c) In lieu of or in combination with the reasons in paragraph (b) (1) and (2) of this section the prisoner after initial hearing shall be furnished a guideline evaluation statement which includes the prisoner's salient factor score and offense severity rating as described in § 2.20, as well as the reasons for a decision to continue the prisoner for a period outside the range indicated by the guidelines.

(d) Written notification of the decision or referral under § 2.17 or § 2.24 shall be mailed or transmitted to the prisoner within fifteen working days of the date of the hearing except in emergencies. If parole is denied, the prisoner shall also receive in writing as a part of the decision, the reasons therefor.

#### § 2.14 Review hearings.

All hearings subsequent to the initial hearing shall be considered as review

hearings. Review hearings by examiners designated by the Board shall be scheduled for each Federal institution, and prisoners shall appear for such hearings in person, except for the following cases:

(a) During the month preceding a regularly scheduled review hearing, a case may be reviewed on the record by an examiner panel (including a current institutional progress report). If the decision is to grant parole, no hearing shall be conducted.

(b) A prisoner sentenced under the Youth Corrections Act or Federal Juvenile Delinquency Act or a prisoner sentenced to a maximum term of more than 18 months under 18 U.S.C. 4208(a) (2) or 924(a) shall not be continued past one-third of his maximum sentence at an initial hearing without further hearing upon completion of one-third of his maximum sentence.

(c) Notification of review decisions shall be given as set forth in § 2.13(d). No prisoner shall be continued for more than three years from the time of last hearing without further review.

#### § 2.15 Petition for consideration of parole prior to date set at hearing.

When a prisoner has met the minimum time of imprisonment required by law, the Bureau of Prisons may petition the responsible Regional Director for reopening the case under § 2.28 and consideration of parole prior to the date set by the Board at the initial or review hearing. The petition must show cause why it should be granted, i.e., an emergency, hardship, or the existence of other extraordinary circumstances that would warrant consideration of early parole.

#### § 2.16 Parole of prisoner in state or territorial institution.

(a) Any person who has been convicted of any offense against the United States which is punishable by imprisonment but who is confined therefor in a state reformatory or other state or territorial institution, shall be eligible for parole by the Board on the same terms and conditions by the same authority, and subject to recommitment for the violation of such parole, as though he were confined in a Federal penitentiary, reformatory, or other correctional institution.

(b) Federal prisoners serving concurrent state and Federal sentences in state, local, or territorial institutions shall be furnished upon request parole application forms. Upon receipt of the application and any supplementary classification material submitted by the institution, the parole decision shall be made by an examiner panel of the appropriate region on the record only.

(c) Prisoners who are serving federal sentences exclusively but who are being boarded in state, local or territorial institutions may be considered for parole on the record only, provided they sign a waiver of their right to a personal hearing. If such a prisoner does not waive a personal hearing, he may be transferred by the Bureau of Prisons to a Federal institution where he will be considered for

parole at the next visit by an examiner panel of the Board.

#### § 2.17 Original jurisdiction cases.

(a) A Regional Director may designate certain cases as original jurisdiction cases. The Regional Director shall then forward the case with his vote, and any additional comments he may deem germane, to the National Directors for decision. Decisions shall be based upon the concurrence of three votes with the appropriate Regional Director and each National Director having one vote. Additional votes, if required, shall be cast by the other Regional Directors on a rotating basis as established by the Chairman of the Board.

(b) The following criteria will be used in designating cases as original jurisdiction cases:

(1) Prisoners who have committed serious crimes against the security of the Nation, e.g., espionage, or aggravated subversive activity.

(2) Prisoners whose offense behavior (A) involved an unusual degree of sophistication or planning or (B) was part of a large scale criminal conspiracy or a continuing criminal enterprise.

(3) Prisoners who have received national or unusual attention because of the nature of the crime, arrest, trial, or prisoner status, or because of the community status of the offender or his victim.

(4) Long-term sentences. Prisoners sentenced to a maximum term of forty-five years (or more) or prisoners serving life sentences.

#### § 2.18 Granting of parole.

The granting of parole rests in the discretion of the Board of Parole. The Board may parole a prisoner who is otherwise eligible if (a) in the opinion of the Board such release is not incompatible with the welfare of society; (b) he has observed substantially the rules of the institution in which he is confined; and (c) there is a reasonable probability that he will live and remain at liberty without violating the laws (18 U.S.C. 4203(a)).

#### § 2.19 Consideration by the Board.

In the exercise of its discretion, the Board generally considers some or all of the following factors and such others as it may deem appropriate:

(a) Sentence data:  
(1) Type of sentence;  
(2) Length of sentence;  
(3) Recommendations of judge, U.S. Attorney, and other responsible officials.

(b) Present offense:  
(1) Facts and circumstances of the offense;  
(2) Mitigating and aggravating factors;

(3) Activities following arrest and prior to confinement, including adjustment on bond or probation, if any.

(c) Prior criminal record:  
(1) Nature and pattern of offenses;  
(2) Adjustment to previous probation, parole, and confinement;

(3) Detainers.  
(d) Changes in motivation and behavior:

(1) Changes in attitude toward self and others;  
(2) Reasons underlying changes;

(3) Personal goals and description of personal strength or resources available to maintain motivation for law abiding behavior.

(e) Personal and social history:

(1) Family and marital history;

(2) Intelligence and education;

(3) Employment and military experience;

(4) Physical and emotional health.

(f) Institutional experience:

(1) Program goals and accomplishments:

(i) Academic;

(ii) Vocational education, training or work assignments;

(iii) Therapy.

(2) General adjustment:

(i) Inter-personal relationships with staff and inmates;

(ii) Behavior, including misconduct.

(g) Community resources, including release plans:

(1) Residence; live alone, with family or others;

(2) Employment, training, or academic education;

(3) Special needs and resources to meet them.

(h) Results of scientific data and tools:

(1) Psychological tests and evaluations;

(2) Statistical parole experience tables (salient factor score).

(i) Paroling policy guidelines as set forth in § 2.20:

(j) Comments by hearing examiners, evaluative comments supporting a decision, including impressions gained from the hearing.

(h) Results of scientific data and tools:

(1) Psychological tests and evaluations;

(2) Statistical parole experience tables (salient factor score).

(i) Paroling policy guidelines as set forth in § 2.20:

(j) Comments by hearing examiners, evaluative comments supporting a decision, including impressions gained from the hearing.

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## RULES AND REGULATIONS

## ADULT

[Guidelines for decisionmaking, customary total time served before release (including jail time)]

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)						
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)			
LOW							
Immigration law violations.....	6 to 10 mo.....	8 to 12 mo.....	10 to 14 mo.....	12 to 16 mo.			
Minor theft (includes larceny and simple possession of stolen property less than \$1,000).							
Walkaway.....							
LOW MODERATE							
Alcohol law violations.....	8 to 12 mo.....	12 to 16 mo.....	16 to 20 mo.....	20 to 25 mo.			
Counterfeit currency (passing/possession less than \$1,000).							
Drugs: marijuana, simple possession (less than \$500).							
Forgery/fraud (less than \$1,000).							
Income tax evasion (less than \$10,000).							
Selective Service Act violations.....							
Theft from mail (less than \$1,000).							
MODERATE							
Bribery of public officials.....	12 to 16 mo.....	16 to 20 mo.....	20 to 24 mo.....	24 to 30 mo.			
Counterfeit currency (passing/possession \$1,000 to \$19,999).							
Drugs:							
Marijuana, possession with intent to distribute/sale (less than \$5,000).							
"Soft drugs", possession with intent to distribute/sale (less than \$5,000).							
Embezzlement (less than \$20,000).							
Explosives, possession/transportation.							
Firearms Act, possession/purchase/sale (single weapon—not sawed-off shotgun or machine gun).							
Income tax evasion (\$10,000 to \$50,000).							
Interstate transportation of stolen/forged securities (less than \$20,000).							
Mailing threatening communications.....							
Misprision of felony.....							
Receiving stolen property with intent to resell (less than \$20,000).							
Smuggling/Transporting of Aliens.....							
Theft/forgery/fraud (\$1,000 to \$19,999).							
Theft of motor vehicle (not multiple theft or for resale).							
HIGH							
Burglary or larceny (other than embezzlement) from bank or post office.	16 to 20 mo.....	20 to 26 mo.....	26 to 32 mo.....	32 to 38 mo.			
Counterfeit currency (passing/possession \$20,000-\$199,999).							
Counterfeiting (manufacturing).....							
Drugs:							
Marijuana, possession with intent to distribute/sale (\$5,000 or more).							
"Soft drugs", possession with intent to distribute/sale (\$500 to \$5,000).							
Embezzlement (\$20,000 to \$199,999).							
Firearms Act, possession/purchase/sale (sawed-off shotgun(s), machine gun(s), or multiple weapons).							
Interstate transportation of stolen/forged securities (\$20,000 to \$199,999).							
Mann Act (no force—commercial purposes).....							
Organized vehicle theft.....							
Receiving stolen property (\$20,000 to \$199,999).							
Theft/forgery/fraud (\$20,000 to \$199,999).							
VERY HIGH							
Robbery (weapon or threat).....	26 to 36 mo.....	36 to 45 mo.....	45 to 55 mo.....	55 to 65 mo.			
Drugs:							
"Hard drugs" (possession with intent to distribute/sale) (no prior conviction for sale of "hard drugs").							
"Soft drugs", possession with intent to distribute/sale (over \$5,000).							
Extortion.....							
Mann Act (force).....							
Sexual act (force).....							
GREATEST							
Aggravated felony (e.g., robbery, sexual act, aggravated assault)—weapon fired or personal injury.	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)						
Aircraft hijacking.....							
Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs").							
Espionage.....							
Explosives (detonation).....							
Kidnaping.....							
Willful homicide.....							

## NOTES

- These guidelines are predicated upon good institutional conduct and program performance.
- If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
- If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
- If an offense behavior involved multiple separate offenses, the severity level may be increased.
- If a continuance is to be given, allow 30 d (1 mo) for release program provision.
- "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

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## RULES AND REGULATIONS

## YOUTH

[Guidelines for decisionmaking, customary total time served before release (including jail time)]

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Immigration law violations.....	6 to 10 mo.....	8 to 12 mo.....	10 to 14 mo.....	12 to 16 mo.
Minor theft (includes larceny and simple possession of stolen property less than \$1,000).				
Walkaway.....				
LOW MODERATE				
Alcohol law violations.....	8 to 12 mo.....	12 to 16 mo.....	16 to 20 mo.....	20 to 25 mo.
Counterfeit currency (passing/possession less than \$1,000).				
Drugs: marijuana, simple possession (less than \$500).				
Forgery/fraud (less than \$1,000).				
Income tax evasion (less than \$10,000).				
Selective Service Act violations.....				
Theft from mail (less than \$1,000).				
MODERATE				
Bribery of public officials.....	9 to 13 mo.....	13 to 17 mo.....	17 to 21 mo.....	21 to 26 mo.
Counterfeit currency (passing/possession \$1,000 to \$19,999).				
Drugs:				
Marijuana, possession with intent to distribute/sale (less than \$5,000).				
"Soft drugs", possession with intent to distribute/sale (less than \$500).				
Embezzlement (less than \$20,000).				
Explosives, possession/transportation.....				
Firearms Act, possession purchase sale (single weapon—not sawed-off shotgun or machine gun).				
Income tax evasion (\$10,000 to \$50,000).				
Interstate transportation of stolen/forged securities (less than \$20,000).				
Mailing threatening communications.....				
Misprision of felony.....				
Receiving stolen property with intent to resell (less than \$20,000).				
Smuggling/Transporting of Aliens.....				
Theft/forgery/fraud (\$1,000 to \$19,999).				
Theft of motor vehicle (not multiple theft or for resale).				
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office.	12 to 16 mo.....	16 to 20 mo.....	20 to 24 mo.....	24 to 28 mo.
Counterfeit currency (passing/possession \$20,000-\$199,999).				
Counterfeiting (manufacturing).....				
Drugs:				
Marijuana, possession with intent to distribute/sale (\$5,000 or more).				
"Soft drugs", possession with intent to distribute/sale (\$500 to \$5,000).				
Embezzlement (\$20,000 to \$199,999).				
Firearms Act, possession purchase sale (sawed-off shotgun(s), machine gun(s), or multiple weapons).				
Interstate transportation of stolen/forged securities (\$20,000 to \$199,999).				
Mann Act (no force—commercial purposes).....				
Organized vehicle theft.....				
Receiving stolen property (\$20,000 to \$199,999).				
Theft/forgery/fraud (\$20,000 to \$199,999).				
VERY HIGH				
Robbery (weapon or threat).....	20 to 27 mo.....	27 to 32 mo.....	32 to 36 mo.....	36 to 42 mo.
Drugs:				
"Hard drugs" (possession with intent to distribute/sale) (no prior conviction for sale of "hard drugs").				
"Soft drugs", possession with intent to distribute/sale (over \$5,000).				
Extortion.....				
Mann Act (force).....				
Sexual act (force).....				
GREATEST				
Aggravated felony (e.g., robbery, sexual act, aggravated assault)—weapon fired or personal injury.	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			
Aircraft hijacking.....				
Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs").				
Espionage.....				
Explosives (detonation).....				
Kidnaping.....				
Willful homicide.....				

## NOTES

- These guidelines are predicated upon good institutional conduct and program performance.
- If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
- If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
- If an offense behavior involved multiple separate offenses, the severity level may be increased.
- If a continuance is to be given, allow 30 d (1 mo) for release program provision.
- "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

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## RULES AND REGULATIONS

## NARA

[Guidelines for decisionmaking, customary total time served before release (including jail time)]

## RULES AND REGULATIONS

Case name.....

Item A.....

Register No.....

No prior convictions (adult or juvenile) = 2

§ 2.24 Review of panel decision by the Regional Director and the National Directors.

A Regional Director may review the

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## RULES AND REGULATIONS

## NARA

[Guidelines for decisionmaking, customary total time served before release (including jail time)]

Offense characteristics: Severity of offense behavior (example)	Offender characteristics: Parole prognosis (salient factor score)							
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)				
LOW								
Immigration law violations.....	6 to 12 mos.		12 to 18 mos.					
Minor theft (includes larceny and simple possession of stolen property less than \$1,000).....								
Walkaway.....								
LOW-MODERATE								
Alcohol law violations.....	6 to 12 mos.		12 to 18 mos.					
Counterfeit currency (passing/possession less than \$1,000).....								
Drugs: Marijuana, simple possession (less than \$500).....								
Forgery/fraud (less than \$1,000).....								
Income tax evasion (less than \$10,000).....								
Selective Service Act violations.....								
Theft from mail (less than \$1,000).....								
MODERATE								
Bribery of public officials.....	12 to 18 mos.		18 to 24 mos.					
Counterfeit currency (passing/possession \$1,000 to \$19,999).....								
Drugs:								
Marijuana, possession with intent to distribute/sale (less than \$5,000).....								
"Soft drugs", possession with intent to distribute/sale (less than \$500).....								
Embezzlement (less than \$20,000).....								
Explosives, possession/transportation.....								
Firearms Act, possession purchase sale (single weapon—not sawed-off shotgun or machine gun).....								
Income tax evasion (\$10,000 to \$50,000).....								
Interstate transportation of stolen/forged securities (less than \$20,000).....								
Mailing threatening communications.....								
Misprision of felony.....								
Receiving stolen property with intent to resell (less than \$20,000).....								
Smuggling/Transportation of Aliens.....								
Theft/forgery/fraud (\$1,000 to \$19,999).....								
Theft of motor vehicle (not multiple theft or for resale).....								
HIGH								
Burglary or larceny (other than embezzlement) from bank or post office.....	12 to 18 mos.		18 to 24 mos.					
Counterfeit currency (passing/possession \$20,000 to \$100,000).....								
Counterfeiting (manufacturing).....								
Drugs:								
Marijuana, possession with intent to distribute/sale (\$5,000 or more).....								
"Soft drugs", possession with intent to distribute/sale (\$500 to \$5,000).....								
Embezzlement (\$20,000 to \$100,000).....								
Firearms Act, possession purchase sale (sawed-off shotgun(s), machine gun(s), or multiple weapons).....								
Interstate transportation of stolen/forged securities (\$20,000 to \$100,000).....								
Mann Act (no force—commercial purposes).....								
Organized vehicle theft.....								
Receiving stolen property (\$20,000 to \$100,000).....								
Theft/forgery/fraud (\$20,000 to \$100,000).....								
VERY HIGH								
Robbery (weapon or threat).....	20 to 26 mos.		26 to 32 mos.					
Drugs:								
"Hard drugs" (possession with intent to distribute/sale) (no prior conviction for sale of "hard drugs").....								
"Soft drugs", possession with intent to distribute/sale (over \$5,000).....								
Extortion.....								
Mann Act (force).....								
Sexual act (force).....								
GREATEST								
Aggravated felony (e.g., robbery, sexual act, aggravated assault)—weapon fired or personal injury.....					(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			
Aircraft hijacking.....								
Drugs:								
"Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs").....								
Espionage.....								
Explosives (detonation).....								
Kidnapping.....								
Willful homicide.....								

## NOTES

- These guidelines are predicated upon good institutional conduct and program performance.
- If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
- If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
- If an offense behavior involved multiple separate offenses, the severity level may be increased.
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- "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

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Case name.....	SALIENT FACTOR SCORE	Register No.....
Item A.....	No prior convictions (adult or juvenile) = 2 One or two prior convictions = 1 Three or more prior convictions = 0	<input type="checkbox"/>
Item B.....	No prior incarcerations (adult or juvenile) = 2 One or two prior incarcerations = 1 Three or more prior incarcerations = 0	<input type="checkbox"/>
Item C.....	Age at first commitment (adult or juvenile) 18 years or older = 1 Otherwise = 0	<input type="checkbox"/>
Item D.....	Commitment offense did not involve auto theft = 1 Otherwise = 0	<input type="checkbox"/>
Item E.....	Never had parole revoked or been committed for a new offense while on parole = 1 Otherwise = 0	<input type="checkbox"/>
Item F.....	No history of heroin or opiate dependence = 1 Otherwise = 0	<input type="checkbox"/>
Item G.....	Has completed 12th grade or received GED (prior to this commitment) = 1 Otherwise = 0	<input type="checkbox"/>
Item H.....	Verified employment (or full-time school attendance) for a total of at least 6 months during the last 2 years in the community = 1 Otherwise = 0	<input type="checkbox"/>
Item I.....	Release plan to live with spouse and/or children = 1 Otherwise = 0	<input type="checkbox"/>
Total score.....		<input type="checkbox"/>

## § 2.21 Reports considered.

Decisions as to whether a parole shall be granted or denied shall be determined on the basis of the application, if any, submitted by the prisoner, together with the classification study and all reports assembled by all the services which shall have been active in the development of the case. These reports may include the reports by the prosecution officers, reports by or for the sentencing court, records from the Federal Bureau of Investigation, reports from the officials in each institution in which the applicant shall have been confined, all records of social agency contacts, and all correspondence and such other records as are necessary or appropriate for complete presentation of the case. Before making a decision as to whether a parole should be granted or denied in any particular case, the Board will consider all available relevant and pertinent information concerning the case. The Board encourages the submission of such information by interested persons.

## § 2.22 Communication with the Board.

Attorneys, relatives, or interested parties wishing a personal interview to discuss a specific case with a representative of the Board of Parole must submit a written request to the appropriate regional office setting for the nature of the information to be discussed. Such personal interview may be conducted by staff personnel in the regional offices. Personal interviews, however, shall not be held by an examiner or member of the Board, except under the Board's appeals procedures.

## § 2.23 Delegation to hearing examiners.

(a) There is hereby delegated to hearing examiners the authority to make tentative decisions relative to the granting or denial of parole, or parole and revocation or reinstatement of parole or mandatory release and to fix conditions of parole.

(b) Hearing examiners shall function as two-man panels and the concurrence of both examiners shall be required for their decision. In the event of a split decision by the panel, the appropriate regional Administrative Hearing Examiner shall cast the deciding vote.

(c) When a hearing examiner panel proposes to make a decision which falls outside of explicit guidelines for parole decision-making promulgated by the Board, the case shall be reviewed by the appropriate regional Administrative Hearing Examiner. When an Administrative Hearing Examiner does not concur in a decision of an examiner panel to set a parole effective date or continuance outside the Board's guidelines he may with the concurrence of the Regional Director modify the date to the nearest limit of the guidelines.

(d) In the event the Administrative Hearing Examiner is serving as a member of a hearing examiner panel or is otherwise unavailable, cases requiring his action under paragraphs (b) and (c) of this section will be referred to another hearing examiner.

(e) A tentative decision of a hearing examiner panel, subject to the provisions of § 2.23(c), shall become effective upon review and docketing at the Regional Office unless action is initiated by the Regional Director under § 2.24.

## § 2.24 Review of panel decision by the Regional Director and the National Directors.

A Regional Director may review the decision of any examiner panel and refer this decision, prior to written notification to the prisoner, with his recommendation and vote to the National Directors for reconsideration and any action deemed appropriate. Written notice of this reconsideration action shall be mailed or transmitted to the prisoner within fifteen working days of the date of the hearing. The Regional Director and each National Director shall have one vote and decisions shall be based upon the concurrence of two votes.

## § 2.25 Appeal of hearing panel decision.

(a) A prisoner may file with the responsible Regional Director a written appeal of a decision of a hearing examiner panel or a decision under § 2.24 to grant, deny or revoke parole or to revoke mandatory release. This appeal must be filed on a form provided for that purpose within thirty days of the date of entry of such decision. The appeal shall be considered by the Regional Director who may affirm the decision, order a new institutional hearing, order a regional appellate hearing, reverse the decision, or modify a continuance or the effective date of parole. Reversal of a decision or the modification of such a decision by more than one hundred eighty days, whether based upon the record or following a regional appellate hearing, shall require the concurrence of two out of three Regional Directors. Appellate decisions requiring a second or additional vote shall be referred to other Regional Directors on a rotating basis as established by the Chairman.

(b) Regional appellate hearings shall be held at the regional office before the Regional Director. Attorneys, relatives and other interested parties who wish to appear must submit a written request to the Regional Director stating their relationship to the prisoner and the general nature of the information they wish to present. The Regional Director shall determine if the requested appearances will be permitted. The prisoner shall not appear personally.

(c) If no appeal is filed within thirty days of entry of the original decision, this decision shall stand as the final decision of the Board.

(d) Appeals under this section may be based only upon the following grounds:

- The reasons given for a denial or continuance do not support the decision; or
- There was significant information in existence but not known at the time of the hearing.

## § 2.26 Appeal to National Appellate Board.

(a) A prisoner may file a written appeal of the Regional Director's decision under § 2.25 to the National Appellate Board on a form provided for that purpose within thirty days after the entry

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## RULES AND REGULATIONS

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(e) The presence of a detainee is not of itself a valid reason for the denial of parole. It is recognized that where the prisoner appears to be a good parole risk

(b) At the competency hearing, the hearing examiners or designated official(s) shall receive oral or written psychiatric testimony and other evidence

(3) There should be satisfactory assurance that necessary aftercare will be available to a parolee who is ill or who has some other problem which requires

## RULES AND REGULATIONS

of the Regional Director's written decision. The National Appellate Board may, at its discretion, reverse the decision of the Regional Director.

remains effective against the prisoner concerned. Any withholding of statutory good time shall be deemed to indicate

commitment order is discharged according to law as follows:

- (a) An indigent prisoner may make



## RULES AND REGULATIONS

of the Regional Director's written decision. The National Appellate Board may, upon the concurrence of two members, affirm, modify, or reverse the decision, or order a rehearing at the institutional or regional level.

(b) The bases for such appeal shall be the same as for a regional appeal as set forth in § 2.25(d). However, any matter not raised on a regional level appeal may not be raised on appeal to the National Appellate Board.

(c) Decisions of the National Appellate Board shall be final.

#### § 2.27 Appeal of original jurisdiction cases.

(a) Cases decided under the procedure specified in § 2.17 may be appealed within thirty days of the entry of the decision on a form provided for this purpose. Attorneys, relatives, and other interested parties who wish to submit written information in support of a prisoner's appeal should send such information to the National Appellate Board Executive, United States Board of Parole, 320 First Street NW., Washington, D.C. 20537. Appeals of original jurisdiction cases shall be reviewed by the entire Board at its next quarterly meeting. A quorum of five members shall be required and all decisions shall be by majority vote. The Chairman shall vote on the decision only in the absence of a member. This appellate decision shall be final.

(b) Attorneys, relatives, or other interested parties who wish to speak for or against parole at such consideration must submit a written request to the Chairman of the Board stating their relationship to the prisoner and the general nature of the material they wish to present. The Chairman shall determine if the requested appearances will be permitted.

(c) If no appeal is filed within thirty days of the entry of the decision under § 2.17, this decision shall stand as the final decision of the Board.

(d) The bases for this appeal shall be the same as for a regional appeal as set forth in § 2.25(d).

#### § 2.28 Reopening of cases.

Notwithstanding the appeal procedure of § 2.25 and § 2.26, the appropriate Regional Director may on his own motion reopen a case at any time upon the receipt of new information of substantial significance and may then take any action authorized under the provisions and procedures of § 2.25. Original jurisdiction cases may be reopened upon the motion of the appropriate Regional Director under the procedures of § 2.17.

#### § 2.29 Withheld and forfeited good time.

(a) Section 4202 of title 18 of the United States Code permits Federal prisoners to be paroled if they have observed the rules of the institution in which they are confined and if they are otherwise eligible for parole. Any forfeiture of statutory good time shall be deemed to indicate that the prisoner has violated the rules of the institution to a serious degree, and a parole will not be granted in any such case in which such a forfeiture

remains effective against the prisoner concerned. Any withholding of statutory good time shall be deemed to indicate that the prisoner has engaged in some less serious breach of the rules of the institution. Nevertheless, parole will not usually be granted unless and until such good time has been restored.

(b) Neither a forfeiture of good time nor a withholding of good time shall bar a prisoner from applying for and receiving a parole hearing.

(c) The above restrictions shall not apply, however, to the forfeiture or withholding of *extra good time* which is granted because of meritorious behavior. Parole may be ordered without regard to a prisoner's status insofar as *extra good time* is concerned, although the reasons for any forfeiture or withholding will be included among the other factors used in making the parole decision.

#### § 2.30 Release on parole.

(a) A grant of parole shall not be deemed to be effective until a certificate of parole has been delivered to the prisoner.

(b) Parole release dates generally will not be set more than six months from the date of the parole hearing. Exceptions may be made in extraordinary situations or when necessary to permit an adequate period of residence in a Community Treatment Center. Such residence in a Community Treatment Center shall not generally exceed one hundred and twenty days. An effective date of parole shall not be set for a Saturday, Sunday, or a legal holiday.

(c) When an effective date of parole has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner and the completion of a satisfactory plan for parole supervision. The appropriate Regional Director may, on his own motion, reconsider any case prior to release and may reopen and advance or retard a parole date. A parole grant may be retarded for up to one hundred and twenty days without a hearing for development and approval of release plans.

#### § 2.31 False or withheld information.

All paroles are ordered on the assumption that information from the prisoner has not been fraudulently given or withheld from the Board. If evidence comes to the attention of the Board that a prisoner willfully concealed or misrepresented information deemed significant, the Regional Director may schedule a hearing to determine whether parole should be revoked or rescinded. Such a hearing shall be conducted in accordance with the procedure set out in § 2.37(b)(2).

#### § 2.32 Committed fines.

In any case in which a prisoner shall have had a fine imposed upon him by the committing court for which he is to stand committed until it is paid or until he is otherwise discharged according to law, such prisoner shall not be released on parole or mandatory release until payment of the fine, or until the fine

commitment order is discharged according to law as follows:

(a) An indigent prisoner may make application to a U.S. Magistrate in the District wherein he is incarcerated or to the chief executive officer of the institution setting forth, under institutional regulations, his inability to pay such fine; if the magistrate or chief executive officer shall find that the prisoner, having no assets exceeding \$20 in value except such as are by law exempt from being taken on execution for debt, is unable to pay the fine, and if the prisoner takes a prescribed oath of indigency, he shall be discharged from the commitment obligation of the committed fine sentence.

(b) If the prisoner is found to possess assets in excess of the exemption in paragraph (a) of this section, nevertheless if the chief executive officer of the institution or U.S. Magistrate shall find that retention of all of such assets is reasonably necessary for his support or that of his family, upon taking of the prescribed oath concerning his assets the prisoner shall be discharged from the commitment obligation of the committed fine sentence. If the chief executive officer of the institution or U.S. Magistrate shall find that retention by the prisoner of any part of his assets is reasonably necessary for his support or that of his family, the prisoner upon taking of the prescribed oath concerning his assets, shall be discharged from the commitment obligation of the committed fine sentence upon payment on account on his fine of that portion of his assets in excess of the amount found to be reasonably necessary for his support or that of his family.

(c) Discharge from the commitment obligation of any committed fine sentence does not discharge the prisoner's obligation to pay the fine as a debt due the United States.

#### § 2.33 Parole to detainees; statement of policy.

The policy of the Board with regard to parole to detainees is in general accord with the principles recommended by the Association of Administrators of the Interstate Compact for the Supervision of Parolees and Probationers:

(a) The status of detainees held against prisoners in Federal institutions will be investigated, so far as is reasonably possible, prior to parole hearings.

(b) In appropriate cases summary information regarding such prisoner will be provided to state or local authorities. The Board urges institution officials to provide such information.

(c) Where the detainee is not lifted, the Board may grant parole to such detainee if a prisoner is considered in other respects to be a good parole risk. Ordinarily, however, the Board will grant parole to such detainee only if the status of that detainee has been investigated.

(d) The Board will cooperate in working out arrangements for concurrent supervision with other jurisdictions where it is feasible and where release on parole appears to be justified.

## RULES AND REGULATIONS

(c) The presence of a detainee is not of itself a valid reason for the denial of parole. It is recognized that where the prisoner appears to be a good parole risk, there may be distinct advantage in granting parole despite a detainee.

#### § 2.34 Parole to local or immigration detainees.

(a) When a state or local detainee is outstanding against a prisoner whom the Board wishes to parole, the Board may order either of the following:

(1) "Parole to the actual physical custody of the detaining authorities only." In this event, release is not to be effected except to the detainee. When such a detainee is withdrawn, the prisoner is not to be released unless and until the Board makes a new order of parole.

(2) "Parole to the actual physical custody of the detaining authorities or an approved plan." In this event, release is to be effected even though the detainee might be withdrawn, providing there is an acceptable plan for community supervision.

(b) When the Board wishes to parole a prisoner subject to a detainee filed by Federal immigration officials, the Board may order one of the following:

(1) "Parole for deportation only." In this event, release is not to be effected unless immigration officials make full arrangements for deportation immediately upon release.

(2) "Parole to the actual physical custody of the immigration authorities only." In this event, release is not to be effected unless immigration officials take the prisoner into custody—regardless of whether or not deportation follows.

(3) "Parole to the actual physical custody of the immigration authorities or an approved plan." In this event, release is to be effected regardless of whether or not immigration officials take the prisoner into custody, providing there is an acceptable plan for community supervision.

(c) As used in this section "parole to a detainee" means release to the "physical custody" of the authorities who have lodged the detainee. Temporary detention in a jail in the county where the institution of confinement is located does not constitute release on parole. If the authorities who lodged the detainee do not take the prisoner into custody for any reason, he shall be returned to the institution to await further order from the Board.

#### § 2.35 Mental competency proceedings.

(a) Whenever a prisoner or parolee is scheduled for a hearing in accordance with the provisions of this part and reasonable doubt exists as to his mental competency, i.e., his ability to understand the nature of and participate in scheduled proceedings, a preliminary hearing to determine his mental competency shall be conducted by a panel of hearing examiners or other official(s) (including a U.S. Probation Officer) designated by the Board of Parole.

(b) At the competency hearing, the hearing examiners or designated official(s) shall receive oral or written psychiatric testimony and other evidence that may be available. A preliminary determination of the prisoner's mental competency shall be made upon the testimony, evidence, and personal observations of the prisoner. If the examiner panel or designated official(s) determines that the prisoner is mentally competent, the previously scheduled hearing shall be held. If they determine that the prisoner is not mentally competent, the previously scheduled hearing shall be temporarily postponed.

(c) Whenever the hearing examiners or designated official(s) determine that a person is incompetent and postpone the previously scheduled hearing, they shall forward the record of the preliminary hearing with their findings to the Regional Director for review. If the Regional Director concurs with their findings, he shall order the temporarily postponed hearing to be postponed indefinitely until such time as it is determined that the prisoner or parolee has recovered sufficiently to understand the nature of and participate in the proceedings and, in the case of a parolee, may order such parolee committed to a Bureau of Prison's facility for further examination. In any such case, the Regional Director shall require a progress report at least every six months on the mental health of the prisoner. When the Regional Director determines that the prisoner has recovered sufficiently, he shall reschedule the hearing for the earliest possible date.

(d) If the Regional Director disagrees with the findings of the hearing examiners or designated official(s) as to the mental competency of the prisoner, he shall take such action as he deems appropriate.

#### § 2.36 Release plans.

(a) A grant of parole is conditioned upon the approval of release plans by the Regional Director. In general, the following factors should be present before a prisoner is released after parole has been granted:

(1) The probation officer to whom the releasee is assigned may, in his discretion, require that there be available to the releasee an adviser who is a responsible, reputable, and law-abiding citizen living in or near the community in which the releasee will reside. The adviser should act as a source of advice for the releasee relative to community adjustment. The adviser may provide special services such as vocational placement, personal counsel, or referral to community agencies. The adviser is expected to report to the probation officer any law violation or serious misconduct on the part of the releasee. The adviser may be required by the probation officer to countersign the parolee's monthly supervision report to indicate actual contact with the parolee.

(2) There should be satisfactory evidence that the prospective parolee will be legitimately employed following his release; and

(3) There should be satisfactory assurance that necessary aftercare will be available to a parolee who is ill or who has some other problem which requires special care.

(b) Generally, parolees will be released only to the place of their legal residence unless the Board is satisfied that another place of residence will serve the public interest more effectively or will improve the probabilities of the applicant's readjustment.

#### § 2.37 Rescission of parole.

(a) When an effective date of parole has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner. If a prisoner has been granted parole and has subsequently been charged with institutional misconduct sufficient to become a matter of record, the Regional Director shall be advised promptly of such misconduct. The prisoner shall not be released until the institution has been notified that no change has been made in the Board's order to parole.

(1) Upon receipt of information that a prisoner has violated the rules of the institution, the Regional Director may retard the parole grant for up to sixty days without a hearing or may retard the parole grant and schedule the case for a rescission hearing. If the prisoner was confined in a federal prison at the time of the order retarding parole, the rescission hearing shall be scheduled for the next docket of parole hearings at the institution. If the prisoner was residing in a federal community treatment center or a state or local halfway house, the rescission hearing shall be scheduled for the first docket of parole hearings after return to a federal institution. When the prisoner is given written notice of the Board action regarding parole, he shall be given notice of the charges of misconduct to be considered at the rescission hearing. The purpose of the rescission hearing shall be to determine whether rescission of the parole grant is warranted. At the rescission hearing the prisoner may be represented by a person of his choice and may present documentary evidence.

(2) An institution discipline committee hearing conducted by the institution resulting in a finding that the prisoner has violated the rules of his confinement, may be relied upon by the Board as conclusive evidence of institutional misconduct.

(3) If the parole grant is rescinded, the prisoner shall be furnished a written statement of the findings of misconduct and the evidence relied upon.

(b)(1) Upon receipt of new information adverse to the prisoner regarding matters other than institutional misconduct, the Board acting upon the procedures of § 2.17 may retard a previously granted parole and schedule the case for an institutional review hearing on the next docket of parole hearings or at the first docket of parole hearings following return to a federal institution.

(2) The prisoner shall be given notice of the nature of the new adverse information upon which the rescission con-

## RULES AND REGULATIONS

sideration is to be based. The hearing shall be conducted in accordance with

term or terms specified in his sentence without deductions of allowance for good

expiration of the sentence or sentences imposed by the court. Other modification of the reporting requirements may be

#### § 2.52 Execution of warrant; notice of alleged violations.

(a) Any officer of any Federal correc-

warrant. These decisions will be made by the Regional Director. The Board shall request periodic reports from insti-

hearing officer designated by the Regional Director provided that the prisoner has been advised that the post-



sideration is to be based. The hearing shall be conducted in accordance with the procedures set out in §§ 2.12 and 2.13. The purpose of the hearing shall be to determine if the parole grant should be rescinded or if a new parole date should be established.

§ 2.38 Sponsorship of parolees; statement of policy.

It is the policy of the Youth Corrections Division to cooperate with groups desiring to serve as sponsors of parolees. In all cases, sponsors shall serve under the direction of and in cooperation with the probation officers to whom the parolees are assigned.

§ 2.39 Mandatory release in the absence of parole.

A prisoner shall be mandatorily released by operation of law at the end of the sentence imposed by the court less such good time deductions and extra good time deductions as he may have earned through his behavior and efforts at the institution of confinement. He shall be released as if on parole, under supervision until the expiration of the maximum term or terms for which he was sentenced less one hundred eighty days. Insofar as possible, release plans shall be completed before the release of any such prisoner.

§ 2.40 Same; youth offenders.

A prisoner committed under the Youth Corrections Act must be initially released conditionally under supervision not later than two years before the expiration of the term imposed by the court.

§ 2.41 Reports to police departments of names of parolees; statement of policy.

Names of parolees under supervision will not routinely be furnished to a police department of a community, except as required by law. All such notifications are to be regarded as confidential.

§ 2.42 Community supervision by United States Probation Officers.

(a) Pursuant to section 3655 of title 18 of the United States Code, United States Probation Officers are required to provide such parole services as the Attorney General may request. The Attorney General has delegated his authority in this regard to the Board (28 CFR 0.126(b)). In conformity with the foregoing, probation officers function as parole officers and provide supervision to parolees and mandatory releases under the Board's jurisdiction.

(b) A parolee or mandatory releasee may be transferred to a new district of supervision with the permission of the probation officers of both the transferring and receiving district, provided such transfer is not contrary to instructions from the Board.

§ 2.43 Duration of period of community supervision.

(a) Any prisoner, with the exception of those sentenced prior to June 29, 1932, who is released under the provisions of laws relating to parole, shall continue until the expiration of the maximum

term or terms specified in his sentence without deductions of allowance for good time. Prisoners sentenced prior to June 29, 1932, shall receive reductions in their maximum term or terms of imprisonment for such good time allowances as may be authorized by law.

(b) The Regional Director may discharge from supervision prior to the normal expiration date as provided in § 2.46(b), but the sentence is not thus commuted and such a parolee may be reinstated to supervision or retaken on the basis of a violator warrant.

§ 2.44 Conditions of release.

The conditions of release are printed on the release certificate and are binding regardless of whether the releasee signs the certificate. The Board, or a member thereof, may add special conditions or modify the conditions of release at any time.

§ 2.45 Travel by parolees and mandatory releasees.

(a) The probation officer may approve travel outside the district without approval of the Regional Director in the following situations:

- (1) Vacation trips not to exceed thirty days,
- (2) Trips, not to exceed thirty days, to investigate reasonably certain employment possibilities,
- (3) Recurring travel across a district boundary, not to exceed fifty miles outside the district, for purposes of employment, shopping, or recreation.

(b) Specific advance approval by the Regional Director is required for other travel, including travel outside the continental limits of the United States, employment more than fifty miles outside the district, and vacations exceeding thirty days. A special condition imposed by the Regional Director prohibiting certain travel shall supersede any general rules relating to travel as set forth above.

§ 2.46 Supervision reports, modification and discharge from supervision.

(a) All parolees and mandatory releasees shall make such reports to the United States Probation Officers to whom they have been assigned as may be required by the Board or Probation Officers. Probation Officers shall submit summary reviews of the progress of parolees and mandatory releasees according to Board policy. On the basis of summary reviews of the progress of parolees, the Regional Director may modify the reporting requirement of parolees or releasees.

(b) After the parolee or mandatory releasee has been under supervision for at least one year, the Regional Director may, in his discretion, permit the parolee to submit a written report to his probation officer on a less frequent basis than once a month. After a period of such reduced reporting the Regional Director may further order that the parolee be discharged from all supervision by the Probation Officer. In the latter instances, a parolee may be reinstated to supervision or a warrant may be issued for him as a violator at any time prior to the

expiration of the sentence or sentences imposed by the court. Other modification in the reporting requirements may be made by the Regional Director at any time during the parolee's term.

§ 2.47 Modification and discharge from supervision; youth offenders.

A committed youth offender may remain under supervision until the expiration of his sentence or he may be released from supervision or unconditionally discharged at any time after one year of continuous supervision on parole.

§ 2.48 Setting aside conviction.

When an unconditional discharge has been granted to a youth offender prior to the expiration of his maximum term of sentence, his conviction shall be automatically set aside and the Regional Director shall issue to the youth offender a certificate to that effect.

§ 2.49 Revocation of parole or mandatory release.

(a) If a parolee or mandatory releasee violates any of the conditions of his release, and satisfactory evidence thereof is presented to the Board, or a member thereof, a warrant may be issued and the offender returned to an institution. Warrants shall be issued or withdrawn only by the Board, or a member thereof.

(b) A warrant for the apprehension of any parolee shall be issued only within the maximum term or terms for which the prisoner was sentenced.

(c) A warrant for the apprehension of any mandatory releasee shall be issued only within the maximum term or terms for which the prisoner was sentenced, less one hundred eighty days.

§ 2.50 Same; youth offenders.

In addition to issuance of a warrant on the basis of violation of any of the condition of release, the responsible Regional Director may, when he is of the opinion that such youth offender would benefit by further treatment direct his return to custody or issue a warrant for his apprehension and return to custody. Upon his return to custody, such youth offender shall be given a revocation hearing under the same provisions as adult offenders as specified in § 2.54 to § 2.56. Following the revocation hearing parole may be reinstated, revoked or the terms and conditions thereof may be modified.

§ 2.51 Unexpired term of imprisonment.

The time a prisoner was on parole or mandatory release is not credited to the service of his sentence if revocation occurs. When a warrant is issued the sentence ceases to run, but begins to run again when the releasee is taken into Federal custody by the execution of the Board's violation warrant. However, the sentences of prisoners committed under the Narcotic Addict Rehabilitation Act or the Youth Corrections Act run uninterruptedly from the date of conviction without regard to any revocation, except as provided in § 2.10(c). In no case may the commitment of a person under the Federal Juvenile Delinquency Act extend past his twenty-first birthday.

§ 2.52 Execution of warrant; notice of alleged violations.

(a) Any officer of any Federal correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant shall be delivered shall execute such warrant by taking such prisoner and returning him to the custody of the Attorney General. The warrant shall be considered delivered to a Federal officer when the warrant is signed and placed in the mail at the Board headquarters or regional office before the expiration of the maximum term of sentence.

(b) On arrest of the prisoner the officer executing the warrant shall deliver to him a copy of the Warrant Application listing the alleged violations of parole or mandatory release upon which the warrant was issued.

(c) If execution of the warrant is delayed pending disposition of local charges, for further investigation, or for some other purpose, the parolee or mandatory releasee is to be continued under supervision by the probation officer until the normal expiration of the sentence, or until the warrant is executed, whichever comes first. Monthly supervision reports are to be submitted, and the releasee must continue to abide by all the conditions of release.

§ 2.53 Warrant placed as a detainer and dispositional interview.

(a) In those instances where the prisoner is serving a new sentence in an institution, the warrant may be placed there as a detainer. Such prisoner shall be advised that he may communicate with the Board relative to disposition of the warrant, and may request that it be withdrawn or executed so his violator term will run concurrently with the new sentence. Should further information be deemed necessary, the Regional Director may designate a hearing examiner panel to conduct a dispositional interview at the institution where the prisoner is confined. At such dispositional interview the prisoner may be represented by counsel of his own choice and may call witnesses in his own behalf, provided he bears their expenses. He shall be given timely notice of the dispositional interview and its procedure.

(b) Following the dispositional review the Regional Director may:

- (1) Let the detainer stand
- (2) Withdraw the detainer and close the case if the expiration date has passed;
- (3) Withdraw the detainer and reinstate to supervision; thus permitting the federal sentence time to run uninterruptedly from the time of his original release on parole or mandatory release.

(4) Execute warrant, thus permitting the sentence to run from that point in time. If the warrant is executed, a previously conducted dispositional interview may be construed as a revocation hearing.

(c) In all cases, including those where a dispositional interview is not conducted, the Board shall conduct annual reviews relative to the disposition of the

warrant. These decisions will be made by the Regional Director. The Board shall request periodic reports from institution officials for its consideration.

§ 2.54 Revocation by the Board, preliminary interview.

(a) A prisoner who is retaken on a warrant issued by a Board Member shall be given a preliminary interview by an official designated by the Regional Director to determine if there is probable cause to hold the prisoner for a revocation hearing and, if so, whether such revocation hearing should be conducted in the locality of the charged violation(s) or in a Federal institution. The official designated to conduct the preliminary interview may be a United States Probation Officer in the district where the prisoner is confined, provided he is not the officer who recommended that the warrant be issued.

(b) At the beginning of the preliminary interview, the hearing officer shall explain the Board's revocation procedure to the prisoner and shall advise the prisoner that he may have the preliminary interview postponed so that he may obtain representation by an attorney or may arrange for the attendance of witnesses. The prisoner shall also be advised that if he cannot afford to retain an attorney he may apply to a United States District Court for appointment of counsel to represent him at the preliminary interview and the revocation hearing. The prisoner may also request the presence of persons who have given information upon which revocation may be based. Such adverse witnesses shall be requested to attend the preliminary interview unless the prisoner admits a violation or has been convicted of a new offense committed while on supervision or unless the hearing officer finds good cause for their non-attendance. At the preliminary interview the hearing officer shall review the violation charges with the prisoner, receive the statements of witnesses and documentary evidence on behalf of the prisoner, and allow cross-examination of those adverse witnesses in attendance.

(c) At the conclusion of the preliminary interview, the hearing officer shall prepare and submit to the Regional Director a summary of the interview, which shall include recommended findings of whether there is probable cause to hold the prisoner for a revocation hearing. Upon receipt of the summary of the preliminary interview, the Regional Director shall either order the prisoner reinstated to supervision, order that a revocation hearing be conducted in the locality of the charged violation(s), or direct that the prisoner be transferred to a Federal institution for a revocation hearing.

(d) The prisoner shall be retained in local custody pending completion of the preliminary interview, submission of the summary of the hearing officer, and notification by the Regional Director relative to further action.

(e) A postponed preliminary interview may be conducted as a local revocation hearing, by an examiner panel or other

hearing officer designated by the Regional Director provided that the prisoner has been advised that the postponed preliminary interview will constitute his final revocation hearing.

§ 2.55 Local revocation hearing.

(a) If the prisoner requests a local revocation hearing prior to his return to a Federal institution, he shall be given a revocation hearing reasonably near the place of an alleged violation if the following conditions are met:

- (1) The local hearing would facilitate the production of witnesses or the retention of counsel;
- (2) The prisoner has not been convicted of a crime committed while under supervision; and
- (3) The prisoner denies that he has violated any condition of his release. Otherwise, he shall be given a revocation hearing after he is returned to a Federal institution. However, the Regional Director may, on his own motion, designate a case for a local revocation hearing.

(b) If there are two or more alleged violations, the hearing shall be conducted near the place of the violation chiefly relied upon as a basis for the issuance of the warrant, as determined by the Regional Director.

(c) Following the hearing the prisoner shall be retained in custody until final action is taken relative to revocation or reinstatement, or until other instructions are issued by the Regional Director.

§ 2.56 Revocation hearing procedure.

(a) A revocation hearing shall be conducted by a hearing examiner panel or, in a local revocation hearing only, by another official designated by the Regional Director. In the latter case, the decision relative to revocation shall be made by an examiner panel on the basis of the hearing summary pursuant to the provisions of § 2.23. A revocation decision may be appealed under the provisions of § 2.25, § 2.26, or § 2.27 as applicable.

(b) The purpose of the revocation hearing shall be to determine whether the prisoner has violated the conditions of his release and, if so, whether his parole or mandatory release should be revoked or reinstated.

(c) The alleged violator may present voluntary witnesses and documentary evidence in his behalf. However, the presiding hearing officer or examiner panel may limit or exclude any irrelevant or repetitious statement or documentary evidence.

(d) If the alleged violator has not been convicted of a new criminal offense while under supervision and does not admit violation of any of the conditions of his release, the Board shall, on the request of the alleged violator or on its own motion, request the attendance of persons who have given statements upon which revocations may be based. Those adverse witnesses who are present shall be made available for questioning and cross-examination in the presence of the alleged violator unless the presiding hearing officer or examiner panel finds good cause for their non-attendance.

(e) All evidence upon which the finding of violation may be based shall be presented to the hearing officer at the

(v) F.B.I. identification reports (rap sheets).

(h) All requests for disclosure of documents.

period of such regular sentence on parole or mandatory release.

(b) At the time of release under the



## RULES AND REGULATIONS

(e) All evidence upon which the finding of violation may be based shall be disclosed to the alleged violator at the revocation hearing. The hearing officer or examiner panel may disclose documentary evidence by reading or summarizing the appropriate document for the alleged violator.

## § 2.57 Disclosure of records.

(a) Prior to any parole hearing conducted in his case pursuant to §§ 2.13, or 2.14, or at any time during his incarceration, a prisoner is entitled to review reports in his institution file containing factual material bearing on his offense behavior, personal history, and institutional progress, as provided in Bureau of Prisons Policy Statement No. 2211.8, dated June 12, 1975, provided that disclosure of such reports would not (1) threaten the life or physical safety of any person; (2) interfere with law enforcement proceedings; (3) disclose investigative techniques of a law enforcement agency; or (4) constitute a clearly unwarranted invasion of personal privacy. The reports to be disclosed to the prisoner, subject to the above exceptions, include but are not limited to the following:

- (i) Sentence Computation Records;
- (ii) Classification material (including progress reports);
- (iii) Incident (disciplinary) reports;
- (iv) Medical reports;

(v) F.B.I. identification reports (rap sheets).

(b) All requests for disclosure of documents in the institution file shall be addressed to the Bureau of Prisons staff at least seven days prior to the time such documents are to be viewed. Copies of documents will be furnished under applicable Bureau of Prisons regulations.

(c) Sole authority to disclose a Presentence Investigation Report is retained by the prisoner's sentencing court. A request for disclosure of the Presentence Investigation Report must be addressed to the Court which originated the document.

(d) Copies of documents contained in Board of Parole Regional Office files shall be made available to prisoners, their authorized representatives, and other persons, upon written request in accordance with applicable law and Department of Justice Regulations at 28 C.F.R. Part 16, Subparts C and D. The Board reserves the right to invoke statutory exemptions to disclosure in appropriate cases.

## § 2.58 Special parole terms.

(a) The Drug Abuse Prevention and Control Act, 21 U.S.C. §§ 801 to 966, provides that, on conviction of certain offenses, mandatory "special parole terms" must be imposed by the court as part of the sentence. This term is an additional period of supervision which follows the completion of the regular sentence, including completion of the supervision

period of such regular sentence on parole or mandatory release.

(b) At the time of release under the regular sentence, whether under full term expiration or under a mandatory release certificate or a parole certificate, a separate Special Parole Term certificate will be issued to the prisoner by the Bureau of Prisons.

(c) Should a releasee be found to have violated conditions of release during supervision under his regular sentence, i.e., before commencement of the Special Parole Term, he will be returned as a violator of his basic supervision period under his regular sentence; the Special Parole Term will follow unaffected. Should a releasee violate conditions of release during the Special Parole Term, he will be subject to revocation with the complete Special Parole Term to serve (but none of the separate regular sentence), and subject to reparole or mandatory release under the Special Parole Term.

(d) If the prisoner is repared under the revoked Special Parole Term a certificate of parole to Special Parole Term is issued by the Board. If the inmate is mandatorily released under the revoked "special parole term" a certificate of mandatory release to Special Parole Term will be issued by the Bureau of Prisons.

[FR Doc.75-23410 Filed 9-4-75; 8:45 am]

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# federal register

FRIDAY, SEPTEMBER 5, 1975



PART V:

Section 2

## SELECTIVE SERVICE SYSTEM

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PRIVACY ACT OF 1974

Notice of Systems of Records

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**SELECTIVE SERVICE SYSTEM  
PRIVACY ACT OF 1974  
Supplemental Notice of Records System**

Pursuant to the requirements of Section 3 of the Privacy Act of 1974, 5 U.S.C. 552(e)(4) and 5 U.S.C. 552a(e)(11), notice is hereby given of the existence and character of an additional system of records maintained by the Selective Service System and of the routine uses thereof. Interested persons are invited to submit written data, views or arguments to the Director of Selective Service.

August 28, 1975.

Byron V. Pepitone,  
Director.

SSS-9

**System name:** Master Pay Record—SSS

**Security classification:**

**System location:**

Computer Service Center  
Selective Service System  
2550 Huntington Avenue  
Alexandria, Virginia 22303

**Categories of individuals covered by the system:** Currently assigned civilian employees and former civilian employees who have separated during the current year and first prior calendar year.

**Categories of records in the system:** Contains payroll information such as name, grade, annual salary, hourly rate, address, Social Security Account Number, birth date, date of hire, service computation date, annual leave category, life insurance and health benefits deductions, Savings Bond data, and other information relating to the status of the employee.

**Authority for maintenance of the system:** Section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) and Title 5, U.S.C.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Selected information by name and Social Security Account Number is furnished the Internal Revenue Service, and State and City taxing authorities.

Selected information by name, date of birth and Social Security Account Number is furnished the Civil Service Commission for retirement, life insurance and health benefit accounts.

**Policies and practices for storing, retrieving, accessing, retaining,**

**and disposing of records in the system:** See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

**Storage:** Records are maintained in binders, on microfiche and magnetic tape.

**Retrievability:** Records are indexed by Social Security Account Number.

**Safeguards:** Use of the records or any information contained therein is limited to employees whose official duties require such access. The records are maintained in lockable file containers.

**Retention and disposal:** The information on the magnetic tapes is retained for two years, then erased.

The microfiche copies are retained for one year, then destroyed by burning.

The computer printouts are retained until updated, then destroyed by shredding.

**System manager(s) and address:**

Mr. Byron V. Pepitone  
Director of Selective Service System  
National Headquarters  
Selective Service System  
1724 F Street, N.W.  
Washington, D.C. 20435

**Notification procedure:** Inquiries should include name, Social Security Account Number, duty station (former employees should indicate last duty station with this agency) and mailing address to which the reply should be mailed. Inquiries should be mailed to:

Mr. Byron V. Pepitone  
Director of Selective Service System  
National Headquarters  
Selective Service System  
1724 F Street, N.W.  
Washington, D.C. 20435  
Attn: Comptroller

**Record access procedures:** Same as the above. Current employees or former employees who wish to gain access to their records should make their request in writing, including their full name, address and Social Security Account Number and duty station. Former employees should indicate last duty station with this agency.

**Contesting record procedures:** Same as the above.

**Record source categories:** Information in this system is obtained from the individual to whom it applies or is derived from information the individual supplied, or is provided by the agency official with authority to appoint the individual.

**Systems exempted from certain provisions of the act:**



# federal register

FRIDAY, SEPTEMBER 5, 1975



PART VI:

## DEPARTMENT OF LABOR

Employment Standards  
Administration

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## MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions,  
Modifications and Index

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## DEPARTMENT OF LABOR

Employment Standards  
AdministrationMINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTION  
General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modi-

## NOTICES

fications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

## MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedes Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration,

Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

## MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

California:  
CA75-5071, CA75-5072 ---- June 13, 1975.  
CA75-5087, CA75-5088 ---- July 25, 1975.  
North Carolina:  
NC75-1015 ---- Jan. 31, 1975.  
Oklahoma:  
OK75-4080 ---- Apr. 18, 1975.  
OK75-4133 ---- July 25, 1975.  
OK75-4140 ---- Aug. 1, 1975.  
Pennsylvania:  
PA75-3081, PA75-3086 ---- Aug. 22, 1975.  
South Carolina:  
SC75-1031 ---- Mar. 14, 1975.  
Washington:  
WA75-5108 ---- Aug. 22, 1975.  
Washington, D.C.:  
DC75-3061 ---- June 20, 1975.

## SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedes Decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:  
AQ-4003 (FL75-1084); AQ- Aug. 24, 1973.  
4003 (FL75-1085); AQ-  
4004 (FL75-1081); AQ-  
4006 (FL75-1082).  
AQ-4017 (FL75-1083); AQ- Oct. 5, 1973.  
4018 (FL75-1082); AQ-  
4019 (FL75-1083).  
AQ-4030 (FL75-1080) ---- Oct. 26, 1973.  
AQ-4031 (FL75-1080) ---- Nov. 9, 1973.  
AQ-4039 (FL75-1080) ---- Nov. 30, 1973.  
FL75-1035 (FL75-1087) ---- Mar. 21, 1975.  
Nebraska:  
AQ-24 (NE75-4155) ---- Sept. 7, 1973.  
North Carolina:  
NC75-1002 (NC75-1078) ---- Jan. 17, 1975.  
Oklahoma:  
OK75-4069 (OK75-4156) ---- Mar. 28, 1975.  
Oregon:  
OR75-5105 (OR75-5111) ---- Aug. 15, 1975.  
South Carolina:  
AP-157 (SC75-1079) ---- Feb. 16, 1973.  
South Dakota:  
SD75-5044 (SD75-5112) ---- Apr. 14, 1975.

Signed at Washington, D.C., this 29th day of August 1975.

WARREN D. LANDIS,  
Acting Administrator,  
Wage and Hour Division.

## NOTICES

## MODIFICATIONS P. 2

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Prevailing	Vacation	
\$10.50	.92	1.45	.75	.07
10.23	.88	12 + 1.15		.03
11.25	.88	12 + 1.15		.03
11.75	.70	12 + 1.15		.05
12.75	.70	12 + 1.15		.05
10.50	.70	12 + 1.15		.05
11.50	.70	12 + 1.15		.05
11.17	.70	12 + .80		.02
12.29	.70	12 + .80		.02
8.70	102	162	132	3/42
8.81	.62	.85	.60	
10.24	.55	.50		.03
10.49	.55	.50		.03
10.74	.55	.50		.03
11.49	.55	.50		.03
10.36	.55	.50		.03

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Prevailing	Vacation	
11.25	.56	.95	.50	.07
8.70	102	162	132	3/42
8.81	.62	.85	.60	
8.89	.40	.75	1.00	
11.25	.56	.95	.50	.07
8.70	102	162	132	3/42
8.81	.62	.85	.60	
8.89	.40	.75	1.00	

## MODIFICATIONS P. 1

DECISION NO. CA75-5087 - Mod. #1  
(40 FR 31467 - July 25, 1975)  
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California  
Change:  
Drywall Installers  
Electricians  
San Luis Obispo County  
Electricians  
San Luis Obispo County  
Splicers  
San Bernardino County (Vandenberg AFB)  
Electricians  
Cable Splicers  
Remainder of County  
Electricians  
Cable Splicers  
Ventura County  
Electricians  
Cable Splicers  
Irrigation and Lawn Sprinklers  
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties  
Marble, Terrazzo and Tile Setters  
Imperial County  
Painters  
San Luis Obispo, Santa Barbara and Ventura Counties  
Brush  
Iron and steel; Paperhangers  
Paste machine Op.; Sand-blasters  
Sprengers  
Steeplejack  
Tapers, Sheet Rock

DECISION NO. CA75-5071 - Mod. #3  
(40 FR 25337 - June 13, 1975)  
San Diego County, California  
Change:  
Drywall Installers  
Irrigation and Lawn Sprinklers  
Marble, Terrazzo and Tile Setters  
Roofers  
DECISION NO. CA75-5072 - Mod. #3  
(40 FR 25343 - June 13, 1975)  
San Diego County, California  
Change:  
Drywall Installers  
Irrigation and Lawn Sprinklers  
Marble, Terrazzo and Tile Setters  
Roofers

## NOTICES

## NOTICES







## MODIFICATIONS P. 7

41352

DECISION NO. 0K75-4013

MODIFICATIONS P. 8

CHANCE POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS TO READ AS FOLLOWS:

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)  
GROUP II - All crane type equipment with 150-200' of boom (including jib)  
GROUP III - All crane type equipment with 100-150' of boom (including jib)  
GROUP IV - Heavy duty mechanic welder, crane-lift & overhead monorail, whirley, shell, backhoe, sideboom (under 30'), grapple, hydro crane, cherry picker, panel board batch plant operator, piledriver engineer, dragline, shovel, clam-hoist, backhoe, sideboom (under 30'), grapple, hydro crane, cherry picker, hoists with operating 2 or more drums, hoists with 30' & longer mast  
GROUP V - Motor patrol (blades), fork lift (35' and over), dozer (engine h.p. 65 or over), tractor (engine h.p. 65 or over), loader (engine h.p. 65 or over), rubber-tired equipment (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, power boom control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.

GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 15 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 3, 500 cu. ft. and over, air compressor, over 500 cu. ft., (1) pumps, battery, diesel elec. which truck and similar equipment, generator plant, outside electric heaters under jurisdiction of a frame, roller, all types, outside electric heaters under jurisdiction of personnel hoist, concrete mixer, crushing plants, oiler distributor, operator, famer tractor with or without attachments, batch plant operator, famer tractor with or without attachments, screed operator, concrete pump, famer tractor, screening plant, well point pump operator, signal man on large wharves when and if required, operator for rotary drilling machines when operated from console or machines

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII - Greaser, tilt top trailer operator  
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling

GROUP IX - Asphalt lay machine back end man, helpers  
GROUP X - Truck crane oiler driver or truck crane oiler

DECISION NO. 0K75-4013 - Mod. #5  
(40 FR 17530 - April 18, 1975)

CHANCE POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS TO READ AS FOLLOWS:

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)  
GROUP II - All crane type equipment with 150-200' of boom (including jib)  
GROUP III - All crane type equipment with 100-150' of boom (including jib)  
GROUP IV - Heavy duty mechanic welder, crane-lift & overhead monorail, whirley, shell, backhoe, sideboom (under 30'), grapple, hydro crane, cherry picker, hoists with operating 2 or more drums, hoists with 30' & longer mast  
GROUP V - Motor patrol (blades), fork lift (35' and over), dozer (engine h.p. 65 or over), tractor (engine h.p. 65 or over), loader (engine h.p. 65 or over), rubber-tired equipment (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, power boom control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.

GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 15 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 3, 500 cu. ft. and over, air compressor, over 500 cu. ft., (1) pumps, battery, diesel elec. which truck and similar equipment, generator plant, outside electric heaters under jurisdiction of a frame, roller, all types, outside electric heaters under jurisdiction of personnel hoist, concrete mixer, crushing plants, oiler distributor, operator, famer tractor with or without attachments, batch plant operator, famer tractor with or without attachments, screed operator, concrete pump, famer tractor, screening plant, well point pump operator, signal man on large wharves when and if required, operator for rotary drilling machines when operated from console or machines

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII - Greaser, tilt top trailer operator  
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling

GROUP IX - Asphalt lay machine back end man, helpers  
GROUP X - Truck crane oiler driver or truck crane oiler

Basic Hourly Rates	H & W	Penalties	Vacation	App. Tr.
\$9.70	.40	.60		.02
5.50	.25	.15		
6.00	.25	.15		
4.35	.25	.15		
5.10	.25	.15		
5.05	.25	.20		
5.35	.25	.20		
4.70	.25	.20		
4.90	.25	.20		
8.65		.12		1/22
9.16		.12		1/22
7.85		.12		1/22
7.10		.12		1/22
6.48		.12		1/22
7.85		.12		1/22
6.16		.12		1/22
5.77		.12		1/22
9.25	.35	.40		.12
9.00	.35	.40		.12
8.75	.35	.40		.12
8.50	.35	.40		.12
8.25	.35	.40		.12
8.00	.35	.40		.12
7.60	.35	.40		.12
7.50	.35	.40		.12
7.30	.35	.40		.12
7.00	.35	.40		.12

FEDERAL REGISTER, VOL. 40, NO. 173—FRIDAY, SEPTEMBER 5, 1975

## MODIFICATIONS P. 9

MODIFICATIONS P. 10

DECISION NO. 0K75-4133

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP I - Motor patrol (blades), fork lift (35' and over), dozer (engine h.p. 65 or over), famer tractor or tile equipment with hoe or loader equipment or rubber-tired equipment, backhoe, sideboom (under 30'), grapple, hydro crane, cherry picker, hoists with operating 2 or more drums, hoists with 30' & longer mast  
GROUP II - Motor patrol (blades), fork lift (35' and over), dozer (engine h.p. 65 or over), famer tractor or tile equipment with hoe or loader equipment or rubber-tired equipment, backhoe, sideboom (under 30'), grapple, hydro crane, cherry picker, hoists with operating 2 or more drums, hoists with 30' & longer mast  
GROUP III - Motor patrol (blades), fork lift (35' and over), dozer (engine h.p. 65 or over), famer tractor or tile equipment with hoe or loader equipment or rubber-tired equipment, backhoe, sideboom (under 30'), grapple, hydro crane, cherry picker, hoists with operating 2 or more drums, hoists with 30' & longer mast  
GROUP IV - Heavy duty mechanic welder, crane-lift & overhead monorail, whirley, shell, backhoe, sideboom (under 30'), grapple, hydro crane, cherry picker, hoists with operating 2 or more drums, hoists with 30' & longer mast  
GROUP V - Motor patrol (blades), fork lift (35' and over), dozer (engine h.p. 65 or over), tractor (engine h.p. 65 or over), loader (engine h.p. 65 or over), rubber-tired equipment (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, power boom control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.

GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 15 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 3, 500 cu. ft. and over, air compressor, over 500 cu. ft., (1) pumps, battery, diesel elec. which truck and similar equipment, generator plant, outside electric heaters under jurisdiction of a frame, roller, all types, outside electric heaters under jurisdiction of personnel hoist, concrete mixer, crushing plants, oiler distributor, operator, famer tractor with or without attachments, batch plant operator, famer tractor with or without attachments, screed operator, concrete pump, famer tractor, screening plant, well point pump operator, signal man on large wharves when and if required, operator for rotary drilling machines when operated from console or machines

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII - Greaser, tilt top trailer operator  
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling

GROUP IX - Asphalt lay machine back end man, helpers  
GROUP X - Truck crane oiler driver or truck crane oiler

Basic Hourly Rates	H & W	Penalties	Vacation	App. Tr.
\$9.70	.40	.60		.02
4.70	.25	.20		
4.90	.25	.20		
5.55	.25	.20		
8.65		.12		1/22
9.16		.12		1/22
7.85		.12		1/22
7.10		.12		1/22
6.48		.12		1/22
7.85		.12		1/22
6.16		.12		1/22
9.25	.35	.40		.12
9.00	.35	.40		.12
8.75	.35	.40		.12
8.50	.35	.40		.12
8.25	.35	.40		.12
8.00	.35	.40		.12
7.60	.35	.40		.12
7.50	.35	.40		.12
7.30	.35	.40		.12
7.00	.35	.40		.12

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)  
GROUP II - All crane type equipment with 150-200' of boom (including jib)  
GROUP III - All crane type equipment with 100-150' of boom (including jib)  
GROUP IV - Heavy duty mechanic welder, crane-lift & overhead monorail, whirley, shell, backhoe, sideboom (under 30'), grapple, hydro crane, cherry picker, hoists with operating 2 or more drums, hoists with 30' & longer mast  
GROUP V - Motor patrol (blades), fork lift (35' and over), dozer (engine h.p. 65 or over), tractor (engine h.p. 65 or over), loader (engine h.p. 65 or over), rubber-tired equipment (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, power boom control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

FEDERAL REGISTER, VOL. 40, NO. 173—FRIDAY, SEPTEMBER 5, 1975











STATE: Florida  
DECISION NUMBER: FL75-1081  
Supersedeas Decision No.: AQ-4004 - dated August 24, 1973 in 38 FR-22841  
DESTRUCTION OF WORK: Highway Construction  
COUNTIES: \*See below  
DATE: Date of Publication

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Basic Monthly Payroll		Fringe Benefits Payments		Total	
H & W	Positions	Vehicle	App. T.	H & W	Positions
4.51				4.51	
3.89				3.89	
7.70				7.70	
3.11				3.11	
4.87				4.87	
2.72				2.72	
3.50				3.50	
3.25				3.25	
3.53				3.53	
5.73				5.73	
5.00				5.00	
3.25				3.25	
5.50				5.50	
3.45				3.45	
3.45				3.45	
3.45				3.45	
3.06				3.06	
3.46				3.46	
3.68				3.68	
3.25				3.25	
4.48				4.48	
3.50				3.50	
3.25				3.25	
2.75				2.75	
4.18				4.18	
4.37				4.37	
3.10				3.10	
3.21				3.21	
4.15				4.15	

STATF: Florida  
DISCUSSION NUMBER: FL75-1060  
SUPERSEDES Decision Nos.:  
AQ-40310 dated November 26, 1973 in 38 FR 29127  
AQ-40311 dated October 9, 1973 in 38 FR 31092  
AQ-40329 dated November 30, 1973 in 38 FR 31203  
COLLECTION OF MARK:  
Highway Construction

## Conclusion

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Quantities: Alachua, Bradford,  
Calhoun, Clermont, Columbia,  
Dixie, Franklin, Gadsden,  
Gilchrist, Hamilton, Hernando,  
Holmes, Jackson, Jefferson,  
Lake, Lafayette, Leon, Levy,  
Liberty, Madison, Marion, Taylor,  
Thomas, Suwannee, Suwannee,  
Union, Wakulla, Washington

Bricklayers  
Carpenters  
Concrete finishers  
Electricians  
Farm settlers  
Ironworkers  
Reinforcing  
Rohman  
Laborers  
Unskilled  
Asphalt taker  
Tiplayers  
Truck drivers  
Welders

Power Equipment Operators:

Asphalt distributors  
Asphalt mixers  
Asphalt plant  
Asphalt paving machine  
Asphalt plant drier  
Asphalt screed  
Backhoe  
Bulldozer  
Concrete batching plant  
Concrete paving machine  
Crane, derricks, draglines  
Excavators  
Gradall  
Loaders  
Front end  
Over 1 cubic yard  
1 cubic yard or less

FL 75-1040 - (Cont'd)

Power Equipment Operators Cont'd

Mechanics  
Motor grader  
Sixer  
Trench machine  
Oilier-mixers  
Pilot driver - badman  
Pavement stripping machine  
Rollers:  
Base  
Finish  
Self-propelled-rubber tired  
Scrapers  
Tractors  
Tug boat operator  
Widening spreader machine op.

Basic Hourly Rates		Fringe Benefits Payments			Basic Hourly Rates		Fringe Benefits Payments		
H & W	Previous	Vacation	App. Tr.		H & W	Previous	Vacation	App. Tr.	
3.51					3.51				
3.69					3.69				
2.35					2.35				
2.76					2.76				
5.00					5.00				
3.00					3.00				
2.70					2.70				
2.88					2.88				
3.00					3.00				
2.48					2.48				
2.45					2.45				
3.68					3.68				



SUPERSEDES DECISION

STATE: Florida  
DECISION NO.: FL75-1082  
COUNTIES: \*See below  
DATE: Date of Publication  
Supersedes Decision No.: AQ-L006 dated August 21, 1973 in 38 FR - 22842  
AQ-L018 dated October 5, 1973 in 38 FR - 27703

DESCRIPTION OF WORK: Highway Construction

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County: Hillsborough	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pension	Vacation	App. Tr.	
Indian River, Manatee, Polk, St. Johns, Sarasota, Seminole, Volusia.					
Bricklayers					3.80
Carpenters					5.00
Concrete finisher					4.21
Electricians					5.50
Form setters					4.32
Ironworkers					5.00
Reinforcing					3.00
Laborers					3.32
Asphalt makers					3.58
Pipelayers					3.00
Truck drivers					3.50
Tractor sign mechanic					5.00
Welders					3.50
POWER EQUIPMENT OPERATORS:					
Asphalt distributors					3.50
Asphalt paving machine					3.75
Asphalt plant					3.00
Asphalt plant drier					3.06
Asphalt mixer					3.10
Backhoe less than 2 cu. yards					4.02
Backhoe over 2 cu. yards					4.46
Bulldozers					3.88
Concrete joint saw operator					3.50
Concrete paving machine					5.00
Cranes, derricks, draglines					4.55
Earth moving operator					3.95
Gradall					4.75
Fireman					3.60
Loaders					3.63
Mechanics					4.31
Motor graders					4.20
Motor patrol					4.25
Mixers					3.25
Oilers - greasemen					3.42
Pan operator					3.75
Pavement striping operator					3.25
Pumps					3.00
Piledriver					3.20
Roller					3.25

FL75-1082 - (Cont'd)  
POWER EQUIPMENT OPERATORS  
COND'T:  
Scraper  
Scraper prop. aggregate  
Tractor  
Widening spreader machine

SUPERSEDES DECISION

STATE: Florida  
DECISION NO.: FL75-1083  
COUNTIES: \*See below  
DATE: Date of Publication  
Supersedes Decision No.: AQ-L017 dated October 5, 1973 in 38 FR - 27718  
AQ-L019 dated October 5, 1973 in 38 FR - 27705

DESCRIPTION OF WORK: Highway Construction

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County: Charlotte, Collier, De Soto, Glades, Hardee, Hendry, Highland, Lee, and Okeechobee	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pension	Vacation	App. Tr.	
Bricklayers					4.50
Carpenters					5.60
Concrete finishers					4.25
Electricians					5.50
Form setters					4.00
Ironworkers					3.00
Laborers					4.23
Unskilled					4.00
Asphalt raker					4.00
Pipelayers					3.80
Truck Drivers					5.00
Welders					
POWER EQUIPMENT OPERATORS:					
Asphalt distributors					5.10
Asphalt paving machine					4.40
Asphalt plant					4.00
Asphalt plant drier					3.85
Backhoe					4.04
Bulldozers					4.50
Crane, derrick, draglines					5.00
Earth movers					4.25
Crusher					3.75
Loaders:					
Front end					3.25
Over 1 cu. yard					3.52
Mechanics					4.23
Motor grader and or motor					4.50
Patrol					5.00
Roller					4.75
Tractor					4.00
Mixer - self. prop.					3.29
Oiler - greaser					4.19
Pan operator					3.17
Pavement striping machine					3.75
Roller - base					3.57
Roller self prop.-rubber tired					4.00
Roller - finish					3.50
Scrapers					3.40
Tractor-					

FL75-1083 - (Cont'd)  
POWER EQUIPMENT OPERATOR  
COND'T:  
Traffic signal mechanics  
Widening spreader machine



SUPERSEDES DECISION

STATE: Florida  
COUNTY: Broward & Palm Beach  
DECISION NO.: F175-1081  
DATE: Date of Publication  
Superseas Decision No.: AQ-1003 - dated August 24, 1973 in 38 FR 22841  
DESCRIPTION OF WORK: Highway Construction

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	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
Bricklayers	4.02				
Carpenters	6.00				
Concrete finishers	5.41				
Electricians	5.82				
Form setters	4.99				
Ironworkers - reinforcing	8.00	.65	.43	.10	.04
Laborers	3.50				
Asphalt raker	3.52				
Pipelayers	3.65				
Piledrivers	8.70				
Truck Drivers	3.73				
Traffic signal mechanic	3.50	.55	.15	.50	.01
Welders	5.50				
POWER EQUIPMENT OPERATORS:					
Asphalt distributors	3.41				
Asphalt mixers	3.69				
Asphalt paving machine	3.33				
Asphalt plant	3.69				
Backhoe	5.00				
Bulldozers	4.91				
Cranes, derricks, dragline	5.15				
Concrete pump machine	5.45				
Earthmoving equipment	3.50				
Drilling machine	5.00				
Gradoles	7.03				
Loaders	4.57				
Mechanics	4.69				
Motor grader	5.34				
Motor patrol	6.15				
Mixer - subgrader - self. prop.	4.70				
Oiler - greaser	4.55				
Piledriver - leadman	4.51				
Rollers	3.83				
Scrapers	3.75				
Tractor	3.00				

SUPERSEDES DECISION

STATE: Florida  
COUNTY: Dade  
DECISION NO.: F175-1085  
DATE: Date of Publication  
Superseas Decision No.: AQ-1003 dated August 24, 1973 in 38 FR-22841  
DESCRIPTION OF WORK: Highway Construction

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	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
Carpenters	6.00				
Cement masons - Con. finishers	5.61				
Electricians	8.50				
Form setters	4.25		.20	.6%	.1%
Ironworkers:					
Structural	5.00				
Reinforcing	8.00				
Laborers:					
Asphalt raker	5.11				
Asphalt operator	6.60	.75	.30		
Pipelayers	4.28				
Pile drivers	4.50				
Powdermen	8.70	.55	.55		.01
Piledrivers	3.85				
Truck Drivers	5.00				
Welders	3.50				
Traffic signal mechanic	3.17				
Pavement striping machine	5.10				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.60				
Asphalt mixers	5.30				
Asphalt paving machine	4.77				
Asphalt plant	5.30				
Backhoe	6.17				
Bulldozers	4.75				
Conc. paving finishing machine	6.69				
Crane, derrick, dragline	5.82				
Front end loader	4.00				
Earthmover	5.00				
Drilling machine	5.83				
Gradall	5.78				
Mechanics	7.01	.35	.35		.05
Motor grader	5.10				
Oiler - greaser	4.95				
Rollers	6.05				
Scrapers	4.74				
Tractor	4.50				
Trenching machine					







SUPERSEDES DECISION  
STATE: Nebraska  
COUNTIES: Hall, Howard, Hamilton and Merrick Counties  
DECISION NUMBER: NE75-4155  
DATE: Date of Publication  
Supercedes Decision No. AQ-24 dated September 7, 1973, in 38 FR 21486  
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type structures up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & V	Pensions	Vacation	App Tr.
BRICKLAYERS	\$6.15				
CARPENTERS	6.10				
ELECTRICIANS	4.95				
GLAZIERS	3.00				
IRONWORKERS:					
Structural & Ornamental	7.00	.25	.20	.20	
LABORERS:					
Laborsers	2.50				
Mason Tenders	3.15				
LATHERS	6.00				
PAINTERS, Brush	4.35				
PLASTERERS	6.00				
ROOFERS	4.50				
SHOFT METAL WORKERS	4.75				
FILE SHIVERS	3.95				
TRUCK DRIVERS	2.75				
POWER EQUIPMENT OPERATORS:					
Bulldozers	3.25				
Cranes, Derrick, Draglines	5.80				
Scrapers, Motor Graders	3.25				

SUPERSEDES DECISION  
STATE: North Carolina  
COUNTY: Statewide  
DECISION NO.: NE75-1078  
DATE: Date of Publication  
Supercedes Decision No.: NE75-1002 dated January 17, 1975 in 40 FR 3119  
DESCRIPTION OF WORK: Water and Sewer Construction; and Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & V	Pensions	Vacation	App Tr.
Bricklayers	4.44				
Carpenters	4.30				
Cement masons	4.16				
Ironworkers:					
Reinforcing	3.38				
Structural	4.00				
Laborsers:					
Asphalt maker	3.30				
Laborsers	2.78				
Laborsers	3.38				
Pipelayers	4.35				
Powerman	3.73				
Manhole Builders	4.05				
Millwrights	3.00				
Painters	4.25				
Piledrivers	4.10				
Pipefitters	3.88				
POWER EQUIPMENT OPERATORS:					
Air drill operators	3.88				
Asphalt distributor	3.44				
Backhoe	4.05				
Bulldozers	3.80				
Cranes & Dragline	4.10				
Excavators	4.12				
Front end loader	3.73				
Gradall	3.95				
Motor Grader	4.08				
Oiler	3.50				
Pan operator	3.30				
Paving form setter	4.00				
Paving machines, asphalt	3.60				
Rollers	2.78				
Screed, asphalt	3.50				
Tractor	2.78				
Trenching machines	3.48				
Truck drivers	2.78				
Welders	4.50				

V 4 0 1 7 3 S E P 5 7 5 V



















LABORERS  
TRUCK DRIVERS  
POWER EQUIPMENT OPERATORS

ZONE MAGE SCALE (Cont'd)

CITIES:	Wood River	Neenah	Tillamook
Azoria	Klamath Falls	Onitash	
Asker	Medford	Port Orford	
Bend	Medford	Reedsport	
Burns	Medford	Roseburg	
Coos Bay	Medford	The Dalles	
Grants Pass	McMinnville		

Zone A - All jobs or projects located within 10 miles of the respective City Hall

Zone B - More than 10 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

Albany and Corvallis Only

Zone A - All jobs or projects located within 5 miles of the respective City Hall
Zone B - More than 5 miles but less than 25 miles from the respective City Hall
Zone C - More than 25 miles but less than 35 miles from the respective City Hall
Zone D - More than 35 miles but less than 45 miles from the respective City Hall
Zone E - More than 45 miles but less than 75 miles from the respective City Hall
Zone F - More than 75 miles from the respective City Hall

NOTICES

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tenders; Change-house Man or Dry Shack Man; Choke Setter; Clean Up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving laborers; Driller Helpers; Dumpers; Road Oiling Crew; Dumpmen (for grading crew); Elevator Feeders; Piece Builder (including Guard Rail, Median Rail, Reference Post, Grade Post, Right-of-way Marker); Five Graders; Flagmen, traffic; Foreman or (not swinging stages); Fine Graders; Flagger, loading; Spotters; Aggregate Spreader (Flagger and traffic); Powderman Helper; Pittsburgh Material Yard Man (including traffic); Railroad Track Laborers; Ribbon Stripper (including traffic); Skidder; Sloper; Sloper Sprayman; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

Group 2: Applicator (including Pot Tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clay Power Spreader and similar types; Clean-up Nozzlemans - Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking Laborers; Grade Checker; Gunite Nozzlemans; Gunite Nozzlemans; Gunite Pot Tender; Handlers or Mixers of all materials or mixtures of concrete, sand, gravel, cement and lime; Power Chipping Gun; Paving Breakers, Vibrators or Dry Pack Machine; Post Hole Digger, air gas or electric, Vibrating (less than 4' deep); Ribbonsetter; Stake Setter; Stake Setter, hand placed; Sand Blasting (wet); Stake Setter; Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Bakers; Bit Grinder; Drill Doctor; Drill Operators, Air Trucks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Concrete Saw Operator; Gunite Nozzlemans; High Sealers, Strippers and Drillers (covers work in swinging stages, chairs or Belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align laser beam; Manhole Builder; Powderman; Power Operator (bucking and falling); Pumpcrete Nozzlemans; Sandblasting (dry); Sewer Pipe Layers, Sewer Timberman; Track Layers; Track Machine; Ballast Regulators, Multiple Tampers, Power Jacks, Pushers; Tunnel - Chuck Tenders, Nippers and Timbermen; Vibrators (4' and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

NOTICES

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail Equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Reelmen; Duckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4'; Brakeman; Switchman; Paris Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane, Fireman, (all equipment except floating); A-Frame Truck Operator; Single drum; Tugger or Coffin type Hoist Operator; Drill Machine; Tugger Oiler; Boatman; Fork lift or Lumber Stacker Operator; Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Scream; Compressor Operator (any power); under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Oiling (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Curing Machine (riding type); Wire flat or leveling Machine; Ross Carrier types (on job site); Bucket Elevator Operator (any power); 4" and over; Hydrostatic Hydraulic Pipe Fitter; Jack Tamer; Bell Boy Phones, etc.; Tamping Machine, Pump; Motorized; Self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; mechanized; self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Scream Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor; Gunite work; Concrete Mixer Operator, single drum, under 5 ton capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Hi-Lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Factor or similar type (without blade); Concrete Batch Plant; Quality Control Operator; Power Jumbo, setting Slip Forms, etc.; concrete forms; Slip Forms Pumps, power driven Hydraulic Lifting Device (on job site); Hoist, single drum; Elevator Operator; Pulverizer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type), self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Magline's Internal Full Slab Vibrator; Concrete Finishing Machine; Concrete Machine, Bidwell, Burgess Bridge Deck or similar type; Concrete Machine, Mechanical Arm, Curb and/or Curb and Cutter; Concrete Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2-1/2 cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Belter; Pumpcrete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2-1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader; Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamer; Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal type; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with backhoe; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Grizzly Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yds.; Loader, front end and overhead, 2-1/2 cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H. D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scrapers; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with front attachment; Trench Machine, Maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TCL2 and similar); Cable plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H. D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Drifter-Percussion, Diamond, Core, Cable, Rotary and similar type

NOTICES

NOTICES



POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Conveyor Machines, etc.; Packer, etc.; Dragline, Clamshell, Hoe, etc., under 1 cu. yd.; Grade-all, under 1 cu. yd.; Bucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or wet mix, 3 units or more; Reinforced Tank Handling Machine (K-1 or similar); Hoist, two or more drums; Elevating Loader, Atney and similar; Piledriver (not crane type); Rubber-tired Scrapers, self-loading, with engine, Single Scraper, with push-pull attachments, self-loading; Paddle Wheel, Auger type; Blade mounted Spreaders, Blitch and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver Operator; Floating Crane, shell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "Trimmet"; Tandem Bulldozer, Quad-line and similar; Automatic Concrete Slip Form Paver; Concrete Canal line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

TRUCK DRIVERS (Cont'd)

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Delvers and Helpers (handling sacked cement add \$.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

TRUCK DRIVERS

Group 1: Battery Rechargers; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under; Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. body trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity), up to 1000 gallons; Transit Mix and wet or dry mix trucks 5 cu. yds. and under.

Group 2: "A" Frame of Hydra-lift; Truck w/load bearing surfaces; Lubrication Man, Fuel Truck Driver, Tiltman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Sherry Truck Driver or Leverman; Tiltman (full-time basis); Water Wagons (rated capacity), 1600 to 3000 gallons

Group 4: Flatbed Spreader Driver or Leverman; Low Bed Equipment, Flat Bed Semi-truck and Trailer or doubles transporting Equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity), 3000 to 5000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi trucks and Trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Truck Mechanic-Welder-Body Repairman; Water Wagons (rated capacity) 5000 to 7000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks, over 11 cu. yds. and including 13 cu. yds.; Water Wagons (rated capacity), over 10,000 gallons to 15,000 gallons



SUPERSEDES DECISION

STATE: South Carolina  
COUNTY: Statewide  
DECISION NO.: 75SC-1079  
DATE: Date of Publication  
Supercedes Decision No.: AH-157 dated February 16, 1973 in 38 FR 4619  
DESCRIPTION OF WORK: Water and Sewer Construction; and Heavy Construction

	Basic Hourly Rate	Fringe Benefits Payments		
		H & W	Penalties	App. Tr.
Bricklayers	5.25			
Carpenters	4.60			
Concrete masons	3.96			
Ironworkers	3.95			
Reinforcing	4.76			
Structural	4.76			
Laborers	2.68			
Laborers	3.36			
Pipelayers	3.92			
Manhole builders	4.76			
Millwrights	4.76			
Painters	4.76			
Pipefitters	4.76			
POWER EQUIPMENT OPERATORS:				
Air drill operators	3.50			
Bulldozers	3.90			
Backhoe operators	4.01			
Concrete pump	4.65			
Cranes & dredging	3.82			
Equipment mechanics	3.57			
Power line loader	4.00			
Motor grader	2.86			
Oiler	3.60			
Paving machine	3.00			
Rollers operators	2.68			
Tractors	4.15			
Trenching machine	2.73			
Truck drivers	4.67			
Welders				

SUPERSEDES DECISION

STATE: South Dakota  
COUNTIES: Meade and Pennington  
DECISION NUMBER: SD75-5112  
DATE: Date of Publication  
Supercedes Decision No. SD75-5044 dated April 14, 1975, in 40 FR 15327  
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO. SD75-5112

	Basic Hourly Rate	Fringe Benefits Payments		
		H & W	Penalties	App. Tr.
ASBESTOS WORKERS	8.53	.35	.40	
ROILERMAKERS	8.35	.60	1.00	.02
BRICKLAYERS; Stonemasons	7.60			
CARPENTERS:				
Drywall Applicators	8.26		.30	.05
Piledrivemen	8.51		.30	.05
Millwrights	8.76		.30	.05
GENENT MASONS	6.175	.20		
ELECTRICIANS:				
Within 15 miles radius of Rapid City Post Office	7.85	.30	12	62
Electricians	8.40	.30	12	62
Cable Splicers				
Outside of 15 miles radius of Rapid City Post Office	8.25	.30	12	62
Electricians	8.40	.30	12	62
Cable Splicers	9.18	.465	.29	32+a
ELEVATOR CONSTRUCTORS	70%JR	.465	.29	32+a
ELEVATOR CONSTRUCTORS' HELPERS				
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR			
IRONWORKERS:				
Fence Erectors; Ornamental; Reinforcing; Shooter; Structural	7.10	.40	.65	.10
LABORERS:				
Laborers, Plagman, Signalman; Power Tool Operator or all				
Mechanical Air, Gas, Electrical				
Trucks, including self-propelled				
Bugsies, including self-propelled				
Drills; Pipe Layer (non-metallic); Sandblasting; Mortar Mixer; Mason				
Tender; Plaster Tender; Cement				
Mixer; Air Compressor up to 210;				
Masonry Fork Lift	5.40	.35	.05	
Gumite Nozzlemen; Powdermen;				
Miner; Timberman; Jackhammer;				
Pavement Breaker or Drills of 65 lbs. or over	5.90	.35	.05	

	Basic Hourly Rate	Fringe Benefits Payments		
		H & W	Penalties	App. Tr.
PAINTERS:				
Brush	\$5.25			.005
Drywall Finishers and Tapers	5.40			.005
All painting over 30 ft.; Paint Mitt; Sandblasting; Spray Steel (Structural); Seng Stage; Structural				
PLASTERERS	5.35			.005
PLUMBERS; Steamfitters	8.55	.30	.20	.03
SHEET METAL WORKERS	7.64			.005
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.	8.75	.50	.80	.08
FOOTNOTE:				
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.				
PAID HOLIDAYS:				
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day				

[FR Doc:75-23381 Filed 9-4-75; 8:45 am]







ARKANSAS (Cont'd.)  
DREW COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
FAULKNER COUNTY  
(B) - See Conway County  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
FRANKLIN COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
FULFORD COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
GARLAND COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
Decision #A75-4083 (B)  
Mod. #1 - 40 FR 25319 - 6/13/75  
Mod. #2 - 40 FR 30383 - 7/18/75  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
GRANT COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
GREENE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
HEMPSTEAD COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
HOL SPRING COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
HOWARD COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
INDEPENDENCE COUNTY  
(H,Hw) (D) - See Statewide  
(F) - See Arkansas County  
IZARD COUNTY  
(H,Hw) (D) - See Statewide  
(F) - See Arkansas County

ARKANSAS (Cont'd.)  
JACKSON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
JEFFERSON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
JONES COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
LAFAYETTE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
LAWRENCE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
LEE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
LINCOLN COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
LITTLE RIVER COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
LOGAN COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
LENOXE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
MADISON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
MARTIN COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

ARKANSAS (Cont'd.)  
MILLER COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
MISSISSIPPI COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
MONROE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
MONTGOMERY COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
NEVADA COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
NEUFOR COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
NICHOLSON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
PERRY COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
PHILLIPS COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
PIKE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
POLK COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
POPE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

ARKANSAS (Cont'd.)  
PRAIRIE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
PULASKI COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
Decision #A75-4134 (B)  
Mod. #1 - 40 FR 25319 - 6/13/75  
Mod. #2 - 40 FR 30383 - 7/18/75  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
RANDOLPH COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
ST. FRANCIS COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
SALINE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
SCOTT COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
SEARCY COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
SEBASTIAN COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
SEVIER COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
SHARP COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

ARKANSAS (CONT'D.)

STONE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
UNION COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
Decision #A75-4073 (B)  
Mod. #1 - 40 FR 19323 - 5/2/75  
Mod. #2 - 40 FR 25319 - 6/13/75  
(F) - See Arkansas County  
VAN BUREN COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
WASHINGTON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
WHITE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
WOODRUFF COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
YELL COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY  
Decision #A75-5085 (B,H,Hw,D)  
40 FR 31487 - 7/25/75  
Decision #A75-5086 (B)  
40 FR 31474 - 7/25/75  
ALPINE COUNTY  
(B,D,H,Hw,R) - See Alameda County  
AMADOR COUNTY  
(B,D,H,Hw,R) - See Alameda County  
BUTTE COUNTY  
(B,H,Hw,D) - See Alameda County  
CALAVERAS COUNTY  
(B,H,Hw,D,R) - See Alameda County  
COLUSA COUNTY  
(B,H,Hw,D) - See Alameda County  
CONTRA COSTA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
DENVER COUNTY  
(B,D,H,Hw,R) - See Alameda County  
ELDORADO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
FRESNO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
GLENN COUNTY  
(B,H,Hw,D) - See Alameda County  
HUMBOLDT COUNTY  
(B,D,H,Hw,R) - See Alameda County  
IMPERIAL COUNTY  
Decision #A75-5087 (B,D,H,Hw)  
40 FR 31487 - 7/25/75  
Decision #A75-5088 (R)  
40 FR 31496 - 7/25/75  
INYO COUNTY  
(B,H,Hw,D) - See Imperial County  
KERN COUNTY  
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd.)

KING COUNTY  
(B,H,Hw,D) - See Alameda County  
LAKE COUNTY  
(B,H,Hw,D) - See Alameda County  
LASSEN COUNTY  
(B,H,Hw,D) - See Alameda County  
LOS ANGELES COUNTY  
(B,D,H,Hw,R) - See Imperial County  
MADEIRA COUNTY  
(B,H,Hw,D) - See Alameda County  
MARIN COUNTY  
(B,H,Hw,D,R) - See Alameda County  
MARIPOSA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
MENDOCINO COUNTY  
(B,H,Hw,D) - See Alameda County  
MERGED COUNTY  
(B,D,H,Hw,R) - See Alameda County  
MODOC COUNTY  
(B,H,Hw,D) - See Alameda County  
MONO COUNTY  
(B,H,Hw,D) - See Imperial County  
MONTEREY COUNTY  
(B,D,H,Hw,R) - See Alameda County  
NAPA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
NEVADA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
OAKLAND COUNTY  
(B,D,H,Hw,R) - See Imperial County  
PLACER COUNTY  
(B,D,H,Hw,R) - See Alameda County  
PLUMAS COUNTY  
(B,H,Hw,D) - See Alameda County  
RIVERSIDE COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SACRAMENTO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SAN BENITO COUNTY  
(B,H,Hw,D,R) - See Alameda County  
SAN BERNARDINO COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SAN DIEGO COUNTY  
Decision #A75-5071 (B,H,Hw,D)  
40 FR 25337 - 6/13/75  
Mod. #1 - 40 FR 29442 - 7/11/75  
Mod. #2 - 40 FR 30383 - 7/18/75

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)  
Decision #A75-5072 (R)  
40 FR 25343 - 6/13/75  
Mod. #1 - 40 FR 29442 - 7/11/75  
Mod. #2 - 40 FR 30383 - 7/18/75  
SAN FRANCISCO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SAN JOAQUIN COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SAN LUIS OBISPO COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SAN MATEO COUNTY  
(B,H,Hw,D,R) - See Alameda County  
SANTA BARBARA COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SANTA CLARA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SANTA CRUZ COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SHASTA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SIERRA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
STISKIYOU COUNTY  
(B,H,Hw,D) - See Alameda County  
SOLANO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SONOMA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
STANISLAUS COUNTY  
(B,H,Hw,D) - See Alameda County  
SUTTER COUNTY  
(B,D,H,Hw,R) - See Alameda County  
TEHAMA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
TRINITY COUNTY  
(B,D,H,Hw,R) - See Alameda County  
TULARE COUNTY  
(B,H,Hw,D) - See Alameda County  
TUOLUMNE COUNTY  
(B,D,H,Hw,R) - See Alameda County  
VENTURA COUNTY  
(B,D,H,Hw,R) - See Imperial County

ALAMEDA COUNTY  
Decision #A75-5085 (B,H,Hw,D)  
40 FR 31487 - 7/25/75  
Decision #A75-5086 (B)  
40 FR 31474 - 7/25/75  
ALPINE COUNTY  
(B,D,H,Hw,R) - See Alameda County  
AMADOR COUNTY  
(B,D,H,Hw,R) - See Alameda County  
BUTTE COUNTY  
(B,H,Hw,D) - See Alameda County  
CALAVERAS COUNTY  
(B,H,Hw,D,R) - See Alameda County  
COLUSA COUNTY  
(B,H,Hw,D) - See Alameda County  
CONTRA COSTA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
DENVER COUNTY  
(B,D,H,Hw,R) - See Alameda County  
ELDORADO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
FRESNO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
GLENN COUNTY  
(B,H,Hw,D) - See Alameda County  
HUMBOLDT COUNTY  
(B,D,H,Hw,R) - See Alameda County  
IMPERIAL COUNTY  
Decision #A75-5087 (B,D,H,Hw)  
40 FR 31487 - 7/25/75  
Decision #A75-5088 (R)  
40 FR 31496 - 7/25/75  
INYO COUNTY  
(B,H,Hw,D) - See Imperial County  
KERN COUNTY  
(B,D,H,Hw,R) - See Imperial County

KING COUNTY  
(B,H,Hw,D) - See Alameda County  
LAKE COUNTY  
(B,H,Hw,D) - See Alameda County  
LASSEN COUNTY  
(B,H,Hw,D) - See Alameda County  
LOS ANGELES COUNTY  
(B,D,H,Hw,R) - See Imperial County  
MADEIRA COUNTY  
(B,H,Hw,D) - See Alameda County  
MARIN COUNTY  
(B,H,Hw,D,R) - See Alameda County  
MARIPOSA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
MENDOCINO COUNTY  
(B,H,Hw,D) - See Alameda County  
MERGED COUNTY  
(B,D,H,Hw,R) - See Alameda County  
MODOC COUNTY  
(B,H,Hw,D) - See Alameda County  
MONO COUNTY  
(B,H,Hw,D) - See Imperial County  
MONTEREY COUNTY  
(B,D,H,Hw,R) - See Alameda County  
NAPA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
NEVADA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
OAKLAND COUNTY  
(B,D,H,Hw,R) - See Imperial County  
PLACER COUNTY  
(B,D,H,Hw,R) - See Alameda County  
PLUMAS COUNTY  
(B,H,Hw,D) - See Alameda County  
RIVERSIDE COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SACRAMENTO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SAN BENITO COUNTY  
(B,H,Hw,D,R) - See Alameda County  
SAN BERNARDINO COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SAN DIEGO COUNTY  
Decision #A75-5071 (B,H,Hw,D)  
40 FR 25337 - 6/13/75  
Mod. #1 - 40 FR 29442 - 7/11/75  
Mod. #2 - 40 FR 30383 - 7/18/75

SAN DIEGO COUNTY (Cont'd.)  
Decision #A75-5072 (R)  
40 FR 25343 - 6/13/75  
Mod. #1 - 40 FR 29442 - 7/11/75  
Mod. #2 - 40 FR 30383 - 7/18/75  
SAN FRANCISCO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SAN JOAQUIN COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SAN LUIS OBISPO COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SAN MATEO COUNTY  
(B,H,Hw,D,R) - See Alameda County  
SANTA BARBARA COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SANTA CLARA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SANTA CRUZ COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SHASTA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SIERRA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
STISKIYOU COUNTY  
(B,H,Hw,D) - See Alameda County  
SOLANO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SONOMA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
STANISLAUS COUNTY  
(B,H,Hw,D) - See Alameda County  
SUTTER COUNTY  
(B,D,H,Hw,R) - See Alameda County  
TEHAMA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
TRINITY COUNTY  
(B,D,H,Hw,R) - See Alameda County  
TULARE COUNTY  
(B,H,Hw,D) - See Alameda County  
TUOLUMNE COUNTY  
(B,D,H,Hw,R) - See Alameda County  
VENTURA COUNTY  
(B,D,H,Hw,R) - See Imperial County



















[illegible]



KANSAS (Cont'd.)

RENO COUNTY  
(H.W., W.S.) - See Allen County  
REPUBLIC COUNTY  
(H.W., W.S.) - See Allen County  
RICE COUNTY  
(H.W., W.S.) - See Barber County  
RILEY COUNTY  
(H.W., W.S.) - See Allen County  
(H.W., W.S.) - See Barber County  
ROCKS COUNTY  
(H.W., W.S.) - See Barber County  
RUSH COUNTY  
(H.W., W.S.) - See Barber County  
RUSSELL COUNTY  
(H.W., W.S.) - See Barber County  
SALINE COUNTY  
(H.W., W.S.) - See Allen County  
SCOTT COUNTY  
(H.W., W.S.) - See Barber County  
SEDMICK COUNTY  
Decision #AP-533 (R)  
38 FR 16573 - 6/22/73  
Decision #KS75-4065 (B)  
40 FR 12048 - 3/14/75  
Mod. #1 - 40 FR 15272 - 4/4/75  
Decision #KS75-4052 (H.W., W.S.)  
40 FR 6057 - 2/17/75  
Mod. #1 - 40 FR 7775 - 2/21/75  
SEWARD COUNTY  
(H.W., W.S.) - See Barber County  
SHAWNEE COUNTY  
Decision #KS75-4062 (B)  
40 FR 12038 - 3/14/75  
Mod. #1 - 40 FR 15271 - 4/4/75  
Decision #KS75-4064 (R)  
40 FR 12045 - 3/14/75  
Mod. #1 - 40 FR 15272 - 4/4/75  
(H.W.) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY  
(H.W., W.S.) - See Barber County  
SHERMAN COUNTY  
(H.W., W.S.) - See Barber County  
SMITH COUNTY  
(H.W., W.S.) - See Barber County  
STAFFORD COUNTY  
(H.W., W.S.) - See Barber County  
(H.W., W.S.) - See Barber County  
STEVENS COUNTY  
(H.W., W.S.) - See Barber County  
SUMNER COUNTY  
(H.W., W.S.) - See Allen County  
THOMAS COUNTY  
(H.W., W.S.) - See Barber County  
TREGO COUNTY  
(H.W., W.S.) - See Barber County  
WABANSEE COUNTY  
(H.W., W.S.) - See Allen County  
WALLACE COUNTY  
(H.W., W.S.) - See Barber County  
WASHINGTON COUNTY  
(H.W., W.S.) - See Allen County  
WRIGHT COUNTY  
(H.W., W.S.) - See Barber County  
WILSON COUNTY  
(H.W., W.S.) - See Allen County  
WOODSON COUNTY  
(H.W., W.S.) - See Allen County  
WYANDOTTE COUNTY  
(H.W., W.S.) - See Johnson County  
(B., H.W., R.) - See Atchison County  
(B.) - See Atchison County

KENTUCKY

BARREN COUNTY  
Decision #AR-4054 (H.W.)  
39 FR 38697 - 11/8/74  
Mod. #1 - 39 FR 44907 - 12/27/74  
Mod. #2 - 40 FR 3085 - 1/17/75  
Mod. #3 - 40 FR 22734 - 5/23/75  
BELL COUNTY  
Decision #AR-4053 (H.W.)  
39 FR 38694 - 11/8/74  
Mod. #1 - 40 FR 3085 - 1/17/75  
Mod. #2 - 40 FR 22733 - 5/23/75  
BRECINRIDGE COUNTY  
Decision #AR-4055 (H.W.)  
39 FR 39700 - 11/8/74  
Mod. #1 - 40 FR 3086 - 1/17/75  
Mod. #2 - 40 FR 22734 - 5/23/75  
BURLINGTON COUNTY  
Decision #AR-4013 (D)  
39 FR 27397 - 7/26/74  
BUTLER COUNTY  
(H.W.) - See Allen County  
CAMPBELL COUNTY  
(H.W.) - See Allen County  
CARLISLE COUNTY  
(D) - See Ballard County  
(H.W.) - See Allen County  
CARROLL COUNTY  
(H.W.) - See Anderson County  
(D) - See Boone County  
CARTER COUNTY  
(H.W.) - See Anderson County  
CASEY COUNTY  
(H.W.) - See Adair County  
CHRISTIAN COUNTY  
(H.W.) - See Allen County  
CLARK COUNTY  
(H.W.) - See Anderson County  
(R) - See Bath County  
CLAY COUNTY  
(H.W.) - See Adair County  
CLINTON COUNTY  
(H.W.) - See Adair County  
CRITTENDEN COUNTY  
(H.W.) - See Allen County  
(D) - See Boone County  
CUMBERLAND COUNTY  
(H.W.) - See Adair County  
DAVLESS COUNTY  
Decision #AQ-4122 (B)  
39 FR 20288 - 6/7/74  
(H.W.) - See Boone County  
EDMONSON COUNTY  
(D) - See Boone County  
ELLIOTT COUNTY  
(H.W.) - See Allen County  
ESTILL COUNTY  
(H.W.) - See Anderson County  
(H.W.) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY  
Decision #AP-183 (R)  
38 FR 11278 - 5/4/73  
(H.W.) - See Anderson County  
(D) - See Boone County  
BULLITT COUNTY  
(D) - See Boone County  
(H.W.) - See Anderson County  
BUTLER COUNTY  
(H.W.) - See Allen County  
CAMMELL COUNTY  
(H.W.) - See Allen County  
CALLOWAY COUNTY  
(H.W.) - See Allen County  
CAMPBELL COUNTY  
(B., H.W., W.S.) - See Boone County  
CARLISLE COUNTY  
(D) - See Ballard County  
(H.W.) - See Allen County  
CARROLL COUNTY  
(H.W.) - See Anderson County  
(D) - See Boone County  
CARTER COUNTY  
(H.W.) - See Anderson County  
CASEY COUNTY  
(H.W.) - See Adair County  
CHRISTIAN COUNTY  
(H.W.) - See Allen County  
CLARK COUNTY  
(H.W.) - See Anderson County  
(R) - See Bath County  
CLAY COUNTY  
(H.W.) - See Adair County  
CLINTON COUNTY  
(H.W.) - See Adair County  
CRITTENDEN COUNTY  
(H.W.) - See Allen County  
(D) - See Boone County  
CUMBERLAND COUNTY  
(H.W.) - See Adair County  
DAVLESS COUNTY  
Decision #AQ-4122 (B)  
39 FR 20288 - 6/7/74  
(H.W.) - See Boone County  
EDMONSON COUNTY  
(D) - See Boone County  
ELLIOTT COUNTY  
(H.W.) - See Allen County  
ESTILL COUNTY  
(H.W.) - See Anderson County  
(H.W.) - See Adair County

KENTUCKY (Cont'd.)

FAYETTE COUNTY  
Decision #AR-4018 (B)  
39 FR 28836 - 8/9/74  
Mod. #1 - 39 FR 32442 - 9/6/74  
Mod. #2 - 39 FR 40806 - 1/15/75  
Mod. #3 - 40 FR 10875 - 3/7/75  
Mod. #4 - 40 FR 31438 - 7/25/75  
(H.W.) - See Anderson County  
FLEMING COUNTY  
(H.W.) - See Boone County  
FLOYD COUNTY  
Decision #AR-4002' (B)  
39 FR 24777 - 7/5/74  
(H.W.) - See Adair County  
FRANKLIN COUNTY  
Decision #AQ-4101 (B)  
39 FR 14113 - 4/19/74  
Mod. #1 - 39 FR 30665 - 8/23/74  
Mod. #2 - 39 FR 38803 - 11/1/74  
Mod. #3 - 40 FR 10879 - 3/7/75  
(H.W.) - See Anderson County  
FULTON COUNTY  
(D) - See Ballard County  
(H.W.) - See Allen County  
GALLATIN COUNTY  
(H.W.) - See Anderson County  
(D) - See Boone County  
GARRETT COUNTY  
(H.W.) - See Adair County  
GRANT COUNTY  
(H.W.) - See Anderson County  
GRAVES COUNTY  
(H.W.) - See Allen County  
GRAYSON COUNTY  
(H.W.) - See Anderson County  
GREENE COUNTY  
(H.W.) - See Adair County  
GREENUP COUNTY  
(D) - See Boone County  
HANCOCK COUNTY  
(H.W.) - See Allen County  
(D) - See Boone County

KENTUCKY (Cont'd.)

HARDIN COUNTY  
(B.) - See Jefferson County  
(H.W.) - See Anderson County  
(R) - See Breckinridge County  
(D) - See Boone County  
HARRIS COUNTY  
(H.W.) - See Adair County  
HARRISON COUNTY  
(H.W.) - See Anderson County  
(R) - See Bath County  
HART COUNTY  
(H.W.) - See Adair County  
HENDERSON COUNTY  
Decision #AR-4025 (B)  
39 FR 31796 - 8/30/74  
Mod. #1 - 40 FR 10877 - 3/7/75  
Mod. #2 - 40 FR 31439 - 7/25/75  
(H.W.) - See Allen County  
HENRY COUNTY  
(D) - See Boone County  
HICOGAN COUNTY  
(D) - See Ballard County  
HOPKINS COUNTY  
(H.W.) - See Allen County  
(H.W.) - See Allen County  
JACKSON COUNTY  
(H.W.) - See Adair County  
JEFFERSON COUNTY  
Decision #KY75-1064 (B)  
40 FR 26198 - 6/20/75  
(D) - See Boone County  
(R) - See Breckinridge County  
(H.W.) - See Anderson County  
JESSAMINE COUNTY  
(H.W.) - See Anderson County  
(R) - See Bath County

KENTUCKY (Cont'd.)

NELSON COUNTY  
(H.W.) - See Anderson County  
(R) - See Breckinridge County  
NICHOLAS COUNTY  
(H.W.) - See Anderson County  
OLIVER COUNTY  
(H.W.) - See Allen County  
OLIHAM COUNTY  
(H.W.) - See Anderson County  
(R) - See Breckinridge County  
ONEEN COUNTY  
(H.W.) - See Anderson County  
OSAGE COUNTY  
(H.W.) - See Adair County  
PENDLETON COUNTY  
(B)(D) - See Boone County  
PERRY COUNTY  
(H.W.) - See Adair County  
PIKE COUNTY  
(D) - See Floyd County  
POWELL COUNTY  
(H.W.) - See Adair County  
PULASKI COUNTY  
(H.W.) - See Adair County  
ROBERTSON COUNTY  
(H.W.) - See Anderson County  
ROCKCASTLE COUNTY  
(H.W.) - See Adair County  
ROMAN COUNTY  
(H.W.) - See Anderson County  
RUSSELL COUNTY  
(H.W.) - See Adair County  
SCOTT COUNTY  
(H.W.) - See Anderson County  
(R) - See Bath County  
SHELBY COUNTY  
(H.W.) - See Anderson County  
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY  
(H.W.) - See Allen County  
SPENCER COUNTY  
(H.W.) - See Anderson County  
(R) - See Breckinridge County  
TAYLOR COUNTY  
(H.W.) - See Allen County  
TODD COUNTY  
(H.W.) - See Allen County  
TRIGG COUNTY  
(H.W.) - See Allen County  
TRIMBLE COUNTY  
(D) - See Anderson County  
UNION COUNTY  
(H.W.) - See Boone County  
WARREN COUNTY  
Decision #AR-4023 (B)  
39 FR 32449 - 9/6/74  
Mod. #1 - 40 FR 10876 - 3/7/75  
Mod. #2 - 40 FR 31438 - 7/25/75  
(H.W.) - See Allen County  
WASHINGTON COUNTY  
(H.W.) - See Anderson County  
(R) - See Breckinridge County  
WAYNE COUNTY  
(H.W.) - See Adair County  
WEBSTER COUNTY  
(H.W.) - See Allen County  
WHITLEY COUNTY  
(H.W.) - See Adair County  
WOLFE COUNTY  
(H.W.) - See Adair County  
WOODFORD COUNTY  
(H.W.) - See Anderson County  
(R) - See Bath County







## NOTICES

## 41400

## NOTICES

## M. RYLAND

## MARYLAND (Cont'd.)

## MASSACHUSETTS

## 41400

## NOTICES

## 41403

## MICHIGAN

## MICHIGAN (Cont'd.)

MICHIGAN (Cont'd.)

MICHIGAN (Cont'd.)

## NOTICES

## 41401







MISSISSIPPI (Cont'd)		MISSISSIPPI (Cont'd)		MISSISSIPPI (Cont'd)		MISSISSIPPI (Cont'd)	
MESUBRA COUNTY (D.F.H.W., M&S) - See Statewide		SCOTT COUNTY (D.F.H.W., M&S) - See Statewide		WALSHALL COUNTY (D.F.H.W., M&S) - See Statewide		ATLANTIC COUNTY (D) - See Andrew County	
NEWTON COUNTY (U.F.H.W., M&S) - See Statewide		SHARKEY COUNTY (U.F.H.W., M&S) - See Statewide		WARREN COUNTY (D.F.H.W., M&S) - See Statewide		AUDRAIN COUNTY (H.H.W.) - See Statewide	
NOXUBEE COUNTY (U.F.H.W., M&S) - See Statewide		SIMPSON COUNTY (U.F.H.W., M&S) - See Statewide		Decision #M75-1048 (B) (U.F.H.W., M&S) - 4/11/75		BARRY COUNTY (H.W.) - See Statewide	
OKTIBBEHA COUNTY (U.F.H.W., M&S) - See Statewide		SMITH COUNTY (D.F.H.W., M&S) - See Statewide		Decision #M75-1048 (B) (U.F.H.W., M&S) - 4/11/75		BARTON COUNTY (H.W.) - See Statewide	
PAVOLA COUNTY (D.F.H.W., M&S) - See Statewide		STONE COUNTY (D.F.H.W., M&S) - See Statewide		Decision #M75-1048 (B) (U.F.H.W., M&S) - 4/11/75		BATES COUNTY (H.W.) - See Statewide	
PEARL RIVER COUNTY (D.F.) - See Statewide		SUNFLOWER COUNTY (D.F.H.W., M&S) - See Statewide		Decision #M75-1048 (B) (U.F.H.W., M&S) - 4/11/75		BENTON COUNTY (H.W.) - See Statewide	
PIKE COUNTY (D.F.H.W., M&S) - See Statewide		TALLAHATCHIE COUNTY (D.F.H.W., M&S) - See Statewide		Decision #M75-1048 (B) (U.F.H.W., M&S) - 4/11/75		BULLINGER COUNTY (H.W.) - See Statewide	
PONTOTOC COUNTY (D.F.H.W., M&S) - See Statewide		TATE COUNTY (D.F.H.W., M&S) - See Statewide		Decision #M75-1048 (B) (U.F.H.W., M&S) - 4/11/75		BUONE COUNTY (H.W.) - See Statewide	
PRENTISS COUNTY (D.F.H.W., M&S) - See Statewide		TIPPAH COUNTY (D.F.H.W., M&S) - See Statewide		Decision #M75-1048 (B) (U.F.H.W., M&S) - 4/11/75		BUCHANAN COUNTY (D) - See Andrew County	
QUITMAN COUNTY (D.F.H.W., M&S) - See Statewide		TISHOMINGO COUNTY (D.F.H.W., M&S) - See Statewide		Decision #M75-1048 (B) (U.F.H.W., M&S) - 4/11/75		BUTLER COUNTY (H.W.) - See Statewide	
RANKIN COUNTY (D.F.H.W., M&S) - See Statewide		TUNICA COUNTY (D.F.H.W., M&S) - See Statewide		Decision #M75-1048 (B) (U.F.H.W., M&S) - 4/11/75		CALDWELL COUNTY (H.W.) - See Statewide	
REYNOLDS COUNTY (D) - See Copeiah County		UNION COUNTY (D.F.H.W., M&S) - See Statewide		Decision #M75-1048 (B) (U.F.H.W., M&S) - 4/11/75		CAMDEN COUNTY (H.W.) - See Statewide	

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## MISSISSIPPI (Cont'd)

CASS COUNTY  
Decision #M75-4144 (B, H, H.W.)  
40 FR 32611 - 8/1/75  
Decision #M75-4145 (R)  
40 FR 32617 - 8/1/75  
CEDAR COUNTY  
(H.W.) - See Statewide  
CHARITON COUNTY  
(D) - See Andrew County  
(H.W.) - See Statewide  
CHRISTIAN COUNTY  
(H.W.) - See Statewide  
CLARK COUNTY  
(H.W.) - See Statewide  
CLAY COUNTY  
(B, R) - See Cass County  
(D) - See Andrew County  
(H.W.) - See Statewide  
CLINTON COUNTY  
(H.W.) - See Statewide  
COLE COUNTY  
(D) - See Andrew County  
(H.W.) - See Statewide  
COOPER COUNTY  
(H.W.) - See Statewide  
CRAWFORD COUNTY  
(H.W.) - See Statewide  
CUMBERLAND COUNTY  
(H.W.) - See Statewide  
DALLAS COUNTY  
(H.W.) - See Statewide  
DAVIESS COUNTY  
(H.W.) - See Statewide  
DE KALB COUNTY  
(H.W.) - See Statewide  
DEWITT COUNTY  
(H.W.) - See Statewide  
DOUGLAS COUNTY  
(H.W.) - See Statewide  
DUNKLIN COUNTY  
(H.W.) - See Statewide  
FRANKLIN COUNTY  
Decision #M75-4143 (B)  
40 FR 32608 - 8/1/75  
Decision #M75-4142 (R)  
40 FR 32605 - 8/1/75  
(D) - See Andrew County  
(H.W.) - See Statewide  
GASCONADE COUNTY  
(D) - See Andrew County  
(H.W.) - See Statewide  
BENTON COUNTY  
(H.W.) - See Statewide  
GREENE COUNTY  
(H.W.) - See Statewide

## MISSISSIPPI (Cont'd)

GRUNDY COUNTY  
(H.W.) - See Statewide  
HARRISON COUNTY  
(H.W.) - See Statewide  
HENRY COUNTY  
(H.W.) - See Statewide  
HICKORY COUNTY  
(H.W.) - See Statewide  
HOLT COUNTY  
(D) - See Andrew County  
(H.W.) - See Statewide  
HOWARD COUNTY  
(D) - See Andrew County  
(H.W.) - See Statewide  
HOWELL COUNTY  
(H.W.) - See Statewide  
IDLEWILD COUNTY  
(H.W.) - See Statewide  
JACKSON COUNTY  
(B, R) - See Cass County  
(D) - See Andrew County  
(H.W.) - See Statewide  
JASPER COUNTY  
None  
JEFFERSON COUNTY  
(D) - See Cape Girardeau County  
(H.W.) - See Statewide  
JOHNSON COUNTY  
(H.W.) - See Statewide  
KNOX COUNTY  
(H.W.) - See Statewide  
LACLEDE COUNTY  
(H.W.) - See Statewide  
LAFAYETTE COUNTY  
(H.W.) - See Statewide  
LAWRENCE COUNTY  
(D) - See Andrew County  
(H.W.) - See Statewide  
LEWIS COUNTY  
(H.W.) - See Statewide  
LINCOLN COUNTY  
(B, R) - See Franklin County  
(H.W.) - See Statewide  
LINN COUNTY  
(H.W.) - See Statewide  
LIVINGSTON COUNTY  
(H.W.) - See Statewide  
MC DONALD COUNTY  
(H.W.) - See Statewide  
MACON COUNTY  
(H.W.) - See Statewide  
MADISON COUNTY  
(H.W.) - See Statewide  
MARIES COUNTY  
(H.W.) - See Statewide

## MISSISSIPPI (Cont'd)

MARION COUNTY  
(H.W.) - See Statewide  
MERCER COUNTY  
(H.W.) - See Statewide  
MILLER COUNTY  
(H.W.) - See Statewide  
MISSISSIPPI COUNTY  
(H.W.) - See Statewide  
MONTICELLO COUNTY  
(D) - See Cape Girardeau County  
(H.W.) - See Statewide  
MONTGOMERY COUNTY  
(H.W.) - See Statewide  
MORGAN COUNTY  
(H.W.) - See Statewide  
NEW MADRID COUNTY  
(H.W.) - See Statewide  
NEWTON COUNTY  
(H.W.) - See Statewide  
NODAWAY COUNTY  
(H.W.) - See Statewide  
OSAGE COUNTY  
(D) - See Andrew County  
(H.W.) - See Statewide  
OSAGE COUNTY  
(D) - See Andrew County  
(H.W.) - See Statewide  
OZARK COUNTY  
(H.W.) - See Statewide  
PEMISCOT COUNTY  
(H.W.) - See Statewide  
PERRY COUNTY  
(D) - See Cape Girardeau County  
(H.W.) - See Statewide  
PETTIS COUNTY  
(H.W.) - See Statewide  
PHILLIPS COUNTY  
(H.W.) - See Statewide  
PIKE COUNTY  
(H.W.) - See Statewide  
PLATE COUNTY  
(B, H, H.W.) - See Cass County  
(D) - See Andrew County  
(H.W.) - See Statewide

## MISSISSIPPI (Cont'd)

PULASKI COUNTY  
(H.W.) - See Statewide  
PUTNAM COUNTY  
(H.W.) - See Statewide  
RALLS COUNTY  
(H.W.) - See Statewide  
RANDOLPH COUNTY  
(H.W.) - See Statewide  
RAY COUNTY  
(D) - See Cass County  
(H.W.) - See Statewide  
REYNOLDS COUNTY  
(H.W.) - See Statewide  
RIPLEY COUNTY  
(H.W.) - See Statewide  
ST. CHARLES COUNTY  
(B, R) - See Franklin County  
(D) - See Andrew County  
(H.W.) - See Statewide  
ST. CLAIR COUNTY  
(H.W.) - See Statewide  
ST. FRANCIS COUNTY  
(H.W.) - See Statewide  
ST. LOUIS COUNTY  
(D) - See Franklin County  
(H.W.) - See Statewide  
ST. LOUIS COUNTY  
(D) - See Andrew County  
(H.W.) - See Statewide  
ST. LOUIS COUNTY  
(D) - See Cape Girardeau County  
(H.W.) - See Statewide  
SALINE COUNTY  
(D) - See Andrew County  
(H.W.) - See Statewide  
SCHUYLER COUNTY  
(H.W.) - See Statewide  
SCOTLAND COUNTY  
(H.W.) - See Statewide  
SCOTT COUNTY  
(H.W.) - See Statewide  
SHANNON COUNTY  
(H.W.) - See Statewide  
SHELBY COUNTY  
(H.W.) - See Statewide  
STODDARD COUNTY  
(H.W.) - See Statewide

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MISSOURI (Cont'd.)	MONTANA (Cont'd.)	MONTANA (Cont'd.)
STONE COUNTY (Hw) - See Statewide	GALLATIN COUNTY (B, H, Hw) - See Statewide	RICHLAND COUNTY (B, H, Hw) - See Statewide
SULLIVAN COUNTY (H, Hw) - See Statewide	GARFIELD COUNTY (B, H, Hw) - See Statewide	ROOSEVELT COUNTY (B, H, Hw) - See Statewide
TANEY COUNTY (Hw) - See Statewide	GLACIER COUNTY (B, H, Hw) - See Statewide	ROSEBUD COUNTY (B, H, Hw) - See Statewide
TARRANT COUNTY (Hw) - See Statewide	GOLDEN VALLEY COUNTY (B, H, Hw) - See Statewide	SANDERS COUNTY (B, H, Hw) - See Statewide
VERNON COUNTY (H, Hw) - See Statewide	GRANT COUNTY (B, H, Hw) - See Statewide	SHERIDAN COUNTY (B, H, Hw) - See Statewide
WARREN COUNTY (H, Hw) - See Statewide	HILL COUNTY (B, H, Hw) - See Statewide	SILVER BOW COUNTY (B, H, Hw) - See Statewide
WASHINGTON COUNTY (H, Hw) - See Statewide	JEFFERSON COUNTY (B, H, Hw) - See Statewide	STILLWATER COUNTY (B, H, Hw) - See Statewide
WAYNE COUNTY (Hw) - See Statewide	JUDITH BASIN COUNTY (B, H, Hw) - See Statewide	SWEET GRASS COUNTY (B, H, Hw) - See Statewide
WEBSTER COUNTY (Hw) - See Statewide	LAKE COUNTY (B, H, Hw) - See Statewide	TETON COUNTY (B, H, Hw) - See Statewide
WORTH COUNTY (H, Hw) - See Statewide	LEWIS & CLARK COUNTY (B, H, Hw) - See Statewide	TOOLE COUNTY (B, H, Hw) - See Statewide
WRIGHT COUNTY (Hw) - See Statewide	LIBERTY COUNTY (B, H, Hw) - See Statewide	TREASURE COUNTY (B, H, Hw) - See Statewide
	LINCOLN COUNTY (B, H, Hw) - See Statewide	VALLEY COUNTY (B, H, Hw) - See Statewide
	MADISON COUNTY (B, H, Hw) - See Statewide	WHEATLAND COUNTY (B, H, Hw) - See Statewide
	DANFORTH COUNTY (B, H, Hw) - See Statewide	WYANDOT COUNTY (B, H, Hw) - See Statewide
	DEER LODGE COUNTY (B, H, Hw) - See Statewide	YELLOWSTONE COUNTY (B, H, Hw) - See Statewide
	Decision #MT75-5092 (R)	
	40 FR 31514 - 7/25/75	
	FALLS COUNTY (B, H, Hw) - See Statewide	
	FERGUS COUNTY (B, H, Hw) - See Statewide	
	FLATHEAD COUNTY (B, H, Hw) - See Statewide	
	(R) - See Cascade County	

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NEBRASKA (Cont'd.)	NEBRASKA (Cont'd.)	NEBRASKA (Cont'd.)
ADAMS COUNTY Decision #AB-92 (H, Hw) 39 FR 4917 - 12/27/74	ADAMS COUNTY Decision #AD-24 (B) 38 FR 24466 - 9/7/73	MORRILL COUNTY (B) - See Banner County
ANTHONY COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	HANCE COUNTY (H, Hw) - See Adams County
ARTHUR COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	NEBASKA COUNTY (H, Hw) - See Adams County
BANNER COUNTY Decision #NE75-4113 (B) 40 FR 26218 - 6/20/75	ADAMS COUNTY (H, Hw) - See Adams County	Decision #M075-4070 (D) 40 FR 14225 - 3/28/75
BLAINE COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	NUCKOLLS COUNTY (H, Hw) - See Adams County
BOONE COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	OTTER COUNTY (H, Hw) - See Adams County
BOX BUTTE COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	(Chann. Stab.) - See Boyd County
BOYD COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	PANNEE COUNTY (H, Hw) - See Adams County
BROWN COUNTY Decision #NE75-4054 (Chann. Stabilization) 40 FR 8739 - 2/28/75	ADAMS COUNTY (H, Hw) - See Adams County	PEKINS COUNTY (H, Hw) - See Adams County
BUFFALO COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	PHILIPS COUNTY (H, Hw) - See Adams County
BURT COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	PIERCE COUNTY (H, Hw) - See Adams County
BUTLER COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	PLATE COUNTY (H, Hw) - See Adams County
CASS COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	PLATT COUNTY (H, Hw) - See Adams County
CECIL COUNTY Decision #NE75-4112 (H, Hw) 40 FR 25400 - 6/13/75	ADAMS COUNTY (H, Hw) - See Adams County	RED WILLOW COUNTY (H, Hw) - See Adams County
CECIL COUNTY Mod. #1 - 40 FR 27416 - 6/27/75 Mod. #2 - 40 FR 32553 - 8/1/75	ADAMS COUNTY (H, Hw) - See Adams County	RICHARDSON COUNTY (H, Hw) - See Adams County
CHADWICK COUNTY Decision #AB-93 (B) 39 FR 15653 - 5/3/74	ADAMS COUNTY (H, Hw) - See Adams County	(Chann. Stab.) - See Boyd County
CHADWICK COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	ROCK COUNTY (H, Hw) - See Adams County
CHERRY COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	SALINE COUNTY (H, Hw) - See Adams County
CHRYSTIE COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	SARPY COUNTY (H, Hw) - See Adams County
CLAY COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	(Chann. Stab.) - See Douglas County
COLFAX COUNTY (H, Hw) - See Adams County	ADAMS COUNTY (H, Hw) - See Adams County	SAWYER COUNTY (H, Hw) - See Adams County
	ADAMS COUNTY (H, Hw) - See Adams County	SCOTT COUNTY (H, Hw) - See Adams County
	ADAMS COUNTY (H, Hw) - See Adams County	SCOTT BLUFF COUNTY (H, Hw) - See Adams County
	ADAMS COUNTY (H, Hw) - See Adams County	SEWARD COUNTY (H, Hw) - See Adams County
	ADAMS COUNTY (H, Hw) - See Adams County	SHERIDAN COUNTY (H, Hw) - See Adams County
	ADAMS COUNTY (H, Hw) - See Adams County	SHERMAN COUNTY (H, Hw) - See Adams County
	ADAMS COUNTY (H, Hw) - See Adams County	STANLEY COUNTY (H, Hw) - See Adams County
	ADAMS COUNTY (H, Hw) - See Adams County	STOUT COUNTY (H, Hw) - See Adams County
	ADAMS COUNTY (H, Hw) - See Adams County	(H, Hw) - See Adams County

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## NEBRASKA (Cont'd.)

STANTON COUNTY  
(B) - See Cedar County  
(Hw) - See Adams County  
THAYER COUNTY  
(Hw) - See Adams County  
THOMAS COUNTY  
(Hw) - See Adams County  
THURSTON COUNTY  
(Chann. Stab.) - See Boyd County  
(Hw) - See Adams County  
VALLEY COUNTY  
(Hw) - See Adams County  
WASHINGTON COUNTY  
(Hw) - See Cass County  
(H.Hw) - See Cass County  
(Chann. Stab.) - See Boyd County  
WAYNE COUNTY  
(B) - See Cedar County  
(Hw) - See Adams County  
WEBSTER COUNTY  
(Hw) - See Adams County  
WELLS COUNTY  
(Hw) - See Adams County  
YORK COUNTY  
(Hw) - See Adams County

## NEVADA

STATUTE (Excluding the Nevada Test Site & Tonopah Test Range)  
Decision #N75-5095 (B,H,Hw)  
40 FR 32635 - 8/1/75  
GURGHILL COUNTY  
(B,H,Hw) - See Statewide  
CLARK COUNTY  
Decision #N75-5096 (R)(Excluding the Nevada Test Site)  
40 FR 32646 - 8/1/75  
(B,H,Hw) - See Statewide  
Decision #N75-5057 (B,H,Hw) (Nevada Test Site including the Tonopah Test Range)  
40 FR 20602 - 5/9/75  
DOUGLAS COUNTY  
(B,H,Hw) - See Statewide  
ELKO COUNTY  
(B,H,Hw) - See Statewide  
ESNEPALDA COUNTY  
(B,H,Hw) - See Statewide  
EUREKA COUNTY  
(B,H,Hw) - See Statewide  
HUMBOLDT COUNTY  
(B,H,Hw) - See Statewide  
LANDER COUNTY  
(B,H,Hw) - See Statewide  
LINCOLN COUNTY  
(B,H,Hw) - See Statewide  
LYON COUNTY  
(B,H,Hw) - See Statewide  
MINERAL COUNTY  
(B,H,Hw) - See Statewide  
NYE COUNTY  
(B,H,Hw) - See Clark Co. (Nevada Test Site)  
(B,H,Hw) - See Statewide  
ORMSBY COUNTY  
(B,H,Hw) - See Statewide  
PERSHING COUNTY  
(B,H,Hw) - See Statewide  
STOREY COUNTY  
(B,H,Hw) - See Statewide  
WASHOE COUNTY  
Decision #N75-5097 (R)  
40 FR 32656 - 8/1/75  
(B,H,Hw) - See Statewide  
WHITE PINE COUNTY  
(B,H,Hw) - See Statewide

## NEW JERSEY (Cont'd.)

BURLINGTON COUNTY  
(B,H,Hw) - See Atlantic County  
(U) - See Atlantic County  
CAMDEN COUNTY  
(B,H,Hw) - See Atlantic County  
(U) - See Atlantic County  
CAPE MAY COUNTY  
Decision #N75-3068 (B)  
40 FR 16559 - 4/11/75  
(B,H,Hw) - See Atlantic County  
COMBERLAND COUNTY  
(B,H,Hw) - See Atlantic County  
(U) - See Atlantic County  
ESSEX COUNTY  
(D) - See Atlantic County  
(B,H,Hw) - See Bergen County  
(D) - See Atlantic County  
GLoucester County  
(D) - See Camden County  
(B,H,Hw) - See Atlantic County  
HUDSON COUNTY  
(B,H,Hw) - See Bergen County  
(D) - See Atlantic County  
HUNTERDON COUNTY  
(B,H,Hw) - See Bergen County  
(U) - See Atlantic County  
MERCER COUNTY  
(B,H,Hw) - See Atlantic County  
MIDDLESEX COUNTY  
(B,H,Hw) - See Bergen County  
(U) - See Atlantic County  
MONMOUTH COUNTY  
(B,H,Hw) - See Atlantic County  
(D) - See Atlantic County  
MORRIS COUNTY  
(B,H,Hw) - See Bergen County  
(D) - See Atlantic County  
OCEAN COUNTY  
(D) - See Atlantic County  
(B,H,Hw) - See Atlantic County  
PASSAIC COUNTY  
(B,H,Hw) - See Bergen County  
(U) - See Atlantic County  
SALEM COUNTY  
(B,H,Hw) - See Atlantic County  
(D) - See Atlantic County  
SOMERSET COUNTY  
(B,H,Hw) - See Bergen County  
(U) - See Atlantic County  
SUSSEX COUNTY  
(B,H,Hw) - See Bergen County  
(D) - See Atlantic County  
UNION COUNTY  
(B,H,Hw) - See Bergen County  
(D) - See Atlantic County  
WARREN COUNTY  
(B,H,Hw) - See Bergen County

## NEW HAMPSHIRE

BELKNAP COUNTY  
None  
CARROLL COUNTY  
None  
CHESHIRE COUNTY  
None  
COOS COUNTY  
None  
Grafton County  
None  
Hillsborough County  
Decision #N75-2096 (B,H,Hw,B)  
40 FR 30419 - 7/18/75  
MERRIMACK COUNTY  
Decision #N75-2097 (B,H,Hw, & Marine)  
40 FR 30422 - 7/18/75  
ROCKINGHAM COUNTY  
Decision #C75-5045 (B)  
40 FR 19294 - 4/4/75  
Decision #N75-2098 (B,H,Hw,R, & Marine)  
40 FR 30426 - 7/18/75  
STRAFFORD COUNTY  
Decision #N75-2099 (B,H,Hw, & Marine)  
40 FR 30430 - 7/18/75  
SULLY COUNTY  
None

## NEW JERSEY

ATLANTIC COUNTY  
Decision #N75-3049 (B,H,Hw)  
40 FR 26219 - 6/20/75  
Decision #N75-3050 (B)  
40 FR 26294 - 4/4/75  
BERGEN COUNTY  
Decision #N75-3050 (B,H,Hw)  
40 FR 29501 - 7/11/75  
(D) - See Atlantic County

## NEW MEXICO

STATEWIDE  
Decision #N75-4137 (Streets, Highways, Utilities and Light Engineering Construction)  
40 FR 32656 - 8/1/75  
Decision #N75-4136 (Building, including Residential in Pecos County, but not on the Rio Grande, and Heavy engineering construction)  
40 FR 32658 - 8/1/75  
BERNALILLO COUNTY  
(B,H,Hw,R) - See Statewide  
CATRON COUNTY  
(B,H,Hw) - See Statewide  
CHAVES COUNTY  
(B,H,Hw) - See Statewide  
COLFAX COUNTY  
(B,H,Hw) - See Statewide  
CURRY COUNTY  
(B,H,Hw) - See Statewide  
DE Baca County  
(B,H,Hw) - See Statewide  
DONA ANA COUNTY  
(B,H,Hw) - See Statewide  
Decision #N75-4014 (R)  
40 FR 3148 - 1/17/75  
EDDY COUNTY  
(B,H,Hw) - See Statewide  
GRANT COUNTY  
(B,H,Hw) - See Statewide  
GUADALUPE COUNTY  
(B,H,Hw) - See Statewide  
HARDING COUNTY  
(B,H,Hw) - See Statewide  
HIDALGO COUNTY  
(B,H,Hw) - See Statewide  
LEA COUNTY  
(B,H,Hw) - See Statewide  
LINCOLN COUNTY  
(B,H,Hw) - See Statewide  
LOS ALAMOS COUNTY  
(B,H,Hw) - See Statewide  
LUNA COUNTY  
(B,H,Hw) - See Statewide  
McKINLEY COUNTY  
(R) - See San Juan County  
(B,H,Hw,R) - See Statewide  
MORA COUNTY  
(B,H,Hw) - See Statewide

## NEW MEXICO (Cont'd.)

MORA COUNTY  
(B,H,Hw) - See Statewide  
OTERO COUNTY  
(R) - See Dona Ana County  
OURAGUE COUNTY  
(B,H,Hw) - See Statewide  
RIO ARriba COUNTY  
(B,H,Hw) - See Statewide  
ROOSEVELT COUNTY  
(B,H,Hw) - See Statewide  
SANDOVAL COUNTY  
(B,H,Hw) - See Statewide  
SAN JUAN COUNTY  
Decision #N75-5004 (R)(Navajo Indian Reservation)  
40 FR 3921 - 1/24/75  
(B,H,Hw,R) - See Statewide  
SAN HIGUEL COUNTY  
(B,H,Hw) - See Statewide  
SANTA FE COUNTY  
(B,H,Hw,R) - See Statewide  
SIERRA COUNTY  
(B,H,Hw) - See Statewide  
SOCORRO COUNTY  
(B,H,Hw) - See Statewide  
TAOS COUNTY  
(B,H,Hw) - See Statewide  
TORRANCE COUNTY  
(B,H,Hw) - See Statewide  
UNION COUNTY  
(B,H,Hw) - See Statewide  
VALENCIA COUNTY  
(B,H,Hw) - See Statewide

## NEW YORK

ALBANY COUNTY  
Decision #N75-3031 (B,H,Hw)  
40 FR 16545 - 4/11/75  
ALLEGANY COUNTY  
None  
BROOK COUNTY  
Decision #N75-3035 (B,H,Hw)  
40 FR 16555 - 4/11/75  
(D) - See Cayuga County  
ESSEX COUNTY  
None  
FRANKLIN COUNTY  
(D) - See Cayuga County  
FULTON COUNTY  
None  
GENESSEE COUNTY  
None  
GREENE COUNTY  
None  
HAMILTON COUNTY  
None  
HERKIMER COUNTY  
None  
JEFFERSON COUNTY  
Decision #N75-3036 (B,H,Hw)  
40 FR 16571 - 4/11/75  
Mod. #1-40 FR 24455 - 6/6/75  
(D) - See Cayuga County  
KINGS COUNTY  
(B,H,Hw,R) - See Bronx County  
LEWIS COUNTY  
None  
LIVINGSTON COUNTY  
None  
MADISON COUNTY  
None

## NEW YORK (Cont'd.)

DUTCHESS COUNTY  
Decision #N75-3034 (B,H,Hw)  
40 FR 16559 - 4/11/75  
(D) - See Bronx County  
ERIE COUNTY  
Decision #N75-3035 (B,H,Hw)  
40 FR 16555 - 4/11/75  
(D) - See Cayuga County  
ESSEX COUNTY  
None  
FRANKLIN COUNTY  
(D) - See Cayuga County  
FULTON COUNTY  
None  
GENESSEE COUNTY  
None  
GREENE COUNTY  
None  
HAMILTON COUNTY  
None  
HERKIMER COUNTY  
None  
JEFFERSON COUNTY  
Decision #N75-3036 (B,H,Hw)  
40 FR 16571 - 4/11/75  
Mod. #1-40 FR 24455 - 6/6/75  
(D) - See Cayuga County  
KINGS COUNTY  
(B,H,Hw,R) - See Bronx County  
LEWIS COUNTY  
None  
LIVINGSTON COUNTY  
None  
MADISON COUNTY  
None



## NEW YORK (Cont'd.)

MONROE COUNTY  
Decision #NY75-3063 (B, H, Hw)  
40 FR 26233 - 6/20/75  
Mod. #1 - 40 FR 27416 - 6/21/75  
(D) - See Cayuga County  
MONTGOMERY COUNTY  
(D) - See Bronx County  
NASSAU COUNTY  
Decision #NY75-3036 (B, H, Hw)  
40 FR 16581 - 4/11/75  
(D) - See Cayuga County  
NEW YORK COUNTY  
(D) - See Bronx County  
Decision #AR-2097 (B, H, Hw)  
39 FR 44919 - 12/27/74  
NICHOLSON COUNTY  
(B, H, Hw, R, D) - See Bronx County  
Decision #NY75-3039 (B, H, Hw)  
40 FR 16586 - 4/11/75  
(D) - See Cayuga County  
ONTARIO COUNTY  
Decision #NY75-3040 (B, H, Hw)  
40 FR 16589 - 4/11/75  
Mod. #1 - 40 FR 24456 - 6/6/75  
Decision #NY75-3041 (B, H, Hw)  
40 FR 16595 - 4/11/75  
Mod. #1 - 40 FR 24457 - 6/6/75  
None  
ONTARIO COUNTY  
Decision #NY75-3042 (B, H, Hw)  
40 FR 16599 - 4/11/75  
Mod. #1 - 40 FR 25327 - 6/13/75  
(D) - See Bronx County  
ORLEANS COUNTY  
(D) - See Cayuga County  
OSWEGO COUNTY  
(D) - See Cayuga County  
OTSEGO COUNTY  
None  
PUTNAM COUNTY  
None  
QUEENS COUNTY  
(B, H, Hw, R) - See Bronx County

## NEW YORK (Cont'd.)

REUSSELAER COUNTY  
Decision #NY75-3043 (B, H, Hw)  
40 FR 16606 - 4/11/75  
RICHMOND COUNTY  
(B, H, Hw, R, D) - See Bronx County  
SARATOGA COUNTY  
(D) - See Bronx County  
Decision #NY75-3046 (B, H, Hw)  
40 FR 16619 - 4/11/75  
SCHENECTADY COUNTY  
Decision #NY75-3044 (B, H, Hw)  
40 FR 16620 - 4/11/75  
SCHUYLER COUNTY  
None  
SCHUYLER COUNTY  
None  
SENECA COUNTY  
None  
STEBUBEN COUNTY  
Decision #NY75-3046 (B, H, Hw)  
40 FR 16619 - 4/11/75  
SUFFOLK COUNTY  
Decision #NY75-3045 (B, H, Hw)  
(D) - See Bronx County  
SULLIVAN COUNTY  
None  
TIOGA COUNTY  
None

## -NEW YORK (Cont'd.)

TOMPKINS COUNTY  
None  
ULSTER COUNTY  
None  
WARREN COUNTY  
None  
WASHINGTON COUNTY  
(D) - See Bronx County  
WASHINGTON COUNTY  
(D) - See Bronx County  
Decision #NY75-3047 (B, H, Hw)  
40 FR 16624 - 4/11/75  
(D) - See Cayuga County  
WESTCHESTER COUNTY  
Decision #NY75-3048 (B, H, Hw)  
40 FR 16631 - 4/11/75  
(D) - See Bronx County  
WYOMING COUNTY  
None  
YATES COUNTY  
None

## NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY  
Decision #ND75-3008 (D)  
40 FR 3094 - 1/17/75  
Mod. #1 - 40 FR 14204 - 3/28/75  
(Sewer & Water, H, Hw) - See Statewide  
BERTIE COUNTY  
Decision #AR-4079 (B)  
39 FR 37727 - 7/7/74  
Mod. #1 - 40 FR 3087 - 1/17/75  
(D) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide  
BLADEN COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
BRUNSWICK COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(D) - See Beaufort County  
Decision #AR-4031 (R)  
39 FR 32441 - 9/6/74  
BUNCOMBE COUNTY  
Decision #AR-4005 (B)  
39 FR 24778 - 7/5/74  
Mod. #1 - 39 FR 43465 - 12/13/74  
Decision #NC75-1014 (R)  
40 FR 6111 - 2/7/75  
(Sewer & Water, H, Hw) - See Statewide  
BURKE COUNTY  
Decision #AQ-4105 (B)  
39 FR 14842 - 4/26/74  
Decision #AQ-4117 (R)  
39 FR 18397 - 5/24/74  
(Sewer & Water, H, Hw) - See Statewide  
CABARRUS COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
CALDWELL COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
CAMDEN COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
CARTERET COUNTY  
Decision #AQ-4083 (R)  
39 FR 8101 - 3/1/74  
(D) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide  
CASHELL COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
CATAMBA COUNTY  
(R) - See Burke County  
(Sewer & Water, H, Hw) - See Statewide  
CHATHAM COUNTY  
Decision #NC75-1049 (B)  
40 FR 18274 - 7/25/75  
Decision #AR-4049 (R)  
39 FR 36882 - 10/11/74  
Mod. #1 - 40 FR 3087 - 1/17/75  
(Sewer & Water, H, Hw) - See Statewide  
CHEROKEE COUNTY  
(Sewer & Water, H, Hw) - See Statewide

## NORTH CAROLINA

STATEWIDE  
Decision #NC75-1015 (H, Hw)  
40 FR 4857 - 1/31/75  
Decision #NC75-1002 (Sewer & Water)  
40 FR 3149 - 1/17/75  
ALAMANCE COUNTY  
Decision #AQ-4078 (R)  
39 FR 1010 - 2/22/74  
(Sewer & Water, H, Hw) - See Statewide  
ALEXANDER COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
ALLEGANY COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
ANSON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
ASHE COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
AVERY COUNTY  
Decision #AR-4017 (B)  
39 FR 28739 - 8/9/74  
Mod. #1 - 39 FR 43466 - 12/13/74  
(Sewer & Water, H, Hw) - See Statewide

## NORTH CAROLINA (Cont'd.)

CHOCOMA COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Beaufort County  
CLAY COUNTY  
(R) - See Bertie County  
CLEVELAND COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Burke County  
(Sewer & Water, H, Hw) - See Statewide  
COLUMBUS COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
CRAVEN COUNTY  
(R) - See Carteret County  
(Sewer & Water, H, Hw) - See Statewide  
(D) - See Beaufort County  
CURRITUCK COUNTY  
(R) - See Chatham County  
(Sewer & Water, H, Hw) - See Statewide  
CURRITUCK COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(D) - See Beaufort County  
DARE COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(D) - See Beaufort County  
DAVISON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
DAVIE COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
DUPLIN COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Carteret County  
DURHAM COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
EDGEcombe COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Bertie County  
FORSYTH COUNTY  
Decision #AR-4019 (R)  
39 FR 29702 - 8/16/74  
(Sewer & Water, H, Hw) - See Statewide  
FRANKLIN COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Bertie County  
GASTON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
GATES COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(D) - See Beaufort County  
GRAHAM COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
GRANVILLE COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
GREENE COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Carteret County  
GUILFORD COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Alamance County

## NORTH CAROLINA (Cont'd.)

HALLFAX COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Bertie County  
HARNETT COUNTY  
(B, R) - See Chatham County  
HAYWOOD COUNTY  
(R) - See Buncombe County  
(R) - See Cumberland County  
(Sewer & Water, H, Hw) - See Statewide  
HENDERSON COUNTY  
(R) - See Buncombe County  
(Sewer & Water, H, Hw) - See Statewide  
HERFORD COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(D) - See Beaufort County  
(R) - See Bertie County  
HOPKINS COUNTY  
(R) - See Chatham County  
(Sewer & Water, H, Hw) - See Statewide  
HYDE COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
IRENELL COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
JACKSON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Buncombe County  
JOHNSTON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(Sewer & Water, H, Hw) - See Statewide  
JONES COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Carteret County  
LEE COUNTY  
(B, R) - See Chatham County  
(Sewer & Water, H, Hw) - See Statewide  
LENOIR COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Carteret County  
LINCOLN COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Burke County  
MCDOWELL COUNTY  
(R) - See Buncombe County  
MACON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Bertie County  
MASTON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Buncombe County  
MARTIN COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(Sewer & Water, H, Hw) - See Statewide  
MCCLENNAN COUNTY  
Decision #AR-4018 (B)  
39 FR 3253 - 3/2/73  
Mod. #1 - 39 FR 2166 - 3/16/73  
Mod. #2 - 39 FR 3170 - 11/16/73  
(Sewer & Water, H, Hw) - See Statewide

## NORTH CAROLINA (Cont'd.)

MITCHELL COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Avery County  
MAYNARD COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
MOORE COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(B, R) - See Chatham County  
NASH COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(Sewer & Water, H, Hw) - See Statewide  
NEW HAMPSHIRE COUNTY  
Decision #NC75-1054 (B)  
40 FR 22723 - 5/23/75  
(R) - See Brunswick County  
(R) - See Brunswick County  
(Sewer & Water, H, Hw) - See Statewide  
NORTHAMPTON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Bertie County  
ONSLOW COUNTY  
Decision #AR-4048 (B)  
39 FR 30078 - 10/25/74  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Brunswick County  
ORANGE COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
PAMLICO COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide  
PASQUOTANK COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
PENNER COUNTY  
(R) - See Brunswick County  
(D) - See Beaufort County  
PERQUIMANS COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide  
PERSONS COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
PITT COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Bertie County  
POLK COUNTY  
(R) - See Burke County  
RAVENEL COUNTY  
(R) - See Alamance County  
RICHMOND COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
ROBEESON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
ROCKINGHAM COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Alamance County  
ROMAN COUNTY  
(Sewer & Water, H, Hw) - See Statewide

## NORTH CAROLINA (Cont'd.)

RUTHERFORD COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Burke County  
SAMPSON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Chatham County  
SCOTLAND COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
STANLY COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
STOKES COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
SURY COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(Sewer & Water, H, Hw) - See Statewide  
TAMM COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
TAYLOR COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
TENNIS COUNTY  
Decision #AR-4042 (B)  
39 FR 34906 - 9/27/74  
(R) - See Buncombe County  
TYRRELL COUNTY  
(R) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide  
UNION COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
VANCE COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Bertie County  
WAKE COUNTY  
Decision #AQ-4032 (B)  
39 FR 31093 - 11/9/73  
Mod. #1 - 39 FR 5066 - 2/8/74  
(Sewer & Water, H, Hw) - See Statewide  
WARREN COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Bertie County  
WASHINGTON COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide  
WATAUGA COUNTY  
(B) - See Avery County  
(Sewer & Water, H, Hw) - See Statewide  
WAYNE COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Carteret County  
WILKES COUNTY  
Decision #AR-4063 (B)  
39 FR 42803 - 12/6/74  
Mod. #1 - 40 FR 3087 - 1/17/75  
Mod. #2 - 40 FR 5984 - 2/7/75  
(Sewer & Water, H, Hw) - See Statewide  
WILSON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(Sewer & Water, H, Hw) - See Statewide  
YAMOUNTAIN COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
YANCEY COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(Sewer & Water, H, Hw) - See Statewide











## PENNSYLVANIA (Cont'd.)

**CHESTER COUNTY**  
(H, Hw, R) - See Bucks  
**CHESTER COUNTY (Cont'd.)**  
Decision #AR-2003 (B)  
39 FR 25895 - 7/12/74  
Mod. #1 - 39 FR 28012 - 8/2/74  
Mod. #2 - 39 FR 30813 - 11/17/74  
Mod. #3 - 40 FR 17045 - 3/14/75  
Mod. #4 - 40 FR 17465 - 4/10/75  
Mod. #5 - 40 FR 24493 - 6/16/75  
Mod. #6 - 40 FR 25325 - 6/13/75  
**CLARION COUNTY**  
(B) - See Cameron County  
**COLUMBIA COUNTY**  
(H, Hw) - See Bedford County  
**CRAWFORD COUNTY**  
(H, Hw) - See Adams County  
Decision #AR-2098 (B)  
39 FR 44928 - 12/27/74  
Mod. #1 - 40 FR 15282 - 4/4/75  
Mod. #2 - 40 FR 22240 - 5/23/75  
Mod. #3 - 40 FR 31443 - 7/25/75  
(H, Hw) - See Armstrong County  
**CUMBERLAND COUNTY**  
Decision #PA75-3027 (B)  
40 FR 12206 - 3/29/75  
Mod. #1 - 40 FR 22741 - 5/23/75  
Mod. #2 - 40 FR 29451 - 7/11/75  
(H, Hw) - See Adams County  
**DELAWARE COUNTY**  
Decision #AR-2002 (B)  
39 FR 25892 - 7/12/74  
Mod. #1 - 39 FR 28012 - 8/2/74  
Mod. #2 - 39 FR 38813 - 11/17/74  
Mod. #3 - 40 FR 10882 - 3/7/75  
Mod. #4 - 40 FR 17465 - 4/10/75  
Mod. #5 - 40 FR 24493 - 6/16/75  
(H, Hw, R) - See Bucks County  
**ELK COUNTY**  
Decision #PA75-3059 (B)  
40 FR 28358 - 7/27/75  
Mod. #1 - 40 FR 31449 - 7/25/75  
(H, Hw) - See Bedford County  
**ERIE COUNTY**  
Decision #PA75-3054 (B)  
40 FR 28355 - 7/3/75  
Mod. #1 - 40 FR 31450 - 7/25/75  
(H, Hw) - See Butler County  
**FAYETTE COUNTY**  
(B) - See Butler County  
**FOREST COUNTY**  
Decision #AQ-1211 (B)  
39 FR 18396 - 6/10/74  
Mod. #1 - 39 FR 30920 - 6/14/74  
Mod. #2 - 39 FR 28008 - 3/2/74  
(H, Hw) - See Butler County

## PENNSYLVANIA (Cont'd.)

**FOREST COUNTY (Cont'd.)**  
Mod. #3 - 39 FR 37332 - 10/18/74  
Mod. #4 - 39 FR 38812 - 11/17/74  
Mod. #5 - 39 FR 4911 - 12/27/74  
Mod. #6 - 40 FR 15278 - 4/4/75  
Mod. #7 - 40 FR 22737 - 5/23/75  
(H, Hw) - See Bedford County  
**FRANKLIN COUNTY**  
Decision #AR-2001 (B)  
39 FR 24003 - 7/5/74  
Mod. #1 - 39 FR 26562 - 7/19/74  
Mod. #2 - 39 FR 28010 - 8/2/74  
Mod. #3 - 39 FR 40406 - 11/15/74  
Mod. #4 - 39 FR 44157 - 12/20/74  
(H, Hw) - See Bedford County  
**FULTON COUNTY**  
(H, Hw) - See Bedford County  
**GREECE COUNTY**  
(H, Hw) - See Centre County  
**HUNTINGDON COUNTY**  
(H, Hw) - See Bedford County  
**INDIANA COUNTY**  
Decision #AR-2037 (B)  
39 FR 31053 - 7/3/74  
Mod. #1 - 39 FR 45912 - 12/27/74  
Mod. #2 - 40 FR 4789 - 1/31/75  
Mod. #3 - 40 FR 15279 - 4/4/75  
Mod. #4 - 40 FR 28309 - 7/3/75  
(H, Hw) - See Armstrong County  
**JEFFERSON COUNTY**  
(B) - See Cameron County  
**JUNIATA COUNTY**  
(H, Hw) - See Centre County  
**LACKAWANNA COUNTY**  
Decision #PA75-3056 (B)  
40 FR 25401 - 6/13/75  
Mod. #1 - 40 FR 29452 - 7/11/75  
**LANCASTER COUNTY**  
Decision #AR-2030 (B)  
39 FR 31057 - 8/30/74  
Mod. #1 - 39 FR 40406 - 11/15/74  
Mod. #2 - 39 FR 45912 - 12/27/74  
Mod. #3 - 40 FR 4789 - 1/31/75  
Mod. #4 - 40 FR 5986 - 2/7/75  
Mod. #5 - 40 FR 14215 - 3/28/75  
Mod. #6 - 40 FR 22739 - 5/23/75  
Mod. #7 - 40 FR 29448 - 7/11/75  
(H, Hw) - See Adams County  
**LAWRENCE COUNTY**  
Decision #AR-2045 (B)  
39 FR 37345 - 10/18/74  
Mod. #1 - 39 FR 45912 - 12/27/74  
Mod. #2 - 40 FR 15281 - 4/4/75  
Mod. #3 - 40 FR 28310 - 7/3/75  
Mod. #4 - 40 FR 31441 - 7/25/75  
(H, Hw) - See Butler County

## PENNSYLVANIA (Cont'd.)

**LEBANON COUNTY**  
Decision #PA75-3053 (B)  
40 FR 27082 - 5/23/75  
Mod. #1 - 40 FR 29451 - 7/11/75  
**LEHIGH COUNTY**  
Decision #PA75-3019 (B)  
40 FR 3755 - 2/20/75  
Mod. #1 - 40 FR 14414 - 3/28/75  
Mod. #2 - 40 FR 25333 - 6/13/75  
Mod. #3 - 40 FR 27417 - 6/27/75  
Mod. #4 - 40 FR 28310 - 7/3/75  
Mod. #5 - 40 FR 29450 - 7/11/75  
I (H, Hw) - See Adams County  
**LUCERNE COUNTY**  
(H, Hw) - See Adams County  
Decision #PA75-3025 (B)  
40 FR 12982 - 3/21/75  
Mod. #1 - 40 FR 25333 - 6/13/75  
Mod. #2 - 40 FR 29450 - 7/11/75  
(H, Hw) - See Adams County  
**LYCOMING COUNTY**  
Decision #PA75-3065 (B)  
40 FR 29517 - 7/11/75  
(H, Hw) - See Adams County  
**MC KEAN COUNTY**  
(B) - See Adams County  
**MERCER COUNTY**  
Decision #AR-2046 (B)  
39 FR 37349 - 10/18/74  
Mod. #1 - 39 FR 44913 - 12/27/74  
Mod. #2 - 40 FR 15281 - 4/4/75  
Mod. #3 - 40 FR 28310 - 7/3/75  
Mod. #4 - 40 FR 31442 - 7/25/75  
(H, Hw) - See Butler County  
**MILFORD COUNTY**  
(H, Hw) - See Bedford County  
**MONROE COUNTY**  
(H, Hw) - See Adams County  
**MONTGOMERY COUNTY**  
Decision #AR-2004 (B)  
39 FR 25898 - 7/12/74  
Mod. #1 - 39 FR 28012 - 8/2/74  
Mod. #2 - 39 FR 37333 - 10/18/74  
Mod. #3 - 39 FR 38813 - 11/17/74  
Mod. #4 - 40 FR 12014 - 3/7/75  
Mod. #5 - 40 FR 17465 - 4/10/75  
Mod. #6 - 40 FR 24460 - 6/6/75  
Mod. #7 - 40 FR 25330 - 6/13/75  
Mod. #8 - 40 FR 26106 - 6/20/75  
(H, Hw) - See Bucks County  
**MONTUOM COUNTY**  
(H, Hw) - See Adams County

## NOTICES

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## PENNSYLVANIA (Cont'd.)

**NORTHAMPTON COUNTY**  
Decision #AR-2095 (B)  
40 FR 6947 - 2/14/75  
Mod. #1 - 40 FR 8690 - 2/28/75  
Mod. #2 - 40 FR 15282 - 4/4/75  
Mod. #3 - 40 FR 25332 - 6/13/75  
Mod. #4 - 40 FR 28310 - 7/3/75  
Mod. #5 - 40 FR 29450 - 7/11/75  
**HORTHAMPTON COUNTY**  
Decision #AR-2095 (B)  
39 FR 4394 - 12/13/74  
Mod. #1 - 40 FR 12016 - 3/7/75  
Mod. #2 - 40 FR 15282 - 4/4/75  
Mod. #3 - 40 FR 25332 - 6/13/75  
Mod. #4 - 40 FR 28310 - 7/3/75  
Mod. #5 - 40 FR 29450 - 7/11/75  
(H, Hw) - See Adams County  
**PHILADELPHIA COUNTY**  
Decision #AR-2005 (B)  
39 FR 25902 - 7/12/74  
Mod. #1 - 39 FR 28012 - 8/2/74  
Mod. #2 - 39 FR 38814 - 11/17/74  
Mod. #3 - 40 FR 12015 - 3/7/75  
Mod. #4 - 40 FR 17465 - 4/10/75  
Mod. #5 - 40 FR 24460 - 6/6/75  
Mod. #6 - 40 FR 25331 - 6/13/75  
Mod. #7 - 40 FR 25186 - 6/20/75  
40 FR 15294 - 4/4/75  
(H, Hw, R) - See Bucks County  
**POTTER COUNTY**  
(H, Hw) - See Adams County  
**SCHUYLKILL COUNTY**  
Decision #PA75-3017 (B)  
40 FR 7854 - 2/21/75  
Mod. #1 - 40 FR 15282 - 4/4/75  
Mod. #2 - 40 FR 19331 - 5/27/75  
Mod. #3 - 40 FR 22741 - 5/23/75  
Mod. #4 - 40 FR 29450 - 7/11/75  
(H, Hw) - See Adams County  
**SNYDER COUNTY**  
(H, Hw) - See Adams County  
**SOMERSET COUNTY**  
(H, Hw) - See Butler County  
**SULLIVAN COUNTY**  
Decision #AR-2070 (B)  
39 FR 10070 - 3/15/74  
Mod. #1 - 39 FR 26562 - 7/19/74  
Mod. #2 - 39 FR 44911 - 12/27/74  
Mod. #3 - 40 FR 4789 - 1/31/75  
Mod. #4 - 40 FR 15278 - 4/4/75  
Mod. #5 - 40 FR 24459 - 6/6/75  
Mod. #6 - 40 FR 29448 - 7/11/75  
(H, Hw) - See Adams County

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## PENNSYLVANIA (Cont'd.)

**SUSQUEHANNA COUNTY**  
(B) - See Lackawanna County  
**TIOGA COUNTY**  
(H, Hw) - See Adams County  
**UNION COUNTY**  
(H, Hw) - See Adams County  
**VENANGO COUNTY**  
(H, Hw) - See Adams County  
Decision #AQ-2043 (B)  
39 FR 7011 - 2/22/74  
Mod. #1 - 39 FR 18408 - 5/24/74  
Mod. #2 - 39 FR 20919 - 6/14/74  
Mod. #3 - 39 FR 28008 - 8/2/74  
Mod. #4 - 39 FR 41110 - 11/22/74  
Mod. #5 - 40 FR 15277 - 4/4/75  
Mod. #6 - 40 FR 22736 - 5/23/75  
(H, Hw) - See Armstrong County  
**WARREN COUNTY**  
Decision #AQ-2005 (B)  
39 FR 14115 - 4/19/74  
Mod. #1 - 39 FR 20908 - 6/14/74  
Mod. #2 - 39 FR 37332 - 10/18/74  
Mod. #3 - 39 FR 38813 - 11/17/74  
Mod. #4 - 39 FR 44911 - 12/27/74  
Mod. #5 - 40 FR 22739 - 5/23/75  
(H, Hw) - See Armstrong County  
**WASHINGTON COUNTY**  
Decision #AR-2039 (B)  
39 FR 35054 - 9/27/74  
Mod. #1 - 39 FR 44912 - 12/27/74  
Mod. #2 - 40 FR 4790 - 1/31/75  
Mod. #3 - 40 FR 15280 - 4/4/75  
Mod. #4 - 40 FR 28309 - 7/3/75  
(H, Hw) - See Butler County  
**WESTMORELAND COUNTY**  
(H, Hw) - See Adams County  
Decision #AR-2038 (B)  
39 FR 31862 - 8/30/74  
Mod. #1 - 39 FR 44913 - 12/27/74  
Mod. #2 - 40 FR 4790 - 1/31/75  
Mod. #3 - 40 FR 15280 - 4/4/75  
Mod. #4 - 40 FR 28309 - 7/3/75  
(H, Hw) - See Butler County  
**WYOMING COUNTY**  
(H, Hw) - See Adams County  
**YORK COUNTY**  
(B, H, Hw) - See Adams Co. (Excluding New Cumberland Depot)  
(B) - See Cumberland County (New Cumberland Depot)  
(H, Hw) - See Adams County (New Cumberland Depot)  
(B) - See Lackawanna County

## PUERTO RICO

**PUERTO RICO**  
Decision #AR-2016 (R)  
39 FR 28859 - 8/9/74  
Decision #AR-2052 (B)  
39 FR 31610 - 7/16/75  
Decision #AR-2019 (H, Hw)  
39 FR 24807 - 9/14/73  
Mod. #1 - 39 FR 27395 - 7/26/74

## SOUTH CAROLINA

**STATEWIDE**  
Decision #SC75-1031 (H, Hw)  
40 FR 12058 - 3/14/75  
Decision #AR-157 (Sewer & Water)  
40 FR 12058 - 3/14/75  
**ABBEVILLE COUNTY**  
Decision #AR-4003 (B)  
39 FR 26554 - 7/19/74  
(Sewer & Water, H, Hw) - See Statewide  
**AIKEN COUNTY**  
Decision #SC75-1023 (R)  
40 FR 10900 - 3/7/75  
(Sewer & Water, H, Hw) - See Statewide  
**ALLIED COUNTY**  
Decision #SC75-1045 (R)  
40 FR 16636 - 4/11/75  
(Sewer & Water, H, Hw) - See Statewide  
**ANDERSON COUNTY**  
Decision #SC75-1008 (R)  
40 FR 15294 - 4/4/75  
(Sewer & Water, H, Hw) - See Statewide  
**BARNEVELL COUNTY**  
(R) - See Allendale County  
**BERKELEY COUNTY**  
(Sewer & Water, H, Hw) - See Statewide  
**BEAUFORT COUNTY**  
Decision #SC75-1026 (B)  
40 FR 8692 - 2/28/75  
Mod. #1 - 40 FR 16496 - 4/11/75  
Mod. #2 - 40 FR 27417 - 6/27/75  
Decision #MD75-3006 (D)  
40 FR 3094 - 1/7/75  
Mod. #1 - 40 FR 14204 - 3/28/75  
(Sewer & Water, H, Hw) - See Statewide  
**BERKELEY COUNTY**  
(D) - See Beaufort County  
(Sewer & Water, H, Hw, R, & Marine)  
Decision #SC75-1021 (R)  
40 FR 7859 - 2/21/75  
Decision #SC75-1055 (B)  
40 FR 22735 - 5/23/75  
Mod. #1 - 40 FR 25336 - 6/13/75  
**CALHOUN COUNTY**  
(R) - See Allendale County  
(Sewer & Water, H, Hw) - See Statewide  
**CHARLESTON COUNTY**  
(B, R) - See Berkeley County  
(D) - See Beaufort County  
**CHESTER COUNTY**  
Decision #SC75-1017 (R)  
40 FR 4785 - 1/31/75  
Mod. #1 - 40 FR 12017 - 3/14/75  
(B) - See Abbeville County  
(Sewer & Water, H, Hw) - See Statewide

## SOUTH CAROLINA (Cont'd.)

**CHESTER COUNTY**  
Decision #AR-4009 (B)  
39 FR 25778 - 7/12/74  
(Sewer & Water, H, Hw) - See Statewide  
**CHESTERFIELD COUNTY**  
(Sewer & Water, H, Hw) - See Statewide  
**CLARENDON COUNTY**  
Decision #AR-4052 (R)  
39 FR 39671 - 11/8/74  
(Sewer & Water, H, Hw) - See Statewide  
**COLLETON COUNTY**  
(D) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide  
**DARLINGTON COUNTY**  
Decision #SC75-1041 (B)  
40 FR 14194 - 3/28/75  
(R) - See Clarendon County  
(Sewer & Water, H, Hw) - See Statewide  
**DILLON COUNTY**  
(R) - See Clarendon County  
**DORCHESTER COUNTY**  
(Sewer & Water, H, Hw) - See Statewide  
**EDGEFIELD COUNTY**  
(R) - See Aiken County  
(Sewer & Water, H, Hw) - See Statewide  
**FAIRFIELD COUNTY**  
(B) - See Chester County  
(Sewer & Water, H, Hw) - See Statewide  
**FLORENCE COUNTY**  
(Sewer & Water, H, Hw) - See Statewide  
**GEORGETOWN COUNTY**  
(D) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide  
**GREENVILLE COUNTY**  
Decision #SC75-1038 (B)  
40 FR 12951 - 3/21/75  
Mod. #1 - 40 FR 16496 - 4/11/75  
(R) - See Anderson County  
(Sewer & Water, H, Hw) - See Statewide  
**GREENWOOD COUNTY**  
(Sewer & Water, H, Hw) - See Statewide  
**HAMPTON COUNTY**  
(Sewer & Water, H, Hw) - See Statewide  
**HORRY COUNTY**  
(D) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide  
**JASPER COUNTY**  
(D) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide  
**KERSHAW COUNTY**  
(Sewer & Water, H, Hw) - See Statewide  
(Sewer & Water, H, Hw) - See Statewide

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TEXAS (Cont'd.)

CAMERON COUNTY (Cont'd.)  
Decision #TX75-092 (R)  
40 FR 21603 - 5/16/75  
CAMP COUNTY  
(H,Hw) - See Statewide  
CASS COUNTY  
(H,Hw) - See Statewide  
CASTRO COUNTY  
(H,Hw) - See Statewide  
(B,R) - See Armstrong County  
CHAMBERS COUNTY  
(H,Hw) - See Statewide  
(D) - See Aransas County  
CHEROKEE COUNTY  
(H,Hw) - See Statewide  
CHILDRESS COUNTY  
(B,R) - See Armstrong County  
CLAY COUNTY  
(H,Hw) - See Statewide  
COMAL COUNTY  
(H,Hw) - See Statewide  
(R) - See Bailey County  
COKE COUNTY  
(H,Hw) - See Statewide  
COLEMAN COUNTY  
(H,Hw) - See Statewide  
COLLIN COUNTY  
(H,Hw) - See Statewide  
Decision #AQ-87 (R)  
39 FR 10106 - 3/15/74  
Decision #TX75-4102 (B-excluding Dallas-  
Fort Worth Regional Airport)  
40 FR 22791 - 5/23/75  
COLUMBIA COUNTY  
(H,Hw) - See Statewide  
COLUMBIANA COUNTY  
(H,Hw) - See Statewide  
COLORADO COUNTY  
(H,Hw) - See Statewide  
COMAL COUNTY  
(H,Hw) - See Statewide  
COMANCHE COUNTY  
(H,Hw) - See Statewide  
CONCHO COUNTY  
(H,Hw) - See Statewide  
COOKE COUNTY  
(H,Hw) - See Statewide  
CORYELL COUNTY  
(B) - See Bell County  
(H,Hw) - See Statewide  
COTTELL COUNTY  
(H,Hw) - See Statewide  
COTTLE COUNTY  
(H,Hw) - See Statewide

TEXAS (Cont'd.)

CRANE COUNTY  
(H,Hw) - See Statewide  
Decision #TX75-4006 (R)  
40 FR 3163 - 1/17/75  
CROCKETT COUNTY  
(H,Hw) - See Statewide  
CROSBY COUNTY  
(H,Hw) - See Statewide  
CULBERTSON COUNTY  
(H,Hw) - See Statewide  
DALLAM COUNTY  
(H,Hw) - See Statewide  
(B,R) - See Armstrong County  
DALLAS COUNTY  
(H,Hw) - See Statewide  
(B,R) - See Collin County  
DANSON COUNTY  
(H,Hw) - See Statewide  
DEAF SMITH COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
DELAWARE COUNTY  
(H,Hw) - See Statewide  
DEKALB COUNTY  
(H,Hw) - See Statewide  
(B,R) - See Collin County  
DE WITT COUNTY  
(H,Hw) - See Statewide  
DICKENS COUNTY  
(H,Hw) - See Statewide  
DIMITT COUNTY  
(H,Hw) - See Statewide  
Decision #TX75-4010 (B,R)  
40 FR 3172 - 1/17/75  
DONLEY COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
DOVAL COUNTY  
(H,Hw) - See Statewide  
EASTLAND COUNTY  
(H,Hw) - See Statewide  
ECTOR COUNTY  
(H,Hw) - See Statewide  
(R) - See Crane County  
EDWARDS COUNTY  
(H,Hw) - See Statewide  
ELLIS COUNTY  
(B,R) - See Collin County  
(H,Hw) - See Statewide  
EL PASO COUNTY  
Decision #TX75-4114 (B)  
40 FR 26240 - 6/20/75  
Mod. #1 - 40 FR 29453 - 7/11/75  
Mod. #2 - 40 FR 30309 - 7/18/75  
Mod. #3 - 40 FR 30309 - 7/18/75  
Mod. #4 - 40 FR 31453 - 7/25/75  
(H,Hw) - See Statewide  
ERATH COUNTY  
(H,Hw) - See Statewide

TEXAS (Cont'd.)

FALLS COUNTY  
(B) - See Bell County  
(H,Hw) - See Statewide  
FANNIN COUNTY  
(H,Hw) - See Statewide  
FAYETTE COUNTY  
(H,Hw) - See Statewide  
FISHER COUNTY  
(H,Hw) - See Statewide  
FLOYD COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide  
FOARD COUNTY  
(H,Hw) - See Statewide  
FORT BEND COUNTY  
(R) - See Brazoria County  
(H,Hw) - See Statewide  
FRANKLIN COUNTY  
(H,Hw) - See Statewide  
FREESTONE COUNTY  
(H,Hw) - See Statewide  
FROST COUNTY  
(H,Hw) - See Statewide  
GAINES COUNTY  
(H,Hw) - See Statewide  
GALVESTON COUNTY  
(R) - See Brazoria County  
(H,Hw) - See Statewide  
Decision #TX75-4096 (B)  
40 FR 21689 - 5/16/75  
Mod. #1 - 40 FR 25334 - 6/13/75  
Mod. #2 - 40 FR 29452 - 7/11/75  
Mod. #3 - 40 FR 30307 - 7/18/75  
Mod. #4 - 40 FR 31452 - 7/25/75  
GARZA COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide  
GILLESPIE COUNTY  
(H,Hw) - See Statewide  
GLASSCOCK COUNTY  
(H,Hw) - See Statewide  
GOLIAD COUNTY  
(H,Hw) - See Statewide  
GONZALES COUNTY  
(H,Hw) - See Statewide  
GRADY COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
GRAYSON COUNTY  
(B) - See Collin County  
(H,Hw) - See Statewide  
Decision #TX75-4092 (B)  
40 FR 21682 - 5/16/75  
(H,Hw) - See Statewide

TEXAS (Cont'd.)

GRIMES COUNTY  
(H,Hw) - See Statewide  
GUADALUPE COUNTY  
(H,Hw) - See Statewide  
HALE COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide  
HALL COUNTY  
(H,Hw) - See Statewide  
HAMILTON COUNTY  
(H,Hw) - See Statewide  
HANSFORD COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
HARRIS COUNTY  
(H,Hw) - See Statewide  
HARDIN COUNTY  
(H,Hw) - See Statewide  
HARRIS COUNTY  
(B) - See Galveston County  
(R) - See Brazoria County  
(D) - See Aransas County  
(H,Hw) - See Statewide  
HARRISON COUNTY  
Decision #TX75-4103 (B)  
40 FR 22795 - 5/23/75  
Mod. #1 - 40 FR 30388 - 7/18/75  
Mod. #2 - 40 FR 31453 - 7/25/75  
(H,Hw) - See Statewide  
HARTLEY COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
HASKELL COUNTY  
(H,Hw) - See Statewide  
HAYS COUNTY  
(H,Hw) - See Statewide  
(H,Hw) - See Statewide  
HERPILL COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
HENDERSON COUNTY  
(H,Hw) - See Statewide  
HIDALGO COUNTY  
(B,R) - See Cameron County  
(H,Hw) - See Statewide  
HILL COUNTY  
(B) - See Bell County  
(H,Hw) - See Statewide  
HOCKLEY COUNTY  
(H,Hw) - See Statewide  
HOOD COUNTY  
(H,Hw) - See Statewide  
(B) - See Collin County  
Decision #TX75-4011 (R)  
40 FR 3173 - 1/17/75  
(H,Hw) - See Statewide

TEXAS (Cont'd.)

HOPKINS COUNTY  
(H,Hw) - See Statewide  
HOUSTON COUNTY  
(H,Hw) - See Statewide  
HOWARD COUNTY  
(H,Hw) - See Statewide  
Decision #TX75-4095 (B,R)  
40 FR 21687 - 5/16/75  
HUDSPETH COUNTY  
(H,Hw) - See Statewide  
HUNT COUNTY  
(R)(B) - See Collin County  
(H,Hw) - See Statewide  
HUTCHINSON COUNTY  
(R)(B) - See Armstrong County  
(H,Hw) - See Statewide  
IRION COUNTY  
(H,Hw) - See Statewide  
JACK COUNTY  
(H,Hw) - See Statewide  
JACKSON COUNTY  
(H,Hw) - See Statewide  
JASPER COUNTY  
(H,Hw) - See Statewide  
JEFF DAVIS COUNTY  
(H,Hw) - See Statewide  
JEFFERSON COUNTY  
Decision #TX75-4117 (B,R)  
40 FR 29527 - 7/11/75  
Mod. #1 - 40 FR 31453 - 7/25/75  
(D) - See Aransas County  
(H,Hw) - See Statewide  
JIM HOGG COUNTY  
(H,Hw) - See Statewide  
(B,R) - See Dimitt County  
JIM WELLS COUNTY  
(H,Hw) - See Statewide  
JOHNSON COUNTY  
(B) - See Collin County  
(H,Hw) - See Statewide  
(R) - See Hood County  
JONES COUNTY  
(H,Hw) - See Statewide  
KARNES COUNTY  
(H,Hw) - See Statewide

TEXAS (Cont'd.)

KAUFMAN COUNTY  
(B,R) - See Collin County  
(H,Hw) - See Statewide  
KENDALL COUNTY  
(H,Hw) - See Statewide  
KENEDY COUNTY  
(H,Hw) - See Statewide  
(D) - See Aransas County  
KENNEDY COUNTY  
(H,Hw) - See Statewide  
KERR COUNTY  
(H,Hw) - See Statewide  
KIMBLE COUNTY  
(H,Hw) - See Statewide  
KING COUNTY  
(H,Hw) - See Statewide  
KINNEY COUNTY  
(H,Hw) - See Statewide  
KLEBERG COUNTY  
Decision #TX75-4099 (B)  
40 FR 22787 - 5/23/75  
Mod. #1 - 40 FR 27417 - 6/20/75  
Mod. #2 - 40 FR 30387 - 7/18/75  
Mod. #3 - 40 FR 31452 - 7/25/75  
(D) - See Aransas County  
(H,Hw) - See Statewide  
KNOX COUNTY  
(H,Hw) - See Statewide  
LAWRE COUNTY  
(H,Hw) - See Statewide  
LAMB COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide  
LAMPASAS COUNTY  
(H,Hw) - See Statewide  
LA SALLE COUNTY  
(B,R) - See Dimitt County  
(H,Hw) - See Statewide  
LAVACA COUNTY  
(H,Hw) - See Statewide  
LEE COUNTY  
(H,Hw) - See Statewide  
(R) - See Bastrop County

TEXAS (Cont'd.)

LEON COUNTY  
(H,Hw) - See Statewide  
LIBERTY COUNTY  
(H,Hw) - See Statewide  
LINCOLN COUNTY  
(H,Hw) - See Statewide  
LIPSICOM COUNTY  
(H,Hw) - See Statewide  
(B,R) - See Armstrong County  
LIVE OAK COUNTY  
(H,Hw) - See Statewide  
LLANO COUNTY  
(H,Hw) - See Statewide  
LOVING COUNTY  
(R) - See Crane County  
LUBBOCK COUNTY  
(H,Hw) - See Statewide  
Decision #TX75-4098 (B)  
40 FR 21685 - 5/16/75  
Mod. #1 - 40 FR 29452 - 7/11/75  
Mod. #2 - 40 FR 30387 - 7/18/75  
Mod. #3 - 40 FR 30387 - 7/18/75  
LYNN COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide  
MCCULLOCH COUNTY  
(H,Hw) - See Statewide  
MCLENNAN COUNTY  
(H,Hw) - See Statewide  
(B) - See Bell County  
MCMULLEN COUNTY  
(H,Hw) - See Statewide  
MADISON COUNTY  
(H,Hw) - See Statewide  
MARION COUNTY  
(H,Hw) - See Statewide  
MARTIN COUNTY  
(H,Hw) - See Statewide

TEXAS (Cont'd.)

MASON COUNTY  
(H,Hw) - See Statewide  
MATAGORDA COUNTY  
(R) - See Brazoria County  
(H,Hw) - See Statewide  
(D) - See Aransas County  
MAVERICK COUNTY  
(B,R) - See Dimitt County  
(H,Hw) - See Statewide  
MEDINA COUNTY  
(H,Hw) - See Statewide  
MENARD COUNTY  
(H,Hw) - See Statewide  
MIDLAND COUNTY  
(H,Hw) - See Statewide  
MILAM COUNTY  
(R) - See Crane County  
(H,Hw) - See Statewide  
MILLS COUNTY  
(H,Hw) - See Statewide  
MITCHELL COUNTY  
(H,Hw) - See Statewide  
MONTAGUE COUNTY  
(H,Hw) - See Statewide  
MONTGOMERY COUNTY  
(R) - See Brazoria County  
(H,Hw) - See Statewide  
MORRIS COUNTY  
(H,Hw) - See Statewide  
MOTLEY COUNTY  
(H,Hw) - See Statewide  
NACOGDOCHES COUNTY  
(H,Hw) - See Statewide  
NAVARRO COUNTY  
(H,Hw) - See Statewide



TEXAS (Cont'd.)

MENTON COUNTY  
(H, Hw) - See Statewide  
MOLAN COUNTY  
(H, Hw) - See Statewide  
MUECES COUNTY  
(B) - See Kieberg County  
(D) - See Aransas County  
(H, Hw) - See Statewide  
MULLEN COUNTY  
(H, Hw) - See Armstrong County  
(B) - See Statewide  
OLDHAM COUNTY  
(R) (B) - See Armstrong County  
(H, Hw) - See Statewide  
ORANGE COUNTY  
(R) (B) - See Jefferson County  
(Hw) - See Statewide  
(D) - See Aransas County  
PALO PINTO COUNTY  
(B) - See Collin County  
(H, Hw) - See Statewide  
(R) - See Hood County  
PALLA COUNTY  
(H, Hw) - See Statewide  
PARKER COUNTY  
(H, Hw) - See Statewide  
(R) - See Hood County  
PARMER COUNTY  
(H, Hw) - See Statewide  
PECOS COUNTY  
(H, Hw) - See Statewide  
(R) - See Crane County  
POLK COUNTY  
(H, Hw) - See Statewide  
(B) - See Armstrong County  
POTTER COUNTY  
(H, Hw) - See Statewide  
PRESIDIO COUNTY  
(H, Hw) - See Statewide  
RAISIN COUNTY  
(H, Hw) - See Statewide  
RANDALL COUNTY  
(H, Hw) - See Statewide  
(B) (R) - See Statewide  
REAGAN COUNTY  
(H, Hw) - See Statewide  
REAL COUNTY  
(H, Hw) - See Statewide  
RED RIVER COUNTY  
(H, Hw) - See Statewide

TEXAS (Cont'd.)

RELVIS COUNTY  
(H, Hw) - See Statewide  
(D) - See Collin County  
REGGIO COUNTY  
(H, Hw) - See Aransas County  
(D) - See Statewide  
ROBERTS COUNTY  
(H, Hw) - See Statewide  
(B) (R) - See Armstrong County  
ROBERTSON COUNTY  
(H, Hw) - See Statewide  
ROCKWELL COUNTY  
(H, Hw) - See Collin County  
(R) (B) - See Statewide  
RUMLIS COUNTY  
(H, Hw) - See Statewide  
RUSK COUNTY  
(H, Hw) - See Statewide  
SABINE COUNTY  
(H, Hw) - See Statewide  
SAN AUGUSTINE COUNTY  
(H, Hw) - See Statewide  
SAN JACINTO COUNTY  
(H, Hw) - See Statewide  
SAN PATRICK COUNTY  
(R) - See Bee County  
(D) - See Aransas County  
(H, Hw) - See Statewide  
SAN SABA COUNTY  
(H, Hw) - See Statewide  
SCOTCHER COUNTY  
(H, Hw) - See Statewide  
SOMERSET COUNTY  
(H, Hw) - See Statewide  
SHACKELFORD COUNTY  
(H, Hw) - See Statewide  
SHELBY COUNTY  
(H, Hw) - See Statewide  
SHERMAN COUNTY  
(H, Hw) - See Statewide  
(B) (R) - See Armstrong County  
SMITH COUNTY  
(H, Hw) - See Statewide  
SONERWELL COUNTY  
(H, Hw) - See Statewide  
STARR COUNTY  
(H, Hw) - See Statewide  
(B) (R) - See Cameron County  
STEPHENS COUNTY  
(H, Hw) - See Statewide

TEXAS (Cont'd.)

STERLING COUNTY  
(H, Hw) - See Statewide  
STONEWALL COUNTY  
(H, Hw) - See Statewide  
SUTTON COUNTY  
(H, Hw) - See Statewide  
(H, Hw) - See Statewide  
SUTHER COUNTY  
(B) - See Crane County  
WASHINGTON COUNTY  
(H, Hw) - See Statewide  
WEBB COUNTY  
(B) - See Collin County  
(H, Hw) - See Statewide  
WHARTON COUNTY  
(H, Hw) - See Statewide  
WHEELER COUNTY  
(R) (B) - See Armstrong County  
(H, Hw) - See Statewide  
WICHITA COUNTY  
Decision #TX75-4087 (R)  
40 FR 21675 - 5/16/75  
Decision #TX75-4108 (B)  
40 FR 22803 - 5/23/75  
Mod. #1 - 40 FR 24481 - 6/6/75  
Mod. #2 - 40 FR 24481 - 6/20/75  
Mod. #3 - 40 FR 22417 - 6/21/75  
WILBARGER COUNTY  
(H, Hw) - See Statewide  
WILLACRY COUNTY  
(H, Hw) - See Statewide  
WILLACY COUNTY  
(R) (B) - See Cameron County  
(H, Hw) - See Statewide  
(D) - See Aransas County  
WILLIAMSON COUNTY  
(H, Hw) - See Statewide  
(R) - See Bastrop County  
WILSON COUNTY  
(H, Hw) - See Statewide  
WINKLER COUNTY  
(H, Hw) - See Statewide  
(R) - See Crane County  
WISDOM COUNTY  
(B) - See Collin County  
(H, Hw) - See Statewide  
WOOD COUNTY  
(R) - See Hood County  
(H, Hw) - See Statewide  
YOAKUM COUNTY  
(H, Hw) - See Statewide  
(R) - See Bailey County  
(H, Hw) - See Statewide  
YOUNG COUNTY  
(H, Hw) - See Statewide  
ZAPATA COUNTY  
(H, Hw) - See Statewide  
(B, R) - See Dimitt County  
(H, Hw) - See Statewide  
ZAVALA COUNTY  
(B, R) - See Dimitt County  
(H, Hw) - See Statewide

UTAH

STATEWIDE  
Decision #UT75-5026 (B, H, Hw)  
40 FR 7560 - 2/21/75  
Mod. #1 - 40 FR 14216 - 3/28/75  
Mod. #2 - 40 FR 14216 - 4/1/75  
Mod. #3 - 40 FR 10202 - 4/26/75  
Mod. #4 - 40 FR 26187 - 6/20/75  
BEAVER COUNTY  
(B, H, Hw) - See Statewide  
BOX ELDER COUNTY  
(B, H, Hw) - See Statewide  
CACHE COUNTY  
(B, H, Hw) - See Statewide  
CARBON COUNTY  
(B, H, Hw) - See Statewide  
DAGGETT COUNTY  
(B, H, Hw) - See Statewide  
DAVIS COUNTY  
(B, H, Hw) - See Statewide  
DOUGHERTY COUNTY  
(B, H, Hw) - See Statewide  
EMERY COUNTY  
(B, H, Hw) - See Statewide  
GARFIELD COUNTY  
(B, H, Hw) - See Statewide  
GRAND COUNTY  
(B, H, Hw) - See Statewide  
IRON COUNTY  
(B, H, Hw) - See Statewide  
JUAH COUNTY  
(B, H, Hw) - See Statewide  
KANE COUNTY  
(B, H, Hw) - See Statewide  
MILLARD COUNTY  
(B, H, Hw) - See Statewide  
MOHAVE COUNTY  
(B, H, Hw) - See Statewide  
PIUTE COUNTY  
(B, H, Hw) - See Statewide  
RICH COUNTY  
(B, H, Hw) - See Statewide  
SALT LAKE COUNTY  
(B, H, Hw) - See Statewide  
SAN JUAN COUNTY  
(B, H, Hw) - See Statewide  
SAMPETE COUNTY  
(B, H, Hw) - See Statewide  
SEVIER COUNTY  
(B, H, Hw) - See Statewide  
SHARPS COUNTY  
(B, H, Hw) - See Statewide  
TOOE COUNTY  
(B, H, Hw) - See Statewide  
UTAH COUNTY  
(B, H, Hw) - See Statewide  
UTAH COUNTY  
(B, H, Hw) - See Statewide  
WASATCH COUNTY  
(B, H, Hw) - See Statewide  
WASHINGTON COUNTY  
(B, H, Hw) - See Statewide

UTAH (Cont'd.)

WAYNE COUNTY  
(B, H, Hw) - See Statewide  
WEBER COUNTY  
(B, H, Hw) - See Statewide  
VERMONT  
Statewide (Except Rutland County)  
Decision #AQ-3184 (Hw)  
39 FR 24203 - 6/28/74  
Mod. #1 - 39 FR 27397 - 7/26/74  
Mod. #2 - 40 FR 16497 - 4/11/75  
Mod. #3 - 40 FR 21657 - 5/16/75  
ADISON COUNTY  
(H, Hw) - See Statewide  
BENSON COUNTY  
(H, Hw) - See Statewide  
CALDONIA COUNTY  
(H, Hw) - See Statewide  
CHITTENDEN COUNTY  
(H, Hw) - See Statewide  
ESSEX COUNTY  
(H, Hw) - See Statewide  
FRANKLIN COUNTY  
(H, Hw) - See Statewide  
GRAND ISLE COUNTY  
(H, Hw) - See Statewide  
LANOLLE COUNTY  
(H, Hw) - See Statewide  
ORANGE COUNTY  
(H, Hw) - See Statewide  
OBERLIN COUNTY  
(H, Hw) - See Statewide  
RUTLAND COUNTY  
None  
WASHINGTON COUNTY  
(H, Hw) - See Statewide  
WINDHAM COUNTY  
(H, Hw) - See Statewide  
WINDSOR COUNTY  
(H, Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY  
Decision #AP-805 (Hw)  
38 FR 11279 - 4/1/73  
Mod. #1 - 38 FR 13127 - 5/18/73  
Mod. #2 - 40 FR 15264 - 4/4/75  
Mod. #3 - 40 FR 23631 - 5/30/75  
Decision #D75-3008 (D)  
40 FR 3094 - 1/17/75  
Mod. #1 - 40 FR 14204 - 3/28/75  
ALBEMARLE COUNTY  
Decision #AM-1874 (Hw)  
36 FR 16342 - 8/20/71  
Mod. #1 - 40 FR 15284 - 4/4/75  
ALEXANDRIA CITY  
Decision #D75-3002 (B)  
40 FR 26203 - 6/20/75  
Mod. #1 - 40 FR 28312 - 7/3/75  
Mod. #2 - 40 FR 29453 - 7/11/75  
ALLEGANY COUNTY  
Decision #AL-1875 (Hw)  
36 FR 16343 - 8/20/71  
Mod. #1 - 37 FR 5169 - 3/10/72  
Mod. #2 - 40 FR 15284 - 4/4/75  
AMELIA COUNTY  
Decision #AR-2032 (Hw)  
39 FR 31871 - 8/30/74  
AMHERST COUNTY  
Decision #AQ-2032 (Hw)  
38 FR 33259 - 11/30/73  
APPOMATTOX COUNTY  
(Hw) - See Amherst County  
ARLINGTON COUNTY  
(D) - See Accomack County  
AUGUSTA COUNTY  
Decision #AP-9320 (B)  
37 FR 10267 - 5/19/72  
Mod. #1 - 40 FR 15284 - 4/4/75  
Mod. #2 - See Alleghany County  
BATH COUNTY  
(Hw) - See Alleghany County  
BEDFORD CITY  
(Hw) - See Bedford County  
BEDFORD COUNTY  
Decision #AQ-2021 (Hw)  
38 FR 27744 - 10/5/73  
Decision #AQ-2020 (Hw)  
38 FR 27744 - 10/5/73  
Mod. #1 - 40 FR 15285 - 4/4/75  
BOTETOWN COUNTY  
(Hw) - See Bedford County

VIRGINIA (Cont'd.)

BRISTOL CITY  
(Hw) - See Bland County  
BRUNSWICK COUNTY  
(Hw) - See Amelia County  
BUCHANAN COUNTY  
(Hw) - See Bland County  
BUCKINGHAM COUNTY  
(Hw) - See Amherst County  
BUENA VISTA CITY  
(Hw) - See Allegheny County  
CAMPELL COUNTY  
(Hw) - See Amherst County  
CAROLINE COUNTY  
Decision #AQ-2031 (Hw)  
38 FR 33259 - 11/30/73  
CHARL COUNTY  
(Hw) - See Bedford County  
CHARLES CITY COUNTY  
(Hw) - See Amelia County  
CHARLOTTE COUNTY  
(Hw) - See Amherst County  
CHARLOTTESVILLE CITY  
(Hw) - See Albemarle County  
CHESAPEAKE CITY  
Decision #AP-3005 (B)  
40 FR 944 - 1/3/75  
Mod. #1 - 40 FR 14217 - 3/28/75  
Mod. #2 - 40 FR 17473 - 4/18/75  
Mod. #3 - 40 FR 22742 - 5/23/75  
Mod. #4 - 40 FR 23435 - 7/11/75  
Decision #AP-494 (Hw)  
38 FR 693 - 3/23/73  
(D) - See Accomack County  
CHESTERFIELD COUNTY  
(Hw) - See Amelia County  
CLARKE COUNTY  
Decision #AP-406 (R)  
37 FR 15234 - 7/28/72  
Mod. #1 - 40 FR 15284 - 4/4/75  
(Hw) - See Alleghany County  
CLIFTON FORGE CITY  
(Hw) - See Alleghany County  
COLONIAL HEIGHTS CITY  
(Hw) - See Amelia County  
COVINGTON CITY  
(Hw) - See Alleghany County  
GRADY COUNTY  
(Hw) - See Bedford County







WASHINGTON, D. C.  
Decision #DC75-3061 (B, Hw, W&S)  
40 FR 26242 - 6/20/75  
Mod. #1 - 40 FR 28312 - 7/3/75  
Mod. #2 - 40 FR 29455 - 7/11/75  
Decision #1075-3006 (U)  
40 FR 3093 - 1/17/75  
Mod. #1 - 40 FR 12403 - 3/20/75

WEST VIRGINIA

STATEWIDE  
Decision #W75-3009 (H, Hw)  
40 FR 4883 - 1/31/75  
Mod. #1 - 40 FR 10883 - 3/7/75  
Mod. #2 - 40 FR 14217 - 3/28/75  
BARBOUR COUNTY  
Decision #W75-3007 (B)  
40 FR 4146 - 3/7/75  
Mod. #1 - 40 FR 8700 - 2/26/75  
Mod. #2 - 40 FR 10883 - 3/7/75  
Mod. #3 - 40 FR 14217 - 3/28/75  
Mod. #4 - 40 FR 16497 - 4/11/75  
Mod. #5 - 40 FR 21659 - 5/16/75  
(H, Hw) - See Statewide  
BERKELEY COUNTY  
(H, Hw) - See Statewide  
BOONE COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
BRAXTON COUNTY  
(H, Hw) - See Statewide  
BROOKE COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
CABELL COUNTY  
(B) - See Barbour County  
Decision #175-2036 (D)  
40 FR 6023 - 2/7/75  
(H, Hw) - See Statewide  
CALHOUN COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
CLAY COUNTY  
(H, Hw) - See Statewide  
DOOLITTLE COUNTY  
(H, Hw) - See Statewide  
FAYETTE COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
GILMER COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
GRANT COUNTY  
(H, Hw) - See Statewide  
GREENRIER COUNTY  
(H, Hw) - See Statewide  
HARRISBURG COUNTY  
(H, Hw) - See Statewide  
HARDY COUNTY  
(B) - See Barbour County  
HARRISON COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

JACKSON COUNTY  
(D) - See Cabell County  
(H, Hw) - See Statewide  
(B) - See Barbour County  
JEFFERSON COUNTY  
(H, Hw) - See Statewide  
KANAWHA COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
Decision #AR-2058 (R)  
39 FR 35948 - 10/4/74  
Mod. #1 - 39 FR 44913 - 12/27/74  
(H, Hw) - See Statewide  
LEWIS COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
LINCOLN COUNTY  
(H, Hw) - See Statewide  
LOGAN COUNTY  
(H, Hw) - See Statewide  
MC DONELL COUNTY  
(H, Hw) - See Statewide  
MARION COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
MARSHALL COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
MASON COUNTY  
(B) - See Barbour County  
(D) - See Cabell County  
(H, Hw) - See Statewide  
MERCER COUNTY  
(H, Hw) - See Statewide  
MINERAL COUNTY  
(H, Hw) - See Statewide  
MINGO COUNTY  
(B) - See Barbour County  
MONROE COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
MORGAN COUNTY  
(H, Hw) - See Statewide  
NICHOLAS COUNTY  
(H, Hw) - See Statewide  
OHIO COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
PENNINGTON COUNTY  
(H, Hw) - See Statewide  
PLEASANT COUNTY  
(D) - See Cabell County  
(H, Hw) - See Statewide  
(B) - See Barbour County

WEST VIRGINIA (Cont'd.)

PRESTON COUNTY  
(H, Hw) - See Statewide  
PUTNAM COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
RALEIGH COUNTY  
(H, Hw) - See Statewide  
RANDOLPH COUNTY  
(H, Hw) - See Statewide  
RITCHIE COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
ROANE COUNTY  
(B) - See Barbour County  
SUMMERS COUNTY  
(H, Hw) - See Statewide  
TAYLOR COUNTY  
(H, Hw) - See Statewide  
TUCKER COUNTY  
(H, Hw) - See Statewide  
TYLER COUNTY  
(H, Hw) - See Statewide  
UPSHUR COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
WAYNE COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
WEBSTER COUNTY  
(H, Hw) - See Statewide  
WETZEL COUNTY  
(B) - See Barbour County  
(D) - See Cabell County  
(H, Hw) - See Statewide  
WIRT COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
WOOD COUNTY  
(B) - See Cabell County  
(H, Hw) - See Statewide  
WYOMING COUNTY  
(H, Hw) - See Statewide

WISCONSIN

STATEWIDE  
Decision #W75-2047 (Hw)  
40 FR 8757 - 2/28/75  
Decision #W75-2048 (H, Sewer, Tunnel,  
& Water)  
40 FR 12059 - 3/14/75  
ADAMS COUNTY  
(H, Hw, W&S) - See Statewide  
ASHLAND COUNTY  
Decision #W75-2079 (D)  
40 FR 29490 - 3/7/75  
Mod. #1 - 40 FR 32552 - 8/1/75  
(H, Hw, W&S) - See Statewide  
Decision #AR-3151 (B, R)  
39 FR 36706 - 10/11/74  
Mod. #1 - 40 FR 21657 - 5/16/75  
BARRON COUNTY  
(B) - See Polk County  
(H, Hw, W&S) - See Statewide  
BAUMHART COUNTY  
(B) - See Ashland County  
(H, Hw, W&S) - See Statewide  
BROWN COUNTY  
Decision #AR-3153 (B)  
39 FR 36825 - 10/11/74  
Mod. #1 - 40 FR 21658 - 5/16/75  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide  
BURRIDGE COUNTY  
(H, Hw, W&S) - See Statewide  
BURRIDGE COUNTY  
(H, Hw, W&S) - See Statewide  
CALUMET COUNTY  
(H, Hw, W&S) - See Statewide  
CHIPPewa COUNTY  
(H, Hw, W&S) - See Statewide  
(B, R) - See Eau Claire County  
CLARK COUNTY  
(H, Hw, W&S) - See Statewide  
COLUMBIA COUNTY  
(H, Hw, W&S) - See Statewide  
CRAWFORD COUNTY  
(H, Hw, W&S) - See Statewide  
DANE COUNTY  
(H, Hw, W&S) - See Statewide  
Decision #AR-3155 (B, R)  
39 FR 36829 - 10/11/74  
Mod. #1 - 40 FR 10204 - 4/25/75  
DOUGLASS COUNTY  
(H, Hw, W&S) - See Statewide  
DOOR COUNTY  
(B) - See Ashland County  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide  
DOUGLAS COUNTY  
(B, R) - See Ashland County  
DURN COUNTY  
(B) - See Polk County  
(H, Hw, W&S) - See Statewide  
EAU CLAIRE COUNTY  
Decision #AR-3154 (B, R)  
39 FR 36827 - 10/11/74  
Mod. #1 - 40 FR 10204 - 4/25/75  
(H, Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

FLORENCE COUNTY  
(H, Hw, W&S) - See Statewide  
FOND DU LAC COUNTY  
(H, Hw, W&S) - See Statewide  
FOREST COUNTY  
(H, Hw, W&S) - See Statewide  
GREEN COUNTY  
(H, Hw, W&S) - See Statewide  
(B) - See Rock County  
(H, Hw, W&S) - See Statewide  
GREEN LAKE COUNTY  
(B) - See Winnebago County  
(H, Hw, W&S) - See Statewide  
IOWA COUNTY  
(B) - See Dane County  
(H, Hw, W&S) - See Statewide  
IRON COUNTY  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide  
JACKSON COUNTY  
(H, Hw, W&S) - See Statewide  
JEFFERSON COUNTY  
(H, Hw, W&S) - See Statewide  
JUNEAU COUNTY  
(H, Hw, W&S) - See Statewide  
Decision #AR-3158 (B)  
39 FR 36835 - 10/11/74  
Mod. #1 - 40 FR 18285 - 4/25/75  
KENOSHA COUNTY  
(H, Hw, W&S) - See Statewide  
Decision #AR-3159 (B, R)  
39 FR 36837 - 10/11/74  
Mod. #1 - 39 FR 41662 - 1/29/74  
KEWAUNEE COUNTY  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide  
Decision #AR-3160 (B, R)  
39 FR 36839 - 10/11/74  
Mod. #1 - 40 FR 18286 - 4/25/75  
(H, Hw, W&S) - See Statewide  
LA FAYETTE COUNTY  
(H, Hw, W&S) - See Statewide  
LANGlade COUNTY  
(B) - See Marathon County  
(H, Hw, W&S) - See Statewide  
LINCOLN COUNTY  
(B) - See Marathon County  
(H, Hw, W&S) - See Statewide  
MARATHON COUNTY  
(H, Hw, W&S) - See Statewide  
Decision #AR-3161 (B)  
39 FR 36840 - 10/11/74  
Mod. #1 - 40 FR 18286 - 4/25/75  
(H, Hw, W&S) - See Statewide  
MARSHETTE COUNTY  
(D) - See Ashland County



WYOMING (Cont'd.)  
WESTON COUNTY  
(Hw) - See Statewide  
YELLOWSTONE NATIONAL PARK  
(Hw) - See Statewide

## WORKING

## WISCONSIN (Cont'd.)

## WISCONSIN (Cont'd.)

MARQUETTE COUNTY  
(B) - See Minnabago County  
(H, Hw, M&S) - See Statewide  
MENOMINEE COUNTY  
(H, Hw, M&S) - See Statewide  
MILWAUKEE COUNTY  
Decision #AR-3162 (B, R)  
39 FR 36833 - 10/11/74  
Mod. #1 - 40 FR 18284 - 4/25/75  
(H, Hw, M&S) - See Statewide  
MONROE COUNTY  
(H, Hw, M&S) - See Statewide  
OCONTO COUNTY  
(O) - See Ashland County  
(H, Hw, M&S) - See Statewide  
ONEIDA COUNTY  
(H, Hw, M&S) - See Statewide  
OUTAGAMIE COUNTY  
(H, Hw, M&S) - See Statewide  
OZAUCHEE COUNTY  
(B, R) - See Milwaukee County  
(H, Hw, M&S) - See Statewide  
PEPIN COUNTY  
(B, R) - See Eau Claire County  
(H, Hw, M&S) - See Statewide  
PIERCE COUNTY  
(H, Hw, M&S) - See Statewide  
POLK COUNTY  
Decision #AR-3152 (B)  
39 FR 36823 - 10/11/74  
Mod. #1 - 40 FR 18284 - 4/25/75  
(H, Hw, M&S) - See Statewide  
PORTAGE COUNTY  
(H, Hw, M&S) - See Statewide  
PRICE COUNTY  
(H, Hw, M&S) - See Statewide  
RACINE COUNTY  
Decision #M175-2064 (B, R)  
40 FR 21691 - 5/16/75  
(O) - See Ashland County  
(H, Hw, M&S) - See Statewide  
RICHLAND COUNTY  
(H, Hw, M&S) - See Statewide  
ROCK COUNTY  
Decision #AR-3156 (B)  
39 FR 36831 - 10/11/74  
Mod. #1 - 40 FR 21658 - 5/16/75  
(H, Hw, M&S) - See Statewide  
RUSK COUNTY  
(H, Hw, M&S) - See Statewide  
SAINT CROIX COUNTY  
(B) - See Polk County  
(H, Hw, M&S) - See Statewide  
SAKONNET COUNTY  
(B) - See Dane County  
(H, Hw, M&S) - See Statewide  
SAVYER COUNTY  
(H, Hw, M&S) - See Statewide

STATEWIDE  
Decision #M175-5011 (Hw)  
40 FR 4879 - 1/31/75  
Mod. #1 - 40 FR 1897 - 4/11/75  
Mod. #2 - 40 FR 26187 - 6/20/75  
ALBANY COUNTY  
(Hw) - See Statewide  
BENSALEM COUNTY  
(Hw) - See Statewide  
CAMBELL COUNTY  
(Hw) - See Statewide  
CARBON COUNTY  
(Hw) - See Statewide  
CONVERSE COUNTY  
Decision #M175-5073 (B, H)  
40 FR 26247 - 6/20/75  
(Hw) - See Statewide  
CROOK COUNTY  
(Hw) - See Statewide  
FRANKLIN COUNTY  
(Hw) - See Statewide  
GOSWELL COUNTY  
(Hw) - See Converse County  
(B, H) - See Statewide  
HOT SPRINGS COUNTY  
(Hw) - See Statewide  
JOHNSON COUNTY  
(Hw) - See Statewide  
LARAMIE COUNTY  
(B, H) - See Converse County  
(B, H) - See Statewide  
LINCOLN COUNTY  
(Hw) - See Statewide  
NATRONA COUNTY  
(Hw) - See Converse County  
(B, H) - See Statewide  
NIOBARA COUNTY  
(B, H) - See Converse County  
(Hw) - See Statewide  
PARK COUNTY  
(Hw) - See Statewide  
PLATTE COUNTY  
(B, H) - See Converse County  
(Hw) - See Statewide  
SHERIDAN COUNTY  
(Hw) - See Statewide  
SUBLETTE COUNTY  
(Hw) - See Statewide  
SHEETWATER COUNTY  
(Hw) - See Statewide  
TETON COUNTY  
(Hw) - See Statewide  
UNITA COUNTY  
(Hw) - See Statewide  
WASHAKIE COUNTY  
(Hw) - See Statewide

SHAWANO COUNTY  
(H, Hw, M&S) - See Statewide  
SHEBOYGAN COUNTY  
(O) - See Ashland County  
TAYLOR COUNTY  
(H, Hw, M&S) - See Statewide  
TREMPEALEAU COUNTY  
(H, Hw, M&S) - See Statewide  
VERNON COUNTY  
(H, Hw, M&S) - See Statewide  
VILAS COUNTY  
(H, Hw, M&S) - See Statewide  
WALNORTH COUNTY  
(H, Hw, M&S) - See Statewide  
WASHBURN COUNTY  
(H, Hw, M&S) - See Statewide  
WASHINGTON COUNTY  
(B, R) - See Milwaukee County  
(H, Hw, M&S) - See Statewide  
WAUKESHA COUNTY  
(B, R) - See Milwaukee County  
(H, Hw, M&S) - See Statewide  
WAUPACA COUNTY  
(B) - See Minnabago County  
(H, Hw, M&S) - See Statewide  
WISCONSIN COUNTY  
(B) - See Minnabago County  
(H, Hw, M&S) - See Statewide  
WINNEBAGO COUNTY  
Decision #AR-3157 (B)  
39 FR 36833 - 10/11/74  
Mod. #1 - 40 FR 20562 - 5/9/75  
(H, Hw, M&S) - See Statewide  
WOOD COUNTY  
(H, Hw, M&S) - See Statewide

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# federal register

FRIDAY, SEPTEMBER 5, 1975



## PART VII:

## DEPARTMENT OF THE INTERIOR

### PRIVACY ACT OF 1974

#### Notice of Systems of Records

#### DEPARTMENT OF THE INTERIOR Office of the Secretary

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## DEPARTMENT OF THE INTERIOR

## Office of the Secretary

## PRIVACY ACT OF 1974

## Notices of Systems of Records

Notice is hereby given that the Department of the Interior proposes to adopt notices describing the systems of records subject to section 3 of the Privacy Act of 1974, 5 U.S.C. Section 552a, which it maintains. Although the Act requires publication for comment of only that portion of each notice which describes the "routine uses" of a system of records, the Department is publishing and invites comment upon all parts of each notice.

The proposed notices are the product of a several month effort by the Department to identify records which it maintains, which are subject to the Privacy Act. In making final decisions about the coverage of the Act, the Department was guided by the guidelines for Privacy Act implementation published by the Office of Management and Budget in the *FEDERAL REGISTER* for July 9, 1975 (40 FR 28949-28978).

The format for the proposed notices is the format recommended by the Office of the Federal Register in the *FEDERAL REGISTER* for June 19, 1975 (40 FR 25988-25990).

The following remarks should clarify some of the principles which guided the Department in identifying records subject to the Act, in making decisions concerning the configuration of these records into systems of records, and in preparation of notices describing these systems.

The provisions of section 3 of the Privacy Act apply generally to all "records" which are maintained in a "system of records." The term "record" is defined by the Act to mean "any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph." 5 U.S.C. Section 552a(a)(4). The term "individual," which is necessarily crucial in interpreting the term "record," is defined to mean "a citizen of the United States or an alien lawfully admitted for permanent residence." 5 U.S.C. Section 552a(a)(1).

The term "system of records" means "a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual." 5 U.S.C. Section 552a(a)(5).

In synthesizing these three definitions, the Department developed several principles which it applied in considering the application of the Act to records in its files.

First, the Department concluded that the Act did not reach records concerning individuals acting in an entrepreneurial or proprietary capacity, as opposed to records containing purely personal in-

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formation about individuals. This conclusion is based, in part, on the plain words of the definition of "individual." Natural persons may be citizens; artificial persons cannot. *Orient Ins. Co. v. Daggs*, 172 U.S. 557 (1869). Fictional business entities thus cannot be citizens. Information on such an entity, even though the entity may be closely tied with a natural person, is not "information about an individual." The Department's conclusion is reinforced by the legislative history of the Act. As pointed out and discussed in more detail in the OMB guidelines, the Senate Report states that the definition of individual is intended to "distinguish between the rights which are given to the citizen as an individual under this Act and the rights of proprietorships, businesses and corporations which are not intended to be covered by this Act." S. Rept. 1183, 93d Cong., 2d Sess. 79 (1974).

Based on this conclusion, the Department has not included as systems collections of records appearing to pertain only to businesses (including sole proprietorships, partnerships, and corporations).

The Department recognizes, however, that in some instances records pertaining to very small business may have a dual character. Information concerning the finances of a sole proprietorship may, in some cases, also be personal financial information concerning the proprietor in his individual capacity. Because of this possibility, the Department has included as systems some collections of records which contain primarily entrepreneurial information, but which may contain some small amount of information which is personal in character. In most cases, the notices for these systems contain a statement under the heading "Category of Individual" explaining the basis on which they were included. It is the Department's understanding that the collections of records covered by these system notices are "systems" subject to the Act only to the extent that they contain personal information. The entrepreneurial component of the collections is not subject to the Act.

The Department intends to follow closely any litigation which should develop on this difficult point and, if necessary, will adjust its notices to accommodate the law which develops out of such litigation.

Second, the Department concluded that collections of records containing personal information about individuals were not "systems" if that information is not retrieved by individual name or identifier. This reading seems to be the only one which can be given to the definition of "system of records."

Despite this conclusion, the Department has been fairly liberal in deciding whether personal information "is" retrieved by individual name or identifier. Included among the Department's systems are several from which information can physically be retrieved by individual name, but for which there is no significant history of use of this capability. It was the Department's conclusion with respect to these systems that the potential for such retrieval ought to be viewed as bringing them within the Act

because the information in the systems was information in which individuals may have some privacy interest.

With respect to personal information not retrieved by individual name and thus not subject to the Act, the Department, of course, will, in the spirit of the Privacy Act, exercise appropriate caution in the handling and dissemination of records. In particular, invocation of the sixth exemption from the Freedom of Information Act's disclosure requirements will be seriously considered when such information is sought in a Freedom of Information request.

Third, the Department concluded that the Privacy Act does not reach records kept by employees which are not official records. It is the Department's view that personal records maintained by an employee are not under its control and, accordingly not "maintained by an agency" within the meaning of 5 U.S.C. section 552a(a)(4). In reaching this conclusion, the Department relied upon the analysis offered at page 28952 of the OMB guidelines.

The Department views this conclusion as excluding only a fairly narrow category of records from coverage by the Act, however. The type of records excluded are mainly personal telephone lists; birthday and similar lists developed by employees on their own time for purposes of exchanging greeting cards or gifts; and similar documents.

Fourth, the Department concluded that the Act does not apply to published works, including library books and standard research and reference authorities. The basis of this conclusion is the doctrine of statutory interpretation that legislation ought not to be interpreted so as to yield an absurd result. Even though a library book may contain personal information and may be retrievable by individual name through a card catalogue, application of the Privacy Act protections to that book would serve no sensible purpose. The publication of a book containing very sensitive personal information concerning a person may give rise to an action for damages, see, e.g., *Garner v. Triangle Publications*, 97 F. Supp. 546 (S.D.N.Y. 1951), but locking up the Government's copies of the book cannot reasonably be viewed as ameliorating the invasion of privacy which has occurred or protecting the individual from further invasions of privacy or adverse consequences stemming therefrom. Further, it would necessarily be beyond the capability of the Department to assure that the contents of the books in its many libraries are timely and accurate.

Fifth, the Department concluded that mailing lists containing solely lists of names and addresses are not "systems of records." The definition of "record," as quoted above, offers as examples of items of information within its scope information concerning "education, financial transactions, medical history, and criminal or employment history." Applying the principle of *eiusdem generis*, the Department is of the view that the words "item, collection or grouping of information" must be read as applying to things of the same general kind or class as those mentioned. The Department does not view an individual's address, without

more, as being in the same class as the specifically enumerated items in the definition.

The Department's conclusion on this point does not mean that mailing lists which it maintains are open to the world. Subsection (n) of 5 U.S.C. § 552a precludes the sale of mailing lists and the Department will observe this prohibition. Further, where mailing lists are requested under the Freedom of Information Act, it will be the policy of the Department to consider carefully the application of exemption (6) and to withhold such lists where, even though disclosure in and of itself may not constitute an invasion of privacy, the requester will use the list in such a way as to invade personal privacy by, for example, conducting a commercial solicitation. See, *Wine Hobby USA, Inc. v. I.R.S.*, 502 F.2d 133 (3rd Cir. 1974).

Further, mailing lists integrated with information beyond name and address are covered in the Department's system notices.

Finally, the Department concluded that, in resolving close questions concerning the application of the Act to records, it should view the Act as applicable if there was a significant possibility that the records might be used to make determinations adverse to an individual. As a result of this decision, the Department included as systems several collections of records which it might not have otherwise included. For example, the Supervisor's Record of Employees System, Interior/Office of the Secretary—16 is defined to include a supervisor's personal notes concerning employee conduct. An argument could have been made for excluding such notes on the ground that they are not "official records," but was not because of the possibility that these records might be used in making adverse determinations about employees.

The Department has not generally prepared notices covering records which are or will be covered in general Government-wide notices issued by other agencies. The principal category of records excluded from the Department's notices by this decision is official personnel records. These records will be covered in a series of general notices issued by the Civil Service Commission, which is, in any event, the technical owner of official personnel records in the hands of the Department.

In configuring collections of records subject to the Act into systems for purposes of notice publication, the Department's policy was to aggregate similar records maintained in widely dispersed locations geographically into either bureau- or Department-wide systems. Three factors influenced this decision. First, the Department concluded that such aggregation would promote greater uniformity and central direction in the handling and maintenance of records within the system, hence reducing the possibility of abuses. Second, the Department concluded that keeping the number of system notices which it needed to publish at a minimum would permit individuals to more readily identify general groupings of records which might contain information pertaining

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to them. Finally, the Department concluded that preparing separate notices for each component of decentralized systems would involve an unjustifiable expenditure of the taxpayers' money. Rather than the approximately 200 notices which the Department is proposing, this approach would have compelled preparation and publication of 5000 or more notices.

In organizing the proposed notices for publication, the Department has grouped the notices by bureau. While the Department views itself, for Privacy Act purposes, as a single agency, it was felt that organization of notices by bureau would facilitate easy location of records by individuals seeking to determine if the Department maintains records pertaining to them. This will be particularly so because a large portion of the Department's notices relate to administrative management matters (payroll, property management, travel, and so forth) which would be of particular interest to employees in the various bureaus of the Department.

The notices are organized in the following order:

Office of the Secretary  
Office of the Solicitor  
Office of Hearings and Appeals (OHA)  
Fish and Wildlife Service (FWS)  
Geological Survey (GS)  
Bureau of Indian Affairs (BIA)  
Bureau of Land Management (BLM)  
Bureau of Mines (Mines)  
Mining Enforcement and Safety Administration (MESA)  
National Park Service (NPS)  
Bureau of Outdoor Recreation (BOR)  
Bureau of Reclamation (Reclamation)  
Alaska Power Administration  
Bonneville Power Administration (BPA)  
Southeastern Power Administration  
Southwestern Power Administration

It should be noted that under the category of Office of the Secretary, the Department has included not only notices covering records maintained exclusively within offices making up the Office of the Secretary, but several notices describing Department-wide systems of records.

Within the notice format, the Department has made one deviation which may not have been required by the Act or the format guidelines developed by the Office of the Federal Register. It has been persuasively argued that the "routine uses" for records subject to the Act can be distinguished from the primary or main use which is made of the records. The basis of this distinction is subsection 552a(a)(7), which defines "routine use" to mean use of a record "for a purpose which is compatible with the purpose for which it was collected." This definition suggests that use of a record for the purpose for which it was collected is not a routine use and, hence, that only corollary uses are "routine uses." While the Department views this distinction as a correct interpretation of the Act, it has nevertheless not applied the distinction in developing the "Routine Uses" section of its system notices. Rather, in preparing the "Routine Uses" section of notices, the Department has in most cases, included both the principal uses for which records in a system are used as well as corollary uses. Ordinarily, the

principal uses are listed first, corollary uses are listed second.

The reason for this decision was to avoid confusion among readers of the Department's notices. The meaning of "routine uses" for purposes of the Act is obviously different from the colloquial meaning of the term and persons not versed in the details of the Privacy Act might well be misled by listing only corollary uses as "routine uses."

The impact of this decision is that many uses of records not involving their transfer outside of the Department of the Interior are listed as "routine uses," when, in a strict sense, they are not really "routine uses." For purposes of applying subsections (b) and (c) of 5 U.S.C. § 552a, which relate to conditions of disclosure and accounting for disclosures, the Department nevertheless will treat internal disclosures to officers or employees having a need for records in the performance of their duties as disclosures permitted by subsection (b)(1), rather than as disclosures under subsection (b)(3), which permits disclosures for "routine uses."

In developing the "Location" item of system notices, the Department determined that listing all locations of decentralized systems in each notice would lead to undue repetition, since a number of systems share common locations. Accordingly, the "Location" item on some notices lists only the categories of offices maintaining records within the system and not the address of each individual office. Final publication of the notices in September will be accompanied by publication of an Appendix listing all of the facilities of the Department and the addresses of these facilities. Persons interested in a particular system will be able to determine the addresses of the facilities at which it is located by cross-referencing the Appendix.

One final matter must be mentioned. The Department is continuing to review and evaluate its record and it is anticipated that an additional group of notices will be published prior to September 27, the effective date of the Act. If time permits, these notices will be published in their entirety as proposed notices. If not, only the "Routine Uses" sections will be published in proposed form. Whichever approach is utilized, the "routine uses" sections of these notices will not be finalized for 30 days after their initial publication, as is required by 5 U.S.C. § 552a(e)(11).

Comments on the proposed notices may be submitted to the Assistant Solicitor, General Legal Services, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, Washington, D.C. 20240. All comments received on or before September 17, 1975, will be considered. Copies of the comments may be inspected in Room 6525 at the above address.

Pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the system of records notices set out below are, accordingly, proposed.

RICHARD R. HITE,  
Deputy Assistant Secretary  
of the Interior.

AUGUST 22, 1975.

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## DEPARTMENT OF THE INTERIOR

System name: COMMITTEE MANAGEMENT FILES -- INTERIOR, OFFICE OF THE SECRETARY...

vice Commission concerning the individuals' background investigation. Further, contains copy of certification of clearance status and

Assistant Secretaries, and their immediate staff assistants; (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records; (3)

requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be



**System name:** COMMITTEE MANAGEMENT FILES -- INTERIOR, OFFICE OF THE SECRETARY--1.

**System location:** (1) DEPARTMENT COMMITTEE MANAGEMENT OFFICER AND BUREAU COMMITTEE MANAGEMENT OFFICERS, (2) HEADQUARTERS OFFICE OF ALL BUREAUS. (SEE APPENDIX FOR ADDRESSES.)

**Categories of individuals covered by the system:** MEMBERS OF ADVISORY COMMITTEES AND CANDIDATES FOR ADVISORY COMMITTEE MEMBERSHIP.

**Categories of records in the system:** BIOGRAPHIES AND RECORDS OF COMMITTEE PARTICIPATION.

**Authority for maintenance of the system:** 5 U.S.C. APP.1.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) TRANSFER TO OMB IN CONNECTION WITH ITS COMMITTEE MANAGEMENT RESPONSIBILITIES (2) PRESS RELEASES ANNOUNCING APPOINTMENTS. (3) TRANSFER TO OTHER FEDERAL AGENCIES WHICH HAVE JOINT RESPONSIBILITY FOR ADVISORY COMMITTEES OR WHICH RECEIVE OR UTILIZE ADVICE OF THE COMMITTEES. (4) TRANSFER TO THE U.S. DEPARTMENT OF JUSTICE IN THE EVENT OF LITIGATION OR POTENTIAL LITIGATION INVOLVING THE RECORDS OR THE SUBJECT MATTER OF THE RECORDS. (5) TRANSFER IN THE EVENT THERE IS INDICATED A VIOLATION OR POTENTIAL VIOLATION OF A STATUTE, REGULATION, RULE, ORDER OR LICENSE, WHETHER CIVIL, CRIMINAL OR REGULATORY IN NATURE, TO THE APPROPRIATE AGENCY OR AGENCIES, WHETHER FEDERAL, STATE, LOCAL OR FOREIGN, CHARGED WITH THE RESPONSIBILITY OF INVESTIGATION OR PROSECUTING SUCH VIOLATION OR CHARGED WITH ENFORCING OR IMPLEMENTING THE STATUTE, RULE, REGULATION, ORDER OR LICENSE VIOLATED OR POTENTIALLY VIOLATED.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) STORAGE -- MAINTAINED IN FILE FOLDERS. (2) RETRIEVABILITY -- FILED BY COMMITTEE OR BUREAU. (3) SAFEGUARD -- MAINTAINED WITH SAFEGUARDS MEETING THE REQUIREMENTS OF 43 CFR 2.51 FOR MANUAL RECORDS. (4) DISPOSAL -- DEPARTMENT COMMITTEE MANAGEMENT OFFICE RECORDS ARE MAINTAINED NO LONGER THAN TWO YEARS. BUREAU RECORDS ARE SUBJECT TO BUREAU DISPOSAL SCHEDULES.

**System manager(s) and address:** DEPARTMENT COMMITTEE MANAGEMENT OFFICER, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, D.C. 20240.

**Notification procedure:** SYSTEM MANAGER. A WRITTEN AND SIGNED REQUEST STATING THAT THE REQUESTER SEEKS INFORMATION CONCERNING RECORDS PERTAINING TO HIM IS REQUIRED. SEE 43 CFR 2.60.

**Record access procedures:** A REQUEST FOR ACCESS MAY BE ADDRESSED TO THE SYSTEM MANAGER. THE REQUEST MUST BE IN WRITING AND BE SIGNED BY THE REQUESTER. THE REQUEST MUST MEET THE CONTENT REQUIREMENTS OF 43 CFR 2.63.

**Contesting record procedures:** A PETITION FOR AMENDMENT SHALL BE ADDRESSED TO THE SYSTEM MANAGER AND MUST MEET THE REQUIREMENTS OF 43 CFR 2.71.

**Record source categories:** INDIVIDUAL MEMBERS OR CANDIDATES FOR MEMBERSHIP. PERSONS recommending or proposing or having knowledge of the qualifications of an individual.

**System name:** Security Clearance Files -- Interior, Office of the Secretary--2.

**System location:** Office of the Secretary, Office of Management Operations (AMO), Division of Enforcement and Security Management, Room 6226, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Office of the Secretary personnel, Heads of Bureaus, and their respective Bureau Security Officers whose duties have been designated critical sensitive or non-critical sensitive.

**Categories of records in the system:** Contains copies of SF-85 or SF-86 and/or SF-171 supplied by individual concerned as well as copies of letters of transmittal between Interior and U.S. Civil Ser-

vice Commission concerning the individuals' background investigation. Further, contains copy of certification of clearance status and briefing and/or debriefing certificate signed by individual as appropriate.

**Authority for maintenance of the system:** Executive Order 10450.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identification of Office of the Secretary personnel and Heads of Bureaus and their respective Security Officers who have been granted a security clearance, as well as those persons in a pending clearance status awaiting the results and adjudication of Civil Service Commission investigations, or those persons whose clearance has been terminated in the last two years due to administrative downgrading, transfer to other agencies, employment retirement, or death. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violations or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (4) Disclosure to a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in 8 x 10 1/2 inch folders. (2) Retrievability -- indexed by name. (3) Safeguards -- stored in a locked room in manipulation-proof 3-way combination lock steel safes. Access granted only to cleared personnel on official business. (4) Retention and disposal -- records are maintained in active status until the individual is debriefed; held for two years and then destroyed.

**System manager(s) and address:** Chief, Division of Enforcement and Security Management, AMO, Room 6222, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** Same as the above. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained as well as data furnished by other Federal agencies on the person concerned.

**System name:** Secretarial Subject Files -- Interior, Office of the Secretary--3.

**System location:** Office of the Secretary, Office of Management Operations (AMO), Central Files Section, Room 6013, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Those who have had correspondence with the Office of the Secretary.

**Categories of records in the system:** Index cards containing the name, dates, and subject codes for retrieval of subject files, subject files of correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) These subject files reflect all operational, program, and policy decisions of the Secretary of the Interior, Solicitor, Assistant Secretaries, Deputy

Assistant Secretaries, and their immediate staff assistants; (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records; (3) Transfer to other Federal agencies or entities having a subject matter interest in the records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- index cards maintained on 3' x 5' cards, correspondence filed in 9 1/2' x 12' folders. (2) Retrievability -- indexed by name. (3) Safeguards -- stored in locked office. (4) Retention and Disposal -- permanent.

**System manager(s) and address:** Records Manager, AMO, Room 6013, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Same as the above. See 43 CFR 2.60 for submission requirements.

**Record access procedures:** Same as the above. See 43 CFR 2.63 for submission requirements.

**Contesting record procedures:** Same as the above. See 43 CFR 2.71 for submission requirements.

**Record source categories:** Correspondence or documents signed at the Secretarial level.

**System name:** Financial Interest Statements and Ethics Counselor Decisions -- Interior, Office of the Secretary--4.

**System location:** (1) Office of Audit and Investigation, U.S. Department of the Interior, 18th and C St., N.W., Washington, D.C. 20240. (2) Bureau and office Ethics Counsellors, Deputy Ethics Counsellors and Assistant Ethics Counsellors. (A list may be obtained from the Department Ethics Counsellor, Office of Audit and Investigation.)

**Categories of individuals covered by the system:** Current or past Interior Department employees required to file Statement of Employment and Financial Interest as required in 43 CFR 20.735-22.

**Categories of records in the system:** Contains Statement of Employment and Financial Interest (form DI-212 or DI-213) for present or past incumbents in positions required to file such statements by 43 CFR 20.735-22(a). Also contains record of conflict of interest decisions, analysis of financial holdings, employee statement, Solicitor's comments, head of bureau or office comments, and supervisor comments on present or past employees as requested by the bureau or office counselors or needed by the Departmental counselor.

**Authority for maintenance of the system:** (1) 5 USC 7301. (2) 43 USC 11. (3) 30 USC 6. (4) 43 USC 31. (5) 18 USC 201-209. (6) 25 USC 68. (7) E.O. 11222.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Review of employee interests to determine compliance with applicable statutes and regulations. (2) Disclosure to the auditors and Civil Service Commission to perform oversight reviews; (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records; (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in file folders; (2) Retrievability -- filed alphabetically by position or employee name; (3) Safeguards -- maintained in locked file cabinet in locked office; (4) Disposal schedule -- 43 CFR, Part 20.735-22(e)(2) requires disposal two years after employee leaves position requiring the filing of the Statement.

**System manager(s) and address:** Department Ethics Counselor, 18th and C Street, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries may be addressed to the System manager, as indicated above, or to the Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c). (See 43 CFR 2.60 for details on inquiries.)

**Record access procedures:** A request for access may be addressed to the System Manager (for information regarding the entire system) or to the Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c) (for information regarding the specific bureau or office system). The request must be in writing and be signed by the

requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager or to the appropriate Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c), and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Present or past Interior employees required to file Financial Interest Statements, Ethics Counsellors, employee's supervisors, or the Solicitor.

**System name:** Audit Files and Workpapers -- Interior, Office of the Secretary--5.

**System location:** Office of Audit and Investigation at the following locations: (1) 18th and C St., N.W., Washington, D.C. 20240. (2) Eastern Region, 801 19th St., N.W., Washington, D.C. 20240. (3) Central Region, 1841 Wadsworth, Lakewood, Colorado 80215. (4) Central Region, Suboffice, Rm. 334, Old Post Office Bldg., 123 4th St. S.W., Albuquerque, New Mexico 87102. (5) Western Region, Federal Office Bldg., Rm. W2219, 2800 Cottage Way, Sacramento, California 95825. (6) Western Region, Suboffice, 2149 N.E. Hoyt St., Portland, Oregon 97232. (7) Audit site during process of an audit.

**Categories of individuals covered by the system:** Individuals who are or have been subject to an audit.

**Categories of records in the system:** Information such as earnings, employment history, debts, performance, and other personal information.

**Authority for maintenance of the system:** (1) 5 U.S.C. 301. (2) 43 U.S.C. 1457. (3) 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Development and presentation of audit reports which routinely are transmitted throughout the Department and frequently to the U.S. Congress and Federal, State and local government agencies. (2) Transfer to another Federal agency or a state or local government body having partial or complete jurisdiction over the auditee; (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records; (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in binders and file folders; (2) Retrievability -- indexed by audit assignment number and report title, state or bureau; (3) Safeguards -- those files and reports whose contents include items subject to the Privacy Act will be locked and access restricted; (4) Disposal -- (a) grants: last audit retained in office; five years retained in Archives. (b) contracts: current fiscal year plus one past retained in office; five years retained in Archives. (c) internal: two years retained in office; five years retained in Archives. Disposal is authorized after expiration of above time periods.

**System manager(s) and address:** Director of Audit and Investigation, Office of Audit and Investigation, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Same as above. (See 43 CFR 2.60 for details on inquiries.)

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individuals and from records about the individuals.

**System name:** Investigative Records -- Interior, Office of the Secretary--6.

**System location:** Division of Investigation, Office of Audit and Investigation, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Departmental employees, prospective employees, contractors, subcontractors

(prospective contractors and subcontractors), grantees, subgrantees, persons doing business with the Department, private citizens who have contact with the Department or geographical areas under

dividual, social security number, zip code of individual's residence, and organization location. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for compu-

**Record access procedures:** A request for access may be addressed to the System Manager or the field safety office in which the source document for the individual would be filed. The request

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Decisions on Freedom of Information appeals. (2) Preparation of annual report to



(prospective contractors and subcontractors), grantees, subgrantees, persons doing business with the Department, private citizens who have contact with the Department or geographical areas under its jurisdiction.

**Categories of records in the system:** Investigative reports and material pertaining to allegations of violations of law, such as, misconduct by employees, irregularities by contractors, grantees, etc., and irregularities involving the integrity of the policies and practices of the Interior and real and personal property under its jurisdiction.

**Authority for maintenance of the system:** (1) Reorganization Plan No. 3 of 1950, 43 U.S.C. 1951n. (2) 5 U.S.C. 7301. (3) Executive Order No. 11222, 18 U.S.C. 201n. (4) 43 U.S.C. 11. (5) 30 U.S.C. 6. (6) 43 U.S.C. 31. (7) 25 U.S.C. 68.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Ensure compliance with Federal Statutes, regulations, policies, and procedures. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation order or license violated or potentially violated. (4) Disclosure to a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- file folders. (2) Retrievability -- by name. (3) Safeguards -- locked file cabinets within locked rooms. Access to authorized persons only. (4) Retention and Disposal -- reports of complete field investigations are disposed of after 30 years. Matters not subjected to full field investigation are disposed of after 15 years. Destruction is by shredding or burning under supervision.

**System manager(s) and address:** Chief, Division of Investigation, Office of Audit and Investigation, Room 7356, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.

**Systems exempted from certain provisions of the act:** This system is proposed to be exempted from certain provisions of the Privacy Act, including 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (I), under the specific exemption authority provided by 5 U.S.C. 552a(k).

**System name:** Parking Assignment Records -- Interior, Office of the Secretary--7.

**System location:** Office of Management Operations (AMO), Division of General Services, Room 6221, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Individual requesting a parking permit or joining a carpool.

**Categories of records in the system:** The records contain the individual's name, social security number, telephone number at work, service computation date, vehicle model, state of registration, license tag number and the individual's residence address and location of employment.

**Authority for maintenance of the system:** 40 U.S.C. 471, et seq., FMC 74-1 FPMR Temporary Regulation D-43.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Assignment of parking permits and assistance in locating carpools. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the record or the subject matter of the record.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on computer printout. (2) Retrievability -- indexed by name of in-

dividual, social security number, zip code of individual's residence, and organization location. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- records maintained on a current basis.

**System manager(s) and address:** Chief, Division of General Services, AMO, Room 6221, U. S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Same as the above. A written and signed request that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** Same as the above. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Data furnished by the individual.

**System name:** Safety Management Information System -- Interior, Office of the Secretary--8.

**System location:** (1) Division of Safety Management, Office of Management Services, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All field offices and bureau headquarters retain copies of source document. (See Appendix for addresses.)

**Categories of individuals covered by the system:** Employees, contractors, concessioners and public visitors to Interior facilities who have been involved in an accident resulting in personal injury, and/or property damage.

**Categories of records in the system:** Contains the name, social security number (employees only), occupation, date and location of accident; data elements about the accident for analytical purposes; and descriptive narrative concerning the reason for the loss producing event.

**Authority for maintenance of the system:** (1) Executive Order 11807 (September 28, 1974). (2) 29 CFR 1960.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Provide summary data of injury and property loss information to bureaus in a number of formats for analytical purposes in establishing program to reduce or eliminate loss producing problem areas. (2) Provide listings of individual cases to bureaus to insure that all accidents occurring are reported through the Safety Management Information System. (3) Provide to the Department of Labor quarterly listings of fatalities and disabling injuries and illnesses in compliance with 29 CFR 1960.6. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained on magnetic tape, with copies of source document maintained at bureau safety management headquarters, regional, and field offices where accident is reported. (2) Retrievability -- system is indexed by bureau assigned document control number. (3) Safeguards -- maintained with safeguards meeting the "Computer Security Guidelines for Implementing the Privacy Act of 1974." (4) Disposal -- data stored on magnetic tape is retained as a permanent record. Source documents are to be retained at the field level for five years following end of the calendar year to which the record relates.

**System manager(s) and address:** Assistant Director for Safety Management, Office of Management Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** System manager or the field office in which the source document pertaining to the individual would be filed. The source document contained in the field office need not be maintained more than five calendar years past the date of the record as indicated in records disposal. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager or the field safety office in which the source document for the individual would be filed. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Supervisor of employee involved in accident. Investigation conducted by supervisor of employee and may include safety professionals and other management officials of the involved bureau or office.

**System name:** Safety Career Opportunity Plan for Employees -- Interior, Office of the Secretary--9.

**System location:** Division of Safety Management, Office of Management Services, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Individuals who have filed to be included in the SCOPE system.

**Categories of records in the system:** Contains records concerning education, job experience and grade level of safety professionals and others interested in entering the safety profession.

**Authority for maintenance of the system:** 5 U.S.C. 301, 3101; 43 U.S.C. 1457; Departmental Manual, Part 395 Safety Management.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To provide listing of eligible safety professionals to persons requesting same when filling a position. (2) To obtain listing of safety professionals eligible for an announced vacancy in order to provide a copy of the vacancy announcement to all interested, eligible persons.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained on magnetic tape, with copies of source document maintained in Division of Safety Management files. (2) Retrievability -- system is indexed by name. (3) Safeguards -- maintained with the safeguards meeting the "Computer Security Guidelines for Implementing the Privacy Act of 1974." (4) Disposal -- data stored on magnetic tape is kept current by periodic up-date with each record remaining in the SCOPE system until an individual requests that it be corrected or removed.

**System manager(s) and address:** Assistant Director for Safety Management, Office of Management Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Freedom of Information Files -- Interior, Office of the Secretary--10.

**System location:** Office of the Assistant Secretary -- Program Development and Budget, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** (1) Individuals who have filed appeals under Department of the Interior Freedom of Information appeal procedures. (2) Individuals whose Freedom of Information requests to bureaus and offices have required longer than 10 days to process. (3) Individuals whose Freedom of Information requests to bureaus and offices have been denied in whole or part.

**Categories of records in the system:** Appeals, recommendations of Solicitor, Director of Communications, Program Assistant Secretaries and other officials, decisions of Assistant Secretary -- Program Development and Budget, extension of time and initial decisions issued by bureaus and offices.

**Authority for maintenance of the system:** 5 U.S.C. 552.

local or foreign, charged with the responsibility of investigation or

the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Collection and



local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (6) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (7) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual, punch card, micro film and printout form. (2) Retrieval -- indexed by social security number and/or employee name. (3) Safeguards -- maintained in locked room when not being used. (4) Disposal -- retained on site until audited by GAO or transferred to a Federal Records Storage Center in accordance with the fiscal records program approved by GAO, if appropriate, or the applicable GSA General Record Schedule.

**System manager(s) and address:** Chief, Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Employee, previous employers, employing office, official personnel records, and Internal Revenue Service. **System name:** Travel -- Interior, Office of the Secretary--12.

**System location:** (1) Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Input documents supplied by all offices serviced by the Office of Secretarial Operations - Fiscal (See Appendix for addresses.)

**Categories of individuals covered by the system:** Employees of the Office of the Secretary, the other Departmental Offices, the Defense Electric Power Administration, Delaware River Basin Commission, Susquehanna River Basin Commission, the American Revolution Bicentennial Administration, and persons serving without compensation to the extent authorized under 5 U.S.C. 5703.

**Categories of records in the system:** Name, address, destination, itinerary, mode and purpose, dates, expenses, advances, claims, reimbursements, and authorizations.

**Authority for maintenance of the system:** 5 U.S.C. 5701 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Transmittal to U.S. Treasury for Payment. (2) Transmittal to State Department for passports. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (5) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee.

the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual, machine readable and printout form. (2) Retrieval -- indexed by employee name and/or account number. (3) Safeguards -- maintained in locked room when not in use. (4) Disposal -- disposal is governed by General Records Schedule 9 issued by the Administrator of the General Services Administration pursuant to section 505(b) of the Federal Records Act of 1950 (44 U.S.C. 395(b)).

**System manager(s) and address:** Chief, Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Employee, employing office, and standard travel document references.

**System name:** Position Control -- Interior, Office of the Secretary--13.

**System location:** Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Employees of the Office of the Secretary, the other Departmental Offices, the Defense Electric Power Administration, Delaware River Basin Commission, Susquehanna River Basin Commission, the American Revolution Bicentennial Administration, and Commission of Fine Arts.

**Categories of records in the system:** Contains descriptive data concerning position incumbents which is obtained from the Departmental Integrated Personnel/Payroll System.

**Authority for maintenance of the system:** 5 U.S.C. 301, 3101, 43 U.S.C. 1457. Office of Management and Budget Circular A-64 (Revised).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Transmitted to employing and approving offices for use in processing requests for personnel actions. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual, punch card, magnetic tape, magnetic disk and printout form. (2) Retrieval -- indexed by organization and management account. (3) Safeguards -- maintained in locked room when not in use. (4) Disposal -- records are maintained on a current basis and printouts are disposed of when superseded.

**System manager(s) and address:** Chief, Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Street, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Departmental Integrated Personnel/Payroll System.

**System name:** Accounts Receivable -- Interior, Office of the Secretary--14.

**System location:** Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** All debtors including employees, former employees, business firms, private citizens and institutions. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities and organizations. These records are not subject to the Privacy Act.)

**Categories of records in the system:** Name, address, amount and basis including goods, services or overpayments therefor.

**Authority for maintenance of the system:** (1) 5 U.S.C. 5701-09. (2) FPMR 101-7. (3) Treasury Fiscal Requirements Manual. (4) 31 U.S.C. 952.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Billing and followup. (2) Reporting. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form. (2) Retrieval -- indexed by appropriation or fund to be credited. (3) Safeguards -- maintained in locked room when not in use. (4) Disposal -- retained until payment is received and then incorporated in collection records.

**System manager(s) and address:** Chief, Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Debtor, accounting records.

**System name:** Cash Receipts -- Interior, Office of the Secretary--15.

**System location:** Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Persons paying for goods or services, returning overpayments or otherwise delivering cash. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities and organizations. These records are not subject to the Privacy Act.)

**Categories of records in the system:** Individuals name, the goods or services purchased, check number, date and treasury deposit number.

**Authority for maintenance of the system:** 31 U.S.C. 66 (a).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Collection and deposit processing. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual and machine readable. (2) Retrieval -- date and name. (3) Safeguards -- maintained in locked room when not in use. (4) Disposal -- retained on site until audited by GAO or transferred to a Federal Records Center in accordance with the fiscal records program approved by GAO, if appropriate, or the applicable GSA General Record Schedule.

**System manager(s) and address:** Chief, Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual remitters.

**System name:** Supervisors' Records of Employees -- Interior, Office of the Secretary--16.

**System location:** Authorized to be maintained by immediate supervisors and one additional organizational level at all facilities of the Department of Interior. (See Appendix for addresses.)

**Categories of individuals covered by the system:** Current employees and employees departed within the past one year.

**Categories of records in the system:** These records relate to individuals while employed by the Department of the Interior and contain such information as: emergency addressee information; record of personnel actions; record of employee/supervisor discussions, copies of officially recommended actions such as personnel actions, awards, disciplinary actions, and training requests.

**Authority for maintenance of the system:** 5 U.S.C. 1302, 2951, 4118, 4308, 4506, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950, Executive Order 10561 (September 13, 1954).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) The employee record is used as a source of data to initiate requests for personnel actions, to plan and schedule training, to counsel employees on their performance, to establish a basis for proposing commendations or disciplinary actions, and to carry out their personnel management responsibilities in general. (2) To complete reference checks or supervisory appraisals. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained on SF-7B's and/or authorized attachments thereto. (2) Retrieval -- records are indexed by any combination of name or Social Security Account Number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- records are maintained on current employees and on former employees for one year after the employee vacates the position he holds in the bureau.

**System manager(s) and address:** The Personnel Officer of each bureau of the Department for the records maintained in his bureau.

formance by camp staff; Accident, injury and treatment forms. (3) Past Enrollees: List of names and addresses. (4) Current Al-

issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (6) Disclosure to the Department of the Treasury for preparation of (a) payroll

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual records. (2) Retrieval -- by individual name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR



**System manager(s) and address:** The Personnel Officer of each bureau of the Department for the records maintained in his bureau. (See Appendix for addresses of bureau headquarters offices.) The Chief, Division of Personnel Services, Office of Secretarial Operations, U.S. Department of the Interior, Washington, D.C. 20240 for records maintained by offices in the Office of the Secretary and the other Departmental offices.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by contacting his supervisor and/or the Personnel Officer who services the installation where the employee is (or was) employed. See 43 CFR 2.60 for procedures.

**Record access procedures:** Requests for access to records should be addressed to the requester's supervisor and/or the Personnel Officer servicing the installation where the employee is (or was) employed. See 43 CFR 2.63 for procedures.

**Contesting record procedures:** A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

**System name:** Private Relief Claimants -- Interior, Office of the Secretary--17.

**System location:** Office of Legislation, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Individual claimants against the United States seeking remedy through private relief bills for claims involving the programs and activities of the Department of the Interior.

**Categories of records in the system:** Copies of relief bills and congressional committee reports, Departmental reports on bills, correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Reporting to the Congress on the basis and validity of claims. (2) Disclosure to another Federal agency having a subject matter interest in a claim. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained manually in file folders. (2) Retrievability -- cross-indexed by name of claimant. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- retired to Federal Records Center after three Congresses.

**System manager(s) and address:** Director, Office of Legislation, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to Chief, Service Branch, Office of Legislation, U.S. Department of the Interior, Washington, D.C. 20240. The inquiry must be in writing and state that the individual seeks information concerning records pertaining to him. See 43 CFR 2.60.

**Record access procedures:** Same as Notification. See 43 CFR 2.63 for additional content requirements for requests.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Congress, individual claimants, bureaus and offices of the Department.

**System name:** Youth Conservation Corps (YCC) Enrollee Records -- Interior, Office of the Secretary--18.

**System location:** (1) All USDI Federal Camp Directors' Offices. Addresses of YCC Camp Directors may be obtained each year by writing to the System Manager. (2) Administrative Services Center, Bureau of Reclamation, Salt Lake City, Utah 84147.

**Categories of individuals covered by the system:** Enrollees of current year USDI Federal YCC program.

**Categories of records in the system:** (1) Current Enrollees: USDI Application Forms; USDI Medical History Forms; Personal and Statistical Information. (2) Optional: Evaluation of enrollee's performance by camp staff; Accident, injury and treatment forms. (3) Past Enrollees: List of names and addresses. (4) Current Alternates: USDI Application Forms.

**Authority for maintenance of the system:** PL 93-408.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identification of current and past enrollees and current alternates. (2) Selection of alternate upon enrollee withdrawal from program. (3) Enrollee participation record for school credit. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information and other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (6) Disclosure to the U.S. Department of Agriculture in connection with joint administration of YCC program.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in personnel jackets. (2) Safeguards -- stored in metal filing cabinets with three way combination locks or key locks. (3) Retention and Disposal -- records are maintained until the end of the current program. At termination, a list of the names and addresses of enrollees is retained, while the parental permission portion of USDI Application Forms and all USDI Medical History Forms and any completed Accident, injury and treatment forms are forwarded to the Administrative Services Center, Bureau of Reclamation, Salt Lake City, Utah 84147. All other non-record information in the system of records is destroyed. The list of enrollee names and addresses is retained. Disposal schedule is pending. The application forms of current alternates are destroyed at the termination of the current program.

**System manager(s) and address:** Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C. 20240.

**Notification procedure:** System Manager and camp directors. Camp director will only be able to provide information from records maintained at the camp. See 43 CFR 2.60.

**Record access procedures:** System Manager or camp directors. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained, medical doctor, school or other official.

**System name:** Youth Conservation Corps (YCC) Enrollee Payroll Records File -- Interior, Office of the Secretary--19.

**System location:** Administrative Services Center, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84147. Records are joint records of the U.S. Department of the Interior, Office of Manpower Training and Youth Activities and the U.S. Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** Youth accepted into the YCC program.

**Categories of records in the system:** Personnel, pay, statistical and termination data compiled by camp officials.

**Authority for maintenance of the system:** PL 93-408.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identification of current and past enrollees. (2) Payroll purposes for current enrollees. (3) To develop demographic characteristics of enrollee population for statistical purposes. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the

issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (6) Disclosure to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals. (7) Disclosure to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes. (8) Disclosure to the Civil Service Commission in connection with the Civil Service retirement system. (9) Disclosure to another Federal agency to which an employee has transferred. (10) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (11) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- current and past personal and statistical information on magnetic tape and printouts. (2) Retrievability -- tape reels are coded by number. (3) Safeguards -- tapes are stored in a tape file and vault while printouts are stored in a locked metal filing cabinet. (4) Retention and Disposal -- current payroll information is purged from magnetic tapes at the termination of the program after being transferred to a single magnetic tape which is retaining permanently. Other material disposal regulations are pending.

**System manager(s) and address:** (1) Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C. 20250. (2) Director, Office of Manpower Training and Youth Activities, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Managers. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Managers. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Managers and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained, camp personnel.

**System name:** Youth Conservation Corps (YCC) Enrollee Medical Records -- Interior, Office of the Secretary--20.

**System location:** Administrative Services Center, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84147.

**Categories of individuals covered by the system:** Enrollees of past Interior Federal YCC programs.

**Categories of records in the system:** (1) U.S.D.I. Medical History Forms. (2) Accident, injury and treatment forms. (3) Parental permission portion of the U.S.D.I. Application forms.

**Authority for maintenance of the system:** PL 93-408.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Adjudication of FEC Medical claims. (2) Adjudication of tort claims. (3) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (5) Disclosure to the U.S. Department of Agriculture in connection with joint administration of YCC program.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual records. (2) Retrievability -- by individual name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- pending.

**System manager(s) and address:** Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained, medical doctor, and camp official compiling accident or medical treatment information.

**System name:** Youth Conservation Corps (YCC) Research File -- Interior, Office of the Secretary--21.

**System location:** Institute for Social Research, University of Michigan, Ann Arbor, Michigan 48106. Records are joint records of the U.S. Department of the Interior, Office of Manpower Training and Youth Activities and the U.S. Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** A random sample of 600 1973 YCC enrollees.

**Categories of records in the system:** The file contains questionnaire responses, environmental education scores, and verbal skills test data of questionnaire respondents.

**Authority for maintenance of the system:** PL 93-408.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The file may be used for future research on long term values gained from the YCC experience.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- file is on a magnetic tape. (2) Retrievability -- data on each person is identified by a case number. It can be retrieved by matching the case number with a mailing list containing case numbers, name and address. (3) Safeguards -- only the research staff have access to the mailing list. (4) Retention and Disposal -- files are being retained indefinitely for possible future longitudinal studies of long range benefit.

**System manager(s) and address:** (1) Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C. 20250. (2) Director, Office of Manpower Training and Youth Activities, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** The individual covered in the sample.

**System name:** Youth Conservation Corps (YCC) Recruitment Files -- Interior, Office of the Secretary--22.

**System location:** Office of the YCC recruiter in each State. Address of State recruiter may be obtained each year by writing to the System Managers as listed below.

**Categories of individuals covered by the system:** Youth between the ages of 15 and 18 who file an application to attend a Forest Service, Department of the Interior, or State Grant YCC camp.

**Categories of records in the system:** The system consists of application forms submitted by eligible youth.

**Authority for maintenance of the system:** Public Law 93-408.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Selection is made from

**System manager(s) and address:** Chief, Division of Medical and Health Services, U.S. Department of the Interior, 18th and C

**System location:** a. For Departmental Head: Office of the Secretary, Organization and Personnel Management, Division of Labor

Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99801. For records at Location (g): Labor Relations Officer, Bonneville



**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Selection is made from among applications of all eligible applicants. Persons selected are either offered employment in a YCC camp or placed on an alternate list to be used in case of declinations. Applications of those selected are sent to camps operated by the Forest Service, Department of the Interior, States, Counties, Cities, and other subgrantees.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual. (2) Retrieval -- applications are filed alphabetically by name of individual applicant. (3) Safeguards -- records are kept locked in confidential files. (4) Retention and Disposal -- pending.

**System manager(s) and address:** (1) Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C. 20250. (2) Director, Office of Manpower Training and Youth Activities, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries should be made to one of the above offices for information regarding this system of records.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** A petition for amendment should be submitted to the appropriate System Manager.

**Record source categories:** The records in this system originate in two ways: (1) The YCC application form prepared by the applicant and any additions or corrections thereto, also prepared by the applicant. (2) Additional information added to the file by the State recruiter concerning the applicant's selection, nonselection, declination, etc.

**System name:** Health Unit Medical Records -- Interior, Office of the Secretary--23.

**System location:** (1) Division of Medical and Health Services, Interior Bldg., 18th and C Streets, N.W., Washington, D.C. 20240. (2) Former employees: National Personnel Records Center, 111 Winnebago St., St. Louis, MO 63118.

**Categories of individuals covered by the system:** (1) Present Interior Department employees. (2) Former Interior Department employees.

**Categories of records in the system:** Medical records including documentation of screening examinations and tests; immunization records; law enforcement personnel periodic examinations; medical and health unit records; records pertaining to employees in these special programs: Alcoholic and Drug Abuse Programs, Troubled Employee Program.

**Authority for maintenance of the system:** 5 U.S.C. 3301, P.L. 91-616, P.L. 92-255, P.L. 93-282, P.L. 79-658 (5 U.S.C. 7901), OMB Circular A-72.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Medical counseling and referral. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (4) As a data source for management information for production of summary statistics and analytical studies in support of the function for which the records are collected and maintained, or for related management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained manually in file folders. (2) Retrieval -- indexed by name of employee and by name of bureau where employed. (3) Safeguards -- access to and use of these records are limited to those persons whose official duties require such access. Records are maintained in lockable metal file cabinets inside a secured room. (4) Disposal -- records are maintained on present employees only. Records are retired to the National Personnel Records Center upon the departure of the employee from the Interior Department.

**System manager(s) and address:** Chief, Division of Medical and Health Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** An individual may inquire as to whether or not the system contains a record pertaining to him by contacting: Same as above. See 43 CFR 2.60.

**Record access procedures:** Individuals who wish to gain access to their records should contact: Same as above. See 43 CFR 2.63.

**Contesting record procedures:** Individuals who wish to contest their records should contact: Same as above. See 43 CFR 2.71.

**Record source categories:** Information in this system comes from the individual to whom it applies, from private physicians, and from Departmental medical staff personnel.

**System name:** Employee experience, skills, performance and career development records -- Interior, Office of the Secretary--24.

**System location:** Servicing personnel office and/or administrative office of all bureaus and offices of the Department of the Interior.

**Categories of individuals covered by the system:** Current employees of the Department of the Interior.

**Categories of records in the system:** These records relate to employees and contain such information as: name; date of birth; social security number; office address and phone; service computation date; physical limitations or interests which might affect type or location of assignment; career interests; education history; work or skills experience; availability for geographic relocation; outside activities including membership in professional organizations; listing of special qualifications; licenses and certificates held; listing of honors and awards; career goals and objectives of the employee; annual supervisory evaluation.

**Authority for maintenance of the system:** 5 U.S.C. 1302, 2951, 4118, 4308, 4506, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950, Executive Order 10561.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) By bureau officials for purposes of review in connection with transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual. (2) By bureau officials for setting out career goals and objectives of the employee and for documenting attainment of these targets. (3) Transfer to the Justice Department in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained manually in file folders or on pre-printed forms in file cabinets. (2) Retrieval -- records may be indexed by name of the subject employee. (3) Safeguards -- records are maintained with safeguards meeting minimum security requirements of 43 CFR 2.51. (4) Retention and Disposal -- records are maintained only on current employees. Records are destroyed upon departure of the employee.

**System manager(s) and address:** Bureau Personnel Officer, bureau or office where employed. (See Appendix for addresses of bureau headquarters offices.)

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by contacting: The servicing personnel officer and/or administrative officer of the bureau or office where he is employed. See 43 CFR 2.60.

**Record access procedures:** Current employees who wish to gain access to their records should contact: Same as above. See 43 CFR 2.63.

**Contesting record procedures:** Employees who wish to contest their records should contact: Bureau Personnel Officer, bureau or office where employed. See 43 CFR 2.71.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

**System name:** Unfair Labor Practice Charges/Complaints -- Interior, Office of the Secretary--25.

**System location:** a. For Departmental Head: Office of the Secretary, Organization and Personnel Management, Division of Labor Management Relations, 19th & C Streets, N.W., Washington, D.C. 20240. b. For Employees of BIA: Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W., Washington, D.C. 20245. c. For Employees of EBM: Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, Room 2629, Washington, D.C. 20240. d. For Employees of EGS: Geological Survey, 215 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. e. For Employees of MESA: Mining Enforcement and Safety Administration, Division of Personnel, 4015 Wilson Boulevard, Arlington, Virginia 22203. f. For Employees of EAP: Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99801. g. For Employees of EBP: Bonneville Power Administration, 1002 N.E. Holladay Street, Portland, Oregon 97208. h. For Employees of ESW: Southwestern Power Administration, Branch of Personnel, P.O. Drawer 1619, Tulsa, Oklahoma 74101. i. For Employees of FNP: National Park Service, Division of Personnel, Branch of Labor Management Relations, Room 3313, 1100 L Street, N.W., Washington, D.C. 20005. j. For Employees of FFWS: U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th & C Streets, N.W., Washington, D.C. 20240. k. For Employees of LBR: Bureau of Reclamation, Division of Personnel & Management, Compensation & Labor Relations Branch, 19th & C Streets, N.W., Washington, D.C. 20240. l. For Employees of LLM: Bureau of Land Management, Division of Personnel (530), 19th & C Streets, N.W., Washington, D.C. 20240. m. For Employees of FOR: Bureau of Outdoor Recreation, Division of Personnel, 19th & C Streets, N.W., Washington, D.C. 20240. n. For Employees of OS and other Departmental Offices: Office of the Secretary, Division of Personnel Services, Branch of Programs, Standards and Issuances, 19th & C Streets, N.W., Washington, D.C. 20240. o. For Employees of ESE: Southeastern Power Administration, Elberton, Georgia 30635.

**Categories of individuals covered by the system:** Interior employees filing unfair labor practice charges/complaints.

**Categories of records in the system:** Formal charge and complaint; name, address, and other personal information about complainant; transcript of hearing (if held), and information about other personnel in complainant's work unit, as relevant.

**Authority for maintenance of the system:** Executive Order 11491, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Information is transmitted to investigative officials of the Department of Labor as well as to the Federal Labor Relations Council for settlement of the complaint or appeal. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- paper records in file folders. (2) Retrieval -- name and docket or case number. (3) Safeguards -- records are locked in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. (4) Retention and Disposal -- records are retained indefinitely.

**System manager(s) and address:** For records at Location (a): Chief, Division of Labor Management Relations, Office of the Secretary, Organization & Personnel Management, Division of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (b): Labor Relations Officer, Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W., Washington, D.C. 20245. For records at Location (c): Labor Relations Officer, Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (d): Personnel Officer, Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. For records at Location (e): Chief, Division of Personnel, Mining Enforcement and Safety Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. For records at Location (f): Administrative Officer,

Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99801. For records at Location (g): Labor Relations Officer, Bonneville Power Administration, 1002 N.E. Holladay Street, Portland, Oregon 97208. For records at Location (h): Chief, Branch of Personnel, Southwestern Power Administration, P.O. Drawer 1619, Tulsa, Oklahoma 74101. For records at Location (i): Labor Relations Officer, National Park Service, Division of Personnel, Branch of Labor Management Relations, 1100 L Street, N.W., Washington, D.C. 20005. For records at Location (j): Personnel Officer, U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (k): Labor Relations Officer, Bureau of Reclamation, Division of Personnel and Management, Compensation and Labor Relations Branch, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (l): Labor Relations Officer, Bureau of Land Management, Division of Personnel (530), 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (m): Labor Relations Officer, Bureau of Outdoor Recreation, Division of Personnel, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (n): Chief, Branch of Programs, Standards and Issuances, Office of the Secretary, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (o): Administrative Officer, Southeastern Power Administration, Elberton, Georgia 30635.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the appropriate System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester, management officials. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Subject complainant, colleagues and supervisors of complainant and

**System name:** Negotiated Grievance Procedure Files -- Interior, Office of the Secretary--26.

**System location:** a. For Departmental Head: Office of the Secretary, Organization and Personnel Management, Division of Labor Management Relations, 19th & C Streets, N.W., Washington, D.C. 20240. b. For Employees of BIA: Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W., Washington, D.C. 20245. c. For Employees of EBM: Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, Room 2629, Washington, D.C. 20240. d. For Employees of EGS: Geological Survey, 215 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. e. For Employees of MESA: Mining Enforcement and Safety Administration, Division of Personnel, 4015 Wilson Boulevard, Arlington, Virginia 22203. f. For Employees of EAP: Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99801. g. For Employees of EBP: Bonneville Power Administration, 1002 N.E. Holladay Street, Portland, Oregon 97208. h. For Employees of ESW: Southwestern Power Administration, Branch of Personnel, P.O. Drawer 1619, Tulsa, Oklahoma 74101. i. For Employees of FNP: National Park Service, Division of Personnel, Branch of Labor Management Relations, Room 3313, 1100 L Street, N.W., Washington, D.C. 20005. j. For Employees of FFWS: U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th and C Streets, N.W., Washington, D.C. 20240. k. For Employees of LBR: Bureau of Reclamation, Division of Personnel & Management, Compensation & Labor Relations Branch, 19th and C Streets, N.W., Washington, D.C. 20240. l. For Employees of LLM: Bureau of Land Management, Division of Personnel (530), 19th and C Streets, N.W., Washington, D.C. 20240. m. For Employees of FOR: Bureau of Outdoor Recreation, Division of Personnel, 19th and C Streets, N.W., Washington, D.C. 20240. n. For Employees of OS and other Departmental Offices: Office of the Secretary, Division of Personnel Services, Branch of Programs, Standards and Issuances, 19th and C Streets, N.W., Washington, D.C. 20240. o. For Employees of ESE: Southeastern Power Administration, Elberton, Georgia 30635.

**Categories of individuals covered by the system:** Interior employees filing grievances/complaints.

**Categories of records in the system:** Formal charge and complaint; name, address, and other personal information about complainant; transcript of hearing (if held), and information about other personnel in complainant's work unit, as relevant.

**Authority for maintenance of the system:** Executive Order 11491,

Mines, Denver Federal Center, P.O. Box 25407, Denver Colorado

**System name:** Emergency Loan Fund Committee Loan Records -- Interior, Office of the Secretary--28.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in



**Authority for maintenance of the system:** Executive Order 11491, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Information can be transmitted to an arbitrator as well as to the Federal Labor Relations Council. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- paper records in file folders. (2) Retrievability -- name and Docket or Case number. (3) Safeguards -- records are located in lockable metal file cabinets or in metal file cabinets in secured premises with access limited to those whose official duties require access. (4) Retention and Disposal -- records are retained indefinitely.

**System manager(s) and address:** For records at Location (a): Chief, Division of Labor Management Relations, Office of the Secretary, Organization & Personnel Management, Division of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (b): Labor Relations Officer, Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W., Washington, D.C. 20245. For records at Location (c): Labor Relations Officer, Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (d): Personnel Officer, Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. For records at Location (e): Chief, Division of Personnel, Mining Enforcement and Safety Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. For records at Location (f): Administrative Officer, Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99801. For records at Location (g): Labor Relations Officer, Bonneville Power Administration, 1002 N.E. Holladay Street, Portland, Oregon 97208. For records at Location (h): Chief, Branch of Personnel, Southwestern Power Administration, P.O. Drawer 1619, Tulsa, Oklahoma 74101. For records at Location (i): Labor Relations Officer, National Park Service, Division of Personnel, Branch of Labor Management Relations, 1100 L Street, N.W., Washington, D.C. 20005. For records at Location (j): Personnel Officer, U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (k): Labor Relations Officer, Bureau of Reclamation, Division of Personnel and Management, Compensation and Labor Relations Branch, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (l): Labor Relations Officer, Bureau of Land Management, Division of Personnel (530), 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (m): Labor Relations Officer, Bureau of Outdoor Recreation, Division of Personnel, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (n): Chief, Branch of Programs, Standards and Issuances, Office of the Secretary, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (o): Administrative Officer, Southeastern Power Administration, Elberton, Georgia 30635.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the appropriate System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester, management officials.

**Record source categories:** Subject complainant, colleagues and supervisors of complainant and System Manager and must meet the content requirements of 43 CFR 2.71.

**Contesting record procedures:** A petition for amendment should be addressed to the appropriate System Manager. The request must meet the content requirements of 43 CFR 2.63.

**System name:** Automated Data Files -- Interior, Office of the Secretary--27.

**System location:** Data processing centers of the Department of the Interior in Washington, D.C. at U.S. Department of the Interior, Washington, D.C. 20240; Denver Colorado, at U.S. Bureau of

Mines, Denver Federal Center, P.O. Box 25407, Denver Colorado 80225 and Bureau of Reclamation, Engineering and Research Center, Denver Federal Center, P.O. Box 25007, Denver, Colorado 80225; Albuquerque, New Mexico, at Bureau of Indian Affairs, P.O. Box 2088, Albuquerque, New Mexico 87103; Portland Oregon, at Bonneville Power Administration, 1002 N.E. Holladay Street, P.O. Box 3621, Portland, Oregon 97208; Tulsa, Oklahoma, at Southwestern Power Administration, 333 West Fourth Street, Tulsa Oklahoma 74103; and Elberton, Georgia, at Southeastern Power Administration, Samuel Elbert Bldg., Elberton, Georgia 30635.

**Categories of individuals covered by the system:** Current employees and recently separated employees of the Department.

**Categories of records in the system:** Personnel records relating to individuals employed in the Department and consisting of these categories: BUREAU - biographic, position, transaction and training records. DEPARTMENT - biographical, transaction, and training records.

**Authority for maintenance of the system:** 5 U.S.C. 1302, 2951, 4118, 4308, 4506, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950, Executive Order 10561 (September 13, 1954).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In accordance with, or in addition to the records described by the Civil Service Commission these systems are used: (1) To provide data for the government-wide and department-wide central personnel files. (2) To produce day-to-day personnel management action, such as Notification of personnel actions, automatic notices (e.g. conversion to career tenure, length of service awards, within grade increases) and to provide input to produce payroll and financial management actions. (3) Used as an employee locator file and to provide information for organization and position management matters. (4) To provide information on current and potential executive level employees in an executive retrieval system. (5) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records were collected and maintained or related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the FOIA or other personnel management functions. (6) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (8) To provide personnel necessary and relevant information to the Civil Service Commission at its request.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained on magnetic tape, drum, disk, punched cards, and in computer printouts. (2) Retrievability -- records are indexed by name, date of birth, and social security account number of the employee. (3) Safeguards -- records are located in facilities adequately secure to meet criteria established in 5 CFR 293.109. (4) Disposal -- records are destroyed five years after individual ceases to be employed.

**System manager(s) and address:** (1) Department System: Director, Organization and Personnel Management, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240. (2) Bureau Systems: Bureau Personnel Officer, bureau where employed. (See Appendix for addresses of bureau headquarters offices.)

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to: Personnel Officer who services the installation where the employee is (or was) employed.

**Record access procedures:** Current and past Federal employees who wish to gain access to their files should contact: Personnel Officer servicing installation where employee is (or was) employed.

**Contesting record procedures:** Current and past Federal employees who wish to contest their files should contact: Personnel Officer servicing installation where employee is (or was) employed.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

**System name:** Emergency Loan Fund Committee Loan Records -- Interior, Office of the Secretary--28.

**System location:** Emergency Loan Fund Treasurers at (1) Office of Secretarial Operations - Personnel, (2) Bureau of Land Management, (3) Office of Management Consulting, all at Interior Bldg. 18th and C Streets, N.W., Washington, D.C. 20240, (4) Bureau of Indian Affairs, Interior Bldg. South, 1951 Constitution Ave., N.W., Washington, D.C. 20240, (5) Headquarters, Geological Survey, 12201 Sunrise Valley Dr., Reston, Va. 22092, (6) National Park Service, 1100 L St., N.W. Washington, D.C.

**Categories of individuals covered by the system:** Contains the name, grade, and organization of person applying for a loan. Contains a statement of need for the loan written by the employee and endorsed by his supervisor. Contains a record of action taken by the Emergency Loan Committee, a schedule of repayments and a history of how repayment was accomplished.

**Authority for maintenance of the system:** 5 U.S.C. 301, 3101, 43 U.S.C. 1457, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) For application, approval, processing and accounting of emergency loans. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of borrower. (3) Safeguards -- stored in file cabinets in locked rooms. (4) Disposal -- accomplished by individual treasurers according to disposal schedule each has devised.

**System manager(s) and address:** Chairman, Emergency Loan Fund, Office of Organization and Personnel Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** To determine if the system contains a record on himself, an individual may contact: The Treasurer of the Emergency Loan Fund servicing his bureau and work location. See 43 CFR 2.60.

**Record access procedures:** An individual may gain access to the records about himself by contacting the Treasurer of the Emergency Loan Fund which services his bureau and work location. See 43 CFR 2.63.

**Contesting record procedures:** An individual may contest the records about himself by contacting the System Manager. See 43 CFR 2.71.

**Record source categories:** Information in this system of records comes from the individual himself and from his supervisor.

**System name:** Applicant Files -- Interior, Office of the Secretary--29.

**System location:** (1) Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (3) Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203.

**Categories of individuals covered by the system:** Applicants for employment.

**Categories of records in the system:** Applications, recommendations, interview notes and other documents utilized to determine eligibility, suitability and qualifications for Federal civilian employment maintained subject to applicable Civil Service Commission requirements, including Civil Service Commission Rule VI and Chapter 302 of the Federal Personnel Manual.

**Authority for maintenance of the system:** 5 U.S.C. 301, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Hiring of applicants. (2) Transfer to other Federal agencies or entities in connection with recruitment efforts or hiring decisions by those agencies.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- by individual name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- current applications retained.

**System manager(s) and address:** (1) For the Office of the Secretary: Staff Assistance, Office of the Assistant Secretary--Program Development and Budget, U.S. Department of the Interior, Washington, D.C. 20240. (2) For the Office of the Solicitor: Administrative Officer, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. (3) For the Office of Hearings and Appeals: Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd. Arlington, Virginia 22203.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the appropriate Systems Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

**Systems exempted from certain provisions of the act:** To the extent that this system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, it is proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

**System name:** Privacy Act Files -- Interior, Office of the Secretary--30.

**System location:** (1) Office of the Assistant Secretary -- Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Offices of Privacy Act Officers of each bureau of the Department. (See Appendix for addresses of bureau headquarters offices.)

**Categories of individuals covered by the system:** (1) Individuals who have submitted requests for notification, access or amendment of records under the Privacy Act. (2) Individuals who have filed Privacy Act appeals with Assistant Secretary--Management under the Department's regulations.

**Categories of records in the system:** Requests, appeals, decisions and related correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 552a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Decisions on Privacy Act requests and appeals. (2) Disclosure to other agencies of the Federal Government having a subject matter interest in a request or an appeal or a decision thereon. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Systems exempted from certain provisions of the act:** The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

**System name:** Secretarial Correspondence Card File -- Interior, Office of the Secretary--31.

or the subject matter of the records. (6) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in

**Systems exempted from certain provisions of the act:** The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.



**System name:** Secretarial Correspondence Card File -- Interior, Office of the Secretary--31.

**System location:** Executive Secretariat, Office of the Under Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Persons who have written to the Secretary of the Interior on official business.

**Categories of records in the system:** Identification of writer; subject, date and disposition of correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301; 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Ascertain status of correspondence to the Secretary of the Interior. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name and number. (3) Safeguards -- records maintained in locked file in secure room. (4) Retention and Disposal -- records maintained for one to two years then destroyed.

**System manager(s) and address:** Executive Secretary, Room 6125, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Same as above. See 43 CFR 2.60 for submission requirements.

**Record access procedures:** Same as above. See 43 CFR 2.63 for submission requirements.

**Contesting record procedures:** Same as above. See 43 CFR 2.71 for submission requirements.

**Record source categories:** Individuals on whom the record is maintained.

**System name:** Litigation, Appeal and Case Files -- Interior, Office of the Solicitor--1.

**System location:** (1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All Regional and Field Offices of the Office of the Solicitor. (See Appendix for addresses.)

**Categories of individuals covered by the system:** Individuals involved in litigation with the United States, or the Department of the Interior, officials or constituent units thereof; individuals involved in administrative proceedings before the Department, to which the Department is a party or in which it has an interest; individuals suspected of violations of criminal and civil statutes or regulations or orders the violation of which carries criminal penalties; individuals who have applied to the Department for permits, grants or loans; individuals who have appealed to the Office of the Solicitor from the decisions of other constituent units of the Department; individuals involved in negotiations, claims or disputes with the Department; individuals for whom the Department has performed legal services.

**Categories of records in the system:** Investigatory reports, opinions and memoranda of law, pleadings, motions, depositions, rulings, and other records necessary to the provisions of legal services.

**Authority for maintenance of the system:** 43 U.S.C. 1455.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Providing legal services to the Department of the Interior. (2) Disclosure to another Federal agency or a state or local government having a subject matter interest in the records. (3) Disclosure to an individual or entity aligned with the United States or the Department of the Interior or any official or constituent unit thereof as a plaintiff, petitioner, defendant or respondent in any judicial or administrative proceeding. (4) To a court, magistrate or administrative tribunal in the course of presenting evidence thereto, or to opposing counsel in the course of settlement negotiations. (5) Transfer to the U.S. Department of Justice in the event of litigation involving the records

or the subject matter of the records. (6) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- by case or individual name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- subject to approved disposal schedule.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Manager or, with respect to the office for which he is responsible, a Regional or Field Solicitor. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager or, with respect to the office for which he is responsible, a Regional or Field Solicitor. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individuals, bureaus and offices of the Department, other Federal agencies, courts, administrative tribunals.

**Systems exempted from certain provisions of the act:** (1) The Privacy Act does not entitle an individual to access to information compiled in anticipation of a civil action or proceeding. (2) Those portions of the system made up of investigatory material compiled for law enforcement purposes are proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

**System name:** Claims Files -- Interior, Office of the Solicitor--2.

**System location:** (1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All Regional and Field Offices of the Office of the Solicitor. (See Appendix for addresses.)

**Categories of individuals covered by the system:** Individuals who have filed Tort, Federal Employee, Admiralty or Irrigation claims.

**Categories of records in the system:** Contains records concerning claims, including the claims and supporting information submitted by the claimant, information developed by the Department concerning the claim and a record of the disposition of the claim if processing of the claim is complete.

**Authority for maintenance of the system:** (1) Federal Tort Claims Act, 28 U.S.C. 2671-2680. (2) Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 240-243. (3) Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act, P.L. 93-393, 88 Stat. 782. (4) Act of March 9, 1920, 46 U.S.C. 742, 747, 749, 750.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Adjudication of Tort, Federal Employee, Admiralty and Irrigation claims. (2) Transfer to another Federal agency or a State or local government body having partial or complete jurisdiction over the claim or related claims. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing

**Notification procedure:** System Manager or, with respect to records maintained in the office or implementing the statute, rule, regulation, order or license violated for which he is responsible, a Regional or Field Solicitor. A written, or potentially violated, signed request stating that the requester seeks information concerning

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of claimant. (3) Safeguards --

**Record access procedures:** A request for access may be addressed to the System Manager or, maintained with safeguards meeting the requirements of 43 CFR 2.51 for with respect to records maintained in the office for which he is manual records. (4) Disposal -- claim and investigative material responsible, a Regional or Field Solicitor. The request must be in returned to operating bureau or office after completion of processing, writing and be signed by the requester. The request must meet the Records of decisions not authorized for disposal, content requirements of 43 CFR 2.63.

**System manager(s) and address:** Administrative Officer, Office of the Solicitor, U.S. Department

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Claimants. Investigations conducted by Bureaus and Offices of the Department or State or local officials.

**Systems exempted from certain provisions of the act:** The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

**System name:** Patent Files -- Interior, Office of the Solicitor--3.

**System location:** Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Inventors of Inventions arising from Government research and development programs; and applicants for Patents, Trademark Registrations, and Copyright Registrations.

**Categories of records in the system:** Certain titles of inventions, inventor's name, Department of the Interior's docket number, and Patent and Trademark Offices Serial Numbers and filing dates.

**Authority for maintenance of the system:** (1) 5 U.S.C. 301; (2) 43 U.S.C. 1457; and (3) 1963 and 1971 President's Patent Policy Statements.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Ongoing retrieval and docketing purposes and intraoffice management. (2) Preparation of patent applications for submission to U.S. Patent Office. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (5) Disclosure to inventors and others directly concerned with the Government funded research and development information concerning filing dates, serial numbers and patent or trademark registration numbers.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form. (2) Retrievability -- indexed by inventor's names, docket number, and serial number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Disposal -- records will be maintained indefinitely.

**System manager(s) and address:** Assistant Solicitor, Patents, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** A written request addressed to the System Manager stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Inventors, contractors, and U.S. Patent and Trademark Office.

**Systems exempted from certain provisions of the act:** The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

**System name:** Workload Analysis -- Interior, Office of the Solicitor--4.

**System location:** (1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Regional and Field Offices of the Office of the Solicitor. (See Appendix for addresses.)

**Categories of records in the system:** Records concerning subject of assigned work and status of that work.

**Authority for maintenance of the system:** 43 U.S.C. 1455.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Management of workload of the Office of the Solicitor. (2) Disclosure to the Office of Management and Budget in connection with preparation of the President's budget. (3) Disclosure to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Disclosure to another Federal agency having a subject matter interest in a case, proceeding or other matter described in the records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in both manual and computer form. (2) Retrievability -- indexed by organizational unit, may be retrieved by name of individual attorney. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Disposal -- retained permanently.

**System manager(s) and address:** Administrative Officer, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual attorneys.

**System name:** Hearings and Appeals Files -- Interior, OHA--1.

**System location:** (1) Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. (2) All field facilities of the Office of Hearings and Appeals. (See appendix for addresses.)

**Categories of individuals covered by the system:** Individual persons involved in hearings and appeals proceedings before the Hearings Division, Appeals Boards, and the Director, OHA.

**Categories of records in the system:** Information assembled in case files pertaining to hearings proceedings, and to appeals to the Department relating to: (a) contract disputes arising out of findings of fact or decisions by contracting officers of any bureau or office of the Department, or any field installation thereof, which are considered and decided finally for the Department of the Interior Board of Contract Appeals; (b) Indian probate matters, including determination of heirs and approval of wills, except as to members of the Five Civilized Tribes and Osage Indians and resolution of appeals to the Department in such matters; proceedings in Indian probate relating to Tribal acquisition of certain interests of decedents in trust and restricted lands; and appeals pertaining to administrative actions of BIA officials in cases involving determinations, findings and orders protested as a violation of a right or privilege of the appellant, which are considered and decided finally for the Department by the Interior Board of Indian Appeals; (c) appeals from decisions rendered by Departmental officials relating to the use and disposition of public lands and their resources and the use and disposition of mineral resources in certain acquired lands of the United States and in the submerged lands of the Outer Continental Shelf, which are considered and decided finally for the Department by the Interior Board of Land Appeals; (d) appeals from orders and decisions issued by Departmental officials and administrative law judges in proceedings relating to mine health and safety, which are considered and decided finally for the Department by the Interior Board of Mine Operations Appeals; (e) claims under the Alaska Native Claims Settlement Act which are considered and de-



decided finally for the Department by the Alaska Native Claims Appeal Board; (f) wildlife civil penalty assessment hearings before administrative law judges of the OHA and appeals from their orders and decisions which are considered and decided finally for the Department by the Director, OHA, or ad hoc appeals boards appointed by him; (g) appeals from orders and decisions of Departmental bureaus pertaining to relocation assistance benefits claims, considered and decided finally for the Department by the Director, OHA, or ad hoc appeals boards appointed by him; (h) grievance proceedings involving employees of the Department, in which hearings are conducted and recommended decisions are prepared by OHA attorneys and administrative law judges under authority delegated by the Director, OHA; (i) proceedings and decisions by administrative law judges and the Director, OHA, final for the Department, pursuant to enforcement of Executive Order 11246, as amended, and rules, regulations and orders thereunder; (j) proceedings and decisions by administrative law judges and the Director, OHA, concerning nondiscrimination in Federally assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by the Department of the Interior—Effectuation of Title VI of the Civil Rights Act of 1964; (k) proceedings and decisions by administrative law judges and the Director, OHA, concerning nondiscrimination in activities conducted under permits, rights-of-way, public land orders, and other Federal authorizations granted or issued under Title II of the Trans-Alaska Pipeline Authorization Act.

**Authority for maintenance of the system:** (a) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301, amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, (b) 5 U.S.C. sec. 301; secs. 1, 2, 36 Stat. 855, as amended, 856, as 56 Stat. 1021, 1022; 25 U.S.C. 372, 373, 374, 373a, 373b; Act of December 31, 1970 (P.L. 91-627; 84 Stat. 1874; 25 U.S.C. sec. 607), amending sec. 7 of the Act of August 9, 1946 (60 Stat. 968; 25 U.S.C. sec. 607), with respect to trust or restricted land within the Yakima Reservation or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951), Act of August 10, 1972 (P.L. 92-377; 86 Stat. 530), with respect to trust or restricted lands within the Warm Springs Reservation or within the area ceded by the Treaty of June 25, 1855 (12 Stat. 37), Act of September 29, 1972 (P.L. 92-443; 86 Stat. 744), with respect to trust or restricted land within the Nez Perce Indian Reservation or within the area ceded by the Treaty of June 11, 1855 (12 Stat. 957); R.S. 463, 465, 5 U.S.C. sec. 301, and 25 U.S.C. secs. 2 and 9, (c) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301; sec. 2, 48 Stat. 1270; 43 U.S.C. sec. 315a, (d) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301; secs. 9, 508, 80 Stat. 777, 83 Stat. 803; 30 U.S.C. 728, 957, (e) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301; 43 U.S.C. 1601-1624, (f) Lacey Act, 18 U.S.C. sec. 43; Endangered Species Act of 1973, 16 U.S.C. sec. 1531 et seq.; Endangered Species Conservation Act of 1969 (formerly 16 U.S.C. sec. 668a et seq.; Bald Eagle Protection Act of 1972, 16 U.S.C. sec. 316) et seq.; 42 U.S.C. secs. 4601-4655; 5 U.S.C. 301, (h) 5 U.S.C. 301; 5 CFR Part 771; 5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954-1958 Comp., p. 218, E.O. 10987; 3 CFR, 1959-1963 Comp., p. 519; (i) 5 U.S.C. sec. 301; E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, and 41 CFR 60-1.26(b), as amended September 30, 1972, (j) 43 CFR 17.8; 5 U.S.C. sec. 301; Title VI of the Civil Rights Act of 1964 (section 602, 42 U.S.C. 2000d-1); 43 CFR Part 17, including Appendix A thereto, (k) Sec. 463, P.L. 93-153, 87 Stat. 576, 5 U.S.C. sec. 301, and 43 CFR Part 27.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Adjudication and determination of issues in hearings and appeals proceedings. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated, after completion of OHA functions. Records of decisions not authorized Disposal — case materials returned to operating bureau or office meeting the requirements of 43 CFR 2.51 for manual records. (4) OHA docket number. (3) Safeguards — maintained with safeguards Retrievability — indexed by name of appellant, claimant, etc., and by

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage — maintained in manual form in file folders. (2) and appeals proceedings, as well as by the Government, appellants, claimants, and other persons involved in the hearings

**Record source categories:** Records in the system include information submitted by the and must meet the requirements of 43 CFR 2.71.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager 2.63, requester. The request must meet the content requirements of 43 CFR judge in charge. The request must be in writing and be signed by the responsible, an administrative law judge or chief administrative law with respect to records maintained in a field office for which he is

**Record access procedures:** A request for access may be addressed to the System Manager or, pertaining to him is required. See 43 CFR 2.60, stating that the requester seeks information concerning records chief administrative law judge in charge. A written and signed request office for which he is responsible, an administrative law judge or

**Notification procedure:** System manager or, with respect to records maintained in a field Interior, 4015 Wilson Boulevard, Arlington, VA. 22203.

**System manager(s) and address:** Director, Office of Hearings and Appeals, U.S. Department of the for disposal.

**System name:** Labor Cost Information Records — Interior, FWS-1.

**System location:** Denver Service Center, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 25346, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** All employees of the U.S. Fish and Wildlife Service.

**Categories of records in the system:** Contains time and cost by organization by employee.

**Authority for maintenance of the system:** Budget and Accounting Procedures Act of 1950, 64 Stat. 832.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) A tool in the financial and manpower management of Service programs. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage — maintained on microfilm (one microfilm for each biweekly pay period) with a computer printout produced quarterly and distributed to managers at field stations, area offices and Regional and Washington Office divisions and offices. (2) Retrievability — by organization by employee. (3) Safeguards — maintained in accordance with the provisions of 43 CFR 2.51. (4) Disposal — made in accordance with FPMR 101-11.4 dated August 1, 1974.

**System manager(s) and address:** Director, Denver Service Center, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 25346, DFC, Denver, Colorado 80225.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Time and Attendance Records maintained by Timekeepers.

**System name:** Travel Records — Interior, FWS-2.

**System location:** Denver Service Center, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 25346, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** Individuals who have performed official travel for the U.S. Fish and Wildlife Service.

**Categories of records in the system:** Contains authorizations to perform travel, travel advance records, and vouchers claiming reimbursement for expenses incurred in the performance of travel.

**Authority for maintenance of the system:** 5 U.S.C. 5701-5709; 5 U.S.C. 5721-5733 and 20 U.S.C. 905(a); 5 U.S.C. 5722 and 5 U.S.C. 5742(b); and 5 U.S.C. 4111(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) These documents form the legal basis for the disbursement of Federal funds. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage — maintained in manual form on 8 x 10 1/2 and 8 x 5 forms in file folders. (2) Retrievability — indexed by name of traveler. (3) Safeguards — maintained in accordance with the provisions of 43 CFR 2.51. (4) Disposal — made in accordance with FPMR 101-11.4 dated August 1, 1974.

**System manager(s) and address:** Director, Denver Service Center, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 25346, DFC, Denver, Colorado 80225.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Office initiating the travel authorization and individual on whom the record is maintained.

**System name:** Security Clearance File — Interior, FWS-3.

**System location:** Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, Main Interior Building, 18th and 'C' Streets, N.W. Washington, D.C. 20240.

**Categories of individuals covered by the system:** Occupants of critical-sensitive and non-critical sensitive positions.

**Categories of records in the system:** Contains notice of level of security clearance granted to the individual or notice of favorable full-field report as well as SF-86 supplied by individual, as appropriate.

**Authority for maintenance of the system:** Executive Order 10450.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To document clearances granted to individuals. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage — file maintained in individual folders. (2) Retrievability — folders identified by employee name. (3) Safeguards — folders contained in locked cabinet. (4) Retention and Disposal — destroyed when clearance requirement no longer exists or when employee separates.

**System manager(s) and address:** Chief, Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, Room 3455, Main Interior Building, 18th and 'C' Streets, N.W. Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Information supplied by individual and the U.S. Civil Service Commission.

**System name:** Tort Claim Records — Interior, FWS-4.

**System location:** (1) Division of Contracting and General Services, U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. 20240. (2) regional offices of Fish and Wildlife Service. (See Appendix for regional addresses).

**Categories of individuals covered by the system:** Claimants for damages to personal property or personal injury.

**Categories of records in the system:** Contains information regarding the individual who is required to evaluate a claim for damage to personal property or personal injury, i.e., name, address, insurance company, estimates of repair costs, accident reports by Government officials, law enforcement officials, attorneys, hospital and doctors' reports and bills for service, statements from witnesses.

**Authority for maintenance of the system:** Federal Tort Claims Act (28 U.S.C. 2671-2680)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Evaluation of Tort Claims Officers, attorneys in the Office of the Solicitor, Department of the Interior. (2) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage — maintained in paper form, 8 x 10 1/2, in 'Tort Claim' files. (2) Retrievability — by name of claimant. (3) Safeguards — maintained in compliance with provisions of 43 CFR 2.51. (4) Retention and Disposal — disposed four years after settlement of claim. Record copies held by Office of the Solicitor, Department of the Interior.

**System manager(s) and address:** Chief, Division of Contracting and General Services, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual submitting claim; investigative reports, including statements from witnesses; medical reports.

**System name:** National Wildlife Refuge Special Use Permits — Interior, FWS-5.

**System location:** Regional offices of the Fish and Wildlife Service and National Wildlife Refuges. (See Appendix for addresses).

**Categories of individuals covered by the system:** Applicants for special use permits and cooperative farm agreements on Service lands.

**Categories of records in the system:** Contains the name, address of

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written,

**System location:** (1) Division of Fish Hatcheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) regional offices of Fish and Wildlife Service. (See Appendix for regional addresses).

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage — the records are



**Categories of records in the system:** Contains the name, address of cooperative/permittees, types of special uses, period of use, and any special conditions.

**Authority for maintenance of the system:** The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 688dd-ee). See 50 CFR, Parts 29 and 32.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identification of personnel having special use permits and cooperative farming agreements on National Wildlife Refuges. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on 8 x 10 1/2 inch paper. (2) Retrievability -- indexed by name. (3) Safeguards -- records are maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- special use permits and cooperative farming agreements are usually maintained not more than one year following the period of use.

**System manager(s) and address:** Chief, Division of Wildlife Refuges, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors or refuge managers, with respect to records located in the office or facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors or refuge managers, with respect to records located in the office or facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Hunting and Fishing Survey Records -- Interior, FWS--6.

**System location:** Division of Federal Aid, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Categories of individuals covered by the system:** Individuals selected at random to supply information concerning wildlife associated recreation.

**Categories of records in the system:** Contains days of participation and expenditures of individuals participating in hunting, fishing and nonconsumptive wildlife activities.

**Authority for maintenance of the system:** Federal Property and Administrative Services Act of 1949, as amended; the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742i); the Federal Aid in Wildlife and Fish Restoration Acts of 1937 and 1950, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Development of statistical analyses to assist in the management of the Nation's wildlife resources.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- magnetic tape. (2) Retrievability -- indexed by identification number. (3) Safeguards -- maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- records maintained until summary analyses are completed, after which the names and addresses will be destroyed (January 1, 1978).

**System manager(s) and address:** Chief, Division of Federal Aid, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Water Development Project and/or Effluent Discharge Permit Application Review -- Interior, FWS--7.

**System location:** (1) Division of Ecological Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) All regional, area, and field offices of the Division of Ecological Services (See Appendix for addresses).

**Categories of individuals covered by the system:** Individuals who apply for permits from other regulatory agencies including the Corps of Engineers, and the Environmental Protection Agency.

**Categories of records in the system:** Contains some public notices or permit applications from regulatory agencies which give name, address, and description of work that the applicant is requesting authorization to perform. In order to adequately evaluate the proposed project's effect on fish and wildlife resources, additional project information is at times requested and therefore on file. Environmental impact statements and environmental assessments on some proposed projects also are on file.

**Authority for maintenance of the system:** Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-66c; 48 Stat. 401).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Review and comment on permit applications. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on 8 x 10 1/2 inch paper in file folders. (2) Retrievability -- indexed by State, name of applicant, and public notice number. (3) Safeguards -- maintain records in accordance with provisions of 43 CFR 2.51. (4) Retention and Disposal -- varies in each office location but generally held from two to five years and then either sent to Records Center or destroyed.

**System manager(s) and address:** Chief, Division of Ecological Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, area directors and managers, field supervisors, and biologists-in-charge, with respect to records located in the office or facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, area directors and managers, field supervisors and biologists-in-charge, with respect to records located in the office or facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Regulatory agency to which permit is requested, State, and the individual on whom the record is maintained.

**System name:** Fish Disease Inspection Report -- Interior, FWS--8.

**System location:** (1) Division of Fish Hatcheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) regional offices of Fish and Wildlife Services. (See Appendix for regional addresses).

**Categories of individuals covered by the system:** Commercial trout farmers who request that their fish be inspected for known fish diseases. The majority of the commercial trout farmers are business establishments, however, there may be some private individuals involved.

**Categories of records in the system:** Name and address of requester and information concerning disease.

**Authority for maintenance of the system:** 18 U.S.C. 42-44, 3054, 3112, 62 Stat. 687, 83 Stat. 231.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) The Disease Inspection Reports are used to certify the disease status of populations of fish in the case of transferring, marketing, or distribution control. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on 8 x 10 1/2 inch Standard Form 3-226. (2) Retrievability -- indexed by name. (3) Safeguards -- records maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- indefinite.

**System manager(s) and address:** Chief, Division of Fish Hatcheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual or entity that requests the inspection.

**System name:** Farm Pond Stocking Program -- Interior, FWS--9.

**System location:** Regional offices of the Fish and Wildlife Service and National Fish Hatcheries (See Appendix for addresses).

**Categories of individuals covered by the system:** Applicants for stocking private farm ponds with fish.

**Categories of records in the system:** Name, address, size of pond, species of fish requested and other information needed to evaluate application.

**Authority for maintenance of the system:** Ponds are stocked in conjunction with the Agricultural Stabilization and Conservation programs of the Department of Agriculture.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) The records are kept to insure that the stocking policy is maintained and to keep track of where various species have been stocked. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- the records are maintained on 3 1/2 x 9 inch cards. (2) Retrievability -- indexed by name. (3) Safeguards -- records are maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- destroyed after ten years.

**System manager(s) and address:** Regional directors (See Appendix for addresses).

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Managers, with respect to records located in their offices, and to Hatchery Managers with respect to records located in the facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in their offices, and to Hatchery Managers, with respect to records located in the facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** National Fish Hatchery Special Use Permits -- Interior, FWS--10.

**System location:** Regional offices of Fish and Wildlife Service and National Fish Hatcheries where records are maintained (See Appendix for addresses).

**Categories of individuals covered by the system:** Individuals who have made application for special use permits on National Fish Hatcheries.

**Categories of records in the system:** Contains the name, address of permittees, types of special uses, period of use, and any special conditions.

**Authority for maintenance of the system:** 16 U.S.C. 664. See 50 CFR 70.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) These permits are agreements designed to limit and control the use of the property at the National Fish Hatcheries. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on 8 x 10 1/2 inch paper. (2) Retrievability -- indexed by name. (3) Safeguards -- records are maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- destroyed after one year following period of use.

**System manager(s) and address:** Chief, Division of Fish Hatcheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors and Hatchery Managers, with respect to records located in the office or facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors and Hatchery Managers, with respect to records located in the office or facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.



**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Real Property Records -- Interior, FWS--11.

**System location:** Regional offices of the Fish and Wildlife Service (See Appendix for addresses).

**Categories of individuals covered by the system:** Name of property owner from whom the United States has negotiated or acquired title.

**Categories of records in the system:** Record consists of three individual files, i.e., Title File; Case File (a partial duplicate of the Title File); and a Correspondence File. The title file contains title evidence (abstract, title insurance, etc.) original instruments of conveyance, copy of acquisition contract, title curative and closing data, title opinions, land survey description and plat, and appraisal summary. The case file contains copies of acquisition contract, instruments of conveyance, closing data, land survey description and plat, and appraisal summary. The correspondence file contains correspondence and notes up to the time the acquisition is completed.

**Authority for maintenance of the system:** Land acquisition and disposal authorities are as follows: Migratory Bird Conservation Act, as amended (16 U.S.C. 715 et seq.); Migratory Bird Hunting Stamp Act, as amended (16 U.S.C. 718 et seq.); Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a et seq.); Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-666c); Recreational Use of Conservation Areas Act, as amended (16 U.S.C. 460k-460k-4); Colorado River Storage Project Act, as amended 843 U.S.C. 620g; Endangered Species Act of 1973 (16 U.S.C. 1531-1543); National Wildlife Refuge System Administration Act, as amended 816 U.S.C. 668dd-668ee; Act of May 19, 1948 (PL 80-537), as amended (16 U.S.C. 667b-667d); Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 471 et seq.); and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (40 U.S.C. 4601 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Administratively in preparing reports and statistics on acreage and cost of real property. (2) Administratively in computing payments to counties under the Refuge Revenue Sharing Act, as amended (16 U.S.C. 715s). (3) Administratively in reporting lands as excess to General Services Administration for transfer or disposal. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (6) Administratively in providing relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (40 U.S.C. 460 et seq.).

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Maintain with safeguards in accordance with the provisions of 43 CFR 2.51. Title File - in a legal size binder and stored as permanent record in appropriate GSA records centers in the vicinity of regional offices. Case File - in most cases in letter sized file folders in the various regional offices. Correspondence File - in letter size folder in the various regional offices until cases are closed, then filed in GSA record centers and destroyed after two years.

**System manager(s) and address:** Chief, Division of Realty, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the offices for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. The

request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Public records, other governmental contacts, community contacts, and named individuals.

**System name:** Fish Tag Returns -- Interior, FWS--12.

**System location:** (1) National Reservoir Research Program Office, Fayetteville, Arkansas. (2) South Central Reservoir Investigations, Fayetteville, Arkansas. (3) Multi-Outlet Reservoir Studies, Arkadelphia, Arkansas. (4) Southeast Reservoir Investigations, Clemson, South Carolina.

**Categories of individuals covered by the system:** Recreational fishermen who fish on reservoirs of the White, Caddo, and Keowee Rivers and tributaries.

**Categories of records in the system:** A precise record of date, time, place fish captured as well as specific biological data taken concerning the fish (length, weight, sex (when possible), age).

**Authority for maintenance of the system:** Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742i; 70 Stat. 1119).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Population estimates of large-mouth bass and other reservoir species of recreational, commercial and esthetic importance; determine age structure of these species. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- envelopes; 8 x 10 1/2 inch questionnaires all in storage cabinets and file cabinets. (2) Safeguards -- files are maintained in locked cabinets and rooms. (3) Retention and Disposal -- personal data retained only until fisheries data has been extracted; tags (with no individual person's identity) may be retained up to five years. Some cards and questionnaires may be stored up to five years at a GSA Records Center.

**System manager(s) and address:** Director, National Reservoir Program, Fayetteville, Arkansas.

**Notification procedure:** DeGray Reservoir, Leader, Multi-Outlet Reservoir Studies, Arkadelphia, Arkansas. Keowee and Jocassee Reservoirs, Chief, Southeast Reservoir Investigations, Clemson, South Carolina. Bull Shoals and Beaver Reservoirs, Chief, South Central Reservoir Investigations, Fayetteville, Arkansas.

**Record access procedures:** Same as the above.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** North American Breeding Bird Survey -- Interior, FWS--13.

**System location:** Patuxent Wildlife Research Center, Laurel, Maryland.

**Categories of individuals covered by the system:** Volunteers from general public (about 1,500 people).

**Categories of records in the system:** Birds observed along road-sides at predetermined locations.

**Authority for maintenance of the system:** Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742i; 70 Stat. 1119).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Annual monitoring of migratory bird populations to determine trends in their abundance. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- magnetic tapes or disks and 8 x 10 1/2 inch original data sheets. (2) Retrievability -- by computer or hand sort. (3) Safeguards -- records maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- none have been disposed of in the nine years of the survey. They are a historic record of bird abundance.

**System manager(s) and address:** Director, Migratory Bird and Habitat Research Laboratory, Patuxent Wildlife Research Center, Laurel, Maryland.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Great Lakes Commercial Fisheries Catch Records -- Interior, FWS--14.

**System location:** Great Lakes Fishery Laboratory, Ann Arbor, Michigan.

**Categories of individuals covered by the system:** Commercial fishermen operating on any of the Great Lakes.

**Categories of records in the system:** Complete record of daily fishing operations including time, location, vessel name, gear used, names of fishermen, and numbers and weights of fish of each species.

**Authority for maintenance of the system:** Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742i; 70 Stat. 1119).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Determine population levels of species of fish of commercial, recreational and esthetic interest; determine effects of man's activities on these species. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records kept in storage cabinets, 8 x 10 1/2 inch questionnaires, punched cards and magnetic tape. (2) Safeguards -- records stored in locked cabinets in a locked storage room. (3) Retention and Disposal -- basic record kept as long as required to extract impersonal data; records are accessed at various times to obtain data for new analyses. A limited number may be retained (for up to five years) at a GSA Records Center.

**System manager(s) and address:** Director, Great Lakes Fisheries Laboratory.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** American Attitudes Toward Animals -- Interior, FWS--15.

**System location:** The Gallup Organization, 53 Bank Street, Princeton, New Jersey (INT. DEPT. Contract No. 14-16-008-781).

**Categories of individuals covered by the system:** One random sample of 500 people from the general public drawn in about March - April, 1975. This is not a repetitive survey.

**Categories of records in the system:** Personal interviews using a predetermined set of questions on attitudes and interests in wildlife. Some questions are of a personal nature. Confidentiality is

promised by Gallup and the contacted person. No answers will be related to an individual. FWS will not have access to the names of individuals.

**Authority for maintenance of the system:** Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742i; 70 Stat. 1119).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) None with respect to individuals. Summaries of data used to make policy decisions with respect to attitudes in general.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- Standard Interview Form. (2) Retrievability -- names of individuals not given by Gallup Poll to either contractor or FWS. Summary of answers obtained by computer. (3) Safeguards -- Gallup Poll alone has names of individuals and they maintain the identification of the individuals in total confidence. (4) Retention and Disposal -- detailed records kept for one year and destroyed by Gallup Organization.

**System manager(s) and address:** Chief, Branch of Migratory Birds, Division of Population Ecology Research, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Waterfowl Hunter Attitude Study -- Interior, FWS--16.

**System location:** National Analysts Inc., 400 Market Street, Philadelphia, Pennsylvania (INT. DEPT. Contract No. 14-16-008-648).

**Categories of individuals covered by the system:** A subsample of names and addresses drawn from a larger sample of 'duck stamp' purchasers in the 1974-75 hunting season. Names and addresses will be supplied to National Analysts from the files of Office of Migratory Bird Management, Patuxent Wildlife Research Center. This use of the file will occur one time only as part of a research project.

**Categories of records in the system:** About 75 questions to be asked concerning their personal interest, attitudes, statistics, knowledge, and commitment to waterfowl hunting.

**Authority for maintenance of the system:** Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742i; 70 Stat. 1119).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To make decisions about waterfowl hunting regulations and the adequacy of current management of waterfowl hunting used by Service employees. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- Multipage 8 1/2 x 11" questionnaire. Answers only placed in computer. (2) Retrievability -- by hand sort of questionnaires - answers by computer. (3) Safeguards -- National Analysts pledges confidentiality on names of contacts and their responses to questions. A report will be prepared by National Analysts and it will not relate responses to individuals. (4) Retention and Disposal -- all information will be turned over to FWS upon completion of study. Records will be destroyed after total debriefing.

**System manager(s) and address:** Chief, Branch of Migratory Birds, Division of Population Ecology Research, Room 560, Matome Building, Washington, D.C. 20240. Telephone: 202-343-5729.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed

**Authority for maintenance of the system:** Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); Federal Insecticide, Fungicide, and

investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license

**Systems exempted from certain provisions of the act:** This system is proposed to be exempted from all of the provisions of Privacy



**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Diagnostic-Extension Service Records -- Interior, FWS-17.

**System location:** (1) Eastern Fish Disease Laboratory, R.D. 1, Box 17, Kearneysville, West Virginia 25430. (2) Fish Farming Experimental Station, P.O. Box 860, Stuttgart, Arkansas 72160. (3) National Fish and Wildlife Health Laboratory, University of Wisconsin, Department of Veterinary Science, 1655 Linden Drive, Madison, Wisconsin 53703. (4) Western Fish Disease Laboratory, Bldg. 204, Naval Support Activity, Seattle, Washington 98115.

**Categories of individuals covered by the system:** Federal, State employees involved in fish and wildlife production and fishery wildlife management, private fish farmers, fish hobbyists.

**Categories of records in the system:** Results of diagnostic examinations, related information and recommendations.

**Authority for maintenance of the system:** Fish and Wildlife Act of 1956 (16 U.S.C. 742a-7421; 70 Stat. 1119).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Internal use for identifying regional and national fish and wildlife disease patterns, occurrence and importance. As an aid in developing research priorities. For comparison of pathological agents, disease pathology. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- bound books, forms in file folders. (2) Retrievability -- by accession number. (3) Safeguards -- as prescribed in 43 CFR 2.51. (4) Retention and Disposal -- indefinite.

**System manager(s) and address:** Appropriate laboratory Director.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individuals, companies, or their representatives on whom the records are maintained: Federal and State employees.

**System name:** Animal Damage Control Authorization Records -- Interior, FWS-18.

**System location:** (1) Animal Damage Control Office, U.S. Fish and Wildlife Service, Room 546, Matomic Building, 1717 H Street, NW., Washington, D.C. 20240. (2) Regional offices of the Fish and Wildlife Service (See Appendix for regional addresses).

**Categories of individuals covered by the system:** Livestock producers, livestock feeders, poultry producers, farmers and suburban and rural residents who request help in reducing wild bird or mammal damage to their property, pets or livestock.

**Categories of records in the system:** Contains name, address, ranch or farm acreage and location and number of poultry or livestock owned, number of livestock damaged present and previous year. Contains signature of individual requesting assistance and agreeing to control methods and dates.

**Authority for maintenance of the system:** Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 135-135k); and migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-711; 40 Stat. 755).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) For documentation of qualification for use of M-44's; to gather data on control predator damage; to monitor Service field employee's use of M-44 unit; to help determine success of M-44's to gather data for registration of M-44 with EPA; to request and permit Service to conduct ADC work in signators lands; to help protect the Government from tort claims, charges of trespass and other misunderstandings. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation and, criminal or regulatory in nature to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on an 8 x 10 1/2 inch form. (2) Retrievability -- indexed by name. (3) Safeguards -- records are maintained in a standard office filing cabinet and office is locked when personnel are not present. (4) Retention and Disposal -- statistical records maintained for three years and then destroyed. Agreement records received each year and old agreement destroyed.

**System manager(s) and address:** Program Coordinator, Animal Damage Control, U.S. Fish and Wildlife Service, Room 546, Matomic Building, 1717 H Street, NW., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained and Service field personnel.

**System name:** Endangered Species Licensee System -- Interior, FWS-19.

**System location:** (1) Division of Law Enforcement, U.S. Fish and Wildlife Service, 1612 K Street, NW., Washington, D.C. 20240. (2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

**Categories of individuals covered by the system:** Individuals who request a license to import or export fish and/or wildlife or products thereof.

**Categories of records in the system:** Contains name, address, date of birth, height, weight, color of hair and eyes, business phone number, occupation and social security number of individual requesting license. Businesses are identified by type, name and title and phone number of principal officer and State of incorporation, if applicable.

**Authority for maintenance of the system:** Endangered Species Act of 1973 (16 U.S.C. 1531(d); 80 Stat. 884).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identifies licensees authorized to import or export fish and/or wildlife or products thereof. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of

investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in 8 x 10 1/2" file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51. (4) Retention and Disposal -- indefinite.

**System manager(s) and address:** Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to Special Agents in Charge, Law Enforcement Districts 1-13, with respect to records located in the district for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to Special Agents in Charge, Law Enforcement Districts 1-13, with respect to records located in the district for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom file is being maintained.

**System name:** Investigative Case File System -- Interior, FWS-20.

**System location:** (1) Division of Law Enforcement, U.S. Fish and Wildlife Service, 1612 K Street, NW., Washington, D.C. (2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

**Categories of individuals covered by the system:** Subjects of investigation relative to violation of fish and wildlife laws.

**Categories of records in the system:** Contains name and address, place and date of birth plus other available data identifying the subjects of investigation in violation of the fish and wildlife laws as well as other information incidental to these investigations all of which carry criminal sanctions.

**Authority for maintenance of the system:** Assault Act (18 U.S.C. 111), Bald Eagle Act (16 U.S.C. 668-668d), Black Bass Act (16 U.S.C. 851-856), Lacey Act (18 U.S.C. 42-44), Refuge Administration Act (16 U.S.C. 668dd-668ee), Migratory Bird Hunting Stamp Act (16 U.S.C. 718-718h), Migratory Bird Treaty Act (16 U.S.C. 703-711), Endangered Species Act (16 U.S.C. 1531-1543), Marine Mammal Act (16 U.S.C. 1361-1407), Upper Mississippi Refuge Act (16 U.S.C. 721-731), Bear River Refuge Act (16 U.S.C. 690), Fish and Wildlife Recreation Act (16 U.S.C. 460k & 1), Airborne Hunting Act (16 U.S.C. 742j) and Tariff Classification Act (19 U.S.C. 1527).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Includes all investigative and enforcement information reported to and investigated by the Division of Law Enforcement, U.S. Fish and Wildlife Service. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in 8 x 10 1/2" file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51. (4) Retention and Disposal -- indefinite.

**System manager(s) and address:** Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20240.

**Systems exempted from certain provisions of the act:** This system is proposed to be exempted from all of the provisions of Privacy Act except the following: 5 U.S.C. 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (c)(6) through (11), and (i).

**System name:** Permits System -- Interior, FWS-21.

**System location:** (1) Division of Law Enforcement, U.S. Fish and Wildlife Service, 1612 K Street, NW., Washington, D.C. (2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

**Categories of individuals covered by the system:** Applicants for permits to conduct certain activities in areas of fish and wildlife.

**Categories of records in the system:** Contains the name, address, date of birth, height, weight, color of hair and eyes, business phone number, occupation and social security number of person applying for permit. Business agencies and institutions are identified by type, name, title and phone number of principal officer and State of incorporation, if applicable. Contains information on location of the activity and a briefing of the type of the proposed activity. May also include the qualifications, educational background and experience of the applicant.

**Authority for maintenance of the system:** 16 U.S.C. 668a, 16 U.S.C. 1539, 16 U.S.C. 704-711, 16 U.S.C. 1371, 18 U.S.C. 42-44, and 19 U.S.C. 1527.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identifies holders of permits which authorize otherwise illegal activity having to do with fish and/or wildlife. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in 8 x 10 1/2" file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51. (4) Retention and Disposal -- indefinite.

**System manager(s) and address:** Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C.

**Systems exempted from certain provisions of the act:** This system is proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

**System name:** U.S. Deputy Game Warden System -- Interior, FWS-22.

**System location:** Regional offices of the Fish and Wildlife Service. (See Appendix for addresses).

**Categories of individuals covered by the system:** Applicants for U.S. Deputy Game Warden Commissions.

**Categories of records in the system:** Contains the name, address, date and place of birth, social security number, height, weight, color of hair and eyes of applicants for U.S. Deputy Game Warden Commissions.

**Authority for maintenance of the system:** Fish and Wildlife Act of 1956 (16 U.S.C. 742a-7421; 70 Stat. 1119).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identifies applicants and holders of U.S. Deputy Game Warden Commissions. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in 8 x 10 1/2" file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in segregated area secured by a locking



device in accordance with 43 CFR 2.51. (4) Retention and Disposal -- destroyed after Commission expires.

**System manager(s) and address:** Chief, Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, Room 3455, Main Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individuals on whom the file is being maintained.

**System name:** Motor Vehicle Permit Log -- Interior, FWS-23.

**System location:** (1) Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, 1717 H Street, N.W., Washington, D.C. 20006. (2) regional offices (See Appendix for regional addresses).

**Categories of individuals covered by the system:** Employees who require Government Vehicle Operator Permit.

**Categories of records in the system:** Log reflecting employee name, driver's license number, duty station location, date of issue of permit and date permit expires.

**Authority for maintenance of the system:** Federal Property and Administrative Service Act of 1949, (40 USC 471), as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Ready reference of names of holders of permit and date when permit must be renewed.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained as simple log in loose-leaf binder. (2) Retrieval -- maintained by date and in alphabetical order. (3) Safeguards -- log maintained as information system for personnel staff with normal non-security confidential procedures meeting requirements of 43 CFR 2.51. (4) Retention and Disposal -- maintenance of log on a continuing basis consistent with need of the individual to have a current permit.

**System manager(s) and address:** Chief, Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, Room 3455, Main Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Payroll -- Interior, FWS-24.

**System location:** (1) Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, 1717 H Street, N.W., Washington, D.C. 20006. (2) Input information supplied by all facilities of the U.S. Fish and Wildlife Service. (See Appendix for addresses.)

**Categories of individuals covered by the system:** All paid employees in the Service.

**Categories of records in the system:** Pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and shift schedules.

**Authority for maintenance of the system:** 5 U.S.C. 5101, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Fiscal operations for payroll, leave, insurance, tax, retirement and cost programs. (2) Disclosure to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals. (3) Disclosure to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes. (4) Disclosure to the Civil Service Commission in connection with retirement, life insurance and health insurance accounts. (5) Disclosure to another Federal agency to which an employee has transferred. (6) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in 8" x 10 1/2" folders and on computer media. (2) Retrieval -- identified by employee social security number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- one year from date employee separates.

**System manager(s) and address:** Chief, Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, Room 3455, Main Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained, and supervisors.

**System name:** Payroll, Attendance and Leave Records -- Interior, GS-1.

**System location:** Geological Survey, National Center, Reston, Va. 22092.

**Categories of individuals covered by the system:** All Geological Survey Employees.

**Categories of records in the system:** Name, social security number, grade, step and salary; organization, retirement or FICA data as applicable; Federal, State and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deductions; health insurance deduction and plan or code; cash award data, jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types; time and attendance records; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds; marital status and number of dependents; and 'Notification of Personnel Action'. The individual records listed are included only as pertinent to the individual employees.

**Authority for maintenance of the system:** 5 U.S.C. 5101, et seq.; Title 6, GAO Policy and Procedure Manual; 31 U.S.C. 66(a); Sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Transmittal of data to U.S. Treasury to issue pay to employees and to distribute pay according to employee directions for allotments, financial institutions, savings bonds, charitable contributions and other authorized purposes. (2) Reporting tax withholdings to IRS and State and local taxing authorities; FICA deductions to SSA; withholdings for health insurance to the Civil Service Commission and carriers; contributions to agents of charitable institutions; dues to labor unions; annual W-2 statements to taxing authorities and the individual. (3) In the event that a system of records maintained by the Survey to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. (4) A record from this system of records may be disclosed, as a routine use, to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses if necessary to obtain information relevant to a Survey decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (6) A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving the individual when the individual is a constituent of the Member and has requested assistance from the Member with respect to the subject matter of the record. (7) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- both machine readable and manual. (2) Retrieval -- by name or social security number of employee. (3) Safeguards -- storage equipment and rooms locked when not in use. Access is restricted to authorized personnel only. Computer and payroll personnel are instructed as to the need for security and confidentiality. (4) Disposal -- retained on-site until GAO audit, then destroyed or transferred to Federal Records Center, as appropriate according to GAO fiscal records program, or GSA General Records Schedules.

**System manager(s) and address:** Chief, Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092.

**Notification procedure:** System Manager. A written and signed request is required from anyone seeking information concerning him/her.

**Record access procedures:** Requests for access to records should be addressed to the System Manager and must meet the requirements of 43 CFR 2.63.

**Contesting record procedures:** Petitions for amendment should also be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

**Record source categories:** Subject individuals, supervisors, timekeepers and personnel records.

**System name:** Authorized Cashier, Alternate Cashier, Certifying Officer and Cashier, Collection Officers -- Interior, GS-2.

**System location:** Geological Survey, National Center, Reston, Virginia 22092.

**Categories of individuals covered by the system:** Authorized Cashiers, Alternate Cashiers, Certifying Officers and Cashiers - Collection Officers assigned to perform these functions in the conduct of Survey financial business.

**Categories of records in the system:** Up-to-date records including name and address showing authorizations for certain persons to perform the functions of cashier, alternate cashier, certifying officer, and cashier - collection officer.

**Authority for maintenance of the system:** 31 U.S.C. 66a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Transmittal to U.S. Treasury. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrieval -- by name of individual. (3) Safeguards -- access limited to those personnel who have requirement for access. (4) Disposal -- retained and disposed of according to GSA General Records Schedules.

**System manager(s) and address:** Chief, Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092.

**Notification procedure:** A written and signed request from the requester seeking information about him or herself is required and is submitted to the System Manager.

**Record access procedures:** Requests for access should be addressed to the System Manager and meet the requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individuals and supervisors.

**System name:** Accounts Receivable -- Interior, GS-3.

**System location:** Geological Survey, National Center, Reston, Virginia 22092.

**Categories of individuals covered by the system:** Debtors owing money to the Geological Survey, including employees, former employees, business firms, institutions and private individuals. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

**Categories of records in the system:** Name and address, amount owed, and service, overpayment or other accounting; invoice number.

**Authority for maintenance of the system:** 5 U.S.C. 5701-09; FPMR 101-7; Treasury Fiscal Requirements Manual.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Billing debtors. (2) Reporting to the Civil Service Commission. (3) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual form in file folders. (2) Retrieval -- by individual name. (3) Safeguards -- handling by authorized personnel only. (4) Disposal -- retained until payment received and account audited, then disposed of in accordance with Records Control Schedule.

**System manager(s) and address:** Chief, Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092.

**Notification procedure:** A written and signed request from the requester seeking information about him/her is required and is submitted to the System Manager.

**Record access procedures:** Requests for access should be addressed to the System Manager and must meet the requirements of 43 CFR 2.63.

**Contesting record procedures:** Petitions for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Subject individual, contracting officer, accounting records.

**System name:** Employee Workload and Production Reports -- Interior, GS-4.

**System location:** Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092.

**Categories of individuals covered by the system:** Branch employees whose work can be measured by production units.

**Categories of records in the system:** Production reports summarizing...

**System location:** (1) All Area, Agency and Field Offices of the...

the event of litigation or potential litigation involving the records or...

written and signed request stating that the requester seeks information...



**Categories of records in the system:** Production reports summarizing weekly production rates.

**Authority for maintenance of the system:** 5 U.S.C. 301, 3101, 31 U.S.C. 24, 66a, 43 U.S.C. 1457, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Summarizes weekly production in the Branch and determines backlog of work. Used to determine production performance of individual employees. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual and machine readable records. (2) Retrievability -- by name of individual. (3) Safeguards -- available to Branch employees only. (4) Disposal -- retained as needed, then destroyed.

**System manager(s) and address:** Chief, Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092.

**Notification procedure:** A written and signed request from the requester seeking information about him/her is required and is submitted to the System Manager.

**Record access procedures:** Requests for access should be submitted to the System Manager and meet the requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Subject individual.

**System name:** Property Loan Agreement Files -- Interior, BIA-1

**System location:** All Area and Agency Offices (See appendix for addresses.)

**Categories of individuals covered by the system:** Individual Indians or non-Indians having a need for Government-owned real or personal property for use in a Bureau program.

**Categories of records in the system:** Records of accountability for Government-owned real or personal property loaned to individuals.

**Authority for maintenance of the system:** 40 U.S.C. 483(6).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identifies individuals responsible for Government-owned real or personal property by agreement. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by individual name and cross-referenced by tribal name, contract or use permit number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- destroy one year after property is returned.

**System manager(s) and address:** Director, Office of Administration, Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Area Director or Agency Superintendent. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as the Notification. The request must be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71. Individual on whom the record is maintained.

**System name:** Safety Management Information -- Interior, BIA-2.

**System location:** (1) All Area, Agency and Field Offices of the BIA. (See appendix for addresses). (2) Director, Office of Administration, Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

**Categories of individuals covered by the system:** (1) Employee operators and incidental operators of government-owned vehicles and equipment. (2) Federal employees who have had an accident or incident. (3) Injured employees who submit claims for medical attention or loss of earning capability due to on-the-job injury. (4) Individuals filing tort claims against the U.S. Government.

**Categories of records in the system:** (1) Documents supporting the issuance of SF-46 Motor Vehicle Identification Cards to employees. (2) Reports of accident/incident by agency, area, name of person involved and social security number. (3) Employee claims case files pertaining to claims submitted to the Office of Workmen's Compensation, and (4) Case files with supporting documents pertaining to tort claims filed by an individual against the U.S. Government.

**Authority for maintenance of the system:** 5 U.S.C. 7902.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Provides complete recordkeeping on qualified motor vehicle operators in BIA, employee accidents or incidents, Federal employees compensation claims and adjudication of tort claims. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed alphabetically by name of employee. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- not authorized for disposal.

**System manager(s) and address:** Director, Office of Administration, Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, the Area or Field Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as the Notification. A request for access may be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Claimants. Individuals on whom the record is maintained.

**System name:** Individual Indian Monies -- Interior, BIA-3.

**System location:** (1) All Area and Agency Offices of the BIA or contractors processing IIM accounts for them (See appendix for addresses). (2) Division of Accounting Management, Bureau of Indian Affairs, P.O. Box 2088, Albuquerque, NM 87103.

**Categories of individuals covered by the system:** Individual Indians who have money accounts.

**Categories of records in the system:** General ledgers showing deposits and withdrawals from Indians' accounts and money folders with supporting documentation.

**Authority for maintenance of the system:** 25 U.S.C. 151.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To control individual Indian's money accounts and to disclose to them the status of those accounts. (2) Granting of access or transfer to another Federal agency, a state or local government, Indian tribal group or to any individual or establishment that, under contract to the BIA or as the result of some form of legal transfer of the program to them, will have jurisdiction for the IIM program now under the jurisdiction of the BIA. (3) Transfer to the U.S. Department of Justice in

the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a

the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form throughout Area and Agency Offices with some transaction records on computer readable media. (2) Retrievability -- indexed by name or identifying number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for both manual and computer records. (4) Disposal -- closed files are transferred to the appropriate GSA Federal Records Center five years after probate and other actions are completed. Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20242.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Area Director or Agency Superintendent. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as for Notification. The request must be in writing, be signed by the requester and meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual Indians, depositors in the accounts and claimants against the accounts.

**System name:** Indian Land Records -- Interior, BIA-4.

**System location:** (1) Land Records Improvement Program Liaison Office, Bureau of Indian Affairs, P.O. Box 888, Albuquerque, NM 87103. (2) Title plants at the following four Area Offices of the BIA: Portland, Billings, Aberdeen and Albuquerque. (See appendix for addresses). (3) Area, Agency and Field Offices of the BIA. (See appendix for addresses).

**Categories of individuals covered by the system:** Individual Indians and Indian tribal groups that are owners of land held in trust by the government.

**Categories of records in the system:** Land description, current ownership, probate and title history of Indian trust lands.

**Authority for maintenance of the system:** 25 U.S.C. 392.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identification of individual Indians and Indian tribal groups with interest in lands held in trust. (2) Transfer or disclosure to another Federal agency, a state or local government, or to any individual or establishment that has been appointed to act as trustee for Indian lands. (3) Transfer to the U.S. Department of Justice in event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on mag-tape. Basic legal documents are maintained at the four title plants. Input documents and printed copies are maintained at the Albuquerque Office, the four title plants, and the Area, Agency and Field Offices. (2) Retrievability -- indexed by name or identification number of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.1 for both manual and computerized records. (4) Disposal -- land records are classified as permanent records.

**System manager(s) and address:** Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. A

written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63. A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Legal records such as titles, deeds, probates and birth notices.

**System name:** Indian Land Leases -- Interior, BIA-5.

**System location:** (1) Area, Agency and Field Offices of the BIA. (See appendix for addresses). (2) Automatic Data Processing, Bureau of Indian Affairs, P.O. Box 888, Albuquerque, NM 87103. (3) Contractors, including Indian tribal groups and other federal agencies. (See appendix for addresses.)

**Categories of individuals covered by the system:** Individual Indian and Indian tribal groups that are owners of real property held in trust by the government, and individuals or groups that are potential or actual lessees of that property.

**Categories of records in the system:** Land description, heirship and current ownership of Indian trust lands and real property; identification of owners and lessees; water, surface and subsurface rights on that land; conservation, irrigation and land use projects; and information on all types of leases, including grazing, farming, minerals and mining, timber, business, etc.

**Authority for maintenance of the system:** 25 U.S.C. 415.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Control of leases on Indian trust lands and real property, and collection and distribution of lease income. (2) Protection of water, surface and subsurface rights on Indian trust lands. (3) Planning and implementation of conservation, irrigation and land use projects on Indian lands. (4) Disclosure or transfer to another Federal agency, a state or local government, an Indian tribal group or contractor having jurisdiction of programs ordinarily the responsibility of the BIA. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- on manual documents and maps, computer readable media, input forms and computer printouts. (2) Retrievability -- indexed by name or identification number of the individual. (3) Safeguards -- most records are maintained with safeguards meeting the requirements of 43 CFR 2.51 for both manual and computer records. A program will be initiated to bring the safeguards for the remaining systems of records up to the same standards. (4) Disposal -- In accordance with BIA Records Control Schedule as approved by the Archivist of the United States and the Commissioner of Indian Affairs.

**System manager(s) and address:** Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as for Notification. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Owners and lessees. Titles, deeds, birth and death notices, all types of land and water rights and usages documents.

**System name:** Navajo-Hopi Joint Use Project -- Interior, BIA-6.

the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a

**System manager(s) and address:** Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washing-

provide a progress reporting on housing improvements. (2) Disclosure or transfer to another Federal agency, a state or local govern-



**System name:** Navajo-Hopi Joint Use Project -- Interior, BIA--6.

**System location:** (1) Joint Use Administrative Office, P.O. Box 1889, Flagstaff, Arizona 86001. (2) Automatic Data Processing, Bureau of Indian Affairs, P.O. Box 888, Albuquerque, NM 87103.

**Categories of individuals covered by the system:** Navajo and Hopi Indians who are residents of the Joint Use Area in Arizona. (6) Census enumerations, and inventories and ownerships of property improvements.

**Authority for maintenance of the system:** 25 U.S.C. 631, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Establishment of ownership of property improvements by Navajos and Hopis in the Joint Use Area as a basis for the adjudication of claims. (2) Granting of access to the pertinent officials of the concerned tribal groups of those portions of the records necessary for the defense of the interests of members of the tribes. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual records, computer input forms and printouts at the JUA Office. Selected data is being transferred to the computer in Albuquerque. (2) Retrievability -- indexed by name of individual Indians. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for both manual and computer records. (4) Disposal -- not authorized for disposal.

**System manager(s) and address:** Project Officer, Joint Use Administrative Office, P.O. Box 1889, Flagstaff, Arizona 86001.

**Notification procedure:** A written and signed request stating that the requester seeks information concerning records pertaining to him should be addressed to the System Manager. See 43 CFR 2.60.

**Record access procedures:** A request for access should be addressed the same as for Notification. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Navajo and Hopi residents of the Joint Use Area and enumeration surveyors who are interviewing claimants and physically examining property improvements.

**System name:** Tribal Rolls -- Interior, BIA--7.

**System location:** (1) All Area, Agency and Field Offices of the BIA. (See appendix for addresses.) (2) Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245. (3) Automatic Data Processing Center, Bureau of Indian Affairs, P.O. Box 888, Albuquerque, NM 87103.

**Categories of individuals covered by the system:** Individual Indians who are applying for or have been assigned interests of any kind in Indian tribes, bands, pueblos or corporations.

**Categories of records in the system:** Documents supporting individual Indians' claims to interests in Indian tribal groups, including birth, marriage and death notices; records of actions taken (approvals, rejections, appeals); rolls of approved individuals; records of actions taken (judgment distributions, per capita payments, shares of stocks); ownership and census data taken using the rolls as a base.

**Authority for maintenance of the system:** 25 U.S.C. 163.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Determination of eligibility of individuals to participate in or enjoy benefits from an interest in a tribal group. (2) Lists of approved enrollees are used to distribute funds or income, or as a base to gather census or ownership data for planning purposes. (3) Disclosure to the tribe, band, pueblo or corporation of which the individual to whom a record pertains is a member or a stockholder. (4) Disclosure to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee,

the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (6) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual documents, computer readable media, input forms and computer printouts. (2) Retrievability -- indexed by name, identification numbers, family numbers, etc. (3) Safeguards -- a program is under way to bring security up to the standards of 43 CFR 2.51 for all parts of the system. (4) Disposal -- In accordance with BIA Records Control Schedule as approved by the Archivist of the United States and the Commissioner of Indian Affairs.

**System manager(s) and address:** Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as for Notification. The request must be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Enrollees or claimants. Birth, marriage and death certificates, and family and tribal histories.

**System name:** Indian Social Services Case Files -- Interior, BIA--8.

**System location:** All Area, Agency and Field Offices of the BIA. (See appendix for addresses.)

**Categories of individuals covered by the system:** Individual Indians who apply and receive social services and direct assistance from the Bureau of Indian Affairs on Indian reservations.

**Categories of records in the system:** Case files and related card files giving history of social services and direct assistance to individual Indians.

**Authority for maintenance of the system:** 25 U.S.C. 13.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Provides permanent individual records on social services and direct assistance to individual Indians. (2) Granting of access or transfer to another Federal agency, a state or local government, Indian tribal group or to any individual or establishment that will have jurisdiction whether by contract to the BIA, by assumption of trust responsibilities or by other means, for social services programs now controlled by the BIA. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or a potential violation of a statute regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed alphabetically by name of applicant and/or recipient. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- transfer inactive files to GSA Federal Records Center five years after case is closed.

**System manager(s) and address:** Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as for Notification. The request must be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Applicants and/or recipients.

**System name:** Traders License Files -- Interior, BIA--9.

**System location:** All Area and Agency Offices of the BIA. (See appendix for addresses.)

**Categories of individuals covered by the system:** Applicants requesting licenses to trade on Indian reservations.

**Categories of records in the system:** Case files containing applications, bond forms, copies of licenses and related correspondence.

**Authority for maintenance of the system:** 25 U.S.C. 261.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identification of individuals authorized to trade on Indian reservations. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders at Area and Agency Offices. (2) Retrievability -- indexed alphabetically by name of applicant. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- Transfer to the GSA Federal Records Centers five years after case becomes inactive.

**System manager(s) and address:** Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, for records maintained in the office for which he is responsible, an Agency Superintendent or an Area Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as for Notification. The request must be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Applicants and licensed traders.

**System name:** Indian Housing Improvement Program -- Interior, BIA--10.

**System location:** (1) Division of Housing Services, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245. (2) All Area and Agency Offices. (See appendix for addresses.)

**Categories of individuals covered by the system:** Individual Indians who qualify as housing improvement participants.

**Categories of records in the system:** Housing applications, financial records, and engineering drawing material.

**Authority for maintenance of the system:** 25 U.S.C. 13.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To maintain a management control of funds distributed to each individual and to

provide a progress reporting on housing improvements. (2) Disclosure or transfer to another Federal agency, a state or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now controlled by the BIA. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of applicant. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- Records are of permanent nature and not authorized for disposal.

**System manager(s) and address:** Director, Office of Indian Services, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, or the Area or Field Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, or the Area or Field Office Director. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual applicants.

**System name:** Indian Business Development Program (Grants) -- Interior, BIA--11.

**System location:** (1) Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245. (2) Area and Agency Offices. (See appendix for addresses.)

**Categories of individuals covered by the system:** Indian Business Grant applicants.

**Categories of records in the system:** Grant application and supporting documents.

**Authority for maintenance of the system:** 88 Stat. 77 (1974).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identification of individual receiving grant. (2) Transfer or disclosure to another Federal agency, a state or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now managed by the BIA. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by individual's name or control number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- Not authorized for disposal.

**System manager(s) and address:** Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.



**Record access procedures:** A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Legal records such as titles, deeds, probates and birth notices. Applicants.

**System name:** Indian Trust Land Mortgages -- Interior, BIA--12.

**System location:** Area and Agency Offices. (See appendix for addresses.)

**Categories of individuals covered by the system:** Individual Indians who mortgaged trust land to customary lenders.

**Categories of records in the system:** Mortgage records and supporting documents.

**Authority for maintenance of the system:** 25 U.S.C. 483(a).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To furnish lender with information on applicant and on status of land and to maintain current information on payments and balances of loan. (2) Disclosure or transfer to another Federal agency, a state or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now managed by the BIA. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- not authorized for disposal.

**System manager(s) and address:** Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D. C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Mortgage applicants.

**System name:** Indian Loan Files -- Interior, BIA--13.

**System location:** (1) Office of Tribal Resources Development, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245. (2) Area and Agency offices. (See appendix for addresses.)

**Categories of individuals covered by the system:** (1) Applicants who applied for or received loans. (2) Applicants who applied for or received guaranteed or insured loans.

**Categories of records in the system:** Loan applications and supporting documents, record of payment cards, guaranty agreements, eligibility certificates, default documents, and/or promissory notes.

**Authority for maintenance of the system:** 25 U.S.C. 482, 461, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Maintain a record of payments and unpaid balances and to provide information on pay-

ments made for paying interest subsidy, credits obtained, service loans, and premiums paid by lenders. (2) Disclosure or transfer to another Federal agency, a state or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now maintained by the BIA. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by individual's name, control number or tribal name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- destroy seven years after loan is paid, cancelled, or otherwise disposed of.

**System manager(s) and address:** Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Street N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual loan applicants.

**System name:** Travel Accounting System -- Interior, BIA--14.

**System location:** (1) Division of Accounting Management, Bureau of Indian Affairs, P. O. Box 2088, Albuquerque, NM 87103. (2) All Area, Agency, and Field Offices (including the Washington Office) of the BIA. (See appendix for addresses.)

**Categories of individuals covered by the system:** Individuals who are traveling at government expense.

**Categories of records in the system:** Travel authorization, advances and vouchers.

**Authority for maintenance of the system:** 5 U.S.C. 5701, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identification of individuals who are authorized to travel and be reimbursed by the government. (2) Disclosure or transfer to another Federal agency, a state or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now controlled by the BIA and that require personal travel at program expense. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on mag-tape. Input documents and printed copies are maintained at the Albuquerque Office and at Area, Agency and Field Offices for individuals under their jurisdiction. (2) Retrievability -- indexed by name or identification number of traveler. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for both manual and computerized records. (4) Disposal -- not authorized.

**System manager(s) and address:** Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, or the Area or Field Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, or the Area or Field Office Director. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual travelers.

**System name:** Trip Reports -- Interior, BIA--15.

**System location:** Central Office, Area, Agency and Field Offices of the BIA.

**Categories of individuals covered by the system:** Federal employees who are assigned to travel as part of their job.

**Categories of records in the system:** Copies of reports to supervisors and management officials documenting employee travel, findings and recommendations.

**Authority for maintenance of the system:** 5 U.S.C. 5701, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Provides local file which identifies staff officer trip reports by name of individual for each BIA program office. (2) Transfer to the U. S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders in offices throughout the Bureau. (2) Retrievability -- indexed alphabetically by name of traveler. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- as administrative copies, records are destroyed after four years.

**System manager(s) and address:** Commissioner, Bureau of Indian Affairs, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** With respect to records maintained in the office for which he is responsible the Agency Superintendent, the Area or Field Office Director, or in the Washington Office the System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as for notification. A request for access must be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual travelers who prepare the reports.

**System name:** Travel Files -- Interior, BIA--16.

**System location:** Central Office, Area, Agency and Field Offices of the BIA. (See appendix for addresses.)

**Categories of individuals covered by the system:** Federal employees who are authorized to travel at government expense.

**Categories of records in the system:** Copies of correspondence, requests, travel authorizations and orders, itineraries and similar papers pertaining to an employee's travel.

**Authority for maintenance of the system:** 5 U.S.C. 5701, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Provides administrative copy file on each traveler for local office use. (2) Transfer to

the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders in offices throughout the Bureau. (2) Retrievability -- indexed alphabetically by name of traveler. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- as administrative copies, records are destroyed after four years.

**System manager(s) and address:** Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20242.

**Notification procedure:** System Manager or with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, or the Area or Field Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as for Notification. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual employees who are required to travel.

**System name:** Payroll -- Interior, BIA--17.

**System location:** (1) Employee Data and Compensation, Bureau of Indian Affairs, P.O. Box 2026, Albuquerque, NM 87103. (2) Input documents supplied by all Area, Agency and Field Offices. (See Appendix for addresses.)

**Categories of individuals covered by the system:** All employees of the BIA, including all types of employment.

**Categories of records in the system:** Time and attendance data from each pay station are matched with personnel data at the Albuquerque Data Center and payrolls are prepared for distribution by Treasury (RDO), and numerous reports and call-ups are printed out.

**Authority for maintenance of the system:** 5 U.S.C. 5101, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To prepare payrolls for distribution by the Regional Disbursing Offices of Department of Treasury and to report results to the Civil Service Commission. (2) Granting of access or transfer to a Federal, State or local agency, or to an Indian tribal group or any establishment or individual that assumes jurisdiction, whether by contract to the BIA or by legal transfer, of any program under the control of the BIA. (3) Disclosure to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals. (4) Disclosure to the Internal Revenue Service and to state, commonwealth, territorial and local governments for tax purposes. (5) Disclosure to the Civil Service Commission in connection with the Civil Service retirement system. (6) Disclosure to another Federal agency to which an employee has transferred. (7) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (8) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (9) Transfer to the U.S. Department of Justice in the event of litigation or potential

litigation involving the records or the subject matter of the records.

**Record source categories:** Individual stockholders.

**System name:** Indian Loan Files System -- Interior, BIA--20.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in

ry to carry out their functions. (13) Disclosure to an Educational Testing Center or similar institution as part of validation research



litigation involving the records or the subject matter of the records. (10) Transfer in the event there is indicated a violation or a potential violation of a statute, rule, regulation, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on computer media, with input forms and printed outputs in manual form. (2) Retrievability -- indexed by name and identifying number of the employee. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer and manual records. (4) Disposal -- in accordance with Title 8 of GAO Manual.

**System manager(s) and address:** Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director or Agency Superintendent. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as for Notification. The request must be in writing, be signed by the requester and must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual employees and timekeepers. **System name:** Indian Association Stock Purchase Records -- Interior, BIA--19.

**System location:** Agency Offices (See Appendix for addresses.) **Categories of individuals covered by the system:** Indian stockholders.

**Categories of records in the system:** Records of purchase of stock in Indian associations by individuals.

**Authority for maintenance of the system:** 25 U.S.C. 1, 1a, 13.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identification of individual Indians who have stocks in Indian Associations. (2) Transfer or disclosure to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now managed by the BIA. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- destroy three years after disposal of stocks.

**System manager(s) and address:** Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual stockholders.

**System name:** Correspondence Files System -- Interior, BIA--20.

**System location:** Division of Administrative Services, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20242.

**Categories of individuals covered by the system:** Individuals who correspond with or apply to the BIA Central Office on significant business or program matters.

**Categories of records in the system:** Subject and case files pertaining to individual Indians and tribes on various BIA programs and subject matters.

**Authority for maintenance of the system:** 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950, 25 U.S.C. 1a, 2.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Provides information for use by Department of the Interior; BIA; Indian tribes; Indian Claims Commission; and the Indian Claims Division, Office of Finance, GSA. (2) Disclosure or transfer to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now controlled by the BIA. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- cross-indexed by name of person or firm name and subject. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- records are permanent and are transferred to the GSA Federal Records Center after four years.

**System manager(s) and address:** Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20242.

**Notification procedure:** Same as the above. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Correspondence Control System -- Interior, BIA--21. **System location:** Office of the Commissioner, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20245.

**Categories of individuals covered by the system:** U.S. Senators and Congressmen, Governors of States, Indian leaders.

**Categories of records in the system:** Correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950, 25 U.S.C. 1a, 2.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Provides control for prompt handling of priority correspondence by the Bureau of Indian Affairs. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed alphabetically by name of congressman or letter writer. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- copies are destroyed after one year.

**System manager(s) and address:** Commissioner of Indian Affairs, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20245.

**Notification procedure:** Same as above. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester and must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment may be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual from whom incoming letter was received.

**System name:** Indian Student Records -- Interior, BIA--22.

**System location:** (1) All Area and Agency Offices and BIA schools. (See Appendix for addresses.) (2) Indian Education Resources Center, Bureau of Indian Affairs, P.O. Box 1788, Albuquerque, NM 87103.

**Categories of individuals covered by the system:** Students or potential students at BIA schools and applicants for or recipients of BIA scholarships or educational grants.

**Categories of records in the system:** Student case files, attendance and performance records, banking records and expenditures of tribal benefit funds, and applications for grants and grant agreements.

**Authority for maintenance of the system:** 25 U.S.C. 271, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Provides permanent individual student records on all phases of the education of Indians in BIA schools or under government educational grants. (2) Granting of access or transfer to another Federal agency, a State or local government, Indian tribal group or to any individual or establishment that will have jurisdiction whether by contract to the BIA, by assumption of trust responsibilities or by other means, for school programs now controlled by the BIA. (3) Granting of access or transfer to any domestic recognized school, whether public, private, parochial or other, of those portions of students' records specified by the requesting school as being necessary for the acceptance, placement or satisfactory performance of the student at the requesting school. (4) Granting of access to any individual or establishment of those portions of students' records specified by the requester as necessary for a decision concerning the hiring or retention of the student as an employee of the requester. (5) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (8) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (9) Disclosure to persons having official involvement in conjunction with a student's application for or grant of financial aid. (10) Disclosure to parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1954, as amended. (11) Disclosure to accreditation agencies in order to carry out their accrediting functions. (12) Disclosure to the Department of Health Education and Welfare and other Governmental education officials when necessary.

ry to carry out their functions. (13) Disclosure to an Educational Testing Center or similar institution as part of validation research authorized by the school involved.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- the majority of these records are manually kept student case files at the schools. Some selected types of data are being transferred to computer readable media. (2) Retrievability -- indexed by name of student. (3) Safeguards -- a program is under way to bring security for the system up to the requirements of 43 CFR 2.51 for both manual and computer records. (4) Disposal -- not authorized for disposal.

**System manager(s) and address:** Director, Office of Indian Education Programs, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

**Notification procedure:** System Manager or, with respect to records maintained in the office for which he is responsible, an Area Director, an Agency or School Superintendent or a School Principal. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as for Notification. The request must be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual students and parents, his teachers, counselors, school principals, doctors, etc.

**System name:** Mining Claim Title Clearance -- Interior, BLM--1. **System location:** Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

**Categories of individuals covered by the system:** Owners of mining claims on National Resource lands.

**Categories of records in the system:** The record contains the name of the owner of record, name, acreage and location of the claim.

**Authority for maintenance of the system:** 30 U.S.C. 601, 611.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identify owners of record of mining claims on National Resource lands. (2) Establish chain of title for ownership transfer between private individuals to determine current record owners. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on mag-tape. (2) Retrievability -- indexed by name of owner and name of claim. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- not authorized.

**System manager(s) and address:** Chief, Division of Standards and Technology, Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

**Notification procedure:** System manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System manager and must meet the requirement of 43 CFR 2.71.

**Record source categories:** Research by BLM employees and applicants for patent of mining claims.

**System name:** Range Management System -- Interior, BLM--2.

**System location:** Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

**System manager(s) and address:** Chief, Division of Budget and Management, Bureau of Indian Affairs, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

rights and interests in National Resource lands and the recordation of adjudicative actions pertaining to the claim. (2) Indexing for

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.



**System location:** Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

**Categories of individuals covered by the system:** Individuals owning grazing leases issued by BLM.

**Categories of records in the system:** The record contains the lessee's name, address, description of the area leased, and the Bureau's assigned case file number.

**Authority for maintenance of the system:** 43 U.S.C. 315, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identify ownership of grazing leases and the leases owned by individuals. (2) Provide basic information for public and administrative use concerning grazing leases. (3) Mailing of bills for rental due. (4) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on mag-tape. (2) Retrievability -- indexed by name of lessee, case file number, and land description. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- record destroyed fifteen years after termination of lease.

**System manager(s) and address:** Chief, Division of Standards and Technology, Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

**Notification procedure:** System manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System manager and must meet the requirement of 43 CFR 2.71.

**Record source categories:** Lessees.

**System name:** Mineral Lease Management -- Interior, BLM--3.

**System location:** Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

**Categories of individuals covered by the system:** Individuals owning mineral leases issued by BLM.

**Categories of records in the system:** The record contains the lessee's name, address, description of the area leased, and the Bureau's assigned case file number.

**Authority for maintenance of the system:** 30 U.S.C. 181, 221.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identify ownership of mineral leases and the acreage leased by individuals. (2) Mailing of courtesy bills for rental due and receipts of payment. (3) Documentation for public and administrative information in support of notations made on land status records for the management, disposal and use of National Resources lands and resources. (4) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on mag-tape. (2) Retrievability -- indexed by name of lessee, case file number, and land description. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- record destroyed fifteen years after termination of lease.

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**System manager(s) and address:** Chief, Division of Budget and Finance, Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

**Notification procedure:** System manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System manager and must meet the requirement of 43 CFR 2.71.

**Record source categories:** Lessees.

**System name:** Coal Lease Data System -- Interior, BLM--4.

**System location:** Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

**Categories of individuals covered by the system:** Individuals owning federal coal leases issued by BLM.

**Categories of records in the system:** The record contains the lessee's name, address, description of the area leased, and the Bureau's assigned case file number.

**Authority for maintenance of the system:** 30 U.S.C. 181, 201.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identify ownership of Federal Coal Leases and the leases owned by individuals. (2) Documentation for public and administrative information in support of notations made on land status records for the management, disposal and use of National Resource lands and resources. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on mag-tape. (2) Retrievability -- indexed by name of lessee, case file number, and land description. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- record destroyed fifteen years after termination of lease.

**System manager(s) and address:** Minerals Staff Leader, Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

**Notification procedure:** System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirement of 43 CFR 2.71.

**Record source categories:** Lessees.

**System name:** Alaska Native Claims -- Interior, BLM--5.

**System location:** Office of the State Director, Department of the Interior, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska, 99501.

**Categories of individuals covered by the system:** Claimants under the Alaska Native Claims Act.

**Categories of records in the system:** The record contains the claimants name, address, description of the area claimed and the Bureau's assigned case file number.

**Authority for maintenance of the system:** Alaska Native Claims Act, PL 92-203.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Processing claims for

rights and interests in National Resource lands and the recordation of adjudicative actions pertaining to the claim. (2) Indexing for public and administrative information documentations in case files supporting notations made on land status records for the management, disposal, and use of National Resource lands and resources. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on mag-tape. (2) Retrievability -- indexed by name of claimant, case file number, and land description. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- not authorized.

**System manager(s) and address:** Chief, Division of Management Services, Department of the Interior, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska, 99501.

**Notification procedure:** System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63. A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Claimants, BIA, and BLM determinations.

**System name:** Mineral Surveyor appointment file -- Interior, BLM--6.

**System location:** Division of Cadastral Survey (420), Department of the Interior, Bureau of Land Management, 1129 20th Street, N.W., Washington, D.C., 20240.

**Categories of individuals covered by the system:** Applicants for a Mineral Surveyor appointment and holders of an appointment.

**Categories of records in the system:** Contains the name and biographical information for qualification of each applicant and data on the granting or rejection of each application for appointment.

**Authority for maintenance of the system:** 30 U.S.C. 39.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Processing applications for appointment and issuance of notifications of appointments. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of applicant or appointee. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- file destroyed fifty years after administrative need has been completed.

**System manager(s) and address:** Chief, Division of Cadastral Survey (420), Department of the Interior, Bureau of Land Management, 1129 20th Street, N.W., Washington, D.C., 20240. System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

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**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Applicants.

**System name:** Land Case file -- Interior, BLM--7.

**System location:** The BLM offices listed in Appendix 1. Substantially all such offices maintain records in this system on a State basis.

**Categories of individuals covered by the system:** Individuals who have filed applications under appropriate statutes for National Resource lands (Public lands) or the resources in or on such lands.

**Categories of records in the system:** The records contain the applicants name, address, his qualification under the statute and regulations involved and in some instances, his social security number. Also, other detailed information specifically required by the regulations under which the application is filed, i.e., the extent of his oil and gas or other mineral holdings under the public land laws.

**Authority for maintenance of the system:** The various statutes under which applications are filed are listed in the regulations in Title 43 of the Code of Federal Regulations.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) The adjudication of the applicants' rights to the land or resources. (2) Documentation for public information in support of notations made on land status records for the management, disposal, and use of National Resource lands and resources. (3) Transfer to appropriate Federal agencies when concurrence is required prior to granting a right in National Resource lands or resources. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- The records are maintained manually in case file folders. (2) Retrievability -- indexed by name of claimant and serial number. (3) Safeguards -- The records are under constant surveillance of a docket clerk during office hours. The public does not have access to the records. In some of the offices records are maintained in locked file cabinets or shelving. Buildings and rooms within the building are locked at night. (4) Disposal -- Records are disposed of fifteen years after the right is extinguished. If a permanent right is granted the record is permanently retained.

**System manager(s) and address:** Assistant Director - Technical Services, Department of the Interior - BLM, 18th & C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** The System Manager or the head of the office where the record is maintained. Records are maintained on a state basis. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be made to the System Manager or to the head of the field office involved. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Applicants. Investigations conducted by BLM or other offices of the Department.

**System name:** Aircraft Passenger Manifest Records - Fire Control -- Interior, BLM--8.

**System location:** Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225; Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83705 and all BLM offices listed on Appendix 1.

**Categories of individuals covered by the system:** Individuals moved on government or chartered aircraft to or from a fire area.

**Categories of records in the system:** The record contains the individual's name, social security number, address and boarding point.



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**Authority for maintenance of the system:** 16 U.S.C. 594; 31 U.S.C. 686; 42 U.S.C. 1856; 43 U.S.C. 315; 1181, and 1361.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identify individuals moved to or from a fire area. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained manually in file folders. (2) Retrievability -- indexed by name of passenger on flight manifest. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- record destroyed seven years after flight.

**System manager(s) and address:** Assistant Director, Technical Services, Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** System Manager or head of office where the record is maintained. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 1.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Passenger on aircraft.

**System name:** Property and Supplies Accountability -- Interior, BLM-9.

**System location:** Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240; Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225; Alaska OCS Office, BLM, 800 A Street, P.O. Box 1159, Anchorage, Alaska 99510; Atlantic OCS Office, BLM, 6 World Trade Center, Suite 600D, New York, New York 10048; Gulf OCS Office, BLM, 1001 Howard Avenue, The Plaza Tower, Suite 3200, New Orleans, Louisiana 70113; Pacific OCS Office, BLM, 300 North Los Angeles Street, Los Angeles, California 90012; Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83705; and all BLM offices listed in Appendix.

**Categories of individuals covered by the system:** BLM employees, contractors, and contract employees.

**Categories of records in the system:** The record contains the user's name and description of the accountable property or supply.

**Authority for maintenance of the system:** 40 U.S.C. 483(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identify responsible individual for accountability of property and supplies. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained manually in file folders. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- record destroyed when property is returned to stock.

**System manager(s) and address:** Assistant Director - Administration, Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** System manager or head of office where the record is maintained. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individuals.

**System name:** Vehicle Use Authorization -- Interior, BLM-10.

**System location:** Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240; Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225; Alaska OCS Office, BLM, 800 A Street, P.O. Box 1159, Anchorage, Alaska 99510; Atlantic OCS Office, BLM, 6 World Trade Center, Suite 600D, New York, New York 10048; Gulf OCS Office, BLM, 1001 Howard Avenue, The Plaza Tower, Suite 3200, New Orleans, Louisiana 70113; Pacific OCS Office, BLM, 300 North Los Angeles Street, Los Angeles, California 90012; Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83705; and all BLM offices listed in Appendix.

**Categories of individuals covered by the system:** Individuals who have been authorized to use government vehicles for official business and for use between residence and place of employment.

**Categories of records in the system:** The record contains the employee's name and purpose for use of vehicles.

**Authority for maintenance of the system:** 40 U.S.C. 491(1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Maintain record of authorized use of government vehicles. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained manually in file folders. (2) Retrievability -- indexed by name of employee. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- record destroyed two years after return of vehicle.

**System manager(s) and address:** Assistant Director - Administration, Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** System Manager or head of office where the record is maintained. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirement of 43 CFR 2.71.

**Record source categories:** BLM employees.

**System name:** Identification Cards and Passes -- Interior, BLM-11.

**System location:** Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240; Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225; Alaska OCS Office, BLM, 800 A Street, P.O. Box 1159, Anchorage, Alaska 99510; Atlantic OCS Office, BLM, 6 World Trade Center, Suite 600D, New York, New York 10048; Gulf OCS Office, BLM, 1001 Howard Avenue, The Plaza Tower, Suite 3200, New Orleans, Louisiana 70113; Pacific OCS Office, BLM, 300 North Los Angeles Street, Los Angeles, California 90012; Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83705; and all BLM offices listed in Appendix.

**Categories of individuals covered by the system:** BLM employees issued a pass or identification card.

**Categories of records in the system:** The record contains the employee's name and assigned number of the pass or identification card.

**Authority for maintenance of the system:** Departmental Manual 310.3.1.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Maintain record of employees issued passes and identification cards. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained manually on control registers. (2) Retrievability -- indexed by name of employee and control number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- record maintained current.

**System manager(s) and address:** Assistant Director - Administration, Department of the Interior, Bureau of Land Management, 18th and C Street, N.W., Washington, D.C. 20240.

**Notification procedure:** System Manager or head of office where the record is maintained. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirement of 43 CFR 2.71.

**Record source categories:** BLM employees.

**System name:** Manpower Management -- Interior, BLM-12.

**System location:** Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

**Categories of individuals covered by the system:** BLM employees.

**Categories of records in the system:** The record contains the employee's name, social security number, organization location and vacant positions.

**Authority for maintenance of the system:** 5 U.S.C. 5301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Management of manpower and position organization control. (2) Source for data for reports to appropriate agencies, federal and state. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on mag-tape. (2) Retrievability -- indexed by name of employee, social security number, position number, and organization location. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- record maintained on a current basis.

**System manager(s) and address:** Chief, Division of Manpower and Organization, Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

**Notification procedure:** System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The requester must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirement of 43 CFR 2.71.

**Record source categories:** Notification of personnel actions and organization changes.

**System name:** Safety Management Information -- Interior, BLM-13.

**System location:** Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** BLM employees involved in a work related accident and private individuals involved in a BLM employee related accident or an accident on National Resource lands or facilities.

**Categories of records in the system:** The record contains the name of the person involved, social security number, address, nature of the accident, injuries and property damage, if any, witnesses, and control number.

**Authority for maintenance of the system:** 5 U.S.C. 7902.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Input documents for Department of the Interior Automated System for accident reporting. (2) Transfer to Department of Labor in the event there is a claim for compensation. (3) Available information for persons involved and interested individuals and companies. (4) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained manually in file folders. (2) Retrievability -- indexed by name of person involved in an accident, location, date, and control number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- record destroyed when administrative needs have been extinguished.

**System manager(s) and address:** Assistant Director, Technical Services, Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirement of 43 CFR 2.71.

**Record source categories:** Persons involved, witnesses to an accident, and investigations by BLM employees and other authorities.

**System name:** Security Clearance Files -- Interior, BLM-14.

**System location:** Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Employees of BLM.

**Categories of records in the system:** The record contains the employee's name, degree of security clearance, and location of employment.

**Authority for maintenance of the system:** E.O. 10450.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identify employees and their degree of security clearance. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained

manually in file folders. (2) Retrievability -- indexed by name of

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Notification procedure: System manager. A written and signed

System manager(s) and address: Assistant Director - Technical Services, Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.



manually in file folders. (2) Retrievability -- indexed by name of employee. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- record destroyed when administrative need is extinguished.

**System manager(s) and address:** Assistant Director - Administration, Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirement of 43 CFR 2.71.

**Record source categories:** Employee, personnel file and investigations by BLM or other agencies.

**System name:** Correspondence Control -- Interior, BLM--15.

**System location:** Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Individuals and Congressmen who have corresponded with BLM and whose correspondence has been placed under control.

**Categories of records in the system:** The record contains the correspondent's name, address, subject matter, and control number.

**Authority for maintenance of the system:** 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identify correspondents and subject matter of interest. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained manually on cards measuring five and one quarter inches by eight inches. (2) Retrievability -- indexed by name of correspondent. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- record destroyed seven years after response.

**System manager(s) and address:** Assistant Director - Legislation and Planning, Department of the Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirement of 43 CFR 2.71.

**Record source categories:** Correspondents.

**System name:** Mineral and Vegetal Material Sales -- Interior, BLM--16.

**System location:** Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

**Categories of individuals covered by the system:** Purchasers of mineral and vegetal materials.

**Categories of records in the system:** The record contains the purchaser's name, address, description of the material purchased, quantity, sales price, and the Bureau's assigned sales number.

**Authority for maintenance of the system:** 16 U.S.C. 617, 30 U.S.C. 601, 43 U.S.C. 1161a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identify for public and administrative information purchasers of vegetal and mineral materials from National Resource lands. (2) Semi-annual report to Congress. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on mag-tape. (2) Retrievability -- indexed by name of purchaser and sales number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- record destroyed two years after completion of sales contract. Chief, Division of Budget and Finance, Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

**Notification procedure:** System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirement of 43 CFR 2.71.

**Record source categories:** Purchaser.

**System name:** Payroll -- Interior, BLM--17.

**System location:** (1) Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225. (2) Input information supplied by all facilities of the Bureau of Land Management. (See Appendix for addresses.)

**Categories of individuals covered by the system:** BLM employees.

**Categories of records in the system:** The record contains the employee's name, social security number, address, and pertinent data for calculation of payroll, payroll deductions, leave, and length of service.

**Authority for maintenance of the system:** 5 U.S.C. 5301, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Disclosure to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, state and local government agencies, non-governmental organizations and individuals. (2) Disclosure to the Internal Revenue Service and to state, commonwealth, territorial and local governments for tax purposes. (3) Disclosure to the Civil Service Commission in connection with the Civil Service retirement system. (4) Disclosure to another Federal agency to which an employee has transferred. (5) For reports to appropriate agencies, federal and state. (6) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on mag-tape. (2) Retrievability -- indexed by name of employee, social security number, and location. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- record maintained on a current basis.

**System manager(s) and address:** Chief, Division of Budget and Finance, Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

**Notification procedure:** System manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Employees and personnel records.

**System name:** Criminal Case Investigation -- Interior, BLM--18.

**System location:** Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Categories of individuals covered by the system:** Individuals suspected of violation of Federal Law concerning National Resource lands, resources or facilities.

**Categories of records in the system:** The record contains investigation and arrest data.

**Authority for maintenance of the system:** Reorganization Plan No. 3 of 1946, Section 403(b), 5 U.S.C. 301, 43 U.S.C. 1457.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Administrative processing to determine if there is an indication of a violation of a Federal Law. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained manually in file folders. (2) Retrievability -- indexed by name of suspect and classified by violation of Federal Law. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- not authorized.

**System manager(s) and address:** Assistant Director - Technical Services, Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Systems exempted from certain provisions of the act:** This system is proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

**System name:** Civil Trespass Case Investigations -- Interior, BLM--19.

**System location:** The BLM offices listed in Appendix. Substantially all such offices maintain records in this system on a State basis.

**Categories of individuals covered by the system:** Individuals suspected of and confirmed trespass on National Resource lands.

**Categories of records in the system:** The record contains the individual's name, address, subject matter, control number, and data concerning possible civil trespass.

**Authority for maintenance of the system:** 43 U.S.C. 1201.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Collection of data for determination whether a trespass has been committed. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained manually in file folders. (2) Retrievability -- indexed by name of individual, subject matter, and control number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- record destroyed fifty years after case is closed.

**System manager(s) and address:** Assistant Director -- Administration, Bureau of Land Management, 200 North Los Angeles Street, Los Angeles, California 90012.

Suite 3200, New Orleans, Louisiana 70113; Pacific OCS Office, BLM, 200 North Los Angeles Street, Los Angeles, California 90012.

tive to claims for unemployment. (4) Disclosure to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll

employees authorized cash advances to defray expenses incurred in official travel. Payments to the traveler and repayments to the



**System manager(s) and address:** Assistant Director -- Administration, Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** System Manager or head of office where system is maintained. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Bureau employees and individuals authorized to travel.

**System name:** Financial Management -- Interior, BLM-2.

**System location:** Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

**Categories of individuals covered by the system:** Vendors and their designated payee who have sold items to BLM. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

**Categories of records in the system:** The record contains the vendor's and payee's address, description of the items purchased, purchase price, and the purchase order number.

**Authority for maintenance of the system:** 43 U.S.C. 1201.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Designation of payee to whom payment is to be made. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on mag-tape. (2) Retrievability -- indexed by name of vendor and payee, and the purchase order number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- record destroyed one year after payment.

**System manager(s) and address:** Chief, Division of Budget and Finance, Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

**Notification procedure:** System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Vendors and GSA purchase contracts.

**System name:** Contract Files -- Interior, BLM-23.

**System location:** Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240; Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225; Alaska OCS Office, BLM, 800 A Street, P.O. Box 1159, Anchorage, Alaska 99510; Atlantic OCS Office, BLM, 6 World Trade Center, Suite 600D, New York, New York 10048; Gulf OCS Office, BLM, 1001 Howard Avenue, The Plaza Tower,

Suite 3200, New Orleans, Louisiana 70113; Pacific OCS Office, BLM, 300 North Los Angeles Street, Los Angeles, California 90012; Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83705 and all BLM offices listed in Appendix.

**Categories of individuals covered by the system:** Individuals who have contracted with BLM to supply goods or services and prospective suppliers and bidders. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

**Categories of records in the system:** The record contains the contractor's name, address, subject matter, purchase order number and when needed requested statement of qualifications.

**Authority for maintenance of the system:** 40 U.S.C. 481.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identify contractors, prospective suppliers, bidders and subject matter of interest. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained manually in file folders. (2) Retrievability -- indexed by name of contractor and goods or services furnished. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- record destroyed ten years after completion of contract.

**System manager(s) and address:** Assistant Director - Administration, Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** System Manager or head of office where the record is maintained. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Contractors and GSA purchase contract.

**System name:** Payroll -- Interior, Mines-1.

**System location:** (1) U.S. Bureau of Mines, Division of Finance, Building 53, Denver Federal Center, Denver, Colorado 80225. (2) Input documents supplied by all facilities of U.S. Bureau of Mines (See Appendix for addresses).

**Categories of individuals covered by the system:** Current Mines employees and those formerly employed by Mines within the last two years.

**Categories of records in the system:** A variety of documents which set forth or affect an employee's annual wage rate, leave, biweekly earnings, payroll deductions, and disposition of earnings. Hard copy records consist of a folder of action-type documents for each employee. The information from these documents is recorded on computer tape for payroll purposes.

**Authority for maintenance of the system:** 5 U.S.C. 5101, et seq., 31 U.S.C. 66a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To provide information and accounting records regarding employee pay and leave for the automated payroll data file. (2) To inform each Bureau office of the composition of their labor cost changes by reporting total payroll changes for each individual made to various cost accounts within the finance system. This reporting is made every two weeks on a regular payroll cycle. (3) To provide states with pay data rela-

tive to claims for unemployment. (4) Disclosure to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals. (5) Disclosure to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes. (6) Disclosure to the Civil Service Commission in connection with the Civil Service retirement system. (7) Disclosure to another Federal agency to which an employee has transferred. (8) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (9) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained in file folders, magnetic tape, and punched cards. (2) Retrievability -- file folders are maintained by name and magnetic tape and punched cards are maintained by social security number. (3) Safeguards -- file folders are maintained in metal file cabinets which are in a locked room during periods of non-work. During working hours, access is allowed only to Division of Finance personnel. Punched cards have no interpreted printing on them and are retained in cardboard boxes locked into the same room as the file folders. Magnetic tapes are maintained in the Division of Data Processing with limited ADP personnel accessibility. (4) Retention and Disposal -- actively employed personnel file folders are retained indefinitely. Inactive employees' folders (death, resignation, retirement, and separation) are destroyed after two years. Cards are destroyed after one year. Magnetic tapes are erased and reused in accordance with memorandum dated December 29, 1970 from the Chief, Division of Finance to the Chief, Division of ADP, Bureau of Mines. All other official payroll data are disposed of in accordance with General Records Schedule FPMR 101-11.4 dated August 1, 1974.

**System manager(s) and address:** Chief, Division of Finance, U.S. Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Information in this system of records comes from the individual to whom it applies or is derived from information he supplied. Pay rates and their applicability and leave regulations are established by public law and their effect upon the individual are in accordance with such public laws and regulations. Generally, most payroll source data are echo records of official personnel actions.

**System name:** Travel Advance File -- Interior, Mines-2.

**System location:** U.S. Bureau of Mines, Division of Finance, Building 20, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** All Bureau of Mines employees who have active travel advances or who have closed travel advances.

**Categories of records in the system:** File consists of signed forms wherein employees request travel advances for the purpose of paying travel expenses incurred in the performance of official government business. These forms also include repayments against any advances, whether by claims offset on travel vouchers or remittances by checks, money orders, etc.

**Authority for maintenance of the system:** 5 U.S.C. 4111(b), 5701-5709, 5721-5733, 5742(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To provide an accounting record of obligations due to the U.S. Government from

employees authorized cash advances to defray expenses incurred in official travel. Payments to the traveler and repayments to the Government are reflected in this record. (2) To serve as a backup authority and manually reconciled file to the entries for travel expenses in the automated finance system. (3) Computer data are reported to each Bureau office as part of the detailed composition of monthly expense reports applicable to charges made to cost accounts within the finance system. Only data pertinent to individual Bureau offices are available to that office. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained in cardboard boxes in the Division of Finance. (2) Retrievability -- files are stored alphabetically by fiscal year. (3) Safeguards -- files are maintained in a locked steel file drawer during periods of non-work and are accessible during working hours only by personnel from the Division of Finance. (4) Retention and Disposal -- disposition is in accordance with General Records Schedule, FPMR 101-11.4 dated August 1, 1974.

**System manager(s) and address:** Chief, Division of Finance, U.S. Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Information for this system originates with the traveler who specifies the need of a travel advance. The request is concurred in by signature of a responsible supervisory official. All entries on the file are as a result of actions take by the individual to liquidate his travel advance.

**System name:** Travel Vouchers and Authorizations -- Interior, Mines-3.

**System location:** U.S. Bureau of Mines, Division of Finance, Building 20, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** All persons traveling for or in behalf of the Bureau of Mines on official business.

**Categories of records in the system:** Voucher file consists of paid travel vouchers which reimburse travelers for expenses incurred in connection with official travel. Travel authorization file consists of record copies of authorizations for travel for which no travel vouchers have been submitted for payment.

**Authority for maintenance of the system:** 5 U.S.C. 5701, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) As backup entry data for obligations and disbursements in the automated finance system of the Bureau of Mines. (2) Computer data are reported to each Bureau office as part of the detailed composition of monthly expense reports applicable to charges made to cost accounts within the Finance system. Only data pertinent to individual Bureau offices are available to that office. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are

**Record access procedures:** A request for access may be addressed to the System Manager or, with respect to records maintained at

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Managerial review of

**System manager(s) and address:** Security Officer (Assistant Director-Administration), Bureau of Mines, 2401 E Street, N.W., Washington, D.C. 20241.



**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained in steel filing cabinet in the Division of Finance. (2) Retrievability -- vouchers are filed by voucher number in sequence of payment within the overall numbering sequence of the Finance system. Authorizations are filed alphabetically by name awaiting payment of a travel voucher. Authorization becomes part of the voucher packet at time of payment. (3) Safeguards -- files are maintained with safeguards meeting the requirements of 43 CFR 2.51 in the Division of Finance and are available only to Division of Finance personnel. (4) Retention and Disposal -- disposition is in accordance with General Schedule, FPMR 101-11.4 dated August 1, 1974.

**System manager(s) and address:** Chief, Division of Finance, Bureau of Mines, U.S. Department of the Interior, Building 20, Denver Federal Center, Denver, Colorado 80225.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Information for these files is based on an authorization signed by the traveler in the form of a request. Travel vouchers are submitted by the traveler after incurring expenses for official travel and is a request for payment based on his record of official expenses.

**System name:** Property Control -- Interior, Mines--4.

**System location:** (1) Bureau of Mines, U.S. Department of the Interior, 2401 E Street, N.W., Washington, D.C. 20241. (2) All field facilities of the Bureau of Mines (See Appendix for addresses).

**Categories of individuals covered by the system:** Employees who have custody or responsibility for Bureau of Mines property.

**Categories of records in the system:** Contains information indicating what property, including equipment, motor vehicle operator's license, keys, motor pool vehicles, transportation request books, and parking spaces, for which the employee has custody or responsibility. A list is maintained of inventions by name as a cross reference to case numbers. In addition, all other records directly related to the property control function.

**Authority for maintenance of the system:** Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 483 (b)(1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identification and control of Bureau property by personnel working with the property control function. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders or card indexes, a limited quantity on computer tape. (2) Retrievability -- indexed by employee name or control number. (3) Safeguards -- security will be provided to meet the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- upon completion of the use period, vital records are transferred to the Official Personnel Folder or Federal Records Center and all other records are destroyed.

**System manager(s) and address:** Chief, Division of Management Services, Bureau of Mines, U.S. Department of the Interior, 2401 E Street, N.W., Washington, D.C. 20241.

**Notification procedure:** System Manager, or with respect to records maintained at field facilities, the administrative officer of the facility. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager or, with respect to records maintained at field facilities, the administrative officer of the facility. The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Employees. Property control information required for accountability purposes.

**System name:** Personnel Identification -- Interior, Mines--5.

**System location:** (1) Bureau of Mines, U.S. Department of the Interior, 2401 E Street, N.W., Washington, D.C. 20241. (2) All field facilities of the Bureau of Mines (See Appendix for addresses).

**Categories of individuals covered by the system:** All employees of the Bureau of Mines.

**Categories of records in the system:** Records concerning identification and location of employees.

**Authority for maintenance of the system:** 5 U.S.C. 301, 3101, 43 U.S.C. 1457.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Provide identification cards to employees. (2) Locator information provided for use by management to contact employees in case of an emergency. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- card indexes, manually. (2) Retrievability -- indexed by employee name and identification card number. (3) Safeguards -- security will be provided to meet requirements of 43 CFR 2.51 for manual records. (4) Disposal -- after use period, records transferred to Federal Records Center or destroyed.

**System manager(s) and address:** Chief, Branch of Records Management and Office Services, Division of Management Services, Bureau of Mines, U.S. Department of the Interior, 2401 E Street, N.W., Washington, D.C. 20241.

**Notification procedure:** System Manager, or with respect to records maintained at field facilities, the administrative officer of the facility. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager or, with respect to records maintained at field facilities, the administrative officer of the facility. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Employees. Information necessary to prepare the identification card and locator index.

**System name:** Safety Files -- Interior, Mines--6.

**System location:** (1) Bureau of Mines, U.S. Department of the Interior, 2401 E Street, N.W., Washington, D.C. 20241. (2) All field facilities of the Bureau of Mines (See Appendix for addresses).

**Categories of individuals covered by the system:** Persons who have had an accident, injury, illness, or fatality or are associated with a health hazard, radio-active materials, and radiation producing media in performance of job related duties or while a visitor.

**Categories of records in the system:** Contains records about accident, injury, illness, or fatality of an employee in a work related situation or a visitor. Also, records of initial, re-examination, annual, and terminal health physical of employees in potentially hazardous health and radiation situations. In addition, all other records directly related to employee health and safety.

**Authority for maintenance of the system:** (1) Occupational Safety and Health Act of 1970, as amended, (29 U.S.C. 668 and 5 U.S.C. 7902. (2) Executive Order 11807 (September 28, 1974). (3) Federal Employees Compensation Act, as amended, 5 U.S.C. 81.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Managerial review of safety related work situations. (2) For authenticating work related accident, injury, illness, or fatalities for employee compensation purposes. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintenance in manual form in card index and file folders. (2) Retrievability -- indexed by name or control number of the individual. (3) Safeguards -- security will be provided to meet the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- upon completion of work project or employee separation, health records are transferred to the Official Personnel Folder. All other records are transferred to Federal Records Centers upon completion of case processing.

**System manager(s) and address:** Bureau Safety Manager, Division of Management Services, Bureau of Mines, U.S. Department of the Interior, 2401 E Street, N.W., Washington, D.C. 20241.

**Notification procedure:** System Manager, or with respect to records maintained at field facilities, the safety officer of the facility. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager or, with respect to records maintained at field facilities, the safety officer of the facility. The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individuals involved and physicians.

**System name:** Security Files -- Interior, Mines--7.

**System location:** Office of the Assistant Director--Administration, Department of the Interior, Bureau of Mines, 2401 E Street, N.W., Washington, D.C. 20241.

**Categories of individuals covered by the system:** Mines personnel who have been authorized access to classified information.

**Categories of records in the system:** Contains records concerning employees, including personal data submitted by the individual, information developed by investigatory authorities, and records of the requirement, basis, degree and date of clearance. Contains a security briefing statement signed by the employee.

**Authority for maintenance of the system:** Executive Order 10450, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Disclosure to a Federal, State or local agency or other pertinent authority to the extent that the information is relevant and necessary to make appropriate investigations and determinations concerning the hiring or retention of an employee, the letting of a contract, the issuance of a security clearance, license, grant or other benefit. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in a safe having a three-position dial-type, manipulation proof, combination lock, in the same manner as defense classified material. (4) Retention and Disposal -- maintained until the individual has been debriefed or terminated. Destroyed by fire, shredder, disintegrator or pulverizer.

**System manager(s) and address:** Security Officer (Assistant Director--Administration), Bureau of Mines, 2401 E Street, N.W., Washington, D.C. 20241.

**Notification procedure:** A written and signed request to the System Manager stating that the requester seeks information concerning record pertaining to him.

**Record access procedures:** A request for access shall be addressed to the System Manager. The request must be in writing and signed by the requester.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager.

**Record source categories:** Individual on whom the record is maintained and investigations conducted by Federal, State or local agencies or other pertinent authorities.

**System name:** Coal and Metal and Nonmetal Mine Accident and Injury -- Interior, MESA--1.

**System location:** Health and Safety Analysis Center, Technical Support, Department of the Interior, Denver Federal Center, P.O. Box 25367, Denver, Colorado 80225.

**Categories of individuals covered by the system:** Individual workers in the coal and metal and nonmetal mining industries.

**Categories of records in the system:** These records contain accident, injury, fatality, and occupational illness data which includes the individual miner's name, social security number, date and time of accident or injury, place of accident or injury, man-hours worked, name of mine and mine identification number and type and cause of accident, injury or illness.

**Authority for maintenance of the system:** 30 U.S.C. 721, et seq., 801, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To provide a statistical analytic data base for allocation of MESA and other resources to reduce occupational injuries and illnesses. (2) To determine probable cause of accidents, injuries, fatalities, and illnesses in order to initiate preventive measures. (3) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of these records. (4) Transfer, in the event there is an indicated violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order, or license violated or potentially violated. (5) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- (a) Computerized records are stored on disc pack for current processing and on tape for historical purposes. (b) Manual records are the source documents which are microfilmed and then maintained in file folders in filing cabinets. (2) Retrievability -- indexed by mine identification number, name of mine, individual miner's name and social security number. (3) Safeguards -- (a) Computer: Safeguards as described in the National Bureau of Standards Booklet, "Computer Security Guidelines for Implementing the Privacy Act of 1974," and procedures developed by MESA under GSA Circular E-34. (b) Manual: In process of being formulated. (4) Retention and Disposal -- at present the source documents are retained for up to three years and then transferred to Federal Records Center. Tapes are retained indefinitely for historical purposes. Microfilm records are held for five years and then disposed of. A records retention schedule is being developed for all MESA records; therefore, the disposition is subject to change.

**System manager(s) and address:** Chief, Health and Safety Analysis Center, Denver Federal Center, P.O. Box 25367, Denver, Colorado 80225.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written,

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content

signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To provide information for the investigation of occupational accidents, injuries, and illnesses.



**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Information in these records is obtained from accident, injury, illness and fatality reports submitted by mine operators as required by the Federal Coal Mine Health and Safety Act and Metal and Nonmetallic Mine Safety Acts.

**System name:** Identification Cards -- Interior, MESA--2.

**System location:** Office of the Assistant Administrator--Plans, Assessments and Management, Branch of Records Management, 4015 Wilson Boulevard, Arlington, Virginia 22203.

**Categories of individuals covered by the system:** (1) Individuals who require identification for the purpose of carrying out their activities work. (2) Individuals who have been appointed by the Secretary as Duly Authorized Representatives (DAR) to administer the provisions of the Federal Coal Mine Health and Safety Act, 30 U.S.C. 801, et seq., and the Federal Metal and Nonmetallic Mine Safety Act, 30 U.S.C. 721, et seq.

**Categories of records in the system:** Contain individual's name; some DAR records contain a statement of an individual's qualifications (e.g., education, work experience, training, etc.) as a justification for being appointed as a DAR.

**Authority for maintenance of the system:** (1) Employee identification cards -- 5 U.S.C. 3101. (2) DAR identification cards -- 30 U.S.C. 736, 954.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Issuance of identification cards. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of these records. (3) Transfer, in the event there is an indicated violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order, or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- Continuous listing maintained in manual form on 8 x 10 1/2 inch paper, filed in manila folders, and stored in file cabinets. (2) Retrievability -- indexed by name and number issued. (3) Safeguards -- to be developed to meet Departmental requirements. (4) Retention and Disposal -- a records retention schedule is being developed for all MESA records.

**System manager(s) and address:** Records Management Officer, Division of Management Services, MESA, Room 537, 4015 Wilson Boulevard, Arlington, Virginia 22203.

**Notification procedure:** Inquiries regarding records in this system should be addressed to the System Manager. Such requests must be submitted in writing and signed by the requester. For additional information, see 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. See 43 CFR 2.63 for content requirements.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Information is obtained from individual personnel records as needed.

**System name:** Metal and Nonmetal Mine Health and Safety Management Control -- Interior, MESA--3.

**System location:** (1) Office of Assistant Administrator--Metal and Nonmetal Mine Health and Safety, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. (2) Substantially all District and Subdistrict Offices. (See Appendix for addresses.)

**Categories of individuals covered by the system:** (1) Individual metal and nonmetal miners who are covered by the Federal Metal and Nonmetallic Mine Safety Act, 30 U.S.C. 721, et seq. (2) Individual metal and nonmetal mine inspection personnel.

**Categories of records in the system:** Contains records on metal and nonmetal mine health and safety activities which includes annual manpower and activity plans, mine and mill locations, metal and nonmetal mine inspection personnel time and activity, inspections, notices and orders against operators, personal exposure data of miners on radiation, dust, noise, and other contaminants, and comprehensive health surveys on individual operators.

**Authority for maintenance of the system:** 30 U.S.C. 721, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To determine the workload, work scheduling and performance of mine inspection personnel. (2) To maintain records on violations of health and safety standards and regulations. (3) To determine contaminant exposure level. (4) Employment data relative to metal and nonmetal mine workers, e.g., number of workers, etc. (5) Transfer, to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of these records. (6) Transfer, in the event there is an indicated violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order, or license violated or potentially violated. (7) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (8) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- (a) Computer--Information from source documents to punch cards to disc storage for processing, final storage on magnetic tape. (b) Manual storage--8 x 10 1/2 inch report forms in standard file cabinets. (2) Retrievability -- Computerized and manual records are indexed by mine identification number for operators, by Duly Authorized Representative number for enforcement personnel and by social security number for individuals. (3) Safeguards -- (a) Computer: Safeguards as described in the National Bureau of Standards Booklet, "Computer Security Guidelines for Implementing the Privacy Act of 1974," and procedures developed by MESA under GSA Circular E-34. (b) Manual: In process of being formulated. (4) Retention and Disposal -- Computer: Records are retired yearly. Historical tapes are retained permanently. Punch cards are destroyed after 90 days. Source documents are destroyed after 90 days.

**System manager(s) and address:** Assistant Administrator--Metal and Nonmetal Mine Health and Safety, Interior Department, MESA, 4015 Wilson Boulevard, Arlington, Virginia 22203.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. See 43 CFR 2.63 for content requirements.

signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** MESA inspection personnel and individual mine operators submit reports and information in accordance with prescribed procedures.

**System name:** Employee Conduct Investigations -- Interior, MESA--4.

**System location:** Office of Internal Affairs, Office of the Administrator, MESA, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Va. 22203.

**Categories of individuals covered by the system:** Any MESA employee against whom any allegation of misconduct, illegal acts, conflict of interest, etc. has been made.

**Categories of records in the system:** Contains the name, organization, allegation and other pertinent information relating to the individual involved. It also contains the investigative report associated with the case including interviews and other confidential data gathered by investigators.

**Authority for maintenance of the system:** 5 U.S.C. 301, 7301, Executive Order 11222.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To determine authenticity of allegations. (2) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of these records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal or regulatory in nature, to the appropriate agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual storage in manila file folders. (2) Retrievability -- by name of employee. (3) Safeguards -- kept in GSA approved 3-way combination safe (Diebold). (4) Retention and Disposal -- records retention schedule is being developed. Disposition is pending completion of the retention schedule.

**System manager(s) and address:** Chief, Office of Internal Affairs, MESA, 4015 Wilson Blvd., Arlington, Va. 22203.

**Systems exempted from certain provisions of the act:** This system is proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

**System name:** Payroll Records -- Interior, MESA--5.

**System location:** Mining Enforcement and Safety Administration, Division of Budget and Finance, Branch of Finance, Building 53, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** Current MESA employees and those formerly employed by MESA within the last two years.

**Categories of records in the system:** A variety of documents which set forth or effect an employee's annual wage rate, leave, biweekly earnings, payroll deductions and disposition of earnings. Hard copy records consist of folders of action type documents for each employee. These records are source documents for data records on computer tape for payroll purposes.

**Authority for maintenance of the system:** 5 U.S.C. 5101, et seq., Budget and Accounting Procedures Act of 1950, as amended, 30 U.S.C. 66a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To provide information and accounting records regarding employees pay and leave for the automated payroll data file. (2) To inform each MESA office of the composition of the labor cost changes by reporting total payroll changes for each individual made to various cost accounts within the finance system. This reporting is made every two weeks on a regular payroll cycle. (3) To provide States with pay data relative to plans for unemployment compensation. (4) Disclosure to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals. (5) Disclosure to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes. (6) Disclosure to the Civil Service Commission in connection with the Civil Service retirement system. (7) Disclosure to another Federal agency to which an employee has transferred. (8) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of the records records. (9) Transfer, in the event there is an indicated violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated. (10) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (11) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained in file folders, magnetic tape, and punched cards. (2) Retrievability -- file folders are maintained by name and magnetic tape and punched cards are maintained by social security number. (3) Safeguards -- file folders are maintained in metal file cabinets which are in a locked room during periods of non-work. During working hours, access is allowed only to Division of Budget and Finance personnel. Punched cards have no interpretative printing on them and are retained in cardboard boxes locked into the same room as the file folders. Magnetic tapes are maintained in the Division of Automatic Data Processing with limited ADP personnel accessibility. (4) Retention and Disposal -- active employee personnel file folders are retained indefinitely. Inactive employee folders (death, resignation, retirement, and separation) are destroyed after two years. Cards are destroyed after one year. Magnetic tapes are erased and reused in accordance with schedule of retention agreed to by the Chief, Division of Budget and Finance, and the Chief, Division of Automatic Data Processing, MESA. All other official payroll data are disposed of in accordance with the General Records Schedule, FPMR 101-11.4, dated August 1, 1974.

**System manager(s) and address:** Chief, Branch of Finance, MESA, Building 53, Denver Federal Center, Denver, Colorado 80225.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Information in this system of records comes from individual to whom it applies or is derived from information he supplied. Payroll and their applicability and leave regulations are all established by public law and their effects upon the in-

dividual is in accordance with such public laws and regulations. Generally, most payroll source data are echo records of official

Branch of Finance, Building 53, Denver Federal Center, Denver, Colorado 80225.

**System name:** Accident and Injury Records -- Interior, MESA -- 8.  
**System location:** Office of MESA Employee Safety Manager,

vestigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.



dividual is in accordance with such public laws and regulations. Generally, most payroll source data are echo records of official personnel actions.

**System name:** Travel -- Interior, MESA -- 6.

**System location:** Office of the Assistant Administrator--Plans, Assessment, and Management, Division of Budget & Finance, Branch of Finance, Building 53, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** All persons traveling for or in behalf of MESA on official business.

**Categories of records in the system:** Voucher file consists of copies of paid travel vouchers which reimburse travelers for expenses incurred in connection with official travel.

**Authority for maintenance of the system:** 5 U.S.C. 5701, et seq., GSA regulations, FPMR 101-7 dated May 1973, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) As backup entry data for obligation and disbursements in the Automated Finance System of MESA. (2) As an audit file for examining travel vouchers for travelers who travel on a continuing basis under Area or General travel authorizations. (3) Travel cost information is reported to each MESA office as part of the detailed composition of monthly expense reports for cost accounts within the finance system. Only data pertinent to individual MESA offices are available to that office. (4) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of these records. (5) Transfer, in the event there is an indicated violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order, or license violated or potentially violated. (6) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (7) Disclosure to a Federal agency, if response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained in file folders in steel filing cabinets in Branch of Finance. (2) Retrievability -- vouchers are filed alphabetically by traveler name. (3) Safeguards -- files are maintained in the Branch of Finance in locked rooms and are available only to Division of Budget and Finance personnel. (4) Retention and Disposal -- disposition is in accordance with General Schedule, FPMR 101-11 dated August 1, 1974.

**System manager(s) and address:** Chief, Branch of Finance, MESA, Building 53, Denver Federal Center, Denver, Colorado 80225.

**Notification procedure:** Inquiries regarding records in this system should be addressed to the System Manager. Such requests must be submitted in writing and be signed by the requester. For additional information, see 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Travel vouchers are submitted by the traveler after incurring expenses or official travel pursuant to a signed travel authorization. Each voucher is a request for payment based on the travelers record of official expenses.

**System name:** Travel Advance File -- Interior, MESA -- 7.

**System location:** Office of the Assistant Administrator--Plans, Assessment, and Management, Division of Budget and Finance,

Branch of Finance, Building 53, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** All MESA employees who have outstanding travel advances or who have closed travel advances.

**Categories of records in the system:** File consists of signed forms wherein employees request and receive advances of funds for the purpose of paying travel expenses incurred in the performance of official Government business. These forms also include a record of repayment against an advance, whether by set-off on travel vouchers or remittances by checks, money orders, etc.

**Authority for maintenance of the system:** 5 U.S.C. 5701, et seq., GSA regulations FPMR 101-7 dated May 1973, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To provide an accounting record of obligation due to the U.S. Government from employees who have cost advances to defray expenses incurred in official travel. Payments to the traveler and repayments to the Government are reflected in this record. (2) To serve as a source file of hard copy documents for entries for travel advances in the Automated Finance System. (3) Computer listings are produced monthly of outstanding travel advances for supporting accounts receivable. Listings are also produced with a computer analysis to assist in the control and proper utilization of travel advances. Listings are produced in alphabetical order by name of traveler. (4) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of these records. (5) Transfer, in the event there is an indicated violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order, or license violated or potentially violated. (6) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (7) Disclosure to a Federal agency, if response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained in cardboard boxes in the Branch of Finance and on magnetic tape in the Division of A.D.P. (2) Retrievability -- files are indexed alphabetically by employee name and by transaction numbers, periods of non-work and are accessible during working hours only by personnel. (3) Safeguards -- files are maintained in a locked room in a file drawer during from the Division of Budget and Finance. Magnetic tapes are maintained in the Division of Data Processing with limited access by A.D.P. personnel. (4) Retention and Disposal -- disposition is in accordance with General Records Schedule FPMR 101-11.4 dated August 1, 1974.

**System manager(s) and address:** Chief, Branch of Finance, MESA, Building 53, Denver Federal Center, Denver, Colorado 80225.

**Notification procedure:** Inquiries regarding records in this system should be addressed to the System Manager. Such requests must be submitted in writing and be signed by the requester. For additional information, see 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Information for this system originates with the traveler who specifies the need of a travel advance. The request is concurred in by signature of a responsible supervisory official. Repayment entries on the file are as a result of actions taken by the individual to liquidate his travel advance.

**System name:** Accident and Injury Records -- Interior, MESA -- 8.

**System location:** Office of MESA Employee Safety Manager, MESA, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203.

**Categories of individuals covered by the system:** Any MESA employee who has had an on-the-job accident or injury.

**Categories of records in the system:** Records contain investigative information pertaining to any accident or injury an employee of MESA is involved in.

**Authority for maintenance of the system:** 5 U.S.C. 7902, Sections 6 and 19 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 1960, Executive Order 11807.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) The information is used to identify deficiencies in the employee safety programs that must be corrected in order to maintain a safe and healthful workplace for all employees. (2) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of these records. (3) Transfer, in the event there is an indicated violation of potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order, or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, if response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manila folders. (2) Retrievability -- indexed by assigned accident number. (3) Safeguards -- folders kept in locked filing cabinets. (4) Retention and Disposal -- reports are kept for five years and then destroyed.

**System manager(s) and address:** MESA Employee Safety Manager, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

**Notification procedure:** Inquiries regarding records in this system should be addressed to the System Manager. Such requests must be submitted in writing and be signed by the requester. For additional information, see 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Reports are completed by the individual employees and their supervisors.

**System name:** Special Use Permits -- Interior, NPS--1.

**System location:** Substantially all Regional and park offices of the National Park Service. (See Appendix for addresses.)

**Categories of individuals covered by the system:** Permittees.

**Categories of records in the system:** Contains permittees' names, tract numbers, addresses, and terms and conditions of permits.

**Authority for maintenance of the system:** 16 USC 1 and 44 USC 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Park management. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

vestigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by tract number or permittee name. (3) Safeguards -- stored in lockable metal file cabinets or unlocked cabinets in secured rooms or buildings on either U.S. Government-owned or leased facilities. (4) Retention and Disposal -- ordinarily disposed of one year after termination of special use permit.

**System manager(s) and address:** Associate Director, Park System Management, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager, or, with respect to the facility for which he is responsible, a Regional Director or park superintendent. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager, or, with respect to the facility for which he is responsible, a Regional Director or park superintendent. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Permittee and park personnel.

**System name:** Land Acquisition & Relocation Files -- Interior, NPS--2.

**System location:** All project offices and regional land offices of the National Park Service. (See Appendix for addresses.)

**Categories of individuals covered by the system:** Landowners and Tenants.

**Categories of records in the system:** Contains Property Owners' and Tenants' names, assigned tract numbers, addresses, title evidence, appraisals, negotiators' reports, property plats, all documents relative to acquisition of properties by direct purchase, donation, or condemnation proceedings, general correspondence, relocation claims with supporting documents and payments.

**Authority for maintenance of the system:** 16 U.S.C. 1, 44 U.S.C. 3101, and 42 U.S.C. 4651.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Land acquisition and relocation purposes. (2) Transfer of pertinent documents to authorized title companies and closing agents for title policies and closings. (3) Transfer of pertinent documents to U.S. Department of Justice for preliminary and final title opinions and condemnation proceedings. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by tract and generally cross-indexed alphabetically by landowner's name. (3) Safeguards -- stored in lockable metal file cabinets or unlocked cabinets in secured rooms or buildings on either U.S. Government-owned or leased facilities. (4) Retention and Disposal -- pertinent land acquisition documents retired to park superintendents' offices and Division of Lands, Washington, when land acquisition matters complete and remainder of file disposed of. Reserved tract relocation files retained at Regional Lands Offices or Division of Land Acquisition, Washington. Pertinent relocation documents filed with NPS finance office and remainder of files disposed of one year after all claims processed for payment.

**System manager(s) and address:** Chief, Division of Land Acquisition, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.



**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager or, with respect to records for which they are responsible, to Regional Land Office chiefs. A written signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager, or, with respect to the records for which they are responsible, to Regional Land Office Chiefs. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Title Companies, Mapping Contractors, Contract Appraisers, Individuals on whom tract files are maintained.

**Systems exempted from certain provisions of the act:** The Privacy Act does not entitle an individual to have access to any information compiled in reasonable anticipation of a civil action or proceeding.

**System name:** Management Information System -- Interior, NPS-3.

**System location:** Division of Land Acquisition, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Categories of individuals covered by the system:** Landowners.

**Categories of records in the system:** Management and monitoring of active land acquisition projects. Contains records for each tract acquired, scheduling and progress data, landowners' names and addresses and descriptive data on each tract.

**Authority for maintenance of the system:** 16 U.S.C. 1, 44 U.S.C. 3101, and 42 U.S.C. 4651.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Land acquisition statistics for NPS personnel, congressional or public information. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- computerized. (2) Retrievability -- indexed by tract number but retrievable by tract number or landowner's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- maintained until superseded by updated or revised version.

**System manager(s) and address:** Chief, Branch of Coordination & Control, Division of Land Acquisition, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Systems exempted from certain provisions of the act:** The Privacy Act does not entitle an individual to have access to any information compiled in reasonable anticipation of a civil action or proceeding.

**System name:** Travel Records -- Interior, NPS-4.

**System location:** (1) Office of the Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) All regional offices of the National Park Service. (3) Input documents prepared in substantially all facilities of the National Park Service. (See Appendix for regional and other office addresses.)

**Categories of individuals covered by the system:** NPS employees who travel on official business.

**Categories of records in the system:** Traveler's name, address, organization number, amounts of travel funds advanced and/or vouchered, and itinerary.

**Authority for maintenance of the system:** 5 U.S.C. 5701, et seq., 16 U.S.C. 1, 44 U.S.C. 3101, FPM R 101-7, GAO Titles 5 and 7. (1) Primarily, travel advance control, control of GTR's, and preparation of travel authorizations and vouchers. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on prescribed standard forms. (2) Retrievability -- travel advance cards, outstanding GTR's and itineraries are filed alphabetically. Travel authorizations and vouchers are filed numerically, but cross-referenced on the preceding documents. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- Travel records are retained in office of origin three years; then sent to Federal Records Center.

**System manager(s) and address:** Chief Finance Officer, Washington Office (See Location).

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained and respective travel office.

**System name:** Retirement Record -- Interior, NPS-5.

**System location:** Office of the Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Categories of individuals covered by the system:** Employees and former employees of NPS.

**Categories of records in the system:** Name, Federal employment history, and retirement contribution of all NPS employees.

**Authority for maintenance of the system:** 5 U.S.C. 8301, et seq., 16 U.S.C. 1 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Primarily, the employee's Federal employment history and retirement contribution is kept current. (2) Transfer to the Civil Service Commission in connection with administration of the Civil Service retirement system. (3) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local, or foreign charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (5) Transfer to another Federal agency of the record of an employee who has transferred to that agency.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- Maintained on SF-2806. (2) Retrievability -- Filed alphabetically. (3) Safeguards -- Maintained with safeguards meeting requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- The original SF-2806 is retained until termination of NPS employment. Upon retirement or upon transfer to an Federal agency outside Interior, the original SF-2806 is sent to CSC, and a reference copy is kept for five years. Upon transfer within Interior, the original SF-2806 is

sent to the receiving agency, and a reference copy is kept for five years.

**System manager(s) and address:** Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained, and pay and personnel records.

**System name:** Audiovisual Performance Selection Files -- Interior, NPS-6.

**System location:** Division of Audiovisual Arts, Harpers Ferry Center, National Park Service, Harpers Ferry, West Virginia.

**Categories of individuals covered by the system:** Actors, Actresses, and Narrators.

**Categories of records in the system:** Voice samples and photographs.

**Authority for maintenance of the system:** 16 U.S.C. 1, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Evaluation of voice and photographic quality to select performers and narrators for NPS productions. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on magnetic tape and in a manual photo index file. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained in accordance with the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- destroyed when replaced by more recent tape or photograph.

**System manager(s) and address:** Chief, Division of Audiovisual Arts, Harpers Ferry Center, National Park Service, Harpers Ferry, West Virginia.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** The individuals concerned.

**System name:** National Park Service Historical Library -- Interior, NPS-7.

**System location:** Harpers Ferry Center, National Park Service, Harpers Ferry, West Virginia.

**Categories of individuals covered by the system:** Present and retired employees of the NPS and its Associates.

**Categories of records in the system:** Interviews of historical recollections.

**Authority for maintenance of the system:** 16 U.S.C. 1, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Evaluation of historical documents. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on magnetic tapes or paper documents. (2) Retrievability -- indexed by

name of interviewee. (3) Safeguards -- maintained in accordance with requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- retained indefinitely.

**System manager(s) and address:** Chief of Historical Library, Harpers Ferry Center, National Park Service, Harpers Ferry, West Virginia.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individuals concerned.

**System name:** Property and Supplies Accountability -- Interior, NPS-8.

**System location:** All National Park Service facilities. (See Appendix for addresses.)

**Categories of individuals covered by the system:** NPS employees, contractors, and contract employees.

**Categories of records in the system:** Contains the user's name and description of the accountable property or supply.

**Authority for maintenance of the system:** 40 U.S.C. 483(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Identify responsible individual for accountability of property and supplies (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- accountable capitalized property maintained on computer with subsequent inventory listings furnished to individuals. Inventory listings and hand receipts for other property and supplies maintained manually in file folders arranged by individual names. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized and manual records. (4) Disposal -- record destroyed when property is returned to stock or when individual is transferred.

**System manager(s) and address:** Chief, Division of Contracting and Property Management, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the Chief, Division of Contracting and Property Management for each region of the National Park Service. (See Appendix for regional office addresses.) A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the Chief, Division of Contracting and Property Management at Regional level. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individuals.

**System name:** Advisory Council on Historic Preservation Membership -- Interior, NPS-9.

**System location:** Suite 1030, 1522 K Street, NW, Washington, D.C. 20005.

**Categories of individuals covered by the system:** Past and present Advisory Council members.

**Categories of records in the system:** Contains biographical information, personnel papers, and travel record for individual members.

**Authority for maintenance of the system:** 16 U.S.C. 470i, P.L. 89-665, R.L. 91-243.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be

**System manager(s) and address:** Chief of Police, United States Park Police (See Location).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Contract Compliance







**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individuals, park and regional offices.

**System name:** Position and Manpower Reporting System (PMRS) -- Interior, NPS-16.

**System location:** Chief, Division of Programming and Budgeting, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Categories of individuals covered by the system:** All NPS employees.

**Categories of records in the system:** About 30 data elements on positions including personal and employment information.

**Authority for maintenance of the system:** 16 U.S.C. 1, 5 U.S.C. 301, 43 U.S.C. 1417, OMB Circular A-11.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To issue reports on authorized positions and data related to positions and the incumbents. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on tape. (2) Retrievability -- indexed alphabetically by name and by position number and organization code. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for automated records. (4) Retention and Disposal -- when incumbent leaves position, all personal information is purged.

**System manager(s) and address:** Chief, Division of Programming and Budget, (See Location).

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Department of the Interior Integrated Personnel and Payroll System.

**System name:** Employee Financial Irregularities -- Interior, NPS-17.

**System location:** Office of the Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Categories of individuals covered by the system:** Employees and former employees of NPS.

**Categories of records in the system:** NPS employees or former employees with actual or claimed employment related financial irregularities.

**Authority for maintenance of the system:** 16 U.S.C. 1 and 44 U.S.C. 3101

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Primarily correspondence, case history, and investigation reports, seeking recovery of funds stolen or otherwise misappropriated. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

bility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on letter memos, memos for record, and investigation reports conducted by park Administration, Secretary's Office, U.S. Secret Service, or FBI. (2) Retrievability -- cases filed alphabetically. (3) Safeguard -- maintained with safeguards meeting requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- case file is maintained 10 years after final disposition.

**Systems exempted from certain provisions of the act:** This system is proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

**System name:** Collection, Certifying and Disbursing Officers, and Imprest Fund Cashiers -- Interior, NPS-18.

**System location:** (1) Office of the Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) All regional offices, and area offices with the above functions. (See Appendix for addresses.)

**Categories of individuals covered by the system:** Employees of NPS with the above funds handling titles.

**Categories of records in the system:** Name, address, title, and dates of appointment and cancellation of same.

**Authority for maintenance of the system:** 16 U.S.C. 1 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Primarily control of funds handling appointments. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on letter memos or prescribed standard forms in OPF's and in responsible offices files. (2) Retrievability -- OPF's are filed alphabetically, and respective office files are in title sequence. (3) Safeguard -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- standard retention procedure is followed for OPF copies. Individual office files are maintained for active appointments only.

**System manager(s) and address:** Chief Finance Officer (See Location).

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Law Enforcement Statistical Reporting System, incident card reference and related files -- Interior, NPS-19.

**System location:** (1) U.S. Park Police, 1100 Ohio Drive, S.W., Washington, D.C. 20242. (2) National Park areas (See Appendix for addresses.)

**Categories of individuals covered by the system:** Individual complainants in criminal cases, individuals investigated or arrested for criminal or traffic offenses, or involved in motor vehicle accidents or certain types of non-criminal incidents.

**Categories of records in the system:** Name of individual, date and case number of incident, and report of incident.

**Authority for maintenance of the system:** 16 U.S.C. 1.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) As a means to identify incidents in which individuals were involved. (2) To retrieve the report for information for the individual involved, such as accident reports and reports of found property. (3) For use of NPS Law Enforcement Officers and law enforcement officers from other agencies on a need to know basis. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records for the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual records. (2) Retrievability -- manual, by name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- records are maintained for various lengths of time, depending on the seriousness of the incident.

**System manager(s) and address:** Associate Director, Park Systems Management, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Systems exempted from certain provisions of the act:** This system is proposed to be exempted from all of the provisions of the Privacy Act except the following: 5 U.S.C. 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6) through (11), and (i).

**System name:** Payroll --Interior, NPS -- 20.

**System location:** (1) Division of Finance, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) All regional offices and field areas of the National Park Service. (See appendix for addresses.)

**Categories of individuals covered by the system:** All NPS employees.

**Categories of records in the system:** Name, social security number and employee number, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, State, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deductions; health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; quarters deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

**Authority for maintenance of the system:** 5 U.S.C. 5101, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Disclosure to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals. (2) Disclosure to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes. (3) Disclosure to Civil Service Commission in connection with the Civil Service retirement system. (4) Disclosure to another federal agency to which an employee has transferred. (5) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (6) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- automated

records maintained on microfilm and hard copy; manually prepared input documents maintained on various sized cards and coding sheets. (2) Retrievability -- indexed by name, social security number, and organizational code. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

**System manager(s) and address:** Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington Office, and to Regional Finance Offices and the Finance Officer, National Capital Parks, with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access shall be addressed to the System Manager, with respect to records located in the Washington Office, and to Regional Finance Offices and the Finance Officer, National Capital Parks, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Time and Attendance Records and an automated version of the Standard Form 50, "Notification of Personnel Action, Form 9-500".

**System name:** Congressional Correspondence File -- Interior, BOR -- 1.

**System location:** Bureau of Outdoor Recreation, U.S. Department of the Interior Washington, D.C. 20240.

**Categories of individuals covered by the system:** Members of Congress with whom BOR corresponds.

**Categories of records in the system:** Responses to Congressional inquiries; copies of individual LWCF grant-in-aid-notifications sent to each Representative and Senator; miscellaneous briefing statements.

**Authority for maintenance of the system:** 16 U.S.C. 4601 to 4601-3; 16 U.S.C. 4601-4 to 4601-11, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Easy retrieval for immediate response to telephone inquiries from Members of Congress, staff members, or constituents, on matters concerning general correspondence or LWCF grant notifications. (2) Transfer, to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (4) Disclosure to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- the records are stored in paper form. (2) Retrievability -- the system is indexed alphabetically by States and by Members of Congress from each State. (3) Safeguards -- these records will be maintained in accordance with the security guidelines established by the Department of the Interior.

accordance with the security guidelines established by the Department of the Interior.

such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Record access procedures:** Requests for access should be addressed as follows: (1) Washington Office employees should contact the System Manager.

**Contesting record procedures:** Petitions for correction should be addressed as follows: (1) Washington Office employees should contact the System Manager.



cordance with the security guidelines established by the Department of the Interior. (4) Retention and Disposal -- system is maintained for current and immediate past sessions of Congress. All material predating these periods is disposed of.

**System manager(s) and address:** Staff Assistant, Office of Congressional Affairs, Bureau of Outdoor Recreation, Washington, D.C. 20240.

**Notification procedure:** All inquiries should be directed to the System Manager. See 43 CFR 2.60 for content requirements.

**Record access procedures:** Request for access should be directed to the System Manager, Bureau of Outdoor Recreation, Washington, D.C. 20240. See 43 CFR 2.63 for content requirements.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71. \*14

(1) Incoming - Members of Congress, Member's staff, Committee staff, constituents. (2) Outgoing - Department of the Interior personnel involved in program areas about which inquiries are made. (3) Federal grant-in-aid notification forms.

**System name:** Payroll System -- Interior, BOR--2.

**System location:** (1) Department of the Interior, Bureau of Outdoor Recreation, 603 Miller Court, Denver, Colorado. (2) Department of the Interior, Bureau of Outdoor Recreation, Washington, D.C. 20240. (3) Input documents supplied by all Regional Offices of the Bureau of Outdoor Recreation (See Appendix for addresses).

**Categories of individuals covered by the system:** Payroll and leave information for individual current and former employees of the Bureau of Outdoor Recreation.

**Categories of records in the system:** (1) Payroll copy of personnel action (S.F. 50) including whether employee is subject to retirement deductions. (2) W-4 tax withholding certificate. (3) State tax withholding certificate. (4) Health Benefit form. (5) Life insurance form. (6) United Givers Fund. (7) United States Savings Bond Authorizations. (8) Union dues withholding authorization. (9) Allotment and assignment of pay authorization. (10) Deduction for refund of travel advances when required. (11) Net check - designated agent or mailed to bank. (12) Time and Attendance Reports, bi-weekly showing time worked, leave taken, fiscal year, appropriation, organization, and program work code chargeable. (13) Change in earnings and/or deduction bi-weekly. (14) Employees individual master file. (15) Payroll register bi-weekly showing gross amount paid, amounts deducted and net pay. (16) Earnings record for calendar year showing amount paid in gross for each bi-weekly period or by a supplemental payroll showing amounts deducted and net pay for the full calendar year. (17) Retirement records (S.F. 2806) unless they have been forwarded to another agency or the Civil Service Commission. (18) Report of wages taxable under the Federal Insurance Contribution Act. (19) Other related payroll and leave documentation.

**Authority for maintenance of the system:** 5 U.S.C. 5101, et seq., Section 113 of the Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Compute gross earnings, make deductions as applicable for items listed under category of records and have net pay checks issued to employees. (2) Furnish information to State agencies as requested for former employees applying for unemployment benefits. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (5) Disclosure to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals. (6) Disclosure to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes. (7) Disclosure to the Civil Service Commission in connection with the Civil Service retirement system. (8) Disclosure to another Federal agency to which an employee has transferred. (9) Disclosure to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information,

such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (10) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained on magnetic tapes, disks, folders, and print-out forms. (2) Retrievability -- records are indexed by name, social security number, and date of birth. (3) Safeguards -- access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. (4) Retention and Disposal -- in accordance with General Records Schedule 2, where applicable and as approved by the General Accounting Office.

**System manager(s) and address:** (1) Accounting Officer, Bureau of Outdoor Recreation, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) For former Federal employees: The same as above except if the information requested has been retired to the Federal Records Center or the Civil Service Commission they will be advised.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** (1) Personnel System. (2) Agency Officials. (3) Action taken by individual to whom record applies.

**System name:** Management by Objectives -- Interior, BOR--3.

**System location:** (1) Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240. (2) All Regional Offices of the Bureau of Outdoor Recreation. (See Appendix for addresses.)

**Categories of individuals covered by the system:** Bureau of Outdoor Recreation employees who have identified a specific program objective to be accomplished.

**Categories of records in the system:** Individual employees and manager names. Program Objective Statement. Man Days and Material Costs. Statements of measurement. Progress review statements. Tasks required to accomplish objectives. Dates.

**Authority for maintenance of the system:** 16 U.S.C. 4601 to 4601-3; 16 U.S.C. 4601-4 to 4601-11, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Project Management. (2) Coordination and integration of BOR work plans with other participating Federal/State agencies. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- paper, binders, file cabinets. (2) Retrievability -- by objective identification number, organization name, and individual employee name. (3) Safeguards -- standard file cabinet. (4) Retention and Disposal -- records are maintained until completion of project.

**System manager(s) and address:** Director, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240.

**Notification procedure:** Inquiries should be directed to (1) the Chief, Office of Systems Management, Bureau of Outdoor Recreation, Washington, D.C. 20240 for Washington Office employees; (2) Regional Director, appropriate Regional Office listed in the appendix for Regional Office employees. See 43 CFR 2.60.

**Record access procedures:** Requests for access should be addressed as follows: (1) Washington Office employees should contact the Assistant Director for Management and Budget, Department of the Interior, Bureau of Outdoor Recreation, Washington, D.C. 20240; (2) Regional Office employees should contact the Regional Director at the appropriate Regional Office listed in the Appendix. See 43 CFR 2.63.

**Contesting record procedures:** Petitions for correction should be addressed as follows: (1) Washington Office employees should contact the Assistant Director for Management and Budget, Department of the Interior, Bureau of Outdoor Recreation, Washington, D.C. 20240; (2) Regional Office employees should contact the Regional Director at the appropriate Regional Office listed in the Appendix. See 43 CFR 2.71.

**Record source categories:** (1) Individual employees. (2) Supervisors. (3) Cooperating individuals. (4) Participating organizations.

**System name:** Motor Vehicle Operations Program -- Interior, BOR--4.

**System location:** Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240. (2) All Bureau of Outdoor Recreation Regional Offices (See Appendix for addresses).

**Categories of individuals covered by the system:** Bureau of Outdoor Recreation employees who are assigned U.S. Government Motor Vehicle Operator Permits for temporary use.

**Categories of records in the system:** Information identifying the employee such as: name, sex, birth date, color of hair, color of eyes, height, weight, birthplace, social security number, accident summary, accident reports, driver's license number, date issued, date expires, types of vehicle operated, corrective lenses, and hearing aids.

**Authority for maintenance of the system:** Section 211j of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 491j.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Authorize a person to operate a government vehicle. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- applications and permits are maintained in paper form housed in filing cabinet. (2) Retrievability -- permits are by card number. Accident reports are by calendar year. (3) Safeguards -- completed forms maintained in Official Personnel Folder in locked cabinets. (4) Disposal -- permits are issued for a period of three years--then destroyed.

**System manager(s) and address:** Personnel Management Specialist, Bureau of Outdoor Recreation, Washington, D.C. 20240.

**Notification procedure:** Inquiries should be directed to: (1) System Manager, Bureau of Outdoor Recreation, Washington, D.C. 20240, for Washington Office employees; and, (2) Administrative Officer, appropriate Regional Office listed in the Appendix, for Regional Office employees. See 43 CFR 2.60.

**Record access procedures:** Requests for access should be addressed as follows: (1) Washington Office employees should contact the System Manager; (2) Regional employees should contact the appropriate Administrative Officer at the location listed in the Appendix. See 43 CFR 2.63.

**Contesting record procedures:** Petitions for correction should be addressed as follows: (1) Washington Office employees should contact the System Manager; (2) Regional employees should contact the appropriate Administrative Officer at the location listed in the Appendix.

**Record source categories:** Individual, Agency Officials, local and State authorities.

**System name:** Financial Management System -- Interior, BOR--5.

**System location:** (1) Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240. (2) All Regional Offices of the Bureau of Outdoor Recreation (See Appendix for addresses.) (3) Bureau of Mines, ADP Division, Denver Federal Center, Denver, Colorado.

**Categories of individuals covered by the system:** Present and past employees of the Bureau of Outdoor Recreation.

**Categories of records in the system:** Work performed by employees.

**Authority for maintenance of the system:** 16 U.S.C. 4601 to 4601-3; 16 U.S.C. 4601-4 to 4601-11, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Labor Cost History. (2) Work Loan Analysis. (3) Project Management. (4) Manpower Analysis. (5) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (6) Transfer, in the event there is indicated a violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- computer disk, mag-tape, paper records. (2) Retrievability -- by individual name, project identification number, program work code, organization. (3) Safeguards -- physical security of ADP aspects; file cabinets for paper copy. (4) Retention -- three years.

**System manager(s) and address:** Chief, Office of Systems Management, Department of the Interior, Bureau of Outdoor Recreation, Washington, D.C. 20240.

**Notification procedure:** Inquiries should be directed to: (1) System Manager, Bureau of Outdoor Recreation, Washington, D.C. 20240 for Washington Office employees; (2) Regional Director, appropriate Regional Office listed in the appendix for Regional Office employees. See 43 CFR 2.60.

**Record access procedures:** Requests for access should be addressed as follows: (1) Washington Office employees should contact the System Manager; (2) Regional Office employees should contact the appropriate Regional Director at the location listed in the Appendix. See 43 CFR 2.63.

**Contesting record procedures:** Petitions for amendment should be addressed as follows: (1) Washington Office employees should contact the System Manager; (2) Regional Office employees should contact the appropriate Regional Director at the location listed in the Appendix. See 43 CFR 2.71 for content requirements for petitions.

**Record source categories:** Payroll System.

**System name:** Property Hand Receipt File -- Interior, BOR--6.

**System location:** (1) Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240. (2) All Bureau of Outdoor Recreation Regional Offices (See Appendix for addresses.)

**Categories of individuals covered by the system:** Department of Interior employees who are assigned Bureau of Outdoor Recreation Personal Property for temporary or short-term use.

**Categories of records in the system:** Information which identifies the property being assigned to an individual; such as, name of item, model number, serial number, property number, or other descriptive detail. Also the date(s) the item was issued and/or returned and the signature of the recipient.

**Authority for maintenance of the system:** Section 202(b) of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 483(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Control of U.S. Government property consigned to an individual employee for temporary or short-term use; such as, hand calculators, Transportation

porary or short-term use; such as, hand calculators, Transportation

responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regula-

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

for administrative overview of current organizational policy requirements. (2) Transfer to the U.S. Department of Justice in the



porary or short-term use; such as, hand calculators, Transportation Request Books, Rent-a-Car Cards, cameras, tape recorders, dictating equipment, and other portable items for which accountability records are required. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- the records are maintained in a 3x5 card box file. (2) Retrievability -- the system is indexed alphabetically by the name of the individual to whom the items are assigned. (3) Safeguards -- records are located in lockable metal file cabinets with access limited to those persons whose official duties require access. (4) Retention and Disposal -- each hand receipt is voided upon return of the property in satisfactory condition; retained on file for one year, then destroyed.

**System manager(s) and address:** Management Officer, Bureau of Outdoor Recreation, Washington, D.C. 20240.

**Notification procedure:** All inquiries should be directed to the System Manager. See 43 CFR 2.60.

**Record access procedures:** Requests for access should be directed to the Management Officer, Bureau of Outdoor Recreation, Washington, D.C. 20240, or to the Administrative Officer at the applicable Regional location listed in the Appendix. See 43 CFR 2.63.

**Contesting record procedures:** Petitions for correction should be directed to the System Manager. See 43 CFR 2.71.

**Record source categories:** (1) Individual to whom the record pertains. (2) Agency officials. (3) Property items.

**System name:** Travel and Transportation Automated Accounting System -- Interior, BOR--7.

**System location:** (1) Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240. (2) All Regional Offices, Bureau of Outdoor Recreation (See Appendix for addresses.)

**Categories of individuals covered by the system:** Current and former employees of the Bureau who travel on official business, including travel of employees and their dependents in connection with a permanent change of station.

**Categories of records in the system:** (1) Travel Authorizations. (2) Travel Advances. (3) Transportation Requests. (4) Travel Vouchers claiming reimbursement for travel expenses while on temporary duty. (5) Travel Vouchers covering reimbursement in connection with permanent changes of station for transportation and per diem of employee and dependents. (6) These vouchers may also include reimbursement for shipment of household goods, advance househunting trip, real estate transactions, and other related transportation and travel records.

**Authority for maintenance of the system:** 5 U.S.C. 5701-5709, 5721-5733, 5742b and 5722, Executive Order 11609 (July 22, 1971).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To provide posting media for the accounting system. They become records used to support payments, obligations, and other financial transactions, and are a part of the support to the accountable officers accounts. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the

responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained in file folders, paper tape, and punched cards. (2) Retrievability -- copies and/or originals are filed alphabetically by name. (3) Safeguards -- access to and use of these records are limited to those persons whose official duties require such access. (4) Retention and Disposal -- in accordance with General Records Schedule 9 where applicable and as approved by the General Accounting Office and GSA.

**System manager(s) and address:** Accounting Officer, Bureau of Outdoor Recreation, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** (1) Individual employees. (2) Supervisors, Managers. (3) Agency officials. (4) Travel Regulations. (5) Common Carrier Companies.

**System name:** Accidents -- Interior, Reclamation--1.

**System location:** All facilities of the Bureau of Reclamation listed in Appendix except numbers 9(g) and 9(h).

**Categories of individuals covered by the system:** Individuals having an accident either by a motor vehicle, drowning, or any other form of accident.

**Categories of records in the system:** Reports of serious accident, fatalities, and motor vehicle accidents.

**Authority for maintenance of the system:** Executive Order 11807.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Determine cause of accident and action, if any, to be taken, and final disposition of case. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated. (4) Transfer to Federal Records Center, NARS, for retention or disposal.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Accounts Receivable -- Interior, Reclamation--2.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 2, 4 (a thru i), 5, 7, (a thru k) in Appendix.

**Categories of individuals covered by the system:** Individuals paying monies to the Bureau. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

**Categories of records in the system:** Bills for collection to support an accounts receivable in the Bureau's accounting system.

**Authority for maintenance of the system:** 311 U.S.C. 952, 7 GAO 22 - Policy and Procedures Manual for Guidance of Federal Agencies.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Documentation supporting Bureau's Accounts Receivable. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the

responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained in file folders, paper tape, and punched cards. (2) Retrievability -- copies and/or originals are filed alphabetically by name. (3) Safeguards -- access to and use of these records are limited to those persons whose official duties require such access. (4) Retention and Disposal -- in accordance with General Records Schedule 9 where applicable and as approved by the General Accounting Office and GSA.

**System manager(s) and address:** Accounting Officer, Bureau of Outdoor Recreation, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual employees.

**System name:** Audiograms (Hearing Test Record) -- Interior, Reclamation--4.

**System location:** Bureau of Reclamation offices numbered 4 (a thru i) in Appendix.

**Categories of individuals covered by the system:** Federal employees who must work regularly in areas where noise levels exceed 90dBA.

**Categories of records in the system:** Audiogram completed on hearing test by trained Federal Audiometric Technician. The audiogram is then reviewed by an Audiologist. Appropriate personnel action is taken whenever it is determined that an employee is highly susceptible to noise-induced hearing loss, or whenever a significant job-connected hearing loss is indicated.

**Authority for maintenance of the system:** Executive Order 11807.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Transfer records to a recognized Audiologist for interpretation. (2) Review interpretations and take appropriate action to abate noise exposure hazard to employee.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- retained three years in Regional office and three years in Denver Records Center.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** From individuals who have entered into contracts or agreements with the Bureau to repay monies owed the Bureau.

**System name:** Attendance at Meetings -- Interior, Reclamation--3.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (3) Reclamation offices numbered 4 (a thru i), 5, 7 (a thru k) in Appendix.

**Categories of individuals covered by the system:** Bureau employees attending outside meetings.

**Categories of records in the system:** Request for approval of attendance at meeting by Form 7-1695 and related correspondence.

**Authority for maintenance of the system:** 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Provides opportunity

for administrative overview of current organizational policy requirements. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- two years.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Records obtained by trained Federal Audiometric Technicians and from individual employee.

**System name:** Claims -- Interior, Reclamation--5.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3 (a, b, c, e, g, h, i, k), 4

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Accounts Receivable -- Interior, Reclamation--2.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 2, 4 (a thru i), 5, 7, (a thru k) in Appendix.

**Categories of individuals covered by the system:** Individuals paying monies to the Bureau. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

**Categories of records in the system:** Bills for collection to support an accounts receivable in the Bureau's accounting system.

**Authority for maintenance of the system:** 311 U.S.C. 952, 7 GAO 22 - Policy and Procedures Manual for Guidance of Federal Agencies.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Documentation supporting Bureau's Accounts Receivable. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- retained three years in Regional office and three years in Denver Records Center.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** From individuals who have entered into contracts or agreements with the Bureau to repay monies owed the Bureau.

**System name:** Attendance at Meetings -- Interior, Reclamation--3.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (3) Reclamation offices numbered 4 (a thru i), 5, 7 (a thru k) in Appendix.

**Categories of individuals covered by the system:** Bureau employees attending outside meetings.

**Categories of records in the system:** Request for approval of attendance at meeting by Form 7-1695 and related correspondence.

**Authority for maintenance of the system:** 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Provides opportunity

for administrative overview of current organizational policy requirements. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- two years.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual employees.

**System name:** Audiograms (Hearing Test Record) -- Interior, Reclamation--4.

**System location:** Bureau of Reclamation offices numbered 4 (a thru i) in Appendix.

**Categories of individuals covered by the system:** Federal employees who must work regularly in areas where noise levels exceed 90dBA.

**Categories of records in the system:** Audiogram completed on hearing test by trained Federal Audiometric Technician. The audiogram is then reviewed by an Audiologist. Appropriate personnel action is taken whenever it is determined that an employee is highly susceptible to noise-induced hearing loss, or whenever a significant job-connected hearing loss is indicated.

**Authority for maintenance of the system:** Executive Order 11807.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Transfer records to a recognized Audiologist for interpretation. (2) Review interpretations and take appropriate action to abate noise exposure hazard to employee.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- retained three years in Regional office and three years in Denver Records Center.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Records obtained by trained Federal Audiometric Technicians and from individual employee.

**System name:** Claims -- Interior, Reclamation--5.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3 (a, b, c, e, g, h, i, k), 4

(a thru i), 5 (a thru i), 7 (a thru k), 8 (a thru h), 9 (a, c, e, f) in Appendix.

plementing the statute, rule, regulation, order or license violated or potentially violated.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual employees.

**System name:** Driver's License -- Interior, Reclamation--8.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 2, 4 (a thru i), 5, 7, (a thru k) in Appendix.

**Categories of individuals covered by the system:** Individuals paying monies to the Bureau. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

**Categories of records in the system:** Bills for collection to support an accounts receivable in the Bureau's accounting system.

**Authority for maintenance of the system:** 311 U.S.C. 952, 7 GAO 22 - Policy and Procedures Manual for Guidance of Federal Agencies.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Documentation supporting Bureau's Accounts Receivable. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the

responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records are maintained in file folders, paper tape, and punched cards. (2) Retrievability -- copies and/or originals are filed alphabetically by name. (3) Safeguards -- access to and use of these records are limited to those persons whose official duties require such access. (4) Retention and Disposal -- in accordance with General Records Schedule 9 where applicable and as approved by the General Accounting Office and GSA.

**System manager(s) and address:** Accounting Officer, Bureau of Outdoor Recreation, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240



(a thru i), 5 (a thru i), 7 (a thru k), 8 (a thru h), 9 (a, c, e, f) in Appendix.

**Categories of individuals covered by the system:** Individuals who have filed Tort, Federal Employee, or Irrigation Claims.

**Categories of records in the system:** Contains records concerning claims, including the claims and supporting information submitted by the claimant, information developed concerning the claim and a record of the disposition of the claim if processing of the claim is complete.

**Authority for maintenance of the system:** (1) Federal Tort Claims Act, 28 U.S.C. 2671-2680; (2) Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 240-243; (3) Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act, Public Law 93-393, 88 Stat. 782.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Adjudication of Tort, Federal Employee, and Irrigation Claims; (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records; (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated; (4) Transfer to another Federal agency or a State or local government body having partial or complete jurisdiction over the claim or related claims.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders; (2) Retrieval -- by individual's name; (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records; (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Claimant, investigation, conducted by Reclamation offices and contractors, offices of the Department of the Interior, State or local governments.

**Systems exempted from certain provisions of the act:** The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

**System name:** Collection Contracts -- Interior, Reclamation--6.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240; (2) Reclamation offices numbered 3 (a thru f), 5, 7 (a thru k), 9 in Appendix.

**Categories of individuals covered by the system:** Individuals who lease, rent, or buy from the Bureau of Reclamation under a collection contract or agreement.

**Categories of records in the system:** Individual collection documents with related copies of bills and correspondence.

**Authority for maintenance of the system:** 31 U.S.C. 952, 7 GAO 11--Policy and Procedures Manual for Guidance of Federal Agencies.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Administration and negotiation of collection documents to collect money due the Bureau of Reclamation; (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records; (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

plementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders; (2) Retrieval -- indexed by name of individual; (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records; (4) Disposal -- transfer to Federal Records Center, Denver. Held in office three years after completion and settlement, then transfer with Accountable Officer's Records to the Records Center, Denver.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Concessions -- Interior, Reclamation--7.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240; (2) Reclamation offices numbered 3 (a thru f), 5, 7 (a thru k), 9 in Appendix.

**Categories of individuals covered by the system:** Individual concessionaire and applicants. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

**Categories of records in the system:** Individual rental or lease agreements with individuals providing service or concessions at Bureau camps and headquarters.

**Authority for maintenance of the system:** Reclamation Law of 1902, as amended, 43 U.S.C. 371, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Administration of Reclamation facilities; (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records; (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders; (2) Retrieval -- by individual's name; (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records; (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Driver's License -- Interior, Reclamation--8.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240; (2) Reclamation offices numbered 2 (a thru l), 4 (a thru i), 5, 6 (a thru i), 7 (a thru k) in Appendix.

**Categories of individuals covered by the system:** Reclamation employees authorized to operate Government-owned vehicles.

**Categories of records in the system:** Name of individual holding license and expiration date of license.

**Authority for maintenance of the system:** 40 U.S.C. 471 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Administration of licensing program; (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records; (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders; (2) Retrieval -- by individual's name; (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records; (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Foreign Visitors and Observers -- Interior, Reclamation--9.

**System location:** General Services Branch, Engineering and Research Center, Bureau of Reclamation, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** Citizens who may accompany foreigners on domestic trips.

**Categories of records in the system:** Contains name and rank of traveller.

**Authority for maintenance of the system:** 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Internal administration; (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records; (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- on correspondence; (2) Retrieval -- by name; (3) Safeguard -- stored with safeguards meeting the requirements of 43 CFR 2.51; (4) Retention and Disposal -- Records Management Handbook No. 2.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the office listed under Location above. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Identification Cards -- Interior, Reclamation--10.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240; (2) Reclamation offices numbered 3 (a thru l), 4 (a thru i), 5, 6 (a thru i), 7 (a thru k), 8 (a thru h), in Appendix.

**Categories of individuals covered by the system:** Individual Reclamation employees.

**Categories of records in the system:** Register of names to whom cards have been issued.

**Authority for maintenance of the system:** 5 U.S.C. 3101, 43 U.S.C. 373, 373a, 1467, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To maintain control of identification cards issued; (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records; (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders; (2) Retrieval -- by individual's name; (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records; (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Individual Record of Issues -- Interior, Reclamation--11.

**System location:** General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** Every employee of Reclamation located at the Engineering and Research Center.

**Categories of records in the system:** Contains record of I.D., passes, drivers licenses, and keys issued to Reclamation employees.

**Authority for maintenance of the system:** 5 U.S.C. 3101, 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To collect I.D.'s, passes, Drivers Licenses, and keys when employees terminate employment. Also used to record I.D. numbers and drivers license numbers and expiration dates; (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records; (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.



dictated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- on 5 x 8 cards. (2) Retrievability -- indexed by name. (3) Safeguards -- records are stored in metal cabinets. (4) Retention and Disposal -- records are maintained for the active life and then destroyed.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may request whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above). See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Inventions and Patents -- Interior, Reclamation--12.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado.

**Categories of individuals covered by the system:** Reclamation employees who have been granted patents or who are seeking patents.

**Categories of records in the system:** Contains name, organizational segment of inventor. Contains brief description of invention.

**Authority for maintenance of the system:** 5 U.S.C. 3101, 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Internal administration. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- correspondence. (2) Retrievability -- by name. (3) Safeguards -- maintained with security meeting requirements of 43 CFR 2.51. (4) Retention and Disposal -- Records Management Handbook No. 2.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) which services the facility at which he is (or was) employed. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Irrigation Management Service -- Interior, Reclamation--13.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a, b, g, i) in Appendix.

**Categories of individuals covered by the system:** Individuals receiving irrigation waters from Reclamation constructed facilities.

**Categories of records in the system:** Computer input, storage, and output concerning water usage.

**Authority for maintenance of the system:** 43 U.S.C. 371, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To assist farmers using the correct amount of water to irrigate their crops. (2) Transfer to U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Land Exchange -- Interior, Reclamation--14.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 5(d), 7(a thru k), 8(a thru h) in Appendix.

**Categories of individuals covered by the system:** Individual exchange for Bureau of Reclamation purposes.

**Categories of records in the system:** General subject of exchange of certain unpatented or private land by certain qualified applicants whose lands have been determined to be insufficient to support a family. Exchange of land by the Bureau of project purposes.

**Authority for maintenance of the system:** 43 U.S.C. 371, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To maintain a history and protection of the individual's rights. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in file folders by appropriate file codes. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Disposal -- records are disposed of periodically in accordance with established Bureau schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Information comes from the individual as well as the office involved.

**System name:** Land Settlement Entries -- Interior, Reclamation--15.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a, c, g, 4(f), 5(d), 7(a thru k) in Appendix.

**Categories of individuals covered by the system:** Individual applicants who wish to settle on lands on Federal Reclamation Project.

**Categories of records in the system:** (1) Applications including information as to character of individual applicant, veteran preference right, farming experience, assets (financial), health, appeals, and data concerning homesteading and applicant meeting requirements. (2) Notice to Land Office that homesteader has fulfilled requirements. (3) Data with Department of Agriculture as to applicability for loan.

**Authority for maintenance of the system:** (1) Section 4, Fact Finders Act of December 5, 1924 (43 Stat. 702). (2) Section 3, Reclamation Act of June 17, 1902 (1093-32 Stat. 388 and amendment). (3) Act of March 1, 1921, (102-41 Stat. 1202. (4) Act of April 7, 1921 (125-42 Stat. 492). (5) Section 44, The Omnibus Adjustment Act (44 Stat. 636). (6) Farm Unit Exchange Act of August 13, 1953 (428-67 Stat. 566).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (2) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated. (3) To determine if applicant is qualified to farm unit. (4) To administer settler program. (5) To advise other Federal, State, or local Government agencies of information required in issuing patent, tax information, or other pertinent data required.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.63.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Litigation -- Interior, Reclamation--16.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(c,f,h), 4(a thru i), 5(a thru d), 6(a thru i), 7(a thru k) in Appendix.

**Categories of individuals covered by the system:** Individuals against whom Bureau of Reclamation has brought suit or who have brought suit against the Bureau of Reclamation.

**Categories of records in the system:** Correspondence and copies of documents from appropriate legal entities concerning condemnations of land, environmental suits to prohibit construction activities, and any information developed concerning any specific litigation.

**Authority for maintenance of the system:** (1) Section 7, Reclamation Act of 1902 (32 Stat. 389, 43 U.S.C. 421). (2) Pertinent provisions of Title 28, U.S.C. (3) Administrative Procedure Act, Chapter 7, Title 5, U.S.C.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Show record of ownership of lands and rights-of way required for Reclamation purposes. (2) For record of final disposition of case. (3) Transfer to another Federal agency, a State or local government body having partial or complete jurisdiction over the claim or related claims. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained. Investigations conducted by Reclamation, offices of the Department of the Interior, State, and local governments.

**Systems exempted from certain provisions of the act:** The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

**System name:** Lands - Leases, Sales, Rentals, and Transfers -- Interior, Reclamation--17.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a,c,e,f,g,h,i), 4(a thru i), 5(a thru d), 6(a thru i), 7(a thru k), 9(a,e) in Appendix.

**Categories of individuals covered by the system:** (1) Individuals who are applicants to lease, purchase, rent, or transfer lands. (2) Individuals who are successful applicants.

**Categories of records in the system:** Notice of Availability of lands (advertising) requests, contracts, renewals, and other supporting data concerning the sale, lease, rental, or transfer of Reclamation-owned lands.

**Authority for maintenance of the system:** (1) Taylor Grazing Act of June 28, 1934; (2) Uniform Relocation Assistance and Land Acquisition Policy Act of 1970; (3) Sale of Unproductive Public Land Act of May 16, 1930; (4) Section 4 of the Columbia Basin Project Act of March 10, 1943; (5) Disposal of Small Tracts Act of March 31, 1950; (6) Federal Property and Administrative Act of 1949 and amendments; (7) Act of February 2, 1911; (8) Act of May 20 1920; (9) Reclamation Project Act of 1939; (10) Act of June 11, 1910.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To make known to interested individuals lands available for lease, sale, or rental. (2) To administer leases, sales, rentals, and transfers. (3) To transfer requests to appropriate Federal agency if concerns other than Reclamation lands. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

appropriate agency or agencies, whether Federal, State, local or

**Categories of individuals covered by the system:** Individual who

servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

ing or implementing the statute, regulation, rule, order or license violated or potentially violated.



appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained. County Recorder, Title companies, surveyors, and appraisers.

**System name:** Lease of Housing -- Interior, Reclamation--18.

**System location:** Bureau of Reclamation offices numbered 3(a,c,e,g,i), 5, 6(a thru i), 7(a thru k), 9(b,c,e) in Appendix.

**Categories of individuals covered by the system:** Individuals who reside in Reclamation-owned housing.

**Categories of records in the system:** Miscellaneous requests, agreements, and pertinent records.

**Authority for maintenance of the system:** Reclamation Law of 1902, as amended, 43 U.S.C. 371, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To administer leasing and utilization of housing. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- completed file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Mineral Location Entries -- Interior, Reclamation--19.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3, 5(a thru d), 7(a thru k) in Appendix. (3) Office of the Regional Director, U.S. Department of the Interior, Bureau of Reclamation, Box 043 - 550 West Fort Street, Boise, Idaho 83724.

**Categories of individuals covered by the system:** Individual who has mineral entry on land Reclamation needs for Reclamation purposes.

**Categories of records in the system:** Data concerning entry and final disposition of claim.

**Authority for maintenance of the system:** Act of April 23, 1932, 47 Stat. 136.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Determine disposition of claim. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Movable Property ADP Records -- Interior, Reclamation--20.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru i), 4(a thru i), 6(a thru i), 7(a thru k) in Appendix.

**Categories of individuals covered by the system:** Individual employees who are responsible for movable property.

**Categories of records in the system:** General file material and ADP printouts for Property Management.

**Authority for maintenance of the system:** 40 U.S.C. 483(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Responsibility records for movable property. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above).

servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Movable Property Individual Responsibility -- Interior, Reclamation--21.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240.

**Categories of individuals covered by the system:** Division, branch, and section head personnel, also some secretaries and technicians authorized to sign for property.

**Categories of records in the system:** Contains employee number assigned to individuals by the Property and Purchasing Branch. Contains a list of equipment assigned to the individual.

**Authority for maintenance of the system:** 40 U.S.C. 483(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Keep up with all property charged to individuals. To record relinquishments and other transactions. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on computer. (2) Retrievability -- by employee number. (3) Safeguards -- records are stored in metal cabinets. (4) Retention and Disposal -- records are maintained between inventories and then destroyed.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above). See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained and the Property and Purchasing Branch.

**System name:** Oil and Gas Applications -- Interior, Reclamation--22.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru d), 6(a thru i), 7(a thru k), 9(c) in Appendix.

**Categories of individuals covered by the system:** Individuals who have filed for Oil and Gas Leases.

**Categories of records in the system:** Applications under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181, et seq. Applications are identified by Bureau of Land Management serial numbers.

**Authority for maintenance of the system:** 30 U.S.C. 181, et seq., 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Land status information, proof and purpose of applications. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

ing or implementing the statute, regulation, rule, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Parking -- Interior, Reclamation--23.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** Employees in grade GS-12 and above. Also handicapped individuals and individuals and employees with heart problems.

**Categories of records in the system:** Contains name, grade, and computation date of the individual GS-12 and above. Contains name of handicapped or heart patient. Contains list of employees riding in car pool.

**Authority for maintenance of the system:** 40 U.S.C. 471, et seq., FMC 74-1, FPMR Temporary Regulation D-43.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Assignment of parking spaces. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, or regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- on 5 x 8 cards. (2) Retrievability -- by name. (3) Safeguards -- kept on file in the Property and Purchasing Branch in metal cabinets. (4) Retention and Disposal -- cards are destroyed upon the departure of the individual assigned the space.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office in which the records are located. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Payroll, Attendance and Leave Records (PAYPERS) -- Interior, Reclamation--24.

**System location:** (1) Division of Management Support, Engineering and Research Center, P.O. Box 25007, Denver Federal Center, Denver Colorado 80225. (2) Input documents supplied by Commissioner's Office, Washington, D.C., all Regional and Field Offices. (See Appendix for addresses.)

**Categories of individuals covered by the system:** All Reclamation

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Land status information, proof and purpose of applications. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.



**Categories of individuals covered by the system:** All Reclamation employees with permanent, temporary, or indefinite appointments are maintained in the active files. Pay and leave information on all Reclamation employees who were paid during the year until the end of the calendar year.

**Categories of records in the system:** An individual record is maintained and updated for each employee biweekly and lists basic historical and current pay, leave, and personnel data.

**Authority for maintenance of the system:** 5 U.S.C., 5101, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To prepare payrolls for distribution by the Regional Disbursing Offices of Department of Treasury and to report results to the Civil Service Commission. (2) Disclosure to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals. (3) Disclosure to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes. (4) Disclosure to the Civil Service Commission in connection with the Civil Service retirement system. (5) Disclosure to another Federal agency to which an employee has transferred. (6) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (7) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (8) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (9) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on computer media, with input forms and printed outputs in manual form. (2) Retrievability -- indexed by name and identifying number of the employee. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer and manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him from the System Manager or the head of the office at which he is (or was) employed. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed the same as Notification. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual employees, timekeepers and supervisors.

**System name:** Personal Author Reports -- Interior, Reclamation--25.

**System location:** General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** Individuals writing technical reports of interest to Reclamation.

**Categories of records in the system:** Contains name of author and other biographical information.

**Authority for maintenance of the system:** 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Open to public. Used to research technical reports by authors.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual records. (2) Retrievability -- indexed by name. (3) Retention and Disposal -- retained indefinitely.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Document.

**System name:** Photographic Files -- Interior, Reclamation--26.

**System location:** General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** Individuals earning awards or service pins and individuals doing research for reports.

**Categories of records in the system:** Contains photograph of individuals by name. Contains name, date, and research number with caption describing research event.

**Authority for maintenance of the system:** 43 U.S.C. 373, 373a, 1457.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Administration of the Bureau of Reclamation.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on photographic print paper of various sizes. (2) Retrievability -- indexed by name and number. (3) Safeguards -- filed in metal file cabinets. (4) Retention and Disposal - Records Management Handbook No. 2.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained and supervisors.

**System name:** Publication Sales -- Interior, Reclamation--27.

**System location:** General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** Individuals purchasing Reclamation publications.

**Categories of records in the system:** Contains the name and address of individuals purchasing Reclamation publications together with the amount of money remitted for same.

**Authority for maintenance of the system:** 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101, 31 U.S.C. 65, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Accounting for monies received. (2) Transfer to the Government Printing Office. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether

rule, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on 8 x 10 1/2 forms and correspondence. (2) Retrievability -- indexed by name. (3) Safeguards -- records are stored on open shelf files. (4) Retention and Disposal -- records are maintained in accordance with Records Management Handbook No. 2.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Real Property and Right-of-Way Acquisitions -- Interior, Reclamation -- 28.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru j), 4(a thru i), 5(a thru d), 6(a thru i), 7(a thru k), 8(a thru h), 9(a,b,e) in Appendix.

**Categories of individuals covered by the system:** Individual landowners from whom Bureau of Reclamation has purchased or condemned land, exercised reserved right-of-way, or received donation deeds, or from whom the Bureau is in the process of acquiring land or interests therein.

**Categories of records in the system:** Contains records concerning acquisition of land or right-of-way, including correspondence, appraisal reports, land descriptions, releases of prior liens, contracts to purchase, agreements between landowners and Reclamation, Notice of Exercise of Right-of-Way, payment data, copies of condemnation actions, and other supporting data required in specific transactions.

**Authority for maintenance of the system:** (1) Reclamation Act of 1902, as amended, and acts supplemental thereto, 43 U.S.C. 371, et seq. (2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4651, et seq. (3) Act of August 30, 1890 (26 Stat. 391), as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Furnish record of ownership of lands and rights-of-way acquired for Reclamation purposes. (2) Transfer administration of the land for transmission of power, recreation, fish and wildlife activities, and other purposes as required to another Federal agency, State and local government. (3) Transmit deeds to local County Government to record ownership data. (4) Furnish copy of deed to appropriate Irrigation District operating the irrigation system to advise right-of-way available in operating the system. (5) Transmit documents to Department of Justice for Title Opinion. (6) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual land owners, County Recorders, title companies.

**Systems exempted from certain provisions of the act:** The Privacy Act does not entitle an individual to access to information prepared in reasonable anticipation of a civil action or proceeding.

**System name:** Right-of-Way Applications -- Interior, Reclamation--29.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 5(a thru d), 7(a thru k), 9 in Appendix.

**Categories of individuals covered by the system:** Applicants for right-of-way may or may not be identified by Bureau of Land Management serial numbers, Land description, value, and instrument of ownership.

**Authority for maintenance of the system:** Reclamation Act of 1902, as amended, and acts supplementary thereto, 43 U.S.C. 371, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Land status information and proof of right-of-way permits for legal purposes. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained, County Recorders, and Title companies.

**System name:** Safe Driving Records -- Interior, Reclamation--30.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 2, 3(a, b, c, e, f, g), 4(a thru i), 5(a thru d), 6(a thru i), 7(a thru k) in Appendix.

**Categories of individuals covered by the system:** Reclamation employees driving Government-owned vehicles.

**Categories of records in the system:** Driving record of Reclamation employees.

**Authority for maintenance of the system:** 43 U.S.C. 373, 373a, 1457, Executive Order 11807.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) For reporting purposes and for safe driving awards. (2) Forward to National Safety Council for issuance of safe driving awards. (3) Transfer to U.S.



Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Sale of Power to Individuals -- Interior, Reclamation--31.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 5, 6(a thru i), 9(b) in Appendix.

**Categories of individuals covered by the system:** Individuals purchasing power from the Government.

**Categories of records in the system:** Contains executed contracts, agreements and all contract amendments, extension and other pertinent correspondence.

**Authority for maintenance of the system:** Reclamation Act of June 17, 1902, as amended, and acts supplementary thereto, 43 U.S.C. 371, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Accounting. (2) Transfer to U.S. Department of Justice in event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual receiving power meter readings.

**System name:** Special Use Applications, Licenses, and Permits -- Interior, Reclamation--32.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a,c,f,g,j), 4(a thru i), 5(a thru d), 6(a thru i), 7(a thru k), 9(a,b,c) in Appendix.

**Categories of individuals covered by the system:** Individuals who secure licenses and permits concerning Reclamation owned facilities.

**Categories of records in the system:** (1) Applications, (2) Licenses, (3) Permits, (4) Miscellaneous supporting data.

**Authority for maintenance of the system:** (1) Reclamation Law of 1902, as amended, and acts supplemental thereto, 43 U.S.C. 371, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To administer Reclamation-owned lands and facilities. (2) Transfer to U.S. Department of Justice in event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Speeches -- Interior, Reclamation--33.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (3) Reclamation offices numbered 5, 7(a thru k), 9 in Appendix.

**Categories of individuals covered by the system:** Bureau of Reclamation employees.

**Categories of records in the system:** Copies of speeches delivered by Bureau employees generally on the subject of Reclamation activities.

**Authority for maintenance of the system:** 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by Public Relations Officer for reference purposes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- paper copies maintained in file folders. (2) Retrievability -- classified by subject code and arranged in alphabetical order by name of individual and office in which employee is employed. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- permanent retention for copies of speeches held in office speaker is employed.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Thefts Listing -- Interior, Reclamation--34.

**System location:** General Services Branch, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

**Categories of individuals covered by the system:** Individuals reporting loss or theft.

**Categories of records in the system:** Contains name, room number, telephone extension of person reporting loss of materials through theft.

**Authority for maintenance of the system:** 5 U.S.C. 3101, 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (2) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual. (2) Retrievability -- by name of reporting individual. (3) Safeguards -- in locked desk and locked cabinets. (4) Retention and Disposal -- Records Management Handbook No. 2.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the offices listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Travel Approval Authorizations and Reports -- Interior, Reclamation--35.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru i), 4(a thru i), 5, 6(a thru i), 7(a thru k).

**Categories of individuals covered by the system:** Reclamation employees authorized to travel.

**Categories of records in the system:** Travel authorization.

**Authority for maintenance of the system:** 5 U.S.C. 5701, et seq., 7 C.F.R. 22 - Policy and Procedures Manual for guidance of Federal Agencies.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To authorize employees to travel on official business. (2) Transfer to U.S. Department of Justice in event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation,

rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Travel Voucher Records -- Interior, Reclamation--36.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (3) Reclamation offices numbered 3, 6(a thru i), 7(a thru k), 8(a thru h), 9(a thru h) in Appendix.

**Categories of individuals covered by the system:** Individual Reclamation employees who have traveled on official business.

**Categories of records in the system:** Payment data for travel performed.

**Authority for maintenance of the system:** 5 U.S.C. 5701, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Payment of travel and transportation. (2) Transfer to U.S. Department of Justice in event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (4) Accrued expenditure document.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Trespass Cases -- Interior, Reclamation--37.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C.

ten request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Administration and negotiation of water sales contracts with individual landowner. (2)

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should



**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a and g), 5(a thru d), 7(a thru k), 9(b, c) in Appendix.

**Categories of individuals covered by the system:** Individual who trespasses on Government-owned property.

**Categories of records in the system:** Contains correspondence re trespass, interim problems, and final disposition of case.

**Authority for maintenance of the system:** (1) Reclamation Act of 1902, as amended, and acts supplementary thereto, 43 U.S.C. 371, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To administer property under jurisdiction of Reclamation. (2) To document final disposition of trespass. (3) Transfer to U.S. Department of Justice in event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Systems exempted from certain provisions of the act:** This system is proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

**System name:** Water Right Applications -- Interior, Reclamation--38.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a, g), 4(a thru i), 5(d), 7(a thru k), 9(c) in Appendix.

**Categories of individuals covered by the system:** Individual homesteaders who are eligible to receive water right certificates.

**Categories of records in the system:** Individual water right applications and supporting papers.

**Authority for maintenance of the system:** (1) Reclamation Act of 1902, as amended, and acts supplementary thereto, 43 U.S.C. 371, et seq. (2) Act of August 9, 1912 (37 Stat. 265), and any acts amendatory or supplementary thereto.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To entitle purchaser of water right certificate to final water right certificate upon completion of statutory requirements. (2) Administration and negotiation of water right applications with individual landowner. (3) Transfer to U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a writ-

ten request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained.

**System name:** Water Rights Acquisition -- Interior, Reclamation--39.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 4(a thru i), 6(a thru i), 7(a thru k) in Appendix.

**Categories of individuals covered by the system:** Material pertaining to acquisition by the Bureau, by purchase or donation, etc., of water rights by others.

**Categories of records in the system:** Individual water service and agreements on diversion of water, along with related correspondence.

**Authority for maintenance of the system:** Reclamation Act of 1902, Section 8, 43 U.S.C. 372, 383.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Administration and negotiation of individual water service and agreements on diversion of water. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of individual or landowner. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- none -- no official schedule.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual landowners.

**System name:** Water Sales and Delivery Contracts -- Interior, Reclamation--40.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a,c,f,g,i), 4(a thru i), 5(a thru d), 6(a thru i), 7(a thru k), 8(a thru h), 9(c) in Appendix.

**Categories of individuals covered by the system:** Individuals who purchase excess water, water from unassigned reservoir space for irrigation or domestic use.

**Categories of records in the system:** Requests for water, contracts for individuals to receive water and pertinent correspondence.

**Authority for maintenance of the system:** (1) The Reclamation Project Act of June 17, 1902 (Ch. 1093, 32 Stat. 388), and acts amendatory thereof and supplementary thereto, particularly the Reclamation Project Act of August 4, 1939 (Ch. 418, 53 Stat. 1187). (2) Reclamation Extension Act of August 13, 1914. (3) The Omnibus Adjustment Act of May 25, 1926. (4) Section 2 of the Rivers and Harbors Act of August 26, 1937 (Ch. 832, 50 Stat. 844). (5) Reclamation Project Act of 1939. (6) Flood Control Act of 1944, Section 8.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Administration and negotiation of water sales contracts with individual landowner. (2) To sell water from Corps of Engineers dam and reservoir project. (3) Transfer to U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained.

**System name:** Permits -- Interior, Reclamation--41.

**System location:** (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a,b,c,e,f,h), 5(a thru d), 7(a thru k) in Appendix.

**Categories of individuals covered by the system:** (1) Individual who permits Reclamation employees to enter on his land. (2) Individual with permits to enter Bureau land or facilities.

**Categories of records in the system:** Written permission to enter private lands or Reclamation lands and facilities; permission to erect and maintain structures.

**Authority for maintenance of the system:** (1) Reclamation Project Act of June 17, 1902, as amended, and supplemental laws, 43 U.S.C. 371, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To allow Reclamation employees to perform required work on private lands. (2) To allow individuals to erect and maintain structures, on Bureau facilities or land. (3) Land status information, proof of permit and legal applications. (4) Transfer to U.S. Department of Justice in event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

**System manager(s) and address:** Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

**Notification procedure:** An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

**Record access procedures:** Same as Notification above. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom record is maintained and County Records.

**System name:** Administrative Management and Fiscal Records -- Interior, Alaska Power Administration--1.

**System location:** Alaska Power Administration, P.O. Box 50, Juneau, Alaska.

**Categories of individuals covered by the system:** Employees and some former employees of the Alaska Power Administration.

**Categories of records in the system:** Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims, Government transportation requests, travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identification cards and Government driver's licenses. Related records concerning administrative and fiscal management of the Alaska Power Administration.

**Authority for maintenance of the system:** 5 U.S.C. 301, 3101, 5101-5115, 5501-5596, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Administrative and fiscal management of the Alaska Power Administration. (2) Disclosure to the Department of the Treasury for preparation of (a) payroll checks, (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals, and (c) checks for reimbursement of employees and others. (3) Disclosure to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes. (4) Disclosure to the Civil Service Commission to report contributions to the Civil Service retirement system and other contributions. (5) Disclosure to another Federal agency to which an employee has transferred. (6) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (8) Transfer to another Federal agency having a subject matter interest in the records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual and automated. (2) Retrievability -- may be retrieved by individual name or social security number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- according to approved records disposal schedules.

**System manager(s) and address:** Administrator, Alaska Power Administration.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Employees, supervisors, timekeepers event of litigation involving the records or the subject matter of the

**System name:** Travel Records -- Interior, BPA -- 1.

**System location:** Bonneville Power Administration, 1002 NE. Holaday Street, P.O. Box 3621, Portland, Oregon 97208.

**Categories of individuals covered by the system:** BPA employees

General Decision. (10) Transfer to the Department of the Treasury for issuance of checks. (11) Transfer to financial institution upon

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- filed in fol-

(2) Bonneville Power Administration, Portland Area Office, 919 NE. 19th Avenue, P.O. Box 3621, Portland Oregon 97208. (3) Bonneville



**Categories of individuals covered by the system:** BPA employees who have traveled on official business or changed official duty stations, and other individuals authorized to travel at Government expense for BPA.

**Categories of records in the system:** Contains the traveler's itinerary, method of travel, travel expenses claimed and/or paid, receipts for expenditures claimed, administrative approvals, lodging certifications, authorizations for travel, Government transportation requests issued by traveler, and travel advance accounts including request cards.

**Authority for maintenance of the system:** 5 U.S.C. 5701-5709; Federal Property Management Regulations 101-7, Federal Travel Regulations, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Establishment of employee travel or change of station claim for reimbursement. (2) Determination of available lodging rates wherever BPA employees conduct official travel. (3) Control of amounts of travel advances and repayment of those amounts provided. (4) Transfer to the Department of Treasury for reimbursement of travel expenses. (5) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (6) Transfer in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- travel itineraries and changes of station are maintained manually on standard forms in file folders; records of travel advances are maintained manually on standard card files; record of lodging locations and rates are on punchcard, magnetic tape, and computer printout. (2) Retrievability -- indexed by name of traveler, except lodging location and rates which are indexed by location. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Disposal -- maintained at BPA headquarters for 4 years and at the records center for 3 years before being destroyed by shredding.

**System manager(s) and address:** Chief, Branch of Finance and Accounts, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual travelers, supervisors, voucher preparation clerks.

**System name:** Payroll Files -- Interior, BPA -- 2.

**System location:** Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

**Categories of records in the system:** Pay, allowances, retirement, and leave records.

**Authority for maintenance of the system:** 5 U.S.C. 5101, et seq.; GAO Manual, 6 GAO 1, Authority and Responsibilities.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To prepare schedule of net pay and record gross pay, leave, retirement, and payroll deductions. (2) To maintain payroll records for GAO and other audits. (3) Provide input for BPA cost accounting and budgeting system. (4) Provide information for union negotiation processes. (5) Transfer earning and withholding data to Federal and State income tax authorities. (6) Transfer data to State employment agencies as requested for unemployment claims. (7) Transfer leave and retirement records to other Federal agencies when employee transfers. (8) Transfer retirement records to the Civil Service Commission for employees retiring, terminating, or transferring outside of the Department. (9) Transfer to GAO when BPA requests Comptroller

General Decision. (10) Transfer to the Department of the Treasury for issuance of checks. (11) Transfer to financial institution upon written request for mortgage loans. (12) Transfer to IRS for tax levies. (13) Transfer to Office of Federal Employees' Compensation for employees injured on duty. (14) Transfer to State welfare agencies on written request regarding qualification for food stamps. (15) Transfer amount of net pay and payroll savings to financial organizations for employees making deposits directly to banks. (16) Transfer listing of union dues deductions to unions. (17) Transfer listing of union dues deductions, bonds, and net check to disbursing office. (18) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (19) Transfer, in the event, there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- the master file information for processing pay, the payroll register, leave, and payroll history are stored on microfiche and computer printouts. In addition, standard forms and other authorized forms are maintained which cover personnel actions, income tax withholdings, health benefit deductions, insurance, bond, savings, union, and authorized deductions, retirement records, and pay history. Magnetic disk contains master information required to process each employee's pay. Magnetic tape containing denomination of bonds, amounts of net payroll checks, and payroll history is used as a device to transfer data to the Treasury Department. The bond and net check tape is destroyed after each payroll. Pay history is transferred to microfiche or hard copy via magnetic tape, and the tape containing each pay period's information is retained. (2) Retrievability -- data is filed by employee name and/or social security number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- the various payroll records are retained in accordance with regulations which vary according to document.

**System manager(s) and address:** Chief, Branch of Finance and Accounts, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him and supplying social security number is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester and supply his social security number. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual employee and Personnel Office.

**System name:** Audiometric Testing Forms -- Interior, BPA -- 3.

**System location:** Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

**Categories of individuals covered by the system:** BPA employees who have had a hearing test by BPA's Audiometric Technician.

**Categories of records in the system:** Test Form.

**Authority for maintenance of the system:** Act of August 8, 1946, as amended, 5 U.S.C. 7901; OMB Circular A-72 of June 18, 1965.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Used for advising employees that they have hearing deficiencies and that they might wish to see their private physician. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**System location:** Office of the Chief, Branch of Plant Services -

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- filed in file folders. (2) Retrievability -- filed by organization, alphabetically within organization. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- forms destroyed 5 years after separation of employee.

**System manager(s) and address:** Safety Manager, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

**Notification procedure:** System Manager. A written signed request stating the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Employee and certified Audiometric Technician.

**System name:** Automotive Accident Files -- Interior, BPA -- 4.

**System location:** Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

**Categories of individuals covered by the system:** Drivers involved in automotive accidents, employees and private drivers involved in accidents with employees.

**Categories of records in the system:** Records concerning automotive accidents, forms, statements, police reports, claims and supporting information, and pictures.

**Authority for maintenance of the system:** Federal Tort Claims Act, 28 U.S.C. 2671-2680; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240-243.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Determination of the classification of the accident, i.e., preventable, nonpreventable, or reportable incident. (2) Adjudication of Tort claim; transfer of necessary information and forms to GSA so appropriate reimbursement may be requested. (3) Determination of financial liability and disciplinary action. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by employee name and by case number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- maintained for 3 years, then transferred to GSA Federal Records Center for 3 years. Destroyed by shredding.

**System manager(s) and address:** Safety Manager, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

**Notification procedure:** System Manager. A written signed request stating the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Accident investigators, individual employees, witnesses, and State or local police.

**System name:** Motor Vehicle Operator Identification Records -- Interior, BPA -- 5.

**System location:** (1) Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

(2) Bonneville Power Administration, Portland Area Office, 919 NE. 19th Avenue, P.O. Box 3621, Portland Oregon 97208. (3) Bonneville Power Administration, Ross Complex, 5400 NE. Highway 99, P.O. Box 491, Vancouver, Washington 98660. (4) Bonneville Power Administration, Seattle Area Office, 415 First Avenue North, Room 250, Seattle, Washington 98109. (5) Bonneville Power Administration, Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201. (6) Bonneville Power Administration, Walla Walla Area Office, West 101 Poplar, P.O. Box 1518, Walla Walla, Washington 99362.

**Categories of individuals covered by the system:** BPA employees holding Motor Vehicle Operator Identification Cards.

**Categories of records in the system:** Application form and Physical Fitness Inquiry.

**Authority for maintenance of the system:** Section 211j of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C., 491j.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Used for determining eligibility for Motor Vehicle operator Identification Cards. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- filed manually. (2) Retrievability -- alphabetically by employee name. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- Application form is filed in employee's official personnel file and Physical Fitness Inquiry is retained or destroyed at the discretion of the officer.

**System manager(s) and address:** Safety Manager, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

**Notification procedure:** System Manager. A written signed request stating the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** BPA employee and supervisors.

**System name:** Industrial Accident Files and Employee Claims Files -- Interior, BPA -- 6.

**System location:** Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

**Categories of individuals covered by the system:** Employees, contractors, or private parties involved in serious accidents with BPA facilities or employees filing claims for lost or damaged personal property.

**Categories of records in the system:** Records concerning accidents involving serious injury, death, or which could have resulted in serious injury or death. Forms, statements, police reports, claims and supporting information, and pictures.

**Authority for maintenance of the system:** Federal Tort Claims Act, 28 U.S.C. 2671-2680; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240-243; Federal Employees Compensation Act, 5 U.S.C. 8101-8193.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Analyzing the facts and circumstances surrounding each accident for cause. Adjudication of tort and employee claims. (2) Transfer to another Federal agency or a State or local government body having partial or complete jurisdiction over the claim or related claims. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal,

or regulatory in nature, to the appropriate agency or agencies,

System location: Office of the Chief, Branch of Plant Services -

of Justice in the event of litigation involving the records or subject

another Federal agency having a subject matter interest in the



or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained in manual form in file folders. (2) Retrieval -- indexed by claimant's name and by case number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- maintained for 3 years then transferred to GSA Federal Records Center for 4 years, and destroyed by shredding; except for fatalities which are retained indefinitely in Safety Office.

**System manager(s) and address:** Safety Manager, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

**Notification procedure:** System Manager. A written signed request stating the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Accident investigators, individual employees, witnesses, and State or local police.

**System name:** Safety Training Files -- Interior, BPA -- 7.

**System location:** Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

**Categories of individuals covered by the system:** BPA employees who have completed safety training courses offered by BPA.

**Categories of records in the system:** Alphabetical listing of employee names by organization code.

**Authority for maintenance of the system:** 5 U.S.C. 4101, et seq.; Executive Order 11348 (April 20, 1967).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To determine which employees have valid first aid cards. (2) To determine which employees hold certifications to access BPA facilities. (3) To determine which employees have completed defensive driver course. (4) Transfer to the U.S. Department of Justice in the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- computer list and manual files. (2) Retrieval -- alphabetically by employee name within organization code. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- destroyed by shredding when new list is issued. Manual files are destroyed by shredding upon separation of employee.

**System manager(s) and address:** Safety Manager, Bonneville Power Administration, 1002 NE. Holladay

**Notification procedure:** Same as above. A written signed request stating the requester seeks Street, P.O. Box 3621, Portland, Oregon 97208, information concerning records pertaining to him is required. See CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual employees who have completed BPA safety training courses, class attendance rosters, test papers, substation operators.

**System name:** Plant Services History Files -- Interior, BPA -- 8.

**System location:** Office of the Chief, Branch of Plant Services - EJ, Bonneville Power Administration, U.S. Department of the Interior, 5400 NE. Highway 99, P.O. Box 491, Vancouver, Washington 98660.

**Categories of individuals covered by the system:** Individuals who have been or are employed by the Branch of Plant Services, Bonneville Power Administration.

**Categories of records in the system:** Contains records concerning labor performed by above defined individuals including type of work, rate, pay, and travel and per diem status, and for whom these services were performed.

**Authority for maintenance of the system:** Budget and Accounting Act of 1921, 31 U.S.C. 24; Budget and Accounting Act of 1950, as amended, 31 U.S.C. 65-66.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To provide a detailed record of costs incurred for labor against any Plant Services request on a monthly basis. (2) To provide backup for charges for work performed for other Federal agencies under the cross-servicing agreements authorized by GSA Bulletin FPMR No. G-23. (3) To provide backup charges against contractors and other vendors for corrective work performed by Branch of Plant Services. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- maintained on magnetic tape. (2) Retrieval -- indexed by individual's position number and time period involved. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Disposal -- tapes are erased after 10 years as authorized under BPA Records Disposal Schedule. (5) Officials having access to system -- BPA management, administrative, and accounting personnel.

**System manager(s) and address:** Chief, Branch of Plant Services - EJ, Bonneville Power Administration, U.S. Department of the Interior, 5400 E. Highway 99, P.O. Box 491, Vancouver, Washington 98660.

**Notification procedure:** System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager. See 43 CFR 2.71.

**Record source categories:** Daily Time Reports and leave applications completed and signed by individuals defined in "Category of Individuals".

**System name:** Plant Services Personal Accountability Property System -- Interior, BPA -- 9.

**System location:** Branch of Plant Services - EJ, Bonneville Power Administration, U.S. Department of the Interior, 5400 NE. Highway 99, P.O. Box 491, Vancouver, Washington 98660.

**Categories of individuals covered by the system:** BPA craftsmen and supervisors who are authorized to have tools and work equipment assigned to them.

**Categories of records in the system:** Contains records concerning the types, quantity, make and models, and value of equipment assigned to individuals and crews.

**Authority for maintenance of the system:** Federal Property and Administrative Services Act of 1949, Section 202(b), 40 U.S.C. 483(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Produce inventories to satisfy other FPMR requirements. (2) Maintain record of location of emergency equipment. (3) Control equipment assignments authorized under union contracts. (4) Provide management information necessary for the budgeting and allocation of equipment funds. (5) Provide evidence of assignment, location, and value when Government property is stolen. (6) Transfer to the U.S. Department

of Justice in the event of litigation involving the records or subject matter of the records. (7) Transfer, in the event there is indicated a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- on magnetic disks. (2) Retrieval -- by position number, name, and BPA employee identification number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (a) Reports do not include 'sensitive' information and (b) Special reports are personally handed to the requester after identification of a bona fide need. (4) Disposal -- tapes are erased after 10 years as authorized under BPA Records Disposal Schedule. (5) Officials having access to system -- BPA management, administrative, and accounting personnel.

**System manager(s) and address:** Chief, Branch of Plant Services - EJ, Bonneville Power Administration, U.S. Department of the Interior, 5400 NE. Highway 99, P.O. Box 491, Vancouver, Washington 98660.

**Notification procedure:** System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

**Record access procedures:** Requests for access for special reports not included in routine uses may be addressed to the System Manager. The requests must be in writing and signed by the requester. See 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment shall be addressed to the System Manager. See 43 CFR 2.71.

**Record source categories:** BPA employees who have authority to have tools and work equipment.

**System name:** Administrative Management and Fiscal Records -- Interior, Southeastern Power Administration--1.

**System location:** Southeastern Power Administration, Samuel Elbert Bldg., Elberton, Georgia 30635.

**Categories of individuals covered by the system:** Employees and some former employees of Southeastern Power Administration.

**Categories of records in the system:** Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims, Government transportation requests, travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identification cards and Government driver's licenses. Related records concerning administrative and fiscal management of the Southeastern Power Administration.

**Authority for maintenance of the system:** 5 U.S.C. 301, 3101, 5101-5115, 5501-5596, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Administrative and fiscal management of the Southeastern Power Administration. (2) Disclosure to the Department of the Treasury for preparation of (a) payroll checks, (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals, and (c) checks for reimbursement of employees and others. (3) Disclosure to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes. (4) Disclosure to the Civil Service Commission to report contributions to the Civil Service retirement system and other contributions. (5) Disclosure to another Federal agency to which an employee has transferred. (6) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (8) Transfer to

another Federal agency having a subject matter interest in the records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- manual and automated. (2) Retrieval -- may be retrieved by individual name or social security number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- according to approved records disposal schedules.

**System manager(s) and address:** Administrator, Southeastern Power Administration.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Employees, supervisors, timekeepers.

**System name:** Payroll System -- Interior, Southwestern Power Administration -- 1.

**System location:** (1) Southwestern Power Administration, U.S. Department of the Interior, 333 West Fourth Street, Tulsa, OK 74103. (2) All Field Offices of Southwestern Power Administration. (See appendix for addresses.)

**Categories of individuals covered by the system:** All Southwestern Power Administration personnel.

**Categories of records in the system:** Pay, leave, and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and shift schedules. All contain name and may contain grade, salary, organizational assignment, and Social Security number.

**Authority for maintenance of the system:** Classification Act of 1949 as amended, 5 U.S.C. 5101-5115 (1970), 5 U.S.C. 5501-5596 (1970).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Fiscal operations for payroll, leave, insurance, tax, retirement, and cost programs. (2) Transfer to the Treasury Department for issuance of payroll checks. (3) Transfer to Internal Revenue for audit of computations of income and Social Security taxes. (4) Transfer to state governments in area of operations for audit of computation of income tax. (5) Transfer to Civil Service Commission in connection with retirement, life insurance, and health insurance accounts. (6) Transfer to financial institutions in connection with net pay allotments as authorized by employee. (7) Transfer to charitable organizations in connection with charitable deductions authorized by employee. (8) Transfer to authorized insurance carriers for use in balancing and reconciling payments. (9) Transfer to Federal Power Commission in connection with listing officers in the Annual Report of SPA to the FPC. (10) Disclosure to the General Accounting Office for audit of computation of payroll. (11) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (12) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (13) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (14) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining,**

**Record access procedures:** A request for access may be addressed

ports of lost, stolen or worn out property, assignment of property items, parking space and motor vehicles for official use. (2) Dislo-

**Categories of records in the system:** Contains travel authoriza-



**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records maintained manually on forms, on computer printouts, magnetic discs and punched cards. (2) Retrievability -- indexed by employee name and by SS number. (3) Safeguards -- maintained in a locked room or in metal filing cabinets equipped with locks. (4) Retention and Disposal -- subject to SPA's disposal schedule which authorizes disposal in periods that range from one to ten years.

**System manager(s) and address:** Chief, Division of Administrative Management, Room 3440, 333 West Fourth Street, Tulsa, OK 74103.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained, supervisors, and personnel officials.

**System name:** Contracts System -- Interior, Southwestern Power Administration -- 2.

**System location:** (1) Southwestern Power Administration, U.S. Department of the Interior, 333 West Fourth Street, Tulsa, OK 74103. (2) All Field Offices of Southwestern Power Administration. (See appendix for addresses.)

**Categories of individuals covered by the system:** Individuals who have submitted bids, who have been granted a contract or a purchase order, or from whom materials have been purchased by open market. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

**Categories of records in the system:** Contains bids submitted by individuals, copies of contracts and purchase orders with individuals, invoices received from vendors, and related papers. Contains name and address of individuals.

**Authority for maintenance of the system:** Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 486(c) (1970), 1 CFR 1-1.113, 1 CFR 1-2.204.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Processing requisitions and requests for purchasing materials and supplies, and processing invoices for payment. (2) Transfer to Treasury Department for issuance of checks for payment. (3) Disclosure to the General Accounting Office for audit. (4) Transfer to the U.S. Department of Justice in the event of litigation involving

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records maintained in manual form in file folders, the records or the subject matter of the records. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained in metal filing cabinet equipped with locks. (4) Retention event there is indicated a violation or potential violation of a and Disposal -- subject to disposal schedule which authorizes disposal statute, regulation, rule, order or license, whether civil, criminal or in periods that range from three to seven years, regulatory in nature, to the appropriate agency or agencies, whether

**System manager(s) and address:** Chief, Division of Administrative Management, Room 3440, 333 West Federal, State, local or foreign, charged with the responsibility of Fourth Street, Tulsa, OK 74103. investigation or prosecuting such violation or charged with enforcing

**Notification procedure:** Inquiries regarding the existence of records should be addressed or implementing the statute, rule, regulation, order or license violated or potentially violated, to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained, or from persons for whom contractor has performed similar work or provided similar equipment.

**System name:** Budget Forecast System -- Interior, Southwestern Power Administration -- 3.

**System location:** Southwestern Power Administration, U.S. Department of the Interior, 333 West Fourth Street, Tulsa, Oklahoma 74103.

**Categories of individuals covered by the system:** All employees of Southwestern Power Administration.

**Categories of records in the system:** Contains projected detailed forecast of budget required for staffing by fiscal year. Contains name, title and grade of employees.

**Authority for maintenance of the system:** Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 22-24 (1970).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Preparation and justification of budget estimates. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records maintained manually on forms. (2) Retrievability -- indexed by organizational location an employee name. (3) Safeguards -- maintained in metal file cabinet equipped with locks. (4) Retention and Disposal -- subject to disposal schedules which authorize disposal during periods that range from one to three years after close of the fiscal year.

**System manager(s) and address:** Chief, Division of Administrative Management, Room 3440, 333 West Fourth Street, Tulsa, OK 74103.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Branch and Division Chiefs, and Supervisors.

**System name:** Property Management System -- Interior, Southwestern Power Administration -- 4.

**System location:** Southwestern Power Administration, U.S. Department of the Interior, 333 West Fourth Street, Tulsa, Oklahoma 74103.

**Categories of individuals covered by the system:** All SPA personnel.

**Categories of records in the system:** Contains reports of surveys, receipts for property, parking space assignments and requests for future use of parking space, and requests for use of motor vehicles. Contains name and title of employees.

**Authority for maintenance of the system:** Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 483(b), 486(c) (1970); 41 CFR 60.200-203; 41 CFR 114-38.001-38.5203; 41 CFR 114-60.106.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Processing survey re-

ports of lost, stolen or worn out property, assignment of property items, parking space and motor vehicles for official use. (2) Disclosure to General Services Administration for assignment of parking space or motor vehicles. (3) Disclosure to the Postal Service for assignment of parking space. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (6) Disclosure to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (7) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of any employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records maintained manually on forms. (2) Retrievability -- indexed alphabetically by employee name. (3) Safeguards -- maintained in a metal filing cabinet equipped with locks. (4) Retention and Disposal -- subject to authorized disposal schedules.

**System manager(s) and address:** Chief, Division of Administrative Management, Room 3440, 333 West Fourth Street, Tulsa, OK 74103.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:** Individual on whom the record is maintained, and supervisors.

**System name:** Travel Record System -- Interior, Southwestern Power Administration -- 5.

**System location:** Southwestern Power Administration, U.S. Department of the Interior, 333 West Fourth Street, Tulsa, OK 74103.

**Categories of individuals covered by the system:** All personnel who have been authorized to travel on official business.

**Categories of records in the system:** Contains travel authorizations, travel voucher, and related papers. Contains the name, title, address, and organizational location of traveler.

**Authority for maintenance of the system:** Travel Expense Act of 1949, as amended, 5 U.S.C. 5701-5742 (1970).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Processing travel vouchers for reimbursement of official travel. (2) Transfer to Treasury Department for issuance of travel reimbursement checks. (3) Transfer to the General Accounting Office for audit of payments of transportation of persons. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (6) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (7) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of any employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** (1) Storage -- records maintained manually on forms. (2) Retrievability -- indexed alphabetically by employee name. (3) Safeguards -- maintained in a metal file cabinet equipped with locks. (4) Retention and Disposal -- subject to disposal schedule which authorizes transfer to the Federal Records Center in fiscal year blocks, retaining at least one full fiscal year after cutoff at end of year.

**System manager(s) and address:** Chief, Division of Administrative Management, Room 3440, 333 West Fourth Street, Tulsa, OK 74103.

**Notification procedure:** Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

**Record access procedures:** A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**Contesting record procedures:** A PETITION FOR AMENDMENT SHOULD BE ADDRESSED TO THE SYSTEM MANAGER AND MUST MEET THE CONTENT REQUIREMENTS OF 43 CFR 2.71.

**Record source categories:** EMPLOYEES, SUPERVISORS.



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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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The following government agencies have submitted Privacy Act documents to the Office of the Federal Register for publication. These documents are available for public inspection at the Federal Register Office, 1100 L St. NW., Rm. 8401. They will be published according to the following schedule:

Agency	1975 Date of Issue
Dept. of Defense/Army, supplement to notices published Aug. 13	Sept. 9
Consumer Product Safety Commission, proposed rules	Sept. 10
Dept. of Labor, notices	Sept. 8
Treasury Dept., additional notices	Sept. 9
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National Security Council, notices	Sept. 9

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## rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 24—Housing and Urban Development  
CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
[Docket No. R-75-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS  
Application Submission Dates

The Department is amending § 570.400 (c) (3) (iii) (A) of Title 24 of the Code of Federal Regulations which governs the deadline for submission of applications for community development block grants for new communities under section 107 (a) (1) of Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383. The Part 570 regulation was published in an amended form on June 9, 1975 (40 FR 24692). The purpose of this amendment is to extend the application submission deadline from May 15, 1975, to August 30, 1975. It is necessary that this amendment take effect at the earliest possible date so that applicants unable to meet previously established deadlines can have sufficient time to prepare and submit complete applications. Accordingly, the Assistant Secretary for Community Planning and Development finds good cause for foregoing the usual public comment and notice procedure, and he finds further good cause that this amendment to the regulations should take effect on the date of publication. In connection with the environmental review of this technical change to the final regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182.

This section is amended as follows:  
In Subpart E of Part 570, § 570.400(c) (3) (iii) (A) is revised to read as follows:

§ 570.400 General.

(c) . . . . .  
(3) . . . . .  
(iii) . . . . .  
(A) New communities. February 1, 1975, through August 30, 1975;

(Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))  
Effective date. This amendment shall be effective September 8, 1975.

DAVID O. MEEKER, JR.,  
Assistant Secretary for Community Planning and Development.  
[FR Doc. 75-23772 Filed 9-5-75; 8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM  
[Docket No. FI-686]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● Purpose: The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administration finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Limestone	Unincorporated areas	Sept. 2, 1975, emergency			
Arkansas	Jackson	Campbell Station, city of	do.	Aug. 16, 1974		
Connecticut	Windham	Putnam, town of	do.	Feb. 22, 1974		
Florida	St. Lucie	Village of St. Lucie, town of	do.	Feb. 8, 1974		
Do	Indian River	Sebastian, town of	do.	May 3, 1974		
Illinois	Moultrie and Douglas	Arthur, village of	do.	May 31, 1974		
Indiana	Whitley	Churubusco, town of	do.	Feb. 1, 1974		
Kentucky	Clay	Manchester, city of	do.	Feb. 22, 1974		
Maine	Androscoggin	Poland, town of	do.	Mar. 15, 1974		
Massachusetts	Franklin	Gill, town of	do.	Aug. 16, 1974		
Do	Worcester	Upton, town of	do.	Aug. 30, 1974		
Missouri	Newton	Eagleville, village of	do.	May 31, 1974		
New Hampshire	Grafton	Littleton, town of	do.	June 21, 1974		
New York	Tioga	Barton, town of	do.	Aug. 16, 1974		
Do	St. Lawrence	Liston, town of	do.	May 24, 1974		
Do	Orange	Mount Hope, town of	do.	May 31, 1974		
Ohio	Jefferson	Winterville, village of	do.	Dec. 28, 1973		
Oklahoma	Carter	Healdton, city of	do.	May 31, 1974		
South Dakota	Gregory	Gregory, city of	do.	Dec. 28, 1973		
Tennessee	Montgomery	Unincorporated areas	do.	Dec. 27, 1974		
Texas	Reeves	Toyah, city of	do.			

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State	County	Location	Effective date of authorization of sale of flood insurance	Hazard area identified	State map repository	Local map repository
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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Houston	Kinsey, town of	Sept. 3, 1975, emergency	Sept. 13, 1974		
Arkansas	Benton	Sulphur Spring, city of	do.	Aug. 23, 1974		
Missouri	St. Louis	Manchester, city of	do.	Dec. 17, 1973		
Do.	New Madrid	Rice, city of	do.	Apr. 13, 1973		
Ohio	Mays	Ratland, village of	do.	Nov. 8, 1974		
Oklahoma	Calder	Carnegie, town of	do.	Dec. 7, 1973		
South Dakota	Lincoln	Hudson, town of	do.	Nov. 22, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Christ	Unincorporated areas	Sept. 3, 1975, emergency			
Illinois	St. Clair	New Athens, village of	do.	Mar. 22, 1974		
Indiana	Cuyahoga	Garfield Heights, city of	Sept. 15, 1970, emergency			
			July 9, 1971, regular			
			Apr. 15, 1973, suspension			
			Aug. 27, 1975, reinstated			
Massachusetts	Franklin	Colrain, town of	Sept. 3, 1975, emergency	July 26, 1974		
Michigan	Macomb	Fork, township of	do.			
Do.	Elton	Olivet, city of	do.	May 17, 1974		
Minnesota	St. Louis	Arlington, city of	do.			
Do.	Lyon	Ghent, city	do.	Aug. 2, 1974		
Missouri	Stoddard	Bloomfield, city of	do.	Dec. 28, 1973		
Do.	Jasper	Purcell, city of	do.			
New Hampshire	Merrimack	Allenstown, town of	do.	Apr. 5, 1974		
Pennsylvania	Columbia	Crosson, borough of	do.	Jan. 3, 1975		
Do.	Northumberland	East Cameron, township of	do.	Sept. 6, 1974		
Do.	Yvette	North Union, township of	do.	Dec. 27, 1974		
Texas	Medina	Unincorporated areas	do.			
Utah	Washington	LaVerkin, town of	do.			
Do.	Garfield	Tropic, town of	do.	Feb. 7, 1975		
West Virginia	Greenbrier	Rainelle, town of	do.			
Do.	Gilmer	Sand Fork, town of	do.			
Do.	Preston	Terra Alta, town of	do.	Nov. 15, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 84 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: August 26, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc.75-23626 Filed 9-5-75;8:45 am]

[Docket No. FI-685]

#### PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

##### List of Communities With Special Hazard Areas

• Purpose: The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards. •

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area

having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be on or before October 8, 1975, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or

that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification; and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

#### § 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Baldwin	Bay Minette, city of	H 010004 01 through H 010004 07	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104.	Administrator, P.O. Box 770, Bay Minette, Ala. 36507.	Oct. 24, 1975.
Do.	Lamar	Beaverton, town of	H 010134A 01 through H 010134A 02	do.	Mayor, City Hall, Beaverton, Ala. 35544.	Sept. 20, 1974, Oct. 24, 1975.
Do.	Tuscaloosa	Tuscaloosa, city of	H 010203 01 through H 010203 20	do.	Mayor, P.O. Box 2089, Tuscaloosa, Ala. 35401.	Oct. 24, 1975.
California	Solano	Rio Vista, city of	H 060371A 01 through H 060371A 05	Department of Water Resources, P.O. Box 288, Sacramento, Calif. 95802.	Administrator, 1 Main St., P.O. Box 745, Rio Vista, Calif. 94571.	May 17, 1974.
Do.	Ventura	Oxnard, city of	H 060417A 01 through H 060417 14	California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Public Works Director, 335 West 3rd St.,	Aug. 9, 1974, Oct. 24, 1975.
Do.	do.	Camarillo, city of	H 060502A 01 through H 060502A 08	do.	City Manager, 67 Palm Drive, P.O. Box 248, Camarillo, Calif. 93010.	July 19, 1974, Oct. 24, 1975.
Colorado	El Paso	Fountain, city of	H 060502A 08 through H 060502A 05	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203.	City Clerk, 116 Main St., Fountain, Colo. 80817.	June 28, 1974, Oct. 24, 1975.
Florida	Marion	Ocala, city of	H 120330A 01 through H 120330A 06	Colorado Division of Insurance, 406 State Office Bldg., Denver, Colo. 80203.	Department of Community Affairs, 2571 E. Center Circle East, Howard Bldg., Tallahassee, Fla. 32301.	Feb. 14, 1975, Oct. 24, 1975.
Georgia	Richmond	Unincorporated areas	H 130158 01 through H 130158 26	State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Chairman, Municipal Bldg., Green St., Augusta, Ga. 30900.	Oct. 24, 1975.
Illinois	Cook	Streamwood, village of	H 170166A 01 through H 170166A 03	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334.	President, 461 East Irving Park Rd., Streamwood, Ill. 60133.	Apr. 12, 1974.
Iowa	Carroll	Glidden, city of	H 190944A 01 through H 190944A 01	Governor's Task Force on Flood Control, 300 North State St., Room 1810, P.O. Box 475, Chicago, Ill. 60610.	City Clerk, Glidden, Iowa 51443.	Aug. 16, 1974.
Do.	Warren	Carlisle, city of	H 190274A 01 through H 190274A 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319.	City Attorney, P.O. Box 156, Indianola, Iowa 50125.	June 7, 1974, Oct. 24, 1975.
Kansas	Shawnee	Silver Lake, city of	H 200335A 01 through H 200335A 01	Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Water Commissioner, City Hall, Silver Lake, Kans. 66539.	May 31, 1974, Oct. 24, 1975.
Michigan	Marquette	Chocoma, township of	H 260448 01 through H 260448 16	Division of Water Resources, State Department of Agriculture, State Office Bldg., Topeka, Kans. 66612.	Township Supervisor, 356 Lakewood Lane, Marquette, Mich. 49855.	Oct. 24, 1975.
Do.	St. Clair	Brookway, township of	H 260505 01 through H 260505 12	Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Township Supervisor, 8767 Duquette St., Yale, Mich. 49097.	Do.
Do.	Barrien	Buchanan, city of	H 260505 01 through H 260505 01	Michigan Insurance Bureau, 111 North Homer St., Lansing, Mich. 48913.	Mayor, 107 West Front St., Buchanan, Mich. 49107.	Do.
Do.	Calhoun	Tekonsha, village of	H 260565 01 through H 260565 01	do.	Village President, 1234 East Jackson St., Tekonsha, Mich. 49092.	Do.
Do.	Houghton	Houghton, city of	H 260566 01 through H 260566 01	do.	Mayor, 100 Portage St., Houghton, Mich. 49931.	Do.
Do.	Kalamazoo	Galesburg, city of	H 260576 01 through H 260576 01	do.	Mayor, 57 Pearl St., Galesburg, Mich. No. ZIP.	Do.
Do.	do.	Vicksburg, village of	H 260578 01 through H 260578 02	do.	Village President, 202 South Main St., Vicksburg, Mich. 49097.	Do.
Do.	Lapeer	Clifford, village of	H 260579 01 through H 260579 01	do.	Village President, Village Hall, Clifford, Mich. 48727.	Do.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Michigan	Tuscola	Caro, village of	II 26057 01 through 11 26057 03	Do	Village President, 119 South State St., Caro, Mich. 48723.	Do.
Do	Lapeer	Marathon, township of	II 26059 01 through 11 26059 12	Do	Township Supervisor, 6311 Kalam Rd., Otter Lake, Mich. 48461.	Do.
Do	Chelan	Grant, township of	II 26060 01 through 11 26060 16	Do	Township Supervisor, Route 2, Chelan, Mich. 49721.	Do.
Minnesota	Ramsey	White Bear Lake, city of	II 27038 01 through 11 27038 05	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101.	Mayor, 950 Miller Ave., White Bear Lake, Minn. 55119.	June 7, 1974. Oct. 24, 1975.
Mississippi	Jefferson	Morgan City, town of	II 28001A 01 through 11 28001A 03	Mississippi Research and Development Center, P.O. Drawer 2450, Jackson, Miss. 39205.	Mayor, Morgan City, Miss. 38946.	Nov. 29, 1974. Oct. 24, 1975.
Do	Montgomery	Amory, city of	II 28016A 01 through 11 28016A 03	Mississippi Insurance Department, 910 Woodlark Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Amory, Miss. 38821.	Jan. 18, 1974. Oct. 24, 1975.
Missouri	Adair	Kirkville, city of	II 29002A 01 through 11 29002A 03	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 405 East High St., Jefferson City, Mo. 65101.	City Manager, 201 North Franklin St., Kirkville, Mo. 63501.	May 17, 1974.
Do	Christian	Osark, city of	II 29007A 01 through 11 29007A 02	Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Osark, Mo. 65721.	Dec. 28, 1973.
New Jersey	Monmouth	Shrewsbury, borough of	II 30026A 01 through 11 30026A 03	Bureau of Water Control, Department of Environmental Protection, P.O. Box 180, Trenton, N.J. 08625.	Mayor, 777 Broad St., Shrewsbury, N.J. 07701.	June 7, 1974. Oct. 24, 1975.
New York	Delaware and Broome	Deposit, village of	II 30043A 01 through 11 30043A 03	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201.	Mayor, Deposit, N.Y. 13751.	June 14, 1974. Oct. 24, 1975.
Do	Broome	Whitney Point, village of	II 30054A 01 through 11 30054A 03	New York State Insurance Department, 4 World Trade Center, Albany, N.Y. 12247.	Mayor, Whitney Point, N.Y. 13862.	Feb. 22, 1974. Sept. 13, 1974. Oct. 24, 1975.
Do	Do	Windsor, town of	II 30059A 01 through 11 30059A 03	Do	Mayor, Windsor, N.Y. 13865.	May 8, 1974. Oct. 24, 1975.
Do	Eric	Tonawanda, town of	II 30028A 01 through 11 30028A 03	Do	Supervisor, Town Hall, 209 Delaware Ave., Kenmore, N.Y. 11437.	June 7, 1974. Oct. 24, 1975.
Do	Jefferson	Deferiet, village of	II 30032A 01 through 11 30032A 03	Do	Mayor, Village of Deferiet, N.Y. 13628.	Oct. 18, 1974. Oct. 24, 1975.
Do	Montgomery	Hilton, village of	II 30012A 01 through 11 30012A 03	Do	Mayor, Village of Hilton, N.Y. 14468.	Mar. 8, 1974. Oct. 24, 1975.
Do	Nassau	Baxter Estates, village of	II 30015A 01 through 11 30015A 03	Do	Mayor, 2 Harper Rd., Port Washington, N.Y. 11060.	June 14, 1974. Oct. 24, 1975.
Do	Oneida	East Syracuse, village of	II 30071A 01 through 11 30071A 03	Do	Mayor, 201 North Center St., East Syracuse, N.Y. 13057.	Apr. 12, 1974.
Do	Warren	Lake George, village of	II 30077A 01 through 11 30077A 03	Do	Adirondack Park Agency, P.O. Box 99, Ray Brook, N.Y. 12977.	Do.
Do	Wayne	Sodus Point, village of	II 30080A 01 through 11 30080A 03	Do	Village Board, Sodus Point, N.Y. 14555.	Aug. 31, 1973. Oct. 24, 1975.
Do	Yates	Barrington, town of	II 30063A 01 through 11 30063A 03	Do	Town Supervisor, Barrington, N.Y. no ZIP.	May 31, 1974. Oct. 24, 1975.
Do	Schenectady	Hector, town of	II 30125A 01 through 11 30125A 03	Do	Town Manager, Hector, N.Y. 14811.	Dec. 6, 1974.
North Carolina	Ashe	West Jefferson, town of	II 37009 01 through 11 37009 03	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611.	Mayor, 1st and 3d Ave., West Jefferson, N.C. 28694.	Oct. 24, 1975.
Pennsylvania	Allegheny	Etna, borough of	II 42102A 01 through 11 42102A 03	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17129.	Mayor, Borough of Etna, 25 Walnut St., Pittsburgh, Pa. 15223.	July 26, 1974. Oct. 24, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Virginia	Fauquier	Warrenton, town of	II 510067A 01 through 11 510067A 06	Bureau of Water Control Management, State Water Control Board, P.O. Box 1143, Richmond, Va. 23230.	Mayor, Hotel Bldg., Warrenton, Va. 22186.	May 31, 1974. Oct. 24, 1975.
Washington	Grant	Coulee City, town of	II 530050A 01 through 11 530050A 06	Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	City Clerk, Town Hall, Coulee City, Wash. 99115.	May 24, 1974. Oct. 24, 1975.
Do	Thurston	Bucoda, town of	II 530189A 01 through 11 530189A 06	Department of Ecology, Olympia, Wash. 98501.	Associate Planner, Thurston Regional Planning Council, Courthouse Annex, Olympia, Wash. 98501.	Nov. 15, 1974. Oct. 24, 1975.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2880, Feb. 27, 1969).

Issued: August 26, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc.75-23627 Filed 9-5-75; 8:45 am]

#### Title 7—Agriculture CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DE- PARTMENT OF AGRICULTURE

#### PART 354—OVERTIME SERVICES RELAT- ING TO IMPORTS AND EXPORTS

##### Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, February 3, 1975 (40 FR 4897), March 20, 1975 (40 FR 12646), May 6, 1975 (40 FR 19633), and July 22, 1975 (40 FR 30621), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

#### § 354.2 Administrative instructions pre- scribing commuted traveltime.

##### Commuted traveltime allowances (in hours)

Location covered	Served from—	Metropolitan area	
		Within	Outside
Delete:			
South Carolina: Beaufort	Charleston or Savannah, Ga.		3
Add in alphabetical order:			
Ohio: Dayton	Toledo		6
Puerto Rico: Humacao and Yabucoa	San Juan		4
South Carolina: Beaufort-Port Royal	Charleston		4
Do	Savannah		3

(64 Stat. 561; (7 U.S.C. 2260))

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impractical and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective September 8, 1975.

Done at Washington, D.C., this 3d day of September 1975.

JAMES O. LEE, JR.,  
Deputy Administrator, Plant  
Protection and Quarantine  
Programs.

[FR Doc.75-23796 Filed 9-5-75; 8:45 am]

#### CHAPTER VII—AGRICULTURAL STABIL- IZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DE- PARTMENT OF AGRICULTURE

[Amdt. 2]

#### PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco Acreage Al-  
lotment and Marketing Quota Regu-  
lations, 1973-74 and Subsequent Market-  
ing Years

In 40 FR 12670 there was published a notice of proposed rulemaking which, among other proposals, related to the inclusion of toxaphene and endrin, with DDT and TDE, as pesticides which, if used on tobacco, would make the tobacco ineligible for price support. In addition, it was proposed that flue-cured tobacco producers would not have to certify their acreage of flue-cured tobacco in order to qualify for price support. Interested persons were given 30 days after publication of the notice to submit data, views, and recommendations with respect to

the proposal. After consideration of the is essential that these regulations be (c) Filing and approval of transfer

be the basis for transfer under the acre-  
The maximum

(1) All or part of the farm allotment  
for the transferring farm could not be

(2) Rate of penalty per pound. The  
penalty per pound upon marketings of











Colorado. Baca, Kiowa, Morgan, Prowers, Pueblo, Yuma, Southern Ute Indian Reservation, Ute Mountain Indian Reservation.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwannee, Union, Volusia.

Georgia. Baker, Baldwin, Bartow, Ben Hill, Berrien, Bibb, Blackley, Brooks, Calhoun, Carroll, Catoosa, Chattahoochee, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Seminole, Spalding, Stewart, Sumter, Talbot, Tallahassee, Tattnall, Terrell, Thomas, Tift, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitefield, Wilcox, Wilkes, Worth.

Idaho. Bingham.

Illinois. Douglas, Emingham, Fulton, Galatin, Hardin, Henry, Mason, Pike, Pope, Wayne, Williamson, Woodford.

Iowa. Allamakee, Appanoose, Crawford, Davis, Decatur, Guthrie, Pottawattamie, Poweshiek, Ringgold, Warren, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauque, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgewick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabawnee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calhoun, Cass, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Davies, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Laclede, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panama, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yazoo.

Missouri. Adair, Andrew, Atchison, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, McDonald, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Colfax, Curry, De Baca, Eddy, Guadalupe, Hidalgo, Lea, Mora, Quay, Rio Arriba, Roosevelt, San Miguel, Socorro, Torrance, Union, Valencia, Isleta Indian Reservation.

Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, LeFlore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Washington, Washita, Woods, Woodward.

South Dakota. Beadle, Brookings, Edmunds, Jones, Marshall, Stanley, Crow Creek Indian Reservation.

Tennessee. Bedford, Benton, Bradley, Cannon, Carroll, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Humphreys, Lauderdale, Lawrence, Lewis, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pleckett, Putnam, Rhea, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Donley, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Fort Bend, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Jack, Jasper, Jim Hogg, Johnson, Jones, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Lamar, Lamb, Lampasas, Lee, Leon, Limestone, Lynn,

McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Pania, Parker, Parmar, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Stonewall, Sutton, Swisher, Tarrant, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah. Box Elder, Cache.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

#### § 78.22 Noncertified Areas.

Idaho. Bonneville, Franklin.

Illinois. Brown, Jackson.

Missouri. Barry.

Oklahoma. Choctaw, Wagoner.

South Dakota. Ziebach.

Texas. Angelina, Cameron, Chambers, Dimmitt, Duval, Foard, Galveston, Goliad, Gonzales, Hidalgo, Hudspeth, Jackson, Jefferson, Jim Wells, Karnes, Knox, La Salle, Lavaca, Liberty, Live Oak, Lubbock, Sabine, Shelby, Starr, Stephens, Taylor, Van Zandt.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16)

**Effective date.** The foregoing amendments shall become effective September 9, 1975.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3rd day of September 1975.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 75-23797 Filed 9-5-75; 8:45 am]

#### Title 14—Aeronautics and Space CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-SO-106, Amdt. 39-2361]

#### PART 39—AIRWORTHINESS DIRECTIVES Beech Models and Cessna Models Series Airplanes

Amendment 39-2266 (31 FR 13697), AD 75-15-08, requires inspection, modification and/or replacement of the Beryl air oil separator installed by Supplemental Type Certificate on airplanes and helicopters and requires Beryl air oil separator assembly inspection and modification, filtrator assembly replacement or the removal of STC SA2219WE on the following Beech Models 35, A35, B35, C35, D35, E35, F35, 35R, 35-33, 35-A33, 35-C33, H35, J35, K35, M35, N35, and P35 series airplanes which have been modified in accordance with STC SA2219WE.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2266 (31 FR 13697), AD 75-15-08, is amended by striking out the word and numbers "and 35-B33" from paragraph (b) (1) (ii) and adding the word and numbers "35-B33 and 35-C33".

This amendment becomes effective September 10, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 27, 1975.

GORDON W. BECKER,  
Acting Director,  
Southern Region.

[FR Doc. 75-23705 Filed 9-5-75; 8:45 am]

[Docket No. 74-SO-76, Amdt. 39-2359]

#### PART 39—AIRWORTHINESS DIRECTIVES Grumman American Model G-1159 Airplanes

Amendment 39-1920 (39 FR 28611), AD 74-17-05, as amended by 39-2263 (39 FR 29814), requires the deactivation of the ground spoilers to prevent their deployment in flight on the Model G-1159 airplanes. After issuing Amendment 39-2263, the FAA determined that with the incorporation of Grumman Aircraft Service Change (ASC) 180, the ground spoilers on the G-1159 airplane may be reactivated. Therefore, the AD is being further amended to permit reactivation of the ground spoilers on the Model G-1159 airplanes after incorporation of ASC 180, or equivalent approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

Since this amendment relieves a restriction and imposes no additional bur-

den on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1920 (39 FR 28611), AD 74-17-05 as amended by 39-2263 (39 FR 29814), is further amended by adding the following new paragraph at the end of the existing AD, just prior to the effective date paragraph.

In order to reactivate the ground spoilers, Grumman ASC 180—Flight Controls (ATA No. 27) "Reactivation of Ground Spoilers" or equivalent approved by Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region, must be completed.

This amendment becomes effective September 1, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 22, 1975.

PHILLIP M. SWATEK,  
Director, Southern Region.  
[FR Doc. 75-23703 Filed 9-5-75; 8:45 am]

[Airworthiness Docket No. 75-WE-42-AD; Amdt. 39-2360]

#### PART 39—AIRWORTHINESS DIRECTIVES Lockheed-California Company Model L-1011-385-1 Series Airplanes

Amendment 39-2256 (40 FR 28604), AD 75-14-07, as amended by Amendment 39-2299 (40 FR 32316), requires accomplishment of visual and dye-penetrant inspections, and repairs, as necessary, of the forward ring on the S-duct assembly aft of the forward articulating joint on Lockheed-California Company L-1011-385-1 series airplanes, certificated in all categories, which incorporate the Part I or Part II configuration S-ducts. After issuing Amendments 39-2256 and 39-2299, the Air Transport Association submitted a Petition for Reconsideration, dated August 1, 1975, on behalf of member air carriers, to the agency. The ATA petition, among other matters raised therein, requested a clarification of the agency's intent with respect to those airplanes which were required to comply with Part II, paragraph (a). While Part II begins by referencing certain serially numbered airplanes listed in the applicable manufacturer's service bulletin, paragraph (a), as presently written, can be read literally to narrowly define the range of applicability to only those airplanes which have the flight hours in service specified on the effective date of the AD. This statement can thus be read to exclude airplanes which, subsequent to the effective date of the AD, accumulate the total flight hours time in service. This exclusion was not the agency's intent.

To avoid any possible misunderstanding on this point, the agency is further amending the AD to provide for those airplanes which accumulate more than 5,000 flight hours in service after the effective dates of Amendments 39-2256 and 39-2299. No substantive change to the AD is intended by this amendment, and thus this amendment provides clarification only, and imposes no additional burden on any person. Notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Amendment 39-2256 (40 FR 28604), AD 75-14-07, as amended by Amendment 39-2299 (40 FR 32316), is further amended as follows:

Revise paragraph II. (a), at line 3, to read, in pertinent part, as follows:

... on or after the effective date of this AD, as amended, ...

This amendment becomes effective September 19, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on August 26, 1975.

ROBERT H. STANTON,  
Director, FAA Western Region.  
[FR Doc. 75-23704 Filed 9-5-75; 8:45 am]

[Docket No. 75-SO-107, Amdt. 39-2362]

#### PART 39—AIRWORTHINESS DIRECTIVES Lockheed Model 382 Series

Pursuant to the authority delegated to me by the Administrator (31 FR 13697) an airworthiness directive was adopted on June 13, 1975, and amended on August 25, 1975, and made effective immediately to all known operators of Lockheed Model 382 series airplanes. The directive requires an inspection of the outer wing aft beam caps at OWS 54 and 108.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known U.S. operators of Lockheed Model 382 series airplanes by individual telegrams dated June 13, 1975, and amended by telegrams dated August 25, 1975. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator, the following airworthiness directive applicable to operators of Lockheed Model 382 series airplanes certificated in all categories is effective immediately upon receipt of this telegram because of cracks in the outer wing lower aft beam cap and web. After issuing telegraphic AD, dated June 13, 1975, amendment 39-2249 (31



FR 13697), AD 75-14-05, requiring inspection of the beam cap and web on Lockheed Model 342 series airplanes, the FAA determined that nondestructive inspection procedures are necessary and that OWS 54 should be included. This telegram supersedes the telegram dated June 13, 1975.

**LOCKHEED.** Applies to all model 382 series airplanes, serial numbers 3946 and 4101 through 4541. On airplane serial numbers 3946 and 4101 through 4298 with 6300 hours or more total time in service, and on airplane serial numbers 4298 through 4541 with 12,600 hours or more total time in service, within the next 50 hours in service, unless already accomplished, eddy current inspect the outer wing lower aft beam caps at OWS 54 and 108 in accordance with Hercules Airfreight Inspection procedures SMP 515-A Card No. SP-88, revised August 11, 1975. Reinspect at the following intervals: (A) airplane serial numbers 3946 and 4101 through 4298, at intervals not to exceed 3400 hours time in service from the last inspection until 20,000 hours (without ECP 954) or 24,000 hours (with ECP 954) at which time the interval is not to exceed 1700 hours from the last inspection, and (B) airplane serial numbers 4298 through 4541 at intervals not to exceed 6300 hours time in service from the last inspection. If a crack or cracks are found, before further flight, contact the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, Atlanta, Georgia, telephone number 404-526-7428.

This supersedes Amendment 39-2249, FR Doc. 75-17068, AD 75-14-05.

This amendment is effective September 12, 1975, and was effective June 13, 1975, for all recipients of the telegrams dated June 13, 1975, and August 25, 1975, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on August 28, 1975.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 75-23709 Filed 9-5-75; 8:45 am]

[Airspace Docket No. 75-SW-36]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Mt. Pleasant, Tex., transition area.

On July 17, 1975, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (40 FR 30127) stating the Federal Aviation Administration proposed to alter the Mt. Pleasant, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Mt. Pleasant, Tex., transition area is amended to read:

Mt. Pleasant, Tex.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Mt. Pleasant Municipal Airport (latitude 33°07'45.4" N., longitude 94°58'31.3" W.) and within 3.5 miles each side of the Quitman, Tex., VORTAC 052° radial extending from the 8.5-mile-radius area to a point 10.5 miles southwest of the airport and within 3.5 miles each side of the Mt. Pleasant, Tex., NDB (latitude 33°10'03" N., longitude 94°58'03" W.) 012° bearing extending from the 8.5-mile-radius area to a point 15 miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Fort Worth, Tex., on August 28, 1975.

ALBERT H. THURBURN,  
Acting Director,  
Southwest Region.

[FR Doc. 75-23707 Filed 9-5-75; 8:45 am]

[Airspace Docket No. 75-SW-37]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Corsicana, Tex., transition area.

On July 17, 1975, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (40 FR 30127) stating the Federal Aviation Administration proposed to alter the Corsicana, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Corsicana, Tex., transition area is modified as follows:

Corsicana, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Corsicana Municipal Airport (latitude 32°02'00" N., longitude 96°24'00" W.); within 3 miles each side of the Scurry, Tex., VORTAC 186° radial extending from the 5-mile-radius area to 24 miles south of the VORTAC and within 3 miles each side of the 155° bearing from the Corsicana, Tex., RBN (latitude 32°02'00" N., longitude 96°24'00" W.) extending from the 5-mile-radius area to 8 miles southeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on August 27, 1975.

ALBERT H. THURBURN,  
Acting Director,  
Southwest Region.

[FR Doc. 75-23708 Filed 9-5-75; 8:45 am]

#### Title 17—Commodity and Securities Exchanges

##### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11624]

#### PART 240—GENERAL RULES AND REGULATIONS SECURITIES EXCHANGE ACT OF 1934

##### Adoption of Amendments to Uniform Net Capital Rule

**Introduction.** Several exchanges have asked the Commission to review the capital requirements applicable to floor brokers and registered traders in options on those exchanges under § 240.15c3-1, the Uniform Net Capital Rule, which will become effective on September 1, 1975.<sup>1</sup> In addition, the Commission was requested to postpone effectiveness of the Uniform Net Capital Rule with respect to registered floor traders.<sup>2</sup> The Commission, in response to those requests, has adopted modifications of the Uniform Net Capital Rule to provide an alternative financial responsibility standard for floor brokers and has concurred in the view that registered traders in options are specialists for the purpose of the Uniform Net Capital Rule. The Commission declined to postpone effectiveness of the rule with respect to other floor traders.

**A. Floor brokers.** Floor brokers deal only with other members on the floor of the exchange as agent for other broker-dealers, carry no customer accounts and do not engage in trading activity. Consequently, it would appear appropriate to establish a financial responsibility rule for floor brokers designed to provide protection against errors in handling trades for the floor brokers' principals.

In recognition of the limited risk involved, the Uniform Net Capital Rule already includes floor brokers in paragraph (a)(2), which requires minimum net capital of not less than \$5,000. The American, Chicago Board Options and the New York Stock Exchanges have

<sup>1</sup> Securities Exchange Act Release No. 11497 (June 26, 1975); 40 FR 28795 (July 16, 1975). The Uniform Net Capital Rule was adopted following three years of development by the Commission with extensive public comment on successive drafts. See Securities Exchange Act Release Nos. 9891 (Dec. 5, 1972); 38 FR 56 (January 3, 1973); 10525 (Nov. 29, 1973); 38 FR 34331 (December 13, 1973); 11094 (Nov. 11, 1974); 39 FR 41540 (November 29, 1974). The Rule becomes effective as to exchange members (other than specialists covered by section (b)(1)) on September 1, 1975, subject to the transitional provisions of section (g) thereof.

<sup>2</sup> Heretofore, members of designated exchanges have been exempted from the Commission's net capital rules subject to compliance with such exchanges' financial responsibility rules. In addition, such members were, until June 4, 1975, required to comply, and those exchanges were required to enforce compliance, with the provisions of former Section 8(b) of the Act. Since first proposed in 1972, the Uniform Net Capital Rule was contemplated the elimination of the exemption in effect until September 1, 1975, for members of national securities exchanges with capital rules intended to be more comprehensive than the predecessor of the Uniform Net Capital Rule.

suggested that a net capital, or net liquid asset test, need not be the sole financial responsibility test for floor brokers and have indicated that many of their members who act as floor brokers would not be able to meet the applicable net capital test of paragraph (a)(2).

As an alternative to a net capital test, it has been suggested that floor brokers, as a class, have the alternative of meeting a financial responsibility standard predicated on certain exchange rules pertaining to priorities of claims with respect to the distribution of proceeds from the sale of exchange memberships. Such rules require that the claims of other members (who are the only persons who could have claims that would arise as a result of transactions effected by floor brokers) be satisfied on a priority basis from the proceeds realized from the sale of the floor broker's exchange membership.<sup>3</sup> The substitute standard would require that the exchange membership be worth at least \$25,000.

The alternative would be a departure from the customary net capital standard of financial responsibility since, ordinarily, the carrying value of exchange memberships (as assets of a member firm) is deducted from net worth in determining net capital. The deduction is made for two reasons. First, due to the priority provisions referred to above, public customers of a member would receive little protection from the fact that the member had an exchange membership. Second, the general principle of the net capital rule is to eliminate assets, such as exchange memberships, which are not readily convertible into cash. Neither consideration applies fully to floor brokers. Floor brokers generally do not have public customers. In addition, the proposed standard of \$25,000, which is 5 times the \$5,000 net capital requirement otherwise applicable, would, through application of the priority rules, protect those who have claims and at this time appears to compensate appropriately for the illiquidity of the membership asset.

**B. Registered traders in options.** With respect to registered traders in options, it has been suggested that, since such traders have obligations equivalent to specialists, market makers and supplemental market makers they too should be treated as specialists. The Commission has determined to view such registered traders as specialists and accordingly, paragraph (c)(2)(xi) respecting reg-

<sup>1</sup> The Securities Acts Amendments of 1975, Pub. L. 94-29 (June 4, 1975), amended section 15(c)(3) of the Securities Exchange Act of 1934 to require the Commission to establish minimum financial responsibility requirements for all brokers and dealers. The 1975 Amendments also amended section 23(a)(1) of the Act to authorize the Commission specifically to classify persons for purposes of implementing the provisions of the Act and to prescribe greater, lesser or different requirements for different classes.

<sup>3</sup> See Board of Trade of the City of Chicago v. Johnson, 264 U.S. 1 (1924).

[Release No. 34-11626]

#### PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

##### Registration as a Broker-Dealer

On August 11, 1975, the Securities and Exchange Commission announced in Securities Exchange Act Release No. 11585<sup>1</sup> that revised Form BD, a uniform registration form for broker-dealers, also would be used for the registration of municipal securities brokers and non-bank municipal securities dealers. Accordingly, the Commission has adopted certain minor amendments to Question 10<sup>2</sup> of Form BD in order to accommodate this expanded usage of the form.

Primarily, these amendments add the words "municipal securities dealer" or "Municipal Securities Rulemaking Board," and add certain references to section 15B of the Securities Exchange Act of 1934 ("Municipal Securities") to Question 10(a) of Form BD.

**Statutory basis.** The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 15(b), 15B, and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby amends Part 249 of Chapter II of Title 17 of the Code of Federal Regulations by amending, effective October 1, 1975, Form BD. Inasmuch as the amendments to Form BD are designed primarily to accommodate the form to its expanded use as a registration form for municipal securities brokers and non-bank municipal securities dealers, as announced in Securities Exchange Act Release No. 11585, the Commission has concluded that notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) are unnecessary with respect to such amendments.

**Text of amended paragraphs (a)(i), (a)(iv), (a)(v), (a)(xi) and (a)(xii) of Question 10 of Form BD.** The text of amended paragraphs (a)(i), (a)(iv), (a)(v), (a)(xi) and (a)(xii) of Question 10 of Form BD (§ 249.501, as revised April 16, 1975, and as amended) is as follows:

10.(a) . . .

(i) Has been found by the Securities and Exchange Commission or any jurisdiction willfully to have made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false and misleading with respect to any material fact, or to have omitted to state any material fact, which was required to be stated, in any application for registration or report required to be filed under the Federal securities laws or under the securities laws of any jurisdiction, or in any

<sup>1</sup> 40 FR 37228.

<sup>2</sup> Question 10 requires the broker-dealer to report whether it or any associated person has been the subject of a statutory disqualification or has been involved in specified difficulties in the securities industry.

istered traders in options has been deleted.

**Commission action.** The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, as amended, and particularly sections 10(b), 15c(3), 17(a) and 23(a) thereof, effective September 1, 1975, hereby adopts amendments to Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by amending paragraph (b)(2) of § 240.15c3-1. The Commission has determined that notice and public procedure are impracticable if an alternative financial responsibility standard for exchange floor brokers is to be provided on September 1, 1975, when § 240.15c3-1, as amended, is scheduled to become effective. The Commission has further determined that the amendments relieve restrictions; therefore, the Commission finds for good cause that the 30 day notice period for adoption required by 5 U.S.C. 553(d) is neither necessary nor desirable and declares the amendments to paragraph (b)(2) of § 240.15c3-1 effective on September 1, 1975. Paragraph (b)(2) is redesignated (b)(3) and new paragraph (b)(2) is added as follows:

§ 240.15c3-1 Net capital requirements for brokers and dealers.

(b) . . .

(2) A member in good standing of a national securities exchange who acts as a floor broker (and whose activities do not require compliance with other provisions of this rule), may elect to comply, in lieu of the other provisions of this section, with the following financial responsibility standard: The value of the exchange membership of the member (based on the lesser of the most recent sale price or current bid price for an exchange membership) is not less than \$25,000. *Provided*, That the rules of such exchange require that the proceeds from the sale of the exchange membership of the member shall be subject to the prior claims of the exchange and its clearing corporation and those arising directly from the closing out of contracts entered into on the floor of such exchanges.

Paragraph (c)(2)(xi) of § 240.15c3-1 is deleted and Paragraph (c)(2)(xii) and (c)(2)(xiii) are hereby redesignated Paragraph (c)(2)(xi) and (c)(2)(xii), respectively.

**Statutory basis.** The foregoing amendments to Rule 15c3-1, effective September 1, 1975, are adopted pursuant to sections 10(b), 15(c), 17(a) and 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78j(b), 78o(c)(3), 78q(a) and 78w(a).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 29, 1975.

[FR Doc. 75-23722 Filed 9-5-75; 8:45 am]

proceeding before the Securities and Exchange Commission or any jurisdiction relating to securities, or the conduct of business

guarding approval of the antibiotic drug griseofulvin (ultramicrosize) tablets.

ness, pitched at an angle of approximately 45 degrees from the horizontal

ple solution. Filter the sample blank solution and the sample solution through water-washed glass wool, or an equiv-

size crystals of griseofulvin dispersed in polyethylene glycol 6,000. Each tablet contains 125 milligrams of griseofulvin.

from the spectrophotometric assay shall be conclusive.

(i) **Spectrophotometric assay.** Proceed



proceeding before the Securities and Exchange Commission or any jurisdiction relating to securities, or the conduct of business or registration as a broker, dealer, municipal securities dealer, or investment adviser or associated person thereof.

(iv) Has been found by the Securities and Exchange Commission or any jurisdiction or any court to have violated or to have aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Federal laws or the laws of any jurisdiction, relating to securities or relating to the conduct of business as a broker, dealer, municipal securities dealer, investment adviser, or investment company, any rule or regulation under any of such laws, or any rule of the Municipal Securities Rulemaking Board, or to have failed reasonably to supervise another person who committed such a violation, or to have been unable to comply with any of the foregoing.

(v) Has been the subject of any order of the Securities and Exchange Commission entered pursuant to paragraph (6) of Section 15(b) or paragraph (4) of section 15B(c) of the Securities Exchange Act of 1934 or an order of a court or jurisdiction (or any agency thereof), or an order of an appropriate regulatory agency entered pursuant to paragraph (5) of section 15B(c) of the Securities Exchange Act of 1934, barring or suspending the right of such person to be associated with a broker, dealer, or municipal securities dealer.

(xi) Has been, within the past 10 years, the subject of any cease and desist, order and refrain, prohibition, or similar order which was issued by the United States or any jurisdiction arising out of the conduct of the business of a broker, dealer, municipal securities dealer, or investment adviser.

(xii) Has been associated at any time as an officer, director, general partner, or owner of 10 percent or more of the voting securities, or has at any time directly or indirectly through agreement or otherwise exercised or had the power to exercise a controlling influence over the management or policies of a broker, dealer or municipal securities dealer which has been adjudicated bankrupt, or for which a trustee has been appointed pursuant to the Securities Investor Protection Act of 1970.

(15 U.S.C. 78o(b); Sec. 13, Pub. L. 94-29; (15 U.S.C. 78w(a))

The Commission has determined that the adoption of the amendments to Form BD will not impose a burden on competition.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 29, 1975.

[FR Doc.75-23720 Filed 9-5-75; 8:45 am]

#### Title 21—Food and Drugs

### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### SUBCHAPTER D—DRUGS FOR HUMAN USE GRISOFULVIN (ULTRAMICROSIZED) TABLETS

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), re-

## RULES AND REGULATIONS

garding approval of the antibiotic drug griseofulvin (ultramicrosize) tablets.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and is amending the regulations to provide for its certification. This amendment shall become effective on September 8, 1975.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

#### PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

1. In Part 431, § 431.53(b)(1) is amended by alphabetically inserting a new item in the fee schedule, to read as follows:

§ 431.53 Fees.

	Chargeable fee per test
(b) . . . . .	
(1) . . . . .	
Solubility characteristic test for griseofulvin (ultramicrosize) tablets. . . . .	50

#### PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. In Part 436, a new section is added to read as follows:

§ 436.317 Solubility characteristic test for griseofulvin (ultramicrosize) tablets.

(a) *Apparatus*—(1) *Vessel*. A cylindrical glass tank. The approximate dimensions are 40 centimeters in diameter and at least 23 centimeters in height.

(2) *Heating system*. A 1,500-watt immersion heating element connected to a partial immersion, contact thermometer and an appropriate control relay.

(3) *Circulating system components*. The circulating system consists of three different circulating devices:

(i) *Circulating pump of a centrifugal, immersion type*. Tubing approximately 1 centimeter outside diameter and 40 centimeters in length is attached to the pump outlet producing a flow rate of approximately 1,600 milliliters per minute when operated as described.

(ii) *A "4-element stirrer"* consisting of a motor and a shaft approximately 45 centimeters long and 8 millimeters in diameter. The motor rotates the vertical shaft in a clockwise direction at approximately 180 revolutions per minute. There are 4 elements or sets of stirring blades on the shaft. One set, located at the bottom of the shaft, is a 3-bladed element of 2.5 centimeters overall radius with circular blades, 1.8 centimeters in diameter and 1 to 2 millimeters in thick-

ness, pitched at an angle of approximately 45 degrees from the horizontal plane, so that fluid is propelled downward when the shaft is rotated in a clockwise direction. The three remaining sets of stirring blades have 4 blades each, symmetrically positioned about the shaft. Each set of blades is 3.2 centimeters in overall radius. Each blade is rectangular in shape, 2.4 centimeters in length, 1.2 centimeters in height, and 1 to 2 millimeters in thickness. The four sets of blades are located at 5 centimeter intervals on the shaft, the top three being fixed in a staggered configuration.

(iii) *A rotating basket device* consisting of a motor capable of constant speed of 100±5 revolutions per minute in a clockwise direction, a shaft, and a cylindrical basket. The shaft and the basket are fabricated from Type 316 stainless steel. The shaft is 6 millimeters in diameter and approximately 30 centimeters in length. It must run true on the motor axis so that the basket rotates smoothly and without perceptible wobble. The basket consists of two parts, one of which, the top, is attached to the shaft. It is of solid metal except for a 2-millimeter round vent, and is fitted with three spring clips that allow the removal of the lower part, or the basket proper, to admit the test sample. The detachable part of the basket is fabricated of welded seam stainless steel, 40 mesh woven wire cloth formed into a cylinder 3.66 centimeters high and 2.5 centimeters in diameter, with a narrow rim of sheet metal around the top.

(4) *Circulating system configuration*. All three circulating devices are located in one half of the tank. In clockwise order they are the circulating pump, the rotating basket, and the 4-element stirrer. There is a distance of 12 to 13 centimeters between each of the three devices. The rotating basket shaft and the stirring shaft are located 9 to 10 centimeters from the tank wall. The 4-element stirrer is positioned 1 to 1.5 centimeters from the bottom of the tank. The rotating basket is fixed at 7 to 8 centimeters from the bottom. The circulating pump intake is located approximately 3 centimeters from the top of the fluid in the tank and 5 to 6 centimeters from the wall of the tank. The pump's outlet hose is held by a clamp so that hose makes a clockwise arc around the inside wall of the tank, descending to a point near the bottom of the tank and 5 to 6 centimeters from the wall, which is 180 degrees from the pump inlet.

(b) *Dissolution medium*. Distilled water.

(c) *Procedure*. Place 24 liters of dissolution medium into the vessel and maintain the temperature at 37±0.5° C by means of the heater, circulating pump, and the 4-element stirrer. Withdraw a 25-milliliter portion of the dissolution medium as a sample-blank solution. Place one tablet into the basket, and lower it into its proper position in the tank. Rotate the basket at 100±5 revolutions per minute in a clockwise direction. After 60 minutes, withdraw a second 25-milliliter portion as the sam-

ple solution. Filter the sample blank solution and the sample solution through water-washed glass wool, or an equivalent filter, discarding the first 10 to 15 milliliters of each filtrate. Determine the amount of griseofulvin dissolved as directed in paragraph (d)(2) of this section.

(d) *Griseofulvin assay*—(1) *Preparation of standard solution and standard-blank solution*. Accurately weigh approximately 50 milligrams of griseofulvin working standard and place into a 100-milliliter volumetric flask. Dissolve and dilute to volume with methyl alcohol. Transfer 2.0 milliliters of this solution to a 200-milliliter volumetric flask and dilute to volume with distilled water. This is the standard solution. Transfer a 2.0-milliliter portion of methyl alcohol to a 200-milliliter volumetric flask and dilute to volume with distilled water. This is the standard-blank solution. Filter the standard blank solution and the standard solution through water-washed glass wool, or an equivalent filter, discarding the first 10 to 15 milliliters of each filtrate.

(2) *Procedure*. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of the four filtered solutions at the absorbance peak at approximately 295 nanometers, using suitable spectrophotometer cells with a 1-centimeter light path. Determine the exact position of the absorbance peak for the particular instrument used.

(3) *Calculation*. Determine the percentage of griseofulvin dissolved as follows:

Percent griseofulvin dissolved =

$\frac{A \times W \times V \times 10}{A \times P}$

where:

A = Absorbance of the sample solution minus the absorbance of the sample-blank solution;

W = Weight of the working standard in milligrams;

V = Volume of the dissolution medium in liters;

A = Absorbance of the standard solution minus the absorbance of the standard-blank solution;

P = Labeled potency of the sample in milligrams of griseofulvin per tablet.

(e) *Evaluation*. The tablet passes the solubility characteristic test if it dissolves to the extent of not less than 50 percent at 60 minutes. If the tablet fails to meet this requirement, repeat the test on five additional tablets. The batch passes the solubility characteristic test if not less than 5 of 6 tablets meet the requirement.

#### PART 449—ANTIFUNGAL ANTIBIOTIC DRUGS

3. In Part 449, a new section is added to read as follows:

§ 449.120d Griseofulvin (ultramicrosize) tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality and purity*. Griseofulvin (ultramicrosize) tablets are composed of ultramicro-

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size crystals of griseofulvin dispersed in polyethylene glycol 6,000. Each tablet contains 125 milligrams of griseofulvin. The potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. The loss on drying is not more than 5.0 percent. It passes the solubility characteristic test. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) *Results of tests and assays on:*

(a) The griseofulvin used in making the batch for potency, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for potency, loss on drying, and solubility characteristic.

(ii) *Samples required:*

(a) The griseofulvin used in making the batch: 10 packages, each containing not less than 1 gram.

(b) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency*. Use either of the following methods; however, the results obtained

from the spectrophotometric assay shall be conclusive.

(i) *Spectrophotometric assay*. Proceed as directed in § 449.20(b)(1)(i), except prepare the sample for assay as follows: Weigh accurately a representative number of tablets and determine the average weight per tablet. Reduce the tablets to a fine powder in a mortar and transfer an amount of powder containing 200 milligrams (estimate) of griseofulvin to a 200-milliliter glass-stoppered volumetric flask. Add about 100 milliliters of methyl alcohol to the flask. Warm the contents by heating the flask carefully over a steam bath. Swirl the contents several times during the heating period. Shake the flask on a mechanical shaker for 15 minutes, allow to cool to room temperature, and adjust to volume with methyl alcohol. Mix well. Filter 30 to 40 milliliters through paper, discarding the first 10 to 15 milliliters of filtrate. Transfer exactly 2.0 milliliters of the subsequent filtrate to a 200-milliliter volumetric flask, adjust to volume with methyl alcohol, and mix well. Using a suitable ultraviolet spectrophotometer and matched 1-centimeter quartz cells, set the instrument to 100 percent transmission with methyl alcohol. Determine the absorbance of the sample and working standard (prepared as described in § 449.20(b)(1)(i)(a)) at the absorption peak at approximately 292 nanometers. Calculate the milligrams of griseofulvin per tablet as follows:

Milligrams of griseofulvin per tablet =  $\frac{\text{Absorbance of sample} \times \text{Average weight of tablet in milligrams} \times 20,000}{\text{Absorbance peak at approximately 295 nanometers} \times \text{Weight of powder tested in milligrams}}$

where:

A = Absorbance (1 gram per liter, 1 centimeter) of the griseofulvin working standard measured at the absorbance peak at approximately 295 nanometers.

(ii) *Microbiological agar diffusion assay*. Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Powder the tablets and weigh an amount of the powder as described in paragraph (a)(1)(i) of this section. Transfer the powder to a flask of 500-milliliter capacity. Add a sufficient quantity of dimethylformamide to give a stock solution of convenient concentration. Shake well, and carefully warm the contents over a steam bath. Stopper the flask, place on an automatic shaking machine, and shake for 15 minutes. Transfer 25 to 30 milliliters to a centrifuge tube, close the tube, and centrifuge sufficiently to obtain a clear supernatant. Dilute an aliquot of the supernatant with dimethylformamide to give a concentration of 100 micrograms of griseofulvin per milliliter (estimated). Further dilute with 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 5.0 micrograms of griseofulvin per milliliter (estimated).

(2) *Loss on drying*. Proceed as directed in § 436.200(b) of this chapter.

(3) *Solubility characteristic test*. Proceed as directed in § 436.317 of this chapter.

Since the conditions prerequisite to providing for certification of the subject antibiotic have been complied with and since the matter is noncontroversial in nature, notice and public procedures and

delayed effective date are not prerequisites to this promulgation.

*Effective date*. This order shall be effective on September 8, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: September 2, 1975.

MARY A. McENTYRE,  
Assistant to the Director for  
Regulatory Affairs, Bureau of  
Drugs.

[FR Doc.75-23716 Filed 9-5-75; 8:45 am]

#### Title 23—Highways

### CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

#### SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

#### PART 710—RIGHT-OF-WAY—GENERAL

#### Subpart C—Reimbursement Provisions

#### TECHNICAL GUIDANCE AND TRAINING COSTS

● *Purpose*. The purpose of this document is to allow Federal participation in a State's costs of providing technical guidance and training, relating to real property acquisition, to units of local government. ●

The Federal Highway Administration hereby amends § 710.304(b) of Part 710 to inform States of the availability of



Federal participation in a State's costs of providing certain technical guidance and training. Federal participation will be available where State employees provide assistance to employees of a political subdivision in carrying out real property acquisition activities on specific projects. Such activities have increased in recent months.

In consideration of the foregoing § 710.304(b) of 23 CFR Part 710 is revised by adding subparagraph (5) as follows:

§ 710.304 Reimbursement policy.

(b) . . . .  
(5) *Technical guidance and training costs.* Where State employees are directly engaged in project activities or provide technical guidance, consultation, training, or otherwise work directly on specific projects with employees of a political subdivision to accomplish real property acquisition or in escalating such project operations to an acceptable level of performance, Federal funds may participate in the costs of such project activity.

Issued on August 28, 1975.

J. R. COUPAL, Jr.,  
Acting Deputy Administrator,  
Federal Highway Administration.  
[FR Doc. 75-23776 Filed 9-5-75; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD,

DEPARTMENT OF TRANSPORTATION

[CGD 75-088]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Back Bay of Biloxi, Miss.

This amendment changes the regulations for the semi-high level bascule span bridge on Interstate 110 across the Back Bay of Biloxi, mile 3.0, Biloxi, Mississippi, to require at least 6 hours notice at all times prior to the draw being opened. This amendment was circulated as a public notice dated May 6, 1975 by the Commander, Eighth Coast Guard District, and was published in the *Federal Register* as a notice of proposed rulemaking (CGD 75-088) on April 30, 1975 (40 FR 18793). Two replies were received which offered no objection to the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (1) (20-b) immediately after paragraph (1) (20-a) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(1) . . . .  
(20-b) *Back Bay of Biloxi, Mile 3.0.* The draw shall open on signal if at least 6 hours notice is given.

(Sec. 5, 28 Stat. 302, as amended, sec. 8(g) (2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655 (g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

*Effective date.* This revision shall become effective on October 10, 1975.

Dated: September 2, 1975.

R. I. PRICE,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc. 75-23782 Filed 9-5-75; 8:45 am]

Title 35—Parks, Forests, and Public Property

CHAPTER IX—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PART 901—BYLAWS OF THE CORPORATION

Under the authority granted to the Board of Directors by the Pennsylvania Avenue Development Corporation Act of 1972, section 6(5), Pub. L. 92-578, as amended, 88 Stat. 1270(5) (40 U.S.C. 875 (5)), the Board promulgated and approved by unanimous vote on January 28, 1975, amendments to the Bylaws of the Corporation. The Bylaws as amended appeared at 40 FR 7719, dated February 21, 1975. The Bylaws as amended are reprinted here for inclusion in the Code of Federal Regulations, 36 CFR Chapter IX is amended by adding a new Part 901, reading as follows:

Sec.  
901.1 Title and office.  
901.2 Establishment.  
901.3 Board of directors.  
901.4 Officers.  
901.5 Annual report.  
901.6 Seal.  
901.7 Amendments.

AUTHORITY: Sec. 6(5), Pub. L. 92-578, 88 Stat. 1270(5) (40 U.S.C. 875(5)).

§ 901.1 Title and office.

(a) *Title.* The name of the Corporation is the Pennsylvania Avenue Development Corporation.

(b) *Office.* The office of the Corporation shall be in the city of Washington, District of Columbia.

§ 901.2 Establishment.

(a) *Creation.* The Corporation, a wholly owned instrumentality of the United States subject to the Government Corporation Control Act (31 U.S.C. 841 et seq.), was established by the Pennsylvania Avenue Development Corporation Act of 1972 (Pub. L. 92-578, 86 Stat. 1266 (40 U.S.C. 871 et seq.)), as amended, hereinafter referred to as "the Act".

(b) *Purposes.* The purposes for which this Corporation was established are those stated and promulgated by Congress in the Act.

§ 901.3 Board of directors.

(a) *Powers and responsibilities.* The business, property and affairs of the Corporation shall be managed and controlled by the Board of Directors, and all powers specified in the Act are vested in them. The Board may, at its discretion and as hereinafter provided, delegate authority necessary to carry on the

ordinary operations of the Corporation to officers and staff of the Corporation.

(b) *Composition; number; selection; terms of office.* The Board of Directors shall be comprised of fifteen voting members and eight non-voting members. The powers and management of the Corporation shall reside with the fifteen voting members, and the procedures of the Board shall be determined by them.

(1) The fifteen voting members shall include the seven government agency representatives specified in subsection 3 (c) of the Act (or, their designees), and eight individuals meeting the qualifications of that subsection, appointed by the President of the United States from private life, at least four of whom shall be residents and registered voters of the District of Columbia.

(2) The Chairman and Vice Chairman shall be designated by the President of the United States from among those members appointed from private life.

(3) Upon his appointment, the Chairman shall invite the eight representatives designated in subsection 3(g) of the Act to serve as non-voting members of the Board of Directors.

(4) Each member of the Board of Directors appointed from private life shall serve a term of six years from the expiration of his predecessor's term; except that the terms of the Directors first taking office shall begin on October 27, 1972 and shall expire as designated at the time of appointment. A Director may continue to serve until his successor has qualified.

(5) A Director appointed from private life wishing to resign shall submit a letter of resignation to the President of the United States, and his resignation shall become effective upon the date of the President's acceptance thereof.

(6) A Director, appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall serve for the remainder of such term.

(c) *Meetings.* (1) The Board of Directors shall meet and keep its records at the office of the Corporation.

(2) Meetings of the Board of Directors shall be held at the call of the Chairman, but not less often than once every three months. The Chairman shall also call a meeting at the written request of any five voting members.

(3) The Chairman shall direct the Secretary to give the members of the Board notice of each meeting, either personally, or by mail, or by telegram, stating the time, the place and the agenda for the meeting. Notice by telephone shall be personal notice. Any Director may waive, in writing, notice as to himself, whether before or after the time of the meeting, and the presence of a Director at any meeting shall constitute a waiver of notice of that meeting. Notice, in whatever form, shall be given so that a Director will have received it five working days prior to the time of the meeting.

(4) Unless otherwise limited by the notice thereof, any and all Corporation business may be transacted at any meeting.

(5) The Chairman shall preside at meetings of the Board of Directors, or

the Vice Chairman in the absence of the Chairman. In the event of the absence of both the Chairman and the Vice Chairman, the Directors present at the meeting shall designate a Presiding Officer.

(d) *Quorum.* The presence of any eight voting Directors at a meeting of the Board shall constitute a quorum for the transaction of business. The act of a majority of the voting Directors at any meeting at which there is a quorum shall be an act of the Board of Directors. If there shall be less than a quorum at any meeting, a majority of the voting Directors present may adjourn the meeting until such time as a quorum can practically and reasonably be obtained.

(e) *Directors Serving in Stead.* Each member of the Board of Directors specified in paragraphs (1) through (7) of subsection 3(c) of the Act, if unable to serve in person, may designate another official from his agency or department to serve on the Board in his stead. Such designation will be effected by a letter of appointment to the Chairman from the Director specified in the Act. A Director appointed to serve in stead shall serve as the voting Director of the represented agency until the Chairman receives written notice from the appointing official, or his successor, that the appointment is rescinded. The Chairman shall cause notice of appointments of Directors to serve in stead to be published in the *Federal Register*.

(f) *Vote by proxy.* Voting members of the Board of Directors unable to attend a meeting may vote by proxy on resolutions which have been printed in the agenda in advance for the meeting. (1) A Director unable to attend a meeting of the Board may submit a vote to be cast by the Presiding Officer by means of a written signed statement of his vote and the resolution to which it pertains together with any statement bearing on the matter the Director wishes to have read. The proxy vote shall be submitted to the Chairman with a separate signed copy to the Secretary, to be received not later than the close of business of the day prior to the date fixed for the meeting.

(2) The Presiding Officer shall cast proxy votes received by the Chairman in the following manner: (i) Upon the close of discussion on a resolution for which there has been submitted one or more valid proxy votes, the Presiding Officer shall announce that he holds proxy vote(s) from named Director(s), and shall read any explanatory statements submitted by the Director(s) voting by proxy; (ii) The Presiding Officer shall take the vote of the Directors present and then declare the proxy votes in hand; (iii) The Secretary shall orally verify the validity of the votes submitted to be cast by proxy, and shall record them with the votes cast by the Directors present on the resolution.

(3) Proxy votes shall not be utilized to effect the presence of a quorum.

(g) *Compensation of Directors.* Members of the Board of Directors shall be compensated in the manner provided in section 3 of the Act.

(h) *Approval of Annual Budget.* Upon completion by the staff of a draft annual budget request, the Chairman shall call a meeting of the Board of Directors for its review and consideration. Upon approval by the Board of the draft budget request, it may be submitted to the Office of Management and Budget.

§ 901.4 Officers.

(a) *General provisions.* The corporate officers of the Corporation shall consist of a President, an Executive Director, two Assistant Directors, a Secretary (who shall be appointed by the Chairman from among the staff of the Corporation), and such other officers as the Board of Directors may from time-to-time appoint. Any corporate officer elected or appointed by the Board of Directors may be removed at any time, with or without cause, by the affirmative vote of a majority of the Board of Directors.

(b) *Powers and duties of the President.* The Chairman of the Board of Directors shall be the President and chief executive officer of the Corporation and shall have the general powers and duties of supervision and management usually vested in the office of president of a corporation. The President shall see that all resolutions and policies of the Board are carried into effect, and shall have power to execute contracts, leases, agreements, and other documents necessary for the operation of the Corporation.

(c) *Appointment of certain officers.* The Board of Directors shall appoint an Executive Director and two Assistant Directors, who may be appointed and compensated without regard to the provisions of Title 5 of the United States Code governing appointments in the competitive service and Chapter 51 and subchapter IV of Chapter 53 of Title 5 of the United States Code. Between meetings of the Board of Directors the Chairman may make appointments to the foregoing positions, when they become vacant by resignation or otherwise. However, the Chairman shall move to have such interim appointments confirmed at the next meeting of the Board. The Chairman shall have power to increase or decrease the salaries of the officers appointed under this section.

(d) *Powers and Duties of the Executive Director.* The Executive Director shall be the chief of the Corporation's staff and shall have general powers of supervision and management over the administration of the Corporation. The Executive Director shall have power to:

(1) Execute contracts, agreements, and other documents necessary for planning and design work and for ordinary operations of the Corporation.

(2) Hire staff (including temporary or intermittent experts and consultants).

(3) Procure space, equipment, supplies, and obtain interagency and commercial support services.

(4) Direct and manage the day-to-day operations and work of the Corporation.

(5) Supervise planning and development activities of the Corporation in accordance with the development plan and resolutions of the Board of Directors.

(6) Perform such other duties and exercise such powers as the President and Board of Directors may prescribe.

(e) *Powers and duties of the Assistant Director/Legal.* The Assistant Director/Legal shall be the General Counsel of the Corporation, advising the Board of Directors and the staff on all legal matters affecting the functioning of the Corporation. He shall:

(1) Coordinate with the Department of Justice in assuring that the interests of the Corporation are represented in any litigation arising from its authorities or actions.

(2) Advise the Board of Directors and the staff of statutory or regulatory requirements, and assure compliance therewith.

(3) Prepare or review all contracts, agreements or other documents of a legal nature.

(4) Prepare or review all draft legislation, regulations, official notices and other legal publications.

(5) Perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

(f) *Powers and duties of the Assistant Director/Finance.* The Assistant Director/Finance shall advise the Board of Directors and the officers of the Corporation on economic and financial matters, and guide the formulation of economic and financial policy for development activities. He shall:

(1) Contract for and coordinate the work of consultants and prepare or review proposals, studies, plans, and agreements relating to financing and economic development.

(2) Act as the treasurer of the Corporation, and shall have charge of the custody, safekeeping and disbursements of all development funds of the Corporation.

(3) Designate qualified persons to authorize disbursements of development funds.

(4) Be responsible for documents relating to development financing of the Corporation, including borrowing from the United States Treasury, commercial banks and others.

(5) Have authority to collect all non-appropriated monies due the Corporation, to receipt therefor and to deposit same for the account of the Corporation.

(6) Work and maintain liaison with appropriate committees of Congress and executive agencies on matters relating to appropriations, financing and the Corporation's budget.

(7) Perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

(g) *Powers and Duties of the Secretary.* The Secretary, to be appointed by the Chairman from among the Corporation's staff, shall give notice of all meetings of the Board of Directors and record and keep the minutes thereof, keep in safe custody the seal of the Corporation, and shall affix the same to any instrument requiring it. When so affixed, the seal shall be attested by the signature of the Secretary. The Secretary shall also

perform such other duties as may be pre- provide greater stability to pilotage on rector to dispatch pilots only when pilot-

2. By revising § 401.330(a) to read:

Support G—Operating Requirements for U.S. Registered Pilots and Holders of

7. By amending § 402.320(a) (2) by striking the date "September 15, 1965"



perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

#### § 901.5 Annual report.

The Executive Director shall prepare annually a comprehensive and detailed report of the Corporation's operations, activities, and accomplishments for the review of the Board of Directors. Upon approval by the Board, the Chairman shall transmit the report in January of each year to the President of the United States and to the Congress.

#### § 901.6 Seal.

The Corporation may adopt a corporate seal which shall have the name of the Corporation and year of incorporation printed upon it. The seal may be used by causing it or a facsimile thereof to be impressed, affixed, or reproduced.

#### § 901.7 Amendments.

These bylaws may be altered, amended, or repealed by the Board of Directors at any meeting, if notice of the proposed alteration, amendment, or repeal is contained in the notice of the meeting.

Effective date, January 28, 1975.

PETER T. MESZOLY,  
General Counsel.

AUGUST 22, 1975.

[FR Doc. 75-23721 Filed 9-5-75; 8:45 am]

#### Title 46—Shipping

#### CHAPTER III—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-233]

#### PART 401—GREAT LAKES PILOTAGE REGULATIONS

#### PART 402—GREAT LAKES PILOTAGE RULES AND ORDERS

#### Operating Rules and Suspension and Revocation of Certificates of Authorization

The purpose of these amendments to the Great Lakes Pilotage Regulations is to improve the efficiency of pilotage service on the Great Lakes under the Great Lakes Pilotage Act of 1960 (GLPA). These amendments establish operating requirements for holders of Certificates of Authorization and additional operating requirements for U.S. registered pilots. These amendments require the holders of Certificates of Authorization to comply with the requirements and qualifications for authorization to form a pool in § 401.320. These amendments also authorize the Director to dispatch pilots when pilotage service is not provided.

The Coast Guard proposed these rules in the FEDERAL REGISTER (39 FR 39047) on November 5, 1974. A public meeting on this proposed rulemaking document was held in Cleveland, Ohio on November 20, 1974. Written comments were also received. In light of the verbal and written comments the final rule is promulgated as proposed except as follows:

Several comments concurred with the proposal as a constructive approach to

provide greater stability to pilotage on the Great Lakes.

Several comments discussed proposed § 401.335. One commenter requested that the reference to a "willful" violation be stricken from § 401.335(c), because of the difficulty in determining its application. The Coast Guard is not adopting this comment. The courts have provided guidance to the meaning of the word willful. Additionally, a willful violation of this part can have serious impact on pilotage service by threatening the stability of Great Lakes pilotage; therefore, the director should have the capacity to act without the notice requirements in § 401.335(b).

In response to a comment, the word "shall" has been added to the last sentence in § 401.335(c) to emphasize that the order to suspend enables the pool to identify its violation. Proposed § 401.335(c) provided for immediate suspension and revocation; § 401.335(c) is changed to delete "revoke" to allow only immediate suspension under this paragraph. Immediate suspension is a sufficient remedy to maintain an efficient pilotage system when a violation of this part involves public health, interest, or safety, or is willful. Paragraphs (d) and (e) are added to proposed § 401.335. Paragraph (d) provides for an opportunity for the holder to be heard if the holder receives a suspension of the Certificate of Authorization under § 401.335(c). Paragraph (e) sets the procedure for terminating a suspension. The suspension of a Certificate of Authorization is a means to obtain compliance with this part; it is not a penalty. If a holder of a Certificate of Authorization is not complying with this part it faces suspension but upon compliance the suspension is lifted. The holder does not remain under suspension because of a prior non-compliance with this part.

One comment stated that the only penalty authorized under the GLPA is a civil fine and that the Coast Guard does not have the authority to suspend a Certificate of Authorization. Under the GLPA the Coast Guard may authorize pools for the efficient dispatching of pilotage service, regulate the operation of pools, and limit the number of pools. The Coast Guard must regulate Great Lakes Pilotage in a manner that will provide for the efficient dispatching of pilotage service. Under the Act the Coast Guard not only can set the criteria for acquiring a Certificate of Authorization but also the criteria for withdrawing it.

Several comments noted that proposed § 401.710 (c) and (d) make the pool responsible for the individual pilot's actions. These paragraphs are changed in response to the comments to make it clear that the certificate holder must provide facilities and dispatch pilots on a first-come, first-serve basis and dispatch pilots under its working rules. These paragraphs do not make the certificate holder responsible for a pilot's actions after dispatching the pilot.

As a result of several comments and further study by the Coast Guard, § 401.720(b) is changed to authorize the Di-

rector to dispatch pilots only when pilotage service is not being provided or when the pool cannot dispatch pilots because its Certificate of Authorization is withdrawn. The purpose of this paragraph is to maintain pilotage service when problems arise that cause its curtailment. It is not a penalty against either the pools or the pilots. One comment questioned the Director's dispatching of pilots when pilotage service is not being provided equitably between U.S. and Canadian registered pilots. The change in this paragraph removes "equitable participation" as a basis for the Director's dispatching of pilots. Equitable participation is a requirement in section 216b (a) and (d) of the GLPA.

One comment stated that the Director's dispatching of pilots is outside the authority of the GLPA and is unworkable. The GLPA authorizes the Coast Guard to register pilots and authorize pools, regulate the operations of pools as necessary, and establish by regulations the rates, charges, and conditions on the pilots. When pilotage service is not being provided, the Coast Guard must be able to dispatch pilots to vessels to resume pilotage service. The Coast Guard may experience some difficulties in providing the arrangements and facilities to dispatch pilotage service; however, the Coast Guard does have the resources to be capable of dispatching pilots to vessels.

Another comment noted that there are collective bargaining agreements between the pilots and the pools and requested provisions in the regulation for the government to assume a pool's obligation under these agreements when the Director dispatches pilots. The Coast Guard will not intervene in the labor-management agreements between the pools and pilots, and this regulation is not being changed as a result of this comment.

A comment concerning the date for The Working Rules and Dispatching Procedures for District No. 1 is adopted and § 402.320(a) (1) is changed to read: February 1, 1965, amended to April 25, 1972.

Several commenters questioned the adequacy of pilotage rates. Since rate matters were not a part of the proposal the Coast Guard is not responding to these comments in this rulemaking action. However, the Coast Guard is continually studying the matters of pilotage rates and participation.

In consideration of the foregoing, Parts 401 and 402 of Title 46 of the Code of Federal Regulations are amended as follows:

1. By adding a new paragraph (a) (11) to § 401.110 to read:

§ 401.110 Definitions.

(a) . . .

(11) "Person" includes an individual, registered pilot, partnership, corporation, association, voluntary association, authorized pool, or public or private organization, other than an agency.

2. By revising § 401.330(a) to read:

§ 401.330 Certificates of Authorization.

(a) Subject to § 401.300(b), an association that is qualified to establish a pool in a District or area is issued a Certificate of Authorization that is valid until suspended or revoked under the procedures in § 401.335.

3. By adding a new § 401.335 to read:

§ 401.335 Suspension or revocation of a Certificate of Authorization.

(a) The Director may issue an order to suspend or revoke a Certificate of Authorization if—

(1) The holder of a Certificate of Authorization does not continue to meet the requirements under § 401.320; or

(2) The holder of a Certificate of Authorization does not comply with the requirements of this part.

(b) Before issuing an order to suspend or revoke, the Director notifies the holder of a Certificate of Authorization of the reasons for the proposed suspension or revocation and gives the holder an opportunity to be heard or to comply with the requirements of this part.

(c) If the Director finds that the violation of a requirement of this part involves public health, interest, or safety, or that the violation is willful, the Director may issue an order to suspend the Certificate of Authorization without giving notice under paragraph (b) of this section. The order shall contain the reasons for the Director's action.

(d) A holder who has its Certificate of Authorization suspended under paragraph (c) of this section shall have an opportunity to be heard by notifying the Director in writing.

(e) The Director shall reinstate a Certificate of Authorization that has been suspended under paragraph (b) or (c) of this section when he determines that the holder is complying with this part.

4. By revising § 401.340(a) to read:

§ 401.340 Compliance with working rules of pools.

(a) United States or Canadian registered pilots utilizing the facilities and dispatching services of any authorized pool shall comply with its working rules approved under § 402.320, except to the extent inconsistent with the dispatch orders of the Director under § 401.720(b), and with other rules of the pool that are related to those facilities and services.

5. By adding a new Subpart G to read:

Subpart G—Operating Requirements for U.S. Registered Pilots and Holders of Certificates of Authorization; Authority of the Director Over Operations

Sec.

401.700 Operating requirements for U.S. registered pilots.

401.710 Operating requirements for holders of Certificates of Authorization.

401.720 Authority of the Director over operations.

Subpart G—Operating Requirements for U.S. Registered Pilots and Holders of Certificates of Authorization; Authority of the Director Over Operations

§ 401.700 Operating requirements for U.S. registered pilots.

Each U.S. registered pilot shall—

(a) Provide pilotage service when dispatched by his pool; and

(b) Comply with the dispatching orders of the Director under § 401.720 (b).

§ 401.710 Operating requirements for holders of Certificates of Authorization.

Each holder of a Certificate of Authorization shall—

(a) Comply with the terms of any agreement for services by registered pilots on the Great Lakes between an appropriate agency of Canada and the Secretary, his designated agent, or the Director;

(b) Coordinate on a reciprocal basis its pool operations with pool operations of the Canadian Government, under the "Memorandum of Arrangements, Great Lakes Pilotage, Between the Secretary of Transportation of the United States of America and the Minister of Transport of Canada", effective July 7, 1970, as amended;

(c) Provide continuous arrangements and facilities for the efficient dispatching of pilotage service on a first-come, first-serve basis to vessels that give notice of pilotage service requirements to the pilotage dispatch station, except pilots are not required to board a vessel that does not furnish safe boarding facilities;

(d) Dispatch pilotage service under the terms of its approved working rules as referenced in § 402.320;

(e) Comply with its working rules approved under § 402.320, except to the extent inconsistent with the dispatch orders of the Director under § 401.720 (b);

(f) Comply with all accounting procedures and the reporting requirements in this chapter; and

(g) Make available to the Commandant all of its financial and operating records.

§ 401.720 Authority of the Director over operations.

(a) This section does not limit the authority of the Director under any other section in this chapter.

(b) When pilotage service is not provided or when the Certificate of Authorization is under suspension or revocation under § 401.335, the Director may order any U.S. registered pilot to provide pilotage service.

§ 402.320 [Amended]

6. By amending § 402.320(a) (1) by striking "approved as of March 25, 1965," and inserting "dated February 1, 1965, amended to April 25, 1972," in place thereof.

7. By amending § 402.320(a) (2) by striking the date "September 15, 1965" and inserting "October 14, 1970" in place thereof.

8. By amending § 402.320 by deleting paragraph (a) (4).

9. By amending § 402.320(a) (5) by striking the date "March 22, 1965" and inserting "April 1, 1971" in place thereof.

(Sec. 4 and sec. 5, 74 Stat. 260 (46 U.S.C. 216b; 216c; sec. 6(a) (4), 80 Stat. 937, as amended (49 U.S.C. 1655(a) (4)); 49 CFR 1.46(a))

Effective date, October 8, 1975.

Dated: August 29, 1975.

O. W. SILER,  
Admiral,  
U.S. Coast Guard, Commandant.

[FR Doc. 75-23761 Filed 9-5-75; 8:45 am]

#### Title 49—Transportation

#### CHAPTER I—MATERIALS TRANSPORTATION BOARD, DEPARTMENT OF TRANSPORTATION

#### SUBCHAPTER B—HAZARDOUS MATERIALS

[Docket No. HM-57; Amdts. 171-14, 172-14, 172-20, 173-61, 173-74, 174-14, 175-7, 177-21, 178-26]

#### PART 171—GENERAL INFORMATION AND REGULATIONS

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170-189 OF THIS SUBCHAPTER

#### PART 173—SHIPPERS

#### PART 174—CARRIERS BY RAIL FREIGHT

#### PART 175—CARRIERS BY RAIL EXPRESS

#### PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

#### PART 178—SHIPPING CONTAINER SPECIFICATIONS

#### Classification of Corrosive Hazards; Postponement of Mandatory Effective Date

On September 10, 1974, the Hazardous Materials Regulations Board published an Amendment (39 FR 32615) extending the effective date from September 30, 1974 to September 30, 1975 for mandatory compliance with the regulations applicable to materials that are corrosive only to aluminum. The basis for the extension was the proposed alternative approach to dealing with such materials as proposed under Docket HM-112 (Notice 73-9; 39 FR 3022; January 24, 1974) which was not then, nor is it now, a completed rulemaking action.

In consideration of the fact that an unnecessary burden would be imposed if it is decided to include these materials in the Other Regulated Material (ORM) Group B classification as proposed under Docket HM-112, action on the classification and application of regulations to materials corrosive only to aluminum is as follows:

(1) The mandatory effective date of Amendment Nos. 171-14, 172-14, 172-20, 173-61, 173-74, 174-14, 175-7, 177-21,

days shall automatically be extended to a

178-26 as they pertain to materials corrosive only to aluminum is changed from

It appearing, that pursuant to parts I and II of the Interstate Commerce Act

of freight in advance of payment of the tariff charges thereon and may extend

§ 1320.16 Computation of credit period

them, such persons herein being called

days shall automatically be extended to a



178-26 as they pertain to materials corrosive only to aluminum is changed from September 30, 1975 to July 1, 1976.

(2) The Materials Transportation Bureau's disposition of the classification of materials corrosive only to aluminum will be in the amendments it makes to the Department's Hazardous Materials Regulations under Docket No. HM-112.

(Transportation of Explosive Act (18 U.S.C. 831-835); sec. 6, Department of Transportation Act, (49 U.S.C. 1655); Title VI and sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c))

Issued in Washington, D.C., on September 2, 1975.

HERBERT H. KAISER, Jr.,  
Acting Director,  
Materials Transportation Bureau.

[FR Doc. 75-23700 Filed 9-5-75; 8:45 am]

#### CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 73, Ex Parte No. MC-1]

##### PART 1320—EXTENSION OF CREDIT TO SHIPPERS BY RAIL CARRIERS

##### PART 1322—EXTENSION OF CREDIT TO SHIPPERS BY MOTOR CARRIERS

###### Payment of Rates and Charges

Revised rules governing the extension of credit by railroads and motor common carriers operating in interstate or foreign commerce.

These rulemaking proceedings concern the amendment of the rules and regulations governing the extension of credit to shippers by motor and rail common carriers published March 24, 1973 (38 FR 7820) and, specifically, the following proposed amendment:

Shippers to whom credit has been extended under the provisions of this part must pay the required transportation charges within the credit period prescribed herein.

In the instant second report of the Commission on further hearing, the Commission rejected the proposed amendment which would have extended its credit regulations to apply directly to shippers. Instead, it revised the present rules in two principal respects. First, it extended the credit period for rail shippers from the present 5 days, generally, to a maximum of 7 days similar to the present credit period now afforded shippers by motor carrier. Secondly, it revised the present rules for both rail and motor carriers to provide that the aforesaid credit period of 7 days excluding Saturdays, Sundays and legal holidays shall automatically be extended to a total of 30 calendar days for any shipper who has not paid the carrier's freight bill within the aforesaid 7-day period, and, also, to provide that such shipper will be assessed a service charge by the carrier equal to 1 percent of the amount of said period, subject to a \$10 minimum charge, for such extension of the credit period.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 5th day of August 1975.

It appearing, that pursuant to parts I and II of the Interstate Commerce Act (sections 3(2) and 223, respectively), and section 553 of the Administrative Procedure Act (5 U.S.C. sec. 553), a rule-making proceeding was instituted by the Commission on February 14, 1973, for the purpose of studying recent developments which may have caused or significantly contributed to difficulties being encountered by certain carriers subject to our jurisdiction in the proper extension of credit and the timely collection of their lawful charges, and also for the purpose of determining what, if any, effect upon carrier compliance with our current credit regulations may stem from various practices assertedly engaged in by shippers and other parties responsible for payment of the lawful charges of those carriers and what corrective measures may or should be implemented to bring about an improvement therein in the public interest.

It further appearing, that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part hereof:

It is ordered, That Part 1320 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified as follows:

(1) Sections 1320.1, 1320.15 and 1320.16 be amended to read as set forth below.

(2) Sections 1320.2, 1320.3, 1320.4, 1320.8, 1320.9 and 1320.14 be, and they are hereby, canceled;

It is further ordered, That Part 1322 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified as follows:

(1) Section 1322.1 be amended to read as set forth below and present paragraphs (b) and (c) thereof be re-entitled (c) and (d).

It is further ordered, That this order shall become effective 35 days after the date of service, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register (49 U.S.C. 301, 302, 304, 308, and 323 5 U.S.C. 553, 559).

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

49 CFR 1320.1 shall be revised to read as follows:

§ 1320.1 Carrier may extend credit to shipper.

(a) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by rail may relinquish possession

of freight in advance of payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days excluding Saturdays, Sundays, and legal holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill. In regard to traffic of nonprofit shippers' associations and shippers' agents, within the meaning of section 402(c) of part IV of the Interstate Commerce Act, the carriers shall require such organizations to furnish the names of the beneficial owners of the property in the bills of lading or at least have the bills of lading incorporate by reference a document containing the names of the beneficial owners.

(b) Common carriers by rail must also provide in their tariffs that (1) the aforesaid credit period of 7 days excluding Saturdays, Sundays, and legal holidays shall automatically be extended to a total of 30 calendar days for any shipper who has not paid the carrier's freight bill within the aforesaid 7-day period, (2) such shipper will be assessed a service charge by the carrier equal to 1 percent of the amount of said freight bill, subject to a \$10 minimum charge, for such extension of the credit period, and (3) no such carrier shall grant credit to any shipper who fails to pay a duly presented freight bill within the 30-day period, unless and until such shipper affirmatively satisfies the carrier that all future freight bills duly presented will be paid strictly in accordance with the rules and regulations prescribed by the Commission for the settlement of carrier rates and charges: *Provided*, That no service charge authorized herein shall be assessed in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or territory, or political subdivision thereof, or for the District of Columbia.

49 CFR 1320.15 and 1320.16 shall be revised to read as follows:

§ 1320.15 Computation of credit period for payment of export traffic rates.

The period fixed for the payment of transportation rates and charges, insofar as applicable to export traffic which is loaded into vessels direct from railroad cars or piers or from such cars or piers by means of lighters, may be computed from the first 4 p.m. following the time when the vessel is completely loaded, freight bills to be delivered to vessel owner or his representative not later than the day on which the loading of the vessel is completed.

§ 1320.16 Computation of credit period for payment of freight rates at interior California points not served by railroads.

The period fixed for the payment of transportation rates and charges, insofar as applicable to freight from and to Bartle, Calif., when destined to or from interior points described in the report, in Siskiyou, Shasta, and Modoc Counties, Calif., not served by railroad, may be computed from the first 4 p.m. following 26 days after the mailing by petitioner of the freight bills for such traffic.

49 CFR 1322.1 shall be revised to read as follows:

§ 1322.1 Carrier may extend credit to shipper.

(a) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor may relinquish possession of freight in advance of payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay

them, such persons herein being called shippers, for a period of 7 days excluding Saturdays, Sundays, and legal holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill. In regard to traffic of nonprofit shippers' associations and shippers' agents, within the meaning of section 402(c) of part IV of the Interstate Commerce Act, the carriers shall require such organizations to furnish the names of the beneficial owners of the property in the bills of lading or at least have the bills of lading incorporate by reference a document containing the names of the beneficial owners.

(b) Common carriers by motor must also provide in their tariffs that (1) the aforesaid credit period of 7 days excluding Saturdays, Sundays, and legal holi-

days shall automatically be extended to a total of 30 calendar days for any shipper who has not paid the carrier's freight bill within the aforesaid 7-day period, (2) such shipper will be assessed a service charge by the carrier equal to 1 percent of the amount of said freight bill, subject to a \$10 minimum charge, for such extension of the credit period, and (3) no such carrier shall grant credit to any shipper who fails to pay a duly presented freight bill within the 30-day period, unless and until such shipper affirmatively satisfies the carrier that all future freight bills duly presented will be paid strictly in accordance with the rules and regulations prescribed by the Commission for the settlement of carrier rates and charges: *Provided*, That no service charge authorized herein shall be assessed in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or territory, or political subdivision thereof, or for the District of Columbia.

[FR Doc. 75-23808 Filed 9-5-75; 8:45 am]

§ 1464.21 1975 Crop—Burley Tobacco, type 31, loan schedule.

In 50 CFR 216.24(b)(3) and to obtain comments and views of interested persons on the proposed rule.

sion dealing with "Authorization of Appropriations" is amended (Section 114) and funds and manpower are available.



## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF LABOR Occupational Safety and Health Administration

[29 CFR Parts 1910, 1915, 1916, 1917, 1918, 1926]

[Docket No. H-001]

#### STANDARD FOR WORK IN CONFINED SPACES

##### Extension of Time for Comments

On 24 July 1975 an advance notice of proposed rulemaking regarding an occupational safety and health standard for entry into and work in confined spaces was published in the *FEDERAL REGISTER* (40 FR 30980). Interested parties were given until 25 August 1975 to submit data, views, arguments, and comments.

It has now been determined that this deadline is too early to permit full comment by all interested parties. This rulemaking is expected to involve a number of important and complex issues and is of concern to a wide variety of occupations and industries.

Accordingly, it has been determined to be in the public interest to extend the deadline for public comment until October 24, 1975. Interested parties may submit data, views, and arguments relative to the issues set forth in 40 FR 30980 or other issues they feel are pertinent to setting a standard for entry into and work in confined spaces. All communications should be mailed to the Docket Officer, Docket H001, Occupational Safety and Health Administration, U.S. Department of Labor, Rm. N3618, 200 Constitution Ave., NW., Washington, D.C. 20210 by October 24, 1975.

This extension of time for comments is issued under section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941), section 107 of the Contract Work Hours and Safety Standards Act as amended (83 Stat. 96; 40 U.S.C. 333), and section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655).

Signed at Washington, D.C., this 29th day of August 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc.75-23783 Filed 9-5-75; 8:45 am]

### FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 337]

#### INSIDER TRANSACTIONS

Proposed Approval and Record Keeping Requirements; Amendment

1. On September 3, 1975, the Board of Directors of the Federal Deposit Insurance

Corporation published for comment a proposed § 337.3 to be added to Part 337 of Title 12 of the Code of Federal Regulations entitled "Approval and Record Keeping Requirements Pertaining to Insider Transactions." The Board of Directors has decided to amend the proposed § 337.3 in order to make clear that the proposed regulation is intended at this time to apply only to insured State nonmember commercial banks.

2. The first sentence of the fifth paragraph of the notice of proposed rulemaking is amended to read as follows: The regulation would apply to all insured State nonmember commercial banks.

3. The following new paragraph is added immediately preceding the proposed § 337.3:

The proposed regulation does not apply to insured mutual savings banks, although the Corporation's Board of Directors fully intends at an early date to extend similar procedures, specifically adapted to such banks, to transactions involving their officers, employees and trustees. Comments on the proposed regulation are, therefore, solicited from mutual savings banks and their representatives.

4. The proposed new § 337.3 is amended to read as follows:

§ 337.3 Insider transactions.

(a) Definitions—(1) Bank. The term "bank" means any insured State nonmember bank, other than a mutual savings bank as defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f)), and any subsidiary controlled by such a bank.

5. The Corporation intends at an early date to adapt provisions similar to the proposed regulation to the special circumstances of insured nonmember mutual savings banks. Thus, in addition to the comments previously solicited by the Corporation, the Corporation would be interested in receiving comments from insured nonmember mutual savings banks and other interested persons both on the substance of the proposed regulation and on how the provisions might best be adapted to such banks.

6. All interested persons are invited to submit comments in writing on or before October 31, 1975 to Alan Miller, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. All written comments will be made available for public inspection during regular business hours

at the Office of the Executive Secretary, Room 6108, at the above address.

By order of the Board of Directors,  
September 2, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL] ALAN R. MILLER,  
Executive Secretary.

[FR Doc.75-23810 Filed 9-5-75; 8:45 am]

### PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

[36 CFR Part 903]

#### PRIVACY ACT

##### Notice of Proposed Rulemaking

##### Correction

In FR Doc. 75-22730, appearing at page 39671, in the issue for Thursday, August 28, 1975, in the first column of page 39671, in the fourth paragraph, immediately after the third line insert: "addressed to the General Counsel, Penn-".

### DEPARTMENT OF AGRICULTURE

#### Commodity Credit Corporation

[7 CFR Part 1464]

#### BURLEY TOBACCO

##### Grade Loan Rates for Price Support on 1975-Crop Tobacco

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1975-crop burley tobacco.

Interested persons are invited to participate in establishing the grade loan rates to be applied by submitting views and recommendations in writing to the Director, Tobacco and Peanuts Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All comments received on or before October 6, 1975, will be considered. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Under the Tobacco Loan Program published in this part, CCC proposes to establish loan rates by grades for the 1975-crop burley tobacco, type 31, as set forth herein. These proposed rates, calculated to provide the level of support of 96.1 cents per pound as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) are as follows:

### § 1464.21 1975 Crop—Burley Tobacco, type 31, loan schedule.<sup>1</sup>

(Dollars per hundred pounds, farm sales weight)

Grade	Loan rate	Grade	Loan rate
B1F.....	103	T4VF.....	92
B2F.....	102	T5VF.....	87
B3F.....	101	T6VF.....	85
B4F.....	99	T7VF.....	83
B5F.....	97	T8VF.....	81
B1FR.....	102	T5GR.....	80
B2FR.....	101	T6GR.....	77
B3FR.....	100	T7GR.....	75
B4FR.....	98	C1L.....	103
B5FR.....	96	C2L.....	102
B1R.....	100	C3L.....	101
B2R.....	99	C4L.....	99
B3R.....	98	C5L.....	97
B4R.....	96	M3FR.....	93
B5R.....	92	M4FR.....	90
B6R.....	86	M5FR.....	88
B7R.....	82	N1L.....	92
B8R.....	80	N2L.....	85
B9R.....	78	C1F.....	103
B10R.....	76	C2F.....	102
B11R.....	74	C3F.....	101
B12R.....	72	C4F.....	99
B13R.....	70	C5F.....	97
B14R.....	68	C6F.....	95
B15R.....	66	C7F.....	93
B16R.....	64	C8F.....	91
B17R.....	62	C9F.....	89
B18R.....	60	C10F.....	87
B19R.....	58	C11F.....	85
B20R.....	56	C12F.....	83
B21R.....	54	C13F.....	81
B22R.....	52	C14F.....	79
B23R.....	50	C15F.....	77
B24R.....	48	C16F.....	75
B25R.....	46	C17F.....	73
B26R.....	44	C18F.....	71
B27R.....	42	C19F.....	69
B28R.....	40	C20F.....	67
B29R.....	38	C21F.....	65
B30R.....	36	C22F.....	63
B31R.....	34	C23F.....	61
B32R.....	32	C24F.....	59
B33R.....	30	C25F.....	57
B34R.....	28	C26F.....	55
B35R.....	26	C27F.....	53
B36R.....	24	C28F.....	51
B37R.....	22	C29F.....	49
B38R.....	20	C30F.....	47
B39R.....	18	C31F.....	45
B40R.....	16	C32F.....	43
B41R.....	14	C33F.....	41
B42R.....	12	C34F.....	39
B43R.....	10	C35F.....	37
B44R.....	8	C36F.....	35
B45R.....	6	C37F.....	33
B46R.....	4	C38F.....	31
B47R.....	2	C39F.....	29
B48R.....	0	C40F.....	27
B49R.....	0	C41F.....	25
B50R.....	0	C42F.....	23
B51R.....	0	C43F.....	21
B52R.....	0	C44F.....	19
B53R.....	0	C45F.....	17
B54R.....	0	C46F.....	15
B55R.....	0	C47F.....	13
B56R.....	0	C48F.....	11
B57R.....	0	C49F.....	9
B58R.....	0	C50F.....	7
B59R.....	0	C51F.....	5
B60R.....	0	C52F.....	3
B61R.....	0	C53F.....	1
B62R.....	0	C54F.....	0
B63R.....	0	C55F.....	0
B64R.....	0	C56F.....	0
B65R.....	0	C57F.....	0
B66R.....	0	C58F.....	0
B67R.....	0	C59F.....	0
B68R.....	0	C60F.....	0
B69R.....	0	C61F.....	0
B70R.....	0	C62F.....	0
B71R.....	0	C63F.....	0
B72R.....	0	C64F.....	0
B73R.....	0	C65F.....	0
B74R.....	0	C66F.....	0
B75R.....	0	C67F.....	0
B76R.....	0	C68F.....	0
B77R.....	0	C69F.....	0
B78R.....	0	C70F.....	0
B79R.....	0	C71F.....	0
B80R.....	0	C72F.....	0
B81R.....	0	C73F.....	0
B82R.....	0	C74F.....	0
B83R.....	0	C75F.....	0
B84R.....	0	C76F.....	0
B85R.....	0	C77F.....	0
B86R.....	0	C78F.....	0
B87R.....	0	C79F.....	0
B88R.....	0	C80F.....	0
B89R.....	0	C81F.....	0
B90R.....	0	C82F.....	0
B91R.....	0	C83F.....	0
B92R.....	0	C84F.....	0
B93R.....	0	C85F.....	0
B94R.....	0	C86F.....	0
B95R.....	0	C87F.....	0
B96R.....	0	C88F.....	0
B97R.....	0	C89F.....	0
B98R.....	0	C90F.....	0
B99R.....	0	C91F.....	0
B100R.....	0	C92F.....	0

Signed at Washington, D.C., on August 29, 1975.

E. J. PERSON,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.75-23864 Filed 9-5-75; 8:45 am]

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

[50 CFR Part 216]

#### COMMERCIAL FISHING OPERATIONS Hearing To Consider Reissuance of Incidental Take General Permits

Notice is hereby given that, pursuant to 50 CFR 216.24(b)(3), an informal public hearing will be held on October 9, 1975, commencing at 9 a.m. in the Civil Service Commission Auditorium, 1900 E Street, NW., Washington, D.C.

##### PURPOSE OF HEARING

The primary purpose of the hearing is to present the information referred to

<sup>1</sup> Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct \$1 per hundred pounds to apply against overhead costs.

### PROPOSED RULES

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in 50 CFR 216.24(b)(3) and to obtain comments and views of interested persons with respect to the reissuance of general permits to allow the taking of marine mammals incidental to commercial fishing operations. General permits now in effect expire December 31, 1975. The hearing will concern itself principally with the general permit for "Encircling Gear; Yellowfin Tuna Purse Seining" (50 CFR 216.24(d)(2)). Subjects to be discussed include, among others, the following: A proposed quota on the take of porpoise; the observer program; modifications of the existing regulations governing the taking and related acts incidental to commercial fishing operations (50 CFR 216.24); information described in section 103(d)(1)-(4) of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 et seq., with reference to the regulations, general permits in effect and the research and development program; the Draft Environmental Impact Statement concerning the reissuance of general permits, which is available to the public at the Office of the Director, National Marine Fisheries Service (NMFS), 3300 Whitehaven Street, NW., Washington, D.C. 20235; and the Southwest Fisheries Center Administrative Report No. LJ-75-68 entitled "Progress of Research on Porpoise Mortality Incidental to Tuna Purse-Seine Fishing for Fiscal Year 1975", submitted to the Director, NMFS, and made available to the public on August 18, 1975.

If the general permit for "Encircling Gear; Yellowfin Tuna Purse Seining" is reissued, NMFS proposes to establish a quota on the incidental porpoise mortality (for purposes of the quota—the terms porpoise and dolphin shall be interchangeable) that may occur in connection with the use of such general permit. The quota presently being considered is in the range of 50,000–110,000. If a quota is adopted the exact number will be determined by the Director, NMFS, based on the comments and views presented at the hearing and written comments submitted within the time provided. The quota will be fixed on a basis that the allowable kill will, with reasonable assurance, enable the principal stocks of porpoises to increase in size. In addition to a quota, a lower desirable goal for the year will be established in order to move toward the ultimate reduction of porpoise mortality contemplated by the Act.

In order to assist the Director, NMFS, in arriving at a decision on the proposed quota, all interested persons who wish to comment or otherwise participate in the hearing are requested to document or otherwise substantiate their positions in detail. In particular, with respect to the quota, the holder of the general permit and certificate holders are expected to present all economic data they consider relevant with respect to the imposition of a quota, the amount of the quota, and the effect of a quota on the economic viability of their operations. Another matter to be considered is the extent of an observer program. If the Marine Mammal Protection Act's provision dealing with "Authorization of Appropriations" is amended (Section 114) and funds and manpower are available, NMFS intends to have a full observer program if the General Permit is reissued. NMFS observers placed aboard tuna vessels which are entitled to take porpoise incidental to yellowfin tuna purse seining in 1976, will among other things, gather scientific data and monitor compliance with the regulations governing the use of the general permit.

##### AMENDMENTS TO REGULATIONS

In the event the general permits are reissued for the 1976 fishing season, the Director, NMFS, will amend the existing regulations governing the incidental taking of marine mammals in connection with fishing operations (50 CFR 216.24) prior to reissuance of said general permits. In this connection, all parties interested in submitting proposed amendments to said regulations are invited to present the same in writing at the hearing or in advance of the hearing by sending them to the Director, National Marine Fisheries Service at the above mentioned address. All proposals to amend the regulations will be considered. In this regard, amendments are being proposed by NMFS to the following sections of 50 CFR 216.24:

1. Section 216.24(b)(5). To permit operations under a certificate issued while the holder is at sea.

2. Section 216.24(c)(4). To allow for reduced fees when more than one certificate is issued, other than category 2, or when applicants' income is below Federal poverty guidelines.

3. Section 216.24(d)(2)(i). To prohibit sets on striped dolphin, and provide for a quota on all other species of dolphin in order to assure growth of the populations.

4. Section 216.24(d)(2)(iv)(A). To revise the wording on the placement of the porpoise safety panel for ease of understanding and to simplify the language regarding markers and proof of closure of handhold openings.

5. Section 216.24(d)(2)(iv)(E)(2). To define reasons for towing on every set and when towing may cease. To extend the period of hand rescue procedures through "sack-up" and brailing.

6. Section 216.24(d)(2)(v). To delete requirement for torque-balanced cable.

7. To renumber certain subsections in § 216.24(d)(2) due to amendments.

8. Figures 1 through 6 have been revised for clarification.

9. Section 216.24(f). To require that NMFS observers accompany tuna purse-seine vessels which have been operated under a certificate of inclusion, and to require notification by certificate holders prior to embarking on a trip in order to allow placement of an observer.

The following are the specific changes to the regulations. New language has been underlined. Deleted language has not been noted. Due to the number of changes in § 216.24(d)(2), for ease of understanding, it is set forth in its entirety notwithstanding that all its subsections have not been amended.

### § 216.24 [Amended]

Section 216.24(b)(5) is amended as

control to be set around marine mam-

mals when conditions of wind, sea, visi-

garding the porpoise safety panel and

other gear are as follows:

(v) Following a net set where marine

mammals are captured in the course of

sessions when there are substantial

changes in the Act, the regulations or

required to attend other formal training

vessel owner or charterer, board and/or



## § 216.24 [Amended]

Section 216.24(b)(5) is amended as follows: (5) The certificate must be in the possession of the person to whom it was issued in the course of his fishing operations and shall be shown upon request to an enforcement agent or other designated agent of the National Marine Fisheries Service: *Provided, however, That persons at sea on a fishing trip on the date of their certificate of inclusion, to whom a certificate of inclusion for the next year has been issued, may take marine mammals under the terms of the new certificate of inclusion but such persons are obligated to physically obtain the new certificate when they next return to port.*

Section 216.24(c)(4) is amended as follows: (4) Applications for certificates of inclusion must contain a payment in accordance with the following schedule for each person named in paragraph (c)(3)(i) of this section. The schedule of fee payment is:

Categories 1, 3, 4, and 5: Towed or Drugged Gear; Encircling Gear; Seining other than Yellowfin; Stationary Gear; Other Gear: \$10.

Category 2: Encircling Gear, Yellowfin Tuna Purse Seining: \$200.

*Except as provided herein, applicants desiring a certificate of inclusion under more than one general permit will not be required to pay a full fee for each certificate. After the initial fee for a certificate is paid, additional certificates will be issued for a fee of fifty cents each. However, in any case, the full fee must be paid for certificates of inclusion in category 2. Applicants whose incomes are below Federal poverty guidelines will be issued certificates in categories 1, 3, 4 and 5 for a fee of \$1.00 on a showing in their application that their income is below poverty guidelines.*

Section 216.24(d)(2) is amended to read as follows:

(2) Encircling Gear; Yellowfin Tuna Purse Seining. (i) A certificate holder may take marine mammals, so long as such taking is an incidental occurrence in the course of normal commercial fishing operations. *However, striped dolphin, Stenella coeruleoalba may not be taken and the number of all other species of porpoise that may be killed in the course of commercial fishing operations shall be limited to . . . This number may be adjusted from time to time during the year by the Director on the basis of information acquired during that year. Any adjustment in the number of porpoises that may be killed incidental to normal commercial fishing operations shall be published as a Notice in the "Federal Register" along with the reason for such adjustment.* Marine mammals taken incidental to commercial fishing operations shall be immediately returned to the environment where captured without further injury. Each certificate holder shall take every possible step to minimize the incidental mortality and serious injury of marine mammals in the course of commercial fishing operations, including refraining from causing or permitting a purse seine under his

control to be set around marine mammals when conditions of wind, sea, visibility, or the number of marine mammals and/or fish concerned would, in his judgment, be likely to prevent the effective use of the backdown and other procedures required herein. Such steps to minimize mortality and serious injury shall include, where appropriate, causing a purse seine already set on marine mammals to be released and/or opened to facilitate release of marine mammals where such a step will, in his judgment, be effective and conditions prevent the effective use of the procedures required hereunder. The Director may publish findings relating to the conditions of wind, sea, visibility or numbers of marine mammals and fish concerned which prevent the effective use of equipment and procedures required hereunder and result in an unacceptably high rate of incidental mortality and serious injury of marine mammals and under which conditions it would not be permissible to cause a set to be made on marine mammals.

A certificate holder may take such steps as are necessary to protect his catch, gear, or person from depredation, damage, or threat of personal injury without inflicting death or injury to any marine mammal.

(iii) All certificate holders shall maintain daily logs, in such form as the Director may prescribe, of all sets in which marine mammals are taken. Such logs must include the location, time and date of set; weather, and water conditions; estimated number and species of marine mammals upon which set was made; estimated number and species of marine mammals caught; method used to remove marine mammals from net; amount and kind of tuna caught; and an actual count of marine mammals killed, and seriously injured, if any, on each set. Such logs shall be subject to inspection at the discretion of the Regional Director, National Marine Fisheries Service, to whom a certificate application was submitted or his designated agents. In addition, copies of all such logs shall be mailed or delivered to the Regional Director, NMFS, to whom a certificate application was submitted, at the earliest possible opportunity, but no later than 5 days after the most recent recording in the log, except that if a vessel at sea returns to port later than five days after such occurrence, then it shall be reported within forty-eight hours after arrival in port. Certificate holders shall retain the original logs for a period of one year from the date the required copies are submitted to the Regional Director, National Marine Fisheries Service.

(iv) Certificates will be valid only on a vessel equipped with a porpoise safety panel in its purse seine, and using other gear and procedures as herein described. Porpoise safety panels and all other gear used in the course of catching and landing yellowfin tuna, backdown and other release procedures shall be maintained in a proper and seaworthy condition. The specifications and other particulars re-

garding the porpoise safety panel and other gear are as follows:

(A) The porpoise safety panel shall be installed so as to protect the entire perimeter of the backdown area from the outboard end of the number three cork bunching line to the tiedown point. This panel must be a minimum of 100 fathoms in length, except that the minimum length of the panel in nets deeper than 10 panels shall be determined at a ratio of 10 fathoms in length for each panel that the net is deep. The porpoise safety panel shall consist of small mesh webbing not to exceed 2" stretch mesh, extending from the corkline downward, a minimum depth equivalent to one strip of 100 mesh stretch meshing of 4 1/4" mesh.

(B) Each end of the porpoise safety panel must be identified with an easily distinguishable marker.

(C) Throughout the length of the corkline in which the porpoise safety panel is located, hand hold openings are to be secured so that the insertion of a 1 3/8 inch diameter cylindrical-shaped object meets resistance;

(D) In the area of the net where the porpoise safety panel is installed, bunchlines and other gear not necessary to fishing operations or porpoise release procedures should be removed to facilitate release of porpoise during backdown; and

(E) (1) The length of the net where the porpoise safety panel is installed throughout the corkline hangings shall be inspected following each trip. Hangings found to have loosened to the extent that a cylindrical object with a 1 3/8" diameter will not meet resistance when inserted between the cork and corkline hangings, must be tightened so that a cylindrical object with a one and three-eighths inch diameter cannot be inserted.

(2) Nets shall contain bunch lines arranged similar to Figure 6. The arrangements of bunchlines should allow up to 5 bunch lines to be pulled in normal fishing operations and for the use of speed boats to hold the net open by towing of reversed bunch lines as indicated in Figure 3 and 4. Each towing point at the conjunction of reversed bunch lines must be marked with large visible markers so that towing points can be easily located. All vessels operated by certificated holders under this section shall be equipped with two or more speed boats rigged with towing bridle similar to Figure 5 which can be quickly attached to the reverse bunch lines. On every set involving marine mammals speed boats shall be utilized to hook onto the reversed bunch lines and tow the net open in order to prevent the collapse of the net; pockets of loose webbing; and canopies of webbing that might entrap marine mammals. As the net is retrieved, the speedboats may discontinue towing either when their respective bunch lines begin to go up toward the power block or backdown commences. Certificate holders operating vessels that do not carry two or more speed boats may not conduct fishing operations which involve setting purse seines on marine mammals with such vessels.

(v) Following a net set where marine mammals are captured in the course of utilizing a purse seine for catching and landing yellowfin tuna, backdown and other release procedures shall be continued until all live animals have been released from the net. "Backdown procedure" means a series of maneuvers, which takes place after the net is tied down following a set and pursing, which keeps the net open to the greatest degree and allows porpoise or other marine mammals to leave the pursed net over the net floats which are submerged as a result of the vessel moving astern. During and after the backdown operation, at least two men shall remain at the corkline in a boat suitable to extricate live entangled porpoises, where possible, and release them over the corkline. The extrication and release shall be accomplished by hand and due consideration will be given to the safety of the crew. The two men shall remain in the boat or transfer to a platform from which they can continue to release any remaining live marine mammals up to and through the "sacking up" and brailing operations.

(vi) Purse seine nets and other gear and equipment utilized to catch and land fish under this section and to conduct backdown and other procedures herein required, shall be maintained in functional and seaworthy condition. All certificate holders shall maintain proficiency sufficient to perform the procedures required herein. Vessel gear and equipment as well as the proficiency of certificate holders will be subject to inspection and examination by authorized NMFS personnel at any time at the discretion of the Director. Any vessel found to not be equipped with gear which is in conformity with these regulations or is not maintained in a functional and seaworthy conditions shall be declared ineligible for use by a certificate holder for commercial fishing operations under this section and the certificate of any certificate holder who is found to lack proficiency in the procedures required herein shall be immediately suspended or revoked.

(vii) A certificate holder's proficiency shall be determined by proof of attendance at and satisfactory completion of a formal training session conducted under the auspices of the National Marine Fisheries Service. At the training session, a certificate holder shall be instructed concerning the provisions of the Marine Mammal Protection Act of 1972, the regulations promulgated pursuant to the Act, the requirements of his certificate of inclusion and the appropriate general permit, and the fishing gear and techniques which are required or will contribute to reducing serious injury and mortality of porpoises incidental to purse seining for yellowfin tuna. In addition, for continuation or renewal of a certificate, a certificate holder may be

sessions when there are substantial changes in the Act, the regulations or the required fishing gear and techniques.

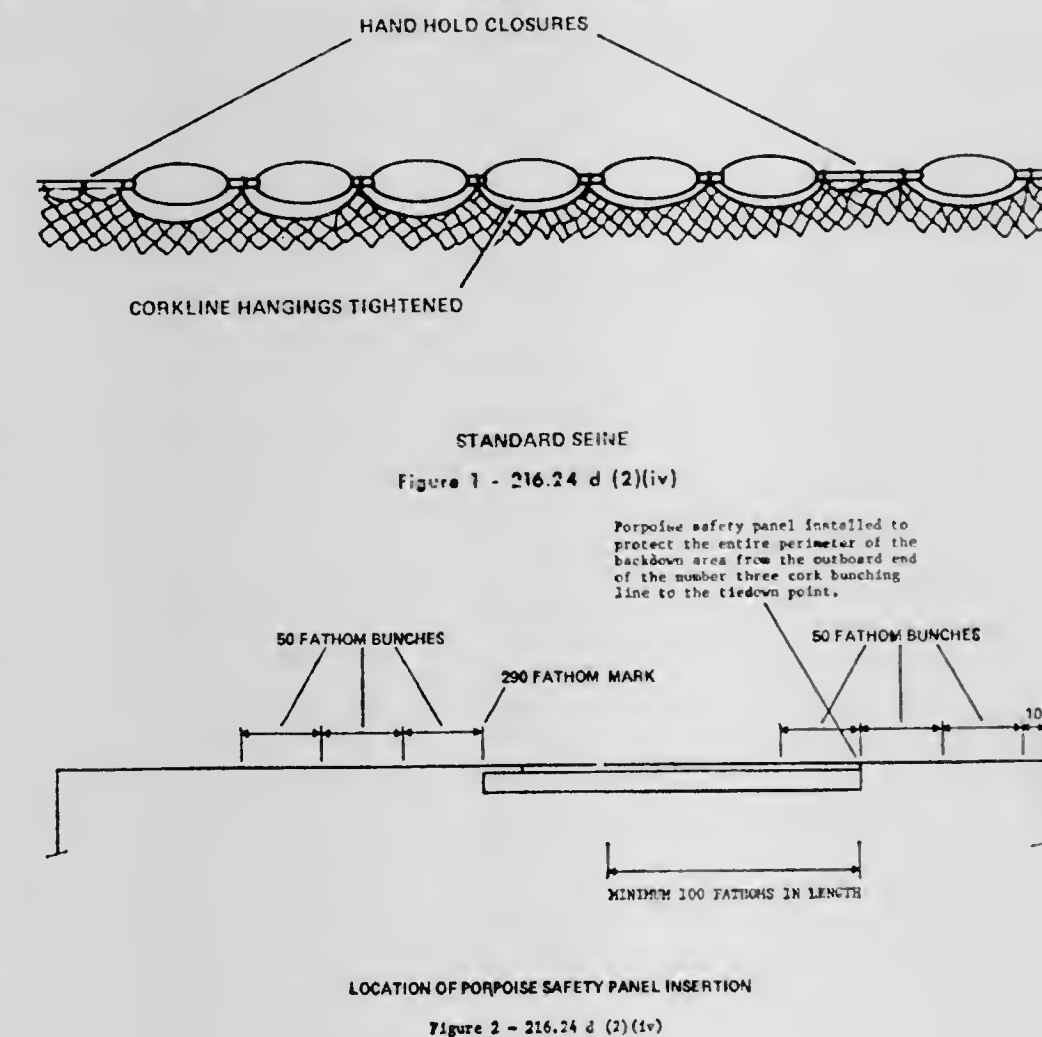
(viii) The Director may publish a finding of the rate of incidental mortality and serious injury of marine mammals in the course of commercial fishing operations conducted pursuant to these regulations.

(ix) Failure to comply with the provisions of this permit or these regulations, including, but not limited to, failure to submit upon demand to an inspection or examination by an authorized agent of the National Marine Fisheries Service, falsification of logs and reports required hereunder, or failure to satisfy the requirement of any provisions of these regulations, will subject certificate holders, vessel masters, or owners to immediate revocation of the certificate and/or right to be included under a general permit and further subject certificate holders, vessel masters, or owners to the penalties provided for under the Act.

Figures 1 through 6 in § 216.24(d)(2) have been revised.

Section 216.24(f) is amended as follows: (f) Any duly authorized agents of the Secretary may from time to time, after timely oral or written notice to the

required to attend other formal training vessel owner or charterer, board and/or accompany on regular trips any commercial fishing vessel which has been operated by a certificate holder in the year in which the Secretary makes such notification for the purpose of conducting research or observation operations. Such research and observation operations shall be carried out in such manner as to minimize interference with commercial fishing operations. No masters, charterers, operator or owner of such vessel shall impair or in any way interfere with the research or observations being carried out. The Secretary shall provide for the payment of all reasonable costs directly related to the quartering and maintaining of such agents on board such vessels. Any holder of a certificate of inclusion under General Permit Category 2, Encircling Gear; Yellowfin Tuna Purse Seining shall notify the Regional Director, Southwest Region, National Marine Fisheries Service (telephone no. 213/548-2575) 72 hours in advance of each fishing voyage, in order to enable the Regional Director to, at his discretion, arrange for a designated observer to accompany the vessel on that voyage. Failure to notify the Regional Director, sufficiently in



advance of departure on such voyage will subject the certificate holder, the vessel, and the crew to the provisions of the Act.



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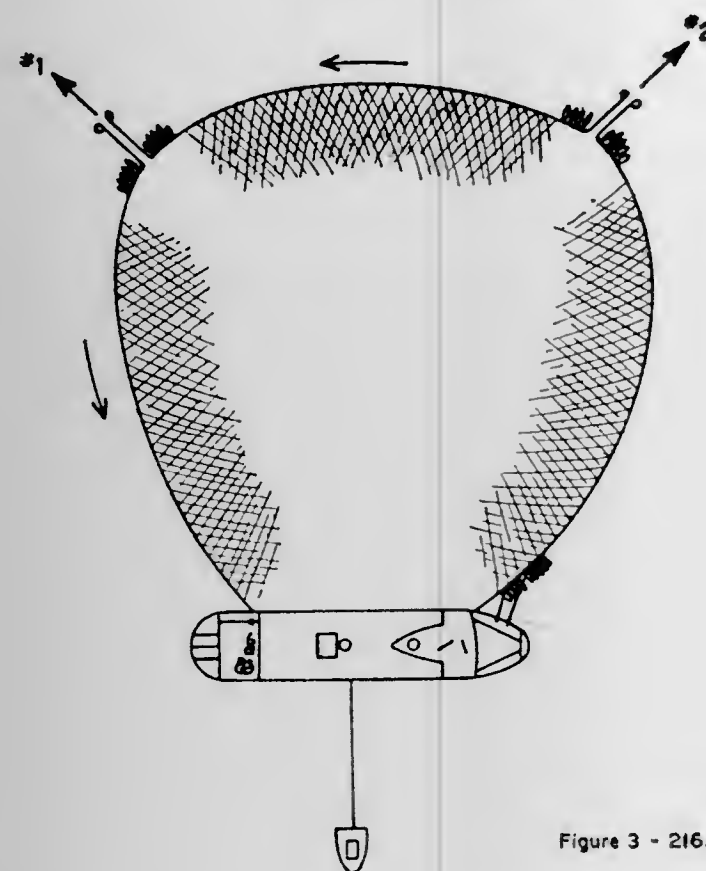


Figure 3 - 216.24 d (2)(iv)

SPEEDBOATS HOLDING NET OPEN, AFTER THE NET IS PURSED, UTILIZING TWO SPEEDBOATS

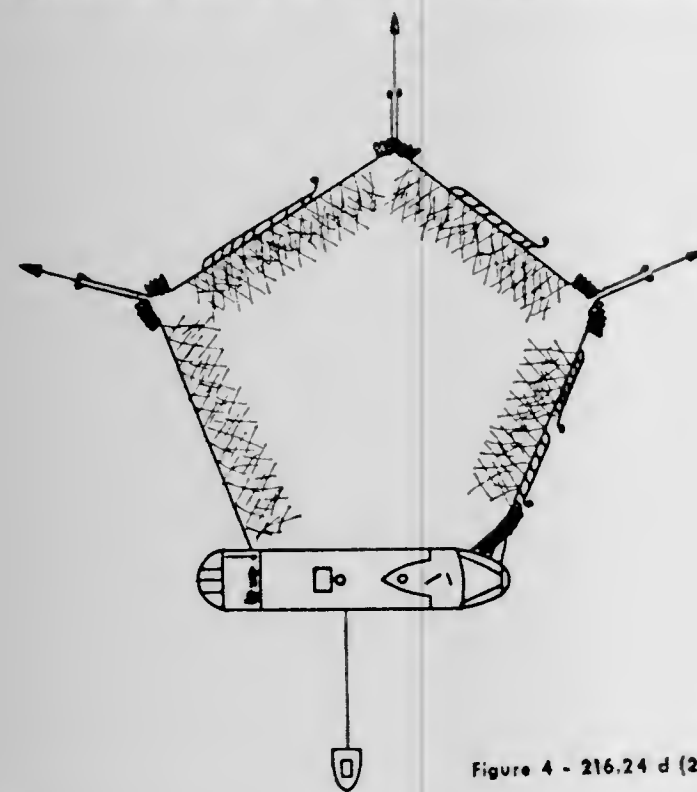


Figure 4 - 216.24 d (2)(iv)

SPEEDBOATS HOLDING NET OPEN, AFTER THE NET IS PURSED, UTILIZING THE THREE REVERSED BUNCH LINES.

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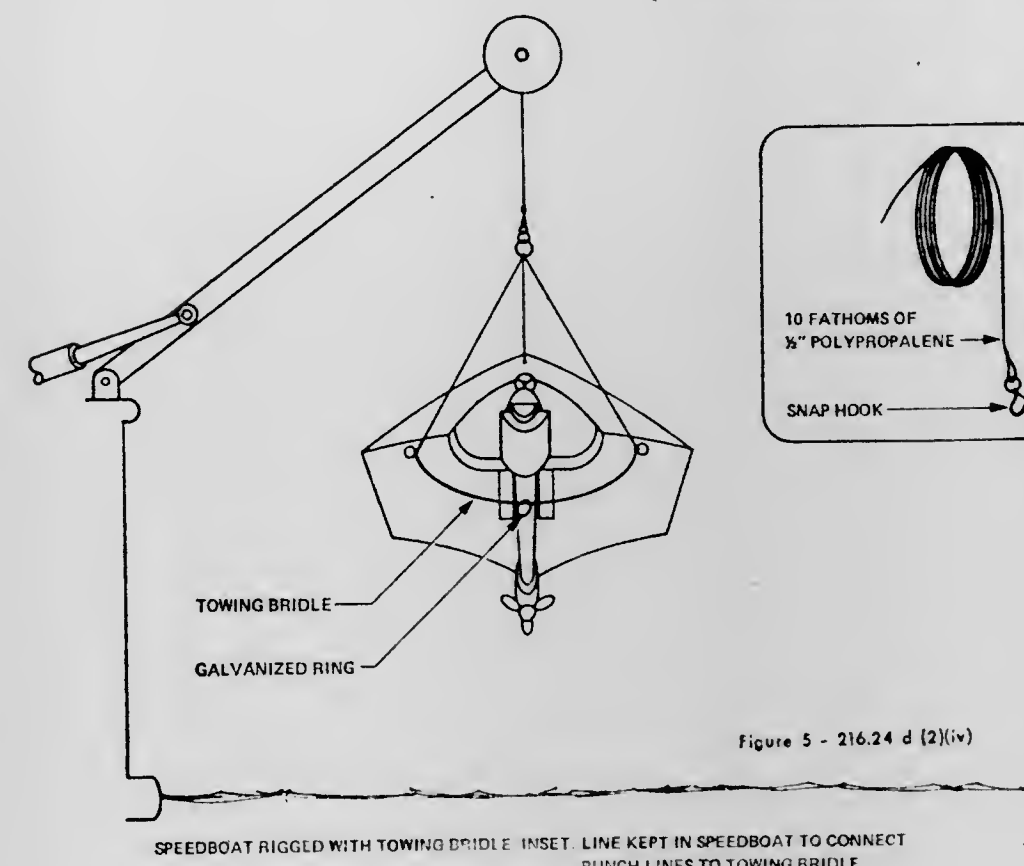


Figure 5 - 216.24 d (2)(iv)

SPEEDBOAT RIGGED WITH TOWING BRIDLE. INSET. LINE KEPT IN SPEEDBOAT TO CONNECT BUNCH LINES TO TOWING BRIDLE.

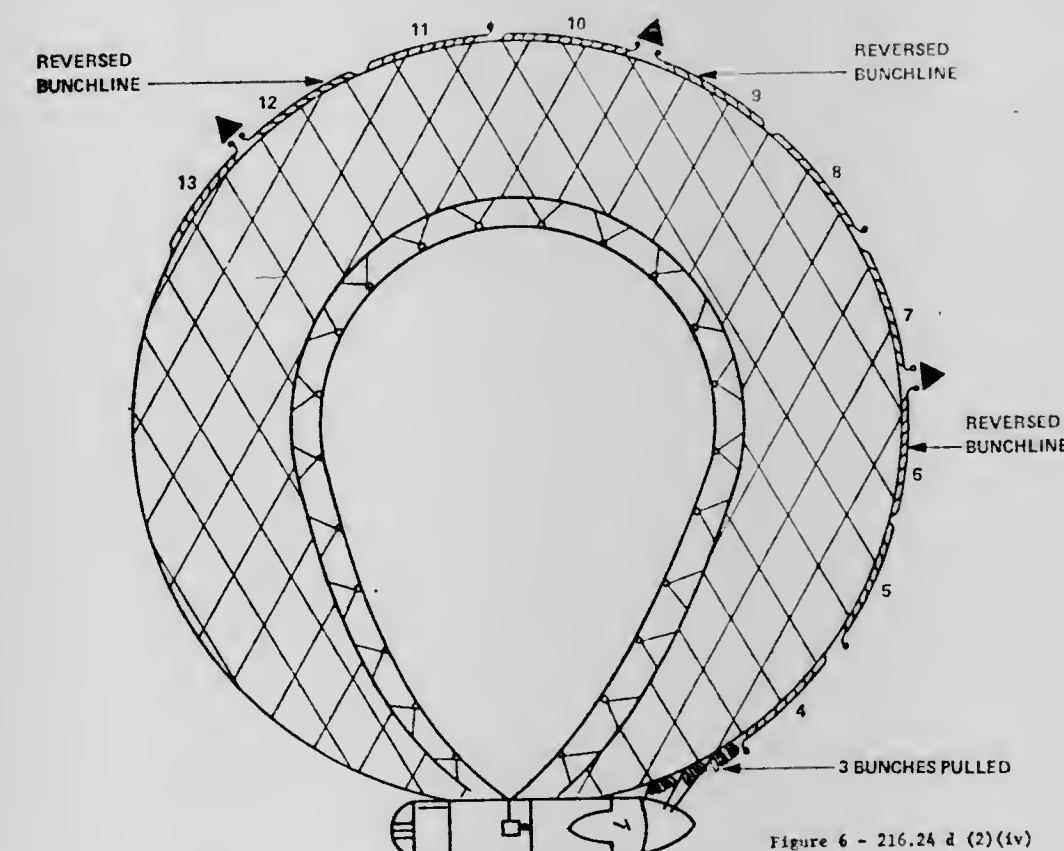


Figure 6 - 216.24 d (2)(iv)

LOCATION OF REVERSE BUNCHLINES FOR USE WITH SPEEDBOATS TO HOLD NET OPEN USING A TOTAL OF 13 BUNCH LINES. TRIANGLES DENOTE TOWING POINTS.

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advance of departure on such voyage will subject the certificate holder, the vessel, the masters, and/or owner to the provisions of Section 216.24(d)(2)(ix).

## MARINE MAMMAL POPULATION DATA

In accordance with 50 CFR 216.24(b)(3), the Director hereby presents the information required therein:

(1) "A statement of the estimated existing levels of the species and population stocks of the marine mammal concerned."

Of the approximately 104 species of marine mammals throughout the world, about 19 may be involved in commercial fishing operations conducted by persons subject to the jurisdiction of the United States. These 19 species with estimated population levels are as follows:

1. California sea lion (*Zalophus californianus californianus*), 60,000.
2. Northern (Steller) sea lion (*Eumetopias jubatus*), 200,000.
3. Northern fur seal (*Callorhinus ursinus*), 1,645,000.
4. Harbor seal (*Phoca vitulina*), 900,000.
5. Gray seal (*Halichoerus grypus*), 60,000.
6. Bottlenosed dolphin (*Tursiops truncatus*), unknown.
7. Fraser's (Sarawak) dolphin (*Lagenodelphis hosei*), unknown.
8. Spotted dolphin (*Stenella attenuata*, *S. frontalis*, *S. graffmani*, *S. dubia*)—Eastern Tropical Pacific, 3,100,000 to 3,500,000.
9. Spinner dolphin (*Stenella longirostris*), 1,100,000 to 1,200,000.
10. Striped dolphin (*Stenella coeruleoalba*), unknown.
11. Common dolphin (*Delphinus delphis*), unknown.
12. Gulf of California Harbor porpoise (*Phocoena sinus*), unknown.
13. Harbor porpoise (*Phocoena phocoena*), unknown.
14. Pygmy Killer whale (*Feresa attenuata*), unknown.
15. False Killer whale (*Pseudorca crassidens*), uncommon-unknown.
16. Killer whale (*Orcinus orca*), unknown.
17. Beluga whale (*Delphinapterus leucas*), 32,000 to 58,000.
18. Dall porpoise (*Phocoenoides dalli*), unknown.
19. Sea otter (*Enhydra lutris*), unknown (126,500 in Alaska and California).

(2) "A statement of the expected impact of the proposed regulations on the optimum sustainable population of each species or population stock."

Porpoise and small whales in the eastern tropical Pacific Ocean are the species most frequently taken incidental to yellowfin tuna purse seining. Recent estimates of the NMFS regarding porpoise kills by U.S. yellowfin tuna purse seiners are 312,400 in 1971, 304,600 in 1972, 175,100 in 1973 and 97,800 in 1974. The projected kill in 1975 by U.S. purse seiners is 81,000 to 186,000. Population levels of the two population stocks principally involved (approximately 82% of the total killed in 1974), are estimated to be: the

## PROPOSED RULES

offshore spotted dolphin, *Stenella attenuata*, 216.24(d)(2)(iv). On December 10 and 11, 1974, a public hearing was held in Washington, D.C. to forth in paragraph (d) below and pose questions for other persons who partici-

DEPARTMENT OF

## PROPOSED RULES

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FAR 21.197 to a place where a replacement can be performed, providing the existing am-



offshore spotted dolphin, *Stenella attenuata*, 3.1 to 3.5 million, and the eastern spinner dolphin, *Stenella longirostris*, 1.1 to 1.2 million.

Optimum sustainable population levels have not been determined; therefore, no statement can be made as to the effect of the proposed action on optimum sustainable populations. The estimated annual incidental mortality rate on spotted dolphin for 1974 is 2.1 percent to 2.3 percent of the estimated population and for eastern spinner dolphin 1.8 percent to 2.8 percent of the estimated population. At these levels of incidental fishing mortality, the present population stocks are either stable or increasing or decreasing slightly. There is no evidence that the porpoise populations would substantially increase or decrease as a result of the regulations and issuance of the general permit.

Striped dolphin have not historically been significantly involved in the fishery. When sets were made on striped dolphin, the yield of tuna was very low. The occurrence in tuna purse seine fishing is uncommon. It is felt prudent, therefore, to prohibit sets on striped dolphin in order to afford them complete protection.

The other marine mammals known to be taken incidental to commercial fishing operations are not considered to be taken in numbers which will affect population sizes.

Even though optimum sustainable populations have not been determined for most marine mammals, the expected impact of the proposed action is that mortality and serious injuries to marine mammals occurring incidental to commercial fishing operations will be minimized to the extent possible, allowing populations to maintain and in some cases increase their present population levels.

(3) "A statement describing the evidence before the Secretary upon which he proposes to base such regulations."

In addition to the reports referred to in (4) below, the evidence relied upon by the National Marine Fisheries Service includes the legislative history of the Marine Mammal Protection Act of 1972 and Inter-American Tropical Tuna Commission reports.

(4) "Any studies made by or for the Secretary or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such regulations."

Information available upon which proposed regulations were based in 1974 was listed in 39 FR 9685, March 13, 1974. Subsequent to that publication additional material was submitted for the record as evidence at the public hearing held in Seattle, Washington, May 15 and 16, 1974.

A final environmental impact statement (FEIS) regarding promulgated regulations was transmitted to the Council on Environmental Quality (CEQ) on August 29, 1974.

On December 10 and 11, 1974, a public hearing was held in Washington, D.C. to discuss, inter alia, a 1974 draft report on Tuna-Porpoise Research, Southwest Fisheries Center, La Jolla, California.

The following documents were made a part of the record at the December hearing:

Panel review report on background documents for the draft Tuna-Porpoise Report, dated December 16, 1974.  
Statement and supplemental statement of the Sub-Committee on the Porpoise/Tuna Problem of the Committee of Scientific Advisors, Marine Mammal Commission, December 10 and 11 and 27, 1974.

Letters received from the public regarding the Dec. 10 and 11 hearing.

Subsequent to the December 10 and 11 hearing, the Deputy Director, NMFS, submitted a summary of all recommendations received at the hearing and recommended regulatory amendments which were promulgated effective January 3, 1975. (40 FR 761, Jan. 3, 1975).

The following reports have been published and are available for reference:

Report to Congress on the Research and Development Program to Reduce the Incidental Take of Marine Mammals, October 31, 1974.

Report submitted to Congress on the Administration of the Marine Mammal Protection Act of 1972, NMFS, June 20, 1975.

Progress of Research on Porpoise Mortality Incidental to Tuna Purse-seine Fishing for Fiscal Year 1975, Southwest Fisheries Center, NMFS, La Jolla, California, August 8, 1975.

#### HEARING PROCEDURES

Procedures for the hearing will be as follows:

(a) The presiding official shall, at the opening of the hearing and prior to any presentation, have noted as part of the record: All applications for reissuance of general permits; all proposed amendments to the regulations submitted to the public; the Draft Environmental Impact Statement; and this Notice; and shall announce the order in which presentations will be made. The presiding official may commence the hearing with an opening statement.

(b) The presiding official shall have authority to:

(1) Change the time and place of the hearing, extend the hearing, or adjourn the hearing;

(2) Question participants;

(3) Do all acts, take all measures and adopt such further procedures not inconsistent with these procedures as he deems desirable for the maintenance of order and the efficient conduct of the proceeding. In particular he may: (i) exclude all irrelevant, immaterial or unduly repetitious matters; (ii) limit the number of times, and the length of time, any person may speak; and (iii) limit repetitious questioning of participants and the length of time a participant may be questioned.

(c) All interested persons may participate in the hearing and present their comments and views in the manner set

forth in paragraph (d) below and pose questions for other persons who participate in the hearing;

(d) At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person shall sign up on the list provided at the hearing room at the commencement of the hearing. Persons shall be allowed to speak in the order of listing subject to the discretion of the presiding official to arrange a more efficient order of presentations. A person shall, before proceeding to speak, state his name, address and occupation. If any such person is appearing through counsel or representative, such counsel or representative shall, before proceeding to speak or otherwise to participate in the hearing, state for the record on whose behalf he or she is speaking or otherwise participating, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give any other information respecting his appearance as the presiding official may request.

(e) Certification of Transcript. As soon as possible after the hearing, the presiding official shall transmit to the Director, NMFS, an original and two copies of the transcript of the hearing. He shall attach to the original transcript of the hearing his certificate stating that to the best of his knowledge and belief, the transcript is a true transcript of the hearing except in such particulars as he shall specify; and that the documents transmitted are all the documents as introduced and accepted at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each copy of the transcript of the hearing.

(f) Examination of the transcript. During the period in which the record remains open, a copy of the transcript and documents shall be kept on file in the Office of the Director, NMFS, where it shall be available for examination during official hours of business.

(g) Any interested person may submit written comments for inclusion in the official record to the Director, NMFS, 3300 Whitehaven Street, NW., Washington, D.C. 20235. Written comments will be accepted for the official record provided they are received no later than October 24, 1975.

Any inquiries with respect to the hearing or this Notice should be made to the Office of Marine Mammals and Endangered Species, NMFS, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (telephone 202/634-7529).

Dated: September 2, 1975.

JACK W. GEHRINGER,  
Deputy Director,  
National Marine Fisheries Service.  
[FR Doc.75-23632 Filed 9-5-75; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### [ 33 CFR Part 117 ]

[CGD 75 172]

#### DEEP RIVER, WASHINGTON

##### Drawbridge Operation Regulations

At the request of the Washington State Highway Commission, the Coast Guard is considering revising the regulations for the highway bridge across the Deep River, mile 3.5, near Deep River, Washington, to require that the draw shall open on signal at all times if at least four hours notice is given. Present regulations require that the draw open on signal from 7 a.m. Monday through 4:30 p.m. Friday and from 4:30 p.m. Friday through 8 a.m. Monday if at least four hours notice is given. This change is being considered because of infrequent requests for openings for vessel passage.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Thirteenth Coast Guard District, Federal Building, 915 Second Avenue, Seattle, Washington 98174. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District, will forward any comments received before October 17, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.810(f)(9) to read as follows:

§ 117.810 Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.

(f) . . . . .  
(9) Deep River, Wash., mile 3.5, state highway bridge one mile south of the town of Deep River. The draw shall open on signal if at least four hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: September 2, 1975.

R. I. PRICE,  
Rear Admiral, U.S. Coast  
Guard, Chief, Office of Marine  
Environment and Systems.

[FR Doc.75-23763 Filed 9-5-75; 8:45 am]

## Federal Aviation Administration

### [ 14 CFR Part 39 ]

[Docket No. 75-CE-22-AD]

#### BEECH MODEL 200 AIRPLANES

##### Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Beech Model 200 airplanes. There have been reports of unintended propeller featherings on Beech Model 200 airplanes which are caused by failure of the low pitch stop amplifier. These failures could result in a hazardous condition if feathering occurs during certain phases of the aircraft operation. The manufacturer is making available a new circuit board incorporating an improved design low pitch stop amplifier to preclude these failures. Accordingly, an AD is being proposed applicable to Beech Model 200 airplanes which will require replacement of presently installed circuit boards with those of the improved design.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before October 8, 1975, will be considered before action is taken upon the proposed Rule. The proposals contained in this Notice may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

BEECH. Applies to Model 200 (Serial Numbers BB-2 thru BB-18 and BB-20 thru BB-60) airplanes.

Compliance: Required within 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent unintentional feathering of a propeller due to failure of the secondary low pitch stop amplifier, accomplish the following:

(A) Replace both P/N 101-364170-1 and P/N 101-364170-9 printed circuit board assemblies with P/N 101-364170-15 printed circuit board assemblies in accordance with Beechcraft Service Instruction No. 0745-354 or later approved revisions or any equivalent method of compliance approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(B) Airplanes which have accumulated 100 hours' time in service after the effective date of this AD may be flown in accordance with

FAR 21.197 to a place where a replacement can be performed, providing the existing amplifiers have not malfunctioned.

Issued in Kansas City, Missouri, on August 27, 1975.

C. R. MELUGIN, Jr.,  
Director, Central Region.

[FR Doc.75-23709 Filed 9-5-75; 8:45 am]

#### Materials Transportation Bureau

[ 49 CFR Parts 102, 107, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189 ]

[Docket No. HM-112; Notice No. 73-9A]

#### FLAMMABLE, COMBUSTIBLE, AND PYROPHORIC LIQUIDS ABOARD VESSELS

##### Proposed Rulemaking

The purpose of this notice is to propose an amendment to the regulations in Title 49, Code of Federal Regulations, Part 102, Part 107 (as proposed under Docket HM-127; Notice 75-7; 40 FR 32758; August 4, 1975) and Parts 170-189 applicable to flammable, combustible, and pyrophoric liquids aboard vessels, consistent with the definitions adopted for these materials in amendment 172-23, 173-78, 174-19, 177-29, and 173-78A under Docket No. HM-102 published on January 24, 1974 (39 FR 2768), May 22, 1975 (40 FR 22263) and June 12, 1975 (40 FR 25024).

Rather than publishing extensive proposed changes to Title 46, Code of Federal Regulations, Part 146, the Materials Transportation Bureau (MTB) proposes to modify existing proposals dealing with these materials shipped aboard vessels that were made by the Hazardous Materials Regulations Board (the Board) under Docket No. HM-112; Notice 73-9 (39 FR 3022; January 24, 1974) wherein the Board proposed to consolidate the Department's Hazardous Materials Regulations.

In particular, the Bureau proposes to modify Notice 73-9 to specify in proposed § 170.8 that the regulations in the subchapter do not apply to combustible liquids aboard vessels in packagings having capacities of 110 gallons or less and remove limitations on applicability of the regulations specified in proposed § 176-300. The Bureau proposes that the terms flammable liquid, combustible liquid and pyrophoric liquid will have the same meaning in the Department's regulations pertaining to the carriage of hazardous materials in containers aboard vessels as they have to transportation by air, highway and rail. Commenters should note that specific packaging proposals were made by the Board in Notice 73-9 for combustible liquids transported aboard aircraft and passenger vessels (see proposed §§ 173.119a and 173.119b). Also, that same notice contained a proposal to modify the exemptions in § 173.118 thereby making the transportation of combustible liquids aboard aircraft and vessels subject to specification packaging requirements when in tanks having capacities of more than 110 gallons.

In order to expedite this proceeding and to limit the delay on final consideration, the following documents were made a part of the record at the September 2, 1975, hearing:

Issued in Washington, D.C., on September 2, 1975.

small producer sales nationwide pursuant to existing and future contracts at the price specified in each such contract. The



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In order to expedite this proceeding and to limit the delay on final consideration of the proposals made previously under this Docket, the Bureau will hold a public hearing in Room 8332, Nassif Building, 7th & D Streets, SW., Washington, D.C. on October 1, 1975 beginning at 9:30 a.m. to hear the comments of interested persons on the proposals in this Notice. Persons desiring to present their comments in writing should submit them to: Section of Dockets, Materials Transportation Bureau, U.S. Department of Transportation, Trans Point Building, Washington, D.C. 20590. All comments received before the close of business on October 8, 1975, will be considered, and will be available in the docket for examination both before and after the closing date. Comments received after the closing date and too late for consideration will be treated as suggestions for future rule making.

(Transportation of Explosives Act (18 U.S.C. 831-835); sec. 6, Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c)); Dangerous Cargo Act, as amended (46 U.S.C. 170); Tank Vessel Act of 1936 (46 U.S.C. 391a, 46 U.S.C. 375, 46 U.S.C. 416, 49 U.S.C. 1655(b) (1)); 49 CFR 146(b))

$\alpha$ -Alkyl (C<sub>8</sub>-C<sub>16</sub>)- $\omega$ -hydroxypoly(oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content ave. 3 moles; polyoxyethylene content ave. 7 moles; ave. molecular weight approx. 625.

$\alpha$ -(o,p-dinonylphenyl)- $\omega$ -hydroxy-poly(oxyethylene) produced by condensation of 1 mole of dinonylphenyl (nonyl group is a propylene trimer isomer) with an ave. of 4-14 or 140-160 moles of ethylene oxide.

Glyceryltris 12-hydroxystearate, polyacrylic acid, sodium carboxymethylcellulose, sodium sulfate.

Sodium tetraborate

Based on available information on the chemistry and toxicity of these substances, as well as a review of the history of their use, it has been found that when used in accordance with good agricultural practice, these substances are useful as adjuvants and do not pose a hazard. It has, therefore, been concluded that the proposed amendment to the regulation (40 CFR 180.1001) will protect the public health.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before October 8, 1975, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M. St. SW, Washington DC 20460. Three copies of the

Issued in Washington, D.C., on September 2, 1975.

ALAN I. ROBERTS,  
Director, Office of  
Hazardous Materials Operations.

[FR Doc.75-23701 Filed 9-5-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 426-7; OPP-300006]

## PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

## Proposed Exemptions from Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

At the request of several interested persons, the Administrator, Environmental Protection Agency, is proposing, pursuant to the provisions of section 408(e) of the Federal Food, Drug, and Cosmetic Act, to amend 40 CFR 180.1001 to exempt certain pesticide chemicals which are additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements.

The inert (or occasionally active) ingredients concerned, and the persons requesting that the Administrator propose exemptions with respect to them, are as follows:

Oil Chem. Co., 120 Long  
Ridge Rd., Stamford CT  
06904.

GAP Corp., Chemical Div., 140  
W. 51st St., New York NY  
10020.

NL Industries Industrial  
Chem. Div., PO Box 700,  
Hightstown NJ 08520.

ICI United States, Inc., Wil-  
mington DE 19897.

comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before October 8, 1975, and should bear a notation indicating the subject (OPP-300006). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 29, 1975.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

It is proposed that Part 180, Subpart D, § 180.1001 be amended by revising the item " $\alpha$ -(o,p-dinonylphenyl)- $\omega$ -hydroxypoly(oxyethylene) produced . . ." in paragraph (c) and by alphabetically inserting new items in paragraphs (c), (d), and (e) as follows.

§ 180.1001 Exemptions from the requirement of a tolerance.

(c) . . .

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Inert ingredients	Limits	Uses
$\alpha$ -Alkyl (C <sub>8</sub> -C <sub>16</sub> )- $\omega$ -hydroxypoly(oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content average 3 moles; polyoxyethylene content average 7 moles; average molecular weight approximately 625.		Surfactants, related adjuvants of surfactants.
$\alpha$ -(o,p-dinonylphenyl)- $\omega$ -hydroxypoly(oxyethylene) produced by condensation of 1 mole of dinonylphenyl (nonyl group is a propylene trimer isomer) with an average of 4-14 or 140-160 moles of ethylene oxide.		Surfactants, related adjuvants of surfactants.

(d) . . .

Inert ingredients	Limits	Uses
Glyceryltris 12-hydroxystearate.		Flow control agent.
Sodium tetraborate.	Not more than 2 percent of pesticide formulation.	Buffering agent; corrosion inhibitor.

(e) . . .

Inert ingredients	Limits	Uses
$\alpha$ -Alkyl (C <sub>8</sub> -C <sub>16</sub> )- $\omega$ -hydroxypoly(oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content average 3 moles; polyoxyethylene content average 7 moles; average molecular weight approximately 625.		Surfactants, related adjuvants of surfactants.
Glyceryltris 12-hydroxystearate.		Flow control agent.
Polyacrylic acid.		Surfactants, related adjuvants of surfactants.
Sodium carboxymethyl-cellulose.		Suspending and thickening agent.
Sodium sulfate.		Solid diluent, carrier.

[FR Doc.75-23679 Filed 9-5-75;8:45 am]

## FEDERAL POWER COMMISSION

[18 CFR Parts 154, 201, 260]

[Docket Nos. RM74-4, R-411]

## ACCOUNTING AND RATE TREATMENT OF ADVANCE FOR GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

## Extension of Time; Correction

AUGUST 25, 1975.

In the notice of extension of time issued August 14, 1975, and published in the FEDERAL REGISTER on August 25, 1975, at 40 FR 37056, in paragraph 2, line 9, initial comments are due "September 22, 1975," instead of "September 20, 1975."

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23690 Filed 9-5-75;8:45 am]

[18 CFR Part 157]

[Docket No. RM76-5]

## SMALL PRODUCERS

## Exemption of Producers From Certain Filing Requirements

AUGUST 28, 1975.

Notice is hereby given pursuant to the Administrative Procedure Act, 5 U.S.C. 553, et. seq., and sections 4, 5, 7 and 16 of the Natural Gas Act, (52 Stat. 822,

823, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717g) that the Commission proposes prospectively to require small producers who are making jurisdictional sales under § 157.40 of the Commission's Regulations Under the Natural Gas Act at a rate in excess of the applicable just and reasonable ceiling for small producers established by the Commission in Opinion No. 742 issued August 28, 1975, to reduce such rate to the ceiling prescribed in Opinion No. 742. As a result, we propose to revise subparagraph (c) of § 157.40 relating to the rate a small producer may charge, and paragraph (f) of § 157.40 relating to purchases by a large producer from a small producer. We also propose to eliminate paragraph (e) of § 157.40 relating to the limitation on the right of a small producer to utilize certain contractual provisions and paragraph (d) of § 157.40 relating to pipeline purchases, inasmuch as there would be no need prospectively for such subparagraphs in the event we require small producers to reduce their rates to the applicable level prescribed in Opinion No. 742.

In Order No. 428 issued March 18, 1971, 45 FPC 454, the Commission established a blanket certificate procedure for small producers. Small producers certificated thereunder were authorized to make

small producer sales nationwide pursuant to existing and future contracts at the price specified in each such contract. The Commission also provided there for the indirect regulation of small producer sales at the pipeline level through the review of purchased gas costs of each pipeline with respect to small producer sales. The United States Supreme Court in "F.P.C. v. Texaco," 417 U.S. 380, upheld the power of this Commission to regulate indirectly sales made by small producers, but remanded the case for other reasons. Following that remand the Commission in its notice of proposed rulemaking issued September 9, 1974, in Docket No. R-393, mimeo p. 2, indicated that it would not entertain any comments with respect to the indirect regulation of small producer sales. And, in Opinion No. 742, in addition to determining the just and reasonable ceilings for small producers, the Commission also provided for indirect regulation of such sales at the pipeline level. The Commission further provided that small producers would not be required to make refunds in those situations where a pipeline was unable to show that the rate paid by it to a small producer in excess of the applicable just and reasonable ceiling established in Opinion No. 742 was just and reasonable. In such circumstances, however, the pipeline would not be permitted to include in its cost of service any rate in excess of the just and reasonable rate. The purpose of this rulemaking proceeding is not to question the merits of indirect regulation. That matter was decided favorably in Order No. 428, and again in Opinion No. 742. Accordingly, we wish to make it quite clear that we will entertain no objections to indirect regulation.

We direct attention here to the question of whether we should require small producers to reduce prospectively their above-ceiling rates to the applicable just and reasonable ceiling established in Opinion No. 742. We seek comments directed to the public interest considerations involved in the need, if any, for a small producer to collect an above ceiling rate in the light of the just and reasonable differential established for small producers in Opinion No. 742. Under our proposal here, a small producer would be entitled to seek special relief pursuant to the applicable area or national rate opinion, but, the small producer would be limited to the applicable ceiling under Opinion No. 742 unless or until special relief was granted.

Any interested person desiring to participate in this proceeding shall file with the Secretary of the Commission on or before September 17, 1975, a notice of intent to participate in this proceeding setting forth the name of the person desiring to participate in the proceeding and the name, title, mailing address, and telephone number of the person or persons to whom communications concerning this proceeding should be addressed; and such notices shall be submitted on letter size paper (8" by 10 1/2" or 8 1/2" by 11") and single spaced. The Secretary will prepare, publish, and serve upon all persons who filed a notice of intention to participate, on or before September 26,

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1975, a list of all persons filing a notice of intention to participate including groups of participants. Participants shall certify that all other participants or a group's designated representative have been served with a copy of each filing made hereunder.

Responses in writing concerning this rulemaking proceeding shall be filed with the Secretary of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before October 27, 1975. Replies to these submissions shall be filed with the Commission on or before November 17, 1975. All such written comments shall state the name, title, mailing address, and telephone number of the person or persons to whom communications concerning this rulemaking proceeding should be addressed. The written submissions shall be single spaced and submitted upon letter size paper (8" by 10 1/2" or 8 1/2" by 11"). An original and fourteen (14) conformed copies of each such response shall be filed with the Commission, and copies of all written submissions will be placed in the Commission's public files and will be available for inspection in the Commission's Office of Public Information at 825 North Capitol Street, NE, Washington, D.C. 20426, during regular business hours. All statements and submissions in response to this notice shall be under oath, acknowledged by a notary public or comparable official, as follows: -----

(name)

being duly sworn, deposes and says that he is (title and organization, if filing is in a representative capacity) authorized to verify and file this document, that he has examined the statements contained in the submittal or response, and that all such statements are true and correct to the best of his knowledge, information, and belief.

It is our present belief that there is no need for any public conference on this notice. The procedures to be followed in this proceeding will be those of informal rulemaking and at this juncture we do not envision a trial-type adjudicatory hearing or oral cross-examination. All participants are afforded the opportunity to respond to this notice and to file written rebuttals to other responses, all of which will be considered by the Commission in issuing a final order in this proceeding.

Accordingly it is proposed to amend Part 157, Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment under section 7 of the Natural Gas Act, Title 18 of the Code of Federal Regulations in the manner set forth below. The proposed amendments to Part 157 of Subchapter E, Regulations Under Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 4, 5, 7 and 16 (52 Stat. 822, 823, 824, 825, 830; 56 Stat. 83, 84; 61 Stat.

459; 76 Stat. 72, 15 U.S.C. 717c, 717d, 717f and 717o).

(A) The following are proposed amendments to Part 157 of Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations.

1. Revise paragraphs (c) and (f) of § 157.40 so that they read as follows:

§ 157.40 Exemption of small producers from certain filing requirements.

(c) *Rate and certificate regulation under blanket certificate.* Small producers certificated hereunder shall be authorized to make small producer sales nationwide pursuant to existing and future contracts at a rate not in excess of 130 percent of the Commission-determined base ceiling rate applicable to a comparable large producer sale, subject to any adjustments permitted or required under the particular order of general applicability involved. Such rate may be charged and received by the small producer and paid by the purchaser, as the lawful, just and reasonable rate approved by the Commission pursuant to sections 4, 5, and 7 of the Act. However, no small producer shall be relieved from compliance with section 7(b) of the Natural Gas Act with respect to any small producer sale regulated hereunder. Rate regulation as prescribed herein shall not apply to any jurisdictional sales made by a small producer where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer. Nothing done hereunder shall be recognized by the Commission as triggering any escalation clause in an existing contract involving a producer not covered by a small producer certificate, except as provided in paragraph (f) of this section.

(f) *Filings by large producers with respect to related resales.* A large producer may file for the price specified in its related contract for the resale of any natural gas sold to it by a small producer pursuant to the exemption authorized hereunder. In determining whether to accept or suspend such a filing, we shall be guided by the rate level sought and the size of the differential between the purchase and resale price. A large producer under an area rate clause in its resale contract may file for the rate paid by it for gas purchased from a small producer as long as the rate does not exceed the just and reasonable rate prescribed in paragraph (c) of this section.

2. Eliminate paragraphs (e) and (i) of § 157.40.

The Secretary shall cause prompt publication of this Notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] KENNETH F. PLUMS,

Secretary.

[FTR Doc.75-23760 Filed 9-5-75; 8:45 am]

## VETERANS ADMINISTRATION

[38 CFR Part 3]

## VETERANS BENEFITS

## Increased Compensation Rates and Clothing Allowance

The Administrator of Veterans' Affairs proposes regulatory changes in Part 3 of Title 38, Code of Federal Regulations, to implement provisions of Pub. L. 94-71 (89 Stat. 395).

Pub. L. 94-71, enacted August 5, 1975, and effective August 1, 1975, amended various sections of title 38, United States Code, to increase disability compensation rates and dependency and indemnity compensation rates for widows, widowers and children. The act also amended section 362, title 38, United States Code, by increasing the clothing allowance from \$150 to \$175. Section 3010(b) was amended to provide that increased disability compensation due to an increase in degree of disability may be paid from the earliest date as of which it can be ascertained an increase in disability had occurred if the claim is filed within 1 year from such date. Prior to this amendment the effective date of increased disability compensation could not be earlier than date of claim.

To implement the provisions of Pub. L. 94-71, the following changes to Part 3 of Title 38, Code of Federal Regulations, are proposed. Section 3.1 is amended to reflect rates of additional dependency and indemnity compensation payable to widows and widowers because of children under age 18 or because of need for aid and attendance. Amendments to §§ 3.350 and 3.552 incorporate the increased disability compensation rates. Section 3.400 (c) incorporates the provision for paying increased disability compensation effective the date the disability increased. Section 3.810 is amended to reflect the increase in the clothing allowance. An amendment to § 3.400(j) deletes obsolete provisions.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before October 8, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendments implementing Pub. L. 94-71 will be effective August 1, 1975. The amendment to § 3.400(j), will be effective the date of final approval.

1. In § 3.5, paragraph (e) (1) and (3) is revised and (e) (4) is added so that the revised and added material reads as follows:

§ 3.5 Dependency and indemnity compensation.

(e) *Widow's or widower's rate.* (1) The monthly rate of dependency and indemnity compensation for a widow or widower is based on the "pay grade" of the veteran. This rate is subject to increase as provided in paragraph (e) (3) and (4) of this section. (38 U.S.C. 411 (a))

(3) If there is a widow or widower with one or more children under the age of 18 (including a child not in the widow's or widower's actual or constructive custody and a child who is in active military, air, or naval service) the total amount payable shall be increased by \$29 for each child. (38 U.S.C. 411(b); Pub. L. 94-71, 89 Stat. 395).

(4) If the widow or widower is determined to be in need of aid and attendance under the criteria in § 3.352 or is a patient in a nursing home, the total amount payable shall be increased by \$72. (38 U.S.C. 411(c))

2. In § 3.350, the introductory portion of paragraphs (a), (b), (c), (e) and (f) preceding subparagraph (1) and paragraphs (d), (f) (1) and (2) (i) through (iv) and (h) are revised to read as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation (§52) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed \$814 monthly when authorized in conjunction with any of the provisions of 38 U.S.C. 314 (a) through (j) or (s). When there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed \$1,139 per month. The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r). (Pub. L. 94-71, 89 Stat. 395)

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for anatomical loss or loss of use of both hands, both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance. The monthly rate is \$814.

(c) *Ratings under 38 U.S.C. 314(m).* The special monthly compensation provided by 38 U.S.C. 314(m) is payable for anatomical loss or loss of use of two extremities at a level or with complications preventing natural elbow or knee action with prosthesis in place; or for blindness in both eyes having light perception; or for blindness in both eyes rendering the veteran so helpless as to be in need of regular aid and attendance. The monthly rate is \$896.

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or anatomical loss of both eyes. The rate is \$1,018 per month. Amputation is a prerequisite. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level the requirements of this paragraph are not met; instead, consideration will be given to loss of natural elbow or knee action.

(e) *Ratings under 38 U.S.C. 314(o).* The special monthly compensation provided by 38 U.S.C. 314(o) is payable for conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314 (l) through (n) or for bilateral deafness rated at 60 percent or more disabling, and the hearing impairment in one or both ears is service connected, in combination with service-connected blindness with bilateral visual acuity 5/200 or less. The monthly rate is \$1,139.

(f) *Intermediate or next higher rate; 38 U.S.C. 314(p).* (1) *Extremities.* (i) Anatomical loss or loss of use of one extremity with the anatomical loss or loss of use of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is \$855.

(ii) Anatomical loss or loss of use of one extremity with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate equal to 38 U.S.C. 314(m). The monthly rate is \$896.

(iii) Anatomical loss or loss of use of extremity at a level preventing natural elbow or knee action with prosthesis in place with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate intermediate be-

tween 38 U.S.C. 314 (m) and (n). The monthly rate is \$957.

(2) *Eyes, bilateral, and blindness in connection with deafness.* (i) Blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is \$855.

(ii) Blindness of one eye with 5/200 visual acuity or less and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, eversion or other obvious deformity or disfigurement of the other eye, will entitle to a rate equal to 38 U.S.C. 314(m). The monthly rate is \$896.

(iii) Blindness of one eye having only light perception and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, eversion or other obvious deformity or disfigurement of the eye, will entitle to a rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is \$957.

(iv) Total blindness of both eyes having no light perception accompanied by phthisis bulbi, eversion, or other obvious deformity or disfigurement will entitle to a rate equal to 38 U.S.C. 314 (n). The monthly rate is \$1,018.

(h) *Special aid and attendance benefit in maximum monthly compensation cases; 38 U.S.C. 314(r).* A veteran receiving the maximum rate (\$1,139) of special monthly compensation under any provision or combination of provisions in 38 U.S.C. 314 who is in need of regular aid and attendance is entitled to an additional allowance during periods he or she is not hospitalized at United States Government expense. (See § 3.552(b) (2) as to continuance following admission for hospitalization.) The rate is \$489. Determination of this need is subject to the criteria of § 3.352. This additional allowance is payable whether or not the need for regular aid and attendance was a partial basis for entitlement to the maximum \$1,139 rate, or was based on an independent factual determination.

(i) *Total plus 60 percent, or housebound; 38 U.S.C. 314(s).* The special monthly compensation at the rate of \$732 provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent without resort to individual unemployability and.

3. In § 3.400, paragraphs (j) and (o) are revised to read as follows:

§ 3.400 General.

(j) *Election of Veterans Administration benefits (§ 3.700 series).* Unless otherwise provided, the date of receipt of election, subject to prior payments.

(o) *Increases (38 U.S.C. 3010(a) and 3010(b) (2), Pub. L. 94-71, 89 Stat. 395; §§ 3.109, 3.156, 3.157).* (1) *General.* Except as provided in paragraph (o) (2) of this section and § 3.401(b), date of re-

## PROPOSED RULES

ceipt of claim or date entitlement arose, whichever is later. A retroactive increase

of \$1,139 because of entitlement to another rate under section 314(l) on

only" the award under 38 U.S.C. 314(m) \$896 will be reduced while hospitalized



ceipt of claim or date entitlement arose, whichever is later. A retroactive increase or additional benefit will not be awarded after basic entitlement has been terminated, such as by severance of service connection.

(2) *Disability compensation.* Earliest date as of which it is factually ascertainable that an increase in disability had occurred if claim is received within 1 year from such date otherwise, date of receipt of claim.

4. In § 3.552, paragraphs (g) and (h) are revised to read as follows:

§ 3.552 Adjustment of allowance for regular aid and attendance.

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314 (l), (m), or (n) by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation

of \$1,139 because of entitlement to another rate under section 314(l) on account of need for aid and attendance the compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314(l) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be \$896 since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p)).

(2) If entitlement is under section 314(m), \$1,018.

(3) If entitlement is under section 314(n), \$1,139 would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling the veteran to the maximum rate under 38 U.S.C. 314(p).

(h) If, because of blindness, a veteran requires regular aid and attendance, but has better vision than "light perception

only" the award under 38 U.S.C. 314(m) \$896 will be reduced while hospitalized to the rate payable under 38 U.S.C. 314 (l) (\$814).

5. In § 3.810, the introductory portion of paragraph (a) is revised to read as follows:

§ 3.810 Clothing allowance.

(a) A veteran whose service-connected disability is compensable under laws administered by the Veterans Administration is entitled, upon application therefor, to an annual clothing allowance of \$175 (payable in a lump sum).

Approved: August 29, 1975.

By direction of the Administrator.

A. J. SCHULTZ, Jr.,  
Associate Deputy Administrator.

[FR Doc.75-23736 Filed 9-5-75;8:45 am]

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF DEFENSE Office of the Secretary DEFENSE SCIENCE BOARD TASK FORCE ON NET TECHNICAL ASSESSMENT Meeting

The Defense Science Board Task Force on "Net Technical Assessment" will meet in closed session on October 1-2, 1975 at the Defense Advanced Research Projects Agency, 1400 Wilson Boulevard, Arlington, Virginia.

The overall mission of this Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on U.S./U.S.S.R. overall research and engineering technology programs and to provide guidance for U.S. technology exploitation in these areas to the Department of Defense.

The Task Force will examine in detail the important problem of determining critical intelligence technical requirements of the Department of Defense, the ways in which answers to these requirements would influence future U.S. R. & D. operational actions, any time urgency associated with the requirements and collection methods for satisfying these requirements.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

SEPTEMBER 3, 1975.

[FR Doc.75-23794 Filed 9-5-75;8:45 am]

### DEFENSE SCIENCE BOARD TASK FORCE ON THEATER NUCLEAR FORCES R&D REQUIREMENTS Meeting

The Defense Science Board Task Force on Theater Nuclear Forces R. & D. Requirements will meet in closed session on September 29 and 30, 1975 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to theater nuclear forces and indicate promising solutions to the prob-

lem area for possible implementation within the Department of Defense.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

SEPTEMBER 3, 1975.

### DEPARTMENT OF THE INTERIOR Office of the Secretary [INT FES 75-74] BUFFALO NATIONAL RIVER, ARKANSAS

#### Availability of Final Environmental Statement on Proposed Master Plan

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for a proposed master plan for the Buffalo National River, Arkansas.

The environmental statement considers proposed master plan concepts including management category, land classification, development for visitor use, resource management, staff and administrative facilities, boundaries and land acquisition, and phases of implementation.

Copies are available from or for inspection at the following locations:

Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.  
Superintendent, Hot Springs National Park, Post Office Box 1219, Hot Springs, Arkansas 71901.  
Superintendent, Buffalo National River, National Park Service, Post Office Box 1173, Harrison, Arkansas 72601.

Dated: August 19, 1975.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.75-23777 Filed 9-5-75;8:45 am]

[INT FES 75-77]

### HAWAII VOLCANOES NATIONAL PARK Availability of Final Environmental Statement on Proposed Master Plan

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for Proposed Master Plan, Hawaii Volcanoes National Park, Hawaii.

The final environmental statement considers proposals to conserve and protect the resources of Hawaii Volcanoes National Park and provide for expanded public use. This includes acquisition of new lands, development, and control of exotic plant and animal species to protect native populations.

Copies are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.  
Hawaii State Office, Pacific International Building, 677 Ala Moana Boulevard, Suite 512, Honolulu, Hawaii 96813.  
Hawaii Volcanoes National Park, Hawaii 96718.

Dated: August 29, 1975.

ROYSTON C. HUGHES,  
Assistant Secretary  
of the Interior.

[FR Doc.75-23773 Filed 9-5-75;8:45 am]

[INT FES 75-70]

### ORGAN PIPE CACTUS NATIONAL MONUMENT, ARIZONA

#### Availability of Final Environmental Statement on Proposed Wilderness Areas

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for Proposed Wilderness Areas, Organ Pipe Cactus National Monument, Arizona.

The final environmental statement considers the designation of 299,600 acres within Organ Pipe Cactus National Monument as wilderness, and proposes 10,100 acres as potential wilderness addition.

Copies are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.  
Southern Arizona Group, National Park Service, 1115 North 1st Street, Phoenix, Arizona 85004.  
Organ Pipe Cactus National Monument, P.O. Box 38, Ajo, Arizona 85321.

Dated: August 18, 1975.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.75-23775 Filed 9-5-75;8:45 am]

[INT FES 75-75]

### PECOS NATIONAL MONUMENT, NEW MEXICO

#### Availability of Final Environmental Statement on Proposed Master Plan and Development Concept Plan

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the

Department of the Interior has prepared a final environmental statement on a

6, 1972, (Pub. L. 92-463, 86 Stat. 770-776) notice is hereby given that a meeting

October 17, 1975, at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 2, at the Bureau of the Census

charged, in short, with having violated § 387.5 of the export regulations by having failed to provide, with respect to pre-

export trade since 1962. Had Badru Pirani and IPS forwarded the required supplemental information indicating the

United States or abroad shall include participation directly or indirectly, in any manner or capacity:



Department of the Interior has prepared a final environmental statement on a proposed master plan and development concept plan for Pecos National Monument located in San Miguel County, New Mexico.

The environmental statement considers development patterns and management goals for administration of the monument. Development and use proposals include land classification, land acquisition, construction of a visitor center with attendant parking area and access road, a visitor lunchground, tour trails, modification and obliteration of existing structures and a support base including living, storage and maintenance facilities.

Copies are available from or for inspection at the following locations:

Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.  
Pecos National Monument, Post Office Drawer 11, Pecos, New Mexico 87552.  
Chaco Center, Anthropology Building, Room 240, University of New Mexico, Post Office Box 26176, Albuquerque, New Mexico 87125.  
Dated: August 19, 1975.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc. 75-23774 Filed 9-5-75; 8:45 am]

[INT 75-73]

#### ROCKY MOUNTAIN NATIONAL PARK, COLORADO

##### Availability of Final Environmental Statement on Master Plan

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the Rocky Mountain National Park master plan.

The environmental statement considers the social, economic, and ecological effects of the master plan recommendations for future management activity and visitor use of Rocky Mountain National Park, Colorado.

Copies of the final environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office, National Park Service, 655 Farfet Street, Lakewood, Colorado 80225.  
Conservation Specialist, Conservation Library of the Denver Public Library, 1357 Broadway, Denver, Colorado 80203.  
Superintendent, Rocky Mountain National Park, Estes Park, Colorado 80517.

Dated: August 19, 1975.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc. 75-23775 Filed 9-5-75; 8:45 am]

#### DEPARTMENT OF AGRICULTURE Agricultural Research Service U.S. MEAT ANIMAL RESEARCH CENTER ADVISORY COMMITTEE

Public Meeting  
Pursuant to the provisions of the Federal Advisory Committee Act of October

6, 1972, (Pub. L. 92-463, 86 Stat. 770-776) notice is hereby given that a meeting of the U.S. Meat Animal Research Center Advisory Committee will be held on October 29, 30 and 31, 1975, at the Research Center, Clay Center, Nebraska. This meeting is open to the public and will convene at 8:30 a.m. on all three days in the auditorium. Members of the public may submit comments before or after the meeting.

The purpose of the meeting is to bring committee members up to date on the research being conducted at the Research Center, to review plans for future research program, obtain Advisory Committee reaction on research program and plans, obtain recommendations of the Advisory Committee on research problem areas of highest priority for the beef cattle, sheep and swine industries.

Further information concerning these meetings may be obtained by contacting the Director, U.S. Meat Animal Research Center, P.O. Box 166, Clay Center, Nebraska 68933, phone number AC 402, 762-3241.

Done at Washington, D.C., this 29th day of August 1975.

T. W. EDMISTER,  
Administrator,  
Agricultural Research Service.

[FR Doc. 75-23718 Filed 9-5-75; 8:45 am]

#### Rural Electrification Administration TELEPHONE LOAN GUARANTEES Major Telephone Loans

REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," states that it is the policy of REA to consider guaranteeing loans in order to facilitate the obtaining of major telephone loans from non-REA and non-Rural Telephone Bank sources by applicants having a reported net worth in excess of 20 percent of assets. A major telephone loan is defined in the bulletin as one requiring over four million dollars or such other sum as may be determined from time to time by the Administrator.

Notice is hereby given that a major telephone loan for the purposes of Bulletin 320-22 is currently determined to be one requiring over seven million dollars.

It should be noted that section IIC of Bulletin 320-22 states, "Consideration of the guaranteeing of a loan where the above criteria are not met is not precluded if the applicant requests a loan guarantee."

Dated at Washington, D.C., this 24 day of September, 1975.

DAVID A. HAMIL,  
Administrator,  
Rural Electrification Administration.

[FR Doc. 75-23799 Filed 9-5-75; 8:45 am]

#### DEPARTMENT OF COMMERCE Bureau of the Census CENSUS ADVISORY COMMITTEE ON POPULATION STATISTICS

Public Meeting  
The Census Advisory Committee on Population Statistics will convene on

October 17, 1975, at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics was established in 1955 to advise the Director, Bureau of the Census, on current programs, on plans for the 1970 Census of Population and on other matters dealing with the collection and issuance of population statistics.

The agenda for the meeting is: (1) Developments since last meeting; (2) status of new current activities, (a) demographic analysis reports, (b) Current Population Survey data for each State; (3) status of 1980 census planning; (4) results of 1980 pretests, (a) income study, (b) household head study; (5) content of the 1980 census, (a) economic items, (b) demographic items, (c) follow-on surveys—health and Indians.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Dr. Paul C. Gilck, Senior Demographer, Population Division, Bureau of the Census, Room 2011, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone (301) 763-7030.

Dated: September 2, 1975.

VINCENT P. BARABBA,  
Director,  
Bureau of the Census.

[FR Doc. 75-23733 Filed 9-5-75; 8:45 am]

#### Domestic and International Business Administration [Case No. 476] BADRU PIRANI

##### Order Regarding Export Regulations

In the matter of Badru Pirani, 55 Charles Street, East, Toronto, Ontario, M4Y1S9, Canada, Respondent.

By a letter dated November 15, 1974, the Compliance Division, with the approval of the Office of General Counsel, charged the respondent, Badru Pirani, with having violated the Export Administration Regulations (hereinafter, the export regulations). Badru Pirani was manager of Industrial Promotion Services, (IPS) Kampala, Uganda, until the expulsion order by the Uganda Government against non-citizen Asians forced him to leave that country.<sup>1</sup> As suggested by its name the firm was established to provide industrial promoting and consulting services. The charging letter was issued based upon an investigation which followed a pre-license check on the proposed export to IPS of sensitive electronic equipment. Badru Pirani was

<sup>1</sup>The company was not charged, as its management and ownership changed, following the expulsion order.

charged, in short, with having violated § 387.5 of the export regulations by having failed to provide, with respect to previous exports of strategically-rated electronic equipment, required notification of a change of material facts and intentions.

No answer to the duly served charging letter has been received to date from the respondent. Section 388.4 of the export regulations provides that, "If a respondent fails to file an answer to the charging letter . . . within the time proscribed in § 388.5 (30 days from the date of service), he shall be held in default . . ." Accordingly, since Badru Pirani has failed to file an answer in a timely manner, he is held in default.

The evidence of record shows that on or about July 31, 1970, Badru Pirani, acting individually and as manager for Industrial Promotion Services Limited (IPS), executed a Multiple Transactions Statement by Customer of Distributor of United States Commodities Stocked Abroad (FC-243) which was submitted to then Office of Export Control by an American firm in support of its request to supply IPS, under the Foreign-Based Warehouse Procedure, with electronic components and parts. These electronic components and parts were to come from the stock of a subsidiary company in the Channel Islands. On the FC-243, Badru Pirani and IPS expressly certified and represented among other things, that: They would not sell, outside of Uganda, the commodities received under the Foreign-Based Warehouse Procedure; the commodities would be used for educational purposes and would be used in various Government locations by IPS staff and would remain the property of IPS; they would promptly send a supplemental statement to the Channel Islands company disclosing any change of facts or intentions set forth in the FC-243 occurring after the statement had been prepared and forwarded; except as specifically authorized by the then U.S. Export Control Regulations, they would not reexport, sell, distribute, or otherwise dispose of any commodities covered by the FC-243 without obtaining prior written U.S. Government approval, nor would any of the commodities be sold or otherwise disposed of to any person where there was reason to believe that the commodities would be reexported to a destination not authorized by the then Office of Export Control.

On or about August 17, 1970, relying upon the representations and certifications made by Badru Pirani on the aforementioned FC-243, the then Office of Export Control approved IPS as an FC-243 customer. During the period, August 1970 through December 1970, under the Foreign-Based Warehouse Procedure, IPS made eleven purchases of electronic components and parts valued at approximately \$90,000 from the aforementioned Channel Islands company. Notwithstanding the certifications made on the FC-243 by Badru Pirani and IPS, the goods mentioned above were caused to be reexported from the Channel Islands to Otto Poeschl in Austria, an individual denied participation in United States

export trade since 1962. Had Badru Pirani and IPS forwarded the required supplemental information indicating the identity of the party to whom the subject instruments were to be turned over, the then Office of Export Control would not have authorized such disposition. A reasonably prudent person, in the position of Badru Pirani would have known that a change in material facts and intentions with respect to statements and representations on the said FC-243, had occurred.

Consistent with usual practice in default cases, an informal hearing was held on July 18, 1975, at which the record in the case was reviewed.

The Hearing Commissioner has reviewed the charges and the evidence presented in support thereof and has submitted his report, including findings of fact and conclusions of law, together with a recommendation that sanctions be imposed against the respondent. On the basis of the Hearing Commissioner's submissions and the supporting evidence, I conclude that the respondent, Badru Pirani, violated § 387.5 of the export regulations in the manner charged and as set forth, above, in that he failed to notify the then Office of Export Control, directly or through the Channel Islands company, of a change of the material facts and intentions which were set forth originally in the aforementioned FC-243.

Section 388.4 of the export regulations provides, in pertinent part, that, "Any order . . . issued (following a finding of default) shall have the same effect as an order issued following the disposition of contested charges." With regard to determination of the appropriate sanction in this case, several elements are of particular significance. The failure to report a change of material facts and intentions is a serious matter, by its very nature, in a system of export controls which relies for its effectiveness largely upon voluntary compliance and the basic integrity of exporters. The facts that the dereliction in this case involved dealings with a denied party, and further, the transfer to that party of strategically-rated commodities render the offense charged particularly grave. *It is therefore, Ordered,*

I. All outstanding validated export licenses concerned with or affecting any transaction in which the respondent has any interest, direct or indirect, are hereby revoked and are ordered to be returned forthwith to the Office of Export Administration.

II. Except as qualified in III, below, the respondent, his successors or assigns, partners, representatives, agents and employees are hereby denied for ten years from the date of this order, the privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of such denial of export privileges, participation prohibited in any such transaction either in the

United States or abroad shall include participation directly or indirectly, in any manner or capacity:

A. As a party or as a representative of a party to any validated export license application;

B. In the preparation or filing of any export license application or reexport authorization, or any document to be submitted therewith;

C. In the obtaining or using of any validated or general export license or other export control document;

D. In the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States.

III. Five years after the effective date of this order the respondent may apply to have some portion or all of the effective period of denial of his export privileges held in abeyance while he remains on probation. Such application must be supported by evidence showing his compliance with the terms of this order and with the provisions of the export regulations. For such application, the respondent shall also make available to, and permit examination by, the Office of Export Administration of such of his records as that Office deems necessary to determine whether the respondent has complied with this order and the export regulations. Such application will be considered on its merits. The respondent's export privileges may be restored and probation imposed, under such terms and conditions as may then appear to be appropriate.

IV. Such denial of export privileges shall extend not only to the respondent, but also, to his agents and employees and to any successor, and to any person, firm, corporation, partnership, or other business organization with which the respondent now or hereafter may be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services.

V. During the time when the respondent or other parties within the scope of this order are denied export privileges, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from, the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of, or in any association with, the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom, or have any interest or participation therein, directly or indirectly.

A. Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document, relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported, or to be exported from the

United States, by, to, or for the respondent, equivalent scientific value to the foreign

ents in techniques of electron micros-

contrast enhancement either routinely

article is intended to be used to investi-

missioner of Customs: May 15, 1975. Ad-



United States, by, to, or for the respondent or related party.

B. Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any transaction which may involve the respondent or related party in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States or which is otherwise subject to the export regulations.

VI. A copy of this order shall be served on the respondent.

Dated: September 2, 1975.

RAVEN H. MEYER,  
Director,  
Office of Export Administration.  
[FR Doc.75-23765 Filed 9-5-75; 8:45 am]

#### COLUMBIA UNIVERSITY

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00510-33-90000. Applicant: Columbia University, Department of Biological Sciences, 659 Schermerhorn, New York, New York 10027. Article: 6KW Rotating Anode System. Manufacturer: Rigaku, Japan. Intended use of article: The article is intended to be used to provide a very high intensity X-ray source that is concentrated in a very fine focal spot in an experimental program entitled: "Structure and Function of Blood Proteins."

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size (0.1 x 1 millimeter) and a rotating target for maximum x-ray beam intensity. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated August 15, 1975 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.  
[FR Doc.75-23726 Filed 9-5-75; 8:45 am]

#### IOWA STATE UNIVERSITY OF SCIENCE & TECHNOLOGY

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00492-33-46040. Applicant: Iowa State University of Science and Technology, Ames, Iowa 50010. Article: Electron Microscope, Model HU-12A. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in a variety of studies which will include the following:

- (1) Ultrastructural studies of the hypophysis in stress prone pigs,
- (2) Examination of the fine structure of nuclear chromatin and of the rough endoplasmic reticulum and its contents in as great detail as possible, particularly in adrenocorticotrophs,
- (3) Correlation of ultrastructural studies of hepatocytes with biochemical and histochemical studies,
- (4) Comparative study of the fine structure of the adrenal glands and skeletal muscles from normal and stress-susceptible swine,
- (5) Localization of pathogens with relation to lesion production in swine dysentery and salmonellosis,
- (6) Resolution of virus particles and agglutinating globulins,
- (7) Identification and characterization of viruses involved in pseudorabies and transmissible gastroenteritis of swine,
- (8) Identification of unknown isolates of viruses by determining morphological features,
- (9) Study of the ultrastructure of various cell cultures injected with various bovine viruses,
- (10) Studies of subcellular damage caused by the turbulent flow in the femoral arteries of dogs, and
- (11) Studies of the effects of metabolic inhibitors on ultrastructural responses of steroid-secreting ovarian cells to gonadotrophins. The article will also be used to train faculty and graduate stud-

ents in techniques of electron microscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 15, 1974). Reasons: The foreign article has a specified resolving power of 3 Angstroms point to point. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 1, 1975 that the capability described above is pertinent to the applicant's intended uses. HEW also advises that it knows of no domestic instruments which provided the pertinent capability at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.  
[FR Doc.75-23727 Filed 9-5-75; 8:45 am]

#### ST. PAUL HOSPITAL, ET AL.

##### Consolidated Decision on Applications for Duty-Free Entry of EMI Scanner Systems

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975.) See especially § 301.11 (e.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00507-33-90000. Applicant: St. Paul Hospital, 5909 Harry Hines Blvd., Dallas, Texas 75235. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in experiments required to better define problems related to the equipment and patient in order to better evaluate central nervous system diseases, including any intracranial process. The experiments to be conducted will include methods and devices to eliminate patient motion while in the head holder, various experiments to eliminate artifacts related to the equipment, readability of

contrast enhancement either routinely or on a selective basis, possible applications of the equipment to areas other than head, results of the diagnosed studies compared with other modalities such as nuclear scanning encephalography and carotid angiography and its role in the investigation of acute injuries to the head. The article will also be used to educate the young physicians in a method of examining the skull and its contents which is non-invasive and does not require patient hospitalization. Application received by Commissioner of Customs: May 6, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 1, 1975. Article ordered: March 5, 1975.

Docket Number: 75-00508-33-90000. Applicant: Dominican Santa Cruz Hospital, 1555 Soquel Drive, Santa Cruz, California 95965. Article: EMI Scanner System with high Definition Display Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the study of uptake contrast material by neural tissue with diagnostic absorption values demonstrated by the article. Additional research will include quantitating the standardization absorption values of the article and comparing results with more expensive and hazardous techniques already available, such as angiography and pneumoencephalography, as well as nuclear brain scanning, with respect to accuracy in diagnosis of brain tumors, cerebral infarct, cerebral aneurysms, "idiopathic" epilepsy and hydrocephalus. The article will also be used in the training of radiologist, radiologic technologist, nurses and pharmacy residents in the use of this computerized modality in upgrading their skills. Application received by Commissioner of Customs: May 8, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 1, 1975. Article ordered: June 3, 1974.

Docket Number: 75-00509-33-90000. Applicant: Harris Hospital, 1300 West Cannon, Fort Worth, Texas 76104. Article: EMI Scanner System with Magnetic Tape. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the comparison of the relative accuracy of computerized axial tomographic units with radio nuclide scans and with pneumoencephalography and arteriography. The linear attenuation co-efficient of different intracranial densities will be studied in relation to the possibilities of delineating tumor formation, blood clot formation and fluid containing spaces in the brain. Application received by Commissioner of Customs: May 8, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 1, 1975. Article ordered: July 28, 1974.

Docket Number: 75-00512-33-90000. Applicant: Parkview Memorial Hospital, 220 Randall Drive, Ft. Wayne, Indiana 46805. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended Use of Article: The

article is intended to be used to investigate and diagnose a large variety of neurologic disorders the most common of which are cerebral vascular accident (stroke) and brain tumors. Patients with suspected brain abnormalities will be studied and the findings will be correlated with those of the standard neuro-radiologic and isotopic diagnostic techniques. The technique will be of educational value in teaching the anatomical details of the normal and abnormal brains in the transaxial tomographic mode. Research will be limited to non-formal clinical research, particularly, studies to determine whether or not and to what degree the article will render other studies redundant. Application Received by Commissioner of Customs: May 14, 1975. Advice Submitted by the Department of Health, Education, and Welfare on: August 1, 1975. Article Ordered: November 27, 1974.

Docket Number: 75-00515-33-90000. Applicant: The University of Kansas Medical Center College of Health Sciences and Hospital, Department of Diagnostic Radiology, 39th & Rainbow Blvd., Kansas City, Kansas 66103. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended Use of Article: The article is intended to be used in research on head trauma with the following objectives: (1) to identify and verify the distinctive patterns of subdural hematomas, cerebral contusions, etc. on CT scans, (2) to establish the efficiency of CT scan in distinguishing the nature and extent of multifocal cerebral lesions of diverse, pathogenicity, (3) to test the prognostic capability of CT scans as regards the late sequelae of closed head injury and to demonstrate the pathogenesis of potentially reversible secondary cerebral complications. The article will also be used for research in the areas of ischemic cerebral vascular disease. In addition, the article is intended to be used to train and teach diagnostic radiologists and technologists to use this tool and the techniques correctly. Application Received by Commissioner of Customs: May 14, 1975. Advice Submitted by the Department of Health, Education, and Welfare on: August 1, 1975. Article Ordered: June 4, 1974.

Docket Number: 75-00518-99-90000. Applicant: Little Company of Mary Hospital, 4101 Torrance Blvd., Torrance, CA 90503. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended Use of Article: The article is intended to be used in an investigation conducted to improve the diagnostic imaging at the interface of the bony skull and immediately adjacent soft tissues by computer program changes. Another area of investigation would be an attempt to reconstruct in coronal planes the data accumulated from horizontal transverse plane scanning. In addition to the normal clinical application, the article will be used to instruct medical residents (radiologists, neurosurgeons and neurologists) in the diagnosis of diseases of the brain and meninges. Application Received by Com-

missioner of Customs: May 15, 1975. Advice Submitted by the Department of Health, Education, and Welfare on: August 1, 1975. Article Ordered: June 14, 1974.

Docket Number: 75-00521-33-90000. Applicant: Baptist Memorial Hospital, 111 Dallas Street, San Antonio, Texas 78286. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended Use of Article: The article is intended to be used for investigative programs underway for post-irradiation brain malignancy patients and post-operative brain malignancy patients in an attempt to provide the best method of treatment of brain malignancy. In the realm of cerebral neoplasm primary and secondary, the article will be used to allow the study of the brain without hazard to the patient concerning the presence of a neoplasm and the results of treatment. The preliminary investigating effects of trauma on the skull are being researched with the use of the article in conjunction with the Department of Neurosurgery, Southwest Texas Medical School. The article will also be used in the training of x-ray technicians. Application received by Commissioner of Customs: May 15, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 1, 1975. Article Ordered: February 18, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the non-invasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used which was being manufactured in the United States at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.  
[FR Doc.75-23728 Filed 9-5-75; 8:45 am]



# UNIVERSITY OF ILLINOIS, ET AL. Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00517-00-77040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Illinois 61801. Article: Combination Field Desorption/Field Ionization/Electron Impact Ion Source Device. Manufacturer: Varian MAT GmbH, West Germany. Intended use of article: The articles are accessories to an existing mass spectrometer to be used for studies of organic compounds and mixtures of interest in biology and medicine to determine their molecular weights and molecular formulas. The articles will also be used for educational purposes in various Chemistry courses. Application received by Commissioner of Customs: May 15, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 15, 1975.

Docket Number: 75-00519-00-46070. Applicant: Ear Research Institute, 2130 West Third Street, Los Angeles, California 90057. Article: Stereo TV Display for Stereoscan S4-10. Manufacturer: Cambridge Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used to examine both normal and diseased human inner and middle ear tissues obtained at the time of surgery and post-mortem. In addition, the article is intended to be used in the courses, January Otolologic Surgery and Temporal Bone Dissection, to disseminate information obtained under the electron microscope to students, physicians and university teachers. Application received by Commissioner of Customs: May 15, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 15, 1975.

Docket Number: 75-00522-00-46040. Applicant: VA Hospital #580, 2002 Holcombe Blvd., Houston, Texas 77211. Article: Goniometer Stage for EM 301 Electron Microscope. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is an accessory to an existing electron microscope and an energy dispersive x-ray analyzer that will be used clinically to determine location and quantity of Zn and other trace metals in kidney microtubules. Application received by Commissioner of Customs:

May 15, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 15, 1975.

Docket Number: 75-00527-00-46040. Applicant: Cincinnati Children's Hospital, Elland and Bethesda Avenues, Cincinnati, Ohio 45229. Article: High Resolution Goniometer. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is an accessory to an existing electron microscope manufactured by the same manufacturer which is being used in the study of lysosomal disease utilizing tissue cultures from patients with such diseases as Type II glycogenosis, Tay Sachs disease, mucopolysaccharidoses, mucosulfatidoses, etc. The morphologic alterations of lysosomes, which cells from these diseases demonstrate in tissue culture will be investigated. Application received by Commissioner of Customs: May 15, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 15, 1975.

Docket Number: 75-00546-00-46040. Applicant: Harvard University, Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Mass. 02115. Article: Scanning Attachments, High Resolution Specimen Tilting/Rotating Device for Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to convert an existing JEM 100B transmission electron microscope into an instrument which can perform both high resolution scanning and transmission electron microscopy. With scanning electron microscopy growing blood vessels can be examined topographically, including the relationships between such vessels and the tissues which they penetrate, such as tumors, connective tissues, etc. Application received by Commissioner of Customs: May 30, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 15, 1975.

Docket Number: 75-00571-00-19000. Applicant: University of Miami, Rosenstiel School of Marine and Atmospheric Science, 4600 Rickenbacker Causeway, Miami, Florida 33149. Article: Temperature Control for Densitometer. Manufacturer: TechniCorp, Canada. Intended use of article: The article is intended to be used to control the temperature of a densitometer unit which is being used to study the characteristics of the density of all the constituents of sea water. Application received by Commissioner of Customs: June 18, 1975. Advice submitted by the National Bureau of Standards on: August 20, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which

produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare (HEW) and/or the National Bureau of Standards (NBS) in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles. The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.  
[FR Doc.75-23739 Filed 9-5-75; 8:45 am]

## UNIVERSITY OF WISCONSIN, MADISON Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00171-75-52400. Applicant: The University of Wisconsin, Madison, 750 University Avenue, Madison, Wisconsin 53706. Article: Proto-Cleo Stellarator Plasma System. Manufacturer: Culham Laboratory, United Kingdom. Intended use of article: The article is intended to be used in studies of hydrogen and deuterium plasmas to determine the scientific feasibility of achieving controlled thermonuclear fusion of deuterium-tritium plasmas in toroidal machines that produce rotational transforms by means of external helical windings in order to produce energy from fusion of these ions to helium. The article will also be used for educational purposes in the following courses to provide a basis to advanced undergraduate and graduate students in the area of plasmas and controlled fusion:

- (1) Introduction to Plasmas—ECE 525
- (2) Waves Instabilities of Plasmas—ECE 724.
- (3) Plasma Kinetics and Radiation Processes—ECE 725.
- (4) Research or thesis—ECE 990.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article,

for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 74-00484-75-52400 which was denied without prejudice to resubmission on August 7, 1974 for informational deficiencies. The foreign article provides the specification of a Stellarator-geometry device. The National Bureau of Standards (NBS) advises in its memorandum dated August 6, 1975 that the specification listed above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic Stellarator Plasma System of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.  
[FR Doc.75-23739 Filed 9-5-75; 8:45 am]

## VIRGINIA COMMONWEALTH UNIVERSITY, ET AL. Consolidated Decision on Applications for Duty Free Entry of EMI Scanner Systems

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00530-33-90000. Applicant: Virginia Commonwealth University, 520 North 12th Street, Richmond, Virginia 23298. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended Use of Article: The article is intended to be used for computerized tomographic evaluation of head injury patients in pursuit of the following:

- (a) Definition of anatomical changes secondary to mechanical head injury.
- (b) Definition of the presence or absence of secondary mass lesions within the skull, with treatment directed at these lesions.
- (c) Definition of the onset and progression of later effects on the head injury, such as hydrocephalus and/or

cerebral atrophy, and correlation of these with the initial studies.

The article will also be used in the courses: Radiology Clerkship, Applications of Medical Physics, and Neuro-radiology, at the medical school, resident and fellowship levels. The modalities of computerized axial scanning techniques and the fundamentals of CAT scan interpretation will be introduced. Application Received by Commissioner of Customs: May 19, 1975. Advice Submitted by the Department of Health, Education, and Welfare on: December 6, 1974.

Docket Number: 75-00533-33-90000. Applicant: North Memorial Medical Center, 3220 Lowry Avenue North, Robbinsdale, MN 55422. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended Use of Article: The article is intended to be used in various medical education and research programs which will include the following:

- (1) Research efforts in the field of hereditary spinocerebellar ataxia in which tests are to be performed on patients who have clinical evidence of cerebellar ataxia or are at risk because of a strong familial tendency.
- (2) Correlation of deviations in quantitative sleep with known anatomical lesions in the central nervous system in a clinical program for sleep disturbances.
- (3) Neurology training to provide high quality teaching and direct experience in neurologically related conditions.
- (4) Differentiation of neurological disorders and psychiatric conditions during psychiatric instruction.

(5) Teaching of medical students, microbiologists, medical technologists, etc. in pathology of the brain.

(6) Pediatric teaching, and nurse training.

(7) Teaching the indications of the scanning equipment and its importance as an adjunct and direct diagnostic tool. Application Received by Commissioner of Customs: May 19, 1975. Advice Submitted by the Department of Health, Education, and Welfare on: August 15, 1975. Article Ordered: October 8, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the non-invasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are

intended to be used which was being manufactured in the United States at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.  
[FR Doc.75-23731 Filed 9-5-75; 8:45 am]

## WAYNE STATE UNIVERSITY Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00503-33-46040. Applicant: Wayne State University, School of Medicine, 450 Canfield, Detroit, Michigan 48201. Article: Electron Microscope, Model EM 201C with goniometer stage. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended Use of Article: The article is intended to be used to examine normal and pathologic processes, cell parts, and products of biological samples obtained from a variety of animals as well as from human samples obtained in clinical settings. Experiments to be conducted include observation of normal metabolism as well as physical and/or chemical manipulation of living systems including destruction or selective removal of all or part of a given system. Ultrastructural observations of normal systems will be compared with manipulated or altered systems. Biological systems to be studied include the central nervous system; the visual system including retina; lens and cornea; reproductive system with particular emphasis on spermatozoa. The article will also be used in the courses Cell and Tissue Ultrastructure and Advanced Histochemistry in which graduate students, medical students and faculty members will have an opportunity to become familiar with techniques and procedures of fine structure investigation when and as these skills become pertinent. Comments: No comments have been received with respect to this application. Decision: Application approved.

No instrument, or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 74-00484-75-52400 which was denied without prejudice to resubmission on August 7, 1974 for informational deficiencies. The foreign article provides the specification of a Stellarator-geometry device. The National Bureau of Standards (NBS) advises in its memorandum dated August 6, 1975 that the specification listed above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic Stellarator Plasma System of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

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No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a eucentric goniometer stage and has a specified resolving power of 4A. At the time the foreign article was ordered the most closely comparable domestic instrument was the Model EMU-4C available from the Adam David Company. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated August 13, 1975 that the eucentric goniometer stage of the article is pertinent to the applicant's studies involving three dimensional relationships. HEW further advises that the EMU-4C does not have a scientifically equivalent eucentric goniometer stage. We, therefore, find that EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.  
[FR Doc.75-23732 Filed 9-5-75; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration,  
HEALTH SERVICES RESEARCH STUDY  
SECTION

### Amended Meeting

In FEDERAL REGISTER Document 75-20543 appearing at page 33483 in the issue for Friday, August 8, 1975, the meeting notice for the Health Services Research Study Section should be changed to reflect the following:

Name: HEALTH SERVICES RESEARCH STUDY SECTION.  
Date and Time: September 18-19, 1975, 9:00 a.m.  
Place: Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland. Open on September 18, 9:00 a.m.-10:00 a.m. Closed remainder of meeting.

The purpose and agenda for the meeting will remain as previously published.

Dated: September 3, 1975.

JAMES A. WALSH,  
Associate Administrator  
for Operations and Management.  
[FR Doc.75-23725 Filed 9-5-75; 8:45 am]

Social Security Administration  
SUPPLEMENTAL SECURITY INCOME  
STUDY GROUP

### Meeting

Notice is hereby given pursuant to Pub. L. 92-463, that the Supplemental

## NOTICES

Security Income Study Group will hold a meeting on Wednesday, September 24 and Thursday, September 25 from 9:00 a.m. to 5:00 p.m. in Room G-10-A East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland. The meeting is open to the public.

Further information on the Study Group may be obtained from Nelson Sabatini, Executive Secretary of the Study Group, Room 960 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2330. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Number 13.807, Supplemental Security Income for the Aged, Blind and Disabled)

Dated: September 2, 1975.

NELSON SABATINI,  
Executive Secretary, Supplemental Security Income Study Group.

[FR Doc.75-23702 Filed 9-5-75; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration  
[FDAA-476-DR; NFD-283]

### MINNESOTA

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Minnesota, dated July 17, 1975, and amended on July 22, 1975, and August 8, 1975, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 17, 1975: The Counties of:

Becker. Mahanomen.  
Grant. Otter Tail.

The above counties are being designated for the purpose of providing Mosquito Vector control assistance only.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: August 28, 1975.

WILLIAM E. CROCKETT,  
Acting Administrator, Federal  
Disaster Assistance Administration.

[FR Doc.75-23770 Filed 9-5-75; 8:45 am]

Federal Insurance Administration  
[Docket No. FI-683]

## NATIONAL INSURANCE DEVELOPMENT PROGRAM

### Public Hearings on Missouri "FAIR" Plan

The purpose of this notice is to announce that the Federal Insurance Administrator, U.S. Department of Housing and Urban Development, Washington, D.C. 20410, will hold Public Hearings on certain practices of the Missouri FAIR Plan (the Plan) in Kansas City, Missouri,

on September 24, 1975, in Conference Room 302, at 911 Walnut Street, and in St. Louis, Missouri on September 25, 1975, at Federal Building, Room 1612 (First Floor), 520 Market Street, commencing at 10 a.m.

The National Insurance Development Act of 1975 (Public Law 94-13), approved April 5, 1975, authorizes the continuation of authority for the Secretary of Housing and Urban Development to review each State's FAIR Plan in its entirety for conformity to statutory criteria (12 U.S.C. 1749bbb-3 to 1749bbb-6) and regulations thereunder (24 CFR Part 1905). "FAIR Plan" or "Plan" means a statewide Plan to assure "fair access to insurance requirements" that is approved by the Administrator as meeting the criteria of Part A of the Urban Property Protection and Reinsurance Act of 1968, codified as Title XII of the National Housing Act, including such modifications thereof as the Administrator shall promulgate in accordance with 12 U.S.C. 1749bbb-6(b).

The Federal Insurance Administrator to whom the Secretary of Housing and Urban Development delegated authority under the Urban Property Protection and Reinsurance Act has conducted such a review of the operations and requirements of the Missouri FAIR Plan. During the review, it has come to the attention of the Administrator that in a number of instances, the Plan purports to have rescinded certain insurance contracts *ab initio*, after loss, on the basis of alleged misrepresentations of material fact incident to a question in the application regarding the payment of property taxes, it being the Plan's position that such rescission violates the insurance policy not only in respect to the insured but also in respect to the mortgage named in a loss payable provision of the contract. Inasmuch as the legal and practical effect of the rescission is to avoid coverage as though the policy had never been written, such rescission is tantamount to the declination of coverage for nonpayment of taxes by the applicant for insurance. Inasmuch as Chapter X, Part 1905, § 1905.7(a) (3) of the Regulations of the Federal Insurance Administration provides, in effect, that an eligible risk may be declined only because "the property does not meet reasonable underwriting standards" and § 1905.7(c) defines the latter in terms of standards that are "relevant to the perils against which insurance is sought," the practices of the Plan in this regard appear to be contrary to the cited regulation provisions. Additionally, inasmuch as no similar question regarding payment of taxes is to be found in applications for insurance in the voluntary insurance market, the Administrator must determine whether FAIR Plan insureds and applicants for insurance are being unfairly discriminated against by the Plan, contrary to the Act's purpose of making necessary property insurance, meeting reasonable underwriting standards, more readily available.

Accordingly, the Public Hearings will include, but shall not be limited to, these matters and will be held to gather information as to whether the Administrator should consider further appropriate administrative action. Factors to be examined with respect to this further consideration include, but are not limited to, the following: (1) The numbers of affected policyholders and applicants; (2) any information concerning the appropriateness of the FAIR Plan's utilization of the above-mentioned criteria; (3) the appropriateness of further administrative action by the Administrator; (4) other material facts bearing on the question of unfair discrimination by the Plan. Furthermore, information on any aspect of the Administrator's review of the FAIR Plan's operation may be brought to the attention of the Administrator at the Hearing.

The Hearing is open to the public. Public attendance is encouraged but may be limited depending on available space. Any member of the public may file a written statement before, during, or after the meeting. Such written statements will be made a part of the record. To the extent time permits, members of the public or other interested persons will be allowed to present oral statements during the hearing. Scheduling will be at the discretion of the Administrator.

All communications concerning this Hearing should be addressed to the Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Issued in Washington on August 1, 1975.

(Sec. 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); and Secretary's Delegation of Authority to the Federal Insurance Administrator, 34 FR 2680, February 27, 1969)

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.  
[FR Doc.75-23771 Filed 9-5-75; 8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 27932]

## CHICAGO-MONTREAL ROUTE PROCEEDING

### Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 8, 1975, at 10 a.m. (local time) in Room 1031N, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served on July 10, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 2, 1975.

[SEAL] FRANK M. WHITING,  
Administrative Law Judge.  
[FR Doc.75-23781 Filed 9-5-75; 8:45 am]

## NOTICES

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SE- VERELY HANDICAPPED

### PROCUREMENT LIST 1975

#### Additions to Procurement List

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 FR 39964) were published in the FEDERAL REGISTER on May 23, 1975 (40 FR 22582), June 27, 1975 (40 FR 27289), and July 25, 1975 (40 FR 31255).

Pursuant to the above notices the following commodities and service are added to the Procurement List:

CLASS 5510	Price
Stakes, Wood (GSA Regions 7 and 9) (SH)	
5510-00-171-7701 BD	\$2.72
5510-00-171-7700 BD	2.82
5510-00-171-7734 BD	3.12
5510-00-171-7733 BD	2.29
5510-00-171-7732 BD	2.90

CLASS 7210	Price
Protector, Hospital Bed, Mattress (IB) (SH)	
7210-00-781-1470 PG	25.20
7210-00-761-1471 PG	24.74

INDUSTRIAL CLASS 7641  
Furniture Rehabilitation, Counties of: Alameda, Contra Costa, San Mateo and Santa Clara, and the City of San Francisco, California (SH).  
List of prices available from GSA, PRD, Region 9.

By the Committee.

E. R. ALLEY, Jr.,  
Acting Executive Director.  
[FR Doc.75-23714 Filed 9-5-75; 8:45 am]

## PROCUREMENT LIST 1975

### Addition to Procurement List

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on July 25, 1975 (40 FR 31255).

Pursuant to the above notice the following commodity is added to the Procurement List:

CLASS 7210	Price
Pillow, Passenger, Headrest (IB)	
7210-00-682-6601 EA	\$1.02

By the Committee.

C. W. FLETCHER,  
Executive Director.  
[FR Doc.75-23712 Filed 9-5-75; 8:45 am]

## PROCUREMENT LIST 1975

### Proposed Additions

Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities, military resale items, and service to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 5510	Price
Stakes, Wood (GSA Regions 1, 2, 3, 5)	
5510-00-171-7701	
5510-00-171-7700	

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Stakes, Wood (GSA Regions 1, 2, 3, 5)—Continued  
5510-00-171-7734  
5510-00-171-7733  
5510-00-171-7732

CLASS 7210	Price
Bedsprad	
7210-00-408-2800	
CLASS 7530	
Tray, Desk	
7530-00-232-6828	
7530-00-285-5043	
7530-00-286-5801	

CLASS 7530	Price
Refill, Appointment Book	
7530-00-497-1539	

CLASS 7920	Price
Squeegie, Floor Cleaning	
7920-00-965-4873	
7920-00-530-5740	

ITEM NUMBER AND DESCRIPTION  
914—Brush, Bar-B-Que, with Scraper  
902—Broom, Push, Plastic with Handle  
INDUSTRIAL CLASS 7349

Janitorial/Custodial, U.S. Army Reserve Center, Watertown, New York

Comments and views regarding these proposed additions may be filed with the Committee on or before October 8, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically canceled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,  
Executive Director.  
[FR Doc.75-23713 Filed 9-5-75; 8:45 am]

## COMMODITY FUTURES TRADING COMMISSION

### CONFIDENTIALITY OF INFORMATION

The Commodity Futures Trading Commission (the "Commission") has had numerous inquiries concerning information in its possession relative to positions of large traders in the cash and futures markets and in that regard wishes to make the following comments.

The Commission is acutely aware of the sensitive nature of the material furnished by futures commission merchants and traders on CFTC report forms '01, '03, '04, 40, and 102, and the Commission is also particularly mindful of the exemption from disclosure contained in the Freedom of Information Act pertaining to confidential commercial and financial information obtained from any person.<sup>1</sup>

In the past, the sensitive nature of information on the trades and positions of individual large traders was recognized and protected by the Commission's predecessor agency, the Commodity Exchange Authority ("CEA"). Such data on individual traders was released to the public by CEA ordinarily only in the

<sup>1</sup> 5 U.S.C. 552(b) 4.

## NOTICES

normal course of administrative proceeding. Interested parties may inspect and obtain a copy of this application at the

Freight Forwarder License No. 1346. It is ordered, That Independent Ocean

Freight Forwarder License No. 1346. It is ordered, That Independent Ocean

## NOTICES

Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to main-

termining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any

states that the proposed increased rates are intended to recover increased revenue requirements of \$7,789,157 over its rates



normal course of administrative proceedings which concerned violations of the Act, and as required by law when such data on positions and transactions of large traders was requested by a committee of Congress which was acting within the scope of its jurisdiction. In regard to any such request, the Commission will at the very least inform the Committee of the consequences (violations of confidentiality) of its request, will insist upon the certification to it of an actual vote of the Committee, and whenever possible will argue forcibly against the Committee making such a request.

The CEA released data which would reveal the identity of individuals to other government bodies only in the course of criminal investigations or the violation of other Federal laws. Other CEA data released to government bodies which would reveal the transactions and positions of individuals did not reveal the identity of those individuals. The Commission intends to continue such policies and in that regard the Commission will not release information furnished by traders and FCM's on CFTC report forms '01, '03, '04, 40, and 102 other than in those very few cases when extraordinary circumstances of compelling public interest require disclosure. The Commission knows of no such compelling public interest which would require disclosure at the present time.

In order to maintain the confidentiality of individual data within the agency, the CEA carried out certain steps which the Commission continues to exercise. Code number assignments are made to individual reporting traders and FCM's and all reports filed by such persons are identified by code number only. Access to reports and to information which would link the code number and the individual large trader or FCM is limited to those CFTC employees who need such information in the pursuit of their official duties. All CFTC employees are prohibited from the unauthorized release of information concerning individual's positions and trades.

The Commission by this statement wishes to emphasize that it is the policy of this Commission to carefully safeguard all confidential information coming into its possession.

Issued in Washington, D.C., on September 4, 1975.

WILLIAM T. BAGLEY,  
Chairman, Commodity Futures  
Trading Commission.  
[FR Doc.75-23850 Filed 9-4-75;8:45 am]

#### FEDERAL MARITIME COMMISSION ALASKA BARGE AND TRANSPORT, INC. ET AL.

##### Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to Section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, Room 11413; or may inspect a copy of the application at the Field Offices, New York, New York; New Orleans, Louisiana; San Francisco, California; and San Juan, Puerto Rico. Comments with reference to the application, including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before September 29, 1975. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter) and the comments should indicate that this has been done.

##### Notice of applications filed by

Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006.

##### In behalf of

Alaska Barge & Transport, Inc., and Thomas J. McKey, Bogel & Gates, The Bank of California Center, Seattle, Washington 98164.

##### In behalf of

Foss Launch & Tug Co. and Foss Alaska Line, Inc.

Applications designated Exemption No. 19 by Alaska Barge & Transport, Inc., and Exemption No. 20 by Foss Launch & Tug Co., and Foss Alaska Line, Inc., have been made pursuant to section 35 of the Shipping Act, 1916, for exemption from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereunder, to (a) amend the effective exemption (46 CFR 531.26(c)), scheduled to expire December 31, 1975, and extend said exemption for a period of three years beyond the expiration date. Applicants have been performing transportation between ports on navigable waters in the Lower 48 States and the Alaska North Slope under an exemption from tariff filings requirements granted June 20, 1974.

Dated: September 4, 1975.

By Order of the Federal Maritime Commission.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23800 Filed 9-5-75;8:45 am]

Independent Ocean Freight Forwarder License No. 1346]

##### D.A.S. INTERNATIONAL FORWARDING CO.

##### Order of Revocation

D.A.S. International Forwarding Company, 7624 20th Avenue, Brooklyn, New York 11214 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1346 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(b) (dated June 30, 1975):

It is ordered, That Independent Ocean Freight Forwarder License No. 1346, issued to D.A.S. International Forwarding Company, be and is hereby revoked effective August 27, 1975, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon D.A.S. International Forwarding Company.

ROBERT G. DREW,  
Acting Director, Bureau of  
Certification and Licensing

[FR Doc.75-23802 Filed 9-5-75;8:45 am]

Independent Ocean Freight Forwarder License No. 937-R]

##### VERNON FORWARDING CO., INC. Reinstatement of License

By Federal Maritime Commission Order dated August 4, 1975, Vernon Forwarding Company, Inc., Independent Ocean Freight Forwarder License No. 937-R was revoked effective July 22, 1975, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was published in the FEDERAL REGISTER on August 8, 1975.

On August 26, 1975, an appropriate surety bond was filed on behalf of Vernon Forwarding Company, Inc., and compliance pursuant to section 44, Shipping Act, 1916, and § 510.9 of General Order 4 has therefore been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 7.04(a), dated September 15, 1973, Independent Ocean Freight Forwarder License No. 937-R shall be reissued to Vernon Forwarding Company, Inc. effective August 26, 1975. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon Vernon Forwarding Company, Inc.

ROBERT S. HOPE,  
Managing Director.

[FR Doc.75-23803 Filed 9-5-75;8:45 am]

Independent Ocean Freight Forwarder License No. 1604]

##### WORLD WIDE FILM TRANSPORT AND HANS BERMAN

##### Order of Revocation

By letter dated July 7, 1975, World Wide Film Transport, Hans Bermann d.b.a., 113 W. Grand Avenue, El Segundo, California 90245 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1604 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before August 6, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General

Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

World Wide Film Transport, Hans Bermann d.b.a. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c) (dated June 30, 1975):

It is ordered, That Independent Ocean Freight Forwarder License No. 1604, issued to World Wide Film Transport, Hans Bermann d.b.a., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1604 be and is hereby revoked effective August 6, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon World Wide Film Transport, Hans Bermann d.b.a.

ROBERT G. DREW,  
Acting Director, Bureau of  
Certification and Licensing.  
[FR Doc.75-23801 Filed 9-5-75;8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. E-9518, E-9101]

##### APPALACHIAN POWER CO.

##### Extension of Date of Hearing

AUGUST 28, 1975.

On August 22, 1975, Staff Counsel filed a motion to extend the date of hearing fixed by order issued December 4, 1974, as most recently modified by notice issued June 9, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the date of hearing in the above matter is extended from September 4, 1975 to September 12, 1975.

KENNETH F. PLUMB,  
Secretary.  
[FR Doc.75-23740 Filed 9-5-75;8:45 am]

[Docket No. E-8810]

##### BOSTON EDISON CO.

##### Certification of Settlement Agreement

AUGUST 29, 1975.

Take notice that on July 18, 1975, the Presiding Administrative Law Judge certified to the Commission the record relating to a proposed settlement agreement in this docket. The settlement agreement purports to settle all issues in this proceeding.

Any person desiring to be heard or to protest said agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1975. Protests will be considered by the Commission in de-

termining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23741 Filed 9-5-75;8:45 am]

[Docket Nos. RP74-19, RP69-2, RP70-25, RP71-27, RP71-28, RP72-144, RP72-136, RP71-67, RP71-109, RP72-35, RP72-85 and RP72-123]

##### FLORIDA GAS TRANSMISSION CO.

##### Further Extension of Procedural Dates

AUGUST 28, 1975.

On August 15, 1975, Florida Gas Transmission Company filed a motion to extend the procedural dates fixed by order issued August 1, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Florida Gas Supplemental Testimony, October 2, 1975.  
Service of Staff Testimony, December 4, 1975.  
Service of Intervenor Testimony, December 18, 1975.  
Service of Company Rebuttal, January 9, 1976.  
Hearing, January 20, 1976 (10:00 a.m., e.s.t.).

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-23742 Filed 9-5-75;8:45 am]

[Docket No. ER76-46]

##### MONTAUP ELECTRIC CO.

##### Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Petitions To Intervene, Denying Motion To Reject, and Establishing Hearing

AUGUST 29, 1975.

On July 30, 1975, Montaup Electric Company (Montaup) tendered for filing certain revised tariff sheets to its FPC Electric Tariff, Original Volume No. 1, exhibits and agreements<sup>1</sup> for the purpose of increasing rates for wholesale sales of electricity to three affiliated and four non-affiliated customers.<sup>2</sup> Montaup

<sup>1</sup> First Revised Sheet Nos. 4, 5, 6, and 11; Revised Exhibit B to contract for service to Narragansett Electric Company, designated as Supplement No. 20 to Rate Schedule FPC No. 35; Amendatory Agreement to Contract for service to Newport Electric Corporation, designated as Supplement No. 8 to Rate Schedule FPC No. 33; Amendatory Agreement to Contract for service to Middleboro, Massachusetts, designated as Supplement No. 7 to Rate Schedule FPC No. 36; and Revised Exhibits to contract for service to Pascoag Fire District, designated as Supplement Nos. 8 and 9 to Rate Schedule FPC No. 34.

<sup>2</sup> Brockton Edison Company, Fall River Electric Light Company, Blackstone Valley Electric Company, Pascoag Fire District, Narragansett Electric Company, Newport Electric Corporation and The Town of Middleboro, Massachusetts.

states that the proposed increased rates are intended to recover increased revenue requirements of \$7,789,157 over its rates currently in effect based on costs for the 12 months ended August 31, 1976. Montaup requests that these rates become effective September 1, 1975.

Notice of Montaup's filing was issued August 7, 1975, with comments, protests and petitions to intervene due on or before August 20, 1975. Timely petitions to intervene were filed by the Town of Middleboro, Massachusetts (Middleboro), Newport Electric Corporation, and the Rhode Island Consumers' Council and Division of Public Utilities and Carriers of the State of Rhode Island. We believe that good cause exists to permit the intervention of these parties. On August 26, 1975 Montaup filed an answer to the petitions of the Rhode Island Consumer's Council and Middleboro.

Montaup states that the increased rates are necessary to cover increased demand costs which it expects to incur commencing September 1, 1975. Montaup also states that it has filed a fuel cost adjustment clause conforming to the standards of Order No. 517.<sup>3</sup>

Middleboro moves that we reject that part of Montaup's proposed rates which establishes the method of calculating the demand charges herein. We do not believe that summary rejection on the basis of Middleboro's pleading is appropriate. Instead, this matter should be developed by the parties in the evidentiary hearing established herein. Middleboro also requests a five month suspension for the increased rates. Our review of the proposed rates indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. However, we believe that these rates should be suspended for one month<sup>4</sup>, when they will be permitted to become effective, subject to refund, pending hearing and decision as to the justness and reasonableness of the proposed rates.

In addition to the above and without limiting the rights of the parties or the issues to be raised in the hearing herein-after ordered, we direct the parties, including our Staff, to make an evidentiary showing on the following matters: the excess reactive demand charge and its operations; the proposed 100 percent demand ratchet; eliminations from rate base associated with unit sales; the propriety of including compensating bank balances in rate base, the appropriateness of normalized treatment of certain pension, tax, and interest expenses; the use of the statutory tax rate or the consolidated effective tax rate which may be available to Montaup; the increase in Operation and Maintenance expenses; all matters relating to Montaup's capital structure, including the equity investment in nuclear generating companies; the adequacy of Montaup's before and after tax interest coverage;

<sup>3</sup> Issued November 13, 1974.

<sup>4</sup> Municipal Light Boards of Reading and Wakefield, Massachusetts v. Federal Power Commission, 450 F.2d 1341 (CA.D.C. 1971).



## NOTICES

and the appropriate return on equity for Montaup.

**The Commission finds.** (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges filed herein and that the revised rates and charges be suspended as hereinafter provided.

(2) Good cause exists to permit the intervention of the above mentioned parties.

(3) Good cause does not exist to grant Middleboro's Motion to Reject.

**The Commission orders.** (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, and the Commission's rules and regulations, a public hearing concerning the lawfulness and reasonableness of the increased rates as proposed herein shall be held on January 27, 1976, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(B) Pending hearing and decision as to the justness and reasonableness of the increased rates proposed by Montaup, the revised tariff sheets, amendments and exhibits, filed herein are accepted for filing and suspended for one month or until October 1, 1975, when they will be permitted to become effective subject to refund.

(C) On or before December 19, 1975, the Commission Staff shall file its prepared testimony and exhibits. Any Intervenor testimony and exhibits shall be filed on or before January 2, 1976. Montaup's rebuttal testimony and exhibits shall be filed on or before January 16, 1976.

(D) A Presiding Administrative Law Judge to be designated for that purpose by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearings in these proceedings, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the terms of this order.

(E) The parties mentioned above are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene. *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Middleboro's Motion to Reject is hereby denied.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23744 Filed 9-5-75; 8:45 am]

[Docket No. RP75-108]

# NATURAL GAS PIPELINE COMPANY OF AMERICA

## Order Denying Application for Rehearing

AUGUST 29, 1975.

On July 30, 1975, Natural Gas Pipeline Company of America (Natural) filed herein an application for rehearing of the Commission's order issued in the above docket on June 30, 1975. The June 30 order rejected certain of Natural's proposed tariff sheets which (1) incorporated the effect of including construction work in progress in Natural's rate base and (2) included the costs associated with certain payments made by Natural to Exxon, U.S.A. to acquire rights with respect to gas reserves located in Alaska and the offshore Gulf of Mexico area. The latter costs were rejected because they had been previously considered by the Commission and disallowed by order issued on May 16, 1975, in Docket No. RP75-90. Rehearing of the May 16 order was denied on July 11, 1975.

In its application for rehearing Natural argues that we are without authority to reject the tariff sheets incorporating the disputed Exxon payments, notwithstanding our prior order explicitly disallowing such payments for ratemaking purposes. Natural states that the Commission "is without authority to reject a filing of proposed tariff changes which meet the formal filing requirement of the Natural Gas Act and the Commission's regulations. Rather, it is limited to the statutory provision of a 5-month suspension period, after which the new rates would be effective subject to refund." *Mississippi River Fuel Corp. v. F.P.C.*, 202 F.2d 899, 902-3 (3d Cir.) cert. dismissed, 345 U.S. 988 (1953). (Application for rehearing, page 7).

We cannot accept Natural's argument. As we stated in the order of July 11, 1975, in Docket No. RP75-90, the Exxon payments were rejected as being inconsistent, as a matter of law and policy, with the "purpose, scope, and operation of our regulations." (mimeo p. 4). We found for this reason that reliance on the "Mississippi River Fuel Corp." case, supra, was misplaced (Ibid).

It seems clear that to permit the Exxon payments to be included in Natural's rates in this docket would render our prior disallowance of these same payments a virtual nullity, and would require Natural's customers to defray the cost of such payments in the

present docket, albeit subject to refund, even though the payments have been disallowed in another docket. Clearly we are not required to interpret our regulations so as to produce such a contradictory result.

The issue of whether the Exxon payments shall be permitted for ratemaking purposes has been decided, and that issue cannot be revived anew by the inclusion of the same payments as part of Natural's general rate increase application in this docket. It follows that Natural's application for rehearing of the suspension order issued herein on June 30, 1975, must be denied.

**The Commission orders.** (A) Natural's application for rehearing filed herein July 30, 1975, is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23745 Filed 9-5-75; 8:45 am]

[Docket No. E-9104]

# NEVADA POWER CO.

## Further Extension of Hearing Date

AUGUST 29, 1975.

On August 25, 1975, California Pacific Utilities Company (C-P) filed a motion to extend the hearing date fixed by order issued January 17, 1975, as most recently modified by notice issued July 25, 1975, in the above-designated matter. On August 26, 1975 C-P filed an amendment to the above motion.

Upon consideration, notice is hereby given that the hearing date in the above matter is extended to October 9, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23746 Filed 9-5-75; 8:45 am]

[Docket Nos. E-9136, E-9140]

# NEW ENGLAND POWER CO.

## Extension of Procedural Dates

AUGUST 29, 1975.

On August 26, 1975, the Rhode Island Group filed a motion to extend the procedural dates, fixed by order issued June 18, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, September 15, 1975.

Service of Company Rebuttal, September 29, 1975.

Hearing, October 7, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23747 Filed 9-5-75; 8:45 am]

[Docket No. RP74-95, RP73-109]

# NORTHWEST PIPELINE CORP.

## Further Extension of Procedural Dates

AUGUST 29, 1975.

On August 14, 1975, Northwest Pipeline Corporation filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as most recently modified by notice issued July 15, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor, Testimony, October 23, 1975.

Service of Company, Rebuttal, November 6, 1975.

Hearing, December 4, 1975 (10 a.m. e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23748 Filed 9-5-75; 8:45 am]

[Docket No. ERT6-17]

# OHIO POWER CO.

## Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions, and Establishing Dates

AUGUST 29, 1975.

On July 21, 1975, Ohio Power Company (Ohio) tendered for filing a proposed amendment<sup>1</sup> to its Interconnection Agreement with Wheeling Electric Company, (Wheeling), a full requirements customer and an affiliate of Ohio. The proposed rates would increase revenues from Wheeling by \$6,228,660 for the twelve month period ending December 31, 1975, which is period II. The subject filing would place into effect a rate design consisting of single demand and energy blocks and would revise the current fuel clause by increasing the base cost of fuel and losses associated with sales to Wheeling. The company states that its revised fuel clause has been prepared in conformity with § 35.14 of our regulations. Ohio proposes an effective date of September 1, 1975.

Public notice of Ohio's tendered filing was issued on July 25, 1975, with comments, protests or petitions to intervene due on or before August 8, 1975. On August 7, 1975, a notice of intervention was filed by the Public Service Commission of West Virginia. On August 15, 1975, the West Virginia Commission filed a motion requesting that we suspend the subject filing on the ground that its analysis of Ohio's filing will be time consuming and that suspension will not substantially impact Ohio's financial position.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties including the Commission Staff. Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct that the parties and our Staff present evi-

<sup>1</sup> Designated as: Ohio Power Company, Supplement No. 6 to Rate Schedule FPC No. 18.

## NOTICES

dence which addresses itself to the following matters. Ohio is requesting herein that it be allowed a rate of return on common equity of 15.5 percent and an overall rate of return of 10.13 percent. All parties, including Staff, are directed to present evidence specifying the factors justifying a change from the rate of return we have previously approved for service to Wheeling. We further note that Ohio states that its annual expenditures for new facilities have doubled over five years. All parties, including Staff, are directed to present evidence as to how their rate of return recommendations relate to Ohio's alleged financing requirements and should address themselves specifically to Ohio's statements that it has low interest coverage ratios which adversely affect its ability to raise capital; that it must reobtain and maintain a bond rating of A, rather than its current rating of Baa; that its reduced debt ratio reflects inadequate earnings and that allowance for funds used during construction increased from a level of 33 percent of income available for common equity in 1970 to nearly 76 percent in 1974. Such analysis should also direct itself to the fact that Ohio's common stock is owned by American Electric Power Company (AEP) and AEP's stock, unlike Ohio's, is actively publicly traded. Evidence is to be submitted reviewing the propriety of allowing Ohio an allowance for Federal Income Taxes by the use of the 48 percent statutory tax rate, when in fact it participates with other AEP affiliates in filing a consolidated tax return and when AEP in fact pays no federal income taxes. A review of Ohio's submittal indicates that among other things it functionalized general plant, common plant and administrative and general expenses on functional plant ratios, allocated operation and maintenance expenses; and separated the transmission function into various sub-functions reflecting voltage or service levels for allocation purposes.

Our review of Ohio's proposed rates filed herein indicates that the proposed rates have not been shown to be just and reasonable. We shall, therefore, accept Ohio's tendered tariff sheets for filing and suspend the use thereof for two months, when they will be permitted to become effective subject to refund. We shall also provide for an evidentiary hearing to test the lawfulness of the proposed rates.

**The Commission finds.** (1) Ohio's filing should be accepted for filing and suspended for two months, as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of Ohio's proposed rate changes.

(3) The participation of the Public Service Commission of West Virginia in these proceedings is in the public interest.

**The Commission orders.** (A) Ohio's filing is hereby accepted for filing and suspended for sixty days until Novem-

ber 1, 1975, when the proposed rates will go into effect subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on January 6, 1976, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) On or before November 4, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors, if any, shall be served on or before November 25, 1975. Company rebuttal shall be served on or before December 16, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Public Service Commission of West Virginia is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene. *And provided, further,* That the admission of such intervenor shall not be considered as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23749 Filed 9-5-75; 8:45 am]

[Docket No. E-9507]

# OTTER TAIL POWER CO.

## Order Rejecting Filing, Setting Matter for Hearing, and Granting Interventions

AUGUST 29, 1975.

On June 23, 1975, Otter Tail Power Company ("Otter Tail") tendered for filing, pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, a Rate for Firm Wheeling (Transmission) Service to the municipalities of Barnesville, Benson, Breckenridge, Detroit Lakes, Henning, Lake Park, Newfolden, Nielsville, Ortonville, Shelly, Stephen and

## NOTICES

Warren, Minnesota, and Badger, Big Stone City and Estelline, South Dakota. September 1

rejected in Docket No. E-9240," namely that the proposed filing is fifteen months premature (of the December 31, 1976

but a single part of a three way inter-locked package deal, which also includes the Bureau-Otter Tail Contract and the

Electric Utility Association of Alabama v. FPC," 485 F.2d 967 (1973).

The Commission previously rejected

subject to the Commission's Rules and Regulations.

**The Commission orders.** (A) The ten-

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must



Warren, Minnesota, and Badger, Big Stone City and Estelline, South Dakota, to commence September 1, 1975, supplanting certain present transmission service arrangements' whereby Otter Tail presently renders the municipalities excess capacity wheeling service. Although asserting that its filing constitutes an initial rate schedule for a new source, Otter Tail submits accompanying documents and data in support thereof as both an initial and changed rate under §§ 35.12 and 35.13 of the Commission's rules. Otter Tail notes that its proposed rate for firm transmission service to the municipalities is identical to that presented and currently being investigated in the Elbow Lake proceeding, Docket No. E-8152, and additionally tenders testimony prepared to support Commission acceptance of the rate in general.

Public notice of the filing was issued on July 2, 1975 and published on July 25, 1975 (40 FR 31287), calling for the submittal of petitions or protests in response thereto on or before July 24, 1975, which period was subsequently extended through August 4, 1975.

By joint petition and motion<sup>1</sup> of August 4, 1975, the Cities of Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonville, and Warren, Minnesota and Big Stone City, South Dakota (hereinafter "Cities") petition to intervene herein as USBR, wholesale power customers presently receiving full requirements purchases of United States Bureau of Reclamation ("USBR") electric power and energy as delivered over Otter Tail transmission facilities by the company pursuant to (1) its 26(c) contractual obligations under Contract No. 179-1592 with the Bureau, dated March 4, 1950, and designated Otter Tail Rate Schedule FPC No. 84, to transmit delivered USBR power to the Cities for a charge of one mill per kwh, and (2) separate USBR obligations to furnish, and deliver electric service to the Cities under various Bureau contracts therewith. Noting that these contracts continue to provide transmission service by Otter Tail to the Cities through December 31, 1976, and rejecting Otter Tail's instant filing as an offer to provide supplemental transmission service thereto which the Cities neither need nor desire, the Cities additionally move that the Commission reject Otter Tail's June 23rd submittal pursuant to § 35.5 of the Commission's Rules upon the same basis that an identical filing with respect to the Cities of Alexandria and Tyler was

<sup>1</sup> Otter Tail asserts in its submittal that it wheels USBR power to the municipalities pursuant to an interlocked package of contracts which includes both the Bureau-Otter Tail contract and respective Special Municipal Electric Service Agreements. See discussion *infra*.

<sup>2</sup> Petition of the Cities of Barnesville, Minnesota, et al., for Leave to Intervene, Protest, Motion to Reject Filing and, in the Alternative, Request for Suspension of Rate Schedule.

rejected in Docket No. E-9240,<sup>2</sup> namely that the proposed filing is fifteen months premature (of the December 31, 1976 contractual transmission service expiration date) in violation of Section 35.3 of our Rules, which requires that all rate schedules tendered for filing with the Commission and posted must be so submitted not less than 30 nor more than 90 days from the date upon which service is to commence.

Cast in the role of intended beneficiary-recipients of Otter Tail transmission service under the Bureau-Otter Tail Contract (Rate Schedule FPC No. 84), the Cities also maintain that the Commission should reject the Otter Tail filing because it violates binding contractual provisions for transmission rate review and adjustment pursuant to Article 28(b) of the Bureau-Otter Tail Contract, which specifically afford either party the opportunity to (1) request reconsideration of the one mill transmission rate, and (2) subsequently terminate its transmission service obligations upon four-years' written notice thereafter. Since Otter Tail has heretofore failed to avail itself of either of the aforementioned Article 28(b) remedies, its present attempt to raise the transmission service rate for the Cities by another means circumvents the terms of the Bureau-Otter Tail Contract, and should be accordingly rejected by this Commission as a gross violation thereof which would permit Otter Tail to collect a second time for wheeling service for which it is already recompensed by the Bureau. The Cities assert further that Otter Tail's irrevocable contractual obligation to render transmission service at the rate of one mill per kwh through December 31, 1976 when the Bureau-Otter Tail Contract expires or until the rate increase process in Article 28(b) is completed, does not depend upon the existence of any additional contractual arrangement between Otter Tail and the Cities, and that the Otter Tail-Municipal Special Electric Service Agreements pertain to "firming transmission service" and other matters beyond Otter Tail's basic obligation to transmit USBR power and energy to the Cities.

The Cities alternatively petition the Commission to reject the tendered filing upon the basis that it fails to conform to § 35.13 of our rules in allocating its cost of service to jurisdictional customers, and accordingly explain the contents of Statements A-0. Should the Commission accept the proposed filing, the Cities request the Commission to suspend the operation of the proposed change in rates for a full five months pending the conduct of a hearing to investigate the lawfulness thereof pursuant to sections 205(e), 206 and 307 of the Federal Power Act.

Otter Tail asserts in its prepared testimony that the Cities' Special Municipal Electric Service Agreements constitute

<sup>3</sup> See Order Rejecting Filing, issued March 31, 1975 and Order Denying Rehearing, issued May 16, 1975 in Docket No. E-9240.

but a single part of a three way interlocked package deal, which also includes the Bureau-Otter Tail Contract and the USBR contracts with its preference customers, executed in 1955 in part to provide the Bureau and its preference customers with Otter Tail excess capacity transmission service at an incremental cost far below fully allocated costs for firm transmission service. Otter Tail receives payments therefor of one mill per kwh from the Bureau and 1½ mills per kwh from each of the Cities for an additional service labeled "firming transmission service" designed to firm up the USBR transmission grid in delivering power to various points within the Otter Tail system for wheeling to the preference customer. Otter Tail concludes that it is no longer obligated to transmit power and energy for the Bureau and the Cities pursuant to the aforementioned interlocked package of contracts because the Court ordered invalidation in the antitrust case of "United States of America v. Otter Tail Power Company," 331 F. Supp. 54 (September 9, 1971) as affirmed by the United States Supreme Court, "Otter Tail Power Company v. United States of America," 410 U.S. 366 (February 22, 1973), of vital and non-severable provisions in the package violates and voids the package deal as a whole.

Otter Tail also argues that the charge for wheeling service under Rate Schedule No. 84 adversely affects the public interest by being so low as to cast upon other consumers an excessive burden contra the dictate of "FPC v. Sierra Pacific Power Company," 350 U.S. 348 (1958).

In a response to the Cities' Petition, tendered August 18, 1975, Otter Tail answers that it does not object to Cities' intervention herein, but takes issue with all of the Cities' ancillary contentions in support of the motion to reject. Otter Tail notes that its expressed difference of opinion with the Cities serves to frame certain contested issues for trial, including consideration of (1) whether the proposed compensatory rate for firm wheeling service is just and reasonable and non-discriminatory, (2) when the compensatory rate may legally take effect as to each of the Cities,<sup>4</sup> and (3) whether the one mill charge for wheeling service under the Bureau-Otter Tail Contract is non-compensatory, imposition of which may violate the rule of Sierra Pacific. Otter Tail alternatively requests that the Commission waive its 30-90 day filing provision under section 35.3 of the Rules and consider the tendered rate on a tariff basis prospectively, akin to procedure affirmed in "Municipal

<sup>4</sup> Otter Tail additionally asserts that this determination depends chiefly upon resolution of whether (1) the Bureau-Otter Tail Contract was vitiated by the Supreme Court decision in the antitrust case, and (2) the Special Municipal Electric Service Agreements are integral parts of an interlocked package deal arrangement for wheeling service to the municipalities.

Electric Utility Association of Alabama v. FPC," 485 F.2d 967 (1973).

The Commission previously rejected the same vitiation and package deal categorizations which Otter Tail posits here, accordingly finding an obligation on the part of Otter Tail to continue to provide the Cities with basic excess capacity transmission service under the Bureau-Otter Tail contract through December 31, 1976.<sup>5</sup> The question of whether the proposed rate for firm wheeling service is just and reasonable and non-discriminatory with respect to all the municipalities akin to the procedure followed in Municipal Electric is presently being addressed in the expanded investigation and hearing in Docket No. E-8152, and bears no need for duplication in this docket.

The rule of Sierra Pacific does not, of course, address the circumstance upon which a filed rate may be initially rejected by the Commission. The concern of Sierra Pacific is rather with rejection of a unilaterally filed rate increase in contravention of a fixed rate contract upon the merits, after completion of a hearing whereby it has been determined whether the contractually fixed rate is so low as to adversely affect the public interest. There is nothing in Otter Tail's instant submittal which serves to persuade us that we erred in rejecting Otter Tail's identical filing upon the basis of prematurity and not upon the merits of the filing itself. The circumstances remain unchanged here, and we must reject Otter Tail's present rate filing accordingly.

Otter Tail's controverted contention that imposition of the one mill fixed charge under the Bureau-Otter Tail Contract compels the provision of wheeling service to the Cities at a rate which is neither compensatory nor just and reasonable, however, raises questions which remain unanswered in the E-8152 proceeding and which merit investigation and hearing in a separate proceeding at this time.

*The Commission finds.* (1) The proposed rate for firm transmission service for the Cities has been tendered for filing by Otter Tail more than 90 days prior to the date on which the electric service is to commence and become effective, and should be accordingly rejected, pursuant to § 35.5 of the Commission's rules, as patently failing to substantially comply with § 35.3 thereof.

(2) Pursuant to the provisions of sections 206 and 307 of the Federal Power Act, an investigation and hearing should be instituted for the purpose of determining whether the rate schedule for wheeling service, under the Bureau-Otter Tail Contract, Otter Tail Power Company Rate Schedule No. 84, is compensatory, just and reasonable.

(3) The Cities of Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonville, and Warren, Minnesota and Big Stone City, South Dakota should be permitted to intervene in this proceeding

<sup>5</sup> See Order Rejecting Filing, issued March 31, 1975 in Docket No. E-9240.

subject to the Commission's Rules and Regulations.

*The Commission orders.* (A) The tendered rate for firm transmission service proposed by Otter Tail for the Cities has been prematurely filed in violation of § 35.3 of our rules, and is hereby rejected accordingly.

(B) Pursuant to the provisions of sections 206 and 307 of the Federal Power Act, an investigation and hearing is hereby instituted for the purpose of determining whether the rate schedule for wheeling service under the Bureau-Otter Tail Contract, Otter Tail Power Company Rate Schedule No. 84, is compensatory, just and reasonable.

(C) A prehearing conference shall be held on October 20, 1975, at 10 a.m., for the purpose of establishing necessary hearing procedures, including a schedule for the submission of evidence, if any, by the parties to the proceeding, and for the expeditious resolution of other related matters as may be required.

(D) The Cities of Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonville, and Warren, Minnesota and Big Stone City, South Dakota are hereby permitted to intervene in this proceeding subject to the Commission's rules and regulations.

(E) Any additional person desiring to intervene in this proceeding should file a petition to intervene with the Federal Power Commission, Washington, D.C. 20426, in accordance with § 1.8 of the rules of practice and procedure (18 CFR 1.8). All such petitions should be filed on or before October 3, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23750 Filed 9-5-75; 8:45 am]

[Docket No. ER 76-84]

PUBLIC SERVICE CO. OF OKLAHOMA  
Cancellation

AUGUST 29, 1975.

Take notice that on August 22, 1975, Public Service Company of Oklahoma (PSCO) tendered for filing a notice of cancellation of Rate Schedule FPC No. 163, under which the Town of Mannford, Oklahoma (Mannford) has been receiving electric service. PSCO states that Mannford has elected to receive electric service from another supplier, commencing on or about September 2, 1975; therefore PSCO's Rate Schedule is cancelled on or after September 2, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23751 Filed 9-5-75; 8:45 am]

[Docket No. C175-602]

ROY M. HUFFINGTON, INC.

Extension of Time and Modification of  
Procedural Order

AUGUST 29, 1975.

On August 20, 1975, Michigan Wisconsin Pipeline Company filed a motion to extend the procedural dates, set by order issued July 21, 1975, and to provide for a seriatim presentation of evidence by the applicants and intervenors opposing the application, in the above-designated matter. On August 21, 1975, Michigan Wisconsin amended the above motion. On August 27, 1975, Roy M. Huffington, Inc., filed a response to the motion filed by Michigan Wisconsin in support of the modification of procedural dates and in opposition to the motion to provide a seriatim presentation of evidence by the applicants and intervenors opposing the application.

Notice is hereby given that the order of July 21, 1975, is modified to provide for a seriatim presentation of evidence by the applicants and intervenors opposing the application and the procedural dates are modified as follows: (1) The time for filing the direct case of intervenors opposing the application is extended to and including September 23, 1975; and (2) the hearing date in the above matter is deferred to October 21, 1975.

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23743 Filed 9-5-75; 8:45 am]

[Docket No. CP74-121]

TEXAS EASTERN TRANSMISSION CORP.

Extension of Time

AUGUST 29, 1975.

On August 22, 1975, Texas Eastern Transmission Corporation filed a motion to extend the time within which to construct and place into operation the facilities authorized by order issued August 27, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the date by which Texas Eastern Transmission Corporation must construct and place into operation the facilities authorized by order issued August 27, 1974, in the above matter, is extended until February 27, 1976.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23752 Filed 9-5-75; 8:45 am]



## NOTICES

[Docket No. CS76-1, etc.]  
**GREEN WOLF OIL CO. ET AL.**  
 Applications for "Small Producer"  
 Certificates<sup>1</sup>

August 28, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

ing is required, further notice of such hearing will be duly given.  
 Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

**KENNETH F. PLUMB,**  
*Secretary.*

Docket No.	Date filed	Applicant
CS76-1.....	7-2-75	Green Wolf Oil Co., Phyllis K. Zolipson, 815 East 2d St., Wichita, Kans. 67202.
CS76-79.....	8-11-75	Armando Candelaria, 116 Ranchitas Rd. NE, Albuquerque, N. Mex. 87111.
CS76-80.....	8-18-75	Cal-Kelly-Martin, 1416 Armstrong, Bartlesville, Okla. 74003.
CS76-81.....	8-11-75	Rustex Oil, Inc., P.O. Box 888, Magnolia, Ark. 71753.
CS76-82.....	8-14-75	Brinkerhoff Drilling Co., Inc., 600 Denver Club Bldg., Denver, Colo. 80202.
CS76-83.....	8-14-75	Robert J. Guttr, 307 Farmers & Bankers Bldg., 200 East 1st St., Wichita, Kans. 67202.
CS76-84.....	8-14-75	Giant Petroleum Corp., 1014 Philhower Bldg., Tulsa, Okla. 74103.
CS76-85.....	8-14-75	LeRoy Bacon, 408 Lilac Lane, Grand Junction, Colo. 81501.
CS76-86.....	8-18-75	Raymond B. Kelly, Jr., and Tom C. Gibson, Box 2920, Grand Junction, Colo. 81501.
CS76-87.....	8-18-75	Judy Hancock Grubb, P.O. Box 25368, Houston, Tex. 77065.
CS76-88.....	8-18-75	J. W. Gibson, P.O. Box 237, Henderson, Colo. 80940.
CS76-89.....	8-18-75	Crotteau Oil, Ltd., P.O. Box 174, Rice Lake, Wis. 54868.
CS76-90.....	8-18-75	Saybrook Charitable Fund, 9193d Ave., New York, N.Y. 10022.
CS76-91.....	8-21-75	Charles Conlon, West Hickory Drilling Co., P.O. Box 25, West Hickory, Pa. 16370.
CS76-92.....	8-21-75	Gulfside, Inc., 1215 Ibberola Bank Bldg., New Orleans, La. 70112.

<sup>1</sup> Being renoted to reflect the correct name of applicant per amended application filed Aug. 18, 1975.

[FR Doc.75-23523 Filed 9-5-75; 8:45 am]

[Docket No. CI60-150, etc.]

**GULF OIL CORP. ET AL.**

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

August 28, 1975.

Take notice that each of the Applicants listed herein has filed an applica-

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

tion or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

**KENNETH F. PLUMB,**  
*Secretary.*

## NOTICES

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[Docket No. CI61-592, etc.]

**LADD PETROLEUM CORP.**

Amendment to Petition To Amend

August 27, 1975.

Take notice that on August 7, 1975, Ladd Petroleum Corporation (Petitioner) filed in Docket No. CI61-592, et al., an amendment to its petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets to LVO Corporation by authorizing Petitioner to continue without change sales of natural gas in interstate commerce for resale authorized in said dockets to be made by LVO Corporation, all as more fully set forth in the appendix hereto and in the amendment to the petition to amend which is on file with the Commission and open to public inspection. In the instant amendment Petitioner proposes to continue sales in addition to those proposed in its petition of February 18, 1975.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene, notices of intervention or protests need not file again.

**KENNETH F. PLUMB,**  
*Secretary.*

<sup>1</sup> Notice of the petition to amend filed February 18, 1975, was published March 20, 1975 (40 FR 12712).

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI60-159..... 8-18-75 <sup>1</sup>	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	Cities Service Gas Co., Rustman No. 1-A Well, Hugoton Field, Sevier County, Kans.	* 19.96375	14.65
CI63-136..... D 8-15-75	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73115.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	(u)	-----
CI64-213..... D 8-15-75	do.	do.	(u)	-----
CI68-55..... C 8-14-75	Atlantic Richfield Co., P.O. Box 2619, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., West Wilburton Field, Pittsburg County, Okla.	* 54.59	14.65
CI68-621..... C 8-12-75	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Borosa Field et al., Starr County, Tex.	* 20.0	14.65
CI76-82..... A 8-7-75	American Petroleum Co., of Texas, P.O. Box 2159, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Lorene Field, Beaver County, Okla.	* 59.4452 * 63.6129	14.65 14.65
CI76-98..... A 8-12-75	Carbot Corp., P.O. Box 1101, Panola, Tex. 75065.	Northern Natural Gas Co., all of Block 543, West Cameron area, south addition, offshore Louisiana.	* 1.40 (7)	14.65
CI76-96..... (CI65-349) B 8-11-75	Union Oil Co., of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Timber Bay Field, La Fourche Parish, La.	Depleted	-----
CI76-97..... A 8-13-75	Clinton Oil Co., P.O. Box 1201, Wichita, Kans. 67201.	Northern Natural Gas Co., acreage in Irian County, Tex.	* 63.4326	14.65
CI76-98..... A 8-8-75	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., San Juan 28-7, Chagra Unit, Rio Arriba County, N. Mex.	* 55.7255	14.73
CI76-99..... (G-4583) B 8-11-75	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73115.	Mississippi River Transmission Corp., Ilco Knowles Field, Lincoln Parish, La.	Depleted	-----
CI76-100..... A 8-13-75	Champion Petroleum Co., P.O. Box 6365, Fort Worth, Tex. 76107.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Higgins Unit Area, Sweetwater County, Wyo.	* 53.44	14.65
CI76-101..... (CI65-384) B 8-13-75	do.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Timber Bay Field, Lafourche Parish, La.	Production has ceased	-----
CI76-102..... (CI65-1319) B 7-30-75	Terra Resources, Inc., P.O. Box 2329, Tulsa, Okla. 74101.	Paulhandle Eastern Pipe Line Co., Sunnyside Field, Beaver County, Okla.	Uneconomical	-----
CI76-103..... A 8-12-75	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	* 55.3025	14.73
CI76-104..... (CI71-560) B 8-13-75	Varn Petroleum Co., 500 The Six Hundred Bldg., Corpus Christi, Tex. 78401.	United Gas Pipe Line Co., Wade City Field, Jim Wells County, Tex.	(u)	-----

<sup>1</sup> Applicant states that it is authorized to sell gas well gas from the subject well and now proposes to sell all gas whether the well is classified as a gas well or an oil well.  
<sup>2</sup> Includes 1.48¢/Mcf upward British thermal unit adjustment and 0.00375¢/Mcf tax reimbursement.  
<sup>3</sup> Subject to upward and downward British thermal unit adjustment.  
<sup>4</sup> Subject to downward British thermal unit adjustment.  
<sup>5</sup> Rate for gas from the Dyer Lease; includes 5.16¢/Mcf upward British thermal unit adjustment.  
<sup>6</sup> Applicant is willing to accept a certificate in accordance with section 2.5(a) of the Commission's General Policy and Interpretations.  
<sup>7</sup> Includes 8.9054¢/Mcf upward British thermal unit adjustment.  
<sup>8</sup> Subject to upward and downward British thermal unit adjustment; includes 4.7255¢/Mcf estimated tax reimbursement.  
<sup>9</sup> Subject to upward and downward British thermal unit adjustment; includes 4.302¢/Mcf tax reimbursement.  
<sup>10</sup> Uneconomical for buyer to operate facilities to take gas.  
<sup>11</sup> Well shut in due to increase in 11% content to high level.

Filing code: A—Initial service.  
 B—Abandonment.  
 C—Amendment to add acreage.  
 D—Amendment to delete acreage.  
 E—Succession.  
 F—Partial succession.

[FR Doc.75-23520 Filed 9-5-75; 8:45 am]

APPENDIX.—LVO Corp. certificates and FPC gas rate schedules

LVO gas rate schedule No.	Certificate docket No.	Purchaser	Location of sale	Field	County or parish	State
11.....	G-11487	Texas Eastern Transmission Corp.	Waskom.....	Panola.....	Texas.	
12.....	CI60-508	Tennessee Gas Pipeline Co.	Lopeno NE.....	Zapata.....	Do.	
14.....	CI60-37	do.	Northwest.....	Colorado.....	Do.	
15.....	CI63-1383	Texas Eastern Transmission Corp.	Garwood.....	do.....	Do.	
19.....	G-19166	Wunderlich Development Co.	Autwine SW.....	Kay.....	Oklahoma.	
21.....	CI62-499	do.	do.....	do.....	Do.	
23.....	CI62-1822	do.	do.....	do.....	Do.	
24.....	CI63-406	do.	do.....	do.....	Do.	
26.....	CI67-301	Colorado Interstate Gas Co.	Greenwood.....	Morton.....	Kansas.	
34.....	CI72-450	El Paso Natural Gas Co.	Basin Dakota.....	San Juan.....	New Mexico.	
38.....	CI72-450	Northern Natural Gas Co.	North.....	Beaver.....	Oklahoma.	
39.....	CI72-450	do.	do.....	do.....	Do.	

[FR Doc.75-23522 Filed 9-5-75; 8:45 am]

## NOTICES

[Rate Schedule No. 532]

these sales is listed in the Appendix below.

ties in Docket No. RP74-102 (Volumetric Limitations)."

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Commission's regulations under the Natural Gas Act (18 CFR 157.29) and has

are completed and reserve estimates are confirmed. In the event this Commission has des-

thority—(18 CFR 3.5(d)) shall preside at and control this proceeding in accordance with the policies expressed in the



## NOTICES

[Rate Schedule No. 532]

**SUN OIL CO.  
Rate Change Filing**

AUGUST 27, 1975.

Take notice that the producer listed in the Appendix attached below has filed a proposed increased rate to the applicable new gas national ceiling based on the interpretation of venting concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and in Opinion No. 699-H, issued December 4, 1974. The rates filed pursuant to Opinion No. 699-H, if accepted, will become effective as of the date of filing. The information relevant to each of

these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filing should on or before September 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

## APPENDIX

Filing date	Producer	Rate Schedule No.	Buyer	Area
Aug. 14, 1975.	Sun Oil Co., P.O. Box 2885, Dallas, Tex. 75221.	532	Transcontinental Gas Pipe- line Co.	South Louisiana.

[FR Doc.75-23523 Filed 9-5-75; 8:45 am]

[Docket No. ER76-86]

**VIRGINIA ELECTRIC & POWER CO.  
Tendered Revised Contract Supplements**

AUGUST 28, 1975.

Take notice that on August 25, 1975, Virginia Electric and Power Company (VEPCO), tendered for filing revised supplements to contracts between VEPCO and Mecklenburg Electric Cooperative. VEPCO states that the revised contract supplements correct certain items to reflect changes made in the past at various delivery points as set forth below:

Delivery point	Present FPC No.	Proposed FPC No.	Item corrected
Beechwood.....	79-13	79-30	9
Black Branch.....	79-10	79-31	5(3), 9
Climax.....	79-9	79-32	5(3), 9
Crystal Hill.....	79-1	79-33	5(3), 9
Emporia.....	79-16	79-34	5(3)
Freeman.....	79-12	79-35	5(3), 9
Gashburg.....	79-18	79-36	5(3), 9
Gretins.....	79-4	79-37	5(3), 9
Grit.....	79-11	79-38	5(3), 9
Jones Store.....	79-3	79-39	5(3), 9
Mount Airy.....	79-8	79-40	5(3), 9
Northview.....	79-2	79-41	5(3), 9

VEPCO states that the revised contract supplements are intended to supersede the listed FPC Rate Schedules and requests that the revised supplements be allowed to become effective on August 28, 1975, the requested effective date.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to be

come parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23524 Filed 9-5-75; 8:45 am]

[Docket No. ID-1568]

JAMES H. MILLER, JR.

**Supplemental Application; Correction  
AUGUST 7, 1975.**

In the notice of supplemental application, issued July 17, 1975, and published in the FEDERAL REGISTER on July 24, 1975, at 40 FR 31039, at the end of paragraph 1, please add Director—Southern Electric Generating Company—Public Utility, after the list of all positions to be held by Applicant pursuant to section 305(b) of the Federal Power Act.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23689 Filed 9-5-75; 8:45 am]

[Docket No. RP74-102 (Volumetric  
Limitations)]**NORTHERN NATURAL GAS CO.****Order Issuing Order To Show Cause and  
Setting Procedures for Hearing; Correction**

JULY 24, 1975.

In the order issuing order to show cause and setting procedures for hearing issued July 7, 1975, published in the FEDERAL REGISTER on July 15, 1975, at 40 FR 29765, in paragraph 2, line 22, please add at the end "All parties in Northern Natural Gas Company, Docket No. RP74-102, will be considered par-

ties in Docket No. RP74-102 (Volumetric Limitations)."

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23686 Filed 9-5-75; 8:45 am]

[Docket No. CP76-16]

**TENNECO LNG INC.****Application; Correction**

AUGUST 5, 1975.

In the notice of application issued July 29, 1975, and published in the FEDERAL REGISTER on August 7, 1975, at 40 FR 33307, caption and line 4 substitute Docket No. "CP76-16" for Docket No. "CP76-15."

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23688 Filed 9-5-75; 8:45 am]

[Docket No. C175-466]

**TENNECO OIL CO. ET AL.****Order Granting Motion and Establishing  
Procedures; Correction**

JULY 30, 1975.

In the order granting motion and establishing procedures, issued July 16, 1975, and published in the FEDERAL REGISTER on July 30, 1975, at 40 FR 31994, in the third paragraph, line 4, change March 31, 1975 to March 13, 1975. On page 31994, paragraph 5, line 12, after the words "to allow" add the words "full-est possible service of"

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23687 Filed 9-5-75; 8:45 am]

[Docket No. C175-872]

**BIGLANE OPERATING CO.****Order Designating Matter for Hearing, Es-  
tablishing Procedures and Granting In-  
tervention**

SEPTEMBER 2, 1975.

On May 12, 1975, Biglane Operating Company (Biglane) filed an application pursuant to section 7(c) of the Natural Gas Act for a limited term certificate of public convenience and necessity for a period of one year with pregranted abandonment authorizing the sale of natural gas in interstate commerce to Southern Natural Gas Company (Southern Natural) from the Oldenburg Field, Franklin County, Mississippi. Biglane proposes to sell the gas at the national rate as prescribed in Opinion No. 699-H when converted to a pressure base of 14.73 psia. It is noted however, that the March 11, 1975 sales contract between Biglane and Southern Natural, provides for a gathering allowance of 1.25¢ per Mcf, as well as upward and downward Btu adjustment from a rate of 1,000 Btu. Furthermore there is a contractual provision for 100 percent tax reimbursement.

Biglane commenced an emergency sale of the subject gas to Southern Natural on May 2, 1975 at the existing national rate, pursuant to § 157.29 of the

Commission's regulations under the Natural Gas Act (18 CFR 157.29) and has been continuing such sale since July 1, 1975, the expiration of the 60-day exempt period, at the national rate pursuant to Opinion No. 699-B.

Biglane proposed to continue the sale for one calendar year commencing on June 1, 1975 within contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70), up to a maximum of 1,400 Mcf per day.

In Opinion No. 699-B (52 FPC—) which reinstated the limited term certificate provisions of § 2.70(b) (3) of the Commission's General Policy and Interpretations, the Commission stated that applicants for limited term certificates "will have the burden of demonstrating by substantial evidence that the price for which certification is sought is the lowest price at which that particular supply of gas may be obtained for the interstate market, and that the supply of gas is available only for the limited period for which certification is sought" (Mimeo p. 6). By letter dated June 3, 1975 the Secretary of the Federal Power Commission requested that Biglane supplement its application to demonstrate the "limited availability" of the gas since no justification for the limited term of the sale was provided in the original application.

In response, Biglane by letter filed on July 14, 1975, advised that there was presently only one producing well covered by the subject contract and the well is a low volume well which averages 58 barrels of oil per day, and 441 Mcf of associated natural gas. Biglane further stated that the proposed of the one year limited term contract "is to provide an interim market for the gas from the existing well pending further development." Biglane also stated that the location of a second well is being prepared and that "a temporary sale is required until the existence of additional reserves are confirmed."

Opinion No. 699-B, which reinstated the limited term certificate provisions of § 2.70(b) (3) of the Commission's General Policy and Interpretations has established two standards which the applicant for a limited term must demonstrate in addition to demonstrating that the pipeline purchaser is experiencing an emergency supply situation thus necessitating the need for this extraordinary procedure. First, the applicant must demonstrate by substantial evidence that "the price for which certification is sought is the lowest price at which the particular supply of gas may be obtained in the interstate market. Given the fact that Biglane intends to market its gas at the existing national rate, the pricing standard has been met. Secondly, the applicant must demonstrate by substantial evidence "that the supply of gas is available only for the limited period for which certification is sought." Biglane in its July 10, 1975, response indicating its justification for the limited availability of the subject gas indicated a need for an interim market while further development of the initial and second wells

## NOTICES

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are completed and reserve estimates are confirmed.

In the past this Commission has designated for hearing applications for limited term certificates wherein the applicant in support of the limited availability standard of § 2.70(b) (3) has indicated that he cannot commit his subject reserves for a longer period in interstate commerce until further development and accurate reserve estimates are completed. In view of Biglane's presentation on the limited availability sufficient cause exists to make this an issue, subject to cross-examination in a full evidentiary hearing. Therefore, Biglane shall be required to present as part of its direct case all information concerning but not limited to its analyses, or other documents pertaining to Biglane's estimates of reserves on the subject wells. No affiliation of record exists between buyer and seller.

After due notice of the application in the Federal Register on May 29, 1975 (40 FR 23373), Southern Natural filed a timely petition to intervene on May 21, 1975, within the period designated for the filing of protests or interventions, which expired on June 17, 1975. No further petitions to intervene, notices of intervention, or protests to the granting of the instant application have been filed as of this date of issuance.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be the subject of a formal evidentiary hearing in accordance with the procedures as set forth below.

(2) The participation of Southern Natural Gas Company may be in the public interest.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedures, and the Regulations under the Natural Gas Act, a public hearing shall be held on September 25, 1975 at 10 a.m. (EDST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426 concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Biglane Operating Company in its application of May 12, 1975.

(B) On or before September 15, 1975, Biglane Operating Company and any supporting party shall file with the Commission and serve on all parties including Commission Staff, their testimony and exhibits in support of their respective positions.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Au-

<sup>1</sup> See: O. B. Mobley Order Granting Intervention, Setting Hearing Date and Prescribing Procedures, Docket Nos. C175-343, 344 and 345, issued February 14, 1975; Phillips Petroleum Company Order Granting Un- timely Interventions and Denying Request for Certification, Docket No. C175-406 Issued June 13, 1975.

thority—(18 CFR 3.5(d)) shall preside at and control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

(D) Southern Natural Gas Company is hereby permitted to intervene in this proceeding subject to the rules and regulations of this Commission; *Provided, however*, That the participation of such intervenor shall be limited to matters affecting its asserted rights and interests as specifically set forth in its petition to intervene; *Provided, Further*, That the admission of such intervenor shall not be construed as recognition by the Commission that it may be aggrieved by any order entered by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23754 Filed 9-6-75; 8:45 am]

[Docket No. E-9037]

**BOSTON EDISON CO.****Order Setting Dates for Comments on  
Proposed Settlement Agreement**

SEPTEMBER 2, 1975.

On April 8, 1975, Boston Edison Company (Edison) and New England Power Company (NEPCO) jointly submitted a proposed settlement agreement in the instant proceeding which covers a proposed subtransmission rate schedule for wheeling service provided for NEPCO over Edison's 14/24 Kv facilities to serve approximately half of the load requirement of NEPCO's isolated Quincy-Weymouth service area. Attached to the proposed settlement agreement were (1) a letter from Staff Counsel to the company indicating Staff's support of the proposed settlement and (2) a letter to Staff Counsel from Counsel for the Towns of Concord, Norwood, and Wellesley, Massachusetts (Towns) which indicated opposition to the proposed settlement because there was a possibility that the proposed settlement might have an impact upon Towns in some fashion.

The proposed settlement was noticed on April 25, 1975, with comments due on or before May 13, 1975. On August 8, 1975, the Staff filed comments affirming its support of the proposed settlement which was first set forth in the letter from Staff to the company which was attached to the proposed settlement. No further comments were received from Towns.

In view of the fact that the position of Towns with regard to the proposed settlement is unclear, we believe it necessary and appropriate to aid in our evaluation of the proposed settlement to provide a further date for Towns to comment in order to ascertain whether or not

<sup>1</sup> Towns are parties to the consolidated proceedings of E-8855 and E-9037. These dockets were consolidated by order issued October 31, 1975.

## NOTICES

Towns have any serious objection to the proposed settlement. Accordingly, we

The proposed Stipulation and Agreement would result in increased annual

the provisions of the Federal Power Act and should be approved, as hereinafter

ATTACHMENT B.—Iowa-Illinois Gas & Electric Co., docket No. E-8997

## NOTICES

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rate base. The essence of our finding in Opinion No. 730 concerning functional-

22, 1975, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington.



Towns have any serious objection to the proposed settlement. Accordingly, we shall provide Towns with a further opportunity to file comments regarding the proposed settlement as hereinafter provided.

*The Commission finds.* Good cause exists to provide for further dates for comments on the proposed settlement filed on April 8, 1975 in this proceeding.

*The Commission orders.* (A) On or before September 15, 1975, Towns as well as all other interested parties may file comments with respect to the proposed settlement filed April 8, 1975, in Docket No. E-9037. On or before September 30, 1975, any interested party may file reply comments.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23755 Filed 9-5-75; 8:45 am]

[Docket No. E-8997]

# IOWA-ILLINOIS GAS AND ELECTRIC CO. Order Approving Settlement Agreement

SEPTEMBER 2, 1975.

On August 30, 1974, Iowa-Illinois Gas and Electric Company (Iowa-Illinois) tendered for filing proposed changes in its Electric Rate Schedule No. 20 under which Iowa-Illinois serves Sherrard Power System of Orion, Illinois (Sherrard). Iowa-Illinois' filing proposed to effect a \$195,730 revenue increase, based upon a test period ended May 31, 1974.

By order issued September 27, 1974, the Commission accepted for filing and suspended for one day Iowa-Illinois' rate filing, to become effective October 1, 1974, and set the matter for hearing. No petitions to intervene were filed in the proceeding.

On March 3, 1975, the Commission Staff met with representatives of Iowa-Illinois to discuss a proposed settlement agreement reached independently by the Company and Sherrard on November 15, 1974. On April 22, 1975, Iowa-Illinois filed the proposed Stipulation and Agreement and a corresponding Motion for Approval of Stipulation and Agreement, together with cost support data.

Notice of the proposed Stipulation and Agreement was issued on April 28, 1975, with comments, protests, or petitions to intervene due on or before May 15, 1975. Staff filed comments in support of the proposed settlement on May 15, 1975. There were no other comments, petitions or protests.

The proposed Stipulation and Agreement would result in increased annual revenues from Sherrard of \$154,929, based on the 12-month test period ended May 31, 1974, as compared to an increase of \$195,730 reflected in Iowa-Illinois' original filing.<sup>1</sup> The overall rate of return under the settlement agreement is 8.35%.<sup>2</sup> The proposed agreement provides for a decrease in the ratchet in computing billing demand from 90% to 85% and an increase in the transformation discount from 8.0¢ per kW to 11.0¢ per kW of billing demand for load served at 69 kV, together with a reduction and refund of revenues previously collected under the suspended rate. Further, as a condition of the proposed settlement, Sherrard agrees to withdraw its Letter of Protest, filed September 25, 1974, in which it excepted to the 9.25% rate of return proposed by Iowa-Illinois and to the Company's inclusion of the 90% demand ratchet in the rate design.

Our review of the proposed settlement, Staff's comments and the related record indicates that it is a reasonable and appropriate resolution of the issues in this proceeding in the public interest and that, accordingly, it should be adopted, as hereinafter ordered.

*The Commission finds.* The proposed settlement of this proceeding as filed by Iowa-Illinois with the Commission on April 22, 1975, is reasonable and proper and in the public interest in carrying out

<sup>1</sup> The settlement cost of service appears as Attachment A to this order.  
<sup>2</sup> See Attachment B.

## ATTACHMENT A.—Federal Power Commission, Docket No. E-8997, Iowa-Illinois Gas & Electric Co.

[Calculated cost of service to Sherrard Power system on settlement basis, including an adjustment for demand responsibility during the test period ended May 31, 1974]

Line No.		Unadjusted expenses	Adjusted expenses
1	Rate base—average year:		
2	Net plant in rate base <sup>1</sup>	\$5,065,049	\$5,065,049
3	Plus working capital	245,409	245,409
4	Less accumulated deferred income taxes <sup>2</sup>	397,423	397,423
5	Total rate base	4,913,035	4,913,035
6	Revenue and expense:		
7	Revenue, 12 mo ended May 31, 1974	1,488,073	1,488,073
8	Operating expenses <sup>2</sup>	1,151,019	1,155,391
9	Return before rate increase	337,054	332,679
10	Percent rate of return before rate increase (line 7 divided by line 4)	6.86	6.77
11	Revenue increase as agreed with Sherrard Power	\$154,929	\$154,929
12	Less income taxes on revenue increase (\$154,929×50.08 pct)	77,588	77,588
13	Increase in return from rate increase	77,341	77,341
14	Return after rate increase (line 7 plus line 11)	414,395	410,020
15	Percent rate of return after rate increase (line 12 divided by line 4)	8.43	8.35
16	Return requirement (\$4,913,035×9.25 pct)	\$454,456	\$454,456
17	Return deficiency at settlement rate (line 14 minus line 12)	40,861	44,439
18	Revenue deficiency at settlement rate (line 15 + (1-50.08 pct))	80,250	89,014

<sup>1</sup> From p. 1.

<sup>2</sup> From p. 2.

<sup>3</sup> From pp. 3 and 4.

the provisions of the Federal Power Act and should be approved, as hereinafter ordered.

*The Commission orders.* (A) The proposed settlement filed by Iowa-Illinois on April 22, 1975, is incorporated herein by reference and made a part hereof and is approved and adopted to be effective as of October 1, 1974.

(B) Iowa-Illinois shall file within 30 days a revised rate schedule supplement in conformance with the settlement agreement approved herein.

(C) Iowa-Illinois shall file with the Commission a report of the payment of all refunds, including 7 percent interest per annum thereon.

(D) The proceeding in the above-captioned docket shall be terminated upon the receipt by the Commission of the report pursuant to ordering paragraph "B", above.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Iowa-Illinois, or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Iowa-Illinois or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

## ATTACHMENT B.—Iowa-Illinois Gas & Electric Co., docket No. E-8997

[Capitalization as of May 31, 1974, per company filing<sup>1</sup>]

Class of capital	Capital ratios (percent)	Cost factors (percent)	Weighted Totals (percent)
Long-term debt	53.2	6.08	3.23
Preferred stock	6.8	5.07	.41
Common stock	40.0	11.775	4.71
Total	100.00		
Overall rate of return			8.35

<sup>1</sup> Direct testimony of D. H. Shaw, p. 45.

<sup>2</sup> This is the rate of return on common equity that would result using the settlement rate of return in the company's filed capitalization.

[FR Doc.75-23756 Filed 9-5-75; 8:45 am]

[Docket No. E-8224; Opinion No. 730-B]

## SIERRA PACIFIC POWER CO.

Opinion and Order Clarifying as Well as Establishing New Procedural Schedule and Denying Motion To Expand Scope of Reopening of Record

SEPTEMBER 2, 1975.

On May 15, 1975, the Commission issued Opinion No. 730 which resolved numerous issues related to the May 22, 1973, wholesale electric rate increase filing of Sierra Pacific Power Company (Sierra). Subsequently, the Commission issued Opinion No. 730-A on July 16, 1975, in which rehearing was partially granted to the extent that the record was reopened for the limited purpose of permitting cross-examination and rebuttal of the "beyond-the-record" financial data considered by the Commission in determining the just and reasonable rate of return to be allowed Sierra.

Presently before the Commission are several matters which require further Commission action. To begin with, on August 6, 1975, intervenors Truckee-Donner Utility District and the City of Fallon protest Sierra's \$4,100 reduction in rate base, made pursuant to the Commission edict in Opinion No. 730<sup>1</sup> requiring Sierra to functionalize common plant with factors derived from wages and salaries of the major functions. T-D and Fallon assert that the Commission here adopted Staff's adjustment, which consisted of a \$4,100 reduction in cost of service resulting from a larger reduction in rate base due to the change in functionalization factors for common plant.

We find it necessary to clarify Opinion No. 730 in that we characterized this Staff adjustment as a "\$4,100 reduction in the rate base" when in fact Staff appears to have sought a \$4,100 reduction in cost of service through a reduction in

<sup>1</sup> The Commission on August 11, 1975, notified Sierra by letter that its July 11, 1975, filing is deficient in several respects: increase in interest deduction to income taxation, adjustment of short-term debt, and fuel clause base rate calculation.  
<sup>2</sup> Sllp Op. at 8-9.

rate base. The essence of our finding in Opinion No. 730 concerning functionalization of common plant is that Sierra functionalize common plant on the basis of factors derived from wages and salaries of the major functions (generation, transmission and distribution), just as it did functionalize general plant. Sierra should in fact recalculate its common plant rate base component based upon this method for the test year. We did not determine the exact amount of reduction to cost of service nor did we intend for Sierra to necessarily rely on the \$4,100 figure. Sierra should refile within 30 days its allocated rate base taking into account this method of functionalization of general and common plant.

Secondly, on August 8, 1975, T-D and Fallon also moved to expand the scope of the reopening of the record established in Opinion No. 730-A so as to include consideration of a "price squeeze" allegedly being experienced by T-D and Fallon because of Sierra's wholesale rates. We deny this motion. Whatever the Commission's responsibility to consider wholesale-retail "price squeeze," pursuit of a rate reduction founded upon "price squeeze" allegations must await either a new rate increase filing by Sierra or a complaint by T-D and Fallon under section 206 of the Federal Power Act. We specifically limited the scope of this reopening, and the need for expeditious resolution of this docket justifies refusal of any expansion of its scope.

Thirdly, T-D and Fallon also requested an extension of procedural dates on August 8, 1975, in order that Sierra and Staff prepare and make available testimony concerning the "effect of beyond-the-record data on rate of return on equity capital." In response thereto the Commission deferred procedural dates on August 13, 1975, pending further order.

The hearing for purposes of reopening the record will now be scheduled to commence on September 22, 1975; however, we find that Staff and Sierra do not have to supply written testimony. Instead, both Staff and Sierra should make available for cross-examination of the five items enumerated in Opinion No. 730-A their respective witnesses who are responsible for the "beyond-the-record" data employed by the Commission. We reiterate that the scope of this reopening is limited to the reliability and credibility of this data. No other matters, such as relevancy or impact of this data, will be considered.

*The Commission orders.* (A) Sierra will file with the Commission within 30 days an adjusted rate base figure reflecting the impact of functionalizing its common plant on the basis of factors derived from wages and salaries of the major functions.

(B) The scope of the reopening of the record in this docket is specifically limited as provided in the body of this order.

(C) The public hearing previously scheduled to commence on August 18, 1975, will now commence on September

\* Conway Corporation v. F.P.C., 510 F.2d 124 (D.C. Cir. 1975).

22, 1975, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(D) Staff and Sierra respectively will make a witness available at that hearing for the purpose of cross-examination. They need not prepare any testimony.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23757 Filed 9-5-75; 8:45 am]

## FEDERAL RESERVE SYSTEM BANCORPORATION OF MONTANA

### Acquisition of Bank

Bancorporation of Montana, Great Falls, Montana, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First State Bank of Thompson Falls, Thompson Falls, Montana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 29, 1975.

Board of Governors of the Federal Reserve System, August 28, 1975.

[SEAL] ROBERT SMITH, III,  
Assistant Secretary of the Board.

[FR Doc.75-23768 Filed 9-5-75; 8:45 am]

## MICHIGAN NATIONAL CORP.

### Order Approving Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Michigan National Bank—Grand Traverse, Traverse City, Michigan ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted on behalf of Traverse City State Bank, National Bank and Trust Company, and Empire National Bank, all located in Traverse City, Michigan (hereinafter collectively referred to as "Protestants"), in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking

cant's proposal involves more than the usual entrepreneurial risks inherent in

Applicant's resources, it is the Board's view that banking factors are consistent

there is set forth below the Committee's Domestic Policy Directive issued at its

information from the public were accepted by the Regulatory Reports Review

a complex directional antenna array may need a year to gather all the data needed



Applicant, the second largest banking organization and bank holding company in Michigan, controls 14 banks with aggregate deposits of approximately \$2.7 billion, representing about 9.5 percent of the total commercial bank deposits in the State.<sup>1</sup> Since Bank is a proposed new bank, its acquisition by Applicant would neither eliminate any existing competition nor immediately increase Applicant's share of commercial bank deposits in the State.

Bank is to be located within two blocks of Traverse City's central business district and represents the initial entry by Applicant into the northern portion of Michigan, as well as into the Grand Traverse Bay banking market (the relevant banking market).<sup>2</sup> There are eleven banks with thirty-two banking offices in the Grand Traverse Bay banking market and the four largest banking organizations control about 80 percent of market deposits.<sup>3</sup> Applicant's closest banking offices are located 140 miles south of Bank in Grand Rapids, and 150 miles southeast in Saginaw, and there are numerous banks in the intervening areas. Applicant's acquisition of Bank should have a procompetitive effect as it would mark the initial entry into Traverse City by a banking institution not associated with an existing Traverse City bank.

Bank would face competition primarily from the three banks located in Traverse City, the Protestants to this application, which control deposits of approximately \$94 million, \$54 million, and \$48 million, respectively. In view of the size of each of the banks in Traverse City, as well as the fact that Applicant is entering the area through the establishment of a new bank, it does not appear the subject proposal will have any undue adverse effects on any of the competing banks in the market. On the other hand, the subject proposal should have a salutary effect on competition by introducing a new and effective competitor to the market. Accordingly, on the basis of the record, the Board concludes that competitive considerations are consistent with, and lend some weight toward, approval of the application.

In the course of its consideration of this application, the Board has received comments from Protestants which contend, in part, that Traverse City is not particularly attractive for *de novo* entry. The Board has reviewed the facts of record, including the past and projected growth of the economy of the area, and finds that the economy of the Traverse City market can reasonably be expected to support Applicant's entry. While the decision to establish a new bank almost always involves some measure of risk, the Board is unable to conclude that Appli-

<sup>1</sup> All banking data, unless otherwise indicated, are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved through July 31, 1975.

<sup>2</sup> The Grand Traverse Bay market is approximated by the Counties of Grand Traverse, Leelanau, Antrim, Kalkaska, and Benzie.

<sup>3</sup> All market data are as of June 30, 1974.

cant's proposal involves more than the usual entrepreneurial risks inherent in such a proposal.

Protestants also contend that Bank will not be profitable for a period longer than that estimated by Applicant and that the losses that will be experienced will further impair Applicant's ability to financially strengthen its subsidiaries and to fund its current expansion program. Even assuming that there is some merit to Protestants' contention that Bank will not be profitable within the period anticipated by Applicant, it appears that, in view of the projected size of Bank in relation to Applicant, any losses as may be incurred would probably be insignificant and would have little impact on the overall financial condition of Applicant.

Protestants finally contend that acquisition of Bank will have an adverse effect on the existing correspondent relationship between Empire National Bank and Michigan National Bank. Empire is concerned with the competitive advantage an affiliate of Applicant would have with respect to offering various services in Traverse City. Initially, the Board does not believe as a general matter that the mere fact that a bank in a holding company system has a correspondent relationship with another bank in a particular market should automatically bar the holding company from entering that market through the establishment of a new bank. In response to the specific comment of Protestants, Applicant contends that there are a number of communities in which are located both subsidiary banks of Applicant and banks having correspondent relationships with subsidiary banks of Applicant. Applicant further contends that establishment of Bank "would benefit the banking public through the offering of a wide range of services and extended banking hours." The Board is satisfied from its examination of the facts as presented that acquisition of Bank by Applicant would not have serious adverse competitive consequences. Moreover, Protestants' banks have experienced reasonably good growth. Each appears to have the ability to respond to any increase in competition which might result from consummation of this proposal. Accordingly, it is the Board's judgment, upon consideration of all the facts in the record, that the arguments raised by Protestants are not sufficient to warrant denial of the subject proposal.

The financial condition, management and prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Whereas the Board has previously indicated concern with the capital adequacy of certain of Applicant's subsidiary banks, the Board notes that Applicant has adopted a program to strengthen the overall capital positions of the holding company and its subsidiary banks, and that meaningful progress has been made along those lines. The Board believes that continued attention is needed in this area. However, in view of the minimal impact that the subject proposal would have upon

Applicant's resources, it is the Board's view that banking factors are consistent with approval of the application.

Considerations relating to the convenience and needs of the communities to be served, in the Board's judgment, lend some weight toward approval, in view of Applicant's plans to offer extended banking hours and a wide range of banking services in an alternative location. Thus, considerations relating to the convenience and needs of the areas to be served lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar date following the effective date of this Order or (b) later than three months after the effective date of this Order, and (c) Michigan National Bank—Grand Traverse, Traverse City, Michigan, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors, effective August 29, 1975.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc.75-23767 Filed 9-5-75;8:45 am]

#### FEDERAL OPEN MARKET COMMITTEE Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on August 6, 1975, paragraph (2) of the Committee's authorization for domestic open market operations was amended to raise from \$1 billion to \$2 billion the limit on System holdings of special short-term certificates of indebtedness purchased directly from the Treasury, for the period until the close of business on August 19, 1975.

NOTE: For paragraph (2) of the authorization see 40 FR 10660.

By order of the Federal Open Market Committee, August 29, 1975.

ARTHUR L. BROIDA,  
Secretary.

[FR Doc.75-23769 Filed 9-5-75;8:45 am]

#### FEDERAL OPEN MARKET COMMITTEE Domestic Policy Directive of July 15, 1975

In accordance with § 271.5 of its rules regarding availability of information,

\* Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallach, and Jackson. Absent and not voting: Governor Caldwell.

there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on July 15, 1975.<sup>1</sup>

The information reviewed at this meeting suggests that real output of goods and services leveled off in the second quarter of the year, as consumer spending continued to strengthen. Activity in residential real estate markets has picked up in recent months. In June industrial production rose slightly, following 8 months of decline. The calculated unemployment rate declined substantially, but this was attributed mainly to problems of seasonal adjustment. Average wholesale prices of industrial commodities rose somewhat more in June than in the preceding 3 months, chiefly because of increases in prices of petroleum products, but prices of farm and food products declined appreciably. From the first to the second quarter of the year, the advance in average wage rates continued to moderate.

In recent weeks the average exchange value of the dollar against leading foreign currencies has risen considerably, as interest rates on U.S. dollar assets increased relative to rates on foreign currency assets after mid-June. In May the U.S. foreign trade balance registered a substantial surplus, as imports dropped more sharply than exports. U.S. banks reported a sizable increase in claims on foreigners, while liabilities to foreigners were reduced slightly.

Growth in M<sub>1</sub>, M<sub>2</sub>, M<sub>3</sub>—which was substantial in May—was extremely rapid in June, in part because of Federal income tax rebates and of supplementary social security payments; beginning late in the month, after completion of such payments, the aggregates weakened. Business demands for short-term credit remained unusually weak both at banks and in the commercial paper market, while demands in the long-term market continued exceptionally strong. Market interest rates in general have risen appreciably in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to stimulating economic recovery, while resisting inflationary pressures and working toward equilibrium in the country's balance of payments.

To implement this policy, while taking account of the forthcoming Treasury financing and of developments in domestic and international financial markets, the Committee seeks to maintain about the prevailing bank reserve and money market conditions over the period immediately ahead, provided that growth in monetary aggregates appears to be slowing substantially from the bulge during the second quarter.

By order of the Federal Open Market Committee, September 2, 1975.

ARTHUR L. BROIDA,  
Secretary.

[FR Doc.75-23768 Filed 9-5-75;8:45 am]

#### GENERAL ACCOUNTING OFFICE

##### REGULATORY REPORTS REVIEW

##### Receipt of Report Proposal

The following requests for clearance of reports intended for use in collecting

<sup>1</sup> The Record of Policy Actions of the Committee for the meeting of July 15, 1975, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20051.

information from the public were accepted by the Regulatory Reports Review Staff, GAO, on August 28, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the requests received; the name of the agency sponsoring the proposed collection of information; the agency form numbers, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB, FCC, and FEA forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the submission, comments (in triplicate) must be received on or before September 29, 1975, and should be addressed to Mr. Carl P. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

#### FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of a revision of FCC Form 302, Application for New Broadcast Station License required to be filed in all cases by applicants seeking a broadcast station license in the Radio Broadcast Services and the Experimental, Auxiliary, and Special Broadcast, and Other Program Distributional Services pursuant to FCC Rules and Regulations (Sections 1.536, 1.537, and 1.546). The man-hour burden could vary considerably from one day to one year depending upon the nature of the application. When this form is used to apply for either FM or TV licenses, approximately sixty hours is needed for completion. When this form is used to apply for an AM license, the time needed can vary greatly. A simple application could be completed in one day's time. On the other hand, a station with a complex directional antenna array may need a year to gather all the data needed to complete the form. The FCC receives approximately 950 applications annually.

Request for clearance of a revision of FCC Form 341, Application for Non-commercial Educational TV, FM, or Standard Broadcast Station License, required to be filed by applicants seeking a non-commercial educational TV, FM, or standard broadcast station license pursuant to FCC Rules and Regulations (Sections 1.536 and 1.537). Man-hour burden could vary considerably from one day to one year depending upon the nature of the application. When this form is used to apply for either FM or TV licenses, approximately sixty hours is needed for completion. When this form is used to apply for an AM license, the time needed can vary greatly. A simple application could be completed in one day's time. On the other hand, a station with

a complex directional antenna array may need a year to gather all the data needed to complete the form. The FCC receives approximately 165 applications annually.

#### FEDERAL ENERGY ADMINISTRATION

Request for clearance of a new single time form, Survey of State Education Agencies, U510-S-O. This form requests information to provide a data base on problems the educational community might face in remodeling existing facilities to make better use of energy resources. Information is being requested of 48 State education agencies. Estimated average number of man-hours required per response is 6. Response is voluntary.

Request for clearance of a new single time form, Survey of Local School Districts Energy Use, U511-S-O. This form requests information to provide a data base on problems school districts may face in remodeling facilities to make better use of energy resources. Information is being requested from a random sample of 572 local school districts. Estimated average number of man-hours required per response is 16. Response is voluntary.

Request for clearance of a new single time form, Survey of College and University Energy Use. This is a single time request for information to provide a data base on problems colleges may face in remodeling existing facilities to make better use of energy resources. Information is being requested of a random sample of 182 college and university administrators. Estimated average number of man-hours required per response is 16. Response is voluntary.

#### CIVIL AERONAUTICS BOARD

Request for clearance of a revision of Part 217 of CAB's Economic Regulations to include the reporting of One-stop-inclusive Tour Charters on CAB Form 217, Report of Civil Aircraft Charters Performed by Foreign Air Carriers. The respondents will be Foreign Air Carriers. It is estimated that the quarterly reports will require 30 minutes to complete.

Request for clearance of a revision of Part 241 of CAB's Economic Regulations to include the reporting of One-stop-inclusive Tour Charters on CAB Form 41, Schedule T-6, Summary of Civil Aircraft Charters. The respondents will be Certificated Air Carriers. It is estimated that the quarterly reports will require 30 minutes to complete.

NORMAN F. HEYL,  
Regulatory Reports,  
Review Officer.

[FR Doc.75-23809 Filed 9-5-75;8:45 am]

#### INTERNATIONAL TRADE COMMISSION

[332-76]

#### U.S.-CANADIAN AUTOMOTIVE AGREEMENT

##### Hearing

On July 28, 1975, the United States International Trade Commission announced an investigation pursuant to

section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) on the U.S.-Canada

Computer Sciences—Technicolor, Assoc.—(Joint Venture), 10210 Greenbelt Road,

For further information regarding the

1975 from 9 a.m.-5:30 p.m. both days in the first floor conference room of the

The meeting will be open to the public on a space available basis. Accommodations are limited. Further information

#### RESEARCH PANEL ADVISORY COMMITTEE

##### Meeting



section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) on the U.S.-Canadian Automotive Agreement as implemented under the Automotive Products Trade Act of 1964.

The investigation was ordered in response to a request of the Senate Committee on Finance. The Committee set forth the scope of its request as follows:

The Committee is interested in having a thorough analysis of the history and terms of the U.S.-Canadian Automotive Agreement and its impact on U.S. and Canadian trade, employment, production, balance of payments, capital flows, and investment patterns. We are particularly interested in the Commission's view as to whether or not Canada has fully complied with the letter and the spirit of the Agreement by phasing out the so-called "transitional provisions". In addition, it would be useful to know the relative structure of production of automobiles within the U.S.-Canadian markets and any shifts which may have occurred as a result of the current decline in industry sales in the U.S. as compared with Canada.

A public hearing in connection with the investigation will be held in Detroit, Michigan, beginning at 10 a.m., e.s.t., on Tuesday, November 18, 1975, at a place to be announced.

Requests to appear at the hearing should be filed in writing with the Secretary of the Commission not later than November 12, 1975. Written submissions in addition to or in lieu of oral testimony should be received by the Secretary of the Commission by November 28, 1975, to assure time for consideration.

Issued: September 3, 1975.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.  
[FR Doc.75-23797 Filed 9-5-75;8:45 am]

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-59]

#### DIRECT AWARDS OF \$10 MILLION OR MORE

##### List of Aerospace Contractors

The following is a list of aerospace contractors which received direct NASA awards totalling \$10 million or more in Fiscal Year 1974. This list is published pursuant to section 6 of Pub. L. 91-119, as amended by section 7 of Pub. L. 91-303 (84 Stat. 372; 42 U.S.C. 2462, 1970 Supp.). For related NASA reporting requirements, see 14 CFR Part 1208.

Aeronutronic Ford Corp., Parklane Towers East, One Parklane Blvd., Dearborn, Mich. 48126.  
American Science & Engineering Inc., 955 Massachusetts Avenue, Cambridge, Mass. 02139.  
The Bendix Corp., Executive Offices, Bendix Center, Southfield, Mich. 48076.  
The Boeing Co., 7755 East Marginal Way, Seattle, Wash. 98124.  
California Institute of Technology, 1201 E. California Blvd., Pasadena, Calif. 91125.  
Chrysler Corp., Box 1919, Detroit, Mich. 48231.  
Computer Sciences Corp., 650 N. Sepulveda Blvd., El Segundo, Calif. 90245.

Computer Sciences—Technicolor, Assoc.—(Joint Venture), 10210 Greenbelt Road, Seabrook, Md. 20801.  
Control Data Corp., 8100 34th South, Minneapolis, Minn. 55440.  
Federal Electric Corp., 621 Industrial Avenue, Paramus, N.J. 07652.  
General Dynamics Corp., Pierle Laclede Center, St. Louis, Mo. 63105.  
General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.  
Grumman Aerospace Corp., South Oyster Bay Road, Bethpage, N.Y. 11714.  
Hughes Aircraft Co., Centinela Avenue, & Teale St., Culver City, Calif. 90230.  
International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.  
LTV Aerospace Corp., Box 5907, Dallas, Texas 75222.  
Lockheed Electronics Co., Inc., U.S. Highway 22, Plainfield, N.J. 07061.  
Martin Marietta Corp., One Central Plaza, 11300 Rockville Pike, Rockville, Md. 20852.  
McDonnell Douglas Corp., Box 516, St. Louis, Mo. 63166.  
Northrop Services, Inc., 500 E. Orangethorpe Avenue, Anaheim, Calif. 92801.  
Planning Research Corp., 1100 Glendon Avenue, Los Angeles, Calif. 90024.  
RCA Corp., 30 Rockefeller Plaza, New York, N.Y. 10020.  
Rockwell International Corp., 600 Grant Street, Pittsburgh, Pa. 15219.  
Sperry Rand Corp., 1290 Avenue of the Americas, New York, N.Y. 10019.  
TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.  
Teledyne Industries, Inc., 1901 Avenue of the Stars, Los Angeles, Calif. 90067.  
Textron, Inc., 40 Westminister Street, Providence, R.I. 02903.  
Thiokol Corp., Box 27, Bristol, Pa. 19007.  
United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108.

K. L. WOODFIN,  
Assistant Administrator for  
Procurement, National Aero-  
nautics and Space Adminis-  
tration.

[FR Doc.75-23715 Filed 9-5-75;8:45 am]

#### PHYSICAL SCIENCES COMMITTEE OF THE SPACE PROGRAM ADVISORY COUNCIL

##### Date and Place of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet at the National Aeronautics and Space Administration on September 23-24, 1975. The meeting will be held in room 6004 of Federal Office Building 6, located at 400 Maryland Avenue, SW, Washington, DC 20546. The meeting is open to members of the public, from 9 a.m. to 5:30 p.m. on September 23 and from 8:30 a.m. to 4 p.m. on September 24 on a first-come, first-served basis to within the 40-seat capacity of the room. Visitors will be requested to sign a visitor's register.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The Committee is concerned with all aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy, and space physics. The Committee presently has 17 members including the Chairman, Dr. George B. Field.

For further information regarding the meeting, please contact Mr. Guenter Strobel, area code 202/755-3780. The agenda for the meeting is as follows:

SEPTEMBER 23, 1975

Time	Topic
9 a.m.—	
9:30 a.m.—	Opening Remarks and Administrative Details, Chairman and Executive Secretary . . . This time is provided for the Chairman's introductory remarks and for the Executive Secretary to cover administrative matters.
9:30 a.m.—12 m.	NASA Issues for PSC Review, Dr. Hinners, Dr. Rasool, and Chairman . . . The PSC will be briefed by Drs. Hinners and Rasool on current topics of concern to the Office of Space Science. ACTION: The PSC is requested to assess the issues involved and make recommendations to the Associate Administrator for Space Science.
1:30 p.m.—	
5:30 p.m.—	Space Science Conducted at Universities, Chairman . . . The Committee will review draft papers prepared by PSC Working Teams on SR&T programs in OSS. ACTION: The PSC is requested to recommend guidelines and policies for conduct of Space Science at Universities.
5:30 p.m.—	Adjourn.

SEPTEMBER 24, 1975

8:30 a.m.—12 m.	Continuation of Review of Space Science Conducted at Universities, Chairman.
1:30 p.m.—	
4 p.m.—	Committee Working Session, Chairman . . . ACTION: The members of the Committee will use this period to prepare and finalize letters and reports to the Associate Administrator for Space Science.
4 p.m.—	Adjourn.

DUWARD L. CROW,  
Assistant Administrator for  
DOD and Interagency Affairs,  
National Aeronautics and  
Space Administration.

SEPTEMBER 4, 1975.

[FR Doc.75-23829 Filed 9-5-75;8:45 am]

#### ARTS AND THE HUMANITIES NATIONAL ENDOWMENT FOR THE ARTISTS-IN-SCHOOLS ADVISORY PANEL Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Artists-In-Schools Advisory Panel to the National Council on the Arts will be held on September 23, 24,

1975 from 9 a.m.—5:30 p.m. both days in the first floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on September 23 from 9-10 a.m. and on September 24 from 12:45-5:30 p.m. on a space available basis. Accommodations are limited. During the open session on September 23 there will be a slide show on the Artists-in-Schools Program and a summary of the individual components of the Artists-in-Schools Program. During the open session on September 24, there will be a preview of the February panel policy; a film—Arts: An Alternative in Education; and a discussion of the report on AIS National Meeting in Notre Dame.

The remaining sessions of this meeting on September 23 from 11:15 a.m.—5:30 p.m. and on September 24 from 9-11:00 a.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

ROBERT M. SIMS,  
Administrative Officer, National  
Endowment for the Arts, Na-  
tional Foundation on the Arts  
and the Humanities.

[FR Doc.75-23738 Filed 9-5-75;8:45 am]

#### BICENTENNIAL COMMITTEE OF THE NATIONAL COUNCIL ON THE ARTS Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Bicentennial Committee of the National Council on the Arts will be held on September 24, 1975 from 10 a.m.—6:00 p.m. in the 13th floor conference room of the Columbia Plaza Office building, 2401 E Street, NW., Washington, D.C.

The purpose of this meeting is for discussion of the following topics: (1) The current status of the Federal Government's Bicentennial Activities; (2) The Arts Endowment's role in the bicentennial; (3) Highlighting Arts and Cultural Observances of the Bicentennial; (4) The Bicentennial Films; (5) Fellowships; (6) "City Spirit"; (7) The District of Columbia; (8) Involvements with programs of other agencies.

The meeting will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Mrs. Eleanor A. Snyder, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

ROBERT M. SIMS,  
Administrative Officer, National  
Endowment for the Arts, Na-  
tional Foundation on the Arts  
and the Humanities.

[FR Doc.75-23739 Filed 9-5-75;8:45 am]

#### NATIONAL COUNCIL ON THE ARTS Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on September 25, 26, 27, 1975 at the Sheraton Park Hotel, Woodley Road, Washington, D.C. On September 25, the meeting will be held from 1-5:30 p.m.; on September 26, from 9 a.m.—5 p.m.; and, on September 27, from 9 a.m.—4 p.m.

A portion of this meeting will be open to the public on September 26 from 10:45 a.m.—5 p.m. and on September 27 from 9-11:45 a.m. on a space available basis. Accommodations are limited. The agenda on September 26 will include: Status Report from Assistant Chairman for Management; Status Reports on Research and Evaluation; Preliminary Matters; Bicentennial Discussion; Continuing Policy Discussions; Guidelines. On September 27, the agenda will include: Special Reports; Guidelines.

The remaining sessions of this meeting on September 25 from 1-5:30 p.m.; on September 26 from 9-10:45 a.m.; and, on September 27 from 12-4 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

ROBERT M. SIMS,  
Administrative Officer, National  
Endowment for the Arts, Na-  
tional Foundation on the Arts  
and the Humanities.

[FR Doc.75-23753 Filed 9-5-75;8:45 am]

#### RESEARCH PANEL ADVISORY COMMITTEE Meeting

AUGUST 25, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Research Panel will meet at Washington, D.C., September 25 and 26, 1975, from 9:00 a.m. to 5:00 p.m.

The purpose of the meeting is to review research grant applications submitted to the National Endowment for the Humanities for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,  
Advisory Committee  
Management Officer.

[FR Doc.75-23685 Filed 9-5-75;8:45 am]

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-324]

#### BRUNSWICK STEAM ELECTRIC PLANT UNIT 2

#### Negative Declaration Regarding Proposed Changes to Technical Specifications of License DPR-62

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR-62. These changes would authorize the Carolina Power and Light Company (CP&L) (the licensee) to operate the Brunswick Steam Electric Plant Unit 2 (located near the town of Southport, Brunswick County, North Carolina) with changes to the limiting conditions for operation resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS) in conjunction with a reactor core using 7 x 7 fuel in Unit 2.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR-62, Brunswick Unit 2, described

above. On the basis of this appraisal, the Technical Specifications, (3) the Com- erating License in connection with item

Technical Specifications of License No. Document Room, 1717 H Street, NW.,

Although the precise scope of the is-



above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Brunswick Units 1 and 2 published in January 1974. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina.

Dated at Rockville, Md., this 16th day of July.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,  
Chief, Environmental Projects  
Branch 2, Division of Reactor  
Licensing.

[FR Doc. 75-23699 Filed 9-5-75; 8:45 am]

[Docket No. 50-324]

**CAROLINA POWER & LIGHT CO.**  
Issuance of Amendment to Facility  
Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-62 issued to Carolina Power and Light Company which revised Technical Specifications for operation of the Brunswick Steam Electric Plant Unit 2 located in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

The amendment incorporates operating limits in the Technical Specifications for the facility (1) based on an acceptable evaluation model that conforms with the requirements of section 50.46 of 10 CFR Part 50 and (2) based on the new General Electric Thermal Analysis Basis in accordance with the Carolina Power and Light Company's request dated May 9, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on June 12, 1975 (40 FR 25108). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated May 9, 1975 and supplements thereto dated July 11, 22, 28, 1975, (2) Amendment No. 5 to License No. DPR-62 with change No. 5, to the

Technical Specifications, (3) the Commission's concurrently issued related Safety Evaluation, and (4) the Commission's Negative Declaration dated July 16, 1975 (which is also being published in the FEDERAL REGISTER) and associated Environmental Impact Appraisal.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. A single copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of August 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,  
Chief, Light Water Reactors  
Branch 1-2, Division of Reactor  
Licensing.

[FR Doc. 75-23698 Filed 9-5-75; 8:45 am]

[Docket No. 50-249]

**COMMONWEALTH EDISON CO.**

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-25 to the Commonwealth Edison Company (the licensee) which revised Technical Specifications for operation of the Dresden Nuclear Power Station Unit 3 (the facility) located in Grundy County, Illinois. The amendment is effective as of its date of issuance.

The amendment revised the provisions in the Technical Specifications for the facility to authorize operation (1) with additional 8 x 8 fuel assemblies, (2) using operating limits based on the General Electric Thermal Analysis Basis (GETAB), (3) using modified operating limits based on an acceptable evaluation model that conforms with § 50.46 of 10 CFR Part 50, and (4) with a slight increase in the APRM Flux Trip and Rod Block limit for operations involving high peaking factors, in accordance with the licensee's applications for the amendment as referenced in the last paragraph of this notice.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with items (1) through (3) above was published in the FEDERAL REGISTER on May 27, 1975 (40 FR 22889) and Notice of Proposed Issuance of Amendment to Facility Op-

erating License in connection with item (4) above was published in the FEDERAL REGISTER on November 21, 1974 (39 FR 40880). No request for a hearing or petition for leave to intervene was filed following notices of the proposed actions.

For further details with respect to this action, see (1) the applications for amendment dated January 21, April 4, May 5, 1975, May 27, 1974, and supplements dated February 11, May 7, 21, June 18, August 15, 18 and 27, June 23, July 7 and 10, and August 25, 1975, and April 8, 1975 (Quad Cities 2 submittal applicable to Dresden 3 which is the non-proprietary version of the July 21, 1975 submittal), October 22 and December 5, 1974, (2) Amendment No. 5 to License No. DPR-25 with Change No. 22, (3) the Commission's concurrently issued related Safety Evaluation, and (4) the Commission's Negative Declaration dated August 29, 1975, (which is also being published in the FEDERAL REGISTER) and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60451. A single copy of items (2), (3) and (4) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of August, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of Reactor  
Licensing.

[FR Doc. 75-23695 Filed 9-5-75; 8:45 am]

[Docket No. 50-249]

**DRESDEN NUCLEAR POWER STATION  
UNIT 3**

Negative Declaration Regarding Proposed  
Changes to the Technical Specifications  
of License DPR-25

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR-25. These changes would authorize the Commonwealth Edison Company (the licensee) to operate the Dresden Nuclear Power Station Unit 3 (located in Grundy County, Illinois) with changes to the limiting conditions for operation associated with fuel assembly specific power (average planar linear heat generation rate) which would limit maximum fuel clad temperature in case of a loss of coolant accident, in accordance with the Acceptance Criteria for Emergency Core Cooling System (10 CFR 50.46 and Appendix K to 10 CFR Part 50).

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an Environmental Impact Appraisal for the proposed changes to the

Technical Specifications of License No. DPR-25, Dresden Unit 3, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Dresden Nuclear Power Station Units 2 and 3 published in November 1973. The Environmental Impact Appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois.

Dated at Rockville, Maryland, this 29th day of August, 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,  
Chief, Environmental Projects  
Branch 3, Division of Reactor  
Licensing.

[FR Doc. 75-23696 Filed 9-5-75; 8:45 am]

[Docket Nos. 50-289, 50-270, 50-287]

**DUKE POWER CO.**

Issuance of Amendments to Facility  
Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 12, 12 and 9 to Facility Operating Licenses No. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments (1) allow the non-preferential use of either the in-core or out-of-core nuclear detector systems to determine quadrant power tilt and (2) make reference to explanatory figures as a substitution for deleted portions of the text.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated June 10, 1975, (2) Amendments No. 12, 12 and 9 to Licenses No. DPR-38, DPR-47 and DPR-55, with Changes No. 22, 17 and 9, and (3) The Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public

Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this August 29, 1975.

For the Nuclear Regulatory Commission.

ALFRED BURGER,  
Acting Chief, Operating Reactors  
Branch No. 1, Division of  
Reactor Licensing.

[FR Doc. 75-23697 Filed 9-5-75; 8:45 am]

[Docket Nos. 50-424, 50-425, CP Amdt.]

**GEORGIA POWER CO., (ALVIN W. VOGTLE  
NUCLEAR PLANT, UNITS 1 AND 2)**

Supplemental Hearing on Proposed  
Amendment to Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a public hearing will be held before an Atomic Safety and Licensing Board (the "Board" or the "Licensing Board") at a time and place to be set in the future by the Board, to consider proposed amendments filed under the Act by the Georgia Power Company (the Applicant) to construction permits the Applicant has received to build two pressurized water nuclear reactors designated as the Alvin W. Vogtle Nuclear Plant Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 3411 thermal megawatts with a net electrical output of approximately 1100 megawatts. The proposed facilities are to be located near the Savannah River in Burke County, Georgia, on a 3,177-acre site approximately 26 miles southeast of Augusta, Georgia, and 15 miles east of Waynesboro, Georgia. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

On July 15, 1975, the Applicant filed a request with the Director of the Office of Nuclear Reactor Regulation to amend the construction permits for Units 1 and 2 to reflect a contemplated ownership sale and certain other changed circumstances (including Applicant's decision to cancel construction of Units 3 and 4 and a request to extend estimated completion dates on Units 1 and 2). The Appeal Board (Atomic Safety and Licensing Appeal Board or "ALAB") remanded this proceeding "to the Licensing Board for the purpose of conducting a supplemental hearing on at least those issues which are directly raised by the pending applications of the applicant for amendments to its construction permits for Units 1 and 2" (ALAB-285, Aug. 12, 1975).

Although the precise scope of the issues to be heard and determined by the Board at the evidentiary hearing will be delineated in later orders of the Board, the need for this supplemental hearing is precipitated by, and will concern the effect the changed circumstances might have on the two construction permits, including issues related to the Applicant's proposed sale of a majority undivided ownership interest in Units 1 and 2 of Vogtle Nuclear Plant to three specified entities (Oglethorpe Electric Membership Corporation (OEMC), the Municipal Electric Authority of Georgia (MEAG), and the City of Dalton), and also the issue of a requested extension in completion dates.

An abbreviated history of this proceeding is as follows. On May 1, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER a "Notice of Hearing on Application for Construction Permits" (38 FR 10751), which ordered a hearing to be held to consider issues pursuant to the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq., and issues pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq. On June 6, 1973, a subsequent notice of the Atomic Safety and Licensing Board Panel entitled "Establishment of Atomic Safety and Licensing Board" designated this Board to conduct the hearing.

On April 16, 1974, pursuant to prior notice and publication in the FEDERAL REGISTER, the public evidentiary hearing on NEPA issues was held in Waynesboro, Georgia. On May 9, 1974, again pursuant to notice and FEDERAL REGISTER publication, an additional public evidentiary hearing was held in Bethesda, Maryland, relating to site suitability issues as required by recent amendments to the Commission's regulations, "Pre-Construction Permit Activities," 29 FR 14506, April 24, 1974.

On May 24, 1974, this Board issued its Initial Decision (Partial Construction Permit Proceeding—Environmental Matters and Site Suitability Only), which, the Board stated, would constitute a portion of the Initial Decision to be issued upon completion of this proceeding (RAI-74-5, LBP-74-39). This Board concluded therein that the appropriate action to be taken is issuance of construction permits for the proposed facility, subject to certain conditions for the protection of the environment and subject to this Board's conclusions after hearing the evidence in the later radiological health and safety phase of this proceeding.

Subsequent to issuance of the Board's partial Initial Decision, and on the basis of the findings and conclusions therein, the Director of Regulation on May 28, 1974, granted to Applicant, subject to certain enumerated conditions, a limited work authorization to conduct activities previously identified by Applicant which the Director determined are within the scope of activities described in 10 CFR Part 50, § 50(e) (1) (see Tr. 263, 277).

On May 15, 1974, this Board published its Notice of Health and Safety Hearing

(39 FR 17356), scheduling a public evidentiary hearing before the Board on

pearance are requested to inform the Secretary of the Commission. United

Papers required to be filed in this proceeding may be filed by mail or telegram

items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear

**DEPARTMENT OF LABOR**  
Bureau of Labor Statistics

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject mat-



(39 FR 17356), scheduling a public evidentiary hearing before the Board on May 29, 1974, in Augusta, Georgia. The hearing was held as scheduled and subsequent thereto the Board issued its Initial Decision authorizing the issuance of construction permits for Vogtle Units 1, 2, 3, and 4 (LEP-74-48, 7 AEC 1166, June 27, 1974). Pursuant to that authorization, on June 28, 1974, the AEC issued construction permits for all four planned Vogtle units (CPR-108 through CPR-111). The Appeal Board order remanding the proceeding to the Atomic Safety and Licensing Board (ALAB-285, supra) was issued August 12, 1975.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

For further details, see the application for construction permits dated February 8, 1973, amendments thereto, copies of the construction permits (CPR-108 and 109), and the Applicant's July 15, 1975, request for amendments to the permits, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents are also available at the Burke County Library, Fourth Street, Waynesboro, Georgia 30830, for inspection by members of the public between the hours of 10:00 a.m. and 9:00 p.m. on Monday; 10:00 a.m. and 6:00 p.m. Tuesday through Friday; and 10:00 a.m. and 1:00 p.m. on Saturday. Copies of other related documents, including transcripts of the prior hearings, are also available at the above locations. Copies of the construction permits and application for amendment may be obtained by request to the Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation, United States Nuclear Regulatory Commission, Washington, D.C. 20555.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited ap-

pearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than October 8, 1975.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that questions are within the scope of the hearing.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest.

Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than October 8, 1975. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a) (1)-(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the Applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the Applicant not later than October 1, 1975.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Issued at Bethesda, Md., this 3d day of September 1975.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,  
Chairman.

[Docket No. 50-271]

#### VERMONT YANKEE NUCLEAR POWER CORP.

##### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment permits changes to the testing requirements for the standby gas treatment system, makes changes to clarify the intent of the current requirement on system fan performance and flow distribution and changes the frequency for tests and sample analysis to be consistent with the operating cycle of the reactor. Changes were made to the Bases to provide guidance on recommended filter replacement quality levels and the use of removable charcoal samplers for laboratory test samples.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated May 6, 1975, (2) Amendment No. 15 to License No. DPR-28, with Change No. 26 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Brook Memorial Library at 224 Main Street, Brattleboro, Vermont 05301. A copy of

items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of August, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch #2, Division of Reactor Licensing.

[FR Doc.75-23694 Filed 9-5-75;8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

##### SYSTEMATIC TAX, INC.

##### Suspension of Trading

SEPTEMBER 2, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Systematic Tax, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 3, 1975 through September 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-23724 Filed 9-5-75;8:45 am]

#### UNITED STATES INFORMATION AGENCY

##### ADVISORY COMMISSION ON INFORMATION

##### Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on October 6, 1975. The session will commence at 9:30 a.m. in Room 660 at 1776 Pennsylvania Avenue, NW., Washington, D.C. The subject of the meeting is "The Policy Office."

This session will be open to the general public. Persons wishing to attend the Commission's meeting should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20547, telephone 632-5210, so that adequate space will be assured. Written statements concerning topic set forth in the agenda should also be submitted to Mr. Olom.

WALTER W. JONES,  
Chief, Management Division.  
[FR Doc.75-23780 Filed 9-5-75;8:45 am]

#### DEPARTMENT OF LABOR

##### Bureau of Labor Statistics

##### BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

##### Meeting

The BRAC Committee on Consumer and Wholesale Prices will meet at 9:30 a.m., September 24, 1975, at the General Accounting Office Building, 441 G Street, NW., Room 2106, Washington, D.C. The agenda for the meeting is as follows:

1. Owner Occupied Housing in the Revised Consumer Price Index.
2. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auker, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C. this 2d day of September 1975.

JULIUS SHISKIN,  
Commissioner of Labor Statistics.  
[FR Doc.75-23782 Filed 9-5-75;8:45 am]

##### Office of the Secretary

[TA-W-129]

##### ALLIANCE MANUFACTURING CO.

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 27, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of Shenandoah, Virginia plant of Alliance Manufacturing Company, Alliance, Ohio (TA-W-129). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with small electrical motors produced by Alliance Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 18, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-23761 Filed 9-5-75;8:45 am]

[TA-W-128]

##### BENDIX CORP.

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 27, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Auto Workers on behalf of the workers and former workers of Heavy Vehicle Systems Group, Elyria, Ohio of The Bendix Corporation, Southfield, Michigan (TA-W-128). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with components for airbrake systems produced by The Bendix Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 18, 1975.

The petition filed in this case is avail-

Significant total or partial separations.

The information upon which the deter-

operations at the Washington was caused

(1) That a significant number or pro-

Signed at Washington, D.C., this 29th



The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.  
[FR Doc. 75-23784 Filed 9-5-75; 8:45 am]

[TA-W-77]

**BORG-WARNER CORP., TOLEDO, OHIO**  
**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-77: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 8, 1975 in response to a worker petition received on June 30, 1975 which was filed by the United Automobile Aerospace and Agricultural Implement Workers of America International Union, (UAW) on behalf of workers formerly producing chainsaw carburetors at the Marvel-Schebler/Tillotson Division plant of Borg-Warner in Toledo, Ohio.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30333) on July 18, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Borg-Warner, its customers, the Department of Commerce, the Security Exchange Commission, "Chain Saw Age," and the Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant total or partial separations.** A significant number or proportion of the workers at the Marvel-Schebler/Tillotson, Toledo, Ohio plant became totally or partially separated in the first six months of 1975. Employment declined 47 percent from December 30, 1974, to June 30, 1975.

**Sales or production, or both, have decreased absolutely.** Sales declined 25 percent in the first half of 1975 compared to the first half of 1974.

**Increased imports contributed importantly.** Imports of articles like or directly competitive with those produced at the Toledo plant decreased from 104,000 units in the first six months of 1974 to 46,000 units in the first six months of 1975. The ratios of imports to domestic consumption and production decreased from 5.9 percent and 6.2 percent respectively in the first half of 1974 to 3.4 percent and 4.0 percent respectively in the first half of 1975.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of chainsaw carburetors was caused by the decrease in domestic demand for chainsaws. This resulted in the decrease in the production of chainsaw carburetors.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with chainsaw carburetors produced by Borg-Warner's Toledo plant did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C., this 29th day of August 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.  
[FR Doc. 75-23783 Filed 9-5-75; 8:45 am]

[TA-W-67]

**CONTINENTAL FORWARDING CO., WASHINGTON, MISSOURI**  
**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-67: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 3, 1975, in response to a worker petition received on June 30, 1975, which was filed by Teamsters Local 688 on behalf of workers formerly handling and shipping footwear for men, women, and children at the Washington, Missouri, warehouse of the Continental Forwarding Company, a wholly-owned subsidiary of the International Shoe Company, a division of Interco, Incorporated, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 29577) on July 14, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Shoe, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant total or partial separations.** A significant number or proportion of the workers at the Washington warehouse became totally or partially separated in the fourth quarter of 1974. Employment of production workers was terminated during the second quarter of 1975, and employment of clerical workers will be terminated during the third quarter of 1975.

**Sales or production, or both, have decreased absolutely.** Sales of the International Shoe Company declined 12.6 percent from 1973 to 1974. Sales declined 43.7 percent in the first quarter of 1975 compared to the first quarter of 1974.

**Increased imports contributed importantly.** Imports of articles like or directly competitive with those handled and shipped at the Washington warehouse have increased significantly over the past five years.

Imports of men's nonrubber footwear increased from about 45 million pairs in 1970 to about 69 million pairs in 1974. The import/consumption and import/production ratios increased from 35.4 percent and 54.7 percent respectively in 1970 to 44.5 percent and 80.1 percent in 1974.

Imports of women's nonrubber footwear increased from about 167 million pairs in 1970 to about 190 million pairs in 1974. The import/consumption and import/production ratios increased from 39.7 percent and 66.0 percent respectively in 1970 to 52.4 percent and 110.1 percent in 1974.

Imports of children's and misses' footwear increased as a ratio of domestic consumption and production from 27.9 percent and 38.7 percent respectively in 1970 to 37.8 percent and 60.7 percent in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in

operations at the Washington was caused by the increase of competitive imports. The company was forced to contract warehouse operations because it could not compete at a profitable level with imports.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with footwear for men, women, and children handled and shipped at the Washington, Missouri warehouse of the Continental Forwarding Company contributed importantly to the total or partial separation of the workers of that warehouse. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for adjustment assistance may not apply to any worker last separated from the firm or subdivision more than 6 months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act I make the following certification:

All hourly, piecework, and salaried worker employed at the Washington, Missouri warehouse of the Continental Forwarding Company, a wholly-owned subsidiary of the International Shoe Company, who became totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of August 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.  
[FR Doc. 75-23784 Filed 9-5-75; 8:45 am]

[TA-W-66]

**GARLAND CORP., BROCKTON, MASSACHUSETTS**  
**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-66: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 3, 1975, in response to a worker petition received on that date which was filed by workers at the Brockton, Massachusetts, plant of Garland Corporation formerly producing women's and misses' sweaters.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 29575) on July 14, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Garland Corporation, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant total or partial separations.** A significant number or proportion of the workers at the Brockton plant of Garland Corporation became totally or partially separated in the first half of 1975. Employment declined 34 percent from March 1975 to August 1975.

**Sales or production, or both, have decreased absolutely.** Production at the Brockton plant declined 17 percent from 1973 to 1974. Production declined 30 percent in the first half of 1975 compared to the first half of 1974.

**Increased imports contributed importantly.** Imports of articles like or directly competitive with those produced at the Brockton plant of Garland Corporation increased from 11.8 million units in 1972 to 127.7 million units in 1974. Imports increased 107 percent in the first quarter of 1975 compared to the first quarter of 1974. The ratios of imports to domestic consumption and production increased from 15.2 percent and 16.8 percent, respectively in 1972 to 135.0 percent and 68.0 percent in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in production of women's and misses' sweaters was caused by increases of competitive imports. The company sharply cut back production in the second quarter of 1975 in order to adjust inventories which had increased to excess levels because of lost sales to imports. Customers surveyed had reduced purchases of Garland's sweaters and reported that imported sweaters constituted an increasing share of the available stock of sweaters for sale at their respective stores.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act I make the following certification:

All hourly, piecework, and salaried workers employed at the Brockton, Massachusetts, plant of Garland Corporation who became totally or partially separated from employment on or after April 7, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of August 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.  
[FR Doc. 75-23785 Filed 9-5-75; 8:45 am]

[TA-W-130]

**GENERAL ELECTRIC CO.**  
**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On August 27, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of General Electric Lamp Plant and Austintown Coil Plant, Youngstown, Ohio of General Electric Company, Syracuse, New York (TA-W-130). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coils and incandescent lamps produced by General Electric Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 18, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.  
[FR Doc. 75-23793 Filed 9-5-75; 8:45 am]

[TA-W-78]

Spacelab by ESA cannot be considered contributed importantly to such total or

formerly producing record changers, tape recorders, and phonographs at V-M

petitors in record changers were foreign-based manufacturers who in recent years

firm or an appropriate subdivision of the firm have become totally or partially



[TA-W-78]

**MARTIN MARLETTA AEROSPACE,  
DENVER, COLORADO****Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-78; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 8, 1975, in response to a worker petition received on June 30, 1975, which was filed by the Denver Division employees on behalf of workers formerly involved with the Skylab project at the Denver Division of Martin Marietta Aerospace.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30334) on July 18, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Martin Marietta Aerospace, NASA, the European Space Agency (ESA), the U.S. Senate Aeronautics and Space Sciences Committee and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant total or partial separations.** A significant number or proportion of the workers at the Denver Division became totally or partially separated in 1973.

**Sales or production, or both, have decreased absolutely.** Production at the Denver Division declined substantially in 1973.

**Increased imports contributed importantly.** Spacelab is part of a joint project between NASA and ESA with no connection to the Skylab project previously established by NASA. While certain technologies involved with the Spacelab program are being transferred between NASA and ESA, Spacelab cannot be considered a natural follow-on project to Skylab. Therefore the development of

Spacelab by ESA cannot be considered to have contributed importantly to the separations at the Denver Division of Martin Marietta.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the Skylab project at the Denver Division was due to the completion of Martin Marietta's commitments under its Skylab contract.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the space system built by the Denver Division of Martin Marietta Aerospace under the Skylab program did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C., this 29th day of August 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.

[FR Doc. 75-23790 Filed 9-5-75; 8:45 am]

[TA-W-70]

**SINGER CO., SAN LEANDRO,  
CALIFORNIA****Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-70; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 8, 1975, in response to a worker petition received on June 30, 1975, which was filed by the International Association of Machinists and Aerospace Workers, AFL-CIO, on behalf of workers producing cables and harnesses at the San Leandro plant of Singer Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30335) July 18, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Singer Company, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof,

contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant total or partial separations.** A significant number or proportion of the workers within the Cable/Harness Shop at the San Leandro plant became totally or partially separated in the second quarter of 1975. Employment declined 37 percent from April 1975 to June 1975.

**Sales or production, or both, have decreased absolutely.** Production of cables and harnesses at the San Leandro plant declined 29 percent from April 1975 to May 1975.

**Increased imports contributed importantly.** The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of cables and harnesses at the San Leandro plant was caused by the transfer of such operations offshore. The company transferred production offshore to reduce unit labor costs and remain price-competitive in the sale of Processors and Disc Drives. Company imports increased 161 percent from May 1975 to June 1975 and will eventually constitute all company production of cables and harnesses.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with those produced in the Cable/Harness Shop at the San Leandro plant contributed importantly to the total or partial separation of the workers of that subdivision. In accordance with the provisions of the Act I make the following certification:

"All hourly workers employed at the San Leandro, California, plant of the Singer Company who became or will become totally or partially separated from employment related to the production of cables and harnesses on or after May 5, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 29th day of August 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.

[FR Doc. 75-23786 Filed 9-5-75; 8:45 am]

[TA-W-71]

**V-M CORP., BENTON HARBOR,  
MICHIGAN****Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-71; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 8, 1975, in response to a worker petition received on June 30, 1975, which was filed on behalf of workers

formerly producing record changers, tape recorders and phonographs at V-M Corporation, Benton Harbor, Michigan.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30336) on July 18, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of V-M Corporation, its customers, industry analysts, the U.S. International Trade Commission, the U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant total or partial separations.** Significant total or partial separations have occurred at V-M Corporation each year from 1972 to 1974. Employment at V-M declined 56 percent from January to June 1975.

**Sales or production, or both, have decreased absolutely.** Sales of record changers by V-M declined 55 percent from 1973 to 1974. In the first six months of 1975, record changer sales fell 88 percent from the same period in the prior year.

**Increased imports contributed importantly.** Imports of record changers like or directly competitive with those produced by V-M Corporation increased from 81.6 percent and 443.3 percent in 1974. The ratios of imports to consumption and production increased from 81.6 percent and 443.3 percent respectively in 1970 to 90.8 percent and 983.9 percent respectively in 1974.

In 1972, V-M was determined eligible to apply for firm adjustment assistance following a finding that increased imports generated by trade concessions were the major factor causing sales and production declines at the company. Since that time the company has struggled to compete successfully under the burden of market penetration by imports of record changers.

Customers surveyed reported reduced purchases of V-M record changers in favor of lower-priced imports. The consensus of opinion was that V-M's com-

petitors in record changers were foreign-based manufacturers who in recent years have taken a substantial share of the U.S. market.

**Conclusion.** After careful review of the facts obtained in the investigation I conclude that increases of imports like or directly competitive with record changers produced at V-M Corporation, Benton Harbor, Michigan contributed importantly to the total or partial separation of the workers and to the absolute decline in sales or production at the firm. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act I make the following certification:

All hourly and salaried employees of V-M Corporation, Benton Harbor, Michigan, who became totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of August 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.

[FR Doc. 75-23788 Filed 9-5-75; 8:45 am]

[TA-W-74]

**WARWICK ELECTRONICS INC., COVINGTON,  
TENNESSEE AND CHICAGO, ILLINOIS****Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-74, investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 8, 1975, in response to a worker petition received on July 2, 1975, which was filed on behalf of workers formerly producing television receivers at the Covington, Tennessee plant of Warwick Electronics Incorporated, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30336) on July 18, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Warwick Electronics, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers'

firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For the purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant total or partial separations.** A significant number or proportion of the workers at the Covington plant and the Chicago, Illinois, plant became totally or partially separated in the first half of 1975. Employment declined 64 percent in January-June 1975 from the comparable period in 1974.

**Sales or production, or both, have decreased absolutely.** Production and sales at the Covington, Tennessee plant declined 77 percent and 70 percent respectively in the first half of 1974 compared to the first half of 1975. Production of circuit boards was transferred from Chicago to Reynosa, Mexico in late 1974.

**Increased imports contributed importantly.** Imports of color television receivers like or directly competitive with those produced at the Covington plant increased from 917 million units in 1970 to 1,459 million units in 1973, then declined to 1,303 million units in 1974. The ratios of imports to domestic consumption and production increased from 16.3 percent and 18.9 percent, respectively in 1973 to 18.4 percent and 21.7 percent in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of color television receivers at the Covington, Tennessee, plant was caused by the increased purchases of competitive imports by the major customer of Warwick's products. The company was forced to close because it could not offset the loss of sales to imports in order to compete at a profitable level. During the course of this investigation it was discovered that the company was also forced to transfer certain component production offshore to reduce production costs and remain price-competitive with imports. This transfer adversely affected employment at Warwick's Chicago, Illinois, facility. Company imports of components increased 72 percent for 1972 to 1974.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with color television receivers produced at the Covington, Tennessee, plant and increases in company imports of certain components pro-

duced at the Chicago, Illinois, plant com-

MC 114290 Sub-75, Exley Express, Inc., and

north of a line beginning at Lake Erie,

remainder of this letter-notice remains

N.Y., to points in Alabama, Arkansas,

requiring special equipment), from that



duced at the Chicago, Illinois, plant contributed importantly to the total or partial separation of the workers of such plants. Section 233(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act I make the following certification:

All hourly and salaried workers employed at the Covington, Tennessee, plant of Warwick Electronics Incorporated, including those workers at Warwick's Chicago, Illinois, plant engaged in employment related to production at the Covington plant who become totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of August.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.

[FR Doc. 75-23787 Filed 9-5-75; 8:45 am]

**Occupational Safety and Health  
Administration  
MARYLAND STATE STANDARDS  
Approval  
Correction**

In FR Doc. 75-9246 appearing at page 31052 in the issue of Thursday, July 24, 1975, the last line in the heading should be read as set forth above.

**INTERSTATE COMMERCE  
COMMISSION**

[Notice 848]

**ASSIGNMENT OF HEARINGS**

SEPTEMBER 3, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114045 Sub-406, Trans-Cold Express, Inc., now assigned September 15, 1975, at Chicago, Illinois, is canceled and the application is dismissed.

MC 140824, Metro Cab, Inc., now assigned October 20, 1975, at Trenton, New Jersey, is postponed to November 20, 1975 (1 day), at Trenton, New Jersey, in a hearing room to be later designated.

MC 134142 Sub-8, Brown Refrigerated Express, Inc., now assigned September 11, 1975, at Kansas City, Missouri, is canceled and application dismissed.

**NOTICES**

MC 114290 Sub-75, Exley Express, Inc., and MC 119639 Sub-15, Inco Express, Inc., now assigned September 23, 1975, at Olympia, Washington, is postponed indefinitely.

MC 103993 Sub-843, Morgan Drive-Away, Inc., now assigned September 9, 1975, at Chicago, Illinois; will be held in Room 288, 219 South Dearborn Street.

MC 99888 Sub-3, Mayfield Transfer & Storage Co., Inc., now being assigned November 3, 1975 (1 week), at Chicago, Illinois, in a hearing room to be later designated.

MC 99610 Sub-19, Ross Neely Express, Inc., now assigned October 14, 1975, at Atlanta, Ga., will be held in Room 556, Federal Office Building.

MC 105501, Terminal Warehouse Company, now assigned October 29, 1975, at St. Paul, Minn., will be held in Conference Room 525, Federal Building and U.S. Courthouse, 316 North Robert Street.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-23806 Filed 9-5-75; 8:45 am]

**IRREGULAR-ROUTE MOTOR COMMON  
CARRIERS OF PROPERTY—ELIMINA-  
TION OF GATEWAY LETTER NOTICES**

**Notice**

SEPTEMBER 3, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 18, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2633 (Sub-No. E2), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles; (1) between points in that part of Ohio on, east, and north of a line beginning at Lake Erie, thence along Ohio Highway 14 to Unity, thence along Ohio Highway 165 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, Jamestown, French Creek, Clymer, Sherman, Harmony, North Harmony, Busti, Ellery, Kiantone, Ellicott, Gerry, Charlotte, Carroll, Polan, Ellington, and Cherry Creek, N.Y.; (2) between points in that part of Ohio on, east, and

north of a line beginning at Lake Erie, thence along Ohio Highway 14 to Unity, thence along Ohio Highway 165 to the Ohio-Pennsylvania State line (except Ashtabula County, Ohio), on the one hand, and, on the other, points in Niagara County, N.Y.; (3) between points in that part of Ohio on, east, and north of a line beginning at Lake Erie, thence along Ohio Highway 14 to Unity, thence along Ohio Highway 165 to the Ohio-Pennsylvania State line (except that part of Lake, Geauga, and Ashtabula Counties, Ohio north of U.S. Highway 322 and not within the Cleveland, commercial zone), on the one hand, and, on the other, points in Erie County, N.Y.; and (4) between points in that part of Ohio on, east, and north of a line beginning at Lake Erie, thence along Ohio Highway 14 to Unity, thence along Ohio Highway 165 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in that part of New York (including those located on the highways described herein) south and west of a line extending from the New York-Pennsylvania State line along U.S. Highway 11 to Syracuse, thence along New York Highway 5 to junction New York Highway 31B, thence along New York Highway 31B to Weedsport, thence along New York Highway 31 to New York Highway 250, thence along New York Highway 250 to Lake Ontario (except points in Erie, Niagara, and Chautauque Counties, N.Y.). The purpose of this filing is to eliminate the gateway of Warren, Pa., and points within seven miles of Warren, Pa., in Warren County, Pa.

No. MC 4405 (Sub-No. E20) (correction), filed July 13, 1974, published in the FEDERAL REGISTER July 9, 1975. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, materials, equipment*, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, restricted against the transportation of any such commodity to be used in, or in connection with main or trunk pipe lines, restricted to commodities which because of size or weight, require the use of special equipment; (c) between points in Kentucky, on the one hand, and, on the other, points in Kansas south of U.S. Highway 54 or west of U.S. Highway 183. The purpose of this filing is to eliminate the gateway of points in Arkansas. The purpose of this partial correction is to correct the territorial description in (c) above. The

remainder of this letter-notice remains as previously published.

No. MC 8973 (Sub-E42), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from points in Essex, Hudson, Union, Somerset, and Bergen Counties, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Ohio, Tennessee, and West Virginia, restricted to the transportation of building materials when moving in mixed loads with gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products (except commodities in bulk) from either Edgewater, N.J., Carteret, N.J., Pittston, Pa., Sunbury, Pa., or the plantsite of Celotex Corporation at or near Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of New York, New York.

No. MC 8973 (Sub-E44), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products and insulating materials* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from points in that portion of the New York, N.Y., commercial zone as defined in commercial zones and terminal areas, 53, M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (exempt zone) to points in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Indiana, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Carteret, New Jersey.

No. MC 8973 (Sub-E46), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products and insulating materials* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, those requiring special equipment), from New York,

N.Y., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Edgewater and Carteret, N.J.

No. MC 8973 (Sub-E53), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials, equipment and supplies* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from points in Manhattan County, N.Y., to points in Pennsylvania, Ohio, Delaware, Maryland, Virginia, and New Hampshire, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-E54), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials, equipment and supplies* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from those points in Manhattan County, N.Y., to those points in Vermont on and north of a line beginning at the New York-Vermont State line and extending along Vermont Highway 73A to junction Vermont Highway 73, to junction Vermont Highway 100, to junction Vermont Highway 66, to junction unnumbered highway at East Randolph, to junction Vermont Highway 110 at Tunbridge, to junction unnumbered highway near Chelsea, to junction Vermont Highway 25, to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, New Jersey.

No. MC 8973 (Sub-E55), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials, equipment and supplies* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those

requiring special equipment), from that part of Manhattan County, N.Y., on and south of a line beginning at the Hudson River extending along Interstate Highway 495, to the East River, to points in Vermont. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-E56), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials, equipment and supplies* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from points in Manhattan County, N.Y., to points in Maine. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-E57), filed May 17, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials, equipment and supplies* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from points in Manhattan County, N.Y., to those points in New Hampshire on and north of a line beginning at the Vermont-New Hampshire State line and extending along unnumbered Highway to Ryme, thence along unnumbered highway to junction U.S. Highway 4, to junction New Hampshire Highway 104, to junction unnumbered highway, thence along unnumbered highway to junction New Hampshire Highway 3A, to junction New Hampshire Highway 11, to junction New Hampshire Highway 3B, to junction New Hampshire Highway 101, to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-E59), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials,*

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equipment and supplies (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from New York, N.Y., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

Box 749, Youngstown, Ohio 44501. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, materials, equipment*, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, restricted against the transportation of any such commodity to be used in, or in connection with main or trunk pipe lines, restricted to commodities which because of size or weight, require the use of special equipment; (c) between points in Kentucky, on the one hand, and, on the other, points in Kansas south of U.S. Highway 54 or west of U.S. Highway 183. The purpose of this filing is to eliminate the gateway of points in Arkansas. The purpose of this partial correction is to correct the territorial description in (c) above. The

along U.S. Highway 60 to the West Virginia-Vermont State line. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 24583 (Sub-No. E3), filed May 12, 1974. Applicant: FREDERICK, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials, equipment and supplies* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those

requiring special equipment), from that part of Manhattan County, N.Y., on and south of a line beginning at the Hudson River extending along Interstate Highway 495, to the East River, to points in Vermont. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

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equipment and supplies (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from points in Manhattan County, N.Y., to that portion of New York, on west and north of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to Deposit, thence along New York Highway 8 to junction New York Highway 51, thence along New York Highway 51 to junction unnumbered highway near New Lisbon, thence along unnumbered highway to junction New York Highway 205, near Lawrence thence, along New York Highway 205 to junction New York Highway 80, thence along New York Highway 80 to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 80, thence along New York Highway 80 to Fort Plain, thence along New York Highway 5 to junction unnumbered highway, to junction New York Highway 10, near Ephrata, thence along unnumbered highway to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 29A, thence along New York Highway 29A to junction New York Highway 30A, thence along New York Highway 30A to junction New York Highway 30, thence along New York Highway 30 to junction unnumbered highway near Northville, thence along unnumbered highway to junction unnumbered highway near Edinburg, thence along unnumbered highway to junction New York Highway 9N near Hadley, thence along New York Highway 9N to junction unnumbered highway near Corinth, thence along unnumbered highway to Glen Falls, thence along unnumbered highway to junction U.S. Highway 4 at Hudson Falls, thence along U.S. Highway 4 to junction New York Highway 197, thence along New York Highway 197 to junction New York Highway 40, thence along New York Highway 40 to junction unnumbered highway near Artye, thence along unnumbered highway to junction unnumbered highway near West Hiron, thence along unnumbered highway to junction New York Highway 153 at Salem, thence along New York Highway 153 to the New York-Vermont State line.

No. MC 14552 (Sub-No. E12), filed May 20, 1974. Applicant: J. V. McNICHOLAS TRANSFER CO., P.O. Box 749, Youngstown, Ohio 44501. Applicant's representative: Brian S. Stern, Suite 327, 2425 Wilson Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *steel-mill equipment, materials, and supplies* (except commodities in bulk, commodities the transportation of which requires special equipment, and rolling mill rolls) restricted to the transportation of iron and steel pipe, conduit, metallic tubing, and fitting for such commodities, from points in Connecticut, Massachusetts, New York, Rhode Island, those in Ohio

on, east, and north of a line beginning at Lake Erie and extending along Ohio Highway 237 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 76, thence along Interstate Highway 76 to the Ohio-Pennsylvania State line, those in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 76 to junction Interstate Highway 83, to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line, and those in New Jersey on, north, and east of a line beginning at the New Jersey-Pennsylvania State line and extending along Interstate Highway 79 to junction Interstate Highway 278, to the New Jersey-New York State line, to those points in Kentucky on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of the plantsite of the Youngstown Sheet and Tube Company located at or near Youngstown, Ohio, and the plantsite of Jones & Laughlin Steel Corp., at Niles, Ohio.

No. MC 14552 (Sub-No. E13), filed May 20, 1974. Applicant: J. V. McNICHOLAS TRANSFER CO., P.O. Box 749, Youngstown, Ohio 44501. Applicant's representative: Brian S. Stern, Suite 327, 2425 Wilson Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *steel-mill equipment, materials, and supplies* (except commodities in bulk, commodities the transportation of which require special equipment, and rolling mill rolls), restricted to the transportation of iron and steel pipe, conduit, metallic tubing, and fittings for such commodities, from those points in Michigan on and north of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 223 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Lake Michigan, to those points in West Virginia on, north, and east of a line beginning at the West Virginia-Ohio State line and extending along U.S. Alternate Highway 50 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of the plant site of Youngstown Sheet and Tube Company, and the plant site of Jones & Laughlin Corp., at Niles, Ohio.

No. MC 14552 (Sub-No. E17), filed May 20, 1974. Applicant: J. V. McNICHOLAS TRANSFER CO., P.O.

Box 749, Youngstown, Ohio 44501. Applicant's representative: Brian S. Stern, Suite 327, 2425 Wilson Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *steel-mill equipment, materials, and supplies*, (except commodities in bulk, commodities, the transportation of which requires special equipment, and rolling mill rolls), restricted to the transportation of iron and steel pipe, conduit, metallic tubing, and fittings for such commodities, from points in New York, Massachusetts, Rhode Island, Connecticut, Michigan, Wisconsin, and those points in New Jersey on, east, and north of a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 206 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Camden Atlantic County line, thence along the Camden-Atlantic County line, to junction Gloucester-Atlantic County line, thence along the Gloucester-Atlantic County line, to junction Vineland Township-Gloucester County Boundary line, thence along the Vineland Township-Gloucester County Boundary line to junction Vineland Township-Salem County Boundary line, thence along the Vineland Township-Salem County Boundary line to junction Salem-Cumberland County line, thence along the Salem-Cumberland County line to the Delaware River, to points in Brooke, Hancock, and Ohio Counties, W. Va. The purpose of this filing is to eliminate the gateway of the plant site of the Youngstown Sheet and Tube Company located at or near Youngstown, Ohio, and the plantsite of Jones & Laughlin Steel Corp., at Niles, Ohio.

No. MC 14552 (Sub-No. E19), filed May 20, 1974. Applicant: J. V. McNICHOLAS TRANSFER CO., P.O. Box 749, Youngstown, Ohio 44501. Applicant's representative: Brian S. Stern, Suite 327, 2425 Wilson Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *steel-mill equipment, materials, and supplies* (except commodities in bulk, commodities the transportation of which requires special equipment, and rolling mill rolls) restricted to the transportation of iron and steel pipe, conduit, metallic tubing, and fittings for such commodities, from points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, those in Ohio in, east, and north of a line beginning at Lake Erie and extending along Ohio Highway 44 to junction Ohio Highway 173, thence along Ohio Highway 173 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction to the Ohio-West Virginia State line, those in West Virginia on, north, and east of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 50 to junction Interstate Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60, thence

along U.S. Highway 60 to the West Virginia-Virginia State line, those in Virginia on, north, and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 1, to the Virginia-North Carolina and the District of Columbia, to points in Michigan. The purpose of this filing is to eliminate the gateway of the plantsite of the Youngstown Sheet and Tube Company, located at or near Youngstown, Ohio, and the plantsite of the Jones & Laughlin Steel Corporation at Niles, Ohio.

No. MC 24583 (Sub-No. E1), filed May 13, 1974. Applicant: FRED STEWART COMPANY, 129 So. Clay St., Magnolia, Ark. 71753. Applicant's representative: Joe E. Fender, 802 Houston First Savings Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment* incidental to or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of points in Crawford, Franklin, Johnson, Pope, Conway, Perry, Yell, Scott, Logan, and Sebastian Counties, Ark., and points in Le Flore, Latimer, Sequoyah, Haskell, Pittsburg, and McIntosh Counties, Okla., or points in Texas.

No. MC 24583 (Sub-No. E2), filed May 13, 1974. Applicant: FRED STEWART COMPANY, 129 So. Clay St., Magnolia, Ark. 71753. Applicant's representative: Joe E. Fender, 802 Houston First Savings Bldg., Fannin at Capitol, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipe line rights of way, between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Louisiana (points in Texas); and (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Mississippi on and south of Interstate Highway 20 (points in Texas). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 24583 (Sub-No. E3), filed May 13, 1974. Applicant: FRED STEWART COMPANY, 129 So. Clay St., Magnolia, Ark. 71753. Applicant's representative: Joe E. Fender, 802 Houston First Savings Bldg., Fannin at Capitol, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Louisiana, and points in Mississippi on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 24583 (Sub-No. E4), filed May 13, 1974. Applicant: FRED STEWART COMPANY, 129 So. Clay St., Magnolia, Ark. 71753. Applicant's representative: Joe E. Fender, 802 Houston First Savings Bldg., Fannin at Capitol, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Oklahoma on and south of Interstate Highway 40 (except McCurtain County), on the one hand, and, on the other, points in Arkansas on and north of Interstate Highway 40 (except points in Benton and Washington Counties). The purpose of this filing is to eliminate the gateways of points in Crawford, Franklin, Johnson, Pope, Conway, Perry, Yell, Scott, Logan, and Sebastian Counties, Ark., and points in LeFlore, Latimer, Sequoyah, Haskell, Pittsburg, and McIntosh Counties, Okla.

No. MC 24583 (Sub-No. E5), filed May 13, 1974. Applicant: FRED STEWART COMPANY, 129 So. Clay St., Magnolia, Ark. 71753. Applicant's representative: Joe E. Fender, 802 Houston First Savings Bldg., Fannin at Capitol, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Benton County, Ark., on the one hand, and, on the other, points in Mississippi on and south of Interstate Highway 40 (except points in LeFlore, Haskell, McIntosh, Hughes, Okfuskee, Seminole, Pottawatomie, and Pittsburg Counties, Okla.).

Cleveland, and McClain Counties). The purpose of this filing is to eliminate the gateways of points in Crawford, Franklin, Johnson, Pope, Conway, Perry, Yell, Scott, Logan, and Sebastian Counties, Ark., and points in LeFlore, Latimer, Sequoyah, Haskell, Pittsburg, and McIntosh Counties, Okla.

No. MC 24583 (Sub-No. E6), filed May 13, 1974. Applicant: FRED STEWART COMPANY, 129 So. Clay St., Magnolia, Ark. 71753. Applicant's representative: Joe E. Fender, 802 Houston First Savings Bldg., Fannin at Capitol, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Washington County, Ark., on the one hand, and, on the other, points in Oklahoma on and south of Interstate Highway 40 (except points in LeFlore, Haskell, McIntosh, Okfuskee, Hughes, Seminole, Pottawatomie, and Pittsburg Counties, Okla.). The purpose of this filing is to eliminate the gateways of points in Crawford, Franklin, Johnson, Pope, Conway, Perry, Yell, Scott, Logan, and Sebastian Counties, Ark., and points in LeFlore, Latimer, Sequoyah, Haskell, Pittsburg, and McIntosh Counties, Okla.

No. MC 24583 (Sub-No. E7), filed May 13, 1974. Applicant: FRED STEWART COMPANY, 129 So. Clay St., Magnolia, Ark. 71753. Applicant's representative: Joe E. Fender, 802 Houston First Savings Bldg., Fannin at Capitol, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (a) between points in Oklahoma on, north, and west of a line beginning at the Oklahoma-Texas State line extending along Interstate Highway 40 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction Oklahoma Highway 2, thence along Oklahoma Highway 2 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Arkansas on and south of Interstate Highway 40; (b) between points in Sequoyah County, Okla., on the one hand, and, on the other, points in Arkansas on and south of Interstate Highway 40; and (c) between points in Adair County, Okla., on the one hand, and, on the other, points in Arkansas on and south of Interstate Highway 20 (except points in Pope, Johnson, Franklin, Crawford, Sebastian, Logan, and Yell Counties); (d) between points in Delaware County, Okla., on the one hand, and, on the other, points in Arkansas on and south of Interstate Highway 40 (except points in Faulkner, Conway, Pope,

in Arkansas on, south, and east of a line

one hand, and, on the other, points in

and Clark Counties, Ark.; (u) between

in Arkansas on, south, and east of a line

one hand, and, on the other, points in

and Clark Counties, Ark.; (u) between







filing is to eliminate the gateway of Texas.

No. MC 24583 (Sub-No. E11), filed May 13, 1974. Applicant: FRED STEWART COMPANY, 129 So. Clay St., Magnolia, Ark. 71753. Applicant's representative: Joe E. Fender, 802 Houston First Savings Bldg., Fannin at Capitol, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma on and west of a line beginning at the Texas-Oklahoma State line and extending along Interstate Highway 35 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Oklahoma-Kansas State line, on the one hand, and, on the other, points in Arkansas on and east of a line beginning at the Texas-Arkansas State line, extending along Interstate Highway 30 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 31462 (Sub-No. E197) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER January 16, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kansas within an area bounded by a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 81 to Wichita, Kans., thence along U.S. Highway 54 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line, on the one hand, and, on the other, points in that part of Mississippi on and east of a line beginning at the Mississippi-Tennessee State line, thence along Interstate Highway 55 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill. The purpose of this correction is to clarify the origin description.

No. MC 31462 (Sub-No. E199) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER January 27, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146.

Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) any point in Tennessee, and (3) any point in Georgia. The purpose of this correction is to correct the "E" number, previously published as E198.

No. MC 31462 (Sub-No. E203) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER January 16, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Virginia on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof, and (2) Ft. Wayne, Ind., or any point in Indiana within 40 miles thereof. The purpose of this correction is to clarify the territorial descriptions above.

No. MC 31462 (Sub-No. E249) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 5, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kansas within an area bounded by a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 81 to Wichita, Kans., thence along U.S. Highway 54 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line, on the one hand, and, on the other, points in that part of Mississippi on and east of a line beginning at the Mississippi-Tennessee State line, thence along Interstate Highway 55 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill., and points within 25 miles thereof, Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof, and Hoosick Falls, N. Y. The purpose of this correction is to correct the "E" number, previously published as E247.

No. MC 31462 (Sub-No. E324) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER May 5, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) East St. Louis, Ill., or any point within 50 miles thereof; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof. The purpose of this correction is to clarify the territorial description.

No. MC 45736 (Sub E16), filed June 3, 1974. Applicant: GUIGNARD FREIGHT

LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward Villalon, Suite 1032, 13th & Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *hardware, plumbing supplies, and building materials*, except commodities requiring special equipment, from Cincinnati, Ohio, (A) to points in South Carolina on and east of a line beginning at North Carolina-South Carolina State line, and extending along U.S. Highway 321 to junction South Carolina Highway 121 to junction U.S. Highway 178, to junction U.S. Highway 321, to junction U.S. Highway 301 to the South Carolina-Georgia State line, and Franklin and Suffolk, Va. (Wilkes County and Concord, N.C. and Sumter County, S.C.) \* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub E17), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *hardware, plumbing supplies and building materials*, except commodities requiring special equipment, from Ellwood City, Monaca, Uniontown, and Johnstown, Pa., (A) to points in South Carolina. (Wilkes County and Concord, N.C.) \* (B) to Savannah, Ga. (Wilkes County and Concord, N.C. and Sumter County, S.C.) \* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub E19), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *canned goods*, from Baltimore, Md., (A) to points in North Carolina in and west of Anson, Iredell, Montgomery, Rowan, Stanly, Watauga, and Wilkes counties, points in South Carolina and points in Georgia within 225 miles of Concord, N.C. (Concord, N.C.) \* (B) to Savannah, Ga. (Concord, N.C. and Sumter County, S.C.) \* (C) to points in Alabama on and north of U.S. Highway 278 and south of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 59 to junction Alabama Highway 40, to junction U.S. Highway 72 to the Alabama-Mississippi State line. (Concord, N.C. and Sumter, S.C.) \* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub E20), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *hardware, plumbing supplies, and building materials*, except commodities requiring special equipment, from Baltimore and Sparrows Pt., Md., (A) to points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 601 to junction South Carolina Highway 151, to U.S. Highway 1 to junction South Carolina Highway 341 to junction U.S. Highway 15, to junction South Carolina Highway 303 to junction U.S. Highway 17 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean. (Wilkes County and Concord, N.C.) \* (B) to Savannah, Ga. (Wilkes County and Concord, N.C. and Sumter County, S.C.) \* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub E21), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *hardware, plumbing supplies, and building materials*, except commodities requiring special equipment, from Barba, Metuchen, Millington, and Newark, N.J., and points in the New York, N.Y. Commercial Zone, as defined by the Commission, (A) to points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 1 to junction U.S. Highway 52, to junction South Carolina Highway 402, to junction U.S. Highway 41, to junction U.S. Highway 17 to junction South Carolina Highway 703 to the Atlantic Ocean. (Wilkes County and Concord, N.C.) \* (B) to Savannah, Ga. (Wilkes County and Concord, N.C. and Sumter County, S.C.) \* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub E22), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *canned goods*, from Frederick, Md., (A) to points in Alexander, Anson, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Gastonia, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Montgomery, Moore, Polk, Richmond, Rowan, Rutherford, Scotland, Stanly, Swain, Transylvania, Union, Wilkes, and Yancey Counties, N.C., points in South Carolina and points in Georgia within 225 miles of Concord, N.C. (Concord, N.C.) \* (B) to Savannah, Georgia (Concord, N.C. and Sumter County, S.C.) \* (C) to points in Alabama on U.S. Highway 278, and Russellville, Ala. (Concord, N.C. and Sumter, S.C.) \*

The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub E23), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Lubricating oil and grease, in containers, from Bayonne, N.J., (A) to points in South Carolina on and west of U.S. Highway 25, and points in Georgia within 225 miles of Concord, N.C., which are on and east of U.S. Highway 23, (Bristol, Tenn., Virginia and Concord, N.C.) \* (B) to points in Alabama on and north of U.S. Highway 278 which are west of U.S. Highway 31, and Gadsden, Alabama. (Bristol, Tenn., Virginia, Concord, N.C., and Sumter, S.C.) \* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 46313 (Sub-No. E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER July 15, 1975. Applicant: SUHR TRANSPORT, P.O. Box 1727, Great Falls, Mont. 59403. Applicant's representative: F. C. Weber (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (2) *Machinery, equipment, materials, and supplies* used in, or in connection with construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and piking up thereof, and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells; from those points in Texas, Oklahoma, and Kansas east of U.S. Highway 81 to points in Butte, Meade, Lawrence, Harding, and Perkins Counties, S. Dak., those in North Dakota west of U.S. Highway 83, and those in Idaho north of a line beginning at the Idaho-Oregon State line and extending along Interstate Highway 80 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Idaho-Montana State line and points in Crook, Campbell, Sheridan, Big Horn, and Park Counties, Wyo. The purpose of this filing is to eliminate the gateway of points in Mon-

tana. The purpose of this correction is to correct the territorial description above.

No. MC 50069 (Sub E39), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Selma, Illinois, (A) to points in Ohio and West Virginia on and west of a line beginning at Sistersville, West Virginia and extending along West Virginia Highway 18 to Troy, West Virginia, thence along West Virginia Highway 47 to Linn, West Virginia, thence along U.S. Highway 119 to Glennville, West Virginia, thence along West Virginia Highway 5 to Napier, West Virginia, thence along U.S. Highway 19 to Summersville, West Virginia, thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, West Virginia, thence to the West Virginia-Virginia State line. (B) to points in Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania thence due north to the Pennsylvania-New York State line. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Selma, Illinois, to points in Michigan. (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Selma, Illinois, to points in Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island and Vermont. The purpose of this filing is to eliminate the gateways of Vincennes, Indiana, Lawrenceville, Illinois, Seymour, Indiana and Ironton, Ohio in (1A) above; Vincennes, Indiana, Lawrenceville, Illinois, Seymour, Indiana, and Cincinnati, Ohio in (1B) above; Terre Haute, Indiana in (2) above; Vincennes, Indiana, Lawrenceville, Illinois, Cincinnati, Ohio, Midland, Pennsylvania and Congo, West Virginia in (3) above.

No. MC 50069 (Sub E42), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, in tank vehicles, from Charleston, West Virginia and points within 20 miles thereof, (A) to points in Illinois south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to Peoria, Illinois, thence along Interstate Highway 74 to Glasburg, Illinois, thence along U.S. Highway 34 to the Iowa-Illinois State line. (B) to points in Illinois north of Interstate Highway 80. (C) to points in Indiana south of Interstate

Highway 70, (D) to points in Indiana

Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa.

Ohio in (1C) above; Bellefontaine, Ohio and Tiffin, Ohio, in (1D) above; and

chusetts, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee, and Texas, in (1E) above; and

Pleasant, West Virginia and extending along West Virginia Highway 62 to

along U.S. Highway 19 to Bluefield, West Virginia, thence to the West Virginia-



Highway 70. (D) to points in Indiana north of Interstate Highway 70 and south of a line beginning at the Ohio-Indiana State line and extending along Indiana Highway 14 to junction U.S. Highway 41, thence along an unnumbered County Highway via Elmer, Indiana to the Illinois-Indiana State line. (E) to points in the Lower Peninsula of Michigan. (F) to points in Ohio bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 50 to junction Ohio Highway 128, thence along Ohio Highway 128 to Hamilton, Ohio, thence along Ohio Highway 4, to Marysville, Ohio, thence along U.S. Highway 36 to Newcomerstown, Ohio, thence along U.S. Highway 21 to Cambridge, Ohio, thence along U.S. Highway 22 to Circleville, Ohio, thence along U.S. Highway 23 to Chillicothe, Ohio, thence along U.S. Highway 50 to junction Ohio Highway 41, thence along Ohio Highway 41 to Aberdeen, Ohio, thence along the Ohio River to the point of Beginning. (G) to points in Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line.

(2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Charleston, West Virginia and points within 20 miles thereof, to points in Iowa and Wisconsin. (3) *Petroleum products*, except petroleum chemicals, from Charleston, West Virginia and points within 20 miles thereof, to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. The purpose of this filing is to eliminate the gateways of Ashland, Kentucky, Cincinnati, Ohio and Seymour, Indiana in (1A) above; Ashland, Kentucky and Cincinnati, Ohio in (1C) above; Ashland, Kentucky and Dayton, Ohio in (1D) above; Parkersburg, West Virginia and Canton, Ohio in (1E) above; Ashland, Kentucky in (1F) above; Belpre, Ohio in (1G) above; Ashland, Kentucky, Cincinnati, Ohio and Terre Haute, Indiana in (2) above; Belpre, Ohio, Midland, Pennsylvania and Congo, West Virginia in (3) above.

No. MC 50069 (Sub E43), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Parkersburg, West Virginia and points within 10 miles thereof, (A) to points in the Lower Peninsula of Michigan. (B) to points in Missouri within 135 miles of East St. Louis, Illinois. (C) to points in Pennsylvania bounded by a line beginning at the

Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line. (2) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Parkersburg, West Virginia and points within 10 miles thereof, to points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island and Vermont. The purpose of this filing is to eliminate the gateways of Canton, Ohio in (1A) above; Cincinnati, Ohio, Seymour, Indiana and East St. Louis, Illinois in (1B) above; Belpre, Ohio in (1C) above; and Belpre, Ohio, Midland, Pennsylvania and Congo, West Virginia in (2) above.

No. MC 50069 (Sub E50), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Sheldler, Indiana and point within 2 miles thereof, (A) to points in the Lower Peninsula of Michigan. (B) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the New York-Pennsylvania State line. (C) to points in West Virginia on and west of a line beginning at Sistersville, West Virginia and extending along West Virginia Highway 18 to Troy, West Virginia, thence along West Virginia Highway 47 to Linn, West Virginia, thence along U.S. Highway 119 to Glennville, West Virginia, thence along West Virginia Highway 5 to Napier, West Virginia, thence along U.S. Highway 19 to Summersville, West Virginia, thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, West Virginia, thence to the West Virginia-Virginia State line. (D) to points in New York bounded by a line beginning at the New York-Pennsylvania State line and extending north to Deposit, N.Y., thence along N.Y. Highway 8 to Utica, N.Y., thence along N.Y. Highway 49 to Rome, N.Y., thence along N.Y. Highway 69 to Camden, New York, thence along New York Highway 13 to Port Ontario, New York. (2) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Sheldler, Indiana and points within 2 miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Maryland, the District of Columbia and points in Virginia east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Bryan, Ohio in (1A) above; Bellefontaine, Ohio in (1B) above; Cincinnati, Ohio and Ironton,

Ohio in (1C) above; Bellefontaine, Ohio and Titusville, Pennsylvania in (1D) above; Bellefontaine, Ohio, Midland, Pennsylvania, and Congo, W. Va. in (2) above.

No. MC 50069 (Sub E51), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Marshall, Michigan and points within 5 miles thereof, (A) to points in Illinois. (B) to points in Kentucky on and west of Interstate Highway 65, (C) to points in Missouri within 135 miles of East St. Louis, Illinois. (D) to points in Indiana south of U.S. Highway 40. (E) to points in Ohio east of Ohio Route 4 and south of Ohio Highway 30S. (F) to points in West Virginia west of a line beginning at Point Pleasant, West Virginia and extending along West Virginia Highway 62 to Charleston, West Virginia, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Virginia State line. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Marshall, Michigan and points within 5 miles thereof, (A) to points in Missouri. (B) to points in Iowa west and south of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30. Thence along U.S. Highway 30 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateways of South Bend, Indiana and Niles, Michigan in (1A) above; South Bend, Indiana, Niles, Michigan and East St. Louis, Illinois in (1C) above; South Bend, Indiana and Niles, Michigan in (1D) above; Fort Wayne, Indiana and Cincinnati, Ohio in (1F) above; South Bend, Indiana, Niles, Michigan and Peoria, Illinois in (2B) above.

No. MC 50069 (Sub E52), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum asphalt, tar and pitch*, in bulk, in tank vehicles, from Cleveland, Ohio, (1) to points in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Maryland, Massa-

chusetts, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, and Virginia. (2) to points in New Jersey. The purpose of this filing is to eliminate the gateways of Congo, West Virginia in (1) above; and Petrolia, Pennsylvania in (2) above.

No. MC 50069 (Sub E53), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, in tank vehicles, from Dayton, Ohio (A) to points in Illinois south of U.S. Highway 36. (B) to points in Illinois north of U.S. Highway 36 and south of U.S. Highway 24. (C) to points in Illinois north of Interstate Highway 80. (D) to points in Kentucky east of U.S. Highway 231. (E) to points in Missouri within 135 miles of East St. Louis, Illinois. (F) to points in Michigan bounded by a line beginning at Muskegon, Michigan and extending along Interstate Highway 96 to U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, thence along the Ohio-Michigan State line to the Michigan-Indiana State line, thence along the Michigan-Indiana State line to U.S. Highway 131, thence along U.S. Highway 131 to Michigan Highway 89, thence along Michigan Highway 89 to junction Michigan Highway 40 to junction U.S. Highway 31, thence to the point of beginning. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Dayton, Ohio to points in Missouri and Iowa. The purpose of this filing is to eliminate the gateways of Seymour, Indiana in (1A) above; New Goshen, Indiana in (1B) above; Huntington County, Indiana in (1C) above; Seymour, Indiana in (1D) above; Seymour, Indiana and East St. Louis, Illinois in (1E) above; Fort Wayne, Indiana and Bryan, Ohio in (1F) above; Terre Haute, Indiana in (2) above.

No. MC 50069 (Sub E56), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products* as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from the pipeline terminal site of the Texas Eastern Transmission Corporation at or near Lebanon, Warren County, Ohio, (A) to points in Missouri within 135 miles of East St. Louis, Ill. (B) to points in Illinois on and south of U.S. Highway 36. (C) to points in Illinois north of U.S. Highway 36. (D) to points in West Virginia west of a line beginning at Point

Pleasant, West Virginia and extending along West Virginia Highway 62 to Charleston, West Virginia, thence along U.S. Highway 60 to junction U.S. Highway 19, thence south along U.S. Highway 19 to the West Virginia-Virginia State line. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from the pipeline terminal site of the Texas Eastern Transmission Corporation at or near Lebanon, Warren County, Ohio, (A) to points in Iowa. (B) to points in Minnesota. (3) *Petroleum products*, except petroleum chemicals, from the pipeline terminal site of the Texas Eastern Transmission Corporation at or near Lebanon, Warren County, Ohio, to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont. The purpose of this filing is to eliminate the gateways of Seymour, Indiana in (1A) above; South Bend, Indiana in (1B) above; Fort Wayne, Indiana and Toledo, Ohio in (1C) above; Fort Wayne, Indiana in (1D) above; Indianapolis, Indiana in (1E) above; Indianapolis, Indiana, Cincinnati, Ohio and Ashland, Kentucky in (1F) above; and Indianapolis, Indiana, Lima, Ohio, Midland, Pennsylvania and Congo, West Virginia in (2) above.

No. MC 50069 (Sub E57), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Champaign, Illinois and points within 10 miles thereof, (A) to points in Kentucky east of Interstate Highway 65. (B) to points in Michigan south of a line beginning at Pentwater, Michigan and extending along U.S. Highway 31 to Hart, Michigan, thence along Michigan Highway 82 to Newago, Michigan, thence along Michigan Highway 46 to Saginaw, Michigan, thence along U.S. Highway 10 to Detroit, Michigan. (C) to points in Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the New York-Pennsylvania State line. (D) to points in Ohio north of U.S. Highway 30. (E) to points in Ohio on and south of U.S. Highway 30S and west of U.S. Highway 68. (F) to points in West Virginia on and west of a line beginning at Sistersville, West Virginia and extending along West Virginia Highway 18 to Troy, West Virginia, thence along West Virginia Highway 47 to Linn, West Virginia, thence along U.S. Highway 119 to Glennville, West Virginia, thence along West Virginia Highway 5 to Napier, West Virginia, thence along U.S. Highway 19 to Summersville, West Virginia, thence along West Virginia Highway 41 to junction U.S. Highway 19, thence

along U.S. Highway 19 to Bluefield, West Virginia, thence to the West Virginia-Virginia State line. (2) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Champaign, Illinois and points within 10 miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. The purpose of this filing is to eliminate the gateways of Seymour, Indiana in (1A) above; South Bend, Indiana in (1B) above; Fort Wayne, Indiana and Toledo, Ohio in (1C) above; Fort Wayne, Indiana in (1D) above; Indianapolis, Indiana in (1E) above; Indianapolis, Indiana, Cincinnati, Ohio and Ashland, Kentucky in (1F) above; and Indianapolis, Indiana, Lima, Ohio, Midland, Pennsylvania and Congo, West Virginia in (2) above.

No. MC 50069 (Sub E58), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from McKean County, Pennsylvania, (A) to points in Kentucky west of Interstate Highway 65. (B) to points in Indiana. (C) to points in Illinois. (D) to points in Missouri within 135 miles of East St. Louis, Illinois. The purpose of this filing is to eliminate the gateways of Lebanon, Ohio in (1A) above; Canton, Ohio in (1B) above; Toledo, Ohio and Niles, Michigan in (1C) above; Toledo, Ohio, Niles, Michigan and East St. Louis, Illinois in (1D) above.

No. MC 50069 (Sub E59), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Painesville, Ohio (A) to points in Missouri. (B) to points in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 40 to junction Illinois Highway 140, thence along Illinois Highway 140 to the Missouri-Illinois State line. (C) to points in Iowa west and south of a line beginning at the South Dakota-Iowa State line and extending along U.S. Highway 65 to junction U.S. Highway 20, thence on U.S. Highway 20 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence on U.S. Highway 30 to the Iowa-Illinois State line. (2) *Petroleum chemicals*, in bulk, in tank vehicles, from Painesville, Ohio, (A) to points in Kentucky on and west of Interstate Highway 65. (B) to points in Illinois north of a line beginning at the Illinois-Indiana

State line and extending along U.S.

New Jersey, Rhode Island, Vermont,

43616. Applicant's representative: Jack

thence along N.Y. Highway 12 to junc-

als, in bulk, in tank vehicles, from

No. MC 50069 (Sub E70), filed May 15,



State line and extending along U.S. Highway 24 to Peoria, thence along Interstate Highway 74 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateways of Terre Haute, Indiana in (1A) above; Terre Haute, Indiana in (1B) above; Huntington County, Indiana and Peoria, Illinois in (1C) above; Seymour, Indiana in (2A) above; Niles, Michigan in (2B) above.

No. MC 50069 (Sub E61), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Detroit, Michigan and points within 20 miles thereof, (A) to points in Missouri within 135 miles of East St. Louis, Illinois. (B) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the New York-Pennsylvania State line. (C) to points in New York west of a line beginning at the New York-Pennsylvania State line and extending north to Deposit, New York, thence along N.Y. Highway 8 to Utica, New York, thence along N.Y. Highway 49 to Rome, New York, thence along N.Y. Highway 69 to Camden, New York, thence along N.Y. Highway 13 to Port Ontario, New York. (D) to points in Indiana east and north of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 13 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 105, thence along Indiana Highway 105 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line.

(E) to points in Indiana northeast and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 52 to Indianapolis, Indiana, thence along U.S. Highway 40 to the Indiana-Ohio State line. (F) to points in Indiana on and south of Interstate Highway 70. (G) to points in Illinois south of a line beginning at the Indiana-Illinois state line and extending along Interstate Highway 74 to Galesburg, Illinois, thence along U.S. Highway 34 to the Iowa-Illinois State line. (H) to points in Illinois north of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to Galesburg, thence along U.S. Highway 34 to the Iowa-Illinois State line. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Detroit, Michigan and points within 20 miles thereof, to points in Missouri. (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Detroit, Michigan and points within 20 miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire,

New Jersey, Rhode Island, Vermont, Maryland, District of Columbia and points in Virginia east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line and points in North Carolina east of U.S. Highway 220 and points in South Carolina. The purpose of this filing is to eliminate the gateways of Huntington County, Indiana and East St. Louis, Illinois in (1A) above; Toledo, Ohio in (1B) above; Cleveland, Ohio and Titusville, Pennsylvania in (1C) above; Toledo, Ohio in (1D) above; Bryan, Ohio in (1E) above; Dayton, Ohio in (1F) above; Huntington County, Indiana in (1G) above; South Bend, Indiana, and Niles, Michigan in (1H) above; Bryan, Ohio and Terre Haute, Indiana in (2) above; Canton, Ohio and Congo, West Virginia in (3) above.

No. MC 50069 (Sub E62), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Warren County, Ohio. (A) to points in Missouri within 135 miles of East St. Louis, Illinois. (B) to points in Kentucky west of Interstate Highway 65 and points in Illinois south of U.S. Highway 36. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Warren County, Ohio. (A) to points in Missouri and Wisconsin. (B) to points in Iowa. The purpose of this filing is to eliminate the gateways of Seymour, Indiana and East St. Louis, Illinois in (1A) above; Seymour, Indiana in (1B) above; Terre Haute, Indiana in (2A) above; and New Goshen, Indiana and Peoria, Illinois in (2B) above.

No. MC 50069 (Sub E63), filed May 15, 1974. Applicant: REFINER TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* (except petroleum chemicals) as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Cleveland, Ohio. (A) to points in Illinois. (B) to points in Missouri within 135 miles of East St. Louis, Illinois. The purpose of this filing is to eliminate the gateways of Niles, Michigan in (1A) above; and Niles, Michigan and East St. Louis, Illinois in (1B) above.

No. MC 50069 (Sub E64), filed May 15, 1974. Applicant: REFINER TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio

43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from New Goshen, Indiana and points within five miles thereof, to points in Missouri within 135 miles of East St. Louis, Illinois. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from New Goshen, Indiana and points within five miles thereof to points in Iowa, Minnesota and Missouri. (3) *Petroleum chemicals*, in bulk, in tank vehicles, from New Goshen, Indiana and points within five miles thereof to points in Wisconsin. The purpose of this filing is to eliminate the gateways of East St. Louis, Illinois in (1) above; Peoria, Illinois in (2) above; and Danville, Illinois in (3) above.

No. MC 50069 (Sub E65), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Dover, Ohio (A) to points in Iowa and Minnesota. (B) to points in Kentucky on and west of U.S. Highway 231 and points in Missouri. (C) to points in Wisconsin. (2) *Liquid petroleum chemicals*, in bulk, in tank vehicles, from Dover, Ohio to points in Michigan south and west of a line beginning at Pentwater, Michigan and extending along U.S. Highway 31 to Hart, Michigan, thence along Michigan Highway 82 to Newago, Michigan, thence along Michigan Highway 46 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateways of Peoria, Illinois in (1A) above; Terra Haute, Indiana in (1B) above; Lemont, Illinois in (1C) above; and South Bend, Indiana in (2) above.

No. MC 50069 (Sub E66), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, except liquefied petroleum gases, in bulk, in tank vehicles, from points in that part of New York west of a line beginning at Port Ontario, N.Y. and extending along N.Y. Highway 13 to junction N.Y. Highway 316, thence along N.Y. Highway 316 to junction N.Y. Highway 46, thence along N.Y. Highway 46 to junction N.Y. Highway 12B, thence along N.Y. Highway 12B to junction N.Y. Highway 12,

thence along N.Y. Highway 12 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, (A) to points in Illinois north of Interstate Highway 80. (B) to points in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction U.S. Highway 50, thence along U.S. Highway 50 to Galesburg, Illinois, thence along U.S. Highway 34 to the Iowa-Illinois State line. (C) to points in Indiana. (D) to points in the Lower Peninsula of Michigan. (E) to points in Missouri within 135 miles of East St. Louis, Illinois. (F) to points in Ohio. (2) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from points in that part of New York west of a line beginning at Port Ontario, N.Y. and extending along N.Y. Highway 13 to junction N.Y. Highway 316, thence along N.Y. Highway 316 to junction N.Y. Highway 46, thence along N.Y. Highway 46 to junction N.Y. Highway 12B, thence along N.Y. Highway 12B to junction N.Y. Highway 12, thence along N.Y. Highway 12 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line to points in Kentucky, Alabama, and Tennessee. The purpose of this filing is to eliminate the gateways of Bradford, Pennsylvania and Niles, Michigan in (1A) above; Bradford, Pennsylvania, Canton, Ohio and New Goshen, Indiana in (1B) above; Bradford, Pennsylvania and Canton, Ohio in (1C) above; Bradford, Pennsylvania, Canton, Ohio, New Goshen, Indiana and East St. Louis, Illinois in (1E) above; Bradford, Pennsylvania in (1F) above; Bradford, Pennsylvania, East Liverpool, Ohio, Midland, Pennsylvania and Congo, West Virginia in (2) above.

No. MC 50069 (Sub-No. E68), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, except liquefied petroleum gas, in bulk, in tank vehicles, from Crawford County, Pa., (a) to points in Illinois south of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to Galesburg, Ill., thence along U.S. Highway 34 to the Iowa-Illinois State line; (b) to points in Illinois north of Interstate Highway 80; (c) to points in Indiana; (d) to points in the Lower Peninsula of Michigan; (e) to points in Missouri within 135 miles of East St. Louis, Ill.; (2) *petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Crawford County, Pa., (a) to points in Iowa and Minnesota; and (b) to points in Missouri; (3) *petroleum products*, except petroleum chemi-

cals, in bulk, in tank vehicles, from Crawford County, Pa., to points in Kentucky, Wisconsin, Alabama, Georgia, Tennessee, South Carolina, points in Virginia east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, and points in North Carolina on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateways of (1) (a) Canton, Ohio and Huntington County, Ind.; (b) Toledo, Ohio and Niles, Mich.; (c) Canton, Ohio; (d) Toledo, Ohio; and (e) East St. Louis, Ill.; (2) (a) Canton, Ohio, Huntington County, Ind., and Peoria, Ill.; and (b) Canton, Ohio and Terre Haute, Ind.; (3) East Liverpool, Ohio, Midland, Pa., and Congo, W. Va.

No. MC 50069 (Sub-No. E69), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Hartford, Ill., (a) to points in Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence along the Pennsylvania-New York State line; (b) to points in West Virginia bounded by a line beginning at Sistersville, W. Va., and extending along West Virginia Highway 18 to Troy, W. Va., thence along West Virginia Highway 47 to Linn, W. Va., thence along U.S. Highway 119 to Glenville, W. Va., thence along West Virginia Highway 5 to Napier, W. Va., thence along U.S. Highway 19 to Summersville, W. Va., thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, W. Va., thence to the West Virginia-Virginia State line; (c) points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along to Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 49 to Rome, N.Y., thence along New York Highway 69 to Camden, N.Y., thence along New York Highway 13 to Port Ontario, N.Y.; (2) *petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Hartford, Ill., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, New Jersey, and Vermont. The purpose of this filing is to eliminate the gateways of (1) (a) Princeton, Ind., Vincennes, Ind., Seymour, Ind., and Cincinnati, Ohio; (b) Princeton, Ind., Vincennes, Ind., Seymour, Ind., and Ironton, Ohio; (c) Princeton, Ind., Vincennes, Ind., Seymour, Ind., Cincinnati, Ohio and Titusville, Pa.; and (2) Princeton, Ind., Vincennes, Ind., Seymour, Ind., Cincinnati, Ohio, Midland, Pa., and Congo, W. Va.

No. MC 50069 (Sub E70), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Cabin Creek, West Virginia and points within 10 miles thereof, (A) to points in the Lower Peninsula of Michigan. (B) to points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending north to Deposit, N.Y., thence along N.Y. Highway 8 to Utica, N.Y., thence along N.Y. Highway 49 to Rome, N.Y., thence along N.Y. Highway 69 to Camden, N.Y., thence along N.Y. Highway 13 to Port Ontario, N.Y. (C) to points in Missouri within 135 miles of East St. Louis, Illinois. (D) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line. (E) to points in Indiana. (F) to points in Illinois south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to Peoria, Illinois, thence along Interstate Highway 150 to Galesburg, Illinois, thence along U.S. Highway 34 to the Iowa-Illinois State line. (G) to points in Illinois on and north of Interstate Highway 80. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Cabin Creek, West Virginia and points within 10 miles thereof to points in Iowa and Minnesota. (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, (A) to points in Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont and Maryland.

No. MC 50069 (Sub E71), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Huntington, West Virginia and points within 10 miles thereof, (A) to points in Illinois. (B) to points in Indiana. (C) to points in Missouri within 135 miles of East St. Louis, Illinois. (D) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line. (E) to points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending north to Deposit, N.Y., thence along N.Y. Highway 8 to Utica, N.Y., thence along N.Y. Highway 49 to Rome, N.Y., thence along N.Y. Highway 69 to

Camden, N.Y., thence along N.Y. High-

43616. Applicant's representative: Jack

(2) *Petroleum chemicals*, except ace-

PORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio

Missouri. (3) *Petroleum products*, except petroleum chemicals, in bulk, in

land, Pennsylvania and Congo, West Virginia in (3).



Camden, N.Y., thence along N.Y. Highway 13 to Port Ontario, N.Y. (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride, in bulk, in tank vehicles, from Huntington, West Virginia and points within 10 miles thereof, to points in Iowa, Wisconsin and Minnesota. (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Huntington, West Virginia and points within 10 miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont and Maryland. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio and Seymour, Indiana in (1A) above; Cincinnati, Ohio in (1B) above; Cincinnati, Ohio, Seymour, Indiana and East St. Louis, Illinois in (1C) above; Chesapeake, Ohio in (1D) above; Chesapeake, Ohio and Titusville, Pennsylvania in (1E) above; Cincinnati, Ohio and Terre Haute, Indiana in (2) above; and Chesapeake, Ohio, Midland, Pennsylvania and Congo, West Virginia in (3) above.

No. MC 50069 (Sub E72), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Catlettsburg, Kentucky and points within 10 miles thereof, (A) to points in Illinois, (B) to points in Indiana, (C) to points in Missouri within 135 miles of East St. Louis, Illinois, (D) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line, (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Catlettsburg, Kentucky and points within 10 miles thereof, to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio and Seymour, Indiana in (1A) above; Cincinnati, Ohio, Seymour, Indiana and East St. Louis, Illinois in (1C) above; Chesapeake, Ohio in (1D) above; Cincinnati, Ohio and Terre Haute, Indiana in (2) above; Chesapeake, Ohio, Midland, Pennsylvania and Congo, West Virginia in (3) above;

No. MC 50069 (Sub E3), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio

43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Ashland, Kentucky and points within 10 miles thereof, (A) to points in Illinois, (B) to points in Indiana, (C) to points in Missouri within 135 miles of East St. Louis, Illinois, (D) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line, (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Ashland, Kentucky and points within 10 miles thereof, to points in Iowa, Wisconsin and Minnesota. (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Ashland, Kentucky and points within 10 miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, New Jersey and New York. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio and Seymour, Indiana in (1A) above; Cincinnati, Ohio, Seymour, Indiana and East St. Louis, Illinois in (1C) above; Chesapeake, Ohio in (1D) above; Cincinnati, Ohio and Terre Haute, Indiana in (2) above; and Chesapeake, Ohio, Midland, Pennsylvania and Congo, West Virginia in (3) above;

No. MC 50069 (Sub E75), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Louisville, Kentucky and points within 10 miles thereof, (A) to points in the Lower Peninsula of Michigan east of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to Lansing, Michigan, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to Mackinaw City, Michigan, (B) to points in Missouri within 135 miles of East St. Louis, Illinois, (C) to points in Ohio, (D) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pennsylvania, thence due north to the Pennsylvania-New York State line, (E) to points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending north to Deposit, N.Y., thence along N.Y. Highway 8 to Utica, N.Y., thence along N.Y. Highway 49 to Rome, N.Y., thence along N.Y. Highway 69 to Camden, N.Y., thence along N.Y. Highway 13 to Port Ontario, N.Y.

(2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Louisville, Kentucky and points within 10 miles thereof, to points in Iowa, Missouri and Wisconsin. (3) *Petroleum products*, except petroleum chemicals in bulk, in tank vehicles, from Louisville, Kentucky and points within 10 miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, Maryland and the District of Columbia. The purpose of this filing is to eliminate the gateways of Seymour, Indiana and Toledo, Ohio in (1A) above; Princeton, Indiana and East St. Louis, Illinois in (1B) above; Seymour, Indiana in (1C) above; Cincinnati, Ohio in (1D) above; Cincinnati, Ohio and Titusville, Pennsylvania in (1E) above; Terre Haute, Indiana in (2) above; and Seymour, Indiana, Heath, Ohio and Congo West Virginia in (3) above.

No. MC 50069 (Sub E88), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Cleveland, Ohio to points in the District of Columbia, Alabama, Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, North Carolina on and east of U.S. Highway 220, Rhode Island, Tennessee, Vermont, points in Virginia east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, Georgia, South Carolina and Maryland. The purpose of this filing is to eliminate the gateway of Congo, West Virginia.

No. MC 50069 (Sub E89), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Canton, Ohio to points in Alabama, Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, New York, Georgia, South Carolina, Maryland, Rhode Island, Tennessee, Vermont, points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia, North Carolina State line and points in North Carolina on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Congo, West Virginia.

No. MC 50069 (Sub E104), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Venango County, Pennsylvania (A) to points in Iowa and Minnesota, (B) to points in

PORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, except liquefied petroleum gases, in bulk, in tank vehicles, from Erie County, Pennsylvania, (A) to points in Illinois south of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to Galesburg, Illinois, thence along U.S. Highway 34 to the Iowa-Illinois State line, (B) to points in Illinois north of Interstate Highway 80, (C) to points in Indiana, (D) to points in the Lower Peninsula of Michigan, (E) to points in Missouri within 135 miles of East St. Louis, Illinois, (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Erie County, Pennsylvania, (A) to points in Iowa, (B) to points in Missouri, (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Erie County, Pennsylvania to points in Kentucky, Wisconsin, Alabama, Tennessee and points in West Virginia on and west of U.S. Highway 250. The purpose of this filing is to eliminate the gateways of Canton, Ohio and Huntington County, Indiana in (1A) above; Toledo, Ohio and Niles, Michigan in (1B) above; Canton, Ohio in (1C) above; Toledo, Ohio in (1D) above; Canton, Ohio, New Goshen, Indiana and East St. Louis, Illinois in (1E) above; Canton, Ohio, Huntington County, Indiana and Peoria, Illinois in (2A) above; Canton, Ohio and Terre Haute, Indiana in (2B) above; East Liverpool, Ohio, Midland, Pennsylvania and Congo, West Virginia in (3) above.

No. MC 50069 (Sub E106), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, except liquefied petroleum gas, in bulk, in tank vehicles, from Venango County, Pennsylvania, (A) to points in Illinois north of Interstate Highway 80, (B) to points in Illinois south of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to Galesburg, Illinois, thence along U.S. Highway 34 to the Iowa-Illinois State line, (C) to points in Indiana, (D) to points in the Lower Peninsula of Michigan, (E) to points in Missouri within 135 miles of East St. Louis, Illinois, (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Venango County, Pennsylvania (A) to points in Iowa and Minnesota, (B) to points in

Missouri, (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Venango County, Pennsylvania to points in Kentucky, Wisconsin, Alabama, Georgia, Tennessee, points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, points in North Carolina on and east of U.S. Highway 220 and points in South Carolina. The purpose of this filing is to eliminate the gateways of Toledo, Ohio and Niles, Michigan in (1A) above; Canton, Ohio, and Huntington County, Indiana in (1B) above; Canton, Ohio in (1C) above; Toledo, Ohio in (1D) above; Canton, Ohio, New Goshen, Indiana and East St. Louis, Illinois in (1E) above; Canton, Ohio, Huntington County, Indiana and Peoria, Illinois in (2A) above; Canton, Ohio and Terre Haute, Indiana in (2B) above; East Liverpool, Ohio, Midland, Pennsylvania and Congo, West Virginia in (3) above;

No. MC 50069 (Sub E108), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, except liquefied petroleum gases, in bulk, in tank vehicles, from Lawrence County, Pennsylvania, (A) to points in Illinois north of Interstate Highway 80, (B) to points in Illinois south of U.S. Highway 136, (C) to points in Indiana, (D) to points in Kentucky, (E) to points in the Lower Peninsula of Michigan, (F) to points in Missouri within 135 miles of East St. Louis, Illinois, (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Lawrence County, Pennsylvania to points in Iowa and Minnesota. (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Lawrence County, Pennsylvania to points in Wisconsin, Alabama, Georgia, points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, points in North Carolina on and east of U.S. Highway 220, points in South Carolina and points in Tennessee. The purpose of this filing is to eliminate the gateways of Toledo, Ohio in (1A) above; Canton, Ohio and Huntington County, Indiana in (1B) above; Canton, Ohio in (1C) above; East Liverpool, Ohio, Midland, Pennsylvania and Congo, West Virginia in (1D) above; Toledo, Ohio in (1E) above; Canton, Ohio, New Goshen, Indiana and East St. Louis, Illinois in (1F) above; East Liverpool, Ohio, Midland, Pa., and Peoria, Illinois in (2) above; and East Liverpool, Ohio, Mid-

land, Pennsylvania and Congo, West Virginia in (3).

No. MC 59292 (Sub-E2), filed May 17, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfort Avenue, Baltimore, Maryland 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel products*, restricted against commodities in bulk and those requiring special equipment, between Baltimore, Md., on the one hand, and, on the other, (1) points in Lawrence and Butler Counties, Pa., which are on and south of U.S. Highway 422, and (2) points in Allegheny, Washington, Greene, and Fayette Counties, Pa., restricted in (1) and (2) above, against service to points within 150 miles of Brunswick, Md. The purpose of this filing is to eliminate the gateways of Frederick Md., and Pittsburgh, Pa.

No. MC 59292 (Sub-E12), filed May 28, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfort Ave., Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fire clay products*, from Baltimore, Md., to points in New Jersey on and east of a line beginning at the Delaware Bay and extending along unnumbered highway to junction New Jersey Highway 47, to junction New Jersey Highway 540, to junction County Highway 134, to U.S. Highway 40, to junction New Jersey Highway 555, to junction New Jersey Highway 536 Spur, to junction New Jersey Highway 561, to junction New Jersey Highway 73, to New Jersey Highway 537, to junction County Highway 603, to junction New Jersey Highway 543, to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Chester, Pa.

No. MC 60014 (Sub-No. E62) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant: William J. Rorison (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Michigan, on the one hand, and, on the other, points in Connecticut, Maine, Rhode Island, those in Massachusetts, on and east of a line beginning at the Vermont-Massachusetts State line and extending along Interstate Highway 91, to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to junction Massachusetts Highway 10, thence along Massachusetts Highway 10 to junction U.S. Highway 202, thence along U.S.

Highway 202 to Massachusetts-Connecticut State line and those in New Hamp-

way 100, thence along Vermont Highway

common carrier, by motor vehicle, over irregular routes, transporting: *General*

A and B explosives, commodities in bulk, household goods as defined by the Com-

necticut-New York State line; points in that part of New York south of U.S.

New Jersey-New York State line and extending along U.S. Highway 202 to junction U.S. Highway 46, thence along U.S.







## NOTICES

carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco, and those requiring special equipment), between Baltimore, Md., Bridgeton, N.J., and points in Virginia bounded by a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 15 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction Virginia Highway 35, thence along Virginia Highway 301, thence along U.S. Highway 301 to Richmond, Va., thence along Virginia Highway 33 to Chesapeake Bay, thence along the bay shores of the Potomac River, thence along the west bank of the Potomac River to the Maryland-Virginia State line, thence along the Maryland-Virginia State line to point of beginning, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in that part of North Carolina on, east, and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 158 at or near Reidsville, N.C., thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to junction U.S. Highway 21 at or near Statesville, N.C., thence along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line (except points in and east of Bertie, Washington, Northampton, and Hyde Counties, N.C.). The purpose of this filing is to eliminate the gateway of Reidsville or Weldon, N.C.

No. MC 64112 (Sub-No. E8), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco, and those requiring special equipment), between points in that part of Virginia bounded by a line beginning at the North Carolina-Virginia State line, and extending along Virginia Highway 35 to junction U.S. Highway 301, thence along U.S. Highway 301 to Richmond, Va., thence along Virginia Highway 33 to Chesapeake Bay, thence along the bay and Atlantic Ocean shores to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to point of beginning, on the one hand, and, on the other, points in that part of North Carolina on, east, and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 158 at or near Reidsville, N.C., thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to junction U.S. Highway 21 at or near Statesville, N.C., thence along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line (except points in and east of Bertie, Washington, Northampton, and Hyde Counties, N.C.). The purpose of this filing is to eliminate the gateway of Reidsville or Weldon, N.C.

to junction U.S. Highway 21 at or near Statesville, N.C., thence along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line (except points in and east of Northampton, Bertie, Martin, Beaufort, and Craven Counties, N.C.). The purpose of this filing is to eliminate the gateway of Weldon, N.C.

No. MC 64112 (Sub-No. E9), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, Md., Bridgeton, N.J., and points in Virginia on and east of a line beginning at the Virginia-North Carolina State line in a northerly direction along U.S. Highway 15 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Atlantic Ocean (except points in Accomack and Northampton Counties), on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of points within 25 miles of Concord, N.C., and Burlington or Greensboro, N.C.

No. MC 64112 (Sub-No. E10), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Chesterfield, Darlington Counties, S.C., on the one hand, and, on the other, points in North Carolina within 50 miles of Fairmont, N.C. The purpose of this filing is to eliminate the gateway of points in Dillon and Marlboro Counties, S.C.

No. MC 64112 (Sub-No. E11), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco,

those requiring special equipment, and those injurious or contaminating to other lading), between points in Chesterfield and Darlington Counties, S.C., on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line along U.S. Highway 29 to junction U.S. Highway 158 at or near Reidsville, N.C., thence along U.S. Highway 158 to Winston-Salem, N.C., thence along U.S. Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of points within 50 miles radius of Fairmont, N.C.

No. MC 64112 (Sub-No. E12), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco, those requiring special equipment, and those injurious or contaminating to other lading), between points in Marlboro, Dillon, and Marion Counties, S.C., and points in Horry County, S.C., located on and north of a line extending from the North Carolina-South Carolina State line along U.S. Highway 17 to junction South Carolina Highway 90, thence along South Carolina Highway 90 to Conway, S.C., thence along U.S. Highway 378 to the Horry-Marion County line, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 158, thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to junction U.S. Highway 21, thence along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of North Carolina points within 50 miles of Fairmont, N.C.

No. MC 64112 (Sub-No. E13), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco, those requiring special equipment, and those injurious or contaminating to other lading), between points in Dillon, Marion,

## NOTICES

and Marlboro Counties, S.C., and points in Horry and Florence Counties, S.C., within a 50 mile radius of Fairmont, N.C., on the one hand, and, on the other, points in that part of North Carolina on, west, and north of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 158, thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to junction U.S. Highway 21, thence along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of points in North Carolina within 50 miles of Fairmont, N.C., and points in North Carolina within 25 miles of Concord, N.C.

No. MC 64112 (Sub-No. E14), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in South Carolina south and east of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 17 to junction South Carolina Highway 90, thence along South Carolina Highway 90 to Conway, S.C., thence along U.S. Highway 378 to U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean, on the one hand, and, on the other, points in Robeson, Scotland, and Hoke Counties, N.C., and points in Cumberland County within 50 miles of Fairmont, N.C. The purpose of this filing is to eliminate the gateway of points in Dillon and Marlboro Counties, S.C.

No. MC 64112 (Sub-No. E15), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco, those requiring special equipment, and those injurious or contaminating to other lading), between points in South Carolina south and east of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 17 to junction South Carolina Highway 90, thence along South Carolina Highway 90 to Conway, S.C., thence along U.S. Highway 378 to junction U.S. Highway 52, thence along U.S. Highway 52

to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean, on the one hand, and, on the other, points in North Carolina west and north of Scotland, Hoke, Cumberland, Sampson, Wayne, Wilson, Pitt, Martin, and Washington Counties, N.C., and east and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 158, thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction with the northern border of Mechenburg County, N.C., and thence points north and east of Mechenburg, Cabarrus, and Union Counties, S.C. The purpose of this filing is to eliminate the gateways of points in Marlboro and Dillon Counties, S.C., and points within 50 miles of Fairmont, N.C.

No. MC 64112 (Sub-No. E16), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco, those requiring special equipment, and those injurious or contaminating to other lading), between points in South Carolina in Colleton, Berkeley, and Dorchester Counties east of Interstate Highway 95 and those in Berkeley and Charleston Counties, S.C., on and west of U.S. Highway 52, on the one hand, and, on the other, points in Beaufort, Bladen, Carteret, Craven, Date, Duplin, Greene, Hyde, Jones, Lenoir, Martin, New Hanover, Onslow, Pamlico, Pender, Pitt, Sampson, Tyrell, Washington, Wayne, and Wilson Counties, N.C. The purpose of this filing is to eliminate the gateway of points in Marlboro and Dillon Counties, S.C., and points within 50 miles of Fairmont, N.C. (Fair Bluff or Lumberton, N.C.).

No. MC 64112 (Sub-No. E17), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco, those requiring special equipment, and those injurious or contaminating to other lading), between points in South Carolina south and east of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 17 to junction South Carolina Highway 90, thence along South Carolina Highway 90 to

Conway, S.C., thence along U.S. Highway 378 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean, on the one hand, and, on the other, between points in that part of North Carolina west and north of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 158, thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to the southern boundary of Iredell County, N.C., thence along the southern boundaries of Iredell, Alexander, Caldwell, and Watauga Counties to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to point of beginning. The purpose of this filing is to eliminate the gateway of points in Dillon and Marlboro Counties, S.C., points within 50 miles of Fairmont, N.C., and points within 25 miles of Concord, N.C.

No. MC 64112 (Sub-No. E18), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of South Carolina located on and west of a line extending from the North Carolina-South Carolina State line along Interstate Highway 95 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean (except points in Chesterfield, Darlington, Marlboro, and Dillon Counties, S.C.), on the one hand, and, on the other, points in North Carolina within a 50 mile radius of Fairmont, N.C. The purpose of this filing is to eliminate the gateway of points in Dillon and Marlboro Counties, S.C.

No. MC 64112 (Sub-No. E19), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of South Carolina located on and west of a line extending from the North Carolina-South Carolina State line along Interstate Highway 95 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean

## NOTICES

(except points in Chesterfield, Darlington, and Dillon Counties, S.C.)

Except as otherwise specifically noted, each applicant states that there will be

rado, Iowa, Kansas, South Dakota, Wyoming, and points in Missouri on and

tographic material, supplies, and equipment, from Bronx, N.Y. to Salt Lake

vehicle, over irregular routes, transporting: *Aluminum and stainless steel ware,*

Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410



(except points in Chesterfield, Darlington, Marlboro, and Dillon Counties, S.C.), on the one hand, and, on the other, points in North Carolina located on and east of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of points in Marlboro and Dillon Counties, S.C., and points within 50 miles of Fairmount, N.C.

No. MC 64112 (Sub-No. E20), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28218. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco, those requiring special equipment, and those injurious or contaminating to other lading), between points in Charleston County, S.C., on the one hand, and, on the other, points in Cabarrus, Cleveland, Gaston, Lincoln, Mecklenburg, Union, Catawba, Burke, and Avery Counties, N.C. The purpose of this filing is to eliminate the gateway of points in Dillon and Marlboro Counties, S.C., Fairmount, N.C., and points within 50 miles of Fairmount, N.C., and Concord, N.C., and points within 25 miles of Concord, N.C.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23804 Filed 9-5 75; 8 45 am]

[Notice 101]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 2, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular provision of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

#### NOTICES

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 97217 (Sub-No. 9TA), filed August 25, 1975. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box E, Batesville, Ark. 72501. Applicant's representative: Henry U. Snively, 410 Pine St., Vienna, Va. 22180. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require the use of special equipment, and classes A and B explosives), between Bald Knob, Ark., on the one hand, and, on the other, Memphis, Tenn., and points in the Memphis, Tenn., commercial zone (as defined in 49 CFR 1043.33), as follows: From Bald Knob, Ark., over U.S. Highway 64 to junction Interstate Highway 55, thence over Interstate Highway 55 to Memphis and return over the same routes, serving no intermediate points and serving Bald Knob for purposes of joinder only. Applicant intends to tack its existing authority with MC 97127 Sub Nos. 3, 4, 5, and 7, and traffic moving over the said route may be interlined with connecting carriers at points in Memphis, Tenn., commercial zone, subject to the following restriction: Restriction: The authority set forth herein is restricted against the transportation of traffic moving between Memphis, Tenn., and its commercial zone, on the one hand, and, on the other, Ash Flat, Black Rock, Cherokee Village, Hardy, Heber Springs, Imboden, Little Rick, Lynn, Mammoth Spring, Portia, Ravenden, Salem, and Smithville, Ark., and St. Louis, Mo., and their respective commercial zones, for 180 days. Supporting shippers: There are approximately 39 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 106195 (Sub-No. 4TA), filed August 25, 1975. Applicant: CLARK BROS. TRANSFER, INC., 800 North First St., Norfolk, Nebr. 68701. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Nucor Corporation at or near Norfolk, Nebr., to points in Colo-

rado, Iowa, Kansas, South Dakota, Wyoming, and points in Missouri on and north of Interstate Highway 70, for 180 days. Supporting shipper: R. D. Bisping, Traffic Manager, Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 114290 (Sub-No. 79TA), filed August 25, 1975. Applicant: EXLEY EXPRESS, INC., 2610 SE. 8th Ave., Portland, Ore. 97102. Applicant's representative: James T. Johnston, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables*, from LaConner, Wash., to Salem, Ore. Applicant intends to tack said authority to authority contained in its Subs 18, 42, and 54 so as to provide through service to California, Arizona, and Nevada and to provide a storage in transit privilege at Salem, Ore., for 180 days. Supporting shipper: Agripac, Inc., P.O. Box 5346, Salem, Ore. 97304. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 118142 (Sub-No. 97TA), filed August 25, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, household and industrial cleaning products, insect control products, air fresheners, starches, brooms, brushes, mops, germicides, and promotional materials* (except commodities in bulk), from Great Bend, Kans., to points in the United States (except Alaska, Hawaii, and Kansas); and (2) *equipment, materials, and supplies* used or useful in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), from points in Texas, Louisiana, Mississippi, Missouri, Illinois, Michigan, Georgia, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and Vermont, to Great Bend, Kans., parts (1) and (2) restricted to the movement of traffic either originating at or destined to the facilities of the Fuller-Brush Company, located at Great Bend, Kans., for 180 days. Supporting shipper: Fuller Brush Company, 7400 North Caldwell, Niles, Ill. 60648. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 117119 (Sub-No. 546TA), filed August 25, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Gerald K. Gimmel, 303 North Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pho-*

*tographic material, supplies, and equipment*, from Bronx, N.Y., to Salt Lake City, Utah, restricted to serving Salt Lake City, Utah as a stop-off for partial unloading with final destination a point in California and further restricted to interline movement from Agfa-Geveart, Inc., at Teterboro, N.J. Applicant intends to interline with National Freight, Inc., at Bronx, N.Y., which will bring traffic from Teterboro, N.J., for 180 days. Supporting shipper: Agfa-Geveart, Inc., 275 North St., Teterboro, N.J. 07608. Send protests to: William H. Land, Jr., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118159 (Sub-No. 161TA), filed August 25, 1975. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from the plant and storage facilities of Field's, Inc., located at Pauls Valley, Okla., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Field's Inc., P.O. Box 7, Pauls Valley, Okla. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office Bldg., Oklahoma City, Okla. 73102.

No. MC 134838 (Sub-No. 13TA), filed August 25, 1975. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39236, Bolton Station, Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St. NW, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, and machinery parts*, when moving in the same vehicle with *machinery, road construction machinery, contractors equipment, iron and steel articles, and commodities* which because of size or weight require special equipment for handling, restricted against the handling of aircraft and aircraft parts, missiles and missile parts, and equipment, machinery, parts, materials, and supplies when for use in the maintenance, servicing, repairing, and operation of aircraft and missiles, between points in Georgia, for 180 days. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., NW, Room 546, Atlanta, Ga. 30309.

No. MC 134922 (Sub-No. 149TA), filed August 25, 1975. Applicant: B. J. McADAMS, INC., Route N, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Aluminum and stainless steel ware*, from Wooster, Ohio, to Los Angeles and San Francisco, Calif., and Portland, Ore., for 180 days. Supporting shipper: Regal Ware, Inc., 770 Spruce St. Wooster, Ohio 44691. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 138026 (Sub-No. 3TA), filed August 22, 1975. Applicant: LOGISTICS EXPRESS, INC., doing business as LOGEX, Etiwanda and Slover Avenues, Fontana, Calif. 92335. Applicant's representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gaseous methane*, in bulk, in tube trailers, from the plantsite of Union Carbide Corporation, Linde Division at Ontario, Calif., to the plantsite of Union Carbide Corporation, Linde Division at Houston, Tex., for 180 days. Supporting shipper: Union Carbide Corporation, One California St., San Francisco, Calif. 94111.

No. MC 140466 (Sub-No. 1TA), filed August 18, 1975. Applicant: PRINCE TRUCK LINE, INC., Box 65, Shuqualak, Miss. 39361. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, building materials, poles, piling, timbers, and cross ties* (except in bulk, in tank vehicles), from points Alabama, Louisiana, Mississippi, to points in Tennessee, Illinois, Arkansas, Indiana, Ohio, Kentucky, Alabama, Mississippi, Louisiana, Wisconsin, Missouri, Iowa, Michigan, Georgia, Florida, North Carolina, and South Carolina, for 180 days. Supporting shippers: Metropolitan Lumber Co., Inc., P.O. Box 16325, Jackson, Miss. 39206; Southern Pacific Lumber Company, Inc., P.O. Box 8658, Jackson, Miss. 39204. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 140484 (Sub-No. 7TA), filed August 25, 1975. Applicant: LESTER GOGGINS TRUCKING, INC., P.O. Box 69, 2671 E. Edison Ave., Fort Myers, Fla. 33902. Applicant's representative: Clayton Geer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic liquid resin* requiring temperature control (except commodities in bulk), from the facilities of Clark Chemical Corp., at Blue Island, Ill., to points in Massachusetts, New York, Minnesota, Michigan, Texas, Tennessee, California, Indiana, Florida, Mississippi, Pennsylvania, Ohio, Illinois, and Wisconsin, for 180 days. Supporting shipper: Clark Chemical Corp., Sub of Clark Oil & Refining Corp., 131st and Kedzie Ave., Blue Island, Ill. 60406. Send protests to: Joseph B. Telchert, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 141249 (Sub-No. 1TA), filed August 25, 1975. Applicant: PAT WEEKS, doing business as WEEKS CARTAGE, 6803 Beaver St., Jacksonville, Fla. 32205. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers and trailers (except commodities in bulk, heavy hauling, and automobiles), between points in Jacksonville, Fla., and its commercial zone (except Yulee and Fernandina Beach, Fla.), for 180 days. Supporting shippers: Sea-land Service, Inc., Jacksonville, Fla. 32206; Trailer Marine Transport Corp., 1045 Bone Ave., P.O. Box 2210, Jacksonville, Fla. 32203. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141260 TA, filed August 25, 1975. Applicant: SIDLES TRANSPORTATION, INC., 7302 Pacific St., Omaha, Nebr. 68114. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, appliances, carpeting and floor coverings, and materials, equipment, and supplies* used in the installation and repair of carpeting and floor coverings, between Omaha, Nebr., and Des Moines, Iowa, under a continuing contract with Sidles Distributing Company and Midlands Automotive Warehouse, Inc., for 180 days. Supporting shipper: Sidles Distributing Company and Midlands Automotive Warehouse, Inc., 7302 Pacific St., Omaha, Nebr. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23807 Filed 9-5-75; 8:45 am]

[Notice 70]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 8, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's



41596-41631

# NOTICES

Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 29, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75065. By order entered September 3, 1975, the Motor Carrier

Board approved the transfer to Mobile Air Transport, Inc., Latham, N.Y., of the operating rights set forth in Certificates Nos. MC 135570 (Sub-No. 1) and MC 135570 (Sub-No. 3), issued January 5, 1972, and March 30, 1973, respectively, to Stanley V. Majkut, doing business as Mobile Air Transport, Latham, N.Y., authorizing the transportation of general commodities, with the usual exceptions, having a prior or subsequent movement by air from and to the Albany County Airport, N.Y., over specified routes, serving all intermediate points,

and the off-route points of Hoosick Falls, N.Y., and North Bennington, Vt.; and between points in Albany, Rensselaer, and Schenectady County, N.Y., on the one hand, and, on the other, Newark Airport, Newark, N.J., and John F. Kennedy International and LaGuardia Airports, New York, N.Y. Martin S. Lazarow, Barney Road Clubhouse, Elnora, N.Y. 12065, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.75-23805 Filed 9-5-75;8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 174—MONDAY, SEPTEMBER 8, 1975

# federal register

MONDAY, SEPTEMBER 8, 1975



PART II:

## DEPARTMENT OF DEFENSE

Corps of Engineers

## CULTURAL RESOURCES

Identification and Administration;  
Policies and Procedures

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# PROPOSED RULES

DEPARTMENT OF DEFENSE

§ 305.10 Purpose.

(e) "Cultural resources reconnaissance." A literature search and records

# PROPOSED RULES

41637

qualified contractor engaged by the District Engineer to accomplish cultural re-

need to staff this function as required to discharge his responsibilities in a com-

reconnaissance should be of the magnitude required to provide a predictive model for the numbers, types, and qual-



## DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 305]

IDENTIFICATION AND ADMINISTRATION  
OF CULTURAL RESOURCES

## Proposed Policies and Procedures

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation to implement several historic preservation laws and Executive Order 11593, dated May 13, 1971, as they pertain to identification and preservation of cultural resources, and mitigation of losses thereto, at Civil Works projects undertaken, or proposed to be undertaken by the Corps of Engineers. The regulation provides policies and procedures for all stages of the Civil Works program, including planning, design, construction, and operation of water resources projects.

Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers prior to October 22, 1975, at the following address:

Office of the Chief of Engineers, Attn: DAEN-CWP-A, Department of the Army, Washington, D.C. 20314.

Until the final regulation is adopted and so published in the FEDERAL REGISTER, elements of the Office of the Chief of Engineers and field operating agencies having Civil Works responsibilities will utilize the policies and procedures to the extent practicable.

Dated: August 19, 1975.

RUSSELL J. LAMP,  
Colonel, Corps of Engineers  
Executive.

PART 305—IDENTIFICATION AND  
ADMINISTRATION OF CULTURAL RE-  
SOURCES

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AUTHORITY: Pub. L. 93-291, Preservation of Historic and Archeological Data (88 Stat. 174), May 24, 1974; and Public Law 89-655, National Historic Preservation Act of 1966 (80 Stat. 915), October 15, 1966.

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## § 305.10 Purpose.

This regulation provides guidance for the discharge of responsibilities for identification, preservation and mitigation of losses of cultural resources associated with water resources developments and programs.

## § 305.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

## § 305.12 References.

- (a) Public Law 59-209, Antiquities Act of 1906 (34 STAT 225).
- (b) Public Law 74-292, Historic Sites Act of 1935 (49 STAT 666).
- (c) Public Law 89-655, National Historic Preservation Act of 1966 (80 STAT 915).
- (d) Public Law 91-190, National Environmental Policy Act of 1969 (83 STAT 852).
- (e) Public Law 93-291, Preservation of Historic and Archeological Data (88 STAT 174)—amending Public Law 86-523, the Reservoir Salvage Act of 1960 (74 STAT 220).

(f) Executive Order 11593, Protection and Enhancement of the Cultural Environment, 13 May 1971 (36 FR 8921, 15 May 1971).

(g) National Register of Historic Places 1975, (FEDERAL REGISTER, February 4, 1975), published annually and supplemented on the first Tuesday of each month.

(h) ER 10-1-3, Division and Districts.

(i) Chapter 8, ER 37-2-10, Accounting and Reporting—Civil Works Activities.

(j) ER 405-1-875, Permits to Other Federal Government Agencies.

(k) ER 1105-2-507, Preparation and Coordination of Environmental Statements (33 CFR 209.410).

(l) ER 1145-2-303, Permits for Activities in Navigable Waters or Ocean Water Policy, Practice and Procedure (33 CFR 209.120).

(m) TM 5-801-1, Historic Preservation, Administrative Procedures, (In Draft; to be published in 1975.)

## § 305.13 Definitions.

The following definitions are applicable to this regulation:

(a) "Advisory Council." The Advisory Council on Historic Preservation, established pursuant to Title II of the National Historic Preservation Act of 1966 (16 U.S.C. 470i).

(b) "Agency Official." For purposes of 36 CFR Part 800, normally the District Engineer under whose jurisdiction actions are taken or recommended.

(c) "Appropriate historical or archeological authorities." The Secretary of the Interior or his designated representative, the State Historic Preservation Officer, the State Archeologist and the State Historian.

(d) "Cultural resource." Any building site, district, structure, object, data or other material significant in history, architecture, archeology or culture.

(e) "Cultural resources reconnaissance." A literature search and records review plus an on-the-ground surface examination of selected portions of the area to be affected, adequate to assess the general nature of the resources probably present and the probable impact of a project. Test excavations may be required at some sites so that evaluations may be adequately accomplished. This level of investigation is appropriate to preliminary planning decisions and will be of assistance in determining viable project alternatives.

(f) "Cultural resources survey." An intensive, on-the-ground survey and testing of an area sufficient to permit determination of the number and extent of the resources present, their scientific importance, and the time factors and cost of preserving, recovering or otherwise mitigating adverse effects on them. This level of investigation is appropriate when the project has been authorized and finally formulated, and will thus be accomplished during the Phase II GDM stage of project planning.

(g) "Mitigation." The amelioration of losses of significant paleontological, scientific, prehistorical, historical or archeological data which will be accomplished through preplanned actions to preserve or recover such data by application of professional techniques and procedures reflecting the contemporary state of the art. Mitigation measures will only be accomplished during the actual construction or operational phases of Civil Works projects except in unusual circumstances requiring prior approval by DAEN-CWP-V.

(h) "National Register." The National Register of Historic Places which is a register of districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture, maintained by the Secretary of the Interior under authority of Section 2(b) of the Historic Sites Act of 1935 and Section 101(a) (1) of the National Historic Preservation Act. The National Register is published in its entirety in the FEDERAL REGISTER each year in February. Addenda are published on the first Tuesday of each month.

(i) "One per centum of the total amount authorized to be appropriated for such project." One per centum of the total Federal project cost last presented to the Congress. For operating projects maintained by the Corps of Engineers, the one per centum applies to the last annual amount appropriated or requested for O&M of an individual project.

(j) "Principal Investigator." The person or contractor responsible for the validity of the material presented in cultural, historical and archeological reports. He shall sign the final report and in the event of controversy or court challenge shall testify on behalf of the Government in support of report findings. He shall have access to a depository for notes, photographs and artifacts where they will be permanently available to scholars. He is normally the employee of a university, college, museum or other

qualified contractor engaged by the District Engineer to accomplish cultural resource studies or data recovery.

(k) "Significance." Attributable to districts, sites, buildings, structures and objects of historical, architectural, and archeological (cultural value when such properties are included in or have been determined by the Secretary of the Interior to be eligible for inclusion in the National Register of Historic Places.

(l) "State Historic Preservation Officer." The official within each State, authorized by the State at the request of the Secretary of the Interior, to act as liaison for purposes of implementing the National Historic Preservation Act.

(m) "Background." Primary responsibility for actions pertaining to cultural resources associated with Federal programs and projects was delegated by legislation to the Secretary of the Interior (National Park Service), up until 1966. With the enactment of the National Historic Preservation Act in 1966 and subsequent legislative and administrative actions, however, a major portion of this responsibility was shifted to the agencies having jurisdiction or control over those resources. As a result it is now necessary that the Corps coordinate and conduct all such activities with advice and consultation of the National Park Service, the Advisory Council on Historic Preservation, and State Historic Preservation Officers. While the National Park Service still has a major role in matters dealing with cultural resources, it is now more nearly that of a principal coordinator and expert adviser to other agencies of the Government rather than the sole agency with responsibilities and expertise in matters concerned with these resources.

## § 305.14 Background.

(a) From the initiation of preauthorization planning through postauthorization planning and design, construction and operation and management as well as regulation of work by others in navigable waters, all Corps of Engineers actions will be evaluated in terms of their effect on cultural resources within the overall policy provisions of this regulation. Those actions having an effect on significant cultural resources will be fully coordinated with the National Park Service, State Historic Preservation Officer, and the Advisory Council on Historic Preservation, and appropriate actions taken to discharge all Corps responsibilities involved in a spirit of proper stewardship of these resources for the benefit of present and future generations.

## § 305.15 General Policy.

(b) Division and District Engineers should consider the assignment of lead responsibility for this function to the appropriate organizational element under their command, normally the Environmental Analysis element (ER 10-1-3). This element will take the lead in coordinating and processing implementation actions involved. Within current space limitations, each Division and District Engineer should evaluate the

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need to staff this function as required to discharge his responsibilities in a competent and professional manner.

(c) At each stage of Corps planning, design and construction, the degree and scope of cultural resource investigations will be conducted and displayed at the same level of precision as other related studies, i.e., economics, hydrology, geology, biology, etc.

(d) Reports made available to the general public will not contain specific locations of archeological sites so as to preclude vandalism.

(e) When archeological or historic studies are related to a specific group of people whose descendants are still living in the general area, they should be informed of the studies and consulted, especially where interpretive developments are being considered. Human skeletal remains will not be placed on public display without prior approval of DAEN-CWP-P.

(f) Preservation of significant cultural resources is nearly always considered preferable to recovery of data by excavation and may often be more economical in terms of both economic and environmental costs. When a significant site can be preserved for an amount reasonably comparable to, or less than the amount required to recover the data, full consideration shall be given to this course of action.

## § 305.16 Specific Implementation Actions.

Action requirements for the implementation of current authorities vary with the type of action or program involved. Guidance for principal activities is as follows:

(a) *Preauthorization Studies.* (1) Upon initiation of general investigation studies, the District Engineer shall notify in writing the appropriate field official of the National Park Service (NPS) and the State Historic Preservation Officer(s) of the study area involved. The District Engineer shall conduct or have conducted a cultural resource reconnaissance in order to identify cultural sites, objects, buildings, ruins, etc., of interest or importance in history or prehistory which would be affected by proposed projects. This work may be performed by qualified in house personnel or by contract with a qualified institution which shall execute the contract through a principal investigator. Funds will not be transferred to the NPS for participation in preauthorization studies.

(2) The reconnaissance report shall describe or assess the general significance or values of the cultural resources located in the project area. In addition it should include a discussion of methods and an estimate of anticipated costs for a cultural resources survey within the project area during later stages of planning.

(3) Where regional or basinwide studies are being conducted or where numerous alternatives exist, the scope of the overall investigation may require that cultural resource studies include only literature research and a statistically valid sample field reconnaissance. This

reconnaissance should be of the magnitude required to provide a predictive model for the numbers, types, and qualities of cultural resource problems in the area. The minimum surface coverage required to provide adequate quantifiable data for such a predictive model will vary, but will normally not exceed 15% of the total project area.

(4) The investigations shall conform to the standards prescribed for a reconnaissance level investigation as defined in § 305.13.

(5) Upon completion of cultural resource investigations, two copies of the report shall be forwarded to the National Park Service with a request for review and comment. Copies shall be also furnished the respective State Historic Preservation Officer, State Archeologist and State Historian for review and comment, and to other agencies, societies, universities, museums, institutions or individuals on a need-to-know basis. Information resulting from the cultural resource investigations will be incorporated in all pertinent reports. The draft Environmental Impact Statement (EIS) will include data from the report and will discuss in general terms recommendations for further study and testing.

(6) Expenditures to provide cultural resource inventories or reconnaissance studies on unauthorized projects will be presented in the Plan of Study. In instances where these investigations are estimated to exceed \$10,000, review of the Scope of Work and the cost estimate will be made by DAEN-CWP-P prior to approval of the proposed expenditures.

(b) *Phase I Advanced Engineering and Design (AE&D).* Procedures for cultural investigations for the Phase I AE&D studies shall be essentially the same as for the preauthorization feasibility studies. In instances where the feasibility (survey) report is reasonably current and no significant changes in the authorized project are proposed, the information previously provided may be used in the Phase I GDM and updated EIS. In-depth studies will be made at this stage only if required in the decision-making process, i.e., the cultural resources involved are potentially of such significance as to affect the nature or location of the project.

(c) *Phase II Advanced Engineering and Design (AE&D).* (1) Upon initiation of Phase II AE&D studies, a cultural resources survey shall be made and a report prepared therefrom. The nature of this survey will be based on the recommendations contained in the cultural resources reconnaissance report obtained during the preauthorization or Phase I study.

(2) This report shall include assessment of eligibility for inclusion in the National Register of Historic Places, specific recommendations for all necessary mitigation, recommendations for development of interpretive displays and a discussion of the public or scientific value of proposed mitigation actions.

(ii) It may be desirable that the Principal Investigator complete nomination forms to the National Register, but in all

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cases he shall specifically define the reasons for significance in order to justify

uals, or by transfer of funds to the National Park Service.

involving the utilization of project resources by others (see paragraph (i) of

Park Service with a view toward arriving at a mutually agreeable date by which

Engineers will provide written notice to the Secretary of Interior (National Park

ective Director of the Advisory Council shall request the Chairman of the Coun-



cases he shall specifically define the reasons for significance in order to justify expenditures of funds for data recovery or other mitigation during the project construction period. Nominations to the National Register will not be submitted to DAEN-CWP-P for sites not currently on fee-owned lands without an accompanying letter from the present landowner indicating concurrence in such action. Information on significant sites not on fee-owned lands at the time the survey is accomplished should be furnished to the State Historic Preservation Officer, who may submit nominations or make requests for eligibility determinations through State channels. This work may be accomplished by qualified in-house personnel, by direct contract with qualified institutions and individuals, or by transfer of funds to the National Park Service.

(2) Two copies of the draft report will be furnished the National Park Service, one copy each to the State Historic Preservation Officer, State Archeologist and State Historian with a request for review and comment.

(3) The information from the above report and comments obtained from officials and agencies cited in paragraph (c) (2) of this section shall be incorporated in the Phase II GDM and any EIS under preparation. If the final EIS has been filed with the Council on Environmental Quality, supplemental pages shall be prepared as deemed necessary by the reporting officer, and forwarded to CEQ as provided by ER 1105-2-507 (para. 7). Copies of the letter of transmittal and supplemental pages will be furnished to the Advisory Council on Historic Preservation, State Historic Preservation Officer and the National Park Service.

(d) *Feature Design Memoranda.* Full recognition shall be given to the cultural resources known or anticipated to exist on project lands during preparation of feature design memoranda. Designs and cost estimates shall reflect the agreed upon mitigation measures determined to be appropriate in the approved cultural resources reconnaissance and survey reports.

(e) *Detailed Project Report.* The procedures outlined in paragraph (c) of this section for Phase II GDM's shall be followed during the preparation of Detailed Project Reports under Continuing Authority Programs.

(f) *Construction and Land Acquisition not Started.* Upon receipt of initial construction funds, the District Engineer shall initiate mitigation measures recommended in the approved cultural resource survey which are in accordance with any executed Memorandum of Agreement between himself, the Advisory Council on Historic Preservation and the State Historic Preservation Officer.

(1) Initial mitigation efforts should be directed to critical items of construction such as access roads, project buildings, dam sites and borrow areas and relocations. The work may be accomplished by qualified in-house personnel, by contract with recognized institutions or individ-

uals, or by transfer of funds to the National Park Service.

(2) To preclude deterioration and vandalism, consideration should be given to allowing present owners or others to occupy at reduced or no rental, or otherwise to utilize historic structures under lease arrangements until the property is actually required to be vacated.

(g) *Projects Under Construction.* (1) In instances where construction has been initiated without an adequate survey and plan for mitigation of losses of cultural resources, steps should be taken to include funds for such activities in the next project cost estimate and budget request, or preferably, after concurrence of DAEN-CWP-P and DAEN-CWB to reallocate available funds so as to insure compliance with the requirements of law and this regulation.

(2) All items having any apparent historical or archaeological interest which are discovered in the course of construction activities shall be carefully preserved. Contracts shall require the contractor to leave the find undisturbed and immediately report it to the Contracting Officer so that the proper authorities may be notified.

(h) *Operation, Maintenance and Management.* (1) The funding authorities and provisions of Public Law 93-291 apply to Operation and Maintenance activities on Federally-owned lands. Therefore, District Engineers shall establish and implement, with amounts not to exceed one-percent of annual amounts appropriated for Operations and Maintenance of individual projects, a program to insure consideration and protection of cultural resources at existing Corps-operated projects under their jurisdiction.

(i) In some cases, this will require a cultural resources reconnaissance or survey of lands which have been only partially or inadequately investigated in the past. The District Engineer will evaluate sites under his jurisdiction which are identified by such investigations and prepare and forward to DAEN-CWP-P nomination forms to the National Register of Historic Places for sites meeting Register criteria, in accordance with para. 5-3, TM 5-801-1. (RCS DOI-1005 applies).

(ii) In cases where cultural properties on or eligible for inclusion in the National Register are being or would be adversely affected as a result of past or future activities such as land alteration, shoreline erosion, traffic or public use; and methods for protection or preservation are infeasible or economically unreasonable, data recovery through scientific excavation shall be considered in the same manner as if the lands had recently been acquired for construction of a new project.

(iii) Consultation with the State Historic Preservation Officer and the Advisory Council on Historic Preservation will be accomplished as prescribed in Appendix B to this part.

(iv) Environmental Impact Statements prepared for the project will address impacts upon cultural resources.

(2) Administrative actions such as leases, licenses, easements and permits

involving the utilization of project resources by others (see paragraph (i) of this section for section 10 permits) may result in significant effects on cultural resources and will therefore require separate consideration on a case-by-case basis. The effects of these actions shall be considered and treated in the environmental assessment or EIS pertaining to the action, and appropriate protective or mitigative provisions shall be included in the administrative action instrument.

(3) The authorities in Public Law 93-291 do not include the expenditure of appropriated Civil Works funds for the maintenance, rehabilitation, restoration or salvage of cultural resources which are not, or would not be, adversely affected as a direct result of Corps of Engineers construction or operation and maintenance activities. Cultural resource investigations and mitigation measures at completed projects which have been turned over to local interests for operation and maintenance are thus ineligible for funding under this authority.

(4) Permission for the examination of ruins, excavation of archeological sites or gathering of objects of antiquity on project lands will be granted in accordance with the provisions of ER 405-1-875.

(i) *Regulatory Permits.* Regulatory permits for activities in navigable waters and ocean waters will be administered as prescribed in ER 1145-2-303 which provides general policy, practice and procedure to be followed in connection with applications for permits required pursuant to section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Federal Water Pollution Control Act and Section 103 of the Marine Protection, Research and Sanctuaries Act. In order to provide the Secretary of the Interior, the Advisory Council on Historic Preservation and the State Historic Preservation Officer the requisite written notification that scientific, prehistoric, historical or archeological data may be lost or destroyed as the result of approval of an application for a Department of the Army permit, and in order for these entities to carry out their responsibilities, the District Engineer will provide them a copy of every Public Notice and will:

(1) Include in every Public Notice a statement that the District Engineer has consulted the latest published version of the National Register of Historic Places (Appendix B) and of the presence or absence of registered properties or properties listed in the latest published version of the Register as being eligible for inclusion therein. Each Public Notice will also include a statement that presently unknown archeological, scientific, prehistoric or historical data may be lost or destroyed by work to be accomplished under the requested permit.

(2) In the event that the National Park Service advises in response to the Public Notice that it will conduct or have conducted a survey or other investigation of cultural resources in the requested work area, or that it will recover and preserve cultural resources or data located therein, notify the applicant and encourage him to contact the National

Park Service with a view toward arriving at a mutually agreeable date by which such activities will be completed. The Advisory Council on Historic Preservation will be furnished a copy of all comments from the National Park Service and the State Historic Preservation Officer.

(3) The accomplishment of any cultural resources surveys or other investigations which he deems necessary, and the recovery and preservation of scientific, prehistoric, historical, or archeological data in a work area applied for under a Department of the Army Regulatory Permit is the responsibility of the Secretary of the Interior pursuant to Section 4 of Public Law 93-291, and Section 7(c) of the Act expressly authorizes funds to be appropriated to him for such purposes. Consequently, Civil Works funds will not be expended for such activities in conjunction with Regulatory Permits.

(j) *Emergency Activities.* Work conducted as a result of a natural disaster or other emergency actions cited in para. 8 of ER 1105-2-507 is excluded from the provisions of this regulation if cultural resources surveys and/or data recovery would impede remedial construction activities. However, action officers should exercise reasonable precaution to insure preservation of cultural resources consistent with the nature of the situation.

#### § 305.17 Costs of Cultural Resource Studies and Mitigation.

All costs incurred for investigation, planning, coordination, preservation and mitigation of losses of cultural resources directly affected by Federal construction are non-reimbursable project costs. These costs are presumed to be at least equalled by the benefits to science and the public generally. Consequently, the costs incurred for cultural resources surveys, data recovery and analysis, and report preparation will be shown by footnote in project cost allocations and Justification Statements, but will not enter into the allocation or apportionment of project costs or into computation of benefit-cost ratios. Procedures for cost accounting are contained in ER 37-8-10.

#### § 305.18 Coordination With Others.

Close coordination with other agencies and entities with responsibilities for preservation of cultural resources is required in all phases of project planning and execution. Specifically designated agencies for coordination and review of project impacts on cultural resources are the National Park Service, Advisory Council on Historic Preservation, and the appropriate State Historic Preservation Officer. It is also desirable to maintain coordination with other public interest groups, State Archeologists and Historians, State and local archeological and/or historical societies, other State and Federal agencies, institutions, foundations, or individuals with special interests or expertise in cultural resources.

(a) *National Park Service.* Pursuant to the Reservoir Salvage Act of 1960, as amended by Public Law 93-291, District

Engineers will provide written notice to the Secretary of the Interior (National Park Service) before undertaking any Federal construction project or the granting of approval for a Federally licensed project, activity or program which may cause irreparable loss or destruction of significant scientific, prehistoric, historical, or archeological data. Thereafter the District Engineer will maintain continuing coordination with the Service on cultural resource matters, including transfer of funds for post-authorization cultural resource surveys and/or mitigative actions when considered appropriate, including the analysis of data and publication of reports resulting from such investigations.

(1) Instructions for such work will specify the necessity for the Service to provide information at appropriate times in order that other planning studies and construction activities are not delayed.

(2) The National Park Service will be instructed to keep the District Engineer notified of the progress of any survey or data recovery effort in order that there will be as little disruption or delay as possible in the carrying out of functions of the Corps of Engineers.

(3) When cultural resources studies or data recovery are to be performed by direct contract, the District Engineer may request the National Park Service to review the proposals, and will furnish a copy of the contract to NPS. Upon completion of the work, the District Engineer will notify the appropriate field official of the Service of the findings, in writing, by furnishing two copies of the report prepared by the Corps or its consultants. Copies of all final reports of cultural resource investigations made by the Corps or its consultants should be provided the Service which may make them available to the public for inspection and review as required by Section 3(a) of Public Law 93-291.

(b) *Advisory Council on Historic Preservation.* If the District Engineer determines as a result of cultural resources investigations and coordination that there will be an effect on sites listed in, or determined by the Secretary of the Interior as being eligible for inclusion in, the National Register, he will request consultation with the Advisory Council as required by 36 CFR Part 800 (Appendix B).

(1) If possible, a Memorandum of Agreement will be executed (during Phase II AE&D studies) on proper mitigation measures to be accomplished after initiation of construction. This agreement will normally be between the District Engineer, acting in his capacity as the "Agency Official" for purposes of these procedures, the Advisory Council and the State Historic Preservation Officer. The Memorandum of Agreement, if one can be obtained, will be included with the EIS and discussed in the pertinent planning report.

(2) If agreement cannot be reached, the District Engineer will forward the Preliminary Case Report, (See Appendix E), to the Advisory Council and the State Historic Preservation Officer. The Ex-

ecutive Director of the Advisory Council shall request the Chairman of the Council to schedule consideration of the undertaking at the next Council meeting and notify the District Engineer of the request. Upon such notification, the District Engineer will delay further actions which would adversely affect Register properties or properties determined eligible for the Register, until the Council has transmitted its comments or the Chairman has given notice that the undertaking will not be considered at a Council meeting. The various steps to be followed are outlined in the flow chart "Compliance Procedures for Sec. 106 (Historic Preservation Act of 1966)," Appendix C, and the procedures of the Advisory Council contained in 36 CFR Part 800, (Appendix B).

(c) *State Historic Preservation Officer.* (1) Upon completion of the cultural resources reconnaissance report, the District Engineer shall forward a copy to the appropriate State Historic Preservation Officer and request his views concerning the significance of sites listed in the report and especially those sites recommended by the Principal Investigator for further testing during Phase II AE&D studies. In addition, the State Historic Preservation Officer should be requested to furnish any additional information concerning archeological, historical, or cultural sites in the project area which were not identified in the reconnaissance report. The views of the State Historic Preservation Officer shall be discussed in the planning report and draft EIS, and the exchange of correspondence appended thereto. In cases where his comments are unavailable prior to distribution of the draft EIS, he will be specifically requested, in the letter transmitting the draft for review and comment, to furnish a response for inclusion in the final EIS.

(2) Should the intensive cultural resources survey conducted during the Phase II GDM studies reveal sites considered eligible for the National Register, statements detailing such assessments will be completed by the Principal Investigator and forwarded to the State Historic Preservation Officer by the District Engineer. The State Historic Preservation Officer should be asked to return the eligibility statements, with his comments, to the District Engineer who will forward them to the keeper of the National Register for determination of eligibility for the Register. A copy of the letter of transmittal should be provided DAEN-CWP-P.

#### § 305.19 Contract Procedures and Reports.

In instances where the District Engineer contracts directly with a qualified university, museum, firm, institution, foundation, agency or individual, the contract shall conform to standard A-E contracting procedures.

(a) Since many of these institutions are unfamiliar with A-E contracts, it should be made especially clear as a condition of the contract that neither the contractor nor his representatives shall

release any sketch, photograph, report interpretative displays in project offices, of the agency are needed. The amount ex-





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release any sketch, photograph, report or other material of any nature obtained or prepared under the contract without specific written approval of the Contracting Officer.

(b) Upon award of the contract, a complete copy, including the scope of services, study design and cost to the United States, will be forwarded by the District Engineer to the appropriate field official of the National Park Service.

(c) Upon completion of the manuscript resulting from the investigation, two copies will be forwarded to the National Park Service for review and comment. The Service should be advised in the transmittal letter that if no response is received within a specified time, the reporting officer will assume that the Service is in agreement with the quality and legal sufficiency of the report. Additional review copies should be furnished the State Historic Preservation Officer, State Archeologist and State Historian, and may be sent to other qualified individuals, institutions or agencies for comment at the discretion of the District Engineer. Copies of final reports should be furnished to the National Park Service, the appropriate State Historic Preservation Officer, the Library of Congress, Smithsonian Institution, the State Archeologist and the State Historian.

(d) In instances where funds are transferred to the National Park Service for archaeological investigations at authorized projects, a Form 2213 will be forwarded to the appropriate National Park Service office for such services. It will then become the responsibility of the National Park Service to provide a Scope of Services for the contract and include any specific requirements of the Contracting Officer. As representative of the Contracting Officer, the National Park Service shall insure the quality, competency and timely completion of the report resulting from the investigation and be prepared to defend the report in the event of litigation or other adverse action. The National Park Service will thus fulfill the role of Principal Investigator for the District Engineer. Prior to completion of any report, the Service will forward a draft manuscript to the Corps for review and comment. In all cases, cultural resources reports will provide, in a timely manner, specific information needed for related Corps of Engineers reports.

(1) Materials recovered from Federal lands are the property of the United States. Normally, these materials will be maintained at the institutional facility of the Principal Investigator. Arrangements may also be made by District Engineers with reputable museums and large universities to provide storage and curatorial services for materials recovered as a result of activities performed by in-house personnel or by contract with private firms or small colleges lacking adequate facilities of this nature. After completion of the necessary analysis and report, these materials may be used by the holding institution if not required by the Corps of Engineers for

interpretative displays in project offices, visitor centers, or other appropriate areas for the information and benefit of the public.

(2) Plans for such displays should be identified in the Phase I GDM with details developed in the Phase II GDM and applicable Feature Design Memorandums. For further guidance in this aspect, see ER 1130-2-401.

For the Chief of Engineers.

RUSSELL J. LAMP,  
Colonel, Corps of Engineers,  
Executive.

## APPENDIX A—SYNOPSIS OF PERTINENT AUTHORITIES

1. *Antiquities Act of 1906* makes it a Federal offense to appropriate, excavate, injure or destroy any historic ruin or monument located on lands owned or controlled by the United States without permission from the Secretary of the Department having jurisdiction thereof. Further guidance on this matter is contained in ER 405-1-875, 7 May 1973.

2. *Historic Sites Act of 1935* declares "it national policy to preserve for public use cultural properties of national significance and vests certain powers in the Secretary of the Interior in this regard."

3. *National Historic Preservation Act of 1966* establishes national policy for historic preservation, authorizes establishment by the Secretary of the Interior of a National Register of Historic Places, and creates the Advisory Council on Historic Preservation. Section 106 of the Act directs consultation by Federal agencies with the Advisory Council on Historic Preservation prior to commencing construction or issuing entitlements to others when these activities would affect cultural resources listed in the National Register. Executive Order 11593 (more below) applies the same consultation and protection provisions to properties which the Secretary of the Interior determines are eligible for inclusion in the Register. Implementing procedures for consultation with and securing the advice of the Advisory Council are contained in 36 CFR part 800, 25 January 1974; (Appendix B).

4. *Reservoir Salvage Act of 1960*, as amended, is applicable only to authorized Civil Works projects. The Act permits the expenditure of up to one percent (1%) of the amount authorized to be appropriated for an individual Civil Works project for survey, recovery, analysis and reporting of important scientific, historical, archaeological and paleontological data which are being or may be irreparably lost or destroyed as the result of Civil Works undertakings on lands under Corps jurisdiction including non-Federal lands provided by local interests for certain types of projects.

a. Before undertaking construction, written notice must be provided the Secretary of the Interior setting forth the site of the proposed project including the area to be flooded or otherwise changed.

b. If advised by the Secretary of the Interior or other appropriate authority that Federal construction activity may result in the loss of important cultural data, or when the agency finds that such losses may occur, notice will be provided the Secretary of the Interior. The agency may undertake directly, or by contract with qualified investigators or by transfer of funds to the Secretary of the Interior, the recovery, protection and preservation, analysis and publication of reports of such data, including surveys or other investigations as in the determination

of the agency are needed. The amount expended for such activities may not exceed one percent of the amount authorized to be appropriated for the project, and all expenditures made for such activities are to be treated as non-reimbursable project costs.

c. The survey and recovery of cultural data at areas involved under Department of the Army Regulatory Permits are the responsibility of the Secretary of the Interior who must be notified of the proposed work by the District Engineer.

d. No survey or recovery work is required in connection with works conducted in connection with any emergency if in the determination of the Chief of Engineers such activities would impede necessary construction.

e. The Secretary of the Interior must report annually to Congress on Federal expenditures and accomplishments under this authority.

5. *Executive Order 11593* directs Federal agencies to institute procedures to insure that their projects and programs contribute to preservation and enhancement of non-Federally owned cultural properties of significance. Consequently, Corps of Engineers planning reports and EIS will discuss the effects of proposed undertakings on significant non-Federally owned properties listed in or eligible for inclusion in the National Register of Historic Places.

a. Agencies are directed to inventory lands under their jurisdiction and nominate to the National Register cultural properties that appear eligible for inclusion in the Register. Nomination forms will be completed by District Engineers and after review by the State Historic Preservation Officer forwarded through the Division Engineer to DAEN-CWP-V for execution by the Federal Representative and transmittal to the Secretary of the Interior.

b. Agencies are directed to exercise caution to ensure that Federally owned cultural properties on lands under their jurisdiction are not inadvertently sold, demolished or substantially altered until the Secretary of the Interior has the opportunity to review the eligibility of the property for the National Register and if an eligible property is to be sold, demolished or altered, the Advisory Council on Historic Preservation has an opportunity to comment and steps are taken to make records of the property for deposit in the Library of Congress.

6. *The National Environmental Policy Act* charges the Federal Government with "the continuing responsibility" of using "all practicable means . . . to the end that the Nation may:

"(1) fulfill the responsibilities of each generation as trustees of the environment for succeeding generations;

"(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

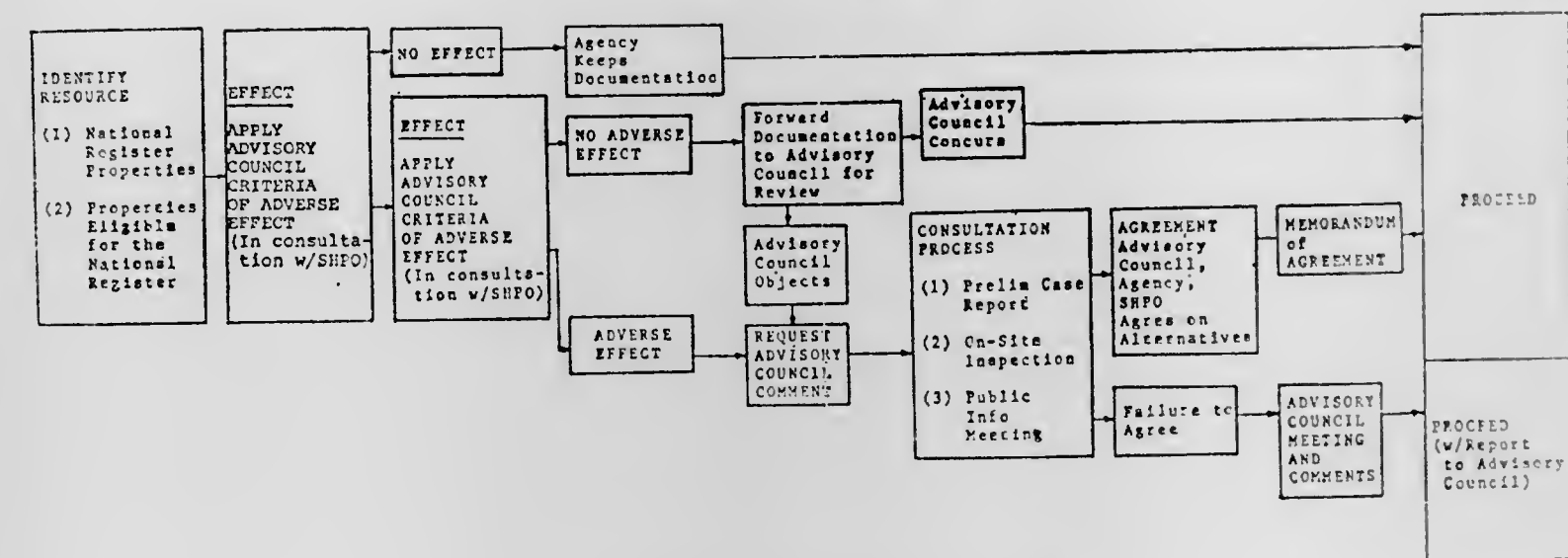
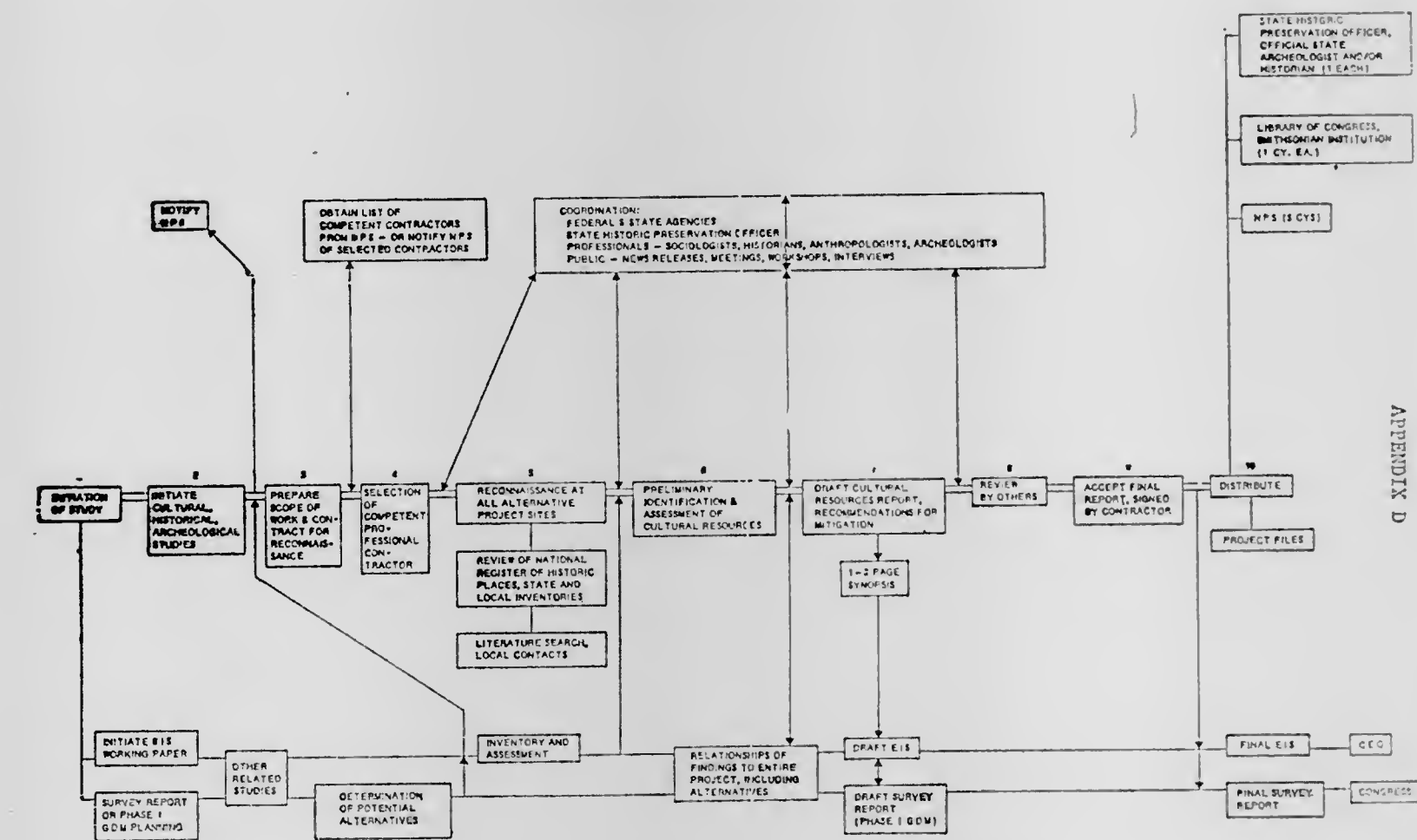
"(3) attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;

"(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice."

This law charges the Government to administer its policies, regulations, and laws to the fullest extent possible in accordance with the policies. Agencies are directed to develop methods and procedures for "giving unquantified environmental amenities and values appropriate consideration in the decision-making process along with economic and technical considerations."

## PROPOSED RULES

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COMPLIANCE PROCEDURES FOR SEC. 106  
(HISTORIC PRESERVATION ACT OF 1966)

## FLOW CHART - CULTURAL RESOURCES RECONNAISSANCE

APPENDIX E—CONTENT OF SEC. 106  
PRELIMINARY CASE REPORT

1. A general description of the proposed undertaking with explanatory graphic material;
2. A description of the properties included in or eligible for inclusion in the National Register to be affected by the undertaking, identifying any significant features of the properties;
3. An evaluation of the effect of the undertaking upon the properties included in or

eligible for inclusion in the National Register;

4. An outline of measures taken in consideration of the undertaking's effect upon the properties included in or eligible for inclusion in the National Register, including:

- a. An expression of the views of the State Historic Preservation Officer;
- b. An indication of the support or opposition of units of government, as well as public and private agencies and organizations;
- c. A review of alternatives which would remove any adverse effects; and

d. A review of alternatives which would mitigate any adverse effects.

The Corps of Engineers will refrain from taking any action with regard to the undertaking that will foreclose proper Advisory Council consideration of alternatives to avoid or mitigate adverse effects of the undertaking on cultural properties listed or eligible for inclusion in the National Register of Historic Places.

[FR Doc.75-22789 Filed 9-5-75; 8:45 am]



# ENVIRONMENTAL PROTECTION AGENCY

## Procedures for Providing Grants and Designation

# federal register

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# ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

[FR 425-2]

## GRANTS TO DESIGNATED AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING AGENCIES AND TO STATE AGENCIES

### Conditions, Procedures, Plan Content and Approval

The purpose of this notice is to propose amendments to 40 CFR Part 35, Subpart F. These proposed regulations set forth procedures for providing grants to regional and State planning agencies approved pursuant to Parts 126 and 130 respectively of this chapter, for the development of a planning process and a section 208 plan for water quality management.

Section 208 of the Federal Water Pollution Control Act Amendments of 1972 is designed to encourage and facilitate the development and implementation of areawide waste treatment management plans. The law requires the Governor of each State to designate eligible regional planning agencies to perform intensive areawide planning for geographic areas of the State which meet the criteria set forth in Part 126 of this chapter. The State is required to undertake areawide planning for remaining geographic areas. Grants are authorized for designated regional planning agencies and for State planning agencies.

These proposed regulations provide for funding both regional and State planning agencies pursuant to section 208(f) (1) of the Act. In addition, these regulations reflect the provisions of section 208(f) (2) of the Act which state that the Federal share shall be 75 percent after FY 1975.

Since section 208 planning must be done on a nationwide basis for all surface areas of the United States by either regional or State planning agencies pursuant to 40 CFR Part 162, it is important to have compatible planning requirements for both regional and State section 208 planning. The substantive requirements set forth in the section on plan content in the interim section 208 grant regulations have therefore been deleted and are replaced by references to appropriate portions of the proposed State planning regulations (40 CFR Parts 130 and 131), published in the FEDERAL REGISTER on July 16, 1975. This does not change any of the substantive section 208 planning requirements, but, rather, assembles all planning requirements together in one document. As a result, these proposed regulations primarily set forth the procedures for obtaining section 208 planning grants, while the proposed State planning regulations set forth the substantive planning content. EPA welcomes any suggestions for further coordinating the two planning programs.

In addition, the following changes are proposed:

(a) That the Regional Administrator establish a date (not more than one year from the date of the Administra-

tor's approval of the designation) on which he determines that the grantee's planning process is operational. This date is to be recorded in the grant agreement. After the planning process is operational, the regional planning agency will then have two years to develop and submit a section 208 plan.

(b) That an amount, not to exceed 5 percent of the total grant amount, be provided for the development of work plans.

(c) That the payments section include letter of credit as a means of reimbursement.

(d) That the State's cost for coordinating 208 regional planning be an allowable cost for grants to regional planning agencies.

(e) That in cases where an entire plan cannot be approved, conditional approval be permitted.

These proposed amendments have been reviewed by representatives of State and local agencies. While this review has been more limited than EPA normally performs, the Agency was required to publish these regulations under a Court Order by a specified date. The EPA has revised these amendments to reflect most of the concerns raised, by either adopting the comments or substantially satisfying them through editorial changes.

Interested parties and government agencies are encouraged to submit written comments, suggestions or objections to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All comments, suggestions or objections received on or before October 2, 1975, will be considered.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 35, Subpart F be amended to read as set forth below.

Dated: August 28, 1975.

RUSSELL E. TRAIN,  
Administrator.

Subpart F—Grants to Designated Areawide Waste Treatment Management Planning Agencies and to State Agencies—Conditions, Procedures, Plan Content and Approval

Sec.	Purpose.
35.1050	Definitions.
35.1051	Allocations and allotments.
35.1052	Eligibility for grant award.
35.1053	Application for grant.
35.1054-1	Preapplication requirements.
35.1054-2	Application requirements.
35.1055	Review, certification and approval of grant application.
35.1055-1	State review and certification of applications from regional planning areas designated by the Governor(s).
35.1055-2	EPA review and approval.
35.1056	Work plans.
35.1056-1	Applicability.
35.1056-2	Time for submission.
35.1056-3	Content.
35.1057	Funding conditions and limitations.
35.1057-1	Grant award and adjustment.
35.1057-2	Funding for work plan and areawide planning.
35.1057-3	Rate of federal assistance.
35.1057-4	Matching.
35.1058	Budget and plan development periods.

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Sec.	Purpose.
35.1058-1	Period of grant.
35.1058-2	Plan development period—regional planning agencies.
35.1058-3	Plan development—State planning agencies.
35.1059	Payments.
35.1059-1	Payment method.
35.1059-2	Advance payments—letter of credit.
35.1059-3	Advance payments—treasury check.
35.1059-4	Reimbursable payments.
35.1059-5	Work plan development.
35.1059-6	Compliance.
35.1060	Reports.
35.1060-1	Interim progress reports.
35.1060-2	Financial status reports.
35.1061	Withholding of funds.
35.1062	Suspension and termination; transfer of funds.
35.1063	Allowable costs.
35.1064	Submission of the plan.
35.1064-1	Plans for regional planning areas.
35.1064-2	Plans for State water quality management planning areas.
35.1065	Content of plan.
35.1066	Authority of States for nonpoint source planning in regional planning areas.
35.1067	Designation of management agencies.
35.1068	EPA review of plan and designation of management agencies.
35.1068-1	Submission of certified plan and designation of proposed management agency(ies).
35.1068-2	Dual approval required.
35.1068-3	Review and approval of plan.
35.1069	Disputes.
35.1080	Annual update of plan. [Reserved]
35.1090	Grants for update of plan. [Reserved]

AUTHORITY: Sec. 208(f) (1) and (f) (2) of the Federal Water Pollution Control Act Amendments of 1972.

Subpart F—Grants to Designated Areawide Waste Treatment Management Planning Agencies and to State Agencies—Conditions, Procedures, Plan Content and Approval

### § 35.1050 Purpose.

The purpose of this subpart is to establish conditions, policies and procedures for grants to State and regional planning agencies, and to reference requirements for the substance of the planning process and the content of required plans. This subpart supplements the EPA general grant regulations and procedures set forth in Part 30 of this chapter.

### § 35.1051 Definitions.

As used in this part, the following terms shall have the meanings set forth below:

(a) "State reviewing agency" means that agency designated by the Governor to review 208 grant applications and 208 plans submitted by regional planning agencies.

(b) "Certification document" means any document either certifying or refusing certification pursuant to § 35.1054.

(c) The definitions of the terms contained in Part 126 and § 130.2 of this chapter shall be used in this subpart except as the context otherwise requires.

### § 35.1052 Allocations and allotments.

(a) Primary allocation. From sums authorized for each fiscal year after June

30, 1975 the Administrator shall establish the amounts which will be available for grants to regional planning agencies approved pursuant to Part 126 of this chapter and for grants to State planning agencies for planning in State water quality management planning areas.

(b) Allotments for grants for State planning agencies. Pursuant to § 35.1054-2, States must submit grant applications to the Regional Administrator within 120 days after these regulations become effective in order to qualify for a grant from funds available for Fiscal Year 1976. Grant applications received within 120 days after these regulations become effective shall be reviewed by the Regional Administrator who shall propose a level of funding for each applicant. The Administrator will establish for each region an allotment of funds reflecting the region's proportionate share of funds available pursuant to paragraph (a) of this section, based on the ratio of the total sums proposed by each Regional Administrator to the total of such sums available to all regions for State planning grants. Within the limits of the allotment, the Regional Administrator will negotiate a grant amount for each eligible applicant. Upon completion of negotiation of the grant amount and agreement, the Regional Administrator will request an Advice of Allowance from the Administrator authorizing the obligation of grant authority to cover the amount of the negotiated grant agreement.

Comment. This allotment formula is one of several alternative formulas. A second formula being considered is to establish an allotment based upon the extent of the pollution problems between the individual States using nationally derived (as opposed to State derived) values to indicate the extent of the problem. The necessity of deducting from a State's allotment funding for areas designated or to be designated pursuant to section 126 of this chapter is also contemplated.

(c) Reservation of funds for designated regional planning agencies.

(1) Upon approval of a regional planning area and agency designation pursuant to Part 126 of this chapter, there shall be reserved, from funds available for regional planning pursuant to paragraph (a) of this section, for subsequent issuance to the Regional Administrator, an amount of contract authority estimated to cover the reasonable cost of the planning for a designated area.

(2) Upon completion of review and negotiation of a grant application for planning by a designated regional planning agency, and at such time as the Regional Administrator is prepared to make a grant award, the Regional Administrator shall request an Advice of Allowance from the Administrator authorizing the obligation of contract authority to cover the amount of the negotiated grant agreement.

(d) In no case may a grant agreement be executed before an Advice of Allowance is issued.

### § 35.1053 Eligibility for grant award.

(a) Regional planning agency. Regional planning agencies shall be eligible for grant award pursuant to this subpart

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only if designated by the Governor or appropriate chief elected officials in conformance with § 126.12(c) (1) or § 126.12(c) (3) of this chapter and approved by the Administrator as the official regional waste treatment management planning agency for the area. The agency shall further agree to develop a plan and a continuing planning process for the entire regional area that meets the requirements of this Subpart and Parts 130 and 131 of this chapter.

(b) State planning agency. State agencies identified by the Governor pursuant to § 130.10(b) (5) of this chapter shall be eligible for grant award pursuant to this subpart.

### § 35.1054 Application for grant.

#### § 35.1054-1 Preapplication requirements.

(a) All agencies applying for section 208 planning grants shall comply with all applicable requirements of Office of Management and Budget (OMB) Circular No. A-95, pursuant to § 30.305 of this chapter.

(b) Regional planning agencies designated by the Governor(s) pursuant to § 126.12(c) (1) of this chapter shall submit their application and supporting data to the State reviewing agency(ies). Interstate regional planning agencies shall submit the application to the State reviewing agency(ies) in the State which includes the greatest portion of the area's population, and provide copies to the Governors of other affected states. (c) Regional planning agencies designated by chief elected officials pursuant to § 126.12(c) (3) of this chapter shall submit their application to the appropriate EPA Regional Administrator and a copy to the appropriate Governor(s), and the State agency identified pursuant to § 130.10(b) (5) of this chapter.

#### § 35.1054-2 Application requirements.

(a) Each agency shall meet the following application requirements:

(1) Applications shall be made to EPA on such forms as the Administrator may prescribe pursuant to § 30.315 of this chapter.

(2) Evidence shall be provided that all requirements of OMB Circular No. A-95 have been met.

(3) A statement shall be provided indicating that provisions have been made or will be made for the establishment of a policy advisory committee for each approved planning area; the membership and role of this committee shall be consistent with § 130.14 of this chapter.

(4) A statement shall be provided that the proposed activity is consistent with affected State, local and Federal programs, and with other applicable resource and developmental planning programs including State and local land use or development programs, and Federal resource and developmental programs such as:

- (i) The Coastal Zone Management Act (Pub. L. 92-583);
- (ii) The Rural Development Act of 1972 (Pub. L. 92-419);
- (iii) The Clean Air Act, as amended (Pub. L. 91-604);

(iv) The Solid Waste Disposal Act, as amended (Pub. L. 91-512);

(v) The Safe Drinking Water Act (Pub. L. 93-523);

(vi) Waste water management urban studies programs administered by the U.S. Army Corps of Engineers;

(vii) Transportation planning administered by the Department of Transportation;

(viii) Other Federally assisted planning and management programs; and

(ix) The Housing and Community Development Act of 1974 (Pub. L. 93-383).

(5) A statement shall be included indicating that the planning process will become financially self-sustaining and provide for annual update of the plan once the initial plan is developed and approved.

(6) An outline of the work plan which the applicant will submit pursuant to § 35.1056, shall be provided.

(b) Regional planning agencies designated by the Governor(s) shall provide, in addition to the requirements set forth in paragraph (a) of this section a certification document submitted by the Governor or his designee, which document shall include a statement that the State has reviewed the application and finds:

(1) That the proposed work complies or does not comply with all State requirements, including any applicable plan(s) prepared under Part 131 of this chapter;

(2) That the proposed planning work program is or is not adequate and necessary to accomplish the development of a plan under section 208;

(3) That, insofar as is known, the planning will or will not duplicate any work which has been done or is being done to meet the facilities planning requirements of §§ 35.917-35.917-9; and

(4) That the State either recommends or does not recommend that the grant application should be approved by EPA.

(c) State water quality management agencies shall submit, in addition to the requirements of paragraph (a) of this section, evidence of compliance with the procedures of § 126.12 of this chapter.

### § 35.1055 Review, certification and approval of grant application.

#### § 35.1055-1 State review and certification of applications from regional planning agencies designated by the Governor(s).

(a) The State reviewing agency designated by the Governor shall, within 45 days after receipt of the application, review the application and either certify or refuse to certify the application and proposed work plan as set forth in § 35.1054-2(a).

(b) Upon completion of the review, the reviewing agency will either:

(1) Return the application, including the certification document, to the applicant for forwarding of two copies to the appropriate EPA Regional Administrator, or

(2) Forward two copies of the application, including certification documents, to the appropriate EPA Regional Administrator.

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Selection of alternatives in subpara-

§ 35.1056-3 Content.

§ 35.1057-1 Grant award and adjust-

more than one year from the date of

annual payments under awards provid-

§ 35.1059-5 Work plan development.



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Selection of alternatives in subparagraph (1) or (2) of this paragraph shall be at the applicant's option.

(c) If the application is not certified, the reviewing agency shall, in addition to its actions pursuant to paragraph (b) of this section, notify both the appropriate EPA Regional Administrator and the applicant as to the specific reasons for non-certification and specify the changes which are needed for State certification of the application.

(d) The procedures set forth in paragraphs (a) through (c) of this section shall be followed by the intrastate and interstate regional planning agencies, except that where the applicant is an interstate agency, the reviewing agency in the State which includes the largest portion of the area's population shall coordinate the review and certification process and shall have an additional 15 days to complete the process.

#### § 35.1055-2 EPA review and approval.

(a) No grant application will be accepted for EPA review that is incomplete or unaccompanied by all State certification documents which have been submitted pursuant to § 35.1054-2.

(b) The Regional Administrator shall review the application and supporting documentation to determine its compliance with the applicable requirements of the Act and this subpart, the capability of the proposed program to meet the required outputs of section 208 of the Act, and reasonableness of the estimated costs of the proposed program.

(c) Generally within 45 days after receiving the application the Regional Administrator shall:

(1) Award a grant to the applicant in the amount determined to meet the requirements of § 35.1057.

(2) Notify the applicant that the grant application is deficient in one or more respects and specify in which ways the application must be modified to receive EPA approval. Copies of such notifications will be forwarded to all concerned States at the time the applicant is notified of EPA action.

#### § 35.1056 Work plans.

##### § 35.1056-1 Applicability.

The specific requirements of this section are applicable only to work plans under grants awarded after June 30, 1975.

##### § 35.1056-2 Time for submission.

As expeditiously as possible, but no later than twelve months following the date of the Administrator's approval of the designation (or in the case of a State agency, within 120 days of the effective date of these regulations), the grantee must submit to the Regional Administrator a written work plan meeting the requirements of this section. Pursuant to § 35.1057-2, submission and approval of the work plan is a precondition to release of grant funds for further area-wide planning pursuant to § 131.11 of this chapter.

#### § 35.1056-3 Content.

(a) Planning in State water quality management planning areas. Grantees undertaking planning in State water quality management planning areas must submit a State/EPA agreement consistent with the requirements of this subpart and the requirements of § 130.11 of this chapter. The agreement must specifically relate the planning to be done pursuant to Part 130 of this chapter to the amount of funds requested and must include:

(1) A work schedule which interrelates required work with anticipated dates of completion;

(2) A cost and resource budget, including a schedule of work to be performed under contract or interagency agreement; and

(3) A disbursement schedule which relates specific progress milestones under the work schedule to disbursements.

(b) Planning in regional planning areas. Designated regional planning agencies must submit a work plan which contains:

(1) A description of the objectives and scope of the waste treatment management planning process;

(2) A description of all work performed to date which will be used in the plan development;

(3) A description of the proposed planning process which will be utilized to (i) identify and evaluate feasible measures to control point and nonpoint pollution sources, which measures may take into account all source location and review measures necessary to meet State implementation plan requirements in the area, (ii) select an integrated area-wide plan to control these sources, and (iii) establish an area-wide management program (including financing) for plan implementation;

(4) A description of any necessary action in the planning to be taken by agencies other than the applicant and procedures to be used in coordination of such activities; documentation of the acceptance by the affected responsible agency of such required work or action shall be included and presented with the work plan;

(5) A schedule showing required interrelationships of work to be accomplished and anticipated dates of completion;

(6) A cost and resource budget, including work to be done under contract or by interagency agreement;

(7) A proposed disbursement schedule with specific progress milestones related to disbursements;

(8) A description of how compatibility with applicable plans prepared or in preparation under sections 209 and 303 of the Act will be attained; and

(9) A description of the procedures to be followed in assuring adequate public participation during the plan development, review and adoption in accordance with Part 105 of this chapter.

#### § 35.1057 Funding conditions and limitations.

##### § 35.1057-1 Grant award and adjustment.

Grants will be awarded pursuant to § 35.1056-3 in an amount which the Regional Administrator determines is appropriate for the program outlined in the application. Such grants shall be subject to adjustment by the Regional Administrator, after his review and approval of the work plan submitted pursuant to § 35.1056, and after consultation with the applicants, to reflect his determination of actual approved financial needs.

##### § 35.1057-2 Funding for work plan and area-wide planning.

Each grant awarded pursuant to this Subpart is conditioned upon the subsequent submission of an approvable work plan pursuant to § 35.1056. A portion of grant funds in an amount to be determined by the Regional Administrator, generally not to exceed five percent of the total grant award, will be earmarked for payment of costs for development of the work plan and other approved activities. Additional grant funds will be released to the grantee only after approval of the work plan by the Regional Administrator, pursuant to the provisions of § 35.1058.

##### § 35.1057-3 Rate of Federal assistance.

For grants awarded during the fiscal years ending on June 30, 1974, and June 30, 1975, the rate of Federal assistance furnished to a grantee shall be 100 percent of the EPA approved eligible and reasonable costs of developing or modifying an initial area-wide waste treatment management plan meeting the requirements of this subpart and operating an approved planning process. For grants awarded after June 30, 1975, the rate of Federal assistance shall be 75 percent of such costs.

##### § 35.1057-4 Matching.

Pursuant to § 30.720 of this chapter, contributions required to match Federal funds may be reflected in contributions to either direct or indirect costs; in-kind contributions are permitted. Contributions to matching are allowable only if they are verifiable from the grantee's records; not included as cost sharing or matching contributions for any other Federally-assisted program; otherwise properly allocable to the project; and are expended for allowable project costs.

##### § 35.1058 Budget and plan development periods.

##### § 35.1058-1 Period of grant.

Federal assistance shall be for a budget period beginning on the date of execution of the grant agreement and ending on the date on which the plan is approved by the appropriate Regional Administrator pursuant to § 35.1064.

##### § 35.1058-2 Plan development period—regional planning agencies.

(a) For each grantee, the Regional Administrator shall establish a date (not

more than one year from the date of designation of the grantee agency) on which he determines that the grantee's planning process becomes operational. This date shall be recorded in the grant agreement. Pursuant to § 35.1064, the grantee's area-wide plan must be submitted to the Regional Administrator for approval no later than two years from the date so established. For grants awarded after June 30, 1975, the date so established will generally be the date of approval of the grantee's work plan submitted pursuant to § 35.1056. For grants awarded prior to July 1, 1975, the Regional Administrator shall select the date upon which the planning process becomes operational based on the following four elements:

(1) The hiring of sufficient personnel by the grantee to perform the work as outlined in the project control program;

(2) The establishment of an area-wide advisory or other appropriate committee by the grantee;

(3) The initiation of major work elements (or date of award contracts of one or more such elements) by the grantee; and

(4) Such other work plan requirement(s) the Regional Administrator shall determine as a requirement for the planning process to become operational.

(b) Pursuant to § 126.15 of this chapter, the Governor of each State may continue to designate appropriate regional planning agencies only until November 1, 1976. Where such a designation occurs after the State has already received a grant for section 208 planning, the plan development period for the regional planning agency so designated shall end on the earlier of two dates: (1) Two years from the date the planning process of the newly designated regional planning agency is determined by the Regional Administrator to be operational pursuant to paragraph (a) of this section or (2) November 1, 1978.

##### § 35.1058-3 Plan development period—State planning agencies.

Pursuant to § 35.1063, State planning agencies must submit section 208 plans to the Regional Administrator for approval no later than November 1, 1978.

##### § 35.1059 Payments.

##### § 35.1059-1 Payment method.

The Regional Administrator or his designee will determine the payment method authorized for each grant award pursuant to § 30.615 of this chapter. Ordinarily, the advance payment method will be authorized. However, when the Regional Administrator determines it is in the Agency's interest, the reimbursement method may be required.

##### § 35.1059-2 Advance payments—letter of credit.

(a) When the Regional Administrator determines that a grant award will be financed through advance payments, the Financial Management Officer will apply Treasury Department regulations to determine whether payment will be by letter of credit or Treasury check. Generally letter of credit will be used when

## PROPOSED RULES

annual payments under awards providing for advance financing, aggregate to \$250,000 or more. When the letter of credit method is selected, it will be stipulated in the grant agreement. The grant agreement will require:

(1) That cash drawdowns be made only when actually needed for payment of the Federal share of liabilities relating to project costs,

(2) Timely reporting as required by § 35.1060,

(3) Imposition of the same Treasury Department standards on secondary recipients, and

(4) Obligation of funds in accordance with the grant agreement and milestone plan.

(b) The letter of credit may be issued for the entire award or any part thereof, with subsequent amendments for the balance as the Regional Administrator determines. An initial fund letter of credit, generally not to exceed five percent of the total grant award and which is earmarked for work plan development, will be issued to the extent that the grantee demonstrates the need for such funds. Subsequent amendments for the balance of the grant amount will be approved only after approval of the work plan by the Regional Administrator. Withdrawal of cash through the letter of credit will be monitored by EPA through the payment vouchers and quarterly financial reports.

##### § 35.1059-3 Advance payments—Treasury check.

If a grant award for which advance financing is authorized does not meet the criteria for letter of credit, payment may be made by Treasury check. In this instance, the Regional Administrator or his designee will negotiate an initial cash advance, generally not to exceed five percent (5%) of the total grant award and which is earmarked for work plan development. If the grantee does not expect to use the advance immediately, payment must be scheduled for a later date when need becomes immediate. Once the initial advance is made, the grantee may request replenishment of funds expended by submitting the Request for Advance or Reimbursement form. This form may be submitted quarterly but no less frequently than annually. It is the policy of EPA that large amounts of cash advances not remain unused in the hands of grantees. Therefore, EPA will monitor use of cash advances through the required financial reports and will request reduction of the outstanding advance where lack of use is indicated.

##### § 35.1059-4 Reimbursable payments.

Where advance financing is not authorized, payment will be made upon the grantee's submission of a Request for Advance or Reimbursement form. Through this form, the grantee will request reimbursement of the Federal share of expenditures related to the grant agreement for the period since the previous request for reimbursement. Submission of reimbursement requests may be made as often as necessary.

##### § 35.1059-5 Work plan development.

Where the grant agreement pursuant to § 35.1057-2 provides for work plan development, the grantee will obligate generally not to exceed 5 percent of the total award for that purpose. Further additional obligation is not authorized until approval of the work plan is granted by the Regional Administrator. Where work plan development is set as a milestone in the grant agreement, the decision on size of the initial advance will take into account this five percent limitation.

##### § 35.1059-6 Compliance.

Where the Regional Administrator determines that the grantee has failed to comply with the requirements for letter of credit, as stated in § 35.1059-2 or with reasonable cash management practices with cash advances by Treasury check, or is not in compliance with provisions of the grant agreement, he may convert either payment procedure to the reimbursement method.

##### § 35.1060 Reports.

During the course of the grant, grantees will be required to submit interim progress reports and financial status reports at intervals set forth below. Failure to comply with established reporting requirements in a timely manner will result in appropriate action pursuant to § 30.430 of this chapter.

##### § 35.1060-1 Interim progress reports.

Grantees shall monitor the performance under grant-supported activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals and milestones are being achieved. Within 30 days following the end of each six month period after the effective date of the grant, the grantee shall prepare and submit for review by EPA a semi-annual report of progress (interim progress report) as compared to the scheduling of approved milestones in the work plan. The report of progress need include, but should not be limited to, narrative presenting:

(a) A comparison of actual accomplishments to the goals established for the period;

(b) Any problems, delays, or adverse conditions which have (or will) affect the ability of the grantee to attain work plan objectives;

(c) Favorable developments or events which enable the grantee to meet time schedules or milestones sooner than anticipated;

(d) Any major changes in the overall program, work plan, budget, organization or staffing for the period; and

(e) Other pertinent information including, where appropriate, analysis and explanation of cost overruns or high unit costs.

##### § 35.1060-2 Financial status reports.

(a) Grantees shall be required to submit the Financial Status Report at the end of each quarter. The report shall be on an accrual basis. However, if a grantee cannot report on this basis, a request for

## PROPOSED RULES

waiver may be submitted to the Regional

(d) Costs related to sewage collection grantee to comply with one or more of

interstate areas, except that designations

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[40 CFR Part 126]

management planning areas and is de-



waiver may be submitted to the Regional Administrator. The Regional Administrator or his designee may approve reporting on a cash basis. The original and one copy shall be submitted 30 days after the end of each reporting period. In addition, final reports shall be submitted 90 days after the end of the grant period or the completion of the project.

(b) Grantees financed under a letter of credit or advances by Treasury check will also submit the Federal Cash Transactions report within 15 days following the end of each quarter. The grantee will forecast Federal cash requirements for the next quarter in the Remarks section of this report.

#### § 35.1061 Withholding of funds.

In accordance with the provisions of § 30.615-3 of this chapter, an amount not to exceed ten percent of the grant award amount may be withheld for non-compliance with a program objective, grant condition, or reporting requirement.

#### § 35.1062 Suspension and termination; transfer of funds.

In accordance with the provisions of §§ 30.915 and 30.920 of this chapter, the Regional Administrator may suspend or terminate any grant awarded pursuant to this Subchapter. Areas included in regional planning areas whose grants are terminated pursuant to this section shall become part of the State water quality management planning areas for which State planning agencies shall do the planning pursuant to § 126.20 of this chapter; grant funds not obligated prior to termination may be transferred to the State planning agency in accordance with the provisions of § 30.900-3 of this chapter.

#### § 35.1063 Allowable costs.

Eligible and ineligible costs shall be determined in accordance with § 30.705 of this chapter and by demonstration that the type and degree of work is necessary for successful completion of the project, and that the costs are reasonable with respect to the product or service to be obtained. Costs incurred by a State agency(ies) in monitoring and coordinating the progress of individual section 208 studies and providing liaison between the regional planning agency(ies) and the State and the Environmental Protection Agency shall be eligible costs. Generally, up to one man-year per year per project of State effort shall be allowable. While costs incurred as a result of following an approved work program would generally be allowable: *Provided*, That they are not prohibited elsewhere by Federal, State or local law or regulations, the costs incurred by activity related to the following shall be ineligible:

- (a) Costs incurred in development of a grant application for an areawide waste treatment management planning grant;
- (b) Costs incurred in sewer evaluation surveys as required under § 35.927-2;
- (c) Costs incurred in detailed sewer system mapping and surveys therefor;

(d) Costs related to sewage collection systems at less than the trunk line level;

(e) Costs related to obtaining or providing information for sewer systems other than the costs of determining the following items in sufficient detail to make informed judgments on the cost effectiveness of available alternatives: Tributary or service areas, routes, sizes, capacities and flows, critical control elevations required to show ability to serve tributary areas, lengths, staging, major impediments to construction, and costs of construction operation; data concerning lift stations shall be limited to location, size, energy requirements and capital and operating costs; costs of gathering and analyzing information required for economic, environmental and social evaluations shall be eligible;

(f) Costs related to obtaining or providing treatment works other than the costs of determining the following items in sufficient detail to make informed judgments on the environmental impacts and cost effectiveness of available alternatives: Size, location, which shows adequacy of the site including provision for expansion, major systems for treatment of influent and disposal of effluent and sludge, flow and waste reduction, anticipated effect of treatment, staging and capital and operating costs and energy requirement;

(g) Costs of special studies for the specific benefit of individual, industrial or commercial establishments; and

(h) Costs of activities which are primarily of a research nature.

#### § 35.1064 Submission of the plan.

#### § 35.1064-1 Plans for regional planning areas.

(a) No later than two years after the planning process is in operation as determined by the Regional Administrator pursuant to § 35.1058, three copies of a plan and local governmental recommendations thereon, in accordance with § 131.11 of this chapter, shall be submitted to the Regional Administrator through the State reviewing agency. The submission shall include certification that the State has reviewed the plan and:

(1) Has found the plan to be in conformance with the provisions of the State water quality management process and plans prepared pursuant thereto, as well as the annual plan required by section 106 of the Act; and that the plan will be accepted as a detailed portion of such State plans when approved by EPA;

(2) Has found the plan to be consistent with the water quality control needs of the area;

(3) Has found that the plan is consistent with all State and local legislation, regulations or other requirements or plans regarding land use and protection of the environment;

(4) Has found that the plan provides adequate basis for selection and designation of management agencies to be designated under section 208(c) of the Act; and

(5) Has approved the plan. If disapproval is necessary due to failure of the

grantee to comply with one or more of these provisions, the Governor shall notify the Regional Administrator and the grantee in writing that the plan is deficient, and specify in which ways the plan must be modified to receive State certification of approval.

(b) The procedures set forth in paragraph (a) of this section shall be followed by intrastate and interstate regional planning agencies, except that where the plan has been developed by an interstate agency, the plan shall be submitted through the State reviewing agency designated by the Governor of the State which includes the largest portion of the area's population, which agency shall coordinate the plan review and certification process through all other affected States.

#### § 35.1064-2 Plans for State water quality management planning areas.

Not later than November 1, 1978, three copies of the State water quality management plan meeting the requirements of Part 131 of this chapter, and the provisions of this Subpart shall be submitted to the Regional Administrator.

#### § 35.1065 Content of plan.

Each planning agency shall develop and submit to the Regional Administrator a plan consistent with this subpart which meets the requirements of § 131.11 of this chapter.

#### § 35.1066 Authority of States for non-point source planning in regional planning areas.

Whenever the Governor of any State determines (and notifies the Regional Administrator) that consistency with a Statewide regulatory program under section 303 of the Act so requires, the requirements of § 131.11 (j) through (l) of this chapter shall be developed by the State and submitted by the Governor to the Regional Administrator for application to all regions within such State. All requirements of such State programs shall be incorporated into each affected areawide plan. The plan shall set forth such additional local actions and programs as may be necessary for implementation of the plan developed by the State.

#### § 35.1067 Designation of management agencies.

(a) The Governor of the State in consultation with the regional planning agency, affected local governments and following the public participation requirements set forth in Part 105 of this chapter shall, at the time the plan is submitted to the Administrator, designate one or more waste treatment management agencies (which may be an existing or newly created local, regional or State agency or political subdivision) for the regional planning area. Such agency or agencies shall, individually or in aggregate, have adequate authority to meet the requirements to carry out the provisions of section 208(c) (2) of the Act.

(b) The provisions of paragraph (a) of this section shall apply to designation of management agencies for intrastate and

interstate areas, except that designations for interstate areas shall be the joint action of the Governors of all affected States.

#### § 35.1068 EPA review of plan and designation of management agencies.

#### § 35.1068-1 Submittal of certified plan and designation of proposed management agency(ies).

No submission for approval pursuant to this section shall be made to the Regional Administrator that does not include both a plan certified by the appropriate Governor(s) and proposed designations of management agencies.

#### § 35.1068-2 Dual approval required.

The appropriate Regional Administrator shall neither approve nor conditionally approve a certified plan unless concurrently approving all appropriate designated management agencies; nor approve the designation of management agencies unless concurrently approving or conditionally approving a certified plan.

#### § 35.1068-3 Review and approval of plan.

The Regional Administrator's approval of the plan and the management agencies will be based upon the State(s) certification of approval and EPA's review of the submission for conformance with provisions of sections 201 and 208 of the Act and the requirements of this part and other applicable regulations. Within 60 days after receiving the submission, the Regional Administrator shall:

(a) Notify the State(s) and the grantee of approval of the plan or the management agencies; or

(b) Either conditionally approve or disapprove the plan or the management agencies and so notify the Governor(s) or his designee(s) by letter stating:

(1) Specific revisions necessary to obtain approval; and

(2) The time period for resubmission of the revised plan or portions thereof, or, where appropriate, for compliance with established conditions of the approval; or

#### § 35.1069 Disputes.

Final determinations by the Regional Administrator concerning applicant ineligibility and final determinations by the Regional Administrator concerning disputes arising under a grant pursuant to this Subpart shall be final and conclusive unless appealed by the applicant or grantee within 30 days from the date of receipt of such final determination in accordance with the "Disputes" article of the General Grant Conditions (Article 7 of Appendix A to this subchapter).

#### § 35.1080 Annual update of plan. [Reserved]

#### § 35.1090 Grants for update of plan. [Reserved]

[FR Doc. 75-23477 Filed 9-5-75; 8:45 am]

### AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING AND RESPONSIBLE PLANNING AGENCIES

#### Proposed Policies and Procedures

The purpose of this notice is to propose an amendment to 40 CFR Part 126 setting forth policies and procedures to be followed in the designation of areawide waste treatment management planning areas and responsible planning agencies pursuant to section 208(a) of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 (33 U.S.C. 1251, 1288(a)(1))). These proposed regulations change the nomenclature of the previous regulations to reflect the statutory mandate that section 208 planning be done by both regional and State planning agencies.

In accordance with section 208(a) of the Act, the Governor of each State is required to designate, consistent with criteria established by EPA, those areas meeting the requirements for eligibility and those agencies within eligible areas capable of establishing and operating an areawide waste treatment management planning process and developing the plans required by the Act. Where no such area or agency exists, the State is responsible for carrying out the requirements of the continuing planning process pursuant to Part 130 of this chapter by undertaking the appropriate State water quality management planning for the geographic area pursuant to Part 131.

The proposed regulations provide a more definitive presentation of the criteria to be used in the designation of 208 planning areas, i.e., those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems which require a regional approach in planning for and implementing corrective action.

These regulations also propose a more definitive designation procedure to assure that 208 planning will be initiated by either regional or State planning agencies on a nationwide basis, in sufficient time to comply with the court established deadline, thus assuring compliance with the Order of the United States District Court for the District of Columbia (Civ. Act. No. 74-1485, July 23, 1975). This Court Order states that section 208 plans for areas for which regional planning agencies have not been designated must be completed by the State by November 1, 1978.

To achieve this, the designation procedure proposed in § 126.12 establishes a procedure, to be followed within 120 days after the effective date of the regulation, that would result in identification of all areas to be designated (either by the Governor or local officials), as well as those that are not to be designated. The proposed procedure provides for the integration of designated regional planning areas with the State water quality

management planning areas and is designed to assure consistency with the State Strategy submitted pursuant to §§ 35.1056-2, 130.11, 130.20 and 130.21 of this chapter.

This designation procedure differs slightly from the present procedure, which allows the Governor either to "nondesignate" an area (thereby precluding local self-designation), or to remain silent (allowing local officials to act to self-designate without any time limitation). The option of remaining silent would be altered; the Governor would, at the end of the 120-day period be required to identify areas that will, by virtue of their not being designated (for whatever reason), be included in the State water quality management planning area; and chief elected officials would have to make their decision as to self-designation within a 90-day period. The Governor would have the option of "nondesignating" an area, but only after consideration of requests by chief elected officials for the opportunity to self-designate. The specific time schedule is as follows:

(a) Within 60 days after these proposed regulations become effective the Governor must identify the areas eligible for designation, list those areas which he wishes to designate along with a time schedule for designation, and notify the Administrator, the chief elected officials of general purpose government and all planning agencies with regional jurisdiction within the State, of those areas that he intends to designate.

(b) Within 90 days after these proposed regulations become effective, chief elected officials must notify the Governor and the State planning agency of any other areas meeting the criteria specified in the regulations which they wish to designate.

(c) Within 120 days after these regulations become effective, and after public meetings or hearings:

(1) The Governor must submit to the Administrator his determination of those areas that he will designate and a time schedule for designation;

(2) The Governor must submit to the Administrator an identification of those areas that do not meet the designation criteria and will not be designated by either the Governor or chief elected officials. Such areas will constitute the State water quality management planning area for which section 208 planning will be done by the State planning agency identified in Part 130 of this chapter.

(3) Chief elected officials must notify the Administrator of those areas meeting the designation criteria which will be designated by them and a timetable for designation.

(4) The Governor must submit the State Strategy document. The designation determinations must be consistent with this Strategy. In addition, the Strategy must reflect recognition of the State's responsibility for assuring ultimate compliance with the planning and

Implementation provisions of section 208 of the Act as interpreted by the above-

#### Subpart A—Purpose and Definitions

#### § 126.1 Purpose.

from concentrations of population and manufacturing activity or other factors. The plan shall have a substantial

(2) Show their intent, through formally adopted resolutions, to join with other agencies and implement a

listing and proposed commitments in other areas; and

(4) The agency's capability for hav-

Fiscal Year 1976, a submission pursuant to § 126.13 shall also be provided.

(4) The Governor shall submit the



Implementation provisions of section 208 of the Act as interpreted by the above-mentioned Court Order.

In addition, the proposed regulations specify that for those areas to be designated in FY 76, all supporting documentation pertinent to designation must be submitted to the Administrator within 120 days after these regulations become effective.

In view of the November 1, 1978 submission date for section 208 plans for areas that are not designated, these proposed regulations specify that approval of all revisions to designations or new designations will be at the discretion of the Administrator who must take into account the ability of the revised or later designated regional planning areas to have their section 208 plans completed by November 1, 1978.

These proposed amendments have been reviewed by representative State and local agencies. The EPA has revised these amendments to reflect most of the concerns raised, by either adopting the comments or substantially satisfying them through editorial changes.

Prior to the final adoption of these amendments to this Part, consideration will be given to comments, suggestions, or objections which may be submitted in writing to:

Director, Water Planning Division (WH-454), EPA, 401 M Street SW., Room E813, Washington, D.C. 20460

Consideration will be given to all comments, suggestions, or objections received on or before October 2, 1975.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 126 be amended to read as set forth below.

Dated: August 28, 1975.

RUSSELL E. TRAIN,  
Administrator.

#### PART 126—AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING AND RESPONSIBLE PLANNING AGENCIES

##### Subpart A—Purpose and Definitions

###### Sec. 126.1 Purpose.

###### 126.2 Definitions.

###### Subpart B—Procedures for Designation of Regional Planning Areas and Agencies Responsible for Planning

###### 126.10 Criteria for identification of regional planning areas.

###### 126.11 Designation criteria.

###### 126.12 Designation procedures.

###### 126.13 Submission procedures.

###### 126.14 Review of submissions.

###### 126.15 Limitations on later designations.

###### Subpart C—State Water Quality Management Planning Areas

###### 126.20 Planning in State water quality management planning areas.

###### Subpart D—Public Participation

###### 126.30 Public participation requirements in designation of regional planning areas and designation of agencies responsible for planning.

###### Subpart E—Assistance to State and Regional Planning Agencies

###### 126.40 Determination of eligibility.

AUTHORITY: Sec. 206 and 501, 86 Stat. 816, (33 U.S.C. 1251, 1258(a)(1)).

#### Subpart A—Purpose and Definitions

##### § 126.1 Purpose.

The purpose of this part is to specify procedures and criteria to be followed by Governors and chief elected officials in designating areas and regional planning agencies pursuant to section 208(a) (2) through (4) of the Act.

##### § 126.2 Definitions.

As used in this part, the following terms shall have the meanings set forth below:

(a) "Act" means the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 (33 U.S.C. 1251, 1258(a)(1))).

(b) "EPA" means the U.S. Environmental Protection Agency.

(c) "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(d) "Regional planning areas" means the area designated pursuant to section 208(a) (2), (3), or (4) of the Act.

(e) "State water quality management planning area" means all areas of the State that are not designated pursuant to section 208(a) (2), (3), or (4) of the Act.

(f) "Regional planning agency" means that agency designated in accordance with section 208(a) (2), (3), or (4) of the Act.

(g) "State planning agency" means that agency designated in accordance with section 208(a) (6) of the Act.

(h) "Urban-industrial concentration" means that portion of a standard metropolitan statistical area (SMSA—as defined by the Office of Management and Budget), or those portions of SMSA's having substantial concentrations of population and manufacturing production or other factors which result in substantial water quality control problems.

(i) "Chief elected officials" means chief elected officials of general purpose governments having jurisdiction within designated or proposed regional planning areas.

(j) The definitions of the terms contained in § 130.2 of this chapter shall be used in this part except as the context otherwise requires.

#### Subpart B—Procedures for Designation of Regional Planning Areas and Agencies Responsible for Planning

##### § 126.10 Criteria for identification of regional planning areas.

The following criteria will be utilized in designation of regional planning areas.

(a) Because of the Act's legislative history and in view of the institutional nature of urban-industrial concentrations, preference will be given by the Administrator, in approving designations of regional planning areas, to areas of urban-industrial concentrations. The entire SMSA(s) may be designated as the regional planning area. Such areas may be enlarged to include areas outside the SMSA(s), which are contiguous to the SMSA(s), and which have substantial water quality control problems resulting

from concentrations of population and manufacturing activity or other factors.

(b) The area must have a substantial water quality control problem. This condition will be determined to exist when water quality has been or may be degraded to the extent that desired beneficial water uses are impaired or precluded and when the water quality control problem is complex.

(c) Impairment or preclusion of desired beneficial water uses exists when:

(i) A substantial portion of the segments in the area are classified as water quality limited in accordance with § 130.10(b) (4) of this chapter; or

(ii) Preservation of existing high quality surface and/or groundwater is the major concern for water quality planning. This concern will be determined to exist when:

(A) The water resources which would be impaired are so unique that it would be in the national interest to preserve them; or the amount of water resources which would be impaired are so great that it is in the national interest to prevent impairment or degradation;

(B) The sources of pollution are so complex that only an areawide approach can effectively consider the demands of water quality; and

(C) The State has made an explicit statement adopting preservation and protection of existing high water quality as a policy for the area; or the State has implicitly adopted preservation and protection of existing high water quality as a policy for the area by establishing water quality parameters which are at the preservation level.

(2) A complex water quality control problem shall be considered to exist when three or more of the below conditions exist in the area:

(i) There is municipal waste management by two or more governments;

(ii) There is a substantial industrial pollution problem;

(iii) The area has a population growth rate above the national average, or the area has large seasonal fluctuation in its population;

(iv) There is a substantial urban stormwater drainage problem;

(v) There is a substantial nonpoint source pollution problem; or

(vi) There is a substantial groundwater pollution problem where:

(A) Groundwater pollution contributes to a surface water problem; or the impaired groundwater is a major source or water supply for the area;

(B) There is a complex groundwater problem due to a multiplicity of type, number, size, and extent of sources or unique physiography of the area;

(C) Remedial control action is possible within the area; and

(D) The State and the area have a groundwater quality goal.

(c) The affected general purpose or other appropriate units of local government within the boundaries of the regional area must:

(1) Have in operation a coordinated waste treatment management system, or

(2) Show their intent, through formally adopted resolutions, to join together to develop and implement a plan which will result in a coordinated waste treatment management system for the area.

(d) Affected units of local government must have legal authority to enter into agreements for coordinated wastewater management in compliance with section 208 of the Act.

##### § 126.11 Designation criteria.

(a) The regional planning agency shall:

(1) Be a representative organization whose membership shall include but need not be limited to elected officials of local governments or their designees having jurisdiction in the designated planning area;

(2) Have waste treatment planning jurisdiction in the entire designated area;

(3) Have the capability to have the water quality management planning process for designated regional planning areas fully underway no later than 1 year after approval of the designation;

(4) Have the capability to complete the initial water quality management plan no later than two years after the planning process is in operation; and

(5) Have established procedures for plan adoption and resolution of major issues.

(b) In designating a regional planning agency for interstate or intrastate areas the Governor shall also consider:

(1) The legal authority of the agency with regard to water quality management planning, including, but not limited to, authority to coordinate with or participate in comprehensive planning, land use planning, water sewer planning, coastal zone management planning, and other related planning and development activities and controls;

(2) The relationship of the agency to planning agencies of different levels of government, including, but not limited to, Federal, State, interstate and Federal-State entities, as well as local government entities; and

(3) The relationship of the agency to management and regulatory agencies such as those that have zoning and subdivision authority, and those that construct and operate wastewater facilities.

(c) Existing capable regional agencies may be designated consistent with the policies in Title IV of the Intergovernmental Cooperation Act of 1968, as implemented by Part IV of OMB Circular A-95. In designating an existing regional agency the Governor shall consider, in addition to the factors set forth in paragraphs (a) and (b) of this section:

(1) The agency's past record in water quality management planning, with special regard to plan quality, technical, fiscal, political, and economic feasibility, and environmental soundness;

(2) The agency's expertise, either in-house or readily available, with particular regard to water quality and comprehensive planning;

(3) The agency's fiscal, manpower, data, and other resources in light of ex-

isting and proposed commitments in other areas; and

(4) The agency's capability for having the plan implemented or of implementing all or portions of the plan itself.

(d) A single qualified regional planning agency may be designated as being responsible for planning in more than one planning area.

##### § 126.12 Designation procedures.

(a) Within 60 days after these regulations become effective, the Governor shall:

(1) Identify each area of the State, not already designated, which he determines to be eligible for designation pursuant to § 126.10;

(2) List all areas among those eligible that he wishes to designate, with a time schedule for designation; and

(3) Notify the Administrator, the chief elected officials of general purpose government and all planning agencies with regional jurisdiction within the State, of his determination pursuant to paragraphs (a) (1) and (2) of this section.

(b) Within 90 days after these regulations become effective, chief elected officials of general purpose local governments wishing to designate areas under their jurisdiction which meet the criteria of § 126.10, but which have not been designated by the Governor, shall notify the Governor, in writing, of their intent to designate. Notification shall also be provided to the appropriate State agency identified pursuant to § 130.10(b) (5) of this chapter and to the Administrator.

(c) Within 120 days after these regulations become effective, and after public meeting or hearing in compliance with § 126.30:

(1) The Governor(s) shall determine which areas shall be designated pursuant to section 208(a) (2) and (3) of the Act, and submit this determination to the Administrator. A time table for designation consistent with the provisions of § 126.15 shall also be provided to the Administrator. For areas to be designated during Fiscal Year 1976, a submission pursuant to § 126.13 shall also be provided.

(2) The Governor(s) shall submit to the Administrator an identification of those areas which he has determined either by the Governor or by chief elected officials. Such determination shall reflect consideration of the requests of chief elected officials pursuant to paragraph (b) of this section, and a determination that these and other areas not designated do not meet the criteria set forth in § 126.10, or that there is no regional organization eligible in accordance with § 126.11. These areas shall constitute the State water quality management planning area.

(3) Chief elected officials in areas not covered by subparagraphs (1) and (2) of this paragraph shall notify the Administrator of their intention to designate areas under their jurisdiction pursuant to section 208(a) (4) of the Act. A time table for designation consistent with the provisions of § 126.15 shall also be provided. For areas to be designated during

Fiscal Year 1976, a submission pursuant to § 126.13 shall also be provided.

(4) The Governor shall submit the State Strategy document required to be prepared and submitted pursuant to §§ 35.1056-2, 130.11, 130.20 and 130.21 of this chapter. Designation determinations pursuant to subparagraphs (1) through (3) of this paragraph shall be consistent with this Strategy. The Strategy shall reflect recognition of the State's responsibility for assuring ultimate compliance with the planning and implementation priorities of section 208 of this Act as interpreted by Order of the United States District Court for the District of Columbia (Civ. Act. No. 74-1485, July 23, 1975).

(d) In designating an intrastate area, the Governor or chief elected officials shall define its boundaries, and designate a single representative agency to be responsible for the planning, after consultation with appropriate elected and other officials of local governments having jurisdiction in such areas, with the State agency identified in accordance with § 130.10(b) (5) of this chapter, and with any other State agencies as may be appropriate.

(e) The designation of interstate areas shall be in accordance with the provisions of paragraph (d) of this section: *Provided, however*, That appropriate interstate agencies shall also be consulted: *And, provided further*, That, except for designations by chief elected officials, the designation shall be the joint action of the Governors of all the affected States.

##### § 126.13 Submission procedures.

(a) Within 120 days after promulgation of this part, for each regional area to be designated during Fiscal Year 1976 and identified pursuant to § 126.12(c) (1) and (3), the following information shall be provided:

(1) An exact description of the boundaries of each area including a statement relating the boundaries of any area to the boundaries of the SMSA(s) contained within or contiguous to the area, or for those areas not within an SMSA a statement relating the boundaries of the area to the nearest SMSA, and a statement indicating:

(i) Population of the area;

(ii) Nature of the concentration and distribution of industrial activity in the area;

(iii) Degree to which it is anticipated that the area could improve its ability to control water quality problems were it designated as a regional planning area; and

(iv) Factors responsible for designation, as described in § 126.10.

(2) Identification and supporting analysis of each water quality segment included in each area, as identified pursuant to Part 130 of this chapter.

(3) For each area a copy of the charter of existing regional waste treatment management agencies or formally adopted resolutions which demonstrate that the general purpose units of local government involved will join together in the planning process to develop and implement a plan which will result in a coordinated waste treatment manage-



ment system for the area. The resolutions shall also state that all proposals for grants for construction of a publicly owned treatment works will be consistent with the approved plan and will be made only by the designated management agency.

(4) For each area, the name, address, and official contact for the agency designated to carry out the planning.

(5) A statement on the factors considered in agency designation as described in § 126.11.

(6) A summary of public participation in accordance with the requirements set forth in § 126.30.

(b) For regional agencies to be designated after Fiscal Year 1976, the information required by paragraph (a) of this section shall be submitted at a later date to be established by the Administrator.

#### § 126.14 Review of submissions.

(a) The Administrator shall review each submission pursuant to §§ 126.12 and 126.13 to determine compliance with the Act and the criteria set forth in this part.

(b) Upon completion of his review, the Administrator shall publish notice in the FEDERAL REGISTER and shall notify in writing the appropriate Governor(s) or chief elected officials making designations of his approval or disapproval of each designation. In the event that the Administrator disapproves any of the designations, he shall specify his reasons with his notice of disapproval.

#### § 126.15 Limitations on later designations.

The appropriate Governor(s) or chief elected officials (where the original designation was not made by the Governor(s)) may from time to time designate regional planning areas and agencies in previous State water quality management planning areas. In such cases, approval of the designation shall be at the discretion of the Administrator, taking into account its consistency with the State Strategy submitted pursuant to §§ 35.1056-2, 130.11, 130.20, and 130.21 of this chapter. The Administrator shall also take into account the ability of the later designated regional planning area to have its section 208 plan completed by November 1, 1978. The effective date of designation is the date of the Administrator's approval.

#### Subpart C—State Water Quality Management Planning Areas

#### § 126.20 Planning in State water quality management planning areas.

The State shall act as the planning agency for the State water quality management planning areas pursuant to Parts 130 and 131 of this chapter.

#### Subpart D—Public Participation

#### § 126.30 Public participation requirements in designation of regional planning areas and designation of agencies responsible for planning.

(a) All designation determinations pursuant to § 126.12 shall be the subject

of appropriate public participation in accordance with section 101(e) of the Act and with Part 105 of this chapter.

(b) The Governor(s), or, where appropriate, chief elected officials, shall, after adequate public notice, hold one or more public hearings or meetings within any proposed regional planning area for the purpose of gaining public advice on the designation or nondesignation of the regional planning area and agency. All units of local government and members of the general public wishing to do so shall have the opportunity to be heard.

(c) Record of such public meetings or hearings including notice of same shall be kept and made available to the Administrator upon request. A summary of the comments and meeting notes shall be submitted to the Administrator with each designation.

#### Subpart E—Assistance to State and Regional Planning Agencies

#### § 126.40 Determination of eligibility.

Assistance under section 208(f) of the Act shall be provided to those regional planning agencies designated under § 126.12(c) (1) and (3) and to State planning agencies identified under § 126.12(c) (2). Grant assistance is available under the terms and conditions and within the limitations set forth in Subpart F of Part 35 of this chapter.

[FR Doc.75-23478 Filed 9-5-75; 8:45 am]

MONDAY, SEPTEMBER 8, 1975



PART IV:

## DEPARTMENT OF LABOR

Office of Employee  
Benefits Security

## EMPLOYEE PENSION BENEFIT PLANS

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## Title 29—Labor

## CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

## SUBCHAPTER C—MINIMUM STANDARDS FOR EMPLOYEE PENSION BENEFIT PLANS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

## PART 2530—RULES AND REGULATIONS FOR MINIMUM STANDARDS FOR EMPLOYEE PENSION BENEFIT PLANS

The regulations in this document amend Chapter XXV, Employee Benefits Security, by adding thereto Part 2530. The regulations in Part 2530 relate to Part 2 of Subtitle B of Title I of the Employee Retirement Income Security Act of 1974 (hereinafter referred to as "the Act"). Part 2 of the Act (sections 201 through 211) prescribe minimum standards for covered employee pension benefit plans in the areas of participation, vesting and benefit accrual. More liberal plan provisions which do not conflict with the Act or the Internal Revenue Code of 1954 (hereinafter referred to as "the Code") and the regulations issued thereunder are permitted.

The regulations contained in this document are both temporary regulations effective immediately and proposed regulations for final adoption. The primary reason for making these regulations effective immediately on a temporary basis is that plans not in existence on January 1, 1974 must meet the requirements of the Act for plan years beginning after September 2, 1974. For many plans the first plan year beginning after September 2, 1974 will be a plan year beginning on September 1, 1975, as a result of procedures set forth by the Internal Revenue Service in Revenue Procedures 74-38, -39 & -40 issued September 10 & 11, 1974. These procedures classified plans as "pre-existing plan" (adopted and put into effect by an employer on or before January 1, 1974), "new plan subject to prior law" (adopted and put into effect by an employer after January 1, 1974, whose first plan year begins on or before September 2, 1974, whether or not it is adopted and put into effect by an employer before September 2, 1974), and "new plan subject to new law" (adopted and put into effect by an employer after January 1, 1974, whose first plan year begins after September 2, 1974). The effect of these procedures was to permit plans adopted after January 1, 1974 to meet the requirements of prior law rather than the requirements of the Act by making the plan year begin on or before September 2, 1974. Many of these plans will now have plan years beginning September 1, 1975 during which they will be required to meet the standards of the Act. In addition, pre-existing plans must meet the requirements of the Act for plan years beginning after December 31, 1975. The regulations in Part 2530 will allow these plans to make the necessary adjustments. Any changes or modifications contained in "final" regulations will be prospective only.

In addition, section 7476 of the Code, which provides jurisdiction in the United

States Tax Court for declaratory judgments relating to qualification of certain retirement plans, is effective with respect to pleadings filed in that court after September 2, 1975. Cases proceeding in that court may be decided with reference to these temporary regulations.

For the foregoing reasons, the undersigned finds that good cause exists for making these regulations temporarily effective without advance publication as specified in the Administrative Procedure Act (5 U.S.C. 553(d) (3)).

These regulations are also proposed for final adoption as soon as possible. Interested persons are invited to submit written data, views, or arguments concerning any or all of the proposed regulations contained in this document on or before November 7, 1975. Such data, views and arguments should be submitted to the Office of Employee Benefits Security (DEVD—PV Comments), Labor Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216. All comments should be clearly referenced to the numbers of the sections to which the comments are directed.

It is emphasized that because the regulations proposed in this document must be effective without delay, comments received later than November 7, 1975 will not be considered in the preparation of the final regulations. While under other circumstances the Department of Labor may grant extensions of time for filing comments in order to compile the fullest record possible, such a policy is precluded in this case by the requirements of prompt publication in final form to serve the needs of affected persons or organizations. Therefore, no request will be entertained to grant an extension to any person for filing comments relating to the regulations proposed in this document.

## BACKGROUND

## INTER-RELATIONSHIP OF PART 2 AND THE CODE

With only a few exceptions, provisions substantially identical to those in part 2 of the Act are contained in the Code. Except for certain concepts for which the Secretary of Labor has been specifically authorized to prescribe regulations, regulations prescribed by the Secretary of the Treasury under sections 410 and 411 of the Code shall, pursuant to section 3002(c) of the Act, also implement the counterpart provisions of part 2. Generally, these provisions of the Act are sections 202 (minimum participation standards), 203 (minimum vesting standards), and 204 (benefit accrual requirements). Similarly, regulations for which the Secretary of Labor has been given regulatory authority shall also be used in implementing sections 410 and 411 of the Code. Regulations for other provisions of part 2 of Title I of the Act which have substantially identical counterparts in the Code, but for which no exclusive regulation authority is delegated to either the Secretary of the Treasury or his delegate or the Secretary of Labor, shall be prepared by the Secretaries of Labor and Treasury in concert.

Regulations for implementing part 2 of Title I of the Act and, in cases where the Secretary of Labor has exclusive jurisdiction for issuing regulations under specific provisions, the counterpart provisions of sections 410 and 411 of the Code, will be promulgated in Part 2530. Regulations pertaining to a specific section of the Act will be prescribed under the corresponding section of the regulations. For example, the regulations contained in § 2530.202 relate to section 202 of the Act. Regulations pertaining to concepts common to several or all sections in part 2 of Title I of the Act will be set forth in Subpart A, Scope and General Provisions.

With few exceptions, such as the regulations pertaining to coverage, the regulations presently being issued pertain to certain concepts for which regulatory authority is specifically delegated to the Secretary of Labor for purposes of part 2 of Title I of the Act and sections 410 and 411 of the Code. These concepts relate generally to the methods for computing service to be credited to an employee and include years of service, hours of service, years of participation and breaks in service, as well as seasonal and maritime industries.

## FRAMEWORK AND BASIC STANDARDS OF PART 2 OF THE ACT

The rules contained in Part 2530 are applicable to the minimum participation, vesting and benefit accrual standards of sections 202, 203 and 204. Regulations to be issued by the Secretary of the Treasury under sections 410 and 411 of the Code will be the official interpretation of these sections, but an outline of the standards is contained herein to put the Department of Labor regulations in context.

It should be emphasized that plan provisions more liberal than the standards of the Act are not prohibited. For example, under section 202(a) (1) (A) of the Act most pension plans may not require, as a condition of participation in the plan, that an employee complete a period of service with the employer maintaining the plan extending beyond the later of the date on which the employee attains age 25 or completes 1 year of service. But, a plan to which section 202 of the Act applies could provide that every employee is eligible to participate regardless of age or service or that an employee who has attained age 24 is eligible to participate.

The central theme of these standards is that sections 202 and 204 work in harmony to determine when an employee must become a participant in the plan and when he or she must accrue benefits while a participant. Section 203 generally applies to determine whether an employee has nonforfeitable rights to accrued benefits.

(1) *Eligibility to participate.* Section 202 requires generally that an employee cannot be excluded from a plan on account of age or service if he or she is at least 25 years old and has had at least one year of service. However, if the plan provides full and immediate vesting for

all participants, it may require employees to complete 3 years of service in order to participate. As an alternative, any plan which is maintained exclusively for employees of a tax-exempt educational organization which provides full and immediate vesting for all participants may have a participation requirement of age 30, with 1 year of service.

In general, for purposes of the participation requirements, the term "year of service" means a 12-month period during which the employee has worked at least 1,000 hours. This 12-month period is measured from the date the employee enters service. Thus, the employee has fulfilled his or her 1,000-hour requirement if he or she has 1,000 hours of work by the first anniversary date of employment. The employee (if age 25 or older) would then be admitted to the plan within 6 months of his or her anniversary date of employment or by the beginning of the first plan year following the first anniversary date, whichever occurred earlier. (Of course, this does not mean that an employee would have to be admitted to the plan if he or she were lawfully excluded for reasons other than age or service.) If the employee did not complete 1,000 hours of service by the first anniversary date, but were still employed, then he or she would start over toward meeting the 1,000 hour requirement. For this purpose, the plan could provide (on a consistent basis) that the relevant 12-month period is either (a) the year between the first anniversary of employment and the second anniversary date, or (b) the plan year which began before the first anniversary date.

The regulations with respect to "year of service" for purposes of eligibility to participate are found in § 2530.202, which introduces the concept of an "eligibility computation period" for reference to the periods described in the preceding paragraph. The term "hour of service" is defined in Subpart A of Part 2530, along with other regulations that pertain to computing years of service.

(2) *Accrual of benefits.* Section 204 requires plans other than defined benefit plans to make a separate accounting for each employee's accrued benefit. A defined benefit plan is required to satisfy one of three accrued benefit tests (which limit the extent of "back-loading" permitted under the plan). The three tests each require some increment of accrual to be credited for each year of participation, which is defined as a period of service beginning from the date of participation established under section 202. This period of participation in the plan, however, need not include any period which is not required to be taken into account under section 202(b), which deals with breaks in service. The break in service rules of section 202(b), therefore, apply both to eligibility to participate and for measuring the period of participation on which benefits must be accrued. Therefore these rules (§ 2530.200b-4) govern both eligibility to participate initially and retention of eligibility to participate. As long as an employee retains participant status, he or she is eligible to accrue benefits although benefits under most

plans need not be accrued for years in which the employee fails to complete 1,000 hours of service.

The Secretary of Labor is authorized to prescribe regulations which provide for the calculation of the period of participation on any reasonable and consistent basis. The regulations with respect to "year of participation" are found in § 2530.204-2 which introduces the concept of an "accrual computation period" for plans which are required to accrue benefits on a yearly basis. Some plans with certain defined benefit formulas will not be required to accrue benefits on a yearly basis and the rules with respect to these plans are found in § 2530.204-3.

(3) *Vesting.* Section 203 requires that a plan must provide full and immediate vesting in benefits derived from employee contributions. In general, with respect to employer contributions, the plan (except class year plans) must meet one of three alternative standards, which are expressed in terms of vesting schedules. Generally, once an employee becomes eligible to participate in a pension plan, all his or her years of service with an employer (including preparticipation service, and service performed before the effective date of the Act) are to be taken into account for purposes of determining his or her place on the vesting schedule. However, the plan may ignore periods for which the employee declined to make mandatory contributions and periods for which the employer did not maintain the plan or a predecessor plan, as defined in Treasury regulations. Generally, the plan may also ignore service performed before age 22; however, if a plan elects to use the rule of 45 as a vesting schedule, service before age 22 may be ignored only if the employee was not a participant in the plan for the years before age 22. Service performed prior to January 1, 1971, may be ignored by the plan, unless (and until) the employee has at least 3 years of service after December 31, 1970. Also, if the employee has had a "break in service", service performed prior to the break may be ignored to the extent permitted under the "break in service" rules of section 203(b) (3).

All of the vesting schedules and the rules governing what service must be counted in determining an employee's place on the plan's vesting schedules are phrased in terms of "years of service." Years of service for purposes of vesting are not necessarily the same as years of service for purposes of eligibility to participate in the plan, and § 2530.203 of these regulations introduces the concept of a "vesting computation period" for computing the year of service which must be counted for vesting purposes. This vesting computation period will also be used for other purposes, such as calculating breaks in service, with some exceptions.

## DESCRIPTION OF THE REGULATIONS

## SECTION 2530.200b-1 (CROSS-REFERENCE .202, .203 AND .204)

Section 2530.200b-1(a) states the relationship between the various computation periods established pursuant to sec-

tions 202, 203 and 204 of the Act and sections 410 and 411 of the Code (see Framework above). Subsection (b) states rules generally applicable to all computation periods. This section does not, however, establish the rules governing each separate computation period. These rules are stated in §§ 2530.202, 2530.203 and 2530.204.

In general, creditable service and the incidence of a break in service are determined by the number of hours completed during an applicable computation period. There are three primary computation periods: (1) The eligibility computation period, used to determine eligibility to participate in the plan and deferral of benefit accrual for two years when the plan exercises a special option; (2) the vesting computation period used to determine the employee's place on the vesting schedule and, with only very limited exceptions, to determine a break in service; and (3) the accrual computation period used to determine whether an employee, once participation in the plan has begun, will accrue full, partial or no retirement benefits for the period.

The eligibility computation period and the vesting computation period are always 12-consecutive-month periods. The accrual computation period is usually a 12-consecutive-month period but special rules are provided for shorter periods resulting (1) from an employee's beginning participation on a date other than the beginning of the period or (2) from plan amendments changing the accrual computation period. In addition, some plans which recognize the employee's total service under the plan and accrue benefits on that basis need not use a 12-consecutive-month accrual computation period (see § 2530.204-3).

The minimum standards prescribe that an employee who completes 1,000 hours of service during the applicable computation period shall be credited with a year of service for vesting or a year of service for eligibility to participate in the plan. The number of hours of service required for full accrual of benefits in each accrual computation period may be set by the plan, but an employee who completes at least 1,000 hours of service during an accrual computation period must be given at least a ratable portion of the full accrual. Employment for the full computation period is not required for obtaining credit for that period; credit for a particular purpose is to be determined solely on the basis of the number of hours of service completed during the computation period in question.

A plan may designate any 12-consecutive-month period as the vesting computation period. Similarly, plans which must use an annual accrual computation period may designate any 12-consecutive-month period as the accrual computation period. These periods need not necessarily coincide with the "plan year," which is defined by section 3(39) of the Act as the year on which the records of the plan are kept, and which is likely to be the employer's tax year. This was provided to allow plans maximum latitude in developing their requirements.

As a result, plans may designate one

The definition of an hour of service

of paid vacation are credited in the pe-

formula is limited to nonhourly employees whose hours are not required to

participate in a plan which is allowed to require three years of service before

the plan may treat this person as a new employee. Section 2530.200b-4(b) of the



As a result, plans may designate one computation period for vesting purposes and the same or a different computation period for accrual purposes. For example, to simplify record keeping, a plan may designate the plan year as both the vesting and accrual computation periods. This approach would allow all record keeping to be on one period unless the plan has a service requirement for eligibility, in which case the eligibility computation period is statutorily mandated to begin with the employment commencement date determined under § 2530.202. Therefore, plans may feel compelled to use at least two computation periods, one for vesting and accrual purposes and one for eligibility purposes. The eligibility computation period may be ignored after completion of the service requirement, and the plan could then make all computations on the plan year. Of course, a plan could designate all three computation periods (eligibility, vesting and accrual) to be the 12-consecutive-month periods which begin with the employment commencement date and anniversaries thereof. This approach, however, probably will not serve the record keeping needs of most plans.

Other approaches for limiting the problems caused by a separate eligibility computation period center on easing the eligibility requirements from what is allowed by the Act. For example, a plan with no service requirement for eligibility will not be required to keep an eligibility computation period. Admitting every employee to participation on the beginning of the first plan year after commencement of employment would allow all computations to be made on the plan year.

In setting rules for computation of years of service and years of participation, an attempt has been made to provide maximum flexibility to plan administrators within the limits of fairness to employees and plan participants. A plan is not required to establish different eligibility, vesting and accrual computation periods. The Secretary recognizes that most plans will prefer to have these periods coterminous with the plan year for accounting and record keeping purposes. Some plans, however, will have peculiar problems that will be more easily resolved with the flexibility provided by three different computation periods. The potential of these periods for generating confusion among employees is offset by the protective provisions applicable to overlapping years of service or partial years of participation when changes are made in the designated computation periods.

**Section 2530.200b-2.** The basic element of creditable service under the minimum participation, vesting and benefit accrual standards of sections 202, 203, and 204 of the Act and sections 410 and 411 of the Code is the hour of service. The number of hours of service completed during a particular computation period will determine whether an employee has completed a year of service or a year of participation. Section 2530.200b-2 provides a definition of an hour of service.

The definition of an hour of service consists of a general rule and two special rules. The general rule is that an employee is credited with each hour for which he or she is directly or indirectly paid, or entitled to payment, by the employer for the performance of duties during the applicable computation period. These hours include overtime hours, but credit is only required to be given for the hours actually worked irrespective of any increase in the rate of pay for such hours. For example, if an employee works 42 hours but, because of the application of a time-and-one-half rate for hours in excess of 40, is compensated on the basis of 43 hours, the plan is not required by this rule to credit more than 42 hours.

The immediate source of the funds for payment is not determinative of whether payment is on behalf of the employer, and hours must be credited when payment is from sources such as tips by customers or a share in the proceeds of an event or a separate account maintained on behalf of the employer. The hours are to be credited in the period during which the services are performed regardless of when payment is made or due.

The first special rule provided by the regulations is that an award of backpay will result in crediting hours of service retroactively for the period or periods to which the award or agreement pertains rather than the period in which it is made. This rule flows from the principles of equity that back pay is dependent upon a showing that a person was legally entitled to have been compensated as an employee but in fact was either not employed or not fully compensated. The hours to be credited will be determined without regard to mitigation of damages for reasons such as the employee's bad faith or receipt of compensation from other sources during the period wrongfully not employed. Thus, if the award is based on 2000 hours for which the employee should have been employed but is decreased to 100 hours by reason of compensation from other sources, then the number of hours to be credited during the applicable computation period or periods is 2000.

The second special rule relates to determining whether an employee has incurred a break in service. In addition to hours for services performed, credit must be given for hours directly or indirectly paid, or payable, for reasons other than the performance of duties during the applicable computation period. These hours would include vacation, holidays, sickness, disability, paid layoff and similar paid periods of nonworking time. The immediate source of payment may be indirectly on behalf of the employer in such situations as vacation pay from a union fund when employers have contributed to the fund. In many instances these hours will have accrued in prior computation periods on the basis of performance of duties in the prior periods. Credit for these hours, however, must be given in the computation period in which they are either paid or payment should have been made and was, for whatever reasons, not made. For example, hours

of paid vacation are credited in the period during which the employee takes the hours of vacation regardless of when entitlement to them was earned. The rationale for this limit is that an employee on, for example, disability or lay-off pay during an entire computation period should not incur a break in service. On the other hand, he or she should not necessarily receive a year of service or a year of participation toward increased vesting and accrual of benefits, unless the plan chooses to provide this credit. It is recognized that many multi-employer plans may be required to institute new procedures for obtaining information about these hours. The necessary procedures, however, should not be unduly burdensome, particularly since they need not be implemented except in the case of an employee who would otherwise incur a break in service.

An explicit statement of nonintervention in rights granted by separate federal law with respect to hours of service is contained in § 2530.200b-2(c). This statement is designated to clarify that these regulations are not intended to affect the interpretation of statutes such as those providing for veteran's reemployment rights. It is anticipated, however, that section 514 of the Act will result in preemption of any state laws that would affect the hours required to be credited, such as state laws regarding jury duty.

**Section 2530.200b-3.** This section prescribes the methods by which hours of service, defined in § 2530.200b-2, are to be determined. The basic method of ascertaining the number of hours of service completed by an employee during a particular computation period is crediting the employee, on an hour for hour basis, with each hour of service actually completed. This is accomplished by keeping detailed records of hours worked and paid, as well as other hours that might be creditable to avoid a break in service. For employees who are paid on an hourly basis, this method of determination should present few problems because these records (e.g., payroll) are already being maintained. The regulations, therefore, prescribe that hours of service are to be credited to hourly employees on an hour for hour basis as determined from employment records.

Determination of hours of service for employees who are not compensated on an hourly basis, (i.e., salaried, commissioned or piece-work employees) would require, unless an alternative form of determination were provided, that records of hours be kept for these employees. Many of these employees are exempt from preexisting wage-hour laws and a new requirement that records be maintained would be unduly burdensome upon plans, if not impossible in some situations. The legislative history of the Act recognizes this difficulty and contemplates the availability of an alternative computation method.

In view of these factors the regulations provide for translating weeks of service into 40 hours of service or days into eight hours of service for nonhourly employees. Application of the equivalency

formula is limited to nonhourly employees whose hours are not required to be counted and recorded by a separate federal statute such as the Fair Labor Standards Act. Moreover, the formula must yield an equivalency of at least 1000 hours of service per computation period.

Sections 202(b)(1), 203(b)(1) and 204(b)(1)(D) of the Act and sections 410(a)(5), 411(a)(4) and 411(b)(1)(D) of the Code require, in specific instances, counting hours of service completed prior to the effective date of these provisions to compute years of service and participation for prior service. The Secretary is aware that many plans and employers have not kept records in the form now required by the Act. To alleviate this problem, the regulations prescribe that either an approximation of hours or an estimate of hours is to be made, depending upon the degree to which accessible records are capable of yielding a reliable calculation. For example, if a plan or an employer maintaining the plan has, or has access to, only the records of compensation of employees for prior years, it may make an approximation of the pre-effective date hours of service by using the hourly rate or the hours customarily worked for such compensation during the period in question. When accessible records are insufficient to yield a reliable approximation, the plan may, using whatever evidence is available, make a reasonable estimate of the hours of service completed by each employee during the particular period. The estimate may be made on the basis of a group of employees, job classification, or single employee. By making a request under section 105(a), an employee will be able to obtain a statement of past service credited and could challenge the determination through court action or the claims procedure under section 503.

**Section 2530.200b-4.** Sections 202(b) and 203(b)(3) provide rules dealing with when a plan may charge an employee with a break in service and the consequences of a break. These requirements are stated in terms of what periods of service must be counted for purposes of eligibility, vesting and, by incorporation through section 204(b)(3), accrual of benefits. The rules can be summarized as follows: A break in service is defined as a computation period during which the employee completes 500 or less hours of service. Once a participant acquires any degree of vested rights in employer contributions, a break in service means only that he or she may be required to meet the eligibility requirements under section 202(a) for reentry to the plan, at which time retroactive accrual must be granted for service completed during the eligibility waiting period. A participant with no degree of vested rights in employer contributions or an employee with prior years of service who incurs a break is subject to the "rule of parity," which allows forfeiture of prior service credit when the number of consecutive breaks equal the number of prior years of service. Finally, an employee who has prior years of service credited for eligibility to

participate in a plan which is allowed to require three years of service before participation but who has not yet become a participant, may lose all prior service credit upon incurring a break in service.

The general rules on breaks in service are contained in § 2530.200b-4. This section requires that, with one exception, breaks in service must be measured by the vesting computation period. This general rule is warranted by the implications of a break in service, which relate to the extent to which a participant is vested or has prior years of service with no degree of vesting. In the case of a participant with some degree of vesting in employer-derived accrued benefits, prior service credit is nonforfeitable and the only consequence of a break is possible suspension of participant status. To prevent possible confusion, the regulations require that breaks must be measured on the vesting computation period. In the case of an employee with prior years of service toward vesting but no degree of vested rights, for purposes of the rule of parity the prior years of service for vesting will be measured by the vesting computation period (see § 2530.203-2(d)), and the general rule requires that breaks also be measured by the vesting computation period. It would have been possible for the regulations to provide that a plan could have a separate computation period for breaks in service, but this could add unnecessary confusion and could work to the detriment of a participant. Similarly, while breaks could be measured by the accrual computation period on the condition that prior service be measured by the vesting computation period, there could be unnecessary confusion in applying this rule.

The single exception to the rule that the vesting computation period must be used to measure breaks in service relates to determining eligibility to participate. If the eligibility computation period is used to compute prior service, the plan may elect to measure breaks on the eligibility computation period. An employee may have more years for eligibility than for vesting (e.g., years completed prior to age 22). This employee would not forfeit accrued benefits until the number of consecutive breaks equals the prior years for eligibility although vesting credit may be forfeited when the number of consecutive breaks equals the employee's years of service for vesting purposes.

For the purpose of maintaining eligibility to participate (and consequent nonforfeiture of accrued benefits), the employee's prior service for eligibility may be measured by continuing the eligibility computation periods throughout or by switching to the vesting computation period when the employee first obtains eligibility to participate (§ 2530.202-2(c)(1)). The plan must use the same computation periods both for measuring prior service and for measuring breaks in service.

For purposes of determining whether a participant who has incurred a break in service completes a subsequent year of service for reentry to active participation,

the plan may treat this person as a new employee. Section 2530.200b-4(b) of the regulations requires that a reemployment commencement date be established on the first date that the employee completes an hour of service following the last break in service. The reemployment commencement date is required by section 202(b)(3) of the Act, which speaks of a year of service as defined in section 202(a)(3), which in turn speaks of a 12-consecutive-month period following commencement of employment. A new eligibility computation period, consisting of the twelve consecutive months following the reemployment commencement date, will also be established. Completion of at least 1000 hours within this period entitles the employee to resume active participation retroactively (see regulations prescribed by the Secretary of the Treasury under sections 410 and 411 of the Code). Retroactive accrual of benefits would be required if a partial year of participation is credited under the rules provided in § 2530.204-2(c) (based on the normal accrual computation period). Vesting credit will depend upon years of service completed during the normal vesting computation periods both prior to and after the break in service in question. On the other hand, failure to complete 1000 hours during the new eligibility computation period may be treated by the plan in the same fashion as failure to complete 1000 hours during the initial eligibility computation period under the rules in § 2530.202-2(b), allowing the plan to change the eligibility computation period to coincide with the plan year or begin a new eligibility computation period on the first anniversary of the reemployment commencement date.

**Section 2530.200b-6.** Sections 202(a)(3)(D), 203(b)(2)(D) and 204(b)(3)(E) of the Act and sections 410(a)(3)(D), 411(a)(5)(D) and 411(b)(2)(E) of the Code require plans covering employees in the maritime industry to count days of service rather than hours of service, with 125 days of service being equated to 1,000 hours of service. Section 2530.200b-6 defines the maritime industry and sets out the manner in which service is to be credited for employees in this industry for a particular purpose, such as a year of service for vesting and a year of participation.

The maritime industry is defined generally as that industry in which the duties of employees involve operation of any vessel operating on the various listed bodies of water. These duties must pertain to the actual operation of the vessel rather than being activities which merely involve waterborne transportation. A pilot on inland navigable waterways or a steward serving food on a vessel is engaged in the actual operation of a vessel. On the other hand, an employee whose duties require him to travel by watercraft from island to island to perform duties on the islands is not an employee in the maritime industry unless his or her duties include operation of the craft. In addition, employees performing duties on an offshore port or other similar site

such as an offshore oil tower would be

section 4 of the Act will not be within

minimum standards do not allow delay

employee has not completed other requirements, such as minimum age, for entry into the plan. Second, the shift must be

computation period used in determining a year of participation.

The function of a year of participation is the determination of a participant's benefit accrual for a particular



such as an offshore oil tower would be in the maritime industry while their counterparts on dry land would not be.

The regulations require assessing whether each individual employee is in the maritime industry and if so, require measurement of service on the basis of days of service completed during an applicable computation period rather than hours of service for each such employee. The typical situation will be that a single employer will have maritime employees who are actually engaged in the operation of vessels covered by a multiemployer plan and nonmaritime employees covered by a different plan. When a plan does cover both maritime and nonmaritime employees, the nonmaritime employees will continue to be credited with hours of service rather than days of service.

The computation periods and methods of computing years of service and years of participation for employees in the maritime industry shall be the same as for employees in other industries.

**Section 2530.200b-7.** Section 2530.200b-7 defines a day of service for the purposes of determining creditable service for employees in the maritime industry. The rules prescribed by this section are substantially identical to those prescribed in the definition of hours of service in § 2530.200b-2. Therefore, the discussion under § 2530.200b-2 is equally applicable here.

**Section 2530.200b-8.** Section 2530.200b-8 sets forth the methods of determining days of service for employees in the maritime industry. The rules in this section are substantially identical to the regulations prescribing the methods of determining hours of service prescribed in § 2530.200b-3. Therefore, the explanation under § 2530.200b-3 is equally applicable here.

These regulations divide the method of determining days of service into two categories based upon the method of compensation. For employees who are paid on a per day basis pursuant to articles, other similar employment arrangements or by custom, days of service, (including pre-effective date days of service) are to be counted and recorded in the same manner that hours of service for hourly employees are determined under § 2530.200b-3(a). Days of service for employees in the maritime industry who are not paid on a per day basis are determined on the same basis as for non-hourly employees under the rules prescribed in § 2530.200b-3(b).

**Section 2530.201.** Section 2530.201 sets forth the categories of employee benefit plans which are subject to the minimum participation, vesting, benefit accrual and other standards of part 2 of Title I of the Act. This regulation is essentially a reiteration of the statutory language of section 201 of the Act and contains no substantive provisions which are not already in the statute.

Two points should, however, be emphasized. First, coverage under section 201 of the Act and § 2530.201 is predicated upon coverage under Title I, which is stated in section 4 of the Act. Therefore, a plan which is not covered under

section 4 of the Act will not be within the coverage of section 201. Second, only employee pension benefit plans as defined in section 3(2) of the Act are covered by part 2 of Title I of the Act; employee welfare benefit plans are not. For further delineation of coverage and definitions applying to the Act generally, see Part 2510 published in the *FEDERAL REGISTER* of August 15, 1975.

**Section 2530.202.** Section 202 of the Act and section 410 of the Code prescribe a 12-month computation period for determining eligibility to participate in the plan. This eligibility computation period is used to determine whether an employee has fulfilled the service requirements for admission into the plan. It also could have a continuing use in determining whether an employee or participant with no degree of vested interest in employer-derived accrued benefits retains his or her eligibility to be a plan participant under the rule of parity (see discussion of § 2530.200b-4 above). An example of the latter situation is the case in which an employee becomes a plan participant but fails to meet the service requirements to continue participation (e.g., the employee is credited with less than 501 hours during the applicable computation period), thereby permitting the plan to disregard prior years of service under the break in service rules of the plan. Section 2530.202 states the requirements for establishing the eligibility computation periods for both initial participation in the plan and retention of eligibility to participate in the plan. The rules pertaining to actual loss of retention of eligibility to participate are established by section 202(b) of the Act and section 410(a)(5) of the Code and the regulations issued under the latter section by the Secretary of Treasury.

The eligibility computation period used to establish initial eligibility to participate in the plan shall be, for plans requiring one year of service for eligibility to participate in the plan, the 12-consecutive-month period beginning with the employment commencement date. For plans permitted by section 202(a)(1)(B)(i) of the Act and section 410(a)(1)(B)(i) of the Code to require up to three years of service for initial eligibility to participate in the plan, the eligibility computation period shall be the 12-consecutive-month period beginning with the employment commencement date and succeeding 12-consecutive-month periods beginning on the anniversaries of this date. The employment commencement date is defined as the first day in which the employee first performs an hour of service as defined by § 2530.200b-2. Thus, the employment commencement date for an employee who signed an employment contract on February 2, 1978 but did not complete an hour of service until November 3, 1978, would be November 3, 1978.

As explained in the preamble to § 2530.200b-1 (Computation Periods), the Secretary recognizes that many plans will find it awkward to use the employment commencement date as the starting date for the eligibility computation period. This is especially true because the

minimum standards do not allow delay of entry into the plan to the beginning of the next accrual computation period or plan year following completion of the eligibility requirements if that period begins more than 6 months after completion of eligibility. It is anticipated that plans will provide more favorable participation and plan entry standards in conjunction with the flexibility afforded in establishing computation periods for vesting and benefit accrual to achieve a single computation period for all purposes. An example of how this may be done is provided in the preamble to § 2530.200b-1.

In the event that an employee does not complete a year of service during the first eligibility computation period, the plan may shift the eligibility computation period to the plan year. There are, however, several requirements attached to this provision. The shift must be to the plan year that includes the last day of the 12-month eligibility computation period beginning with the employee's employment commencement date. Exercise of the option to shift in these cases must be expressed in the plan documents and must apply to all employees who fail to complete the first year of service for eligibility to participate. For plans requiring up to three years of service for eligibility to participate in the plan, this shift is available only if the employee fails to complete a year of service during the first eligibility computation period beginning on the employee's employment commencement date. Use of the plan year for this purpose is required by the statute but many plans will want to shift to the vesting computation period. This would be permitted if the vesting computation period were designated to coincide with the plan year.

For purposes of determining years of service for retention of eligibility to participate in the plan and consequent non-forfeiture of accrued benefits (see sections 204(b)(3)(A) and 202(b)(4) of the Act), plans are afforded an option to choose one of two computation periods. First, the plan may continue to measure these years of service on eligibility computation periods beginning on the employee's employment commencement date and anniversaries thereof. Plans which use computation periods beginning on specified calendar dates will find this computation period awkward to use. For example, a plan which determines vesting and benefit accrual on a calendar year basis would still be required to compute retention of eligibility to participate in the plan on different periods for different employees.

To alleviate this situation, plans may shift to the vesting computation period to determine years of service for retention of eligibility to participate in the plan. There are two primary requirements pertaining to this shift. First, the shift may be made only after the employee has completed the service requirement for initial entry into the plan. It should be noted that only the service requirements must be completed, and the shift to the vesting computation period may still be made even though the em-

ployee has not completed other requirements, such as minimum age, for entry into the plan. Second, the shift must be accomplished in the same manner that a plan amendment changing the vesting computation period would be accomplished. Thus, the vesting computation period that a plan must first use to measure continued eligibility to participate in the plan following the shift must be the vesting computation period which includes the last day of the eligibility computation period in which the employee first completes the service requirements for plan participation. This overlapping of periods is essential to assure that the employee does not lose creditable service as a result of a gap between computation periods.

**Section 2530.203.** Section 203 of the Act and section 411(a) of the Code use a "year of service" as the unit of measurement in determining the percentage of accrued benefits derived from employer contributions to which an employee must have a nonforfeitable (vested) right. Section 203(b)(2)(A) and section 411(a)(5)(A) of the Code define a year of service for this purpose as a 12-consecutive-month period designated by the plan (and not prohibited by the Secretary) during which the employee completes 1000 hours of service. Section 2530.203-2 prescribes the requirements for establishing the vesting computation period for determining years of service for vesting.

The regulations allow the plan to designate any 12-consecutive-month period as the vesting computation period. This computation period must be applied uniformly to all employees although the periods need not be identical for each employee. For example, designation of the vesting computation period as the periods between the employment commencement date and anniversaries thereof would result in different periods for different employees but would still be of uniform application. The plan is prohibited, however, from using any period that would result in artificial postponement of vesting credit, such as a period measured by anniversaries of the date four months following the employment commencement date.

A plan may be amended to change the vesting computation period to a different 12-consecutive month period. The first new vesting computation period however, must include the last day of the preceding vesting computation period. Although this will result in a limited degree of double counting of hours of service, it is designed to ensure that the employee will have all creditable service counted without a gap between computation periods.

**Section 2530.204.** Section 204 of the Act and section 411(b) of the Code contain benefit accrual requirements relating to certain employee pension benefit plans. In general, each covered employee pension benefit plan must satisfy certain benefit accrual requirements, some of which are based on years of participation. Section 2530.204-1 sets forth the requirements for establishing the accrual

computation period used in determining a year of participation.

A year of participation (for accrual purposes) differs slightly in concept from a year of service for eligibility to participate or for vesting. Under the minimum standards of sections 202 and 203 of the Act and 410(a) and 411(a) of the Code, an employee is to be credited with a full year of service upon the completion of 1,000 hours of service during either an eligibility or vesting computation period. Under section 204 of the Act and section 411(b) of the Code, however, completion of the same number of hours during an accrual computation period requires a defined benefit plan to credit the participant with at least a partial year of participation for benefit accrual. Credit for a full year of participation for accrual may be made dependent upon the participant's completion of a number of hours of service specified by the plan (such as 1,600 or 2,000) during the accrual computation period. Setting this number of hours of service for full accrual is left to the plans and is not addressed in these regulations.

The period for determining a year of participation is the accrual computation period. Unless the plan uses the alternative career method stated in § 2530.204-3, the accrual computation period shall be a 12-consecutive-month period. This period may be any 12-consecutive-month period chosen by the plan provided that the period is applied uniformly to all participants. Thus, a plan could designate an accrual computation period beginning on one specified date for determining all participants' years of participation or the plan may choose to compute years of participation on a participant-by-participant basis by designating that the accrual computation period begins with the date that the participant enters the plan and anniversaries thereof.

For purposes of applying the accrual rules of section 204(b)(1)(D) of the Act and section 411(b)(1)(D) of the Code (relating to accrual standards for defined benefit plans for pre-effective date periods), the regulations establish a method for determining the date of commencement of participation. The general rule is that the date for commencement of participation that is specified in the plan documents will be controlling. Some plan documents, however, do not establish this date. In this case, the date that the employee commenced employment covered under the plan will be presumed also to establish commencement of participation in the plan. The plan may rebut this presumption by showing from the circumstances of employment or operation of the plan that participation did not begin on the date of entry into covered service. For example, a plan may show that even though an employee entered service covered under the plan, the first three years of such service for all employees is on a part-time basis. The presumption of immediate participation in this case would be rebutted if the plan could also demonstrate that part-time employees were excluded from the plan.

The function of a year of participation is the determination of a participant's benefit accrual for a particular accrual computation period. Full accrual, as stated above, may be dependent upon the completion of a requisite number of hours, stated by the plan, during a computation period. Participants who complete at least 1000 hours of service but less than the number required for a full year of participation must be credited with at least a ratable portion of benefit accrual (section 204(b)(3)(B)). This prorata portion of benefit accrual will generally be expressed as partial years of participation. For example, a plan requires 1,800 hours of service per accrual computation period for full benefit accrual. A participant completes 1,350 hours of service during the accrual computation period. The participant is credited with three-fourths of a year of participation (1350/1800).

With many plans, prorata accrual will be built into the defined benefit formula. For example, a defined benefit formula which specifies the monthly retirement benefit to be a certain amount for each hour of service completed while the individual was a plan participant (e.g., 10 cents per hour of service) has a built-in proration effect. Proration of the benefit accrual for a computation period in which the employee failed to complete the requisite number of hours of service for full benefit accrual would result in double proration of benefit accrual. Therefore, plans that have this type of built-in proration are not permitted to prorate further on the basis of the number of hours completed during a computation period. Other plans that do not contain built-in proration will be allowed to compute partial years of participation based on the ratio between hours completed and hours required for a full year of participation.

Partial years of participation must also be computed and credited in two other situations: (1) When the employee becomes a participant or resumes active participation following a break in service on a date other than the first day of the designated accrual computation period, and (2) when the plan is amended to change accrual computation periods. In either of these situations, the plan must compute a partial year based on the hours completed in the gap before the beginning of the next accrual computation period.

The method of computing partial years of participation provided by the regulations consists of finding the percentage of a calendar year involved, using this percentage against 1000 hours to find the number of hours that must be completed during the short period, and then crediting employees who complete at least that number with a partial year of participation based on the number normally required for a full year of participation, as illustrated by the example below.

For example, assume that an employee becomes a participant on July 1, 1976 in a plan using a calendar year accrual computation period. The employee completes 750 hours of service between July 1,

1976 and December 31, 1976. The plan

these purposes: *Provided*, That the new

with the employers maintaining the plan

plan to furnish records to the plan administrator under regulations to be is-

Act of 1974 (hereinafter referred to as "the Act") contains minimum stand-

ing to minimum vesting standards) and 411(b), of the Code (relating to benefit



1976 and December 31, 1976. The plan may not disregard the hours of service because they fall short of 1000; the applicable figure, 500, is determined by multiplying 1000 hours by the percentage of a year of participation to be credited (50 percent multiplied by 1000). If the plan is allowed to prorate benefit accrual further and if the plan has set 2000 hours of service as the amount necessary for a full year of participation, the employee would be credited with 37.5 percent (750 divided by 2000) of a year of participation.

Section 2530.204-3 prescribes an alternative accrual computation method. Section 204(b)(3)(A) of the Act and section 411(b)(3)(A) of the Code define a year of participation for purposes of determining benefit accrual as a period of service "as determined under regulations prescribed by the Secretary [of labor] which provide for the calculation of such period on any reasonable and consistent basis." Unlike the year of service for eligibility to participate in the plan and for achievement of vesting, the Act does not dictate that this period be a 12-month period. Normally, a plan's year of participation (accrual computation period) will be a 12-month period. Indeed, plans which have any "back-loading" (rate of accrual of benefits increasing with length of service) must use a 12-month accrual computation period, since the benefit accrual standards pertaining to maximum back loading limits are based upon accrual in yearly increments.

There are some plans, however, which use the employee's career participation in the plan to determine benefits rather than doing so on yearly increments. Requiring these plans to shift to a 12-month accrual computation period would require them to rework their entire defined benefit formula. If these plans had no minimum service requirements for benefit accrual and no back loading, then there would be no additional protections for plan participants to be gained by requiring these changes.

The regulations provide an alternative accrual computation method which allows plans to use a participant's career participation in the plan as the accrual computation period rather than being confined to 12-month periods. Plans must meet two requirements, however, before this option is available. First, the plan must base accrual of benefits upon all the service completed by the participant during his or her career. There may be no minimum standards for any period that a participant must meet for service to be counted for benefit accrual. Second, the plan must accrue benefits at the same rate per increment of service irrespective of length of service. In other words, the plan may have no "back loading" provisions. Otherwise, the accrual rules of section 204(b)(1) of the Act and section 411(b)(1), which require accrual in 12-month increments, must be applied to determine whether the back loading remains within permissible limits. An amendment to the plan which increases benefit accrual is not "back loading" for

these purposes: *Provided*, That the new benefit accrual rate is applied equally to all participants and is in no way predicated on an advanced degree of service.

Section 2530.210. Section 202(a) of the Act requires that all service with the employer or employers maintaining the plan shall be counted for determining eligibility to participate in the plan. Similarly, section 203(b)(1) of the Act requires generally that all service with the employer or employers maintaining the plan shall be counted toward advancement on the vesting schedule, with exceptions such as for service when the employer did not maintain the plan or a predecessor plan. On the other hand, section 204(b) of the Act requires only that periods of actual participation in the plan be counted for purposes of benefit accrual. Section 210 provides rules applicable to sections 202, 203 and 204 for determining who is an "employer or employers maintaining the plan". These rules are phrased in terms of the conditions under which all employers are to be treated as a single employer in the case of multiple employer plans, controlled groups of corporations, and trades or businesses under common control. These rules are expanded upon and refined in § 2530.210 of the regulations. The general rule provided by the regulations is that the term "employer or employers maintaining the plan" shall include those employers for whom an employee has completed one or more years of service under the attribution rules contained in three separate paragraphs, (b) through (d). In the case of a multi-employer plan as defined in section 3(37) of the Act and section 414(f) of the Code, the plan shall not be required to apply the attribution rules contained in paragraphs (c) and (d) to service not otherwise attributable under paragraph (b), nor must service under the plan be attributed to other plans maintained by employers described in paragraphs (c) or (d) by operation of paragraph (b).

Paragraph (b) provides that a plan maintained by more than one employer shall be treated as if all maintaining employers constituted a single employer so long as an employee maintains continuity of either employment or plan coverage. This rule applies to both multi-employer plans and other multiple employer plans that do not meet the test for classification as multiemployer. It requires credit for participation, vesting and accrual purposes when a participant moves from one employer to another within service covered under the multiple employer plan. When an employee moves from uncovered to covered service for the same employer, past service must be credited for participation and vesting purposes but not for accrual of benefits, since section 204(b)(3) requires counting service only from the first date of participation in the plan. Similarly, when an employee moves from covered service to uncovered service for the same employer, he or she continues to receive credit toward vesting in the benefits accrued while a participant. With respect to a multiemployer plan, only service

with the employers maintaining the plan is taken into account. If, for example, one of the maintaining employers is also a member of a controlled group of corporations, service with other members of the group who are not maintaining the multiemployer plan may be disregarded. The last sentence contained in § 2530.210 (a) (1) limits double attribution in such cases.

Lack of continuity breaks the service required to be counted for the multiple employer plan, as when an employee moves from uncovered service for one employer to covered service with another employer even if both employers maintained the plan during the relevant periods. The same result is reached when the employee moves from covered service with one maintaining employer to uncovered service with another maintaining employer; in this case there is lack of continuity and the employee need not continue to vest in the accrued benefits under the plan. Moreover, service performed without the continuity described in the regulations may be treated as a break in service by the plan with the result that a participant with no degree of vested rights to employer derived contributions may forfeit credit for past service when breaks equal prior service. The continuity rules implement the statutory language of section 210(a)(2), "except that the application of any rules with respect to breaks in service shall be made under regulations prescribed by the Secretary."

Paragraph (c) provides that all employees of all corporations which are members of a controlled group of corporations (within the meaning of section 1563(a) of the Code, determined without regard to section 1563 (a) (4) & (e) (3)) shall be treated as employed by a single employer. This rule does not contemplate that employees of one member of the controlled group be treated as employees of the other members of the controlled group. Instead, all employees within the controlled group are treated as if employed by a single fictional employer which is not any one of the members of the group.

Paragraph (d) provides that under regulations prescribed by the Secretary of the Treasury, all employees or trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer. This rule is subject to the same principles and analysis as controlled groups of corporations.

The regulations contain several examples to illustrate § 2530.210.

The Secretary realizes that these rules will be difficult for many plans, particularly multiple employer plans, to apply because of record keeping problems. The most significant problems, however, can be solved through the reporting and disclosure requirements of the Act. For example, a multiemployer plan might have no knowledge of prior service when an employee moves from uncovered service into covered service with the same employer. Section 209(a)(2) requires the employer who adopts a multiemployer

plan to furnish records to the plan administrator under regulations to be issued by the Secretary. Section 105(d) requires annual reporting to plan participants of their accrued benefits by multi-employer plans only to the extent provided in regulations prescribed by the Secretary in coordination with the Secretary of the Treasury. The Secretary intends to implement these provisions with regulations easing the burden of reporting and disclosure on multiple employer plans.

Accordingly, Chapter XXV of Title 29 of the Code of Federal Regulations is amended by adding a new Subchapter C and Part 2530 which read as follows:

#### Subpart A—Scope and General Provisions

Sec.	Scope.
2530.200a	Relationship of the Act and the Internal Revenue Code of 1954.
2530.200a-1	Treasury regulations for purposes of the Act.
2530.200a-2	Labor regulations for purposes of the Internal Revenue Code of 1954.
2530.200b-1	Computation periods.
2530.200b-2	Hour of service.
2530.200b-3	Determination of hours of service.
2530.200b-4	Break in service.
2530.200b-5	Seasonal industries [Reserved].
2530.200b-6	Maritime industries.
2530.200b-7	Day of service.
2530.200b-8	Determination of days of service.
2530.201-1	Coverage; general.
2530.201-2	Plans covered by Part 2530.

#### Subpart B—Participation, Vesting and Benefit Accrual

2530.202-1	Eligibility to participate; general.
2530.202-2	Eligibility computation period.
2530.203-1	Vesting; general.
2530.203-2	Vesting computation period.
2530.203-3	Suspension of benefits upon re-employment of retiree [Reserved].
2530.204-1	Year of participation for benefit accrual; general.
2530.204-2	Accrual computation periods.
2530.204-3	Alternative computation method for accrual.
2530.204-4	Deferral of benefit accrual.

#### Subpart C—Form and Payment of Benefits

2530.205	[Reserved]
2530.206	[Reserved]

#### Subpart D—Plan Administration as Related to Benefits

2530.207	[Reserved]
2530.208	[Reserved]
2530.209	[Reserved]
2530.210	Employer or employers maintaining the plan.
2530.211	[Reserved]

AUTHORITY: Secs. 201, 202, 203, 204, 210, 505, 1011, 1012, 1014 and 1015, Pub. L. 93-406, 88 Stat. 852-862, 866-867, 894, 898-913, 924-929 (29 U.S.C. 1051-4, 1060, 1135, 26 U.S.C. 410, 411, 413, 414); Secretary of Labor's Order No. 27-74, Labor-Management Services Order No. 2-6.

#### Subpart A—Scope and General Provisions

##### § 2530.200a Scope.

§ 2530.200a-1 Relationship of the Act and Internal Revenue Code of 1954.

(a) Part 2 of Subtitle B of Title I of the Employee Retirement Income Secu-

ity Act of 1974 (hereinafter referred to as "the Act") contains minimum standards that an "employee pension benefit plan" must satisfy. Substantially identical requirements are imposed by Subchapter D of Chapter I of Subtitle A of the Internal Revenue Code of 1954 (hereinafter referred to as "the Code") for plans seeking qualification for tax benefits under the Code. In general, the Code provisions apply to "qualified" pension, profit-sharing, and stock bonus plans described in section 401(a) of the Code, annuity plans described in section 403(a) of the Code and bond purchase plans described in section 405(a) of the Code. The standards contained in Title I of the Act apply generally to both "non-qualified" and "qualified" employee pension benefit plans. The standards contained in the Act, and the related Code provisions, are "minimum" standards. In general, more liberal plan provisions (in terms of the benefit to be derived by the employee) are not prohibited.

(b) For a definition of the term "employee pension benefit plan", see section 3(2) of the Act and § 2510.3-2.

(c) For a statement of the coverage of part 2 of the Act, see sections 4 and 201 of the Act and §§ 2510.3, 2510.4, and 2530.201.

##### § 2530.200a-2 Treasury regulations for purposes of the Act.

Regulations prescribed by the Secretary of the Treasury or his delegate under sections 410 and 411 of the Code (relating to minimum standards for participation and vesting) shall apply for purposes of sections 202 through 204 of the Act. Thus, except for those provisions (such as definition of a year of service or an hour of service) for which authority to prescribe regulations is specifically delegated to the Secretary of Labor, regulations prescribed by the Secretary of the Treasury shall also be used to implement the related provisions contained in the Act. Those regulations specify the credit that must be given to an employee for years of service and years of participation completed by the employee. The allocation of regulatory jurisdiction between the Secretary of Treasury or his delegate and the Secretary of Labor is governed by Titles I through III of the Act. See section 3002 of the Act (88 Stat. 996).

##### § 2530.200a-3 Labor regulations for purposes of the Internal Revenue Code of 1954.

The Secretary of Labor is specifically authorized to prescribe certain regulations (generally relating to hour of service, year of service, break in service, year of participation and special rules for seasonal and maritime industries) applicable to both Title I of the Act and sections 410 and 411 of the Code. These regulations are contained in this Subpart (A) and Subpart B of this Part (2530) and must be integrated with regulations prescribed by the Secretary of Treasury or his delegate under sections 410 of the Code (relating to minimum participation standards), 411(a) of the Code (relat-

ing to minimum vesting standards) and 411(b) of the Code (relating to benefit accrual requirements). The allocation of regulatory jurisdiction between the Secretary of Labor and the Secretary of Treasury or his delegate is governed by Titles I through III of the Act. See section 3002 of the Act (88 Stat. 996).

##### § 2530.200b-1 Computation periods.

(a) *General*. For purposes of sections 202, 203 and 204 of the Act and sections 410 and 411 of the Code, whether an employee must be credited with a year of service, a year of participation, or a break in service depends, in general, on the number of hours of service for which the employee must be given credit in the applicable computation period. A plan must designate eligibility computation periods pursuant to § 2530.202, vesting computation periods pursuant to § 2530.203, and accrual computation periods pursuant to § 2530.204. If an employee completes 1000 hours of service during an eligibility computation period, the employee completes a year of service for purposes of section 202 of the Act and section 410 of the Code (relating to minimum participation standards). If an employee completes 1000 hours of service during a vesting computation period, then he or she completes a year of service for purposes of section 203 of the Act and section 411(a) of the Code (relating to minimum vesting standards). If an employee completes 1000 hours of service during an accrual computation period, then the employee must be given credit for at least a partial year of participation for purposes of section 204 of the Act and section 411(b) of the Code (relating to benefit accrual requirements). With respect to benefit accrual, however, the plan may not be required to credit the employee with a full year of participation and, therefore, full accrual for such year unless the employee completes the number of hours of service prescribed under the plan for completion of a full year of participation.

(b) *Rules generally applicable to computation periods*. (1) Where alternative computation periods are permitted under the Act and Subpart B, the selected alternative must be set forth in the plan documents.

(2) Employment at either the beginning or the end of an applicable computation period shall not be determinative of whether an employee has a year of service, a year of participation, or a break in service. Rather, these determinations must be made solely with reference to the number of hours of service which must be credited to the employee during the applicable computation period. Thus, for example, if an employee completes more than 1,000 hours of service during any portion of a vesting computation period, then he or she has completed a year of service for vesting purposes.

##### § 2530.200b-2 Hour of service.

(a) *General rule*. Except as otherwise provided in paragraphs (b) and (c) of this section, an hour of service which must, as a minimum, be counted for the



## RULES AND REGULATIONS

purposes of determining a year of service, a year of participation for benefit accrual, a break in service and employment commencement date under sections 202, 203 and 204 of the Act and sections 410 and 411 of the Code, is an hour of service as defined in subparagraphs (1) and (2) of this paragraph (a). The employer may round up hours at the end of a computation period or more frequently.

(1) An hour of service is each hour for which an employee is directly or indirectly paid, or entitled to payment, by the employer for the performance of duties during the applicable computation period. These hours shall be credited to the employee for the computation period or periods in which the duties were performed.

(2) An hour of service is each hour for which back pay, irrespective of mitigation of damages, has been either awarded or agreed to by the employer. These hours shall be credited to the employee for the computation period or periods to which the award or agreement pertains rather than the computation period in which the award, agreement or payment is made. Hours shall not be credited under both paragraphs (a) (1) and (2) of this section. Thus, for example, an employee who receives a back pay award following a determination that he or she was paid at an unlawful rate for hours of service previously credited will not be entitled to additional credit for the same hours of service.

(b) *Special rule for break in service purposes.* (1) Solely for the purposes of determining whether an employee has incurred a break in service under sections 202, 203 and 204 of the Act and sections 410 and 411 of the Code, an hour of service is, in addition to hours of service as defined in paragraph (a) of this section each hour for which an employee is directly or indirectly paid, or entitled to such payment, by the employer for reasons (such as vacation, sickness or disability) other than for the performance of duties during the applicable computation period. For purposes of this paragraph (b), irrespective of whether these hours have accrued in other computation periods, these hours shall be counted in the computation period in which either payment is actually made or amounts payable to the employee come due. Thus, an employee who does not perform duties during a computation period because of a prolonged illness which is compensable by sick pay, whether previously or currently accrued, would be credited currently with hours of service for the purpose of determining whether the employee incurs a break in service, irrespective of whether the sick pay is actually paid.

(2) For purposes of this paragraph hours of service shall be determined by dividing the payments received or due for reasons other than the performance of duties by the lesser of

(i) the employee's most recent hourly rate of compensation for the performance of duties; or

(ii) the employee's average hourly rate of compensation for the performance of duties for the most recent computation period in which the employee completed more than 500 hours of service.

(3) Examples. (i) Employee A's rate of compensation immediately prior to going on vacation leave was 5 dollars per hour. Employee A was on vacation for 8 weeks and received 1,600 dollars. Employee A is to be credited with 320 hours of service for these weeks for the purpose of determining a break in service (1,600 dollars divided by 5 dollars per hour).

(ii) Employee B became disabled on the first day of the 1979 computation period and was given a lump sum disability payment of 3,600 dollars for the period. Employee B's rate of compensation immediately before becoming disabled was 4 dollars an hour. However, during the 1978 computation period, employee B worked 1500 hours with an average rate of compensation (excluding overtime rate) of 3 dollars an hour. Employee B is credited with 1200 hours of service for the purpose of determining a break in service (3,600 dollars disability pay divided by 3 dollars per hour). The plan, however, need not credit these hours of service for purposes of determining the completion of a year of service for eligibility or vesting or a year of participation for benefit accrual.

(c) *Other federal law.* Nothing in this section shall be construed to alter, amend, modify, invalidate, impair or supersede any law of the United States or any rule or regulation issued under any such law. Thus, for example, nothing in this section shall be construed as denying an employee credit for an "hour of service" if credit is required by separate federal law. Furthermore, the nature and extent of such credit shall be determined under such law.

(d) *Examples.* (1) During a computation period, an employee was paid for working 38 1/4 hours a week for 45 weeks. During the remaining 7 weeks of the computation period the employee was not employed by this employer. The employee completed 1721 1/4 hours of service (45 weeks worked multiplied by 38 1/4 hours a week). The employer may also round up hours at the end of the computation period or more frequently. Thus, this employee could be credited with 1722 hours of service or with 1755 hours of service (39 hours per week if the employer rounded up at the end of each week).

(2) During a computation period, an employee was paid for a work week of 40 hours a week for 40 weeks and, including overtime, for working 50 hours a week for 8 weeks. The employee completed 2000 hours of service (40 weeks worked multiplied by 40 hours a week, plus 8 weeks worked multiplied by 50 hours a week).

(3) During a computation period, an employee was paid for working 40 hours a week for 2 weeks and then became disabled. The employer maintained a disability bene-

fit plan which paid the employee 80 per cent of compensation for the remaining 50 weeks of the computation period. For purposes of determining whether the employee completed a year of service for participation or vesting, or a year of participation for benefit accrual, the employee completed 80 hours of service during the computation period (2 weeks worked multiplied by 40 hours a week). For purposes of determining whether the employee incurred a break in service, the employee completed 1680 hours of service (2 weeks worked multiplied by 40 hours a week, plus 50 weeks for which disability compensation was made multiplied by 32 hours a week).

(4) During a computation period, an employee worked 40 hours a week for the first 2 weeks. The employee then began serving on active duty in the Armed Forces of the United States, which service occupied the remaining fifty weeks of the computation period. The employee would be credited with 80 hours (2 weeks worked multiplied by 40 hours) plus such credit as may be prescribed by separate Federal laws relating to military service. The nature and extent of the credit that the employee receives upon his return and the purpose for which such credit is given, e.g. the percentage of his or her accrued benefits derived from employer contributions which are nonforfeitable (or vested), will depend upon the interpretation of the federal law governing veterans' reemployment rights.

§ 2530.200b-3 Determination of hours of service.

(a) *General rule.* For the purpose of determining an employee's creditable service, hours of service shall be ascertained from the records of hours worked or hours for which payment is made or owing. Any records, such as payroll records, which accurately reflect hours of service may be used to determine the hours of service for a particular employee for the applicable computation period or periods. The plan need not prescribe in its documents which records are to be used to determine an hour of service.

(b) *Alternative method of determination for nonhourly employees.* (1) Except as provided in subparagraph (2) of this paragraph, a plan may use an alternative method of computing hours of service. Under this alternative, a plan need not determine hours of service from employment records as required in paragraph (a) of this section if the plan credits each employee with 40 hours of service per week (or 8 hours of service per day) in which the employee would be credited with hours of service pursuant to § 2530.200b-2.

(2) Use of the alternative method of determination of hours of service specified in subparagraph (1) of this paragraph—

(i) Is limited to determining hours of service for employees, such as salaried employees or employees compensated on a commission or piece-work basis, whose compensation is not determined on the

basis of certain amounts for each hour worked during a given period;

(ii) Is permitted only if each employee for whom the alternative is applied is credited with no less than 1,000 hours of service per computation period; and

(iii) Is prohibited with respect to any employees whose hours are required to be counted and recorded by any other federal law, such as the Fair Labor Standards Act.

(c) *Determination of pre-effective date hours of service.* For purposes of determining hours of service completed prior to the effective date of Part 2 (see section 211 of the Act), a plan may use whatever records may be reasonably accessible to it and may make whatever calculations are necessary to determine the approximate number of hours of service completed during such prior period or periods. For example, if a plan or an employer maintaining the plan has, or has access to, only the records of compensation of employees for prior years, it may derive the pre-effective date hours of service by using the hourly rate for the period or the hours customarily worked during such compensation period. If accessible records are insufficient to make an approximation of the number of pre-effective date hours of service for a particular employee or group of employees, the plan may make a reasonable estimate of the hours of service completed by such employee or employees during the particular period. For example, if records are available with respect to some employees, the plan may estimate the hours of other employees in the same job classification based on these records.

§ 2530.200b-4 Break in service.

(a) *Computation period.* (1) For purposes of sections 202(b), 203(b)(3) and 204(b)(3)(A) of the Act and sections 410(a)(5), 411(a)(6) and 411(b)(3)(A) of the Code, a plan may charge an employee with a break in service for a computation period or periods if the employee fails to complete more than 500 hours of service or, in the case of any maritime industry, 62 days of service in such period or periods.

(2) Except as provided in subparagraph (3) of this paragraph, the computation period that a plan must use in determining whether an employee may be charged with a break in service shall be the vesting computation period designated by the plan in accordance with § 2530.203.

(3) For purposes of determining a non-participant employee's eligibility to participate in the plan under section 202(a)(1) of the Act and section 410(a)(3)(A) of the Code, if the plan measures prior service by the eligibility computation periods (see § 2530.202(d)(1)), the computation period for determining breaks in service must be the eligibility computation periods designated by the plan in accordance with § 2530.202.

(b) *Service following a break in service.* (1) (i) For purposes of section 202(b)(3) of the Act and section 410(a)(5), (C) of the Code (relating to the completion of a year of service for eligibility

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following a break in service), a year of service shall be determined in the same manner that a year of service is determined under § 2530.202 (years of service for eligibility to participate in the plan) for employees having no prior service with the employer. For purposes of section 202(b)(3) of the Act, section 410(a)(5)(C) of the Code and § 2530.202, determination of a reemployment commencement date pursuant to section 202(a)(3)(A) of the Act and section 410(a)(3)(A) of the Code as incorporated into section 202(b)(3) of the Act and section 410(a)(5)(C) of the Code (year of service for eligibility to participate) shall be made with reference to the first date on which the employee completes an hour of service following the last computation period in which a break in service occurred.

(ii) For purposes of section 203(b)(3)(B) of the Act and section 411(a)(6)(B) of the Code (relating to the completion of a year of service for vesting following a break in service), a year of service shall be determined in the same manner that a year of service is determined under § 2530.203 (years of service for vesting) for employees having no prior service with the employer.

(2) For example, employer X maintains a pension plan which uses a calendar year vesting computation period. Employee A commenced employment with employer X on January 1, 1976 and completes a year of service for eligibility to participate and vesting in both the 1976 and 1977 computation periods. Employee A becomes a participant in the plan on January 1, 1977. Employee A terminates employment with employer X on November 3, 1977, completes no hours of service in 1978, incurring a break in service, and is reemployed by X on June 1, 1979. The employee completes 800 hours of service during the remainder of 1979 and 600 hours of service from January 1, 1980 through May 31, 1980. Employee A's reemployment commencement date is June 1, 1979. By June 1, 1980, the employee has completed a year of service during the 12-consecutive-month period following his return and would receive credit for his or her pre-break service under sections 410 and 411 of the Code and regulations thereunder. The plan is not, however, required to credit the employee with a year of service for vesting during 1979 because he or she failed to complete 1,000 hours of service during that vesting computation period. Assuming A completed 400 or more hours of service from June 1, 1980 to December 31, 1980, then A would be credited with one year of service for vesting purposes completed during the 1980 vesting computation period. Pursuant to § 2530.203-2(b), A would receive credit for a year of service even if he or she completed less than 400 hours after May 31, 1980.

(c) *Prior service for eligibility to participate.* For rules relating to computing service preceding a break in service for the purpose of eligibility to participate in the plan, see § 2530.202-2(c).

(d) *Prior service for vesting.* For rules relating to computing service preceding

a break in service for the purpose of credit toward vesting, see § 2530.203-2(d).

§ 2530.200b-5 Seasonal industries. [Reserved]

§ 2530.200b-6 Maritime industries.

(a) *Definition.* For purposes of sections 202, 203, and 204 of the Act and sections 410 and 411 of the Code, the maritime industry is that industry in which employees are engaged in the operation of commercial, exploratory, service or other vessels on the high seas, inland waterways, Great Lakes, coastal zones, harbors and noncontiguous areas, or performing duties on offshore ports, platforms or other similar sites.

(b) *Computation periods.* For employees in a maritime industry, computation periods shall be established as for employees in any other industry.

(c) *Year of service.* To the extent that a plan covers employees engaged in a maritime industry, those employees so engaged who complete 125 days of service in the applicable computation period must be credited with a year of service. Other employees shall have their service computed on the basis of hours of service.

(d) *Year of participation for benefit accrual.* To the extent that a plan covers employees engaged in a maritime industry, those employees so engaged who complete 125 days of service in the applicable computation period must be credited with at least a partial year of participation for accrual purposes. The method of computing partial years of participation specified in § 2530.204-2(c) shall be applied as if one day of service equaled eight hours of service. Thus, 125 days of service shall be equal to 1,000 hours of service. Employees who are not engaged in the maritime industry shall have their service computed on the basis of hours of service.

§ 2530.200b-7 Day of service for employees in the maritime industry.

(a) *General rule.* Except as otherwise provided in paragraphs (b) and (c) of this section, a day of service in the maritime industry which must, as a minimum, be counted for the purposes of determining a year of service, a year of participation for benefit accrual, a break in service and employment commencement date under section 202, 203 and 204 of the Act and sections 410 and 411 of the Code, is a day of service as defined in subparagraphs (1) and (2) of this paragraph (a).

(1) A day of service is each day for which an employee is directly or indirectly paid, or entitled to such payment, by the employer for the performance of duties during the applicable computation period. These days shall be credited to the employee for the computation period or period in which the duties were performed.

(2) A day of service is each day for which back pay, irrespective of mitigation of damages, has been either awarded or agreed to by the employer. These days shall be credited to the employee for the computation period or periods to which

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the award or agreement pertains rather whose compensation is determined on a § 2530.201-2 Plans Covered by Part 2530.

hour of service for an employer maintaining the plan. (For establishment of each pension benefit plan subject to section 203 of the Act or section 411(a) of

(c) *Amendments to change the vesting computation period.* (1) A plan may



the award or agreement pertains rather than the computation period in which the award, agreement or payment is made. Days shall not be credited under both subparagraph (1) and this subparagraph (2) of this paragraph. Thus, an employee who receives a back pay award following a determination that he or she was paid at an unlawful rate for days of service previously credited will not be entitled to additional credit for the same days of service.

(b) *Special rule for break in service purposes.* (1) Solely for the purposes of determining whether an employee has incurred a break in service under sections 202, 203 and 204 of the Act and sections 410 and 411 of the Code, a day of service is, in addition to days of service as defined in paragraph (a) of this section, each day for which an employee is directly or indirectly paid, or entitled to such payment, by the employer for reasons (such as vacation, sickness or disability) other than for the performance of duties during the applicable computation period. For purposes of this paragraph (b), irrespective of whether these days have accrued in other computation periods, these days shall be counted in the computation period in which either payment is actually made or the amounts payable to the employee come due. Thus, an employee who does not perform duties during a computation period because of a prolonged illness which is compensable by sick pay, whether previously or currently accrued, would be credited currently with days of service for the purpose of determining whether the employee incurs a break in service, irrespective of whether the sick pay is actually paid.

(2) For employees in the maritime industry receiving payments for reasons other than performance of duties, days of service shall be determined by dividing the total of such payments during the computation period by the lesser of:

(i) The employee's most recent daily rate of compensation for the performance of duties; or

(ii) The employee's average daily rate of compensation for the performance of duties for the most recent computation period in which the employee completed more than 62 days of service for the performance of duties.

(3) For employees in the maritime industry who are paid on a nondaily basis, hours of service shall be determined under § 2530.200b-2(b)(2).

(c) *Other federal law.* Nothing in this section shall be construed to alter, amend, modify, invalidate, impair or supersede any law of the United States or any rule or regulation issued under any such law. Thus, for example, nothing in this section shall be construed as denying an employee credit for any "day of service" if credit is required by separate federal law. Furthermore, the nature and extent of such credit shall be determined under such law.

§ 2520.200b-3 *Determination of days of service.*

(a) *Determination for daily employees.* In the maritime industry, for employees

whose compensation is determined on a per day basis pursuant to articles (or other similar contracts or agreements) or by custom, days of service shall be determined from the records of days worked or days for which payment is made or owing. Any records, such as payroll records, which accurately reflect days of service, may be used to determine the days of service for a particular employee for the applicable computation period or periods. The plan need not prescribe in its documents which records are to be used to determine a day of service.

(b) *Determination for nondaily employees.* For maritime employees whose compensation is not determined on the basis of certain amounts for each day worked during a given period service shall be credited on the basis of hours of service as determined in accordance with (and for the same purposes as) § 2530.200b-3.

(c) *Determination of pre-effective date days of service.* For purposes of determining days of service completed prior to the effective date of Part 2 (see section 211 of the Act), a plan may use whatever records may be reasonably accessible to it and may make whatever calculations are necessary to determine the approximate days of service completed during such prior period or periods. For example, if a plan or an employer maintaining the plan has, or has access to, only the records of compensation of employees for prior years, it may derive the pre-effective date days of service by using the daily rate for the period or the days customarily worked for such compensation are insufficient to make an approximation of the number of pre-effective days of service for a particular employee or group of employees, the plan may make a reasonable estimate of the days of service completed by such employee or employees during the particular period. For example, if records are available with respect to some employees, the plan may estimate the days of other employees in the same job classification based on those records.

§ 2530.201-1 *Coverage; General.*

Coverage of the provisions of Part 2 of Subtitle B of Title I of the Act is determined under a multiple step process. First, the plan must be an employee benefit plan as defined under section 3(3) of the Act and § 2510.3-3. (See also the definitions of employee welfare benefit plan, section 3(1) of the Act and § 2510.3-1 and employee pension benefit plan, section 3(2) of the Act and § 2510.3-2). Second, the employee benefit plan must be subject to Title I of the Act. Coverage for Title I is specified in section 4 of the Act and the regulations thereunder. Third, section 201 of the Act specifies the employee benefit plans subject to Title I which are not subject to the minimum standards of Part 2 of Subtitle B, of Title I of the Act. Section 2530.201-2 specifies the employee benefit plans subject to Title I of the Act which are exempted from coverage under Part 2 of Title I of the Act and this Part (2530).

§ 2530.201-2 *Plans Covered by Part 2530.*

This part (2530) shall apply to any employee benefit plan described in section 4(a) of the Act (and not exempted under section 4(b)) other than—

(a) An employee welfare benefit plan as defined in section 3(1) of the Act and § 2510.3-1;

(b) A plan which is unfunded and is maintained by an employer primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees;

(1) [Reserved]

(2) [Reserved]

(c) A plan established and maintained by a society, order, or association described in section 501(c)(8) or (9) of the Code, if no part of the contributions to or under such plan are made by employers of participants in such plan;

(d) A trust described in section 501(c)(18) of the Code;

(e) A plan which is established and maintained by a labor organization described in section 501(c)(5) of the Code and which does not at any time after the date of enactment of the Act provide for employer contributions;

(f) Any agreement providing payments to a retired partner or a deceased partner's successor in interest, as described in section 736 of the Code;

(g) An individual retirement account or annuity described in section 408 of the Code, or a retirement bond described in section 409 of the Code;

(h) An excess benefit plan as described in section 3(36) of the Act.

Subpart B—Participation, Vesting and Benefit Accrual

§ 2530.202-1 *Eligibility to participate; general.*

(a) Section 202 of the Act and section 410 of the Code contain minimum participation standards relating to certain employee pension benefit plans. In general, no employee pension benefit plan may require, as a condition of participation in the plan, that an employee complete a period of service with the employer or employers maintaining the plan in excess of limits establishing by section 202 of the Act and section 410 of the Code and the regulations issued thereunder. Service for this purpose is measured in terms of years of service. This section sets forth the computation periods used to determine whether an employee has completed a year of service for participation purposes.

(b) For rules relating to "service with the employer or employers maintaining the plan", see § 2530.210.

§ 2530.202-2 *Eligibility computation period.*

(a) *Initial period.* (1) For purposes of section 202(a)(1)(A)(ii) of the Act and section 410(a)(1)(A)(ii) of the Code, the eligibility computation period the plan must use initially is the 12-consecutive-month period beginning with the employment commencement date. The employment commencement date is the date on which the employee first performs an

hour of service for an employer maintaining the plan. (For establishment of a reemployment commencement date following a break in service, see § 2530.200b-4(b)(1).)

(2) For purposes of section 202(a)(1)(B)(i) and section 410(a)(1)(B)(i) of the Code, the eligibility computation periods the plan must use initially to measure completion of years of service are

(i) the 12-consecutive-month period beginning with the employment commencement date and

(ii) the succeeding 12-consecutive-month periods beginning on the anniversaries of the employment commencement date.

(b) *Failure to Complete 1000 Hours of Service in Initial Period.* In the event that an employee fails to complete 1,000 hours of service in the 12 consecutive months beginning with the employment commencement date, a plan may use either of the following eligibility computation periods to measure completion of years of service:

(1) The 12-consecutive-month period beginning with the first anniversary of the employment commencement date, and, where additional computation periods are necessary, the 12 "consecutive" month periods beginning on succeeding anniversaries of the employment commencement date; or

(2) The plan year which includes the first anniversary of the employment commencement date, and, where additional eligibility computation periods are necessary, succeeding plan years.

(c) *Service prior to a break in service.* (1) For purposes of applying section 202(b)(4) of the Act and section 410(a)(5)(D) of the Code (relating to years of service completed prior to a break in service for eligibility to participate in the plan), the computation periods used by a plan in computing the years of service before such break may be either:

(i) The eligibility computation periods beginning at the employee's employment commencement date or

(ii) the eligibility computation period or periods prior to the time that the employee has met the service requirement of the plan plus all vesting computation periods beginning with the vesting computation period which includes the date on which the employee completes the service requirement of the plan.

(2) For purposes of shifting to the vesting computation period in paragraph (c)(1)(i) of this section, the shift must be made in the same manner as that prescribed by § 2530.203-2(c) for changes in vesting computation periods.

(3) For applying the break in service rules of section 202(b)(4) of the Act and section 410(a)(5)(D) of the Code, the plan must use the same computation periods for measuring breaks in service that it uses for measuring prior service for purposes of eligibility to participate.

§ 2530.203-1 *Vesting; general.*

(a) Section 203 of the Act and section 411(a) of the Code contain minimum vesting standards relating to certain employee pension benefit plans. In general,

each pension benefit plan subject to section 203 of the Act or section 411(a) of the Code must meet several requirements relating to an employee's nonforfeitable (vested) right to his or her normal retirement benefit. One of these requirements specifies that an employee's right to his or her accrued benefit derived from employer contributions must be nonforfeitable in accordance with certain schedules. The schedules (or alternative minimum standards) are based on years of service with the employer or employers maintaining the plan. This section sets forth the computation periods used to determine whether an employee has completed a year of service for vesting purposes.

(b) For rules relating to "service with the employer or employers maintaining the plan", see § 2530.210.

§ 2530.203-2 *Vesting computation period.*

(a) *Designation of vesting computation periods.* A plan may designate any 12-consecutive-month period as the vesting computation period that it will use to measure completion of years of service for the purpose of determining the percentage of accrued benefits derived from employer contributions to which a participant has a nonforfeitable right. The period so designated must apply equally to all participants. This requirement may be satisfied even though the actual time periods are not the same for all employees (e.g., if the designated vesting computation period is the 12-consecutive-month period beginning on the employee's employment commencement date and anniversaries of that date). The plan is prohibited, however, from using any period that would result in artificial postponement of vesting credit, such as a period measured by anniversaries of the date four months following the employment commencement date.

(b) *Special rule for overlapping periods.* In any case in which (1) an employee's eligibility computation period for a plan requiring one year of service for eligibility to participate overlaps two vesting computation periods, (2) an employee completes 1000 hours of service in the eligibility computation period but fails to complete 1000 hours in either of the overlapped vesting computation periods, and (3) the employee is admitted to participation in the plan, the year of service completed for eligibility to participate shall also be considered a year of service for vesting purposes at the time the employee becomes a participant. For example, assume that a plan uses a vesting computation period of April 1 to March 31. An employee with an employment commencement date of July 1, 1980 completes 800 hours by March 31, 1981 and 300 hours from April 1 to June 30, 1981 (completing a year of service for eligibility). Assume that the plan year begins September 1, at which time the employee becomes a participant. Even if the employee fails to complete at least 700 additional hours by March 31, 1982 (the end of the next vesting computation period), he or she must nevertheless be credited with a year of service for vesting purposes.

(c) *Amendments to change the vesting computation period.* (1) A plan may be amended to change the vesting computation period to a different 12-consecutive-month period. The first new vesting computation period must begin before the last day of the preceding vesting computation period. For example, a plan which has been using a calendar year vesting computation period is amended to provide a July 1-June 30 period starting in 1977. Employees who complete more than 1,000 hours of service in each of the 12-month periods, January 1, 1977 to December 31, 1977 and July 1, 1977 to June 30, 1978, must be advanced two years on the vesting schedule.

(2) For additional requirements pertaining to changes in the vesting schedule, see section 203(c)(1) of the Act and section 411(a)(10) of the Code and the regulations issued thereunder.

(d) *Service preceding a break in service.* For purposes of applying section 203(b)(3)(D) of the Act and section 411(a)(6)(D) of the Code, (relating to counting years of service before a break in service for vesting purposes), the computation periods used by the plan in computing years of service before such break must be the vesting computation periods. (For application of the break in service rules, see section 203(b)(3)(D) and section 411(a)(6)(D) of the Code and regulations issued thereunder.)

§ 2530.203-3 *Suspension of benefits upon reemployment of retirees.* [Reserved]

§ 2530.204-1 *Year of participation for benefit accrual; general.*

Section 204 of the Act and section 411(b) of the Code contain benefit accrual requirements relating to certain employee pension benefit plans. In general, each covered employee pension benefit plan must satisfy certain benefit accrual requirements, some of which are based on years of participation. This section sets forth the computation periods for determining a year of participation for benefit accrual.

§ 2530.204-2 *Accrual computation period.*

(a) *Designation of accrual computation periods.* An employee pension benefit plan may designate any 12-consecutive-month period as the accrual computation period except that the period so designated must apply equally to all participants. This requirement may be satisfied even though the actual time periods are not the same for all participants. For example, the accrual computation period may be designated as the vesting computation period, the plan year, or the 12-consecutive-month period beginning on either of two semiannual dates designated for entry to participation under the plan. Plans choosing to have one fixed annual computation period may be required (1) to admit participants retroactively on completion of the service requirements for eligibility (see section 202(a)(4) of the Act and section 410(a)(4) of the Code) or (2) to credit a partial year of participation under § 2530.204-2(c).

(b) *Participation prior to effective date.* (1) For purposes of applying section 204(b)(3)(C) of the Act and section 411(b)(3)(C) of the Code, all years of service with the employer or employers maintaining the plan shall be the same as in

each pension benefit plan subject to section 203 of the Act or section 411(a) of the Code must meet several requirements relating to an employee's nonforfeitable (vested) right to his or her normal retirement benefit. One of these requirements specifies that an employee's right to his or her accrued benefit derived from employer contributions must be nonforfeitable in accordance with certain schedules. The schedules (or alternative minimum standards) are based on years of service with the employer or employers maintaining the plan. This section sets forth the computation periods used to determine whether an employee has completed a year of service for vesting purposes.

(b) For rules relating to "service with the employer or employers maintaining the plan", see § 2530.210.

§ 2530.203-2 *Vesting computation period.*

(a) *Designation of vesting computation periods.* A plan may designate any 12-consecutive-month period as the vesting computation period that it will use to measure completion of years of service for the purpose of determining the percentage of accrued benefits derived from employer contributions to which a participant has a nonforfeitable right. The period so designated must apply equally to all participants. This requirement may be satisfied even though the actual time periods are not the same for all employees (e.g., if the designated vesting computation period is the 12-consecutive-month period beginning on the employee's employment commencement date and anniversaries of that date). The plan is prohibited, however, from using any period that would result in artificial postponement of vesting credit, such as a period measured by anniversaries of the date four months following the employment commencement date.

(b) *Special rule for overlapping periods.* In any case in which (1) an employee's eligibility computation period for a plan requiring one year of service for eligibility to participate overlaps two vesting computation periods, (2) an employee completes 1000 hours of service in the eligibility computation period but fails to complete 1000 hours in either of the overlapped vesting computation periods, and (3) the employee is admitted to participation in the plan, the year of service completed for eligibility to participate shall also be considered a year of service for vesting purposes at the time the employee becomes a participant. For example, assume that a plan uses a vesting computation period of April 1 to March 31. An employee with an employment commencement date of July 1, 1980 completes 800 hours by March 31, 1981 and 300 hours from April 1 to June 30, 1981 (completing a year of service for eligibility). Assume that the plan year begins September 1, at which time the employee becomes a participant. Even if the employee fails to complete at least 700 additional hours by March 31, 1982 (the end of the next vesting computation period), he or she must nevertheless be credited with a year of service for vesting purposes.

(c) *Amendments to change the vesting computation period.* (1) A plan may be amended to change the vesting computation period to a different 12-consecutive-month period. The first new vesting computation period must begin before the last day of the preceding vesting computation period. For example, a plan which has been using a calendar year vesting computation period is amended to provide a July 1-June 30 period starting in 1977. Employees who complete more than 1,000 hours of service in each of the 12-month periods, January 1, 1977 to December 31, 1977 and July 1, 1977 to June 30, 1978, must be advanced two years on the vesting schedule.

(2) For additional requirements pertaining to changes in the vesting schedule, see section 203(c)(1) of the Act and section 411(a)(10) of the Code and the regulations issued thereunder.

(d) *Service preceding a break in service.* For purposes of applying section 203(b)(3)(D) of the Act and section 411(a)(6)(D) of the Code, (relating to counting years of service before a break in service for vesting purposes), the computation periods used by the plan in computing years of service before such break must be the vesting computation periods. (For application of the break in service rules, see section 203(b)(3)(D) and section 411(a)(6)(D) of the Code and regulations issued thereunder.)

§ 2530.203-3 *Suspension of benefits upon reemployment of retirees.* [Reserved]

§ 2530.204-1 *Year of participation for benefit accrual; general.*

hour of service for an employer maintaining the plan. (For establishment of a reemployment commencement date following a break in service, see § 2530.200b-4(b)(1).)

(2) For purposes of section 202(a)(1)(B)(i) and section 410(a)(1)(B)(i) of the Code, the eligibility computation periods the plan must use initially to measure completion of years of service are

(i) the 12-consecutive-month period beginning with the employment commencement date and

(ii) the succeeding 12-consecutive-month periods beginning on the anniversaries of the employment commencement date.

(b) *Failure to Complete 1000 Hours of Service in Initial Period.* In the event that an employee fails to complete 1,000 hours of service in the 12 consecutive months beginning with the employment commencement date, a plan may use either of the following eligibility computation periods to measure completion of years of service:

(1) The 12-consecutive-month period beginning with the first anniversary of the employment commencement date, and, where additional computation periods are necessary, the 12 "consecutive" month periods beginning on succeeding anniversaries of the employment commencement date; or

(2) The plan year which includes the first anniversary of the employment commencement date, and, where additional eligibility computation periods are necessary, succeeding plan years.

(c) *Service prior to a break in service.* (1) For purposes of applying section 202(b)(4) of the Act and section 410(a)(5)(D) of the Code (relating to years of service completed prior to a break in service for eligibility to participate in the plan), the computation periods used by a plan in computing the years of service before such break may be either:

(i) The eligibility computation periods beginning at the employee's employment commencement date or

(ii) the eligibility computation period or periods prior to the time that the employee has met the service requirement of the plan plus all vesting computation periods beginning with the vesting computation period which includes the date on which the employee completes the service requirement of the plan.

(2) For purposes of shifting to the vesting computation period in paragraph (c)(1)(i) of this section, the shift must be made in the same manner as that prescribed by § 2530.203-2(c) for changes in vesting computation periods.

(3) For applying the break in service rules of section 202(b)(4) of the Act and section 410(a)(5)(D) of the Code, the plan must use the same computation periods for measuring breaks in service that it uses for measuring prior service for purposes of eligibility to participate.

§ 2530.203-1 *Vesting; general.*

(a) Section 203 of the Act and section 411(a) of the Code contain minimum vesting standards relating to certain employee pension benefit plans. In general,

each pension benefit plan subject to section 203 of the Act or section 411(a) of the Code must meet several requirements relating to an employee's nonforfeitable (vested) right to his or her normal retirement benefit. One of these requirements specifies that an employee's right to his or her accrued benefit derived from employer contributions must be nonforfeitable in accordance with certain schedules. The schedules (or alternative minimum standards) are based on years of service with the employer or employers maintaining the plan. This section sets forth the computation periods used to determine whether an employee has completed a year of service for vesting purposes.

(b) For rules relating to "service with the employer or employers maintaining the plan", see § 2530.210.

§ 2530.203-2 *Vesting computation period.*

(a) *Designation of vesting computation periods.* A plan may designate any 12-consecutive-month period as the vesting computation period that it will use to measure completion of years of service for the purpose of determining the percentage of accrued benefits derived from employer contributions to which a participant has a nonforfeitable right. The period so designated must apply equally to all participants. This requirement may be satisfied even though the actual time periods are not the same for all employees (e.g., if the designated vesting computation period is the 12-consecutive-month period beginning on the employee's employment commencement date and anniversaries of that date). The plan is prohibited, however, from using any period that would result in artificial postponement of vesting credit, such as a period measured by anniversaries of the date four months following the employment commencement date.

(b) *Special rule for overlapping periods.* In any case in which (1) an employee's eligibility computation period for a plan requiring one year of service for eligibility to participate overlaps two vesting computation periods, (2) an employee completes 1000 hours of service in the eligibility computation period but fails to complete 1000 hours in either of the overlapped vesting computation periods, and (3) the employee is admitted to participation in the plan, the year of service completed for eligibility to participate shall also be considered a year of service for vesting purposes at the time the employee becomes a participant. For example, assume that a plan uses a vesting computation period of April 1 to March 31. An employee with an employment commencement date of July 1, 1980 completes 800 hours by March 31, 1981 and 300 hours from April 1 to June 30, 1981 (completing a year of service for eligibility). Assume that the plan year begins September 1, at which time the employee becomes a participant. Even if the employee fails to complete at least 700 additional hours by March 31, 1982 (the end of the next vesting computation period), he or she must nevertheless be credited with a year of service for vesting purposes.

(c) *Amendments to change the vesting computation period.* (1) A plan may be amended to change the vesting computation period to a different 12-consecutive-month period. The first new vesting computation period must begin before the last day of the preceding vesting computation period. For example, a plan which has been using a calendar year vesting computation period is amended to provide a July 1-June 30 period starting in 1977. Employees who complete more than 1,000 hours of service in each of the 12-month periods, January 1, 1977 to December 31, 1977 and July 1, 1977 to June 30, 1978, must be advanced two years on the vesting schedule.

(2) For additional requirements pertaining to changes in the vesting schedule, see section 203(c)(1) of the Act and section 411(a)(10) of the Code and the regulations issued thereunder.

(d) *Service preceding a break in service.* For purposes of applying section 203(b)(3)(D) of the Act and section 411(a)(6)(D) of the Code, (relating to counting years of service before a break in service for vesting purposes), the computation periods used by the plan in computing years of service before such break must be the vesting computation periods. (For application of the break in service rules, see section 203(b)(3)(D) and section 411(a)(6)(D) of the Code and regulations issued thereunder.)

§ 2530.203-3 *Suspension of benefits upon reemployment of retirees.* [Reserved]

§ 2530.204-1 *Year of participation for benefit accrual; general.*

Section 204 of the Act and section 411(b) of the Code contain benefit accrual requirements relating to certain employee pension benefit plans. In general, each covered employee pension benefit plan must satisfy certain benefit accrual requirements, some of which are based on years of participation. This section sets forth the computation periods for determining a year of participation for benefit accrual.

§ 2530.204-2 *Accrual computation period.*

(a) *Designation of accrual computation periods.* An employee pension benefit plan may designate any 12-consecutive-month period as the accrual computation period except that the period so designated must apply equally to all participants. This requirement may be satisfied even though the actual time periods are not the same for all participants. For example, the accrual computation period may be designated as the vesting computation period, the plan year, or the 12-consecutive-month period beginning on either of two semiannual dates designated for entry to participation under the plan. Plans choosing to have one fixed annual computation period may be required (1) to admit participants retroactively on completion of the service requirements for eligibility (see section 202(a)(4) of the Act and section 410(a)(4) of the Code) or (2) to credit a partial year of participation under § 2530.204-2(c).

(b) *Participation prior to effective date.* (1) For purposes of applying section 204(b)(3)(C) of the Act and section 411(b)(3)(C) of the Code, all years of service with the employer or employers maintaining the plan shall be the same as in

each pension benefit plan subject to section 203 of the Act or section 411(a) of the Code must meet several requirements relating to an employee's nonforfeitable (vested) right to his or her normal retirement benefit. One of these requirements specifies that an employee's right to his or her accrued benefit derived from employer contributions must be nonforfeitable in accordance with certain schedules. The schedules (or alternative minimum standards) are based on years of service with the employer or employers maintaining the plan. This section sets forth the computation periods used to determine whether an employee has completed a year of service for vesting purposes.

(b) For rules relating to "service with the employer or employers maintaining the plan", see § 2530.210.

§ 2530.203-2 *Vesting computation period.*

(a) *Designation of vesting computation periods.* A plan may designate any 12-consecutive-month period as the vesting computation period that it will use to measure completion of years of service for the purpose of determining the percentage of accrued benefits derived from employer contributions to which a participant has a nonforfeitable right. The period so designated must apply equally to all participants. This requirement may be satisfied even though the actual time periods are not the same for all employees (e.g., if the designated vesting computation period is the 12-consecutive-month period beginning on the employee's employment commencement date and anniversaries of that date). The plan is prohibited, however, from using any period that would result in artificial postponement of vesting credit, such as a period measured by anniversaries of the date four months following the employment commencement date.

(b) *Special rule for overlapping periods.* In any case in which (1) an employee's eligibility computation period for a plan requiring one year of service for eligibility to participate overlaps two vesting computation periods, (2) an employee completes 1000 hours of service in the eligibility computation period but fails to complete 1000 hours in either of the overlapped vesting computation periods, and (3) the employee is admitted to participation in the plan, the year of service completed for eligibility to participate shall also be considered a year of service for vesting purposes at the time the employee becomes a participant. For example, assume that a plan uses a vesting computation period of April 1 to March 31. An employee with an employment commencement date of July 1, 1980 completes 800 hours by March 31, 1981 and 300 hours from April 1 to June 30, 1981 (completing a year of service for eligibility). Assume that the plan year begins September 1, at which time the employee becomes a participant. Even if the employee fails to complete at least 700 additional hours by March 31, 1982 (the end of the next vesting computation period), he or she must nevertheless be credited with a year of service for vesting purposes.

(c) *Amendments to change the vesting computation period.* (1) A plan may be amended to change the vesting computation period to a different 12-consecutive-month period. The first new vesting computation period must begin before the last day of the preceding vesting computation period. For example, a plan which has been using a calendar year vesting computation period is amended to provide a July 1-June 30 period starting in 1977. Employees who complete more than 1,000 hours of service in each of the 12-month periods, January 1, 1977 to December 31, 1977 and July 1, 1977 to June 30, 1978, must be advanced two years on the vesting schedule.

(2) For additional requirements pertaining to changes in the vesting schedule, see section 203(c)(1) of the Act and section 411(a)(10) of the Code and the regulations issued thereunder.

(d) *Service preceding a break in service.* For purposes of applying section 203(b)(3)(D) of the Act and section 411(a)(6)(D) of the Code, (relating to counting years of service before a break in service for vesting purposes), the computation periods used by the plan in computing years of service before such break must be the vesting computation periods. (For application of the break in service rules, see section 203(b)(3)(D) and section 411(a)(6)(D) of the Code and regulations issued thereunder.)

§ 2530.203-3 *Suspension of benefits upon reemployment of retirees.* [Reserved]

§ 2530.204-1 *Year of participation for benefit accrual; general.*

Section 204 of the Act and section 411(b) of the Code contain benefit accrual requirements relating to certain employee pension benefit plans. In general, each covered employee pension benefit plan must satisfy certain benefit accrual requirements, some of which are based on years of participation. This section sets forth the computation periods for determining a year of participation for benefit accrual.

§ 2530.204-2 *Accrual computation period.*

(a) *Designation of accrual computation periods.* An employee pension benefit plan may designate any 12-consecutive-month period as the accrual computation period except that the period so designated must apply equally to all participants. This requirement may be satisfied even though the actual time periods are not the same for all participants. For example, the accrual computation period may be designated as the vesting computation period, the plan year, or the 12-consecutive-month period beginning on either of two semiannual dates designated for entry to participation under the plan. Plans choosing to have one fixed annual computation period may be required (1) to admit participants retroactively on completion of the service requirements for eligibility (see section 202(a)(4) of the Act and section 410(a)(4) of the Code) or (2) to credit a partial year of participation under § 2530.204-2(c).

(b) *Participation prior to effective date.* (1) For purposes of applying section 204(b)(3)(C) of the Act and section 411(b)(3)(C) of the Code, all years of service with the employer or employers maintaining the plan shall be the same as in

each pension benefit plan subject to section 203 of the Act or section 411(a) of the Code must meet several requirements relating to an employee's nonforfeitable (vested) right to his or her normal retirement benefit. One of these requirements specifies that an employee's right to his or her accrued benefit derived from employer contributions must be nonforfeitable in accordance with certain schedules. The schedules (or alternative minimum standards) are based on years of service with the employer or employers maintaining the plan. This section sets forth the computation periods used to determine whether an employee has completed a year of service for vesting purposes.

(b) For rules relating to "service with the employer or employers maintaining the plan", see § 2530.210.

§ 2530.203-2 *Vesting computation period.*

(a) *Designation of vesting computation periods.* A plan may designate any 12-consecutive-month period as the vesting computation period that it will use to measure completion of years of service for the purpose of determining the percentage of accrued benefits derived from employer contributions to which a participant has a nonforfeitable right. The period so designated must apply equally to all participants. This requirement may be satisfied even though the actual time periods are not the same for all employees (e.g., if the designated vesting computation period is the 12-consecutive-month period beginning on the employee's employment commencement date and anniversaries of that date). The plan is prohibited, however, from using any period that would result in artificial postponement of vesting credit, such as a period measured by anniversaries of the date four months following the employment commencement date.

(b) *Special rule for overlapping periods.* In any case in which (1) an employee's eligibility computation period for a plan requiring one year of service for eligibility to participate overlaps two vesting computation periods, (2) an employee completes 1000 hours of service in the eligibility computation period but fails to complete 1



(b) *Participation prior to effective date.* For purposes of applying the accrual rules of section 204(b)(1)(D) of the Act and section 411(b)(1)(D) of the Code (relating to accrual requirements for defined benefit plans for periods prior to the effective date of those sections), all service from the date of participation in the plan as determined in accordance with applicable plan provisions, shall be considered in determining an employee's years of participation. When the plan documents do not provide a definite means for determining the date of commencement of participation, the date of commencement of employment covered under the plan during the period that the employer maintained the plan shall be presumed to be the date of commencement of participation in the plan. The plan may rebut this presumption by demonstrating from circumstances surrounding the operation of the plan, such as the date of commencement of mandatory employee contributions, that participation actually began on a later date.

(c) *Partial accrual computation periods.* (1) When an employee first becomes a participant or resumes active participation following a break in service, on a date other than the first day of the designated accrual computation period, the plan must credit the employee with a partial year of participation for the period beginning with his first day of such participation and ending at the beginning of the succeeding accrual computation period.

(2) When a partial accrual computation period occurs, plans having a minimum service requirement for benefit accrual expressed in hours of service required for a year of participation (as permitted under section 204(b)(3)(B) of the Act and section 411(b)(3)(B) of the Code) may use only a ratable portion of the minimum hours requirement for this partial period. For example, an employee becomes a participant on July 1, 1976 in a plan which uses a calendar year accrual computation period. The employee completes 750 hours of service between July 1, 1976 and December 31, 1976. The plan may not disregard the hours of service because they fall short of 1,000; the applicable figure, 500, is determined by multiplying 1,000 by the percentage of a year of participation to be credited (50 percent multiplied by 1,000). If the plan is allowed under § 2530.204-2(d) to prorate benefit accrual further and if the plan has set 2,000 hours of service as the amount necessary for full accrual, the employee would be credited with 37.5 percent (750 divided by 2,000) of a year of participation.

(d) *Prohibited double proration.* (1) In the case of a defined benefit plan that (i) defines benefits on the basis of hours or compensation and (ii) does not adjust less-than-full-time service to reflect the equivalent of full-time hours or compensation (as the case may be), the plan may not further prorate benefit accrual under section 204(b)(3)(B) of the Act and section 411(b)(3)(B) of the Code by crediting partial years of participation. These plans must credit, except when service may be disregarded under section 204

(b)(3)(C) of the Act and section 411(b)(3)(C) of the Code (relating to less than 1000 hours of service), less-than-full-time employees with a full year of participation for the purpose of accrual of benefits.

(2) Example: (i) A plan's defined benefit formula provides that the annual retirement benefit shall be 2 percent of the average compensation in all years of participation multiplied by the number of years of participation. Employee A is a full-time employee who has completed 2,000 hours during each of 20 accrual computation periods. A's average hourly rate was 5 dollars an hour. Thus, employee A's average compensation for each year during participation in the plan is 10,000 dollars (5 dollars per hour multiplied by 2,000 hours). If the plan states that a full year of participation is 2,000 hours, then employee A's annual retirement benefit, if he or she retired at that time, would be 4,000 dollars (average of 10,000 dollars a year of compensation multiplied by .02 multiplied by 20 years of participation). Employee B, however, is a part-time employee who completes 1,000 hours of service during each of 20 accrual computation periods. Like employee A, B's average hourly rate is 5 dollars per hour. Employee B's average compensation for his or her total years of participation is 5,000 dollars (5 dollars per hour multiplied by 1,000 hours).

(ii) If double proration were permitted, then employee B's total years of participation would be only 10 since he or she would be credited with only one-half of a year of participation during each of the accrual computation periods (1000/2000). Thus, B's annual retirement benefit would be 1,000 dollars (5,000 dollars average compensation multiplied by .02 multiplied by 10 years of participation). Under the rule of subparagraph (1) of this paragraph, the plan would not be permitted to prorate B's years of participation since the average compensation for the period of participation in the plan already reflects a proration on the basis of hours of service. Therefore, B's annual retirement benefit would be 2,000 dollars (5,000 dollars average compensation multiplied by .02 multiplied by 20 years of participation).

(iii) If the plan adjusted the average compensation during plan participation to reflect full compensation, then the plan could prorate years of participation. Thus, the average full annual compensation for employee B would be 10,000 dollars rather than the 5,000 dollars actually paid. Employee B's annual retirement benefit would then be 2,000 dollars (10,000 dollars average full compensation multiplied by .02 multiplied by 10 years of participation).

(e) *Amendments to change accrual computation periods.* A plan may be amended to change the accrual computation period to a different 12-consecutive-month period. The plan must measure on a ratable basis, and credit to participants, a partial year of participation for the time between the end of the preceding 12-month accrual computation period and the first day of the first new accrual computation period. The method

of computation shall be the same as in paragraph (c) of this section for computing partial years of participation. For example, a plan is amended to change the accrual computation period from a calendar year basis to a July 1-June 30 plan year basis beginning in 1977. The plan requires 2,000 hours of service for a full year of participation. Employees who complete 1,500 hours of service between January 1, 1976 and December 31, 1976 and 750 hours of service between January 1, 1977 and June 30, 1977 must be credited with 75 percent of a full year of participation coinciding with calendar year 1976, and 37.5 percent of a full year of participation for the period January 1, 1977 to June 30, 1977.

#### § 2530.201-3 Alternative computation method.

(a) *General.* Section 204(b)(3)(A) of the Act and section 411(b)(3)(A) of the Code provide that a plan may accrue benefits according to any method of calculating the employee's period of service on a reasonable and consistent basis. A defined benefit pension plan which (1) provides that benefits accrue on the basis of all service completed by the employee during his or her participation in the plan and (2) can clearly demonstrate that the plan satisfies at least one of the benefit accrual rules of section 204(b)(1) of the Act and section 411(b)(1) of the Code may use either the employee's career participation in the plan or the periodic computation period, specified in § 2530.204-2, as the computation method for accrual of benefits.

(b) *Examples—(1) Career Compensation.* A defined benefit formula based on a percentage of compensation earned in a participant's career or during participation with no variance depending on hours completed in given periods.

(2) *Credited Hours.* A defined benefit formula pursuant to which an employee is credited with a specified amount of accrual for each hour of service completed by the employee during his or her career.

#### § 2530.204-4 Deferral of benefit accrual.

For purposes of section 204(b)(1)(E) of the Act and section 411(b)(1)(E) of the Code, an employee shall be credited with a year of service for each computation period in which he or she completes 1,000 hours of service. The computation period shall be the eligibility computation period, and successive computation periods, prescribed by § 2530.202-2.

#### Subpart C—Form and Payment of Benefits

§ 2530.205 [Reserved]

§ 2530.206 [Reserved]

#### Subpart D—Plan Administration as Related to Benefits

§ 2530.207 [Reserved]

§ 2530.208 [Reserved]

§ 2530.209 [Reserved]

§ 2530.210 Employer or employers maintaining the plan.

(a) (1) *Eligibility to participate and vesting.* Except as otherwise provided in sections 202(b) or 203(b)(1) of the Act and sections 410(a)(5), 411(a)(5) and

411(a)(6) of the Code, all years of service with the employer or employers maintaining the plan shall be taken into account for purposes of section 202 (relating to minimum eligibility standards) and section 203 (relating to minimum vesting standards) of the Act and sections 410 and 411(a) of the Code. The term "employer or employers maintaining the plan" shall include those employers for whom an employee has completed one or more years of service under the attribution rules contained in paragraphs (b) through (d) of this section. In the case of a multiemployer plan as defined in section 3(37) of the Act and section 414(f) of the Code, the plan shall not be required to apply the attribution rules contained in paragraphs (c) and (d) of this section to service not otherwise attributable under paragraph (b) of this section, nor shall service under the plan be attributed to other plans maintained by employers described in paragraphs (c) and (d) of this section by operation of paragraph (b) of this section.

(2) *Accrual of benefits.* Except as otherwise provided in section 202(b) of the Act and section 410(a)(5) of the Code, all years of participation must be taken into account for purposes of section 204 of the Act and section 411(b) of the Code (relating to benefit accrual).

(b) *Multiple employer plans.* A plan maintained by more than one employer shall be treated as if all maintaining employers constituted a single employer so long as an employee maintains continuity of either employment or plan coverage.

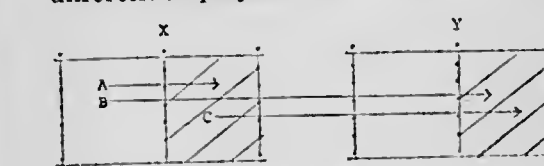
(c) *Controlled groups of corporations.* All employees of all corporations which are members of a controlled group of corporations (within the meaning of section 1563(a) of the Code, determined without regard to section 1563(a)(4) and (e)(3)) shall be treated as employed by a single employer.

(d) *Commonly controlled trades or businesses.* Under regulations prescribed by the Secretary of the Treasury, all employees of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer.

(e) *Examples.* For purposes of paragraph (a)(1), paragraphs (b), (c) and (d) of this section are illustrated by the following examples:

(1) *Multiple employer.* (i) Assume that X and Y below are both employers who are signatories to a multiple employer plan, coverage of which is represented by the shaded segment of the diagram.

A and B are both employees who start in uncovered service and move to service covered by the plan, while C moves from covered service to covered service for a different employer.

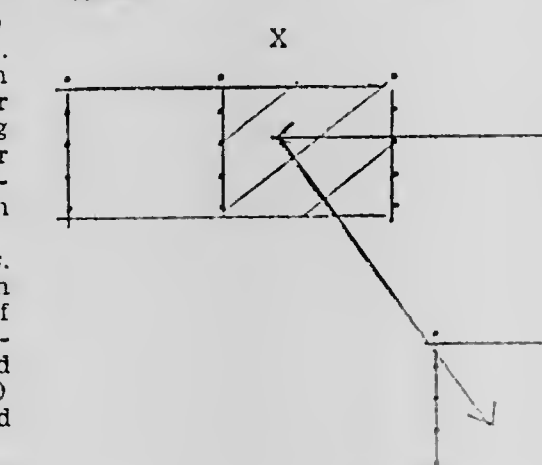


A—credit for past service.  
B—no credit.  
C—credit.

B is not required to be given credit because of the lack of continuity in either employment or plan coverage. A has continuity of employment, while C has continuity of plan coverage.

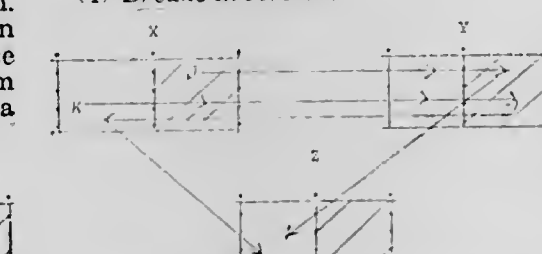
(ii) Service for employer X prior to X's adoption of the plan need not be counted even if there is continuity of employment. In this instance the employer did not maintain the plan during the period of service prior to adoption. Assume, however, that employee D (not shown) completed three years of covered service for employer Y prior to employer X's adoption of the plan. D then shifted to employer X in service covered by the plan after X had adopted the plan. His prior service must be counted and he remains a participant. If D shifted to employer X prior to X's adoption of the plan and subsequently was covered by the plan when X adopted it, then his prior service must be counted, subject to the break in service rules as applied to the period during which he was not employed by an employer maintaining the plan (i.e. the period that he was employed by X prior to X's adoption of the plan).

(iii) Service after leaving plan coverage is illustrated by employees E and F below.

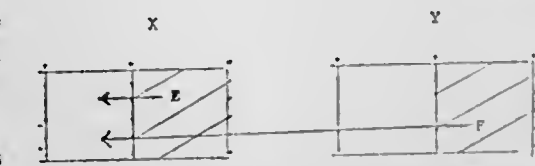


G has no continuity (essentially the same as F above). H maintains continuity in moving to X (continuity of covered service) but breaks continuity for purposes of the multiemployer plan in moving to Z. Neither G nor H would continue to vest while working for Z. If Z, however, also maintains a separate nonmultiemployer plan covering the unshaded portion of employees, then H would be credited for purposes of that plan with service performed for X but not with service performed for Y.

(4) *Breaks in service.*



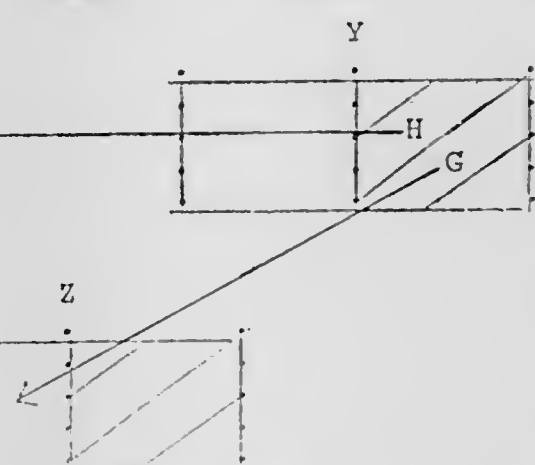
J incurs a break in service while working for Y in uncovered service but when J enters covered service with Y all service with Y must be counted for eligibility



E continues to receive credit toward vesting while F would not (lack of continuity).

(2) *Controlled group.* The rule is illustrated in the case of a controlled group of corporations (as defined by section 1563(a)) by assuming that X and Y in example (1) are both members of a controlled group of corporations. The shaded segment represents a plan maintained by several members of the controlled group but which is not a multiemployer plan within the definition of section 3(37) of the Act. Employee B as well as employees A and C would be entitled to credit for past service because he has maintained continuity of employment.

(3) *Multiple employer—controlled group.* Assume that employer Z is controlled by X but Y is not related to X or Z other than by maintaining the multiemployer plan to which X, Y and Z are all signatories. The multiemployer plan is depicted by the shaded portion of the diagram.



to participate and vesting. J may then aggregate all service with X and Y unless the service credit with X has been forfeited through operation of section 202(b)(4) or 203(b)(3)(D) (consecutive breaks equalling prior service). Even though Z is controlled by X, there would not be continuity and another break in service would occur when J moves to Z. For purposes of the multiemployer plan (shaded) K incurs a break in service during uncovered service with Y and a second break in uncovered service with Z. For purposes of a nonmultiemployer plan maintained by Z, however, K incurs a break in service while working for Y but incurs no break in service in later moving from X to Z (Z controlled by X).

§ 2530.211 [Reserved]

Effective date. September 3, 1975.

Signed at Washington, D.C., this 3d day of September 1975.

JAMES D. HUTCHINSON,  
Administrator of Pension  
and Welfare Benefit Programs.  
[FR Doc. 75-23811 Filed 9-3-75; 4:57 p.m.]

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# federal register

MONDAY, SEPTEMBER 8, 1975



PART V:

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

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## METRIC EDUCATION PROGRAM

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# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[ 45 CFR Part 160a ]

## METRIC EDUCATION PROGRAM

### Notice of Proposed Rulemaking

Pursuant to the authority contained in section 403, Title IV, of the Education Amendments of 1974, Pub. L. 93-380, notice is given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following rules governing the operation of a program of education in the use of the metric system of measurement, hereinafter called the Metric Education Program.

The Congress has found that:

(a) The metric system of measurement is in general use in industrially developed nations and its use is increasing;

(b) Increased use of the metric system in the United States is inevitable, and such a metric system will become the dominant system of weights and measures in the United States; and

(c) There is no existing Federal program designed to teach children to use the metric system and, if the American people are to adapt to using the metric system of weights and measures, this program is necessary.

As is stated in section 403(a)(2) of the Education Amendments of 1974: "It is the policy of the United States to encourage educational activities which will help individuals learn to use the modernized version of the metric system with ease and facility."

#### A. SUMMARY OF PROPOSED REGULATION

1. *Organization.* The proposed regulation is divided into three subparts: Subpart A contains general provisions applicable to all programs or projects funded under this part; Subpart B contains provisions on eligible applicants and authorized activities; Subpart C contains pre-application requirements, application requirements, a section on the costs which will be allowed and the funding criteria upon which applications will be judged.

2. *Subpart A.* The sections in this subpart set forth the purpose, scope, definitions, applicability of the general provisions, regulations, and reference to the International System of Units as published by the National Bureau of Standards.

3. *Subpart B.* (a) Section 160a.11 sets forth eligible applicants for participation in the Metric Education Program. Determination of eligibility will be made pursuant to this section.

(b) Section 160a.13 sets forth the minimum elements for school-based interdisciplinary projects.

(c) Section 160a.14 sets forth the minimum elements for teacher development projects.

(d) Section 160a.15 sets forth the minimum elements for State and multi-State cooperative metric education funding projects.

## PROPOSED RULES

(e) Section 160a.16 sets forth the minimum elements of a national metric education technical support project.

(f) Section 160a.17 sets forth the duration of the projects listed in the Subpart.

4. *Subpart C.* (a) Sections 160a.21 through 160a.24 set forth the basic application requirements for funding for all project types.

(b) Section 160a.25 sets forth the funding criteria upon which applications will be judged for purposes of making awards on a competitive basis.

(c) Section 160a.26 sets forth the manner in which a panel may be created to review the applications.

(d) Section 160a.27 sets forth the anticipated general range of awards for the various project types.

(e) Section 160a.28 sets forth the procedure for State review of local educational agency applications.

(f) Section 160a.29 sets forth cost principles which will govern the administration of programs under this part.

#### B. CITATIONS OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act, a citation of statutory or other legal authority for each section of the regulation has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the immediately preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

#### C. OTHER APPLICABLE REGULATIONS

The proposed regulation does not contain provisions relating to general fiscal and administrative matters. Requirements of this nature are covered by the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a), which include rules on direct and indirect costs.

In addition, a number of rules common to all of the programs, including the Metric Education Program, funded pursuant to the Special Project Act are being prepared for publication as Part 160 of Title 45 of the Code of Federal Regulations. These include definitions of terms used in this proposed regulation and in other regulations related to the Special Projects Act.

#### D. NOTICE TO PROSPECTIVE APPLICANTS

This first publication is not the final regulation. It is followed by a thirty-day period which allows interested members of the public to submit comments and recommendations. Each comment will be given careful consideration, and will be responded to substance in the preamble to the final regulation.

Following this review, the regulation will be published in final form, with any appropriate changes, in the FEDERAL REGISTER.

As more fully explained below, no money is available at the present time

for awards under the program and no proposals are being accepted. Application forms are not available.

The publication of proposed regulations is only a beginning step in a series of formal procedures and actions required before funds can begin to flow to grantees.

Following an enactment of an appropriation for the program, further administrative steps would have to take place before the award of grants.

These steps would include the preparation for distribution of appropriate application forms, the publication in the FEDERAL REGISTER of a notice of closing date informing applicants of the period within which applications must be filed, where application forms may be obtained, and allowing the applicants sufficient time for the preparation of applications, and the last date for the receipt of the applications. Finally, the terms of the actual award documents must be negotiated with those applicants whose applications have been selected.

In the meantime, in addition to providing comments on the proposed regulation, prospective applicants may wish at this early stage to reflect upon the scope and nature of the projects they may later propose in the light of the criteria set forth in this notice.

*Invitation for public comment.* All interested parties are invited to submit written comments, suggestions, or objections regarding these proposed rules to Dr. Floyd A. Davis, Project Manager, Metric Education Program, U.S. Office of Education, Room 5640, Regional Office Building Three, Seventh and D Streets, SW., Washington, D.C. 20202. All relevant material received on or before October 8, 1975, will be considered. Comments received in response to this notice will be available for public inspection at the above office, Mondays through Fridays, between 8:30 a.m. and 4 p.m.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107. (20 U.S.C. 1862)

Dated: August 4, 1975.

DUANE J. MATTHEWS,  
Acting U.S. Commissioner  
of Education.

Approved: August 27, 1975.

DAVID MATTHEWS,  
Secretary of Health,  
Education, and Welfare.

(Catalog of Federal Domestic Assistance No. 13.561, Metric Education Program)

## PART 160a—METRIC EDUCATION PROGRAM

### Subpart A—General

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160a.2 Program objectives.  
160a.3 Definitions.  
160a.4 General Provisions.  
160a.5 International System of Units.

### Subpart B—Eligible Applicants; Authorized Activities; Duration of Projects

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160a.28 State review of local educational agency applications.

160a.29 Allowable costs.

AUTHORITY: Secs. 1-4, Special Projects Act and secs. 402(b) and 403 of the Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 544-547 (20 U.S.C. 1851-1853, 1861-1862).

### Subpart A—General

#### § 160a.1 Purpose.

The purpose of the Metric Education Program conducted pursuant to this part is to encourage educational agencies and institutions to prepare students to use the revised metric system of measurement (as opposed to the customary system used in the United States), with ease and facility as a part of the regular educational program as provided for in section 403 of the Education Amendments of 1974, Pub. L. 93-380, hereinafter called the "Act".

(20 U.S.C. 1862(a)(2))

#### § 160a.2 Program objectives.

The objectives of the Metric Education Program under this part, more than one of which may be met by a single project, are as follows:

(a) To increase measurably the number of elementary and secondary school teachers and students (as well as parents and other adults) who are able to use the revised metric system;

(b) To provide for the development or further testing of promising metric education program models which possess potential for responding to the metric educational needs of students;

(c) To increase measurably the number of educational personnel who are qualified to teach the metric system of measurements through preservice or inservice education programs;

(d) To establish or increase interstate and/or interagency cooperation for the purposes of developing and expanding metric education programs;

(e) To develop and provide technical assistance to enhance and ensure the quality of teacher-learner experiences in metric education;

(f) To develop Statewide or multi-State metric educational planning efforts designed to enhance or expand the metric education experience available to teachers, students, parents and other adults; and

(g) To support other public and private non-profit agencies, organizations, and institutions, in their efforts to de-

velop and enhance the quality of the Metric Education Program for students at all levels.

(20 U.S.C. 1851-1862)

#### § 160a.3 Definitions.

For the purpose of this part the following definitions shall apply:

"Academic year" means a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters or 900 clock hours of instruction.

"Accountability factors" means measurable activities which may be used to determine the degree of success of the program effort.

"Act" means section 403 of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1862) which authorizes the Metric Education Program.

"Customary system" means the system of measurement unit (yard, pound, second, degree Fahrenheit, and units derived from these) most commonly used in the United States, often referred to as the "English system" or the "U.S. system". This system is derived from but not identical to the Imperial system used in the United Kingdom and other English-speaking countries.

"Interdisciplinary" means the involving of two or more academic disciplines.

"International System of Units (SI)" means the coherent system of units based upon and including the meter (length), kilogram (mass), second (time), kelvin (temperature), ampere (electric current), and candela (luminous intensity), as established in 1960 by the General Conference on Weights and Measures under the Treaty of the Meter. A seventh base unit, the mole (for amount of substance) is being considered as another (SI) base unit. The radian (plane angle) and the steradian (solid angle) are supplemental units of the system.

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as administrative agencies for the State's public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 1862)

"Metric Education Program" is the short or popular name for the Education for Use of the Metric System of Measurement Program.

(20 U.S.C. 1862)

"Metric system" means the measurement system that commonly uses the meter for length, the kilogram for mass,

the second for time, the degree Celsius (same as "Centigrade") for temperature, and units derived from these. This system has evolved over the years and the modernized version today is identified as the "International System of Units", which is abbreviated (SI).

"(SI)" is the abbreviation for the modernized metric system, otherwise known as the International System of Units (Le Systeme International d'Unites).

(20 U.S.C. 1862)

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such agency, an officer or agency designated by the Governor or by State law.

#### § 160a.4 General Provisions.

(20 U.S.C. 1862)

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter, 45 CFR Parts 100, 100a, Appendices A-D (relating to fiscal, administrative, property management, and other matters), and to part 160 of this chapter. Procurement contracts awarded pursuant to this Part will be subject to 41 CFR Chapters 1 and 3.

(20 U.S.C. 1862)

#### § 160a.5 International System of Units.

The International System of Units published by the National Bureau of Standards of the Commerce Department in the FEDERAL REGISTER, for June 19, 1975, 40 FR 25837, shall be used by recipients of Federal assistance under the Act for purposes of implementing the program. All references to the Metric System in this part will mean the International System of Units as published and amended by the National Bureau of Standards.

(20 U.S.C. 1862(a)(3))

### Subpart B—Eligible Applicants; Authorized Activities; Duration of Projects

#### § 160a.11 Applicant eligibility.

The Commissioner may make grants to and contracts with institutions of higher education, State and local educational agencies, and other public and private non-profit organizations, institutions and agencies, to develop and carry out the policy set forth in the Act.

(20 U.S.C. 1862(b)(2))

#### § 160a.12 Types of projects.

The objectives specified in § 160a.2 will be carried out through grants or contracts for the following types of projects:

(a) School-based interdisciplinary;

(b) Teacher development;

(c) State and multi-State planning;

and

(d) Technical support.

(20 U.S.C. 1862)

#### § 160a.13 School-based interdisciplinary projects.

(a) *Description.* School-based projects will respond to the metric educational

## PROPOSED RULES

needs of elementary and secondary students and teachers as well as parents and

facile learner with an emphasis on bilingualism where the nature of the student

tional policy developments with implications for metric education.

the availability of funds, (2) a determination by the Commissioner that such

(6) The signature of all duly authorized officials who will submit the final application on behalf of the agency;

(8) The project design focuses on efforts to enable the project's target population to measurably acquire skills

## PROPOSED RULES



needs of elementary and secondary students and teachers as well as parents and other adults.

(b) *Requirements.* Applicants for school-based interdisciplinary grants or contracts will be those agencies which develop and provide local programs of instruction for the general elementary and secondary student population. All projects funded under this category of metric education grants or contracts will provide:

(1) Interdisciplinary curricular experiences in metric education which will foster the acquisition of skills in the use of the metric system of measurement;

(2) In-service teacher development in the area of metric education where necessary to accomplish in paragraph (b) (1) of this section;

(3) A precisely described multiplier strategy which will insure maximum metric education training opportunities to as many teachers, students, parents and other adults (for example, participant teachers teaching non-participating teachers skills for metric education);

(4) Metric education opportunities for parents and other adults so as to reinforce activities required under § 160a.13 (b) (1) (2) (3);

(5) Adequate proof that, if the applicant is a local educational agency, the State educational agency has been notified of the application and has been given a reasonable opportunity to offer recommendations with respect to the approval thereof, in compliance with section 403 (c) (2) of the Act;

(6) Indication that the diverse learning styles of gifted as well as less facile learners have been considered; and

(7) Opportunity for bilingual instruction where significantly critical to program effectiveness.

(20 U.S.C. 1862)

#### § 160a.14 Teacher development.

(a) *Description.* Eligible applicants under this category of grants or contracts shall, through a planned sequence of experience-based instructions, focus on the in-service and pre-service development of teachers, teacher trainers, and instructional leaders, for example, instructional supervisors.

(b) *Requirements for teacher development projects.* Eligible teacher training institutions or other authorized applicants under this category of grants or contracts shall satisfy the following requirements:

(1) The program strategy shall be a planned sequence of instruction so as to enhance the teacher's skills in using the metric system where appropriate;

(2) The metric program shall stress the effective teaching of parents and adults in the metric system;

(3) The teacher development curriculum shall respond to anticipated changes in requirements for teacher certification;

(4) The teacher developmental experiences shall provide for the teacher's acquisition of metric educational teaching skills to meet the educational needs of both the low achiever as well as the

facile learner with an emphasis on bilingualism where the nature of the student population warrants such;

(5) The project shall provide for special strategies, such as the development of individualized instruction, for students with diverse learning styles;

(6) The project shall precisely describe the specific strategy for project participating teachers teaching other non-participating fellow teachers; and

(7) The project shall provide a schedule of events to emphasize and illustrate the realization of project goals and objectives.

(20 U.S.C. 1862)

#### § 160a.15 State and multi-State cooperative metric education planning.

(a) Grants or contracts provided under this category of the Metric Education Program shall support statewide educational program planning and development. Grantees or contractors shall focus on the evolution of a master plan for a statewide or cooperatively developed multi-State metric education program which emphasizes the acquisition of skills in the use of the metric system of measurement.

(b) Grantees and contractors, for purposes of short-term and long-range metric education planning, or to expand promising and effective programs currently underway, may enter into cooperative arrangements with other such eligible applicants to apply for funds under this section. (45 CFR 100a.19)

(c) When an application is submitted by several cooperating agencies, it may include a composite budget reflecting cost allocations for each of the several cooperating applicant agencies' proposed activities to be funded by the grant in an academic year.

(d) When the application is for a cooperative multi-State arrangement, one State shall be designated to serve as the fiscal agent for the planned multi-State cooperative metric education project but all shall be jointly and severally legally responsible for administering the project assisted under the metric education grant or contract.

(20 U.S.C. 1221c(b) (1), 1232c(b) (1))

(e) The project shall include a schedule of events designed to emphasize or illustrate the realization of stated project goals and objectives.

(f) The project shall provide detailed plans for developing a statewide (or multi-State) master plan for metric education with specific detailed implications for:

(1) Staff development;

(2) Interdisciplinary curriculum development;

(3) Teacher certification;

(4) Textbook adaptation;

(5) Parent and adult metric education;

(6) Bilingual elements where essential for program success; and

(7) Other diverse learning styles.

(g) The application shall provide a descriptive statement of pending and existing State legislative or State educa-

tional policy developments with implications for metric education.

(h) Multi-State applications shall provide letters of commitment, signed by the appropriate official(s) from each of the cooperating States.

(20 U.S.C. 1862)

#### § 160a.16 National metric education technical support.

(a) *Description.* Contracts awarded pursuant to this section shall support an effective national technical support program to serve State and cooperative multi-State metric education planning projects; school-based demonstration and pilot metric education planning projects; in-service and pre-service teacher development models for metric education; and to identify and dispatch metric education experts to agencies which are developing and implementing metric educational programs in response to stated needs; and where deemed appropriate, the development of mobile metric instructional laboratories. To ensure consistency of program thrust, orientation, modes of accountability, and to facilitate fiscal responsibility and effective services management, the technical assistance efforts will be national in scope. It is assumed, therefore, that a limited number of applications, possibly only one, will be funded for national metric education technical support.

(b) *Requirements.* Applicants for this type of grant or contract shall:

(1) Possess the capacity to provide technical assistance for program development, expansion, and implementation on a large scale;

(2) Assist in staff development;

(3) Possess a potential for directing media development;

(4) Assist in project evaluation and the evaluation of the overall metric education program; and

(5) Assist in all areas of curriculum and curriculum material adaptation for metric education.

(20 U.S.C. 1862)

#### § 160a.17 Project duration.

(a) Awards made pursuant to this part will be for a project period of one academic year, unless otherwise specified in paragraph (b) of this section. If an award recipient seeks to receive assistance pursuant to this part for an additional academic year, the recipient must submit a new application. The new application will be evaluated in competition with applications from other former award recipients as well as from applicants which have not previously received assistance under this part.

(b) The Commissioner may make an initial award for more than one academic year for projects funded pursuant to § 160a.16, national metric education technical support, if the nature of the project is such that a multi-year award is justified. Decisions for renewed funding after the initial award period will be made on the basis of the extent to which the grantee or contractor has satisfactorily performed under the initial grant period and will be contingent upon (1)

the availability of funds, (2) a determination by the Commissioner that such continuation would be in the best interest of the Government, and (3) execution of a revised notification of grant award acceptable to the Commissioner and the grantee or contractor.

(20 U.S.C. 1221e-3(a) (1), 1862)

#### Subpart C—Applications; Funding Criteria Costs; State Review

##### § 160a.21 General requirements.

Applications for metric education grants or contracts shall be submitted at such time, in such form, and containing such information as the Commissioner shall prescribe by notice in the FEDERAL REGISTER and shall be approved only if the application:

(a) Provides that the activities and services for which assistance is sought will be administered by, or under the supervision of, the applicant;

(b) Describes a program which holds promise of making a substantial contribution toward attaining the purposes of this part; and

(c) Sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application.

(20 U.S.C. 1862(c) (1) (A)-(D))

##### § 160a.22 General project description.

The application shall describe:

(a) The design of the metric education program, its duration, purpose, and plan;

(b) The qualifications of the project director and of the key professional personnel who will be involved in the project;

(c) The facilities and resources that will be made available; and

(d) Categorical justification for the amount of Federal funds requested.

(20 U.S.C. 1862)

##### § 160a.23 Pre-application for participation in metric education.

(a) The Commissioner may, by notice published in the FEDERAL REGISTER, require applicants eligible for a grant or contract under the Act to submit a pre-application for review prior to submitting a complete application under the provisions of 45 CFR 100a.15. Such pre-application, of no more than seven (7) pages, shall succinctly provide:

(1) A statement of the problems to which proposed program activities will respond;

(2) A description of target population to be served;

(3) Measurably stated short-term and long-range program objectives;

(4) A description of anticipated cooperative arrangements;

(5) The anticipated budget request;

(6) The signature of all duly authorized officials who will submit the final application on behalf of the agency;

(7) A brief description of the evaluation plan;

(8) Details as to the duration of proposed project; and

(9) An overall statement of what the applicant will accept as evidence of program success as a result of the activities for which funds are sought.

(b) Notification of the applicant relative to the results of the pre-application review shall follow the procedures set forth in 45 CFR 100a.42.

(20 U.S.C. 1862) (20 U.S.C. 1221(b) (1), 1232c(b) (1))

##### § 160a.24 Applications.

An applicant eligible for a grant or contract under the Act shall submit an application to the address contained in the notice of closing date on or before such cut-off date or dates as the Commissioner may announce in the FEDERAL REGISTER for each fiscal year of operation of the Metric Education Program. An application containing such assurances and requisite information, and in accordance with such forms, and instructions as the Commissioner shall prescribe, may be executed by the applicant or an official or representative of the applicant duly authorized to make such application.

(20 U.S.C. 1221c(b) (1))

##### § 160a.25 Funding criteria.

(a) In awarding grants and contracts on a competitive basis, the Commissioner will take into account, in addition to the general criteria listed in 45 CFR 100a.26 (b), the following criteria:

(1) The project design shows promise for contributing to an effective metric education program;

(2) The project design provides for an effective response to diverse learning styles of the target population, e.g., bilingualism, gifted and talented, less facile learners, insufficiently motivated learners, handicapped and special education students;

(3) The project narrative complies with the International System of Units (SI);

(4) The project design provides for an effective level of response to staff development needs;

(5) The project design leads to the ease of adaptation of proposed metric educational activities;

(6) The project design provides for easy institutionalization of proposed metric educational project strategies;

(7) The project design contributes to performance oriented metric educational approaches;

(8) The project design focuses on efforts to enable the project's target population to measurably acquire skills for using the International System of Units (SI);

(9) A schedule of significant project events is provided and is adequately explained or detailed;

(10) The project design provides for the effective instruction of parents and other adults in the metric system;

(11) The evaluation design includes accountability factors which measure the overall effectiveness of the proposed project;

(12) The project design includes short-term and long-range objectives which are measurably stated;

(13) The project design responds to assessed metric educational needs of the planned target population and such needs are set forth in sufficient detail in the program narrative of the application;

(14) The applicant has identified and detailed specific project-related behavioral objectives and the means by which they will be achieved;

(15) The project design is conducive to easy replication;

(16) The project design has high program impact potential; and

(17) The project design capitalizes on cooperative arrangements so as to maximize the impact of the proposed project.

(b) The maximum score for a given application shall be 102 points with each criterion having a score range of 0-6.

(20 U.S.C. 1862)

##### § 160a.26 Review of applications.

The Commissioner, prior to disposition of applications for grants or contracts, may, at his discretion, obtain the review of a panel of experts. Any such review shall be in addition to the review of an application by the Commissioner in accordance with such procedures as the Commissioner may establish.

(20 U.S.C. 1221c(b) (1))

##### § 160a.27 Amount of grant or contract.

It is expected that awards of State and multi-State metric education planning grants will generally be in the range of \$25,000-\$40,000 and \$50,000-\$110,000, respectively; the school-based metric instructional pilot and model project grants will generally be in the range of \$25,000-\$35,000; the national technical support effort will generally be in the range of \$175,000-\$225,000; and the grants for purposes of conducting in-service and pre-service teacher development projects will generally be in the range of \$20,000-\$30,000. Procurement contracts into which the Commissioner may enter pur-



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suant to any of the authorized activities may not be within the above ranges.  
(20 U.S.C. 1862)

§ 160a.28 State review of local educational agency applications.

(a) The Commissioner will not approve an application submitted by a local educational agency in accordance with this part unless the State educational agency of the State in which that local educational agency is located has been given an opportunity to review and make recommendations on such application.

(b) A local educational agency must provide a copy of its application to the appropriate State educational agency concurrently with its submission of the application to the Commissioner.

(c) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on local educational agency applications. If

the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for an application shall be deemed a waiver of the State educational agency's opportunity to comment on that application.

(20 U.S.C. 1862(c)(2))

§ 160a.29 Allowable costs.

(a) Costs allowable under awards issued pursuant to this part shall be determined in accordance with provisions contained in 45 CFR Part 100a and Appendices A, B, C, or D to that part, as applicable to the type of applicant, subject to the limitations contained in paragraphs (b) and (c) of this section.

(b) Costs for the following will be allowed when the Commissioner determines that expenditure for such items

would be in the interest of the Government in carrying out the purposes specified in § 160a.1 and the program objectives in § 160a.2: the costs of (1) reference materials, (2) supplementary materials for adaptation of textbooks, (3) consulting services, (4) conferences for the purposes of discussing metric education, (5) initial purchase of measurement and mass apparatus (limited to 10 percent of the award), (6) replacement of measurement and mass apparatus, and (7) adaptation of measurement and mass apparatus.

(c) Funds shall not be expended under this part for: (1) Stipends, (2) textbooks (except those exclusively on the metric system), (3) travel of teachers, students, or parents, or (4) dependency allowances.  
(20 U.S.C. 1862)

[FR Doc.75-23710 Filed 9-5-75; 9:45 am]

FEDERAL REGISTER, VOL. 40, NO. 174—MONDAY, SEPTEMBER 8, 1975

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# NOTICES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

regulated lending institutions are prohibited from providing financial assist-

as yet qualified for participation in the National Flood Insurance Program. Thus, §§ 202 apply as of

# federal register

MONDAY, SEPTEMBER 8, 1975



PART VI:

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

## NATIONAL FLOOD INSURANCE PROGRAM

List of Eligible Communities

NOTICES

ALABAMA

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# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-75-376]

## NATIONAL FLOOD INSURANCE PROGRAM

### Flood-Prone Areas of Communities Sub- ject to Prohibition of Federal and Fed- erally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and updates the list published in the FEDERAL REGISTER at 40 FR 33267-33283.

Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or

regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 U.S.C. 4001-4128).

The prohibition does not apply to any loan made by a federally-supervised, approved, insured, or regulated lending institution made prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

Each of the communities listed below received notice of its designation as flood-prone prior to October 1, 1974, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they

as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1920). Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St., SW., Washington, D.C. 20410, (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR 1914.4 List of eligible communities. At that time the sanctions of Section 202 will no longer apply to the communities listed below.

## ALABAMA

COMMUNITY NAME	COUNTY NAME	ID DATE
AUTAUGAVILLE, TOWN OF	RANDOLPH COUNTY	9/13/74
AVON, TOWN OF	AUTAUGA CO	6/07/74
BELK, TOWN OF	HOUSTON CO	9/20/74
BRANTLEY, TOWN OF	FAYETTE CO	9/13/74
CAKDIFF, TOWN OF	CRENSHAW CO	6/28/74
COLLINSVILLE, TOWN OF	JEFFERSON CO	9/20/74
COTTONWOOD, TOWN OF	DEKALB CO	5/17/74
COWARTS, TOWN OF	HOUSTON CO	5/17/74
	HOUSTON CO	8/15/74
DOZIER, TOWN OF	CRENSHAW CO	9/20/74
FAYETTE, CITY OF	FAYETTE CO	5/02/74
GADSDEN, CITY OF	ETOWA CO	3/08/74
GANTT, TOWN OF	COVINGTON CO	6/07/74
GLENWOOD, TOWN OF	CRENSHAW CO	9/20/74
IRONDALE, TOWN OF	JEFFERSON CO	6/07/74
MADRID, TOWN OF	HOUSTON CO	8/23/74
MAPLESVILLE, TOWN OF	CHILTON CO	9/13/74
MULGA, TOWN OF	JEFFERSON CO	9/20/74
PROVIDENCE, TOWN OF	MARENGO CO	12/17/73
RIVER FALLS, TOWN OF	COVINGTON CO	9/20/74
SILVER HILL, TOWN OF	BALDWIN CO	6/28/74
TALLASSEE, TOWN OF	ELMORE CO	9/06/74
TARRANT CITY, CITY OF	JEFFERSON CO	6/28/74
TAYLOR, TOWN OF	HOUSTON CO	9/13/74
TOTAL		23

## ALASKA

HAINES, CITY OF	HAINES BOROUGH	5/31/74
HOONAH, CITY OF	LYNN CANAL-ICY STRAITS BOROUGH	6/7/74
HOOVER BAY, CITY OF	WADE HAMPTON BOR.	6/28/74
NOME, CITY OF	NOME BOROUGH	6/28/74
TOTAL		4

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## ARIZONA

## CALIFORNIA



## NOTICES

## ARIZONA

NAME	COUNTY	ID. DATE
CLARKDALE, TOWN OF	YAVAPAI CO.	8/23/74
MAAMOTH, TOWN OF	PINAL CO.	12/ 7/73
PARKER, TOWN OF	YUMA CO.	5/17/74
SHOW LOW, CITY OF	NAVAJO CO.	6/ 7/74
SUPRISE, TOWN OF	MARICOPA CO.	6/28/74

TOTAL

5

## ARKANSAS

ALPENA, TOWN OF	BOONE CO.	8/30/74
ALTHEIMER, CITY OF	JEFFERSON CO.	5/10/74
AMAGON, TOWN OF	JACKSON CO.	8/ 9/74
BALD KNOB, CITY OF	WHITE CO.	3/ 8/74
BEEBE, CITY OF	WHITE CO.	3/ 8/74
CALICO ROCK, CITY OF	IZARD CO.	3/22/74
CARTHAGE, CITY OF	DALLAS CO.	3/ 8/74
EVERTON, TOWN OF	BOONE CO.	8/30/74
FOREMAN, CITY OF	LITTLE RIVER CO.	3/ 1/74
GARNER, TOWN OF	WHITE CO.	8/30/74
GREENLAND, TOWN OF	WASHINGTON CO.	6/28/74
GREENWAY, TOWN OF	CLAY CO.	8/30/74
HAVANA, CITY OF	YELL CO.	8/23/74
HIGGINSON, TOWN OF	WHITE CO.	8/16/74
IMBODEN, TOWN OF	LAWRENCE CO.	5/ 3/74
JOINER, CITY OF	MISSISSIPPI CO.	5/17/74
KENSETT, CITY OF	WHITE CO.	10/12/73
MCDUGAL, CITY OF	CLAY CO.	9/13/74
MIDLAND, TOWN OF	SEBASTIAN CO.	8/16/74
MOUNTAINBURG, TOWN OF	CRAWFORD CO.	5/ 3/74
PARKDALE, CITY OF	ASHLEY CO.	3/29/74
RISON, CITY OF	CLEVELAND CO.	3/ 8/74
WALDO, CITY OF	COLUMBIA CO.	4/ 5/74
WINCHESTER, TOWN OF	DREW CO.	8/30/74

TOTAL

24

## NOTICES

## CALIFORNIA

NAME	COUNTY	ID. DATE
BUTTE COUNTY		9/ 6/74
CALIPATRIA, CITY OF	IMPERIAL CO.	4/12/74
CARMEL BY-THE-SEA, CITY OF	MONTEREY CO.	6/14/74
COACHELLA, CITY OF	RIVERSIDE CO.	5/17/74
COMMERCE, CITY OF	LOS ANGELES CO.	6/28/74
DIXON, CITY OF	SOLANO CO.	3/15/74
EL DORADO COUNTY		8/ 2/74
EXETER, CITY OF	TULARE CO.	3/ 8/74
GRASS VALLEY, CITY OF	NEVADA CO.	5/17/74
GRIDLEY, CITY OF	BUTTE CO.	5/24/74
HUGHSON, CITY OF	STANISLAUS CO.	5/24/74
HURON, CITY OF	FRESNO CO.	5/17/74
INDIO, CITY OF	RIVERSIDE CO.	5/31/74
IONE, CITY OF	AMADOR CO.	5/24/74
IRVINDALE, CITY OF	LOS ANGELES CO.	6/28/74
MARICOPA, CITY OF	KERN CO.	6/14/74
MONO COUNTY		8/16/74
RIDGECREST, CITY OF	KERN CO.	9/ 6/74
SELMA, CITY OF	FRESNO CO.	5/24/74
SONORA, CITY OF	TUOLUMNE CO.	5/31/74
SUSANVILLE, CITY OF	LASSEN CO.	2/ 1/74
WASCO, CITY OF	KERN CO.	5/17/74

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## NOTICES

## COLORADO

## NOTICES

## FLORIDA



## NOTICES

## COLORADO

NAME	COUNTY	ID DATE
BLACK HAWK, CITY OF	GILPIN CO.	8/30/74
BOONE, TOWN OF	PUEBLO CO.	9/ 6/74
DINOSAUR, TOWN OF	MOFFAT CO.	8/30/74
DOVE CREEK, TOWN OF	DOLORES CO.	5/24/74
ELIZABETH, TOWN OF	ELBERT CO.	9/ 6/74
FRASER, TOWN OF	GRAND CO.	9/ 6/74
GRAND JUNCTION, CITY OF	MESA CO.	2/ 1/74
HATCH, TOWN OF	DELTA CO.	6/21/74
IGNACIO, TOWN OF	LA PLATA CO.	3/22/74
KIOWA, TOWN OF	ELBERT CO.	9/ 6/74
LA JARA, TOWN OF	CONEJOS CO.	5/17/74
LEADVILLE, CITY OF	LAKE CO.	5/17/74
LOVELAND, CITY OF	LARIMER CO.	3/ 1/74
MINTURN, TOWN OF	EAGLE CO.	8/16/74
MORRISON, TOWN OF	JEFFERSON CO.	9/13/74
NUCLA, TOWN OF	MONTROSE CO.	5/24/74
OTIS, TOWN OF	WASHINGTON CO.	5/24/74
RAMAH, TOWN OF	EL PASO CO.	9/13/74
SAN LUIS, TOWN OF	COSTILLA CO.	5/24/74
SIMLA, TOWN OF	ELBERT CO.	9/13/74
STARKVILLE, TOWN OF	LAS ANIMAS CO.	9/ 6/74
YAMPA, TOWN OF	ROUTT CO.	5/24/74
RIFLE, CITY OF	GARFIELD CO.	1/15/1975
TOTAL		23

## CONNECTICUT

BOLTON, TOWN OF	TOLLAND CO.	6/ 7/74
DANIELSON, BROUGH OF	WINDHAM CO.	1/24/74
KILLINGLY, TOWN OF	WINDHAM CO.	9/ 6/74
NORTH STONINGTON, TOWN OF	NEW LONDON CO.	9/13/74
PLYMOUTH, TOWN OF	LITCHFIELD CO.	8/16/74
PUMFRET, TOWN OF	WINDHAM CO.	9/20/74
WINDHAM, CITY OF	NEW LONDON CO.	6/28/74
WOODSTOCK, TOWN OF	WINDHAM CO.	9/20/74
TOTAL		8

## DELAWARE

KENTON, TOWN OF	KENT CO	9/12/74
LEIPSIC, TOWN OF	KENT CO	8/09/74
TOTAL		2

FEDERAL REGISTER, VOL. 40, NO. 174—MONDAY, SEPTEMBER 8, 1975

## NOTICES

## FLORIDA

COMMUNITY NAME	COUNTY NAME	ID DATE
BELLE GLADE, CITY OF	PALM BEACH CO	7/19/74
BIG ALLIGATOR LAKE, TOWN OF	COLUMBIA CO	9/06/74
BRANFORD, TOWN OF	SUWANNEE CO	1/09/74
BRINY BREEZES, TOWN OF	PALM BEACH CO	1/23/74
BROOKER, TOWN OF	BRADFORD CO	8/20/74
CALLAHAN, CITY OF	NASSAU CO	7/19/74
CAMPBELLTON, CITY OF	JACKSON CO	9/06/74
EDGEWATER BEACH, TOWN OF	BAY CO	9/13/74
PELLSMERE, CITY OF	INDIAN RIVER CO	1/16/74
GRAND RIDGE, TOWN OF	JACKSON CO	8/02/74
HAVERHILL, TOWN OF	PALM BEACH CO	6/28/74
LAZY LAKE, VILLAGE OF	BROWARD CO	9/13/74
LEE, CITY OF	MADISON CO	9/06/74
LONG BEACH RESORT, CITY OF	BAY CO	9/13/74
NORTH DAVENPORT, CITY OF	POLK CO	6/28/74
OCEAN BREEZE, TOWN OF	MARTIN CO	8/02/74
ONA, TOWN OF	HARDEE CO	8/23/74
PARKLAND, TOWN OF	BROWARD CO	8/30/74
SNEADS, TOWN OF	JACKSON CO	8/02/74
VERNON, TOWN OF	WASHINGTON CO	6/28/74
WEST DUNDEE, CITY OF	POLK CO	8/02/74
WESTVILLE, TOWN OF	HOLMES CO	9/06/74
WEWAHITCHKA, TOWN OF	GULF CO	8/09/74
WHITE SPRINGS, TOWN OF	HAMILTON CO	1/16/74
WILDMOOD, TOWN OF	SUMTER CO	1/23/74
TOTAL		25

## GEORGIA

ADAIRSVILLE, TOWN OF	BARTOW CO	6/14/74
ARGYLE, TOWN OF	CLINCH CO	8/30/74
BAINBRIDGE, CITY OF	DECATUR CO	5/24/74
BALDWIN, TOWN OF	BANKS CO	6/28/74
BROOKLET, TOWN OF	BULLOCK CO	4/05/74
CLARKESVILLE, CITY OF	HABERSHAM CO	6/21/74
COMMERCE, CITY OF	JACKSON CO	6/29/74
CRAWFORD, CITY OF	OGLETHORPE CO	6/07/74
DAHLONEGA, CITY OF	LUMPKIN CO	6/28/74
DULUTH, CITY OF	GWINNETT CO	5/24/74
GIRARD, TOWN OF	BURKE CO	9/06/74
HAMPTON, CITY OF	HENRY CO	6/28/74

FEDERAL REGISTER, VOL. 40, NO. 174—MONDAY, SEPTEMBER 8, 1975

## NOTICES

## GEORGIA

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## NOTICES

## GEORGIA

COMMUNITY NAME	COUNTY NAME	ID DATE
HELEN, CITY OF	WHITE CO	9/06/74
JEFFERSON, CITY OF	JACKSON CO	6/28/74
JONESBORO, CITY OF	CLAYTON CO	5/24/74
LUDOWICI, CITY OF	LONG CO	6/14/74
LUMBER CITY, CITY OF	TELFAR CO	6/18/74
MOUNTAIN VIEW, CITY OF	CLAYTON CO	5/10/74
NEWINGTON, TOWN OF	SCREVEN CO	9/06/74
PALMETTO, CITY OF	FULTON & COWETA COS	6/14/74
ROCKY FORD, TOWN OF	SCREVEN CO	9/06/74
SCOTLAND, CITY OF	TELFAR & WHEELER CO	8/30/74
STONE MOUNTAIN, CITY OF	DEKALB CO	5/12/74
VERNONBURG, TOWN OF	CHATHAM CO.	1/15/1975
YOUNG HARRIS, TOWN OF	TOWNS CO	6/14/74
TOTAL		25

## IDAHO

NAME	COUNTY	ID. DATE
AMERICAN FALLS, CITY OF	POWER CO.	5/24/74
CHALLIS, CITY OF	CUSTER CO.	6/28/74
CHATCLET, CITY OF	BENEMAH CO.	9/13/74
COUNCIL, CITY OF	ADAMS CO.	5/ 3/74
DECLON, CITY OF	CASSIA CO.	9/ 6/74
DONNELLY, CITY OF	VALLEY CO.	9/ 6/74
FERDINAND, CITY OF	IDAHO CO.	9/ 6/74
FERNAN LAKE, CITY OF	KOOTENAI CO.	9/ 6/74
GARDEN CITY, CITY OF	ADA CO.	12/17/73
HARRISON, CITY OF	KOOTENAI CO.	3/22/74
HAYDEN LAKE, CITY OF	KOOTENAI CO.	9/ 6/74
PARMA, CITY OF	CANYON CO.	5/17/74
SHOSHONE, CITY OF	LINCOLN CO.	6/28/74
TENSED, CITY OF	BENEMAH CO.	9/ 6/74
VICTOR, CITY OF	TETON CO.	9/ 6/74
WHITE BIRD, CITY OF	IDAHO CO.	9/13/74
WORLEY, CITY OF	KOOTENAI CO.	9/ 6/74
TOTAL		17

## NOTICES

## ILLINOIS

COMMUNITY NAME	COUNTY NAME	ID DATE
ALTAMONT, CITY OF	EFFINGHAM CO	3/22/74
ANNA, CITY OF	UNION CO.	3/29/74
ATWOOD, VILLAGE OF	PIATT CO	11/23/73
BANNER, VILLAGE OF	FULTON CO	12/28/73
BARDOLPH, VILLAGE OF	MCDONOUGH CO	9/13/74
BATH, VILLAGE OF	MASON CO	12/17/73
BEMENT, VILLAGE OF	PIATT CO	6/14/74
BLUFFS, VILLAGE OF	SCOTT CO	6/07/74
BONNIE, VILLAGE OF	JEFFERSON CO	2/15/74
BREESE, CITY OF	CLINTON CO	6/07/74
BROOKPORT, CITY OF	MASSAC CO	6/07/74
BUSH, VILLAGE OF	WILLIAMSON CO	3/29/74
BUSHNELL, CITY OF	MCDONOUGH CO	6/07/74
CANARCO, VILLAGE OF	DOUGLAS CO	4/05/74
CARLINVILLE, CITY OF	MACCUPIN CO	6/14/74
CARLYLE, CITY OF	CLINTON CO	12/07/73
CARROLLTON, CITY OF	GREEN CO	6/07/74
CARTERVILLE, CITY OF	WILLIAMSON CO	2/15/74
CASEY, CITY OF	CLARK CO	6/28/74

CENTRAL CITY, VILLAGE OF	MARION CO	2/15/74
CHANNAMON, VILLAGE OF	WILL CO	3/29/74
CLINTON, CITY OF	DEWITT CO	5/24/74
CREVE COEUR, VILLAGE OF	TAZEWELL CO	3/01/74
CULLUM, VILLAGE OF	LIVINGSTON CO	2/22/74
DANFORTH, VILLAGE OF	IROQUOIS CO	9/13/74
DE SOTO, VILLAGE OF	JACKSON CO	4/05/74
DEER CREEK, VILLAGE OF	TAZEWELL CO	6/28/74
DELAND, VILLAGE OF	PIATT CO	8/23/74
DONGOLA, VILLAGE OF	UNION CO	3/08/74
E GILLESPIE, VILL	MACCUPIN CO	7/15/74
EDWARDSVILLE, CITY OF	MADISON CO	4/05/74
ELDRED, VILLAGE OF	GREENE CO	12/17/73
ELLISVILLE, VILLAGE OF	FULTON CO	3/22/74
FAYETTEVILLE, VILLAGE OF	ST CLAIR CO	2/22/74
FLORENCE, VILLAGE OF	PIKE CO	12/17/73
FORREST, VILLAGE OF	LIVINGSTON CO	3/01/74
FREEBURG, VILLAGE OF	ST CLAIR CO	3/22/74

GALVA, CITY OF	HENRY CO	6/14/74
GENOA, CITY OF	DEKALB CO	3/01/74
GERMANTOWN, VILLAGE OF	CLINTON CO	3/29/74
GIBSON CITY, CITY OF	FORD CO	3/29/74
GILBERTS, VILLAGE OF	KANE CO	9/06/74

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## ILLINOIS

COMMUNITY NAME	COUNTY NAME	ID DATE
GOLDEN, VILLAGE OF	ADAMS CO	6/07/74
GREENFIELD, CITY OF	GREEN CO	2/22/74
HAMMOND, VILLAGE OF	PIATT CO	6/14/74
HAMPSHIRE, VILLAGE OF	KANE CO	5/05/74
HAYNA, CITY OF	MASON CO	4/05/74
HEYWORTH, VILLAGE OF	MCLEAN CO	6/14/74
HINCKLEY, VILLAGE OF	DEKALB CO	3/01/74
INA, VILLAGE OF	JEFFERSON CO	8/16/74
INDIAN CREEK, VILLAGE OF	LAKE CO	6/23/74
JERSEYVILLE, CITY OF	JERSEY CO	6/07/74
JOPPA, VILLAGE OF	MASSAC CO	11/23/73
LACON, CITY OF	MARSHALL CO	11/30/73
LAKE BLUFF, VILLAGE OF	LAKE CO	2/01/74
LEAF RIVER, VILLAGE OF	OGLE CO	11/23/73
LEBANON, CITY OF	ST CLAIR CO	11/16/73
LEXINGTON, CITY OF	MCLEAN CO	6/22/74
LINCOLNWOOD, VILLAGE OF	COOK CO	6/21/74
LIVINGSTON, VILLAGE OF	MADISON CO	2/22/74
MAKANDA, VILLAGE OF	JACKSON CO	8/23/74
MALTA, VILLAGE OF	DEKALB CO	6/07/74
MANLIUS, VILLAGE OF	BUREAU CO	3/08/74
MARQUETTE HEIGHTS, CITY OF	TAZEWELL CO	3/08/74
MARTINSVILLE, CITY OF	CLARK CO	11/23/73
MAUNIE, VILLAGE OF	WHITE CO	1/09/74
MCNABB, VILLAGE OF	PUTNAM CO	9/13/74
MILL SHOALS, VILLAGE OF	WHITE CO	7/19/74
MONTROSE, VILLAGE OF	EFFINGHAM CO	8/23/74
MOUNT STERLING, CITY OF	BROWN CO	9/20/74
NAISON, CITY OF	JEFFERSON CO	8/16/74
NEBO, VILLAGE OF	PIKE CO	12/28/73
NEW ATHENS, VILLAGE OF	ST CLAIR CO	2/22/74
NEW BADEN, VILLAGE OF	CLINTON CO	5/24/74
NEW CANTON, TOWN OF	PIKE CO	8/16/74
NEW HAVEN, VILLAGE OF	GALLATIN CO	1/16/74
NEWTON, CITY OF	JASPER CO	12/17/73
NANTIC, VILLAGE OF	MACON CO	3/01/74
NOKOMIS, CITY OF	MONTGOMERY CO	3/29/74
ONEIDA, CITY OF	KNOX CO	6/07/74
ORANGEVILLE, VILLAGE OF	STEPHENSON CO	8/16/74
PALESTINE, TOWN OF	CRAWFORD CO	11/23/73
PANA, CITY OF	CHRISTIAN CO	8/09/74
PARK CITY, VILLAGE OF	LAKE CO	3/01/74
PEARL, VILLAGE OF	PIKE CO	12/28/73
PECATONICA, VILLAGE OF	WINNEBAGO CO	4/05/74
PHOENIX, VILLAGE OF	COOK CO	4/12/74
PLEASANT PLAINS, VILLAGE OF	SANGAMON CO	3/22/74

## NOTICES

## ILLINOIS

COMMUNITY NAME	COUNTY NAME	ID DATE
PONTOOSUC, VILLAGE OF	HANCOCK CO	1/16/74
POTOMAC, VILLAGE OF	VERMILION CO	3/22/74
RANTCUL, VILLAGE OF	CHAMPAIGN CO	4/12/74
RIDOTT, VILLAGE OF	STEPHENSON CO	12/17/73
RIVERTON, VILLAGE OF	SANGAMON CO	11/16/73
RUSHVILLE, CITY OF	SCHUYLER CO	3/01/74
SHERIDAN, VILLAGE OF	LASALLE CO	4/12/74
SILVIS, CITY OF	ROCK ISLAND CO	5/31/74
SMITHTON, VILLAGE OF	ST CLAIR CO	3/29/74
SOUTH JACKSONVILLE, CITY OF	MORGAN CO	3/29/74
SPARLAND, VILLAGE OF	MARSHALL CO	11/23/73
SPRINGFIELD, CITY OF	SANGAMON CO	6/07/74
ST FRANCISVILLE, VILLAGE OF	LAWRENCE CO	3/29/74
STEWART, VILLAGE OF	LEE CO	9/13/74
STONEFORT, VILLAGE OF	SALINE CO	8/30/74
SUMMERFIELD, VILLAGE OF	ST CLAIR CO	5/03/74
SUNMER, CITY OF	LAWRENCE CO	3/01/74
TALLULA, VILLAGE OF	MENARD CO	3/29/74
TAMMS, VILLAGE OF	ALEXANDER CO	5/10/74
TAYLORVILLE, CITY OF	CHRISTIAN CO	9/06/74
TEUTOPOLIS, VILLAGE OF	EFFINGHAM CO	2/22/74
THAYER, VILLAGE OF	SANGAMON CO	3/22/74
THIRD LAKE, VILLAGE OF	LAKE CO	9/06/74
TIMWELL, VILLAGE OF	BROWN CO	9/30/74
TUSCOLA, CITY OF	DOUGLAS CO	11/30/73
VALLEY CITY, VILLAGE OF	PIKE CO	12/17/73
WALTONVILLE, VILLAGE OF	JEFFERSON CO	8/23/74
WAMAC, CITY OF	CLINTON CO	6/28/74
WARRENVILLE, CITY OF	DUPAGE CO	5/24/74
WHITE HALL, CITY OF	GREENE CO	4/05/74
YATES CITY, VILLAGE OF	KNOX CO	6/14/74

TOTAL

119

## INDIANA

COMMUNITY NAME	COUNTY NAME	ID DATE
ADVANCE, TOWN OF	BOONE CO	9/20/74
ALBION, TOWN OF	NOBLE CO	6/07/74
ALTON, TOWN OF	CRAWFORD CO	1/23/74
ALTONA, TOWN OF	DEKALB CO	9/20/74
ANDREWS, TOWN OF	HUNTINGTON CO	6/07/74
ARCADIA, TOWN OF	HAMILTON CO	2/01/74
AUSTIN, CITY OF	SCOTT CO	11/23/73
BATTLE GROUND, CITY OF	TIPPECANOE CO	5/24/74
BICKNELL, TOWN OF	KNOX CO	5/17/74
BLOOMFIELD, TOWN OF	GREENE CO	11/23/73
BOONVILLE, CITY OF	WARRICK CO	12/28/73

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## INDIANA

COMMUNITY NAME	COUNTY NAME	ID DATE
BROOKLYN, TOWN OF	MORGAN CO	12/07/73
BROWNSBURG, TOWN OF	HENDRICKS CO	11/23/73
BROWNSTOWN, TOWN OF	JACKSON CO	11/23/73
BURLINGTON, TOWN OF	CARROLL CO	11/23/73
CAMDEN, TOWN OF	CARROLL CO	11/23/73
CAYUGA, TOWN OF	VERMILLION CO	5/31/74
CEDAR GROVE, TOWN OF	FRANKLIN CO	12/07/73
CHANDLER, TOWN OF	WARRICK CO	1/09/74
CHARLESTOWN, CITY OF	CLARK CO	4/12/74
CONVERSE, TOWN OF	MIAMI CO	5/17/74
EATON, TOWN OF	DELAWARE CO	11/23/73
EDWARDSPORT, TOWN OF	KNOX CO	11/23/73
ENGLISH, TOWN OF	CRAWFORD CO	4/12/74
FAIRVIEW PARK, TOWN OF	VERMILLION CO	9/20/74
FOUNTAIN CITY, CITY OF	WAY	5/10/74
FRENCH LICK, TOWN OF	ORANGE CO	2/01/74
GOSPORT, TOWN OF	OWEN CO	11/23/73
HAMILTON, TOWN OF	STUBEN CO	9/06/74
HAMLET, CITY OF	STARK CO	6/21/74
HARTFORD CITY, CITY OF	BLACKFORD CO	11/23/73
HAZLETON, TOWN OF	GIBSON CO	11/23/73
HILLSEBORO, TOWN OF	FOUNTAIN CO	2/01/74
HUDSON, TOWN OF	STUBEN CO	7/19/74
JUDSON, TOWN OF	PARKE CO	12/17/73
KENTLAND, TOWN OF	NEWTON CO	5/24/74
KNIGHTSTOWN, TOWN OF	HENRY CO	11/30/73
LADOGA, TOWN OF	MONTGOMERY CO	5/24/74
LEAVENWORTH, TOWN OF	CRAWFORD CO	11/30/73
LEWISVILLE, TOWN OF	HENRY CO	9/20/74
MARENGO, TOWN OF	CRAWFORD CO	2/01/74
MECCA, TOWN OF	PARKE CO	1/23/74
MEDORA, TOWN OF	JACKSON CO	11/23/73
MILLTOWN, TOWN OF	CRAWFORD & HARRISON	11/30/73
MONTPELIER, TOWN OF	BLACKFORD CO	12/07/73
MORGANTOWN, TOWN OF	MORGAN CO	9/20/74
NEW PALESTINE, TOWN OF	HANCOCK CO	11/30/73
NEW WHITELAND, TOWN OF	JOHNSON CO	1/16/74
NEWBERRY, TOWN OF	GREENE CO	2/01/74
NEWPORT, TOWN OF	VERMILLION CO	5/31/74
OAKLAND CITY, CITY OF	GIBSON CO	5/10/74
ODDEN DUNES, TOWN OF	PORTER CO	5/31/74
ORLAND, TOWN OF	STUBEN CO	5/31/74
ORLEANS, TOWN OF	ORANGE CO	5/31/74
OSCEOLA, TOWN OF	ST JOSEPH CO	12/17/73
PAOLI, TOWN OF	ORANGE CO	11/23/73
PARAGON, TOWN OF	MORGAN CO	2/01/74
PATOKA, TOWN	GIBSON CO	11/23/73
PENNVILLE, TOWN OF	WAYNE CO	2/01/74

## NOTICES

## INDIANA

COMMUNITY NAME	COUNTY NAME	ID DATE
PERRYSVILLE, TOWN	VERMILLION CO	11/23/73
PLAINFIELD, TOWN OF	HENDRICKS CO	2/01/74
REMINGTON, TOWN OF	JASPER CO	5/31/74
RILEY, TOWN OF	VIGO CO	2/01/74
ROANN, TOWN OF	WABASH CO	12/07/73
ROANCKE, TOWN OF	HUNTINGTON CO	12/28/73
ROCHESTER, CITY OF	FULTON CO	2/15/74
ROSEDALE, TOWN OF	PARKE CO	11/30/73
RUSSELLVILLE, TOWN OF	PUTNAM CO	9/20/74
SCHNEIDER, TOWN OF	LAKE CO	12/17/73
SOUTH WHITLEY, TOWN OF	WHITLEY CO	12/21/73
SPENCERVILLE, TOWN OF	DEKALB CO	2/15/74
SPRING LAKE PARK, TOWN OF	HANCOCK CO	2/01/74
SPRINGPORT, TOWN OF	HENRY CO	2/01/74
ST PAUL, TOWN	MORGAN CO	2/01/74
STINESVILLE, TOWN OF	MONROE CO	2/01/74
SULPHUR SPRINGS, TOWN OF	HENRY CO	2/01/74
TENNYSON, TOWN OF	WARRICK CO	2/01/74
TIPTON, CITY OF	TIPTON CO	12/28/73
TROY, TOWN OF	PERRY CO	5/31/74
UNIVERSAL, TOWN OF	VERMILLION CO	2/01/74
WABASH, CITY OF	WABASH CO	6/07/74
WAYNETOWN, TOWN OF	MONTGOMERY CO	5/31/74
WEST BADEN SPRINGS, TOWN OF	ORANGE CO	12/28/73
WEST HARRISON, TOWN OF	DEARBORN CO	9/06/74
WILLIAMSPORT, TOWN OF	WARREN CO	12/17/73
WINONA LAKE, TOWN OF	KOSCIUSKO CO	5/03/74
WINSLOW, TOWN OF	PIKE CO	12/17/73

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NAME	COUNTY	ID. DATE
ALDEN, TOWN OF	HARDIN CO.	6/21/74
ALVORD, TOWN OF	LYON CO.	9/13/74
ANTHONY, TOWN OF	WOODBURY CO.	1/23/74
ARION, TOWN OF	CRAWFORD CO.	9/ 8/74
BELMOND, CITY OF	WRIGHT CO.	5/ 3/74
BONAPARTE, CITY OF	VAN BUREN CO.	1/ 9/74
BRONSON, TOWN OF	WOODBURY CO.	8/30/74
CASCADE, CITY OF	DUBUQUE & JONES CO.	12/17/73
COLUMBUS JUNCTION, CITY OF	LOUISA CO.	1/ 9/74
DELOIT, TOWN OF	CRAWFORD CO.	8/30/74
DONNELSON, TOWN OF	LEE CO.	5/10/74
DOW CITY, TOWN OF	CRAWFORD CO.	5/31/74
DOWS, TOWN OF	FRANKLIN&WRIGHT CO.	6/21/74
EDDYVILLE, TOWN OF	WAPELLO & MAHASKA & MONROE CO.	6/28/74
ELDON, TOWN OF	WAPELLO CO.	12/17/73
FREDERICKSBURG, TOWN OF	CHICKASAW CO.	5/ 3/74
GGWRIE, TOWN OF	WEBSTER CO.	6/28/74
GRANGER, TOWN OF	DALLAS CO.	3/22/74
HANCOCK, TOWN OF	POTTAWATTAMIE CO.	8/30/74
HINTON, TOWN OF	PLYMOUTH CO.	9/ 6/74
INDIANOLA, CITY OF	WARREN CO.	6/ 7/74
JANESVILLE, TOWN OF	BLACK HAWK & BREMER CO.	12/28/73
KELLOGG, TOWN OF	JASPER CO.	6/21/74
LINN GROVE, TOWN OF	BUENA VISTA CO.	8/16/74
LITTLEPORT, TOWN OF	CLAYTON CO.	8/23/74
LOWDEN, CITY OF	CEDAR CO.	6/28/74
MAQUOKETA, CITY OF	JACKSON CO.	6/28/74
NEW ALBIN, TOWN OF	ALLAMAKEE CO.	5/17/74
OELWEIN, CITY OF	FAYETTE CO.	7/26/74
OLIN, TOWN OF	JONES CO.	8/30/74
OTO, TOWN OF	WOODBURY CO.	9/13/74
OXFORD, TOWN OF	JOHNSON CO.	5/10/74
SAC CITY, CITY OF	SAC CO.	12/28/73
SHEFFIELD, TOWN OF	FRANKLIN CO.	6/28/74
SIGOURNEY, CITY OF	KEOKUK CO.	3/15/74
SPIRIT LAKE, CITY OF	DICKINSON CO.	5/31/74
ST. OLAF, TOWN OF	CLAYTON CO.	8/30/74
STANWOOD, TOWN OF	CEDAR CO.	8/ 9/74
WAPELLO, CITY OF	LOUISA CO.	1/16/74
WEST BRANCH, CITY OF	CEDAR CO.	3/ 1/74
WHAT CHEER, CITY OF	KEOKUK CO.	1/ 9/74
WHEATLAND, TOWN OF	CLINTON CO.	6/28/74
ZEARING, TOWN OF	STORY CO.	7/19/74
LANSING, TOWN OF	ALLAMAKEE CO.	12/31/1971
TOTAL		44

NOTICES

KANSAS

NAME	COUNTY	ID. DATE
ALMA, CITY OF	WABAUNSEE CO.	3/ 8/74
ANTHONY, CITY OF	HARPER CO.	6/28/74
BELLEVILLE, CITY OF	REPUBLIC CO.	2/15/74
BURRTON, CITY OF	HARVEY CO.	3/15/74
CANEY, CITY OF	MONTGOMERY CO.	2/15/74
CONCORDIA, CITY OF	CLOUD CO.	12/28/73
COUNTRYSIDE, CITY OF	JOHNSON CO.	8/23/74
DELIA, CITY OF	JACKSON CO.	8/30/74
EDGERTON, CITY OF	JOHNSON CO.	3/ 8/74
ELKHART, CITY OF	MORTON CO.	5/24/74
EUREKA, CITY OF	GREENWOOD CO.	4/12/74
FRANKFORT, CITY OF	MARSHALL CO.	1/23/74
GRANDVIEW PLAZA, CITY OF	GEARY CO.	2/ 1/74
HOLTON, CITY OF	JACKSON CO.	2/22/74
LA CYGNE, CITY OF	LINN CO.	3/15/74
LANSING, CITY OF	LEAVENWORTH CO.	8/23/74
LEROY, CITY OF	COFFEY CO.	12/28/73
LOGAN, CITY OF	PHILLIPS CO.	7/19/74
LOUISBURG, CITY OF	MIAMI CO.	3/ 1/74
MARQUETTE, CITY OF	MCPHERSON CO.	12/17/73
MINNEOLA, CITY OF	CLARK CO.	2/08/74
MOUND CITY, CITY OF	LINN CO.	3/ 1/74
NORTONVILLE, CITY OF	JEFFERSON CO.	3/ 1/74
OSKALOUSA, CITY OF	JEFFERSON CO.	5/24/74
PAWNEE ROCK, CITY OF	BARTON CO.	1/10/74
POMONA, CITY OF	FRANKLIN CO.	2/ 8/74
RILEY, CITY OF	RILEY CO.	2/15/74
ROSELAND PARK, CITY OF	JOHNSON CO.	5/31/74
RUSSELL, CITY OF	RUSSELL CO.	2/ 8/74
WESTMORELAND, CITY OF	POTTAWATTAMIE CO.	3/ 8/74
OSAGE CITY, CITY OF	OSAGE CO.	3/01/74
TOTAL		31

NOTICES

KENTUCKY

NOTICES

KENTUCKY



## NOTICES

## KENTUCKY

COMMUNITY NAME	COUNTY NAME	ID DATE
ALLEN, TOWN OF	FLOYD CO	1/23/74
ARLINGTON, TOWN OF	CARLISLE CO	5/17/74
BARDWELL, TOWN OF	CARLISLE CO	5/17/74
BERRY, TOWN OF	HARRISON CO	8/16/74
BOONEVILLE, CITY OF	DOWSLEY CO	2/01/74
BRADFORDSVILLE, CITY OF	MARION CO	5/10/74
BRODHEAD, CITY OF	ROCK CASTLE CO	5/17/74
BURKESVILLE, CITY OF	CUMBERLAND CO	2/17/74
CALHOUN, TOWN OF	MCLEAN CO	2/01/74
CAMPBELLSVILLE, CITY OF	TAYLOR CO	5/24/74
CENTRAL CITY, CITY OF	MUHLENBERG CO	2/01/74
CLAY CITY, CITY OF	PGWELL CO	2/01/74
CLAY, CITY OF	WEBSTER CO	2/01/74
CLINTON, TOWN OF	HICKMAN CO	5/17/74
CORBIN, CITY OF	WHITLEY CO	6/14/74
CRAB ORCHARD, TOWN OF	LINCOLN CO	6/14/74
COVER, TOWN OF	MASON CO	8/02/74
FALMOUTH, CITY OF	PENDLETON CO	5/24/74
FLEMINGSBURG, TOWN OF	FLEMING CO	6/07/74
FLORENCE, TOWN OF	BOONE CO	2/01/74
FORT THOMAS, CITY OF	CAMPBELL CO	1/25/74
GHEENT, TOWN OF	CARROLL CO	1/16/74
GLENCOE, CITY OF	GALLATIN CO	2/01/74
GREENUP, TOWN OF	GREENUP CO	1/23/74
HARDIN, CITY OF	MARSHALL CO	6/14/74
HARDIN, TOWN OF	MARSHALL CO	5/10/74
HARRISSBURG, CITY OF	MERCER CO	5/10/74
HAZEL, TOWN OF	CALLAWAY CO	8/09/74
HICKMAN, CITY OF	FULTON CO	6/28/74
HYDEN, CITY OF	LESLIE CO	5/24/74
JAMESTOWN, CITY OF	RUSSELL CO	5/10/74
JENKINS, CITY OF	LETCHER CO	6/07/74
LEBANON JUNCTION, CITY OF	BULLITT CO	3/15/74
LEITCHFIELD, TOWN OF	GRAYSON CO	5/10/74
MARTIN, TOWN OF	FLOYD CO	5/24/74
MILLERSBURG, CITY OF	BOURBON CO	5/10/74
MORGANTOWN, TOWN OF	BUTLER CO	2/01/74
NEON, TOWN OF	LETCHER CO	5/24/74
PETERSBURG, TOWN OF	BOONE CO	1/23/74
PRESTONVILLE, TOWN OF	CARROLL CO	8/16/74
RACELAND, TOWN OF	GREENUP CO	2/08/74
ROCHESTER, TOWN OF	BUTLER CO	2/01/74
ROCKPORT, TOWN OF	OHIO CO	2/01/74
SANDERS, TOWN OF	CARROLL CO	1/23/74
SHEPHERDSVILLE, CITY OF	BULLITT CO	5/24/74
SLAUGHTERS, CITY OF	WEBSTER CO	8/16/74

## NOTICES

## KENTUCKY

COMMUNITY NAME	COUNTY NAME	ID DATE
SMITHLAND, TOWN OF	LIVINGSTON CO	2/01/74
SOUTH SHORE, TOWN OF	GREENUP CO	2/01/74
SPARTA, CITY OF	GALLATIN CO	2/01/74
TAYLORSVILLE, TOWN OF	SPENCER CO	2/01/74
UNIONTOWN, TOWN OF	UNION CO	5/17/74
VICCO, CITY OF	PERRY CO	5/10/74
VINE GROVE, CITY OF	HARDIN CO	5/17/74
VISALIA, CITY OF	KENTON CO	1/23/74
WARSAW, CITY OF	GALLATIN CO	2/01/74
WAYLAND, TOWN OF	FLOYD CO	8/23/74
WHEAT CROFT, TOWN OF	WEBSTER CO	2/15/74
WINSTON PARK, TOWN OF	KENTON CO	1/23/74
WOODBURY, TOWN OF	BUTLER CO	2/01/74
WORTHVILLE, TOWN OF	CARROLL CO	1/23/74
TOTAL		60

## LOUISIANA

NAME	COUNTY	ID DATE
ALBANY, VILLAGE OF	LIVINGSTON PARISH	4/12/74
BASILE, TOWN OF	EVANGELINE PARISH	5/24/74
BENTON, TOWN OF	BOSSIER PARISH	6/14/74
BOYCE, TOWN OF	RAPIDES PARISH	4/5/74
CLARENCE, VILLAGE OF	NATCHITOCHE PARISH	3/1/74
DOYLINE, VILLAGE OF	WEBSTER PARISH	4/5/74
DUSON, TOWN OF	LAFAYETTE PARISH	4/5/74
GRAND COTEAU, TOWN OF	ST. LANDRY PARISH	12/7/73
KINDER, TOWN OF	ALLEN PARISH	4/5/74
MERMENTAU, TOWN OF	ACADIA PARISH	11/23/73
MORSE, TOWN OF	ACADIA PARISH	11/23/73
OBERLIN, CITY OF	ALLEN PARISH	6/21/74
PEARL RIVER, TOWN OF	ST. TAMMANY PARISH	5/24/74
RINGGOLD, TOWN OF	BIENVILLE PARISH	5/3/74
ROSELAND, TOWN OF	TANGIPAHCA PARISH	10/26/73
SCOTT, TOWN OF	LAFAYETTE PAR.	6/28/74
SICILY ISLAND, VILLAGE OF	CATAHOULA PARISH	12/28/73
SPRINGFIELD, TOWN OF	LIVINGSTON PARISH	8/23/74
STERLINGTON, TOWN OF	QUACHITA PARISH	12/17/73
SUN, VILLAGE OF	ST. TAMMANY PARISH	8/30/74
TURKEY CREEK, VILLAGE OF	EVANGELINE PARISH	8/30/74
VILLE PLATTE, TOWN OF	EVANGELINE PARISH	5/17/74
WESTLAKE, TOWN OF	CALCASIEU PAR.	5/17/74
TOTAL		23

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## NOTICES

## MAINE

## NOTICES

## MASSACHUSETTS



## NOTICES

## MAINE

NAME	COUNTY	ID. DATE
BEALS, TOWN OF	WASHINGTON CO.	8/16/74
BERWICK, TOWN OF	YORK CO.	8/ 9/74
BURNHAM, TOWN OF	WALDOO CO.	7/26/74
BUXTON, TOWN OF	YORK CO.	4/ 5/74
DAYTON, TOWN OF	YORK CO.	6/28/74
DRESDEN, TOWN OF	LINCOLN CO.	9/20/74
FRENCHVILLE, TOWN OF	ARROSTOOK CO.	9/20/74
KINGFIELD, TOWN OF	FRANKLIN CO.	9/13/74
LIMINGTON, TOWN OF	YORK CO.	5/31/74
MINOT, TOWN OF	ANDROSCOGGIN CO.	2/ 1/74
PARSONFIELD, TOWN OF	YORK CO.	6/28/74
PHILLIPS, TOWN OF	FRANKLIN CO.	6/14/74
SABATTUS, TOWN OF	ANDROSCOGGIN CO.	5/31/74
WASHINGTON, TOWN OF	KNOX CO.	9/ 6/74
WHITEFIELD, TOWN OF	LINCOLN CO.	7/26/74
TOTAL		15

## MARYLAND

HANCOCK, TOWN OF	WASHINGTON CO	8/09/74
QUEEN ANNE, TOWN OF	QUEEN ANNES CO	8/09/74
TOTAL		2

## NOTICES

## MASSACHUSETTS

NAME	COUNTY	ID. DATE
ACUSHNET, TOWN OF	BRISTOL CO.	9/ 6/74
ASHFIELD, TOWN OF	FRANKLIN CO.	6/28/74
AVON, TOWN OF	NORFOLK CO.	6/21/74
BLANDFORD, TOWN OF	HAMPDEN CO.	7/26/74
BOXFORD, TOWN OF	ESSEX CO.	8/30/74
BRIDGEWATER, TOWN OF	PLYMOUTH CO.	7/19/74
BRIMFIELD, TOWN OF	HAMPDEN CO.	7/19/74
BROCKFIELD, TOWN OF	WORCESTER CO.	5/ 3/74
CARLISLE, TOWN OF	MIDDLESEX CO.	8/16/74
CHESTER, TOWN OF	HAMPDEN CO.	7/19/74
CLINTON, TOWN OF	WORCESTER CO.	8/ 9/74
COLRAIN, TOWN OF	FRANKLIN CO.	7/26/74
CONWAY, TOWN OF	FRANKLIN CO.	8/ 2/74
DEERFIELD, TOWN OF	FRANKLIN CO.	9/13/74
DOVER, TOWN OF	NORFOLK CO.	9/20/74
EAST BROOKFIELD, TOWN OF	WORCESTER CO.	6/ 7/74
EAST HAMPTON, TOWN OF	HAMPSHIRE CO.	6/21/74
ERVING, TOWN OF	FRANKLIN CO.	6/28/74
GARDNER, CITY OF	WORCESTER CO.	9/ 8/74
HOLBROOK, TOWN OF	NORFOLK CO.	7/20/1975
GRANVILLE, TOWN OF	HAMPDEN CO.	8/30/74
GROTON, TOWN OF	MIDDLESEX CO.	9/ 6/74
HANCOCK, TOWN OF	BERKSHIRE CO.	6/28/74
HOLLISTON, TOWN OF	MIDDLESEX CO.	8/ 2/74
HOPKINTON, TOWN OF	MIDDLESEX CO.	7/19/74
HUBBARDSTON, TOWN OF	WORCESTER CO.	9/ 6/74
LEVERETT, TOWN OF	FRANKLIN CO.	6/28/74
LUNENBURG, TOWN OF	WORCESTER CO.	9/ 6/74
MAYNARD, TOWN OF	MIDDLESEX CO.	7/26/74
MENDON, TOWN OF	WORCESTER CO.	9/ 6/74
MILLIS, TOWN OF	NORFOLK CO.	7/19/74
NEW BRAintree, TOWN OF	WORCESTER CO.	9/20/74
NORTH BROCKFIELD, TOWN OF	WORCESTER CO.	6/21/74
OAKHAM, TOWN OF	WORCESTER CO.	8/ 2/74
PAXTON, TOWN OF	WORCESTER CO.	7/26/74
PELHAM, TOWN OF	HAMPSHIRE CO.	6/28/74
PETERSHAM, TOWN OF	WORCESTER CO.	9/13/74
PRINCETON, TOWN OF	WORCESTER CO.	8/30/74
ROCHESTER, TOWN OF	PLYMOUTH CO.	7/19/74
ROWLEY, TOWN OF	ESSEX CO.	7/26/74
SAUGUS, TOWN OF	ESSEX CO.	9/13/74
SPENCER, TOWN OF	WORCESTER CO.	9/13/74
STONEHAM, TOWN OF	MIDDLESEX CO.	8/ 2/74
TOPSFIELD, TOWN OF	ESSEX CO.	9/13/74
TOWNSEND, TOWN OF	MIDDLESEX CO.	9/20/74
WEST BOYLSTON, TOWN OF	WORCESTER CO.	7/26/74
WILLIAMSBURG, TOWN OF	HAMPSHIRE CO.	9/13/74
TOTAL		47

## NOTICES

## MICHIGAN

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## MINNESOTA

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## MICHIGAN

COMMUNITY NAME	COUNTY NAME	ID DATE
ASH, TOWNSHIP OF	MONROE CO	6/14/74
BEDFORD, TOWNSHIP OF	MONROE CO	2/15/74
BERLIN, TOWNSHIP OF	ST CLAIR CO	8/23/74
BLAINE, TOWNSHIP OF	BENZIE CO	9/20/74
BURTON, TOWNSHIP OF	GENESEE CO	8/16/74
CLYDE, TOWNSHIP OF	ST CLAIR CO	7/26/74
DELHI CHARTER, TOWNSHIP OF	INGHAM CO	7/26/74
FRANKENMUTH, CITY OF	SAGINAW CO	1/23/74
GREENBUSH, TOWNSHIP OF	ALCONA CO	9/06/74
HINTON, TOWNSHIP OF	MECOSTA CO	9/06/74
LINCOLN, TOWNSHIP OF	ARENAC CO	6/14/74
MEMPHIS, VILLAGE OF	ST CLAIR CO	5/17/74
MILAN, TOWNSHIP OF	MONROE CO	5/24/74
NORTHVILLE, CITY OF	WAYNE CO	9/06/74
OLIVET, CITY OF	EATON CO	5/17/74
PARCHMENT, CITY OF	KALAMAZOO CO	5/10/74
PLYMOUTH, CITY OF	WAYNE CO	5/17/74
RIVERVIEW, CITY OF	WAYNE CO	5/03/74
SOUTH ROCKWOOD, VILLAGE OF	MONROE CO	2/01/74
STANDISH, CITY OF	ARENAC CO	9/20/74
SUMPTER, TOWNSHIP OF	WAYNE CO	6/28/74
WESAW, TOWNSHIP OF	BERRIEN CO	6/28/74
TOTAL		22

## MINNESOTA

COMMUNITY NAME	COUNTY NAME	ID DATE
ARLINGTON, CITY OF	SIBLEY CO	5/17/74
AURORA, CITY OF	ST LOUIS CO	4/05/74
AVON, CITY OF	STEARNS CO	3/29/74
BELLINGHAM, CITY OF	LACUIPARLE CO	8/23/74
BIG FALLS, CITY OF	KOOCHICHING CO	8/30/74
BIG FORK, CITY OF	ITASCA CO	9/13/74
BLUFFTON, CITY OF	OTTER TAIL CO	8/09/74
BRANCH, CITY OF	CHISAGO CO	8/30/74
BROOKS, CITY OF	RED LAKE CO	8/09/74
BROWNTON, CITY OF	MCLEOD CO	5/03/74
BUCKMAN, CITY OF	MORRISON CO	8/09/74
CAMPBELL, CITY OF	WILKIN CO	8/02/74
CHANDLER, CITY OF	MURRAY CO	8/09/74
CHOKIG, CITY OF	STEVENS CO	5/03/74
CLIMAX, CITY OF	POLK CO	9/20/74
CLINTON, CITY OF	BIG STONE CO	5/17/74
CLONTARF, CITY OF	SWIFT CO	7/19/74

## NOTICES

## MINNESOTA

COMMUNITY NAME	COUNTY NAME	ID DATE
COMPASSET, CITY OF	ITASCA CO	5/31/74
CUMFREY, CITY OF	BROWN CO	9/20/74
CUMSTOCK, CITY OF		9/06/74
CORCORAN, CITY OF	HENNEPIN CO	6/07/74
CO-SMOS, CITY OF	MEeker CO	5/17/74
COURTLAND, CITY OF	NICOLLET CO	7/19/74
CROMWELL, CITY OF	CARLTON CO	8/30/74
CURRIE, CITY OF	MURRAY CO	8/02/74
CYRUS, CITY OF	POPE CO	8/09/74
DANUBE, CITY OF	RENNVILLE CO	9/20/74
DANVERS, CITY OF	SWIFT CO	8/09/74
DEER CREEK, CITY OF	OTTER TAIL CO	8/16/74
DEGRAFF, CITY OF	SWIFT CO	8/09/74
DELAVER, CITY OF	FAIRBULT CO	8/16/74
EDEN VALLEY, CITY OF	STEARNS CO	5/03/74
ELL SWORTH, CITY OF	NOBLE CO	5/03/74
ELMDALE, CITY OF	MORRISON CO	8/09/74
FREEPORT, CITY OF	STEARNS CO	5/03/74
ELMORE, CITY OF	FAIRBULT CO	5/14/74
ERHARD, CITY OF	OTTER TAIL CO	8/09/74
EVELETH, CITY OF	ST LOUIS CO	6/07/74
EYOTA, CITY OF	OLMSTED CO	4/12/74
FAIRFAX, CITY OF	RENNVILLE CO	3/29/74
FAIRMONT, CITY OF	MARTIN CO	6/07/74
FISHER, CITY OF	POLK CO	8/02/74
FORESTON, CITY OF	MILLE LACS CO	8/02/74
GENEVA, CITY OF	GREENBORN CO	9/06/74
CHENT, CITY OF	LYON CO	8/02/74
GIBSON, CITY OF	SIBLEY CO	6/21/74
GLYNDEN, CITY OF	CLAY CO	5/17/74
GOODHUE, CITY OF	GOODHUE CO	5/24/74
GRACEVILLE, CITY OF	BIG STONE CO	5/17/74
GRANADA, CITY OF	MARTIN CO	8/02/74
GREENWALD, CITY OF	STEARNS CO	8/23/74
HACKENSACK, CITY OF	CASS CO	9/20/74
HARRIS, CITY OF	CHISAGO CO	9/20/74
HENNING, CITY OF	OTTER TAIL CO	5/03/74
HERON LAKE, CITY OF	JACKSON CO	5/24/74
HEWITT, CITY OF	TODD CO	8/09/74
HILLS, CITY OF	ROCK CO	4/12/74
HOLDINGFORD, CITY OF	STEARNS CO	5/17/74
HOLLAND, CITY OF	PIPESTONE CO	8/30/74
HOLLANDALE, CITY OF	FREEBORN CO	9/20/74
HOLLOWAY, CITY OF	SWIFT CO	9/06/74
HUMBOLDT, CITY OF	KITTSON CO	8/09/74
IHLIN, CITY OF	PIPESTONE CO	8/02/74
INTERNATIONAL FALLS, CITY OF	KOOCHICHING CO	6/07/74
ISANTI, CITY OF	ISANTI CO	1/09/74
JENKINS, CITY OF	CROW WING CO	8/23/74
KREWATIN, CITY OF	ITASCA CO	5/03/74
KENYON, CITY OF	GOODHUE CO	5/24/74
KIESTER, CITY OF	FAIRBULT CO	5/10/74
LA PRAIRIE, CITY OF	ITASCA CO	6/25/74
LAKE SHORE, CITY OF	CASS CO	9/13/74
MADEIRA, CITY OF		

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## MINNESOTA

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## MINNESOTA

COMMUNITY NAME	COUNTY NAME	ID DATE
MADISON, CITY OF	LAC QUI PARLE CO	4/12/74
MAPLE PLAIN, CITY OF	HENNEPIN CO	5/03/74
MARIETTA, CITY OF	LAC QUI PARLE CO	9/06/74
MAYER, CITY OF	CARVER CO	11/23/73
MAZEPPA, CITY OF	WABASHA CO	7/19/74
MENAHGA, CITY OF	WADENA CO	4/12/74
MENDOTA HEIGHTS, CITY OF	DAKOTA CO	11/23/73
MENDOTA, CITY OF	DAKOTA CO	2/08/74
MIDDLE RIVER, CITY OF	MARSHALL CO	7/19/74
MIESVILLE, CITY OF	DAKOTA CO	7/19/74
MILLVILLE, CITY OF	WABASHA CO	8/02/74
MINNESOTA LAKE, CITY OF	FARIBAULT CO	5/17/74
MORRISTOWN, CITY OF	RICE CO	3/29/74
MOTLEY, CITY OF	MORRISON CO	8/02/74
MOUNTAIN IRON, VILLAGE OF	ST LOUIS CO	5/24/74
MURDOCK, CITY OF	SWIFT CO	8/23/74
NEW RICHLAND, CITY OF	WASECA CO	4/12/74
NICOLLET, CITY OF	NICOLLET CO	4/05/74
NORTH BRANCH, CITY OF	CHISAGO CO	5/10/74
NORTH REDWOOD, CITY OF	REDWOOD CO	8/30/74
OAK PARK HEIGHTS, CITY OF	WASHINGTON CO	4/22/74
ODESSA, CITY OF	BIG STONE CO	11/23/73
PALISADE, CITY OF	AITKIN CO	8/02/74
PEASE, CITY OF	MILLE LACS CO	8/02/74
PETERSON, CITY OF	FILMORE CO	8/30/74
PILLAGER, CITY OF	CASS CO	7/19/74
PLUMMER, CITY OF	RED LAKE CO	8/23/74
PRINSBURG, CITY OF	KANDIYOHIO CO	8/23/74
QUAMBA, CITY OF	KANABEC CO	8/09/74
RANDOLPH, CITY OF	DAKOTA CO	7/19/74
RANIER, CITY OF	KOOCHICHING CO	8/09/74
RAVENNA, CITY OF	DAKOTA CO	2/25/74
RICHMOND, CITY OF	STEARNS CO	3/29/74
ROLLINGSTONE, CITY OF	WINONA CO	8/02/74
ROSCOE, CITY OF	STEARNS CO	8/02/74
RUSH CITY, CITY OF	CHISAGO CO	5/10/74
RUTHTON, CITY OF	PIPESTONE CO	8/09/74
RUTLEDGE, CITY OF	PINE CO	8/09/74
SACRED HEART, CITY OF	RENVILLE CO	5/03/74
SCANLON, CITY OF	CARLTON CO	11/02/73
SEBEKA, CITY OF	WADENA CO	4/12/74
ST BONIFACIUS, CITY OF	HENNEPIN CO	6/07/74
ST CLAIR, CITY OF	BLUE EARTH CO	8/23/74
ST FRANCIS, CITY OF	ANOKA CO	6/28/74
ST STEPHEN, CITY OF	STEARNS CO	8/23/74
TAUNTON, CITY OF	LYON CO	7/19/74
THOMSON, CITY OF	CARLTON CO	8/02/74
TROSKY, CITY OF	PIPESTONE CO	8/09/74

## NOTICES

## MINNESOTA

COMMUNITY NAME	COUNTY NAME	ID DATE
TWIN LAKES, CITY OF	FREEBORN CO	8/02/74
TYLER, CITY OF	LINCOLN CO	5/03/74
VERMILLION, CITY OF	ITASCO CO	8/09/74
WALDORF, CITY OF	WASECA CO	8/09/74
WALTHAM, CITY OF	MOORE CO	8/09/74
WARBA, CITY OF	ITASCA CO	9/13/74
WATKINS, CITY OF	MEEKER CO	4/12/74
WELCOME, CITY OF	MARTIN CO	5/10/74
WINSTON, CITY OF	ST LOUIS CO	8/02/74
WOLVERTON, CITY OF	WILKIN CO	8/09/74
WOODBURY, CITY OF	WASHINGTON CO	5/31/74
WRIGHT, CITY OF	CARLTON CO	9/13/74
WANAMINGO, CITY OF	GOODHUE CO.	5/10/74
TOTAL		133

## MISSISSIPPI

COMMUNITY NAME	COUNTY NAME	ID DATE
BRAXTON, VILLAGE OF	SIMPSON CO	7/19/74
DUNCAN, TOWN OF	BOLIVAR CO	6/21/74
FLORENCE, TOWN OF	RANKIN CO	8/23/74
EDEN, VILLAGE OF	YAZOO CO	7/19/74
GATTMAN, VILLAGE OF	MONROE CO	7/19/74
GEORGETOWN, TOWN OF	COPIAH CO	8/02/74
LAKE, TOWN OF	SCOTT CO	7/19/74
PUCKETT, TOWN OF	RANKIN CO	8/23/74
SALLIS, VILLAGE OF	ATTALA CO	8/09/74
SCHLATER, TOWN OF	LEFLORE CO	8/23/74
SHUBUTA, TOWN OF	CLARKE CO	6/07/74
WALNUT GROVE, TOWN OF	LEAKE CO	6/28/74
WINSTONVILLE, TOWN OF	BOLIVAR CO	7/19/74
TOTAL		13

## NOTICES

## MISSOURI

## NOTICES

## MISSOURI

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## NOTICES

## MISSOURI

NAME	COUNTY	ID. DATE
AMAZONIA, TOWN OF	ANDREW CO.	8/16/74
ANDERSON, CITY OF	MCDONALD CO.	5/17/74
ANNISTON, TOWN OF	MISSISSIPPI CO.	5/ 3/74
ARCHIE, TOWN OF	CASS CO.	6/ 7/74
AVA, CITY OF	DOUGLAS CO.	5/17/74
BEL NCR, VILLAGE OF	ST LOUIS CO.	4/ 5/74
BERGER, CITY OF	FRANKLIN CO.	8/30/74
BLAND, CITY OF	GASCONADO CO.	5/17/74
BLCOMFIELD, CITY OF	STODDARD CO.	12/28/73
BRUNSWICK, TOWN OF	CHARLTON CO.	3/29/74
BUCKNER, TOWN OF	JACKSON CO.	12/28/73
BUNKER, TOWN OF	REYNOLDS CO.	9/ 6/74
CALIFORNIA, CITY OF	MONITEAU CO.	4/ 5/74
CAMPBELL, CITY OF	DUNKLIN CO.	3/29/74
CARL JUNCTION, CITY OF	JASPER CO.	2/ 8/74
CARTERVILLE, TOWN OF	JASPER CO.	12/28/73
CENTER, TOWN OF	ROLLS CO.	7/26/74
COLE CAMP, CITY OF	BENTON CO.	6/14/74
CONWAY, TOWN OF	LACLEDE CO.	5/10/74
CRANE, CITY OF	STONE CO.	6/ 7/74
DEWITT, CITY OF	CARROLL CO.	9/ 6/74
DONIPHAN, CITY OF	RIPLEY CO.	3/ 1/74
DUENWEG, CITY OF	JASPER CO.	5/ 3/74
EDINA, CITY OF	KNOX CO.	12/17/73
ESSEX, TOWN OF	REYNOLDS CO.	9/ 6/74
FULTON, CITY OF	CALLAWAY CO.	5/17/74
GALENA, CITY OF	STONE CO.	8/30/74
GLENAIRE, VILLAGE OF	CLAY CO.	6/14/74
HANLEY HILLS, TOWN OF	ST LOUIS CO.	8/ 2/74
HARDIN, CITY OF	RAY CO.	6/ 7/74
HARTVILLE, TOWN OF	WRIGHT CO.	6/28/74
HURLEY, TOWN OF	STONE CO.	5/ 3/74
KOSHKONONG, CITY OF	OREGON CO.	9/ 6/74
LAMAR, TOWN OF	BARTON CO.	12/28/73
LINCOLN, TOWN OF	BENTON CO.	5/31/74
LUTESVILLE, CITY OF	BOLLINGER CO.	5/10/74
MARBLE HILL, CITY OF	BOLLINGER CO.	5/10/74
MARCELINE, CITY OF	LINN CO.	3/29/74
MARIONVILLE, CITY OF	LAWRENCE CO.	5/17/74
MARLBOROUGH, VILLAGE OF	ST LOUIS CO.	5/31/74
MARTHASVILLE, VILLAGE OF	WARREN CO.	9/13/74
MARY RIDGE, VILLAGE OF	ST LOUIS CO.	4/ 5/74
META, TOWN OF	OSAGE CO.	9/13/74
MISSOURI CITY, VILLAGE OF	CLAY CO.	8/16/74
NAYLOR, CITY OF	RIPLEY CO.	3/ 1/74
MEMPHIS, CITY OF	SCOTLAND CO.	12/31/71

## NOTICES

## MISSOURI

NAME	COUNTY	ID. DATE
NIXA, CITY OF	CHRISTIAN CO.	6/28/74
NOEL, TOWN OF	MCDONALD CO.	5/24/74
NORBORNE, CITY OF	CARRCLL CO.	4/ 5/74
NORTHMOOR, TOWN OF	PLATTE CO.	7/19/74
OZARK, CITY OF	CHRISTIAN CO.	12/28/73
PALMYRA, CITY OF	MARION CO.	3/29/74
PUXICO, TOWN OF	STODDARD CO.	3/ 8/74
RIVERVIEW, CITY OF	ST LOUIS CO.	6/28/74
SCOTT CITY, CITY OF	SCOTT CO.	4/12/74
SHOAL CREEK DRIVE, TOWN OF	NEWTON CO.	8/16/74
SIBLEY, VILLAGE OF	JACKSON CO.	8/30/74
ST. CLAIR, TOWN OF	FRANKLIN CO.	4/12/74
STRASBURG, CITY OF	CASS CO.	8/16/74
VERSAILLES, CITY OF	MORGAN CO.	4/ 5/74
WINDSOR, CITY OF	HENRY CO.	4/ 5/74
TOTAL		61

## MONTANA

BAKER, CITY OF	FALLON CO.	3/15/74
BIG SANDY, TOWN OF	CHOUTEAU CO.	3/29/74
BROADUS, TOWN OF	POWDER RIVER CO.	8/23/74
ENNIS, TOWN OF	MADISON CO.	3/15/74
FAIRVIEW, TOWN OF	RICHLAND CO.	8/16/74
FLATHEAD COUNTY		9/13/74
FORSYTH, CITY OF	ROSEBUD CO.	3/ 8/74
FORT BENTON, CITY OF	CHOUTEAU CO.	5/10/74
GLASGOW, CITY OF	VALLEY CO.	1/ 9/74
HOT SPRINGS, TOWN OF	SANDERS CO.	6/ 7/74
KALISPELL, CITY OF	FLATHEAD CO.	2/15/74
PLAINS, TOWN OF	SANDERS CO.	3/22/74
ROSEBUD COUNTY		8/ 2/74
STANFORD, TOWN OF	JUDITH BASIN CO.	6/28/74
WHITE SULPHUR SPRINGS, CITY OF	MEAGER CO.	5/24/74
TOTAL		15

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## NOTICES

## NEBRASKA

## NOTICES

## NEW HAMPSHIRE



## NEBRASKA

NAME	COUNTY	ID. DATE
BARNESTON, TOWN OF	GAGE CO.	9/ 6/74
BROCK, VILLAGE OF	NEMAHA CO.	8/16/74
CLAY CENTER, CITY OF	CLAY CO.	3/22/74
ELM CREEK, VILLAGE OF	BUFFALO CO.	5/31/74
EWING, VILLAGE OF	HOLT CO.	5/ 3/74
FULLERTON, CITY OF	NANCE CO.	6/ 7/74
HAY SPRINGS, CITY OF	SHERIDAN CO.	3/22/74
LYNCH, VILLAGE OF	BOYD CO.	11/ 8/74
NEMAHA, VILLAGE OF	NEMAHA CO.	8/20/74
NICKERSON, VILLAGE OF	DODGE CO.	1/23/74
OKDALE, VILLAGE OF	ANTELOPE CO.	12/28/73
ODELL, VILLAGE OF	GAGE CO.	9/ 6/74
PALMYRA, VILLAGE OF	OTOE CO.	9/ 6/74
PAXTON, VILLAGE OF	KEITH CO.	5/24/74
PONCA, CITY OF	DIXON CO.	4/12/74
RUSHVILLE, CITY OF	SHERIDAN CO.	5/ 3/74
SHELTON, VILLAGE OF	BUFFALO CO.	3/22/74
STROMSBURG, CITY OF	POLK CO.	5/17/74
UNADILLA, VILLAGE OF	OTOE CO.	8/23/74
WATERLOO, VILLAGE OF	FRANKLIN CO.	9/ 6/74
WISNER, CITY OF	CUMING CO.	12/ 7/73

TOTAL

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## NEW HAMPSHIRE

NAME	COUNTY	ID. DATE
ACWORTH, TOWN OF	SULLIVAN CO.	9/13/74
ALLENSTOWN, TOWN OF	MERRIMACK CO.	4/ 5/74
ANDOVER, TOWN OF	MERRIMACK CO.	6/28/74
BARTLETT, TOWN OF	CARROLL CO.	6/28/74
BEDFORD, TOWN OF	HILLSBOROUGH CO.	3/29/74
BETHLEHEM, TOWN OF	GRAFTON CO.	6/28/74
BOSCAWEN, TOWN OF	MERRIMACK CO.	3/15/74
BRIDGEWATER, TOWN OF	GRAFTON CO.	8/16/74
BRISTOL, TOWN OF	GRAFTON CO.	6/21/74
CAMPTON, TOWN OF	GRAFTON CO.	4/ 5/74
CANAAN, TOWN OF	GRAFTON CO.	6/28/74
CHARLESTOWN, TOWN OF	SULLIVAN CO.	5/31/74
CHICHESTER, TOWN OF	MERRIMACK CO.	4/ 5/74
CONCORD, CITY OF	MERRIMACK CO.	8/ 2/74
DURHAM, TOWN OF	STRAFFORD CO.	9/13/74
EPSOM, TOWN OF	MERRIMACK CO.	3/15/74
FREEDOM, TOWN OF	CARROLL CO.	8/30/74
GILFORD, TOWN OF	BELKNAP CO.	6/28/74
GOFFSTOWN, TOWN OF	HILLSBOROUGH CO.	9/20/74
HAVERHILL, TOWN OF	GRAFTON CO.	3/ 8/74
HENNIKER, TOWN OF	MERRIMACK CO.	3/15/74
HUDSON, TOWN OF	HILLSBOROUGH CO.	3/ 8/74
LANCASTER, TOWN OF	COOS CO.	7/20/75
LONDONDERRY, TOWN OF	ROCKINGHAM CO.	8/ 9/74
LOUDON, TOWN OF	MERRIMACK CO.	8/ 2/74
MARLBOROUGH, TOWN OF	CHESHIRE CO.	6/28/74
MARLOW, TOWN OF	CHESHIRE CO.	9/13/74
MILAN, TOWN OF	COOS CO.	6/28/74
NEW BOSTON, TOWN OF	HILLSBOROUGH CO.	6/28/74
NEW CASTLE, TOWN OF	ROCKINGHAM CO.	5/31/74
NEW HAMPTON, TOWN OF	BELKNAP CO.	3/ 8/74
NORTHFIELD, TOWN OF	MERRIMACK CO.	3/22/74
NOTTINGHAM, TOWN OF	ROCKINGHAM CO.	6/28/74
PITTSFIELD, TOWN OF	MERRIMACK CO.	3/15/74
RAYMOND, TOWN OF	ROCKINGHAM CO.	8/ 9/74
RUMNEY, TOWN OF	GRAFTON CO.	3/15/74
RYE, TOWN OF	ROCKINGHAM CO.	6/28/74
SANDWICH, TOWN OF	CARROLL CO.	7/26/74
SEABROOK, TOWN OF	ROCKINGHAM CO.	8/ 2/74
SOMERSWORTH, TOWN OF	STRAFFORD CO.	8/16/74
STRATFORD, TOWN OF	COOS CO.	7/26/74
SUGAR HILL, TOWN OF	GRAFTON CO.	8/23/74
SUNAPEE, TOWN OF	SULLIVAN CO.	6/28/74
SUTTON, TOWN OF	MERRIMACK CO.	6/28/74

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## NEW HAMPSHIRE

## NEW YORK



## NOTICES

## NEW HAMPSHIRE

NAME	COUNTY	ID. DATE
TAMWORTH, TOWN OF	CARROLL CO.	7/19/74
UNITY, TOWN OF	SULLIVAN CO.	5/31/74
WAKEFIELD, TOWN OF	CARROLL CO.	7/26/74
WARREN, TOWN OF	GRAFTON CO.	9/13/74
WENTWORTH, TOWN OF	GRAFTON CO.	8/16/74
WHITEFIELD, TOWN OF	COOS CO.	7/26/74
WILMOT, TOWN OF	MERRIMACK CO.	8/16/74

TOTAL

51

## NEW JERSEY

AUDUBON PARK, BORO	CAMDEN CO	6/28/74
EDGEWATER, BOROUGH OF	BERGEN CO	6/21/74
ELK, TOWN OF	GLOUCESTER CO	8/02/74
FLORENCE, TOWNSHIP OF	GLOUCESTER CO	6/28/74
FRANKFORD, TOWNSHIP OF	BURLINGTON CO	6/28/74
FRANKLIN, TOWNSHIP OF	SUSSEX CO	1/31/74
FRANKLIN, TOWNSHIP OF	GLOUCESTER CO	9/13/74
FRANKLIN, TOWNSHIP OF	HUNTERDON CO	7/26/74
HAMPTON, BOROUGH OF	HUNTERDON CO	6/07/74
HARDYSTON, TOWN OF	SUSSEX CO	9/06/74
HARRISON, TOWN OF	HUDSON CO	6/28/74
JAMESBURG, BOROUGH OF	MIDDLESEX CO	6/28/74
KINNELON, BOROUGH OF	MORRIS CO	7/13/73
LIBERTY, TOWNSHIP OF	WARREN CO	8/09/74
LOGAN, TOWNSHIP OF	GLOUCESTER CO.	9/13/74
OAKLYN, BOROUGH OF	CAMDEN CO	2/22/74
SOUTH HARRISON, TOWNSHIP OF	GLOUCESTER CO	6/28/74
SPRINGFIELD, TWP	BURLINGTON CO	7/26/74
UPPER FREEHOLD, TOWNSHIP OF	MONTMOUTH CO	3/22/74
WESTAMPTON, TOWNSHIP OF	BURLINGTON CO	6/28/74
WINFIELD, TOWNSHIP OF	UNION CO	3/08/74
WRIGHTSTOWN, BOROUGH OF	BURLINGTON CO	6/26/74

TOTAL

21

## NEW MEXICO

BAYARD, VILLAGE OF	GRANT CO.	8/30/74
CHAMA, VILLAGE OF	RIO ARriba CO.	8/16/74
CIMARRON, VILLAGE OF	COLFAX CO.	5/17/74
GRANTS, CITY OF	VALENCIA CO.	6/28/74
MURLEY, TOWN OF	GRANT CO.	6/28/74
MAGDALENA, VILLAGE OF	SOCORRO CO.	8/27/74
MORA COUNTY		8/9/74
SAN JUAN COUNTY		9/13/74
TAOS COUNTY		8/30/74

TATUM, TOWN OF

LEA CO.

6/21/74

TOTAL

10

## NOTICES

## NEW YORK

COMMUNITY NAME	COUNTY NAME	ID. DATE
ADAMS, TOWN OF	JEFFERSON CO	6/07/74
ALABAMA, TOWN OF	GENESEE CO	2/14/74
ALBION, VILLAGE OF	ORLEANS CO	5/31/74
ALEXANDRIA, TOWN OF	JEFFERSON CO	5/03/74
ALTAMONT, VILLAGE OF	ALBANY CO.	5/24/74
ANDES, VILLAGE OF	DELAWARE CO	4/12/74
ANTWERP, VILLAGE OF	JEFFERSON CO	8/05/74
ARCADE, TOWN OF	JEFFERSON CO	5/31/74
ASHFORD, TOWN OF	WYOMING CO	7/26/74
AVA, TOWN OF	CATTARAUGUS CO	9/13/74
BALDWIN, TOWN OF	ONEIDA CO	6/26/74
BALLSTON, TOWN OF	CHEMUNG CO	5/31/74
BEEKMANTOWN, TOWN OF	SARATOGA CO	8/02/74
BERLIN, TOWN OF	CLINTON CO	8/30/74
BOMBAY, TOWN OF	RENSSELAER CO	8/30/74
BOONVILLE, TOWN OF	FRANKLIN CO	9/06/74
BRIDGEWATER, TOWN OF	ONEIDA CO	9/06/74
BRIDGEWATER, VILLAGE OF	ONEIDA CO	9/06/74
BRIGHTWATERS, VILLAGE OF	ONEIDA CO	5/17/74
BROADALBIN, TOWN OF	FULTON CO	5/10/74
CANASTOTA, VILLAGE OF	FULTON CO	9/20/74
CANDLER, TOWN OF	MADISON CO	3/29/74
CAROLINE, TOWN OF	TIOGA CO	8/02/74
CARLISLE, TOWN OF	TOMPKINS CO	9/06/74
CARROLL, TOWN OF	SCHCHARIE CO	9/20/74
CARROLLTON, TOWN OF	CHAUTAUQUA CO	9/20/74
CASTLETON ON THE HUDSON, VILLAGE	CATTARAUGUS CO	9/20/74
CASTORLAND, VILLAGE OF	RENSSELAER CO	3/01/74
CHAMPION, TOWN OF	LEWIS CO	8/05/74
CHAMPLAIN, VILLAGE OF	JEFFERSON CO	5/31/74
CHARLESTON, TOWN OF	CLINTON CO	5/31/74
CHERRY CREEK, VILLAGE OF	MONTGOMERY CO	7/26/74
CHESTER, TOWN OF	CHAUTAUQUA CO	5/10/74
CHESTERFIELD, TOWN OF	WARREN CO	9/06/74
CLAYVILLE, VILLAGE OF	ESSEX CO	9/06/74
CLEVELAND, VILLAGE OF	ONEIDA CO	5/24/74
CLYDE, VILLAGE OF	OSWEGO CO	5/31/74
COLCHESTER, TOWN OF	WAYNE CO	5/31/74
COLD SPRING, TOWN OF	DELEWARE CO	6/20/74
	CATTARAUGUS CO	6/21/74

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## NEW YORK

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NEW YORK

COMMUNITY NAME	COUNTY NAME	ID DATE
COLUMBIA, TOWN OF	HERKIMER CO	3/29/74
CONEWANGO, TOWN OF	CATTARAUGUS CO	6/28/74
CONQUEST, TOWN OF	CAYUGA CO	8/16/74
CONSTABLEVILLE, VILLAGE OF	LEWIS CO	8/09/74
COVERT, TOWN OF	SENECA CO	7/19/74
CROGHAN, VILLAGE OF	LEWIS CO	5/31/74
DANURE, TOWN OF	HERKIMER CO	4/05/74
DEPOSIT, TOWN OF	DELAWARE CO	6/21/74
DERUYTER, TOWN OF	MADISON CO	9/20/74
DIANA, TOWN OF	LEWIS CO	9/13/74
DUBBS FERRY, VILLAGE OF	WESTCHESTER CO	5/17/74
EAGLE, TOWN OF	WYOMING CO	9/13/74
EDEN, TOWN OF	ERIE CO	9/20/74
ELLISBURG, VILLAGE OF	JEFFERSON CO	8/30/74
EVANS MILLS, VILLAGE OF	JEFFERSON CO	5/17/74
FAIRFIELD, TOWN OF	HERKIMER CO	3/29/74
FARMERSVILLE, TOWN OF	CATTARAUGUS CO	6/28/74
FAYETTE, TOWN OF	SENECA CO	9/20/74
FENNER, TOWN OF	MADISON CO	9/13/74
FILLMORE, VILLAGE OF	ALLEGANY CO	2/01/74
FLORENCE, TOWN OF	ONEIDA CO	9/13/74
FOREST PORT, TOWN OF	ONEIDA CO	6/28/74
FORT ANN, VILLAGE OF	WASHINGTON CO	4/12/74
FRANKLIN, TOWN	FRANKLIN CO	5/31/74
FRANKLINVILLE, VILLAGE OF	CATTARAUGUS CO	5/31/74
GENOA, TOWN OF	CAYUGA CO	6/28/74
GREEN PARK, VILLAGE OF	JEFFERSON CO	3/29/74
GREIG, TOWN OF	LEWIS CO	6/28/74
GROVE, TOWN OF	ALLEGANY CO	6/28/74
HADLEY, TOWN OF	SARATOGA CO	9/13/74
HAMDEN, TOWN OF	DELAWARE CO	6/28/74
HARRISBURG, TOWN OF	LEWIS CO	8/30/74

## NOTICES

NEW YORK

COMMUNITY NAME	COUNTY NAME	ID DATE
HAVER STRAW, VILLAGE OF	ROCKLAND CO	4/12/74
HIGH MARKET, TOWN OF	LEWIS CO	9/13/74
HUMPHREY, TOWN OF	CATTARAUGUS CO	8/30/74
HUNTER, VILLAGE OF	GREENE CO	8/16/74
INDEPENDENCE, TOWN OF	ALLEGANY CO	9/06/74
IRA, TOWN OF	CAYUGA CO	7/26/74
ISCHUA, TOWN OF	CATTARAUGUS CO	5/31/74
ITALY, TOWN OF	YATES CO	6/28/74
KEESEVILLE, VILLAGE OF	ESSEX CO	5/31/74
LAWRENCE, TOWN OF	ST LAWRENCE CO	9/20/74
LEDYARD, TOWN OF	CAYUGA CO	7/19/74
LEON, TOWN OF	CATTARAUGUS CO	5/31/74
LEWIS, TOWN OF	LEWIS CO	6/28/74
LEXINGTON, TOWN OF	GREENE CO	8/23/74
LINCOLN, TOWN OF	MADISON CO	4/12/74
LISLE, TOWN OF	BROOME CO	2/15/74
LISLE, VILLAGE OF	BROOME CO	8/09/74
LITCHFIELD, TOWN OF	HERKIMER CO	3/15/74
LIVINGSTON, TOWN OF	COLUMBIA CO	5/24/74
LLOYD, TOWN OF	ULSTER CO	9/06/74
LODI, TOWN OF	SENECA CO	7/26/74
LORRAINE, TOWN OF	JEFFERSON CO	5/10/74
LYNDON, TOWN OF	CATTARAUGUS CO	8/09/74
LYONS, VILLAGE OF	WAYNE CO	5/03/74
LYONSDALE, TOWN OF	LEWIS CO	8/16/74
MACOMB, TOWN OF	ST LAWRENCE CO	9/13/74
MANSFIELD, TOWN OF	CATTARAUGUS CO	5/31/74
MARBLETOWN, TOWN OF	ULSTER CO	9/20/74
MARTINEBURG, TOWN OF	LEWIS CO	6/28/74
MASONVILLE, TOWN OF	DELAWARE CO	6/26/74
MEREDITH, TOWN OF	DELAWARE CO	6/28/74
MIDDLEBURG, TOWN OF	SCHUYLER CO	8/30/74
MIDDLEBURG, VILLAGE OF	SCHUYLER CO	5/31/74
MIDDLETOWN, TOWN OF	DELAWARE CO	9/06/74

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NEW YORK

COMMUNITY NAME	COUNTY NAME	ID DATE
MONTOUR, TOWN OF	SCHUYLER CO	7/19/74
MORAVIA, TOWN OF	CAYUGA CO	6/14/74
MORRISTOWN, TOWN OF	ST LAWRENCE CO	9/06/74
MORRISTOWN, VILLAGE	ST LAWRENCE CO	5/31/74
MORRISVILLE, VILLAGE OF	MADISON CO	3/08/74
MUNNSVILLE, VILLAGE OF	MADISON CO	8/30/74
NAPOLI, TOWN OF	CATTARAUGUS CO	6/14/74
NASSAU, VILLAGE OF	RENSSELAER CO	3/22/74
NELLISTON, VILLAGE OF	MONTGOMERY CO	2/15/74
NEW BERLIN, VILLAGE OF	CHENANGO CO	5/31/74
NEW HAVEN, TOWN OF	OSWEGO CO	7/19/74
NEWARK VALLEY, VIL	TIOGA CO	6/07/74
NICHOLS, VILLAGE OF	TIOGA CO	6/07/74
NORTH COLLINS, TOWN OF		5/24/74
NORTH SYRACUSE, VILLAGE OF	ONONDAGA CO	6/07/74
ORANGE, TOWN OF	SCHUYLER CO	7/26/74
OSWEGATCHIE, TOWN OF	ST LAWRENCE CO	9/13/74
OSWEGO, TOWN OF	OSWEGO CO	5/31/74
OTISCO, TOWN OF	ONONDAGA CO	5/31/74
OTTO, TOWN OF	CATTARAUGUS CO	5/31/74
OVID, TOWN OF	SENECA CO	7/26/74
OWASCO, TOWN OF	CAYUGA CO	5/31/74
PALATINE BRIDGE, VILLAGE OF	MONTGOMERY CO	2/15/74
PELHAM, VILLAGE OF	WESTCHESTER CO	5/17/74
PERRY, TOWN OF	WYOMING CO	6/28/74
PERRYSBURG, TOWN OF	CATTARAUGUS CO	5/17/74
PIKE, TOWN OF	WYOMING CO	9/13/74
PINCKNEY, TOWN OF	LEWIS CO	9/06/74
PITCHER, TOWN OF	CHENANGO CO	9/20/74
PORTAGE, TOWN OF	LIVINGSTON CO	8/16/74
PRATTSVILLE, TOWN OF	GREENE CO	9/20/74
QUEENSBURY, TOWN OF	WARREN CO	9/20/74

FEDERAL REGISTER, VOL. 40, NO. 174—MONDAY, SEPTEMBER 8, 1975

## NOTICES

NEW YORK

COMMUNITY NAME	COUNTY NAME	ID DATE
RATHBONE, TOWN OF	STUBEN CO	8/02/74
RENSSELAER, CITY OF	RENSSELAER CO	7/26/74
RICHBURG, VILLAGE OF	ALLEGANY CO	8/09/74
ROMULUS, TOWN OF	SENECA CO	7/26/74
ROSE, TOWN OF	WAYNE CO	6/28/74
ROSLYN HARBOR, VILLAGE OF	NASSAU CO	6/28/74
SALEM, VILLAGE OF	WASHINGTON CO	4/12/74
SALISBURY, TOWN OF	HERKIMER CO	6/07/74
SCHOHARIE, VILLAGE OF	SCHOHARIE CO	5/31/74
SCHUYLER FALLS, TOWN OF	CLINTON CO	9/13/74
SCIPIO, TOWN OF	CAYUGA CO	5/31/74
SCRIBA, TOWN OF	OSWEGO CO	7/19/74
SEMPRONIUS, TOWN OF	CAYUGA CO	5/31/74
SENNETT, TOWN OF	CAYUGA CO	6/14/74
SEWARD, TOWN OF	SCHOHARIE CO	9/20/74
SHAWANGUNK, TOWN OF	ULSTER CO	6/21/74
SOUTH DAYTON, VILLAGE OF	CATTARAUGUS CO	5/31/74
SOUTH GLENS FALLS, VILLAGE OF	SARATOGA CO	4/12/74
SOUTH VALLEY, TOWN OF	CATTARAUGUS CO	9/06/74
SPENCER, TOWN OF	TIOGA CO	8/09/74
ST JOHNSVILLE, TOWN OF	MONTGOMERY CO	2/15/74
STERLING, TOWN OF	CAYUGA CO	7/26/74
STUBEN, TOWN OF	ONEIDA CO	6/28/74
THERESA, VILLAGE OF	JEFFERSON CO	5/10/74
TIOGA, TOWN OF	TIOGA CO	9/06/74
TORREY, TOWN OF	YATES CO	5/31/74
TRENTON, VILLAGE OF	ONEIDA CO	8/30/74
TRIANGLE, TOWN OF	BROOME CO	4/05/74
TRUXTON, TOWN OF	CORTLAND CO	4/05/74
TURIN, TOWN OF	LEWIS CO	6/07/74
TYRONE, TOWN OF	SCHUYLER CO	9/06/74
VERNON, VILLAGE OF	ONEIDA CO	3/06/74
VERONA, TOWN OF	ONEIDA CO	9/13/74
VICTORY, TOWN OF	CAYUGA CO	7/26/74
VICTORY, VILLAGE OF	SARATOGA CO	4/05/74
VIENNA, TOWN OF	ONEIDA CO	9/13/74
WARRENSBURG, TOWN OF	WARREN CO	9/20/74
WATERLOO, TOWN OF	SENECA CO	7/19/74
WATERVILLE, VILLAGE OF	ONEIDA CO	6/14/74
WAWARISING, TOWN OF	ULSTER CO	9/13/74
WEST MONROE, TOWN OF	OSWEGO CO	9/20/74
WEST TURIN, TOWN OF	LEWIS CO	9/13/74
WESTERN, TOWN OF	ONEIDA CO	8/02/74
WILLING, TOWN OF	ALLEGANY CO	8/30/74
WILTON, TOWN OF	SARATOGA CO	6/14/74
WOLCOTT, TOWN OF	WAYNE CO	6/28/74
WOODHULL, TOWN OF	STUBEN CO	7/26/74
WYOMING, VILLAGE OF	WYOMING CO	5/17/74
TOTAL - 185		

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## NOTICES

## NORTH CAROLINA

BRIDGETON, TOWN OF	GRAVEN CO	2/08/74
CHINA GROVE, TOWN OF	POWAN CO	1/09/74
CONETCE, TOWN OF	EDGECOMBE CO	1/09/74
ELIZABETHTOWN, TOWN	BLADEN CO	12/26/73
HICKORY, CITY OF	CATAWBA CO	9/13/74
INDIAN TRAIL, CITY OF	UNION CO	9/06/74
LANSING, TOWN OF	ASHE CO	2/22/74
LINCOLNTON, CITY OF	LINCOLN CO	4/05/74
MACCLESFIELD, TOWN OF	EDGECOMBE CO	1/09/74
MCADENVILLE, CITY OF	GASTON CO	6/21/74
NEWLAND, TOWN OF	AVERY CO	6/14/74
PANTEGO, TOWN OF	BEAUFORT CO	9/06/74
PINETOPS, TOWN OF	EDGECOMBE CO	1/09/74
ROBEINSVILLE, TOWN OF	GRAHAM CO	6/14/74
RONDA, TOWN OF	WILKES CO	9/05/74
RUTHERFORDTON, TOWN OF	RUTHERFORD CO	3/01/74
SPARTA, CITY	ALLEGANY CO	2/15/74

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## NOTICES

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## NORTH CAROLINA

COMMUNITY NAME	COUNTY NAME	ID DATE
SPEED, TOWN OF	EDGECOMBE CO	1/09/74
VANCEBORO, TOWN OF	GRAVEN CO	3/01/74
TOTAL		19

## NORTH DAKOTA

BOWMAN, CITY OF	BOWMAN CO.	3/29/74
HATTON, CITY OF	TRAILL CO.	5/10/74
LAKOTA, CITY OF	NELSON CO.	5/ 3/74
LEEDS, CITY OF	BENSON CO.	4/ 5/74
MADDOCK, CITY OF	BENSON CO.	3/ 8/74
NAPOLEON, CITY OF	LOGAN CO.	6/28/74
NEW ROCKFORD, CITY OF	EDDY CO.	11/23/73
PORTLAND, CITY OF	TRAILL CO.	5/10/74
RUGBY, CITY OF	PIERCE CO.	3/22/74
TURTLE LAKE, CITY OF	MCLEAN CO.	3/22/74
TUTTLE, CITY OF	KIDDER CO.	1/29/74
WASHBURN, CITY OF	MCLEAN CO.	3/22/74
WILTON, CITY OF	MCLEAN AND BURLEIGH CO.	5/24/74
TOTAL		13

## OHIO

ADA, CITY OF	HARDIN CO	6/07/74
ADDYSTON, VILLAGE OF	HAMILTON CO	3/01/74
ALEXANDRIA, VILLAGE OF	LICKING CO	5/31/74
AMSTERDAM, VILLAGE OF	JEFFERSON CO	4/12/74
ANTWERP, VILLAGE OF	PAULDING CO	3/29/74
APPLE CREEK, VILLAGE OF	WAYNE CO	3/29/74
ARLINGTON HEIGHTS, VILLAGE OF	HAMILTON CO	2/01/74
ARLINGTON, VILLAGE OF	HANCOCK CO	5/17/74
AVON, CITY OF	LORAIN CO	4/12/74
BALTIMORE, VILLAGE OF	FAIRFIELD CO	6/21/74
BARNESVILLE, VILLAGE OF	BELOMONT CO	6/07/74
BATAVIA, VILLAGE OF	CLERMONT CO	11/30/73
BELLE VALLEY, VILLAGE OF	NOBLE CO	8/30/74
BERLIN HEIGHTS, VILLAGE OF	ERIE CO	4/05/74
BETTSVILLE, VILLAGE OF	SENECA CO	4/12/74
BLANCHESTER, VILLAGE OF	CLINTON CO	4/05/74
BROADVIEW HEIGHTS, CITY OF	CUYAHOGA CO	6/28/74
BURGON, VILLAGE OF	SANDUSKY CO	8/02/74
CAMDEN, VILLAGE OF	PREBLE CO	5/10/74
CASTALIA, VILLAGE OF	ERIE CO	2/25/74
CHAUNCEY, VILLAGE OF	ATHENS CO	6/21/74
CHEVLOT, CITY OF	HAMILTON CO	6/07/74

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## NOTICES

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## OHIO



## NOTICES

## OHIO

COMMUNITY NAME	COUNTY NAME	ID DATE
CHRISTIANSBURG, VILLAGE OF	CHAMPAIGN CO	8/09/74
COAL GROVE, VILLAGE OF	LAWRENCE CO	6/14/74
COALTON, VILLAGE OF	JACKSON CO	2/01/74
COLUMBUS GROVE, VILLAGE OF	PUTNAM CO	2/08/74
CONVOY, VILLAGE OF	VAN WERT CO	5/31/74
CRESTON, VILLAGE OF	WAYNE CO	2/01/74
CROOKSVILLE, VILLAGE OF	PERRY CO	2/01/74
CUYAHOGA HEIGHTS, VILLAGE OF	CUYAHOGA CO	3/29/74
CYGNET, VILLAGE OF	WOOD CO	5/10/74
DELLBOY, VILLAGE OF	CARROLL CO	8/09/74
DONNELSVILLE, VILLAGE OF	CLARK CO	2/01/74
DUPONT, VILLAGE OF	PUTNAM CO	8/09/74
ELIDA, VILLAGE OF	ALLEN CO	3/29/74
EVENDALE, VILLAGE OF	HAMILTON CO	3/01/74
FAIRLAWN, CITY OF	SUMMIT CO	3/29/74
FORT JENNINGS, VILLAGE OF	PUTNAM CO	5/31/74
FORT RECOVERY, VILLAGE OF	MERCER CO	6/07/74
FRAZEYSSBURG, VILLAGE OF	MCKINNEY CO	8/30/74
FREDERICKSTOWN, VILLAGE OF	KNOX CO	4/05/74
GILBOA, VILLAGE OF	PUTNAM CO	8/09/74
EAST ROCHESTER, VILLAGE OF	COLUMBIANA CO.	9/13/74
GLENFORD, VILLAGE OF	PERRY CO	8/23/74
GLORIA GLENS PARK, VILLAGE OF	MEDINA CO	3/15/74
GRAND RIVER, VILLAGE OF	LAKE CO	2/08/74
GREEN SPRINGS, VILLAGE OF	SANDUSKY CO	3/01/74
GREENFIELD, VILLAGE OF	HIGHLAND CO	3/01/74
HAMDEN, VILLAGE	VINTON CO	2/01/74
HAMLER, VILLAGE OF	HENRY CO	4/12/74
HANCOCKTON, VILLAGE OF	COLUMBIANA CO	8/09/74
HARTFORD, VILLAGE OF	LICKING CO	9/13/74
HOLGATE, VILLAGE OF	HENRY CO	5/03/74
JACKSON CENTER, VILLAGE OF	SHELBY CO	5/31/74
JACKSONVILLE, VILLAGE OF	ATHENS CO	5/17/74
JEFFERSONVILLE, VILLAGE OF	PAYETTE CO	5/17/74
JENSA, VILLAGE OF	HANCOCK CO	8/09/74
KALIDA, VILLAGE OF	PUTNAM CO	3/01/74

## NOTICES

## OHIO

COMMUNITY NAME	COUNTY NAME	ID DATE
LEESBURG, VILLAGE OF	HIGHLAND CO	4/05/74
LEESVILLE, VILLAGE OF	CARROLL CO	9/20/74
LEETONIA, VILLAGE OF	COLUMBIANA CO	5/03/74
LISBON, VILLAGE OF	COLUMBIANA CO	4/12/74
LOCKLAND, CITY OF	HAMILTON CO	2/15/74
LONDON, CITY OF	MADISON CO	5/10/74
LORE CITY, VILLAGE OF	GUERNSEY CO	8/30/74
LUCAS, VILLAGE OF	PICKLAND CO	4/05/74
LYNCHBURG, VILLAGE OF	HIGHLAND CO	3/29/74
MAGNOLIA, VILLAGE OF	CARROLL CO	5/03/74
MANTUA, VILLAGE OF	PORTAGE CO	2/08/74
MARIEMONT, VILLAGE OF	WASHINGTON CO	2/08/74
MCCOMB, VILLAGE OF	HANCOCK CO	5/10/74
MCCUFFEY, VILLAGE OF	HARDIN CO	5/10/74
MECHANICSBURG, VILLAGE OF	CHAMPAIGN CO	2/01/74
MILAN, VILLAGE OF	ERIE CO	4/12/74
MILLVILLE, VILLAGE OF	BUTLER CO	6/07/74
MONTZUMA, VILLAGE OF	MERCER CO	8/09/74
MONTGOMERY, CITY OF	HAMILTON CO	6/28/74
MONTPELIER, VILLAGE OF	WILLIAMS CO	5/31/74
MORRINE, VILLAGE OF	MONTGOMERY CO	3/01/74
MOUNT BLANCHARD, VILLAGE OF	HANCOCK CO	8/09/74
MOUNT CORY, VILLAGE OF	HANCOCK CO	9/20/74
MOUNT HEALTHY, CITY OF	HAMILTON CO	6/07/74
NAPOLEON, CITY OF	HENRY CO	5/31/74
NEW LEXINGTON, VILLAGE OF	PERRY CO	5/17/74
NEW MIAMI, VILLAGE OF	BUTLER CO	2/08/74
NEWBURGH HEIGHTS, VILLAGE OF	CUYAHOGA CO	3/15/74
NORTH BEND, VILLAGE OF	HAMILTON CO	3/15/74
NORTH FAIRFIELD, VILLAGE OF	HURON CO	3/15/74
OAK HARBOR, VILLAGE OF	OTTAWA CO	3/01/74
OAKWOOD, VILLAGE OF	PAULDING CO	5/17/74
OBETZ, VILLAGE OF	FRANKLIN CO	2/15/74

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## OKLAHOMA



## NOTICES

## OHIO

COMMUNITY NAME	COUNTY NAME	ID DATE
OSGOOD, VILLAGE OF	DARKE CO	8/30/74
OSTRANDER, VILLAGE OF	DELAWARE CO	9/20/74
OTTAWA HILLS, VILLAGE OF	LUCAS CO	11/09/73
PAYNE, VILLAGE OF	PAULDING CO	5/03/74
PICKERINGTON, VILLAGE OF	FAIRFIELD CO	6/26/74
PLEASANT CITY, VILLAGE OF	GUERNSEY CO	8/23/74
PLYMOUTH, VILLAGE OF	HURON CO	5/03/74
RACINE, VILLAGE OF	MEIGS CO	4/05/74
RARDEN, VILLAGE OF	SCIOTO CO	8/23/74
RICHMOND HEIGHTS, CITY OF	CUYAHOGA CO	3/22/74
RIVERSIDE, VILLAGE OF	MONTGOMERY CO	2/15/74
ROGERS, VILLAGE OF	COLUMBIANA CO	3/22/74
SALEM, CITY OF	COLUMBIANA CO	5/03/74
SEVILLE, VILLAGE OF	MEDINA CO	3/15/74
SHAMNEE HILLS, VILLAGE OF	DELAWARE CO	2/08/74
SHEFFIELD, VILLAGE OF	LORAIN CO	6/21/74
SHERRODSVILLE, VILLAGE OF	CARROLL CO	8/09/74
SHREVE, VILLAGE OF	WAYNE CO	3/29/74
SOUTH MOUNT VERNON, VILLAGE OF	KNOX CO	6/21/74
SOUTH SALEM, VILLAGE OF	ROSS CO	8/23/74
ST PARIS, VILLAGE OF	CHAMPAIGN CO	6/07/74
SUGAR CREEK, VILLAGE OF	TUSCARAWAS CO	5/31/74
TERRACE PARK, VILLAGE OF	HAMILTON CO	2/08/74
TUSCARAWAS, VILLAGE OF	TUSCARAWAS CO	4/05/74
UPPER SANDUSKY, CITY OF	WYANDOT CO	1/09/74
VALLEY VIEW, VILLAGE OF	CUYAHOGA CO	1/23/74
VAN BUREN, VILLAGE OF	HANCOCK CO	3/22/74
WADSWORTH, CITY OF	MEDINA CO	3/01/74
WAITE HILL, VILLAGE OF	LAKE CO	12/17/73
WAKENAN, VILLAGE OF	HURON CO	11/09/73
WASHINGTONVILLE, VILLAGE OF	COLUMBIANA MAHONING	11/09/73
WAVERLY, CITY OF	PIKE CO	6/21/74
WELLSTON, CITY OF	JACKSON CO	2/15/74
WILLIAMSBURG, VILLAGE OF	CLERMONT CO	3/29/74
WINDHAM, VILLAGE OF	PORTAGE CO	3/15/74
WOODLAWN, VILLAGE OF	HAMILTON CO	2/01/74
WOODVILLE, VILLAGE OF	SANDUSKY CO	3/15/74

TOTAL

128

## NOTICES

## OKLAHOMA

NAME	COUNTY	ID DATE
ALLEN, TOWN OF	PONTOTOC HUGHES CO.	6/28/74
BINGER, TOWN OF	CADDO CO.	6/ 7/74
BLANCHARD, TOWN OF	GRADY MCCLAIN CO.	9/13/74
BOLEY, TOWN OF	OKFUSKEE CO.	4/12/74
BOSWELL, TOWN OF	CHOCTAW CO.	3/15/74
BRISTOW, CITY OF	CREEK CO.	6/28/74
BYNG, TOWN OF	PONTOTOC CO.	8/30/74
CANTON, TOWN OF	BLAINE CO.	6/28/74
CATDOGA, TOWN OF	ROGERS CO.	9/ 6/74
CHELSEA, CITY OF	ROGERS CO.	12/28/73
CHEYENNE, TOWN OF	ROGER MILLS CO.	6/28/74
DAVIDSON, TOWN OF	TILLMAN CO.	7/26/74
DEWAR, TOWN OF	OKMULGEE CO.	6/28/74
FORT SUPPLY, TOWN OF	WOODWARD CO.	5/24/74
GRANITE, CITY OF	GREER CO.	6/28/74
GREENFIELD, TOWN OF	BLAINE CO.	8/30/74
HAILEYVILLE, CITY OF	PITTSBURG CO.	7/26/74
HARRAH, TOWN OF	OKLAHOMA CO.	8/ 2/74
HCBART, CITY OF	KIOWA CO.	12/ 7/73
HCMINY, CITY OF	OSAGE CO.	12/28/73
HULBERT, TOWN OF	CHEROKEE CO.	4/12/74
HYDRO, TOWN OF	CADDO-BLAINE COS.	7/26/74
INGLA, CITY OF	ROGERS CO.	5/10/74
JAY, TOWN OF	DELAWARE CO.	6/28/74
KOKAWA, CITY OF	SEMINOLE CO.	4/ 5/74
KREBS, CITY OF	PITTSBURG CO.	12/28/73
LEXINGTON, TOWN OF	CLEVELAND CO.	6/28/74
LONE WOLF, TOWN OF	KIOWA CO.	5/ 3/74
MARLOW, CITY OF	STEPHENS CO.	12/28/73
NOBLE, TOWN OF	CLEVELAND CO.	8/30/74
OKAY, TOWN OF	WAGONER CO.	8/16/74
OKEENE, TOWN OF	BLAINE CO.	6/28/74
PORUM, TOWN OF	MUSKOGEE CO.	6/28/74
PURCELL, CITY OF	MCCLAIN CO.	9/ 6/74
RAMONA, TOWN OF	WASHINGTON CO.	7/19/74
ROFF, CITY OF	PONTOTOC CO.	3/22/74
SHATTUCK, TOWN OF	ELLIS CO.	5/24/74
STONEWALL, TOWN OF	PONTOTOC CO.	6/28/74
TAFT, TOWN OF	MUSKOGEE CO.	6/28/74
THOMAS, CITY OF	CUSTER CO.	4/ 5/74
TISHOMINGO, CITY OF	JOHNSTON CO.	1/16/74
TOKAWA, CITY OF	KAY CO.	11/23/73
WAGONER, CITY OF	WAGONER CO.	6/28/74
WELETKA, CITY OF	OKFUSKEE CO.	6/14/74
WYANDOTTE, TOWN OF	OTTAWA CO.	6/28/74
TOTAL		45

## NOTICES

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## NOTICES

## OREGON

NAME	COUNTY	ID. DATE
ADAMS, CITY OF	UMATILLA CO.	8/30/74
ELKTON, CITY OF	DOUGLAS CO.	9/13/74
GERVAIS, CITY OF	MARION CO.	6/28/74

TOTAL

3

## PENNSYLVANIA

ALBANY, TOWNSHIP OF	BRADFORD CO	9/20/74
ALEPPG, TOWNSHIP OF	ALLEGHENY CO	5/10/74
ALLEN, TOWNSHIP OF	NORTHAMPTON CO	9/06/74
ARONA, BOROUGH OF	WESTMORELAND CO	8/09/74
ATLISON, TOWNSHIP OF	CLINTON CO	9/13/74
BELL, TOWNSHIP OF	WESTMORELAND CO	9/13/74
BELLEVUE, BOROUGH OF	ALLEGHENY CO	12/28/73
BEN AVON, BOROUGH OF	ALLEGHENY CO	12/28/73
BERNVILLE, BOROUGH OF	BERKS CO	9/13/74
BIG RUN, BOROUGH OF	JEFFERSON CO	7/19/74
BLAIRSVILLE, BOROUGH OF	INDIANA CO	7/26/74
BOGGS, TOWNSHIP OF	ARMSTRONG CO	8/30/74
BOGGS, TOWNSHIP OF	CENTRE CO	9/13/74
BOLIVAR, BOROUGH OF	WESTMORELAND CO	6/14/74
BOSWELL, BOROUGH OF	SOMERSET CO	7/26/74
BRECKNOCK, TOWNSHIP OF	BERKS CO	9/13/74
BRISBIN, BOROUGH OF	CLEARFIELD CO	9/20/74
BURGETTSTOWN, BOROUGH OF	WASHINGTON CO	1/23/74
BURLINGTON, TOWNSHIP OF	BRADFORD CO	9/13/74
BURRELL, TOWNSHIP OF	ARMSTRONG CO	9/20/74
BURRELL, TOWNSHIP OF	INDIANA CO	9/13/74
CALLERY, BOROUGH OF	BUTLER CO	8/09/74
CAMBRIDGE, TOWNSHIP OF	CRAWFORD CO	9/06/74
CASTLE SHANNON, BOROUGH OF	ALLEGHENY CO	6/28/74
CENTER, TOWNSHIP OF	BUTLER CO	9/13/74

## NOTICES

## PENNSYLVANIA

COMMUNITY NAME	COUNTY NAME	ID DATE
COLERAIN, TOWNSHIP OF	LANCASTER CO	9/20/74
COOK, TOWNSHIP OF	WESTMORELAND CO	9/20/74
COWANSHANNOCK, TOWNSHIP OF	ARMSTRONG CO	9/13/74
CREEK SIDE, BOROUGH OF	INDIANA CO	8/09/74
CUMBERLAND, TOWNSHIP OF	GREENE CO	8/30/74
DECATUR, TOWNSHIP OF	CLEARFIELD CO	9/20/74
DEERFIELD, TOWNSHIP OF	TIOGA CO	8/30/74
DELAWARE WATER GAP, BOROUGH OF	MONROE CO	6/21/74
DONEGAL, TOWNSHIP OF	WESTMORELAND CO	6/21/74
EAST BUTLER, BOROUGH OF	BUTLER CO	7/26/74
EAST CAMERON, TOWNSHIP OF	NORTHUMBERLAND CO	9/06/74
EAST DRUMORE, TOWNSHIP OF	LANCASTER CO	9/20/74
EAST FALLOWFIELD, TOWNSHIP OF	CHESTER CO	9/13/74
EAST HUNTINGTON, TOWNSHIP OF	WESTMORELAND CO	9/20/74
EAST LACKAWANNOCK, TOWNSHIP OF	MERCER CO	9/06/74
EAST NOTTINGHAM, TOWNSHIP OF	CHESTER CO	9/13/74
EAST PITTSBURGH, BOROUGH OF	ALLEGHENY CO	3/29/74
EAST ROCHESTER, BOROUGH OF	BEAVER CO	2/01/74
EAST VANDERGRIFF, BOROUGH OF	WESTMORELAND CO	4/05/74
ECONOMY, BOROUGH OF	BEAVER CO	4/05/74
EGEN, TOWNSHIP OF	LANCASTER CO	8/30/74
EHRENFELD, BOROUGH OF	CAMBRIA CO	8/09/74
ELIZABETH, BOROUGH OF	ALLEGHENY CO	1/09/74
FAIRCHANCE, BOROUGH OF	FAYETTE CO	7/26/74
FAIRFIELD, TOWNSHIP OF	CRAWFORD CO	5/31/74
FAIRFIELD, TOWNSHIP OF	WESTMORELAND CO	9/06/74
FAIRVIEW, BORO	ERIE CO	7/26/74
FINDLEY, TOWNSHIP OF	MERCER CO	9/13/74
FORWARD, TOWNSHIP OF	BUTLER CO	9/12/74
GLASGOW, BOROUGH OF	BEAVER CO	8/16/74
GRANVILLE, TOWNSHIP OF	BRADFORD CO	7/26/74
GREENWICH, TOWNSHIP OF	BERKS CO	9/20/74
HANOVER, TOWNSHIP OF	BEAVER CO	9/06/74
HARFORD, TOWNSHIP OF	SUSQUEHANNA CO	9/20/74

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## NOTICES

## PENNSYLVANIA

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## PENNSYLVANIA



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PENNSYLVANIA

COMMUNITY NAME	COUNTY NAME	ID DATE
HICKORY, TOWNSHIP OF	MERCER CO	9/20/74
HORTON, TOWNSHIP OF	ELK CO	9/13/74
HOUTSDALE, BOROUGH OF	CLEARFIELD CO	5/17/74
HUSTON, TOWNSHIP OF	CENTRE CO	9/06/74
INDEPENDENCE, TOWNSHIP OF	BEAVER CO	8/30/74
IRVONA, BOROUGH OF	CLEARFIELD CO	4/12/74
KILBUCK, TOWN OF	ALLEGHENY CO	9/13/74
KISKIMINTAS, TOWNSHIP OF	ARMSTRONG CO	9/20/74
LANCASTER, TOWNSHIP OF	BUTLER CO	9/06/74
LANSFORD, BOROUGH OF	CARBON CO	6/07/74
LEWISBERRY, BOROUGH OF	YORK CO	8/02/74
LIBERTY, BOROUGH OF	TIOGA CO	9/13/74
LIGONIER, BOROUGH OF	WASHINGTON CO	4/12/74
LOGAN, TOWNSHIP OF	CLINTON CO	9/13/74
LOYALHANNA, TOWNSHIP OF	WESTMORELAND CO	9/12/74
MAHAFFEY, BOROUGH OF	CLEARFIELD CO	8/30/74
MARION CENTER, BOROUGH OF	INDIANA CO	8/30/74
MARION, TOWNSHIP OF	BERKS CO	9/13/74
MARION, TWP	BUTLER CO	6/28/74
MIDDLEBURY, TOWNSHIP OF	TIOGA CO	9/20/74
MILLERSTOWN, BOROUGH OF	PERRY CO	1/16/74
MORRIS, TWP	WYOMING CO	8/30/74
MOUNT LEBANON, TOWNSHIP OF	ALLEGHENY CO	9/06/74
NAZARETH, BOROUGH OF	NORTHAMPTON CO	1/09/74
NEW ALEXANDRIA, BOROUGH OF	WESTMORELAND CO	6/28/74
NEW BERLIN, BOROUGH OF	UNION CO	2/22/74
NEW STANTON, BOROUGH OF	WESTMORELAND CO	8/02/74
NORTH BUFFALO, TOWNSHIP OF	ARMSTRONG CO	4/05/74
NORTH FAYETTE, TWP	ALLEGHENY CO	9/20/74
NORTH HEIDELBERG, TOWNSHIP OF	BERKS CO	9/13/74
NORTH LACK, TOWNSHIP OF	ALLEGHENY CO	9/13/74
OHIO, TOWNSHIP OF	ALLEGHENY CO	9/20/74

PENNSYLVANIA

COMMUNITY NAME	COUNTY NAME	ID DATE
OSCEOLA MILLS, BOROUGH OF	CLEARFIELD CO	3/29/74
OVERTON, TOWNSHIP OF	BRADFORD CO	8/30/74
PARKER CITY, CITY OF	ARMSTRONG CO	6/14/74
PARKER, TOWNSHIP OF	BUTLER CO	9/20/74
PARKS, TOWNSHIP OF	ARMSTRONG CO	5/03/74
PERRY, TOWNSHIP OF	BERKS CO	9/13/74
PETERS, TOWNSHIP OF	FRANKLIN CO	9/13/74
PIKE, TOWNSHIP OF	CLEARFIELD CO	9/06/74
PINE, TOWNSHIP OF	ARMSTRONG CO	9/20/74
PLUM CREEK, TOWNSHIP OF	ARMSTRONG CO	9/06/74
PLUMVILLE, BOROUGH OF	INDIANA CO	8/09/74
PORTER, TOWNSHIP OF	CLAYTON CO	9/06/74
RACCOON, TOWNSHIP OF	BEAVER CO	8/02/74
ROBINSON, TOWNSHIP OF	ALLEGHENY CO	9/20/74
ROME, TOWNSHIP OF	BRADFORD CO	9/20/74
RUSH, TOWNSHIP OF	SUSQUEHANNA CO	9/20/74
SALEM, TOWNSHIP OF	WESTMORELAND CO	9/20/74
SANDY CREEK, TOWNSHIP OF	MERCER CO	9/20/74
SCALP LEVEL, BOROUGH OF	CAMBRIA CO	6/28/74
SHELOCTA, BOROUGH OF	INDIANA CO	8/16/74
SHENANGO, TOWNSHIP OF	MERCER CO	5/17/74
SHINGLEHOUSE, BOROUGH OF	POTTER CO	6/28/74
SHIPPENSBURG, TWP	CUMBERLAND CO	9/06/74
SHIPPING PORT, BOROUGH OF	BEAVER CO	2/01/74
SMITHTON, BOROUGH OF	WESTMORELAND CO	5/31/74
SNOW SHOE, TOWNSHIP OF	CENTRE CO	9/13/74
SNYDER, TOWNSHIP OF	JEFFERSON CO	9/13/74
SOUTH BEND, TOWNSHIP OF	ARMSTRONG CO	9/20/74
SOUTH BETHLEHEM, BOROUGH OF	ARMSTRONG CO	6/26/74
SOUTH COATESVILLE, BOROUGH OF	CHESTER CO	5/31/74
SOUTH CREEK, TOWNSHIP OF	BRADFORD CO	9/13/74
SOUTH GREENBURG, BOROUGH OF	WESTMORELAND CO	6/14/74
SOUTH HUNTINGTON, TOWNSHIP OF	WESTMORELAND CO	8/09/74
SOUTH PHILLIPSBURG, BOROUGH OF	CENTRE CO	8/09/74
SOUTH VERSAILLES, TWP OF	ALLEGHENY CO	8/02/74
SPRING, TOWNSHIP OF	CRAWFORD CO	5/31/74
ST CLAIR, TOWNSHIP OF	WESTMORELAND CO	9/20/74
ST THOMAS, TOWNSHIP OF	FRANKLIN CO	9/13/74
STANDING STONE, TOWNSHIP OF	BRADFORD CO	9/20/74
STARRUCCA, BOROUGH OF	WAYNE CO	9/06/74
SUSQUEHANNA DEPOT, BOROUGH OF	NORTHAMPTON CO	6/21/74
TATAM, BOROUGH OF	FOREST CO	4/12/74
TIONESTA, BOROUGH OF	FOREST CO	3/29/74
TROY, TOWNSHIP OF	BRADFORD CO	9/13/74



## NOTICES

## PENNSYLVANIA

COMMUNITY NAME	COUNTY NAME	ID DATE
UNIONVILLE, BOROUGH OF	CENTRE CO	8/09/74
UPPER MERK, TOWNSHIP OF	BERKS CO	9/20/74
UPPER SPRILL, TOWNSHIP OF	WESTMORELAND CO	9/20/74
UPPER MAHANOY, TOWNSHIP OF	NORTHUMBERLAND CO	9/20/74
UPPER NAZARETH, TOWNSHIP OF	NORTHAMPTON CO	12/27/71
UTICA, BOROUGH OF	VENANGO CO	8/16/74
VENANGO, BOROUGH OF	CRAWFORD CO	8/30/74
VENANGO, TOWNSHIP OF	CRAWFORD CO	5/31/74
VERSAILLES, BOROUGH OF	ALLEGHENY CO	1/09/74
WARWICK, TOWNSHIP OF	CHESTER CO	9/13/74
WASHINGTON, TOWNSHIP OF	BUTLER CO	9/13/74
WASHINGTON, TOWNSHIP OF	WESTMORELAND CO	9/06/74
WAYNE, TOWNSHIP OF	ARMSTRONG CO	9/12/74
WEST BURLINGTON, TOWNSHIP OF	BRADFORD CO	8/02/74
WEST CAIN, TOWNSHIP OF	CHESTER CO	9/06/74
WEST CAMERON, TOWNSHIP OF	NORTHUMBERLAND CO	9/20/74
WEST LEECHBURG, BOROUGH OF	WESTMORELAND CO	6/21/74
WEST ROCKHILL, TOWNSHIP OF	BERKS CO	9/13/74
WILLIAMSTOWN, BOROUGH OF	DAUPHIN CO	6/21/74
WILMOT, BOROUGH OF	CAMBRIA CO	6/21/74
WILMOT, TOWNSHIP OF	BRADFORD CO	9/06/74
WIND GAP, BOROUGH OF	NORTHAMPTON CO	6/20/74
WINDSOR, TWP	JEFFERSON CO	9/20/74
WOODCOCK, TOWNSHIP OF	CRAWFORD CO	9/13/74
WORTHVILLE, BOROUGH OF	JEFFERSON CO	8/06/74
WYALUSING, TOWNSHIP OF	BRADFORD CO	9/20/74
YORK HAVEN, BOROUGH OF	YORK CO	1/23/74
YOUNG, TOWNSHIP OF	JEFFERSON CO	8/30/74
TOTAL - 168		

## RHODE ISLAND

NAME	COUNTY	ID. DATE
HOPKINTON, TOWN OF	WASHINGTON CO.	5/31/74
TOTAL - 1		

## NOTICES

## SOUTH DAKOTA

NAME	COUNTY	ID. DATE
BRUCE, TOWN OF	BROOKINGS CO.	9/13/74
COLOME, TOWN OF	TRIPP CO.	5/10/74
EDGEMONT, CITY OF	FALL RIVER CO.	8/ 2/74
PLANKINTON, CITY OF	AURORA CO.	6/ 7/74
TOTAL - 4		

## SOUTH CAROLINA

ABBEVILLE, CITY OF	ABBEVILLE CO	5/31/74
BLUFFTON, TOWN OF	BEAUFORT CO	5/17/74
CROSS HILL, TOWN OF	LAURENS CO	9/06/74
DILLON, TOWN OF	DILLON CO	5/17/74
EDGEFIELD, TOWN OF	EDGEFIELD CO	5/24/74
EMRHARDT, TOWN OF	BAMBERG CO	7/19/74
FAIRFAX, TOWN OF	ALLENDALE CO	5/31/74
HOLLY HILL, TOWN OF	ORANGEBURG CO	6/07/74
HOLLYWOOD, TOWN OF	CHARLESTON CO	9/06/74
JACKSON, TOWN OF	AIKEN CO	5/17/74
OLANTA, TOWN OF	FLORENCE CO	5/24/74
PACOLET MILLS, TOWN OF	SPARTANBURG CO	6/26/74
PAMPLICO, TOWN OF	FLORENCE CO	5/10/74
PAXVILLE, TOWN OF	CLARENDON CO	8/09/74
PELION, TOWN OF	LEXINGTON CO	8/09/74
PENDLETON, TOWN OF	ANDERSON CO	6/21/74
PINE RIDGE, TOWN OF	LEXINGTON CO	6/21/74
PINEWOOD, TOWN OF	SUMTER CO	6/14/74
RAVENEL, TOWN OF	CHARLESTON CO	5/31/74
RIDGEVILLE, TOWN OF	DORCHESTER CO	9/20/74
ROHESVILLE, TOWN OF	ORANGEBURG CO	5/24/74
SCRANTON, TOWN OF	FLORENCE CO	6/07/74
SELLERS, TOWN OF	HARTON CO	6/14/74
SENECA, TOWN OF	CCONEE CO	9/06/74
SNOAKS, TOWN OF	COLLETON CO	5/24/74
TIMMONSVILLE, TOWN OF	FLORENCE CO	8/16/74
ULMERS, TOWN OF	ALLENDALE CO	

TOTAL - 27

## NOTICES

## TENNESSEE

## NOTICES

## TEXAS



## NOTICES

## TENNESSEE

COMMUNITY NAME	COUNTY NAME	ID DATE
AUBURN TOWN, CITY OF	CANNON CO	8/02/74
BELL BUCKLE, TOWN OF	BEDFORD CO	6/14/74
BETHEL SPRINGS, TOWN OF	MCNAIFY CO	6/28/74
BRADFORD, TOWN OF	GIBSON CO	6/21/74
BRIGHTON, CITY OF	TIPTON CO	8/23/74
BYRDSTOWN, CITY OF	PICKETT CO	6/21/74
CHAFFEL HILL, TOWN OF	MARSHALL CO	6/14/74
DUNLAP, CITY OF	SEQUATCHIE CO	5/24/74
EAGLEVILLE, TOWN OF	RUTHERFORD CO	8/23/74
ENGLEWOOD, CITY OF	MCMINN CO	5/17/74
FINGER, TOWN OF	MCNAIFY CO	9/06/74
GILT EDGE, CITY OF	TIPTON CO	9/13/74
GREENBRIER, CITY OF	ROBERTSON CO	6/21/74
IRON CITY, CITY OF	LAWRENCE CO	6/14/74
LAVERGNE, TOWN OF	RUTHERFORD CO	6/28/74
LEWISBURG, CITY OF	MARSHALL CO	3/01/74
LINDEN, TOWN OF	PERRY CO	6/14/74
LYNNVILLE, CITY OF	GILES CO	6/14/74
RICHARD CITY, CITY OF	MARION CO	2/01/74
RIDGETOP, CITY OF	ROBERTSON CO	6/07/74
ROCKSVILLE, CITY OF	HAWKINS CO	2/15/74
ROSSVILLE, TOWN OF	FAYETTE CO	7/19/74
RUTHERFORD, TOWN OF	GIBSON CO	6/07/74
SALTILLO, TOWN OF	HARDIN CO	6/14/74
SIGNAL MOUNTAIN, TOWN OF	HAMILTON CO	6/14/74
DAYTON, CITY OF	RHFA CO	3/01/74
SPRING HILL, CITY OF	MAURY CO	5/17/74
SURGOINSVILLE, CITY OF	HAWKINS CO	5/17/74
TELLICO PLAINS, CITY OF	MONROE CO	3/08/74
TRACY CITY, CITY OF	GRUNDY CO	5/10/74
WATTRACE, TOWN OF	BEDFORD CO	6/14/74
WAYNESBORO, CITY OF	WAYNE CO	6/14/74
WHITWELL, CITY OF	MARION CO	2/15/74
WELLINGTON, CITY OF	COLLINSWORTH CO.	6/21/74
POTNAM COUNTY		9/13/74
STEWART COUNTY		9/13/74
WILSON COUNTY		9/13/74

TOTAL - 37

## NOTICES

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## TEXAS

NAME	COUNTY	ID. DATE
ALAMO, CITY OF	HIDALGO CO.	3/23/74
ALBANY, CITY OF	SHACKELFORD CO.	5/ 3/74
ALVARADO, CITY OF	JOHNSON CO.	8/ 9/74
ANNA, CITY OF	COLLIN CO.	8/ 9/74
ANTON, CITY OF	HOCKLEY CO.	3/29/74
ARP, CITY OF	SMITH CO.	8/16/74
BANDERA, CITY OF	BANDERA CO.	4/12/74
BROOKER, CITY OF	OCHILTREE-LIPSCOMB COS.	5/24/74
BOYD, CITY OF	WISE CO.	12/28/73
BRIAR OAKS, CITY OF	JOHNSON CO.	3/29/74
CACTUS, CITY OF	MOORE CO.	6/14/74
CADDO MILLS, CITY OF	HUNT CO.	6/28/74
CANUTTILLO, CITY OF	EL PASO CO.	1/ 9/74
CARRIZO SPRINGS, CITY OF	DIMMIT CO.	5/ 3/74
CELESTE, CITY OF	HUNT CO.	6/21/74
CENTER, CITY OF	SHELBY CO.	3/ 1/74
CHANDLER, CITY OF	HENDERSON CO.	6/28/74
CLARKSVILLE, CITY OF	RED RIVER CO.	2/15/74
COCKRELL HILL, CITY OF	DALLAS CO.	12/ 7/73
COMBES, TOWN OF	CAMERON CO.	5/10/74
COOPER, CITY OF	DELTA CO.	1/ 9/73
CORRIGAN, CITY OF	POLK CO.	5/24/74
GRANDALL, CITY OF	KAUFMAN CO.	3/ 8/74
DALHART, CITY OF	DALLAS-HARTLEY COS.	8/23/74
DUBLIN, CITY OF	ERATH CO.	8/30/74
EARLY, CITY OF	BROWN CO.	5/17/74
EDGEWOOD, CITY OF	VAN ZANDT CO.	5/14/74
ENNIS, CITY OF	ELLIS CO.	6/28/74
FLOYDADA, CITY OF	FLYD CO.	5/31/74
FOLLETT, CITY OF	LIPSCOMB CO.	6/28/74
FRANKSTON, CITY OF	ANDERSON CO.	8/16/74
FRIONA, CITY OF	PARMER CO.	4/12/74
GLEN ROSE, CITY OF	SOMERVELL CO.	8/23/74
GUSTINE, TOWN OF	COMANCHE CO.	8/ 2/74
HALE CENTER, CITY OF	HALE CO.	5/10/74
HEWITT, CITY OF	MCLENNAN CO.	1/23/74
JACINTO CITY, CITY OF	HARRIS CO.	6/28/74
KERMIT, CITY OF	WINKLER CO.	5/24/74
LACOSTE, CITY OF	MEDINA CO.	1/ 9/74
LINDALE, CITY OF	SMITH CO.	3/22/74
LLANO, CITY OF	LLANO CO.	12/28/73
LVFCRD, CITY OF	WILLACY CO.	5/17/74
MARION, CITY OF	GUADALUPE CO.	1/ 9/74
MASON, CITY OF	MASON CO.	5/10/74
MCLEAN, CITY OF	GRAY CO.	5/17/74
MERTZON, CITY OF	IRION CO.	7/26/74
MIAMI, CITY OF	ROBERTS CO.	5/24/74
MINEOLA, CITY OF	WOOD CO.	5/ 3/74

## NOTICES

## TEXAS

## NOTICES

41723

NAME	UTAH COUNTY	ID. DATE
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## NOTICES

## TEXAS

NAME	COUNTY	ID. DATE
MOULTON, TOWN OF	LAVACA CO.	4/ 5/74
NEWTON, CITY OF	NEWTON CO.	6/ 7/74
NOLANVILLE, CITY OF	BELL CO.	5/24/74
NORMANGEE, CITY OF	LEON & MADISON COS.	8/16/74
OKWOOD, TOWN OF	LEON CO.	5/24/74
ODESSA, CITY OF	ECTOR CO.	6/28/74
OZONA, CITY OF	CROCKETT CO.	12/ 7/73
PALMHURST, CITY OF	HIDALGO CO.	9/ 6/74
PAMPA, CITY OF	GRAY CO.	5/10/74
PERRYTON, CITY OF	OCHILTREE CO.	9/13/74
PETERSBURG, CITY OF	HALE CO.	4/12/74
PITTSBURG, CITY OF	CAMP CO.	1/23/74
PROSPER, TOWN OF	COLLIN CO.	6/21/74
PYOTE, CITY OF	WARD CO.	8/16/74
QUINLAN, CITY OF	HUNT CO.	4/12/74
RANGER, CITY OF	EASTLAND CO.	5/17/74
RANKIN, CITY OF	UPTON CO.	5/10/74
ROBY, CITY OF	FISHER CO.	5/17/74
SAGINAH, CITY OF	TARRANT CO.	3/ 8/74
SANTA ROSA, CITY OF	CAMERON CO.	5/17/74
SEMINOLE, CITY OF	GAINES CO.	5/24/74
SPLENDORA, CITY OF	MONTGOMERY CO.	8/30/74
STINNETT, CITY OF	HUTCHINSON CO.	5/31/74
STOCKDALE, CITY OF	WILSON CO.	5/31/74
SUNDOWN, CITY OF	HOCKLEY CO.	4/12/74
TURKEY, CITY OF	HALL CO.	6/28/74
UNIVERSITY PARK, CITY OF	DALLAS CO.	5/24/74
VERNON, CITY OF	WILBARGER CO.	5/17/74
WHARTON COUNTY		8/ 2/74
WILLS POINT, CITY OF	VAN ZANDT CO.	5/17/74
WINK, CITY OF	WINKLER CO.	6/28/74
WOLFE CITY, CITY OF	HUNT CO.	6/28/74
YOAKUM, CITY OF	LAVACA & DE WITT COS.	5/10/74
ZAPATA COUNTY		8/ 2/74

TOTAL - 82

## NOTICES

NAME	UTAH COUNTY	ID. DATE
BEAVER, CITY OF	BEAVER CO.	6/11/74
CIRCLEVILLE, TOWN OF	PIUTE CO.	8/ 2/74
ENTERPRISE, CITY OF	WASHINGTON CO.	8/16/74
FRANCIS, TOWN OF	SUMMIT CO.	7/25/74
HONEYVILLE, TOWN OF	BOX ELDER CO.	6/28/74
HUNTSVILLE, TOWN OF	WEBER CO.	6/21/74
LEWISTON, CITY OF	CACHE CO.	8/16/74
MIDWAY, CITY OF	WASATCH CO.	6/28/74
ORANGEVILLE, CITY OF	EMERY CO.	6/ 7/74
RANDOLPH, TOWN OF	RICH CO.	8/16/74
WELLINGTON, CITY OF	CARBON CO.	7/26/74
WILLARD, CITY OF	BOX ELDER CO.	6/ 7/74

TOTAL - 12

## VERMONT

BERKSHIRE, TOWN OF	FRANKLIN CO.	5/31/74
BERLIN, TOWN OF	WASHINGTON CO.	2/15/74
BLOOMFIELD, TOWN OF	ESSEX CO.	9/ 6/74
BRIDGEWATER, TOWN OF	WINDSOR CO.	8/16/74
CHARLESTON, TOWN OF	ORLEANS CO.	8/ 9/74
CLARENDON, TOWN OF	RUTLAND CO.	5/31/74
CONCORD, TOWN OF	ESSEX CO.	9/20/74
CRAFTSBURY, TOWN OF	ORLEANS CO.	9/13/74
DOVER, TOWN OF	WINDHAM CO.	8/ 2/74
ENOSBURG, TOWN OF	FRANKLIN CO.	8/ 9/74
ESSEX JUNCTION, VILLAGE OF	CHITTENDEN CO.	6/28/74
GRANVILLE, TOWN OF	ADDISON CO.	1/24/74
GUILDHALL, TOWN OF	ESSEX CO.	8/16/74
GULFORD, TOWN OF	WINDHAM CO.	7/19/74
HANCOCK, TOWN OF	CALEDONIA CO.	9/20/74
HIGHGATE, TOWN OF	FRANKLIN CO.	5/31/74
HUNTINGTON, TOWN OF	CHITTENDEN CO.	7/21/74
HYDE PARK, VILLAGE OF	LAMOILLE CO.	8/30/74
JAY, TOWN OF	ORLEANS CO.	9/13/74
LOWELL, TOWN OF	ORLEANS CO.	9/20/74
LUNENBURG, TOWN OF	ESSEX CO.	6/28/74
MANCHESTER, VILLAGE OF	BENNINGTON CO.	9/13/74
MARSHFIELD, VILLAGE OF	WASHINGTON CO.	9/20/74
MILTON, VILLAGE OF	CHITTENDEN CO.	5/ 3/74
MONTGOMERY, TOWN OF	FRANKLIN CO.	6/21/74
MORRISVILLE, VILLAGE OF	LAMOILLE CO.	2/ 1/74
NORTH TROY, VILLAGE OF	ORLEANS CO.	8/ 2/74
ORLEANS, VILLAGE OF	ORLEANS CO.	8/ 9/74
READSBURG, VILLAGE OF	BENNINGTON CO.	8/ 9/74
RICHFORD, TOWN OF	FRANKLIN CO.	8/ 2/74
SUNDERLAND, TOWN OF	BENNINGTON CO.	2/ 1/74
SWANTON, VILLAGE OF	FRANKLIN CO.	2/22/74
THETFORD, TOWN OF	ORANGE CO.	8/16/74
TROY, TOWN OF	ORLEANS CO.	7/26/74
WASHINGTON, TOWN OF	ORANGE CO.	6/28/74
WEATHERSFIELD, TOWN OF	WINSOR CO.	6/14/74
WELLS RIVER, VILLAGE OF	ORANGE CO.	8/ 9/74
WESTFIELD, TOWN OF	ORLEANS CO.	9/ 6/74
WHITTINGHAM, TOWN OF	WINDHAM CO.	8/ 9/74
WINHALL, TOWN OF	BENNINGTON CO.	9/20/74

TOTAL - 40

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## NOTICES

## VIRGINIA

## NOTICES

## WISCONSIN



## NOTICES

## VIRGINIA

NAME	COUNTY	ID. DATE
DUNGANNON, TOWN OF	SCOTT CO	3/08/74
HALLWOOD, TOWN OF	ACCOMACK CO	3/22/74
HAYMARKET, TOWN OF	PRINCE WILLIAM CO	8/09/74
NEW CASTLE, TOWN OF	CRAIG CO	8/09/74
ROYKINS, TOWN OF	SOUTHAMPTON CO	5/31/74

TOTAL - 5

## WASHINGTON

NAME	COUNTY	ID. DATE
BUCKLEY, TOWN OF	PIERCE CO.	8/ 6/74
REPUBLIC, TOWN OF	FERRY CO.	6/ 7/74
ZILLAH, CITY OF	YAKIMA CO.	9/16/74

TOTAL - 3

## WEST VIRGINIA

COALTON, TOWN OF	RANDOLPH CO	8/09/74
DAVY, TOWN OF	MCDOWELL CO	9/06/74

LAYOPOLIS, TOWN OF	GILMER CO	8/09/74
MOUNT HOPE, TOWN OF	FAYETTE CO	9/13/74

WEST MILFORD, TOWN OF	HARRISON CO	8/09/74
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TOTAL - 5

## WISCONSIN

ALMENA, VILLAGE OF	BARRON CO	9/06/74
ARCADIA, CITY OF	TREMPEALEAU CO	11/30/73
BARNEVELD, VILLAGE OF	IOWA CO	5/17/74
BELGIUM, VILLAGE OF	OSAUKEE CO	6/07/74
BELL CENTER, VILLAGE OF	CRAWFORD CO	1/09/74
BIG FALLS, VILLAGE OF	WAUPACA CO	8/30/74
BOAZ, VILLAGE OF	RICHLAND CO	8/23/74
BOSCOBEL, CITY OF	GRANT CO	12/17/73
BROWNTOWN, VILLAGE OF	GREEN CO	1/09/74
CABLE, VILLAGE OF	BAYFIELD CO	8/30/74
CAMBRIDGE, VILLAGE OF	DANE CO	12/17/73
CAMERON, VILLAGE OF	BARRON CO	12/28/73
CASCADE, VILLAGE OF	SHEBOYGAN CO	5/03/74
CAZENOVIA, VILLAGE OF	RICHLAND CO	8/23/74

CONPATH, VILLAGE OF	RUSK CO	8/30/74
COSTBURG, VILLAGE OF	SHEBOYGAN CO	6/28/74
DALLAS, VILLAGE OF	BARRON CO	7/19/74

## NOTICES

## WISCONSIN

COMMUNITY NAME	COUNTY NAME	ID DATE
DESOTO, VILLAGE	CRAWFORD CO	1/09/74
DOYLESTOWN, VILLAGE OF	COLUMBIA CO	4/17/74
EAGLE RIVER, CITY OF	VILAS CO	12/28/73
EAST TROY, VILLAGE OF	WALWORTH CO	5/24/74
ELAND, VILLAGE OF	SHAWANO CO	8/23/74
ELDERON, VILLAGE OF	MARATHON CO	7/19/74
ENDEAVOR, VILLAGE OF	MARQUETTE CO	12/17/73
FAIRCHILD, VILLAGE OF	EAU CLAIRE CO	5/31/74
FALL CREEK, VILLAGE OF	EAU CLAIRE CO	5/24/74
FENWOOD, VILLAGE OF	MARATHON CO	8/02/74
FORESTVILLE, VILLAGE OF	DOOR CO	11/30/73
FORTVILLE, VILLAGE OF	ROCK CO	5/31/74
FRANCIS CREEK, VILLAGE OF	MANITOWOC CO	5/17/74
GALESVILLE, CITY OF	TREMPEALEAU CO	11/30/73
GILLET, CITY OF	CONTO CO	4/12/74
GRANTON, VILLAGE OF	CLARK CO	8/30/74
GRATIOT, VILLAGE OF	LAFAYETTE CO	1/16/74
HAMMOND, VILLAGE OF	ST CROIX CO	5/10/74
HOLLANDALE, VILLAGE OF	IOWA CO	9/20/74
HOWARD, VILLAGE OF	BROWN CO	12/28/73
HUSTLER, VILLAGE OF	JUNEAU CO	8/23/74
INGRAH, VILLAGE OF	RUSK CO	9/06/74
IOLA, VILLAGE OF	WAUPACA CO	6/07/74
IRONTON, VILLAGE OF	SAUK CO	8/16/74
JOHNSON CREEK, VILLAGE OF	JEFFERSON CO	1/09/74
KNAPP, VILLAGE OF	DUNN CO	7/19/74
LAKE MILLS, CITY OF	JEFFERSON CO	5/17/74
LIME RIDGE, VILLAGE OF	SAUK CO	8/23/74
LOGANVILLE, VILLAGE OF	SAUK CO	9/06/74
LOWELL, VILLAGE OF	DODGE CO	5/17/74
LUBLIN, VILLAGE OF	TAYLOR CO	9/20/74
MARQUETTE, VILLAGE OF	GREEN LAKE CO	12/28/73
MATTOON, VILLAGE OF	SHAWANO CO	8/30/74
MELVINA, VILLAGE OF	MONROE CO	8/30/74
MENOMONIE, CITY	DUNN CO	6/28/74
MERRILLAN, VILLAGE OF	JACKSON CO	5/31/74
MINDONG, VILLAGE OF	WASHEURN CO	8/30/74

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NOTICES

WISCONSIN

COMMUNITY NAME	COUNTY NAME	ID DATE
MOUNT HOPE, VILLAGE OF	GRANT CO	8/30/74
NECEDAH, VILLAGE OF	JUNEAU CO	1/09/74
NEW AUBURN, CITY OF	CHIPPEWA CO	7/19/74
NORTH BAY, VILLAGE OF	RACINE CO	9/06/74
NORWALK, VILLAGE OF	MONROE CO	8/30/74
OGDENSBURG, VILLAGE OF	WAUPACA CO	8/23/74
OLIVER, VILLAGE OF	DOUGLAS CO	8/30/74
ONTARIO, VILLAGE OF	VERNON CO	1/09/74
OXFORD, VILLAGE OF	MARQUETTE CO	9/06/74
PARDEEVILLE, VILLAGE OF	COLUMBIA CO	12/28/73
PIGSON FALLS, VILLAGE OF	TREMPEALEAU CO	9/06/74
POPULAR, VILLAGE OF	DOUGLAS CO	12/28/73
POTOSI, VILLAGE OF	GRANT CO	12/28/73
PULASKI, VILLAGE OF	BROWN CO	5/24/74
REDGRANITE, VILLAGE OF	WAUSHARA CO	5/17/74
RIDGEWAY, VILLAGE OF	IOWA CO	9/20/74
SHULLSBURG, CITY OF	LAFAYETTE CO	5/17/74
SOUTH WAYNE, VILLAGE OF	LAFAYETTE CO	12/07/73
PRAIRIE DU SAC, VILLAGE OF	SAAK CO	12/07/73
ST CLOUD, VILLAGE OF	FOND DU LAC CO	12/28/73
ST FRANCIS, CITY OF	MILWAUKEE CO	6/07/74
STAR PRAIRIE, VILLAGE OF	ST CROIX CO	12/28/73
STURTEVANT, VILLAGE OF	RACINE CO	5/24/74
TAYLOR, VILLAGE OF	JACKSON CO	12/07/73
UNITY, CITY OF	MARATHON CO	9/20/74
VESTER, VILLAGE OF	WOOD CO	8/02/74
WATERTOWN, CITY OF	DODGE CO	5/31/74
WAUNAKEE, VILLAGE OF	DANE CO	12/17/73
WAUSAUKEE, VILLAGE OF	MARINETTE CO	5/24/74
WHEELER, VILLAGE OF	DUNN CO	8/02/74
WILD ROSE, VILLAGE OF	WAUSHARA CO	5/31/74
WILSON, VILLAGE OF	ST CROIX CO	8/30/74
WOODMAN, VILLAGE OF	GRANT CO	1/16/74
TOTAL - 87		

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WYOMING

NAME	COUNTY	ID DATE
DUBOIS, TOWN OF	FREMONT CO.	1/23/74
KEMMERER, TOWN OF	LINCOLN CO.	3/29/74
LARAMIE, CITY OF	ALBANY CO.	4/ 5/74
MANDERSON, TOWN OF	BIG HORN CO.	9/13/74
RANCHESTER, TOWN OF	SHERIDAN CO.	9/ 6/74
RIVERTON, CITY OF	FREMONT CO.	3/29/74
TORRINGTON, TOWN OF	GOSHEN CO.	3/15/74
GREYBULL, TOWN OF	BIG HORN CO	6/21/74
TOTAL - 8		

NATIONAL TOTAL - 1,825

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NOTICES

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Nov. 28, 1968).

MONDAY, SEPTEMBER 8, 1975

ARCHIVES OF THE  
FEDERAL REGISTER



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NOTICES

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: August 27, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-23625 Filed 9-5-75;8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 174—MONDAY, SEPTEMBER 8, 1975

MONDAY, SEPTEMBER 8, 1975



PART VII:

PRIVACY ACT  
OF 1974

VARIOUS AGENCIES

Proposed Rules, and Notices of  
Systems of Records

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ADVISORY COMMITTEE ON FEDERAL PAY

ADVISORY COMMITTEE ON FEDERAL

tion for Committee employees and otherwise by Committee and  
GSA employees who have a need for the record in the performance

FARM CREDIT ADMINISTRATION

41731

FARM CREDIT ADMINISTRATION  
PRIVACY ACT OF 1974

Information in this record system may be disclosed to a Federal  
agency, in response to its request, in connection with the hiring or  
agency of an employee, the issuance of a security clearance, the



# ADVISORY COMMITTEE ON FEDERAL PAY PRIVACY ACT OF 1974 Notice of Systems of Records

The following notices are required for compliance with the Privacy Act of 1974. Any comments about procedures outlined should be sent to the Advisory Committee on Federal Pay, Room 101, 1016 16th Street, N.W., Washington, D.C. 20036, by October 10.

Jerome M. Rosow,  
Chairman, Advisory Committee on Federal Pay.

## ACFP—I

**System name:** General Financial Records—ACFP

**System location:** General Services Administration, Central Office; copies held by the ACFP. (GSA holds records for the ACFP under contract.)

**Categories of individuals covered by the system:** Committee employees and members.

**Categories of records in the system:** SF1038, Application and account for advance of funds; vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the ACFP who have a need for the record in the performance of their duties.

**Authority for maintenance of the system:** 31 U.S.C., generally; also Public Law 91-656.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See appendix following ACFP notices. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper and tape.

**Retrievability:** Manual and automated by name.

**Safeguards:** Stored in guarded building; released only to authorized personnel.

**Retention and disposal:** Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

**System manager(s) and address:** ACFP Administrative Assistant, Room 101, 1016 16th Street, N.W., Washington, D.C. 20036.

**Notification procedure:** Contact system manager listed above.

**Record access procedures:** Committee members, past or present, or employees, past or present, who desire access to their individual records in the custody of the ACFP or GSA should contact the Committee's Administrative Assistant in writing. See Committee access regulations in 5 CFR 401.

**Contesting record procedures:** Committee members, past or present, or employees, past or present, who desire to contest record procedures in the custody of the ACFP or GSA should contact the Committee's Administrative Assistant in writing. See Committee record contest regulations in 5 CFR 401.

**Record source categories:** The subject individual; the Committee.

## ACFP—2

**System name:** Payroll records—ACFP

**System location:** General Services Administration, Region 3 Office; copies held by the ACFP. (GSA holds records for ACFP under contract.)

**Categories of individuals covered by the system:** Past and present Committee employees.

**Categories of records in the system:** Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms; W2 forms; overtime requests; leave data; retirement records. Records are used by the ACFP and GSA employees to maintain adequate payroll information for Committee employees and otherwise by Committee and GSA employees who have a need for the record in the performance of their duties.

**Authority for maintenance of the system:** 31 U.S.C., generally; also Public Law 91-656.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See appendix following ACFP notices. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper and microfilm.

**Retrievability:** Social Security Number.

**Safeguards:** Stored in guarded building; released only to authorized personnel.

**Retention and disposal:** Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

**System manager(s) and address:** ACFP Administrative Assistant, Room 101, 1016 16th Street N.W., Washington, D.C. 20036.

**Notification procedure:** Contact system manager listed above.

**Record access procedures:** Committee members, past or present, or employees, past or present, who desire access to their individual records in the custody of the ACFP or GSA should contact the Committee's Administrative Assistant in writing. See Committee access regulations in 5 CFR 401.

**Contesting record procedures:** Committee members, past or present, or employees, past or present, who desire to contest record procedures in the custody of the ACFP or GSA should contact the Committee's Administrative Assistant in writing. See Committee record contest regulations in 5 CFR 401.

**Record source categories:** The subject individual; the Committee.

APPENDIX—Advisory Committee on Federal Pay (ACFP)

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

[FR Doc.75-23711 Filed 9-3-75; 11:22 am]

FEDERAL REGISTER VOL. 40, NO. 174—MONDAY, SEPTEMBER 8, 1975

# FARM CREDIT ADMINISTRATION PRIVACY ACT OF 1974 Notice of Proposed Systems of Records

Notice is hereby given that, in order to implement the Privacy Act of 1974, the Farm Credit Administration proposes to adopt the following notices of the existence and character of the systems of records containing information about individuals which it maintains. Public comment is invited on these notices on or before September 26, 1975. Comments should be submitted in writing (10 copies) to W. M. Harding, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Information Division, Office of Administration, Farm Credit Administration.

W. M. Harding,  
Governor, Farm Credit Administration.

## Systems of Records

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FCA-2 Former Employee Records  
FCA-3 Upward Mobility Skills Survey  
FCA-4 Group Accident Insurance Records  
FCA-5 Employee Reports of Financial Interest and Employment  
FCA-6 Farm Credit Bank Personnel Records  
FCA-7 Employee Attendance, Leave and Payroll Records  
FCA-8 Employee Travel and Vendor Voucher Files  
FCA-9 Financial Management Records  
FCA-10 Property Accountability Records  
FCA-11 Procurement Records  
FCA-12 Biographical Files  
FCA-13 Public Information Requests File  
FCA-14 Freedom of Information Requests  
FCA-15 Congressional Correspondence File  
FCA-16 \*Federal Land Bank Loans  
FCA-17 \*Production Credit Association Loans  
\*Exempt

## FCA—I

**System name:** General Personnel Records—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Categories of individuals covered by the system:** Current FCA employees.

**Categories of records in the system:** Official Personnel Folder and employee service record card which contains a summary of all personnel actions and pay change actions during employment of the individual in FCA.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To furnish information (name, permanent or temporary status, how long employed, position, grade, salary) to other Government agencies, commercial or credit organizations, or verification of employment to prospective employers or personnel directors of Farm Credit Banks.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Employee service record cards are maintained in a Kardex binder. Official Personnel Folders are maintained in file folders.

**Retrievability:** Cards and Folders are arranged alphabetically by name.

**Safeguards:** Cards and Folders are kept in lockable cabinets.

**Retention and disposal:** Employee service record cards are retained for the life of the record. Official Personnel Folders are sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service.

**System manager(s) and address:** Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578; Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Notification procedure:** All inquiries about this system of records shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

## FCA—2

**System name:** Former Employee Records—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Categories of individuals covered by the system:** Former FCA employees.

**Categories of records in the system:** Employee service record cards containing a summary of all personnel actions and pay change actions during FCA employment period and disposition of Official Personnel Folder. Photocopies of retirement records. Cards showing name, date of birth, social security number, and disposition of Official Personnel Folder of separated employees.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To furnish certain information (name, permanent or temporary status, how long employed, position, grade, salary) to other Government agencies, commercial or credit organizations, verification of employment to former employees, prospective employers, or personnel directors of Farm Credit banks.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

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Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Farm Credit Administration, 490 L'Enfant Plaza

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.



Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards are maintained in a Kardex binder and in a cabinet. Photocopies of retirement records are stored in a lockable shelf cabinet.

**Retrievability:** Cards and photocopies are arranged alphabetically by name.

**Safeguards:** Records are kept in an area locked after business hours and are maintained only by FCA files employees.

**Retention and disposal:** Life of the record.

**System manager(s) and address:** Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578; Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.330.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

## FCA—3

**System name:** Upward Mobility Skills Survey—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Categories of individuals covered by the system:** FCA employees at GS-9 level and below or equivalent.

**Categories of records in the system:** Records consist of personal history, interests and traits, education and work experience.

**Authority for maintenance of the system:** 12 U.S.C. 1981 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is used for career counseling, merit promotion, manpower utilization, and upward mobility.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are arranged alphabetically by name.

**Safeguards:** Records are kept in locked file except when used by Upward Mobility Coordinator and/or Upward Mobility Selection Panel.

**Retention and disposal:** Records are retained until employee leaves FCA and then destroyed.

**System manager(s) and address:** Upward Mobility Coordinator, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** Information in this system of records is completed on a voluntary basis by the individual to whom it applies.

## FCA—4

**System name:** Group Accident Insurance Records—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Categories of records in the system:** Records consist of listings of persons who elect to participate in program and the amount of coverage selected.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records is used by agency officials to ascertain coverage, to notify carrier of participants, and to provide information to the individual.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Alphabetical listing by name.

**Safeguards:** Records are located in lockable file cabinets.

**Retention and disposal:** Records are retained until program is discontinued.

**System manager(s) and address:** Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** The individual to whom the record pertains.

## FCA—5

**System name:** Employee reports of financial interests and employment—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Categories of individuals covered by the system:** FCA employees.

**Categories of records in the system:** "Confidential Statement of Employment and Financial Interests" required of certain employees. Contains statement of financial interests of the employee and of members of his immediate household as well as any other employment of the FCA employee.

**Authority for maintenance of the system:** E.O. 11222

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Uses by authorized FCA personnel for ascertaining conflicts or apparent conflicts of interest and recommending or taking appropriate action.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are maintained alphabetically by name.

**Safeguards:** Records are kept in a closed safe with combination lock except when being used by authorized personnel who are instructed as to their confidentiality and permitted use.

**Retention and disposal:** Maintained by FCA until the employee leaves the agency and then destroyed.

**System manager(s) and address:** Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20578.

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** Employee filing the report.

## FCA—6

**System name:** Farm Credit Bank Personnel Records—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Categories of individuals covered by the system:** Current employees of the Farm Credit banks who occupy senior officer positions; and former employees of such banks who occupied senior officer positions and have terminated employment within last five years.

**Categories of records in the system:** This system consists of copies of various records relating to personnel actions and determinations made concerning individuals occupying senior officer positions in the Farm Credit banks. The Personnel Folder contains information about the individual including date of birth, past and present salaries, position titles, personnel action forms which document actions, including but not limited to, appointment, reassignment, promotion, pay changes, separation, correspondence and justifications for salary increases, biographical data and awards. The service record card contains a chronology of the personnel actions taken, and also includes identifying data including name, date of birth, address and previous employment history.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records is used or a record may be used:

(a) by agency officials for purposes of review in connection with appointments, promotions, pay changes and other determinations requiring FCA concurrence;

(b) to provide information to Farm Credit bank directors of personnel on length of service;

(c) to provide information for agency use in preparation of statistical reports;

(d) as a data source for management information in responding to inquiries or developing statistical data for other Federal agencies.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders, Kardex binders, and index file drawers.

**Retrievability:** Records are indexed by combination of name and date of birth.

**Safeguards:** Records are located in lockable metal file cabinets.

**Retention and disposal:** After termination, the personnel folder is retained for one year beyond separation date and then destroyed. The service record card is retained for the life of the record.

## FCA—10

**System name:** Property accountability records—FCA

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**System manager(s) and address:** Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**System manager(s) and address:** Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.



**System manager(s) and address:** Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by directors of personnel of the Farm Credit banks.

#### FCA-7

**System name:** Employee attendance, leave, and payroll records—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Categories of individuals covered by the system:** FCA employees.

**Categories of records in the system:** Records consist of manual files containing payroll-related information for FCA employees which consists of various forms containing on a biweekly, year-to-date, and in some cases an annual basis, payroll and leave data for each employee including rate and amount of pay, hours worked, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bond and charity deductions, other financial deductions, mailing addresses, and home addresses.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used to prepare payroll and to meet Government payroll recordkeeping and reporting requirements, and for retrieving and supplying payroll and leave information as required for agency needs.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in file folders; on pay cards, retirement cards, and leave cards.

**Retrievability:** Records are filed alphabetically by name.

**Safeguards:** Files are kept in areas which are locked after business hours and are maintained only by authorized FCA personnel.

**Retention and disposal:** In accordance with GSA requirements for financial and payroll-related records.

**System manager(s) and address:** Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** Individual on whom the record is maintained. FCA employees who approve records.

#### FCA-8

**System name:** Employee travel and vendor voucher files—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Categories of individuals covered by the system:** FCA employees and other individuals who provide products and services to FCA.

**Categories of records in the system:** Records consist of travel vouchers, vendor vouchers, and supporting documentation.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used to provide records of reimbursement to employees for expense incurred while in official travel status and to provide reimbursement to other individuals for products and/or services received.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Travel vouchers are filed in individual folders for each employee; vendor vouchers are filed in folders.

**Retrievability:** Records are filed alphabetically by name.

**Safeguards:** Files are kept in areas which are locked after business hours and are maintained by authorized FCA personnel.

**Retention and disposal:** In accordance with GSA requirements for financial records.

**System manager(s) and address:** Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

#### FCA-10

**System name:** Property accountability records—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Categories of individuals covered by the system:** FCA employees.

**Categories of records in the system:** The form executed by each employee to whom accountable property is issued for official use, containing the employee's name, serial number, and description of the property charged to him.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252; 40 U.S.C. 471 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Property accountability records are used by FCA to maintain control of accountable property.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper forms filed in storage cabinet.

**Retrievability:** Records maintained in alphabetical order by employee name.

**Safeguards:** Records are maintained in an area which is locked after business hours.

**Retention and disposal:** Forms are maintained until the property is returned.

**System manager(s) and address:** Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** Individuals to whom property is issued.

#### FCA-11

**System name:** Procurement records—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Categories of individuals covered by the system:** Individuals who provide or may provide supplies or services to FCA by contract or purchase order.

**Categories of records in the system:** Bids, offers, lease agreements, purchase orders, and requisitions as related to purchase transactions.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** FCA employees and other individuals executing records. FCA employees auditing and approving vouchers.

#### FCA-9

**System name:** Financial Management Records—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Categories of individuals covered by the system:** FCA employees and individuals conducting business with FCA.

**Categories of records in the system:** Records supporting the FCA financial management system, including employee travel advance records, records of budget formulation and execution, for FCA administrative expenses, and other financial records.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records serve as the source for collecting and recapping financial data to provide control of collection and disbursement of revenues and reports necessary for management and other Government agencies.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders and binders stored in file cabinets.

**Retrievability:** Records are filed alphabetically by name where appropriate.

**Safeguards:** Files are kept in file cabinets in areas which are locked after business hours.

**Retention and disposal:** In accordance with GSA requirements for financial records.

**System manager(s) and address:** Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** FCA employees and other individuals doing business with FCA.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252; 40 U.S.C. 471 et seq.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

#### FCA-15

**System name:** Congressional Correspondence File—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578



**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252; 40 U.S.C. 471 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Procurement records and files are used by FCA as the bases for maintaining control of purchase transactions and to provide a minimum of opportunity for fraud as well as the maximum feasible opportunity for audit as related to the purchase of supplies and services obtained.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are maintained in numerical order by purchase order number in file folders bearing the name of the vendor.

**Safeguards:** Records are maintained in an area which is locked after business hours.

**Retention and disposal:** Each record is retained for five years for reference purposes and then destroyed.

**System manager(s) and address:** Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** Individuals who make bids or offers to FCA or enter into lease or other agreements with FCA. FCA employees who prepare requisitions and purchase orders.

#### FCA—12

**System name:** Biographical files—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, N. W. Washington, D.C. 20578

**Categories of individuals covered by the system:** FCA employees, members of the Federal Farm Credit Board, Farm Credit district directors.

**Categories of records in the system:** Biographical sketches and photographs.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Distribution to Farm Credit institutions or the public in connection with Farm Credit elections, public appearances, conferences, and on request by the public.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are arranged alphabetically by name.

**Safeguards:** Records are maintained in an area locked after business hours.

**Retention and disposal:** Records are destroyed on separation or retirement.

**System manager(s) and address:** Director, Information Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578; Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** Individual on whom the record is maintained.

#### FCA—13

**System name:** Public Information Requests File—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Categories of individuals covered by the system:** Members of the public.

**Categories of records in the system:** Incoming letters and copies of outgoing correspondence.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Response to requests and reference by FCA employees in answering successive requests.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Letters are stored in file folders.

**Retrievability:** Letters are filed alphabetically by requester name.

**Safeguards:** Letters are maintained in cabinets in an area which is locked after business hours.

**Retention and disposal:** Letters are retained one year and then destroyed.

**System manager(s) and address:** Director, Information Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

#### FCA—15

**System name:** Congressional Correspondence File—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Categories of individuals covered by the system:** U.S. Senators and Representatives.

**Categories of records in the system:** Copies of letters written by FCA employees to U. S. Senators and Representatives.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by FCA employees for reference to other files.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Letters are stored in file folders.

**Retrievability:** File folders are arranged alphabetically by name.

**Safeguards:** Files are kept in cabinets in an area which is locked after business hours and are maintained only by FCA files personnel.

**Retention and disposal:** In accordance with GSA requirements.

**System manager(s) and address:** Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** FCA employees.

#### FCA—16

**System name:** Federal Land Bank Loans—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Categories of individuals covered by the system:** Member-borrowers whose loan applications exceed the prior-approval limits set by FCA for each bank. Member-borrowers whose loan applications and approvals are submitted under the post-review requirements set by FCA for each bank. Member-borrowers whose loans fall within the category of loan approval requirements stipulated by FCA regulation—Loan Policies and Operations, 12 CFR Part 614, Subpart N, 4450. Individuals or member-borrowers who have communicated to a member of Congress or any Government agency in which FCA has responded to the Congressman or directly to the individual or member-borrower.

**Categories of records in the system:** Loan documents including name, address, loan application, type and purpose of loan, financial information submitted by the individual, analysis of financial information, security and loan agreement papers, correspondence between bank, association and FCA, loan analysis recommendation, field report and/or appraisal, tax return records if submitted by the individual, other related loan and analysis support information. Congressional and complaint letters and FCA response copies.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** FCA staff uses records as a basis for decision on approval or denial of loans and/or change in status of loans, to monitor bank's capabilities in credit extension, and to maintain awareness and monitor sensitive loans.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or ad-

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** Individuals making public information requests and FCA employees.

#### FCA—14

**System name:** Freedom of Information Requests—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Categories of individuals covered by the system:** Individuals whose requests for records fall within the scope of the Freedom of Information Act.

**Categories of records in the system:** Letter requests, copies of responses, and request log.

**Authority for maintenance of the system:** 5 U.S.C. 552

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is used for reference and reports are prepared for the Freedom of Information Act Committee, the Department of Justice, and the Office of Management and Budget.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper in notebook binders.

**Retrievability:** Records are arranged alphabetically by name.

**Safeguards:** Records are maintained in a lockable cabinet.

**Retention and disposal:** Life of the record.

**System manager(s) and address:** Director, Information Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** Requester and FCA employees.

ministrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

tion, field report and/or appraisal, tax return records if submitted by the individual, other related loan and analysis support information.

within the definition of that term as it is employed for purposes of the Act. The very nature of the Department's respon-

numbers. The fact is that some systems of records were designed with the Social Security number as a retrieval key. Gen-

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ministrative tribunal, the relevant records may be referred, as a routine use to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are arranged by district, association, and name.

**Safeguards:** Records are maintained in an area locked after business hours.

**Retention and disposal:** Records are retained for five years and then destroyed.

**System manager(s) and address:** Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

**Record source categories:** The individual member-borrower, bank and association employees, FCA employees, Congressmen, and individual complainants.

**Systems exempted from certain provisions of the act:** This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a (k)(2) to the extent that there is included in the system investigatory material compiled for law enforcement purposes.

#### FCA-17

**System name:** Production Credit Association Loans—FCA

**System location:** Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Categories of individuals covered by the system:** Member-borrowers whose loan applications exceed the prior-approval limits set by FCA for each bank. Member-borrowers whose loan applications and approvals are submitted under the post-review requirements set by FCA for each bank. Member-borrowers whose loans fall within the category of loan approval requirements stipulated by FCA regulation—Loan Policies and Operations, 12 CFR Part 614, Subpart N, 4450. Individuals or member-borrowers who have communicated to a member of Congress or any Government agency in which FCA has responded to the Congressman or directly to the individual or member-borrower.

**Categories of records in the system:** Loan documents including name, address, loan application, type and purpose of loan, financial information, security and loan agreement papers, correspondence between bank, association and FCA, loan analysis recommenda-

tion, field report and/or appraisal, tax return records if submitted by the individual, other related loan and analysis support information. Congressional and complaint letters and FCA response copies.

**Authority for maintenance of the system:** 12 U.S.C. 2249, 2252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** FCA staff uses records as a basis for decision on approval or denial of loans and/or change in status of loans, to monitor bank's capabilities in credit extension, and to maintain awareness and monitor sensitive loans.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are arranged by district, association and name.

**Safeguards:** Records are maintained in an area locked after business hours.

**Retention and disposal:** Records are retained for five years and then destroyed.

**System manager(s) and address:** Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Notification procedure:** All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

**Record access procedures:** Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

**Contesting record procedures:** Request for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 C.F.R. 603.330.

**Record source categories:** The individual member-borrower, bank and association employees, FCA employees, Congressmen, and individual complainants.

**Systems exempted from certain provisions of the act:** This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a (k)(2), to the extent there is included in the system investigatory material compiled for law enforcement purposes.

[FR Doc.75-23067 Filed 8-28-75; 10:18 am]

## DEPARTMENT OF LABOR

Office of the Secretary

### NOTICE OF SYSTEMS OF RECORDS

Notice is hereby given that the Department of Labor, in accordance with 5 U.S.C. 552a(e) (4) and (11), sec. 3 of the Privacy Act of 1974 (Pub. L. 93-579) ("Act"). Proposes to adopt the notice of systems of records set forth below. The Department invites public comment on all parts of the notice.

Interested persons are invited to submit written data, views and arguments to Seth Zinman, Associate Solicitor, Division of Legislation and Legal Counsel, Office of the Solicitor, Room N2428, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, on or before September 28, 1975. Written material received from the public through said date will be considered by the Department before taking action on a final notice. Written material received from the public will be available for public inspection at the above address during normal business hours.

This notice was prepared and the systems noticed were selected with major reliance on the Guidelines and Responsibilities for Implementation of the Privacy Act published by the Office of Management and Budget (40 FR 28949, July 9, 1975).

The following remarks are intended to clarify the principles on which the particular systems of records were selected for notice and to clarify the contents of the notice.

The proposed notice is in two parts. The first part is a prefatory statement of general routine uses applicable to all or most of the noticed systems of records and is incorporated by reference into the notice of each system of records unless the text of a particular system indicates otherwise. This method of notice of routine uses is used in order to avoid repetition. Those routine uses which are specifically prescribed by the Act are not reported.

The first part also sets forth those systems of records which are reported by the Department for all agencies. These records are ones which may be found in all agencies, but the Department considers them to be the primary responsibility of the Department.

Three basic criteria were employed to determine those records which constitute a system of records requiring publication of notice in the FEDERAL REGISTER. The first criterion is whether the record is an official record of the Department. The second is whether the information pertaining to an individual is retrieved by means of the name or other personal identifier associated with that individual. The third criterion is whether a particular individual about whom information is available, which information is retrieved by reference to a personal identifier, is viewed in a business capacity.

Applying the above criteria, a survey of the Department's records revealed that many systems of records did not fall

within the definition of that term as it is employed for purposes of the Act. The very nature of the Department's responsibilities involves relationships with private corporations, unions, public bodies and other entities to a greater extent than with individuals in a purely personal capacity. Information about individuals, in many instances, is maintained in Departmental records ancillary to its relationships with entities. Information about an individual is usually retrieved by reference to the name of a company, a union, a contract number, or a project name or number, rather than by reference to a personal identifier. For the same reason, correspondence filed only by date is also not reported.

The business or entrepreneurial capacity standard also appeared frequently in Department records. Such records as the Wage and Hour Division investigative files under the Fair Labor Standards Act are maintained in the name of the company investigated, some of which are sole proprietorships. Sole proprietors offering goods and services to the Department and technical advisors or experts participating in Department programs are considered to be acting in an entrepreneurial capacity. Special note is taken of certain systems of records containing the names of persons applying for certifications such as under the Farm Labor Contractors Registration Act. These persons, although generally unincorporated, are considered to be in the same category as sole proprietors.

Records which are not official records of the Department are those which are not subject to the Department's control or are not required in the conduct of any program or function for which the Department is responsible. This category includes research and reference publications, including directories; personal telephone lists created by an individual employee for his or her own use; employee recreation associations; credit union memberships; and similar files.

This notice does not include particular identification of certain systems of records because other Federal agencies have assumed responsibility for publishing a Government-wide notice. The primary example is the publication of notice for Federal employee personnel records by the United States Civil Service Commission. This notice does include, as a Government-wide notice, all records pertaining to beneficiaries under the Federal Employees' Compensation Act and records pertaining to complaints under E.O. 11246. All records compiled pursuant to these programs are considered to be under the control of the Department of Labor in the same manner that personnel records are considered to be under the control of the Civil Service Commission.

A number of the particular systems of records noticed indicate Social Security numbers in the category of information and individuals are requested to furnish such number. The Department is aware of the provision of section 7 of the Act with regard to the use of Social Security

numbers. The fact is that some systems of records were designed with the Social Security number as a retrieval key. Generally, the Social Security number is used as an identifier to insure that an individual seeking benefits is properly identified so as to prevent duplicate or erroneous payments. In the event that an individual declines to provide his or her number, the Department will make a reasonable effort to respond to the request under the Act and, in the case of the payment of benefits, will not refuse such benefits on this ground.

Effective date. This notice shall be effective August 29, 1975.

Dated: August 29, 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

The Department proposes to adopt the following notices of systems of records.

#### PREFATORY STATEMENT

The following routine uses apply to and are incorporated by reference into each system of records set forth below unless the text of a particular record indicates otherwise.

1. In the event that a system of records, maintained by the Department to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of litigation or settlement negotiations.

5. A record in this system of records does not apply to other medical or DOL/ESA-14—Office of Workers' Compensation Programs, Black Lung, X-ray.

DOI/BLS-1

Administrative Information System Financial Matter

ment Security Agencies. BLS source: States follow BLS instructions to pick a sample, encode the data to cards or tape, and send



5. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving the individual when the individual is a constituent of the Member and has requested assistance from the Member with respect to the subject matter of the record.

6. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical or health advisor of any individual submitting a request for access to the record if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual, under the provisions of 5 U.S.C. 552a(f)(3) and implementing regulations.

7. A record in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in the Circular.

#### GOVERNMENT-WIDE RECORDS

The following systems of records are reported by the Department for the Government as a whole because the Department has major responsibility for the program of which the systems of record are a part. The Department recognizes that each federal agency may maintain a record or a part of a record within the agency. However, in order to avoid duplication in reporting, the Department considers it to be its responsibility to report these systems on behalf of all agencies. The Department also considers that it has control over these systems to the same extent as the Civil Service Commission has control over federal employee personnel records.

1. Federal Employees' Compensation Act files: Except for the Panama Canal Zone, all records relating to the injury or death of civilian employees or other persons entitled to benefits under the Federal Employees' Compensation Act are the records of the Office Workers' Compensation Programs of the Department of Labor. The Office asserts control of these records under the provisions of 5 U.S.C. 8149 and Departmental regulations at 20 CFR 10.10. The systems of records for these records is being reported by the Department as a Government-wide notice. This notice, however,

does not apply to other medical or related files not created pursuant to the Federal Employees' Compensation Act which may be in the possession of an agency.

2. Office of Federal Contract Compliance Programs Complaint Files: the Department is responsible for the administration of Parts II and III of E.O. 11246 (Nondiscrimination in Employment by Government Contractors and Subcontractors and Nondiscrimination in Federally Assisted Construction Contracts.) In accordance with this responsibility, the Department considers that it has dominion and control over the complaint files related to these programs. Therefore, the Department is reporting this system of records on behalf of all agencies.

#### ADDRESSES TO WHICH REQUESTS MAY BE DIRECTED

The addresses of the various component units of the Department as well as its field offices are contained in Departmental regulations at 29 CFR 70.36 and 70.43. This general notice is published to avoid unnecessary duplication in reporting addresses in each notice.

DOL/BLS-1—Administrative Information System Financial Master File.  
DOL/BLS-2—Characteristics of the Insured Unemployed File.  
DOL/BLS-3—Office of Statistical Operations and Processing Staff.  
DOL/BLS-4—Staff Utilization File.  
DOL/ESA-1—Budget Position Control System.  
DOL/ESA-2—Employment Standards Public Enquiry File.  
DOL/ESA-3—Office of Federal Contract Compliance Programs Complaint.  
DOL/ESA-4—Office of Federal Contract Compliance Programs Handicapped.  
DOL/ESA-5—Office of Federal Contract Compliance Programs Internal.  
DOL/ESA-6—Office of Federal Contract Compliance Programs Veterans.  
DOL/ESA-7—Office of Workers' Compensation Programs, Black Lung.  
DOL/ESA-8—Office of Workers' Compensation Programs, Black Lung.  
DOL/ESA-9—Office of Workers' Compensation Programs, Black Lung.  
DOL/ESA-10—Office of Workers' Compensation Programs, Black Lung.  
DOL/ESA-11—Office of Workers' Compensation Programs, Black Lung.  
DOL/ESA-12—Office of Workers' Compensation Programs, Black Lung.  
DOL/ESA-13—Office of Workers' Compensation Programs, Black Lung.

DOL/ESA-14—Office of Workers' Compensation Programs, Black Lung X-ray.  
DOL/ESA-15—Office of Workers' Compensation Programs, Federal.  
DOL/ESA-16—Office of Workers' Compensation Programs, Federal.  
DOL/ESA-17—Office of Workers' Compensation Programs, Longshore and  
DOL/ESA-18—Position Classification File.  
DOL/ESA-19—Wage-Hour Sheltered Work-shop File.  
DOL/ILAB-1—Employee Address File.  
DOL/ILAB-2—Organizational Operating Pattern File.  
DOL/MA-1—Budget and Position Control.  
DOL/MA-2—Bureau of Apprenticeship and Training, Field Service Staff.  
DOL/MA-3—Bureau of Apprenticeship and Training, Foreign Nationals.  
DOL/MA-4—Bureau of Apprenticeship and Training, National Industry.  
DOL/MA-5—ESARS 2% Sample File.  
DOL/MA-6—Exemplary Rehabilitation Certification Program File.  
DOL/MA-7—Immigration and Rehabilitation Certification Program File.  
DOL/MA-8—Job Corps Mainstream and Placement File.  
DOL/MA-9—Job Corps Mainstream and Placement Reports File.  
DOL/MA-10—Migrant Worker File.  
DOL/MA-11—Migrant Worker File.  
DOL/MA-12—WIN II Characteristics File.  
DOL/MA-13—1% Employee-Employer Sample File.  
DOL/OASA-1—Attendance, Leave, and Payroll File.  
DOL/OASA-2—Employee Locator Card File.  
DOL/OASA-3—General Investigations File.  
DOL/OASA-4—Occupational Injury and Illness Reporting File.  
DOL/OASA-5—Rehabilitation and Counseling File.  
DOL/PCEH-1—Employers of the Year Award File.  
DOL/PCEH-2—Handicapped American of the Year Award File.  
DOL/PCEH-3—Physician of the Year Award File.  
DOL/SOL-1—Bonding Violations File.  
DOL/SOL-2—Conflict of Interest File.  
DOL/SOL-3—Ex-Offenders Application File.  
DOL/SOL-4—Falsified Reports File.  
DOL/SOL-5—Freedom of Information Act Appeals.  
DOL/SOL-6—Manpower Administration Investigatory File.  
DOL/SOL-7—Organizational Interference File.  
DOL/SOL-8—Pension Bonding Violations File.  
DOL/SOL-9—Pension Embezzlement File.  
DOL/SOL-10—Prohibited Loan File.  
DOL/SOL-11—Union Funds Embezzlement File.  
DOL/SOL-12—Veterans Reemployment Rights Complaint File.

#### DOL/BLS-1

**System name:** Administrative Information System Financial Master File

**System location:** Records stored on computer at National Institutes of Health, Bethesda, Maryland. Access and maintenance usually occur by remote terminal in Room 2115, GAO Building, 441 G Street, N.W., Washington, D.C. 20212.

**Categories of individuals covered by the system:** Regular full- and part-time employees in the BLS National and Regional Offices.

**Categories of records in the system:** Budget and staffing data: name, SSN, organization title, grade, step, cost center, fund, PAS code, etc.

**Authority for maintenance of the system:** 5 USC 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Magnetic disk pack

**Retrievability:** Retrievable by any record element including name and SSN.

**Safeguards:** Protected data file can be read only by a few authorized employees and changed by even fewer authorized employees. Monthly staffing patterns are listed and distributed to cost center managers within the Bureau; these are arranged by organization and by grade, do not show SSN and are treated with the same general care as other administrative files.

**Retention and disposal:** Individual records are maintained as long as the individual is employed by BLS. Upon resignation or transfer the record is scratched (erased).

**System manager(s) and address:** Computer Systems Analyst, Room 2115, GAO Building, 441 G Street, N.W., Washington, D.C. 20212.

**Notification procedure:** Mail all inquiries or present in writing to: Commissioner of Labor Statistics, Room 2108, GAO Building, 441 G Street, N.W., Washington, D.C. 20212.

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Input from official personnel documents (SF-52 and DL-50).

#### DOL/BLS-2

**System name:** Characteristics of the Insured Unemployed File

**System location:** Tapes are stored in Office of ADP Support, Room 2530, GAO Building, 441 G Street N.W., Washington, D.C. 20212. Processing is done by the DOL Directorate of Data Automation, Room 2852, at the same address.

**Categories of individuals covered by the system:** Claimants for State unemployment insurance benefits (sample only for most States)

**Categories of records in the system:** Employment information: age, sex, SSN, duration of unemployment, occupation, industry attachment of last job.

**Authority for maintenance of the system:** 29 USC 1-9

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Mag tape<sup>1/2</sup>

**Retrievability:** By SSN. The SSN is used only as a unique record identifier for editing purposes. The BLS is now investigating other means of unique record identification that could replace the SSN and thereby remove this data file from coverage under the Privacy Act.

**Safeguards:** Physical safeguards: only authorized employees have access to the facilities at any time.

**Retention and disposal:** Retained 10 years, then tapes are erased for re-use.

**System manager(s) and address:** Chief, Division of Industry Employment Statistics, Room 2089, GAO Building, 441 G Street N.W., Washington, D.C. 20212.

**Notification procedure:** Mail all inquiries or present in writing to: Commissioner of Labor Statistics, Room 2108, GAO Building, 441 G Street N.W., Washington, D.C. 20212. Give SSN.

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Original source: Individual applications for unemployment insurance benefits submitted to State Employ-

ment Security Agencies. BLS source: States follow BLS instructions to pick a sample, encode the data to cards or tape, and send to BLS.

#### DOL/BLS-3

**System name:** Office of Statistical Operations and Processing, Staff Utilization File.

**System location:** Records stored on computer at National Institutes of Health, Bethesda, Maryland. Maintenance is performed by remote terminal in Room 2021, GAO Building, 441 G Street N.W., Washington, D.C. 20212.

**Categories of individuals covered by the system:** Employees of the BLS Office of Statistical Operations and Processing (except the Office of ADP Support), the CPI Revision Management Team, and the Division of Management Systems (Office of Administrative Management)

**Categories of records in the system:** Payroll, accounting and staff utilization data: name, SSN, grade, and step, cost center, PAS home code. For current pay period only: regular and overtime hours worked; compensatory time earned; hours worked by PAS code, by function and by task (function and task specified by each office).

**Authority for maintenance of the system:** 5 USC 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Magnetic disk pack

**Retrievability:** Retrievable by any record element including name and SSN.

**Safeguards:** Data file accessible only by authorized employees who know keyword.

**Retention and disposal:** Cumulative file for the last pay period of the fiscal year is stored indefinitely.

**System manager(s) and address:** Executive Assistant to the Deputy Commissioner for Statistical Operations and Processing, GAO Building, 441 G Street N.W., Washington, D.C. 20212.

**Notification procedure:** Mail all inquiries or present in writing to: Commissioner of Labor Statistics, Room 2108, GAO Building, 441 G Street N.W., Washington, D.C. 20212. Give name, SSN, and fiscal years of employment.

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Input from employees' biweekly Time and Attendance Cards and time distribution forms (DL 1-129, "Project Reporting Form"); SF-52's "Request for Personnel Action"

#### DOL/BLS-4

**System name:** Staff Utilization File

**System location:** Records stored by the DOL Directorate of Data Automation, Room 2852, GAO Building, 441 G Street N.W., Washington, D.C. 20212. Maintenance is directed by the Division of Field Collection Activities, Room 1834, at the same address. Input is mailed in or keypunched by BLS Regional Office Divisions of Operations; file copies of input documents are kept by most Regions.

**Categories of individuals covered by the system:** All BLS Regional Office Division of Operations professional and data collection employees. (Clerical staff are not covered by the system.)

**Categories of records in the system:** Staff utilization data: name, SSN, pay period, hours worked and units accomplished by PAS code for functions such as personal visit, telephone collection, and training.

**Authority for maintenance of the system:** 5 USC 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Mag tapes and disks

**Retrievability:** By any data field, including name and SSN.

**Safeguards:** Only authorized employees have access to the tapes/disks, to the programs, and to the Regions' backup documents.

**Retention and disposal:** Fiscal year files are retained indefinitely.

**System manager(s) and address:** Chief, Division of Field Collection Activities, Room 1834, GAO Building, 441 G Street N.W., Washington, D.C. 20212.

**Notification procedure:** Mail all inquiries or present in writing to: Chief, Compliance Programs, 200 Constitution Avenue, N.W., Washington, D.C. 20212.

**System location:** U.S. Department of Labor, Office of Federal Contract Compliance Programs, 200 Constitution Avenue, N.W., Washington, D.C. 20212.

**System location:** U.S. Department of Labor, Office of Federal Contract Compliance Programs, 711 14th Street, N.W., Room 220, Washington, D.C. 20212.

**Safeguards:** Locked file with access by authorized personnel only.



**Notification procedure:** Mail all inquiries or present in writing to: Commissioner of Labor Statistics, Room 2108, GAO Building, 441 G Street N.W., Washington, D.C. 20212. Give name, SSN and dates of employment.

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** "Staff Utilization Report" (form number SO-1) filled out each pay period by each R.O. D/Operations employee (in place of the DL 1-291 "Project Reporting Form")

#### DOL/ESA-1

**System name:** Budget Position Control System

**System location:** Employment Standards Administration, Room C-3307, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Federal Government employees of the Employment Standards Administration.

**Categories of records in the system:** Budget

**Authority for maintenance of the system:** OMB Circular A-11

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Preparation of Employment Standards Administration budgets and related reports.

**Storage:** Manual

**Retrievability:** By Employment Standards Administration organization.

**Safeguards:** The System is housed in the Division of Budget and Finance and only persons who are authorized by the Division are allowed access to the data.

**Retention and disposal:** There is no set disposal time for data in this system.

**System manager(s) and address:** Chief, Division of Budget and Finance, Employment Standards Administration, New Department of Labor Building, Room C3307, 200 Constitution Avenue N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Form DL-50 Notification of Personnel Action.

#### DOL/ESA-2

**System name:** Employment Standards Public Enquiry File

**System location:** Room S3221, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** The general public, government officials (usually of State labor departments), and private organizations such as those representing labor, management, or private citizens.

**Categories of records in the system:** Copies of incoming letters and reports of telephone requests.

**Authority for maintenance of the system:** 5 USC 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Manual File

**Retrievability:** By subject matter, State chronologically, and name if a private citizen.

**Safeguards:** Building Security Guards.

**Retention and disposal:** Time retained depends on subject matter and importance, varying from 3 to 10 years, and then destroyed.

**System manager(s) and address:** Director, ESA, Office of Program Development and Administration, 200 Constitution Avenue, N.W., Washington, D.C., Room S3325, U.S. Department of Labor.

**Notification procedure:** U.S. Department of Labor, ESA, DSES, Rm. S3321, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Name and approximate date of previous correspondence should be provided.

**Record access procedures:** Same as above

**Contesting record procedures:** Same as above

**Record source categories:** Information voluntarily submitted by correspondent on own initiative.

#### DOL/ESA-3

**System name:** Office of Federal Contract Compliance Programs Complaint File.

**System location:** U.S. Department of Labor, Office of Federal Contract Compliance Programs, 200 Constitution Avenue, N.W., Wash. D.C., Room N3402; U.S. Department of Health, Education and Welfare, National Institutes of Health, Building 12A, Bethesda, Maryland.

**Categories of individuals covered by the system:** Individuals filing complaints of discrimination.

**Categories of records in the system:** Personal demographic information on the complaint and the basis of the complaint they are filing.

**Authority for maintenance of the system:** Executive Order 11246, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to compliance agencies that have responsibility of overseeing contractor compliance with Executive Order 11246 to the EEOC which has the authority to investigate complaints of discrimination and to other Federal agencies that may have responsibility for matters referred to in a complaint.

**Storage:** Diebold Power Files, magnetic tapes.

**Retrievability:** By name and/or OFCCP Control Number

**Safeguards:** Files are locked, except during working hours and only authorized personnel have access to files. The computer system has a code used for retrieval.

**Retention and disposal:** Active files retained 2-5 years, referred to storage, destroyed after 5 years.

**System manager(s) and address:** Director, OFCCP, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C.

**Notification procedure:** U.S. Department of Labor, Office of Federal Contract Compliance Programs, 200 Constitution Avenue, N.W., Washington, D.C.

**Record access procedures:** Individual may request in writing regarding information maintained by OFCCP on himself. He may write to the Office of Federal Contract Compliance Programs.

**Contesting record procedures:** Same as above

**Record source categories:** Individuals and employers

#### DOL/ESA-4

**System name:** Office of Federal Contract Compliance Programs Handicapped Worker Complaint File.

**System location:** Room C4321, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210. Each Regional Office.

**Categories of individuals covered by the system:** Handicapped Workers

**Categories of records in the system:** Medical, personal, employment

**Authority for maintenance of the system:** 29 USC 793

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to contracting and compliance agencies.

**Storage:** Manual Files

**Retrievability:** By name

**Safeguards:** Physical Security

**Retention and disposal:** Undecided (program still being developed).

**System manager(s) and address:** Director, Veterans and Handicapped Workers Program Operation Division, Office of Federal Contract Compliance Programs, Room 4321 NDOL, 200 Constitution Avenue, N.W., Washington, D.C. 20210

**Notification procedure:** Head, Handicapped Workers' Task Force, Room C4321 NDOL, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Record access procedures:** Same as above

**Contesting record procedures:** Same as above

**Record source categories:** The sources of the information come from the complaint, the contractor's records and files, and other investigative sources as needed, such as medical records, and other employment records at the permission of the complainant.

#### DOL/ESA-5

**System name:** Office of Federal Contract Compliance Programs Internal Complaint File

**System location:** U.S. Department of Labor, Office of Federal Contract Compliance Programs, 711 14th Street, N.W., Room 220, Washington, D.C.

**Categories of individuals covered by the system:** Individuals filing complaints of discrimination.

**Categories of records in the system:** Personal, Demographic information on the complainant and the basis of the complaint.

**Authority for maintenance of the system:** Executive Order 11246, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Diebold Power Files, Mag Tapes

**Retrievability:** By name and/or OFCCP Control Number

**Safeguards:** Locked Files; Computer system is coded.

**Retention and disposal:** Being determined at this time.

**System manager(s) and address:** Director, Office of Federal Contract Compliance Programs, Room N3402, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Individual complainants.

#### DOL/ESA-6

**System name:** Office of Federal Contract Compliance Programs Veteran's Complaint Files

**System location:** Room N4418, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210; each ESA Regional Office.

**Categories of individuals covered by the system:** Disabled veterans, recently discharged veterans

**Categories of records in the system:** Medical, personal, employment

**Authority for maintenance of the system:** S402, Vietnam Era Veterans Readjustment Assistant Act of 1974, PL 93-508.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to contracting and compliance agencies.

**Storage:** Manual File

**Retrievability:** By name

**Safeguards:** Physical Security

**Retention and disposal:** Undecided (program still being developed).

**System manager(s) and address:** Director, Veterans and Handicapped Worker Program Operations Division, Room N4418 NDOL, Washington, D.C. 20210.

**Notification procedure:** Leader, Veteran's Task Force, Room N4418 NDOL, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Record access procedures:** Same as above

**Contesting record procedures:** Same as above

**Record source categories:** Complaints and injuries, government contracting and compliance agencies and government contractors.

#### DOL/ESA-7

**System name:** Office of Workers' Compensation Programs, Black Lung Anti-Discrimination Files.

**System location:** U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Washington, D.C. 20210.

**Categories of individuals covered by the system:** Individuals filing complaints against employers on account of discharge or other acts of discrimination by reason of a pneumoconiosis disease.

**Categories of records in the system:** Personal, Financial, Medical

**Authority for maintenance of the system:** 30 U.S.C. 938, 20 CFR 730.1 et. seq. (proposed but not promulgated)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure of file contents may be made to any party at interest to the complaint.

**Storage:** Manual files

**Retrievability:** By name

**Safeguards:** Locked file with access by authorized personnel only.

**Retention and disposal:** Being determined at this time

**System manager(s) and address:** Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Individual, Correspondence, Investigative records, Employment records, Payroll records, Medical Reports, any other documents or reports pertaining to an individuals work history, education, medical condition, or hiring practices of the employer.

#### DOL/ESA-8

**System name:** Office of Workers' Compensation Programs, Black Lung Benefit Claim File.

**System location:** U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Washington, D.C. 20210.

**Categories of individuals covered by the system:** Individuals filing claims for black lung (pneumoconiosis) benefits under the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including miners, and their surviving widows, orphans, dependent parents and siblings.

**Categories of records in the system:** Personal, medical, financial

**Authority for maintenance of the system:** 30 U.S.C. 901 et. seq. 20 CFR 715.1 et. seq., 20 CFR 720.1 et. seq. 20 CFR 725.1 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to any party at interest; representatives of parties at interest; State workmen's compensation agencies and the Social Security Administration for purposes of determining offsets as specified under the Act, or for the compilation of statistical reports.

**Storage:** Case file documents, both original and copies in manual files.

**Retrievability:** Coal Miners name and social security number, and claimants name when different from miners must be provided.

**Safeguards:** Files located in restricted area of a Federal building under guard by security officers.

**Retention and disposal:** Being determined at this time.

**System manager(s) and address:** Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Claim forms, medical reports, correspondence, investigative reports, employment reports, Federal and State agency records, any other record or document pertaining to a claimant or his dependent as it relates to his age, education, work history, marital history or medical condition.

#### DOL/ESA-9

**System name:** Office of Workers' Compensation Programs, Black Lung Benefit Payments File.

**System location:** GAO Building, 5th and G Streets, N.W., Washington, D.C. 20210; System is accessed from Terminal (Remote 7) located in NDOL, Room C-3525, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Claimants receiving benefits

**Categories of records in the system:** Personal, Financial

**Authority for maintenance of the system:** 30 U.S.C. 901 et. seq., 20 CFR 715.1 et. seq. 20 CFR 720.1 et. seq., 20 CFR 725.1 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to any party at interest; representatives of parties at interest; State workmen's

compensation agencies and the Social Security Administration for purposes of determining offsets as specified under the Act.

**Retention and disposal:** Being determined at this time.

**System manager(s) and address:** Associate Director, Division of

**Contesting record procedures:** As above

**Record source categories:** Billings, Claim files, Medical reports

Offices are identified by master index file, which is maintained in the National Office.

**Safeguards:** Files are maintained under constant supervision of



compensation agencies and the Social Security Administration for purposes of determining offsets as specified under the Act.

**Storage:** Magnetic tapes

**Retrievability:** Social Security Number

**Safeguards:** Files located in restricted area of Federal building under guard by security officers. MBeing determined at this time.

**System manager(s) and address:** Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Black Lung Benefit Claim Files

#### DOL/ESA-10

**System name:** Office of Workers' Compensation Programs, Black Lung Claimant Information File

**System location:** GAO Building, 5th and G Streets, N.W., Washington, D.C. 20210; System is accessed from Terminal (Remote 7) located in NDOL, Room C3525, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Black Lung Claimants

**Categories of records in the system:** Personal (Name, Date of Birth, SSN, Type Claimant, Miner's Date of Death); Demographic (State/County, City, Congressional District, Zip Code, Mine employment history, Medical disability, Initial determination, Conference results, Hearing results).

**Authority for maintenance of the system:** 30 U.S.C. 901 et. seq., 20 CFR 715.5 et. seq., 20 CFR 720.1 et. seq., 20 CFR 725.1 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to any party at interest; representatives of parties at interest; State workmen's compensation agencies and the Social Security Administration for purposes of determining offsets as specified under the Act.

**Storage:** 9 Track magnetic tape and punched cards.

**Retrievability:** Social Security Number

**Safeguards:** Located in restricted area of Federal building under guard by security officers.

**Retention and disposal:** Being determined at this time.

**System manager(s) and address:** Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** District Office Reports, Claim Forms, Claim Files Tracking cards.

#### DOL/ESA-11

**System name:** Office of Workers' Compensation Programs, Black Lung Medical treatment records File.

**System location:** U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Division of Coal Mine Workers' Compensation Beneficiaries.

**Categories of records in the system:** Medical and Financial

**Authority for maintenance of the system:** 30 U.S.C., 901 et. seq., 20 CFR 715.1 et. seq., 20 CFR 720.1 et. seq., 20 CFR 725.1 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to any party at interest; representatives of parties at interest; State workmen's compensation agencies and the Social Security Administration for purposes of determining offsets as specified under the Act.

**Storage:** Manual File to be transferred to magnetic tape.

**Retrievability:** Name and Social Security Number.

**Safeguards:** Located in restricted area of Federal building under guard by security officers.

**Retention and disposal:** Being determined at this time.

**System manager(s) and address:** Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Medical Reports and bills from Physician of beneficiary's choosing providing medical treatment.

#### DOL/ESA-12

**System name:** Office of Workers' Compensation Programs, Black Lung Profile Beneficiaries File.

**System location:** U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation, Division of Coal Mine Workers' Compensation, Washington, D.C. 20210.

**Categories of individuals covered by the system:** Division of Coal Mine Workers' Compensation Beneficiaries

**Categories of records in the system:** Medical, personal

**Authority for maintenance of the system:** 30 U.S.C. 901 et. seq., 20 CFR 715.1 et. seq., 20 CFR 720.1 et. seq., 20 CFR 725.1 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to any party at interest; representatives of parties at interest; State workmen's compensation agencies and the Social Security Administration for purposes of determining offsets as specified under the Act.

**Storage:** Manual Files

**Retrievability:** Name and social security number

**Safeguards:** Files located in restricted area of a Federal building under guard by security officers.

**Retention and disposal:** Being determined at this time.

**System manager(s) and address:** Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Individual, Correspondence, Employment Records, Payroll Records, Medical Records.

#### DOL/ESA-13

**System name:** Office of Workers' Compensation Programs, Black Lung Service Payments File.

**System location:** GAO Building, 5th and G Streets, N.W., Washington, D.C. 20210; System is accessed from terminal (Remote 7) located in NDOL, Room C3525, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Claimants, Physicians and medical facilities providing services.

**Categories of records in the system:** Medical, Personal, Financial

**Authority for maintenance of the system:** 30 U.S.C., 901 et. seq., 20 CFR 715.1 et. seq., 20 CFR 720.1 et. seq., 20 CFR 725.1 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to any party at interest; representatives of parties at interest; State workmen's compensation agencies and the Social Security Administration for purposes of determining offsets as specified under the Act.

**Storage:** Magnetic tapes

**Retrievability:** Provider number, claimant's SSN.

**Safeguards:** Files located in restricted area of Federal building under guard by security officers.

**Retention and disposal:** Being determined at this time.

**System manager(s) and address:** Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Billings, Claim files, Medical reports

#### DOL/ESA-14

**System name:** Office of Workers' Compensation Programs, Black Lung X-ray Interpretations File

**System location:** U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Division of Coal Mine Workers' Compensation claimants

**Categories of records in the system:** Medical, personal

**Authority for maintenance of the system:** 30 U.S.C. 901 et. seq., 20 CFR 715.1 et. seq., 20 CFR 720.1 et. seq., 20 CFR 725.1 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to any party at interest; representatives of parties at interest; State workmen's compensation agencies and the Social Security Administration in the case of multiple claims.

**Storage:** Manual Files

**Retrievability:** Name and social security number

**Safeguards:** Files located in restricted area of a Federal building under guard by security officers

**Retention and disposal:** Being determined at this time.

**System manager(s) and address:** Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** Same as above

**Record access procedures:** Same as above

**Contesting record procedures:** Same as above

**Record source categories:** Individuals' Medical Records

#### DOL/ESA-15

**System name:** Office of Workers' Compensation Programs, Federal Employees' Compensation Act File

**System location:** U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Federal Employees' Compensation, 200 Constitution Avenue, N.W., Room S-3229, Washington, D.C. 20211; and District Offices.

**Categories of individuals covered by the system:** FECA benefits recipients are Federal employees injured or killed while in the performance of duty. In case of death, beneficiary records are maintained. In addition to Federal employees the FECA covers volunteers in the Civil Air Patrol, Peace Corps Volunteers, Job Corps Enrollees, Volunteers in Service to America, members of the National Teachers Corps, certain student employees, employees of the Alaska Railroad, members of the Reserve Officers Training Corps, certain Law Enforcement Officers not employed by the United States. Prior to January 1, 1957, the FECA also covered reservist in the Armed Forces of the United States. Also covered various classes of persons who provide or have provided services to the Government of the United States.

**Categories of records in the system:** Record includes reports of injury by employee and employing establishment, authorization for medical treatment, medical records, medical and transportation bills, compensation payment records, formal orders for or against payment of compensation, vital statistics such as birth, death and marriage certificates.

**Authority for maintenance of the system:** 5 USC 8101 et seq., 20 CFR 1.1 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is disclosed to any party of interest in a specific case or a representative or any party of interest presenting written authorization from that party; any other party authorized to review information by the claimant or representative.

**Storage:** File cabinets; security files are kept in combination locker file cabinets.

**Retrievability:** Files are retrieved after identification by coded file number which is cross referenced to employee by name, employing establishment, date and nature of injury. Files located in District

Offices are identified by master index file, which is maintained in the National Office.

**Safeguards:** Files are maintained under constant supervision of OWCP personnel during normal working hours—only authorized personnel may handle or disclose any information contained therein. Only personnel having security clearance may handle or process security files. After normal working hours, security files are kept in locked cabinets. All files are maintained in guarded Federal building.

**Retention and disposal:** Regular files are retained, retired to Federal Record Centers, and disposed of in accordance with GSA schedule. Security files are disposed of by the submitting agency.

**System manager(s) and address:** Associate Director, FECA, Room S-3229 NDOL, 200 Constitution Avenue, N.W., Washington, D.C. 20211.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Injured employees, beneficiaries, employing Federal agencies, other Federal Agencies, physicians, hospitals, clinics, educational institutions, attorneys, congressmen, OWCP field investigations, state governments.

#### DOL/ESA-16

**System name:** Office of Workers' Compensation Programs, Federal Employees' Compensation Act Chargeback File

**System location:** Directorate of Data Automation, GAO Building, 441 G Street, N.W., Room 2852, Washington, D.C. 20210; system can be accessed from terminal 7 located in: Department of Labor, 200 Constitution Avenue, N.W., Room C3525, Washington, D.C. 20210.

**Categories of individuals covered by the system:** FECA Benefits Recipients

**Categories of records in the system:** Personal, financial

**Authority for maintenance of the system:** 5 U.S.C. 8147

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Reports sent to all other Federal agencies in order to support the billing of cost paid by DOL.

**Storage:** Magnetic Tape

**Retrievability:** OWCP case number within OWCP District Office

**Safeguards:** Physical security-tapes are locked up

**Retention and disposal:** OWCP/FECA is responsible for source data records, computer records are maintained or destroyed (deleted) by OWCP/FECA authority.

**System manager(s) and address:** Associate Director, Division of Federal Employees Compensation, Department of Labor, 200 Constitution Avenue, N.W., Room S3229, Washington, D.C. 20210.

**Notification procedure:** Same as above

**Record access procedures:** Same as above

**Contesting record procedures:** Same as above

**Record source categories:** CA45, CA7 at originating OWCP District Office servicing injured employee's government agency.

#### DOL/ESA-17

**System name:** Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act File

**System location:** Files are located in District Offices

**Categories of individuals covered by the system:** The system maintains records of injury, occupational disease and death of employees working in private industry who are covered by the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as extended.

**Categories of records in the system:** Records include: reports of injury by employees; employers; authorization for medical care; medical reports; medical and transportation bills; formal orders for or against payment of compensation; vital statistics such as birth, marriage, death certificates; enrollment and attendance records at educational institutions.

**Authority for maintenance of the system:** 33 USC 901 et. seq. (20 CFR 701 et. seq.), 36 DCC 501 et. seq., 42 USC 1951 et. seq., 43 USC 1331 et. seq., 5 USC 8171 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information obtained by

the system is disclosed to: any party of interest in a specific case, representative of any party of interest who submits written

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Reports to Congress

**Record access procedures:** Director, Administrative Management Staff, Bureau of International Labor Affairs, Room S5303C, U.S.

**Categories of records in the system:** Personal information of the Foreign National and programming operating information.



the system is disclosed to: any party of interest in a specific case, or a representative of any party of interest who submits written authorization from a party of interest, or any other party authorized by the claimant or his/her representative to review the information.

**Storage:** The information is maintained as written records and documents in letter size manual files stored in 4 and 5 drawer file cabinets, located in the several District Offices.

**Retrievability:** Identification is based on coded file numbers, cross-referenced to employee name, date of injury and employer name.

**Safeguards:** Files are physically maintained under constant supervision of OWCP personnel during working hours. Rooms in which files are maintained are locked during non-business hours.

**Retention and disposal:** Files are retained in District Office for a period of five years following closing, after which they are retired to the Federal Records Centers and eventually disposed of in accordance with the GSA records disposal schedule. No lost time reports of injury are destroyed five years after the fiscal year in which they are received.

**System manager(s) and address:** Associate Director, OWCP, Division of Longshore and Harbor Workers' Compensation, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room C04315, Washington, D.C. 20211.

**Notification procedure:** As above

**Record access procedures:** Any individual seeking information about a case in which he/she is a party of interest may write or telephone the OWCP District Office and arrangement will be made to provide review of the file, consonant with restrictions defined as a Routine Use.

**Contesting record procedures:** As above

**Record source categories:** The system obtains information from injured employees, their qualified dependants, employers, physicians, medical facilities, educational institutions, attorneys, members of Congress, state and federal vocational rehabilitation agencies.

#### DOL/ESA-18

**System name:** Position Classification File

**System location:** Room S 3312, New Department of Labor Building, Washington, D.C. 20210.

**Categories of individuals covered by the system:** Esa Employees

**Categories of records in the system:** Position descriptions with some related audit material for ESA No and some regional positions.

**Authority for maintenance of the system:** 5 USC 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** CSC, OMB, EEOC audits of personnel practices

**Storage:** Manual Files

**Retrievability:** Indexed by position classification series number retrievable by cross indexing with personnel file (alphabetic by name).

**Safeguards:** Screened by staff

**Retention and disposal:** Retained as long as is valid. If replaced by new position description, retained five additional years.

**System manager(s) and address:** Director, ESA, Office of Administrative Management, Room S3325, New Department of Labor Building, Washington, D.C.

**Notification procedure:** ESA, Branch of Classification, Room S3318, New Department of Labor Building

**Record access procedures:** Contact above

**Contesting record procedures:** Contact above

**Record source categories:** Position classification surveys

#### DOL/ESA-19

**System name:** Wage-Hour Sheltered Workshop File

**System location:** Directorate of Data Automation, GAO Building, 441 G Street, N.W., Room 2852, Washington, D.C. 20210.

**Categories of individuals covered by the system:** Handicapped People that can be trained

**Categories of records in the system:** Personal, Financial

**Authority for maintenance of the system:** 29 USC 214

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Reports to Congress

**Storage:** Mag-tape

**Retrievability:** Client file is indexed by social security number

**Safeguards:** Physical security - tapes are locked up

**Retention and disposal:** Wage-Hour Administration is responsible for source data records, computer records are maintained or destroyed (deleted) by wage-hour authority.

**System manager(s) and address:** Administrator, Wage and Hour Division, Department of Labor, 200 Constitution Avenue, N.W., Room S3020, Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Questionnaire I of the Sheltered Workshop Survey Form OMB Number: 44-S73013

#### DOL/ILAB-1

**System name:** Employee Address File

**System location:** U.S. Department of Labor, Bureau of International Labor Affairs, Room S5214, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** All Employees

**Categories of records in the system:** Name, Social Security Number, related personal data, Bank and Bank Account Number.

**Authority for maintenance of the system:** 5 U.S.C. 301, Manual of Administration, Chapter 6-300, Section 5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Manual File

**Retrievability:** Name, Alpha

**Safeguards:** Physical Security

**Retention and disposal:** Destroyed on separation, transfer, or retirement of employee.

**System manager(s) and address:** Chief, Division of Management Services, Administrative Management Staff, Bureau of International Labor Affairs, Room S5214, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** Bureau of International Labor Affairs, U.S. Department of Labor, Room S2235, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Record access procedures:** Chief, Division of Management Services, Administrative Management Staff, Bureau of International Labor Affairs, Room S5214, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Contesting record procedures:** As above

**Record source categories:** The information comes from employees.

#### DOL/ILAB-2

**System name:** Organizational Operating Pattern File

**System location:** U.S. Department of Labor, Bureau of International Labor Affairs, Room S5303C, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** All Employees

**Categories of records in the system:** Lists employee incumbent by organization and title.

**Authority for maintenance of the system:** 5 U.S.C. 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Card File and organizational listing.

**Retrievability:** Organization and Position Number.

**Safeguards:** Physical Security and limited distribution.

**Retention and disposal:** Updated by Personnel changes and revised monthly.

**System manager(s) and address:** Director, Administrative Management Staff, Bureau of International Labor Affairs, Room S5303C, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** Bureau of International Labor Affairs, U.S. Department of Labor, Room S2235, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** As above

**Record access procedures:** Director, Administrative Management Staff, Bureau of International Labor Affairs, Room S5303C, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Contesting record procedures:** Same as above

**Record source categories:** Standard Form 50, Notification of Personnel Action.

#### DOL/MA-1

**System name:** Budget and Position Control

**System location:** Manpower Administration, Bureau of Apprenticeship & Training—Office of Budget Development & Review, Room 5406, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

**Categories of individuals covered by the system:** Federal Employees currently employed in BAT

**Categories of records in the system:** Personnel matters concerning grades and rates of pay are recorded.

**Authority for maintenance of the system:** 5 U.S.C. 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Kardex

**Retrievability:** By region, budget position number, or name of employee

**Safeguards:** Stored in locked office.

**Retention and disposal:** Retained until the termination of employee, then shredded.

**System manager(s) and address:** Office of Budget Development and Review, Manpower Administration—Bureau of Apprenticeship and Training, Room 5406, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Form 50

#### DOL/MA-2

**System name:** Bureau of Apprenticeship and Training, Field Service Staff Budget and Position Control File

**System location:** Bureau of Apprenticeship and Training, Room 5434, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

**Categories of individuals covered by the system:** Individuals employed by the Bureau.

**Categories of records in the system:** Kardex file on which personnel actions (Form 50) are recorded so the grade, pay, address, and telephone number are listed. To maintain position information & control with copies of each position description in effect.

**Authority for maintenance of the system:** PL 308 (Fitzgerald Act)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Kardex Files

**Retrievability:** By Participant Name and Geographical location.

**Safeguards:** Stored in locked office and no disclosure made from records

**Retention and disposal:** Maintain as long as individual is employed. Disposed of when no longer needed for operational purposes. DNDirector, Field Service Staff, BAT, Room 5434, Patrick Henry Bldg., 601 D Street, N.W., Washington, D.C. 20213.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Form 50

#### DOL/MA-3

**System name:** Bureau of Apprenticeship and Training, Foreign Nationals Individual Program File

**System location:** Bureau of Apprenticeship and Training, Room 5426, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

**Categories of individuals covered by the system:** Foreign Nationals programmed by the Bureau of Apprenticeship and Training under the Technical Assistance Act.

**Categories of records in the system:** Personal information of the Foreign National and programming operating information.

**Authority for maintenance of the system:** P.L. 308 (Fitzgerald Act)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Program Files

**Retrievability:** By Participant Name

**Safeguards:** Personnel Screening

**Retention and disposal:** Full file maintained for 3 years after training completed, and skeleton file maintained indefinitely (training outline and final report)

**System manager(s) and address:** Chief, OSA/INTERNATIONAL BAT, Room 5426, Patrick Henry Building, 601 D Street, N.W., Washington, D.C.

**Notification procedure:** Bureau of Apprenticeship and Training, Office of Special Activities (International), Room 5426, Patrick Henry Bldg., Washington, D.C. 20213.

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** State Department

#### DOL/MA-4

**System name:** Bureau of Apprenticeship and Training, National Industry Promotion File

**System location:** Bureau of Apprenticeship and Training, Room 5414, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

**Categories of individuals covered by the system:** Apprentices

**Categories of records in the system:** Program Sponsor

**Authority for maintenance of the system:** Public Law 308 (Fitzgerald Act)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Manual Files—programs and apprentice registration cards for apprentices.

**Retrievability:** Program sponsor name, apprentice's name and apprenticeable occupation.

**Safeguards:** Standard file cabinets with locks.

**Retention and disposal:** Retain three years and commit to Archives

**System manager(s) and address:** Director, Office of National Industry Promotion, Room 5414, Patrick Henry Building, 601 D Street, N.W., Washington, D.C.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Program Sponsor

#### DOL/MA-5

**System name:** ESARS 2 percent Sample File

**System location:** Room 2821, GAO Building, 441 G Street, N.W., Washington, D.C.; Room 4410 Patrick Henry Building, 601 D Street, N.W., Washington, D.C.

**Categories of individuals covered by the system:** Employment Service Applicants

**Categories of records in the system:** Characteristics of Individual such as age, sex, race and ES Services provided to him.

**Authority for maintenance of the system:** 29 U.S.C. 49, et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Magnetic Tape

**Retrievability:** By region, State, SSN

**Safeguards:** Routine computer precautions limiting access to authorized expenditure codes

**Retention and disposal:** 5 years. Destroyed by scratching tape.

**System manager(s) and address:** Chief, Division of ADP Systems, Patrick Henry Bldg., Room 4410, 601 D Street, N.W., Washington, D.C. 20213.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above



**Record source categories:** All records came from the State Employment Service Offices in the 50 States, P.R. and D.C.

#### DOL/MA-6

**System name:** Exemplary Rehabilitation Certification Program File  
**System location:** Department of Labor, Manpower Administration, Division of Immigration and Rehabilitation Certification, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

**Categories of individuals covered by the system:** Ex-servicemen with less than honorable discharges from the U.S. Armed Forces.

**Categories of records in the system:** Personal. Information such as: Local law enforcement reference, fingerprint card, character references, employer references.

**Authority for maintenance of the system:** 10 U.S.C. 26.1; 80 STAT. 1017; P.L. 89-690.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Individual application folders are kept under lock and key from the date application is received to date of retirement of folders to the Federal Records Center.

**Retrievability:** Records are indexed by name, address, serial number, social security number and date of birth.

**Safeguards:** Individual application folders are kept in file cabinets under lock and key.

**Retention and disposal:** Folders are maintained in the Division for at least 2 years. After 2 years, the records are sent to the Federal Records Center for storage. Because of requests for replacements of lost or destroyed certificates, these records are retained permanently.

**System manager(s) and address:** Chief, Division of Immigration and Rehabilitation Certification; Room 8204, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

**Notification procedure:** U.S. Department of Labor, Manpower Administration, U.S. Employment Service (METR), Washington, D.C. 20213.

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Upon request, an application packet is sent to the ex-serviceman which includes an application form, employer reference form, character reference forms, local law authority reference form and a fingerprint card. When the completed application forms are returned to the Department of Labor, the fingerprint card is sent to the FBI for investigation. The FBI then returns the fingerprint card and report to the Department of Labor.

#### DOL/MA-7

**System name:** Immigration and Rehabilitation Certification Program File

**System location:** National Office U.S. Department of Labor, Manpower Administration, 601 D Street, N.W., Washington, D.C. 20213; Regional Offices.

**Categories of individuals covered by the system:** Employers who file application for alien employment certification in behalf of aliens and aliens.

**Categories of records in the system:** Information of record consists of employer's type, size and nature of business; offer of employment to alien; and alien's background and qualifications.

**Authority for maintenance of the system:** Public Law 414, Immigration and Nationality Act, as amended by Public Law 89-236

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Any and all materials pertinent to the alien certification program are disclosed to employer's attorneys, aliens, State Department and Immigration and Naturalization Service.

**Storage:** Manual files are stored in the national office, the 10 regional offices and the office in the Virgin Islands.

**Retrievability:** Records are maintained on all applications for alien employment certification filed by means of Immigration Case Record and Transmittal, BES Form 71-30 (Rev. June 1968). Job offer applications are filed alphabetically by employer name, and applications by alien name if filed by alien in his own behalf.

**Safeguards:** Access to records provided only to authorized personnel.

**Retention and disposal:** Case files are to be retained in the individual offices for at least 18 months, at which time they are to be stored in the Federal Records Center, and then destroyed, by shredding, after 2 years or more. The San Francisco Regional Office retains its records for 2 years; storage keeps them for 5 years, and they keep all case files under lock and key. Chicago retains its records for 18 months and then they are destroyed.

**System manager(s) and address:** Chief, Division of Immigration and Rehabilitation Certification, Manpower Administration, U.S. Employment Service, 601 D Street, N.W., Washington, D.C. 20213.

**Notification procedure:** National Office—Regional Offices—Virgin Islands, named areas. Persons must present identifying documents pertinent to the application in order to locate information from the file.

**Record access procedures:** Information may be obtained from certifying officers of national office, regional offices and Virgin Islands office of USES.

**Contesting record procedures:** Same as above

**Record source categories:** Sources of information come from application form completed by employers and aliens, supporting documents, schools, colleges, organizations and publications.

#### DOL/MA-8

**System name:** Job Corps Mainstream and Placement File

**System location:** Room 2821, GAO Building, 441 G Street, N.W., Washington, D.C.; Room 4409, Patrick Henry Building, Washington, D.C.

**Categories of individuals covered by the system:** Job Corps trainees and completers.

**Categories of records in the system:** Personal information about the trainee on tape, income, age, education, etc. In the placement system—he was placed—if not placed the reason for such.

**Authority for maintenance of the system:** 29 U.S.C. 911, et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Magnetic tape

**Retrievability:** Social Security Number

**Safeguards:** Unique data set name and volume serial number for the file

**Retention and disposal:** Retention since inception. They are not destroyed and means thereof have not been decided upon.

**System manager(s) and address:** Chief, Division of ADP Systems, Patrick Henry Bldg., Room 4410, 601 D Street, N.W., Washington, D.C. 20213.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Job Corps Centers and USDL MA, Regional Offices

#### DOL/MA-9

**System name:** Job Corps Mainstream and Placement Reports File

**System location:** Room 2821, GAO Bldg., 441 G Street, N.W., Washington, D.C.

**Categories of individuals covered by the system:** Job Corps enrollees

**Categories of records in the system:** Personal characteristics

**Authority for maintenance of the system:** 29 U.S.C. 911, et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Report sent to Congress

**Storage:** Magnetic tape

**Retrievability:** Name and social security Number

**Safeguards:** Restricted to only authorized personnel

**Retention and disposal:** Reports are maintained until good records are on magnetic tape. Disposal is by shredding or burning.

**System manager(s) and address:** Chief, Division of Reporting Operations, Patrick Henry Building, Room 4208, Washington, D.C. 20213.

**Notification procedure:** U.S. Department of Labor, 200 Constitution Avenue, N.W., Suite 2018, Washington, D.C. 20210.

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Job Corps Centers and USDL, MA, Regional Offices

#### DOL/MA-10

**System name:** Migrant Worker File

**System location:** Room 2821, GAO Building, 441 G Street, N.W., Washington, D.C.; Room 4410 Patrick Henry Building, 601 D Street, N.W., Washington, D.C.

**Categories of individuals covered by the system:** Migrant Workers who have reported to ES Office for service.

**Categories of records in the system:** Characteristics of individual and IS services provided to him.

**Authority for maintenance of the system:** Court Order (Civil Action 2010-72, NAACP vs. Brennan).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Magnetic tape

**Retrievability:** Region, State, SSN

**Safeguards:** Routine computer precautions limiting access to authorized expenditure codes.

**Retention and disposal:** 5 years. Destroyed by scratching tapes.

**System manager(s) and address:** Chief, Division of ADP Systems, Patrick Henry Bldg., Room 4410, 601 D Street, N.W., Washington, D.C.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** State ES offices.

#### DOL/MA-11

**System name:** Trainee Characteristic File

**System location:** Room 2821, GAO Building, 441 G Street, N.W., Washington, D.C.

**Categories of individuals covered by the system:** Manpower trainees under MDTA and EOA acts.

**Categories of records in the system:** Personal, financial, and medical. System no longer active. Files are historical.

**Authority for maintenance of the system:** 42 U.S.C. 2571, et. seq. (Manpower Development Training Act); 42 U.S.C. 2701, et. seq. (Economic Opportunity Act).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Magnetic tape

**Retrievability:** Indexed by social security number

**Safeguards:** Files are maintained only at one location. Access is not permitted without written approval.

**Retention and disposal:** Files are historical; retention indefinite. Files are destroyed by writing over the tape.

**System manager(s) and address:** Chief, Division of ADP Systems, Patrick Henry Bldg., Room 4410, 601 D Street, N.W., Washington, D.C. 20213.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** MDTA forms: MT101.2,3; MA101.2,3, 4; EOA forms: NYC-16 & OEO-16.

#### DOL/MA-12

**System name:** WIN II Characteristics File

**System location:** Room 2821, GAO Bldg., 441 G Street, N.W., Washington, D.C.; Room 4410 Patrick Henry Building, 601 D Street, N.W., Washington, D.C.

**Categories of individuals covered by the system:** WIN Registrants

**Categories of records in the system:** Characteristics of individual such as age, sex, race and ES Services provided to him.

**Authority for maintenance of the system:** 42 U.S.C. 630 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Magnetic tape

**Retrievability:** By region, State, SSN

**Safeguards:** Routine computer precautions limiting access to authorized expenditure codes.

**Retention and disposal:** 5 years. Destroyed

**System manager(s) and address:** Chief, Division of ADP Systems, Patrick Henry Bldg., Room 4410, 601 D Street, N.W., Washington, D.C.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** All records came from the State Employment Security offices in the 50 States, P.R. and D.C.

#### DOL/MA-13

**System name:** 1 percent Employee-Employer Sample File

**System location:** Room 2821, GAO Building, 441 G Street, N.W., Washington, D.C.

**Categories of individuals covered by the system:** 1 percent of all employed persons covered by SSA in the U.S.

**Categories of records in the system:** Wage Information. Also Sex, Race, Employer Size, etc. Individual Records—Characteristic data plus wage data.

**Authority for maintenance of the system:** 42 U.S.C. 501 et. seq.; 26 U.S.C. 3301 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Tape

**Retrievability:** By Social Security Number and State Code

**Safeguards:** None. Stored in tape library at DDA.

**Retention and disposal:** The records are kept until advised that data are no longer needed.

**System manager(s) and address:** Chief, Division of ADP Systems, Patrick Henry Bldg., Room 4410, 601 D Street, N.W., Washington, D.C. 20213.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Social Security Administration

#### DOL/OASA-1

**System name:** Attendance, Leave, and Payroll File

**System location:** a) Offices in Washington, D.C.: (1) Office of the Secretary of Labor, (2) Office of the Solicitor of Labor, (3) Office of Information, Publications, and Reports, (4) Bureau of International Labor Affairs, (5) Bureau of Labor Statistics, (6) Employment Standards Administration, (7) Labor-Management Services Administration, (8) Manpower Administration, (9) Occupational Safety and Health Administration, (10) Employees' Compensation Appeals Board, (11) Wage Board Appeals, (12) Benefits Review Board, (13) Board of Contract Appeals, (14) Office of Administrative Law Judges; b) Regional Offices of the Above.

**Categories of individuals covered by the system:** Department of Labor Employees.

**Categories of records in the system:** Name, social security number and employee number, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, State, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s); health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and 'Notification of Personnel Action'. The individual records listed herein are included only as pertinent or applicable to the individual employee.

**Authority for maintenance of the system:** 31 U.S.C. 66(a)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes.

poses. Tax withholding sent to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the

**Storage:** Information in the system is stored in case files and on index file cards alphabetically keyed to records maintained in case

**Authority for maintenance of the system:** Public Laws 91-616 and 92-255.

**Record source categories:** State Governors' Committees on Employment of the Handicapped.



poses. Tax withholding sent to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health insurance to the insurance carriers and the U.S. Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual. (When P.L. 93-579 becomes effective, it is anticipated that appropriate statements will be issued to employees, spouse recipients, and the courts involved).

**Storage:** Manual and machine-readable

**Retrievability:** By name and SSN

**Safeguards:** Personnel screening and locked storage equipment and rooms

**Retention and disposal:** Retained until after GAO audit, then disposed of or sent to Federal Records Storage Centers.

**System manager(s) and address:** See the general address provision in the Prefatory Statement.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Employees, supervisors, timekeepers, official personnel records, and IRS.

#### DOL/OASA-2

**System name:** Employee Locator Card File.

**System location:** Office of Special Personnel Services, Directorate of Personnel Management, Office of the Assistant Secretary for Administration and Management, U.S. Department of Labor, 200 Constitution Ave., N.W., Room S1004, Washington, D.C. 20210.

**Categories of individuals covered by the system:** Past employees of the Department prior January 1, 1968.

**Categories of records in the system:** Name, Date of Birth, Organization, Location, Type of Separation, and Effective Date.

**Authority for maintenance of the system:** U.S. Civil Service Commission, Federal Personnel Manual, Chapter 294, Subchapter 1 (Working Files)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Public. This is the only official Department record employees prior to January 1, 1968. Information is not given out but verified.

**Storage:** Card File (3 inch by 5 inch cards)

**Retrievability:** By Name

**Safeguards:** The cards are placed in files and the office is locked at the close of business.

**Retention and disposal:** Continuous.

**System manager(s) and address:** Assistant Director, Office of Special Personnel Services, U.S. Department of Labor, Office of Personnel Services, Room S1006, 200 Constitution Ave., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Personnel Records

#### DOL/OASA-3

**System name:** General Investigations file

**System location:** Directorate of Audit and Investigations, OASA, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210

**Categories of individuals covered by the system:** Employees, Applicants, Contractors, Subcontractors, Grantees, Subgrantees, Claimants, and individuals threatening DOL employees.

**Categories of records in the system:** Resolution of investigations of criminal or conduct violations, ongoing investigation files, and investigatory index card files.

**Authority for maintenance of the system:** EO 11222 and Title 5 USC 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Federal, state, or local government agencies for civil, criminal or regulatory law enforcement; hiring or retention of employee, security clearance, letting of contracts, issuance of licenses, grant or other benefits.

**Storage:** Information in the system is stored in case files and on index file cards alphabetically keyed to records maintained in case files.

**Retrievability:** Information is retrieved by name of respondent.

**Safeguards:** Information is kept in file cabinets in a locked, secured room. Access by key is limited to Office of Investigations staff only.

**Retention and disposal:** No retention and disposal procedure exists for investigative files. However, a proposal has been submitted for National Archives (NARS) approval. This proposal calls for the transfer of investigative files to the Federal Records Center (FRC) five years after the end of the fiscal year in which the last action occurred. The files would be held in the FRC for ten years and then destroyed. Index cards would be retained permanently.

**System manager(s) and address:** Director of Audit and Investigations, OASA, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210.

**Notification procedure:** Address inquiries to the Systems Manager above.

**Record access procedures:** Investigatory data compiled for civil or criminal law enforcement purposes are exempt from the access provisions pursuant to 5 USC 552 a (k). Individuals desiring to contest or amend information maintained in the system should direct their requests to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Contesting record procedures:** Same as above

**Record source categories:** The information contained in this system was received from individual complaints, witnesses, respondents, Federal, State, and Local government records, and individual or company records.

#### DOL/OASA-4

**System name:** Occupational Injury and Illness Reporting File

**System location:** Office of Employee Safety and Health, OASA, New Department of Labor Building, Room C5321, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** All DOL employees, including those covered under contract, involved in occupational injuries and illnesses.

**Categories of records in the system:** Days worked/lost workdays, detailed accounts of accidental occupational injuries and illnesses.

**Authority for maintenance of the system:** Public Law 91-596, 29CFR Part 1960, Section 7902 of Title 5 USC, DOL Secretary's Order 4-74, Executive Order 11807, and DOL Administrative Instruction No. 19-73

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Manual Files

**Retrievability:** Name

**Safeguards:** Records are maintained in a locked file cabinet with access limited to authorized staff employees.

**Retention and disposal:** Records are maintained for five years before being retired.

**System manager(s) and address:** Safety and Health Manager, Office of Safety and Health, New Department of Labor Building, Room C5321, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Employee, supervisors, accident, injury, and illness reports, OWCP computer printouts, health units, compensation requests.

#### DOL/OASA-5

**System name:** Rehabilitation and Counseling File

**System location:** Office of Employee Safety and Health, OASA, New Department of Labor Building, Room C5321, 200 Constitution Ave., N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** DOL employee-clients receiving counseling.

**Categories of records in the system:** Information re: clients problem, e.g., medical, emotional, alcoholism, etc.

**Authority for maintenance of the system:** Public Laws 91-616 and 92-255.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is transmitted, with the employee's consent, to community resources to which the employee has been referred for treatment.

**Storage:** Manual Files

**Retrievability:** Name

**Safeguards:** Records are maintained in a locked file cabinet with access limited to authorized staff employees.

**Retention and disposal:** Retention and Disposal: Records are maintained for the duration of the counseling contact or until the employee's separation or for five (5) years.

**System manager(s) and address:** Chief, Division of Health Services, Office of Safety and Health, New Department of Labor Building, 200 Constitution Avenue, N.W., Room C5321, Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Employee, personnel office, supervisors, relatives, community.

#### DOL/PCEH-1

**System name:** Employers of the Year Award File

**System location:** Room 636, Vanguard Bldg., 1111 20th Street N.W., Washington, D.C.

**Categories of individuals covered by the system:** Private Employers

**Categories of records in the system:** Award nominations, public back-up material.

**Authority for maintenance of the system:** Executive Order 11480.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Public Information.

**Storage:** Manual

**Retrievability:** By name

**Safeguards:** None

**Retention and disposal:** Retained for three years then sent to the Archives.

**System manager(s) and address:** Technical Publications Editor, President's Committee on the Employment of the Handicapped, Room 636, Vanguard Building, 1111 20th Street, N.W., Washington, D.C.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** State Governors' Committees on Employment of the Handicapped.

#### DOL/PCEH-2

**System name:** Handicapped American of the Year Award File

**System location:** Room 636, Vanguard Building, 1111 20th Street, N.W., Washington, D.C.

**Categories of individuals covered by the system:** Handicapped Individuals.

**Categories of records in the system:** Award nominations, public back-up material.

**Authority for maintenance of the system:** Executive Order 11480.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Public Information

**Storage:** Manual

**Retrievability:** By name

**Safeguards:** None

**Retention and disposal:** Retained for three years then sent to the Archives.

**System manager(s) and address:** Technical Publications Editor, President's Committee on the Employment of the Handicapped, Room 636, Vanguard Building, 1111 20th Street, N.W., Washington, D.C.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** State Governors' Committees on Employment of the Handicapped.

#### DOL/PCEH-3

**System name:** Physician of the Year Award File

**System location:** Room 636, Vanguard Building, 1111 20th Street N.W., Washington, D.C.

**Categories of individuals covered by the system:** Physicians

**Categories of records in the system:** Award nominations, public back-up material.

**Authority for maintenance of the system:** Executive Order 11480

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Public Information

**Storage:** Manual

**Retrievability:** By name

**Safeguards:** None

**Retention and disposal:** Retained for three years then sent to the Archives.

**System manager(s) and address:** Technical Publications Editor, President's Committee on the Employment of the Handicapped, Room 636, Vanguard Building, 1111 20th Street N.W., Washington, D.C.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** State Governors' Committees on Employment of the Handicapped.

#### DOL/SOL-1

**System name:** Bonding Violations File

**System location:** Room N2700, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Persons investigated with respect to violations of bonding requirements of LMRDA (Section 502)

**Categories of records in the system:** Investigative reports, legal analyses, forwarding memoranda.

**Authority for maintenance of the system:** Section 502, LMRDA; Section 209, LMRDA; Section 601, LMRDA; Section 607, LMRDA.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Legal review intra-Division; files interchanged in the processing of cases with LMSE, the Department of Justice, Regional Solicitors' offices and Assistant U.S. Attorneys.

**Storage:** Manual Files.

**Retrievability:** Indexed by name.

**Safeguards:** Restricted to official business within the agency; personnel screening.

**Retention and disposal:** Currently files are maintained for fiscal years 1971 through 1975; for prior years sent to National Archives and Records Service.

**System manager(s) and address:** Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Complainants, witnesses, investigative reports.

#### DOL/SOL-2

**System name:** Conflict of Interest File

**System location:** Room N2700, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

**Categories of individuals covered by the system:** Those persons from whom reports may be required under Section 202 are those allegedly having conflicts of interest who must file reports. Investigation relates to either trial, litigation or criminal prosecution.

**Categories of records in the system:** Investigative reports, legal analyses, forwarding memoranda.

**Authority for maintenance of the system:** Section 202, LMRDA; Section 601, LMRDA (investigative authority); Section 209, LMRDA; Section 607, LMRDA.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Federal, state, or local government agencies for civil, criminal or regulatory law enforcement; hiring or retention of employee, security clearance, letting of contracts, issuance of licenses, grant or other benefits.

**Safeguards:** Restricted to official business within agency; personnel screening.

**Categories of records in the system:** Investigative reports, legal analyses, forwarding memoranda.



**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Legal review intra-Division; files interchanged in the processing of cases with LMSE, the Department of Justice, Regional Solicitors' offices and Assistant U.S. Attorneys.

**Storage:** Manual files

**Retrievability:** Indexed by name

**Safeguards:** Restricted to official business within agency; personnel screening.

**Retention and disposal:** Currently files are maintained for fiscal years 1971 through 1975; for prior years sent to National Archives and Records Service.

**System manager(s) and address:** Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Complainants, witnesses, investigative reports

#### DOL/SOL-3

**System name:** Ex-Offenders Application File

**System location:** Room N2700, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Persons convicted of crimes identified under Section 504 of the LMRDA who have applied for relief from the U.S. Board of Parole to serve as union officers or Labor relations consultants.

**Categories of records in the system:** Applications by individuals for relief; investigative reports; legal analyses; briefs; forwarding memoranda; decisions of Administrative Law Judges and Board of Parole.

**Authority for maintenance of the system:** Section 504, LMRDA; Section 601, LMRDA (investigative authority).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Legal review intra-Division; files interchanged in the processing of cases with LMSE and Department of Justice Regional Solicitors' Offices and Assistant U.S. Attorneys.

**Storage:** Manual files.

**Retrievability:** Indexed by name.

**Safeguards:** Restricted to official business within agency; personnel screening.

**Retention and disposal:** Currently files are maintained for fiscal years 1971 through 1975; for prior years sent to National Archives and Records Service.

**System manager(s) and address:** Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Complainants, witnesses, investigative reports.

#### DOL/SOL-4

**System name:** Falsified Reports File

**System location:** Room N2700, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Persons suspected or prosecuted for violation of Section 209, LMRDA, falsifying required reports.

**Categories of records in the system:** Investigative reports, legal analyses, forwarding memoranda.

**Authority for maintenance of the system:** Section 209, LMRDA

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Legal review intra-Division; files interchanged in the processing of cases with LMSE and Department of Justice, Regional Solicitors' Offices and Assistant U.S. Attorneys.

**Storage:** Manual files

**Retrievability:** Indexed by name

**Safeguards:** Restricted to official business within agency; personnel screening

**Retention and disposal:** Currently files are maintained for fiscal years 1971 through 1975; for prior years sent to National Archives and Records Service.

**System manager(s) and address:** Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Complainants, witnesses, investigative reports.

#### DOL/SOL-5

**System name:** Freedom of Information Act Appeals

**System location:** Office of the Solicitor, Division of Legislation and Legal Counsel, Room N-2428, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Appellants under the Freedom of Information Act

**Categories of records in the system:** Appeals

**Authority for maintenance of the system:** 5 U.S.C. 552, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Storage:** Metal File Cabinet

**Retrievability:** By name of appellants

**Safeguards:** General building security

**Retention and disposal:** Continuous Retention

**System manager(s) and address:** Counsel for Administrative Legal Services, Office of the Solicitor, Division of Legislation and Legal Counsel, Room N-2428, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Appellants

#### DOL/SOL-6

**System name:** Manpower Administration Investigatory File

**System location:** Room N2101, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Named plaintiffs and complainants in court and administrative proceedings involving the Manpower Administration. Individual subjects of an administrative investigation under Manpower Administration programs.

**Categories of records in the system:** Court and litigation files contain little, if any, information regarding the individual other than that supplied by the individual in its complaint. Investigatory files include employment and financial information related to possible fraudulent activity on the part of the individual.

**Authority for maintenance of the system:** 5 U.S.C. 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is disclosed to Department of Justice for that agency's determination regarding potential litigation and in the course of actual litigation.

**Storage:** Manual files

**Retrievability:** Name

**Safeguards:** Physical security

**Retention and disposal:** Files are maintained as long as the case is open. When the case is closed and it is determined that the file is no longer needed, the file is then sent to Archives.

**System manager(s) and address:** Associate Solicitor for Manpower, Room N2101, U.S. Department of Labor, Washington, D.C. 20210.

**Notification procedure:** As Above

**Record access procedures:** As Above

**Contesting record procedures:** As above

**Record source categories:** Information is normally obtained from other organizations within the Department of Labor.

#### DOL/SOL-7

**System name:** Organizational Interference File

**System location:** Room N2700, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Persons owing reports under Section 203(b), undertaking certain actions pursuant to agreement of arrangements with employers.

**Categories of records in the system:** Files on persons suspected or sued for violations of Section 203(b), LMRDA, prohibiting agreements to persuade employees or interfere with organization rights.

**Authority for maintenance of the system:** Section 203(b), LMRDA; Section 209, LMRDA; Section 601, LMRDA; Section 607, LMRDA.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Legal review intra-Division; files interchanged in the processing of cases with LMSE, The Department of Justice, Regional Solicitors' offices and Assistant U.S. Attorneys.

**Storage:** Manual Files

**Retrievability:** Indexed by name.

**Safeguards:** Restricted to official business within agency; personnel screening.

**Retention and disposal:** Currently files are maintained for fiscal years 1971 through 1975; for prior years sent to National Archives and Records Service.

**System manager(s) and address:** Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Complainants, witnesses, investigative reports.

#### DOL/SOL-8

**System name:** Pension Bonding Violations File

**System location:** Room N2700, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Persons suspected of violating the bonding requirements of the Welfare and Pension Plans Disclosure Act (since repealed), Section 13, WPPDA.

**Categories of records in the system:** Investigative reports, legal analyses, forwarding memoranda.

**Authority for maintenance of the system:** Section 13, WPPDA.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Legal review intra-Division; files interchanged in the processing of cases with LMSE, and Department of Justice, Regional Solicitors' Offices and Assistant U.S. Attorneys.

**Storage:** Manual Files.

**Retrievability:** Indexed by name.

**Safeguards:** Restricted to official business within agency; personnel screening.

**Retention and disposal:** Currently files are maintained for fiscal years 1971 through 1975, for prior years sent to National Archives and Records Service.

**System manager(s) and address:** Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Complainants; witnesses, investigative reports.

#### DOL/SOL-9

**System name:** Pension Embezzlement File

**System location:** Room N2700, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Persons suspected of theft or embezzlement from employee welfare and pension benefit plans, 18 U.S.C. 664.

**Categories of records in the system:** Investigative reports, legal analyses, forwarding memoranda.

**Authority for maintenance of the system:** 18 U.S.C. 664, criminal provisions protecting against theft or embezzlement from employee welfare pension benefit plans.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Legal review intra-Division; files interchanged in the processing of cases with LMSE and Department of Justice, Regional Solicitors' offices and Assistant U.S. Attorneys.

**Storage:** Manual files

**Retrievability:** Indexed by name

**Safeguards:** Restricted to official business within agency; personnel screening.

**Retention and disposal:** Currently files are maintained for fiscal years 1971 through 1975; for prior years sent to National Archives and Records Service.

**System manager(s) and address:** Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Complainants; witnesses, investigative reports.

#### DOL/SOL-10

**System name:** Prohibited Loan File

**System location:** Room N2700, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Persons suspected of violating Section 503, LMRDA, persons obtaining prohibited loans from labor organizations.

**Categories of records in the system:** Investigative reports, legal analyses, forwarding memoranda.

**Authority for maintenance of the system:** Section 503, LMRDA; Section 601, LMRDA; Section 607, LMRDA.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Legal review intra-Division; files interchanged in the processing of cases with LMSE and Department of Justice, Regional Solicitors' offices and Assistant U.S. Attorneys.

**Storage:** Manual files.

**Retrievability:** Indexed by name

**Safeguards:** Restricted to official business within agency; personnel screening

**Retention and disposal:** Currently files are maintained for fiscal years 1971 through 1975, for prior years sent to National Archives and Records Service.

**System manager(s) and address:** Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Complainants; witnesses, investigative reports.

#### DOL/SOL-11

**System name:** Union Funds Embezzlement File

**System location:** Room N2700, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Categories of individuals covered by the system:** Persons investigated or prosecuted for violations of Section 501(c), LMRDA; criminal provision, embezzlement of union funds.

**Categories of records in the system:** Investigative reports, legal analyses, forwarding memoranda.

**Authority for maintenance of the system:** Section 501, LMRDA; Section 601, LMRDA (investigative authority); Section 607, LMRDA (authority for criminal investigations).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Legal review intra-Division; files interchanged in the processing of cases with LMSE and

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DEPARTMENT OF LABOR

Department of Justice, Regional Solicitors' offices and Assistant U.S. Attorneys.

**Storage:** Manual files

**Retrievability:** Indexed by name.

**Safeguards:** Restricted to official business within agency; personnel screening.

**Retention and disposal:** Currently files are maintained for fiscal years 1971 through 1975; for prior years sent to National Archives and Records Service.

**System manager(s) and address:** Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Complainants; witnesses, investigative reports.

DOL/SOL-12

**System name:** Veteran' Reemployment Rights Complaint File

**System location:** LMSA Area offices, LMSA Regional offices, OVRN National offices, Regional Solicitors' offices, National Solicitor's office.

**Categories of individuals covered by the system:** Veteran of or rejectees from military service or reservists/National Guardsmen.

**Categories of records in the system:** Military service, medical employment.

**Authority for maintenance of the system:** 38 U.S.C. 2021 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Sent to Department of Justice, United States Attorneys.

**Storage:** Manual

**Retrievability:** Name

**Safeguards:** Locked Room and locked Cabinets

**Retention and disposal:** Continuous

**System manager(s) and address:** Associate Solicitor for General Legal Services, Room N2458, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Regional Solicitor's Office.

**Notification procedure:** As above

**Record access procedures:** As above

**Contesting record procedures:** As above

**Record source categories:** Veterans, employees, Department of Defense, Veterans Administration, physicians, Yellow employees, union officers.

[FR Doc.75-23652 Filed 9-3-75; 8:45 am]

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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The following government agencies have submitted Privacy Act documents to the Office of the Federal Register for publication. These documents are available for public inspection at the Federal Register Office, 1100 L St. NW., Rm. 8401. They will be published according to the following schedule:

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Consumer Product Safety Commission, proposed rules	Sept. 10

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Title 5—Administrative Personnel  
CHAPTER I—CIVIL SERVICE COMMISSION  
PART 213—EXCEPTED SERVICE  
Council on Wage and Price Stability

Section 213.3199 is amended to show that the expiration date for Schedule A exception of positions on the Council on Wage and Price Stability has been extended to September 30, 1977.  
Effective on September 9, 1975, § 213.3199(r) (1) is revised as set out below:  
§ 213.3199 Temporary Boards and Commissions.

(r) Council on Wage and Price Stability. (1) Until September 30, 1977, all positions on the staff of the Council.  
(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.  
[FR Doc.75-23832 Filed 9-8-75;8:45 am]

PART 213—EXCEPTED SERVICE  
Department of Defense

Section 213.3206 is amended to show that one position of Net Assessment Coordinator is excepted under Schedule B.  
Effective on September 9, 1975, § 213.3206(a) (5) is added as set out below:  
§ 213.3206 Department of Defense.

(a) Office of the Secretary. . . .  
(5) One Net Assessment Coordinator.  
(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.  
[FR Doc.75-23833 Filed 9-8-75;8:45 am]

PART 213—EXCEPTED SERVICE  
Administrative Office of the United States Courts

Section 213.3272 is amended to show that two positions of Clerks Liaison Officer, GS-13, in the Division of Clerks of Court are excepted under Schedule B.  
Effective on September 9, 1975, § 213.3272(c) is added as set out below:  
§ 213.3272 Administrative Office of the United States Courts.

(c) Two Clerks Liaison Officers, GS-13, in the Division of Clerks of Court.  
(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.  
[FR Doc.75-23831 Filed 9-8-75;8:45 am]

Title 7—Agriculture  
CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 513, Amdt. 1]  
PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling  
This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Aug. 29-Sept. 4, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 513 (40 FR 39522). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed

when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated parts of California.

(b) Order, as amended. The provisions in paragraph (b) (1) (i), and (ii) of § 908.813 (Valencia Orange Regulation 513 (40 FR 39522)) are hereby amended to read as follows:

- (i) District 1: 233,000 cartons;
- (ii) District 2: 517,000 cartons.

(Sees. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 3, 1975.  
CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.  
[FR Doc.75-23843 Filed 9-8-75;8:45 am]

Title 12—Banks and Banking  
CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 75-799]  
PART 523—MEMBERS OF BANKS  
Liquid Assets; Correction

SEPTEMBER 3, 1975.  
Federal Register Document No. 75-375, which amended § 523.10 of the Rules and Regulations for the Federal Home Loan Bank System (12 CFR 523.10) and was corrected by Board Resolution No. 75-535 of June 19, 1975 (40 FR 26672, June 25, 1975) is hereby further corrected by the Federal Home Loan Bank Board to set forth § 523.10(g) (4) (iii), as amended, as follows:

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## § 523.10 Definitions.

(g) . . .  
(4) . . .  
(iii) Except for loans of unsecured day(s) funds, such deposits are: (a) Negotiable and have remaining periods to maturity of not more than 1 year, (b) not negotiable and have remaining periods to maturity of not more than 90 days, or (c) not withdrawable without notice and the notice periods do not exceed 90 days;

(Sec. 5A, 47 Stat. 727, as added by Sec. 1, 64 Stat. 256, as amended, Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48, Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL]

J. J. FINN,  
Secretary.

[FR Doc 75-23929 Filed 9-8-75; 8:45 am]

[No. 75-809]

## PART 545—OPERATIONS

## Loans in Excess of 90 Percent of Value

SEPTEMBER 3, 1975.

By Resolution No. 75-518 (dated June 11, 1975, and published in the FEDERAL REGISTER on June 17, 1975, at 40 FR 25581), the Board amended § 545.6-1(a) (5) (ii) (12 CFR 545.6-1(a) (5) (ii)) to increase from 10 percent to 15 percent the percentage-of-assets limitation for investment in loans under § 545.6-1(a) (5). Said Resolution 75-518 should also have made a conforming amendment to § 545.6-1(a) (5) (iv) (12 CFR 545.6-1(a) (5) (iv)), which refers to the percentage-of-assets limitation in § 545.6-1(a) (5) (ii).

Accordingly, the Federal Home Loan Bank Board hereby corrects Board Resolution No. 75-518 by amending § 545.6-1(a) (5) (iv) to change the reference to the § 545.6-1(a) (5) (ii) percentage-of-assets limitation from 10 percent to 15 percent, as set forth below, effective June 17, 1975.

In view of the corrective nature of this amendment, the Board hereby finds that notice and public procedure as to this amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); since publication of this amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is in the opinion of the Board likewise unnecessary for the same reason, the Board hereby provides that this amendment shall become effective as hereinbefore set forth.

The text of amended § 545.6-1(a) (5) (iv) is as follows:

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

(a) . . .  
(5) . . .

(iv) The aggregate of the principal amount of the association's investment

in flexible payment loans under this paragraph and paragraph (a) (4) of this section (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 5 percent of the association's assets, which 5 percent shall be included in the 15 percent of assets limitation set forth in paragraph (a) (5) (ii) of this section and in the 30 percent of assets limitation set forth in paragraph (a) (5) (ii) of this section; and

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48, Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL]

J. J. FINN,  
Secretary.

[FR Doc 75-23930 Filed 9-8-75; 8:45 am]

## Title 16—Commercial Practices

## CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2713]

## PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

## Commerce Drug Company, Inc. and Del Laboratories, Inc.

Subpart—Advertising falsely or misleadingly; § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; § 13.170-52 Medicinal, therapeutic, healthful, etc.; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods; § 13.170 Qualities or properties; § 13.170 Results; § 13.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the Matter of Commerce Drug Company, Inc., a corporation, and Del Laboratories, Inc., a corporation.

Consent order requiring a Farmingdale, N.Y., producer of vitamins and/or mineral products, and its parent corporation, among other things to cease disseminating unsubstantiated advertisements regarding the efficacy, benefit or need to prospective purchasers of the products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

1 Copies of the Complaint, Decision and Order, filed with the original document.

## ORDER

It is ordered, That respondents Commerce Drug Company, Inc. and Del Laboratories, Inc., corporations, their successors and assigns, and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the product Revup vitamins or any vitamin and/or mineral product of Commerce Drug Company, Inc. or Del Laboratories, Inc. do forthwith cease and desist from:

A. Disseminating or causing to be disseminated any advertisement by United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents in writing, orally, visually or in any other manner, directly or by implication, that:

1. The stresses and strains a person undergoes create a condition which will be benefited by consumption of such product;

2. People need such a specially formulated product;

3. Such product is of special benefit to a person or particular group of persons;

4. There is a daily low-energy period in people at any particular time of day, or words of similar import or meaning;

5. Such product will make one feel like a new person, or words of similar import or meaning;

Unless, at the time the statement or representation is made, respondents have a reasonable basis for such representations consisting of competent and reliable evidence.

B. Disseminating or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement containing any representation referred to in Paragraph A above which is not supported by the aforesaid reasonable basis.

It is further ordered, That respondents maintain complete business records relative to the manner and form of their compliance with this order, and shall retain each record for three years after such record is made.

It is further ordered, That the respondents shall forthwith distribute a copy of this order to each of their present and future operating divisions, officers, and directors; and to all present and future agents or representatives engaged in the preparation or placement of advertisements.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporations which may affect compliance obligations arising out of this order.

It is further ordered, That respondents shall, within sixty (60) days after service

upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission July 29, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc 75-23908 Filed 9-8-75; 8:45 am]

[Docket No. C-2685]

## PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

## Diamond Shamrock Corp.

Subpart — Interlocking directorates unlawfully; § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

In the Matter of Diamond Shamrock Corporation, a corporation.

Consent order requiring a Cleveland, Ohio, energy company, among other things to cease PERMITTING ANY INDIVIDUAL TO SERVE ON ITS BOARD OF DIRECTORS IF SUCH INDIVIDUAL IS OR WOULD BE AT THE SAME TIME A DIRECTOR OF THE Standard Oil Company, an Ohio Corporation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

## ORDER

I. It is ordered, That Diamond Shamrock Corporation (Diamond Shamrock), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of the Standard Oil Company, an Ohio corporation (Sohio).

II. It is further ordered, That Diamond Shamrock shall, within thirty days after service of this Order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Diamond Shamrock controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from exploration, production and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce"

VI. It is further ordered, That respondent Diamond Shamrock shall, within thirty (30) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order, and shall within sixty (60) days submit copies of those lists provided by all current directors of Diamond Shamrock pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,  
Secretary.

1 Copies of the Complaint, Decision and Order, filed with the original document.

[Docket No. C-2692]

## PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

## General American Oil Company of Texas

Subpart — Interlocking directorates unlawfully; § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

In the Matter of General American Oil Company of Texas, a corporation.

Consent order requiring a Dallas, Texas, energy company, among other things to cease PERMITTING ANY INDIVIDUAL TO SERVE ON ITS BOARD OF DIRECTORS IF SUCH INDIVIDUAL IS OR WOULD BE AT THE SAME TIME A DIRECTOR OF Pauley Petroleum, Inc.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

## ORDER

I. It is ordered, That General American Oil Company of Texas (General American), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of Pauley Petroleum, Inc.

II. It is further ordered, That General American shall, within thirty days after service of this order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which General American controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the exploration, production, and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

III. It is further ordered, That for a period ending five (5) years after service of this order, General American shall, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of the Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement

1 Copies of the Complaint, Decision and Order, filed with the original document.



ment which discloses the information described in Paragraph II.

IV. *It is further ordered*, That for a period ending five (5) years after service of this order, General American shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of General American by virtue of its business and location of operations in the exploration, production or sale of crude petroleum or natural gas. If compliance with Paragraphs I and IV requires any member of General American's Board of Directors to resign or to be removed from the Board of Directors of either General American or such other corporation, General American shall be allowed a reasonable period of time within which to take any legal or other steps which are necessary to secure compliance with this Order.

V. *It is further ordered*, That General American notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

VI. *It is further ordered*, That respondent General American shall, within thirty (30) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, and shall within sixty (60) days submit copies of those lists provided by all current directors of General American pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23906 Filed 9-8-75; 8:45 am]

[Docket No. C-2693]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

##### Pauley Petroleum, Inc.

Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpretation or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 3, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

In the matter of *Pauley Petroleum Inc., a corporation*.

Consent order requiring a Los Angeles, Calif., energy company, among other things to cease PERMITTING ANY INDIVIDUAL TO SERVE ON ITS BOARD

OF DIRECTORS IF SUCH INDIVIDUAL IS OR WOULD BE AT THE SAME TIME A DIRECTOR OF General American Oil Company of Texas.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

#### ORDER

I. *It is ordered*, That Pauley Petroleum, Inc., (Pauley), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of General American Oil Company of Texas.

II. *It is further ordered*, That Pauley shall, within thirty (30) days after service of this Order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Pauley controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the exploration, production and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

III. *It is further ordered*, That for a period ending five (5) years after service of this Order, Pauley shall, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of the Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

IV. *It is further ordered*, That for a period ending five (5) years after service of this Order, Pauley shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of Pauley by virtue of its business and location of operation in the exploration, production, or sale of crude petroleum or natural gas. If compliance with Paragraphs I and IV requires any member of Pauley's Board of Directors to resign or to be removed from the Board of Directors of either Pauley or such other corporation, Pauley shall be allowed a reasonable period of time within which

\*Copies of the Complaint, Decision and Order, filed with the original document.

to take any legal or other steps which are necessary to secure compliance with this Order.

*It is further ordered*, That Pauley notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this Order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

VI. *It is further ordered*, That respondent Pauley shall, within thirty (30) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order, and shall within sixty (60) days submit copies of those lists provided by all current directors of Pauley pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23909 Filed 9-8-75; 8:45 am]

[Docket No. 8962]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

##### Saxony Pools, Inc. and Simon Sax

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.70 Fictitious or misleading guarantees; § 13.135 Nature of product or service; § 13.155 Prices; § 13.155-10 Bait; § 13.155-35 Discount savings; § 13.155-70 Percentage savings; § 13.155-100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; § 13.170-30 Durability or permanence; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-45(k) Records, in general. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 Guarantees; § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts—Prices: § 13.1817 Reductions for prospect referrals; § 13.1825 Usual as reduced or to be increased—Promotional sales plans; § 13.1830 Promotional sales plans. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 Guarantee, in general; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpretation or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the matter of *Saxony Pools, Inc., a corporation, and Simon Sax, individually and as an officer of said corporation*.

Consent order requiring a Linden, N.J., seller and distributor of swimming pools, among other things to cease using bait and switch tactics; misrepresenting prices; misrepresenting their product as "maintenance free"; furnishing false or misleading guarantees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

#### ORDER

*It is ordered*, That respondents Saxony Pools, Inc., a corporation, its successors and assigns, and its officers and Simon Sax, individually and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, distribution or installation of swimming pools or any home improvement product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations designed to obtain leads or prospects for the sale of other merchandise.

2. Representing directly or indirectly that any products or services are offered for sale when such is not a bona fide offer to sell said products or services.

3. Disparaging any product, installation or service which is advertised or offered for sale by respondents.

4. Representing, directly or by implication, through the use of terms such as special, pre-season, reduced or sale price, or words of similar import and meaning, that a swimming pool or any home improvement product has been reduced in price unless the lower price constitutes a significant reduction from the price at which such merchandise has been sold in substantial quantities by respondents in the recent regular course of business or when the price for such merchandise has not been established by respondents through offering said merchandise for sale in good faith for a substantial period of time in the recent regular course of business; or misrepresenting in any manner that respondents' purchasers or prospective purchasers will be granted reduced prices or will receive discounts, referral fees or allowances of any type.

5. Representing that the swimming pools or any home improvement products sold or offered for sale by respondents are maintenance free, or employing representations of similar meaning and import.

6. Representing directly or indirectly that any of respondents' products, installations or services are warranted or guaranteed, unless the nature and extent of the warranty or guarantee, the identity of the warrantor or guarantor and

\*Copies of the Complaint, Decision and Order, filed with the original document.

the manner in which the warrantor or guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; and unless respondents promptly and fully perform all of their obligations and requirements, directly or impliedly represented, under the terms of each such warranty or guarantee.

7. Representing, directly or by implication, through the use of the term "Lifetime", or through any other phrase or term, that the filter will last for the period of a lifetime or for any other period of time which is in excess of the time period covered by the filter's guarantee or warranty.

8. Representing directly or indirectly that any saving is afforded in the purchase of merchandise from the respondents' retail price unless the price at which the merchandise is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold at retail by the respondents in the recent regular course of business.

9. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise, or the amount by which the price of merchandise has been reduced either from the price at which it has been usually and customarily sold by respondents in the recent regular course of business, or from the price at which it has been usually and customarily sold at retail in the trade area where the representation is made.

*It is further ordered*, That respondents shall maintain business records adequate to establish that the pricing claims and similar representations of the type referred to in Paragraph 4 of this order constitute a significant reduction from the prices at which such merchandise has been sold in substantial quantities or offered for sale in good faith by respondents for a substantial period of time in the recent regular course of their business.

*It is further ordered*, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

*It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

*It is further ordered*, That respondents shall forthwith distribute a copy of this Order to all operating personnel, agents or representatives concerned with the promotion, sale, distribution or installation of swimming pools or any home improvement product and secure from

each such person a signed statement acknowledging receipt of said Order.

*It is further ordered*, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The Decision and Order was issued by the Commission July 28, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23910 Filed 9-8-75; 8:45 am]

#### Title 17—Commodity and Securities Exchanges

##### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-8902]

#### PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

##### Temporary Rule for ANCSA Corporations

Notice is hereby given that the Securities and Exchange Commission hereby adopts an amendment to temporary rule 6c-2(T) (17 CFR 270.6c-2) under the Investment Company Act of 1940 ("Act") exempting from all provisions of the Act except Sections 9, 17, 36, and 37 (15 U.S.C. 80a-9, 80a-17, 80a-36, 80a-37) corporations organized pursuant to the Alaska Native Claims Settlement Act of 1971 ("ANCSA Corporations") and "Settlement Act," respectively) which register with the Commission pursuant to Section 8(a) of the Act.

Rule 6c-2(T) was adopted by the Commission on February 26, 1974, in the same release as originally proposed Rule 6c-2; and has provided ANCSA Corporations registering with the Commission pursuant to Section 8(a) of the Act substantial interim relief from the provisions of the Act. The Commission declared Rule 6c-2(T) effective as of December 18, 1971, the date of enactment of the Settlement Act, so that ANCSA Corporations registering pursuant to Section 8(a) would not be subject to legal challenge for operating as unregistered investment companies prior to the adoption of the rule. However, the Commission has decided that this purpose may not have effectively been explained, since the rule's retroactive effect was not spelled out in the body of the rule but merely implied by its effective date. To correct this deficiency and to make it clear that registration pursuant to Section 8(a) of the Act is necessary to qualify for the exemptive relief afforded by the rule, the Commission hereby amends Rule 6c-2(T) to provide that all ANCSA Corporations which register pursuant to Section 8(a) will thereby obtain the exemptive relief afforded by the rule as of December 18, 1971, the date of enactment of the Settlement Act.

<sup>1</sup> Pub. L. 92-203, 92d Cong. 85 Stat. 688.  
<sup>2</sup> Investment Company Act Rel. No. 8251, February 26, 1974.

lement Act. The proposed permanent rule, Rule 6c-2, will supersede Rule 6c-2

37 subject to the following conditions: Any company claiming exemptions pur-

or in any way change any existing rule or regulation.

ment of numerous businesses and large numbers of employees and consumers.

producers and of arranging for transportation of the gas by pipelines subject to

Unlike producers' sales for resale which are subject to our rate jurisdiction," producers' sales to non-resale customers are



tlement Act. The proposed permanent rule, Rule 6c-2, will supersede Rule 6c-2 (T), if adopted, but will afford no retroactive relief; ANCSA Corporations registering after the effective date of Rule 6c-2 would be protected, prospectively only, from the date of such registration. Hence, to obtain the relief provided in Rule 6c-2(T) from the date of enactment of the Settlement Act, any ANCSA Corporations which have not yet registered pursuant to Section 8(a) but wish to obtain the retroactive relief afforded by Rule 6c-2(T) should register immediately so as to insure their registration prior to the date Rule 6c-2 takes effect. Such registration will subject the registrant to the more extensive requirements of proposed Rule 6c-2 if that rule is adopted.

The Commission finds that the amendment of Rule 6c-2(T) is appropriate in the public interest and is consistent with the protection of investors and the purposes intended by the policy and provisions of the Act. The Commission further finds in accordance with the provisions of the Administrative Procedure Act<sup>1</sup> that notice of Rule 6c-2(T), as amended, is unnecessary because the terms of substance of the rule have already been given in the notice<sup>2</sup> announcing its original adoption.<sup>3</sup> In addition, since Rule 6c-2(T) is a substantive rule which grants an exemption and the present amendment of the rule is merely a clarification of its meaning and not a substantive change in its provisions, the rule may be made effective immediately.<sup>4</sup>

#### COMMISSION ACTION

Pursuant to the authority in sections 6(c), 38(a) and 39 of the Act, the Securities and Exchange Commission hereby adopts an amendment to § 270.6c-2 under Part 270 of Chapter II of Title 17 of the Code of Federal Regulations, which is a temporary regulation pending consideration of the Commission's proposal to adopt Rule 6c-2 in permanent form, said temporary regulation, as amended hereby, to read as follows:

§ 270.6c-2 (Rule 6c-2(T)) Temporary exemption for corporations organized pursuant to the Alaska Native Claims Settlement Act of 1971.

Any corporation organized pursuant to the Alaska Native Claims Settlement Act of 1971 ("ANCSA Corporation" and "Settlement Act", respectively) which registers with the Commission in the manner prescribed by Section 8(a) of the Act shall, as of December 18, 1971, be temporarily exempt from all provisions of the Act except Sections 9, 17, 36, and

<sup>1</sup> 5 U.S.C. § 551 et seq. (1970).

<sup>2</sup> Investment Company Act Rel. No. 6251. See Sections 553(b)(3) and 553(b)(3)(B) of the Administrative Procedure Act.

<sup>3</sup> Section 553(d) of the Administrative Procedure Act provides, in pertinent part, that the required publication of a substantive rule must be made not less than 30 days before its effective date except in the case of a substantive rule which grants or recognizes an exemption or relieves a restriction. Section 553(d)(1).

37 subject to the following conditions: Any company claiming exemptions pursuant to this rule shall file annually with the Commission copies of the reports required by Sections 7(o) and 8(c) of the Settlement Act and shall maintain and keep current the accounts, books and other documents relating to its business which constitute the record forming the basis for such information and of the auditor's certifications thereto. All such accounts, books and other documents shall be subject at any time and from time to time to such reasonable periodic, special and other examinations by the Commission, or any member or representative thereof, as the Commission may prescribe. Such company shall furnish to the Commission, within such time as the Commission may prescribe, copies of or extracts from such records which may be prepared without undue effort, expense, or delay as the Commission may by order require. (Secs. 6(c), 38(a), 39, 54 Stat. 800, 841, 842, 15 U.S.C. 80a-6(c), 80a-37(a), 80-38).

#### EFFECTIVE DATE

This temporary rule 6c-2(T) shall become effective on August 22, 1975 retroactive to December 18, 1971, the date of enactment of the Settlement Act.

Information concerning the Commission's proposed Rule 6c-2 is found under the heading "Proposed Rulemaking" elsewhere in this issue of the FEDERAL REGISTER. All interested persons are invited to submit their views and comments with respect to that proposed rule in accordance with the directions contained there.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 22, 1975.

[FR Doc. 75-23847 Filed 9-8-75; 8:45 am]

#### Title 18—Conservation of Power and Water Resources

##### CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75-25; Order No. 533]

##### PART 2—GENERAL POLICY AND INTERPRETATIONS

##### Certification of Pipeline Transportation Agreements

AUGUST 28, 1975.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 551, et seq. (1967) (APA) and Sections 7, 15 and 16 of the Natural Gas Act (Act),<sup>1</sup> the Commission herein adopts as Section 2.79 of its General Policy and Interpretations, 18 C.F.R. § 2.79, a statement of policy with respect to the transportation by jurisdictional pipelines of natural gas sold by certain producers from the on-shore domain and the off-shore non-federal domain to non-resale industrial and commercial customers for high priority uses. Nothing in this § 2.79 is intended to amend, modify

<sup>1</sup> 52 Stat. 824, 825, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717f, 717n, 717o.

or in any way change any existing rule or regulation.

As we stated in our notice in this proceeding issued April 4, 1975 (40 FR 16220, Apr. 10, 1975), information available to the Commission indicates that pipelines subject to our jurisdiction are experiencing such severe supply shortages that their direct and indirect customers who use natural gas for high priority end uses<sup>2</sup> may be, or already are, subject to curtailment.<sup>3</sup> For example, a report issued November 15, 1974, by our Bureau of Natural Gas predicted increasing supply deficiencies of serious proportions.<sup>4</sup> Subsequent experience has confirmed this prediction.<sup>5</sup> Moreover, recent indications are that the level of pipeline curtailment will continue to increase.<sup>6</sup>

This steady increase in curtailment levels has led to a corresponding increase in the number of petitions filed with the Commission for extraordinary relief. These petitions indicate that a wide variety of commercial and industrial products and processes have been affected by curtailments.<sup>7</sup> We have also observed that many of the petitions for extraordinary relief involve high priority uses for which natural gas is essential. Curtailment of deliveries to customers using gas for such purposes could lead to production cutbacks, plant closings, employee layoffs, and resulting shortages of various products and services. Such shortages could in turn result in increased inflation as consumers offer to pay higher prices for the decreasing supply of goods and services available. Such shortages could also lead to dislocations in industries that depend upon the availability of these products and services. In short, unless supplies of natural gas become available to high priority customers, the adverse effects of curtailment could ripple through the economy to the detri-

<sup>2</sup> The high priority uses referred to in our notice are the uses of natural gas covered by the highest end use priorities set forth in § 2.78(a) of the Commission's General Policy and Interpretations, 18 C.F.R. § 2.78(a). Specifically, the uses referred to in our notice are Priority 1 uses, Priority 2 uses, and Priority 3 uses that would otherwise have been Priority 2 uses had the gas been purchased on a firm basis.

<sup>3</sup> See Notice of Proposed Rulemaking to Adopt Policy Statement With Request For Comments, at 3-4.

<sup>4</sup> FPC News Release No. 20849. The report predicted that net curtailments of firm service for the 1974-75 winter would be 919,384,000 Mcf. This represented 12.87 per cent of firm requirements, an increase of 107 per cent over the actual net firm curtailments experienced during the 1973-74 winter. *Id.* at 3.

<sup>5</sup> The recent gas curtailment report issued by our Bureau of Natural Gas on June 6, 1975, shows, for example, that the actual net firm curtailments for the 1974-75 winter totalled 1,019,203,000 Mcf. FPC News Release No. 21454 at 3. Thus, actual curtailments for the 1974-75 winter not only reached the 919,384,000 Mcf level projected in the November 15, 1974 report, *supra*, note 4, they exceeded the predicted level by 99,819,000 Mcf, or 10.9%.

<sup>6</sup> FPC News Release No. 21454, *supra*, note 5.

<sup>7</sup> See, e.g., Notice of Proposed Rulemaking, *supra*, note 3, at 4-6.

ment of numerous businesses and large numbers of employees and consumers.

There may nevertheless be a way for high priority industrial and commercial customers to obtain supplies of natural gas and thus prevent, or at least mitigate, the threatened adverse consequences of deepening levels of pipeline curtailments. As we pointed out in our notice of April 4, high priority customers might be able to buy gas directly from producers. Because such direct sales would not be subject to our rate jurisdiction, high priority customers could compete with the producer's intrastate customers for gas supplies not otherwise available to the interstate market. While the sale would be non-jurisdictional, the transportation of the gas from the producer to the buyer in interstate commerce would be subject to our jurisdiction. Such transportation would require a certificate of public convenience and necessity from the Commission under Section 7 of the Act.

In view of the important role that jurisdictional pipelines would play in such direct sale arrangements, and in further view of the importance of obtaining Commission approval of the transportation of the direct sale gas, we concluded that it might be appropriate for us to issue a statement of policy that would make clear our views on such pipeline transportation arrangements. The need for such a statement of policy is underscored by the fact that in two prior cases in which we denied applications for transportation certificates we may have given the impression that we were predisposed to deny all applications for such certificates. *F.P.C. v. Transcontinental Gas Pipe Line Corp.*, 365 U.S. 1 (1961); and *Arizona Public Service Co. v. F.P.C.*, — U.S.App.D.C. —, 483 F.2d 1275 (1973).

In neither of these cases did we mean to imply that we were, without exception, opposed to the granting of all transportation certificates. On the contrary, our denial of the transportation certificates in *Transco* and *APS* was based upon three factors: (1) the consumer intended to use the gas for boiler fuel—an inferior end use; (2) the pipeline had failed to show that transportation of the gas was not preempting pipeline capacity which would otherwise be available for higher priority uses; and (3) the price of the gas was above the field rates set by the Commission for jurisdictional sales, the effect of which would be a general rise in the field prices, or a reduction in the amount of gas available for customers in the interstate market, particularly for high priority customers. Thus, we recognize that it might be possible for a pipeline to distinguish the *Transco* and *APS* cases and to show that the present and future public convenience and necessity requires certification of a particular transportation arrangement. It was to make our views clear and a matter of public record that we proposed to adopt the policy statement contained in the April 4 notice. By adopting the statement of policy we hoped to encourage high priority customers to explore the possibilities of entering into direct sales contracts with

producers and of arranging for transportation of the gas by pipelines subject to our jurisdiction.

In view of the significance of our deliberations, and in view of the possibility that the proposed policy statement might contain disadvantages as well as advantages, we concluded that before deciding to adopt the policy statement we should afford interested parties the opportunity to file comments and suggestions.<sup>8</sup> Approximately 150 persons including senators, congressmen, governors, public agencies, industrial customers, pipelines, producers, consumer groups and private citizens filed comments.<sup>9</sup> After careful consideration of the comments that were submitted, we have concluded that the policy statement should be adopted. Nevertheless, in view of the comments and suggestions we have made several clarifications and modifications.

We shall not attempt to enumerate or discuss each comment received or suggestion made, but shall set forth the comments generally, and our responses thereto. We discuss first those comments which questioned our authority to implement the policy statement and then discuss the comments and suggestions directed to the wisdom of this policy.

#### THE COMMISSION'S AUTHORITY TO ISSUE AND TO IMPLEMENT THE POLICY STATEMENT

Several persons have questioned our authority to issue, or to implement, the proposed statement of policy. Some of these persons argue that we are required to assert jurisdiction over producer sales to local distributors for resale and to non-resale customers. Failure to regulate these sales, we are told, would constitute deregulation in derogation of our responsibilities under the Act.

Our notice of April 4, 1975, expressly recognized (Mimeo, p. 7) that producer sales to distributors for resale would be subject to our rate regulation. However, for the reasons set forth, *infra*, we have decided not to include direct sales to distributors for resale within the terms of this policy statement. Accordingly, we need not consider such sales further.

<sup>8</sup> Since the policy statement has been adopted under our general power of rulemaking set forth in Section 553 of the APA and Section 18 of the Natural Gas Act, its adoption is not subject to requirements of notice and hearing. Section 553(b), (APA). Nevertheless by seeking public comment we have provided a hearing within the meaning of Section 553(c) of the APA. Accordingly, we do not believe it necessary to grant the request for a public conference made by one of the persons commenting on the proposed policy.

<sup>9</sup> A list of those filing comments is attached hereto as Appendix B. Some of these comments were untimely filed. These comments will nevertheless be accepted for filing. Some persons have filed petitions to intervene. We hereby grant these petitions to intervene. Moreover, we will make those persons who filed comments, but did not file separate petitions to intervene, parties to this proceeding. By taking this action we will insure that any person, who is aggrieved by our action today, will have an opportunity to seek judicial review.

Unlike producers' sales for resale which are subject to our rate jurisdiction,<sup>10</sup> producers' sales to non-resale customers are beyond our authority to regulate. Section 1(b) of the Act limits our jurisdiction to sales for resale:

The provisions of this act shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and to natural gas companies engaged in such transportation or sale, but shall not apply to any other transportation or sale of natural gas or to the local distribution of natural gas or to the facilities used for such distribution or to the production or gathering of natural gas.

Consequently, failure to regulate direct sales rates does not constitute unlawful deregulation. This conclusion finds support in several cases decided by the United States Supreme Court. In *Panhandle Eastern Pipe Line Co. v. Public Service Commission*, 332 U.S. 507 (1947), the Court unequivocally stated (332 U.S. at 516-17) that:

Three things and three only Congress drew within its own regulatory power, delegated by the Act to its agent, the Federal Power Commission. These were: (1) the transportation of natural gas in interstate commerce; (2) its sale in interstate commerce for resale; and (3) natural gas companies engaged in such transportation or sale.

The omission of any reference to other sales, that is, to direct sales for consumptive use, in the affirmative declaration of coverage was not inadvertent. It was deliberate. For Congress made sure its intent could not be mistaken by adding the explicit prohibition that the Act "shall not apply to any other . . . sale . . . ." These words plainly mean that the Act shall not apply to any sales other than sales "for resale for ultimate public consumption for domestic, commercial, industrial, or any other use." Direct sales for consumptive use of whatever sort were excluded.

The line of the statute was thus clear and complete. It cut sharply and clearly between sales for resale and direct sales for consumptive uses. No exceptions were made in either category for particular uses, quantities or otherwise. And the line drawn was that one at which the decisions had arrived in distributing regulatory power before the Act was passed.

This interpretation of Section 1(b) was reiterated by the Court when it cited the above language from *Panhandle* with approval in *F.P.C. v. Louisiana Power & Light Co.*, 406 U.S. 621 (1972). Moreover, this interpretation, we submit, forms the basis upon which the Court correctly recognized in *F.P.C. v. Transcontinental Gas Pipe Line Corp.*, 365 U.S. 1 (1961) that a direct sale between a producer and a non-resale customer "is not subject to the Commission's jurisdiction except insofar as section 7 requires the Commission to certificate the transportation of gas pursuant to the sale." 365 U.S. at 4.

The Court's recognition in *Transco* that the direct sale there was non-jurisdictional has not, we believe, been undermined by the Court's later decision in *California v. Lo Vaca Gathering Co.*, 379

<sup>10</sup> *Phillips Petroleum Co. v. Wisconsin*, 347 U.S. 672 (1954).

U.S. 366 (1965). The Court in *Lo Vaca*

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U.S. 366 (1965). The Court in *Lo Vaca* held that a producer's sale to a pipeline under contracts that restricted the use of gas to internal company use was a sale for resale and therefore subject to the Commission's jurisdiction. In reaching this result the Court relied upon the fact that the gas sold by the producer would "flow in a commingled stream with gas from other sources and that at least a portion of the gas will in fact be resold out of Texas." 379 U.S. at 368. The fact that the direct sale gas contemplated by our proposed policy statement may be commingled with resale gas in the transporting pipeline has been seized upon in one of the comments to argue that under *Lo Vaca* all of the gas transported in the pipeline, including the direct sale gas, must be treated as resale gas subject to our full rate jurisdiction. We have not been persuaded by this argument. The direct sales contemplated by the instant statement of policy are between a producer and a non-resale customer. As such, these sales, unlike the sales in *Lo Vaca*, are separate nonjurisdictional transactions of a precise amount of gas not-for-resale. As recognized by the Court in *Lo Vaca*, such separate transactions present an entirely different jurisdictional question than do restricted sales of gas to a pipeline.<sup>11</sup> The gas sold to the pipeline in *Lo Vaca*, while purchased under contracts which restricted its use to internal company purposes, was in fact commingled with the pipeline's supply thereby increasing the supply of gas available to the pipeline to satisfy its resale obligations. In those circumstances it was, we submit, proper to subordinate the contractual restrictions contained in the gas sale agreements to the requirements of the Natural Gas Act and to treat the gas as jurisdictional gas which had been sold to the pipeline in contemplation of its resale in interstate commerce. On the other hand, the gas to be sold by producers directly to high priority non-resale customers, will not become part of a larger volume of gas that is subject to resale. While this direct sale gas may be temporarily commingled in transit with resale gas, it is commingled solely for the purpose of transportation and never becomes subject to resale. It therefore appears to us that the direct sales contemplated by the instant policy statement are non-jurisdictional and beyond our regulatory control.

It has also been alleged that even if we lack the authority to regulate the direct rate, we nevertheless have a positive duty to deny a pipeline's application for a transportation certificate if the rate paid to the producer is higher than the highest price that the pipeline could lawfully pay to the producer. Closely related

<sup>11</sup> In this regard, see *United States v. Public Utilities Comm'n*, 346 U.S. 295, 317-18; *City of Hastings v. Federal Power Comm'n*, 221 F.2d 31. These cases indicate some of the factors that are relevant to a determination of whether there is in fact a separate direct sale transaction that should be recognized as non-jurisdictional under the Act.

to this argument is the allegation that transportation agreements cannot be certificated unless the underlying direct sale rate passes muster under the just and reasonable standard. However, any attempt to impose the rate ceilings applicable to jurisdictional sales on direct sale rates, or to make direct sale rates comply with the just and reasonable standard, would constitute regulation of the direct sale rate and would thus exceed the limitations placed upon our jurisdiction by Section 1(b). *Panhandle, supra*; *Transco, supra*; *Louisiana Power & Light, supra*.

This is not to say that we will not consider the direct sale price in determining whether the pipeline's application for a transportation certificate should be granted. In a certificate proceeding under Section 7 we are required by the public convenience and necessity standard to consider all relevant factors. This would certainly include consideration of the direct sale price. Nor do we intend to consider the direct sale price solely against price levels in the interstate market. Consideration would also be given to interstate price levels as well as other important considerations. To make it clear that a transportation certificate will not be issued unless the public convenience and necessity standard has been met, we have amended the policy statement to so provide. Thus, the allegation that we have changed the standards for regulating interstate sales or transportation agreements is without merit. Our policy statement is no more than an announcement that we are prepared to exercise powers expressly granted to us by the Act when the record before us demonstrates that such action is required by the public convenience and necessity. We have issued such certificates in the past, and our power to do so has been judicially recognized. *Transco, supra*; *APS, supra*.

Several persons allege that certification of the transportation of direct sale gas will inevitably result in unlawful discrimination, and that we are therefore precluded as a matter of law from issuing such certificates. The alleged discrimination is essentially of two types. First, we are told that because sales to pipelines and to distributors for resale are subject to Commission established rate ceilings, pipelines and distributors will be unable to compete with non-resale customers for available gas supplies. We are also told that our policy will inevitably discriminate in favor of large non-resale customers, as opposed to small non-resale customers, because the larger customers will be in a better position financially to pay the price necessary to elicit gas supplies. We are not persuaded by these arguments. The Act envisions the issuing of such certificates when Section 1(b) gives the Commission jurisdiction over interstate transportation of gas while at the same time withholding jurisdiction over direct sales in interstate commerce. With respect to the allegation of discrimination against pipelines and distributors, we would point out that neither the Act nor the courts require that a producer's

resale customers be accorded preference over non-resale customers. See *Transco, supra*, 365 U.S. at 30-31. This does not mean that a direct sale could never discriminate unlawfully against a sale to a resale customer. Whether such discrimination would result is, however, more properly a question to be resolved in a specific transportation certificate proceeding. With respect to the allegation that our policy would discriminate in favor of large non-resale customers, we would point out that it is by no means an established fact that small non-resale customers will not be in a position to obtain gas supplies. To the extent that it is necessary for the smaller customers to compete with the larger customers we note that successful competition depends upon a number of factors in addition to size of the particular customer including plant location, competitive position of the particular industry, competitive position within that industry, etc. Moreover, as several persons have pointed out, it may be possible for smaller non-resale customers to form joint ventures to compete with larger customers for available supplies. In any event, the question of discrimination between large and small non-resale customers is a matter that is more properly to be raised in a particular certificate proceeding. We recognize, as pointed out by another person, that joint action by smaller customers may run afoul of the antitrust laws. Again, however, we would point out that the mere possibility that such consequences may follow from some joint actions does not, as a matter of law, prohibit us from adopting or implementing the proposed policy statement. Again, questions of this sort are more appropriately addressed in a specific proceeding. In short, none of the arguments which challenge our statutory authority to adopt the proposed policy statement have persuaded us that we lack such authority, or that we may not in appropriate cases implement the policy.

In a related argument, it was asserted in one of the comments that since gas sold directly to a non-resale customer will not be part of the pipeline's gas supplies, this gas will not be subject to the pipeline's curtailment plan. Therefore, it is alleged that by implementing this policy the Commission will be giving up its power to allocate gas in contravention of its duties under the Natural Gas Act. However, the fact that the gas will not be subject to a pipeline's curtailment plan does not result from any illegal action by the Commission. The Act expressly makes provision for the certification of the transportation of direct sale gas. As already noted, *supra*, neither the Act nor the Courts require the Commission to accord preference to resale customers over non-resale customers. By implementing its policy the Commission will merely be exercising its powers under the Act to certificate the transportation of gas when required by the public convenience and necessity. Whether a particular transportation agreement should be certificated is a question to be decided upon a consideration of all rec-

ord facts. We are not as a matter of law precluded from certificating such agreements simply because the gas transported will not be subject to the transporting pipeline's curtailment plan.

In addition to arguing that the proposed policy statement is illegal, one of the persons filing comments suggests that the Commission should make intrastate gas available to the interstate market by either exercising jurisdiction over intrastate rates and/or by allocating all gas reserves between intrastate and interstate consumption. The authority to do this, we are told, has by virtue of *Houston East & West Texas Ry. Co. v. United States*, 234 U.S. 342 (1914), the so-called *Shreveport* Case, already been given to the Commission in the Natural Gas Act. In *Shreveport* the Supreme Court, in affirming an order of the Interstate Commerce Commission, expressly held (1) that Congress had the constitutional authority to control intrastate charges of an interstate carrier to prevent injurious discrimination against interstate traffic; and (2) that Congress exercised this power when it enacted Section 3 of the Interstate Commerce Act granting the Commission the authority to prevent undue discrimination. It may be that under *Shreveport* Congress has the constitutional authority to control intrastate rates and practices of natural gas companies. However, in enacting the Gas Act Congress did not, as it did in the Commerce Act, exercise whatever constitutional power it had to regulate intrastate rates. Nor did Congress in the Gas Act exercise any constitutional authority to allocate intrastate supplies of gas. The differences between the two acts is striking. As the Supreme Court said in *Shreveport*, the language of Section 3 of the Interstate Commerce Act "is certainly sweeping enough to embrace all the discriminations . . . which it was within the power of Congress to condemn." 234 U.S. at 356. Consistent with this broad grant of authority the Court narrowly interpreted the proviso to Section 3 to withhold from the ICC only the power to regulate purely intrastate matters. Those intrastate matters which were injuriously affecting interstate traffic were, on the other hand, found to be within the ICC's control. In contrast, Section 1(b) of the Gas Act, *supra*, expressly states that the Act "shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale . . . but shall not apply to any other transportation or sale of natural gas . . ." Unlike the broad grant of authority in Section 3 of the Interstate Commerce Act (as qualified by the narrow terms of its proviso), the grant of authority in Section 1(b) of the Gas Act is clearly a limited grant, limited to transportation and sales in interstate commerce. In short, *Shreveport* is distinguishable on its facts as are the other cases cited to support our authority to regulate the

intrastate market.<sup>12</sup> We simply do not have the authority under the Gas Act to control intrastate rates or to allocate gas which is not transported or sold in interstate commerce. In any event, the question of the extent of our authority over the intrastate market is entirely beside the point. The question is whether we are authorized to adopt and to implement the proposed policy statement. As shown above, we possess such authority.

#### COMMENTS AND SUGGESTIONS

Several of the comments we received indicate that certain points in our statement of policy require clarification. First, it was our intent in proposing the statement of policy, and it is still our intent, that it apply to direct sales by producers to non-resale high priority customers whether those customers (1) were purchasing directly from a pipeline, or (2) were purchasing from a distributor. In other words, the policy is intended to apply to both direct and indirect customers of curtailing pipelines.

The question arises whether the transportation by a local distributor of direct sale gas received from an interstate pipeline for delivery to the non-resale customer may constitute "the transportation of natural gas in interstate commerce" subject to the Commission's jurisdiction under Section 1(b) of the Act. If our jurisdiction extended to this kind of transportation it would be necessary for the local distributor to either (1) obtain an exemption from the provisions of the Natural Gas Act, pursuant to Section 1(c) of the Act and Part 152 of our regulations, 18 CFR §§ 152.1, *et seq.*, or (2) to obtain a certificate from us authorizing such transportation. We believe that the limits of the jurisdiction of this Commission are carefully circumscribed by Section 1(b), which provides in part that the Act shall not apply to "other (than in interstate commerce) transportation" or to "local distribution" of natural gas. Moreover, the Commission's affirmative grant of jurisdiction extends only to transportation and sale for resale "in interstate commerce." The House report on the Natural Gas Act stated that the "other transportation" and "local distribution" exclusions were "not actually necessary." H.R. Report No. 709, 75th Congress, 1st Session, p. 3. That statement was interpreted by the Supreme Court to mean for purposes of the affirmative grant of jurisdiction that "interstate commerce" terminates at the point at which "local distribution" commences. *East Ohio Gas Co. v. F.P.C.*, 338 U.S. 464, 470-1 (1950). See also, *Public Utilities Commission v. London*, 249 U.S. 236, 244 (1918) ("Interstate movement ended when the gas passed into local mains.")

<sup>12</sup> *Pennsylvania v. West Virginia*, 262 U.S. 553 (1923); *West v. Kansas Natural Gas Co.*, 221 U.S. 229 (1911); *Louisiana Power & Light Co.*, 406 U.S. 621 (1972).

Unquestionably, local distribution companies engage in transportation and sale of natural gas received from interstate commerce on a continuous basis without the necessity of obtaining any authorization from this Commission. We do not consider the transportation by a distribution company contemplated by this policy statement to be jurisdictional. We do not believe that adoption of this policy statement confers jurisdiction when the statute and its history clearly withhold jurisdiction from us. The operative limit on the authority of the Commission is described by the term "interstate commerce" as used by Congress in the Natural Gas Act and interpreted by the Courts. Activity behind the local distribution system is not in "interstate commerce" for purposes of the Natural Gas Act.

We conclude that there is no need for the Commission to require local distribution companies to acquire an exemption under Section 1(b) or certificate under Section 7(c) from this Commission to enable them to engage in the "transportation" to a local customer of natural gas that is transported to the city gate pursuant to the policy expressed in RM75-25.

In our April 4 notice we stated that the proposed policy would apply to the transportation of gas sold directly to high priority non-resale customers for Priority 2 uses or for those Priority 3 uses that would otherwise have been in Priority 2 had the gas been purchased on a firm basis. See § 2.78(a) of our General Policy and Interpretations, 18 CFR § 2.78(a). As we explained in our notice (Mimeo, p. 4), the policy was directed at these customers because natural gas is essential for continued operation of their businesses. To further clarify our original intent, we will amend our proposed policy statement to provide that it will apply only when the direct sale purchasers have no alternate fuel capabilities as defined in § 2.78(c)(10) of our General Policy and Interpretations, 18 CFR § 2.78(c)(10).

Several persons have questioned whether the words "non-federal domain" modify both "on-shore" and "off-shore" or just "off-shore." In proposing the policy statement we intended that it apply to the on-shore domain (whether federal or non-federal) and to the off-shore non-federal domain, i.e., the only domain to which this statement of policy does not apply is the off-shore federal domain. We thought the reason for this restriction was apparent. One of the main goals of our statement of policy is to make gas otherwise sold only in the intrastate market available to the interstate market. The transportation or sale of gas from the off-shore federal domain is by definition transported or sold in interstate commerce. Since gas from the off-shore federal domain is therefore already available to the interstate market, we see no need for making the policy applicable to the off-shore federal domain.

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we were requested to clarify: e.g. whether we intended to permit distributors purchasing from a producer to pay a rate in excess of the applicable area or national rate; whether distributors could only purchase for their small commercial Priority 1 customers, or whether they could purchase for their residential Priority 1 customers as well. In view of our elimination of sales by producers to distributors for resale from the operations of the policy statement, *intra*, it is unnecessary to discuss such requests further.

As originally proposed our policy statement was intended to apply to both (1) direct sales by producers to high priority non-resale industrial and commercial customers, and (2) direct sales by producers to local distributors for resale to high priority industrial or commercial customers, or for resale to residential uses. We recognized in our notice of April 4, 1975, that sales to distributors for resale would be jurisdictional and therefore subject to the applicable area or national rate. We further recognized that this might handicap distributors who attempted to make such purchases. Nevertheless, we thought that distributors should be allowed to attempt to enter into direct sales transactions. Numerous comments were received on direct sales to distributors for resale. Some advocated allowing distributors to purchase at rates above the applicable area or national rate, thereby improving their ability to compete with non-resale customers for available gas supplies. We are not prepared to take that course of action. Sales to distributors for resale are jurisdictional sales whose rates are subject to the just and reasonable standard of Sections 4 and 5 of the Act. We are not authorized by the Act to exempt sales to distributors for resale from the operation of Sections 4 and 5. On the other hand, we were urged by a number of persons to exclude sales to distributors for resale from the operation of the proposed policy. These persons argued that since such sales were jurisdictional, the distributors would be in no better position than pipelines presently are to attract gas away from the intrastate market. Accordingly, inclusion of distributors within the terms of the policy statement would merely increase the number of potential purchasers in the interstate market without increasing the chances that additional supplies of gas would be made available to the interstate market. We have been persuaded by this argument. Accordingly, we have eliminated direct sales to distributors for resale from our policy statement.

Many of the comments we have received have supported the policy statement insofar as it applies to direct sales to non-resale high-priority customers. These comments have pointed to the benefits that would follow from such direct sales, not the least of which would be the continued employment of thousands of workers who stand to lose their jobs or be indefinitely laid off because of the increased shortages expected during the coming year, *see supra*. Not only would employment of these workers be pro-

duced if the policy statement is successfully implemented, but the production of vital products and essential services could also continue uninterrupted. A number of other benefits may flow from this policy. For example, an increase in the amount of gas available to the interstate market will result in the utilization of unused pipeline capacity with attendant cost benefits to pipelines and their customers. Furthermore, direct sales may result in an increase in producer revenues which would promote increased exploration for, and development of, gas supplies.

Several persons have stated that despite the advantages that might result from the implementation of this policy, it will by no means solve the natural gas shortage in this country. Only deregulation of the wellhead price or regulation of the intrastate market, we are told, could possibly lead to a solution of the gas shortage. As these same persons recognize, however, deregulation of wellhead prices or regulation of the intrastate market are matters for the Congress to decide upon. Until Congress acts on the various proposals now pending before it, it is our duty to deal with the shortages as best we can under the statute as it exists. While we agree that adoption of this policy statement will not solve the gas shortage, as we noted above, it may result in an increase in exploration and development activities with a consequent increase in supplies of gas. Even if new supplies are not discovered, implementation of the policy statement should, by making intrastate gas available to the interstate market, help mitigate the serious effects that will follow from curtailment of customers who are peculiarly dependent upon natural gas. While this policy statement will not "solve" the natural gas shortage, its implementation should alleviate some of its more serious consequences caused by rigid price ceilings imposed by the Natural Gas Act. Overall implementation of our policy statement will ration gas more efficiently between intrastate and interstate users.

In several comments it has been argued that intrastate customers being much closer to sources of supply will have lower transportation costs and will accordingly be in a position to outbid any interstate customer for available gas. The only result of our policy would allegedly be an increase in gas prices. We cannot agree with this analysis. While such a result is possible, we believe that incremental supplies of gas over and above intrastate demands will be sold to interstate users and that there will be some diversion of natural gas available to the intrastate market.

Another alleged consequence of our statement of policy would be that producers would hold gas off the interstate market that would otherwise be sold to interstate pipelines in the hope of obtaining an outrageous price for the gas. While this possibility exists, it is outweighed, we believe, by the likelihood that instead of withholding gas from the interstate market which is normally available to interstate pipelines, producers will be induced to increase volumes sold in the interstate market. The

shortages in the interstate market have reached a level where those customers whose continued operations require natural gas may be required to close down. For us to take no action will, according to the latest curtailment projections, *supra*, result in the curtailment of many of these customers. On the other hand, if our proposed policy is implemented, many customers that would otherwise have been curtailed will be able to obtain gas and to continue their operations. In these circumstances we believe that as a policy matter the availability of increased supplies to the interstate market warrants the risk that some producers might profiteer by withholding gas otherwise available to the interstate market. In this connection, we note that some persons have suggested that if we adopt the policy statement, we should refuse to certificate the transportation of direct sale gas which would otherwise have been available to the interstate market. Such action would be intended as a deterrent to the withholding of gas from interstate pipelines for sale directly to non-resale customers. Along these lines one person has suggested that certification of the transportation of direct sale gas should be granted only upon (1) a showing that the producer has offered to sell the gas to an interstate buyer for resale and that potential buyer has refused to purchase the gas, or (2) a showing that the buyer has agreed to purchase the gas on terms which the Commission subsequently refused to certify. This latter suggestion is, we believe, overly restrictive. If adopted, its effect would be that the only direct sale gas covered by our policy would be gas otherwise available to the interstate market, but which for a number of reasons never entered the interstate market. Such a restriction would completely exclude from the operation of the policy all gas which had never been offered to an interstate resale purchaser. This would frustrate a major goal of our policy, namely, the inducement of sales to interstate consumers of gas which has otherwise been sold in the intrastate market. We therefore reject this suggestion. Nevertheless, we are concerned that gas that would otherwise have been sold in the interstate market will be withheld from interstate resale purchasers. This is not to say that we will in all cases deny certification of the transportation of direct sale gas when it can be shown that this gas would otherwise have been sold in interstate commerce for resale. This would be only one of the factors to be considered in a certificate proceeding, *see Transco, supra*. Nevertheless, such a fact, if it could be established on the record in a particular case, would be an important factor to be considered.

Several persons argue that the proposed policy statement should not be adopted because it results in discrimination against interstate pipelines and against smaller non-resale customers who attempt to enter into direct sales transactions with producers. We have treated these same objections earlier, when we addressed challenges to our statutory authority to issue and to im-

plement the proposed policy statement. While the instant objections challenge the wisdom of our policy and not its legality, we believe that the same responses we gave earlier in addressing challenges to our statutory authority to issue and to implement the policy are applicable here. *See, supra*. Several distributors have also complained that if this policy is implemented they will be adversely affected by a decrease in the amount of gas they sell with a corresponding loss of revenue. We are not persuaded by this argument. As the policy statement expressly states, it applies only to direct purchases by customers who are curtailed because of curtailments by interstate pipeline suppliers. It is the curtailment by a jurisdictional pipeline, not the policy statement, that is responsible for a distributor's loss of sales. By implementing the policy statement the load of a distributor who delivers direct sale gas to the purchaser will be increased, together with the distributor's revenues for transporting the gas.

A number of comments submitted to us express basic agreement with our proposed policy. They object only to the restrictions that are contained therein. Some persons have urged us to expand the scope of the policy to include sales from the off-shore federal domain. This, we are told, would be an incentive to further exploration and development of this area. We are not persuaded that such an incentive is needed at this time. Moreover, one of the main goals of our policy is to increase supplies available to the interstate market from the unregulated intrastate market. Since gas produced in the off-shore federal domain is already available to the interstate market, we feel it is unnecessary to include the off-shore federal domain within the scope of this policy to achieve our goal.

Several comments suggest that we make the policy applicable to lower priority customers than the Priority 2 and 3 customers set forth in our April 4 notice. We will not preclude the filing of applications for transportation of gas sold directly to such lower priority customers. It may be that in particular circumstances the certification of such transportation would be required by the public convenience and necessity. On the other hand, as a matter of general policy we are not persuaded that direct sales for lower priority uses would be in the public interest or should be encouraged. Accordingly, we deny the request to expand our policy to include transportation of gas sold directly to lower priority customers.

Nor will we expand the policy to include direct sales to Priority 1 purchasers. Again, transportation of gas sold directly to certain of these customers may be in the public interest. However, the exceedingly large number of residential and small commercial customers that might try to take advantage of such a policy, convinces us that further study is necessary before expanding the policy to include these customers. Moreover, statistics available to us, *supra*, seem to

indicate that service to Priority 1 customers has not been imperiled to the degree that it has for Priority 2 and 3 customers. As with lower priority customers we will neither preclude the filing of applications for transportation certificates covering gas sold directly to Priority 1 customers, nor will we expand the policy to include these customers.

In addition to requesting the inclusion of direct sales to Priority 1 consumers within the terms of our policy, we have been asked to take a number of other steps to protect service to Priority 1. A number of persons have suggested that we condition any transportation certificates we may issue to provide that in periods of emergency the direct sale gas must be given to Priority 1 customers. Consideration of this proposal is premature. We therefore take no position with respect to it. Ample opportunity will be available in specific certificate proceedings to consider such actions. In any event, protection will be afforded to Priority 1 customers by the fact that we will monitor the operation of our policy to determine whether it is having an injurious effect on service to Priority 1 customers. In addition to other data available to us, we will also be able to use the data submitted to us as part of each certificate application, as well as data we will require to be filed with us monthly by the transporting natural gas company (*intra*), to evaluate the effect of our policy on Priority 1 consumers. Finally, to protect Priority 1 customers we will limit any transportation certificate we issue to a maximum term of two years which will cover two successive heating seasons.

It has also been suggested that the policy be amended to include direct sales to pipelines or to distributors for their own use. We note first of all that if gas sold directly to a pipeline for its own use were commingled with the pipeline's resale gas, under the doctrine of *Lo Vaca, supra*, such sales to the pipeline would be sales for resale and subject to our rate regulation. Under these circumstances, we see no purpose in including gas used directly by pipelines within our statement of policy. Moreover, we are concerned that including gas sold directly to pipelines or distributors for their own use may only free up gas otherwise used for these purposes for sale to low priority customers. We therefore decline to make the policy applicable to direct sales to pipelines or distributors for their own uses.

Several comments have been directed to subparagraph (d) of the proposed policy (now subparagraph (e)) which restricts application of the policy to existing customers whose deliveries are curtailed because of curtailments by their jurisdictional pipeline suppliers. As explained in our notice (Mimeo, p. 10), this restriction was intended to make it clear that gas covered by our policy was not to be used "to supply a new plant or new customers or to increase the volumes of gas that such plants or customers would have received had they not been curtailed as a result of curtailments by their juris-

dictional pipeline supplier." Several persons have nevertheless argued that the policy should be expanded to apply to the transportation of gas which is in addition to the gas they would receive from their pipeline supplier in the absence of curtailment. This suggestion must be rejected. We recognize that it might be possible in certain circumstances to show that the public convenience and necessity requires the transportation of direct sale gas in addition to volumes presently being received by a customer from a jurisdictional pipeline. We further recognize that in certain circumstances the public convenience and necessity might require the transportation of direct sale gas to new plants. Our purposes in issuing this statement of policy are, however, limited to the protection of existing service. We reserve for future consideration the question of whether our policy should be expanded in the manner requested.

We recognize that our decision to certificate only the transportation of direct sale gas used to offset curtailed volumes may present some practical problems. Producers may be unwilling to make direct sales of volumes which fluctuate with the levels of curtailment. There may be practical problems in transporting and delivering direct sale volumes which replace, but do not exceed, a direct sale customer's level of curtailment. The parties to such a direct sale transaction—the producer; the transporting pipelines; the local distributor if any; and the non-resale customer—are, we believe, in the best position to consider, in the first instance, how these details should be worked out. Accordingly, we will not attempt to dictate how such transactions should be structured. These details should and will be considered in specific transportation certificate proceedings. However, in those cases in which arrangements cannot be made to vary the volumes of direct sale gas being transported as curtailment levels of eligible Priority 2 or 3 categories fluctuate, we will take the necessary steps to insure that the gas transported pursuant to any transportation certificate we issue is used solely to offset the curtailment of Priority 2 or 3 gas covered by this policy. To this end, we have amended our proposed policy to provide that it will be our policy in such situations to issue transportation certificates upon the condition that the purchaser agree to reduce his takes under the curtailment plan of his existing pipeline supplier to the extent that the volumes of gas transported under the transportation certificate exceeds the volume of curtailment experienced by that customer in the eligible Priority 2 or 3 categories.

While our proposed policy was restricted to customers who are being curtailed, we did not mean to preclude those customers who have not yet been curtailed but who stand in imminent danger of being curtailed. No useful purpose would be served by refusing to certificate the transportation of direct sale gas until curtailment had begun, plants had been closed and employees thrown out of work.

Accordingly, we have amended our proposed policy to apply to those high pri-

ceding. In view of the seriousness of the shortages predicted for this coming win-

the interstate market for these high priority users will be substantial and will

seek supplies for higher priority users and customers that do not have practical

ditions under which there will be afforded useful employment opportunities,

opportunity to comment further on the modifications made herein, we will for-



Accordingly, we have amended our proposed policy to apply to those high priority customers who are in imminent danger of curtailment.

A number of persons have suggested that we expand the policy to include the interstate transportation of gas sold directly to non-resale customers by intrastate pipelines or by intrastate industrial users. We decline to follow this suggestion. Inclusion of such sellers might, we fear, provide an incentive for intrastate pipelines and intrastate industrial customers to tie up as much intrastate gas as possible for direct sales to interstate non-resale customers. We also decline to expand the policy to include the transportation of gas which is produced by the industrial consumer itself. Our purpose in adopting the instant policy statement was to encourage producers who would otherwise sell in the intrastate market to sell in the interstate market. If this attempt proves to be successful, it will be unnecessary to encourage for gas consumers to engage in their own gas production activities. In any event, further study of this proposal is necessary before we adopt the suggested modification.

We have received several comments which are critical of our decision to exclude direct sales by affiliates or producing divisions of jurisdictional pipelines. Such sales were excluded because the corporate relationship between jurisdictional pipelines and their affiliates or producing divisions often provides a strong incentive to sell available gas to the pipeline for resale in the interstate market. Moreover, interstate pipelines should not be induced to divert their production at higher prices to industrial users. Pipeline production should be a stabilizing influence on prices to interstate buyers. If we were to expand our policy to include their own production, pipelines would be hoist with their own petard. We therefore feel it is unnecessary to provide further incentives to affiliates and producing divisions.

In issuing this statement of policy we recognize that several of the pipelines that filed comments indicated their opposition to transporting direct sale gas. Several of the persons commenting on this problem suggested that it might be necessary to secure the pipeline's consent to transport the gas by either offering the pipeline a percentage of the gas transported, or by threatening the pipeline with various Commission sanctions. We decline to discuss incentives or sanctions any further at this time. We anticipate that specific cases will provide us with ample opportunity to consider these matters further.

#### GENERAL COMMENTS

As we have repeatedly stated in our April 4 notice and in the instant order, the new § 2.79 which we adopt today is merely a statement of policy. Whether a transportation certificate is issued will depend upon whether the record in each case demonstrates that the present and future public convenience and necessity requires certification. All relevant factors will be considered in each certificate pro-

ceeding. In view of the seriousness of the shortages predicted for this coming winter we will make every effort to process applications for transportation certificates as expeditiously as the requirements of due process permit. However, we will not, as one party suggested, use the data contained in Form 45<sup>14</sup> as conclusive evidence of the price of gas on the intrastate market for purposes of determining whether the contract price in direct sales made under the proposed policy should be permitted. While such use of the Form 45 data could expedite the certificate proceedings, and while we do not preclude use of this data in these proceedings, we are not prepared to decide at the present time that the interest in expediting consideration of certificate applications outweighs the interest of allowing other evidentiary presentations on the intrastate price level.

The attached table (Appendix A hereto) provides an indication of the quantity of natural gas which could qualify for transportation under this policy. The four pipeline systems shown there represent approximately 25 percent of the total interstate natural gas pipeline deliveries. The pipelines are Texas Eastern Transmission Corporation, Panhandle Eastern Pipe Line Company, Transcontinental Gas Pipe Line Corporation, and Columbia Gas Transmission Corporation, and serve a large portion of the industrial economy of the southeast, midwest, and eastern United States. The study shows that a total volume of 450 Bcf of curtailment is projected by these four pipelines to high priority industrial consumers for the twelve months ending March 1976. The 450 Bcf in priorities 2 and 3 amounts to 10.7 percent of the total system firm requirements of these companies of 4.2 Tcf for that period.

Based on normal winter conditions and normal demands for natural gas projected as of April 1975, anticipated curtailments of high priority industrial consumers on these four pipeline systems, range from 74 to 94 percent for the forthcoming winter heating season, November 1975, through March 1976. Unless this winter is warmer than normal or the nation's industrial economy continues to be sluggish with respect to fuel demand, these data indicate that substantial industrial dislocation may result if projected curtailments levels are actually affected.

The attached table, Appendix A, indicates that the potential volume of natural gas to be curtailed from these high priority industrial consumers by four major interstate pipelines will approximate 450 Bcf annually. While only a fraction of industrial requirements in Priorities 2 and 3 may be supplied by implementation of our policy, we believe that the value of incremental supplies to

<sup>14</sup> Order No. 521 (Issued January 9, 1975), No. 521-A (Issued February 19, 1975) and No. 521-B (Issued March 17, 1975), established Form 45 as part of a data collection system to investigate rates for non-jurisdictional sales by jurisdictional companies.

the interstate market for these high priority users will be substantial and will mitigate the economic consequences of curtailment. Many of the industrial consumers making up the total are small volume consumers and would probably encounter difficulty in arranging purchases from producers for these limited quantities. Other industrial consumers may have already converted to alternate fuels as a result of the gas shortage. Moreover, the availability of intrastate supply to the interstate market will become more limited as industrial economic recovery accelerates. There are also time constraints between the adoption of this policy and the coming winter which will further limit the application of the policy. Furthermore, it does not appear that other interstate pipeline systems will exhibit as severe a level of curtailment as the four shown here, and thus would not qualify under this policy unless an emergency can be demonstrated with respect to curtailment of high priority industrial consumers.

The policy is admittedly experimental and requires empirical evidence of its merits in specific applications and trial before we can determine whether the public convenience and necessity demands the policy be made permanent. *Permian Basin Area Rate Cases*, 390 U.S. 747 at 772 (1968); *F.P.C. v. Texaco, Inc.*, 417 U.S. 380 at 392-393 (1974); *Mobil Oil Corp. v. F.P.C.*, 417 U.S. 283 at 331-332 (1974). If, upon review, it appears that the policy has not resulted in the attraction of incremental gas supplies to meet the demands of the interstate market and to avert an imminent crisis in the winter of 1975-1976, we will revise or abandon the experiment.

To insure that we will have the necessary data to evaluate each certificate application, we have modified our proposed policy by requiring the submission of specific data in addition to any other information submitted in support of the application. It will also be our policy to attach appropriate conditions to any certificates we issue requiring the periodic submission of relevant data. This latter requirement will not only enable us to review the effect of our policy, but will insure that gas transported pursuant to any transportation certificates we issue will be used only for high priority uses.

#### SUMMARY

We emphasize that the implementation of this policy statement will not avert the shortfall of deliverable natural gas supplies, it will serve only to mitigate to a limited extent imminent and deepening curtailments of natural gas service. It is also essential that the supply of substitutable fuels and refined products be improved and sufficient quantities be made available to high priority industrial users which are unable to secure commitments of deliverable gas supplies for this forthcoming winter. This policy statement will not be implemented in a manner that will allow industrial customers to absorb all available onshore supplies of natural gas at the expense of the interstate pipelines, which must continue to

seek supplies for higher priority users and customers that do not have practical ability to utilize this procedure. Close attention must be accorded the question of whether a particular certification would result in diversion of gas from the interstate pipeline systems.

In summary, the application of this order will be limited as follows:

(1) Those persons who may purchase natural gas supplies pursuant to this order are commercial and industrial customers whose requirements are "large commercial requirements (50 Mcf or more on a peak day), [and] firm industrial requirements for plant protection, feedstock and process needs" classified as Priority 2 and 3 (only if such uses would be classified as Priority 2 if such purchase was not made on an interruptible basis) under § 2.78 (18 C.F.R. §§ 2.78(a) (2), (3)) for which there is no technically feasible alternate fuel (18 C.F.R. § 2.78(c) (10)).

(2) Certificated transportation will be authorized only for purchases for existing plants within the limits of delivery volumes below contract amounts between the purchaser and the transporting pipeline or the distributor, or volumetric requirements of the purchaser, whichever is lower.

(3) The industrial customer must reduce its takes under the curtailment plan of the transporting pipeline from day to day to the extent that the gas transported under RM75-25 exceeds the amount of curtailment experienced by that customer in the eligible Priority 2 and 3 categories.

(4) The industrial or commercial customer must actually be curtailed by its pipeline supplier (if a direct sale customer) or distributor (if a behind the city-gate customer) or must reasonably anticipate curtailment during the 1975-1976 winter heating season.

(5) The purchasers must file with this Commission in support of the transporting pipeline's application for a certificate of public convenience and necessity its gas purchase contracts including a concise summary of the terms of those contracts as to the price to be paid, the volumes to be delivered, the uses for which this gas will be consumed, and such other terms of the contract as may affect the public interest.

(6) The transporting pipeline must be curtailing deliveries of natural gas to its customers and have available unused capacity to transport natural gas supplies committed by eligible contracts executed between an industrial or commercial customer and an independent gas producer under the terms of this order.

(7) The transporting pipeline must file for and obtain a certificate of public convenience and necessity as issued by the Commission to transport the gas committed to purchases under this order.

The adoption and implementation of this order and policy statement will help achieve the goals of the Employment Act of 1946 to "promote free competitive enterprise and the general welfare, con-

ditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production and purchasing power" as well as the current objectives of the Congress and the Administration to increase productivity, to reduce inflation, and to alleviate unemployment.

#### CONCLUSION

We believe the Natural Gas Act empowers the Commission to issue this policy statement and to take implementing action thereunder. However, we are also mindful that our actions will probably be appealed through the Federal court system for further review. In the meantime the implementation of our policy may be placed in jeopardy at a crucial time to secure incremental gas supply for the interstate market to avert a potential calamity to our economic welfare this winter. Accordingly, we have submitted to the Speaker of the House and the President of the Senate a proposed draft bill basically declaratory of the policy herein expressed to eliminate any uncertainty generated by appeals as to our powers under the Natural Gas Act to take implementing action pursuant to our policy statement.<sup>15</sup>

The Commission further finds: (1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements thereof as prescribed in Section 553, Title 5 of the United States Code. Since the amendment prescribed here does not prescribe an added duty or restriction, compliance with the effective date requirements of 5 U.S.C. 553(d) is unnecessary.

(2) The amendment of Part 2, General Rules of Practice and Procedure, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations, § 2.79, Policy With Respect To Pipeline Transportation Agreements, as herein prescribed, is necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the modifications to the amendments prescribed herein which were not included in the notice of this proceeding are of a minor nature, and are consistent with the prime purpose of the proposed rulemaking, further notice thereof is unnecessary. However, to insure that all those persons who commented on our proposed policy (see Appendix B hereto), are given an adequate

<sup>15</sup> 60 Stat. 23 (1946); 15 U.S.C. 1021 (1970).

<sup>16</sup> Industries investing funds in securing committed gas supplies from independent producers under initiatives necessarily required to be taken forthwith to cope with the exigencies of limited gas supplies are entitled to Congressional sanction of the emergency actions undertaken by industrial users in reliance upon the validity of our interpretation of the Natural Gas Act.

opportunity to comment further on the modifications made herein, we will forward copies of this order to them.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly Sections 7, 15 and 16 thereof (52 Stat. 824, 825, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717f, 717h, and 717o) orders:

(A) Part 2 of the Commission's General Rules of Practice and Procedure, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding new § 2.79, as follows:

§ 2.79 Policy with respect to certification of pipeline transportation agreements.

(a) The national interest in the protection of natural gas service to consumers who use natural gas for high priority end uses during periods of curtailed deliveries by jurisdictional pipeline companies will be served by the Commission's accepting for filing and approving, if required by the present or future public convenience and necessity, applications for certificates of public convenience and necessity filed by natural gas companies to transport gas sold by producers of natural gas from both the onshore domain (both federal and non-federal) and/or the off-shore non-federal domain directly to non-resale industrial and commercial customers for Priority 2 uses or for those Priority 3 uses that would otherwise have been in Priority 2 had the gas been purchased on a firm basis.

(b) As used in this section, the term "natural gas company" is used to refer to any person engaged in, or who proposes to engage in, the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission under Section 1(b) of the Natural Gas Act and which has available unused capacity to transport such natural gas.

(c) As used in paragraph (a) of this section, Priorities 2 and 3 uses refer to the uses covered by Priorities 2 and 3 as set forth in § 2.78 of the Commission's General Policy and Interpretations, § 2.78 (a) for which there exists no alternate fuel capabilities, as defined in § 2.78(c) (10).

(d) This policy is not intended to apply to gas which is already committed to jurisdictional pipelines under an advance payment plan, or to gas sold by an affiliate of a jurisdictional pipeline, or to gas sold by a producing division of a jurisdictional pipeline.

(e) This policy is intended to apply only to those existing industrial and commercial consumers whose deliveries for the high priority uses specified in paragraph (a) of this section are curtailed because of curtailments by their jurisdictional pipeline supplier, or whose deliveries for such high priority uses are subject to imminent curtailment because of curtailments by their jurisdictional supplier, when no other reasonable method of averting an emergency exists; provided that, unless authorized to the con-

trary pursuant to paragraph (f) of this section the volume which is transported

was not secured as part of the pipeline's system gas supply:

(h) It will be our policy to attach as a condition to any transportation

Agway, Inc.

#### APPENDIX B

Rep. Gus Yatron  
Kansas, State Corporation Commission of

Louisiana, State of  
Michigan Public Service Commission  
South Dakota Public Utilities Commission



trary pursuant to paragraph (f) of this section, the volume which is transported shall be the lesser of existing contract quantities, or existing requirements, for high priority uses described in paragraph (a) of this section; provided further, That the gas which is transported shall not be used directly or indirectly to supply uses other than the high priority uses specified in paragraph (a) of this section.

(f) In those cases in which arrangements cannot be made to vary the volumes of gas transported as the level of curtailment of gas used for the high priority purposes specified in paragraph (a) of this section fluctuates, it will be our policy to issue transportation certificates upon the condition that the non-resale industrial or commercial consumer agree to reduce the volumes he would receive under the curtailment plan of his existing natural gas supplier(s) for the high priority uses specified in paragraph (a) of this section to the extent that the volumes of gas transported under the transportation certificate exceeds the volumes of curtailment experienced by that customer in the eligible Priority 2 or 3 categories.

(g) All applications for a transportation certificate must be accompanied by the following information in addition to any other information submitted in support of the application:

(1) Pipelines transporting gas pursuant to this policy must:

(i) Indicate volumes to be transported on a peak day, average day and annual basis;

(ii) Indicate the pipeline capacity available to perform the transport service on a peak day, average day and annual basis;

(iii) Indicate the impact of the proposed transport on the pipeline's ability to provide systemwide deliveries for Priority 1 requirements;

(iv) Provide a copy of the proposed transportation agreement, indicating the proposed transportation rate together with a breakdown and justification of the proposed rate level. Include therein, a comparison of existing transportation rates for comparable services;

(v) Provide a detailed explanation as to why the subject natural gas supply

was not secured as part of the pipeline's system gas supply;

(vi) Provide an analysis as to how the gas transported will modify curtailments during the period of the proposed transport to the direct industrial consumer and/or the distributor customers involved in the transaction;

(vii) Indicate the distributor's capacity to perform the transport service on a peak-day, average-day, and annual basis through the distribution system to the non-resale high priority industrial or commercial customer whose gas is being transported pursuant to this policy statement.

(2) Non-resale industrial and commercial consumers whose gas is transported pursuant to this policy must:

(i) Indicate volumes of natural gas to be purchased under the proposed transport on a peak day and average day for each month of the proposed transport period;

(ii) Indicate the proposed end-use of such consumption by end-use priorities contained in § 2.78(a) for each month;

(iii) Indicate the total end-use requirements for natural gas at the plant location which the transport gas will be used;

(iv) Indicate the availability of other sources of natural gas at this location. Specify daily contract volumes, type of contract and anticipated availability of natural gas from each source for the transport period and the end-use thereof;

(v) Provide a copy of the gas purchase contract with the producer underlying the proposed transport;

(vi) Provide a detailed description of the nature of the emergency necessitating authorization of the proposed transportation including but not limited to the curtailment anticipated with respect to each priority of end-use at the plant.

(3) The information required by paragraph (g) (2) (i-vi) of this section may be supplied by the applicant for a transportation certificate through submission of an appropriate affidavit from the non-resale industrial and commercial consumer whose gas is transported pursuant to this policy.

(h) It will be our policy to attach as a condition to any transportation certificate we issue the following conditions:

(1) For each certificated transportation arrangement the transporting natural gas company shall submit a monthly report to the Commission indicating the name of the producer, the point of delivery from the producer, the volumes transported, the point of delivery to the distributor and/or non-resale industrial or commercial consumer, the name of the distributor and/or ultimate non-resale industrial or commercial consumer.

(2) Each non-resale industrial or commercial consumer must provide the transporting natural gas company with a monthly report which shall be transmitted by the natural gas company to the Commission as an attachment to the report described in paragraph (h) (1) of this section. The report required by this subsection must contain the amount of natural gas consumed during the month covered by the report, the end-use of such consumption according to the end-use priorities contained in § 2.78, the amount of natural gas consumed from other sources during the month, the end-use of the gas from those other sources together with a list of those other sources.

(3) Any transportation certificate we issue pursuant to this statement of policy will be limited to a maximum term of two years which will cover two successive heating seasons.

(j) Nothing in this § 2.79 is intended to amend, modify, or in any way change any existing rule or regulation.

(B) The amendment provided for herein shall be effective as of the date of issuance of this order.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

Commissioner Springer, dissenting, filed a separate statement.<sup>10</sup>

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

<sup>10</sup> Filed as part of the original document.

APPENDIX A.—Projected priority 2 and 3 requirements and curtailments April 1975 through March 1976

Pipeline company	Total system requirements (1,000 M ft <sup>3</sup> )	Priority 2			Priority 3 <sup>1</sup>			Priority 2 and 3		
		Requirements (1,000 M ft <sup>3</sup> )	Percent of total requirements (3)+(2)	Curtailment (1,000 M ft <sup>3</sup> )	Requirements (1,000 M ft <sup>3</sup> )	Percent of total requirements (6)+(2)	Curtailment (1,000 M ft <sup>3</sup> )	Requirements (1,000 M ft <sup>3</sup> )	Percent of total requirements (10)+(9)	Curtailment (1,000 M ft <sup>3</sup> ) (5)+(8)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Texas Eastern Transmission Corp. <sup>2</sup>	919,292	314,999	34.2	131,818	7,290	0.8	7,290	321,989	35.0	139,108
Panhandle Eastern Pipe Line Co. <sup>3</sup>	794,912	126,687	15.9	39,787	26,379	3.3	18,034	263,066	12.9	55,771
Transcontinental Gas Pipe Line Corp. <sup>4</sup>	1,038,871	194,964	18.8	71,682	8,426	0.8	8,426	213,290	19.6	83,108
Columbia Gas Transmission Corp. <sup>5</sup>	1,435,714	373,422	26.0	173,673	1,854	0.1	1,854	375,276	26.1	175,617
Total	4,193,789	1,119,672	26.7	417,000	43,949	1.0	33,604	1,163,621	27.7	450,604

<sup>1</sup> Estimated priority 3 use which would otherwise have been considered in priority 2 had the gas been purchased on a firm basis.

<sup>2</sup> Serves Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Tennessee.

<sup>3</sup> Serves Illinois, Indiana, Kansas, Michigan, Missouri, Ohio, Oklahoma, Texas, and Ontario Province, Canada.

<sup>4</sup> Serves Alabama, District of Columbia, Georgia, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia.

<sup>5</sup> Serves Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

Source: FPC form 16 and evidence in existing curtailment proceedings.

## APPENDIX B

Agway, Inc.  
American Oilcan Tile Company, Inc.  
American Textile Manufacturers Institute, Inc.  
The Anasconda Company  
Anheuser-Busch, Inc.  
Armco Steel Corporation  
The Babcock & Wilcox Company  
Berry Energy Consultants & Managers, Inc.  
Senator Joseph R. Biden  
Keith C. Brown, Associate Professor of Economics, Purdue University  
Raul H. Castro, Governor of Arizona  
CF Industries, Inc.  
CF&I Steel Corporation  
Chevron Chemical Company  
Chicago Bridge & Iron Company  
Cooperative Federes de Quebec  
Corning Glass Works  
James Edwards (Governor of South Carolina)  
E. I. du Pont de Nemours & Company  
Woodrow R. Eshenaur  
Farmers Chemical Association, Inc.  
Farmers Petroleum Cooperative, Inc. and Farm Bureau Services, Inc.  
FOX, Inc.  
Felmont Oil Corporation and Agway, Inc.  
The Fertilizer Institute  
Ford Motor Company  
PS Services, Inc.  
Gardiner, Inc.  
The Gem City Engineering Co. (James R. Bramlage)  
General Motors Corporation and NABISCO, Incorporated  
Georgia Pacific Corporation  
Glen-Gery Corporation  
Gold Kist, Inc.  
Grocery Manufacturers of America, Inc.  
GTE Sylvaia Incorporated  
Thomas J. Haas  
Hoegaanes Corporation  
Holland Manufacturing Company  
Indiana Farm Bureau Cooperative Association, Inc.  
Intermountain Farmers Association  
Jones & Laughlin Steel Corporation  
Joint Energy Task Force of the Mohawk Valley Association for Progress and the Greater Rome Area Chamber of Commerce  
Joint Energy Task Force of the Manufacturers Association of Syracuse and the Greater Syracuse Chamber of Commerce  
Thomas H. Jenkins  
Krafco Corporation  
Land O Lakes, Inc.  
Robert Le May Associates-Consultants  
Marvin Mandel (Governor of Maryland)  
Maryland Group of Industrial Consumers of Natural Gas  
Monsanto Company  
National Distillers and Chemical Corporation  
Eric Noble  
Ohio Farm Bureau Federation, Inc.  
The Ohio Farmers Grain and Supply Association  
Ohio Manufacturers' Association  
Owens-Corning Fiberglass Corporation  
Owens-Illinois, Inc.  
Phoenix Steel Corporation  
The Pilgrim Glass Corporation  
Pittsburgh Tube Company  
PPG Industries, Inc.  
The Refractories Institute  
Reynolds Metal Company  
James A. Rhodes (Governor of Ohio)  
Southern States Cooperative, Inc.  
Standard Steel  
Stauffer Chemical Company  
Tennessee Farmers Cooperative  
Terra Chemicals International, Inc. and Farmland Industries, Inc.  
Sherman W. Tribbitt (Governor of Delaware)  
United States Gypsum Company  
United States Steel Corporation  
Western Farmers Association  
Westinghouse Electric Corporation

Rep. Gus Yatron  
Kansas, State Corporation Commission of the State of  
North Carolina Utilities Commission  
Office of Emergency Energy Assistance (Wisconsin)  
South Carolina Public Service Commission  
Shelby, North Carolina, City of  
South Carolina, Energy Management Office of the State of  
Spartanburg, South Carolina, State Development Board of  
Virginia, Commonwealth of  
Wisconsin, Public Service Commission of  
Cities Service Oil Company  
Mobile Oil Corporation  
Phillips Petroleum Company  
Shell Oil Company  
Southland Royalty Company  
Sun Oil Company (Delaware)  
Tenneco Oil Company  
Union Drilling, Inc.  
Union Texas Petroleum, a Division of Allied Chemical Corporation  
The Dayton Power and Light Company  
Delmarva Power & Light Company  
Eastern Shore Natural Gas Company  
El Paso Natural Gas Company  
Elizabethtown Gas Company  
Las Cruces, The City of  
The City of Long Beach (California) and the City of Long Beach Gas Department  
Memphis Light, Gas and Water Division  
Niagara-Mohawk Power Corporation  
Northern Natural Gas Company  
Penn Fuel Gas, Inc.  
Southern California Edison Company  
Transcontinental Gas Pipe Line Corporation  
United Gas Pipe Line Company  
Algonquin Gas Transmission Company  
Arizona Public Service Company  
Associated Gas Distributors  
Columbia Gas System Companies  
Louisiana Power & Light Company  
Missouri Power & Light Company  
Panhandle Eastern Pipe Line Company and Trunkline Gas Company  
Public Service Company of Colorado  
San Diego Gas & Electric Company  
Tennessee Gas Pipeline Company, a Division of Tenneco Inc.  
Arkansas Louisiana Gas Company  
Cascade Natural Gas Corporation  
Cincinnati Gas & Electric Company, et al.  
Fort Pierce Utility Authority of the City of Ft. Pierce (et al.) (Florida Cities)  
Indiana Gas Company, Inc.  
Michigan Consolidated Gas Company  
Michigan Gas Utilities Company  
Michigan Wisconsin Pipe Line Company  
Mid Louisiana Gas Company  
Montana-Dakota Utilities Co.  
Natural Gas Pipeline Company of America  
Northern Illinois Gas Company  
Pacific Gas and Electric Company  
The Peoples Gas Light and Coke Company  
Southern California Gas Company  
Southern Union Gas Company  
Tennessee Natural Gas Lines, Inc.  
Wisconsin Gas Company  
James Abourezk (D., S. Dak.), George McGovern (D., S. Dak.) and Representatives Joseph Addabbo (D., N.Y.), Anthony Moffett (D., Conn.), John Moss (D., Calif.), John Conyers (D., Mich.), Robert Drinan (D., Mass.) and Michael Harrington (D., Mass.)  
The People of the State of California and the Public Utilities Commission of the State of California  
Circle Pines, Minnesota, City of  
Coastal Farms, Inc.  
Consumer Federation of America and The American Public Gas Association  
Consumers Union  
Illinois Commerce Commission  
Kanco Tech, Inc.

Louisiana, State of  
Michigan Public Service Commission  
South Dakota Public Utilities Commission  
Wyoming Public Service Commission  
Rep. John E. Moss, Chairman, Oversight and Investigations Subcommittee, House of Representatives, Congress of the United States  
Baltimore Gas and Electric Company  
The Brooklyn Union Gas Company  
New Jersey: Governor Brendan Byrne, The New Jersey Board of Public Utility Commissioners and The State of New Jersey Public Service Commission of the State of New York  
Public Utilities Commission of Ohio  
Tennessee Public Service Commission  
Laclede Gas Company  
Julian M. Carroll (Governor of Kentucky)  
[FR Doc.75-23691 Filed 9-8-75; 8:45 am]

[Docket No. R-393; Opinion No. 742]

## PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

## Small Producer Regulation

August 28, 1975.

The Commission, on September 9, 1974, issued a Notice of Proposed Rulemaking in this proceeding (39 FR 33241, September 16, 1974) proposing to establish a just and reasonable rate differential for sales made by small producers pursuant to the blanket certificate procedure set forth in Order No. 428, 45 FPC 454, above the base rate (exclusive of provisions for production, severance, or similar tax reimbursement, gathering allowances, or quality adjustments) established for large producers in a Commission order of general applicability. The Commission explained in that Notice the cost and non-cost considerations which in its tentative view supported the establishment of a differential for small producers.

Sixty-six initial comments and ten reply comments were received from sixty-eight companies, individuals, associations, and other groups. Large producers filed sixteen comments and two reply comments; small producers and producer associations filed twenty-seven comments and three reply comments; interstate pipelines filed twelve comments and one reply comment; gas distributors filed four comments and two reply comments; two consumer groups each filed an initial comment; and, federal officeholders filed five comments and two reply comments.

Certain Members of Congress requested the opportunity to cross-examine all witnesses upon which the Commission may rely in this case with respect to small producer costs.<sup>1</sup> In Opinion No. 699 issued June 21, 1974, in Docket No. R-389-B, we discussed at length the use of

<sup>1</sup> Senator Abourezk, Representatives Addabbo, Ashley, Brown, Jr., Conyers, Jr., Delums, Drinan, Harrington, Hechler, Holtzman, Kastenmeier, Lent, Moakley, Stark, Jr., Stokes, Sullivan, and Tiernan.

rule-making procedures in rate cases and covered reservoirs are to be found. The premised upon an assumed capital struc-

depending on sale involved) established either in each individual pipeline case or to the rulemaking proceeding in Docket whether, except in isolated situations, this alleged advantage would make any



rule-making procedures in rate cases and the lack of need for a formal hearing with oral cross examination there. We adopt that discussion here, and based thereon, we deny the request for cross-examination.

The Public Service Commission of the State of New York (PSCNY) suggested that, in lieu of a percentage differential, we should establish a specific rate differential in cents per Mcf for small producers. PSCNY questions the need for giving small producers a multiple of the base rate to the extent the base rate includes non-cost allowances for incentive or revenues for reinvestment. While non-cost factors, of course, are taken into consideration in determining the base rate in area or national rate cases, they are not always severable from cost factors. As the Commission indicated in Opinion No. 555, 45 FPC 674, 705, "we have not attempted the quantification of any non-cost factors, but rather have attempted to define cost in economic terms to include such considerations as the incentive necessary to elicit additional supplies of natural gas, competitive consequences upon the industry and the need for adequate capital to finance further exploration and development."<sup>2</sup> Moreover, contingent escalations, a non-cost incentive utilized in some area rate cases, are of little importance now in the light of our subsequent determination in Opinion No. 699, as amended, to establish a national new gas ceiling, in lieu of the various area ceilings previously in effect. One of the important advantages of the percentage approach is that it can be applied to each rate case of general applicability decided by the Commission in the past as well as in the future. While the percentage we determine here will not be necessarily a perpetually applicable determination, we do not intend to review it as often as the nationwide rate redeterminations. We conclude, therefore, that the percentage approach is more appropriate.

We pointed out in the September 9 notice the difficulties involved in quantifying the differential in small producer and large producer costs. The difficulties are still apparent.

The single most significant element in new gas costing is the productivity of successful wells in Mcf of reserves added per foot drilled. The productivity factor for small producers is probably lower than that for the larger producers. Small producers have relatively fewer offshore interests and the available evidence suggests that average offshore productivity is significantly higher than average onshore productivity. Further, in the onshore areas, small producers frequently operate properties on farm-out arrangements with the large producers. It is inevitable that the farm-out properties are more marginal than average. Finally, small producers ordinarily do not have the resources to finance the deeper and much more expensive wells from which the larger remaining undis-

covered reservoirs are to be found. The level of the productivity differential for small producers, however, is not quantified in the record.

Various studies also suggest that small producers are involved principally in exploratory, wildcat drilling and that a majority of the exploratory wells are drilled by small producers.<sup>3</sup> The ratio of allocated dry hole footage to successful gas well footage for the industry as a whole is approximately 1:1. That ratio is implicit in the dry hole allowance in the new gas costing methodology (Opinion 699). It is clear that the ratio is higher for the segment of the industry whose activity is weighted toward exploratory drilling. That fact could affect the small producer cost in two respects. First, it renders the small producer business more risky, a matter that will be considered in reference to the rate of return allowance. Second, the higher dry hole ratio could lead to an upward revision in the dry hole allowance. On the other hand, the dry hole drilling costs per foot are significantly greater for the deeper wells and for the offshore. The small producers do little drilling offshore and the average producer well onshore is probably drilled to a depth less than the industry average. Thus, the impact of a higher ratio of dry holes may be partially or wholly offset by a lesser average cost per foot. The record does not provide the basis for conclusive judgment.

Other factors suggest a higher rate for small producers. The large companies produce most of the condensate, a fact that suggests that the net liquid credit for small producers should be less. The prominence of the farm-out arrangements in the small producer segment of the industry and the concomitant overriding royalty would support a higher royalty allowance for small producers. The small producers do not have the capital to finance the purchase and warehousing of large quantities of tubular goods and, consequently, must often pay higher prices for these items. Small producers that do not operate as drillers often must pay premium rates to the drilling contractor. But again, these increased cost elements are not quantified in the record and may be offset in whole or part by the fact that small producers incur less than average direct lease acquisition and other exploratory costs.

Exploratory and wildcat drilling is inherently more risky than developmental drilling. The small producers, consequently, have a higher risk factor than the large producers. The significance of that risk is enhanced by the limited risk-spreading capability and a relatively weaker credit standing of smaller enterprise. Risk assessment is a key factor in establishing a rate of return for regulated enterprise and we find that the small producers are entitled to a higher rate of return allowance than that applicable to the industry as a whole. The rate of return allowance in Opinion No. 699 was

premised upon an assumed capital structure of 76% common equity and 24% long-term debt. The long-term debt was assigned a cost of 6.25% and the equity was allowed 17.73%. Most small producers are probably nearer to 100% equity financed and any supplemental debt financing undoubtedly is principally short-term and carries a substantially highest cost than 6.25%. While generally it is assumed that the equity investor's risk declines as the equity ratio is increased, the effect has a marginal range within which to operate, given the already high ratio assumed for the industry as a whole, and the effect is more than outweighed by the increased risk of the small producer ventures. We find that the combined risk increase, higher equity financing, and greater debt cost for small producers justifies an allowance for overall rate of return higher than the 15% that was found appropriate for the nationwide rate in Opinion No. 699.

We find also that a higher rate of return for small producers is justified as a means of encouraging new entrants in the industry. The number of producers in the oil and gas industry has declined dramatically in the past twenty years.<sup>4</sup> The resultant decline in exploratory capacity can be ill afforded concurrently with declining reserve additions.

An increased rate of return for small producers is amply justified; the level, however, is largely a matter of judgment. We find that at least a 20% rate of return is necessary to respond to the justifications.

Application of the Opinion No. 699-H DCF analysis with a 20% rate of return results in an increase of the high range rate of 51.46% to 67.6%,<sup>5</sup> a 31.5% increase. Since producer ratemaking does not yield precise absolutes, an increment of 30% of the nationwide or other base rate would provide a proper allowance for small producers.

We find that the record thus far compiled does not provide an adequate statistical basis from which to quantify variances of the direct costs of small producers from the average direct costs for the industry that formed the basis for the Opinion No. 699 nationwide rate. While this proceeding will be closed with the issuance of this Order, the Commission will monitor any additional small producer cost data that may become available in the future. In the meantime, however, we find from the record evidence and applied judgment that the increased rate of return allowance for small producers is justified and that, therefore, the just and reasonable differential for small producers should be 130 percent.

In determining the just and reasonable rate for small producers, the 130% differential determined herein should be multiplied by the applicable base rate ceiling (e.g., flowing or new gas ceiling

<sup>4</sup> The number of operating producers in the oil and gas industry has declined from approximately 12,000 in 1958 to about 5,600 in 1972, according to the Census of Mineral Industries.

<sup>5</sup> See Appendix A.

<sup>2</sup> See also *Permian Area Rate Case*, 390 U.S. at 815.

<sup>3</sup> See Comments, Office of Governor, State of Texas.

depending on sale involved) established by the Commission in an order of general applicability (e.g., an area or national rate order). The resulting rate would then be subject to gathering charges, quality adjustments, tax reimbursement, Btu adjustments, and any other adjustments, to the extent applicable to the sale and permitted or required under the particular order of general applicability involved. The total rate thus reached as a result of the 130% differential and the various adjustments thereto would be the just and reasonable rate for the small producer sale.

The 130% differential does not apply, as requested by TIPRO, to the minimum rate levels which have been established in certain area rate cases. We are not concerned here with contracts where the small producer is limited to a price below that authorized by this order as just and reasonable. Our purpose is to establish a just and reasonable rate ceiling, not a floor, for small producers.

The Commission finds that an area rate clause in a small producer contract does provide sufficient contractual authority for a small producer to collect a rate determined in accordance with the provisions of this order. We shall also amend § 157.40(e) relating to the use of indefinite pricing provisions in small producer contracts so as to permit small producers to collect the just and reasonable rate determined here pursuant to such provisions. As we did in Order No. 455, 48 FPC 218, we shall provide that escalation clauses in existing contracts of those producers not holding small producer certificates shall not be triggered as a result of the action taken here with respect to small producer sales.

We agree with Tennessee that the price standards referred to in the September 9 Notice, footnote 19, for determining whether a rate in excess of the rate established here is just and reasonable and, thus, includable in a pipeline's cost of service should be included in the regulations. This order will so provide. Such standards will apply to existing as well as new contracts involving small producers.

United Gas Pipe Line Company (United) contends that where a small producer is collecting a rate under an existing contract in excess of the just and reasonable rate, the small producer should be required under Section 5 of the Natural Gas Act to reduce its rate. Otherwise, United argues, the pipeline would be penalized ad infinitum for paying an above-ceiling rate. El Paso, on the other hand, contends that pipeline purchasers should not be required to absorb purchased gas costs with respect to above-ceiling purchases from small producers under existing contracts because the rules have changed since the issuance of Order No. 428. As we indicated in the September 9 Notice, we do not intend to require small producers to make refunds of above-ceiling rates for sales made pursuant to temporary or permanent certificates under Order No. 428.<sup>6</sup> The Section 5 question, however, will be decided

<sup>6</sup> See *F.P.C. v. Texaco, Inc., et al.*, 417 U.S. 380 (1974).

either in each individual pipeline case or in the rulemaking proceeding in Docket No. RM78-5, relating to our proposal to require small producers prospectively to reduce their rates to the applicable just and reasonable ceiling established in this proceeding. The arguments advanced by El Paso should be taken into consideration in pipeline rate cases in determining whether to allow a pipeline to recover above-ceiling rates paid to small producers under existing contracts.

We reject the suggestion advanced by Pacific Gas Transmission Company that affiliates of pipelines be treated as small producers where applicable. The rationale underlying the treatment of small producers has no applicability to pipeline affiliates. See Order No. 308, 34 FPC 1202, 1203. Nor is there adequate merit to the suggestion of Mapco and Tricentrol that the 10 million Mcf cutoff between large and small producers be increased. We believe the 10 million Mcf cutoff figure is the most appropriate limitation. See Order No. 308, 34 FPC at 1202.

We also reject the contention of Bruce Anderson, et al., that pipelines should be permitted to pay small producers (and include such payments in their cost of service rates) not only the just and reasonable rate determined herein, but also the rates as high as those authorized under Order Nos. 431 (limited-term certificate) and 455 (optional procedure). Rate determinations made under Order Nos. 431 and 455 are applicable only to the specific cases under consideration, and, thus, would have no general applicability to small producers. If small producers wish to seek treatment under those orders, they must apply therefor.

In view of the Court's ruling in *F.P.C. v. Texaco, Inc., et al.*, 417 U.S. 380 (1974), that it is proper to establish "one level of just and reasonable rates for small producers and another for large producers", there is no need to discuss the general allegations of undue discrimination advanced by certain large producers. The risk and operating differentials of small producers support the classification. They also claim, however, that our proposal will create royalty, joint leasing and state tax problems. But, these problems presumably have been in existence for some time inasmuch as producers for years have been selling gas from the same stream at different prices. The effect, if any, of our action here on these problems is highly speculative at this juncture and depends on a variety of factors. In any event, this is not the appropriate case to resolve such matters. However, a producer may seek appropriate relief from this Commission if it is faced with a specific problem in this regard.

We do not believe, as some large producers have asserted, that small producers will acquire an unfair advantage with respect to the acquisition of leases because they may receive a higher rate for the sale of their gas. In light of the inherent advantages a large producer has over a small producer,<sup>7</sup> it is doubtful

<sup>7</sup> *Permian Basin Area Rate Cases*, 390 U.S. 747, 784-87.

whether, except in isolated situations, this alleged advantage would make any significant difference in the acquisition of leases.

United and PSCNY have pointed out, quite properly, that § 157.40(f) relating to filings by large producers with respect to the resale of gas purchased from small producers should be modified in accordance with *F.P.C. v. Texaco, Inc., supra*, and we shall so modify that section. In judging whether to suspend such a large producer filing, we will be guided by our determination here as to the just and reasonable rate for a small producer sale and the size of the differential between the purchase price from the small producer and the resale price by the large producer. If a proposed rate is suspended because the small producer price exceeds the just and reasonable rate established in this case, then the same standards will apply in determining whether to allow a large producer to recover such costs as apply to similar pipeline purchases. And, if a proposed rate is suspended because of the differential between the purchase and resale price, we will determine the just and reasonable differential.

Contrary to Phillips' contention, the record in this case does not provide in our view an adequate basis for making a *Sierra* finding<sup>8</sup> which would authorize a processor who is an intermediate purchaser from a small producer to collect for the resale of such gas a rate in excess of its resale contract rate at a level that would permit the processor to recover the price paid to the small producer (up to the just and reasonable rate determined here) plus the customary differential between its purchase price and its resale price.<sup>9</sup>

We agree, however, with Gulf that where a processor has an area rate clause in its resale contract, such a clause provides sufficient contractual authority for the processor to collect for such resale the rate charged by the small producer as long as such rate does not exceed the just and reasonable rate authorized herein for small producers. But there is no basis in this record for allowing under such an area rate clause, as Skelly contends, a processor to file for the normal contract price differential between the purchase and resale price. The Commission lacks knowledge of what the normal differential is, let alone whether that differential is just and reasonable. However, if a producer has a contractual right to make a filing, we will at that time decide whether to accept or suspend the filing, and if it is suspended because of the differential between the purchase and resale price, we will then determine whether the differential is just and reasonable.

Phillips urges us to amend our regulations so as to allow the large producer

<sup>8</sup> *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348.

<sup>9</sup> Our refusal to make such a general finding does not preclude a large producer from seeking individual relief under *Sierra* if it can show entitlement thereto.

who seeks to purchase gas from a small

(f), and by adding paragraph (i) to read

lated contract for the resale of any nat-

COMPUTATION OF RETURN ON INVESTMENT AND ROYALTY

fected by the order to file objections to it and request a hearing.

quintuplicate and should specify both the provisions of the regulation deemed applicable and the grounds for seeking individual relief under *Sierra* if it can show entitlement thereto.



who seeks to purchase gas from a small producer to commence deliveries immediately and then advise us of such action. In support thereof, Phillips claims that while a pipeline may negotiate a purchase contract with a small producer and accept deliveries immediately under budget type arrangements, a large producer before it can accept deliveries must (1) negotiate a new resale contract with its pipeline purchaser, (2) file the new contract, together with a certificate application to resell such gas, and (3) await Commission action with respect to such application.

In Order No. 428-B, 46 FPC 47, 48, we eased the requirements relating to certificate applications so that a large producer could commence its sale immediately upon the filing of a certificate application when reselling gas purchased from a small producer.<sup>5</sup> Consequently, contrary to Phillips' third point, there is no need for a large producer to await Commission action. Moreover, even under Phillips' proposal, a large producer would still have to negotiate a new resale contract. There, thus, is no merit to its first point. The only point of any substance to which Phillips has alluded is that a large producer is required to file its resale contract and certificate application. Such a requirement, we think, is plainly reasonable. We, therefore, decline to amend the regulations in the manner requested by Phillips.

We also decline to increase the interests of large producers which may be covered by a small producer certificate under § 157.40 (a) (3) from 12½ percent to 50 percent, as requested by Cabot. Adequate justification has not been shown for taking such action.

#### The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding through the submission, in writing, of data, views, comments, and suggestions are in accordance with all procedural requirements therefor as prescribed in Section 553, Title 5 of the United States Code.

(2) The action taken herein is necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the additional amendments to Section 157.40 of the Commission's Regulations Under the Natural Gas Act prescribed herein are consistent with the prime purpose of the proposed rulemaking, further notice thereof is unnecessary.

(4) In view of the purpose, intent, and effect of the amendments herein ordered, good cause exists for making the amendments effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly Sections 4, 5, 7, and 16 (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o), orders:

(A) Section 157.40 in Part 157, Subchapter E, of Chapter I, Title 18 of the Code of Federal Regulations is amended by revising paragraphs (c), (e), and

(f), and by adding paragraph (i) to read as follows:

§ 157.40 Exemption of small producers from certain filing requirements.

(c) *Rate and Certificate Regulation under blanket certificate.* Small producers certificated hereunder shall be authorized to make small producer sales nationwide pursuant to existing and future contracts at the price specified in each such contract. If the contractually authorized rate does not exceed 130 percent of the Commission-determined base ceiling rate applicable to a comparable large producer sale, subject to any adjustments permitted or required under the particular order of general applicability involved, the rate may be charged and received by the small producer and paid by the purchaser, as the lawful, just and reasonable rate approved by the Commission pursuant to sections 4, 5, and 7 of the Act. However, no small producer shall be relieved from compliance with section 7(b) of the Natural Gas Act with respect to any small producer sale regulated hereunder. Rate regulation as prescribed herein shall not apply to any jurisdictional sales made by a small producer where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer. Nothing done hereunder shall be recognized by the Commission as triggering any escalation clause in an existing contract involving a producer not covered by a small producer certificate, except as provided in paragraph (f) of this section.

(e) *Limitation on contractual provisions.* No Small Producer granted exemption under subparagraph (c) above shall charge or collect any rate for a small producer sale of natural gas in excess of the just and reasonable rate prescribed in that paragraph, where the contractual right to such rate is based upon any contractual provision which would not be permitted by paragraphs (a), (b), (b) (1), and (c) of § 154.93. For the purpose of this limitation, it shall make no difference whether the contract was executed prior to or subsequent to April 3, 1962.

(f) *Filings by large producers with respect to related resales.* A large producer may file for the price specified in its re-

lated contract for the resale of any natural gas sold to it by a small producer pursuant to the exemption authorized hereunder. In determining whether to accept or suspend such a filing, we shall be guided by the just and reasonable rate for small producers established in paragraph (c) of this section and the size of the differential between the purchase and resale price. In the event the proposed rate is suspended because of the rate level paid to a small producer, the same standards set forth in paragraph (i) of this section with respect to pipeline purchases shall apply to the purchase by the large producer. A large producer under an area rate clause in its resale contract may file for the rate paid by it for gas purchased from a small producer as long as the rate does not exceed the just and reasonable rate prescribed in paragraph (c) of this section.

(i) *Pipeline purchases.* If a pipeline company purchases gas from a producer who is selling such gas pursuant to a small producer certificate at a rate in excess of the just and reasonable rate established in paragraph (c) of this section, then the pipeline purchaser must show that the rate paid to the small producer is just and reasonable before it may include any amount in excess of the just and reasonable rate in paragraph (c) of this section in its cost of service. In determining whether the small producer's rate is just and reasonable in such a situation, the Commission will consider all relevant factors including (1) producer's cost, (2) the pipeline's need for gas, (3) the availability of other gas supplies, (4) the amount of gas dedicated under the contract, (5) the rates of other recent small producer sales previously approved for flow through and (6) comparison with appropriate market prices.

(B) The amendments adopted herein shall be effective upon issuance of this order.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER. Chairman Nassikas, dissenting, filed a separate statement.<sup>11</sup>

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

<sup>11</sup> Filed as part of the original document.

#### APPENDIX A.—Computation of return on investment and royalty

[Computations for trended data at 20 percent rate of return]

Component	Year	Value	Tax credit	Net investment (value less tax credit)	Present value (time=0.5) <sup>1</sup>
Other exploration.....	-3	2.80	1.270	1.533	2.6317
Exploration overhead.....	-3	0.83	0.379	0.446	0.7707
Lease acquisition.....	-2	4.28	(0)	4.28	6.1632
Dry hole.....	-1	3.72	1.786	1.934	2.3213
Successful well and recompletions.....	-1	6.35	2.134	4.216	5.0992
Other production facilities.....	-1	1.39	0	1.39	1.6680
Lease acquisition tax credit.....	-1		1.540	-1.540	-1.8480
Total.....		19.36	7.1109		16.7661

<sup>1</sup> Net investment times applicable compound discount factor at 20 percent (time=0.5).

<sup>2</sup> The lease acquisition tax credit is taken in year -1.

Note.—All calculations in this appendix are based on methodology in Commission opinion No. 696 H, issued Dec. 4, 1974, app. C, sheets 6 and 7.

FEDERAL REGISTER, VOL. 40, NO. 175—TUESDAY, SEPTEMBER 9, 1975

The data submitted in the petition and other relevant material have been eval-

U.S.C. 141). The amendment was proposed by notices of March 6, 1975 (40

period before issuance of this notice to conform to section 658.7. States that have

#### COMPUTATION OF RETURN ON INVESTMENT AND ROYALTY

(COMPUTATIONS FOR TRENDED DATA AT 20 PERCENT RATE OF RETURN)

Computation of net cash flow:

Price.....	\$
Less royalty.....	-0.16x
Less operating expense.....	-3.10
Less interest on working capital.....	-1.67
Less regulatory expense.....	-20
Less tax liability to offset tax credit.....	-7.1109
Plus net liquid credit.....	+3.89
Total.....	.84x-8.1909

Notes.—At the midpoint of the 1st production year the present value of the net cash flow plus the present value of the 14/M ft<sup>3</sup> annual escalation must equal the present value of the net investment.

From opinion No. 699 (app. H, case II and III):

$$16.7661 = ((0.84x - 8.1909) \times (1/18)) \times 5.774635 + ((0.84/18) \times 24.816566)^2$$

$$x = 67.87/M ft^3$$

[FR Doc. 75-23892 Filed 9-8-75; 8:45 am]

#### Title 21—Food and Drugs

#### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75N-0138; DESI 8924]

#### PART 452—MACROLIDE ANTIBIOTIC DRUGS

##### Erythromycin-Neomycin Sulfate Ointment; Confirmation of Effective Date of Order Revoking Certification Provision

An order (DESI 8924, Docket No. FDC-D-709 (now Docket No. 75N-0138); NDA 8-924) was published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35648), revoking § 452.510b *Erythromycin-neomycin sulfate ointment* (21 CFR 356.510b). The drug product has been used to treat local infections. The opportunity was given to any person adversely af-

<sup>1</sup> Calculation of present worth for net cash flow over next 17 years—formula<sup>1</sup> p. 3 of app. H, opinion No. 699, expressed at 20 percent.

$$\sum_{t=0}^{17} \left( \frac{1}{1.20} \right)^t = \frac{1.20 - \left( \frac{1}{1.20} \right)^{17}}{0.20} = 5.774635$$

<sup>2</sup> See the following table:

Year	Discount factor at 20 percent (b)	Discounted net cash flow (a) × (b)
1.....	0.833333	0.833333
2.....	.694444	1.388888
3.....	.578704	1.736112
4.....	.482253	1.920012
5.....	.401876	2.009390
6.....	.334986	2.009388
7.....	.279069	1.953574
8.....	.232558	1.862544
9.....	.193797	1.744263
10.....	.161505	1.615050
11.....	.134688	1.480485
12.....	.112157	1.343864
13.....	.093494	1.215032
14.....	.077858	1.090404
15.....	.064905	.973575
16.....	.054088	.865408
17.....	.045073	.766241
Total.....		24.616566

fected by the order to file objections to it and request a hearing.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendment promulgated thereby became effective November 12, 1974.

Dated: September 2, 1975.

SAM D. FINE,  
Associate Commissioner for Compliance.

[FR Doc. 75-23840 Filed 9-8-75; 8:45 am]

[FRL 427-3; FAP5H5091/T4]

#### PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEED ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

N-(2,4-dimethylphenyl)-N-[[2,4-dimethylphenyl]imino]methyl]-N-methylmethanimidamide

On June 17, 1975, notice was given (40 FR 25624) that the Upjohn Co., Kalamazoo MI 49001 had filed a pesticide petition (FAP 5H5091) with the Environmental Protection Agency (EPA). This petition proposed establishment of a feed additive tolerance for residues of the insecticide N-(2,4-dimethylphenyl)-N-[[2,4-dimethylphenyl]imino]methyl]-N-methylmethanimidamide and its metabolites N-(2,4-dimethylphenyl)-N-methylmethanimidamide and N-(2,4-dimethylphenyl) formamide in or on citrus pulp at 3 parts per million resulting from application of the fungicide to growing grapefruit, lemons, oranges, and tangerines in accordance with an experimental use permit issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

The original petition included the citrus fruit tangelos, but in accordance with 40 CFR 180.1(h), this commodity is included under the general raw agricultural commodity category tangerines.

The data submitted in the petition and other relevant material have been evaluated. Residues of the insecticide will result in citrus fruit from uses as provided for by the experimental use permit issued under FIFRA, and therefore, a tolerance is being established to coincide with this use and to protect the public health. (A related document concerning the establishment of temporary tolerances for residues of the insecticide in or on the raw agricultural commodities listed above as well as the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, and in milk, also appears in today's FEDERAL REGISTER).

Any person adversely affected by this regulation may, on or before October 6, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in

quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective September 9, 1975, Part 561, Subpart A, is amended by adding § 561.195 to read as follows.

Dated: September 2, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

(Section 409(c) (1) & (4) of the Federal Food, Drug and Cosmetic Act [21 U.S.C. 348(c) (1) & (4)] transferred to the Administrator EPA in Reorganization Plan No. 3 (35 FR 15623))

Part 561 is amended by adding the new § 561.195 as follows.

§ 561.195 N-(2,4-dimethylphenyl)-N-[[2,4-dimethylphenyl]imino]methyl]-N-methylmethanimidamide.

A temporary tolerance is established for residues of the insecticide N-(2,4-dimethylphenyl)-N-[[2,4-dimethylphenyl]imino]methyl]-N-methylmethanimidamide and its metabolites N-(2,4-dimethylphenyl)-N-methylmethanimidamide and N-(2,4-dimethylphenyl) formamide in citrus pulp at 3 parts per million resulting from the application of the insecticide to grapefruits, lemons, oranges, and tangerines. Such residues may be present therein only as a result of application of insecticide in an experimental use program which expires September 2, 1976. Residues not in excess of this tolerance remaining after expiration of this experimental use program will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit/feed additive tolerance.

[FR Doc. 75-23815 Filed 9-8-75; 8:45 am]

[FRL 427-6; FAP5H5086/T3]

#### PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

O-Ethyl S,S-Diphenyl Phosphorodithioate

On June 12, 1975, notice was given (40 FR 25081) that Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120, had filed a pesticide petition (FAP 5H5086) with the Environmental Protection Agency (EPA). This petition proposed establishment of a feed additive tolerance for residues of the fungicide O-ethyl S,S-diphenyl phosphorodithioate in or on rice hulls at 0.3 part per million resulting from the application of the fungicide to growing rice in accordance with an experimental use permit issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

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observance of the speed limit, the U.S. Department of Transportation does not

state urban, other multi-lane divided rural and urban, major nondivided rural,

eral public. The record was held open until August 29, 1974, to permit submission



The data submitted in the petition and other relevant material have been evaluated, and it has been concluded that the tolerance will protect the public health and should therefore be established as set forth below. (A related document concerning the establishment of a temporary tolerance for rice grain also appears in today's FEDERAL REGISTER.)

Any person adversely affected by this regulation may on or before October 9, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St., SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in triplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on the date of signature Part 561 is amended by adding § 561.231 to read as follows:

Dated: September 2, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

(Section 409(c) (1) & (4) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 348 (c) (1) & (4)] transferred to the Administrator EPA in Reorganization Plan No. 3 (35 FR 15623))

Part 561 is amended by adding § 561.231 to read as follows:

§ 561.231 O-ethyl S,S-diphenyl phosphorodithioate.

A tolerance of 0.3 part per million is established for O-ethyl S,S-diphenyl phosphorodithioate in or on rice hulls. Such residues may be present therein only as a result of application of the fungicide in an experimental use program which expires July 24, 1976. Residues not in excess of this tolerance remaining in or on rice hulls after expiration of this experimental use program will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit/feed additive tolerance.

[FR Doc.75-23988 Filed 9-8-75; 8:45 am]

#### Title 23—Highways

#### CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-4; Notice 4]

#### PART 658—NATIONAL MAXIMUM SPEED LIMIT; MAXIMUM VEHICLE SIZE AND WEIGHT

##### Certification of Speed Limit Enforcement

This notice amends 23 CFR Part 658 by adding section 658.7, relating to State certification of the national maximum speed limit pursuant to section 107 of the Federal-Aid Highway Amendments of 1974, Pub. L. 93-643, 88 Stat. 2281, (23

U.S.C. 141). The amendment was proposed by notices of March 6, 1975 (40 FR 10481) and June 9, 1975 (40 FR 24532).

After review of the comments to the June 9 notice, it has been decided to issue section 658.7 in the form proposed in that notice. Although several of the comments contained useful remarks, as more fully discussed hereafter, none was found to require substantive changes in the proposal.

Most of the comments focused on subsections (c) and (d) of the proposal. With regard to subsection (c)(1), the Nebraska Department of Roads pointed out that the former notice had referred to the "approximate" road mileage having the 55 mph limit, but that the June 9 notice had omitted "approximate." The Department of Roads stated that if precise mileage were to be required, the measurement procedure would be impractical due to the need to measure the length of each reduced speed zone. The Federal agencies agree that such exacting measurement would be burdensome and do not intend the States to take such pains in their measurement. It is expected, however, that the tabulations will be as close to the true total as feasible. The same applies for all the informational requirements of section 658.7.

In a related comment on subsection (c), the West Virginia Department of Highways asked whether unposted roads would have to be included in the total mileage if their geometry does not "allow" speeds as high as 55 mph. The reference in subsection (c) (1) to roads with posted or "allowable" speeds of 55 mph refers to legal allowability, not to speed restrictions due to road geometry. The mountainous roads cited by West Virginia should therefore be included in the (c) (1) total. However, the State would be free to indicate what part of its (c) (1) mileage consists of roads that are not capable of being traveled at 55 mph. West Virginia also asked whether turnpikes and other toll roads should be included for purposes of road mileage calculation. Such highways must be included in all the informational requirements of this section.

Even though the requirement to submit the number of warnings issued has been removed, several States indicated their desire to submit this information in support of their enforcement efforts. Additional information, beyond the certification requirements, may be submitted if States desire to do so.

In commenting on subsection (c) (4), the Colorado Department of Highways suggested that the "citations issued by State agencies" should be the citations issued on the State roads whose mileage was submitted pursuant to subsection (c) (1). This is a correct reading of (c) (4). Colorado also stated that submission of data for the period going back to September 30, 1974, would be difficult because the procedures of 23 CFR Part 658 would not have been followed for most of that period. The Federal agencies are aware of this difficulty and are not requiring the data collected for the

period before issuance of this notice to conform to section 658.7. States that have data available, however, are urged to submit information for the entire 12-month period. The information for the year prior to the year upon which certification is made might also be submitted, if available, for comparative purposes. The same holds true for the informational requirements in subsection (d).

Several comments noted the statement in the preamble to the June 9 notice that the Federal agencies were preparing statistical guides for the States to use in developing their speed monitoring programs. It is recognized that insufficient time is available for the States to develop and implement a statistically valid speed monitoring procedure and to report the results as part of the January 1, 1976, certification. Data obtained via less sophisticated procedures will suffice for the certification due January 1, 1976. However, subsequent certifications should be based upon the results of fully implemented, statistically valid speed monitoring procedure. The Federal Highway Administration will issue a Procedural Guide for Speed Monitoring. The Procedural Guide will contain criteria that States should follow when monitoring speeds. Additionally, the Procedural Guide will contain a statistical sampling procedure that should produce statistically valid data. At the States' option, alternative statistical sampling procedures could be employed, provided that they yield results having the same level of statistical reliability. Because the Procedural Guide is not yet issued and will not have its full effect until after January 1, 1976, no reason appears for postponing the effective date of section 658.7 to allow for State assimilation of the Federal statistical guidance.

The Nebraska Department of Roads asked whether subsections (d) (1) and (d) (2) would require reports for each month of the 12-month period ending on September 30 before the date of certification. The subsections do not require such monthly reports. Nebraska also questioned whether under its current system of March-May and September-October monitoring periods, the certification due by January 1 could include data from the most recent October or whether the State would have to reach back to the data of the previous October. The year based on September 30 was devised for the convenience of the States, to allow them time to finish their data evaluation comfortably before the certification date. If Nebraska wishes to continue its present system, it may do so by including its most recent October data each year. However, in the first certification year, the State should also submit its data from the preceding October so that its data will be on the same footing as other States.

With respect to subsection (d) (2), the Colorado Department of Highways suggested that a "factor of difficulty" be allowed in evaluating State certifications, to allow for those States whose formerly high limits would tend to produce higher speeds with the 55 mph limit. Although such factors have a bearing on motorists'

observance of the speed limit, the U.S. Department of Transportation does not consider it appropriate to build such factors into the regulation itself and therefore declines to amend (d) (2) as requested. The suggestion from Massachusetts on (d) (2), to the effect that the "pace" should be ascertained as well as the other elements of the speed profile, may prove to have merit and will be considered as a possibility for future rulemaking.

In consideration of the foregoing, Part 658 in Title 23, Code of Federal Regulations, is amended by the addition of section 658.7, as follows:

#### § 658.7 Certification of speed limit enforcement.

In order to obtain approval of Federal-aid projects under 23 U.S.C. 106, the Governor of each State, or an official designated by the Governor, shall certify to the Federal Highway Administration before January 1 of each year that the State is enforcing the national maximum speed limit of 55 miles per hour. The certification shall consist of the following elements:

(a) A statement signed by the Governor, or by an official designated by the Governor, certifying that the State is enforcing the national maximum speed limit.

(b) Copies of any State laws, regulations, or administrative orders relating to enforcement of the 55 mph speed limit, which were adopted after the date of the statement required by § 658.6, and which have not been included in earlier certifications under this section.

(c) Information relating to enforcement, as follows:

(1) The number of miles of State highways having posted or allowable speeds of 55 mph.

(2) The approximate portion of the mileage listed in paragraph (1) of this section on which the State has patrol responsibility, including portions on which the State shares responsibility with local law enforcement agencies.

(3) The State administrative orders or instructions regarding enforcement agency policy on enforcement of the 55 mph speed limit.

(4) The number of citations issued by State agencies for violation of the 55 mph speed limit during each month of the 12-month period ending on the September 30 before the date by which certification is required.

(d) Information relating to observance of the speed limit by motorists on the State highway system, as follows:

(1) A description of the State program for monitoring speeds for the 12-month period ending on September 30 before the date by which certification is required, including the number of stations for each type of highway, the basis for determining the number and location of stations, the frequency and duration of operations, and the total sample size and basis for sample selection.

(2) The summary statistics derived from the data obtained from the monitoring program, classified according to highway type (Interstate rural, Inter-

state urban, other multi-lane divided rural and urban, major nondivided rural, etc.), indicating the average speed, the median speed, the 85th percentile speed, and the percent of motorists exceeding 55, 60, and 65 mph for the 12-month period ending on September 30 before the date by which certification is required.

**Effective date:** September 9, 1975. Because of the short time remaining in the initial data collection cycle under 658.7 and the need to have a basic amount of data in support of the certification due January 1, 1976, the Administrators find good cause to establish an immediate effective date.

(Secs. 106, 107, 114, Pub. L. 93-643, 88 Stat. 2281; 23 U.S.C. 127, 141, 154; 23 U.S.C. 315; delegations at 49 CFR 1.48 and 1.50.)

Issued on September 4, 1975.

JAMES B. GREGORY,  
National Highway Traffic  
Safety Administrator.

NORBERT T. TIEMANN,  
Federal Highway Administrator.

[FR Doc.75-23988 Filed 9-8-75; 8:45 am]

#### Title 30—Mineral Resources

#### CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

#### PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

##### Refuse Piles and Impounding Structures

Under the authority contained in Section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 USC 811(a)), there was published in the FEDERAL REGISTER for January 16, 1974 (39 FR 2004) a notice of proposed rulemaking which set forth proposed requirements for the construction of refuse piles and extinguishment of fires; reporting pertinent information on refuse piles; certifying stability; abandonment; and identification of refuse piles. The proposal also set forth requirements for developing and approval of plans for construction of impounding structures; notification of potentially hazardous conditions; and identification of impounding structures.

Written objections were timely filed with the Mining Enforcement and Safety Administration stating the grounds for objections and requesting a public hearing on the proposed amendments. In accordance with Section 101(f) of the Act, a notice of objections filed and hearing requested was published in the FEDERAL REGISTER for May 14, 1974 (39 FR 17234).

Following this notice, there was published in the FEDERAL REGISTER for June 7, 1974 (39 FR 20213), a notice of public hearing to be held for the purpose of receiving relevant evidence on issues raised in the written comments. The public hearing was held on July 23, 1974, in the House Chamber, State Capitol Building, Charleston, West Virginia. Information was received from representatives of mine operators, labor, State and Federal agencies, environmentalists and the gen-

eral public. The record was held open until August 29, 1974, to permit submission of additional data and information.

Findings of fact based on relevant evidence submitted in written comments, statements and data received in response to the proposed rulemaking and the public hearing were made public on October 25, 1974 and were published in the FEDERAL REGISTER for November 1, 1974 (39 FR 38660).

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior prepared a final environmental impact statement on the proposed regulations. A notice of availability of the final environmental impact statement was published in the FEDERAL REGISTER for June 23, 1975 (30 FR 26289).

All comments, suggestions, data, information, and objections received in response to the notice of proposed rulemaking and the public hearing have been fully and carefully considered. Modifications of the proposed standards have been made which are described below in the findings of fact.

The final rules have been rearranged in order to facilitate their use, and a "Definitions" section has been added as § 77.217 to clarify and define terms and phrases used in the regulations.

Under the final regulations, refuse piles and impounding structures that can be identified with an operator will be categorized as active until they are abandoned according to an approved abandonment plan. Once abandoned according to the approved plan there will be no need for certifications of stability every 3 years, and this requirement in the proposed regulations has been dropped.

The certifications for active refuse piles (§ 77.215-3) and impounding structures (§ 77.216-4) have been revised so that registered engineers will be able to certify that the structures are designed and constructed according to current prudent engineering practices. These certifications will give an assurance of the stability of the structure. By requiring that the certifications be accompanied by supporting documentation, MESA will have the ability to run a double check on the certification.

The final regulations will provide the operator with flexibility in constructing refuse piles and impounding structures which will present no hazard to coal miners in their work. At the same time MESA will have the flexibility to examine each situation and treat it on an individual basis. For example, under § 77.215 (h), if the operator wants to construct a refuse pile with a slope steeper than 27° or with compacted layers thicker than 2 feet, he will be permitted to do so if he can show that the structure will have a safety factor greater than 1.5. The goal of the regulations is to improve the stability of refuse piles, and MESA believes that no acceptable method for achieving that goal should be discouraged.

The final regulations differ from the proposed regulations by requiring the

performance of several new duties. Section 77.216(e) requires that fires in impounding structures be extinguished

would adversely affect the stability of the refuse pile.

(7) At a scale not to exceed 1 inch=100 feet, cross sections of the length and

above the upstream toe of the structure; or

of the mine or preparation plant as assigned by MESA.

(16) General provisions for abandonment.

(17) A certification by a registered en-

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performance of several new duties. Section 77.216(e) requires that fires in impounding structures be extinguished. Omission of this requirement in the proposed regulations was an oversight, and it is common engineering knowledge that fires in impounding structures present an extremely dangerous condition. A further addition is the requirement in §§ 77.215(j) and 77.216(e) that fire extinguishing operations on refuse piles and impounding structures be conducted in accordance with an approved plan. This new requirement is justified by the hazardous nature of the extinguishing operation and the necessity to ensure that all miners employed in extinguishing operations are fully acquainted with the procedures to be used. Section 77.215(d) requires that foundations for refuse piles be cleared of vegetation and undesirable material. If left in place, such material can cause fires and create unstable conditions in the refuse pile. Another new requirement (§ 77.215-2(a)) is that MESA be informed of the location of all new refuse piles. This requirement will facilitate MESA's inspection responsibilities.

All aspects of the proposed regulations were fully discussed in the written comments and at the public hearing, and the final regulations are the product of full and careful consideration of the record.

Part 77, Title 30 Code of Federal Regulations, is amended and revised as set forth below.

**Effective date.** These revisions and amendments shall be effective on November 1, 1975.

It is hereby certified that the economic and inflationary impacts of these regulations have been carefully evaluated in accordance with OMB Circular A-107.

Dated: August 28, 1975.

JACK W. CARLSON,

Assistant Secretary

of the Interior.

Part 77, Subchapter O, Chapter I, Title 30 Code of Federal Regulations is amended as follows:

1. Section 77.215 is amended by adding new paragraphs (h), (i) and (j), and by adding new §§ 77.215-1 through 77.215-4 as follows:

§ 77.215 Refuse piles: construction requirements.

(h) After October 31, 1975 new refuse piles and additions to existing refuse piles, shall be constructed in compacted layers not exceeding 2 feet in thickness and shall not have any slope exceeding 2 horizontal to 1 vertical (approximately 27°) except that the District Manager may approve construction of a refuse pile in compacted layers exceeding 2 feet in thickness and with slopes exceeding 27° where engineering data substantiates that a minimum safety factor of 1.5 for the refuse pile will be attained.

(i) Foundations for new refuse piles and additions to existing refuse piles shall be cleared of all vegetation and undesirable material that according to current, prudent engineering practices

would adversely affect the stability of the refuse pile.

(j) All fires in refuse piles shall be extinguished, and the method used shall be in accordance with a plan approved by the District Manager. The plan shall contain as a minimum, provisions to ensure that only those persons authorized by the operator, and who have an understanding of the procedure to be used, shall be involved in the extinguishing operation.

§ 77.215-1 Refuse piles: identification.

A permanent identification marker, at least six feet high and showing the refuse pile identification number as assigned by the District Manager, the name associated with the refuse pile and the name of the person owning, operating or controlling the refuse pile, shall be located on or immediately adjacent to each refuse pile within the time specified in paragraphs (a) or (b) of this section as applicable.

(a) For existing refuse piles, markers shall be placed before May 1, 1976.

(b) For new or proposed refuse piles, markers shall be placed within 30 days from acknowledgement of the proposed location of a new refuse pile.

§ 77.215-2 Refuse piles: reporting requirements.

(a) The proposed location of a new refuse pile shall be reported to and acknowledged in writing by the District Manager prior to the beginning of any work associated with the construction of the refuse pile.

(b) Before May 1, 1976, for existing refuse piles, or within 180 days from the date of acknowledgement of the proposed location of a new refuse pile, the person owning, operating or controlling a refuse pile shall submit to the District Manager a report in triplicate which contains the following:

(1) The name and address of the person owning, operating or controlling the refuse pile; the name associated with the refuse pile; the identification number of the refuse pile as assigned by the District Manager; and the identification number of the mine or preparation plant as assigned by MESA.

(2) The location of the refuse pile indicated on the most recent USGS 7½ minute or 15 minute topographic quadrangle map, or a topographic map of equivalent scale if a USGS map is not available.

(3) A statement of the construction history of the refuse pile, and a statement indicating whether the refuse pile has been abandoned in accordance with a plan approved by the District Manager.

(4) A topographic map showing at a scale not to exceed 1 inch=400 feet, the present and proposed maximum extent of the refuse pile and the area 500 feet around the proposed maximum perimeter.

(5) A statement of whether or not the refuse pile is burning.

(6) A description of measures taken to prevent water from being impounded by the refuse pile or contained within the refuse pile.

(7) At a scale not to exceed 1 inch=100 feet, cross sections of the length and width of the refuse pile at sufficient intervals to show the approximate original ground surface, the present configuration and the proposed maximum extent of the refuse pile, and mean sea level elevations at significant points.

(8) Any other information pertaining to the stability of the pile which may be required by the District Manager.

(c) The information required by paragraphs (b) (4) through (b) (8) of this section shall be reported every twelfth month from the date of original submission for those refuse piles which the District Manager has determined can present a hazard and which have not been abandoned in accordance with a plan approved by the District Manager.

§ 77.215-3 Refuse piles: certification.

(a) Within 180 days following written notification by the District Manager that a refuse pile can present a hazard, the person owning, operating, or controlling the refuse pile shall submit to the District Manager a certification by a registered engineer that the refuse pile is constructed or has been modified in accordance with current, prudent engineering practices to minimize the probability of impounding water and failure of such magnitude as to endanger the lives of miners.

(b) After the initial certification required by this section, certifications shall be submitted every twelfth month from the date of the initial certification for all refuse piles which have not been abandoned in accordance with a plan approved by the District Manager.

(c) Certifications required by paragraphs (a) and (b) of this section shall include all information considered in making the certification.

§ 77.215-4 Refuse piles: abandonment.

When a refuse pile is to be abandoned, the District Manager shall be notified in writing, and if he determines it can present a hazard, the refuse pile shall be abandoned in accordance with a plan submitted by the operator and approved by the District Manager. The plan shall include a schedule for its implementation and describe provisions to prevent burning and future impoundment of water, and provide for major slope stability.

2. Section 77.216 is revised, and new §§ 77.216-1 through 77.216-5 are added as follows:

§ 77.216 Water, sediment, or slurry impoundments and impounding structures: general.

(a) Plans for the design, construction, and maintenance of structures which impound water, sediment, or slurry shall be required if such an existing or proposed impounding structure can:

(1) Impound water, sediment, or slurry to an elevation of five feet or more above the upstream toe of the structure and can have a storage volume of 20 acre-feet or more; or

(2) Impound water, sediment, or slurry to an elevation of 20 feet or more

above the upstream toe of the structure; or

(3) As determined by the District Manager, present a hazard to coal miners.

(b) Plans for the design and construction of all new water, sediment, or slurry impoundments and impounding structures which meet the requirements of paragraph (a) of this section shall be submitted in triplicate to and be approved by the District Manager prior to the beginning of any work associated with construction of the impounding structure.

(c) Before May 1, 1976, a plan for the continued use of an existing water, sediment, or slurry impoundment and impounding structure which meets the requirements of paragraph (a) of this section shall be submitted in triplicate to the District Manager for approval.

(d) The design, construction, and maintenance of all water, sediment, or slurry impoundments and impounding structures which meet the requirements of paragraph (a) of this section shall be implemented in accordance with the plan approved by the District Manager.

(e) All fires in impounding structures shall be extinguished, and the method used shall be in accordance with a plan approved by the District Manager. The plan shall contain as a minimum, provisions to ensure that only those persons authorized by the operator, and who have an understanding of the procedures to be used, shall be involved in the extinguishing operation.

§ 77.216-1 Water, sediment or slurry impoundments and impounding structures: identification.

A permanent identification marker, at least six feet high and showing the identification number of the impounding structure as assigned by the District Manager, the name associated with the impounding structure and name of the person owning, operating, or controlling the structure, shall be located on or immediately adjacent to each water, sediment or slurry impounding structure within the time specified in paragraphs (a) or (b) of this section as applicable.

(a) For existing water, sediment or slurry impounding structures, markers shall be placed before May 1, 1976.

(b) For new or proposed water, sediment, or slurry impounding structures, markers shall be placed within 30 days from the start of construction.

§ 77.216-2 Water, sediment, or slurry impoundments and impounding structures: minimum plan requirements; changes or modifications; certification.

(a) The plan specified in § 77.216, shall contain as a minimum the following information:

(1) The name and address of the persons owning, operating or controlling the impoundment or impounding structure; the name associated with the impoundment or impounding structure; the identification number of the impounding structure as assigned by the District Manager; and the identification number

of the mine or preparation plant as assigned by MESA.

(2) The location of the structure indicated on the most recent USGS 7½ minute or 15 minute topographic quadrangle map, or a topographic map of equivalent scale if a USGS map is not available.

(3) A statement of the purpose for which the structure is or will be used.

(4) The name and size in acres of the watershed affecting the impoundment.

(5) A description of the physical and engineering properties of the foundation materials on which the structure is or will be constructed.

(6) A statement of the type, size, range, and physical and engineering properties of the materials used, or to be used, in constructing each zone or stage of the impounding structure; the method of site preparation and construction of each zone; the approximate dates of construction of the structure and each successive stage; and for existing structures, such history of construction as may be available, and any record or knowledge of structural instability.

(7) At a scale not to exceed 1 inch=100 feet, detailed dimensional drawings of the impounding structure including a plan view and cross sections of the length and width of the impounding structure, showing all zones, foundation improvements, drainage provisions, spillways, diversion ditches, outlets, instrument locations, and slope protection, in addition to the measurement of the minimum vertical distance between the crest of the impounding structure and the reservoir surface at present and under design storm conditions, sediment or slurry level, water level and other information pertinent to the impoundment itself, including any identifiable natural or man-made features which could affect operation of the impoundment.

(8) A description of the type and purpose of existing or proposed instrumentation.

(9) Graphs showing area-capacity curves.

(10) A statement of the runoff attributable to the probable maximum precipitation of 6-hour duration and the calculations used in determining such runoff.

(11) A statement of the runoff attributable to the storm for which the structure is designed and the calculations used in determining such runoff.

(12) A description of the spillway and diversion design features and capacities and calculations used in their determination.

(13) The computed minimum factor of safety range for the slope stability of the impounding structure including methods and calculations used to determine each factor of safety.

(14) The locations of surface and underground coal mine workings including the depth and extent of such workings within the area 500 feet around the perimeter, shown at a scale not to exceed one inch=500 feet.

(15) Provisions for construction surveillance, maintenance, and repair of the impounding structure.

(16) General provisions for abandonment.

(17) A certification by a registered engineer that the design of the impounding structure is in accordance with current, prudent engineering practices for the maximum volume of water, sediment, or slurry which can be impounded therein and for the passage of runoff from the designed storm which exceeds the capacity of the impoundment; or, in lieu of the certification, a report indicating what additional investigations, analyses, or improvement work are necessary before such a certification can be made, including what provisions have been made to carry out such work in addition to a schedule for completion of such work.

(18) Such other information pertaining to the stability of the impoundment and impounding structure which may be required by the District Manager.

(b) Any changes or modifications to plans for water, sediment, or slurry impoundments or impounding structures shall be approved by the District Manager prior to the initiation of such changes or modifications.

§ 77.216-3 Water, sediment, or slurry impoundments and impounding structures: inspection requirements; correction of hazards; program requirements.

(a) All water, sediment, or slurry impoundments which meet the requirements of § 77.216(a) shall be examined by a qualified person designated by the person owning, operating or controlling the impounding structure at intervals not exceeding seven days for appearances of structural weakness and other hazardous conditions. All instruments shall be monitored at intervals not exceeding seven days by a qualified person designated by the person owning, operating, or controlling the impounding structure.

(b) When a potentially hazardous condition develops, the person owning, operating or controlling the impounding structure shall immediately:

(1) Take action to eliminate the potentially hazardous condition;

(2) Notify the District Manager;

(3) Notify and prepare to evacuate, if necessary, all coal miners from coal mine property which may be affected by the potentially hazardous conditions; and

(4) Direct a qualified person to monitor all instruments and examine the structure at least once every eight hours, or more often as required by an authorized representative of the Secretary.

(c) After each examination and instrumentation monitoring referred to in paragraphs (a) and (b) of this section, each qualified person who conducted all or any part of the examination or instrumentation monitoring shall promptly record the results of such examination or instrumentation monitoring in a book which shall be available at the mine for inspection by an authorized representative of the Secretary, and such qualified person shall also promptly report the results of the examination or monitoring to one of the persons specified in paragraph (d) of this section.

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(d) All examination and instrumentation monitoring reports recorded in accordance with paragraph (c) of this section shall include a report of the action taken to abate hazardous conditions and shall be promptly signed or countersigned by at least one of the following persons:

- (1) The mine foreman;
- (2) The assistant superintendent of the mine;
- (3) The superintendent of the mine;
- (4) The person designated by the operator as responsible for health and safety at the mine.

(e) Before May 1, 1976, the person owning, operating or controlling a water, sediment, or slurry impoundment which meets the requirements of § 77.216(a) shall adopt a program for carrying out the requirements of paragraphs (a) and (b) of this section. The program shall be submitted for approval to the District Manager. The program shall include as a minimum:

- (1) A schedule and procedures for examining the impoundment and impounding structure by a designated qualified person;
- (2) A schedule and procedures for monitoring any required or approved instrumentation by a designated qualified person;
- (3) Procedures for evaluating hazardous conditions;
- (4) Procedures for eliminating hazardous conditions;
- (5) Procedures for notifying the District Manager;
- (6) Procedures for evacuating coal miners from coal mine property which may be affected by the hazardous condition.

(f) Before making any changes or modifications in the program approved in accordance with paragraph (e) of this section, the person owning, operating, or controlling the impoundment shall obtain approval of such changes or modifications from the District Manager.

(g) The qualified person or persons referred to in paragraphs (a), (b) (4), (c), (e) (1), and (e) (2) of this section shall be trained to recognize specific signs of structural instability and other hazardous conditions by visual observation and, if applicable, to monitor instrumentation.

§ 77.216-4 Water, sediment or slurry impoundments and impounding structures; reporting requirements; certification.

Every twelfth month following the submission of information specified in § 77.216-2(a) the person owning, operating, or controlling a water, sediment, or slurry impoundment and impounding structure that has not been abandoned in accordance with an approved plan, shall submit to the District Manager a report describing any changes in the geometry of the impounding structure; instrumentation; average and maximum depths and elevations of the impounded water, sediment, or slurry; storage capacity of the impounding structure; the volume of water, sediment, or slurry im-

pounded; and any other aspect of the impounding structure affecting its stability which has occurred during such reporting period. The report shall also contain a certification by a registered engineer that all work was performed in accordance with the approved plan.

§ 77.216-5 Water, sediment or slurry impoundments and impounding structures; abandonment.

Prior to abandonment of any water, sediment, or slurry impoundment and impounding structure which meets the requirements of § 77.216(a), the person owning, operating, or controlling such an impoundment and impounding structure shall submit to and obtain approval of the District Manager a plan for abandonment based on current, prudent engineering practices which shall contain provisions to preclude the probability of future impoundment of water, sediment, or slurry, provide for major slope stability, and include a schedule for the plan's implementation.

3. A new § 77.217 is added as follows:

§ 77.217 Definitions.

For the purpose of §§ 77.214 through 77.216-5, the term:

(a) "Abandoned" as applied to any refuse pile or impoundment and impounding structure means that work on such pile or structure has been completed in accordance with a plan for abandonment approved by the District Manager.

(b) "Area-capacity curves" means graphic curves which readily show the reservoir water surface area, in acres, at different elevations from the bottom of the reservoir to the maximum water surface, and the capacity or volume, in acre-feet, of the water contained in the reservoir at various elevations.

(c) "Impounding structure" means a structure which is used to impound water, sediment, or slurry, or any combination of such materials.

(d) "Probable maximum precipitation" means the value for a particular area which represents an envelopment of depth-duration-area rainfall relations for all storm types affecting that area adjusted meteorologically to maximum conditions.

(e) "Refuse pile" means a deposit of coal mine waste which may contain a mixture of coal, shale, claystone, siltstone, sandstone, limestone, and related materials that are excavated during mining operations or separated from mined coal and disposed of on the surface as waste byproducts of either coal mining or preparation operations. "Refuse pile" does not mean temporary spoil piles of removed overburden material associated with surface mining operations.

(f) "Safety factor" means the ratio of the forces tending to resist the failure of a structure to the forces tending to cause such failure as determined by accepted engineering practice.

(Secs. 101, 508, Pub. L. 91-173, 83 Stat. 745, 803 (30 U.S.C. 811, 967))

[FR Doc. 75-23862 Filed 9-8-75; 8:45 am]

#### Title 40—Protection of Environment

##### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 303-4]

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### Nebraska: Approval of Plan Revisions

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, the State of Nebraska plan for implementation of the National Ambient Air Quality Standards (NAAQS). On July 8, 1974 (39 FR 24921), EPA announced that the State of Nebraska proposed to revise its implementation plan by adopting on February 22, 1974, a number of amendments to the Nebraska Air Pollution Control Regulations. EPA received only one comment on the proposed revisions, which comment is discussed below. The significant revisions are discussed in the following paragraphs.

1. The applicability of State emission limitations has been expanded to include the entire State. Previously, the State limitations were applicable only in Douglas, Lancaster and Sarpy Counties. However, EPA had found that these limitations were inadequate to provide for attainment and maintenance of the NAAQS in the Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region (AQCR). To correct this inadequacy, EPA had promulgated a regulation limiting emissions of particulate matter in Jefferson, Gage and Thayer Counties located in the Lincoln-Beatrice-Fairbury Intrastate Region. The amendments the State has adopted and proposed as a part of the SIP will correct this deficiency.

2. The State procedures for preconstruction review of new sources have been expanded to include a determination of compliance with all State emission standards for stationary sources, to include indirect sources, and to provide a public comment period in the review process. The State procedures for preconstruction review of new and modified direct and indirect sources are now acceptable. It should be noted that the Federal indirect source regulation promulgated in 1974 for Nebraska and most other States (40 CFR 52.22(b)) requires review of parking facilities with 1000 spaces or more in all Standard Metropolitan Statistical Areas (SMSAs), while the Nebraska regulation at that time, today is less restrictive. The Administrator is taking no action to disapprove the Nebraska regulation in this regard, however, since the Federal regulation has been indefinitely suspended pending Congressional consideration of amendments to the Clean Air Act relating to indirect sources. See 40 FR 28065, July 3, 1975. If EPA reinstates the Federal regulation at some time in the future, it may be necessary to require an amendment to the Nebraska regulations at that time.

It should also be noted that today's approval of the Nebraska indirect source regulation is in no way intended to

compromise the validity of EPA's indefinite suspension of the parking-related aspects of its own indirect source regulation, 40 CFR 52.22(b), announced on July 3, 1975 (40 FR 28064). As stated in that announcement, the suspension related to the Federal review regulation only; the Administrator continues to encourage the States to develop their own indirect source regulations and to submit them to EPA for approval.

3. A new provision (Rule 5(e)) has been added to the procedure for disapproving a construction permit application for a new or modified stationary source. A construction permit will not be issued if the proposed source will emit one ton per hour or more of particulate matter or sulfur dioxide if it is located within 20 miles of another source which emits one ton per hour or more of the same pollutant. This rule was added as a control strategy measure to prevent significant deterioration of air quality in areas where air quality is better than required by the NAAQS.

EPA is approving Rule 5(e) as a plan revision, since it evaluates stationary sources with criteria stricter than the national ambient standards. By virtue of Section 116 of the Clean Air Act, EPA has no authority to disapprove a plan measure on the grounds that it is more stringent than necessary.

While Rule 5(e) is being approved, it is not sufficiently identical to the Federal non-significant deterioration regulation (40 CFR 52.21) to serve as a replacement for that regulation in the Nebraska plan. EPA is therefore taking no action to revoke 40 CFR 52.1436, which incorporates 40 CFR 52.21 into the Nebraska plan.

4. A new sulfur oxides emission standard (2.5 pounds per million BTU heat input) has been added for fuel-burning equipment. The sulfur oxides emission regulation remains the same for all other equipment.

5. A "final date for compliance" has been added to the list of incremental dates required for a compliance schedule and the provision that a source must be notified to report its compliance status to the State has been deleted. A source must have been in conformance with an applicable regulation within 180 days from the day these amendments became enforceable by the Nebraska Department of Environmental Control if the source has not applied for and received a variance. For State purposes, the amendment became effective on February 26, 1974.

The Nebraska SIP compliance schedule regulation (§ 52.1425) is deleted.

6. Section 52.1431 has been revised below to correct the attainment date for particulate matter for the Metropolitan St. Louis City Interstate AQCR. An attainment date should not have been specified because air quality levels were already below the NAAQS and the AQCR was classified Priority III for particulate matter.

7. The National Emission Standards for Hazardous Air Pollutants, published

April 6, 1974 (38 FR 8820), have been adopted by the State.

It was incorrectly stated in the EPA proposal that a visible emission regulation for diesel-powered motor vehicles had been added. This regulation was originally proposed; however, it was withdrawn prior to adoption by the Nebraska Environmental Control Council and no action is taken in this regard.

During the public comment period, concern was expressed that Rule 1, which established an attainment date for secondary ambient air quality standards in Lancaster County was unrealistic because of problems attributed to fugitive emissions from unpaved streets. The attainment date of July 31, 1975, coincides with the date specified in 40 CFR 52.1431 which was promulgated on May 31, 1972. The Clean Air Act, Section 110, allows each State to specify its own attainment dates for secondary standards. By virtue of Section 116 of the Act, the Administrator does not have the authority to disapprove plan provisions on the ground that they are more stringent than what EPA requires. Therefore, Rule 1 must be approved by the Administrator according to the Clean Air Act.

These changes constitute a proposed revision to the State of Nebraska implementation plan, pursuant to § 51.8 of this chapter. The Administrator's decision to approve or disapprove revisions to a plan is based on whether they meet the requirements of Section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR Part 51 "Requirements for Preparation, Adoption and Submittal of State Implementation Plans."

After careful review of all the changes contained in the proposed revision, the Administrator has determined that the revision meets the requirements of Section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR Part 51. Accordingly, this SIP revision is hereby approved and made a part of the SIP. This approval will become effective October 9, 1975. (42 U.S.C. 1857c-5)

Dated: September 2, 1975.

RUSSELL E. TRAIN,  
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

##### Subpart CC—Nebraska

1. Section 52.1420, paragraph (c) is amended by inserting the date, February 27, 1974, in chronological order in paragraph (c) (1).

2. Section 52.1425 is revoked.

3. Section 52.1428 is revoked.

4. In Section 52.1431, the attainment date table is amended as follows:

Replacing the letter "b", which indicates that ambient air quality levels were in excess of the secondary standards for particulate matter in the Metropolitan St. Louis City Interstate Region, with the letter "c", and replacing the letter "a", which designates the date for attainment of the national standards for particulate

matter in the Metropolitan St. Louis City Interstate Region, with letter "c".

5. Section 52.1432 is revoked.

[FR Doc. 75-23812 Filed 9-8-75; 8:45 am]

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### North Carolina: Approval of Compliance Schedules

Section 110 of the Clean Air Act and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On November 7 and 27, 1974, pursuant to these requirements, the State of North Carolina submitted for the Environmental Protection Agency's approval revisions in the compliance schedule portion of its plan. The compliance schedules submitted by North Carolina were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 regarding public hearings, plan revisions, and compliance schedules as well as consistency with the control strategies of the State's implementation plan. The schedules which met these criteria were published in the FEDERAL REGISTER as proposed rulemaking on May 12, 1975 (40 FR 20643). Copies of the schedules were made available for public inspection and all interested parties were invited to submit written comments on them. No comments were received from the general public or from the affected sources, however, and the schedules printed below are identical to those offered for comment in the proposal notice.

The schedules below are printed in two groups. The first group is composed of new schedules and certain schedules which were proposed previously in the FEDERAL REGISTER, but were then renegotiated by the State before the Agency could act on them. Composing the second group are schedules which have been renegotiated by the State since the Administrator's original approval of them on June 20, 1973 (38 FR 16144). Existing lines of 40 CFR 52.1774(a) are here revised to reflect these extensions in the deadline for final compliance.

All of the schedules establish dates by which individual air pollution sources must attain compliance with the emission limitations of the State implementation plan. These dates are given in the succeeding tables under the heading "Final Compliance Date." In many cases the schedules include incremental steps toward compliance, with specific dates set for achieving those steps. While the tables below do not list these interim dates, the actual schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator.



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Copies of the schedules and the North Carolina plan are available for public inspection at the following locations:

Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.  
Air Quality Section, Division of Environmental Management, Department of Natural and Economic Resources, 226 West Jones Street, Raleigh, North Carolina 27611.  
Freedom of Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

An evaluation of any of the schedules can be obtained by consulting personnel of the Agency's Region IV Air Programs Branch at the Atlanta address given above (telephone: 404/526-3043).

The Administrator has determined that approval of these schedules will not hinder the attainment and maintenance of the national ambient air quality standards in North Carolina. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under North Carolina law and the Agency's action

imposes no additional regulatory burden on affected facilities.

(Sec. 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)).)

Dated: September 2, 1975.

JOHN QUARLES,  
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

### Subpart H—North Carolina

#### § 52.1770 [Amended]

1. Section 52.1770, *Identification of plan*, is amended by inserting the dates November 7 and 27 [1974] in proper chronological order in paragraph (c).

2. Section 52.1774 is amended by inserting new lines in the tables of paragraph (a) as follows:

#### § 52.1774 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.51 of this chapter. All regulations cited are air pollution control regulations of the State.

#### NORTH CAROLINA

Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
ALEXANDER COUNTY						
Worth Spinning Co., Cotton picker collection system.	Stoney Point.	02-224-2-1375.	IV-2.30.	Nov. 18, 1974	Immediately.	Feb. 15, 1975
Lewitts Furniture Enterprises, Woodwaste collection system.	Taylorsville.	02-191-8-3174.	IV-2.00.	Dec. 17, 1973	do.	Aug. 31, 1974
AVERY COUNTY						
Loven Ready Mix Co., process operations.	Pineola.	T-2479.	IV-2.30, II-2.2.	Oct. 10, 1974	Immediately.	Oct. 30, 1974
ALAMANCE COUNTY						
Glen Raven Mills, finishing division.	Glen Raven.	T-2229.	II-2.2, II-5.2, IV-2.30, IV-2.60.	Mar. 15, 1974	Immediately.	Aug. 31, 1974
ASHE COUNTY						
Thomasville Furniture Industry, Inc., chair plant.	West Jefferson.	T-2254.	II-2.2, II-5.2, IV-1.10, IV-2.40, IV-2.30, IV-2.60.	Sept. 9, 1973	Immediately.	Mar. 31, 1975
ANSON COUNTY						
Burlington Industries, Kenville, Inc.	Lilesville.	T-2347.	II-2.2, IV-2.30.	Sept. 9, 1971	Immediately.	June 1, 1975
BURKE COUNTY						
Great Lakes Carbon Corp., Morganton.		12-116-12-3173.	II-2.00.	Nov. 18, 1971	Immediately.	Oct. 1, 1974
Building No. 6, pitch impregnation process.		12-212-12-3174.	II-2.00.	Nov. 18, 1971	do.	Dec. 31, 1974
Baking furnace exhaust stacks.		12-112-6-3073.	II-2.00.	Nov. 18, 1971	do.	Dec. 1, 1974
Henredon Furniture, Industry plant No. 2, wood dust collection system.		12-216-10-174.	IV-2.50.	Nov. 18, 1974	do.	Jan. 1, 1975
Southern Devices, Inc., wood dust emissions.		12-223-6-1475.	IV-2.00.	Nov. 18, 1974	do.	June 14, 1975
Knob Creek, wood dust system.		12-159-12-3174.	IV-2.00.	Nov. 18, 1974	do.	Mar. 15, 1975
Drexel Heritage Furnishings, Plant No. 1, woodwaste collection system.		12-158-1-175.	IV-2.00.	Nov. 18, 1971	do.	June 30, 1975

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## RULES AND REGULATIONS

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Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
Plants Nos. 3 and 5, woodwaste collection system.		12-156-12-174.	IV-2.00.	Dec. 17, 1973	do.	Dec. 1, 1974
Plant No. 6, woodwaste collection system.		12-155-1-175.	IV-2.00.	Nov. 18, 1974	do.	June 30, 1975
Plant No. 43, woodwaste collection system.	Hildebran.	12-161-1-175.	IV-2.00.	Nov. 18, 1974	do.	June 30, 1975
Plant No. 60, woodwaste collection system.	Morganton.	12-159-1-175.	IV-2.00.	Nov. 18, 1974	do.	June 30, 1975
Great Lakes Carbon Corp., Bldg. No. 2, process operations.		12-106-8-174.	IV-2.30.	Dec. 17, 1973	do.	Aug. 1, 1974
Buildings Nos. 4 and 5, open furnace tops.		12-201-12-2474.	IV-2.30, II-2-2.2.	Dec. 17, 1973	do.	Dec. 24, 1974
Building No. 10, salvage and renovation of resistor and insulation materials.		12-199-10-3074.	IV-2.30, II-2-2.2.	Dec. 17, 1973	do.	Oct. 30, 1974
Building No. 10, salvage and renovation of resistor insulation materials.		12-200-8-3074.	IV-2.30, II-2-2.2.	Nov. 18, 1974	do.	Dec. 31, 1974
Building No. 10, salvage and renovation of used resistor material.		12-202-3-3174.	IV-2.30, II-2-2.2.	Dec. 17, 1973	do.	Mar. 31, 1974
Highlander, Ltd., tenter frame finishing process.		12-173-3-174.	IV-2.00.	Dec. 17, 1973	do.	Apr. 1, 1974
Knob Creek of Morganton, woodwaste collection system.		12-150-12-3174.	IV-2.00.	Nov. 18, 1974	do.	Mar. 15, 1975
Southern Devices, Inc., clay blender dust collection system.		12-149-2-174.	IV-2.30.	Dec. 17, 1973	do.	Feb. 1, 1974
Wamsutter Knitting Mills Finishing Plant, heat setting equipment.		12-150-12-3173.	IV-2.30.	Dec. 17, 1973	do.	Apr. 1, 1974
BEAUFORT COUNTY						
Blount Midyette Co., Inc., process operations.	Washington.	T-2525.	IV-2.30.	Sept. 9, 1974	Immediately.	June 1, 1975
Cargill, Inc.	Belhaven.	T-2392.	IV-2.30.	Dec. 12, 1974	do.	June 1, 1975
CATAWBA COUNTY						
Drexel Heritage Furnishings, Plant No. 7, woodwaste collection system.	Drexel.	12-226-6-30-75.	IV-2.00.	Nov. 18, 1974	Immediately.	June 30, 1975
Shuford Mills, Inc., Tape Division, hydrocarbon emissions.	Hickory.	18-208-11-174.	IV-2.60.	Nov. 18, 1974	do.	Apr. 1, 1975
Fairgrove Furniture Co., wood dust collection system.		18-210-8-174.	IV-2.00.	Nov. 18, 1974	do.	Aug. 1, 1974
Cegen Furniture, Inc., wood-fired boiler.		18-211-6-3074.	IV-2.00.	Nov. 18, 1974	do.	June 30, 1974
Ethan Allen, Inc., Plant No. 1, wood dust collection system.	Maiden.	18-214-12-174.	IV-2.00.	Nov. 18, 1974	do.	Nov. 18, 1974
General Electric Co., Hickory Plant, paint spray booth exhausts hydrocarbon.	Hickory.	18-218-12-3174.	IV-2.60.	Nov. 18, 1974	do.	Dec. 31, 1974
Century Furniture Co., case goods division, wood dust collection system.		18-220-1-175.	IV-2.00.	Nov. 18, 1974	do.	Jan. 1, 1975
Steyer's Frame Co., Brard's, Inc., wood dust exhaust system.	Newton.	18-222-12-174.	IV-2.00.	Nov. 18, 1974	do.	Dec. 1, 1974
The Major's Shop, Inc., wood dust collection system.	Hickory.	18-225-5-175.	IV-2.00.	Nov. 18, 1974	do.	May 1, 1975
Custom Craft Furniture, Inc., wood dust system.		18-195-6-1574.	IV-2.00.	Nov. 18, 1974	do.	Dec. 31, 1974
Stream Line Tools, Inc., wood dust system.	Conover.	18-205-5-1574.	IV-2.00.	Nov. 18, 1974	do.	Aug. 1, 1974
Clayton-Marcus Co., Plant No. 1, wood dust collection system.	Hickory.	02-217-9-1574.	IV-2.00.	Nov. 18, 1974	do.	Sept. 15, 1974
Carolina Tables, Inc., wood dust collection system.		18-180-4-174.	IV-2.00.	Nov. 18, 1974	do.	Nov. 1, 1974
Custom-Craft Furniture, Inc., woodwaste collection system.		18-195-6-1574.	IV-2.00.	Dec. 17, 1973	do.	June 15, 1974
Drexel Heritage Furnishings, Plant No. 40, wood dust collection system.		18-192-6-174.	IV-2.00.	Nov. 18, 1974	do.	Dec. 31, 1974
Plant No. 44, wood waste collection system.		18-154-6-174.	IV-2.00.	Dec. 17, 1973	do.	June 1, 1974
Plant No. 44, boilers.		18-177-2-1574.	IV-1.20, II-2.2.	Dec. 17, 1973	do.	Feb. 15, 1975
Plant No. 45, wood waste collection system.	Longler.	18-160-1-175.	IV-2.00.	Nov. 18, 1974	do.	June 30, 1975
Granline Corp., wood dust collection system.	Hickory.	18-167-11-3064.	IV-2.00.	Dec. 17, 1973	do.	Nov. 30, 1974
Hickory Chair Co., wood dust collection system.		18-181-6-174.	IV-2.00.	Dec. 17, 1973	do.	June 1, 1974
Hickory Manufacturing Co., 2 boilers burning wood waste.		18-171-1-174.	IV-1.20.	Dec. 17, 1973	do.	Jan. 1, 1974
Hickory Manufacturing Co., wood dust collection system.		18-183-10-174.	IV-2.00.	Nov. 18, 1974	do.	June 1, 1975
Maxwell Royal Chair Co., boilers.		18-151-10-1573.	IV-1.20, II-2.2.	Dec. 17, 1973	do.	Jan. 4, 1974

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Permit	Regulation	Date of	Effective	Final
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Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
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Source	Location	Permit No.	Regulation Involved	Date of adoption	Effective date	Final compliance date
Southern Furniture Co., wood dust collection system.	Conover	18-191-7-174.	IV-2.00.	Dec. 17, 1973	do.	July 1, 1974
CHATHAM COUNTY						
C. C. Routh Mills, Inc., process operations.	Bonlee	T-2494	IV-2.30, 11-2.2.	Oct. 10, 1974	Immediately	Jan. 30, 1975
Central Carolina Farmers, Inc., process operations.	Pittsboro	T-2498	IV-2.30, 11-2.2.	Oct. 10, 1974	do.	June 31, 1975
Do.	Siler City	T-2499	IV-2.30, 11-2.2.	Oct. 10, 1974	do.	May 31, 1975
Selig Manufacturing, Inc., process operations and fuel combustion.	do.	T-2482	11-2.2, IV-1.10, IV-2.40.	Oct. 10, 1974	do.	Feb. 15, 1975
CHOWAN COUNTY						
C. A. Perry & Sons, Inc., process operations.	Hobbsville	T-2516	IV-2.30.	Oct. 10, 1974	Immediately	May 15, 1975
Chowan Feed and Supply, process operations.	Edenton	T-2529	IV-2.30.	Oct. 10, 1974	do.	May 1, 1975
Chowan Storage Co., Inc., process operations.	do.	T-2528	IV-2.30.	Oct. 10, 1974	do.	May 1, 1975
Home Feed and Fertilizer Co., Inc., process operations.	do.	T-2523	IV-2.30.	Oct. 10, 1974	do.	May 1, 1975
Leary Brothers Storage Co., process operations.	do.	T-2527	IV-2.30.	Oct. 10, 1974	do.	May 1, 1975
Valhalla Produce Co., process operations.	do.	T-2510	IV-2.30.	Oct. 10, 1974	do.	May 15, 1975
Rose Brothers Paving, Inc.	do.	T-2306	11-2.2, IV-2.40, IV-2.60, IV-1.40.	Sept. 9, 1974	do.	Dec. 31, 1974
CALDWELL COUNTY						
Bernhardt Furniture Industry, Plant No. 1, wood dust emissions.	Lenoir	14-215-12-3174.	IV-2.00.	Nov. 18, 1974	Immediately	Dec. 31, 1974
Granite Chair Co., wood dust collection system.	Hudson	14-221-12-171.	IV-2.00.	Nov. 18, 1974	do.	Dec. 1, 1974
Singer Furniture Division, Plants Nos. 1, 5, 6, and 7, woodwaste collection system.	Lenoir	14-100-1-1073; 14-102-1-1073; 14-104-1-1073; 14-103-1-1073.	IV-2.00.	Nov. 18, 1974	do.	June 30, 1975
Carolina Tire & Appliance Co., Inc., exhaust system from building of automobile tire casings.	do.	14-219-11-171.	11-2.2, 11-2.30.	Nov. 18, 1974	do.	Nov. 1, 1974
Bernhardt Furniture Industry, Plant No. 1, wood dust collection system.	do.	14-185-1-175.	IV-2.00.	Dec. 17, 1973	do.	Jan. 1, 1975
Plant No. 2, wood dust collection system.	do.	14-186-1-175.	IV-2.00.	Nov. 18, 1974	do.	Feb. 28, 1975
Plant No. 3, wood dust collection system.	do.	14-187-1-175.	IV-2.00.	Dec. 17, 1973	do.	Jan. 1, 1975
Plant No. 7, wood dust collection system.	do.	14-188-1-175.	IV-2.00.	Dec. 17, 1973	do.	Jan. 1, 1975
Brandon Furniture Co., wood dust collection system.	Granite Falls	14-173-2-171.	IV-2.00.	Dec. 17, 1973	do.	Feb. 1, 1974
Caldwell Furniture Division of Thomasville Industries, hydrocarbons emissions from finishing.	Lenoir	14-131-1-174.	IV-2.60.	Dec. 17, 1973	do.	Jan. 1, 1974
Caldwell Furniture Division of Thomasville Industries, wood dust collection system.	do.	14-176-6-3074.	IV-2.00.	Dec. 17, 1973	do.	June 30, 1974
Davis Wood Products, Inc., Plant No. 4, wood dust collection system.	Hudson	14-137-9-173.	IV-2.00.	Nov. 5, 1974	do.	Nov. 15, 1974
Fairfield Chair Co., Plant No. 1, wood dust collection system.	Lenoir	14-192-1-173.	IV-2.00.	Dec. 17, 1973	do.	Jan. 1, 1975
Plant No. 2, wood dust collection system.	do.	14-193-1-174.	IV-2.00.	Dec. 17, 1973	do.	Apr. 1, 1974
Hammary Furniture, Plant No. 1, wood dust collection system.	do.	14-141-9-3074.	IV-2.00.	Dec. 17, 1973	do.	Sept. 30, 1974
Plant No. 2, wood dust collection system.	Granite Falls	14-143-9-3074.	IV-2.00.	Dec. 17, 1973	do.	Sept. 30, 1974

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Source	Location	Permit No.	Regulation Involved	Date of adoption	Effective date	Final compliance date
Kincald Furniture Co., Inc., dust collection system.	Hudson	14-129-6-2873	IV-2.60.	Dec. 17, 1973	do.	Mar. 1, 1974
Kohler & Campbell, Inc., wood dust collection system.	Granite	14-196-5-174	IV-2.00.	Dec. 17, 1973	do.	May 1, 1974
Lenoir Coatings & Resins—Division of Whittaker Corp., dust emissions.	Lenoir	14-168-4-174	IV-2.00.	Dec. 17, 1973	do.	Apr. 1, 1974
Hydrocarbon emissions.	do.	14-170-4-174.	IV-2.60.	Dec. 17, 1973	do.	Apr. 1, 1974
Triplet Carving Co., wood dust collection system.	do.	14-201-7-3171	IV-2.00.	Dec. 17, 1973	do.	July 31, 1974
CABARRUS COUNTY						
Mineral Research & Development Corp., process operations.	Harrisburg	T-2472	11-5.2	Oct. 10, 1974	Immediately	Jan. 30, 1975
Kerr Industries, Inc., Main plant:	Concord	T-2323	11-2.2, IV-2.30.	Sept. 9, 1974	do.	Jan. 31, 1975
(a) Timber frames 3, 1, 5	do.	T-2337	11-2.2, IV-2.30.	Sept. 9, 1974	do.	Feb. 28, 1975
(b) Thermal ovens 1, 3	do.	do.	11-2.2, IV-2.30.	Sept. 9, 1974	do.	Mar. 31, 1975
(c) Boilers 1, 2, 3	do.	do.	11-2.2, IV-1.10.	Sept. 9, 1974	do.	June 1, 1975
CLEVELAND COUNTY						
McCurry & Sons, process operations.	Fallston	T-2177	11-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 30, 1975
Wilson & Cornwell Gbr Co., Inc., process operations.	Shelby	T-2478	11-2.2, IV-2.30.	Oct. 10, 1974	do.	June 30, 1975
COLUMBUS COUNTY						
Berry Veneer and Plywood, fuel combustion.	Chapelbourne	T-1662	11-2.2, IV-1.10, IV-2.40.	May 16, 1972	Immediately	Sept. 1, 1973
GRAVEN COUNTY						
Harlowe Community Center, fuel combustion.	Harlowe	T-2520	11-2.2, IV-1.10.	Oct. 10, 1974	Immediately	May 31, 1975
CUMBERLAND COUNTY						
Thomason Industry, Inc., process operations.	Fayetteville	T-2500	11-2.2, IV-1.10.	Oct. 10, 1974	Immediately	May 30, 1975
Ford Lively Knits, process operations.	do.	T-2382	11-2.2	Sept. 6, 1973	do.	Mar. 31, 1975
CURRITUCK COUNTY						
Currituck Grain, Inc., process operations.	Moyock	T-2341	IV-2.30	Oct. 10, 1974	Immediately	June 1, 1975
DAVIDSON COUNTY						
Acadia School, fuel combustion.	Lexington	T-2281	11-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	Immediately	June 1, 1975
Burlington Industries, Inc., process operations.	Denton	T-2399	11-2.2, IV-1.10.	Oct. 10, 1974	do.	June 1, 1975
Indiana Moulding & Frame Co., process operations.	Lexington	T-2406	11-2.2, IV-1.10.	Oct. 10, 1974	do.	Jan. 1, 1975
Link-Taylor Corp., process operations.	do.	T-2453	11-2.2, IV-1.10.	Oct. 10, 1975	do.	June 1, 1975
Carolina Panel Co., Inc.	do.	T-2326	11-2.2, IV-1.10.	Mar. 15, 1974	do.	Sept. 1, 1974
DUPLIN COUNTY						
A&B Milling Co., process operations.	Warsaw	T-2504	11-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
Beulahville Milling Co., process operations.	Beulahville	T-2505	11-2.2, IV-2.30.	Oct. 10, 1974	do.	June 1, 1975
DURHAM COUNTY						
Liggett & Myers, Inc., process operations.	Durham	T-2500	IV-1.10.	Oct. 10, 1974	Immediately	May 31, 1975
Wade Daniel Cabinet Shop, process operation	do.	T-2462	11-2.2, IV-2.30.	Oct. 10, 1974	do.	Feb. 28, 1975
FORSYTH COUNTY						
Adams-Millis Fabrics, Inc., (2) arjos tenter frames for drying and heat setting.	Winston-Salem	T-4662	11-2.0.	Aug. 28, 1974	Immediately	Dec. 15, 1974
Hanes Dye and Finishing Co., Boilers.	do.	T-4627	11-2.0.	Aug. 6, 1974	do.	Feb. 1, 1975
Processing equipment.	do.	T-4624	11-2.0.	Aug. 6, 1974	do.	Oct. 1, 1974
Sheppard Veneer Co., Fitzgibbons fire tube boiler.	do.	T-1602	11-2.0, IV-1.20.	June 21, 1974	do.	Dec. 31, 1974
GATES COUNTY						
Wright Milling Co., process operations.	Hobbsville	T-2513	IV-2.30.	Oct. 10, 1974	Immediately	May 15, 1975

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## RULES AND REGULATIONS

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Permit	Regulation	Date of	Effective	Final
				compliance



## RULES AND REGULATIONS

Source	Location	Permit No.	Regulation Involved	Date of adoption	Effective date	Final compliance date
GRANVILLE COUNTY						
Central Carolina Farmers, Inc., process operations.	Oxford	T-2497	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	May 31, 1975
HALIFAX COUNTY						
Beasley Lumber Products, fuel combustion.	Scotland Neck	T-2493	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	Immediately	Dec. 31, 1974
Federal Paper Board Co., Inc., fuel combustion.	Roanoke Rapids	T-2489	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1971	do	June 1, 1975
J. S. Turner & Sons, Inc., fuel combustion.	Weldon	T-2483	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	do	June 30, 1975
Rose's Store No. 16, fuel combustion.	Enfield	T-2487	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	do	May 31, 1975
Weldon Veneer Co., Inc., fuel combustion.	Weldon	T-2491	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	do	June 1, 1975
J. P. Stevens: Rosemary plant	Roanoke Rapids	T-783	II-2.2, IV-1.1, IV-2.1.	Sept. 6, 1973	do	June 1, 1975
Roanoke No. 1	do	T-781	II-2.2, IV-1.10, IV-2.40.	Sept. 6, 1973	do	June 1, 1974
HENDERSON COUNTY						
Cranston Print Works Co., process operations.	Fletcher	T-2475	II-2.2, IV-2.2, IV-2.30.	Oct. 10, 1974	Immediately	May 31, 1975
HERTFORD COUNTY						
Chowan Milling Co., Inc., process operations.	Como	T-2518	IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
G. V. Wise Products, process operations.	Murfreesboro	T-2524	IV-2.30.	Oct. 10, 1974	do	June 1, 1975
HOKE COUNTY						
Upchurch Milling & Storage, process operations.	Raeford	T-2233	IV-2.30.	Sept. 6, 1973	Immediately	June 30, 1974
IREDELL COUNTY						
Melville Textile Works, Inc., process operations.	Statesville	T-2466	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
Thores Industries, Inc., fuel combustion.	do	T-2467	II-2.2, IV-1.10.	Oct. 10, 1974	do	June 1, 1975
A. L. Shaver & Sons, Inc.	do	T-2340	II-2.2	Dec. 12, 1974	do	June 1, 1975
Gilliam Furniture, Inc.	do	T-2341	II-2.2, IV-1.10, IV-2.40.	Sept. 9, 1974	do	Oct. 31, 1974
JONES COUNTY						
Maysville Milling Co., Inc., process operations.	Maysville	T-2530	IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
LEE COUNTY						
Singer Furniture Co., process operations.	Sanford	T-2483	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	Mar. 1, 1975
Steven Milling Co., Inc., process operations.	Broadway	T-2501	II-2.2, IV-2.30.	Oct. 10, 1974	do	June 1, 1975
LENOIR COUNTY						
Carolina-Dixie Grain Co., process operations.	Kinston	T-2519	IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
Deep Run Milling Co., process operations.	Deep Run	T-2512	IV-2.30.	Oct. 10, 1971	do	June 15, 1975
Johnson Grain, Inc., process operations.	Kinston	T-2521	IV-2.30.	Oct. 10, 1974	do	May 31, 1975
Leao Feed Mills, process operations.	do	T-2536	IV-2.30.	Oct. 10, 1974	do	May 15, 1975
Neuse Milling Co., Inc., process operations.	do	T-2547	IV-2.30.	Oct. 10, 1974	do	June 1, 1975
Textil Knit-One, process operations.	do	T-2499	IV-2.60.	June 27, 1973	do	Mar. 1, 1975
Cargill, Inc.	do	T-2390	IV-2.30.	Sept. 6, 1973	do	June 1, 1975
E. I. duPont de Nemours, process operations.	do	T-2211	IV-2.60.	June 27, 1973	do	June 1, 1975

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LINCOLN COUNTY						
N.C. Splinting Mills, Inc., process operations.	Lincolnton	T-2468	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
MONTGOMERY COUNTY						
Alliance Furniture Division of Troy Lumber Co., fuel combustion.	Biscoe	T-2508	II-2.2, IV-1.10.	Oct. 10, 1974	Immediately	May 1, 1975
Taylor Homes Division of Troy Lumber Co., fuel combustion.	Troy	T-2507	II-2.2, IV-1.10.	Oct. 10, 1974	do	May 1, 1975
NEW HANOVER COUNTY						
Mohill Textiles, Inc., process operations.	Wilmington	T-2509	II-2.2	Oct. 10, 1974	Immediately	Mar. 1, 1975
Singer Co., process operations.	do	T-2203	IV-2.60.	June 27, 1973	do	June 1, 1975
Shell Oil, process operations.	do	T-2201	IV-2.60.	July 31, 1973	do	June 1, 1975
NORTHAMPTON COUNTY						
Georgia Pacific, process bag house.	Conway	T-1427	II-2.30.	Sept. 6, 1973	Immediately	Nov. 1, 1973
PASQUOTANK COUNTY						
Elizabeth City State University, fuel combustion.	Elizabeth City	T-2206	II-2.2, IV-1.10, IV-2.40.	Dec. 12, 1974	Immediately	Dec. 31, 1974
College of the Albemarle, fuel combustion.	do	T-2200	II-2.2, IV-1.10, IV-2.40.	Dec. 6, 1973	do	May 31, 1975
PERSON COUNTY						
Central Carolina Farmers, Inc., process operations.	Roxboro	T-2490	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	May 31, 1975
RPC Division, Midland Ross Corp., process operations.	do	T-2486	II-2.2, IV-2.60, IV-2.30.	Oct. 10, 1974	do	Dec. 31, 1974
Roxboro Concrete Services, process operations.	do	T-2241	II-2.2, IV-2.30.	Oct. 10, 1974	do	Dec. 31, 1974
PIKE COUNTY						
FCX Feed Mill, process operations.	Farmville	T-2511	IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
King Brothers Farm Center, Inc., process operations.	Ayden	T-2515	IV-2.30.	Oct. 10, 1974	do	June 30, 1975
Cox Trailers, Inc.	Grifton	T-2212	IV-2.60.	Sept. 9, 1974	do	Dec. 31, 1974
ROBESON COUNTY						
Textil Single Knits	Lumberton	T-2383	II-2.2	Sept. 6, 1973	Immediately	Mar. 31, 1975
ROCKINGHAM COUNTY						
Stoneville Furniture Co., process operations.	Stoneville	T-2464	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
RUTHERFORD COUNTY						
N.C. Display Fixture Co., Inc., process operations.	Forest City	T-2476	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	Apr. 1, 1975
Rutherford County Board of Commissioners, fuel combustion.	Rutherfordton	T-2394	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	do	June 1, 1975
SAMPSON COUNTY						
Butler & Crumpler Milling Co., process operations.	Roseboro	T-2502	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	Apr. 1, 1975
Garland Farm Supply, process operations.	Garland	T-2503	II-2.2, IV-2.30.	Oct. 10, 1974	do	Apr. 1, 1975
Colmar Mill & Supply Co.	Clinton	T-2375	IV-2.30.	Sept. 9, 1974	do	June 1, 1975
H. J. Underwood Co.	do	T-2377	IV-2.30.	Sept. 9, 1974	do	Apr. 1, 1975
STANLY COUNTY						
E. J. Snyder & Co., Inc., process operations.	Albemarle	T-2470	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
Page Church Furniture Co., Inc., fuel combustion.	do	T-2469	II-2.2, IV-1.10.	Oct. 10, 1974	do	June 30, 1975
Smith Novelty Co., Inc., unapproved incinerator.	do	T-2471	II-2.2, IV-1.30.	Oct. 10, 1974	do	Mar. 1, 1975
STOKES COUNTY						
R. J. Reynolds, fuel combustion, process operations.	Walnut Cove	T-2389	II-2.2, IV-2.30, IV-1.10.	Sept. 6, 1973	Immediately	June 1, 1975

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Source	Location	Permit No.	Regulation Involved	Date of adoption	Effective date	Final compliance date
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Emission Reporting," and by adding detailed requirements for registration of emission sources and reporting of emis-

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Source	Location	Permit No.	Regulation Involved	Date of adoption	Effective date	Final compliance date
<b>SURRY COUNTY</b>						
Elkin Furniture Co., process operations.	Elkin.....	T-2457.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	June 30, 1975
Mount Airy Table Co., Inc., process operations.	Mount Airy.....	T-2463.....	II-2.2, IV-2.30.	Oct. 10, 1974	do.....	May 15, 1975
National Furniture Co., Inc., process operations.	do.....	T-2465.....	II-2.2, IV-2.30.	Oct. 10, 1974	do.....	May 15, 1975
<b>TYRRELL COUNTY</b>						
Butler Land & Timber Co., woodwaste open burning.	Columbia.....	T-1772.....		Sept. 6, 1973	Immediately..	Sept. 30, 1974
<b>UNION COUNTY</b>						
FOX, Inc., process operations.	Marshville.....	T-2473.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	May 1, 1975
Monroe Combining Corp., process operations.	Monroe.....	T-2474.....	II-2.2, IV-2.30.	Oct. 10, 1974	do.....	July 1, 1975
<b>VANCE COUNTY</b>						
Dixie Milling Co., process operations.	Henderson.....	T-2495.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	Jan. 31, 1975
<b>WAKE COUNTY</b>						
Adams Concrete Products Co., process operations.	Raleigh.....	T-2484.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	June 1, 1975
Carolina Plywood Co., Inc., process operations.	Apex.....	T-2485.....	II-2.2, IV-2.30.	Oct. 10, 1974	do.....	Jan. 30, 1975
Baby Diaper Service, fuel combustion.	Raleigh.....	T-2485.....	II-2.2, IV-2.30.	Sept. 6, 1973	do.....	Aug. 31, 1974
Carolina Power & Light Co., fuel combustion.	do.....	T-2486.....	II-2.2, IV-2.30.	Sept. 6, 1973	do.....	Nov. 1, 1974
<b>WATAUGA COUNTY</b>						
Loven Ready Mix Co., process operations.	Boone.....	T-2480.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	Dec. 30, 1974
<b>WAYNE COUNTY</b>						
Dewey Brothers, Inc., coal burner.	Goldshoro.....	T-2483.....	II-2.2, IV-2.30.	Sept. 9, 1974	Immediately..	Dec. 31, 1974
Peacock & Rose, process operations.	Framont.....	T-2522.....	IV-2.30.	Oct. 10, 1974	do.....	June 1, 1975
<b>WILKES COUNTY</b>						
J. F. Enterprises, process operations.	Wilkesboro.....	T-2269.....	II-2.2, IV-2.30.	Sept. 6, 1973	Immediately..	May 1, 1974
Hammary Furniture, process operations.	North Wilkesboro.....	T-2276.....	II-2.2, IV-2.30.	Sept. 6, 1973	do.....	Dec. 1, 1973
<b>WILSON COUNTY</b>						
Cargill, Inc., process operations.	Wilson.....	T-2490.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	May 31, 1975
Lucama Grain Co., Inc., process operations.	Lucama.....	T-2481.....	II-2.2, IV-2.30.	Oct. 10, 1974	do.....	Dec. 31, 1974
<b>YADKIN COUNTY</b>						
Carl Rose & Sons Ready Mix, process operations.	Jonesville.....	T-2411.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	June 1, 1975
<b>§ 52.1774 [Amended]</b>						
3. Section 52.1774 is revised by changing the final compliance dates specified in the tables of paragraph (a) for certain schedules approved on June 20, 1973 (38 FR 16144). As revised, the affected lines of § 52.1774(a) read as follows:						
Source	Location	Permit No.	Regulation Involved	Date of adoption	Effective date	Final compliance date
<b>ASHE COUNTY</b>						
Weaver Manufacturing Co.	West Jefferson.....	T-2163.....	II-2.2, IV-2.30.	Oct. 9, 1974	Immediately..	May 1, 1975
<b>CABARRUS COUNTY</b>						
Cabarrus Memorial Hospital.	Concord.....	T-1975.....	II-1.3.	Oct. 9, 1974	Immediately..	Dec. 31, 1974
<b>CHEROKEE COUNTY</b>						
Fitco, Inc.	Murphy.....	T-2165.....	II-2.2, IV-1.10.	Oct. 9, 1974	Immediately..	July 15, 1974

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Source	Location	Permit No.	Regulation Involved	Date of adoption	Effective date	Final compliance date
<b>CURRITUCK COUNTY</b>						
J. J. Flora & Co., Inc.	Moyock.....	T-2070.....	II-2.2, IV-2.30.	Oct. 9, 1974	Immediately..	June 1, 1975
<b>HALIFAX COUNTY</b>						
Columbia Peanut Co.	Enfield.....	T-1855.....	II-1.3.	Mar. 15, 1974	Immediately..	July 1, 1974
<b>HENDERSON COUNTY</b>						
Bastes Ceramics	Hendersonville.....	T-2161.....	II-2.2, IV-2.30.	Oct. 9, 1974	Immediately..	Feb. 1, 1975
<b>LINCOLN COUNTY</b>						
Burris Industries	Lincolnton.....	T-2148.....	II-2.2, IV-1.10.	Oct. 9, 1974	Immediately..	July 15, 1974
<b>MADISON COUNTY</b>						
Mars Hills College	Mars Hill.....	T-1175.....	II-1.3, II-2.2, IV-1.10.	Oct. 9, 1974	Immediately..	May 31, 1975
<b>MOORE COUNTY</b>						
Moore Memorial Hospital, Inc.	Pinehurst.....	T-1966.....	II-1.3.	Mar. 15, 1974	Immediately..	May 1, 1974
<b>NASH COUNTY</b>						
H. F. Ward Metal Salvage	Nashville.....	T-788.....	II-1.3.	Sept. 30, 1974	Immediately..	Oct. 9, 1974
<b>NEW HAMOVER COUNTY</b>						
Curbett Lumber Co.	Wilmington.....	T-2084.....	II-2.2.	Sept. 9, 1974	Immediately..	Dec. 31, 1974
<b>PITT COUNTY</b>						
East Carolina University	Greenville.....	T-660.....	II-2.2, IV-1.10.	Oct. 9, 1974	Immediately..	Apr. 3, 1975
<b>RICHMOND COUNTY</b>						
Standard Foundry & Manufacturing Co.	Rockingham.....	T-1841.....	II-2.2, II-5.2, IV-2.30, IV-2.30, IV-2.40.	Oct. 9, 1974	Immediately..	Apr. 30, 1975
<b>ROCKINGHAM COUNTY</b>						
Golden Bell Manufacturing Co.	Reddsville.....	T-1960.....	IV-2.60.	Mar. 15, 1974	Immediately..	Mar. 1, 1975
<b>SAMPSON COUNTY</b>						
C. A. Brown Lumber Co.	Ivanhoe.....	T-2113.....	II-2.2, IV-1.10.	Mar. 15, 1974	Immediately..	Apr. 30, 1975
<b>RUTHERFORD COUNTY</b>						
Parton Lumber Co., Inc.	Rutherfordton.....	T-2024.....	II-2.2, IV-1.10, IV-2.40.	Mar. 15, 1975	Immediately..	Apr. 30, 1974
<b>WATAUGA COUNTY</b>						
Town of Boone	Boone.....	T-2026.....	II-2.2, IV-1.10, IV-2.40.	Mar. 15, 1974	Immediately..	Sept. 1, 1974
Lee Barnett Chevrolet Oldsmobile	do.....	T-2020.....	II-2.2, IV-1.10, IV-2.40.	Mar. 15, 1974	do.....	July 1, 1974
<b>WILKES COUNTY</b>						
American Drew, Inc., American No. 1 Plant.	North Wilkesboro.....	T-1851.....	II-2.2, II-5.2, IV-2.30.	Mar. 15, 1974	Immediately..	Mar. 30, 1975
Lineberry Foundry & Machine Co., Inc.	do.....	T-1909.....	II-2.2, II-6.2, IV-2.30, IV-2.30.	Dec. 12, 1974	do.....	May 1, 1975

[FR Doc.75-23814 Filed 9-8-75; 8:45 am]

[FRL 427-2]  
**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**  
**Approval of Revision to the Philadelphia Portion of the Pennsylvania Implementation Plan**

On May 28, 1974, the Commonwealth of Pennsylvania submitted to the Administrator proposed revisions to the City of Philadelphia's portion of the Pennsyl-

vania State Implementation Plan. The revisions consist of amendments to the following regulations.

Regulation I—General Provisions.  
 Regulation II—Air Contaminant and Particulate Matter Emissions.  
 Regulation X—Complex Source Review.  
 Regulation XI—Control of Emissions from Incinerators.

Regulation I is amended by retitling Section II, "Source Registration and

Emission Reporting," and by adding detailed requirements for registration of emission sources and reporting of emissions. The provisions for source registration are essentially a consolidation of existing permit and license requirements and additional relevant portions of the implementation plan pertaining thereto. In Regulation II, Section IV.1.d. is amended by changing the reference to incinerator regulations from those adopted May 16, 1969, to the new Regulation XI.

Regulation X, "Complex Source Review," amends the previous Regulation X, "Construction Review," in its entirety. The new regulation was designed to be more comprehensive in order to conform with Federal requirements. The definition of "complex sources" in this amendment refers to all potential installations that may affect the achievement and maintenance of air quality standards. Section IIB contains several exclusions that exempted smaller facilities not likely to have a significant impact on air quality. Section III of Regulation X includes review procedures and conditions of approval, and requires the submission of an impact statement with any request for approval to construct a complex source.

Regulation XI, Control of Emissions for Incinerators, replaces those regulations relating to control of incinerators, which had become effective on May 19, 1969. The major provisions of the new regulations are the retention of the ban on new refuse incinerators and the lowering of the allowable particulate emission limit in accordance with Federal standards. Two additional provisions contained in Section III of Regulation XI include prohibition of any emission exceeding 60 percent opacity and prohibition of fly ash emission.

On September 20, 1974 (39 FR 33808), the Administrator acknowledged receipt of this proposal, and provided for a 30-day public comment period, which ended on October 20, 1974. No comments were received. Based on the Administrator's evaluation, it is the Administrator's judgment that the amendments to Regulations I and II are approved as revisions to the Pennsylvania State Implementation Plan, effective immediately. The amendments serve to clarify the existing provisions and hence, improve the effectiveness of the regulations. The Administrator also approves, excepting the odor provisions on which EPA is taking no action, effective immediately, the new Regulation XI, based on the fact that the amendment clarifies the scope and applicability of the present regulation controlling incinerators, provides a more stringent emission limitation for existing sources, and adds an emission limitation to new incinerators. The amendments approved by this revision shall not be construed as repealing or modifying the powers of the Administrator with respect to enforcement of violations of pre-existing incinerator regulations that were a part of the implementation plan at the time the violations occurred.

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## RULES AND REGULATIONS

On the other hand, the Administrator

PART 162—REGULATIONS FOR THE CONTROL OF AIR POLLUTION

## RULES AND REGULATIONS

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162.40-162.96. For a full understanding of registration, reregistration and classification, see the following:

not previously registered by the Agency.  
 (2) (i) Form (A) is the basic form used

out completely, with particular reference to the name and address of the producer of the chemical, and common or chemical



On the other hand, the Administrator will not take any approval/disapproval action on the amendment to Regulation X at this time. On December 5, 1974, the Administrator informed the Commonwealth of Pennsylvania that the aforementioned amendment would be unacceptable for the Administrator's approval. The specific objections included:

- (1) Lack of basis and clarity for determining which facilities would be subject to review.
- (2) Lack of justification for determining which facilities would be exempt from review.
- (3) Lack of clarity in determining the "person responsible" for submitting an application of approval.
- (4) Lack of adequate provisions to notify other local air pollution agencies and EPA about receipt of permit applications.
- (5) Lack of adequate provisions to have the information submitted by the applicant, as well as the reviewing agency's analysis of air quality impact, available for public comment.

On January 15, 1975, the Commonwealth of Pennsylvania requested that the amendments to Regulation X be withdrawn from further consideration as a proposed revision to the Pennsylvania Implementation Plan. The Commonwealth agreed with the objections set forth by the Administrator. The Administrator concurs with this request, and hereby withdraws this amendment from further consideration as a plan revision.

Copies of these revisions are available for public inspection during normal business hours at the offices of EPA, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106; at the Freedom of Information Center, U.S. EPA, 401 M Street, SW., Washington, D.C., 20460; and at the office of Philadelphia Air Management Services, 4320 Wissahickon Avenue, Philadelphia, Pennsylvania, 19129.

(42 U.S.C. 1857c-5)

Dated: September 2, 1975.

JOHN QUARLES,  
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**Subpart NN—Pennsylvania**

In § 52.2020, paragraph (c) (2) is revised to read as follows:

**§ 52.2020 Identification of plan.**

(c) . . .

(2) May 5, 1972 and May 28, 1974.

[FR Doc. 75-23824 Filed 9-8-75; 8:45 am]

**PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT**

**Pesticides in the United States; Registration Procedures**

Notice is hereby given that, pursuant to the authority of sections 3 and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended by the Federal Environmental Pesticide Control Act of 1972 (Pub. L. 92-516, 86 Stat. 973), the Administrator of the Environmental Protection Agency is amending 40 CFR Part 162 by establishing these §§ 162.41 through 162.51 pertaining to the procedures for the registration, reregistration and classification of pesticides. The Guidelines are set forth below.

On July 3, 1975, the Environmental Protection Agency published in the FEDERAL REGISTER (40 FR 28242) final regulations for the registration, reregistration and classification of pesticides pursuant to Sections 3, 6, 19, 21 and 25 of the FIFRA. The regulations are effective August 4, 1975.

On June 25, 1975 the Environmental Protection Agency published in the FEDERAL REGISTER (40 FR 26802) proposed Guidelines and an Appendices thereto for registering pesticides pursuant to Sections 3 and 25(a) of the FIFRA. The sections that follow hereafter pertaining to registration procedures were reserved in that June 25th document. The purpose of these sections is to advise all applicants for registration and reregistration of the procedures for registration which pertain to their product and thereby expedite the registration process. The various forms for registration mentioned in this document are available from the Forms Clerk, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The forms necessary for reregistration will be sent to the registrant when his application for reregistration is called in.

In order to facilitate the use of the Guidelines and Appendices these documents, once final, including subsequent amendments, will be published in a loose-leaf format which will be available on a subscription basis from the Government Printing Office, Washington, D.C. 20402. When the Guidelines document published for public comment on June 25, 1975 (40 FR 26802) is made available on the subscription basis, these registration procedures will be included therein.

The Administrator has determined that there are compelling public interest reasons for these guidelines to be made effective at this time without notice and

opportunity for comment by the public. These regulations contain rules of Agency procedure and therefore fall outside Administrative Procedure Act requirement that they first be published as a proposal. Section 5 U.S.C. 553(b) provides that all regulations governing procedure or practice may be published without the requirement of notice and opportunity for public comment. These guidelines impose no new substantive requirements for registration. They merely specify which forms shall be completed for each of the various registration actions and explain the procedures the Agency will use in review of applications for registration and the procedures the Agency expects the applicant for registration to follow in preparing and submitting his application for registration, so that registration reviews can be more expeditiously processed. Moreover, in accordance with section 5 U.S.C. 553(d), these procedures shall take effect upon publication (September 9, 1975) rather than 30 days thereafter. Firstly, as discussed above, the Administrator has determined that they are nonsubstantive rules and secondly, the Administrator finds such "good cause" as is required by paragraph (3) of section 5 U.S.C. 553(d) to make these regulations effective immediately. Any delay in the effectiveness of these procedures may interfere with the orderly registration and reregistration of pesticide products.

Dated: September 2, 1975.

RUSSELL E. TRAIN,  
Administrator.

Part 162 of 40 CFR is amended by adding §§ 162.41 through 162.51 to read as follows:

**GUIDELINES FOR REGISTERING PESTICIDES; REGISTRATION PROCEDURES**

Sec.	General information.
162.41	Registration forms.
162.42	Preparation of application packages.
162.43	Labeling (§§ 162.10, 162.71—76).
162.44	Supporting data (§ 162.8).
162.45	Registration review.
162.46	Disposition of applications.
162.47	[Reserved]
162.48	[Reserved]
162.49	[Reserved]
162.50	[Reserved]
162.51	[Reserved]

AUTHORITY: Sections 3 and 25(a), Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136 et seq.).

**GUIDELINES FOR REGISTERING PESTICIDES; REGISTRATION PROCEDURES**

**§ 162.41 General information.**

These registration procedures are a non-substantive guide to the applicant and registrant and provide instruction regarding application for registration. The citations in brackets refer to appropriate Sections of either the registration, reregistration and classification regulations, 40 CFR 162.1-162.23, or the Guidelines for registering pesticides, 40 CFR

162.40-162.96. For a full understanding of registration, reregistration and classification activities, these documents should all be read together.

(a) Any person who wishes to register a pesticide product must submit the appropriate application forms and other information specified here to the following address:

Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C. 20460.

(b) Each applicant will be assigned a number which designates his company. This company number is assigned permanently and should be referenced in all correspondence relating to the company. (This number is not to be confused with the establishment number).

(c) Any applicant not residing in the United States must appoint an authorized agent in the U.S. to act on his behalf in all registration matters. Any other applicant who wishes may also appoint such an agent. To designate an agent, a notarized letter of appointment, signed by an authorized representative of the company stating the agent's name and address, must be submitted to the division. (§ 162.6(a) (2); § 162.6(a) (3)).

(d) Only one address of record can be maintained for each registrant, except that different divisions or other entities of the same company may, upon request, be assigned different company numbers. In the case of a foreign applicant, all correspondence will be directed to his U.S. agent. (§ 162.6(a) (3); § 162.6(a) (4)).

(e) An application for registration is either an application for new registration (§ 162.6(b) (2)), amended registration (§ 162.6(b) (3)), supplemental registration (§ 162.6(b) (4)), or reregistration (§ 162.6(b) (5)). A product currently registered under state pesticide registration laws must also be registered in accordance with § 162.17, unless it is registered pursuant to section 24(c) of the Act and the regulations thereunder.

(f) A separate registration application must be made for each pesticide product. A registration shall pertain to only one formulation and variations in the formulation of a pesticide product will require separate registrations except as provided by § 162.6(b) (1) of the regulations. This exception includes (1) certain applications for amended registration which request marketing of a single product under multiple brand names and (2) certain fertilizer-pesticide combinations, paint-pesticide mixtures and other pigment-pesticide mixtures (See § 162.21(a)).

**§ 162.42 Registration forms.**

The following discussion briefly describes the purpose and use of each of the various registration forms and the procedures which are particularly important. The detailed procedure attached to each is discussed after the explanation of the forms.

(a) *Application for new registration* (§ 162.6(b) (2)) (EPA Form 8570-1). (1) An application for new registration is required for registration of all products

not previously registered by the Agency. (2) (i) Form (A) is the basic form used to apply for registration of a new pesticide product. It also will be used for full registration of intrastate products and reregistration.

(ii) Form (A) is for the initial submission for a new product only. Any subsequent submissions prior to registration should be made on EPA Form 8570-12, Resubmission of a Pesticide Product Application.

(b) *Application for amended registration* (§ 162.6(b) (3)) (EPA Form 8570-11). (1) An application for amended registration is required, if:

(i) Changes are proposed in the labeling of the product, including but not limited to a change in the product name, deletion of label text or the addition of new uses, provided such changes would not require a change in any use classification of the pesticide;

(ii) Minor changes are proposed in the composition of the pesticide which would not require any changes in the label directions, required warning or caution statements or the use classification of the pesticide; or

(iii) Additional brand names are requested. (2) (i) Form (B) is used to amend the existing registration of a product, including the labeling, packaging, name, or inert ingredients. The form gives examples of types of revisions and provides space for a brief description of the revision or any additional explanation deemed necessary by the registrant. All changes in a registered product, including labeling, require Registration Division approval before marketing or shipment.

(ii) Form (B) should be used for registered products only. Resubmissions of an application which has been found deficient (§ 162.6(a) (5)) or been denied (§ 162.7(e)), should be made on EPA Form 8570-12.

(c) *Application for renewal registration* [Reserved]

(d) *Resubmission application* (EPA Form 8570-12).

(1) Form (C) should be used to transmit all resubmissions (except distributor brands) in response to an EPA determination that the application for registration is deficient (§ 162.6(a) (5)) or that the application is denied (§ 162.7(e)), whether registered or unregistered products are involved and regardless of the type of submission which preceded it. The registrant should note carefully the spaces for the type of original submission and the date of the Registration Division's correspondence to the registrant.

(2) A resubmission must be limited to corrections or responses required by the notice of deficiency or denial. A resubmission form may not be used to initiate new labeling claims; applications which do so will be returned unprocessed to the applicant.

(e) *Confidential statement of formula* (EPA form 8570-4). (1) Form (E) is the basic form which describes the chemistry of a pesticide product. It must be filled

out completely, with particular reference to the name and address of the producer and the correct common or chemical name for each component. The form is required with each application for new registration, reregistration, registration renewal, and any amendment which relates to the product chemistry, for example, an inert ingredient change or a change in basic supplier.

(2) For each active ingredient, the applicant must specify the EPA Registration Number of the product containing the active ingredient, if applicable. If he does not manufacture the active ingredient himself, he must attach a letter from his supplier authorizing the Registration Division to refer to the confidential formula information in the supplier's registration record. The authorization letter should include the supplier's registration number or file symbol, if known. The applicant should not request his supplier to submit a Confidential Statement of Formula for his product.

(f) *Label technical data sheet* (EPA Form 8570-10). Form (F) must be submitted with all applications for new registration, reregistration, and with any other application which requires a change in information previously submitted on the form. The purpose of Form (F) is to allow the Agency to compile a profile of registered products including site, pest, mode of action, user type and formulation.

(g) *Application for supplemental registration of distributor products* (§ 162.6(b) (4)) (EPA Form 8570-5). (1) Supplemental registration permits a distributor of a registered product to market that pesticide product under the distributor's brand name. The conditions for such a registration are outlined in § 162.6(b) (4).

(2) Form (H) must be submitted by a registrant to permit a distributor to market a registered product under the distributor's own brand name. There are two changes from previous policy in the use of this form which the registrant should note: (i) Both the primary registrant and the distributor must request supplemental distributor registration; and (ii) a separate form must be used for each distributor product proposed.

(h) *Application for reregistration* (§ 162.6(b) (5)). (1) Pesticide products previously registered by the Agency are required to be reregistered and classified by October 21, 1976.

(2) The applicant for reregistration shall submit Form (A) to initiate his reregistration application. This is the same form used for new registration of a pesticide product. The registrant will be notified pursuant to § 162.43(f) regarding when to submit the application. Registrants should not submit an application for reregistration until notified to do so by the Agency.

(i) *Application for intrastate products* (§ 162.17). (1) Pesticide products currently registered under state pesticide registration laws must be registered under the provisions of 40 CFR § 162.17, subpart A, unless registered pursuant to section 24(c) of the Act and the regulations thereunder.

(2) The applicant for federal registra-

(2) Corrections to the application

(A) The sufficiency of data previously

package. The guidance package will be sent to all registrants of products in the

applications will be considered as applications for reregistration, subject to the

utor products approved as supplemental registrations prior to the effective date of the regulations (August 4, 1975) is not



(2) The applicant for federal registration of an intrastate product shall submit Form 8570-8 within 60 days of the effective date of § 162.17 to notify the Agency of his intent to submit a full application for registration. The applicant will be notified in accordance with §§ 162.17 and 162.13(g) when to submit a full application for registration. At such time, the applicant shall use Form (A). This is the same form used for new registration of a pesticide product.

#### § 162.43 Preparation of application packages.

Applications for registration must be submitted as a complete package, as specified below. Incomplete applications will be returned unprocessed. The applicant is responsible for the accuracy and completeness of all information submitted in connection with the application (§ 162.6(a)(5)).

(a) *New registrations* (§ 162.6(b)(2)). Every application for a new product registration must include the following:

(1) Application for New Pesticide Product Registration (EPA Form 8570-1).

(2) Confidential Statement of Formula (EPA Form 8570-4).

(3) Authorization letters from suppliers regarding active ingredients, unless the applicant is the primary manufacturer.

(4) Label Technical Data Sheet (EPA Form 8570-10).

(5) Two loose copies of draft labeling.

(6) Two copies of any data submitted in support of the application.

Samples of the pesticide product or its packaging should not be submitted unless the Agency specifically requests them.

(b) *Amended registrations* (§ 162.6(b)(3)). Every application for an amended product registration must include the following:

(1) Application for Amended Pesticide Product Registration (EPA Form 8570-11).

(2) Label Technical Data Sheet (EPA Form 8570-10), when changes would require revision of the information previously submitted on the form.

(3) Confidential Statement of Formula (EPA Form 8570-4), when necessary because of changes in the chemistry of the product.

(4) Two loose copies of draft labeling.

(5) Two copies of any data submitted in support of the application.

Samples of the pesticide product or its packaging should not be submitted unless the Agency specifically requests them.

(c) *Renewal registrations* [Reserved].

(d) *Resubmission upon notice of a deficiency in the application* (§ 162.6(a)(5)).

(1) If an application for new, amended or renewal registration or reregistration is found deficient, the notice to the applicant will specify the deficiencies in the data or labeling and the materials that must be submitted to make the application acceptable.

(2) Corrections to the application should be transmitted on EPA Form 8570-12, Resubmission of Pesticide Product Application. Resubmissions should respond specifically to the deficiencies specified in the Registration Division's previous notice. Submissions of final printed labeling may be transmitted to the Agency on this same form, 8570-12. The following items must be included with a resubmission:

(i) Resubmission of a Pesticide Product Application (EPA Form 8570-12).

(ii) Label Technical Data Sheet (EPA Form 8570-10), if any information previously submitted on the form is changed.

(iii) Confidential Statement of Formula (EPA Form 8570-4), if any information previously submitted is changed.

(iv) Two loose copies of draft labeling, or, if requested by the previous correspondence, five copies of final printed labeling.

(v) Two copies of any data submitted in support of the application.

(e) *Supplemental registration of distributor products* (§ 162.6(b)(4)).

(1) One copy of EPA Form 8570-5, Application for Supplemental Registration of Distributor Products, must be submitted for each distributor brand registration requested. Supplemental registration of a distributor product requires the concurrence and signature of both the primary registrant and the distributor. A registrant for supplemental registration should only submit Form 8570-5 and should not submit either primary registrant labeling or distributor labeling. Submitting several applications for supplemental registration of the same basic product simultaneously will facilitate processing.

(2) A potential distributor who does not have a company number assigned should write to the Registration Division on letterhead stationery requesting a company number. This letter may accompany the application for supplemental registration of the distributor product brand. Distributor applications that do not specify the distributor company number or that do not include a request for such a number on the distributor's letterhead will be returned to the primary registrant.

(3) Conditions for acceptance of distributor products are outlined on the form and in 40 CFR 162.6(b)(4). If the information on the form is correct and if the proposed distributor product name is not misleading, copies of the form will be returned to the registrant and the distributor with approval. If the application is disapproved, the copies returned will state the reasons for denial.

(f) *Reregistration*. (1) Applications for reregistration of products previously registered by this Agency should only be submitted when solicited by EPA. Solicitation of applications for reregistration will be grouped in products similar to each other in chemistry and broad use pattern, hereinafter referred to as a batch.

(i) Before soliciting applications for the reregistration of products in a batch, the Agency will preliminarily review the registration to determine the following:

(A) The sufficiency of data previously submitted or otherwise available to the Administrator to satisfy the requirements of § 162.8(c) of the regulations. The review will determine whether:

(1) All applicable requirements of § 162.8(c) are met. In this case the products in the batch are candidates for full reregistration and classification, subject to solicitation, submission, review and approval of applications.

(2) Certain requirements of § 162.8(c) are not met, and the necessary studies cannot reasonably be expected to be completed before October 21, 1976.

In this case, provided that the criteria for risk set forth in § 162.11(a)(3) are not met or exceeded, and provided that all other applicable requirements of the Act and these regulations are satisfied, the Administrator may in his discretion after soliciting the applications for reregistration of the affected products, classify and reregister the products for a reasonable period of time pending completion of the required testing (§ 162.6(b)(5)(ii)).

Such reregistrations will be for a fixed term of less than five years, reasonable to allow development, submission, and review of required data, and will not be subject to renewal. Registrants of products included in such batches will be notified of the unsatisfied requirements for long term data, so that the necessary studies can be initiated; registrants of similar products are encouraged to cooperate in the development of needed data, to minimize duplication of effort and expedite the reregistration review.

(3) Certain requirements of § 162.8(c) are not met, and the necessary studies are of short duration and can be expected to be completed before October 21, 1976. In this case the registrants of affected products will be notified as early as possible of the gaps in supporting data, so that they may be satisfied prior to solicitation and submission of the application for reregistration. Except when otherwise specified in the notification, studies performed with the active ingredient will be acceptable; registrants of similar products are encouraged to cooperate in the development of needed data, to minimize duplication of effort and expedite the reregistration review.

(B) Whether the products in the batch are to be candidates for restricted use, based on the criteria of § 162.11(c)(2) of the regulations, with qualification as appropriate on the basis of concentration, dosage rates, broad use pattern, physical form of the pesticide, or other relevant factors.

(C) The required precautionary and other standard label statements in accord with the provisions of § 162.10 of the regulations. When such statements are conditionally required, the appropriate conditions will be explicitly stated. To improve consistency among similar products and to minimize the likelihood of rejection of proposed labeling, the wording of these statements will be prescribed.

(i) The results of this preliminary batch review will be compiled into a reregistration and classification guidance

package. The guidance package will be sent to all registrants of products in the batch and will solicit applications for reregistration. This package will include the following materials:

(A) Application forms.

(B) General instructions for completing the forms and applying for reregistration.

(C) Specific procedural instructions for the batch, including the time for response. Registrations of products for which applications for reregistration are not received by the date specified will be cancelled.

(D) The results of the preliminary classification review, with a discussion of actions, if any, which could be taken by the applicant for reregistration to make a product which is a candidate for restricted use acceptable for general classification.

(E) Guidelines and examples for applying the label format standards of § 162.10 of these regulations.

(F) Prescribed wording for required precautionary and other standard label statements.

(G) Any other specific requirements applicable to the batch.

(2) *Contents of application for reregistration*. The required contents of an application for reregistration will vary somewhat from one batch to another, and will be described in detail in the guidance package accompanying the solicitation of application. In general, the requirements are as follows:

(i) The name and address of the applicant and any other person whose name will appear on the labeling;

(ii) The name and EPA registration number of the product;

(iii) A set of completed application forms, including the Application for New Registration, the Confidential Statement of Formula, and the Label Technical Data Sheet;

(iv) The classification(s) requested for the use(s) for which reregistration is requested, pursuant to § 162.11(c);

(A) If the classification requested differs from that indicated by the results of the preliminary batch classification review included in the guidance package, a rationale for the requested classification must be included, based upon § 162.11(c). If, for example, in order to make acceptable for general use a product identified in the preliminary batch classification review as a candidate for restricted use, the applicant proposes deletion of uses from the label directions, these proposed deletions should be explicitly stated.

(B) If reregistration of a single product bearing directions for both general and restricted uses is sought, and if as provided in § 162.10(j) of the regulations the applicant requests reregistration as two products with distinct registration numbers, one bearing only general use directions and the other bearing directions for restricted use (with or without additional directions for general use), separate applications are required. These separate applications, however, should be submitted concurrently, and both ap-

plications will be considered as applications for reregistration, subject to the procedural requirements of this section and the data requirements of § 162.8(c).

(v) A number of copies as specified in the guidance package of draft and/or final printed labeling for the pesticide product. All labeling submitted must be in conformance with the requirements of § 162.10.

(A) The Administrator may in his discretion allow for an expedited review of certain applications when the applicant certifies that no claims are proposed additional to those previously accepted, that no changes are proposed in the chemical formulation of the product, and that all labeling requirements, as prescribed in the guidance package, have been satisfied. In this case the applicant may submit copies of final printed labeling with his initial application for reregistration. Those batches for which this option is available will be identified in the guidance package, and specific instructions will be included.

(B) When draft labeling is submitted with the initial application, final printed labeling need not be submitted until draft labeling has been provisionally accepted. When this course is followed, expedited review will be granted to the final labeling when the applicant certifies compliance with the terms of provisional acceptance.

(vi) Supporting data as necessary to support the application consistent with the data requirements of § 162.8(c), the procedural requirements of § 162.9, and the instructions in the guidance package.

(3) *Suspension of five-year renewals during the period of reregistration*. For the duration of the period of reregistration, the five-year renewal requirement has been suspended. No product registration will lapse prior to October 21, 1976 because of the expiration of the five-year period for registration.

(4) *Amendments prior to October 21, 1976*. Applications for amended registration of products subject to reregistration by October 21, 1976 will normally be processed independently of reregistration. Amended registration approved prior to reregistration of the affected product will not constitute full reregistration and classification, and will be effective only for the period between approval of the amendment and reregistration of the product. Labeling revised for purposes of the amendment is likely to require further revision in accord with the provisions of the reregistration guidance package prior to approval of reregistration. Applications for amended registration may be submitted concurrently with the application for reregistration. If the nature of the proposed amendment is such that concurrent review would not unnecessarily delay reregistration, the two applications will be reviewed together. In other cases, for example, when significant new claims are proposed, consideration of the amendment will be deferred until after the reregistration review is completed.

(5) *Reregistration of distributor products*. Separate reregistration of distrib-

utor products approved as supplemental registrations prior to the effective date of the regulations (August 4, 1975) is not required prior to October 21, 1976 when reregistration is approved for a primary product. Supplemental registration of distributor products previously approved under that primary registration will be considered to be reregistered under the same terms as the primary product, subject to the conditions for supplemental registration contained in § 162.6(b)(4).

(g) *Intrastate products* (§ 162.17).

(1) Within 60 days of the effective date of § 162.17, each registrant of a product registered solely under state law must submit a notice of application for federal registration on EPA Form 8570-8. Pending solicitation of a full application for federal registration and the final registration decision either approving or denying the registration application, the state registrant may continue to sell and distribute the product subject to the requirements of § 162.17(f).

(2) Applications for federal registration of products previously registered solely under state pesticide registration laws will be solicited in batches of products similar to each other in chemistry and broad use pattern, just as applications for reregistration. Before soliciting the applications for federal registration of these products, the Administrator will make similar findings as discussed immediately above for solicitation of applications for reregistration, provided that since these products have not previously been registered by the EPA, these products will have to satisfy the data requirements for new registration. (§ 162.8(b)). However, the requirement of § 162.8(b)(2) for efficacy data may be waived on the basis of scientific data or findings and recommendations of a state or federal agency authorized by law to conduct pesticide research, pest control activities or programs for the protection of environmental quality or natural resources. (§ 162.17(a)).

#### § 162.44 Labeling [§§ 162.10, 162.71-.76]

(a) As a general rule, labeling initially submitted with the application should be in draft form. Final printed labeling need not be submitted until the proposed labeling has been conditionally accepted by the Registration Division. If an applicant chooses, however, he may submit final printed labeling with his initial application. If such labeling is unacceptable, the applicant bears full responsibility for providing correct labeling.

(b) Draft labeling may be either typewritten label text on 8½ by 11 inch paper or a mock-up of the label prepared so that it can be stored in 8½ by 11 inch files. Significantly smaller labeling should be mounted on 8½ by 11 inch paper.

(c) Final printed labels should also be prepared for storage in 8½ by 11 inch files by mounting or by photoreduction, where reduction would not significantly impair readability. When screen printing is used to print labeling directly on the container, do not submit the container; copies may be obtained

by taping a piece of paper on the container as it goes through the printing

respect to whether the properties of the specific pesticide or product are funda-

from use of pesticide is not as great as indicated by the criteria which gave

(7) A final order concerning denial or cancellation of a registration is made

time for completion of the review, and, in the case of a new product, will assign

cant has 30 days from receipt of this letter to take the specified corrective action or he may petition for withdrawal of his

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by taping a piece of paper on the container as it goes through the printing process. Photocopies of embossed labeling should be submitted. Paste-on labeling should be submitted as is, unless it requires photoreduction or mounting.

#### § 162.45 Supporting data [§ 162.8].

(a) *Format.* (1) Two full sets of all data submitted are required, and must be bound separately. A bound volume of data should contain all individual studies of a single data type, such as environmental chemistry data or toxicology data or efficacy data. For a list of data types see the face of the Application for New Registration (EPA Form 8570-1). On the cover of each volume of data should be the product name, EPA Registration Number or File Symbol (if known), the type of data contained in the volume, and the date of the submission. In the front of each volume should be included in this order:

- (i) A full table of contents;
- (ii) A copy of the application form;
- (iii) A copy of the labeling;
- (iv) A tabular summary of the data contained in the volume, on forms provided by the Agency where appropriate.

(2) When large amounts of data are contained in one volume, it may be necessary to subsection by tabbing groups of data; for example, efficacy data by crop or geographical location, or human safety data by type of study. The material must be page numbered. The preferred pagination is a dual numbering system, with a capital Roman numeral to indicate the volume number and Arabic numerals assigned consecutively within the volume to indicate page numbers.

(3) Section 10 of FIFRA, as amended, provides that an applicant may clearly mark any data considered confidential and submit it separately. This data may be separately identified by using different colored paper or by stamping each page Confidential.

(b) *Compensation for use of previously submitted data in support of registration* (§ 162.9) [Reserved].

(c) *Waiver of a data requirement* (§ 162.8(a)(3), 162.17(a)).—(1) *Standard.* The Regulations and Registration Guidelines set forth the data requirements for registration of a pesticide. The Agency recognizes that the indicated data requirements may not have taken account all relevant factors for all pesticides. Therefore, a data requirement may be waived if it is established that the composition, degradability, proposed patterns of use and such other chemical or physical properties of a specific pesticide or product relating to an evaluation of the effects on man or the environment are fundamentally different from the factors considered by the Agency in the establishment of the data requirement of the Registration Guidelines.

(i) *New registration.* The applicant may submit written argument that a data requirement should be waived pursuant to the above standard. The Administrator will consider the argument submitted by the applicant and such other information as may be available to him, and make a written finding with

respect to whether the properties of the specific pesticide or product are fundamentally different from the factors considered by the Agency in establishing the data requirement of the Registration Guidelines. If the Administrator so determines, he may waive a data requirement of the Registration Guidelines when he determines that the data so required is not necessary in order for him to determine whether such specific pesticide product will generally cause unreasonable adverse effects on man or the environment. In the case of the approval of any application in which the Administrator has determined to waive a data requirement specified in the Registration Guidelines, the notice of approval issued pursuant to § 162.7(d)(2) shall list any data requirement which has been waived and briefly state the basis for such waiver.

(ii) *Reregistration.* The registrant may submit written argument that a data requirement should be waived or the Administrator may initiate the waiver of a data requirement in the solicitation of an application for reregistration, pursuant to the above standard. If the applicant submits argument that a data requirement should be waived, the Administrator will consider the argument submitted and proceed in accordance with the procedures discussed above for waiver of a data requirement for new registration. If the Administrator waives a data requirement in the solicitation of an application for reregistration, the notice of solicitation shall list any data requirement which has been waived and briefly state the basis for such waiver.

(iii) *Intrastate products.* The applicant may submit written argument that a data requirement should be waived or the Administrator may initiate the waiver of a data requirement in his notice to the applicant to submit a full application for federal registration, pursuant to the above standard. If the applicant submits argument that a data requirement should be waived, the Administrator will consider the argument submitted and proceed in accordance with the procedures discussed above for waiver of a data requirement for new registration. If the Administrator waives a data requirement in the solicitation of an application for full federal registration, the notice of solicitation shall list any data requirement which has been waived and briefly state the basis for such waiver.

(d) *Rebuttable presumption against registration.* (1) A rebuttable presumption against registration or continued registration arises if a pesticide meets or exceeds the criteria for risk of § 162.11(a)(3). Upon so determining, the Administrator shall issue notice by certified mail to the applicant or registrant stating that he may submit evidence in rebuttal of the presumption. (§ 162.11(a)(1)). The applicant or registrant has 45 days to submit such evidence; however, for good cause shown, the Administrator may grant an additional 60 days for submittal of such evidence.

(2) The presumption against registration is rebutted by showing that the risk

from use of pesticide is not as great as indicated by the criteria which gave rise to the rebuttable presumption. (§ 162.11(a)(4)). If after review of the evidence submitted in rebuttal, the Administrator determines that the presumption against registration has been rebutted and if the application for registration is otherwise in compliance with the Act, the regulations and these guidelines, the pesticide will be registered. (§ 162.11(a)(5)(i)). In the case of an application for registration for which notice of approval is required to be published pursuant to § 162.7(d)(2), such notice shall state that the Administrator has determined that the presumption has been rebutted and refer to the appropriate clause of § 162.11(a)(4)(i)-(ii) upon which he bases his determination.

(3) If the Administrator determines that the applicant or registrant has failed to rebut the presumption against registration, then for the uses of the pesticide subject to the presumption and not rebutted he shall issue either a (i) notice of intent to deny the registration, pursuant to section 3(c)(6) of the Act, (ii) notice of intent to cancel the registration, pursuant to section 6(b)(1) of the Act or (iii) notice of intent to hold a hearing to determine whether the registration should be cancelled or denied. (§ 162.11(a)(5)(ii)). This notice will be issued within 180 days from the date the initial notice was sent to the applicant or registrant informing him that he may submit evidence in rebuttal of the presumption.

(4) When the applicant or registrant submits evidence in rebuttal of the presumption against registration, he may also submit evidence as to whether the economic, social, and environmental benefits of the use(s) of the pesticide subject to the presumption outweigh the risks of use. The Administrator may, in his discretion, in determining which of the several hearing procedures to convene, take into account staff recommendations resulting from preliminary analysis, if any, concerning a balancing of risks against benefits from use of the pesticide. (§ 162.11(a)(5)(iii)). Any such preliminary analysis will be completed within 150 days from the date the notice was sent to the applicant or registrant informing him that he may submit evidence in rebuttal of the presumption.

(5) If based on such analysis the staff recommendation is that benefits appear to outweigh risks, the Administrator may, in his discretion, issue notice of intent to hold a hearing to determine whether the registration should be cancelled or denied rather than a notice of intent to deny or cancel the registration. If the recommendation is that benefits do not appear to outweigh the risks, the Administrator shall issue a notice of intent to deny or cancel the registration. (§ 162.11(a)(5)(iii)).

(6) Section 162.11(a)(6) sets forth additional grounds for issuance of a notice of intent to deny or cancel a registration or to hold a hearing to determine whether the registration should be cancelled or denied.

(7) A final order concerning denial or cancellation of a registration is made after a balancing of all factors concerning the risks and benefits of use of the pesticide in accordance with the burdens of proof contained at § 162.11(b).

#### § 162.46 Registration review.

(a) *Product manager system.* (1) The Registration Division has adopted a Product Manager system for more expeditious review of pesticide product applications. Under this system, each product is assigned to a single team headed by a Product Manager. New products are assigned to a Product Manager team as they are received. Assignment is generally by active ingredient and use; for example, one Product Manager handles all quaternary ammonium disinfectants; another, all chlorinated hydrocarbons; and a third, most fumigant-type products. With minor exceptions, the team to which the product is assigned handles all registration or other actions relating to the product, including registration, amendments to registration, resubmissions, renewals, petitions for tolerance, and, if necessary, cancellations or suspensions. Exceptions include enforcement case reviews, distributor brand applications, and experimental use permits; even in these cases, the Product Manager is kept informed of actions affecting his product. The Product Manager is the control point for information concerning a particular product and all questions or problems pertaining to an application should be directed to him.

(2) The acknowledgement copy of the application which is returned to the applicant will have the Product Manager's name and telephone number. The applicant should retain these, since both the Application for Amended Registration (EPA Form 8570-11) and the Resubmission of a Pesticide Product Application (EPA Form 8570-12) request that the name of the appropriate Product Manager be included on the form.

(b) *Notice of application* (§ 162.8(b)(6)). The Administrator will publish in the FEDERAL REGISTER notice of receipt of an application for new or amended registration if the pesticide formulation contains any active ingredient not registered at the time of the application or if a changed use pattern is proposed. Section 162.8(b)(6) lists the contents of this notice. The notice will provide a period of 30 days within which any interested party may submit comment regarding the registration of the pesticide for the indicated uses.

(c) *Acknowledgement of application* (§ 162.7(b)). (1) Applications may be mailed or delivered personally to the Registration Division. An application for registration will be acknowledged as soon as possible after receipt by returning the "Acknowledgement" copy of the form. The applicant should keep the triplicate copy of the form for his own records.

(2) The acknowledgement copy will contain the date of receipt of the application, the Product Manager's name and the telephone number, the anticipated

time for completion of the review, and, in the case of a new product, will assign the product a "File Symbol."

(3) A File Symbol is a reference code composed of the applicant's company number, followed by a dash and a letter or series of letters designating the individual product, for example, 9151-AER. All correspondence relating to the product must reference the File Symbol (or, if registered, the Registration Number).

(d) *Completeness check* (§ 162.6(a)(5)). (1) The application then undergoes a preliminary review to assure that all required materials and information are present and correct. A review is also made of the chemistry of the product.

(2) If deficiencies are found which preclude further review of the application, or if it is incomplete in any respect, the applicant will be notified as soon as possible by the Product Manager, either by telephone if the deficiencies are minor and can be corrected easily, or by letter if extensive revision is necessary. In extreme cases, the entire application may be returned to the applicant.

(e) *Scientific review.* Complete applications, together with accompanying labels and data, are routed to the designated Product Manager and review to determine if the pesticide and product labeling meet the requirements of the Act, the Regulations, and these Registration Guidelines. The review includes ascertaining (1) if the directed use of the product can reasonably be expected to result in any level of residues on food or feed; (2) if the directed application of the product is effective for the claims made and the directions for use are adequate and practical; and (3) if the proposed labeling bears necessary precautionary statements which, if complied with, will be adequate to prevent unreasonable injury to man, beneficial animals and the environment. (§ 162.7(d)).

#### § 162.47 Disposition of applications.

(a) *Notice of deficiency* (§ 162.6(a)(5)). (1) If the application is deficient, the Product Manager will notify the applicant, by letter, of the deficiencies in data or labeling. The applicant will be afforded an opportunity to correct the deficiencies or submit additional information to complete the review. All responses to such letters should be made on EPA Form 8570-12, Resubmission of a Pesticide Product Application.

(2) If the corrections or information are not submitted within a reasonable time, the applicant will be requested to withdraw the application or the application will be denied.

(b) *Denial of registration* (§ 162.7(e)). (1) The Administrator will deny an application for registration if the pesticide product fails to meet any of the requirements of § 162.7(d) or if there is insufficient data to make the required determinations.

(2) After making such a determination, the Administrator shall notify the applicant by certified letter setting forth the reasons and factual basis for the determination and the conditions, if any, which must be satisfied in order for the registration to be approved. The appli-

cant has 30 days from receipt of this letter to take the specified corrective action or he may petition for withdrawal of his application. If the applicant fails to remedy the deficiency of his registration application, or if the Administrator denies any petition for withdrawal, a notice of denial of registration shall be published in the FEDERAL REGISTER. This notice shall set forth the information listed at § 162.7(e)(3) of the regulations. Within 30 days of this FEDERAL REGISTER notice, the applicant or any interested party with the written authorization of the applicant may request a hearing in accordance with § 162.7(e)(4).

(c) *Provisional acceptance.* (1) If the data and labeling are acceptable and in compliance with FIFRA, as amended, and 40 CFR 162, the applicant will be notified in a provisional acceptance letter (PA letter). (The criteria for approval are given in 40 CFR 162.7(d).) This letter will:

(i) Outline any required labeling changes.

(ii) Assign a Registration Number to the product.

(iii) Request five copies of final printed labeling which must incorporate the requested changes and must bear the assigned Registration Number. (See Labeling.)

(iv) Notify the applicant whose label does not include an Establishment Number that this number must be shown somewhere on the immediate container.

(2) All submissions of final printed labeling should be transmitted with EPA Form 8570-12, Resubmission of a Pesticide Application, and with the duplicate copy of the PA letter. The final printed labeling should be identical to the draft submitted, except for the changes specified in the PA letter.

(3) The provisional acceptance letter does not constitute registration. Only the issuance of a "Notice of Registration" affects registration.

(d) *Approval of registration* (§ 162.7(d)). (1) After receipt and review of acceptable final printed labeling, the Registration Division will approve the registration and inform the applicant by letter. A stamped copy of the approved printed labeling will be returned to the applicant with the letter of approval.

(2) The Administrator will publish in the FEDERAL REGISTER notice of approval of the registration for any pesticide product containing any active ingredient not registered at the time of the application or if a changed use pattern has been approved. (§ 162.7(d)(2)).

(3) Registration becomes effective on the date the "Notice of Registration" or letter of approval is issued. Prior shipment of the product is a violation of the FIFRA, as amended. Registration is effective for five years from the date of registration or subsequent renewal, unless the Administrator indicates that the registration is for a shorter term, the registrant voluntarily terminates the registration, or it is suspended or cancelled by the Agency.

§§ 162.48-162.51 [Reserved]

[FR Doc. 75-23823 Filed 9-8-75; 8:45 am]

Title 43—Public Lands: Interior

Thence easterly along the south side of said

Thence westerly along the north side of an

Thence clockwise along the lines of said tract

chapter I of Title 45, Code of Federal

waiver or reduction is in the public interest



**Title 43—Public Lands: Interior**  
**CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**  
**APPENDIX—PUBLIC LAND ORDERS**

[Public Land Order 5525: (ES-15284)]

**GEORGIA**

**Boundary Modification: Oconee National Forest**

By virtue of the authority vested in the President by section 24 of the Act of March 3, 1891, as amended, 16 U.S.C. 471 (1970), and the Act of June 4, 1897, 16 U.S.C. 473 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

The boundaries of the Oconee National Forest are hereby modified to conform to the following descriptions:

**UNIT No. 1**

Beginning at a point where State Highway 16 crosses the Ocmulgee River:

Thence easterly along the south side of said highway approximately 7¼ miles to the Fellowship Church Road;

Thence southwesterly along the northwest side of said road approximately 1 mile to the Sawmill Road;

Thence southeasterly along the southwest side of said road approximately 1 mile to State Highway 83;

Thence southwesterly along the northwest side of said road approximately ¼ mile to the Georgia Pacific Road;

Thence southerly along the west side of said road approximately 2¼ miles to the Mine Road;

Thence easterly along the south side of said road approximately ¼ mile to a point;

Thence northeasterly with a projection from the northwest line of Tract U-364 to said tract and clockwise along the lines of said tract to State Highway 11;

Thence southeasterly along the southwest side of said highway approximately 5 miles to the Fullerton Road;

Thence easterly along the south side of said road approximately 1 mile to the Goolsby Road;

Thence northeasterly along the southeast side of said road approximately 4 miles to the Jordan Road;

Thence easterly along the south side of said road approximately 1¼ miles to the Fullerton Road;

Thence northeasterly along the southeast side of said road approximately ¼ mile to State Highway 212;

Thence northwesterly along the northeast side of said highway approximately 1 mile to the Kitchens Road;

Thence northeasterly along the southeast side of said road approximately 2¼ miles to Tract U-463;

Thence clockwise along the line of said tract to the Tyler Road;

Thence northwesterly along the northeast side of said road approximately 2¼ miles to the Tyler Cutoff Road;

Thence northerly along the east side of said road a short distance to State Highway 16;

Thence easterly along the south side of said highway approximately 2 miles to the Jasper-Putnam County Line;

Thence northerly along the said county line approximately 3 miles to Tract U-133;

Thence clockwise along the lines of said tract to the Jasper-Putnam County Line;

Thence northerly along the said county line approximately 1¼ miles to Tract U-57;

Thence clockwise along the lines of said tract to the old Eatonton-Monticello Road;

Thence easterly along the south side of said old road approximately 2 miles to Tract U-3;

Thence clockwise along the lines of said tract to the right bank of Little River;

Thence downstream along the meanders of the south side of said river to the old Presley Mill Road;

Thence northeasterly along the southeast side of said old road approximately ¾ mile to State Highway 300;

Thence northeasterly along the southeast side of said highway approximately 6¼ miles to U.S. Highway 129;

Thence southerly along the west side of said highway approximately 5½ miles to Tract U-906a;

Thence clockwise along the lines of said tract to the Eatonton-Reids Crossroads Road;

Thence westerly along the south side of said road and a county road approximately ½ mile to Tract U-906b;

Thence southwesterly along the southeast lines of said tract and Tracts U-1791 and U-68 to the left bank of Little River;

Thence downstream along the meanders of the east side of said river and Lake Sinclair to the Island Point Road;

Thence westerly along the north side of said highway approximately 1¼ miles to Tract 1891a;

Thence clockwise along the lines of said tract to the Island Point Road;

Thence westerly along the north side of said highway approximately 1¼ miles to Tract U-201;

Thence southeasterly along the northeast line of said tract, projecting along the said line to the Putnam-Baldwin County Line located in Lake Sinclair;

Thence upstream through Lake Sinclair and Cedar Creek along the Putnam-Baldwin County Line and the Putnam-Jones County Line to U.S. Highway 129;

Thence southerly along the west side of said highway approximately 3¼ miles to Tract U-305f;

Thence clockwise along the lines of said tract to U.S. Highway 129;

Thence southerly along the west side of said highway approximately 2 miles to Tract U-348;

Thence clockwise along the lines of said tract to U.S. Highway 129;

Thence southerly along the west side of said road approximately 1 mile to a point due east of the most easterly corner of Tract U-347;

Thence due west to said corner of Tract U-347;

Thence clockwise along the lines of said tract and Tracts U-361, U-330, U-361, U-347, U-347a, and U-185 to the most westerly corner of Tract U-185;

Thence northeasterly along the northwest line of said tract, projecting along the said line to the Blountsville-Round Oak Road;

Thence westerly along the north side of said road, along the southwest lines of Tracts U-11a and U-117a, and along the said road again approximately 4¼ miles to Tract U-354f;

Thence clockwise along the lines of Tracts U-354f, U-167, U-117, U-167, and U-186a to State Highway 11;

Thence northerly along the east side of said highway approximately 1¼ miles to the Jones-Jasper County Line;

Thence westerly along the said county line approximately 1½ miles to a point;

Thence northwesterly with a projection from the northeast line of Piedmont National Wildlife Refuge Tract 227a to the most easterly corner of said tract;

Thence westerly along the north lines of Refuge Tracts 227a, 1261, 213, 1276, 158, 1261a, and 238 to the most northwesterly corner of Refuge Tract 238;

Thence westerly along the north side of an old road and along a line of National Forest Tract U-1401 approximately ½ mile to the most northerly corner of Refuge Tract 382c;

Thence westerly along the north lines of Refuge Tracts 282c, 1401 (containing approximately 220 acres) and 215a to the most westerly corner of Tract 215a;

Thence southwesterly with a projection from the northwest line of Piedmont National Wildlife Refuge Tract 215a to the left bank of the Ocmulgee River;

Thence upstream along the meanders of the east side of said river to the point of beginning, being located in Jasper, Putnam, and Jones Counties, Georgia;

Also, Tract U-154 in Jasper County, Tract U-354h and Tract U-172b in Jones County.

**UNIT No. 2**

Beginning at a point in the center of the Apalachee River where it runs into the Oconee River;

Thence upstream along the Apalachee River, following the Greene-Morgan County Line to the most easterly corner of Tract R-179;

Thence clockwise along the lines of said tract to the center of the Apalachee River;

Thence upstream along the said river, following the Greene-Morgan County Line to the Greene-Oconee County Line;

Thence clockwise along the lines of Tract R-185 to the Greene-Oconee County Line;

Thence northeasterly along the said county line approximately ¼ mile to Tract R-168;

Thence clockwise along the lines of said tract to the Greene-Oconee County Line;

Thence northwesterly along the said county line approximately 4 miles to Tract R-178;

Thence clockwise along the lines of said tract to the Greene-Oconee County Line;

Thence northeasterly along the said county line approximately 1 mile to the center of the Oconee River;

Thence upstream along the said river, following the Greene-Oconee County Line and the Oconee-Oglethorpe County Line to a point where Tract R-174 departs from said river in a northeasterly direction;

Thence clockwise along the lines of said tract and Tracts R-171, R-172, R-176, R-172, and R-50-A to the Greene-Oglethorpe County Line;

Thence southeasterly along the said county line approximately 3¼ miles to Tract R-160;

Thence clockwise along the lines of said tract to the Greene-Oglethorpe County Line;

Thence southeasterly along the said county line approximately 1½ miles to the Penfield-Maxeys Road;

Thence southerly along the west side of said road approximately 4½ miles to a point located south of Penfield on the north line of Tract R-93;

Thence clockwise along the lines of said tract and Tract R-119 to the Woodville-Shiloh Church Road;

Thence southwesterly along the northwest side of said road approximately 1½ miles to the Greensboro-Penfield Road;

Thence southerly along the west side of said road approximately ¾ mile to the John Cannon Road;

Thence southwesterly along the northwest side of said road approximately 2¼ miles to State Highway 15;

Thence southwesterly across said highway and along the northwest side of the Lick Skillet Road and a county road approximately 2¼ miles to U.S. Highway 278;

Thence westerly along the north side of said highway approximately ¾ mile to the Carey Station Road;

Thence southwesterly along the north side of said road approximately 1 mile to Tract R-120;

Thence clockwise along the lines of said tract to the point of beginning, being located in Greene, Morgan, Oconee, and Oglethorpe Counties, Georgia;  
 Also, Tract R-121 in Greene County.

**KENT FRIZZELL,**

*Acting Secretary of the Interior.*

SEPTEMBER 2, 1975.

[FR Doc.75-23853 Filed 9-8-75; 8:45 am]

**Title 45—Public Welfare**

**CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 100—GENERAL**

**PART 101—GRANTS TO LAND-GRANT COLLEGES AND UNIVERSITIES**

**Availability of Public Records; Fee Schedule**

The 1974 amendments to the Freedom of Information Act, Pub. L. 93-502 (5 U.S.C. 552) require, in revised section 552(a)(4)(A), that each agency promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency.

The Department of Health, Education, and Welfare, following the mandate of the 1974 amendments, reissued its fee schedule, after notice and opportunity for comment, in the FEDERAL REGISTER of May 1, 1975, 40 FR 18997, 45 CFR 5.60-5.61. The fee schedule of the Department must, under the Act, apply to all constituent units of the Department. Therefore, for the convenience of those who may request records from the Office of Education and refer to the Office of Education General Provisions Regulations, 45 CFR Parts 100-100c, the Department's fee schedule is reissued as the fee schedule of the Office of Education and is made a part of the Office of Education General provisions regulations.

At the same time, the former policy of the Office of Education on fees and the Office of Education former fee schedule under the Freedom of Information Act is revoked. In addition, the section on charges, 45 CFR 101.13, issued under former section 417 of the General Education Provisions Act, is also revoked. Thus, the entire Subpart B of Part 101 is deleted from the Code of Federal Regulations. The heading for Subpart A is also deleted, only one subpart remaining.

Since the Department's policy on fees and fee schedule were issued after public notice and opportunity for comment and since the changes made herein are merely to conform the regulations of the Office of Education to the Department's regulations issued under 1974 amendments to the Freedom of Information Act, notice and public procedure thereon are unnecessary under 5 U.S.C. 553(b). The changes herein are, therefore, made without a second period of public comment.

Therefore, the following amendments are made to Parts 100 and 101 of Sub-

chapter I of Title 45, Code of Federal Regulations:

1. Part 100 is amended to add a new heading for Subpart A and a new Subpart B to read as follows:

**Subpart A—General**

• • • • •  
 Subpart B—Availability of Information to the Public

Sec.  
 100.5 Regulations of the Department.  
 100.6 Policy on fees.  
 100.7 Fee schedule.

**Subpart B—Availability of Information to the Public**

§ 100.5 Regulations of the Department.

The Department's regulations (45 CFR Part 5) on availability to the public of documents under the Public Information Act (5 U.S.C. 552) apply to the Office of Education.

(5 U.S.C. 552)

**§ 100.6 Policy on fees.**

The Department's policy on fees set forth in § 5.60 of this title is as follows: It is the policy of the Department to provide routine information to the public without charge. Special information services involving a benefit that does not accrue to the general public shall be subject to the payment of fees which shall be fixed in amounts to recover the direct cost to the Government of providing such services. Fees will be charged for the following special services:

(a) Reproduction, duplication or copying of records;  
 (b) Certification or authentication of records;  
 (c) Searches for records.

(5 U.S.C. 552(a)(4)(A))

**§ 100.7 Fee schedule.**

The fee schedule for the Department of Health, Education, and Welfare, set forth in § 5.61 of this title, is as follows: (a) (1) Search for records—three dollars per hour; provided, however, that no charge will be made for the first half hour.

(2) Reproduction, duplication or copying of records—ten cents per page where such reproduction can be made by commonly available photocopying machines. However, the cost of reproducing records which are not susceptible to such photocopying, e.g., punch cards, magnetic tapes, blueprints, etc., will be determined on a case-by-case basis at actual cost.

(3) Certification or authentication of records—three dollars per certification or authentication.

(4) Forwarding material to destination—any special arrangements for forwarding which are requested by the requester shall be charged on an actual cost basis.

(5) No charge will be made where the total amount does not exceed five dollars.

(b) Waiver or reduction of the fees provided for in this subsection may be made upon a determination that such

waiver or reduction is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(5 U.S.C. 552(a)(4)(A))

2. Part 101 of Subchapter B of Chapter I of Subtitle B of Title 45, Code of Federal Regulations, is amended by revising the title of Part 101, by deleting the heading of Subpart A, and by deleting all of Subpart B, so that the heading for Part 101 reads as follows: "Part 101—GRANTS TO LAND-GRANT COLLEGES AND UNIVERSITIES."

*Effective date.* Pursuant to Section 431 (d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission (October 24, 1975), subject to the provisions therein concerning Congressional action and adjournment.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

(Catalog of Federal Domestic Assistance Programs Nos. 13.400-13.550, Office of Education)

Dated: August 13, 1975.

T. H. BELL,

*U.S. Commissioner of Education.*

Approved: September 3, 1975.

DAVID MATHEWS,  
*Secretary of Health,  
 Education, and Welfare.*

[FR Doc.75-23868 Filed 9-8-75; 8:45 am]

**Title 46—Shipping**  
**CHAPTER I—COAST GUARD,**  
**DEPARTMENT OF TRANSPORTATION**  
 [CGD 72-182R]

**PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS**

**Miscellaneous Amendments; Correction**

In FR Doc. 75-22261 appearing at pages 37211-37214 in the FEDERAL REGISTER of August 26, 1975, the citation of authority and the signature block are corrected to read as follows:

(46 U.S.C. 170, 149 U.S.C. 1655(b); 49 CFR 1.64(f)).

• • • • •  
 HERBERT H. KAISER, JR.,  
*Acting Director,  
 Materials Transportation Bureau.*

Dated: September 2, 1975.

HERBERT H. KAISER, JR.,  
*Acting Director,  
 Materials Transportation Bureau.*

[FR Doc.75-23927 Filed 9-8-75; 8:45 am]

**Title 49—Transportation**



Title 49—Transportation  
CHAPTER V—NATIONAL HIGHWAY TRAF-  
FIC SAFETY ADMINISTRATION, DE-  
PARTMENT OF TRANSPORTATION

NATIONAL MAXIMUM SPEED LIMIT;  
MAXIMUM VEHICLE SIZE AND WEIGHT  
Certification of Speed Limit Enforcement

CROSS REFERENCE: For a document on certification of enforcement of a national maximum speed limit issued jointly by the Federal Highway Administration and the National Highway Traffic Safety Administration, see FR Doc. 75-23988 under Title 23 in the Rules Regulations section of this issue of the FEDERAL REGISTER.

## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

[ 29 CFR Part 1910 ]

[Docket No. H-017]

#### STANDARD FOR EXPOSURE TO COKE OVEN EMISSIONS

##### Notice of Intent To Prepare an Environmental Impact Statement

Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) requires each Federal agency to consider the environmental effects of proposed actions and to prepare environmental impact statements on major actions significantly affecting the quality of the human environment. Accordingly, the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, in conformance with its procedures for preparation and circulation of environmental impact statements (29 CFR 1999.3(d)) hereby announces its intention to prepare an environmental impact statement assessing the impact of the proposed standard regulating exposure to coke oven emissions (40 FR 32268) because the proposed standard regulates an environmental hazard to health in the workplace.

The Office of Standards Development, OSHA, is currently collecting information and data on possible environmental impacts of the proposed standard such as any adverse environmental effects which cannot be avoided should the proposal be adopted; alternatives to such a standard; any irreversible commitments of resources which would be involved if the proposal were promulgated; and the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. Other items to be included in a draft environmental impact statement are listed in 29 CFR 1999.4.

Issues of particular interest in evaluating the environmental impact of the proposed standard on coke oven emissions include the following:

- Current and past levels of occupational exposure.
- Effects associated with exposure to coke oven emissions, especially correlating accident experience, damage to facilities or interruption of plant activities.
- Substantiated data including medical or toxicological evidence showing the effects of coke oven emissions on air quality in the vicinity of the coking operations or on the health of the general population.
- Any information indicating the decrease in employee exposure or expo-

sure of the general population that will result from the implementation of the proposed standard.

(e) Any other pertinent information. Any person having data or information on this subject which is not readily available in the open literature is invited to submit it, with accompanying documentation, to David R. Bell, Office of Standards Development, Room N-3669, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, by September 30, 1975. Comments submitted in response to the Advance Notice of Proposed Rulemaking (38 FR 26207) or to the proposed standard (40 FR 32268) need not be resubmitted. All information received will be available for public inspection and copying at the above address.

In accordance with 29 CFR 1999.3(d), a copy of the draft environmental impact statement, once it is completed, will be available to any member of the public and a notice of its availability will be published in the FEDERAL REGISTER. Any person or agency submitting comments on the completed draft environmental impact statement to OSHA shall submit five (5) copies to the Council on Environmental Quality. A 45-day period will be allowed for the submission of comments after the publication of the notice of availability of the draft environmental impact statement.

Signed at Washington, D.C., this 3rd day of September 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc. 75-23922 Filed 9-8-75; 8:45 am]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Food and Drug Administration

[ 21 CFR Part 121 ]

[Docket No. 75N-0180]

#### ANIMAL FOOD OR FEED

##### Prohibited Substances

The Commissioner of Food and Drugs is proposing to establish a regulation on substances that are prohibited from use in food or feed for animals other than man. The regulation proposes to ban from such use certain industrial grade vegetable oil byproducts. These byproducts, which constitute the residue from distillation and deodorization refinement of crude vegetable oils, have been found to have the capacity to carry high levels of pesticides and other contaminants that are hazardous for food or feed use,

and they are thus suitable only for industrial use. Interested persons have until November 10, 1975, to submit comments.

Included in the category of industrial grade vegetable oil byproducts are the so-called deodorizer distillates resulting from the steam stripping or vacuum distillation of edible vegetable oils, residual oils resulting from the extraction of tocopherols from the further distillation of the deodorizer distillates, esters and salts of fatty acids derived from such deodorizer distillates, and any combinations or blends of the byproducts listed above with or without other miscellaneous vegetable oil byproducts or vegetable oil refinery wastes.

The Commissioner therefore concludes that it is in the public interest and will promote efficient enforcement of the act to provide a section in the food additive regulations to provide for the listing of substances, including the foregoing, for which use in animal food or feed has been prohibited.

Food additives are prohibited from use in animal food or feed based on the conclusion that the available evidence does not establish their safety, rather than on the basis of a determination that they are in fact unsafe. Section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) places the burden on the manufacturer or distributor of a food additive to prove its safety prior to use. Accordingly, the Commissioner recognizes that, as additional scientific information becomes available, it may well be possible to approve one or more of these substances for use in animal food or feed and thus to delete it from the section. The proposed regulation provides for such transfers to and from the section on the Commissioner's initiative or on the petition of any interested person.

The fact that a substance does not appear on this list of prohibited substances does not mean that it may lawfully be used in animal food or feed. The proposed new section should be considered only as an easy reference and a partial list of prohibited substances; it may be amended from time to time as new substances are found to fit into this category.

Regarding industrial grade vegetable oil byproducts included in this proposal, the Commissioner is concerned about incidents of illegal pesticide and industrial chemical contamination of human food derived from animals. Such incidents present a threat to human health and lead to severe economic losses to the milk, egg, poultry and meat-producing industries. The contamination of these

menclature employed with regard to the industrial-grade vegetable oil byproducts.

Interested persons may, on or before November 10, 1975, submit to the Hear-

plasmapheresis. Furthermore, since two single units of plasma may be obtained



foods has been caused by the misuse of chemicals whereby the animal has been directly exposed to the contaminant or by the presence of illegal pesticides and industrial chemical residues in the feed of these animals. Animal feed contamination may result from misuse of chemicals and from a variety of other causes, including the use as a feed ingredient of certain industrial grade byproducts that result from the processing of edible oils of vegetable origin. These byproducts, which have been shown to contain excessive levels of pesticide and industrial chemical residues, are not normally sold or intended for use in animal rations but are generally used for industrial purposes. However, because certain shipments of these byproducts have been diverted into animal feed channels, the Commissioner is proposing measures considered necessary to prevent the marketing of these byproducts of vegetable oil processing as ingredients for animal feeds.

The United States Department of Agriculture (USDA) in early 1974, encountered contaminated poultry from several growers in Mississippi; it contained residues of the pesticide dieldrin in excess of the current action level of 0.3 part per million (ppm) on a fat basis, with levels ranging up to 7.0 ppm. As a result, pre-market testing of all flocks from these growers was instituted by USDA and over 8 million dieldrin-contaminated chickens were subsequently destroyed. Since FDA has responsibility for the safety of animal feeds, extensive investigations were immediately undertaken to determine if animal feed was the source of the contamination and, if so, to initiate regulatory action deemed appropriate, including steps to preclude continued use and further shipment of the dieldrin-contaminated feed or feed ingredients.

The FDA investigation covered vegetable oil processors and blenders, poultry growers, feed mills, meat and poultry slaughtering and byproduct processing plants, and other plants where animal feed ingredients are produced.

Industrial grade vegetable oil byproducts were tested. Of the 125 samples tested, 93 contained dieldrin; the levels ranged from 0.06 to 90.5 ppm. Other animal feed ingredients such as corn, fish meal, meat scrap meal, milo, and cottonseed and alfalfa meals contained no detectable or only trace amounts of dieldrin residues. The pesticides dieldrin and endrin were the contaminants most frequently encountered in the vegetable oil byproduct samples and, in some instances, endrin levels ranged up to 3.96 ppm. DDE, a degradation product of the pesticide, DDT, was found in 1 sample at 9.88 ppm.

Vegetable oil refineries received extensive coverage after the initial FDA investigation of growers revealed that blended oils being used as components of their feeds were contaminated with dieldrin at levels ranging from a trace amount to 90.5 parts per million. It became apparent that certain industrial grade vegetable oil byproducts consistently contained significant levels of dieldrin residues. The oils received by the growers were traced back through various suppliers or blenders, brokers, and other intermediate channels and ultimately, to the refineries. It was determined that in previous months some suppliers furnishing oils to the growers were shipping industrial grade oils to the feed mills, apparently due to the heavy demand for feed grade oils. The best evaluation of the problem indicates that the Mississippi chicken contamination was caused by the diversion of deodorizer vegetable oil distillates and related vegetable oil refinery byproducts from industrial use to animal feed use.

As a result of the investigation, five product recalls of vegetable oil distillates and feeds containing these oils were instituted. Additionally, three firms were enjoined from shipping in interstate commerce adulterated oils for feed use.

The presence of chemical contaminants in these byproducts appears to result from a series of circumstances. For example, chlorinated hydrocarbon pesticides have been used for control of insects on corn and other crops for many years. Such pesticides are persistent and may remain in the soil for years, breaking down into other products equally toxic and persistent. Aldrin, one such chlorinated hydrocarbon pesticide, remains in the soil either as aldrin or its degradation product, dieldrin. During crop rotation, soybeans or other oil seed crops may be planted after corn crops; the aldrin or dieldrin is absorbed by the plants and, being lipid soluble, enters the seeds. Although only insignificant residue levels of aldrin or dieldrin may be in the oilseeds themselves, or in the crude oils produced from them during the processing of the oil, chlorinated hydrocarbons are concentrated in the deodorizer distillate step of processing by a factor that may exceed 300. The deodorizer distillate step consists of a vacuum distillation to remove objectionable odor and taste factors from the edible oils. These deodorizer distillate oils are normally not used for food but have commercial value in producing paint, linoleum, and other industrial products.

However, one food grade product may be obtained from deodorizer vegetable oil distillates. This is tocopherols. The extracted tocopherols are not known to contain any harmful levels of chlorinated hydrocarbon chemicals or impurities. However, the residual oils from tocopherol manufacture are likely to contain aforementioned pesticide residues and should be sold only for industrial use and labeled or invoiced to indicate that they are not for animal feed use. Experience has shown, however, that once in commerce, price differentials and shortages of suitable animal feed oils may lead to diversion of industrial grade products of this type into animal feed channels.

It is such products that are of particular concern to the Commissioner. Many oil refiners sell these industrial grade vegetable oil byproducts with disclaimers such as "Not for human or animal consumption," or similar statements on written agreements, invoices, and/or

other billing record. During the Mississippi incident investigation, it was found that such products were remarketed with the removal of the disclaimer statement. This resulted in contamination of the animal feeds in which they were ultimately used.

Industrial grade vegetable oil byproducts by their very nature must be considered as a contaminated concentrate. There is no way of listing all potentially significant chemical residues that may be present in the distillates. Likewise, there is no specific methodology available to cover either the diversity of samples or contaminants that may be involved, and there can be no valid assurance that any lot is free of all significant contaminants. There are, however, legitimate nonfood or nonfeed uses for these byproducts. While they account for less than 1 percent of the total production of vegetable oils, this is still in excess of millions of pounds of questionable material available for misuse in animal feed. It must be concluded that industrial grade vegetable oil byproducts such as deodorizer distillates and blends thereof, are generally unfit for use as components of food or animal feeds, and thus their use would cause any food or feed article in which they are used to be deemed adulterated within the meaning of section 402(a)(2)(C) of the act (21 U.S.C. 342(a)(2)(C)).

Since such byproducts have been used for animal food in the past and shipped in interstate commerce for such purpose, and since it is not easy visually or analytically to distinguish them from those articles deemed suitable for such use, the Commissioner concludes that the proposed regulation requires that the labeling of industrial grade vegetable oil byproducts bear the statement, "NOT FOR FOOD OR FEED USE."

Therefore, when industrial grade vegetable oil byproducts specified in the regulation are offered for entry into or shipped in interstate commerce, the absence of labeling that declares the article "Not for food or feed use" will cause such products to be deemed as unsafe food additives within the meaning of section 402(a)(2)(C) of the act. As an alternative to the labeling requirement proposed, such products may be appropriately denatured to render them as unsuitable and otherwise not capable of use as ingredients of animal feeds. The industry is invited to submit information and data establishing that such products are capable of being so denatured. Should such information and data be supplied, the final regulation based on this proposal will be modified accordingly.

The listing of industrial grade vegetable oil byproducts in the proposed regulation is based on the results of the FDA investigation of the previously discussed Mississippi incident; it includes those products the Commissioner has found or would expect to contain residues of certain pesticides and industrial chemicals in excessive amounts. The Commissioner is, however, specifically seeking comments on the list, both in terms of its completeness and the nomenclature employed with regard to the industrial-grade vegetable oil byproducts.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046-1047, 1055, 72 Stat. 1784-1787, as amended (21 U.S.C. 321(s), 342, 348, 371(a))), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended by adding to Subpart B the following new section as follows:

§ 121.107 Substances prohibited from use in food or feed for animals other than man.

(a) The ingredients listed in this section have been prohibited from use in food or feed for animals other than man by the Food and Drug Administration because of a determination that they present a potential risk to the public health or have not been shown by adequate scientific data to be safe for use in such food or feed. Use of any of these substances in violation of this section causes the food or feed involved to be adulterated and in violation of the act.

(b) This section includes only a partial list of substances prohibited from use in food or feed for animals other than man; it is for easy reference purposes, and is not a complete list of substances that may not lawfully be used in such food or feed. No substance may be used in food or feed for animals other than man, unless it meets all applicable requirements of the act.

(c) The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to establish, amend, or repeal a regulation under this section on the basis of new scientific evaluation or information. Any such petition shall include an adequate scientific basis to support the petition, shall be in the form set forth in § 121.51, and will be published in the FEDERAL REGISTER for comment if it contains reasonable grounds.

(d) Substances prohibited from direct addition or use as food or feed for animals other than man: (1) Industrial grade vegetable oil byproducts. (i) For the purpose of this section, industrial grade vegetable oil byproducts consist of: Deodorizer distillates resulting from the steam stripping or vacuum distillation of edible vegetable oils; residual oils resulting from the extraction of tocopherols from such deodorizer distillates; esters and salts of fatty acids derived from such deodorizer distillates, or combinations or blends of any of the byproducts listed above with or without other miscellaneous vegetable oil byproducts or vegetable oil refinery wastes.

(ii) Industrial grade vegetable oil byproducts identified in paragraph (d)(1) of this section shall be regarded as adulterated as unsafe food additives under section 402(a)(2)(C) of the act, unless such articles are labeled "NOT FOR FOOD OR FEED USE" based on a regulation published in the FEDERAL REGISTER of \_\_\_\_\_.

(2) (Reserved)

Interested persons may, on or before November 10, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments should be filed in quintuplicate (except that individuals may submit single copies), and should be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: August 28, 1975.

A. M. SCHMIDT,  
Commissioner of Food and Drugs.  
[FR Doc. 75-23838 Filed 9-8-75; 8:45 p.m.]

#### [ 21 CFR Part 640 ]

[Docket No. 75N-0129]

#### BIOLOGICAL PRODUCTS

##### Additional Standards for Cryoprecipitated Antihemophilic Factor (Human)

The Commissioner of Food and Drugs is proposing to amend the regulations for manufacturing Cryoprecipitated Antihemophilic Factor (Human) to permit making the product from plasma obtained by plasmapheresis and to reorganize the regulations to be consistent with other regulations. Interested persons have until November 10, 1975, to comment.

Under section 351 of the Public Health Service Act (42 U.S.C. 262), all biological products offered for sale in interstate commerce must be licensed and meet certain standards that assure their continued safety, purity, potency and efficacy. Such standards for licensed Cryoprecipitated Antihemophilic Factor (Human) are prescribed under §§ 640.50 through 640.52 (21 CFR 640.50 through 640.52) of the biologic regulations.

Cryoprecipitated Antihemophilic Factor (Human) is a life-saving blood component containing sufficient levels of antihemophilic factor, also commonly known as Factor VIII, to correct spontaneous bleeding episodes characteristic of individuals having the coagulation disorder known as hemophilia A, a disease due to a deficiency of antihemophilic factor.

The standards presently limit the source of Cryoprecipitated Antihemophilic Factor (Human) to plasma obtained from a single unit of human blood meeting, for the most part, criteria prescribed for Whole Blood (Human). The Commissioner has received a license application from a manufacturer proposing to prepare this product from a single unit of plasma obtained by plasmapheresis. On the basis of the data in the license application, and other relevant material, the Commissioner concludes that a Cryoprecipitated Antihemophilic Factor (Human) which is as safe, pure, potent, and effective as the same product prepared from a single unit of whole blood obtained from a whole blood donor, may be prepared from plasma obtained by

plasmapheresis. Furthermore, since two single units of plasma may be obtained by plasmapheresis from one individual, and each unit may be used as a source of Cryoprecipitated Antihemophilic Factor (Human), an increase in its supply can be expected if preparation of this life-saving substance from plasma obtained by plasmapheresis is permitted.

Accordingly, the Commissioner is proposing to amend the additional standards to permit the preparation of Cryoprecipitated Antihemophilic Factor (Human) from plasma obtained by plasmapheresis, and to prescribe criteria for donor suitability, collection, and testing of source material to protect the donor and assure the integrity of such source material.

In addition, as a result of the Commissioner's ongoing review of the existing standards of safety, purity, potency and efficacy of biological products he considers it appropriate at this time to reorganize the additional standards for Cryoprecipitated Antihemophilic Factor (Human) to be consistent with the organization of other additional standards. The proposal also contains a number of substantive changes, which reflect new scientific knowledge and experience with the product.

A. The current regulations under § 640.52(d) require, in part, that the final container shall be marked or identified by a number or other symbol to relate it to the donor. To promote uniform identification of final containers, the phrases "marked" and "or other symbol" have been deleted, so that all containers must be identified solely by number. In the revision of the standards, this provision is in proposed § 640.54(b)(3).

B. The Bureau of Biologics has been conducting potency tests on inspection samples of Cryoprecipitated Antihemophilic Factor (Human) to monitor the ability of licensed manufacturers to produce consistently a product that is safe, pure, potent and effective. The results of this testing reveal that the majority of licensed establishments are, in fact, consistently producing a final product containing more than 40 units of antihemophilic factor from each 100 milliliters of plasma. The antihemophilic factor potency levels of products produced by a few manufacturers, however, consistently contain less than 40 units of antihemophilic factor.

The Commissioner recognizes that the antihemophilic factor potency of the final product may be dependent on the variability of antihemophilic factor in certain donors or the adequacy of the collection and processing procedures, or both. However, the fact that the majority of manufacturers consistently produce a product containing more than 40 units of antihemophilic factor suggests that the manufacture of low potency products is due to inadequate collection and processing procedures. The Commissioner therefore finds that periodic potency tests should be performed as a quality control procedure to assure that the collection and processing methods do not adversely affect the antihemophilic factor potency of Cryoprecipitated Antihemophilic Factor (Human).



itated Antihemophilic Factor (Human). Advances in antihemophilic factor assay technique, and the availability of testing laboratories other than those of the licensed manufacturer, make it possible for all manufacturers of Cryoprecipitated Antihemophilic Factor (Human) to initiate quality control potency testing of the final product.

Accordingly, the Commissioner proposes: (1) A new § 640.55 that identifies a U.S. Standard Antihemophilic Factor preparation, which may be obtained from the Bureau of Biologics for use in the preparation of a working reference to be employed as a control for the potency testing of licensed Cryoprecipitated Antihemophilic Factor (Human); and (2) a new § 640.56 that requires that four representative units of Cryoprecipitated Antihemophilic Factor (Human) be tested for potency each month to ensure that the collection and processing procedures are adequate, and the resultant product contains 40 units or more of antihemophilic factor from each 100 milliliters of plasma. The procedures for potency testing and a U.S. Standard Antihemophilic Factor (Human) preparation may be obtained, upon request, from the Director, Bureau of Biologics, 8800 Rockville Pike, Bethesda, MD 20014.

C. The labeling requirements currently prescribed in paragraph (c) of § 640.51 have been redesignated, with minor grammatical changes, under a new § 640.57 Labeling.

The Commissioner is proposing that labeling requirements concerning the donor number, storage temperature, identification and results of the test conducted for syphilis and, if performed, identification and results of the test conducted for unexpected antibodies be added to the regulations.

Pertinent background data and information on which the Commissioner relies in proposing this regulation are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under the Public Health Service Act (section 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 640 be amended in Subpart F by revising §§ 640.50, 640.51, and 640.52 and adding §§ 640.53, 640.54, 640.55, 640.56, and 640.57, to read as follows:

§ 640.50 Cryoprecipitated Antihemophilic Factor (Human).

(a) *Proper name and definition.* The proper name of this product shall be Cryoprecipitated Antihemophilic Factor (Human). The product is defined as a preparation of antihemophilic factor, which is obtained from a single unit of plasma collected and processed in a closed system, and which will correct the coagulation defect of hemophilia A.

(b) *Source.* The source material for Cryoprecipitated Antihemophilic Factor (Human) shall be plasma which may be obtained by whole blood collection or by plasmapheresis.

§ 640.51 Suitability of donors.

(a) Whole blood donors shall meet the criteria for suitability prescribed in § 640.3.

(b) Plasmapheresis donors shall meet the criteria for suitability prescribed in § 640.63, excluding the phrase "other than malaria" in paragraph (c)(9) of that section. Informed consent shall be required as prescribed in § 640.61.

(c) Donors shall not be suitable if they are known to have been immunized by injection with human red blood cells or blood group substances.

§ 640.52 Collection of source material.

(a) Whole blood used as a source of Cryoprecipitated Antihemophilic Factor (Human) shall be collected as prescribed in § 640.4, except that paragraphs (d)(2), (g) and (h) of that section shall not apply. Whole blood from which both Platelet Concentrate (Human) and Cryoprecipitated Antihemophilic Factor (Human) is derived shall be maintained as required under § 640.24 until the platelets are removed.

(b) If plasmapheresis is used, the procedure for collection shall be as prescribed in §§ 640.62, 640.64 (except that paragraph (c)(3) of that section shall not apply), and 640.65.

§ 640.53 Testing the blood.

(a) Blood from which plasma is separated for the preparation of Cryoprecipitated Antihemophilic Factor (Human) shall be tested as prescribed in §§ 610.40 of this chapter and 640.5 (a), (b), and (c).

(b) The tests shall be performed on a sample of blood collected at the time of collecting the source blood, and such sample container shall be labeled with the donor's number before the container is filled.

(c) Manufacturers of Cryoprecipitated Antihemophilic Factor (Human) obtained from plasma collected by plasmapheresis shall have testing and record-keeping responsibilities equivalent to those prescribed in § 640.63 (f) and (g).

§ 640.54 Processing.

(a) *Processing the plasma.* (1) The plasma shall be separated from the red blood cells by centrifugation within 4 hours after collection to obtain essentially cell-free material.

(2) The plasma shall be frozen within 2 hours after separation. A combination of dry ice and organic solvent may be used for freezing. *Provided*, That the procedure has been shown not to cause the solvent to penetrate the container or leach plasticizer from the container into the plasma.

(3) Immediately after processing, the plasma shall be stored and maintained at -18° C or colder until further processing to remove the Cryoprecipitated Antihemophilic Factor (Human).

(b) *Processing the final product.* (1) The Cryoprecipitated Antihemophilic Factor (Human) shall be separated from the plasma by a procedure that has been shown to produce a product which has a

demonstrated potency to correct the coagulation defect of hemophilia A.

(2) No diluent shall be added to the product by the manufacturer.

(3) The final container used for Cryoprecipitated Antihemophilic Factor (Human) shall be colorless and transparent, to permit visual inspection of the contents; any closure shall maintain a hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents, under the customary conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity, potency and effectiveness of the product. At the time of filling, the final container shall be identified by a number so as to relate it to the donor.

§ 640.55 U.S. Standard preparation.

A U.S. Standard Antihemophilic Factor (Factor VIII) preparation may be obtained from the Bureau of Biologics, Food and Drug Administration, for use in the preparation of a working reference to be employed in a quality control potency test of Cryoprecipitated Antihemophilic Factor (Human).

§ 640.56 Quality control test for potency.

(a) Quality control tests for potency of antihemophilic factor shall be conducted each month on four representative units of Cryoprecipitated Antihemophilic Factor (Human).

(b) The quality control test for potency may be performed by a clinical laboratory which meets the standards of the Clinical Laboratories Improvement Act of 1967 (CLIA) (42 U.S.C. 263a) and is qualified to perform potency tests for antihemophilic factor. Such arrangements must be approved by the Director, Bureau of Biologics, Food and Drug Administration. Such testing shall not be considered as divided manufacturing, as described in § 610.63 of this chapter, provided the following conditions are met:

(1) The results of each test are received within 10 days of the preparation of the cryoprecipitated antihemophilic factor and are maintained by the establishment licensed for Cryoprecipitated Antihemophilic Factor (Human) so that they may be reviewed by an authorized representative of the Food and Drug Administration.

(2) The licensed Cryoprecipitated Antihemophilic Factor (Human) manufacturer has obtained a written agreement that the testing laboratory will permit an authorized representative of the Food and Drug Administration to inspect its testing procedures and facilities during reasonable business hours.

(3) The testing laboratory will participate in any proficiency testing programs undertaken by the Bureau of Biologics, Food and Drug Administration.

(c) If the average potency level of the four units tested is less than 40 units of antihemophilic factor derived from each 100 milliliters of source material:

(1) Immediate corrective actions shall be taken and a record maintained of such action.

## COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 410]

### ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSE TO FINAL COST OBJECTIVES

#### Proposed Cost Accounting Standard

Notice is hereby given of a proposed Cost Accounting Standard on Allocation of Business Unit General and Administrative (G&A) Expense to Final Cost Objectives, being considered by the Cost Accounting Standards Board for promulgation to implement further the requirement of Section 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168. When effective, the Standard will be used by all relevant Federal agencies and national defense contractors and subcontractors.

The Board published an earlier proposal for this Standard in the FEDERAL REGISTER for September 24, 1974 (39 FR 34300). The Board supplemented the publication by sending copies of the FEDERAL REGISTER material to organizations and individuals who had expressed an interest in the work of the Board. Fifty responses were received.

After reviewing those responses, the Board has revised the proposal in a number of ways, and the proposal as revised is being published for comments by interested persons.

To assist interested persons who wish to comment on this proposal, the Board has identified below the principal areas in which it has modified the proposal published on September 24, 1974, together with the Board's reasons for those modifications.

1. *Selection of an Allocation Base for the G&A Expense Pool.* Commentators expressed the view that the choice of an allocation relationship between the G&A expense pool and final cost objectives is arbitrary; particularly, the selection of a single allocation base is arbitrary. Because of this view, commentators have inquired about the Board's reasons for selecting cost input as the allocation base for the G&A expense pool. The expenses in the G&A expense pool are the expenses of the general management and administration of a business unit as a whole. Therefore, the allocation base chosen should be one which measures the total activity of the business unit during a cost accounting period and not just some part of total activity. Only a cost input base accomplishes this objective.

Shortly after the initial FEDERAL REGISTER publication, the Board surveyed segments of a number of companies who use a cost of sales base to allocate G&A expenses. The survey was designed to compare the results of using a cost of sales base versus a cost input base to allocate these expenses. Responses were received from 91 segments. The results of the survey established that in the case of individual segments the use of a cost of sales base as compared with a cost input base can result in a significant change in the G&A rate and in the allocations of G&A expenses to final cost objectives.

A number of commentators suggested that the use of cost of sales as a measure of the allocation base for the G&A expense pool should be permitted. Commentators asserted that this base has long been used for the allocation of the G&A expense pool and that it was in consonance with the concept of period expense. The measurement of a cost of sales base is representative, in part, of the productive activities of prior periods and is subject to fluctuations which can distort the allocation of G&A expenses to activities of the current period. Although the measurement of cost of sales is based on a recorded date of sale, management activities of a period are not necessarily related to the date of sale.

Under current regulations as interpreted by the Armed Services Board of Contract Appeals, a cost of sales base should only be used where it closely approximates a cost input base. The Board has considered the existence of these past disputes and cases involving the use of a cost of sales allocation base. In given circumstances, due to the definition and accounting for sales under various types of contracts, the cost of similar types of productive activities may be treated differently in terms of the measurement of a cost of sales allocation base. The use of a cost of sales base can result in unwarranted shifting of costs between different types of final cost objectives. Therefore, the Board has concluded that the use of a cost of sales base is inappropriate for establishing the proper cost of final cost objectives within a cost accounting period.

Commentators also asserted that the Standard was unduly rigid because it permitted only one base for the allocation of the G&A expense pool. The proposed Standard is not limited to the use of one allocation base; rather, the scope of the base, the measurement of total activity, is limited to cost input as this is the measure of the total activity of the business unit. The proposed Standard provides that the measure of cost input best representing the total activity of the business unit during a cost accounting period would be the one chosen as the base. The Standard provides criteria for determining the cost input base which will best measure total activity. The criteria are provided so that the allocation base for the G&A expense pool can be selected giving consideration to the differing circumstances of individual business units.

(2) Within 30 days after testing the fourth sample, the potency test results from each of the four samples, together with a description of the corrective action and its effect on the potency of subsequently processed products, shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration.

§ 640.57 Labeling.

In addition to the applicable requirements of § 610.62 of this chapter, and in lieu of the requirements of §§ 610.60 and 610.61 of this chapter, the container label shall bear the following information:

(a) The proper name of the product.  
(b) The volume of source blood and plasma, and the volume and type of anticoagulant present in the source blood from which the product was prepared.  
(c) Blood group designations of the source blood.  
(d) Donor number.  
(e) Expiration date.  
(f) Type of serologic test for syphilis used and results.  
(g) Type of test for hepatitis B surface antigen used and results.  
(h) Type of test for unexpected antibodies, if performed, and results.

(i) Instructions to store the product at -18° C or colder.  
(j) A warning against further processing of the product if there is evidence of breakage or thawing.  
(k) Instructions to thaw the product at a temperature between 30-37° C.  
(l) Instructions to store the product at room temperature after thawing, and to use the product within 8 hours after thawing and within 2 hours of entering the container.

(m) Instructions to use a filter in the administration equipment.

(n) A statement to see the instruction circular for directions for use.

(o) The statement "Caution: Federal Law prohibits dispensing without prescription."

(p) Name, address, and license number of the manufacturer.

Interested persons may, on or before November 10, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments shall be filed in quintuplicate and shall be identified with the Hearing Clerk docket number found in the document heading. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 2, 1975.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc.75-23837 Filed 9-8-75; 8:45 am]

Commentators expressed concern that the criteria for selection of a particular

method and inequities the Board should provide a specific method of compensa-

after the date on which a business unit must first allocate its cost in compliance

composition of the G&A expense pool. and be used in this instance as a

apart from the G&A expense pool, they shall become part of the cost input base

allocation base used to allocate home office expenses to the segment.



Commentators expressed concern that the criteria for selection of a particular cost input base were not clear and could lead to disputes. The Board has recognized the merit of these comments and has modified the Standard to clarify the criteria for selection of an allocation base in a particular circumstance. Under the proposed Standard, only a cost input base may be used. Three cost input bases have been provided and criteria have been established for selection of the appropriate base. The individual circumstances of a given business unit must be analyzed, and the cost input base that best represents the total activity of that business unit would be the base selected. The Board's research indicates that generally total cost input, because it is a broad measure of all of the work done and includes all of the costs allocable to the contracts of the period will be a measure that is representative of the total activity of the cost accounting period.

In this context the term "total activity" refers to the production of goods and services during a cost accounting period. This scope of activity is selected in light of the fact that the purpose of this Standard is to provide guidelines for the allocation of expense to the work of a cost accounting period. Thus, the total activity involved in the production of goods and services is the measure selected to act as a base for allocating the G&A expense pool to the final cost objectives of a given cost accounting period.

Commentators were uncertain as to the relationship of cost input to the purchase of raw materials inventory and to Cost Accounting Standard (CAS) 404—Capitalization of Tangible Assets. To help clarify the relationship of this Standard to the purchase of raw material inventories and to CAS 404, an illustration has been added. Cost input is basically a measure of the costs and expenses allocated to production of goods and services during a cost accounting period. Thus, items purchased for raw material inventory which are not entered into production during a cost accounting period would not be part of the cost input base for that cost accounting period. As to the acquisition costs of assets constructed or fabricated by a contractor, CAS 404 and the proposed Standard must be read together. The requirements of CAS 404 provide that those G&A expenses which are identifiable with the constructed asset and are material in amount shall be allocated to the cost of the asset. CAS 404 also provides that the cost of constructed assets that are identical with or similar to the contractor's regular product shall include a full share of indirect costs—thus, the costs of these assets will be included in the cost input base.

Commentators also suggested that guidance be given for the accounting for costs which are excluded from the G&A expense pool under this Standard. An illustration has been provided to clarify the accounting for those costs as part of the cost input base.

2. *A Transition Provision.* Some commentators suggested that to avoid dis-

putes and inequities the Board should provide a specific method of compensation for any contractor who is required to change from a cost of sales or sales base to a cost input base. They suggested that the transition provision should specifically consider the potential administrative cost and difficulty that could arise in adjusting existing fixed price contracts. Other commentators recommended that the Board leave this question for resolution by the contracting parties, because no single transition technique was likely to be satisfactory to all. When commenting on this issue, some commentators asserted that the transition could significantly impact both profit shown in the income statement and cash flow in the year of transition.

The Board recognizes that the conversion to a cost input base from a cost of sales or sales base may have an impact on a considerable number of fixed price contracts. To avoid potential disputes and to minimize the administrative cost of implementing the transition, the Board is considering the adoption of a specific transition method. In the Standard published today, the Board has included two alternative transition methods from which it expects to select one as the specific transition method. The alternatives are designated 410.40(b)(2)(i) X or Y; 410.50(e) X or Y; 410.60(f) X or Y.

Either method will permit a business unit whose disclosed or established cost accounting practice was to use a cost of sales or sales base and which has cost reimbursement-type or fixed price contracts, or both, subject to the CAS clause existing as of the date the business unit must first allocate costs in compliance with the requirements of this Standard, to allocate the G&A expense pool to these final cost objectives using a cost of sales base. The method shall also be used to determine the amount of G&A expenses to be removed from the G&A expense pool prior to the allocation of that pool to new cost reimbursement-type contracts and new fixed price contracts subject to the CAS clause.

The difference between the proposed methods is the treatment of final cost objectives not subject to the CAS clause existing as of the date the business unit must first allocate costs in compliance with the requirements of this Standard. These final cost objectives may include:

- (1) Government contracts which do not contain the CAS clause;
- (2) Contracts other than Government contracts or customer orders awarded prior to the date the business unit must first allocate its costs in compliance with the requirements of this Standard; and
- (3) Production not specifically identified with contracts or customer orders under production or work orders existing prior to the date on which a business unit must first allocate its costs in compliance with this Standard and which are limited to time or quantity.

Production under standing or unlimited work orders, continuous flow processes and the like, not identified with contracts or customer orders are to be treated as final costs objectives awarded

after the date on which a business unit must first allocate its cost in compliance with the requirements of this Standard.

In alternative Method X, the cost input base is used to determine that portion of the G&A expense pool applicable to those final cost objectives not subject to the CAS clause existing as of the date a business unit must first allocate costs in compliance with the requirements of this Standard. In alternative Method Y, the cost of sales or sales base is used to determine the portion of the G&A expense pool applicable to such final cost objectives.

The proposed transition methods incorporate a number of suggestions that were made to the Board in comments on the draft which previously appeared in the FEDERAL REGISTER. The methods involve using a combination of a cost of sales or sales base and a cost input base. A contractor will use the transition method until all pre-existing final cost objectives using the cost sales or sales base are completed. At that point the contractor would be using and would continue to use a cost input base selected in accordance with the requirements of 410.50(d) to allocate the G&A expense pool.

The Board recognizes that the inventorying or deferring of G&A on fixed price contracts received after the date on which a business unit must first record costs in compliance with the proposed Standard will affect its cash flow. The Board notes that this effect can be somewhat offset by means of progress payments for that portion of the G&A expenses which are in inventory at the end of a cost accounting period.

3. *Definition of G&A Expense.* Commentators were concerned that the proposed definition of G&A expense was narrower than those definitions currently in use, and the result might be excessive fragmentation of existing G&A expense pools to remove insignificant items.

Board research indicates that while accountants are in agreement about the general character of G&A expenses, practice has resulted in the cost of a variety of functions and expenses being included in the G&A expense pool. The definition proposed by the Board limits G&A expenses to those expenses which are related to the general management and administration of the business unit as a whole. Excluded are those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

With respect to the questions about materiality, the Board has several times expressed its belief that the administration of Cost Accounting Standards should be reasonable and not seek to deal with insignificant amounts of cost. See, for example, the March 1973 "Statement of Operating Policies, Procedures and Objectives." The Board has considered the comments concerning the potential problems that could arise without a clearer statement of materiality related to the

composition of the G&A expense pool. The Board believes in this instance a significance test will be useful and the proposed Standard has been appropriately modified.

Commentators also expressed concern about the treatment of specific items of expense that are sometimes found in the G&A expense pool. In particular, commentators expressed concern over the treatment of selling and marketing expense, independent research and development (IR&D) expense and bidding and proposal (B&P) expense. Commentators questioned whether under the proposed Standard these expenses were G&A expenses to be included in the G&A expense pool.

The Board recognizes that at the present time selling costs (marketing or selling expenses) may constitute a significant amount of cost and are accounted for in a variety of ways. Some account for selling costs in a separate cost pool while others include selling costs as part of the G&A expense pool. Also, the Board notes that the current ASPR provision related to the accounting for IR&D and B&P requires that generally the allocation of these costs shall be on the same basis as the contractor's allocation of his G&A expense pool, although these expenses are not termed G&A expenses. All of these subjects are being considered by the Board as separate Standards, and at this time the Board does not propose altering or changing their existing accounting treatment.

Contractors who have included IR&D and B&P costs in their G&A expense pool may continue to do so. As a result of having these costs remain in the G&A expense pool and of the proposed alternative transition provisions of 410.50(e), the accounting for these costs will be as follows:

(a) During the transition period, those business units which were using a cost of sales or sales base would continue to use that base to allocate the G&A expense pool to cost contracts and fixed price contracts subject to the CAS clause, which were in existence as of the date the business unit must first allocate its costs in accordance with the requirements of this Cost Accounting Standard.

(b) During the transition period and subsequent to that time, the G&A expense pool would be allocated to new cost contracts and new fixed price contracts subject to the CAS clause using a cost input base as required by 410.50(d).

Contractors who have included selling costs in a cost pool separate and apart from the G&A expense pool may continue to account for those costs in a separate pool or may change and include selling costs in their G&A expense pool. Further, contractors who will have to change the allocation base used for the G&A expense pool and who have in the past included selling costs as part of the G&A expense pool may account for selling costs by establishing a separate cost pool for the selling costs and using the allocation base they previously used for their G&A expense pool. Where selling costs are accounted for in a cost pool separate and

apart from the G&A expense pool, they shall become part of the cost input base used to allocate the G&A expense pool. Illustrations have been added to the proposed Standard to clarify the treatment of these costs.

As a result of the current ASPR provision, which requires that generally the allocation of IR&D and B&P costs on the same basis as the business unit's G&A expense pool, a business unit which is required under this proposed Standard to change the allocation base used for its G&A expense pool could, because of the ASPR requirements, also be required to change the allocation base for IR&D and B&P. This change in the business unit's method of accounting for IR&D and B&P costs, however, would be subject to the transition provision of the proposed Standard, and would only affect allocation of these costs to contracts awarded after the date on which a business unit must first allocate its costs in accordance with the requirements of this Standard.

4. *Use of Memorandum Records.* Some commentators urged that the Standard specifically permit the use of memorandum records for the allocation of G&A expenses to final cost objectives. The Board notes that even in the absence of this Standard, many contractors now use memorandum records to perform the allocation of G&A expenses for purposes of Government contracts, because they do not make formal allocation of G&A expenses to contracts or they do so on a different basis. The Board sees no need to disturb the practice of using memorandum records for the allocation of G&A expenses to final cost objectives.

5. *Allocation of Home Office Expenses to Final Cost Objectives.* Commentators expressed concern about the handling of home office expenses which are received by a segment as residual expenses under CAS 403 or as a lump sum which is not designated as a particular type of expense. The proposed Standard now provides explicitly that individual handling of various types of home office expenses would be required only where a separate allocation of expenses is received from a home office, and where the amount of the allocated expense is significant.

Other commentators suggested that in given circumstances a different allocation base than the allocation base used for the allocation of home office expense to the segment may be appropriate for the allocation of home office expense to final cost objectives of the segment. The Standard does not require that the same base be used for the allocation of home office expenses to final cost objectives of the segment as was used for the allocation of home office expenses to the segment. The Standard requires establishment of a beneficial or causal relationship between the cost objectives and the expense wherever separate and significant allocations of home office expenses are received by a segment. It may be appropriate to use a different allocation base for the allocation of home office expenses received by a segment than the

allocation base used to allocate home office expenses to the segment.

6. *Allocation of G&A Expenses to Special Contracts.* Commentators suggested that the special allocation provision be stated in terms of class of contracts or types of situations. If the G&A expense meets the requirements of the proposed Standard, the existence of a need for special allocation to a class of contracts or type of situation would indicate that the allocation base being used is not representative of the total activity of the business unit during a cost accounting period. The Standard is designed to provide consistent accounting treatment for all contracts, except for a particular contract or other final cost objective which is an exception to a business unit's normal operation.

The cost input allocation base for G&A expense is a broad measure which is normally representative of the total activity of a business unit during a cost accounting period. Thus, for a given final cost objective to qualify for special treatment, the difference in its beneficial or causal relationship to G&A expense as compared with the relationship of other final cost objectives to G&A expenses should be one which is apparent and capable of being supported. The provision of the proposed Standard will call for the exercise of judgment; nonetheless, the Board believes a materiality criterion based on a measure of significantly different benefits is proper for use in evaluating and establishing a separate and exceptional allocation to a given final cost objective.

The Board solicits comments on this revised proposal for a Cost Accounting Standard which will assist the Board in its further consideration of the proposal. The Board is particularly interested in receiving comments on the alternative methods for the proposed requirement for the transition from use of a cost of sales base for allocation of the G&A expense pool to use of a cost input base as set out in Section 410.50(e). Respondents are asked to comment on the administrative cost and effort entailed by each of the alternatives and to indicate their preference between the alternatives. Interested persons should submit written data and views, concerning the proposed Cost Accounting Standard to the Cost Accounting Standards Board, 441 G Street, N.W., Washington, D.C. 20548.

To be given consideration by the Board in its determination relative to final promulgation of the Cost Accounting Standard covered by this notice, written submissions must be made to arrive no later than November 14, 1975.

NOTE: All written submissions made pursuant to this notice will be made available for public inspection at the Board's office during regular business hours.

#### PART 410—ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSE TO FINAL COST OBJECTIVES

Sec.	
410.10	General applicability.
410.20	Purpose.
410.30	Definitions.



- Sec.  
410.40 Fundamental requirement.  
410.50 Techniques for application.  
410.60 Illustrations.  
410.70 Exemptions.  
410.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103, 50 U.S.C. App. 2168.

#### § 410.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

#### § 410.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for the allocation of business unit general and administrative (G&A) expenses to business unit final cost objectives based on their beneficial or causal relationship. These expenses represent the cost of the management and administration of the business unit as a whole. The Standard also provides criteria for the allocation of home office expenses received by a segment to the cost objectives of that segment. This Standard will increase the likelihood of achieving objectivity in the allocation of expenses to final cost objectives and comparability of cost data among contractors in similar circumstances.

#### § 410.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section.

(1) *Allocate*. To assign an item of cost or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Business unit*. Any segment of an organization, or an entire business organization which is not divided into segments.

(3) *Cost input*. The cost, except G&A expenses, which for contract costing purposes is allocable to the production of goods and services during a cost accounting period.

(4) *Cost objective*. A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(5) *Final cost objective*. A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation systems, is one of the final accumulation points.

(6) *General and Administrative (G&A) expense*. Any management, financial, and other expense which is incurred by or allocated to a business unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(7) *Segment*. One of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

#### § 410.40 Fundamental requirement.

(a) Business unit G&A expenses shall be grouped in a separate indirect cost pool which shall be allocated only to final cost objectives.

(b) (1) The G&A expense pool of a business unit for a cost accounting period shall be allocated to final cost objectives of that cost accounting period by means of a cost input base representing the total activity of the business unit during that entire cost accounting period, except as provided in paragraph (b) (2) of this section.

(b) (2) (i) The allocation of the G&A expense pool to any particular final cost objectives which receive benefits significantly different from the benefits accruing to other final cost objectives shall be determined by special allocation.

#### ALTERNATIVE X

(ii) Where, prior to the effective date of this Standard, a business unit's disclosed or established cost accounting practice was to use a cost of sales or sales base, final cost objectives subject to the CAS clause in existence on the date on which a business unit must first allocate its costs in accordance with the requirements of this Cost Accounting Standard shall use the transition method required by § 410.50(e) to allocate the G&A expense pool.

#### OR

#### ALTERNATIVE Y

(ii) Where, prior to the effective date of this Standard, a business unit's disclosed or established cost accounting practice was to use a cost of sales or sales base, final cost objectives in existence on the date on which a business unit must first allocate its costs in accordance with the requirements of this Cost Accounting Standard shall use the transition method required by § 410.50(e) to allocate the G&A expense pool.

tion method required by § 410.50(e) to allocate the G&A expense pool.

(c) Home office expenses received by a segment shall be allocated to segment cost objectives as required by § 410.50(g).

(d) Notwithstanding any other provisions herein, any costs which do not satisfy the definition of G&A expenses in this Standard, but which are currently classified by a business unit as G&A expenses (e.g., selling cost) or are required by a controlling agency to be accounted for in the same way the business unit accounts for G&A expenses (e.g., Independent Research and Development costs and Bidding and Proposal costs), shall continue to be treated pursuant to provisions of existing laws, regulations, and other controlling factors.

#### § 410.50 Techniques for application.

(a) G&A expenses of a segment(s) incurred by another segment shall be removed from the incurring segment's G&A expense pool. These expenses shall be allocated to the segment(s) for which the expenses were incurred on the basis of the beneficial or causal relationship existing between the expenses incurred and all benefiting or causing segments. If the expenses are incurred for two or more segments, they shall be allocated using an allocation base common to all such segments.

(b) The G&A expense pool may be combined with other expenses for allocation to final cost objectives provided that:

(1) The allocation base used for the combined pool would be appropriate both for the allocation of the G&A expense pool under this Standard and for the allocation of the other expenses; and

(2) Provision is made to identify the components and total of the G&A expense pool separately from the other expenses in the combined pool.

(c) Expenses which are not G&A expenses and are insignificant in amount may be included in the G&A expense pool for allocation to final cost objectives.

(d) The cost input base used to allocate the G&A expense pool shall include all significant elements of that cost input which represent the total activity of the business unit. The cost input measure selected to represent the total activity of a business unit during a cost accounting period may be any one of the three: total cost input, value-added cost input, or single element cost input. The determination of which allocation base best represents the total activity of a business unit must be judged on the basis of the facts of each situation.

(1) A total cost input allocation base is generally acceptable as an appropriate measure of the total activity of a business unit.

(2) Value-added cost input may be used as an allocation base where inclusion of material and subcontract costs would significantly distort the allocation of the G&A expense pool in relation to the benefits received, but where costs other than direct labor are significant measures of total activity. A value-added cost input base is total cost input less material and subcontract costs.

(3) A single element cost input base, e.g., direct labor hours or direct labor dollars, which represents the total activity of a business unit may be used to allocate the G&A expense pool where it produces equitable results. A single element base may not produce equitable results where other measures of activity are also significant in relation to total activity. A single element base is inappropriate where it is an insignificant part of the total cost of some of the final cost objectives.

#### ALTERNATIVE X

(e) The transition method for allocating the G&A expense pool shall be as provided below.

(1) A business unit, whose established or disclosed cost accounting practice is to use a cost of sales or sales base to allocate its G&A expense pool, and which has final cost objectives subject to the CAS clause existing on the date on which it must first allocate costs in accordance with the requirements of this Cost Accounting Standard shall allocate its G&A expense pool as provided below.

(2) Any such business unit shall use the following transition method to compute the allocation of its G&A expense pool until all pre-existing final cost objectives subject to the CAS clause have been completed:

(i) (A) Calculate the cost of sales or sales base in accordance with the cost accounting practice disclosed or established prior to the effective date of this Cost Accounting Standard;

(B) Calculate the G&A expense allocation rate using the base determined in paragraph (e) (2) (i) (A) of this section and use that rate to allocate from the G&A expense pool to the pre-existing final cost objectives subject to the CAS clause as described in paragraph (e) (1) of this section;

(ii) Calculate a cost input base in compliance with § 410.50(d) except that the cost input of all final cost objectives described in paragraph (e) (1) of this section shall be excluded; and

(iii) Use the cost input base calculated in paragraph (e) (2) (ii) of this section to determine the allocation of the pool that remains after step (i) (B) to the final cost objectives whose cost input was included in the base.

#### OR

#### ALTERNATIVE Y

(e) The transition method for allocating the G&A expense pool shall be as provided below.

(1) A business unit, whose established or disclosed cost accounting practice is to use a cost of sales or sales base to allocate its G&A expense pool, and which has final cost objectives existing on the date on which it must first allocate costs in accordance with the requirements of this Cost Accounting Standard shall allocate its G&A expense pool as provided below.

(2) Any such business unit shall use the following transition method to compute the allocation of its G&A expense

pool until all pre-existing final cost objectives have been completed;

(i) (A) Calculate the cost of sales or sales base in accordance with the cost accounting practice disclosed or established prior to the effective date of this Cost Accounting Standard;

(B) Calculate the G&A expense allocation rate using the base determined in paragraph (e) (2) (i) (A) of this section and use that rate to allocate from the G&A expense pool to the pre-existing final cost objectives subject to the CAS clause as described in paragraph (e) (1) of this section;

(C) Remove from the remaining pool of G&A expense the amount applicable to all other final cost objectives described in paragraph (e) (1) of this section by using the base and rate determined under paragraph (e) (2) (i) (A) and (B) of this section;

(ii) Calculate a cost input base in compliance with § 410.50(d) except that the cost input of all final cost objectives described in paragraph (e) (1) of this section shall be excluded; and

(iii) Use the cost input base calculated in paragraph (e) (2) (ii) of this section to determine the allocation of the pool that remains after steps (i) (B) and (C) to the final cost objectives whose cost input was included in the base.

(f) Cost input shall include those expenses which by operation of this Standard are excluded from the G&A expense pool and are not part of a combined pool of G&A expenses and other expenses allocated using the same allocation base.

(g) (1) Allocations of the home office expenses of (i) line management of particular segments or groups of segments, (ii) residual expenses, and (iii) directly allocated expenses related to the management and administration of the receiving segment as a whole shall be included in the receiving segment's G&A expense pool.

(2) Any separate allocation of the expenses of home office (i) centralized service functions, (ii) staff management of specific activities of segments, and (iii) central payments or accruals, which is received by a segment shall be allocated to the segment cost objectives in proportion to the beneficial or causal relationship between the cost objectives and the expense if such allocation is significant in amount. Where a beneficial or causal relationship for the expense is not identifiable with segment cost objectives, the ship between the cost objectives and the expense may be included in the G&A expense pool.

(h) Where a segment performs home office functions and also performs as an operating segment having a responsibility for final cost objectives, the expense of the home office functions shall be segregated. These expenses shall be allocated to all benefiting or causing segments, including the segment performing the home office functions, pursuant to disclosed or established accounting practices for the allocation of home office expenses to segments.

(i) For purposes of allocating the G&A expense pool, items produced or worked

on for stock or product inventory shall be accounted for as final cost objectives in accordance with the following paragraphs:

(1) Where items are produced or worked on for stock or product inventory in a given cost accounting period, the cost input to such items in that period shall be included only once in the computation of the G&A expense allocation base and in the computation of the G&A expense allocation rate for that period and shall not be included in the computation of the base or rate for any other cost accounting period.

(2) A portion of the G&A expense pool shall be allocated to items produced or worked on for stock or product inventory in the cost accounting period or periods in which such items are produced at the rates determined for such periods except as provided in paragraph (i) (3) of this section.

(3) Where the contractor does not include G&A expense in inventory as part of the cost of stock or product inventory items, the G&A rate of the cost accounting period in which such items are issued to final cost objectives may be used to determine that portion of the G&A expense pool to be allocated to issues of stock or product inventory items.

(j) Where a particular final cost objective in relation to other final cost objectives receives significantly more or less benefit from G&A expense than would be reflected by the allocation of such expenses using a base determined pursuant to paragraph (d) of this section, the Government and the contractor shall agree to a special allocation from the G&A expense pool to the particular final cost objective commensurate with the benefits received. The amount of a special allocation to any final cost objective made pursuant to such an agreement shall be excluded from the G&A expense pool required by § 410.40(a), and the particular final cost objective's cost input data shall be excluded from the base used to allocate this pool.

#### § 410.60 Illustrations.

(a) Business Unit A has been including the cost of scientific computer operations in its G&A expense pool. The scientific computer is used predominately for research and development. Costs of the scientific computer operations should not be included in the G&A expense pool because these costs benefit a particular group of cost objectives, research and development, rather than A as a whole.

(b) Segment B performs a budgeting function, the cost of which is included in its G&A expense pool. This function includes the preparation of budgets for another segment. The cost of preparing the budgets for the other segment should be removed from B's G&A expense pool and transferred to the other segment.

(c) (1) Business Unit C has a personnel function which is divided into two parts (i) a vice president of personnel who establishes personnel policy and overall guidance, and (ii) a personnel department which handles hirings, testing,



evaluations, etc. The expense of the vice president is included in the G&A expense pool. The expense of the personnel department is allocated to the other indirect cost pools based on the beneficial or causal relationship between that expense and the indirect cost pools. This procedure is in compliance with the requirements of this Standard.

(2) Business Unit C has included selling costs as part of its G&A expense pool. Business Unit C wishes to continue to include selling costs in its G&A expense pool. Under the provisions of this Standard, Business Unit C may continue to include selling costs in its G&A pool, and these costs will be allocated over a cost input base selected in accordance with the provisions of § 410.50(d) and (e).

(3) Business Unit C has included IR&D and B&P costs in its G&A expense pool. C has used a cost of sales base to allocate its G&A expense pool.

As of January 1, 1977, (assumed for purposes of this illustration) the date on which C must first allocate its G&A expense pool in accordance with the requirements of this Standard, C has among its final cost objectives several cost reimbursement contracts and fixed price contracts subject to the CAS clause [referred to as the pre-existing contracts].

With respect to the accounting for the IR&D and B&P costs, a. during the transition period (from January 1, 1977 to and including the cost accounting period during which the pre-existing contracts are completed), C shall allocate such costs to the pre-existing contracts as part of its G&A expense pool using a cost of sales base pursuant to § 410.50(e).

b. during the transition period such costs, as part of the G&A expense pool, shall be allocated to new cost reimbursement contracts and new fixed price contracts subject to the CAS clause using a cost input base as required by § 410.50(d) and (e).

c. beginning with the cost accounting period after the transition period the IR&D and B&P costs as part of the G&A expense pool shall be allocated to all final cost objectives using a cost input base as required by § 410.50(d).

If C accounted for IR&D and B&P costs in a cost pool separate and apart from the G&A expense pool, the allocation of these costs to final cost objectives would be computed in the same way as that illustrated above unless the parties have specifically agreed to a different allocation method pursuant to existing laws and regulations.

(4) Business Unit C has included selling costs as part of its G&A expense pool. Business Unit C has used a cost of sales base to allocate the G&A expense pool. Business Unit C desires to continue to allocate selling costs using the cost of sales base. Under the provisions of this Standard, Business Unit C would account for selling costs as a cost pool separate and apart from the G&A expense pool and continue to allocate these costs over a cost of sales base.

(d) (1) Business Unit D has accounted for selling costs in a cost pool separate

and apart from its G&A expense pool and has allocated these costs using a cost of sales base. Under the provisions of this Standard, Business Unit D may continue to account for those costs in a separate pool and allocate them using a cost of sales base. Business Unit D has a total cost input base to allocate its G&A expense pool. The selling costs will become part of the cost input base used by Business Unit D to allocate the G&A expense pool.

(2) During a cost accounting period, Business Unit D buys \$2,000,000 of raw materials. At the end of that cost accounting period, \$500,000 of raw materials remain in inventory. The \$500,000 of raw materials remaining in inventory is not part of the total cost input base for the cost accounting period, because it is not allocable to the production of goods and services during that period. If all of the \$2,000,000 worth of raw material had been allocated directly to a contract during the cost accounting period, the cost input base for the allocation of the G&A expense pool would include the entire \$2,000,000.

(3) Business Unit D manufactures a variety of testing devices. During a cost accounting period, Business Unit D acquires a small production facility using its own resources, and keeps for its own use one unit of a testing device that it manufactures and sells to its customers. The acquisition cost of the building is not part of the total cost input base; however, the depreciation taken on the building would be part of the total cost input base. The costs of construction of the small production facility are not part of the total cost input base. The requirements of Cost Accounting Standard 404 provide that those G&A expenses which are identifiable with the constructed asset and are material in amount shall be capitalized as part of the cost of the production facility. If there are G&A expenses material in amount and identified with the constructed asset, these G&A expenses would be removed from the G&A expense pool prior to the allocation of this pool to final cost objectives. The cost of the testing device shall be part of the total cost input base per the requirements of Cost Accounting Standard 404 which provides that the costs of

constructed assets identical with the contractor's regular product shall include a full share of indirect cost.

(e) Business Unit E has been using a cost of sales base to allocate its G&A expense pool to final cost objectives. Business Unit E uses a calendar year as its cost accounting period. On January 1, 1976, (assumed for purposes of this illustration) Cost Accounting Standard 410 becomes effective. On January 2, 1976, Business Unit E receives a contract containing the Cost Accounting Standards clause. As a result, Business Unit E must comply with the requirements of the Standard in the cost accounting period beginning in January 1977.

As of January 3, 1977, Business Unit E has the following fixed price contracts:

(1) Contract I—A four-year contract awarded in January 1975.

(2) Contract II—A three-year contract which was negotiated in March 1976, and was awarded in September 1976.

(3) Contract III—A four-year contract awarded on January 2, 1977.

Business Unit E will allocate its G&A expense pool to these contracts as follows:

(a) Contract I—Since Contract I was in existence prior to January 1, 1977, the G&A expense pool shall be allocated to it using a cost of sales base as provided in § 410.50(e).

(b) Contract II—Since this contract was in existence prior to January 1, 1977, the G&A expense pool will be allocated to it using a cost of sales base as provided in § 410.50(e).

(c) Contract III—Since this contract was awarded after January 1, 1977, the G&A expense pool shall be allocated to this contract using a cost input base.

Business Unit E will use the transition method of allocating the G&A expense pool to final cost objectives as provided in § 410.50(e), until all contracts awarded prior to January 1, 1977, are completed (1979 if the contracts are completed on schedule). Beginning with the cost accounting period subsequent to that time, Business Unit E will use a cost input to allocate the G&A expense pool to all cost objectives.

#### ALTERNATIVE X

(f) Business Unit F is first required to allocate its costs in accordance with the requirements of CAS 410 during the fiscal year beginning January 1, 1977. Business Unit F has used a cost of sales base to allocate its G&A expense pool.

During the year 1977, Business Unit F reported the following operating data:

Total	Non-cost-accounting-standard covered work existing prior to Jan. 1, 1977	New non-cost-accounting-standard covered work	Cost-accounting-standard covered fixed price work existing prior to Jan. 1, 1977	New cost-accounting-standard covered fixed price work	Cost-accounting-standard covered cost contracts prior to Jan. 1, 1977	New cost-accounting-standard covered cost contracts
Beginning Inventory.....	\$500,000	300,000	0	200,000	0	0
Cost Input.....	+3,000,000	400,000	500,000	600,000	700,000	300,000
	3,500,000	700,000	500,000	800,000	700,000	300,000
Cost of sales.....	-2,500,000	600,000	350,000	400,000	150,000	300,000
	1,000,000	100,000	150,000	400,000	550,000	0
Ending Inventory.....	1,000,000	100,000	150,000	400,000	550,000	0

NOTE.—G & A expense \$375,000 (in accordance with the requirements of this standard).

Non-CAS covered work existing prior to January 1, 1977 may include:

(1) Government contracts which do not contain the CAS clause;

(2) Contracts other than Government contracts or customer orders awarded prior to the date the business unit must first allocate its costs in compliance with the requirements of this Standard; and

(3) Production not specifically identified with contracts or customer orders under production or work orders existing prior to the date on which a business unit must first allocate its costs in compliance with this Standard and which are limited to time or quantity.

Production under standing or unlimited work orders, continuous flow processes and the like, not identified with contracts or customer orders are to be treated as final cost objectives awarded after the date on which a business unit must first allocate its costs in compliance with the requirements of this Standard.

Business Unit F will allocate the G&A expense pool as follows:

1. Calculate the cost of sales base—\$250,000.

2. Calculate the cost of sales allocation rate—\$375,000/\$250,000=0.15.

3. Allocate a portion of the G&A expense pool to the CAS-Covered contracts existing prior to 1/1/77 using the cost of sales rate.

Cost Accounting Standard—Covered fixed price contracts \$400,000 × 0.15 ..... \$60,000

Cost Accounting Standard—Covered cost contracts \$700,000 × 0.15 ..... 105,000

Total ..... \$165,000

Total	Non-cost-accounting-standard covered work existing prior to Jan. 1, 1977	New non-cost-accounting-standard covered work	Cost-accounting-standard covered fixed price work existing prior to Jan. 1, 1977	New cost-accounting-standard covered fixed price work	Cost-accounting-standard covered cost contracts prior to Jan. 1, 1977	New cost-accounting-standard covered cost contracts
Beginning Inventory.....	\$500,000	300,000	0	200,000	0	0
Cost Input.....	+3,000,000	400,000	500,000	600,000	700,000	300,000
	3,500,000	700,000	500,000	800,000	700,000	300,000
Cost of sales.....	-2,500,000	600,000	350,000	400,000	150,000	300,000
	1,000,000	100,000	150,000	400,000	550,000	0
Ending Inventory.....	1,000,000	100,000	150,000	400,000	550,000	0

NOTE.—G & A expense \$375,000 (in accordance with the requirements of this standard).

Non-CAS covered work existing prior to January 1, 1977 may include:

(1) Government contracts which do not contain the CAS clause;

(2) Contracts other than Government contracts or customer orders awarded prior to the date the business unit must first allocate its costs in compliance with the requirements of this Standard; and

(3) Production not specifically identified with contracts or customer orders under production or work orders existing prior to the date on which a business unit must first allocate its costs in compliance with this Standard and which are limited to time or quantity.

Production under standing or unlimited work orders, continuous flow processes and the like, not identified with contracts or customer orders are to be treated as final cost objectives awarded after the date on which a business unit must first allocate its costs in compliance with the requirements of this Standard.

Business Unit F will allocate the G&A expense pool as follows:

4. Determine the amount of the G&A expense pool which remains to be allocated.

\$375,000 - \$165,000 = \$210,000

5. Calculate a cost input base for the remaining final cost objective.

\$400,000 + \$500,000 + \$500,000 + \$300,000 = \$1,700,000

6. Calculate a cost input rate.

\$210,000/\$1,700,000=0.124

7. Allocate a portion of the G&A expense pool to the new CAS-covered cost and fixed price contracts using the cost input rate.

New CAS-Covered Fixed Price Contracts.

\$500,000 × 0.124 = \$62,000

New CAS-Covered Cost Contracts.

\$300,000 × 0.124 = \$37,200

The G&A expenses applicable to Non-CAS covered work is:

\$90,000 + (\$500,000 × 0.092) = \$136,000

OR

#### ALTERNATIVE Y

(f) Business Unit F is first required to allocate its cost in accordance with the requirements of CAS 410 during the fiscal year beginning January 1, 1977. Business Unit F has used a cost of sales base to allocate its G&A expense pool.

During the year 1977, Business Unit F reported the following operating data:

Total	Non-cost-accounting-standard covered work existing prior to Jan. 1, 1977	New non-cost-accounting-standard covered work	Cost-accounting-standard covered fixed price work existing prior to Jan. 1, 1977	New cost-accounting-standard covered fixed price work	Cost-accounting-standard covered cost contracts prior to Jan. 1, 1977	New cost-accounting-standard covered cost contracts
Beginning Inventory.....	\$500,000	300,000	0	200,000	0	0
Cost Input.....	+3,000,000	400,000	500,000	600,000	700,000	300,000
	3,500,000	700,000	500,000	800,000	700,000	300,000
Cost of sales.....	-2,500,000	600,000	350,000	400,000	150,000	300,000
	1,000,000	100,000	150,000	400,000	550,000	0
Ending Inventory.....	1,000,000	100,000	150,000	400,000	550,000	0

NOTE.—G & A expense \$375,000 (in accordance with the requirements of this standard).

1. Calculate the cost of sales base—\$250,000.

2. Calculate the cost of sales allocation rate—\$375,000/\$250,000=0.15.

3. Allocate a portion of the G&A expense pool to the CAS-Covered cost contracts and fixed price contracts existing prior to 1/1/77 using the cost of sales rate.

Cost Accounting Standard—Covered Fixed Price Contracts \$400,000 × 0.15 ..... \$60,000

Cost Accounting Standard—Covered Cost Contracts \$700,000 × 0.15 ..... 105,000

Total ..... \$165,000

4. Remove from the remaining \$210,000 (\$375,000-\$165,000) pool of G&A expenses the amount applicable to the other final cost objectives existing prior to 1/1/77 using the cost of sales rate.

\$600,000 × 0.15 = \$90,000

\$210,000 - \$90,000 = \$120,000

5. Calculate a cost input base for the remaining final cost objectives.

\$500,000 + \$500,000 + \$300,000 = \$1,300,000

6. Calculate a cost input rate.

\$120,000/\$1,300,000=0.092

7. Allocate a portion of the G&A expense pool to the new CAS-Covered Contracts and Fixed Price Contracts using the cost input rate.

Covered Fixed Price Contracts.

\$500,000 × 0.092 = \$46,000

Covered Cost Contracts

\$300,000 × 0.092 = \$27,600

G&A expenses applicable to Non-CAS covered work is:

\$90,000 + (\$500,000 × 0.092) = \$136,000

(g) Business Unit G produces Item Z for stock or product inventory. The business unit does not include G&A expense as part of the inventory cost of these items. A production run of these items occurred during Cost Accounting period 1. A number of the units produced were not issued during Period 1 and are issued in Period 2. Business Unit G should apply the G&A expense rate of Period 1 to those units of item 2 issued during the period and may apply the rate of Period 2 to the units issued in Period 2. If the practice of Business Unit G is to include G&A expense as part of the cost of stock or product inventory, the inventory cost of all units of Item Z produced in Period 1 and remaining in inventory at the end of Period 1, should include G&A expense using the G&A rate of Period 1.

(h) Business Unit H produces Item X for stock or product inventory. A production run of these items was started, finished, and placed into inventory in a single cost accounting period. These items are issued during the next cost accounting period. The cost of items produced for stock or product inventory should be included in the G&A base in the same year they are produced. The cost of such items is not to be included in the G&A base on the basis of when they are issued to final cost objectives. Therefore, the time of issuance of these items from inventory to a final cost objective is irrelevant in computing the G&A base.

(i) The normal productive activity of Business Unit I includes the construction of base operating facilities for others. I uses a total cost input base to allocate G&A expense to final cost objectives. As part of a contract to construct an operating facility, I agrees to acquire a large group of trucks and other mobile equipment to equip the base operating facility. I does not usually supply such equipment. The cost of the equipment constitutes a significant part of the contract cost. A special G&A allocation to this contract shall be agreed to by the parties if they agree that in the circumstances the contract as a whole receives substantially less benefit from the G&A expense pool than that which would be represented by a cost allocation based on inclusion of the contract cost in the total cost input base.

(j) The home office of Segment J separately allocates to benefiting or causing segments significant home office expenses of (i) staff management functions relative to manufacturing, (ii) staff management functions relative to engineering, (iii) central payment of health insurance costs and (iv) residual ex-

penses. J maintains three indirect cost pools: (1) G&A expense, (ii) manufac-

ments")<sup>1</sup> were signed into law. Section 11A(c) (4) (A) of the Act 15 U.S.C. 78k-1

a proceeding, pursuant to Section 19(c) of the Act, to determine

effort, along with a report of certain additional information (including the details of

tele." The NYSE apparently does not interpret this restriction to extend to publish-

tain securities dealt in on the exchange." Unlike the NYSE, however, the Amex in-



penses. J maintains three indirect cost pools: (i) G&A expense, (ii) manufacturing overhead and (iii) engineering overhead; all Home office expenses allocated to J are included in J's G&A expense pool. This accounting practice of J does not comply with § 410.50(g). Home office residual expenses should be in the G&A expense pool, and the expenses of the staff management functions relative to manufacturing and engineering should be included in the manufacturing overhead and engineering overhead pools, respectively. The health insurance costs should be allocated in proportion to the beneficial and causal relationship between these costs and J's cost objectives.

#### § 410.70 Exceptions.

This Standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 73-8 (Cost Principles for Educational Institutions) or Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

#### § 410.80 Effective date.

(a) The effective date of this Cost Accounting Standard is [Reserved].  
(b) This Cost Accounting Standard shall be followed by each contractor after the start of his next fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

ARTHUR SCHOENHAUT,  
Executive Secretary.

[FR Doc. 75-24836 Filed 9-8-75; 8:45 am]

### SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Eel. No. 34-11623; File No. 4-180]

#### AMENDMENT OR ABROGATION OF EXCHANGE OFF-BOARD TRADING RULES Notice of Rulemaking Proceeding

The Securities and Exchange Commission today announced that it is commencing a proceeding, pursuant to Section 19(c) of the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78s(c)), to determine (i) whether to amend or abrogate rules of national securities exchanges which limit or condition the ability of members to effect transactions otherwise than on such exchanges; and (ii) whether to compel exchanges to adopt any one of proposed §§ 240.19c-1 (Alternative A), 240.19c-1 (Alternative B) or 240.19c-1 (Alternative C), described below, or some variation thereof, to replace the foregoing existing exchange rules in the event it is determined to amend or abrogate such existing rules. The Commission also announced that it will hold oral hearings beginning Wednesday, October 1, 1975, at 10 a.m., in Room 776 at the Commission's headquarters, 500 North Capitol Street, Washington, D.C. 20549.

#### INTRODUCTION

On June 4, 1975, the Securities Acts Amendments of 1975 (the "1975 Amend-

ments")<sup>1</sup> were signed into law. Section 11A(c) (4) (A) of the Act 15 U.S.C. 78k-1 (c) (4) (A), as added by the 1975 Amendments, directed the Commission to review all rules<sup>2</sup> of national securities exchanges which limit or condition the ability of members to effect transactions in securities otherwise than on such exchanges. The legislative history of Section 11A(c) (4) (A) indicated that the Commission must review such rules de novo and must evaluate them in light of the purposes of the Act and in consideration of certain competitive standards made explicit by the 1975 Amendments.<sup>3</sup> Section 11A(c) (4) also provided that, on or before the ninetieth day following the day of enactment of the 1975 Amendments, the Commission shall (i) report to the Congress the results of this review, including the effects on competition of these rules, and (ii) commence a proceeding, in accordance with Section 19(c) of the Act, to amend any such rule imposing a burden on competition which does not appear to the Commission to be necessary or appropriate in furtherance of the purposes of the Act.

#### COMMISSION'S REPORT TO THE CONGRESS

Pursuant to the Congressional directive described above, the Commission today has transmitted to the Congress the following report of the results of its review (appendices omitted):

PRESIDENT OF THE SENATE, SPEAKER OF THE HOUSE OF REPRESENTATIVES, CONGRESS OF THE UNITED STATES, Washington, D.C.

DEAR SIRS: Section 11A(c) (4) (A) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94-29 (June 4, 1975), directs the Commission to review any and all rules of national securities exchanges which limit or condition the ability of members to effect transactions in securities otherwise than on such exchanges. Further, the Commission is directed to report to the Congress the results of its review, including a description of the effects on competition of such rules, and to commence a proceeding, in accordance with Section 19(c) of the Act, to amend any such rule imposing a burden on competition, if such rule does not appear to be necessary or appropriate in furtherance of the purposes of the Act. This is a report of the results of that review.

The Commission has concluded that off-board trading rules of exchanges impose burdens on competition, and the Commission is not now prepared to conclude that these burdens are necessary or appropriate in furtherance of the purposes of the Act. Accordingly, we have today, as required by Section 11A(c) (4) (A) of the Act, commenced

<sup>1</sup> Pub. L. No. 94-29, 89 Stat. 97 (June 4, 1975).

<sup>2</sup> As defined by Section 3(a) (27) of the Act (15 U.S.C. 78c(a) (27)), the term "rules of an exchange" includes the constitution, articles of incorporation, by-laws and rules of such exchange. . . . and such of the states policies, practices, and interpretations of such exchange. . . . as the Commission, by rule, may determine to be necessary or appropriate in the public interest or for the protection of investors to be deemed to be rules of such exchange. . . .

<sup>3</sup> See, Committee on Conference, Conference Report to Accompany S. 249, H.R. Rep. No. 94-229, 94th Cong., 1st Sess. 96 (1975).

a proceeding, pursuant to Section 19(c) of the Act, to determine

(i) the extent to which such rules do engender significant anticompetitive effects;

(ii) whether, although such rules are anti-competitive, there are countervailing considerations which appropriately outweigh the need to abrogate or amend such rules at the present time; and

(iii) whether such rules could be appropriately modified so as to further the purposes of the Act.

All of the nation's registered securities exchanges have rules which are specifically intended to limit or condition the ability of a member to effect transactions over-the-counter in securities listed, or admitted to unlisted trading privileges, on the exchanges. As more fully explained herein, these rules have two major effects on competition. One, restrictions on "off-board" principal transactions appear to impede the ability of an exchange member to make two-sided continuous markets in direct competition with existing specialists and existing over-the-counter market makers in listed securities ("third market makers"), and therefore limit the potential competition among dealers in listed securities which might otherwise be realized. Second, restrictions on off-board agency transactions limit the access which exchange brokers have to one segment of the professional dealer community, third market makers, in favor of another segment, exchange specialists, and thereby disadvantage third market makers in the competition for members' business.

A. Exchange Rules which Limit or Condition the Ability of Members to Effect Transactions in Securities Listed, or the Subject of Unlisted Trading Privileges, on Such Exchanges.

New York Stock Exchange, Rule 394<sup>1</sup> of the New York Stock Exchange ("NYSE") is generally thought to be the most restrictive of the off-board trading provisions of exchanges. A member is prohibited from effecting transactions in "listed stock" over-the-counter as principal or agent unless the transaction is specifically exempted<sup>2</sup> or permission is granted<sup>3</sup>.

A member is permitted by paragraph (b) of Rule 394 to effect an off-board transaction as agent so long as certain conditions are observed. Among these are the requirements that (i) the transaction be effected with a third market maker qualified pursuant to Rule 19b-1 under the Act;<sup>4</sup> (ii) a "diligent effort" be made to explore the market on the floor;<sup>5</sup> (iii) a report of such

<sup>1</sup> See Appendix A at p. A-1. Read literally, Rule 394(a) would prohibit a member from effecting transactions in listed stocks "off the exchange," but it is applied only to over-the-counter transactions and not to transactions on other exchanges. See Appendix B at pp. 1, 2.

<sup>2</sup> Certain preferred and guaranteed stocks are exempted specifically, as are off-board secondary distributions in conformity with NYSE Rule 393.

<sup>3</sup> Over the years, the NYSE has built up a specific body of interpretations permitting off-board principal transactions in certain specified situations. For example, a member is permitted to purchase stock for his own account off-board at a price below the prevailing market, without filling better bids on the specialist's book or on the floor and without reporting the transaction on the tape, in order to effect a special offering on-board pursuant to Rule 391. We understand that the exchange gave permission for 170 such off-board transactions in 1973 and 52 such transactions in 1974.

<sup>4</sup> 17 C.F.R. 240.19b-1.

effort, along with a report of certain additional information (including the details of the effort made to explore the floor and the extent of the specialist's interest), be made to a floor governor; (iv) a reoffering be made on the floor prior to an off-floor trade to permit displacement by public orders represented in the crowd and bids or offers on the specialist's book at the same price and on the same side of the market as the third market maker, and by the specialist acting as dealer, if the specialist, before the third market maker was solicited, had advised the member of the extent of his interest at an indicated price or prices at which the off-floor transaction was proposed to be made; and (v) a subsequent report be made of the particulars of the transaction. In addition, the rule requires that the diligent effort to explore the market on the floor and the report of such effort to a floor official must be made prior to any solicitation of the third market maker (indeed, transactions initiated by the third market maker have been specifically interpreted not to comply with the rule) and apparently has been interpreted to require that the member disclose his customer's order to the specialist.

Amendments to Rule 394(b) were proposed by the New York Stock Exchange in 1974.<sup>6</sup> The amendments would eliminate the requirement of a report to a floor governor prior to any solicitation of a third market maker. In addition, the amendments would alter the solicitation feature of the Rule so that if a third market maker expressed a willingness to be solicited by a member in a particular issue, that fact alone would no longer bar the transaction, assuming all other conditions of the amended procedure were satisfied. Finally, the amendments propose to alter the displacement procedure to permit floor professionals to displace the third market maker at the same or a better price if such persons indicated a willingness to transact at a specific price or prices when informed that a third market maker was to be solicited.

Off-board transactions by New York Stock Exchange specialists are governed by NYSE Rule 107.<sup>7</sup> A specialist may effect a transaction off-board only with the approval of a floor governor; such approval will not be granted unless the floor governor has determined that the regular market cannot absorb or supply the block within a reasonable period of time at reasonable prices. If permission is granted, the specialist may effect the transaction off-board without executing better bids or offers on his book which he represents as agent. The specialist may not, however, bid for or purchase stock on the exchange at destabilizing prices subsequent to an off-board purchase.

In addition to the foregoing, NYSE Rule 438 prohibits a member from publishing bids and offers for listed securities in "quotation sheets having a strictly professional client-

<sup>6</sup> The amendments were submitted on October 4, 1974, pursuant to Rule 17a-8 under the Act. After certain correspondence with the NYSE to clarify several aspects of the proposed amendments, letter from Lee A. Pickard, Director, Division of Market Regulation to James E. Buck, Secretary, New York Stock Exchange, October 24, 1974, and letter from James E. Buck, Secretary, New York Stock Exchange to Lee A. Pickard, Director, Division of Market Regulation, November 26, 1974, the Commission published the proposed amendments for public comment. Securities Exchange Act Release No. 11151 (December 20, 1974). See Appendix A at pp. A-4-A-20. No action has been taken with respect to the proposed amendments.

<sup>7</sup> See Appendix A at p. A-21.

tele."<sup>8</sup> The NYSE apparently does not interpret this restriction to extend to publishing bids or offers in an electronic quotation system. Nevertheless, it is our understanding that, in response to a member's inquiry whether he could quote two-sided markets in the National Association of Securities Dealers Quotation System ("NASDAQ"), the NYSE staff answered negatively on the grounds that the National Association of Securities Dealers ("NASD") requires all quotations in NASDAQ to be firm for 100 shares, a requirement the member would not be able to meet, since Rule 394 would require that the order be brought to the floor for execution and displacement.

American Stock Exchange. Rule 5 of the American Stock Exchange ("Amex") prohibits a member from effecting over-the-counter transactions in certain securities admitted to trading on the exchange unless the transaction is specifically exempted under the rule.<sup>9</sup> One of the exceptions covers transactions made with prior permission of the exchange. It is our understanding that, pursuant to this exception, the American Stock Exchange will approve a transaction by a member as principal or as agent for a customer if the member can "reasonably demonstrate" that a better execution can be obtained.

Prior to effecting any such transaction, the member must request permission from the exchange staff and in connection therewith "should" furnish certain details of the transaction. The staff weighs the request in terms of the character of the market, the price and size of the transaction and related factors, and will grant the request "if the Exchange is satisfied, in each instance, that the transaction can be executed more advantageously off the Exchange." In connection with the review of any such request, a staff member personally will go to the floor and review the facts with a floor official. In all, the Amex states, this approval procedure "does not exceed ten minutes."

Assuming compliance with the above procedure results in permission for an off-floor transaction, that permission is conditioned on satisfying the orders on the book at a better or the same price. The specialist and other floor professionals are also permitted to participate at the same or a better price, although, as a practical matter, since the proposed off-floor transaction is not announced on the floor, floor professionals other than the specialist would not have an opportunity to participate unless they previously had announced their interest publicly or had left a limit order for execution with the specialist.

Off-board transactions by American Stock Exchange specialists are governed by Amex Rules 187 and 189.<sup>10</sup> Specialists are prohibited from effecting off-board transactions except in certain narrow instances, namely a transaction as principal to offset another transaction made in error or a transaction as principal made with prior approval of the exchange (i) to tender securities the subject of a public offer or (ii) to decrease or liquidate a position in a security subject to a trading suspension.

American Stock Exchange Rule 482 is similar in terms to NYSE Rule 438, noted above, in prohibiting a member from listing his name in quotation sheets "having a strictly professional clientele" with respect to cer-

<sup>8</sup> See Appendix A at p. A-22.

<sup>9</sup> See Appendix A at p. A-23.

<sup>10</sup> Comments of the American Stock Exchange in response to Securities Exchange Act Release No. 11521, Commission File No. S7-543 at p. 4 (July 30, 1975).

<sup>11</sup> See Appendix A at pp. A-24-A-25.

tain securities dealt in on the exchange.<sup>11</sup> Unlike the NYSE, however, the Amex interprets this prohibition to extend to quotations in an electronic inter-dealer quotation system.

Boston Stock Exchange. Section 23, Chapter II, of the rules of the Boston Stock Exchange prohibits off-board transactions in securities admitted to trading on the exchange unless, prior to such a transaction, the member has made a bona fide effort to effect the transaction on the exchange and has received permission from the exchange to trade off-board.<sup>12</sup>

Chicago Board Options Exchange. Rule 6.49(a) of the Chicago Board Options Exchange provides that a member shall not effect off-board transactions unless (i) the member has attempted to execute the transaction on the floor and has "reasonably ascertained" that it may be executed at a better net price off the floor, and (ii) the customer has been informed of and has approved the off-floor execution.<sup>13</sup>

Cincinnati Stock Exchange. Section 26 of the By-Laws of the Cincinnati Stock Exchange requires simply that prior to an off-board transaction the member must "make an equivalent bid or offer on the floor of the exchange."<sup>14</sup>

Detroit Stock Exchange. Chapter I, Section 5 of the Detroit Stock Exchange Rules has only one requirement: the exchange must grant permission prior to any off-board transaction.<sup>15</sup>

Intermountain Stock Exchange. Similarly, Rule 9 of Article XII of the Rules of the Intermountain Stock Exchange prohibits a member from effecting an off-board transaction without the "prior permission of the Board of Governors."<sup>16</sup>

Midwest Stock Exchange. Rule 9 of Article XVII of the Rules of the Midwest Stock Exchange ("MSE")<sup>17</sup> prohibits a member from effecting an over-the-counter transaction in securities listed or admitted to unlisted trading privileges on the exchange without prior permission of an officer of the exchange.<sup>18</sup> We understand that, pursuant to interpretation, prior permission is no longer actually required although subsequent notification must be made; if, upon review, the transaction is not found to be in compliance with certain published interpretations, it apparently would then be disapproved.

Among other things, the interpretations require that any such off-floor transaction may be effected only with a broker-dealer who is "registered" pursuant to Rule 17a-9 under the Act and who is making markets in listed securities on a continuous basis, and that the order must be "made available" to the regular membership prior to the off-floor trade.<sup>19</sup>

<sup>11</sup> See Appendix A at p. A-25.

<sup>12</sup> See Appendix A at p. A-26.

<sup>13</sup> See Appendix A at p. A-27.

<sup>14</sup> See Appendix A at p. A-28.

<sup>15</sup> See Appendix A at p. A-29.

<sup>16</sup> See Appendix A at p. A-30.

<sup>17</sup> See Appendix A at p. A-31.

<sup>18</sup> See Appendix A at p. A-32.

<sup>19</sup> It is our understanding that this provision is interpreted to be inapplicable to transactions in securities in the MSE inactive post.

<sup>20</sup> The interpretations specifically require that the MSE specialist be made aware of the transaction. The specialist is permitted to participate in the off-board transaction at the same price as the off-board trade if he indicated an interest prior to the trade. If he did not indicate an interest in the order at a specified price, then he will only be allowed to participate if the third market maker's bid or offer is different from the indicated price.

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B. Effects on Competition of Off-Board Commission has sought to review off-board

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In addition to the foregoing, if the off-floor transaction is to be effected by the MSE specialist for his own account, the transaction must be for a minimum of 500 shares (except in issues valued at over \$100 per share) and the specialist must be willing to bid for or to offer (depending on whether the off-board transaction was a purchase or a sale) the same amount of stock at the same price on the exchange. A transaction by an MSE floor member off-board must also be for a minimum of 500 shares (except to accommodate a regular customer) as must arbitrage transactions between the exchange and the over-the-counter market. Finally, all transactions effected off the floor by floor members must be reported in the consolidated transaction reporting system as an MSE transaction and are subject to an MSE transaction fee.

**Pacific Stock Exchange.** Rule XIII of the Pacific Stock Exchange permits off-board executions, without prior approval, provided (1) the transaction is with a broker-dealer making continuous two-sided markets in the security and who files reports pursuant to Rule 17a-9 under the Act, and (2) an equivalent bid or offer has first been made on both the Los Angeles and San Francisco floors of the Pacific Exchange.<sup>20</sup>

**PBW Stock Exchange.** Rule 132 of the PBW Stock Exchange prohibits over-the-counter transactions in securities admitted to trading on the exchange unless, prior to such a transaction, the member (1) has made a bona fide effort to effect the transaction on the exchange, and (2) receives permission from the PBW Stock Exchange to trade off-board.<sup>21</sup>

**Spokane Stock Exchange.** Rule 18.3 of the Spokane Stock Exchange prohibits any transaction off-the-floor of the exchange during the regular trading session. Spokane permits unrestricted off-floor transactions, however, during the "inter-session," a trading session about equal in length of time to the regular trading session.<sup>22</sup>

In addition to the foregoing, certain other rules of exchanges having some effect on off-board executions by members could be considered strictly as coming within the scope of review commanded by Section 11A(c)(4) (A); in the Commission's judgment, however, these rules do not appear to have a significant effect on competition, although further study may alter this view. For example, both the New York and American Stock Exchanges impose certain limitations on transactions in rights to subscribe to stock issues,<sup>23</sup> a very specialized market, and require that all transactions in bonds involving nine bonds or less be brought to their respective floors.<sup>24</sup> These rules, along with certain others, such as the so-called "New York City Rule,"<sup>25</sup> which only arguably comes within the Section 11A(c)(4) (A) directive, have been reserved for the Commission's more general review of all exchange rules required by Section 31(b) of the Securities Acts Amendments of 1975.<sup>26</sup>

<sup>20</sup> See Appendix A at p. A-34.

<sup>21</sup> See Appendix A at p. A-33.

<sup>22</sup> See Appendix A at p. A-38.

<sup>23</sup> NYSE Rule 394, 2 CCH, *New York Stock Exchange Guide* Para. 2395 at p. 3676; Amex Rule 5, 2 CCH, *American Stock Exchange Guide* Para. 9225 at p. 2419.

<sup>24</sup> NYSE Rule 394, 2 CCH, *New York Stock Exchange Guide* Para. 2396 at p. 3677; Amex Rule 6, 2 CCH, *American Stock Exchange Guide* Para. 9226 at p. 2420.

<sup>25</sup> Article XIV, Section 8 of the NYSE Constitution provides:

Whenever it is adjudged in a proceeding under this Article that a member or allied member is connected either through a partner or otherwise, with another exchange or similar organization in the City of New York

#### B. Effects on Competition of Off-Board Trading Rules

The Commission has reviewed the effects on competition of the off-board trading rules described above in accordance with our perception of the legislative intent underlying Section 11A(c)(4) (A).<sup>27</sup> Thus, the

which permits dealings in any securities dealt in on the Exchange, or deals directly or indirectly upon such other exchange or organization, or deals publicly outside the Exchange in securities dealt in on the Exchange, such member or allied member may be suspended or expelled. . . .

2 CCH, *New York Stock Exchange Guide* Para. 1658 at pp. 1095-96.

Article V, Section 4(g) of the Constitution of the Amex provides:

Whenever it is adjudged in a proceeding under this Article that a member or member organization is connected, either through a partner or otherwise, with another exchange or similar organization in the City of New York which permits dealings in any securities dealt in on this Exchange, or deals directly or indirectly upon such other exchange or organization in securities listed or admitted to unlisted trading on this Exchange, such member or member organization may be suspended or expelled from membership.

2 CCH, *American Stock Exchange Guide* Para. 9043 at p. 2161.

Neither the New York nor the American Stock Exchanges have listed or traded securities listed or traded on the other, nor has such trading existed on any other exchange in New York in this century.

Section 31(b) of the Securities Acts Amendments of 1975 provides in part:

If it appears to the Commission at any time within one year of the effective date of any amendment made by this Act to the Securities Exchange Act of 1934 that the organization or rules of any national securities exchange or registered securities association registered with the Commission on the date of enactment of this Act do not comply with such Act as amended, the Commission shall so notify such exchange or association in writing, specifying the respects in which the exchange or association is not in compliance with such Act.

The Joint Explanatory Statement of the Committee of Conference stated, with respect to Section 11A(c)(4) (A):

Both the Senate bill and the House amendment contained provisions directing the elimination of restrictive rules and practices which prohibit brokers from searching out the best price for their customers or which limit or impede market making activities as inconsistent with the development of a national market system.

With respect to exchange rules which limit or condition a member's ability to transmit [sic] business or [sic] any other exchange or otherwise than on an exchange, the House bill specifically required their elimination after September 1, 1975, unless specifically reviewed and approved by the Commission. Upon review of such rules, the Commission would be required to find that (1) any limitation or condition imposed on the ability of an exchange or association member to select among competing markets was consistent with such member's agency obligation to his customer and (2) the restriction was otherwise necessary to accomplish the purposes of the Exchange Act.

The Senate bill did not attempt to eliminate specific enumerated barriers to competition. Rather, the Senate bill charged the SEC with an explicit and pervasive obligation to eliminate all present and future competitive restraints that could not be justified by the purposes of the Exchange Act. The Commission was directed to remove existing burdens on competition and to refrain from im-

Commission has sought to review off-board trading rules *de novo* in order to reach such conclusions as analysis, the current methods of doing business in the securities markets and the purposes of the Act, as amended by the Securities Acts Amendments of 1975, may dictate. In connection with the preparation of this report, therefore, the Commission solicited and received the written views of various national securities exchanges, third market makers, and other interested persons.<sup>28</sup> Nevertheless, in reaching its conclusions, the Commission has taken cognizance of the prior studies of this question, including *inter alia*, Commission hearings,<sup>29</sup> studies, policy statements and reports of advisory committees,<sup>30</sup> as well as Congressional reports.<sup>31</sup>

posing, or permitting to be imposed, any new regulatory burden "not necessary or appropriate in furtherance of the purposes" of the Exchange Act. Thus, the Commission was obligated to review existing and proposed rules of the self-regulatory organizations and to abrogate any present rule, or to disapprove any proposed rule imposing a competitive restraint neither necessary nor appropriate in furtherance of a legitimate regulatory objective. . . . The Commission's responsibility under the Senate bill is to balance the perceived anticompetitive effects of a regulatory policy or decision (whether its own or that of a self-regulatory organization) against the purposes of the Exchange Act that are advanced thereby and the costs of doing so.

The conference substitute accepts the Senate provisions with respect to competitive standards. A specific provision is added, however, concerning exchange rules which limit or condition the ability of members to effect transactions in securities otherwise than on such exchanges. The Commission is directed to review such rules *de novo* in light of the specific competitive standards added by the Securities Acts Amendments of 1975 and, on or before the 90th day following the date of enactment of the Securities Acts Amendments of 1975, to (1) report to Congress the results of its review, including the effects on competition of such rules, and (2) commence a proceeding if such rules do not meet these requirements in accordance with the provisions of new Section 19(c) of the Exchange Act.

H.R. Rep. No. 94-229, 94th Cong., 1st Sess. 94-95 (1975).

<sup>28</sup> Securities Exchange Act Release No. 11521 (July 2, 1975).

<sup>29</sup> E.g., SEC, *Hearings in the Matter of Commission Rate Structure of Registered National Securities Exchanges* File No. 4-144 (1968-1971); SEC, *Hearings in the Matter of the Structure, Operation and Regulation of the Securities Markets*, File No. 4-147 (1971).

<sup>30</sup> E.g., SEC Staff, *Report: Rule 394* (1965), reprinted in *Hearings Before the Subcomm. on Commerce and Finance, of the Committee on Interstate and Foreign Commerce*, 92d Cong., 2d Sess., pt. 6 at 3293 (1972); SEC, *Institutional Investor Study Report*, H.R. Doc. No. 92-64, 92d Cong., 1st Sess. (1971); *Statement of the SEC on the Future Structure of the Securities Markets*, Securities Exchange Act Release No. 9484 (Feb. 2, 1972); *Report to the SEC by the Advisory Committee on Market Disclosure on a Composite Transaction Reporting System* (July 17, 1972); *Report to the SEC by the Advisory Committee on Block Transactions* (Aug. 7, 1972); *Interim Report of the Advisory Committee on a Central Market System to the SEC on Regulation Needed to Implement a Composite Transaction Reporting System* (Oct. 11, 1972); *Report to the SEC by the Advisory Committee on Market Disclosure on a Composite Quotation System* (Nov. 21,

1972); *Report to the SEC by the Advisory Committee on a Central Market System, Securities Exchange Act Release No. 10076* (March 29, 1973); *Preliminary Statement of the Advisory Committee on the Implementation of a Central Market System to the Securities and Exchange Commission* (December 11, 1974); *Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System—Summary Report* (July 17, 1975).

<sup>31</sup> Subcomm. on Commerce and Finance, House Committee on Interstate and Foreign Commerce, *Securities Industry Study Report*, H. Rept. No. 92-1519, 92d Cong., 2d Sess. (1972). Subcomm. on Securities, Senate Committee on Banking, Housing and Urban Affairs, *Securities Industry Study Report*, S. Doc. No. 93-13, 93d Cong., 1st Sess. (1973).

<sup>32</sup> In contrast, the Chicago Board Options Exchange has segregated the agency and dealer functions of floor professionals. Limit orders are left with a "board broker" for execution and competing market makers are appointed for each of the option contracts traded. We understand that as many as thirty market makers compete in certain option contracts on the floor of the Chicago Board Options Exchange.

<sup>33</sup> See 4 SEC, *Institutional Investor Study Report*, H. Doc. No. 92-64, 92d Cong., 1st Sess. at 1932-1948 (1971).

The Commission has given particular scrutiny to New York Stock Exchange Rule 394. Transactions in NYSE-listed stocks account for virtually all the volume in the over-the-counter market for listed securities. Further, the rules of other national securities exchanges limiting or conditioning the ability of members to trade off-board are generally less restrictive than NYSE Rule 394.

#### TRADING BY MEMBERS AS PRINCIPAL

All exchanges, except for the Chicago Board Options Exchange, have adopted the so-called unitary specialist system. Thus, whenever a new security is admitted to trading on an exchange, it will be assigned or "allocated" to a single specialist or specialist unit. Thereafter, all transactions in that security, with exceptions not relevant here, are required to be effected at the specialist's post, and customers' orders at a price limited away from the market generally are left with the specialist for execution.<sup>34</sup>

Exchanges usually permit another class of member—the floor trader—to compete on the floor of the exchange with the specialist by buying and selling securities as principal for his own account at the specialist's post. Floor traders do not, however, make regular two-sided markets; instead, they look for special trading situations in which they can profitably commit their capital. Members' trading for their own accounts from off the floor similarly is to effectuate investment decisions. Regardless of differences in motivations, the foregoing classes of members do compete for orders and to secure trading and investment opportunities arising in the normal course of the market.

In connection with reviewing competition in the dealer function among exchange members, one other phenomenon is worthy of note. The institutionalization of the trading markets in the last decade gave rise to substantial demand for liquidity in size. Well-capitalized institutionally-oriented brokerage houses responded to this demand by providing an "upstairs" market in size for their institutional customers.<sup>35</sup> (Of course, a transaction between an institution and a member acting as principal for his own account, once negotiated "upstairs," is presently required

1972); *Report to the SEC by the Advisory Committee on a Central Market System* (March 6, 1973); *SEC Policy Statement on the Structure of a Central Market System*, Securities Exchange Act Release No. 10076 (March 29, 1973); *Preliminary Statement of the Advisory Committee on the Implementation of a Central Market System to the Securities and Exchange Commission* (December 11, 1974); *Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System—Summary Report* (July 17, 1975).

<sup>34</sup> NYSE Rule 113, 2 CCH, *New York Stock Exchange Guide* Para. 2113 at p. 2719-2720; Amex Rule 190, 2 CCH, *American Stock Exchange Guide* Para. 9330 at p. 2484.

<sup>35</sup> The specialist's position in the trading market has been described as follows: In this unique capacity the specialist stands at the heart of the Exchange market mechanism. He has intimate knowledge of the past market action of the stocks in which he specializes. He also has sole access to the specialist book showing outstanding orders both below and above the market which affords him a great competitive advantage over the public. In addition, he exercises a significant influence on the public appraisal of a security, since he is the one who quotes the market. For all these reasons, it is a matter of tremendous importance in the maintenance of a fair and orderly market that a specialist's transactions as principal be only of such kinds and in such amounts as are consistent with his function of acting as broker at the vital center of the auction market.

SEC, *Staff Report on Organization, Management, and Regulation of Conduct of Members of the American Stock Exchange*, at 23 (1962) quoted in 2 SEC, *Special Study of Securities Markets* H.R. Doc. No. 95, 88th Cong., 1st Sess. at 59 (1963).

<sup>36</sup> SEC, *Staff Report on Organization, Management, and Regulation of Conduct of Members of the American Stock Exchange*, at 23 (1962) quoted in 2 SEC, *Special Study of Securities Markets* H.R. Doc. No. 95, 88th Cong., 1st Sess. at 59 (1963).

to be brought to the floor for execution and possible displacement by orders having priority.)

Some institutional brokerage firms have evinced a willingness, and have the necessary capital, to make position bids or offers on all securities listed and traded on the primary exchanges. Others "specialize" in securities of issuers in which they have developed a particular expertise and hold themselves out as being willing to bid or offer in medium size on any security in the selected group at a price near last sale. As a general matter, however, these institutional firms do not compete directly with the specialist. Rather, it appears that these "upstairs market makers" fill a void created by specialist unwillingness to deal in substantial size, either because of regulatory restrictions on specialists or the nature and size of the risks associated with principal trades in block size.

Institutional brokerage firms have several important competitive advantages over specialists in the so-called block-trading market. Specialists on the New York and American Stock Exchanges are not permitted to accept orders directly from an institutional customer.<sup>36</sup> NYSE and Amex specialists are thereby cutoff from direct access to the institutional order flow and are unable to canvass the institutional market to put together buyers and sellers. Moreover, the upstairs members presently may charge an institutional customer a commission when purchasing from or selling to the institutional customer as principal. The specialist, however, must make net bids and offers. Also, the specialist is regulated in his trading activity and most continually provide a two-sided market whereas the upstairs firm is not under such restrictions and obligations.

In the round-lot market, however, the specialist has certain advantages over the institutional broker. All trades in a listed security must be executed at the specialist's post. Because the specialist stands at the center of any crowd which may exist and sees all the executions in his specialty stock, he is opportunistically situated to develop a "feel" for the market. Moreover, the specialist is the only exchange trader having knowledge of, and regular income from the execution of, limit orders on the book.<sup>37</sup>

As a result, two-sided market making in round-lots on exchanges is effectively allowed.

<sup>37</sup> NYSE Rule 113, 2 CCH, *New York Stock Exchange Guide* Para. 2113 at p. 2719-2720; Amex Rule 190, 2 CCH, *American Stock Exchange Guide* Para. 9330 at p. 2484.

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SEC, *Staff Report on Organization, Management, and Regulation of Conduct of Members of the American Stock Exchange*, at 23 (1962) quoted in 2 SEC, *Special Study of Securities Markets* H.R. Doc. No. 95, 88th Cong., 1st Sess. at 59 (1963).

Stock Exchanges, some may view the restriction to require a member to disclose his

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Stock Exchanges, some may view the restrictions on the ability of specialists to compete with upstairs members in the institutional block trading market as a *quid pro quo* for the inability of the upstairs members to compete directly with the specialist by making continuous two-sided markets. It might be competitively unfair, therefore, to permit the upstairs firm to compete directly with the specialist without, at the same time, addressing those restrictions which limit the specialist's ability to compete in the institutional trading market.

#### AGENCY TRANSACTIONS BY MEMBERS IN THE OVER-THE-COUNTER MARKET FOR LISTED SECURITIES

Paragraph (b) of Rule 394 was adopted by the New York Stock Exchange in 1966, at the request of the Commission, pursuant to Section 19(b) of the Act, to permit members to effect certain transactions as agents for a customer with "qualified" third market makers.<sup>22</sup> It would appear, however, that the conditions imposed by the rule and the interpretations given to it by the NYSE may have negated its utility.<sup>23</sup>

The NYSE proposed to amend Rule 394(b) in 1974 to eliminate certain of the conditions.<sup>24</sup> As amended, Rule 394(b) would still (1) require a member to make a "diligent effort to explore the feasibility of obtaining a satisfactory execution of the order on the floor" prior to solicitation of a third market maker and (2) require the member, after receiving a bid or offer from a third market maker, to return to the floor to ask other members in the crowd if they have an order at the same or a better price as the third market maker's bid or offer. If there are such orders on the floor, the third market maker's order would be displaced in whole or in part by all such bids or offers although bids and offers by the specialist and other members for their own accounts would participate only to the extent that interest had been expressed at an indicated price or prices when the member first announced an intention to solicit a third market maker.<sup>25</sup> In addition, the NYSE apparently still would interpret

<sup>22</sup> See Securities Exchange Act Release No. 7954 (September 16, 1966).

<sup>23</sup> In response to a request from the Commission staff, the NYSE has provided the following chart:

Summary of inquiries and transactions effected pursuant to rule 394(b) from January 1969 to April 1975

	Number of inquiries	All off floor	Inquiries resulting in transactions		Nothing done on inquiry	Shares on floor	Shares off floor
			All on floor	Some on/off floor			
1969	16	6	0	1	8	5,800	64,300
1970	11	4	0	5	2	13,500	80,500
1971	17	10	0	4	3	23,100	274,100
1972	32	22	0	10	0	19,100	368,500
1973	7	1	1	4	1	21,300	48,300
1974	5	4	0	1	0	2,300	113,700
1975	1	1	0	0	0	0	2,000
Total	89	48	2	25	11	85,000	951,300
Percent	100	53.9	2.3	28.1	12.3	(8.2)	(91.8)

<sup>24</sup> See Appendix A at p. A-4 and discussion *supra* at pp. 3-4.

<sup>25</sup> See NYSE proposed Amendments to Rule 394(b) in Appendix A at p. A-4.

<sup>26</sup> Letter from James E. Buck, Secretary, New York Stock Exchange to Lee A. Pickard, Director, Division of Market Regulation, November 26, 1974 at p. 2.

<sup>27</sup> Only Chapter 1, Section 23(d) of the Boston Stock Exchange Rules excepts dual members from this obligation. While it is probable that dual members have simply ignored their obligation in the past to comply

with regional exchange rules after, for example, having received permission to effect an off-board principal trade pursuant to Rule 394(a), the Securities Exchange Act requires each exchange to enforce compliance by its members with its own rules.

Rule 394 may also disadvantage exchange brokers insofar as it may divert orders directly to the third market which might otherwise have been given to an exchange member for execution in the best available market in accordance with the member's professional brokerage judgment and expertise.

Since the New York Stock Exchange membership community handles the great majority of public agency business in listed securities, and since NYSE Rule 394 appears to operate as a substantial barrier to egress from that exchange, third market makers may be disadvantaged vis-a-vis exchange specialist in the competition for volume in listed securities.<sup>28</sup> Observers have also asserted that the anticompetitive effects of Rule 394 are exacerbated by its interference with a broker's ability to execute his customers' orders in a professional and capable manner in the best market available.

The barrier to competition and the interference with brokerage judgment which restrictions on a member's ability to effect agency execution with third market makers seem to represent are not as formidable today as they may once have been. First, as noted at p. 17, *supra*, five regional exchanges—the Boston, Cincinnati, Detroit, Pacific and PBW Stock Exchanges—have adopted rules which permit third market

makers to effect transactions directly on the respective floors of these exchanges and to continue to make an over-the-counter market in listed securities. Thus, some third market makers now operate as supplemental specialists on these exchanges. Since members of the New York and American Stock Exchanges which are also members of one or more of these regional exchanges can effect transactions on the regionals without regulatory inhibition, such dual members presently have access to those third market makers who have availed themselves of the opportunity to join such exchanges. Nonetheless, not all exchange members also belong to one of the exchanges which third market makers are permitted to join and only some third market makers have joined any exchange.

Second, a member of an exchange can today solicit the interest of a third market maker to participate in a transaction to be effected on the floor of an exchange. The Commission staff's 1965 report on NYSE Rule 394 found that one of the rule's most serious anticompetitive aspects was that a member was required to charge a third market maker a commission whenever an order of a third market maker was effected on an exchange (since the third market maker was treated as any other non-member customer).<sup>29</sup> The adoption of Rule 19b-3 under the Act has freed members from that requirement.<sup>30</sup> Thus, it would appear that a member of the New York Stock Exchange can today canvass the third market<sup>31</sup> and solicit the participation of a third market maker in a transaction, so long as the execution is effected on an exchange floor. Indeed, it would appear likely that exchanges would encourage such a development since their volume would be directly increased by the number of such transactions. In this regard, however, it should be noted that such canvassing would preclude use of Rule 394(b) to effect the transaction off-board on an agency basis.

Nevertheless, it must be recognized that, by substantially impeding the ability of a member to effect transactions off-floor directly with third market makers, the effect of rules such as NYSE Rule 394 is to diminish the amount of volume in which a third market maker might otherwise participate. Like any other professional trader, a third market maker generally is willing to make firm quotations only for immediate acceptance. It would therefore appear to operate as a disincentive to the third market maker's participation in a transaction to require in effect that his quotation be held firm while the exchange member attempts an execution on the floor; the third market maker may be unwilling to lose control of his order as it is taken to an exchange floor for execution, since he thereby risks a shift in current prices and an execution at a price away from his then current quotation in the third market.<sup>32</sup> Moreover, if the transaction is re-

<sup>28</sup> SEC Staff, Report: Rule 394 (1965), reprinted in *Hearings Before the Subcomm. on Commerce and Finance of the House Comm. on Interstate and Foreign Commerce*, 92d Cong., 1st Sess., pt. 6 at 3293, 3370 (1972).

<sup>29</sup> 17 C.F.R. 240.19b-3, Securities Exchange Act Release No. 11203 (January 23, 1975).

<sup>30</sup> Rule 394 only governs the solicitation of a third market maker for a transaction off-the-floor of the exchange.

<sup>31</sup> The New York Stock Exchange has taken a similar point of view in an analogous context. In connection with the amendments to Rule 394(b) proposed by the NYSE in 1974, the Commission staff asked the NYSE

quired to be effected on an exchange floor, rather than directly with the third market maker off the floor, the transaction would be reported in the consolidated transaction reporting system as an exchange trade and the third market maker would lose the advertising value of the tape print.

Finally, if the transaction is effected on the exchange, better limit bids or offers would have to be satisfied prior to the execution. Since third market makers generally trade net of commission, their acquisition price, in the case of a purchase, would be the same as the resulting tape print price, leaving them without any "cushion" to ameliorate the risk taken.<sup>33</sup> While block positioners have been willing to make position bids below the market, even though they must generally permit limit bids to participate, thus lowering the prevailing market price to their bid price, they are permitted to charge the seller a commission; accordingly the block positioner has some cushion to lessen the market risk assumed.<sup>34</sup> Indeed, it has been asserted to the Commission that if block positioners were required to trade net, so that the tape print price and their actual acquisition cost were identical, it would create a severe disincentive to positioning.<sup>35</sup> It would appear, therefore, that requiring a third market maker to be displaced might create a disincentive to participation. This is not to say that the reasons in favor of permitting bids or offers on the specialist's book to participate in discount or premium trades may not outweigh the reasons for creating incentives to dealer participation, but that the disincentives created thereby must be considered in the balance.

One commentator has urged that Rule 394 is not anticompetitive at all and indeed that elimination of Rule 394 would reduce the fairness of competition between exchange and non-exchange markets because "unequal regulation of exchange and non-exchange markets makes it impossible for any type of pure competition between them to be 'fair'".

whether a floor professional making a bid or offer prior to an off-floor execution would be held to that quotation while the member communicated with a third market maker. Letter from Lee A. Pickard, Director, Division of Market Regulation, to James E. Buck, Secretary, New York Stock Exchange, October 24, 1974, at p. 2. The NYSE replied that a floor professional should not be held for an unreasonable amount of time to a bid or offer; any other result would mean that the floor professional would in effect be "penalized" for having made the initial bid or offer. Letter from James E. Buck, Secretary, New York Stock Exchange, to Lee A. Pickard, Director, Division of Market Regulation, November 26, 1974, at p. 3.

Similarly, it would appear that members request permission to effect off-board principal purchases pursuant to Rule 394(a) primarily to avoid the book and the tape print involved with an exchange transaction below the prevailing market; the member may thereafter distribute the stock on the exchange pursuant to a special distribution plan and enjoy a substantial "spread."

<sup>32</sup> See generally 4 SEC, *Institutional Investor Study Report*, H.R. Doc. No. 92-64, 92d Cong., 1st Sess. at 1944-1945 (1971).

<sup>33</sup> Comments of Bear, Stearns & Co., Donaldson, Lufkin & Jenrette, Inc., The First Boston Corp., Goldman, Sachs & Co., Morgan Stanley & Co., Inc., Salomon Brothers, and Shields, Model Roland, Inc., in response to Securities Exchange Act Release No. 11508, Commission File No. SR-1 (August 22, 1975).

<sup>34</sup> See S. Rep. No. 94-75, 94th Cong., 1st Sess., at 12-16 (1975); H.R. Rep. No. 94-123, 94th Cong., 1st Sess. at 47-48 (1975); S. Doc. No. 93-13, 93d Cong., 1st Sess. at 104-105, 115-119; Subcomm. on Commerce and Finance of the Comm. on Interstate and Foreign Commerce, 92d Cong., 2d Sess., *Securities Industry Study Report* at 126-130 (1972).

<sup>35</sup> *Id.*, Sections 2, 6(b) (5) and 15A(b) (6) (2).

or "equal."<sup>36</sup> It is urged that specialists are subject to stringent rules and regulations which, among other things, include affirmative obligations to assume risks, especially during crisis periods, which their third market counterparts can easily avoid.

On its face, this argument has a certain symmetrical appeal. Nevertheless, it is not explained whether the desired result could be achieved by other, more appropriate means. The Securities Acts Amendments of 1975 appear to have been intended to establish a presumption in favor of (i) eliminating barriers between competing markets and between market makers which are specialists and those which are not, insofar as such barriers are not otherwise in furtherance of the purposes of the Act, and (ii) equalizing regulation of competitors that enjoy similar privileges, perform similar functions and have the potential for similar market impact.<sup>37</sup> Presumably, therefore, concerns with respect to "equal regulation" could be satisfied by either eliminating the "stringent" rules and regulations which apply to exchange trading, or applying such rules to the over-the-counter market for listed securities. Moreover, it would appear that third market makers do not in fact avoid crisis periods and fail to perform a legitimate market function on a regular or continuous basis. Indeed, some have asserted that third market makers, in part because they deal exclusively with a professional clientele—broker-dealers and institutions—are compelled, as a business matter, to make continuous markets "both in rising and falling markets."

Comments of the New York Stock Exchange in response to Securities Exchange Act Release No. 11521, Commission File No. S7-543 at p. 14 (July 29, 1975) ("NYSE Comments"). The NYSE contended that:

Since Rule 394 relates only to taking orders to other than exchange markets, the issue here centers on competitive restraints among brokers and dealers, as well as between exchange and non-exchange markets. The abolition of Rule 394 would actually reduce the fairness of the competition between these elements, since the present system of unequal regulation of exchange and non-exchange markets makes it impossible for any type of pure competition between them to be "fair" or "equal."

In the absence of the protection afforded by Rule 394, the Exchange market would bear a severe competitive disadvantage vis-a-vis the third market. The Commission is aware of the stringent rules and regulations which apply to Exchange trading. These include the affirmative responsibilities of specialists to assume risks, especially during crisis periods, which their third market counterparts can easily avoid. These risks, of course, raise the cost of operating on the floor of the Exchange relative to operating in the third market.

Exchange regulation is predicated on the need to assure high-quality service to the public under all market conditions—not just when prices are rising. The specialist's affirmative marketmaking responsibility assures that he will be at his post—maintaining fair and orderly markets in his assigned stocks—both in rising and falling markets.

<sup>36</sup> See S. Rep. No. 94-75, 94th Cong., 1st Sess., at 12-16 (1975); H.R. Rep. No. 94-123, 94th Cong., 1st Sess. at 47-48 (1975); S. Doc. No. 93-13, 93d Cong., 1st Sess. at 104-105, 115-119; Subcomm. on Commerce and Finance of the Comm. on Interstate and Foreign Commerce, 92d Cong., 2d Sess., *Securities Industry Study Report* at 126-130 (1972).

<sup>37</sup> *Id.*, at 127-128.

<sup>38</sup> Sections 6(b) (5), 11A(a) (1) (C), 11A(a) (2), and 15A(b) (6) of the Act.

<sup>39</sup> *Id.*, Sections 11A(a) (1) (C) and 11A(a) (2).

<sup>40</sup> *Id.*, Sections 2, 6(b) (5) and 15A(b) (6) (2).

Additionally, it is important, when comparing regulation of exchange specialists with regulation of third market makers, to be cognizant of the privileges now associated with a specialist's position. The Commission's *Institutional Investor Study*, for example, found that the specialist's brokerage income from limit orders entrusted to him by other brokers exceeded trading income in every category of specialist measured.<sup>41</sup> Earlier, the Commission's *Special Study* had noted that the only justification for permitting a specialist to enjoy trading advantages over others is "if high standards of conduct in dealer and broker activities are defined and enforced."<sup>42</sup> The unique advantages of the specialists, and the relationship of those advantages to the regulatory fabric, were summed up by the *Special Study* as follows:

It must be remembered that the specialist is not purely dependent upon his trading acumen for his income. Not only does the book serve on occasion as an outlet for excess inventory, but the brokerage function serves as a relatively riskless source of income. . . . If the conflict of interest between the two functions is to be tolerated the duty to the customer must include the obligation to maintain markets which are fair and reasonable. . . . Since access to the floor confers substantial trading advantages, even without the special knowledge available to the specialist, the privileges enjoyed by the specialist are compatible with the statutory scheme only if his duties to the public are not terminable at will but continue reasonably through good markets and bad, through profitable and unprofitable periods.<sup>43</sup>

Assuming that exchange rules which limit or condition the ability of members to make two-sided markets in listed securities and which limit or condition the ability of a member to execute a customer's order over-the-counter with a third market maker impose burdens on competition, the questions remain whether these rules are otherwise in furtherance of the purposes of the Act.

C. Whether Off-Board Trading Restrictions of Exchanges Are Otherwise Necessary or Appropriate in Furtherance of the Purposes of the Act.

Having concluded that rules which limit or condition the ability of a member to effect a transaction off-board, as principal or agent, are anticompetitive, the Commission is obliged to determine whether such rules are nevertheless justified by reference to other regulatory goals. These purposes, insofar as off-board trading rules are concerned, are referred to or described in Sections 2, 6(b) (5), 11A(a) (1) (C), 11A(a) (2) and 15A(b) (6) of the Act, namely:

- (1) the protection of investors;<sup>44</sup>
- (2) the maintenance of fair and orderly markets;<sup>45</sup>
- (3) the removal of impediments to, and the perfection of a mechanism for, a national market system for securities;<sup>46</sup>
- (4) fair competition among brokers and dealers, among exchange markets, and be-

<sup>41</sup> 4 Securities and Exchange Commission, *Report of Institutional Investor Study*, H.R. Doc. No. 92-64, 92d Cong., 1st Sess. at 1916, Table XII-21 (1971).

<sup>42</sup> 2 Securities and Exchange Commission, *Report of Special Study of Securities Markets*, H.R. Doc. No. 95, 88th Cong., 1st Sess. at 166 (1963).

<sup>43</sup> *Id.*, at 127-128.

<sup>44</sup> Sections 6(b) (5), 11A(a) (1) (C), 11A(a) (2), and 15A(b) (6) of the Act.

<sup>45</sup> *Id.*, Sections 11A(a) (1) (C) and 11A(a) (2).

<sup>46</sup> *Id.*, Sections 2, 6(b) (5) and 15A(b) (6) (2).

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may be diverted to third market makers

regulation requiring a market maker to be

ers might result in narrower spreads be-  
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ing rules of exchanges which limit or condi-  
tion the ability of members to effect transac-  
tion otherwise than on such exchanges are



tween exchange markets and markets other than exchange markets."

(5) prevention of unfair discrimination between customers, between brokers and between dealers;<sup>61</sup>

(6) the practicability of brokers executing investors' orders in the best market;<sup>62</sup>

(7) economically efficient execution of securities transactions;<sup>63</sup> and

(8) an opportunity, consistent with the standards indicated in subparagraphs (6) and (7) above, for investors' orders to be executed without the participation of a dealer.<sup>64</sup>

It has been asserted by one commentator that "Rule 394 is vitally necessary to protect investors and the public interest," a requirement of all exchange rules established by Section 6(b) (5) of the Act, and that the public interest lies in the maintenance of markets with liquidity, depth and continuity, adequate disclosure and safeguards against manipulation, and the financial health of the securities industry.<sup>65</sup> It is further suggested that NYSE rule 394 specifically supports these public interest goals because otherwise trades would be diverted from the floor "not so much because of competitive price considerations, but to shield transactions from the interplay of supply and demand in the public markets."<sup>66</sup> It is further asserted that, if orders are diverted from the exchange floor, prices would no longer mirror all supply and demand, and that the "public price" would be different from what it would be "had the off-floor trade occurred in the auction market," a difference "detrimental to the public investor."<sup>67</sup>

As a preliminary observation, apart from the validity of these arguments, Congress appears to have determined that it is desirable to encourage the broadest possible competition in order to achieve, to the maximum extent possible, continuity, depth and liquidity in the secondary trading markets. Among other things, it is difficult to perceive how impeding the participation of any segment of that competition—such as the third market—further that particular goal. Also, the consolidated transaction reporting system has as its major purpose the reporting of all transaction in listed securities, wherever effected, so that prices could react to all such transactions. It has not been shown that this system, coupled with enhanced competition among market makers, will not appropriately reflect all supply and demand.

It is also suggested that the Commission should avoid "major rule changes" which will "weaken existing market mechanisms" at a time when a "sensitive industry" is being called upon to adjust to "a new and significantly different [commission] rate environment . . .".<sup>68</sup> While the advent of new regulatory and other conditions for the industry may, indeed, suggest a basis for proceeding with other steps toward establishment of a national market system prior to the elimination or modification of off-board trading rules, the argument assumes, without elaboration, that modifications or elimination of Rule 394 will weaken rather than strengthen the trading markets.

Further, it is pointed that the New York State stock transfer tax provides an impetus to the erosion of trading on the primary markets in New York.<sup>69</sup> Assuming this to be a fact, it does not follow that volume will necessarily be diverted to third market makers,

at least some of whom are also located in New York. Trading could just as easily be diverted to a non-New York exchange.

It is asserted also that elimination of Rule 394 will place brokers in an impossible legal dilemma since "neither the trade nor the clearance and settlement mechanisms are presently in place to insure 'best execution'."<sup>70</sup>

Such an assertion must be squared with the obvious fact that members of the NYSE and Amex apparently are not today placed in an "impossible legal dilemma" though they are permitted to effect transactions on regional exchanges of which they are members.<sup>71</sup> Moreover, a distinction must be drawn between a rule permitting a broker to exercise his professional judgment to seek out the best market for his client, on the one hand, and a rule requiring him to secure the best price for his customers regardless of expense or other relevant considerations, on the other.

Finally, it is argued that elimination of off-board trading restrictions will result in exchange members forsaking trading floors, matching orders in-house in the most active stocks, and, when that is not possible, effecting transactions in the third market "where regulatory disparities even now offer advantages vis-a-vis trading in the stock exchanges."<sup>72</sup> The resulting fragmentation, it is urged, will permit limit orders left with the specialist to be bypassed and in general will undermine the auction market and the opportunity for public orders to meet public orders without the intervention of a dealer, which one commentator estimates amounts to one-half to two-thirds of "NYSE reported volume."<sup>73</sup> Such a result, it is contended, would be contrary to Congressional intent in determining that it is in the public interest to assure "economically efficient execution of securities transactions," the "practicability of brokers executing investors orders in the best market," and an opportunity, consistent with the foregoing, "for investors orders to be executed without the participation of a dealer."

This argument is not without appeal. Nevertheless, these apparent benefits to the markets provided by off-board trading rules must be assessed against certain important issues, such as (1) whether the competition which would result from a proliferation of upstairs market makers would further the statutory aims; (2) whether other more appropriate regulations might be adopted to prevent such potential market makers from over-reaching their customers, such as a

<sup>61</sup> Comments of the Securities Industry Association in response to Securities Exchange Act Release No. 11521, Commission File No. S7-543 at p. 2 (August 4, 1975) ("SIA Comments").

<sup>62</sup> *Id.*

<sup>63</sup> *Id.* at 2-3. Indeed, the Commission has been informed by the NYSE that Rule 394(b) does not affect the ability of sole members to seek executions on regional exchanges.

<sup>64</sup> SIA Comments at p. 2. Accord, NYSE Comments at p. 10; Comments of the PBW Stock Exchange in response to Securities Exchange Act Release No. 11521, Commission File No. S7-543 at p. 3-4 (August 22, 1975); Comments of the Midwest Stock Exchange in response to Securities Exchange Act Release No. 11521, Commission File No. S7-543 at p. 8 (August 8, 1975); Comments of the Association for the Preservation of the Auction Market, Inc. in response to Securities Exchange Act Release No. 11521, Commission File No. S-7-543, *passim*, (August 7, 1975).

<sup>65</sup> NYSE Comments at pp. 8-9.

regulation requiring a market maker to be prepared to demonstrate that in dealing with a retail brokerage customer the price given to that customer was as good as or better than any other price generally available; (iii) what precisely the regulatory disparities are which create the incentive to trade in the third market; and (iv) whether, once these disparities are identified, equalization of regulation might be a generally more appropriate response. In addition, if the phrase "economically efficient execution of securities transactions" is identical, as this line of reasoning seems to assume, to the phrase an opportunity "for investors orders to be executed without the participation of a dealer," then it may be difficult to reconcile the statute's establishment of both as independent goals with the expressly stated view that the latter is to be achieved only when consistent with the former.

It would appear that numerous factors exert an influence on the efficiency of executions, including differences in clearing costs, communications costs and the like. In addition, differences between auction-type trading in markets and dealer markets may result in economic differences in the comparative efficiency of executions effected within the two types of markets.

In an ideal market, bids and offers would offset each other precisely at various transaction prices. Because this rarely occurs, however, certain market professionals perform a market making function, bidding and offering for their own accounts to bridge the gap between the highest available bids and the lowest available offers and smoothing out imbalances between supply and demand at particular points in time. The market maker is compensated by the profit derived from buying for his own account at a price lower than the price at which he sells for his own account. This market maker profit, or "jobber's turn," appears to be an essential ingredient of the cost to public buyers and sellers of effecting executions.

The cost of the jobber's turn would appear to be minimized in a market system characterized by a centralization of all bids and offers, and a mechanism whereby public bids and offers could meet at prices between the bid and asked prices of market makers and would take precedence over market professional bids and offers. In today's markets, the auction-type trading rules of exchanges afford the only existing mechanism for public bids and offers to meet at prices between the otherwise highest bid and lowest offer of a market maker (*i.e.*, specialist). But the existing mechanisms of exchange trading may involve offsetting inefficiencies (*e.g.*, the required use of floor brokers to perform the function of transmitting orders to the specialist, and exceptions from exchange priority and precedence rules which dilute their effects in terms of achieving economic efficiencies in transaction costs). While the over-the-counter market does not currently provide a method for orders channeled to market makers to meet between the highest market maker bid and the lowest market maker offer, availability of direct communications with over-the-counter market makers and other factors may lessen to a significant degree any additional costs associated with third market executions as compared to exchange executions.

Elimination or amendment of exchange rules which limit or condition the ability of a member to trade off-board may not lead to a loss of efficiency in executing transactions in the markets considered as a whole since, although there may be some dispersal of order flow from exchange markets, increased exposure of over-the-counter market makers to that order flow coupled with enhancement of direct competition among all market mak-

ers might result in narrower spreads between market maker and specialist bid and asked prices generally without any loss of liquidity or depth.<sup>74</sup>

Moreover, the 1975 Amendments make explicit the need to eliminate burdens on competition not necessary or appropriate in furtherance of the purposes of the Act.<sup>75</sup>

It is by no means clear that the forces of competition would not exert, of themselves, the requisite pressure on all specialists and market makers (including primary exchange specialists) to maintain fair and orderly markets, characterized by narrow spreads between bid and asked prices, continuity, depth and liquidity.

Moreover, there may be more efficient and appropriate ways of preserving or improving upon systems presently devised for the handling of limit orders; while it may continue to be appropriate to require broker-dealers to expose their transactions to limit orders entered by public customers or others, this might be accomplished through systems which utilize different communication facilities or alternative measures for insuring limit order protection.

Finally, one of the fundamental goals of a national market system, as expressed by Section 11A(a) (1) (C) (iv) of the Act, is to assure the practicability of brokers executing investors' orders in the best market. It has been suggested that exchange auction type trading, which affords an opportunity for public orders to meet without the participation of a dealer, offers the possibility of better executions for more customers (whether or not it would achieve the "best" execution of a particular order for a particular customer) than a market which encourages competing dealers. Thus, rules which limit the ability of a member to effect off-board transactions appear to be designed, among other things, to preserve the rights of customers represented on the exchanges, and even of other members trading for their own accounts (including specialists), rights which are treated as being superior to those of the customer for whom a third market execution is sought.

While Congress did authorize the Commission, in Section 11A(c) (3), to eliminate third market trading in listed securities as a solution to the most extreme problems, if stringent conditions precedent are met, Congress also specifically focused its attention on assuring that a broker in the exercise of his professional judgment had the ability to seek best execution for his customer in any existing market in light of the prevailing opportunities and circumstances at the time the broker received the order.<sup>76</sup>

"A narrowing of market maker spreads was observed in the over-the-counter market after introduction of NASDAQ; this development was not accompanied by any noticeable increase in volatility. See NASD, *NASDAQ—Third Market Study* (April, 1972). In addition, in successive test periods which NYSE specialists' quotations in securities traded in the third market were compared with quotations in NASDAQ by the NYSE staff under circumstances which permitted the NYSE specialists to be aware of both the comparison being performed by current third market quotations, the spreads between NYSE specialist bid and asked prices narrowed considerably. See Research Department, NYSE: *Some Difficulties with the NASDAQ Quotation System* (December, 1974).

<sup>75</sup> See, *e.g.*, Sections 6(b) (8), 15A(b) (9) and 23(a) (2); also see S. Rep. No. 94-75, 94th Cong., 1st Sess. 14 (1975) and H.R. Rep. No. 94-123, 94th Cong., 1st Sess. 47 (1975).

<sup>76</sup> H.R. Rep. No. 94-123, 94th Cong., 1st Sess. 93-94 (1975); S. Rep. No. 94-75, 94th Cong., 1st Sess. 12-13, 20, 104-105 (1975); S. Doc. No. 93-13, 93d Cong., 1st Sess. 105 (1973).

## PROPOSED RULES

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It is also argued that exchange off-board trading restrictions serve as a "stabilizing force to facilitate development of a national market system" and are thus in furtherance of the statutory goal to remove impediments to and perfect the mechanism of a free and open market and a national market system.<sup>77</sup> Since centralization of all buying and selling interest is one of the purposes of a national market system, it is urged, elimination of existing exchange rules designed to preserve such centralization of order flow as has been achieved to date is not consistent with the objective of creating a national market system.

In directing the Commission to facilitate the development of a national market system in accordance with certain statutory findings,<sup>78</sup> and giving the Commission broad authority to achieve those goals,<sup>79</sup> the Congress evinced a preference for an approach which would permit a national market system to evolve through an interplay of competitive and economic forces interacting in a fair regulatory field, as "unnecessary regulatory restrictions are removed."<sup>80</sup> This free-market approach, which appears designed to permit the Commission to rely upon market forces rather than regulatory fiat to achieve mandated objectives (such as availability of quotations), would not seem to be given a fair chance of success if such restrictions as off-board trading rules create artificial disincentives to the achievement of the goals expressed.

In this regard, if an exchange member is compelled, by virtue of off-board trading restrictions, to route orders to the floor of an exchange, it would appear that the member would have little or no use, for example, for a quotation system reflecting indications of interest to buy or sell in other markets, nor would the member have any desire to implement modern execution facilities for customers. Under such circumstances, a market maker would be aware that the insertion of a quotation in a composite system would receive scant inquiry. Thus, it would appear that off-board trading restrictions likely impede the development of a quotation system, as well as better communication facilities to securities markets by members and modern execution facilities for securities transactions. Moreover, since present rules appear to compel transmittal of orders to the floor of an exchange, there is little if any incentive on the part of those who handle the orders, primarily specialists, to improve upon their systems of communications with the members with whom they deal or to modernize the facilities for limit orders, since by regulatory fiat they are aware that a major portion of the business will flow to them anyway.

Accordingly, while both the arguments for and against characterizing off-board trading restrictions as an impediment to a national market system must by their very nature depend upon certain assumptions, some of which perforce are speculative, it would appear more likely that off-board trading rules as presently constituted impede, rather than promote, attainment of that system.

For the foregoing reasons, the Commission is not now prepared to conclude that exist-

<sup>77</sup> NYSE Comments at p. 15.

<sup>78</sup> Sections 11A(a) (1) and (2) of the Act.

<sup>79</sup> *E.g.*, Section 11A(c) of the Act.

<sup>80</sup> H.R. Doc. No. 94-229, 94th Cong., 1st Sess. 92 (1975); S. Rep. No. 94-75, 94th Cong., 1st Sess. 7-8 (1975). That the Commission has been in fundamental agreement with this approach is evidenced by its decision to defer adoption of proposed Rule 17a-14, requesting instead that exchanges eliminate restrictions on access to quotation information they may disseminate. Securities Exchange Act Release No. 11288 (March 11, 1975).

ing rules of exchanges which limit or condition the ability of members to effect transactions otherwise than on such exchanges are necessary or appropriate in furtherance of the purposes of the Act. Accordingly, the Commission has announced today the commencement of a proceeding in accordance with the provisions of Section 19(c) of the Act to amend or abrogate such rules. Notice of the commencement of this Section 19(c) proceeding is attached hereto as Appendix E.

By the Commission.

Respectfully,

GEORGE A. FITZSIMMONS,  
Secretary.

In view of the Commission's conclusions with respect to the burdens on competition represented by exchange rules which limit or condition the ability of members to effect transactions otherwise than on such exchanges ("off-board trading rules"), enumerated above in the Commission's report to the Congress with respect to off-board trading rules, the Commission has determined to commence a rulemaking proceeding under Section 19(c) (1) of the Act to consider whether to amend or abrogate all such rules by adopting one of the proposed rules, designated §§ 240.19c-1 (Alternative A), 240.19c-1 (Alternative B) and 240.19c-1 (Alternative C), described below, or some variation thereof. These proposed rules have been drafted in such a manner as to present a broad range of possible formulations of a uniform exchange off-board trading rule. Commentators and prospective witnesses at the hearings to be conducted by the Commission are invited to comment specifically on which of these rule proposals (or some variation thereof) the Commission should adopt.

If the facts, views and evidence adduced at the hearings support the abrogation of off-board trading rules, the Commission will consider adoption of proposed § 240.19c-1 (Alternative A) which would prevent any exchange, by rule or otherwise, from prohibiting, conditioning or otherwise limiting any member, whether as principal or agent (or, alternatively, only as agent), from effecting transactions on any other exchange or over-the-counter.

If the facts, views and evidence adduced at the hearings support modification or amendment of existing off-board trading rules, the Commission will consider adoption of proposed § 240.19c-1 (Alternative A) or § 240.19c-1 (Alternative B). Proposed § 240.19c-1 (Alternative B) would require a member, prior to effecting a transaction either for his own account or the account of a customer over-the-counter (or, alternatively, over-the-counter or on another exchange):

- (1) at a price equal to or better than the best bid or the best offer on the member's exchange, to make such inquiry of the exchange floor as the member deems appropriate under the circumstances (whether by means of interrogating an electronic quotation system or otherwise) and to believe, in light of such inquiry, that all or a portion of the order may be executed over-the-counter (or, alternatively, over-the-counter or on another exchange) at a better price; or
- (2) at a price lower than the best bid or higher than the best offer on the member's exchange, to (i) inquire of the specialist to



ascertain the extent to which his order may be satisfied by limited price orders on the specialist's book; (ii) believe, in light of what he learns as a result of his inquiry, that a better price may be obtained by executing all or a portion of the order over-the-counter (or, alternatively, over-the-counter or on another exchange); and (iii) assure, either before, simultaneously with, or immediately after the off-board execution, that public orders on the specialist's book which were disclosed to the member at the time of his inquiry of the specialist, at prices better than the price to be afforded the order on-board, be satisfied at the prices bid or offered at the time of such inquiry are satisfied.

Proposed § 240.19c-1 (Alternative C) is modeled on proposed § 240.19c-1 (Alternative B), but would limit the circumstances under which a member could effect a transaction over-the-counter (or, alternatively, over-the-counter or on another exchange) on the basis of a belief that a better price can be obtained by executing all or a part of the order off-board (after such inquiry of the exchange as the member deems appropriate under the circumstances) to transactions at a price between the highest bid and the lowest offer on the exchange. In addition, for transactions to be effected off-board at other prices, proposed § 240.19c-1 (Alternative C) would require the member to:

- (1) inquire of the specialist and other members then present at the specialist's post in order to ascertain whether and at what prices the order may be satisfied by public orders (entered on the specialist's book or represented by such members) or by orders by the specialist and such members for their own accounts;
- (2) believe, as a consequence of the bids or offers elicited as a result of his disclosure, that a better price may be obtained over-the-counter (or, alternatively, over-the-counter or on another exchange) by executing all or part of the order off-board; and
- (3) assure, either before, simultaneously with, or immediately after the off-board execution that all public bids or offers which were made to the member during his preliminary inquiry and which are still outstanding are satisfied at the transaction price, and that all bids or offers which were made at that time by the specialist or other members who were present at the specialist's post during that inquiry at a price better than the transaction price are satisfied; provided that such bids or offers may be required to be satisfied at the transaction price under circumstances consistent with the rule's purposes, the public interest, and the protection of investors by an exchange rule approved by the Commission.

With respect to proposed §§ 240.19c-1 (Alternative B) and 240.19c-1 (Alternative C), the Commission is particularly interested in receiving views as to the practicability of compliance with exchange rules adopted thereunder in view of the fact that all exchanges might be required to adopt and enforce one of the exchange rules thereunder (or some variation thereof). It would appear, for example, that exchange members belonging to two or more exchanges would experience extreme difficulty in effecting such compliance in view of the fact that, with respect to orders to be effected over-the-counter (or, alternatively, over-the-counter or on any other exchange), inquiry of each exchange would have to be made, and certain bids or offers made on any of the exchanges to which such a "dual" member belongs would have to be ascertained and satisfied in connection with each off-board execution. Since this problem seems to exist today, in light of the fact that all exchanges have off-board trading rules in one form or another, the Commission is concerned that such rules currently may be unequally enforced with respect to "dual" members which effect transactions in the over-the-counter market or may not be observed at all by them.

If the facts, views and evidence adduced at the hearings support retention of existing off-board trading rules, the Commission will withdraw the rules proposed herein. With respect to the texts of proposed §§ 240.19c-1 (Alternative A), 240.19c-1 (Alternative B) and 240.19c-1 (Alternative C), the Commission wishes to receive comment directed to the reasons for preferring one rule over another (or some variation of any of them) for some or all exchanges in terms of the arguments and concerns presented in the Commission's report to the Congress with respect to off-board trading rules and in terms of the respective interest of (i) a customer whose order is sought to be executed off-board; (ii) a member representing such an order, or a bid or offer for his own account; (iii) other customers whose orders have been brought to the exchange (including institutional and small customers, and customers who have given market orders, "not held" orders, and limited price orders to their brokers); (iv) block positioning and other member firms; (v) specialists on all exchanges, in terms of their obligations and needs, with special reference to the problems presented by multiple trading; (vi) over-the-counter market makers; and (vii) exchanges (both primary and regional). Commentators should relate their discussions and analyses of the interests of the foregoing persons and entities to the provisions and purposes of the Act, as amended by the 1975 Amendments, supporting their views with such facts, data and citations to legal authorities as they deem appropriate.

The texts of proposed §§ 240.19c-1 (Alternative A), 240.19c-1 (Alternative B) and 240.19c-1 (Alternative C) are set forth below (brackets indicate certain alternative formulations of each proposed rule).

#### ALTERNATIVE A

##### § 240.19c-1 Governing Off-Board Trading By Members of Exchanges.

The rules of each national securities exchange shall provide, on and after January 2, 1976, as follows:

No rule, stated policy or practice of this exchange shall prohibit or condition, or be construed to prohibit, condition or otherwise limit, directly or indirectly, the ability of any member (acting as agent) to effect transactions on any other exchange or over-the-counter in any equity security which is listed on the exchange or to which unlisted trading privileges on the exchange have been extended.

#### ALTERNATIVE B

##### § 240.19c-1 Governing Off-Board Trading By Members of Exchanges.

The rules of each national securities exchange shall provide, on and after January 2, 1976, as follows:

No rule, stated policy or practice of this exchange shall prohibit or condition, or be construed to prohibit, condition or otherwise limit, directly or indirectly, the ability of any member, acting as agent for a customer or as principal for his own account, to effect transactions [on any other exchange or] over-the-counter in any equity security which is listed on the exchange or to which unlisted trading privileges on the exchange have been extended ("exchange securities"); provided, however, that, in connection with any such transaction effected by a member [on any other exchange or] over-the-counter:

- (1) at a price either equal to or better than the highest current bid or the lowest current offer on the exchange floor, the member shall believe, as a consequence of such inquiry of the exchange specialist in the security to be bought or sold and such other inquiry of the exchange floor as the member, in the exercise of professional judgment, deems appropriate under the circumstances (whether by means of interrogating an electronic system displaying quotations or quotation information in exchange securities or otherwise), that a better price may be obtained by executing all or a portion of the order [on another exchange or] over-the-counter; or
- (2) at a price either lower than the highest current bid or higher than the lowest current offer on the exchange floor, the member shall:

- (i) make such inquiry of the exchange specialist in the security to be bought or sold and other members of the exchange then present at the specialist's post as the member, in the exercise of professional judgment, may deem appropriate under the circumstances, to ascertain whether his bid or offer may be satisfied, in whole or in part, by limited price orders entered on the specialist's book;
- (ii) believe, in light of such information as the member may have obtained at the time of his inquiry pursuant to subparagraph (i) of this paragraph (2) as to the extent to which his bid or offer may be satisfied, in whole or in part, by limited price orders entered on the specialist's book, that a better price may be obtained by executing all or a portion of the order [on another exchange or] over-the-counter; and
- (iii) assure, either before, simultaneously with or immediately after execution of the order in a transaction effected [on another exchange or] over-the-counter, that public bids or offers at prices better than the transaction price entered on the specialist's book as limited price orders, which were disclosed in the aggregate to the member at the time of the member's inquiry pursuant to subparagraph (i) of this paragraph (2), are satisfied at the prices which were bid or offered at the time of such inquiry.

#### ALTERNATIVE C

##### § 240.19c-1 Governing Off-Board Trading By Members of Exchanges.

The rules of each national securities exchange shall provide, on and after January 2, 1976, as follows:

No rule, stated policy or practice of this exchange shall prohibit or condition, or be construed to prohibit, condition or otherwise limit, directly or indirectly, the ability of any member, acting as agent for a cus-

tomor or as principal for his own account, to effect transactions on any other exchange or over-the-counter in any equity security which is listed on the exchange or to which unlisted trading privileges on the exchange have been extended; provided, however, that, in connection with any such transaction effected by a member [on any other exchange or] over-the-counter:

- (1) at a price higher than the highest current bid but lower than the lowest current offer on the exchange floor, the member shall believe, as a consequence of such inquiry of the exchange specialist in the security to be bought or sold and such other inquiry of the exchange floor as the member, in the exercise of professional judgment, deems appropriate under the circumstances, that a better price may be obtained by executing all or a portion of the order [on another exchange or] over-the-counter; or
- (2) at a price equal to or lower than the highest current bid, or equal to or higher than the lowest current offer, on the exchange floor, the member shall:

- (i) inquire of the exchange specialist in the security to be bought or sold and other members of the exchange then present at the specialist's post to ascertain whether and at what prices such order may be satisfied, in whole or in part, by the specialist for the accounts of customers whose limited price orders have been entered on the specialist's book and for his own account, or by other members of the exchange then present at the specialist's post for the account of any customer and for their own accounts;
- (ii) believe, as a consequence of such bids or offers as the member may have received from the specialist and from other members of the exchange who were present at the specialist's post at the time of his inquiry pursuant to subparagraph (i) of this paragraph (2), that a better price may be obtained by executing all or a portion of the order [on another exchange or] over-the-counter; and
- (iii) assure, either before, simultaneously with or immediately after execution of the order in a transaction effected [on another exchange or] over-the-counter, that the public bids or offers entered on the specialist's book as limited price orders or represented by other members on the exchange floor made to the member at the time of his inquiry pursuant to subparagraph (i) of this paragraph (2) at prices equal to or better than the transaction price, and any bids or offers for the specialist's own account or for the accounts of other members made to the member at the time of his inquiry pursuant to subparagraph (i) of this paragraph (2) at prices better than the transaction price, are satisfied at the prices which were bid or offered at the time made to the member; provided, however, that bids and offers entered on the specialist's book as limited price orders or represented by other members of the exchange which were made to the member at the time of the member's inquiry pursuant to subparagraph (i) of this paragraph (2) may be required to be satisfied at the transaction price under circumstances consistent with the purposes of this rule, the public interest and the protection of investors in accordance with a rule of this exchange approved by the Securities and Exchange Commission.

Set forth below is a list of some of the more important source materials relating to rules of national securities exchanges which limit or condition the ability of members to effect transactions otherwise than on such exchanges. While the list should not be assumed to be complete, it may prove useful to interested persons who wish to submit views, data and arguments with respect to proposed §§ 240.19c-1 (Alternative A), 240.19c-1 (Alternative B) and 240.19c-1 (Alternative C).

#### PROPOSED RULES

##### Releases under the Act:

- No. 7474 (December 1, 1964) Adoption of Rule 17a-9.
- No. 7954 (September 16, 1966) Proposal to adopt Rule 19b-1.
- No. 7981 (October 20, 1966) Adoption of Rule 19b-1.
- No. 8001 (December 6, 1966) Proposal to amend Rule 17a-9.
- No. 8047 (March 22, 1967) Adoption of amendments to Rule 17a-9.
- No. 8324 (May 28, 1968) Announcement of public hearings on commission rate structure.
- No. 8348 (July 1, 1968) Description of initial phase of commission rate structure hearings.
- No. 8362 (July 28, 1968) Announcement of second phase of commission rate structure hearings.
- No. 8432 (October 21, 1968) Announcement of resumption of public hearings on commission rate structure.
- No. 8701 (December 31, 1969) Request for comment on specific questions relating to commission rates.
- No. 8923 (July 2, 1970) Announcement of resumption of public hearings to consider extension of interim service charge.
- No. 9234 (June 28, 1971) Announcement of resumption of hearings to consider NYSE proposed rate structure.
- No. 9315 (August 26, 1971) Announcement of public investigatory hearings regarding the structure, operation and regulation of the securities markets.
- No. 9529 (March 8, 1972) Notice of proposed Rule 17a-14 regarding composite quotation system.
- No. 9530 (March 8, 1972) Notice of proposed Rule 17a-15 regarding consolidated transaction reporting system.
- No. 9731 (August 14, 1972) Notice of revision of proposed Rule 17a-15.
- No. 9850 (November 8, 1972) Adoption of Rule 17a-15.
- No. 9950 (January 16, 1973) Adoption of Rule 19b-2.
- No. 10026 (March 5, 1973) Notice of receipt of joint industry plan under Rule 17a-15.
- No. 10218 (June 13, 1973) Notice of Commission comments on consolidated tape plan.
- No. 10383 (September 11, 1973) Announcement of Commission intention to eliminate fixed commission rates.
- No. 10668 (March 6, 1974) Proposed amendments to short sale rules.
- No. 10671 (March 8, 1974) Commission comments on consolidated tape plan.
- No. 10751 (April 23, 1974) Notice of Public Hearing on Intra-Member Commission Rate Schedules of Registered National Securities Exchanges.
- No. 10760 (April 26, 1974) Notice of receipt of revised consolidated tape plan.
- No. 10787 (May 10, 1974) Commission declares consolidated tape plan effective.
- No. 10790 (May 10, 1974) Notice of formation of Advisory Committee on the Implementation of a Central Market System.
- No. 10989 (August 14, 1974) Notice of revised proposed Rule 17a-14.
- No. 10986 (August 27, 1974) Procedure to eliminate fixed commission rates.
- No. 11019 (September 19, 1974) Commission letters to national securities exchanges formally requesting elimination of fixed commission rates on or before May 1, 1975.
- No. 11030 (September 27, 1974) Adoption of amendments to short sale rule.
- No. 11036 (October 3, 1974) Two week postponement of pilot phase of consolidated tape.

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- No. 11056 (October 17, 1974) Suspension of amendments to short sale rules.
- No. 11073 (October 24, 1974) Proposed Rules 19b-3 and 10b-22.
- No. 11131 (December 11, 1974) Preliminary Statement of the Advisory Committee on the Implementation of a Central Market System.
- No. 11151 (December 24, 1974) Proposed amendments to NYSE Rule 394.
- No. 11203 (January 23, 1975) Adoption of Rule 19b-3 requiring the unfixing of public commission rates.
- No. 11273 (March 3, 1975) Notice of correspondence regarding a delay in implementation of Phase II of consolidated tape.
- No. 11276 (March 5, 1975) Proposed amendments to short sale rules.
- No. 11288 (March 11, 1975) Written request to national securities exchanges regarding availability of quotation information.
- No. 11293 (March 13, 1975) Announcement of program to monitor impact of Rule 19b-3; Proposed Rule 17a-20.
- No. 11395 (May 2, 1975) Adoption of Rule 17a-20.
- No. 11406 (May 7, 1975) Announcement of responses from national securities exchanges regarding quotation information.
- No. 11461 (June 11, 1975) Notice of NASD filing of proposed rule changes.
- No. 11468 (June 12, 1975) Adoption of amendments to short sale rule; request for comment on certain additional proposed amendments.
- No. 11497 (June 26, 1975) Adoption of uniform net capital rule.
- No. 11521 (July 2, 1975) Request for public comment on rules of national securities exchanges which limit or condition the ability of members to effect transactions otherwise than on such exchanges.

##### Commission Staff Study:

*Staff Report: Rule 394 in Study of the Securities Industry Hearings Before the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce, H.R. Serial No. 92-376, 92d Cong., 2d Sess., pt. 6 at 3293-3372 (1972).*

##### Commission Decisions:

*In re Edison Elec. Illuminating Co. of Boston, 1 SEC 909 (1938).*  
*In re Rules of the New York Stock Exchange, 10 SEC 270 (1941).*

##### Special Studies:

*Securities and Exchange Commission, Special Study of Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st Sess. (1963).*  
*Securities and Exchange Commission, Institutional Investor Study Report, H.R. Doc. No. 92-64, 92d Cong., 1st Sess. (1971).*  
*Studies and Reports Prepared or Commissioned by the New York Stock Exchange: Economic Effects of Negotiated Commission Rates on the Brokerage Industry, the Market for Corporate Securities and the Investing Public, New York Stock Exchange (August, 1968).*  
*The Securities Markets, A Report, with Recommendations by William McChesney Martin, Jr. (1971).*  
*A Staff Analysis of Issues Affecting the Structure of a Central Market System for Listed Securities, New York Stock Exchange (July 1973).*  
*Equal or Uniform Regulation and a Consolidated Tape System for Listed Securities, New York Stock Exchange (September 1973).*

##### Commission Hearings:

*In the Matter of Commission Rate Structure of Registered National Securities Exchanges, Securities and Exchange Commission File No. 4-144 (1968-1971), consisting*



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of 23 volumes of reported testimony and 15 volumes of written statements and exhibits.

*In the Matter of the Structure, Operation and Regulation of the Securities Markets, Securities and Exchange Commission File No. 4-147 (1971),* consisting of 24 volumes of reported testimony and 4 volumes of written statements and exhibits.

*In the Matter of Commission Rate Schedules of Registered National Securities Exchanges, Securities and Exchange Commission File No. 4-107 (1973),* consisting of 10 volumes of reported testimony and written statements and exhibits.

*In the Matter of Intra-Member Commission Rate Schedules of Registered National Securities Exchanges, Securities and Exchange Commission File No. 4-171 (1974),* consisting of 4 volumes of reported testimony and written statements and exhibits.

*In the Matter of NASD Anti-Reciprocal Rule and Investment Company Brokerage Practices, Securities and Exchange Commission File No. 4-172 (1974),* consisting of 3 volumes of reported testimony and written comments and exhibits.

*In the Matter of Commission Rate Schedules of Registered National Securities Exchanges, Securities and Exchange Commission File No. 4-174 (1974),* consisting of 4 volumes of reported testimony and written statements and exhibits.

**Policy Statements:**

Securities and Exchange Commission, *Policy Statement on the Structure of a Central Market System* (March, 1973).

Securities and Exchange Commission, *Statement on the Future Structure of the Securities Markets* (February, 1972).

**Congressional Hearings and Reports:**

*Securities Industry Study, Report of the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs, S. Doc. No. 93-13, 93d Cong., 1st Sess.*

*Securities Industry Study, Report of the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs for the Period Ending Feb. 4, 1972, 92d Cong., 2d Sess. (1972).*

*Securities Industry Study, Report of the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce, 92d Cong., 1st and 2d Sess. (1972).*

*Hearings before the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs on S. 3126, 93d Cong., 2d Sess. (1974).*

*Hearings before the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs on S. 470 and S. 488, 93d Cong., 1st Sess. (1973).*

*Hearings before the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce on H.R. 5050 and H.R. 340, 93d Cong., 1st Sess. (1973).*

*Hearings before the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs on S. 3169, 92d Cong., 2d Sess. (1972).*

*Hearings on Securities Industry Study before the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs, 92d Cong., 1st Sess. (1972).*

*Hearings on Securities Industry Study before the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce, 92d Cong., 1st Sess. (1971).*

*Hearings before the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs on S. 2519, 93d Cong., 1st Sess. (1973).*

*Hearings before the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs on S. 249, 94th Cong., 1st Sess. (1975).*

*Senate Committee on Banking, Housing and Urban Affairs, Report to Accompany S. 249, S. Rep. No. 94-75, 94th Cong., 1st Sess. (1975).*

*House Committee on Interstate and Foreign Commerce, Report to Accompany H.R. 4111, H.R. Rep. No. 94-123, 94th Cong., 1st Sess. (1975).*

*Committee on Conference, Conference Report to Accompany S. 249, H.R. Rep. No. 94-229, 94th Cong., 1st Sess. (1975).*

**Exchange Constitutions and Rules:**

American Stock Exchange Constitution and Rules Boston Stock Exchange, Constitution and Rules Chicago Board Options Exchange, Constitution and Rules Cincinnati Stock Exchange, Rules and By-Laws Detroit Stock Exchange, Constitution and Rules Intermountain Stock Exchange, Constitution and Rules Midwest Stock Exchange, Constitution and Rules New York Stock Exchange, Constitution and Rules Pacific Stock Exchange, Constitution and Rules PBW Stock Exchange, Constitution and Rules Spokane Stock Exchange, Constitution and Rules

**Miscellaneous Materials:**

Baxter, *NYSE Fired Commission Rates: A Private Cartel Goes Public*, 22 Stan. L. Rev. 675 (1975).

Demsetz, *The Cost of Transacting*, Quarterly Journal of Economics (Feb. 1968).

Friend and Blume, *The Consequences of Competitive Commissions on the NYSE* (1972). Reprinted in *Stock Exchange Commission Rates, Hearings before the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs*. Also appears, in condensed form, in 28 Journal of Finance 795 (Sept. 1973).

Kahn, *The Economics of Regulation*, Vol. II, pp. 193-209 (1971).

Lorie, *Public Policy for American Capital Markets*, submitted to the Secretary and Deputy Secretary of the Treasury (Feb. 7, 1974).

Foren, *Competition and Regulation in the Stock Markets*, 73 Mich. L. Rev. 317 (1974).

Ratner, *Regulation of the Compensation of Securities Dealers*, 55 Cornell L. Rev. 348 (Fall, 1970).

Russo and Wang, *The Structure of the Securities Market—Past and Future*, 41 Fordham L. R.-v. 1 (1972).

All persons who wish to appear at the oral hearings should inform Bart Friedman, Assistant Director, Office of Market Structure and Trading Practices, Division of Market Regulation, Room 302, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, telephone number (202) 755-4470, not later than September 26, 1975. Persons intending to appear should file with George A. Fitzsimmons, Secretary of the Commission, Room 892 at the above address, 30 copies of the text of any prepared statements not later than 48 hours prior to their appearance and are invited, at the time of their appearance, to make additional copies of their statements available for the benefit of the press and all other interested persons. Persons wishing to make written submissions of views, data and arguments should file 30 copies thereof with the Secretary no later than October 17, 1975. Copies of the Commission's report to the Congress, as well as all submissions and

transcript of the oral hearing, will be made available in the Public Reference Room, 1100 L Street NW., Washington, D.C. and at each regional office of the Commission. Persons wishing to submit written views, data or arguments in respect of submissions made by others or in respect of views, data and arguments presented at the oral hearings may do so until October 31, 1975. All submissions should refer to Securities and Exchange Commission File No. 4-180.

By the Commission.  
[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
SEPTEMBER 2, 1975.  
[FR Doc. 75-23548 Filed 9-8-75; 8:45 am]

[ 17 CFR Part 270 ]  
[Release No. IC-8902, File No. S7-514]  
**ANCSA CORPORATIONS**  
**Permanent Rule**

Notice is hereby given that the Securities and Exchange Commission proposes to adopt an amended version of previously proposed Rule 6c-2 (the "Rule") under the Investment Company Act of 1940 ("Act"), which would provide corporations organized pursuant to the Alaska Native Claims Settlement Act of 1971 ("ANCSA Corporations") and "Settlement Act", respectively) substantial exemptive relief from the requirements and prohibitions of the Act, and which would supersede temporary Rule 6c-2 (T) under the Act if adopted.

As explained in more detail under the heading "Rules and Regulations" elsewhere in this issue of the FEDERAL REGISTER, the Commission has adopted an amendment to temporary Rule 6c-2 (T) (17 CFR 270.6c-2) to make it clear that the relief afforded by the temporary rule is retroactive to December 18, 1971, the date of enactment of the Settlement Act (Rule 6c-2 is not proposed to be retroactive) and that registration pursuant to Section 8(a) of the Act (15 U.S.C. 80a-8a) is necessary to qualify for the exemptive relief afforded by the temporary rule. The exemptions the temporary rule provides are made retroactive to the date of enactment of the Settlement Act so that questions will not be raised whether ANCSA Corporations registering during the period of effectiveness of the temporary rule had violated Section 7 of the Act by operating in interstate commerce or purchasing securities in interstate commerce.<sup>1</sup> Rule 6c-2 (T) will remain in effect as now amended until such time as the Commission takes action on proposed Rule 6c-2 or rescinds Rule 6c-2 (T). Registration by an ANCSA Corporation which is an investment company pursuant to Section 8(a) during the effectiveness of Rule 6c-2 (T) will enable

<sup>1</sup> P.L. 92-203, 92d Cong., 85 Stat. 688.  
<sup>2</sup> Such activities might have been precluded by Section 7(a) (4) of the Act, which provides that an unregistered investment company may not engage in any business in interstate commerce.

such corporation to claim the relief afforded by proposed Rule 6c-2, if adopted, as well as that afforded by Rule 6c-2 (T). (ANCSA Corporations are reminded, however, that if they have registered or now register pursuant to Section 8(a) during the existence of Rule 6c-2 (T), they will become subject to Rule 6c-2 if it is adopted and to the greater burden of compliance the latter rule would impose. ANCSA Corporations which have not registered pursuant to the temporary rule should do so immediately if they are in need of its retroactive protection).

As originally proposed by the Commission on February 26, 1974, Rule 6c-2 would have exempted the ANCSA Corporations from all provisions of the Act except Sections 8(b), 9, 17, 36, and 37 (15 U.S.C. 80a-8a, 80a-9, 80a-17, 80a-36, 80a-37). The Rule is now being amended to provide, in effect, that ANCSA Corporations registering under its provisions ("ANCSA Registrants") will be subject to all provisions of the Act except Sections 8(b), 11, 12, 13, 14, 15(b), 15(d), 16, 18, 19, 20(b), 20(c), 20(d), 21(a), 22, 23, 24, 26, 27, 28, 29 30(b) (1), 30(c), 30 (f), 32(a) (2), 32(a) (4), 35(a), 35(b), and 35(c) (15 U.S.C. 80a-8b, 80a-11, 80a-12, 80a-13, 80a-14, 80a-15b, 80a-15d, 80a-16, 80a-18, 80a-19, 80a-20b, 80a-20c, 80a-20d, 80a-21(a), 80a-22, 80a-23, 80a-24, 80a-26, 80a-27, 80a-28, 80a-29, 80a-30(b) (1), 80a-30(c), 80a-30(f), 80a-32 (a) (2), 80a-32(a) (4), 80a-35a, 80a-35b, and 80a-35c), and to provide partial exemptive relief from Sections 17(a) and 17(d), and Rule 17d-1(a), and Sections 20(a), 30(a), and 30(d) of the Act (15 U.S.C. 80a-17a, 80a-17d, 17 CFR 270.17d-1(a), 80a-20a, 80a-30a, and 80a-30d). This notice, as it relates to Rule 6c-2, is being published so that interested persons will have an opportunity to comment upon the revised proposal before any final action is taken with respect to it.

The ANCSA Corporations have been organized to hold and administer the extensive land grants, mineral rights, cash, and mineral revenues intended by the Government of the United States to recompense Alaska's native Indian Aleut and Eskimo population ("Alaska Natives") for lands within the State of Alaska. In accordance with this statutory purpose, the ANCSA Corporations are owned and managed exclusively by Alaska Natives, who have been given all the shares of stock in the ANCSA Corporations. The ANCSA Corporations consist of twelve "Regional Corporations," representing the Alaska Natives residing in twelve geographical districts designated by the Department of the Interior, and more than 200 "Village Corporations" within these districts, each representing Alaska Natives residing in a village. There will also be the so-called "Thirteenth Regional Corporation" for Natives who are not residents of the State of Alaska. The organization of this corporation has been ordered by a recent court decision.

Although the ANCSA Corporations are entitled to receive substantial real estate and subsurface mineral interests, many

of such interests are not presently specifically identifiable, as they are to be selected and acquired over a four-year period in accordance with the provisions of the Settlement Act. However, distribution of significant amounts of the monetary portion of the settlement was made almost immediately upon enactment of the Settlement Act and large additional distributions of cash will be made to the ANCSA Corporations in the next few years.<sup>3</sup> As a result, during this period, at least until they have fully exercised their land grant privileges and have begun to engage primarily in owning and developing land or operating a business, a number of the ANCSA Corporations may be investment companies within the meaning of Sections 3(a) (1) and 3(a) (3) of the Act.<sup>4</sup> To date, 32 ANCSA Corporations have registered under the Act and are covered by temporary Rule 6c-2 (T).

Note: ANCSA Corporations having fewer than 100 shareholders are not investment companies within the meaning of the Act and need not register with the Commission.

As now proposed, Rule 6c-2 would remove all ANCSA Registrants from the burden of complying with certain specified requirements of the Act. Such Registrants would be obliged to comply with only those provisions which provide essential protection for the substantial pools of liquid capital they hold in trust for the Alaska Natives. Accordingly, if adopted, Rule 6c-2 would provide that ANCSA Registrants shall be exempt from Sections 8(b), 11, 12, 13, 14, 15(b), 15(d), 16, 18, 19, 20(b), 20(c), 20(d), 21, 22, 23, 24, 26, 27, 28, 29, 30(b) (1), 30(c), 30(f), 32(a) (2), 32(a) (3), 32(a) (4), 35(a), 35 (b), and 35(c) of the Act, and shall be partially exempted from the provisions of Sections 17(a) and 17(d) of the Act, and Rule 17d-1(a) thereunder, and of Sections 20(a), 30(a), and 30(d) of the Act, all as described in detail hereinafter. It is noteworthy that the format of the present proposed version of the Rule is the reverse of the original format in that the present format would, in effect, make ANCSA Registrants generally subject to the Act and exempt therefrom only as specifically provided in the Rule, whereas under the original structure ANCSA Registrants would have been generally exempted from the Act, and subject thereto only as specifically provided in the Rule. It should be recognized that this new structure would not result in the imposition of any significant additional

burdens upon ANCSA Registrants; most of the additional provisions of the Act that would be embraced by the new structure are directed to the Commission rather than to registered investment companies and pertain to matters of enforcement or administrative procedure.<sup>5</sup> The new format would also embrace the definitional sections of the Act,<sup>6</sup> which were not included in the original version of the proposed Rule.

The major substantive provisions which the present proposed version of the Rule would add to the list of provisions with which ANCSA Registrants would have been required to comply under the original proposal are the following: Sections 10(a), 15, 20(a), 30(a), 30(d), 31 (a), 31(b), and 33 (15 U.S.C. 80a-10a, 80a-15, 80a-20a, 80a-30a, 80a-30d, 80a-31a, 80a-31b, and 80a-33). As explained in more detail below, the impact of these additional provisions would be lessened substantially by the provisions the Rule would make to exempt ANCSA Registrants below a certain size from the proxy, periodic reporting, and financial record keeping requirements of the Act. In addition, the new proposed version of the Rule would afford ANCSA Registrants substantial blanket exemptions from Section 17 of the Act, beyond those which are presently provided by existing rules under Section 17.

It should also be understood that ANCSA Corporations which are not investment companies need not register with the Commission at all and would not be affected by the Rule. Other ANCSA Corporations would be subject to the Rule and eligible for its exemptions only if they register pursuant to Section 8(a) of the Act. The proposed Rule has also been modified to clarify that the exemptive relief it would afford would take effect as of the date of registration by an ANCSA Corporation pursuant to Section 8(a).

The new version of the Rule makes it clear, by not exempting ANCSA Corporations from Section 7 of the Act, that registration under the Act is required in order to obtain the exemptive relief provided by the Rule. Section 7, together with Section 8(a), has the effect of requiring ANCSA Corporations that are investment companies ("ANCSA Investment Companies") to register under the Rule if they wish to engage in certain

<sup>3</sup> To date, approximately 260 million dollars in cash have been distributed to the ANCSA Corporations as a group.

<sup>4</sup> Section 3(a) (1) defines "investment company" as an issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities. Section 3(a) (3) defines "investment company" as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (excluding Government securities and cash items) on an unconsolidated basis.

<sup>5</sup> See, e.g., Sections 38-46, and 50-53 of the Act (15 U.S.C. 80a-38-80a-46, and 80a-50-80a-53).

<sup>6</sup> See, e.g., Sections 2(a), 3(a), 4, 5(a) and 5(b) of the Act (15 U.S.C. 80a-2(a), 80a-3 (a), 80a-4, 80a-5(a), and 80a-5(b)). Section 2(a) contains the general definitions under the Act. The inclusion of this section is appropriate to enhance compliance with the other sections included in the Rule, wherein defined terms may be used. For example, in Section 17 of the Act, the term "affiliated person" is used extensively. Section 3(a), containing the Act's definition of investment company, is described, in pertinent part, in note 4, supra. Section 4 sets forth the Act's classifications of investment companies, and Sections 5(a) and 5(b) the subclasses.

essential activities, and any such ANCSA

1934 (48 Stat. 881-905; 15 U.S.C. chapter

to protect the pools of liquid capital en-

transactions of this kind would remain

conditions the Rule would place on the

and Rule 17d-1 thereunder, where the



essential activities, and any such ANCSA Corporation wishing to qualify for the protections afforded by Rule 6c-2 would, therefore, be required to register with the Commission on Form N-8A pursuant to Section 8(a). The wording of the Rule itself has been amended to make this clear.

ANCSA Registrants would be subject under the present proposed version of the Rule to the requirements of Section 10 of the Act, which provides certain requirements as to the composition of boards of directors of registered investment companies for the purpose of establishing some degree of independence of management on such boards. ANCSA Registrants would be primarily affected by paragraphs (a), (b) (1), (b) (3), and (c) of Section 10. Section 10(a) of the Act (15 U.S.C. 80a-10a) provides that no more than 60% of an investment company's board of directors may be "interested persons" of the company. Insofar as relevant to an ANCSA Registrant, the term "interested person" is defined by Section 2(a) (9) of the Act (15 U.S.C. 80a-2(a) (9)) to include all "affiliated persons" of the Registrant and its investment adviser; members of the immediate family of persons affiliated with the investment advisers; and those holdings beneficial or legal interests as fiduciaries in securities issued by the adviser or its controlling persons; any person affiliated with a broker-dealer registered under the Securities Exchange Act of

<sup>1</sup> Section 7 of the Act (15 U.S.C. 80a-7) in effect prohibits an investment company not registered under Section 8 of the Act from selling or acquiring securities in interstate commerce or controlling any investment company engaged in such activities, and from engaging in any business in interstate commerce or controlling any company engaged in interstate commerce.

<sup>2</sup> Section 10(b) (2) of the Act (15 U.S.C. 80a-10(b) (2)) would likely not apply to ANCSA Registrants because they do not have principal underwriters at present, and in all probability will not be issuing underwritten securities in the foreseeable future. Section 10(d) of the Act (15 U.S.C. 80a-10d) applies only to open-end companies. Section 10(f), prohibiting purchases by a registered investment company during the existence of an underwriting syndicate, could apply to transactions involving ANCSA Registrants (15 U.S.C. 80a-10f). Section 10(g) would apply to any ANCSA Registrant having an advisory board (15 U.S.C. 80a-10g). Section 10(h) (15 U.S.C. 80a-10h), by its terms, would not apply to ANCSA Registrants.

<sup>3</sup> Affiliated persons are defined in Section 2(a) (3) of the Act (15 U.S.C. 80a-2(a) (3)) to include: (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person, directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, copartner, or employee of such other person; (E) if such other person is an investment company, any investment adviser thereof or any member of an advisory board thereof; and (F) if such other person is an unincorporated investment company not having a board of directors, the depositor thereof.

1934 (48 Stat. 881-905; 15 U.S.C. chapter 2B); legal counsel for the Registrant or its investment adviser (and such legal counsel's partners or employees); and anyone having a "material business or professional relationship" with the Registrant or its investment adviser or with the executive officers or controlling persons thereof.

Section 10(b) (1) of the Act (15 U.S.C. 80a-10(b) (1)) prohibits a registered investment company from employing as regular broker any director, officer, or employee of such registered company, or any person with whom such persons are affiliated, unless a majority of the board of directors of such registered company Section 10(b) (3) of the Act (15 U.S.C. 80a-10(b) (3)) prohibits a registered investment company from having an investment banker or an affiliated person thereof as director, officer, or employee unless a majority of its board of directors consists of persons who are not investment bankers or affiliated persons of any investment banker. Section 10(c) of the Act (15 U.S.C. 80a-10(c)) in pertinent part, prohibits a registered investment company from having a majority of its board of directors consisting of the officers, directors, or employees of any one bank.

ANCSA Registrants would also be subject to the provisions of Section 15 of the Act (15 U.S.C. 80a-15), as it pertains to the investment advisory agreements into which such Registrants may enter.<sup>4</sup> However, the provisions of Section 15 dealing with shareholder action with respect to the advisory agreement would not be applicable in the case of ANCSA Registrants. Thus, ANCSA Registrants would be subject to Section 15 (a) of the Act (15 U.S.C. 80a-15a), insofar as it requires an advisory contract to be in writing, to describe precisely all compensation to be paid thereunder, to be renewed each year by the board of directors, to be terminable by the board at any time on 60 days' notice, and to be terminable automatically upon assignment. In addition, Section 15(c) of the Act (15 U.S.C. 80a-15c), in pertinent part, would require that the investment advisory agreement initially be approved by and renewed only upon the approval of a majority of the registrant's directors who were not parties to the agreement or interested persons of any such party. Such directors would have to cast their votes on the advisory agreement in person at a meeting called for the purpose of voting on such approval. Additionally, it would be the duty of the directors of the registrant to request and evaluate and the duty of the adviser to furnish such information as may reasonably be necessary to evaluate the terms of the advisory contract.

As originally proposed, the Rule would have required ANCSA Registrants to comply with the provisions of Section 17 of the Act and the rules thereunder as provisions of the Act deemed essential

<sup>10</sup> The Rule assumes that ANCSA Registrants do not and will not have principal underwriting agreements.

to protect the pools of liquid capital entrusted to the corporations for the benefit of the Alaska Natives. Section 17 and such rules, generally speaking, would protect the shareholders of ANCSA Registrants from self-dealing by management and other affiliates, particularly persons who would be affiliated with the ANCSA Corporations through "insider" relationships, such as investment advisers, officers, and directors, by prohibiting these affiliates from entering into transactions with their ANCSA Corporations without obtaining Commission approval.<sup>11</sup> It would also require the ANCSA Corporations to make certain arrangements for the custody of their securities and similar investments and provide fidelity bonding for certain of their officers and employees.<sup>12</sup>

As a result of comments received on the original proposal to adopt Rule 6c-2, the Commission has revised the Rule to provide substantial blanket exemptions from Sections 17(a) and 17(d) of the Act, and Rule 17d-1(a) thereunder, for affiliated transactions involving ANCSA Registrants, under circumstances and conditions which would make it unlikely that overreaching, unfairness, or disadvantage to an ANCSA Registrant would be involved. However, the Rule would not provide significant blanket relief for transactions involving ANCSA Registrants and their affiliated persons where such affiliated persons were natural persons<sup>13</sup> or non-ANCSA Registrants. Most

<sup>11</sup> Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling property to, or purchasing, or borrowing property from the registered company, or any company controlled by such registered company, without a prior Commission order pursuant to Section 17(b). An exemptive order may be obtained under Section 17(b) if the Commission finds, upon application, that the evidence establishes that the terms of the proposed transaction, including the consideration to be paid, or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

On the other hand, Section 17(d) and Rule 17d-1 thereunder, as here pertinent, prohibit affiliated persons, and their affiliates, from participating in joint enterprises or arrangements with registered investment companies or their controlled companies without a prior Commission order obtained pursuant to Rule 17d-1(a). Rule 17d-1(b) (17 CFR § 17d-1(b)) provides that the Commission will, in passing upon such applications, consider whether the participation of the registered investment company or its controlled company in the proposed transaction is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

<sup>12</sup> See Sections 17(f) and 17(g) of the Act (15 U.S.C. 80a-17(f) and 80a-17(g)) and Commission rules thereunder.

<sup>13</sup> For an example of this type of transaction, see in the *Matter of Kikiktatruk Inupiat Corporation*, et al. File No. 812-3801, Investment Company Act Rel. No. 8851, July 18, 1975.

transactions of this kind would remain subject to Commission review pursuant to Section 17(b) of the Act or Rules 17d-1(a) and 17d-1(b) thereunder.

As now proposed, the Rule would provide an automatic exemption from Section 17(a) of the Act, and Section 17(d) of the Act and Rule 17d-1 thereunder, for transactions involving ANCSA Registrants under the following conditions:

(1) participation in the transaction by any ANCSA Registrant could not exceed \$50,000;

(2) the board of directors of each ANCSA Registrant would be required to make a determination that participation by such ANCSA Registrant in the proposed transaction would be fair and reasonable and would not involve any overreaching of its shareholders;

(3) (a), where all of the directors of an ANCSA Registrant were "disinterested" in the proposed transaction, the participation by the ANCSA Registrant would have to be approved by a majority of such directors or (b), where one or more directors of any such ANCSA Registrant were not disinterested, the proposed transaction could still be consummated without a Commission order provided (i) that the ANCSA Registrant were a Village Corporation, (ii) the proposed transaction received the approval of a majority of the disinterested directors of the ANCSA Registrant and a majority of the disinterested directors of the Regional Corporation for such ANCSA Registrant, and (iii) that such Regional Corporation was not itself a party to the transaction;

(4) the board of directors of each participating ANCSA Registrant would be required to request from each affiliated person of any ANCSA Registrant, or from an affiliated person of such affiliated person, who is a party to the proposed transaction, the information reasonably necessary to make the required determination, and to evaluate such information prior to making the determination;

(5) each such affiliated person would be required to receive a certified copy of the required determination made by each group of directors prior to consummation of the proposed transaction.<sup>14</sup>

The term "disinterested director" in the proposed Rule is defined as a director having no financial interest in the transaction other than his interest as a shareholder of the ANCSA Registrant involved.

The foregoing exemption should provide a reasonable degree of freedom to ANCSA Registrants to enter into transactions between and among themselves where the dollar value of participation by each of them is relatively small. Illustrative of the type of affiliated transaction which would be exempt, and the

<sup>14</sup> In this connection, see Section 15(c) of the Act.

<sup>15</sup> The purpose of this requirement would be to assure that the affiliated persons, to whom the prohibitions of Sections 17(a), 17(d), and Rule 17d-1 run, receive notification that the determination required by the Rule had in fact been made prior to consummation of the transaction.

conditions the Rule would place on the exemption, is the following hypothetical transaction:

Village Corporations V, W, X, Y, and Z, each of which is an ANCSA Registrant located in the "A" Region, enter into a joint venture agreement with the Alaska Lumber Company ("ALC") to develop certain timber lands in their region, each ANCSA Registrant agreeing to commit \$40,000 of its funds to the joint venture. The chief executive officer and principal stockholder of ALC is Jones, a member of the board of directors of Y Corporation and President of A Corporation, the Regional Corporation for the district in which V, W, X, Y, and Z are located. Y has five persons on its board, including, in addition to Jones, Smith, a minority stockholder of ALC. The board of directors of each ANCSA Registrant makes the determination, based in part upon information furnished by ALC, that participation by such Registrant in the proposed joint enterprise would be fair and reasonable and would not involve any overreaching of its shareholders. This determination was made, in the case of W, X and Z, by majority vote of the directors; in the case of Y, a favorable determination was made by two of the three disinterested directors, as well as by Jones and Smith, so that the proposal received the requisite approval by Y. In the case of V Corporation, the board of directors of which includes Wilson, whose paving company has contracted with ALC to build access roads through the timber lands, the approval was obtained by a 2 to 1 majority of the three disinterested directors. Because not all of the directors of Y and V are disinterested directors of A, the Regional Corporation, which has five men, including Smith and Wilson on its board, each man representing one of the five villages in the region. This approval is obtained, notwithstanding the fact that one of the three disinterested directors votes against the proposal on the grounds that the joint venture would be undercapitalized unless A committed at least \$50,000 of its funds to the enterprise. A, of course, would be precluded from participating in the transaction because Jones, Smith and Wilson each has a financial interest in the proposed transaction.

Thus, in the hypothetical situation described above, the proposed joint enterprise could be undertaken without obtaining a Commission exemptive order pursuant to Section 17(b) (15 U.S.C. 80a-17(b)) or Rule 17d-1. However, if each of the five directors of A had a financial interest in the joint enterprise, the transaction would not be exempt and could not be consummated without a Commission order. The transaction might be exempt under Rule 17a-6 and Rule 17d-1(d) (5), as modified by the Rule and explained hereinafter, provided that A Corporation owned no securities of any of the Village ANCSA Registrants and any director owning any such securities was disqualified from voting on the transaction.

Rule 6c-2 would provide additional freedom to ANCSA Registrants to deal with each other by expanding for transactions involving ANCSA Registrants the automatic exemptions now provided by Rules 17a-6 and 17d-1(d) (5) (17 C.F.R. 270.17a-6 and 270.17d-1(d) (5)). Rule 17a-6 and 17d-1(d) (5) presently provide automatic exemptions for transactions otherwise prohibited, respectively, by Sections 17(a) and 17(d) of the Act

and Rule 17d-1 thereunder, where the likelihood of overreaching or disadvantage to the investment company is reduced by the condition that no person in a position to influence the decisions of the registered investment company ("upstream affiliate") is a party to the transaction or has a financial interest in a party to the transaction (other than the registered investment company).<sup>16</sup> Rule 6c-2 would enlarge these exemptions in three ways. First, it would extend to transactions involving ANCSA Registrants the relief which paragraph (a) of Rule 17a-6 provides only for transactions involving licensed Small Business Investment Companies ("SBICs") and venture capital companies. Thus, Rule 6c-2 would eliminate, for purposes of transactions involving ANCSA Registrants, the distinction drawn by paragraph (b) of Rule 17a-6 between public and "non-public" companies,<sup>17</sup> so that if the basic conditions of Rule 17a-6 were met the automatic exemption would be triggered regardless of whether or not public or "non-public" companies were involved in such transactions. Joint transactions under Section 17(d) would, of course, be automatically exempted where the conditions of that rule, as modified by Rule 6c-2, were met, and no modification would be necessary with respect to the non-public company issue since Rule 17d-1(d) (5) makes no such distinction.

Second, Rule 6c-2 would widen the exemptions afforded by both Rule 17a-6 and 17d-1(d) (5) for transactions involving ANCSA Registrants by, in effect, removing from the upstream affiliate group persons directly or indirectly under common control with the ANCSA Registrant.<sup>18</sup> Thus the Rule would provide that, where two or more Village ANCSA Registrants are participating in a transaction and they would be deemed affiliated persons of each other only because they were in the same region, such Registrants would not be deemed affiliated

<sup>16</sup> Persons in the upstream affiliate category would include, for ANCSA Registrant purposes, the officers, directors, employees, investment adviser, and controlling persons of the ANCSA Registrant, owners of more than 5% of the outstanding shares of the company, persons under common control with the company, except as explained infra, p. 21, or any affiliated persons of these persons.

<sup>17</sup> Paragraph (b) of Rule 17a-6 provides the same exemption which paragraph (a) provides for transactions involving SBICs and venture capital companies for transactions involving all other types of investment companies except that under paragraph (b) any controlled or affiliated companies involved must be "non-public," i.e., their outstanding securities must be beneficially owned by not more than 100 persons.

<sup>18</sup> The provisions which would in effect be nullified for transactions involving ANCSA Registrants are paragraphs (4) and (D) of Rules 17a-6(a) and 17d-1(d) (5), respectively, which include among the upstream affiliate group persons directly or indirectly controlled by the registered investment company (except persons who, if they were not directly or indirectly controlled by the registered investment company, would not be directly or indirectly under the control of a person who controls the registered investment company).



persons provided that (A) their Regional Corporation did not own any securities issued by either of them, and (B) any director of the Regional Corporation who owned any securities issued by such Village ANCSA Registrants would be disqualified from voting on the proposed transaction. This modification would allow co-operative ventures between and among Village ANCSA Registrants in the region to occur without the necessity of a Section 17 application, notwithstanding an affiliation between the village entities based upon the controlling influence which the Regional Corporations may have over the Village Corporations pursuant to certain provisions of the Settlement Act. The conditions which the Rule would impose upon the availability of this relief are designed to reduce the likelihood of overreaching in such transactions by requiring that the Regional Corporation not own any securities issued by the Village Corporations and by stipulating that, if any director of the Regional Corporation owns any securities issued by the Village Corporations, such director would be ineligible to vote upon the proposed transaction.

Third, Rule 60-2 would eliminate for ANCSA Registrants the requirement that a registered investment company not commit more than 5 percent of its assets to a proposed joint enterprise exempted from Section 17(d) by Rule 17d-1(d)(5). This modification is deemed appropriate because the possibility that public shareholders of companies controlled by ANCSA Registrants would be disadvantaged in joint transactions would appear to be minimal.

The effect of the foregoing exemption may be illustrated by the following hypothetical transaction:

The X, Y and Z Village Corporations are ANCSA Registrants situated in the A Region, for which the A Corporation, also a registered investment company, is the Regional Corporation. X, Y and Z enter into an agreement with the Alaska Construction Company ("ACC") to build a dam across a certain river within the region, and it is estimated that the project will cost approximately \$3 million. X, Y and Z each agree to commit \$500,000 to the enterprise, and A agrees to provide the remaining \$1.5 million. Wilson, a director of A, is a resident of X and as such is a stockholder of X Corporation; Jones, a director of A, is a resident of Y and as such is a stockholder of Y Corporation; Smith, a director of A, is a resident of Z and as such is a stockholder of Z Corporation. It is clear that this transaction would not qualify for the minimum dollar amount exemption described above. However, it is also apparent that, in the absence of additional circumstances, the transaction would qualify, regardless of whether public or non-public companies are involved, for the expanded relief provided by Rules 17a-6 and 17d-1(d)(5). The participation by X, Y and Z in the enterprise would not destroy the exemption afforded by these rules even though they may be deemed persons under common control by A because Rule 60-2 eliminates this class of persons from the category of upstream affiliates for purposes of transactions involving ANCSA Registrants. Each of the companies involved can commit more than 5% of its assets to the transaction without destroying the exemption. Wilson, Jones and Smith did not participate in the vote by directors of A on the transaction; the

remaining seven directors, each representing a village in the A Region, and none of whom had a financial interest in the enterprise, approved the transaction. Thus, the joint enterprise could be effected without a Commission order pursuant to Section 17(b) or Rule 17d-1. If, however, the circumstances were to change so that a person in the prohibited category became a party to the transaction, or acquired a financial interest in the transaction, or the Regional Corporation owned securities issued by any of the Village Corporations participating in the transaction, the automatic exemption would not be available. For example, assuming the basic set of facts set forth above, suppose that Brown, the treasurer of X, decides three months after the joint enterprise has commenced to buy shares of the common stock of ACC. In so doing, Brown would be acquiring a financial interest in a party to the joint enterprise, and because he is not a non-executive employee the transaction would not qualify for the exemptions afforded by Rules 17a-6 and 17d-1(d)(5) by reason of subparagraphs (c)(1)(iv) and (iii)(d), respectively, of those rules.<sup>19</sup>

The foregoing illustration shows the effect upon ANCSA Registrants of Rules 17a-6 and 17d-1(d)(5) as modified by the proposed Rule. The modifications are designed to give ANCSA Registrants the freedom to deal with each other in the manner contemplated by the Settlement Act under conditions which make it unlikely that overreaching of or disadvantage to the ANCSA Registrant would be involved.

Section 20(a) of the Act (15 U.S.C. 80a-20a) and the rules thereunder are included among the provisions of the act from which ANCSA Registrants of a certain size would not be exempted in order to insure that the larger ANCSA Registrants make full disclosure of relevant facts to their shareholders if and when they solicit proxies in connection with the election of directors and other matters requiring shareholder approval.<sup>20</sup>

<sup>19</sup> Both of these provisions include within the upstream affiliate category employees of the registered investment company. Subparagraph (c)(1)(iv) of Rule 17a-6 and subparagraph (iii)(d) of Rule 17d-1(d)(5) both define the term "financial interest," as used in the rules to exclude an interest of a "non-executive" employee. However, the treasurer of a corporation would not be deemed a "non-executive" employee.

<sup>20</sup> Rule 20a-1 under Section 20(a) (17 CFR 270.20a-1) requires that proxy solicitation respecting a security issued by a registered investment company be effected in compliance with Rules 20a-2 and 20a-3 under the Act (17 CFR 270.20a-2 and 270.20a-3), and with all rules and regulations adopted pursuant to Section 14(a) of the Securities Exchange Act (15 U.S.C. Chapter 2B).

Rule 20a-2 requires that the proxy statement contain specified information in addition to that required by the proxy rules under the Exchange Act, if action is to be taken with respect to (1) the selection of directors and the solicitation is by or for management or by or for an investment adviser, or (2) an investment advisory contract. Rule 20a-3 requires disclosure in the proxy statement regarding the material interests of officers, directors, and nominees for election as directors of registered investment companies under certain circumstances enumerated in Item 7 of Schedule 14A under the Exchange Act or if action is to be taken with respect to an investment advisory contract.

The Rule would exempt ANCSA Registrants having fewer than 500 shareholders and less than a million dollars in total assets from these requirements on the grounds that ANCSA Registrants ought not to be subjected to a greater burden of compliance with respect to proxy solicitation than non-investment companies.

Section 21(b) (15 U.S.C. 80a-21b) of the Act prohibits a registered investment company from making loans to persons who control the registered company or who are under common control with such company. The applicability of this section (ANCSA Registrants would be exempted from Section 21(a)) would prohibit, for example, loans between Village ANCSA Registrants in the same region, and loans from a Village ANCSA Registrant to its Regional Corporation. These prohibitions would apply, notwithstanding the relief afforded by the Rule for affiliated transactions under Section 17.

ANCSA Registrants having 500 or more shareholders and more than a million dollars in total assets would be required to file an annual report with the Commission, pursuant to Section 30(a) of the Act (15 U.S.C. 80a-30a) and Rule 30a-1 thereunder (17 CFR 270.30a-1). Smaller ANCSA Registrants would be exempt from these provisions but would instead be required to file copies of the audit reports required by the Settlement Act, as presently provided by Rule 60-2(T).<sup>21</sup> The basis for applying Section 30(a) to ANCSA Registrants having 500 or more shareholders and more than a million dollars in total assets is again the criteria established by the Exchange Act, which limits its periodic reporting requirements to issuers of this size.<sup>22</sup> Smaller ANCSA Registrants would be exempt from Section 30(a) and Rule 30a-1 thereunder but would instead be required to file with the Commission copies of the Settlement Act reports.<sup>23</sup>

To simplify the annual reporting process for the larger ANCSA Registrants, the Rule would instruct such Registrants to answer the items on Form N-5R, the annual report form used by SBICs registered under the Act rather than Form N-1R, the form generally prescribed for annual reports of registered management companies. Form N-5R would be more suitable for ANCSA Registrants than Form N-1R because virtually all the items on Form N-5R would be applicable to ANCSA Registrants and would call for nearly all the information the Commission would want with respect to them, whereas at least thirty-two<sup>24</sup> of the seventy-one items, nearly half, of Form N-1R would not apply to ANCSA Registrants. The Rule would instruct ANCSA Registrants to disregard the Instructions as to Financial State-

<sup>21</sup> See Investment Company Act Release No. 8251, February 26, 1974.

<sup>22</sup> See Sections 12(g) and 13(a) of the Exchange Act.

<sup>23</sup> See Sections 7(O) and 8(c) of the Settlement Act [43 U.S.C. § 1606(O) and § 1607(c) (1970 Ed., Supp. III)].

<sup>24</sup> See Items 1.02, 1.03, 1.08, 1.07, 1.11, 1.18, 1.19, 1.29, 1.34-1.39, 2.01, 2.03, 2.04, 2.05, 2.06, 2.13, 2.14, 2.15, 2.16, 2.23-2.29, 2.31, and 2.32 of Form N-1R.

ments provided on Form N-5R and to follow in lieu thereof the instructions the Rule itself provides with respect to financial statements. Those instructions are based on the requirements of Form N-1R and would require an ANCSA Registrant to file as part of its annual report the following financial statements, all in accordance with the requirements of Regulation S-X (17 CFR Part 210): (1) a certified balance sheet as of the close of the fiscal year; (2) certified statements of income and expense, realized and unrealized gain or loss on investments, and changes in net assets, each as required by Rules 6-04, 6-05, 6-06, and 6-08 of Regulation S-X, respectively (17 CFR 210.6-04, 210.6-05, 210.6-06, and 210.6-08); (3) a certified consolidated balance sheet of the ANCSA Registrant and its subsidiaries as of the close of the fiscal year of the registrant, in accordance with Rule 6-02 (17 CFR 210.6-02) of Regulation S-X; (4) certified consolidated statements of income and expense, realized and unrealized gain or loss on investments, and changes in net assets for the ANCSA Registrant and its subsidiaries, consolidated for the fiscal year, each as specified in Rules 6-04, 6-05, 6-06, and 6-08 of Regulation S-X, respectively; and (5) the financial statements for each subsidiary not consolidated which would be required if the subsidiary were itself an ANCSA Registrant.<sup>25</sup>

All ANCSA Registrants regardless of size would be exempt from the requirement of filing quarterly reports with the Commission provided by Section 30(b) (1) of the Act (15 U.S.C. 80a-30(b)(1)). This exemption results from the fact that the express purpose of the quarterly reporting requirement is to keep current the information and documents contained in the registration statement of the registered investment company; since ANCSA Registrants would be exempted under the Rule from the registration statement requirement of Section 8(b) of the Act (15 U.S.C. 80a-8b), they would thereby be exempt from the quarterly reporting requirements of Section 30(b)(1).

The proposed Rule would exempt ANCSA Registrants from the requirements of Section 30(d) of the Act (15 U.S.C. 80a-30(d)), and Rule 30d-1 thereunder (17 CFR 270.30d-1), to the extent that such section, together with such rule, requires reports to be transmitted to shareholders more than once annually. The basis for this exemption is again the principle that ANCSA Registrants should not be burdened with a greater reporting requirement than that which is imposed upon non-investment companies by the Exchange Act. The Exchange Act does not require reports to shareholders more than once annually, in conjunction with the proxy solicitation requirements of

<sup>25</sup> This requirement would be subject to Rules 4-03 and 6-02-3 of Regulation S-X (17 CFR 210.4-03 and 210.6-02-3) regarding group statements of unconsolidated subsidiaries.

Section 14 of the Exchange Act. Annual reports to Alaska Native shareholders should be sufficient to provide them with the information they need to vote intelligently on matters of corporate policy and management.

Rule 30d-1 requires such reports to contain a balance sheet accompanied by a statement of the aggregate value of investments on the date of such balance sheet, a list showing the amounts and values of securities owned on the date of such balance sheet, a statement of income for the period covered by the report, a statement of surplus, a statement of the aggregate remuneration paid by the company during the reporting period to management and a statement of the aggregate dollar amount of purchases and sales of investment securities.

As now proposed, the Rule would subject ANCSA Registrants having more than one million dollars in total assets and 500 or more shareholders to the recordkeeping requirements of Section 31(a) and 31(b) of the Act (15 U.S.C. 80a-31a and 80a-31b). Smaller ANCSA Registrants would be required to maintain and preserve the records underlying the audit reports required by Sections 7(c) and 8(c) of the Settlement Act. The Act's recordkeeping requirements would supplement the Rule's reporting requirements and would provide a more effective means of preventing misuse of the liquid assets held by the larger companies than the recordkeeping provisions of the Settlement Act. The Act's recordkeeping requirements are fairly extensive, but they should serve a useful purpose, not only in assisting the Commission's regulatory function but in educating the managers of ANCSA Registrants in financial recordkeeping practices.

Section 31(a), in pertinent part, requires every registered investment company and its investment adviser to maintain and preserve accounts, books and other documents constituting the financial record of the investment company. Section 31(b) requires that all records maintained pursuant to Section 31(a) be subject to examination by the staff of the Commission. Rule 31a-1 under the Act describes those records which must be maintained by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with investment companies.

Paragraph (a) under the rule requires that the accounts, books, and other documents relating to the investment company's business, which constitute the record forming the basis for financial statements and auditor certificates required to be filed with the Commission, be maintained and kept current. Paragraph (b) of the rule itemizes the records that must be maintained and specifies the information that they should reflect. Paragraphs (c), (d), (e), and (f) describe the accounts, books, records, and documents that are required to be maintained by certain other related persons.

Rule 31a-2 describes those records which are required to be preserved by registered investment companies, certain

majority-owned subsidiaries thereof, and other persons having transactions with registered investment companies. The rule specifies the periods for which various records should be preserved, and the form (i.e., microfilm, etc.) in which they may be stored.

Rule 31a-3 (17 CFR 270.31a-3) states that if records required to be maintained and preserved pursuant to Rules 31a-1 and 31a-2 are maintained or preserved by persons other than the persons required to maintain or preserve such records, a written agreement is necessary. Where a bank or member of a national securities exchange acts as custodian, transfer agent, or dividend disbursing agent, such bank or exchange member must agree in writing to make any records relating to such service available upon request and to preserve records required by Rule 31a-1 so as to conform with Rule 31a-2. Parties other than banks or exchange members performing custodian, transfer agent, or dividend disbursing services must agree in writing that the related records are the property of the person required to maintain and preserve such records and will be surrendered promptly upon request.

Section 32(a)(1) (15 U.S.C. 80a-32(a)(1)) of the Act prohibits a registered investment company from filing with the Commission any certified financial statement without the independent accountant having been selected by majority vote of the company's independent directors. However, the Rule exempts ANCSA Registrants from the further requirements of Section 32(a) that the selection be ratified by the shareholders, that the accountant's tenure be terminable at the will of a majority of the shareholders, and that the accountant's certificate be addressed to both the directors and the security holders. The Commission believes that these additional requirements would not be meaningful in the case of ANCSA Registrants.

Section 33 (15 U.S.C. 80a-33) of the Act requires registered investment companies and affiliated persons who are defendants in civil actions brought by the investment company or by a security holder in a derivative capacity against an officer, director, investment adviser, trustee, or depositor of the company to file with the Commission copies of all papers filed in such proceedings. The application of Section 33 of the Act will alert the Commission to the initiation, development and results of litigation involving the ANCSA Registrants and their insiders, which might in turn have implications under the securities laws.

The foregoing paragraphs provide an outline of the major substantive provisions of the Act which would be made applicable to ANCSA Registrants as a result of amendments to the proposed rule. Interested persons are referred to the notice<sup>26</sup> originally proposing Rule 60-2 for further textual explanation of the purposes of the Rule and of subjecting ANCSA Registrants to Sections 9, 17, 36,

<sup>26</sup> Investment Company Act Rel. No. 8251, February 26, 1974.



and 37. Interested persons are reminded of the fact that the present proposed version of the Rule would embrace a number of other sections of the Act, some of which could have a substantive impact upon ANCSA Registrants,<sup>2</sup> but most of which are either enabling sections,<sup>3</sup> empowering the Commission to take certain measures to enforce the Act, or general procedural<sup>4</sup> sections which are appropriate to the overall administration of the Act. The applicability of these sections to ANCSA Registrants and to matters pertaining to ANCSA Registrants should not place additional burdens of a significant nature upon the Alaska Native shareholders or affiliated persons of ANCSA Registrants.

Rule 6c-2 is proposed pursuant to Sections 6(c), 38(a), and 39 of the Act. Section 6(c) of the Act provides that the Commission by rule, regulation, or order may conditionally or unconditionally exempt any person, security, or transaction or any class of persons, securities, or transactions from any provision or provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act. Section 38(a) states, in part, that the Commission shall have the authority from time to time to make, issue and amend such rules and regulations as are necessary or appropriate to the exercise of powers conferred upon the Commission elsewhere in the Act. Section 39 states in part that, subject to the Federal Register Act, rules and regulations of the Commission under the Act shall be effective upon publication in the manner prescribed by the Commission.

#### COMMISSION ACTION

Pursuant to the authority in sections 6(c), 38(a) and 39 of the Investment Company Act of 1940, the Securities and Exchange Commission proposes to amend § 270.6c-2 of Chapter II of Title 17 of the Code of Federal Regulations by changing the present temporary regulation thereunder to read as follows:

#### § 270.6c-2 Exemption for corporations organized pursuant to the Alaska Native Claims Settlement Act of 1971.

Any corporation organized pursuant to the Alaska Native Claims Settlement Act of 1971 ("ANCSA Corporation" and "Settlement Act" respectively) shall be exempt from the following provisions of the Act: Sections 8(b), 11, 12, 13, 14, 15(b), 15(d), 16, 18, 19, 20(b), 20(c), 20(d), 21(a), 22, 23, 24, 26, 27, 28, 29, 30(b)(1), 30(c), 30(f), 32(a)(2), 32(a)(3), 32(a)(4), 35(a), 35(b), and 35(c), and any rules adopted by the Commission under such sections. Such exemptive relief shall be available to any ANCSA Cor-

<sup>2</sup> See, e.g., Sections 47-49 of the Act (15 U.S.C. 80a-47-80a-49).

<sup>3</sup> See, e.g., Sections 41, 42, 45 and 46 of the Act (15 U.S.C. 80a-41, 80a-42, 80a-45, and 80a-46).

<sup>4</sup> See, e.g., Sections 38-40, 43, 44, 46, and 50-53 of the Act (15 U.S.C. 80a-38-80a-40, 80a-43, 80a-44, 80a-46, and 80a-50-80a-53).

poration which registers with the Commission in the manner prescribed by Section 8(a) ("ANCSA Registrant") and shall take effect as of the date of such registration. In addition to the foregoing, the following special exemptions and instructions shall be applicable to ANCSA Registrants:

(a) ANCSA Registrants shall be exempt from the requirements of Section 15(a) of the Act to the extent that it provides for approval of advisory agreements by majority vote of shareholders.

(b) A transaction shall be exempt from the prohibitions of Sections 17(a) and 17(d), and Rule 17d-1 under Section 17(d), provided that:

(1) The amount of assets to be committed by each ANCSA Registrant which is a party to the transaction is less than \$50,000 in value; and

(2) The board of directors of each ANCSA Registrant participating therein has determined that such participation will be fair and reasonable and does not involve any overreaching of its shareholders and such determination meets the following conditions:

(i) Where all members of the board of an ANCSA Registrant are disinterested directors, as defined in paragraph (c)(1) of this section, the determination shall be made by majority vote of such directors;

(ii) Where one or more members of the board of directors of such ANCSA Registrant is not a disinterested director, such determination shall be made by a vote of the majority of the disinterested directors of such ANCSA Registrant and approved by a vote of a majority of the disinterested directors of the regional corporation for such ANCSA Registrant, and such regional corporation shall not be a party to the transaction;

(iii) Where one or more members of a regional corporation is not a disinterested director, such corporation shall not be a party to a transaction exempted by this paragraph (b), notwithstanding the fact that every director of each village corporation participating in the transaction is a disinterested director; and further provided

(iv) (A) The directors of an ANCSA Registrant voting with respect to a proposed transaction pursuant to the terms of this paragraph (b) shall request from each affiliated person of any ANCSA Registrant, or from an affiliated person of such affiliated person, who is a party to such transaction such information as may reasonably be necessary to make the determination by each group of directors required by the terms of this section (b), and to evaluate such information prior to making such determination;

(B) Each such affiliated person, and each such affiliated person of such affiliated person, shall have received a certified copy of the determination made by each group of directors required by this paragraph (b) prior to consummation of the proposed transaction.

(c) For the purpose of determining the availability of the exemption provided by paragraph (b) of this section:

(1) The term "disinterested director" shall mean a director who has no direct

or indirect financial interest in the proposed transaction for which the exemption is sought other than by reason of his interest as a shareholder in an ANCSA Registrant.

(2) The terms "village corporation" and "regional corporation" shall be as defined in the Settlement Act.

(d) For purposes of Rules 17a-6 and 17d-1(d)(5) under Section 17 of the Act, the following special provisions shall apply with respect to transactions involving ANCSA Registrants:

(1) The exemption provided by paragraph (a) of Rule 17a-6 shall be available as if the ANCSA Registrant which is a party to such transaction were a company principally engaged in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence, and reorganizing companies or similar activities;

(2) The exemption provided by Rule 17a-6 and 17d-1(d)(5) shall be available without regard to whether or not an ANCSA Registrant, or a company it controls, commits in excess of 5% of its assets to a proposed joint enterprise within the meaning of such rule;

(3) For purposes of both Rule 17a-6 and Rule 17d-1(d)(5), where two or more ANCSA Registrants which are village corporations are parties to a proposed transaction, and would be deemed affiliated persons of each other only because they are deemed controlled persons of the regional corporation for the region in which they are located, such ANCSA Registrants shall not be deemed affiliated persons of each other provided (i) that such regional corporation does not own any securities issued by such ANCSA Registrants and (ii) that any member of the board of directors of such regional corporation who owns any securities of such ANCSA Registrants is disqualified from voting upon the proposed transaction.

(e) An ANCSA Registrant which does not have total assets exceeding one million dollars and 500 or more shareholders shall be exempt from the requirements of Section 20(a) of the Act.

(f) An ANCSA Registrant which does not have total assets exceeding one million dollars and 500 or more shareholders shall be exempt from the requirements of Section 30(a) of the Act; however, such Registrants shall file with the Commission certified copies of the audit reports required to be filed by Sections 7(c) and 8(c) of the Settlement Act.

(g) An ANCSA Registrant having total assets exceeding one million dollars and 500 or more shareholders shall be subject to Section 30(a) of the Act and Rule 30a-1(a) thereunder; for purposes of complying with these requirements an ANCSA Registrant shall file its annual report with the Commission on Form N-5R, the form prescribed for small business investment companies, provided, however, That instructions provided on Form N-5R under the heading "Instructions As To Financial Statements" shall not apply to an ANCSA Registrant, and

the following instructions shall be applicable in lieu thereof: An ANCSA Registrant subject to Section 30(a) of the Act shall file the following financial statements with its annual report on Form N-5R, all in accordance with the requirements of Regulation S-X: (1) a certified balance sheet or statement of assets and liabilities as of the close of the fiscal year; (2) certified statements of income and expense, realized and unrealized gain or loss on investments, and changes in net assets, each as required by Rules 6-04, 6-05, 6-06, and 6-08 of Regulation S-X, respectively; (3) a certified consolidated balance sheet of the ANCSA Registrant and its subsidiaries as of the close of the fiscal year of the registrant, in accordance with Rule 6-02 of Regulation S-X; (4) certified consolidated statements of income and expense, realized and unrealized gain or loss on invest-

ments, and changes in net assets for the registrant and its subsidiaries, consolidated for the fiscal year, each as specified in Rules 6-04, 6-05, 6-06, and 6-08 of Regulation S-X, respectively; and (5) the financial statements for each subsidiary not consolidated which would be required if the subsidiary were itself a registrant.

(h) All ANCSA Registrants shall be exempt from the requirements of Section 30(d) and Rule 30d-1 thereunder to the extent that such section, together with such rule, require reports to be transmitted to shareholders of an ANCSA Registrant more than once annually.

NOTE: Additional relief from the Act covering the period from December 18, 1971 until the adoption of the present rule is available pursuant to temporary Rule 6c-2(T) to any ANCSA Corporation which was registered in the manner prescribed by Section 8(a) and remained so registered during the effectiveness of such temporary rule.

(Sections 6(c), 38(a), 39, 54 Stat. 800, 841, 842, 15 U.S.C. 80a-6(c), 80a-38(a), 80a-39)

All interested persons are invited to submit views and comments with respect to proposed Rule 6c-2, in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before October 1, 1975. All communications with respect to this matter should refer to File No. S7-514. Such communications will be available for public inspection. Information on the Commission's adoption of temporary Rule 6c-2(T) is found elsewhere in this issue of the FEDERAL REGISTER.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 22, 1975.

[FR Doc.75-23848 Filed 9-8-75; 8:45 am]



## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF DEFENSE

#### Department of the Army ARMED FORCES EPIDEMIOLOGICAL BOARD Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following committee meeting:

An ad hoc Study Team operating as a subcommittee of the Armed Forces Epidemiological Board will meet 26 September 1975 in Room 1E235, Forrestal Building, Washington, D.C. from 0900 to 1600 hours. The purpose of the meeting is to review the current US Army Medical Department physical examination policy and to provide advice regarding the scope of periodic physical examinations for active duty Army personnel. The proposed agenda includes a discussion of current policy and procedures, proposed additional screening procedures and the development of improved health maintenance programs.

This meeting is open to the public, but limited by space accommodations.

Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, AFEB in writing, prior to the meeting, at the following address: Executive Secretary, AFEB, Room 1B412 Pentagon, Washington, D.C. 20310.

DUANE G. ERICKSON,  
LTC, MSC, USA,  
Executive Secretary.

AUGUST 28, 1975.

[FR Doc. 75-23851 Filed 9-8-75; 8:45 am]

### DEPARTMENT OF THE INTERIOR

#### Bureau of Indian Affairs

[Dockets Nos. 161, 222, and 224]

#### YAKIMA TRIBES OF INDIANS OF THE YAKIMA RESERVATION

#### Notice of Public Hearing Regarding Use or Distribution of Indian Judgment Funds, Claims

SEPTEMBER 4, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given in accordance with provisions of the Use or Distribution of Indian Judgment Funds Act of October 19, 1973 (Public Law 93-134), that a public hearing will be held be-

ginning at 2 p.m. on September 27, 1975, at the Toppenish Community Center, Toppenish, Washington, on a proposed plan leading to a recommendation to be made to the Congress regarding the use and/or distribution of monies awarded to the Yakima Tribes of Indians of the Yakima Reservation in Dockets 161, 222, and 224.

A copy of the proposed plan for use and/or distribution of these judgment monies will be made available on request by the Area Director, Bureau of Indian Affairs, Portland Area Office, P.O. Box 3785, Portland, Oregon 97208, or the Superintendent, Bureau of Indian Affairs, Yakima Agency, P.O. Box 632, Toppenish, Washington 98948.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Area Director at the above address by October 4, 1975.

MORRIS THOMPSON,  
Commissioner of Indian Affairs.  
[FR Doc. 75-23953 Filed 9-8-75; 8:45 am]

#### Bureau of Land Management ROSEBURG DISTRICT MULTIPLE USE ADVISORY BOARD Meeting

Notice is hereby given that the Bureau of Land Management, Roseburg District Multiple Use Advisory Board will meet at 9 a.m., on October 2, 1975, at the Roseburg District Office, 777 NW. Garden Valley Boulevard, Roseburg, Oregon.

The agenda will include a review of the Advisory Board Charter, election of officers, status reports of major district programs and review of proposed SBA set-aside timber sale programs.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public, but those wishing to make oral statements must inform the chairman in writing prior to the meeting. Interested persons may file a written statement with the Board for its consideration. They should be sent to Chairman, District Advisory Board, in care of the District Manager, Bureau of Land Management, 777 NW. Garden Valley Boulevard, Roseburg, Oregon 97470.

WILLIAM R. ROUSE,  
Acting Roseburg District Manager.

AUGUST 27, 1975.

[FR Doc. 75-23852 Filed 9-8-75; 8:45 am]

#### Geological Survey KNOWN GEOTHERMAL RESOURCES AREA

##### Vulcan Hot Springs, Idaho

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Vulcan Hot Springs Known Geothermal Resources Area, effective February 1, 1974:

(12) IDAHO

VULCAN HOT SPRINGS KNOWN GEOTHERMAL  
RESOURCES AREA BOISE MERIDIAN, IDAHO

T. 14 N., R. 6 E.,  
Sec. 1, SW¼;  
Sec. 2, All;  
Sec. 3, SE¼;  
Sec. 9, All;  
Sec. 10, All;  
Sec. 11, All;  
Sec. 12, W½;  
Sec. 13, NW¼;  
Sec. 14, N½;  
Sec. 15, NE¼.

The area described aggregates 3,836.44 acres, more or less.

Dated: August 1, 1975.

WILLARD C. GERE,  
Conservation Manager  
Western Region.

[FR Doc. 75-23920 Filed 9-8-75; 8:45 am]

#### National Park Service

#### GATEWAY NATIONAL RECREATION AREA, BROOKLYN, NEW YORK

##### Notice of Meeting

Notice is hereby given that the process of developing a master plan for Gateway National Recreation Area will continue on Wednesday, October 1st at 7:30 p.m. with a workshop at Floyd Bennett Field, Bldg. 272, Flatbush Avenue, Brooklyn, New York. Additional Workshops will be held:

Saturday, October 4th—1:00 p.m.—Sandy Hook Chapel, Fort Hancock, Sandy Hook, N.J.  
Wednesday, October 8th—7:30 p.m.—Staten Island Conf. Room, Great Kills Park, Staten Island, N.Y.  
Thursday, October 9th—7:30 p.m.—Howard Johnsons, Route 1 & 9, Haynes Street, Newark, N.J.  
Saturday, October 11th—1:00 p.m.—Fort Tilden Chapel Bldg., Breezy Point, N.Y.  
Tuesday, October 14th—7:30 p.m.—City Univ. of New York, Graduate School, 33 West 42nd Street, New York City.

## NOTICES

The workshops will provide an opportunity for public suggestions, ideas and comments on the management and development of the Recreation Area. The information gained from these workshops will be used by the National Park Service in preparing a draft master plan for Gateway. The public will be given additional opportunities for review as the plan develops.

Copies of basic information relating to Gateway National Recreation Area and a set of management objectives are available upon request from the Public Involvement Office, Gateway National Recreation Area, Floyd Bennett Field 11234. The Superintendent's telephone number is 212-252-8104.

Dated: August 19, 1975.

DENIS P. GALVIN,  
Acting Regional Director,  
North Atlantic Region.

[FR Doc. 75-23928, Filed 9-8-75; 8:45 am]

### DEPARTMENT OF COMMERCE

#### Bureau of the Census

#### VOTING RIGHTS ACT AMENDMENT OF 1975

##### Determinations Under Title III

In accordance with the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973, et seq.), as amended by the Voting Rights Act Amendment of 1975, Public Law 94-73) the Bureau of the Census has determined that the political subdivisions in the following table have more than five percent of their citizen population of a specified language minority group and meet the requirement for coverage under Title III of the Act Amendment for that minority. Determinations for additional subdivisions in these and other States will appear in later issues of the FEDERAL REGISTER.

Dated: September 3, 1975.

VINCENT P. BARABBA,  
Director,  
Bureau of the Census.

#### STATES OR POLITICAL SUBDIVISIONS COVERED UNDER TITLE III, OF THE VOTING RIGHTS ACT AMENDMENT OF 1975

State or Political Subdivision	Specified language minority <sup>1</sup>
Alabama	
Inyo County	American Indian.
Kern County	Spanish.
Kings County	Do.
Los Angeles County	Do.
Madera County	Do.
Merced County	Do.
Monterey County	Do.
Orange County	Do.
Riverside County	Do.
Sacramento County	Do.
San Benito County	Do.
San Bernardino County	Do.
San Diego County	Do.
San Francisco County	Spanish, Chinese.
San Joaquin County	Spanish.
San Luis Obispo County	Do.
San Mateo County	Do.
Santa Barbara County	Do.
Santa Clara County	Do.
Stanislaus County	Do.
Tulare County	Do.
Tuolumne County	Do.
Ventura County	Do.
Yolo County	Do.
Colorado (Statewide)	Do.
Adams County	Do.
Alamosa County	Do.
Archuleta County	Do.
Bent County	Do.
Conejos County	Do.
Costilla County	Do.
Crowley County	Do.
Denver County	Do.
Eagle County	Do.
El Paso County	Do.
Fremont County	Do.
Huerfano County	Do.
Jackson County	Do.
Lake County	Do.
La Plata County	Do.
Las Animas County	Do.
Mesa County	Do.
Montezuma County	Do.
Montrose County	Do.
Morgan County	Do.
Otero County	Do.
Prowers County	Do.
Pueblo County	Do.
Rio Grande County	Do.
Saguache County	Do.
San Juan County	Do.
Weld County	Do.
Connecticut	
Bridgeport town	Spanish
Florida	
Dade County	Spanish
Hardee County	Do.
Hillsborough County	Do.
Monroe County	Do.
Louisiana	
St. Bernard Parish	Spanish
Minnesota	
Beltrami County	American Indian
Cass County	Do.
Mahnommen County	Do.
Mississippi	
Neshoba County	American Indian
New York	
Bronx County	Spanish
Kings County	Do.
New York County	Do.
North Carolina	
Hoke County	American Indian
Jackson County	Do.
Robeson County	Do.
Swain County	Do.
Oregon	
Jefferson County	American Indian
Malheur County	Spanish
Texas (statewide)	
Andrews County	Spanish
Arlansas County	Do.
Atascosa County	Do.
Bailey County	Do.

See footnote at end of table.

State or Political Subdivision	Specified language minority <sup>1</sup>
Bastrop County	Spanish.
Bee County	Do.
Bell County	Do.
Bexar County	Do.
Blanco County	Do.
Borden County	Do.
Brazoria County	Do.
Brazos County	Do.
Brewster County	Do.
Briscoe County	Do.
Brooks County	Do.
Burleson County	Do.
Caldwell County	Do.
Calhoun County	Do.
Cameron County	Do.
Castro County	Do.
Cochran County	Do.
Coke County	Do.
Colorado County	Do.
Comal County	Do.
Concho County	Do.
Cottle County	Do.
Crockett County	Do.
Crosby County	Do.
Culberson County	Do.
Dallam County	Do.
Dawson County	Do.
Deaf Smith County	Do.
De Witt County	Do.
Dimmit County	Do.
Duval County	Do.
Ector County	Do.
Edwards County	Do.
Ellis County	Do.
El Paso County	Do.
Falls County	Do.
Fisher County	Do.
Floyd County	Do.
Foard County	Do.
Fort Bend County	Do.
Frio County	Do.
Gaines County	Do.
Galveston County	Do.
Garza County	Do.
Glasscock County	Do.
Goliad County	Do.
Gonzales County	Do.
Grimes County	Do.
Guadalupe County	Do.
Hale County	Do.
Hansford County	Do.
Harris County	Do.
Haskell County	Do.
Hays County	Do.
Hidalgo County	Do.
Hockley County	Do.
Howard County	Do.
Hudspeth County	Do.
Jackson County	Do.
Jeff Davis County	Do.
Jim Hogg County	Do.
Jim Wells County	Do.
Jones County	Do.
Karnes County	Do.
Kendall County	Do.
Kenedy County	Do.
Kerr County	Do.
Kimble County	Do.
Kinney County	Do.
Kleberg County	Do.
Lamb County	Do.
Lampasas County	Do.
La Salle County	Do.
Live Oak County	Do.
Lubbock County	Do.
Lynn County	Do.
McCulloch County	Do.
McMullen County	Do.
Martin County	Do.
Mason County	Do.
Matagorda County	Do.
Maverick County	Do.
Medina County	Do.
Menard County	Do.
Midland County	Do.

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## NOTICES

State or Political Subdivision	Specified language minority <sup>1</sup>
Adams County.....	Do.
Columbia County.....	Do.
Ferry County.....	American Indian
Grant County.....	Spanish
Okanogan County.....	American Indian
Yakima County.....	Spanish
Washington	
Adams County.....	Do.
Columbia County.....	Do.
Ferry County.....	American Indian
Grant County.....	Spanish
Okanogan County.....	American Indian
Yakima County.....	Spanish
Wyoming	
Carbon County.....	Do.
Fremont County.....	American Indian
Laramie County.....	Spanish
Sweetwater County.....	Do.

<sup>1</sup> Generally jurisdictions in which more than 5 percent of the citizen population are members of a language minority and the illiteracy rate is greater than the national rate.

[FR Doc.75-2386 Filed 9-8-75; 8:45 am]

#### Domestic and International Business Administration

#### IMPORTERS' TEXTILE ADVISORY COMMITTEE

##### Public Meeting

The Importers' Textile Advisory Committee will meet at 10:30 a.m. on October 16, 1975, in Room 6802, Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 20 members, was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The agenda for the meeting is as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Copies of the minutes of the meeting will be made available on written request addressed to the Office of Textiles, Room 2815, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-967-5078.

Dated: August 20, 1975.

ALAN POLANSKY,  
Deputy Assistant Secretary for  
Resources and Trade Assistance.

[FR Doc.75-23903 Filed 9-8-75; 8:45 am]

#### MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

##### Public Meeting

The Management-Labor Textile Advisory Committee will meet at 2:00 p.m. on October 15, 1975 and November 19, 1975, in Room 6802, Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 40 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for each meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after each meeting. To the extent time is available at the end of the meetings, the presentation of oral statements will be allowed.

Copies of the minutes of the meetings will be made available on written request addressed to the Office of Textiles, Room 2815, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur

Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-967-5078.

Dated: August 20, 1975.

ALAN POLANSKY,  
Deputy Assistant Secretary for  
Resources and Trade Assistance.

[FR Doc.75-23904 Filed 9-8-75; 8:45 am]

#### National Bureau of Standards

##### FABRICS FOR BOOK COVERS

##### Voluntary Product Standard; Action on Proposed Withdrawal

In accordance with section 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Voluntary Product Standard PS 9-68, "Fabrics for Book Covers."

It has been determined that this standard is technically inadequate, no longer used by the industry and that revision would serve no useful purpose. The subject matter of PS 9-68 is adequately covered by Book Manufacturers' Institute BMI-675, "Fabrics for Book Covers." This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of May 2, 1975 (40 FR 19225) to withdraw this standard.

The effective date for the withdrawal of this standard will be November 10, 1975. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

ERNEST AMBLER,  
Acting Director.

SEPTEMBER 3, 1975.

[FR Doc.75-23827 Filed 9-8-75; 8:45 am]

#### INSTANT NONFAT DRY MILK

##### Intent To Withdraw Voluntary Product Standard

In accordance with section 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Voluntary Product Standard PS 37-70, "Package Quantities of Instant Nonfat Dry Milk."

It has been tentatively determined that the standard is no longer generally used by the industry and that revision of this Voluntary Product Standard would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing to the Standards Development Services Section, National Bureau of Standards, Washington, D.C. 20234, on or before October 9, 1975. The effective date of

withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

ERNEST AMBLER,  
Acting Director.

SEPTEMBER 3, 1975.

[FR Doc.75-23856 Filed 9-8-75; 8:45 am]

#### National Oceanic and Atmospheric Administration

##### MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE

##### Supplemental Notice of Open Meeting

As was previously announced the meeting of the Marine Petroleum and Minerals Advisory Committee (the "Committee"), which was planned for July 22-23, 1975, will be held from 9:00 a.m. until 4:30 p.m. on September 22, 1975 and from 9:00 a.m. until 12 noon on September 23, 1975 in Room 6802 of the Department of Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, D.C.

The meeting will be open for public observation and approximately 35 seats will be available for the public on a first-come, first-served basis. Although advanced notification is not required, because of building security procedures the public is required to notify the Executive Secretary (whose name, address, and telephone number are given below) of their attendance plans by 4:00 p.m. on September 18, 1975 to facilitate access.

The Committee was established to advise the Secretary of Commerce on matters pertinent to the Department of Commerce's responsibilities related to marine petroleum and marine minerals resources, on means to facilitate cooperation between the private sectors and government in these matters, and on related Law of the Sea affairs. The members represent the industrial, labor, academic, legal, environmental and economic sectors concerned with the management, use, conservation and development of marine petroleum and marine minerals resources.

Included in the matters for consideration, and the approximate times for their consideration are as follows:

September 22, 1975

9:00—Welcoming Remarks, Announcements, and Chairman's Report on Actions Taken with Respect to the Committee's March Recommendations.

9:15—Law of the Sea and the Report of the Working Group on International Ocean Investment Conditions (including Discussion and Proposed Committee Actions).

10:00—Coffee Break.

10:15—Continue Consideration of the Topic.

11:30—Recess for Lunch.

1:00—Report of the Working Group on Impacts of Offshore Oil and Gas Development, Discussion, and Proposed Committee Actions.

## NOTICES

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- 2:30—Remarks to the Committee by the Secretary of Commerce.
- 3:30—Resume Consideration of Working Group Report.
- 4:30—Adjourn for the Day.

SEPTEMBER 23, 1975

- 9:00—Opening Remarks and Announcements.
- 9:05—Report on the Deep Ocean Mining Environmental Study (DOMES).  
—Introduction.  
—DOMES Plans and Accomplishments.  
—Discussions.
- 10:15—Coffee Break.
- 10:30—NOAA Marine Hard Minerals Initiative.
- 11:15—Topics Suggested by Members and Plans for Next Committee Meeting.
- 12:00—Adjourn.

Interested persons may submit written statements relevant to the Committee's areas of interest before or after the meeting or by mailing such statements to the Executive Secretary at the address below.

Inquiries regarding the Committee or the meeting may be directed to the Executive Secretary, Amor L. Lane, National Oceanic and Atmospheric Administration (MR3), 6010 Executive Boulevard, Rockville, Maryland 20852 (Telephone: 301-496-8323).

T. P. GLEITER,  
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

SEPTEMBER 2, 1975.

[FR Doc.75-23826 Filed 9-8-75; 8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Alcohol, Drug Abuse and Mental Health Administration

##### EMPLOYEES OF THE LABORATORY OF SOCIO-ENVIRONMENTAL STUDIES, NATIONAL INSTITUTE OF MENTAL HEALTH, ET AL.

##### Research on the Use and Effect of Drugs; Authorization of Confidentiality

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) all persons who—

1. Are employed by the Laboratory of Socio-Environmental Studies, National Institute of Mental Health and the National Opinion Research Center of the University of Chicago, and
2. Have, in the course of such employment, access to information which would identify individuals who are the subjects of the research on the use of drugs conducted pursuant to the Department of Health, Education, and Welfare contracts numbered PHS-43-64-58 and HSM-42-73-202 (IR), pertaining to the study and follow-up study referred to as Social and Psychological Correlates of Occupational Positions or as Occupational Conditions and Psychological

1. Topic in addition to agenda published earlier.

1. Topic in addition to agenda published earlier.

Functioning, are hereby authorized to protect the privacy of the individuals who are the subjects of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals.

As provided in section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)):

Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals.

This authorization does not authorize employees of the National Opinion Research Center of the University of Chicago to refuse to reveal the names or other identifying characteristics of individuals who are the subjects of the research conducted pursuant to the Department of Health, Education, and Welfare contracts numbered PHS-43-64-58 and HSM-42-73-202 (IR) to qualified personnel of the Department of Health, Education, and Welfare for the purpose of management or financial audits or program evaluation. Such personnel will hold any identifying information so obtained strictly confidential in accordance with 42 CFR 1.103.

This authorization is applicable to all information obtained pursuant to DHEW contracts numbered PHS-43-64-58 and HSM-42-73-202 (IR) which would identify individuals who are the subjects of the research conducted under such contracts.

Dated: August 18, 1975.

BERTRAM S. BROWN,  
Director, National Institute  
of Mental Health.

Dated: August 22, 1975.

ROBERT L. DUPONT,  
Director, National Institute  
on Drug Abuse.

Dated: August 26, 1975.

ROBERT W. BROWN,  
Acting Administrator, Alcohol,  
Drug Abuse, and Mental  
Health Administration.

[FR Doc.75-23911 Filed 9-8-75; 8:45 am]

#### Food and Drug Administration

##### PANEL ON REVIEW OF CARDIOVASCULAR DEVICES

##### Availability of Panel Report

In accordance with the provisions of a notice to manufacturers concerning medical device classification procedures, published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21848), the Food and Drug Administration announces the availability of the Report of the Cardiovascular Panel's Classification Results. This report contains the tentative classification conclusions of the Cardiovascular Panel and includes a list of the products reviewed, the answers to the classification logic scheme questions, and the recommended classification for each product.

## NOTICES

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Copies of this report are available

DEPARTMENT OF HOUSING AND

This Notice shall be served upon the

be issued pursuant to 24 CFR 1710.45

ington, D.C. 20410 on or before Septem-

Record, herein identified, shall continue



Copies of this report are available upon request from the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. In addition, this report has been placed on public display at the office of the Hearing Clerk and may be viewed at that office during working hours Monday through Friday.

Dated: September 2, 1975.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 75-23839 Filed 9-8-75; 8:45 am]

#### PANEL ON REVIEW OF SEDATIVE, TRANQUILIZER, AND SLEEP AID DRUGS Rescheduling

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of August 20, 1975 (40 FR 36403) public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act. Notice is hereby given that the meeting of the Panel on Review of Sedative, Tranquillizer, and Sleep Aid Drugs scheduled for September 18 and 19, 1975, has been rescheduled for September 29 and 30, 1975. Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD, at 9 a.m.

Dated: September 2, 1975.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 75-23844 Filed 9-8-75; 8:45 am]

#### Office of Education COMMUNITY EDUCATION ADVISORY COUNCIL

##### Change of Site for Public Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act, Pub. L. 92-463, the notice published on page 36414 of the FEDERAL REGISTER of August 20, 1975, is amended in the following manner. The public meeting of the Community Education Advisory Council will be held September 14 and 15, 1975, at the U.S. Office of Education, 400 Maryland Avenue SW., Room 4173, Washington, D.C., except for the Sunday meeting from 8:00 p.m. to 10:00 p.m., which will be held in the Ohio Room of the Statler Hilton, 16 and K Street NW., Washington, D.C. The remaining times and dates, and the meeting agenda will remain the same. All sessions are open to the public.

Signed at Washington, D.C., on September 3, 1975.

JULIE ENGLUND,  
Director,  
Community Education Program.

[FR Doc. 75-23867 Filed 9-8-75; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Office of Interstate Land Sales Registration

[Docket No. N-75-422]

##### AMERICAN CAPITAL LAND CORP.

##### Notice of Hearing

In the matter of American Capital Land Corporation d/b/a Gulf Park Estates OILSR No. 0-2756-28-49, Doc. No. 75-96-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. American Capital Land Corporation d/b/a Gulf Park Estates, D. C. Armbrust, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued July 16, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for American Capital Land Corporation, located in Jackson County, Mississippi, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 8, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on October 1, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 17, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 75-23912 Filed 9-8-75; 8:45 am]

[Docket No. N-75-421]

##### GROVELAND HIGHLANDS

##### Notice of Hearing

In the matter of Groveland Highlands, OILSR No. 0-1419-09-402 Doc. No. Y-919-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Groveland Highlands, Oscar Burstein, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), was served a Notice of Proceedings and Opportunity for Hearing issued July 22, 1975, which was published in the FEDERAL REGISTER July 29, 1975, pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Groveland Highlands, located in Polk County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 8, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on October 10, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before October 3, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 2, 1975.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 75-23913 Filed 9-8-75; 8:45 am]

[Docket No. N-75-424]

##### HORIZON CITY SUBDIVISION

##### Notice of Hearing

In the matter of Horizon City Subdivision, OILSR No. 0-0034-49-1, 0-0352-49-17, 0-0734-49-24, 0-0851-49-29, 0-0034-49-1(A-L), Doc. No. 75-104-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Horizon Properties Corporation, Sidney Nelson, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued July 1, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Horizon City Subdivision, located in El Paso County, Texas, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed a Motion for More Definite Statement received July 11, 1975, in response to the Notice of Proceedings and Opportunity for Hearing. On July 18, 1975, the undersigned ordered, among other things, that the Secretary furnish the Respondent with a More Definite Statement. Accordingly, on July 29, 1975, a More Definite Statement was issued and duly served on Respondent. The Respondent filed an Answer, received August 11, 1975, in response to the More Definite Statement.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on October 2, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 19, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of

ington, D.C. 20410 on or before September 18, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: August 28, 1975.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 75-23914 Filed 9-8-75; 8:45 am]

[Docket No. N-75-423]

##### PADRE ISLAND CORPUS CHRISTI

##### Notice of Hearing

In the matter of Padre Island Corpus Christi, OILSR No. 0-0043-49-2(B), Docket No. ED-75-12.

Pursuant to 15 U.S.C. 1706(b) and 24 CFR 1720.155(b), Notice is hereby given that:

1. Padre Investment Corporation, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Suspension dated July 18, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1710.45(a) informing the developer that its Statement of Record submitted June 20, 1975, for Padre Island Investment Corporation, Padre Island Corpus Christi located in Corpus Christi, Texas, was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondent filed an Answer dated August 1, 1975, in answer to the allegations of the Notice of Suspension dated July 18, 1975.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 CFR 1720.155(b), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Suspension will be held before Judge James W. Mast, Administrative Law Judge, in Room 7146, Department of HUD Building, 451 7th Street, S.W., Washington, D.C., on September 24, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 19, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of

Record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.155.

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: August 28, 1975.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 75-23915 Filed 9-8-75; 8:45 am]

[Docket No. N-75-426]

##### PARADISE ACRES

##### Notice of Hearing

In the matter of Paradise Acres, OILSR No. 0-2456-09-733 Doc. No. 75-108-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Equitable Development Corporation, Bernard H. Horowitz, President and Director, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued July 18, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Paradise Acres, located in Broward County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 11, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on October 9, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 25, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of

Record, herein identified, shall be issued

which shall be deemed to be true, and an

of 1958, as amended, that a hearing in

CIVIL SERVICE COMMISSION

health. The temporary tolerance, there-



Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).  
This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc.75-23916 Filed 9-8-75;8:45 am]

[Docket No. N-75-425]

#### PARADISE LAKES AND HIGHLANDS PARK ESTATES

##### Notice of Hearing

In the matter of Paradise Lakes and Highlands Park Estates, OLSR No. 0-2563-09-765, 0-3318-09-901, Doc. No. 75-107-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Equitable Development Corporation, Bernard H. Horowitz, President and Director, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued July 18, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Paradise Lakes and Highlands Park Estates, located in Broward County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 11, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C. on October 9, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before September 25, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of

#### NOTICES

which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc.75-23917 Filed 9-8-75;8:45 am]

#### CIVIL AERONAUTICS BOARD

[Docket No. 27738]

#### AVIACION Y COMERCIO, S.A. FOREIGN CHARTER PERMIT RENEWAL (SPAIN-U.S.)

##### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 22, 1975 (40 F.R. 29562, July 14, 1975) at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

For information with respect to the issues and other pertinent information, interested persons are referred to the prehearing conference report served on July 25, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 3, 1975.

[SEAL] RICHARD M. HARTSOCK,  
Administrative Law Judge.  
[FR Doc.75-23899 Filed 9-8-75;8:45 am]

[Docket No. 28196]

#### CALIFORNIA-ALBERTA ROUTE PROCEEDING

##### Notice of Change in Prehearing Conference Date

Notice is hereby given that the date of the prehearing conference herein, heretofore scheduled for October 28, 1975, at 10:00 a.m. (local time), in Room 1031, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C. (40 F.R. 39922, August 29, 1975), is hereby changed to October 29, 1975.

Dated at Washington, D.C., September 3, 1975.

[SEAL] HENRY WHITEHOUSE,  
Administrative Law Judge.  
[FR Doc.75-23900 Filed 9-8-75;8:45 am]

[Docket No. 27432]

#### SPANTAX, S.A. FOREIGN CHARTER PERMIT AMENDMENT AND RENEWAL (SPAIN-U.S.)

##### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act

of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 20, 1975 (40 F.R. 29562, July 14, 1975) at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

For information with respect to the issues and other pertinent information, interested persons are referred to the prehearing conference report served on August 7, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 3, 1975.

[SEAL] RICHARD M. HARTSOCK,  
Administrative Law Judge.  
[FR Doc.75-23901 Filed 9-8-75;8:45 am]

[Dockets Nos. 26494, 27573; Order 75-9-9]

#### INTERNATIONAL AIR TRANSPORT ASSOCIATION

##### Order Relating to Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of September 1975.

Docket 26494, Agreement C.A.B. 25352, R-1 through R-5.

Docket 27573, Agreement C.A.B. 25338, R-1 through R-4.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted by mail vote, have been assigned the above C.A.B. agreement numbers.

The agreements propose currency-related discounts for passenger and cargo air transportation originating in Lebanon. Insofar as they directly affect air transportation as defined by the Act, the agreements would apply a discount of 15 percent on North and Mid-Atlantic normal fares, as well as on cargo rates. Fares and rates from Lebanon are presently established by conversion from specified U.S. dollar fares/rates at the IATA exchange rate of 3.10 Lebanese pounds=\$1.00, whereas the current market rate is about 2.29 Lebanese pounds=\$1.00. The subject agreement would bring cargo rates from Lebanon into much closer alignment with current exchange rates, and will be approved consistent with our action approving similar discounts from strong-currency European countries.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, the Board does not find that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA Resolution
25338:	
R-1	JT12 (Mail 870) 022H.
R-2	JT12 (Mail 871) 022J.
R-3	200 (Mail 258) 022K.
R-4	JT23 (Mail 361) 022mm.
	JT123 (Mail 756) 022mm.

Agreement CAB	IATA Resolution
25352:	
R-1	200 (Mail 255) 022dd.
R-2	JT23 (Mail 359) 022v. JT 123 (Mail 754) 022v.
R-3	JT12 (Mail 868) 022w.
R-4	JT12 (Mail 868) 022y.
R-5	JT12 (Mail 868) 022z.

Accordingly, it is ordered, That: Agreements C.A.B. 25338, R-1 through R-4, and C.A.B. 25352, R-1 through R-5, be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.  
[FR Doc.75-23902 Filed 9-8-75;8:45 am]

#### COMMISSION ON CIVIL RIGHTS

##### MARYLAND STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission Civil Rights, that a factfinding meeting of the Maryland State Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 6:00 p.m. on October 1, 1975 and convene again on October 2, 1975 at 10 a.m. and end at 6:00 p.m., at G. H. Fallon, Federal Building, Room 1208, Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Commission Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20037. The purpose of this factfinding meeting is to discuss an Urban Disinvestment Hearing.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 4, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc.75-23932 Filed 9-8-75;8:45 am]

#### OHIO STATE ADVISORY COMMITTEE

##### Cancellation of Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee (SAC) to this Commission originally scheduled for September 27, 1975 has been cancelled.

Dated at Washington, D.C., September 4, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc.75-23933 Filed 9-8-75;8:45 am]

#### NOTICES

#### CIVIL SERVICE COMMISSION DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislation (Education), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.  
[FR Doc.75-23834 Filed 9-8-75;8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner, Assistant Payments Administration, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.  
[FR Doc.75-23835 Filed 9-8-75;8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 428-1, PP4G1470/T8]

##### CHEVRON CHEMICAL CO.

Renewal of Temporary Tolerance; Diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c)pyrazidinium)

On August 6, 1974, the Environmental Protection Agency (EPA) gave notice (39 FR 28316) that Chevron Chemical Co., 940 Hensley St., Richmond CA 94804, had been granted a temporary tolerance for residues of the herbicide and plant regulator diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c)-pyrazidinium) derived from application of the dibromide salt and calculated as the cation in or on potatoes at 0.2 part per million. This tolerance expired July 31, 1975.

The petitioner has requested a 1-year renewal of the temporary tolerance to permit continued testing to obtain additional data and to permit the marketing of potatoes treated in accordance with an experimental use permit that is being issued concurrently to Chevron Chemical Co. under the Federal Insecticide, Fungicide, and Rodenticide Act.

Based on data submitted in the petition and other relevant material, it is concluded that the renewal of the temporary tolerance will protect the public

health. The temporary tolerance, therefore, is being renewed for diquat for distribution under the Chevron Chemical Co. name and on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Chevron Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires September 2, 1976. Residues not in excess of this temporary tolerance remaining in or on the above raw agricultural commodity after the expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerance.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

Dated: September 2, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.75-23821 Filed 9-8-75;8:45 am]

[FRL 421-3]

#### MINNESOTA

##### Marine Sanitation Device Standard

On April 7, 1975, notice was published that the State of Minnesota had petitioned the Administrator, Environmental Protection Agency, by regulation, to completely prohibit the discharge from a vessel of any sewage (whether treated or not) into the waters of the Great Lakes within Minnesota pursuant to section 312(f) (4) of Pub. L. 92-500 (40 FR 15439, April 7, 1975).

Comments in opposition to the petition were received from the U.S. Coast Guard, the Maritime Administrator of the U.S. Department of Commerce, Lauderdale Marina, Inc., of Fort Lauderdale, Florida, Boat Owners Association of the United States, Great Lakes Cruising Club, Lake Carriers' Association, the Co-Chairman of the Boating Pollution Control Committee, National Boating Federation, Hyde Products, Inc., of Westlake, Ohio and Hubbard Broadcasting, Inc., of St. Paul, Minnesota.

The petition from the State of Minnesota and all comments received have been carefully considered by the Environmental Protection Agency. The petition is denied on the ground that no substantiating information has been submitted showing that the designated waters require water quality protection greater than that afforded by the Federal standard.

The Environmental Protection Agency supports fully the complete prohibition



of the discharge from all vessels of any sewage, whether treated or not, into waters where it can be determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available, or into specified waters where the protection and enhancement of water quality are shown to require such action.

Should the State of Minnesota resubmit a petition under section 312(f) (3) of Pub. L. 92-500, or for specified waters under section 312(f) (4), the information and comments filed pursuant to the April 7 notice will be incorporated by reference into any such petition.

Dated: September 2, 1975.

RUSSELL E. TRAIN,  
Administrator.

[FR Doc. 75-23813 Filed 9-8-75; 8:45 am]

[FRL 427-7; PP 5G1617/T7]

#### MOBAY CHEMICAL CORP.

#### Establishment of a Temporary Tolerance; O-Ethyl S,S-Diphenyl Phosphorodithioate

Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120, submitted a pesticide petition (PP 5G1617) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the fungicide O-ethyl S,S-diphenyl phosphorodithioate in or on rice grain at 0.1 part per million.

This temporary tolerance would permit the marketing of the rice grain when treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act. (A related document concerning establishment of a feed additive tolerance also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated, and it has been determined that the tolerance is adequate to cover residues resulting from proposed experimental use and that such tolerance will protect the public health. Therefore, the temporary tolerance is established as requested for the fungicide for distribution under the Mobay Chemical Corp. name with the following provisions:

1. The total amount of the active fungicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Mobay Chemical Corp. must notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request, make the records available to any authorized officer or employee of the EPA or Food and Drug Administration.

3. Rice straw treated under this experimental use permit must not be used for feed purposes. The rice straw must remain in the field and be plowed under.

The temporary tolerance expires on July 24, 1976. Residues not in excess of this temporary tolerance remaining in or

on the above raw agricultural commodity after expiration of the tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerance. The temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: September 2, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 75-23819 Filed 9-8-75; 8:45 am]

[FRL 424-3]

#### NEW STATIONARY SOURCES OF AIR POLLUTION

#### Standards of Performance; Opacity Provisions: Response to Public Comments

On April 22, 1975 (40 FR 17778), the Environmental Protection Agency (EPA) published a notice inviting comments from all interested persons on amendments to 40 CFR 60.11 and Reference Method 9 of Appendix A to Part 60 which were published on November 12, 1974 (39 FR 39872). Comments were requested also on the report entitled "Reevaluation of Opacity Standard of Performance for Asphalt Concrete Plants." A total of 75 comment letters was received, 30 of which came from the asphalt concrete industry, 13 from State and local air pollution control agencies, 4 from Federal agencies, and the remainder from miscellaneous industries and interested individuals.

All comments have been carefully considered, and EPA has determined that no revisions should be made to the provisions of § 60.11, Reference Method 9, or to the opacity standard of performance for asphalt concrete plants. The Freedom of Information Center, Room 202 West Tower, 401 M Street, S.W., Washington, D.C., has copies of the comment letters received and a summary of the issues and Agency responses available for public inspection. In addition, copies of the issue summary may be obtained upon written request from the EPA Public Information Center (PM-215), 401 M Street, S.W., Washington, D.C. 20460 (specify—Public Comment Summary: Opacity Provisions Under Standards of Performance for New Stationary Sources of Air Pollution).

The most significant comments are summarized and discussed below.

#### ASPHALT OPACITY STANDARD

On March 8, 1974 (39 FR 9308), EPA promulgated standards of performance with respect to particulate matter emissions of new asphalt concrete plants. These standards limited emissions to less than 90 mg/dscm (milligrams per dry standard cubic meter) and to less than 20 percent opacity. Petitions for review were brought by two parties in the U.S.

Court of Appeals for the District of Columbia Circuit, challenging, among other things, the opacity standard. *National Asphalt Pavement Association et al. v. Train*, Nos. 74-1332, 74-1388. At the same time there was pending before that Court an action in which the opacity requirement of an earlier standard of performance had been challenged on many of the same grounds, *Portland Cement Association v. Ruckelshaus*, No. 72-1073. On June 29, 1973, the Court had remanded to EPA for further consideration several issues, including the issue of whether opacity observations could be made with reasonable accuracy. *Portland Cement Association v. Ruckelshaus*, 486 F.2d 375, 401. EPA's response to that remand, filed with the Court on November 5, 1974 and published on November 12, 1974 (39 FR 39872), stated EPA's findings on the matters remanded for consideration. In light of the importance of those findings to the asphalt concrete plant opacity standard, EPA undertook a reappraisal of the opacity standard. These findings were reported in "Reevaluation of Opacity Standard of Performance for Asphalt Concrete Plants," November 1974, which was made available for public reading on January 3, 1975 (40 FR 831).

In response to the April 22, 1975, notice inviting public comment, EPA received comments to the effect that: 1) opacity observations are too inaccurate to be used in enforcement of standards, 2) the level of 20 percent is not appropriate, and 3) the opacity standard has not previously been applied to fugitive emissions.

1. *Inaccuracy of opacity observations.* EPA's response to the remand in the Portland cement case discusses in great detail the various arguments that have been advanced to support this position, as well as recent EPA data showing that out of 769 opacity observations, 763 (99.3 percent) were performed with an error not exceeding +7.5 percent based on single sets of the average of 24 readings. No new evidence was presented by these comments. The U.S. Court of Appeals for the D.C. circuit on May 22, 1975, upheld EPA's position that opacity observations can be made within reasonable accuracy. *Portland Cement Association v. Ruckelshaus*, 513 F.2d 506, 508. EPA believes that opacity observations taken in accordance with Reference Method 9 are sufficiently accurate to be used as a valid means of enforcing opacity standards.

2. *Level of the opacity standard.* One local air pollution control agency stated that the level of the standard is too high because asphalt concrete plants can achieve no visible emissions (zero percent opacity). Commentators from the asphalt concrete industry argued that 20 percent opacity cannot be achieved by asphalt concrete plants using best adequately demonstrated control technology. These comments challenged the validity of EPA's analysis which indicated that the opacity standard was established at a level which required proper operation and maintenance of best demonstrated control technology. None of the commentators provided any data

which showed EPA's analysis to be in error. EPA believes that the opacity standard should not be increased since the data support the conclusion that asphalt concrete plants which achieve the concentration standard will also achieve the 20 percent opacity standard. Further, because of opacity levels which may be encountered at plants with large diameter stacks or with atypically small diameter particulate matter, the level of the opacity standard should not be decreased as suggested by the local air pollution control agency. The tests and studies EPA has conducted support this analysis and the opacity standard will not be revised.

3. *Fugitive emissions.* Three commentators believed that the reevaluation report was the first time EPA had indicated that the opacity standard is applicable to fugitive emission sources. Both as proposed and promulgated, the regulation prohibits the discharge from any affected facility any gases which exhibit 20 percent opacity or greater. The regulation defines "affected facility" as any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for mixing asphalt concrete; and the loading, transfer, and storage systems, associated with emission control systems. (The proposed regulation was applicable to the same systems in an asphalt concrete plant, but the systems were specified in a slightly different manner.) The purpose of applying the opacity standard to all of these components in an asphalt concrete plant is to require proper ducting and control of all emissions whether from the control device or any other part of the plant. A standard of performance for asphalt concrete plants applicable to a control device would be meaningless if significant quantities of emissions were allowed to by-pass the air pollution control device. EPA has clearly evidenced its intent to regulate fugitive emissions and shall continue to apply the opacity standard to fugitive emissions.

#### REFERENCE METHOD 9

The revisions to Reference Method 9 that were the subject of this comment period were promulgated on November 12, 1974 (39 FR 39872), having been proposed on September 11, 1974 (39 FR 35852). Several comments were received after completion of the November 12, 1974 (39 FR 39872), changes to Reference Method 9 and 40 CFR 60.11. These late comments were considered with the comments received in response to the April 22, 1975 (40 CFR 17778), notice. Most commentators on Method 9 took the opportunity to challenge not only the revisions but the previously promulgated provisions of Method 9, and such general comments were also considered by EPA.

Comments on Reference Method 9 were generally of the following nature: 1) concern over the possibility that observations made under non-ideal conditions could result in an apparent violation of the opacity standard, and 2) concern over the possibility of applying the

method in such a way as to deny due process of law.

1. *Non-ideal viewing conditions.* Several commentators suggested that Reference Method 9 should be amended further to expressly prohibit taking opacity observations under certain extreme conditions. As with all reference methods of Appendix A to Part 60, the requirements of Reference Method 9 were established to ensure obtaining data with minimum error. Consequently, the reference methods do not discuss procedures that deviate from the requirements for obtaining data with an acceptable error tolerance. As pointed out by the commentators, observations made under certain extreme and unusual conditions might incorrectly indicate a violation of the applicable opacity standard. However, Reference Method 9 requires sufficient documentation of conditions that, should an observation be made under such conditions, and should an enforcement action be brought, the court hearing the case could make an independent assessment as to the validity of the observation. EPA has determined that Reference Method 9 is sufficiently valid and reliable for determining compliance with opacity standards.

2. *Due process of law.* Several commentators argued that the opacity observations could be performed in such a way as to deny due process of law. Some commentators argued specifically that they should be notified before observations are made. EPA does not agree with the commentators that due process requires that notice be given before tests are made. It is essential as a matter of law that a party against whom a violation is alleged have an opportunity to review the evidence against him. Meaningful review means that the party must be able to assess the evidence and present his own evidence as to the validity of the opacity observation. As written, the method does not deny him that opportunity.

It is EPA's practice to notify plant operators in advance of an opacity observation unless there is reason to believe that such notification may result in modification of emissions. The normal procedure followed in an opacity observation is to request entry to the facility in order to conduct a complete inspection. If the operations of the source are such that emissions cannot be modified to be nonrepresentative of actual emissions or if the layout of the facility requires inspection from within the facility, then the owner or operator is notified prior to observation. If there is reason to believe that prior notification could result in nonrepresentative emissions, notification is provided by the inspector immediately following completion of the observation. EPA believes this procedure will provide for effective enforcement and will not deny any party the right of due process of law. In any individual case the judgment as to whether the party had adequate opportunity to rebut the evidence would be made on the record by a court.

#### 40 CFR 60.11

EPA amended 40 CFR 60.11 on November 12, 1974 (39 FR 39872), to account for two points which arose during the *Portland* remand considerations. Recognizing that anomalous situations may present a possibility of a plant complying with a mass or concentration emission standard while violating the opacity standard, EPA amended § 60.11 (e) to allow an owner or operator of any such facility to apply to the Administrator for establishment of a special opacity standard. Section 60.11(b) was amended to allow results of continuous monitoring by transmissometers to be used as probative but not conclusive evidence of the actual opacity of an emission.

Most comments on § 60.11(e) centered around the propriety or impropriety of allowing some sources to meet different standards than others and the administrative problems of implementing this procedure. EPA's extended study on opacity has indicated that no plant operating within the known range of applicable variables will need to request a special opacity standard. However, it is desirable to allow flexibility to deal with an anomalous case, such as a plant with a significantly larger than expected stack diameter. Regardless of establishment of any special opacity standard, the emissions from the source must be reduced to the level of the applicable concentration or mass standard. Thus, the special opacity standard will not be a waiver or a license to pollute. Nor will there be enough of these petitions to make special opacity standards a burden to administer.

Comments on § 60.11(b) dealt with the question of whether visual or instrumental opacity observations should be given precedence. EPA believes that the accuracy of Reference Method 9 has been sufficiently demonstrated that it should remain the primary and accepted means for determining compliance with opacity standards. However, it is reasonable to allow a source to present transmissometer data as evidence of opacity in cases where visual observations indicate a violation. Consequently, EPA will not revise § 60.11(b) at this time.

Dated: September 2, 1975.

RUSSELL E. TRAIN,  
Administrator.

[FR Doc. 75-23825 Filed 9-8-75; 8:45 am]

[FRL 427-8; PP3G1381/T9]

#### ROHM AND HAAS CO.

#### Renewal of Temporary Tolerance; 2,4-Dichlorophenyl P-Nitrophenyl Ether

On October 11, 1974, the Environmental Protection Agency (EPA) gave notice (39 FR 36638) that Rohm and Haas Co., Independence Mall West, Philadelphia PA 19105, had been granted a temporary tolerance for combined negligible residues of the herbicide 2,4-dichlorophenyl p-nitrophenyl ether and its metabolites containing the diphenyl ether linkage in or on wheat grain and



straw at 0.1 part per million. This tolerance will expire October 4, 1975.

The petitioner has requested a 1-year renewal of the temporary tolerance to permit continued testing to obtain additional data and to permit the marketing of wheat grain and straw treated in accordance with an experimental use permit that is being issued concurrently to Rohm and Haas Co. under the Federal Insecticide, Fungicide, and Rodenticide Act.

Based on data submitted in the petition and other relevant material, it is concluded that the renewal of the temporary tolerance will protect the public health. The temporary tolerance, therefore, is being renewed for 2,4-dichlorophenyl p-nitrophenyl ether and its metabolites containing the diphenyl ether linkage for distribution under the Rohm and Haas Co. name and on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm and Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or Food and Drug Administration.

This temporary tolerance expires October 4, 1976. Residues not in excess of this temporary tolerance remaining in or on the above raw agricultural commodities after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerance.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)]).

Dated: September 2, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.75-23880 Filed 9-8-75; 8:45 am]

[FRL 427-4; PF5G1623/T10]

#### UPJOHN CO.

Establishment of a Temporary Tolerance; N-(2,4-dimethylphenyl)-N-[[[2,4-dimethylphenyl]imino]methyl]-N-methylmethanimidamide

The Upjohn Co., Agricultural Div., Kalamazoo MI 49001, submitted a pesticide petition (PP 5G1623) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the insecticide N-(2,4-dimethylphenyl)-N-[[[2,4-dimethylphenyl]imino]methyl]-N-methylmethanimidamide and its metabolites N-(2,4-dimethylphenyl)-N-methylmethanimidamide and N-(2,4-dimethylphenyl) formamide in or on the following raw agricultural commodities:

grapefruits, lemons, oranges, and tangerines at 1 part per million (ppm); in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm; and in milk at 0.01 ppm.

The original petition included the citrus fruit tangelos, but in accordance with 40 CFR 180.1(h), this commodity is included under the general raw agricultural commodity category tangerines.

This temporary tolerance will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act. (A related document concerning establishment of a feed additive tolerance also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated, and it has been determined that the tolerances are adequate to cover residues resulting from the proposed experimental use, and that such tolerances will protect the public health. The temporary tolerances are, therefore, established for the insecticide for distribution under the Upjohn Co. name with the following provisions:

1. The total amount of the active insecticide to be used must not exceed the quantity authorized by the experimental use permit.

2. The Upjohn Co. must notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire September 2, 1976. Residues not in excess of this temporary tolerance remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerances. The temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)]).

Dated: September 2, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.75-23816 Filed 9-8-75; 8:45 am]

[FRL 427-5; OPP-33000/313]

#### NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) pub-

lished in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c) (1) (d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before November 10, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 10, 1975.

Dated: September 2, 1975.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

#### APPLICATIONS RECEIVED

EPA File Symbol 37177-R. AFC Co., PO Box 207, Edison CA 93220. A F C COMPANY TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 8773-RT. American Fertilizer & Chemical Co., PO Box 98, Henderson CO 80640. AMERICAN TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA Reg. No. 4-131. Bonide Chem. Co., Inc., 2 Wurz Ave., Yorkville NY 13495. CAPTAN-50% WP A FUNGICIDE FOR PLANT DISEASE CONTROL. Active Ingredients: Captan N-(trichloromethylthio)-4-cyclohexene-1,2-dicarboximide 50%. Method of Support: Application proceeds under 2(c)

of interim policy. Republished Added uses. PM21

EPA File Symbol 11373-R. Brown & Bryant, Inc., PO Bin T, Shafter CA 93263. BROWN & BRYANT, INC. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 912-TO. Cenex Farmers Union Central Exchange, Inc., Box "G", Saint Paul MN 55165. CENEX TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 1526-LNG. Chemical Distributors d.b.a. Arizona Agrochemicals Co., PO Box 21537, Phoenix AZ 85036. ARIZONA AGROCHEMICAL COMPANY TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA Reg. No. 239-1869. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. TRIOX LIQUID VEGETATION KILLER. Active Ingredients: Prometon 1.86%, pentachlorophenol 0.68%; other chlorinated phenols 0.09%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change; updating precautionary labeling. PM25

EPA File Symbol 8469-RG. Coastal Ag-Chem., PO Box 1307, Oxnard CA 93032. COASTOX TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 1990-GTI. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64118. CO-OP TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 10914-U. Feed Service, PO Box 462, Caldwell ID 83605. FEED SERVICE TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 11261-A. Gasser & Dunham, Inc., PO Box 527, Merrill OR 97601. GASSER & DUNHAM, INC. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 8399-A. The Great Western Sugar Co., PO Box 5308 T.A., Denver CO 80217. GW TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 11684-G. Jordon Agri. Chemicals, Inc., PO Box 516, Morrill NE 68356. JORDON AGRI CHEMICALS, INC. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 35552-R. Nexus Ag. Chemicals, Inc., Box 67, Quincy WA 98848. NEXUS AG CHEMICALS, INC. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 11116-R. Orchard Supply Co. of Sacramento, PO Box 956, Sacramento CA 95804. ORCHARD SUPPLY COMPANY OF SACRAMENTO TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 483-RAL. Pacific Supply Cooperative, PO Box 3588, Portland OR 97208. PACIFIC TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 5131-T. Parkhurst Farm & Garden Supply, 301 N. White Horse Pike, Hammonton NJ 08037. PARKHURST'S G-2 CAPTAN DUST. Active Ingredients: O,O-dimethyl-S-(4-oxo-1,2,3-benzotriazin-3-(4H)-methyl)-phosphorodithioate 2%; captan-N-(trichloromethylthio)-4-cyclohexene-1,2-dicarboximide 7.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 1202-GNI. PureGro Co., 1052 W. 6th St., Los Angeles CA 90017. PURE-GRO TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 35550-R. Quincy Farm Chem., Inc., PO Box 307, Quincy WA 98848. QUINCY FARM CHEMICALS, INC. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA Reg. No. 373-60. Residex Corp., 225 Terminal Ave., Clark NJ 07066. RESIDEX MALATHION 5 LB. EMULSIFIABLE CONCENTRATE. Active Ingredients: Malathion 57%; xylene 35%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 10226-LU. Rockwood Chemical Co., PO Box 34, 47 W. Rutherford Rd., Brawley CA 92227. ROCKWOOD CHEMICAL COMPANY TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 36020-R. Schmiedt's Soil Service, 20696 S. Manteca Rd., Manteca CA 95336. SSS TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 11335-L. Schulte Paint & Lacquer Mfg. Co., 6930 E. Holley Ave., St. Louis, MO 63147. SCHULTE WATER REPELENT PENTA A NON-STAINING WOOD PRESERVATIVE. Active Ingredients: Pentachlorophenol concentrate (41.0% technical pentachlorophenol) 13.2%; mineral spirits 86.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 6023-GL. Stoker Co., PO Box 2010, El Centro CA 92243. STOKER COMPANY TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 7729-A. John Taylor Fertilizers Co., PO Box 15280, Sacramento CA 95813. JOHN TAYLOR CHEMICALS TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 8735-EGT. Tide Products, Inc., 800 N. Closter, PO Box 1020, Edinburg TX 78539. TIDE TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 35296-R. Toxo Spray-Dust, Inc., PO Box 321, Tustin CA 92680. TOXO SPRAY-DUST, INC. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 11220-R. Trical, Inc., PO Box 2, Morgan Hill CA 95037. TRICAL, INC. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 550-RNG. Van Waters & Rogers, PO Box 3200, San Francisco CA 94119. GUARDSMAN TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 8526-U. Western Farmers Association, 201 Elliott Ave. W., Seattle WA 98119. WESTERN FARMERS ASSOCIATION TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 20954-U. Zoecon Corp., 975 California Ave., Palo Alto CA 94304. ZOECON ENSTAR 5E INSECT GROWTH REGULATOR. Active Ingredients: [2-propenyl (2E,4E)-3,7,11-trimethyl-2,4-dodecadienoate] 65.3%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

[FR Doc.75-23817 Filed 9-8-75; 8:45 am]

#### FEDERAL MARITIME COMMISSION

ATLANTIC GULF SERVICE, A.B. ET AL.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 29, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

ATLANTIC GULF SERVICE, A.B.  
COMBI LINE

THOS. & JAS. HARRISON LIMITED  
LYKES BROS. STEAMSHIP CO., INC.  
SEA-LAND SERVICE, INC.  
and

SEATRAN INTERNATIONAL, S.A.

Notice of Agreement Filed by:

ment, is an agreement to extend the ap- free time and demurrage practices and

Certificate No. Owner/operator and vessels Certificate No. Owner/operator and vessels Certificate No. Owner/operator and vessels



Notice of Agreement Filed by:  
Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10178 would establish a discussion agreement among the above named carriers to be known as the U.S. Gulf/North Europe Discussion Agreement in the trade between the Gulf Coast of the United States and North Europe (i.e., Bayonne/Hamburg; UK/Eire and Scandinavia/Baltic ranges). It provides that the parties may meet from time to time to discuss cargo movements and traffic flows and matters relating to the level, frequency and mode of common carrier transportation services required by shippers in the trade and the effective use and employment of vessels and carrier equipment including LASH/SEABEE barges, containers and other intermodal facilities.

By Order of the Federal Maritime Commission.

Dated: September 4, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23938 Filed 9-8-75; 8:45 am]

#### CANADIAN AMERICAN DISCUSSION AGREEMENT

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 29, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10057-2, among the member lines of the above named agree-

ment, is an agreement to extend the approval of the basic agreement permanently or for a minimum period of 18 months.

By Order of the Federal Maritime Commission.

Dated: September 4, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23935 Filed 9-8-75; 8:45 am]

#### NEW YORK TERMINAL CONFERENCE, ET AL.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas D. Wilcox, Esq., Attorney at Law, 919 Eighteenth Street, N.W., Washington, D.C. 20006.

Agreement No. T-3156, between the New York Terminal Conference (NYTC), and Australia/Eastern U.S.A. Shipping Conference, Iberian/U.S. North Atlantic Westbound Freight Conference, Marseilles/North Atlantic U.S.A. Freight Conference, North Atlantic Mediterranean Freight Conference, U.S. Atlantic & Gulf/Australia New Zealand Conference, West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, North Atlantic Westbound Freight Association, Continental North Atlantic Westbound Freight Conference, and Scandinavia-Baltic/U.S. North Atlantic Westbound Freight Conference (Steamship Conferences), represents an Interim Settlement Agreement to resolve certain conflicts concerning the establishment of

free time and demurrage practices and charges at the Port of New York, which are at issue in Docket No. 74-45.

The agreement provides that: (1) the NYTC will adopt and publish the presently existing free time and demurrage rules and charges of the Steamship Conferences; (2) effective with (1) above, each steamship conference will cancel its presently existing free time and demurrage rules and charges, and provide in its ocean tariff that NYTC's free time and demurrage rules and charges shall be observed by each steamship conference; (3) the Steamship Conferences and the NYTC agreed to meet and discuss free time and demurrage practices applicable at the Port of New York for the purpose of establishing, with the approval of the Federal Maritime Commission, uniform rules and charges governing free time and demurrage, especially in the matter of container and containerized cargoes; (4) unless ordered to do so by the Federal Maritime Commission, no changes will be made in the present rules or charges by any party until the parties establish uniform free time and demurrage rules and charges; and (5) the NYTC and the Steamship Conferences agree to apply jointly for the indefinite postponement of FMC Docket No. 74-45.

By Order of the Federal Maritime Commission.

Dated: September 3, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23934 Filed 9-8-75; 8:45 am]

#### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

##### Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p) (1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46, CFR.

Certificate No.	Owner/operator and vessels
01011	Aktieselskabet det Ostasatiske Kompagni: Camara.
01028	Flensburger Schiffsparten-Vereinigung AG: Stern Saturn.
01169	Oriens Società di Navigazione P.A.: Mare Boreale.
01428	Ocean Transport & Trading Ltd.: Automedon, Stentor.
01761	Union Steam Ship Co. of NZ Ltd.: Union Melbourne.
01877	Carbocoke Società di Navigazione S.p.A.: Pertusola.
01891	Canal Barge Co. Inc.: CBC-651, CBC-602, CBC-603, CMS-112, HJL-113, CMS-711, Bill Andrews.
02108	Peninsula & Oriental Steam Navigation Co.: Strathcannan, Stratcarrol.
02893	Schellen Scheepvaart en Bevrachting B.V.: Tel.

Certificate No.	Owner/operator and vessels
02902	Alamo Chemical Transportation Co.: Big Ed.
02917	Scherkate Sahamf Keschitrani Melli Arya: Arya Rokh, Arya Neda, Arya Kay.
02947	Walker Towing Corp.: Agnes Mac.
02975	Venture Shipping (Managers) Ltd.: Intermarine Venture, Chase Venture.
02977	J. Ray McDermott & Co., Inc.: McDermott Lay Barge No. 29.
03436	Iino Kalun K.K.: Shuho Maru.
03471	Nippo Kisen Kabushiki Kaisha: Hoan Maru.
03484	Sanko Kisen K.K.: Khark.
03614	A/S Kristian Jepsens Rederi: Bellnes.
03716	Dunbar & Sullivan Dredging Co.: Derrick Sioux, Crane Scow No. 968, Crane Scow No. 869.
03735	Penrod Drilling Co.: Penrod 72.
04087	C. F. Bean Corp.: Tide Mar XXI.
04623	Seaspan International Ltd.: Seaspan 201.
04679	Ratnakar Shipping Co. Ltd.: Ratna Shobhana.
04883	Bumble Bee Seafoods, a Division of Castle & Cooke Inc.: Atlantis, Bold Venture, Bold Contender, Cape Cod, City of San Diego, Cape San Vincent, Captain Vincent Gann, Mariner, Pacific Queen, Polaris, San Juan, Sea Treasure.
05012	Tynedale Shipping Co. Ltd.: Atlantic Phoenix.
05199	Prekoekanska Plovidba: Sutomore.
05468	Luna IV Compania Naviera S.A. Panama: Kanaris.
05577	Far Eastern Shipping Co.: Kapitani Dubitskiy, Kapitani Lyutikov, Sergey Yesenin.
05736	Flota Cubana de Pesca: Rio Almedares, Rio Agabama.
05792	Korea Wonyang Fisheries Co. Ltd.: Seolagsan.
05892	Luedtke Engineering Co.: Wellston.
05991	Fukukyu Gyogyo Kabushiki Kaisha: Fukuku Maru No. 18.
06806	Korea Marine Transport Co. Ltd.: Royal Ruby.
M-06946	Bath Iron Works Corp., a Subsidiary of Congoleum Corp.: Vessels not exceeding 30,000 gross tons.
07255	Teh Tung Steamship Co. Ltd.: Constellation.
07341	Christianson Construction Co., Inc.: Bernale.
07545	Compania Topacio Navegacion S.A.: Nagata.
08119	Mediterranska Plovidba: Voce.
08344	Hammerton Shipping Co. S.A.: Eastern Lake.
08530	Prompt Shipping Corp.: Ltd.: Flores Carcer.
08642	Shinwa Steamship Co. (H.K.), Ltd.: World Pageant.
08818	Venus Carriers Corp. S.A.: Rose Acacia.
08955	Lonborg Shipping A/S: Amigo Clipper, Gerda Lomborg.
08990	Compagnie Navale des Petroles: Vega.
09148	Grand Domain Transport, Inc.: Unibulk Pine.
09156	Smego Marine Transport, Inc.: SMT 409, SMT 410, SMT 411, SMT 412.
09244	System Fuels, Inc.: SFI 61, SFI 64.
09468	Puerto Rico Maritime Shipping Authority: Boringuen.

Certificate No.	Owner/operator and vessels
09552	Aeron Marine Shipping Co.: Golden Monarch.
09621	Gatz Bulkcarriers Belgium N.V.: Yaffa.
09760	Amoco Transport Co.: Amoco Cadiz, Amoco Tehran, Amoco Singapore, Amoco Milford Haven, United Fair Agencies Ltd.: Opal City, Sun Castor.
09792	Gulf Caribbean Navigation Co., Ltd.: Katya M.
09874	San Shin Navigation Co. Ltd.: Pacific Ace.
10065	Mercury Towing Co., Inc.: Lois Vivian.
10224	Gemini Towing Co., Inc.: Jer'e Ann.
10242	Industrial Tanker Corp.: Nicita Prosperity.
10270	State Economic Enterprise Okean-ski Ribolov: Sagita, Kaprela.
10290	Nautical Investment Co., Inc.: S to S.
10327	James Griffiths & Sons, Inc.: Silver Bay.
10398	Wheeling-Pittsburgh Steel Corp.: RP-905-B.
10399	Fortuity Shipping Corp.: Mpen-sises.
10400	Odeco Inc.: Odeco Seven, Ocean Explorer, Ocean Driller, Margaret, Ocean Queen, Barge A, Ocean Traveler, Ocean Pioneer, John Hayward, St. Louis, Rim-tide, Mr. Charlie, Ocean Pride, Ocean Patriot, Ocean Leader, Ocean 66, Ocean Scout, Ocean Chief, Ocean Ruler, El Dorado, Ocean Star, Typhoon, Hurricane, Ocean King.
10402	S & E Shipping Corp.: Ben More-ell, George D. Goble, A. T. Lawson, George E. Seehouse, C. L. Austin, Frank R. Denton, Kinsman Enterprise, Henry Stein-brenner, Chicago Trader, Paul L. Tietjen, Harry L. Allen, George M. Steinbrenner, Peter Robert-son.
10404	Oceanic Crest Shipping Co. Ltd.: Oceanic Crest.
10406	Hoyo Kalun Sangyo K.K.: Hoh Ei Maru.
10408	Goody Lake Maritime Corp. S.A.: Pangueon.
10490	Oy Gustav Paulig AB: Paola.
10415	Bold Producer Joint Venture: Bold Producer.
10419	Armonikos Shipping Corp.: Ar-monikos.
10426	Garden Gemini Shipping Ltd.: Garden Gemini.
10427	United Towing (Ocean Tugs) Ltd.: Lloydsmen, Statesman I, Euro-man, Englishman.
10428	Garden Saturn Shipping Ltd.: Garden Saturn.
10429	Ogden Tiber Transport, Inc.: Ogden Tiber.
10430	Cambros Compania Naviera S.A.: Kotso M.
10432	Shizuoka Ken: Fuji Maru.
10434	Chelsea Navigation Co. Inc.: Chiqui.
10436	Alexandra Shipping Corp.: Sivana.
10437	Antonio Vaquero Hermelo: Lore Dos Picos.
10438	Oriental Pioneer Line S.A.: Musashi.
10440	Prota Amazonica, S.A.: Santo Amaro, Santo Andre, Solimoes, Tapajos, Tocantins.
10441	Ekali Shipping Co. Ltd.: Irenes Trust.

Certificate No.	Owner/operator and vessels
10442	P. T. Indobaruna Bulk Transport: Ujung Kulon.
10444	King Pook Navigation Ltd.: East-ern Pearl.
10447	Taconic Transport Inc.: Rio San Juan, Rio Grande.

By the Commission.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23938 Filed 9-8-75; 8:45 am]

#### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

##### Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of Title 46 CFR and Section 311(p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01003	Skibs A/S Ekselsior: Benami.
01010	Dampskibsselskabet Produce (The Steamship Company Produce, Ltd.): Anna Odland.
01228	A/S Consensio: James Stove.
01251	Aktieselskabet Havprins: Havbjorn.
01254	Aktieselskabet Havbor: Havbor.
01330	Shell tankers (U.K.) Ltd.: Hyria Hemiplyla.
01716	Achille Laro-Perskall: Valparaiso.
01722	Transworld Carriers, Inc.: Rio Macaero.
01723	Transorge, Inc.: Rio Grande, Rio San Juan.
01854	Southern Towing Co.: STC-2001.
01893	Silver Line, Ltd.: Silver Shore.
02015	Meco Compania Naviera S.A. Pan-ama: Stolt Mariner, Kej Peter.
02108	The Peninsular & Oriental Steam Navigation Company: Strathel-ion, Strathell.
02304	Coates Shipping Co.: Benjamin Coates.
02551	Ellerman Lines Ltd.: City of Ox-ford, City of Leeds, City of Izmir.
02862	Ocean Shipping & Enterprises, Ltd.: Ocean Retia.
02889	Showa Kalun K.K.: Pacific Maru.
02911	Sig. Bergesen D.Y. & Company: Berge Bergesen.
02934	Industriale Marittima S.P.A. Genoa (Italy): Portoria.
02980	Rederi A/S Mimer and A/S Nor-fart: Anne.
03245	Rederiaktieselskabet Dannebrog: Weco Offshore II.
03329	Hudson Waterways Corporation: Seatrain Washington.
03413	Baba-Daiko Shosen K.K.: Bombay Maru.
03501	Osaka Shosen Mitsui Senpaku K.K.: Tegurasan Maru, Tokiwa-san Maru.
03530	Yashima Kalun K.K.: Sakurashima Maru.
03641	Hendy International Company: David E. Day.
03715	Santa Fe Pomeroy, Inc.: YC-1384, YFN 1161.
03952	World Magnate Shipping Co. Ltd.: World Soya.



Certificate No.	Owner, operator and vessels	Certificate No.	Owner, operator and vessels
03971...	Korea Shipping Corporation, Ltd.: <i>Incheon</i> .	08427...	Naviera Joaquin Davila & Co., S.A.: <i>Borna</i> .
04172...	Eklof Marine Corporation: <i>E-17</i> .	08489...	Valla Oceanica Armadora S.A.: <i>Lord Byron</i> .
04404...	Lars Rej Johansen: <i>Jofrigo, Jopulp</i> .	08541...	Pioneer Merchant Marine Inc.: <i>Pioneer Merchant</i> .
04424...	International Navigation Corporation: <i>Edgewater</i> .	08716...	Eirene Maritime Company, Ltd.: <i>St. Eirene</i> .
04455...	Balboa Navigation Lines, S.A.: <i>San Jose</i> .	08747...	Anassa Navigation Co. Ltd.: <i>Drymos</i> .
04564...	Yamashita-Shimminhon Kisen Kaisha: <i>Yamamitsu Maru</i> .	08808...	Weathers Towing, Inc.: <i>Patrick John Jr.</i>
04583...	Gatz Oswego Corporation: <i>Oswego Guardian</i> .	08913...	Prince Navigation Corporation: <i>Salute</i> .
04768...	Texaco Overseas Tankship, Ltd.: <i>Texaco Saigon</i> .	08955...	Lomborg Shipping A/S: <i>Amigo Express</i> .
04769...	Texaco Norway A/S: <i>Texaco Nueva Granada</i> .	09279...	Transmarittima Sarda Italmavi Flotte Riunite S.P.A.: <i>Aspra</i> .
05287...	CWC Fisheries, Inc.: <i>Dipper</i> .	09360...	Anchortank Transportation, Inc.: <i>Anchortank I</i> .
05298...	Erich Drescher: <i>Ede Witorf, Ede Sotterf</i> .	09801...	Forster Shipping Co., Ltd.: <i>Lumber Trader</i> .
05345...	L. Figueiredo Navegacao S/A: <i>Jurua, Solimoes, Tapajos, Tocantins, Santo Amaro, Santo Andre</i> .	09811...	Bruce Bay Shipping Company, Ltd.: <i>Bruce Bay</i> .
05577...	Far-Eastern Shipping Company: <i>Sergey Essenin</i> .	09770...	Siora Mills Shipping Co. Ltd.: <i>Emilia Loverdos</i> .
05598...	Patena Bros. Ltd.: <i>Armar</i> .	10336...	Lumin Compania Naviera S.A.: <i>Lucona</i> .
05743...	Reeders Barthold Richters: <i>Muggenburg</i> .		
05846...	Nordsee Deutsche Hochseefischerei G.m.b.H.: <i>Frankfurt Am Main, Kassel, Altona, Erlangen, Freiburg i. Br., Heidelberg, Tübingen, Othmarschen, Marburg</i> .		
06991...	Fukukyu Gyogyo Kabushiki Kaisha: <i>Fukukyu Maru No. 1</i> .		
05998...	Navarino Shipping & Transport Company, Ltd.: <i>Prosperity</i> .		
06287...	Gates Equipment Corporation: <i>Prock 19</i> .		
06320...	Shinnaka Kaiun Kabushiki Kaisha: <i>Meiho Maru, Eiko Maru</i> .		
06356...	Federal Commerce & Navigation Company, Ltd.: <i>Federal Hudson</i> .		
06420...	Partenreederei MS Hendrik, Emmer Margerance S.A.: <i>Hendrik</i> .		
06496...	Whaling City Dredge & Dock Corporation: <i>No. 657</i> .		
06563...	Ragnar Johansen & Co. A/S: <i>Adgo</i> .		
06615...	Oswego Shipping Corporation: <i>Oswego Courage</i> .		
06742...	Naviera De Cargas Pesadas, S.A.: <i>Nampesa Dos</i> .		
06775...	Whitco (Marine Services) Ltd.: <i>Newcastle Clipper</i> .		
06790...	Lycaristos Compania Naviera S.A.: <i>Lycaristos</i> .		
06896...	Halidon Canada, Ltd.: <i>Ro-Ro New foundland</i> .		
07237...	Southern Barge Inc.: <i>Hollywood 2501, Hollywood 1502, Hollywood 1501</i> .		
07469...	Bulk Carriers International, Inc.: <i>Stott Merrick</i> .		
07537...	Marrina Armadora S.A.: <i>Malvina</i> .		
07635...	Helmes Shipping Inc.: <i>Courier</i> .		
07718...	Tokyo Telen Senpaku K.K.: <i>Wasagi Maru</i> .		
07931...	General Steamship Navigation, Inc.: <i>Maria Rubicon</i> .		
07933...	Marshall Navigation Company, Inc.: <i>Ingramar</i> .		
07946...	Midway Operations, Inc.: <i>MMS-103, MMS-101</i> .		
08064...	Santa Fe-Pomeroy Marine Service Co.: <i>Pima</i> .		
08188...	Caribbean Marine Service Company, Inc.: <i>Pacific Queen, Mariner, Sea Treasurer, San Juan, Parris, City of San Diego, Cap San Vincent, Captain Vincent Gann, Cape Cod, Bold Venture, Bold Contender</i> .		
08307...	Alexander E. De Renzy: <i>Marysville</i> .		
08420...	Assistance, Inc.: <i>Coos Bay</i> .		

## NOTICES

Certificate No.	Owner, operator and vessels
08427...	Naviera Joaquin Davila & Co., S.A.: <i>Borna</i> .
08489...	Valla Oceanica Armadora S.A.: <i>Lord Byron</i> .
08541...	Pioneer Merchant Marine Inc.: <i>Pioneer Merchant</i> .
08716...	Eirene Maritime Company, Ltd.: <i>St. Eirene</i> .
08747...	Anassa Navigation Co. Ltd.: <i>Drymos</i> .
08808...	Weathers Towing, Inc.: <i>Patrick John Jr.</i>
08913...	Prince Navigation Corporation: <i>Salute</i> .
08955...	Lomborg Shipping A/S: <i>Amigo Express</i> .
09279...	Transmarittima Sarda Italmavi Flotte Riunite S.P.A.: <i>Aspra</i> .
09360...	Anchortank Transportation, Inc.: <i>Anchortank I</i> .
09801...	Forster Shipping Co., Ltd.: <i>Lumber Trader</i> .
09811...	Bruce Bay Shipping Company, Ltd.: <i>Bruce Bay</i> .
09770...	Siora Mills Shipping Co. Ltd.: <i>Emilia Loverdos</i> .
10336...	Lumin Compania Naviera S.A.: <i>Lucona</i> .

By the Commission.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-23937 Filed 9-8-75; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket Nos. CP69-41]

## ALGONQUIN GAS TRANSMISSION CO.

## Petition To Amend

SEPTEMBER 2, 1975.

Take notice that on August 15, 1975, Algonquin Gas Transmission Company (Petitioner), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket Nos. CP69-41 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act by authorizing Petitioner to sell natural gas to Philadelphia Electric Company (Philadelphia), Pottsville Gas Company, et al. (Pottsville), and South Jersey Gas Company (South Jersey) through April 15, 1976 pursuant to Rate Schedule SNG-1, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

	Philadelphia	Pottsville	South Jersey	Total
Contract demand total (1,000,000 Btu).....	684,000	273,600	684,760	1,642,360
Demand revenues at \$1.434/1,000,000 Btu.....	\$1,021,804	\$406,758	\$1,023,031	\$2,451,593
Commodity revenues at \$3.553/1,000,000 Btu.....	2,240,134	806,054	2,242,623	5,288,811
Total revenues.....	3,261,938	1,212,812	3,265,654	7,740,204

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Petitioner proposes to sell for resale to Philadelphia, Pottsville and South Jersey, from October 16, 1975, through April 15, 1976, approximately 10,805 million Btu per day of gas pursuant to Rate Schedule SNG-1. Petitioner states that the gas that would be sold is expected to be needed to alleviate the expected curtailments to Philadelphia, Pottsville and South Jersey by Transcontinental Gas Pipe Line Corporation and Texas Eastern Transmission Corporation. Petitioner states that it would sell gas to Philadelphia, Pottsville and South Jersey on exactly the same terms and conditions and at the same rates as it will be made available to Petitioners' other customers of the service.

Petitioner states that the following quantities of SNG-1 gas would be sold:

Company:	Volume (million Btu per day)
Philadelphia .....	4,500
Pottsville .....	1,800
South Jersey .....	4,505

Petitioner states that it proposes in the instant petition to amend to render the proposed service on the same terms and conditions as SNG-1 service is rendered to customers who have contracted for the service pursuant to long-term contracts. Petitioner states further that it is proposing a firm, not a best efforts, service and that existing and the proposed service would be subject to ratable curtailment.

Petitioner states that other customers under its Rate Schedule SNG-1 have not contracted for the full plant outputs to be produced at its subsidiary, Algonquin SNG, Inc.'s Freetown, Massachusetts, plant, so that it offered SNG-1 service to buyers on a temporary basis. Petitioner further states that it expects that all SNG-1 gas will be sold to basic customers in the 1976-1977 heating season.

It is indicated in the petition to amend that the temporary customers, Philadelphia, Pottsville and South Jersey, contracted for SNG-1 service which, at the time they executed the contracts, was sold in the range of \$5.50 per million Btu. It is stated that utilizing the rate filed in Docket No. RP75-88 for the SNG service and on the basis of an approximate 85 percent level of service, the deliveries and revenues for the three temporary customers would be as follows:

	Philadelphia	Pottsville	South Jersey	Total
Contract demand total (1,000,000 Btu).....	684,000	273,600	684,760	1,642,360
Demand revenues at \$1.434/1,000,000 Btu.....	\$1,021,804	\$406,758	\$1,023,031	\$2,451,593
Commodity revenues at \$3.553/1,000,000 Btu.....	2,240,134	806,054	2,242,623	5,288,811
Total revenues.....	3,261,938	1,212,812	3,265,654	7,740,204

Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a

party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23871 Filed 9-8-75; 8:45 am]

[Docket Nos. CI75-201, CI75-529, CI75-530, CI75-531, CI75-532, CI75-533, CI75-534, CI75-557]

## ATLANTIC RICHFIELD CO., ET AL.

## Order To Show Cause Setting Date for Formal Hearing Consolidating Proceedings and Prescribing Formal Procedures

SEPTEMBER 2, 1975.

On September 30, 1974, Atlantic Richfield Company (Atlantic) filed in Docket No. CI75-201 an Application pursuant to Section 7(b) of the Natural Gas Act; on February 28, 1975, the Altex Corporation (Altex) and Jewel Osborn now Storey, W. B. Osborn, Jr., Executor of the Estate of W. B. Osborn, Deceased, Charlotte Osborn Barrett, Betty Osborn Biedenbarn, and W. B. Osborn, Jr., (all hereinafter known as Osborns) filed in Docket Nos. CI75-529, CI75-530, CI75-531, CI75-532, CI75-533, and CI75-534, respectively, applications pursuant to Section 7(b) of the Natural Gas Act and on March 20, 1975, STENTEX, Inc., (Stentex) filed in Docket No. CI75-557 an application pursuant to Section 7(b) of the Natural Gas Act.

All the applications, save the one by Altex, ask for permission and approval to abandon the sales of natural gas to Altex for resale in interstate commerce to Tennessee Gas Pipeline Company (TGP) from the Alice, East Alice and Tom Graham Fields located in Jim Wells County, Texas. Altex's application is for permission and approval to abandon the resale of natural gas in interstate commerce to TGP.

Atlantic requests abandonment of its sale from the Tom Graham Field to Altex, which sale was made pursuant to a contract dated February 27, 1957, and authorized in Docket No. G-3894. Atlantic indicated that no sales have been made to Altex under Atlantic's FPC Rate Schedule No. 22 since 1963, that the contract expired on its own terms on July 3, 1970, and that the lands covered under its Rate Schedule No. 22 have been assigned to W. H. Doran on January 12, 1961.

The Osborns request authorization to abandon gas sales to Altex from the Alice and East Alice Fields, which sales were made pursuant to a contract dated December 10, 1953, under W. B. Osborn, Jr.'s small producer certificate in Docket No. CS71-126. In support of their application, the Osborns allege that their wells are depleted, and production ceased on September 20, 1974, and that efforts to restore production have failed.

Stentex requests authorization to abandon a sale of gas to Altex from the Tom Graham Field, which sale was made under a contract dated December 11,

1953, authorized by Stentex's small producer certificate in Docket No. CS75-14. In support of its abandonment application, Stentex alleges that Altex has abandoned its gathering system and lines due to depletion and uneconomic conditions.

Altex requests authorization to abandon its sale of gas to TGP covered under a contract dated December 11, 1953, on file as Altex's FPC Gas Rate Schedule No. 1 previously authorized in Docket No. G-4102. Altex indicates that all wells dedicated under its supply contracts ceased to produce and last production was delivered on September 20, 1974.

On April 18, 1975, TGP filed a petition to intervene in opposition to Altex's application for abandonment. TGP stated that it had verbally requested Altex to supply its release of acreage if, in fact, all wells have been plugged and abandoned but as of the date of its petition TGP had received no copy of such a release. TGP's petition indicates that TGP was receiving approximately 161 Mcf of gas per day until September 1974 from Altex, and that later Altex advised TGP that production ceased on September 20, 1974, and all wells were plugged and abandoned. Finally, TGP's petition indicates that the estimated remaining recoverable reserves dedicated to it from the wells which have supplied Altex to be approximately 2 Bcf. Because TGP has opposed Altex's application and because TGP's participation may be in the public interest we will grant its intervention since no other party can adequately represent its interest.

We note that TGP's petition to intervene raises serious questions beyond TGP's position of protecting its supply of dedicated gas, in that it raises grave issues with regard to Applicants' proposed abandonment of gas sales. TGP alleges that Altex indicated that the wells supplying it were plugged and that further reserves of gas are estimated by TGP to be dedicated to it from the wells subject to the applications. It appears, therefore, to us that quantities of gas which have been dedicated to the interstate market may have been removed without Commission approval pursuant to Section 7(b) of the Natural Gas Act. As it is well established that there can be no withdrawal of gas once dedicated to the interstate market from continued interstate movement without approval of the Commission under Section 7(b), the sales proposed to be abandoned by Applicants may only lawfully be terminated after such Commission approval. This order will, therefore, direct that a hearing be convened to ascertain facts and circumstances underlying the jurisdictional operations of all the hereinabove mentioned Applicants pursuant to the Natural Gas Act, 15 U.S.C. 717, et seq. with regard to all the dedications of natural gas to Altex and to the interstate market by Altex to TGP hereinbefore mentioned.

In view of the foregoing, we are directing

<sup>1</sup> Atlantic Refining Co., v. P.S.C.N.Y., 380 U.S. 378, 389 (1954); Sunray Mid-Continent Oil Co. v. FPC, 364 U.S. 136, 156 (1960).

## NOTICES

ing the Applicants in this proceeding to show cause why they or any one of them should not be found in violation of Section 7(b) of the Natural Gas Act and the Commission's Regulations thereunder for not having first secured the requisite authorization before abandoning jurisdictional sales of natural gas.

## The Commission finds:

(1) It may be that some or all of the Applicants hereinabove mentioned are in violation of the Natural Gas Act and the Commission's Regulations thereunder.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the matters involved and issues presented in these proceedings as hereinbefore described.

(3) Due to the related nature of the applications and since there may be common questions of law or fact involved, it is appropriate to consolidate the proceeding in Docket Nos. CI75-201, CI75-529, CI75-530, CI75-531, CI75-532, CI75-533, CI75-534, and CI75-557.

(4) Participation by TGP in this proceeding may be in the public interest.

## The Commission orders:

(A) All Applicants hereinbefore described shall show cause, if any there be, at the hearing directed in paragraph (D) below, why they or each of them should not be held in violation of Section 7(b) of the Natural Gas Act and the Commission's Regulations thereunder for not having obtained authorization before abandoning jurisdictional sales and related facilities as hereinbefore described.

(B) The proceedings in Docket Nos. CI75-201, CI75-529, CI75-530, CI75-531, CI75-532, CI75-533, CI75-534, and CI75-557 are consolidated for the purposes of hearing and decision since there are common questions of law and fact involved.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 7, 14, 15, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing concerning the matters involved and the issues presented in these proceedings as hereinbefore set forth will be held in a hearing room of the Federal Power Commission, Washington, D.C., commencing at 10:00 a.m. (EDT) on October 7, 1975. All Applicants in this proceeding shall file with the Secretary of the Commission and serve upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties, testimony and exhibits addressing the specific issues set forth in this order, including, but not limited to, evidence of the price which would be necessary for each of the Applicants, which allege economic hardship, to continue the production of gas from the reserves which are the subject of their abandonment applications, as well as, any other testimony and exhibits, which they propose to offer at the hearing, on or before September 23, 1975.

(D) The case of TGP on all issues in this proceeding, inclusive of those specified in this order, shall be filed and served

## NOTICES

on all parties, the Commission Staff and the Presiding Administrative Law Judge on or before September 23, 1975.

ingly, we shall establish hearing procedures to determine the propriety of granting or denying Columbia's request for accounting and

tion for extension of time on August 18, pending action by the Commission on their notices of withdrawal of interven-

and United will redeliver such gas to Florida Gas.

Upon consideration, notice is hereby given that the procedural dates for all

graph C of Order), and (2) MP&L's inclusion of CWIP in its rate base, (Paragraph E of Order).

## NOTICES



on all parties, the Commission Staff and the Presiding Administrative Law Judge on or before September 23, 1975.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose [See Delegation of Authority, 18 CFR 3.5(d)], shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(F) Tennessee Gas Pipeline Company is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however*, that the participation of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene, and *Provided, further*, that admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23875 Filed 9-8-75; 8:45 am]

[Docket No. RP75-99]

**COLUMBIA GAS TRANSMISSION CORP.**  
**Order Denying Motion for Reconsideration and Rescheduling Procedural Dates**

SEPTEMBER 2, 1975.

On August 4, 1975, Columbia Gas Transmission Corporation (Columbia) filed a motion for reconsideration of our order issued July 29, 1975, which order set for hearing Columbia's request (pursuant to Section 154.38(d)(5)(a) of the Regulations) for advance Commission approval for accounting and rate treatment for a proposed R&D project. Columbia's proposed project involves a determination of reservoir and production characteristics achieved through the application of existing and new stimulation techniques on gas shales of the Upper and Middle Devonian Age Formations in the Appalachian Basin.

Columbia's application indicates that the Public Service Commission of the State of New York (New York) initially requested a hearing on the matter but has now agreed to withdraw its request for a hearing. We note that by letter to the Secretary filed August 4, 1975, New York indicated that it now supported Columbia's proposal and that:

... [s]ince it would appear that New York was the only intervenor who requested a hearing and that this fact may be responsible for the Commission's order of July 29, 1975, we would appreciate your bringing this to the immediate attention of the Commission.

In light of the above, Columbia requests that the Commission terminate the proceedings and approve Columbia's request for approval of the project.

In our July 29, 1975, order we indicated the following:

Our review of Columbia's request indicates that the proposed project may not be in the nature of research and development. Accord-

ingly, we shall establish hearing procedures to determine the propriety of granting or denying Columbia's request for accounting and rate approval of its proposed project.

Thus while we considered the views of New York in setting this matter for hearing, such views were not determinative. We found upon our own review that a hearing on this matter was necessary, to protect the public interest by assuring that Columbia's rates are just and reasonable.

Accordingly, we shall deny Columbia's Motion for Reconsideration of our July 29, 1975, order and re-schedule the procedural dates accordingly.<sup>1</sup>

**The Commission finds:**

Good cause exists to deny Columbia's August 4, 1974, Motion for Reconsideration of our July 29, 1975, order in this proceeding, as hereinafter ordered.

**The Commission orders:**

(A) Columbia's August 4, 1975, Motion for Reconsideration of our July 29, 1975, order is denied.

(B) On or before September 9, 1975, Columbia shall present its direct case in this proceeding. The Commission Staff or any intervenors shall serve prepared testimony and exhibits on September 23, 1975. Any rebuttal evidence by Columbia shall be served on or before October 3, 1975. The public hearing herein ordered shall convene on October 15, 1975, at 10:00 A.M. Initial briefs shall be filed on November 14, 1975. The Initial Decision shall be issued on or before November 30, 1975.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23873 Filed 9-8-75; 8:45 am]

[Docket No. CP75-262]

**COLUMBIA GULF TRANSMISSION CO.**  
**AND TENNESSEE GAS PIPELINE CO., A**  
**DIVISION OF TENNECO, INC.**

**Extension of Time**

SEPTEMBER 3, 1975.

By order issued July 21, 1975, the Commission directed a prehearing conference in the above docket on September 10, 1975, and submission of flow diagrams and gas supply data on or before August 25, 1975.

Columbia Gulf Transmission Company filed a telegram on August 20, 1975, requesting an indefinite suspension of the requirements of the Commission's July 21 order pending the filing of appropriate amendments in Docket Nos. CP75-262 and CP75-359. Columbia Gulf states that interveners have filed to withdraw petitions for interventions as continued exploration has added significantly to the available gas supply in the area.

United Gas Pipeline Company and Sea Robin Pipeline Company filed a joint pe-

<sup>1</sup> By Notice issued August 7, 1975, the procedural dates in this proceeding were suspended pending Commission action on Columbia's Motion.

tion for extension of time on August 18, pending action by the Commission on their notices of withdrawal of intervention.

Take notice that the dates for prehearing conference and filing of data as set forth in the Commission's order of July 21, 1975, ordering paragraph (B) and (C) are hereby extended to the following dates:

Prehearing conference November 11, 1975:

Filing of data on or before October 23, 1975.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23874 Filed 9-8-75; 8:45 am]

[Docket Nos. RP72-155, RP73-104, RP74-22, RP74-23, RP74-57 and CP74-314 PGA 75-2]

**EL PASO NATURAL GAS CO.**

**Modification of Date of Hearing**

AUGUST 29, 1975.

On August 13 and 14, 1975, El Paso Natural Gas Company (El Paso) and Pennzoil Producing Company (Pennzoil) filed motions to extend the procedural dates fixed by order issued July 16, 1975, in the above matter. By notice issued August 18, 1975, the date for filing direct testimony was extended but action on the motion to extend the date of the hearing was deferred.

On August 21, 1975, Beren Corporation filed an answer to the above-designated motions of El Paso and Pennzoil requesting that the date of hearing in this proceeding be extended to September 30, 1975. The answer states that all parties have been notified and have no objection.

Notice is hereby given that the date of hearing in the above matter is modified to September 30, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23875 Filed 9-8-75; 8:45 am]

[Docket No. CI76-117]

**FLORIDA GAS EXPLORATION CO.**  
**(OPERATOR), ET AL**

**Notice of Application**

SEPTEMBER 3, 1975.

Take notice that on August 22, 1975, Florida Gas Exploration Company (Operator), et al. (Applicant) Post Office Box 44, Winter Park, Florida 32789, filed in Docket No. CI76-117 and application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act and Section 2.75 of the Commission's Rules of Practice and Procedure to authorize Applicant to sell natural gas from the Ichibon (Hockley) Field, Bee County, Texas to Florida Gas Transmission Company. Applicant proposes to sell its share of gas to Florida Gas Transmission Company (Florida Gas). Also Applicant states that it will deliver such gas into the facilities of United Gas Pipe Line Company (United) at a point on United's existing pipeline

and United will redeliver such gas to Florida Gas.

Applicant is seeking a rate of 54.95 cents per Mcf with a 1 cent escalation at the end of each year of term plus tax reimbursement of all "additional tax" assessed by State or Federal Government which is greater than those levied on the date of the contract, plus Btu adjustment.

Applicant states that it is affiliated with the purchaser, Florida Gas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23876 Filed 9-8-75; 8:45 am]

[Docket No. E-8843]

**HOLYOKE WATER POWER CO. AND**  
**HOLYOKE POWER AND ELECTRIC CO.**  
**Filing of Settlement Agreement**

SEPTEMBER 2, 1975.

Take notice that on August 27, 1975 Holyoke Water Power Company, Holyoke Power and Electric Company, the City of Chicopee, and the Town of South Hadley filed a proposed settlement agreement together with supporting material. The settlement agreement purports to settle all issues in Docket No. E-8843.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before September 19, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23877 Filed 9-8-75; 8:45 am]

[Docket No. RP75-96]

**MICHIGAN-WISCONSIN PIPELINE CO.**  
**Extension of Procedural Dates**

AUGUST 29, 1975.

On August 14, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 19, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates for all parties in the above matter are modified as follows:

Service of Staff Testimony, November 19, 1975.  
Service of Intervenor Testimony, December 3, 1975.  
Service of Company Rebuttal, December 17, 1975.  
Hearing, January 6, 1976 (10:00 a.m. EST).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23878 Filed 9-8-75; 8:45 am]

[Docket Nos. E-9502 and E-9499]

**MINNESOTA POWER AND LIGHT CO.**  
**Order Denying Application for Rehearing**  
SEPTEMBER 2, 1975.

By order issued July 18, 1975, the Commission rejected in part a filing made by Minnesota Power and Light Company (MP&L or the Company) on June 18, 1975, in the instant docket. Minnesota's filing consisted of proposed increases in its rates and charges to seventeen municipal customers, one privately-owned electric system customer, and two rural electric cooperative customers. In addition, MP&L filed for an increase in the transmission service rates applicable to its three transmission service customers, and filed notice of cancellation pursuant to its contract with two of its wheeling customers.

On July 8, 1975, a pleading in the instant docket was filed by 17 wholesale customers (Petitioners) requesting, inter alia, leave to intervene, rejection of the tendered rate schedules applicable to them or, in the alternative, requesting a full 5 month's suspension of the filings as to them. Two of the arguments raised by Petitioners were (1) that the filing of increased rates as to Standby Service to the Village of Hibbing (Hibbing), the City of Two Harbors (Two Harbors), and the City of Virginia (Virginia) should be rejected as violative of the fixed-rate, fixed-term contracts relating to the service with these customers, and (2) the filing wrongfully included Construction Work In Progress (CWIP) in rate base.

On July 11, 1975, MP&L filed a response to Petitioners pleading. As to the above arguments of Hibbing, Virginia, and Two Harbors, MP&L stated that the proposed revised riders for Standby Service to these three customers, is similar to that filed in Docket No. E-8494; however, it has not been collecting increased rates from them for Standby Service.<sup>1</sup>

The Commission in its Order issued July 18, 1975 (Order) in Docket E-9502, rejected in part and accepted for filing and suspended in part Minnesota's filing. Two parts of the filing rejected by the Commission were (1) MP&L's rate filing as it applies to Standby Service to Hibbing, Virginia, and Two Harbors (Para-

<sup>1</sup> By Order issued Apr. 29, 1974, in Docket No. E-8494, similar revised riders for Standby Service to the same customers were rejected by the Commission.

graph C of Order), and (2) MP&L's inclusion of CWIP in its rate base. (Paragraph F of Order).

On August 4, 1975, Minnesota filed an Application for Rehearing of the Commission's July 18, 1975 order. MP&L cites as grounds for its application the two arguments previously cited, namely, (1), the Commission's rejection of the rate increase to Hibbing, Virginia, and Two Harbors, and (2) the Commission's exclusion of Construction Work In Progress (CWIP) in rate base. For the reasons hereinafter stated, we shall deny rehearing of our July 18, 1975 order.

Minnesota's first argument regarding the Standby Service to Hibbing, Virginia, and Two Harbors is similar to the arguments made by Minnesota in Docket No. E-8494 with respect to that issue. In Docket No. E-8494, as well as in our July 18, 1975, order in this proceeding, we found that Minnesota had no right to file a unilateral rate change for Standby Service to Hibbing, Virginia, and Two Harbors since the contractual terms governing such service were fixed-rate and fixed term in nature. The fact that Minnesota has appealed this issue in Docket No. E-8494 to the United States Court of Appeals for the District of Columbia Circuit<sup>2</sup> is not persuasive. In light of the fact that Minnesota has raised no facts or principles of law which require modification of our finding regarding the Standby Service issue in our July 18, 1975, order, we shall deny Minnesota's application for rehearing regarding this issue.

MP&L's second ground for rehearing is its allegation that Construction Work In Progress (CWIP) was wrongfully excluded from rate base.<sup>3</sup> MP&L states that the Green Mountain case,<sup>4</sup> upon which intervenors relied in making their objection to MP&L's inclusion of CWIP in rate base, "is unsound law and contrary to past Commission practice." MP&L states further that the Commission's electric rate regulations do not prohibit the inclusion of CWIP in rate base, and MP&L cites two cases where the Commission has allowed CWIP to be included in rate base.<sup>5</sup>

The *Green Mountain* case does not establish new law, rather, that holding is consistent upon our established policy of refusing to grant final authorization for the inclusion of CWIP in any Company's rate base. The *Green Mountain*

<sup>2</sup> Minnesota Power & Light Company, 51 FPC 1422 (1974); rehearing denied. FPC issued June 17, 1974, in Docket No. E-8494; reconsideration denied. FPC issued September 3, 1974, in Docket No. E-8494.

<sup>3</sup> Minnesota Power & Light Company v. Federal Power Commission, Case No. 74-1796.

<sup>4</sup> CWIP as used herein refers to costs associated with facilities which will not be constructed and in operation before the end of the test period.

<sup>5</sup> Green Mountain Power Company, Docket No. E-9446 (June 13, 1975).

<sup>6</sup> New England Power Service Co., Docket Nos. E-9136 and E-9140 (December 31, 1974) and Georgia Power Co., Docket No. E-9091 (December 26, 1974).

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order has precedent value in stating a continuing legal policy in this respect. In response to MP&L's questioning of our authority to make such exclusion where the electric regulations do not prohibit CWIP in rate base, we have already addressed ourselves to this argument in the *Green Mountain* case. Also, the order issued December 31, 1974, in *New England Power Service Co.* and relied on by MP&L, was modified on August 5, 1975, by Commission's order in the same docket " . . . Granting Motion For Summary Disposition And Ordering Refunds." This order was issued in response to a Motion for Reconsideration filed by Municipal Customers and it stated that "that portion of NEPCO's filing reflecting the inclusion of CWIP in rate base is severed from this docket and dismissed." Similarly, the order issued December 26, 1974, in *Georgia Power Co.* and relied on by MP&L, was also modified by Commission order issued August 5, 1975, in response to appropriate motions by Staff and intervenors. This order amended the December 26, 1974, order by stating that "That portion of Georgia Power's filing . . . that reflects the inclusion of CWIP in rate base is severed from this docket and dismissed." Accordingly, neither case cited by MP&L supports the position that CWIP should be allowed in rate base, and therefore the cases cited are not supportive of MP&L's argument.

Accordingly, we shall reaffirm our initial position as stated in paragraph (c) of order issued July 18, 1975, in Docket Nos. E-9499 and E-9502.

#### The Commission finds:

MP&L's August 4, 1975, Application for Rehearing of our July 18, 1975, order in these dockets presents no facts or principles of law which would provide an appropriate basis for modification of said order.

#### The Commission orders:

(A) MP&L's Application for Rehearing of our July 18, 1975, order in these dockets is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23879 Filed 9-8-75; 8:45 am]

[Docket No. E-9502]

#### MINNESOTA POWER & LIGHT CO. Order Granting Untimely Petition To Intervene

SEPTEMBER 2, 1975.

On June 18, 1975, the Minnesota Power & Light Company (MP&L), tendered for filing proposed increases in its rates and charges to seventeen municipal customers, one privately-owned electric system customer, and two rural electric cooperative customers. Notice of MP&L's filing was issued on June 24, 1975, with

comments, protests, or petitions to intervene due on or before July 18, 1975.

On August 7, 1975, the Public Service Commission of Wisconsin (Public Service) filed out of time a petition to intervene in the above-captioned proceeding. Public Service states that it did not seek timely intervention in this proceeding because of the heavy workload under which it is now operating. Public Service states further that its intervention will not interfere with the procedural dates already scheduled in this proceeding.

#### The Commission finds:

Participation of The Public Service Commission of Wisconsin in this proceeding may be in the public interest.

#### The Commission orders:

(A) The Public Service Commission of Wisconsin is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23880 Filed 9-8-75; 8:45 am]

[Docket No. RP75-20]

#### MISSISSIPPI RIVER TRANSMISSION CORP.

Further Extension of Procedural Dates  
August 29, 1975.

On August 28, 1975, Mississippi River Transmission Corporation filed a motion to extend the procedural dates fixed by order issued October 31, 1974, as most recently modified by notice issued June 30, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor, Testimony, October 3, 1975.  
Service of Company, Rebuttal, October 24, 1975.  
Hearing, November 4, 1975 (10:00 a.m. EST).

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23881 Filed 9-8-75; 8:45 am]

[Docket No. CP75-333]

#### NORTHERN NATURAL GAS CO.

Order Granting Intervention, Setting Date for Formal Hearing and Prescribing Procedures

SEPTEMBER 3, 1975.

On May 9, 1975, Northern Natural Gas Company (Northern) filed in Docket No. CP75-333 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain sales measuring station facilities and the sale and delivery of natural gas in the states of Kansas, Oklahoma and Texas.

Northern proposes to construct and operate 53 delivery stations to sell and deliver through its Peoples Natural Gas Division (Peoples) natural gas in the states of Kansas, Oklahoma and Texas and to sell certain volumes of natural gas to Southern Union Gas Company (Southern Union) and West Texas Natural Gas Company (West Texas) for resale to certain of Northern's pipeline right-of-way grantors. Northern estimates that the total cost of all proposed facilities is \$54,977 and that the total sales volume involved is 177,134 Mcf of gas.

The application by Northern was noticed on May 20, 1975, with protests or petitions to intervene due by June 12, 1975. On June 12, 1975, Terra Chemicals International, Inc. (Terra) filed a petition to intervene in opposition to the application. Terra which operates an ammonia plant in which large quantities of natural gas are utilized purchases its gas on a firm contract basis from a distributor supplied by Northern. Terra stated it is opposed to Northern providing additional service or service of any amount to new customers, other than right-of-way grantors who may compel service under state law, when Northern is in curtailment and requested a formal hearing. However, on August 5, 1975, Terra filed a motion to withdraw its request for a formal hearing and expressed its current view that a hearing is unnecessary based on assurances given by Northern that the supply-demand projections set forth in Northern's recent curtailment case in Docket No. RP74-102 will not be affected by the instant application.

No other protest or petitions to intervene have been filed.

Northern is presently experiencing serious curtailment on its system and

<sup>1</sup> Northern proposes to install and operate 35 delivery stations in Kansas and one in Texas to make direct sales of natural gas to customers through Peoples. Northern alleges that the firm volumes to be so delivered will be provided from Peoples' presently authorized contract demand or from capacity of existing pipeline facilities in the producing areas where contract demand rate schedules are not applicable.

<sup>2</sup> Northern proposes to construct minor sales measuring stations and to sell gas for resale to Southern Union to serve 14 right-of-way grantors in Oklahoma. Northern also proposes to sell gas for resale to West Texas to serve three right-of-way grantors located in Texas.

grant of the instant application may place additional burdens on Northern's existing customers. We believe that a formal hearing should be convened to develop a complete record in this proceeding. Such proceeding should develop, inter alia, a record regarding:

1. The specific end use involved in each of the primary end use categories (Crop Drying, Irrigation, Feed Lot, Commercial and Domestic Heat) proposed to be served as a result of this application including their relationship as to priority of use as set forth in § 2.78 of the Commission's General Policy and Interpretations;

2. The availability of alternate fuels to serve these requirements.

3. A detailed description of how Northern proposes to supply natural gas for the proposed new and additional sales and the source of such gas supply.

4. The impact of serving new and additional sales on Northern's existing customers; and

5. How the public convenience is advanced by adding additional service while existing customers are being curtailed.

#### The Commission finds:

(1) It is necessary and appropriate that the proceeding in Docket No. CP75-333 be set for formal hearing.

(2) Participation by Terra Chemicals International, Inc., in Docket No. CP75-333 may be in the public interest.

#### The Commission orders:

(A) Northern Natural Gas Company, and all supporting intervenors, shall file testimony and exhibits comprising their case in chief on or before September 17, 1975.

(B) A formal hearing shall be convened in the proceeding in Docket No. CP75-333 in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 on October 8, 1975 at 10:00 a.m. (EDT). The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see Delegation of Authority 18 C.F.R. 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedures not herein provided.

(C) Terra Chemicals International, Inc. is permitted to intervene in Docket No. CP75-333, subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, that admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in Docket No. CP75-333.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23882 Filed 9-8-75; 8:45 am]

[Docket Nos. CP75-294, CP75-296]

#### NORTHWEST PIPELINE CORP. AND MOUNTAIN FUEL SUPPLY CO.

Order Providing for Hearing, Denying Request for Temporary Authorization, Consolidating Proceedings, Granting Interventions and Establishing Procedures

August 29, 1975.

On April 10, 1975, in Docket No. CP75-294, Northwest Pipeline Corporation (Northwest) filed an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale to, the transportation for, and exchange of natural gas from the Barrel Springs Area of Carbon County, Wyoming, with Mountain Fuel Supply Company (Mountain Fuel).

On April 11, 1975, in Docket No. CP75-296, Mountain Fuel filed an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange with and transportation of natural gas for Northwest as well as the construction and operation of certain facilities necessary therefor. Additionally, it requests the issuance of a temporary certificate authorizing commencement of the aforesaid transportation and exchange of natural gas by May 1, 1975.

Northwest has acquired a new source of gas supply in the Barrel Springs Area of Carbon County, Wyoming, located approximately 92 miles from the nearest point on its transmission system. In order to make the volumes of natural gas purchased by it in the Barrel Springs Area available to its transmission system, Northwest consummated a Gas Purchase, Transportation and Exchange Agreement dated February 17, 1975 with Mountain Fuel. The agreement is for a primary term of five years following the initial deliveries of natural gas thereunder and on a year to year basis thereafter.

During the term of the above-mentioned agreement, Northwest proposes to deliver to Mountain Fuel all volumes of natural gas purchased by it from producers in the Barrel Springs Area, which are estimated to aggregate 6,000 Mcf per day initially, at a point on Mountain Fuel's existing 10-inch line also located in Carbon County. Northwest proposes to construct pursuant to its 1975 budget-type certificate in Docket No. CP75-107 at an estimated cost of \$1,471,730 and to operate the necessary gathering system in the Barrel Springs Area as well as approximately 24 miles of 8½ inch O.D. lateral connecting the gathering system to the aforementioned delivery point on Mountain Fuel's 10-inch transmission line. Mountain Fuel proposes to install and connect metering facilities at a cost of about \$11,900 for the purpose of receiving the gas proposed to be delivered by Northwest at this point.

Mountain Fuel has the option to purchase 25 percent of the volumes of natural gas delivered by Northwest for

exchange, which option Northwest believes will be exercised by Mountain Fuel. The charges for such gas to Mountain Fuel would include, in addition to the cost of the gas, Northwest's cost of service, embracing a return on its investment in the gathering, compressor and treating facilities and the lateral line. The proposed initial rate for such cost-of-service is 16½ cents per Mcf.

Mountain Fuel will redeliver to Northwest the remainder of the exchange gas after exercising its option to purchase a portion thereof at an existing point of interconnection between the facilities of the two companies west of Green River in Sweetwater County, Wyoming, where Northwest is currently authorized to sell and deliver natural gas to Mountain Fuel. The volumes of gas delivered and received for exchange will be balanced on a Btu basis. Mountain Fuel's initial transportation charge for the gas to be redelivered will be 4 cents per Mcf.

Notice of Northwest's application in Docket No. CP75-294 was published on April 29, 1975, in the FEDERAL REGISTER, setting May 14, 1975, as the date by which any protests or petitions for leave to intervene were to be filed. A timely petition for leave to intervene was filed by Cascade Natural Gas Corporation, and Washington Natural Gas Company filed a petition for leave to intervene out of time. Neither of them requests a formal hearing.

Notice of Mountain Fuel's application in Docket No. CP75-296 was published on April 30, 1975, in the FEDERAL REGISTER, also requiring that any protests or petitions for leave to intervene be filed on or before May 14, 1975. Northwest filed a timely petition for leave to intervene; and Colorado Interstate Gas Company (CIG), a Division of Colorado Interstate Corporation, and Western Transmission Corporation (Western) filed a joint petition for leave to intervene in opposition to both subject applications and request a formal hearing. On May 29, 1975, Northwest filed an answer opposing the joint petition by CIG and Western and requesting that their petition be denied, or, alternatively, their request for a hearing be denied on the ground that there are no facts in issue.

In their petition, CIG and Western allege inter alia that the central point of the Barrel Springs location is within 7.5 miles of Western's existing 12-inch pipeline, which has unused capacity and interconnects with CIG's pipeline facilities at a point about 26 miles northward. They further allege that since CIG's pipeline facilities now interconnect with those of Northwest at Green River in Sweetwater County, they could transport the Barrel Springs gas to Northwest without duplication of existing facilities and thereby provide the service at an overall greater economy.

In its answer, Northwest asserts that it evaluated CIG's written proposal relating to transportation and exchange of the Barrel Springs gas prior to its elec-



tion to contract with Mountain Fuel because of the overall superiority of the latter's proposal. Northwest further asserts that no duplication of facilities will result from implementing the Mountain Fuel arrangement because it anticipates a future gas development in the southerly direction along the route of its proposed gathering line and away from the facilities of Western.

Although Northwest urges that the request by CIG and Western to hold a formal hearing on the subject applications should be denied, we are of the view that the matters raised in the above-mentioned pleadings require determination on the basis of an evidentiary record. Accordingly, we shall schedule hearing procedures pursuant to which the applicants and other parties may submit testimony and exhibits in support of their respective positions. Inasmuch as the applications in Docket No. CP75-294 and Docket No. CP75-296 involve similar questions of law and fact, they should be heard and decided on the basis of a consolidated hearing record.

In view of the lack of a clear showing of a current emergency on the Mountain Fuel system and the contested nature of these applications, we shall deny Mountain Fuel's request for temporary authorization.

#### The Commission finds:

(1) Good cause exists to consolidate the proceedings in Docket Nos. CP75-294 and CP75-296 for purposes of hearing and decision, to set the consolidated proceeding for formal hearing, and to establish procedures for that hearing.

(2) Good cause exists to deny the request contained in Northwest's answer filed on May 29, 1975, i.e. to deny the joint petition for leave to intervene by CIG and Western or, alternatively, deny their request for hearing.

(3) Although the petition of Washington Natural Gas Company was not timely filed, good cause exists for permitting its intervention.

(4) The participation of each of the above-named petitioners in the consolidated proceeding may be in the public interest.

(5) Good cause has not been shown for the issuance of the requested temporary authorization to Mountain Fuel.

#### The Commission orders:

(A) The proceedings in Docket Nos. CP75-294 and CP75-296 are hereby consolidated for purposes of hearing and decision.

(B) Pursuant to the provisions of the Natural Gas Act, particularly Sections 4, 5, 7, and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on October 2, 1975, at 10:00 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether certificates of public convenience and necessity should be granted as requested by the applicants and the issue of the justness and reasonableness of the transportation rates to be charged.

(C) The request contained in Northwest's answer filed on May 29, 1975, as hereinbefore noted is denied.

(D) Mountain Fuel's request for temporary authorization hereby is denied.

(E) On or before September 11, 1975, Northwest, Mountain Fuel, and those in support shall serve with the Commission and upon all other parties to the proceeding their testimony and exhibits in support of the applications, including support by Northwest and Mountain Fuel for their respective proposed transportation rates to be charged.

(F) On or before September 23, 1975, all other parties desiring to present their views shall serve with the Commission and upon all other parties to the proceeding their testimony and exhibits in support of their position.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this consolidated proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

(H) Each of the above-named petitioners is hereby permitted to intervene in this consolidated proceeding subject to the Rules and Regulations of the Commission: *Provided, however*, that the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and, *provided, further*, that the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23883 Filed 9-8-75;8:45 am]

[Docket No. CP76-59]

#### NORTHWEST PIPELINE CORP.

##### Notice of Application

SEPTEMBER 2, 1975.

Take notice that on August 20, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-59 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas to be received from November 1, 1976, through April 30, 1976, on a best efforts basis for exchange from Pacific Gas Transmission Company (PGT), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has entered into an emergency exchange agreement with PGT and Pacific Gas and Electric Company (PG&E) dated August 1, 1975. Applicant further states that pursuant to this agreement, PG&E would deliver

on a best efforts basis natural gas in addition to those volumes to which Applicant is presently receiving through the facilities of PGT. Applicant states further that deliveries would be made at existing points of interconnection between Applicant and PGT at Stanfield, Oregon, and at Spokane, Washington, and that the volumes that PGT would deliver under the emergency agreement would not exceed 150,000 Mcf of gas per day and 1,200,000 Mcf over the term of the agreement. It is stated that PGT would commence delivery of gas on the later of either the date of issuance of the necessary regulatory authorization or November 1, 1975, and would continue deliveries through April 30, 1976. Deliveries would be made to Applicant if and to the extent that PG&E, a customer of PGT, determines that it can temporarily postpone the reception of such volumes from PGT.

Applicant requests authorization for the sale of the exchange gas under proposed Rate Schedule ES-1, on a day-to-day basis, to customers receiving service under Rate Schedules ODL-1 and DS-1. The proposed service would be for the protection of firm priority 1 and 2 customers as defined in Section 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78), and would be in lieu of requesting protection from Applicant's general pipeline system supply.

Applicant proposes to charge those customers purchasing gas under the proposed Rate Schedule ES-1 31.29 cents per therm for all gas delivered plus their pro rata share of any additional amounts which PGT might charge Applicant in accordance with the August 1, 1975, agreement.

For the forthcoming heating season it is stated Applicant is projecting a peak day shortfall in its gas supply of 350,000 Mcf of gas per day and a seasonal (October through April) shortfall of approximately 240,000 Mcf per day. In addition to the shortfall in available gas supply, Applicant's LNG facility which was scheduled for operation during the 1975-76 heating season will not be fully operational. Applicant states as originally proposed, the LNG facility was to have a vaporization capacity of 150,000 Mcf of gas per day and a seasonal storage capacity of 1,200,000 Mcf. Applicant currently projects that the LNG facility will be complete in late November 1975, but expects that such service as may be available from the LNG facility will be extremely limited during the 1975-76 heating season. The application states that the volumes of natural gas to be made available to Applicant's customers as a result of the grant of the authorization requested herein will, when available, substantially reduce the impact of curtailment on priority 1 and 2 consumers within the market areas served by Applicant's distributor customers.

Applicant proposes to provide service under Rate Schedule ES-1 only to the extent PGT can deliver exchange gas from November 1, 1975, through April 30, 1976. Applicant will, to the extent PGT

and PG&E can accept volumes of exchange gas from May 1, 1976, through September 30, 1976, redeliver all exchange volumes received from PGT. The volumes so redelivered would be purchased primarily from Westcoast Transmission Company. Applicant states that it currently schedules its gas supply so as to minimize takes from domestic sources during the summer period and maximize takes from its Canadian supply to meet its off-peak summer requirements. Therefore, to the extent Applicant's requirements during the summer of 1976 are increased as a result of having to redeliver exchange volumes to PGT, Applicant expects that such increased requirement will be satisfied from Canadian supply sources. Based upon present projections, Applicant expects to be able to redeliver the volumes to PGT without curtailment of its customers during the summer period.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.  
[FR Doc.75-23884 Filed 9-8-75;8:45 am]

[Docket Nos. E-9497, E-9068, E-9118]

#### OHIO EDISON CO., ET AL.

##### Order Consolidating Proceedings for Purposes of Investigation, Hearing, and Decision

SEPTEMBER 3, 1975.

On October 15, 1974, the City of Cuyahoga Falls, Ohio, filed in Docket No. E-

9068 a complaint against the rates of its wholesale electric supplier, Ohio Edison Company (Ohio Edison), and requested that the company's rates be investigated. The complaint was accompanied by a petition with the signatures of approximately 3,500 residents of the Cuyahoga Falls area.

Notice of the complaint was issued on November 19, 1974, providing for written comments to be submitted on or before December 9, 1974. On December 2, 1974, Ohio Edison filed an answer to the complainant alleging the inadequacy of Cuyahoga Falls' submittal as constituting a complaint within the meaning of the Commission's rules of practice, and further alleging that its charges are in strict accordance with its applicable FPC rate schedule and the Commission's regulations. Ohio Edison concludes its answer by requesting that the complaint be dismissed.

On February 5, 1975, Cuyahoga Falls submitted a letter to the Commission's Secretary in which it stated the following:

The specific complaint pertains to the fact that industrial users within the City of Cuyahoga Falls which is governed by the PUCC receives a rate much less than the wholesale electric rate for the City of Cuyahoga Falls. The City of Cuyahoga Falls could be saving approximately \$20,000 per month if they were not discriminated against by Ohio Edison. The discrimination comes into effect when Ohio Edison is able to offset the differences between the consumption of municipality and an industrial user by stating that one is under the jurisdiction of PUCC and the other is under the Federal Power Commission.

On November 11, 1974, the City of Gallon, Ohio filed in Docket No. E-9118 a complaint against Ohio Edison similar to that previously filed by Cuyahoga Falls. The complaint was accompanied by a petition signed by a number of residents of the Gallon, Ohio area. Notice of Gallon's complaint was issued on December 4, 1974, providing for comments to be filed on or before January 4, 1975. On January 6, 1975, Ohio Edison answered Gallon's complaint. Ohio Edison's answer follows in both form and content its answer of December 2, 1974, to the complaint of Cuyahoga Falls.

On February 13, 1975, Ohio Edison filed separately in each complaint docket (1) a notice of withdrawal of its prior answer to the complaint, (2) a motion for dismissal of the petition (complaint), and (3) a memorandum in support of the motion to dismiss. Ohio Edison argues that the individuals signing the Cuyahoga Falls and Gallon petitions have no standing because they are not themselves customers of Ohio Edison, but are instead customers of the respective Cuyahoga Falls and Gallon municipal electric distribution systems. Ohio Edison further argues that the complaints do not meet the requirements of the Commission's rules and regulations, and that in fact the cities have failed to allege any complaint against the company.

We disagree with Ohio Edison concerning the issue of standing. We conclude that the complaints here at issue were made by the Cities of Cuyahoga Falls and Gallon, each of which is a

wholesale customer of Ohio Edison. This conclusion is not changed by the fact that the complaints were supported and accompanied by petitions signed by users of electricity in the cities. We believe the signatory petitioners likewise have standing to complain since they are directly affected by Ohio Edison's wholesale rate to the cities. If Ohio Edison's wholesale rates to Cuyahoga Falls and Gallon were in fact excessive, (a finding we do not make and which we postulate solely for purposes of illustration), the excessive charges may be borne by the ultimate consumers within the cities' service areas.

The issue of whether a valid complaint has been filed is more difficult. As to the issue of form, Section 1.6 of the Commission's Rules of Practice and Procedure provides only that a complaint may be made by letter or other writing and that it contain the name and address of the complainant and the party against whom the complaint is directed. These very general and liberal standards have been substantially complied with. As to the question of substance, however Section 1.6 requires that there be submitted "a statement of the facts forming the basis for the conclusion that there has been a violation of an act administered by this Commission or of a rule, regulation, or order issued by the Commission."

With the exception of the alleged rate discrimination issue raised by Cuyahoga Falls, which is discussed below, the complaints here at issue are very general in nature. On June 13, 1975, Ohio Edison filed with the Commission in Docket No. E-9497 an application for a general increase in rates to its wholesale customers including Cuyahoga Falls and Gallon. On August 5, 1975, the Commission suspended the company's proposed rate increase, and ordered that a hearing be held to determine the justness and reasonableness of the proposed rates. Cuyahoga Falls and Gallon were permitted to intervene in the proceeding.

It appears that the existing rate proceeding in Docket No. E-9497 encompasses all of the issues raised or presumed to be raised in the complaints of Cuyahoga Falls and Gallon, including, inter alia the reasonableness of Ohio Edison's claimed investments and expenses, including fuel costs. It therefore appears reasonable to consolidate these complaints with the pending general rate proceeding in Docket No. E-9497 for purposes of investigation, hearing and decision.

With respect to Cuyahoga Falls' claim of alleged rate discrimination, this same argument was raised in Docket No. E-9497. The cities there argued that they could face a "price squeeze" in competing with Ohio Edison for industrial customers. However in its August 5, 1975, suspension order, the Commission stated:

The Commission must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have the authority under the Federal Power Act to set wholesale rates predicated upon retail rates over which we have no jurisdiction. We shall therefore limit this proceeding so as to exclude consideration of the price squeeze issue. We are aware of

Cities' reliance upon Conway Corporation v. P.P.C., 510 F. 2d 1204 (1975). However the court in Conway stayed its mandate pending

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any

Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the

The "base royalty rate" is 78¢ per Mcf for 1975 and will increase 1.5¢ per Mcf annually beginning January 1, 1976.

#### The Commission orders:

(A) Those portions of the petitions (A) filed by Pennzoil and Shell in Docket Nos. RI76-8 and RI76-10 relating to a

tendered supplemental data intended to make complete its original filing of June 23, 1975. This action is in response to a deficiency letter issued by the Secretary



Cities' reliance upon Conway Corporation v. F.P.C., 510 F.2d 1204 (1975). However, the court in Conway stayed its mandate pending appeal by the Commission. Accordingly, Cities may renew its request for consideration of the price squeeze issue when and if the Conway decision becomes final. (Footnote omitted)

We find that for the reasons expressed in the above-quoted order, the complaint proceedings should and will be subject to the same exclusion of the "price squeeze" issue.

In view of the action being taken with respect to the subject complaints, Ohio Edison's motions for dismissal of the said complaints have become moot.

#### The Commission finds:

It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the complaints filed herein by the cities of Cuyahoga Falls and Gallon, Ohio be consolidated with the proceeding in Docket No. E-9497 for purposes of investigation, hearing and decision.

#### The Commission orders:

(A) The complaints filed by the City of Cuyahoga Falls, Ohio in Docket No. E-9068 and the City of Gallon, Ohio in Docket No. E-9117 are hereby consolidated with the proceeding in Docket No. E-9497 for purposes of investigation, hearing, and decision.

(B) The procedural schedule established in the order of August 5, 1975, in Docket No. E-9497 shall govern the consolidated proceedings.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission,

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23885 Filed 9-8-75;8:45 am]

[Docket Nos. E-9409 and E-9410]

#### OKLAHOMA GAS AND ELECTRIC CO. Filing of Revised Fuel Adjustment Clause

SEPTEMBER 2, 1975.

Take notice that on August 15, 1975, the Oklahoma Gas and Electric Company tendered for filing a revised fuel adjustment clause in each of the above-referenced dockets. These clauses were filed in response to a letter from the Secretary of the Commission which stated that the previous clauses did not conform to Section 35.14 of the Commission's Regulations as amended by Order No. 517. The instant filings purport to cure this deficiency.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1975. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23886 Filed 9-8-75;8:45 am]

[Docket No. E-7777 (Phase II)]

#### PACIFIC GAS AND ELECTRIC CO.

##### Extension of Time

AUGUST 29, 1975.

On August 27, 1975, Southern California Edison Company filed a motion to extend the time within which to respond to the amended petitions to intervene filed on August 15, 1975 by the Cities of Anaheim, Riverside, Banning, Colton and Azusa, California (Cities) and Anza Electric Power Cooperative, Inc. (Anza), in the above-designated matter.

Upon consideration, notice is hereby given that the time within which to respond to the amended petitions to intervene filed on August 15, 1975 by Cities and Anza is extended to and including September 17, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23887 Filed 9-8-75;8:45 am]

[Docket No. FR 76-91]

#### PACIFIC POWER & LIGHT CO.

##### Modification of Rate Schedule

SEPTEMBER 3, 1975.

Take notice that Pacific Power & Light Company (Pacific) on August 28, 1975, tendered for filing, in accordance with Section 35.13 of the Commission's Regulations, a new rate schedule for power and energy sales to City of Powell, Wyoming (City). This rate schedule supersedes Pacific's existing rate schedule designated FPC No. 90.

The proposed rate schedule provides for a change in structure of the rate charged City by Pacific. Pacific states that this proposed change in rate structure is to conform to the high voltage rate charged to larger customers in the State of Wyoming. Pacific states that to be consistent with this rate structure results in an approximate 15 percent increase in the cost of electric service to City. In addition, since City has elected to use Pacific's transformation facilities a use-of-facilities charge has been included by Pacific.

Pacific requests waiver of the Commission's notice requirements to permit the new rate schedule to become effective June 1, 1975, which it claims is the date of commencement of service.

A copy of this filing was supplied to the Wyoming Public Utility Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23888 Filed 9-8-75;8:45 am]

[Docket Nos. RI76-8, RI76-10]

#### PENNZOIL PRODUCING CO. AND SHELL OIL CO.

##### Order Denying Petitions for Special Relief, Setting Date for Hearing on Applications for Abandonment, and Consolidating Filings

AUGUST 29, 1975.

On July 1, 1975 and July 18, 1975, Pennzoil Producing Company (Pennzoil) and Shell Oil Company (Shell), respectively, filed petitions in Docket Nos. RI76-8 and 76-10 for special relief from the just and reasonable rates under Opinion Nos. 598 and 699, as amended. The relief sought was for certain gas from the Gibson Field, Terrebonne Parish, Louisiana, under lease from Williams, Inc. et al. (Williams) and which is being sold to United Gas Pipe Line Company under FPC Gas Rate Schedule Nos. 234 (Pennzoil) and 202 (Shell). In the alternative, both petitioners requested authorization to abandon the royalty share of gas, effective January 1, 1974, but no later than October 1, 1975.

The gas is produced from acreage covered by leases with Williams dated August 29, 1934, and July 24, 1952. The 1934 lease provides that Pennzoil and Shell make royalty payments on the gas production thereunder equal to  $\frac{1}{4}$  of the market value prevailing at the well. The 1952 lease between Williams and Shell provides for royalty equal to  $\frac{1}{4}$  of that value. In letters dated June 7, 1973, the March 27, 1974, Williams demanded increased payments based on the market value clauses in the leases. His demands unmet, Williams declared both leases terminated on June 5, 1974. A lawsuit ensued out of which a settlement agreement dated June 18, 1975, was signed. That agreement provides that the instant petitions would be filed with the Commission seeking authorization for either of the following:

(A) Payment of royalty on each Mcf produced from the 1934 lease equal to  $\frac{1}{4}$ , and from the 1952 lease equal to  $\frac{1}{4}$  of the total of:

- (1) the higher of
- (A) the base royalty rate or
- (B) the base alternative rate, plus
- (2) 7¢ per Mcf or the full amount of the Louisiana severance tax, plus
- (3) any Btu adjustments from 1000 Btu's

The "base royalty rate" is 78¢ per Mcf for 1975 and will increase 1.5¢ per Mcf annually beginning January 1, 1976. "Base alternative rate" is 150% of the highest area or national rate permitted or, in the case of deregulation, is the average of the three highest prices provided in sales for resale in the South Louisiana area; or

(B) Abandonment of that share of the gas sold under the leases attributable to Williams' royalty interests.

Should we take the course outlined in (A), Petitioners and United would amend their 1959 contract to provide for increased royalty payments by United, which payments they request be made effective January 1, 1974, but no later than October 1, 1975. Petitioners' filing for the royalty increase will also contain a surcharge for royalty on volumes delivered between January 1, 1974, and the date of the Commission's final order.

In the event we authorized (B), United agreed to amend the 1959 contract to reflect the release of the royalty portion of the gas from the contract. A further proviso to the settlement agreement would permit cancellation of the agreement by either party should we not grant authorization prior to February 1, 1976. Due to the time limitation stated above, Petitioners also requested accelerated procedures, including the waiver of the intermediate decision, if a formal hearing were held.

The basic thrust of Petitioners' argument is that, pursuant to Placid Oil Co. et al. v. F.P.C., 483 F.2d 880 (5th Cir. 1973), the Commission may grant special relief where higher than average royalties make a rate charged inappropriate. Petitioners state that United Gas Pipe Line Company, to whom they sell the gas, is in severe curtailment and is willing to pay the higher prices to keep the gas in its systems. Therefore, Petitioners argue, the public convenience and necessity warrants United's retaining this gas at the higher prices rather than risking termination of the leases in question and the possible diversion of the gas thereunder to the intrastate market.

#### The Commission finds:

(1) There is no justification for allowing a producer to pass through higher royalty costs to the consumer without a showing that Petitioners' overall costs are higher than those reflected in our opinion No. 699-H.

(2) There is no basis for allowing a temporary surcharge for the purpose of permitting a producer to recover retroactive royalty payments.

(3) It is in the public interest that the petitions, insofar as they request abandonment of the gas subject to the royalty owner's interest, be set for hearing.

(4) Inasmuch as the petitions of Shell and Pennzoil involve identical issues and parties, the public interest will be served by disposing of these matters in the same hearing.

(5) The requested shortened hearing procedures with respect to accelerated dates is hereby granted. However, no good cause exists for granting the request for waiver and omission of the intermediate decision.

#### The Commission orders:

(A) Those portions of the petitions (A) filed by Pennzoil and Shell in Docket Nos. RI76-8 and RI76-10 relating to a request for rate increases due to increases in royalty payments are hereby denied.

(B) Those portions of the petitions relating to temporary surcharges for back royalty payments by Shell and Pennzoil are hereby denied.

(C) Pursuant to the Natural Gas Act, particularly Sections 4, 5, 7, 15, and 16 thereof, the Commission's Rules of Practice and Procedure, and the regulations under the Act (18 CFR, Chapter I), those portions of the Shell-Pennzoil petitions relating to the abandonment of the gas associated with royalty owners' interests are set for the purpose of hearing and disposition.

(D) The portion of the petitions to abandon sales of royalty volumes filed by Pennzoil and Shell in Docket Nos. RI76-8 and RI76-10, respectively, are hereby consolidated for the purpose of hearing and disposition.

(E) A public hearing on the issues presented by the portion of the petitions to abandon sales of royalty volumes shall be held commencing September 23, 1975, at 10:00 A.M. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure. The Presiding Administrative Law Judge shall issue his initial decision on or before November 26, 1975.

(G) Applicants and any intervenor supporting the application shall file their direct testimony and evidence on or before September 9, 1975. All testimony and evidence shall be served on the Presiding Administrative Law Judge, the Commission Staff, and all other parties to the proceeding.

(H) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on a date to be fixed by further order of the Presiding Administrative Law Judge. All such testimony and evidence shall be served upon the Presiding Administrative Law Judge and all other parties.

(I) Any party or Staff Counsel desiring to oppose any filed exceptions shall file such objections on or before December 19, 1975.

By the Commission,

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23889 Filed 9-8-75;8:45 am]

[Docket No. E-9508]

#### PUBLIC SERVICE CO. OF NEW MEXICO Filing of Supplemental Data

SEPTEMBER 2, 1975.

Take notice that on August 25, 1975, Public Service Company of New Mexico

FEDERAL REGISTER, VOL. 40, NO. 175—TUESDAY, SEPTEMBER 9, 1975

tendered supplemental data intended to make complete its original filing of June 23, 1975. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23890 Filed 9-8-75;8:45 am]

[Docket No. E-9509]

#### PUBLIC SERVICE CO. OF NEW MEXICO

##### Filing of Supplemental Data

SEPTEMBER 2, 1975.

Take notice that on August 25, 1975, Public Service Company of New Mexico tendered supplemental data intended to make complete its original filing of June 23, 1975. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23891 Filed 9-8-75;8:45 am]

[Docket No. F-9530]

#### PYRAMID LAKE PAIUTE TRIBE OF INDIANS V. SIERRA PACIFIC POWER CO.

##### Extension of Time

SEPTEMBER 2, 1975.

On August 28, 1975, Sierra Pacific Power Company (Sierra Pacific) filed a motion to extend the time to answer a complaint and petition for rehearing, filed on July 1, 1975 by the Pyramid Lake Paiute Tribe of Indians (the Tribe), in the above-designated matter.

Notice is hereby given that the time within which Sierra Pacific must answer

the complaint and petition for rehearing filed by the Tribe on July 1, 1975, is extended to September 19, 1975.

gas for Lukens Steel Company, Vistron Corporation, and unspecified industrial

Applicant states that it has agreed to transport the volumes purchased by Lukens

(c) Whether or not the gas to be transported is believed to be available for sale

view of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a

subject to Commission approval of the Agreement. Public notice of the subject filing was

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the complaint and petition for rehearing filed by the Tribe on July 1, 1975, is extended for September 12, 1975 to and including October 13, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23890 Filed 9-8-75;8:45 am]

[Docket No. RP75-84]

**SOUTHERN NATURAL GAS CO.  
Extension of Procedural Dates**

August 29, 1975.

On August 14, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 15, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, November 24, 1975.

Service of Intervenor Testimony, December 8, 1975.

Service of Company Rebuttal, December 22, 1975.

Hearing, January 13, 1976 (10:00 a.m. EST).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23890 Filed 9-8-75;8:45 am]

[Docket No. E-8514]

**SOUTHERN SERVICES, INC.  
Further Extension of Time**

September 2, 1975.

On August 4, 1975, The Water, Light and Sinking Fund Commission of the City of Dalton, Georgia filed a motion to extend the procedural dates fixed by order issued May 8, 1974, as most recently modified by notice issued June 17, 1975, in the above designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, November 10, 1975.

Service of Staff Testimony, December 1, 1975.

Service of Company Rebuttal, December 8, 1975.

Hearing, December 23, 1975 (10:00 a.m. EST).

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23890 Filed 9-8-75;8:45 am]

[Docket No. CP76-57]

**TEXAS EASTERN TRANSMISSION CORP.  
Notice of Application**

September 2, 1975.

Take notice that on August 15, 1975, Texas Eastern Transmission Corporation (Applicant) P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76-57 an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural

**NOTICES**

gas for Lukens Steel Company, Vistron Corporation, and unspecified industrial consumers for high priority uses,<sup>1</sup> all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is presently curtailing customers at the rate of 700,000 Mcf of gas per day or 25.2 percent of its customers' requirements. Applicant further states that in the period from November 1, 1975, through April 1, 1976, that it estimates that the curtailment level will average approximately 773,000 Mcf of gas per day or approximately 28 percent of requirements. Applicant alleges that it has little hope of purchasing any meaningful additional gas supplies during the coming heating season and that there is the possibility of ameliorating the impact of such estimated shortages on high priority industrial and commercial users of gas by transporting gas produced from onshore and offshore non-federal domain for high priority users to offset the curtailments imposed upon such users. Applicant states that in its opinion significant volumes of natural gas are available in the onshore Gulf Coast area for direct, nonjurisdictional sales for high priority industrial and commercial consumption.

Applicant states that Lukens Steel Company (Lukens) and Vistron Corporation (Vistron) are industrial consumers with high priority industrial requirements of gas. Applicant further states that Lukens and Vistron have contracted with Mobil Oil Corporation (Mobil) for the purchase of gas during the 1975-76 heating season to offset curtailments by their suppliers Columbia Gas of Pennsylvania, Inc., and Columbia Gas of Ohio, respectively, for such high priority usage.<sup>2</sup> It is stated that the price that Lukens and Vistron pay Mobil for such gas in each instance would be determined on the basis of the arithmetical average of Mobil's prices in effect for the period from initial delivery to January 1, 1976, and from January 1, 1976, to April 1, 1976, under Mobil's presently existing two highest volumes gas sales contracts for gas sales in Jefferson and Orange Counties, Texas, involving comparable quality gas. It is further stated that the average price of such gas is currently \$1.90 per million Btu. The gas which would be purchased is said to be limited to direct industrial consumption and would, on a daily basis, be transported and delivered to replace volumes curtailed by the distributor suppliers of Lukens and Vistron.

<sup>1</sup> High priority use is stated to be those users set forth in Section 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78), priority category 2 and priority category 3 which would have been priority category 2 had the gas been purchased on a firm basis.

<sup>2</sup> Lukens Steel Company is said to use gas in the manufacture of carbon and alloy steel plates and associated heavy plate products. Vistron Corporation is said to use gas in the production of ammonia for industrial and agricultural purposes.

Applicant states that it has agreed to transport the volumes purchased by Lukens and Vistron, limited in volume to those amounts required to make up the volumes of gas curtailed for high priority usage. The transportation would be on an interruptible basis to assure that the pipeline capacity for high priority uses is not preempted. For the transportation service Applicant proposes to charge an amount equal to Applicant's rate for deliveries in the particular zone at which the proposed delivery would be made at 100 percent daily contract quantity load factor level, less Applicant's purchased gas costs and less Applicant's fuel cost. Applicant further states that it would reduce the delivery volume by 3 percent to offset volumes used by Applicant in the performance of the proposed transportation service and to assure that higher priority customers are not adversely affected.

Applicant proposes to transport up to 20,000 Mcf of gas per day for Lukens up to 40,000 Mcf of gas per day for Vistron. Applicant states that the gas would be delivered to Columbia Gas Transmission Corporation at existing delivery points by means of existing facilities for redelivery to Lukens and Vistron.

Applicant further requests in the instant application that the Commission grant a blanket authorization to transport gas for its indirect industrial and commercial users for high priority purposes under the terms, conditions and procedures hereinafter stated and to install any tap and metering facilities necessary to institute the proposed service. Said service is proposed to be offered and rendered under the following circumstances and conditions:

(1) Applicant would transport gas under the terms and conditions of Rate Schedules TS and such transportation and would be limited to gas produced from onshore and offshore non-federal domain areas which generally is not otherwise available for purchase on a jurisdictional basis.

(2) The proposed procedure would be effective through the end of 1975-1976 heating season and would cover contracts which provide for initial deliveries for high priority industrial and commercial use in this period.

(3) Applicant would file with the Commission a copy of each service agreement made between it and the industrial or commercial purchaser, together with a copy of the gas sales contract between the purchaser and the seller of gas, and a statement which would set forth the following facts:

(a) That gas to be transported would only be used to offset curtailments of high priority industrial or commercial uses by Applicant's customers;

(b) That Applicant has the capacity to so transport the gas through its existing system that no additional facilities are required except taps and meters to receive gas from the producers involved, and that the transportation would not preempt capacity needed for Applicant's firm requirements;

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(c) Whether or not the gas to be transported is believed to be available for sale to Applicant or any other pipeline for resale in interstate commerce; and

(d) Whether the price paid for such gas is comparable to and consistent with prices being paid by intrastate buyers for gas similarly situated.

(4) Service of such filings would be made on all Applicant's customers and interested state commissions. Applicant proposes that if the Commission does not reject or disapprove the filing by Applicant of the service agreement and related information within 30 days, the service agreement would become effective and Applicant would commence the service. Applicant proposes that if the Commission should reject any such filing, Applicant would not be authorized to commence the service proposed and that such filing could be withdrawn without prejudice to refiling by Applicant for separate authorization.

Applicant states that under its proposal to render the unspecified transportation services, high priority industrial and commercial consumers could have the full benefit of gas which would otherwise not be available in interstate commerce. Applicant further alleges that even though the Commission could not regulate directly the end use of gas so transported, through the mechanism for review and approval or disapproval of the transportation arrangements, it could attract gas to the interstate market for the stated high priority uses and thus improve the overall nationwide use factor of natural gas.

Applicant states that the authorization proposed herein for the unspecified services is experimental in nature and would be limited to contracts which involve initial deliveries during the 1975-1976 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own re-

view of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23895 Filed 9-8-75;8:45 am]

[Docket Nos. RP74-48 and RP75-3; AP76-1]

**TRANSCONTINENTAL GAS PIPE LINE  
CORP.**

**Order Rejecting Advance Payments  
Tracking Filing and Granting Intervention**

August 29, 1975.

On July 16, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing seven revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.<sup>1</sup> This filing is made, Transco states, in accordance with Section 6 of Article III of the "Agreement as to Rates of Transcontinental Gas Pipe Line Corporation" (Agreement). Said Agreement, representing a settlement of all but three issues in Docket Nos. RP74-48 and RP75-3, was certified to the Commission for approval on May 16, 1975, by Presiding Administrative Law Judge Isaac D. Benkin.

According to Transco, the purpose of the filing is to increase its rates to reflect the inclusion in rate base of advance payments in the amount of \$6,863,293, which amount has not previously been included in rate base.

The proposed revised tariff sheets also reflect additional advance payments made by Transco in the amounts of \$32,287,081 and \$14,442,642. Those amounts were the subject of previous advance payment tracking filings made by Transco on May 16, 1975 (AP75-1), and June 16, 1975 (AP75-2), respectively.<sup>2</sup>

Transco proposes that the instant filing be made effective September 1, 1975,

<sup>1</sup> These seven revised sheets are designated Fourth Substitute Thirteenth Revised Sheet No. 5 and Fourth Substitute Ninth Revised Sheet No. 6 to First Revised Volume No. 1; and Sixth Substitute Fourteenth Revised Sheet No. 52, Fifth Substitute First Revised Sheet No. 121, Sixth Substitute Tenth Revised Sheet No. 321, Sixth Substitute Sixth Revised Sheet No. 416, and Sixth Substitute Fifth Revised Sheet No. 495 to Original Volume No. 2.

<sup>2</sup> By orders issued June 30, 1975, and July 25, 1975, respectively, Transco's advance payments tracking filings were rejected because we had not yet acted on the aforementioned Agreement, pursuant to which the tracking filings were made. However, those rejections were without prejudice to Transco's right to make advance payment tracking filings in the event the tracking provision is approved at a later date.

subject to Commission approval of the Agreement.

Public notice of the subject filing was issued on June 24, 1975, with comments, protests and petitions to intervene due on or before August 8, 1975. A timely petition for leave to intervene was filed by Sun Oil Company. Good cause appearing, said petition shall be granted, as hereinafter ordered and conditioned.

As noted above, the instant advance payments tracking filing is made pursuant to a provision in the settlement agreement in the captioned dockets. This provision would permit, subject to certain conditions, the tracking of advances from Transco to producers of natural gas. However, because we have not yet taken any action on said settlement agreement, Transco, as of this date, has no authority to track the advance payments here in question. Accordingly, the instant filing must be rejected as premature. This rejection is, however, without prejudice to Transco's right to make advance payments tracking filings in the event the tracking provision is approved at a later date.

*The Commission finds:*

(1) Good cause exists to grant Sun Oil Company's petition for leave to intervene in this proceeding, as hereinafter ordered and conditioned.

(2) Good cause exists to reject the tariff sheets listed in footnote 1 of this order, without prejudice to Transco's right to make advance payments tracking filings in the event the aforementioned advance payments tracking provision is approved at a later date.

*The Commission orders:*

(A) Sun Oil Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) Transco's July 16, 1975, advance payments tracking filing is hereby rejected, without prejudice to Transco's right to make advance payments tracking filings in the event the tracking provision in question is approved by this Commission at a later date.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-23896 Filed 9-8-75;8:45 am]

**NOTICES**

[Docket Nos. RP74-89 (AP76-1)]

**TRINKLINE GAS CO.**

[Docket No. ER76-45]

**CONSUMERS POWER CO.**

rate by the adoption of a single schedule of rates for all of its wholesale customers.

**NOTICES**

Systems urges that summary judgment be granted on that portion of the

cordingly, Systems may renew their request for consideration of the price

just and reasonable. We shall, therefore, accept Consumers' tendered tariff sheets



[Docket Nos. RP74-89 (AP76-1)]

**TRUNKLINE GAS CO.****Order Amending Prior Order**

August 29, 1975.

On August 22, 1975, we issued an order at this docket which provided for a hearing to investigate into the justness and reasonableness of Trunkline's proposed rate increase, as tendered for filing on July 18, 1975, insofar as it reflects costs related to eleven advance payments. Omitted from that order was the date upon which Staff is to serve its prepared testimony and exhibits. Therefore, we shall amend our order of August 22, 1975 to establish a revised procedural schedule.

**The Commission orders:**

Ordering Paragraphs (A) and (D) of our order of August 22, 1975 are hereby amended to read as follows:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8, and 15 thereof, and the Commission's Rules and Regulations, a public hearing shall be held on January 13, 1976, in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the justness and reasonableness of the rates proposed in this proceeding by Trunkline insofar as they reflect costs related to the eleven advance payments listed in Footnote 3 above.

(D) On or before October 14, 1975, Trunkline shall serve its prepared testimony and exhibits. On or before December 2, 1975, the Commission Staff shall serve its prepared testimony. On or before January 2, 1976, the company shall serve its rebuttal evidence, if any.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23897 Filed 9-8-75; 8:45 am]

[Docket Nos. RP74-20 and RP74-83]

**UNITED GAS PIPE LINE CO.****Extension of Procedural Dates**

August 29, 1975.

On June 30, 1975, United Gas Pipe Line Company filed a motion to extend the procedural dates fixed by order issued May 16, 1974, as most recently modified by notice issued June 2, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of United Testimony on Proposed Settlement, September 29, 1975.

Service of Staff Testimony on Proposed Settlement, October 13, 1975.

Service of Intervenor Testimony on Proposed Settlement, October 27, 1975.

Service of United Rebuttal Testimony, November 11, 1975.

Hearing, December 2, 1975 (10:00 a.m. EST).

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-23898 Filed 9-8-75; 8:45 am]

**NOTICES**

[Docket No. ER76-45]

**CONSUMERS POWER CO.****Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions, Providing for Hearing Establishing Procedures, Denying Motion To Reject and Providing for Responses to Motion for Summary Disposition**

August 29, 1975.

On July 30, 1975, Consumers Power Company (Consumers or Company) tendered for filing revised tariff sheets containing superseding rate schedules which would increase the Company's wholesale service rates to named partial and full requirement customers (Customers).<sup>1</sup> The proposed rates would increase revenues from Customers by \$5,065,720 (33%) for the twelve month period ending December 31, 1975. Concurrently, Consumers tendered for filing a Schedule of Rates Governing Wholesale For Resale Electric Service (Standard Service Agreement) which Consumers intends to serve upon all customers upon expiration of their present agreements. The rates contained in the Standard Service Agreement are the same as those in the superseding rate schedules referred to above, and provide for interim compensation to Consumers for the installation or modification of facilities necessary to serve particular customers. This Standard Service Agreement is proposed to be substituted for the existing individual contract form of rate schedule in order to standardize Consumers wholesale rate form and terms and conditions of service, in order to permit more efficient administration of its wholesale business. Consumers proposes that its filed Standard Service Agreement be made effective for each of its wholesale for resale customers upon the expiration or termination of the customer's presently effective wholesale for resale contract. Consumers proposes to make the superseding rate schedules effective on August 30, 1975.

Consumers states that the reason for the increase in rates is that the Company's present earnings from its wholesale electric service are inadequate as a result of ongoing inflation, and that the rate of return from its wholesale business will be only 2.59% based upon forecasted 1975 conditions. Consumers states further that in order to meet the requirements of its customers, it will be required to expend approximately \$3 billion in construction activities during the five-year period 1976 through 1980 and that much of this construction expenditure must be financed with outside capital. Consumers states that the new rates, which modify the demand and energy rate structures and charges, are necessary if the Company is going to be able to finance this necessary construction program. The Company in its new rate filing is also proposing to eliminate the rate differential between total requirement purchasers and partial requirement purchasers in its wholesale for resale

<sup>1</sup> See Appendix A for Rate Schedules and Customer listing.

rate by the adoption of a single schedule of rates for all of its wholesale customers, and to revise its fuel cost adjustment clause to comply with FPC Order No. 517, issued November 13, 1974.

Notice of Consumer's filing was issued on August 7, 1975, with comments, protests, or petitions to intervene due on or before August 25, 1975.

On August 19, 1975, a Petition to Intervene was filed by Edison Sault Electric Company (Edison). Edison stated that it purchases electric energy from Consumers and serves customers at retail and also sells electric energy at wholesale to one customer, Cloverland Electric Cooperative. Edison alleges, inter alia, that it is presently purchasing from Consumers electric energy for resale under a contract entered into between the parties dated December 1, 1966. However, Edison and Consumers have entered into a new contract dated November 21, 1974, which will become effective when Edison's new submarine cable is placed into service, which date is anticipated to be October 1, 1975. Upon the effective date of the new contract, the contract between Edison and Consumers dated December 1, 1966, and all amendments and supplements thereto, will be cancelled. The new contract was tendered to the Commission for filing by Consumers on April 11, 1975, with a request for waiver of notice requirements, but it has not as yet been accepted. Edison's position is that it is inappropriate for Consumers to now propose new rates when it has an agreement pending before the Commission with Edison which has not yet become effective. Edison states further that under the proposed rates, its cost of power from Consumers would increase 41.5% or \$510,379 for the twelve months ended August 31, 1975.

On August 20, 1975, a Petition to Intervene was filed by Alpena Power Company (Alpena), who states that it receives a major portion of its energy requirements from Consumers, and it is Consumers' largest wholesale customer, and therefore a substantial portion of the proposed increase will have to be borne by Alpena.

On August 25, 1975, a Petition to Intervene was filed with a motion entitled "Motion to Reject Filing, Motion For Summary Judgement, Protest and Petition to Intervene of Twelve Publicly-Owned Wholesale Customers" (Systems).<sup>2</sup> Systems urge that the filing be rejected because the Period II cost data submitted by Consumers is not substantiated. We have reviewed Consumers' Period II data and find it substantially complies with our filing requirements. However, the burden will be upon Consumers in the hearing hereinafter ordered to "establish the validity and accuracy of each of their cost estimates" (Order 487, mimeo at p. 3).

<sup>2</sup> Cities of Bay City, Chalevoix, Coldwater, Harbor Springs, Hillsdale, Marshall Petoskey, Portland, St. Louis and Union City, The Village of Chelsea and the Southeastern Michigan Electric Cooperative, Inc.; all located in Michigan.

Systems urges that summary judgement be granted on that portion of the rate filing reflecting Consumers' proposal to adopt normalization of the tax effect of liberalized depreciation as well as comprehensive interperiod tax normalization of the items covered in Order No. 530.<sup>3</sup> Systems argue that in order to adopt normalization for rate purposes of the items in Order No. 530 as well as for liberalized depreciation, Consumers must show tax deferral rather than a permanent tax savings. Systems argue that Consumers direct evidence fails to show a tax deferral and therefore its request for normalization of the tax effect of liberalized depreciation as well as the items covered in Order No. 530 must be summarily denied.

Because of the importance of this issue, we believe it appropriate to provide an opportunity for all parties, including the Commission Staff, to respond to Systems motion for summary disposition concerning the normalization proposals of Consumers. Accordingly, we shall delay action on Systems motion to allow all parties 15 days from the date of issuance of this order to respond to Systems motion for summary disposition of the normalization issues, pursuant to Section 1.12(c) of the Commission's Regulations.

Systems also argue that certain items underlying Consumers' proposed rates are excessive including, inter alia, its request for a 9.95% overall rate of return which yields a 15.5% return on common equity, allegedly excessive maintenance expense, allegedly improper allocation of fuel stock, and improper rate design by the addition of more demand blocks. We believe the allegations made by Systems, while not sufficient to cause rejection of the filing, raise issues which may require development in the evidentiary proceedings hereinafter ordered.

As a further basis for rejection of Consumers' filing, Systems argue that the proposed rates would create an unlawful "price squeeze" by foreclosing Systems from competing with Consumers for retail loads. This Commission has consistently held that it must utilize a cost plus fair return standard for establishing the justness and reasonableness of the wholesale rate and does not have the authority under the Federal Power Act to set the wholesale rate predicated upon retail rates over which we have no jurisdiction.<sup>4</sup> We shall therefore limit this proceeding so as to exclude consideration of the price squeeze issue. We are aware of Systems' reliance upon *Conway Corporation v. F.P.C.*, 510 F.2d 1264 (1975). However, the Court in *Conway* stayed its mandate pending appeal by the Commission. Ac-

<sup>3</sup> FPC issued June 18, 1975, in Docket Nos. R-424 and R-446.

<sup>4</sup> See e.g., *Virginia Electric and Power Company*, Docket No. E-9147, order issued January 22, 1975; *Carolina Power and Light Company*, Docket No. E-8884, order issued August 26, 1974; *Wisconsin Public Service Corporation*, Docket No. E-8867, order issued August 23, 1974; and *Pacific Gas and Electric Company*, Docket No. E-7777, order issued March 14, 1974.

**NOTICES**

cordingly, Systems may renew their request for consideration of the price squeeze issue when and if the *Conway* decision becomes final.

In addition to the "price squeeze" issue, Systems raise allegations of other allegedly anti-competitive allegations involving, inter alia, the appropriateness of certain contract language, pooling, arrangements of interchange and coordination which Consumers is a member. In order to fully investigate these allegations, we shall institute a separate phase (Phase II), which will be the subject of a hearing and decision separate and apart from the investigation of the rates we have ordered below for the purpose of developing a complete evidentiary record concerning allegedly anti-competitive language contained in Consumers' currently effective rate schedules proposed to be continued in the rate schedules filed herein.<sup>5</sup>

All of the intervenors urge that suspension for the full five-month statutory period is proper in this case. The Commission must utilize a cost plus fair return standard for establishing the justness and reasonableness of the proposed wholesale rates. We believe that the circumstances of this case indicate thirty day suspension is proper. *Municipal Light Boards of Reading and Wakefield, Mass. v. F.P.C.*, 450 F.2d 1341 (D.C. Cir. 1971), cert. denied, 405 U.S. 989 (1972).

Evidence relevant to the issues raised by the instant filing should be submitted by all parties including the Commission Staff. Consumers is requesting herein that it be allowed a Period II rate of return on common equity of 15.50 percent and an overall rate of return of 9.95 percent. We note that Consumers is requesting the increase in part to finance approximately \$3 billion in construction activities during the five year period 1976 through 1980. All parties, including Staff, are directed to present evidence as to how their rate of return recommendations relate to Consumers' alleged financing requirements and should address themselves specifically to Consumers' statements that its return at present rates is 5.05 percent; that its price earnings ratio has declined from 22.3 in 1965 to 10.9 in 1973; that its common stock, yielding approximately 14 percent in current dividends, was selling at 50 percent of book value in May, 1975; that its stock earnings per share decreased from \$2.41 in 1973 to \$1.34 in 1974, and dividends have not increased since February, 1970; and that allowance for funds used during construction were 62 percent of 1974 earnings on common equity.

A review of Consumers' submittal indicates that among other things, it has normalized the tax effect of interest associated with construction work in progress in the income tax calculation, and made direct assignment of transmission facilities and related costs.

Our review of Consumers' proposed rates filed herein indicates that the proposed rates have not been shown to be

<sup>5</sup> See orders listed in Footnote 4 above.

just and reasonable. We shall, therefore, accept Consumers' tendered tariff sheets and Standard Service Agreement for filing and suspend the use thereof for thirty days, when the tariff sheets will be permitted to become effective, and the Standard Service Agreement will be permitted to be substituted for the individual agreements as they expire, subject to refund. We shall also provide for an evidentiary hearing to test the lawfulness of the proposed rates as contained in the filed tariff sheets and the Standard Service Agreement.

**The Commission finds:**

(1) Consumers' filing should be accepted for filing and suspended for thirty days, as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of Consumers' proposed rate changes.

(3) The participation of Edison, Alpena, and Systems in these proceedings may be in the public interest.

**The Commission orders:**

(A) Consumers' filing is hereby accepted for filing and suspended for thirty days until September 30, 1975, when the proposed rates will go into effect, subject to refund and the Standard Service Agreement incorporating these rates may be substituted for the individual contract forms as they expire or are terminated.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on November 27, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning all issues, other than those issues to be considered in Phase II of these proceedings hereinafter ordered, which bear on the lawfulness and reasonableness of the rates and charges proposed in Consumers' filing (Phase I). Phase I shall be subject to the procedures set forth in Ordering Paragraph (C) below.

(C) On or before October 16, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors, if any, shall be served on or before October 30, 1975. Company rebuttal shall be served on or before November 13, 1975.

(D) A second phase (Phase II) of this proceeding is hereby instituted for the development of a complete evidentiary record concerning the anticompetitive provisions of Consumers' contracts and over which this Commission has jurisdiction to grant relief. Intervenor evidence in support of their allegations as to these anticompetitive provisions in Consumers' contracts shall be filed on or before December 9, 1975. Staff evidence, if any, shall be filed on or before January 20, 1976. Consumers shall file its prepared evidence on or before February 3, 1976. Any intervenor rebuttal evidence shall

load was 10.8% higher than in 1973, (2) 1974-1975 1976 construction budget is

(2) Good cause exists to permit the intervention of the above-mentioned

(D) The above-mentioned petitioners are hereby permitted to intervene in this



be filed on or before February 24, 1976. A public hearing for the purpose of cross-examination of the filed testimony and exhibits shall commence on March 9, 1976, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, at 10 a.m.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) Edison and Alpena are hereby permitted to intervene in these proceedings, subject to the Rules and Regulations of the Commission; *Provided, how-*

*ever.* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be considered as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) Pursuant to Section 1.12(c) of the Regulations, all parties shall file responses, within 15 days of the date of issuance of this order, to Systems' motion for summary disposition concerning Consumers' request to reflect in its rates comprehensive interperiod tax normalization, and normalization of the tax effect of liberalized depreciation. Pending such responses, we shall withhold action on Consumers' motion.

(I) Systems' motion to reject Consumers' filing is denied.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

#### APPENDIX A.—Consumers Power Co.—docket No. ER76-45

(Customer list and proposed rate schedule designations filed July 30, 1975)

Designations	Customer	Description
1. Supplement No. 4 to Rate Schedule FPC No. 1 (supersedes supp. No. 3 to Rate Schedule FPC No. 1).	City of Bay City.....	Rate W.R.
2. Supplement No. 5 to Rate Schedule FPC No. 4 (supersedes supp. No. 4 to Rate Schedule FPC No. 4).	City of Eaton Rapids.....	Do.
3. Supplement No. 4 to Rate Schedule FPC No. 5 (supersedes supp. No. 3 to Rate Schedule FPC No. 5).	City of Harhor Springs.....	Do.
4. Supplement No. 4 to Rate Schedule FPC No. 6 (supersedes supp. No. 3 to Rate Schedule FPC No. 6).	City of Hillsdale.....	Do.
5. Supplement No. 5 to Rate Schedule FPC No. 7 (supersedes supp. No. 4 to Rate Schedule FPC No. 7).	City of Marshall.....	Do.
6. Supplement No. 4 to Rate Schedule FPC No. 9 (supersedes supp. No. 3 to Rate Schedule FPC No. 9).	Village of Chelsea.....	Do.
7. Supplement No. 4 to Rate Schedule FPC No. 12 (supersedes supp. No. 3 to Rate Schedule FPC No. 12).	Southeastern Michigan Rural Electrification Co-operative, Inc.	Do.
8. Supplement No. 5 to Rate Schedule FPC No. 13 (supersedes supp. No. 4 to Rate Schedule FPC No. 13).	Alpena Power Co.....	Do.
9. Supplement No. 5 to Rate Schedule FPC No. 14 (supersedes supp. No. 4 to Rate Schedule FPC No. 14).	Edison Sault Electric Co.....	Do.
10. Supplement No. 4 to Rate Schedule FPC No. 17 (supersedes supp. No. 3 to Rate Schedule FPC No. 17).	City of St. Louis, Mich.....	Do.
11. Supplement No. 3 to Rate Schedule FPC No. 29 (supersedes supp. No. 2 to Rate Schedule FPC No. 29).	City of Coldwater.....	Do.
12. Supplement No. 3 to Rate Schedule FPC No. 30 (supersedes supp. No. 2 to Rate Schedule FPC No. 30).	Wolverine Electric Cooperative, Inc.	Do.
13. Supplement No. 3 to Rate Schedule FPC No. 32 (supersedes supp. No. 2 to Rate Schedule FPC No. 32).	City of Portland.....	Do.
14. Supplement No. 2 to Rate Schedule FPC No. 36 (supersedes supp. No. 1 to Rate Schedule FPC No. 36).	City of Charlevoix.....	Do.
15. Supplement No. 1 to Rate Schedule FPC No. 38.....	Village of Union City.....	Do.
16. Supplement No. 1 to Rate Schedule FPC No. 40.....	City of Petoskey.....	Do.

Designation	Description
FPC Electric Tariff Original Volume No. 1...	Unexecuted Tariff Original Sheet Nos. 1 through 24.

[FR Doc.75-23758 Filed 9-8-75;8:45 am]

[Docket No. ER76-39]

#### KANSAS POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Petition To Intervene, Instituting Proceedings, and Establishing Dates

August 29, 1975.

On July 28, 1975, the Kansas Power and Light Company (KPL) tendered for filing proposed Schedules of Rates and Charges for Wholesale Service-Municipalities to supersede and replace those rate provisions of KPL's contract rate schedules presently in effect and on file with the Commission, which relate to thirty-four (34) wholesale municipal customers (Municipals).<sup>1</sup>

According to KPL, the proposed changes would increase revenues from jurisdictional sales and service by \$360,053 (approximately 22.25% overall).

<sup>1</sup> See Appendix A for designations.

based on the twelve-month period ending March 31, 1975, and increase its rate of return from 4.33% to 8.36% over the same period. KPL states that the changes embodied in the proposed schedules include (1) revised capacity and energy charges, (2) revision of the fuel adjustment clause to conform to the requirements of Section 35.14 of the Commission's Regulations as well as to increase the base cost of fuel, (3) revision of the power factor adjustment in determination of billing capacity, (4) extension of credits to the customer for metering at transmission voltage and for substation ownership, and (5) addition of a minimum net monthly bill of \$100. KPL requests an effective date of September 1, 1975, for the proposed changes to all customers except the City of Herington (Herington). The proposed effective date for Herington is January 23, 1976.

Notice of KPL's filing was issued on August 11, 1975, with protests or petitions to intervene due on or before August 20, 1975. On August 20, 1975, the Municipals filed a "Motion To Reject, Protest And Petition To Intervene Of The Kansas Wholesale Municipal Customers". Municipals' motion makes the four following allegations: 1) KPL's filing as to twenty-five of the thirty-four Municipals is prohibited by the terms of its contracts with those cities, and should be rejected under the *Sierra-Mobile* doctrine; 2) KPL's filing should be rejected as failing to conform to Section 35.13(b) of the Commission's Rules and Regulations; 3) the proposed rate increases to the Municipals are discriminatory vis-a-vis both other wholesale and/or retail customers of the company, and 4) the proposed rate schedule changes are unjust and unreasonable and should be suspended for the full five-month period. Due to the complexity of the issues raised in Municipals' motion to reject, we shall defer action on that motion until a later date.

Our review of KPL's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for thirty days and establish hearing procedures to determine the justness and reasonableness of KPL's filing. This action is without prejudice to our disposition of the Municipal motion to reject.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties including the Commission Staff. Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct that the parties and our Staff present evidence which addresses itself to the reliability and relevancy of KPL's statements that: (1) its 1974 net hourly peak

<sup>2</sup> *United Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

load was 10.8% higher than in 1973, (2) KPL's 1975-1979 construction budget is currently estimated at over \$477,325,000, 60% of which must be financed by the issuance of additional securities and 85% of which is committed for electric production and transmission plant, (3) KPL will own 64% of each of four 700,000 kilowatt capacity units currently being constructed as part of the Jeffrey Energy Center, the first of which is scheduled for completion in 1978, (4) the imbedded annual cost of KPL's first mortgage bonds has increased approximately 78% since the current rates were established in 1963, (5) KPL's fuel costs for generation are approximately four times the level which prevailed when the current rates were established, (6) KPL's municipal wholesale customers, as a class, have shifted from a moderate to a high coincident peak with the company (lowering their annual system load factor below 35%), (7) KPL's proposed 8.36% rate of return is not adequate, (8) KPL's common stock is currently selling below book value, (9) KPL will be required to issue common equity securities within the next two years, (10) attrition will cause KPL to earn substantially less on its new investments in the future than is necessary to prevent a declining rate of earnings in future years, (11) production plant was allocated on the basis of annual coincident demand at maximum system peak hour (an allocation based on average monthly coincident peak demand would have resulted in a greater allocation of production plant to the municipal wholesale customers), although transmission plant was allocated on the basis of average monthly coincident peak demands, (12) administrative and general expenses were allocated between payroll related and property related expenses, and (13) KPL applied \$32,077 of donations to the electric department of the company. Witnesses should further direct their attention to the following items: (1) normalization of the tax effect of capitalized items in the income tax allocation, (2) normalization of the tax effect of the interest associated with construction work in progress in the income tax calculation, (3) use of end of test period rate base, (4) functionalization of general plant by functional plant ratios, and (5) cost of service treatment of deferred fuel expense.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in KPL's revised rate schedule proposed in this docket and that the tendered rate schedules be suspended as hereinafter provided.

(2) Good cause exists to permit the intervention of the above-mentioned Municipal intervenors.

The Commission orders. (A) Pending a hearing and a decision thereon, KPL's proposed changes in its rates and charges, tendered on July 28, 1975, for customers other than the city of Herington are accepted for filing and suspended for thirty days, the use thereof deferred until October 1, 1975, subject to refund. The proposed change in rates and charges for the city of Herington is to become effective on February 23, 1976, subject to refund. This action is without prejudice to our disposition of the motion to reject filed by the Municipals on August 20, 1975.

(B) Pursuant to authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges in KPL's FPC Rate Schedule, as proposed to be amended herein shall be held commencing on January 27, 1976, at 10 a.m., EST, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) On or before December 9, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before December 23, 1975. Any rebuttal evidence by KPL shall be served on or before January 13, 1976.

(D) The above-mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

#### APPENDIX A.—Kansas Power & Light Co., docket No. ER76-39

Wholesale municipal customer	Proposed schedule	Superseding and replacing—
1. City of Herington, Kans.....	WSM-75	Rate and billing provisions in secs. 3 and 4 of art. II in KPL's FPC Rate Schedule No. 56.
2. City of Larned, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 67.
3. City of Sterling, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 81.
4. City of Clay Center, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 82.
5. City of Enterprise, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 85.
6. City of Eudora, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 86.
7. City of Chapman, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 87.
8. City of Desoto, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 88.
9. City of Axtell, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 89.
10. City of Robinson, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 90.
11. City of Lindsborg, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 91.
12. City of Reserve, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 92.
13. City of St. Marys, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 94.
14. City of Vermillion, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 96.
15. City of Alma, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 98.
16. City of Centralia, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 99.
17. City of St. John, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 116.
18. City of Elwood, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 117.
19. City of Troy, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 118.
20. City of Hillsboro, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 119.
21. City of Morrill, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 121.
22. City of Toronto, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 124.
23. City of Stafford, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 125.
24. City of Seneca, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 126.
25. City of Waterville, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 128.
26. City of Seranton, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 129.
27. City of Wathena, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 147.
28. City of Goff, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 165.
29. City of Netawaka, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 166.
30. City of Muscotah, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 167.
31. City of Severance, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 171.
32. City of Altamont, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 172.
33. City of Marion, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 173.
34. City of Oswego, Kans.....	WSM-75	Schedule MWH-63 in KPL's FPC Rate Schedule No. 174.

[FR Doc.75-23759 Filed 9-8-75;8:45 am]

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# FEDERAL RESERVE SYSTEM FEDERAL OPEN MARKET COMMITTEE Authorization for System Foreign Currency Operations

In accordance with its rules regarding availability of information there is set forth below paragraph 2 of the Committee's Authorization for Foreign Currency Operations in the form that became effective August 29, 1975. The change from the form previously in effect consisted of an increase in the swap arrangement with the Bank of Mexico from \$180 million equivalent to \$360 million equivalent.

The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for the System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under Section 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank:	Amount of arrangement (millions of dollars equivalent)
Austrian National Bank	250
National Bank of Belgium	1,000
Bank of Canada	2,000
National Bank of Denmark	250
Bank of England	3,000
Bank of France	2,000
German Federal Bank	2,000
Bank of Italy	3,000
Bank of Japan	2,000
Bank of Mexico	360
Netherlands Bank	500
Bank of Norway	250
Bank of Sweden	300
Swiss National Bank	1,400
Bank for International Settlements:	
Dollars against Swiss francs	600
Dollars against other European currencies	1,250

By order of the Federal Open Market Committee, September 4, 1975.

ARTHUR L. BROIDA,  
Secretary.

[FR Doc. 75-2390 Filed 9-8-75; 8:45 am]

## INTERNATIONAL TRADE COMMISSION

[332-77]

### CONDITIONS OF COMPETITION BETWEEN DOMESTIC AND IMPORTED SHRIMP

#### Notice of Investigation and Public Hearing

The United States International Trade Commission has instituted, on its own motion, an investigation, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), of the conditions of competition in the United States between domestic and imported shrimp. The shrimp, which may be fresh, chilled, frozen, prepared, or preserved (including pastes and sauces), are imported under item 114.45 of the Tariff Schedules of the United States.

## NOTICES

In its investigation, the United States International Trade Commission will be concerned with the effects of imports of shrimp on domestic shrimp fishermen and domestic processors of shrimp and shrimp products. It invites the submission of information on the product characteristics of imported and domestic shrimp; the characteristics of the domestic industries fishing for shrimp and processing shrimp and shrimp products; U.S. consumption, production, imports and exports of shrimp and shrimp products; inventories held in the United States; pricing practices, price trends, and price relationships between imported and domestic shrimp and shrimp products; trends of the major cost elements and profitability of operations of fishermen and processors; and characteristics of, and developments in, the shrimp industries of the major foreign supplying countries.

Public hearings in connection with the investigation will be held in Kodiak, Alaska, at 10:00 a.m., AST, on Wednesday, October 29, 1975, at a place to be announced; New Orleans, Louisiana, at 10:00 a.m., CST, on Tuesday, November 11, 1975, at a place to be announced; and Washington, D.C., at 10:00 a.m., EST, on Tuesday, November 18, 1975, in the Hearing Room, United States International Trade Commission, 701 E Street, NW. Requests for appearances at the Kodiak hearing should be submitted in writing, to the Secretary of the Commission on or before October 23, 1975; requests for appearances at the New Orleans and Washington hearings should be submitted on or before November 5 and November 12, respectively.

Issued: September 4, 1975.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc. 75-23921 Filed 9-8-75; 8:45 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[75-60]

### NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON RESEARCH

#### Meeting

The NASA Research and Technology Advisory Council Panel on Research will meet on September 29 and 30, 1975, at NASA Headquarters, Washington, D.C. 20546. The meeting will be held in Room 625 of Federal Office Building 10B, 600 Independence Avenue SW. Members of the public will be admitted on a first-come, first-served basis, limited by the seating capacity of the room which is about 40 persons. All visitors must sign in prior to attending the meeting.

The Panel on Research of the NASA Research and Technology Advisory Council serves in an advisory capacity only. Its Chairman is Professor A. Hertzberg, and there are 12 members. The following list sets forth the approved agenda and schedule for the meeting of this Panel on Research on September 29 and 30, 1975. For further information, please contact Mr. F. C. Schwenk, Area Code, 202, 755-2488.

SEPTEMBER 29, 1975

Time	Topic
9:00 a.m.	Remarks by the Chairman (Purpose: To report to the Panel on the most recent Research and Technology Advisory Council meeting.)
9:15 a.m.	Remarks by the Executive Secretary (Purpose: To brief the Panel on recent activities in NASA Headquarters which may affect the work of the Panel on Research.)
10:00 a.m.	Report by Dr. Richard Seebass, Panel Member (Purpose: To present to the rest of the Panel information obtained while attending briefings on NASA planning studies.)
11:15 a.m.	Presentation by Mr. William Hayes (Purpose: To provide background information to the Panel on the OAST Space Technology Workshop.)
1:00 p.m.	Presentation by Dr. Kenneth Billman (Purpose: To present results of the Basic Research Working Group efforts as part of the OAST Space Technology Workshop.)
2:00 p.m.	Panel Discussion (Purpose: To discuss presentations and prepare findings and recommendations for NASA.)

SEPTEMBER 30, 1975

9:00 a.m.	Panel Discussion Continued (Purpose: To continue discussion and preparation of findings and recommendations for NASA.)
11:00 a.m.	Preparation of Committee Report (Purpose: To summarize discussions and recommendations.)
1:00 p.m.	Consideration of Future Panel Activities (Purpose: To define areas of further study by the Panel on Research.)
2:00 p.m.	Adjournment.

SEPTEMBER 2, 1975.

DUWARD L. CROW,  
Assistant Administrator for  
DOD and Interagency Affairs,  
National Aeronautics and  
Space Administration.

[FR Doc. 75-23830 Filed 9-8-75; 8:45 am]

## NATIONAL ENDOWMENT FOR THE HUMANITIES

### FELLOWSHIPS PANEL

#### Meeting

AUGUST 28, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Fellowships Panel will be held at Washington, D.C. on October 17 and 18, 1975, from 9:00 a.m. to 5:30 p.m.

## NOTICES

The purpose of the meeting is to review Independent Fellowship applications submitted to the National Endowment for the Humanities for 1976-77 fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506 or call area code 202-382-2031.

JOHN W. JORDAN,  
Advisory Committee  
Management Officer.

[FR Doc. 75-23828 Filed 9-8-75; 8:45 am]

## NUCLEAR REGULATORY COMMISSION

### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE STERLING POWER PROJECT NUCLEAR UNIT NO. 1

#### Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Sterling Power Project Nuclear Unit No. 1 will hold a meeting on September 24, 1975 at the Town of Sterling Highway Shop Addition, Sterling, N.Y. The purpose of this meeting is to explore the site-related aspects of this application of the Standardized Nuclear Power Plant System (SNUPPS).

The agenda for the subject meeting shall be as follows:

Wednesday, September 24, 1975, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports submitted by the Applicant and the NRC Staff, regarding matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the Rochester Gas and Electric Company and the NRC Staff and will hold discussions with these groups regarding the site-related aspects of the application for a construction permit as well as other matters relating to the standard design.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have

been adequately covered and whether the project is ready for review by the full Committee. During this session, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice and opinions while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing a readily reproducible copy thereof, postmarked no later than September 17, 1975, to Mr. John C. McKinley, Office of the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555 or by filing at the ACRS Office a readily reproducible copy two working days prior to the meeting. Written statements should be limited to safety related areas which are within the purview of the Committee. Background information concerning items to be considered at this meeting can be found in the Preliminary Safety Analysis Report and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Oswego City Library, 120 East Second Street, Oswego, N.Y. 13126. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555 after December 24, 1975. Copies may be obtained upon payment of appropriate charges.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral

statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 22, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1920, Attention: Mr. John C. McKinley) between 8:15 a.m. and 5:00 p.m., Eastern Daylight Time.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Secretary of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Employee for the meeting, Mr. John C. McKinley of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 1, 1975 at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555, and at the Oswego City Library, 120 East Second Street, Oswego, N.Y. 13126. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555 after December 24, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: September 4, 1975.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 75-23954 Filed 9-8-75; 8:45 am]

[Docket No. 50-133]

## NOTICES

Browns Ferry Units 1 and 2 (March 22, 1975, ERE) in accordance with the li-

## NATIONAL SCIENCE FOUNDATION

## OFFICE OF MANAGEMENT AND BUDGET

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## NOTICES

collecting information from the public received by the Office of Management



[Docket No. 50-133]

**PACIFIC GAS AND ELECTRIC CO.**  
Issuance of Amendment to Facility  
Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-7 issued to Pacific Gas & Electric Company which revised Technical Specifications for operation of the Humboldt Bay Power Plant Unit No. 3, located near Eureka, California. The amendment is effective as of its date of issuance.

The amendment changes the required frequency of submitting Operating Report from semiannual to annual.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 27, 1974, (2) Amendment No. 10 to License No. DPR-7, with Change No. 52 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this August 29, 1975.

For the Nuclear Regulatory Commission,

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-23858 Filed 9-8-75; 8:45 am]

[Dockets Nos. 50-259 and 50-260]

**TENNESSEE VALLEY AUTHORITY**  
Issuance of Amendments to Facility  
Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-33 and Amendment No. 11 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority for operation of the Browns Ferry Nuclear Plant, Units 1 and 2, located in Limestone County, Alabama. The amendments are effective as of their date of issuance.

The amendments modify the licenses to authorize modifications to Units 1 and 2 in conformance with "Plan for Evaluation, Repair, and Return to Service of

Browns Ferry Units 1 and 2 (March 22, 1975 Fire)" in accordance with the licensee's request dated August 29, 1975. These amendments do not authorize return to operation of Units 1 and 2. That authorization will be the subject of another action upon completion of our review of the total restoration work required.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated August 29, 1975, (2) Amendment No. 14 to License No. DPR-33 and Amendment No. 11 to License No. DPR-52, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this September 2, 1975.

For the Nuclear Regulatory Commission,

ROBERT A. PURPLE,  
Chief, Operating Reactors  
Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-23859 Filed 9-8-75; 8:45 am]

**VIRGINIA ELECTRIC & POWER CO.**  
(NORTH ANNA POWER STATION,  
UNITS 1 AND 2)

**Change of Hearing Location and Date**

The hearing regarding environmental issues concerning the routing of Virginia Electric and Power Company's proposed North Anna to Morrisville transmission line previously scheduled to begin September 10, 1975, at 10 a.m. will now begin on September 19, 1975, at 10 a.m. and will take place in the Postal Rate Commission Hearing Room, Suite 500, 2000 L Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 3rd day of September, 1975.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,  
Chairman.

[FR Doc.75-23860 Filed 9-8-75; 8:45 am]

**NATIONAL SCIENCE FOUNDATION**  
ADVISORY PANEL FOR WEATHER  
MODIFICATION

**Notice of Part Open Meeting**

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Weather Modification.

DATE: September 25 and 26, 1975.

TIME: 7:00 p.m. each evening.

PLACE: YMCA Conference Center, Estes Park, Colorado.

TYPE OF MEETING: Part Open—Open 9/25 (7-9 p.m.); 9/26 (7-10 p.m.); Closed 9/25 (9-10 p.m.).

CONTACT PERSON: Mr. Currie S. Downie, Program Manager for Weather Modification, Room 1132, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4380. Anyone who plans to attend this meeting should notify Mr. Downie no later than 9/19/75.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF ADVISORY PANEL: To provide advice on program planning and maximizing potential research payoff and societal benefit and on the impact of the Foundation's research support program on the scientific community in weather modification.

AGENDA: Will include the following discussions and presentations:

**SEPTEMBER 25**

- 7:00 Introductory Remarks.
- 7:15 Efforts by the Panel Emphasizing the Importance and Potential of Weather Modification.
- 7:45 Agriculture Meteorological Experiment (AGRIMEX).
- 8:15 Wind Shear—Aviation hazard.
- 8:45 NSF Budget for FY 76 and Program and Plans for FY 76 and 77.
- 9:00 Review and evaluation of specific Weather Modification proposals (Closed).

**SEPTEMBER 26**

- 7:00 Peer Review.
- 7:30 Design and Evaluation of Weather Modification Experiments.
- 8:00 Hall Suppression.
- 8:30 Panel Discussion—future program planning.

REASON FOR CLOSING: The Panel will be reviewing, discussing and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

AUTHORITY TO CLOSE MEETING: These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this portion of the meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provision of Section 10(d) of Public Law 92-463.

FRED K. MURAKAMI,  
Committee Management Officer.

SEPTEMBER 4, 1975.

[FR Doc.75-23831 Filed 9-8-75; 8:45 am]

**OFFICE OF MANAGEMENT AND  
BUDGET**

**CLEARANCE OF REPORTS**

**List of Requests**

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 3, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

**NEW FORMS**

**NATIONAL SCIENCE FOUNDATION**

Graduate Fellowship Support Grant Expenditure Report Form, 961, annually, colleges and universities, Caywood, D. P., 395-3443.

**NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES**

Artists-in-Schools Research Project, WSAF/AFS, single-time, students, teachers, artists, poets, administrators, Joan Turek.

**DEPARTMENT OF AGRICULTURE**

Economic Research Service, Study of Residential Finance in Metropolitan and Non-Metropolitan Areas in Kentucky, single-time, officials of banks and savings and loan associations, Sunderhauf, M. B., 395-6140.

Forest Service, Application for Summer Employment—Forest Service, annually, students, Caywood, D. P., 395-3443.

Statistical Reporting Service, 1975 Maryland Commercial Sod Survey, single-time, sod farms, Harry B. Sheftel.

**DEPARTMENT OF COMMERCE**

Bureau of Census, Company Reporting Pretest, RA1, RA2, single-time, retail, service, and wholesale firms, Hulett, D. T., 395-4730.

National Bureau of Standards, Survey of Current Research on the Building Regulatory Process, NBS-1046, single-time, academic and institutional researchers, Sunderhauf, M. B., 395-6140.

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Health Resources Administration, Grant Application, RMP, BHRD 0618, on occasion, specialized nonprofit agencies, Harry B. Sheftel.

National Institutes of Health, Fertility Change After the Baby Boom: The Role of Economic Stress, Female Employment and Education, NIH-CH-34, single-time, persons 18 years and older, Dick Eisinger, George Hall, 395-6140.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Office of the Secretary, Community Development Block Grant—Grantee Performance Report, on occasion, local general purpose government receiving community development block grants, Community and Veterans Affairs Division, Lowry, R. L., 395-3532.

**REVISIONS**

**ENVIRONMENTAL PROTECTION AGENCY**

Application for an Experimental Use Permit To Ship and Use a Pesticide for Experimental Purposes Only, EPA 8570, on occasion, pesticide firms, Harry B. Sheftel.

**VETERANS ADMINISTRATION**

Application for Program of Education or Training for an Individual on Active Duty, 21E-1900A, on occasion, servicemen and servicewomen, Caywood, D. P., 395-3443.

**DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration, Fishermen's Cooperative Association Survey, 2-112, annually, fishery cooperatives, Caywood, D. P., 395-3443.

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Social Security Administration, SSA Medical History and Disability Report, SSA-401, SSA-401-B, on occasion, applicants, Caywood, D. P., 395-3443.

**EXTENSIONS**

**DEPARTMENT OF AGRICULTURE**

Statistical Reporting Service, Seed Price Inquiries, annually, seed buyers and cleaners, Caywood, D. P., 395-3443.

Agricultural Marketing Service, Report of Cotton on Hands in Mills, CN-110, annually, cotton mills, Marsha Traynham, 395-4529.

Statistical Reporting Service, Onion Stocks and Dispositions, semi-annually, onion growers, Marsha Traynham, 395-4529.

Statistical Reporting Service, Potato Price Inquiries, monthly, potato growers, buyers and handlers, Harry B. Sheftel.

Farmers Home Administration, Applicant Reference Letter—FHA Loans, FHA 410-8, on occasion, individuals, Harry B. Sheftel.

**DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration, Identifying Fishery Cooperative Associations, 2-115, on occasion, fishery cooperatives, Caywood, D. P., 395-3443.

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Office of Education:

Fiscal Report on Part E Fellows (Title V, EPDA), 1203, semiannually, institutions of higher education, Marsha Traynham, 395-4529.

Follow-up Correspondence on Delinquent Federal Student Loans, Title IV-B, P.L. 89-329, OE-1249-1, on occasion, lenders, Caywood, D. P., 395-3443.

Alcohol, Drug Abuse, and Mental Health Administration, Social Issues (for Nationwide Drug Abuse Survey), single-time, individuals, Reese, B. F., 395-3211.

PHILIP D. LARSEN,  
Budget and Management Officer.

[FR Doc.75-24016 Filed 9-8-75; 8:45 am]

**CLEARANCE OF REPORTS**

**List of Requests**

The following is a list of requests for clearance of reports intended for use in

collecting information from the public received by the Office of Management and Budget on September 4, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

**NEW FORMS**

**TENNESSEE VALLEY AUTHORITY**

Agribusiness Inventory Survey, single-time, suppliers, Lowry, R. L., 395-3772.

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Health Services Administration, End Stage Renal Disease Medical Information System, BQA 0613, annually, hospitals and physicians, Dick Eisinger, 395-6140.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Housing Production and Mortgage Credit Application for Historic Preservation Loan, on occasion, individuals, Community and Veterans Affairs Division, 395-3532.

**DEPARTMENT OF LABOR**

Departmental and other, State Program—Public Works—Prevailing Wages, OSEC-1, single time, State government, Lowry, R. L., 395-3772.

**REVISIONS**

**DEPARTMENT OF COMMERCE**

Bureau of Census, Special Population Census Schedule, SC-19, on occasion, households, George Hall, 395-6140.

**EXTENSIONS**

**GENERAL SERVICES ADMINISTRATION**

Affidavit of Individual Surety, SF-28, on occasion, business firms, Caywood, D. P., 395-3443.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc.75-24015 Filed 9-8-75; 8:45 am]

**PRESIDENT'S ADVISORY  
COMMITTEE ON REFUGEES**

**NOTICE OF PUBLIC MEETING**

Notice is hereby given, pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the President's Advisory Committee on Refugees will be held on September 24, 1975, beginning at 10:00 a.m. in Room 2008, New Executive Office Building, 17th and Pennsylvania, N.W., Washington, D.C. 20503.

The President's Advisory Committee on Refugees is established under Exec-

[File No. 500-1]

utive Order 11860 and is governed by the

set down for hearing. Any such request

of the Bonds preclude Pennsylvania from redeeming any of the Bonds prior

be served personally or by mail (air mail if the person being served is located

are referred to the application on file with the Commission for a statement of the representations contained therein.



utive Order 11860 and is governed by the provisions of 5 USC Appendix I. The Committee shall advise the President and heads of appropriate Federal agencies concerning the expeditious and coordinated resettlement of refugees, including: health and environmental matters related to resettlement; interrelationship of the governmental and volunteer roles in resettlement; educational and cultural adjustments required by these efforts; the general well-being of resettled refugees and their families and such other related concerns as the President may, from time to time, specify.

The meeting of the Committee shall be open to the public.

The proposed agenda includes reports from Committee members and staff, a presentation by representatives of the National Center for Vietnamese Resettlement, discussion of the Interim Report to the President, discussion of other planned reports, a progress report on Project Friendship, statistical reports on resettlement provided by the Interagency Task Force, and other appropriate items as may later be included.

Records shall be kept of all Committee proceedings (and shall be available for public inspection at the library of the Department of Health, Education, and Welfare located in Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201).

Signed at Washington, D.C. on September 3, 1975.

ROGER D. SEMERAD,  
Executive Director, President's  
Advisory Committee on Refugees.

[FR Doc. 75-23924 Filed 9-8-75; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

AUGUST 29, 1975.

The common stock of BBI, Inc., being traded on the American and the Philadelphia-Baltimore-Washington Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from September 1, 1975 through September 10, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 75-23893 Filed 9-8-75; 8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 175—TUESDAY, SEPTEMBER 9, 1975

## NOTICES

[File No. 500-1]

### EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

SEPTEMBER 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 4, 1975 through September 13, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 75-23844 Filed 9-8-75; 8:45 am]

[File No. 500-1]

### INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

SEPTEMBER 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 4, 1975 through September 13, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 75-23845 Filed 9-8-75; 8:45 am]

### MIDWEST STOCK EXCHANGE INC.

Applications for Unlisted Trading Privileges and Opportunity for Hearing

AUGUST 29, 1975.

The above named national securities exchange had filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

CAMPBELL RED LAKE MINES LTD., FILE NO. 7-4748

Upon receipt of a request, on or before September 14, 1975 from any interested person, the Commission will determine whether the application shall be

set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 75-23944 Filed 9-8-75; 8:45 am]

[Rel. No. 19154]

### PENNSYLVANIA POWER CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding and Issue of Bonds for Sinking Fund Purposes

In the matter of Pennsylvania Power Company, 1 East Washington Street, New Castle, Pennsylvania 16103; (70-5731).

Notice is hereby given that Pennsylvania Power Company ("Pennsylvania"), an electric utility subsidiary of Ohio Edison Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Pennsylvania proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to \$25,000,000 principal amount of First Mortgage Bonds ("Bonds") in one or more series, each series to mature in not less than 5 and not more than 30 years. Pennsylvania proposes further that it will decide on the number of new series of the Bonds to be created and the maturity of the Bonds at a subsequent date and then notify prospective bidders of its decision not less than 72 hours prior to the bidding. The price of the Bonds, which will be not less than 100% (unless Pennsylvania shall authorize a lower percentage not less than 99%) but not greater than 102.75% of the principal amount thereof and accrued interest, will be determined by competitive bidding. The Bonds will be issued under a Mortgage and Deed of Trust dated as of November 1, 1945, between Pennsylvania and First National City Bank of New York, as trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be executed in connection with this issuance. The terms

of the Bonds preclude Pennsylvania from redeeming any of the Bonds prior to October 1, 1980, if such redemption is for the purpose of refunding the Bonds with proceeds of funds borrowed at a lower effective interest cost.

Pennsylvania also proposes to issue \$1,169,000 principal amount of First Mortgage Bonds, 3¼% series, due 1982 to the First National City Bank, as trustee, under its Indenture dated November 1, 1945, as amended and supplemented (particularly by the third Supplemental Indenture dated February 1, 1952) and to surrender such bonds (hereinafter "Sinking Fund Bonds") to the trustee in accordance with the Indenture's sinking fund requirements. The Sinking Fund Bonds are to be identical in all respects to those authorized by the Commission on February 1, 1974 (HCAR No. 18274). The Bonds and the Sinking Fund Bonds will be issued against property additions and a portion of the principal amount of bonds to be retired November 1, 1975.

The proceeds realized from the sale of the Bonds will be applied to the payment of \$9,793,000 principal amount of First Mortgage Bonds, 2¾% Series due November 1, 1975, to repay short-term indebtedness (estimated to aggregate \$13,700,000 at the time of the sale of the Bonds) and to reimburse Pennsylvania's treasury in part for monies expended for the construction of new facilities and improvement of existing facilities. Pennsylvania proposes to use the Sinking Fund Bonds solely to obtain the inclusion in its general funds of the sinking fund payments on deposit, and required to be made on or before December 1, 1975, with the trustee under the sinking fund provisions of the Indenture. The cash so acquired by Pennsylvania will be applied to its 1975 construction program or to reimburse its treasury in part for monies expended for such purpose.

The fees and expenses to be incurred by Pennsylvania in connection with the issuance and sale of the Bonds will be filed by amendment. The fees and expenses to be incurred by Pennsylvania in connection with the issuance of the Sinking Fund Bonds are estimated not to exceed \$2,250 including approximately \$750 in legal fees. It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed transactions and that no other state commission or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 26, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should

be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as filed, or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 75-23945 Filed 9-8-75; 8:45 am]

[File No. 500-1]

### ROYAL PROPERTIES INC.

Suspension of Trading

AUGUST 29, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 31, 1975 through September 9, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 75-23865 Filed 9-8-75; 8:45 am]

[811-1599]

### SAGITTARIUS FUND, INC.

Notice of Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased to Be an Investment Company

AUGUST 29, 1975.

Notice is hereby given that The Sagittarius Fund, Inc., 545 Madison Avenue, New York, New York 10022, ("Applicant"), registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, filed an application on August 5, 1975, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons

are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act on February 5, 1968. Applicant states that a Plan of Liquidation and Dissolution was adopted on February 6, 1975 by vote of a majority of the outstanding voting securities of Applicant. Pursuant to such Plan, substantially all of the assets of Applicant have been distributed pro rata to the stockholders of Applicant. On July 3, 1975, a Certificate of Dissolution of Applicant was filed with the Secretary of State of the State of Delaware.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 23, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 23, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 75-23864 Filed 9-8-75; 8:45 am]

### SEC REPORT COORDINATING GROUP (ADVISORY)

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

FEDERAL REGISTER, VOL. 40, NO. 175—TUESDAY, SEPTEMBER 9, 1975

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## NOTICES

The Commission's Report Coordinating Group (Advisory) will hold a meeting

pending, for the period from September 4, 1975 through September 13, 1975.

NEW YORK DISTRICT ADVISORY COUNCIL

MEDICAL RESEARCH SERVICE MERIT REVIEW BOARDS

## NOTICES

DEPARTMENT OF LABOR

Office of the Secretary



## NOTICES

The Commission's Report Coordinating Group (Advisory) will hold a meeting on September 22, 1975 at the Securities and Exchange Commission, 500 North Capitol Street, Room 776, Washington, D.C. The meeting will commence at 10:00 a.m. local time and will be for the purpose of discussing the development of simplified trading forms and assessment forms.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is advising the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140; Securities Exchange Act Release No. 11149).

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Pillero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-23943 Filed 9-8-75;8:45 am]

[File No. 500-1]

#### WESTGATE CALIFORNIA CORP. Suspension of Trading

SEPTEMBER 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1977, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is sus-

pending, for the period from September 4, 1975 through September 13, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-23846 Filed 9-8-75;8:45 am]

#### SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Revision 15]

#### DELEGATION OF AUTHORITY TO CONDUCT PROGRAM ACTIVITIES IN FIELD OFFICES

##### Correction

In the document appearing at page 11657 in the FEDERAL REGISTER of March 12, 1975, paragraph 2 of Part X, Section A on page 11661, is corrected by inserting the words "and equipment" after the word "supplies."

Paragraph 2 should have read as follows:

2. Office Supplies and Equipment. To purchase office supplies and equipment and rent \* \* \*.

Dated: September 3, 1975.

DOROTHY S. LEVY,  
Federal Register  
Liaison Officer.

[FR Doc.75-23926 Filed 9-8-75;8:45 am]

[License No. 09/09-5181]

#### FONG VENTURE CAPITAL CORP.

##### Issuance of a License To Operate as a Small Business Investment Company

On January 9, 1975, a notice was published in the FEDERAL REGISTER (40 FR 1797) stating that Fong Venture Capital Corp., located at 2245 Park Avenue Circle, Sacramento, California 95825, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1975) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given the close of business on January 24, 1975, to submit their written comments to SBA. Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 09/90-5181 to Fong Venture Capital Corp., pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: August 28, 1975.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.75-23855 Filed 9-8-75;8:45 am]

#### NEW YORK DISTRICT ADVISORY COUNCIL

##### Public Meeting

The Small Business Administration New York District Advisory Council will hold a public meeting at 3:00 p.m., Wednesday, September 30, 1975, Room 2805, 26 Federal Plaza, New York, New York 10007, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present. For further information, write Walter Leavitt at the above address or call (212) 264-1318.

Dated: September 2, 1975.

ANTHONY S. STASIO,  
Chief Counsel for Advocacy,  
Small Business Administration.

[FR Doc.75-23925 Filed 9-8-75;8:45 am]

#### SYRACUSE DISTRICT ADVISORY COUNCIL

##### Public Meeting

The Small Business Administration Syracuse District Advisory Council will hold a public meeting at 9:00 a.m., Thursday, October 9, 1975, at the University Club, 431 E. Fayette Street, Syracuse, New York, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present. For further information, write or call J. Wilson Harrison, District Director, Small Business Administration, 308 Hunter Plaza, Fayette and Salina Streets, Syracuse, New York 13202 (315) 473-3460.

Dated: August 30, 1975.

ANTHONY S. STASIO,  
Chief Counsel for Advocacy,  
Small Business Administration.

[FR Doc.75-23854 Filed 9-8-75;8:45 am]

#### VETERANS ADMINISTRATION ACTUARIAL ADVISORY COMMITTEE

##### Reestablishment

Notice is hereby given of a determination by the Administrator of Veterans Affairs to reestablish the Actuarial Advisory Committee for a period of two years. The committee was originally chartered February 13, 1973. Its purpose is to advise and recommend on insurance matters in general, with particular emphasis on actuarial questions bearing on solvency of the several insurance funds involving billions of dollars, and equity among the nearly five million policyholders in the Government-administered programs.

Dated: September 3, 1975.

By direction of the Administrator.

[SEAL] A. J. SCHULTZ, Jr.,  
Associate Deputy Administrator.

[FR Doc.75-23870 Filed 9-8-75;8:45 am]

## NOTICES

#### MEDICAL RESEARCH SERVICE MERIT REVIEW BOARDS

##### Meetings

The Veterans Administration gives notice pursuant to Public Law 92-463 of meetings of the following Merit Review Boards.

Merit review board	Date	Time	Location
Respiration	Sept. 23, 1975	8:30 a.m. to 5 p.m.	Room 817, VACO, J
Infectious diseases	Sept. 24, 1975	9:30 a.m. to 5 p.m.	Committee Room, Sheraton Americana Hotel <sup>1</sup>
Oncology	Oct. 1, 1975	8:30 a.m. to 5 p.m.	Room 817, VACO
Basic sciences	Oct. 2, 1975	8 to 11 p.m.	Room C, Quality Inn <sup>3</sup>
Do	Oct. 3, 1975	8:30 a.m. to 5 p.m.	Room 134, VACO
Do	Oct. 4, 1975	8:30 a.m. to 5 p.m.	Do
Hematology	Oct. 10, 1975	8:30 a.m. to 5 p.m.	General's Tent No. 2, Quality Inn
Endocrinology	Oct. 11, 1975	do	Room 817, VACO
Immunology	Oct. 15, 1975	do	Do
Surgery	Oct. 16, 1975	7:30 to 11 p.m.	Lobby Room, San Francisco Hilton <sup>4</sup>
Do	Oct. 17, 1975	11 a.m. to 5:30 p.m.	Do
Neurobiology	Oct. 28, 1975	8:30 a.m. to 5 p.m.	Room 817, VACO
Cardiology	Oct. 21, 1975	do	Room 134, VACO
Gastroenterology	do	do	Room 817, VACO
Alcoholism and drug dependence	Oct. 23, 1975	do	Master's Room, East 1 Inn <sup>2</sup>
Behavioral sciences	do	7:30 to 11 p.m.	Room C, Quality Inn
Do	Oct. 24, 1975	8:30 a.m. to 4:30 p.m.	Room 134, VACO

<sup>1</sup> Veterans Administration Central Office, 810 Vermont Ave., NW., Washington, D.C. 20130.  
<sup>2</sup> Sheraton Americana Hotel, 2500 Calvert St. NW., Washington, D.C. 20008.  
<sup>3</sup> Quality Inn Downtown, Massachusetts Ave. and Thomas Circle NW., Washington, D.C. 20005.  
<sup>4</sup> San Francisco Hilton, 333 Mason St., San Francisco, Calif. 94101.

<sup>5</sup> Royal Inn, South Airport Blvd., South San Francisco, Calif. 94080.

These meetings will be for the purpose of evaluating the scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms at the start of each meeting to discuss the general status of the program. In accordance with the provision set forth in section 552(b)(5), title 5, United States Code, all of the Merit Review Board meetings will be closed to the public after approximately one-half hour from the start, for the review, discussion and evaluation of initial, pending and renewal research projects.

The closed portion of the meetings involve: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents which are exempt from disclosure under the inter-agency memoranda exemption (exemption (5)) to section 552(b) of title 5, United States Code. The portion of the meeting which necessitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Because of the limited seating capacity of the rooms, those who plan to attend should contact Gerald Libman, Chief, Program Development and Review Division, Medical Research Service, Veterans Administration, Washington, DC, (202) 389-5065 at least two days prior to each meeting. Minutes of the meeting and rosters of the members of the Boards may be obtained from this source.

Dated: September 3, 1975.

By direction of the Administrator,

[SEAL] A. J. SCHULTZ, Jr.,  
Associate Deputy Administrator.

[FR Doc.75-23943 Filed 9-8-75;8:45 am]

#### MERIT REVIEW BOARDS IN DESIGNATED MEDICAL SPECIALTIES

##### Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Public Law 92-463) of October 6, 1972, that the following Merit Review Boards (in designated medical specialties) have been renewed by the Administrator of Veterans Affairs for a two-year period beginning August 28, 1975 through August 23, 1977:

Merit Review Board for Alcoholism and Drug Dependence Programs.  
Merit Review Board for Basic Science Programs.  
Merit Review Board for Behavioral Science Programs.  
Merit Review Board for Cardiovascular Programs.  
Merit Review Board for Endocrinology Programs.  
Merit Review Board for Gastroenterology Programs.  
Merit Review Board for Hematology Programs.  
Merit Review Board for Immunology Programs.  
Merit Review Board for Infectious Disease Programs.  
Merit Review Board for Nephrology Programs.  
Merit Review Board for Neurobiology Programs.  
Merit Review Board for Oncology Programs.  
Merit Review Board for Respiration Programs.  
Merit Review Board for Surgery Programs.

Dated: September 3, 1975.

By direction of the Administrator,

[SEAL] A. J. SCHULTZ, Jr.,  
Associate Deputy Administrator.

[FR Doc.75-23860 Filed 9-8-75;8:45 am]

#### DEPARTMENT OF LABOR

##### Office of the Secretary

SKF INDUSTRIES INCORPORATED OF PHILADELPHIA, ALTOONA, PENNSYLVANIA

[TA-W-75]

#### Notice of Negative Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-75; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 8, 1975 in response to a worker petition received on July 3, 1975 by the International Union of United Steelworkers of America (AFL-CIO), which was filed on behalf of workers producing bearings at the Altoona plant of SKF Industries, Incorporated of Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30336) on July 18, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of SKF Industries, Incorporated, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Monthly employment in June 1975 was 15 percent below its level for October 1974. Average monthly employment during the first half of 1975 was 16 percent lower than in the same period in 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total production in units for 1974 was one percent lower than in 1973. Total production in units for the first half of 1975 was 25 percent lower than in the first half of 1974.

## NOTICES

INCREASED IMPORTS CONTRIBUTED TO THE DECLINE IN PRODUCTION OF CERTAIN TYPES OF TRUCKS IN THE UNITED STATES.

MC 121060 Sub 19. Arrow Truck Lines, Inc., now assigned September 10, 1975 at Chicago, Illinois.

from specified points in Texas, to East St. Louis, Illinois and St. Louis, Missouri.

Counties, and those points in Horry County, S.C. within 50 miles of Fair-

ning, including points on the indicated portions of the highways specified. The

202 and west of New York Highway 112 extending between Patchogue and Port

## NOTICES



# INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of ball bearings from 1973 to 1974 increased slightly by 3 percent. The import to production ratio decreased from 55.1 to 50.0 from 1973 to 1974. The import to consumption ratio fell from 17.1 to 17.0 during the same period. Imports of ball bearings in the first five months of 1975 decreased 29 percent from the same period in 1974.

Imports of roller bearings, other than tapered, in the first five months of 1975 decreased 10 percent from the same period in 1974. During this period the import to production ratio of roller bearings fell from 11 percent to 8.6 percent.

Evidence developed during the course of the investigation indicates that the reason for the plant's reduction in sales was the sharp decline in demand for bearings which first occurred in December 1974. Most customers of SKF indicated that they have decreased their purchases of both domestic and off-shore bearings because of the poor economic conditions in the country, especially in the automobile industry.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with bearings produced at the Alcoa plant of SKF Industries, Incorporated did not contribute importantly to the total or partial separation of the workers or to the absolute decline in sales or production of the Division.

Signed at Washington, D.C. this 2nd day of September 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.

[FR Doc.75-23924 Filed 9-8-75;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 849]

### ASSIGNMENT OF HEARINGS

SEPTEMBER 4, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 130193 Sub 21, Roberts & Oake, Inc., now being assigned November 3, 1975 (1 day), at Kansas City, Missouri, in a hearing room to be later designated.

MC 115331 Sub 301, Truck Transport Incorporated, a Corporation, now being assigned November 4, 1975 (1 day), at Kansas City, Missouri, in a hearing room to be later designated.

## NOTICES

MC 121060 Sub 19, Arrow Truck Lines, Inc., now assigned September 10, 1975 at Chicago, Illinois; will be held in Room 286, 219 South Dearborn Street.

MC 128383 Sub 61, Pinto Trucking Service, Inc., now assigned September 15, 1975 at Chicago, Illinois; will be held in Room 286, 219 South Dearborn Street.

MC 125777 Sub 148, Jack Gray Transport, Inc., now assigned September 17, 1975 at Chicago, Illinois; will be held in Room 834, 219 South Dearborn Street.

No. 36095, Investigation Into Lawfulness of Off-Line Limitations Placed on Non-Assigned Hopper Cars, now being assigned for a Pre-hearing Conference on October 6, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S-M 28713, General Increase, September 1975, R.M.M.T.B., now being assigned October 15, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8667, Don Swart Trucking, Inc.—Investigation and Revocation of Certificates, now assigned September 23, 1975 at Charleston, West Virginia, is canceled.

MC 2900 Sub 267, Ryder Truck Lines, Inc. and MC 115841 Sub 495, Colonial Refrigerated Transportation, Inc., now assigned September 11, 1975, at Washington, D.C., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23940 Filed 9-8-75;8:45 am]

[Ex Parte No. MC 19 (Sub-No. 24)]

### COLLECTION OF FREIGHT CHARGES ON SUBSTANTIALLY LOST OR DESTROYED SHIPMENTS OF HOUSEHOLD GOODS

#### Extension of Time

SEPTEMBER 4, 1975.

At the request of Alan F. Wohlstetter, attorney for Household Goods Carriers' Bureau and American Movers Conference, the time for filing representations in the above-entitled proceeding has been extended from September 8, 1975, to September 15, 1975.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23942 Filed 9-8-75;8:45 am]

### FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 4, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43039—*Acids and Chemicals from Points in Texas*. Filed by Southwestern Freight Bureau, Agent (No. B-556), for interested rail carriers. Rates on acids and chemicals, in tank-car loads, as described in the application,

from specified points in Texas, to East St. Louis, Illinois and St. Louis, Missouri. Grounds for relief—Market competition.

Tariff—Supplement 146 to Southwestern Freight Bureau, Agent, tariff 354-C, I.C.C. No. 5084. Rates are published to become effective on October 1, 1975.

FSA No. 43040—*Returned Shipments of Newsprint Paper Winding Cores from Sheldon, Texas to Points in Kansas*. Filed by Southwestern Freight Bureau, Agent (No. B-551), for interested rail carriers. Rates on newsprint paper and returned shipments of newsprint paper winding cores, in carloads, as described in the application, from Sheldon, Texas, to points in Kansas, also returned shipments in the reverse direction.

Grounds for relief—Market competition, returned shipments.

Tariff—Supplement 45 to Southwestern Freight Bureau, Agent, tariff 306-F, I.C.C. No. 5104. Rates are published to become effective on October 7, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23941 Filed 9-8-75;8:45 am]

### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

#### Elimination of Gateway Letter Notices

SEPTEMBER 4, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 19, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 64112 (Sub-No. E21), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 27276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Marion, Marlboro, and Dillon

Counties, and those points in Horry County, S.C., within 50 miles of Fairmont, N.C., on the one hand, and, on the other, Baltimore, Md., Bridgeton, N.J., points in Virginia on and east of U.S. Highway 15 (except those in Accomack and Northampton Counties, Va.), and points in Pennsylvania on and east of a line extending from the Maryland-Pennsylvania State line along U.S. Highway 111 to York, Pa., and on and south of a line extending from York, along U.S. Highway 30 to junction U.S. Highway 202, and thence along U.S. Highway 202 through New Hope, Pa., to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateways of Henderson, N.C., and points in North Carolina within 50 miles of Fairmont, N.C.

No. MC 64112 (Sub-No. E22), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Dillon and Marlboro Counties, S.C., and points in Marion and Horry Counties, S.C., west and north of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 17, to junction South Carolina Highway 90, thence along South Carolina Highway 90 to junction U.S. Highway 378, thence along U.S. Highway 378 to the Marion-Florence County line, on the one hand, and, on the other, points in that part of Connecticut south of a line extending from New Haven, Conn., through Ansonia, Sandy Hook, and Brookfield, Conn., to the Connecticut-New York State line, points in that part of New York south of U.S. Highway 202 and west of New York Highway 112 extending between Patchogue and Port Jefferson, Long Island, N.Y., and points in that part of New Jersey and Pennsylvania bounded by a line beginning at the New Jersey-New York State line and extending along U.S. Highway 202 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction U.S. Highway 206, thence along U.S. Highway 206 to Trenton, N.J., thence along U.S. Highway 1 to Philadelphia, Pa., thence along U.S. Highway 30 to Camden, N.J., thence along the east bank of the Delaware River to Penns Grove, N.J., thence along U.S. Highway 130 to junction New Jersey Highway 44 (formerly U.S. Highway 130), thence along New Jersey Highway 44 to Paulsboro, N.J., thence to Clementon, N.J., thence through Mt. Holly and Freehold, N.J., to the Atlantic Ocean, thence along the east bay and river shores of New Jersey to the New Jersey-New York State line, and thence along the New York-New Jersey State line to point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., and Rockingham, N.C.

No. MC 64112 (Sub-No. E23), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in South Carolina south of a line extending from the North Carolina-South Carolina State line extending along U.S. Highway 17 to junction South Carolina Highway 90, thence along South Carolina Highway 90 to junction U.S. Highway 378, thence along U.S. Highway 378 to the Horry-Marion County line, thence along the southern boundaries of Marion, Dillon, Darlington, and Chesterfield Counties to the South Carolina-North Carolina State line, on the one hand, and, on the other, points in South Carolina south of a line extending from the North Carolina-South Carolina State line along U.S. Highway 17 to junction South Carolina Highway 90, thence along South Carolina Highway 90 to Conway, S.C., thence along U.S. Highway 378 to the Horry-Marion County line, thence along the southern boundaries of Marion, Dillon, Darlington, and Chesterfield Counties to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Marlboro and Dillon Counties, S.C., Philadelphia, Pa., and Weldon or Rockingham, N.C., and points within 50 miles of Fairmont, N.C.

No. MC 64112 (Sub-No. E24), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of Connecticut south of a line extending from New Haven, Conn., through Ansonia, Sandy Hook, and Brookfield, Conn., to the Connecticut-New York State line, points in that part of New York south of U.S. Highway 202, and thence along U.S. Highway 202 through New Hope, Pa., to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateways of Red Oak or Rockingham, N.C., points in Dillon and Marlboro Counties, S.C., and points within 50 miles of Fairmont, N.C.

No. MC 64112 (Sub-No. E25), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of Connecticut south of a line extending from New Haven, Conn., through Ansonia, Sandy Hook, and Brookfield, Conn., to the Connecticut-New York State line, points in that part of New York south of U.S. Highway 202, and thence along U.S. Highway 202 through New Hope, Pa., to the Pennsylvania-New Jersey State line, and thence along the New Jersey-New York State line to point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., and Rockingham, N.C., and points within 50 miles of Fairmont, N.C.

## NOTICES

202 and west of New York Highway 112 extending between Patchogue and Port Jefferson, Long Island, N.Y.; and points in that part of New Jersey and Pennsylvania bounded by a line beginning at the New Jersey-New York State line and extending along U.S. Highway 202 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction U.S. Highway 206, thence along U.S. Highway 206 to Trenton, N.J., thence along U.S. Highway 1 to Philadelphia, Pa., thence along U.S. Highway 30 to Camden, N.J., thence along the east bank of the Delaware River to Penns Grove, N.J., thence along U.S. Highway 130 to junction New Jersey Highway 44 (formerly Alternate U.S. Highway 130), thence along New Jersey Highway 44 to Paulsboro, N.J., thence to Clementon, N.J., thence through Mt. Holly and Freehold, N.J., to the Atlantic Ocean, thence along the east bay and river shores of New Jersey to the New Jersey-New York State line, and thence along the New Jersey-New York State line to point of beginning, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in South Carolina south of a line extending from the North Carolina-South Carolina State line along U.S. Highway 17 to junction South Carolina Highway 90, thence along South Carolina Highway 90 to Conway, S.C., thence along U.S. Highway 378 to the Horry-Marion County line, thence along the southern boundaries of Marion, Dillon, Darlington, and Chesterfield Counties to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Marlboro and Dillon Counties, S.C., Philadelphia, Pa., and Weldon or Rockingham, N.C., and points within 50 miles of Fairmont, N.C.

No. MC 64112 (Sub-No. E26), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco, those requiring special equipment, and those injurious or contaminating to other lading), between points in South Carolina beginning at the North Carolina-South Carolina State line extending along U.S. Highway 17 to junction South Carolina Highway 90, thence along South Carolina Highway 90 to Conway, S.C., thence along U.S. Highway 378 to the Horry-Marion County line, thence along the southern boundaries of Marion, Dillon, Darlington, and Chesterfield Counties to the South Carolina-North Carolina State line, thence along the northern and western boundaries of Lancaster, Kershaw, Richland, Lexington, Saluda, and McCormick Counties to the South Carolina-Georgia State line, including points in Greenwood County on and east

## NOTICES

of South Carolina Highway 72, thence

B explosives, household goods as defined

Paulsboro, N.J., thence to Clementon,

## NOTICES

No. MC 64112 (Sub-No. E32), filed May

No. MC 64112 (Sub-No. E34), filed

Highway 309 to junction Interstate Highway 83 to the New York-Pennsylvania



of South Carolina Highway 72, thence along the Georgia-South Carolina State line to the Atlantic Ocean and northerly along the Atlantic shore to point of beginning, on the one hand, and, on the other, points in Virginia bounded by a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 15 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Virginia-North Carolina State line, thence along the North Carolina-Virginia State line to point of beginning. The purpose of this filing is to eliminate the gateways of points in Marlboro and Dillon Counties, S.C., and points within 50 miles of Fairmont, N.C., and Rockingham, N.C.

No. MC 64112 (Sub-No. E26), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Atlanta, Augusta, and Columbus, Ga., on the one hand, and, on the other, points in Dillon, Marlboro, Chesterfield, and Darlington Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Sumter County, S.C.

No. MC 64112 (Sub-No. E27), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco, those requiring special equipment, and those injurious or contaminating to other lading), between Atlanta and Augusta, Ga., on the one hand, and, on the other, points in North Carolina in and east of Person, Orange, Chatham, Moore, and Richmond Counties, N.C. The purpose of this filing is to eliminate the gateways of points in Sumter County, S.C., points in Marlboro and Dillon Counties, S.C., and points in North Carolina within 50 miles of Fairmont, N.C.

No. MC 64112 (Sub-No. E28), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and

B explosives, household goods as defined by the Commission, commodities in bulk, unmanufactured leaf tobacco, those requiring special equipment, and those injurious or contaminating to other lading), between Columbus, Ga., on the one hand, and, on the other, points in that part of North Carolina on and east of a line extending from the North Carolina-South Carolina State line extending along U.S. Highway 1 to Rockingham, N.C., thence along U.S. Highway 220 to junction U.S. Highway 311, thence along U.S. Highway 311 to Winston-Salem, N.C., thence along U.S. Highway 158 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Sumter County, S.C., points in Marlboro and Dillon Counties, S.C., and points in North Carolina within 50 miles of Fairmont, N.C.

No. MC 64112 (Sub-No. E29), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Atlanta, Augusta, and Columbus, Ga., on the one hand, and, on the other, Baltimore, Md., Bridgeton, N.J., points in Virginia on and east of U.S. Highway 15 (except those in Accomack and Northampton Counties, Va.), and points in Pennsylvania on and east of a line extending from the Maryland-Pennsylvania State line extending along U.S. Highway 111 to York, Pa., and on and south of a line extending from York along U.S. Highway 30 to junction U.S. Highway 202, and thence along U.S. Highway 202 through New Hope, Pa., to the Pennsylvania-New Jersey State line, and points in that part of Connecticut south of a line extending from New Haven, Conn., through Ansonia, Sandy Hook, and Brookfield, Conn., to the Connecticut-New York State line; points in that part of New York south of U.S. Highway 202 and west of New York Highway 112 extending between Patchogue, and Port Jefferson, Long Island, N.Y., and points in that part of New Jersey and Pennsylvania bounded by a line beginning at the New Jersey-New York State line and extending along U.S. Highway 202 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction U.S. Highway 206, thence along U.S. Highway 206 to Trenton, N.J., thence along U.S. Highway 1 to Philadelphia, Pa., thence along U.S. Highway 30 to Camden, N.J., thence along the east bank of the Delaware River to Penns Grove, N.J., thence along U.S. Highway 130 to junction New Jersey Highway 44 (formerly Alternate U.S. Highway 130), thence along New Jersey Highway 44 to

Paulsboro, N.J., thence to Clementon, N.J., thence through Mt. Holly and Freehold, N.J., to the Atlantic Ocean, thence along the east bay and river shores of New Jersey to the New Jersey-New York State line, and thence along the New Jersey-New York State line to point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of (a) Sumter County, S.C.; (b) points in Dillon and Marlboro Counties, S.C.; (c) points within 50 miles of Fairmont, N.C.; and (d) Philadelphia, Pa.

No. MC 64112 (Sub-No. E30), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from points in Beaufort, Brunswick, Carteret, Craven, Dave, Hyde, Jones, New Hanover, Onslow, Pamlico, Pender, Tyrrell, and Washington Counties, N.C., to points in Pennsylvania, north of U.S. Highway 22 from the New Jersey-Pennsylvania State line to Harrisburg, Pa., and west of Interstate Highway 83 from Harrisburg to the Pennsylvania-Maryland State line, New Jersey, New York (except those points on Long Island east of the New York, N.Y., commercial zone as defined by the Commission), Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Plymouth, N.C.

No. MC 64112 (Sub-No. E31), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from points in Buncombe, Henderson, Clay, Macon, Jackson, and Transylvania Counties, N.C., and those points in Haywood County, N.C., on and south of U.S. Highway 19 to points in Massachusetts, Rhode Island, and those in Connecticut on and north of a line extending from New Haven, Conn., through Ansonia, Sandy Hook, and Brookfield, Conn., to the Connecticut-New York State line, thence points in New York north and east of a line beginning at the Connecticut-New York State line and extending along U.S. Highway 202 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, thence along New York Highway 23 to Cairo, N.Y., thence along New York Highway 149 to Middleburg, N.Y., thence along New York Highway 30 to the United States-Canada International Boundary line, points in New Jersey on and south of a line from Camden, N.J., via New Jersey Highway 30 to Clementon, N.J., thence through Mt. Holly and Freehold, N.J., to the Atlantic Ocean, and to Concord, N.H., and Portland, Maine. The purpose of this filing is to eliminate the gateways of Concord, N.C., and points within 25 miles thereof, and Plymouth, N.C.

No. MC 64112 (Sub-No. E32), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* (except in bulk), from points in Charleston County, S.C., to points in Connecticut, Portland, Maine, points in Massachusetts, Concord, N.H., points in New Jersey, points in New York (except those points on Long Island east of the New York, N.Y., commercial zone as defined by the Commission), points in Pennsylvania north of U.S. Highway 22 from the New Jersey-Pennsylvania State line to Harrisburg, Pa., and west of Interstate Highway 83 from Harrisburg, Pa., to the Pennsylvania-Maryland State line, points in Rhode Island. The purpose of this filing is to eliminate the gateways of points in Dillon County, S.C., Plymouth, N.C., and Fairmont, N.C., and points within 50 miles thereof.

No. MC 64112 (Sub-No. E33), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* (except commodities in bulk), from points in South Carolina on, south, and east of a line beginning at the North Carolina-South Carolina State line along U.S. Highway 601 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-Georgia State line (except points in Charleston County, S.C.), to points in Pennsylvania bounded by a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 22 to Harrisburg, Pa., thence along U.S. Highway 15 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to Ridgway, Pa., thence along U.S. Highway 219 to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 321 to Kane, Pa., thence along U.S. Highway 6 to Warren, Pa., thence along U.S. Highway 62 to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to point of beginning, including points on said boundary line, points in Connecticut, Massachusetts, Rhode Island, Portland, Maine, Concord, N.H., and points in New York (except those points on Long Island east of the New York, N.Y., commercial zone as defined by the Commission), located on and east of a line extending from the Pennsylvania-New York State line along U.S. Highway 11 to junction New York Highway 79, thence along New York Highway 79 to Ithaca, N.Y., thence along New York Highway 96 and 96A to Geneva, N.Y., thence along New York Highway 14 to Lake Ontario, including points on said boundary line; points in that part of Pennsylvania bounded by a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 145, thence along Pennsylvania Highway 93 to Hazelton, Pa., thence along Pennsylvania

No. MC 64112 (Sub-No. E34), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* (except in bulk), from Augusta, Ga., to points in Connecticut; Portland, Maine; points in Massachusetts; Concord, N.H.; points in New Jersey; points in New York (except those points on Long Island east of the New York, N.Y., commercial zone as defined by the Commission), located on and east of a line extending from the Pennsylvania-New York State line along U.S. Highway 62 to junction New York Highway 60, thence along New York Highway 60 through Dunkirk, N.Y., to Lake Erie; points in that part of Pennsylvania bounded by a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 22 to Harrisburg, Pa., thence along U.S. Highway 15 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to Ridgway, Pa., thence along U.S. Highway 219 to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 321 to Kane, Pa., thence along U.S. Highway 6 to Warren, Pa., thence along U.S. Highway 62 to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to point of beginning, including points on said boundary line; and points in Rhode Island. The purpose of this filing is to eliminate the gateways of points in Sumter County, S.C., points in Dillon County, S.C., points within 50 miles of Fairmont, N.C., and Plymouth, N.C.

No. MC 64112 (Sub-No. E35), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* (except in bulk), from Atlanta and Columbus, Ga., to points in Connecticut; Portland, Maine; points in Massachusetts; Concord, N.H.; points in New Jersey; points in New York (except those points on Long Island east of the New York, N.Y., commercial zone as defined by the Commission), located on and east of a line extending from the Pennsylvania-New York State line along U.S. Highway 11 to junction New York Highway 79, thence along New York Highway 79 to Ithaca, N.Y., thence along New York Highway 96 and 96A to Geneva, N.Y., thence along New York Highway 14 to Lake Ontario, including points on said boundary line; points in that part of Pennsylvania bounded by a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 145, thence along Pennsylvania Highway 93 to Hazelton, Pa., thence along Pennsylvania

Highway 309 to junction Interstate Highway 83 to the New York-Pennsylvania State line, including points on said boundary line; points in Rhode Island. The purpose of this filing is to eliminate the gateways of points in Sumter County, S.C., points in Dillon County, S.C., points within 50 miles of Fairmont, N.C., and Plymouth, N.C.

No. MC 64112 (Sub-No. E36), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products* (except commodities in bulk), from Chicago, Ill., to points in that part of North Carolina east of U.S. Highway 29. The purpose of this filing is to eliminate the gateway of Reidsville or Charlotte, N.C.

No. MC 64112 (Sub-No. E37), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products* (except commodities in bulk), from Chicago, Ill., to points in that part of Virginia located on, east, and south of a line extending from the North Carolina-Virginia State line along U.S. Highway 15 to junction U.S. Highway 360, thence along U.S. Highway 360 to Richmond, Va., thence along Virginia Highway 33 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC 64112 (Sub-No. E38), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products* (except in bulk), from Chicago, Ill., to points in Anderson, Cherokee, Greenville, Greenwood, Laurens, Newberry, Pickens, Spartanburg, Union, and York Counties, S.C. The purpose of this filing is to eliminate the gateway of Asheville, N.C.

No. MC 64112 (Sub-No. E39), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products* (except in bulk), from Chicago, Ill., to points in that part of South Carolina, on, east, and south of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of points within 25 miles of Concord, N.C., Fairmont, N.C., and 50 miles radius and points in Dillon and Marlboro Counties, S.C.



No. MC 64112 (Sub-No. E40), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk), from Chicago, Ill., to Augusta, Ga. The purpose of this filing is to eliminate the gateways of points in Sumter County, S.C., and Asheville, N.C.

No. MC 64112 (Sub-No. E41), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cincinnati and Hamilton, Ohio, to points in that part of North Carolina on, east, and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 158, thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to junction U.S. Highway 21, thence along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Asheville, N.C., and points within 25 miles of Concord, N.C.

No. MC 64112 (Sub-No. E42), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in that part of North Carolina on, east, and south of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 29 to junction U.S. Highway 158, thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to junction U.S. Highway 21, thence along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line to Cincinnati and Hamilton, Ohio. The purpose of this filing is to eliminate the gateway of Asheville, N.C., and points within 25 miles of Concord, N.C.

No. MC 64112 (Sub-No. E43), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Troy, Ohio, to points in North Carolina bounded by a line extending from the North Carolina-South Caro-

lina State line along U.S. Highway 21 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean, thence along the ocean shores to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to point of beginning, including points on said boundary line. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and points within 25 miles of Concord, N.C.

No. MC 64112 (Sub-No. E44), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in North Carolina bounded by a line extending from the North Carolina-South Carolina State line along U.S. Highway 21 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean, thence along the ocean shores to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to point of beginning, including points on said boundary lines to Troy, Ohio. The purpose of this filing is to eliminate the gateway of Asheville, N.C.

No. MC 64112 (Sub-No. E45), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Middletown, Ohio, to points in that part of North Carolina on, east, and south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 64 at or near Statesville, N.C., thence along U.S. Highway 64 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Asheville, N.C., and points within 25 miles of Concord, N.C.

No. MC 64112 (Sub-No. E46), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in that part of North Carolina on, east, and south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-Virginia State line to Middletown, Ohio. The purpose of this

filing is to eliminate the gateway of Asheville, N.C., and points within 25 miles of Concord, N.C.

No. MC 64112 (Sub-No. E47), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cincinnati, Hamilton, Middletown, and Troy, Ohio, to points in South Carolina located on and east of a line extending from the North Carolina-South Carolina State line along U.S. Highway 1 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 17A, thence along U.S. Highway 17A to junction U.S. Highway 17, thence along U.S. Highway 17 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateways of Asheville, N.C., points within 25 miles of Concord, N.C., points within 50 miles of Fairmont, N.C., and points in Marlboro and Dillon Counties, S.C.

No. MC 64112 (Sub-No. E48), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in South Carolina located on and east of a line extending from the North Carolina-South Carolina State line along U.S. Highway 1 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 17A, thence along U.S. Highway 17A to junction U.S. Highway 17, thence along U.S. Highway 17 to the Georgia-South Carolina State line to Cincinnati, Hamilton, Middletown, and Troy, Ohio. The purpose of this filing is to eliminate the gateways of Asheville, N.C., points within 25 miles of Concord, N.C., points within 50 miles of Fairmont, N.C., and points in Marlboro and Dillon Counties, S.C.

No. MC 64112 (Sub-No. E49), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cincinnati, Hamilton, Middletown, and Troy, Ohio, to Anderson, Cherokee, Greenville, Greenwood, Laurens, Pickens, Newberry, Spartanburg, Union, and York Counties, S.C., and Columbia, S.C. The purpose of this filing is to eliminate the gateway of Asheville, N.C.

No. MC 64112 (Sub-No. E50), filed May 14, 1974. Applicant: NORTH-

EASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line along Interstate Highway 85 to junction U.S. Highway 29, thence along U.S. Highway 29 to Charlotte, N.C., thence along U.S. Highway 21 to the North Carolina-South Carolina State line to points in that part of Tennessee bounded by a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75 to Knoxville, Tenn., thence along U.S. Highway 129 to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to Tennessee Highway 70, thence along Tennessee Highway 70 to the Kentucky-Tennessee State line to point of beginning, including points on said boundary line. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and points within 25 miles of Concord, N.C.

No. MC 64112 (Sub-No. E51), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, from Chicago, Ill., to points in North Carolina (except points within 115 miles of Asheville, N.C.). The purpose of this filing is to eliminate the gateways of Concord, N.C., and points within 25 miles thereof.

No. MC 64112 (Sub-No. E52), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, from Chicago, Ill., to points in South Carolina (except points in Oconee and Pickens Counties). The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 64112 (Sub-No. E53), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, (except in bulk), from Chicago, Ill., to points in that part of Virginia bounded by a line beginning at the North Carolina-Virginia State line and extending via U.S. Highway 15 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 460, thence along U.S. Highway 460 to Petersburg, Va., thence along Virginia Highway 36 to Hopewell, Va., thence along Virginia Highway 10 to

Smithfield, Va., thence along U.S. Highway 258 to Newport News, Va., thence along U.S. Highway 60 to Virginia Beach, Va., thence along the ocean shores to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Statesville, N.C., and Burlington, N.C.

No. MC 64112 (Sub-No. E54), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries* (except in bulk), from Chicago, Ill., to Augusta, Ga. The purpose of this filing is to eliminate the gateways of Charlotte, N.C., and points in Sumter County, S.C.

No. MC 64112 (Sub-No. E55), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, from Cincinnati, Ohio, Indianapolis, Ind., and Louisville, Ky., to points in that part of North Carolina on and east of a line extending from the North Carolina-Virginia State line along U.S. Highway 29 to junction U.S. Highway 158, thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to junction U.S. Highway 21, thence along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of points within 25 miles of Concord, N.C. (Barber, N.C.).

No. MC 64112 (Sub-No. E56), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale grocery and food business houses (except fresh meat, eggs, poultry, and products of food-processing and meat packinghouses, and packinghouse products and advertising material and premiums for food processing and meat packinghouses, from points in North Carolina bounded by a line beginning at the North Carolina-Virginia State line along U.S. Highway 52 to junction U.S. Highway 601, thence along U.S. Highway 601 to Salisbury, N.C., thence along U.S. Highway 29 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, thence along the southern border of the North Carolina-South Carolina State line to U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 74, thence

along U.S. Highway 74 to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to the North Carolina-Virginia State line and thence to point of beginning, including points on said highways to points in South Carolina bounded by a line beginning at the North Carolina-South Carolina State line along U.S. Highway 521 to junction South Carolina Highway 9, thence along South Carolina Highway 9 to Fort Lawn, S.C., thence along U.S. Highway 21 to junction North Carolina Highway 97, thence along North Carolina Highway 97 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, thence along the Atlantic-South Carolina shore to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to the southern boundary of Dillon County, S.C., thence along the southern boundaries of Dillon, Marlboro, Darlington, and Chesterfield Counties to the North Carolina-South Carolina State line, thence to point of beginning along the North Carolina-South Carolina State line, including points on the above highways. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 64112 (Sub-No. E57), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale grocery and food business houses (except fresh meat, eggs, poultry, and products of food-processing and meat packinghouses, from points in North Carolina bounded by a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 52 to junction U.S. Highway 601, thence along U.S. Highway 601 to Salisbury, N.C., thence along Interstate Highway 85 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to point of beginning, including points on said highways, to points in South Carolina bounded by a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 521 to junction North Carolina Highway 9, thence along North Carolina Highway 9 to Fort Lawn, S.C., thence along U.S. Highway 21 to junction North Carolina Highway 97, thence along North Carolina Highway 97 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean, thence along the Atlantic shore line to the South Carolina-Georgia State line to Interstate Highway 85, thence

along Interstate Highway 85 to junction U.S. Highway 29 thence along U.S. Highway

New York Highway 112 extending between Patchogue, and Port Jefferson,

No. MC 64932 (Sub-E94), filed June 3, 1974. Applicant: ROGERS CARTAGE

tank vehicles, from Chicago Heights, Ill., to points in Pennsylvania and West Vir-

a line beginning at Lake Michigan and extending along U.S. Highway 27 to junction U.S. Highway 10 to junction

No. MC 64932 (Sub-E128), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill.



along Interstate Highway 85 to junction U.S. Highway 29 thence along U.S. Highway 29 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-South Carolina State line and along said line in an easterly direction to point of beginning, including points on said highways. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 64112 (Sub-No. E58), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from the plant site and storage facilities of Exxon Corporation at Baton Rouge, La., to points in that part of South Carolina located on and north of a line extending from the North Carolina-South Carolina State line along U.S. Highway 21 to Ft. Lawn, thence along South Carolina Highway 9 to Lancaster, thence along U.S. Highway 521 through Georgetown to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Fairmont, N.C., points within 50 miles thereof, and points in Dillon and Marlboro Counties, S.C.

No. MC 64112 (Sub-No. E59), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from the plant site and storage facilities of Exxon Corporation at Baton Rouge, La.; points in Virginia on and east of U.S. Highway 15 (except points in Accomack and Northampton Counties); Baltimore, Md.; points in Pennsylvania on and east of a line extending from the Maryland-Pennsylvania State line along U.S. Highway 111 to York, Pa., and on and south of a line extending from York, along U.S. Highway 30 to junction U.S. Highway 202, and thence along U.S. Highway 202 to the Pennsylvania-New Jersey State line; Bridgeton, N.J.; and points in that part of New Jersey bounded by a line beginning at the New Jersey-New York State line and extending along U.S. Highway 402 to junction U.S. Highway 46, thence along U.S. Highway 46 to Trenton, N.J., thence along the east bank of the Delaware River to Penns Grove, N.J., thence along U.S. Highway 130 to junction New Jersey Highway 44, thence along New Jersey Highway 44 to Paulsboro, N.J., thence through Mt. Holly and Freehold, N.J., to the Atlantic Ocean, thence along the east bay and river shores of New Jersey to the New Jersey-New York State line, thence along the New Jersey-New York State line to point of beginning, including points on the indicated portions of the highway specified; points in that part of New York south of U.S. Highway 202 and west of

New York Highway 112 extending between Patchogue, and Port Jefferson, Long Island, N.Y.; points in that part of Connecticut south of a line extending from New Haven, Conn., through Ansonia, Sandy Hook, and Brookfield, Conn., to the Connecticut-New York State line. The purpose of this filing is to eliminate the gateways of Durham, N.C., or Durham, N.C. and Philadelphia, Pa.

No. MC 64112 (Sub-No. E60), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described by the Commission in 61 M.C.C. 209, in containers, from points in Chesterfield, Dillon, Darlington, and Marlboro Counties, S.C., to points in Florida (except points in Duval County). The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC 64112 (Sub-No. E61), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described by the Commission in 61 M.C.C. 209, in containers, from points in North Carolina and South Carolina within 50 miles of Fairmont, N.C. (except points in Dillon, Darlington, Chesterfield, and Marlboro Counties), to points in Florida (except points in Duval County). The purpose of this filing is to eliminate the gateways of points in Dillon or Darlington Counties, S.C., and Charleston, S.C.

No. MC 64112 (Sub-No. E62), filed May 14, 1974. Applicant: NORTHEASTERN TRUCKING CO., P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Harry Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described by the Commission in 61 M.C.C. 209, in containers, from points in that part of North Carolina on and east of a line extending from the North Carolina-Virginia State line along U.S. Highway 29 to junction U.S. Highway 158 at or near Reidsville, N.C., thence along U.S. Highway 158 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, excluding the points in North Carolina within 50 miles of Fairmont, N.C., to points in Florida (except points in Duval County). The purpose of this filing is to eliminate the gateways of Charleston, S.C., Fairmont, N.C., and points within 50 miles thereof, and points in Dillon and Marlboro Counties, S.C.

No. MC 64932 (Sub-E94), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, from Detroit, Mich., to points in New Jersey, New York, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of Ferndale, Mich.

No. MC 64932 (Sub-E119), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum chemicals*, in bulk, in tank vehicles, from Wood River, Ill., to points in Arkansas, Louisiana, Oklahoma, those in Texas on and east of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 77 to junction U.S. Highway 377, to junction U.S. Highway 81, to junction U.S. Highway 183, to junction Texas Highway 71, to junction U.S. Highway 77, to junction U.S. Highway 90, to junction U.S. Highway 90, to junction U.S. Highway 75, to the Gulf of Mexico (St. Louis, Mo.), \* those in Colorado and New Mexico on and east of U.S. Highway 85, and those in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 77 to junction U.S. Highway 377, to junction U.S. Highway 81, to junction U.S. Highway 183, to junction Texas Highway 71, to junction U.S. Highway 77, to junction U.S. Highway 90, to junction U.S. Highway 90, to junction U.S. Highway 75, to the Gulf of Mexico (Louisiana, Mo., and Mercedia, Ill.), \* and Kansas, Minnesota, Nebraska, and Wisconsin (Pike County, Mo.). \* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 64932 (Sub-E120), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Chicago Heights, Ill., to points in New Jersey, New York, those in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 51, to junction Pennsylvania Highway 136, to junction Pennsylvania Highway 31, to junction U.S. Highway 219 to the Pennsylvania-West Virginia State line, and those in West Virginia on and east of a line beginning at the Pennsylvania-West Virginia State line and extending along Interstate Highway 19 to junction Interstate Highway 250, to junction U.S. Highway 60 to the West Virginia-Virginia State line, (Ferndale, Mich.), \*; and *Liquid chemicals* (except those derived or produced from petroleum) in bulk, in

tank vehicles, from Chicago Heights, Ill., to points in Pennsylvania and West Virginia (Hammond, Ind.). \* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 64932 (Sub-E121), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, and *paint products* restricted to paint materials, synthetic resin, resin compound surface coating, ester gum paint oil, varnish, glycerine, and liquid glue, in bulk, in tank vehicles, from those points in Pennsylvania on, north, and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 51, to junction Pennsylvania Highway 136, to junction Pennsylvania Highway 31, to junction U.S. Highway 219, to the Pennsylvania-West Virginia State line, to those points in Indiana on and west of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 23 to junction Indiana Highway 331, to junction U.S. Highway 30 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan.

No. MC 64932 (Sub-E122), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, from points in Kansas to those points in Michigan on and east of a line beginning at Lake Michigan and extending along U.S. Highway 27 to junction U.S. Highway 127, to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan.

No. MC 64932 (Sub-E123), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, (except petroleum products as defined by the Commission) in bulk, in tank vehicles, from Joliet, Ill., to those points in Colorado on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of the plant site of National Starch and Chemical Corporation at Mercedia, Ill.

No. MC 64932 (Sub-E124), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, between those points in Michigan on and east of

a line beginning at Lake Michigan and extending along U.S. Highway 27 to junction U.S. Highway 10 to junction Michigan Highway 47 to junction U.S. Highway 23 to junction Michigan Highway 59 to junction Interstate Highway 96 to junction U.S. Highway 23 to junction Michigan Highway 50 to Lake Erie, on the one hand, and, on the other, those points in Indiana on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction Interstate Highway 69 to junction Interstate Highway 465 to junction U.S. Highway 40 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan.

No. MC 64932 (Sub-E125), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial zone, to points in New Jersey, New York, Pennsylvania, and those in West Virginia on and east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to junction U.S. Highway 250 to junction U.S. Highway 219 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan.

No. MC 64932 (Sub-E126), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Blue Island, Ill., and points within one and one-half miles thereof, to those points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along Missouri Highway 5 to junction U.S. Highway 36, to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of East Chicago, Ind. and Hartford, Ill.

No. MC 64932 (Sub-E127), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in the report in *The Maxwell Co.*, Extension-Addyston, 63 M.C.C. 677, 681, in bulk, in tank vehicles, from Lemont, Ill., to points in Kentucky, Michigan (except Midland, Michigan), Minnesota, Missouri, Ohio, and points in Wisconsin on and north of a line beginning at the Mississippi River and extending along U.S. Highway 18 to junction U.S. Highway 151, to Lake Michigan. The purpose of this filing is to eliminate the gateway of points in Indiana in the Chicago, Ill., Commercial zone.

No. MC 64932 (Sub-E128), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from those points in Michigan on and east of a line beginning at Lake Michigan and extending along U.S. Highway 27 to junction U.S. Highway 127, to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan, and Marshall, Illinois.

No. MC 64932 (Sub-E129), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from East Chicago, Ind., and points within 10 miles thereof, to those points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along Missouri Highway 5 to junction U.S. Highway 36, to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Hartford, Ill.

No. MC 64932 (Sub-E130), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, from those points in Michigan on, south and east of a line beginning at Saginaw Bay and extending along U.S. Highway 10 to junction Michigan Highway 47 to junction U.S. Highway 23 to junction Michigan Highway 59 to junction Interstate Highway 96 to junction U.S. Highway 23, to the Michigan-Ohio State line, to those points in Minnesota on and south of U.S. Highway 12, and those in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to junction Wisconsin Highway 29 to Lake Michigan. The purpose of this filing is to eliminate the gateway to Ferndale, Michigan.

No. MC 64932 (Sub-E131), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except chemicals derived or produced from petroleum), in bulk, in tank vehicles, from those points in Ohio on, east, and north of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction U.S. Highway 224, to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan and Chicago Heights, Illinois.

No. MC 64932 (Sub-E132), filed June 3, 1974. Applicant: ROGERS CARTAGE

thence along Ohio Highway 183 to Alliance, Ohio, thence along Ohio Highway

U.S. Highway 62 to the junction of New York Highway 39, thence along New

line, to those points in Maryland on and east of Maryland Highway 36, restricted

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, between those points in Michigan on and east of

eliminate the gateway of Wadsworth, Ohio.



No. MC 64932 (Sub-E132), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from those points in Ohio on, east, and north of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction Interstate Highway 224 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan and the plant sites of Baird Chemical Industries, Inc., located at or near Mapleton, Illinois.

No. MC 64932 (Sub-E133), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, from those points in Ohio on, east and north of a line beginning at the Michigan State line and extending along Interstate Highway 75 to junction U.S. Alt. Highway 20, to U.S. Highway 20, to junction U.S. Highway 250, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line, to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan.

No. MC 64932 (Sub-E134), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, from those points in Ohio on, east and north of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction Interstate Highway 224 to the Ohio-Pennsylvania State line, to those points in Indiana in the Chicago, Ill. Commercial Zone, those in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 30 to junction Interstate Highway 80 to the Illinois-Iowa State line and those in Michigan on and north of Interstate Highway 94. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan.

No. MC 78228 (Sub-No. E21), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Ohio on and west of a line beginning at Lake Erie, and extending along Ohio Highway 528 to Garrettsville, Ohio, thence along Ohio Highway 88 to Ravenna, Ohio, thence along Ohio Highway 14 to Edinburg, Ohio,

thence along Ohio Highway 183 to Alliance, Ohio, thence along Ohio Highway 183 to junction Ohio Highway 800, thence along Ohio Highway 800 to Dover, Ohio, thence along Ohio Highway 39 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Ohio Highway 60, thence along Ohio Highway 60 to Zanesville, Ohio, thence along Ohio Highway 93 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction Ohio Highway 180, thence along Ohio Highway 180 to junction Ohio Highway 159, thence along Ohio Highway 159 to Chillicothe, Ohio, thence along U.S. Highway 23 to the Ohio-Kentucky State line, to points in Delaware on and north of a line beginning at the Delaware-Maryland State line, thence along Delaware Highway 44 to Pearson, Del., thence along Delaware Highway 8 to the Delaware River, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E22), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from Ashland, Ky., to points in Cecil County, Md., on and east of Maryland Highway 272, restricted against liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E23), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in McKean, Warren, Erie, Crawford, Mercer, Vanango, Forest, and Lawrence Counties, Pa., on and west of U.S. Highway 219 and Pennsylvania Highway 66 to points in Virginia on and west of U.S. Highway 52, restricted against liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E24), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in New York on, north and west of a line beginning at the Pennsylvania-New York State line, and extending along

U.S. Highway 62 to the junction of New York Highway 39, thence along New York Highway 39 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to Lake Ontario, to points in Virginia on and west of a line beginning at the Virginia-North Carolina State line and extending along Virginia Highway 8 to Christiansburg, Va., thence along U.S. Highway 460 to the West Virginia-Virginia State line, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E25), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in New York on and west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Genesee, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, to those points in Virginia on and west of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 52 to the Virginia-West Virginia State line, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E26), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in Ohio on and west of a line beginning at Lake Erie and extending along Ohio Highway 306 to Aurora, Ohio, thence along Ohio Highway 43 to Hartsville, Ohio, thence along Ohio Highway 619 to Portage Lakes, Ohio, thence along Ohio Highway 93 to junction Ohio Highways 93 and 241, thence along Ohio Highway 241 to Millersburg, Ohio, thence along U.S. Highway 62 to Millwood, Ohio, thence along U.S. Highway 36 to Marysville, Ohio, thence along Ohio Highway 4 to Springfield, Ohio, thence along U.S. Highway 68 to Xenia, Ohio, thence along U.S. Highway 42 to the junction of U.S. Highway 52 and Interstate Highway 275, thence along Interstate Highway 275 to junction Interstate Highway 275 and U.S. Highway 52, thence along U.S. Highway 52 to the Ohio-Kentucky State

line, to those points in Maryland on and east of Maryland Highway 36, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E28), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 82 to Warren, Ohio, thence along Ohio Highway 5 to junction Ohio Highway 225, thence along Ohio Highway 225 to Alliance, Ohio, thence along Ohio Highway 183 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 22, thence along U.S. Highway 22 to Zanesville, Ohio, thence along Ohio Highway 93 to McArthur, Ohio, thence along U.S. Highway 50 to Chillicothe, Ohio, thence along U.S. Highway 20 to Portsmouth, Ohio, to points in Wilcomico, Somerset, and Worcester Counties, Md., restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E29), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Ohio on, north, and west of a line beginning at the Ohio River and extending along Ohio Highway 133 to junction U.S. Highway 50, thence along U.S. Highway 50 to Hillsboro, Ohio, to junction Ohio Highway 138, thence along Ohio Highway 138 to junction U.S. Highway 22 to Zanesville, Ohio, thence along Interstate Highway 70 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 39, thence along Ohio Highway 39 to Carrolltown, Ohio, thence along Ohio Highway 9 to Salem, Ohio, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line, to points in Accomack and Northampton Counties, Va., and Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach, Va., restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E30), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Ohio except Ashtabula, Columbiana, Jefferson, Belmont, and Monroe Counties, to points in Connecticut on and east of Interstate Highway 91, and New Haven, Conn., restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to

eliminate the gateway of Wadsworth, Ohio.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Ohio on, north, and west of a line beginning at the Ohio-Kentucky State line at Cincinnati, thence along U.S. Highway 22 to Circleville, Ohio, thence along U.S. Highway 23 to junction Interstate Highway 270 south of Columbus, Ohio, thence along Interstate Highway 270 east to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Ohio Highway 13, thence along Ohio Highway 13 to Newark, Ohio, thence along Ohio Highway 16 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 62 near Canton, Ohio, thence along U.S. Highway 62 to junction Ohio Highway 44, thence along Ohio Highway 44 to Lake Erie, to Petersburg, Richmond, and Fredericksburg, Va., and those points in Virginia on, north, and east of a line beginning at the Virginia-North Carolina State line, thence along Interstate Highway 95 to Interstate Highway 495, thence along Interstate Highway 495 to the Maryland-Virginia State line in Fairfax County, Va., restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E31), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Ohio on, west, and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 224 to Findlay, Ohio, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to East Canton, Ohio, thence along Ohio Highway 44 to Lake Erie, to points in Virginia on and east of U.S. Highway 52, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E32), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from points in Ohio except Ashtabula, Columbiana, Jefferson, Belmont, and Monroe Counties, to points in Connecticut on and east of Interstate Highway 91, and New Haven, Conn., restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to

eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E33), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from points in Ashtabula County, Ohio, to points in New London County, Conn., restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E34), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from those points in Ohio on and west of a line beginning at Lake Erie and extending along Ohio Highway 528 to junction U.S. Highway 422, thence along U.S. Highway 422 to Warren, Ohio, thence along Ohio Highway 45 to Salem, Ohio, thence along Ohio Highway 9 to Carrolltown, Ohio, thence along Ohio Highway 39 to New Philadelphia, Ohio, thence along Interstate Highway 77 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Ohio Highway 13, thence along Ohio Highway 13 to Athens, Ohio, thence along U.S. Highway 33 to the Ohio-West Virginia State line to points in Connecticut, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E35), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from points in Ohio (except Ashtabula County), to points in Essex, Middlesex, Norfolk, Suffolk, Bristol, Plymouth, and Barnstable Counties, Mass., restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E36), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from points in Ohio (except Ashtabula, Columbiana, Jeffer-



son, Belmont, and Monroe Counties), to points in Massachusetts, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E37), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from points in Ashtabula County, Ohio, to points in Barnstable County, Mass., restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E38), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from those points in Ohio on and west of a line beginning at Lake Erie, thence along Ohio Highway 534 to Damascus, Ohio, thence along Ohio Highway 173 to Alliance, Ohio, thence along Ohio Highway 183 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 93, thence along Ohio Highway 93 to the Ohio-Kentucky State line, to points in New Jersey, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E39), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from Ashland, Ky., to points in New Jersey, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E40), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from points in Lawrence County, Pa., to points in Essex and Barnstable Counties, Mass., restricted against the transportation of liquid commodities in bulk, in tank vehicles.

hicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E41), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from Ashland, Ky., to points in Connecticut, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E42), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from Ashland, Ky., to points in Massachusetts, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E43), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from those points in Wood, Pleasants, Tyler, Wetzell, Marshall, Ohio, Brooke, and Hancock Counties, W. Va., on and north of U.S. Highway 50 to those points in Massachusetts on and north of Massachusetts Highway 2, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E44), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from those points in Pleasants and Wood Counties, W. Va., on and north of U.S. Highway 50 to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E45), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from those points in Pennsylvania on and west of U.S. Highway 219 to those points in Indiana on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

*additives*, in bulk, from points in Ohio (except points in Ashtabula, Trumbull, Mahoning, Jefferson, Harrison, Belmont, Monroe, Noble, Washington, and Meigs Counties, that part of Columbiana County east of Ohio Highway 9, and that part of Athens County east of Ohio Highways 346 and 377), to points in that part of New Jersey on and east of a line beginning at the Atlantic Ocean near Asbury Park, N.J., thence along New Jersey Highway 33 to junction with the Garden State Parkway, thence along the Garden State Parkway to junction New Jersey Highway 506, thence along New Jersey Highway 506 to junction New Jersey Highway 23, thence along New Jersey Highway 23 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E46), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from points in Hancock County, W. Va., to points in Windham County, Conn., restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E47), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from those points in Wood and Pleasants Counties, W. Va., on and north of U.S. Highway 50 to those points in Connecticut on, east, and north of a line beginning at the Long Island Sound near New Haven, Conn., thence along Connecticut Highway 34 to the junction of Interstate Highway 84, thence along Interstate Highway 84 to the Connecticut-New York State line, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E48), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Pennsylvania on and west of U.S. Highway 219 to those points in Indiana on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E49), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to those points in Indiana on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E50), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in West Virginia on and north of U.S. Highway 50 (except points in Wood and Pleasants Counties), to points in that part of Indiana on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E51), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from Ashland, Ky., to those points in Michigan on and north of a line beginning at Lake St. Clair, thence along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to Battle Creek, Mich., thence along Michigan Highway 89 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E52), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from Ashland, Ky., to those points in New York on and west of New York Highway 12. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E53), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from points in Marshall, Ohio, Brooke, and Hancock Counties, W. Va., to those points in Oswego, Cayuga, Onondaga, Madison, Oneida, Lewis, and Jefferson Counties, N.Y., on or west of New York Highway 12. The purpose of the filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E54), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in West Virginia on and north of U.S. Highway 50, to points in Michigan. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E55), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from points in Wood and Pleasants Counties, W. Va., on and north of U.S. Highway 50 to those points in New York on and west of New York Highway 12. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E56), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Wood and Pleasants Counties, W. Va., on and north of U.S. Highway 50 to points in that part of Indiana on and north of U.S. Highway 30 (except points in Whitely and Allen Counties). The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E57), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in New York on, north, and west of a line beginning at Lake Erie, thence along New York Highway 17 to junction U.S. Highway 20, thence along U.S. Highway 20 to the junction with New York Highway 39, thence along New York Highway 39 to Leicester, N.Y., thence along Alternate U.S. Highway 20

*additives* (except in bulk), from those points in New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, to points in Michigan. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E58), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in Michigan. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E59), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from points in New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, to those points in Cabell, Jackson, Kanawha, Mason, Putnam, Roane, Wirt, and Wood Counties, W. Va., on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E60), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in New York on, north, and west of a line beginning at Lake Erie, thence along New York Highway 17 to junction U.S. Highway 20, thence along U.S. Highway 20 to the junction with New York Highway 39, thence along New York Highway 39 to Leicester, N.Y., thence along Alternate U.S. Highway 20

to junction U.S. Highway 15, thence

on and north of U.S. Highway 60. The

New Hampshire on and north of U.S.

Vermont-New Hampshire State line and

tive: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Au-

EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's repre-



to junction U.S. Highway 15, thence along U.S. Highway 15 to Lake Ontario, to those points in Cabell, Calhoun, Clay, Fayette, Greenbrier, Jackson, Kanawha, Mason, Nicholas, Putnam, Roane, Wirt, and Wood Counties, W. Va., on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E61), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Pennsylvania on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Kane, Pa., thence along U.S. Highway 6 to Sheffield, Pa., thence along Pennsylvania Highway 948 to junction Pennsylvania Highway 666, thence along Pennsylvania Highway 666 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line, to those points in Cabell, Jackson, Kanawha, Mason, Putnam, Roane, Wirt, and Wood Counties, W. Va., on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E62), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from points in Erie County, Pa., to points in Cabell, Calhoun, Clay, Fayette, Greenbrier, Jackson, Kanawha, Mason, Nicholas, Putnam, Roane, Wirt, and Wood Counties, W. Va., on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E63), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Pennsylvania on, west, and north of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 219 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Interstate Highway 80, thence along Interstate Highway 80 to Barkleyville, Pa., thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 108, thence along Pennsylvania Highway 108 to the Pennsylvania-Ohio State line, to those points in Cabell, Kanawha, and Putnam Counties, W. Va.,

on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E64), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Ohio on and north of U.S. Highway 224 and on and east of Ohio Highway 511, to those points in Cabell, Jackson, Kanawha, Mason, Putnam, Roane, Wirt, and Wood Counties, W. Va., on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E65), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives* (except in bulk), from those points in Ohio on and west of a line beginning at Lake Erie, and extending along Ohio Highway 44 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, to those points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 57 to Syracuse, thence along Interstate Highway 81 to junction New York Highway 26, thence along New York Highway 26 to the Pennsylvania-New York State line on and west of New York Highway 12. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E64), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in Pennsylvania south and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 62 to Mercer, Pa., thence along U.S. Highway 19 to junction Pennsylvania Highway 388, thence along Pennsylvania Highway 388 to Energy, Pa., thence along Pennsylvania Highway 65 to Rochester, Pa., thence along Pennsylvania Highway 18 to junction Pennsylvania Highway 60, thence along Pennsylvania Highway 60 to junction Pennsylvania Highway 980, thence along Pennsylvania Highway 980 to junction Interstate Highway 79, thence along Interstate Highway 79 to Washington, Pa., thence along U.S. Highway 19 to the Pennsylvania-West Virginia State line, to those points in

New Hampshire on and north of U.S. Highway 2, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E85), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from that part of West Virginia north and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to Clarksburg, W. Va., thence along U.S. Highway 19 to Fairmont and Arnettsville, W. Va., thence along an unnumbered highway to junction West Virginia Highway 7, thence along West Virginia Highway 7 to the Pennsylvania-West Virginia border, to those points in Maine on, north, and east of a line beginning at the United States-Canada International Boundary line, thence along Interstate Highway 95 to junction Maine Highway 212, thence along Maine Highway 212 to junction Maine Highway 11, thence along Maine Highway 11 to the United States-Canada International Boundary line, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E86), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in Hancock, Broke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Ritchie, and Wood Counties, W. Va., on and north of U.S. Highway 50 to those points in Maine north of Maine Highway 25, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E87), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in West Virginia north and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to Clarksburg, W. Va., thence along U.S. Highway 19 to Worthington, W. Va., thence along an unmarked highway to the Pennsylvania-West Virginia State line, to those points in New Hampshire on and north of a line beginning at the

Vermont-New Hampshire State line and extending along New Hampshire Highway 110 to junction U.S. Highway 2, thence along U.S. Highway 2 to the New Hampshire-Maine State line, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E88), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Wood, and Pleasants Counties, W. Va., on and north of U.S. Highway 50 to those points in New Hampshire on and north of a line beginning at the Vermont-New Hampshire State line and extending along New Hampshire Highway 9 to Keene, N.H., thence along New Hampshire Highway 101 to junction New Hampshire Highway 101A, thence along New Hampshire Highway 101A to junction U.S. Highway 3, thence along U.S. Highway 3 to the New Hampshire-Massachusetts State line, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E89), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, and Wood Counties, W. Va., on and north of U.S. Highway 50 to those points in Vermont north of Vermont Highway 9, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E90), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from points in Pleasants and Wood Counties, W. Va., to points in Rhode Island, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E91), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative:

Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from those points in Pleasants and Wood Counties, W. Va., on and north of U.S. Highway 50 to points in Vermont, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E92), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from Ashland, Ky., to points in Rhode Island, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E93), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from Ashland, Ky., to points in Vermont, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E94), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from Ashland, Ky., to points in New Hampshire, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E95), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from Ashland, Ky., to points in Maine, restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E96), filed May 30, 1975. Applicant: J. MILLER

EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from Ashland, Ky., to points in New Castle County, Del., restricted against the transportation of liquid commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Wadsworth, Ohio.

No. MC 78228 (Sub-No. E99), filed June 30, 1975. Applicant: J. MILLER EXPRESS, CO., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories* from points in Pennsylvania on and west of Highway 219 to points in Illinois. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co. at Wampum, Pa.

No. MC 78228 (Sub-No. E100), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of U.S. Highway 219 to points in Illinois on and west north of a line beginning at Lake Michigan, thence along U.S. Highway 66 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E101), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania bounded by a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 5 to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 281, thence along Pennsylvania Highway 281 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 51, thence along Penn-

sylvan Highway 51 to junction Interstate Highway 15, thence along Interstate Highway 15 to Marion, Ind., by motor vehicle, over irregular routes, to junction Pennsylvania Highway 240,

Indiana Highway 15 to Marion, Ind., by motor vehicle, over irregular routes, to junction Pennsylvania Highway 240,



sylvania Highway 51 to junction Interstate Highway 279, thence along Interstate Highway 279 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the place of beginning to points in Illinois on, west, and north of a line beginning at Lake Michigan, thence along U.S. Highway 66, to junction Illinois Highway 83, thence along Illinois Highway 83 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E102), filed June 30, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories* from points in Pennsylvania, bounded by a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 5 to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the place of beginning to points in the State of Illinois. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co. at Greenville, Pa.

No. MC 78228 (Sub-No. E103), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of U.S. Highway 219 to points in Indiana on and west of U.S. Highway 219 to points in Indiana on and west of a line beginning at the Michigan-Indiana State line, thence along Indiana Highway 19 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction Indiana Highway 32, thence along Indiana Highway 32 to Crawfordsville, Ind., thence along U.S. Highway 136 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co. at Wampum, Pa.

No. MC 78228 (Sub-No. E104), filed May 30, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 5 to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 281, thence along Pennsylvania Highway 281 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction Interstate Highway 279, thence along Interstate Highway 279 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the place of beginning to points in that part of Indiana on and west of a line beginning at the Indiana-Michigan State line, thence along Indiana Highway 19 to Elkhart, Ind., thence along Indiana Highway 33 to Fort Wayne, Ind., thence along Indiana Highway 3 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E105), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from those points in Pennsylvania bounded by a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 6 to junction Pennsylvania Highway 27, thence along Pennsylvania Highway 27 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the place of beginning to points in Indiana. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co. at Wampum, Pa.

No. MC 78228 (Sub-No. E106), filed June 30, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of U.S. Highway 219, to points in Indiana on or west of a line beginning at the Indiana-Michigan State line, thence along Indiana Highway 19 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co. at Greenville, Pa.

No. MC 78228 (Sub-No. E107), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania bounded by a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 5 to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to U.S. Highway 219, thence along U.S. Highway 219 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the place of beginning to points in Indiana on and west of a line beginning at the Indiana-Michigan State line, thence along Indiana Highway 19 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction U.S. Highway 41, thence along U.S. Highway 41 to Terre Haute, Ind., thence along U.S. Highway 40 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E108), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in that part of Pennsylvania on, west, and north of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to junction U.S. Highway 30, thence along U.S. Highway 30 to Pittsburgh, Pa., thence along Pennsylvania Highway 65 to Rochester, Pa., thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line to points in Indiana on and west of a line beginning at the Indiana-Michigan State line, thence along

Indiana Highway 15 to Marion, Ind., thence along Indiana Highway 9 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E109), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania bounded by a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 58 to junction U.S. Highway 322, thence along U.S. Highway 322 to Meadville, Pa., thence along Pennsylvania Highway 77 to junction Pennsylvania Highway 27, thence along Pennsylvania Highway 27 to Warren, Pa., thence along U.S. Highway 62 to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to junction U.S. Highway 219, thence along U.S. Highway 219

to junction Pennsylvania Highway 240, thence along Pennsylvania Highway 240 to Indiana, Pa., thence along U.S. Highway 422 to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the place of beginning to points in Indiana. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-23939 Filed 9-8-75; 8:45 am]



# federal register

TUESDAY, SEPTEMBER 9, 1975



PART II:

## FEDERAL ELECTION COMMISSION

### PRESIDENTIAL PRIMARY MATCHING FUNDS

Interim Guidelines

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## FEDERAL ELECTION COMMISSION

[11 CFR Part 113]

[Notice 1975-41]

## OFFICE AND FRANKING ACCOUNTS: EXCESS CAMPAIGN CONTRIBUTIONS

## Notice of Hearing, Time and Place

The Federal Election Commission published a notice of hearings to be held on Tuesday and Wednesday, September 16 and 17, 1975, in the FEDERAL REGISTER,

Volume 40, No. 164—Friday, August 22, 1975, at page 36869 entitled "Office and Franking Accounts: Excess Campaign Contributions—Notice of Hearing", Notice 1975-31.

The Federal Election Commission today publishes notice that these hearings will be held on the date specified in the earlier notice in the main courtroom at the United States Court of Claims, 717 Madison Place (Lafayette Square), NW., Washington, D.C. 20005. The hearings will commence at 10:00 a.m. and run

until 12:30 p.m., reconvene at 2:00 p.m. and adjourn at 4:00 p.m.

All questions regarding the above notice should be addressed to the Office of General Counsel, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, or telephone 202-382-5839.

Dated: September 4, 1975.

THOMAS B. CURTIS,  
Chairman for the  
Federal Election Commission.

[FR Doc.75-23866 Filed 9-8-75;8:45 am]

## FEDERAL ELECTION COMMISSION

[Notice 1975-40]

## PRESIDENTIAL PRIMARY MATCHING FUNDS

## Interim Guideline

Notice 1975-40, Supplementing Interim Guideline Published as Notice 1975-22 at 40 FR 33817, August 11, 1975.

I. *Eligibility for Payment From The Presidential Primary Matching Payment Account.* A candidate for nomination for election as President of the United States will satisfy the eligibility requirement in 26 U.S.C. § 9033(b)(3) if he or she certifies to the receipt of, and has in fact received, gifts of money in the requisite amounts made by a written instrument identifying the individual making the gift by full name and mailing address. Gifts of money will be considered only to the extent that the total amounts contributed by any one individual do not exceed \$250 and are contributed on or after January 1, 1975.

For purposes of the foregoing and subject to Part II below:

A. "written instrument" means a check, money order, or other instrument containing the requisite information in-

cluding a written receipt for a cash gift (not exceeding \$100 and not made in violation of 18 U.S.C. § 615) issued by or on behalf of the donee candidate; countersigned in ink by the donor; and including the donor's full name, residential address, amount and date of the gift.

B. "gift of money" does not include a subscription, loan, advance or deposit of money, or anything of value, or anything described in 26 U.S.C. § 9032(4) (B), (C), and (D).

C. to be considered a contribution for matching purposes, the gift of money must be received by the candidate or his or her committee and deposited in a designated campaign depository.

II. *Aggregate Amount of Contributions That Satisfy Initial Eligibility for Matching Payments.* Contributions that qualify under the foregoing are determined without regard to costs incurred by a candidate (seeking nomination for election to the office of President) in raising the aggregate amount required under section 9033(b)(3), except that gifts of money received due to an event, sale or other occurrence which confers a private benefit upon the contributor are contributions only to the extent that the amount received exceeds the cost or, in appropriate

cases, the fair market value of the private benefit. The candidate or committee must maintain records to establish the cost or fair market value.

III. *Matchable Contributions After Initial Eligibility Is Established.* After initial eligibility is established under 26 U.S.C. § 9033, a candidate for presidential nomination will be entitled to matching payments in accordance with 25 U.S.C. § 9034. The Commission will in due course, by regulation or other announcement, provide guidance regarding the schedule and manner of such matching payments.

IV. *Commission's General Audit Authority and Duties.* Candidates for nomination for election to the office of President should note the Commission's general authority and duties under 2 U.S.C. § 437d and 438. They should also note the prohibition in 18 U.S.C. § 614 on the making of contributions in the name of another person and the knowing acceptance of such contributions.

Dated: September 2, 1975.

THOMAS B. CURTIS,  
Chairman for the  
Federal Election Commission.

[FR Doc.75-23667 Filed 9-8-75;8:45 am]

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# federal register

TUESDAY, SEPTEMBER 9, 1975



PART III:

## FEDERAL COMMUNICATIONS COMMISSION

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### APPLICABILITY OF SPONSORSHIP IDENTIFICATION RULES

Revision of May 6, 1963 Public Notice,  
as Modified by April 21, 1975  
Public Notice

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**FEDERAL COMMUNICATIONS  
COMMISSION  
SPONSORSHIP IDENTIFICATION RULES**

**Applicability**

SEPTEMBER 3, 1975.

Revision of May 6, 1963 Public Notice, as modified by April 21, 1975 Public Notice.

With the development of broadcast service along private commercial lines, meaningful government regulation of the various broadcast media has from an early date embraced the principle that listeners are entitled to know by whom they are being persuaded. Thus, as far back as the Radio Act of 1927 and continuing with section 317 of the Communications Act of 1934 there has been an unvarying requirement that all matter broadcast by any station for a valuable consideration is to be announced as paid for or furnished, and by whom.

On September 13, 1960, a bill (S. 1893) was signed into law amending section 317 of the Act to redefine the situations in which broadcast licensees must make sponsorship identification announcements. In addition, the law (Public Law 86-752) added a new section 508 to the Act requiring disclosure by persons other than broadcast licensees who provide or receive valuable consideration for the inclusion of any matter in a program intended for broadcast. The persons to whom section 508 relates had previously not been directly subject to any previous provisions of the Act. Subsection (e) of the revised section 317 directs the Commission to prescribe appropriate rules and regulations to implement the Congressional intent expressed in the new wording of section 317. In adopting this legislation, the Congress also set forth a series of twenty-seven examples to illustrate the intended effect of the proviso clause in amended section 317(a).

In 1963, the Commission revised the sponsorship identification rules for the broadcast services (34 F.C.C. 829) thereby implementing amended section 317. By Report and Order, adopted April 17, 1975, in Docket No. 19513, these rules were further amended (and consolidated as new section 73.1212) effective May 30, 1975 (FCC 75-417). When the 1963 rule revision was made, the Commission also adopted a Public Notice, entitled "Applicability of Sponsorship Identification Rules," which contained thirty-six illustrative interpretations (40 F.C.C. 141), including the twenty-seven examples set forth by the Congress. These interpretations, except for Interpretation 33, are consistent with the 1975 rule revisions. To reflect the provisions of new section 73.1212, Interpretation 33 was revised by Public Notice, dated April 21, 1975 (FCC 75-418). The 1975 Report and Order also amended the sponsorship identification rules for origination cablecasting (section 76.221) to conform to the new section 73.1212 for broadcasting. The interpretations of the 1963 Public Notice as modified by the 1975 Public Notice are applicable to origination cablecasting as well as to the broadcast

**NOTICES**

services. The present document is a revision of the 1963 Public Notice, incorporating both the 1975 rule changes and the revised Interpretation 23.

There follows hereafter section 317 and section 508 of the Act, the Commission's revised rules and the thirty-six illustrative interpretations.

Section 317 reads as follows:

SEC. 317. (a)(1) All matter broadcast by any radio station for which any money, service or other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcast, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person: *Provided*, That "service or other valuable consideration" shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification in a broadcast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the broadcast.

(2) Nothing in this section shall preclude the Commission from requiring that an appropriate announcement shall be made at the time of the broadcast in the case of any political program or any program involving the discussion of any controversial issue for which any films, records, transcriptions, talent, scripts, or other material or service of any kind have been furnished, without charge or at a nominal charge, directly or indirectly, as an inducement to the broadcast of such program.

(b) In any case where a report has been made to a radio station as required by section 508 of this Act, or circumstances which would have required an announcement under this section had the consideration been received by such radio station, an appropriate announcement shall be made by such radio station.

(c) The licensee of each radio station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any program or program matter for broadcast, information to enable such licensee to make the announcement required by this section.

(d) The Commission may waive the requirement of an announcement as provided in this section in any case or class of cases with respect to which it determines that the public interest, convenience or necessity does not require the broadcasting of such announcement.

(e) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

Section 508 reads as follows:

SEC. 508. (a) Subject to subsection (d), any employee of a radio station who accepts or agrees to accept from any person (other than such station) or any person (other than such station) who pays or agrees to pay such employee, any money, service or other valuable consideration for the broadcast of any matter over such station shall, in advance of such broadcast, disclose the fact of such acceptance or agreement to such station.

(b) Subject to subsection (d), any person who, in connection with the production or preparation of any program or program matter which is intended for broadcasting over any radio station, accepts or agrees to accept, or pays or agrees to pay, any money, service or other valuable consideration for the inclusion of any matter as a part of such pro-

gram or program matter, shall, in advance of such broadcast, disclose the fact of such acceptance or payment or agreement to the payee's employer, or to the person for whom such program or program matter is being produced, or to the licensee of such station over which such program is broadcast.

(c) Subject to subsection (d), any person who supplies to any other person any program or program matter which is intended for broadcasting over any radio station shall, in advance of such broadcast, disclose to such other person any information of which he has knowledge, or which has been disclosed to him, as to any money, service or other valuable consideration which any person has paid or accepted, or has agreed to pay or accept, for the inclusion of any matter as a part of such program or program matter.

(d) The provisions of this section requiring the disclosure of information shall not apply in any case where, because of a waiver made by the Commission under section 317 (d), an announcement is not required to be made under section 317.

(e) The inclusion in the program of the announcement required by section 317 shall constitute the disclosure required by this section.

(f) The term "service or other valuable consideration" as used in this section shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, a broadcast, or for use on a program which is intended for broadcasting over any radio station, unless it is so furnished in consideration for an identification in such broadcast or in such program of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property in such broadcast or such program.

(g) Any person who violates any provision of this section shall for each such violation, be fined not more than \$10,000 or imprisoned not more than one year, or both.

Section 73.1212 of the Commission's rules, applicable in common to the broadcast services, reads as follows:

§ 73.1212 *Sponsorship identification; list retention; related requirements.* (a) When a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such station, the station, at the time of the broadcast, shall announce (i) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (ii) by whom or on whose behalf such consideration was supplied: *Provided, however*, That "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the broadcast.

(1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(b) The licensee of each broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for broadcast, information to enable such licensee to make the announcement required by this section.

(c) In any case where a report has been made to a broadcast station as required by section 508 of the Communications Act of 1934, as amended, of circumstances which would have required an announcement under this section had the consideration been received by such broadcast station, an

appropriate announcement shall be made by such station.

(d) In the case of any political broadcast matter or any broadcast matter involving the discussion of a controversial issue of public importance for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a station as an inducement for broadcasting such matter, an announcement shall be made both at the beginning and conclusion of such broadcast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such station in connection with the transmission of such broadcast matter: *Provided, however*, That in the case of any broadcast of 5 minutes duration or less, only one such announcement need be made either at the beginning or conclusion of the broadcast.

(e) The announcement required by this section shall, in addition to stating the fact that the broadcast matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished.

Where an agent or other person or entity contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the station, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the material broadcast is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the broadcast matter, the station shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the local office specified by the licensee under Section 1.526 of this Chapter. If the broadcast is originated by a network, the list may, instead, be retained at the headquarters office of the network or at the location where the originating station maintains its public inspection file under Section 1.526 of this Chapter. Such lists shall be kept and made available for a period of two years.

(f) In the case of broadcast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the broadcast.

(g) The announcement otherwise required by section 317 of the Communications Act of 1934, as amended, is waived with respect to the broadcast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise. Whenever

sponsorship announcements are omitted pursuant to this paragraph, the licensee shall observe the following conditions:

(1) Maintain a list showing the name, address, and (where available) the telephone number of each advertiser;

(2) Attach the list to the program log for the day when such broadcast was made; and

(3) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

(h) Any announcement required by section 317(b) of the Communications Act of 1934, as amended, is waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

NOTE.—The waiver heretofore granted by the Commission in its Report and Order adopted November 16, 1960 (FCC 60-1369; 40 FCC 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when § 73.654, the predecessor television rule, went into effect.

(i) Commission interpretations in connection with the provisions of the sponsorship identification rules are contained in the Commission's Public Notice, entitled "Applicability of Sponsorship Identification Rules," dated May 6, 1963 (40 FCC 141), as modified by Public Notice, dated April 21, 1975 (FCC 75-418). Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports.

Section 76.221 of the Commission's rules, applicable to cable television systems, reads as follows:

§ 76.221 *Sponsorship identification; list retention; related requirements.* (a) When a cable television system engaged in origination cablecasting presents any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such system, the system, at the time of the cablecast, shall announce (i) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (ii) by whom or on whose behalf such consideration was supplied: *Provided, however*, That "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a cablecast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the cablecast.

(1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(b) Each system engaged in origination cablecasting shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for cablecasting, information to enable such system to make the announcement required by this section.

(c) In the case of any political origination cablecast matter or any origination cablecast matter involving the discussion of public controversial issues for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a system as an inducement for cablecasting such matter, an announcement shall be made both at the beginning and conclusion of such cablecast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such system in connection with the transmission of such cablecast matter: *Provided, however*, That in the case of any

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cablecast of 5 minutes' duration or less, only one such announcement need be made either at the beginning or conclusion of the cablecast.

(d) The announcement required by this section shall, in addition to stating the fact that the origination cablecasting matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (c) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a system on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the system, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the origination cablecasting material is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the matter, the system shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the local office of the system. Such lists shall be kept and made available for a period of two years.

(e) In the case of origination cablecast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the cablecast.

(f) The announcement otherwise required by this section is waived with respect to the origination cablecast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph, the licensee shall observe the following conditions:

(1) Maintain a list showing the name, address, and (where available) the telephone number of each advertiser;

(2) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

(h) The announcements required by this section are waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

NOTE.—The waiver heretofore granted by the Commission in its Report and Order, adopted November 16, 1960 (FCC 60-1369; 40 FCC 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when § 73.654(e), the predecessor television rule, went into effect.

(i) Commission interpretations in connection with the provisions of the sponsorship identification rules for the broadcasting services are contained in the Commission's Public Notice, entitled "Applicability of Sponsorship Identification Rules," dated

May 6, 1963 (40 FCC 141), as modified by

Public Notice, dated April 21, 1975 (FCC 75-418).

Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports.

Section 76.221 of the Commission's rules, applicable to cable television systems, reads as follows:

§ 76.221 *Sponsorship identification; list retention; related requirements.* (a) When a cable television system engaged in origination cablecasting presents any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such system, the system, at the time of the cablecast, shall announce (i) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (ii) by whom or on whose behalf such consideration was supplied: *Provided, however*, That "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a cablecast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the cablecast.

(1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(b) Each system engaged in origination cablecasting shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for cablecasting, information to enable such system to make the announcement required by this section.

(c) In the case of any political origination cablecast matter or any origination cablecast matter involving the discussion of public controversial issues for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a system as an inducement for cablecasting such matter, an announcement shall be made both at the beginning and conclusion of such cablecast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such system in connection with the transmission of such cablecast matter: *Provided, however*, That in the case of any

cablecast of 5 minutes' duration or less, only one such announcement need be made either at the beginning or conclusion of the cablecast.

(d) The announcement required by this section shall, in addition to stating the fact that the origination cablecasting matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (c) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a system on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the system, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the origination cablecasting material is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the matter, the system shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the local office of the system. Such lists shall be kept and made available for a period of two years.

(e) In the case of origination cablecast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the cablecast.

(f) The announcement otherwise required by this section is waived with respect to the origination cablecast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise. Whenever

sponsorship announcements are omitted pursuant to this paragraph, the licensee shall observe the following conditions:

(1) Maintain a list showing the name, address, and (where available) the telephone number of each advertiser;

(2) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

(h) The announcements required by this section are waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

NOTE.—The waiver heretofore granted by the Commission in its Report and Order, adopted November 16, 1960 (FCC 60-1369; 40 FCC 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when § 73.654(e), the predecessor television rule, went into effect.

(i) Commission interpretations in connection with the provisions of the sponsorship identification rules for the broadcasting services are contained in the Commission's Public Notice, entitled "Applicability of Sponsorship Identification Rules," dated

**NOTICES**

Mar. 6, 1963 (40 FCC 141), as modified by

Public Notice, dated April 21, 1975 (FCC 75-418).

Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports.

Section 76.221 of the Commission's rules, applicable to cable television systems, reads as follows:

§ 76.221 *Sponsorship identification; list retention; related requirements.* (a) When a cable television system engaged in origination cablecasting presents any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such system, the system, at the time of the cablecast, shall announce (i) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (ii) by whom or on whose behalf such consideration was supplied: *Provided, however*, That "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a cablecast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the cablecast.

(1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(b) Each system engaged in origination cablecasting shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for cablecasting, information to enable such system to make the announcement required by this section.

(c) In any case where a report has been made to a broadcast station as required by section 508 of the Communications Act of 1934, as amended, of circumstances which would have required an announcement under this section had the consideration been received by such broadcast station, an

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May 6, 1963 (49 FCC 141), as modified by Public Notice, dated April 21, 1975 (FCC 75-418). Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports. The interpretations made for the broadcasting services are equally applicable to origination cablecasting.

The following are illustrative interpretations of section 317 and the Commission's rules. Interpretations 1 to 27, inclusive are incorporated without change from House Report 1800 (86th Congress, 2d Session):

A. *Free records.* 1. A record distributor furnishes copies of records to a broadcast station or a disc jockey for broadcast purposes. No announcement is required unless the supplier furnished more copies of a particular recording than are needed for broadcast purposes. Thus, should the record supplier furnish 50 or 100 copies of the same release, with an agreement by the station, express or implied, that the record will be used on a broadcast, an announcement would be required because consideration beyond the matter used on the broadcast was received.

2. An announcement would be required for the same reason if the payment to the station or disc jockey were in the form of cash or other property, including stock.

3. Several distributors supply a new station, or a station which has changed its program format (e.g. from "rock and roll" to "popular" music), with a substantial number of different releases. No announcement is required under section 317 where the records are furnished for broadcast purposes only; nor should the public interest require an announcement in these circumstances. The station would have received the same material over a period of time had it previously been on the air or followed this program format.

4. Records are furnished to a station or disc jockey in consideration for the special plugging of the record supplier or performing talent beyond an identification reasonably related to the use of the record on the program. If the disc jockey were to state: "This is my favorite new record, and sure to become a hit; so don't overlook it," and it is understood that some such statement will be made in return for the record and this is not the type of statement which would have been made absent such an understanding, and the supplying of the record free

<sup>1</sup>In view of the attention which has been given to the problem of free records, they are treated herein as a special category. It should be noted, however, that the same principles apply to records as to other property or services furnished for use on or in connection with a broadcast.

<sup>2</sup>A question has been raised with respect to a situation where a distributor furnishes to a station free of charge an entire music library with the understanding, express or implied, that only its records would be played on the station. To the extent that such an arrangement may run afoul of the antitrust laws or may constitute an abdication by the station of its licensee responsibility, an announcement under section 317 would not cure it.

of charge, an announcement would be required since it does not appear that in those circumstances the identification is reasonably related to the use of the record on that program. On the other hand, if a disc jockey, in playing a record, states: "Listen to this latest release of performer 'X', a new singing sensation," and such matter is customarily interpolated in the disc jockey's program format and would be included whether or not the particular record had been purchased by the station or furnished to it free of charge, it would appear that the identification by the disc jockey is reasonably related to the use of the record on that particular program and there would be no announcement required.

B. *Where payment in any form other than the matter used on or in connection with the broadcast is made to the station or to anyone engaged in the selection of program matter.* 5. A department store owner pays an employee of a producer to cause to be mentioned on a program the name of the department store. An announcement is required.

6. An airline pays a station to insert in a program a mention of the airline. An announcement is required.

7. A perfume manufacturer gives five dozen bottles to the producer of a giveaway show, some of which are to be identified and awarded to winners on the show, the remainder to be retained by the producer. An announcement is required since those bottles of perfume retained by the producer constitute payment for the identification.

8. An automobile dealer furnishes a station with a new car, not for broadcast use, in return for broadcast mentions. An announcement is required; the car constituting payment for the mentions.

9. A Cadillac is given to an announcer for his own use in return for a mention on the air of a product of the donor. An announcement is required since there has been a payment for a broadcast mention.

C. *Where service or property is furnished free for use on or in connection with a program, but where there is neither payment in consideration for broadcast exposure of the service or property, nor an agreement for identification of such service or property beyond its mere use on the program.* 10. Free books or theater tickets are furnished to a book or dramatic critic of a station. The books or plays are reviewed on the air. No announcement is required. On the other hand, if 40 tickets are given to the station with the understanding, express or implied, that the play would be reviewed on the air, an announcement would be required because there has been a payment beyond the furnishing of a property or service for use on or in connection with a broadcast.

11. News releases are furnished to a station by Government, business, labor and civic organizations, and private persons, with respect to their activities, and editorial comment therefrom is used on a program. No announcement is required.

12. A Government department furnishes air transportation to radio newscasters so they may accompany a for-

eign dignitary on his travels through out the country. No announcement is required.

13. A municipality provides street props on a program. No announcement is required.

14. A hotel permits a program to originate on its premises. No announcement is required. If, however, in return for the use of the premises, the producer agrees to mention the hotel in a manner not reasonably related to the use made of the hotel on that particular program, an announcement would be required.

15. A refrigerator is furnished for use as part of the backdrop in a kitchen scene of a dramatic show. No announcement is required.

16. A Coca-Cola distributor furnishes a Coca-Cola dispenser for use as a prop in a drugstore scene. No announcement is required.

17. An automobile manufacturer furnishes his identifiable current model car for use in a mystery program, and it is used by a detective to chase a villain. No announcement is required. If it is understood, however, that the producer may keep the car for his personal use, an announcement would be required. Similarly, an announcement would be required if the car is loaned in exchange for a mention on the program beyond that reasonably related to its use, such as the villain saying: "If you hadn't had that speedy Chrysler, you never would have caught me."

18. A private zoo furnishes animals for use on a children's program. No announcement is required.

19. A university makes one of its professors available to give lectures in an educational program series. No announcement is required.

20. A well-known performer appears as a guest artist on a program at union scale because the performer likes the show, although the performer normally commands a much higher fee. No announcement is required.

21. An athletic event promoter permits broadcast coverage of the event. No announcement is required in absence of other payment by the promoter or agreement to identify in a manner not reasonably related to the broadcast of the event.

D. *Where service or property is furnished free for use on or in connection with a program, with the agreement, express or implied, that there will be an identification beyond mere use of the service or property on the program.* 22. A refrigerator is furnished by X with the understanding that it will be used in a kitchen scene on a dramatic show and that the brand name will be mentioned. During the course of the program the actress says: "Donald go get the meat from my new X refrigerator." An announcement is required because the identification by brand name is not reasonably related to the particular use of

<sup>3</sup>Of course, in all these cases, if there is payment to the station or production personnel in consideration for the exposure, an announcement is required.

such refrigerator in this dramatic program.

23. (a) A refrigerator is furnished by X for use as a prize on a giveaway show, with the understanding that a brand identification will be made at the time of the award. In the presentation, the master of ceremonies briefly mentions the brand name of the refrigerator, its cubic content, and such other features as serve to indicate the magnitude of the prize. No announcement is required because such identification is reasonably related to the use of the refrigerator on a giveaway show in which the costly or special nature of the prizes is an important feature of this type of program.

(b) In addition to the identification given in (a) above, the master of ceremonies says: "All you ladies sitting there at home should have one of these refrigerators in your kitchen," or "Ladies, you ought to go out and get one of these refrigerators." An announcement is required because each of these statements is a sales "pitch" not reasonably related to the giving away of the refrigerator on this type of program.

The significance of the distinction between the identification in (a) and that in (b) is, that in (a) it is no more than the natural identification which a broadcaster would give to a refrigerator as a prize if he had purchased the refrigerator himself and had no understanding whatever with the manufacturer as to any identification. That is to say, in situation (a), had the broadcaster purchased the refrigerator he would have felt it necessary, in view of the nature of the show, adequately to describe the magnitude of the prize which was being given to the winner. On the other hand, the broadcaster would not, where he had purchased the refrigerator, have made the type of identification in situation (b), thus providing a free sales "pitch" for the manufacturer.

24. (a) An airplane manufacturer furnishes free transportation to a cast on its new jet model to a remote site, and the arrival of the cast at the site is shown as part of the program. The name of the manufacturer is identifiable on the fuselage of the plane in the shots taken. No announcement is required because in this instance such identification is reasonably related to the use of the service on the program.

(b) Same situation as in (a), except that after the cameraman has made the foregoing shots he takes an extra closeup of the identification insignia. An announcement is required because the closeup is not reasonably related to the use of the service on the program.

25. (a) A station produces a public service documentary showing development of irrigation projects. Brand X tractors are furnished for use on the program. The tractors are shown in a manner not resulting in identification of the brand of tractors except as may be recognized from the shape or appearance of the tractors. No announcement is required since the identification is reasonably related to the use of the tractors on the program.

(b) Same situation as in (a), except that the brand name of the tractor is visible as it appears normally on the tractor. No announcement is required for the same reason.

(c) Same situation as in (b), except that a closeup showing the brand name in a manner not required in the nature of the program is included in the program, or an actor states: "This is the best tractor on the market." An announcement is required as this identification is beyond that which is reasonably related to the use of the tractor on the program.

26. (a) A bus company prepares a scenic travel film which it furnishes free to broadcast stations. No mention is made in the film of the company or its buses. No announcement is required because there is no payment other than the matter furnished for broadcast and there is no mention of the bus company.

(b) Same situation as in (a), except that a bus, clearly identifiable as that of the bus company which supplied the film, is shown fleetingly in highway views in a manner reasonably related to that travel program. No announcement is required.

(c) Same situation as in (a), except that the bus, clearly identifiable as that of the bus company which supplied the film, is shown to an extent disproportionate to the subject matter of the film. An announcement is required, because in this case by the use of the film the broadcaster has impliedly agreed to broadcast an identification beyond that reasonably related to the subject matter of the film.

27. (a) A manufacturer furnishes a grand piano for use on a concert program. The manufacturer insists that enlarged insignia of its brand name be affixed over normal insignia on the piano. An announcement is required if an enlarged brand name is shown.

(b) Conversely, if the piano furnished has normal insignia and during the course of the televised concert the broadcast includes occasional closeups of the pianist's hands, no announcement is required even though all or part of the insignia appears in these closeups. Here the identification of the brand name is reasonably related to the use of the piano by the pianist on the program. However, if undue attention is given the insignia rather than the pianist's hands, an announcement would be required.

28. (a) An automobile manufacturer or dealer furnishes to a producer of television programs a number of automobiles with the understanding that the producer will use them, or some of them, in some of his programs which call for the use of automobiles; and that the automobiles may be used for other business purposes in connection with the production of the programs, such as transporting the cast, crew, equipment and supplies from location to location or transporting executive personnel to business meetings in connection with the production of the programs. There is no understanding that there will be any identification on the television programs beyond an identification which is reasonably related to the use of the automobiles on the programs. No other consideration is involved. Under such uses, no announcement is required.

(b) If, in addition to the facts stated in (a), it is understood between the producer and the supplier that one or more of the automobiles may be, and they are, used for other purposes not related to the production of the program, an announcement is required.

29. (a) A hotel permits a program to originate from its premises and furnishes hotel services, such as room and board, for cast, production and technical staff, and also furnishes other elements for use in connection with the programs to be broadcast, such as electricity and cable connections, free of charge, and with no other consideration. There is no understanding that there will be an identification of the hotel on the program beyond that reasonably related to the use made of the hotel on the program. No announcement is required.

(b) If the hotel pays money or furnishes free or at a nominal charge any services or items which are not for use on or in connection with the program (e.g., furnishing free or at a nominal charge room and board for the producer for any period of time not related to the production of the program at the hotel site), an announcement is required.

E. *Effective date.* 30. Does section 317 as amended on September 13, 1960 apply to programs or portions of programs produced or recorded prior to September 13, 1960? No, unless valuable consideration was provided to a broadcast station (rather than to a producer or other person) for the broadcast of the program or the inclusion of any program matter therein and the program was broadcast after said date.

F. *Nature of the announcement.* 31. A station broadcasts spot announcements which solicit mail orders from listeners. The sponsor is merely referred to in the announcements and in the mail order address as "Flower Seeds" or "Real Estate" or "The Record Man." Such a reference to the sponsor of the announcements is insufficient to constitute compliance with the Commission's sponsorship identification rules because it is limited to a description of the product or service being advertised. The announcement requirement contemplates the explicit identification of the name of the manufacturer or seller of goods, or the generally known trade or brand name of the goods sold. (See Commission's Public Notice entitled "Sponsor Identification on Broadcast Station," FCC 50-1207, 6 R.R. 835.)

32. A station broadcasts "Teaser" announcements utilizing catch words, slogans, symbols, etc., designed to arouse the curiosity of the public by telling it that something is "coming soon." The sponsor of the announcements is not named therein, nor is any generally known trade or brand name given, but it is the intention of the station and the advertiser to inaugurate at a later date a series of conventional spot announcements at

the conclusion of the "teaser" campaign. directors of that entity. If the broadcast the source of kinescopes is under an ad-



the conclusion of the "teaser" campaign. Announcements of this type do not comply with the Commission's sponsorship identification rules. All commercial matter must contain an explicit identification of the advertiser or the generally known trade or brand name of the goods being advertised. (See *Memorandum Opinion and Order In The Matter of Amendment of § 3.119(e) of the Commission's Rules*, FCC 59-939, 18 R.R. 1860.)

33. A station broadcasts an announcement or other material on behalf of a candidate for public office or on behalf of the proponents or opponents of a bond issue (or any other controversial issue of public importance). The station announces a "disclaimer" or states that the matter "was a paid political announcement." Such announcement *per se* does not comply with the sponsorship identification rule. The rule does not require that either of these type of announcement be made but rather that identification announcement be made which fully and fairly discloses the true identity of the person or persons or entity by whom or on whose behalf payment was made or promised, or from whom or on whose behalf services or other valuable consideration was furnished. If the station knows or by the exercise of reasonable diligence could know that a person or persons or entity is acting on behalf of another, the announcement(s) shall identify the person(s) or entity on whose behalf such action is being taken. If the entity on whose behalf such action is being taken is a corporation, committee, association, or other group, the announcement(s) shall divulge the name of such group. Additionally, a station broadcasting any matter on behalf of such group shall make available for public inspection at the place which the station has designated that its file is available for inspection under Section 1.526 of the rules (the station's main studio or other accessible place in the community of the station's license) a list of the chief executive officers, members of the executive committee, or members of the board of

directors of that entity. If the broadcast is network originated, the list may be retained at the network's headquarters office or at the location where the originating station maintains its public inspection file under Section 1.526.

34. Must the required sponsorship announcement on television broadcasts be made by visual means in order for it to be an "appropriate announcement" within the meaning of the Commission's rules?

Not necessarily. The Commission's rule does not contain any provision stating whether aural or visual or both types of announcements are required. The purpose of the rule is to provide a full and fair disclosure of the facts of sponsorship, and responsibility for determining whether a visual or aural announcement is appropriate lies with the licensee. (See *Commission telegram to Mr. Bert Combs*, FCC Public Notice of April 9, 1959, Memo No. 71945.)

G. *Controversial issues*. 35. (a) A trade association furnishes a television station with kinescope recordings of a Senate committee hearing on labor relations. The subject of the kinescope is a strike being conducted by a labor union. The station broadcasts the kinescope on a "sustaining" basis but does not announce the supplier of the film. The failure to make an appropriate announcement as to the party supplying the film is a violation of the Commission's sponsorship identification rules dealing with the presentation of program matter involving controversial issues of public importance. Moreover, the Commission requires that a licensee exercise due diligence in ascertaining the identity of the supplier of such program matter. An alert licensee should be on notice that expensive kinescope prints dealing with controversial issues are being paid for by someone and must make inquiry to determine the source of the films in order to make the required announcement. (See *KSTP, Inc.*, 17 R.R. 553 and *Storer Broadcasting Co.*, 17 R.R. 556a.) A station which has ascertained

the source of kinescopes is under an additional obligation to supply such information to any other station to which it furnishes the program.

(b) Same situation as above, except that the time for the program is sold to a sponsor (not the supplier of the film) and contains proper identification of the advertiser purchasing the program time. An additional announcement as to the supplier of the films is still required, for the reasons set forth above.

(c) Same situation as in (a) or (b), above, except that only excerpts from the film are used by a station in its news programs. An announcement as to the source of the films is required. (See *Westinghouse Broadcasting Co.*, 17 R.R. 556d.)

36. A church group plans to film the proceedings of its national convention and distribute film clips "dealing with numerous matters of profound importance to members of (its) faith" in order to "disseminate to the American people information concerning its objectives and programs." The groups request a general waiver under section 317(d) of the Communications Act so that it need not "waste" any of the short periods of broadcast time donated to it by making sponsorship identification announcements. In the below-cited case, the Commission did not grant such a waiver because of the absence of information indicating that the subject matter of the clips was not controversial and because the alleged "loss" of a few seconds of air time was not of decisional significance vis-a-vis Congressional and Commission policy relating to issues of public importance. (See *Petition of National Council of Churches of Christ*, FCC 60-1418.)

Adopted: May 1, 1963, and modified April 17, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.  
[FR Doc.75-23720 Filed 9-8-75; 8:45 am]



# federal register

TUESDAY, SEPTEMBER 9, 1975



PART IV:

## ENVIRONMENTAL PROTECTION AGENCY

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### NATIONAL AMBIENT AIR QUALITY STANDARDS

Implementation Plans

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**Title 40—Protection of Environment**  
**CHAPTER I—ENVIRONMENTAL**  
**PROTECTION AGENCY**

[FRL 418-5]

**PART 52—APPROVAL AND PROMULGA-**  
**TION OF IMPLEMENTATION PLANS**

**Maintenance of National Ambient Air**  
**Quality Standards**

On July 10, 1974, the Administrator proposed in the *Federal Register* (39 FR 25330) a list of areas that have the potential for violation of specified national ambient air quality standards (NAAQSs) by 1985 for all States except those in EPA's Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin). In the *Federal Register* of August 12, 1974 (39 FR 28906), the Administrator proposed a similar list for the Region V States. The identification of these "air quality maintenance areas" (AQMA) is required under 40 CFR 51.12 (e) and (f), published in the *Federal Register* of June 18, 1973 (39 FR 15834) and subsequently amended on May 8, 1974 (39 FR 16343). The preamble to the July 10, 1974, proposal contains detailed background information concerning the Administrator's proposed identification of these areas and their relationship to the implementation planning process; the reader can consult that preamble for this information.

In the *Federal Register* of April 29, 1975 (40 FR 18726), the Administrator published the full final identification of AQMA for the States of Alabama, Alaska, Georgia, Hawaii, Idaho, Louisiana, Maine, Mississippi, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Vermont, and Washington, and the territories of Guam, Puerto Rico, Virgin Islands, and American Samoa; and a partial final AQMA list for the State of Iowa. In the preamble to that rulemaking, the Administrator presented some background information pertaining to the maintenance of air quality standards and responded to general comments that had been received; the reader can also consult that preamble for this information.

In the *Federal Register* of June 2, 1975 (40 FR 13746), the Administrator published the full final identification of AQMA for the States of Colorado, Connecticut, Illinois, Indiana, Iowa (including the remaining AQMA), Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming, and a partial final identification for the State of Ohio.

The action below presents the full final identification of AQMA for the States of Arizona, Arkansas, California, Delaware, District of Columbia, Florida, Kansas, Kentucky, Maryland, Missouri, Nevada, New Jersey, New York, Ohio (including the remaining AQMA), Pennsylvania, Tennessee, Virginia, and West Virginia. In addition, the action also adds one AQMA to the list for the State of Georgia, which had been published on

**RULES AND REGULATIONS**

April 29, 1975. The Administrator is taking the following action on these States:

(a) Approval of the supplemental information that the States submitted to the Administrator under 40 CFR 51.12 (e) and which the Administrator has determined to be adequate and in accordance with EPA's *Guidelines for Designation of Air Quality Maintenance Areas*. The approved supplemental information contains either the list of areas identified by the States or a justification why there are no such areas.

(b) Disapproval of plans for which States did not submit adequate supplemental information containing either a list of areas identified pursuant to 40 CFR 51.12 (e) or a justification why there are no such areas.

(c) Identification of areas that have the potential for violation of a national standard by 1985. In some cases, such identifications include, where applicable, the Administrator's own area identification, in addition to the areas identified by the States and approved by the Administrator. Where the Administrator disapproves a State's plan because of an inadequate submittal, the Administrator either identifies AQMA or indicates that there are no such areas under 40 CFR 51.12 (e) and (f).

This action completes the Administrator's identification of AQMA. The AQMA lists are being published later than the August 16, 1974, date for publication specified in the May 8, 1974, *Federal Register* notice referred to above because the task of area identification proved to be more difficult and time-consuming than had previously been anticipated. The Administrator regrets the delay but believes that a more appropriate list of AQMA will result from the additional time and effort expended.

For areas identified by the Administrator under 40 CFR 51.12 (e) and (f), the States are required to submit a detailed analysis of the impact on air quality of projected growth. Where the analysis indicates that the national air quality standards will not be maintained, the Administrator will require the appropriate States to submit plans containing measures to ensure maintenance of national standards during the ensuing period. Under the existing regulations, the AQMA identification-analysis-plan development procedure must be repeated at least every 5 years to ensure continuing maintenance of national standards.

Originally, 40 CFR 51.12 required the States to submit their AQMA analyses and plans where necessary by June 18, 1975. On June 19, 1975, (40 FR 25814), the Administrator revised these requirements and removed the submission date of June 18. Under the revision, the Administrator did not establish a new date for submission of the analyses and plans, but indicated that he would decide by July 1, 1976, which areas needed to submit AQMA plans and when the plans would have to be submitted. The reader can also consult that *Federal Register* action for more details.

**SUMMARY OF STATE ACTIONS**

In the rulemaking below, the Administrator is taking action on 19 State implementation plans. He is approving 8 plans under the air quality maintenance provisions of 40 CFR 51.12 (e) and disapproving 9. Of the remaining 2 State plans, Georgia has been previously approved, and Ohio has been previously disapproved. A total of 66 AQMA are being identified for at least one pollutant. Of these, 64 are identified for particulate matter, 19 for sulfur dioxide, 7 for carbon monoxide, 24 for photochemical oxidants, and 2 for nitrogen dioxide.

This rulemaking, in conjunction with the previous AQMA identification actions of April 29 and June 2, 1975, will result in action on all 55 State plans. A total of 33 State plans are approved and 18 are disapproved. (The remaining 4 State plans are neither approved or disapproved because they do not contain any Standard Metropolitan Statistical Areas (SMSAs), and the Administrator did not identify any AQMA in these 4 States.) With the publication of the enclosed action, EPA will have identified to date a total of 168 areas as AQMA for at least one pollutant. 159 areas are identified for particulate matter, 61 for sulfur dioxide, 24 for carbon monoxide, 49 for photochemical oxidants, and 5 for nitrogen dioxide.

A discussion of specific actions relating to each State covered in this action, including a general response to comments received, appears below.

**ARIZONA**

The State of Arizona held a public hearing on the identification of AQMA in Phoenix on April 12, 1974. The Administrator received the official submission of the State AQMA proposal on April 17, 1974, from the Director of the Arizona Department of Health Services (the designated representative of the Governor).

The identification submitted by Arizona was for carbon monoxide and photochemical oxidant in Maricopa County. On July 10, 1974 (39 FR 25330), the Administrator proposed to approve the State's submittal, and accept its AQMA. No comments were received on this proposal.

In the action below, EPA is approving the State submittal. Since July, 1974, however, new air quality data for photochemical oxidants has become available for the Tucson area. This data indicates that an attainment and maintenance problem exists for photochemical oxidants in the Tucson area. Thus, the Tucson SMSA (Pima County) is identified below as an AQMA for photochemical oxidants.

The July 10, 1974, proposal did not include identification of any areas in Arizona for particulate matter. However, national standards for particulate matter are chronically violated in many areas of the State. In the non-urban areas the violations are largely the result of naturally caused fugitive dust emissions. In the Phoenix and Tucson Metropolitan

areas, the high particulate concentrations are a function of man-made fugitive dust emissions. As man-made fugitive dust emissions are controllable to some degree, Maricopa and Pima counties are identified below as AQMA by EPA for particulate matter. EPA anticipates that this designation will facilitate research into the impact of urban growth on regional particulate concentrations and the development of reasonable and achievable control measures.

The State submittal and technical documents supporting these designation actions are available for public inspection at the U.S. EPA Region IX Office, and at the Arizona State Department of Health Services, 1740 West Adams Street, Phoenix, Arizona 85007.

**ARKANSAS**

The Arkansas Department of Pollution Control and Ecology submitted a statement to EPA on April 2, 1974, concluding that no areas would be designated as AQMA. The Department indicated that they had made an analysis following EPA's guidelines for designation and excluded all areas on the basis of the initial criteria.

EPA applied the guidelines to the SMSAs in Arkansas, and as a result, proposed to identify the Little Rock and Fort Smith SMSAs as AQMA for particulate matter in the *Federal Register* notice of July 10, 1974 (39 FR 25330). Air quality standards in both of these areas had been exceeded within the previous two years, and projections of air quality indicated that in 1985, the primary standard in Fort Smith and the secondary standard in Little Rock would still be exceeded.

EPA held a public hearing in Little Rock on August 14, 1974. The State opposed the identifications largely on the contention that the State implementation plan includes a provision for maintenance of standards. This provision, which is section 16(a) of the Arkansas Air Pollution Control Code, stipulates that within areas having high density of sources or receptors, "the Department may prescribe air quality control requirements that are more restrictive and more extensive than those provided in the regulations of general application within said areas." The State claimed that all problems in maintenance of particulate standards throughout the State were "extremely localized," and that AQMA were unnecessary to maintain the NAAQS.

On November 14, 1974, the Department forwarded a formal statement to EPA emphasizing its opposition to the proposed identification of AQMA in Arkansas and confirming its reliance on the State plan. The Department did, however, recognize "localized violations" of particulate standards. The Department provided additional information on sampler locations in the Fort Smith and Little Rock areas and detailed air quality data for particulate matter in Fort Smith during 1972 and 1973. The Department changed the location of a sampler in Fort Smith during 1972 and placed it adjacent

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to a ball park. The Department believed this was responsible for particulate levels that were unrepresentative of the area, since the ball park is considered as a source of wind-blown dust.

With additional data and information provided by the State, EPA has made a new evaluation of the proposed Fort Smith and Little Rock AQMA for particulate matter. For Fort Smith, EPA has concluded that certain air quality data on which the proposed identification was based are unrepresentative of the area. Thus, the Administrator is not identifying the Fort Smith area as an AQMA. He is identifying the Little Rock area because EPA has projected high air quality concentrations, the State must control localized violations, and the State has not presented a control strategy which assures that particulate standards will be maintained within the period 1975 to 1985. The comprehensive analysis required for the Little Rock area should allow the State to determine the main sources of particulate matter emissions and the control strategies available to maintain the secondary standard during the ten-year period.

EPA explained its position on both the Fort Smith and Little Rock areas to the Director of the Department of Pollution Control and Ecology in letters dated December 10, 1974, and January 28, 1975. After review of the State's implementation plan, the Administrator has concluded that the existing provisions in the plan are not adequate to ensure maintenance of the particulate matter standard in the Little Rock area.

EPA has carefully reviewed the analysis presented by the State, the record of the EPA public hearing, and the comments and additional information sent directly to the Regional Office. All of these have been considered in making a re-evaluation and in making the official identification herein. EPA has concluded that the State did not present adequate justification that there are no areas in Arkansas which have the potential for exceeding an air quality standard within ten years. Therefore, the Administrator is disapproving the State submittal because it lacked adequate justification and because the submittal was not an official submittal from the Governor.

The analysis and submittal of the State and technical support documentation of EPA are available for inspection during normal business hours at the Freedom of Information Center, U.S. EPA Region VI Office, and Arkansas Department of Pollution Control and Ecology, Air Division, 8001 National Drive, Little Rock, Arkansas 72209. A copy of the transcript of the public hearing held by EPA and other comments received are also available for inspection at the Region VI Office and at the Freedom of Information Center.

**CALIFORNIA**

The State of California proposed nine areas as AQMA and held a public hearing on the proposed identifications on June 13, 1974 in Tahoe, California.

The testimony revealed substantial support for the State identifications. Also, on June 13, 1974, the Chairman of the California Air Resources Board (ARB) officially transmitted the identifications to EPA. EPA reviewed the submittal, found it approvable, and on July 10, 1974 (39 FR 25330), proposed to approve the State's identifications.

Because of a misinterpretation of California's proposal, EPA listed seven (rather than nine) AQMA in its proposed approval of July 10, 1974. This proposal included non-contiguous areas in the same AQMA. On July 12, 1974, Governor Ronald Reagan officially submitted the ARB's identifications to EPA as Revision 5 of the State Implementation Plan. The ARB commented on the July 10, 1974, proposal and pointed out discrepancies between the proposed identifications and those adopted by the State. No other comments were received on the July 10, 1974, proposal.

The changes made to the identifications serve to clarify more precisely which areas of the State can be expected to violate the NAAQS. Therefore in the action below, EPA is approving the State's nine AQMA as submitted with one exception. EPA obtained additional information for Monterey County that revises the emissions inventory for the county. An analysis of the inventory and the control program leads EPA to conclude that Monterey County should not be identified as an AQMA for any of the applicable pollutants. Therefore EPA is not identifying Monterey County as an AQMA as proposed. Additionally, EPA is identifying portions of the San Joaquin Valley as an AQMA for particulate matter. The July 10, 1974, proposal did not include identification of San Joaquin, Stanislaus, Tulare, Fresno or Kern Counties of California for particulate matter. However, the NAAQS for particulate matter are chronically violated in these counties. Emissions contributing to these violations are from predominantly man-made and natural sources of fugitive dust. Since these emissions are controllable to some degree, these counties are identified below as AQMA by EPA for particulate matter. EPA anticipates that this designation will facilitate research into the impact of urban growth and agricultural practices on regional particulate concentrations and the development of reasonable and achievable control measures.

EPA's technical support documentation discusses these changes from the proposal in detail.

The State submittal, supporting information, and calculations on which the AQMA are based are available for public inspection at: the U.S. EPA Region IX Office; the U.S. EPA Regional Office Contact, Federal Building, Room 2033, 300 North Los Angeles Street, Los Angeles, California; and the California Air Resources Board, 1709 11th Street, Sacramento, California 95814. The ARB has also made its calculations available at the Air Pollution Control District offices throughout the State.

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**DELAWARE**

trator identifies the District of Columbia proposing AQMA. the Albany area

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on May 7, 1974 in Frankfort, at which the Commission received information

1974 proposed areas be identified as AQMA for the State of Maryland with

son City, Missouri. Written comments were solicited from the public and none



## DELAWARE

On April 1, 1974, the Administrator received from the Delaware Department of Natural Resources and Environmental Control a submittal indicating that no AQMA identifications for the State of Delaware were necessary. This submittal was procedurally inadequate, however, in that it was not formally submitted by the Governor of the State, nor did the State hold a public hearing on it.

After careful review of the Department of Natural Resources' submittal and the Administrator's own evaluation of the present air quality and expected future growth in the State, the Administrator proposed on July 10, 1974, (39 FR 25330) that no area in the State be designated as an AQMA.

This proposal was based on extensive application of EPA's *Guidelines for Designation of Air Quality Maintenance Areas*. This analysis indicated that no area in the State of Delaware need be designated as an AQMA.

EPA held a public hearing on the Administrator's proposal on August 21, 1974, in Wilmington. The date and location of this hearing appeared in the August 6, 1974, *Federal Register* (39 FR 28316). The same August 6, 1974, notice solicited public comment on the proposal. The only comment received was given at the public hearing, and this comment supported the proposal.

Considering the detailed analysis on which the proposal was based and the public comments, the Administrator is not identifying any AQMA in the State of Delaware.

The Administrator's technical support documentation on which this action is based is available for public inspection during normal business hours at the offices of EPA, Region III.

## DISTRICT OF COLUMBIA

On May 15, 1974, the Administrator received proposed AQMA identifications from the Department of Environmental Services for the District of Columbia. This submittal was procedurally inadequate, however, in that it was not formally submitted by the Mayor of the District. The District held a public hearing on April 5, 1974.

After careful review of the Department of Environmental Services submittal and the Administrator's own evaluation of the present air quality and expected future growth in the District, EPA proposed on July 10, 1974 (39 FR 25330) to identify the District of Columbia as a portion of the National Capital AQMA for particulate matter, sulfur dioxide and photochemical oxidants.

In the same July 10, 1974, notice, EPA solicited comments from the public, but no comments have been received. EPA also solicited comments from the Commissioner of the District of Columbia and the Federal Regional Council on August 7 and 27, 1974 respectively. No comments have been received from either source.

Considering the detailed analysis on which the proposal was based and the lack of public comments, the Adminis-

trator identifies the District of Columbia as an AQMA as proposed.

The Administrator's technical support documentation on which this action is based and a copy of the public hearing transcript are available for public inspection during normal business hours at the offices of EPA, Region III.

## FLORIDA

After holding a public hearing on May 21, 1974, in Orlando, the State of Florida Department of Pollution Control submitted to EPA an official identification of ten AQMA's on May 30, 1974. Comments at the State hearing generally supported the identifications. The ten areas identified by the State were proposed for identification by the Administrator on July 10, 1974 (39 FR 25330). No comments were received on the Administrator's proposal of July 10, 1974, for Florida.

On September 25, 1974, the State requested that EPA defer identification of seven of the areas pending the results of reanalysis; additional information relating to these deferrals was furnished by the State on November 21, 1974 and January 9, 1975.

The State completed their re-analysis and requested on March 31, 1975, that four AQMA's identified in its submittal of May 30, 1974 (Tallahassee, Pensacola, Ft. Lauderdale, Hollywood, and Miami), be deleted from the Administrator's listing. Additional information in support of these deletions was submitted on April 9, 1975. On April 15, 1975, the State requested that Orlando, Gainesville, and Melbourne-Titusville-Cocoa also be deleted. Information supporting these deletions was contained in the January 9, 1975 letter from the State. The information submitted by the State supporting these deletions showed in each case that the air quality data used to identify the area as an AQMA was not representative of the ambient air quality.

After review of all materials submitted, EPA is approving the identification of AQMA's as requested by the State of Florida. The State submittals and EPA's evaluation report discuss in detail the changes made in the AQMA identification from the July 10, 1974, proposal.

The State's submittals and EPA's technical support documentation for the identifications made in this notice are available at the office of the Florida Department of Pollution Control, 2562 Executive Center Circle East, Tallahassee, Florida 32301, and at the office of EPA Region IV.

Information as to other locations where the identification material may be reviewed is available from both of the above offices.

## GEORGIA

In the *Federal Register* of April 29, 1975 (40 FR 14726), the Administrator identified the Atlanta and Savannah AQMA's as proposed by the State, and Catoosa and Walker Counties as part of the Chattanooga Interstate AQMA. On March 10, 1975, the State advised EPA that after reviewing the data used for

proposing AQMA's, the Albany area (Dougherty County) should also have been included. EPA has reviewed all AQMA identification materials and is approving this identification of March 10 as submitted.

The State submittal and EPA's technical support documentation on which these identifications are based, are available for public inspection at the office of the Air Quality Control Section, Environmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street, S.W., Atlanta, Georgia 30334, and at the office of EPA Region IV.

Information as to other locations where the designation material may be reviewed is available from both of the above offices.

## KANSAS

On March 28, 1974, AQMA designation material was received for the State of Kansas from the Kansas Department of Health. The State identified no AQMA's in this material. The State had evaluated the Kansas City, Topeka and Wichita areas and found that none of these areas had the potential for violation of an NAAQS within ten years. A public hearing on the materials was held by the State in Topeka on March 18, 1974.

On July 10, 1974 (39 FR 25330), EPA proposed that no AQMA's be identified for Kansas. EPA solicited written comments from the public, but none were received.

Further EPA analysis of the materials submitted by the State shows that there is a potential for violation of the NAAQS for particulate matter in Kansas City. The Administrator is therefore disapproving the State's determination that no areas of the State be designated as AQMA's and is identifying the Kansas portion of the Kansas City Standard Metropolitan Statistical Area (SMSA) as an AQMA for particulate matter.

The State submittal concerning AQMA identification, and EPA's technical support material for this rulemaking are available for public inspection at the office of the Kansas Department of Health and Environment, Forbes Air Force Base, Building 740, Topeka, Kansas 66620, and at the office of the U.S. EPA, Region VII.

## KENTUCKY

On July 10, 1974 (39 FR 25330), the Administrator proposed identification of the Louisville area as an AQMA for sulfur dioxide based on information provided by the Kentucky Department of Natural Resources and Environmental Protection. No comments were received on this proposal. The Department did not officially submit their material as a plan supplement at the time; therefore, the Administrator proposed to disapprove the plan for lack of the official submittal.

On January 8, 1975, the Department formally submitted an identification of the Louisville area as an AQMA for both sulfur dioxide and particulate matter. This had been recommended by the Kentucky Environmental Quality Commission following the State public hearing

on May 7, 1974 in Frankfort, at which the Commission received information which indicated a potential for violation of standards for particulate matter as well as for sulfur dioxide.

After reviewing all AQMA materials submitted by the State, the Administrator is approving the identification of Louisville as submitted.

The Administrator has also studied recent information concerning the Cincinnati and Evansville interstate areas. This new information shows that a potential for violation of standards for particulate matter exists. The Administrator is therefore identifying the Kentucky portions of the Cincinnati and Evansville interstate areas as AQMA's for particulate matter.

The Administrator is also identifying two counties of the Kentucky portion of the Cincinnati AQMA for photochemical oxidants in order to provide for an integrated regional program for analysis and control of the oxidant problem in the Cincinnati area. The technical support documentation discusses these identifications in more detail.

The information submitted by the State and EPA's technical support documentation are available for public inspection at the office of the Kentucky Division of Air Pollution, 311 East Main Street, Frankfort, Kentucky 40601, and at the office of the U.S. EPA Region IV.

## MARYLAND

The State of Maryland Bureau of Air Quality Control held a hearing on proposed AQMA's in Baltimore on April 18, 1974. The State never officially submitted these proposed identifications to EPA, however. After review of the draft proposals on which the State hearing was held, the Administrator proposed in the *Federal Register* of July 10, 1974 (39 FR 25330), to identify areas identical to those unofficially proposed by the State and subjected to the April 18, 1974, hearing. The State draft proposals applied *Guidelines for Designation of Air Quality Maintenance Areas*, but used the more restrictive State ambient air quality standards to determine if standards would be maintained in the 1975-1985 time period.

The Administrator asked for public comment on these proposals (39 FR 25330) and received comments from the Maryland State Chamber of Commerce and the Baltimore Gas and Electric Company. These comments called for careful review by EPA of the April 18, 1974, hearing transcript, closer evaluation of the current air quality trends in the State, which, they maintained, indicated a rapid improvement of all air quality problems in the State. The comments also suggested that the identification of AQMA's be based solely on national ambient air quality standards. The State Chamber of Commerce also commented on the inadequacy of the modeling techniques.

After careful review of all public comments, including those made at the April 18, 1974, hearing, it is the Administrator's judgment that the July 10,

1974 proposed areas be identified as AQMA's for the State of Maryland with one exception, described below. The detailed air quality analysis required for all AQMA's will determine whether a plan is needed for those areas. The identification of areas must include all areas for which there is the potential for violation of any standard. By its very nature, the identification process is conservative and might include areas for which a plan will not be needed after a more detailed analysis. Plans will only be required by EPA for those areas for which a detailed air quality analysis shows that a national standard is jeopardized. The Administrator believes, however, that this evaluation process is an excellent method for also establishing needs in areas where local standards are more stringent than Federal standards. Section 116 of the Clean Air Act makes clear that States may adopt and enforce standards that are stricter than federal requirements. Thus, Maryland is free to designate AQMA's based on its own standards.

EPA solicited comments on the proposal from the Governor of Maryland on August 7, 1974, and from the Federal Regional Council on August 27, 1974. No comments have been received from either source.

The Administrator is identifying as AQMA's the following areas: the Baltimore Air Quality Control Region (AQCR) for particulate matter, sulfur dioxide, and photochemical oxidants; the Maryland portion of the National Capital AQCR for particulate matter and photochemical oxidants; and the Potomac River Basin area for particulate matter. The rulemaking differs from the proposal in two respects: the Baltimore area and the Maryland portion of the National Capital area are not identified as AQMA's for nitrogen dioxide. The Administrator does not believe that there is a potential for failure to maintain the national standard for nitrogen dioxide in those areas. The technical support documentation contains a discussion of this conclusion.

The Administrator's technical support documentation on which the proposal was based is available for public inspection during normal business hours at the offices of EPA, Region III.

## MISSOURI

On May 6, 1974, the Administrator received AQMA identification material for the State of Missouri from the Missouri Air Conservation Commission. Public hearings were held by the State in Kansas City, Missouri, on March 27, 1974, and in St. Louis, Missouri, on April 24, 1974.

On July 10, 1974 (39 FR 25330), the Administrator proposed to approve the State's identification of the St. Louis Interstate AQMA for particulate matter and photochemical oxidants. Copies of the State's identification material were made available for public inspection at the U.S. EPA Region VII Office in Kansas City, Missouri, and the office of Missouri Air Conservation Commission in Jeffer-

son City, Missouri. Written comments were solicited from the public and none were received.

The Administrator has obtained additional air quality data for sulfur dioxide in the St. Louis area and after careful review of the State's submittal, is adding sulfur dioxide to the St. Louis Interstate AQMA designation. Also, an additional analysis of the Kansas City interstate area has shown that projected levels of particulate concentrations could exceed the standards in 1985. Accordingly, the Administrator is identifying the Kansas City area as an Interstate AQMA for particulate matter. EPA's technical support documentation discusses these identifications in detail.

The State submittal concerning AQMA identification and EPA's technical support material for this rulemaking are available for public inspection at the office of the Missouri Air Conservation Commission, Department of Natural Resources, 117 Commerce Drive, Jefferson City, Missouri, as well as at the office of the U.S. EPA Region VII.

## NEVADA

The State of Nevada did not submit to EPA an identification of Air Quality Maintenance Areas (AQMA's) or a justification showing that there were no such areas in the State. Therefore, EPA performed an analysis of the Reno and Las Vegas Standard Metropolitan Statistical Areas (SMSA's) in accordance with the procedures set forth in the document entitled *Guidelines for Designation of Air Quality Maintenance Areas*. In the *Federal Register* of July 10, 1974, (39 FR 25330) the Administrator proposed that the Las Vegas SMSA be identified as an AQMA for particulate matter, carbon monoxide, and photochemical oxidants, and announced that a hearing was to be held shortly.

On October 24, 1974 (39 FR 37784), after a reevaluation of the analysis of the Reno and Las Vegas SMSA's, the Administrator re-proposed that the Las Vegas SMSA be identified as an AQMA for particulate matter and photochemical oxidants and proposed that the Reno SMSA be identified as an AQMA for particulate matter (not in the July 10, 1974 proposal). The proposal to identify the Las Vegas SMSA as an AQMA for carbon monoxide was not repeated on October 24, 1974.

EPA held a public hearing in Las Vegas on December 6, 1974, and in Reno on December 13, 1974 to take testimony on the proposed AQMA identifications.

At both public hearings, EPA received testimony that recommended the restriction of the AQMA boundaries to the areas around the metropolitan areas. The boundaries of the AQMA's identified in the rulemaking below reflect the testimony received at the hearings.

Testimony presented in Las Vegas indicates that recent carbon monoxide air quality measurements exceed the levels prescribed by the national standards. EPA now believes that controls on carbon monoxide sources are no longer sufficient to either attain the national standards or to maintain the standards

in the period 1975-1985. The Las Vegas pollutants particulate matter, sulfur ox-

State of New York. Public hearings were

New York State Department of Environ-

1974. After careful review of the De-

The State subsequently held a public



in the period 1975-1985. The Las Vegas area is therefore identified as an AQMA for carbon monoxide.

The spokesman for the Nevada Bureau of Environmental Health presented testimony in opposition to the identification of AQMAS for both the Las Vegas and Reno SMSAs. The State contended that existing regulations, given sufficient time, would provide for maintenance of the national standards. No significant air quality data trend has been observed by EPA to support the State's contention, however.

The Administrator finds that the National Ambient Air Quality Standards (NAAQS) for particulate matter will be violated during the period 1975-1985 in both the Las Vegas and Reno areas, that the NAAQS for photochemical oxidant and carbon monoxide will also be violated in the Las Vegas area during the same period, and that the NAAQS will not be maintained during the same period in the respective areas. As a result, the area surrounding and including the Las Vegas metropolitan area is identified as an AQMA for photochemical oxidants, carbon monoxide and particulate matter and the area surrounding and including the Reno metropolitan area is identified as an AQMA for particulate matter.

The supporting information and analysis on which the Las Vegas proposed designation is based are available for inspection at the National Environmental Research Center, 944 E. Harmon Avenue, Las Vegas, Nevada 89109, and District Health Department of Clark County, 625 Shadow Lane, Las Vegas, Nevada 89106.

The supporting information and analysis on which the Reno designation is based is available at the Washoe County District Health Department, 10 Klrman Avenue, Reno, Nevada 89502.

In addition, the information and analyses on which both the Las Vegas and Reno proposed designations are based are available at the Nevada Bureau of Environmental Health, 201 S. Fall Street (Nye Bldg.), Carson City, Nevada 89701, and U.S. EPA Region IX Office.

NEW JERSEY

In this rulemaking the Administrator combines counties, previously proposed as individual AQMAS, into interstate AQMAS. On July 10, 1974 (39 FR 25330), the Administrator proposed a list of potential air quality maintenance areas (AQMAS) for the State of New Jersey. It was necessary for the Administrator to propose a list since New Jersey failed to submit, to EPA, an official list of potential AQMAS. To develop the proposed list, the EPA Regional Office worked closely with the State and obtained the detailed computations which the State performed. On August 12, 1974, in Trenton, New Jersey, EPA conducted a public hearing on the proposed list of air quality maintenance areas for the State of New Jersey. Comments and testimony at the hearing indicated public support for the proposed designation and recommended additional AQMA designations for the

pollutants particulate matter, sulfur oxides and photochemical oxidants in other New Jersey counties.

After the public hearings the Administrator reexamined the proposed AQMAS. As a result of this further analysis the Administrator has combined appropriate counties that share a common air shed into three interstate AQMAS. Almost all of these counties had been proposed as separate AQMAS. These designations represent a regional approach in metropolitan areas to facilitate intergovernmental cooperation and planning.

The Administrator in this action establishes the New Jersey-New York Interstate AQMA. The New Jersey portion includes the counties of Hudson, Essex, Union, Middlesex, Bergen, Passaic and Monmouth for the pollutants particulate matter, sulfur dioxide and photochemical oxidants; also included in this interstate AQMA are Morris and Somerset counties designated for particulate matter and photochemical oxidants. The Administrator had previously proposed Essex and Union counties to be joined in an AQMA. The other counties, now within this Interstate AQMA, were separate AQMAS. Somerset County was not previously proposed for designation. Hudson, Essex, Union, Middlesex, Bergen, Passaic and Monmouth were not previously designated for sulfur dioxide, Passaic and Morris were not previously designated for particulate matter. Monmouth had not been designated for photochemical oxidants.

The Administrator, in this action, also incorporates a second group of previously proposed AQMAS into an interstate AQMA, the Metropolitan Philadelphia Interstate AQMA. The counties and pollutants designated include Mercer, Burlington, Camden, Gloucester and Salem for the pollutants particulate matter, sulfur dioxide and photochemical oxidants. These counties had been proposed to be designated only for photochemical oxidants.

The third interstate AQMA designated in this action is the Allentown-Bethlehem-Easton Interstate AQMA. The New Jersey portion consists of Warren County designated for particulate matter. The Administrator is designating this an interstate AQMA to facilitate intergovernmental cooperation and planning between the States of New Jersey and Pennsylvania.

In addition to the AQMAS proposed July 10, 1975, the Administrator is designating Atlantic and Ocean counties each as AQMAS for particulate matter.

In order to be sure that a comprehensive analysis was undertaken for all possible problem areas, any county which had a projected concentration within ninety percent of the national standard was designated and will be subject to further review. The analyses upon which this rulemaking is based are available for public inspection at the offices of the U.S. EPA, Region II.

NEW YORK

On April 29, 1974, the Administrator received AQMA designations for the

State of New York. Public hearings were held during the period March 11-March 15, 1974 at various locations throughout the State. The State designated as AQMAS ten areas for particulate matter, three areas for sulfur dioxide, and one area each for nitrogen dioxide, carbon monoxide and photochemical oxidants.

On July 10, 1974 (39 FR 25330), the Administrator published the areas designated by New York State under the notice of proposed rulemaking section of the FEDERAL REGISTER. A 30-day public comment period was established to provide concerned individuals with the opportunity to comment on the proposed list of AQMAS. The public comment period ended on August 10, 1974 with no comments being received by the Administrator concerning the New York AQMA designations. The Administrator has reviewed the list of AQMAS submitted by New York and has determined that the State correctly specified which areas should be designated as AQMAS. A few minor boundary changes were made to include several towns within designated AQMAS. Consequently, the Administrator's final list of AQMAS for New York State remains substantially the same as the list submitted by the State on April 29, 1974. The submittal on which this rulemaking is based is available for public inspection during normal business hours at the offices of the U.S. EPA, Region II and at the offices of the New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12201. In addition, copies of information relating to the AQMAS are available for their respective areas at the following locations:

Ulster County Department of Health, Bureau of Sanitation Engineering, 244 Fair Street, Kingston, New York.

Dutchess County Department of Health, Division of Environmental Health, 22 Market Street, Poughkeepsie, New York.

Orange County Department of Health, Division of Environmental Health Services, 124 Main Street, Goshen, New York.

New York State Department of Environmental Conservation, Region 1, NYS/EC Building #40, SUNY, Stony Brook, New York.

New York State Department of Environmental Conservation, Room 128, 50 Wolf Road, Albany, New York.

New York State Department of Environmental Conservation, Region 3, 202 Mamawoneck Avenue, White Plains, New York.

Nassau County Department of Health, Bureau of Air Pollution Control, 240 Old County Road, Mineola, New York.

State of New York Offices, 11th Floor, 1700 Broadway, New York, New York.

Monroe County Department of Health, Bureau of Air Pollution Control, 111 Westfall Road, Rochester, New York.

Chautauqua County Department of Health, Switchboard Operator's Desk, 1st Floor, Health & Social Service Building, Mayville, New York.

New York State Department of Environmental Conservation, New York State Office Building, 6th Floor, 207 Genesee Street, Utica, New York.

New York State Department of Environmental Conservation, 3rd Floor, New York State Office Building, 333 East Washington Street, Syracuse, New York.

New York State Department of Environmental Conservation, Region 9, 584 Delaware Avenue, Buffalo, New York.

Niagara County Department of Health, Niagara Falls City Hall, Main Street, Niagara Falls, New York.

New York State Department of Environmental Conservation, New York State Office Building, 44 Hawley Street, Binghamton, New York.

Chemung County Department of Health, Environmental Health Section, Heritage Park, Elmira, New York.

OHIO

In the FEDERAL REGISTER of June 2, 1975, (40 FR 23746), the Administrator identified seven areas in Ohio (Akron-Canton, Cleveland, Columbus, Dayton, Mansfield, Toledo, Interstate, and Youngstown) as AQMAS, but indicated that other identifications for Ohio were still pending. In the action below Ohio's AQMA identification is completed with the addition of the Cincinnati Interstate AQMA and the Steubenville AQMA. For general information concerning the Ohio AQMA action, the reader is referred to the FEDERAL REGISTER of June 2, 1975 (40 FR 23746).

Identification of the Cincinnati Interstate AQMA reflects a change from the AQMA proposal of August 12, 1974 (39 FR 28906), in that Butler and Warren counties were added to the Cincinnati AQMA. The Steubenville area identification reflects the addition of Columbiana and Monroe counties to the AQMA as proposed. As explained in the FEDERAL REGISTER of June 2, the Administrator made these boundary changes in the Ohio identifications in order to keep AQMA geographic boundaries consistent with existing State district offices and local air pollution control agency jurisdictions as well as substate planning region boundaries.

Identification of the Cincinnati area as an interstate AQMA is directly associated with the determination by the Administrator that areas in Kentucky adjacent to the Cincinnati AQMA should also be identified as an AQMA. Discussion of the Administrator's determination with respect to the Kentucky identification may be found in the discussion for Kentucky in this preamble, as well as the technical support documentation for the Kentucky identification.

The technical support data for and comments received on the Ohio identifications are available for public inspection at the Ohio EPA, 361 E. Broad Street, Columbus, Ohio, as well as the EPA Region V Office.

PENNSYLVANIA

On March 18, 1974, the Administrator received from the Pennsylvania Department of Environmental Resources proposed AQMA identifications for the State of Pennsylvania. This submittal was procedurally inadequate, however, in that it was not formally submitted by the Governor of the State. A public hearing on the proposal was held by the State in Harrisburg, Pennsylvania, on June 19,

1974. After careful review of the Department of Environmental Resources' submittal and the Administrator's own evaluation of the present air quality and expected future growth in the State, the Administrator proposed on July 10, 1974, (39 FR 25330) to designate all twelve of the State of Pennsylvania's "Air Basins" as AQMAS.

In the same July 10, 1974, notice, EPA solicited comment from the public on the proposal. No comments have been received. EPA also requested both the Governor of Pennsylvania (on August 7, 1974) and the Federal Regional Council (on August 27, 1974) to comment on the proposal. No comments have been received from either source.

Given the detailed air quality analysis on which the proposal was based and the lack of public comments, the Administrator is identifying: (1) all 12 air basins in the State of Pennsylvania as AQMAS for particulate matter; this includes the Southeast Pennsylvania Air Basin, renamed as the Metropolitan Philadelphia Interstate AQMA, Pennsylvania Portion, and the Allentown-Bethlehem-Easton Air Basin, renamed as the Allentown-Bethlehem-Easton Interstate AQMA, Pennsylvania Portion; (2) the Allegheny County, Beaver Valley, and Monongahela Valley Air Basins and the Metropolitan Philadelphia area (Pennsylvania Portion) for sulfur dioxide; and (3) the Allegheny County Air Basin and the Metropolitan Philadelphia area (Pennsylvania Portion) for photochemical oxidants.

The only changes in AQMA identification from the proposal are the identification of the Metropolitan Philadelphia and the Allentown-Bethlehem-Easton areas as interstate AQMAS. The Administrator believes that because these areas share a common air shed and have similar regional growth characteristics with the adjacent areas in New Jersey, they should be identified as interstate AQMAS.

The Administrator's analysis and the Pennsylvania submittal, on which this action is based, are available for public inspection during normal business hours at the offices of EPA, Region III.

TENNESSEE

Because the Administrator did not expect the State to submit AQMA identification material prior to his proposal of AQMAS, the Administrator conducted a public hearing on May 3, 1974, in Nashville and proposed the Nashville, Chattanooga, Kingsport, and Memphis areas as AQMAS in the FEDERAL REGISTER of July 10, 1974 (39 FR 25330).

The comments received at the hearing supported the identifications of Nashville and Chattanooga as AQMAS but opposed the identifications of Kingsport and Memphis.

On July 2, 1974, the State Department of Public Health, Division of Air Pollution Control, officially submitted their identifications of the Nashville and Chattanooga areas as AQMAS.

The State subsequently held a public hearing on September 6, 1974, in Nashville, and comments received at the hearing generally supported the State's identifications. The State's analyses of the proposed Kingsport and Memphis AQMAS showed greater emissions reductions than originally projected in the EPA proposals. Accordingly, EPA is not identifying the Kingsport and Memphis areas as AQMAS, and is identifying the Chattanooga and Nashville areas as AQMAS for particulate matter as proposed. A detailed discussion of this change is found in the technical support documentation.

This promulgation includes a procedural disapproval of the State's submittal on the basis that it was submitted prior to the State public hearings and thus could not have accounted for public comment at that hearing. The AQMA identifications, however, are the same as those submitted by the State.

Copies of the State submittal, public hearing comments, and the technical support documentation for this action are available for public inspection at the Tennessee Department of Public Health, Division of Air Pollution Control, C2-212 Cordell Hull Building, Nashville, Tennessee 37219, in addition to the office of the U.S. EPA Region IV.

VIRGINIA

On May 7, 1974, the Administrator received from the Governor of Virginia proposed AQMA identifications for the State of Virginia. The State held public hearings on this submittal on April 16, 17, 18, and 19, 1974, in Richmond, Roanoke, Norfolk, and Falls Church respectively. After careful review of the State's submittal and the Administrator's own evaluation of the present air quality and expected future growth in the State, the Administrator concluded that the seven areas identified by the State of Virginia have the potential for violation of one or more national ambient air quality standards within 10 years. In the FEDERAL REGISTER of July 10, 1974 (39 FR 25330), the Administrator proposed to identify these areas as AQMAS.

In the same July 10, 1974, notice, the Administrator solicited public comment on the proposal, but EPA received no comments. EPA also requested the Governor of the Commonwealth of Virginia to comment on the proposal. The Governor's designee recommended approval of the proposal. Additionally, EPA solicited comment from the Federal Regional Council, but received no comments from them.

Considering both the detailed analysis on which the proposal was based and the comments received, the Administrator is identifying as AQMAS those areas and pollutants that were proposed on July 10, 1974, with one exception. In the Lynchburg AQMA, Lynchburg City was inadvertently omitted from the proposal; the action below includes Lynchburg City in the Lynchburg AQMA. The AQMAS identified below are the areas of the National Capital (Virginia Portion), Rich-

mond, Petersburg-Colonial Heights-

pollutants particulate matter, sulfur oxides and photochemical oxidants in other New Jersey counties.

(2) Tucson SMSA Air Quality Main-

(2) San Diego Air Basin Air Quality Maintenance Area.

Basin lying south of latitude 35°10' N and west of longitude 115°45' W.

ing the territorial area of all municipalities (as defined in section 302(f) of the



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mond, Petersburg-Colonial Heights-Hopewell, Lynchburg, Hampton-Newport News, Norfolk-Portsmouth-Virginia Beach, and Roanoke for particulate matter, and the National Capital (Virginia Portion) for photochemical oxidants.

The State submittal and technical support documentation on which this action is based are available for public inspection during normal business hours at the offices of EPA, Region III, and at the Offices of the Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219.

## WEST VIRGINIA

On June 13, 1974, the Administrator received from the Governor of West Virginia proposed AQMA identifications for the State of West Virginia. The State held a public hearing on this submittal in Charleston on April 19, 1974. The State submittal indicated that no area in the State of West Virginia has the potential to violate any National Ambient Air Quality Standard in the 1975-1985 time period once the NAAQSs are attained. After preliminary review of the Governor's submittal and the Administrator's own evaluation of the present air quality and expected future growth in the State, the Administrator proposed, on July 10, 1974 (39 FR 25330), that no area in the State of West Virginia be identified as an AQMA. No comments were received on the proposal.

The Administrator has now completed his review of the West Virginia submittal and has concluded that no area in the State of West Virginia should be designated as an AQMA. The Administrator is approving the State submittal below.

The Administrator is concerned, however, over the continuing violations of the NAAQSs for particulate matter and sulfur dioxide in the West Virginia portion of the Steubenville-Wiarton-Wheeling Interstate AQCR and for particulate matter in the Kanawha Valley Intra-state AQCR. He has further determined that a detailed examination of the causes of these violations should be undertaken immediately. Upon completion of this analysis the Administrator will re-evaluate the need for plan revision for attainment and maintenance of the national standards in these areas.

The State submittal and the Administrator's evaluation are available for public inspection during normal business hours at the offices of EPA, Region III.

## AVAILABILITY OF STATE SUBMITTALS AND TECHNICAL SUPPORT DOCUMENTATION

State submittals and technical support documentation (including the Administrator's evaluation of State-submitted AQMA material) for the list of AQMA's will be available for public inspection during normal business hours at the Freedom of Information Center, EPA, Room 206, 401 M Street, S.W., Washington, D.C. 20460, and at each of the Regional Offices listed below. Each Regional Office will have only the material for the States within its respective region.

Region	States	Address
II	New Jersey, New York	26 Federal Plaza, Room 908, New York, N.Y. 10007.
III	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia	Curtis Bldg., 6th and Walnut Sts., Philadelphia, Pa. 19106.
IV	Florida, Georgia, Kentucky, Tennessee	1421 Peachtree St., N.E., Atlanta, Ga. 30309.
V	Ohio	Federal Bldg., 230 South Dearborn St., Chicago, Ill. 60604.
VI	Arkansas	1600 Patterson St., Suite 1100, Dallas, Tex. 75201.
VII	Kansas, Missouri	1735 Baltimore Ave., Kansas City, Mo. 64108.
IX	Arizona, California, Nevada	100 California St., San Francisco, Calif. 94111.

The Administrator finds good cause for making this rulemaking effective immediately in order that the affected States may begin to develop detailed air quality maintenance area analyses if they have not already begun to do so.

(Secs. 110, 301 (a), Clean Air Act, as amended (42 U.S.C. 1857c-5, 1857g(a)))

Dated: August 27, 1975.

RUSSELL E. TRAIN,  
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

## Subpart D—Arizona

1. In § 52.120, paragraph (c) is revised to read as follows:

§ 52.120 Identification of plan.

(c) Supplemental information was submitted on:

(1) March 1, March 2, and May 30, 1972, by the Arizona State Board of Health.

(2) April 11, May 10, September 11 and 21, and October 2, 1973, and April 17, 1974.

2. Section 52.143 is added as follows:

§ 52.143 Maintenance of national standards.

(a) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of the chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Phoenix SMSA Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, carbon monoxide, and photochemical oxidants.

(ii) Geographical composition of area: Maricopa County.

(2) Tucson SMSA Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area: Pima County.

## Subpart E—Arkansas

3. Section 52.181 is added as follows:

§ 52.181 Maintenance of national standards.

(a) The requirements of § 51.12 (e) of this chapter are not met because the State neither identified areas of the State which have the potential for violation of air quality standards within ten years nor provided an adequate justification that there are no such areas in the State.

(b) The area listed below is hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified national ambient air quality standard within 10 years. The identified area consists of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in Section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Little Rock Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Pulaski County Saline County

## Subpart F—California

§ 52.220 [Amended]

4. Paragraph (c) (1) in § 52.220 is amended by adding the date, "June 13, 1974," in proper chronological order.

5. Section 52.267 is added as follows:

§ 52.267 Maintenance of national standards.

(a) The areas listed below, which were identified by the State of California, are hereby identified by the Administrator under § 51.12 (e) and (f) as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Sacramento Valley Area Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Carbon monoxide and photochemical oxidants.

(ii) Geographical composition of area:

Sacramento County Yolo County

That portion of Solano County lying in the Sacramento Valley Air Basin, as defined in the plan.

That portion of Placer County lying in the Sacramento Valley Air Basin, as defined in the plan.

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(2) San Diego Air Basin Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, carbon monoxide, and photochemical oxidants.

(ii) Geographic composition of area: Portion of San Diego County lying in the San Diego Air Basin, as defined in the plan.

(3) San Francisco Bay Area Air Basin Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and photochemical oxidants.

(ii) Geographical composition of area:

Alameda County Contra Costa County Marin County Napa County San Francisco County Santa Clara County Santa Mateo County Those portions of Solano and Sonoma Counties lying in the San Francisco Bay Area Air Basin, as defined in the plan.

(4) San Joaquin and Stanislaus Counties Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area: San Joaquin County Stanislaus County

(5) Fresno County Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area:

Fresno County

(6) Kern County Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, photochemical oxidants and carbon monoxide.

(ii) Geographical composition of area: That portion of Kern County lying in the San Joaquin Valley Air Basin, as defined in the plan.

(7) Tulare County Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Tulare County.

(8) South Coast Air Basin Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, carbon monoxide, photochemical oxidants, and nitrogen dioxide.

(ii) Geographical composition of area:

Orange County Ventura County

Those portions of Los Angeles, Riverside, San Bernardino, and Santa Barbara Counties lying in the South Coast Air Basin, as defined in the plan.

(9) Southeast Desert Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Photochemical oxidants.

(ii) Geographical composition of area: Coachella Valley portion of Riverside County, and that portion of San Bernardino County in the Southeast Air

Basin lying south of latitude 35°10' N and west of longitude 115°45' W.

## Subpart I—Delaware

Section 52.431 is added as follows:

§ 52.131 Maintenance of national standards.

(a) The requirements of § 51.12 (e) of this chapter are not met since the State neither identified areas of the State that have the potential for violation of air quality standards within 10 years nor provided a justification that there are no such areas in the State.

(b) Based upon information available to him, the Administrator does not identify any areas pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of national ambient air quality standards within 10 years.

## Subpart J—District of Columbia

7. Section 52.497 is added as follows:

§ 52.497 Maintenance of national standards.

(a) The requirements of § 51.12 (e) and § 51.5 of this chapter are not met since the District neither identified areas of the District that have the potential for violation of air quality standards within 10 years nor provided a justification that there are no such areas in the District.

(b) The area listed below is hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified area consists of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) National Capital Interstate Air Quality Maintenance Area (District of Columbia Portion).

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and photochemical oxidants.

(ii) Geographical composition of area: District of Columbia

## Subpart K—Florida

8. Paragraph (c) of § 52.520 is amended by adding the dates May 30, September 25 and November 21, 1974, January 9, March 31, April 9 and April 15, 1975 in chronological order.

9. Section 52.529 is added as follows:

§ 52.529 Maintenance of national standards.

(a) The areas listed below which were identified by the State of Florida are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area, including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Albany Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Dougherty County

(2) Atlanta Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Clayton County Fulton County Cobb County Gwinnett County De Kalb County

(3) Chattanooga Interstate Air Quality Maintenance Area (Georgia Portion).

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Catoosa County Walker County

(4) Savannah Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur

dioxide, and photochemical oxidants.

(ii) Geographical composition of area:

Chatham County

That portion of Liberty County lying in the Savannah Air Basin, as defined in the plan.

That portion of Wayne County lying in the Savannah Air Basin, as defined in the plan.

That portion of McIntosh County lying in the Savannah Air Basin, as defined in the plan.

That portion of Glynn County lying in the Savannah Air Basin, as defined in the plan.

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(1) Pollutant for which the area is

(ii) Geographical composition of area:

to § 51.12 (e) and (f) of this chapter as having the potential for violation of the

along the township line common to T. 22 S. and T. 23 S. to a point where the

the area identified for particulate matter and photochemical oxidants:

(i) Pollutants for which the area is identified: Particulate matter and sulfur

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(d) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Cass County

## Subpart R—Kansas

Section 52.833 is added as follows:

52.833 Maintenance of national standards.

(a) The requirements of § 51.12(e) of this chapter are not met since the state did not provide adequate justification that certain areas did not have the potential for violation of an air quality standard within ten years.

(b) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within ten years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions including the territorial area of all municipalities (as defined in Section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delineated.

(1) Kansas City Interstate Air Quality Maintenance Area (Kansas Portion).

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Johnson County Wyandotte County

## Subpart S—Kentucky

§ 52.920 [Amended]

13. In § 52.920 paragraph (c)(2) is amended by inserting in proper chronological order the date January 6, 1975.

14. Section 52.929 is added as follows:

§ 52.929 Maintenance of national standards.

(a) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area, including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Cincinnati Interstate Air Quality Maintenance Area (Kentucky Portion).

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants (part).

(ii) (a) Geographical composition of area identified for particulate matter:

Boone County Kenton County Campbell County

(b) Geographical composition of area identified for photochemical oxidants:

Campbell County Kenton County

(2) Evansville Interstate Air Quality Maintenance Area (Kentucky Portion).

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Henderson County

(3) Louisville Interstate Air Quality Maintenance Area (Kentucky Portion).

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area: Jefferson County

## Subpart V—Maryland

15. Section 52.1115 is added as follows:

§ 52.1115 Maintenance of national standards.

(a) The requirements of § 51.12(e) of this chapter are not met since the State neither identified areas of the State that have the potential for violation of air quality standards within 10 years nor provided a justification that there are no such areas in the State.

(b) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Baltimore Air Quality Maintenance Area:

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and photochemical oxidants.

(ii) Geographical composition of area:

Anne Arundel Harford County County Howard County Baltimore County Baltimore City Carroll County

(2) National Capital Interstate Air Quality Maintenance Area (Maryland Portion).

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area:

Montgomery County Prince Georges County

(3) Potomac River Basin Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Allegany County In Washington County, Hagerstown City Garrett County

## Subpart AA—Missouri

§ 52.1320 [Amended]

16. § 52.1320 is amended by inserting the date, "May 6, 1974," in proper chronological order in paragraph (c)(1).

17. Section 52.1338 is added as follows:

§ 52.1338 Maintenance of national standards.

(a) The areas listed below are hereby identified by the Administrator pursuant

to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within ten years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial areas of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Kansas City Interstate Air Quality Maintenance Area (Missouri Portion).

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Cass County Jackson County Clay County Platte County

(2) St. Louis Interstate Air Quality Maintenance Area (Missouri Portion).

(i) Pollutants for which the area is identified: Particulate matter, photochemical oxidants and sulfur dioxide.

(ii) Geographical composition of area:

St. Louis City Jefferson County St. Louis County St. Charles County Franklin County

## Subpart DD—Nevada

18. Section 52.1483 is added as follows:

§ 52.1483 Maintenance of the national standards.

(a) The requirements of § 51.12(e) of this chapter are not met since the State neither identified areas of the State that have the potential for violation of the national air quality standards within 10 years nor provided a justification that there are no such areas in the State.

(b) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of given jurisdictions or described area, including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Las Vegas Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, photochemical oxidants, carbon monoxide.

(ii) Geographical composition of area:

that portion of Clark County beginning at the point where the township line common to T. 18 S. and T. 19 S., Mount Diablo Base and Meridian, intersects the range line common to R. 59 E. and R. 60 E., Mount Diablo Base and Meridian, and running along a line generally east by south to a point two miles south and two miles east of the point where said township line intersects the range line common to R. 63 E. and R. 64 E.; then along a line generally south by west to a point 1½ miles west of the point where the township line common to T. 22 S. and T. 23 S. intersects the range line common to R. 63 E. and R. 63½ E.; then west

along the township line common to T. 22 S. and T. 23 S. to a point where the township line intersects the range line common to R. 59 E. and R. 60 E.; then generally north along the range line common to R. 59 E. and R. 60 E.

(2) Reno Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

That portion of Washoe County which lies south of the township line common to T. 21 N. and T. 22 N., Mount Diablo Base and Meridian.

## Subpart FF—New Jersey

19. Section 52.1602 is added as follows:

§ 52.1602 Maintenance of national standards.

(a) The requirements of § 51.4 and § 51.12(e) of this chapter are not met since the State did not conduct an adequate public hearing on the identification of areas which have the potential for violation of an air quality standard within 10 years.

(b) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Allentown-Bethlehem-Easton Interstate Air Quality Maintenance Area (New Jersey Portion).

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of the area:

Warren County

(2) Atlantic Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of the area:

Atlantic County

(3) Metropolitan Philadelphia Interstate Air Quality Maintenance Area (New Jersey Portion).

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and photochemical oxidants.

(ii) Geographical composition of the area:

Mercer County Gloucester County Burlington County Salem County Camden County

(4) New Jersey-New York Interstate Air Quality Maintenance Area (New Jersey Portion).

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide (part) and photochemical oxidants.

(ii) (a) Geographical composition of

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the area identified for particulate matter and photochemical oxidants:

Hudson County Passaic County Essex County Monmouth County Union County Morris County Middlesex County Somerset County Bergen County

(b) Geographical composition of the area identified for sulfur dioxide:

Hudson County Bergen County Essex County Passaic County Union County Monmouth County Middlesex County

(5) Ocean Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of the area:

Ocean County

## Subpart HH—New York

20. In § 52.1670, paragraph (c) is amended by revising subparagraph (3) as follows.

§ 52.1670 Identification of plan.

(c) . . . . .

(3) October 26, and November 27, 1973, and April 29, 1974.

21. Subpart 52.1688 is added as follows:

§ 52.1688 Maintenance of national standards.

(a) The areas listed below which were identified by the State of New York are hereby identified by the Administrator pursuant to § 51.12 (e) and (f), of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Binghamton Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Broome County (part) Town of Conklin Binghamton City Town of Kirkwood Town of Vestal Town of Fenton Town of Union Town of Chenango Town of Bingham-Tioga County (part) Town of Owego

(2) New Jersey-New York Interstate Air Quality Maintenance Area (New York Portion).

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, nitrogen dioxide, carbon monoxide, and photochemical oxidants.

(ii) Geographical composition of area:

New York City Suffolk County Nassau County Westchester County Rockland County

(3) Niagara Frontier Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area: Erie County Niagara County

(4) Utica-Rome Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Herkimer County Town of Trenton (part) Town of Deerfield Town of Schuyler Town of Marcy Town of Frankfort Town of Whites-town Onondaga County Town of West-moerland Utica City Town of New Hart-ford Rome City Town of Lee Town of Floyd Town of Kirkland Town of Paris

(5) Elmira-Corning Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Chemung County Town of Big Flats (part) Steuben County Elmira City (part) Corning City Town of Southport Town of Ashland Town of Elmira Town of Erwin Town of Horse-heads

(6) Rochester Air Quality Maintenance Area.

(i) Pollutant for which the area is designated: Particulate matter.

(ii) Geographical composition of area:

Livingston County Town of East Bloomfield (part) Town of Caledonia Town of Aron Town of Lima Town of Canandaigua Ontario County Monroe County Canandaigua City Wayne County (part) Town of Ontario Town of Walworth Town of Victor Town of Macedon

(7) Jamestown Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Chautauque County Town of Ellery (part) Town of Busti Jamestown City Town of Klanton Town of Chaumont Town of Ellicott Town of North Harmony Town of Poland

(8) Syracuse Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Onondaga County

(9) Capital District Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

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(ii) Geographical composition of area:

(ii) Geographical composition of area:

as having the potential for violation of the specified air quality standards with-

(9) Reading Air Basin Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Arlington County Alexandria City

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## (ii) Geographical composition of area:

Albany County, excluding the following:  
 Town of Berne  
 Town of Knox  
 Town of Rensselaerville  
 Town of Westerlo  
 Montgomery County (part)  
 Amsterdam City  
 Town of Amsterdam  
 Rensselaer County, excluding the following:  
 Town of Nassau  
 Town of Stephentown

## (10) Mid-Hudson Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

## (ii) Geographical composition of area:

Dutchess County, including the following:

Town of Pawling  
 Town of Dover  
 Town of Union Vale  
 Town of Amsterdam  
 Town of Washington  
 Town of Clinton

Ulster County, including the following:

Town of Woodstock  
 Town of Shandaken  
 Town of Hardenburgh

## Subpart KK—Ohio

22. Paragraph (b) of § 52.1883 is revised to read as follows:

## § 52.1883 Maintenance of national standards.

(b) The areas listed below are identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Akron-Canton Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Portage County  
 Stark County

(2) Cincinnati Interstate Air Quality Maintenance Area (Ohio Portion).

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

## (ii) Geographical composition of area:

Butler County  
 Clermont County  
 Hamilton County  
 Warren County

(3) Cleveland Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Cuyahoga County  
 Geauga County  
 Lake County  
 Lorain County

(4) Columbus Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Franklin County

(5) Dayton Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Clark County  
 Greene County  
 Montgomery County

(6) Mansfield Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Richland County

(7) Steubenville Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Belmont County  
 Jefferson County  
 Columbiana County  
 Monroe County

(8) Toledo Interstate Air Quality Maintenance Area (Ohio Portion).

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of the area:

Lucas County  
 Wood County

(9) Youngstown Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of the area:

Mahoning County  
 Trumbull County

## Subpart NN—Pennsylvania

23. Section 52.2036 is added as follows:

## § 52.2036 Maintenance of national standards.

(a) The requirements of §§ 51.4, 51.5, and 51.12(e) of this chapter are not met since the State did not conduct an adequate public hearing on the identification of areas which have the potential for violation of an air quality standard within 10 years and submit such identification by the Governor of Pennsylvania or his designee.

(b) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter

as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Allegheny County Air Basin Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and photochemical oxidants.

(ii) Geographical composition of area:

Coincident boundaries with Allegheny County Air Basin as defined in the plan.

(2) Allentown-Bethlehem-Easton Interstate Air Quality Maintenance Area (Pennsylvania Portion).

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Coincident boundaries with Allentown-Bethlehem-Easton Air Basin as defined in the plan.

(3) Beaver Valley Air Basin Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Coincident boundaries with Beaver Valley Air Basin as defined in the plan.

(4) Erie Air Basin Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Coincident boundaries with the Erie Air Basin as defined in the plan.

(5) Harrisburg Air Basin Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Coincident boundaries with Harrisburg Air Basin as defined in the plan.

(6) Johnstown Air Basin Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Coincident boundaries with Johnstown Air Basin as defined in the plan.

(7) Lancaster Air Basin Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Coincident boundaries with Lancaster Air Basin as defined in the plan.

(8) Montongahela Valley Air Basin Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Coincident boundaries with Montongahela Valley Air Basin as defined in the plan.

## (9) Reading Air Basin Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Coincident boundaries with Reading Air Basin as defined in the plan.

(10) Scranton-Wilkes-Barre Air Basin Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Coincident boundaries with Scranton-Wilkes-Barre Air Basin as defined in the plan.

(11) Metropolitan Philadelphia Interstate Air Quality Maintenance Area (Pennsylvania Portion).

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and photochemical oxidants.

(ii) Geographical composition of area:

Coincident boundaries with Southeast Pennsylvania Air Basin as defined in the plan.

(12) York Air Basin Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Coincident boundaries with York Air Basin as defined in the plan.

## Subpart RR—Tennessee

24. Section 52.2232 is added as follows:

## § 52.2232 Maintenance of national standards.

(a) The requirements of §§ 51.4 and 51.12(e) are not met since the AQMA identifications were submitted by the State prior to the State public hearing and thus could not have accounted for public comment at that hearing.

(b) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Chattanooga Interstate Air Quality Maintenance Area (Tennessee Portion).

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area:

Coincident boundaries with Chattanooga Air Basin as defined in the plan.

(2) Lynchburg Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Amherst County  
 Appomattox County  
 Campbell County  
 Lynchburg City

(3) National Capital Interstate Air Quality Maintenance Area (Virginia Portion).

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area:

Coincident boundaries with National Capital Air Basin as defined in the plan.

(4) Norfolk - Portsmouth - Virginia Beach Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Chesapeake City  
 Norfolk City  
 Portsmouth City  
 Suffolk City  
 Virginia Beach City

(5) Petersburg-Colonial Heights-Hopewell Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Prince George County  
 Petersburg City  
 Colonial Heights City  
 Hopewell City

(6) Richmond Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Charles City County  
 Chesterfield County  
 Goochland County  
 Hanover County  
 Henrico County  
 Powhatan County  
 Richmond City

(7) Roanoke Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Botetourt County  
 Craig County  
 Roanoke County  
 Roanoke City  
 Salem City

## (i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of the area:

Hamilton County

(2) Nashville Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Davidson County

Subpart VV—Virginia

§ 52.2420 [Amended]

25. In § 52.2420, paragraph (c) (2) is amended by the insertion, in proper chronological sequence, of the following date: May 7, 1974.

26. Section 52.2449 is added as follows:

## § 52.2449 Maintenance of national standards.

(a) The areas listed below, which were identified by the State of Virginia, are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Hampton-Newport News Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Gloucester County  
 James City County  
 York County  
 Hampton City  
 Newport News City  
 Williamsburg City

(2) Lynchburg Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Amherst County  
 Appomattox County  
 Campbell County  
 Lynchburg City

(3) National Capital Interstate Air Quality Maintenance Area (Virginia Portion).

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area:

Coincident boundaries with National Capital Air Basin as defined in the plan.

(4) Norfolk - Portsmouth - Virginia Beach Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Chesapeake City  
 Norfolk City  
 Portsmouth City  
 Suffolk City  
 Virginia Beach City

(5) Petersburg-Colonial Heights-Hopewell Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Prince George County  
 Petersburg City  
 Colonial Heights City  
 Hopewell City

(6) Richmond Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Charles City County  
 Chesterfield County  
 Goochland County  
 Hanover County  
 Henrico County  
 Powhatan County  
 Richmond City

(7) Roanoke Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Botetourt County  
 Craig County  
 Roanoke County  
 Roanoke City  
 Salem City

27. In § 52.2520, paragraph (c) is amended by adding subparagraph (2) as follows:

§ 52.2520 Identification of plan.

(c) \* \* \*

(2) June 13, 1974.

28. Section 52.2526 is added as follows:

§ 52.2526 Maintenance of national standards.

(a) Under the requirements of § 51.12 (e) and (f) of this chapter, the Administrator, in agreement with the State of West Virginia, has identified no areas that have the potential for violation of the national ambient air quality standards within 10 years.

## (ii) Geographical composition of area:

Arlington County  
 Fairfax County  
 Loudoun County  
 Prince William County

Alexandria City  
 Fairfax City  
 Falls Church City

(4) Norfolk - Portsmouth - Virginia Beach Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Chesapeake City  
 Norfolk City  
 Portsmouth City  
 Suffolk City  
 Virginia Beach City

(5) Petersburg-Colonial Heights-Hopewell Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Prince George County  
 Petersburg City  
 Colonial Heights City  
 Hopewell City

(6) Richmond Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Charles City County  
 Chesterfield County  
 Goochland County  
 Hanover County  
 Henrico County  
 Powhatan County  
 Richmond City

(7) Roanoke Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Botetourt County  
 Craig County  
 Roanoke County  
 Roanoke City  
 Salem City

Subpart XX—West Virginia

27. In § 52.2520, paragraph (c) is amended by adding subparagraph (2) as follows:

§ 52.2520 Identification of plan.

(c) \* \* \*

(2) June 13, 1974.

28. Section 52.2526 is added as follows:

§ 52.2526 Maintenance of national standards.

(a) Under the requirements of § 51.12 (e) and (f) of this chapter, the Administrator, in agreement with the State of West Virginia, has identified no areas that have the potential for violation of the national ambient air quality standards within 10 years.

[FR Doc.75-23822 Filed 9-8-75;8:45 am]



# federal register

TUESDAY, SEPTEMBER 9, 1975



PART V:

## PRIVACY ACT OF 1974

VARIOUS AGENCIES

Systems of Records

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DEPARTMENT OF THE TREASURY

### NOTICES

II. INTERNAL REVENUE SERVICE  
GENERAL ITEMS NOT OTHERWISE NUMBERED

ELEVENTH NATIONAL BANK REGION  
00.243 Job applications.

### NOTICES

41957

tical Report for the Office of the Secretary. For additional routine uses see Treasury Appendix AA.

serted into Official Personnel Files which are also kept in locked files.  
*Retention and Disposal*—Maintained

the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial process. For additional routine



## DEPARTMENT OF THE TREASURY

Office of the Secretary

## PRIVACY ACT OF 1974

Notice of Systems of Records;  
Supplemental Listing

On August 13, 1975, in accordance with section 3 of the Privacy Act of 1974 (5 U.S.C. 552a(e) (4) and 11)) a proposed notice of systems of records maintained by this Department was issued and published in the FEDERAL REGISTER (40 FR 37640 (1975)). This notice supplements that proposed notice by listing additional systems of records which have been determined to be subject to the requirements of the Privacy Act and is subject to all of the provisions and explanations contained in the earlier notice, except as stated below.

Any interested person may submit written data, views, or arguments on this supplemental listing to the Privacy Act Working Group (Stop 223), Room 4418, United States Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220 on or before September 22, 1975. All written comments received from the public through said date will be considered by the Department before taking action on a final notice. The comments received also will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays), as received and until 4 p.m. September 18, 1975.

Effective date: This notice shall be effective September 27, 1975.

Dated: August 22, 1975.

[SEAL] STEPHEN A. GARDINER,  
Acting Secretary of the Treasury.

The Department proposes to adopt the following notice of systems of records:

U.S. DEPARTMENT OF THE TREASURY  
ALPHABETICAL LISTING OF SYSTEMS OF  
RECORDS (ADDITIONS)

August 22, 1975.

## I. OFFICE OF THE SECRETARY

## OFFICE OF PERSONNEL (DEPARTMENTAL)

- 00.065 Appointment at above the minimum rate of the grade files.
- 00.066 Combined applicant/applicant correspondence file.
- 00.067 Detailed employee files.
- 00.068 Whitten amendment files.

## OFFICE OF THE GENERAL COUNSEL

- 00.157 Employee record cards.

OFFICE OF ASSISTANT SECRETARY  
(LEGISLATIVE AFFAIRS)

- 00.300 Personnel files.

## OFFICE OF SECRETARY, PERSONNEL DIVISION

- 00.500 Affirmative action plan/employment of handicapped individuals.
- 00.501 Disabled veterans statistical report.
- 00.502 Reference letters/special assignments branch.
- 00.503 Roster of office of the secretary employees.
- 00.504 Summer employees listings.
- 00.505 Upward mobility program/counseling application.

## NOTICES

## II. INTERNAL REVENUE SERVICE

## GENERAL ITEMS NOT OTHERWISE NUMBERED

- 00.002 Correspondence files/inquiries about enforcement activities.

## III. U.S. CUSTOMS SERVICE

- 00.269 Accounts payable voucher file.
- 00.270 Background record file or non-customs employees (exempt).
- 00.271 Cargo security record system (exempt).
- 00.272 Currency declaration file (IRS Form 4790).
- 00.273 Employee debts.
- 00.274 Importers, brokers, carriers, individuals, and sureties master files.

## VIII. BUREAU OF THE MINT

- 00.016 Grievances, union agency negotiated.

X. OFFICE OF THE COMPTROLLER OF THE  
CURRENCY

## THIRD NATIONAL BANK REGION

- 00.223 Active personnel file.

## FOURTH NATIONAL BANK REGION

- 00.224 Applications for employment.

## FIFTH NATIONAL BANK REGION

- 00.225 Applications for employment.

## SIXTH NATIONAL BANK REGION

- 00.226 Active personnel files.

## TWELFTH NATIONAL BANK REGION

- 00.227 Active personnel files.

## FOURTEENTH NATIONAL BANK REGION

- 00.228 Active personnel files.

## THIRD NATIONAL BANK REGION

- 00.229 Employment applications.

## NINTH NATIONAL BANK REGION

- 00.230 Employment applications files.

## SEVENTH NATIONAL BANK REGION

- 00.231 Employment applications under competitive appointment.

## FIRST NATIONAL BANK REGION

- 00.232 Evaluation cards.

## THIRD NATIONAL BANK REGION

- 00.233 Inactive personnel file.

## FIRST NATIONAL BANK REGION

- 00.234 Inactive personnel files.

## TWELFTH NATIONAL BANK REGION

- 00.235 Inactive personnel files.

## THIRTEENTH NATIONAL BANK REGION

- 00.236 Inactive personnel files.

## FOURTEENTH NATIONAL BANK REGION

- 00.237 Inactive personnel file.

## SECOND NATIONAL BANK REGION

- 00.238 Job application file.

## SIXTH NATIONAL BANK REGION

- 00.239 Job applications.

## SEVENTH NATIONAL BANK REGION

- 00.240 Job applicants (active).

## EIGHTH NATIONAL BANK REGION

- 00.241 Job applications.

## TENTH NATIONAL BANK REGION

- 00.242 Job applications.

## ELEVENTH NATIONAL BANK REGION

- 00.243 Job applications.

## THIRTEENTH NATIONAL BANK REGION

- 00.244 Job application forms.

## FIRST NATIONAL BANK REGION

- 00.245 Personnel files.

## SECOND NATIONAL BANK REGION

- 00.246 Personnel files (current employees).

## FIFTH NATIONAL BANK REGION

- 00.247 Personnel files.

## SEVENTH NATIONAL BANK REGION

- 00.248 Personnel files (active).

## EIGHTH NATIONAL BANK REGION

- 00.249 Personnel file.

## NINTH NATIONAL BANK REGION

- 00.250 Personnel file.

## TENTH NATIONAL BANK REGION

- 00.251 Personnel files (active).

## ELEVENTH NATIONAL BANK REGION

- 00.252 Personnel file.

## FOURTH NATIONAL BANK REGION

- 00.253 Personnel file.

## FIFTH NATIONAL BANK REGION

- 00.254 Personnel file.

## SEVENTH NATIONAL BANK REGION

- 00.255 Personnel file.

## FOURTH NATIONAL BANK REGION

- 00.256 Personnel records (active).

## SEVENTH NATIONAL BANK REGION

- 00.257 Personnel records (inactive).

## NINTH NATIONAL BANK REGION

- 00.258 Personnel files (inactive).

## TENTH NATIONAL BANK REGION

- 00.259 Personnel files (inactive).

## SECOND NATIONAL BANK REGION

- 00.260 Personnel files (former employees).

## FIRST NATIONAL BANK REGION

- 00.261 Time and leave register.

## TWELFTH NATIONAL BANK REGION

- 00.262 Travel advance list.

## TREASURY/OS 00.504

## SYSTEM NAME

Summer Employees Listing Treasury/OS.

## LOCATION

Office of the Secretary Personnel Division, Room 1330, Main Treasury Building.

## CATEGORY OF INDIVIDUAL

All Summer Employees within the Office of the Secretary, excluding OASIA.

## CATEGORY OF RECORD

Summer Employees' names, college majors, academic level, grade, position title and office.

## AUTHORITY

Chapter 410 of the Federal Personnel Manual, Subchapter 3, section 3-1, paragraph (b), Section (5).

## ROUTINE USES

Used to determine who is eligible for seminars offered by the Office of the Secretary and the Department. Used also in the preparation of the 113 D Statistics.

## NOTICES

tical Report for the Office of the Secretary. For additional routine uses see Treasury Appendix AA.

## RECORD MANAGEMENT POLICY AND PRACTICE

Storage: Names listed on bond paper with respective information and stored in a file cabinet.

Retrievability: Alphabetical listing by name.

Safeguards: This list is used only by the Youth Employment Coordinator or others authorized by Personnel Officer.

Retention and Disposal: Records are kept for one year then are destroyed by burning.

## SYSTEM MANAGER

Carolyn C. Onufrak, Office of the Secretary Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenues, NW., Washington, D.C. 20220.

## NOTIFICATION

See System Manager above.

## ACCESS

See System Manager above.

## CONTEST

See System Manager above.

## SOURCES

Information taken from Official Personnel Folder and SF-171.

## TREASURY/OS 00.505

## SYSTEM NAME

Upward Mobility Program; Counseling Application—Treasury/OS.

## LOCATION

Room 1330, Main Treasury Building, Personnel Division, Office of the Secretary, Department of the Treasury.

## CATEGORY OF INDIVIDUAL

Government employees occupying positions within the Office of the Secretary, occupying GS-7 and below or equivalent, and Wage Board employees below WP-9 and WG-7 positions.

## CATEGORY OF RECORD

Application form reflecting identification of employees, type of position, degree of education and skill, etc.

## AUTHORITY

Affirmative Action Plan.

## ROUTINE USES

Application will be used in conjunction with interviews on Upward Mobility Counseling, to give an idea on what type of training and/or experience the applicant has, and what career goals the applicant may have. For additional routine uses see Treasury Appendix AA.

## RECORD MANAGEMENT POLICY AND PRACTICE

Storage—The alphabetized applications are presently kept with other Upward Mobility materials, but will be filed into the Official Personnel Files shortly.

Retrievability—The system is indexed by name.

Safeguards—The applications are kept in a locked file, and will ultimately be inserted into Official Personnel Files which are also kept in locked files.

Retention and Disposal—Maintained on left hand side of personnel folder and are retained until employee leaves Treasury.

## SYSTEMS MANAGER

Upward Mobility Counselor, Room 1325, Main Treasury Building, Office of the Secretary, Department of the Treasury, Washington, D.C.

## NOTIFICATION

Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220. The employee should submit name and social security number.

## ACCESS

Request for gaining access can be made orally. See access and notification above.

## SOURCES

The information reflected on these applications was obtained from personal data provided by each applicant.

## TREASURY/IRS 00.002

## SYSTEM NAME

Treasury/IRS Correspondence Files (inquiries about enforcement activities)—Treasury/IRS.

## LOCATION

National Office, Regional Offices, District Offices and Service Centers.

## CATEGORY OF INDIVIDUAL

Individuals for whom tax liabilities exist, individuals who have made a complaint or inquiry relative to an Internal Revenue tax matter, or individuals for whom a third party is interceding relative to an Internal Revenue tax matter.

## CATEGORY OF RECORD

Taxpayer name, address, taxpayer identification number (if applicable), information about tax matters (if applicable), chronological investigative history. Other information relative to the conduct of the case and/or the taxpayer's compliance history (if applicable).

## AUTHORITY

5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

## ROUTINE USES

Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Information may be disclosed to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made to other parties when necessary in

the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Treasury Appendix AA.

## RECORD MANAGEMENT POLICY AND PRACTICE

Storage: Paper records.

Retrievability: Controlled items are generally retrievable by name; some items are not retrievable, depending upon the controls established locally.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and Disposal: Disposition varies in accordance with the nature of the correspondence file, but is made in accordance with the Records Disposition Handbook, IRM 1(15)59.

## SYSTEMS MANAGERS

Assistant Commissioners, Regional Commissioners, District Directors and Service Center Directors of Internal Revenue.

## NOTIFICATION

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

## ACCESS

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

## CONTEST

See Access above.

## SOURCES

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

A portion of this system of records is exempted elsewhere in the FEDERAL REGISTER.

## TREASURY/CUSTOMS 00.269

## SYSTEM NAME

Accounts Payable Voucher File—Treasury/Customs.

## NOTICES

## LOCATION

Financial Management Division, U.S. Customs Service, Room 11, 701 Locust

about another person under false pretenses is punishable by a fine up to \$5,000.

## CATEGORY OF RECORD

Report of background investigations, names, addresses, social security num-

ing access to records about another person under false pretenses is punishable by a fine up to \$5,000.

provisions of 5 U.S.C. 552a from which this system of records are proposed to be exempted and the justification for the

(e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in con-

## NOTICES



## LOCATION

Financial Management Division, U.S. Customs Service, Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113.

## CATEGORY OF INDIVIDUAL

All Region V personnel to whom travel and other disbursements are made. All individuals who provide goods and services to Region V.

## CATEGORY OF RECORD

Invoices and travel/other vouchers and supporting disbursements schedules.

## AUTHORITY

5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

## ROUTINE USES

The routine uses of the records contained in this system of records are as follows:

(a) Used to substantiate disbursements made;

(b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties;

(c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Treasury Appendix AA.

## RECORD MANAGEMENT POLICY AND PRACTICE

**Storage**—File folders in unlocked file cabinets.

**Retrievability**—By name.

**Safeguards**—Usage limited to Regional personnel; cabinets are located in rooms which are locked during non-working hours.

**Retention & Disposal**—In accordance with Records Control Manual; records are disposed of when no longer needed.

## SYSTEM MANAGER

Director, Financial Management Division, U.S. Customs Service, Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113.

## NOTIFICATION

Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A). The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records

about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

## ACCESS

Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A). The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

## CONTEST

See Access above.

## SOURCES

Invoices and travel/other vouchers submitted by the individual.

TREASURY/CUSTOMS 00.270

## SYSTEM NAME

Background—Record File of Non-Customs Employees—Treasury/Customs.

## LOCATION

Offices of District Directors, Region IX, Chicago, Illinois—for addresses see Customs Appendix A.

## CATEGORY OF INDIVIDUAL

Present and past non-Customs personnel requiring a background investigation to gain admittance to restricted U.S. Customs premises.

## CATEGORY OF RECORD

Report of background investigations, names, addresses, social security numbers and date and place of birth, etc. of non-Customs employees.

## AUTHORITY

5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

## ROUTINE USES

The routine uses of the records contained in this system of records are as follows:

(a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which include ensuring the security of merchandise, contraband and information in Customs custody;

(b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Treasury Appendix AA.

## RECORD MANAGEMENT POLICY AND PRACTICE

**Storage**—Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

**Retrievability**—Each file is identified by the name of the non-Customs employee.

**Safeguards**—The file cabinets are maintained within the area assigned to the District Director. During nonworking hours the room and/or building in which the file cabinet is located is locked.

**Retention and Disposal**—These files are retained indefinitely. Employee name data is retained during the period the non-Customs employee requires admittance to restricted areas.

## SYSTEM MANAGER

District Director, as appropriate in Region IX, Chicago, Illinois.

## NOTIFICATION

Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining

access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

## ACCESS

ing access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

## CONTEST

See Access above.

## SOURCES

The information in this file originates from the individual non-Customs employee working for a private contractor who requires admittance to restricted U.S. Customs premises, from reports of background investigation which include interviews of Customs personnel and private parties and from other Customs internal documents.

## EXEMPTION

The Commissioner of Customs pursuant to this system of records are proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The

provisions of 5 U.S.C. 552a from which this system of records are proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the FEDERAL REGISTER.

TREASURY/CUSTOMS 00.273

## SYSTEM NAME

Employee Debts—Treasury/Customs.

## LOCATION

Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

## CATEGORY OF INDIVIDUAL

Employees involved in transfer within the Government for which the Government is pursuing collection for overpayment of travel expenses or overpayment for maintaining uniforms.

## CATEGORY OF RECORD

Records reflecting the documents involved in the overpayment and correspondence with the employee involved and his representative.

## AUTHORITY

5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

## ROUTINE USES

The routine uses of the records contained in this system of records are as follows:

(a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties;

(b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

(c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto;

(d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit;

(e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

(f) The system is used by the employees of the Payment Section to gather all the data necessary to collect debts due from present or past employees of Customs.

For additional routine uses see Treasury Appendix AA.

## RECORD MANAGEMENT POLICY AND PRACTICE

**Storage**—Data is stored in a file folder located in a file cabinet under the physical security of the Operating Accountant.

**Retrievability**—Records are indexed by name.

**Safeguards**—The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

**Retention and Disposal**—The file is retained until the debt is collected and then destroyed. Unusual cases are retained indefinitely as a reference for similar type cases.

## SYSTEM MANAGER

Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

## NOTIFICATION

Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating

## CATEGORY OF RECORD

Copies of correspondence—incoming

that he understands that knowingly or willfully seeking or obtaining access to

be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to

## STORAGE

File cabinet.

## RETRIEVABILITY

Denver, CO, United States Mint, 320 West Colfax Avenue.  
San Francisco, CA, United States Assay Office, 155 Hermann Street.

Personnel Officer, U.S. Old Mint, 88 Fifth Street, San Francisco, CA 94103.  
Officer-in-Charge, U.S. Bullion Depository, Fort Knox, Ky. 40121.



## NOTICES

that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

## ACCESS

Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229. The requestor will be notified of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

## CONTEST

See Access above.

## SOURCES

The information contained in the system originates from the employee, other Regions of Customs, and the Payment Section of the Financial Management Division.

TREASURY/CUSTOMS 00.274

## SYSTEM NAME

Importers, Brokers, Carriers, Individuals and Sureties Master Files—Treasury/Customs.

## LOCATION

Financial Management Division, 7370 NW. 36th Street, Miami, Florida 33166.

## CATEGORY OF INDIVIDUAL

Brokers, Importers, Individuals, Carriers, and Sureties.

## CATEGORY OF RECORD

Copies of correspondence—incoming and outgoing, copies of bonds, entries, bills, data center listings.

## AUTHORITY

5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

## ROUTINE USES

The routine uses of the records contained in this system of records are as follows:

(a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties;

(b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

(c) Used by Revenue technicians to retain in one place all correspondence with a debtor. Bonds, entries and bills when available are included in the file.

For additional routine uses see Treasury Appendix AA.

## RECORD MANAGEMENT POLICY AND PRACTICE

## RECORD MANAGEMENT POLICY AND PRACTICE

**Storage**—Files are maintained in an unlocked drawer within a metal file cabinet.

**Retrievability**—Alphabetical by name appearing on correspondence.

**Safeguards**—The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

**Retention and Disposal**—These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

## SYSTEM MANAGER

Director of Financial Management, 7370 NW. 36th Street, Miami, Florida 33166.

## NOTIFICATION

Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A). The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may

be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

## ACCESS

Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A). The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

## CONTEST

See Access, above.

## SOURCES

Correspondence, Customs Service Data Center, Districts and Ports.

TREASURY/MINT 00.016

## SYSTEM NAME

Grievances, Union/Agency Negotiated—Treasury/Mint.

## LOCATION

Washington, D.C., Bureau of the Mint, Warner Building, 501-13th Street, N.W. Philadelphia, Pa., United States Mint, Independence Mall.

## NOTICES

Denver, CO, United States Mint, 320 West Colfax Avenue.

San Francisco, CA, United States Assay Office, 155 Hermann Street.

New York, N.Y., U.S. Assay Office, 32 Old Slip Street.

San Francisco, CA, U.S. Old Mint, 88 Fifth Street.

Ft. Knox, Ky., United States Bullion Depository.

West Point, N.Y., West Point Bullion Depository.

## CATEGORY OF INDIVIDUAL

Employees and former employees of the Bureau of the Mint.

## CATEGORY OF RECORD

This system of records contains information or documents relating to employee grievances filed under provisions of negotiated grievance procedures, including decision of appropriate third parties where applicable.

## AUTHORITY

Executive Orders 11491, 11616, 11636 and 11838; negotiated agreements between Mint and exclusively recognized labor unions.

## ROUTINE USES

a. To process an employee grievance, including submission to an arbitrator and appeal to the Federal Labor Relations Council.

b. To refer a question of grievability or arbitrability to appropriate officials of the Department of Labor.

c. To provide information or disclose to the appropriate Federal agency in connection with civil litigation involving the Bureau of the Mint.

d. For additional routine uses see Treasury Appendix AA.

## STORAGE

These records are maintained in file folders or binders.

## RETRIEVABILITY

These records are filed by the names of the individuals on whom they are maintained or by the subject of the grievance.

## SAFEGUARDS

Access to and use of these records are limited to those agency officials whose official duties require such access.

## RETENTION AND DISPOSAL

Retained in accordance with the Bureau of the Mint Records Control Schedules and destroyed in accordance with General Service Administration rules and regulations.

## SYSTEM MANAGER

For current and former employees:

Personnel Officer, Bureau of the Mint, Department of the Treasury, 15th & Pennsylvania Ave., NW., Washington, D.C. 20220.

Personnel Officer, U.S. Mint, Independence Mall, Philadelphia, Pa. 19106.

Personnel Officer, U.S. Mint, 320 Colfax Ave., Denver, Colorado 80204.

Personnel Officer, U.S. Assay Office, 155 Hermann Street, San Francisco, CA 94102.

Personnel Officer, U.S. Assay Office, 32 Old Slip Street, New York, N.Y. 10005.

Personnel Officer, U.S. Old Mint, 88 Fifth Street, San Francisco, CA 94103.

Officer-in-Charge, U.S. Bullion Depository, Fort Knox, Ky. 40121.

Administrative Officer, West Point Bullion Depository, West Point, N.Y. 10996.

## NOTIFICATION

Individuals who have filed a grievance are aware of that fact and have been provided a copy of the record. They may, however, contact the Personnel Officer indicated above regarding the existence of such records pertaining to them. It is necessary to furnish information sufficient to verify the identity of the requester such as full name, date of birth, a brief description of the grievance and the approximate date of submission.

## ACCESS AND CONTEST

Individuals who have filed a grievance about a decision or determination made by an agency or about conditions existing in an agency already have been provided a copy of the record. The contest, amendment, or correction of a grievance record is permitted during the prosecution of the grievance to whom the record pertains. However, after a grievance case has been closed, an individual may gain access to, or contest the official copy of the grievance record by writing the appropriate Personnel Officer indicated above. Individuals should provide their name; date of birth; a brief description of grievance and the approximate date of submission.

## CONTEST

See access above.

## SOURCES

The sources of these records are indicated below.

a. Individual to whom the record pertains.

b. Agency officials.

c. Affidavits or statements from employee(s).

d. Testimonies of witnesses.

e. Official documents and correspondence relating to the grievance.

TREASURY/COMPTROLLER 00.223

## SYSTEM NAME

Active Personnel File—Treasury/Comptroller.

## LOCATION

Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

## CATEGORY OF INDIVIDUAL

Employees.

## CATEGORY OF RECORD

Personnel.

## AUTHORITY

12 U.S.C. 1 and 12 U.S.C. 9.

## ROUTINE USES

Personnel Act, Promotion, Training, Performance, Address, Reference and Verification of Employment, Career Planning. For additional routine uses see previously published Treasury Appendix AA.

## STORAGE

File cabinet.

## RETRIEVABILITY

Alphabetically by Name.

## SAFEGUARDS

Locked cabinets.

## RETENTION AND DISPOSAL

Permanent.

## SYSTEMS MANAGER

Regional Administrator, see location above.

## NOTIFICATION

See Comptroller Appendix A.

## ACCESS

See Comptroller Appendix A.

## CONTEST

See Comptroller Appendix A.

## SOURCES

Employees.

TREASURY/COMPTROLLER 00.224

## SYSTEM NAME

Applications for Employment—Treasury/Comptroller.

## LOCATION

One Erieview Plaza, Cleveland, Ohio 44114.

## CATEGORY OF INDIVIDUAL

Employees.

## CATEGORY OF RECORD

Employment inquiries and applications.

## AUTHORITY

12 U.S.C. 1 and 12 U.S.C. 9.

## ROUTINE USES

Appointment of new employees. For additional routine uses see Appendix AA.

## STORAGE

File cabinet.

## RETRIEVABILITY

Name of Employee or Social Security Number.

## SAFEGUARDS

Locked file cabinet.

## RETENTION AND DISPOSAL

Destroyed after two years.

## SYSTEMS MANAGER

Regional Administrator, see location above.

## NOTIFICATION

See Comptroller Appendix A.

## ACCESS

See Comptroller Appendix A.

## CONTEST

See Comptroller Appendix A.

## SOURCES

Individuals seeking employment.

## NOTICES

TREASURY/COMPTROLLER 00.225

## SYSTEM NAME

Applications for Employment—Treasury/Comptroller.

## SAFEGUARDS

Lock and Key.

## RETENTION AND DISPOSAL

Permanent.

## LOCATION

555 California Street, Room 3939, San Francisco, California 94104.

## NOTICES

## SYSTEMS MANAGER

Regional Administrator, see location above.

## NOTIFICATION

See location above.

## CATEGORY OF RECORD

Job applications referenced through Civil Service List of Eligibles.

## SYSTEMS MANAGER

Regional Administrator, see location above.

## NOTIFICATION

See location above.



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## NOTICES

**TREASURY/COMPTROLLER 00.225**

**SYSTEM NAME**  
Applications for Employment—Treasury/Comptroller.

**LOCATION**  
F & M Center, Suite 21-51, Richmond, Va. 23277.

**CATEGORY OF INDIVIDUAL**  
Employees.

**CATEGORY OF RECORD**  
Personal Record.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Pending files—before offer or declination. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Alphabetical by name.

**SAFEGUARDS**  
Locked Files.

**RETENTION AND DISPOSAL**  
Retain 2 years—destruction.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
Comptroller Appendix A.

**ACCESS**  
Comptroller Appendix A.

**CONTEST**  
Comptroller Appendix A.

**SOURCE**  
Applicants.

**TREASURY/COMPTROLLER 00.226**

**SYSTEM NAME**  
Active Personnel Files—Treasury/Comptroller.

**LOCATION**  
1510 First National Bank Tower, Two Peachtree Street, NW., Atlanta, Georgia 30303.

**CATEGORY OF INDIVIDUAL**  
Employee.

**CATEGORY OF RECORD**  
Personnel.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
General Personnel Matters. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
Locked file cabinets.

**RETRIEVABILITY**  
Name or Social Security Number.

**SAFEGUARDS**  
Lock and Key.

**RETENTION AND DISPOSAL**  
Active File Permanent Retention.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employee.

**TREASURY/COMPTROLLER 00.227**

**SYSTEM NAME**  
Active Personnel files—Treasury/Comptroller.

**LOCATION**  
1600 Broadway, Suite 1800, Denver, Colorado 80202.

**CATEGORY OF INDIVIDUAL**  
Employee.

**CATEGORY OF RECORD**  
Active Employee file.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Promotion, training, employment history, evaluation. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Alphabetically.

**SAFEGUARDS**  
Locked files.

**RETENTION AND DISPOSAL**  
In perpetuity.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employee.

**TREASURY/COMPTROLLER 00.228**

**SYSTEM NAME**  
Active Personnel Files—Treasury/Comptroller.

**LOCATION**  
555 California Street, Room 3939, San Francisco, California 94104.

**CATEGORY OF INDIVIDUAL**  
Employees.

**CATEGORY OF RECORD**  
Personal.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Promotion Training Insurance, Employment History Performance, Evaluation. For additional routine uses see previously published Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Alphabetical Index by Name.

**SAFEGUARDS**  
Locked file cabinets.

**RETENTION AND DISPOSAL**  
While employed.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employees.

**TREASURY/COMPTROLLER 00.229**

**SYSTEM NAME**  
Employment Applications—Treasury/Comptroller.

**LOCATION**  
Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

**CATEGORY OF INDIVIDUAL**  
Examiner, Summer Aides, Clerk/Typists, Stenographers, F.I.'s.

**CATEGORY OF RECORD**  
Personnel.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Employment Positions. For additional routine uses, see Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Alphabetically by Name.

**SAFEGUARDS**  
Locked cabinets.

**RETENTION AND DISPOSAL**  
Two years.

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**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employees.

**TREASURY/COMPTROLLER**

**SYSTEM NAME**  
Employment Applications Files—Treasury/Comptroller.

**LOCATION**  
822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

**CATEGORY OF INDIVIDUAL**  
Employees.

**CATEGORY OF RECORD**  
Personnel.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

**ROUTINE USES**  
Analyzed for employment opportunity. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Direct Access.

**SAFEGUARDS**  
Locked file cabinet.

**RETENTION AND DISPOSAL**  
2 years then dispose of.

**SYSTEMS MANAGER**  
Regional Administrator (see "Location" above for address).

**NOTIFICATION**  
See Comptroller, Appendix A.

**ACCESS**  
See Comptroller, Appendix A.

**CONTEST**  
See Comptroller, Appendix A.

**SOURCES**  
Employee.

**TREASURY/COMPTROLLER 00.231**

**SYSTEM NAME**  
Employment Applications under Competitive Appointment basis—Treasury/Comptroller.

**LOCATION**  
164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

**CATEGORY OF INDIVIDUAL**  
Regional Office Personnel.

**CATEGORY OF RECORD**  
Job applications referenced through Civil Service List of Eligibles.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Referrals for primarily clerical positions in the Regional Office. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Alphabetically by name of applicant.

**SAFEGUARDS**  
Restrictive entry to locked cabinet.

**RETENTION AND DISPOSAL**  
Two year retention period.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employees of Regional Office.

**TREASURY/COMPTROLLER 00.232**

**SYSTEM NAME**  
Evaluation Cards—Treasury/Comptroller.

**LOCATION**  
Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

**CATEGORY OF INDIVIDUAL**  
Employees.

**CATEGORY OF RECORD**  
Card listing employee evaluations.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Utilized to generate annual evaluation of employees on their anniversaries. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File Cabinet.

**RETRIEVABILITY**  
By month, alphabetical by employees' name.

**SAFEGUARDS**  
Maintained in locked file.

**RETENTION AND DISPOSAL**  
Maintained for all active employees. Destroyed upon resignation or retirement.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Regional Office.

**TREASURY/COMPTROLLER 00.233**

**SYSTEM NAME**  
Inactive Personnel File—Treasury/Comptroller.

**LOCATION**  
Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

**CATEGORY OF INDIVIDUAL**  
All former employees and LWOP's.

**CATEGORY OF RECORD**  
Personnel.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Reference purposes. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Alphabetically by Name.

**SAFEGUARDS**  
Locked cabinets.

**RETENTION AND DISPOSAL**  
Three years.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employees.

**TREASURY/COMPTROLLER 00.234**

**SYSTEM NAME**  
Inactive Personnel Files—Treasury/Comptroller.

**LOCATION**  
F & M Center, Suite 21-51, Richmond, Va. 23277.

**CATEGORY OF INDIVIDUAL**  
Employees.

**CATEGORY OF RECORD**  
Personal Record.

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## NOTICES

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**

rity Clearance, Address and Telephone numbers. For additional routine uses see Treasury Appendix AA.

## NOTICES

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**SOURCES**  
Job applicants.

**STORAGE**  
File Cabinet.

**RETRIEVABILITY**

**TREASURY/COMPTROLLER 00.242**

**SYSTEM NAME**  
Job Applications—Treasury/Comptroller.

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## NOTICES

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Not normally used unless reemployment considered. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File Cabinet.

**RETRIEVABILITY**  
Alphabetical by name.

**SAFEGUARDS**  
Locked Files.

**RETENTION AND DISPOSAL**  
Destruction 2 years after termination.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employee, Supervisor, Washington Office.

**STORAGE**  
TREASURY/COMPTROLLER 00.235

**SYSTEM NAME**  
Inactive Personnel Files—Treasury/Comptroller.

**LOCATION**  
1600 Broadway, Suite 1800, Denver, Colorado 80202.

**CATEGORY OF INDIVIDUAL**  
Employee.

**CATEGORY OF RECORD**  
Former employee file.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Employment history. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File Cabinet.

**RETRIEVABILITY**  
Alphabetically.

**SAFEGUARDS**  
Locked Files.

**RETENTION AND DISPOSAL**  
In perpetuity.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employee, Supervisors, former employees.

**STORAGE**  
TREASURY/COMPTROLLER 00.237

**SYSTEM NAME**  
Inactive Personnel File—Treasury/Comptroller.

**LOCATION**  
555 California Street, Room 3939, San Francisco, California 94104.

**CATEGORY OF INDIVIDUAL**  
Former Employees.

**CATEGORY OF RECORD**  
Personal.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Employment Reference Personal Advice Career Planning, Retirement Security Clearance, Address and Telephone numbers. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File Cabinet.

**RETRIEVABILITY**  
Alphabetical Index by Name.

**SAFEGUARDS**  
Locked file Cabinets.

**RETENTION AND DISPOSAL**  
Three years.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employees.

**STORAGE**  
TREASURY/COMPTROLLER 00.238

**SYSTEM NAME**  
Job Application File—Treasury/Comptroller.

**LOCATION**  
33 Liberty Street, Room 621, New York, New York 10005.

**CATEGORY OF INDIVIDUAL**  
All job applicants.

**CATEGORY OF RECORD**  
Personnel.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Provide source of prospective employees. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File Cabinet.

**RETRIEVABILITY**  
Alphabetically by name.

**SAFEGUARDS**  
Locked vault.

**RETENTION AND DISPOSAL**  
Permanent Retention.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

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**SOURCES**  
Job applicants.

**STORAGE**  
TREASURY/COMPTROLLER 00.239

**SYSTEM NAME**  
Job Applications—Treasury/Comptroller.

**LOCATION**  
1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

**CATEGORY OF INDIVIDUAL**  
Applicant.

**CATEGORY OF RECORD**  
Personnel.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Recruitment. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
Locked desk.

**RETRIEVABILITY**  
Name or Social Security Number.

**SAFEGUARDS**  
Lock & Key.

**RETENTION AND DISPOSAL**  
Two years—destroyed.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Applicant.

**STORAGE**  
TREASURY/COMPTROLLER 00.240

**SYSTEM NAME**  
Job Applicants (Active)—Treasury/Comptroller.

**LOCATION**  
164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

**CATEGORY OF INDIVIDUAL**  
Personnel applying for positions with regional office.

**CATEGORY OF RECORD**  
Employment applications for staff positions in the Seventh National Bank Region.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Reference for available positions. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File Cabinet.

**RETRIEVABILITY**  
Alphabetically.

**SAFEGUARDS**  
Restrictive entry to locked cabinet.

**RETENTION AND DISPOSAL**  
Retained two years, then destroyed.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
See Comptroller Appendix A.

**ACCESS**  
See Comptroller Appendix A.

**CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Job applicants.

**STORAGE**  
TREASURY/COMPTROLLER 00.241

**SYSTEM NAME**  
Job Applications — Treasury/Comptroller.

**LOCATION**  
165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

**CATEGORY OF INDIVIDUAL**  
Applicants for positions.

**CATEGORY OF RECORD**  
File folder containing letters, resumes, college transcripts, pre-employment tests, and interview form relating to application for employment.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Screening applicants for employment. For additional Routine Uses see Treasury Appendix AA.

**STORAGE**  
File Cabinet.

**RETRIEVABILITY**  
Alphabetically by name, by year.

**SAFEGUARDS**  
Locked File Cabinet.

**RETENTION AND DISPOSAL**  
Three years shredded.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION, ACCESS, & CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Information furnished by applicant; test and interview administered by Regional Recruiter.

**STORAGE**  
TREASURY/COMPTROLLER 00.243

**SYSTEM NAME**  
Job Applications — Treasury/Comptroller.

**LOCATION**  
1401 Elm Street, Suite 4500, Dallas, Texas 74202.

**CATEGORY OF INDIVIDUAL**  
Applicants for positions.

**CATEGORY OF RECORD**  
File folder containing letters, resumes, college transcripts, pre-employment tests, and interview form relating to application for employment.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Screening applicants for employment. For additional Routine Uses see Treasury Appendix AA.

**STORAGE**  
File Cabinet.

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**RETRIEVABILITY**  
Alphabetically by name, by year.

**CATEGORY OF INDIVIDUAL**  
Employees.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

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**ROUTINE USES**  
General Personnel Matters. For additional routine uses see Treasury Appendix AA.

**RETENTION AND DISPOSAL**  
Permanent.

**CATEGORY OF RECORD**  
Personnel.

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## NOTICES

RETRIEVABILITY	CATEGORY OF INDIVIDUAL	SYSTEM MANAGER
Alphabetically by name, by year.	Employees.	Regional Administrator, see location above.
SAFEGUARDS	CATEGORY OF RECORD	NOTIFICATION, ACCESS, & CONTEST
Locked File Cabinet.	Compilation Personnel form and actions.	See Comptroller Appendix A.
RETENTION AND DISPOSAL	AUTHORITY	SOURCES
After three years shredded.	12 U.S.C. 1 and 12 U.S.C. 9.	Information supplied by employees.
SYSTEMS MANAGER	ROUTINE USES	SYSTEM NAME
Regional Administrator, see location above.	Promotion, training, insurance, employment history, performance, evaluation, employment reference, personnel advice, career planning, address and telephone number. For additional routine uses see Treasury Appendix AA.	TREASURY/COMPTROLLER—00.247
NOTIFICATION	STORAGE	LOCATION
See Comptroller Appendix A.	File cabinet.	Personnel Files—Treasury/Comptroller.
ACCESS	RETRIEVABILITY	CATEGORY OF INDIVIDUAL
See Comptroller Appendix A.	Alphabetical by name of employee.	Employees.
CONTEST	SAFEGUARDS	CATEGORY OF RECORD
See Comptroller Appendix A.	Maintained in locked file.	Personal Record.
SOURCES	RETENTION AND DISPOSAL	AUTHORITY
Information furnished by applicant; test and interview administered by Regional Recruiter.	Maintained for all active employees and for prior employees for three years from time of retirement or resignation.	12 U.S.C. 1 and 12 U.S.C. 9.
TREASURY COMPTROLLER 00.244	SYSTEMS MANAGER	ROUTINE USES
Job Application Forms—Treasury/Comptroller.	Regional Administrator, see location above.	Employee history, personal references, evaluations, training, career planning. For additional routine uses, see Treasury Appendix AA.
LOCATION	NOTIFICATION, ACCESS, & CONTEST	STORAGE
707 SW Washington Street, Room 900, Portland, Oregon 97205.	See Comptroller Appendix A.	File cabinet.
CATEGORY OF INDIVIDUAL	SOURCES	RETRIEVABILITY
Regional Office Employees.	Employees, supervisors and administrative personnel.	Alphabetical by name.
CATEGORY OF RECORD	TREASURY/COMPTROLLER 00.246	SAFEGUARDS
Personal history.	Personnel Files (Current Employees)—Treasury/Comptroller.	Locked Files.
AUTHORITY	SYSTEM NAME	RETENTION AND DISPOSAL
12 U.S.C. 1 and 12 U.S.C. 9.	33 Liberty Street, Room 621, New York, New York 10005.	Destruction 2 years after termination.
ROUTINE USES	LOCATION	SYSTEMS MANAGER
Hiring, decisions, job assignments. For additional routine uses see Treasury Appendix AA.	All employees of staff.	Regional Administrator, see location above.
STORAGE	CATEGORY OF INDIVIDUAL	NOTIFICATION, ACCESS, & CONTEST
File cabinet.	Personnel files.	See Comptroller Appendix A.
RETRIEVABILITY	AUTHORITY	SOURCE
Indexed alphabetically by name.	12 U.S.C. 1 and 12 U.S.C. 9.	Employee, Supervisor, Washington Office.
SAFEGUARDS	ROUTINE USES	TREASURY/COMPTROLLER 00.248
File cabinet.	Verifications; statistical reports; contains history of employment. For additional routine uses see Treasury Appendix AA.	Personnel Files (Active)—Treasury/Comptroller.
RETENTION AND DISPOSAL	STORAGE	LOCATION
One year—shredded.	File cabinet.	164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.
SYSTEMS MANAGER	RETRIEVABILITY	CATEGORY OF INDIVIDUAL
Regional Administrator, see location above.	Alphabetically by name.	Regional Office Employees.
NOTIFICATION, ACCESS, & CONTEST	SAFEGUARDS	CATEGORY OF RECORD
See Comptroller Appendix A.	Locked vault.	Employment records of all active Employees in the Seventh National Bank Region.
SOURCES	RETENTION AND DISPOSAL	AUTHORITY
Employee.	Kept in Regional Office until severance.	12 U.S.C. 1 and 12 U.S.C. 9.

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ROUTINE USES	RETENTION AND DISPOSAL	CATEGORY OF RECORD
General Personnel Matters. For additional routine uses see Treasury Appendix AA.	Permanent.	Personnel.
STORAGE	SYSTEMS MANAGER	AUTHORITY
File cabinet.	Regional Administrator, see location above.	12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.
RETRIEVABILITY	NOTIFICATION, ACCESS, & CONTEST	ROUTINE USES
Alphabetically by name.	See Comptroller Appendix A.	Personnel actions, promotions, training, performance, i.e. addresses. For additional routine uses see Treasury Appendix AA.
SAFEGUARDS	SOURCES	STORAGE
Restrictive entry to locked cabinet.	See category of record.	File Cabinet.
RETENTION AND DISPOSAL	TREASURY/COMPTROLLER 00.250	RETRIEVABILITY
Retained until termination of employment, then transferred to inactive file.	Personnel File—Treasury/Comptroller.	Direct Access.
SYSTEMS MANAGER	SYSTEM NAME	SAFEGUARDS
Regional Administrator, see location above.	165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.	Locked, metal fireproof file cabinet.
NOTIFICATION, ACCESS, & CONTEST	LOCATION	RETENTION AND DISPOSAL
See Comptroller Appendix A.	Clerical Personnel with Career and Career-Conditional Appointments.	Permanent while active.
SOURCES	CATEGORY OF RECORD	SYSTEMS MANAGER
Employees, School Officials, Job Reference, Former Employees.	Application Form (SF 171), Notifications of Personnel Actions (SF 50), Letters of Reference, Request for the Completion of Training Forms.	Regional Administrator (see "Location" above for address).
TREASURY/COMPTROLLER 00.249	AUTHORITY	NOTIFICATION, ACCESS, & CONTEST
Personnel File—Treasury/Comptroller.	12 U.S.C. 1 and 12 U.S.C. 9.	See Comptroller, Appendix A.
LOCATION	ROUTINE USES	SOURCES
165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.	Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix AA.	Employee.
CATEGORY OF INDIVIDUAL	STORAGE	TREASURY/COMPTROLLER 00.252
Employees with excepted appointments.	File Cabinet.	Personnel File—Treasury/Comptroller.
CATEGORY OF RECORD	RETRIEVABILITY	LOCATION
Application Form (SF 171), Security Investigation Data Form (SF 86) Standard Interview Form (CSC Form 299), Notifications of Personnel Actions (SF 50) for appointments, promotions, transfers, etc., College transcripts, Report of Transfer or Discharge from the Armed Forces of the United States (Form DD-214), Letters of Reference, Completion of training and request for Training Forms, Performance Evaluations, Memo notes made during personal visits between employee and Regional Administrator and/or Deputy Regional Administrator.	Alphabetically.	911 Main Street, Suite 2616, Kansas City, Missouri 64105.
NOTIFICATION, ACCESS, & CONTEST	SAFEGUARDS	CATEGORY OF INDIVIDUAL
See Comptroller Appendix A.	Locked File Cabinet.	Clerical Personnel with Career and Career-Conditional Appointments.
SOURCE	RETENTION AND DISPOSAL	CATEGORY OF RECORD
Employee, Supervisor, Washington Office.	Permanent.	Application Form (SF 171), Notifications of Personnel Actions (SF 50), Letters of Reference, Request for the Completion of Training Forms.
TREASURY/COMPTROLLER 00.248	SYSTEMS MANAGER	AUTHORITY
Personnel Files (Active)—Treasury/Comptroller.	Regional Administrator, see location above.	12 U.S.C. 1 and 12 U.S.C. 9.
LOCATION	NOTIFICATION, ACCESS, & CONTEST	ROUTINE USES
164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.	See Comptroller Appendix A.	Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses, see Treasury Appendix AA.
CATEGORY OF INDIVIDUAL	SOURCES	STORAGE
Regional Office Employees.	See category of record.	File Cabinet.
CATEGORY OF RECORD	TREASURY/COMPTROLLER 00.251	RETRIEVABILITY
Employment records of all active Employees in the Seventh National Bank Region.	Personnel Files (Active)—Treasury/Comptroller.	Alphabetically.
AUTHORITY	LOCATION	SAFEGUARDS
12 U.S.C. 1 and 12 U.S.C. 9.	822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.	Locked File Cabinet.

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SYSTEMS MANAGER	LOCATION	ROUTINE USES
Regional Administrator, see location above.	1401 Elm Street, Suite 4500, Dallas, Texas 75201.	Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix AA.

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TREASURY/COMPTROLLER 00.257	SAFEGUARDS	CATEGORY OF RECORD
Personnel Records (Inactive)—Treasury/Comptroller.	Restrictive entry to locked cabinet.	Personnel.
SYSTEM NAME	RETENTION AND DISPOSAL	AUTHORITY
Personnel Records (Inactive)—Treasury/Comptroller.	Permanent.	12 U.S.C. 1 and 12 U.S.C. 9.



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**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION, ACCESS, & CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
See category of records.

**TREASURY/COMPTROLLER 00.253**

**SYSTEM NAME**  
Personnel File—Treasury/Comptroller.

**LOCATION**  
911 Main Street, Suite 2616, Kansas City, Missouri 64105.

**CATEGORY OF INDIVIDUAL**  
Employees with excepted appointments.

**CATEGORY OF RECORD**  
Application Form (SF 171), Security Investigation Data Form (SF 86) Standard Interview Form (CSC Form 299), Notifications of Personnel actions (SF 50) for appointments, promotions, transfers, etc., College transcripts, Report of Transfer or Discharge from the Armed Forces of the United States (Form DD-214), Letters of Reference, Completion of training and request for Training Forms, Performance Evaluations, Memo notes made during personal visits between employee and Regional Administrator and/or Deputy Regional Administrator.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File Cabinet.

**RETRIEVABILITY**  
Alphabetically.

**SAFEGUARDS**  
Locked File Cabinet.

**RETENTION AND DISPOSAL**  
Permanent.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION, ACCESS, & CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
See Category of Record.

**TREASURY/COMPTROLLER 00.254**

**SYSTEM NAME**  
Personnel File—Treasury/Comptroller.

**LOCATION**  
1401 Elm Street, Suite 4500, Dallas, Texas 74202.

**CATEGORY OF INDIVIDUAL**  
Employees with excepted appointments.

**CATEGORY OF RECORD**  
Application Form (SF 171), Security Investigation Data Form (SF 86) Standard Interview Form (CSC Form 299), Notifications of Personnel actions (SF 50) for appointments, promotions, transfers, etc., College transcripts, Report of Transfer or Discharge from the Armed Forces of the United States (Form DD-214), Letters of Reference, Completion of training and request for Training Forms, Performance Evaluations, Memo notes made during personal visits between employee and Regional Administrator and/or Deputy Regional Administrator.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix A.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Alphabetically.

**SAFEGUARDS**  
Locked File Cabinet.

**RETENTION AND DISPOSAL**  
Permanent.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION, ACCESS, & CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
See Category of Record above.

**TREASURY/COMPTROLLER 00.255**

**SYSTEM NAME**  
Personnel File—Treasury/Comptroller.

**LOCATION**  
1401 Elm Street, Suite 4500, Dallas, Texas 74202.

**CATEGORY OF INDIVIDUAL**  
Clerical Personnel with Career and Career-Conditional Appointments.

**CATEGORY OF RECORD**  
Application Form (SF 171), Notifications of Personnel Actions (SF 50), Letters of Reference, Request for the Completion of Training Forms.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Alphabetically.

**SAFEGUARDS**  
Locked File Cabinet.

**RETENTION AND DISPOSAL**  
Permanent.

**SYSTEMS MANAGER**  
Regional Administrator, see Location above.

**NOTIFICATION, ACCESS, & CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
See Category of Record above.

**TREASURY/COMPTROLLER 00.256**

**SYSTEM NAME**  
Personnel Records (Active)—Treasury/Comptroller.

**LOCATION**  
One Erieview Plaza, Cleveland, Ohio 44114.

**CATEGORY OF INDIVIDUAL**  
Employees.

**CATEGORY OF RECORD**  
Personnel files of current employees.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Payroll, performance evaluations and overall management matters. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Name of employee or Social Security Number.

**SAFEGUARDS**  
Locked file cabinets.

**RETENTION AND DISPOSAL**  
Retained in active file.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION, ACCESS, & CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employee, supervisors, and other miscellaneous sources.

## NOTICES

**TREASURY/COMPTROLLER 00.257**

**SYSTEM NAME**  
Personnel Records (Inactive)—Treasury/Comptroller.

**LOCATION**  
One Erieview Plaza, Cleveland, Ohio 44114.

**CATEGORY OF INDIVIDUAL**  
Employees.

**CATEGORY OF RECORD**  
Personnel files of former employees.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Miscellaneous, reference and inquiries. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Name of Employee or Social Security Number.

**SAFEGUARDS**  
Locked file cabinet.

**RETENTION AND DISPOSAL**  
Destroyed 10 years after employee leaves.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION, ACCESS, & CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employee, supervisors and other miscellaneous sources.

**TREASURY/COMPTROLLER 00.258**

**SYSTEM NAME**  
Personnel Files (Inactive)—Treasury/Comptroller.

**LOCATION**  
164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

**CATEGORY OF INDIVIDUAL**  
Regional Office Employees.

**CATEGORY OF RECORD**  
Employment records of all retired or terminated employees.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Verification of employment, promotion, training, insurance, employment history, performance, evaluation, personnel advice, career planning, retirement security clearance. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Alphabetically by name.

**SAFEGUARDS**  
Restrictive entry to locked cabinet.

**RETENTION AND DISPOSAL**  
Five year retention subsequent to retirement or termination. File is shredded after this period.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION, ACCESS, & CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employees, School Officials, Job Reference, Former Employees.

**TREASURY/COMPTROLLER 00.259**

**SYSTEM NAME**  
Personnel Files (Inactive)—Treasury/Comptroller.

**LOCATION**  
822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

**CATEGORY OF INDIVIDUAL**  
Employees.

**CATEGORY OF RECORD**  
Personnel.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Reference employment career planning. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File Cabinet.

**RETRIEVABILITY**  
Direct Access.

**SAFEGUARDS**  
Locked, metal fireproof file cabinet.

**RETENTION AND DISPOSAL**  
1 year in Region, 2 years in Fed. Records Center.

**SYSTEMS MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION, ACCESS, & CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Employee.

**TREASURY/COMPTROLLER 00.260**

**SYSTEM NAME**  
Personnel Files (Former Employees)—Treasury/Comptroller.

**LOCATION**  
33 Liberty Street, Room 621, New York, New York 10005.

**CATEGORY OF INDIVIDUAL**  
All former employees.

**CATEGORY OF RECORD**  
Personnel.

**AUTHORITY**  
12 U.S.C. 1 and 12 U.S.C. 9.

**ROUTINE USES**  
Reference, further employment possibilities. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File Cabinet.

**RETRIEVABILITY**  
Alphabetically by name.

**SAFEGUARDS**  
Locked vault.

**RETENTION AND DISPOSAL**  
Disposed after termination of employment.

**SYSTEM MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION, ACCESS, & CONTEST**  
See Comptroller Appendix A.

**SOURCES**  
Former employees.

**TREASURY/COMPTROLLER 00.261**

**SYSTEM NAME**  
Time and Leave Register—Treasury/Comptroller.

**LOCATION**  
Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

**CATEGORY OF INDIVIDUAL**  
Employees of the region.

**CATEGORY OF RECORD**  
Pay Period listing of time in work status, time in leave status, and leave balances.

**AUTHORITY**  
12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

**ROUTINE USES**  
To assist in accurate maintenance of leave balances. For additional routine uses see Treasury Appendix AA.

**STORAGE**  
File cabinet.

**RETRIEVABILITY**  
Numerical by Social Security number within organizational codes.

**SAFEGUARDS**  
Maintained in locked file.

**RETENTION AND DISPOSAL**  
Retained for one pay period then destroyed.

**SYSTEM MANAGER**  
Regional Administrator, see location above.

**NOTIFICATION**  
Special Assistant for Public Affairs, Comptroller of the Currency, Sixth

## NOTICES

Floor, 490 E. L'Enfant Plaza S.W., Washington, D.C. 20019.

A0305. 11aDAPE  
System name: USMA Cadet Pay and

based on law or court order, are answered only with the written consent of the individual and/or Computer access is

## NOTICES

Record source categories: Director of Admissions and Registrar, United States Military Academy furnishes basic iden-

mentioned are involved with Army information officers. Routinely destroyed when no longer needed.

lic Affairs), other military services, other Army staff agencies and subordinate commands for information about Medal of Honor recipients.



*Systems exempt from certain provisions of the act:* Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k) as applicable. For additional information, contact the system manager.



**Categories of records in the system:** Criminal Investigation Reporting Files (Central Intelligence Division (CID) Files, Police Reports, Police Blotter Entries); General Court Martial Files; Legal Opinion Precedent Files (Military Justice—Youthful and Civilian Offender Files, Commissioner's Court—Adverse Action Files, Military Personnel—Officer and Enlisted Files, estate matters, personal and property injury matters, legal opinions by individual departmental officers and attorneys); Cadet Board Proceeding Files; Legal Assistance Card Files.

**Authority for maintenance of the system:** Title 10, United States Code (U.S.C.), Section 4334.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Department of Law—to aid in the preparation of legal opinions and legal assistance work, and to give appropriate guidance in military and civilian investigatory matters and areas of potential litigation.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders. **Retrievability:** Filed alphabetically by last name of record subject.

**Safeguards:** Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

**Retention and disposal:** Cadet Board Proceeding Files—retained in active file for five years before transfer to USMA Archives for permanent retention; General Court Martial Files—destroyed after three years; Summary and Special Court Martial Files—retained in active file for two years then transferred to the USMA Records Holding Area. Transferred to National Personnel Records Center (Military), 9700 Page Blvd., St. Louis, MO, 63132, after four years, destroyed after ten years; Legal Opinion Precedent Files—records are destroyed periodically when no longer of precedential value; Legal Assistance Card Files—destroyed after four years.

**System manager(s) and address:** Professor and Head of the Department of Law, United States Military Academy, West Point, New York 10996.

**Notification procedure:** Information can be obtained from System Manager.

**Record access procedure:** Written requests for information should contain the full name of the individual, current address and telephone number, and the case (control) number that appears with the office symbol, on all correspondence received from this office. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, military identification card, and give some verbal information that could be verified with his "case" folder.

**Contesting record procedures:** The Department's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the System Manager.

**Record source categories:** CID investigation reports, civil and military authority investigation reports, civil and military police blotter entries, summary and special court martial proceedings, youthful and civilian offender misconduct reports, Commissioner's Court adverse action reports, correspondence from military and civilian sources regarding record subject, investigatory records relating to matters of potential litigation, cadet board proceeding investigatory reports.

**Systems exempt from certain provisions of the act:** Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k), as applicable. For additional information, contact the System Manager.

A0412.05aDAIG

**System name:** Press Interest Reference Files.

**System location:** Primary system—Public Information Division, Office of the Chief of Information, Headquarters, Department of the Army (DAIO-PI), Washington, D.C. 20310.

**Decentralized segments:** New York Branch, Office of the Chief of Information, U.S. Army, 663 Fifth Avenue, New York, NY 10033; Los Angeles Branch, Office of the Chief of Information, U.S. Army, 11000 Wilshire Boulevard—Suite 10104, Los Angeles, CA 90024.

**Categories of individuals covered by the system:** Army members and civilians, active and retired and discharged, who are, have been, or are likely to again become the subject of press interest.

**Categories of records in the system:** File contains miscellaneous documents depending on the reason for the individual's coming to the attention of the press. Most common items are query sheets, fact sheets, statements of service, serious incident reports, copies or extracts from investigative reports, news clippings, memoranda and correspondence relating to the individual.

**Authority for maintenance of the system:** Title 10, United States Code, Section 3012.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** To respond to queries from the press relating to the individual concerned and to respond to queries from the Office of the Assistant Secretary of Defense (Public Affairs) and other agencies or commands in the Army for information about the individual, particularly with respect to the press interest displayed.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders. **Retrievability:** Filed alphabetically by last name of individual.

**Safeguards:** Building employs security guards. Records are maintained in security containers and accessible only to authorized personnel.

**Retention and disposal:** Records maintained as long as individual seems likely to be a recurring subject of press interest. They are routinely destroyed thereafter.

**System manager(s) and address:** The Office of the Chief of Information, Headquarters, Department of the Army, The Pentagon, Washington, D.C. 20310.

**Notification procedure:** Information may be obtained from: HQDA (DAIO-PI), Room 2E641, The Pentagon, Washington, D.C. 20310, Telephone: Area Code 202/695/5136.

**Record access procedure:** Requests from individuals should be addressed to: Headquarters, Department of the Army (DAIO-PI), Room 2E641, The Pentagon, Washington, D.C. 20310.

**Written requests should include a notarized statement of identity current address and telephone number.**

**Personal visits may be made to any of the three Army Information Offices (Washington, New York, or Los Angeles). Presentation of acceptable identification required.**

**Contesting record procedures:** The Agency's rule for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

**Record source categories:** Query sheets and fact sheets filed by staff information officers; statements of service from the U.S. Army Military Personnel Center or National Personnel Records Center, serious incident reports through information channels from originating commands, clippings from published media; copies or extracts of investigative reports from investigating agencies to include U.S. Army Inspector General and Auditor General, U.S. Army Criminal Investigation Command, and U.S. Army Assistant Chief of Staff for Intelligence; memoranda and correspondence from miscellaneous sources relating to the individual case.

**Systems exempt from certain provisions of the act:** Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k) as applicable. For additional information, contact the System Manager.

A0509.08aDAPE

**System name:** Registration and Permit Files.

**System location:** Maintained at the installation level. Official mailing addresses are in the Department of Defense directory in the appendix.

**Categories of individuals covered by the system:** Any citizen registering restricted items of property on a military installation or desiring to engage in restricted activities on a military installation. Items/activities include but are not limited to privately owned firearms/weapons, pets and hunting and fishing.

**Categories of records in the system:** File contains the registration form for items of restricted property and the permit application for restricted activities.

**Authority for maintenance of the system:** Section 3012(g), Title 10 U.S. Code, "Secretary of the Army: powers and duties; delegation by."

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Files contain information acquired to assist the commander in carrying out effective law

enforcement, troop safety, and crime prevention programs. Routine users within the agency include: commanders in exercising their authority under the provisions of chapter 47, Title 10, U.S. Code, "Uniform Code of Military Justice;" persons designated by the commander to assist him in carrying out his judicial and administrative responsibilities; U.S. Army Criminal Investigation Command; and law enforcement personnel of other Armed services when personnel of these services are involved. Information is furnished to criminal justice elements outside the agency for investigation and prosecution purposes when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; U.S. District Courts; U.S. Magistrates; state and local law enforcement; "wildlife conservation" and public health agencies; and in overseas areas, host government law enforcement agencies.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders. **Retrievability:** Filed alphabetically by name.

**Safeguards:** Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

**Retention and disposal:** Destroyed upon removal of the restricted property from the military installation or upon expiration of the permit.

**System manager(s) and address:** Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

**Notification procedure:** See Exemptions.

**Record access procedure:** See Exemptions.

**Contesting record procedures:** See Exemptions.

**Record source categories:** See Exemptions.

**Systems exempt from certain provisions of the act:** Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k) as applicable. For additional information, contact the System Manager.

A0509.21aDAPE

**System name:** Local Criminal Information Files.

**System location:** Records are maintained at the installation initiating or collecting the documents. Official mailing addresses are in Department of Defense directory in the appendix.

**Categories of individuals covered by the system:** Any citizen or group of citizens who is suspected or involved in criminal activity directed against or involving the U.S. Army.

**Categories of records in the system:** Files contain reports and supporting documents of criminal activity directed against or involving the U.S. Army.

**Authority for maintenance of the system:** Section 3012(g), Title 10 U.S. Code, "Secretary of the Army: powers and duties; delegation by."

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Files contain information acquired to assist the commander in carrying out effective law

enforcement, troop safety, and crime prevention programs. Routine users within the agency include: commanders in exercising their authority under the provisions of chapter 47, Title 10, U.S. Code, "Uniform Code of Military Justice;" persons designated by the commander to assist him in carrying out his judicial and administrative responsibilities; U.S. Army Criminal Investigation Command; and law enforcement personnel of other Armed services when personnel of these services are involved. Information is furnished to criminal justice elements outside the agency for investigation and prosecution purposes when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; Drug Enforcement Administration; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; local law enforcement agencies; and in overseas areas, host government law enforcement agencies.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders. **Retrievability:** Filed alphabetically by name, or by any category of information contained therein. A cross-reference index may be maintained.

**Safeguards:** Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

**Retention and disposal:** Destroyed upon supersession, obsolescence, or deactivation of the related command.

**System manager(s) and address:** Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

**Notification procedures:** See Exemptions.

**Record access procedure:** See Exemptions.

**Contesting record procedures:** See Exemptions.

**Record source categories:** See Exemptions.

**Systems exempt from certain provisions of the act:** None.

**Authority for maintenance of the system:** Section 3012(g), Title 10 U.S. Code, "Secretary of the Army: powers and duties; delegation by."

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Files contain information acquired to assist the commander in carrying out effective law

enforcement, troop safety, and crime prevention programs. Routine users within the agency include: commanders in exercising their authority under the provisions of chapter 47, Title 10, U.S. Code, "Uniform Code of Military Justice;" persons designated by the commander to assist him in carrying out his judicial and administrative responsibilities; U.S. Army Criminal Investigation Command; and law enforcement personnel of other Armed services when personnel of these services are involved. Information is furnished to criminal justice elements outside the agency for investigation and prosecution purposes when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; Drug Enforcement Administration; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; local law enforcement agencies; and in overseas areas, host government law enforcement agencies.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders. **Retrievability:** Filed alphabetically by name, or by any category of information contained therein. A cross-reference index may be maintained.

**Safeguards:** Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

**Retention and disposal:** Destroyed upon supersession, obsolescence, or deactivation of the related command.

**System manager(s) and address:** Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

**Notification procedures:** See Exemptions.

**Record access procedure:** See Exemptions.

**Contesting record procedures:** See Exemptions.

**Record source categories:** See Exemptions.

**Systems exempt from certain provisions of the act:** None.

**Authority for maintenance of the system:** Section 3012(g), Title 10 U.S. Code, "Secretary of the Army: powers and duties; delegation by."

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Files contain information acquired to assist the commander in carrying out effective law

**Systems exempt from certain provisions of the act:** Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k), as applicable. For additional information, contact the System Manager.

A0607.01aDAIG

**System name:** Accident and Incident Files.

**System location:** Data Processing Division, Management Information Systems Directorate, Army Agency for Aviation Safety (USAAAVS).

**Categories of individuals covered by the system:** Aviation Personnel; Flight crews, aviation ground support personnel, supervisory personnel, and others concerned with aircraft involved in accidents or incidents reportable to the Army. Non-Aviation Personnel: Military and civilian personnel who were injured or otherwise involved in an aircraft accident or incident reportable to the Army.

**Categories of records in the system:** File contains individual's background data (such as age, sex, flight qualifications, etc.), medical data (such as injuries and traumas), equipment data (such as helmet worn and its performance), psychological and physiological data, survival, rescue, and escape information, role or involvement in accident or incident.

**Authority for maintenance of the system:** 10 U.S.C. 3012.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** USAAAVS—Information is collected for accident prevention purposes. Information on involved individuals is used in human behavior studies and factor analyses aimed at identifying and isolating the cause and effect of aviation mishaps, and in the administration of the Department of the Army Broken Wing Aviation Safety Award. Army aviation units are provided information for the issuance of safety awards. Aviator's commander is provided information for selection of instructor pilots and the issuance of individual awards. National Guard units are provided the aircraft accident history of applicants for appointment to aviation positions in the Guard. Information may be provided to appropriate individuals/organizations under the Freedom of Information Act. Information from accident reports is provided aircraft manufacturers solely for accident prevention purposes. Information from accident reports is used to promote aviation safety in articles published by USAAAVS and instructional classes taught by USAAAVS personnel. Various Department of Defense (DOD) Organizations, such as the Air Force and Naval Safety Centers and other Federal agencies, such as the Federal Aviation Administration, are provided information for the pursuit of aviation safety.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Aircraft accident reports are privileged documents and contain FOR OFFICIAL USE ONLY markings. The reports cannot be used as evidence or to obtain evidence in deter-

mining the misconduct or line-of-duty status of any personnel; as evidence before evaluation boards; or as evidence to

utilized by the Heads of Departments in evaluating cadets and in evaluating the relative suitability of potential in-

formation for the issuance of safety awards. Aviator's commander is provided information for selection of instructor pilots and the issuance of individual awards. National Guard units are provided the aircraft accident history of applicants for appointment to aviation positions in the Guard. Information may be provided to appropriate individuals/organizations under the Freedom of Information Act. Information from accident reports is provided aircraft manufacturers solely for accident prevention purposes. Information from accident reports is used to promote aviation safety in articles published by USAAAVS and instructional classes taught by USAAAVS personnel. Various Department of Defense (DOD) Organizations, such as the Air Force and Naval Safety Centers and other Federal agencies, such as the Federal Aviation Administration, are provided information for the pursuit of aviation safety.

**System manager(s) and address:** Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

**Notification procedures:** See Exemptions.

**Record access procedure:** See Exemptions.

**Contesting record procedures:** See Exemptions.

**Record source categories:** See Exemptions.

**Systems exempt from certain provisions of the act:** None.

**Authority for maintenance of the system:** Section 3012(g), Title 10 U.S. Code, "Secretary of the Army: powers and duties; delegation by."

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Files contain information acquired to assist the commander in carrying out effective law

enforcement, troop safety, and crime prevention programs. Routine users within the agency include: commanders in exercising their authority under the provisions of chapter 47, Title 10, U.S. Code, "Uniform Code of Military Justice;" persons designated by the commander to assist him in carrying out his judicial and administrative responsibilities; U.S. Army Criminal Investigation Command; and law enforcement personnel of other Armed services when personnel of these services are involved. Information is furnished to criminal justice elements outside the agency for investigation and prosecution purposes when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; Drug Enforcement Administration; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; local law enforcement agencies; and in overseas areas, host government law enforcement agencies.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders. **Retrievability:** Filed alphabetically by name, or by any category of information contained therein. A cross-reference index may be maintained.

**Safeguards:** Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

**Retention and disposal:** Destroyed upon supersession, obsolescence, or deactivation of the related command.

**System manager(s) and address:** Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

**Notification procedures:** See Exemptions.

**Record access procedure:** See Exemptions.

**Contesting record procedures:** See Exemptions.

**Record source categories:** See Exemptions.

**Systems exempt from certain provisions of the act:** None.

**Authority for maintenance of the system:** Section 3012(g), Title 10 U.S. Code, "Secretary of the Army: powers and duties; delegation by."

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Files contain information acquired to assist the commander in carrying out effective law

enforcement, troop safety, and crime prevention programs. Routine users within the agency include: commanders in exercising their authority under the provisions of chapter 47, Title 10, U.S. Code, "Uniform Code of Military Justice;" persons designated by the commander to assist him in carrying out his judicial and administrative responsibilities; U.S. Army Criminal Investigation Command; and law enforcement personnel of other Armed services when personnel of these services are involved. Information is furnished to criminal justice elements outside the agency for investigation and prosecution purposes when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; Drug Enforcement Administration; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; local law enforcement agencies; and in overseas areas, host government law enforcement agencies.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders. **Retrievability:** Filed alphabetically by name, or by any category of information contained therein. A cross-reference index may be maintained.

**Safeguards:** Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

**Retention and disposal:** Destroyed upon supersession, obsolescence, or deactivation of the related command.

**System manager(s) and address:** Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

**Notification procedures:** See Exemptions.

**Record access procedure:** See Exemptions.

**Contesting record procedures:** See Exemptions.

**Record source categories:** See Exemptions.

**Systems exempt from certain provisions of the act:** None.

**Authority for maintenance of the system:** Section 3012(g), Title 10 U.S. Code, "Secretary of the Army: powers and duties; delegation by."

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Files contain information acquired to assist the commander in carrying out effective law

mining the misconduct or line-of-duty status of any personnel; as evidence before evaluation boards; or as evidence to

military members who are involved in these complaints.

**Categories of records in the system:**

**Systems exempt from certain provisions of the act:** None.

**Authority for maintenance of the system:** Section 3012(g), Title 10 U.S. Code, "Secretary of the Army: powers and duties; delegation by."

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Files contain information acquired to assist the commander in carrying out effective law

enforcement, troop safety, and crime prevention programs. Routine users within the agency include: commanders in exercising their authority under the provisions of chapter 47, Title 10, U.S. Code, "Uniform Code of Military Justice;" persons designated by the commander to assist him in carrying out his judicial and administrative responsibilities; U.S. Army Criminal Investigation Command; and law enforcement personnel of other Armed services when personnel of these services are involved. Information is furnished to criminal justice elements outside the agency for investigation and prosecution purposes when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; Drug Enforcement Administration; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; local law enforcement agencies; and in overseas areas, host government law enforcement agencies.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders. **Retrievability:** Filed alphabetically by name, or by any category of information contained therein. A cross-reference index may be maintained.

**Safeguards:** Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

**Retention and disposal:** Destroyed upon supersession, obsolescence, or deactivation of the related command.

**System manager(s) and address:** Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

**Notification procedures:** See Exemptions.

**Record access procedure:** See Exemptions.

**Contesting record procedures:** See Exemptions.

**Record source categories:** See Exemptions.

**Systems exempt from certain provisions of the act:** None.

**Authority for maintenance of the system:** Section 3012(g), Title 10 U.S. Code, "Secretary of the Army: powers and duties; delegation by."

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Files contain information acquired to assist the commander in carrying out effective law

enforcement, troop safety, and crime prevention programs. Routine users within the agency include: commanders in exercising their authority under the provisions of chapter 47, Title 10, U.S. Code, "Uniform Code of Military Justice;" persons designated by the commander to assist him in carrying out his judicial and administrative responsibilities; U.S. Army Criminal Investigation Command; and law enforcement personnel of other Armed services when personnel of these services are involved. Information is furnished to criminal justice elements outside the agency for investigation and prosecution purposes when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; Drug Enforcement Administration; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; local law enforcement agencies; and in overseas areas, host government law enforcement agencies.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders. **Retrievability:** Filed alphabetically by name, or by any category of information contained therein. A cross-reference index may be maintained.

**Safeguards:** Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

**Retention and disposal:** Destroyed upon supersession, obsolescence, or deactivation of the related command.

**System manager(s) and address:** Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

**Notification procedures:** See Exemptions.

**Record access procedure:** See Exemptions.

**Contesting record procedures:** See Exemptions.

**Record source categories:** See Exemptions.

**Systems exempt from**



mining the misconduct or line-of-duty status of any personnel; as evidence before evaluation boards; or as evidence to determine pecuniary liability (para 7-1d, AR 95-5).

**Storage:** Automated portions of the accident reports are maintained on magnetic tape and magnetic disk and can be made available on computer paper printouts. All portions of the accident report are permanently recorded on roll microfilm.

**Retrievability:** Primary access is through the mishap case number. However, a case may be accessed through a number of identifying elements, such as the date, time, and location of the mishap, the aircraft serial number, the type of aircraft, and similar characteristics. Cases may also be accessed by the name and/or social security account number of involved personnel.

**Safeguards:** Automated files are maintained in the Data Center, a restricted access area with controlled entrances and a sign in register. Only authorized personnel are permitted access. Microfilm and hard copy documents are stored in locked and secure areas.

**Retention and disposal:** Files are maintained indefinitely for use in historical statistical research.

**System manager(s) and address:** Commander, USAAVS.

**Notification procedure:** Information can be obtained by contacting USAAVS, ATTN: IGAR-D, Fort Rucker, AL 36360. Individuals should provide their full name, social security number, dates of military service and any other pertinent information, such as date and location of the mishap, etc.

**Record access procedure:** Individuals should provide their full name, social security number, dates of military service and any other pertinent information, such as date and location of the mishap, etc. This information should be provided to: USAAVS, ATTN: IGAR-D, Fort Rucker, AL 36360.

**Contesting record procedures:** The Agency's rules for contesting contents and appealing initial determinations may be obtained by writing to the SYSMANAGER.

**Record source categories:** Information is compiled from the Technical Report of U.S. Army Aircraft Accident (DA Form 2397 series) and supporting documents.

**Systems exempt from certain provisions of the act:** Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k), as applicable. For additional information contact the System Manager.

A0014.01aNGB

**System name:** Equal Opportunity Investigative Files.

**System location:** Equal Employment Opportunity Branch, National Guard Bureau, NGB-EO, Nassif Building, Room 301, 5611 Columbia Pike, Falls Church, VA 22041.

**Categories of individuals covered by the system:** All National Guard Technicians and military members who have filed complaints of discrimination and those National Guard Technicians and

military members who are involved in these complaints.

**Categories of records in the system:** File contains: Formal complaints of discrimination, counselors reports, notification letters to the complainant, affidavits from the complainant and witnesses, decision on the cases, investigative reports, hearings, complaints examiners findings and recommendations and related correspondence.

**Authority for maintenance of the system:** Title VI Civil Rights Act 1964, Public Law 92-261, Nondiscrimination in the Federal Government.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** The routine uses are to investigate complaints of discrimination, provide facts to the Adjutant General of a State for issuing a proposed disposition to the complainant, provide information to the Civil Service Commission Complaints Examiner in the Bureau or other agencies to be used in issuing final decision. Provide information to Civil Service Commission Appeals Review Board in making its determination, make data available to National Guard Bureau Legal Officers as required and provide data to the complainants to assist them in making their decisions to accept or reject proposals.

**Policies and practices for storing, retrieving, accessing, and disposing of records in the system:**

**Storage:** The investigative files are maintained as paper records in file folders.

**Retrievability:** Filed by name of complainant and investigation number.

**Safeguards:** Building employs security guards. Records are maintained in cabinets accessible only to authorized personnel that are properly screened, cleared and trained.

**Retention and disposal:** Records are permanent. They are retained in active file until the case is closed by final decision of the agency. Then forwarded to the Washington National Records Center, Suitland, Maryland.

**System manager(s) and address:** Chief, National Guard Bureau, Office of Minority Affairs.

**Notification procedure:** Information may be obtained from: NGB-EO, Room 301, Nassif Building, 5611 Columbia Pike, Falls Church, VA 22041, Telephone, Area Code 202/756-1563.

**Record access procedure:** Requests from individuals should be addressed to: National Guard Bureau, Office of Minority Affairs, Nassif Building, Room 301, 5611 Columbia Pike, Falls Church, VA 22041. For personal visits positive identification is required.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

**Record source categories:** Correspondence relating to the complaint, investigative reports by investigators and attached documents, hearing files and attached documents.

**Systems exempt from certain provisions of the act:** None.

A0703.07aDAPE

**System name:** Officer Availability and Civil School Mgt System.

**System location:** Adjutant General (AG) Data Processing Branch, Adjutant General Division, United States Military Academy, West Point, New York 10996.

**Categories of individuals covered by the system:** Any Army officer previously assigned, presently assigned, scheduled for assignment to the United States Military Academy. Additionally, any officer declared temporarily not available, or available for a specific academic year. When a new academic year is begun, these records are removed from the file.

**Categories of records in the system:** File contains name, rank, social security number, branch, status of officer, individual's desires regarding assignment, departments/activities interested in the officer, department/activity to which officer will be assigned, if applicable; school attending or attended for masters or PhD training, and Army Educational Requirements Board number used for schooling and utilization.

**Authority for maintenance of the system:** Section 4334(b), Title 10, Command and Supervision.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** United States Military Academy—provide information to interested departments/activities on officer's desires and availability. Used as a means to verify status of officer.

Used to prepare requisitioning documents for use at the United States Military Academy and Headquarters, Department of the Army. Used to prepare reports to Headquarters, Department of the Army on utilization of officers. Headquarters, Department of the Army—uses information provided on the requisitioning document (name, rank, branch and social security number) to verify availability and begin preparation of orders for direct assignment or civil schooling. Uses information on utilization reports (name, rank, branch, social security number, Army Educational Requirements Board number assigned against) to verify that officer is being utilized properly (proper discipline).

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Disk.

**Retrievability:** Filed by social security number.

**Safeguards:** Computer disk is maintained in vault when not being used. Disk is maintained in area accessible only to authorized personnel that are properly screened, cleared and trained.

**Retention and disposal:** All records of individuals declared temporarily not available or available and not assigned are destroyed annually. Records of individuals assigned to the United States Military Academy are destroyed on official confirmation of the assignment.

**System manager(s) and address:** Chief, Military Personnel Branch, Adjutant General, Division, United States Military Academy, West Point, New York 10996.

**Notification procedure:** Information may be obtained from: Superintendent, United States Military Academy, ATTN: MAAG-P, West Point, New York 10996.

**Record access procedure:** Requests from individuals should be addressed to: Superintendent, United States Military Academy, ATTN: MAAG-P, West Point, New York 10996. Written requests for information should contain the full name of the individual, current address and telephone number. For personal visits, the individual should be able to provide some acceptable identification, that is, a valid identification card, or driver's license.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

**Record source categories:** Commander, United States Army Military Personnel Center, 200 Stoval Street, Alexandria, Virginia 22332.

**Systems exempt from certain provisions of the act:** None.

A0703.08aDAPE

**System name:** Officer Personnel Information Files.

**System location:** Office of the Director of Admissions and Registrar, United States Military Academy, West Point, New York 10996.

**Categories of individuals covered by the system:** Graduates of the United States Military Academy and other officers who are being considered for assignment to Office of the Director of Admissions and Registrar, United States Military Academy. Officers who are presently serving or have served in the Office of the Director of Admissions and Registrar, United States Military Academy.

**Categories of records in the system:** Correspondence between officers and Director of Admissions and Registrar; availability status received from the United States Army Military Personnel Center; personal data available from other sources. Individual files may contain some or all of the above.

**Authority for maintenance of the system:** Section 4334, Title 10, United States Code.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Planning files for assigning officers to the Office of the Director of Admissions and Registrar, United States Military Academy.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in the form of cards, file folders, or other similar material.

**Retrievability:** Filed alphabetically by last name.

**Safeguards:** Records are maintained in an area accessible to authorized personnel only.

**Retention and disposal:** Records are retained until, in the opinion of the Director, they are no longer necessary. Disposal is by destruction.

**System manager(s) and address:** Director of Admissions and Registrar, United States Military Academy, West Point, New York 10996.

**Notification procedure:** Write or call the system manager.

**Record access procedure:** Call or write the system manager.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Applications of individual officers; recommendations of individual officers submitted by others; information provided by the United States Army Military Personnel Center in response to requests for availability data; correspondence between individuals and the office; personal data available from other agency publications.

**Systems exempt from certain provisions of the act:** None.

A0703.09aDAPE

**System name:** Evaluation Files on Cadets and Potential Instructors.

**System location:** Decentralized Segments—Office of the Dean of the Academic Board and Departments of Chemistry; Earth, Space and Graphic Sciences; Electrical Engineering; English; Foreign Languages; History; Law; Mathematics; Mechanics; Physics; and Social Sciences; United States Military Academy, West Point, New York 10996.

**Commandant of Cadets, ATTN:** MACC-B, United States Military Academy, West Point, New York 10996.

**Commanders, 1st, 2nd, 3d and 4th Regiments, United States Corps of Cadets, United States Military Academy, West Point, New York 10996.**

**Director, Offices of Military Instruction, Military Leadership, and Physical Education.**

**Notification procedure:** Write or call the specific system manager.

**Record access procedure:** Write or call the specific system manager.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Applications of individual officers; recommendations of individual officers submitted by others; college transcripts; potential instructor ratings submitted on cadets by departmental instructors; information provided by the United States Army Military Personnel Center in response to requests for availability data; correspondence between individuals and departments; personal data available from other agency publications.

**Systems exempt from certain provisions of the act:** None.

A0709.03bDAPE

**System name:** United States Corps of Cadets Personnel Records.

**System location:** Enrolled Cadets: (1) Cadet Personnel Branch, S-1 Division, Department of Tactics, United States Military Academy, West Point, New York 10996 or (2) Headquarters, 1st, 2nd, 3d

are utilized by the Heads of Departments in evaluating cadets and in evaluating the relative suitability of potential instructors for graduate schooling and subsequent assignment to the Staff and Faculty, United States Military Academy, or for direct assignment to the Staff and Faculty, United States Military Academy.

**Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:**

**Storage:** Paper records in the form of cards, file folders, or other similar material.

**Retrievability:** Filed alphabetically by last name within year-group or United States Military Academy class.

**Safeguards:** Records are maintained in an area accessible to authorized personnel only.

**Retention and disposal:** Records are retained until, in the opinion of the Department Head, they are no longer necessary. Disposal is by destruction.

**System manager(s) and address:** Dean of the Academic Board, United States Military Academy, West Point, New York 10996.

**Professor and Head, Departments of Chemistry; Earth, Space and Graphic Sciences; Electrical Engineering; English; Foreign Languages; History; Law; Mathematics; Mechanics; Physics; and Social Sciences; United States Military Academy, West Point, New York 10996.**

**Commandant of Cadets, ATTN:** MACC-B, United States Military Academy, West Point, New York 10996.

**Commanders, 1st, 2nd, 3d and 4th Regiments, United States Corps of Cadets, United States Military Academy, West Point, New York 10996.**

**Director, Offices of Military Instruction, Military Leadership, and Physical Education.**

**Notification procedure:** Write or call the specific system manager.

**Record access procedure:** Write or call the specific system manager.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Applications of individual officers; recommendations of individual officers submitted by others; college transcripts; potential instructor ratings submitted on cadets by departmental instructors; information provided by the United States Army Military Personnel Center in response to requests for availability data; correspondence between individuals and departments; personal data available from other agency publications.

**Systems exempt from certain provisions of the act:** None.

A0709.03bDAPE

**System name:** United States Corps of Cadets Personnel Records.

**System location:** Enrolled Cadets: (1) Cadet Personnel Branch, S-1 Division, Department of Tactics, United States Military Academy, West Point, New York 10996 or (2) Headquarters, 1st, 2nd, 3d

or 4th Regiments, United States Corps of Cadets, West Point, New York 10996.

**Categories of individuals covered by**

**Categories of individuals covered by the system:** All members of the Corps of Cadets.

**Record source categories:** Entrance application and related forms from the individual; faculty evaluations; testing

**Systems exempt from certain provisions of the act:** None.

**Notification procedure:** Information may be obtained from system manager.

**Record access procedure:** Requests

**Retention and disposal:** Records are retained until, in the opinion of the Director, they are no longer necessary. Disposal is by destruction.

**System manager(s) and address:** Dean of the Academic Board, United States Military Academy, West Point, New York 10996.

**Professor and Head, Departments of Chemistry; Earth, Space and Graphic Sciences; Electrical Engineering; English; Foreign Languages; History; Law; Mathematics; Mechanics; Physics; and Social Sciences; United States Military Academy, West Point, New York 10996.**

**Commandant of Cadets, ATTN:** MACC-B, United States Military Academy, West Point, New York 10996.

**Commanders, 1st, 2nd, 3d and 4th Regiments, United States Corps of Cadets, United States Military Academy, West Point, New York 10996.**

**Director, Offices of Military Instruction, Military Leadership, and Physical Education.**

**Notification procedure:** Write or call the specific system manager.

**Record access procedure:** Write or call the specific system manager.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Applications of individual officers; recommendations of individual officers submitted by others; college transcripts; potential instructor ratings submitted on cadets by departmental instructors; information provided by the United States Army Military Personnel Center in response to requests for availability data; correspondence between individuals and departments; personal data available from other agency publications.

**Systems exempt from certain provisions of the act:** None.

A0709.03bDAPE

**System name:** United States Corps of Cadets Personnel Records.

**System location:** Enrolled Cadets: (1) Cadet Personnel Branch, S-1 Division, Department of Tactics, United States Military Academy, West Point, New York 10996 or (2) Headquarters, 1st, 2nd, 3d

**Commandant of Cadets, ATTN:** MACC-B, United States Military Academy, West Point, New York 10996.

**Commanders, 1st, 2nd, 3d and 4th Regiments, United States Corps of Cadets, United States Military Academy, West Point, New York 10996.**

**Director, Offices of Military Instruction, Military Leadership, and Physical Education.**

**Notification procedure:** Write or call the specific system manager.

**Record access procedure:** Write or call the specific system manager.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Applications of individual officers; recommendations of individual officers submitted by others; college transcripts; potential instructor ratings submitted on cadets by departmental instructors; information provided by the United States Army Military Personnel Center in response to requests for availability data; correspondence between individuals and departments; personal data available from other agency publications.

**Systems exempt from certain provisions of the act:** None.

A0709.03bDAPE

**System name:** United States Corps of Cadets Personnel Records.

**System location:** Enrolled Cadets: (1) Cadet Personnel Branch, S-1 Division, Department of Tactics, United States Military Academy, West Point, New York 10996 or (2) Headquarters, 1st, 2nd, 3d

**Commandant of Cadets, ATTN:** MACC-B, United States Military Academy, West Point, New York 10996.

**Commanders, 1st, 2nd, 3d and 4th Regiments, United States Corps of Cadets, United States Military Academy, West Point, New York 10996.**

**Director, Offices of Military Instruction, Military Leadership, and Physical Education.**

**Notification procedure:** Write or call the specific system manager.

**Record access procedure:** Write or call the specific system manager.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Applications of individual officers; recommendations of individual officers submitted by others; college transcripts; potential instructor ratings submitted on cadets by departmental instructors; information provided by the United States Army Military Personnel Center in response to requests for availability data; correspondence between individuals and departments; personal data available from other agency publications.

**Systems exempt from certain provisions of the act:** None.

A0709.03bDAPE

**System name:** United States Corps of Cadets Personnel Records.

**System location:** Enrolled Cadets: (1) Cadet Personnel Branch, S-1 Division, Department of Tactics, United States Military Academy, West Point, New York 10996 or (2) Headquarters, 1st, 2nd, 3d

**Commandant of Cadets, ATTN:** MACC-B, United States Military Academy, West Point, New York 10996.

**Commanders, 1st, 2nd, 3d and 4th Regiments, United States Corps of Cadets, United States Military Academy, West Point, New York 10996.**

**Director, Offices of Military Instruction, Military Leadership, and Physical Education.**

**Notification procedure:** Write or call the specific system manager.

**Record access procedure:** Write or call the specific system manager.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Applications of individual officers; recommendations of individual officers submitted by others; college transcripts; potential instructor ratings submitted on cadets by departmental instructors; information provided by the United States Army Military Personnel Center in response to requests for availability data; correspondence between individuals and departments; personal data available from other agency publications.

**Systems exempt from certain provisions of the act:** None.

A0709.03bDAPE

**System name:** United States Corps of Cadets Personnel Records.

**System location:** Enrolled Cadets: (1) Cadet Personnel Branch, S-1 Division, Department of Tactics, United States Military Academy, West Point, New York 10996 or (2) Headquarters, 1st, 2nd, 3d

**Commandant of Cadets, ATTN:** MACC-B, United States Military Academy, West Point, New York 10996.

**Commanders, 1st, 2nd, 3d and 4th Regiments, United States Corps of Cadets, United States Military Academy, West Point, New York 10996.**

**Director, Offices of Military Instruction, Military Leadership, and Physical Education.**

**Notification procedure:** Write or call the specific system manager.

**Record access procedure:** Write or call the specific system manager.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Applications of individual officers; recommendations of individual officers submitted by others; college transcripts; potential instructor ratings submitted on cadets by departmental instructors; information provided by the United States Army Military Personnel Center in response to requests for availability data; correspondence between individuals and departments; personal data available from other agency publications.

**Systems exempt from certain provisions of the act:** None.

A0709.03bDAPE

**System name:** United States Corps of Cadets Personnel Records.

**System location:** Enrolled Cadets: (1) Cadet Personnel Branch, S-1 Division, Department of Tactics, United States Military Academy, West Point, New York 10996 or (2) Headquarters, 1st, 2nd, 3d

**Commandant of Cadets, ATTN:** MACC-B, United States Military Academy, West Point, New York 10996.

**Commanders, 1st, 2nd, 3d and 4th Regiments, United States Corps of Cadets, United States Military Academy, West Point, New York 10996.**

**Director, Offices of Military Instruction, Military Leadership, and Physical Education.**

**Notification procedure:** Write or call the specific system manager.

**Record access procedure:** Write or call the specific system manager.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Applications of individual officers; recommendations of individual officers submitted by others; college transcripts; potential instructor ratings submitted on cadets by departmental instructors; information provided by the United States Army Military Personnel Center in response to requests for



or 4th Regiments, United States Corps of Cadets, West Point, New York 10996.

**Categories of individuals covered by the system:** Complete military file on any individual who is enrolled as a cadet in a class currently in attendance at the United States Military Academy.

**Categories of records in the system:** File contains military performance documents to include interviews and ratings by supervisors.

**Authority for maintenance of the system:** 10 USC 3012.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** To document the military performance of cadets to support a decision regarding their potential for service as officers of the Regular Army.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed by Regiment, by Company, by Class Year, by Last Name in Alphabetical Sequence.

**Safeguards:** Stored in a room having access during business hours through each Regimental Administration Office. After business hours the room is secured by single locked doors. Records are accessible only to authorized personnel.

**Retention and disposal:** Records are maintained until class graduation, then screened and purged of excess documents and transferred to the office of the Dean. Purged files are incorporated in the records system designated United States Military Cadet Files.

**System manager(s) and address:** Military Information-Commandant of Cadets, United States Military Academy, West Point, New York 10996.

**Notification procedures:** Information may be obtained from system manager.

**Record access procedures:** Requests should be addressed to the system manager.

Request should contain the United States Military Academy class and the name of the individual.

**Contesting records procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Forms and letters required for administration; Leadership System Evaluations from peers, cadets and military supervisors; grades, reports and evaluations awarded by the heads of physical education and academic departments; cadet conduct records.

**Systems exempt from certain provisions of the act:** Parts of this system may be exempt under 5 USC 552a (j) or (k) as applicable. For additional information, contact the System Manager.

A0709.05aDAPE

**System name:** Physical Profile.

**System location:** Office of Physical Education, Building 735, Room 4954, West Point, New York 10996.

**Categories of individuals covered by the system:** All members of the Corps of Cadets.

**Categories of records in the system:** File contains information on each cadet's performance in Office of Physical Education related activities and concerns: (1) Activity Grades; (2) Test Grades; (3) Athletic participation record; (4) Pre-West Point athletic participation records; (5) Physical Aptitude Exam Score; (6) Physical Aptitude Exam order of merit; (7) swimming ability classification; (8) date survival swimming passed; (9) Instructor Training Grade; (10) number of pullups able to perform on day of entrance to the academy; (11) weight at day of entrance; (12) results of bimonthly survey during fourth class year of pullup ability and total body weight; (13) year-end order of merit standing in physical education; (14) year-end grade average in physical education; (15) size of the cadet's high school graduating class; and (16) appropriate remarks concerning nongraded participation, medical problems, physical test failures, and any other pertinent information relating to an individual's physical performance.

**Authority for maintenance of the system:** Section 4334, Title 10, United States Code.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Department of Tactics—To provide a record of the physical ability of each cadet; to provide a basis to monitor the progress in physical ability improvement of each cadet; and to provide a basis for ongoing evaluation and counseling of each cadet.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file notebooks.

**Retrievability:** Filed alphabetically by last name of cadet, by cadet class, by company.

**Safeguards:** Records are maintained in areas accessible only to authorized personnel; records are locked up overnight.

**Retention and disposal:** Records are kept in the active file for each cadet until his class graduates; held one additional year in inactive file and subsequently destroyed.

**System manager(s) and address:** Director, Office of Physical Education, Building 735, Room 4954, West Point, New York 10996.

**Notification procedure:** All requests for information should contain the full name of the individual, current address, graduating class and cadet company.

**Record access procedure:** For personal visits, the individual should be able to provide some acceptable identification; e.g., driver's license.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the System Manager.

**Record source categories:** Entrance application and related forms from the individual; faculty evaluations; testing results; and course grade results.

**Systems exempt from certain provisions of the act:** None.

A0709.06aDAPE

**System name:** Alumni Affairs and Gifts Program Division Donor Data System.

**System location:** Adjutant General (AG) Data Processing Branch, Adjutant General Division, United States Military Academy, West Point, New York 10996.

**Categories of individuals covered by the system:** Any individual or organization which has made a contribution to the West Point Fund.

**Categories of records in the system:** File contains dates, amounts, types and purposes for which contributions were made to the West Point Fund. The file records the donor's military or civilian status, his name, address and an identifying number.

**Authority for maintenance of the system:** Section 4334(b), Title 10.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** To provide a permanent historical record of contributions to the West Point Fund, to identify the type of fund raising appeal which is most successful, and to identify possible future contributors.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer disk.

**Retrievability:** Filed by individual's identifying number.

**Safeguards:** Computer disk is maintained in a vault when not being used. Disk is maintained in an area accessible only to authorized personnel that are properly screened, cleared and trained.

**Retention and disposal:** Records are permanent.

**System manager(s) and address:** Chief, Alumni Affairs and Gifts Program Division, United States Military Academy, West Point, New York 10996.

**Notification procedure:** Information may be obtained from the Chief, Alumni Affairs and Gifts Program Division, United States Military Academy, West Point, New York 10996.

**Record access procedure:** Requests from individuals should be addressed to the Chief, Alumni Affairs and Gifts Program Division, United States Military Academy, West Point, New York 10996.

**Contesting record procedures:** The rules for contesting contents of records and appealing initial determinations may be obtained from the Chief, Alumni Affairs and Gifts Program Division, United States Military Academy, West Point, New York 10996.

**Record source categories:** Correspondence originating with the donor and biographical information maintained by the Association of Graduates, West Point, New York 10996.

**Systems exempt from certain provisions of the act:** None.

A0709.07aDAPE

**System name:** Cadet Academic Management Information System.

**System location:** Academic Computer Center, Instruction Support & Information System Division, Office of the Dean, United States Military Academy, West Point, New York 10996.

**Categories of individuals covered by the system:** An integrated record on any individual who (1) was admitted as a cadet to the United States Military Academy for the Class of 1973 and later; (2) was an exchange student to the United States Military Academy and received academic credit for the academic year 1975-1976 or later.

**Categories of records in the system:** Integrated record contains (1) a subset of the information used to evaluate candidates for admission to the United States Military Academy; (2) academic performance information; (3) a subset of the military performance information used to evaluate leadership potential; (4) blood type; (5) biographical information.

**Authority for maintenance of the system:** 10 U.S.C. 3012.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** To support the academic and military administration of the Corps of Cadets; to support research as appropriate.

**Academic User (Office of the Dean of the Academic Board):** To administer the academic program, to maintain academic grades, and to provide data to evaluate academic performance of the Corps of Cadets.

**Military User (Commandant of Cadets):** To administer the physical education, military training education, and leadership potential grades; to provide data to evaluate the physical, military and leadership performance of the Corps of Cadets.

**Research User:** To research and evaluate characteristics of the Corps of Cadets as directed.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer magnetic tapes.

**Retrievability:** Filed by academic course, graduating class, cadet company assignment, or cadet seven-digit identification number.

**Safeguards:** Computer files are stored and safeguarded in accordance with Army Regulations 18-7 and 18-23. Records are accessible only to authorized United States Military Academy agencies in accordance with the United States Military Academy Regulation 18-2, Management Information Systems—Cadet Integrated Record.

**Retention and disposal:** Records are permanent.

**System manager(s) and address:** Academic Information—Dean of the Academic Board, ATTN: MADN-1, United States Military Academy, West Point, New York 10996.

**Notification procedure:** Information may be obtained from system manager.

**Record access procedure:** Requests from individuals should be addressed to the system manager.

Request should contain (1) the United States Military Academy class and the full name of the individual, for graduates and ex-cadets; (2) the academic year of attendance and full name of exchange students.

**Contesting record procedures:** The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Records used in the admissions process; examinations used in academic placement; evaluations from military supervisors; faculty evaluations; grades awarded by the heads of academic departments; information required for administration; health records.

**Systems exempt from certain provisions of the act:** Parts of this system may be exempt under 5 USC 552a (j) and (k) as applicable. For additional information, contact the system manager.

A0709.08aDAPE

**System name:** Cadet Counseling File.

**System location:** Cadet Counseling Center, Office of Military Leadership, Department of Tactics, United States Military Academy, West Point, New York 10996.

**Categories of individuals covered by the system:** Counseling file on any individual who is enrolled as a cadet in a class currently in attendance at the United States Military Academy.

**Categories of records in the system:** File contains comments by officer conducting interviews or discussion with cadet, with other cadets or with the officer's superiors.

**Authority for maintenance of the system:** 10 U.S.C. 3012.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** To document case history of cadets using the services of the counseling center.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed by Class Year by last name in alphabetical sequence.

**Safeguards:** Stored in a room with controlled access during business hours. After business hours the room is secured by single locked doors. Records are accessible only to authorized personnel.

**Retention and disposal:** Records are maintained until one year after cadet departs West Point, then destroyed.

**System manager(s) and address:** Director, Office of Military Leadership, United States Military Academy, West Point, New York 10996.

**Notification procedure:** Information may be obtained from system manager.

**Record access procedure:** Request should be addressed to the system manager.

Requests should contain the United States Military Academy class and the name of the individual.

**Contesting record procedure:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Forms and letters required for administration; cadets and military supervisors; and cadet interviews.

**Systems exempt from certain provisions of the act:** Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k), as applicable. For additional information, contact the system manager.

A0715.06aDAPC

**System name:** Field Military Personnel Information System (SIDPERS/PERMACAPS/AAPERS).

**System location:** Each Army installation and other organizational element maintaining a segment of this system. The official mailing addresses are in the Department of Defense in the appendix to the Department of the Army notices.

**Categories of individuals covered by the system:** Commissioned officers, warrant officer and enlisted person on active duty in the U.S. Army.

**Categories of records in the system:** The categories of information stored include: name, social security number, sex, race, citizenship, religion, marital status, dependents, date of birth, residence, physical profile, ethnic group, grade and date of rank, enlistment or appointment and service agreement, service data and dates, promotion, assignment, qualification, skill, education and training, specialty, aptitude, occupation, language, career pattern, awards and badges, mailing address, separation or retirement.

**Authority for maintenance of the system:** 5 USC Section 301, 10 USC.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Department of Army—Records are used for personnel management, strength accounting, and manpower management. Department of Defense—Records are used for interdepartmental actions and personnel management.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored on computer magnetic tapes and disks and computer punch cards.

**Retrievability:** Normal access is by social security number, name, or other individual identifying characteristics.

**Safeguards:** Physical security devices, guards, computer hardware, and software safeguard features, and personnel clearances for individuals working with the system.

**Retention and disposal:** Records are retained for up to 90 days after the individual is no longer active.

**System manager(s) and address:** Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

**Notification procedure:** Information may be obtained from the commander

**System manager(s) and address:** Custodian, Army Athletic Association, United States Military Academy, West

E Capital Street, Washington, DC 20003; Adjutant General State of Florida, Attn: Technician Personnel Office, State Ar-

Dakota, Attn: Technician Personnel Office, PO Box 1817, Bismarck, ND 58501; Adjutant General State of Ohio, Attn:

providing employment statistics and basic personnel action and official strength accounting data needed in sup-

master files contained on either magnetic tape or disks, are maintained as permanent records. Work tapes or disks are



**Notification procedure:** Information may be obtained from the commander of the organization to which the service member is assigned.

**Record access procedures:** Written requests for information should include the full name, service identification number, and current address. Visits should be made to the servicing military personnel office (MILPO), or Headquarters of the organization/station of the service member. For personal visits, the requestor should provide acceptable identification, i.e., military identification card or other identification normally acceptable in the transaction of business.

**Contesting record procedures:** The department rules for contesting contents and appealing initial determinations may be obtained from USAMILPERCEN (DAPC-POO), 200 Stovall Street, Alexandria, VA 22332.

**Record source categories:** Information is obtained in documented and other computer readable form from Department of the Army organizations/stations and other federal agencies.

**Systems exempt from certain provisions of the act:** None.

A0723.08bDAPE

**System name:** Army Athletic Association Membership File.

**System location:** Army Athletic Association, United States Military Academy, West Point, New York 10996.

**Categories of individuals covered by the system:** Graduates of the United States Military Academy; present and past members of the Staff & Faculty, United States Military Academy; and ex-cadets with more than six (6) months honorable service enrolled at the United States Military Academy.

**Categories of records in the system:** Addressograph plates, with a file card attached.

**Authority for maintenance of the system:** 5 USC 301.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** to establish membership with the Army Athletic Association, provide addresses of members of the Association for mailing ticket applications and information of the Association, and to record the payment of membership dues.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Addressograph plates with file card attached in a vertical tray file.

**Retrievability:** Filed alphabetically by last name of member.

**Safeguards:** Records are maintained in an area accessible only to authorized personnel employed by the Army Athletic Association. Records are stored in steel locked cabinets.

**Retention and disposal:** Records are permanent. They are retained in active file upon payment of annual dues. Addressograph plates are destroyed upon non-payment of dues at the beginning of a fiscal year, the attached file card is then placed in the inactive file permanently.

**System manager(s) and address:** Custodian, Army Athletic Association, United States Military Academy, West Point, New York 10996.

**Notification procedure:** Information may be obtained from:

Army Athletic Association  
Bldg 727  
United States Military Academy  
West Point, New York 10996  
Telephone: Area Code 914/446-4996

**Record access procedure:** Request from individual should be addressed to: Army Athletic Association, Bldg 727, United States Military Academy, West Point, New York 10996.

Written request for information should contain full name of individual, current address, membership number.

For personal visit, the individual should be able to provide acceptable identification, membership card, drivers license, military ID card.

**Contesting record procedures:** The Army Athletic Association's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the Custodian, Army Athletic Association, United States Military Academy, West Point, New York 10996.

**Record source categories:** Individual application for membership and renewal application.

**Systems exempt from certain provisions of the act:** None

A0802.01aNGB

**System name:** Technician Personnel Management Information System (TPMIS).

**System location:** Primary System—Office of Technician Personnel (NGB-TN), 5611 Columbia Pike, Defense Post Office Unit, Falls Church, VA 22401; National Guard Computer Center (NGB-AD), Columbia Building, 5600 Columbia Pike, Falls Church, VA 22041.

**Decentralized Segments—**Adjutant General State of Alabama, Attn: Technician Personnel Office, 1720 Federal Drive, PO Box 1311, Montgomery, AL 36102; Adjutant General State of Alaska, Attn: Technician Personnel Office, 610 Mackay Bldg., 338 Denali Street, Anchorage, AK 99501; Adjutant General State of Arizona, Attn: Technician Personnel Office, 5636 East McDowell Road, Phoenix, AZ 85008; Adjutant General State of Arkansas, Attn: Technician Personnel Office, Ft. McAllister, PO Box 678, North Little Rock, AR 72115; Commanding General, State Military Forces, California, Attn: Technician Personnel Office, PO Box 214405, Sacramento, CA 95821; Adjutant General State of Colorado, Attn: Technician Personnel Office, 300 Logan Street, Denver, CO 80203; Adjutant General State of Connecticut, Attn: Technician Personnel Office, 360 Broad Street, Hartford, CT 06115; Adjutant General State of Delaware, Attn: Technician Personnel Office, 1401 Newport Gap Pike, Wilmington, DE 19804; Commanding General, District of Columbia National Guard, Attn: Technician Personnel Office, NG Armory, 2001

E Capital Street, Washington, DC 20003; Adjutant General State of Florida, Attn: Technician Personnel Office, State Arsenal, St. Augustine, FL 32084; Adjutant General State of Georgia, Attn: Technician Personnel Office, 959 E. Confederate Street, PO Box 4839, Atlanta, GA 30302; Adjutant General, State of Hawaii, Attn: Technician Personnel Office, Ft. Ruger, Honolulu, HI 96816; Adjutant General State of Idaho, Attn: Technician Personnel Office, PO Box 45, Boise, ID 83707; Adjutant General State of Illinois, Attn: Technician Personnel Office, Room 200, Armory Office Bldg., Springfield, IL 62706; Adjutant General State of Indiana, Attn: Technician Personnel Office, Mil Dept of Indiana, Stout Field, Indianapolis, IN 46241; Adjutant General State of Iowa, Attn: Technician Personnel Office, PO Box 616, Des Moines, IA, 50303.

Adjutant General State of Kansas, Attn: Technician Personnel Office, 535 Kansas Ave., Topeka, KS 66603; Adjutant General State of Kentucky, Attn: Technician Personnel Office, Boone National Guard Center, Frankfort, KY 40601; Adjutant General State of Louisiana, Attn: Technician Personnel Office, Hq., Bldg., Jackson Barracks, New Orleans, LA 70146; Adjutant General State of Maine, Attn: Technician Personnel Office, Camp Keyes, Augusta, ME 04330; Adjutant General State of Maryland, Attn: Technician Personnel Office, 5th Regiment Armory, Baltimore, MD 21201; Adjutant General State of Massachusetts, Attn: Technician Personnel Office, 905 Commonwealth Avenue, Boston, MA 02215; Adjutant General State of Michigan, Attn: Technician Personnel Office, 2500 S. Washington Avenue, PO Box 210, Lansing, MI 48901; Adjutant General State of Minnesota, Attn: 55155; Adjutant General State of Mississippi, Attn: Technician Personnel Office, PO Box 5027, Fondren Station, Jackson, MD 39216; Adjutant General State of Missouri, Attn: Technician Personnel Office, 1717 Industrial Drive, Jefferson City, MO 65101; Adjutant General State of Montana, Attn: Technician Personnel Office, 1100 N. Main Street, Helena, MT 59601; Adjutant General State of Nebraska, Attn: Technician Personnel Office, 1300 Military Road, Lincoln, NE 68508; Adjutant General State of Nevada, Attn: Technician Personnel Office, PO Box 1808, Carson City, NV 89701; Adjutant General State of New Hampshire, Attn: Technician Personnel Office, State Mil Res, Airport Road, Concord, NH 03301; Chief of Staff, Department of Defense, New Jersey, Attn: Technician Personnel Office, PO Box 979, Trenton, NJ 08625; Adjutant General State of New Mexico, Attn: Technician Personnel Office, PO Box 4277, Santa Fe, NM 87502; Chief of Staff to the Governor, New York, Division of Military and Naval Affairs, Attn: Technician Personnel Office, Public Security Bldg., State Campus, Albany, NY 12226.

Adjutant General State of North Carolina, Attn: Technician Personnel Office, PO Drawer 26268, Raleigh, NC 27611; Adjutant General State of North

Dakota, Attn: Technician Personnel Office, PO Box 1817, Bismarck, ND 58501; Adjutant General State of Ohio, Attn: Technician Personnel Office, PO Box 660, Worthington, OH 43085; Adjutant General State of Oklahoma, Attn: Technician Personnel Office, 3501 Military Circle, N.E., Oklahoma City, OK 73111; Adjutant General State of Oregon, Attn: Technician Personnel Office, 2150 Fairgrounds Road, N.E. Salem, OR 97310; Adjutant General State of Pennsylvania, Attn: Technician Personnel Office, RD #2, Annville, PA 17003; Adjutant General Commonwealth of Puerto Rico, Attn: Technician Personnel Office, PO Box 3786 San Juan, PR 00904; Commanding General, Rhode Island National Guard, Attn: Technician Personnel Office, 1051 North Main Street, Providence, RI 02904; Adjutant General State of South Carolina, Attn: Technician Personnel Office, 1225 Bluff Road, Columbia, SC 29201; Adjutant General State of South Dakota, Attn: Technician Personnel Office, Camp Rapid, Rapid City, SD 57701; Adjutant General State of Tennessee, Attn: Technician Personnel Office, NG Armory, Sidico Drive, Nashville, TN 37204; Adjutant General State of Texas, Attn: Technician Personnel Office, Box 5218, Austin, TX 78763; Adjutant General State of Utah, Attn: Technician Personnel Office, PO Box 8000, Salt Lake City, UT 84108; Adjutant General State of Vermont, Attn: Technician Personnel Office Bldg. #1, Camp Johnson, Winooski, VT, Attn: Technician Personnel Office, Room 506, Ninth Street, State Office Bldg., Richmond, VA 23219; Adjutant General State of Washington, Attn: Technician Personnel Office, Camp Murray, Tacoma, WA 98430; Adjutant General State of West Virginia, Attn: Technician Personnel Office, 1703 Coonskin Dr., Charleston, WV 25311.

Adjutant General State of Wisconsin, Attn: Technician Personnel Office, PO Box 328, Madison, WI 53701; Adjutant State of Wyoming, Attn: Technician Personnel Office, 5500 Bishop Blvd., PO Box 1709, Cheyenne, WY 82001; Adjutant General of the Virgin Islands, Attn: Technician Personnel Office, PO Box 1861, Christianland, St. Croix, US VI 00820.

**Categories of individuals covered by the system:** All currently employed Army and Air National Guard technicians employed under the provisions of 32 U.S.C. 709.

**Categories of records in the system:** Individuals abbreviated personnel records containing basic employment and historical information. Information other than that specified in National Guard Bureau publications will not be maintained in the system. In the event any other information is maintained, the State Adjutant General will be the responsible agent for such information.

**Authority for maintenance of the system:** Executive Order 9397, November 2, 1943.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used for

providing employment statistics and basic personnel action and official strength accounting data needed in support of selected recurring civilian personnel reports required of the National Guard Bureau by the Departments of the Army and Air Force, Department of Defense, Department of Labor, the U.S. Civil Service Commission, and various staff offices of the National Guard Bureau; and to provide information releasable under Civil Service Commission rules or Freedom of Information Act to the public. Routine uses include strength accounting to insure employment within the Congressional Ceiling, and approved National Guard programs; grade control to insure Office of Management and Budget (OMB) guidelines are adhered to; salary data for current and projected fiscal guidance; technician training (type, cost, completion data); retirement data (age, length of service, retirement coverage) for employment guidance, control and program planning; determining compatibility of Technician Military and Civilian occupations, and production of suspense notices for performance ratings, trainee status, probationary trial period completion date, conversion to career date, conversion to permanent status withingrade due date, length of service due date, not to exceed date and mandatory retirement date. To provide individual records and reports to the Civil Service Commission and to State level Technician Personnel Offices; to provide records and information for internal audit and file maintenance.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Current and historical data are contained/stored on magnetic disk and tape subject to access only upon approval by the official custodian and by screened and approved employee(s) in performance of their official duties. Information other than that specified in National Guard Bureau publications will not be maintained in the system. In the event any other information is maintained, the State Adjutant General will be the responsible agent for such information.

**Storage:** Magnetic tapes, disks, computer printouts, microfiche and punch cards.

**Retrievability:** Information is accessed and retrieved by Organization Designation, State/City/County, Social Security Number (SSN), Manning Document, Function Code, Occupation Series, grade/step or similar workforce characteristics, i.e., Work Schedule, Employee Tenure, Physical Handicap Code, Sex, Minority Group, Type of Appointment, Date of Birth, Type of Personnel Action being effected and Retirement System coverage.

**Safeguards:** Accessed by custodians of the system, by employee(s) responsible for servicing the record system in performance of their official duties. Controlled by personnel screening and computer system software.

**Retention and disposal:** Source documents—Standard Form 50 is disposed of as directed by the Civil Service Commission Federal Personnel Manual. Updated

master files contained on either magnetic tape or disks, are maintained as permanent records. Work tapes or disks are cleaned (degaussed) immediately or within 45 days after creation. Computer printouts and microfiche containing selected workforce characteristics (no individual name or SSN contained) are retired to National Guard Records Storage in accordance with Department of the Army Regulation 340-18-8, 14 August 1969. Work copies of computer printouts are retained for 45 days and then destroyed by tearing, shredding, burning or macerating.

**System manager(s) and address:** Chief, Office of Technician Personnel, National Guard Bureau (NGB-TN), Defense Post Office Unit, 5611 Columbia Pike, Falls Church, VA 22041.

Decentralized system managers and addresses—Adjutant General State of Alabama, Attn: Technician Personnel Office, 1720 Federal Drive, PO Box 1311, Montgomery, AL 36102; Adjutant General State of Alaska, Attn: Technician Personnel Office, 610 Mackay Bldg., 338 Denali Street, Anchorage, AK 99501; Adjutant General State of Arizona, Attn: Technician Personnel Office, 5636 East McDowell Road, Phoenix, AZ 85008; Adjutant General State of Arkansas, Attn: Technician Personnel Office, Ft. McAllister, PO Box 678, North Little Rock, AR 72115; Commanding General, State Military Forces, California, Attn: Technician Personnel Office, PO Box 214405, Sacramento, CA 95821; Adjutant General State of Colorado, Attn: Technician Personnel Office, 300 Logan Street, Denver, CO 80203; Adjutant General State of Connecticut, Attn: Technician Personnel Office, 360 Broad Street, Hartford, CT 06115; Adjutant General State of Delaware, Attn: Technician Personnel Office, 1401 Newport Gap Pike, Wilmington, DE 19804; Commanding General, District of Columbia National Guard, Attn: Technician Personnel Office, NG Armory, 2001 E. Capitol Street, Washington, DC 20003; Adjutant General State of Florida, Attn: Technician Personnel Office, State Arsenal, St. Augustine, FL 32084; Adjutant General State of Georgia, Attn: Technician Personnel Office, 959 E. Confederate Street, PO Box 4839, Atlanta, GA 30302; Adjutant General State of Hawaii, Attn: Technician Personnel Office, Ft. Ruger, Honolulu, HI 96816; Adjutant General State of Idaho, Attn: Technician Personnel Office, PO Box 45, Boise, ID 83707; Adjutant General State of Illinois, Attn: Technician Personnel Office, Room 200, Armory Office Bldg., Springfield, IL 62706; Adjutant General State of Indiana, Attn: Technician Personnel Office, Mil Dept of Indiana, Stout Field, Indianapolis, IN 46241; Adjutant General State of Iowa, Attn: Technician Personnel Office, PO Box 616, Des Moines, IA 50303.

Adjutant General State of Kansas, Attn: Technician Personnel Office, 535 Kansas Ave., Topeka, KS 66603; Adjutant General State of Kentucky, Attn: Technician Personnel Office, Boone National Guard Center, Frankfort, KY 40601; Adjutant General State of Louisiana,

ana, Attn: Technician Personnel Office, Hq., Bldg., Jackson Barracks, New Orleans, LA 70146; Adjutant General State

ville, TN 37204; Adjutant General State of Texas, Attn: Technician Personnel Office, Box 5218, Austin, TX 78763; Ad-

of Institutional Research—To conduct institutional research relating to the United States Military Academy.

# INTERNATIONAL TRADE COMMISSION PRIVACY ACT OF 1974

shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which the employee has

has a direct or indirect financial interest which conflicts substantially, or appears to conflict substantially, with his U.S.I.T.C. duties or responsibilities.



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ana, Attn: Technician Personnel Office, Hq., Bldg., Jackson Barracks, New Orleans, LA 70146; Adjutant General State of Maine, Attn: Technician Personnel Office, Camp Keyes, Augusta, ME 04330; Adjutant General State of Maryland, Attn: Technician Personnel Office, 5th Regiment Armory, Baltimore, MD 21201; Adjutant General State of Massachusetts, Attn: Technician Personnel Office, 905 Commonwealth Avenue, Boston, MA 02215; Adjutant General State of Michigan, Attn: Technician Personnel Office, 2500 S. Washington Avenue, PO Box 210, Lansing, MI 48901; Adjutant General State of Minnesota, Attn: 55155; Adjutant General State of Mississippi, Attn: Technician Personnel Office, PO Box 5027, Fondren Station, Jackson, MS 39216; Adjutant General State of Missouri, Attn: Technician Personnel Office, 1717 Industrial Drive, Jefferson City, MO 65101; Adjutant General State of Montana, Attn: Technician Personnel Office, 1100 N. Main Street, Helena, MT 59601; Adjutant General State of Nebraska, Attn: Technician Personnel Office, 1300 Military Road, Lincoln, NE 68508; Adjutant General State of Nevada, Attn: Technician Personnel Office, PO Box 1808, Carson City, NV 89701; Adjutant General State of New Hampshire, Attn: Technician Personnel Office, State Mill Res, Airport Road, Concord, NH 03301; Chief of Staff, Department of Defense, New Jersey, Attn: Technician Personnel Office, PO Box 939, Trenton, NJ 08625; Adjutant General State of New Mexico, Attn: Technician Personnel Office, PO Box 4277, Santa Fe, NM 87502; Chief of Staff to the Governor, New York, Division of Military and Naval Affairs, Attn: Technician Personnel Office, Public Security Bldg., State Campus, Albany, NY 12226; Adjutant General State of North Carolina, Attn: Technician Personnel Office, PO Drawer 26268, Raleigh, NC 27611; Adjutant General State of North Dakota, Attn: Technician Personnel Office, PO Box 1817, Bismarck, ND 58501; Adjutant General State of Ohio, Attn: Technician Personnel Office, PO Box 660, Worthington, OH 43085; Adjutant General State of Oklahoma, Attn: Technician Personnel Office, 3501 Military Circle, N.E., Oklahoma City, OK 73111.

Adjutant General State of Oregon, Attn: Technician Personnel Office, 2150 Fairgrounds Road, N.E. Salem, OR 97310; Adjutant General State of Pennsylvania, Attn: Technician Personnel Office, RD #2, Annville, PA 17003; Adjutant General Commonwealth of Puerto Rico, Attn: Technician Personnel Office, PO Box 3786, San Juan, PR 00904; Commanding General, Rhode Island National Guard, Attn: Technician Personnel Office, 1051 North Main Street, Providence, RI 02904; Adjutant General State of South Carolina, Attn: Technician Personnel Office, 1225 Bluff Road, Columbia, SC 29201; Adjutant General State of South Dakota, Attn: Technician Personnel Office, Camp Rapid, Rapid City, SD 57701; Adjutant General State of Tennessee, Attn: Technician Personnel Office, NG Armory, Sidco Drive, Nash-

ville, TN 37204; Adjutant General State of Texas, Attn: Technician Personnel Office, Box 5218, Austin, TX 78763; Adjutant General State of Utah, Attn: Technician Personnel Office, PO Box 8000, Salt Lake City, UT 84108; Adjutant General State of Vermont, Attn: Technician Personnel Office Bldg #1, Camp Johnson, Winooski, VT, Attn: Technician Personnel State of Virginia, Attn: Technician Personnel Office, Room 506, Ninth Street, State OFc Bldg., Richmond, VA 23219; Adjutant General State of Washington, Attn: Technician Personnel Office, Camp Murray, Tacoma, WA 98403; Adjutant General State of West Virginia, Attn: Technician Personnel Office, 1703 Coonskin Dr., Charleston, WV 25311; Adjutant General State of Wisconsin, Attn: Technician Personnel Office, PO Box 328, Madison, WI 53701; Adjutant State of Wyoming, Attn: Technician Personnel Office, 5500 Bishop Blvd., PO Box 1709, Cheyenne, WY 82001; Adjutant General of the Virgin Islands, Attn: Technician Personnel Office, PO Box 1861, Christianland, ST Croix, US VI 00820.

**Notification procedure:** Information may be obtained from primary system manager or from the Decentralized System Managers.

**Record access procedure:** Individual requests should be addressed to appropriate Decentralized System Manager.

Written request should contain full name of individual, SSN, current address and telephone number. For personal visits requestor must provide name and SSN from an acceptable form such as Drivers License or employee identification card, and give some verbal information that can be verified from his record.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Information received from the employee official personnel folder, and Air Authorization Document, and automated interface with Army and Air Guard Military Personnel Systems.

**Systems exempt from certain provisions of the act:** None.

## A1011.04 DAPE

**System name:** USMA Institutional Research Survey File.

**System location:** Office of the Director of Institutional Research, United States Military Academy (USMA), West Point, New York 10996.

**Categories of individuals covered by the system:** United States Military Academy candidates, cadets and former cadets.

**Categories of records in the system:** Personnel survey data from questionnaires, inventories, psychological tests and similar instruments.

**Authority for maintenance of the system:** Section 4334, Title 10, United States Code.

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:** Director

of Institutional Research—To conduct institutional research relating to the United States Military Academy.

**Commandant of Cadets:** To evaluate and counsel cadets; to conduct institutional research.

**Surgeon:** To assist in the diagnosis and treatment of hospital patients; to conduct institutional research.

**Director of Admissions:** To evaluate candidate qualifications for admission.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data are contained on magnetic tape, magnetic discs and punched cards. Selected data collection instruments and computer listings are also maintained.

**Retrievability:** Data are retrieved only as group data by class year, but are filed by class year and cadet number.

**Safeguards:** Data collection instruments, punched cards, and some magnetic tapes are kept in storage room controlled by Administrative Branch Chief or representative during working hours. Area is locked after working hours. Magnetic discs are protected by a user identification and password convention. These discs and some magnetic tapes are kept in the computer room where computer operator is on duty and admittance is to authorized personnel only. Remainder of the tapes are located in a locked vault in the Office of the Director of Institutional Research, under control of Chief, Data Support Branch.

**Retention and disposal:** Data collection instruments are destroyed after 5 years by shredding or burning. Magnetic disc and magnetic tape records are kept for an indefinite period; records are destroyed by conventional binary overwriting.

**System manager(s) and address:** Director of Institutional Research, United States Military Academy, West Point, New York 10996.

**Notification procedures:** Information can be obtained from system manager.

**Record access procedures:** Requests should be addressed to the system manager.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

**Record source categories:** Questionnaires, inventories, psychological tests, and similar instruments administered to subject individuals and processed by the staff of the Office of the Director of Institutional Research.

**Systems exempt from certain provisions of the act:** None.

For the Adjutant General:

R. W. HAMPTON,  
Colonel, US Army, Director of  
Administrative Management,  
TAGCEN.

[FR Doc.75-22781 Filed 8-27-75; 8:49 am]

## INTERNATIONAL TRADE COMMISSION

## PRIVACY ACT OF 1974

## Notice of Systems of Records

Pursuant to Section 3, subsection (e) (4) of the Privacy Act of 1974, 5 U.S.C. 552a (e) (4), the United States International Trade Commission is required to publish Notices of Systems of Records for all systems of records on identifiable individuals maintained by the U.S.I.T.C. Accordingly, the U.S.I.T.C. has identified three systems of records which it maintains on individuals:

I. Employment and Financial Disclosure Records;

II. Budgetary and Payroll-related Records; and

III. Time and Attendance Records.

All other systems of records on identifiable individuals maintained by the U.S.I.T.C. are covered by the notices for government-wide systems of records to be published by the Civil Service Commission before August 27, 1975.

The requisite notices for the three U.S.I.T.C. systems are set forth below:

## I. System name:

EMPLOYMENT AND FINANCIAL DISCLOSURE RECORDS—U.S.I.T.C.

## LOCATION

Deputy Counselor for Employee Responsibilities and Conduct (Assistant to the General Counsel), Office of the General Counsel, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

## CATEGORY OF INDIVIDUAL

1. GS Employees: all current employees of the U.S.I.T.C. at grade 15 and above and all GS-14's employed by the U.S.I.T.C. who are in supervisory positions must file a Confidential Statement of Employment and Financial Interests for government employees.

2. Special Employees: all special employees of the U.S.I.T.C. must file a Confidential Statement of Employment and Financial Interests for Special Government Employees. "Special Government Employee" is defined at 18 U.S.C. 202 and includes, but is not limited to, experts, consultants and advisors hired for temporary duties either on a full-time or intermittent basis.

## CATEGORY OF RECORD

1. GS Employees: This system of records consists of a confidential statement of employment and financial interests. Employees of the U.S.I.T.C. required to file this statement must list the names of all corporations, companies, firms, or other business enterprises, partnerships, non-profit organizations, and educational or other institutions: (a) with which the employee is connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or (b) in which the employee has any continuing financial interests, through a pension or retirement plan,

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shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which the employee has any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

An employee of the U.S.I.T.C. required to file this statement must also list the names of his creditors other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses such as household furnishings, automobiles, education, vacation and similar expenses.

Further, the U.S.I.T.C. employee required to file such a statement must list his interest in real property or rights in lands, other than property which he occupies as a personal residence. If any of the above information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, the employee must also list the names and addresses of such persons, the date upon which the employee requested that the information be supplied, and the nature of the subject matter involved.

2. Special Employees: this system of records consists of a confidential statement of employment and financial interests for special employees. The special appointee must disclose all other federal agencies and other organizational segments of the U.S.I.T.C. in which he is presently employed. He must also name all corporations, companies, firms, State or local Governmental organizations, research organizations, and educational or other institutions in which he is serving as employee, officer, member, owner, trustee, director, expert, adviser, or consultant, with or without compensation.

The Special Employee must also disclose his financial interests by listing the names of all corporations, companies, firms, or other business enterprises, partnerships, non-profit organizations, and educational or other institutions in which he has any financial interest in any amount through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

## AUTHORITY

1. The Confidential Statement of Employment and Financial Interests for GS-employees is required by section 402 of Executive Order 11222, dated May 8, 1965, prescribing standards of ethical conduct for Government officers and employees.

2. The confidential statement of employment and financial interest for special Government employees is required by section 306 of Executive Order 11222.

## ROUTINE USES

These records and information in these records may be used:

a. By the Deputy Counselor for Employee Responsibilities and Conduct to determine whether or not an employee

has a direct or indirect financial interest which conflicts substantially, or appears to conflict substantially, with his U.S.I.T.C. duties or responsibilities.

b. By the Deputy Counselor to determine whether a U.S.I.T.C. employee has engaged in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through U.S.I.T.C. employment.

c. For review by the Deputy Counselor. The Deputy Counselor is responsible for maintaining these records in confidence and may not disclose information from these records to other persons or agencies except as the Civil Service Commission or the Chairman of the U.S.I.T.C. may determine for good cause shown.

## RECORDS MANAGEMENT POLICY AND PRACTICE

**Storage:**—These records are maintained in folders.

**Retrievability:**—These records are indexed by the names of the individuals on whom they are maintained.

**Safeguards:**—These records are kept in a locked filing cabinet in the office of the Deputy Counselor for Employee Responsibilities and Conduct (Assistant General Counsel), who is the only official with authorized access to them. However, the Statements of Employment and Financial Interest of the Deputy Counselor (Assistant General Counsel) and of his immediate superior (the General Counsel) are submitted directly to the Counselor for Employee Responsibilities and Conduct (one of the U.S.I.T.C. commissioners).

**Retention and Disposal:**—These records are maintained by the Deputy Counselor while the employee is at the U.S.I.T.C. and for 5 years after the employee has left the U.S.I.T.C. Thereupon these records are destroyed.

## SYSTEM MANAGER

Deputy Counselor for Employee Responsibilities and Conduct (Assistant General Counsel), Office of the General Counsel, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

## NOTIFICATION

Director, Office of Personnel and Management Systems (Same address as above).

## ACCESS AND CONTEST

Director, Office of Personnel and Management Systems (Same address as above).

## SOURCES

Information in this system is supplied by the individuals to whom the records pertain.

## II. System name:

## BUDGETARY AND PAYROLL-RELATED RECORDS—U.S.I.T.C.

## LOCATIONS

1. For all budgetary and payroll-related records:

## NOTICES

Office of Financial Management, United States International Trade Commission, 701 E Street, N.W., Washington,

(11) The Comprehensive payroll lists an employee's gross pay, deductions, federal and state taxes, insurance, bonds,

schedules of the U.S.I.T.C. are applicable, such records are retained in accordance with the periods specified therein and

## AUTHORITY

5 U.S.C. 6101.  
G.S.A. Forms 873 and 856-B.

## NOTICES

41983

## SYSTEM MANAGER

Chief, Office of Financial Management, United States International Trade

Whereas the systems of records notices are effective as of the date of this publication for the purposes of 5 U.S.C. 552a



Office of Financial Management, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

2. For activity accounting sheets only: Office of Automatic Data Processing (Same address as above).

## CATEGORY OF INDIVIDUAL

1. Current U.S.I.T.C. employees (e.g. three-year budget cards).
2. Former U.S.I.T.C. employees (e.g. lump-sum leave payments records).

## CATEGORY OF RECORD

This system of records consists of 16 identifiable sub-systems: (1) action cards (of step increases and personnel actions); (2) three-year budget cards; (3) lump-sum leave payments; (4) reassignment and reclassification records; (5) overtime records; (6) financial statements; (7) leave without pay records; (8) records of separations; (9) records of new appointments; (10) the comprehensive payroll; (11) bond listing; (12) the master list of employees; (13) activity accounting sheets; (14) financial aid applications for non-government training; (15) travel vouchers and travel authorizations records.

(1) Action cards contain information as to the dates and amounts of step increases, salary adjustments and promotions.

(2) Three-year budget cards give an employee's basic salary for the preceding year, grade for the current year, dates and amounts of step increases, basic salary at the end of the current year, basic salary in the interim, the activity, division and grade number.

(3) Lump sum leave payments record the amount paid, the number of days involved and are indexed by name and date.

(4) Reassignment and reclassification records are indexed by name and include information on the date of increase, the annual rate, the accumulated increase, the added cost per pay period, the estimated cost, the accumulated cost and the division.

(5) Overtime records are indexed by division and by name and contain information as to an employee's social security number, grade and salary, and the number of hours overtime.

(6) Cost of intermittent employees and consultants records list the hours the individual worked and the amount paid.

(7) Financial statements contain information by division by name which is used in computing the budget.

(8) Leave without pay records list the cumulative amount by pay period and by name.

(9) Records of separations list the date, division, grade, annual salary, accumulated annual salary, rate per pay period, number of pay periods, fiscal year cost, accumulated fiscal year cost, and appointment action.

(10) Records of new appointments contain the same types of information as records of separations.

(11) The Comprehensive payroll lists an employee's gross pay, deductions, federal and state taxes, insurance, bonds, overtime, leave used and accumulated.

(12) The bond listing shows what an employee spent on bonds, the purchase price, denomination, the previous balance, the amount deducted each pay period.

(13) The masterlist of employees contains an employee's grade, current address, all deductions to pay, and the number of hours worked.

(14) Activity accounting sheets contain the employee's name, project number and title.

(15) Financial aid applications for non-government training contain the employee's name, course number, institution, course description, reimbursable costs, tuition, and a listing of all government-sponsored training at non-government facilities which the employee has taken for the past ten years.

(16) Travel vouchers and travel authorizations list expenses which an employee has incurred while travelling on U.S.I.T.C. business, dates, destinations and names.

## AUTHORITY

31 U.S.C. 1 et seq.  
O.M.B. Circular A-11, June, 1975.

## ROUTINE USES

These records are used only for the purpose of computing the budget and keeping a record of certain employees expenses. Certain of these records are also routinely kept by G.S.A. Disclosure of such records to C.S.C. auditors occurs periodically.

## RECORDS MANAGEMENT POLICY AND PRACTICE

Storage—These records are maintained on index cards or in file folders as the case may be. Activity accounting records are maintained in two locations within the agency: The Office of Financial Management and the Office of Automatic Data Processing. A.D.P. punches this information and feeds it, via the U.S.I.T.C. terminal, into the computer for the District of Columbia government. U.S.I.T.C. records in the custody of the D.C. government are maintained on tape in lockable cabinets.

Retrievability—These records are indexed by the names of the individuals on whom they are maintained. In certain instances the social security number and certain dates (e.g. date of step increase) are also used as identifiers.

Safeguards—These records are all kept in lockable metal filing cabinets or secured rooms. Only authorized employees are permitted access to them.

Retention and Disposal—These records are maintained for as long as necessary to fulfill their purpose. For instance, activity accounting records are only useful in computing costs of activities for a particular fiscal year, hence, these records are disposed of, or, in the case of tapes, erased at the end of each year. Where a general records retention and disposal schedule or the records control

schedules of the U.S.I.T.C. are applicable, such records are retained in accordance with the periods specified therein and are disposed of in accordance therewith.

## SYSTEM MANAGER

Chief, Office of Financial Management, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

## NOTIFICATION

Director, Office of Personnel and Management Systems (Same address as above).

## ACCESS AND CONTEST

Director, Office of Personnel and Management Systems (Same address as above).

## SOURCES

Information in this system largely comes from personnel forms completed by the individual and from the original comprehensive payroll, maintained by G.S.A.

## III. System name:

TIME AND ATTENDANCE RECORDS—U.S.I.T.C.

## LOCATIONS

Office of the Chairman  
Office of the Vice-Chairman  
Offices of the other Commissioners  
Office of the Secretary  
Office of the Executive Director  
Office of Financial Management  
Services Division  
Office of the Special Advisor—Trade Agreements  
Office of Economic Research  
Office of the General Counsel  
Office of Investigations  
Office of A.D.P.  
Office of Trade and Industry  
Support Division  
Accounting  
Suitland Office  
New York Office  
Agriculture Division  
Ceramics Division  
Chemicals Division  
Lumber and Paper Division  
Metals Division  
Sundries Division  
Textiles Division  
United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

## CATEGORY OF INDIVIDUAL

All current employees of U.S.I.T.C.

## CATEGORY OF RECORD

This system of records contains an employee's name, address, social security number, service computation date and leave category and is used to compute the employee's attendance by pay period. G.S.A. Form 873 is used to compute attendance on an annual basis and contains information as to the amount of annual leave, sick leave, comp. leave, L.W.O.P., A.W.O.L., military leave and other leave used. G.S.A. form 856-B is used to compute the same information for each two week pay period

## AUTHORITY

5 U.S.C. 6101.  
G.S.A. Forms 873 and 856-B.

## ROUTINE USES

These records are used for the purpose of computing time and attendance for U.S.I.T.C. employees. Such records are routinely sent to G.S.A., the agency which maintains the master records on federal employee attendance.

RECORDS MANAGEMENT POLICY AND PRACTICE  
Storage—These records are maintained on the two forms as aforementioned.

Retrievability—These records are indexed by the name and social security number of the employees on whom they are maintained.

Safeguards—While these records are in the custody of the various division heads within the U.S.I.T.C., they are maintained in lockable metal filing cabinets or in secured rooms.

Retention and Disposal—These records are retained and disposed of in accordance with general records schedules and the records control schedules, as applicable.

## SYSTEM MANAGER

Chief, Office of Financial Management, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

## NOTIFICATION

Director, Office of Personnel and Management Systems (Same address as above).

## ACCESS AND CONTEST

Director, Office of Personnel and Management Systems (Same address as above).

## SOURCES

The individual on whom the record is maintained supplies the data for this system.

PUBLIC COMMENT ON "ROUTINE USES"  
Written comments concerning the "routine use" sections of the above three U.S.I.T.C. systems of records notices are invited from interested persons pursuant to 5 U.S.C. 552a (e) (11). Comments may be presented in writing to the Office of the Secretary, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436. All comments received not later than September 22, 1975, will be considered.

Whereas the systems of records notices are effective as of the date of this publication for the purposes of 5 U.S.C. 552a (e) (4), the "routine use" sections of such notices will become effective on September 27, 1975, the effective date of the Privacy Act, 5 U.S.C. 552a, to give the public a chance to comment on the "routine uses" and to give the U.S.I.T.C. time in which to incorporate the public's suggestions. If the systems of records notices are adopted without change to the "routine uses" sections, the U.S.I.T.C. will publish a brief notice on September 27, 1975, stating that the systems of records declared in this notice are being adopted without change. Where significant changes in systems of records notices are made as a result of public comment on the "routine uses" sections thereof, the U.S.I.T.C. will publish a notice of those systems of records on September 27, 1975, incorporating any such changes.

Issued: August 22, 1975.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 75-22759 Filed 8-27-75; 8:48 am]



# FEDERAL POWER COMMISSION PRIVACY ACT OF 1974

## Notice of Existence and Character of Systems of Records

### Correction

In FR Doc. 75-22521 appearing at page 39369 in the issue for Wednesday, August 27, 1975, make the following changes:

1. On page 39369, second column, in the 12th line from the bottom, the line "Record source categories" and the line "Systems exempted from certain provisions of the Act" should be deleted.
2. On page 39369, following the deletion of the 12th and 11th lines from the bottom, the words "dicare Programs" should be deleted and the following should be inserted:

FPC-26

System name: Time Distribution Reports-FPC

System location: a. Official copies of these records are located in:

Office of the Comptroller  
Federal Power Commission  
825 North Capitol St., NE.  
Washington, DC 24026

b. Copies of these records are located in the following organizational units of the Federal Power Commission, 825 North Capitol St., NE., Washington, DC 24026:

Office of Special Assistant to the Commissioners  
Office of the Secretary  
Office of Administrative Law Judges  
Office of the General Counsel  
Office of Administrative Operations

# NATIONAL SECURITY COUNCIL PRIVACY ACT OF 1974 Notice of Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4), I submit the following National Security Council notices of systems of records:

Interested persons are invited to submit written comments, suggestions or objections concerning the routine use portions of these notices to the Staff Secretary, National Security Council, Washington, D.C. 20506. All relevant material received before September 15 will be considered prior to final publication of the notices.

Dated: August 27, 1975.

Jeanne W. Davis,  
Staff Secretary.

## NSC 1.1.

System name: CENTRAL RESEARCH INDEX 1.1 -- NSC.

Security classification: TOP SECRET

System location: NSC STAFF SECRETARIAT, NATIONAL SECURITY COUNCIL, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, D. C. 20506.

Categories of individuals covered by the system: U.S. GOVERNMENT OFFICIALS AND MEMBERS OF THE PUBLIC WHO CORRESPOND WITH OR PARTICIPATE IN FOREIGN POLICY DECISION MAKING WITH THE PRESIDENT OR HIS ASSISTANT FOR NATIONAL SECURITY AFFAIRS.

Categories of records in the system: COMPUTERIZED MANAGEMENT RECORDS OF MATERIAL PROCESSED THROUGH THE NSC STAFF SECRETARIAT FOR INDEXING, CONTROL, AND STAFFING.

Authority for maintenance of the system: 50 U.S.C. 401.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: REFERRAL TO GOVERNMENT AGENCIES AS PART OF STATUS DETERMINATIONS ON ACTION REQUESTS OF PARTICULAR AGENCIES.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: MAINTAINED IN COMPUTER STORAGE FORM.

Retrievability: INDEXED BY NAME OF PUBLIC CORRESPONDENT OR U.S. GOVERNMENT SOURCE OR PARTICIPANT.

Safeguards: SAFEGUARDED AS REQUIRED FOR THE CONTROL OF TOP SECRET MATERIALS PURSUANT TO EXECUTIVE ORDER 11652 (37 FR 5207, MARCH 10, 1972) AND AS DESCRIBED IN THE IMPLEMENTING NATIONAL SECURITY COUNCIL DIRECTIVE GOVERNING THE CLASSIFICATION, DOWNGRADING, DECLASSIFICATION AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION OF MAY 17, 1972.

Retention and disposal: SYSTEM CONTAINS BOTH WORKING AND PERMANENT RECORDS. REFERENCES TO INSTITUTIONAL NSC FILES ARE MAINTAINED ON AN ACTIVE FILE WHILE RECORDS WHICH POINT TO PRESIDENTIAL DOCUMENTS ARE RETIRED AT THE CHANGE OF ADMINISTRATION.

System manager(s) and address: STAFF SECRETARY, NATIONAL SECURITY COUNCIL, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, D. C. 20506. TELEPHONE: 202-395-3440.

Notification procedure: SAME AS THE ABOVE.

Record access procedures: SAME AS THE ABOVE.

Contesting record procedures: SAME AS THE ABOVE.

Record source categories: DOCUMENTS FURNISHED BY INDIVIDUALS.

Systems exempted from certain provisions of the act: THIS SYSTEM OF RECORDS IS THE INDEX FOR OTHER NSC FILES, EXCEPT AGENCY PERSONNEL RECORDS AND FILES, AND MAY BE EXEMPT FROM THE PROVISIONS OF THE PRIVACY ACT PURSUANT TO 5 U.S.C. 552A (K)(1).

## NSC 1.1.

System name: CENTRAL RESEARCH INDEX 1.1 -- NSC.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

System location: ADMINISTRATIVE OFFICE, NATIONAL SECURITY COUNCIL, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, D. C. 20506.

System manager(s) and address: STAFF SECRETARY, NATIONAL SECURITY COUNCIL, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, D. C. 20506.

Storage: PAPER RECORDS.

Retrievability: THE CENTRAL RESEARCH INDEX (NSC 1.1) IS USED TO IDENTIFY SPECIFIC RECORDS.



Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

**Storage:** PAPER DOCUMENTS IN FOLDERS FILES BY CONTROL NUMBER ASSIGNED UPON RECEIPT OF THE DOCUMENT. A WORKING COPY OF THE THE DOCUMENT IS MAINTAINED ON MICROFICHE.

**Retrievability:** THE CENTRAL RESEARCH INDEX (NSC 1.1) CONSTITUTES THE INDEX TO THIS FILE.

**Safeguards:** SAFEGUARDED AS REQUIRED FOR THE CONTROL OF TOP SECRET MATERIALS PURSUANT TO E.O. 11652 (37 FR 5207, MARCH 10, 1972) AND AS DESCRIBED IN THE IMPLEMENTING NATIONAL SECURITY COUNCIL DIRECTIVE GOVERNING THE CLASSIFICATION, DOWNGRADING, DECLASSIFICATION, AND SAFEGUARDING THE NATIONAL SECURITY INFORMATION OF MAY 17, 1972.

**Retention and disposal:** RECORDS ARE PERMANENT AND ARE RETAINED IN NSC FILES.

**System manager(s) and address:** STAFF SECRETARY, NATIONAL SECURITY COUNCIL, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, D. C. 20506. TELEPHONE: 202-395-3440.

**Notification procedure:** SAME AS THE ABOVE.

**Record access procedures:** SAME AS THE ABOVE.

**Contesting record procedures:** SAME AS THE ABOVE.

**Record source categories:** CORRESPONDENCE WITH MEMBERS OF THE PUBLIC AND U.S. GOVERNMENT OFFICIALS.

**Systems exempted from certain provisions of the act:** (K) (1)

#### NSC 1.3.

**System name:** NSC MEETINGS REGISTRY 1.3 -- NSC.

**Security classification:** SECRET.

**System location:** NSC STAFF SECRETARIAT, NATIONAL SECURITY COUNCIL, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, D. C. 20506.

**Categories of individuals covered by the system:** PARTICIPANTS IN MEETINGS OF THE NSC AND SUBORDINATE BODIES HELD SINCE JANUARY 20, 1969.

**Categories of records in the system:** IDENTIFIES U.S. GOVERNMENT OFFICIALS WHO ATTENDED OR PARTICIPATED IN THESE MEETINGS.

**Authority for maintenance of the system:** 50 U.S.C. 401.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** NONE.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** PAPER RECORDS.

**Retrievability:** THE CENTRAL RESEARCH INDEX (NSC 1.1) IS THE INDEX TO THIS FILE.

**Safeguards:** SAFEGUARDED AS REQUIRED FOR THE CONTROL OF TOP SECRET MATERIALS PURSUANT TO E.O. 11652 (37 FR 5207, MARCH 10, 1972) AND AS DESCRIBED IN THE IMPLEMENTING NATIONAL SECURITY COUNCIL DIRECTIVE GOVERNING THE CLASSIFICATION, DOWNGRADING, DECLASSIFICATION, AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION OF MAY 17, 1972.

**Retention and disposal:** RECORDS ARE PERMANENT AND ARE MAINTAINED IN NSC FILES.

**System manager(s) and address:** STAFF SECRETARY, NATIONAL SECURITY COUNCIL, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, D. C. 20506.

**Notification procedure:** SAME AS THE ABOVE.

**Record access procedures:** SAME AS THE ABOVE.

**Contesting record procedures:** SAME AS THE ABOVE.

**Record source categories:** RECORDS OF NSC MEETINGS.

**Systems exempted from certain provisions of the act:** (K) (1).

#### NSC 1.4

**System name:** AGENCY PERSONNEL RECORDS AND FILES 1.4 -- NSC.

**Security classification:** UNCLASSIFIED.

**System location:** ADMINISTRATIVE OFFICE, NATIONAL SECURITY COUNCIL, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, D. C. 20506.

**Categories of individuals covered by the system:** EMPLOYEES APPOINTED TO THE NSC STAFF AND PAYROLLED FROM NSC FUNDS AND EMPLOYEES OF OTHER AGENCIES DETAILED, EITHER ON A REIMBURSABLE OR NON-REIMBURSABLE BASIS, TO THE NSC STAFF.

**Categories of records in the system:** FOR EACH EMPLOYEE PAYROLLED TO THE NSC STAFF, THE FOLLOWING INFORMATION IS MAINTAINED:

1. OFFICIAL PERSONNEL FOLDER WITH CONTENTS:
  - A. SF-86 SECURITY INVESTIGATION DATA FOR SENSITIVE POSITION.
  - B. SF-171 PERSONNEL QUALIFICATION STATEMENT.
  - C. SF-50 NOTIFICATION OF PERSONNEL ACTION.
  - D. SF-61 OATH OF OFFICE.
  - E. SF-176 LIFE INSURANCE ELECTIVE, DECLINATION OR WAIVER.
  - F. SF-2809-2810 HEALTH BENEFITS FORM.
  - G. TREASURY FORM TUS 426D (OR EQUIVALENT) - PAYROLL CHANGE SLIP, BI-WEEKLY.
  - H. MEMORANDA OF PERFORMANCE RATINGS TOGETHER WITH MEMOS REQUESTING PROMOTION.
- I. LETTERS OF COMMENDATION.
- J. TREASURY FORM TUS 492 - NOTICE OF LEAVE CATEGORY.
- K. SF-2815 EMPLOYEE SERVICE STATEMENT.
- L. SF-1150 RECORD OF LEAVE DATA.
2. SERVICE RECORD CARD - SF-7 HISTORY OF EMPLOYMENT WITH THE AGENCY.
3. RETIREMENT RECORDS - SF-2806 AND 2807, RECORDS OF RETIREMENT MONIES WITHHELD FROM INDIVIDUAL EMPLOYEE'S SALARY.
4. HEALTH BENEFITS - 2809, 2810, AND 2811, RECORD OF INDIVIDUAL'S ENROLLMENT IN ONE OF THE HEALTH PLANS AVAILABLE THROUGH U.S. GOVERNMENT.
5. SF-50 CHRONOS.
6. TERM OF SERVICE RECORDS.

**Authority for maintenance of the system:** 5 U.S.C. 401, U.S. CIVIL SERVICE COMMISSION AUTHORITY, AND, IMPLEMENTING REGULATIONS IN THE FEDERAL PERSONNEL MANUAL.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** AUTHORIZED INVESTIGATIVE PRE-EMPLOYMENT CHECKS.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** PAPER RECORDS IN PERSONNEL JACKETS.

**Retrievability:** INDEXED ALPHABETICALLY FOR OPF'S; SF-7'S; SF-2806, SF-113 - INDEXED BY MONTH AND YEAR.

**Safeguards:** FILED IN COMBINATION SAFES WHICH ARE ACCESSED ONLY BY ADMINISTRATIVE OFFICE PERSONNEL AND WHICH ARE SECURED EACH EVENING.

**Retention and disposal:** OPF RETAINED UNTIL EMPLOYEE LEAVES NSC STAFF BY TRANSFER AT WHICH TIME THE FILE IS SENT TO THE RECEIVING AGENCY. UPON RESIGNATION OR RETIREMENT THE FILE IS SENT TO THE FEDERAL RECORDS CENTER IN ST. LOUIS, MISSOURI. UPON DEATH APPROPRIATE FORMS ARE SUBMITTED AND DISTRIBUTED IN ACCORDANCE WITH CSC REGULATION AND THE REMAINDER OF THE FILE IS SENT TO THE FEDERAL RECORD CENTER IN ST. LOUIS, MISSOURI.

SF-7 RETAINED AS A PERMANENT SERVICE RECORD IN THE AGENCY.  
 SF-2806 AND 2807 FORWARDED TO CFC RETIREMENT OFFICE WHEN EMPLOYEE LEAVES BY TRANSFER, RESIGNATION, RETIREMENT, OR DEATH.  
 SF-113A COPY REMAINS IN AGENCY AND IS DESTROYED AFTER FIVE TO TEN YEARS.  
 TERM OF SERVICE RECORDS COPY REMAINS IN AGENCY FILES WHICH ARE PERIODICALLY PURGED AT THE DISCRETION OF THE ADMINISTRATIVE OFFICE PERSONNEL.

**System manager(s) and address:** STAFF SECRETARY, NATIONAL SECURITY COUNCIL, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, D. C. 20506.

**Notification procedure:** SAME AS ABOVE.

**Record access procedures:** SAME AS THE ABOVE.

**Contesting record procedures:** SAME AS THE ABOVE

**Record source categories:**

SF-171 FROM EMPLOYEE.

SF-186 FROM EMPLOYEE.

ALL OTHER FORMS SHOWN UNDER ITEM ONE ARE STANDARDIZED WITHIN THE U.S. GOVERNMENT AND ARE USED AS DIRECTIVES BY THE CIVIL SERVICE COMMISSION.

**Systems exempted from certain provisions of the act:** NONE.

#### NSC 2.1.

**System name:** PRESIDENTIAL CORRESPONDENCE FILES 2.1 -- NSC.

**Security classification:** UNCLASSIFIED.

**System location:** THE WHITE HOUSE OFFICE, WASHINGTON, D. C. 20500

**Categories of individuals covered by the system:** INDIVIDUALS WHO CORRESPOND WITH THE PRESIDENT OR THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS ON ISSUES OF FOREIGN POLICY AND NATIONAL SECURITY AFFAIRS WHOSE CORRESPONDENCE HAS BEEN REFERRED TO THE NSC SECRETARIAT FOR LOGGING, CONTROL, AND STAFFING.

**Categories of records in the system:** CORRESPONDENCE.

**Authority for maintenance of the system:**

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** REFERRAL TO OTHER AGENCIES FOR REQUIRED ASSISTANCE IN RESPONDING TO PUBLIC INQUIRIES.

**Systems exempted from certain provisions of the act:** THESE FILES ARE MAINTAINED BY THE WHITE HOUSE STAFF IN SUPPORT OF THE PRESIDENT AND ARE NOT COVERED BY THE PRIVACY ACT OF 1974 IN THAT UNDER THE PRIVACY ACT THE WHITE HOUSE IS NOT CONSIDERED AN AGENCY.

#### NSC 2.2.

**System name:** PRESIDENTIAL ADVISORY FILES 2.2 -- NSC.

**Security classification:** TOP SECRET.

**System location:** THE WHITE HOUSE, WASHINGTON, D. C. 20500.

**Categories of individuals covered by the system:** INDIVIDUALS, PRIMARILY U.S. AND FOREIGN GOVERNMENT OFFICIALS, WHO CORRESPOND WITH OR PARTICIPATE IN MEETINGS WITH THE PRESIDENT OR THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS ON MATTERS OF FOREIGN POLICY.

**Categories of records in the system:** CORRESPONDENCE AND RECORDS OF MEETINGS WITH THE PRESIDENT AND THE ASSISTANT FOR NATIONAL SECURITY AFFAIRS.

**Authority for maintenance of the system:**

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** NONE.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

[FR Doc.75-23203 Filed 8-28-75;9:58 am]



## U.S. INFORMATION AGENCY

## PRIVACY ACT OF 1974

## Notice of Systems of Records

## Correction

In FR Doc. 75-20454 appearing at page 39335 of the issue for Wednesday, August 27, 1975, the system of records which appears on page 39339 in the right-hand column, identified as "USI02", should be deleted and replaced with the following text.

## USIA-8

**System name:** Employee Administrative Files-IBS-USIA

**System location:** U.S. Information Agency, Broadcasting Service, "Voice of America", HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20547.

U.S. Information Agency, Broadcasting Service, "Voice of America", Engineering Divisions, 25 'M' Street, S. W., Washington, D.C. 20547.

Also see Appendix II for locations of domestic relay stations.

**Categories of individuals covered by the system:** All "Voice of America" domestic employees and overseas American employees.

**Categories of records in the system:** Records and information pertaining to testing, recruitment and appointment of employees (application forms, fiscal documents covering related expenses); records concerning post-appointment changes in employee skills, qualifications, and experience; copies of SF-50 "Notice of Personnel Action" and payroll change slips.

**Authority for maintenance of the system:** Public Law 402, United States Information and Educational Exchange Act of 1948, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Files maintained for convenience due to physical separation from Personnel Office; provide necessary background/reference information for use by VOA Administrative Offices in meeting their daily responsibilities of advising on and co-ordinating programming, personnel and fiscal activities relating to recruitment, hiring and employment of staff employees. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to person-

nel of the U.S. Information Agency as may be required in the performance of their official duties.

These records are not normally available to individuals and agencies outside the U.S. Information Agency, but information may be released to other government agencies who have statutory or other lawful authority to maintain such information.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All information is retained in document form in file folders.

**Retrievability:** Files are indexed alphabetically by employee name.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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Note: There were no items published after October 1, 1972, that are eligible for inclusion in the list of Rules Going Into Effect Today.

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**COMMODITY FUTURES TRADING COMMISSION**  
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Defense Nuclear Agency—  
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**FEDERAL HOME LOAN BANK BOARD**  
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Public assistance; deferral of claims for Federal financial participation; comments by 9-15-75 ..... 34138; 8-14-75  
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**JUSTICE DEPARTMENT**  
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Land Management Bureau—  
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#### SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE

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**FEDERAL COMMUNICATIONS COMMISSION**  
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Radio Technical Commission for Aeronautics; to be held in Washington, D.C. (open), 9-17 and 9-18-75. 37082; 8-25-75

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Minority Group Mental Health Programs Review Committee; to be held in Bethesda, Md. (partially open), 9-17 through 9-19-75. 34016; 8-13-75

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Accreditation and Institutional Eligibility Advisory Committee; to be held in Arlington, Va. (partially closed), 9-16 through 9-19-75. 36608; 8-21-75

Advisory Council on Women's Educational Programs; to be held in Washington, D.C. (open and closed), 9-18, 9-19, and 9-20-75. 39539; 8-28-75

Panel on Review of Antiperspirant Drug Products; to be held in Rockville, Maryland (open with restrictions), 9-18, 9-19-75 ..... 36408; 8-20-75

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**MANAGEMENT AND BUDGET OFFICE**  
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## SECURITIES AND EXCHANGE COMMISSION

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## Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.



## presidential documents

### Title 3—The President

PROCLAMATION 4385

## National Hispanic Heritage Week, 1975

*By the President of the United States of America*

### A Proclamation

Men and women of Hispanic origin—Mexican Americans, Puerto Ricans, Cubans and other Spanish Speaking Americans—have contributed significantly to the growth of America. They have served with courage and distinction in our Armed Forces. In endeavors as varied as music, architecture, medicine, law, education, literature and religion, Hispanic-Americans have contributed wisdom, beauty and spiritual strength.

No manner of tribute to our country's Hispanic heritage could be more appropriate in this Bicentennial year than to acknowledge the importance of the Spanish contribution to the success of our own War of Independence. Spanish-led military forces protected the Colonies' southern front and kept the Mississippi River open for navigation and the delivery of supplies to the Americans in the southwest. Don Bernardo de Galvez, Spanish Captain General and Governor of Spanish Louisiana, led these successful campaigns and, in 1781, captured the heavily fortified city of Pensacola from the British.

The assistance to our Revolution from Galvez and the Hispanic troops he commanded has not always received the recognition it deserved in our history books. But the name Galvez has enjoyed commemoration through the Texas city we know as Galveston.

We can look forward to discovering other contributions from the Hispanic civilization so long and well established in our land and from the millions of Americans of Hispanic origin who enrich our society.

The Congress, by a joint resolution approved September 17, 1968 (82 Stat. 848), requested that a period in September be annually designated in recognition of that heritage.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning Sep-

FEDERAL REGISTER, VOL. 40, NO. 176—WEDNESDAY, SEPTEMBER 10, 1975

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tember 14, 1975, as National Hispanic Heritage Week. I call upon the people of the United States, especially the educational community, to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

*Gerald R. Ford*

[FR Doc.75-24138 Filed 9-8-75;1:54 pm]

PROCLAMATION 4386

# Norwegian-American Day, 1975

*By the President of the United States of America*

## A Proclamation

One hundred and fifty years ago, 47 men, women and children arrived in New York harbor aboard the Norwegian sloop "Restaurationen." Although Norway's links to the New World date back to the 11th century, when Norse mariners led by Leif Erikson discovered Vinland, the arrival of the "Restaurationen" on October 9, 1825, marked the beginning of an important new era in the histories of both Norway and America.

The small group of debarking emigrants were the first of thousands—the earliest wave in a tide of settlers and pioneers who would help to tame a savage wilderness, clear the prairies and cultivate the soil.

Whole new communities would be founded by these Norwegian Americans. Their folklore, music, religious and ethnic traditions were to enrich the cultural heritage of the American people.

In 1975, as we observe the bicentennial of American independence, it is also fitting that we mark the 150th anniversary of the arrival of that first group of settlers from Norway, and express our thanks for the gifts of industry, character and love of the land that they brought with them to their new homes.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Thursday, October 9, 1975, as Norwegian-American Day in recognition of the enormous contributions Americans of Norwegian ancestry have made, and continue to make, to our Nation and our way of life.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

*Gerald R. Ford*

[FR Doc.75-24139 Filed 9-8-75;1:55 pm]

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(3) It is hereby further found that it and this amendment relieves restrictions tions (Subpart—Rules and Regulations:

## rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

### Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

#### Department of the Army

Section 213.3107 is amended to show that Education Aid positions in the Defense Language Institute which require knowledge of a foreign language are excepted under Schedule A. This section is further amended to show the change in time limitation for foreign language subject-matter specialist positions under Schedule A in the Defense Language Institute from a total of 2 years to a total of 4 years.

Effective on September 10, 1975, § 213.3107 (g) (2) and (g) (5) is revised as set out below:

#### § 213.3107 Department of the Army.

(g) *Defense Language Institute.* . . . .  
(2) Clerical and Education Aid positions (except at the English Language School) whose incumbents are required to have a foreign language knowledge and whose duties require rapid and accurate typing, writing, proofreading or related skills used in the production of foreign language materials.

(5) Foreign language subject-matter specialist positions in the research and development program whose duties require native proficiency in a given foreign language to assist in the development and evaluation of instructional material and methods directly related to the teaching of foreign languages. Initial appointments under this authority may not exceed 1 year, but may be extended for no more than a total of 3 additional 1-year periods with prior approval of the Director, Defense Language Institute.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.75-23958 Filed 9-9-75;8:45 am]

### Title 7—Agriculture SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

#### PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

##### Miscellaneous Amendments

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended to add delegations of authority to the Assistant Secretary for International Affairs and

Commodity Programs and the Administrator, Foreign Agricultural Service, for certain foreign market promotion functions under the Egg Research and Consumer Information Act of 1974 and the National Wool Act of 1954, as amended. The amendments are as follows:

1. Section 2.21 is amended by revising paragraph (d) (10) to read as follows:

§ 2.21 Delegations of authority to the Assistant Secretary for International Affairs and Commodity Programs.

(d) *Related to Foreign Agriculture.* . . . .

(10) Plan and carry out programs and activities under the foreign market promotion authority of the Wheat Research and Promotion Act (Public Law 91-430, 7 U.S.C. 1292 note); the Cotton Research and Promotion Act (Public Law 89-502, 7 U.S.C. 2101-2118); Section 610 of the Agricultural Act of 1970 (Public Law 91-524, 7 U.S.C. 2119); the Potato Research and Promotion Act (Public Law 91-670, 7 U.S.C. 2611-2627); the Egg Research and Consumer Information Act of 1974 (Public Law 93-428, 7 U.S.C. 2701-2718); and the National Wool Act of 1954, as amended (7 U.S.C. 1781-1787). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

2. Section 2.68 is amended by revising paragraph (a) (10) to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) *Delegations.* . . . .  
(10) Plan and carry out programs and activities under the foreign market promotion authority of the Wheat Research and Promotion Act (Public Law 91-430, 7 U.S.C. 1292 note); the Cotton Research and Promotion Act (Public Law 89-502, 7 U.S.C. 2101-2118); Section 610 of the Agricultural Act of 1970 (Public Law 91-524, 7 U.S.C. 2119); the Potato Research and Promotion Act (Public Law 91-670, 7 U.S.C. 2611-2627); the Egg Research and Consumer Information Act of 1974 (Public Law 93-428, 7 U.S.C. 2701-2718); and the National Wool Act of 1954, as amended (7 U.S.C. 1781-1787). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953 (5 U.S.C. Appendix))

Effective Date: August 29, 1975.

Dated: September 5, 1975.

For Subpart C.

EARL L. BUTZ,  
Secretary of Agriculture.

Dated: September 2, 1975.

For Subpart H.

RICHARD E. BELL,  
Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc.75-24032 Filed 9-9-75;8:45 am]

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

(Avocado Regulation 17, Amendment 10)

#### PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

##### Maturity Requirements

This amendment revises the maturity requirements for the Waldin and Black Prince varieties of Avocados. Waldin avocados measuring  $3\frac{1}{16}$  inches or weighing 12 ounces and Black Prince Avocados weighing 23 ounces will be mature and can be shipped on September 8 instead of on September 15. Unseasonal growing conditions in the production area have caused avocados to mature earlier than in prior seasons. Weight or diameter and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the amendment stems from the current avocado crop maturity situation. Maturity studies on the specified varieties completed recently indicate that avocados of such varieties will be mature at the hereinafter specified dates, minimum weights, or diameters.

FEDERAL REGISTER, VOL. 40, NO. 176—WEDNESDAY, SEPTEMBER 10, 1975

### Title 9—Animals and Animal Products

style of canned ripe olives if such olives

Effective date. The foregoing amendments shall become effective September



(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of the amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; § 915.317 Avocado Regulation 17.

(a) \* \* \*

(2) \* \* \*

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Waldin.....	8-11-75	16 oz. 3 1/8 in.	8-25-75	14 oz. 3 1/8 in.	9-8-75	12 oz. 3 1/8 in.	9-29-75
Black Prince.....	9-9-75	23 oz.	9-29-75	16 oz.	10-20-75		

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 5, 1975, to become effective September 8, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-24026 Filed 9-9-75; 8:45 am]

#### PART 919—PEACHES GROWN IN MESA COUNTY, COLORADO

##### Expenses and Rate of Assessment

This document authorizes expenses of \$1,000 of the Administrative Committee, under Marketing Order No. 919, for the 1974-75 fiscal period and fixes the rate of assessment of \$0.00728 per cwt. of peaches handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On August 1, 1975, notice of rulemaking was published in the FEDERAL REGISTER (40 FR 32338) regarding proposed expenses and the related rate of assessment for the period December 1, 1974, through November 30, 1975, pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colorado. This notice allowed interested persons 18 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 919.214 Expenses and rate of assessment.

(a) Expenses. Expenses that are reasonable and likely to be incurred by

and this amendment relieves restrictions on the handling of specified varieties of avocados.

Order. The provisions of subparagraph (a) (2) of § 915.317 (Avocado Regulation 17; 40 FR 24006; 26501; 28048; 29068; 29812; 30793; 32823; 33963; 36299; 38145) are amended by revising in Table I the dates applicable to the Waldin and Black Prince varieties so that after such revision the portion of Table I relating to such varieties of avocados reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Waldin.....	8-11-75	16 oz. 3 1/8 in.	8-25-75	14 oz. 3 1/8 in.	9-8-75	12 oz. 3 1/8 in.	9-29-75
Black Prince.....	9-9-75	23 oz.	9-29-75	16 oz.	10-20-75		

the Administrative Committee during the period December 1, 1974, through November 30, 1975, will amount to \$1,000.

(b) Rate of assessment. The rate of assessment for said period, payable by each handler in accordance with § 919.41, is fixed at \$0.00728 per cwt. of peaches.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 553) in that (1) shipments of peaches have already begun, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3) such period began on December 1, 1974, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Dated: September 5, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-24027 Filed 9-9-75; 8:45 am]

#### PART 932—OLIVES GROWN IN CALIFORNIA

##### Grade and Size Requirements

The following amendment of the Rules and Regulations prescribes the grade and size requirements for California olives processed during the 1975-76 crop year for use in the production of limited use styles (halved, quartered, segmented, sliced, chopped, or minced) of canned ripe olives. It relaxes the size requirements that would otherwise apply to such olives during said crop year pursuant to the provisions of the Federal marketing order for olives grown in California.

The publication hereof gives notice of the approval of amendment, as herein-after set forth, of the rules and regula-

tions (Subpart—Rules and Regulations; 7 CFR 932.108-932.161) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, hereinafter referred to collectively as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment of said rules and regulations was unanimously recommended by the Olive Administrative Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof.

The provisions of paragraphs § 932.52 (a) (2) and (a) (3) of the order specify, in terms of minimum weights for individual olives according to variety, the minimum sizes of processed olives that may be used in the production of Whole and Pitted styles of canned ripe olives. Section 932.52(a) (3) also provides that processed olives smaller than the sizes so prescribed, as recommended annually by the committee and approved by the Secretary, may be authorized for limited use (production of Halved, Quartered, Sliced, Segmented, or Chopped or Minced styles of canned ripe olives) but any such olives shall be not smaller than the applicable size specified in said paragraph (a) (3) except for the tolerances recommended to, and approved by, the Secretary. Pursuant thereto this amendment establishes, for olives from the 1975-76 crop the minimum sizes so specified in said § 932.52(a) (3) and includes a size tolerance of 25 percent for undersize Variety Group 1 olives and 20 percent for undersize Variety Group 2 olives.

This liberalization reflects the committee's appraisal of the 1975-76 olive crop and marketing conditions and are its recommendations for the minimum grade and sizes of olives that will provide consumers with good quality fruit of the styles specified herein and for improving returns to producers pursuant to the declared policy of the act.

It is hereby found that amendment of said rules and regulations, as herein-after set forth, is in accordance with the provisions of the marketing agreement and order, and will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

A new § 932.153a is added reading as follows:

§ 932.153a Establishment of grade and size requirements for processed 1975-76 olives for limited use.

(a) Grade. On and after September 1, 1975, any handler may use processed olives of the respective variety groups in the production of limited use styles of canned ripe olives if such olives were processed after August 31, 1975, and meet the grade requirements specified in § 932.52(a) (1) as modified by § 932.149.

(b) Sizes. On and after September 1, 1975, any handler may use processed olives in the production of limited use

style of canned ripe olives if such olives were processed during the period September 1, 1975, through August 31, 1976, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives processed before September 1, 1975, or after August 31, 1976;

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh 1/90 pound: *Provided*, That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/90 pound;

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weigh 1/140 pound: *Provided*, That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/140 pound;

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh 1/180 pound: *Provided*, That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/180 pound;

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weigh 1/140 pound: *Provided*, That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/140 pound.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure and postpone the effective date of this amendment until October 10, 1975 (5 U.S.C. 553), and good cause exists for making the provisions hereof effective at the time hereinafter set forth, in that (1) the time intervening between the date when the information upon which this amendment is based became available and the time such amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) the handling of the 1975 crop of olives is expected to begin on or about the effective time hereof; (3) compliance with the amended rules and regulations will require of handlers no special preparation thereof which cannot be completed by the effective time hereof; and (4) this amendment relaxes restrictions on the handling of olives.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

It is hereby certified that the economic and inflationary impact of regulation of olives throughout the 1975-76 crop year in the form of grade and size requirements has been carefully evaluated in accordance with OMB Circular A-107.

Dated: September 5, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-24028 Filed 9-9-75; 8:45 am]

#### Title 9—Animals and Animal Products

### CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

#### PART 112—PACKAGING AND LABELING

#### PART 113—STANDARD REQUIREMENTS

##### Miscellaneous Amendments

● Purpose. To change a reference to a product to conform with a name change and update a list of products authorized to be used as diluents. ●

The name "Pasteurella Bacterin" has been changed to indicate the microorganisms used in the formula. Reference to Pasteurella Bacterin in the label requirements prescribed in § 112.7(f) (1) is incorrect and is corrected by these amendments.

The name "Pasteurella Bacterin" is also incorrect in the list of bacterins authorized to be used as diluents for viral products prescribed in § 113.85(d). These amendments also correct this list.

These amendments further change the list of bacterins authorized to be used as diluents by adding two new bacterins licensed since the list was published. One of them is restricted to use with one or more of the other authorized bacterins.

1. § 112.7 is amended by revising paragraph (f) (1) to read:

§ 112.7 Special additional requirements.

.....

(f) .....  
(1) If in combination with Pasteurella Haemolytica Bacterin or Pasteurella Multocida Bacterin or both, revaccination at 2 to 4 weeks shall be recommended; except that, the revaccination recommendation may be limited to the Pasteurella fraction(s) if a single dose for the other fractions has been established as sufficient for primary immunization.

2. § 113.85 is amended by revising paragraph (d) to read:

§ 113.85 Bacterins, toxoids, and bacterin-toxoids.

.....

(d) Bacterins used as diluents. Bacterins authorized for use as diluents in combination packages include Leptospira Pomona Bacterin, Leptospira Canicola Bacterin, Leptospira Icterohaemorrhagiae Bacterin, Leptospira Grippotyphosa Bacterin, Pasteurella Haemolytica Bacterin, and Pasteurella Multocida Bacterin. Combinations of one or more of the bacterins listed in this paragraph may also be used. Leptospira Hardjo Bacterin may also be used if in combination with one or more of the other authorized bacterins. All serials and subserials of these bacterins shall be subject to the applicable requirements in paragraphs (e) and (f) of this section. (37 Stat. 9 CFR 151-158 U.S.C.)

Effective date. The foregoing amendments shall become effective September 11, 1975.

These amendments correct certain label requirements made necessary by a product name change and authorize the use of additional bacterins as diluents for viral fractions. These amendments should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon issuance.

Done at Washington, DC, this 5th day of September 1975.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 75-24029 Filed 9-9-75; 8:45 am]

#### PART 113—STANDARD REQUIREMENTS

##### Miscellaneous Amendments

● Purpose. To make a correction and a conforming change in Standard Requirements. ●

On July 17, 1975, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER, Volume 40, Number 138, page 30126.

These amendments correct the reference in § 113.99(c) (2) to the requirements for tetanus antitoxin prescribed in § 113.251 made necessary for the renumbering of § 113.76 as § 113.251.

These amendments make the requirements to be met by the controls in the potency test for tetanus toxoid conform to those in the potency test for tetanus antitoxin.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notices of rulemaking and the comments and views submitted by such persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (U.S.C. 151-158), the amendments of Part 113, Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notices are hereby adopted and are set forth herein subject to the following noted modifications:

Comments were received from two people. A suggestion that the second sentence of paragraph (c) (2) of section 113.99 be reworded was accepted. A second suggestion that the time for deaths of controls in the potency test be extended to 24 hours was also accepted.

Paragraph 112.25 (d) (4) is changed as follows:

(37 Stat. 9 CFR 151-158 U.S.C.)

Loan Bank System, Federal Savings and

§ 545.8-4 of the Federal Regulations, and

The provisions of this section do not ap-

(Sec. 17, 47 Stat. 738, as amended; 12 U.S.C. 1437, Sec. 5, 48 Stat. 132, as amended; 12



Paragraph 113.251 (d) (6) is changed accordingly.

A suggestion that a retest after an unsatisfactory valid potency test was rejected as being unjustified.

Each word in the heading of § 113.99 and in the heading of § 113.251 should be capitalized.

1. Section 113.99 is amended by revising paragraphs (c) (2) and (4) to read: § 113.99 Tetanus toxoid.

(c) . . . .

(2) The pooled serum shall contain at least two antitoxin units per ml as determined by titrating it in the manner prescribed for tetanus antitoxin in § 113.251. A 1:20 dilution of the pooled serum shall be made. The dilution shall be held at 20° to 25° C for 30 minutes prior to combining with a test dose of toxin. The test dose of standard toxin shall be mixed in proper proportion with the diluted pooled serum, incubated at 20° to 25° C for 1 hour and injected subcutaneously into two guinea pigs.

(4) Controls shall be observed until all are dead, or for 6 days, the time of death being recorded in hours. For a satisfactory test, the controls must die with clinical signs of tetanus within 24 hours of each other and within an overall time of 60 to 120 hours with the mean time of death being approximately 96 hours. The clinical signs to be observed are increased muscle tonus, curvature of the spine, asymmetry of the body outline when the resting animal is viewed from above, generalized spastic paralysis, particularly of the extensor muscles, inability to rise from a smooth flat surface when the animal is placed on its side, or any combination of these signs. If the control guinea pigs do not respond in this manner, the entire test shall be repeated. In a valid test, if the animals injected with the serum dilution and toxin mixture do not survive as long as the control animals, the serial is unsatisfactory.

2. Section 113.251 is amended by revising paragraph (d) (6) to read: § 113.251 Tetanus antitoxin.

(d) . . . .

(6) Controls shall be observed until all are dead, or for 6 days, the time of death being recorded in hours. For a satisfactory test, the controls must die with clinical signs of tetanus within 24 hours of each other and within an overall time of 60 to 120 hours with the mean time of death being approximately 96 hours. The clinical signs to be observed are increased muscle tonus, curvature of the spine, asymmetry of the body outline when the resting animal is viewed from above, generalized spastic paralysis, particularly of the extensor muscles, inability to rise from a smooth flat surface when the animal is placed on its side, or any combination of these signs. If the control guinea pigs do not respond in this manner, the entire test shall be repeated.

(37 Stat. 9 CFR 151-158 U.S.C.)

Effective date. These amendments take effect October 13, 1975.

Done at Washington, D.C., this 5th day of September 1975.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 75-24030 Filed 9-9-75; 8:45 am]

#### Title 12—Banks and Banking CHAPTER V—FEDERAL HOME LOAN BANK BOARD [No. 75-823]

#### FEDERAL HOME LOAN BANK SYSTEM, FEDERAL SAVINGS AND LOAN SYSTEM, AND FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

##### Amendments Relating to Flood Insurance

SEPTEMBER 3, 1975.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

##### I. Regulations Prior to Present Amendments.

On or after July 1, 1975, or on or after the end of one year from the time that a community is notified that it is formally identified as a flood-prone community, whichever is later, loans secured by improved real estate and mobile homes which are located in special flood hazard areas are prohibited unless the communities in which such areas are situated are then participating in the national flood insurance program.

##### II. Amended Regulations.

The July 1, 1975, deadline is extended to January 1, 1976, as to loans made to finance acquisitions of previously occupied residential dwellings. There is no extension as to other loans.

##### III. Reason for Amendments.

Conform the regulations to the provisions of section 202(b) of the Flood Disaster Protection Act of 1973 (Public Law 93-234), as amended by section 303 of the Emergency Housing Act of 1975 (Public Law 94-50).

Prior to the amendments made by this resolution, § 523.29(c) of the Regulations for the Federal Home Loan Bank System (12 CFR 523.29(c)) ("Bank Regulations"), § 545.8-4(c) of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.8-4(c)) ("Federal Regulations") and § 563.9-6(c) of the Rules and Regulations for Insurance of Accounts (12 CFR 563.9-6(c)) ("Insurance Regulations") provided in substance that on and after July 1, 1975, or on or after the end of one year from the time that a community is notified that it is formally identified by the Department of Housing and Urban Development as a flood-prone community, whichever is later, members of the Federal Home

Loan Bank System, Federal savings and loan associations, and State-chartered institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation shall not make, increase, extend or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards unless the community in which such area is situated is then participating in the national flood insurance program.

The principal purpose of the present amendments is to provide in the regulations, in conformity with section 303 of Public Law 94-50, an additional 6-month period for loans to finance acquisitions of previously occupied residential dwellings.

This Resolution also makes three technical changes whereby references to section 303 of the Emergency Housing Act of 1975 are added to § 523.29(a) of the Bank Regulations, § 545.8-4(a) of the Federal Regulations, and § 563.9-6(a) of the Insurance Regulations.

In meeting the Board's statutory responsibilities, the regulations set forth below substantially restate these statutory provisions. However, in order to supply as much guidance as possible at this time, it is the Board's present view that:

(1) The extended time applies only to conventional loans. It does not apply to loans insured or guaranteed by the Federal Housing Administration or the Veterans' Administration.

(2) The phrase "to finance the acquisition of" means the origination of a loan in connection with the sale of a dwelling and does not include the purchase, increase, extension or renewal of a loan.

(3) The phrase "previously occupied residential dwelling" includes any dwelling or dwelling unit intended and used primarily for residential purposes, including apartments occupied by tenants or lessees, single or multiple family residences, mobile homes, condominiums, and cooperatives. At the time the loan is made, the dwelling or dwelling unit whose acquisition is being financed by the loan must either be occupied or have been occupied as a residence by the owner or his tenant.

(4) For the purposes of this regulation, a loan to finance the acquisition of a previously occupied residential dwelling is made at the time a bona fide unconditional commitment is given by the lender. A commitment will be deemed unconditional if only standard conditions are contained therein. For example, if a commitment is given on December 1, 1975 to originate a "qualified" loan, with closing and disbursement scheduled for January 15, 1976, the funds may be disbursed on January 15, 1976, even if the community is not participating in the National Flood Insurance Program as of January 15, 1976.

The Federal Home Loan Bank Board hereby amends paragraphs (a) and (c) of § 523.29 of the Bank Regulations,

§ 545.8-4 of the Federal Regulations, and § 563.9-6 of the Insurance Regulations to read as set forth below, effective September 10, 1975.

Since the above amendments relieve restriction and conform the regulations to the present statutory provisions, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553 (b), and since publication of said amendment would, in the opinion of the Board, likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

1. Regulations for the Federal Home Loan Bank System.

##### § 523.29 Flood disaster protection.

(a) General. This section implements, in part, the provisions of subsections (b) and (c) of section 102, subsection (d) of section 201 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), subsection (a) of section 816 of the Housing and Community Development Act of 1974 (P.L. 93-383), and section 303 of the Emergency Housing Act of 1975 (P.L. 94-50). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

(c) Community participation in insurance program. On and after July 1, 1975 (January 1, 1976, as to a loan to finance the acquisition of a previously occupied residential dwelling), or on or after the end of one year from the time that a community is notified that it is formally identified as a flood-prone community pursuant to the provisions of section 201 of the Flood Disaster Protection Act of 1973, whichever is later, a member, other than a savings bank whose accounts are insured by the Federal Deposit Insurance Corporation, shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

##### 2. Rules and Regulations for the Federal Savings and Loan System.

##### § 545.8-4 Flood disaster protection.

(a) General. This section implements, in part, the provisions of subsections (b) and (c) of section 102, subsection (d) of section 201 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), subsection (a) of section 816 of the Housing and Community Development Act of 1974 (P.L. 93-383), and section 303 of the Emergency Housing Act of 1975 (P.L. 94-50).

The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

(c) Community participation in insurance program. On and after July 1, 1975 (January 1, 1976, as to a loan to finance the acquisition of a previously occupied residential dwelling), or on or after the end of one year from the time that a community is notified that it is formally identified as a flood-prone community pursuant to the provisions of section 201 of the Flood Disaster Protection Act of 1973, whichever is later, a Federal association shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

##### 3. Rules and Regulations for Insurance of Accounts.

##### § 563.9-6 Flood disaster protection.

(a) General. This section implements, in part, the provisions of subsections (b) and (c) of section 102, subsection (d) of section 201 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), subsection (a) of section 816 of the Housing and Community Development Act of 1974 (P.L. 93-383), and section 303 of the Emergency Housing Act of 1975 (P.L. 94-50). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

(c) Community participation in insurance program. On and after July 1, 1975 (January 1, 1976, as to a loan to finance the acquisition of a previously occupied residential dwelling), or on or after the end of one year from the time that a community is notified that it is formally identified as a flood-prone community pursuant to the provisions of section 201 of the Flood Disaster Protection Act of 1973, whichever is later, an insured institution shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

(Sec. 17, 47 Stat. 738, as amended; 12 U.S.C. 1437, Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071, Secs. 201(d) and 202(b) of the Flood Disaster Protection Act of 1973, 87 Stat. 982, as amended; 42 U.S.C. 4105, 4106).

By the Federal Home Loan Bank Board.

[SEAL]

J. J. FINN,  
Secretary.

[FR Doc. 75-24017 Filed 9-9-75; 8:45 am]

#### CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

##### PART 703—INVESTMENTS AND DEPOSITS

##### Certificates of Deposit

On page 27260 of the June 27, 1975, edition of the FEDERAL REGISTER (40 FR 27260) there was published a proposed revision of § 703.1 (12 CFR 703.1). The primary purposes of the proposal were (i) to update § 703.1 in light of amendments to 12 CFR 217.4(d) and 329.4(d) which deleted those provisions relating to payment of certificates of deposit before maturity in emergency situations and (ii) to place certificates of deposit purchased by Federal credit unions under the authority of section 107(8) (D) of the Federal Credit Union Act (12 U.S.C. 1757(8) (D)) within the scope of Part 703. Interested persons were given until July 26, 1975, to submit written comments, suggestions and objections regarding the proposed revision. As a result of the comments, the following change has been made:

The following sentence is added at the end of § 703.1(c): "For purposes of this paragraph, the word 'facility' means the home office of a Federal credit union or any suboffice thereof, including but not necessarily limited to a wire service, telephonic station or mechanical teller station."

Accordingly, with the above change, the proposed § 703.1 is adopted as set forth below, effective immediately.

(Sec. 120, 73 Stat. 635, (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014, (12 U.S.C. 1789))

HERMAN NICKERSON, JR.,  
Administrator.

SEPTEMBER 3, 1975.

##### § 703.1 Certificates of Deposit.

(a) A Federal credit union may invest in or make a deposit evidenced by a time certificate of deposit issued by any of those institutions enumerated in sections 107(8) (D) and 107(9) of the Federal Credit Union Act: Provided,

(1) That such Federal credit union itself makes the investment or deposit for which the certificate is issued; and

(2) That no consideration is received from a third party in connection with the making of the investment or deposit.

(b) A Federal credit union may contract with the issuing institution for payment of the whole or a portion of a certificate of deposit before maturity.

(c) Certificates of deposit issued by union" has been added following the

Title 14—Aeronautics and Space

The National Oceanic and Atmospheric Administration has established and maintained its own public reference fee schedule. The fee schedule established by the

(b) The organizational elements within NOAA are:

(1) The Office of the Administrator.



(c) Certificates of deposit issued by those state chartered financial institutions enumerated in § 107(9) of the Federal Credit Union Act may be obtained by a Federal credit union provided such institutions are operating in accordance with the laws of a state in which the Federal credit union maintains a facility. For purposes of the paragraph, the word "facility" means the home office of a Federal credit union or any suboffice thereof, including but not necessarily limited to a wire service, telephonic station or mechanical teller station.

(d) Negotiable certificates of deposit purchased under this authority may be sold by a Federal credit union to a third party before maturity subject to the appropriate regulations governing the issuing institution involved.

(e) The purpose of a certificate of deposit that does not meet the above provisions is not authorized for Federal credit unions.

[FR Doc. 75-23985 Filed 9-9-75; 8:45 am]

#### PART 760—FLOOD INSURANCE

On pages 29264-29265 of the July 11, 1975, edition of the FEDERAL REGISTER (40 FR 29264-29265) there were published amendments to Part 760 (12 CFR 760) of the National Credit Union Administration regulations in order that they might conform to the provisions of section 201(d) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234).

The Administrator of the National Credit Union Administration considers it necessary to further amend Part 760 (12 CFR 760) in order to conform those regulations to section 303 of the Emergency Housing Act of 1975 (Pub. L. 94-50), which section amends the Flood Disaster Protection Act of 1973, section 202(b). Therefore, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, the Administrator hereby amends Part 760 as set forth below, effective immediately.

The new section 202(b) of Pub. L. 93-234 provides that the effective date of regulations prohibiting the granting or renewal of any loan used to finance the acquisition of a previously occupied residential dwelling in a flood hazard area has been extended from July 1, 1975, to January 1, 1976. Part 760 has therefore been amended to reflect his change by adding at the end of § 760.2(a) the following: "except that a loan which is secured by such property as described above which has been previously occupied need not be in compliance with this regulation until on or after January 1, 1976."

Paragraph (a) of § 760.2 has been further amended to include certain wording inadvertently omitted from that section published at 40 FR 29264. The word "is" has been added after the word "it" in the third line of that section. The phrase "nor federally-insured State credit

union" has been added following the phrase "Federal credit union" in that section.

Due to the fact that the provisions of Pub. L. 94-50 became effective on July 2, 1975, and require a regulatory amendment in conformance with those provisions, and since the amendment is for the benefit of the public, the Administrator has determined that notice and public procedure as to this amendment is impracticable, unnecessary and contrary to the public interest as provided by 5 U.S.C. 553(b). Since publication of such amendment for the 30-day period prior to the effective date of such amendment, as provided by 5 U.S.C. 553(d), is not required for the same reason, the Administrator hereby provides that such amendment shall become effective as previously set forth herein.

(Sec. 120, 73 Stat. 635, (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014, (12 U.S.C. 1789))

HERMAN NICKERSON, Jr.,  
Administrator.

SEPTEMBER 3, 1975.

Part 760 of the rules and regulations relating to flood insurance, as it appeared in the FEDERAL REGISTER of July 11, 1975, is hereby amended as follows:

1. Section 760.2(a) is amended by adding the word "is" after the word "it" in the third line of that section.

2. Section 760.2(a) is further amended by adding the phrase "nor federally-insured State credit union" following the phrase "Federal credit union."

3. Section 760.2(a) is further amended by inserting the following after the last word of that section: "except that a loan which is secured by such property, as described above, which has been previously occupied need not be in compliance with this regulation until on or after January 1, 1976."

Section 760.2(a), as amended, reads as follows:

§ 760.2 Implementation.

(a) On and after July 1, 1975, (or on or after the end of one year from the time that a community is notified that it is formally identified as a flood-prone community, as provided below, whichever is later) no Federal credit union nor federally-insured State credit union shall make, increase, extend or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards unless the community in which such area is situated is then participating in the National Flood Insurance Program, except that a loan which is secured by such property, as described above, which has been previously occupied need not be in compliance with this regulation until on or after January 1, 1976.

[FR Doc. 75-23986 Filed 9-9-75; 8:45 am]

#### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-SW-36]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot point-in-space transition area south of Galveston, Tex. (offshore).

On July 17, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 30127) stating the Federal Aviation Administration proposed to designate a transition area off the coast of Galveston, Tex.

Interested persons were offered an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., December 4, 1975, as hereinafter set forth. In § 71.181 (40 FR 441), the following transition area is added:

GALVESTON, TEX. (OFFSHORE)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of coordinates latitude 28°53'00" N., longitude 94°43'00" W.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 8(c), Department of Transportation Act (49 U.S.C. 1855(c)))

Issued in Fort Worth, Tex., on August 29, 1975.

ALBERT H. THURBURN,  
Acting Director, Southwest Region.  
[FR Doc. 75-23961 Filed 9-9-75; 8:45 am]

#### Title 15—Commerce and Foreign Trade

#### CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### SUBCHAPTER A—GENERAL REGULATIONS

##### PART 903—PUBLIC INFORMATION

##### Specific Requirements

The Department of Commerce revised its rules concerning its responsibilities under the Freedom of Information Act (the "Act") 5 U.S.C. 552) to conform them to amendments to the Act contained in Public Law 93-502 (88 Stat. 1561) such revised rules being published on March 12, 1975, in the FEDERAL REGISTER (40 FR 11531).

The rules of the Department apply to all units in order to assure the maximum amount of uniformity and consistency within the Department in its implementation of the Act. However, individual units may decide to establish their own separate reference facilities although a central address is provided in Appendix B to Part 4 of this title for members of the public who are unfamiliar with the organization of the Department.

The National Oceanic and Atmospheric Administration has established and maintained its own public reference facility in the past and will continue to do so. Its designation and address remains the same. The address is given in § 903.5 (c).

The following regulations update the rules of the National Oceanic and Atmospheric Administration with respect to its responsibility under the Act to conform them to the amendments to the Act and to the Department's revision of its rules.

The regulations establish specific requirements for the making and processing of requests in order to insure compliance with the time limits imposed by the amendments to the Act. Thus, requests for records are required to be clearly marked and correctly addressed by the requester to the responsible organizational element, or if not known, to the NOAA Public Reference Facility so as to enable their timely processing. Although Agency personnel are to forward incorrectly marked and addressed requests promptly to the responsible element, the statutory time limits are not deemed to commence to run until such nonconforming requests either have been actually received at the facility or normally would have been received had due diligence been exercised on the part of receiving Agency personnel.

The rules permit only specifically designated officials to initially deny requests for records, whereas additional officials may approve making records available. The officials authorized to make initial denials are identified in § 903.11.

The determination of appeals from initially denied requests for records has been restricted to the head of the Agency. These determinations are final and a requester may go to court from an adverse determination.

The rules recognize that situations may arise when, despite the exercise of due diligence, the statutory time periods for reply to a request or for determination of an appeal may expire without action. In such cases, the requester is to be notified that it may deem the non-reply to its request to be an initial denial from which it may immediately appeal, and the nondetermination of the appeal to be an exhaustion of administrative remedies enabling the requester to bring immediate suit for judicial review. In each instance, the requester may be asked to defer such appeal or court action while the Agency continues its diligent efforts to process the request. In these instances, a proposed decision date will be furnished to the requester.

The rules make it clear that requests for records or information that are (a) customarily made available to the public as part of NOAA's regular information dissemination activities or (b) provided by the Agency under statutory authorities other than the Act, such as its user charge statute (15 U.S.C. 1525-1527), are not to be considered requests made under the Freedom of Information Act and

will be handled under different procedures and different fee schedules.

The fee schedule established by the Department of Commerce is binding on the Agency. This schedule was published in proposed form by the Department on January 16, 1975 (40 FR 2821) and incorporated, as amended to reflect certain comments, as § 4.9 of 15 CFR Part 4 published in the FEDERAL REGISTER, on March 12, 1975, as noted. This schedule is incorporated as § 903.10 for convenience of reference.

Because this revision pertains to matters of procedure and policy, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Many of these provisions are necessary to achieve compliance with the amendments to the Freedom of Information Act (5 U.S.C. 552) and Department of Commerce regulations. However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553 interested persons may submit written comments on these amendments to the Office of the General Counsel, NOAA, U.S. Department of Commerce, Room 5807, Washington, D.C. 20230, no later than September 15, 1975. Arrangements to inspect copies of written comments may be made by writing or calling the Office of General Counsel, 202 967-4980. All comments received in this matter will be evaluated for possible changes in the rules.

In consideration of the above, Part 903 of Title 15, Code of Federal Regulations, is revised as set forth below.

ROBERT M. WHITE,  
Administrator.

Sec.	Scope and purpose.
903.1	Scope and purpose.
903.2	Policies.
903.3	Definitions.
903.4	Publication in the FEDERAL REGISTER.
903.5	Availability of materials for inspection and copying; indexes.
903.6	Arrangements for public inspection and copying of disclosable records.
903.7	Requests for records.
903.8	Initial determinations of availability of records.
903.9	Appeals from initial denials or untimely delays.
903.10	Fees and charges.
903.11	Officials authorized to make initial denials.

AUTHORITY: 5 U.S.C. 522 as amended by P.L. 93-502; 5 U.S.C. 553; Reorg. No. 2 of 1965, 15 U.S.C. 311 nt; 32 F.R. 9734, 31 FR 10752.

##### § 903.1 Scope and purpose.

(a) This part revises the rules whereby the materials specified in 5 U.S.C. 552 (a) (2), and the records of all organizational elements within the National Oceanic and Atmospheric Administration (NOAA) requested under 5 U.S.C. 552 (a) (3) are to be made publicly available. This revision is to conform the rules to the requirements of the Freedom of Information Act (5 U.S.C. 552), as amended by Pub. L. 93-502.88, Stat. 1561, effective February 19, 1975.

(b) The organizational elements within NOAA are:

- (1) The Office of the Administrator.
- (2) The Assistant Administrator for Administration.
- (3) The National Weather Service.
- (4) The National Ocean Survey.
- (5) The Environmental Data Service.
- (6) The National Environmental Satellite Service.
- (7) The Environmental Research Laboratories.
- (8) The National Marine Fisheries Service.
- (9) The Associate Administrator for Environmental Monitoring and Prediction.
- (10) The Associate Administrator for Marine Resources.
- (11) The Assistant Administrator for Coastal Zone Management.
- (12) Director, NOAA Corps.
- (13) The Office of Sea Grant.
- (14) The Office of Programs and Budget.

##### § 903.2 Policies.

(a) Department of Commerce Administrative Order 205-12 attached as Appendix A to Part 4 of this title, contains the basic policies and other criteria to be considered in issuing and administering these rules. To the extent that these policies and criteria are not specified in this part or in any supplemental rules of units, they are incorporated by reference.

(b) Requests for records made under 5 U.S.C. 552(a) (3) apply only to existing records, and NOAA is not required, in response to a request, to create records by combining or compiling information contained in existing records, or otherwise to prepare new records. However, agency officials may, upon request, provide or create new information in record form pursuant to user charge statutes, such as 15 U.S.C. 1525-1527, or in accord with authority otherwise provided by law.

##### § 903.3 Definitions.

(a) To the extent that terms used in this part are defined in 5 U.S.C. 551, they shall have the same definition herein.

(b) As used in this part "Act" means the "Freedom of Information Act" as amended, 5 U.S.C. 552.

(c) The organizational elements identified in section 903.1 are defined in Department Organization Order 25-5B (39 FR 17786, as amended).

##### § 903.4 Publication in the Federal Register.

(a) Those materials which are required to be published in the FEDERAL REGISTER pursuant to the provisions of 5 U.S.C. 552(a) (1) have been and will continue to be published in the FEDERAL REGISTER in the form of or included in:

(1) Department Orders of the Department of Commerce, including any supplements and appendices thereto, Secretary of Commerce Circulars, and Department Administrative Orders.

(2) NOAA rules and regulations set copies of these materials can be provided in the NOAA Public Reference Facility

records and, therefore, not under the request, the initial denial, if any, and a statement as to the reasons why the request, the initial denial, if any, and a



(2) NOAA rules and regulations set forth in Chapter IX of Title 15 CFR and Title 50 CFR.

(3) Notices or otherwise in the FEDERAL REGISTER.

(4) Other publications, when incorporated by reference in the FEDERAL REGISTER with the approval of the Director of the FEDERAL REGISTER.

(b) Those materials which are published in the FEDERAL REGISTER pursuant to 5 U.S.C. 552(a) (1) will, to the extent practicable and to further assist the public, be made available for inspection and copying at the facility identified in § 903.5(c).

#### § 903.5 Availability of materials for inspection and copying; indexes.

(a) The Administrator has established and maintains a NOAA Public Reference Facility for the public inspection and copying of:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Statements of policy and interpretations adopted by NOAA and not published in the FEDERAL REGISTER;

(3) Administrative staff manuals and instructions to staff that affect a member of the public;

(4) A current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published by 5 U.S.C. 552(a) (2).

(5) Records of the final votes of each member in every proceeding of NOAA comprised of more than one member, if such final vote shall constitute the final decision of NOAA.

(6) Rules and decisions denying requests for records which otherwise implement or relate to the Act; and

(7) Materials published in the Federal Register pursuant to 5 U.S.C. 552(a) (1) and such additional materials as the NOAA Public Reference Facility may consider desirable and practicable to make available for the convenience of the public.

(b) NOAA may, to prevent a clearly unwarranted invasion of personal privacy, delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, staff manual or instruction, and will in each such case, explain in writing the justification for the deletion.

(c) The above materials may be inspected in the NOAA Public Reference Facility, Room 523, Building 5, 6010 Executive Boulevard, Rockville, Maryland 20852. Mail to this facility should be addressed as follows: Administrative Documentation Officer (AD161), National Oceanic and Atmospheric Administration, Rockville, Maryland 20852. The telephone number for the facility is Area Code 301, 496-8192. The facility is open to the public Monday through Friday of each week, except on official Federal holidays, between the hours of 9:00 a.m. and 4:30 p.m. There are no fees or formal requirements for such inspections. Photo

copies of these materials can be provided on demand at the prices established in § 903.10.

#### § 903.6 Arrangements for public inspection and copying of disclosable records.

(a) During inspection of the record at the NOAA Public Reference Facility, the requester may copy by hand or have copied any portion of the record, and may obtain certification of a machine-copied record, subject to the fees established in § 903.10.

(b) No changes or alterations of any type may be made to the record being inspected, nor may any matter be added to or subtracted therefrom. Papers bound or otherwise assembled in a record file may not be disassembled by requester during inspection. Staff of the facility shall provide assistance if disassembly of a record is necessary for copying purposes, and is authorized to supervise public inspection as necessary to protect the records. Title 18, United States Code, section 2701(a), makes it a crime to conceal, remove, mutilate, obliterate, or destroy any record filed in any public office, or to attempt to do any of the foregoing.

(c) If a requester does not want to inspect a record by personal visit to the NOAA Public Reference Facility, he may request that a copy thereof be mailed to him, upon payment of the copying and postage fees set forth in § 903.10.

(d) Copies of transcripts of public hearings will be made available for inspection when not in use.

#### § 903.7 Requests for records.

(a) Requests for information customarily made available by one of the organizational elements listed in § 903.1 should be directed to the appropriate office responsible for providing such information to the public. Such information offices are listed in one or more of the following: (1) Various guides and handbooks issued by the Department of Commerce and its operating units, (2) the U.S. Government Manual, and (3) the Department of Commerce Telephone Directory. The latter two publications are for sale by the Superintendent of Documents, Washington, D.C., 20402. Such information is not subject to the fee schedule set forth in section 903.10 of this part and may be subject to fees established under particular statutory authorities (e.g., 15 U.S.C. 1525-1527).

(b) If the appropriate information office is not known, the public should direct its inquiries to the NOAA Public Reference Facility identified in § 903.5(c) or the NOAA Office of Public Affairs, 6010 Executive Boulevard, Rockville, Maryland, 20852. This facility will route the request, if it appears to be for information regularly available, paragraphs (c) through (e) of this section.

(c) A request for a record (or information contained therein) which is not customarily made available to the public as part of the Agency's regular information services, or which is not available

in the NOAA Public Reference Facility shall be made in writing, with the envelope and the letter clearly marked "Freedom of Information Request" or "Request for Records" or the equivalent to distinguish it from other mail. Each such request, so marked, shall be addressed to the organizational element of the Agency identified in § 903.11 which the requester knows or has reason to believe is responsible for the records requested. If the requester is not sure which is the responsible organizational element, the request shall be addressed to the NOAA Public Reference Facility at the address specified in § 903.5(c).

(d) Any request for records deemed to be a Freedom of Information Request and which is not marked and addressed as specified in paragraph (c) of this section will be so marked and addressed by Agency personnel and forwarded immediately to the responsible organizational element. A request which is improperly addressed by the requester will not be deemed to have been "received," for purposes of the time period for processing a request for records set forth in 5 U.S.C. 552(a) (6), until the earlier of either (1) the time that forwarding of the request to the responsible organizational element has been effected, or (2) the time such forwarding would have been effected had due diligence been exercised by Agency personnel. In each instance when a request is so forwarded, the receiving element shall notify the requester that the request was improperly addressed and of the date the request was received.

(e) A request for records shall sufficiently identify the records requested to enable Agency personnel familiar with the subject matter to locate them with a reasonable amount of effort. The requester shall, to the extent possible, furnish specific descriptive information regarding dates and places the records were made, the file descriptions, subject matter, persons involved, and other pertinent details that will help identify the records. If the request relates to a matter in pending litigation, the court location and case shall be identified. When more than one record is requested, the request shall clearly describe each specific record, and the specific information requested which is contained in a record, so that its availability may be separately determined. Employees at the facility will assist the public to a reasonable extent in framing a request.

#### § 903.8 Initial determinations of availability of records.

(a) Upon receipt of a request for any record, the responsible element or the NOAA Public Reference Facility shall promptly log the receipt of the request, and within ten days of its receipt (excepting Saturdays, Sundays, and legal public holidays) shall initially determine:

(1) Whether the request is for records under the Act, is for materials available otherwise than under the Act, or is for information not contained in existing

records and, therefore, not under the Act. The responsible organizational element shall promptly notify the requester in writing how the request is being handled when it does not come within the Act.

(2) Whether the records requested are reasonably described and can be located on the basis of the information supplied by the requester. If any of the records requested cannot be identified and located from the information furnished, the responsible organizational element shall promptly so inform the requester in writing, specifying what additional identification is needed to assist in locating the record, and offering to assist the requester to reformulate the request. A categorical request, i.e., one for all records falling within a reasonably specific but broad category, shall be regarded as conforming to the statutory requirement that records be reasonably described, if the particular records can be identified, searched for, collected and produced without unduly burdening or disrupting the Agency's operations.

(3) Whether the records no longer exist, or are not in the Agency's possession. In each instance, the requester shall be promptly notified in writing.

(b) An authorized official shall review the request to determine the availability of the records requested.

(1) The determination shall be made within ten days (excluding Saturdays, Sundays and legal public holidays) of the receipt of the request (as defined in § 903.7(d)), unless the time is extended as provided in paragraph (b) (2) of this section.

(2) In unusual circumstances, an official authorized to make initial denials of requests may extend the time for initial determination for up to ten days (excluding Saturdays, Sundays and legal public holidays) by written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. Extensions of time for the initial determination and extension of time on appeal may not exceed a total of ten days, and time taken for the former counts against available appeal extension time. "Unusual circumstances" means, but only to the extent reasonably necessary to the processing of a particular request: (i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; (ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or (iii) the need for consultation, which shall be conducted with all practical speed, with another agency having a substantial interest in the determination of the request, or among two or more components of the agency having substantial subject-matter interest therein.

(3) If it is determined that the records requested are to be made available, and there are no further fees to be paid, the authorized official shall promptly notify

the requester as to where and when the requested records or copies may be obtained or otherwise provide them as agreed. If there are fees still to be paid by the requester, the requester shall be notified that upon payment the records will be made available immediately.

(4) Section 903.11 lists the limited number of officials who have been authorized to make initial denials of requests for records, except as may be subsequently authorized. A reply initially denying, in whole or in part, a request for records shall be in writing, signed by an authorized official, and it shall include:

(i) A reference to the specific exemption or exemptions of the Act authorizing the withholding of the records, stating briefly why the exemption applies and, where relevant, why a discretionary release is not appropriate.

(ii) The name and title or position of each official responsible for the denial authorized by section 903.11.

(iii) A statement of the manner in which any reasonably segregable portion of a record shall be provided to the requester after deletion of the portions which are determined to be exempt.

(iv) A brief statement of the right of the requester to appeal the determination, and the address to which the appeal should be sent, in accord with § 903.9 (a) and (b).

(5) (i) When no determination can be made within the initial ten day period or within any extension thereof authorized by 5 U.S.C. 552(a) (6) (B), despite the exercise of due diligence by the agency, an official authorized under section 903.11 to make initial denials shall, within such time period so notify the requester in writing and including:

(A) A statement of the reasons for the delay;

(B) The date a determination is expected;

(C) That such official was responsible for determining that due diligence was exercised and that no determination was possible;

(D) A statement that requester has a right either to treat the delay as an initial denial or to appeal in accordance with § 903.9 (a) and (b), in which case the address to which the appeal should be sent must be provided. The requester may be asked to forego an appeal until a determination is made. The Agency shall nevertheless continue to exercise due diligence in processing the request.

(ii) In each of the situations set forth in this section, the procedures relating to fees described in § 903.10 shall apply and be coordinated as appropriate.

#### § 903.9 Appeals from initial denials or untimely delays.

(a) When a request for records has been initially denied in whole or in part, or otherwise has not been timely determined, the requester may submit a written appeal within thirty calendar days after the date of the written denial or on the last day of the applicable time limit in a no determination situation. The appeal shall include a copy of the original

request, the initial denial, if any, and a statement as to the reasons why the records requested should be made available and why the initial denial, if that be the case, might be in error. No personal appearance, oral argument, or hearing on an appeal is provided.

(b) An appeal should be addressed to the Administrator, NOAA, 6010 Executive Boulevard, Rockville, Maryland, 20852. Both the appeal envelope and the letter shall be clearly marked "Freedom of Information Appeal" or "Appeal for Records" or the equivalent. An appeal not addressed and marked as provided herein will, upon recognition to be such by Agency personnel, will be so marked and forwarded immediately to the Administrator. An appeal incorrectly addressed will not be deemed to have been "received" for purposes of the time period for appeal set forth in 5 U.S.C. 552(a) (6), until the earlier of either (1) the time that forwarding to the Administrator has been effected, or (2) the time such forwarding would have been effected had due diligence been exercised by Agency personnel. In each instance when an appeal is so forwarded, the Administrator shall notify the requester that the appeal was improperly addressed and of the date the appeal was actually received or normally should have been received by him.

(c) An appeal shall be determined within twenty days (excluding Saturdays, Sundays, and legal public holidays) of its receipt, unless an extension of time is made in unusual circumstances, when the time for action may be extended up to ten days (excluding Saturdays, Sundays and legal public holidays) minus any days of extension granted at the initial request level. A notice of such extension shall be sent to the requester, setting forth the reasons and the date on which a determination of the appeal is expected to be sent. As used in this paragraph, "unusual circumstances" are defined in § 903.8(b) (2).

(d) If a decision on appeal is to make the records available to the requester in part or in whole, such records shall be promptly made available for inspection and copying as provided in § 903.6.

(e) If no determination of an appeal has been sent to the requester within the twenty day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies with respect to such request, giving rise to a right of judicial review as specified in 5 U.S.C. 552(e) (4). When no determination can be sent to the requester within the applicable time limit, the Administrator shall nonetheless exercise due diligence in continuing to process the appeal. When the time limit expires, the requester shall be informed of the reason for the delay, of the date when a determination may be expected to be made, and his right to seek judicial review. The requester may be asked to forego judicial review until the appeal is determined.

(f) A determination on appeal shall be in writing and, when it denies records

in whole or in part, the notice to the re-

NOAA shall be charged. Other services

(4) If the estimated fee (i) exceeds

Director, Environmental Research Labora-

tomobile's actual fuel economy perform-

vague and ill-defined terms as "saves



in whole or in part, the notice to the requester shall include: (1) Notation of the specific exemption or exemptions of the Act authorizing the withholding, a brief explanation of how the exemption applies, and when relevant, a statement as to why a discretionary release is not appropriate; (2) a statement that the decision is final; (3) advice that judicial review of the denial is available in the district in which the requester resides or has his principal place of business, the district in which the agency records are situated, or the District of Columbia, and (4) the names and titles or positions of each official responsible for the denial of the request.

(g) Final appeal decisions shall be indexed and kept available for public inspection and copying in the NOAA Central Public Reference Facility.

#### § 903.10 Fees and charges.

(a) *Fee schedule.* Unless waived or reduced as provided in paragraph (b) of this section, the following fees shall be charged in connection with requests for records subject to this part.

(1) Searches other than for computerized records. \$2.50 for each one-quarter hour (or fraction thereof) per person for time spent in trying to find the records requested. This includes the time spent by clerical, professional and supervisory personnel in examining records in order to find records which are within the scope of the request, and transportation of personnel and records necessary to the search.

(2) Searches for computerized records. Actual direct cost of the computer time to NOAA to use the equipment involved in the search, not to exceed \$270 per hour (\$4.50 per minute). This fee includes both machine time, and that of related operator and clerical personnel. If programming is necessary to conduct the search, there will be an additional fee of \$2.50 for each one-quarter hour (or fraction thereof) per person for programmer/analyst time. Computer printouts shall be 20 cents per page for the original and carbon copies concurrently printed.

(3) Copying of records. 7 cents per copy of each page up to 8 1/2" x 14", made by photocopy or similar process. Normally, only one copy will be provided. Added copies will be provided only upon a showing of demonstrated need.

(4) Copies of microfilm or microfiche.  
16 mm (100 ft. roll) —\$6.00  
35 mm (100 ft. roll) —\$7.00  
105 mm fiche —\$0.25 each  
Aperture cards —\$0.25 each  
\$0.25 per page for each microform frame printed on paper.

(5) Certification or authentication of records. \$3.00 per certification or authentication.

(6) Forwarding records to requesting party. Actual cost of postage, insurance and special fees, if their total exceeds \$1.00.

(7) Other costs. When other duplication costs not specifically identified in this paragraph (a) of this section are requested and provided, their direct cost to

NOAA shall be charged. Other services and materials requested which are not covered by this part are chargeable at actual cost to NOAA.

(b) *Waiver or reduction of fees.* A fee shall be waived or alternatively reduced for a request for records under this part where:

(1) A search fee totals \$10.00 or less. A copying fee totals \$1.00 or less. In determining total fees, the fees for other contemporaneous requests made by the same or related requesters shall be aggregated.

(2) Records requested by a Federal agency, Federal court, (excluding parties) Congressional committee or subcommittee, the General Accounting Office, or the Library of Congress are not made under the Act, and fees payable under this part do not apply.

(3) The records are requested by a State or local government, or intergovernmental agency, a foreign government, public international organization, or any agency thereof, for purposes that are determined to be an appropriate courtesy or in the public interest and will promote the objectives of the Act and the agency.

(4) It is determined either upon petition submitted by the requester, or by a responsible official on his own initiative, that waiver or reduction of the fee is in the public interest because furnishing the information in the records requested can be considered as primarily benefiting the general public. Any such petition shall specify the intended purpose to which the records requested will be put and why all of them are necessary, and any other relevant factors in order to show how the information furnished in all or part of the records will primarily benefit the general public.

(5) It is determined by NOAA, based upon a petition therefor, that the requester is indigent, that the request for records has a strong public interest justification, and that agency resources permit a waiver of the fee.

(c) *Payment of fees.* The following conditions for payment of fees charged under this section shall apply.

(1) A search fee provided in paragraph (a) of this section which exceeds \$50.00 is chargeable even when no record responsive to the request for records is found, or when the records requested are determined to be totally exempt from disclosure.

(2) If the requester has stated in or with his request that he is willing to pay an amount sufficient to cover the necessary search fee, a search may be made for the records without further notice to the requester, unless the requester is delinquent in making past payments, or the estimated search fee will exceed \$100.00.

(3) If the requester has stated in or with his request that he is willing to pay estimated fees up to a specified limit not exceeding \$100.00, a search may be made for the records without further notice if the estimated fees are less than the specified limit unless the requesting party is delinquent in making past payments.

(4) If the estimated fee (1) exceeds \$100.00 for a request covered within subparagraph (2) of this section, (ii) exceeds the specified limits covered within subparagraph (3) of this section, or (iii) otherwise exceeds \$50.00 and the requester has said nothing about payment or the requester is delinquent in past payments, the requester shall be notified immediately (by wire or confirmed telephone call) or the estimated total fee and shall be requested to prepay such fee before the search may be conducted or continued. The notice may advise the requester to confer with NOAA personnel so as to attempt to reformulate the request for records to reduce the fee.

(5) The administrative time deadlines prescribed in 5 U.S.C. 522(a) (6) shall be tolled from the time the notice described in paragraph (c) (4) of this section is sent to the requester until the time that payment of the estimated fee is received from the requester, unless the responsible official determines to postpone payment of the search fee until the search has proceeded further or has been completed.

(6) Where a specific fee is determined to be payable and notice thereof has been sent to the requester, the payment of such fee shall be received before the records requested, or any part thereof, are made available to the requester.

(7) Payments of fees shall be made preferably by check or money order payable to the U.S. Department of Commerce and, they shall be paid or sent to the unit stated in the billing notice or, if none, to the unit handling the request. Where appropriate, the responsible official may require that payment be made in the form of a certified check.

(8) If an advance payment of an estimated fee exceeds the actual total fee by \$1.00 or more, the difference shall be refunded to the requester. If the estimated fee is less than the actual fee later determined, any difference in excess of \$1.00 may be further billed to and is payable by the requester.

#### § 903.11 Officials authorized to make initial denials.

The following officials of the National Oceanic and Atmospheric Administration have been delegated authority to initially deny requests for records of their respective organizational elements. (The listings are subject to change because of organizational revisions or new delegations.)

Associate Administrator, 6010 Executive Boulevard, Rockville, Maryland 20852.  
Assistant Administrator for Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.  
Director, National Weather Service, 8060 13th Street, Silver Spring, Maryland 20910.  
Director, National Ocean Survey, 6001 Executive Boulevard, Rockville, Maryland 20852.  
Director, Environmental Data Service, Page Building 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.  
Director, National Environmental Satellite Service, Federal Office Building 4, Washington, D.C. 20233.

Director, Environmental Research Laboratories, Research Building 3, 3100 Marine Street, Boulder, Colorado 80302.

Director, National Marine Fisheries Service, Page Building 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

Associate Administrator for Environmental Monitoring and Prediction, 6010 Executive Boulevard, Rockville, Maryland 20852.

Associate Administrator for Marine Resources, 6010 Executive Boulevard, Rockville, Maryland 20852.

Assistant Administrator for Coastal Zone Management, Page Building 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

Director, NOAA Corps, 6010 Executive Boulevard, Rockville, Maryland 20852.

Director, Office of Sea Grant, Page Building 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

Director, Office of Programs and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852.

[FR Doc.75-23976 Filed 9-9-75; 8:45 am]

#### Title 16—Commercial Practices

#### CHAPTER I—FEDERAL TRADE COMMISSION

#### SUBCHAPTER B—GUIDES AND TRADE PRACTICE RULES

#### PART 259—GUIDE CONCERNING FUEL ECONOMY ADVERTISING FOR NEW AUTOMOBILES

On September 24, 1974, by a notice of public hearing in the FEDERAL REGISTER (39 FR 34382) the Federal Trade Commission commenced a rulemaking proceeding concerning the advertising and promotion of the fuel economy of new automobiles. Included in the notice was a description of the subject matter involved in the proceeding, together with a detailed list of questions designed to elicit public comment.

In publishing the notice the Commission took note of the dramatic increase in the number of fuel economy claims then being made and of the proliferation of test procedures then being used as the basis for such claims. The Commission expressed the concern that the failure of advertisers to use a uniform test procedure, and to use a procedure that was fairly related to typical driving patterns, had the tendency and capacity unfairly and deceptively to deny consumers information which would enable them to compare advertised automobiles on the basis of fuel economy and to deceive consumers as to the fuel economy they would experience with the advertised automobile.

The record of the rulemaking proceeding confirms both the importance of fuel economy to consumers in their automobile purchasing decision, and the need for meaningful, usable fuel economy information.

As the extensive written and oral comments received in the rulemaking proceeding make clear, a uniform testing procedure is necessary to provide consumers with fuel economy information that they can use to compare competing cars. Moreover such a procedure must also accurately represent the actual driving patterns and conditions so as to provide a meaningful measure of the au-

tomobile's actual fuel economy performance. Since approximately half the mileage driven in each year is done in each of two general driving modes—city and highway driving—it is generally agreed that separate city and highway fuel economy results should be generated and disclosed.

The great weight of the comments submitted in the rulemaking proceeding, from governmental agencies, automobile manufacturers and consumer groups, supported the use of the test procedures developed by the Environmental Protection Agency. Fuel economy results derived from the EPA test procedure are in widespread use in labeling through the Voluntary Labeling Program, jointly sponsored by EPA and the Federal Energy Administration, and are also widely used in advertising. At the same time, however, the comments made it clear that the EPA test procedures have shortcomings, including the fact that they do not, for example, presently fully take into account the combined effects of aerodynamic and rolling resistance, effects which are most pronounced at higher speeds.

Since the closing of the record of the rulemaking proceeding on December 31, 1974, the Commission has become aware, through consumer complaints, and press reports, of an increasing criticism that the EPA test results, primarily those relating to highway mileage, may, at least with respect to certain cars, overstate fuel economy. The Commission's staff is presently inquiring into the extent and the basis for this criticism. In view of this criticism, as well as in view of other questions concerning the EPA test, the Commission has concluded that it would not be in the public interest at this time to promulgate a final trade regulation rule. At the same time, in view of the important public interest in providing meaningful fuel economy information through advertising, and the potential for deception raised by much fuel economy advertising, the Commission has determined, as an interim measure to issue a Guide concerning the use of fuel economy claims in advertising.

In issuing this interim Guide, the Commission expresses its concern that the advertising of fuel economy information only serves the public interest when such advertising is not deceptive. In order to avoid deception and/or unfairness in the advertising of fuel economy for automobiles, the Commission has concluded that fuel economy claims must include certain disclosures and qualifications. These include the following:

1. *Disclosure of EPA test results.* As the Commission recognized in its September 24, 1974, notice, the use in advertising of fuel economy results obtained from disparate test procedures may unfairly and deceptively deny to consumers information which will enable them to compare advertised automobiles on the basis of fuel economy. Moreover, even when no specific fuel economy figure is cited in advertising, the use of such

vague and ill-defined terms as "saves gas", or "gas stingy engine" may also be deceptive by implying the existence of some level of "good fuel economy" which may be perceived differently by different individuals. For these reasons the Commission has concluded that fuel economy claims should be accompanied by a disclosure of the appropriate EPA mileage figure. Section 259.2(a) of the Guide requires this disclosure.

Section 259.2(a) further requires that both city and highway fuel economy figures be disclosed. Where mileage claims are based on test conditions that are relatively favorable to the advertised car, the failure to reveal results that may be relatively less favorable to the advertised car may constitute a deceptive failure to disclose a material fact. Since non-highway driving accounts for over half of the total driving done each year, disclosure simply of the highway figure, without disclosure of the lower city number would be misleading. Because of the importance of both numbers and to guard against the over-emphasis of one figure to the exclusion of the other, the Guide requires that each number be disclosed in close conjunction with the other and with substantially equal prominence. For example, the Guide would not permit the bold display of a highway mileage result in a headline where the city figure is disclosed only in a footnote at the bottom of the page, or buried in a lengthy paragraph in the body copy.

2. *Qualification of EPA test.* As the record of the rulemaking proceeding made clear, neither the EPA test, nor indeed any mass vehicle testing program, is capable of predicting the precise mileage that will be obtained by each driver. On the contrary, because of significant differences among consumers in terms of driving habits, traffic patterns encountered, weather conditions, car loading and use and purchase of optional equipment, actual fuel economy obtained will vary significantly from individual to individual. In order to avoid the misleading suggestion that the very mileage figures cited in an advertisement will in fact be achieved by a given consumer, § 259.2(a) (2) of the Guide requires disclosure that the cited figures are estimates, and that actual mileage obtained by the consumer may be different, depending upon how and where the consumer drives, the condition of the car and its optional equipment. The importance of such a disclosure in preventing the citation of specific fuel economy figures from raising unrealistic consumer expectations is underscored by recent reports which suggest that, in some instances, the EPA "Highway" test results may overstate the actual fuel economy likely to be achieved by most drivers of some particular cars.

3. *Identification of advertised vehicle.* Section 259.2(b) of the Guide requires that where the advertised automobile is available in more than one engine size, transmission type or fuel system, such be disclosed in the advertisement. Each of these factors has a substantial effect on fuel consumption, and the EPA-FEA



"Mileage Guide" provides separate fuel economy figures for a "carline" (e.g., Pinto, Vega, etc.) represented by each of these different configurations. Failure to identify the advertised automobile in terms of these major fuel-economy-affecting variables could therefore be a significant source of deception, since a consumer viewing an advertisement containing highly advantageous fuel economy figures might assume that the advertised fuel economy relates to the most popular version of the advertised model, (e.g., with a relatively large engine and automatic transmission) rather than to a "special economy version" possibly which may be equipped with the smallest engine and manual transmission. That the consumer's impression will be corrected when he views the cars in the dealer's showroom, or consults a fuel economy list, does not of course excuse the initial deception. See, e.g., *Carter Products, v. FTC*, 323 F. 2d 823 (5th Cir. 1963).

Where the mileage figures cited in the advertisement are not derived from the "Mileage Guide" but are rather the result of tests conducted upon a specific automobile, § 259.2(d) requires that the disclosures required in § 259.2(b) be supplemented by a further clear and conspicuous disclosure of all optional equipment carried by the advertised car that has the effect of increasing fuel economy. It will also require the disclosure of the absence of commonly-used equipment (if any) the absence of which has the effect of increasing fuel economy. In the absence of these additional disclosures a consumer will have no way of determining whether the automobile he wishes to purchase is likely to achieve the advertised fuel economy. Since, moreover, the additional fuel economy advantage attributable to the optional equipment can be achieved only at the additional cost of the optional equipment, failure to disclose that the equipment is optional may falsely imply that a car with the advertised mileage can be bought for the price normally charged for a car with standard equipment. Cf., *General Motors Corp.*, 32 F.T.C. 807 (1941).

While the Guide is interpretive of laws administered by the Commission, and is thus advisory in nature, proceedings to enforce the requirements of law as explained in the Guide may be brought under the Federal Trade Commission Act (15 U.S.C. 41-58) which, briefly stated makes it illegal for one to engage in "unfair methods of competition in or affecting commerce and unfair or deceptive acts or practices in or affecting commerce", as "commerce" is defined therein.

Inquiries and requests for copies of the Guide should be directed to the Division of National Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Accordingly the Commission hereby issues the following Guide which amends Subchapter B, Guides and Trade Practice Rules, of 16 CFR Chapter I by adding a new Part 259, to take effect October 15, 1975, as follows:

Sec.  
259.1 Definitions.  
259.2 Advertising disclosures.

Authority: 38 Stat. 717, as amended (15 U.S.C. 41-58).

§ 259.1 Definitions.

For the purposes of this part the following definitions shall apply:

(a) "New automobile". Any passenger vehicle or light duty truck as those terms are defined in 40 CFR Part 85, 1974, as amended, the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser. The term "manufacturer" shall mean any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles. The term "dealer" shall mean any person resident or located in the United States or any territory thereof or in the District of Columbia engaged in the sale or distribution of new automobiles to the ultimate purchaser. The term "ultimate purchaser" means, for purposes of this part the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases such new automobile for purposes other than resale including a person who leases such vehicle for his personal use.

(b) "Mileage Guide". The most recent publication of EPA and/or FEA which lists the relevant model year the estimated city and estimated highway fuel economy of new automobiles.

(c) "Estimated city fuel economy". The gasoline consumption or mileage of new automobiles as determined in accordance with the urban or city test procedure employed and published by the United States Environmental Protection Agency as described in 39 FR 36890, et seq. (1974) and subsequent revisions; and expressed in miles-per-gallon, to the nearest whole mile-per-gallon as measured, reported, published or accepted by the United States Environmental Protection Agency.

(d) "Estimated highway fuel economy". The gasoline consumption or mileage of new automobiles as determined in accordance with the highway test procedure employed and published by the United States Environmental Protection Agency as described in 39 FR 36890, et seq. (1974) and subsequent revisions; and expressed in miles-per-gallon, to the nearest whole mile-per-gallon as measured, reported, published or accepted by the United States Environmental Protection Agency.

§ 259.2 Advertising disclosures.

(a) No manufacturer or dealer shall make any representation in advertising concerning the fuel economy of any new automobile unless such representation is accompanied by the following clear and conspicuous disclosures:

(1) Both the estimated city fuel economy and the estimated highway fuel economy of such new automobile, with

the U.S. Environmental Protection Agency identified as the source of such figures. Each of these disclosures shall be made in close conjunction with the other and with substantially equivalent prominence;

(2) That the estimated city and estimated highway figures are only estimates, and that the actual fuel economy to be obtained by the consumer may be different and will depend upon the individual's driving habits, driving conditions and the car's condition and optional equipment;

(b) When a fuel economy representation is made for any new automobile which is available in more than one engine size, either in terms of numbers of cylinders or engine displacement, transmission type or fuel system, such cubic inch displacement, number of cylinders, transmission type or type of fuel system shall be clearly and conspicuously disclosed.

(c) If the fuel economy representation is based on data other than that published for the advertised automobile in the Mileage Guide, (1) the presence and/or use of any optional equipment (e.g., low rear axle ratio, overdrive transmission, radial tires, catalyst emission control system), which is likely to have the effect of increasing its estimated fuel economy performance shall be clearly and conspicuously disclosed and its availability shall be clearly and conspicuously disclosed as optional; and (2) the absence of any commonly used equipment (e.g., air conditioning), which is likely to have the effect of decreasing its estimated fuel economy performance shall be clearly and conspicuously disclosed.

Promulgated by the Federal Trade Commission September 10, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-23968 Filed 9-5-75; 12:00 pm]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

PART 1116—POLICY AND PROCEDURES REGARDING SUBSTANTIAL PRODUCT HAZARDS

Postponement of Effective Date

On July 24, 1975 the Consumer Product Safety Commission published in the FEDERAL REGISTER (40 FR 30936) a statement of policy and procedures gov-

The Commission will regard the following disclosures as complying with § 259.2(a) (2):

For television and radio only: "Remember: These mileage results are estimates. The actual mileage you will get may be different."

For print (other than billboards) media only: "Remember: These mileage figures are estimates. The actual mileage you get will vary depending on the type of driving you do, your driving habits, your car's condition, and optional equipment."

For billboards: "Estimate Only. See EPA Mileage Guide for Details."

erning substantial product hazards under section 15 of the Consumer Product Safety Act (15 U.S.C. 2064). This statement, 16 CFR Part 1116, was to become effective on August 25, 1975. Although the Commission believes that notice and public comment on the statement of policy and procedures are not required by law, public comments on the statement were invited until September 22, 1975. The Commission has received a number of requests to extend the effective date of the statement. In order to be reasonable and fair to all persons and in order to allow an opportunity for full comment, the Commission has decided to postpone the effective date of Part 1116 until October 25, 1975. Analysis of the public comments received may result in the promulgation of appropriate amendments prior to the effective date of Part 1116.

The existing comment period from July 24, 1975 until September 22, 1975 has not been altered. Comments should be submitted, preferably in 5 copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, by September 22, 1975. As stated in the preamble to Part 1116 (40 FR 30936), comments received after that date will be considered if practicable. Comments received by the Commission may be viewed during working hours in the Office of the Secretary, Room 1026, 1750 K. Street NW., Washington, D.C.

Therefore, pursuant to section 15 of the Consumer Product Safety Act (86 Stat. 1221) (15 U.S.C. 2064), 16 CFR Part 1116 (40 FR 30936) shall become effective October 25, 1975.

Dated: September 4, 1975.

SHELDON D. BUTTS,  
Acting Secretary, Consumer  
Product Safety Commission.

[FR Doc. 75-23968 Filed 9-5-75; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75-15, Order No. 524-C]

PART 1—RULES OF PRACTICE AND PROCEDURE

Requests for Public Information

SEPTEMBER 3, 1975.

On February 10, 1975, the Commission issued Order No. 524 which conforms the Commission's rules to the basic requirements of Pub. L. No. 93-502, 88 Stat. 1561, amending 5 U.S.C. 552, the Freedom of Information Act. The Order was published on February 19, 1975 (40 Fed. Reg. 7251).

Among other things, the Order added subparagraph (f) (3) which deals with extension of the time limits within which the Director of Public Information and

the Chairman can respond to a request for records. The subparagraph will be revised to make it clear that such extensions cannot exceed ten working days in the aggregate with respect to a particular request and that the Secretary will be responsible for allocating distribution of the ten days on a case-by-case basis. (Attorney General's Dec. 11, 1974 "Preliminary Guidance" FOI Amdts. Mem., mimeo ed. pp. 3-4).

An additional change promulgated by this Order is the deletion of language which prescribes an outmoded procedure for disclosing information to the public.

The Commission finds:

(1) The revisions prescribed herein represent a procedural matter which does not require notice or hearing under 5 U.S.C. 553.

(2) Good cause exists that the revisions adopted herein become effective upon issuance of this order.

(3) The revisions of the Commission's rules prescribed herein are necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309 (49 Stat. 858-859; 16 U.S.C. 825h) and the Natural Gas Act, as amended, particularly section 16 (52 Stat. 830; 15 U.S.C. 717o), orders:

(A) Paragraph (d) of section 1.36 in Part 1, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is revoked and reserved.

(B) Subparagraph (f) (3) of § 1.36 in Part 1, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 1.36 Public information and requests.

(f) Timetables and procedures in event of withholding of public records. . . .

(3) In unusual circumstances, the time limits prescribed in this section may be extended by the Secretary by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice will specify a date that would result in an extension for more than ten working days in the aggregate. One ten-day extension may be invoked at the initial stage, or at the appellate stage, or divided between the two, so long as the total extended time does not exceed ten working days with respect to a particular request. The Secretary will be responsible for allocating distribution of the ten days on a case-by-case basis. "Unusual circumstances" as used in this paragraph means, . . . .

(C) The revisions adopted herein shall be effective upon issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMS,  
Secretary.

[FR Doc. 75-24053 Filed 9-9-75; 8:45 am]

[Docket No. R-386; Order No. 402-B]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Order Amending Certain General Policies and Interpretations

SEPTEMBER 4, 1975.

By Order No. 402 issued May 6, 1970 (43 FPC 707), and published in the FEDERAL REGISTER on May 14, 1970 (35 F.R. 7511), as amended by Order No. 402-A issued June 3, 1970 (43 FPC 822) and published in the FEDERAL REGISTER on June 10, 1970 (35 F.R. 8927), in Docket No. R-386 the Commission promulgated as § 2.68 of its General Policy and Interpretations, 18 CFR 2.68, a statement of policy with respect to sales and deliveries of natural gas for resale in interstate commerce, by companies with exemptions under Subsection 1(c) of the Natural Gas Act, 15 U.S.C. 717(d), and certain companies exempt under Subsection 1(b) of the Natural Gas Act, 15 U.S.C. 717(b), to alleviate temporary emergencies. Section 2.68 provides that the designated exempt companies may make sales or deliveries of natural gas in interstate commerce for 60 consecutive days, without express Commission authorization and without jeopardizing their exempt status, to aid natural gas distribution companies and pipeline companies in need of temporary emergency gas supplies. The policy is established under that part of Subsection 7(c) of the Natural Gas Act, 15 U.S.C. 717f(c), which authorizes the Commission to exempt by regulation from the requirements of Section 7 temporary acts or operations for which the issuance of a certificate will not be required in the public interest.

On various occasions the Commission has interpreted Section 2.68 as being inapplicable to sales and deliveries of liquefied natural gas (LNG). *Distigas Corporation et al.*, Docket No. CP74-212, 61 FPC 820 (February 22, 1974), rehearing denied 51 FPC ----- (April 22, 1974); *Cape Cod Gas Company, et al.*, undocketed, 52 FPC ----- (August 9, 1974), rehearing denied 52 FPC ----- (September 12, 1974) and 52 FPC ----- (October 9, 1974); *Associated Gas Distributors, undocketed*, 53 FPC ----- (March 3, 1975).

By decision of June 3, 1975, in *Distigas of Massachusetts Corp. v. FPC*, No. 74-1369, the United States Court of Appeals for the First Circuit reversed and remanded to the Commission the Cape Cod order of August 9, 1974, wherein the Commission determined that certain



transactions could not be conducted within the contemplation of § 2.68. The Court cited five letter orders<sup>1</sup> in which the Commission had granted exemption to LNG transaction under § 2.68. In regard to these orders the Court stated at mimeo page 7 that:

... The letter rulings carried the force of law, and the Commission is not free to set policies in formal decisions and then vary from the policies in less formal rulings involving the same situation. The Commission's vacillating in applying section 2.68 has resulted in inconsistent treatment of similarly situated parties to the detriment of petitioners. [Footnote omitted.]

The above was set forth in response to the contention of the Commission in its brief (page 21) that:

... The Commission has interpreted, in its February 22, 1974, Order in *Distigas*, supra, that the emergency provision of its General Policy and Interpretations do not apply to LNG and petitioners were fully aware of the Commission's guideline in this matter when they filed their respective requests for preclearance and advice regarding their proposals.

The Commission further stated (at pages 22-23) in regard to the interpretation of § 2.68 that:

... [T]he Commission must attempt to establish a consistent course regardless of past inconsistencies and this is exactly what the Commission has done in its orders under review herein.

Nevertheless, the Court held that the Commission's procedures were insufficient and stated at mimeo page 8:

... In the circumstances, we think the Commission was not free to interpret Section 2.68, as now worded to exclude LNG transactions. Given the wording of the Section and the Commission's failure to establish excepting LNG, we think fairness and consistency require that Section 2.68 be applied according to its plain words and the Agency's more frequently expressed view of it.

We herein make the following updated findings and requisite interpretation of Section 2.68, in order to remedy the previous inconsistencies and to clarify § 2.68 to reflect the policies of the Commission. After due consideration, we find that the severe supply situation projected for almost every pipeline requires that LNG now be included in the 60 day exemption. We particularly note that in our June 11, 1975, order in *Alabama-Tennessee Natural Gas Company, et al.*, Docket Nos. RP74-42 et al., we found conditions for this coming winter severe enough on

<sup>1</sup> Three orders applying Section 2.68 to LNG transactions were issued in *Piedmont Natural Gas Co.*, Docket Nos. G-8110 and R-386 on December 27, 1974 and in *Valley Gas Co. and American LNG Co.* in Docket No. R-386 on April 18, 1974. These orders issued before the final Commission action in the April 22, 1974, order in *Distigas Corporation, et al.*, Docket No. CP74-212, denying rehearing of the determination that Section 2.68 is inapplicable to LNG transactions. Two additional orders applied Section 2.68 to LNG transactions in *Boston Gas Co. and Providence Gas Co.*, Docket No. R-386, on May 31, 1974 and *Commonwealth Gas Co.*, Docket No. R-368, on July 5, 1974.

fourteen major pipelines to require con- We believe that inclusion of LNG in the 60 day exemption will give these and other pipelines and distributors, the added flexibility and the additional sur- ferences in regard to each curtailment plan in order to anticipate and prevent as many upcoming problems as possible. plies to help meet existing obligations. We shall, therefore, include LNG in the emergency exemption of § 2.68.

We continue to have the concern, as expressed in previous instances, that the emergency procedures may be abused to the extent that particular sellers may engage in large and almost continuous sales in interstate commerce under the guise of this exemption. Therefore, we will allow a seller to take advantage of these procedures only if it submits in the report required by § 2.68 10 days after the sale commences, a sworn statement describing the emergency situation and that the sale is required to enable a pipeline or distributor to meet its existing obligations, and that without this sale those obligations will not be fulfilled. We herein further require that a seller of LNG under these procedures make only one sixty day emergency sale to any one pipeline or distributor customer or its affiliate. If more than one sale is made to a particular customer, or its affiliate, we shall require the seller to make application for a certificate of public convenience and necessity under Section 7 of the Natural Gas Act. Finally, if it appears to the Commission that a seller is engaged in continuous sales in interstate commerce, we will take such action as is necessary.

Inclusion of these acts under Section 2.68 will not be an abdication of our responsibility to the public. We note that pursuant to 49 U.S.C. § 1655(e) (4) the Department of Transportation (DOT) is vested with the duty to regulate the transportation of explosives and other dangerous articles in interstate commerce (whether by motor vehicle, rail or water) in accordance with the powers set forth in 18 U.S.C. §§ 831-837. Pursuant to this mandate DOT has established the Hazardous Materials Regulation Board which has promulgated regulations for the shipment of dangerous articles, including LNG, by either rail, water, or motor vehicle. 49 CFR Parts 170-189. The regulations apply to private as well as common and contract carriers.

#### The Commission finds:

(1) The interpretation adopted herein is necessary and appropriate in the administration of the Natural Gas Act.

(2) Since the interpretation adopted herein concerns a matter of general policy, compliance with the provisions of 5 U.S.C. 553 relating to notice and hearing is unnecessary.

(3) Good cause exist that the interpretation adopted herein becomes effective upon issuance of this order.

(4) Short-term transactions involving LNG are contemplated by the policy expressed in Section 2.68 of the Commission's General Policy and Interpretations. In order to properly express Commis-

sion policy, the following amendatory order is required. The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended particularly Section 1(b), 1(c), 7(c), 7(e), 16; 52 Stat. 821, 825, 830, 56 Stat. 83, 84, 68 Stat. 36; 15 U.S.C. 717(b), 717f(c), 717 (e), 717(o) thereof, and in accordance with 5 U.S.C. 553, orders:

(A) The interpretation adopted herein shall be effective upon the date of issuance hereof.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24051 Filed 9-9-75; 8:45 am]

#### Title 20—Employee Benefits

### CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

##### Utilization Review: Notice of Intention To Amend Certain Provisions

Notice is hereby given that certain provisions of regulations published November 29, 1974 (39 FR 41604, 41610) governing the requirement for admission review in hospitals under the Medicare and Medicaid programs will be the subject of new proposed rulemaking.

The regulations here referred to were originally to have been effective on February 1, 1975. As a result of a preliminary injunction issued on May 27, 1975, by the United States District Court for the Northern District of Illinois in the case of *American Medical Association, v. Weinberger*, affirmed by the United States Court of Appeals for the Seventh Circuit on July 22, 1975, the effective date of the regulations was delayed until further notice (40 FR 33033, 33036).

The Department has now determined that changes should be made in the regulations, including provisions which are the subject of the preliminary injunction. These changes are currently being developed within the Department, and as soon as they are ready they will be published in a further notice of proposed rulemaking. The effective date of the provisions here described is postponed until after the completion of such rulemaking.

Accordingly, notice is hereby given that amended language for 20 CFR 405.1035 (e) and (f) and 45 CFR 250.19 (a) (1) (viii) will be published as proposed rulemaking and, at such time as a final rule is issued upon the basis of such notice, the present 20 CFR 405.1035 (e) and (f) and 45 CFR 250.19(a) (1) (viii) will be withdrawn and replaced by the new rule.

Dated: September 4, 1975.

STEPHEN KURZMAN,  
Acting Secretary.

[FR Doc. 75-23970 Filed 9-9-75; 8:45 am]

#### Title 21—Food and Drugs CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

#### PART 510—NEW ANIMAL DRUGS

##### PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

#### Procaine Penicillin G

The Commissioner of Food and Drugs has evaluated a new animal drug application (65-383V) filed by Masti-Kure Products Co., Inc., Norwich, CT 06360, proposing safe and effective use of procaine penicillin G in oil for intramuscular infusion in treatment of mastitis in lactating cattle. The application is approved, effective September 10, 1975.

The Commissioner is amending Parts 510 and 540 (formerly Parts 135 and 135d) prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802) to reflect this approval.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 510 and 540 are amended as follows:

1. Part 510 is amended in § 510.600 (formerly § 135.501) by adding a sponsor alphabetically to paragraph (c) (1) and numerically to paragraph (c) (2), as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

(c) \* \* \*

(1) \* \* \*

Firm name and address:  
\* \* \*  
Masti-Kure Products Co., Inc.,  
166 Yantic St., Norwich, Conn.  
06360 \* \* \*

Drug listing No.  
011714

(2) \* \* \*

Drug Listing No. Firm name and address

011714.... Masti-Kure Products Co., Inc.,  
166 Yantic St., Norwich, Conn.  
06360.

2. Part 540 is amended in § 540.874a (formerly § 135d.14) by revising paragraph (c) (2) to read as follows:

§ 540.874a Procaine penicillin G in oil.

(c) \* \* \*

(2) Sponsor. See Nos. 010515 and 011714 in § 510.600(c) of this chapter.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))).

Effective date. This amendment shall become effective on September 10, 1975.

Dated: September 4, 1975.

C. D. VAN HOUWELING,  
Director, Bureau of  
Veterinary Medicine.

[FR Doc. 75-23972 Filed 9-9-75; 8:45 am]

#### PART 522—IMPLANTATION OR INJECTABLE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

##### Sulfadimethoxine Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (41-245V) filed by Hoffmann-La Roche, Inc., Nutley, NJ 07110, proposing revised labeling for safe and effective use of 40 percent sulfadimethoxine injection in cattle which removes the requirement for dispensing of the drug on a prescription and adds an additional precaution statement. The supplemental application is approved.

The Commissioner is amending Part 522 (formerly Part 135b) prior to recodi-

fication published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802) to reflect the approval as set forth below. This amendment shall become effective September 10, 1975.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 522.2220 (formerly § 135b.15) is amended by revising paragraph (a) (3) (iii) (d) to read as follows:

§ 522.2220 Sulfadimethoxine injection.

(a) \* \* \*

(3) \* \* \*

(iii) \* \* \*

(d) Tissue damage may result from perivascular infiltration.

Effective date. This order shall be effective September 10, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)).

Dated: September 2, 1975.

C. D. VAN HOUWELING,  
Director, Bureau of  
Veterinary Medicine.

[FR Doc. 75-23973 Filed 9-9-75; 8:45 am]

#### Title 24—Housing and Urban Development

### CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

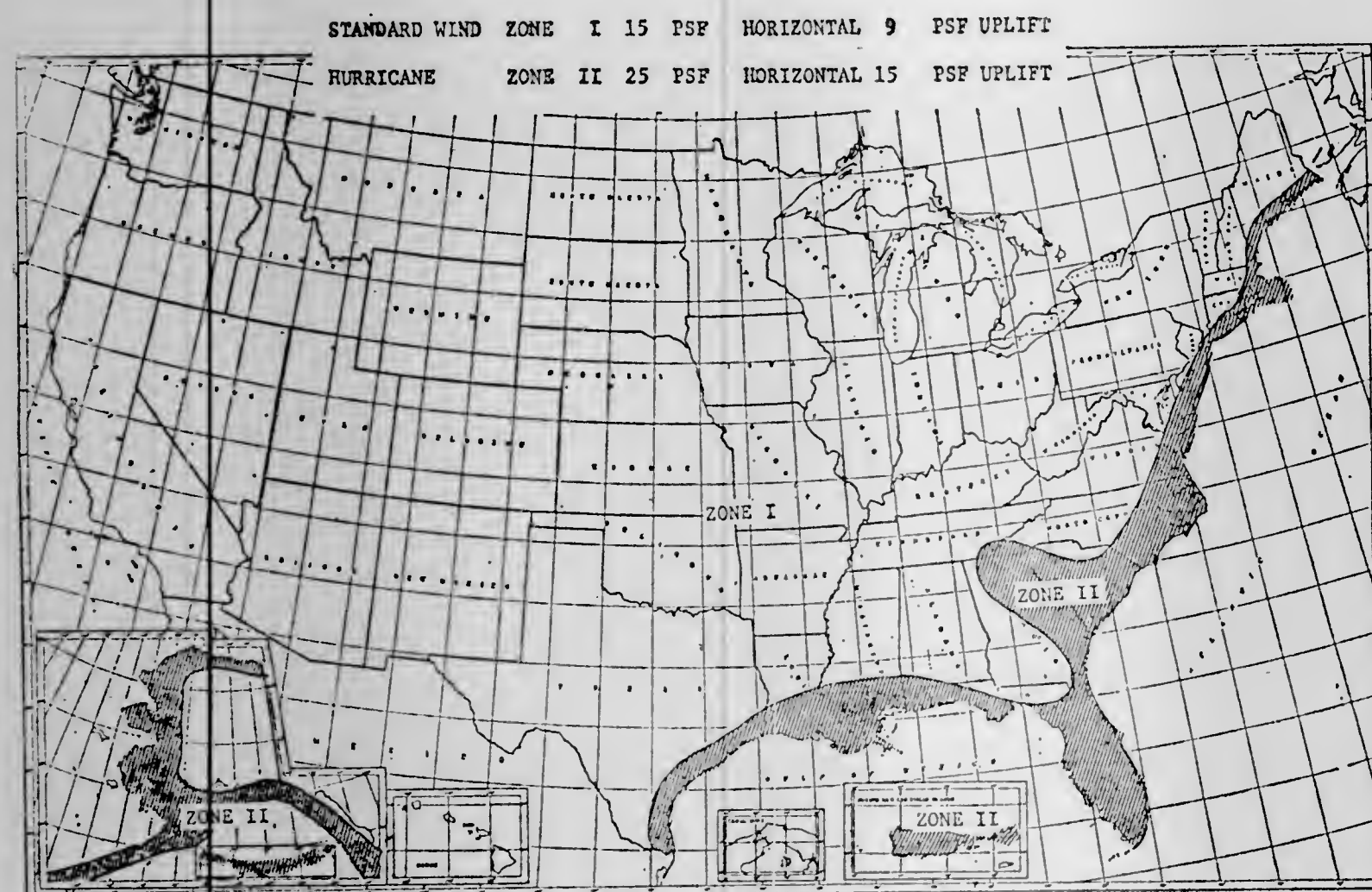
[Docket No. R75-340]

#### PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

In FR Doc. 75-22727, appearing at page 40261 in the issue for Tuesday, September 2, 1975, the Wind Zone and Roof Load Zone Maps on pages 40273 and 40274, respectively, are incorrect. The correct maps are as follows:



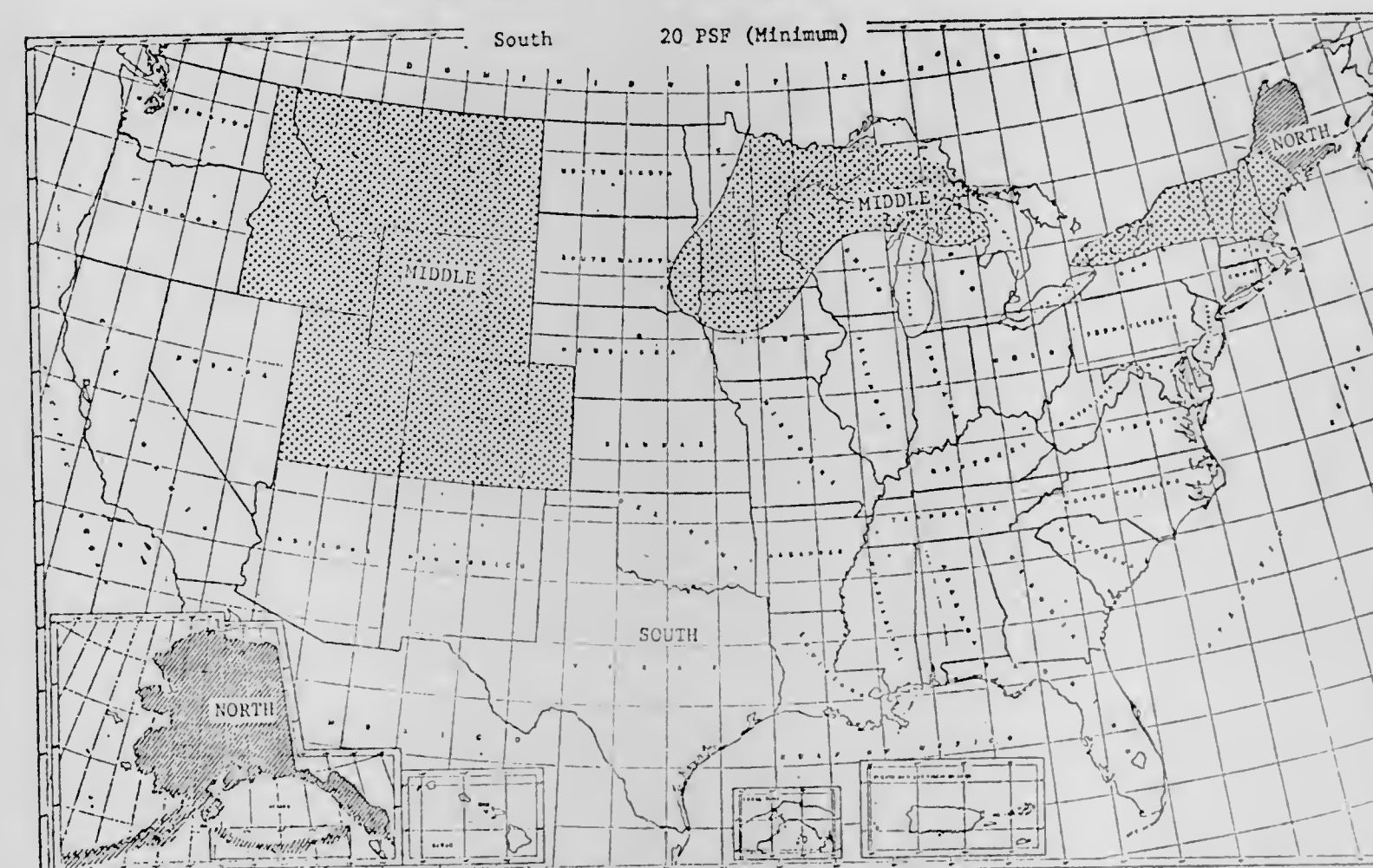
## WIND ZONE MAP



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## ROOF LOAD ZONE MAP

North	40 PSF (Snow)
Middle	30 PSF (Snow)
South	20 PSF (Minimum)



**CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM**  
[Docket No. FI-687]

**PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE**

**Status of Participating Communities**

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal

Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would

be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

**§ 1914.4 List of Eligible Communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Connecticut	Tolland	Bolton, town of	Sept. 4, 1975, emergency	June 7, 1974		
Do.	Litchfield	Plymouth, town of	do.	Aug. 16, 1974		
Florida	Osceola	Unincorporated areas	do.	Jan. 31, 1975		
Iowa	Woodbury	Bronson, city of	do.	Aug. 30, 1974		
Do.	Dickinson	Spirit Lake, city of	do.	May 31, 1974		
Kansas	Johnson	Westwood Hills, city of	do.	Oct. 28, 1974		
Massachusetts	Worcester	Gardner, city of	do.	Sept. 6, 1974		
Do.	do.	Linnenburg, town of	do.	do.		
Michigan	Arenac	Standish, city of	do.	Sept. 20, 1974		

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Effective date of authorization of sale of flood insurance for area

XUM

XUM



State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Minnesota	Koochiching	Big Falls, city of	do	Aug. 30, 1974		
Do	Chippewa	Unincorporated areas	do	do		
Do	Do	Lindstrom, city of	do	do		
Do	Winona	Rollingstone, city of	do	Aug. 2, 1974		
Missouri	Clark	Wayland, city of	do	Oct. 18, 1971		
Nevada	Washoe	Unincorporated areas	do	do		
New York	Saratoga	Covert, town of	do	July 19, 1974		
North Carolina	Ashe	Lansing, town of	do	Feb. 22, 1974		
Oregon	Malheur	Jordan Valley, city of	do	Feb. 7, 1975		
Pennsylvania	York	Juniata, township of	do	do		
Texas	Shackelford	Albany, city of	do	May 3, 1974		
Do	Harris	Jacinto City, city of	do	June 28, 1974		
Do	Rockwall	Rockwall, city of	do	do		
Vermont	Windham	Guilford, town of	do	July 19, 1974		
Do	Franklin	Montgomery, town of	do	June 21, 1974		
Wisconsin	Marquette	Endeavor, village of	do	Dec. 17, 1973		
Do	Ray	Full Creek, village of	do	May 21, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Elmore	Tallassee, city of	Sept. 5, 1975, emergency	Sept. 6, 1974		
Arkansas	Pike	Murfreesboro, city of	do	Apr. 18, 1975		
California	Modoc	Unincorporated areas	do	Aug. 16, 1974		
Connecticut	Windham	Killingly, town of	do	Sept. 6, 1974		
Georgia	Telfair	Lumber City, city of	do	June 28, 1971		
Illinois	Madison	Central City, village of	do	Feb. 15, 1974		
Do	Madison	Pontoon Beach, village of	do	Nov. 22, 1974		
Do	Elkhart	Teutopolis, village of	do	Feb. 22, 1974		
Indiana	Warrick	Unincorporated areas	do	do		
Iowa	Wabasha	Smithland, city of	do	May 1, 1974		
Kentucky	Russell	Jamestown, city of	do	Jan. 23, 1974		
Michigan	Saginaw	Frankenmuth, city of	do	do		
Do	Washtenaw	Northfield, township of	do	do		
Do	Iowa	Portland, city of	do	do		
Do	Washtenaw	Salem, township of	do	Feb. 1, 1974		
Minnesota	Marquette	South Rockwood, village of	do	Aug. 23, 1974		
Do	Beltrami	Bellingham, village of	do	do		
Do	Chisago	Center City, city of	do	do		
New Hampshire	Grafton	Bridgewater, town of	do	Aug. 10, 1974		
New Jersey	Burlington	Florence, township of	do	June 28, 1974		
New York	Delaware	Deposit, town of	do	June 21, 1971		
North Carolina	Ashe	Jefferson, town of	do	do		
Ohio	Montgomery	Moraine, city of	do	Mar. 1, 1974		
Oregon	Linn	Tangent, city of	do	Nov. 1, 1974		
Washington	Chelan	Entiat, town of	do	Aug. 9, 1974		
West Virginia	Randolph	Coalton, town of	do	do		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Izard	Calico Rock, city of	Sept. 8, 1975, emergency	Mar. 22, 1974		
Do	Clark	Gurdon, city of	do	Apr. 18, 1975		
Do	Mississippi	Joiner, city of	do	May 17, 1974		
Do	Loose	Ward, city of	do	Apr. 18, 1975		
California	Kern	Hidgecock, city of	do	Sept. 6, 1971		
Do	Los Angeles	Santa Monica, city of	do	July 26, 1974		
Florida	Brevard	Lazy Lake, village of	do	Sept. 13, 1974		
Illinois	Vermilion	Allerton, village of	do	Nov. 22, 1974		
Do	Do	Carlinville, city of	do	June 11, 1971		
Do	Clinton	Carlyle, city of	do	Dec. 7, 1973		
Do	St. Clair	Lebanon, city of	do	Nov. 16, 1973		
Do	Clark	Phoenix, village of	do	Apr. 12, 1974		
Do	Franklin	Tiskilwa, village of	do	do		
Do	Franklin	West City, village of	do	Mar. 28, 1975		
Kentucky	Gallatin	South Shore, city of	do	Feb. 1, 1971		
Louisiana	Allen Parish	Kinder, town of	do	Apr. 5, 1974		
Maine	Livewell	Boothbay, town of	do	Feb. 7, 1975		
Massachusetts	Franklin	Monroe, town of	do	Feb. 21, 1975		
Do	Plymouth	Rochester, town of	do	July 19, 1974		
Michigan	Cass	Battle Creek, township of	do	June 7, 1971		
Minnesota	Hennepin	Waltham, city of	do	Aug. 9, 1974		
Do	Marquette	Unincorporated areas	do	do		
Nebraska	Richmond	Rye, town of	do	June 28, 1974		
New Hampshire	Rockingham	Cochester, town of	do	do		
New York	Columbia	North Syracuse, village of	do	June 7, 1974		
Do	Westchester	Pelham, village of	do	May 17, 1974		
Do	Warren	Queensbury, town of	do	Sept. 20, 1974		
Do	Warren	Warsaw, town of	do	Oct. 18, 1974		
Ohio	Columbiana	Leostown, village of	do	May 3, 1974		
Oregon	Jackson	Butte Falls, town of	do	Nov. 8, 1974		
Do	Marion	Gervais, city of	do	June 28, 1974		
Rhode Island	Washington	Hopkinton, town of	do	do		
Tennessee	Shelby	LaVerne, city of	do	May 31, 1974		
Texas	Sawyer	Korens, city of	do	June 28, 1974		
Do	Bell	Nolanville, city of	do	May 24, 1971		
Do	Hill	Turkey, city of	do	June 28, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Dale	Unincorporated areas	Sept. 10, 1975, emergency	Oct. 18, 1974		
Alaska	Haines Division	Haines, city of	do	May 31, 1974		
Arkansas	Mississippi	Dyers, city of	do	Oct. 18, 1974		
California	Merced	Livingston, city of	do	May 17, 1974		
Colorado	Crowley	La Jara, town of	do	Apr. 5, 1974		
Georgia	Bulloch	Brooklet, city of	do	Sept. 6, 1974		
Idaho	Valley	Donnelly, city of	do	Feb. 15, 1974		
Illinois	Jefferson	Bonnie, village of	do	Sept. 20, 1974		
Indiana	Lake	Altona, town of	do	do		

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Kansas	McPherson	Marquette, city of	do	Dec. 17, 1973		
Kentucky	Muhlenberg	Central City, city of	do	Feb. 1, 1974		
Do	Fleming	Flemingsburg, city of	do	June 7, 1974		
Do	Bossier Parish	Benton, town of	do	June 14, 1974		
Louisiana	Antrim	Milton, township of	do	Nov. 23, 1973		
Minnesota	Big Stone	Odessa, city of	do	Dec. 20, 1974		
Missouri	Butler	Quinn, city of	do	Oct. 18, 1974		
Do	Carroll	Wakenda, town of	do	July 18, 1975		
Montana	Power River	Broadus, town of	do	Aug. 23, 1974		
Nebraska	Nuckolls	Lawrence, village of	do	May 31, 1974		
New Hampshire	Rockingham	Amherst, town of	do	Apr. 12, 1974		
New York	Madison	Rutland, city of	do	Jan. 10, 1975		
North Dakota	Sargent	Gladwinville, village of	do	May 3, 1974		
Ohio	Tuscarawas	Holgate, village of	do	Feb. 8, 1974		
Do	Henry	Mantra, village of	do	Feb. 1, 1974		
Do	Hamilton	Woodlawn, village of	do	do		
Pennsylvania	Crawford	Cochran, borough of	do	Aug. 9, 1974		
Do	Indiana	Creekside, borough of	do	Nov. 28, 1974		
Do	Pike	Delaware, township of	do	Sept. 20, 1974		
Do	Lancaster	East Drumore, township of	do	Apr. 5, 1974		
Do	Westmoreland	East Vandergrift, borough of	do	Feb. 7, 1975		
Do	Washington	North Franklin, township of	do	do		
Do	Crawford	Sparta, township of	do	Jan. 17, 1975		
Do	Perry	Spring, township of	do	Dec. 13, 1974		
Do	Erle	Venango, township of	do	Aug. 9, 1974		
Do	Jefferson	Northville, borough of	do	do		
Tennessee	Bledsoe	Pikeville, city of	do	Aug. 30, 1974		
Texas	Dimmit	Dublin, city of	do	May 3, 1974		
Do	Dimmit	Carizzo Springs, city of	do	Nov. 8, 1974		
Vermont	Grand Isle	Albany, town of	do	Oct. 13, 1974		
Do	Bennington	Manchester, village of	do	Feb. 1, 1974		
Do	Franklin	Sunderland, town of	do	Feb. 28, 1975		
Do	Franklin	Swanton, town of (also includes village of Swanton)	do	Sept. 20, 1974		
Do	Bennington	Whitcomb, town of	do	Aug. 9, 1974		
Do	Windham	Whitcomb, town of (also includes village of Jefferson)	do	do		
Wisconsin	Jefferson	Lake Mills, city of	do	May 17, 1974		

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969 as amended 39 FR 2787, Jan. 24, 1974.)

Issued: September 2, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc. 75-23918 Filed 9-9-75; 8:45 am]

#### Title 40—Protection of Environment [FRL 418-2]

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY SUBCHAPTER C—AIR PROGRAMS PART 52—APPROVAL AND PROMUL- GATION OF IMPLEMENTATION PLANS Prevention of Significant Air Quality Deterioration

On December 5, 1974 (39 FR 42510) the Administrator of the Environmental Protection Agency published final regulations for the prevention of significant deterioration of air quality applicable in all 55 states and territories. The plan for preventing significant deterioration, as set forth on December 5, 1974, is implemented through a preconstruction review of major stationary sources to determine if construction of such sources in a particular area would cause a violation of specified air quality increments. On June 9, 1975 (40 FR 24534) the Administrator proposed the addition of ferroalloy production facilities to the list of sources subject to the preconstruction review. That notice also described the criteria the Administrator intends to use in adding further sources in the future. These criteria are:

(1) A new source performance standard for sulfur dioxide (SO<sub>2</sub>) or particu-

late matter has been established for the source or any facility of the source under Part 60 of this chapter, and (2) The established new source performance standard will allow any anticipated future plant affected by the standard to emit SO<sub>2</sub> or particulate matter in excess of 25 pounds per hour from the affected facility or facilities when operating at maximum design capacity.

As new source performance standards are proposed, they will be examined to determine if, based on the allowable emission limit and the expected size of new plants, the 25 pounds per hour criterion would be exceeded. Where the affected facility or facilities could exceed this criterion, the proposal of the new source performance standard will also include a proposal to add such plants to the list of sources subject to the significant deterioration review; however, only those new plants which will exceed the 25 pounds per hour emission limitation will be required to undergo the preconstruction review.

Only ferroalloy production facilities were proposed to be added at this time, since they are the only source not already subject to the significant deterioration regulation which meet the above criteria. No restrictions were placed on the size ferroalloy production facility subject to the review, since all plants from this source category affected by the

new source performance standard are expected to be of sufficient size to exceed the emission limitation criterion.

Only one comment, indicating agreement, was received on the June 9, 1975, proposal. Therefore, the Administrator is promulgating this action essentially as proposed, except for the addition of a provision making the preconstruction review for ferroalloy production facilities applicable only to such facilities commencing construction after October 5, 1975, instead of the June 1, 1975, date specified for the other 18 source categories. In the Administrator's judgement, it would be inequitable to make the regulation retroactive to June 1, 1975, for a source category that is only now being added to the list of sources subject to review.

Also in this notice, several minor corrections are being made to rectify errors that appeared in EPA's June 12, 1975, promulgation of miscellaneous amendments to the significant deterioration regulations.

These regulations will be effective October 5, 1975.

(Sections 110(c), 301(a) of the Clean Air Act as amended (42 U.S.C. 1857c-5(c) 1857g (a))

Dated: September 4, 1975.

JOHN QUARLES,  
Acting Administrator.

FEDERAL REGISTER, VOL. 40, NO. 176—WEDNESDAY, SEPTEMBER 10, 1975

## Subpart A—General Provisions

Indirect source review regulation (40 CFR 42.101) of such an undefined class of ex-

Part 52 of Chapter 1, Title 40 Code of Federal Regulations is amended as follows:

also be sent to the Administrator through the appropriate regional office, and to all safety standard or the existence of a safety-related defect. These are in fact the main areas in which petitions have



## Subpart A—General Provisions

Subpart A, Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

## § 52.21 [Amended]

1. In § 52.21, paragraph (d) is revised by adding the phrase, "except as specifically provided below", after the end of the second sentence of paragraph (d) (1). Also in paragraph (d) (1), the following subdivision is added in proper order:

"(ix) Ferroalloy production facilities commencing construction after October 5, 1975.

FEDERAL REGISTER Doc. 75-15414, published on June 12, 1975, is corrected as follows:

2. On page 25006, § 52.21 is corrected by inserting the phrase "the air quality increments applicable in the area where the source will be located nor" after the word "violate" in the first sentence of paragraph (d) (2) (i). Also, the second sentence of paragraph (d) (2) (i) is corrected by changing the word following the date "January 1, 1975," from "or" to "of".

3. On page 25006, five asterisks should be inserted following the amendatory language of § 52.21 (d) (4) (iii), thus denoting that existing subparagraph (5) of paragraph (d), as promulgated on December 5, 1974 (39 FR 42510), remains unchanged.

## § 52.269 [Amended]

## § 52.985 [Amended]

4. On page 25007, §§ 52.269 and 52.985 are redesignated as §§ 52.270 and 52.986, respectively.

5. On page 25008, § 52.1161 is redesignated as § 52.1165.

[FR Doc. 75-23949 Filed 9-9-75; 8:45 am]

[FRL 413-2]

# PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

## Revision to the Virgin Islands Implementation Plan

On May 31, 1972 (37 FR 10905), and March 8, 1973 (38 FR 6280), pursuant to section 110 of the Clean Air Act (42 U.S.C. 1857c-5(a)), and 40 CFR Part 51, the Administrator disapproved portions of the Virgin Islands implementation plan because the plan: (1) did not adequately provide a means for the preconstruction review of new or modified stationary sources if said construction or modification would interfere with the attainment and maintenance of national standards; and (2) did not provide for the preconstruction review or modification of indirect sources if said construction or modification would interfere with the maintenance of national standards.

On October 28, 1972 (37 FR 23092), the Administrator promulgated a regulation to correct the deficiency with regard to the preconstruction and modification review of stationary sources of air pollution. On February 25, 1974 (39 FR 7276) EPA promulgated a Federal

indirect source review regulation (40 CFR 52.22(b)) to be incorporated into the implementation plans of those States and territories (including the Virgin Islands) which had failed to submit their own approvable indirect source regulations. This regulation was amended on July 9, 1974 (39 FR 25293).

On February 12, 1974 the Governor of the Virgin Islands submitted proposed revisions to the Virgin Islands implementation plan which consisted of sections 206-30 (Review of new sources and modification) and section 206-31 (Review of new or modified indirect sources) of the Virgin Islands Air Pollution Control Code. Additional information was received from the Assistant Director of the Division of Environmental Health, Department of Conservation and Cultural Affairs on April 10, 1975. This information was intended to result in the revocation of the EPA disapproval notices of May 31, 1972 and March 8, 1973 by providing for a review procedure prior to construction of new or modified direct and indirect sources of air pollution.

These regulations were subject to Department of Health public hearings on September 10, and 11, 1973 and became legally effective in December, 1974 after their publication in the Virgin Islands Register, Volume XV, No. 1. The materials submitted in support of the plan revision include information submitted by the Governor on February 12, 1973 and information submitted by the Assistant Director, Department of Conservation and Cultural Affairs on April 10, 1975 as follows:

- (1) A notice of public hearings held on September 10 and 11, 1973;
- (2) A certification from the Assistant Director that public hearings were held on September 10 and 11, 1973;
- (3) Section 206-30 of the Virgin Islands Air Pollution Control Code;
- (4) Section 206-31 of the Virgin Islands Air Pollution Control Code;
- (5) Copies of sections 206-30 and 206-31 as received from the Equity Publishing Company showing that the regulations were published as part of the Virgin Islands Register, Volume XV, No. 1, dated December, 1974.

The Environmental Protection Agency published in the Federal Register of April 9, 1974 (39 FR 12872), a notice which announced receipt of the proposed revisions to the Virgin Islands plan and which provided the opportunity for a 30-day public comment period on these proposed revisions. The public comment period ended on May 9, 1974 and no comments were submitted to the Agency.

The Administrator has reviewed the proposed revisions and has determined that section 206-30 does not meet all of the EPA requirements regarding revisions to implementation plans and is, therefore, only approvable in part. While subsections 206-30(f) (1)-(5) clearly and specifically list many types of stationary sources which will be exempt from preconstruction review, subsection 206-30(f) (6) adds a general exemption for any sources which the Territory determines to be "of minor significance." EPA ap-

proval of such an undefined class of exempt sources would clearly be improper under section 110 of the Clean Air Act, since the Territory could in effect substantially amend its implementation plan on an ad hoc basis without EPA approval. Subsection 206-30(f) (6) is therefore being disapproved.

In addition, section 206-30 does not meet the public comment/agency analysis requirements of 40 CFR 51.18(h). The Administrator, as part of this notice is promulgating a regulation which will insure that the requirements of 40 CFR 51.18(h) are met.

Section 206-31, which requires the preconstruction review of indirect sources of air pollution, is being approved. It should be noted that the Federal indirect source regulation promulgated in 1974 for the Virgin Islands and most other States (40 CFR 52.22(b)) requires that large highways and airports be subjected to photochemical oxidant and nitrogen dioxide impact review, while the Virgin Islands regulation considers carbon monoxide impact only. The Administrator is taking no action to disapprove the Virgin Islands regulation in this regard, however, since the Federal regulation is currently not effective. See 40 FR 28064, July 3, 1975. Moreover, EPA must conduct additional rulemaking to set forth oxidant-nitrogen dioxide impact review procedures before the Federal regulation becomes effective as to highways and airports. See 40 FR 28065, July 3, 1975; 39 FR 25295, July 9, 1974. At such time as EPA completes its oxidant-nitrogen dioxide rulemaking and reinstates the provisions of 40 CFR 52.22(b) as to highways and airports, EPA would be required to promulgate such highway-airport review requirements into the Virgin Islands plan if the plan still does not contain such requirements.

It should also be noted that today's approval of the Virgin Islands indirect source regulation is in no way intended to compromise the validity of EPA's indefinite suspension of the parking-related aspects of its own indirect source regulation, 40 CFR 52.22(b), announced on July 3, 1975 (40 FR 28064). As stated in that announcement, the suspension related to the Federal review regulation only; the Administrator continues to encourage the States to develop their own indirect source regulations and to submit them to EPA for approval.

The Administrator will not subject the correction of section 206-30 promulgated below to additional rulemaking, since all that is involved is a technical correction to the Virgin Islands implementation plan which insures that the procedural requirements of 40 CFR 51.18(h) will be met.

**Effective date:** These revisions become effective October 10, 1975.

(42 U.S.C. 1857c-5 and 1857g(a))

Dated: September 4, 1975.

JOHN QUARLES,  
Acting Administrator.

[FR Doc. 75-23949 Filed 9-9-75; 8:45 am]

Part 52 of Chapter 1, Title 40 Code of Federal Regulations is amended as follows:

## Subpart CCC—U.S. Virgin Islands

In § 52.2770, paragraph (c) is amended by adding subparagraph (3) as follows:

## § 52.2770 Identification of plan.

(c) \* \* \*

(3) February 12, 1974 and April 10, 1975

Section 52.2775 is amended by revoking paragraph (a), (b), (c) and (d), and by adding paragraphs (e), (f), (g), (h) and (i) as follows:

## § 52.2775 Review of new sources and modifications.

(e) The requirements of 40 CFR 51.18 (h) are not met since section 206-30 of Chapter 9, Title 12 of the Virgin Islands' Code does not provide that information submitted by the owner or operator and the agency's analysis including its proposed approval/disapproval decision, be made available for public comment for a period of 30-days prior to final action.

(f) Subsection 206-30(f) (6) of section 206-30 of Chapter 9, Title 12 of the Virgin Islands' Code is disapproved since sources of minor significance are not identified in the regulation. Accordingly, all sources not listed in subsections 206-30(f) (1)-(5) will be subject to review in accordance with the requirements of section 206-30.

(g) Regulation for review of new sources and modifications.

(1) This requirement is applicable to any stationary source subject to review under section 206-30 of Chapter 9, Title 12 of the Virgin Islands' Code or 40 CFR 52.2775(f).

(2) Within 30 days after receipt of an application, the Commissioner of the Department of Conservation and Cultural Affairs, will notify the public, by prominent advertisement in the local news media, of the opportunity for public comment on the information submitted by the owner or operator.

(i) Such information, together with the Commissioner's analysis of the effect of the construction or modification on air quality including the Commissioner's proposed approval or disapproval, will be available in at least one location in the affected region.

(ii) Written public comments submitted within 30 days of the date such information is made available will be considered by the Commissioner in making his final decision on the application.

(iii) The Commissioner will make a final decision on the application within 30 days after the close of the public comment period. The Commissioner will notify the applicant in writing of his approval, conditional approval, or disapproval of the application and will set forth his reasons for conditional approval or disapproval.

(iv) A copy of the notice required by paragraph (h) (2) of this section shall

also be sent to the Administrator through the appropriate regional office, and to all other State and local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located. The notice shall also be sent to any other agency in the region having responsibility for implementing the procedures required under this section.

[FR Doc. 75-23949 Filed 9-9-75; 8:45 am]

## Title 45—Public Welfare

## CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS)

## PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

## Utilization Review: Notice of Intention To Amend Certain Provisions

CROSS REFERENCE: For a document affecting Title 45 issued by the Social Security Administration, see FR Doc. 75-23970 appearing elsewhere in this issue.

## Title 49—Transportation

## CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-12; Notice 2]

## PART 552—PETITIONS FOR RULEMAKING, DEFECT, AND NONCOMPLIANCE ORDERS

## Procedures

This notice establishes a new regulation specifying the requirements for submission of petitions for rulemaking, and petitions for the commencement of defect or non-compliance proceedings in accordance with section 124 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1410(a). It also describes the procedures the NHTSA will follow in acting upon such petitions.

The notice of proposed rulemaking on which this issuance is based was issued on May 16, 1975 (40 CFR 21486), in response to which eight comments were received. After careful consideration of those comments, the NHTSA has determined that no substantial change from the proposal is called for in the language of the rule.

Most of the comments received in response to the proposed regulation supported the establishment of some kind of regulation with respect to petitions for rulemaking. American Motors supported the proposal without qualification, while the other commenters suggested changes of varying import.

The Center for Auto Safety argued that the proposed rule was too narrow, as it did not deal with petitions to close defect investigations. Section 124 of the Act, upon which Part 552 is based, establishes formal requirements for petitions in the major areas of agency activity under the Act: petitions to "commence proceedings" concerning the issuance, amendment, or revocation of a motor vehicle safety standard, and petitions to "commence proceedings" concerning the issuance of an order with respect to the failure to comply with a

safety standard or the existence of a safety-related defect. These are in fact the main areas in which petitions have been received by the agency in the past. Section 124 indicates an intent of Congress to provide, and at the same time to limit, formal "petition treatment" to these areas. This treatment includes a statutory deadline for action, and FEDERAL REGISTER publication of reasons for denial. A corollary of this Congressional intent is that an informal response by the agency to other types of requests for action is satisfactory. Accordingly, such other requests will not be treated as petitions, but will be handled informally (as in the past) under existing correspondence or other appropriate NHTSA procedures.

The Center for Auto Safety also urged that, upon denial of a petition, the NHTSA should be required to provide the reasons for the denial in specific detail. This suggestion is outside the intent of the statutory provision, and without merit. A full discussion of the agency's reasons for denial of a petition is provided to the petitioner, and copies of such a denial letter are (except for confidential matter) generally available to any person upon request. This agency does not find any intent of Congress to require the full text of denial letters to be printed in the FEDERAL REGISTER. The NHTSA practice of publishing a summary of its reasons for a denial appears to satisfy both the letter and the spirit of section 124. The reason for the provision is to make the agency publicly accountable and "responsible" (from the title of the section) for its negative decisions, as it naturally is for its positive ones. A person who, put on notice by the Federal Register publication, wishes to delve more deeply into the background of the matter may readily do so by requesting further information from the agency.

General Motors objected to the use of the "reasonable possibility" standard in determining whether to grant or deny a petition because it would allow for the granting of virtually any petition. The NHTSA does not agree. It should be remembered that the grant of a petition under this part leads only to the commencement of agency action to gather information necessary to make a decision. The use of the modifier "reasonable" limits the discretion of the Administrator to grant only a petition for an order or rule that has a reasonable chance of being issued, not a petition for any order or rule that may conceivably be issued. The substitution of the term "reasonable probability," as urged by GM, would tend to transform a threshold decision as to whether or not the rule or order might issue into a determination of whether or not it should issue. Such a result would dilute the intent of both section 124 and Part 552 to provide means for interested parties, without access to complete data, to seek remedial action regarding what they consider to be defective or unsafe characteristics of motor vehicles.

GM also urged that a petitioner be required to state the reasons for the petition.

REGISTER space, this period is set at 45 days.

(b) Have, preceding its text, a heading that includes the word "Petition".

directs the Administrator to treat records so is in the public interest and con-



GM also urged that a petitioner be required to verify the facts alleged in the petition before any information requests are made to the manufacturer. Such a requirement would preclude the granting of a petition submitted by an individual or organization with limited resources. The technical review conducted by the Associate Administrator necessarily includes an analysis of the facts alleged in the petition. If he determines that the facts need verification by the petitioner, he has the discretion to request that the petitioner submit additional information. However, to require such information as a condition precedent to granting the petition would not only unduly burden the petitioner, but also would exceed the statutory requirement that the petition merely set forth the facts which it is claimed establish the necessity of an order, not that it prove those facts.

The Recreation Vehicle Industry Association (RVIA) objected to the provision denying cross examination of witnesses at hearings held on petitions under Part 552. It is well established that the NHTSA may hold informal hearings under the Traffic Safety Act, in cases such as *Automotive Parts & Accessories Ass'n, Inc. v. Boyd*, 407 F.2d 330, 334 (D.C. Cir. 1968). The purpose of an informal hearing is to permit the NHTSA to determine whether or not a petitioner has a valid complaint or request for rulemaking. This purpose is best served by allowing both sides to present information and arguments without the necessity for conforming to strict evidentiary rules. In addition, the drafters of section 124 intended to encourage the free use of the petition procedure in alerting the NHTSA to vehicle safety problems. The possibility of having to submit to rigorous cross-examination might deter many potential petitioners from utilizing this procedure. Accordingly, the provision allowing for an informal hearing has been retained intact.

The RVIA also urged that the manufacturer be allowed to respond to the petition before the Administrator decided whether to grant or deny it. Such a proposal misapprehends the purpose of the petition and ignores the opportunities a manufacturer has to respond to adverse information submitted in a petition. If the NHTSA denies the petition, there is no need for response as there is no action adverse to the manufacturer. If the petition is granted, the applicable rulemaking and investigatory procedures are commenced, with full opportunity for the manufacturer to present data and arguments against the proposed rule or order. As noted above, the purpose of the technical review is to facilitate a threshold decision as to whether an order or rule might issue, not whether it will. Thus it is not necessary to consider the comments of the manufacturer before deciding whether to grant or deny.

The proposed time for Federal Register publication of notice of a denial of a petition was 30 days. In order to allow time to prepare a monthly publication of a notice of denials, in the interest of efficiency and conservation of Federal

REGISTER space, this period is set at 45 days.

In light of the foregoing, Title 49, Code of Federal Regulation, is amended by the addition of a new Part 552, *Petitions for Rulemaking, Defect, and Noncompliance Orders*, to read as set forth below.

Effective date: October 13, 1975.

Issued on September 4, 1975.

JAMES B. GREGORY,  
Administrator.

Sec.	Scope.
552.1	Purpose.
552.2	General.
552.3	Requirements for Petition.
552.4	Improperly filed petitions.
552.5	Technical review.
552.6	Public hearing.
552.7	Determination whether to commence a proceeding.
552.8	Grant of petition.
552.9	Denial of petition.
552.10	

AUTHORITY: Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718, (15 U.S.C. 1392, 1407); Sec. 124, 152 Pub. L. 89-492, 88 Stat. 1470, (15 U.S.C. 1410a, 1412); delegation of authority at 49 CFR 151.

#### § 552.1 Scope.

This part establishes procedures for the submission and disposition of petitions filed by interested persons pursuant to the National Traffic and Motor Vehicle Safety Act and the Motor Vehicle Information and Cost Savings Act, to initiate rulemaking or to make a determination that a motor vehicle or item of replacement equipment does not comply with an applicable Federal motor vehicle safety standard or contains a defect which relates to motor vehicle safety.

#### § 552.2 Purpose.

The purpose of this part is to enable the National Highway Traffic Safety Administration to identify and respond on a timely basis to petitions for rulemaking or defect or noncompliance determinations, and to inform the public of the procedures following in response to such petitions.

#### § 552.3 General.

Any interested person may file with the Administrator a petition requesting him (1) to commence a proceeding respecting the issuance, amendment, or revocation of a motor vehicle safety standard, or (2) to commence a proceeding to determine whether to issue an order concerning the notification and remedy of a failure of a motor vehicle or item of replacement equipment to comply with an applicable motor vehicle safety standard or a defect in such vehicle or equipment that relates to motor vehicle safety.

#### § 552.4 Requirements for petition.

A petition filed under this part should be addressed and submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Each petition filed under this part must—

(a) Be written in the English language;

(b) Have, preceding its text, a heading that includes the word "Petition";

(c) Set forth facts which it is claimed establish that an order is necessary;

(d) Set forth a brief description of the substance of the order which it is claimed should be issued; and

(e) Contain the name and address of the petitioner.

#### § 552.5 Improperly filed petitions.

(a) A petition that is not addressed as specified in § 552.4, but that meets the other requirements of that section, will be treated as a properly filed petition, received as of the time it is discovered and identified.

(b) A document that fails to conform to one or more of the requirements of § 552.4(a) through (e) will not be treated as a petition under this part. Such a document will be treated according to the existing correspondence or other appropriate procedures of the NHTSA, and any suggestions contained in it will be considered at the discretion of the Administrator or his delegate.

#### § 552.6 Technical review.

The appropriate Associate Administrator conducts a technical review of the petition, to determine whether there is a reasonable possibility that the requested order will be issued at the conclusion of the appropriate proceeding. The technical review may consist of an analysis of the material submitted, together with information already in the possession of the agency, or it may also include the collection of additional information, or a public meeting in accordance with § 552.7.

#### § 552.7 Public meeting.

If the Associate Administrator decides that a public meeting on the subject of the petition would contribute to the determination whether to commence a proceeding, he issues a notice of public meeting for publication in the Federal Register to advise interested persons of the time, place, and subject matter of the public meeting and invite their participation. Interested persons may submit their views and evidence through oral or written presentations, or both. There is no cross examination of witnesses. A transcript of the meeting is kept and exhibits may be accepted as part of the transcript. Sections 556 and 557 of Title 5, United States Code, do not apply to meetings held under this part. The Chief Counsel designates a member of his staff to serve as legal officer at the meeting.

#### § 552.8 Determination whether to commence a proceeding.

At the conclusion of the technical review, the Administrator or his delegate determines whether there is a reasonable possibility that the order requested in the petition will be issued at the conclusion of the appropriate proceeding. If such a reasonable possibility is found, the petition is granted. If it is not found, the petition is denied. In either event, the petitioner is notified of the grant or denial not more than 120 days after receipt of the petition by the NHTSA.

#### § 552.9 Grant of petition.

(a) If a petition for rulemaking with respect to a motor vehicle safety standard is granted, a rulemaking proceeding is promptly commenced in accordance with applicable NHTSA and statutory procedures. The granting of such a petition and the commencement of a rulemaking proceeding does not signify, however, that the rule in question will be issued. A decision as to the issuance of the rule is made on the basis of all available information developed in the course of the rulemaking proceeding, in accordance with statutory criteria.

(b) If a petition with respect to a noncompliance or a defect is granted, a proceeding to determine the existence of the noncompliance or defect is promptly commenced by the initiation of an investigation by the Office of Standards Enforcement or the Office of Defects Investigation, as appropriate.

#### § 552.10 Denial of petition.

If a petition is denied, a Federal Register notice of the denial is issued within 45 days of the denial, setting forth the reasons for denial of the petition.

[FR Doc.75-23989 Filed 9-9-75;8:45 am]

[Docket No. 75-17; Notice 2]

#### PART 553—RULEMAKING PROCEDURES

This notice amends, 49 CFR Part 553, Rulemaking Procedures, by deleting those sections of the part which set out procedures by which interested persons may petition the NHTSA to undertake rulemaking. These procedures have been incorporated in a new Part 552, Petitions for Rulemaking, Defect, and Noncompliance Orders, of Title 49, Code of Federal Regulations, published today in a separate notice.

The amendments provide that the National Highway Traffic Safety Administrator may initiate rulemaking on his own motion, on the recommendation of other agencies of the Federal Government, or on petition by any interested person after a determination in accordance with Part 552 that grant of the petition is advisable (§ 553.11).

The amendment also reverses the order of sections dealing with initiation of rulemaking and notice of proposed rulemaking, presently set out in §§ 553.13 and 553.11, respectively, to more closely follow the chronology of the rulemaking process.

Only one comment, from American Motors Corporation, was received in response to the notice proposing these amendments (40 FR 25480, June 16, 1975). AMC asserted that the language of the new § 553.11 could be misinterpreted to mean that recommendations from other Federal agencies would be treated as another form of petition for rulemaking, rather than as input to the Administrator in making a determination whether or not to commence rulemaking on his own motion. The NHTSA does not agree that the language of § 553.11 is subject to such an interpretation, as it neither expressly nor impliedly

directs the Administrator to treat recommendations from other agencies as petitions. It merely continues the intent of the previous § 553.13 that the recommendations of other agencies may be considered by the Administrator in determining whether to initiate rulemaking proceedings in response to a petition from an interested party or on his own motion.

In light of the foregoing, 49 CFR Part 553, Rulemaking Procedures, is amended as follows:

1. Section 553.11 is revised to read as follows:

#### § 553.11 Initiation of rulemaking.

The Administrator may initiate rulemaking either on his own motion or on petition by any interested person after a determination in accordance with Part 552 of this title that grant of the petition is advisable. The Administrator may, in his discretion, also consider the recommendations of other agencies of the United States.

2. Sec. 553.13 is revised to read as follows:

#### § 553.13 Notice of proposed rulemaking.

Unless the Administrator, for good cause, finds that notice is impracticable, unnecessary, or contrary to the public interest, and incorporates that finding and a brief statement of the reasons for it in the rule, a notice of proposed rulemaking is issued and interested persons are invited to participate in the rulemaking proceedings under applicable provisions of the Acts.

#### §§ 553.31, 553.33 [Reserved]

3. Sections 553.31 and 553.33 are revoked and reserved.

Effective date: October 13, 1975.

(Sec. 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1407); delegation of authority at 49 CFR 151.)

Issued on September 4, 1975.

JAMES B. GREGORY,  
Administrator.

[FR Doc.75-23990 Filed 9-9-75;8:45 am]

[Docket 73-20; Notice 7]

#### PART 555—TEMPORARY EXEMPTION FROM FEDERAL MOTOR VEHICLE SAFETY STANDARDS

##### Termination of Temporary Exemption; Minor Amendments

This notice amends 49 CFR Part 555 to reflect the fact that the Administrator considers petitions to modify exemptions.

On July 7, 1975, the Administrator published notice (40 FR 28504) of a petition by General Motors Corporation to modify the temporary exemption previously granted Motor Coach Industries, Inc. Under § 555.8(c) the Administrator may receive petitions to terminate temporary exemptions, and, under § 555.8(d), he may terminate them. The Administrator's power with respect to temporary exemptions necessarily includes modification of an exemption when to

do so is in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act, or when the exemption is based upon misrepresentations. Accordingly § 555.8 (c) and (d) are amended to reflect this fact. In addition, the section references to processing of petitions (§ 553.31, § 553.35) are changed to Part 552 to reflect recent amendments (40 FR 42014). A new paragraph is added to specify that notices of termination or modification will appear in the FEDERAL REGISTER.

In consideration of the foregoing, in § 555.8 of Title 49, Code of Federal Regulations, paragraph (c) and the introductory phrase of paragraph (d) are revised, and paragraph (f) is added, to read:

§ 555.8 Termination of temporary exemption.

(c) Any interested person may petition for the termination or modification of an exemption granted under this part. The petition will be processed in accordance with the procedures of Part 552 of this chapter.

(d) The Administrator terminates or modifies a temporary exemption if he determines that—

(f) The Administrator publishes in the FEDERAL REGISTER a notice of

(1) A petition for termination or modification of an exemption and the action taken in response to it; and

(2) Any termination or modification of an exemption pursuant to the Administrator's own motion.

Effective date: September 10, 1975. Since the amendment reflects internal policy and procedure it may be made effective upon publication.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159, 15 U.S.C. 1410; Sec. 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1407; delegation of authority at 49 CFR 151.)

Issued on: September 4, 1975.

JAMES B. GREGORY,  
Administrator.

[FR Doc.75-23991 Filed 9-9-75;8:45 am]

#### Title 50—Wildlife and Fisheries

##### CHAPTER 1—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

##### SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

##### PART 20—MIGRATORY BIRD HUNTING

##### Final Regulations Frameworks for 1975-76 Hunting Seasons on Lesser Sandhill (Little Brown) Cranes; Amendment

On August 15, 1975, a document was published in the FEDERAL REGISTER (40 FR 34361) proposing to amend Part 20 of Title 50, Code of Federal Regulations. Included in that document were Proposed Regulations Frameworks for 1975-76 Hunting Seasons on Waterfowl, Coots, and Gallinules; Cranes in Parts of North



Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and for Common Snipe in the Pacific Flyway.

On August 21, 1975, an amendment to the lesser sandhill (little brown) crane portion of the above proposal was published in the *FEDERAL REGISTER* (40 FR 36572), with a 10-day public comment period allowed, ending August 31, 1975. The amendment included summarized information on the status of lesser sandhill (little brown) cranes and justification for the proposed crane hunting season permit system, daily bag and possession limits for lesser sandhill cranes in the States of North Dakota and South Dakota, and the addition of paragraph (g) to § 20.106 of Subchapter B, Chapter I, Title 50, Code of Federal Regulations, specifying Federal permit requirements for hunting lesser sandhill cranes in portions of Colorado, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Final rule making on the August 15, 1975, proposal (40 FR 34361) was published in the *FEDERAL REGISTER* on September 5, 1975 (40 FR 41096). In that document, in the lesser sandhill crane portion of the final frameworks, it was noted that proposed additions to the lesser sandhill (little brown) crane section regarding daily bag and possession limits in North and South Dakota, plus the requirement for a Federal sandhill crane hunting permit, were published in the *FEDERAL REGISTER* dated August 21, 1975 (40 FR 36572).

The purpose of this document is to issue final rule making on the lesser sandhill (little brown) crane portion of the regulations frameworks for the 1975-76 hunting season and to amend Subchapter B, Chapter I, to Title 50, Code of Federal Regulations, by adding paragraph (g) to § 20.106.

In this connection, the *Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)* was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the *FEDERAL REGISTER* on June 13, 1975 (40 FR 25241).

#### Comments

Two comments were received in response to the proposed amendment. One comment made on behalf of an organization questioned whether the hunting of lesser sandhill cranes should be permitted, but supported the Federal hunting permit requirement if the proposed season is authorized. The same organization suggested that illustrations depicting flying and standing sandhill cranes and whooping cranes be provided to enable hunters to distinguish between the two species. The other comment made on behalf of an organization opposed harvesting lesser sandhill cranes because (1) the interest in sandhill crane hunting has been relatively light, indicating no good reason for the season; and (2) doubt remains on the suitability of the

season, so the safest course would seem to be to eliminate the doubt by eliminating the season. This second comment also supported the requirement for a Federal crane permit if a crane season is allowed and suggested a \$5 charge be placed on each permit for the purpose of providing revenue for crane management.

#### Response

In response to these comments, attention is called to the fact that detailed information regarding the status and hunting of sandhill cranes was presented in the *Final Environmental Statement for the Issuance of Annual Hunting Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)*. The Service currently does not have authority to levy a charge for lesser sandhill crane hunting permits. The relationship between gross income and cost of administering a fee collection program appears, in this instance, to be unfavorable. Hunters are routinely advised by the Service and State conservation agencies not to fire upon unidentified birds. As pointed out in the proposed amendment, seasons for lesser sandhill cranes are set specifically to avoid areas and times when whooping cranes might be present.

In addition to proposing that all hunters of sandhill cranes be required to obtain Federal crane hunting permits, it has been determined for law enforcement purposes that such hunters should be required to possess the permits while engaged in sandhill crane hunting and to display them upon request of authorized law enforcement officials. Consequently, the final regulations provide that, "Each hunter participating in the lesser sandhill (little brown) crane hunting season must obtain and carry in his possession while hunting lesser sandhill cranes a Federal lesser sandhill crane permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request."

Comments on the Service's regulations proposals are available for public inspection during normal business hours at the Service's Office of Migratory Bird Management, Fish and Wildlife Service, Room 2257, U.S. Department of the Interior, 18th and C Streets, Washington, D.C.

The Fish and Wildlife Service is of the view that, although the rulemaking process for migratory bird hunting must by its nature operate under severe time constraints, every attempt should be made to give the public the greatest possible opportunity to comment on the regulations; thus, when the August 21, 1975, proposed rulemaking was published, the Service established the longest period considered possible for public comment. In doing this, the Service recognized that at the end of the period, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States would have insufficient time to select

their season dates, shooting hours, and bag limits; to communicate those selections to the Service; and finally to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will therefore take effect immediately upon publication.

After due consideration of the comments received, the U.S. Fish and Wildlife Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat 755; 16 U.S.C. 703-711), prescribes final regulations frameworks for the lesser sandhill (little brown) cranes for the 1975-76 hunting season in parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming as follows:

*Final Regulations Frameworks for 1975-76 Hunting Seasons on Lesser Sandhill (little brown) Cranes in Parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming.*

The States of Colorado, New Mexico, Oklahoma, Texas, Montana and Wyoming may select a season on the lesser sandhill (little brown) crane with a daily bag limit of 3 and a possession limit of 6 between October 4, 1975, and January 18, 1976, as follows:

(a) 36 consecutive days from October 4 through November 8, 1975, in the Central Flyway portion of Colorado except the San Luis Valley area.

(b) 93 consecutive days between October 25, 1975, and January 31, 1976, in the New Mexico Counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of the State of Texas lying west of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Howard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio.

(c) 58 consecutive days on or after November 29, 1975, in that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas lying east of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and lying west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border.

(d) 37 consecutive days to open with the goose season in Phillips County, Montana.

(e) 30 consecutive days on or after October 11, 1975, in Platte and Gosheen Counties, Wyoming.

The States of North and South Dakota may select a season of 30 consecutive days within a November 8-December 7, 1975, framework, with a daily bag limit

of 3 and a possession limit of 6, in the following areas: in the North Dakota Counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh; and in part of South Dakota described as follows: from the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border.

Every hunter participating in the lesser sandhill (little brown) crane hunting season must obtain and carry in his possession while hunting lesser sandhill cranes a Federal lesser sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

Effective date: September 10, 1975.

LYNN A. GREENWALT,  
Director, U.S. Fish and  
Wildlife Service.

SEPTEMBER 5, 1975.

Accordingly, Subchapter B, Chapter I to Title 50, Code of Federal Regulations, is amended by adding paragraph (g) to § 20.106 as follows:

§ 20.106 Seasons, limits and shooting hours for lesser sandhill (little brown) cranes.

(g) Every hunter participating in the lesser sandhill (little brown) crane hunting season must obtain and carry in his possession while hunting lesser sandhill cranes a Federal lesser sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

[FR Doc.75-24067 Filed 9-9-75;8:45 am]

#### PART 28—PUBLIC ACCESS

Agassiz National Wildlife Refuge, Minn.  
The following special regulation is issued and is effective on September 10, 1975.

§ 28.28 Special regulations; public access; for individual wildlife refuge areas.

##### MINNESOTA

#### AGASSIZ NATIONAL WILDLIFE REFUGE

Public access to a 75 yard wide retrieval zone on Agassiz National Wildlife Refuge, Minnesota, for the purpose of picking up legally shot waterfowl, snipes, and rails from 12:00 noon to 4:00 PM October 1, 1975 and from one half hour before sunrise to 4:00 PM October 2, 1975 to November 16, 1975, all dates inclusive.

This open area comprises 55 acres and is delineated on a map available at the refuge headquarters at Middle River, Minnesota, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Access shall be in accordance with applicable State and Federal regulations subject to the following special conditions:

1. Access only for the retrieval of legally downed waterfowl, snipes, and rails will be authorized in that portion of Agassiz National Wildlife Refuge designated as a retrieval zone and so marked by signs.

2. Shooting both across and inside the boundaries of Agassiz National Wildlife Refuge is prohibited.

3. No firearms of any kind will be allowed within the retrieval zone.

The provisions of this special regulation supplement the regulations which govern access on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through November 15, 1975.

JOSEPH KOTOK,  
Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minnesota 56737.

AUGUST 19, 1975.

[FR Doc.75-23978 Filed 9-9-75;8:45 am]

#### PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on September 10, 1975.

§ 32.12 Special regulation; migratory game birds; for individual wildlife refuge areas.

##### SOUTH DAKOTA

#### SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl on the Sand Lake National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. These open areas, totalling 165 acres, are designated on a map available from the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 250, Pierre, South Dakota 57501.

Hunting shall be in accordance with all applicable State regulations concerning the hunting of waterfowl subject to the following conditions:

(1) The open season for hunting geese on the refuge is from October 4, 1975 through December 14, 1975, inclusive. The open season for hunting ducks and coots on the refuge is from October 4, 1975 through December 2, 1975, inclusive.

(2) Hunting will be from established blind sites only, without cost, with each site restricted to not to exceed two hunters, and on a first-come, first-served basis. Blind sites and their use are more specifically described on a map and a list of regulations available at each of the hunting sites.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1975.

WILLIAM C. BAIR,  
Refuge Manager, Sand Lake National Wildlife Refuge.

SEPTEMBER 2, 1975.

[FR Doc.75-23981 Filed 9-9-75;8:45 am]

#### PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on September 3, 1975.

§ 32.12 Special regulation; migratory game birds; for individual wildlife refuge areas.

##### UTAH

#### BEAR RIVER MIGRATORY BIRD REFUGE

The public hunting of ducks, coots, mergansers and whistling swans on the Bear River Migratory Bird Refuge, Utah, is permitted from October 4, 1975 through January 4, 1976, inclusive; and geese from October 11, 1975 through December 14, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 12,855 acres, is delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Area Office, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, mergansers and whistling swans subject to the following special conditions:

(1) *Steel shot.* The exclusive use of steel shot is required on all days in both Hunting Area A and Area B for the entire season. The possession of lead shot on the refuge is prohibited, and having lead shot in one's possession will be considered prima facie evidence that the person possessing such shot is engaged in hunting with same.

(2) *Hunting areas.* No hunting is permitted from roadways or within 100 yards of any roadway in Area A. No hunting is permitted from roadway or adjacent area as posted by signs in Area B.

(3) *Boat use.* The use of boats is permitted except that airthrust boats and aircycles may not be used in Unit 2 on weekends and holidays. Airthrust boats and aircycles may be launched only from designated boat ramps. Boats may be left at designated areas 1 week prior to and during the hunting season. All boats and trailers must be removed within 2 weeks after the close of the hunting season.

(4) *Parking.* Hunters may park cars only at designated areas within the refuge.

(5) *Hunter check station.* Each hunter who enters Area A is required to register at the checking station and check out

before leaving the refuge. Those hunt-

cartridge or ammunition in its chamber,

Refuge, Oklahoma, but only on the area

tions covering the hunting of geese sub-

(4) Two or three hunters will be per-

The provisions of these special regu-



before leaving the refuge. Those hunting in Area B are not required to register on entering or leaving the refuge.

(6) *Routes of travel.* To reach open hunting areas, travel is permitted on foot or bicycle over roads between Units 1 and 2 and Units 2 and 3. Travel by boats from checking station using the canal between Units 1 and 2 or down main river channel into Unit 2, or using the canal between Units 2 and 3. Travel by boats and trailers over dike roads to designated parking and launching areas. Airthrust boats and aircycles may use designated travel lanes across a closed portion of the refuge leading to the open area south and southwest of the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in 50 CFR Part 32, and are effective through January 4, 1976.

NED I. PEABODY,  
Refuge Manager, Bear River  
Migratory Bird Refuge, Brigham  
City, Utah.

SEPTEMBER 3, 1975.

[FR Doc.75-23980 Filed 9-9-75;8:45 am]

#### PART 32—HUNTING

Cabeza Prieta National Wildlife Refuge,  
Ariz.

The following special regulations are issued and are effective on September 10, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

##### ARIZONA

CABEZA PRIETA NATIONAL WILDLIFE  
REFUGE

The public hunting of bighorn sheep on the Cabeza Prieta National Wildlife Refuge, Arizona, is permitted except in those areas designated by signs as closed to hunting. The bighorn sheep season extends from December 6 through December 21, 1975, inclusive. The open bighorn sheep area, comprising 641,420 acres, is delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of bighorn sheep subject to the following special conditions:

(1) Bighorn sheep limited to four (4) permits issued by the Arizona Game and Fish Department.

(2) Bighorn sheep hunters may hunt in those areas designated on their permits.

(3) Possession or transportation of any loaded firearm or strung bow within or on any motorized vehicle or its attachments is prohibited. A loaded firearm shall mean any firearm containing any

cartridge or ammunition in its chamber, magazine or clip.

(4) Possession or transportation of any uncased firearm within or on any motorized vehicle or its attachments is prohibited. An uncased firearm shall mean any firearm not encased in any holster, scabbard, or gun case (soft or hard).

(5) Travel by vehicle is restricted to those roads and/or trails designated by the Refuge Manager. Maps showing these designated routes of travel are available to holders of Arizona Game and Fish Department permits to hunt sheep in this area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 21, 1975.

##### HAVASU NATIONAL WILDLIFE REFUGE

The public hunting of bighorn sheep on the Havasu National Wildlife Refuge, Arizona, will not be permitted. The Arizona Game and Fish Department will not be issuing bighorn sheep permits for hunt unit 16A for the 1975-1976 hunting season.

##### ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,000 acres, is delineated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—from November 14 through November 23, 1975, inclusive; California—from September 27 through November 2, 1975, inclusive. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Except as provided under the special regulations covering the hunting of small game, doves and migratory waterfowl on the Imperial National Wildlife Refuge, possession of any firearms other than a legal deer hunting firearm, as defined by State hunting regulations, is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 23, 1975.

##### OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

The public hunting of deer is permitted on the Salt Plains National Wildlife

Refuge, Oklahoma, but only on the area designated by signs as open to hunting. This open area, comprising 2,341 acres, is delineated on maps available at refuge headquarters, 14 miles north of Jet, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Participants are to be selected on the basis of a special drawing and applications are to be submitted to the Oklahoma Department of Wildlife Conservation, 1801 North Lincoln, Oklahoma City, Oklahoma 73105. Application may be made by letter and must contain the applicant's name, address, Oklahoma hunting license number, applicable deer hunting tag number, and driver's license number. Applications will be accepted beginning September 1 and ending at 5 PM September 30, 1975 for all seasons. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The bow hunting season is October 25 and 26 and November 1 and 2, 1975.

(2) The modern gun hunting season is November 22, 23, 25, 26, 29 and 30, 1975.

(3) The primitive firearms hunting season is December 8 and 9, 1975.

(4) Hunters must check in at the refuge office prior to entering the assigned hunting area and must check out at the refuge office upon leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1975.

JERRY L. STEGMAN,  
Acting Regional Director,  
Albuquerque, New Mexico.

SEPTEMBER 3, 1975.

[FR Doc.75-23979 Filed 9-9-75;8:45 am]

#### PART 32—HUNTING

Shiawassee National Wildlife Refuge, Mich.

Section 32.12 is amended as follows:

§ 32.12 Special regulations; Migratory game birds; for individual wildlife refuge areas.

##### MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Shiawassee National Wildlife Refuge, Michigan, is permitted from waterfowl opening hour to 12 noon each odd numbered day from October 1, through November 29, 1975, excluding November 15. The hunting area comprising approximately 1200 acres is delineated on maps located at the refuge headquarters, Saginaw, Michigan, and at the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State and Federal regula-

tions covering the hunting of geese subject to the following special conditions:

(1) Hunting shall be by Federal permit and only from assigned blinds and pits. Blind assignments will be determined by legal drawings.

(2) Certain designated blinds will be restricted to the use of 12 gauge shotguns and steel shot only.

(3) A fee of two dollars per hunter will be charged for the privilege of hunting.

(4) Two or three hunters will be permitted in each blind or pit.

(5) Hunter applications cards must be postmarked on or before September 15, 1975, and only successful applicants will be notified.

(6) After completion of the days hunt, all hunters must proceed to refuge headquarters for check-out and the submission of geese for examination.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 29, 1975.

CHARLES A. HUGHLETT,  
Acting Regional Director.

[FR Doc.75-23980 Filed 9-9-75;8:45 am]

1. Chapter I of Title 25 of the Code of Federal Regulations, Part 43h is country, it is sufficient if service of the summons and complaint is made: at least once a week for 5 successive weeks in a newspaper of general circulation with the con-



## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[ 25 CFR Part 43h ]

#### PROCEDURAL RULES FOR DISENROLLMENT OF ALASKA NATIVES

##### Notice of Proposed Rulemaking

CROSS REFERENCE: For a document issued by the Department of the Interior affecting both the Bureau of Indian Affairs and the Office of Hearings and Appeals on the subject of procedural rules for disenrollment of Alaska natives, see FR Doc. 75-23967 published elsewhere in this issue under the Office of Hearings and Appeals, Department of the Interior.

Office of Hearings and Appeals

[ 25 CFR Part 43h ]

[ 43 CFR Part 4 ]

#### PROCEDURAL RULES FOR DISENROLLMENT OF ALASKA NATIVES

##### Notice of Proposed Rulemaking

The Department of the Interior is proposing amendments to Part 43h of Title 25 CFR, Preparation of a Roll of Alaska Natives, and Part 4 of Title 43, Department Hearings and Appeals Procedures, to provide procedures for disenrollment of persons on the roll who are found to be ineligible under the Alaska Native Claims Settlement Act, 43 U.S.C. 1601-1624.

A roll of Alaska Natives eligible to receive benefits under the Alaska Native Claims Settlement Act was prepared pursuant to section 5 of the act. That roll was approved on December 17, 1973. The approval was conditional and assumed that the roll, as then comprised, was subject to correction based upon appeals or other legal determinations of individual eligibility.

To assure the accuracy and integrity of the roll, these regulations are proposed, providing due process for administrative determinations of persons who have been erroneously included on the roll of Alaska Natives.

The proposed amendments to the enrollment regulations provide, at § 43h.15, that the enrollment coordinator shall take appropriate measures to ascertain the propriety of the enrollment of Natives where it appears that an ineligible person may have been included on the roll. This proposed amendment also provides for the initiation of contest proceedings by the coordinator pursuant to procedures established in proposed amendments to 43 CFR Part 4.

The proposed amendments include a new Subpart K to 43 CFR Part 4, to provide special procedural rules applicable to contest proceedings to disenrolled Na-

tives. The procedure for hearings in connection with disenrollment proceedings is in accordance with Title 5 U.S.C. 556.

Under the proposal, where the enrollment coordinator concludes that an individual was improperly enrolled he shall initiate a contest proceeding by filing a complaint with the Office of Hearings and Appeals. Each contest shall be assigned to an Administrative Law Judge for consideration.

The proposed § 4.1005 of Title 43 CFR provides for service of the complaint and all other documents upon all parties by personal delivery, first-class, registered or certified mail, return receipt requested, or by such other means as the judge may order. This latter provision is included to enable the judge, under the circumstances of a particular case, to order alternative measures to assure that the contestee receives actual notice of the proceeding. While service by first-class mail is permitted, the proposal provides that no default will be entered without proof of actual service, service by publication or satisfactory proof of inability to serve. It is intended that service by first-class mail will generally be used for service of documents after the complaint has been served and the correct current address of the parties is known.

The proposed § 4.1002(b) of Title 43 CFR would provide alternative provisions for service in a foreign country. These alternatives are provided to enable the selection in a given case of an appropriate means of service that will give actual notice to an Alaska Native residing in a foreign country.

The proposed § 4.1002(c) would provide for service by publication where the contestant after diligent search and inquiry is unable to locate the contestee. Precisely what constitutes diligent search and inquiry may vary from case to case, particularly in different parts of Alaska. At the very least, it should include the mailing of a registered or certified letter to the last known address, an attempt to verify the address with village or regional corporations in which the individual may be enrolled and with other local authorities who could be of assistance in finding such person. Where an individual is believed to reside at more than one location, diligent search and inquiry should include efforts to contact the individual at each location.

The proposed § 4.1002(d) provides for service of copies of complaints upon village and regional corporations who may then intervene in the contest.

Sections 4.1003 and 4.1004 provide requirements for the complaint and answer.

Under the proposed § 4.1006 an order to show cause why the name of the con-

testee should not be stricken from the rolls may be issued if the contestee does not file an answer as required by these regulations. The judge may decide the contest without a hearing where the pleadings do not raise a genuine issue of material fact. Except for good cause shown, hearings should be conducted in the state of Alaska as near as possible to the residence of the contestee. It is intended that in order to afford due process of law in deciding the contest, hearings should be conducted in a location as convenient as possible for the contestee. The exception for good cause is primarily intended to allow disenrollment hearings outside of Alaska in cases where the contestee resides in a state other than Alaska or in another country, but closer to the other 49 states.

The proposed §§ 4.1007 through 4.1009 provide procedural rules for disenrollment proceedings before the Administrative Law Judge. Under the proposed § 4.1009-8(c) the decision of the judge shall become final after 30 days unless an appeal to the Director, Office of Hearings and Appeals is taken.

The proposed § 4.1010 provides for appeals to the Director, Office of Hearings and Appeals to be governed by the general rule for appeals contained in Subparts B and G of Part 4, Title 43 CFR.

It is hereby determined that the publication of this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), is required. It is further determined that publication of this rulemaking is not a major Federal action significantly affecting the economy and that no detailed economic impact statement is required. These conclusions have been reached on the basis that these regulations merely establish procedures in accordance with due process of law for the orderly determination of rights, and do not attempt to alter existing relationships between men and their environment, and do not impact upon the economy.

Interested persons are invited to submit comments on these proposed regulations on or before October 10, 1975. All comments should be addressed to the Office of the Secretary of the Interior, U.S. Department of the Interior, Washington, D.C. 20240.

In consideration of the foregoing, it is proposed to amend Part 43h of Chapter I, Title 25 of the Code of Federal Regulations, as follows.

KENT FRIZZELL,  
Acting Secretary of the Interior.  
SEPTEMBER 5, 1975.

FEDERAL REGISTER, VOL. 40, NO. 176—WEDNESDAY, SEPTEMBER 10, 1975

### PROPOSED RULES

(4) The address to which papers shall

(f) The Administrative Law Judge may aid in the disposition of the

### PROPOSED RULES

1. Chapter I of Title 25 of the Code of Federal Regulations, Part 43h is amended by adding a new § 43h.15 as follows:

#### § 43h.15 Disenrollment.

(a) Where it appears to the coordinator, based upon review of records within the office of the Area Director and the office of the Enrollment Coordinator, or based upon information otherwise available to him, that a person who has been placed on the roll of Alaska Natives may be ineligible for inclusion on the roll, the coordinator shall cause to be made such investigation as is necessary to determine whether the person is eligible to be on the roll of Alaska Natives.

(b) Where the coordinator concludes that the enrollment of a person as an Alaska Native was improper he shall initiate a contest by filing a complaint with the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. The procedures governing disenrollment contests are contained in 43 CFR Part 4, Subpart K.

2. In Subtitle A, Title 43 of the Code of Federal Regulations, Part 4 is amended by adding a new Subpart K as follows:

#### Subpart K—Special Procedural Rules Applicable To Contest Proceedings To Disenroll Alaska Natives

##### § 4.1000 Applicability.

This subpart provides procedures for review of the roll of Alaska Natives to assure the accuracy and integrity of the roll. The purpose of this subpart is to guarantee due process in eliminating from the rolls persons who are ineligible under the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1604). All hearings to be held pursuant to this subpart shall be conducted in accordance with 5 U.S.C. 556.

##### § 4.1001 Definitions.

(a) The definitions provided in 25 CFR 43h.1 are incorporated in this subpart.  
(b) "Director" means the Director, Office of Hearings and Appeals.

##### § 4.1002 Initiation of Proceedings to Contest.

(a) As provided in 25 CFR 43h.15, where the enrollment coordinator concludes that the enrollment of a person as an Alaska Native was improper he shall, as the contestant, initiate a contest by serving a copy of the complaint on the contestee whose enrollment is being challenged and filing the complaint with the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. An Administrative Law Judge shall be assigned to the case. The complaint filed with the Office of Hearings and Appeals shall be accompanied by a certificate stating that service has been made in accordance with § 4.1005 (a) and (b).

(b) Alternative provisions for service in a foreign country.

(1) *Manner.* When service is to be effected upon the contestee in a foreign country, it is sufficient if service of the summons and complaint is made:  
(i) In the manner prescribed by the law of the foreign country for service in that country in an action in any of its courts of general jurisdiction; or  
(ii) As directed by the foreign authority in response to a letter rogatory, when service in either case is reasonably calculated to give actual notice; or  
(iii) Upon an individual, by delivery to him personally; or  
(iv) By any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the party to be served; or  
(v) As directed by order of the Administrative Law Judge.

(2) *Return.* Proof of service may be made as prescribed by § 4.1005(b) of this subpart, or by the law of the foreign country, or by order of the Administrative Law Judge.

(c) *Service by publication.*  
(1) *When service may be made by publication.* When the contestant has made diligent search and inquiry to locate the contestee, and cannot locate him, the contestant may proceed with service by publication after first filing with the Office of Hearings and Appeals an affidavit which shall:

(i) State that the contestee could not be located after diligent search and inquiry made within 15 days prior to the filing of the affidavit;  
(ii) Be corroborated by an affidavit of a resident of the village, if any, to which the contestee is enrolled, which states that the affiant has no knowledge of the contestee's whereabouts or which gives his last known address or, if such affidavit can not be secured, contestant's affidavit shall include a statement of good cause why the affidavit of a village resident could not be secured;

(iii) Be corroborated by an affidavit of an officer of the regional corporation in which the contestee is a stockholder which recites the information available in records and files of the regional corporation as to the whereabouts of the contestee;  
(iv) State the last known address of the contestee; and  
(v) State in detail the efforts and inquiries made to locate the party sought to be served.

(2) *Contents of published notice.* The published notice must give the names of the parties to the contest, the nature of the complaint, the office in which the contest is pending, and a statement that upon failure to file an answer in such office within 45 days after the completion of publication of such notice, the allegations of the complaint will be taken as confessed. The published notice shall also contain a statement of the dates of publication.

(3) *Publication, mailing and posting of notice.* (i) With respect to Natives who are

(A) Permanent residents of one of the twelve regions established pursuant to 43 U.S.C. 1606(a), notice by publication shall be made by publishing notice at least once a week for 5 successive weeks in a newspaper of general circulation in the region in which the contestee is a stockholder.

(B) Not permanent residents of one of the twelve regions established pursuant to 43 U.S.C. 1606(a), notice by publication shall be made by publishing notice at least once a week for 5 successive weeks in a newspaper of general circulation in the community where the contestee was last known to reside.

(ii) Within 15 days after the first publication of a notice, the contestant shall send a copy of the notice and the complaint by registered or certified mail, return receipt requested, to the contestee at his last known address and also to the contestee in care of the post office nearest the village or city in which the contestee is enrolled or is last known to have resided. The return receipts shall be filed in the Office of Hearings and Appeals.

(iii) A copy of the notice as published shall be posted in a conspicuous place in the village, if any, in which the contestee is enrolled, within 15 days after the first publication of the notice, or where good cause is shown, such as the remote location of the village or weather conditions restricting travel, within a reasonable time after first publication of the notice.

(4) *Proof of service by publication.* (i) Proof of publication of the notice shall be made by filing in the Office of Hearings and Appeals a copy of the notice as published and the affidavit of the publisher or foreman of the newspaper publishing the same showing the publication of the notice in accordance with paragraph (c) (3) of this section.

(ii) Proof of posting of the notice shall be by affidavit of the contestant as to the steps taken to post the notice.

(iii) Proof of the mailing of notice shall be by affidavit of the person who mailed the notice to which shall be attached the return receipt.

(d) The contestant shall serve copies of the complaint on the village corporation, if any, to which the contestee is enrolled, and regional corporation in which the contestee is a stockholder within 30 days after the filing of the complaint. Upon petition filed within 45 days after service of the complaint on the village or regional corporation, the Administrative Law Judge hearing the case shall recognize such village or regional corporation or both as intervenors in the contest. As intervenors, such village or regional corporation may participate fully as parties to the contest.

§ 4.1003 Complaint.

(a) Contents of complaint. The complaint shall contain the following information:

(1) The name and address of the contestee;  
(2) A statement in clear and concise language of the facts and law that form the basis for the contest;

(3) A request that the name of the contestee be stricken from the roll of Alaska Natives;

(4) Permanent residents of one of the twelve regions established pursuant to 43 U.S.C. 1606(a), notice by publication shall be made by publishing notice

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### PROPOSED RULES

DEPARTMENT OF AGRICULTURE

public inspection at the office of the

will present their cases. The burden of



(4) The address to which papers shall be sent for service on the contestant; and

(5) A notice that, unless the contestee files an answer to the complaint with the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 45 days after service of the complaint, the allegations of the complaint may be taken as confessed.

(b) The Administrative Law Judge hearing the contest may in his discretion, after due notice to the contestee and opportunity to object, grant leave to permit the contestant to amend the complaint.

#### § 4.1004 Answer.

Within 45 days after service of the complaint, the contestee shall file with the Office of Hearings and Appeals, an answer specifically responding to the allegations of the complaint. The answer shall state the address to which all notices or other papers shall be sent for service upon contestee.

#### § 4.1005 Service.

(a) Copies of the complaint and all briefs and other documents filed with the Office of Hearings and Appeals must be served upon all parties. All documents filed with the Office of Hearings and Appeals shall contain a certificate stating the names of all persons served with copies.

(b) Whenever the regulations in this part require that a document be served upon a person, service may be made by personal delivery or by mailing the document first-class or by registered or certified mail, return receipt requested, to his address of record or by such other means as the judge may order. Service may be proved by an acknowledgment of the person served, or by a certificate of service, stating the time and manner of service, signed by the person making service. No default will be entered without proof of actual service, service in accordance with § 4.1002 (b) or (c) of this subpart, or satisfactory proof of inability to serve.

(c) When an attorney has entered an appearance for a contestee, such attorney will be recognized as responsible for the case on behalf of his client, and service of any document relating to the proceeding shall be made upon such attorney. The requirement of service of any document on a party may be fully satisfied by making service upon such attorney, unless otherwise ordered. When more than one attorney has entered an appearance for a contestee, service upon one of the attorneys will be sufficient.

(d) A document will be deemed to have been served on the date of personal service, or, if service was made by mail, on the date of posting, or, with respect to service by publication, on the date of the last publication.

(e) The filing of any pleading, document or other paper shall be deemed to have been made on the date of postmark, except when there is no postmark, in which case it shall be the date of receipt in the proper office.

(f) The Administrative Law Judge hearing the contest may in his discretion, for good cause shown, extend the time for filing or serving any document in a contest.

#### § 4.1006 Action by the Office of Hearings and Appeals.

(a) If an answer is not filed as required, the Administrative Law Judge shall issue an order to show cause why the name of the contestee should not be stricken from the roll of Alaska Natives. If the order to show cause is not satisfied as provided in the order, the contestee will be deemed to have waived his right to hearing, the allegations of the complaint will be taken as admitted by the contestee and the judge will decide the case without the necessity of a hearing.

(b) If an answer is filed and the judge determines that the complaint and answer do not raise a genuine issue of material fact, the judge may decide the contest without a hearing. Before issuing the decision, the Administrative Law Judge may request such additional briefs or documents as may be appropriate.

(c) If an answer is filed and the pleadings raise a genuine issue of material fact, unless all parties waive a hearing, the contest shall be set for hearing by the Administrative Law Judge. Except for good cause shown, all disenrollment hearings shall be conducted within the State of Alaska, as near as practicable to the residence of the contestee.

#### § 4.1007 Amendment of answer.

At the hearing, any allegation not denied by the answer may be deemed admitted. The Administrative Law Judge may permit the answer to be amended after due notice to contestant and opportunity to object.

#### § 4.1008 Summary disposition.

Where a party fails to respond to a prehearing order, the Administrative Law Judge shall issue an order to show cause why the contest should not be decided as prayed by the opposing party. If the order to show cause is not satisfied as provided in the order, the Administrative Law Judge may decide the contest without proceeding to hearing. Where a party fails to appear at a hearing, the Administrative Law Judge may dispose of the case against the interest of the party that failed to appear.

#### § 4.1009 Proceedings before the Administrative Law Judge.

##### § 4.1009-1 Prehearing conferences.

(a) The Administrative Law Judge may in his discretion, on his own motion or on motion of any of the parties, direct the parties or their representatives to appear at a specified time and place for a prehearing conference to consider: (1) The simplification of the issues, (2) the necessity of amendments to the pleadings, (3) the possibility of obtaining stipulations, admissions of fact and agreements to the introduction of documents, (4) the limitation of the number of witnesses, and (5) such other matters as

may aid in the disposition of the proceedings.

(b) The Administrative Law Judge may issue an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceedings before the Administrative Law Judge unless modified for good cause by subsequent order.

##### § 4.1009-2 Notice of hearing.

The Administrative Law Judge shall fix a place and date for the hearing and notify all parties in writing at least 30 days in advance of the date set, unless all parties request or consent to an earlier date. The notice shall include (a) the time, place, and nature of the hearing, (b) the legal authority and jurisdiction under which the hearing is to be held, and (c) the matters of fact and law asserted.

##### § 4.1009-3 Postponements.

(a) Postponements of hearings will not be allowed upon the request of any party except upon a showing of good cause. A request for a postponement shall be served upon all parties to the proceeding and filed in the office of the Administrative Law Judge at least 10 days prior to the date of the hearing.

(b) The request for a postponement shall state in detail the reasons why a postponement is necessary. If a request is based upon the absence of witnesses, it shall state what the substance of the testimony of the absent witnesses would be. No postponement will be granted if the adverse party or parties file with the Administrative Law Judge within 5 days after the service of the request a statement admitting that the witnesses on account of whose absence the postponement is desired would, if present, testify as stated in the request, and both parties stipulate that the statement is true.

##### § 4.1009-4 Consolidation and separation.

Under appropriate circumstances, the Administrative Law Judge may consolidate several contests, or separate a single contest into component parts, each of which may be processed as a separate contest.

##### § 4.1009-5 Authority of Administrative Law Judge.

The Administrative Law Judge is vested with general authority to conduct the hearing in an orderly and judicial manner, including authority to administer oaths, to call and question witnesses, and to make a decision. Unless otherwise provided in this subpart, procedures and practice shall be governed by the general rules in Subparts A and B of this part.

##### § 4.1009-6 Burden of proof.

The contestant will present his case first, following which the other parties

will present their cases. The burden of proof shall be on the contestant.

#### § 4.1009-7 Evidence.

(a) All oral testimony shall be under oath and witnesses shall be subject to cross-examination. The Administrative Law Judge may question any witness. Documentary evidence may be received if pertinent to any issue. The Administrative Law Judge will terminate examination and exclude testimony which is irrelevant and immaterial.

(b) Objections to evidence will be ruled upon by the Administrative Law Judge. Where a ruling of an Administrative Law Judge sustains an objection to the admission of evidence, the party affected may insert in the record, as a tender of proof, a summary written statement of the substance of the excluded evidence, and the objecting party may then make an offer of proof in rebuttal.

#### § 4.1009-8 Proposed findings and conclusions; decision by Administrative Law Judge.

(a) At the conclusion of the testimony the parties at the hearings shall be given a reasonable time by the Administrative Law Judge, considering the number and complexity of the issues and the amount of testimony, to submit to the Administrative Law Judge proposed findings of fact and conclusions of law and reasons in support thereof or to stipulate to a waiver of such findings and conclusions.

(b) The Administrative Law Judge shall rule upon proposed findings and conclusions submitted by the parties and such ruling shall be shown in the record. The Administrative Law Judge will render a written decision in the case which shall become a part of the record and shall include a statement of his findings and conclusions, as well as the reasons or basis therefor, and his rulings upon the findings and conclusions proposed by the parties if such rulings do not appear elsewhere in the record. A copy of the decision will be served upon all parties to the case.

(c) The decision of the Administrative Law Judge shall become final upon the expiration of 30 days after its issuance unless an appeal to the Director is taken in accordance with § 4.1010.

#### § 4.1010 Appeal to the Director.

Any party, including the coordinator, adversely affected by the decision of the Administrative Law Judge may appeal to the Director within 30 days after the date of the decision of the Administrative Law Judge. Unless otherwise provided, such appeals shall be governed by the general rules in Subparts B and G of this part. No further hearing will be allowed in connection with the appeal but the Director, after considering the evidence, may remand any case for further hearing if he considers such action necessary to develop the facts.

[FR Doc. 75-23967 Filed 9-9-75; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [ 7 CFR Part 927 ]

**BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIR-GEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA**

#### Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comments relative to the proposed Control Committee expenses of \$95,125 and an assessment rate of \$0.015 per standard western pear box or equivalent quantity of regulated winter pears to support committee activities during the 1975-76 fiscal period under Marketing Order No. 927. The committee has also proposed that unexpended assessment income from 1974-75 and prior years be carried over as a reserve.

Consideration is being given to the following proposals submitted by the Control Committee, established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), as the agency to administer the terms and provisions thereof. Said agreement and order regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, and are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposals are as follows:

(a) That expenses which are reasonable and necessary to be incurred by the Control Committee, during the period July 1, 1975, through June 30, 1976, will amount to \$95,125.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 927.41, be fixed at \$0.015 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1975, and prior years be carried over as a reserve in accordance with the applicable provisions of § 927.42.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than September 26, 1975. All written submissions made pursuant to this notice will be made available for

public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 3, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-23974 Filed 9-9-75; 8:45 am]

#### [ 7 CFR Part 1046 ]

[Docket No. AO-123-A42]

**MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA**

**Decision on Proposed Amendments to Marketing Agreement and to Order**

#### Correction

In FR Doc. 75-23443 appearing on page 40843 in the issue of Thursday, September 4, 1975, make the following correction:

In column 2 on page 40848 the amendatory language preceding § 1046.13 should be corrected and a paragraph (b) should be inserted as set forth below:

3. In § 1046.13, paragraphs (b) and (c) are revised as follows:

§ 1046.13 Producer milk.

(b) Diverted by a handler from a pool plant pursuant to § 1046.7(a) to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the pool plant from which diverted.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. 75-NW-26-AD]

#### [ 14 CFR Part 39 ]

**BOEING MODEL 737 SERIES AIRPLANES**  
**Notice of Proposed Airworthiness Directive**

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 737 series airplanes, serial numbers 19437 to 20544, inclusive, that have been modified in accordance with Boeing Service Bulletins 52-1004 and/or 52-1034. There have been many reports of inability to open overwing hatches from outside the airplane. A plug type emergency exit hatch is located on each side of the fuselage in the overwing area. The hatch may be opened from the inside of the airplane by means of a manually operated pull type handle. On earlier production airplanes, a hinged cover over the handle afforded both interior trim and exit hatch operating instructions. With that cover, a two-step operation

ing sequence was required; one step to closing date for comments, in the Rules light of comments received. All com-

reports by FAA medical personnel. This corrective lenses while exercising the

[ 14 CFR Part 71 ]



ing sequence was required; one step to lower the handle cover and a second step to pull the hatch handle. To afford a one-step method of hatch opening, the hinged handle cover was replaced with a one piece molded handle cover assembly clamped to the hatch handle. Pulling the handle cover releases the hatch latch. The attaching clamp is screwed into inserts potted into a block bonded to the top of the handle cover assembly. A nylon block is bonded to the lower portion of the handle cover assembly to act as a ramp to prevent interference with the handle cutout in the hatch lining when the hatch is opened. A retrofit equivalent of the production change was offered through Boeing Service Bulletin 737-52-1004. Ultimately, certain difficulties developed, and in order to prevent the separation of the overwing emergency hatch handle cover from the hatch handle assembly causing confusion and possible blockage during an emergency egress, AD 70-18-16, Amendment 39-1077, required rework of the hatch handle cover in accordance with Boeing Service Bulletin 737-52-1034. Recently, operational checks of emergency escape hatches on a large number of airplanes on which the original hinged door covering the latch release handle had been replaced by a cover attached to the release handle per Boeing Service Bulletin 737-52-1004, revealed that many hatches could not be opened reliably from outside the airplane because of interference between the cover and the hatch lining. The interference resulted from insufficient cover rotation early in the unlatching sequence. Inadvertent omission of the spacers or washers installed between the cover attach clamp flanges when performing hatch maintenance or adjustment can adversely affect cover rotation. In all instances, however, these hatches could be reliably opened from inside the airplane.

Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require modification of the existing emergency escape hatch handle cover installation in accordance with Boeing Service Bulletin 737-52-1054, or later approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional Counsel, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before November 1, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available, both before and after the

closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

**BOEING:** Applies to all Boeing Model 737 series airplanes, serial numbers 19437 to 20544, inclusive, that have been modified in accordance with Boeing Service Bulletins 52-1004 and/or 52-1034, certificated in all categories. Compliance required as indicated unless already accomplished.

To eliminate possible interference between the escape hatch handle cover and the hatch lining and ensure that the hatch may be easily opened from outside the airplane, accomplish the following:

A. Within 30 days time in service from the effective date of this AD, unless already accomplished within the last 120 days, perform inside/outside operational check of the overwing exits and visually inspect condition of hatch handle cover assembly for wear, abrasion, and corrosion. Remove and replace as necessary.

B. Within 60 days time in service from the effective date of this AD, unless already accomplished, accomplish hatch handle cover rework in accordance with Boeing Service Bulletin 737-52-1054, or later approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, September 2, 1975.

J. H. TANNER,  
Acting Director, Northwest Region.

[FR Doc.75-23960 Filed 9-9-75; 8:45 am]

#### [ 14 CFR Part 67 ]

[Docket No. 14971; Notice No. 75-33]

#### VISUAL ACUITY REQUIREMENTS FOR MEDICAL CERTIFICATES; USE OF CONTACT LENSES

##### Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 67 of the Federal Aviation Regulations to permit the use of contact lenses (as well as eyeglasses) to satisfy the distant visual acuity requirements of that part.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before November 10, 1975, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in

light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This notice is issued in response to a petition for rulemaking submitted by the Aircraft Owners and Pilots Association (AOPA) by letter dated March 8, 1974. A partial grant of that petition was issued by the Administrator on August 20, 1975 and this notice is issued pursuant to that grant.

Sections 67.13(b)(1) and 67.15(b)(1) of the Federal Aviation Regulations currently require applicants for first-class and second-class medical certificates to have distant visual acuity of 20/20 or better in each eye separately, without correction, or of at least 20/100 in each eye separately, corrected to 20/20 or better with corrective glasses. In the latter case the applicant may be certificated only on the condition that he wears those corrective glasses while exercising the privileges of his airman certificate. Section 67.17(b)(1) requires applicants for third-class medical certificates to have a distant visual acuity of 20/50 or better in each eye separately, without correction, or if the vision in either eye, or both eyes, is poorer than 20/50 and is corrected to 20/30 or better in each eye with corrective glasses, the applicant may be certificated on the condition that he wears those corrective glasses while exercising the privileges of his airman certificate.

The Aircraft Owners and Pilots Association petitioned for amendment of the medical standards of Part 67, specifically to authorize the use of contact lenses for meeting visual requirements for all classes of airman medical certificates. In support of its petition, AOPA contends that experience has shown that the use of contact lenses produces no sudden unpredictable hazards to flight, and that once in place, a contact lens is not easily dislodged. AOPA also points out that in some situations contact lenses are superior to glasses because they do not obstruct the peripheral visual field as do spectacle frames, and further that contact-lens use is more compatible with the wearing of certain protective equipment.

The FAA recognizes the increasing popularity and use of contact lenses in the United States, and certain advantages of these lenses over spectacles. While the medical standards of Part 67 of the Federal Aviation Regulations specifically provide that acceptable vision correction shall be achieved through the use of glasses, Statements of Demonstrated Ability (special issuances) have been issued to applicants pursuant to § 67.19 of the Federal Aviation Regulations, permitting the use of contact lenses to correct distant visual acuity. Contact lenses that correct near visual acuity have not been considered acceptable for aviation duties. To date, these special issuances have been granted only upon submission of detailed reports by eye specialists and after review of these

reports by FAA medical personnel. This administrative procedure frequently delays the initial medical certification of applicants who wish to wear contact lenses to meet distant visual acuity standards.

In FAA experience, these evaluation reports have had limited value in uncovering significant pathology or evidence of complications that would contraindicate the use of contact lenses in the performance of aviation duties. In addition, the agency is unaware of any accidents or incidents in which the use of contact lenses by airmen was a contributing factor.

The FAA believes that the use of contact lenses to correct distant visual acuity will not adversely affect safety, and that the administrative delay experienced by applicants in obtaining special issuances under § 67.19 may be avoided by amending Part 67 to permit the use of contact lenses as well as eye glasses.

This amendment is proposed under sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1422) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend §§ 67.13(b)(1), 67.15(b)(1) and 67.17(b)(1) of Part 67 of the Federal Aviation Regulations to read as follows:

#### § 67.13 First-class medical certificate.

• • • • •

##### (b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately without correction; or of at least 20/100 in each eye separately corrected to 20/20 or better with corrective lenses (glasses or contact lenses) in which case the applicant may be qualified only on the condition that he wears those corrective lenses while exercising the privileges of his airman certificate.

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#### § 67.15 Second-class medical certificate.

• • • • •

##### (b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately, without correction; or of at least 20/100 in each eye separately corrected to 20/20 or better with corrective lenses (glasses or contact lenses), in which case the applicant may be qualified only on the condition that he wears those corrective lenses while exercising the privileges of his airman certificate.

• • • • •

#### § 67.17 Third-class medical certificate.

• • • • •

##### (b) Eye:

(1) Distant visual acuity of 20/50 or better in each eye separately, without correction; or if the vision in either or both eyes is poorer than 20/50 and is corrected to 20/30 or better in each eye with corrective lenses (glasses or contact lenses), the applicant may be qualified on the condition that he wears these

corrective lenses while exercising the privileges of his airman certificate.

Issued in Washington, D.C., on September 2, 1975.

H. L. REIGHARD, M.D.,  
Federal Air Surgeon, AAM-1.  
[FR Doc.75-23963 Filed 9-9-75; 8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 75-SO-102]

#### TRANSITION AREA

##### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Campbellsville, Ky., transition area.

Interested persons may submit such written data, views or arguments as they desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before October 5, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Campbellsville transition area would be designated as:

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Taylor County Airport (Lat. 37°21'05" N., Long. 85°18'45" W.); within 3 miles each side of the 229° bearing from the Arista RBN (Lat. 37°21'19" N., Long. 85°18'54" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the NDB.

The proposed designation is required to provide controlled airspace protection for IFR operations at Taylor County Airport. A prescribed instrument approach procedure to this airport, utilizing the Arista (Private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on August 29, 1975.

GORDON W. BECKER,  
Acting Director, Southern Region.  
[FR Doc.75-23964 Filed 9-9-75; 8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 75-SO-104]

#### VOR AIRWAY

##### Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-321 from Columbus, Ga., direct to Albany, Ga.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before October 5, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend V-321 from Columbus, Ga., to Albany, Ga. This direct route would improve traffic flow between these locations when either R-3002B or R-3002C is not in use for their established purpose. A minimum en route altitude of 5,000 feet would permit flight above R-3002A which has a ceiling of 4,000 feet MSL.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 4, 1975.

WILLIAM E. BROADWATER,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.75-23965 Filed 9-9-75; 8:45 am]

#### CONSUMER PRODUCT SAFETY COMMISSION

##### [ 16 CFR Part 1014 ]

#### PRIVACY ACT

Proposed Policies and Procedures Implementing the Privacy Act of 1974

Notice is hereby given that the Consumer Product Safety Commission proposes to amend Title 16, CFR, by adding Part 1014 to implement the provisions of the Privacy Act of 1974 (Pub. L. 93-579).

These regulations set forth the procedures whereby individuals can request information about and gain access to Commission records pertaining to themselves. Internal regulations on the collection and storage of personal information

<sup>1</sup>Map filed as part of the original document.



tion will be published as an addendum to these regulations at a later date.

Accordingly, under provisions of the Privacy Act of 1974 (5 U.S.C. 552a, Pub. L. 93-579) and of the OMB Guidelines issued pursuant to its terms (40 FR 28948, July 9, 1975), the Commission proposes to add a new Part 1014 to Title 16, Chapter II, Subchapter A, as follows:

**PART 1014—POLICIES AND PROCEDURES IMPLEMENTING THE PRIVACY ACT OF 1974**

- Sec.  
1014.1 Purpose and scope.  
1014.2 Definitions.  
1014.3 Procedures for requests pertaining to individual records.  
1014.4 Requirements for identification of individuals making requests.  
1014.5 Disclosure of requested information to individuals.  
1014.6 Request for correction or amendment to a record.  
1014.7 Agency review of request for correction or amendment of a record.  
1014.8 Appeal of initial denial of correction or amendment.  
1014.9 Disclosure of record to a person other than the individual to whom it pertains.  
1014.10 Fees.  
1014.11 Penalties.  
1014.12 Specific exemptions.

AUTHORITY: Privacy Act of 1974 (5 U.S.C. 552a).

**§ 1014.1 Purpose and scope.**

This part sets forth the regulations of the Consumer Product Safety Commission implementing the Privacy Act of 1974 (Pub. L. 93-579). The purpose of these regulations is to inform the public about records maintained by the Commission which contain personal information about individuals, and to inform those individuals how they may seek access to and correct records concerning themselves. These regulations do not apply to requests for information made pursuant to the Freedom of Information Act (except where such disclosures would constitute an invasion of privacy of an individual).

**§ 1014.2 Definitions.**

As used in this part:

- (a) "Individual" means a person who is a citizen of the United States or an alien lawfully admitted for permanent residence.  
(b) "Privacy Act" means the Privacy Act of 1974 (Pub. L. 93-579).  
(c) "Record" means any item of personal information relating to an individual, such as educational, employment, financial or medical information.  
(d) "Statistical record" means a record in a system or records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual.  
(e) "System or records" or "records system" means a group of records maintained by the Commission from which information may be retrieved by the name of an individual or some other individual identifier.

(f) "Maintain" includes the collection, use, storage, and dissemination of information.

**§ 1014.3 Procedures for requests pertaining to individual records.**

(a) Any individual may request the Commission to inform him or her whether a particular record system named by the individual contains a record pertaining to him or her. The request may be made by mail or in person during business hours (8:30 a.m. to 5 p.m.) at the Office of the Secretary, Consumer Product Safety Commission, Suite 1025, 1750 K Street, NW., Washington, D.C. 20207.

(b) An individual who believes that the Commission maintains a record pertaining to him or her but who cannot determine which record system may contain the record, may request assistance by mail or in person at the Office of the Secretary during business hours.

(c) A Commission officer or employee or former employee who desires to review or obtain a copy of a personnel record pertaining to him or her may make a request by mail or in person at the Office of the Director, ORU, Room 432, 5401 Westward Avenue, Bethesda, Md. 20207.

(d) Each individual requesting the disclosure of a record or a copy of a record shall furnish the following information to the extent known with the request to the Office of the Secretary or to the Director of the Office of Resource Utilization, as applicable:

- (1) A description of the record sought;
  - (2) The approximate date of the record;
  - (3) The name or other description of the record system containing the record;
  - (4) Proof as required in section 1014.4 that he or she is the individual to whom the requested record relates; and
  - (5) Any other information required by the notice describing the record system.
- (e) An individual personally inspecting his or her records may be accompanied by other persons of his or her choosing. The individual shall sign a written statement authorizing disclosure of the record in the other person's presence.

(f) Any individual who desires to have a record concerning himself or herself disclosed to or mailed to another person may authorize that person to act as his agent for that specific purpose. The authorization shall be in writing, signed by the individual, and shall be notarized. An agent requesting the review or copy of another's record shall submit with the request the authorization and proof of his or her identity as required by § 1014.4(c).

(g) The parent of any minor individual or the legal guardian of any individual who has been declared by a court of competent jurisdiction to be incompetent, due to physical or mental incapacity or age, may act on behalf of that individual in any matter covered by this part. A parent or guardian who desires to act on behalf of such individual shall present suitable evidence of parentage or guardianship, by birth certificate, certified copy of a court order, or similar documents,

and proof of the individual's identity in a form that complies with § 1014.4(c).

(h) An individual may request an accounting of all disclosures made to other persons or agencies of his or her record, except those disclosures made to law enforcement agencies pursuant to section (b) (7) of the Privacy Act (5 U.S.C. 552a (b) (7)). A request for accounting, whenever made, shall be treated as a request for disclosure of records.

**§ 1014.4 Requirement for identification of individual making requests.**

The following proof of identity is required for requests for records made pursuant to § 1014.3:

(a) An individual seeking a record about himself or herself in person may establish his or her identity by the presentation of a single document bearing a photograph (such as a passport or driver's license) or by a presentation of two items of identification which do not bear a photograph but do bear a name and address. An individual who cannot provide documentation of his or her identity may provide a written statement affirming his or her identity and the fact that he or she understands the penalties for making false statements (18 U.S.C. 1001 and 5 U.S.C. 552a(i) (3)).

(b) An individual seeking a record by mail shall include a statement signed by the individual and properly notarized, that he or she appeared before a notary public and submitted proof of identity acceptable to the notary public.

(c) Requests made by an agent, parent, or guardian shall, in addition to establishing the identity of the minor or other person he or she represents as required by subparagraphs (a) and (b), establish his or her agency, parentage, or guardianship by documentation.

(d) In any case in which the Commission determines that the proof of identity is not adequate, it may request the individual to submit additional proof of identity.

**§ 1014.5 Disclosure of requested information to individuals.**

(a) Upon submission of proof of identity, the Office of the Secretary or the Director of Resource Utilization, as applicable, shall promptly allow the individual to see and/or have a copy of the requested record or send a copy of the record to the individual by mail, as requested by the individual. If the individual asks to see the record, the record should be made available for review and/or copying at the location where the record is maintained, in the Office of the Secretary or the Director of Resource Utilization or at the nearest Area Office.

(b) If the Secretary or Director of Resource Utilization, as applicable, should determine, for any reason, that the requested records are exempt from disclosure, a notice of denial shall be sent to the requester stating the reasons for denial, and the requester's right to appeal the denial in accordance with the procedures set forth in § 1014.8 of these regulations.

**§ 1014.6 Request for correction or amendment to a record.**

(a) Any individual who has reviewed a record pertaining to himself or herself may request the Commission official who furnished the record to correct or amend all or any part of the record.

(b) Each request for a correction or amendment of a record shall be in writing and shall contain the following information:

- (1) The name of the individual requesting the correction or amendment;
- (2) The name or other description of the system of records in which the record sought to be amended is maintained;
- (3) The location of that record in the system of records to the extent that it is known;
- (4) A copy of the record sought to be amended or a description of that record;
- (5) A statement of the material in the record that should be corrected or amended;
- (6) A statement of the specific wording of the correction or amendment sought; and
- (7) A statement of the basis for the requested correction or amendment including any material that the individual can furnish to substantiate the reasons for the amendment sought.

(c) The responsible Commission official will promptly review the request and either make the requested correction or amendment or notify the individual of his or her refusal to do so, including in the notification the reasons for the refusal, and the appeal procedures provided by § 1014.8.

(d) The responsible Commission official will make each requested correction or amendment to a record if that correction or amendment will correct anything that is not accurate, relevant, timely, or complete, within the record. A copy of each corrected or amended record shall be furnished to the individual that requested the action. If an accounting of disclosure has been made, all previous recipients of the record shall be notified of the correction and its substance.

(e) The responsible Commission official will make each requested correction or amendment to a record if that correction or amendment will correct anything that is not accurate, relevant, timely, or complete, within the record. A copy of each corrected or amended record shall be furnished to the individual that requested the action. If an accounting of disclosure has been made, all previous recipients of the record shall be notified of the correction and its substance.

**§ 1014.7 Agency review of request for correction or amendment of record.**

(a) Not later than 10 working days after the receipt of the request for the correction or amendment of a record under § 1014.6, the responsible Commission official shall acknowledge receipt of the request and inform the individual whether further information is required before the correction or amendment can be considered.

(b) The responsible Commission official will promptly review the request and either make the requested correction or amendment or notify the individual of his or her refusal to do so, including in the notification the reasons for the refusal, and the appeal procedures provided by § 1014.8.

(c) The responsible Commission official will make each requested correction or amendment to a record if that correction or amendment will correct anything that is not accurate, relevant, timely, or complete, within the record. A copy of each corrected or amended record shall be furnished to the individual that requested the action. If an accounting of disclosure has been made, all previous recipients of the record shall be notified of the correction and its substance.

(d) The responsible Commission official will make each requested correction or amendment to a record if that correction or amendment will correct anything that is not accurate, relevant, timely, or complete, within the record. A copy of each corrected or amended record shall be furnished to the individual that requested the action. If an accounting of disclosure has been made, all previous recipients of the record shall be notified of the correction and its substance.

**§ 1014.8 Appeal of initial denial of correction or amendment.**

(a) Any individual whose request for a correction or amendment to a record is denied, in whole or in part, may appeal that decision within 30 working days to the Executive Director, Consumer Product Safety Commission, Washington, D.C. 20207.

(b) The appeal shall be in writing and shall:

- (1) Name the individual making the appeal;

(2) Identify the record sought to be corrected or amended;

(3) Name or describe the record system in which the record is contained;

(4) Contain a short statement describing the correction or amendment sought;

(5) State the name and location of the Commission official who initially denied the correction or amendment; and

(6) State the date of the initial denial.

(c) Not later than 30 working days after the date on which the appeal is received, the Executive Director shall complete a review of the appeal and make a final decision thereon. However, for good cause shown, the Chairman of the Commission may extend the 30-day period. If the Chairman so extends the period, he or she shall promptly notify the individual requesting the review that the extension has been made.

(d) If after review of an appeal request, the Executive Director also refuses to amend the record in accordance with the request, he or she shall send a written notice to the requester containing the following information—

- (1) The decision and the reasons for the decision;
- (2) The right of the requester to institute a civil action in a Federal District Court for judicial review of the decision; and
- (3) The right of the requester to file with the Executive Director a concise statement setting forth the reasons for his or her disagreement with the denial of the correction or amendment. A copy of the statement of disagreement shall be filed with the record in issue, and the record in issue shall be so marked as to indicate that there is a disagreement. The Executive Director shall make the statement of disagreement available to prior recipients of the disputed record to the extent that an accounting of disclosure was maintained, and to any person to whom the record is later disclosed, together with a brief statement, if deemed appropriate, of the reasons for denying the requested correction or amendment.

(e) The responsible Commission official will make each requested correction or amendment to a record if that correction or amendment will correct anything that is not accurate, relevant, timely, or complete, within the record. A copy of each corrected or amended record shall be furnished to the individual that requested the action. If an accounting of disclosure has been made, all previous recipients of the record shall be notified of the correction and its substance.

(f) The responsible Commission official will make each requested correction or amendment to a record if that correction or amendment will correct anything that is not accurate, relevant, timely, or complete, within the record. A copy of each corrected or amended record shall be furnished to the individual that requested the action. If an accounting of disclosure has been made, all previous recipients of the record shall be notified of the correction and its substance.

**§ 1014.9 Disclosure of record to person other than the individual to whom it pertains.**

(a) Any person or agency (other than an officer or employee of the Commission who has a need for individual records in the performance of his or her duty) seeking disclosure of personal records of another individual shall submit a request in writing to the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207. The request must specify the records sought and must include either the written request or consent of the individual whose records are being sought or a statement specifying the provision of section (b) of the Privacy Act (5 U.S.C. 552a(b)), pursuant to which the record should be disclosed.

(b) The Secretary shall determine whether or not the requested disclosure is proper and so notify the requester. If the Secretary determines that the record may be disclosed he or she shall in-

form the requester where and when the records may be viewed or shall mail copies of the records. Unless disclosure is made under the Freedom of Information Act, 5 U.S.C. 552, the Secretary shall log the disclosure in such a manner that the individual to whom the records pertain can be informed of all disclosures to third parties made by the Commission. If the Secretary determines that the record may not be disclosed, he or she shall notify the requester in writing of the reasons for the denial and of the requester's right to appeal the decision to the Executive Director in accordance with the procedures set forth in § 1014.8.

**§ 1014.10 Fees.**

The Commission shall not charge an individual for the costs of making a search for a record, the costs of reviewing or copying a record, or the cost of correcting or amending a record.

**§ 1014.11 Penalties.**

Any person who makes a false statement in connection with any request for a record, or an amendment thereto, under this part, is subject to the penalties prescribed in 18 U.S.C. 494, 495 and 1001; and 5 U.S.C. 552a(i) (3).

**§ 1014.12 Specific exemptions.**

(a) *Injury Information.* (1) The Bureau of Epidemiology maintains the National Electronic Injury Surveillance System (NEISS), by which selected hospitals located throughout the United States furnish injury data to the Commission on product-related injuries requiring emergency room treatment. The NEISS is supplemented by Accident Reports (in-depth investigations) which are conducted on a sample of injuries reported through NEISS. In addition, BEP compiles death certificates (furnished by selected state and local governments) for which the external cause of death is selected types of accidental injury. The purpose of these records system is to compile accident statistics for analyzing the incidence and severity of product related injuries.

(2) Inasmuch as the maintenance of the record systems listed in paragraph (a) (1) of this section is authorized by section 5 of the Consumer Product Safety Act (15 U.S.C. 2054) and the data are used solely as statistical records, the records in these record systems are exempted from disclosure pursuant to 5 U.S.C. 552a(k) (4), except that accident or investigation reports made by the Commission employees are disclosable in accordance with paragraph (a) (3) of this section.

(3) Section 25(c) of the Consumer Product Safety Act (15 U.S.C. 2074(c)) provides that accident or investigation reports made by an officer or employee of the Commission shall be made available to the public in a manner which will not identify any injured person or any person treating him or her without the consent of the person so identified. Consequently, an accident or investigation report which identifies individuals is available to the injured party or the person



In Part I, Section 2.106, the frequency table is corrected to read as follows: treating him or her but would not be available for disclosure to a third party without the consent of the injured party or person treating him or her.

(4) Since accident or investigation reports are compiled only for statistical purposes and are not used in whole or in part in making any determination about an individual, they are exempted from the requirement to correct or amend a record as provided by section (d) (2) of the Privacy Act (5 U.S.C. 552 (d) (2)). Exceptions from this subparagraph, insofar as they relate to amendments or additions, may be allowed by the Executive Director.

Interested persons are invited to submit written comments regarding this proposal on or before September 10, 1975. Comments received after this date will be considered to the extent practicable. Comments and any accompanying data or material, preferably in five copies, should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Received comments may be seen in the Office of the Secretary, 10th Floor, 1750 K Street, NW., Washington, D.C., during

Band MHz	Service	Class of station(s)	Frequency MHz	Nature of services (of stations)
7	S	9	10	11
152.495-152.855	Land mobile	Base land mobile		DOMESTIC PUBLIC
152.855-152.8625	do	do		INDUSTRIAL PUBLIC SAFETY
152.8625-153.7325	do	do		INDUSTRIAL (NG4)

In Part III, instruction number three, § 91.354 the frequency table is corrected as follows:

Frequency or band	Class of station(s)	Limitations
157.74	Base or mobile	21
157.75125	do	22, 24, 25, 26, 36

Released: September 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 75-24007 Filed 9-9-75; 8:45 am]

[47 CFR Part 73]

[Docket No. 20523]

#### CABLE TELEVISION RELAY SERVICE Erratum

In the matter of adoption of FCC Form 327, application for authorizations in the Cable Television Relay Service.

In the Commission's Notice of Proposed Rule Making, in the above-entitled proceeding, FCC 75-729, published in the

working hours (8:30 a.m. to 5 p.m.) Monday through Friday.

Dated: August 27, 1975.

SADYE E. DUNN,  
Secretary, Consumer  
Product Safety Commission.

[FR Doc. 75-23274 Filed 8-29-75; 9:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 91]

[Docket No. 20149]

#### TELEMETRY AND REMOTE CONTROL OPERATIONS

##### Second Erratum

In the matter of amendment of Parts 2, 89, and 91 of the Commission's Rules and Regulations to make available four 173 MHz splitter frequencies to the Local Government and Manufacturers Radio Services for telemetry and remote control operations.

The Appendix to the Commission's Further Notice of Proposed Rule Making (FCC 75-868) in Docket 20149 adopted July 22, 1975, 40 FR 33471, is corrected to read as follows:

FEDERAL REGISTER June 26, 1975 at 40 FR 27051, the adoption date (June 17, 1975) is erroneous and should read, "June 18, 1975."

Released: September 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 75-24008 Filed 9-9-75; 8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[EPL 414-5]

#### STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

##### Opacity Provisions for Fossil Fuel-Fired Steam Generators

On November 12, 1974, (39 FR 39872), the Environmental Protection Agency promulgated certain revisions to new source performance standards regulating opacity and to "Method 9—Visual Determination of the Opacity of Emissions from Stationary Sources". These regulations stipulated that the determination of compliance would be based on 24 consecutive readings taken every 15 seconds, i.e., 6-minute averages. Instantaneous

emissions of opacity greater than allowed by the standard do not constitute violations. However, previously promulgated opacity standards for fossil fuel-fired steam generators specified time exemptions in addition to the 20 percent opacity limit that governs during normal operation. Thus, under current regulations (40 CFR 60.42(a) (2)) owners or operators of steam generators are obligated to meet both the 20 percent limit based on 6-minute averages and the 40 percent limit based on 2-minute averages. In promulgating the regulations on November 12, 1974, EPA noted its intention to propose further revisions to Method 9 including a revised method of enforcing opacity standards in those instances where emissions could be expected to be intermittent in nature. Since intermittent emissions due to sootblowing are not an operational problem for steam generators fired with gaseous or solid fossil fuels, EPA is now proposing to delete the 40 percent opacity, 2-minute average requirement for these affected facilities and to revise the requirements for reporting of continuous monitoring system opacity data.

Available data concerning opacity from steam generators have been reviewed, particularly with respect to the challenge to the opacity standards for coal-fired steam generators, (Appalachian Power Company et al. vs. Environmental Protection Agency, 486 F. 2d 427, September 10, 1973). It is apparent that with the November 1974 changes to Method 9, the 2-minute exception allowed under § 60.42(b) is unnecessary for steam generators fired with solid and gaseous fossil fuels. All such sources which meet the mass emission standards should be able to comply with the 6-minute average, 20 percent opacity limit. In the case of solid fuels, it is necessary to employ high-efficiency particulate collectors to meet the limits of § 60.42(a). The proper design, installation, and operation of these collectors essentially guarantees that particulate emissions will not exceed 20 percent opacity when observations are made over 6-minute periods in accordance with Method 9. The bases for these conclusions are set forth in EPA's Proposed Response to the Remand Order by the U.S. Court of Appeals for the District of Columbia in Appalachian Power Company et al. vs. EPA, 486 F. 2d 427 (September 10, 1973) which response is included elsewhere in this FEDERAL REGISTER. In the unlikely event that a coal-fired plant which meets the particulate matter mass emission standard cannot meet the 6 minute average 20 percent opacity standard, relief is available under 40 CFR 60.11(e) (39 FR 39872 et seq., November 12, 1974).

In the case of natural gas fire steam generators, no visible emissions are encountered during normal firing. Neither is it necessary to operate soot blowers during natural gas firing since when natural gas is burned under proper combustion conditions, particulate matter does not accumulate on surfaces of heat transfer tubes.

Only in the case of oil-fired steam generators are there uncertainties as to the need for exceptions from or revisions to the opacity standard to accommodate soot blowing. Preliminary investigations indicate that there are little or no visible emissions from new oil-fired steam generators except during startup, shutdown, unpreventable malfunction (not violations per 40 CFR 60.11), or during soot blowing. The latter have the potential for increasing opacity emissions over 1 to 2 minute intervals. Review, again on a preliminary basis, indicates that soot blowing of oil-fired utility boilers is not likely to cause measurable opacity increases simply because a large number of soot blowers are employed and are operated on a frequent schedule. For instance, each soot blower may be actuated automatically six times or more during an average 24-hour period. When soot blowers are operated at this frequency, resultant incremental particulate emissions are usually inconsequential in their effect on opacity. In addition, large new oil-fired utility boilers frequently are equipped with particulate collectors which will be especially effective on the heavier concentrations produced during soot blowing. Steam generator manufacturers have contended that small oil-fired boilers affected by the standards may require relief from the continuous opacity provision to allow removal of soot from the boiler tubes on an infrequent basis, i.e., once or twice per day. Due to the latter uncertainty, the Administrator has decided against removal of the 2-minute exception for oil-fired boilers at this time. The Administrator intends to further review the need for specific time exceptions and at a latter date to propose revisions to the oil-fired steam generator standards.

In addition to proposing to delete the 40 percent opacity, 2-minute average for solid and gaseous fuels, these regulations also contain provisions revising the requirements for reporting of continuous monitoring system opacity data. These revised requirements, which are consistent with the proposed opacity standards, propose that all 6-minute averages in excess of 20 percent opacity be reported quarterly for gaseous, liquid, and solid fuel combustion except that one 6-minute average per hour of 21 to 27 percent opacity need not be reported for liquid fuels. This exception for liquid fuels reflects the equivalent amount of relief provided by the 2-minute, 40 percent opacity limit that can be applied once per hour, i.e., 40 percent opacity for 2 minutes and 20 percent opacity for 4 minutes averages to no more than 27 percent opacity for 6 minutes. Although this exemption from reporting of one 21 to 27 percent 6-minute average per hour may also exempt from reporting a few 6-minute periods when the facility was not in compliance with the 20 or 40 percent opacity standards (e.g., 15 percent opacity for 5 minutes plus 85 percent opacity for one minute), this approach will be adequate for EPA purposes of monitoring routine emissions of the facility.

By this notice, the Administrator is inviting comment on the proposed revisions to § 60.42(a) (2) and § 60.45(g) (1) and at the same time is soliciting comment on the need for short-term exceptions to opacity standards for oil-fired boilers. Submittals should, wherever possible, be supported with data and/or calculations.

Comments on the proposed revision should be submitted, in triplicate, to the Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. All comments postmarked no later than October 28, 1975, will be considered.

Copies of comments received will be available for public inspection during normal business hours at the EPA Freedom of Information Center, Room 202 West Tower, 401 M Street, SW., Washington, D.C. 20460.

This amendment is proposed under the authority of section 111 of the Clean Air Act, as amended (42 U.S.C. 1857c-6).

Dated: September 2, 1975.

RUSSELL E. TRAIN,  
Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended by amending Subpart D as follows:

1. Section 60.42(a) (2) is revised to read as follows:

§ 60.42 Standard for particulate matter.

(a) . . . .

(2) Exhibit greater than 20 percent opacity except that for steam generators fired with liquid fossil fuel a maximum of 40 percent opacity shall be permissible for not more than 2 minutes in any hour.

2. Section 60.45(g) (1) is revised to read as follows:

§ 60.45 Emission and fuel monitoring.

(g) . . . .

(1) Opacity. Excess emissions are defined as any 6-minute period during which the average opacity of emissions exceeds 20 percent opacity except that one 6-minute average per hour of 21 to 27 percent opacity need not be reported for affected facilities firing liquid fossil fuels.

[FR Doc. 75-23951 Filed 9-9-75; 8:45 am]

#### FEDERAL POWER COMMISSION

[18 CFR Part 35]

[Docket No. RM76-6]

#### REGULATIONS UNDER THE FEDERAL POWER ACT

##### Notice of Proposed Rulemaking

SEPTEMBER 3, 1975.

Notice is hereby given pursuant to Section 553 of Title 5 of the United States Code and Sections 205, 206, 301, 304 and 309 of the Federal Power Act (52 Stat. 822, 830, 76 Stat. 72; 15 USC 717c and 717o) that the Commission is proposing to amend § 35.13 of its Regulations un-

der the Federal Power Act, in the manner set forth below. The change would clarify the provision regarding proposed rate increase filings which requires a public utility to file a statement showing its cost of service for the most recent twelve consecutive months for which actual data are available. The change would incorporate into the provision the additional requirement that the base period end no earlier than four months prior to the date of filing of the proposed rate increase.

In its present form, the provision requiring a cost of service statement for twelve months of actual experience does not specify how current the actual data must be. Our experience indicates that the modifying phrase, "for the most recent twelve consecutive months for which actual data are available," is ambiguous and has given rise to varying constructions. In particular, a utility may process cost of service data on a calendar year basis as a result of a calendar year basis of bookkeeping. Their filing reflects this method which results in less recent data than if the company had utilized a split test year cost of service. The most recent calendar year data available is frequently too stale and outdated to accurately represent current or future conditions. Furthermore, even with regard to companies not utilizing a calendar year basis of bookkeeping, that actual data which they consider to be "available" is a subjective judgment and open to interpretation. Actual data may be available quite soon after the fact, however not in the form suitable for filing as a cost of service statement.

We believe the proposed change should develop a standard of uniformity in the filing requirements, reduce the ambiguity created by varying interpretations placed on them, and more accurately project future conditions. For those purposes, we find it reasonable and appropriate to require that the twelve consecutive months of actual experience constituting the test year for cost of service should end no earlier than four months prior to the date of filing.

The proposed amendment to Section 35.13 of the Commission's Regulations under the Federal Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly Sections 205, 206, 301, 304 and 309 (52 Stat. 822, 830, 76 Stat. 72; 15 USC 717c, 717o).

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, not later than 45 days from the issuance of this order, data, views, comments, and suggestions, in writing, concerning the proposed amendments. An original and 14 conformed copies should be filed with the Commission. Submissions to the Commission should indicate

<sup>1</sup> Section 35.13(b) (4) (iii) of the Regulations reads:

"The statement of the cost of service should contain unadjusted system costs for the most recent twelve consecutive months for which actual data are available (Period I) including return, taxes, depreciation, and operating expenses. . .

force of a previously issued credit card; or the continuance of existing credit

eral agency which administers compliance with this law concerning this

availability of procedures to compel payment; and the credit history of the payor.



the name, address and telephone numbers of the person to whom correspondence in regard to the proposal should be addressed. Responses to the submittals shall be filed no later than 30 days thereafter, in the same form and number as the original submittals. All submittals and responses will be placed in the Commission's public files and will be available for inspection in the Commission's Office of Public Information, 825 North Capitol Street, Washington, D.C. 20426, during regular business hours.

All statements and submittals in response to this notice shall be under oath, acknowledged by a notary public or comparable official, as follows: ----- being duly sworn, deposes and says that he is (title and organization, if filing in a representative capacity) that he is authorized to verify and file this document, that he has examined the statements contained in the submittal or response, and that all such statements are true and correct to the best of his knowledge, information, and belief. The participants preparing statements and submittals, other than prepared data sheets in response to this rulemaking shall insert line numbers on each page in the left-hand margin.

Accordingly, it is proposed to amend Section 35.13 of the Commission's Regulations under the Federal Power Act, Chapter 1, Title 18 of the Code of Federal Regulations as follows:

Section 35.13(b)(4)(iii) of the Regulations under the Federal Power Act (Title 18, Part I, Subchapter B of the Code of Federal Regulations) is hereby amended, to read:

§ 35.13 Filing of changes in rate schedules.

(b) . . . . .  
(4) . . . . .  
(iii) The statement of the cost of service should contain unadjusted system costs for the most recent twelve consecutive months for which actual data are available (Period I) including return, taxes, depreciation, and operating expenses, and an allocation of such costs to the service rendered; *Provided, however*, that the last day of the 12 months of actual experience shall not be more than four months prior to the date of filing the proposed change in rates and charges.

The Secretary shall cause prompt publication of this notice in the FEDERAL REGISTER.

By Direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24052 Filed 9-9-75; 8:45 am]

#### FEDERAL RESERVE SYSTEM

Board of Governors

[ 12 CFR Part 202 ]

#### CONSUMER CREDIT PROTECTION ACT

Equal Credit Opportunity Act; Supplemental Notice of Proposed Rulemaking

In the April 25, 1975 Issue of the FEDERAL REGISTER (40 FR 18183), the Board

published a proposed rule which would prohibit discrimination on the basis of sex or marital status with respect to any aspect of a credit transaction. Numerous comments were received and public hearings were held on May 28 and 29, 1975. In response to the comments received in writing and those presented at the hearings, the Board has revised the proposed rule. Pursuant to the authority of section 703 of the Equal Credit Opportunity Act (Pub. L. 93-495), which amends the Consumer Credit Protection Act (15 U.S.C. § 1601 et seq.), the Board hereby publishes the revised proposed Part 202 (Regulation B) for comment as follows:

Sec.  
202.1 Authority, scope and purpose.  
202.2 General rule.  
202.3 Definitions.  
202.4 Applications.  
202.5 Evaluation of applications.  
202.6 Furnishing of credit information.  
202.7 Request for signature of spouse or other person.  
202.8 Separate accounts: Relation to State law.  
202.9 Preservation of records.  
202.10 Exceptions.  
202.11 Administrative enforcement.  
202.12 Penalties and liabilities.  
202.13 Transition periods.

#### § 202.1 Authority, scope and purpose.

*Authority, scope and purpose.* (1) This Part comprises the regulations issued by the Board of Governors of the Federal Reserve System pursuant to the Equal Credit Opportunity Act (Pub. L. 93-495; 88 Stat. 1521 et seq.). This Part applies to all persons who regularly extend, offer to extend, arrange for or offer to arrange for the extension of credit for any purpose whatsoever and in any amount.

(2) This Part implements the Act, the purpose of which is to require that financial institutions and others engaged in the extension of credit shall make that credit equally available to all credit-worthy persons without regard to sex or marital status.

#### § 202.2 General rule.

A creditor shall not discriminate against any applicant on the basis of sex or marital status with respect to any aspect of a credit transaction.

#### § 202.3 Definitions.

For purposes of this Part, unless the context indicates otherwise, the following definitions apply:

(a) "Act" means the Equal Credit Opportunity Act (Pub. L. 93-495; 88 Stat. 1521 et seq.).

(b) "Account" means an extension of credit.

(c) "Applicant" means any person who applies to a creditor directly for an extension of credit, or who applies to a creditor indirectly by using an existing credit plan to obtain an amount exceeding a previously established credit limit. With respect to any creditor the term also includes any person to whom credit is or has been extended by that creditor.

(d) "Application" means an oral or written request by an applicant for an extension of credit which is made in accordance with procedures established

by a creditor for the type of credit requested. The term does not include the use of a credit card to obtain an amount of credit not exceeding a previously established credit limit.

(e) "Application form" means a document, furnished by a creditor to be completed by an applicant, which requests information from the applicant to be used in evaluating creditworthiness. The term does not include a document filled out by a creditor which an applicant signs.

(f) "Arrange for the extension of credit" means to provide or offer to provide credit which is or will be extended by another person under a business or other relationship pursuant to which the person arranging such credit participates in the decision to extend credit to an applicant. The term does not include participation in a credit transaction which is limited to honoring a credit card.

(g) "Consumer credit" means credit offered or extended to an individual in which the property or service which is the subject of the transaction is primarily for personal, family or household purposes.

(h) "Contractually liable" means expressly obligated to repay a debt by reason of having signed an agreement to that effect.

(i) "Credit" means the right granted by a creditor to an applicant to defer payment of a debt, or to incur debt and defer its payment or to purchase property or services and defer payment therefor.

(j) "Credit card" means any card, plate, coupon book or other single credit device existing for the purpose of being used from time to time upon presentation to obtain property or services on credit.

(k) "Creditor" means any person who regularly extends credit or arranges for the extension of credit. The term includes assignees, transferees or subrogees of an original creditor who participate in the decision to extend credit, but does not include a person whose only participation in a credit transaction is to honor a credit card.

(l) "Credit transaction" means every aspect of an applicant's dealings with a creditor including, but not limited to, solicitation of prospective applicants by advertising or other means; information requirements; investigatory procedures; standards of creditworthiness; terms of credit; furnishing of credit information and collection procedures.

(m) "Discriminate against" means to treat an applicant or prospective applicant less favorably than others.

(n) "Extension of credit" means the granting of credit in any form and includes, but is not limited to, credit granted in addition to any existing credit or credit limit; credit granted in the form of a credit card, whether or not the card has been used; the refinancing of any credit; the consolidation of two or more obligations; the issuance of a new credit card in place of an expiring credit card or in substitution for an existing credit card; the continuing in

force of a previously issued credit card; or the continuance of existing credit without any special effort to collect at or after maturity.

(o) "Marital status" means the state of being unmarried, married, or separated, as defined by applicable State law. For purposes of this Part, the term "unmarried" includes a person who is divorced or widowed.

(p) "Open end credit" means credit extended pursuant to a plan under which the creditor may permit the applicant to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check or other device, as the plan may provide. The term does not include negotiated advances under an open end real estate mortgage or a letter of credit.

(q) "Person" means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative or association.

(r) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

#### § 202.4 Applications.

(a) *General.* A creditor may request any information in an application not prohibited by the Act or this Part.

(b) *Discouraging applications.* A creditor shall not make any statements to applicants or prospective applicants which would discourage a reasonable person from applying for credit or pursuing an application for credit on the basis of sex or marital status.

(c) *Application forms.* Where application forms are used by a creditor, such forms shall:

(1) Ask whether the account which the applicant is requesting is one which the applicant's spouse may use or for which the applicant's spouse will be contractually liable ("use" of an account throughout this Part refers only to open end accounts);

(2) Ask the spouse's name and address, if the applicant indicates that a spouse may use the account or will be contractually liable for it;

(3) If the application form asks the applicant's marital status, use only the terms "married," "unmarried" or "separated." However, an inquiry as to the payment of alimony, child support or maintenance or reliance upon the receipt of such payments is not prohibited by this section;

(4) Where an applicant is requested to designate a title (such as Mr., Mrs., Ms. or Miss), state prominently that the designation of such title is optional;

(5) Have printed upon them in a type size no smaller than that used throughout most of the application form the following statement:

The Federal Equal Credit Opportunity Act requires that all creditors, including banks, savings and loan associations, small loan companies, retail stores and others, make credit equally available to all creditworthy customers without regard to sex or marital status. The fed-

eral agency which administers compliance with this law concerning this (bank, store, etc.) is (name and address of the appropriate agency).

(d) *Oral applications.* (1) Where a creditor does not use application forms, the creditor shall:

(i) fulfill the requirements of § 202.4 (c) (1), (2), (3) and (4) orally or in writing;

(ii) fulfill the requirements of § 202.4 (c) (5) in writing, except that where application is made by telephone, compliance with this subsection may be accomplished orally or in writing.

(2) Where oral application is made for an amount of credit to exceed an existing limit on an applicant's open end account, the requirements of § 202.4(c) do not apply.

(e) *Designation of name.* A creditor shall not prohibit an applicant from using any particular name on the basis of the applicant's sex or marital status.

#### § 202.5 Evaluation of applications.

(a) *General.* A creditor may consider any information not prohibited by the Act or this Part and may deny the credit requested if an applicant is unable or unwilling to provide the information necessary to an evaluation of creditworthiness.

(b) *Information about a spouse.* (1) A creditor may request and consider any information concerning the spouse of a married or separated applicant which may be considered about the applicant when the application indicates that the spouse may use the account or is contractually liable upon the account.

(2) A creditor may request only the name and address of the spouse of a married or separated applicant when the application indicates that the spouse will not use the account and is not contractually liable upon the account. However, a creditor may consider information about the payor of alimony, child support or maintenance where an application indicates reliance upon such payments as a basis for creditworthiness.

(c) *Alimony, child support and maintenance obligations.* A creditor may ask and consider whether and to what extent an applicant is obligated to make alimony, child support or maintenance payments.

(d) *Alimony, child support and maintenance income.* (1) A creditor may ask whether all or a part of the income upon which an applicant is relying as a basis for the credit requested is derived from alimony, child support or maintenance payments.

(2) Where an application indicates reliance on alimony, child support or maintenance payments, a creditor shall consider such payments as income to the extent that such payments are likely to be consistently made. Factors which a creditor may consider in determining the likelihood of consistent payments include, but are not limited to, whether the payments are received pursuant to a written agreement or court decree; the length of time the payments have been received; the regularity of receipt; the

availability of procedures to compel payment; and the credit history of the payor, where available to the creditor under the Fair Credit Reporting Act or other applicable laws.

(e) *Discounting income.* A creditor shall not discount the income (including part-time income) of an applicant or an applicant's spouse on the basis of sex or marital status.

(f) *Credit scoring.* A creditor shall not assign a value to sex or marital status in a credit scoring system or other method of evaluating applications.

(g) *Telephone listing in applicant's name.* A creditor shall not assign a value to the existence of a telephone listing in the name of an applicant in a credit scoring system or other method of evaluating applications. A creditor may consider the existence of a telephone in the applicant's home.

(h) *Childbearing: continued ability to pay.* A creditor shall not request information about birth control practices or childbearing capability. However, a creditor may request and consider information concerning the probable continuity of an applicant's ability to repay.

(i) *Change of name or marital status.* In the case of an existing open end account, a creditor shall not take any of the following actions solely on the basis of a change of name or marital status in the absence of evidence of inability to repay:

(1) Require a reapplication;  
(2) Terminate the account; or  
(3) Require a change in the terms of the account.

(j) *Credit history.* Where an applicant's credit history would be considered by the creditor in evaluating an applicant of similar qualifications for a similar type and amount of credit, a creditor shall:

(1) Consider the credit history of accounts designated as accounts which may be used by both spouses or for which both are contractually liable, and accounts reported in the applicant's(s') name or names as listed in the application, whether such information is obtained from consumer reporting agencies or others; and

(2) Consider the credit history, when available, of any account established prior to November 1, 1976, which an applicant can demonstrate reflects accurately his/her willingness or ability to repay.

(k) *Delay in evaluating applications.* A creditor shall not fail to act upon, or unreasonably delay a decision upon an application in whole or in part on the basis of sex or marital status. In the event a creditor is unable to obtain adequate credit information, a request by the creditor for additional information does not constitute unreasonable delay under this section.

(l) *Use and retention of prohibited information.* A creditor may not use any information prohibited by the Act or this Part in evaluating applications. However, where such information was obtained prior to November 1, 1976, retention of such information in the



creditor's files does not violate the Act or this Part.

(m) *State property laws.* Consideration or application of State property laws directly or indirectly affecting creditworthiness shall not constitute discrimination for purposes of this Part.

(n) *Notification of action taken.* A creditor shall within a reasonable time notify the applicant of action taken upon the application. Where such notification is in writing it shall have printed upon it in a type size no smaller than that used throughout most of the notice the statement contained in Section 202.4(c)(5) of this Part.

#### § 202.6 Furnishing of credit information.

(a) *Accounts established after November 1, 1976.* A creditor, when furnishing information to consumer reporting agencies or others concerning any account established after November 1, 1976, which the application indicates may be used by both spouses or upon which both spouses are contractually liable, shall designate the account to reflect the fact of participation of both spouses and shall report the designation and furnish all information concerning the account in the names of both spouses.

(b) *Accounts established prior to November 1, 1976.* (1) Unless already following the procedures specified in subsection (a) as to all existing accounts established prior to November 1, 1976, a creditor shall mail to all spouses or, at the option of the creditor, to all individuals who are contractually liable on such accounts the notice set out below, accompanied by a return envelope addressed to the creditor. Such notice may be mailed with a billing statement and all such notices shall be mailed by November 1, 1976, or within 60 days after an account is established, whichever is later, and shall provide as follows:

#### CREDIT HISTORY FOR MARRIED PERSONS

The Federal Equal Credit Opportunity Act forbids all creditors from discriminating on the basis of sex or marital status in any aspect of a credit transaction. The Act gives every married person the right to have information concerning all the credit accounts held or used jointly with a spouse reported to credit bureaus and creditors in the names of both the wife and husband. Accounts of married persons opened before November 1976—even those opened in the names of both spouses—are customarily reported in only the husband's name. This is generally true regardless of who has been paying the bills or whose income was used to obtain the account. As a result, most married women do not have a credit history in their own names, although their husbands do. If a woman ever needs to obtain credit on her own, for example, when divorced or widowed, a credit history is usually necessary.

If you would like to have the credit information concerning your account with us reported in both your name and the name of your spouse, please check the box, fill out and sign the statement below and return it to us in the enclosed envelope.

☐ When you furnish credit information on this account, please report all information concerning it in both our names. We would like our names written as follows:

Signature of either husband or wife

(2) A creditor, when furnishing information to consumer reporting agencies or others concerning any account established prior to November 1, 1976, shall designate the account to reflect the fact of participation of both spouses and shall report the designation and furnish all information concerning the account in the names of both spouses beginning no later than 90 days after receipt of a request to do so.

#### § 202.7 Request for signature of spouse or other person.

(a) *General.* Except as otherwise provided herein, a creditor may require the signature of a spouse or other person on a credit instrument if such a requirement is imposed on all similarly qualified applicants who apply for a similar type and amount of credit without regard to sex or marital status.

(b) *Unsecured credit in community property states.* Where a married applicant applies for unsecured credit in a community property State, a creditor may request or require the signature of a non-applicant spouse if:

(1) the applicable State law denies the applicant power to manage or control sufficient community property to qualify for the amount of credit requested under the creditor's standards of creditworthiness; and

(2) the applicant does not have sufficient separate property to qualify for the amount of credit requested without regard to any community property.

#### § 202.8 Separate accounts: Relation to state law.

(a) *Separate extension of consumer credit.* Any provision of State law which prohibits the separate extension of consumer credit to each spouse shall not apply in any case where each spouse voluntarily applies for separate credit from the same creditor. In any case where such a State law is pre-empted, each spouse shall be solely responsible for the debt so contracted. In a community property State, the creditor may enforce an obligation of one spouse alone under this section as separate post-nuptial debts are enforced under applicable State law.

(b) *Finance charges and loan ceilings.* When each spouse separately and vol-

untarily applies for and obtains a separate account with the same creditor, the accounts shall not be aggregated or otherwise combined for purposes of determining permissible finance charges or permissible loan ceilings under the laws of any State or of the United States. Permissible loan ceilings under the laws of any State or of the United States shall be construed to permit each spouse to be separately and individually liable up to the amount of the loan ceiling less the amount for which both spouses are jointly liable. For example, in a State with a permissible loan ceiling of \$1,000, if a married couple were jointly liable for \$250, each spouse could subsequently become individually liable for \$750.

#### § 202.9 Preservation of records.

(a) For a period ending twelve months after the date a creditor takes final action on an application, the creditor shall retain for each applicant, in original form or a copy thereof:

(1) any application form and all other written information used in evaluating creditworthiness;

(2) any statement submitted by the applicant alleging discrimination prohibited by the Act and this Part.

(b) Any creditor who has actual notice that it is under investigation for violation of this Part by an enforcement agency charged with monitoring compliance with this Act, or who has been served with notice of an action filed pursuant to § 202.12 of this Part shall retain such information until final disposition of the matter or such earlier time as may be ordered by the agency or court.

#### § 202.10 Exceptions.

(a) *Business or securities credit.* As to all credit transactions involving other than consumer credit, and as to all credit transactions that are subject to regulation under section 7 and/or 11 of the Securities Exchange Act of 1934, a creditor shall only be required to comply with §§ 202.1, 2, 3, 4(b), 5(k), 10, 11, 12 and 13.

(b) *Good faith compliance.* It shall not be a violation of § 202.4 of this Part if the creditor shows by a preponderance of the evidence that at the time of the alleged violation the creditor maintained reasonable procedures to assure compliance with that section.

#### § 202.11 Administrative enforcement.

(a) As set forth more fully in section 704 of the Act, administrative enforcement of the Act and this Part with respect to certain creditors is assigned to the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board acting directly or through the Federal Savings and Loan Insurance Corporation, Administrator of the National Credit Union Administration, Interstate Commerce Commission, Civil Aeronautics Board, Secretary of Agriculture, Farm Credit Administration, Securities and Exchange Commission and the Small Business Administration.

(b) Except to the extent that administrative enforcement is specifically committed to other authorities, section 704 of the Act assigns enforcement of the Act and this Part to the Federal Trade Commission.

#### § 202.12 Penalties and liabilities.

(a) Sections 706 (a) through (e) of the Act provide for civil liability for actual and punitive damages against any creditor who fails to comply with the Act and this Part. Section 706(b) places a \$10,000 limitation on the amount of punitive damages an aggrieved applicant may seek in an individual capacity and section 706(c) limits a creditor's class action liability for punitive damages to the lesser of \$100,000 or 1% of the creditor's net worth at the time the action is brought. Section 706(d) provides that an aggrieved applicant may seek equitable relief in the nature of a permanent or temporary injunction, restraining order, or other action. Section 706(e) further provides for the awarding of costs and reasonable attorney's fees to an aggrieved applicant who brings a successful action under sections 706 (a) through (d).

(b) Section 706(f) relieves a creditor from civil liability resulting from any act done or omitted in good faith in conformity with any rule, regulation or interpretation by the Board of Governors of the Federal Reserve System notwithstanding that after such act or omission has occurred, such rule, regulation or interpretation is amended, rescinded or otherwise determined to be invalid for any reason.

(c) Without regard to the amount in controversy, any action under this title may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation. For purposes of this Part the violation shall be deemed to occur when the applicant receives notice of a denial.

#### § 202.13 Transition periods.

(a) Except as otherwise specified below, the provisions of this Part take effect on October 28, 1975.

(b) Sections 202.5 (a)-(i), (k) and (l) and 9 of this Part take effect on January 31, 1976.

(c) Section 202.4 of this Part takes effect on June 30, 1976.

(d) Section 202.5(j) and 6 of this Part take effect on November 1, 1976.

*Notice and Comments.* Interested persons are invited to submit relevant written data, views, and arguments concerning this proposal. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than September 26, 1975. Such material will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information. All views previously expressed in written comments on the pending proposal are under consideration by the Board and are

available for inspection and copying in Room 1020 of the Board's building.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)).

By order of the Board of Governors, September 5, 1975.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc.75-24025 Filed 9-9-75; 8:45 am]

### INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1307]

[Ex Parte No. MC-97]

### MOTOR COMMON CARRIERS OF PROPERTY ON RESIDENTIAL AND REDELIVERED SHIPMENTS

#### Proposed Investigation Into Practices

SEPTEMBER 4, 1975.

● *Purpose.* The purpose of this document is to institute a proceeding to investigate motor common carrier charges for residential and redelivered shipments.

This rulemaking proceeding is instituted on our own motion to consider the propriety and lawfulness of certain practices of many of the Nation's motor common carriers of property in assessing additional charges (a) on shipments from or to a residence, apartment, church, or school, and other similarly specified types of premises, and (b) for the redelivery of such shipments, when no prior notice has been afforded receivers that an attempt would be made to deliver traffic, and to determine if new rules are necessary to govern such charges, if found lawful and proper.

This Commission has received numerous complaints from shippers and receivers of freight consigned to places such as private homes and apartment houses. Some of these have resulted in the institution of formal proceedings investigating specific situations. In addition, this Commission also has acted on its own motion, principally through our Suspension and Fourth Section Board, to investigate the lawfulness and reasonableness of certain rates and charges for such services and the conditions for their application as published in the governing tariffs.

Members of the average family lack familiarity with the rights and responsibilities of freight shippers and receivers and of freight carriers. This investigation would provide us with a basis for assuring that the public's rights are fully protected and that our regulatory responsibilities are fulfilled.

Section 216(b) of the Interstate Commerce Act requires every motor common carrier of property to provide safe and adequate service, equipment, and facilities for the transportation of property in interstate or foreign commerce. It also requires such carriers to establish, ob-

serve, and enforce just and reasonable regulations and practices relating thereto. Each certificate of public convenience and necessity contains a condition that the holder shall render reasonably continuous and adequate service to the public. Section 217(b) of the statute directs that the provisions of the carriers' tariffs filed with this Commission be strictly observed and that no carrier shall charge, demand, collect, or receive a greater or less or different compensation for transportation service than the applicable charges specified in its tariffs.

The first question requiring consideration in the light of the foregoing statutory provisions is whether it is lawful and in the public interest to allow carriers to charge more, by whatever amount or means of computation, for pickup or delivery at certain described types of premises based solely upon their nature, without any apparent regard for the relative difficulty involved in serving such locations. Appendix A sets forth representative tariff provisions which provide for assessment of such additional charges. If, for example, a private residence and a store are adjacent to each other, and neither has facilities designed specifically for freight handling, the propriety and lawfulness of charging for what is purported to be an extra service at the one but not the other would seem open to question. Similarly, it appears doubtful that a school with a receiving platform for truck delivery would be more difficult to serve than a similarly-equipped commercial plant across the street. Furthermore, commercial operations are more likely to be located in congested urban areas, while premises to which the involved charges apply would presumably be situated in less heavily traveled residential settings. Thus, at first impression, it is open to question whether extra charges for pickup or delivery at schools, homes, and other such premises are more costly to the carrier and, even if it were to be shown that on an average it is more costly to serve most of those shippers or receivers whose facilities fall within this specified class, consideration must be given to the fact that line-haul rate tariffs traditionally have and should include the cost for one, pickup and delivery. Resolution of the foregoing matters obviously requires consideration of a number of legal and policy questions and the availability for analysis of substantial factual material, especially cost data. This proceeding should serve as a vehicle whereby a record may be developed which is sufficient to resolve these questions.

The second major area of consideration in this proceeding is the justness and reasonableness of the assessment of separate additional charges for redelivery to the types of locations described above, when a subsequent attempt to deliver a shipment becomes necessary. It appears that such tariff provisions are in use generally because of the possibility that the consignee may be unavailable to accept delivery of a tendered shipment. Based on communications and complaints from affected members of the

public, it does not appear to be common

vate residences, apartments, churches,

This notice of proposed rulemaking is

notices



## PROPOSED RULES

public, it does not appear to be common practice in the industry to afford receivers at private residences, etc., notice of arrival of shipments prior to the dispatching of a truck to the destination premises. Apparently, the reason carriers decline to provide this notification prior to delivery service is because it is usual practice, after the arrival at a destination terminal of an intercity (or line-haul) truck, to move ordinary shipments immediately to terminal delivery loading docks for transfer to local delivery vehicles. When notification to the receiver prior to delivery is required, shipments often are moved from points of unloading to specified "hold" areas. Only after notification, which may occur some time subsequent to the commencement of other delivery operations in instances where a line-haul trailer has arrived during night hours, are shipments moved from the holding area to the delivery area for loading into delivery vehicles. Additionally, in instances where large shipments are involved, such shipments frequently are left in linehaul trucks until notification and delivery arrangements have been made. While such rehandling of shipments and detention of vehicles may add to the carrier's costs, the assessment of additional charges (both because of the nature of the destination premises, and for redelivery, if necessary) could place an extreme cost burden on the party required to pay such amounts.

It seems in order, then, that an inquiry be made into whether redelivery charges are justified, particularly in the absence of prior notification to a receiver at a nonbusiness location. This inquiry should include specific consideration of the amount of traffic transported by each carrier maintaining such charges; the comparative cost of holding freight and giving notification prior to tender for delivery; the experience of carriers in completing residential and other related types of delivery at issue here in instances where no prior notice is given consignees; and a comparison of the cost of affording prenotification with the cost of redelivering shipments where no notice has been afforded. Consideration should likewise be afforded the question of whether, because of increasing computerization in the industry, it may be possible for carriers to provide prenotification while shipments to consignees such as here involved are still en route, thus eliminating the need to segregate and "hold" shipments pending notification of residential receivers of traffic. Finally, if it be determined that carriers should be required to notify certain types of consignees before tendering shipments for delivery, consideration should be given to appropriate rules to govern such a notification requirement.

It is, therefore, both desirable and necessary at this time to investigate the nature and scope of carrier rules and practices with respect to the assessment of pickup, delivery, notification, and redelivery charges in connection with motor common carrier services to pri-

vate residences, apartments, churches, schools, and similarly categorized locations. Our investigation, among other things, shall include a determination of the propriety of adopting the proposed regulations set forth below, as well as whether this Commission should take such other and further action as the facts developed in this investigation may justify or require.

Oral hearing does not appear necessary at this time, and none is contemplated, unless a need therefor should later appear. Anyone wishing to present views and evidence, either in support of or in opposition to the action proposed in this notice, may do so by submitting written statements of fact, views and arguments on the subjects mentioned above or any other subjects pertaining to this proceeding. All motor common carriers of property operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act will be made respondents to this proceeding and the Bureau of Enforcement of this Commission will be authorized and directed to participate in this proceeding.

Respondents, and parties interested in presenting views and evidence, or in otherwise participating in this proceeding shall be required by the order entered concurrently herewith to notify this Commission by filing with the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before September 26, 1975, the original and one copy of a declaration of intent to participate. (This Commission seeks to conserve time, to avoid unnecessary expense to the public, and to require the service of pleadings only upon those who intend to take an active part in the proceeding. Therefore, the declaration of intent to participate should include a statement of the extent of the desired participation. That statement should include an indication of: (1) Whether the participant merely desires to receive copies of Commission releases in this proceeding, (2) whether that person wishes to receive and/or file initial and reply statements, (3) if as described in (2), whether the filing party will consolidate or is capable of consolidating his or her interest with that of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in this proceeding). Upon receipt of the foregoing declarations of intent to participate, this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be served. At the time of service of this service list, a time will be fixed within which initial statements and replies must be filed.

This notice of proposed rulemaking is issued under the authority of sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559). An order will be entered concurrently herewith providing for statutory notification of the general public of the initiation of this proceeding by the mailing of a copy of this notice to the Governor of every State, to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation and to various consumer groups, by depositing a copy of this notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Division of the Federal Register, for publication in the Federal Register as notice to all interested persons. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th & Constitution Avenue, Washington, D.C., during regular business hours.<sup>1</sup>

[SEAL]

ROBERT L. OSWALD,  
Secretary.

§ 1307.35 Terminal and Special Services.

(e) Assessment of charges on shipments originating at or destined to private residences and other types of premises.

(1) Tariffs of for-hire motor common carriers shall not provide for the application of rates or the imposition of charges, by whatever means, for movements to or from, for example, private residences, apartments, churches, schools, camps, and other such locations, which differ from otherwise applicable rates from or to other locations such as businesses, warehouses, and other generally recognized commercial locations.

(2) Before attempting delivery to residential and other related types of premises such as those described in (1), the carrier must reach agreement with the consignee or consignor regarding the date and time (approximate) of such delivery. This arrangement for delivery may be accomplished through a notation by the consignor on the bill of lading, or by oral or written arrangement between the carrier and the consignee. In any case, some mutually agreed-upon arrangement for delivery must be made before tender of delivery is initially attempted.

(3) If the carrier complies with the regulation described in (2), and, through the fault of the consignee, is unable to tender delivery as scheduled, a reasonable charge to cover the service described in (2) and additional costs of renotification, arrangement, and redelivery may be assessed. The requirements of (2) regarding prior arrangement for tender of delivery are similarly applicable when redelivery is necessary.

[FR Doc. 75-24064 Filed 9-9-75; 8:45 am]

<sup>1</sup> Appendix A filed as part of the original document.

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE  
ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES—WORKING GROUP ON INFORMATION DISCLOSURE

## Notice of Meeting

The Working Group on Information Disclosure of the Department of State Advisory Committee on Transnational Enterprises will hold its first meeting on Wednesday, September 24 at 10:00 a.m. in Room 1207 of the Department of State, 2201 C St., NW., Washington, D.C. The meeting will be open to the public.

The purpose of the working group's meeting will be to discuss the matter of voluntary disclosure to the public by transnational enterprises of information relative to their operations.

Among the items on the agenda are:

(1) Organization of the Working Group.

(2) Organization of work program.

(3) Discussion of information disclosure by transnational enterprises.

Requests for further information on the meeting should be directed to Stephen Bond, Department of State, Office of the Legal Adviser, 2201 C Street, NW., Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-0349.

Members of the public wishing to attend the meeting must contact Mr. Bond's office in order to arrange entrance to the State Department building.

The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: September 4, 1975.

STEPHEN R. BOND,  
Executive Secretary, Committee  
on Transnational Enterprises.

[FR Doc. 75-23987 Filed 9-9-75; 8:45 am]

Agency for International Development  
ROYAL LAOTIAN GOVERNMENT

## Notice of Vesting of Title to AID-Financed Commodities

Pursuant to the authority delegated the Director, Office of Commodity Management, by the Administrator of the Agency for International Development, and in accordance with Section 605 of the Foreign Assistance Act of 1961, as amended, the Director, Office of Commodity Management, took the necessary action on July 23, 1975, to vest title to

all AID-financed commodities in transit to the Royal Laotian Government.

ROBERT D. ELLIOTT,  
Acting Director, Office of  
Commodity Management.

AUGUST 22, 1975.

[FR Doc. 75-24000 Filed 9-9-75; 8:45 am]

DEFENSE DEPARTMENT  
DEFENSE MANPOWER COMMISSION  
Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on September 26, 1975 at 9 a.m. in the New Executive Office Building, Room 2008, 726 Jackson Place NW., Washington, D.C. 20036.

The meeting will be open to the public. Because of limited space, interested persons wishing to attend should telephone (202) 254-7803 prior to each meeting.

Dated: September 5, 1975.

BRUCE PALMER, JR.,  
General, USA (Ret)  
Executive Director.

[FR Doc. 75-23959 Filed 9-9-75; 8:45 am]

DEPARTMENT OF JUSTICE  
ESTABLISHMENT AND DESIGNATION OF  
A FEDERAL METROPOLITAN CORRECTIONAL CENTER AT CHICAGO, ILLINOIS

[Order No. 622-75]

By virtue of the authority vested in me by sections 4003, 4042, 4081 and 4082 of Title 18, United States Code, I hereby establish and designate the Metropolitan Correctional Center, Chicago, Illinois, as a place of confinement for the detention of persons held under authority of any Act of Congress, and for persons charged with or convicted of offenses against the United States or otherwise placed in the custody of the Attorney General of the United States.

Dated: September 3, 1975.

EDWARD H. LEVI,  
Attorney General.

[FR Doc. 75-23984 Filed 9-9-75; 8:45 am]

[Docket No. 75-14]

## YORK PHARMACY, INC.

## Notice of Hearing

Notice is hereby given that on May 27, 1975, the Drug Enforcement Administra-

tion, Department of Justice, issued to York Pharmacy, Inc., Honolulu, Hawaii, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AY1080910, issued to the Respondent pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Notice was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 9:00 a.m. local time on Thursday, September 11, 1975, in the Magistrate's Hearing Room, Third Floor, Federal Building, Honolulu, Hawaii.

Dated: September 5, 1975.

HENRY S. DOGIN,  
Acting Administrator,  
Drug Enforcement Administration.

[FR Doc. 75-24140 Filed 9-9-75; 8:45 am]

Drug Enforcement Administration  
MANUFACTURE OF CONTROLLED  
SUBSTANCES

## Notice of Application

Section 303(a) (1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a) (1)) states: "The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;"

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below.

## NOTICES

Endo Laboratories, Inc., 1000 Stewart

resource lands (public lands and roads)

available at the Missoula District Office,

## NOTICES

Information of information

Commodity specialist

Periodicity

Approximate  
number of weeks  
after reference



Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11530 (July 28, 1975):

Drug:	Schedule
Hydrocodone	II
Oxycodone	II
Oxymorphone	II

Eli Lilly & Company, Mfg., Tippecanoe Lab, Box 685 Lilly Road, Lafayette, Indiana 47902 (August 5, 1975):

Drug:	Schedule
Methadone	II
Methadone-Intermediate	II
Secobarbital	II
Amobarbital	II

Eli Lilly & Co., 1249 South White River Parkway, East Drive, Building 80, Indianapolis, Indiana 46225 (August 5, 1975):

Drug:	Schedule
Secobarbital	II
Amobarbital	II

Pursuant to section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with § 1301.43(a) of Title 21 of the Code of Federal Regulations, notice is hereby given that the above persons have made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances indicated, and any such person, and any existing registered bulk manufacturer of any of the above basic classes of controlled substances, may file written comments on or objections to the issuance of such registrations and may, at the same time, file a written request for a hearing on the applications in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than October 10, 1975.

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: September 3, 1975.

HENRY S. DOGIN,  
Acting Administrator,  
Drug Enforcement Administration.  
[FR Doc. 75-24992 Filed 9-8-75; 8:45 am]

#### DEPARTMENT OF THE INTERIOR

Bureau of Land Management  
MISSOULA DISTRICT OFFICE  
MONTANA

Notice of Restriction of Use of Motorized Vehicles on National Resource Lands and Roads

Notice is hereby given that use of motorized vehicles on certain national

resource lands (public lands and roads) in the Chamberlain Creek-Elevation Mountain and Marcum Mountain areas is restricted, in accordance with the provisions of 43 CFR Parts 8010.4 and 6251.4. These restrictions do not apply to emergency, law enforcement, and Federal or other government vehicles while being used for official or emergency purposes, or vehicles authorized by permit or contract.

The areas and roads affected by this designation and restriction notice are located approximately thirty-seven and fifty-one air miles east of Missoula, Montana, in the Blackfoot River drainage. Areas and roads will be posted by signs at common points of vehicular access.

The use of national resource lands by motorized vehicles in these areas has reduced or destroyed wildlife habitat, damaged soils, and vegetation, and will have significant adverse effects on a scientific study. It is concluded that vehicle use restrictions of these areas and roads is necessary to prevent further destruction of wildlife habitat, soils, and vegetation, and to protect a scientific study. General restriction of motorized vehicle use is an established land use management guideline in the BLM's Blackfoot and Hoodoo Planning Units, in which these areas and roads are located. Public meetings were held in Missoula and Ovando, Montana, specifically to discuss the restricted areas and roads described in this notice to motorized vehicles.

The specific use restrictions are as follows:

1. Blackfoot Special Management Area (Bear Creek, Chamberlain Creek and Elk Creek drainages)—Open to motorized vehicle use December 1 through August 31, annually; Closed to motorized vehicle use September 1 through November 30, annually.

2. Chamberlain Elk Logging Study Area—Logging and Administrative motorized vehicle use only. Closed to all other motorized vehicle use.

3. McElwain Creek Fire Road—Open to over-the-snow vehicles, only, January 1 through April 30, annually; Closed to all motorized vehicle use (except fire control vehicles) May 1 through December 31, annually.

4. Marcum Mountain Area—Open to motorized vehicle use May 1 through August 31, annually; Closed to all vehicle use Sept. 1 through April 31, annually.

Maps showing the areas described above, and stipulations of these restrictions are

available at the Missoula District Office, BLM, 1819 Holborn Street, Missoula, Montana 59801, and in the BLM Montana State Office, 316 North 26th Street, Billings, Montana 59101.

This notice is effective immediately.

CARL LIND,  
Acting District Manager,  
Missoula District Office.

SEPTEMBER 2, 1975.

[FR Doc. 75-23977 Filed 9-9-75; 8:45 am]

#### Bureau of Mines

#### AVAILABILITY OF MINERALS DATA Schedule for Pre-Publication Release of Statistical Information

In adherence to section 103 of the Budget and Accounting Procedures Act of September 12, 1950 (31 U.S.C. 18b), and Office of Management and Budget Circular A-91, Revised, this notice provides public announcement of the time when monthly and quarterly data collected and published by the Bureau of Mines can be orally released to the public before publication in response to telephone inquiries.

The table below indicates the mineral commodity of each monthly and quarterly statistical release of the Bureau of Mines, a description of the information contained in the release, the commodity specialist responsible for the report, his telephone number, and the approximate number of weeks after the reference period of the data when they may be obtained by the public by telephone call to the respective commodity specialist. These reports are mailed to all persons asking to be placed on the mailing list for the report. Requests for individual copies, or to receive particular surveys regularly on the mailing list, should be addressed to the Publications Distribution Branch, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

However, with recognition of the need for the data as soon as possible by some of the public, the Bureau of Mines will respond to telephone calls for oral release of the data wanted in accordance with the schedule indicated in the table below.

Dated: September 2, 1975.

HARRY C. MCKITTRICK,  
Deputy Assistant Secretary  
of the Interior.

Name of release	Description of information	Commodity specialist	Periodicity	Approximate number of weeks after reference period when data becomes available
Aluminum Report.....	Primary aluminum: Production, shipments, stocks, imports, exports. Secondary and scrap aluminum: Consumption, production, stocks, imports, exports.	J. W. Stamper, 202-634-1080.	Monthly	8-9
Antimony Report.....	Production, imports, exports, consumption, and stocks.	C. Wyche, 202-634-1083.	Quarterly	8-9
Bauxite Report.....	Production, imports of bauxite, imports and exports of alumina.	H. F. Kirtz, 202-634-1081.	do.	8-9
Bismuth Report.....	Consumption, imports, exports.	J. A. Rathjen, 202-634-1083.	do.	7-8
Bituminous Coal and Lignite Distribution Report.....	Geographic Division and state of destination, by method of movement, by consumer use, by district of origin.	A. A. Prochnow, 202-634-1094.	do.	13-14
Cadmium Report.....	Production, imports, exports, and stocks.	R. J. DeFilippo, 202-634-1083.	do.	8-9
Carbon Black Report.....	Production, shipments, stocks, and exports.	L. L. Fanelli, 202-634-1150.	do.	8-9
Cement Report.....	Shipments by producing district, shipments by state of destination, and imports.	B. C. Brown, 202-634-1206.	Monthly	5-6
Chromium Report.....	Consumption and stocks of chromite. Production, shipments and stocks of chromium products, consumption by end-use and consumer stocks of chromium products. Imports and exports.	J. L. Morning, 202-634-1020.	do.	8-9
Cobalt Consumption Report.....	Consumption, stocks, and imports.	S. F. Sibley, 202-634-1029.	do.	7-8
Cobalt Refiners Report.....	Production, shipments.	do.	Quarterly	7-8
Coke and Coal Chemicals Report.....	Production, stocks, and stocks.	A. L. Nash, 202-634-1049.	Monthly	7-8
Copper Industry Report.....	Consumption of refined copper; consumption and stocks of purchased copper-base scrap; secondary metal recovered from scrap products from copper-base scrap; imports and exports of copper and copper-base scrap. Price of copper.	H. J. Schroeder, 202-634-1073.	do.	8-9
Copper Production Report.....	Mine, smelter, and refinery production and stocks.	do.	do.	7-8
Copper Sulfate Report.....	Production, shipments, and producer stocks; consumption and stocks.	do.	Quarterly	6-7
Ferrosilicon Report.....	Production, shipments, and producer stocks; consumption and consumer stocks; imports and exports.	E. Shekarchi, 202-634-1055.	do.	8-9
Fluorspar Report.....	Production, shipments, consumption, stocks and unit value of shipments.	H. B. Wood, 202-634-1178.	do.	8-9
Fuel Oils by Sulfur Content Report.....	Residual and No. 4 fuel oils by sulfur content levels: Production and stocks by refining districts, imports by country of origin and by importing state. (Sulfur content levels are: 0.0-0.5 percent; 0.5-1.0 percent; 1.0-2.0 percent and over 2.0 percent.)	S. K. Patterson, 202-634-1088.	Monthly	12-13
Gold and Silver Report.....	Mine production: Imports and exports: Refinery production and consumption of silver. Refinery production and consumption of gold.	J. M. West—gold, 202-634-1070; T. G. Clarko—silver, 202-634-1072.	Mine production and imports and exports—monthly. Refinery production and consumption of silver—quarterly. Production and consumption of gold—quarterly.	7-8
Gypsum Report.....	Production, imports, exports, sales by sales region.	A. H. Reed, 202-634-1201.	Quarterly	9-10
Iron and Steel Scrap Report.....	Receipts, production, stocks, and consumption of scrap of manufacturers of pig iron and steel ingots, manufacturers of steel castings and by iron foundries and miscellaneous users of scrap; imports and exports.	D. H. Desy, 202-634-1021.	Monthly	9-10
Iron Ore Report.....	Production, shipments, stocks, imports, and exports.	F. L. Klueger, 202-634-1022.	do.	7-8
Lead Industry Report.....	Primary lead production and consumption. Receipts, consumption, and stocks of lead and tin-based scrap and secondary metal recovered from scrap. Imports and exports.	J. Patrick Ryan, 202-634-1083.	do.	8-9
Primary Lead Production Report.....	Mine production and production, shipments, and stocks of refined and antimonial lead.	do.	do.	6-7
Lime Report.....	Sold or used by type of lime and total sold or used by State imports.	A. H. Reed, 202-634-1201.	do.	6-7
Magnesium Report.....	Production and shipments. Imports and exports.	E. Chin, 202-634-1082.	Quarterly	7-8
Manganese Report.....	Consumption and stocks of manganese ore. Production and stocks of manganese products. Consumption by end-use and consumer stocks of manganese products. Imports and exports.	G. L. DeHuff, 202-634-1014.	Monthly	7-8
Mercury Report.....	Mine production, consumption, producer, and consumer stocks.	V. A. Cammarota, 202-634-1053.	Quarterly	8-9
Molybdenum Report.....	Imports and exports.	A. Kuklis, 202-634-1021.	Monthly	7-8
Natural Gas Report.....	Production, consumption, and stocks of molybdenum concentrates. Production, shipments and stocks of molybdenum products. Consumption by end-use and consumer stocks of molybdenum products. Imports and exports.	L. L. Fanelli, 202-634-1050.	do.	9-10
Natural Gas Liquids Report.....	Marketed production of natural gas, by State.	do.	do.	9-10
Nickel Report.....	Production and stocks, by type of product.	J. D. Corrick, 202-634-1024.	do.	7-8
Monthly Petroleum Statement—Advance Release.....	Crude petroleum, petroleum products and natural gas liquids: Total new supply and domestic product demand, imports and exports, stocks, and districts I-IV and district V totals of products and other key summary figures for the detailed data shown in monthly petroleum statements.	J. M. Dioli, 202-634-1050.	do.	11-13
Monthly Petroleum Statement.....	Crude petroleum, petroleum products, and natural gas liquids: Production, stocks, and domestic demand, by product; Production, demand, and stocks by State, and P.A.D. district; refinery input and output; tanker and barge movements from gulf coast to east coast; movements by pipeline between P.A.D. districts, crude oil inputs to refineries; supply, demand, and stocks of all oils by P.A.D. district.	do.	do.	12-14
District V Monthly Petroleum Statement.....	Petroleum supply and demand situation for Alaska, Arizona, California, Hawaii, Nevada, Oregon, and Washington. Military and civilian domestic demand by product; natural gas liquids and liquefied refinery gases production for the 7 States indicated. Information similar to the monthly petroleum statement for the 7 States.	do.	do.	12-13
Phosphate Rock Report.....	Stocks, receipts, production, and disposition. For all types of phosphate rock combined.	W. F. Stowasser, 202-634-1193.	do.	7-8
Platinum Group Metals Report.....	Refinery production and sales to consuming industries; stocks held by refineries, importers, and dealers; imports and exports.	W. C. Butterman, 202-634-1071.	Quarterly	8-9
Selenium Report.....	Production, shipments, and producer stocks. Imports.	G. J. Coakley, 202-634-1074.	do.	6-7
Sulfur Report.....	Frasch sulfur and recovered sulfur: Production, shipments, stocks, apparent consumption; imports and exports.	R. W. Merwin, 202-634-1199.	Monthly	7-8



Name of release	Description of information	Commodity specialist	Periodicity	Approximate number of weeks after reference period when data become available
Tin Report.....	Consumption, tin recovered from scrap processed, imports, stocks of consumers and importers and jobbers. Prices of tin.	K. L. Harris, 202-634-1065	do.....	7-8
Titanium Report.....	Production and consumption of ingot, consumption of scrap and sponge metal, stocks of sponge metal and scrap, imports and exports of ores and pigments.	F. W. Wesel, 202-634-1065	Quarterly.....	7-8
Tungsten Report.....	Stocks and consumption of tungsten concentrates. Production and producers stocks of tungsten products. Consumption by end-use and consumer stocks of tungsten products. Exports and imports.	R. F. Stevens, 202-634-1020	Monthly.....	7-8
Vanadium Report.....	Consumption, by end-use, and consumer stocks of vanadium products. Exports.	G. N. Broderick, 202-634-1011	do.....	6-7
Zinc Production Report.....	Mine and smelter production, General Services Administration stockpile of zinc. Zinc prices.	V. A. Cammarota 202-634-1063	do.....	7-8
Zinc Industry Report.....	Production, consumption, and stocks of products from zinc scrap. Stocks, receipts and consumption of zinc scrap, imports and exports.	do.....	do.....	3-4
Zinc Oxide Report.....	Production, shipments, and stocks. Stocks, receipts, and consumption of raw materials used in production of lead-free zinc oxide. Imports and exports.	J. M. Hague, 202-634-1063	do.....	(1)
Minerals and Materials—Overall Monthly Summary.	Imports and exports of total raw and processed minerals. Consumption, production, imports, exports, inventories, representative price for: Crude petroleum, petroleum products, natural gas, liquids combined; natural raw, bituminous coal and lignite; values for all fossil fuels combined in 1967 constant dollars. Iron; nickel; chromium; cobalt; aluminum; copper; tin; platinum-group metals.	H. R. Millie, 202-634-1150	do.....	

<sup>1</sup> Varies with mineral from 5 to 9 weeks.

[FR Doc. 75-23919 Filed 9-9-75; 8:45 am]

**Fish and Wildlife Service**  
**COYOTE DAMAGE CONTROL: CATTLE, SHEEP AND GOATS**  
**Report on Emergency Use of M-44 Devices During June 1975**

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program for the month of June. This use is in compliance with the experimental use permit (No. 6704-

M-44, emergency use, June 1975

State	Number of counties	Number of ranches	Number of cattle, sheep, and goats protected	Number of M-44's used
Arizona.....	3	16	1,241	218
Idaho.....	2	6	4,159	112
Montana.....	18	28	30,009	583
New Mexico.....	11	23	13,743	739
Oregon.....	8	31	3,517	227
Texas.....	30	136	40,471	1,403
Utah.....	2	4	512	96
Total.....	74	244	83,683	3,317

One or more coyotes were taken with this device on 68 of the 244 emergency areas, but losses were not necessarily halted in each case. During this month, 152 coyotes were taken by this device. Other species taken with the device during this period include 4 foxes, 2 feral dogs, 14 skunks and 20 opossums, 2 raccoons and 1 badger.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on cattle, sheep and goats was conducted by trained Service personnel in accordance with the *Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device for the Control of Depredating Canids*, as it appears in the FEDERAL REGISTER,

Volume 39, No. 120, Thursday, June 20, 1974.

F. V. SCHMIDT,  
 Acting Director,  
 U.S. Fish and Wildlife Service.  
 SEPTEMBER 4, 1975.  
 [FR Doc. 75-23999 Filed 9-9-75; 8:45 am]

**National Park Service**  
**NORTH ATLANTIC REGIONAL ADVISORY COMMITTEE**  
**Notice of Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act, Public Law 92-463, that a meeting of the North Atlantic Regional Advisory Committee will be held on September 25

and 26, 1975, at Gateway National Recreation Area, New York and New Jersey.

The purpose of the North Atlantic Regional Advisory Committee is to provide the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the North Atlantic Region of the National Park Service.

The members of the Advisory Committee are as follows:

Mr. John N. Cole, Topsham, Maine.  
 Mrs. George Downing, Providence, R.I.  
 Mrs. Helen Fenske, Green Village, N.J.  
 Dr. Charles H. W. Foster, Needham, Mass.

Mr. George T. Hamilton, Lee, N.H.  
 Dr. John P. Keith, New York, N.Y.  
 Mr. Frederick R. Micha, Ontario, N.Y.  
 Dr. William A. Niering, Gales Ferry, Conn.

Mr. William B. Pinney, Montpelier, Vt.  
 The first day of the meeting, September 25, 1975, will be devoted to a tour of Gateway National Recreation Area. Transportation space will not be available for members of the public. However, anyone providing their own transportation is welcome to accompany the tour. A schedule may be obtained by writing the Regional Director, North Atlantic Region, National Park Service, 150 Causeway Street, Boston, Massachusetts 02114.

The formal meeting of the group will be at Howard Johnson at J.F.K. Airport, 135-30 140 Street, Jamaica, New York 11436, September 26, 1975, from 9:00 a.m. to 4:00 p.m.

The matters to be discussed at this meeting include:

1. Comments by the Regional Director about matters relevant to the North Atlantic Region.

2. Report of subcommittee on their visit to Springfield Armory National Historical site.

3. The role of the National Park Service in urban park and recreation.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 30 persons will be able to attend the session. Any member of the public may file with the committee a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact John C. Raftery, Associate Regional Director, North Atlantic Regional office at 617-223-3763. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the North Atlantic Region, 150 Causeway Street, Boston, Massachusetts.

Dated: August 25, 1975.

DENIS P. GALVIN,  
 Acting Regional Director,  
 North Atlantic Region.

[FR Doc. 75-24265 Filed 9-9-75; 10:17 am]

**Office of the Secretary**  
**[ORDER NO. 2978]**  
**OUTER CONTINENTAL SHELF**  
**Protection of Coral Reefs**

**Sec. 1 Purpose.** The purpose of this order is to conserve and prevent the waste of the coral reefs located on the Outer Continental Shelf of the United States by extending to them immediate protection. These reefs are unique formations and their associated marine life is of great scientific interest and value to students of the sea and it is in the public interest to protect these formations of great scientific and aesthetic importance for the benefit and enjoyment of the people. There is an immediate threat to these coral reefs resulting from their being subject to commercial exploitation that places them in danger of being destroyed. In order to meet this emergency situation and to afford the coral reefs on the Outer Continental Shelf immediate protection, this order is issued pursuant to the authority conferred upon this Department pursuant to the Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.) and applies to all viable coral communities, as defined herein, located on the Outer Continental Shelf.

**Sec. 2 Removal or Destruction of Natural Features and Marine Life.** No person shall destroy, injure, deface, mar, move, dig, harmfully disturb or remove any coral that is part of a viable coral community. No person shall cut, carve, injure, mutilate, move, displace or break off any bottom formation or growth located in or associated with a viable coral community.

**Sec. 3 Dredging, Filling, Excavating and Building Activities.** No dredging, excavating, filling, or construction operations of any kind are permitted in or on

a viable coral community or in such locations that said activity would have a direct adverse effect upon a viable coral community. No materials of any sort may be deposited in or on a viable coral community nor may any building or structure of any kind, whether permanent or temporary, be constructed or built on a viable coral community.

**Sec. 4 Exceptions.** Exceptions to sections 2 and 3 of this order may be granted by the Director, Bureau of Land Management, for the purposes of exploring for or developing other natural resources, for scientific or educational purposes, for the national defense, and for salvaging or examining wrecks or other objects. Nothing contained in sections 2 and 3 shall apply to limit activities taken to save human lives or property jeopardized at sea or to limit activities authorized by this Department.

**Sec. 5 Criminal Penalty.** Any person who knowingly and willfully violates any part of this order shall be deemed guilty of a misdemeanor and punishable by a fine of not more than \$2,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, and each day of violation shall be deemed a separate offense (43 U.S.C. 1334(a)).

**Sec. 6 Definitions.** (a) A viable coral community, as used in this order, means living coral and all dead coral formations that are part of a coral reef or other ecological community containing living corals.

(b) *Outer Continental Shelf*, as used in this order, is defined in 43 U.S.C. 1331 (a).

**Sec. 7 Preparation of Regulations.** The Director, Bureau of Land Management, is directed to prepare rules and regulations governing the protection and conservation of the coral reefs on the Outer Continental Shelf and to obtain the views of the public in the preparation of such rules and regulations.

**Sec. 8 Effective Date.** This order shall become effective upon the date of its publication in the FEDERAL REGISTER. Its provisions shall remain in effect until final regulations become effective, or until it is amended, superseded, or revoked, whichever occurs first. However, in the absence of the foregoing action, the provisions of this order shall terminate and be considered obsolete on September 30, 1976.

Dated: September 2, 1975.

KENT FRIZZELL,  
 Acting Secretary of the Interior.  
 [FR Doc. 75-23983 Filed 9-9-75; 8:45 am]

**DEPARTMENT OF AGRICULTURE**  
**Agricultural Marketing Service**  
**FLUE-CURED TOBACCO ADVISORY COMMITTEE**

**Notice of Meeting**

The Flue-Cured Tobacco Advisory Committee meeting will be held on September 25, 1975, at 1 p.m., in the Tobacco Division, AMS, Laboratory,

Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605.

The purpose of this meeting is to discuss readjustments in the culling schedules for markets remaining open in the flue-cured area in anticipation of closing out Area A, Georgia-Florida markets. Also, other matters as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contract Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., United States Department of Agriculture, Washington, D.C. 20250 (202) 447-2567.

Dated: September 9, 1975.

WILLIAM H. WALKER III,  
 Deputy Administrator, Program Operations, Agricultural Marketing Service.

[FR Doc. 75-24264 Filed 9-9-75; 10:02 am]

**Foreign Agricultural Service**  
**WHITE OR IRISH POTATOES**  
**1975 Production Estimate**

Headnote 2 of Subpart A of Part 8 of Schedule 1 of the Tariff Schedules of the United States (TSUS) provides that, if for any calendar year the production in the United States of white or Irish potatoes, including seed potatoes, according to the estimate of the Department of Agriculture made as of September 1, is less than 21 billion pounds, an additional quantity of potatoes equal to the amount by which such estimated production is less than 21 billion pounds shall be added to the 45 million pounds for which duty at 37.5 cents per 100 pounds is provided by TSUS item 137.25 for the year beginning the following September 15.

The estimate of the Department of Agriculture, made as of September 1, 1975, is that for the calendar year 1975 the production in the United States of white or Irish potatoes, including seed potatoes, will exceed 21 billion pounds.

Issued at Washington, D.C., this 5th day of September 1975.

BRUCE K. MEERER,  
 Acting Administrator,  
 Foreign Agricultural Service.

[FR Doc. 75-23994 Filed 9-9-75; 8:45 am]

**Forest Service**

**WEST CHICHAGO-FYAKOBI DRAFT ENVIRONMENTAL STATEMENT**

**Notice of Extension of Time**

This draft environmental statement, USDA-FS-DES (Adm) R10-75-10, was

filed with CEQ on July 3, 1975. Sixty days the Soil Conservation Service, U.S. Department of Agriculture, pursuant to Section 5(c)(1) of the Export

Domestic and International Business Administration, U.S. Department of Commerce.

The Committee meeting agenda has five parts:

6804, appearing in the issue of February 14, 1975.



filed with CEQ on July 3, 1975. Sixty days were allowed for review and comment. The review period is now extended to 120 days.

The due date for comments to be received is now October 30, 1975. Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, C. A. Yates, U.S. Forest Service, Federal Office Building, P.O. Box 1628, Juneau, Alaska 99802.

C. A. YATES,  
Regional Forester, Alaska Region.  
August 29, 1975.

[FR Doc.75-23998 Filed 9-9-75; 8:45 am]

#### Rural Electrification Administration

##### BRAZOS ELECTRIC POWER COOPERATIVE, INC.

#### Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a draft environmental impact statement in accordance with section 102 (2) (C) of the National Environmental Policy Act of 1969, in connection with an anticipated loan guarantee for Brazos Electric Power Cooperative, Inc., P.O. Box 6296 Waco, Texas 76706 and South Texas Electric Cooperative, Inc., P.O. Box 2485, Victoria, Texas 77901. This loan will provide for the construction of a 400 MW lignite generating unit to be located in Atascosa and McMullen counties, 254 miles of related 345 kV transmission line, 175 miles of related 138 kV and 69 kV transmission line. The related substation capacity will be one 400 MVA-345/138 kV and three 30/40/50 kVA-138/69 kV.

Interested persons are invited to submit comments which may be helpful in preparing the draft environmental impact statement.

Comments should be forwarded to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address is given above.

Additional information may be obtained at borrower's office during regular business hours.

Dated at Washington, D.C. this 3 day of September, 1975.

RICHARD F. RICTER,  
Acting Administrator.

[FR Doc.75-24031 Filed 9-9-75; 8:45 am]

#### Soil Conservation Service

##### ALTAMONT MULTIPURPOSE RESERVOIR RESOURCE CONSERVATION & DEVELOPMENT (RC&D) MEASURE, KANS.

#### Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b) (3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974;

#### NOTICES

the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Altamont Multipurpose Reservoir RC&D Measure, Labette County, Kansas.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Robert K. Griffin, State Conservation, Soil Conservation Service, 760 S. Broadway, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure plan concerns land treatment and construction of a multipurpose reservoir including storage capacity for municipal-industrial water supply, recreation water supply, and floodwater detention. Recreation facilities are planned adjacent to the lake. The dam will be earth fill with a vegetated emergency spillway.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401.

The negative declaration is available for single copy requests from the above address.

No administrative action on implementation of the proposal will be taken until September 25, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: August 28, 1975.

R. C. BARNES,  
Acting Deputy Administrator  
for Field Services, Soil Conservation Service.

[FR Doc.75-23975 Filed 9-9-75; 8:45 am]

#### DEPARTMENT OF COMMERCE

##### Domestic and International Business Administration

##### NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

#### Notice of Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Definitions Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Friday, October 10, 1975 at 11:30 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act. The Definitions Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee was initially established on July 10, 1973. On July 15, 1975, the Director, Office of Export Administration approved the reestablishment of this Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Definitions Subcommittee was formed to provide universally acceptable numerically controlled nomenclature for machine tool systems.

The Subcommittee meeting agenda has four parts:

#### GENERAL SESSION

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) General review of current definitions.

#### EXECUTIVE SESSION

- (4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100,

Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974 as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 6804, appearing in the issue of February 14, 1975).

Dated: September 5, 1975.

RAUFER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-24001 Filed 9-9-75; 8:45 am]

##### NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

#### Notice of Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Friday, October 10, 1975 at 2:00 p.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

#### NOTICES

The Committee meeting agenda has five parts:

#### GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of work program of the Committee.
- (4) Reports of Subcommittees: (a) New Technology; (b) Foreign Availability; (c) Definitions.

#### EXECUTIVE SESSION

- (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974 as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR

6804, appearing in the issue of February 14, 1975).

Dated: September 5, 1975.

RAUFER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-24002 Filed 9-9-75; 8:45 am]

##### COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

#### Notice of Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Tuesday, October 14, 1975 at 9:30 a.m. in Room 6802, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

#### GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Reports on Meetings of Subcommittees: (a) Technology Transfer; (b) Foreign Availability; (c) Licensing Procedures; (d) Hardware.
- (4) Discussion and adoption of definitive work programs of the Subcommittees.

#### EXECUTIVE SESSION

- (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for

#### NOTICES

Administration, with the concurrence of the delegate of the General Counsel, for-

additional years, pursuant to Section 5 (c)(1) of the Export Administration Act

tember 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73),

#### DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

of study on interrelationships of benefit programs, status of study on the com-

stances were requested to submit such information and accompanying docu-



Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2243, appearing in the issue of January 10, 1975).

Dated: September 5, 1975.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-24004 Filed 9-9-75; 8:45 am]

#### SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

##### Notice of Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Wednesday, October 15, 1975, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two

additional years, pursuant to Section 5 (c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

#### GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of integrated circuits.

#### EXECUTIVE SESSION

- (4) Discussion of matters properly classified under Executive Order 11652 dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All matters have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, Sep-

tember 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 18, appearing in the issue of January 2, 1975).

Dated: September 5, 1975.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade.

[FR Doc.75-24004 Filed 9-9-75; 8:45 am]

#### NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

##### Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. III, 1973)), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, notice was given (40 FR 40567) of a meeting of the Foreign Availability Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee to be held Monday, October 6, 1975. The Subcommittee meeting has been rescheduled for Friday, October 10, 1975, at 10:30 a.m., in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

Dated: September 5, 1975.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-24005 Filed 9-9-75; 8:45 am]

#### NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

##### Change of Meeting Date

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. III, 1973)), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, notice was given (40 FR 40568) of a meeting of the New Technology Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee to be held Monday, October 6, 1975. The Subcommittee meeting has been rescheduled for Friday, October 10, 1975, at 9:00 a.m., in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

Dated: September 5, 1975.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-24006 Filed 9-9-75; 8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Center for Disease Control

#### IMMUNIZATION PRACTICES ADVISORY COMMITTEE

##### Notice of Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: October 6-7, 1975.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road NE, Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee Building 1, Room 2118, Center for Disease Control, 1600 Clifton Road NE, Atlanta, Georgia 30333; phone: AC/404 633-3311, Extension 3701.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will consider the use of immune serum globulins in the management of hepatitis-B antigen carriers who may represent a source of infection. It will also continue its regular review of recommendations on the use of vaccines in public health practice.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 2, 1975.

DAVID J. SENCER,  
Director,  
Center for Disease Control.

[FR Doc.75-24173 Filed 9-9-75; 3:58 pm]

#### FEDERAL COUNCIL ON THE AGING

##### Notice of Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Council will meet on September 26, 1975 from 9:30 a.m. to 5 p.m. in Room 4563, Donohoe Building, 400 Sixth St. SW., Washington, D.C., and on September 27, 1975 from 9 a.m. to 3 p.m. at the Sheraton Park Hotel, 2660 Woodley Road, NW., Washington, D.C. The agenda will consist of: review of President's response to FCA first annual report, review of pending Federal legislation affecting the elderly, status of implementation of recent Federal legislation affecting the elderly, FCA involvement with statement on rights and responsibilities of older Americans, briefing on SSI overpayment situation, status

of study on interrelationships of benefit programs, status of study on the combined impact of all taxes on the elderly, a briefing on physical activity for the aging, development of FCA recommendations for national policy for services to the frail elderly, final plans for the September 28 FCA hearing on older women, plans for annual report to the President and proposed FCA schedule for 1976.

For further information on the Council contact: Cleonice Tavani, Executive Director, FCA, 400 Sixth Street, SW., Washington, D.C. 20201, telephone (202) 245-0441.

The meeting will be open for public observation.

CLEONICE TAVANI,  
Executive Director,  
Federal Council on the Aging.

SEPTEMBER 4, 1975.

[FR Doc.75-23969 Filed 9-9-75; 8:45 am]

#### Office of Education

#### NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

##### Public Meeting; Correction

In the FEDERAL REGISTER of August 28, 1975, on page 39539 there was an announcement of a meeting of the National Advisory Council on Extension and Continuing Education to be held September 23-25, 1975, in New York, N.Y. The announcement stated that the meeting of September 23, 1975, would begin at 9:00 a.m. in the Key Room of the Biltmore Hotel and that later the group would join the meeting of State Title I Administrators and State Advisory Council Representatives at the Belmont Plaza Hotel. Now it has been decided that all meetings of the Advisory Council held on Tuesday, September 23, will be in the Belmont Plaza Hotel. The meeting will convene at 9:00 a.m. in the Crystal Room and adjourn at 10:30 a.m. to meet with the Title I group in the Baroque Room. Meetings that afternoon will alternate between these two rooms.

All meetings on September 24-25 will be held in the Key Room of the Biltmore Hotel as previously stated.

LYNN H. DAVIS,  
Executive Director.

SEPTEMBER 5, 1975.

[FR Doc.75-23966 Filed 9-9-75; 8:45 am]

#### Public Health Service

##### Center for Disease Control

#### OCCUPATIONAL SAFETY AND HEALTH

##### Request for Information on Certain Chemical Agents; Extension of Time

On June 23, 1975, a notice was published in the FEDERAL REGISTER (40 FR 26390) setting forth a list of chemical substances which have reportedly produced observed or suspected carcinogenic responses in animals. Persons having information pertinent to the establishment of a safe and healthful work environment involving any of the listed sub-

stances were requested to submit such information and accompanying documentation to the National Institute for Occupational Safety and Health within 90 days.

Due to the complexity of the list (approximately 1500 chemicals and their synonyms) and the broad range of chemicals used in many manufacturing processes, a number of organizations have verbally requested additional time in which to compare the list to those chemicals in use and to compile and submit their data.

In view of this, the Institute is hereby extending the period for submitting information on the listed substances until December 19, 1975.

Dated: September 4, 1975.

JOHN F. FINKLEA,  
Director, National Institute for Occupational Safety and Health

[FR Doc.75-23971 Filed 9-9-75; 8:45 am]

#### CIVIL AERONAUTICS BOARD

[Docket 27573; Agreement C.A.B. 25207 R-1 through R-6; Agreement C.A.B. 25281 R-1 through R-12; Order 75-9-12]

#### TRAFFIC INTERNATIONAL AIR TRANSPORT ASSOCIATION RELATING TO CARGO RATES

##### Order Relating to Cargo Rates

Issued under delegated authority: September 4, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Cargo Traffic Conference held in Nice during May/June 1975, and encompass the overall cargo rate structure within Conference 3 (Asia/Australia/Intrapacific), and between Traffic Conference 3 and Traffic Conference 2 (Europe/Africa/Middle East).

The agreements, proposed for effectiveness from October 1, 1975 through September 30, 1977, directly affect air transportation as defined by the Act only insofar as they involve the U.S. points Guam and American Samoa. The Board will herein approve or disclaim jurisdiction, where appropriate, the subject resolutions insofar as they relate to traffic wholly between foreign points. Insofar as the resolutions directly affect the above-named U.S. points, they will be disposed of in the context of our action on the separate, overall transpacific cargo agreements now pending before the Board.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act insofar as they would establish rates and charges wholly between foreign points:



Agreement CAB	IATA No.	Title	Application
2537:			
R-1.....	002	Standard Revalidation Resolution.....	3.
R-2.....	022a	TC3 Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending).....	3.
R-3.....	022un	TC3 Special Rules for Sales of Cargo Air Transportation (New).....	3.
R-4.....	501	Minimum Charges for Cargo (Revalidating and Amending).....	3.
R-5.....	553	TC3 General Cargo Rates.....	3.
R-6.....	590	Specific Commodity Rates Board.....	3.
2538:			
R-1.....	001c	Cargo Tie-In Resolution.....	2/3; 1/2/3.
R-2.....	001xx	Review of Bulk Utilization Charges (New).....	2/3; 1/2/3.
R-3.....	062	Standard Revalidation Resolution.....	2/3.
R-4.....	014w	Special JT23 and JT123 Cargo Construction Rule (Revalidating and Amending).....	2/3; 1/2/3.
R-5.....	022b	JT23/JT23 Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending).....	2/3; 1/2/3.
R-6.....	022mm	JT23/JT123 Special Rules for Sales of Cargo Air Transportation (New).....	2/3; 1/2/3.
R-7.....	022vv	JT23/JT23 Special Rules for Sales of Cargo Air Transportation (New).....	2/3; 1/2/3.
R-8.....	115g	JT23/JT123 Meeting Rates, Charges and Practices (New).....	2/3; 1/2/3.
R-9.....	501	Minimum Charges for Cargo (Revalidating and Amending).....	2/3; 1/2/3.
R-10.....	535	Charges for Bulk Utilization—JT23 (Revalidating and Amending).....	2/3.
R-11.....	555	JT23 and JT123 General Cargo Rates.....	2/3.

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 25281 as indicated, affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
25281:			
R-12.....	590	Specific Commodity Rates Board (Revalidating and Amending)....	2/3; 1/2/3.

Accordingly, it is ordered, That:

1. Those resolutions set forth in finding paragraph 1 above be and hereby are approved insofar as they would establish rates and charges wholly between foreign points; and

2. Jurisdiction be and hereby is disclaimed with respect to the resolution set forth in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND, Secretary.  
[FR Doc. 75-24014 Filed 9-9-75; 8:45 am]

#### MCDONNELL DOUGLAS CORP.

##### Notice of Meeting

Notice is hereby given that a presentation will be made by the McDonnell Douglas Corporation on September 19, 1975, at 2:30 p.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW, Washington, D.C., regarding a study made on a new forecast of air traffic through 1985 and the economic problems that have developed for the airline industry in the recent period of coincident recession and inflation.

Dated at Washington, D.C., September 4, 1975.

[SEAL] EDWIN Z. HOLLAND, Secretary.  
[FR Doc. 75-24011 Filed 9-9-75; 8:45 am]

[Docket No. 28115]

#### MIDWEST-ATLANTA COMPETITIVE SERVICE CASE

##### Notice of Change in Prehearing Conference Location

Notice is hereby given that the place of the prehearing conference heretofore assigned for September 23, 1975, at 10:00 a.m. (local time), in Room 503, Universal Building (40 FR 32862, August 5, 1975), is changed to Room 1031, Universal Building North, 1875 Connecticut Ave., N.W., Washington, D.C.

Dated at Washington, D.C., September 4, 1975.

[SEAL] HENRY WHITEHOUSE, Administrative Law Judge.  
[FR Doc. 75-24012 Filed 9-9-75; 8:45 am]

#### TRANSPORTES AEREOS NACIONALES, S.A. (TAN), ET AL.

##### Notice of Hearing

In the matter of Transportes Aereos Nacionales, S.A. (TAN) foreign carrier permit renewal, Docket 27881; Servicio Aereo de Honduras, S.A. (SAHSA) foreign carrier permit renewal, docket 26141; Servicio Aereo de Honduras, S.A. (SAHSA) foreign carrier permit amendment, docket 27287.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 6, 1975, at 10:00 a.m. (local

time), in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on September 4, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 4, 1975.

[SEAL] DEE C. BLYTHE, Administrative Law Judge.  
[FR Doc. 75-24013 Filed 9-9-75; 8:45 am]

[Docket 27914]

#### TOURIST ENTERPRISES CORPORATION "ORBIS" d/b/a ORBIS POLISH TRAVEL BUREAU, INC., AND d/b/a PARGIELLO SERVICES, INC.

##### Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act, as amended, that the hearing in the above-entitled proceeding which was assigned to be held on September 11, 1975 (40 FR 33700, August 11, 1975), is postponed at the request of counsel for the applicant until October 30, 1975, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., September 4, 1975.

[SEAL] DEE C. BLYTHE, Administrative Law Judge.  
[FR Doc. 75-24193 Filed 9-9-75; 8:45 am]

#### ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[Docket No. P-153-1]

#### HEWLETT-PACKARD CO.

##### Notice of Hearing

On July 30, 1975, the Hewlett-Packard Company, 1501 Page Mill Road, Palo Alto, California 94304 (hereinafter, the "applicant") filed an application pursuant to section 153 of the Atomic Energy Act of 1954, as amended (hereinafter, the "Act"), requesting the Energy Research and Development Administration (hereinafter, the "Agency") to issue a license for the use of the invention or discovery covered by U.S. Patent 3,601,609, Ionization Detection Device Using a Nickel-63 Radioactive Source, issued on August 24, 1971 to William L. Yauger, Jr. Section 153 of the Act provides that the Agency shall within thirty (30) days after the filing of such application, make available to the patent owner the information contained in said application, and shall give notice of a hearing to be held within sixty (60) days after the filing of such an application.

Accordingly, pursuant to section 153 d. of the Act, notice is hereby given to the applicant; and, to Tracor, Inc., 6500

Tracor Lane, Austin, Texas 78721, and any other person whose interest may be affected, that a hearing will be held at 10 a.m. local time, on September 23, 1975, in the conference room, 6th Floor, ERDA Building, 20 Massachusetts Avenue NW., Washington, D.C., before a panel of the Patent Compensation Board of ERDA, to consider the following issues:

1. Whether the applicant is qualified under Section 153 c. of the Act to apply for such a license.

2. Whether the Agency should issue a nonexclusive license to the applicant to use the invention or discovery covered by U.S. Patent No. 3,601,609. Pursuant to section 153 e. of the Act, such a license can only be issued if the Agency finds that:

a. The invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

b. The licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant;

c. The activities to which the patent license are proposed to be applied by such applicant are of primary importance to the furtherance of policies and purposes of this Act; and

d. Such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which the Agency deems to be reasonable for the intended use of the patent to be made by such applicant.

Section 153 g. of the Act provides that the owner of the patent shall be entitled to a reasonable royalty fee from the licensee for any use of an invention or discovery licensed under section 153 of the Act. In the absence of an agreement between the owner and the licensee, the royalty will, if the license is granted and upon a proper request, be determined in a separate proceeding pursuant to section 157 of the Act.

Any answers to this notice, must be filed by the parties within twenty (20) days of the issuance of this notice.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Chairman, Patent and Development Administration, Washington, D.C. 20545.

Dated at Germantown, Md., this 29th day of August 1975.

ROBERT C. SEAMANS, JR., Administrator.

For U.S. Energy Research and Development Administration.

ROBERT W. FRI, Deputy.

[FR Doc. 75-23957 Filed 9-9-75; 8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 414-61]

#### NEW SOURCE PERFORMANCE STANDARDS FOR FOSSIL FUEL-FIRED STEAM GENERATORS

##### EPA Response to Remand

On September 10, 1973, the U.S. Court of Appeals for the District of Columbia

remanded to EPA certain of the new source performance standards for fossil fuel-fired steam generators under section 111 of the Clean Air Act. EPA has reviewed its standards for these plants pursuant to the remand and tentatively concluded that the standards other than the opacity standard should not be revised.

EPA has prepared the draft response set forth below. Comments on this draft should be submitted to the Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin, on or before November 10, 1975. After reviewing such comments, EPA will publish its final response.

The Environmental Protection Agency (EPA) promulgated new source performance standards for power plants on December 23, 1971 (40 CFR 60.40 et seq.). These standards were issued in accordance with Section 111 of the Clean Air Act as amended (42 U.S.C. 1857 c-6). The standards were challenged in part by certain industrial groups, and reviewed by the United States Court of Appeals for the District of Columbia. In the Court's decision, the case was consolidated with another case involving the standards for sulfuric acid plants (Essex Chemical Corporation, et al. v. Ruckelshaus, Appalachian Power Company et al. v. EPA; 486 F.2d 427, September 10, 1973). The Court found that the record generally supported the standards, but remanded the record to EPA for further consideration of specific issues. EPA's response regarding power plant standards is given below; the response dealing with sulfuric acid plant standards will be made separately.

The specific power plant issues remanded to EPA for further consideration are:

(A) The reasonableness of the opacity standards;

(B) The need for provisions that unavoidable excesses of the standards during startup, shutdown, or malfunctions, would not be considered violations.

(C) The adverse environmental effects of setting a standard that requires coal fired power plants to use a lime slurry scrubbing system.

EPA has made a thorough evaluation of the remanded issues and the Administrator's response follows.

##### A. Opacity Standards.

On June 29, 1973, the U.S. Court of Appeals for the District of Columbia remanded to EPA the new source performance standards for Portland Cement plants (40 CFR 60.62) promulgated by EPA under section 111 of the Clean Air Act (42 U.S.C. 1857c-6) (Portland Cement Association v. Ruckelshaus, 486 F.2d 375). One of the issues remanded in that case was the appropriateness of opacity standards. In the Essex Chemical case the Court noted the similarity of the opacity challenges and remanded the record for additional consideration regarding the reasonableness of opacity standards.

Since the record was remanded in *Portland Cement* for a similar reconsideration of the opacity standard, and since the challenges

basically are directed at the test itself rather than particular standards set thereunder, we do not believe that the reconsideration will require much more effort on the part of the EPA than is already required by *Portland Cement*. (Court's footnote 11)

On November 12, 1974, EPA responded to the remand (39 FR 39872). Copies of the remand response are available from the Emissions Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin.

In the *Portland Cement* response, EPA reconsidered the use of opacity standards and concluded that they are a reliable, inexpensive, and useful means of ensuring that control equipment is properly maintained and operated at times when performance tests are not being conducted. EPA also made certain changes to the general provisions and opacity test method to minimize the possibility that a plant which meets the mass emission or concentration standard applicable to the source and is properly maintained and operated would be in violation of the applicable opacity standard. The changes are applicable to new fossil fuel-fired steam generators and all other sources for which opacity standards have been promulgated or proposed under section 111. The court which remanded to EPA the opacity standard for fossil fuel-fired steam generators has sustained EPA's position that opacity standards are a reasonably accurate means of measuring and controlling pollution. *Portland Cement Association v. Train*, No. 72-1073 decided May 22, 1975. The Agency's response to the remand and the subsequent decision in the *Portland Cement* case dispose of the issue of the validity of the opacity test method. This response considers related aspects of opacity not covered in the *Portland Cement* response which are specific to fossil fuel-fired steam generators.

The principal revisions to the regulations (40 CFR Part 60, Standards of Performance for New Stationary Sources) which apply to all opacity standards herein are: (a) Method 9 (the opacity test method) has been changed to base compliance on the average of one or more sets of 24 consecutive observations; (b) Method 9 now defines the possible error associated with a set of opacity observations; and (c) § 60.11(e) has been added to provide a generally applicable mechanism for any owner or operator to petition the Administrator to obtain a higher opacity standard for any facility that demonstrates compliance with the mass emission standard concurrent with failure to attain the promulgated opacity standard.

The revision to Method 9 to clarify the time over which opacity observations are made (six minutes) was included to require sufficient observations to ensure acceptable accuracy within the 7.5 percent opacity error range referenced in Method 9. The use of sets (the average of 24 observations, each taken at 15 second intervals) of opacity data will preclude a single high reading from being cited as a violation. Section 60.11(e) pro-



vides accommodation for those source owners and operators who install unusually large diameter stacks or whose source particulate emissions have unusually small mean particle diameters which could cause the opacity of the emissions to be greater than is typical for most other plants in the source category. This provision allows the promulgated opacity standards to be based on typical parameters for well controlled new installations rather than on the most extreme set of conditions. This provision alone ensures that no owner of an affected facility would be deemed in violation if the facility were not able to meet the current promulgated opacity standard while meeting the mass emission standard. However, EPA additionally has reevaluated the promulgated standard applicable to power plants to determine whether the general standard can be met by most new plants.

The opacity standard for power plants limits opacity to 20 percent opacity except that a maximum of 40 percent opacity shall be permissible for not more than two minutes in any hour. 40 CFR 60.42(a)(2). The purpose of the two minute exception is to accommodate a limited number of oil-fired boilers that blow soot intermittently rather than continuously. (Soot blowing is the practice of blowing steam over the boiler's heat transfer tubes to remove soot.) The accumulated soot in such boilers tends to increase particulate emissions when blown free.

Now that the current test method for opacity makes it clear that instantaneous opacity readings are not a basis for finding a violation of opacity standards, the need for the two minute exception must be reconsidered. It is EPA's belief that the requirements of a six minute reading period eliminates the need for the two minute exception, since new plants can and do attain opacity levels sufficiently below 20 percent that any increase due to soot blowing will not result in the six minute average exceeding 20 percent opacity.

The two minute exception was included primarily to ensure that the opacity standard could be met by new or modified oil-fired boilers. Soot blowers in coal-fired units operate for periods much longer than two minutes in any hour and properly designed and operated dust collectors can adequately collect the dislodged particulate matter. According to reevaluating the achievability of the opacity standard by coal-fired power plants, EPA tested plants to determine if the 20 percent opacity standard can be met over the six minute testing period required in Test Method 9, without any special allowances being made for soot blowing.

Extensive opacity measurements were made on stacks of 15 coal-fired steam generators.<sup>1</sup> Six of the stacks were at plants operated by the Tennessee Valley Authority (TVA). The other nine were located in the State of Ohio. All measurements were made using Method 9. At all but one stack, multiple observers (either two or four) made readings for 2 to 4

hours. All of the TVA plants were operated at or near capacity, but some of the Ohio plants were at reduced capacity. In all, the readings spanned 92 observer-hours; 6-minute averages ranged from 6.46 to 18.8 percent opacity at the TVA plants, and from zero to 19.2 percent opacity at the Ohio plants. These results, compiled by numerous qualified observers from many stacks, confirm that EPA's 20 percent opacity limitation is achievable at coal-fired plants without the need for a special allowance for soot blowing. In the event, however, that a new or modified plant meets the mass emission standard but fails to meet the opacity standard, the operator may petition EPA for a less stringent opacity standard. [40 CFR 60.11(c)]. For the foregoing reasons, EPA is proposing in this issue of the *FEDERAL REGISTER* to eliminate the two minute exception applicable to coal-fired plants.

Although this remand response is addressed to the standards which have been challenged (those for coal-fired power plants), EPA believes that oil-fired boilers can also meet the 20 percent opacity limit over a six minute period without the need for a special allowance for soot blowing. Before proposing deletion or other revision of the two minute exception applicable to oil-fired steam generators, EPA is soliciting information and comment from interested parties.

#### B. STARTUP, SHUTDOWN, MALFUNCTION PROVISIONS.

Sources in compliance during normal operation may unavoidably exceed standards during periods of startup, shutdown, or malfunction. Provisions for dealing with these situations were not contained in the power plant standards when promulgated. EPA subsequently proposed such provisions in the *FEDERAL REGISTER*, August 25, 1972. In reviewing the standards, the Court found that provisions for startup, shutdown, and malfunctions appeared necessary to preserve the reasonableness of the standards. In their remand, the Court noted that EPA's proposed provisions should play an integral role in any reconsideration of the standards.

EPA improved the original provisions as a result of public comments. Final provisions were promulgated October 15, 1973 in the *FEDERAL REGISTER*. They stipulate that during a startup, shutdown, or malfunction, performance tests are not to be conducted, and opacity limitations do not apply. The effect of the provisions is to suspend standards during startup, shutdown, and malfunction. Operators are required, however, to minimize emissions to the extent possible during such periods. Operators must also report the excess emissions and corrective actions taken. No petitions were filed to challenge these provisions. The absence of any challenge should indicate that startups, shutdowns, and malfunctions are no longer an issue.

#### C. ENVIRONMENTAL IMPACT OF SLUDGE DISPOSAL.

1. Background and Conclusions. With respect to the disposal of sludge from lime slurry scrubbing systems, the Court stated in its decision:

A lime slurry scrubbing system is the anticipated "best system" for use in coal-fired steam generators which burn coal of such a high sulfur content that separate control mechanisms are necessary to meet the standard.<sup>4</sup> This scrubbing system, like the sodium sulfite-bisulfite system used in sulfuric acid plants, produces significant quantities of sludge byproduct which present substantial disposal problems. The counter productive environmental effects of the system were noted in comments to the EPA,<sup>5</sup> but the Administrator's consideration of the issue, at least as it appears on the record, is insufficient. The only statement in the Background Information for Proposed New-Source Performance Standards concerning such is merely an admission of the problem:

Lime-scrubbing systems are essentially throwaway processes that produce significant quantities of solid waste. For a 3.0-percent-sulfur coal, the additional wastes are roughly equal to the ash generated from burning coal.<sup>6</sup>

Consequently, the record is remanded for further consideration and explanation by the Administrator of the adverse environmental effects of requiring a 1.2 lbs./million standard for those coal-fired steam generator plants which must use a lime slurry scrubbing system as the only means of achieving the standard.<sup>7</sup> (Footnotes by the Court)

#### (a) Problem Discussion.

Large quantities of sludge will be generated from lime or limestone scrubbing systems. Unless properly disposed of, the sludge will adversely affect the environment. Major areas of concern are:

(1) The necessity of disposing of large quantities of solid wastes;

(2) Possible water pollution (both surface and groundwater);

(3) Possible land deterioration if sludge remains in a semi-solid state.

By the time new source performance standards were proposed, techniques for disposing of municipal wastes and sludges had been used for many years.<sup>8</sup> Physical, chemical, and biological criteria were available to evaluate water pollution. Techniques for dewatering various industrial sludges, lining ponds, and treating liquid effluents were in use.<sup>9</sup> The deleterious effects of leaching and runoff were recognized and disposal methods had been devised.<sup>10</sup> Additional technology for handling scrubber sludge

<sup>4</sup> See Background Information Document, supra note 45, J.A. at 34. It is possible through the burning of generally unavailable low sulfur content coal to meet the sulfur dioxide emission standards without the assistance of any control mechanisms. *Id.* at 29.

<sup>5</sup> See Comments of Edison Electric Institute in No. 72-1079, J.A. at 130; Comments of Babcock & Wilcox Co. in No. 72-1079, J.A. at 171.

<sup>6</sup> Background Information Document, supra note 45, J.A. at 35.

<sup>7</sup> We want to reiterate, see note 40 supra, that we express no view as to what the standards ultimately should be with regard to such plants. Perhaps some flexible standard should be adopted which recognizes that the lime slurry scrubber system should be used only where necessary to meet the EPA's primary ambient air standards, or perhaps in balance the counter productive effects of the system are outweighed by the need for cleaner air. We only want to be sure in view of the significant problem posed in the record that the Administrator has acted reasonably in promulgating the standard.

has recently become available, and will be discussed later.

(b) EPA Consideration of Sludge Impact.

As directed by the Court, EPA has thoroughly reconsidered the environmental impact of sludge resulting from lime and limestone scrubbing systems. Information available at the time of standards promulgation has been reassessed, along with the following subsequent information:

(1) the Essex Chemical decision.

(2) the testimony at EPA's national hearings on power plant sulfur dioxide regulations.<sup>9</sup>

(3) the findings of the EPA Sulfur Oxide Throwaway Sludge Evaluation Panel (SOTSEP).<sup>11</sup>

(4) an EPA contract study by Radian Corporation on sludge disposal options.<sup>12</sup>

(5) an EPA contract study by Aerospace Corporation on sludge disposal.<sup>13</sup>

(6) the record of adjudication hearings held in Ohio on sulfur dioxide emission regulations.<sup>14</sup>

At the national hearings on power plant regulations,<sup>9</sup> witnesses were heard and over 3,000 pages of testimony were taken. The report of the Hearing Panel is thus based on extensive participation by interested parties representing all segments of society outside of EPA. The SOTSEP report represents a multi-disciplinary effort within EPA to collect and review all information available to the Agency with respect to the disposal of sludge from scrubbers.

The Radian Report is a general study of technology for disposal of sludge created by lime and limestone FGD systems at steam-electric power plants. The Aerospace study characterizes power plant sludge and evaluates disposal methods. The Ohio adjudication hearings were in response to requested variances from sulfur dioxide emission regulations, and dealt in part with sludge disposal.

(c) EPA Conclusions.

EPA recognizes that large quantities of sludge will be produced by lime or limestone scrubbing systems. Disposal methods must therefore be carefully selected to minimize adverse effects on the environment. Based on available information, methods of disposing of sludge in an environmentally acceptable manner are now offered commercially at reasonable cost. In these methods the sludge is fixated (hardened) and used as landfill.

EPA considers permanent land disposal of raw (unfixated) sludge to be environmentally unsound, because it indefinitely degrades large quantities of land. Although EPA has no regulatory authority to prevent raw sludge disposal, EPA anticipates States and local jurisdictions to require treatment of sludge. In some instances, States have already prohibited the disposal of untreated sludge.

Commercial processes to fixate sludge are now offered at reasonable cost by several industrial waste handling concerns. The processes involve addition of suitable chemicals to react with the sludge. The reactions are similar to those employed in the formation of cement and transform the sludge into a hard, durable

See footnotes at end of document.

mass. Full scale operations have been started by at least two plants, and are being planned at several others.

The fixated sludge can be deposited as landfill material on or off the power plant property. Landfill material such as fixated sludge is frequently needed to reclaim land areas degraded by industrial and commercial operations. In many areas of the United States, for example, power plants obtain their coal from nearby strip mines. Large quantities of fill material are needed to restore the mined areas to a useful condition.

Fixation of the sludge will greatly reduce its environmental impact. Land degradation can be avoided by covering the fixated sludge with earth when the disposal area is full. Ground water pollution, a potential problem if soluble chemical materials are leached from the sludge, is also minimized by fixation. If the small amount of leachate from fixated sludge is a problem at a specific plant, the landfill can be constructed with a drainage system to collect and isolate the leachate.

Sludge disposal has been considered in comparison with the alternative of uncontrolled sulfur dioxide emissions. The possibility of adverse health effects associated with fixated sludge disposal is heavily outweighed by the knowledge of serious human health effects directly and indirectly caused by sulfur dioxide.

In some cases, installation of lime or limestone scrubbers may be impractical because of geographic location, space availability, or other considerations. Alternative control methods that do not produce sludge, however, are available; these include regenerable FGD systems, fuel switching, and fuel cleaning techniques.

In summary, it is concluded that the adverse environmental impact of sludge disposal can be avoided at reasonable cost by fixating the sludge, or by using alternative control systems that do not generate sludge.

#### II. Problem Perspective.

Lime and limestone flue gas desulfurization (FGD) systems generate large volumes of sludge. Other United States industries, including uncontrolled coal-fired power plants, are faced with similar problems of waste disposal.

It is estimated that an average of 24,000 megawatts on new fossil fuel capacity will come into operation each year after 1975. Of this, about 14,500 megawatts will be coal-fired.<sup>15</sup> Many of these plants will not be able to comply with federal new source performance standards through the use of low sulfur fuel, so FGD systems will be needed.

Assuming that by 1980 approximately 25,000 megawatts of new electric generating capacity will be equipped with lime or limestone scrubbers to meet new source performance standards, an estimated 12 million tons per year of sludge (dry excluding fly ash) will be produced.<sup>16, 17</sup> Although the anticipated tonnages are large, such volumes of waste are not unique to utilities or American industry in general. In 1969, there were an estimated 138 million tons per year of

solid wastes produced due to the mining, cleaning, and burning of coal in the United States. This included 21 million tons of fly ash and 11 million tons of bottom ash and boiler slag, and 103 million tons of coal cleaning and preparation plant wastes.<sup>18, 19, 20</sup> These amounts have increased substantially since 1969.

In 1967, the phosphate rock industry generated approximately 36 million tons of sludge (dry basis). The sludge contained many of the elements occurring in power plant sludge. In addition, approximately 25 million tons of waste gypsum were produced in 1973. This waste is primarily CaSO<sub>4</sub>, one of the constituents of lime and limestone sludge.<sup>21</sup>

In 1968, an estimated 194 million tons of household, commercial, and industrial wastes were collected and disposed of.<sup>22</sup> waste material single largest inorganic waste material category is mine tailings. In 1968, the generation of this waste material was about 1100 million tons,<sup>23</sup> approximately 100 times that predicted from FGD systems installed to meet new source performance standards by 1980. This amount has grown since 1968.

As indicated above, the generation of large quantities of waste materials is not unique insofar as lime and limestone scrubbing systems are concerned. Other sources must dispose of comparable or larger volumes of waste materials. Pounding and landfill have been the most widespread methods of disposal.

The amount of land potentially affected by the disposal of sludge is small in comparison to the total land area used by an electric utility plant. The land usage for a typical 1000 megawatt plant is shown below.<sup>24</sup>

Item	Distribution of land usage	
	With limestone flue gas desulfurization for SO <sub>2</sub> and particulate, ponded untreated sludge	With particulate control only, ponded ash
	Percent	Percent
Surface mining.....	40.9	41.2
Processing.....	5	5
Rail transport.....	6.5	6.4
Plant site.....	1.0	1.0
Plant site waste (combustion and pollution control).....	11.1	1.3
Transmission lines.....	50.0	50.6
Total.....	100.0	100.0
Total acres.....	34,289	34,021

<sup>1</sup> Sludge including ash.

<sup>2</sup> Ash only.

As the table indicates, the power industry uses land extensively. Land needed for sludge disposal is a small percentage of the total land used. If the large areas required for mining, and transmission lines can be acquired, it is reasonable that land required for disposal sites could also be obtained, especially since this land can be reclaimed if sludge disposal is carried out properly.

Another comparison to make from the above table, is the large area allocated to surface mining relative to waste dis-







the standards during startups, shutdowns, or malfunctions. The reasonableness of the standards is thereby preserved.

The sludge disposal issue was remanded because the court record showed insufficient evidence that the issue had been adequately considered. EPA has conducted an extensive reevaluation of sludge disposal, including national hearings, an agency panel report, and two independent contractor studies. The evidence indicates that power plant scrubber sludge can be treated and disposed of in an environmentally acceptable manner at reasonable cost.

Dated: September 2, 1975.

RUSSELL E. TRAIN,  
Administrator.

#### FOOTNOTES AND REFERENCES

- <sup>1</sup> William L. Polglase, "Achievability of the Opacity Standards for Coal-Fired Steam Generators", memorandum to files, June 2, 1975.
- <sup>2</sup> Municipal Refuse Disposal, Prepared by the American Public Works Association, 1966, pp. 121-126.
- <sup>3</sup> C. Fred Gurnham, "Liquid Industrial Wastes", Parts I-VIII, *Industrial Water and Wastes*, Vol. 5, No. 5, October 1960, pp. 121-164.
- <sup>4</sup> Ibid.
- <sup>5</sup> John J. Baffa, "Design of Neutralization Basins for Acid Wastes", *Industrial Water and Wastes*, October 1960, pp. 107-111.
- <sup>6</sup> "National Public Hearings on Power Plant Compliance with Sulfur Oxide Air Pollution Regulations", Report of the Hearing Panel, EPA, January 1974.
- <sup>7</sup> "Sulfur Oxide Throwaway Sludge Evaluation Panel (SOTSEP)", Vol. I Final Report, Executive Summary, Vol. II Final Report, Technical Discussion, April 1975 (EPA-650/2-75-010-a,b).
- <sup>8</sup> "Evaluation of Lime/Limestone Sludge Disposal Options", Radian Corporation, November 1973 (EPA-450/3-74-016).
- <sup>9</sup> "Disposal of By-Products From Non-Regenerable Flue Gas Desulfurization Systems" (Initial Report), Aerospace Corporation, May 1974 (EPA 650/2-74-037-a).
- <sup>10</sup> *In re Toledo Edison Company, et al.* (Consolidated Electric Utilities Adjudication Hearings), Docket No. 73-4V-122 et seq.
- <sup>11</sup> "Report of the Hearing Panel, National Public Hearings on Power Plant Compliance with Sulfur Oxide Air Pollution Regulations", EPA, 1974, p. 14.
- <sup>12</sup> "Final Report, Sulfur Oxide Control Technology Assessment Panel (SOCTAP) on Projected Utilization of Stack Gas Cleaning Systems by Steam-Electric Plants", Federal Interagency Committee, 1973 (APTD-1569, p. 5).
- <sup>13</sup> The sludge produced from SO<sub>2</sub> scrubbing systems contains varying quantities of water and thus a dry basis is used as a common reference condition. If the scrubber is used to collect fly ash as well as SO<sub>2</sub> or if the fly ash is mixed with the sludge, the volume of the sludge-ash combination would, of course, be larger depending on the ash content of the coal.
- <sup>14</sup> "Mineral Industry Surveys", Division of Fossil Fuels, Bureau of Mines, February 7, 1972, p. 46.
- <sup>15</sup> In coal cleaning or preparation plants, a portion of the rock and sulfur removed from the coal is usually put in piles. Besides being a solid waste disposal problem, these piles (called culm piles) are potential air pollution problems due to possible spontaneous combustion.

- <sup>16</sup> C. E. Brackett, Vice President of Southern Electric Generating Company "Production and Utilization of Ash in the United States", Presented at the Third International Ash Utilization Symposium, March 13-14, 1973, Pittsburgh, Pennsylvania, p. 10.
- <sup>17</sup> "Evaluation of Lime/Limestone Sludge Disposal Options", Radian Corporation, 1973 (EPA-450/3-74-016), p. 7.
- <sup>18</sup> "Salvage Markets for Materials in Solid Wastes", Prepared for the Federal Solid Waste Management Program, EPA, by Midwest Research Institute, 1972, p. 13.
- <sup>19</sup> Ibid., p. 87.
- <sup>20</sup> "Sulfur Oxide Throwaway Sludge Evaluation Panel (SOTSEP)", EPA, April 1975, Vol. I, p. 4.
- <sup>21</sup> "Health Consequences of Sulfur Oxides: A Report From CHES 1970-1971", EPA, Human Studies Lab, May 1974 (EPA-650-1-74-004).
- <sup>22</sup> "Air Quality and Stationary Source Emission Control", National Academy of Sciences, prepared for the Committee on Public Works, United States Senate, March 1975, U.S. Government Printing Office 48-255 O, pp. XXII-XXVII.
- <sup>23</sup> T. R. Lewis, M. O. Amdur, M. D. Fritz-hand, and K. I. Cambell, "Toxicology of Atmospheric Sulfur Dioxide Decay Products", EPA Publication AP-111 (PB-212-744), July 1972.
- <sup>24</sup> "Surface Mining and Our Environment", Dept. of the Interior, 1967, Stock Number O-258-263, U.S. Government Printing Office, Table 2, p. 11.
- <sup>25</sup> "Evaluation of Lime/Limestone Sludge Disposal Options", Radian Corp., 1973 (EPA-450/3-74-016), p. 74-81.
- <sup>26</sup> Russell H. Brink, Federal Highway Administration, "Use of Waste Sulfate on Transpo '72 Parking Lots", presented at the Third International Ash Utilization Symposium, Pittsburgh, Pennsylvania, 1973, p. 2.
- <sup>27</sup> Jumpei Ando, Faculty of Science and Engineering, Chuo University, Tokyo, Japan, "Utilizing and Disposing of Sulfur Products from Flue Gas Desulfurization Processes in Japan", 1972, p. 7.
- <sup>28</sup> P. A. Corrigan, Tennessee Valley Authority, "Preliminary Feasibility Study of Calcium-Sulfur Sludge Utilization in the Wall-board Industry", June 21, 1974.
- <sup>29</sup> "National Public Hearings on Power Plant Compliance with Sulfur Oxide Air Pollution Regulations", Report of the Hearing Panel, EPA, January 1974, p. 51.
- <sup>30</sup> Steve L. Pernick, Jr. and R. Gordon Knight, "Duquesne Light Company Phillips Power Station Lime Scrubbing Facility", Paper presented at the EPA Symposium on Flue Gas Desulfurization, Atlanta, Georgia, November 4-7, 1974, pp. 15-18.
- <sup>31</sup> In the absence of public reports, information on the Mohave Sludge operations has been obtained through personal communications and EPA inspections. One such inspection is described in the July 29, 1974 trip report on Wade H. Ponder, entitled "Report on Trip to Southern California Edison's Mohave Generating Station."
- <sup>32</sup> "Evaluation of Lime/Limestone Sludge Disposal Options", Radian Corp., 1973 (EPA-450/3-74-016), p. 51.
- <sup>33</sup> Dravo Corp. application to Pennsylvania for Waste Water Management Permit at Bruce Mansfield Power Generating Station, April 23, 1974, p. VII-4.
- <sup>34</sup> Letter to Dr. Jerry Rosoff, the Aerospace Corp., from Robert G. Hilton, I. U. Conversion Systems Inc., August 16, 1974.
- <sup>35</sup> Water Quality Criteria, Federal Water Pollution Control Administration, U.S. Dept. of the Interior, Stock Number 0-287-250, U.S. Government Printing Office, 1968, p. 20.
- <sup>36</sup> Water Quality Criteria 1972, National Academy of Sciences, and National Academy

of Engineering, Stock Number 5501-00520, U.S. Government Printing Office, 1972, pp. 48-104.

<sup>37</sup> The Public Health Service criterion for total dissolved solids is also exceeded. This criterion, however, has been replaced with criteria for individual compounds by the National Research Council. EPA criteria now being developed will probably be similar, confining the total dissolved solids criterion to sulfates and chlorides.

<sup>38</sup> Letter to James Herlihy, EPA, from Hugh Mullen, I. U. Conversion Systems Inc., December 6, 1974.

<sup>39</sup> "Air Quality and Stationary Source Emission Control" National Research Council Report to the United States Senate, March 1975, p. 432.

<sup>40</sup> Testimony of Byron Lee, Commonwealth Edison, National Public Hearings on Power Plant Compliance With Sulfur Oxide Air Pollution Regulations, p. 2086. The cited cost of \$17.10 per ton of dry solids is equivalent to about \$8.50 per ton of wet solids (50 percent water).

<sup>41</sup> J. Rosoff, R. C. Rossi, L. J. Bornstein, J. W. Jones, "Disposal of By-Products from Non-Regenerable Flue Gas Desulfurization Systems", Paper presented at the EPA Symposium on Flue Gas Desulfurization, Atlanta, Georgia, November 4-7, 1974, p. 31, Table 5.

<sup>42</sup> Testimony of Steven Pernick, Duquesne Light Company, National Public Hearings on Power Plant Compliance With Sulfur Oxide Air Pollution Regulations, p. 1590. The cost cited by Pernick has been corrected to a wet solids basis.

<sup>43</sup> S. L. Pernick, Jr., "Duquesne Light Company Phillips Power Station Lime Scrubbing Facility", Paper presented at the EPA Flue Gas Symposium, Atlanta, Georgia, November 4-7, 1974, p. 21.

<sup>44</sup> "Sulfur Oxide Throwaway Sludge Evaluation Panel (SOTSEP)", EPA, April 1975 (EPA-650/2-75-010-a), Vol. I, p. 49.

<sup>45</sup> Testimony of L. J. Minnick, I. U. Conversion Systems, Inc., National Public Hearings on Power Plant Compliance With Sulfur Oxide Air Pollution Regulations, pp. 2780-2781.

<sup>46</sup> "Sulfur Oxide Throwaway Sludge Evaluation Panel (SOTSEP)", EPA, April 1975 (EPA-650/2-75-010-a), Vol. I, p. 49.

<sup>47</sup> Available plastic materials include polyvinyl chloride, natural rubber, synthetic rubber, polyethylene, and nylon.

<sup>48</sup> J. Kumer and J. A. Jedlicka, "Selecting and Installing Synthetic Pond-Linings", *Chemical Engineering*, 80(3), 67, 1973.

<sup>49</sup> Ibid., p. 70.

<sup>50</sup> "Sulfur Oxide Throwaway Sludge Evaluation Panel (SOTSEP)", EPA, April 1975 (EPA-650/2-75-010-a), Vol. I, p. 46.

<sup>51</sup> Testimony of Stewart Watt, Davy Powergas, Inc., National Public Hearings on Power Plant Compliance With Sulfur Oxide Air Pollution Regulations, pp. 2442-2444.

<sup>52</sup> "National Public Hearings on Power Plant Compliance With Sulfur Oxide Air Pollution Regulations", Report of the Hearing Panel, EPA, January 1974, p. 80.

<sup>53</sup> Ibid., p. 79.

[FR Doc.75-23952 Filed 9-9-75;8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION PBX TECHNICAL STANDARDS SUBCOMMITTEE

##### Meeting

SEPTEMBER 4, 1975.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Glossary Task Group of the

FCC PBX Technical Standards Subcommittee to be held October 2, 1975 in Washington, D.C. The meeting will commence at 9 a.m., and will be held in Room A205, 1229 20th Street NW.

**Purpose:** The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the switched telecommunications network without the need for carrier-provided connecting arrangements.

**Activities:** As at prior meetings, the Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public network.

**Agenda:** The agenda for the October 2 meeting of the Glossary Task Group is as follows:

- (1) Review latest computer printout of glossary to remove redundant definitions and to clarify ambiguous text.
- (2) Review plans for completion of work.

**Public Participation:** The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Subcommittee may do so before or after the meeting.

For more information, contact the Common Carrier Bureau on (202) 632-6917.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-24010 Filed 9-9-75;8:45 am]

#### SHIP STATION LICENSEES Frequency Authorization

In the matter of use of frequencies in the band 156-162 MHz by ship station licensees authorized frequencies in the band 2000-2850 kHz.

1. In Docket No. 18307 the Commission adopted § 83.351(c) (3) of the rules requiring new ship stations, and after January 1, 1977, all ship stations, employing frequencies in the band 2000-2850 kHz to be equipped to transmit on VHF frequencies in the band 156-162 MHz.

2. Many licensees authorized by their present licenses to operate in the 2 MHz band are equipping their stations to operate on VHF frequencies before January 1, 1977. Since the Commission is desirous that these licensees have and use VHF equipment, the Commission feels that these licensees should be allowed to operate their newly installed VHF equipment under the authority of their existing licenses.

3. Accordingly, ship station licensees authorized to operate on frequencies in the band 2000-2850 kHz are hereby authorized to install and operate type accepted maritime VHF radio equipment in accordance with the applicable oper-

[Docket No. RF75-88]

#### ALGONQUIN GAS TRANSMISSION CO. Order Granting Interventions

SEPTEMBER 3, 1975.

On April 8, 1975, the Algonquin Gas Transmission Company (Algonquin) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. Notice of Algonquin's filing was issued by the Commission on April 15, 1975, with protests and petitions to intervene due on or before April 28, 1975. Untimely protests and petitions to intervene were filed by Rhode Island Consumer's Council, Central Hudson Gas & Electric Corporation, and the Rhode Island Public Utilities Commission. Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

**The Commission finds:** It is desirable and in the public interest to allow the above-named petitioners to intervene.

**The Commission Orders:** (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.  
[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24034 Filed 9-9-75;8:45 am]

[Docket No. ER 76-90]

#### BOSTON EDISON CO. Notice of Tariff Change

SEPTEMBER 3, 1975.

Take notice that Boston Edison Company (Edison) of Boston, Massachusetts on August 27, 1975, tendered for filing Third Revised Exhibit B to its contracts with the following four total requirements wholesale customers:

	FPC Rate Schedule No.
Town of Concord.....	47
Town of Norwood.....	48
Town of Reading.....	49
Town of Wellesley.....	51

The rate schedule is proposed to be effective for deliveries of power and energy on and after September 27, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24033 Filed 9-9-75;8:45 am]



The proposed rate schedule will increase revenues from the total requirements sales by \$3,186,092, based on sales for the 1975 test year. The filing also proposes modifications in rate design and in the fuel cost adjustment clause.

Edison states that it has filed the proposed change in rate in order to recover the capital costs of its new Mystic 7 generating unit, to arrest the serious deterioration in its financial status and so that its rate for all requirements resale service will properly compensate it for the costs of rendering that service.

A copy of the filing has been mailed to each of Edison's customers affected by the proposed change and to the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24037 Filed 9-9-75; 8:45 am]

[Project No. 2409]

#### CALAVERAS COUNTY WATER DISTRICT Notice of Amended Application for Major License

SEPTEMBER 3, 1975.

Public notice is hereby given that an amended application was filed on March 31, 1975, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Calaveras County Water District (Correspondence to: General Manager, Calaveras County Water District, P.O. Box 846, San Andreas, California 95249, and Robert L. McCarty, Esq., Special Counsel, McCarty and Noone, 1225 Connecticut Avenue, Washington, D.C. 20036) for a major license for Project No. 2409 on the Stanislaus River, North Fork of the Stanislaus River and the following tributaries: Highland Creek, Silver Creek, Beaver Creek, Griswold Creek, Angels Creek and Mill Creek. The proposed project would be located in the Counties of Calaveras, Alpine and Tuolumne, in the vicinity of Sonora, City of Angels and San Andreas, California, and would affect lands of the United States within Stanislaus National Forest.

The proposed North Fork Stanislaus River Development would include three major dams and reservoirs with a gross storage capacity of 318,000 acre-feet, three small forebay and diversion dams, three power plants with a total installed capacity of 320,000 kW, associated tunnels, penstocks, and the necessary con-

trol works. The scheme for development, beginning at the uppermost reservoirs, includes the following facilities:

(a) *Utica-Union Dam and Reservoir*—A rockfill dam with concrete face 195 feet high and 1,650 feet long on North Fork Stanislaus River about 1.3 miles below the existing Utica Dam and the junction with Silver Creek, which would replace the existing Pacific Gas and Electric Company Utica and Union Reservoirs (licensed as FPC Project No. 2019) with a single reservoir having a total storage capacity of 66,000 acre-feet at normal maximum water surface elevation 6,860 feet (m.s.l.), and an ungated concrete ogee spillway with a crest elevation of 6,800 feet located in a saddle about one-half mile from the left abutment of the dam. The existing reservoir storage would be increased 51,000 acre-feet.

(b) *Spicer Meadow Dam and Reservoir*—A rockfill dam 160 feet high and 800 feet long with a concrete face on Highland Creek at the site of the existing Pacific Gas and Electric Company Spicer Meadow dam (licensed as FPC Project No. 2019), which would create a reservoir having a total storage capacity of 52,000 acre-feet with normal maximum water surface elevation 6,520 feet (m.s.l.). An ungated side channel spillway would be located on the right abutment. The existing reservoir storage would be increased 48,000 acre-feet.

(c) *High Spicer Meadow Dam and Reservoir*—An alternative for ultimate development would consist of the construction of a rock fill dam about 250 feet high and 2,600 feet long creating about 169,000 acre-feet of storage capacity at elevation 6,600 acre-feet (m.s.l.). This alternative, however, would encroach upon the Gabbot Meadow area, to be reviewed by the U.S. Department of Agriculture, Forest Service, to determine its suitability for consideration by Congress for designation as a Wilderness Area. Because of this possible conflict the proposed Spicer Meadow Reservoir is lower in elevation and designed not to inundate the Gabbot Meadow Area.

(d) *Ganns Development*—This development would include: (1) a rockfill dam with a concrete face 145 feet high and 800 feet long on the North Fork Stanislaus River approximately ¾ mile below its confluence with Highland Creek, which would form a reservoir of 5,600 acre-feet storage capacity with normal maximum water surface elevation 5,600 feet (m.s.l.), and an ungated side channel spillway which would be located in the right abutment; (2) a tunnel approximately six miles long which would be constructed to convey water from Ganns Reservoir to a penstock about 4,000 feet in length leading to Ganns Power Plant; (3) an underground surge chamber which would be constructed in the granite formation at the entrance to the penstock; and (4) Ganns Power Plant which would have an installation of one 50,000 kW generating unit operating under a maximum static head of 1,418 feet.

(e) *Boards Development*—This development would include: (1) a rockfill

dam 430 feet high and 1,700 feet long with a concrete face located on North Fork Stanislaus River approximately 2 miles below Boards Crossing Bridge, which would form a 200,000 acre-feet reservoir at maximum water surface elevation 4,174 feet (m.s.l.) having an ungated cascade type spillway in the right abutment; (2) a tunnel 8 miles in length which would convey the releases from the reservoir to a steel penstock at the end of the tunnel; and (3) a penstock about 3,000 feet long leading to Boards Power Plant, which would supply water for the installation of two impulse turbines operating under a maximum static head of 2,204 feet and driving generators with an installed capacity of 97,500 kW each.

(f) *Upper Beaver Creek Diversion*—A concrete diversion dam with overflow spillway crest elevation 4688.5 feet (m.s.l.) on Beaver Creek near Boards Reservoir, which would divert water through a 2,500-foot tunnel into a natural watercourse to Boards Reservoir.

(g) *Collierville Development*—This development would include: (1) a concrete gravity dam 60 feet high and 600 feet long with a central overflow spillway located on North Fork Stanislaus River about 2 miles below the existing Pacific Gas and Electric Company Utica Project Diversion works; the spillway crest would be at elevation 1,960 feet (m.s.l.). (The reservoir would serve as an afterbay for the Boards Power Plant and a forebay for diversion to Collierville Tunnel); (2) a tunnel 23,000 feet (4.35 miles) in length which would convey the flow to the head of the 1,400-foot penstock leading to the Collierville Power Plant located at Clarks Flat below the confluence of the North and Middle Forks Stanislaus River; and (3) Collierville Power Plant, which would have an initial installation of one 75,000 kW unit operating under a static head range between 872 and 887 feet; all water passing through the plant would be returned to the headwaters of the New Melones Reservoir.

(h) *Griswold Creek Diversion*—A low concrete gravity diversion dam on Griswold Creek which would divert the flow through a 1,600-foot tunnel discharging into the Collierville Forebay Reservoir, and which would have an overflow spillway section with crest elevation 1,985 feet (m.s.l.) and a gated spillway section.

The transmission system required in association with the proposed project would include two major segments. A 69 kV insulated cable suitable for direct burial would be required between a switchyard adjacent to the Ganns Power Plant and an existing Pacific Gas and Electric Company line along State Highway 4. The underground line would be approximately one mile in length. The existing line along State Highway 4 would require upgrading to 69 kV.

An overhead 230 kV transmission line would be required between the Boards and Collierville Power Plants. The new line would be approximately eight miles in length and would extend from the switchyards adjacent to the power plants

to a switching station located approximately 1½ miles west of Clarks Flat, where the output from the two plants would be combined for further transmission. The existing line from this point would require upgrading to the Belote substation.

Recreational Facilities are proposed at the following five areas: Spicer Meadow Reservoir (2 sites); Utica-Union Reservoir (3 sites); North Fork Stanislaus River below Utica-Union Reservoir (1 site); Ganns Forebay (4 sites); and Boards Reservoir—Beaver Creek Diversion Dam (6 sites). Proposed recreational facilities would be developed at each of the five areas initially upon completion of the North Fork Project features described above. Recreational developments would include camping, picnicking, sanitary, parking, boat launching, and administrative facilities, trails, and water systems. In addition, future development at Ganns Forebay would include picnicking, parking, and restroom facilities, drinking water, and a trail. Applicant estimates initial construction costs (current prices) at \$1,608,600 and further costs at approximately \$20,000. Applicant proposes to fund 50% of the facilities with a maximum funding of \$1,000,000.

The power from the proposed project would be integrated into the Northern California area power systems served principally by Pacific Gas and Electric Company, Sacramento Municipal Utility District, Northern California Power Agency, City and County of San Francisco, the U.S. Bureau of Reclamation Central Valley Project, the Modesto and Turlock Irrigation Districts, and the California Department of Water Resources.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 C.F.R. § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time re-

quired herein and if the applicant or initial pleader requests that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24036 Filed 9-9-75; 8:45 am]

[Docket No. CP76-56]

#### COLUMBIA GAS TRANSMISSION CORP. Notice of Application

SEPTEMBER 3, 1975.

Take notice that on August 14, 1975, Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314, filed in Docket No. CP76-56 an application pursuant to Section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon its transportation of synthetic gas for The Wiser Oil Company (Wiser) and for a certificate of public convenience and necessity authorizing transportation of gas under a revised service agreement with the City of Lancaster, Ohio (Lancaster), which would increase the annual volume of gas to be accepted, exchanged and delivered to Lancaster, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Wiser desires to terminate its agreement with Columbia LNG Corporation (Columbia LNG) to purchase up to 30,911 Mcf of synthetic gas and to cancel the service agreement in effect with Applicant for the transportation of the gas from Columbia LNG's Green Springs Reforming Plant to Wiser. Applicant requests that the Commission grant permission and approval to abandon the service set forth in the service agreement with Wiser dated January 18, 1974, for the exchange, delivery and acceptance of 30,911 Mcf of gas annually under Rate Schedule SGES.

Applicant further states that by letter agreement dated July 16, 1975, Lancaster has accepted all of Wiser's obligations for delivery, acceptance and exchange of liquefied natural gas; and therefore, Applicant requests a certificate of public convenience and necessity be granted to it authorizing the increase in annual volumes of gas to be delivered, accepted and exchanged for Lancaster from 163,077 Mcf to 193,988 Mcf of gas under Rate Schedule SGES.

Applicant requests that service under the revised service agreement authorized effective September 1, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a pro-

test in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24037 Filed 9-9-75; 8:45 am]

[Docket No. CP74-134]

#### NATURAL GAS PIPELINE COMPANY OF AMERICA

##### Notice of Petition To Amend

SEPTEMBER 3, 1975.

Take notice that on August 26, 1975, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-134 a petition to amend the order of the Commission of May 29, 1973, issued in said docket pursuant to Section 7(c) of the Natural Gas Act, to include authorization to exchange natural gas with Northern Natural Gas Company (Northern) at two additional points pursuant to a gas exchange agreement between itself and Northern dated June 29, 1973, as amended December 16, 1974, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it would cause the delivery of natural gas to Northern at proposed exchange points in Hansford County, Texas, and in Beaver County, Oklahoma. The gas delivered would be purchased from Lone Star Producing Company and from Joseph I. O'Neill, Jr., et al., for delivery to Northern at the Texas and Oklahoma delivery points respectively. Northern would redeliver equivalent volumes of gas to Pe-



itioner at an existing point of interconnection in Wheeler County, Texas.

The proposed exchange would be a gas-for-gas exchange with no monetary compensation. Further, it is stated that Northern is already connected to each of the gas wells in question and no further facilities would be required.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24038 Filed 9-9-75;8:45 am]

[Docket No. CP76-61]

#### NATURAL GAS PIPELINE COMPANY OF AMERICA

##### Notice of Application

SEPTEMBER 3, 1975.

Take notice that on August 22, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-61 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of up to 4,200,000 Mcf of natural gas for Northern Natural Gas Company (Northern), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement between Northern and Northern Illinois Gas Company (NI Gas), Northern and NI Gas have agreed to reschedule deliveries of natural gas from December 1, 1975, to October 31, 1976. This is stated to be subject to an application in Docket No. CP76-40 by Northern.<sup>1</sup> Applicant proposes to deliver to Northern at an existing delivery point in Mills County, Iowa, such volumes of natural gas as Northern might direct, up to 70,000 Mcf per day, from December 1, 1975, to March 31, 1976, up to a maximum of 4,200,000 Mcf by which volumes Applicant would reduce its deliveries to NI Gas. It is stated that Northern would deliver to Applicant for redelivery to NI Gas for the account of Northern up to 90,000 Mcf of gas per day in April 1976, up to 145,000 Mcf of natural gas per day

<sup>1</sup> Notice issued August 19, 1975.

in May 1976, and up to 200,000 Mcf of gas per day thereafter until November 1, 1976.

Applicant states that no facilities would have to be constructed to render the proposed transportation service. All deliveries and redeliveries to and from Northern are proposed to take place at the existing interconnection in Mills County, Iowa.

Northern would pay Applicant 11.5 cents per Mcf of gas transported. This is said to be the full cost to Applicant for the transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24039 Filed 9-9-75;8:45 am]

[Docket No. ER 76-81]

#### NIAGARA MOHAWK POWER CORP.

##### Notice of Tariff Filing

SEPTEMBER 3, 1975.

Take notice that Niagara Mohawk Power Corporation, on August 22, 1975, tendered for filing as a rate schedule, a transmission agreement between Niagara Mohawk Power Corporation (Niagara) and Consolidated Edison Company of New York, Inc. (Edison), dated February 14, 1975. The service to be rendered by Niagara provides for the transmission of

power and energy between Niagara's transmission connection to the Power Authority of the State of New York (PASNY) Fitzpatrick-Edic No. 1, 345 Kv transmission line and Niagara's transmission connection with Edison's Pleasant Valley 345 Kv station.

Transmission capacity to be made available to Edison will be that amount required to transmit James A. Fitzpatrick Nuclear Power Plant (Fitzpatrick) unsupported firm power made available to Edison by PASNY in accordance with the Fitzpatrick contracts and agreements in effect between PASNY and Edison.

Copies of the filing were served upon the following:

Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, New York 10003.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24040 Filed 9-9-75;8:45 am]

[Docket No. ER 76-82]

#### NIAGARA MOHAWK POWER CORP.

##### Notice of Tariff Filing

SEPTEMBER 3, 1975.

Take notice that Niagara Mohawk Power Corporation, on August 22, 1975, tendered for filing as a rate schedule, a transmission agreement between Niagara Mohawk Power Corporation and Long Island Lighting Company, dated February 14, 1975.

The service to be rendered by Niagara Mohawk Power Corporation (Niagara) provides for the transmission of power and energy between (a) Niagara's transmission connection to the Power Authority of the State of New York (PASNY) Fitzpatrick-Edic No. 1 345 Kv transmission line and (b) Niagara's transmission connections with the Pleasant Valley 345 Kv substation.

Transmission capacity to be made available to Long Island Lighting Company (Lilco) will be that which is scheduled as unsupported firm power for Lilco by PASNY in accordance with the James A. Fitzpatrick Nuclear Power Plant (Fitzpatrick) contracts and agreements in effect between PASNY and Lilco.

Copies of the filing were served upon the following:

Long Island Lighting Company, 175 East Old Country Road, Hicksville, New York 11801.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24041 Filed 9-9-75;8:45 am]

[Docket No. CP74-46]

#### NORTHWEST PIPELINE CORP.

##### Petition To Amend

SEPTEMBER 3, 1975.

Take notice that on August 20, 1975, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP74-46

1975-76 Heating season

Customer	Storage demand volumes		Storage capacity volumes	
	Thousand cubic feet	Therms	Thousand cubic feet	Therms
California-Pacific Utilities Co.	8,600	89,870	52,000	543,490
Cascade Natural Gas Corp.	51,100	535,040	416,000	4,347,300
Intermountain Gas Co.	36,540	381,425	296,000	3,093,200
Northwest Gas Co.	11,722	122,500	55,392	610,200
Peoples Natural Gas Division of Northwest Natural Gas	1,435	15,000	11,485	130,000
Southwest Gas Corp.	5,863	61,265	29,187	305,000
Washington Natural Gas Co.	21,436	224,000	180,000	1,881,000
Washington Water Power Co.	13,244	138,400	156,938	1,610,000
Total	150,000	1,567,500	1,200,000	12,540,000

Petitioner proposes herein to commence operation of the LNG facility upon receipt of the authorization requested herein. It is stated that approximately two weeks will be necessary to check all of the systems involved and then the liquefaction facilities must be cooled down to design temperatures. The storage tank for LNG is expected to be completed and operational by late November 1975.

Petitioner states that it anticipates that the LNG facility will not be ready for full operation prior to November 30, 1975, and therefore will not be capable of liquefying sufficient gas for the seasonal withdrawal capacity of 1,200,000 Mcf. Petitioner would liquefy during the 1975-1976 heating season such volumes of gas as the customers that are participating in the proposed LNG storage service would be able to tender to it from their daily entitlements. If the volume requested to

a petition to amend the order of the Commission of March 19, 1974, issued in said docket pursuant to Section 7(c) of the Natural Gas Act (1) to authorize the operation of its liquefied natural gas (LNG) facility at Plymouth, Washington, (2) to authorize the vaporization and delivery on a best efforts basis of LNG for the period commencing December 1, 1975, and continuing through March 31, 1976, and on a firm basis thereafter; (3) to accept the responses by Petitioner to the conditions set forth in the order of March 19, 1974; and (4) to the form of service as proposed by Petitioner, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that its LNG facility is in the final stages of construction and will be ready for initial operation in late October or early November 1975. Petitioner further states that authorization by the Commission for operation of the facility was held in abeyance in the order of March 19, 1974, and now requests that the Commission amend said order to authorize operation for the vaporization and delivery on a best efforts basis of up to 150,000 Mcf of gas for the account of customers which would receive service under Petitioner's proposed Rate Schedule LS-1 for the period commencing December 1, 1975, and continuing through March 31, 1976, as set forth below:

volumes of LNG withdrawn throughout the withdrawal season, which would result in fuller utilization of the facility. Rate Schedule LS-1 is proposed to become effective on December 1, 1975, when the LNG facilities are placed into service.

It is stated that under the proposed Rate Schedule LS-1 each customer would make available each day for 200 days during the injection period beginning April 1, 1/200 of the customer's respective storage capacity volume for liquefaction and storage by Petitioner for the customer's account. The volumes tendered for storage on each day would be purchased by each customer under Petitioner's Rate Schedules ODL-1 or DS-1, as applicable, out of the customers entitlement under Rate Schedules ODL-1 or DS-1 on such day. Petitioner would retain possession and title to all volumes of LNG in its storage facility.

Petitioner proposes to charge for the liquefaction and LNG storage service with a four-part rate:

Charge	Amount
Demand	Per month per therm of storage demand volume
Capacity	Per month per therm of storage capacity volume
Liquefaction	Per therm of gas liquefied and stored for buyer's account during the month
Vaporization	Per therm of gas vaporized and delivered to buyer during the month

It is stated that the four-part rate provides that Petitioner's fixed cost of liquefaction and LNG storage will be recovered through the demand and capacity charges and the liquefaction and vaporization charges are designed to recover the variable cost of liquefaction and vaporization respectively.

Petitioner states that the LNG plant has been designed and constructed and will be operated and maintained in compliance with applicable government and industry codes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24042 Filed 9-9-75;8:45 am]



[Docket No. ER 76-91]

**PACIFIC POWER & LIGHT CO.****Notice of Modification of Rate Schedule**

SEPTEMBER 3, 1975.

Take notice that Pacific Power & Light Company (Pacific) on August 28, 1975, tendered for filing, in accordance with Section 35.13 of the Commission's Regulations, a new rate schedule for power and energy sales to City of Powell, Wyoming (City). This rate schedule supersedes Pacific's existing rate schedule designated FPC No. 90.

The proposed rate schedule provides for a change in structure of the rate charged City by Pacific. Pacific states that this proposed change in rate structure is to conform to the high voltage rate charged to larger customers in the State of Wyoming. Pacific states that to be consistent with this rate structure results in an approximate 15 percent increase in the cost of electric service to City. In addition, since City has elected to use Pacific's transmission facilities a use-of-facilities charge has been included by Pacific.

Pacific requests waiver of the Commission's notice requirements to permit the new rate schedule to become effective June 1, 1975, which it claims is the date of commencement of service.

A copy of this filing was supplied to the Wyoming Public Utility Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24044 Filed 9-9-75; 8:45 am]

[Docket No. CP76-62]

**TRANSCONTINENTAL GAS PIPE LINE CORP.****Notice of Application**

SEPTEMBER 3, 1975.

Take notice that on August 22, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-62 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible basis for Washington Gas Light Company (WGL), all as more fully set forth in

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the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas transportation agreement between itself and WGL, it has agreed to transport gas for WGL from an existing point of interconnection with Florida Gas Transmission Company in Vermilion Parish, Louisiana, to an existing point of interconnection with WGL in Fairfax County, Virginia. Applicant states that the gas to be transported would be sold to WGL by a production subsidiary of WGL, Crab Run Gas Company.

The application indicated that 3,000 Mcf of gas per day are now available for transportation by Applicant. Applicant proposes to charge 22.0 cents per Mcf at 14.7 psia for its service and to purchase 3.8 percent of the gas received for compressor fuel and make-up for line loss.

Applicant states that the proposed interruptible transportation service is directly related to the curtailments in sales and deliveries that Applicant is now required to make and is a step to alleviate those curtailments being imposed on WGL. The transportation agreement is said to provide that WGL shall not request transportation on any day of a quantity of gas which when added to the quantity of gas WGL is scheduled to receive on such day under Applicant's Rate Schedule CD-2, would exceed WGL's contract demand under said rate schedule.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24044 Filed 9-9-75; 8:45 am]

**TRANSCONTINENTAL GAS PIPE LINE CORP.****Notice of Tariff Filing**

SEPTEMBER 3, 1975.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on August 15, 1975, tendered for filing seven revised tariff sheets, included in Schedule 1 of the filing, to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.

Transco states that such filing is made in accordance with the provisions of Sections 5 and 6 of Article III of its "Agreement as to Rates" (Agreement) in the above dockets tracking (1) to recoup a net increase in advance payment amounts not previously reflected in rates of \$21,761,540 and (2) to recoup under Transco's Rate Schedule S-2, changes in rates by Texas Eastern Transmission Corporation under the latter's Rate Schedule X-28. The proposed effective date of the filing is October 1, 1975, subject to Commission approval of the Agreement.

Transco states that the revised tariff sheets included in the filing reflect an increase of \$.65266 in the S-2 Demand Charge, an increase of 5.189410¢ in the S-2 Demand Charge Adjustment, and an increase of 0.4¢ in the commodity rate or delivery charge of the Company's CD, G, OG, E, PS, S-2, X-11, X-20, X-42, X-52 and X-56 rate schedules.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24045 Filed 9-9-75; 8:45 am]

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[Docket No. RP75-109]

**UNITED GAS PIPE LINE CO.****Order Denying Application for Rehearing**

SEPTEMBER 3, 1975.

On May 30, 1975, United Gas Pipe Line Company (United) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, which would result in an increase in jurisdictional revenues of \$38,870,504 annually, based on the 12-month period ended March 31, 1975, as adjusted for known and measurable changes through December 31, 1975.

By order issued July 7, 1975, we accepted the proposed changes for filing, suspended their effectiveness for five months and permitted them to become effective December 15, 1975. Our acceptance for filing was, however, expressly conditioned upon United's filing of revised tariff sheets reflecting the elimination from its cost of service of (a) interest payments to banks which have provided capital to certain producers for exploration and development; and (b) \$2,300,000 representing carrying charges expected to be incurred within the adjusted test period associated with an entity United is organizing to make advance payments.

On August 6, 1975, United filed an application for rehearing of those portions of the Commission's July 7, 1975 order which found the inclusion of these costs in United's filing to be improper and which required United, prior to the effective date of the proposed rate increase, to file revised tariff sheets reflecting their elimination.

In support of its request for rehearing of our exclusion of costs associated with interest on producer loans United contends: (1) that the Commission is without authority to summarily reject a rate filing without affording the applicant a hearing; (2) that previous Commission orders requiring the exclusion of costs associated with interest on producer loans are inapposite to United's arrangements which are factually distinguishable; and (3) that the Commission's requirement of exclusion on the basis that the payments do not comport with outstanding advance payment orders is erroneous since the payments were not made as advance payments but as an alternative to advance payments.

United's allegation that we are without authority to find, absent a hearing, that the inclusion of costs associated with its interest payments is improper, is not supported. In the instant case, we have looked upon the allegations in the pleadings before us in their most favorable light, but have rejected the relief sought as inconsistent, as a matter of law and

<sup>1</sup> The proposed changes to First Revised Volume No. 1 are designated: Twenty-Sixth Revised Sheet No. 4; Seventh Revised Sheet No. 5; Fifteenth Revised Sheet No. 21; Twelfth Revised Sheet No. 99, and Fifth Revised Sheet No. 99-A. The proposed changes to Original Volume No. 2 are designated: Fourth Revised Sheet No. 187, Third Revised Sheet No. 226, and Fourth Revised Sheet No. 289-A.

policy, with the purpose, scope and operation of our regulations. Accordingly, no suspension and evidentiary hearing is required; rather, summary rejection is in order.<sup>1</sup>

United's application for rehearing points out factual differences in the interest payment arrangements it has made with producers and the arrangements existing among other pipelines whose interest expenses have been found to be improper and therefore excluded.<sup>2</sup> For example, United contends that, unlike these other pipelines, it is paying actual interest expenses rather than imputed interest costs. United states further that, unlike these other pipelines, it has contracted for actual commitments of gas flowing as a result of the exploration and development aided by its payment of interest expenses.

United's factual distinctions do not require that we reach a different result than we have in previous cases involving interest on producer loans. Our rationale for the exclusion of costs was not premised upon those pipelines' costs being "imputed" but was premised on our conclusion that the arrangements did not serve to provide producers with capital for exploration and development that they would otherwise be unable to acquire. Similarly, United's payment to third party lenders of actual interest expenses does not serve the purpose of capital formation for the producers since the producers are demonstrably able to acquire such funds. We are of the opinion therefore that our previous orders on the issue of the inclusion of costs associated with interest on producer loans are relevant and should guide our present disposition.

United argues, thirdly, that the Commission's exclusion of these costs because they "are not within the purview of our advance payment regulations" is improper since the interest payments were not intended by United to fall under

<sup>2</sup> *Citizens for Allegany County, Inc. v. FPC*, 414 F.2d 1125 (D.C. Cir. 1969); *Pennsylvania Gas & Water Co. v. FPC*, 463 F.2d 1242 (D.C. Cir. 1972); *Municipal Light Boards of Reading and Wakefield Massachusetts v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971). The Commission has recently recognized this principal in numerous cases. See *Green Mountain Power Company*, Docket No. E-9446, orders issued June 13, 1975 and August 4, 1975; *Georgia Power Company*, Docket No. E-9091, order issued August 5, 1975; *New England Power Company*, Docket Nos. E-9136 and E-9140, order issued August 5, 1975; and *Central Vermont Public Service Corporation*, Docket No. E-9040, order issued August 5, 1975.

<sup>3</sup> See *Southern Natural Gas Company*, Docket No. RP75-84, order issued May 15, 1975, order denying petition for modification issued July 11, 1975; *Michigan-Wisconsin Pipe Line Company*, Docket No. RP75-96, order issued May 19, 1975, order denying applications for rehearing and reconsideration issued July 11, 1975; and *Northern Natural Gas Company*, Docket Nos. RP75-87 and RP75-89, orders issued May 16, 1975, order denying in part applications for rehearing issued July 11, 1975; and *Natural Gas Pipe Line Company of America*, Docket No. RP75-90, order issued May 16, 1975, order denying applications for rehearing and reconsideration issued July 11, 1975.

the advance payment program, but were designed as an alternative to advance payments. Our advance payment orders were issued only after the Commission concluded that the added expense to be borne ultimately by the ratepayer was necessary to encourage exploration and development for gas in the interstate market by providing capital funds to producers. To insure that the ratepayers would have sufficient protections, concurrent with the increased expenses they would have to bear, certain requirements and conditions were made part of our advance payment orders. The advance payment program was the vehicle chosen by us to provide the mechanism to aid producers in capital formation with only the necessary attendant rate increase to the ratepayers. United's arrangements, admittedly outside the realm of the advance payment program, would result in increased rates which may be unnecessary and which do not insure the same protections afforded by the requirements and conditions as our advance payment orders. We have concluded, and we reaffirm our finding that these payments are inconsistent with the mechanism we have established to aid producers in their exploration and development endeavors. As such we believe it more appropriate to consider the propriety of rate treatment for proposals such as United's in the context of any future rulemaking extending the advance payment program.

With respect to our exclusion of costs of the carrying charges associated with an entity to be established by United to make advance payments, we stated "United has failed to properly identify such entity and to indicate at what date it will be created. No mention whatsoever has been made of the eligibility of such entity to receive capital advances under the advance payments program as it presently exists. Moreover we believe that the establishment of such entity may well require Section 7 certification by this Commission. Under these circumstances, we cannot now sanction payment by United's customers of the carrying charges in question."

In support of its contention that the Commission improperly required United to reflect the elimination of costs associated with the carrying charges of advance payments made by an entity to be established, United argues (1) that the entity will make advance payments and not receive them and (2) because the entity will not engage in the sale of gas it would not be a "natural gas company" under the terms of the Natural Gas Act and will not require Section 7 certification.

Accepting United's distinction that the entity will be designed to make advance payments rather than to receive them, our conclusion that the inclusion of these costs is improper is still the same. We are not at all convinced that Section 7 certification will not be necessary. United states that the new entity "will assign the right to purchase the producers' gas to United in return for United's commit-

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ment to reimburse the entity for carrying and related charges on the advance." (United's Application for Rehearing, at p. 9). Because this entity has yet to be established and the arrangements for the sale and/or assignment to buy the producers' gas are yet to be finalized we cannot presently make the determination that Section 7 certification will not be necessary.

We are, moreover, as we stated in our July 7, 1975 order, concerned that United has not properly identified the entity nor indicated at what date it will be created. Because our Regulations clearly provide that only changes which are known and measurable in the test period as adjusted may be included in the cost of service, we are compelled by United's failure to identify this entity and inform us of the date of its creation to require the elimination from United's cost of service of the carrying charges.

For the reasons discussed above, we are of the opinion that United's application for rehearing of those parts of our July 7, 1975 order disapproving the inclusion in cost of service of costs associated with interest on producer loans and carrying charges of a yet-to-be-established entity and requiring revised tariff sheets reflecting the elimination of these costs should be denied.

*The Commission finds:* Good cause does not exist to grant United's application for rehearing of our order of July 7, 1975 in Docket No. RP75-109.

*The Commission orders:* (A) United's application for rehearing of our order issued July 7, 1975 in Docket No. RP75-109 is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24046 Filed 9-9-75; 8:45 am]

[Docket No. RI75-130]

**AUTRY C. STEPHENS, (OPERATOR) ET AL.**  
**Order Granting Petition for Special Relief**

SEPTEMBER 4, 1975.

On April 10, 1975, Autry C. Stephens, (Operator) et al. (Stephens) filed a petition for special relief pursuant to Section 2.76<sup>1</sup> of the Commission's General Policy and Interpretations for sales of natural gas to El Paso Natural Gas Company (El Paso) made under its FPC Gas Rate Schedule No. 1 from Christmas "A" No. 1 Well and Devonian-Christmas No. 2 Well in Jalmat Field, Lea County, New Mexico.

Stephens is currently selling natural gas to El Paso at a rate of 24.0 cents per Mcf at 14.65 psia pursuant to a contract dated February 27, 1950, in which Stephens is a successor in interest to Shell Oil Company. It avers that this rate is insufficient to compensate it for

<sup>1</sup> 18 C.F.R. § 2.76.

the additional funds which it has expended and which it will expend in the future on remedial work essential to the recovery of the remaining reserves. Stephens claims that these outlays are necessary to remedy the decline in gas production due to sand cave-ins, decreasing reservoir pressure, and increasing water production. Accordingly, Stephens and El Paso entered into an amendatory agreement dated December 31, 1974, which provides for an increase in rate to 36 cents per Mcf at 14.65 psia.<sup>2</sup>

Notice of the petition was issued on May 1, 1975, and appeared in the FEDERAL REGISTER on May 8, 1975, at 40 FR 20135. No petitions to intervene were filed.

Staff has analyzed the cost data submitted by Stephens and has made an extensive field audit of Stephens' books and records. Based thereon Staff has determined that the remaining recoverable net working interest reserves are 220,898 Mcf and has concluded that the costs incurred and the future costs assigned fall within a zone of reasonableness. After a careful review of the merits of Stephens' petition, we believe that it is in the public interest to grant the requested relief.<sup>3</sup>

*The Commission finds:*

The petition for special relief filed by Stephens meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations.

*The Commission orders:*

(A) For the above-stated reasons, the petition for special relief of Stephens is hereby granted. Stephens is authorized to collect 36 cents per Mcf at 14.65 psia for all gas produced from the subject wells effective on the date a Notice of Independent Producer Rate Change Filing pursuant to the requirements of Section 154.94 of the Commission's Regulations is filed with the Commission.

(B) Stephens' December 31, 1974 contract amendment with El Paso is hereby accepted for filing as Supplement No. 18 to Autry C. Stephens, (Operator) et al., FPC Gas Rate Schedule No. 1 effective May 10, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24047 Filed 9-9-75; 8:45 am]

[Docket No. RI75-120]

**A. F. ROBERTS, JR.**

**Order Granting Petition for Special Relief**

SEPTEMBER 4, 1975.

On April 3, 1975, A. F. Roberts (Roberts) filed a petition for special relief

<sup>2</sup> The rate sought by Stephens does not reflect any increase in tax liability resulting from repeal of the percentage depletion allowance by the Tax Reduction Act of 1975.

<sup>3</sup> The Commission's action in approving Stephens' petition for special relief constitutes acceptance only of the 36 cents per Mcf contract rate. Subsequent filings must be submitted to the Commission before any future contractually due rates may be collected.

pursuant to Section 2.76<sup>1</sup> of the Commission's General Policy and Interpretations for a sale of natural gas to El Paso Natural Gas Company (El Paso) made under its FPC Gas Rate Schedule No. 3 from the Shannon Estate "V" No. 1 Well located in the Todd N.W. (San Andreas) Field, Crockett County, Texas. Roberts is currently selling natural gas to El Paso at a rate of 18.5 cents per Mcf at 14.65 psia pursuant to a contract dated February 16, 1967, in which Roberts is a successor in interest to Signal Oil & Gas Company. It avers that this rate is inadequate inasmuch as the installation of a two stage compression facility is required if the remaining reserves are to be recovered. As a result, on March 21, 1975, Roberts and El Paso negotiated an amendatory agreement providing for a rate of 36 cents per Mcf plus 1.0 cent annual escalation.<sup>2</sup>

Notice of the petition was issued on April 17, 1975, and appeared in the FEDERAL REGISTER on April 24, 1975 at 40 FR 18037. No petitions to intervene were filed.

Staff has reviewed the cost data submitted by Roberts and has made an extensive field audit of Roberts' books and records. Based thereon Staff estimates that 24,813 Mcf of reserves remain to be produced over a period of 2.33 years and concludes that the proposed rate is justified. After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Roberts' petition.<sup>3</sup>

*The Commission finds:*

The petition for special relief filed by Roberts meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations.

*The Commission orders:*

(A) For the above-stated reasons, the petition for special relief of Roberts is hereby granted. Roberts is authorized to collect 36 cents per Mcf at 14.65 psia, for all gas produced from the subject wells effective as of the date of issuance of this order.

(B) Roberts' March 21, 1975 contract amendment with El Paso and the related rate increase filing are hereby accepted as Supplement Nos. 5 and 6, respectively, to A. F. Roberts, Jr., et al., EPC Gas Rate Schedule No. 3.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24048 Filed 9-9-75; 8:45 am]

<sup>1</sup> 18 C.F.R. § 2.76.

<sup>2</sup> The rate sought by Roberts does not reflect any increase in tax liability resulting from repeal of the percentage depletion allowance by the Tax Reduction Act of 1975.

<sup>3</sup> The Commission's action in approving Roberts' petition for special relief constitutes acceptance only of the 36 cents per Mcf contract rate. Subsequent filings must be submitted to the Commission before any future contractually due rates may be collected.

[Docket No. RP75-42-2]

**EL PASO NATURAL GAS CO. (COMMUNITY PUBLIC SERVICE COMPANY AND CITY OF LORDSBURG, NEW MEXICO)**

**Order Granting Interim Relief From Curtailment**

SEPTEMBER 4, 1975.

On July 3, 1975, Community Public Service Company (Community), filed a Motion to amend its petition for emergency relief from curtailment imposed by El Paso Natural Gas Company (El Paso) 1, which had previously been filed on March 27, 1975, in the instant docket. The initial petition for relief had been jointly filed by Community and the City of Lordsburg, New Mexico and requested relief in the form of gas deliveries for use in a gas turbine at Community's Lordsburg electric generating plant while each of its two oil-fired generating units at that plant were down for repairs. By our order herein dated April 25, 1975,<sup>1</sup> we granted Community temporary emergency relief *pendente lite* for the first of two six-week periods. Later, when Community indicated it would have difficulty completing repairs during those periods it filed a motion to amend the April 25 order in which it requested relief for its Lordsburg plant from the date of a Commission order thereon until September 15, 1975. By an order issued June 17, 1975, herein<sup>2</sup> we provided Community with temporary relief from curtailment from that point in time until September 15, 1975. The relief was in the form of granting Community gas receipts of 3900 Mcf per day for use in its Lordsburg gas turbine unit.

Subsequently, Community filed its July 3 motion to amend its petition for emergency relief and therein requested that it be provided with interim relief *pendente lite* for gas used for ignition fuel and flame stabilization purposes. This request was made because El Paso has proposed to place such usage in Priority 5 in the tariff sheets it has filed with the Commission in response to Opinion Nos. 697 and 697-A and upon which we have not yet acted. Community based its request on the possibility that those tariff sheets might become effective before September 15 and thus subject it to the curtailment of its ignition fuel and flame stabilization volumes. The requested relief volume for those purposes is 1,350 Mcf per day. Community also requested 1,400 Mcf per day for two periods if up to three days when each of the units are returned to service after repairs.

The motion of Community to amend its petition was addressed to the Presiding Administrative Law Judge and on July 25, 1975, such motion was granted as requested. However, the ruling on the motion to amend the petition does not alleviate the problem insofar as the possible need for such volumes during the pendency of the interim relief. The Commission's orders granting interim relief *pendente lite* are unaffected by the Presiding Judge's order and do not provide for the possible need for additional volumes for flame stabilization and ignition fuel. We will grant herein the additional relief to Community to provide the requested volume for ignition fuel and flame stabilization in the event that the tendered El Paso tariff sheets become effective prior to September 15, 1975. In addition, we will permit Community to take 1,400 Mcf per day for two periods of up to three days when each of the oil fired units is returned to service.

We are granting this *pendente lite* relief for ignition fuel and flame stabilization volumes to enable Community's gas takes to be completely protected from curtailment so as not to jeopardize any portion of its operations during the overhaul and repair period of its oil-fired units. However, we will permit such exemption from ignition fuel and flame stabilization curtailment only during the period ending September 15, 1975, and only if curtailment should result because of the acceptance of El Paso's tendered tariff sheets which place the above types of gas usage in priority 5. In this way, Community will not be granted a preference over electric utilities beyond the period when necessary overhauls are completed. Also, we are granting the 1400 Mcf/d exemption for up to three days following overhaul of each oil fired unit to avoid problems in the start up of the oil fired units after maintenance is completed.

*The Commission finds:*  
(1) It is in the public interest to permit Community to take 1350 Mcf per day of gas *pendente lite* for ignition fuel and flame stabilization purposes from the date of this order until September 15, 1975, if the tendered tariff sheets of El Paso, embodying implementation of its permanent plan, are accepted by the Commission.

(2) It is in the public interest to permit Community to take 1400 Mcf per day *pendente lite* of gas for up to three days following overhaul of each oil-fired unit at its Lordsburg plant.

*The Commission orders:*

(A) Community is authorized to take through its distributor, Lordsburg, up to 1350 Mcf per day of gas, *pendente lite*, for ignition fuel and flame stabilization purposes from the date of this order until September 15, 1975. This exemption from curtailment of those volumes will only be effective if the tendered tariff sheet of El Paso relating to its permanent curtailment plan, are accepted by the Commission.

(B) Community is authorized to take through its distributor, Lordsburg, up to 1400 Mcf per day of gas, *pendente lite*, for up to three days following overhaul of each oil-fired unit at its Lordsburg plant.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24049 Filed 9-9-75; 8:45 am]

[Docket Nos. R-424, R-446]

**INCOME TAXES**

**Notice of Extension of Time**

SEPTEMBER 3, 1975.

Accounting for premium, discount and expense of issue, gains and losses on refunding and reacquisition of long-term debt, and interperiod allocation of income taxes.

Amendments to the uniform systems of accounts for classes A, B, and C public utilities and licensees and Natural Gas Companies; deferred income taxes.

On August 27, 1975, Alabama Power Company, Central Illinois Light Company, Jersey Central Power and Light Company, Metropolitan Edison Company, New England Power Company, and Pennsylvania Electric Company filed a motion to extend the time within which to respond to Order issued August 15, 1975 (40 FR 37098), which granted the application for rehearing filed by Public Systems on July 18, 1975 for the limited purpose of further consideration of Order No. 530, issued July 18, 1975.

Upon consideration, notice is hereby given that the time within which to respond to Order Granting Applications for Rehearing for the Purpose of Further Consideration, issued August 15, 1975, is extended from August 30, 1975, to September 15, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24050 Filed 9-9-75; 8:45 am]

[Docket No. RP71-122]

**ARKANSAS LOUISIANA GAS CO.**

**Notice of Availability of Draft Environmental Impact Statement**

SEPTEMBER 10, 1975.

Notice is hereby given in the above Docket, that on September 10, 1975, a Draft Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This draft statement deals with the environmental impact of alternative permanent curtailment plans proposed in Docket No. RP71-122 across the Arkansas Louisiana Gas Company system.

This draft statement has been circulated to Federal, State and Local agencies, and has been placed in the public files of the Commission, and is available for public inspection both in the Commission Office of Public Information Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and in its Regional Office located at 730 Peachtree Building, Room 500, Atlanta, Georgia 30308. Copies are also available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24078 Filed 9-9-75; 8:45 am]

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[Docket No. RP71-29-120]

**UNITED GAS PIPE LINE CO.**  
**Notice of Availability of Draft**  
**Environmental Impact Statement**

SEPTEMBER 3, 1975.

Notice is hereby given in the above Docket, that on September 10, 1975, a Draft Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This draft statement deals with the environmental impact of alternative permanent curtailment plans proposed in Docket No. RP71-29-120 across the United Gas Pipe Line Company system.

This draft statement has been circulated to Federal, State and local agencies, and has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and in its Regional Office located at 730 Peachtree Building, Room 500, Atlanta, Georgia 30308. Copies are also available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc 75-24070 Filed 9-9-75; 8:45 am]

[Docket No. RP74-72 DCA 76-1]

**NORTHWEST PIPELINE CORP.**

**Notice of Change in Rates Pursuant to**  
**Demand Charge Credit Adjustment**

AUGUST 20, 1975.

Take notice that Northwest Pipeline Corporation, on August 15, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1 resulting from curtailment due to gas supply deficiency, through a surcharge for the subsequent six-month period. As of June 30, 1975, Northwest has a debit balance of \$4,068,881 in FPC Account No. 142, representing its unrecovered Demand Charge Credits.

The notice of change in rates is being filed pursuant to the Commission's order issued March 20, 1974, at Docket No. RP74-72 and Article 13.4 of Northwest's FPC Gas Tariff, Original Volume No. 1. The change in rates will result in an increase of .19¢ per therm for Rate Schedules ODL-1, DS-1, PU-1 and PL-4.

Northwest is concurrently filing a notice of change in rates applicable to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC") contained in its Original Volume No. 1 Tariff. Both the Demand Charge Credit Adjustment and PGAC Adjustment are reflected on the tendered Ninth Revised Sheet No. 10, which is proposed to become effective on October 1, 1975.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

## NOTICES

Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc.75-24188 Filed 9-9-75; 3:58 pm]

**FEDERAL PREVAILING RATE**  
**ADVISORY COMMITTEE**

**NOTICE OF COMMITTEE MEETINGS**

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, October 2, 1975; Thursday, October 9, 1975; Thursday, October 16, 1975; Thursday, October 23, 1975; Thursday, October 30, 1975.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The Committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) and 5 U.S.C., section 552(b) (2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,  
 Chairman, Federal Prevailing  
 Rate Advisory Committee.

SEPTEMBER 5, 1975.

[FR Doc.75-23997 Filed 9-9-75; 8:45 am]

## GENERAL ACCOUNTING OFFICE

## REGULATORY REPORTS REVIEW

## Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 3, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the Federal Register is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before September 29, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

## FEDERAL ENERGY ADMINISTRATION

Request for clearance of three new forms which must be filed by importers to fulfill requirements for the mandatory oil imports program fee accounting system. These forms are submitted by holders of records of oil import licenses to the Office of Oil Imports in the Office of Regulatory Programs. Potential respondents number 622.

The P114-M-O, "Monthly Remittance Advice" provides the means by which a firm reports on the fees it has incurred or adjustments it has made. Burden is estimated to be 30 hours per monthly report.

The P115-S-O, "Other Remittance Advice" provides the means by which a firm informs FEA of the basis of checks sent for other than regular monthly fees. Burden is estimated to be five hours per report with an average of four reports being filed annually.

The P116-S-O, "Request for Refund of Oil Import Fees" provides for the submission of data by oil importers in support of their application for refunds. Burden is estimated to be 10 hours per report with an average of four reports being filed annually.

NORMAN F. HEYL,  
 Regulatory Reports Review Officer.

[FR Doc.75-24066 Filed 9-9-75; 8:45 am]

GENERAL SERVICES  
ADMINISTRATION

## Federal Register

ADVISORY COMMITTEE ON REACTOR  
SAFEGUARDS

## Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Wolf Creek Nuclear Power Plant will hold a meeting on September 26, 1975 at the Holiday Inn, 18th and Industrial Boulevard, Emporia, KS 66801. The purpose of this meeting is to explore the site-related aspects of this application of the Standardized Nuclear Power Plant System (SNUPPS).

The agenda for the subject meeting shall be as follows:

Friday, September 26, 1975, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports submitted by the Applicant and the NRC Staff, regarding matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the Kansas Gas and Electric Company and the NRC Staff and will hold discussions with these groups regarding the site-related aspects of the application for a construction permit as well as other matters relating to the standard design.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b) (5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b) (4)). Separation of factual material from individuals' advice and opin-

## NOTICES

ions while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing a readily reproducible copy thereof, postmarked no later than September 19, 1975, to Mr. John C. McKinley, Office of the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555 or by filing at the ACRS Office a readily reproducible copy two working days prior to the meeting. Written statements should be limited to safety related areas which are within the purview of the Committee. Background information concerning items to be considered at this meeting can be found in the Preliminary Safety Analysis Report and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555 and at the Coffey County Courthouse, Burlington, KS 66839. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after December 26, 1975. Copies may be obtained upon payment of appropriate charges.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 24, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1371, Attention: Mr. M. W. Libarkin) between 8:15 a.m. and 5 p.m., e.d.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security infor-

mation, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Secretary of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Employee for the meeting, Mr. John C. McKinley of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 6, 1975 at the NRC Public Document Room, 1717 H St., Washington, D.C. 20555, and at the Coffey County Courthouse, Burlington, KS 66839. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after December 26, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: September 4, 1975.

JOHN C. HOYLE,  
 Advisory Committee  
 Management Officer.

[FR Doc.75-23955 Filed 9-9-75; 8:45 am]

**OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS**

[Doc. No. 75-3]

**DELTA STEAMSHIP LINES, INC., AND**  
**GOVERNMENT OF GUATEMALA**

**Unfair Trade Practices Complaint; Notice**  
**of Change in Hearing Date**

At the request of complainant Delta Steamship Lines, Inc. the public hearing to be held on September 16 and 17, 1975 on their complaint against certain practices of the government of Guatemala filed under section 301 of the Trade Act of 1974 (40 FR 33748, August 11, 1975) has been rescheduled.

I. The public hearing on the complaint of Delta Steamship Lines, Inc. will be held on September 25 and if necessary will continue on September 26, 1975 at the Office of the Special Representative for Trade Negotiations, 1800 G St., N.W., Washington, D.C. Room 730. The hearing will begin at 10:00 a.m., Thursday, September 25.

II. Timetables noted in the original notice (40 FR 33748) are changed as follows:

## NOTICES

## NOTICES

reaction forces stationed within or ad-

5. The responsibility for bearing costs to the registration, reporting proxy and



(a) Requests to testify and accompanying briefs are to be submitted no later than Friday, September 19, 1975.

(b) Briefs and information on the issues raised by the complaint not to be submitted in conjunction with oral testimony may be submitted at any time but should be received by the Office of the Special Representative for Trade Negotiations prior to September 26 in order to receive adequate consideration.

III. All other requirements relating to the presentation of public views in this case are set forth in the FEDERAL REGISTER of August 11, 1975 (40 FR 33748).

CLAYTON YEUTTER,  
Deputy Special Representative  
for Trade Negotiations.

[FR Doc.75-23956 Filed 9-9-75; 8:45 am]

### NUCLEAR REGULATORY COMMISSION SECURITY AGENCY STUDY

#### Announcement and Request for Comment

The Nuclear Regulatory Commission is proceeding with a survey of nuclear safeguards as required by the Congress in the Energy Reorganization Act of 1974. Specifically, Section 204(b)(2)(C) requires the Commission to assess "the need for, and the feasibility of, establishing a security agency within the office of Nuclear Material Safety and Safeguards" for the performance of the safeguards functions . . . . A report with recommendations on this matter "shall be prepared within one year of the effective date of this Act and promptly be transmitted to the Congress." In accordance with this mandate, the Commission has established the Security Agency Study to examine: (1) alternative methods of monitoring and enforcement necessary to ensure compliance with applicable rules, regulations and license conditions related to safeguards matters; (2) appropriate Federal and NRC roles in this regard; and (3) organizational structure within NRC in the event a Security Agency is established.

The report will assume that the mission of a Security Agency would be to deter or prevent theft and illicit use of strategic special nuclear materials and malicious actions at NRC licensed facilities that could result in release of radioactive materials into the environment. Primary emphasis will be placed on whether the establishment of a Security Agency is appropriate in light of current needs and alternatives available and whether the need for it will be affected by the possible introduction of large scale plutonium recycle into the nuclear industry.

The analyses performed in conjunction with the study will be based on the supposition of a number of hypothetical threats involving covert and overt actions and combinations thereof. These threats span a range which is considered sufficient for reaching conclusions regarding the need for, and feasibility of, creating

an NRC Security Agency. A continuing task is to determine that the threats actually do serve their intended purpose of emphasizing possible contrasts between Federal involvement and the absence thereof.

The report will place major emphasis on security force alternatives. It will analyze the possible roles of on-site guard forces and of "reaction forces", i.e., State, local, or Federal personnel providing additional assistance to deter or react to an actual or attempted theft or sabotage. This analysis will consider the roles of such forces under various conditions, including the magnitude of the threat; the number of persons involved in the act or attempted act; and the number and vulnerability of the facilities involved.

A series of related issues will also be examined, including the degree of need for expanded NRC involvement in material control and accounting; the role of NRC in recovery of stolen special nuclear materials; the division of responsibilities among NRC, other Federal agencies, State and local law enforcement agencies, and industry to various aspects of the safeguards mission; the extent to which the establishment of a Security Agency within NRC might introduce civil liberties questions not present under existing safeguards arrangements; and responsibility for costs of guard forces.

Individuals, organizations, or Federal, State and local Government agencies are encouraged to participate in consideration of the need for, and feasibility of, establishing a Security Agency within the Nuclear Regulatory Commission through written comments and suggestions, to be submitted no later than October 24, 1975. Such comments should be addressed to Mr. S. H. Smiley, Deputy Director for Policy and Planning, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The text of the "Security Agency Study Scope" statement follows:

#### SCOPE

"The NRC Security Agency Study is being performed as required by the Energy Reorganization Act of 1974. Specifically, Section 204(b)(2)(C) of that Act requires the NRC to assess "the need for, and the feasibility of, establishing a security agency within the office of Nuclear Material Safety and Safeguards" for the performance of the safeguards functions . . . . The report will therefore focus on the question of whether a Security Agency should be established and, if so, what its enforcement functions should be. Such functions might include some not now exercised by the NRC, such as performance of on-site guard functions and in-transit security. If the need for, and feasibility of, a Security Agency are established, the study will consider the nature and character of such an agency within the Nuclear Regulatory Commission.

"The report will assume that the mission of a Security Agency would be to deter or prevent theft and illicit use of

strategic special nuclear materials\* and malicious actions at NRC licensed facilities that could result in release of radioactive materials into the environment. The report will not address questions concerning protection of research reactors and of special nuclear materials used in research, as the requirement for such protection does not affect analysis of the need for a Security Agency. Since certain DOD and ERDA security needs are similar to those associated with NRC licensed facilities, the study will consider the relationship between an NRC Security Agency and organizations responsible for security of special nuclear materials under the aegis of DOD or ERDA.

"The study will place primary emphasis on whether the establishment of a Security Agency within NRC is appropriate in light of current needs and alternatives available. It is important to recognize, however, that decisions made in the near future in the commercial sector may well influence the degree of need for a Security Agency. For that reason, the study will address the question of how that need might change with the introduction of large-scale plutonium recycle within the nuclear industry.

"The largest portion of the Security Agency study will be concerned with security force alternatives. In conducting this analysis, a distinction will be made between guard forces and reaction forces. The purpose of guards (either at fixed sites or during transit) is to detect unauthorized activity, to sound alarms, to close gates and to exercise a certain level of force. To the extent that guards are not able to contain a situation, their objective is to delay persons intent upon theft or sabotage. Such delay allows reaction forces to arrive on the scene. Reaction forces might be State or local police, or Federal personnel. If the latter, they might be associated with an NRC Security Agency or they might be special military personnel. The study will analyze the relative roles of guard forces and reaction forces under various assumptions concerning magnitude of threat and numbers and characteristics of facilities.

"A second important distinction to be made in the examination of security force alternatives is one which rests on the fact that sabotage or theft might be accomplished more quickly in some facilities than in others. This means that reaction forces would have less time to respond to alarms in some cases than in others. For example, if guards can take actions to delay for a period of hours any attempt at theft or sabotage, then reaction forces can be stationed at substantial distances from the facility. On the other hand, if guards were insufficient to contain an attack even for a brief time, it would be necessary to have

\*Strategic special nuclear materials are Pu, U<sup>235</sup>, and uranium enriched to a concentration greater than 20 percent U<sup>235</sup> (materials from which a nuclear explosive could be fabricated).

reaction forces stationed within or adjacent to the facility. The study effort includes analyses for the purpose of specifying vulnerability categories and determining numbers of facilities within various categories.

"For both fixed site and in-transit protection, four security force concepts will be examined. The first concept envisions private guards and State or local reaction forces; the second would encompass private guards and Federal reaction forces; the third, Federal guards and Federal reaction forces; and the fourth, Federal guards and local reaction forces. Within each major option there are possible variations. Private guards might be employees of the facility operator, or of guard agencies which have contracted either with the facility operator or the Federal Government. Federal guards might be direct employees of the Government. Another variation within a given concept would be the extent to which guards would be armed and skilled in the use of such arms. There would be a direct correlation between guard capabilities and the number of facilities in the most vulnerable category, i.e., the category which allows for the briefest time for reaction forces to respond to an alarm.

"The analyses of alternative security force concepts are based on the supposition of a series of hypothetical threats involving covert and overt actions and combinations thereof. These threats span a range which is considered sufficient for reaching conclusions regarding the need for, and feasibility of, creating an NRC Security Agency; that is, conclusions would not be altered should it be assumed that there were plausible threats which lay beyond the range of those used as the basis for this study. A continuing task is to determine that the threats actually do serve their intended purpose of emphasizing possible contrasts between Federal involvement and the absence thereof.

"While security forces are central to the physical protection of special nuclear materials, and consequently to the study, any consideration of a safeguards regime must include other vital elements. A series of these will be addressed, and will include:

1. The need for expanded NRC involvement in verifying material control and accounting procedures; e.g., the need for continuous NRC inspection of such procedures.
2. The role of NRC in recovery of stolen special nuclear materials.
3. Coordination and liaison on intelligence matters and contingency plans between NRC and other agencies.
4. The extent to which the establishment of a Security Agency within NRC would introduce civil liberties questions not present under existing safeguards arrangements.

5. The responsibility for bearing costs of guard forces; e.g., how costs should be apportioned among industry and government.

6. The use of deadly force for purposes other than self-defense in responding to attempts to gain unauthorized possession of special nuclear materials or to sabotage nuclear facilities."

Dated at Washington, D.C., this 8th day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc.75-24141 Filed 9-9-75; 8:45 am]

[Docket Nos. 50-516 and 50-517]

### LONG ISLAND LIGHTING CO. ET AL. Order Relative to Third Prehearing Conference

In the Board's Order of August 25, 1975, it was stated that a prehearing conference would be scheduled as soon as possible to discuss discovery, the hearing schedule and consolidation of contentions.

A prehearing conference will be held at 9:30 am (local time) on October 3, 1975, at the Holiday Inn of Riverhead, Exit 72, Long Island Expressway, Riverhead, Long Island, New York.

The public is invited to attend. No limited appearance statements will be received at this proceeding but will be invited at the evidentiary hearing to be scheduled at a later date.

It is so ordered.

Issued this 4th day of September 1975 at Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,  
Chairman.

[FR Doc.75-23956 Filed 9-9-75; 8:45 am]

### SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-11620]

#### EXEMPTIONS FOR CERTAIN FOREIGN SECURITIES

##### List of Issuers Which Have Submitted Information

Foreign issuers with more than \$1,000,000 in assets and a class of equity securities held by 500 or more shareholders, of which 300 or more shareholders reside in the United States, are subject

<sup>1</sup> Foreign issuers may also be subject to such requirements of the Act by reason of having securities registered and listed on a national securities exchange in the United States or subject to the reporting requirements by reason of having registered securities under the Securities Act of 1933.

to the registration, reporting, proxy, and insider trading provisions of the Securities Exchange Act of 1934.<sup>1</sup>

Rule 12g3-2(b) (17 CFR 240.12g3-2(b)) provides an exemption from registration under Section 12(g) of the Act for a foreign issuer which submits on a current basis material specified in the Rule to the Commission. Such required material includes that information about which investors ought reasonably to be informed with respect to the issuer and its subsidiaries and which the issuer (1) has made public pursuant to the law of the country of its domicile or in which it is incorporated or organized, (2) has filed with a stock exchange on which its securities are traded and which was made public by such exchange and/or (3) has distributed to its security holders.

When it adopted Rule 12g3-2 and other rules relating to foreign securities (see Securities Exchange Act Release No. 8066, April 28, 1967), the Commission indicated that from time to time it would issue lists containing those foreign issuers which have obtained exemptions from the registration provisions of Section 12(g) of the Act by providing the information specified in Rule 12g3-2(b). The purpose of the present release is to call to the attention of brokers, dealers and investors that some form of current information concerning the foreign issuers included on the enclosed list is available in the public files of the Commission. The list below includes those foreign issuers which, as of July 31, 1975, are current in furnishing information under Rule 12g3-2(b). There is a total of 146 foreign issuers on the list.

The Commission also wishes to call to the attention of brokers, dealers, and investors the fact that current information concerning certain foreign issuers may not be available in the United States. The Commission continues to expect that brokers and dealers will consider this fact in connection with their obligations under the federal securities laws to have a reasonable basis for recommending these securities to their customers. The Commission will continue to review activity in the markets for foreign securities to see whether the present rules are achieving their purpose and whether further rules or rule revisions are necessary in the public interest or for the protection of investors.

Any questions regarding Rule 12g3-2 or the list included herein should be directed to the Office of International Corporate Finance, Division of Corporation Finance.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 28, 1975.



## NOTICES

Foreign issuers which are current in submitting material pursuant to the provisions of rule 12g3-2(b) as of July 31, 1975

Registrant	File No.	Country
Abitibi Paper Co., Ltd.	82-80	Toronto, Ontario, Canada
Agnico-Eagle Mines, Ltd.	82-179	Do.
Aktiebolaget Svenska Kullagerfabriken	82-130	Gothenburg, Sweden
Algoma Steel Corp., Ltd.	82-99	Sault Ste. Marie, Ontario, Canada
Anglo American Corp. of South Africa, Ltd.	82-97	Johannesburg, South Africa
Anglo American Gold Investment Co., Ltd.	82-146	Do.
Anglo United Development Corp., Ltd.	82-190	Toronto, Ontario, Canada
Bank of Montreal	82-126	Montreal, Quebec, Canada
Bank of Nova Scotia	82-132	Toronto, Ontario, Canada
Basic Resources International, S.A.	82-162	Do.
Beecham Group, Ltd.	82-203	Luxembourg, Luxembourg
Bell Canada	82-22	Middlesex, England
Bison Petroleum & Minerals, Ltd.	82-2	Montreal, Quebec, Canada
Blyvooruitzicht Gold Mining Co., Ltd.	82-161	Toronto, Ontario, Canada
Bovis Corp., Ltd.	82-69	Johannesburg, South Africa
The Bowater Corp.	82-62	Toronto, Ontario, Canada
Bracken Mines, Ltd.	82-3	London, England
Brakene Resources, Ltd.	82-219	Johannesburg, South Africa
Brascan, Ltd.	82-113	Vancouver, British Columbia, Canada
Brinco, Ltd.	82-4	Toronto, Ontario, Canada
British-American Tobacco Co., Ltd.	82-102	Montreal, Quebec, Canada
Broken Hill Proprietary Co., Ltd.	82-81	London, England
Burnah Oil Co., Ltd.	82-5	Melbourne, Australia
Candle Mines, Ltd.	82-103	Glasgow, Scotland
Canadian Industrial Gas & Oil, Ltd.	82-192	Toronto, Ontario, Canada
Canadian Marconi Co., Ltd.	82-85	Calgary, Alberta, Canada
Celanese Canada, Ltd.	82-171	Montreal, Quebec, Canada
Charter Consolidated, Ltd.	82-171	Do.
Chromasco, Ltd.	82-233	London, England
Cochener Williams, Ltd.	82-106	Montreal, Quebec, Canada
Cominco, Ltd.	82-43	Toronto, Ontario, Canada
Cominco, Ltd.	82-107	Montreal, Quebec, Canada
Conlagas Mines, Ltd.	82-168	Toronto, Ontario, Canada
Consolidated-Bathurst, Ltd.	82-172	Montreal, Quebec, Canada
Consolidated Durrant Mines & Resources, Ltd.	82-173	Toronto, Ontario, Canada
Dargafontein Mines, Ltd.	82-43	Johannesburg, South Africa
Debeers Consolidated Mines, Ltd.	82-91	Do.
Den Norske Amerikahandels A/S	82-111	Oso, Norway
Dickenson, Mines, Ltd.	82-68	Toronto, Ontario, Canada
Domestic Bridge Co., Ltd.	82-93	Montreal, Quebec, Canada
Domestic Foundries & Steel Co.	82-114	Hamilton, Ontario, Canada
Domestic Textile Co., Ltd.	82-113	Montreal, Quebec, Canada
Dominion, Ltd.	82-18	Do.
Dornfontein Gold Mining Co., Ltd.	82-213	Johannesburg, South Africa
Drechter Bank, A.G.	82-229	Frankfurt a.M., Federal Republic of Germany
Dupont of Canada, Ltd.	82-19	Montreal, Quebec, Canada
Durban Roadstead Deep, Ltd.	82-156	Johannesburg, South Africa
East Dargafontein Mines, Ltd.	82-42	Do.
East Driefontein Gold Mining Co., Inc.	82-124	Do.
East Malarie Mines, Ltd.	82-212	Toronto, Ontario, Canada
East Rand Proprietary Mines, Ltd.	82-399	Johannesburg, South Africa
L. M. Ericsson Telephone Co.	82-115	Stockholm, Sweden
Falconbridge Nickel Mines, Ltd.	82-30	Toronto, Ontario, Canada
Fiat SpA	82-116	Turin, Italy
Fisons, Ltd.	82-202	London, England
Ford Motor Co. of Canada, Ltd.	82-20	Oakville, Ontario, Canada
Free State Gold Mines, Ltd.	82-40	Johannesburg, South Africa
Fuji Photo Film Co., Ltd.	82-78	Tokyo, Japan
Geduld Investments, Ltd.	82-284	Johannesburg, South Africa
Glaxo Holdings, Ltd.	82-10	London, England
Gold Fields of South Africa, Ltd.	82-204	Johannesburg, South Africa
Gold Fields Property Co., Ltd.	82-214	Do.
Granite Copper, Ltd.	82-26	Vancouver, British Columbia, Canada
Great Canadian Oil Sands, Ltd.	82-238	Toronto, Ontario, Canada
Great West Life Assurance Co.	82-77	Winnipeg, Manitoba, Canada
Gulf Oil, Ltd. (Canada)	82-101	Toronto, Ontario, Canada
Harmony Gold Mining Co., Ltd.	82-288	Johannesburg, South Africa
IAC, Ltd.	82-120	Toronto, Ontario, Canada
Imasco, Ltd.	82-118	Montreal, Quebec, Canada
Indusair, Ltd.	82-201	Toronto, Ontario, Canada
The Investors Group	82-13	Winnipeg, Manitoba, Canada
Kerr Addison Mines, Ltd.	82-14	Toronto, Ontario, Canada
Key Anacon Mines, Ltd.	82-23	St. John's, New Brunswick, Canada
Kinross Mines, Ltd.	82-220	Johannesburg, South Africa
Kirin Brewery Co., Ltd.	82-188	Tokyo, Japan
Kloof Gold Mining Co., Ltd.	82-203	Johannesburg, South Africa
La Luz Mines, Ltd.	82-237	Toronto, Ontario, Canada
Lake Shore Mines, Ltd.	82-15	Do.
Leslie Gold Mines, Ltd.	82-223	Johannesburg, South Africa
Libanon Gold Mining Co., Ltd.	82-215	Do.
Little Long Lac Mines, Ltd.	82-198	Toronto, Ontario, Canada
Lenrho, Ltd.	82-191	London, England
Magnum Fund, Ltd.	82-125	Amsterdam, the Netherlands
Mariposa Consolidated Mines, Ltd.	82-224	Johannesburg, South Africa
M. I. M. Holdings, Ltd.	82-173	Brisbane, Australia
Minerals and Resources Corp., Ltd.	82-206	Pembroke, Bermuda
Montecatini Edison, S.P.A.	82-127	Milan, Italy
Moore Corp., Ltd.	82-128	Toronto, Ontario, Canada
Na-Chung International, Ltd.	82-299	Do.
Nickel Rim Mines, Ltd.	82-129	Do.
Nissan Motor Co., Ltd.	82-207	Tokyo, Japan
Noranda Mines, Ltd.	82-158	Toronto, Ontario, Canada
Oceanic Iron Ore of Canada, Ltd.	82-159	Do.
Overseas Inns, S.A.	82-166	Luxembourg, Luxembourg
Patino, N.V.	82-135	The Hague, the Netherlands
Philips Mining Corp.	82-136	Manila, the Philippines
Potgietersrust Platinum, Ltd.	82-240	Johannesburg, South Africa
Power Corporation of Canada, Ltd.	82-137	Montreal, Quebec, Canada
President Brand Gold Mining Co., Ltd.	82-39	Johannesburg, South Africa
President Steyn Gold Mining Co., Ltd.	82-44	Do.
Purified Gold Mines, Ltd.	82-211	Toronto, Ontario, Canada
Quebec Sturgeon River Mines, Ltd.	82-180	Do.
Rank Organisation, Ltd.	82-17	London, England

## NOTICES

[TA-W-72]

## HARLEY-DAVIDSON DIVISION OF AMF, INC.

## Notice of Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-72: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 8, 1975 in response to a worker petition received on July 3, 1975 which was filed by the International Union Allied Industrial Workers, AFL-CIO, on behalf of workers formerly producing motorcycles and snowmobiles at Harley-Davidson's three Milwaukee, Wisconsin plants.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30334) on July 18, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Harley-Davidson, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which his important but not necessary more important than any other cause.

**Significant Total or Partial Separations.** A significant number or proportion of the workers at the three plants of Harley-Davidson in Milwaukee, Wisconsin became totally or partially separated between March and June 1975. Employment declined 14 percent from March 1, 1975 to June 30, 1975.

**Sales or Production, or Both, Have Decreased Absolutely.** Sales at the Harley-Davidson plants decreased 7.3 percent in fiscal year 1975 compared to fiscal year 1974.

**Increased Imports Contributed Importantly.** Imports of articles like or directly competitive with those produced at Harley-Davidson increased from

Foreign issuers which are current in submitting material pursuant to the provisions of rule 12g3-2(b) as of July 31, 1975—Continued

Registrant	File No.	Country
Rothmans International, Ltd.	82-84	Basildon, Essex, England
Royal Trust Co.	82-196	Montreal, Quebec, Canada
St. Helena Gold Mines, Ltd.	82-232	Johannesburg, South Africa
Santos, Ltd.	82-34	Adelaide, Australia
Shell Canada, Ltd.	82-94	Toronto, Ontario, Canada
Sherritt Gordon Mines, Ltd.	82-29	Do.
Shiseido Co., Ltd.	82-225	Tokyo, Japan
Siemens Aktiengesellschaft	82-73	Munich, Federal Republic of Germany
Sinmil Explorations, Inc.	82-27	Toronto, Ontario, Canada
Simpsons, Ltd.	82-53	Do.
Southval Holdings, Ltd.	82-157	Johannesburg, South Africa
Sponner Mines and Oils, Ltd.	82-112	Toronto, Ontario, Canada
Stampede International Resources, Ltd.	82-242	Vancouver, British Columbia, Canada
Steel Co. of Canada, Ltd.	82-111	Toronto, Ontario, Canada
Sulbury Contact Mines, Ltd.	82-180	Do.
The Dai-Ichi, Inc.	82-230	Osaka, Japan
The Greatfield Proprietary Mines, Ltd.	82-222	Johannesburg, South Africa
Thomson Industries, Ltd.	82-174	Calgary, Alberta, Canada
Toronto Dominion Bank	82-142	Toronto, Ontario, Canada
Toyota Motor Co., Ltd.	82-235	Johannesburg, South Africa
P. C. Investments, Ltd.	82-50	London, England
Ultra Electronic Holdings, Ltd.	82-231	Johannesburg, South Africa
Union Gas, Ltd.	82-49	Chatham, Ontario, Canada
Union Platinum Mining Co., Ltd.	82-211	Johannesburg, South Africa
Unisel Gold Mines, Ltd.	82-236	Do.
United Keno Hill Mines, Ltd.	82-61	Toronto, Ontario, Canada
United Sisco Mines, Ltd.	82-191	Montreal, Quebec, Canada
Upper Canada Resources, Ltd.	82-134	Toronto, Ontario, Canada
Yahi Reefs Exploration & Mining Co., Ltd.	82-56	Johannesburg, South Africa
Velero Industries, N.V.	82-115	Curacao, Netherlands Antilles
Venterspost Gold Mining Co., Ltd.	82-217	Johannesburg, South Africa
Viktorien Gold Mining Co., Ltd.	82-189	Calgary, Alberta, Canada
Voyager Petroleum, Ltd.	82-218	Johannesburg, South Africa
Waterfall (Rustenburg) Platinum Mining Co., Ltd.	82-57	Do.
Welkom Gold Mining Co., Ltd.	82-90	Do.
West Driefontein Gold Mining Co., Ltd.	82-58	Do.
Western Deep Levels, Ltd.	82-54	Do.
Western Holdings, Ltd.	82-182	Toronto, Ontario, Canada
Willroy Mines, Ltd.	82-221	Johannesburg, South Africa
Winkellbank Mines, Ltd.	82-60	Toronto, Ontario, Canada
Wright Hargreaves Mines, Ltd.	82-227	Pembroke, Bermuda
Zambia Copper Investments, Ltd.		

(Sec. 12(g) (3), 48 Stat. 892; Sec. 3, 78 Stat. 565-568; 16 U.S.C. 78(1)).

[FR Doc. 75-23947 Filed 9-9-75; 8:45 am]

## DEPARTMENT OF LABOR

## Office of the Secretary

[TA-W-127]

## GENERAL ELECTRIC CO.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers, on behalf of the workers and former workers of Television Component Products Operation of General Electric Company, Syracuse, New York (TA-W-127).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with monochrome and color picture tubes produced by General Electric Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or

threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of August 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 75-24023 Filed 9-9-75; 8:45 am]

## NOTICES

## NOTICES



393,000 units in 1973 to 552,000 units in 1974. Imports increased 20 percent in the first half of 1975 compared to the first half of 1974. The ratio of imports to domestic consumption and production increased from 90.5 percent and 824.5 percent, respectively, in the first half of 1974 to 92.4 percent and 1059.7 percent, respectively in the first half of 1975.

The evidence developed by the Department's investigation indicates that the company terminated snowmobile production in December 1974 because of reduced domestic demand. When snowmobile production was terminated on December 19, 1974, all snowmobile workers were absorbed by Harley's motorcycle production facilities in Milwaukee. Permanent separations of workers engaged in motorcycle production began in March, 1975 and were attributable to increases of competitive imports.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with snowmobiles produced by Harley-Davidson did not contribute importantly to the termination of snowmobile production or to the separation of such workers. Further I conclude that increases of imports like or directly competitive with motorcycles produced at the three Milwaukee, Wisconsin plants contributed importantly to the total or partial separation of the workers of those plants. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of motorcycles at the three Milwaukee, Wisconsin plants of Harley-Davidson who became totally or partially separated from employment on or after March 1, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 2nd day of September 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for International Labor Affairs.

[FR Doc.75-24021 Filed 9-9-75; 8:45 am]

TA-W-73]

#### ION CAPACITOR CORP.

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-73; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 8, 1975 in response to a worker petition received on July 3, 1975 which was filed on behalf of workers formerly producing aluminum electrolytic capacitors at the Ion Capacitor Corporation, Columbia City, Indiana.

The notice of investigation was published in the FEDERAL REGISTER (40 FR

30334), July 18, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ion Capacitor Corporation, its customers, Electronic Industries Association, industry analysts, U.S. Department of Commerce, U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant Total or Partial Separations.** A significant number of workers at Ion Capacitor Corporation became totally or partially separated in the last quarter of 1974 and in the first six months of 1975. Total plant employment declined 49 percent in January-April 1975 from that in January-April 1974. All employment was terminated at the plant by June 1975.

**Sales or Production, or Both, Have Decreased Absolutely.** The number of capacitors sold by Ion decreased 69 percent in January through May 1975 from the same period in 1974. The number of units produced in February-April 1975 was 76 percent below production in the same period in 1974. All production ceased in June 1975.

**Increased Imports Contributed Importantly.** Imports of aluminum electrolytic capacitors increased absolutely from 157 million units in 1971 to 446 million units in 1974. From 1973 to 1974 the import/consumption ratio increased from 63 to 74 percent, and the import/production ratio increased from 162 to 259 percent.

The evidence developed in the Department's investigation indicates that the separation of workers and the decline in sales and production at Ion Capacitor Corporation in 1974 were caused by price competition from imports. In late 1973 and early 1974 aluminum prices rose dramatically. In order to stay price competitive with imports, ION started using less expensive, lower quality aluminum material in its production of capacitors. This switch, however, lowered the quality

of ION's products and caused several customers to shift their purchases to lower priced, higher quality imports in 1974.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with aluminum electrolytic capacitors produced by ION Capacitor Corporation contributed importantly to the total or partial separation of the workers of that plant. Section 223(b) (2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provision of the Act I make the following certification:

"All hourly, and salaried worker engaged in employment relate to the production of aluminum electrolytic capacitors at the Ion Capacitor Corporation, Columbia City, Indiana, who became totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 2nd day of September 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.

[FR Doc.75-24022 Filed 9-9-75; 8:45 am]

TA-W-68]

#### PACKARD ELECTRIC DIVISION

#### Notice of Negative Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-68; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 3, 1975 in response to a worker petition received on July 2, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers, AFL-CIO, on behalf of workers formerly producing wire harnesses for automobiles and components thereof at the Warren, Ohio plant of the Packard Electric Division of General Motors Corporation.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 29577) on July 14, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of General Motors Corporation, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant Total or Partial Separations.** A significant number or proportion of the workers at the Warren, Ohio plant of Packard Electric became totally or partially separated in the first quarter of 1975. Hourly employment declined 38 percent from the fourth quarter of 1974 to the first quarter of 1975.

**Sales or Production, or Both, Have Decreased Absolutely.** Production at the Warren, Ohio plant declined 33 percent from 1973 to 1974. Production declined 3 percent in the first half of 1975 compared to the first half of 1974.

**Increased Imports Contributed Importantly.** Imports of articles like or directly competitive with those produced at the Warren, Ohio plant increased from 381 thousand units in 1970 to 7,147 thousand units in 1974. Imports increased 66 percent in the first quarter of 1975 compared to the first quarter of 1974. The ratios of imports to domestic consumption and production increased from 0.7 percent and 0.6 percent, respectively in 1970 to 6.4 percent and 5.3 percent, respectively in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of wire harnesses for automobiles at the Warren, Ohio plant of Packard Electric was attributable to the general economic recession in the United States. Packard Electric sells wire harnesses primarily to General Motors Corp. General Motors' reduced purchases of wire harnesses was due to decreased demand for automobiles in the United States.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with wire harnesses for automobiles produced at the Warren, Ohio, plant of the Packard Electric Division of General Motors Corp. did not contribute importantly to the total or partial separation of the workers or to the absolute decline in sales or production of that plant.

Signed at Washington, D.C. this 2nd day of September 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.

[FR Doc.75-24019 Filed 9-9-75; 8:45 am]

TA-W-09]

#### SKF INDUSTRIES INC.

#### Notice of Negative Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-69; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 3, 1975 in response to a worker petition received on July 2, 1975 which was filed by the United Steelworkers of America (AFL-CIO) on behalf of workers producing bearings at the Philadelphia Division of SKF Industries, Incorporated, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 29578) on July 14, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of SKF Industries, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant Total or Partial Separations.** Average monthly employment of hourly workers at the Philadelphia Division of SKF was 1 percent higher in 1974 than it was in 1973. For the first six months of 1975 it was two percent less than it was for the same period in 1974.

**Sales or Production or Both, Have Decreased Absolutely.** Dollar value of sales for the first six months of 1975 was 18 percent above its levels for the same period in 1974.

Dollar value of production for the first six months of 1975 was 32 percent higher than it was in the same period of 1974.

**Increased Imports Contributed Importantly.** Imports of ball bearings and roller bearings other than taper which consists of cylindrical, spherical and needle increased in both relative and absolute quantities from 1970 to 1974.

However, both the import to production and import to consumption ratios of ball bearings declined slightly in 1974 from their 1973 levels. The import to production ratio fell from 19.2 percent to 18.6 percent from 1973 to 1974 while the import to consumption ratio fell from 17.1 percent to 17.0 percent. These ratios rose slightly in the first five months of 1975 from the same period a year earlier.

The import to production and import to consumption ratio of roller bearings other than taper have declined during the first five months of 1975 from the same period in 1974. The import to production ratio fell from 11 percent to 8.6 percent, while the import to consumption ratio fell from 11.1 percent to 8.6 percent.

Evidence developed during the course of the investigation indicates that the reason for the plant's reduction in sales was the sharp decline in demand for bearings which first occurred in May 1975. Several customers of SKF indicated that they have increased their relative domestic purchases of bearings but because of economic conditions they have reduced their total orders.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with bearings produced at the Philadelphia Division of SKF Industries, Incorporated did not contribute importantly to the total or partial separation of the workers or to the absolute decline in sales or production of the Division.

Signed at Washington, D.C. this 2nd day of September 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.

[FR Doc.75-24020 Filed 9-9-75; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

#### Elimination of Gateway Letter Notices

SEPTEMBER 5, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 22, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience



No. MC 78428 (Sub-No. E112), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in Michigan beginning at the United States-Canada International Boundary line and extending along Michigan Highway 21 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Interstate Highway 94, thence along Interstate Highway 94 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-E115), filed June 30, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories* from points in Ohio on, south and west of a line beginning at the Pennsylvania-Ohio State line, and extending along Ohio Highway 82, to Warren, Ohio, thence along Ohio Highway 45 to junction U.S. Highway 30,

No. MC 78228 (Sub-No. E118), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Non-clay refractories, from points in Ohio on, south, and east of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 82 to Warren, Ohio, thence along Ohio Highway 45 to junction U.S. Highway 30, thence along U.S. Highway 30 to the West Virginia-Ohio State line to points in Indiana on and west of a line beginning at Lake Michigan, thence along Interstate Highway 65 to junction Interstate Highway 465, thence along Interstate

No. MC 78228 (Sub-No. E121), filed May 30 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio east of a line beginning at Lake Erie, thence along Ohio Highway 45 to Warren, Ohio, thence along U.S. Highway 422 to Youngstown, Ohio.

No. MC 78228 (Sub E124), filed June 30, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories* from points in Ohio south and east of a line beginning at the Pennsylvania-Ohio State line, and extending along Ohio Highway 82 to Warren, Ohio, thence along Ohio Highway 45 to junction Ohio Highway 7, thence along Ohio Highway 7 to Steubenville, Ohio, thence along U.S. Highway 22 to the Ohio-West Virginia State line to points in Michigan on and west of a line beginning at the United States-Canada International boundary line at Mackinaw City, thence along U.S. Highway 75 to junction U.S. Highway 10, thence

No. MC 78228 (Sub-No. E126), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15229. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Washington, D.C. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on and east of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 82 to Warren, Ohio, thence along U.S. Highway 422 to Youngstown, Ohio, thence along Ohio Highway 7 to junction Ohio Highway 267, thence along Ohio Highway 267 to East Liverpool, Ohio, thence along Ohio Highway 7 to Steubenville, Ohio, thence along U.S. Highway 22 to the Ohio-West Virginia State line to points in Michigan on or west of a line beginning at the United States-Canada International Boundary line, thence along Interstate Highway 75 to junction Michigan Highway 55, thence along Michigan Highway 55 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 55, thence along Michigan Highway 55 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E127), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representa-



No. MC 7228 (Sub-No. E129), filed May 30, 1975, Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting *Non-clay refractories*, from points in West Virginia bounded by a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 22 to junction West Virginia Highway 2, thence along West Virginia High-

No. MC 78228 (Sub-No. E1317, filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in West Virginia bounded by a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 22 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, thence along the West Virginia-Maryland State line to the West Virginia-Pennsylvania State line, thence along the West Virginia-Pennsylvania State line to the place of

beginning to points in Indiana or north and west of a line beginning at the Indiana-Michigan State line, thence along the Indiana Highway 19 to junction U.S. Highway 20, thence along U.S. Highway 20 to LaPorte, Ind., thence along Indiana Highway 2 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 41, thence along U.S. Highway 41 to Kentland, Ind., thence along U.S. Highway 24 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. S132, filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in West Virginia or on east of a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 119 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, to points in Indiana on or north of a line beginning at the Indiana-Illinois State line, thence along Indiana Highway 26 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E1337, filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in West Virginia on or east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 19 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line to points in Indiana on, north, or west of a line beginning at the Indiana-Michigan State line, thence along Indiana Highway 19 to junction Indiana Highway 2, thence along Indiana Highway 2 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E134), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in West Virginia bounded by a line beginning at the West Virginia-

Pennsylvania State line, thence along U.S. Highway 22 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, thence along the West Virginia-Maryland State line to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the place of beginning to points in Michigan north of a line beginning at Lake Huron, thence along Michigan Highway 25 to Bay City, Mich., thence along U.S. Highway 10 to Midland, Mich., thence along Michigan Highway 20 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Michigan-Lake Michigan border. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E149), filed May 30, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania north of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 62 to Warren, Pa., thence along Pennsylvania Highway 59 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line to points in West Virginia south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78227 (Sub-No. E150), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 "Vabash St., Pitts-  
burgh, Pa. 15220. Applicant's representa-  
tive: Thomas M. Mulroy, 2310 Grant  
Bldg., Pittsburgh, Pa. 15219. Authority  
sought to operate as a *common carrier*,  
by motor vehicle, over irregular routes,  
transporting: *Non-clay refractories*,  
from points in Ohio on or east of a line  
beginning at Lake Erie, thence along  
Ohio Highway 45 to Warren, Ohio,  
thence along U.S. Highway 422 to the  
Pennsylvania-Ohio State line to points  
in West Virginia south of U.S. Highway  
50. The purpose of this filing is to elim-  
inate the gateway of the facilities of the  
Universal Refractory Co., at Wampum,  
Pa.

No. MC 78228 (Sub-No. E151), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on and north of a

line beginning at Toledo, Ohio, thence along Ohio Highway 51 to junction Interstate Highway 280, thence along Interstate Highway 280 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 80, thence along Interstate Highway 80 to Youngstown, Ohio, thence along Ohio Highway 289 to the Ohio-Pennsylvania State line to points in West Virginia on and east of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to Lewisburg, thence along U.S. Highway 219 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E152), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in that part of Ohio on or east of a line beginning at Lake Erie, and extending along Ohio Highway 45 to Warren, Ohio, thence along U.S. Highway 422 to the Pennsylvania-Ohio State line to points in West Virginia south of a line beginning at the West Virginia-Kentucky State line, thence along West Virginia Highway 65 to Logan, thence along West Virginia Highway 10 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to Beckley, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E153), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in West Virginia on, north, and west of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 50 to Clarksburg, W. Va., thence along U.S. Highway 19 to Morgantown, W. Va., thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, to points in New York on and north of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction New York Highway 21, thence along New York Highway 21 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 7, thence along

New York Highway 7 to the New York-Vermont State line (except Buffalo and Niagara Falls, N.Y., and points in their respective commercial zones, as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co. at Wampum, Pa.

No. MC 78228 (Sub-No. E154), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on, west, and north of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to Somerset, Pa., thence along Pennsylvania Highway 31 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line to points in Kentucky on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., in Wampum, Pa.

No. MC 78228 (Sub-No. E155), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 1522 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in that part of Kentucky on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E156), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 1522 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grand Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on, west, and north of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to Somerset, Pa., thence along Pennsylvania Highway 31 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line, to points in Kentucky on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E157), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pitts-



burgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on, west, and north of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Pennsylvania Highway 228, thence along Pennsylvania Highway 228 to junction U.S. Highway 19, thence along U.S. Highway 19 to Zelenople, Pa., thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E158), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania west and south of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 422 to junction U.S. Highway 19, thence along U.S. Highway 19 to Pittsburgh, thence along U.S. Highway 88 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line to points in New York on and north of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to Kingston, thence along New York Highway 199 to the New York-Connecticut State line (except Buffalo and Niagara Falls, N.Y., and points in their commercial zones as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E159), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on, east, and north of a line beginning at Lake Erie, thence along Ohio Highway 45 to junction Ohio Highway 39, thence along Ohio Highway 39 to the Ohio-Pennsylvania State line, to points in Kentucky on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E160), filed May 30, 1975. Applicant: J. MILLER EX-

PRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Brooke and Hancock Counties, W. Va., to points in Ballard, Carlisle, Fulton, Graves, Hickman, and McCracken Counties, Ky. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E161), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Brooke, Hancock, Marshall, Ohio, Pleasants, Tyler, and Wood Counties, W. Va., to points in New York (except Buffalo and Niagara Falls, N.Y., and points in their respective commercial zones, as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., in Wampum, Pa.

No. MC 78228 (Sub-No. E162), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 358 to Greenville, Pa., thence along Pennsylvania Highway 58 to Mercer, Pa., thence along U.S. Highway 19 to Pittsburgh, Pa., thence along Pennsylvania Highway 88 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line to points in New York on and north of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 16A to Olean, N.Y., thence along New York Highway 16 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 19, thence along New York Highway 19 to junction New York Highway 244, thence along New York Highway 244 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 70, thence along New York Highway 70 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 54, thence along New York Highway 54 to junction unnumbered highway, thence along unnumbered highway to Watkins Glen, N.Y., thence along New York Highway 79 to Ithaca, N.Y., thence along New York Highway 13 to junction New York Highway 90, thence along New York Highway 90 to junction U.S. Highway 11,

thence along U.S. Highway 11 to junction New York Highway 221, thence along New York Highway 221 to Willet, N.Y., thence along New York Highway 220 to Oxford, N.Y., thence along New York Highway 12 to Norwich, N.Y., thence along New York Highway 23 to the New York-Massachusetts State line (except Buffalo and Niagara Falls, N.Y., and points in their respective commercial zones, as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E163), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in West Virginia on, north, and west of a line beginning at the Ohio-West Virginia State line extending along U.S. Highway 50 to Clarksburg, W. Va., thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line to points in New York on, north, and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 62 to junction New York Highway 39, thence along New York Highway 39 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to Lake Ontario (except Buffalo and Niagara Falls, N.Y., and points in their respective Commercial Zones, as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E164), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Brooke, Hancock, and Wood Counties, W. Va., on and north of U.S. Highway 50 to points in New York (except Buffalo and Niagara Falls, N.Y., and points in their respective commercial zones, as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E165), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from Ashland, Ky., to points in New York (except Buffalo and Niagara Falls, N.Y., and points in their respec-

tive commercial zones, as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E166), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from Ashland, Ky., to points in New York (except Buffalo and Niagara Falls, N.Y., and points in their respective commercial zones, as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E167), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on and east of a line beginning at Lake Erie, extending along Ohio Highway 528 to junction Ohio Highway 88, thence along Ohio Highway 88 to Ravenna, Ohio, thence along Ohio Highway 14 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line to points in Kentucky on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E168), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Brooke, Hancock, Marshall, Ohio, Pleasants, Tyler, Wetzel, and Wood Counties, W. Va., on and north of U.S. Highway 50 to points in that part of New York on, north, and west of Interstate Highway 84 (except Buffalo and Niagara Falls, N.Y., and points in their respective commercial zones, as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E169), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Non-clay refractories*, from points in Hancock County, W. Va., to points in Ballard, Carlisle, Fulton, Graves, Hickman, and McCracken Counties, Ky. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E170), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on, west, and north of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line, to points in Kentucky on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E171), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on, south, and west of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 358 to junction U.S. Highway 62, thence along U.S. Highway 62 to Franklin, Pa., thence along the Allegheny River to Kittanning, Pa., thence along U.S. Highway 422 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line to points in New York on, north, and east of a line beginning at the St. Lawrence River, thence along New York Highway 68 to junction New York Highway 56, thence along New York Highway 56 to junction New York Highway 3, thence along New York Highway 3 to Tupper Lake, N.Y., thence along New York Highway 30 to junction New York Highway 28N, thence along New York Highway 28N to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 149, thence along New York Highway 149 to the New York-Vermont State line. The purpose of this filing is to eliminate the gateway of

the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 102567 (Sub-No. E4) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER July 1, 1975. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from Henderson, Tex., and points in Texas within 150 miles of Henderson to points in Florida. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the commodity description.

No. MC 102567 (Sub-No. E6) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER July 1, 1975. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas which are within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Denton, Tex., and extending along Interstate Highway 35E to junction U.S. Highway 175, thence along U.S. Highway 175 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line, to points in Georgia. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the highway description.

No. MC 102567 (Sub-E16) (Correction) filed June 3, 1974, published in the FEDERAL REGISTER July 2, 1975. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Chilton, Tex., and extending along Texas Highway 7 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to those points in Tennessee east of a line beginning at the Tennessee Highway 48 to junction Tennessee Highway 48 to

junction Tennessee Highway 100, to junction Tennessee Highway 20, to junction

No. MC 106497 (Sub-No. E1) (Correction), filed May 14, 1974, published in the

thence along Indiana Highway 32 to the Indiana-Ohio State line, to those points

leum products and potash), from points in Sherman, Hansford, Moore, Hutchin-

ucts, in bulk, in tank vehicles, from points in Cochran, Hockley, Lubbock,

Texas in and west of Hartley, Moore, Potter, Randall, Swisher, Floyd, Crosby,



junction Tennessee Highway 100, to junction Tennessee Highway 20, to junction U.S. Highway 43, to the Alabama-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the commodity description.

No. MC 102567 (Sub-No. E17) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER July 2, 1975. Applicant: MC NALK TRANSPORT, INC., P.O. Drawer 5337, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Chilton, Tex., and extending along Texas Highway 7 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to those points in Illinois north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 30 to junction Illinois Highway 38, thence along Illinois Highway 38 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the exception.

No. MC 102567 (Sub-No. E18) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER July 2, 1975. Applicant: MC NALK TRANSPORT, INC., P.O. Drawer 5337, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Chilton, Tex., and extending along Texas Highway 7 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to those points in Indiana west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 50 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 66, thence along Indiana Highway 66 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the highway description.

No. MC 102567 (Sub-No. E19) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER July 2, 1975. Applicant: MC NALK TRANSPORT, INC., P.O. Drawer 5337, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Chilton, Tex., and extending along Texas Highway 7 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to those points in Indiana west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 50 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 66, thence along Indiana Highway 66 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the highway description.

No. MC 106497 (Sub-No. E1) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER July 1, 1975. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, (restricted to self-propelled articles which are transported on trailers), between points in Missouri, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Oklahoma, those in New Mexico on and east of U.S. Highway 85, and those in Texas west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 277, thence along U.S. Highway 277 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Wyoming. The purpose of this partial correction is to extend the territorial description.

No. MC 106603 (Sub E12), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *building and roofing materials*, which are building contractors' equipment, in truckloads, from those points in Indiana, south and west of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 264 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 24 to the Indiana-Illinois State line, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Joliet, Ill., or Lockland, Ohio.

No. MC 106603 (Sub E13), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *building and roofing materials* which are building contractors' materials, in truckloads, from those points in Indiana north of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 46 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 32,

thence along Indiana Highway 32 to the Indiana-Ohio State line, to those points in the Lower Peninsula of Michigan north of a line beginning at Port Huron and extending along Michigan Highway 21 to junction Michigan Highway 53, thence along Michigan Highway 53 to Lake Huron. The purpose of this filing is to eliminate the gateway of the plant site of Certain-teed Products Corporation at Avery, Ohio.

No. MC 106603 (Sub E14), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *building and roofing materials*, which are building contractors' materials, in truckloads, from those points in Indiana east of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 65 to junction Indiana Highway 46, thence along Highway 46 to the Indiana-Ohio State line, to those points in the Lower Peninsula of Michigan, north of a line beginning at Lake Michigan and extending along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Indiana State line. The purpose of this filing is to eliminate the gateway of Lockland, Ohio.

No. MC 106603 (Sub E15), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials*, which are building contractors' materials, from those points in Indiana north of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 264 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line, to those points in Michigan east of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to junction Michigan Highway 76, thence along Michigan Highway 76 to junction Interstate Highway 75, thence along Interstate Highway 75 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Lockland, Ohio.

No. MC 107064 (Sub-No. E2), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in tank or hopper type vehicles (except petro-

leum products and potash), from points in Sherman, Hansford, Moore, Hutchinson, Roberts, Potter, Carson, Gray, Randall, Armstrong, Donley, Briscoe, and Hall Counties, Tex., to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Moore County, Tex.

No. MC 107064 (Sub-No. E3), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Bailey, Lowb, Hale, Cochman, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gainer, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Millard, Glasscock, Sterling, Coke, Tom Green, Irion, Reagan, Upton, Crane, Ward, Crockett, Val Verde, Terrell, Pecos, Reeves, Brewster, Presidio, Jeff Davis, Culverson, Hudspeth, and El Paso Counties, Tex., to points in Ohio. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E16), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in New Mexico (except those in Colfax and Union Counties), to points in New Jersey. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub E22), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on, south, and west of a line beginning at the New Mexico-Texas State line, thence along Texas Highway 125 to Whiteface, thence along U.S. Highway 116 to Lubbock, thence along U.S. Highway 84 to junction Texas Highway 70, thence along Texas Highway 70 to Fort Chadbourne, thence along U.S. Highway 277 to San Angelo, thence along U.S. Highway 87 to Eden, thence along U.S. Highway 83 to the International Boundary line between the United States and Mexico, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Ector County, Texas.

No. MC 107064 (Sub E23), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum prod-*

ucts, in bulk, in tank vehicles, from points in Cochran, Hockley, Lubbock, Lynn, Borden, Scurry, Mitchell, Sterling, Tom Green, Schleicher, Sutton, Val Verde, Kinney and Maverick Counties, Tex., to points in Illinois. The purpose of this filing is to eliminate the gateway of Ector County, Texas.

No. MC 107064 (Sub E24), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on, south, and west of a line beginning at the New Mexico-Texas State line, thence along Texas Highway 125 to Whiteface, thence along Texas Highway 116 to Lubbock, thence along U.S. Highway 84 to junction Texas Highway 70, thence along Texas Highway 70 to Fort Chadbourne, thence along U.S. Highway 277 to San Angelo, thence along U.S. Highway 87 to Eden, thence along U.S. Highway 83 to the International Boundary line between the United States and Mexico, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Ector County, Texas.

No. MC 107064 (Sub E25), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas in and west of Bartley, Lamb, Hockley, Lubbock, Lynn, Borden, Scurry, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton and Val Verde Counties, to points in Michigan. The purpose of this filing is to eliminate the gateway of Ector County, Texas.

No. MC 107064 (Sub E26), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Hartley, Moore, Potter, Randall, Swisher, Briscoe, Motley, Dickens, Kent, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, and Val Verde Counties, Tex., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Ector County, Texas.

No. MC 107064 (Sub E27), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of

Texas in and west of Hartley, Moore, Potter, Randall, Swisher, Floyd, Crosby, Dickens, Kent, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney, and Maverick Counties, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Ector County, Texas.

No. MC 107064 (Sub E28), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on, south, and west of a line beginning at the New Mexico-Texas State line, thence along Texas Highway 125 to Whiteface, thence along Texas Highway 116 to Lubbock, thence along U.S. Highway 84 to junction Texas Highway 70, thence along Texas Highway 70 to Fort Chadbourne, thence along U.S. Highway 277 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateway of Ector County, Texas.

No. MC 107064 (Sub E29), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from that part of Texas in and west of Bailey, Lamb, Hale, Floyd, Motley, Dickens, Kent, Scurry, Nolan, Coke, Tom Green, Schleicher, Sutton, Val Verde, Kinney, and Maverick Counties, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Ector County, Texas.

No. MC 107064 (Sub E30), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas in and west of Farmer, Castro, Swisher, Hale, Lubbock, Garza, Scurry, Mitchell, Coke, Tom Green, Schleicher, Sutton, Val Verde, Kinney, and Maverick Counties, to points in Virginia. The purpose of this filing is to eliminate the gateway of Ector County, Texas.

No. MC 107064 (Sub E31), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas in and west of Dallam, Hartley, Potter, Randall, Swisher, Hale, Lubbock, Garza, Scurry, Mitchell, Glasscock, Upton, Pecos, and Terrell Counties, to points in Florida.

The purpose of this filing is to eliminate

No. MC 107064 (Sub E36), filed May 21,

of this filing is to eliminate the gateway

INC. P.O. Box 2998, Dallas, Texas 75221.

purpose of this filing is to eliminate the

No. MC 107064 (Sub E65), filed May



No. MC 107064 (Sub E71), filed May 21, 1974, Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221.



Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in New Mexico (except Taos, Union, Harding, and Colfax Counties), to points in Maryland. The purpose of this filing is to eliminate the gateway of Ector County, Texas.

No. MC 107107 (Sub-E36), filed April 15, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, and *related advertising materials*, from Hackettstown, N.J., to those points in Georgia on and south of a line beginning at the Atlantic Ocean and extending along Georgia Highway 99 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Georgia State line (Jacksonville, Fla.), \* those in Louisiana and those in Alabama and Mississippi on and south of U.S. Highway 80. (Pensacola and Tallahassee, Fla.) \* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107107 (Sub-No. E39), filed April 18, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Confectionery and confectionery products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of M & M Mars, Division of Mars, Inc., located at or near Albany, Ga., to points in Louisiana, those in Baldwin and Mobile Counties, Ala., those in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 84 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Mississippi-Louisiana State line (Pensacola, Fla.); (2) *Meats, meat products, and meat by-products*, as defined by the Commission, and dairy products, as defined by the Commission, from Chicago, Ill., to those points in Alabama on and south of Alabama Highway 10, and those in Georgia on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Atlantic Ocean, and points in Chatham County, Ga. (Florida); (3) *Frozen foods*, requiring temperature control in transit, from Chicago, Ill., to those points in Alabama on and south of Alabama Highway 10, those in Georgia on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction U.S. Highway 319, thence

along U.S. Highway 319 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Atlantic Ocean, those in Louisiana on and south of U.S. Highway 190, and Chatham County, Ga. (Florida or Jacksonville, Fla.) \*; and (4) *Candy and confectionery*, and *related advertising materials*, from Chicago, Ill., to those points in Alabama on and south of Alabama Highway 10, those in Georgia on and south of a line beginning at the Florida-Georgia State line and extending along U.S. Highway 319 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Atlantic Ocean, those in Mississippi on and south of U.S. Highway 90, and New Orleans, La. (Jacksonville, Fla., or Pensacola and Tallahassee, Fla.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 109692 (Sub-No. E3), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas on, south and west of a line beginning at the northern boundary line of Stanton County, Kans., at the Colorado-Kansas State line, thence along the northern boundary lines of Stanton, Grant and Haskell Counties, Kans., to the western boundary line of Gray County, Kans., thence north on the western boundary line of Gray County, Kans., to U.S. Highway 50, thence east on U.S. Highway 50 to Sylvia, Kans., thence south on unnumbered highway to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Nebraska on and east of Nebraska Highway 14. The purpose of this filing is to eliminate the gateways of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E4), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas within an area bounded

by a line beginning at the northern boundary line of Gray County, Kans., at the Colorado-Kansas State line and continuing eastwardly on the northern boundary lines of Stanton, Grant and Haskell Counties, Kans., to the western boundary line of Gray County, Kans., thence north on the western boundary line of Gray County, Kans., to U.S. Highway 50, thence east on U.S. Highway 50 to junction Kansas Highway 14, thence north on Kansas Highway 14 to junction Kansas Highway 4, thence west on Kansas Highway 4 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Kansas Highway 96, thence west on Kansas Highway 96 to the Colorado-Kansas State line, thence south on the Kansas-Colorado State line to junction southern boundary line of Hamilton County, Kans., on the one hand, and, on the other, points in Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E5), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas on, north and west of a line beginning at Kansas Highway 96 to the Colorado-Kansas State line, thence along Kansas Highway 96 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction Kansas Highway 14, thence along Kansas Highway 14 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in Nebraska on and east of a line beginning at St. Helena, Nebr., and continuing along Nebraska Highway 15 to the Kansas border. The purpose of this filing is to eliminate the gateway of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E6), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives,

perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas within an area bounded by a line beginning at Kansas Highway 14 at the Kansas-Nebraska State line and extending along to its junction with U.S. Highway 56 at Lyons, Kans., thence along U.S. Highway 56 to junction McPherson County, Kans., thence along McPherson, Saline, Ottawa, Cloud, and Republic Counties, Kans., to the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to junction Kansas Highway 14, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the junction of Interstate Highway 80S and the Colorado-Nebraska State line to its junction with Interstate Highway 80, thence along Interstate Highway 80 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line, thence along the Nebraska-South Dakota State line to the Nebraska-Wyoming State line, thence along the Nebraska-Wyoming State line to the Colorado-Nebraska State line, thence along the Colorado-Nebraska State line to junction Interstate Highway 80S, and points in Nebraska on and east of a line beginning at U.S. Highway 81 at the Nebraska-South Dakota line and continuing along to its junction with U.S. Highway 275, thence along U.S. Highway 275 to its junction with Nebraska Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E7), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas within an area bounded by a line beginning at the junction of U.S. Highway 56 and Kansas Highway 14 at Lyons, Kans., thence along Kansas Highway 14 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction unnumbered highway at Sylvia, Kans., thence along unnumbered highway to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 296, thence along Kansas Highway 296 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 49, thence along Kansas Highway 49 to junction Kansas Highway 54, thence along Kansas Highway 54 to Cunningham, Kans., on the one hand, and, on the other, points in Nebraska in an area bounded by a line beginning at the junction of U.S. Highway 20 and the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 296, thence along Kansas Highway 296 to

junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 14 at Lyons, Kans., on the one hand, and, on the other, points in Nebraska in an area bounded by a line beginning at the junction of Scotts Bluff County, Nebr., and the Nebraska-Wyoming State line, thence along Scotts Bluff County, Nebr., to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Nebraska Highway L-62A, thence along Nebraska Highway L-62A to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to the Missouri-Nebraska State line, thence along the Missouri-Nebraska State line to junction Iowa-Nebraska State line, thence along the Iowa-Nebraska State line to junction Nebraska-South Dakota State line, thence along the Nebraska-South Dakota State line to junction Nebraska-Wyoming State line, thence along the Nebraska-Wyoming State line to junction Scotts Bluff County, Nebr. The purpose of this filing is to eliminate the gateway of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E8), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas within an area bounded by a line beginning at the junction of U.S. Highway 54 and unnumbered highway at Cunningham, Kans., thence along unnumbered highway to the Kansas-Oklahoma State line, thence along the Kansas-Oklahoma State line to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 49, thence along Kansas Highway 49 to junction Kansas Highway 54, thence along Kansas Highway 54 to Cunningham, Kans., on the one hand, and, on the other, points in Nebraska in an area bounded by a line beginning at the junction of U.S. Highway 20 and the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 81, thence along U.S. Highway 81 to

the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to the Missouri-Nebraska State line, thence along the Missouri-Nebraska State line to junction Iowa-Nebraska State line, thence along the Iowa-Nebraska State line to junction Nebraska-South Dakota State line, thence along the Nebraska-South Dakota State line to junction Nebraska-Wyoming State line, thence along the Nebraska-Wyoming State line to junction U.S. Highway 20. The purpose of this filing is to eliminate the gateways of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E9), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas within an area bounded by a line beginning at the junction of U.S. Highway 81 and the Kansas-Oklahoma State line, thence along the Kansas-Oklahoma State line to junction Kansas Highway 15, thence along Kansas Highway 15 to junction U.S. Highway 166, thence along U.S. Highway 166 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction eastern boundary line of Sumner County, Kans., thence north on the eastern boundary lines of Sumner, Sedgwick and Harvey Counties, Kans., to junction U.S. Highway 50, thence along U.S. Highway 50 to junction unnumbered highway 5 miles west of Peabody, Kans., thence along unnumbered highway to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 296, thence along Kansas Highway 296 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 49, thence along Kansas Highway 49 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Nebraska in an area bounded by a line beginning at the Nebraska Highway 23 at the Colorado-Nebraska State line, thence along Nebraska Highway 23 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nebraska Highway 74, thence along Nebraska Highway 74 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to junction Missouri-Nebraska State line, thence along the Missouri-Nebraska State line to junction Iowa-Nebraska State line, thence

along the Iowa-Nebraska State line to

No. MC 109692 (Sub-No. E11), filed

ties, except those of unusual value,

101 W. Eleventh, Kansas City, Mo. 64105.

Classes A and B explosives, perishable

the Kansas-Nebraska State line to junction



along the Iowa-Nebraska State line to junction Nebraska-South Dakota State line, thence along the Nebraska-South Dakota State line to junction Nebraska-Wyoming State line, thence along the Nebraska-Wyoming State line to junction Colorado-Nebraska State line, thence along the Colorado-Nebraska State line to junction Nebraska Highway 23. The purpose of this filing is to eliminate the gateway of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E10), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between those points in Kansas in an area bounded by a line beginning at the junction of Kansas Highway 15 and the Kansas-Oklahoma State line, thence along Kansas Highway 15 to junction U.S. Highway 166, thence along U.S. Highway 166 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction of Sumner County, Kans., thence along the boundary lines of Sumner, Sedgwick and Harvey Counties, Kans., to junction Butler County, Kans., thence along the boundary line of Butler and Greenwood Counties, Kans., to junction Greenwood County, Kans., thence along Greenwood County, Kans., to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Woodson County, Kans., thence along the boundary lines of Woodson and Wilson Counties, Kans., to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction northern boundary line of Montgomery County, Kans., thence west of the northern boundary line of Montgomery County, Kans., to junction eastern boundary line of Elk County, Kans., thence south on the eastern boundary lines of Elk and Chautauqua Counties, Kans., to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the junction of Nebraska Highway 65 and the Kansas-Nebraska border, thence north on Nebraska Highway 65 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction Nebraska Highway 105, thence along Nebraska Highway 105 to junction Nebraska Highway 67, thence along Nebraska Highway 67 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateways of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E11), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas in an area bounded by a line beginning at the junction of the eastern boundary line of Chautauqua County, Kans., and the Kansas-Oklahoma State line, thence along the Kansas-Oklahoma State line to its junction with the Missouri State line, thence along the Kansas-Missouri State line to junction Kansas Highway 68, thence along Kansas Highway 68 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction eastern boundary line of Woodson County, Kans., thence south on the eastern boundary lines of Woodson and Wilson Counties, Kans., to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction northern boundary line of Montgomery County, Kans., thence west of the northern boundary line of Montgomery County, Kans., to junction eastern boundary line of Elk County, Kans., thence south on the eastern boundary lines of Elk and Chautauqua Counties, Kans., to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the junction of Nebraska Highway 65 and the Kansas-Nebraska border, thence north on Nebraska Highway 65 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction Nebraska Highway 105, thence along Nebraska Highway 105 to junction Nebraska Highway 67, thence along Nebraska Highway 67 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateways of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E12), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General Commodi-*

*ties*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas in an area bounded by a line beginning at the junction of U.S. Highway 75 and Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line, thence along the Kansas-Missouri State line to its junction with the Nebraska State line, thence west on the Kansas-Nebraska State line to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Kansas Highway 57, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the adjoining county lines of Pawnee and Gage Counties, Nebr., at the Kansas-Nebraska State line, thence north to its junction with Nebraska Highway 8 near Liberty, Nebr., thence along Nebraska Highway 8 to junction Nebraska Highway S-34A, thence along Nebraska Highway S-34A to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska unnumbered highway at Pilley, Nebr., thence along Nebraska unnumbered highway to junction Nebraska Highway 41, thence along Nebraska Highway 41 to junction Nebraska Highway 43, thence along Nebraska Highway 43 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 43, thence along Nebraska Highway 43 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway S-13B, thence along Nebraska Highway S-13B to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nebraska Highway 31, thence along Nebraska Highway 31 to junction Nebraska Highway 36, thence along Nebraska Highway 36 to junction Nebraska unnumbered highway 2 miles east of Arlington, Nebr., thence along Nebraska unnumbered highway to junction Nebraska unnumbered highway four miles north of Spiker, Nebr., thence along Nebraska unnumbered highway to junction Nebraska unnumbered highway 8 miles west of Herman, Nebr., thence along Nebraska unnumbered highway to junction U.S. Highway 73 at Macy, Nebr., and thence along U.S. Highway 73 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateways of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E13), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg.,

101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas in an area bounded by a line beginning at the junction of U.S. Highway 24 and the eastern boundary line of Cloud County, Kans., thence east on U.S. Highway 24 to junction Kansas Highway 82, thence along Kansas Highway 82 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction northern boundary line of Butler County, Kans., thence west on the northern boundary line of Butler County, Kans., to junction eastern boundary line of Harvey County, Kans., thence north on eastern boundary line of Harvey County, Kans., to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Nebraska Highway 5 miles west of Peabody, Kans., thence north on unnumbered highway to junction U.S. Highway 56, thence along U.S. Highway 56 to junction eastern boundary line of McPherson County, Kans., thence north on the eastern boundary lines of McPherson, Saline, Ottawa and Cloud Counties, Kans., to junction U.S. Highway 24, on the one hand, and, on the other, points in Nebraska in an area bounded by a line beginning at the junction of the Colorado-Nebraska State line and the northern boundary line of Dundy County, Nebr., thence east on the northern boundary lines of Dundy, Hitchcock, Red Willow, Furnas, Harlan, Franklin, Webster, Nuckolls, and Thayer Counties, Nebr., to junction eastern boundary line of Thayer County, Nebr., thence south on eastern boundary line of Thayer County, Nebr., to the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to junction Missouri State line, thence along the Missouri-Nebraska State line to junction Iowa State line, thence along the Iowa-Nebraska State line to junction South Dakota State line, thence along the Nebraska-South Dakota State line to junction Wyoming State line, thence along the Nebraska-Wyoming State line to junction Colorado State line, thence along the Colorado-Nebraska State line to junction Dundy County, Nebr. The purpose of this filing is to eliminate the gateways of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E14), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value,

Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas in an area bounded by a line beginning at the junction of the eastern boundary line of Chase County, Kans., and the northern boundary line of Greenwood County, Kans., thence east on the northern boundary line of Greenwood County, Kans., to its junction with the eastern boundary line of Greenwood County, Kans., thence south on the eastern boundary line of Greenwood County, Kans., to its junction with the northern boundary line of Woodson County, Kans., thence east on the northern boundary line of Woodson County, Kans., to junction U.S. Highway 75, thence north on U.S. Highway 75 to junction Kansas Highway 31, thence west on Kansas Highway 31 to junction Kansas Highway 170, thence north on Kansas Highway 170 to junction U.S. Highway 56, thence west on U.S. Highway 56 to junction eastern boundary line of Morris County, Kans., thence south on the eastern boundary line of Morris and Chase Counties, Kans., to junction northern boundary line of Greenwood County, Kans., on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the junction of U.S. Highway 75 and Nebraska City, Nebr., and continuing in a southerly direction to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateways of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E15), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas in an area bounded by a line beginning at the junction of U.S. Highway 77 and the northern boundary line of Butler County, Kans., thence east on the northern boundary lines of Butler and Greenwood Counties, Kans., to junction eastern boundary line of Chase County, Kans., thence north on the eastern boundary lines of Chase and Morris Counties, Kans., to junction U.S. Highway 56, thence east of U.S. Highway 56 to junction unnumbered highway near Bushong, Kans., thence north on unnumbered highway to junction Kansas Highway 4, thence north on Kansas Highway 4 to junction Kansas Highway 99, thence north on Kansas Highway 99 to the Kansas-Nebraska State line, thence west on

the Kansas-Nebraska State line to junction Kansas Highway 15W, thence south on Kansas Highway 15W to junction Kansas Highway 9, thence west on Kansas Highway 9 to junction Kansas Highway 15, thence south on Kansas Highway 15 to junction northern boundary line of Clay County, Kans., thence east on the northern boundary line of Clay County, Kans., to junction Kansas Highway 119, thence south on Kansas Highway 119 to junction U.S. Highway 24, thence east on U.S. Highway 24 to junction Kansas Highway 82, thence south on Kansas Highway 82 to junction U.S. Highway 77, thence south on U.S. Highway 77 to junction northern boundary line of Butler County, Kans., on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the junction of Nebraska Highway 67 and the Missouri River, thence south on Nebraska Highway 67 to junction U.S. Highway 73, thence south on U.S. Highway 73 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateways of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E16), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas in an area bounded by a line beginning at the junction of the Kansas-Nebraska State line and Kansas Highway 99, thence south on Kansas Highway 99 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction unnumbered highway, thence south on unnumbered highway to junction U.S. Highway 56, thence east on U.S. Highway 56 to junction Kansas Highway 170, thence south on Kansas Highway 170 to junction Kansas Highway 31, thence east on Kansas Highway 31 to junction U.S. Highway 75, thence north on U.S. Highway 75 to junction Kansas-Nebraska State line, thence west on Kansas-Nebraska State line to junction Kansas Highway 99, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the junction of the Kansas-Nebraska State line and the eastern boundary of Gage County, Nebr., thence north on the eastern boundary lines of Gage and Lancaster Counties, Nebr., to junction Interstate Highway 80, thence north on Interstate Highway 80 to junction eastern boundary line of Saunders County, Nebr., thence north on the eastern boundary lines of Saunders and Dodge Counties,

Nebr., to junction northern boundary

14, thence along Pennsylvania Highway

and (8) between Lock Haven, Pa., on the

thence over U.S. Highway 11 to Birmingham,

thence over U.S. Highway 11 to Birmingham,

thence over U.S. Highway 11 to Birmingham,



Nebr., to junction northern boundary line of Washington County, Nebr., thence east on the northern boundary line of Washington County, Nebr., to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateways of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 109692 (Sub-No. E17), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Ex. Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 W. Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value. Classes A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Kansas in an area bounded by a line beginning at the junction of the Kansas-Nebraska State line and the eastern boundary line of Republic County, Kans., thence south on the eastern boundary line of Republic and Cloud Counties, Kans., to junction U.S. Highway 24, thence east on U.S. Highway 24 to junction Kansas Highway 119, thence north on Kansas Highway 119 to junction northern boundary line of Clay County, Kans., thence west on the northern boundary line of Clay County, Kans., to junction Kansas Highway 15, thence north on Kansas Highway 15 to junction Kansas Highway 9, thence east on Kansas Highway 9 to junction Kansas Highway 15W, thence along Kansas Highway 15W to the Kansas-Nebraska State line to junction eastern boundary line of Republic County, Kans., on the one hand, and, on the other, all points in Nebraska. The purpose of this filing is to eliminate the gateways of Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof and Lanham, Nebr., and points in Kansas and Nebraska within 15 miles thereof.

No. MC 113843 (Sub-No. E31) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER July 8, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) between those points in Pennsylvania on, north and west of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 108 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Franklin, thence along U.S. Highway 62 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway

14, thence along Pennsylvania Highway 14 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Fairfield County, Conn.; (2) between those points in Pennsylvania on, north and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to Greensburg, thence along U.S. Highway 30 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to Johnstown, thence along Pennsylvania Highway 403 to junction U.S. Highway 119, thence along U.S. Highway 119 to Du Bois, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, on the one hand, and, on the other, Danburg, Conn.; (3) between those points in Pennsylvania on, north and west of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to Greensburg, thence along U.S. Highway 30 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Litchfield County, Conn.;

(4) between those points in Pennsylvania on, north and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 22 to Pittsburgh, thence along Pennsylvania Highway 8 to Butler, thence along Pennsylvania Highway 68 to Clarion, thence along U.S. Highway 322 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to Kane, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in New Haven County, Conn.; (5) from Waterbury, Conn., to Uniontown, Pa.; (6) between those points in Pennsylvania on, north and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to Greensburg, thence along U.S. Highway 30 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to Johnstown, thence along Pennsylvania Highway 56 to junction U.S. Highway 119, thence along U.S. Highway 119 to Du Bois, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Hartford, Middlesex, New London, Windham, and Tolland Counties, Conn.; (7) between Williamsport, Pa., on the one hand, and, on the other, Putnam, Conn.;

and (8) between Lock Haven, Pa., on the one hand, and, on the other, Putnam, Norwick, New London, Middletown, New Britain, Hartford, Torrington, and Canaan, Conn. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E1038) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER July 18, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Pa., to points in Ohio (except that portion on and east of a line beginning at the Pennsylvania-West Virginia State line and extending along Ohio Highway 213 to junction Ohio Highway 152, thence along Ohio Highway 152 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 148, thence along Ohio Highway 148 to the Ohio River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 115257 (Sub-No. E10) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER July 18, 1975. Applicant: SHAMROCK VAN LINES, INC., P.O. Box 53443, Oklahoma City, Okla. 73105. Applicant's representative: William E. Bentley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (c) between points in Texas, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of any point in Arkansas. The purpose of this partial correction is to correct the territorial description in (c) above. The remainder of this letter-notice will remain as previously published.

By the Commission.

(SEAL) ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24056 Filed 9-9-75; 8:45 am]

[Notice No. 850]

#### ASSIGNMENT OF HEARINGS

SEPTEMBER 5, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111720 Sub 520, Parolator Courier Corp., now assigned October 15, 1975 at St. Paul, Minnesota; will be held in Conference Room 525, Federal Building & U.S. Courthouse, 316 North Robert Street.

MC 140254, Appomattox Tours, Inc. d/b/a Appomattox Tours, now assigned September 15, 1975, at Petersburg, Virginia, is cancelled and application dismissed.

MC 109064 Sub 30, Tex-o-ka-n Transportation Company, Inc., now being assigned September 18, 1975 (2 days) at Birmingham, Alabama, in Room 345, U.S. Courthouse, 1800 5th Avenue North.

MC 99208 Sub 13, Skyline Transportation, Inc., now assigned continued hearing September 9, 1975 at Nashville, Tennessee, is postponed to October 7, 1975 (2 days) at Nashville, Tennessee; in the Law Library, General Counsel's Office, Public Service Commission, C1-100 Cordell Hull Building.

MC 72442 Sub 47, Akers Motor Lines, Incorporated, now being assigned September 23, 1975 (3 weeks) at New Orleans, La.: in Maison DuPay, 1001 Rue Toulouse.

(SEAL) ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24060 Filed 9-9-75; 8:45 am]

[Notice No. 813]

#### ASSIGNMENT OF HEARINGS

Correction.

SEPTEMBER 4, 1975.

In FEDERAL REGISTER doc. 75-23062 appearing on page 39950 of issue of Friday August 29, 1975, the notice number in bracket should read as set forth above.

(SEAL) ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24059 Filed 9-9-75; 8:45 am]

[Notice No. 32]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 5, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 80430 (Deviation No. 16), GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601, filed August 22, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Rockford, Ill., south over U.S. Highway 51 to junction Interstate Highway 55 at Bloomington, Ill., thence southwest over Interstate Highway 55 to St. Louis, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Rockford, Ill., over U.S. Highway 20 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 126, thence over Illinois Highway 126 to Plainfield, Ill., thence over Illinois Highway 59 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66), thence over unnumbered highway to junction Illinois Highway 123 (formerly Alternate U.S. Highway 66) near Gardner, Ill., thence over Illinois Highway 129 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Chenoa, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction By-Pass U.S. Highway 66 near Hamel, Ill., thence over By-Pass U.S. Highway 66 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction Nameoki Ave., thence over Nameoki Ave., to junction Illinois Highway 162, thence over Illinois Highway 162 to junction Alternate U.S. Highway 67, thence over Alternate U.S. Highway 67 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, Mo., and return over the same route.

No. MC 111383 (Deviation No. 35), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed August 26, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over Muskogee Turnpike to junction Interstate Highway 40, thence over Interstate Highway 40 to Memphis, Tenn., thence over U.S. Highway 78 to Birmingham, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Tulsa, Okla., over U.S. Highway 75 to junction Oklahoma Highway 3 near Coalgate, Okla., thence over Oklahoma Highway 3 to Antlers, Okla., thence over U.S. Highway 271 to Mt. Pleasant, Tex., thence over U.S. Highway 67 to Naples, Tex., thence over Texas Highway 77 to the Texas-Louisiana State line, thence over Louisiana Highway 1 to Shreveport, La., thence over U.S. Highway 80 to junction U.S. Highway 11,

thence over U.S. Highway 11 to Birmingham, Ala., and return over the same route.

By the Commission.

(SEAL) ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24061 Filed 9-9-75; 8:45 am]

[Notice No. 71]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 5, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240 (c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) or section 240(c) (4) of the special rules, and

By the instant petition, petitioner seeks to modify the territorial description

By the instant petition, petitioner seeks to add the following points as

to traffic originating at the above named plantsite.



shall include the certification required therein.

No. MC 126305 (Sub-No. 64) (Republication), filed October 2, 1974, and published in the *FEDERAL REGISTER* issue of November 1, 1974, and republished this issue. Applicant: **BOYD BROTHERS TRANSPORTATION CO., INC.**, R.D. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 60 Tonnele Avenue, Jersey City, N.J. 07306. An Order of the Commission, Operating Rights Board, dated August 6, 1975, and served August 25, 1975, finds, that present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of *beaded and pulverized glass*, from the facilities of Potters Industries, Inc., at Brownwood, Tex., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming; and (2) of *materials and supplies* used in the manufacture and sale of beaded and pulverized glass, (except in bulk, in tank vehicles), from the destination points named in (1) above, to the origin point in (1) above; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that Arizona has been added as a destination in the territorial description in (1) above. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129631 (Sub-No. 42) (Republication), filed May 21, 1974, and published in the *FEDERAL REGISTER* issue of May 2, 1974, and republished this issue. Applicant: **PACK TRANSPORT, INC.**, 3975 S. 300 West, Salt Lake City, Utah 84107. Applicant's representative: Max D. Eliason, P.O. Box 2602, Salt Lake City, Utah 84110. An Order of the Commission, Review Board Number 1, dated August 19, 1975, and served August 25, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of (1) *gypsum products*, from points in Clark County, Nev., to points in Utah and Idaho, and (2) *aluminum, iron, and steel articles* between Ogden, Utah, on the one hand, and, on the other, points in North Dakota and Minnesota; that applicant is fit, willing, and able prop-

erly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that Minnesota has been added as a terminal point in (2) above. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 12133 (Sub-No. 1) (Notice of filing of petition to modify license), filed August 26, 1975. Petitioner: **ALL STATE BUS CORPORATION**, Brooklyn, N.Y. Petitioner's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Petitioner holds a license issued October 8, 1969, to engage in operations as a *broker* at New York, N.Y., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, between points in the United States, including Alaska and Hawaii.

By the instant petition, petitioner seeks to add Los Angeles and San Francisco, Calif. as points at which it is authorized to engage in the above described operations. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

No. MC 96986 (Sub-No. 4) (Notice of filing of petition to remove restriction), filed August 22, 1975. Petitioner: **FELDMAN'S EXPRESS, INC.**, 25 Proctor Street, Roxbury, Mass. 02119. Petitioner's representative: Frederick T. O'Sullivan (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 96986 (Sub-No. 4), issued December 24, 1974, authorizing transportation, over irregular routes, of *Frozen meats*, from Boston, Mass., to points in Maine, New Hampshire, and Vermont, and to Albany, N.Y., restricted to the transportation of shipments having an immediately prior movement by water, and with service to Albany restricted to the transportation of shipments destined to Albany, and subject to the condition that the certificate will expire at the end of 3 years from the date of issuance unless, not less than 2 years nor more than 2½ years from the date of issuance, carrier files a petition for the extension of the certificate and demonstrates that it is in full compliance with the requirements of the Interstate Commerce Act and the rules and regulations thereunder so that a determination may be made

whether the certificate should be extended permanently.

By the instant petition, petitioner seeks to delete the restriction in the above authority pertaining to shipments having an immediately prior movement by water. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

No. MC 115818 (Sub-No. 13) (Notice of filing of petition to modify territorial description), filed August 18, 1975. Petitioner: **WESTBURY TRANSPORT, INC.**, 397 E. 54th St., Elmwood Park, N.J. 07407. Petitioner's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Petitioner holds a motor *contract carrier* permit in No. MC 115818 (Sub-No. 13), issued May 17, 1974 authorizing transportation, over irregular routes, of (1) *Such merchandise as is dealt in by retail department stores* (except commodities in bulk), from New York, N.Y., to points in New Jersey, New York, and Connecticut; and (2) *Returned shipments* of the commodities described in (1) above, from points in New Jersey, New York, and Connecticut, to New York, N.Y., under a continuing contract, or contracts with Allied Stores of New York, Inc., of Jamaica, N.Y.

By the instant petition, petitioner seeks to add Paterson, N.J. as an additional origin point in (1) above, and as an additional destination point in (2) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

No. MC 126817 and (Sub-No. 2) (Notice of filing of petition to modify territorial description), filed August 22, 1975. Petitioner: **A. L. A. DELIVERY CORP.**, 545 West 22nd Street, New York, N.Y. 10011. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds motor *contract carrier* permits in No. MC 126817 and (Sub-No. 2), issued October 3, 1967 and August 29, 1972, respectively, authorizing transportation, over irregular routes, MC 126817, of *Toilet preparations*, from Deer Park, N.Y., to New York, N.Y., under a continuing contract, or contracts, with Germaine Montell Cosmetics Corporation, of Deer Park, N.Y., and Tuvache Rare Perfumes, Inc., of Deer Park, N.Y.; and in MC 126817 (Sub-No. 2), of (1) *Infants', children's and boys' shirts, sweaters, pajamas, pants, and swimwear*, from New Hyde Park, N.Y., to New York, N.Y.; and (2) *Samples, and refused, rejected, and returned shipments* of the above-described commodities, from New York, N.Y., to New Hyde Park, N.Y., under a continuing contract, or contracts, with Donmoor, Inc., of New York, N.Y.

By the instant petition, petitioner seeks to modify the territorial description in the above described authorities so as to read, in MC 126817, *Toilet preparations*, from Deer Park, N.Y., to points in the New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b) (8) of the Interstate Commerce Act, (the "exempt" zone), and those in New Jersey within 5 miles of New York, and all of any municipality in New Jersey within 5 miles of New York, N.Y., under a continuing contract, or contracts, with Germaine Montell Cosmetics Corporation, of Deer Park, N.Y., and Tuvache Rare Perfumes, Inc., of Deer Park, N.Y.; and in MC 126817, (1) *Infants', children's, and boys' shirts, sweaters, pajamas, pants, and swimwear*, from New Hyde Park, N.Y., to points in the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b) (8) of the Interstate Commerce Act, (the "exempt" zone) and those in New Jersey within 5 miles of New York, and all of any municipality in New Jersey within 5 miles of New York, N.Y.; and (2) *Samples, and refused, rejected, and returned shipments* of the above-described commodities, from points in the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b) (8) of the Interstate Commerce Act, (the "exempt" zone) and those in New Jersey within 5 miles of New York, and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y.; and (2) *Samples, and refused, rejected, and returned shipments* of the above-described commodities, from points in the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b) (8) of the Interstate Commerce Act, (the "exempt" zone) and those in New Jersey within 5 miles of New York, and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., to New Hyde Park, N.Y. under a continuing contract, or contracts, with Donmoor, Inc., of New York, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

No. MC 130151 (Notice of filing of petition to modify license), filed August 26, 1975. Petitioner: **FRONTIER ENTERPRISES, INC.**, doing business as, **FRONTIER TRAVEL AGENCY**, 1931 N. Carson St., Carson City, Nev. 89701. Petitioner's representative: Mike Soumbeniotis, 402 North Division Street, Carson City, Nev. 89701. Petitioner holds a License in MC 130151, issued October 12, 1972, to engage in operations as *broker* at Carson City, Nev., to sell or offer to sell the transportation of *Passengers and their baggage*, both as individuals and groups, in special and charter operations, between points in Nevada, on the one hand, and, on the other, points in California and Oregon.

By the instant petition, petitioner seeks to add the following points as points at which it is authorized to engage in the above described operations: Bakersfield, Barstow, Burbank, Cerritos, Chico, Costa Mesa, Culver City, El Monte, Escondido, Fairfield, Fullerton, Laguna Hills, Livermore, Long Beach, Los Angeles, Modesto, Montclair, Napa, Oakland, Pasadena, Redding, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, San Leandro, San Mateo, San Rafael, Santa Cruz, Santa Rosa, Stockton, Sunnyvale, Torrance, Vallejo, Ventura, Walnut Creek, and West Covina, Calif.; Henderson, Las Vegas and Reno, Nev.; and Eugene, Grants Pass, Medford, and Roseburg, Ore. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the publication in the *FEDERAL REGISTER*.

No. MC 135887 (Sub-No. 2) (Notice of filing of petition to modify permit) filed August 22, 1975. Petitioner: **VOYNE E. GLEASON, P.O. Box 209, Coeur d'Alene, Idaho 83814**. Petitioner's representative: Michael D. Duppenhaler, 515 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Petitioner holds a motor *contract carrier* permit in No. MC 135887 (Sub-No. 2), issued November 7, 1973, authorizing transportation, as pertinent, over irregular routes, of Wines, in containers, from Asti, San Jose, Modesto, Madera, Rutherford, Reedley, and Saratoga, Calif., to Coeur d'Alene, Kellogg, and Sand Point, Idaho, under a continuing contract, or contracts with Panhandle Distributors, Inc., Don LaVoie, doing business as Don LaVoie Distributing, and William Jones, doing business as Sand Point Distributing.

By the instant petition, petitioner seeks to add Madsen Distributing Co. as an additional contracting shipper in the above authority from Modesto and Saratoga, Calif., to Sand Point, Idaho. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

No. MC 139906 (Notice of filing of petition to modify commodity description), filed August 15, 1975. Petitioner: **INTERSTATE CONTRACT CARRIER CORPORATION**, P.O. Box 748, Salt Lake City, Utah 84110. Petitioner's representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* certificate in No. MC 139906, issued July 10, 1975, authorizing transportation, over irregular routes, of *Playground apparatus, parts, accessories and attachments* of playground apparatus, and *bar stools*, from the plantsite of Turco Manufacturing Company at Du Quoin, Ill., to points in the United States (except Alaska and Hawaii), restricted

to traffic originating at the above named plantsite.

By the instant petition, petitioner seeks to add *Bar-B-Que grills*, and *accessories* for Bar-B-Que grills to the commodity description in the above described authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

#### MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 29910 (Sub-No. 164), filed August 18, 1975. Applicant: **ARKANSAS-BEST FREIGHT SYSTEM, INC.**, 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, Kelley Building—P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except loose bulk commodities, livestock, classes A and B explosives, currency, bullion, articles of value, and commodities which exceed ordinary equipment and loading facilities), (1) Between Oklahoma City and McAlester, Okla.: From Oklahoma City over U.S. Highway 270 to McAlester, and return over the same route, serving all intermediate points; (2) Between junction Oklahoma City, Okla. and extension Southeast 29th Street and junction extension Southeast 29th Street and U.S. Highway 270: From junction Oklahoma City, Okla. and extension Southeast 29th Street over Oklahoma Highway 3 (formerly county road, commonly called Southeast 29th Street), to junction U.S. Highway 270, and return over the same route, serving all intermediate points, and the off-route points of the Douglas Aircraft Company Plant and the Oklahoma City Air Depot (commonly called Tinker Field); (3) Between Seminole and Konowa, Okla.: From Seminole over Oklahoma Highway 99 to Konowa, and return over the same route, serving all intermediate points; (4) Between Wewoka, Okla. and junction Oklahoma Highways 56 and 99: From Wewoka over Oklahoma Highway 56 to junction Oklahoma Highway 99, and return over the same route, serving all intermediate points.

(5) Between Wewoka, Okla. and junction U.S. Highways 62 and 75: From

Wewoka, Okla. and junction Oklahoma

Ketchum, Cleora and Big Cabin; and

Virginia, and Wisconsin. The purpose of

A and B explosives, commodities in bulk and household goods, over irregular

Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon,

pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate



Wewoka, Okla. and junction Oklahoma Highway 62 and 75: From Wewoka over Oklahoma Highway 56 to junction Oklahoma Highway 62, thence over Oklahoma Highway 62 via Okemah, Okla. to junction Oklahoma Highway 75, and return over the same route, serving all intermediate points; (6) Between Calvin and Allen, Okla.: From Calvin over Oklahoma Highway 12 to Allen, and return over the same route, serving all intermediate points; (7) Between Holdenville and Atwood, Okla.: From Holdenville over Oklahoma Highway 68 to Atwood, and return over the same route, serving all intermediate points; (8) Between Holdenville, Okla. and junction U.S. Highways 75 and 62: From Holdenville over U.S. Highway 270 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 62, and return over the same route, serving all intermediate points, and the off-route points of Dustin, Lamar, and Carson, Okla. (9) serving Wanette, Tribbey, Trousdale, McDomb, Maud, St. Louis, Sacred Heart, Harjo and Earlsboro, Okla. as off route points in connection with the routes described in (1) through (8) above; (10) Between McAlester, Okla. and the U.S. Naval Ammunition Depot at Savanna, Okla.: From McAlester over U.S. Highway 79 to the U.S. Naval Ammunition Depot at Savanna, Okla. and return over the same route, serving no intermediate points.

NOTE.—The purpose of this application is to convert a Certificate of Registration applicant seeks to acquire to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-12618 published in the *Federal Register* issue of September 4, 1975. If a hearing is deemed necessary, the applicant requests it be held in either Fort Smith, Ark., Oklahoma City, Okla., or Washington, D.C.

No. MC 98742 (Sub-No. 13) (Partial correction), filed December 4, 1975, published in the *Federal Register* issues of December 18, 1974, January 15, 1975, and August 27, 1975, and in fourth publication, as corrected in part, this issue. Applicant: THE ROCKET FREIGHT LINES COMPANY, 2921 Dawson Road, Tulsa, Okla. 74110. Applicant's representative: I. M. Chenoweth, Suite 1012 Mayo Bldg., 420 South Main Street, Tulsa, Okla. 74103. (A) REGULAR ROUTES: (1) Between Oklahoma City, Okla. and the junction of Oklahoma-Kansas State Line north of Quapaw, Okla., over U.S. Highway 66, serving the termini and all intermediate points; (5) Between the junction of Oklahoma Highway 33 and U.S. Highway 69 south of Chouteau, Okla., and Tulsa, Okla., over Oklahoma Highway 33, serving the termini and all intermediate points; (6) Between Pryor, Okla., and Pryor, Okla.: From Pryor over Oklahoma Highway 20 to Salina, Okla., thence over Oklahoma Highway 82 to Langley, thence over Oklahoma Highway 28 to Adair, Okla., thence over U.S. Highway 69 to Pryor, Okla., and return over the same route, serving all intermediate points and the off-route points of Strang, Disney,

Ketchum, Cleora and Big Cabin; and (E) ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY, SERVING NO INTERMEDIATE POINTS: (4) Between Blackwell, Okla. and Tulsa, Okla.: From Blackwell over Oklahoma Highway 11 to its junction with Interstate Highway 35, thence over Interstate Highway 35 to its junction with U.S. Highway 64 west of Perry, Okla., thence over U.S. Highway 64 to Tulsa, and return over the same route.

NOTE.—The purpose of this partial republication is to correct the routes described above erroneously published in the previous notice. This application is to convert intrastate registered authority in MC 98742 (Sub-No. 9), within the state of Oklahoma. This is a matter directly related to a Section 5(2) proceeding in MC-F-12382 published in the *Federal Register* issue of December 18, 1974. If a hearing is deemed necessary, applicant requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC 116273 (Sub-No. 198), filed August 18, 1975. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, petroleum products and coal tar products*, in bulk, in tank vehicles, from points in the Illinois counties of Lake, Kane, DuPage, Cook, Kendall, that part of McHenry, on, south, and east of a line beginning at the Lake-McHenry County Boundary line on Illinois Highway 173 and extending in a westerly direction along Illinois Highway 173 to intersection Illinois Highway 47, thence southerly along Illinois Highway 47 to Woodstock, Ill., thence westerly on an unnamed county road to intersection Illinois Highway 23, thence southerly on Illinois Highway 23 to intersection Highway 90, thence southerly and easterly along Interstate Highway 90 to the McHenry-Kane County Boundary line, that part of Grundy County on, north and east of a line beginning at the Kendall-Grundy County Boundary line on Illinois Highway 47, thence southerly along Illinois Highway 47 to intersection Illinois Highway 113, thence easterly along Illinois Highway 113 to the Grundy-Will County Boundary line, that part of Will County on, north, and east of a line extending along Illinois Highway 113 from the Grundy-Will County Boundary line to the Will-Kankakee County Boundary line, that part of Kankakee County on and north of a line beginning at the Kendall-Will County Boundary line on Illinois Highway 113, thence southerly and easterly along Illinois Highway 113 to intersection Illinois Highway 17, thence east along Illinois Highway 17 to Illinois Highway 114, thence easterly along Illinois Highway 114 to the Illinois-Indiana State Boundary line, to points in Alabama, Colorado, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Pennsylvania, Tennessee, Texas, West

Virginia, and Wisconsin. The purpose of this filing is to eliminate gateways at Chicago, Frankfort, LaSalle, Ottawa, Joliet and Peru, Ill. (2) *lubricating oils and dry plastics*, in bulk, in tank vehicles, from points in Michigan, to the origin points named in (1) above. The purpose of this application is to eliminate the gateway of Chicago, Ill.

NOTE.—This is a gateway elimination request and is directly related to a Section 5(2) proceeding in MC-F-12552 published in the *Federal Register* issue of June 25, 1975.

No. MC-F-12546. (Correction) (FUNK'S HAULING SERVICE, INC.—PURCHASE (PORTION)—HAMILTON MOTOR LINES, INC.), published in the June 18, 1975, issue of the *Federal Register* on page 25758. Prior notice should have read as follows: General commodities, with exceptions, as a common carrier over irregular routes, between Newark, N.J., and points in New Jersey in the New York, N.Y. commercial zone as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, points in Kings, Queens, Nassau and Suffolk Counties, N.Y.

No. MC-F-12602. (Correction) (TAKIN BROS. FREIGHT LINE, INC.—PURCHASE (PORTION)—CROUCH FREIGHT SYSTEMS, INC.), published in the August 20, 1975, issue of the *Federal Register*. Prior notice should be modified to read as follows: General commodities, except those of unusual value, and except classes A and B explosives, livestock, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a common carrier over regular routes, between Holyoke and Worcester, Mass., and Providence, R.I., serving all intermediate points within ten miles of Providence, R.I., between points in Massachusetts, as follows, serving all intermediate points, from Lawrence over Massachusetts Highway 114 to junction Massachusetts Highway 125, thence over Massachusetts Highway 125 to Haverhill, and return over the same route, from North Andover over Massachusetts Highway 113 to Lowell, and return over the same route, from Lawrence over Massachusetts Highway 110 to junction Massachusetts Highway 113, thence over Massachusetts Highway 113 to Lowell, and return over the same route, from Salisbury over the same route, from Salisbury over unnumbered highway to junction Massachusetts Highway 110, and return over the same route, from Lawrence over Massachusetts Highway 28 to Boston, and return over the same route, from Lawrence over Massachusetts Highway 114 to Salem, Mass., thence over Massachusetts Highway 107 to Boston, and return over the same route, from Lowell over U.S. Highway 3 to Boston, and return over the same route; general commodities, excepting among others classes

A and B explosives, commodities in bulk and household goods, over irregular routes, between points in Massachusetts.

No. MC-F-12622. Authority sought for purchase by LESTER R. SUMMERS, INC., P.O. Box 239, Ephrata, PA 17522, of the operating rights and property of W. B. GIRVIN, INC., P.O. Box 156, Ephrata, PA 17522, and for acquisition by LESTER R. SUMMERS, 17 Gerhart Ave., Ephrata, PA 17522, of control of such rights and property through the purchase. Applicants' attorney: John M. Musselman, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. Operating rights sought to be transferred: Fertilizer, as a common carrier over irregular routes, from Baltimore, Md., to points in Lancaster, Berks, Chester, Lebanon, Lehigh, Dauphin, Huntingdon, Schuylkill, York, Cumberland, Cambria, and Perry Counties, Pa. Vendee is authorized to operate as a common carrier in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12623. Authority sought for purchase by ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301, of a portion of the operating rights of JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130, and for acquisition by HAROLD E. ANDERSON, also of St. Cloud, MN 56301, of control of such rights through the purchase. Applicants' attorney and representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402, and Robert L. Jenkins, P.O. Box 697, Jeffersonville, IN 47130. Operating rights sought to be transferred: Lumber, as a common carrier over irregular routes, from points in Bonner and Kootenai Counties, Idaho, and Pend Oreille, Spokane, and Stevens Counties, Wash., to points in Minnesota and South Dakota, from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in South Dakota. Vendee is authorized to operate as a common carrier in all of the States in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12624. Authority sought purchase by BELFORD TRUCKING CO., INC., 3500 N.W. 79th Ave., Miami, FL 33148, of the operating rights and property of JAMISON MOTOR LINES, INC., P.O. Box 1568, Plant City, FL 33525, and for acquisition by MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, IL 60629, of control of such rights and property through the purchase. Applicants' attorney: Richard A. Kerwin, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. Operating rights sought to be transferred: Cigars, as a common carrier over irregular routes, from Clearwater, Fort Lauderdale, Jacksonville, Key West, Miami, Pensacola, Piney Point, and Tampa, Fla., to points in

Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming; plastic and paper containers, and component parts and accessories thereof, from Deming, N. Mex., and Watsonville, Salinas, Los Angeles, San Francisco, and Santa Ana, Calif., to points in Michigan, Virginia, Delaware, New York, New Jersey, Tennessee, Kentucky, Louisiana, North Carolina, South Carolina, Mississippi, Ohio, West Virginia, Maryland, New Hampshire, Vermont, Maine, Arkansas, Georgia, Alabama, Florida, Pennsylvania, Indiana, and Connecticut; (1) *lighting fixtures, and materials and supplies* used in the installation of *lighting fixtures*, from Scottsboro, Ala., to points in Arizona, California, New Mexico, Washington, Oregon, Utah, Montana, Wyoming, Idaho, Nevada, and Colorado; and (2) *materials and supplies* used in the manufacture of *lighting fixtures*, from the destinations named in (1) above, to Scottsboro, Ala. Vendee is authorized to operate as a common carrier in all of the States in the United States. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12625. Authority sought for purchase by GRAVER TRUCKING, INC., RD. #3, Box 135A, Stroudsburg, PA 18360, of the operating rights of FRANK SIDOROWICZ, 2420 Shawnee Avenue, Scranton, PA 18509, and for acquisition by CLIFFORD GRAVER, 491 Youngwood Drive, E. Stroudsburg, PA, HERBERT GRAVER, 1012 Congden Ave., Stroudsburg, PA, CLAIR GRAVER, RD. #1, Phillips St., Stroudsburg, PA, CARL GRAVER, RD. #3, Box 45, Stroudsburg, PA, of control of such rights through the purchase. Applicants' attorney: Kenneth R. Davis, 121 S. Main St., Taylor, PA 18517. *Cinders*, as a common carrier over irregular routes, from points in Lackawanna and Luzerne Counties, Pa., to points in Union, Hudson, Essex, Bergen, Passaic, Morris, Somerset, Middlesex, Monmouth, and Ocean Counties, N.J., New York, N.Y., and points in Nassau County, N.Y.; coal, from points in Lackawanna and Luzerne Counties, Pa., to New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J.; lumber, from Newark, N.J., to points in Lackawanna and Luzerne Counties, Pa. Vendee is authorized to operate as a common carrier in Pennsylvania, New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc. 75-24063 Filed 9-9-75; 8:45 am]

[Notice No. 72]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 10, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission

pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 30, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75815. By order of August 25, 1975, the Commission, Division 3, acting as an Appellate Division, approved the transfer to Severance Moving & Trucking Co., Inc., Stoneham, Mass., of the operating rights in Certificates Nos. MC-2653 and MC-2653 (Sub-No. 25) issued June 26, 1969, and July 29, 1970, respectively, to Munroe and Arnold-Merritt Express, Inc., Salem, Mass., authorizing the transportation of general commodities, with usual exceptions, (1) over a regular route between Beverly, Mass., and Boston, Mass., serving all intermediate points and the off-route points of Danvers, Marblehead, and Peabody, Mass., and between Peabody, Mass., and Boston, Mass., serving all intermediate points and named off-route points, and (2) over irregular routes between points in Massachusetts; between Boston, Mass., and points within 10 miles of Boston, on the one hand, and, on the other, points in Rhode Island; and between points in Massachusetts, on the one hand, and, on the other, points in Rhode Island, moving through Boston and points within 10 miles of Boston; radio tubes and lamp bulbs and materials used in the manufacture thereof, hides and skins, oils and greases in containers, and hamper and packing material, between Salem, Peabody, and Danvers, Mass., on the one hand, and, on the other, Providence, Pawtucket, Central Falls, and Valley Falls, R.I., and glass rods and tubing, from Greenland, N.H., to Danvers, Mass. Mary E. Kelley, 15 Riverside Avenue, Medford, Mass. 02155 and Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187, attorneys for applicants.

No. MC-FC-758-48. By order of September 4, 1975, the Motor Carrier Board approved the transfer to Melvin Willuweit, Burke, S. Dak., of the operating rights in Certificate No. MC-106470 issued September 5, 1961, to Gus Hampl, Burke, S. Dak., authorizing the transportation of livestock, from Burke, S. Dak., and points in South Dakota west of the Missouri River and within 25 miles of Burke (with exceptions named), to Sioux City, Iowa; livestock, seed, feed, and agricultural machinery parts, from Sioux

City, Iowa, to the above-named origin

West Encanto Blvd., Phoenix, Ariz. Re-

College Avenue; northerly along College

Los Angeles Basin Territory described in

westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and

Highway 377 between Pilot Point, Tex., and Whitesboro, Tex.: (4) U.S. Highway



City, Iowa, to the above-named origin points; and general commodities, including household goods but otherwise with usual exceptions, from Sioux City, Iowa, to Burke, S. Dak. Harold Gunvordahl, Box 352, Burke, S. Dak. 57523, attorney for applicants.

No. MC-FC-75957. By order of September 4, 1975, the Motor Carrier Board approved the transfer to Dolores L. Swanson, Fredonia, N.Y., of the operating rights in License No. MC-12751 issued August 29, 1962, to Holiday Tours, Inc., Jamestown, N.Y., authorizing the transportation of passengers and their baggage, in all-expense, round-trip tours, beginning and ending at points in Chautauqua County, N.Y., and extending to points in Florida, Georgia, Illinois, Indiana, Maryland, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. Donald C. Brandt, 4 West Main Street, Fredonia, N.Y. 14863, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.75-24568 Filed 9-9-75, 8:45 am]

#### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 5, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the *FEDERAL REGISTER*, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Arizona Docket No. 27444, filed July 10, 1975. Applicant: KOFA VALLEY FEED COMPANY, an Arizona Corp., P.O. Box 652, Phoenix, Ariz. 85001. Applicant's representative: Allen A. LaBrant, P.O. Box 652, Phoenix, Ariz. 85001. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Farm products, property and freight*, between points in Santa Cruz, Maricopa, Pima, Yuma, and Pinal Counties, in the State of Arizona over the public highways with base of operations located Phoenix, Ariz. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place scheduled on October 7, 1975, at 9:30 a.m. in Hearing Room, Suite 110-B at 2222

West Encanto Blvd., Phoenix, Ariz. Requests for procedural information should be addressed to the Arizona Corporation Commission, Motor Carrier Regulation Division, 2222 West Encanto Blvd., Suite 210 A, Phoenix, Ariz. 85009 and should not be directed to the Interstate Commerce Commission.

California Docket No. 55758 (Correction), filed June 20, 1975, published in the *FEDERAL REGISTER* issue of July 9, 1975, and republished as corrected this issue. Applicant: VERONICA TURRI, doing business as TIGHE DRAYAGE COMPANY, 2075 Third Street, San Francisco, Calif. 94107. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities* as follows: Between all points and places in the San Francisco Territory as described below: The San Francisco Territory includes all points and places within the following area: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanent; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way;

Southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hilldale Avenue; easterly along Hilldale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estate Drive, Harbord Drive and Broadway Terrace to

College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of:

(1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A; (2) Automobiles, trucks and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs, and (9) Commodities of unusual or extraordinary value.

NOTE.—The purpose of this correction is to indicate the correct title.  
Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to Public Utilities Commission, State of California, State Bldg., Civil Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. A-55880, filed August 19, 1975. Applicant: HUSKIE FREIGHTWAYS, INC., 2929 E. 50th St., Los Angeles, Calif. 90058. Applicant's representative: Donald Murchinson, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* as follows: Between all points and places within the

Los Angeles Basin Territory described in Note A and between the Los Angeles Basin Territory and the San Diego Territory described in Note B, serving all points and places on and within ten (10) miles laterally of Interstate Highways 5 or 15 or U.S. Highway 395. Except that pursuant to the authority herein granted carrier shall not transport any shipments of:

(1) Used household goods, personal effects and offices, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B.

(2) Automobiles, trucks and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, truck and trailers combined, buses and bus chassis.

(3) Livestock, viz: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.

(4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.

(5) Commodities when transported in bulk in dump trucks or in hopper-type trucks.

(6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

(7) Logs.

(8) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

(9) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

NOTE A.—Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue;

westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60.

Southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74, to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Tecumseh; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B.—San Diego territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101-E and 101-W (four miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary line; west to the Pacific Ocean and north along the coast to point of beginning. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2625, as amended (Correction), filed August 12, 1975, published in the *FEDERAL REGISTER* issue of August 27, 1975, and republished as corrected this issue. Applicant: LIBERTY EXPRESS, INC., Suite 508 Regal Plaza, 1499 Regal Row, Dallas, Tex. 75247. Applicant's representatives: Lanham, Hatchell & Sedberry, 1102 Perry Brooks Bldg., Austin, Tex. 78701, and Rogers, Ehrle & Hughes, 1200 Southwest Tower Bldg., Austin, Tex. 78701. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, moving in express service, to, from and between all points along the routes set forth below, restricted to shipments having a total weight of three hundred fifty (350) pounds or less: (1) State Highway 289 between Dallas, Tex., and Celina, Tex.; (2) F. M. Road 455 between Celina, Tex., and Pilot Point, Tex.; (3) U.S.

Highway 377 between Pilot Point, Tex., and Whitesboro, Tex.; (4) U.S. Highway 82 between Whitesboro, Tex., and Honey Grove, Tex.; (5) U.S. Highway 75 between Dallas, Tex., and Denison, Tex.; (6) U.S. Highway 67 between Dallas, Tex., and Mt. Pleasant, Tex.; (7) State Highway 24 between Greenville, Tex., and Paris, Tex.; (8) U.S. Highway 69 and State Highway 78 between Greenville, Tex., and Bonham, Tex., via Leonard, Tex.; (9) U.S. Highway 80 and Interstate 20 between Dallas, Tex., and Marshall, Tex.; (10) F. M. Road 1403 between Longview, Tex., and Gilmer, Tex.; (11) State Highway 155 and U.S. Highway 59 between Gilmer, Tex., and Atlanta, Tex.;

(12) U.S. Highway 259 between Daingerfield, Tex., and its intersection with State Highway 155 near Ore City, Tex.; (13) State Highway 11 between Daingerfield, Tex., and Linden, Tex.; (14) U.S. Highway 59 between Linden, Tex., and Marshall, Tex., and between Carthage, Tex., and Garrison, Tex., via Tenaha, Tex.; (15) State Highway 149 between Longview, Tex., and Carthage, Tex.; (16) U.S. Highway 79 between Carthage, Tex., and Henderson, Tex.; (17) F. M. Road 124 between Beckville, Tex., and its intersection with U.S. Highway 79; (18) State Highway 64 between Wills Point, Tex., and Henderson, Tex.; (19) U.S. Highway 69 between Mineola, Tex., and Tyler, Tex.; (20) State Highway 31 between Tyler, Tex., and Kilgore, Tex.; (21) State Highway 135 between Troup, Tex., and Gladewater, Tex., via Kilgore, Tex.; (22) U.S. Highway 259 between Kilgore, Tex., and Longview, Tex., and between Henderson, Tex., and Mt. Enterprise, Tex.; (23) F. M. Road 95 and U.S. Highway 84 between Mt. Enterprise, Tex., and Garrison, Tex.; (24) State Highway 87 between Timpson, Tex., and Center, Tex.; (25) U.S. Highway 96 between Tenaha, Tex., and San Augustine, Tex.; between Bronson, Tex., and Jasper, Tex.; and between Kirbyville, Tex., and Silsbee, Tex.; (26) State Highway 21 between San Augustine, Tex., and Milam, Tex.; (27) State Highway 87 and F. M. Road 184 between Milam, Tex., and Bronson, Tex.; (28) U.S. Highway 190 between Jasper, Tex., and Newton, Tex.; (29) State Highway 87 and F. M. Road 363 between Newton, Tex., and Kirbyville, Tex., via Bleakwood, Tex.; (30) U.S. Highway 82 between Paris, Tex., and Texarkana, Tex.; (31) U.S. Highway 271 between Pittsburg, Tex., and Paris, Tex.; (32) State Highway 37 between Clarksburg, Tex., and Bogata, Tex.;

(33) State Highway 11 between Pittsburg, Tex., and Commerce, Tex., via Sulphur Springs, Tex., serving all intermediate points along said routes; (34) State Highway 34 between Honey Grove, Tex., and Greenville, Tex., serving only the intermediate point of Wolfe City, Tex., coordinating the service with existing services and interlining with other carriers at appropriate interline points; and (35) State Highway 66 between Dallas and Greenville, Tex. Applicant also proposes to operate over the additional alternate routes without service to any intermediate points except as otherwise authorized. (1) F. M. Road 17 between Can-



ton, Tex., and Grand Saline, Tex.; (2) State Highway 373 between Henderson, Tex., and Overton, Tex.; (3) State Highway 37 between Winnsboro, Tex., and Mount Vernon, Tex.; (4) State Highway 50 between its intersection with I. H. Highway 30 and Commerce, Tex.; (5) between State Highway 121 between its intersection with State Highway 289 south of Frisco, Tex., and Fort Worth, Tex.; (6) U.S. Highway 377 between Pilot Point, Tex., and its intersection with U.S. Highway 380; (7) U.S. Highway 380 between its intersection with U.S. Highway 377 and Denton, Tex.; (8) I. H. Highway 35 between Denton, Tex., and its intersection with State Highway 121, south of Lewisville, Tex.; (9) U.S. Highway 259 between DeKalb, Tex., south and its intersection with I. H. Highway 30; (10) U.S. Highway 271 between Glade-water, Tex., and Gilmer, Tex.; (11) U.S. Highway 84 between Timpson, Tex., and Concord, Tex.; and (12) State Highway 19 between Canton, Tex., and its intersection with U.S. Highway 80. Note: The purpose of this correction is: (1) to indicate the territory sought in Item (17) above; (2) to show no service to any intermediate points, except as otherwise authorized in Items (1) through (12) above; (3) indicate territory in Items (3) and (4) above; and (4) place Items (5) and (6) in proper context. Intrastate, interstate and foreign commerce authority sought.

**HEARING:** Date, time and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc. 75-24062 Filed 9-9-75; 8:45 am]

[Notice No. 73]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 10, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-78077. By application filed September 3, 1975, MID-STATES EXPRESS, INC., P.O. Box 245, 1006 Westwind Court, Lee's Summit, MO 64063, seeks temporary authority to lease a portion of the operating rights of ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, NE 68137, under section 210a(b). The transfer to MID-STATES EXPRESS, INC., of a portion of the op-

erating rights of ROAD RUNNER TRUCKING, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc. 75-24057 Filed 9-9-75; 8:45 am]

[EX PARTE NO. 252 (Sub-No. 1)]

#### INCENTIVE PER DIEM CHARGES—1968

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 4th day of September, 1975.

Upon consideration of the record in the above-captioned proceeding, including the report of March 31, 1975 at 349 I.C.C. 303; the petitions for reconsideration filed by Robert W. Blanchette, Richard C. Bond, and John H. McArthur, trustees of the Property of the Penn Central Transportation Company on May 2, 1975; by the Southern Railway Company on May 8, 1975; and by the Canadian National Railway Company and CP Rail on May 8, 1975; the replies filed by the Chicago and North Western Transportation Company on May 27, 1975; and by the Union Pacific Railroad Company on May 28, 1975; and the petition for interpretation and clarification filed by the Maine Central Railroad Company on May 8, 1975;

*It appearing,* That the Southern Railway objects to the 1964-68 test period average, the good cause standard for modification of this average, and the voluntary surrender of unspent incentive per diem funds to Rail Box without retention of the ownership of cars; but any arbitrariness in the test period average was remedied by the good cause standard for modification, that guidelines for using this standard were mentioned in the Commission's report at 349 I.C.C. at 314-15, and the carrier is not required to surrender funds to Rail Box but when it chooses to it does not retain ownership since the purpose of Rail Box is to set up a fleet of free-running boxcars in which "the participating railroad . . . takes no title or interest in the pool cars . . ." American Rail Box Car Co.—Pooling 347 I.C.C. 862, 869.

*It further appearing,* That the Canadian Railroads object to the surrender of incentive funds to Rail Box because the Canadian Railroads are not allowed to participate in Rail Box and Rail Box cars are barred from use in Canada, and thus there will be inefficient utilization of cars and some of the amounts paid by Canadian Railroads to American carriers could be surrendered to Rail Box which will be of no benefit to the Canadian Railroads; but since the objectives of the incentive per diem program are "to increase the supply of plain boxcars in the U.S." 339 I.C.C. 627, 630 and to "seek national solutions to the national 6-month shortage" 337 I.C.C. 217, 226 the Commission must look to the overall benefits of its modifications, the Canadian Railroads should raise their objections in the Rail Box proceeding, and their concern

about the use of their funds is premature since they are net incentive creditors.

*It further appearing,* That the Penn Central requests that this proceeding to be held open indefinitely, that carriers with net incentive balances file copies of their report to the Commission and to all parties of record for the year 1974, and that these carriers thereafter will file quarterly report to the Commission with copies to all parties of record; but, that it has been repeatedly stated by the Commission that this proceeding is open-ended, that the Commission currently receives annual accounting of incentive funds, that there would be little benefit from quarterly reporting, and to supply the data to all the parties would be burdensome;

*And it further appearing,* That the Maine Central in its petition for interpretation and clarification asks that a carrier be allowed to draw down incentive funds for boxcars leased since the incentive per diem order became effective on June 1, 1970; that based on the Commission's decision in 343 I.C.C. 49, 57, incentive funds can be used not merely for the portion of the year after the effective date of the order but for the entire calendar year of the order; that leases the equivalent of a purchase have been interpreted as being the same as purchases and thus incentive funds can be used for leases the equivalent of a purchase from January 1, 1970; that non-equity leases were not allowed until the Commission's order of March 31, 1975, and thus incentive funds can be applied on non-equity leases from January 1, 1975;

Wherefore and good cause appearing therefore:

*It is ordered,* That the Maine Central's petition be, and it is hereby, granted, in effect, by the above interpretation.

*It is further ordered,* That the petitions for reconsideration be, and they are hereby, denied.

*It is further ordered,* That the reference to the Rail Box decision in section 1036.4 of Title 49, Code of Federal Regulations at 349 I.C.C. 303, 333 be, and it is hereby changed from "Finance Docket No. 27589, American Rail Box Car Company and Trailer Train Company, et al.—For Approval of the Pooling of Car Service with Respect to Box Cars" to the short title of "American Rail Box Car Co.—Pooling, 347 I.C.C. 862."

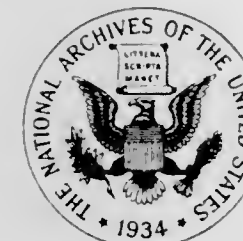
*It is further ordered,* That a copy of this order shall be delivered to the Director, Office of the Federal Register, for publication therein.

*And it is further ordered,* That the order entered in this proceeding on March 31, 1975, which order was stayed by order of May 12, 1975 pending disposition of the petitions be, and it is hereby, reinstated and modified to become effective October 1, 1975, without other change in the requirements of said order, except as indicated above.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc. 75-24065 Filed 9-9-75; 8:45 am]

WEDNESDAY, SEPTEMBER 10, 1975



PART II:

## ACTION

## SMALL BUSINESS ADMINISTRATION

## PRIVACY ACT OF 1974

Notices of Systems of Records;  
Correction

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**ACTION**  
**SMALL BUSINESS ADMINISTRATION**  
**PRIVACY ACT OF 1974**  
**Notice of Systems of Records**

*Correction*

The following notices, issued by ACTION and the Small Business Administration, appeared in the FEDERAL REGISTER issue of August 27, 1975 (40 FR 39805 and 39105, respectively). Some of the pages were inadvertently printed out of order, so that some Small Business Administration text appeared in the ACTION document, and some ACTION text appeared in the Small Business Administration document. Therefore, both documents are being reprinted in their entirety for the convenience of the reader as set forth below.

**ACTION**

**PRIVACY ACT OF 1974**

**Notice of Systems of Records**

Notice is hereby given that in accord with 5 U.S.C. 55a(e) (4) and (11), Sec. 3 of the Privacy Act of 1974 (Pub. L. 93-579, hereinafter referred to as the "Act") ACTION proposes to adopt notice of systems of records as set forth below.

Any person interested in this notice may submit written views, comments or other data to ACTION/GC, Room 607, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, on or before September 26, 1975. All written comments received from the public through said date will be considered before publication of a final notice. Comments received will be available for public inspection at the above address between the hours of 9 a.m. and 5 p.m., Monday through Friday (except holidays).

This notice does not include specific identification of certain systems of records in the custody of the Agency due to the fact that other Federal agencies have assumed responsibility for publishing government-wide notices with respect thereto. Primarily this includes publication of systems records pertaining to Federal employee personnel records by the United States Civil Service Commission.

Special note should be taken of the Preliminary Statement to the systems of records containing an indication of general routine uses, general exemptions from disclosure, general regulations as to notification, access and contest, and other material applicable to ACTION record systems generally. The Agency desired to avoid unnecessary repetition and duplication in the publication of each system of records which might make it difficult for the public to review and locate a system in which a record might be available. The publication of general routine uses and exemptions does not serve as an indication that each system will be normally used or usable for such purposes or subject to such exemptions, but that the use of any system for such routine use shall be permitted upon request of a designated routine user. Included in the preliminary statement of routine uses are certain indications of special exemptions with respect to volunteer personnel files and medical/psychiatric records as to which special procedures are required to comply with the Agency's special responsibility to volunteers and to personnel as to whom it maintains medical/psychiatric information.

This notice is issued in Washington, D.C. on August 20, 1975.

MICHAEL P. BALZANO, Jr.  
 Director, ACTION.

The Agency proposes to adopt the following notice of systems of records:

**NOTICE OF SYSTEMS OF RECORDS**

**PRELIMINARY STATEMENT**

**OPERATING UNITS**—Identification of the operating units within the Agency to which a particular system of records pertains appears as "ACTION" followed by a designated abbreviation. The abbreviations and their meanings are as follows:

OD—Office of the Director  
 DO—Office of Domestic and Anti-Poverty Operations  
 IO—Office of International Operations  
 OPP—Office of Policy and Planning  
 CA—Office of Congressional Affairs  
 GC—Office of General Counsel  
 EO—Office of Equal Opportunity  
 AF—Office of Administration and Finance  
 ORC—Office of Recruitment and Communications

**OFFICIAL PERSONNEL FILES**—Official personnel files of Federal employees in the General Schedule in the custody of the Agency are considered the property of the Civil Service Commission. Access to such files shall be in accordance with such notices published by the Commission. Access to such files in the custody of the Agency will be granted to individuals to whom such files pertain upon request to the Director, Office of Personnel Management, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Files of employees in the Foreign Service Reserve which are not specifically covered by the Civil Service Commission publication are inter-filed with all other personnel files and treated in the same manner. The Commission publication of notice for official personnel files is therefore adopted by reference for Foreign Service personnel files in the custody of the Agency provided however that access, contests and appeals as to any record shall be heard as provided in accord with ACTION Regulations under the Privacy Act.

Various offices in the Agency maintain files which contain miscellaneous copies of personnel material effecting ACTION employees. This would include copies of standard personnel forms, evaluation, etc. These files are kept only for immediate office reference use and are considered by the Agency to be part of the personnel file system. The Agency's internal regulations provide that such information is a part of the general personnel files and can only be disclosed through the Director of the Office of Personnel Management in order that he may insure that any material to be disclosed is relevant, material, current, and fair to the individual employee. It is also the policy of the Agency to limit the use of such files and to encourage the destruction of as many as possible.

**STATEMENT OF GENERAL ROUTINE USES**—The following routine uses are incorporated by this reference into

each system of records set forth herein, unless such incorporation is specifically limited in the system description.

1. In the event that a record in a system of records maintained by the Agency indicates any violation or potential violation of the law whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant record in this system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto; such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law or before an administrative board or hearing, and (2) such other interagency referrals as may be necessary to carry out the receiving agencies assigned law enforcement duties.

2. In the event the Agency receives a request from a Federal, state or local instrumentality under the jurisdiction of the United States for a record to be used for a civil or criminal law enforcement activity, authorized by law, such record shall be disclosed to such agency or instrumentality provided ACTION receives a written request from the head of such agency or instrumentality specifying the particular portion of the record desired and the law enforcement activity for which the record is sought.

3. A record may be disclosed as a routine use to designated officers and employees of other agencies and departments of the Federal government having an interest in the individual for employment purposes including the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter involved, provided however, that other than information furnished for the issuance of authorized security clearances, information divulged hereunder as to full-time volunteers under Title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951) or the Peace Corps Act (22 U.S.C. 2501) shall be limited to the provision of dates of service and a standard description of service as heretofore provided by the Agency.

4. A record may be disclosed as a routine use in the course of presenting evidence to a court, magistrate or administrative tribunal of appropriate jurisdiction and such disclosure shall include disclosures to opposing counsel in the course of settlement negotiations.

5. A record may be disclosed as a routine use to a member of Congress submitting a request involving an individual who is a constituent of such member



## ACTION

who has requested assistance from the member with respect to the subject matter of the record.

6. Information from certain systems of records especially those relating to applicants for Federal employment or volunteer service may be disclosed as a routine use to designated officers and employees of other agencies of the Federal government for the purpose of obtaining information as to suitability, qualifications and loyalty to the United States government.

7. Information from records systems may be disclosed to any source from which information is requested in the course of an investigation to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

8. Information in any system may be used as a data source, for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or the Privacy Act or to locate specific individuals for personnel research or other personnel management functions.

**EXEMPTION OF DISCLOSURE—NATIONAL DEFENSE AND FOREIGN POLICY MATTERS.**—Certain systems of records covered by the Act and maintained by the Agency may from time to time contain materials subject to specific exemptions authorized by 5 U.S.C. 552a (k) (1) relating to national defense and foreign policy materials. Such materials, as an example, might consist of classified cables or other documents properly classified under Executive Order. The Agency maintains the right to exempt such materials from disclosure wherever they might appear in such systems of records, but only to the extent necessary to protect such material as required by Executive Order and various statutes in the interest of national defense and foreign policy.

**PARTIAL EXEMPTION OF MEDICAL/PSYCHIATRIC INFORMATION.**—Certain systems of records maintained by the Agency contain medical/psychiatric information, the disclosure of which might harm an individual if disclosed directly to him. As to such records, if in the sole judgment of appropriate officials of the Agency such disclosure could have an adverse effect upon an individual under the provisions of 5 U.S.C. 552a (f) (3), disclosure may be limited to a physician chosen by the requesting individual or his authorized representative.

**LOCATION OF REGIONAL OFFICES.**—The Agency maintains ten Regional Offices in which certain systems, or parts of systems are maintained. The

Agency also maintains State offices under the jurisdiction of the Regional Offices. The Regional Offices, their addresses, and the States within their respective jurisdictions are listed below. In the event of any doubt as to whether a record is maintained in a Regional Office, a query may be directed to the Director, Administrative Services, ACTION, Washington, D.C. 20525, who shall furnish all assistance necessary to locate a specific record.

**ACTION Region I.** John W. McCormack Federal Bldg., Room 1440, Boston, Massachusetts 02109 (Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and Connecticut).

**ACTION Region II.** 28 Federal Plaza, 16th Floor, Suite 1611, New York, New York 10007 (New York, New Jersey, Puerto Rico and Virgin Islands).

**ACTION Region III.** 320 Walnut Street, Suite 600, Philadelphia, Pennsylvania 19108 (Pennsylvania, Maryland, District of Columbia, Delaware and Virginia).

**ACTION Region IV.** 730 Peachtree Street, N.E., Room 895, Atlanta, Georgia 30308 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee).

**ACTION Region V.** 1 North Wacker Drive, 3rd Floor, Rm. 322, Chicago, Illinois 60606 (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin).

**ACTION Region VI.** Corrigan Tower Building, Suite 1800, 212 No. St. Paul Street, Dallas, Texas 75201 (Arkansas, Louisiana, New Mexico, Oklahoma and Texas).

**ACTION Region VII.** II Gateway Center, Suite 330, 4th and State, Kansas City, Kansas 66101 (Iowa, Kansas, Missouri and Nebraska).

**ACTION Region VIII.** 514 Prudential Plaza, 1050 17th Street, Denver, Colorado 80401 (Colorado, Wyoming, Montana, North Dakota, South Dakota and Utah).

**ACTION Region IX.** 100 McAllister Street, Room 2400, San Francisco, California 94102 (Arizona, California, Hawaii and Nevada).

**ACTION Region X.** 1801 Second Avenue, Seattle, Washington 98101 (Alaska, Idaho, Oregon and Washington).

**NOTIFICATION.**—Individuals may inquire as to whether any system contains information pertaining to them by addressing the System Manager in writing. Such request should include the name and address of the individual, his or her social security number, and any relevant data concerning the information sought. Where possible, the place of assignment or employment, etc. In case of any doubt as to which system contains a record, interested individuals may contact the Director, Administrative Services, ACTION, Washington, D.C., 20525, who has overall supervision of records systems and who will provide assistance in locating and/or identifying appropriate systems.

**ACCESS AND CONTEST.**—In response to a written request by an individual, the appropriate System Manager shall arrange for access to the requested record or advise the requester if no such record exists. If an individual wishes to contest the content of any record, he or she may do so by addressing a written request to the Director, Administrative Services,

ACTION, 806 Connecticut Avenue, N.W., Washington, DC 20525. The Director shall provide all necessary information regarding such contest and appeal.

## ACTION

ALPHABETICAL LISTING OF SYSTEMS OF RECORDS  
FORWARDED TO THE FEDERAL REGISTER ON AUGUST 20, 1975

Accounts Receivable (Collection of Debts Record & Claims Record)

ACTION Travel File

Classified Document Security Violation File

Combined Domestic Operations & International Volunteer Applicant System

Conflict of Interest Records

Congressional Files System

Data Entry Statistics of Keypunch Operators

Discrimination Complaint File

Domestic Pull-Time Volunteer Census Master File

Domestic & International Volunteer Security File

Domestic Program Applicant Medical Record

Domestic Volunteer Appeal File

Domestic Volunteer Applicant Psychiatric Report System

Domestic Volunteer Pull-Time Legal File

Domestic Volunteer Pull-Time Personnel File

Domestic Volunteer Medical File & Medical Claims

Domestic Volunteer Payroll Records

Domestic Volunteers Status Change System

Employee Indebtedness Files

Employee Payroll Records

Employee Reemployment & Repromotion Priority Consideration

Employee Travel File

Employee Unofficial Personnel Files

Former Peace Corps Volunteer Medical Records

Grievance Appeal & Arbitration

Legal Files—Staff & Applicants

Legal Files—Volunteers and Applicants

Management Union Record System

Occupational Injury & Illness Reports

Overseas Health Records

Overseas Staff Personnel Records

Peace Corps Applicant File (1963-June 1974)

Peace Corps Applicant Records

Peace Corps Applicant & Trainee Medical History

Peace Corps Medical Evacuations/Administrative

Peace Corps Medical Evacuation Cards

Peace Corps Property Records

Peace Corps Trainee & Volunteer Personnel & Pay Record

Peace Corps Volunteer Authorized Storage File

Peace Corps Volunteer Death Files

Peace Corps Volunteer Emergency Leave System

Peace Corps Volunteers Extension/Transfer/Re-enrollment System

Peace Corps Volunteer Financial Records

Peace Corps Volunteer Personnel & Payroll System-Computer

Peace Corps Volunteer Program Correspondence

Peace Corps Volunteer Termination/Consultation System

Performance Evaluation

Personal Services Contract

Staff Security Files

Staff & Volunteer Household Storage File

Talent Bank

Theft of Employee Property

Travel Authorization File

United Nations Volunteer System

Volunteer Applicant Record System

Voucher Payment Record & Schedules of Payments File

## ACTION/CA-1

System name: Congressional Files System—ACTION/CA

System location: Office of Congressional Affairs/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Members of Congress.

Categories of records in the system: The records in this system consist of bio-data, voting records, ACTION programs in members districts or states, indications of program concerns of members of Congress affecting ACTION, and copies of incoming and outgoing correspondence between personnel of ACTION and members of Congress.

Authority for maintenance of the system: Peace Corps Act, 22 U.S.C. 2501 et seq. and Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system are not subject to routine use outside the Agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are maintained in file folders in metal filing cabinets in a room locked at the close of the business day in a building having a 24-hour security guard.

Retrievability: Records in this system concerning members of committees concerned with ACTION legislation are filed by Congressional committee and within each committee alphabetically; Congressional correspondence is filed alphabetically by last name of the member.

Safeguards: Records in this system are generally available only to personnel of ACTION having a need for such information in the performance of their official duties as such.

Retention and disposal: Records in this system are maintained permanently.

System manager(s) and address: Assistant Director for Congressional Affairs/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Record source categories: Information in system of record is obtained from the following category of sources: 1. The Congressional Directory, Congressional Records, Congressional Quarterly, Periodicals and standard reference materials. 2. Members of Congress and their staffs. 3. ACTION employees. 4. Newspaper and magazine publications.

## ACTION/OEO-1

System name: Discrimination Complaint File

System location: Office of Equal Opportunity, ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Any employee or applicant for employment who has filed a complaint of discrimination against ACTION.

Categories of records in the system: Affidavits maintained concerning the following information: the complaint, correspondence related to the complaint and copies of personnel records and information how the complaint was resolved.

Authority for maintenance of the system: Executive Order 11478 and 5CFR 713, 222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Civil Service Commission for hearings and/or administrative appeals on the complaint of discrimination; b. To the Department of Justice in connection with any suits brought against the agency for alleged discrimination. c. To the Equal Employment Opportunity Commission for advice and counsel within its jurisdiction.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Files are indexed alphabetically.

Safeguards: Records in the system are available only to appropriate personnel in the Office of Equal Opportunity and other designated officials of ACTION with a need of such records in the performance of their duties.

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**Retention and disposal:** Records are retained for two years after the close of the case, then retired to the Federal Records Center and transferred to the National Archives ten years after the case is ended.

**System manager(s) and address:** Director, Equal Employment Opportunity, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Date in this system is obtained from the following categories of sources: 1. Employees of ACTION involved as complainants, witnesses, etc. in discrimination complaints. 2. Reports of investigations and other materials prepared by Equal Employment Opportunity Officers, counsellors and investigators. 3. Copies of Agency documents relevant to any EO investigation. 4. Records of hearings on complaints.

## ACTION/AF-1

System name: Former Peace Corps Volunteer Medical Records—ACTION/IO

System location: Office of Health Services/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Former Peace Corps Volunteers

Categories of records in the system: Records maintained contain all medical histories of former Volunteers.

Authority for maintenance of the system: Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed as follows: To the Office of Workers Compensation of the Department of Labor in connection with claims filed under the Federal Employees Compensation Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets in a room locked during off-duty hours, and in a building with 24 hour security guard.

Retrievability: Files are retrieved alphabetically by last name.

Safeguards: Records in the system are available only to appropriate personnel in the Office of Health Services and other appropriate officials of ACTION having a need of such records in the performance of their official duties.

**Retention and disposal:** Records are retained for two years after the volunteer terminates and are then retired to the Federal Records Center. The Federal Records Center retains the record for fifty years and then destroys them. In addition, normal x-rays are retained for five years and then destroyed. Abnormal x-rays are retained 25 years and then destroyed. All records are destroyed by burning and shredding.

**System manager(s) and address:** Chief, Health Benefits and Analysis Division Office of Health Services/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

**Record source categories:** Information is obtained from the following categories of sources: 1. Physicians, dentists, and other medical personnel who have treated or examined the individual or his records. 2. Peace Corps medical personnel. 3. Individuals who are the subjects of the records.

## ACTION/AF-2

System name: Travel Authorization File—ACTION/AF

System location: Fiscal Services Division/Administration and Finance ACTION 806 Connecticut Ave., N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Any ACTION employee, volunteer or person invited to travel for ACTION.

Categories of records in the system: Files consist of copies of obligated travel authorizations, travel vouchers, receipts, records of payments, and other materials related to official travel.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2051 et seq.; The Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and the Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury which receives a copy of the travel

## ACTION

voucher forwarded with the Voucher and Schedule of Payment

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Generally speaking the

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Categories of records in the system: The records maintained in this system consist of histories of psychiatric or psychological treat-

## ACTION/AF-8



voucher forwarded with the Voucher and Schedule of Payment (SF-116) for forwarding to the payee.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in file folders in filing cabinets with bar locks, key locks, or manipulation proof combination locks when not in immediate use.

**Retrievability:** Files are indexed alphabetically by last name.

**Safeguards:** Records in the system are available only to appropriate personnel, Fiscal Services Division, and other appropriate officials of ACTION with the need for such records in the performance of their duties.

**Retention and disposal:** Records are held for three years and retired to the Federal Records Center in accordance with General Accounting Office instructions.

**System manager(s) and address:** Chief, Fiscal Services Division, Administration and Finance/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

**Record source categories:** Data in this system is obtained from forms submitted by individuals engaging in official travel, and other ACTION employees.

#### ACTION/AF-3

**System name:** ACTION Employees Occupational Injury and Illness Reports—ACTION/AF

**System location:** Maintained at Headquarters, ACTION and all ACTION Domestic Regional Offices

**Categories of individuals covered by the system:** ACTION employees who have had job-related injuries or illnesses.

**Categories of records in the system:** Reports of occupational injuries and illnesses and medical reports with respect thereto.

**Authority for maintenance of the system:** The Occupational Safety and Health Act of 1970 Executive Order 11807 Federal Employees Compensation Act Regulations of the U.S. Department of Labor

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Occupational injury and illness reports are maintained in order to provide data, including statistical data required by the following agencies: Office of Federal Agency Programs, Occupational Safety and Health Administration, Department of Labor; Office of Workers Compensation Programs, the Department of Labor.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records are available only to ACTION employees having a need for such records in the performance of their official duties.

**Retention and disposal:** Files in this system are retained for a period of five years following the calendar year to which they are related and then destroyed by burning or shredding in accordance with standard procedures.

**System manager(s) and address:** Director, Office of Health Services, ACTION 806 Connecticut Avenue, N.W. Washington, D.C. 20525

**Record source categories:** Information contained in the system is obtained from the following categories of sources: Employees who have suffered a work-related illness or injury ACTION Supervisory personnel Medical personnel treating or examining the employee Witnesses to an accident or occurrence giving rise to a claim.

#### ACTION/AF-4

**System name:** Data Entry Statistics of Key Punch Operators—ACTION/AF

**System location:** Office of Accounting and Computer Services, Paramount Building Washington, D.C. 20525

**Categories of individuals covered by the system:** Employees of ACTION who are Data Entry Operators

**Categories of records in the system:** Job performance data containing such information as key stroke and error rate.

**Authority for maintenance of the system:** Domestic Volunteer Service Act of 1973 42 U.S.C. 4951 et seq.; and the Peace Corps Act 22 U.S.C. 2501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Generally speaking the information in this file will not be routinely available outside the agency since most routine uses will have to do with the personal performance within ACTION. This is a computerized file.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The Records herein are stored on magnetic tape which is kept in a locked room when not in use.

**Retrievability:** Records are retrieved by five digit operator number.

**Safeguards:** The material on these tapes is generally available only to Programmers and Systems Analysts in the Office of Accounting and Computer Services. It is coded as to be unavailable to anyone else.

**Retention and disposal:** Records are maintained indefinitely to provide annual workload statistics. Record copy kept in operations division for annual workload figures.

**System manager(s) and address:** Deputy Director for Data Processing, ACTION, Paramount Building, 1735 Eye Street, N.W., Washington, D.C. 20525.

**Record source categories:** An automatic counter on each machine.

#### ACTION/AF-5

**System name:** Peace Corps Applicant and Trainee Medical History—ACTION/AF

**System location:** Office of Health Services; ACTION; 1735 Eye Street, N.W., Washington, D.C. 20525

**Categories of individuals covered by the system:** Applicants for Peace Corps and Peace Corps trainees.

**Categories of records in the system:** Records maintained in this system consist of medical histories.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. 2501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: 1. Information in this system may be provided to medical personnel engaged in treatment of the individual to whom the record pertains upon request in situations where it is not feasible to obtain the consent of such individual. 2. Information will be given to a physician of the applicant's choice upon written request of the individual to whom the record pertains.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal filing cabinets with manipulation proof combination locks.

**Retrievability:** Records are maintained in alphabetical order.

**Safeguards:** Records in this system are available only to authorized personnel of the Office of Health Services with a need for such records in the performance of their duties.

**Retention and disposal:** Records of applicants who do not become trainees are retained for one year and destroyed. Records of trainees who do not become volunteers are retained for two years and then destroyed. Records of Peace Corps volunteers accompany the volunteers overseas and upon termination of service the record is retired to the Federal Records Center and destroyed after 50 years in accord with its schedule by burning and shredding.

**System manager(s) and address:** Director, Medical Screening and Services Division Office of Health Services, 1735 Eye Street, N.W. Washington, D.C. 20525.

**Record source categories:** Information contained in this system is obtained from the following sources: 1. The individual applicant or trainee 2. Physicians and other medical personnel who have examined or treated the individual. 3. Personnel in the Office of Health Services.

#### ACTION/AF-6

**System name:** Domestic Volunteer Applicant Psychiatric Report System—ACTION/AF

**System location:** Office of Health Services/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any person who has applied as a volunteer in an ACTION domestic program who reports, or is reported by a physician or counselor, to have a history of psychiatric treatment.

#### ACTION/AF-8

**System name:** Grievance, Appeal and Arbitration—ACTION/AF

**System location:** Labor and Employee Relations Division Office of Personnel Management/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any individual involved in a grievance or grievance appeal or who has filed a complaint with the Department of Labor, Federal Labor Relations Council, Federal Mediation and Conciliation Service, or similar organization.

**Categories of records in the system:** This system contains copies of petitions, complaints, charges, responses, rebuttals, evidentiary material, briefs, affidavits, statements, records of hearings and decisions or findings of fact with respect thereto and incidental correspondence regarding complaints and appeals with respect to grievances and arbitration matters.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. 2501 et seq. and the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and provisions of the Federal Personnel Manual.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: 1. To the Civil Service Commission on request in conjunction with any appeal or in conjunction with its official duties with regard to personnel matters and investigation regarding complaints of Federal employees and applicants. 2. To designated officers and employees of other Federal agencies conducting investigations of an individual for the purpose of granting a security clearance or access determination, and having a need to evaluate qualifications, suitability, and loyalty to the United States Government in connection with employment. 3. In the event of any indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred, as a routine use, to the appropriate Federal agency, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. Such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, provided, however, that in the event of a request for records in this system from a Federal agency for a civil or criminal law enforcement activity, authorized by law, the record shall be disclosed only upon written request signed by the head of such agency or instrumentality specifying the particular portion desired in the law enforcement activity for which the record is sought. 4. To designated hearing examiners, arbitrators and third-party appellate authorities involved in the hearing or appeal processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in folders in metal file cabinets with three way combination locks.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records in the system are available only to ACTION officials having need for such records in the performance of their official duties.

**Retention and disposal:** Records are retained indefinitely in the files of the Labor and Employee Relations Division

**System manager(s) and address:** Chief, Labor and Employee Relations Division Office of Personnel Management/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information contained in the system is obtained from the following categories of sources: 1. ACTION employees. 2. Witnesses to any occurrence giving rise to a grievance, appeal or other action. 3. Hearing records and affidavits and other documents used or usable in connection with such hearings.

#### ACTION/AF-9

**System name:** Domestic Volunteer Appeal File—ACTION/AF

**System location:** Labor and Employee Relations Division Office of Personnel Management/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of records in the system:** The records maintained in this system consist of histories of psychiatric or psychological treatment.

**Authority for maintenance of the system:** Domestic Volunteer Service Act of 1973 42 U.S.C. 4951 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: (a) Psychiatrists or clinical psychologists when necessary for treatment of the individual to whom the record pertains. To the extent practicable such disclosures will not be made without the approval of such individual. (b) The existence of these records but not their contents may be disclosed to designated officers and employees of other agencies and departments of the Federal Government and the District of Columbia Government having an interest in an individual for employment purposes including a security clearance or access determination.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders in metal filing cabinets with manipulation proof combination locks.

**Retrievability:** These records are maintained in alphabetical order.

**Safeguards:** Records are available only to personnel of the Office of Health Services having a need for such records in the performance of their duties.

**Retention and disposal:** Records of applicants who do not become volunteers are destroyed at the end of two years by shredding or burning. Records of applicants who do become volunteers become part of the volunteer's medical folder and are retained in the Federal Records Center and destroyed in accordance with this regulation.

**System manager(s) and address:** Director, Medical Screening and Services Division Office of Health Services/ACTION 806 Connecticut Avenue, N.W. Washington, D.C. 20525.

**Record source categories:** Information in this system is obtained from the following sources: Category of Sources: 1. Individuals who are subject to the records. 2. Physicians, psychiatrists and psychiatric medical personnel.

#### ACTION/AF-7

**System name:** Classified Document Security Violation File—ACTION/AF

**System location:** Facilities and Property Management Division Office of Administrative Services/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any ACTION employee responsible for using or taking care of classified documents.

**Categories of records in the system:** Records maintained contain information about security violations and the handling of classified documents in the National defense of the United States, copies of notices sent to employees, and action taken with respect to such violations.

**Authority for maintenance of the system:** Peace Corps Act, 22 U.S.C. 2501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system may be used and disclosed for routine uses noted in paragraphs 1 and 2 of the Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in a safe.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records in this system are available only to ACTION employees having a need for such records in the performance of their duties.

**Retention and disposal:** Records are kept for three years and then destroyed by shredding.

**System manager(s) and address:** Chief, Facilities and Property Management Division Administrative Services Division/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information obtained from individuals allegedly committing a security violation and security building guards.



**Categories of individuals covered by the system:** Persons serving as volunteers in ACTION domestic full-time programs appealing any action terminating such volunteer, or any action of the Agency affecting such individual selected for volunteer service and any other appealable matters affecting domestic volunteers and applicants.

**Categories of records in the system:** The records contain applications or petitions relating to volunteers' appeals, including replies, rebuttals, hearing records, documentary evidence, determinations and records of resulting actions.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records may be used and disclosed as follows: 1. In the event of any indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred, as a routine use, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. Such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, provided however, that in the event of a request for records in this system from a Federal agency for a civil or criminal law enforcement activity, authorized by law, the record shall be disclosed only upon written request signed by the head of such agency or instrumentality specifying the particular portion desired in the law enforcement activity for which the record is sought.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in folders in metal file cabinets with three-way combination locks.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records in the system are generally available only to employees of the Agency having the need for such records in the performance of their duties.

**Retention and disposal:** Records in this system are maintained for 3 years and then retired to the Federal Records Center for disposition in accordance with regulations.

**System manager(s) and address:** Chief, Labor and Employee Relations Division Office of Personnel Management/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information in this system is obtained from the following sources: 1. Volunteers and trainees. 2. ACTION officials. 3. Officials of sponsoring organizations. 4. Individuals with personal knowledge of the occurrence which are the subject of any appeal.

#### ACTION/AF—10

**System name:** Employees Indebtedness Files—ACTION/AF

**System location:** Labor and Employee Relations Division Office of Personnel Management/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Present and former ACTION employees on whom correspondence has been received to the effect that they have failed to honor a debt.

**Categories of records in the system:** The system contains records which are primarily correspondence regarding alleged indebtedness of ACTION employees, including employees' responses, the Agency's response to the employee and/or creditor and administrative correspondence and records relating to Agency assistance to the employee in resolving the indebtedness, if appropriate.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. 2501 et seq. and the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the provisions of the Federal Personnel Manual and the Foreign Affairs Manual relating to employee indebtedness.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: a. To

designated officers and employees of other agencies and departments of the Federal Government, having an interest in an individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government. b. In the event of any indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred, as a routine use, to the appropriate Federal Agency, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. Such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, provided however, that in the event of a request for records in this system from a Federal agency for a civil or criminal law enforcement activity, authorized by law, the record shall be disclosed only upon written request signed by the head of such agency or instrumentality specifying the particular portion desired in the law enforcement activity for which the record is sought.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records in the system are maintained in file folders in metal file cabinets with three way combination locks.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** These records are generally available only to personnel of Labor and Employee Relations Division and other ACTION officials having a need for such records in the performance of their official duties.

**Retention and disposal:** The system is purged on a bi-annual basis. Any records as to which the problem has been resolved are destroyed at such time.

**System manager(s) and address:** Chief, Labor and Employee Relations Division, Office of Personnel Management/ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information in this system is obtained from the following category of sources: 1. Alleged creditors of employees. 2. Employees. 3. ACTION officials.

#### ACTION/AF—11

**System name:** ACTION Travel Files—ACTION/AF

**System location:** Chief, Travel and Transportation Division Office of Administrative Services/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any ACTION employee, volunteer, consultant, contractor or other individual who travels on agency business.

**Categories of records in the system:** Records maintained contains travel authorization itinerary Government Bills of lading, packing letter and passport numbers which are included for overseas travel, and other travel related material.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973, 42 U.S.C. Section 4951 et seq.; the Peace Corps Act, 22 U.S.C. Section 2501 et seq.; The Budget and Accounting Act of 1921; the Accounting and Auditing Act of 1950; the Federal Claim Collection Act of 1966.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in key locked cabinets.

**Retrievability:** Records are arranged alphabetically by name in accord with categories, i.e., staff travel file, Peace Corps volunteer travel file, Domestic Volunteer travel file, and consultants, experts and invitational travel files.

**Safeguards:** Records are available only to appropriate personnel, Office of Travel and Transportation Division and other appropriate officials of ACTION with need for such records for the performance of their duties.

**Retention and disposal:** Records in this system are maintained in the Travel and Transportation Division two years after the employee leaves the agency and are then burned.

**System manager(s) and address:** Chief, Travel and Transportation Division Office of Administrative Services ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information is obtained from the following categories of sources: Individual travellers ACTION employees

#### ACTION/AF—12

**System name:** Accounts Receivable (Collection of Debts Record and Claims Record)—ACTION/AF

**System location:** Fiscal Services Division/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any person whether vendor or volunteer, or employee of ACTION as well as former volunteers and former employees allegedly erroneously overpaid by ACTION.

**Categories of records in the system:** This system contains the following categories of records: 1. Register of debts claimed. This record consists of names and addresses of individuals who are indebted to ACTION including the date of the debt, a claim number, the amount of the debt, and the date the debt is paid if that has occurred. 2. Claim Record Card. This record consists of the same information in shorter form as that contained in the Register. 3. File Folders. This record consists of the initial billing, follow up letters for collection of debt and related correspondence together with a copy of the check or checks paying the debt if that has occurred.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. 2501 and the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951; The Budget and Accounting Act of 1950. In addition to the above two Acts granting general powers of management to the Director of ACTION there are additional Federal statutes requiring and permitting the administrative settlement of claims by agencies.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records in this system may be disclosed in the following circumstances: To the General Accounting Office (GAO) for cases of administrative error amounting to over 200 dollars of overpayment and situations in which the agency has been unable to collect such debt. Disclosure will also occur in which the agency requests a waiver for error caused by overpayment of salary in excess to 500 dollars.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal files cabinets with manipulation proof combination lock.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** These records are available only to officials of ACTION having a need for such records in the performance of their official duties and for the routine uses listed above.

**Retention and disposal:** These records are maintained until the settlement of a claim and then retired to the Federal Record Center to be destroyed in accord with their schedule of destruction.

**System manager(s) and address:** Chief, Fiscal Services Division/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

**Record source categories:** Information contained in the system was obtained from the following categories of sources: Domestic Regional Offices Peace Corps Country Posts Headquarters Payroll Office Employees of ACTION having knowledge of the facts.

#### ACTION/AF—13

**System name:** Peace Corps Trainee and Volunteer Personnel and Pay Record—ACTION/AF

**System location:** ACTION, Volunteer Services Section, Administration and Finance, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any person accepted as a Peace Corps Trainee or Volunteer.

**Categories of records in the system:** Individual trainee and volunteer files contain the following information about the particular person: Permanent Address, Social Security Number, Birthdate, Marital Status, Description of Peace Corps Service, Location of Peace Corps Service, Change of Address, W-2 Forms, Base Salary, Oath, Educational Level, Next of Kin, Designation of Beneficiary, Termination Documents, Trainee Registration Form, Payroll Card containing payments, allotments, withdrawals and related records.

**Authority for maintenance of the system:** Peace Corps Act, 22 U.S.C. 2501 et seq.; Budget and Accounting Act of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Contents of these records and files may be disclosed and used for routine uses contained in the Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation-proof combination locks when not in immediate use.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records in the system are available only to appropriate officials of ACTION with the need for access to such records for the performance of their duties.

**Retention and disposal:** Records in this system are maintained in the office for two years and are then retired to the Federal Records Center where they are retained for seventy five years. After this period, they are destroyed by burning or shredding.

**System manager(s) and address:** Chief, Volunteer Services Section/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information supplied by the volunteers and references suggested by him.

#### ACTION/AF—14

**System name:** Theft of Employee Property File—ACTION/AF

**System location:** Facilities and Property Management Division Office of Administrative Services, ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** ACTION employees who have been robbed of personal or government property.

**Categories of records in the system:** Records maintained contain forms filled out on the theft of personal and Federal government property.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.; the Budget and Accounting Act of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Those contained in the Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in a safe with combination lock.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records in this system are available only to designated ACTION employees having a need for such records in the performance of their duties.

**Retention and disposal:** Records of thefts are kept for three years and then destroyed by shredding.

**System manager(s) and address:** Chief, Facilities and Property Management Division Administrative Services Division/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Data in this system is obtained from the following categories of sources: 1. ACTION Employees 2. Police reports. 3. Witness statements.

#### ACTION/AF—15

**System name:** Staff Security Files

**System location:** Personnel Security Office/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Current and former applicants for employment in ACTION. Current and former Federal employees of ACTION. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs.

**Categories of records in the system:** These records contain investigative information regarding an individual's character, conduct, behavior in the community where he or she lives; arrests and convictions for any violations against the law; reports of interviews with former supervisors; co-workers, associates, educators, etc; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies, former employers, educational institutions attended; and other similar information developed from the above.

**Storage:** Voucher Payment Records are stored in an index card

**Categories of records in the system:** This system consists of an

The dues withholding listed are retained until updated by new information.



**Authority for maintenance of the system:** Executive Order 10450 Federal Personnel Manual, Chapter 731, et seq. In addition to the provisions cited above, there are various acts of Congress relating to personnel investigations authorizing the same by the Civil Service Commission which responsibility can, under Civil Service Regulations and law, be delegated in whole or in part to agencies.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: a. To the Civil Service Commission as a part of the central CSC personnel investigation records system. b. To any source from which information is requested in the course of an investigation, but only to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with three way combination locks in a room which is locked when not in use.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** All officials or employees having access to such files are required to have an appropriate security clearance. Generally these files are available only to personnel of the security office or to agency office heads or other agency personnel having a need for such files in the performance of their duties.

**Retention and disposal:** Files are maintained in the personnel security office for three years after the termination, death or retirement of an employee, or for the same period of time after consideration of an applicant. Thereafter, said files are transferred to the Federal Records Center where they are maintained for twenty-seven years and then destroyed in accordance with regulations of the General Services Administration.

**System manager(s) and address:** Chief, Personnel Security Office, Office of Personnel Management, ACTION, Room 400, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information contained in the system was obtained from the following categories of sources: a. Applications and other personnel and security forms furnished by the individual. b. Investigative material furnished by other Federal agencies. c. By personal investigation or written inquiry from such sources as employers, schools, references, etc. d. Neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, and other such sources as may be developed from the above.

#### ACTION/AF—16

**System name:** Voucher Payment Record and Schedules of Payments File—ACTION/AF

**System location:** Fiscal Services Division, Administration and Finance, ACTION, 1735 Eye Street, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any current or former ACTION employee, volunteer or vendor.

**Categories of records in the system:** The Voucher Payment Record is a single index card form containing the following data: Invoice number or date, amount paid, voucher and schedule number, grant, contract or purchase order number and type of payment (advance, partial or final). The Schedule of Payments File consists of the invoice received, document authorizing the action to be taken such as travel authorization or purchase order and the voucher making the payment as well as the SF-1166 (Voucher and Schedule of Payments) and SF-1081 (Voucher and Schedule of Withdrawals and Credits - used in government only) and to which the other documents are attached.

**Authority for maintenance of the system:** Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; Peace Corps Act, 22 U.S.C. 2501 et seq.; Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and the Federal Claims Collection Act of 1966.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The content of these records may be disclosed and used as follows: The Treasury Department receives the Schedule of Payment and a copy of voucher for payment.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Voucher Payment Records are stored in an index card box placed in a metal file cabinet with bar locks, key locks or manipulation proof combination locks when not in immediate use. Schedule of Payment is stored in the same way.

**Retrievability:** Voucher Payment Record is indexed by last name alphabetically. Schedule of Payments is filed numerically by schedule number.

**Safeguards:** Records in the system are available only to appropriate personnel, Fiscal Services Division, and other appropriate officials of ACTION with the need for such records in the performance of their duties.

**Retention and disposal:** Records are held for three years and retired to the Federal Records Center in accordance with General Accounting Office instructions.

**System manager(s) and address:** Chief, Fiscal Services Division, Administration and Finance, ACTION, 1735 Eye Street, N.W., Washington, D.C. 20525.

**Record source categories:** Data is obtained from documents provided by the individual or the vendor.

#### ACTION/AF—17

**System name:** Employee Reemployment and Repromotion Priority Consideration File—ACTION/AF

**System location:** Office of Personnel Management, Office of Administration and Finance/ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Current and previous ACTION employees eligible for priority consideration for reemployment and repromotion under U.S. Civil Service Commission and ACTION regulations.

**Categories of records in the system:** The records contain a listing of a person's name and the positions he was considered for and dates of consideration.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973; 42 U.S.C. 4951 et seq.; Ch 351, Federal Personnel Manual.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The content of these records and files may be disclosed and used as follows: a. To the Civil Service Commission as part of the CSC personnel management evaluation system. b. To the Civil Service Commission for information concerning the reemployment and repromotion rights of individuals covered under the Civil Service System.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in loose-leaf binders placed in metal file cabinets with three-way combination locks when not in immediate use.

**Retrievability:** Records are indexed alphabetically by name.

**Safeguards:** Records in this system are available only to appropriate personnel, Office of Personnel Management and other appropriate officials of ACTION with a need for such records in the performance of their duties.

**Retention and disposal:** A person's name is retained on the list in accordance with reemployment eligibility: former career-conditional employees, one year; former career employees, two years. Retention for repromotion eligibility is indefinite or until repromoted to the grade previously held.

**System manager(s) and address:** Director, Recruitment, Staffing and Outplacement Branch, Office of Personnel Management/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information is received from Labor and Employee Relations Division, Office of Personnel Management, ACTION.

#### ACTION/AF—18

**System name:** Performance Evaluation File—ACTION/AF

**System location:** Office of Personnel, Recruitment, Staffing and Outplacement Branch/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** ACTION employees and former employees up to one year after their termination of employment with the Agency.

**Safeguards:** Records in the system are available only to appropriate persons in Administration and Finance and other appropriate personnel of ACTION with the need for such records in the performance of their duties.

**Categories of records in the system:** This system consists of annual performance evaluations of employee performance prepared by supervisors and reviewed by supervisory reviewing officials, together with comments, if any, by the employees evaluated.

**Authority for maintenance of the system:** Chapters 250 and 430, Federal Personnel Manual.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** a. To the Civil Service Commission in connection with any request for information or inquiry as to Federal Personnel Regulations.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with three-way combination locks.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Only personnel of the Office of Personnel Management with a need for such records in the performance of their duties, the individual about whom such record is maintained, or supervisory employees of the agency with a need to know in the performance of their duties are granted access to these files.

**Retention and disposal:** All evaluations are held for one year and then are destroyed by shredding.

**System manager(s) and address:** Chief, Recruitment, Staffing and Outplacement Branch, Office of Personnel, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information contained in the system was obtained from the following sources: Supervisors of ACTION employees. Reviewing officials who review evaluation reports submitted by supervisors. Employees who make comments with respect to their evaluations when given an opportunity to do so at the time the record is made.

#### ACTION/AF—19

**System name:** Management-Union Records System—ACTION/AF

**System location:** Labor and Employees Relations Division/ACTION Office of Personnel Management 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** ACTION employees including those who have authorized withholding of Union dues in writing.

**Categories of records in the system:** The records in this system consist of automated data printouts showing an employee's name, grade, series, title, organizational entity and other associated data which determines his inclusion or exclusion from the bargaining unit under the existing Union contract. The record also contains a printout showing the amount of dues withheld from each employee who has authorized such withholding, and other related data.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. 2501, et seq. and the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and various Executive Orders concerning management relations with employee organizations.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records in this system may be disclosed and used for the following uses: 1. The ACTION Employees Union for maintenance of its records with respect to dues and inclusion in the bargaining. 2. The Treasury Department for preparation of payroll checks with appropriate withholding of dues. 3. To the Civil Service Commission for union related reporting in the area of management/labor relations.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records in this system are maintained in metal filing cabinets.

**Retrievability:** As to the dues withholding list, records are maintained alphabetically within salary blocks. As to the list of employees in or out of the bargaining unit, records are maintained alphabetically within each organizational unit.

**Safeguards:** Records in these systems are available generally only to employees of ACTION with the need for such records in the performance of their duties.

**Retention and disposal:** The listing of all positions considered as included in or excluded from the bargaining unit are retained as follows: A historical/record copy is retained in Labor Relations for purposes of Union representation identification until it is supplemented or replaced by corrected or updated editions as appropriate.

The dues withholding listed are retained until updated by new information.

**System manager(s) and address:** Chief, Labor and Employees Division, Office of Personnel Management/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information contained in this system is obtained from the following categories of sources: 1. Fiscal and payroll records maintained for each employee. 2. The Official Personnel File. 0

#### ACTION/AF—20

**System name:** Peace Corps Volunteer Authorized Storage File—ACTION/AF

**System location:** Chief, Travel and Transportation Division, Office of Administrative Services, ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Peace Corps volunteers authorized to store household effects and personal belongings.

**Categories of records in the system:** Records contain copy of the travel authorization for the volunteer and the household goods storage letter.

**Authority for maintenance of the system:** Section 5(n) of the Peace Corps Act, 22 U.S.C. Section 2504(n).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained on book shelves in loose leaf binders in a locked room.

**Retrievability:** Records are arranged alphabetically by name.

**Safeguards:** Records in this system are available only to appropriate personnel, Office of Travel and Transportation and other appropriate officials of ACTION with a need for such records for the performance of their duties.

**Retention and disposal:** Records in the system are maintained in the Office of Travel and Transportation for two years after the Peace Corps volunteers terminate and are then burned.

**System manager(s) and address:** Chief, Travel and Transportation Division Office of Administrative Services/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Peace Corps Washington Staff ACTION Overseas Peace Corps Mission Requesting Volunteers

#### ACTION/AF—21

**System name:** Personal Service Contracts Records—ACTION/AF

**System location:** Chief, Contracts Division, Office of Contracts and Grants Management/ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any person who has served or is serving as a personal services contractor for the Peace Corps abroad or in the United States.

**Categories of records in the system:** The records maintained contain the history of employment, including earning records, of individuals hired as personal services contractors.

**Authority for maintenance of the system:** Section 10(a)(4) of the Peace Corps Act, 22 U.S.C. 2509.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

**Retrievability:** Records are arranged by contract number.

**Safeguards:** Records in the system are available only to appropriate personnel in the Office of Contracts and Grants Management and other appropriate officials of ACTION with the need for such records for the performance of their duties.

**Retention and disposal:** Records in the system are maintained in the Office of Contracts and Grants Management for one year after the closing date of the contract and then sent to the Federal Records Center where they are maintained for three years and then

destroyed in accordance with regulations governing such destruction of Federal Record Center records.

**Safeguards:** Records in the system are available only to appropriate persons in Administration and Finance and other appropriate personnel of ACTION with the need for such records in the performance of their duties.

beneficiary name and social security number for bonds purchased for Peace Corps volunteers.

these files are available only to personnel of the security office or to agency office heads or other agency personnel having a need for



destroyed in accordance with regulations governing such destruction of Federal Record Center records.

**System manager(s) and address:** Chief, Contracts Division, Office of Contracts and Grants Management, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information contained in the system is obtained from the following categories of sources: Individual contractors Peace Corps Overseas Staff Peace Corps Washington Staff

#### ACTION/AF-22

**System name:** Talent Bank—ACTION/AF

**System location:** Office of Personnel; Recruitment, Staffing and Outplacement Branch/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Applicants for staff employment with ACTION in GS or Foreign Service positions.

**Categories of records in the system:** These files contain copies of applications for employment (SF-171), resumes submitted by applicants, and other background information regarding qualifications of the applicant for staff positions in ACTION.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: a. To the Civil Service Commission with regard to any question of eligibility, suitability or qualifications of an applicant for employment. b. To any source of which information is requested in the course of an inquiry as to the qualifications of an applicant, to the extent necessary to identify the individual, inform the source of the nature and purpose of the inquiry, and to identify the type of information requested.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with three-way combination locks.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** All records are placed in combination lock files when not in use and locked during non-business hours.

**Retention and disposal:** Records in these files are updated on a continuous basis.

**System manager(s) and address:** Chief, Recruitment, Staffing and Outplacement Branch, Office of Personnel/ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information contained in the system was obtained from the following categories of sources: Applications and other personnel forms furnished by the individual. By oral or written inquiries from sources disclosed by the applicant such as: Employers Schools References, etc.

#### ACTION/AF-23

**System name:** Staff and Volunteer Household Storage File—ACTION/AF

**System location:** Office of Administration and Finance/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any employee or volunteer of ACTION whose furniture is authorized for storage.

**Categories of records in the system:** The records maintained contain the following information: Travel authorization. A xerox copy of the invoice for payment. Record of partial payment form.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; the Peace Corps Act, 22 U.S.C. 2501 et seq.; and the Budget and Accounting Act of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury in connection with payment of invoice received from vendor. b. To the vendor in the event there is a discrepancy between its and ACTION records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets in a room locked during off-duty hours.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records in the system are available only to appropriate persons in Administration and Finance and other appropriate officials of ACTION with the need for such records for the performance of their duties.

**Retention and disposal:** Records are retained for two years after a volunteer's or employee's termination (including retirement) and retired to the Federal Records Center.

**System manager(s) and address:** Chief, Fiscal Services Division, Administration and Finance/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

**Record source categories:** Administration and Finance, Fiscal Services Division, Travel Orders, Vendors Invoices.

#### ACTION/AF-24

**System name:** Domestic Volunteer Payroll Records—ACTION/AF

**System location:** Domestic Volunteer Payroll Section/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Full-time volunteers serving in ACTION Domestic programs such as VISTA, UYA, etc.

**Categories of records in the system:** The records in this system consist of the following: 1. Food and lodging allowance records. 2. Gross and net amounts paid. 3. Stipend amount accrued. 4. Deductions from check for authorization. 5. Overpayments to be collected per pay period. 6. Name of volunteer, sex, age, marital status. 7. Living allowance. 8. Amount of debt, if any, owed to the United States Government and correspondence explaining and relating to such indebtedness.

**Authority for maintenance of the system:** Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; Budget and Accounting Act of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from this system is placed on a computer and ultimately provided on a routine basis to the Social Security Administration for crediting of social security accounts, to the Internal Revenue Service to report on taxes paid, and to the Treasury for the purpose of obtaining payroll checks.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in rooms locked during off-duty hours.

**Retrievability:** Files are indexed alphabetically.

**Safeguards:** Files are generally available to personnel of the payroll section and other employees of ACTION having a need for such records in the performance of their official duties.

**Retention and disposal:** Records in this system are maintained for three years after the end of the fiscal year in which the volunteer terminates and then retired to the Federal Records Center to St. Louis, Missouri, to be disposed of in accord with GAO instructions.

**System manager(s) and address:** Chief, Domestic Volunteer Payroll Section, ACTION, 1735 Eye Street, N.W., Washington, D.C. 20525.

**Record source categories:** ACTION employees and the individual to whom the record pertains.

#### ACTION/AF-25

**System name:** Peace Corps Volunteer Personnel and Payroll System (Computer System)—ACTION/AF

**System location:** Accounting Division, Office of Accounting and Computer Services/ACTION, 1717 H St., N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any person who has served or is currently serving as a Peace Corps volunteer.

**Categories of records in the system:** Records maintained include volunteers' social security number, name and address, next of kin and address, birthdate, sex, marital status, education level, colleges, attended, degree and degree type, skills, jobs and source codes. Date entered on duty, date of oath, completion of service date (projected and actual), effective date of transaction, current and prior project information, current and last country served, and number of school age and non-school age children. Also included is financial data required to accrue and disburse monies in volunteer readjustment allowance account, payee name and address for allotments and withdrawals from readjustment allowance account,

beneficiary name and social security number for bonds purchased for Peace Corps volunteers.

**Authority for maintenance of the system:** Peace Corps Act, 22 U.S.C. 2501 et seq.; Budget and Accounting Act of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury for the issuance of checks in connection with the payment of volunteer readjustment allowances. b. To the Internal Revenue Service in connection with the filing of W-2 withholding forms for income tax purposes. c. The Social Security Administration in connection with withholdings of social security tax as appropriate on allowances paid including readjustment allowance.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained on magnetic discs and tapes which are stored in a locked room when not in immediate use, in a building with 24 hour security guard.

**Retrievability:** Records are indexed by social security number.

**Safeguards:** Records in the system are available only to appropriate personnel in the Volunteer Support Services Division, Office of Accounting and Computer Services, Administration and Finance, and other appropriate officials of ACTION with the need for such records for the performance of their duties.

**Retention and disposal:** These records are kept permanently.

**System manager(s) and address:** Chief, Volunteer Support Services Division, Office of Accounting and Computer Services, Administration and Finance, ACTION, 1717 H Street, N.W., Washington D.C. 20525.

**Record source categories:** Data is keypunched from forms completed by the volunteers such as Training Registration Form, Waiver of Coverage of Peace Corps Life Insurance, Designation of Beneficiary Peace Corps Life Insurance, Notice of Volunteer-Trainee Action (Status), Application for allotment or withdrawal, Request for payment of Dental Bills, List of Payments Advanced in Country and Application for U.S. Savings Bonds.

#### ACTION/AF-26

**System name:** Domestic and International Volunteer Security Files

**System location:** Personnel Security Office/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Peace Corps volunteers and volunteer applicants Volunteers serving in full-time domestic volunteer programs under Title I of the Domestic Volunteer Service Act of 1973 including service in such programs as VISTA, UYA, PLS, etc. and applicants for such service.

**Categories of records in the system:** These records contain investigative information regarding an individual's character, conduct, qualifications and integrity and reputation in the community where he or she lives, including records of arrest and convictions for any violations against the law, reports and recommendations from former supervisors, co-workers, friends, educators, etc; reports of inquiries with law enforcement agencies, former employers, educational institutions attended, and other information developed from the above.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: a. To the Civil Service Commission as a part of the central CSC personnel investigation records system. b. To any source from which information is requested in the course of an investigation, but only to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with three-way combination locks in a room which is locked when not in use.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** All officials of employees having access to such files are required to have an appropriate security clearance. Generally,

these files are available only to personnel of the security office or to agency office heads or other agency personnel having a need for such files in the performance of their duties.

**Retention and disposal:** Peace Corps files are maintained in the personnel security office for three years after the termination or death of a volunteer, or for the same period of time after consideration of an applicant. Thereafter, said files are transferred to the Federal Records Center, where they are maintained for twenty-seven years and then destroyed in accordance with regulations of the General Services Administration. All domestic volunteer files are maintained in the personnel security office up to the time of the termination or death of a volunteer when they are destroyed by burning or shredding.

**System manager(s) and address:** Chief, Personnel Security Branch, Office of Personnel Management, ACTION, Room 400, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information contained in the system was obtained from the following categories of sources: a. Applications and other personnel and security forms furnished by the individual. b. Investigative material furnished by other Federal agencies. c. By personal investigation or written inquiry from such sources as employers, schools, references, etc. d. Neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, and other such sources as may be developed from the above.

#### ACTION/AF-27

**System name:** Employee Payroll Records—ACTION/AF

**System location:** Office of Administration and Finance/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Persons employed by ACTION.

**Categories of records in the system:** Personnel actions employing, promoting and terminating employees, savings bond applications, advises of allotments, IRS tax levels, notice of deduction for health insurance, combined Federal campaign, union dues withholdings applications, and educational allowances for children of overseas employees and records regarding collections for overpayments.

**Authority for maintenance of the system:** GAO Policy and Procedures Manual; 31 U.S.C. 66(a); and the Budget and Accounting Procedures Act of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from these records are routinely provided as follows: 1. To the Treasury for payroll and savings bonds and other deduction purposes. 2. To Internal Revenue Service with regard to tax deductions. 3. To participating insurance companies holding policies with respect to Federal employees employed by ACTION.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records in this system are available only to employees of ACTION with a need for such records in the performance of their official duties.

**Retention and disposal:** Records in this system are maintained for three years after the end of the fiscal year in which an employee terminates his employment with ACTION, and then retired to the Record Center in accordance with GAO instructions.

**System manager(s) and address:** Chief, Domestic Volunteer and Staff Payroll Division; Administration and Finance, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information contained in the system is obtained from the following categories of sources: Data from payroll change coding document form and Domestic Volunteer notice payroll form Data on employees is obtained from payroll change coding document form.

#### ACTION/DO-1

**System name:** Domestic Full-Time Volunteer Personnel File—ACTION/DO

**System location:** All ACTION Domestic Regional Offices (See Preliminary Statement for Regional Office Addresses).

**Categories of individuals covered by the system:** Any full-time ACTION Domestic Volunteer working in the following programs:

Volunteers in Service to America (VISTA), University Year for

**System manager(s) and address:** Administrative Officer Regional

**Retention and disposal:** These records have no present destruc-

**Policies and practices for storing, retrieving, accessing, retaining,**



Volunteers in Service to America (VISTA), University Year for ACTION (UYA), ACTION Cooperative Volunteer (ACV), Program for Local Service (PLS), and Volunteers in Justice (VIJ).

**Categories of records in the system:** Records maintained contain Volunteers application, forms and copies of correspondence regarding actions occurring during the volunteer's service such as authorization to use a motor vehicle, copy of driver's license, status of volunteer form, future intent form, food and lodging allowance, living allowance, time and attendance, paycheck forms, volunteer payment vouchers and evaluation on termination.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The content of these records and files may be disclosed and used as follows: To the volunteer's sponsor concerning his placement, performance, support, and related matters.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal filing cabinets with manipulation proof combination locks when not in immediate use.

**Retrievability:** Records are retrievable alphabetically by last name.

**Safeguards:** Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with the need for such records for the performance of their duties.

**Retention and disposal:** Records are retained for one year after the volunteer has terminated service and then retired to the Federal Record Center for 75 years at which time the record is destroyed.

**System manager(s) and address:** The records are kept in the regional office, the system manager is the Administrative Officer in the region. The files are kept in the state office, the system manager is the State Director.

**Record source categories:** The data is supplied by the volunteer or through forms signed and executed by the volunteer or Domestic Regional Office personnel or State Program Director.

#### ACTION/DO-2

**System name:** Domestic Volunteer Medical File and Medical Claims—ACTION/DO

**System location:** All ACTION Domestic Regional Offices

**Categories of individuals covered by the system:** Present and former volunteer applicants over 44 or with significant medical histories and other with medical problems arising during service.

**Categories of records in the system:** The records maintained contain the following information: 1. Medical history, medical examination and medical release forms. 2. Medical claims submitted by volunteer for processing and correspondence.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: a. To Group Hospitalization, Inc., contractor under the ACTION health policy, for the purposes of adjudicating volunteer claims. b. The United States Department of Labor in connection with claims under the Federal Employees Unemployment Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal filing cabinets with manipulation proof combination locks when not in immediate use.

**Retrievability:** Records are indexed alphabetically by last name.

**Safeguards:** Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with the need for such records for the performance of their duties. Information is released only with the written consent of the volunteer and only to a physician or medical authority.

**Retention and disposal:** Files are maintained in the regions during service. Files are returned to the Office of Health Services on termination of service and are retired to the Federal Records Center for fifty years, after that they are destroyed.

**System manager(s) and address:** Administrative Officer Regional Office

**Record source categories:** Data in this system is obtained from the following categories of sources: 1. Medical personnel who have examined or treated a volunteer or applicant. 2. Domestic volunteers and applicants. 3. ACTION staff.

#### ACTION/DO-3

**System name:** Employee Travel File—ACTION/DO

**System location:** All ACTION Domestic Regional Offices except for Regions I and III

**Categories of individuals covered by the system:** Any employee, expert, consultant or other person engaged in travel on USG Travel authorization for a Domestic Regional Office.

**Categories of records in the system:** Records maintained are travel authorizations and vouchers.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records may be disclosed and used for the purposes expressed in the Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal filing cabinets with manipulation proof combination locks when not in immediate use.

**Retrievability:** Records are indexed alphabetically by last name.

**Safeguards:** Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with a need for such records for the performance of their duties.

**Retention and disposal:** Records are retained until the employee has terminated and then are destroyed.

**System manager(s) and address:** Administrative Officer, ACTION Regional Office

**Record source categories:** Itinerary provided by individual or supervisor and the voucher submitted by the individual traveller.

#### ACTION/DO-4

**System name:** Domestic Full-Time Volunteer Census Master File—ACTION/DO

**System location:** Management Information System, Domestic Operations Management, ACTION, 806 Connecticut Avenue, Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any person who has served or is serving as a full-time ACTION domestic volunteer in one of ACTION's full-time domestic operations programs including VISTA, ACTION Cooperative Volunteers (ACV), University Year for ACTION (UYA), Program for Local Service (PLS), Volunteers in Justice (VIJ) and Veterans Reach (VETREACH).

**Categories of records in the system:** The records maintained contain information extracted from the volunteer's application, information about the volunteer's period of service, and information about the volunteer's history with ACTION.

**Authority for maintenance of the system:** Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Generally speaking the information in this file would not be routinely available outside the agency since most routine uses would have to do with the applicant's volunteer file as such. This is a computerized file used for such things as payroll information, etc. The system might be used to verify the fact that an individual has served or is serving in one of ACTION's full-time domestic programs.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored on magnetic tape which is kept in a locked room when not in use.

**Retrievability:** Records are retrieved by social security number and the first four letters of the last name of the volunteer.

**Safeguards:** The material on these tapes is generally available only to Programmers and Systems Analysts of the Management Information System and is so coded as to be unavailable to anyone else.

**Retention and disposal:** These records have no present destruction date and are maintained permanently.

**System manager(s) and address:** Chief, Management Information System/DO, ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Volunteer application and payroll notices.

#### ACTION/DO-5

**System name:** Domestic Full-Time Volunteer Legal File—ACTION/DO

**System location:** ACTION Domestic Region No. 4 (only) 750 Peachtree Street, N.E. Room 895 Atlanta, Georgia 30308

**Categories of individuals covered by the system:** Any full-time ACTION Domestic Volunteer.

**Categories of records in the system:** The records maintained contain the following information: (1) Claims related to the Federal Tort Claims Act. (2) Claims related to the Federal Employee Compensation Act. (3) Support material for volunteer claims or losses and thefts. (4) Legal support information for volunteer civil and criminal matters. (5) Material related to alleged misuse of General Services Administration vehicles.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Contents of these records and files may be disclosed and used as follows: (a) To the Department of Labor in connection with names filed by volunteers for compensation under the Federal Employees Compensation Act. (b) To the General Services Administration in connection with the alleged misuse of GSA vehicles. (c) Volunteer supervisors and sponsors who are involved in legal matters effecting volunteers.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal filing cabinets with manipulation proof combination locks when not in immediate use.

**Retrievability:** Records are indexed alphabetically by last name.

**Safeguards:** Records in the system are available only to appropriate persons in the regional office and other appropriate officials of ACTION with the need for such records for the performance of their duties.

**Retention and disposal:** Records are purged annually. Records no longer needed are destroyed by burning or shredding.

**System manager(s) and address:** Regional Attorney, Region IV 730 Peachtree Street, N.E., Room 895 Atlanta, Georgia 30308

**Record source categories:** The source of the information may be the volunteer's sponsor, the Volunteer's supervisor or any other person involved in these legal matters including ACTION employees such as the State Director.

#### ACTION/DO-6

**System name:** Domestic Volunteers Status Change System

**System location:** All ACTION Domestic Regional Offices (See Preliminary Statement for addresses)

**Categories of individuals covered by the system:** Any person who is serving or has served as a full-time ACTION domestic volunteer under Title I of the Domestic Volunteer Services Act of 1973 (42 U.S.C. 4951) including VISTA, ACTION Cooperative Volunteer (ACV), University Year for ACTION (UYA), Program for Local Services (PLS), Volunteers in Justice (VIJ) and Veterans Reach (VETREACH).

**Categories of records in the system:** Record maintained in a single index card containing the date volunteer entered training, the date of placement, extra payments made for travel and training and the dates of termination, reenrollments, and extensions.

**Authority for maintenance of the system:** Title I and Title IV of the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Contents of these records and files may be disclosed and used as follows: a. To the Department of Health, Education and Welfare for the purpose of certifying student loans. b. Verification of present or past volunteer status. c. To volunteer's relatives so that he may be located in case of emergency.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal filing cabinets when not in immediate use.

**Retrievability:** Records are indexed alphabetically by last name.

**Safeguards:** Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with the need for such records for the performance of their duties.

**Retention and disposal:** Records in this system are maintained as a permanent record.

**System manager(s) and address:** Administrative Officer, Regional Office.

**Record source categories:** Volunteer personnel records.

#### ACTION/DO-7

**System name:** Employee Unofficial Personnel Files

**System location:** All ACTION Domestic Regional Offices. In some cases, these files may be located in ACTION State Offices. The supervising ACTION Regional Office shall be responsible for all relevant requests in such cases.

**Categories of individuals covered by the system:** Current ACTION Domestic Regional employees.

**Categories of records in the system:** The records maintained consist of copies of personnel documents sent to ACTION Headquarters in Washington including employment applications, appointment papers, job descriptions and personnel action change notices. The Official Personnel Folder is maintained in ACTION Headquarters in Washington.

**Authority for maintenance of the system:** The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** There are no routine uses other than those in the Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal filing cabinets with manipulation proof combination locks when not in immediate use.

**Retrievability:** Records are indexed alphabetically by last name.

**Safeguards:** Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with the need for such records for the performance of their duties.

**Retention and disposal:** Files are retained until the employee terminates his service at the regional office and destroyed by burning or shredding one year after such termination.

**System manager(s) and address:** Administrative Officer, ACTION Regional Office

**Record source categories:** The data is obtained from the employee, his references and Agency personnel forms.

#### ACTION/ORC-1

**System name:** Peace Corps Applicant Record System—ACTION/IO

**System location:** Placement Division, Office of Recruitment and Communications/ACTION, 1735 Eye Street, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any person whose application to ACTION for enrollment as a Peace Corps volunteer has been accepted by an ACTION Service Center.

**Categories of records in the system:** The records maintained include the application of a Peace Corps applicant, material received from references provided by him, background investigation material including a National Agency Check provided by the Civil Service Commission, invitations to training and similar material having to do with the enrollment of an individual as a Peace Corps trainee.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. 2501, 2504.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: To host country officials where necessary to obtain visas or to inform such host countries of the impending arrival of the volunteer and for review of such volunteer's qualifications for the intended program.

**Categories of individuals covered by the system:** Any person ap-

**Record source categories:** Information is obtained from the appli-

**Retrievability:** Records are indexed alphabetically.



**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

**Retrievability:** Records are indexed in terminal digit order.

**Safeguards:** Records in this system are available only to ACTION employees having a need for such records in the performance of their duties as such.

**Retention and disposal:** Records of applicants rejected at prescreening process are destroyed within six months of such action. Records of applicants rejected during processing are destroyed within one year after such action. Records of applicants who are accepted become part of the Peace Corps volunteer record system.

**System manager(s) and address:** Chief, Applicant Records Center, Office of Recruitment and Communications, 1735 Eye Street, N.W., Washington, D.C. 20525.

**Record source categories:** Peace Corps applicants. References supplied by individuals listed by Peace Corps applicants. Information obtained from United States Government investigative agencies including the Civil Service Commission.

#### ACTION/ORC—2

**System name:** Combined Domestic and International Volunteer Applicant System—ACTION/ORC

**System location:** Office of Recruitment and Communications/ACTION 1717 H Street, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any person who applies to ACTION as a full-time volunteer in Domestic or Peace Corps Volunteer programs. This file has been in existence since June 1974.

**Categories of records in the system:** The records contain the following information: Name, Date of Birth, Sex, Social Security Number, Type of Volunteer Applied for, Marital Status, Personal Statistics, Skills, Educational Level, Method of Recruitment, Date of Availability, Status Codes (Rejection Codes), similar data required to process a person as an applicant and report on processing progress.

**Authority for maintenance of the system:** Section 404(e) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(e)). Peace Corps Act, 22 U.S.C. 2501, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are contained in disc packs with tape backup and are kept in metal file cabinets with manipulation proof combination locks when not in immediate use.

**Retrievability:** Files are retrievable through the last name and social security number.

**Safeguards:** Records in the system are available only to appropriate personnel in the Planning and Evaluation Division, Office of Recruitment and Communications and other officials of ACTION with a need of such records in the performance of their duties.

**Retention and disposal:** Records in the system are maintained indefinitely.

**System manager(s) and address:** Director, Planning and Evaluation Division, Office of Recruitment and Communications, ACTION 1717 H Street, N.W., Washington, D.C. 20525.

**Record source categories:** Information is obtained from the Application provided by the Applicant and Evaluations made by the ACTION Placement Division.

#### ACTION/ORC—3

**System name:** Volunteer Applicants Record System—ACTION/ORC

**System location:** ACTION/ORC Field Service Centers: New York Service Center/ACTION 26 Federal Plaza, 1605, New York, New York 10007. Washington Service Center/ACTION 806 Connecticut Avenue, N.W., P-314, Washington, D.C. 20525. Chicago Service Center/ACTION 1 North Wacker Drive, 3rd Floor, Chicago Illinois 60606. Dallas Service Center/ACTION Corrigan Tower Building, 1620, 212 No. St. Paul Street, Dallas, Texas 75201. San Francisco Service Center/ACTION 100 McAllister Street, 24th Floor, San Francisco, California 94102.

**Categories of individuals covered by the system:** Any person applying as a full-time ACTION volunteer for domestic or overseas programs under the Peace Corps Act or Title I of the Domestic Volunteer Service Act of 1973.

**Categories of records in the system:** Records maintained in the system include applications, references, invitations to training, medical fitness reports, correspondence and similar documents.

**Authority for maintenance of the system:** The Peace Corps Act 22 U.S.C. 2501, et seq.; The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records may be disclosed and used as follows: To any source from which information is requested in the course of an investigation of qualifications or suitability of an applicant to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders in metal filing cabinets with manipulation proof combination locks.

**Retrievability:** The last initial of the applicant's name and his social security number are used as a personal identifier.

**Safeguards:** Records in the system are generally available only to ACTION employees having a need for such records in the performance of their official duties.

**Retention and disposal:** Records of applicants rejected at prescreening process are destroyed in six months. Records of applicants rejected during processing are destroyed within one year. Records of applicants who are accepted for service become a part of the volunteer folder of such individual.

**System manager(s) and address:** The Placement Manager at each of the ACTION Service Centers acts as manager for his segment of the system.

**Record source categories:** Information in the system is obtained from the following categories of sources: From the individual to whom the record pertains. From references supplied by the individual to whom the record pertains. From United States Government investigative agencies and local law enforcement officials.

#### ACTION/ORC—4

**System name:** Peace Corps Applicant File for period 1963 to June, 1974—ACTION/ORC

**System location:** Office of Recruitment and Communications/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Any person who applied to become a Peace Corps Volunteer between 1963 and June, 1974.

**Categories of records in the system:** Records maintained contain applicant information as follows: Name, date of birth, sex, social security number, marital status, personal statistics, skills, educational level, method of recruitment, date of availability, and similar data required to process a person as an applicant and report on processing progress.

**Authority for maintenance of the system:** Peace Corps Act, 22 U.S.C. 2501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored on magnetic tapes which are maintained in metal file cabinets with manipulation proof combination locks when not in immediate use.

**Retrievability:** Records are indexed alphabetically and by Social Security number.

**Safeguards:** Records in this system are available only to appropriate personnel in the Planning and Evaluation Division, Office of Recruitment and Communications and to other appropriate officials of ACTION with the need for access to such records for the performance of their duties.

**Retention and disposal:** These records are kept indefinitely.

**System manager(s) and address:** Chief Director Planning and Evaluation Division Office of Recruitment and Communications/ACTION 1735 Eye Street, N.W., Washington, D.C. 20525.

**Record source categories:** Information is obtained from the application provided by the applicant and evaluations made by the placement division of the Office of Recruitment and Communications.

#### ACTION/ORC—5

**System name:** Domestic Program Applicant Medical Record

**System location:** ORC Field Service Centers: New York Service Center/ACTION 26 Federal Plaza, 1605 New York, New York 10007. Washington Service Center/ACTION Office of Health Services 806 Connecticut Avenue, N.W., Room P-214 Washington, D.C. 20525. Chicago Service Center/ACTION 1 North Wacker Drive, 3rd Floor Chicago, Illinois 60606. Dallas Service Center/ACTION Corrigan Tower Building, no. 1620 212 No. St. Paul Street Dallas, Texas 75201. San Francisco Service Center/ACTION 100 McAllister Street, 24th Floor San Francisco, California 94102.

**Categories of individuals covered by the system:** Any person applying as a volunteer in a domestic ACTION program who is over 44 years of age or has reported in his application information which causes ACTION selection officials to require medical examination or history.

**Categories of records in the system:** This system contains medical histories, records of examination, and related medical information.

**Authority for maintenance of the system:** Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: Information may be provided to a physician or other medical personnel treating the applicant. In situations where it is practicable the applicant's consent will be obtained before releasing such information.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records in this system are maintained in lockable metal file cabinets or secured rooms.

**Retrievability:** Records are filed alphabetically.

**Safeguards:** Records in this system are generally available only to ACTION personnel having a need for such information in the performance of their official duties. Information is released only with the written consent of the applicant/volunteer and only to a physician or medical authority.

**Retention and disposal:** Records of applicants who do not become volunteers are destroyed by burning or shredding after one year. Records of applicants who become volunteers are forwarded to the appropriate Domestic Regional Office. Upon termination of the volunteer's service, these records are returned to the Office of Health Services and retired to the Federal Records Center where they are maintained for fifty years and then destroyed in accord with the regulations of the Center.

**System manager(s) and address:** Placement Manager of the appropriate Field Service Center is the System Manager of that portion of the system under his or her control.

**Record source categories:** Information contained in these systems was obtained from the following categories of sources: A. Examining physicians and other medical personnel. B. Applicants for volunteer service. C. ACTION personnel.

#### ACTION/GC—1

**System name:** Conflict of Interest Records—ACTION/GC

**System location:** Office of General Counsel/ACTION/M-607 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Employees, contractors, consultants and other persons employed by or dealing with ACTION.

**Categories of records in the system:** Statement of personal and family interests in business enterprise correspondence with respect thereto including opinions of counsel and confirmation materials.

**Authority for maintenance of the system:** 18 U.S.C. 306 and E.O. 11222 (5865).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See preliminary statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

**Retrievability:** Records are indexed alphabetically.

**Safeguards:** Records are generally available only to attorneys and other personnel of the Office of General Counsel and to designated ACTION officials having a need for such knowledge in the performance of their official duties.

**Retention and disposal:** Records are purged annually and destroyed two years after they are obtained unless there is a specific need for the retention of any specific record.

**System manager(s) and address:** General Counsel/ACTION/M-607 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Data is obtained from the following categories of sources: 1. Employees of ACTION. 2. Work product of attorneys for ACTION.

#### ACTION/GC—2

**System name:** Legal Files — Staff and Applicants (A-Z)—ACTION/GC

**System location:** Office of the General Counsel/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** 1. Applicants for employment with ACTION. 2. Staff employees of ACTION.

**Categories of records in the system:** Records of any legal matter effecting any present or former staff member of ACTION or any applicant for employment in ACTION whose employment has raised any legal question. Included among the kinds of records maintained are those involving employee grievances, appeals from adverse actions, claims by and against staff members, records concerning litigation in which ACTION staff members become involved as parties, legal queries from staff members regarding themselves or their employment and answers thereto and any other matter involving a contact between a staff member and an attorney of the Office of General Counsel.

**Authority for maintenance of the system:** These records are maintained under the general authority of the Office of General Counsel to represent the Agency in connection with its dealings with its employees and the general functions of the Office of General Counsel to provide advice and counsel to the Director of the Agency and his staff.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are not routinely disclosed outside the Agency except in the following circumstances: 1. To the Department of Justice in conjunction with litigation or potential litigation in situations in which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 2 and 7 of the general routine uses set forth in the Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are kept in separate file folders in cabinets secured by changeable combination locks or bar locks secured by such combination locks and in room locked when not in use.

**Retrievability:** Files are maintained under subject headings but access to files concerning individuals may be gained by referring to an alphabetical index.

**Safeguards:** Files are available only to personnel of the Office of General Counsel which includes attorneys and confidential secretaries.

**Retention and disposal:** Files are maintained for the duration of the litigation or other matter to which they refer and retired on an annual review basis to the Federal Records Center for 27 years at which time they are destroyed.

**System manager(s) and address:** General Counsel, ACTION 806 Connecticut Avenue, N.W., Room M-607, Washington, D.C. 20525.

**Record source categories:** Data is obtained from the following categories of sources: 1. ACTION employees. 2. Correspondence and reports from persons and agencies dealing with the agency and its employees. 3. Work product and research of lawyers of the office.

#### ACTION/GC—3

**System name:** Legal Files - Volunteers and Applicants (A-Z)—ACTION/GC

**System location:** Office of the General Counsel/ACTION, Room M-607 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Current and former ACTION volunteers, and applicants for volunteers service.

**Retention and disposal:** Records in this system are maintained in

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. Section 2501, 2504.

process. Similarly, medical history forms are collected but are immediately forwarded to the United Nations or to the Office of



**Categories of records in the system:** Records of any legal matter effecting volunteers or applicants for volunteer service, including grievances, appeals from decisions of ACTION staff, claims against volunteers, claims by volunteers, records of litigations in which ACTION is involved as a party, or in conjunction with any obligation under the Peace Corps Act or the Domestic Volunteer Service Act to provide legal defense, legal queries from volunteers or applicants and answers thereto, and any other matter involving contact between a volunteer and the Office of General Counsel.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Peace Corps Act 22, U.S.C. 2501. The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951. In addition to authority specifically contained in the above-named Acts, these records maintained as an adjunct to the normal requirements of the functions of the Office of General Counsel to provide advice and counsel. 0

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are not routinely disclosed outside the Agency except in the following circumstances: 1. To the Department of Justice in conjunction with litigation or potential litigation in situations in which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 2 and 7 of the general routine uses set forth in the Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are kept in separate file folders in cabinets secured by changeable combination locks, and in a room locked when not in use.

**Retrievability:** Files are maintained under subject headings but access may be gained by referring to an alphabetical name index.

**Safeguards:** Files are available only to personnel of the Office of General Counsel which includes attorneys and confidential secretaries.

**Retention and disposal:** Files are maintained for the duration of the litigation or other matters to which they refer and relied on an annual review basis to the Federal Records Center for 27 years at which time they are destroyed.

**System manager(s) and address:** General Counsel/ACTION, Room M-607 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** ACTION employees and volunteers.

#### ACTION/IO-1

**System name:** Peace Corps Volunteer Death Files—ACTION/IO

**System location:** Office of Special Services/ACTION 806 Connecticut Avenue, N.W. Washington, D.C. 20525.

**Categories of individuals covered by the system:** Peace Corps Volunteers and Trainees who have died during service or training.

**Categories of records in the system:** Official cables relating to the death and subsequent disposition of the body Eye Witness or other accounts of the occurrence or event. Medical Reports including an autopsy report if any. Designation of beneficiary statement. Death certificate. Police report. Copies of all correspondence with family and next of kin of deceased volunteers. Proof of receipt of insurance and readjustment allowance check and other financial documents having to do with the death of a volunteer or trainee.

**Authority for maintenance of the system:** The Peace Corps Act 22 U.S.C. Section 2501, et seq. and Section 2504(d).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: a. To notify an appropriate insurance company to obtain the payment of life insurance benefits and personal property insurance. b. To notify the Office of the Vice President for the preparation of appropriate condolence letters. c. For notification to the Department of State. d. Notification of the Department of Labor/Office of Federal Employees Compensation. e. To the family and next of kin of the deceased volunteer or trainee.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets in a room locked during off duty hours in a building with a 24 hour security guard.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records are available to officials of ACTION with a need for such records for the performance of their duties.

**Retention and disposal:** Records in this system are maintained in ACTION for ten years at which time they are destroyed by burning or shredding.

**System manager(s) and address:** Chief, Personnel Security Branch, Office of Special Services/IO ACTION, 806 Connecticut Avenue, N.W. Washington, D.C. 20525.

**Record source categories:** Information contained in this system was obtained from the following categories of sources: Peace Corps Country Staff American Embassy and Consulates Host Country Police Host Country Ministry Officials Staff of the Office of International Operations, ACTION Insurance Companies Witnesses to any accident or occurrence causing the death of a volunteer or trainee.

#### ACTION/IO-2

**System name:** Peace Corps Volunteer Program Correspondence System—ACTION/IO

**System location:** These records are maintained in the office of each Peace Corps program overseas. There are at present an excess of 60 such offices and this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, Peace Corps, c/o the American Embassy in such country.

**Categories of individuals covered by the system:** Current and Former Peace Corps Volunteers Current and Former Peace Corps Trainees

**Categories of records in the system:** Correspondence between Peace Corps staff and volunteer or trainees.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. Section 2501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: There are no routine uses of this system other than as indicated in the preliminary statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders and metal file cabinets with manipulation proof combination lock.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records are available only to the Country Director and his staff with a need for such records in the performance of their duties.

**Retention and disposal:** These files are retired and destroyed after a volunteer terminates, provided that documents, reports, etc., having continuing use in programs may be retained in appropriate program files.

**System manager(s) and address:** The Country Director in each country in which Peace Corps serves.

**Record source categories:** Peace Corps volunteers Peace Corps staff Host country ministry officials.

#### ACTION/IO-3

**System name:** Peace Corps Volunteer Financial Records—ACTION/IO

**System location:** These records are maintained in the office of each Peace Corps program overseas. There are at present in excess of 60 such offices and this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

**Categories of individuals covered by the system:** Current and former Peace Corps volunteers and trainees.

**Categories of records in the system:** This system consists of records of all payments or accrued credits to volunteers and trainees, and records of any advances or other items due from volunteers or trainees to the government. The records include those of monthly living allowances, leave allowances, settling in allowances, etc.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records are available to officials of ACTION with a need for such records for the performance of their duties.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. Section 2501, 2504.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: a. To appropriate U.S. Government agencies for monthly payroll preparation. b. To the U.S. Treasury for the purpose of reporting overpayments. c. To the Social Security Administration for the purpose of reporting Social Security withholdings.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders and metal file cabinets with manipulation proof combination lock.

**Retrievability:** Records are indexed in alphabetical order in each location.

**Safeguards:** Records are available only to ACTION staff with a need for such records in the performance of their duties.

**Retention and disposal:** These files are retained for two years and then are destroyed.

**System manager(s) and address:** The Country Director in each country in which Peace Corps serves.

**Record source categories:** Peace Corps Volunteers and Trainees Personnel of ACTION, Office of Administration and Finance

#### ACTION/IO-4

**System name:** Overseas Health Records—ACTION/IO

**System location:** These files are maintained in the Office of the Medical Officer in each country in which Peace Corps employs such an official.

**Categories of individuals covered by the system:** Peace Corps Volunteers Peace Corps Trainees Peace Corps Staff Members.

**Categories of records in the system:** Medical History and Record of treatment received while in Peace Corps.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. Section 2501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: a. To medical personnel in the process of treating the volunteer or staff member or trainee who have a need for such record in order to provide appropriate treatment. b. See Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** These records are available only to medical personnel of the Peace Corps.

**Retention and disposal:** Upon termination of the volunteer, trainee or staff member, these records are sent to Health Services Division of Administration and Finance, ACTION, Washington, 806 Connecticut Avenue, N.W., Washington, D.C. 20525 for ultimate disposition along with other employee health records.

**System manager(s) and address:** The Medical Officer at any Peace Corps post is System Manager for this system.

**Record source categories:** Peace Corps Overseas Staff Members Peace Corps Trainees and Volunteers Peace Corps Medical Officials.

#### ACTION/IO-5

**System name:** United Nations Volunteer System—ACTION/IO

**System location:** Office of Multilateral and Special Programs/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** United Nations Volunteer Corps applicants, trainees, volunteers, and returned volunteers.

**Categories of records in the system:** These records contain applications, correspondence associated therewith, and with the placement of the applicant, and other records connected with the application, training and placement of persons wishing to serve or serving as United Nations volunteers. For short periods of time references furnished by the applicant may be kept in the file but they are transferred to the ACTION Office of Recruitment and Communications which has the responsibility for the selection

process. Similarly, medical history forms are collected but are immediately forwarded to the United Nations or to the Office of Medical Affairs (Volunteer Health Service) of ACTION.

**Authority for maintenance of the system:** The Peace Corps, 22 U.S.C. 2501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: a. Designated officers and employees of the United Nations having a responsibility for the selection and placement of United Nations volunteers. b. To officials of a proposed host country desiring the assignment or placement of United Nations volunteers. c. Routine uses as contained in Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records are generally available only to personnel of the Office of Multilateral and Special Programs and to other officials of ACTION having a need for such records in the performance of their official duties.

**Retention and disposal:** Records are maintained in the Office of Multilateral and Special Programs for two years following the completion of service of a UN volunteer then forwarded to AF/Volunteer Support Services for maintenance with the Peace Corps records and subsequent removal to the Federal Records Center.

**System manager(s) and address:** Director, Office of Multilateral and Special Programs, ACTION, 806 Connecticut Ave., N.W., Washington, D.C. 20525.

**Record source categories:** Applicants for United Nations volunteer programs References named by the applicant Multilateral and Special Programs staff United Nations Staff

#### ACTION/IO-6

**System name:** Peace Corps Property Records—ACTION/IO

**System location:** These records are maintained in the office of each Peace Corps program overseas. There are at present an excess of 60 such offices and that this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

**Categories of individuals covered by the system:** Current and former Peace Corps staff Current and former Peace Corps volunteers Current and former Peace Corps trainees who have trained overseas.

**Categories of records in the system:** These files consist of records of U.S. Government property assigned to Peace Corps staff, volunteers or trainees for which they are accountable and which must be returned to the Peace Corps.

**Authority for maintenance of the system:** The Peace Corps Act 22 U.S.C. Section 2501, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: To the Department of State or any other Federal agency having the responsibility for accounting for the disposition of federal property.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in metal file cabinets with manipulation proof combination locks.

**Retrievability:** Files are indexed in alphabetical order in each Peace Corps post overseas.

**Safeguards:** Files are available only to ACTION/Peace Corps staff having a need for such records in the performance of their official duties. For these purposes, host country nationals employed by the United States Government and working for Peace Corps are considered staff.

**Retention and disposal:** Files in this system are retained at overseas posts for two years after an employee or volunteer leaves the country and then are destroyed by burning, shredding or such other method as is approved by the Department of State for the disposal of such request.

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**System manager(s) and address:** Country Directors in each country in which ACTION/Peace Corps maintains a program.

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

document 2. Description of service 3. Termination report or the statement of resignation 4. Financial information statement 5.

**Authority for maintenance of the system:** The Peace Corps Act, (22 U.S.C. Section 2501).



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**System manager(s) and address:** Country Directors in each country in which ACTION/Peace Corps maintains a program.  
**Record source categories:** Peace Corps overseas staff. The individual to whom the record pertains.

**ACTION/IO—7**

**System name:** Peace Corps Volunteer Extension/Transfer/Reenrollment Files—ACTION/IO

**System location:** Office of Special Services/IO—ACTION 806 Connecticut Avenue, N.W. Washington, D.C. 20525.

**Categories of individuals covered by the system:** Peace Corps Trainees and Volunteers

**Categories of records in the system:** This system consists of a log book containing the details of all extensions, transfers, reenrollments or reinstatements of volunteers and/or trainees in the Peace Corps. The specific details of the information contained include the name of the volunteer/trainee, the country of assignment, the program number and dates during which actions occurred.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. Section 2501, et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files have no routine uses other than those stated in the general statement of uses and limitations.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The log book is maintained in the Office of Special Services in a metal cabinet in a room locked during off duty hours in a building with a 24 hour security guard.

**Retrievability:** The records are indexed in alphabetical order by country of assignment.

**Safeguards:** These records are not considered sensitive or confidential. They are generally available to employees of ACTION having a need for them in the performance of their duties.

**Retention and disposal:** The records in this system are maintained for five years and then destroyed by burning or shredding.

**System manager(s) and address:** Chief, Office of Special Services/IO, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information contained in the system is obtained from the following categories of sources: Peace Corps Country Staff Individual Volunteers and Trainees. Staff of the Office of Special Services.

**ACTION/IO—8**

**System name:** Peace Corps Medical Evacuation/Administrative System—ACTION/IO

**System location:** Office of Medical Affairs/ACTION 806 Connecticut Avenue, N.W. Washington, D.C. 20525.

**Categories of individuals covered by the system:** Peace Corps volunteers and trainees who have had medical problems effecting their continued service.

**Categories of records in the system:** A. For Peace Corps trainees and volunteers medically cleared to resume service after interruption for medical reasons the files contain cables, memos, letters and forms having to do with travel, per diem, and medical clearance. B. For volunteers and trainees who have been medically terminated, the information contained in subparagraph A is forwarded to the Office of Special Services for maintenance in the Peace Corps termination/consultation system. C. A permanent record card is maintained in a file box which includes the name of the volunteer, his home of record, his next of kin and Peace Corps project number. D. For volunteers completing service but terminating in Washington as a result of medical consultation, the file contains all of the above listed material and a permanent record card as aforesaid is also maintained.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. 2501, 2504.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: To Federal agencies having a need to verify volunteer eligibility for special consideration for Federal employment under Executive Order 11103.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records are available only to personnel of the Office of Medical Affairs and selected officials of ACTION having a need for information from such records for the performance of their duties.

**Retention and disposal:** These records are maintained in the Office of Medical Affairs for three years and then destroyed. A record card as indicated above is permanently maintained in the Office of Medical Affairs.

**System manager(s) and address:** Director, Office of Medical Affairs, ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Peace Corps overseas staff Office of Medical Affairs staff Individual volunteers and trainees Physicians and other medical personnel.

**ACTION/IO—9**

**System name:** Peace Corps Medical Evacuation Cards—ACTION/IO

**System location:** Office of Medical Affairs, ACTION 806 Connecticut Avenue, N.W. Washington, D.C. 20525.

**Categories of individuals covered by the system:** Peace Corps volunteers and trainees who have had medical problems requiring medical evacuation to Washington.

**Categories of records in the system:** These cards contain the name of the individual involved, a short description of the medical problem, a record of the consulting physician, treatment, hospitalization and final disposition of the case.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. 2501, 2504(e) and various provisions of the Peace Corps Manual relating to health care.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these cards and files may be disclosed and used as follows: a. To physicians or other medical personnel directly involved in the medical care of Peace Corps volunteers or trainees and having a need for such records for the provision of such services. b. In view of Peace Corps' policy of maintaining medical confidentiality these cards are not otherwise disclosed outside of the agency, and within the agency, only to personnel of the Office of Medical Affairs or selected medical staff of ACTION having a need for knowledge of such records in the performance of their official duties.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards are maintained in metal file cabinets with manipulation proof combination locks.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Cards in the system are available only to appropriate personnel of the Office of Medical Affairs having a need for such record in the performance of their official duties as such. Information from these records may be provided to other officials of ACTION having a need for such knowledge in the performance of their official duties.

**Retention and disposal:** These records are maintained in the Office of Medical Affairs for three years and then destroyed.

**System manager(s) and address:** Director, Office of Medical Affairs, ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Peace Corps overseas staff Office of Medical Affairs staff Individual volunteers and trainees Physicians and other medical personnel.

**ACTION/IO—10**

**System name:** Peace Corps Volunteer Termination/Consultation System—ACTION/IO

**System location:** Office of Special Services/ACTION 806 Connecticut Avenue, N.W. Washington, D.C. 20525.

**Categories of individuals covered by the system:** Present and former Peace Corps volunteers and trainees who have terminated prior to the end of their tours or been returned to Washington for consultation.

**Categories of records in the system:** A. Individual volunteer/trainee files contain the following information: 1. Termination

document 2. Description of service 3. Termination report or the statement of resignation 4. Financial information statement 5. Travel agreement 6. Case summary 7. Recommendations of ACTION/Washington staff 8. Relevant cables 9. Early termination questionnaires B. A monthly early termination log containing information from the above files is maintained. It contains the following information: 1. Name of volunteer/trainee 2. Social Security number 3. Project number 4. Date and coded reason for termination. C. A log is maintained known as the early termination project log containing information from the above files including the name of the volunteer/trainee, the date and the coded reason for termination. D. An early termination permanent card file is maintained by name of the volunteer/trainee as a quick reference to paragraph A above.

**Authority for maintenance of the system:** The Peace Corps Act, 22 U.S.C. 2501 et seq. and various provisions of the Peace Corps Manual and the Foreign Affairs Manual relating to conduct and performance of individuals serving in Peace Corps programs as volunteers.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The contents of these records and files may be disclosed and used as follows: To Federal agencies having a need to verify volunteer eligibility for special consideration for Federal employment under Executive Order 11103.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records in the system are available only to appropriate personnel in the Office of Special Services and other appropriate officials of ACTION with the need for such records for the performance of their duties.

**Retention and disposal:** Records in the system are maintained in the Office of Special Services for two years and then sent to the Federal Records Center where they are maintained for fifteen years and then destroyed.

**System manager(s) and address:** Chief, Office of Special Services, ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Information contained in the system is obtained from the following categories of sources: Peace Corps volunteers and trainees including the individual about whom the record is maintained. Peace Corps Overseas Staff Staff of the Office of Special Services Peace Corps Washington Staff Job Supervisors

**ACTION/IO—11**

**System name:** Peace Corps Volunteer Emergency Leave Records

**System location:** Office of Special Services/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Categories of individuals covered by the system:** Peace Corps Trainees and Volunteers

**Categories of records in the system:** A. Fact sheets giving details of the emergency requiring emergency leave, notes and cables on the handling and course of the emergency, cost information, and a volunteer ACTION report. The system also contains a card file consisting of an alphabetical arrangement which contains name, address, country, project, dates of service and ultimate conclusion of the case as well as a monthly log listing volunteers and trainees home on emergency leave by name giving reasons for the emergency, departure dates, cost, estimated time of return and remarks concerning the emergency.

[FR Doc.75-22492 Filed 8-26-75;8:45 am]

**Authority for maintenance of the system:** The Peace Corps Act, (22 U.S.C. Section 2501).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See preliminary statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records in this system are available to personnel of the Office of Special Services and other officials of ACTION needing such records in performance of their duties.

**Retention and disposal:** Records in this system are maintained for two years and then destroyed by shredding or burning.

**System manager(s) and address:** Chief, Office of Special Services/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

**Record source categories:** Individuals who are the subjects of the system Family of an individual as to whom records are maintained Physicians Staff of the Office of Special Services.

**ACTION/IO—12**

**System name:** Overseas Staff Personnel Records

**System location:** These records are maintained in the office of each Peace Corps program overseas. There are at present an excess of 60 such offices and this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

**Categories of individuals covered by the system:** Staff employees of ACTION serving overseas who are United States Citizens.

**Categories of records in the system:** These records contain copies of personnel actions affecting overseas staff, copies of personnel evaluations retained in the Country Files, and an inventory list of Government property contained in residences of overseas staff.

**Authority for maintenance of the system:** The Peace Corps Act 22 U.S.C. Section 2501 and pertinent sections of the Foreign Affairs Manual adopted by Peace Corps and of the Peace Corps Manual.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See Preliminary Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in folders and metal file cabinets with three way combination locks.

**Retrievability:** Records are indexed in alphabetical order.

**Safeguards:** Records are available only to the Country Director and ACTION staff with a need for such records in the performance of their duties.

**Retention and disposal:** These records are destroyed after the employee leaves the country and has completed all appropriate clearance procedures, including obtaining receipts for any property contained in inventories.

**System manager(s) and address:** The Country Director in each country in which Peace Corps serves.

**Record source categories:** The individual employee to whom the record pertains. Supervisors and ACTION personnel officials.



## SMALL BUSINESS ADMINISTRATION

## PRIVACY ACT OF 1974

## Notice of Systems of Records

The Privacy Act of 1974 (Pub. L. 93-579), found in 5 U.S.C. 552a, provides certain safeguards for an individual against invasion of personal privacy. As part of the Act all agencies are required to publish in the FEDERAL REGISTER at least annually a notice of the existence and character of each system of records maintained by the agency from which personal information is retrieved by the name of the individual or by some identifying particular assigned to that individual.

In accordance with 5 U.S.C. 552a(e) (4) and (11) the Small Business Administration is submitting the following notices of systems of records maintained by the Agency. Although the Act requires only publication for comment of the proposed "routine uses" of the particular systems of records, public comments on all parts of the notice are invited. Persons interested in submitting written comments, data, reviews or arguments concerning the notice may address their comments to Privacy Act Task Force Chairman, Room 1028, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, on or before September 27, 1975. All written comments received through this date will be considered prior to publication of the final notice.

Dated: August 2, 1975.

THOMAS S. KLEPPE,

Administrator,

Small Business Administration.

The following notice of systems of records proposed for adoption by the Small Business Administration makes reference to addresses of Agency offices and record centers where Agency records are maintained. Appendix A lists addresses for the Central Office, the 10 regional offices, the 64 district offices, and the 18 branch offices located throughout the United States. Each of the systems contained in the notice may be found at some or all of these offices.

Appendix B lists addresses of national centers not maintained by the Small Business Administration where Agency records are also located. The Small Business Administration is, likewise, responsible for all of its records maintained in these centers and the notice refers to these centers where appropriate.

## APPENDIX A

Central Office, 1441 L Street, N.W., Washington, DC 20416  
 Boston Regional Office, 150 Causeway Street—10th Floor, Boston, MA 02114  
 New York Regional Office, 28 Federal Plaza, New York, NY 10007  
 Philadelphia Regional Office, Suite 646—West Lobby, One Bala Cynwyd Plaza, 231 St. Asaphs Road, Bala Cynwyd, PA 19004  
 Atlanta Regional Office, 1401 Peachtree Street, N.E., Atlanta, GA 30309

## SMALL BUSINESS ADMINISTRATION

Chicago Regional Office, 219 South Dearborn Street, Chicago, IL 60604  
 Dallas Regional Office, 1720 Regal Row—Suite 230, Dallas, TX 75235  
 Kansas City Regional Office, 911 Walnut Street—23rd Floor, Kansas City, MO 64106  
 Denver Regional Office, 721 19th Street—Room 428A, Denver, CO 80202  
 San Francisco Regional Office, 450 Golden Gate Avenue—Box 36044, San Francisco, CA 94102  
 Seattle Regional Office, Dexter Horton Building, 710 Second Avenue, Seattle, WA 98104  
 Boston District Office, 150 Causeway Street—10th Floor, Boston, MA 02114  
 Augusta District Office, 40 Western Avenue, Augusta, ME 04330  
 Concord District Office, 55 Pleasant Street, Concord, NH 03301  
 Hartford District Office, 450 Main Street, Hartford, CT 06103  
 Montpelier District Office, 87 State Street, Montpelier, VT 05602  
 Providence District Office, 57 Eddy Street, Providence, RI 02903  
 New York District Office, 26 Federal Plaza—Room 3100, New York, NY 10007  
 Hato Rey District Office, Pan-American Building—5th Floor, 255 Ponce De Leon Avenue, Hato Rey, PR 00919  
 Newark District Office, 970 Broad Street—Room 1635, Newark, NJ 07102  
 Syracuse District Office, Fayette & Salina Streets, Syracuse, NY 13202  
 Philadelphia District Office, Suite 400—East Lobby, One Bala Cynwyd Plaza, 231 St. Asaphs Road, Bala Cynwyd, PA 19004  
 Clarksburg District Office, 109 North Third Street, Clarksburg, WV 26301  
 Pittsburgh District Office, 1000 Liberty Avenue, Pittsburgh, PA 15222  
 Richmond District Office, Federal Building—Room 3015, 400 North Eighth Street, Richmond, VA 23240  
 Baltimore District Office, 7800 York Road, Towson, MD 21204  
 Washington District Office, 1030 15th Street, N.W., Washington, DC 20416  
 Atlanta District Office, 1401 Peachtree Street, N.E., Atlanta, GA 30309  
 Birmingham District Office, 908 South 20th Street, Birmingham, AL 35205  
 Charlotte District Office, 222 South Church Street, Charlotte, NC 28202  
 Columbia District Office, 1801 Assembly Street, Columbia, SC 29201  
 Miami District Office, 2222 Ponce De Leon Blvd.—5th Floor, Coral Gables, FL 33134  
 Jackson District Office, Petroleum Building—Room 690, 200 East Pascagoula, Jackson, MS 39201  
 Jacksonville District Office, 400 West Bay Street, Jacksonville, FL—for Mailing Purposes—P.O. Box 3506, Jacksonville, FL 32202  
 Louisville District Office, Federal Office Building—Room 188, 600 Federal Place, Louisville, KY 40202  
 Nashville District Office, Parkway Towers—Room 1012, 404 James Robertson Parkway, Nashville, TN 37219  
 Chicago District Office, 219 South Dearborn Street, Chicago, IL 60655  
 Cleveland District Office, AJC Federal Building—Room 317, 1240 East Ninth Street, Cleveland, OH 44199  
 Columbus District Office, 34 North High Street, Columbus, OH 43215  
 Detroit District Office, 129 Washington Blvd., Detroit, MI 48226  
 Indianapolis District Office, Federal Building—5th Floor, 575 North Pennsylvania Street, Indianapolis, IN 46204  
 Madison District Office, 122 West Washington, Ave., Madison, WI 53703  
 Minneapolis District Office, Plymouth Building—Room 530, 12 South Sixth Street, Minneapolis, MN 55402

Albuquerque District Office, Patio Plaza Building, 5000 Marble Ave., N.E., Albuquerque, NM 87110  
 Dallas District Office, 1100 Commerce Street, Dallas, TX 75202  
 Houston District Office, Niels Esperson Building—Room 1210, 808 Travis Street, Houston, TX 77002  
 Little Rock District Office, 611 Gaines Street—Suite 900, Little Rock, AR—for Mailing Purposes—P.O. Box 1401, Little Rock, AR 72201  
 Lower Rio Grande Valley District Office, 219 East Jackson Street, Harlingen, TX 78550  
 Lubbock District Office, 712 Federal Office Building and U.S. Courthouse, 1205 Texas Avenue, Lubbock, TX 79401  
 Marshall District Office, 505 East Travis Street, Marshall, TX—for Mailing Purposes—P.O. Box 1349, Marshall, TX 75670  
 New Orleans District Office, Plaza Tower—17th Floor, 1001 Howard Avenue, New Orleans, LA 70113  
 Oklahoma City District Office, 50 Penn Place—Suite 340, Oklahoma City, OK 73118  
 San Antonio District Office, 301 Broadway, San Antonio, TX 78205  
 Kansas City District Office, 911 Walnut Street—24th Floor, Kansas City, MO 64106  
 Des Moines District Office, 210 Walnut Street, Des Moines, IA 50309  
 Omaha District Office, 215 North 17th Street, Omaha, NE 68102  
 St. Louis District Office, 210 North 12th Street—Room 520, St. Louis, MO 63101  
 Wichita District Office, 120 South Market Street, Wichita, KS 67202  
 Denver District Office, 721 19th Street—Room 426, Denver, CO 80202  
 Casper District Office, Federal Building—Room 4001, 100 East B Street, Casper, WY—for Mailing Purposes—P.O. Box 2839, Casper, WY 82601  
 Fargo District Office, Federal Office Building—Room 218, 653 Second Avenue North, Fargo, ND—for Mailing Purposes—P.O. Box 3086 Fargo, ND 58102  
 Helena District Office, 613 Helena Avenue, Helena, MT—for Mailing Purposes—P.O. Box 1690, Helena, MT 59601  
 Salt Lake City District Office, 125 South State Street—Room 2237 Salt Lake City, UT 84138  
 Sioux Falls District Office, Eighth and Main Avenue, Sioux Falls, SD 57102  
 San Francisco District Office, 450 Golden Gate Avenue—Box 36044 San Francisco, CA 94102  
 Honolulu District Office, 1149 Bethel Street—Room 402, Honolulu, HI 96813  
 Las Vegas District Office, 301 East Stewart, Las Vegas, NV—for Mailing Purposes—Box 7527, Downtown Station, Las Vegas, NV 89121  
 Los Angeles District Office, 849 South Broadway, Los Angeles, CA 90014  
 Phoenix District Office, 112 North Central Avenue, Phoenix, AZ 85004  
 San Diego District Office, 110 West C Street—Suite 705, San Diego, CA 92101  
 Seattle District Office, Dexter Horton Building, 710 Second Avenue, Seattle, WA 98104  
 Anchorage District Office, Suite 200—Anchorage Legal Center, 1016 West Sixth Avenue, Anchorage, AK 99501  
 Boise District Office, 216 North Eighth Street, Boise, ID—for Mailing Purposes—P.O. Box 2618, Boise, ID 83701  
 Portland District Office, 700 Pittock Block, 921 Southwest Washington Street, Portland, OR 97205  
 Spokane District Office, 651 U.S. Courthouse, Spokane, WA—for Mailing Purposes—P.O. Box 2167, Spokane, WA 99120  
 Elmira Branch Office, 1061 South Main Street, Elmira, NY 14904

## SMALL BUSINESS ADMINISTRATION

Buffalo Branch Office, Federal Building—Room 1112, 111 West Huron Street, Buffalo, NY 14202  
 Charleston Branch Office, Charleston National Plaza—Suite 628, Charleston, WV 25301  
 Harrisburg Branch Office, 1500 North Second Street, Harrisburg, PA—for Mailing Purposes—P.O. Box 6, Harrisburg, PA 17108  
 Wilkes-Barre Branch Office, Provincial Tower Building, 34 South Main Street, Wilkes-Barre, PA 18701  
 Wilmington Branch Office, Federal Building—Room 3015, 844 King Street, Lockbox 18, Wilmington, DE 19801  
 Biloxi Branch Office, Gulf National Life Insurance Building—2nd Floor, 111 Fred Hals Blvd., Biloxi, MS 39530  
 Knoxville Branch Office, Fidelity Bankers Building—Room 307, 502 South Gay Street, Knoxville, TN 37902  
 Cincinnati Branch Office, Federal Building—Room 5524, 550 Main Street, Cincinnati, OH 45202  
 Marquette Branch Office, Bullock Building, 201 McClellan Street, Marquette, MI 49885

Milwaukee Branch Office, Continental Plaza, 735 West Wisconsin Avenue, Milwaukee, WI 53233  
 Springfield Branch Office, Ridgely Building—Room 816, 502 East Monroe Street, Springfield, IL 62701  
 El Paso Branch Office, 417 First National Building, 109 North Oregon Street, El Paso, TX 79901  
 Corpus Christi Branch Office, 3105 Leopard Street, Chicago Building, Corpus Christi, TX—for Mailing Purposes—P.O. Box 9253, Corpus Christi, TX 78408  
 Rapid City Branch Office, Federal Building, 515 9th Street, Rapid City, SD 57701  
 Fresno Branch Office, Federal Office Building, 1130 O Street, Fresno, CA 93721  
 Agana Branch Office, Ada Plaza Center Building, Agana, Guam—for Mailing Purposes—P.O. Box 927, Agana, Guam 96910  
 Fairbanks Branch Office, 501½ Second Avenue, Fairbanks, AK 99701

## APPENDIX B

Civilian Personnel Records, GSA, 111 Winnebago Street, St. Louis, MO 63118  
 Federal Records Center, 380 Trapelo Road, Waltham, MA 02154

Federal Records Center, 641 Washington Street, New York, NY 10014  
 Federal Records Center, 5000 Wissahickon Avenue, Philadelphia, PA 19149  
 Federal Records Center, Naval Supply Depot, Building 308, Mechanicsburg, PA 17055  
 Washington National Records Center, Washington, DC 20409  
 Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 30044  
 Federal Records Center, 7201 South Leanington Avenue, Chicago, IL 60638  
 Federal Records Center, 2400 West Dorothy Lane, Dayton, OH 45439  
 Federal Records Center, 2306 East Bannister Road, Kansas City, MO 64131  
 Federal Records Center, 4900 Hemphill Street, Post Office Box 6216, Fort Worth, TX 76115  
 Federal Records Center, Building 48, Denver Federal Center, Denver, CO 80225  
 Federal Records Center, Building 1, 100 Harrison Street, San Francisco, CA 94105  
 Federal Records Center, 4747 Eastern Avenue, Bell, CA 90201  
 Federal Records Center, 6125 Sand Point Way, Seattle, WA 98115

## SMALL BUSINESS ADMINISTRATION

SBA001

Safeguards: Access to and use of these records are limited to official duties require such access. Personal

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing

Authority for maintenance of the system: U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.



## SBA001

**System name:** Accountable Property File—SBA001

**System location:** Central Office, Regional Office in San Francisco, Ca., District Offices in Marshall, Tex. and Oklahoma City, Okla., and Branch Offices in Corpus Christi, Tex. and Cincinnati, Ohio.

**Categories of individuals covered by the system:** SBA Employees.

**Categories of records in the system:** Listing of items processed by employees which are the property of the Small Business Administration, with each employee's signature verifying possession.

**Authority for maintenance of the system:** 5 U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For Internal Use Only.

**Storage:** Records are kept in file folders or cabinets.

**Retrievability:** Records are indexed by employee's name.

**Safeguards:** Access to records is generally limited to Office Services personnel.

**Retention and disposal:** Records are disposed of 2 years after latest inventory update.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Accountable Officer and employees.

## SBA005

**System name:** Advisory Council File—SBA005

**System location:** Branch, District, Regional and Central Offices of the Small Business Administration and in Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

**Categories of individuals covered by the system:** Members, past and present, of SBA Advisory Councils. Records are also maintained on those individuals being processed for appointment to the SBA Advisory Councils.

**Categories of records in the system:** This system of records contains information relating to members of SBA Advisory Councils and includes political party affiliations, ethnic/minority identification, security status, Congressional clearances, recommendations, appointment notices, address lists and occasionally, biographical data and correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

To respond to a request from a member of Congress regarding information about an Advisory Council member.

To disclose information about an Advisory Council member to the general public.

To respond to requests from the National Archives.

**Storage:** These records are maintained in file folders, binders and index cards.

**Retrievability:** These records are indexed by the Council member or prospective Council member's name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** These records are retained for three years and then forwarded to a Federal Records Center. The FRC retains these records for five years and then offers the records for transfer to the National Archives.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office Records  
Regional Director for Regional Office Records  
Branch Manager for Branch Office Records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, Congressional offices, Agency employees, news media, other Advisory Council members, Federal Register.

## SBA010

**System name:** Applicant Representative Files—SBA010

**System location:** Branch, District, Regional and Central Offices of the SBA. See Appendix A for SBA addresses.

**Categories of individuals covered by the system:** Individuals who render services in connection with the preparation of SBA loan applications.

**Categories of records in the system:** This system of records contains information relating to applicant representatives including revocation or suspension of representative privilege, type of service performed, amount of compensation charged borrowers and irregularities or complaints.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with implementing the statute, or rule, regulation or order issued pursuant thereto.

After final SBA action revoking or suspending the privilege of a representative to appear before the SBA, the relevant records in the system of records may be referred, as a routine use, to other Federal Agencies which deal with the individual as an applicant representative.

**Storage:** These records are maintained in file folders and in index cards.

**Retrievability:** These records are indexed by representative name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** The system of records is retained indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Loan applicants and applications, Agency employees, third party informants, and individual to whom record pertains.

## SBA015

**System name:** Appraisers List—SBA015

**System location:** District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

**Categories of individuals covered by the system:** Individual appraisers.

**Categories of records in the system:** This system of records contains information relating to individual appraisers including qualifications, correspondence and, occasionally, notes on performance.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal use only.

**Storage:** These records are maintained in file folders and on index cards.

**Retrievability:** Records are indexed by appraiser's name.

**Safeguards:** Access to and use of these records are limited to those officials whose duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** District Directors, and Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records  
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, or his agent, Agency employees, National Association of Real Estate Appraisers, and published lists of local and regional appraisers.

## SBA020

**System name:** Auctioneers List—SBA020

**System location:** District and Regional Offices of SBA. See Appendix A for addresses.

**Categories of individuals covered by the system:** Individuals who are auctioneers.

**Categories of records in the system:** This system of records contains information relating to auctioneers who are interested in conducting sales on behalf of SBA, including categories of property and geographic areas in which the individual auctioneer is qualified and bonded.

**Authority for maintenance of the system:** U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal use only.

**Storage:** These records are maintained in file folders, binders and on index cards.

**Retrievability:** These records are indexed by auctioneer's name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records  
District Director for District Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, or his agent, General Services Administration, Loan Files.

## SBA025

**System name:** Audit Reports—SBA025

**System location:** The Central Office of the Small Business Administration and Federal Record Centers. In some cases, copies are maintained in the District and Branch Offices where the loan was processed. See Appendix A for SBA addresses and Appendix B for FRC addresses.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records contains detailed investigations of home disaster loan recipients' use of SBA funds. These records also include related correspondence. Such audits are rarely undertaken unless large sums of money are involved.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

To respond to a request from a member of Congress regarding an audit of a recipient.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records to the extent that the information is relevant and necessary to the IRS' function.

**Storage:** These records are maintained in file folders.

**Retrievability:** These records are indexed by recipient name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.



**Retention and disposal:** Records are maintained by SBA for two years after the loan has become inactive and are then transferred to an FRC where they are maintained for five years and then destroyed.

**System manager(s) and address:** Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
District Director for District Office records  
Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Financial institution reports and records, Agency investigation, individual to whom record pertains.

**Systems exempted from certain provisions of the act:** Pursuant to 5 U.S.C. 552a (k)(2), all investigatory material in the record compiled for law enforcement purposes is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order to accomplish the purpose of the Agency in preventing abuse of loan proceeds by recipients, as well as enforcing Agency rules and regulations (pursuant to 15 U.S.C. 634(b)(6) and 15 U.S.C. 645(a)), and preventing subjects of investigations from frustrating the investigatory process.

#### SBA030

**System name:** Automated Personnel History—SBA030

**System location:** SBA Central Office. See Appendix A for address.

**Categories of individuals covered by the system:** All SBA employees.

**Categories of records in the system:** Current status of all SBA employees including all data pertinent to that status. This system includes name, Social Security number, grade and salary title, organization, education, veterans preference, competitive level, date of birth, handicap code, health benefits, etc. This system includes all personnel actions affecting active SBA employees since May 1972, and also those of separated employees since that date.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A number of records in this system are sent as a required report to the Civil Service Commission. The General Accounting Office is also given information from this system for audit purposes.

**Storage:** This system of records is maintained on magnetic tape.

**Retrievability:** Records in this system can be retrieved by the employee's name or Social Security number.

**Safeguards:** Physical Security - authorized personnel only.

**Retention and disposal:** These records form a permanent data bank for the Office of Personnel and are retained indefinitely.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Privacy Act Officer. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** SF 171 and any other forms an employee completes when coming on-board; Personnel actions as recorded on SBA Form 52; Requests for personnel actions; Mass Change Formats; and Award Keypunch Formats.

#### SBA035

**System name:** Bankruptcy Filings in South Carolina—SBA035

**System location:** Columbia District Office of the Small Business Administration. See Appendix A for address.

**Categories of individuals covered by the system:** Individuals in South Carolina who have filed for bankruptcy.

**Categories of records in the system:** This system of records, a list, enables Agency officials to identify borrowers and/or guarantors who have declared bankruptcy.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal use only.

**Storage:** These records are maintained in a file folder.

**Retrievability:** Records are indexed by individual's name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** District Director. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director for Columbia District Office. The address of this office is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** List compiled by Bankruptcy Court.

#### SBA040

**System name:** Boards of Survey—SBA040

**System location:** Central Office, Regional Offices, District Offices. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees and other individuals who have been involved in accidents with government vehicles, or other incidents of loss or damage to government property.

**Categories of records in the system:** This system includes the report and supporting material compiled by the Board of Survey in reviewing cases involving loss or damage to government property. These may be claims by or against the government. Cases involving up to

5000 can be handled in the Regional Offices. Cases involving more than

5000 must be referred to the Central Office Board of Survey.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651-78.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event that a suit is initiated in a court, these records would be referred to the Justice Department and General Services Administration for handling. The records would also be given to the parties in litigation with the Agency and to the court, if necessary in the case.

**Storage:** Records are kept in file folders.

**Retrievability:** Files are indexed by the name of SBA employees or other individuals involved in the case.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records  
These addresses are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the paragraph above, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individuals involved in the case, witnesses, Agency investigation.

#### SBA045

**System name:** Borrower Insurance Files—SBA045

**System location:** The following District and Branch Offices maintain this system of records: Boise District Office, Casper District Office, Corpus Christi Branch Office, Honolulu District Office, Marshall District Office, New Orleans District Office, Pittsburgh District Office, Salt Lake City District Office and San Antonio District Office. All other District and Branch Offices maintain this information in the Loan Case File. See Appendix A for addresses.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records contains information relating to a Disaster Home Loan recipient's hazard insurance and Federal Flood Insurance, wherever applicable. These records include a copy of the insurance policy, a history of premium payments and related correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be disclosed in correspondence with a recipient's insurance company as to the status of his policy.

**Storage:** These records are maintained in file folders and index cards.

**Retrievability:** These records are indexed by recipient name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** These records are destroyed when the loan becomes inactive.

**System manager(s) and address:** District Directors, and Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records  
Branch Manager for Branch Office records  
The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information in the system should direct their requests to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains, insurance companies, Housing and Urban Development—Farmers Home Administration.

#### SBA050

**System name:** Career Counseling Files—SBA050

**System location:** San Francisco Regional Office, San Francisco District Office. See addresses in Appendix A.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** This record system includes notes and forms completed during interviews between employees and supervisors regarding career goals and programs.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal Agency use only.

**Storage:** Records are kept in file folders.

**Retrievability:** Records are indexed by employee name within each division of the office.

**Safeguards:** Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained for a period of time set by agreement between supervisor and employee.

**System manager(s) and address:** Regional Director, District Director. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records  
District Director for District Office records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Interview between employee and supervisor.

#### SBA055

**System name:** Chamber of Commerce Members—SBA055

**System location:** Kansas City Regional Office. See Appendix A for address.

**Categories of individuals covered by the system:** Chamber of Commerce members.

**Categories of records in the system:** This system of records contains information relating to individual members of Chambers of Commerce who are available as needed as spokesmen for SBA. The records include a summary of the individual's relationship with SBA.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal use only.

**Storage:** These records are maintained on index cards.

**Retrievability:** These records are indexed by individual's name and geographical area.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are kept indefinitely, but updated every two years.

**System manager(s) and address:** Regional Director. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request to the Regional Director at Kansas City.

The address of this office is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

**Categories of records in the system:** Copies of SBA Form 485A, "Commercial Telephone Toll Tickets."  
**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.



**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the paragraph above, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains. Agency employees.

## SBA060

**System name:** Collateral—SBA060

**System location:** District and Branch Offices of the SBA. See Appendix A for addresses.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records contains negotiable collateral assigned to the SBA in connection with the award of a disaster home loan. Included in these records are registers of negotiable collateral assigned to SBA, trust receipts, bonds, certificates, mortgages, notes, titles, insurance policies, and agreements of extending deeds of trust.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in these records may be used:

In the event a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation or order issued pursuant thereto, the relevant records in the system of records may be referred, at a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service in response to its request with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

To request information from a Federal, State, or local agency or a private title search agency to determine an applicant's suitability for a loan.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

**Storage:** These records are maintained in file folders, index cards, safety deposit boxes and insulated combination safes.

**Retrievability:** These records are indexed by recipient name and/or loan number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** These records are retained until an individual's loan is paid-in-full or charged-off, then disposed.

**System manager(s) and address:** District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records  
Branch Manager for Branch Office records  
The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains. Agency employees, bank correspondence, State officials, title search companies.

## SBA065

**System name:** Collection Files—SBA065

**System location:** District, Branch and Central Offices of Small Business Administration and in the Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records contains information relating to SBA collection activities in connection with Disaster Home Loans from the time of the initial disbursement until the loan is either paid-in-full or put in liquidation status. These records include:

SBA Form 573—"Cash Collateral and Abeyance Item Register"

SBA Form 230—"Receipt for Payment"

SBA Form 368—"Collections—Disaster Deferred Participation Loans Purchased."

Default Vouchers

Various documents relating to the receipt and disposition of money remitted, issuances of past due notices and other related material.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

To respond to a request from a member of Congress regarding the status of a loan.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

In the event court action arises from loan collection activities, a record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or counsel in the course of settlement negotiations.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

**Storage:** These records are maintained on microfilm, magnetic tape, file folders, receipt books, ledgers, and insulated combination safes.

**Retrievability:** These records are indexed by recipient name as well as a cross-referenced loan number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records located in District and Branch Offices are retained for two years after the loan is paid or charged-off and then forwarded to a Federal Records Center where they are destroyed after two years. Records located in the Central Office are retained no more than two years and then either forwarded to a Federal Records Center for four years or sold for salvage.

**System manager(s) and address:** Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records

District Director for District Office records

Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains. Agency employees, Banks, and Loan Case File.

## SBA070

**System name:** Combined Federal Campaign—SBA070

**System location:** SBA Regional Offices in Kansas City, Mo., Boston, Mass., and Chicago, Ill. SBA District Offices in Columbus and Cleveland, Ohio. For the addresses of these offices, see Appendix A.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** This system contains a list of participants and their contributions. A copy of pledge cards, names and addresses of personnel connected with the Combined Federal Campaign, code of charities to which donations were made.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Names and addresses of those employees who are connected with the planning and accomplishments of the fund-raising drive are sometimes released to the media.

**Storage:** Records are maintained in file folders or binders, which are usually stored in file cabinets.

**Retrievability:** Records are indexed by name, within each fiscal year.

**Safeguards:** Records used by authorized persons only, on a need to know basis.

**Retention and disposal:** There is no official disposal schedule for these records, they are kept indefinitely.

**System manager(s) and address:** Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records

District Director for District Office records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Employee on whom the record is maintained.

## SBA075

**System name:** Commercial Toll Calls—SBA075

**System location:** Portland, Oregon District Office, and Cleveland, Ohio District Office. See Appendix A for addresses. Other offices may keep information on toll calls, but it is only indexed by date.

**Categories of individuals covered by the system:** SBA employees who have made commercial toll telephone calls.

**Categories of records in the system:** Copies of SBA Form 485A, "Commercial Telephone Toll Tickets."

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used in communicating with the General Services Administration, or the telephone company regarding telephone bills.

**Storage:** Records are kept in file folders.

**Retrievability:** In the offices listed above, these records are indexed by the name of the employee making a commercial toll call.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained until an audit or until the information otherwise becomes outdated.

**System manager(s) and address:** District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director. The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** SBA employees, telephone company, General Services Administration.

## SBA080

**System name:** Completion Certificate Control Lists—SBA080

**System location:** Central Office, District and Branch Offices of the SBA. See Appendix A for addresses.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records contains information relating to SBA Form 1018, "Completion Certificate on SBA Disaster Loans." Each disaster loan recipient is required to execute this form when all loan proceeds have been expended. The system of records contains this form along with borrower reminders, past due listings, and verification reports.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal use only.

**Storage:** These records are maintained on magnetic tape, file folders, binders and index cards.

**Retrievability:** These records are indexed by recipient name as well as a cross-referenced loan number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records

District Director for District Office records

Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

To provide data to the General Accounting Office for periodic reviews of this Agency.

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**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, Agency personnel, Loan Case File.

## SBA085

**System name:** Congressional Hearing Files—SBA085

**System location:** Central Office of the SBA. See Appendix A for the address.

**Categories of individuals covered by the system:** SBA employees, as well as applicants for, and recipients of, SBA assistance.

**Categories of records in the system:** This system of records contains information about individuals in connection with preparation for and attendance at Congressional hearings. These records include data concerning program activities and personnel problems, intra-agency correspondence, investigations and Justice Department reports.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in these records may be used:

To respond to a request from a member of Congress.

In the event that a system of records maintained by this

Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or implementing the statute, or rule, regulation or order, issued pursuant thereto.

**Storage:** These records are maintained in file folders.

**Retrievability:** Parts of these records are indexed by an individual's name, and to that extent, are retrievable.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Privacy Act Officer. See Appendix A for the address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, Agency employees, Agency files, Justice Department.

## SBA090

**System name:** Delinquent Loans—SBA090

**System location:** District and Branch Offices of the Small Business Administration and Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

**Categories of individuals covered by the system:** Recipients of disaster home loans whose loans have been classified as delinquent.

**Categories of records in the system:** This system of records contains information relative to delinquent disaster home loans. These records consist of monthly printouts of loans 30, 45, and 60 days past due and SBA Forms 1004A and 1004B, the collection notices and records on past due accounts. Included in these records are the

number, amount and dates of delinquent payments, the amount of the loan, related correspondence and remarks by the Service Loan Officer.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal Agency use only.

**Storage:** These records are maintained in file folders and binders.

**Retrievability:** These records are indexed by the name of the recipient.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** The monthly listings are retained for up to one year and then destroyed. The 1004A and 1004B forms are transferred to the loan case file or an FRC if the loan becomes current. If the loan remains past due, these records are transferred to liquidation and retained until the loan is charged-off or paid-in-full and then forwarded to an FRC. Records maintained by a Federal Records Center are destroyed after four years.

**System manager(s) and address:** District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records

Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Agency Collection Activities Branch, individual to whom

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Agency Collection Activities Branch, individual to whom record pertains, agency personnel.

## SBA095

**System name:** Designations of Cashiers—SBA095

**System location:** Lubbock District Office at address listed in Appendix A.

**Categories of individuals covered by the system:** SBA employees in office who have been bonded to serve as cashiers.

**Categories of records in the system:** This record includes request for and designation of cashiers (SF 211 and 1195), who are required to be bonded for the handling of imprest funds and treasury checks.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records is referred to the Treasury Department for bonding.

**Storage:** Records are kept in file folders.

**Retrievability:** Records are indexed by the name of the employees designated as cashiers.

**Safeguards:** Records are kept in a file cabinet.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** District Director, Lubbock, Texas. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director. The address is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual on whom record is maintained.

## SBA100

**System name:** Disaster Relief Act Printout—SBA100

**System location:** Corpus Christi Branch Office of the SBA. See Appendix A for address.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans in the Corpus Christi area.

**Categories of records in the system:** This Computer Printout lists the name and address of borrowers to whom the "forgiveness" provision of the Disaster Relief Act applies.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal use only.

**Storage:** These records are maintained in a file folder.

**Retrievability:** Records are indexed by recipient name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Indefinite retention.

**System manager(s) and address:** Branch Manager. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Branch Manager for Branch Office records

The address of this office is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, Agency employees.

## SBA105

**System name:** Disbursements—SBA105

**System location:** Central, District and Branch Offices of the SBA and Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

**Categories of individuals covered by the system:** Recipients of disaster home loans.

**Categories of records in the system:** This system of records contains information relating to loan disbursement activities. These records consist of detailed listings of disbursements, SBA Form 191-checks requested, SBA Form 192-checks issued on loan closing and treasury check registers. The information includes amount of the loan, schedule of payments, actual disbursement calendars and overpayments made.

**Authority for maintenance of the system:** U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used;

To provide information to the public when disclosures are warranted.

In communicating with the Treasury Department on disbursement activities.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To respond to a request from a member of Congress regarding the status of a particular loan.

**Storage:** These records are maintained in file folders, register books, and index cards.

**Retrievability:** These records are indexed by recipient name and loan number as well as a cross-referenced check control number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** The Central Office maintains these records for three years following the end of the fiscal year whereas the District and Branch Offices maintain the system either for two years or indefinitely. The records are then transferred to an FRC which disposes of them under GAO standards.

**System manager(s) and address:** Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office Records

District Director for District Office Records

Branch Manager for Branch Office Records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** The individual to whom the record pertains, Treasury Department, Agency personnel, and Loan Case File.

## SBA110

**System name:** EEO Pre-Complaint Counseling—SBA110

**System location:** Central Office, Regional Offices, District Offices and Branch Offices. For addresses see Appendix A.

**Categories of individuals covered by the system:** SBA employees who have requested counseling regarding discrimination in employment.

**Categories of records in the system:** File on each counseling case, compiled by Equal Employment Opportunity Counselor in each office. File may include statements made by the employee being counseled and other persons interviewed, record of attempts to resolve the problem, and EEO Counselor's Report. If a formal complaint is filed after counseling, the EEO Counselor's Report becomes part of the EEO Complaint case.

**Authority for maintenance of the system:** 5 C.F.R. 713, 13 C.F.R. 105.735-5-4.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used to report counseling activity to the Civil Service Commission, but such reports do not name the individuals who received counseling.

**Storage:** Files are kept in file folders.

**Retrievability:** Records are indexed by the name of the person requesting counseling.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

**Retention and disposal:** Some offices dispose of records after the problem is resolved. Others retain the records for a period of years or indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, and Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records



Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records  
The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Person requesting counseling, other employees, EEO Counselor, and Personnel and employment records.

## SBA115

**System name:** EEO Complaint Cases—SBA115

**System location:** Central Office. For address see Appendix A.

**Categories of individuals covered by the system:** SBA employees who have filed a complaint regarding discrimination in employment.

**Categories of records in the system:** Files on each complaint case, compiled by the Office of Equal Employment Opportunity. File may include statements made by the complainant and other persons interviewed, EEO Counselor's Report, other information developed in the investigation of a complaint, notes of attempts to resolve the complaint, report of a hearing, Hearing Examiner's Recommendations, and Agency action on the case. Files also include closed cases.

**Authority for maintenance of the system:** 5 C.F.R. 713, 13 C.F.R. 105.735-5-4.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

These records are used to report complaints to the Civil Service Commission.

In the event that a complaint results in a hearing, records in this system will be used in preparing and presenting the case before a Complaints Examiner designated by the Civil Service Commission.

In the event that a complaint is appealed to the Civil Service Commission, these records will be used by the Appeals Review Board in making a decision on the case.

In the event that a complaint results in a suit in a Federal court, these records will be referred to the Department of Justice and used by that Department to prepare and present the case in court.

**Storage:** Files are maintained in file folders.

**Retrievability:** Records are indexed by the name of the person filing a complaint.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Records are kept indefinitely.

**System manager(s) and address:** Privacy Act Officer. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer, Central Office, at the address listed in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Complainant, Witnesses, Hearing transcript, Complaints Examiner's Recommendations, Agency investigation, Personnel and Employment records.

## SBA120

**System name:** Employee Awards—SBA120

**System location:** This system is maintained by most SBA Regional and District Offices. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees nominated for and/or receiving awards.

**Categories of records in the system:** Narratives on each individual nominated for Civil Servant of the Year, SBA Honor Award nominees, Federal Women's Award nominees, recommendations of supervisors and other supporting documentation submitted to awards boards.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** List of nominees for the Federal Women's Award are sent to the Civil Service Commission for consideration.

**Storage:** These records are kept in file folders which are usually stored in file cabinets.

**Retrievability:** Records are indexed by name of employee or title of award.

**Safeguards:** Personnel screening - information released to authorized persons only.

**Retention and disposal:** These records are retained for a period varying from three to five years, then disposed of.

**System manager(s) and address:** Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records

District Director for District Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Employees, official Personnel folders, supervisors, Civil Service Commission, Department of Labor, other agencies and organizations.

**System name:** Employee Biographical Files—SBA125

**System location:** Central Office, Regional Offices, District Offices, El Paso Branch Office. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** Records include biographical data such as date of birth, employment history, education, photographs, news clippings and record of public appearances in an official capacity. These files do not necessarily contain information on all SBA employees.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records will be released to news media, other Government agencies, and private groups and organizations for publicity purposes.

**Storage:** Records are kept in file folders.

**Retrievability:** Records are indexed by the name of the employee.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Most offices retain the records as long as the person is employed by SBA.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, Branch Manager. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records

Regional Director for Regional Office records

District Director for District Office records

Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual on whom record is maintained, Agency personnel records and memoranda, news media.

## SBA130

**System name:** Employee Bond Participation Files—SBA130

**System location:** Central Office, Regional and District Offices. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees who purchase U.S. Savings Bonds through payroll deduction.

**Categories of records in the system:** This record includes the name of an employee purchasing Savings Bonds, address, Social Security number, amount of deduction, bond denomination, names of co-owners or beneficiaries, correspondence and other information relating to bonds.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Records in this system are referred to the Treasury

Department for the purchase of bonds.

These records are reviewed by the General Accounting Office in the course of an audit of the Agency.

**Storage:** Records are kept in journals or file folders.

**Retrievability:** Records are indexed by employee name or Social Security number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Central Office Files are disposed of after three years or a GAO audit. Other files are kept indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, and District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records

Regional Director for Regional Office records

District Director for District Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Employee Savings Bond Form (SBA 1042), Payroll Master File.

## SBA135

**System name:** Employee Counseling Program—SBA135

**System location:** SBA Central Office; Denver Regional Office; Boston Regional Office; Wichita, KS District Office. See Appendix A for addresses.

**Categories of individuals covered by the system:** Employees who have requested counseling for personal problems and employees designated as counselors.

**Categories of records in the system:** Case history documentation relative to problems. Counseling data. Referrals for assistance. Health benefit, compensation or disability processing assistance. Names of employees designated as Employee Counseling Program counselors.

**Authority for maintenance of the system:** 5 U.S.C. 301; 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Employee Counseling Program records may be used to contact a doctor or other form of assistance for the employee being counseled.

**Storage:** Records are stored in locked file cabinets or in the desk of the Employee Counseling Program counselor.

**Retrievability:** Records are indexed either by the name of the counselor or the employee being counseled.

**Safeguards:** Records are released to authorized personnel only, on a need to know basis.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records

Regional Director for Regional Office records

District Director for District Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** SBA employees and their supervisors.

## SBA140

**System name:** Employee Evaluation and Supervision Files—SBA140

**System location:** Central Office, Regional Offices, District Offices, Branch Offices. For addresses see Appendix A.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** This record contains Annual Performance Ratings, informal incident files on job activities, and other informal information relating to job performance, kept by supervisors.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal Agency use only.

**Storage:** Records are kept in file folders.

**Retrievability:** Records are indexed by employee name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

**Retention and disposal:** Retention varies from one year to indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records

Regional Director for Regional Office records

District Director for District Office records

Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining

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ing to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Supervisors; Observation, conversation, interviews with employees; Agency Personnel records.

## SBA145

**System name:** Employee Identification Card Files—SBA145  
**System location:** Central Office, Regional Offices, District Offices, Branch Offices. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** These files contain names of employees and the identification card numbers issued to them.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal Agency use only.

**Storage:** Records are kept in file folders or card files.

**Retrievability:** Records are indexed by employee name or identification card number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained until employee terminates service with SBA, or indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual on whom record is maintained, Agency Personnel records.

## SBA150

**System name:** Employee Suggestions—SBA150

**System location:** Central Office, Regional Offices, Anchorage District Office, Cleveland District Office, Des Moines District Office. For addresses see Appendix A.

**Categories of individuals covered by the system:** SBA employees who have filed suggestions.

**Categories of records in the system:** Records include a copy of the suggestion, and information relating to the disposition made of the suggestion.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal Agency use only.

**Storage:** Records kept in file folders.

**Retrievability:** Records in the offices listed above are indexed by the name of the person making the suggestion. Suggestion files in other offices are retrievable by date.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Files are kept indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Employee who filed suggestion, Agency personnel who review suggestions.

## SBA155

**System name:** Employment Applications—SBA155

**System location:** Maintained by individual divisions of the SBA Central, Regional, District, and Branch Offices. See Appendix A for addresses of these offices.

**Categories of individuals covered by the system:** Applicants for permanent, part-time, and temporary employment with the SBA.

**Categories of records in the system:** This system of records contains letters of introduction, resumes, personal qualifications statements, referrals, references, pre-employment inquiries, job interview records, Civil Service Commission ratings and lists of eligibles.

**Authority for maintenance of the system:** 5 U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The resumes, etc. of those applicants seeking referral assistance are sometimes forwarded to other Federal agencies for possible employment.

**Storage:** These records are usually stored in folders within file cabinets.

**Retrievability:** Records are indexed by applicant's name.

**Safeguards:** Information released only to authorized personnel on a need to know basis.

**Retention and disposal:** File disposed of after two years.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Applicant to whom the file pertains, Civil Service Commission, and persons who furnish references for applicant.

## SBA160

**System name:** Exit Interviews—SBA160

**System location:** SBA Regional Offices in Denver, Colorado and in San Francisco, California. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees who resigned.

**Categories of records in the system:** A written record of interviews conducted by the Personnel Office to determine why an employee resigned.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are maintained for internal Agency use only.

**Storage:** The records in this system are stored in file cabinets.

**Retrievability:** These records are retrieved by the name of the employee.

**Safeguards:** Records are released to authorized Agency personnel only.

**Retention and disposal:** These records are maintained indefinitely.

**System manager(s) and address:** Regional Directors in Denver and San Francisco. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the appropriate Regional Director in either Denver or San Francisco. The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Interviews with employees and supervisors.

## SBA170

**System name:** Finance & Investment Career Program—SBA170

**System location:** Central Office, Regional Offices, District Offices in Hartford, Connecticut; Lubbock, Texas; Seattle, Washington. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees who have applied for or enrolled in the F & I Career Program.

**Categories of records in the system:** This system of records includes application forms, appraisals of the employee's performance and potential, training plans, record of an employee's activities in the program, and correspondence relating to the individual and the program.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Information in these records may be used in communicating with a Union which represents SBA employees, in regard to the Career Program.

Information in these records may be communicated to the Civil Service Commission whenever necessary to implement a Personnel action.

These records may be examined by the General Accounting Office or the Civil Service Commission in the course of a review of the Agency.

**Storage:** Records are kept in file folders or binders.

**Retrievability:** Records are indexed by employee name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Records are kept indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Employees, Supervisors, Agency Personnel records.

## SBA180

**System name:** Government Drivers' Licenses and Use of Vehicles—SBA180

**System location:** Regional, District and Branch Offices of the SBA. See Appendix A for addresses.

**Categories of individuals covered by the system:** Employees authorized to use government vehicles.

**Categories of records in the system:** This system of records contains information relating to use of government vehicles. Records include SBA Form 607, "Car Authorizations," applications for government driver's license, accident reports, physical fitness statements and operator's identification card.

**Authority for maintenance of the system:** 40 U.S.C. 471.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in these records may be used:

To supply the General Services Administration and the General Accounting Office with information necessary and relevant to the Agencies' functions.

To request information from State and local police departments to determine an employee's eligibility for a government license.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

**Storage:** These records are maintained in file folders and index cards.

**Retrievability:** Records are indexed by employee name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Categories of records in the system:** This system of records con-

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**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, witnesses to accidents, police records, personnel involved in accidents.

## SBA185

**System name:** Grievances and Personnel Practices Appeals—SBA185

**System location:** Central Office, Regional Offices, or District Offices where grievances or personnel practices appeals have been filed.

**Categories of individuals covered by the system:** SBA employees who have filed grievances under Union grievances procedures or Personnel Practices Appeals Procedures.

**Categories of records in the system:** This system includes correspondence, supporting documents, transcripts of hearings, information developed in investigating a grievance or appeal, and other information related to the processing of the grievance or appeal. These cases may be processed under a Union grievance procedure, or procedures established by the Agency pursuant to the Administrator's memorandum of December 9, 1974, to ensure that merit principles and personnel laws and regulations are carried out, where other procedures are not applicable.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101, Collective Bargaining Agreements with Unions which represent SBA employees, SBA Administrator's memorandum of December 9, 1974.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Information in these records may be communicated to the Union pursuant to the grievance procedure.

These records may be reviewed by the Civil Service Commission or used in reporting to the Civil Service Commission on labor-management relations activity.

Records may be disclosed to a Hearings Examiner from outside the Agency, pursuant to established procedures.

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by name of the employee filing the grievance or appeal.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records

Regional Director for Regional Office records

District Director for District Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual who files grievance or appeal, other employees, Union, Personnel and employment records.

## SBA190

**System name:** Hurricane Agnes Disaster Files—SBA190

**System location:** Philadelphia Regional Office, Harrisburg Branch Office and Wilkes-Barre Branch Office of SBA. See Appendix A for addresses.

**Categories of individuals covered by the system:** Recipients and applicants of SBA Disaster Home Loans, recipients of Pennsylvania State grants.

**Categories of records in the system:** This system of records contains information relating to loans applied for and/or issued during the Hurricane Agnes disaster of June 1972. These records include:

Detailed analysis of every SBA disaster loan over 50,000 approved in the Philadelphia Region during the Hurricane Agnes disaster of June 1972,

List of individuals receiving State grants,

List of Mobile Home Loans fully forgiven,

List of borrowers scheduled for liquidation and other information needed to determine eligibility of a borrower for additional funds,

Active disaster accounts containing U.S. Court Order for

Restitution for misuse of loan proceeds.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in these records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To request information from a Federal, State, or local agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a loan.

**Storage:** Records are indexed by recipient's name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Regional Director, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records

Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, Loan Case Files, Department of Community Affairs (State of Pa.), United States Probation Officer, United States Clerk of Courts, Agency employees.

## SBA195

**System name:** Inquiries and Correspondence—SBA195

**System location:** Central, District and Branch Offices of the SBA. See Appendix A for addresses.

**Categories of individuals covered by the system:** Individuals who have inquired of, or corresponded with, the Small Business Administration, or have been the subject of such inquiry.

**Categories of records in the system:** This system of records contains information relating to correspondence and inquiries which are filed by the inquirer's name, and are not filed chronologically. Included in these records are inquiries from members of Congress, borrowers and applicants, and interested members of the public and news media. Also included in this system is information relating to Disaster Home Loan borrowers and applicants, and SBA employees who have been the subject of an inquiry, where such information is filed by the individual's name and not chronologically.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

To respond to a request from a member of Congress regarding the status of a loan or application for a loan.

To provide information to the public on an approved loan.

Such information is limited to the name and address of the recipient, term and rate of the loan and the apportioned amount of the loan for real or personal property loss.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of the Agency.

To provide information or disclose to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Storage:** These records are maintained in file folders, on magnetic tape, and index cards.

**Retrievability:** These records are indexed by individual's name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** These records are retained for no more than three years and then disposed of.

**System manager(s) and address:** Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records

District Director for District Office records

Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, Agency personnel, case files, Congressional correspondence, General Accounting Office.

## SBA 205

**System name:** Legal Work Files on Personnel Problems—SBA205

**System location:** SBA Central See Appendix A for address.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** These work files include opinions, advice, transcripts, witness statements, etc. maintained by the General Counsel's Office on personnel cases.

**Authority for maintenance of the system:** 15 U.S.C. 634(b)(6); 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal agency use only.

**Storage:** Records kept in file folders which are stored in file cabinets.

**Retrievability:** Records indexed by employee's name.

**Safeguards:** Access limited to those employees in General Counsel's Office involved in these cases.

**Retention and disposal:** These work files are kept indefinitely.

**System manager(s) and address:** Privacy Act Officer. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer.

The address of this office is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Office of Personnel, Third party witnesses.

## SBA210

**System name:** Lessees of Federally Owned Land on Rivers in Illinois—SBA210

**System location:** Springfield, Illinois Branch Office. See Appendix A for address.

**Categories of individuals covered by the system:** Lessees of Federally owned land on rivers in Illinois.

**Categories of records in the system:** This system of records contains information as to whether these individuals did or did not obtain SBA loans during the 1973 Federally declared flood disaster.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal Agency use only.

**Storage:** These records are maintained in a file folder.

**Retrievability:** These records are indexed by lessee name as well as a cross-referenced lot number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**System manager(s) and address:** Branch Manager. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Branch Manager in Springfield, Ill.

The address of this office is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Department of the Army, Corps of Engineers.

## SBA220

reasons for contesting it and the proposed amendment to the infor-

for internal use, with the exception of loan approval lists. Informa-

Correspondence and recommendations of responsible SBA official including approval authorizations



## SBA220

**System name:** Litigation and Claims File—SBA220

**System location:** Central Office, Regional, District and Branch Offices, and Federal Records Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

**Categories of individuals covered by the system:** All Disaster Home Loan recipients and other individuals who are parties to lawsuits or claims involving the SBA.

**Categories of records in the system:** This system of records contains information relating to recipients who have been classified as "in litigation" and all individuals involved in claims asserted by or against the Agency. These records include, wherever applicable: affidavits, briefs, pleadings, depositions and interrogatories, summaries of loan status with entries of progress of litigation, opinions, copies of Department of Justice papers concerning loan cases in litigation, summary foreclosures, chattel lien searches, requests and answers under disclosure of information, modifications of loan terms and conditions, recipients' attorneys' names, amount of liability, narrative report of actual and contingent liabilities and related correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

**Storage:** These records are maintained in file folders, binders and index cards.

**Retrievability:** These records are indexed by the name of recipient and claimant.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** The litigation records are maintained by the Central Records Section for one year after the litigation action has been completed and marked "closed". At that time some records may be transferred to the Loan Case File while the remainder are destroyed. Records of claims and Disclosures of Information are maintained indefinitely and Actual and Contingent Liabilities Reports are maintained until the case is resolved, then forwarded to a Federal Records Center which disposes of them according to a GSA schedule.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to those records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the

reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains, Agency personnel, Department of Justice, interviews and correspondence with individuals outside of the Agency, bankruptcy notices, court records, title companies, and Loan Case Files.

**Systems exempted from certain provisions of the act:** Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order for the Agency legal staff to properly perform its functions.

## SBA225

**System name:** Loan Accounting—SBA225

**System location:** Central Office of the SBA. See Appendix A for address.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records lists information necessary for proper accounting of Disaster Home Loans. Included in these records are transaction registers, listings of stop actions and manual freezes, listing of assets and liabilities, and listings of outstanding items in suspense.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal use only.

**Storage:** Records are maintained in file folders and binders.

**Retrievability:** Records are indexed by loan number.

**Safeguards:** Access to and use of these records are limited to Accounting Operations Division personnel. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Privacy Act Officer. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, Agency employees, Loan Case File.

## SBA230

**System name:** Loan Activity Reports—SBA230

**System location:** District, Branch and Regional Offices of the Small Business Administration. For addresses, see Appendix A.

**Categories of individuals covered by the system:** Applicants for and recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records contains information relating to a Disaster Home Loan. Included in this system are lists of loan approvals, lists of loans declined, lists of loans cancelled, lists of bank officers, SCORE/ACE volunteers and Advisory Council members receiving loan approval lists, lists of loans in servicing, lists of loans pending, lists of borrowers' Federal tax status, lists of undisbursed approved loans, lists of loans maturing, and lists of disbursed loans. Lists of approved loans contain information relating to the amount of a loan, the term and rate.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Loan activity reports are

for internal use, with the exception of loan approval lists. Information contained in a loan approval list may be used:

To respond to a request from a member of Congress regarding the status of a loan.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

To provide information to the public on an approved loan. Such information is limited to the name and address of the recipient, term and rate of the loan and the apportioned amount of the loan for real or personal property loss.

**Storage:** These records are maintained in file folders, binders and index cards.

**Retrievability:** Records are indexed by applicant and recipient name as well as, for approved loans, the loan number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, Agency employees, Loan Case File, and Loan Master Files.

## SBA235

**System name:** Loan Case File—SBA235

**System location:** All District and Branch Offices and some Regional Offices of the Small Business Administration and in Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

**Categories of individuals covered by the system:** Applicants and recipients of disaster home loans.

**Categories of records in the system:** This system of records contains information relating to an individual who has applied for, or is receiving a disaster home loan from the time of the individual's application until the date of payment in full or charge-off if approved; or until the date of an official denial if declined. These records include:

Loan applications and supporting documents  
Personal history and financial statements  
Credit information  
Investigative reports  
Appraisers' reports

Correspondence and recommendations of responsible SBA

official including approval authorizations  
Disbursement amount, term and rate  
History of repayments  
Collateral and UCC filings  
Collection and liquidation activities  
Related correspondence  
Settlements and compromises  
Participating banks

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

To respond to a request from a member of Congress regarding the status of an application or loan.

To provide information to the public on an approved loan. Such information is limited to the name and address of the recipient, term and rate of the loan, and the apportioned amount of the loan for real or personal property loss.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To request information from a Federal, State or local agency or a private credit agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a loan.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide information or disclose to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

**Storage:** These records are maintained in file folders, binders, and index cards.

**Retrievability:** These records are indexed by applicant and recipient name as well as a cross-referenced loan number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records on approved loans are retained for two years after the loan is paid or charged-off and then forwarded to a Federal Records Center where they are destroyed four years later. Records on withdrawn, declined or cancelled applications are retained for two years after notification of final action and are then destroyed.

**System manager(s) and address:** Regional Directors, District Directors and Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining

To provide data to the General Accounting Office for periodic

To respond to a request from a member of Congress regarding the status of a loan.

To provide university coordinators with information about potential speakers at management training sessions.



ing to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains, Agency employees, financial institution reports, law enforcement agencies, and Federal Disaster Assistance Administration.

#### SBA240

**System name:** Loan Closings—SBA240

**System location:** District and Branch Offices of the SBA. See Appendix A for addresses.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records lists closing information relating to Disaster Home Loans. Included in these records are closing reports, disbursement status of loan account, expiration of disbursement periods, and other records of disbursement.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal use only.

**Storage:** These records are maintained in file folders, binders, and index cards.

**Retrievability:** These records are indexed by recipient name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Files are retained indefinitely.

**System manager(s) and address:** District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records  
Branch Manager for Branch Office records  
The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, Agency employees, Loan Case File.

#### SBA245

**System name:** Loans in Liquidation, Charged-Off or Paid-in-Full—SBA245

**System location:** Central Office, District and Branch Offices of the SBA and Federal Records Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records contains information relating to Disaster Home Loans that have been placed in liquidation status or have been charged-off. These records include information on finances of borrowers, disposition of collateral, how recoveries are applied, comments relative to liquidation status, and date of final charge-off.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

In the event court action arises from loan collection activities, a record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

**Storage:** These records are maintained in file folders, index cards, and magnetic tape.

**Retrievability:** These records are indexed by recipient name as well as a cross-referenced loan number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records on a loan in liquidation are retained by the SBA for three years after the case is closed. Except for those cases on which subsequent collection efforts have been made within three years from the date of closing, the records are then transferred to a Federal Records Center, which will dispose of the records after four years.

**System manager(s) and address:** Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
District Director for District Office records  
Branch Manager for Branch Office records  
The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains, Agency employees, financial institution reports, creditors of the individual, auctioneers, U.S. Attorney, SBA Collateral File, SBA Loan Case File.

#### SBA250

**System name:** Loan Master Files—SBA250

**System location:** Central Office of Small Business Administration. See Appendix A for the address.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records contains information relating to an individual who has received an SBA Disaster Home Loan. Included in these records are: approval, disbursement, delinquency and bank participation data, modifications of loans, litigation data, and minority code.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in these records may be used:

To respond to a request from a member of Congress regarding the status of a loan.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide information or disclose to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan or benefit by the requesting agency, or in connection with a review or audit by the other agency. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' functions.

**Storage:** These records are maintained on microfilm, magnetic tape, magnetic disc, and in file cabinets.

**Retrievability:** These records are indexed by loan number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Files are maintained indefinitely.

**System manager(s) and address:** Privacy Act Officer. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Loan Case File, individual to whom record pertains, Agency employees.

#### SBA255

**System name:** Management Assistance Resource Files—SBA255

**System location:** Central Office, Regional Offices, District Offices, and Branch Offices of the SBA. See Appendix A for addresses.

**Categories of individuals covered by the system:** SCORE/ACE volunteers, persons who borrow Management Assistance training materials, Small Business Institute coordinators, and other individuals who are potential speakers, counselors or authors and reviewers for Management Assistance.

**Categories of records in the system:** This system of records contains information relating to individuals listed in the above paragraph. These records include biographical sketches of volunteers, correspondence, copies of travel vouchers, files of accomplishments, copies of counseling reports, occasional evaluations of individual volunteers, publications authored, news releases and clippings.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

To provide SCORE/ACE volunteers with information about an individual SCORE or ACE volunteer.

To provide university coordinators with information about potential speakers at management training sessions.

**Storage:** These records are maintained in file folders, binders, and index cards.

**Safeguards:** Access to and use of these records are limited to those Agency personnel and volunteers whose duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained, in the case of SCORE volunteers, for three years either after a volunteer withdraws or has his name removed from active participation, and are then destroyed. For all others, files are retained indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains, Agency employees, members of SCORE or ACE, news media, educators and universities, professional organizations, civic organizations.

#### SBA260

**System name:** Minority Groups—SBA260

**System location:** Central Office and the District Offices in New Orleans, Sioux Falls and San Diego. See Appendix A for the addresses.

**Categories of individuals covered by the system:** Officers and members of minority organizations and minority government and civic leaders.

**Categories of records in the system:** This system of records contains information on individual's affiliated with various minority activities. Included within this system are membership lists of:

Indian tribes in South Dakota, the Mexican-American Federation of San Diego County, the Union of Pan Asian Communities of San Diego County, Black Mayors of Louisiana and other community organizations. The information in this system includes:

Addresses, telephone numbers, news clippings, position in the organization, investigative materials where applicable and related correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal use only.

**Storage:** These records are maintained in file folders.

**Retrievability:** These records are indexed by individual member name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** These records are retained indefinitely.

**System manager(s) and address:** Privacy Act Officer, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office Records  
District Director for District Office Records

The addresses of these offices are contained in Appendix A.

Information in these records is used to respond to requests for

**System location:** Central, District, Regional and Branch Offices

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel



The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains, Bureau of Indian Affairs, Mexican-American Federation of San Diego County, Union of Pan Asian Communities of San Diego County, Business Resource Center of San Diego, Urban League Business Directory, Agency personnel and the news media.

#### SBA265

**System name:** Modifications in Loan Accounting—SBA265

**System location:** Central Office, District and Branch Offices of SBA. See Appendix A for addresses.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records lists information necessary to keep Loan Case Files up-to-date with changes of borrower's address or loan status, deferments and rejections in payments, and other modifications as contained in SBA Form 327.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal use only.

**Storage:** These records are maintained in file folders, binders, and index cards.

**Retrievability:** Records are indexed by loan number and name of borrowers.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained for no more than two years, then destroyed.

**System manager(s) and address:** Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
District Director for District Office records  
Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Agency Personnel, Individual to whom record pertains, Loan Case File, Financial Institutions.

#### SBA270

**System name:** Non-Career Employees—SBA270

**System location:** Central Office, at address listed in Appendix A.

**Categories of individuals covered by the system:** Schedule C (Non-Career) employees or applicants.

**Categories of records in the system:** File includes Clearance Requests, Standard Form 171, resumes and other background information on applicants for non-career positions with the SBA.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Information in these records is used to respond to requests for information from the White House, and to forward information to the White House.

These records may be examined by the Civil Service Commission or General Accounting Office in reviewing the Agency.

**Storage:** Records are kept in file folders.

**Retrievability:** Retrievable by name of applicant or employee.

**Safeguards:** Records are kept in locked filing cabinet. Personnel screening is utilized to prevent unauthorized use.

**Retention and disposal:** Files are kept current and are discarded when no longer needed.

**System manager(s) and address:** Privacy Act Officer. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer at the address contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reason for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individuals on whom record is maintained, White House.

#### SBA275

**System name:** Notaries Public—SBA275

**System location:** Houston District Office, Fairbanks Branch Office. For addresses see Appendix A.

**Categories of individuals covered by the system:** SBA employees who have been designated to function as Notaries Public.

**Categories of records in the system:** This system is a record of employees designated as Notaries Public, whose fees are paid by the agency.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system may be used to communicate with the appropriate agency of a State Government responsible for bonding Notaries Public.

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by the name of the employee designated as a Notary Public.

**Safeguards:** Kept in file cabinet.

**Retention and disposal:** Indefinite retention, or until superseded.

**System manager(s) and address:** District Director, Branch Manager. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office Records  
Branch Manager for Branch Office Records  
The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it. And the proposed amendment to the information sought.

**Record source categories:** Individuals on whom record is maintained; purchase orders for fees.

#### SBA280

**System name:** Occupational Injuries—SBA280

**System location:** Central, District, Regional and Branch Offices where injuries have occurred. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees who have been involved in an accident or injured on the job.

**Categories of records in the system:** Records include report forms on accidents and injuries, medical reports, medical bills and other information pertinent to the accident or injury.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651-78.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Records in this system are used to report accidents and injuries to the Department of Labor.

Records in the system may be used in processing claims for compensation for on-the-job injuries, by the appropriate Agency or a court.

**Storage:** Records are kept in file folders.

**Retrievability:** Records are indexed by the name of the employee.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Files are retained indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Director, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting and the proposed amendment to the information sought.

**Record source categories:** Employee involved in accident, witnesses, other Agency personnel.

#### SBA285

**System name:** Official Travel Files—SBA285

**System location:** Central Office, at address listed in Appendix A. Federal Records Centers, at addresses listed in Appendix B.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** Files include Travel Vouchers submitted by each employee.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Records are reviewed by the General Accounting Office in the course of an audit of the Agency.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulatory rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

**Storage:** Records are kept in file folders.

**Retrievability:** Records are indexed by employee name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

**Retention and disposal:** Records are maintained for two years after the end of a fiscal year, or until a GAO audit. Records are then transferred to a Federal Records Center, where they will be disposed of ten years after the end of the fiscal year in which the records were compiled.

**System manager(s) and address:** Privacy Act Officer. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer, at the address contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Travel Vouchers submitted by employees.

#### SBA290

**System name:** Outside Employment Files—SBA290

**System location:** Central Office, Regional Offices, Lubbock District Office. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees who have requested permission to engage in outside employment.

**Categories of records in the system:** Records include requests for outside employment, correspondence concerning such requests, and notification of Agency approval or disapproval of outside employment.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal use only.

**Storage:** Records are kept in file folders.

**Retrievability:** Records are indexed by name of employee.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Director. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Office for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Employee requesting approval of outside employment and other Agency personnel.

#### SBA295

**System name:** Payroll Files—SBA295

**System location:** SBA Central Office. See Appendix A for address.

**Categories of individuals covered by the system:** SBA employees, active and inactive.

#### SBA300

**Categories of records in the system:** Name, Social Security number, employee number, grade, step, and salary; organization.

**System name:** Personnel Benefits Files—SBA300

**Branch Manager for Branch Office records:** The addresses of these offices are contained in Appendix A.

Also included in this system are the Civil Service Commission's National Agency checks and the names of those employees



**Categories of records in the system:** Name, Social Security number, employee number, grade, step, and salary; organization, retirement or FICA data as applicable; Federal, State and local tax deductions, as appropriate; savings bond and charity deductions; regular and optional Government life insurance deductions; health insurance deduction and plan or code; cash award data; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types; time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; notification of Personnel Actions; unemployment records; register of separations; annual leave restoration; over-payment indebtedness; correspondence from employees concerning payroll problems.

**Authority for maintenance of the system:** Title 6, GAO Policy and Procedures Manual, pursuant to 31 U.S.C. 66(a), and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this record system may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To transmit data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes.

By the General Accounting Office for audit purposes. In reporting tax withholding to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health insurance to insurance carriers and the U.S. Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual.

**Storage:** Both manual and machine-readable.

**Retrievability:** By name and/or employee or Social Security number.

**Safeguards:** Physical, technical, and administrative security is maintained, with admission to records storage areas limited to authorized personnel.

**Retention and disposal:** Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with the fiscal records program approved by GAO, as appropriate, or General Record Schedules of GSA.

**System manager(s) and address:** Privacy Act Officer. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
The address of this office is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Subject individuals, supervisors, timekeepers, official personnel records, and IPC.

## SBA300

**System name:** Personnel Benefits Files—SBA300

**System location:** Cleveland District Office, Casper District Office, Des Moines District Office. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** This record contains information on the enrollment option and carrier number of employees enrolled in Health Insurance and Retirement Plans.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651-78.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records is used in communicating with insurance carriers in regard to employee benefits.

**Storage:** Records are kept in file folders or card files.

**Retrievability:** Records are indexed by employee name.

**Safeguards:** Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director. The address of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information contained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Agency personnel records, individual on whom records are maintained.

## SBA305

**System name:** Personnel Card Index Files—SBA305

**System location:** Central Office, Regional Offices, District Offices, and Branch Offices. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** This record is kept by each office on its employees. It contains a summary of personnel information, including Social Security number, birthdate, address, telephone number, marital status, employment history, and similar information.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system may be used in responding to inquiries from members of Congress.

Records may be used in responding to inquiries from banks or institutions on employees requesting loans or credit.

**Storage:** Records are kept on cards, or on Standard Form 7, "Employee Service Record Card," in Card Files.

**Retrievability:** Records are indexed by employee name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained for ten years after the employee leaves the Agency, then disposed of.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, and Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records

**Branch Manager for Branch Office records**

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Employees on whom records are maintained, Agency Personnel Actions and records.

## SBA310

**System name:** Personnel Organization Roster—SBA310

**System location:** Maintained at SBA Central Office and at most field offices. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** Employee's name, Social Security number, position title, occupational series, pay plan, grade, step, salary, veteran preference, tenure, birth date, date entered Federal Service, and time spent in grade.

**Authority for maintenance of the system:** 15 U.S.C. 634(b)(6); 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal Agency use only.

**Storage:** These records are copies of a computer listing which are kept in file cabinets or the desk of the responsible employee.

**Retrievability:** Records are filed by office, program area, and name.

**Safeguards:** Information released only to authorized persons on a need to know basis.

**Retention and disposal:** A new listing is generated each month. The Central Office disposes of old copies after three years or upon completion of a Civil Service Commission inspection. Field offices dispose of old monthly copy when new copy is received or periodically, if desired.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Personnel and Payroll Records.

## SBA315

**System name:** Personnel Security Files—SBA315

**System location:** SBA Central Office and Regional Offices. See Appendix A for addresses.

**Categories of individuals covered by the system:** Active and inactive SBA employees.

**Categories of records in the system:** This system contains the active and inactive personnel security files, which include the employee's or former employee's name, background information, personnel actions, and Civil Service Commission's full field investigation.

tions. Also included in this system are the Civil Service Commission's National Agency checks and the names of those employees in sensitive positions requiring full field investigations.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101, Executive Order 10450.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the investigation or prosecution of such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Full field investigations and National Agency checks are returned to the Civil Service Commission when employee becomes inactive.

Records in the active and inactive personnel security files are forwarded to other Federal agencies conducting background checks.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

**Storage:** The active and inactive personnel security files are maintained in rotary diebold power files. CSC National Agency checks are maintained in locked safes.

**Retrievability:** Records are retrieved by employee's name.

**Safeguards:** Personnel screening. Information released only to authorized persons.

**Retention and disposal:** Civil Service Commission National Agency checks are kept until the employee leaves government service and then returned to CSC.

On the separation of an employee from SBA, Security and Investigations Division strips the file and forwards the full field portion of an investigation to the CSC. Remaining information of a nonderogatory nature is destroyed, while derogatory information is kept indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer or Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** SBA employees, SBA Personnel Office, third party witnesses, Civil Service Commission.

**Systems exempted from certain provisions of the act:** Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to maintain access to sources necessary in making determinations of suitability for employment.

## SBA320

**System name:** Portfolio Reviews—SBA320

**System location:** Central Office, District Offices, Branch Offices.

**Notification procedure:** An individual may inquire as to whether

field visits, correspondence and other information pertinent to a

ing to him or her, the Regional Director will set forth the



**System location:** Central Office, District Offices, Branch Offices. For addresses see Appendix A.

**Categories of individuals covered by the system:** Recipients of SBA Disaster Home Loans.

**Categories of records in the system:** This system consists of reports compiled by the Office of Portfolio Review in the course of reviewing field office handling of all loans. Disaster Home Loans are included in these reviews only occasionally. Central Office files also include line cards prepared with summary information on each loan. Until early 1975 the Portfolio Review Reports contained this information on each loan listed alphabetically. Since that time, loans are no longer listed, but are named only when there is a particular problem in the loan handling.

**Authority for maintenance of the system:** 15 U.S.C. 634(b)(6), 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records in this system may be examined by the General Accounting Office in the course of a review of the Agency.

**Storage:** Records are kept in file folders.

**Retrievability:** Records are indexed by office. Some information within the records is retrievable by loan name or number.

**Safeguards:** Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Reports are retained indefinitely. Line cards in Central Office are retained until the next report, then disposed of.

**System manager(s) and address:** Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
District Director for District Office records  
Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Office of Portfolio Review, Loan Case Files, SBA personnel, and field visits to borrowers.

#### SBA325

**System name:** Potential Spanish-Surnamed Applicants—SBA325

**System location:** Denver Regional Office, at address listed in Appendix A.

**Categories of individuals covered by the system:** Potential Spanish-surnamed applicants for Federal employment.

**Categories of records in the system:** This record includes name, address, phone number, and information on employment of Spanish-surnamed individuals who are potential applicants for SBA employment. This information is used to notify individuals of job openings at the SBA.

**Authority for maintenance of the system:** Public Law 92-261, Executive Order 11478.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal Agency use only.

**Storage:** Records are kept in a card file.

**Retrievability:** Records are indexed by the names of individuals.

**Safeguards:** Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Regional Director. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Regional Director at the address contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual on whom record is maintained; organizations who refer applicants.

#### SBA330

**System name:** Power of Attorney Files—SBA330

**System location:** SBA Regional Offices, District Offices in Atlanta, Georgia; Birmingham, Alabama; Charlotte, North Carolina; Columbia, South Carolina; Miami, Florida; Jacksonville, Florida; Louisville, Kentucky; Jackson, Mississippi; and Nashville, Tennessee; Branch Offices in Biloxi, Mississippi and Knoxville, Tennessee. For addresses see Appendix A.

**Categories of individuals covered by the system:** Insurance agents who have the authority to execute a surety bond.

**Categories of records in the system:** Information in this system of records identifies those individuals who are authorized to execute bonds for surety companies.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal use only.

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by agent's and broker's names.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained until the SBA is notified that the authority to execute bonds has been rescinded, at which time the records are destroyed.

**System manager(s) and address:** Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Surety company for which the agent broker is authorized to execute bonds.

#### SBA335

**System name:** Problem Loan Work Files—SBA335

**System location:** District and Branch Offices of the SBA. See Appendix A for addresses.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records contains information relating to an individual recipient of a Disaster Home Loan. These records include delinquent accounts, reports of

field visits, correspondence and other information pertinent to a problem loan.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event that a system of records maintained by the Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

**Storage:** These records are indexed by recipient's name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** These records are retained independently of the Loan Case File until the problem is resolved and then are incorporated into the Loan Case File.

**System manager(s) and address:** District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records  
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Loan Case File, individual to whom record pertains, Agency employees, financial institutions.

#### SBA345

**System name:** Red Cross Blood Program—SBA345

**System location:** Regional Offices, at addresses listed in Appendix A.

**Categories of individuals covered by the system:** SBA employees who have donated blood or indicated their willingness to donate blood.

**Categories of records in the system:** Record includes name of employee, blood type, and date of last donation of blood.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records will be used in referring individuals to the Red Cross to donate blood.

**Storage:** Information is kept in notebooks or on cards.

**Retrievability:** In some offices this record is indexed by the employee's name. In other offices it is only indexed by date.

**Safeguards:** Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

**Retention and disposal:** Records are kept for one year, then destroyed.

**System manager(s) and address:** Regional Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Regional Director. The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining

ing to him or her, the Regional Director will set forth the procedures for gaining access to the records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual on whom record is maintained.

#### SBA350

**System name:** Reports on Minority Employment—SBA350

**System location:** Central Office, Regional Offices, District Offices. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** This system of records includes computer printouts and other forms of listings of SBA employees, indicating their minority code and sex, and in some cases training and promotions received by them. The records are used to evaluate the Agency's compliance with principles of equal employment opportunity.

**Authority for maintenance of the system:** Executive Order 11478, 42 U.S.C. 2000e-1 et. seq., 5 C.F.R. 713, 13 C.F.R. 105.735-5-4.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are used in compiling reports to the Civil Service Commission.

**Storage:** Records are kept on magnetic tape, on cards, or in file folders.

**Retrievability:** Information in this system may be indexed by employee name, Social Security Number, or minority code.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Indefinite or until up-dated.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Personnel records and visual observation to determine minority code.

#### SBA355

**System name:** SCORE Master Files—SBA355

**System location:** Central Office. See Appendix A for the address.

**Categories of individuals covered by the system:** Service Corps of Retired Executives and Active Corps of Executives.

**Categories of records in the system:** This system of records is a master list of all retired and active executives who volunteer their services to give business counseling to SBA recipients. These records contain information as to personal qualifications and expertise and cases which they have counseled.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal Agency use only.

**Storage:** These records are maintained on magnetic tape and in a binder.

**Retrievability:** These records are indexed by SCORE and ACE

**Storage:** These records are maintained in rotary diebold power

issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record from this



**Retrievability:** These records are indexed by SCORE and ACE volunteer's name as well as serial number.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** The master tape is updated periodically and maintained indefinitely. When a SCORE and ACE volunteer's name is withdrawn from active duty, the record is maintained for three years and is then destroyed.

**System manager(s) and address:** Privacy Act Officer, see appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
The Address of this office is contained in appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, SCORE/ACE registration forms.

#### SBA360

**System name:** Security & Investigations Files—SBA360

**System location:** Central Office and Federal Records Centers. See Appendix A for SBA Central Office address and Appendix B for FRC addresses.

**Categories of individuals covered by the system:** Applicants and recipients of SBA assistance and principals of applicant and recipient businesses - all types of loans, Lease Guarantees, Small Business Investment Company licensing, 8(a) contractors, call contractors and grantees, State and Local Development Companies, Economic Development Administration loans, Surety Bond Guarantees and applicant representatives, members of Advisory Councils and SCORE/ACE volunteers.

**Categories of records in the system:** This system of records contains investigations and reports on all of the above individuals on whom the Agency has derogatory information. Records of a non-derogatory nature are maintained on the principal SBIC directors and stockholders. These records integrate FBI and IRS reports and include personal history statements, background character checks, field investigations, arrest and conviction records, parole and probation data, Securities and Exchange Commission violations, recommendations and evaluations, and related correspondence.

**Authority for maintenance of the system:** 15 U.S.C. 634(b)(6), 15 U.S.C. 645(a), 18 U.S.C. 1001.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceeding or in settlement negotiations.

These records may be used to provide data to the General Accounting Office for periodic reviews of this Agency.

These records may routinely be disclosed to other Federal agencies, in response to their requests, in connection with conducting background checks. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' function.

**Storage:** These records are maintained in rotary diebold power files, file folders and card indexes.

**Retrievability:** These records are indexed by applicant and recipient name.

**Safeguards:** Personnel screening. Information is released only to authorized persons.

**Retention and disposal:** At the end of each calendar year, investigation records are screened to remove those records on which no derogatory information has been received for five years or more. These inactive records are then sent to an FRC which maintains them for twenty years and then destroys them. Derogatory records on SBIC principals are retained for two years and then transferred to an FRC which destroys them after ten years, whereas nonderogatory records are retained for one year and then destroyed. Investigation cards containing a condensed report and applicant representative cards are retained indefinitely. Correspondence records are retained for as long as they are essential and destroyed annually when nonessential.

**System manager(s) and address:** Privacy Act Officer. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer for Central Office records. The address of this office is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains, public court records, parole and probation authorities, FBI, IRS, State and local law enforcement authorities, third party informants and Agency personnel.

**Systems exempted from certain provisions of the act:** Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to prevent subjects of investigations from frustrating the investigatory process.

#### SBA365

**System name:** Security & Investigations Referrals—SBA365

**System location:** Regional, District and Branch Offices. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees and applicants and recipients of SBA assistance.

**Categories of records in the system:** This system of records contains referrals to Securities & Investigations for investigations and reports of the above individuals in order to determine whether fraudulent activities or misconduct has taken place. This system sometimes includes copies of the completed report by the S & I Division. These records include: personal statements of any arrests, indictments and convictions-SBA Form 912, allegations of irregularities, informants statements from outside investigative sources, recommendations from the field offices and related correspondence.

**Authority for maintenance of the system:** 15 U.S.C. 634(b)(6), 15 U.S.C. 645(a), 18 U.S.C. 1001.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order

issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

These records may be used to provide data to the General Accounting Office for periodic reviews of this Agency.

These records may routinely be disclosed to other Federal agencies, in response to their requests, in connection with conducting background checks. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' function.

**Storage:** These records are maintained in file folders and index cards.

**Retrievability:** These records are indexed by the name of the individual to be investigated.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Some offices retain these records for two years and then destroy them, while other offices retain these records until the irregularities are resolved.

**System manager(s) and address:** Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records  
District Director for District Office records  
Branch Manager for Branch Office records  
The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains, Agency personnel, third party informants and the FBI and other investigative Government agencies.

**Systems exempted from certain provisions of the act:** Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to prevent subjects of investigations from frustrating the investigatory process.

#### SBA370

**System name:** Settlement and Compromise—SBA370

**System location:** Central Office, Regional Offices, Miami District Office, Louisville District Office, Birmingham District Office. See Appendix A for addresses.

**Categories of individuals covered by the system:** Recipients of SBA Disaster Home Loans.

**Categories of records in the system:** Records include listings of loans considered for compromise, case records and financial information relating to compromises of loans, settlement agreements and notices of compromise on loans.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

**Storage:** Records are kept in file folders.

**Retrievability:** Records are indexed by name of borrower.

**Safeguards:** Access to and use of these records are limited to those persons whose duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

**Retention and disposal:** Records are kept indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records  
Regional Director for Regional Office records  
District Director for District Office records  
The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Borrowers, Loan Case Files, Agency Compromise Committees, other Agency personnel.

#### SBA375

**System name:** Small Business Person Awards—SBA375

**System location:** Central, Regional and District Offices of the SBA. See Appendix A for addresses.

**Categories of individuals covered by the system:** Loan recipient candidates and winners of the Small Business Person of the Year Awards and Community Development Awards.

**Categories of records in the system:** This system of records contains information relating to the candidacy and selection of Small Business Person of the Year in SBA District and Regional Offices. These records include applications, biographical summaries, correspondence, recommendations and narratives of business and civic successes. The record of Community Development Awards in the Central Office includes biographical and qualifying information as well as recommendations from SBA field offices.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

To respond to a request from a member of Congress regarding the status of a particular candidate.

To provide information to the news media for public disclosure of the name, address and biographical statement of the recipients of the awards.

To communicate with officials in State and local government as to the status of a particular candidate.

**Storage:** These records are maintained in file folders.

**Retrievability:** These records are retrievable by individual name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records may be retained from one to ten years.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records

Regional Director for Regional Office records  
District Director for District Office records

District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.



Regional Director for Regional Office records  
District Director for District Office records  
The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom record pertains, recommendations from various individual sponsors, Advisory Council members, Agency personnel, research publications directories, news media.

#### SBA380

**System name:** Standards of Conduct Files—SBA380

**System location:** SBA Central Office, all Regional Offices, various District Offices. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:**

Confidential statement of employment and financial interests made by employees Grade 13 and above, and by Grade 12 Branch Managers.

Ad Hoc Committee decisions and memoranda concerning standards of conduct questions used as precedent for later decisions. (Central Office only.)

Correspondence concerning conflicts of interest.

Listing of all SBA employees who have been indicted or convicted in matters involving SBA business.

**Authority for maintenance of the system:** 13 C.F.R. 105.735 enacted pursuant to the Small Business Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceeding or in settlement negotiations.

Records contained in this system may be forwarded to the Civil Service Commission when requested.

**Storage:** Records are maintained in file folders which are stored in file cabinets or safes.

**Retrievability:** Records are retrieved by the name of the employee.

**Safeguards:** Access is strictly limited to those employees with a need to use these records in performing their duties.

**Retention and disposal:** Files are retained indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records

Regional Director for Regional Office records

District Director for District Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or

District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Information in the confidential statement of employment and financial interests is collected from the employee himself. Any adverse information could come from other employees or from a member of the general public with specific knowledge of the matter reported.

**Systems exempted from certain provisions of the act:** Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and maintain access to sources necessary in making determinations of suitability.

#### SBA385

**System name:** Tort Claims—SBA385

**System location:** Central Office and Federal Records Centers, at addresses listed in Appendices A and B.

**Categories of individuals covered by the system:** Government employees and other individuals involved in accidents.

**Categories of records in the system:** This record contains reports on accidents which result in tort claims involving the Government.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101, 42 U.S.C. 3211.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

In the event that a tort claim results in a court suit, these records will be referred to the Department of Justice for handling of the suit and used in the preparation and presentation of the case.

These records are used in reporting on accidents and tort claims to the General Services Administration.

**Storage:** Records are kept in file folders.

**Retrievability:** Records are indexed by the names of persons involved in the accident.

**Safeguards:** Records are kept in a locked cabinet. Access to and use of these records is limited to persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained for one year, then sent to a Federal Records Center, where they are retained for five years and then destroyed.

**System manager(s) and address:** Privacy Act Officer. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address is contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individuals involved in accident, witnesses, investigation of the accident.

#### SBA390

**System name:** Transfer of Loan Records—SBA390

**System location:** District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records reports the transfer of loan case files from one division of the Small Business Administration to another division, or to the Federal Records Center.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

To provide information to the Federal Records Center, as needed, to locate a Loan Case File.

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by recipient name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records

Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Loan Case Files, Agency employees.

#### SBA395

**System name:** UCC Refiling and Financial Statements Due—SBA395

**System location:** District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

**Categories of individuals covered by the system:** Recipients of Disaster Home Loans.

**Categories of records in the system:** This system of records lists information relating to recipients of Disaster Home Loans. Records include record of due dates for financial statements and expiration dates of UCC lien filings.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal use only.

**Storage:** These records are maintained in file folders and binders.

**Retrievability:** Records are indexed by recipient name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are retained for no more than three years, then destroyed.

**System manager(s) and address:** District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office Records

Branch Manager for Branch Office Records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Safeguards:** Personnel screening. Information released to authorized personnel on a need to know basis.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains, Agency employees, and Loan Case File.

#### SBA400

**System name:** Union Membership—SBA400

**System location:** Denver Regional Office, Miami District Office, Little Rock District Office, Minneapolis District Office. See Appendix A for addresses.

**Categories of individuals covered by the system:** SBA employees who are members of the Union.

**Categories of records in the system:** This is a list of employees who are members of the Union or who have signed authorizations for payroll withholding of Union dues.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101, Collective Bargaining Agreement with the Union which represents SBA employees.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Records in this system might be reviewed by the Civil Service Commission in the course of a personnel management evaluation of the office.

Records may be used in communications with the Union regarding dues withholding or other Union business.

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are alphabetical by the name of the member of the Union or person who has signed a dues withholding authorization.

**Safeguards:** Personnel screening is utilized to prevent unauthorized disclosure.

**Retention and disposal:** These records are maintained indefinitely.

**System manager(s) and address:** Regional Director or District Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office Records

District Director for District Office Records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individuals on whom record is maintained, Union, Computer print-out on payroll deductions.

#### SBA405

**System name:** Unofficial Personnel Files—SBA405

**System location:** Maintained by individual divisions and branches of the SBA Central Office, as well as all SBA Regional, District, and Branch Offices. For addresses, see Appendix A.

**Categories of individuals covered by the system:** SBA employees, both active and separated.

**Categories of records in the system:** This system contains a number of records pertaining to an individual's employment at SBA. These records include Time and Attendance cards, authorizations for overtime, records of leave, training requested and attended, travel itineraries and vouchers, copies of Personnel actions, requests for Personnel actions, Position Descriptions, copies of official performance evaluations, copies of letters of commendation and retirement, personal information for use in emergencies.

**Authority for maintenance of the system:** 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101; Title 6, "GAO Policy and Procedures Manual," pursuant to 31 U.S.C. 66(a) and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950; 5 U.S.C. 5701-09.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal use only.

set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Safeguards:** Personnel screening. Information released to authorized personnel on a need to know basis.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining



**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal use only.

**Storage:** These records are maintained in either file folders, binders or card indexes which are located in file cabinets or on the desk of the responsible employee.

**Retrievability:** Records are indexed by the employee's name, Social Security number, or other personal identifier.

**Safeguards:** Personnel screening - information released to authorized persons on a need to know basis only.

**Retention and disposal:** There is no official Agency policy on retention of these records. Most of the records are maintained for up to three years.

**System manager(s) and address:** Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

- Privacy Act Officer for Central Office records
- Regional Director for Regional Office records
- District Director for District Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Individual to whom the record pertains, SBA Office of Personnel, Supervisor of the respective branch or division, Payroll section of SBA.

#### SBA410

**System name:** Upward Mobility Files—SBA410

**System location:** Central Office, Denver Regional Office, San Francisco Regional Office. For addresses see Appendix A.

**Categories of individuals covered by the system:** SBA employees who have applied for jobs within the Agency under the Upward Mobility Program.

**Categories of records in the system:** These records include applications of candidates for higher jobs in the Agency, appraisals by supervisors of qualifications of candidate, ratings by Personnel staff, roster of best-qualified candidates.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Information in these records may be communicated to the Union which represents SBA employees.

Information in these records may be given to the Civil Service Commission for the processing of personnel matters.

**Storage:** Records are kept in file folders.

**Retrievability:** Records are indexed by employee name or job vacancy.

**Safeguards:** Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Privacy Act Officer, Regional Directors. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

- Privacy Act Officer for Central Office records
- Regional Director for Regional Office records

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer or Regional Director will

set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reason for contesting it and the proposed amendment to the information sought.

**Record source categories:** Applicants, supervisors of applicants, Agency Personnel Office, Agency officials responsible for selecting applicants.

#### SBA415

**System name:** Virginia Attorneys—SBA415

**System location:** Richmond District Office, at address listed in Appendix A.

**Categories of individuals covered by the system:** Attorneys in private practice in Virginia who do title work or SBA work.

**Categories of records in the system:** Record contains names and addresses of attorneys and a designation as to whether attorney is approved or unapproved. This record is used as a guide to reliability of attorneys, as to what assurances will be required on title opinions given by these attorneys.

**Authority for maintenance of the system:** 5 U.S.C. 301, 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal Agency use only.

**Storage:** Record is maintained in a loose-leaf notebook.

**Retrievability:** List is alphabetical within categories by locality.

**Safeguards:** Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Record is updated continuously and retained indefinitely.

**System manager(s) and address:** District Director. See Appendix A for address.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director, at the address contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Lawyer's Title Company, SBA personnel.

#### SBA420

**System name:** Work Progress Reports—SBA420

**System location:** SBA Central Office. The following SBA District Offices: Providence, RI; Seattle, Wash.; Detroit, Mich.; Birmingham, Ala.; Minneapolis, Minn.; Miami, Fla.; Columbus, Ohio; Anchorage, Ak.; Honolulu, Hawaii. The following SBA Branch Offices: Harrisburg, Pa.; Springfield, Ill. Addresses for these offices may be found in Appendix A.

**Categories of individuals covered by the system:** SBA employees.

**Categories of records in the system:** These records include: Individual work reports showing how an employee's time was expended; Project control sheets; Project status reports; Summary of loan officers' activity; Record of loans processed by loan officers.

**Authority for maintenance of the system:** 15 U.S.C. 634(b)(6); 5 U.S.C. 301; 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For internal Agency use only.

**Storage:** Records maintained in file folders, which are stored in desk drawers or in file cabinets.

**Retrievability:** Records are indexed by employee's name.

**Safeguards:** Personnel screening. Information released to authorized personnel on a need to know basis.

**Retention and disposal:** Records in this system are retained indefinitely.

**System manager(s) and address:** Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

**Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

- Privacy Act Officer for Central Office records
- District Director for District Office records
- Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

**Record access procedures:** In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Employee on whom the file is maintained, the employee's supervisor, production control clerk.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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The following government agencies have submitted Privacy Act documents to the Office of the Federal Register for publication. These documents are available for public inspection at the Federal Register Office, 1100 L St. NW., Rm. 8401. They will be published according to the following schedule:

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### Title 3—The President

PROCLAMATION 4387

## Fire Prevention Week, 1975

*By the President of the United States of America*

### A Proclamation

The United States can ill-afford to continue to see its resources devoured by ruinous fires. The personal suffering and loss of life, and the destruction of our national wealth and production capabilities, are a needless drain on our Nation. We need to eliminate it.

A recent Bureau of Census survey of household fires indicates that annually one in every sixteen households has a fire which does or could have disastrous results. Most of these fires are avoidable—caused by needless and careless acts. Our national goal should be to achieve an annual reduction in fire deaths, injuries and property losses, cutting those losses in half within a generation. Every American can and must help to prevent these fires.

The business community has a special responsibility to provide fire-safe products. Builders, architects and engineers have a responsibility to provide fire-safe places in which to work and live. Local governments have a responsibility to enact and enforce adequate codes and encourage good fire prevention practices. And fire departments have important responsibilities in providing strong fire prevention programs in their communities, as well as to fight fires and save lives when all else fails.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 5, 1975, as Fire Prevention Week. I call upon each individual and family to participate in the programs of Fire Survival and Exit Drills In The Home to assure safe evacuation in emergencies; and for businesses to conduct year-round fire prevention to include emphasis of on-and-off-the-job applications of fire safety practices.

I also call upon the National Fire Protection Association, members of the Joint Council of National Fire Service Organizations, and other fire safety organizations to join with the National Fire Prevention and Control Administration in providing leadership and materials for a national fire prevention effort.

Local community and fire department organizations are asked to provide the direction and support necessary to assure that each home and business is invited to participate in Fire Prevention Week activities; and Federal agencies are asked to provide an example for the Nation by

FEDERAL REGISTER, VOL. 40, NO. 177—THURSDAY, SEPTEMBER 11, 1975

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## THE PRESIDENT

communicating fire-safe practices to all employees, and by cooperating in State and local activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

*Gerald R. Ford*

[FR Doc.75-24399 Filed 9-10-75;10:51 am]

## THE PRESIDENT

## PROCLAMATION 4388

## Columbus Day, 1975

*By the President of the United States of America*

## A Proclamation

On October 13, we honor the great Italian navigator whose historic westward voyage blazed the way for the settlers from many lands who followed to build a new world.

Our admiration for the achievement of Christopher Columbus has not dimmed over the span of nearly five centuries. Sailing in the service of the Spanish Crown, whose vision and support made his journey possible, Columbus pursued his dream in the face of enormous challenges with an unshakable courage and faith that set an example for future generations of Americans.

We can all take great pride, as we look forward to our Bicentennial celebrations, in honoring the memory of the epic accomplishments of Christopher Columbus which led to the development of the Americas and the founding of this great Nation.

In tribute to the achievement of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657, 36 U.S.C. 146), as modified by the Act of June 28, 1968 (82 Stat. 250, 5 U.S.C. 6103(a) and note), requested the President to proclaim the second Monday in October of each year as Columbus Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Monday, October 13, 1975, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches and other suitable places with appropriate ceremonies in honor of the great explorer.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

*Gerald R. Ford*

[FR Doc.75-24400 Filed 9-10-75;10:52 am]

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THE PRESIDENT

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PROCLAMATION 4389

## Veterans Day, 1975

*By the President of the United States of America*

### A Proclamation

Of all of the important days to be celebrated during America's Bicentennial, none is more worthy of special observance than Veterans Day. Had not the patriotic men and women, to whom we pay deserved and grateful tribute on Veterans Day, heard and answered freedom's call during the past 200 years, there would be no American Bicentennial of freedom.

From Lexington and Concord in 1775 to the present, these courageous, selfless patriots served and sacrificed and died so that their fellow-citizens could live under a government that still is in the full tide of successful experiment and still is the world's best hope.

It is both fitting and proper that a legal holiday, designated by the Congress (5 U.S.C. 6103(a)), be set aside to honor our veterans.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby invite and urge you, my fellow-Americans, to observe Monday, October 27, 1975, as Veterans Day. I commend public ceremonies as well as private contemplation as a meaningful expression of gratitude to our veterans for the priceless heritage of freedom which they have bequeathed to us.

I suggest that disabled veterans in Veterans Administration hospitals throughout the country will welcome and appreciate a Veterans Day visit. And I ask that you help to evidence America's special concern for our returned Vietnam era veterans by making Veterans Day, 1975, the beginning of a renewed personal effort to assist these deserving Americans in achieving the fullest and fastest possible readjustment to civilian life.

Finally, I call upon the appropriate officials of Government to arrange for the display of the flag of the United States on this day. I request officials of Federal, State and local governments to support its observance and I urge schools, churches, unions and civic and patriotic organizations to participate in appropriate public ceremonies throughout the country.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

*Gerald R. Ford*

[FR Doc. 75-24401 Filed 9-10-75; 10:53 am]

FEDERAL REGISTER, VOL. 40, NO. 177—THURSDAY, SEPTEMBER 11, 1975

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture  
SUBTITLE A—OFFICE OF THE  
SECRETARY OF AGRICULTURE  
PART 25—ADVISORY COMMITTEE  
MANAGEMENT  
PART 25A—OTHER COMMITTEE  
MANAGEMENT

Pursuant to the authority delegated to me by the Secretary of Agriculture (37 FR 28471) to maintain Department-wide policies and procedures for the management of committees, the following is announced.

On March 3, 1975, notice was given in the FEDERAL REGISTER (40 FR 8824) of a proposal to add new Parts 25 and 25A to Title 7, Code of Federal Regulations. As a result of comments received, Part 25 now sets forth guidelines and procedures to be followed by Departmental agencies for the establishment, operation, duration and public accessibility to advisory committees under its jurisdiction. Part 25A provides guidelines and procedures for the establishment, operation and duration of all other committees, except advisory committees, under the jurisdiction of the Department.

As a result of the comments received, the following changes were made:

1. Additional wording has been included in § 25.11(b) (6) allowing officials other than agency committee management officers to sign charters for regional, State, and local committees.
2. Deleted the portion of § 25.12(a) pertaining to committees which terminated on January 5, 1975.
3. Deleted § 25.12(b) (2) (A) which also pertained to the committees which expired on January 5, 1975.
4. Included additional wording in § 25.15(d) to further clarify the meaning of financial interest of proposed members.
5. Strengthened the position on use of minorities and women as committee members by additional wording in § 25.15 (e).
6. Removed the clearance requirement in § 25.16(a) for those proposed members not appointed by the Secretary.
7. Incorporated the material contained in § 25.18 in § 25.17 which was retitled.
8. Renumbered § 25.19-21 to § 25.18-20.
9. Section 25.20(n) has been amended to allow each agency to dispose of its committee records in accordance with their disposal schedule.
10. Section 25.24 has been amended to reflect the separate requirements for the comprehensive review and the annual report.
11. The requirement that agencies submit the Committee Control Record

for other committees (§ 25.42(a)) has been deleted.

Accordingly, with these changes and additions, the regulations are set forth below.

**Subpart A—Purpose and Policy**

Sec. 25.1 Purpose.  
25.2 Policy.  
25.3 Definitions.

**Subpart B—Responsibilities**

Sec. 25.7 Department.  
25.8 Agencies.

**Subpart C—Establishment and Renewal of Advisory Committees**

Sec. 25.11 Establishment of Advisory Committees.  
25.12 Duration and Renewal of Advisory Committees.

**Subpart D—Membership and Meeting Procedure**

Sec. 25.15 General Procedure.  
25.16 Clearance of Advisory Committee Members.  
25.17 Appointment of Members.  
25.18 Pay Guidelines.  
25.19 Meetings.  
25.20 Disclosure of Official Information to Public Members.

**Subpart E—Reporting and Records**

Sec. 25.24 Annual Reporting and Comprehensive Review.  
25.25 Reports Issued by Advisory Committees.  
25.26 Committee Control System.  
25.27 Financial Records.

**Subpart F—Exceptions**

Sec. 25.30 Exceptions.

**Authority:** 5 U.S.C. 301; Sec. 8, Stat. 773, 5 U.S.C. App. I.

**Subpart A—Purpose and Policy**

§ 25.1 Purpose.

The regulations in this Part provide guidelines and procedures for the establishment, operation, duration and accessibility to the public of advisory committees under the jurisdiction of the Department of Agriculture.

§ 25.2 Policy.

In addition to complying with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770, 5 U.S.C. App. I) and Office of Management and Budget Circular A-63, Revised, requirements with respect thereto, it shall be the policy of this Department to maintain control over the establishment and use of all advisory committees. The provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I, and all regulations issued by the Office of Management and Budget, the Department, and applicable Department agency shall apply to all advisory committees,

unless otherwise provided by law. The number of such committees shall be held at the absolute minimum required for effective program operation and compliance with various provisions of law.

§ 25.3 Definitions.

As used herein, terms are defined as follows:

(a) *Advisory Committee.* Any committee, subcommittee, board, commission, council, conference, panel, task force, or similar group, subgroup, or body which is not composed wholly of full-time officers or employees of the Federal Government and which is established or utilized in the interest of obtaining advice or recommendations for one or more agencies or officers of the Federal Government.

(1) *Non-statutory Advisory Committee.* Any advisory committee established or utilized by the President or a Government official, including an advisory committee authorized, but not established, by a Federal Statute.

(2) *Statutory Advisory Committee.* Any advisory committee established by an Act of Congress. (If the statute directs the Secretary to establish an advisory committee, it is a statutory committee since the Secretary has no discretion in its establishment.)

**Subpart B—Responsibilities**

§ 25.7 Department.

(a) The Assistant Secretary for Administration is the Advisory Committee Management Officer of the Department. He is responsible for:

- (1) Exercising control and supervision over the establishment, procedures, and accomplishments of advisory committees;
- (2) Assigning responsibility for the assembling and maintenance of the reports, records, and other papers of advisory committees; and
- (3) Carrying out, on behalf of the Department, the provisions of section 552 of Title 5, United States Code, with respect to such reports, records, and other papers. To carry out these responsibilities and to evaluate advisory committee activities, the Advisory Committee Management Officer shall hold periodic review meetings, but not less than one per year. The review meetings shall include the Deputy Under Secretary. Agency personnel shall attend as requested.

(b) The Office of Management and Finance provides staff assistance for the Advisory Committee Management Officer by:

- (1) Maintaining systematic information on the nature, functions and operations of each Department advisory com-

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mittee, including a complete set of charters and the annual reports for advisory committees;

(2) Filing advisory committee charters with appropriate House and Senate committees, the Library of Congress, and the Office of Management and Budget;

(3) Maintaining committee control records for advisory committees (see Subpart E of this part).

(4) Complying with advisory committee management reporting requirements;

(5) Providing advice and guidance on the establishment, renewal, utilization, management, and reporting of all advisory committees throughout the Department; and

(6) Scheduling periodic review meetings of advisory committee procedures and providing adequate notification to those who will attend.

#### § 25.8 Agencies.

The head of each agency engaged in advisory committee activity shall be responsible for providing an orderly procedure for:

(a) Establishing or terminating advisory committees and providing guidelines for the selection of members;

(b) Adhering to the law and regulations governing the use of advisory committees;

(c) Designating for each advisory committee a central location for the assembling and maintenance of the reports, records, and other papers of the advisory committee for public inspection and copying;

(d) Conducting periodic reviews of advisory committee activities (see Subpart E of this part);

(e) Maintaining an adequate advisory committee control system. This includes maintaining records of all advisory committees sponsored by the agency; and

(f) Submitting Committee Control Records (Form AD-241) for all advisory committees (see Subpart E of this part).

#### Subpart C—Establishment and Renewal of Advisory Committees

#### § 25.11 Establishment of Advisory Committees.

(a) *Policy on Establishment.* The following policy shall govern the establishment of any advisory committee.

(1) No advisory committee shall be established within the Department unless:

(i) It has been specifically authorized by statute or Presidential directive, or determined as a matter of formal record by the Secretary or appropriate Assistant Secretary or Director of Agricultural Economics to be in the public interest.

(ii) It has been established in accord with these regulations.

(iii) Prior consultation with the Office of Management and Budget has been accomplished.

(iv) Timely notice of the intent to establish the advisory committee is published in the *FEDERAL REGISTER*.

(v) It has been determined that the functions of the advisory committee are

not being and could not be performed by an existing agency or advisory committee.

(vi) The purpose of the advisory committee has been clearly defined.

(2) An annual report for each advisory committee shall be prepared by the agency providing support services. This report shall describe the committee's membership, functions, and actions.

(3) Unless provided otherwise by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Decisions regarding actions or policies relating to matters dealt with by an advisory committee shall be made solely by an official of the Government.

(b) *Procedure for Establishment.*—(1) *Obtaining Approval.* An agency desiring to establish an advisory committee that is not specifically established by statute or by the President shall first consult with and obtain the approval of the appropriate Assistant Secretary or Director of Agricultural Economics.

(i) If the Assistant Secretary or Director approves, that agency shall prepare a letter for the signature of the Advisory Committee Management Officer, to the Director, Office of Management and Budget, containing the following:

(A) The nature and purpose of the proposed advisory committee and the reasons why it is needed.

(B) An explanation of why the functions could not be performed by the agency or by an existing advisory committee.

(C) A description of the agency's plan to attain balanced membership on the proposed advisory committee.

(D) A statement that notice of the action will be published in the *FEDERAL REGISTER*.

(E) A statement that establishment is in the public interest in connection with the work of the Department.

(F) A request for Office of Management and Budget concurrence in the Department's decision to establish the advisory committee.

(ii) A draft copy of the charter for the proposed advisory committee will be submitted with the letter.

(iii) This letter shall be submitted to the Office of Management and Budget. The Office of Management and Budget is responsible for obtaining Departmental clearances and signature of the letter, and forwarding it to the Office of Management and Budget.

(iv) The Office of Management and Budget shall notify the Assistant Secretary or Director and the agency by memorandum as to whether the Office of Management and Budget concurs in the decision to establish the advisory committee.

(2) *Preparation of Federal Register Notice.* (i) If the Office of Management and Budget concurs, the agency providing support services shall then prepare, for publication in the *Federal Register*, a notice advising the public of the Department's intent to establish the advisory committee. The notice shall state

the name and purpose of the advisory committee, a statement that it is in the public interest to establish the advisory committee in connection with the duties of the Department, and the name and address of the agency official to whom the public may submit comments. The Advisory Committee Management Officer shall sign notices for national advisory committees. Notices for regional, state, and local advisory committees shall be signed by an official of the agency providing support services. All notices shall receive clearance by the Office of Management and Budget prior to signature.

(ii) In the case of advisory committees specifically established by statute or by the President, neither approval by the Office of Management and Budget nor *Federal Register* notice of intent to establish said advisory committee is required.

(3) *Preparation of Establishment Document.* The agency providing support services shall prepare an establishment document as follows:

(i) For a national advisory committee (one operating on a national basis), the establishment document shall be in the form of a numbered Secretary's Memorandum. The document shall include:

(A) Name, clearly defined purpose, and functions of the advisory committee.

(B) Statement of reasons why the advisory committee is necessary, and statutory authorization, if any.

(C) Titles and/or names of the chairman, vice-chairman and executive secretary and a statement designating the Department employee to attend the meeting if the chairman or vice-chairman are not Department employees. National advisory committees shall be chaired by an official from the Office of the Secretary with an agency official as vice-chairman, unless another arrangement is approved by the Advisory Committee Management Officer (see § 25.19(b)).

(D) Statement that the advisory committee will terminate in two years, unless otherwise provided by statute.

(E) Statement that establishment of the advisory committee is in the public interest in connection with duties imposed on the Department by law.

(F) Statement concerning the plan to achieve balanced membership on the advisory committee (§ 25.15).

The document shall be routed to the Office of Management and Budget through the Office of the General Counsel.

(G) Names or titles of committee members or a statement as to who will appoint them.

(ii) Regional, State, and local advisory committees shall be established by the appropriate Assistant Secretary or Director of Agricultural Economics. The establishment document shall be in the form of an unnumbered Secretary's Memorandum. The document shall include:

(A) Name, clearly defined purpose, and functions of the advisory committee.

(B) Statement of reasons why the advisory committee is needed and statutory authorization, if any.

(C) Titles and/or names of the chairman, vice-chairman and executive secretary and a statement designating the Department employee to attend the meeting if the chairman or vice-chairman are not Department employees (§ 25.19).

(D) Statement that the advisory committee will terminate in two years, unless provided otherwise by statute.

(E) Statement that establishment of the advisory committee is in the public interest in connection with duties imposed on the Department by law.

(F) Statement concerning the plan to achieve balanced membership on the advisory committee (§ 25.15).

(G) Names or titles of committee members or a statement as to who will appoint them.

(4) *Preparation of charter.* Before an advisory committee meets or takes any action, the agency providing support services for the advisory committee shall prepare a charter. The original and four copies of this charter shall be submitted to the Office of Management and Budget no sooner than 15 days following publication of the notice in the *FEDERAL REGISTER* provided above. The charter shall contain:

(i) The advisory committee's official designation.

(ii) The advisory committee's objectives and the scope of its activity.

(iii) The period of time necessary for the advisory committee to carry out its purposes.

(iv) The agency or official to whom the advisory committee reports.

(v) The agency responsible for providing the necessary support for the advisory committee.

(vi) A description of the duties for which the advisory committee is responsible and, if such duties are not solely advisory, a specification of the authority for such functions.

(vii) The estimated annual operating costs in dollars and man-years.

(viii) The estimated number and frequency of advisory committee meetings.

(ix) The advisory committee's termination date, if less than two years from the date of the advisory committee's establishment.

(x) Space for the "date of filing" to be filled in by the Office of Management and Budget.

(5) *Establishment document as charter.* The establishment document shall serve as the charter if it contains the required information. If it does not, a separate document entitled "Charter of the Advisory Committee" shall be prepared and submitted to the Office of Management and Budget.

(6) *Signing of charter.* The Advisory Committee Management Officer shall sign charters for national advisory committees when the charter is not included in the establishment document. Charters for regional, State, and local committees shall be signed by the agency committee management officer or other agency official having responsibility for the com-

mittee when the charter is not included in the establishment document.

(7) *Filing of charter.* The Office of Management and Budget shall file the charters with the appropriate House and Senate Committees, the Library of Congress, and the Office of Management and Budget, and notify the agency providing support services when this has been done.

(c) *Termination of approval to establish Advisory Committee.* If an advisory committee is not established within one year from the date on which Office of Management and Budget concurred in its establishment, the approval to establish said committee shall be considered terminated unless the Advisory Committee Management Officer grants an extension. In no case shall the approval extend beyond two years from the date on which the Office of Management and Budget concurred in the establishment of the advisory committee. The policy governs both the establishment and the renewal of advisory committee.

#### § 25.12 Duration and renewal of Advisory Committees.

(a) Unless otherwise provided for by law, each advisory committee shall terminate not later than two years after its establishment or renewal unless it is renewed prior to that time by appropriate action. Unless provided otherwise by the establishing authority, the duration of a subgroup shall be the same as that of the parent committee.

(b) No advisory committee shall be renewed unless it is clearly demonstrated that the committee provides advice necessary to the operation of the Department which can be obtained in no other way.

(c) *Non-statutory Advisory Committees.* Not more than 60 days before the scheduled date of termination, the agency providing support services and desiring to renew a non-statutory advisory committee shall consult with and obtain the approval of the appropriate Assistant Secretary or Director of Agricultural Economics.

(i) If the Assistant Secretary or Director approves, the agency providing support services shall prepare a letter for the signature of the Advisory Committee Management Officer, to the Director Office of Management and Budget. The policy and procedure provided for in § 25.11 (a), (b), and (c) for establishing an advisory committee apply to renewal of an advisory committee, except that the renewal document shall be signed before the *Federal Register* notice is published.

(ii) Any request to the Office of Management and Budget for approval to renew an advisory committee submitted less than 30 days before the expiration date or after the expiration date of the advisory committee shall be treated for all purposes as a request to establish a new advisory committee.

(2) *Statutory Advisory Committees.* Statutory advisory committees shall terminate in accordance with § 25.12.

(i) The charter for a statutory advisory committee whose termination as

provided for by law is in excess of two years shall be filed when the committee is established and upon the expiration of each successive two-year period, if any, following the date of enactment of the statute establishing the advisory committee.

(ii) No advisory committee required to file a new charter shall take any action, other than preparation and filing of such charter, between the date the new charter is required and the date it is filed.

#### Subpart D—Membership and Meeting Procedure

#### § 25.15 General Procedure.

(a) The membership of an advisory committee shall be "fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee" (sec. 5(b)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I). In addition, committee members shall be appointed with a view toward safeguarding against any special interest inappropriately influencing the advisory committee.

(b) Members shall not serve on more than one advisory committee at any one time unless prior approval is obtained from the Advisory Committee Management Officer. Requests for multiple membership shall be submitted in writing through the Office of Management and Budget. Appointment of new members in the event of vacancies shall be for the unexpired period of the committee. Committee appointments expire when the committee is terminated in accordance with § 25.12. The appointing authority may, however, terminate an appointment at an earlier time.

(c) In the event the advisory committee is extended for another two-year period, the membership shall be reconstituted. Appointment of new members shall provide for rotation to the extent feasible and practicable, but reappointments may be made to assure effectiveness and continuity of operations consistent with the above constraints.

(d) It shall be the responsibility of the agency providing support services to insure that no person selected as a member of an advisory committee is engaged in employment or has a financial interest which is deemed likely to affect the integrity of his service on the committee.

(e) There shall be no discrimination on the basis of race, color, national origin, religion, or sex in the selection of members. Minorities and women will be represented on committees in reasonable proportion to the degree they are affected by the work of the committee.

#### § 25.16 Clearance of Advisory Committee Members.

(a) *Policy.* A background clearance is required for all proposed advisory committee members to be appointed by the Secretary except those who are Federal employees.

(b) *Procedures.* (1) The agency which provides support services shall submit for each prospective appointee a biographical sheet showing, at a minimum, the



person's name, date and place of birth, company affiliation, title of position, name of parent company if appropriate, business address, residence address, a brief statement of his current business or profession, and past achievements. Clearance procedures will not be instituted if biographical data is insufficient to permit a complete background review.

(2) An original and three copies of the above information shall be sent to the Deputy Under Secretary.

(3) The procedures described above shall be utilized for both existing and prospective members when an advisory committee is renewed. Therefore, names and biographical data of members should be submitted for clearance when a request for renewal is forwarded.

(4) No direct contact shall be made with prospective appointees by agency officials until clearance is obtained.

#### § 25.17 Appointment of members.

(a) *Authority.* National and/or statutory advisory committee members shall be appointed by the Secretary. Regional, State, and local advisory committee members shall be appointed by the agency official responsible for the committee, unless determined otherwise by the Department's Committee Management Officer.

(b) *Invitation to Serve on National Advisory Committees.* Letters of invitation shall be prepared for the signature of the Secretary by the agency providing support services and shall include:

- (1) Purpose of the advisory committee.
- (2) Name of the chairman.
- (3) Frequency of meetings, if known.
- (4) Location of meetings, if known.
- (5) Travel and per diem allowances, if applicable.
- (6) Expiration date of appointment.

The agency shall provide appropriate followup where letters of invitation have been issued and no response is received within 21 days of the date the invitation was mailed.

(c) *Certificates of Appointment.* For national advisory committees, a Certificate of Appointment, signed by the Secretary, shall be presented to each member. The responsible agency shall have the certificates engrossed with the name of the appointee and the committee. Form AD-73 (Request for Art and Graphic Services), together with the certificates and the information to be engrossed, shall be submitted to the Art and Graphics Division, Office of Communication. The certificates may be requisitioned from the Records and Distribution Division, Office of Operations. The agency shall arrange for presentation of the certificates either by mail at the time of appointment or at the next meeting of the committee.

#### § 25.18 Pay guidelines.

Unless otherwise specifically provided by law, members of advisory committees shall receive no compensation but may receive travel and per diem allowances in accordance with Departmental regula-

tions. If a statute provides for compensation to members of an advisory committee but does not specify a rate of compensation, the agency which provides support services shall review the significance, scope and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of its members and shall recommend to the Advisory Committee Management Officer the rate of pay for the members. This recommendation shall be forwarded, in duplicate, through the Office of Management and Finance. If approved, the original shall be endorsed by the Advisory Committee Management Officer and returned to the agency. The rate of pay may not be higher than the daily equivalent of the maximum rate for GS-15.

#### § 25.19 Meetings.

Advisory committee meetings shall be subject to the following provisions:

(a) No meeting shall be held except at the call of, or with the advance approval of, a designated Department official and with an agenda approved by such official. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting will concern matters within the exemptions of the Freedom of Information Act (5 U.S.C. 552(b)).

(b) Committees shall meet under the chairmanship of, or in the presence of, a Department official who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest. No committee shall conduct a meeting in the absence of the Department official designated in the establishment document to chair or attend the meeting.

(c) The Department shall maintain an open-door policy with respect to meetings. Meetings will be open to the public except when a determination is made in writing by the Secretary that the meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b), and that the public interest requires such activities to be withheld from disclosure.

(d) If an advisory committee seeks to have all or part of a meeting closed on the basis of an exemption contained in 5 U.S.C. 552(b), the agency providing support services shall prepare a determination for the Secretary's signature, stating that it is essential to close the meeting and the specific reasons for closing all or part of the meeting. Such determination shall be accompanied by any additional explanation of the facts and reasons why the meeting should be closed as are pertinent. This determination, in duplicate, and accompanying explanation shall be forwarded to the Advisory Committee Management Officer, through the Office of the General Counsel and the Office of Management and Finance, at least 45 days before the scheduled meeting.

(e) Only the Secretary has the authority to close a meeting or a part of a meeting.

(f) Requests to close meetings shall be prepared on a case-by-case basis.

(g) The closing of a meeting or any portion of a meeting may be reviewed by the Advisory Committee Management Officer after the meeting is held. If it is determined that a meeting or any portion of a meeting was closed inappropriately, corrective action may be taken.

(h) Timely notice of all meetings, both open and closed, shall be published in the Federal Register. The agency providing support services shall be responsible for preparation of the notice and submitting it to the Federal Register in sufficient time to allow for publication at least 15 days in advance of the meeting. Shorter notice may be provided in emergency situations and the reasons for such emergency exceptions shall be made part of the meeting notice. The agency providing support services should normally start processing meeting notices no later than 30 days before the meeting is scheduled to allow for clearance within the Department and handling time at the Federal Register. The notice shall contain:

- (1) The name of the advisory committee.
- (2) The time and purpose of the meeting, including a summary of the agenda or the person from whom it may be obtained.
- (3) The extent to which the public will be permitted to attend or participate in the meeting.
- (4) Statement that the meeting is open and the place where the meeting will be held or, if the meeting is to be closed, an explanation of why it is closed.
- (5) The name of the person to whom written comments may be made.

(i) In addition, a press release containing all the above information shall be prepared announcing all committee meetings at least 15 days in advance of the meetings. For national committee meetings, the agency providing support services shall provide this release to the Office of Communication at least 20 days prior to the meeting date. The Office of Communication shall make the release available to the appropriate media. Releases announcing regional, State, and local advisory committee meetings shall be furnished by the agency providing support services to the local media.

(j) The Director, Office of Management and Budget, may waive the requirement of notice of meeting if he determines otherwise for reasons of national security. If such a determination is desired, the agency providing support services shall prepare a letter to the Director for the Secretary's signature. This request, stating the reasons, shall be submitted to the Advisory Committee Management Officer, through the Office of the General Counsel and the Office of Management and Finance, no later than 45 days prior to the meeting. If the Director determines that public notice would be inconsistent with national security, the meeting shall be closed to the public.

(k) The agency that provides support services to the committee is responsible for complying with the following rules regarding open or partially-open meetings:

(1) The meeting shall be held at a reasonable time and at a place that is reasonably accessible to members of the public.

(2) The size of the meeting room shall be large enough to accommodate the committee members, its staff, and those members of the public who could reasonably be expected to attend.

(3) Any member of the public shall be permitted to file a written statement with the committee before or at a reasonable time following the meeting.

(4) Interested persons may be permitted by the committee chairman to speak at the meeting in accordance with procedures established by the committee.

(1) Detailed minutes shall be kept of all meetings. The chairman or the designated Department employee shall certify to the accuracy of the minutes, which shall include at least the following items:

- (1) The time and place of the meeting.
- (2) A list of committee members, committee staff, and Department employees present.
- (3) A complete summary of all matters discussed and conclusions reached.
- (4) Copies of all reports received, issued, or approved by the advisory committee.
- (5) A description of the extent to which the meeting was open to the public.
- (6) A description of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number who attended the meeting.
- (7) The records, reports, transcripts, working papers, etc., of all open committee meetings shall be available for public inspection and copying. If a portion of a meeting was closed, the minutes of the open portion shall be available to the public.
- (8) Committee records shall be maintained by the agency providing support services for the life of the committee and disposed of in accordance with that agency's records disposal schedule.
- (9) If transcripts are made of a meeting, they shall be available within a reasonable period of time following the meeting.
- (10) Advice or recommendations of the committee shall be given only with respect to matters covered in the record of the committee's proceedings.
- (11) When the meeting ends, a press release shall be issued and/or a briefing held for the news media. The Department shall provide such appropriate additional information as may be requested. The responsibility for the release or briefing rests with the chairman of the advisory committee (or the designated Department representative) working with the agency information person assigned to the meeting and with the Department's Office of Communication.

(2) The time and purpose of the meeting, including a summary of the agenda or the person from whom it may be obtained.

(3) The extent to which the public will be permitted to attend or participate in the meeting.

(4) Statement that the meeting is open and the place where the meeting will be held or, if the meeting is to be closed, an explanation of why it is closed.

(5) The name of the person to whom written comments may be made.

(i) In addition, a press release containing all the above information shall be prepared announcing all committee meetings at least 15 days in advance of the meetings. For national committee meetings, the agency providing support services shall provide this release to the Office of Communication at least 20 days prior to the meeting date. The Office of Communication shall make the release available to the appropriate media. Releases announcing regional, State, and local advisory committee meetings shall be furnished by the agency providing support services to the local media.

(j) The Director, Office of Management and Budget, may waive the requirement of notice of meeting if he determines otherwise for reasons of national security. If such a determination is desired, the agency providing support services shall prepare a letter to the Director for the Secretary's signature. This request, stating the reasons, shall be submitted to the Advisory Committee Management Officer, through the Office of the General Counsel and the Office of Management and Finance, no later than 45 days prior to the meeting. If the Director determines that public notice would be inconsistent with national security, the meeting shall be closed to the public.

(k) The agency that provides support services to the committee is responsible for complying with the following rules regarding open or partially-open meetings:

(1) The meeting shall be held at a reasonable time and at a place that is reasonably accessible to members of the public.

(2) The size of the meeting room shall be large enough to accommodate the committee members, its staff, and those members of the public who could reasonably be expected to attend.

(3) Any member of the public shall be permitted to file a written statement with the committee before or at a reasonable time following the meeting.

(4) Interested persons may be permitted by the committee chairman to speak at the meeting in accordance with procedures established by the committee.

(1) Detailed minutes shall be kept of all meetings. The chairman or the designated Department employee shall certify to the accuracy of the minutes, which shall include at least the following items:

- (1) The time and place of the meeting.
- (2) A list of committee members, committee staff, and Department employees present.
- (3) A complete summary of all matters discussed and conclusions reached.
- (4) Copies of all reports received, issued, or approved by the advisory committee.
- (5) A description of the extent to which the meeting was open to the public.
- (6) A description of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number who attended the meeting.
- (7) The records, reports, transcripts, working papers, etc., of all open committee meetings shall be available for public inspection and copying. If a portion of a meeting was closed, the minutes of the open portion shall be available to the public.
- (8) Committee records shall be maintained by the agency providing support services for the life of the committee and disposed of in accordance with that agency's records disposal schedule.
- (9) If transcripts are made of a meeting, they shall be available within a reasonable period of time following the meeting.
- (10) Advice or recommendations of the committee shall be given only with respect to matters covered in the record of the committee's proceedings.
- (11) When the meeting ends, a press release shall be issued and/or a briefing held for the news media. The Department shall provide such appropriate additional information as may be requested. The responsibility for the release or briefing rests with the chairman of the advisory committee (or the designated Department representative) working with the agency information person assigned to the meeting and with the Department's Office of Communication.

(2) The time and purpose of the meeting, including a summary of the agenda or the person from whom it may be obtained.

(3) The extent to which the public will be permitted to attend or participate in the meeting.

(4) Statement that the meeting is open and the place where the meeting will be held or, if the meeting is to be closed, an explanation of why it is closed.

(5) The name of the person to whom written comments may be made.

directives, may not be disclosed to members of advisory committees. However, material otherwise restricted "FOR OFFICIAL USE ONLY" may, in some circumstances, be made available when essential to the transaction of committee business. When making material available to committee members, it must be clearly understood that all material presented for review at an open committee meeting is to be available for public inspection and copying. Therefore, good judgment must be exercised to assure:

- (a) That presentation of the information is essential.
- (b) That risk of consequences adverse to the public interest has been carefully weighed.

#### Subpart E—Reporting and Records

##### § 25.24 Annual Reporting and Comprehensive Review.

(a) The Department shall submit an annual report to the General Services Administration by February 1 for preparation of the annual report required by the Federal Advisory Committee Act. The reporting period is the calendar year. The General Services Administration will provide exact instructions, but at least the following information must be included:

- (1) Exact name of advisory committee.
- (2) The date of and authority for its establishment.
- (3) Whether the committee is ad hoc (less than 12 months), continuing, or Presidential.
- (4) The termination date or the date it is to make a report.
- (5) Brief statement of function.
- (6) Actual dates of all meetings.
- (7) Title(s) and date(s) of report(s) submitted, if any.
- (8) Summary of the total number of advisory committee meetings and the number of closed or partially closed meetings, including a recapitulation of the exemptions of the Freedom of Information Act used as basis for closed meeting.
- (9) If an advisory committee has had closed or partially closed meetings, a summary of its activities and such related matters, which are informative to the public and consistent with 5 U.S.C. 552(b) should be included in its annual report.
- (10) Names and occupations of current members.
- (11) Total number of committee members, number of female members, and number of members by ethnic composition.
- (12) Estimated total aggregate annual cost to the Government to fund, service, supply and maintain the committee.

(b) If meetings of an advisory committee have been entirely or partially closed, the agency that provides support services to the committee shall prepare, for Federal Register publication, a notice of the availability of the annual report for that committee no later than 60 days after the report's completion. The notice shall include instructions which allow the public access to the report.

(c) A comprehensive review shall be conducted by the agencies and the results forwarded to the Office of Management and Finance by November 15 of each year. The review shall cover the most recent 12-month period of the committee's work. The report shall contain:

- (1) Recommendations of advisory committees to be continued.
- (2) Justification should be included for each committee to be continued, making reference to:

- (A) The number of meetings held.
- (B) The number of reports or recommendations submitted.
- (C) An evaluation of the substance of the reports or recommendations relative to agency programs.
- (D) An evaluation of the agency utilization of such reports and recommendations.
- (E) Whether information or recommendations could have been obtained from other sources within the agency or an existing advisory committee and the degree of duplication, if any.
- (F) Estimated annual cost.

(3) A list of advisory committees whose responsibilities should be revised.

(4) A list of advisory committees to be merged with other advisory committees.

(5) Recommendations of advisory committees to be terminated.

#### § 25.25 Reports Issued by Advisory Committees.

The agency that provides support services will forward eight copies of any report issued by an advisory committee, at the time it is issued, to:

- Library of Congress Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540

This requirement excludes minutes of meetings, material exempt under 5 U.S.C. 552(b), and the annual report prepared for submission to the General Services Administration (§ 25.24). If appropriate, background papers prepared for use of the committee may also be provided to the Library of Congress.

#### § 25.26 Committee Control System.

(a) *Responsibility.* (1) Each agency head shall designate an official to be responsible for the maintenance of central control records of all advisory committees which the agency sponsors or for which it provides support services. Such information shall be kept current at all times and agencies shall be prepared to furnish such information upon request.

(2) Each agency sponsoring an advisory committee shall provide the support services for that committee. The Secretary shall designate the agency which will provide support services for advisory committees established or authorized by statute.

(b) *Submission of Committee control record (AD-241).* (1) To provide current and uniform information on all advisory committees in the Department and of interest to the Department, a Department-wide uniform Committee Control Record (AD-241) shall be used for:

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(d) *Agency Committees.* Agency reg-

the representative and alternate shall

information submitted by the Valencia



(i) Department records maintained in the Office of Management and Finance.

(ii) Agency committee control records. Each agency, through the official responsible for committee management, shall submit an original and one copy of a complete Form AD-241, Committee Control Record, to the Office of Management and Finance for each advisory committee for which it provides support services.

(2) As committees are established or renewed, agencies shall submit a Form AD-241 to the Office of Management and Finance. When changes are made on established committees in individual memberships, addresses, or expiration dates, agencies shall submit a Form AD-241 to the Office of Management and Finance with only blocks 1, 2, and 4 completed and showing and identifying in block 14 the specific change(s) made. Agencies shall submit this form within 15 days after a change occurs. Form AD-241 for statutory advisory committees should be submitted when the advisory committee is established and at the same two-year intervals as its charter is filed.

(c) In addition to the Committee Control Record (AD-241), agencies shall maintain:

- (1) Copies of committee charters.
- (2) Minutes of committee proceedings.
- (3) Copies of press releases and committee reports.

(4) Copies of Secretarial determinations under 5 U.S.C. 552(b) that committee activities will be closed to the public.

(5) Any other working papers properly a part of advisory committee or subcommittee records.

#### § 25.27 Financial records.

(a) Each agency, through the official responsible for committee management, shall maintain up-to-date records which disclose the disposition of funds made available to its advisory committees. These records shall be available for inspection and audit by officials of the Department and the Comptroller General or his representatives.

(b) When it appears that committee expenses will exceed estimates by ten percent or more, prior approval of payment of such additional expenses must be obtained from the Advisory Committee Management Officer. An original and two copies of a memorandum should be routed through the Office of Management and Finance justifying increased expenses and requesting approval of payment. If approved, the original shall be endorsed by the Advisory Committee Management Officer and returned to the requesting agency.

#### Subpart F—Exceptions

##### § 25.30 Exceptions.

The requirements of this Part shall not apply to:

(a) Any local civic group whose primary function is that rendering a public service with respect to a Federal program.

(b) Any State or local committee or similar group established to advise State and local officials or agencies.

#### Subpart A—Purpose and Policy

- Sec. 25a.33 Purpose.
- 25a.34 Policy.
- 25a.35 Definitions.

#### Subpart B—Responsibilities

- Sec. 25a.38 Department.
- 25a.39 Agencies.

#### Subpart C—Establishment of Committees

- Sec. 25a.42 Establishment of Committees.

#### Subpart D—Reporting and Records

- Sec. 25a.45 Committee Control System.
- 25a.46 Financial Records.

#### Subpart E—Liaison Membership

- Sec. 25a.49 Policy.
- 25a.50 Procedure.

AUTHORITY: 5 U.S.C. 301.

#### Subpart A—Purpose and Policy

##### § 25a.33 Purpose.

The regulations in this Part provide guidelines and procedures for the establishment, operation, and duration of all committees, except advisory committees, under the jurisdiction of the Department, and also cover Department liaison members on other committees.

##### § 25a.34 Policy.

It shall be the policy of the Department to maintain control over the establishment and use of all committees. The number of such committees shall be held at the absolute minimum required for effective program operation and compliance with various provisions of law.

##### § 25a.35 Definitions.

As used herein, terms are defined as follows:

(a) *Committee*—any committee, subcommittee, board, commission, or body other than an advisory committee (as defined in § 25.3 of this chapter).

(b) *Interagency Committee*—any committee made up wholly of full-time Government officers or employees of more than one department or agency, which is expected to be in existence for more than twelve months.

(c) *Departmental Committee*—any committee composed exclusively of representatives of two or more agencies of the Department.

(d) *Agency Committee*—any committee composed exclusively of members from a single agency of the Department.

(e) *Liaison Membership*—Departmental representation by the Secretary or his designated representative on committees, councils, boards, and similar bodies established by law, Executive Order, or by Presidential direction and not sponsored by the Department. Such membership may relate to international, government, or nongovernment activities, but excludes association with professional, fraternal, civil or similar types of nongovernment groups.

#### Subpart B—Responsibilities

##### § 25a.38 Department.

(a) The Assistant Secretary for Administration is the Committee Manage-

ment Officer of the Department. He is responsible for:

(1) Exercising control and supervision over the establishment, procedures, and accomplishments of all committees under the jurisdiction of the Department.

(2) Assigning responsibility for the assembling and maintenance of the reports, records, and other papers of committees during their existence.

(b) The Office of Management and Finance provides staff assistance for the Committee Management Officer by:

(1) Maintaining systematic information on the nature, functions and operations of each Department committee.

(2) Providing advice and guidance on the establishment, renewal, utilization, management, and reporting of all types of committees throughout the Department.

##### § 25a.39 Agencies.

The head of each agency engaged in committee activity shall be responsible for providing an orderly procedure for:

(a) Establishing or terminating committees and providing guidelines for the selection of members.

(b) Adhering to law and regulations governing the use of committees.

(c) Designating for each committee a central location for the assembling and maintenance of the reports, records, and other papers of the committee.

(d) Periodic review of committee activities.

(e) Maintenance of an adequate committee control system. This includes maintaining records of:

(1) All interagency committees which the agency has established or chairs.

(2) All Departmental committees which the agency has established or chairs.

(3) All agency committees.

(4) All liaison memberships held by officials or employees of an agency as designees of the Secretary for committees not established or sponsored by the Department.

#### Subpart C—Establishment of Committees

##### § 25a.42 Establishment of Committees.

(a) *Committees Not Under Federal Advisory Committee Act.* Committees may be established which have public members but do not perform an advisory function (e.g., Honor Awards Committee). Agencies desiring to establish such a committee shall consult with the Committee Management Officer and prepare a Secretary's Memorandum. Members are required to receive clearance (§ 25.16 of this chapter). No charter is required. The committee shall terminate not later than two years after its establishment.

(b) *Interagency Committees.* Interagency committees shall be established only after exchange of letters between the participating agencies. A Secretary's Memorandum shall be drafted to formalize or publicize committee activities of major importance. No charter is required.

(c) *Departmental Committees.* Other Departmental committees may be authorized by the sponsoring agency in accordance with agency regulations.

(d) *Agency Committees.* Agency regulations shall provide for the establishment, conduct, and termination of agency committees.

#### Subpart D—Reporting and Records

##### § 25a.45 Committee Control System.

(a) *Responsibility.* Each agency head shall designate an official to be responsible for the maintenance of central control records of all departmental agency and interagency committees which the agency sponsors or provides support services for including liaison memberships. Such records shall be kept current at all times and shall include:

- (1) Minutes of committee proceedings.
- (2) Copies of press releases and committee reports.

(3) Any other working papers properly a part of committee or subcommittee records. Agencies shall be prepared to furnish information on these committees upon request. Each agency sponsoring a committee shall provide the support services for that committee.

##### § 25a.46 Financial Records.

(a) Each agency, through the official responsible for committee management, shall maintain up-to-date records which disclose the disposition of funds made available to interagency committees which it sponsors, establishes, or chairs. These records shall be available for inspection and audit by officials of the Department and the Comptroller General or his representatives.

(b) When it appears that committee expenses will exceed estimates by 10 percent or more, prior approval of payment of such additional expenses shall be obtained from the Committee Management Officer. Route an original and two copies of a memorandum to the Office of Management and Finance justifying increased expenses and requesting approval of payment. If approved, the original shall be endorsed by the Committee Management Officer and returned to the requesting agency.

#### Subpart E—Liaison Membership

##### § 25a.49 Policy.

(a) The Secretary may, in his discretion, designate a representative and alternate representative to bodies on which the Department maintains liaison membership. Only such authorized representatives or alternates as the Secretary designates may attend meetings of such bodies for the Department. The delegation of authority to represent the Department provided to the Secretary's representative and alternate may not be redelegated.

(b) When it is impossible for either the representative or alternate to attend the regular meetings of these bodies, the Office of the Secretary should be notified in sufficient time to make necessary arrangements.

##### § 25a.50 Procedure.

(a) When the Secretary's representative and alternate on a Government-wide council, commission, or similar body are officials of the Office of the Secretary,

the representative and alternate shall notify the Committee Management Officer of their designation. The Office of Management and Finance shall provide the Committee Management Officer with all necessary staff assistance.

(b) When the Secretary's representative and alternate are agency officials, the representative's agency shall carry out the following procedure:

(1) Prepare a letter for the Secretary's signature informing the Chairman, Executive Director, or similar appropriate official of the body in question of the designation of the Department's representative and alternate.

(2) Route the above materials to the Office of Management and Finance for appropriate review and clearance.

(3) Maintain a current listing of all such liaison memberships held by agency officials. If an agency official can no longer maintain such a liaison membership, immediately inform the Office of Management and Finance so that action to appoint a new representative may be taken.

*Effective Date.* These regulations shall become effective October 14, 1975.

JOSEPH R. WRIGHT, Jr.,  
Assistant Secretary  
for Administration.

SEPTEMBER 8, 1975.

[FR Doc. 75-24133 Filed 9-10-75; 8:45 am]

#### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 515]

#### PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 12-18, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

##### § 908.815 Valencia Orange Regulation 515.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and

information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to improve. Prices f.o.b. averaged \$3.76 per carton on a reported sales volume of 650,000 cartons last week, compared with an average f.o.b. price of \$3.70 per carton and sales of 650,000 cartons a week earlier. Track and rolling supplies at 349 cars were up 106 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of



the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 9, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 12, 1975, through September 18, 1975, are hereby fixed as follows:

- (i) District 1: 233,000 cartons;
- (ii) District 2: 517,000 cartons;
- (iii) District 3: Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 10, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-24428 Filed 9-10-75; 11:49 am]

#### CHAPTER XVII—FARMERS HOME ADMINISTRATION, AGRICULTURE

##### SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 410.1]

##### PART 1801—RECEIVING AND PROCESSING APPLICATIONS

###### Subpart A—Receiving and Processing Applications

###### VETERANS' PREFERENCE

Section 1801.5(a) of Subpart A of Part 1801, Title 7, Code of Federal Regulations (36 FR 15737, 38 FR 4772, 40 FR 10953) is amended to provide for a closing date for service establishing entitlement to veterans' preference during the Vietnam era.

It is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER because the change being made by this amendment is to conform the Farmers Home Administration regulations to the Presidential Proclamation 4373, May 7, 1975, "Fixing Terminal Date Respecting Service in the Armed Forces Entitling Persons to Certain Veteran Benefits". The President proclaimed May 7, 1975, the last day on which a person must have entered the active military, naval, or air service of the United States in order for such service to qualify as service during the Vietnam era.

As amended, § 1801.5(a) reads as follows:

§ 1801.5 Persons entitled to veterans' preference.

(a) *Farmer loans.* Veterans' preference will be extended to any person applying for a farm ownership, soil and water, recreation, or operating loans who has been discharged or released

from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, who served on active duty in such forces: (1) During the period of April 6, 1917, through March 31, 1921; (2) during the period of December 7, 1941, through December 31, 1946; (3) during the period of June 27, 1950, through January 31, 1955; or (4) for a period of more than 180 days, any part of which occurred after January 31, 1955, but on or before May 7, 1975. Discharges under conditions other than dishonorable include "clemency discharges".

*Effective date.* This amendment is effective on September 11, 1975.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agr., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: September 4, 1975.

FRANK W. NAYLOR, Jr.,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc. 75-24199 Filed 9-10-75; 8:45 am]

##### SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

##### PART 1822—RURAL HOUSING LOANS AND GRANTS

###### Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

###### DEFINITION OF A RURAL AREA

On pages 28094-28095 of the FEDERAL REGISTER dated July 3, 1975, there was published a proposed amendment to Subpart A of Part 1822, Title 7 Code of Federal Regulations. The purpose of the amendment is to further improve the operation and administration of the section 502 rural housing loan program. This amendment expands and clarifies the definition of a rural area and redefines and redesignates the definition of a place.

Interested persons were invited to submit written comments, suggestions or objections regarding the proposed amendment.

All comments submitted with respect to the proposed amendment were given due consideration. As a result of the comments received, certain proposed changes published in the FEDERAL REGISTER Notice of proposed rulemaking of July 3, 1975, are being adopted. Additional changes for clarity are also being made to the section published on that date.

1. In § 1822.3, paragraph (c) (3) (ii) with reference to "bedroom communities" is deleted.

2. Paragraph (c) (4) (ii) is clarified by inserting after the word "disposal" a phrase which reads as follows: "... however, consolidated schools and/or combined facilities do not necessarily indicate being 'associated with'." Paragraph (d) is also revised.

Accordingly, with these changes the proposed amendments are adopted as set forth below:

##### § 1822.3 Definitions.

(c) *Rural area.* (1) Open country which is not part of or associated with an urban area; or

(2) Any town, village, city, or place, including the immediately adjacent densely settled area, which:

(i) Is not part of or associated with an urban area; and

(ii) Has a population not in excess of 10,000 if it is rural in character; or

(iii) Has a population in excess of 10,000 but not in excess of 20,000; and

(A) Is not contained within a standard metropolitan statistical area; and

(B) Has a serious lack of mortgage credit as determined by the Secretary of Agriculture and the Secretary of Housing and Urban Development.

(3) A determination that open country, place, town, village, or city is not part of or associated with an urban area must include a finding that any densely populated section of the area in question is separated from the densely settled section of any adjacent urban area by open spaces (which are undeveloped, agricultural, or sparsely settled) other than minor open spaces due to physical barriers, commercial and industrial developments, public parks and similar open spaces, and areas reserved for recreational purposes; and

(4) The determination in paragraph (c) (3) of this section should also consider such factors as:

(i) The existence of known plans for development of a substantial portion of the intervening land within the near future (e.g., 3 to 5 years) between the area in question and an urban area;

(ii) The area in question has a separate school system and separate utilities such as water and sewer and solid waste disposal; however, consolidated schools and/or combined facilities do not necessarily indicate being "associated with."

(iii) Other relevant factors.

(5) Two or more towns, villages, cities, and places may have contiguous boundaries and each be considered separately if they are not otherwise associated with each other as determined after considering the factors in paragraph (c) (4) of this section and if any densely populated areas are separated by open spaces as described in paragraph (c) (3) of this section.

(6) "Place" consists of an area containing a concentration of inhabitants within a determinable unincorporated area.

(7) "Urban area" means either a town, village, city or place, or any associated combination thereof, which with the immediately adjacent densely settled area has a population in excess of the limits prescribed in paragraph (c) (2) (ii) and (iii) of this section.

(8) Population counts will be based on the latest official figures.

(9) The State Director, through appropriate State regulations, shall identify

by list and maps "rural areas" for the purposes of this regulation. *Provided, however,* That no list or map of areas in excess of 10,000 but not in excess of 20,000 that are to be characterized as "rural areas" will be identified in said State regulation without the prior authorization of the National Office.

(d) *Town.* A "town" means a municipality similar to a city but not a New England-type town which resembles a township or county in most states.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agr., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

*Effective date.* This amendment shall become effective September 11, 1975.

Dated: August 29, 1975.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc. 75-24130 Filed 9-10-75; 8:45 am]

##### SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instruction 449.1]

##### PART 1842—BUSINESS AND INDUSTRIAL LOANS

###### Veterans' Preference

Section 1842.31(d) (5) of Part 1842, Title 7, Code of Federal Regulations (39 FR 34263) is amended to revise subdivision (ii) and to add a new subdivision (iii) to conform the veterans' preference provisions with § 1801.5(a) of this chapter; to redesignate former subdivision (iii) to subdivision (iv) and to revise the redesignation to provide for a closing date for service establishing entitlement to veterans' preference during the Vietnam era.

It is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER because the changes being made by this amendment are to conform the Farmers Home Administration regulations to the Presidential Proclamation 4373, May 7, 1975, "Fixing Terminal Date Respecting Service in the Armed Forces Entitling Persons to Certain Veteran Benefits". The President proclaimed May 7, 1975, the last day on which a person must have entered the active military, naval, or air service of the United States in order for such service to qualify as service during the Vietnam era.

As revised and added, § 1842.31(d) (5) (ii), (iii) and (iv) read as follows:

§ 1842.31 Application and loan processing.

(d) *Preliminary determination by FmHA.* . . .

(5) . . .

(ii) During the period of December 7, 1941, through December 31, 1946;

(iii) During the period of June 27, 1950, through January 31, 1955; or

(iv) For a period of 180 days or more, any part of which occurred after Jan-

uary 31, 1955, but on or before May 7, 1975.

*Effective date.* This amendment is effective on September 11, 1975.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agr., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: September 4, 1975.

FRANK W. NAYLOR, Jr.,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc. 75-24197 Filed 9-10-75; 8:45 am]

[FmHA Instruction 449.1]

##### PART 1843—FARMER LOANS

###### Veterans' Preference

Section 1843.41(a) of Part 1843, Title 7, Code of Federal Regulations (38 FR 29051) is amended to revise subparagraph (2) and to add a new subparagraph (3) to conform the veterans' preference provisions with § 1801.5(a) of this chapter; to redesignate former subparagraph (3) to subparagraph (4) and to revise this redesignation to provide a closing date for service establishing entitlement to veterans' preference during the Vietnam era.

It is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER because the changes being made by this amendment are to conform the Farmers Home Administration regulations to the Presidential Proclamation 4373, May 7, 1975, "Fixing Terminal Date Respecting Service in the Armed Forces Entitling Persons to Certain Veteran Benefits". The President proclaimed May 7, 1975, the last day on which a person must have entered the active military, naval, or air service of the United States in order for such service to qualify as service during the Vietnam era.

As revised and added, § 1843.41(a) (2), (3) and (4) reads as follows:

§ 1843.41 Preference between FO applicants.

Preference will be given:

(a) *Veterans.* . . .

(2) During the period of December 7, 1941, through December 31, 1946;

(3) During the period of June 27, 1950, through January 31, 1955; or

(4) For a period of 180 days or more, any part of which occurred after January 31, 1955, but on or before May 7, 1975.

*Effective date.* This amendment is effective on September 11, 1975.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agr., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: September 4, 1975.

FRANK W. NAYLOR, Jr.,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc. 75-24198 Filed 9-10-75; 8:45 am]

##### Title 9—Animals and Animal Products

#### CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

##### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

##### PART 73—SCABIES IN CATTLE

###### Permitted Dips

The purpose of this amendment is to add approved proprietary brands of (Prolate®) used at a concentration of 0.20 percent to 0.25 percent, to the list of dips permitted by the Department for use in the treatment of cattle affected with or exposed to scabies.

*Statement of considerations.* (Prolate®) is to be used at a concentration of 0.20 percent to 0.25 percent for official use against cattle scabies. Trials were carried out by the U.S. Department of Agriculture in 1973, 1974, and 1975. The results of these trials and trials carried out by Thuron Industries were the basis for the Environmental Protection Agency granting approval to a label for the product and its use against scabies mites in official programs. All these trials were carried out to demonstrate both the efficacy of (Prolate®) in the treatment against scabies mites and to demonstrate the stability of the product in the vat, as well as the vat managers ability to maintain it at the desired concentration. The Environmental Protection Agency action approving the new label and use pattern was taken July 16, 1975. It should be noted that (Prolate®) has been registered by the Environmental Protection Agency for some time and may also be used against grubs, lice, hornflies, cattle ticks, and southern cattle ticks.

(Prolate®) is an organophosphorous product which is biodegradable. The product has the added benefit of acting as a grubicide at the same time it is used as official treatment for scabies.

After careful evaluation of the product, consideration of the need, and its desirability as a permitted pesticide, it has been determined that (Prolate®) should be added to the list of permitted pesticides for use against scabies.

Accordingly, in § 73.10(a) a new paragraph (4) is added to read:

§ 73.10 Permitted dips: substances allowed.

(a) . . . .  
(4) Approved proprietary brands of organophosphorous insecticides (Prolate®) used at a concentration of 0.20 percent to 0.25 percent.

(Sec. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

*Effective date.* The foregoing amendment shall become effective September 11, 1975.



The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the interstate spread of cattle scabies and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of September 1975.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc.75-24181 Filed 9-10-75; 8:45 am]

#### Title 13—Business Credit and Assistance CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 9, Amdt. 3]

#### PART 123—DISASTER LOANS Physical, Economic Injury and Product Disaster Loan Interest Rates

This amendment reflects the change in physical, economic injury, and product disaster loan interest rates which became effective with the signing of Pub. L. 94-68 on August 5, 1975. Since this change is the result of a statutory enactment, notice and public procedure is not required. This amendment is effective as of August 5, 1975.

Part 123 is hereby amended by revising § 123.5(c) (1) as follows:

§ 123.5 Amount of loan and interest rates.

(c) . . . . .

(1) For disaster relief described under § 123.1 (a), (b), (1), and (3), the interest rate shall be as follows: On SBA's share of financial assistance, interest shall be 3 percent per annum for disasters occurring between January 1 and December 31, 1971; at 1 percent per annum for disasters occurring between January 1, 1972, and prior to April 20, 1973, except that loans made in connection with natural disasters declared only by the Secretary of Agriculture and which occurred during this period shall bear an interest rate of 3 percent per annum; at a rate not to exceed 5 percent per annum on loans made in connection with disasters occurring between April 20, 1973, and August 5, 1975, and at the same rate charged on the SBA share of loans made under section 7(b) (3) (5) (6) (7) and (8) of the Small Business Act, as amended, in connection with disasters

#### RULES AND REGULATIONS

occurring on or after August 5, 1975. In any loan made under this subsection, except for loans approved as the result of disasters occurring prior to July 1, 1973, deferment may be made in payments of principal or interest, or both, for a period not to exceed 3 years. In participation or guaranteed loans, the interest rate on the participating institution's share shall be at a rate considered as reasonable by SBA at the time of approval.

Dated: August 29, 1975.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.75-24181 Filed 9-10-75; 8:45 am]

#### Title 14—Aeronautics and Space CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 75-RM-1-AD Amdt. 39-2363]

#### PART 39—AIRWORTHINESS DIRECTIVES Raven Model S-40A, S-50A, S-55A, S-60A, RX-6 Hot Air Balloons

There have been failures of the "O" ring seal on the valve stem; instances of the valve seat washer becoming loose which caused valve malfunction; and instances of the rollpin in the actuating handle falling out rendering the valve inoperable. Since this condition is likely to exist or develop in other valves of this type design, this airworthiness directive requires inspection, replacement and safetying of these items on Rego P/N 7553S series valves as used on Raven Models S-40A, S-50A, S-55A, S-60A and RX-6 Hot Air Balloons.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 P.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

RAVEN Model S-40A, S-50A, S-55A, S-60A, and RX-6 Hot Air Balloons:

Applies to Rego 7553S series blast valves installed on all models of the Raven hot air balloons certificated in all categories.

Compliance required as indicated below after the effective date of this AD unless already accomplished.

To prevent failures of the "O" ring on the valve stem; valve seat washer loosening; or valve actuating handle rollpin becoming dislodged, accomplish the following or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Rocky Mountain Region.

Within the next 25 hours time in service unless already accomplished within the last 25 hours time in service, accomplish Paragraph a, b, c, and d. Paragraph "a" and "c" are to be accomplished thereafter at each 100 hours time in service or at intervals not to exceed 12 calendar months from the last inspection, whichever comes first.

a. Remove the valve actuating lever rollpin P/N 7553S-8 from actuating lever. (Be careful to remove any burrs in the stem area around the rollpin hole before removing the valve stem P/N 7553S-1 from the bonnet

P/N 7553-5). Replace the "O" ring stem seal with a new Rego "O" ring P/N 1421-7. Lubricate the new "O" ring with Orange Solid Oil (Rego P/N 5555GS) or unmedicated Vaseline lubricant before reassembly. Other lubricants may cause shrinkage of the "O" ring.

b. Check the torque of the valve seat retaining screw to 8 to 10 in-lbs in the counter-clockwise (loosening) direction. If it turns, the screw must be removed, cleaned of lubricant and reinstalled using MIL-S 22473 high strength thread locking compound, or equivalent. Recheck torque after thread locking compound has cured.

c. Reinstall valve actuating lever on the valve body with rollpin, P/N 7553S-8. Install a number three machine screw and stop nut or a 3/32 inch stainless steel cotter pin or .040 inch diameter safety wire through the hole in the rollpin, holding the actuating handle to the valve body and secure.

d. Appropriate maintenance records must be kept in accordance with FAR 91.173.

This amendment becomes effective on September 17, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Aurora, Colorado on September 3, 1975.

M. M. MARTIN,  
Director, FAA Rocky  
Mountain Region.

[FR Doc.75-24080 Filed 9-10-75; 8:45 am]

[Airspace Docket No. 75-GL-45]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CON- TROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Federal Airway

On July 14, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 29554) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate V-340 from Fort Wayne, Ind., direct to Richmond, Ind.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended to add the following: V-340 From Fort Wayne, Ind., to Richmond, Ind.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C. on September 5, 1975.

WILLIAM E. BROADWATER,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.75-24081 Filed 9-10-75; 8:45 am]

#### RULES AND REGULATIONS

#### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 14970; Amdt. No. 95-261]

#### PART 95—IFR ALTITUDES

##### Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations (14 CFR Chapter I) is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or any portion of a route. These altitudes, when used in conjunction with the current changeover points for the routes or portions of routes, also assure navigational coverage that is adequate and free of frequency interference.

Since situations exist which demand immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348 and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)))

Section 95.47 *Green Federal Airway 7* is amended to read in part:

From; to; and MEA

Koyuk INT, Alaska; Bishop, Alaska NDB; 5,800.  
Bishop, Alaska NDB; \*5,200—MOCA; Birch INT, Alaska; \*5,800.

Section 95.102 *Amber Federal Airway 2* is amended to read in part:

Chena, Alaska NDB; Evansville, Alaska NDB; 5,500.

Evansville, Alaska NDB; \*9,400—MOCA; Chip River INT, Alaska; \*10,000.

Section 95.103 *Amber Federal Airway 3* is amended to read:

Evansville, Alaska NDB; \*9,600—MOCA; Put River, Alaska NDB; \*10,000.

Section 95.104 *Amber Federal Airway 4* is amended to read:

Evansville, Alaska NDB; Umiat, Alaska NDB; 10,000.  
Umiat, Alaska NDB; Put River, Alaska NDB; 3,000.

Section 95.106 *Amber Federal Airway 6* is added to read:

Chandler Lake, Alaska NDB; Umiat, Alaska, NDB; 10,000.  
Umiat, Alaska NDB; Browerville, Alaska NDB; 3,000.

Section 95.250 *Red Federal Airway 50* is amended to read:

Bishop, Alaska NDB; Bear Creek, Alaska NDB; 6,000.  
Bear Creek, Alaska NDB; Chena, Alaska NDB; 5,000.

Section 95.612 *Blue Federal Airway 12* is amended to read:

Takotna River, Alaska NDB; \*5,500—MOCA; Bishop, Alaska NDB; \*6,000.  
Bishop, Alaska NDB; \*5,300—MOCA; Hotham, Alaska NDB; \*6,000.

Section 95.626 *Blue Federal Airway 26* is amended to read in part:

Willow INT, Alaska; \*4,100—MOCA; Peters Creek, Alaska NDB; \*4,800.  
\*Peters Creek, Alaska NDB; \*5,000—MOCA; Peters Creek NDB, N-bound; Summit, Alaska NDB; 10,000.

Chena, Alaska NDB; Yukon River, Alaska NDB; 7,000.  
Yukon River, Alaska NDB; \*4,100—MOCA; Barter Island NDB, SE-bound; \*10,800—MOCA; \*Barter Island, Alaska NDB; \*12,000.

Section 95.627 *Blue Federal Airway 27* is amended to delete:

Ft. Davis, Alaska, LF/RBN; Kotzebue, Alaska, LF/RBN; 6,000.

Section 95.627 *Blue Federal Airway 27* is amended by adding:

Ft. Davis, Alaska, NDB; Hotham, Alaska, NDB; 6,000.

Section 95.628 *Blue Federal Airway 28* is added to read:

U.S. Canadian Border; Nichols, Alaska, NDB; 5,000.  
Nichols, Alaska, NDB; Sitka, Alaska, NDB; 6,900.

Section 95.637 *Blue Federal Airway 37* is added to read:

Petersburg, Alaska, NDB; Elephant, Alaska, NDB; 6,900.  
Elephant, Alaska, NDB; Cape Spencer, Alaska, NDB; 6,000.  
Cape Spencer, Alaska, NDB; Hapit INT, Alaska; 6,000.

Section 95.638 *Blue Federal Airway 38* is amended to read:

Sitka, Alaska, NDB; Elephant, Alaska, NDB; 6,500.  
Elephant, Alaska, NDB; Chikot INT, Alaska; 7,300.  
Chikot INT, Alaska; Haines, Alaska, NDB; 9,000.  
Haines, Alaska, NDB; U.S. Canadian Border; 10,000.

Section 95.679 *Blue Federal Airway 79* is amended to read:

U.S. Canadian Border; Nichols, Alaska, NDB; 5,000.

Section 95.1001 *Direct Routes—U.S.* is amended by adding:

Knoxville, Tenn., VORTAC; Henderson, W. Va., VORTAC; 18,000; MAA-34,000.  
Henderson, W. Va., VORTAC; Bellaire, Ohio, VORTAC; 18,000; MAA-45,000.  
Missoula, Mont., VORTAC; Dillon, Mont., VORTAC; 18,500; MAA-35,000.

Section 95.5000 *High Altitude RNAV Routes.*

From to; total distance; changeover point distance from geographic location; track angle; MEA; and MAA

J808R is amended to read:

Sardi, N.Y., W/P, Patty, N.Y., W/P; 42; 075/255 to COP; 078/258 to Patty; 18,000; 45,000.

Patty, N.Y., W/P, Nantucket, Mass., VOR TAC; 92; 087/267 to COP; 088/268 to Nantucket; 18,000; 45,000.

Nantucket, Mass., VORTAC, Whale, Mass., W/P; 146; 082/262 to Whale; 18,000; 45,000.

J809R is amended to read:

Sardi, N.Y., W/P, Patty, N.Y., W/P; 42; 075/255 to COP; 078/258 to Patty; 18,000; 45,000.

Patty, N.Y., W/P, Nantucket, Mass., VOR TAC; 92; 087/267 to COP; 088/268 to Nantucket; 18,000; 45,000.  
Nantucket, Mass., VORTAC, Daves, Me., W/P; 150; 063/243 to Daves; 18,000; 45,000.

Section 95.6001 *VOR Federal Airway 1* is amended to delete:

From; to; and MEA.

Myrtle Beach, S.C. VOR; \*3,000—MRA, \*1,600—MOCA; \*Chatham INT, N.C.; \*2,000.

Chatham INT, N.C.; \*3,000—MRA, \*1,600—MOCA; \*Green INT, N.C.; \*2,000.

Green INT, N.C.; \*3,000—MRA, \*1,600—MOCA; \*Swamp INT, N.C.; \*2,000.

Swamp INT, N.C.; \*1,600—MOCA; Wilmington, N.C., VOR; \*2,000.

Wilmington, N.C., VOR; \*3,500—MRA, \*1,600—MOCA; \*Angola INT, N.C.; \*2,000.

\*Angola INT, N.C.; \*1,600—MOCA; Kinston, N.C., VOR; \*2,000.

Wilmington, N.C., VOR, via W alter; \*3,000—MRA, \*1,500—MOCA; \*Helena INT, N.C., via W alter; \*2,000.

Helena INT, N.C., via W alter; \*1,500—MOCA; Kinston, N.C., VOR, via W alter; \*2,000.

Section 95.6001 *VOR Federal Airway 1* is amended by adding:

Myrtle Beach, S.C., VOR, \*1,500—MOCA; Bear Pen INT, N.C.; \*2,000.

Bear Pen INT, N.C., \*1,500—MOCA; Wallace INT, N.C.; \*4,000.

Wallace INT, N.C., \*1,500—MOCA; Kinston, N.C., VOR; \*2,000.

Myrtle Beach, S.C., VOR, via E alter; \*3,000—MRA, \*1,600—MOCA; \*Chatham INT, N.C., via E alter; \*2,000.

Chatham INT, N.C., via E alter; \*3,000—MRA, \*1,600—MOCA; \*Green INT, N.C., via E alter; \*2,000.

Green INT, N.C., via E alter; \*3,000—MRA, \*1,600—MOCA; \*Swamp INT, N.C., via E alter; \*2,000.

Swamp INT, N.C., via E alter; \*1,600—MOCA; Wilmington, N.C., VOR, via E alter; \*2,000.

Wilmington, N.C., VOR, via E alter; \*3,500—MRA; \*1,600—MOCA; \*Angola INT, N.C., via E alter; \*2,000.

Angola INT, N.C., via E alter; \*1,600—MOCA; Kinston, N.C., VOR, via E alter; \*2,000.

Section 95.6009 *VOR Federal Airway 9* is amended to read in part:

Farmington, Mo., VOR, via W alter; St. Louis, Mo., VOR, via W alter; 3,000.

Section 95.6011 *VOR Federal Airway 11* is amended to read in part:

Memphis, Tenn., VOR, via W alter; \*2,700—MRA; \*Drummonds INT, Tenn., via W alter; 2,300.

Drummonds INT, Tenn., via W alter; Kelsner INT, Tenn., via W alter; 2,300.

Section 95.6017 *VOR Federal Airway 17* is amended to read in part:

Calumet INT, Okla.; Omega INT, Okla.; 3,100.

Section 95.6023 *VOR Federal Airway 23* is amended to delete:

San Diego, Calif., VOR; Oceanside, Calif., VOR; 3,000.

Section 95.6023 *VOR Federal Airway 23* is amended by adding:

Mission Bay, Calif., VOR; Oceanside, Calif., VOR; 3,000.



Section 95.6025 *VOR Federal Airway* 25 is amended to delete:  
San Diego, Calif., VOR; Redfin INT, Calif.; 3,000.

Section 95.6025 *VOR Federal Airway* 25 is amended by adding:  
Mission Bay, Calif., VOR; Redfin INT, Calif.; 3,000.

Section 95.6027 *VOR Federal Airway* 27 is amended to delete:  
San Diego, Calif., VOR; Redfin INT, Calif.; 3,000.

Section 95.6027 *VOR Federal Airway* 27 is amended by adding:  
Mission Bay, Calif., VOR; Redfin INT, Calif.; 3,000.

Section 95.6035 *VOR Federal Airway* 35 is amended to read in part:  
Gainesville, Fla., VOR, via E alter; Cross City, Fla., VOR, via E alter; 1,700.

Section 95.6041 *VOR Federal Airway* 41 is amended to read:  
Calcutta INT, Ohio; Youngstown, Ohio, VOR; 3,500.

Section 95.6066 *VOR Federal Airway* 66 is amended to delete:  
San Diego, Calif., VOR, \*5,200—MCA Bostonia INT, E-bound; \*Bostonia INT, Calif.; 4,000.

Section 95.6066 *VOR Federal Airway* 66 is amended by adding:  
Mission Bay, Calif., VOR, \*5,200—MCA Bostonia INT, E-bound; \*Bostonia INT, Calif.; 4,000.

Section 95.6165 *VOR Federal Airway* 165 is amended to delete:  
San Diego, Calif., VOR; Sargo INT, Calif.; 3,000.

Section 95.6165 *VOR Federal Airway* 165 is amended by adding:  
Mission Bay, Calif., VOR; Sargo INT, Calif.; 3,000.

Section 95.6213 *VOR Federal Airway* 213 is amended to delete:  
Myrtle Beach, S.C., VOR, \*1,400—MOCA; Bogle INT, N.C.; \*3,000.  
Bogle INT, N.C., \*1,400—MOCA; Wallace INT, N.C.; \*4,000.

Section 95.6213 *VOR Federal Airway* 213 is amended by adding:  
Myrtle Beach, S.C., VOR, \*3,000—MRA; \*1,600—MOCA; \*Chatham INT, N.C.; \*2,000.  
Chatham INT, N.C., \*3,000—MRA, \*1,600—MOCA; \*Green INT, N.C.; \*2,000.  
Green INT, N.C., \*3,000—MRA, \*1,600—MOCA; \*Swamp INT, N.C.; \*2,000.  
Swamp INT, N.C., \*1,600—MOCA; Wilmington, N.C., VOR, \*3,000—MRA, \*1,500—MOCA; \*Helena INT, N.C.; \*2,000.

Section 95.6213 *VOR Federal Airway* 213 is amended by adding:  
Myrtle Beach, S.C., VOR, \*3,000—MRA; \*1,600—MOCA; \*Chatham INT, N.C.; \*2,000.

Section 95.6276 *VOR Federal Airway* 276 is amended to read in part:  
Cassville INT, N.J., \*1,400—MOCA; Int. 122 M rad Robbinsville VOR and 221 M rad Deer Park VOR; \*3,000.

Int. 122 M rad Robbinsville VOR and 221 M rad Deer Park VOR, \*1,000—MOCA; Manta INT, N.J.; \*5,000.

Section 95.6286 *VOR Federal Airway* 286 is amended to read in part:  
Casanova, Va., VOR, \*2,000—MOCA; Brandy INT, Va.; \*3,000.  
Brandy INT, Va.; Brooke, Va., VOR; 2,000.

Section 95.6307 *VOR Federal Airway* 307 is amended to delete:  
Annette Island, Alaska, VOR; Token INT, Alaska; 6,000.

Section 95.6307 *VOR Federal Airway* 307 is amended by adding:  
Annette Island, Alaska, VOR; Token INT, Alaska; \*6,100—MOCA; #MEA is established with a gap in Navigation signal coverage; Port Walter DME Fix, Alaska; \*9,000.  
Port Walter DME Fix, Alaska; Biorca Island, Alaska, VOR; 6,000.

Section 95.6311 *VOR Federal Airway* 311 is amended by adding:  
Annette Island, Alaska, VOR; Token INT, Alaska; 6,000.

Section 95.6311 *VOR Federal Airway* 311 is amended by adding:  
Token INT, Alaska, \*6,100—MOCA; #MEA is established with a gap in Navigation signal coverage; Porty DME Fix, Alaska; \*9,000.

Section 95.6317 *VOR Federal Airway* 317 is amended to read:  
U.S.-Canadian Border; Annette Island, Alaska, VOR; 5,000.

Section 95.6317 *VOR Federal Airway* 317 is amended to read:  
U.S.-Canadian Border, via Walter; \*4,900—MOCA; Annette Island, Alaska, VOR, via Walter; \*5,000.

Section 95.6317 *VOR Federal Airway* 317 is amended to read:  
Annette Island, Alaska, VOR; Gravi DME Fix, Alaska; 5,000.

Section 95.6317 *VOR Federal Airway* 317 is amended to read:  
Gravi DME Fix, Alaska; Gestl DME Fix, Alaska; 5,000.  
Gestl DME Fix, Alaska; \*5,100—MOCA; Level Island, Alaska, VOR; \*7,000.  
Annette Island, Alaska, VOR, via Walter; Level Island, Alaska, VOR, via Walter; 6,000.

Section 95.6319 *VOR Federal Airway* 319 is amended by adding:  
\*Hapit INT, Alaska; \*15,000—MRA; \*2,000—MOCA; Centa DME Fix, Alaska; \*9,000.  
Centa DME Fix, Alaska; \*2,000—MOCA; Yakutat, Alaska, VOR; \*3,000.

Section 95.6319 *VOR Federal Airway* 319 is amended by adding:  
Yakutat, Alaska, VOR; Malas DME Fix, Alaska; 2,000.

Section 95.6319 *VOR Federal Airway* 319 is amended by adding:  
Malas DME Fix, Alaska; \*5,500—MOCA; #MEA is established with a gap in Navigation signal coverage; Katat INT, Alaska; \*10,000.

Section 95.6319 *VOR Federal Airway* 319 is amended by adding:  
Katat INT, Alaska; Casel INT, Alaska; 5,000.  
Casel INT, Alaska; \*2,000—MOCA; Eyaks INT, Alaska; 3,000.

Section 95.6319 *VOR Federal Airway* 319 is amended by adding:  
Eyaks INT, Alaska; Johnstone Point, Alaska, VOR; 5,000.

Section 95.6319 *VOR Federal Airway* 319 is amended by adding:  
Johnstone Point, Alaska, VOR; Perry DME Fix, Alaska; 5,000.

Section 95.6319 *VOR Federal Airway* 319 is amended by adding:  
Perry DME Fix, Alaska; Whittier INT, Alaska; W-bound, 10,000; E-bound, 8,000.

Section 95.6319 *VOR Federal Airway* 319 is amended by adding:  
Whittier INT, Alaska; \*5,000—MCA Anchorage VOR, E-bound; \*7,100—MOCA; \*Anchorage, Alaska, VOR; \*10,000.

Section 95.6319 *VOR Federal Airway* 319 is amended by adding:  
Johnstone Point, Alaska, VOR, via S alter; Kebab INT, Alaska, via S alter; 5,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Kebab INT, Alaska, via S alter; \*4,400—MOCA; Nellu DME Fix, Alaska, via S alter; \*5,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Nellu DME Fix, Alaska, via S alter; \*8,500—MOCA; Hoper INT, Alaska, via S alter; \*10,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Hoper INT, Alaska, via S alter; \*5,000—MCA Anchorage VOR, E-bound; \*5,500—MOCA; \*Anchorage, Alaska, VOR, via S alter; \*7,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Cape Newenham, Alaska, NDB; \*4,300—MOCA; King Salmon, Alaska, VOR; \*5,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
King Salmon, Alaska, VOR; Batty INT, Alaska; 5,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Batty INT, Alaska; Aught DME Fix, Alaska; 7,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Aught DME Fix, Alaska; Homer, Alaska, VOR; 4,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Homer, Alaska, VOR; Kassl DME Fix, Alaska; 4,400.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Kassl DME Fix, Alaska; Kenal, Alaska, VOR; 2,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Kenal, Alaska, VOR; Kenal, Alaska, VOR; 2,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Homer, Alaska, VOR, via E alter; Kenal, Alaska, VOR, via E alter; 4,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Homer, Alaska, VOR, via E alter; Kenal, Alaska, VOR, via E alter; 4,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Kenal, Alaska, VOR; Anchorage, Alaska, VOR; 2,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Cape Newenham, Alaska, NDB; \*4,300—MOCA; Dillingham Alaska, VOR; \*5,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Stuyahok INT, Alaska; \*8,800—MOCA; #MEA is established with a gap in Navigation signal coverage; Nonda INT, Alaska; \*14,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Nonda INT, Alaska; \*11,000—MCA Foreland INT, SW-bound; \*12,200—MOCA; \*Foreland INT, Alaska; \*14,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Nonda INT, Alaska; \*11,000—MCA Foreland INT, SW-bound; \*12,200—MOCA; \*Foreland INT, Alaska; \*14,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Nonda INT, Alaska; \*11,000—MCA Foreland INT, SW-bound; \*12,200—MOCA; \*Foreland INT, Alaska; \*14,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Nonda INT, Alaska; \*11,000—MCA Foreland INT, SW-bound; \*12,200—MOCA; \*Foreland INT, Alaska; \*14,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Nonda INT, Alaska; \*11,000—MCA Foreland INT, SW-bound; \*12,200—MOCA; \*Foreland INT, Alaska; \*14,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Nonda INT, Alaska; \*11,000—MCA Foreland INT, SW-bound; \*12,200—MOCA; \*Foreland INT, Alaska; \*14,000.

Section 95.6321 *VOR Federal Airway* 321 is amended by adding:  
Nonda INT, Alaska; \*11,000—MCA Foreland INT, SW-bound; \*12,200—MOCA; \*Foreland INT, Alaska; \*14,000.

Section 95.6501 *VOR Federal Airway* 501 is amended to read in part:  
Hagerstown, Md., VOR; St. Thomas, Pa., VOR; 4,000.

Section 95.6501 *VOR Federal Airway* 501 is amended to read in part:  
Hagerstown, Md., VOR; St. Thomas, Pa., VOR; 4,000.

Section 95.6504 *VOR Federal Airway* 504 is amended to read in part:  
Nenana, Alaska, VOR; \*6,400—MOCA; Ramp, INT, Alaska; \*7,000.

Section 95.6504 *VOR Federal Airway* 504 is amended to read in part:  
Rampa INT, Alaska; \*4,400—MCA Kanuti DME Fix, SE-bound; \*Kanuti DME Fix, Alaska; 7,000.

Section 95.6504 *VOR Federal Airway* 504 is amended to read in part:  
Kanuti DME Fix, Alaska; \*3,200—MOCA; Evansville, Alaska, NDB, \*3,500.

Section 95.6504 *VOR Federal Airway* 504 is amended to read in part:  
Evansville, Alaska, NDB; \*9,500—MOCA; Derik DME Fix, Alaska; \*10,000.

Section 95.7001 *Jet Route No. 1* is amended to delete:  
From: to: MEA; and MAA

Section 95.7001 *Jet Route No. 1* is amended to delete:  
U.S. Mexican Border: San Diego, Calif., VORTAC; 18,000; 45,000.

Section 95.7001 *Jet Route No. 1* is amended to delete:  
San Diego, Calif., VOR; Oceanside, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
U.S. Mexican Border: Mission Bay, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
Mission Bay, Calif., VORTAC; Oceanside, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
San Diego, Calif., VOR; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
San Diego, Calif., VOR; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
Mission Bay, Calif., VORTAC; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
Mission Bay, Calif., VORTAC; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
Mission Bay, Calif., VORTAC; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
Mission Bay, Calif., VORTAC; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
Mission Bay, Calif., VORTAC; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
Mission Bay, Calif., VORTAC; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
Mission Bay, Calif., VORTAC; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
Mission Bay, Calif., VORTAC; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:  
Mission Bay, Calif., VORTAC; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7133 *Jet Route No. 133* is amended to read:  
Blorka Island, Alaska, VORTAC; Hinchinbrook, Alaska, NDB; 18,000; 45,000.

Section 95.7133 *Jet Route No. 133* is amended to read:  
Hinchinbrook, Alaska, NDB; Johnstone Point, Alaska, VORTAC; 18,000; 45,000.

Section 95.7145 *Jet Route No. 145* is amended to read:  
Charleston, W. Va., VORTAC; Ellwood City, Pa., VORTAC; 18,000; 45,000.

Section 95.7149 *Jet Route No. 149* is amended to read in part:  
Casanova, Va., VORTAC; Big Isaac INT, W. Va.; 18,000; 45,000.

Section 95.7149 *Jet Route No. 149* is amended to read in part:  
Big Isaac INT, W. Va.; Happs INT, W. Va.; 27,000; 45,000.

Section 95.7150 *Jet Route No. 150* is amended to read in part:  
Hampton, N.Y., VORTAC; Hyannis, Mass., VORTAC; 18,000; 45,000.

Section 95.7174 *Jet Route No. 174* is amended to read in part:  
Hampton, N.Y., VORTAC; Hyannis, Mass., VORTAC; 18,000; 45,000.

Section 95.7195 *Jet Route No. 195* is amended to read:  
Annette Island, Alaska, VORTAC; Biorca Island, Alaska, VORTAC; 18,000; 45,000.

Section 95.7501 *Jet Route No. 501* is amended by adding:  
Bethel, Alaska, VORTAC; Nivak DME Fix, Alaska; 26,000; 45,000.

Section 95.7509 *Jet Route No. 509* is amended to delete:  
Int. 356 M rad Albany and 203 M rad St. Eustache VOR; U.S. Canadian Border; 18,000; 45,000.

Section 95.7511 *Jet Route No. 511* is amended by adding:  
Cape Newenham, Alaska, NDB; Dillingham, Alaska, VORTAC; 18,000; 45,000.

Section 95.7541 *Jet Route No. 541* is added to read:  
Yakutat, Alaska, VORTAC; Sisters Island, Alaska, VORTAC; 18,000; 45,000.

Section 95.7570 *Jet Route No. 570* is added to read:  
Long Lake INT, N.Y.; U.S. Canadian Border; 18,000; 45,000.

Section 95.8003 *VOR Federal Airway* Changeover Points.

Section 95.8003 *VOR Federal Airway* Changeover Points.

Section 95.8003 *VOR Federal Airway* Changeover Points.

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Section 95.8003 *VOR Federal Airway* Changeover Points.

Section 95.8003 *VOR Federal Airway* Changeover Points.

V-317 is amended to read in part:  
Level Island, Alaska, VOR; Sisters Island, Alaska, VOR; 74; Level Island.

V-319 is amended by adding:  
Yakutat, Alaska, VOR; Johnstone Point, Alaska, VOR; 119; Yakutat.

V-321 is amended by adding:  
King Salmon, Alaska, VOR; Homer, Alaska, VOR; 70; King Salmon.

V-436 is amended to delete:  
King Salmon, Alaska, VOR; Homer, Alaska, VOR, via E alter; 70; King Salmon.

2. By amending Sub-part D as follows:  
Section 95.8005 *Jet Routes Changeover Points*.

J-127 is amended to delete:  
King Salmon, Alaska, VORTAC; Anchorage, Alaska, VORTAC; 117; Anchorage.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Subpart C of Part 95 of the Federal Aviation Regulations is amended as follows, effective October 9, 1975.

Issued in Washington, D.C., on September 3, 1975.  
JAMES M. VINES,  
Chief, Aircraft Programs Division.  
[FR Doc. 75-23962 Filed 9-10-75; 8:45 am]

[Docket No. 14554, Amdts. 37-38, 121-122]  
PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Ground Proximity Warning; Glide Slope Deviation Alerting System

The purpose of these amendments to Parts 37 and 121 of the Federal Aviation Regulations is to revise the Technical Standard Order (TSO) contained in § 37.201 to provide standards for ground proximity warning-glide slope deviation alerting equipment and to require, under § 121.360, the installation of equipment meeting those standards in large turbine-powered airplanes used in operations under Parts 121, 123, or 135.

On April 10, 1975, the Federal Aviation Administration issued a notice of proposed rulemaking (Notice 75-16; 40 FR 17156) relating to glide slope deviation monitoring equipment. Based on the comments received in response to Notice 75-16 and on further review by the FAA, it was determined that a need existed for the installation of such equipment, but that the amendment proposed in Notice 75-16 should contain specific technical standards for the equipment. Therefore, on July 18, 1975, a supplemental notice of proposed rulemaking was issued (Notice 75-16A; 40 FR 30839) which proposed complete and comprehensive tech-



nical standards for ground proximity warning-glide slope deviation alerting systems. Moreover, since it was determined that the installation of equipment meeting the new technical standards could not be accomplished by the date originally proposed, new compliance dates were proposed in Notice 75-16A. Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all comments received in response to that notice. Except for minor editorial revisions and as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those in Notice 75-16A.

Four commentators responded to Notice 75-16A and all were in basic agreement with the proposals contained therein. However, several substantive comments were received in response to Notice 75-16A, and the FAA's disposition of those comments is discussed below.

One commentator, an industry association, presented the views of two of its members as well as several comments for the association as a whole. One of these members requested that §§ 121.360 (f) and (g) be revised to provide a single date by which systems meeting the standards of the revised TSO must be installed. Another member requested that the single date be January 1, 1977, in order that the envelope for the glide slope deviation alerting mode (Mode 5) of the TSO could be refined. On the other hand, another commentator expressed regret that the December 1, 1975, compliance date originally proposed in Notice 75-16 was changed. However, as indicated in Notice 75-16A, the change in compliance dates as well as the two separate compliance dates are necessary to ensure that sufficient equipment meeting acceptable standards will be available for installation within the time provided. It should be noted that in establishing the compliance dates in this amendment, the FAA does not intend that operators unnecessarily delay installation of the systems that are required to be installed by the June 1, 1976, or January 1, 1977, compliance dates. These dates have been established to reflect a realistic time frame for equipment availability and installation no later than the required compliance dates. However, the FAA urges all operators to install the required ground proximity warning-glide slope deviation alerting system as soon as practicable.

With respect to the asserted need to refine the alerting envelope (Mode 5), a commentator also requested that the exceptions contained in proposed §§ 37.201 (a) (1) through (a) (4) (renumbered herein as §§ 37.201(a) (2) (i) through (a) (2) (iv)) be deleted. These exceptions act to prohibit the use of two alternate warning envelopes (Alternate Modes 1 and 4) that were developed by the Radio Technical Commission for Aeronautics for use in turbopropeller powered airplanes. In regard to these comments, the FAA does not agree that the presently available data and information warrant

a revision of the alerting envelope specified in the TSO, the establishment of additional warning envelopes in the TSO, or a delay in the proposed compliance dates. The FAA recognizes, however, that increased experience with ground proximity warning-glide slope deviation alerting systems may result in a recognized need for adjustments in the warning and alerting envelopes specified in the TSO. The FAA will continue to review all available relevant data, and expedited action will be taken if found necessary.

The FAA also does not agree with the comment that the deactivation of the glide slope deviation alerting portion of the overall system during back course approaches should be specifically authorized in order to avoid "nuisance" alerts. The TSO, as revised, requires a deactivation capability for the glide slope deviation alerting portion of the overall system, and there exists no prohibition against the pilot deactivating that portion of the system to avoid back course "nuisance" alerts. However, the TSO also provides that after any deactivation of the glide slope deviation alerting portion of the system, that portion be automatically reactivated for the next approach.

It should be noted that proposed § 121.360 has been revised to provide for the use of all TSO-approved ground proximity warning-glide slope deviation alerting equipment. For consistency, similar revisions have been made herein to current §§ 121.360 (a) and (b). Since these revisions provide for an alternate means of compliance, and impose no additional burden on any person, additional notice and public proceedings on these revisions are unnecessary.

Finally, as indicated in Notice 75-16A, eight of the ten comments received in response to Notice 75-16 were in favor of a glide slope deviation monitoring system requirement. However, all comments received in response to Notice 75-16 were considered by the FAA in the issuance of Notice 75-16A, and due consideration has again been given to these comments in making these amendments.

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1924); sec. 6(c), Department of Transportation (49 U.S.C. 1655(c))

In consideration of the foregoing, Parts 37 and 121 of the Federal Aviation Regulations are amended effective October 13, 1975, as follows:

1. By revising the heading, paragraphs (a), (b), and (g), and the first sentence of paragraph (d) (1) of § 37.201 and adding a new § 37.201(h) to read as follows:

§ 37.201 Ground proximity warning-glide slope deviation alerting equipment: TSO-C92a.

(a) *Applicability*—(1) *Minimum performance standards*. This Technical Standard Order prescribes the minimum performance standards that ground proximity warning-glide slope deviation alerting equipment must meet in order to be identified with the applicable TSO

marking. Equipment to be so identified must meet the minimum performance standards prescribed in Radio Technical Commission for Aeronautics (RTCA) Document No. DO-161, titled "Minimum Performance Standards, Airborne Ground Proximity Warning System" dated February 7, 1975 (DO-161) including Change Number 2, dated June 13, 1974, with the exceptions covered in paragraph (a) (2) of this section, and must meet the additional standards contained in paragraph (c) of this section.

(2) *Exceptions*. For purposes of this section—

(i) The note added to paragraph 2.1.1 by Change Number 2 is not applicable;

(ii) Alternate Mode 1 added as page 8 of Appendix A by Change Number 2 is not applicable;

(iii) The note at the end of paragraph 2.1.4 as added by Change Number 2 is not applicable;

(iv) Alternate Mode 4 added as page 9 of Appendix A by Change Number 2 is not applicable; and

(v) The word "five" contained in the second sentence of the second paragraph of paragraph 2.6.5 as added by Change Number 2 is revised to read "three".

(b) *Environmental standards*. RTCA Document No. DO-138, dated June 27, 1968, including Change Number 2, dated October 29, 1969, or RTCA Document No. DO-160, dated February 28, 1975, both titled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments", must be used to determine the environmental conditions over which the equipment has been designed to operate.

(d) \* \* \*

(1) The environmental categories over which it has been designed to operate as set forth in Appendix B of RTCA Document No. DO-138 or Appendix A of Document No. DO-160 must be permanently and legibly marked on the equipment \* \* \*

(g) *Availability of referenced documents*. RTCA Document Nos. DO-138, dated June 27, 1968, including Change Number 2, dated October 29, 1969, DO-160, dated February 28, 1975, and DO-161, dated February 7, 1975, including Change Number 2, dated June 13, 1975, are incorporated herein in accordance with 5 U.S.C. 552(a) (1) and § 37.23 and are available as indicated in § 37.23. Additionally, RTCA Document Nos. DO-138, DO-160, and DO-161 may be examined at any FAA Regional Office of the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division) and may be obtained from the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, at a cost of \$16.00 per copy for Document No. DO-138, \$20.00 per copy for Document No. DO-160, and \$16.00 per copy for Document No. DO-161.

(h) *Previously approved equipment*. Ground proximity warning equipment approved prior to October 13, 1975, un-

der TSO-C92 may continue to be manufactured under its original approval.

2. By revising the heading and paragraphs (a) and (b) of § 121.360 and by adding new paragraphs (f) and (g) to § 121.360 to read as follows:

§ 121.360 Ground proximity warning-glide slope deviation alerting system.

(a) Except as provided in paragraph (b) of this section, after December 1, 1975, no person may operate a large turbine-powered airplane unless it is equipped with a ground proximity warning system that meets the performance and environmental standards of TSO-C92 or incorporates TSO-approved ground proximity warning equipment.

(b) Ground proximity warning systems approved for use under this Part and installed before June 5, 1975, may be used in lieu of equipment that meets the performance and environmental standards of TSO-C92 or is TSO-approved until January 1, 1977, except that the requirements of paragraph (c) of this section must be met.

(f) Except as provided in paragraph (g) of this section, after June 1, 1976, no person may operate a large turbine-powered airplane unless it is equipped with a ground proximity warning-glide slope deviation alerting system that meets the performance and environmental standards contained in TSO-C92a or incorporates TSO-approved ground proximity warning-glide slope deviation alerting equipment.

(g) Large turbine-powered airplanes being operated under the provisions of paragraph (b) of this section may be operated until January 1, 1977, without being equipped with the ground proximity warning-glide slope deviation alerting system required by paragraph (f) of this section.

Issued in Washington, D.C., on September 5, 1975.

JAMES E. DOW,  
Acting Administrator.

Note.—The incorporation by reference in this document was approved by the Director of the Federal Register on April 16, 1969.

[FR Doc. 75-24191 Filed 9-10-75; 8:45 am]

[Docket No. 13485; Amdt. 121-121]

#### PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

##### Crewmember Interphone Systems for Large Turbojet-Powered Airplanes

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to permit the operation of large turbojet-powered airplanes with a crewmember interphone system that incorporates either an aural or a visual alerting signal for use by crewmembers to alert flight attendants, and for use by flight attendants to alert flight crewmembers. This amendment revokes the require-

ment for a two-way communication system between ground personnel and a flight attendant in the passenger cabin of those airplanes, and clarifies certain other provisions contained in Part 121.

This amendment is based on a notice of proposed rulemaking (Notice No. 75-14) issued on March 6, 1975, and published in the Federal Register on March 13, 1975 (40 FR 11736).

Interested persons were afforded an opportunity to participate in the making of this amendment and due consideration was given to all matters presented. Five comments were received in response to the notice. Generally, all comments received were favorable. Some commentators recommended certain changes which are discussed below. Several made suggestions that are not within the scope of the notice, and, accordingly, those comments are not discussed but will be retained by the FAA for future study.

Additionally, it should be noted, as stated in Notice 75-14, that this amendment is an amendment for which proposals were received for inclusion in the 1974-1975 Airworthiness Review Program (Notice 74-5; 39 FR 5785). As indicated in that notice and in Notice 74-5A (39 FR 18662), rulemaking procedures separate from the airworthiness review could result in removal of proposals from consideration during the Airworthiness Review Program. Accordingly, because of this amendment those proposals are not being given further consideration.

Section 121.303(d) (2) of the Federal Aviation Regulations provides that the interphone system (as well as other specified equipment) must be in operable condition for takeoff. Consequently, the requirement in § 121.319(a) (1), which provides that no person may operate an airplane unless the airplane is equipped with a crewmember interphone system that is operational at takeoff, is redundant and is revoked by this amendment.

As stated in the notice, the FAA believes the objective of FAR § 121.319(b) (5) (ii) and (iii) can be met with the use of either an aural or a visual alerting system which is capable of distinguishing between a normal and an emergency call, since there are other means available, such as the public address system, to relay calls in the event the alerting system does not operate. Moreover, the FAA has reviewed the requirement of FAR § 121.319(b) (5) (iv) for a two-way communication system between ground personnel and a flight attendant in the passenger cabin, and believes that recent experience has shown that the need for that requirement is not as great at the present time as before.

During FAA discussions with interested members of the aviation community, a question arose as to when a power source is not considered to be common to the public address and interphone systems for the purpose of complying with FAR §§ 121.318(a) (1) and 121.319(a) (2).

Sections 121.318(a) (1) and 121.319(a) (2) state that except for handsets, headsets, microphones, selector switches, and

signaling devices, the public address and the crewmember interphone systems must be capable of operation independent of each other. With respect to these regulations, it should be noted that the power source is not considered to be common to the public address and interphone systems when the two systems are served by separate audio amplifiers through separate circuit breakers which receive power from at least a priority bus.

Comments received from the National Transportation Safety Board (NTSB) state that to allow a choice between aural and visual alerting signals degrades the present rule, since a visual signal alone might not be immediately seen and redundancy would be lost. Therefore, the NTSB continues to support both aural and visual signals as is presently required in § 121.319(b) (5) (ii). As stated in the preamble to the notice the FAA does not believe this redundancy is necessary since there are other means available, such as the public address system, to relay calls in the event the crewmember interphone alerting system does not operate.

The NTSB also states that during its investigation of an aircraft accident, it found that difficulties were experienced in transmitting the order to the cabin attendants and passengers to evacuate the aircraft. Accordingly, the NTSB concluded that during an emergency communication to all sections of the aircraft is vital and that a system should be required that is independent of the main aircraft power supply. Therefore, the NTSB recommended that the FAA require all air carrier aircraft to be equipped with both an aural and visual evacuation alarm system capable of being activated in the cockpit and at each flight attendant's station and powered so that interruption of the aircraft electrical systems will not interfere with use of the evacuation alarm. Furthermore, the NTSB expressed the view that a portable battery-powered megaphone required by § 121.309(f) is an inadequate, independent backup. While these comments are beyond the scope of the notice, which is limited to the alerting signal system that alerts the crewmembers to incoming calls, these comments are appreciated. In this connection, it should be noted that as a result of the NTSB's Special Study on Safety Aspects of Emergency Evacuations from Air Carrier Aircraft, it submitted to the FAA a number of safety recommendations (A-74-105 through 114). Safety recommendation A-74-111 recommended that the FAA amend § 121.318 to require, after a reasonable date, that the public address system be capable of operating on a power source independent of the main aircraft power supply. These safety recommendations are under consideration by the FAA and the NTSB comments in response to the notice will be considered in connection with those recommendations.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))



In view of the imminence of the present compliance date, I find that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, § 121.319 of the Federal Aviation Regulations is amended, effective September 8, 1975, by revoking and reserving paragraph (a) (1); by revising paragraph (b) (5) (ii); and by amending paragraph (b) (5) (iv) to read as follows:

§ 121.319 Crewmember interphone system.

- (a) . . . .
- (1) [Reserved]
- (b) . . . .
- (5) . . . .

(ii) It must have an alerting system incorporating aural or visual signals for use by flight crewmembers to alert flight attendants and for use by flight attendants to alert flight crewmembers;

(iv) When the airplane is on the ground, it must provide a means of two-way communication between ground personnel and either of at least two flight crewmembers in the pilot compartment. The interphone system station for use by ground personnel must be so located that personnel using the system may avoid visible detection from within the airplane.

Issued in Washington, D.C., on September 5, 1975.

JAMES E. DOW,  
Acting Administrator.

[FR Doc. 75-24190 Filed 9-10-75; 8:45 am]

#### Title 17—Commodity and Securities Exchanges

#### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11632]

#### PART 201—RULES OF PRACTICE

#### Procedures for Adjudications Not Required To Be Determined on the Record After Notice and Opportunity for Hearing

The Securities and Exchange Commission, acting pursuant to Section 23 of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94-29 (June 4, 1975) (the "1975 Amendments"), hereby adopts Rule of Practice 27 (17 CFR 201.27).

In connection with the adoption of Rule 27, the Commission hereby amends Rule of Practice 1, Scope of the rules of practice, to read as follows:

§ 201.1 Scope of rules of practice.

These rules of practice are generally applicable to proceedings before the Commission under the statutes which it administers, particularly those which involve a hearing or opportunity for hearing before the Commission or its duly designated officer. Rule 201.27 applies to cases pursuant to the Securities Exchange Act of 1934 of adjudication not required to be determined on the record

after notice and opportunity for hearing. In connection with any particular matter, reference should also be made to any special requirements of procedure and practice that may be contained in the particular statute involved or the rules and forms adopted by the Commission thereunder, which special requirements are controlling. These rules do not apply to investigations, except where made specifically applicable by the Rules Relating to Investigations (Part 203 of this chapter).

Section 23(c) of the Act provides that the Commission, by rule, shall prescribe the procedure applicable to every case pursuant to the Act of adjudication not required to be determined on the record after notice and opportunity for hearing. The text of Rule 27 is as follows:

§ 201.27 Adjudications not required to be determined on the record after notice and opportunity for hearing.

In every case pursuant to the Securities Exchange Act of 1934 of adjudication (as defined in section 551 of title 5, United States Code) not required to be determined on the record after notice and opportunity for hearing, the Commission shall (a) give prompt notice of any adverse action or final disposition to any person who has requested the Commission to make (or not to make) any such adjudication, and (b) furnish to any such person a statement of written reasons therefor. Additional procedures may be specified in rules relating to specific types of such adjudications; where any such rule provides for the publication of a Commission order, notice of the action or disposition shall be deemed to be given by such publication.

The Commission finds that the foregoing rules will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Commission finds further that the foregoing action relates solely to agency organization, procedure or practice and that notice and procedures under 5 U.S.C. 553 are not necessary. The foregoing rules are not substantive rules; therefore, publication prior to their effective date is not necessary. Accordingly the foregoing action becomes effective immediately.

(Sec. 23, 48 Stat. 901, as amended by sec. 18, 89 Stat. 155 (15 U.S.C. 78w, as amended by Pub. L. No. 94-29))

By the Commission.

(SEAL) GEORGE A. FITZSIMMONS,  
Secretary.

SEPTEMBER 4, 1975.

[FR Doc. 75-24165 Filed 9-10-75; 8:45 am]

#### Title 23—Highways

#### CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

#### PART 658—NATIONAL MAXIMUM SPEED LIMIT; MAXIMUM VEHICLE SIZE AND WEIGHT

#### Notice of Determination of Nonconformity

The purpose of this amendment to 23 CFR Part 658, adding § 658.17, is to pro-

vide a procedure for notice to the State, and publication in the FEDERAL REGISTER, of a determination by the Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration that a State has not submitted certifications relating to speed limit and size and weight enforcement which conform to §§ 658.7 and 658.9. The amendment provides that the notice of determination of nonconformity shall include a statement of the reasons for the determination and specify the time within which the State has an opportunity to show cause why the determination should not be made effective.

Because the amendment constitutes a rule of agency procedure and practice that does not impose additional requirements on any State, the relevant provision of the Administrative Procedure Act (5 U.S.C. 553(b)) requiring notice of proposed rulemaking and opportunity for public participation is inapplicable.

In consideration of the foregoing, Part 658 in Title 23, Code of Federal Regulations, is amended by the addition of § 658.17, as follows:

#### § 658.17 Notice of determination of nonconformity.

(a) If the Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration determine that a State has not submitted certifications which conform to §§ 658.7 and 658.9, they shall send the Governor of the State by certified mail and publish in the FEDERAL REGISTER a notice of their determination of nonconformity 45 days prior to the effective date thereof.

(b) The notice of determination of nonconformity shall state the reasons for the determination and specify the time within which the State has an opportunity to show cause why the determination should not be made effective.

(Secs. 106, 107, 114, Pub. L. 93-643, 80 Stat. 2281; (23 U.S.C. 127, 141, 154; 23 U.S.C. 315); delegations at 49 CFR 1.48 and 1.50.)

Effective date: October 10, 1975.

Issued on September 4, 1975.

NORBERT T. TIEMANN,  
Federal Highway Administrator.

JAMES B. GREGORY,  
National Highway Traffic  
Safety Administrator.

[FR Doc. 75-24183 Filed 9-10-75; 8:45 am]

#### Title 32—National Defense

#### CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

#### SUBCHAPTER M—MISCELLANEOUS

#### PART 197—EQUAL OPPORTUNITY IN OFF-BASE HOUSING

The Assistant Secretary of Defense (Manpower and Reserve Affairs) approved Part 197. This part sets forth Department of Defense fair housing policy; assigns responsibilities and prescribes enforcement and complaint procedures; and establishes reporting requirements.

- Sec.
- 197.1 Purpose.
- 197.2 Applicability and scope.
- 197.3 Definitions.
- 197.4 Objectives and policies.
- 197.5 Reports.
- 197.6 Check list for commanders.
- 197.7 Effective date and implementation.

AUTHORITY: Sec. 301, 80 Stat. 379; (5 U.S.C. 301, 10 U.S.C. 133).

#### § 197.1 Purpose.

This part:

(a) Revises the policies covering "restrictive sanctions" and "relief for complainants"; updates the reporting requirements; includes sex discrimination under its provisions; and authorizes commanders to use verifiers under certain conditions.

(b) Supplements the "equal opportunity" provisions of 32 CFR Part 191 relating to equal opportunity in off-base housing and fair housing enforcement.

#### § 197.2 Applicability and scope.

The provisions of this part apply to all DoD Components (Military Departments, Defense Agencies, Specified and Unified Commands and other DoD Components) which have under their jurisdiction:

(a) Military personnel authorized to live in the civilian community in the United States, or

(b) DoD personnel authorized to live in the civilian community in areas outside of the United States.

#### § 197.3 Definitions.

Terms which apply to this part are:

(a) *Agent*. Real estate agency, manager, landlord or owner, as appropriate, of a housing facility doing business with DoD personnel or a Housing Referral Office.

(b) *Area Outside the U.S.* An area in which DoD personnel reside but which is not subject to U.S. laws or regulations.

(c) *Commander*. The military or civilian head of any installation, organization or agency of the DoD.

(d) *Commuting Area*. That area as defined in DoD Instruction 4165.45.

(e) *Complainant*. A military member, adult dependent acting for a military member, or a civilian employee of the DoD who submits a complaint of discrimination.

(f) *Discrimination*. The act of denying housing to DoD personnel because of race, color, religion, national origin, or sex.

(g) *DoD Personnel*. In the United States, military personnel and their dependents. Outside the United States, military personnel and their dependents, and non-appropriated and appropriated fund U.S. citizen civilian employees and their dependents, assigned to any DoD component.

(h) *Listed Facility*. A suitable facility listed with the housing referral office as available for DoD personnel which is not under restrictive sanctions and whose

<sup>1</sup> Filed as part of original. Copies available from U.S. Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attn: Code 300.

agent and/or owner has provided a non-discriminatory assurance.

(i) *Relief for the Complainant*. Action taken by a commander for the benefit of a complainant if a discrimination complaint is substantiated.

(j) *Restrictive Sanctions*. Action taken by a commander to preclude DoD personnel from entering into a new rental, lease or purchase arrangement with, or otherwise moving into, a housing facility, the agent of which has been found to have discriminated against DoD personnel. Restrictive sanctions are effective against the agent and the facility.

(k) *Verifiers*. Volunteers used by the commander during the course of a housing discrimination investigation to determine if, in fact, housing discrimination is being practiced by a facility or individual as alleged. Verifiers are not required to be prospective tenants.

#### § 197.4 Objectives and policies.

The Department of Defense is fully committed to the goal of obtaining equal treatment for all DoD personnel as specified in (32 CFR Part 191). To carry out this policy with regard to off-base housing and fair housing enforcement, the Secretaries of the Military Departments and Heads of other DoD Components concerned will develop and issue implementing regulations consistent with the following:

(a) *National Housing Policy*. In the United States, Federal legislation prohibits discrimination in housing against any person because of race, color, religion, or national origin.

(1) Title VIII of the Civil Rights Act of 1968 contains the fair housing provisions; outlines the responsibilities of the Secretary of Housing and Urban Development with regard to the Act; and requires all executive departments and agencies to administer housing and urban development programs and activities under their jurisdiction in a manner which will reflect "affirmatively" the furthering of the purposes of Title VIII.

(2) Title IX of the Civil Rights Act of 1968 makes it a crime to willfully intimidate or interfere with any person by force or threat because of his activities in support of fair housing.

(3) 42 U.S.C. 1982 states that all citizens shall have the same right as is enjoyed by white citizens to purchase, lease, sell and convey real and personal property.

(b) *DoD Fair Housing Policy*. The Department of Defense intends that Federal fair housing legislation be supported and that DoD personnel have equal opportunity for available housing regardless of race, color, religion, national origin or sex. This includes the objective of eliminating discrimination against DoD personnel in off-base housing. This is not achieved simply by finding a place to live in a particular part of town or in a particular facility for a person from a minority group. It is achieved only when a person who meets the ordinary standards of character and financial responsibility is able to obtain off-base housing in the same manner as any other person anywhere in the area surround-

ing his installation, without suffering refusal and humiliation because of his race, color, religion, national origin or sex.

(1) The accomplishment of the objective shall not be hampered in any case by requiring the submission of a formal complaint of discrimination. A suspected discriminatory act, with or without the filing of a formal complaint, is a valid basis for investigation and, if discrimination is substantiated, for imposition of restrictive sanctions.

(2) No member of the Armed Forces moving into or changing his place of residence in the commuting area of a military installation or activity in the United States and no DoD member moving into or changing his place of residence in the commuting area of a DoD installation or activity outside the United States, shall be authorized to enter into a rental, purchase or lease arrangement with an agent or a facility which is under restrictive sanctions. (See paragraph (b) (3) of this section.)

(3) Restrictive sanctions shall be imposed upon substantiation that discrimination was practiced by an agent in accordance with paragraph (d) (2) of this section. These sanctions are not applicable to DoD personnel who may be residing in a facility at the time the restriction is imposed or to the extension or renewal of a rental or lease agreement originally entered into prior to the imposition of the restrictive sanctions. Relocation of a tenant within a restricted facility is not authorized without the written approval of the commander.

(4) In paragraph (b) (3) of this section, the agent shall be informed in writing that restrictions have been imposed, the reasons therefore, and the actions which must be taken to remove the restriction after the 180 days minimum restriction expires. In order for restrictive sanctions to be removed, the agent must provide assurances of future non-discriminatory practices.

(5) After imposition of restrictive sanctions, the commander shall insure that DoD personnel comply with the restrictive sanctions imposed on the agent.

(6) If a discrimination complaint is substantiated, the commander shall take whatever action is deemed reasonable to assist the complainant in obtaining suitable housing. If, due to discrimination practices in the community, suitable housing cannot be obtained by the complainant in a reasonable amount of time, the complainant and the commander may use this fact as a reason to justify a request for, if otherwise eligible, priority in obtaining military housing or for compassionate reassignment.

(7) The fact that 42 U.S.C. 1982 and Pub. L. 90-284 may or may not provide a remedy in a given case of discrimination affecting DoD personnel does not relieve a commander of the responsibility to insure equal treatment and opportunity for such personnel or to impose restrictive sanctions against the agent when appropriate.

(8) Consistent with the policy of freedom of choice, commanders shall insure non-discrimination in referring personnel to off-base housing facilities.



(9) Continuing efforts (as described in DoD Directive 5100.60 (32 CFR Part 239(a)) and DoD Instructions 4165.51)<sup>1</sup> shall be made to identify and solicit non-discriminatory assurances from those rental facilities within the commuting area which are considered to be suitable for occupancy by DoD personnel.

(10) An information program to apprise DoD personnel of the DoD policy and program for equal opportunity in off-base housing shall be developed at each installation. For support of this program, use should be made of local community resources such as civil rights organizations, religious and civic groups, and others.

(c) *DoD Personnel Seeking Off-Base Housing.* DoD personnel shall:

(1) Be processed through the Housing Referral Office in the United States and, when available, in areas outside the United States.

(2) Be provided the following assistance in seeking temporary and permanent off-base housing:

(i) Counseling concerning the Equal Opportunity in Off-Base Housing Program, with particular stress placed on obligation of applicants to report any indication of discrimination against them in their search for housing.

(ii) Personal assistance by:

(a) Ascertaining the applicant's desires and requirements for housing and matching them as nearly as possible with current available listings.

(b) Offering to follow up by a telephone check of the selected listings to insure their availability. In taking this action, a record shall be made of the date, time and nature of the conversation confirming the unit, which record shall be retained for future reference. In no case will the race, color, religion, national origin, or sex of the applicant be divulged.

(c) Offering the services of a command representative (such as a unit sponsor or other person) to accompany and assist the applicant in his search for housing. The command representative will be responsible for taking the following action:

(1) If an agent of a housing facility refuses to accept or consider the applicant as a tenant; falsely indicates the unit sought has been rented to another applicant; or otherwise fails to furnish the unit under the same terms and conditions as are ordinarily applied to applicants for his facilities, the agent will be queried concerning the reasons why the unit is not available. After all reasonable steps have been taken to ascertain whether any valid nondiscriminatory reason can be shown for the agent's rejection of the applicant, and there appears to be no such reason, a reasonable effort will be made to persuade the agent to make the unit available to the applicant.

(2) Failing to persuade the agent to accept the applicant as a tenant, the in-

<sup>1</sup> Filed as part of original. Copies available from U.S. Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attn: Code 300.

cident will be reported to the appropriate command official for investigation. (Whether a complaint is or is not filed by the applicant, the procedures outlined in paragraphs (d) (1) and (2) of this section, as warranted by the circumstances, shall be followed.)

(d) *Responsibilities of Commanders—*  
(1) *Enforcement procedures in the United States.* Every commander shall:

(i) Insure that an office and staff serving the command are available to advise DoD personnel concerning:

(a) The procedures set forth in this Instruction.

(b) The application of 42 U.S.C. 1982 and Pub. L. 90-284, "The Civil Rights Act of 1968," (62 Stat. 696) 42 U.S.C. 3601 et seq. in specific situations.

(c) The rights of individuals to pursue remedies through civilian channels, without recourse or in addition to the procedures prescribed herein, including the right to:

(1) Make a complaint directly to the Department of Housing and Urban Development (HUD) or to the Department of Justice; and

(2) Bring a private civil action in any court of competent jurisdiction.

(ii) Periodically review the off-base housing procedures in his command to insure adequacy and compliance with this part. In order to assist the commander in accomplishing this review, a checklist is provided in this part (§ 197.6).

(2) *Complaint procedures in the United States.* Upon receipt of a housing discrimination complaint, an investigation will be initiated within three (3) working days after receipt of the complaint, using verifiers if deemed necessary. Verifiers will not be used for the sole purposes of ascertaining the sincerity of the practices of an agent unless a housing discrimination complaint has been filed against the agent. The investigation shall conform to the due-process procedures as set forth for Armed Forces Disciplinary Control Boards (Joint Regulation—AR 190-24, MCO 1620.2, AFR 125-11, COMDTINST 1620.1A, January 11, 1972).<sup>2</sup>

(i) If the complaint is not substantiated by the investigation, the complainant will be (a) so informed, (b) advised of his rights to pursue further actions through HUD, the Department of Justice, and/or State or Federal Court, and (c) offered whatever assistance is appropriate and can be provided legally by the Military Service in pursuing the courses of action in paragraph (d) (1) of this section.

(ii) If the complaint is substantiated by the investigation, restrictive sanctions will be imposed against the agent for a minimum of 180 days; the agent will be informed in writing of this action and advised on what action he must take to remove the restrictive sanctions after the 180 day minimum.

(a) The complainant will be informed in writing of the results of the investigation.

<sup>2</sup> Copies may be obtained by Defense Agencies, if needed, through Army, Navy, Air Force, Marine Corps or Coast Guard publication distribution channels.

tion and action will be taken to assure relief for the complainant as outlined in paragraph (b) (6) of this section.

(b) The complainant shall also be informed of his rights to pursue further actions through HUD, the Justice Department and/or State or Federal Courts and he shall be offered whatever assistance can be provided legally by the Military Service in pursuing these courses of action.

(c) If the act of discrimination falls under existing laws, the commander shall forward a copy of the complaint directly to HUD using HUD Form 903, if the complainant concurs. A complaint must be received by HUD within 180 days after the occurrence of the alleged discriminatory act. A copy of the complaint shall be forwarded to the Department of Justice (Civil Rights Division), Washington, D.C. 20530.

(iii) Where more than one complaint alleging discrimination involves the same agent, documentation may be consolidated. In these cases, if appropriate, the consolidated documentation shall be forwarded to HUD and to the Department of Justice (Civil Rights Division), Washington, D.C. 20530.

(3) *Complaint Procedures in Areas Outside the United States.* The procedures outlined in paragraph (d) (2) of this section shall be used for processing complaints of housing discrimination in areas outside the United States with the exception of submitting complaints to HUD or the Department of Justice.

(4) *Cooperation with governmental agencies investigating alleged housing discrimination complaints.* Commanders shall cooperate to the fullest extent possible with other governmental agencies investigating housing discrimination complaints filed by a complainant.

#### § 197.5 Reports.

(a) *Reporting requirements.* (1) A copy of each investigative report that substantiates a case of housing discrimination shall be submitted by the Military Services to the Assistant Secretary of Defense (Manpower and Reserve Affairs) not later than 45 days from the date the case is forwarded from the installation. Under normal circumstances, the installation will complete required investigation and processing of complaints within 20 days from the date that a housing complaint is filed by a complainant. The Military Services shall summarize and make appropriate comments to include the affirmative action taken in the case prior to submission of the report to the Assistant Secretary of Defense (Manpower and Reserve Affairs).

(2) A copy of investigative reports that do not substantiate allegations of housing discrimination shall be kept on file at the installation level for a period of 24 months. Requests for these cases to be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) normally will be made only when other government or civilian agencies have expressed an interest.

(3) Each Military Service shall submit semi-annual reports to the Assistant

Secretary of Defense (Manpower and Reserve Affairs) as follows:

(i) Total number of rental facilities surveyed during the reporting period.

(ii) Total number of rental facilities listed to date and number of rental facilities listed during the reporting period.

(iii) Total number of rental facilities under restrictive sanctions and number of rental facilities restricted during the reporting period.

(iv) Total number of discrimination complaints processed during the reporting period by each Military Service.

(v) The number of compassionate reassignment and priority housing requests received under the provisions of this Instruction and their disposition during the reporting period.

(vi) By installation in the United States, a list of housing facilities upon which restrictive sanctions have been imposed. This shall include, as available, the name and address of the facility and agent, the reason for the restriction and the status of negotiations with the agent.

(vii) A short narrative report summarizing service-wide significant Equal Opportunity in Off-Base Housing activities, problems and experiences and appropriate explanatory comments concerning the statistical portion of the report.

(viii) Reports (as of December 31 and June 30) shall be submitted to the Assistant Secretary of Defense (Manpower and Reserve Affairs) not later than the 25th of the month following the end of the reporting period.

(b) *Report control symbol.* (1) Reports of investigation required in paragraph (a) (1) and (2) of this section are exempt from RCS by Section III, D, 6., DoD Directive 5000.19, "Policies for the Management and Control of DoD Information Requirements," June 2, 1971.<sup>1</sup>

(2) The report required in paragraph (a) (3) of this section, is assigned Report Control Symbol DD-M(SA) 1146.

#### § 197.6 Check list for commanders.

(a) Are newly assigned personnel informed as to the requirements of the equal opportunity in off-base housing program prior to obtaining housing off-base?

(b) Is there an effective equal opportunity in off-base housing information program?

(c) Are community resources being used to support the equal opportunity in off-base housing information program?

(d) Are housing discrimination complaints being expeditiously processed?

(e) Are complainants being informed, in writing, of the results of investigations?

(f) Are housing surveys being conducted periodically to obtain new listings?

(g) Are restrictive sanctions being imposed immediately for a minimum of 180 days on agents found to be practicing discrimination?

<sup>1</sup> Filed as part of original. Copies available from U.S. Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attn: Code 300.

(h) Are the services of command representatives offered to accompany and assist applicants in their search for housing?

(i) Are Housing Referral Office and equal opportunity personnel sensitive to the problems of minority personnel?

(j) Are accurate equal opportunity in off-base housing reports being submitted in a timely manner?

§ 197.7 Effective date and implementation.

This part is effective immediately. Three copies of each Military Service and Defense Agency implementing document shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 90 days.

MAURICE W. ROCHE,  
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 8, 1975.

[FR Doc. 75-24169 Filed 9-10-75; 8:45 am]

#### Title 33—Navigation and Navigable Waters

#### CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION [CGD 75 089]

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

##### Hood Canal, Washington

This amendment changes the regulation for the Hood Canal floating drawbridge by deleting all references to AM radio frequencies because the AM frequencies will not be authorized by the Federal Communications Commission after January 1, 1977; and because the AM frequencies are not utilized by any users of the drawbridge. Since this amendment clarifies the frequency to be used by the bridge owner and users of the bridge, and relieves the owner of the bridge of the obligation of maintaining obsolete equipment, notice and public procedure are unnecessary.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.784(d) (1) to read as follows:

§ 117.784 Hood Canal, Wash.: Washington State Department of Highways bridge near Port Gamble.

(d) \* \* \*

(1) *Radio.* The drawtender shall monitor and communicate with vessels on radiotelephone frequency 156.65 megahertz (Channel 13). If radio contact cannot be made on 156.65 megahertz, the drawtender shall monitor and communicate with vessels on 156.80 megahertz (Channel 16). These frequencies are subject to change by the Federal Communications Commission.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 637; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.48(c) (5), 33 CFR 1.05-1(c) (4)).

Effective date. This revision shall become effective on September 13, 1975.

Dated: September 5, 1975.

R. I. PRICE,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc. 75-24160 Filed 9-10-75; 8:45 am]

#### SUBCHAPTER O—POLLUTION [CGD 75-026]

#### PART 155—VESSEL DESIGN AND OPERATIONS

##### Prohibited Oil Spaces

The purpose of this amendment is to provide a remedy for a situation that was not foreseen when the initial regulations were published, namely, that elimination of fuel tanks forward of collision bulkheads on vessels under 300 gross tons and certain larger existing vessels would be economically prohibitive while the resulting environmental gain would not be commensurate.

Section 155.470(a) prohibits operation of a vessel that carries fuel forward of the collision bulkhead. Section 155.110 permits exemptions from this requirement, but only where "an equivalent level of protection \* \* \* will be provided by the alternative \* \* \*."

Experience gained in the enforcement of the Pollution Prevention Regulations has highlighted problems in modifying certain "existing vessels" (those constructed before 1 July 1974) and a number of vessels under 300 gross tons to achieve compliance. As an example, several foreign flag chemical carriers and some U.S. passenger vessels, fishing vessels, and towing vessels on the western rivers now have fuel tanks forward of the collision bulkhead. Ship alteration of a chemical carrier either to reposition the fuel tanks or to construct a new collision bulkhead would require extensive redesign work at considerable cost (e.g., \$250,000 for new bulkhead placement, associated repiping and refurbishing, and off-hire time of approximately 3 weeks). The smaller vessels simply cannot comply at all; they utilize otherwise wasted space for fuel, have no place to relocate the tanks and cannot comply with the 24-inch requirement and still continue in business.

The Coast Guard's Pollution Incident Reporting System and Port Safety/Marine Environmental Protection Activities Report data show that this expense or hardship is not justifiable. The probability of a tank ship discharging any oil as a result of a collision or grounding while in U.S. waters is less than 0.0005. More specifically, during 1973 and 1974, 21 tank ships were involved in 20 collisions and groundings resulting in the discharge of 43,187 bbls of oil. Only 2 of these 21 tank ships suffered hull damage forward of the collision bulkhead which resulted in 2 bbls of oil discharged. In other words, less than five one-thou-

sandths of one percent (0.00005) of all the oil discharged from tankers across

Title 38—Pensions, Bonuses and Veterans' Relief

2. In § 36.4311, paragraph (a) is re-

of this chapter. All regulations cited are

December 4, 1974, whereby the revision

maximum allowable sulfur content to



sandths of one percent (0.00005) of all the oil discharged from tankers came from forward of the collision bulkhead. When considered together, these statistics show that the probability of oil being discharged from forward of a tanker's collision bulkhead as a result of a collision or grounding in U.S. waters is extremely remote (0.000000025). Further, the likelihood of such a discharge occurring from vessels less than 300 gross tons is equally remote.

Consideration was therefore given to revoking § 155.470. This was rejected because it is desirable that new vessels (constructed on or after 1 July 1974) be constructed in compliance with § 155.470. Although the resultant environmental protection is small, it can be justified because, when included in the initial design, fuel tank placement will generate little or no incremental cost. On the other hand, costly retrofitting of existing vessels is the action which cannot be justified.

Therefore, since noncompliance with a requirement is unacceptable, ship alteration is unreasonable, revocation of § 155.470 is undesirable and alternative measures required by the waiver provision do not exist, it is necessary to amend § 155.470 to provide relief for the "problem" vessels.

This relief is needed immediately because, if compliance is enforced, dry-docking for alterations must be scheduled at once for many vessels before their return to U.S. ports or continued service in U.S. waters. Accordingly, notice and public procedure thereon under 5 U.S.C. 553(b) (3) (B) are impracticable.

In consideration of the foregoing, Chapter I of Title 33 of the Code of Federal Regulations is amended by revising § 155.470 to read as follows:

**§ 155.470 Prohibited oil spaces.**

(a) Except as provided in paragraph (b) of this section, no person may operate a self-propelled vessel of 300 or more gross tons carrying bulk oil or oily waste in any space forward of a collision bulkhead.

(b) Fuel for use on a vessel constructed on or after 1 July 1974, may be carried in tanks forward of a collision bulkhead if such tanks are at least 24 inches inboard of the hull structure. Fuel for use on a vessel constructed before 1 July 1974, may be carried in tanks forward of a collision bulkhead if those tanks were designated, installed or constructed for fuel oil carriage also before 1 July 1974. (33 U.S.C. 1321(j)(1) (C) and (D); Exec. Order No. 11735, 38 FR 21243 (1973); 49 CFR 1.46(m))

**Effective date:** This amendment is effective on October 13, 1975.

Dated: September 5, 1975.

O. W. SLER,  
Admiral, U.S. Coast Guard  
Commandant.

[FR Doc.75-24159 Filed 9-10-75;8:45 am]

**Title 38—Pensions, Bonuses and Veterans' Relief**

**CHAPTER I—VETERANS ADMINISTRATION**

**PART 36—LOAN GUARANTY Interest Rate Change**

The Veterans Administration is amending §§ 36.4212(a) (2) and (3), 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations to increase the maximum allowable interest rates on new loans.

Sections 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations are being amended to increase the maximum interest rate on new guaranteed, insured and direct loans from 8½ to 9 percent. Section 36.4212(a) (2) and (3), Title 38 of the Code of Federal Regulations relating to that portion of a mobile home loan which finances the purchase of a lot and the cost of necessary site preparation is amended to increase the maximum interest rate from 8½ to 9 percent, except for that portion of § 36.4212(a) (3) which relates to loans that do not exceed \$2,500 made for site preparation to a lot owned by the veteran where no change is made. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance. The availability of mortgage funds from the private sector is dependent upon the interest rate being competitive with other available investments. Compliance with § 1.12 would create an acute shortage of mortgage funds pending the effective date of the amendments, which would necessarily be more than 30 days after it was published in proposed form.

1. In § 36.4212, paragraph (a) (2) and (3) is revised to read as follows:

**§ 36.4212 Interest rates and late charges.**

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to September 2, 1975.

(2) 9 percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 9 percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed \$2,500.

2. In § 36.4311, paragraph (a) is revised to read as follows:

**§ 36.4311 Interest rates.**

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 9 per centum per annum, effective September 2, 1975, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 9 per centum per annum on the unpaid principal balance.

3. In § 36.4503, paragraph (a) is revised to read as follows:

**§ 36.4503 Amount and amortization.**

(a) The original principal amount of any loan made on or after December 31, 1974, shall not exceed an amount which bears the same ratio to \$25,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 9 per centum per annum.

These VA Regulations are effective September 2, 1975.

Approved: August 29, 1975.

By direction of the Administrator.

A. J. SCHULTZ, Jr.,  
Associate Deputy Administrator.

[FR Doc.75-24150 Filed 9-10-75;8:45 am]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER C—AIR PROGRAMS [FRL 427-1]**

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Kansas: Approval of Compliance Schedules; Correction**

The introductory text in § 52.876(c) (2) is being revised to correct a discrepancy in the wording as previously published in the FEDERAL REGISTER on November 7, 1974 (39 FR 39436), and May 19, 1975 (40 FR 21727). The revised language appears below.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**Subpart R—Kansas**

**§ 52.876 Compliance Schedules.**

(c) . . . .  
(2) The compliance schedules identified below are disapproved as not meeting the requirements of § 51.4 or § 51.15

of this chapter. All regulations cited are air pollution control regulations of the state, unless otherwise noted.

Dated: September 4, 1975.

JOHN QUARLES,  
Acting Administrator.

[FR Doc.75-24068 Filed 9-10-75;8:45 am]

[FRL 410-7]

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Puerto Rico Implementation Plan; Revision**

On January 3, 1975, the Governor of the Commonwealth of Puerto Rico submitted a proposed revision to the Puerto Rico implementation plan which consisted of a revised Article 6 (Control of Sulfur Compound Emissions) of the Puerto Rico Regulation for Control of Atmospheric Pollution. Additional information was received from the Executive Director of the Puerto Rico Environmental Quality Board (EQB) on January 17, 1975, February 14, 1975, March 26, 1975, May 8, 1975, and June 2, 1975.

Revised Article 6 was adopted by Governor's Executive Order (Administrative Bulletin Number 3022) on December 19, 1974 and became effective under Puerto Rico law on December 30, 1974. This regulation was the subject of Commonwealth of Puerto Rico public hearings during the period October 24-25, 1974. Pursuant to subsection 6.1.3 of the revised Article 6, all stationary sources were to be in compliance with the applicable limitations specified therein by February 28, 1975.

The material initially submitted in support of the plan revision included information received from the Governor on January 3, 1975, and information transmitted by the Executive Director of EQB on January 17, 1975. This included the following:

(1) A notice of public hearings which were held October 24 and 25, 1974.

(2) A certification that public hearings were held in conformity with the requirements of 40 CFR 51.4.

(3) A record of the public hearings which includes a transcript of the proceedings, all other material which was submitted at the hearings and a copy of each written presentation submitted after adjournment of the hearings.

(4) The revised Article 6 of the Regulation for the Control of Atmospheric Pollution. Included as a part of the regulation were Appendices A and B which discuss, respectively, the atmospheric dispersion calculation method used to develop the maximum allowed percentage of sulfur in fuels for all sources with a design heat capacity greater than 8 million Btu/hr. and a listing of such limitations. A listing of the allowable sulfur in fuel limitations which are presented in Appendix B was published in the March 10, 1975 issue of the FEDERAL REGISTER (40 FR 10998).

(5) A copy of Environmental Quality Board Resolution Number R-74-24, dated December 4, 1974, whereby the revision to Article 6 was adopted.

(6) A copy of the Governor's Executive Order, dated December 19, 1974 (Administrative Bulletin Number 3022) which sets December 30, 1974 as the effective date of the revised regulation.

(7) A listing of the diffusion model computer program.

(8) Summaries of predicted sulfur dioxide concentrations and partial contributions, by source, to these concentrations at each receptor point as determined by using the sulfur in fuel values set forth in Appendix B of the regulation.

(9) Meteorological parameters used in the diffusion calculations for the air basins of Mayaguez, Catano, Arecibo, Barceloneta, Ponce, Aguada, Trujillo Alto-Dorado and Manati.

(10) A document entitled, "Amendments to the State Implementation Plan of the Commonwealth of Puerto Rico" which changes the text of the approved implementation plan as a result of the proposed revision.

(11) A document entitled, "Enforcement Procedures and Changes in Resource Requirements."

On February 14, 1975, additional information pertaining to the air basins of Guaynilla and Aguirre was received. This information includes a description of the meteorological parameters used in the diffusion calculations for these basins and the predicted sulfur dioxide concentrations and partial contributions at selected receptor sites.

On March 10, 1975, EPA published a notice of proposed rulemaking (40 FR 10997) covering the subject revision to the Puerto Rico implementation plan. In that notice, the Regional Administrator noted that EQB had failed to predict the expected ambient air concentration for sulfur oxides from one source in the Ponce air basin, even though this source had been assigned a sulfur in fuel limitation in Appendix B. To correct this omission EQB, on March 26, 1975, provided supplemental information to the Regional Office which stated that the source in the Ponce air basin had been assigned a sulfur in fuel value of 0.2 percent, by weight. In addition, on May 8, 1975, the Executive Director of EQB submitted supporting data which predicted sulfur dioxide concentrations in the Ponce air basin with this plant included. This data shows that national ambient air quality standards for sulfur oxides will not be contravened in this air basin when the assigned sulfur in fuel limitation of 0.2 percent, by weight, is used at this plant.

The notice of proposed rulemaking also stated that EQB would submit additional information pertaining to resources. This information was also received on March 26, 1975, and along with the information regarding the source in Ponce, has been available for public inspection in the Regional Office since its receipt.

The control strategy for sulfur oxides contained in the revision is intended to provide for attainment of national ambient air quality standards by assigning a

maximum allowable sulfur content to each source such that the resulting ambient air concentrations predicted by means of the specified dispersion model are below national ambient air quality standards. The model specified is based on the conventional Gaussian plume dispersion equation. The predicted centerline concentration is used to estimate 3-hour and 24-hour sulfur oxide concentrations. The sector averaged form of this equation is used to determine annual concentrations.

Meteorological input for short term calculations consists of wind speed, wind direction and atmospheric stability measured at five minute intervals at meteorological towers which are located at several sites around Puerto Rico. Annual concentrations are calculated using joint stability space-wind rose data distributions recorded at U.S. Weather Service operated weather stations. The meteorological input is chosen so as to maximize the impact of individual sources and combinations of many sources. Both buoyant plume rise and plume enhancement are taken into account in the modeling technique.

The omission rates used by EQB are calculated assuming a 100 percent load factor in determining maximum three and 24-hour average concentrations and an 80 percent load factor is assumed in determining annual average concentrations. However, in the air basins of Mayaguez, Arecibo, Barceloneta, Ponce, Aguada, Trujillo Alto-Dorado and Manati an annual load factor of 70 percent is assumed.

Significant terrain features are considered by subtracting from the effective stack height of the source one half of the difference in height between the base of the stack and the elevation of the terrain at which a prediction of concentration is being made. Receptor locations are spaced at whatever interval is necessary to identify the maximum concentration.

Allowable sulfur contents are chosen so that the resulting ambient air concentrations are not predicted to exceed 80 percent of the applicable 3-hour and 24-hour national ambient air quality standards. Protection of the annual national ambient air quality standard is assured through the conservative estimate of an 80 percent load factor on an annual basis when estimating source emissions.

In addition to the information which EPA regulations require to be submitted in support of a request for a plan revision, EQB has also provided detailed computations of predicted ambient air quality for each source analyzed. Examination of these detailed calculations shows that some sources were modeled using different sulfur in fuel values than those presented in Appendix B to the revised Article 6. For each case in which this occurred, linear proportioning was used to adjust the predicted concentrations to those that would result from use of Appendix B sulfur contents. By this technique it was determined that the use of the sulfur limitations given in Appendix B would be sufficient to provide for



attainment of the national standards. A listing of the maximum predicted sulfur oxide concentrations which are expected to result when all the assumptions described previously are used was presented in Table 2 of the March 10, 1975, FEDERAL REGISTER (40 FR 10999). These predicted concentrations include the assumption that all sources operate at 80 percent load factor throughout the entire year. The predicted annual average concentrations for the areas of Mayaguez, Arecibo, Barceloneta, Aguada, Trujillo Alto-Dorado, and Manati were predicted using an 80 percent load factor instead of the previously mentioned 70 percent load factor. This was done to assure consistency with the technique used in other areas as well as the technique described in Appendix A to the regulation.

#### EPA ANALYSIS OF PROPOSED REVISION

The Administrator's review of the control strategy analysis submitted by EQB has raised some questions as to whether the Commonwealth's procedures as defined in Appendix A of Article 6 have been applied correctly in all cases. The modeling technique described in Appendix A is used as the basis for assignment of the maximum allowable sulfur in fuel values which are presented in Appendix B. Appendix A contains, in addition to a description of the mathematical technique used in estimating pollutant concentrations, a requirement that whenever significant terrain features exist, the procedures outlined in Section IIC of Appendix A be used. It is apparent that this was not done in the following instance:

#### (1) BARCELONETA, ENSENADA,<sup>1</sup> AND SANTA ISABEL<sup>2</sup>

The maximum allowable sulfur content of fuel for sources in these areas in some instances was determined without accounting for terrain in the vicinity of the sources. Consequently, the Administrator is disapproving the maximum allowable sulfur content of fuel for the sources listed in Table 1.

Area	Source
Barceloneta	Abbott, Merck and Co. Bristol Myers, Pfizer, Union Carbide, Upjohn, Central Guanica.
Ensenada	

On June 2, 1975, the Executive Director of EQB submitted the predicted ambient air concentrations for sulfur oxides in these areas when terrain is included. The calculations showed that with the sulfur in fuel limitations assigned in Appendix B contravention of the 24-hour and annual average national standards for sulfur oxides resulted. The Administrator has determined that this response is not adequate and is requiring those sources listed in Table 1, with the exception of the Central Guanica and Pfizer unit #15 plants, to use fuel with a maxi-

<sup>1</sup> Contained in the Aguada air basin.  
<sup>2</sup> Contained in the Ponce air basin.

mum sulfur content of 1.0 percent, by weight. This value is required in the currently approved Puerto Rico implementation of national standards for sulfur oxides.

With regard to the Central Guanica plant in Ensenada and the Pfizer unit #15 in Barceloneta, it has been determined through use of the EQB modeling technique that fuel with maximum sulfur limitations of 0.4 percent and 0.5 percent, respectively, by weight, would provide for attainment and maintenance of national standards for sulfur oxides. Consequently, the Administrator is publishing in another section of this issue of the FEDERAL REGISTER a notice of proposed rulemaking for these sources.

A review of the computer printouts for the Aguirre air basin showed that the meteorological data used to predict ambient air concentrations conflict with that presented in a January, 1973 draft environmental impact statement (EIS) for a power plant in Aguirre. The draft EIS shows that the use of fuel with a maximum sulfur content of 2.0 percent, by weight, could cause contravention of the national 3-hour standard for sulfur oxides. When the meteorological data presented in the EIS is used with the 3.1 percent sulfur in fuel limitation presented in Appendix B, both the 3-hour and 24-hour national standards for sulfur oxides were predicted to be contravened.

In order to clarify this discrepancy over meteorological data, the Executive Director of EQB, on May 8, 1975, sent to EPA predicted sulfur dioxide concentrations for the Aguirre air basin. These concentrations were calculated based on meteorological data which was gathered at the Aguirre meteorological tower during the period March 18, 1973-July 23, 1974. The Administrator has determined that this data is representative of worst case conditions and more applicable than the data presented in the EIS. The maximum predicted 24-hour concentration for sulfur oxides was 341 ug/m<sup>3</sup>. This value is greater than 80 percent of the national standards and does not provide adequate assurance that the national standards will not be contravened. The 80 percent value was chosen so as to account for the contribution of area sources as well as uncertainties inherent in the modeling technique.

The Administrator has determined that, if the technique presented in Appendix A were applied properly, the maximum allowable sulfur content for the power plant in Aguirre would be 2.5 percent, by weight. Consequently, the Administrator is promulgating a requirement that this plant use fuel with a maximum sulfur content of 2.5 percent by weight.

#### ANALYSIS OF PUBLIC COMMENTS

A March 10, 1975 FEDERAL REGISTER notice (40 FR 10997) provided opportunity for a 30-day public comment period on this proposed revision to the Puerto Rico implementation plan. Three groups submitted comments during the comment period.

One group objects to the proposed revision on the grounds that EQB failed to comply with the requirements of 40 CFR 51.4. They state that EQB did not make available for public inspection complete information on the implementation plan revision prior to public hearings in that public hearings were conducted on the basis of only a set of proposed regulations. It is further argued that such a set of regulations alone do not constitute support for a plan revision request as contemplated by section 110(a)(2) of the Clean Air Act and that the computer printouts which show the basis for Appendix B maximum sulfur in fuel limitations were not made available prior to the public hearings. EQB has informed EPA that the following material was available for public inspection at the time of the public notice for the public hearings:

(1) Exhibit E: Proposed amendments to the Regulation for Control of Atmospheric Pollution, with Appendices A and B;

(2) Exhibit F: Proposed amendments to the State Implementation Plan for the Commonwealth of Puerto Rico;

(3) Environmental Quality Board Resolution R-74-20;

(4) Environmental Quality Board Notification dated October 8, 1974. This document identifies Mr. Ralph Vallone and Dr. Juan J. Rigau as Hearing Examiners;

(5) Environmental Quality Board Notification dated October 22, 1974. This document additionally identifies Mr. David Paster and Mr. Jose Auger as Hearing Examiners;

(6) Exhibit J: Computer Printout; and,

(7) Exhibit K: Summaries of Exhibit J.

EQB also presented certification to EPA that the public hearings were held in accordance with the requirements set forth in 40 CFR 51.4. After reviewing the above material, the Administrator has determined that the information which was made available to the public by EQB prior to the public hearings was adequate to describe in detail the proposed revision to the Puerto Rico implementation plan and the probable effects of that revision. Adequate opportunity for meaningful public participation was assured by EQB prior to the public hearing. In addition, all the items referenced above were available for public inspection and comment during the EPA 30-day comment period.

Another comment contends that increases in the emissions of sulfur oxides as a result of the proposed revision will cause increases in particulate matter concentrations because sulfur oxides quickly degenerate into sulfates. This would, it is argued, lead to an exacerbation of current levels of particulate matter in excess of national ambient air quality standards. The Administrator has reviewed the sulfur in fuel values used in Puerto Rico in 1974 and compared them to the values which will be used as a result of the proposed revision. It has been determined that the total emissions of sulfur oxides brought about

by the proposed revision to the Puerto Rico implementation plan would be less than the sulfur oxide emissions released during 1974. As a result, the proposed revision can be expected to decrease the concentration of sulfur oxides and further reduce any particulate matter concentrations resulting from sulfates. An analysis of the 1974 annual geometric means for particulate matter shows that concentrations at the five National Air Sampling Networks (NASN) sites in operation at that time vary from 49.4 ug/m<sup>3</sup> to 82.7 ug/m<sup>3</sup>. This represents a decrease, at all sites, from the annual geometric mean concentrations recorded during 1973. Therefore, it is not expected that the proposed revision will prevent the attainment of national ambient air quality standards for particulate matter by the standard attainment date.

One comment relates to a concern that the proposed revision does not provide for maintenance of national ambient air quality standards subsequent to the occurrence of future growth. Pursuant to 40 CFR 51.12(e), all States are required to analyze areas which may cause a contravention of national ambient air quality standards during the 10-year period following attainment of standards. Numerous such areas have been designated throughout the Commonwealth of Puerto Rico for both particulate matter and sulfur oxides. The maintenance plan, when submitted by Puerto Rico, will be evaluated to determine that the national standards will not be contravened subsequent to the attainment date.

One question arose over whether EQB has adequate resources to enforce the proposed revision. The resource document submitted by EQB on March 26, 1975, provides for the allocation of additional manpower from different program elements to enforce the revised Article 6. It is expected that approximately five man-years per year will be required to adequately enforce these requirements. To assure compliance with the maximum allowable sulfur contents, by weight, listed in Appendix B, EQB includes requirements that daily and monthly averages of fuel sulfur content be submitted by all affected sources. This program already has been initiated by EQB.

Section H of Appendix A of the proposed revision to Article 6 permits sources to take credit in the diffusion calculations for the raising of stack heights up to two and one half times the height of adjacent obstacles. This provision cannot be approved by the Administrator as it does not comply with the requirements of the Clean Air Act, as interpreted by the 5th Circuit Court of Appeals in "NRDC v. EPA," 489 F.2d 390 (1974). The use of dispersive techniques, such as stack height increases, as control strategy measures are permitted for attainment and maintenance of the national standards only where the use of the best emission reduction measures available have been applied and are found to be inadequate. As a matter of administrative equity additional stack height may be taken into account for stack construction actually begun prior

to the date of the Fifth Circuit decision on February 8, 1974. However, credit for such additional stack height may not exceed two and one half times the height of any properly designed structure at the site of the source. Thus, this provision is disapproved to the extent that it would permit credit for stack height increases inconsistent with the Fifth Circuit's interpretation of the Clean Air Act as augmented by the grant of administrative relief stated above.

It should be noted that this disapproval does not affect the approvability of the proposed control strategy revision since the current revision does not give credit for stack height increases. However, any further revision proposed by Puerto Rico which gives credit to a specific source for post-February 8, 1974, stack height increases will be approved by the Administrator only if it is demonstrated that the best emission reduction measures available will be applied to the applicable source.

It is argued that the proposed revision to the Puerto Rico implementation plan would violate the EPA regulation pertaining to the prevention of significant deterioration of air quality (39 FR 42510) as it applies to sulfur dioxide. For Class II areas, including all of Puerto Rico, the 1974 sulfur dioxide annual concentrations are not to be increased by more than 15 ug/m<sup>3</sup>. The Administrator agrees that the Class II increment may be exceeded at some of the receptor sites chosen by EQB. However, this results from switching to a higher content in fuel. Section 52.21(d) (39 FR 42516) specifically exempts from the provisions of the significant deterioration regulation any modification which results from the switching to higher sulfur content fuel. The provisions of the regulation for the prevention of significant deterioration of air quality with regard to new sources and modifications, therefore, will be applied in the following manner:

(1) In areas where the Class II increment has been partially used up, the review of new sources and modifications under 40 CFR 52.21 will be conducted so as to assure that the Class II increment is not violated;

(2) In areas where the Class II increment has been violated or exhausted the review of new sources and modifications will be conducted so as to assure that there will be no increase in the ambient air quality values of sulfur oxides due to the source identified in 40 CFR 52.21.

Several submitted comments question EQB's application of the diffusion modeling techniques. One issue raised concerns whether an uncalibrated diffusion model, such as was used by EQB, is appropriate to use in control strategy development. It is recognized that comparison with field measurements allows a diffusion modeling technique to be fine tuned and, as a result, less conservative assumptions may be built into the model's application. When significant uncertainty exists in the accuracy of the diffusion modeling technique, conservative assumptions must be incorporated as a safeguard against the possibility of underestimat-

ing the actual impact upon air quality. In Puerto Rico the general unavailability of long term pollutant field data led to the latter approach being chosen by EQB. This approach is acceptable in that the limitations of an uncalibrated model are taken into account in a conservative manner.

Another question concerns the range of uncertainties which may be involved in the predictions of a diffusion model. As discussed in the August 27, 1974, FEDERAL REGISTER (39 FR 31003) a random error as high as 150% for annual average and 200 percent for short term concentrations may be observed between the results which are obtained from diffusion modeling and actual measurements. These factors represent the range of extreme values and agreement between most calculated and observed pollutant concentrations lies well within this range. The EQB analysis incorporates conservative measures such as load factors and safety margin to decrease the possibility that the model will underpredict the air quality impact of a source. Similar studies have been conducted in Puerto Rico which indicate that the Pasquill-Turner modeling technique would underpredict ambient air concentrations in the vicinity of elevated terrain. These studies indicate that terrain induced turbulence causes dispersion to be enhanced in the vicinity of elevated terrain and results in decreased maximum plume centerline concentrations. Since the EQB's modeling technique allows for impingement of the plume upon elevated terrain features, these studies support the conclusion that the concentrations calculated at elevated locations may be overestimates of actual conditions.

It is also stated that the diffusion technique used by EQB cannot cause pollutant plumes to directly impinge upon elevated terrain. The Regional Office's evaluation of the diffusion technique used by EQB confirmed that the diffusion modeling technique does provide for plumes to impinge upon elevated terrain, such as hills or mountains. Source plumes will impact upon those terrain features which are greater than twice the height of the effective plume height.

A comment was received that substantial amounts of sulfur oxide emissions previously identified as part of the 1970 emission inventory used in the approved implementation plan were not included in the current air quality predictions. This is not an area of major concern since area source emissions have been included and their impact is accounted for in the diffusion computations through the use of the 20 percent safety factor. It was claimed that "other" emissions of sulfur oxides accounts for 14 percent of the total sulfur oxide emissions. This is included in the area source category. Transportation sources are a very minor component whose impact can be accounted for by the conservative nature of the calculations employed by EQB.

The last comment regarding the diffusion model questions whether EQB searched available meteorological records

to ascertain that worst case meteorologi-

Effective date. These revisions will be-

[FRL 428-4]

Monterey Bay Unified Air Pollution Control

(F) California, Bay Area Air Pollution Control District,

Title 50—Wildlife and Fisheries

XUM



to ascertain that worst case meteorological conditions are used.

The information submitted by EQB on May 8, 1975, explained how meteorological data were used in the diffusion calculations. This information assured the Administrator that meteorological records were searched to identify: (1) The most persistent wind conditions to determine the maximum 24-hour concentrations; and (2) the correct combination of wind speed and stability to result in prediction of the maximum 3-hour concentration.

Two other comments submitted request a reassignment of the maximum allowable sulfur in fuel values. The Administrator recognizes that these requests may have merit; however, the maximum allowable sulfur in fuel values listed in Appendix B were assigned by EQB. Any requests for changes in the maximum allowable sulfur content of fuels should be addressed to EQB. If the EQB analysis determines that the request is valid, these revised maximum allowable sulfur in fuel values should be submitted to EPA as a request for a revision to the Commonwealth's implementation plan.

One fuel burning stationary source comments that three of the plant's existing furnaces had not been assigned maximum allowable sulfur in fuel values. Upon review of the computer printouts for the air basin which contains this source, it was determined that two of the boilers had been combined into one emission point due to their close proximity and that the third furnace had not been accounted for in the diffusion model. As a result, this source will be required to conform to the 1.0% by weight, sulfur in fuel limitation in the approved Article 6, as contained in the Puerto Rico implementation plan. Preliminary data indicates that this value may be more than adequate to attain and maintain national standards for sulfur oxides. However, the Administrator has no alternative other than to require the use of fuel consistent with the currently approved implementation plan. EQB may wish to submit, at a later date, information which supports the use of fuel with a higher sulfur content than that assumed. Such request will be handled according to the plan revision process.

The final comment questions that assignment of the maximum allowable sulfur in fuel value of 0.5 percent, by weight, for the power complex in Mayaguez. It is believed that the assignment of this value is overly restrictive and imposes a greater degree of control on this source than on other sources in Mayaguez. The controlling factor used by EQB to assign a maximum allowable sulfur in fuel value to this facility was that the facility consisted only of gas turbines which are designed to use distillate fuel oil. Distillate oil is by its nature a relatively low sulfur petroleum product and the maximum sulfur content oil commercially available is approximately 0.5 percent, by weight.

*Effective date.* These revisions will become effective on or before October 14, 1975.

(42 U.S.C. 1857c-5 and 9)

JOHN QUARLES,  
Acting Administrator.

SEPTEMBER 4, 1975.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### Subpart BBB—Puerto Rico

1. Section 52.2720 is amended by adding a new paragraph (c) as follows:

§ 52.2720 Identification of plan.

(c) Supplemental information was submitted on:

(1) April 15, April 9, April 17, May 30, June 18, and September 10, 1973, and on February 1 and February 12, 1974.

(2) January 3 and 17, February 14, March 26, May 8, May 15, and June 2, 1975.

2. A new § 52.2729 is added as follows:

§ 52.2729 Control strategy and regulations: Sulfur oxides.

(a) The requirements of § 51.13 of this chapter are not met since the Puerto Rico plan does not provide for attainment and maintenance of the national standards for sulfur oxides in the areas of Aguirre, Barceloneta, Trujillo Alto-Dorado and Ensenada.

(b) Article 6, as submitted to EPA on January 3, 1975, of the Puerto Rico Regulations for Control of Atmospheric Pollution, as it applies to those areas listed in paragraph (a) of this section is disapproved for the following facilities: Puerto Rico Water Resources Authority—Aguirre Complex, Abbott, Merck and Company, Bristol Meyers, Pfizer, Union Carbide, Upjohn, located in the Barceloneta air basin, and Central Guanica, located in the Aquada air basin. Accordingly, these sources, with the exception of the Puerto Rico Water Resources Authority—Aguirre Complex, are required to conform to the sulfur in fuel limitations contained in Article 6 of the Puerto Rico implementation plan as submitted to EPA on January 31, 1972.

(c) On and after the effective date of this paragraph, the maximum allowable sulfur in fuel limitation, by weight, for the Puerto Rico Water Resources Authority Aguirre complex shall be 2.5 percent.

(d) The requirements of section 110 of the Clean Air Act are not met since Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution would permit the use of stack height increases in lieu of available methods for emission reduction. Therefore, Section H of Appendix A of Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution is disapproved to the extent that it would permit increases in stack height in lieu of available methods of emission reduction.

[FR Doc.75-24200 Filed 9-10-75; 8:45 am]

[FRL 428-4]

#### PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegations of Authority to State of California on Behalf of Bay Area, Monterey Bay Unified, Humboldt County and Del Norte County Air Pollution Control Districts

Pursuant to the delegations of authority for the standards of performance for new stationary sources (NSPS) to the State of California on behalf of the Bay Area and Monterey Bay Unified Air Pollution Control Districts (dated May 23, 1975), and on behalf of the Humboldt County and Del Norte County Air Pollution Control Districts (dated July 10, 1975), EPA is today amending 40 CFR 60.4, Address, to reflect these delegations. Notices announcing these delegations are published today in the Notices Section of this issue. The amended § 60.4 is set forth below. It adds the addresses of the Bay Area, Monterey Bay Unified, Humboldt County and Del Norte County Air Pollution Control Districts, to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NSPS located within these Air Pollution Control Districts.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegations which are reflected by this administrative amendment were effective on May 23, 1975 (Bay Area and Monterey Bay Districts) and on July 10, 1975 (Humboldt County and Del Norte County Districts) and it serves no purpose to delay the technical change of this addition of the Air Pollution Control District addresses to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 111 of the Clean Air Act, as amended. 42 U.S.C. 1857c-6.

Dated: September 6, 1975.

STANLEY W. LEGRO,  
Assistant Administrator for  
Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph (F), to read as follows:

§ 60.4 Address.

(b) . . . .

(A)-(E) . . . .

(F) California

Bay Area Air Pollution Control District, 939 Ellis St., San Francisco, CA 94109.

Del Norte County Air Pollution Control District, 5600 S. Broadway, Eureka, CA 95501.

Humboldt County Air Pollution Control District, 5600 S. Broadway, Eureka, CA 95501.

Monterey Bay Unified Air Pollution Control District, 420 Church St. (P.O. Box 487), Salinas, CA 93901.

[FR Doc.75-24202 Filed 9-10-75; 8:45 am]

[FRL 428-5]

#### PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of California on Behalf of Bay Area, Monterey Bay Unified, Humboldt County and Del Norte County Air Pollution Control Districts

Pursuant to the delegations of authority for national emission standards for hazardous air pollutants (NESHAPS) to the State of California on behalf of the Bay Area and Monterey Bay Unified Air Pollution Control Districts (dated May 23, 1975), and on behalf of the Humboldt County and Del Norte County Air Pollution Control Districts (dated July 10, 1975), EPA is today amending 40 CFR 61.04, Address, to reflect these delegations. Notices announcing these delegations are published today in the Notices Section of this issue. The amended § 61.04 is set forth below. It adds the addresses of the Bay Area, Monterey Bay Unified, Humboldt County, and Del Norte County Air Pollution Control Districts, to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NESHAPS located within these Air Pollution Control Districts.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegations which are reflected by this administrative amendment were effective on May 23, 1975 (Bay Area and Monterey Bay Districts), and on July 10, 1975 (Humboldt County and Del Norte County Districts), and it serves no purpose to delay the technical change of this addition of the Air Pollution Control District addresses to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 112 of the Clean Air Act, as amended. 42 U.S.C. 1857c-7.

Dated: September 6, 1975.

STANLEY W. LEGRO,  
Assistant Administrator for  
Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04 paragraph (b) is amended by revising subparagraph (F), to read as follows:

§ 61.04 Address.

(b) . . . .

(A)-(E) . . . .

(F) California.  
Bay Area Air Pollution Control District, 939 Ellis St., San Francisco, CA 94109.  
Del Norte County Air Pollution Control District, Courthouse, Crescent City, CA 95531.

Humboldt County Air Pollution Control District, 5600 S. Broadway, Eureka, CA 95501.

Monterey Bay Unified Air Pollution Control District, 420 Church St. (P.O. Box 487), Salinas, CA 93901.

[FR Doc.75-24203 Filed 9-10-75; 8:45 am]

#### Title 43—Public Lands: Interior

##### CHAPTER II—BUREAU OF LAND MANAGEMENT

##### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5526]

[Montana 20590]

#### MONTANA

##### Enlargement of Administrative Site

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 847; 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, but not from the mining and mineral leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as part of an existing administrative site adjacent to the Beaverhead National Forest:

##### PRINCIPAL MERIDIAN

##### WISE RIVER ADMINISTRATIVE SITE

T. 1 N., R. 11 W., sec. 35, SW¼, SW¼, Containing 40 acres in Beaverhead County.

JACK O. HORTON,  
Assistant Secretary of the Interior.

SEPTEMBER 4, 1975.

[FR Doc.75-24115 Filed 9-10-75; 8:45 am]

#### Title 46—Shipping

##### CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-182]

##### SHIPS CARRYING BULK GRAIN CARGOES

##### Intact Stability Requirements

##### Correction

In FR Doc. 75-21907, appearing on page 36342, in the issue of Wednesday, August 20, 1975, and corrected at page 39506 in the issue of Thursday, August 28, 1975, the words in the notes at the end of the table on page 36344 which now reads "Svedberg Flotation", and which was changed to read "Storage Factor" (40 FR 39506), should actually read "Stowage Factor".

#### Title 50—Wildlife and Fisheries

##### CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF INTERIOR

##### PART 28—PUBLIC ACCESS, USE, AND RECREATION

Dungeness National Wildlife Refuge, Washington, Horseback Riding Regulations

In the Federal Register of December 18, 1974 (39 FR 43728), there was published a notice of proposed rule making to amend § 28.28 of Title 50 of the Code of Federal Regulations. This amendment would establish specific rules for horseback riding on Dungeness National Wildlife Refuge. The rules were proposed to correct a safety hazard between horseback riders and pedestrian users of the refuge.

Due to the volume of public comments received, the period for receipt of written comments was extended from January 30, 1975 to March 1, 1975 (40 FR 4428). In addition, a public meeting was held on June 6, 1975 in Port Angeles, Washington, to facilitate public comment. The period for written comment was extended to July 7, 1975.

A total of 166 statements was received commenting on horseback riding and related public use management of the refuge. Some 56 specifically expressed opposition to the proposed regulations. Those opposed to the regulation argued that horseback riding did not conflict with wildlife; that equestrians were being discriminated against; that the proposed regulations effectively eliminated horseback riding entirely; and that viable alternatives to the proposed regulations existed and should be considered.

After due consideration of the comments received and a reevaluation of the possible alternatives and their potential effect upon safety, the regulations were revised. The revised regulations will remain in force pending periodic assessment of their effectiveness in controlling the safety hazard between horseback riders and pedestrian users of the refuge.

Therefore, the following special regulation under 50 CFR 28.28 is issued and is effective on January 1, 1976.

§ 28.28 Special regulations: public access, use and recreation for individual wildlife refuge areas.

##### WASHINGTON

##### DUNGENESS NATIONAL WILDLIFE REFUGE

1. Horses are prohibited on all portions of Dungeness National Wildlife Refuge on Saturdays, Sundays and State holidays from April 15 to October 15. Horses are permitted on designated and posted portions of the refuge daily from October 16 to April 14 and on weekdays from April 15 to October 15. Horseback riders must remain on the trail posted "horse trail" on that portion of the refuge on the bluff overlooking Dungeness Spit and on the Spit proper within ½ mile of the bluff.

The provisions of this special regulation supplement the regulations which govern public use of wildlife refuge areas



generally, which are set forth in Title 50 Code of Federal Regulations Parts 26, 27 and 28.

WILLIAM H. MEYER,  
Acting Regional Director,  
Fish and Wildlife Service.

[FR Doc.75-24120 Filed 9-10-75;8:45 am]

#### PART 32—HUNTING Certain Wildlife Refuges

The following special regulations are issued and are effective September 11, 1975. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

#### § 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.

##### ARIZONA AND CALIFORNIA

##### CIBOLA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots and gallinules on the Cibola National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots and gallinules, from October 4 through October 31, 1975, inclusive, and from November 15, 1975 through January 4, 1976, inclusive; geese, from October 4 through October 17, 1975, inclusive, and from November 15, 1975 through January 18, 1976, inclusive; geese, from October 4 through October 17, 1975, inclusive, and from November 15, 1975 through January 4, 1976, inclusive. Hunting is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 8,900 acres, are delineated on maps available at refuge headquarters, Blythe, California, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots and gallinules subject to the following special conditions:

- (1) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.
- (2) Pits or permanent blinds are prohibited.
- (3) Hunting is prohibited within one-fourth mile of any occupied dwelling or 250 yards of any farm field worker.
- (4) Campfires will be permitted only in designated areas. All other open fires are prohibited.
- (5) Cibola Lake, located in Zone I, is closed to fishing from October 1 through March 1 during the waterfowl use period. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1976.

##### HAVASU NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, gallinules and common snipe

#### RULES AND REGULATIONS

(Wilson's) on the Havasu National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots and gallinules, from October 4 through October 31, 1975, inclusive, and from November 15, 1975 through January 18, 1976, inclusive; geese, from October 4 through October 17, 1975, inclusive, and from November 15, 1975 through January 4, 1976, inclusive; common snipe (Wilson's), from November 15, 1975 through January 18, 1976, inclusive. Hunting is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 13,200 acres, are delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, gallinules and common snipe (Wilson's) subject to the following special conditions:

- (1) An iron shot study program to evaluate field use of iron shot shells will be conducted by the U.S. Fish and Wildlife Service on Havasu National Wildlife Refuge.
- (2) Topock Marsh is the designated area for the iron shot hunt. The hunt area includes Pintail Slough and all marsh lands open to hunting north of the south dike.
- (3) The iron shot hunt will continue throughout the waterfowl season.
- (4) Use of lead shot shells for waterfowl hunting is prohibited in the Topock Marsh iron shot hunt area.
- (5) Hunters must use a 12 gauge shotgun as iron shot shells are available only in 12 gauge.
- (6) Iron shot shells will be sold during business hours at the following locations: Premier Sports, 1404 Broadway, Needles, California; Five Mile Landing Concession, Route 95, Topock, Arizona; and Sportsman's One Stop and Variety, Main Street, Bullhead City, Arizona. Other local dealers of shotgun ammunition may also carry the iron shot shells.
- (7) All hunters may be required to fill out a post-hunt questionnaire at the end of each hunt. Questionnaires will be available at each of the hunt area entry points.
- (8) Waterfowl gizzards and wings may be collected from hunter's bag by the U.S. Fish and Wildlife Service personnel on a random sample basis.
- (9) Hunters are required to enter the hunt areas by way of the parking areas only.
- (10) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.
- (11) The construction or use of permanent blinds or pits is prohibited.
- (12) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1976.

#### TEXAS

##### BRAZORIA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese and coots on the Brazoria National Wildlife Refuge, Texas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,300 acres of Rattlesnake Island on the south-east side of the Intracoastal Waterway and adjacent to Bastrop, Christmas and Drum Bays, is delineated on maps available at refuge headquarters, Angleton, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks, geese and coots subject to the following special conditions:

- (1) The refuge hunting season for ducks and coots extends from November 1 through November 30, 1975, inclusive, and from December 20, 1975 through January 18, 1976, inclusive.
- (2) The refuge hunting season for geese extends from November 1 through December 12, 1975, inclusive, and from December 20, 1975 through January 18, 1976, inclusive.
- (3) Travel to and from the area open to hunting across the refuge mainland will not be permitted. Access to the hunting area must be entirely over public water routes.
- (4) Only temporary blinds may be constructed or used on the hunting area. Pits or permanent blinds are prohibited.

#### § 32.22 Special regulations: upland game; for individual wildlife refuge areas.

##### OKLAHOMA

##### WASHITA NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on the Washita National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 2,655 acres, are delineated on maps available at refuge headquarters, Butler, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and cottontail rabbits subject to the following special conditions:

- (1) The open season for quail hunting on the refuge extends from November 20, 1975 through February 1, 1976, inclusive.
- (2) The open season for cottontail rabbit hunting on the refuge extends from November 20, 1975 through February 1, 1976, inclusive.
- (3) Hunting of either quail or cottontail rabbits is permitted only on Mon-

days, Tuesdays, Thursdays, Saturdays and national holidays.

(4) Rifles and hand guns are prohibited on the refuge. Only shotguns are legal firearms for the taking of quail. Shotguns and/or long bows and arrows are legal weapons for the taking of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 1, 1976.

JERRY L. STEGMAN,  
Acting Regional Director,  
Albuquerque, New Mexico.

SEPTEMBER 5, 1975.

[FR Doc.75-24116 Filed 9-10-75;8:45 am]

#### PART 32—HUNTING

##### Certain National Wildlife Refuges in California

On July 31, 1975, there was published in the FEDERAL REGISTER (40 FR 32124) a notice of proposed rules changing special regulations for hunting for certain individual wildlife refuges in California.

The purpose of the proposed changes was to improve the quality of the hunting experience on these refuge public hunting areas.

The public was provided a 30-day comment period. The only comments received concerned the proposed special regulation limiting waterfowl shooting hours from one-half hour before sunrise to 1:00 p.m. daily on Lower Klamath and Tule Lake National Wildlife Refuges. Shooting hours previously were from one-half hour before sunrise to one-half hour after sunset daily.

The unfavorable comments received objected principally to an alleged decrease in hunting opportunity by a shortened hunting day. The purpose of the special regulation is to actually increase the opportunity by encouraging waterfowl to leave the refuge closed area in the afternoon and distribute themselves more widely in the Klamath Basin. If, in fact, this happens, an improvement in both hunting quality and opportunity will result.

Accordingly, Chapter I of Title 50 Code of Federal Regulations is amended by revising §§ 32.12, and 32.22 to read as set forth below.

#### § 32.32 Special regulations: big game; for individual wildlife refuge areas.

The following regulations will be effective October 11, 1975. These regulations apply to public hunting on portions of certain national wildlife refuges in California.

**GENERAL CONDITIONS:** Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of maps available at the refuge headquarters and from the Office

#### RULES AND REGULATIONS

of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

#### § 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.

Migratory game birds, except snipe and pigeons and doves, may be hunted on the following refuge areas:

*Salton Sea National Wildlife Refuge*, P.O. Box 247, Calipatria, California 92233.

*Kern National Wildlife Refuge*, P.O. Box 219, Delano, California 93215.

*Merced National Wildlife Refuge*, (Headquarters: San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635).

Migratory game birds, except pigeons and doves, may be hunted on the following refuge areas:

*Sacramento National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Colusa National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Delevan National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Sutter National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Kesterson National Wildlife Refuge*, P.O. Box 2176, Los Banos, California 93635.

*San Luis National Wildlife Refuge*, P.O. Box 2176, Los Banos, California 93635.

*Clear Lake National Wildlife Refuge*, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special Conditions: 1. Boats with or without motors are permitted. Air-thrust, water-thrust, and sculling boats are prohibited.

2. All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

*Lower Klamath National Wildlife Refuge*, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special Conditions: 1. During the first two days of waterfowl season, all hunters 16 years of age and older must have in their possession an entry permit for the controlled hunting unit in which they are hunting.

2. Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except, unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones.

3. Boats with or without motors are permitted. Air-thrust, water-thrust, and sculling boats are prohibited.

4. All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

5. In designated spaced blind areas, hunters may not possess any loaded firearm further than 30 feet from the established blind stakes.

6. Bow hunters must follow the same regulations as firearm hunters. The use of long bow is permitted.

7. Legal waterfowl shooting hours shall be from one-half hour before sunrise to 1:00 p.m. daily on all California portions of the refuge.

*Tule Lake National Wildlife Refuge*, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special Conditions: 1. During the first two days of waterfowl season, all hunters 16 years of age and older must have in their possession an entry permit for the controlled hunting unit in which they are hunting.

2. Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except, unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones.

3. Boats with or without motors are permitted. Air-thrust, water-thrust, and sculling boats are prohibited.

4. All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

5. In designated spaced blind areas, hunters may not possess any loaded firearm further than 30 feet from the established blind stakes. Hunters will select blind sites by lottery at the beginning of each day's hunt.

6. The use of long bow is permitted. Bow hunters must follow the same regulations as firearm hunters.

7. Legal waterfowl shooting hours shall be from one-half hour before sunrise to 1:00 p.m. daily.

*Modoc National Wildlife Refuge*, P.O. Box 1610, Alturas, California 96101.

Special Conditions: 1. First weekend only, entry permits are required to enter the hunting area for every individual with the exception of persons under 16 years of age.

2. After first weekend, hunting permitted on Tuesdays, Thursdays, and Saturdays during authorized seasons.

3. Hunters are required to enter hunting area via designated parking sites.

4. Hunting area is open for access from 90 minutes prior to legal shooting hours until 90 minutes after sunset on days hunting is permitted.

#### § 32.22 Special regulations: upland game; for individual wildlife refuge areas.

Ring-necked pheasant only may be hunted on the following refuge areas:

*Colusa National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Delevan National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Kern National Wildlife Refuge*, P.O. Box 219, Delano, California 93215.

*Merced National Wildlife Refuge*, P.O. Box 2176, Los Banos, California 93635.

*Sacramento National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Sutter National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Lower Klamath National Wildlife Refuge*, (Headquarters: Klamath Basin Na-

#### RULES AND REGULATIONS

#### PART 32—HUNTING

tional Wildlife Refuges, Route 1, Box 74,

shall be permitted; no blinds shall be

and are effective through November 16,

#### RULES AND REGULATIONS

J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from sunrise

Conboy Lake National Wildlife Refuge, Box 5, Glenwood, Washington 98619.



## RULES AND REGULATIONS

## PART 32—HUNTING

## Chautauqua National Wildlife Refuge; Ill.

tional Wildlife Refuges, Route 1, Box 74, Tulare, California 96134).

Special Conditions: 1. Additional refuge area designated by special posting will be open to a special 4-day pheasant hunt.

2. Pheasants may not be hunted in retrieving zones.

3. Daily limit is two male pheasants. *Tule Lake National Wildlife Refuge*, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulare, California 96134).

Special conditions: 1. Additional refuge area designated by special posting will be open to a special 4-day pheasant hunt.

2. Pheasants may not be hunted in retrieving zones.

3. Daily limit is two male pheasants. The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1976.

WILLIAM H. MEYER,  
Acting Regional Director,  
Fish and Wildlife Service.

[FR Doc.75-24117 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

## Chautauqua National Wildlife Refuge; Ill.

The following special regulations are issued and are effective September 11, 1975.

§ 32.12 Special regulations: migratory game birds, for individual wildlife refuge areas.

## ILLINOIS

## CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, green-winged, and cinnamon teal on the Chautauqua National Wildlife Refuge, Illinois, is permitted from September 13, 1975, through September 21, 1975, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, and from the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal Regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of wood or brush may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 21, 1975.

CHARLES A. HUGHLETT,  
Acting Regional Director.

[FR Doc.75-24118 Filed 9-10-75; 8:45 am]

## Chautauqua National Wildlife Refuge; Ill.

The following special regulations are issued and are effective September 11, 1975.

§ 32.12 Special regulations: migratory game birds, for individual wildlife refuge areas.

## ILLINOIS

## CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of migratory waterfowl on the Chautauqua National Wildlife Refuge, Illinois, is permitted from October 22, 1975, through December 7, 1975, but only on the area designated as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, and from the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal Regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of wood or brush may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 7, 1975.

CHARLES A. HUGHLETT,  
Acting Regional Director.

[FR Doc.75-24119 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

## Mark Twain National Wildlife Refuge; Iowa

The following special regulations are issued and are effective September 11, 1975.

§ 32.12 Special regulations: migratory game birds, for individual wildlife refuge areas.

## IOWA

## MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the Big Timber Division and the Turkey Island area designated by signs as open to hunting. These areas, comprising 1,760 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal Regulations covering the hunting of migratory game birds subject to the following conditions:

(1) Blinds—No permanent structure, excluding wood or brush duck blinds,

shall be permitted; no blinds shall be locked or otherwise sealed against public entry.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1975.

CHARLES A. HUGHLETT,  
Acting Regional Director.

[FR Doc.75-24120 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

## Sherburne National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective September 11, 1975.

§ 32.12 Special regulations: migratory game birds, for individual wildlife refuge areas.

## MINNESOTA

## SHERBURNE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, rails, Wilson snipe and woodcock on the Sherburne National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. These open areas, comprising approximately 7,510 acres for ducks, coots, rails, Wilson snipe and woodcock (designated area B on map); and approximately 10,850 acres for Wilson snipe and woodcock (designated area A on map), are delineated on a map available at refuge headquarters, Route 2, Zimmerman, Minnesota 55398, and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of these species subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling off of established roads and parking areas open to such travels.

(2) Parking of vehicles is restricted to designated parking areas.

(3) Practice and target shooting, overnight camping and open fires are prohibited.

(4) Construction of any permanent artificial scaffold, platform, blind or other construction is prohibited.

(5) Boats, without motors, may be used on the St. Francis River only from designated river access sites.

(6) Boats and decoys must be removed from the refuge at completion of days hunt.

(7) Field possession of ducks and coots in area of refuge closed to hunting of ducks and coots is prohibited.

The provisions of this special regulation supplement the regulation which governs hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32,

and are effective through November 16, 1975.

CHARLES A. HUGHLETT,  
Acting Regional Director,  
Fish and Wildlife Service.

AUGUST 22, 1975.  
[FR Doc.75-24121 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

## J. Clark Salyer National Wildlife Refuge; N. Dak.

The following special regulation is issued and is effective September 11, 1975.

§ 32.12 Special regulations: migratory game birds, for individual wildlife refuge areas.

## NORTH DAKOTA

## J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of geese on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from October 4 through December 14, 1975, and the hunting of ducks and coots is permitted from October 4 through November 30, 1975, and the hunting of common snipe (Wilson's) is permitted from September 20 through November 23, 1975, but only on the area designated by signs as open to migratory waterfowl hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed.

(2) Retrieving zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1975.

JON M. MALCOLM,  
Refuge Manager  
J. Clark Salyer N.W. Refuge.

SEPTEMBER 4, 1975.  
[FR Doc.75-24122 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

## J. Clark Salyer National Wildlife Refuge; N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations: upland game; for individual wildlife refuge areas.

## NORTH DAKOTA

## J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of gray partridge, sharp-tailed grouse and pheasant on the

## RULES AND REGULATIONS

J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from sunrise to sunset November 17, 1975 through December 14, 1975, only on the area designated by signs as open to hunting. This open area, comprising 52,400 acres of the total refuge area is delineated on a map available at the refuge headquarters, Upham, North Dakota 58789, and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of gray partridge, sharp-tailed grouse and pheasant subject to the following special condition:

(1) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1975.

DAROLD T. WALLS,  
Refuge Manager  
J. Clark Salyer N.W. Refuge.

SEPTEMBER 4, 1975.  
[FR Doc.75-24123 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

## Certain National Wildlife Refuges in Washington

On July 31, 1975 there was published in the FEDERAL REGISTER (40 FR 32126) a notice of proposed rules changing special regulations for hunting for certain individual wildlife refuges in Washington.

The purpose of the proposed changes was to improve the quality of the hunting experience on these refuge public hunting areas. The public was provided a 30-day comment period.

No unfavorable comments have been received. Accordingly, Chapter I of Title 50 Code of Federal Regulations is amended by revising §§ 32.12, 32.22 and 32.32 to read as set forth below.

The following regulations will be effective October 11, 1975. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Washington.

**GENERAL CONDITIONS:** Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

§ 32.12 Special regulations: migratory game birds, for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuge area:

*Conboy Lake National Wildlife Refuge*, Box 5, Glenwood, Washington 98619. Special Condition: No Canada goose hunting permitted.

Migratory game birds except doves and pigeons may be hunted on the following refuge areas:

*Columbia National Wildlife Refuge*, P.O. Drawer F, Othello, Washington 99344.

*Toppenish National Wildlife Refuge*, Route 1, Box 1300, Toppenish, Washington 98948.

*Umatilla National Wildlife Refuge*, P.O. Box 239, Umatilla, Oregon 97882.

*Columbian White-Tailed Deer National Wildlife Refuge*, Route 1, Box 376C, Cathlamet, Washington 98612.

*Ridgefield National Wildlife Refuge*, P.O. Box 467, Ridgefield, Washington 98642.

Special Conditions: 1. Hunting will be permitted on Wednesdays, Saturdays and Sundays, October 27, 1975, November 27, 1975 and January 1, 1976.

2. A Federal permit, available from the refuge office, is required to enter the public hunting area. Permits will be issued by mail in advance on a first-come, first-served basis. Only one regular permit may be held by a hunter at any one time.

3. Hunters must shoot from assigned blinds drawn at the checking station.

4. Steel shot only may be possessed or used on the refuge hunting area.

5. Hunters may possess and use not more than twenty-five (25) shells per hunter per day on the refuge hunting area.

Migratory game birds except snipe and pigeons and doves may be hunted on the following refuge areas:

*McNary National Wildlife Refuge*, P.O. Box 19, Burbank, Washington 99383.

Special Conditions: 1. Hunters are required to park vehicles in designated parking areas.

2. On Burbank Slough hunting will be permitted on Wednesday, Saturday, Sunday and Thanksgiving Day only. On six upstream Hanford Islands hunting will be permitted in accordance with current State Game Department regulations.

3. Hunting permitted from marked sites only in controlled hunting portion of Burbank Slough.

*Willapa National Wildlife Refuge*, Ilwaco, Washington 98624.

*Lewis and Leadbetter Point Units* Special Conditions: 1. Hunter registration is required. Leadbetter Point is the only refuge unit open to black brant hunting after close of general season.

*Riekkola Unit* Special Conditions: 1. Hunter registration required.

2. Hunting will be permitted on Wednesdays, Saturdays, Sundays, October 27, 1975, November 27, 1975 and January 1, 1976.

3. Hunting will be from designated blinds only, assigned on a first-come, first-served basis. No more than three (3) hunters per blind.

4. Hunters may possess and use not more than ten (10) shells per hunter per day on the Riekkola Unit only.

## RULES AND REGULATIONS

## Long Island Unit

of 25 shells per hunter will be allowed

## RULES AND REGULATIONS

permitted in accordance with the follow-

Hunters will be responsible for decoys statutory requirements; 13.73-92. Truth



5. The field on the south side of Yeaton County Road is not subject to Special Conditions #3 and #4.

**§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.**

Upland game birds may be hunted on the following refuge areas:

*Columbia National Wildlife Refuge*, P.O. Drawer F, Othello, Washington 99344.

Special Conditions: 1. Open to the hunting of rabbits in addition to game birds.

2. Upland game birds may be hunted during State seasons running concurrently with the waterfowl season.

*Umatilla National Wildlife Refuge*, P.O. Box 239, Umatilla, Oregon 97882.

*Conboy Lake National Wildlife Refuge*, Box 5, Glenwood, Washington 98619.

Special Condition: 1. Cottontail rabbit and snowshoe hare may also be hunted during the State season concurrent with the waterfowl season.

*Toppenish National Wildlife Refuge*, Route 1, Box 1300, Toppenish, Washington 98948.

Special Conditions: 1. Rabbits and upland game may only be hunted during that part of the State season concurrent with the waterfowl hunting season.

*Willapa National Wildlife Refuge*, Ilwaco, Washington 98624.

*Long Island Unit*

Special Conditions: 1. Archery hunting only.

2. Permits for the opening weekend only will be through application and drawing. Applications are available from the Refuge Manager.

3. After opening weekend hunters must possess regular hunting permit available at refuge headquarters and at the Nahcotta dock.

4. Raccoon and coyote may also be hunted.

*McNary National Wildlife Refuge*, P.O. Box 19, Burbank, Washington 99323.

Special Conditions: 1. Pheasants only may be hunted.

2. Pheasant hunting will be restricted to Wednesdays, Saturdays, Sundays and Thanksgiving Day.

3. Hunters are required to park vehicles in designated parking areas.

**§ 32.32 Special regulations: big game; for individual wildlife refuge areas.**

Big game hunting is permitted on the following refuge area:

*Little Pend Oreille National Wildlife Refuge*, Route 1, Colville, Washington 99114.

Deer hunting only is permitted on the following refuge areas:

*Columbia National Wildlife Refuge*, P.O. Drawer F, Othello, Washington 99344.

*Conboy Lake National Wildlife Refuge*, Box 5, Glenwood, Washington 98619.

*Umatilla National Wildlife Refuge*, P.O. Box 239, Umatilla, Oregon 97882.

Bear, deer and elk may be hunted on the following refuge area:

*Willapa National Wildlife Refuge*, Ilwaco, Washington 98624.

*Long Island Unit*

Special Conditions: 1. Archery hunting only is permitted.

2. Permits for the opening weekend only will be through application and drawing. Applications are available from the Refuge Manager.

3. After opening weekend hunters must possess regular hunting permit available at refuge headquarters and at Nahcotta dock.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50 Code of Federal Regulations, Part 32, and are effective through June 30, 1976.

WILLIAM H. MEYER,  
Acting Regional Director,  
Fish and Wildlife Service.

[FR Doc.75-24124 Filed 9-10-75;8:45 am]

**PART 32—HUNTING**

DeSoto National Wildlife Refuge, Ia.

The following special regulations is issued and is effective on September 11, 1975.

**§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.**

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl on DeSoto National Wildlife Refuge, Iowa, is permitted in accordance with the following special regulations:

1. *Species*. Only waterfowl species (ducks, geese, coots) may be taken.

2. *Seasons*. The open season on the refuge hunting area will be November 1-December 9, 1975. Shooting hours will be the same as for the respective state, with the exception that refuge hunting will stop at 12:00 noon each day.

3. *Bag limits*. Bag limits for waterfowl species will be the same as the state bag limits.

4. *Methods of hunting*. Hunters must hunt from refuge-constructed 3-man blinds only. Blinds will be assigned under an advance reservation system. Individuals will be allowed to hold only one reservation at any one time. When this is used, he may apply for an unfilled date.

Hunters will be required to check in and out at the refuge check station. Hunters will be allowed the use of decoys (either personal or rented at check station) and retrieving dogs (one per hunter).

All hunting will be from blinds only, with the exception that crippled birds may be pursued and shot within the shooting zone only (within 40 yards of blind as posted). Crippled birds may be pursued beyond this point up to the retrieval zone line (as posted), but guns must remain inside the shooting zone.

Shotguns only will be permitted, capable of holding three shells or less. Steel shot loads will be required in the refuge hunting area. These may be purchased at the refuge check station and will be available in 12 gauge only. Lead loads will not be allowed. A maximum

of 25 shells per hunter will be allowed per day.

5. *Open area*. The area open to hunting is delineated on maps available at refuge headquarters. The location of the hunting area is on the periphery of refuge lands in the northeast portion of the refuge. This area comprises about 355 acres.

6. *Other provisions*. All hunting will be by permit only. Applications for a specific date will be accepted by mail or in person at refuge headquarters, DeSoto National Wildlife Refuge, RR-1, Box 114, Missouri Valley, Iowa 51555, between the hours of 8:00 a.m.-5:00 p.m., Monday through Friday. Applications will be accepted through Saturday, September 27, 1975. A drawing to determine successful applicants will be held at refuge headquarters on Monday, September 29. Should openings remain following the drawing, reservations will be accepted on a first-come, first-serve basis on and after October 3, 1975. Reservations will not be accepted by phone.

Applicants for reservations must be at least 16 years of age or older. A \$3 fee must accompany each request for a reservation, and this must be in the form of a check or money order. Each reservation holder will be entitled to bring two additional hunters with him in order to utilize the 3-man blinds. Each person will be charged \$1 when he registers to hunt. Goose decoys, up to 3 dozen per blind, may be rented at the refuge check station at a charge of \$1 per dozen. Hunters will be responsible for decoys and will be charged for any decoys lost or damaged. Personal decoys may also be used.

Reservations are non-transferable and fees will not be refunded. No provisions will be made for "stand by" hunters. Blinds will be assigned only once each day. Vacated blinds will not be refilled.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1975.

JAMES E. FRATES,  
Refuge Manager,  
DeSoto National Wildlife Refuge.

SEPTEMBER 4, 1975.

[FR Doc.75-24177 Filed 9-10-75;8:45 am]

**PART 32—HUNTING**

DeSoto National Wildlife Refuge, Nebr.

The following special regulations is issued and is effective on September 11, 1975.

**§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.**

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl on DeSoto National Wildlife Refuge, Nebraska, is

permitted in accordance with the following special regulations:

1. *Species*. Only waterfowl species (ducks, geese, coots) may be taken.

2. *Seasons*. The open season on the refuge hunting area will be October 11-October 24, and November 1-November 16, 1975. Shooting hours will be the same as for the respective state, with the exception that refuge hunting will stop at 12:00 noon each day.

3. *Bag limits*. Bag limits for waterfowl species will be the same as the state bag limits.

4. *Methods of hunting*. Hunters must hunt from refuge-constructed, 3-man blinds only. Blinds will be assigned under an advance reservation system. Individuals will be allowed to hold only one reservation at any one time. When this is used, he may apply for an unfilled date. Hunters will be required to check in and out at the refuge check station. Hunters will be allowed the use of decoys (either personal or rented at check station) and retrieving dogs (one per hunter).

All hunting will be from blinds only, with the exception that crippled birds may be pursued and shot within the shooting zone only (within 40 yards of blind as posted). Crippled birds may be pursued beyond this point up to the retrieval zone line (as posted), but guns must remain inside the shooting zone.

Shotguns only will be permitted, capable of holding three shells or less. Steel shot loads will be required in the refuge hunting area. These may be purchased at the refuge check station and will be available in 12 gauge only. Lead loads will not be allowed. A maximum of 25 shells per hunter will be allowed per day.

5. *Open Area*. The area open to hunting is delineated on maps available at refuge headquarters. The location of the hunting area is on the periphery of refuge lands in the southwest portion of the refuge. This area comprises about 431 acres.

6. *Other Provisions*. All hunting will be by permit only. Applications for a specific date will be accepted by mail or in person at refuge headquarters, DeSoto National Wildlife Refuge, RR-1, Box 114, Missouri Valley, Iowa, 51555, between the hours of 8:00 a.m.-5:00 p.m., Monday through Friday. Applications will be accepted through Saturday, September 27, 1975. A drawing to determine successful applicants will be held at refuge headquarters on Monday, September 29. Should openings remain following the drawing, reservations will be accepted on a first-come, first-serve basis on and after October 3, 1975. Reservations will not be accepted by phone.

Applicants for reservations must be at least 16 years of age or older. A \$3 fee must accompany each request for a reservation, and this must be in the form of a check or money order. Each reservation holder will be entitled to bring two additional hunters with him in order to utilize the 3-man blinds. Each person will be charged \$1 when he registers to hunt. Goose decoys, up to 3 dozen per blind, may be rented at the refuge check station at a charge of \$1 per dozen.

Hunters will be responsible for decoys and will be charged for any decoys lost or damaged. Personal decoys may also be used.

Reservations are non-transferable and fees will not be refunded. No provisions will be made for "stand by" hunters. Blinds will be assigned only once each day. Vacated blinds will not be refilled.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 16, 1975.

JAMES E. FRATES,  
Refuge Manager,  
DeSoto National Wildlife Refuge.

SEPTEMBER 4, 1975.

[FR Doc.75-24178 Filed 9-10-75;8:45 am]

**PART 32—HUNTING**

De Soto National Wildlife Refuge, Ia.

The following special regulation is issued and is effective on September 11, 1975.

**§ 32.32 Special regulations: big game; for individual wildlife refuge areas.**

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the DeSoto National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to hunting. This open area comprising 660 acres is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 601 E. 12th Street, Kansas City, Missouri 64106.

Hunting shall be in accordance with all State regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Iowa archery deer season, October 11, 1975, to November 21, 1975, and November 26, 1975, to December 5, 1975.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1975.

JAMES E. FRATES,  
Refuge Manager,  
DeSoto National Wildlife Refuge.

SEPTEMBER 5, 1975.

[FR Doc.75-24176 Filed 9-10-75;8:45 am]

**TiTe 16—Commercial Practices  
CHAPTER 1—FEDERAL TRADE  
COMMISSION**

[Docket No. C-2715]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

Hefler Realty Sales, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and

statutory requirements; 13.73-92. Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Hefler Realty Sales, Inc., a corporation, and Clyde M. Taylor, individually and as an officer of said corporation.

Consent order requiring a Miami, Fla., marketer of condominiums and single-family homes, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Hefler Realty Sales, Inc., a corporation, its successors and assigns, and its officers, and Clyde M. Taylor, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321; 15 U.S.C. 1601, et seq.), do forthwith cease and desist from:

1. Failing to state the rate of a charge for consumer credit expressed as an "annual percentage rate," using that term, as prescribed by § 226.10(d) (1) of Regulation Z.

2. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d) (2) of Regulation Z:

- The cash price;
- The amount of the downpayment required or that no downpayment is required, as applicable;
- The number, amount and due dates or period of payments scheduled to repay.

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

pay the indebtedness if the credit is ex-

In the Matter of Levine, Huntley & Schmidt, Inc., a corporation.

and future operating divisions, officers, and directors, and to all present and fu-

The Decision and Order was issued by the Commission Aug. 7, 1975.

Xerox Limited, a corporation organized and existing under the laws of the United







addition and the like), and all patents resulting from continuations-in-part, divisions, renewals, reissues and extensions based on said patents or the applications thereof, but only insofar as it relates to an OFFICE COPIER PRODUCT.

F. "ISSUED" means published and either issued, granted, sealed or registered.

G. "CORRESPONDING PATENTS" means two or more PATENTS, each of which has ISSUED in a different country, is entitled to the same priority date (or could have been if timely filed) and is based upon the same conception and reduction to practice.

H. "PRESENT PATENT" means a United States or FOREIGN PATENT ISSUED on or before the date of issuance of this order and all CORRESPONDING PATENTS regardless of the date they are ISSUED.

I. "FUTURE PATENT" means a United States or FOREIGN PATENT other than a PRESENT PATENT ISSUED on a patent application having an effective filing date prior to three years after the date of issuance of this order or ISSUED during the six years following the date of issuance of this order, and all CORRESPONDING PATENTS, regardless of the date they are ISSUED.

J. "FOREIGN PATENT" means a PATENT ISSUED by a country other than the United States.

K. "XEROX PATENT" means a PATENT which is owned or controlled by XEROX, RANK XEROX or FUJI XEROX or under which one or more of them has the power to grant licenses or sublicenses to PERSONS. XEROX power to comply with this order with respect to PATENTS owned or controlled by RANK XEROX or FUJI XEROX, or under which they have the power to grant licenses or sublicenses, is confirmed in the undertakings of RANK XEROX and FUJI XEROX which have been submitted to the Commission.

L. "ORDER PATENT" means a PRESENT or FUTURE XEROX PATENT except one licensed pursuant to Paragraph X(b) of this order.

M. A "PATENT OF THE LICENSEE" means a PATENT which is owned or controlled by a LICENSEE, or a PATENT under which such LICENSEE has the power to grant licenses or sublicenses.

N. "IMPROVEMENT PATENT" means a PATENT on an invention which, if practiced, would infringe a licensed PATENT and which IMPROVEMENT PATENT is owned or controlled by the licensee of such PATENT or is one under which such licensee has the power to grant licenses or sublicenses. Determination of what is an IMPROVEMENT PATENT shall be made by reference to a licensed United States PATENT, if any, or if there is no such United States PATENT, by reference to the licensed FOREIGN PATENT.

O. "OFFICE COPIER" means a machine for the convenient reproduction of an original document and accessories physically attached to such machine. The

term "OFFICE COPIER" refers to all xerographic and non-xerographic office copiers, including but not limited to polychromatic color office copiers, high speed office copiers (such as the Xerox Model 9200), hybrid offset office copiers (such as the AMCD) and office copiers adapted to receive micro input as well as hard copy input, but does not include specialized use copiers (such as engineering drawing and microfilm copiers), or offset, stencil, or spirit duplicator machines.

P. "OFFICE COPIER PRODUCT" means an OFFICE COPIER and parts, components, raw materials and consumable supplies for use therein, including but not limited to photosensitive elements, refined selenium, metal alloys for machine parts, toner, developer, paper, and containers (such as toner cartridges) for consumable supplies.

Q. "ROYALTY-BEARING PRODUCT" means (1) an OFFICE COPIER, (2) toner, developer, paper, and similar consumable supplies, (3) containers (such as toner cartridges) for consumable supplies and (4) photosensitive elements, any of which are covered by a licensed PATENT other than one which is royalty-free.

R. "NET REVENUES" shall mean the total revenues received by the licensee from the lease or sale, as the case may be, of a ROYALTY-BEARING PRODUCT, or in the case of a lease of a ROYALTY-BEARING PRODUCT, at the option of the licensee, the published selling price for such ROYALTY-BEARING PRODUCT. Any of the following items, or any comparable items, may be deducted from the aforesaid total revenues or published selling price when they are separately stated on the invoice:

- (a) Packing costs
- (b) Actual transportation and insurance costs from place of shipment to point of installation
- (c) Excise, sales, use and property taxes
- (d) Import and export duties and taxes
- (e) The fair market value of replacement parts and components which are not covered by a licensed PATENT
- (f) The fair market value of consumable supplies which are not covered by a licensed PATENT whether or not they are in a licensed container

(g) Actual credit to customers on account of any ROYALTY-BEARING PRODUCT which is not accepted by the customer

(h) Costs of servicing or repairing the ROYALTY-BEARING PRODUCT excluding the costs of parts or components covered by a licensed PATENT.

To the extent that the amounts charged for the above items can be verified by referring to separate bona fide offers of such services or products, or to separate documents as in the case of taxes or duties, such amounts need not appear on the invoice.

S. "POLYCHROMATIC COLOR OFFICE COPIER PRODUCT" means an OFFICE COPIER PRODUCT specially adapted to produce multicolor copy.

T. "KNOW-HOW" means all written materials used by Xerox Corporation in manufacturing, refurbishing, reconditioning, retrofitting and servicing its OFFICE COPIER PRODUCTS which Xerox Corporation is not specifically prohibited by a legally enforceable obligation from disclosing, including but not limited to blueprints, drawings, formulae, manuals, process descriptions, production methods, specifications, quality control and test standards and computer programs.

U. "COMMERCIALLY AVAILABLE" means generally available for immediate sale or lease to consumers in an area at least as large an area served by at least one sales branch of the seller or lessor and on publicly announced terms.

V. "IBM" means International Business Machines Corporation, a corporation organized and existing under the laws of the State of New York, and its SUBSIDIARIES, successors and assigns, and directors, officers, employees, agents and representatives.

W. "UNITED STATES" means the United States of America, its territories or possessions, the District of Columbia, and the Commonwealth of Puerto Rico.

#### II

It is further ordered, That XEROX shall forthwith grant or cause to be granted to any PERSON making written application to XEROX at any time under this order a non-exclusive license for the full unexpired term under any, some or all ORDER PATENTS to make, have made, use or vend any, some or of the following: (1) OFFICE COPIERS (including the right to have made parts, components, and raw materials for use therein), (2) toner, developer, paper and similar consumable supplies, (3) toner, developer, paper and similar consumable supplies which may be used in future OFFICE COPIERS, (4) containers (such as toner cartridges) for consumable supplies, and (5) photosensitive elements. However, at XEROX's option exercised on a non-discriminatory basis, the effective date of licenses pertaining to POLYCHROMATIC COLOR OFFICE COPIER PRODUCTS may be up to three years from the date of issuance of this order for PRESENT PATENTS and three years from the date the PATENT is ISSUED for FUTURE PATENTS. Nothing in any license granted pursuant to the terms of this order shall be deemed to prohibit a LICENSEE from using a licensed OFFICE COPIER in conjunction with any other device for use in addition to the convenient reproduction of an original document.

#### III

XEROX, RANK XEROX and FUJI XEROX shall agree not to sue any LICENSEE, or customers or suppliers of the LICENSEE, for PATENT infringement or royalties, with respect to any OFFICE COPIER, photosensitive element, toner, developer, paper or container (such as toner cartridges) for consumable supplies manufactured by or for the LICENSEE prior to the date of issuance of this order, or to maintain any such suit.

#### IV

It is further ordered, That no license of an ORDER PATENT granted pursuant to the terms of this order shall contain or be conditioned upon any restriction, except as hereinafter provided:

A. The LICENSEE may, at his option, designate up to a total of three ORDER PATENTS which shall be licensed or sublicensed royalty-free; provided, however, that, in each country, the LICENSEE may substitute another ORDER PATENT as royalty-free for any ORDER PATENT previously designated as royalty-free which the LICENSEE has discontinued using in that country. On "ORDER PATENTS other than the three designated as royalty-free by the LICENSEE, XEROX may, in its sole discretion, charge a royalty not to exceed 1 1/2% per PATENT up to a maximum accumulated royalty of 1 1/2% of the LICENSEE'S NET REVENUES for each ROYALTY-BEARING PRODUCT which is manufactured, leased or sold by or for the LICENSEE. With respect to any ROYALTY-BEARING PRODUCT of the LICENSEE which the LICENSEE uses or consumes himself, the royalty shall be computed on the basis of the NET REVENUES that would have been received by the LICENSEE in an ordinary commercial transaction. The royalty shall be computed separately for each ROYALTY-BEARING PRODUCT on the basis of ORDER PATENTS subject to royalty which are used in such ROYALTY-BEARING PRODUCT. In no event shall more than three royalty-free PATENTS apply to any one ROYALTY-BEARING PRODUCT at any one time irrespective of the number of licenses granted by XEROX with respect to such ROYALTY-BEARING PRODUCT. For the purpose of this Paragraph IV A, a PATENT and all CORRESPONDING PATENTS in all countries shall count as one PATENT. The LICENSEE need not take a license under any CORRESPONDING PATENT.

B. XEROX may require that a LICENSEE agree not to use XEROX, RANK XEROX or FUJI XEROX, or their customers or suppliers, for PATENT infringement or royalties with respect to any OFFICE COPIER, photosensitive element, toner, developer, paper or container (such as toner cartridges) for consumable supplies manufactured by or for them prior to the date of issuance of this order, or to maintain any such suit.

C. To the extent the LICENSEE has the power to grant licenses or sublicenses, XEROX may require the grant to XEROX, RANK XEROX and FUJI XEROX of a non-exclusive license for the full unexpired term under any, some or all PATENTS OF THE LICENSEE to make, have made, use or vend any, some or all of the following: (a) OFFICE COPIERS (including the right to have made parts, components, and raw materials for use therein), (b) toner, developer, paper and similar consumable supplies, (c) toner, developer, paper, and similar consumable supplies which may

be used in future OFFICE COPIERS, (d) containers (such as toner cartridges) for consumable supplies, and (e) photosensitive elements, as hereinafter provided in this Paragraph IV C.

(1) XEROX may (at any time) require the license of one PATENT OF THE LICENSEE to XEROX, RANK XEROX and FUJI XEROX for each XEROX PATENT licensed to the LICENSEE in excess of the first three ORDER PATENTS licensed to the LICENSEE but in so doing XEROX may not require the license of (a) a greater number of PRESENT PATENTS OF THE LICENSEE than the number of XEROX PRESENT PATENTS licensed to the LICENSEE, or (b) a greater number of FUTURE PATENTS OF THE LICENSEE than the number of XEROX FUTURE PATENTS licensed to the LICENSEE. Notwithstanding the foregoing, for purposes of determining how many PRESENT PATENTS or FUTURE PATENTS OF THE LICENSEE which XEROX, RANK XEROX and FUJI XEROX are entitled to license, the LICENSEE shall have the right, if exercised at the time of first receipt of a license from XEROX under Paragraph II of this order, to have the first three ORDER PATENTS licensed from XEROX count, at the LICENSEE'S option, as XEROX PRESENT PATENTS, or as XEROX FUTURE PATENTS or as any combination of XEROX PRESENT PATENTS and XEROX FUTURE PATENTS, irrespective of the actual character of such ORDER PATENTS. For the purpose of determining the number of PATENTS under this Paragraph IVC(1), (a) a PATENT and all CORRESPONDING PATENTS in all countries shall count as one PATENT, and (b) the substitution of a previously unlicensed ORDER PATENT shall count as an additional PATENT unless the PATENT for which substitution is made was dedicated, revoked, disclaimed, or has expired or lapsed, or was held invalid or unenforceable. XEROX, RANK XEROX and FUJI XEROX need not take a license under any CORRESPONDING PATENT. A LICENSEE shall have no obligation to grant a license to XEROX, RANK XEROX or FUJI XEROX in any country in which, by reason of governmental action, XEROX has been prevented from granting or causing to be granted a PATENT license requested pursuant to this order. XEROX shall have no obligation to grant licenses in any country in which, by reason of governmental action, the LICENSEE is prevented from granting licenses to XEROX, RANK XEROX or FUJI XEROX pursuant to the terms of this Paragraph IVC(1).

(2) The license of PRESENT PATENTS OF THE LICENSEE shall not become effective until four years after the date of issuance of this order or four years after an OFFICE COPIER PRODUCT (of the LICENSEE or its licensee) using an invention covered by the PATENT first becomes COMMERCIALY AVAILABLE, whichever is later. The license of FUTURE PATENTS OF THE LICENSEE shall not become effective until four years after the date the FUTURE PATENT OF THE LICENSEE is ISSUED or four years after an OFFICE COPIER PRODUCT (of the LICENSEE or its licensee) using an invention covered by the PATENT first becomes COMMERCIALY AVAILABLE, whichever is later. This Paragraph IVC(2) shall not apply to IBM, except that IBM may require that the effective date of licenses pertaining to POLYCHROMATIC COLOR OFFICE COPIER PRODUCTS not become effective for up to three years from the date of issuance of this order for PRESENT PATENTS and three years from the date IBM's FUTURE PATENTS are ISSUED. With respect to CORRESPONDING FUTURE PATENTS the date such PATENTS are ISSUED shall be the date that the first such CORRESPONDING FUTURE PATENT is ISSUED.

(3) XEROX may (at any time) require the immediate license to XEROX, RANK XEROX and FUJI XEROX of any of the PRESENT or FUTURE PATENTS OF THE LICENSEE (a) which would be infringed by a XEROX, RANK XEROX or FUJI XEROX OFFICE COPIER manufactured by any of them following the date of issuance of this order if the invention covered by the PATENT is the same as that embodied in an OFFICE COPIER manufactured by any of them prior to the date of issuance of this order, or (b) which would be infringed by a XEROX, RANK XEROX or FUJI XEROX OFFICE COPIER PRODUCT which any of them makes COMMERCIALY AVAILABLE during the six years following the date of issuance of this order if the invention of the PATENT was embodied in a device which, as of the first publication or public use anywhere in the world of the invention covered by the PATENT OF THE LICENSEE or application therefor (i) actually had been built and incorporated in an engineering model or prototype model of the OFFICE COPIER by XEROX, RANK XEROX or FUJI XEROX and (ii) was part of a XEROX, RANK XEROX or FUJI XEROX funded product program. As used in this Paragraph IVC(3), "engineering model" means the first complete assembly of all the sub-assemblies of the OFFICE COPIER; and "prototype model" means the product development stage which follows the engineering model, if any. Licenses granted pursuant to this Paragraph IVC(3) shall not be subject to the provisions of Paragraph IVC(1) (except that they shall count for the LICENSEE as PATENTS licensed to XEROX, RANK XEROX and FUJI XEROX if and when they become entitled to a license pursuant to that Paragraph) or Paragraph IVC(2), but shall be subject to all other provisions of this order. The burden of establishing the right to a license under this Paragraph IVC(3) shall be on XEROX.

(4) XEROX may require a LICENSEE to grant to XEROX, RANK XEROX, and FUJI XEROX a non-exclusive license under all IMPROVEMENT PATENTS on XEROX PATENTS licensed to the LICENSEE. Such licenses shall not be sub-

XEROX. Within 60 days following ex-

XEROX or any PERSON from negotiat-

KNOW-HOW disclosed to the LICENSEE

tion, the name of the arbitrator, and the

sive rights acquired by XEROX in ac-



## RULES AND REGULATIONS

ject to the provisions of Paragraph IVC (1) except that IMPROVEMENT PATENTS OF THE LICENSEE shall count for the LICENSEE as PATENTS licensed to XEROX, RANK XEROX, and FUJI XEROX if and when they become entitled to a license pursuant to that Paragraph but shall be subject to all other provisions of this order.

(5) XEROX shall grant to the LICENSEE a non-exclusive license under all XEROX IMPROVEMENT PATENTS on PATENTS licensed to XEROX. Such licenses shall be subject to all the provisions of this order except that they shall not count for XEROX as PATENTS licensed by XEROX, RANK XEROX, and FUJI XEROX for purposes of Paragraph IVC(1).

(6) The LICENSEE may charge XEROX, RANK XEROX and FUJI XEROX a reasonable royalty for PATENTS licensed to any or all of them pursuant to this order, computed on the basis of the NET REVENUES of XEROX, RANK XEROX, and FUJI XEROX for each ROYALTY-BEARING PRODUCT which they manufactured, leased or sold. With respect to any ROYALTY-BEARING PRODUCT of XEROX, RANK XEROX and FUJI XEROX, which they use or consume themselves, the royalty shall be computed on the basis of the NET REVENUES that would have been received in an ordinary commercial transaction. The royalty shall be computed separately for each ROYALTY-BEARING PRODUCT on the basis of the PATENTS which are used in such ROYALTY-BEARING PRODUCT.

(7) XEROX, RANK XEROX and FUJI XEROX may require that they be permitted to sublicense any PERSON in which they own, directly or indirectly, 50% or less, but not less than 20% of the voting stock if such PERSON makes its PRESENT and FUTURE PATENTS available for licensing pursuant to Paragraph II of this order. All such PERSONS shall be identified to anyone making written request, and a list of all such PERSONS current as of the date of issuance of this order shall be filed on the public record of the Commission. Any changes in said list shall be filed with the Commission within 30 days after they occur.

(8) A license to XEROX pursuant to this Paragraph IVC shall contain the provisions specified in Paragraphs IVH and IVI of this order and may contain the provisions specified in Paragraphs IVD, IVE, IVF, IVG, and IVJ of this order.

(9) If XEROX grants a license under ORDER PATENTS either pursuant to the terms of Paragraph II of this order or otherwise, the license agreement shall contain the irrevocable covenant of the licensee to license such of its PATENTS as are licensed to XEROX on reasonable terms and conditions (including the license to itself of its licensees' PATENTS or IMPROVEMENT PATENTS) to any other PERSON who is entitled to a license from XEROX pursuant to Paragraph II of this order, provided that such license need not be effective prior to the effective date of the licensee's license to

XEROX. Within 60 days following execution of a license agreement subject to this Paragraph IVC(9), XEROX shall submit to the Commission a copy thereof in camera.

D. Reasonable provisions may be made for the retention of books and records and for periodic royalty reports by the licensee to the Manager of Patent Licensing of the licensor, and for inspection of such books and records by an independent auditor or any other person reasonably acceptable to both the licensor and the licensee who shall report to said Manager only the amount of the royalty due and payable. The Manager of Patent Licensing of the licensor shall not disclose the content of said periodic royalty reports to any director, officer, employee, agent or representative of the licensor other than the members of his staff and employees necessarily involved in recording and depositing checks in a routine manner, who shall be similarly bound, unless the royalty owed is not timely paid. In the event that the licensor does not have a Manager of Patent Licensing, a mutually agreeable employee of the licensor shall be designated in his stead.

E. Notwithstanding any other provision of this order, any party taking a sublicense under the terms of this order may be required to reimburse the sublicensor for any payments it is legally required to make and does make to the original licensor on account of activities of the sublicensee under any sublicense granted pursuant hereto.

F. Reasonable provisions may be made for cancellation of the license granted to the licensee upon failure of the licensee to make the reports, pay the royalties, or permit the inspection of his books and records as hereinbefore provided, and, upon a wrongful act of the LICENSEE respecting the restrictions on use or disclosure of KNOW-HOW contained in Paragraph VII of this order, for XEROX to apply to the Commission for leave to cancel said license, in which event the decision of the Commission shall be final and non-appealable by either XEROX or the LICENSEE.

G. The license may be non-transferable.

H. The license must provide that the licensee may cancel the license in whole or as to any specified PATENTS at any time by giving 30 days notice in writing to the licensor; however, the licensor shall have the option to continue in effect any right granted to the licensor pursuant to Paragraph IVC of this order.

I. The license must provide for the arbitration specified in Paragraph VIII of this order and for suspension thereof pursuant to Paragraph VIII C of this order.

J. In granting a license pursuant to Paragraph II of this order, there shall be no discrimination by XEROX, RANK XEROX, FUJI XEROX or any PERSON in the royalty charged as among royalty-paying LICENSEES who procure the same rights under the same PATENTS; but nothing herein contained shall prevent XEROX, RANK XEROX, FUJI

XEROX or any PERSON from negotiating non-exclusive licenses and cross-licenses outside the terms (except Paragraph IVC(9) of this order) of this order with anyone who so elects.

## V

It is further ordered, That nothing herein shall be deemed to prevent any LICENSEE or applicant for a license from attacking in any proceeding or controversy the validity, scope or enforceability of any PRESENT or FUTURE PATENT, nor shall this order be construed as imputing any validity, enforceability or value to any such PATENT.

## VI

It is further ordered, That XEROX shall allow each PERSON who is a licensee of a XEROX PATENT on the date of issuance of this order to obtain a license pursuant to the terms of this order; however, XEROX, RANK XEROX and FUJI XEROX shall have the right to continue in effect any industrial property rights under the terms previously granted to XEROX, RANK XEROX or FUJI XEROX by the licensee, and such licensee shall have the right to continue in effect any industrial property rights under the terms previously granted to the licensee by XEROX, RANK XEROX or FUJI XEROX.

## VII

It is further ordered, That:

A. During the period ending five years after the date of issuance of this order, XEROX shall make available to LICENSEES of United States ORDER PATENTS under a license pursuant to the terms of this order who make written application therefore all KNOW-HOW (1) in existence on the date of issuance of this order or (2) made available to any other UNITED STATES manufacturer (except a supplier to XEROX) or UNITED STATES marketer of OFFICE COPIER PRODUCTS for use in connection with such PRODUCTS during the five year period. The delivery of the KNOW-HOW requested shall begin within 30 days and shall be completed within 120 days after the initial application therefor is received by XEROX; the response to subsequent requests shall be completed within a reasonable period of time. Such KNOW-HOW shall be of such a nature as to enable one skilled in manufacturing electro-mechanical office machinery and in the technologies embodied in OFFICE COPIER PRODUCTS or comparable technologies to manufacture, refurbish, recondition and service Xerox Corporation's OFFICE COPIER PRODUCTS. Upon written application, XEROX shall provide written clarification respecting such KNOW-HOW where such clarification is reasonably necessary. XEROX may make a reasonable charge for the cost of collecting and duplicating KNOW-HOW which it discloses and for the time spent in clarification. At the option of such LICENSEE, XEROX shall disclose KNOW-HOW pertaining to photosensitive elements, supplies, raw materials and particular OFFICE COPIER models and shall limit its charge to such KNOW-HOW. XEROX may require the LICENSEE to agree that all

## RULES AND REGULATIONS

KNOW-HOW disclosed to the LICENSEE by XEROX shall be considered a XEROX trade secret and to undertake, in good faith, to use the KNOW-HOW only in connection with the manufacture in the UNITED STATES of OFFICE COPIER PRODUCTS by or for the LICENSEE and not to disclose or permit the disclosure of the KNOW-HOW to anyone other than a supplier who is or will be manufacturing in the UNITED STATES and who enters into a similar agreement and undertaking respecting disclosure and use, unless the LICENSEE can establish that such KNOW-HOW (1) was previously known to the LICENSEE prior to the disclosure by XEROX, or (2) is or becomes part of the public domain through no wrongful act of LICENSEE, or (3) is subsequently otherwise legally acquired by LICENSEE, or (4) was or is disclosed by XEROX to third parties on non-confidential basis.

B. Commencing 120 days after the date of issuance of this order XEROX shall make available to KNOW-HOW licensees a list of the PERSONS whose KNOW-HOW XEROX claims to be prohibited from disclosing. Such list shall be subject to the restrictions on use and disclosure of KNOW-HOW provided in this Paragraph VII. XEROX need not make KNOW-HOW available to IBM.

## VIII

It is further ordered, That:

A. Upon receipt of a written application for a PATENT license or for a PATENT license and disclosure of KNOW-HOW under the terms of this order, XEROX shall advise the applicant in writing of the terms of such license and/or KNOW-HOW disclosure. If a dispute arises between XEROX and a LICENSEE or applicant regarding their respective rights under this order (except where certain matters are specifically referable to the Commission as provided in Paragraph IVF of this order), and if the parties to the dispute are unable to resolve it within 90 days after the existence of such dispute is communicated in writing to XEROX or to the LICENSEE or applicant, the dispute shall be determined by arbitration pursuant to this Paragraph VIII. Notwithstanding the provisions of Paragraph V of this order, no dispute between XEROX and a LICENSEE or applicant with respect to the validity, enforceability, infringement or scope of any PATENT shall be subject to arbitration pursuant to this order.

B. Unless otherwise agreed to by the parties, arbitration shall be held at a location in the UNITED STATES designated by the LICENSEE or applicant and in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The award of the arbitrator shall be final and binding on both parties. The arbitrator shall, upon a proper showing, issue protective orders and/or receive evidence in camera in the same manner as an Administrative Law Judge of the Federal Trade Commission.

C. Within 10 days after the initiation of arbitration, XEROX shall notify the Commission of the parties to the arbitra-

tion, the name of the arbitrator, and the nature of the dispute. XEROX shall notify the Commission of the dates of arbitration hearings and other arbitration proceedings, if any, as soon as possible. Copies of all papers in the nature of pleadings shall be served upon the Commission, and the Commission or its designee shall have the right to attend any arbitration proceeding. The Commission may, in its sole discretion, at any time before evidence has been submitted, suspend the provisions of this Paragraph VIII respecting arbitration and itself resolve any or all disputes subject thereto. The Commission will not assert any claim that XEROX has violated this order with respect to the subject matter of the arbitration where XEROX has complied with the award of the arbitrator.

D. Pending the completion of any negotiation, arbitration or Commission action respecting a dispute subject to this Paragraph VIII, XEROX and the applicant shall enter into a license, and XEROX shall make disclosure of KNOW-HOW, pursuant to the terms of this order with respect to the matters not in dispute. Upon conclusion of any negotiation, arbitration or Commission action, the disputed license or KNOW-HOW disclosure may provide for such adjustments as the parties agree to or as the arbitrator or Commission, as the case may be, deems appropriate.

## IX

It is further ordered, That for the period ending six years after the date of issuance of this order, XEROX shall make available (a) English language translations of all ORDER PATENTS issued after the date of issuance of this order to XEROX, RANK XEROX, and FUJI XEROX by France, The Federal Republic of Germany, Japan, and The Netherlands, and (b) copies of all English language CORRESPONDING PATENTS at a reasonable charge not to exceed the cost of reproduction and, if the translation is made at the instance of the requesting PERSON, the cost of translation.

## X

It is further ordered, That for the period ending 10 years after the date of issuance of this order, XEROX shall not, directly or indirectly, acquire from any PERSON (including The Rank Organisation Limited and Fuji Photo Film Co., Ltd.) any exclusive rights, whether by license or otherwise to any PATENTS or know-how for use in OFFICE COPIER PRODUCTS except those (a) resulting from the work of XEROX, RANK XEROX or FUJI XEROX employees, XEROX, RANK XEROX or FUJI XEROX consultants, or research organizations doing sponsored research for XEROX, RANK XEROX or FUJI XEROX, or (b) under which XEROX grants or causes to be granted to any PERSON making written application a non-exclusive, royalty-free, unrestricted license to make, have made, use or vend OFFICE COPIER PRODUCTS under such PATENT or know-how. Any exclu-

sive rights acquired by XEROX in accordance with part (a) of this Paragraph X shall be on such terms as will permit XEROX to comply with the licensing provisions of Paragraph II of this order. This Paragraph X shall not apply to any acquisition or exclusive license of a FOREIGN PATENT or of the right to use the know-how in a foreign country by RANK XEROX or FUJI XEROX.

## XI

It is further ordered, That XEROX shall not dispose or permit the disposition of any PATENTS or rights thereunder so as to deprive it of the power to grant or cause to be granted the licenses required by this order.

## XII

It is further ordered, That for the period ending 10 years after the date of issuance of this order XEROX shall not, directly or indirectly, acquire any interest in a PERSON (including The Rank Organisation Limited and Fuji Photo Film Co., Ltd.) engaged in the manufacture, sale, lease or development of OFFICE COPIERS, or toner, developer, paper or photosensitive elements used in OFFICE COPIERS or form a joint venture involving any such products with any such PERSON (except The Rank Organisation Limited or Fuji Photo Film Co., Ltd. so long as either is a party to a joint venture with XEROX or RANK XEROX relating to OFFICE COPIER PRODUCTS). This Paragraph shall not apply (1) to the acquisition by XEROX of an interest in or joint venture with any PERSON in which at the time of the acquisition or joint venture it had a stock interest, other than a PERSON in which XEROX had such an interest by reason of an investment in employee funds such as pension or retirement plans (XEROX shall promptly file with the Commission a list of the PERSONS in which it has a stock interest as of the date of issuance of this order and to which this exception is to apply. Said list shall be updated as part of the annual compliance reports required by Paragraph XIX of this order.), or (2) to any acquisition by RANK XEROX or FUJI XEROX of a PERSON not engaged in the manufacture, sale, lease or development of OFFICE COPIERS but who is engaged in the manufacture, sale, lease or development, solely outside of the UNITED STATES, of toner, developer, paper or photosensitive elements used in OFFICE COPIERS, or to the formation of a joint venture by RANK XEROX or FUJI XEROX involving any such products with any such PERSON, or (3) to a joint venture involving new capacity for the production of paper with a PERSON other than one engaged in the manufacture, sale, lease or development of OFFICE COPIERS, or toner, developer or photosensitive elements used in OFFICE COPIERS, or (4) to the acquisition by XEROX of an interest in any PERSON the sole purpose of which is an investment in employee funds such as pension or retirement plans. Such acquisitions, however, shall

## RULES AND REGULATIONS

not be deemed immune or exempt from require suppliers of toner or developer expiration of all FUTURE PATENTS,



not be deemed immune or exempt from the provisions of the antitrust laws (including the Federal Trade Commission Act) by reason of anything contained in this order.

## XIII

*It is further ordered.* That during the period ending 10 years after the date of issuance of this order, XEROX shall not, directly or indirectly, make contracts in the UNITED STATES restricting employees working in its OFFICE COPIER PRODUCTS business from in the future working for any other PERSON, provided that XEROX may make contracts which prohibit the use or disclosure of trade secrets and confidential information as prohibited by XEROX' present form of "Proprietary Information and Conflict of Interest Agreement" which has been submitted to the Commission.

## XIV

*It is further ordered.* That during the period commencing on a date not later than nine months after the date of issuance of this order and ending 5 years after said commencement date, XEROX shall not, directly or indirectly, utilize in the UNITED STATES any price plan for the sale or lease of an OFFICE COPIER which depends upon the customer purchasing or leasing one or more additional OFFICE COPIERS of a different model. Any minimum qualifying level for a pricing plan or price schedule respecting any OFFICE COPIER shall be based solely on volume, revenues, number of OFFICE COPIERS, or the like of the same model.

## XV

*It is further ordered.* That:

A. During the period ending 10 years after the date of issuance of this order, XEROX shall, in addition to instructing its employees in the UNITED STATES not to comment on the quality of competitive toner or developer, place a notice in a location conspicuous to the key operator on each OFFICE COPIER sold or leased by it in the UNITED STATES stating the following: "Xerox Corporation manufactures and distributes toner and developer for use in this machine. Other suppliers may also provide toner and developer for this machine. It may be necessary to adjust the machine to accommodate toner or developer which is provided by either XEROX or any other supplier."

B. In the event that XEROX shall publish reasonable specifications for the toner and developer used in a particular machine, XEROX (1) may include the following additional statement in the aforementioned notice: "The toner and developer used in this machine must comply with specifications published by Xerox Corporation"; (2) shall promptly notify all suppliers of toner and developer, who request such notification, of any changes in such specifications, and shall promptly notify a supplier when his toner or developer does not comply with such specifications in a letter signed by an officer of XEROX, and (3) may not

## RULES AND REGULATIONS

require suppliers of toner or developer for XEROX' OFFICE COPIERS to provide to XEROX' customers a certification that the toner or developer supplied by them meets such specifications.

C. XEROX shall promptly notify all suppliers of toner and developer, who request such notification, of changes in XEROX OFFICE COPIERS which may affect the useability of the toner and developer in such OFFICE COPIERS.

D. Nothing herein contained shall prevent XEROX from advising a customer, in a letter signed by an officer of XEROX, that a non-XEROX toner or developer is not useable in a particular XEROX OFFICE COPIER, provided that XEROX simultaneously advises the supplier of such toner or developer in a letter signed by an officer of XEROX, that (1) in the opinion of XEROX, the supplier's toner or developer is not useable in a particular OFFICE COPIER model, and (2) disputes regarding the useability of the toner and developer are subject to arbitration pursuant to this order. Disputes regarding the useability of non-XEROX toner and developer or the reasonableness of XEROX specifications shall be subject to arbitration in accordance with Paragraph VIII (b) and (c) of this order.

E. XEROX may not, directly or indirectly, require in the UNITED STATES that it be the sole supplier of toner or developer for leased or sold OFFICE COPIERS; however, it may impose such a requirement with respect to a new model during the six months from the date such model first becomes COMMERCIALY AVAILABLE. For purposes of this Paragraph XV, "new model" includes collectively the basic OFFICE COPIER model and all subsequent models not embodying material variations in the xerographic processor thereof.

## XVI

*It is further ordered.* That during the period ending 10 years after the date of issuance of this order, (1) XEROX shall not in the UNITED STATES take orders or announce that it will take orders for the sale or lease of an OFFICE COPIER more than three months prior to the time when it is reasonably expected to be COMMERCIALY AVAILABLE, (2) XEROX shall not promote any new OFFICE COPIER in any area of the United States more than three months prior to the time that XEROX reasonably expects such new OFFICE COPIER to be first COMMERCIALY AVAILABLE in that area except for national advertising which includes a statement that the model is available only in the areas where XEROX reasonably expects such model to be COMMERCIALY AVAILABLE, and (3) at the time XEROX announces that it will take orders for the lease of an OFFICE COPIER in the United States, it shall also announce the selling price of such OFFICE COPIER.

## XVII

*It is further ordered.* That within 30 days after the date of issuance of this order and annually thereafter until the

expiration of all FUTURE PATENTS, XEROX shall submit for publication in the Official Gazette of the United States Patent Office a notice: (1) identifying by number, title, date of issue and category of subject matter (to an extent acceptable to the Commission) all United States PATENTS which it is empowered to license together with all FOREIGN PATENTS based on the patent application from which each United States PATENT originates; (2) stating that XEROX shall grant licenses under (a) its ORDER PATENTS to make, have made, use and vend OFFICE COPIER PRODUCTS under the terms of this order, and (b) patents required to be licensed pursuant to the terms of Paragraph X of this order, if any; (3) stating that XEROX shall disclose KNOW-HOW to a licensee of its United States ORDER PATENTS for use in connection with the manufacture of OFFICE COPIER PRODUCTS in the UNITED STATES under the terms of this order; and (4) stating that a copy of this order and a list of PATENTS licensed to XEROX which are subject to the provisions of Paragraph II and IVC(9) of this order, if any, are available from XEROX upon written request. Beginning 30 days following the date of issuance of this order, and until the expiration of all XEROX FUTURE PATENTS, XEROX shall send a copy of this order and of the current edition of such notice to each person who inquires as to the availability of a license for OFFICE COPIER PRODUCTS, or to whom XEROX has offered such a license at any time after January 1, 1970.

## XVIII

*It is further ordered.* That XEROX notify the Commission at least 30 days prior to any proposed change in the respondent, RANK XEROX or FUJI XEROX which may affect compliance obligations arising out of this order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other such change.

## XIX

*It is further ordered.* That XEROX shall file with the Commission reports, in writing, setting forth in detail the manner and form in which it intends to comply, is complying, and has complied with this order. Said reports shall be filed 60 days and 180 days after the date of issuance of this order, and yearly thereafter on the anniversary date of the order during the period in which XEROX has obligations under this order, and shall contain such information and documents as are requested by the Bureau of Competition or the Commission relating to compliance with this order.

With Commissioner Nye not participating the Decision and Order was issued by the Commission July 29, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-24100 Filed 9-10-75; 8:45 am]

## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF COMMERCE

## Bureau of the Census

## [15 CFR Part 80]

## FURNISHING PERSONAL CENSUS DATA FROM CENSUS OF POPULATION SCHEDULES

## Notice of Proposed Rulemaking

Title 13, United States Code, section 9, requires census of population records held by the Department of Commerce from the 1900 census and each decennial census thereafter to be maintained in confidence, except that section 8 provides authority to furnish data from such censuses for genealogical and other proper purposes.

These proposed rules set forth the procedures to be followed to obtain data from decennial census of population records, and they are issued under the authority of section 8 of title 13, United States Code, section 301 of title 5, United States Code, and Department of Commerce Organization Order No. 35-2A and 35-2B.

These rules do not fall within the criteria set forth in the Department Administrative Order relating to Inflationary Impact Statements required by Office of Management and Budget Circular No. A-107.

Interested parties have until October 14, 1975 within which to submit comments which will be considered before final action is taken on these proposed rules. Comments should be addressed to: Office of the Legal Adviser, Bureau of the Census, Room 3039, Federal Building 3, Suitland, Maryland 20233.

Copies of all written comments will be available for examination by interested persons at the above address during and after the 30-day period. The proposed rules may be changed in light of the comments received.

In consideration of the above, a new part 80 of title 15, Code of Federal Regulations is proposed as set forth below.

## PART 80—FURNISHING PERSONAL CENSUS DATA FROM THE 1900 AND SUBSEQUENT DECENNIAL CENSUSES OF POPULATION

- Sec.
- 80.1 General requirements.
  - 80.2 Rules pertaining to records of the living.
  - 80.3 Rules applicable to deceased persons and estates.
  - 80.4 Signatures of persons unable to sign their name.
  - 80.5 Detrimental use of information.
  - 80.6 False statements.

AUTHORITY: Sec. 1, Pub. L. 83-1158, 68 Stat. 1013 (13 U.S.C. 8).

## § 80.1 General requirements.

(a) Data from records of decennial census of population questionnaires pertaining to an individual will be released only in accordance with these rules.

(b) Census information contains only the responses recorded by the Census enumerator; no changes of any of these entries have been or can be made.

(c) Requests for information from decennial census of population records (herein "Census information") should be made on Form BC-600, which is available from offices of the Bureau of the Census at Suitland, Maryland 20233 and Pittsburgh, Kansas 66762, all county court-houses, Social Security field offices, and Immigration and Naturalization Service offices.

(1) A letter request without Form BC-600 will be accepted only if it contains the information necessary to complete a Form BC-600.

(2) No application will be processed without payment of the required fee as set forth in § 50.5 of title 15, CFR.

(d) The Bureau may require verification of the identity of the applicant requesting Census information and it may require the applicant to submit the following notarized statement:

I, \_\_\_\_\_, do hereby certify that I am the individual to whom the requested record pertains or that I am within the class of persons authorized to act on his behalf in accordance with 15 C.F.R., Part 80.

Signature \_\_\_\_\_

Date \_\_\_\_\_

In the County of \_\_\_\_\_

State of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

\_\_\_\_\_ who is personally

(name of individual) known to me, did appear before me and sign the above certificate.

Signature \_\_\_\_\_

Date \_\_\_\_\_

(S) My commission expires \_\_\_\_\_

(e) Except as otherwise provided, Census information will be provided only to the individual to whom the record pertains. It will include the names of the subject and the head of the household, the relationship of the subject to the head of the household, and the subject's age and birthplace.

(f) Similar Census information pertaining to other members of a household will be furnished only upon written authorization of the individual whose record is requested, except as provided in § 80.3.

(g) Census information may be provided to others only upon signed request by an individual entitled to receive the information which indicates the person and address to which the information is to be sent.

## § 80.2 Rules pertaining to records of the living.

(a) An individual who has attained age 18 may request his or her own Census information.

(b) A parent may request Census information for and in behalf of a child who has not reached age 18. The request must be signed by one of the parents.

(c) A legal guardian may obtain Census information relating to a ward by submitting a certified copy of the order of guardianship appointment.

## § 80.3 Rules applicable to deceased persons and estates.

(a) Census information relating to a deceased person may be released only to a parent, child, grandchild, brother, sister, spouse, insurance beneficiary, or the executor or administrator of a deceased person's estate. The request must be signed by a person entitled to receive the information as provided herein, state the relationship of the applicant to the deceased, and include a certified copy of the death certificate or other adequate proof of death. The request of an executor or administrator must be accompanied by a certified copy of the court order of appointment.

(b) Except for a spouse, a person related to the deceased person through marriage, such as an in-law relationship, is not eligible to request Census information on the deceased, whether or not the applicant was a member of the household of the deceased.

## § 80.4 Signature of persons unable to sign their name.

A person requesting Census information who is unable to sign his or her name shall make an "X" mark where signature is required, and the mark must be witnessed by two persons who know the applicant. They must also sign the application certifying the applicant's identity. In the case of such persons who are unable to make an "X" mark, Census information can be released upon receipt of a physician's sworn statement verifying the disability and the written request of a parent, brother, sister, child or a spouse.

## § 80.5 Detrimental use of information.

Section 8 of title 13, United States Code, requires that, "In no case shall information furnished under the author-



ity of this section be used to the detriment of the persons to whom such information relates."

§ 59.6 False statements.

Any false statement or forgery on the application or supporting papers required to obtain Census information is punishable by a fine and/or imprisonment pursuant to section 1001 of title 18 of the United States Code.

Dated: September 4, 1975.

VINCENT P. BARABBA,  
Director, Bureau of the Census.

[FR Doc. 75-24096 Filed 9-10-75; 8:45 am]

National Oceanic and Atmospheric  
Administration

[50 CFR Part 216]

COMMERCIAL FISHING OPERATIONS

Hearing To Consider Reissuance of  
Incidental Take General Permits

Correction

In FR Doc. 75-21632 appearing at page 41531 in the issue of Monday, September 8, 1975 the first line of column three on page 41533 should be transferred to the top of column two, so that the first two lines of column two are corrected to read "required to attend other formal training sessions when there are substantial" and the first line of column three should read "vessel owner or charterer, board and/or".

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 1]

[CGD 75-123]

CIVIL PENALTY PROCEDURES

Final Agency Action

The Coast Guard is considering amending the procedure for implementing the civil penalty provisions of all statutes which the Coast Guard enforces by vesting authority for final agency action in the local District Commander. This is a change from the present procedure under which an appeal from a civil penalty assessment may be made to the Commandant of the Coast Guard.

The present procedure for handling civil penalties creates needless paperwork to the detriment of the person charged and the Government. Persons charged have had to expend considerable time, effort, and expense to exhaust administrative remedies. The Government has expended time and expense in support of this system. This change will significantly reduce paperwork, save time, and reduce administrative expense while maintaining a fair and reasonable civil penalty program effectuated by District Commanders and their maritime safety, port safety, boating safety, and legal staffs.

Interested persons may participate in this proposed rulemaking by submitting

written data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, U.S. Coast Guard Headquarters, 400 Seventh Street, SW, Washington, D.C. 20590. Each person or organization submitting a comment should include his name and address, identify this notice (CGD 75-123), and give reasons for any recommendations. Comments received before October 27, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. This proposal may be changed in light of the comments received.

No hearing is contemplated, but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

In consideration of the foregoing, it is proposed to amend 33 CFR Part 1, as follows:

### § 1.07-9 [Amended]

1. Paragraph (d) of § 1.07-9 is deleted.  
2. Paragraph (c) of § 1.07-13 is revised to read as follows:

§ 1.07-13 Payment and collection of civil penalties.

(c) If the assessed or mitigated amount of a civil penalty is not paid within 30 days of receipt of a notice of assessment or mitigation or within such longer period as may be allowed in the notice, the Coast Guard may initiate appropriate legal proceedings to collect the penalty.

(5 U.S.C. 552; 14 U.S.C. 2, 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

Dated: September 4, 1975.

R. A. RATH,  
RADM, U.S. Coast Guard,  
Chief Counsel.

[FR Doc. 75-24161 Filed 9-10-75; 8:45 am]

Federal Aviation Administration

[14 CFR Parts 71, 73]

[Airspace Docket No. 75-WE-20]

DESIGNATION OF TEMPORARY  
RESTRICTED AREAS

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas in the vicinity of Nellis AFB, Nev., and Edwards AFB/NAS China Lake, Calif., to contain a joint military training exercise, BOLD EAGLE 76 scheduled from 0800 PST, February 4, 1976, through 1800 PST, February 17, 1976. The restricted areas would also be

included in the continental control area for the duration of their time of designation.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92997, Worldway Postal Center, Los Angeles, Calif. 90099. All communications received on or before October 14, 1975 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendments would designate the following restricted areas and include them in the continental control area for the duration of their times of designation.

### R-2514A BOLD EAGLE 76

Boundaries. Beginning at Lat. 36°30'00" N., Long. 116°47'00" W.; to Lat. 38°06'00" N., Long. 116°18'00" W.; to Lat. 35°39'00" N., Long. 115°53'00" W.; to Lat. 35°18'45" N., Long. 116°18'45" W.; thence along the eastern and northern boundaries of R-2502E, R-2502N and R-2524 to Lat. 35°36'00" N., Long. 117°26'00" W.; to Lat. 35°40'30" N., Long. 117°25'00" W.; thence along the eastern and northern boundaries of R-2503 to Lat. 36°14'00" N., Long. 117°53'00" W.; to Lat. 36°30'00" N., Long. 117°36'00" W.; to point of beginning.

Designated altitudes. 2500 feet AGL to FL 200.

Time of designation. 0800 PST to 1700 PST daily February 11 and 12, 1976; 0001 PST February 13, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.  
Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

### R-2514B BOLD EAGLE 76

Boundaries. Beginning at Lat. 34°56'00" N., Long. 117°09'00" W.; to Lat. 35°01'30" N., Long. 116°41'00" W.; to Lat. 35°07'00" N., Long. 116°34'00" W.; thence along the southern boundary of R-2502E and R-2515 to point of beginning.

Designated altitudes. 500 feet AGL to FL 200.

Time of designation. 0800 PST to 1700 PST daily February 11 and 12, 1976; 0001 PST February 13, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.  
Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

### R-2514C-1 BOLD EAGLE 76

Boundaries. Beginning at Lat. 38°00'00" N., Long. 116°26'00" W.; to Lat. 38°01'00" N., Long. 116°00'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 115°18'00" W.; thence along the north and east boundaries of R-4806, R-4808 and R-4807, to Lat. 37°53'00" N., Long. 116°26'00" W.; to point of beginning.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.  
Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

### R-2514C-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 38°00'00" N., Long. 116°26'00" W.; to Lat. 38°01'00" N., Long. 116°00'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 115°18'00" W.; thence along the north/eastern boundaries of R-4806, R-4808 and R-4807 to Lat. 37°53'00" N., Long. 116°26'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.  
Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

### R-2514D-1 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 38°08'00" N., Long. 114°25'00" W.; to Lat. 37°53'00" N., Long. 113°39'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to point of beginning.

Designated altitudes. 200 feet to FL 180.

Time of designation. 0800 PST to 1700 PST daily February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.  
Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

### R-2514D-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 38°08'00" N., Long. 114°25'00" W.; to Lat. 37°53'00" N., Long. 113°39'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.  
Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

### R-2514E-1 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to Lat. 36°53'00" N., Long. 114°26'00" W.; to Lat. 36°53'00" N., Long. 115°18'00" W.; to point of beginning.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.  
Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

### R-2514E-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to Lat. 36°53'00" N., Long. 114°26'00" W.; to Lat. 36°53'00" N., Long. 115°18'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.  
Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

Exercise BOLD EAGLE 76 will train active and reserve component forces in all phases of joint ground and air operations. The temporary restricted areas are required to accommodate the extensive air operations associated with the exercise. Approximately 196 tactical fighter aircraft, 13 reconnaissance, 10 airlift, 150 rotary wing and 50 other fixed wing aircraft would be involved. The aircraft would be conducting close air support, interdiction, air defense/counter air, reconnaissance, drone launch and recovery, aerial resupply and electronic warfare missions which would require air maneuvering through a wide range of airspeeds and altitudes. Total air traffic associated with the exercise is expected to exceed 500 sorties per day.

A Tactical Air Control System (TACS) would be established for the control of exercise aircraft within designated airspace. Nonparticipating aircraft would be allowed penetration of and operations within the designated exercise airspace after coordination with the appropriate TACS facility. They should encounter little or no delay in obtaining clearance.

Leased lines of communications would be installed with appropriate FAA facilities in order to accomplish the orderly and safe ingress/egress of both exercise air traffic and coordinated movement of nonexercise air traffic within and proceeding in and out of the exercise areas. A wide area telecommunications system (WATS) reverse charge telephone number would be provided so that nonparticipating pilots can obtain clearances on an individual basis without charge to themselves. The number would be published in Part 3 of the Airman's Information Manual (AIM) effective during the exercise period.

Except for approved arrivals and departures at operating bases, exercise aircraft will avoid overflight of inhabited areas. The users of the temporary restricted areas understand that they are also obligated to observe the minimum safe altitudes prescribed in § 91.79 of the Federal Aviation Regulations that are applicable for the protection of persons and property on the surface. All close air support training will be conducted in uninhabited maneuver areas and the

permanent restricted areas, R-2502 and R-2524.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 5, 1975.

WILLIAM E. BROADWATER,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc. 75-24082 Filed 9-10-75; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

COMMONWEALTH OF PUERTO RICO

Approval and Promulgation of  
Implementation Plans

On January 3, 1975, the Governor of the Commonwealth of Puerto Rico submitted to the Regional Administrator a proposed revision to Article 6 of the Puerto Rico Regulation for the Control of Atmospheric Pollution. This regulation revises the control strategy for sulfur oxides in Puerto Rico by assigning a maximum allowable sulfur content, by weight, to each source having a rated heat input capacity which is greater than 8 million Btu/hr. The sulfur contents are chosen such that the resulting ambient air quality concentrations predicted by means of a specified dispersion model are below the national ambient air quality standards for sulfur oxides.

The computer printouts initially submitted with the plan revision request for the area of Ensenada which is part of the Aguada air basin and Barceloneta showed that the Central Guanica and Pfizer plants in these areas had been modeled without having included the impact of terrain on the predicted sulfur dioxide concentrations. On June 2, 1975, the Executive Director of EQB submitted the predicted sulfur dioxide concentrations for these areas after terrain was included. The calculations showed that with the sulfur in fuel limitations assigned in Appendix B contravention of the maximum 24-hour and annual average national standards for sulfur oxides resulted. Consequently, in a previous issue of the FEDERAL REGISTER, the Administrator is proposing maximum fuel limitation which had been assigned to these sources. To correct the deficiencies with regard to these sources, the Administrator is proposing maximum sulfur in fuel limitations of 0.4 percent and 0.5 percent, by weight, for the Central Guanica plant and Pfizer unit #15, respectively. The assignment of these sulfur in fuel limitations will ensure that national standards for sulfur oxides will not be contravened in the Aguada and Barceloneta air basins.

Public hearings on this proposed rulemaking will be held not less than 30 days after publication of this notice. Notice of the times, dates and locations of the

voting securities of an issuer, subject to

deem any person who directly or indi-

or scheme to evade the reporting require-



hearings will be published in a subsequent issue of the FEDERAL REGISTER.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region II, 26 Federal Plaza, New York, New York 10007. Receipt of comments will be acknowledged. Comments receive will be available for public inspection during normal business hours at the EPA Region II Office, 26 Federal Plaza, New York, New York, Room 907 and at other locations to be announced in Puerto Rico. This notice of proposed rulemaking is issued under the authority of section 110 (c) of the Clean Air Act (42 U.S.C. 1857c-5(c)).

Dated: September 4, 1975.

JOHN QUARLES,  
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 Code of Federal Regulations as follows:

**Subpart BBB—Puerto Rico**

Section 52.2729 is amended by adding a new paragraph (e) as follows:

§ 52.2729 Control strategy and regulations: Sulfur oxides.

(e) Regulation for control of sulfur compound emissions. (1) On and after the effective date of this paragraph, the maximum allowable sulfur in fuel limitation, by weight, for Pfizer unit #15 in the Barceloneta air basin shall be 0.5 percent.

(2) On and after the effective date of this paragraph, the maximum allowable sulfur in fuel limitation, by weight, for the Central Guayama facility in the Aguada air basin shall be 0.4 percent.

(3) All other provisions of Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution shall remain applicable to the sources referenced in paragraph (e) (1) and (2) of this section.

[FR Doc. 75-2401 Filed 9-10-75; 8:45 am]

**FEDERAL TRADE COMMISSION**

[16 CFR Part 453]

**FUNERAL INDUSTRY PRACTICES**

**Trade Regulation Proceeding**

**Correction**

In FR Doc. 75-22962, appearing at page 39901, of the issue of Friday, August 29, 1975, the following changes should be made:

1. In the second column on page 39903, in paragraph (d) (1), the 16th line, the word "other" should be changed to read "outer".

2. In the second column on page 39904, the fourth and fifth lines should be transposed.

3. In the third column on page 39904, paragraph (b), the eleventh line, the word "the" should be inserted before the word "necessity".

**PROPOSED RULES**

4. On page 39905, in the second line of footnote 7, the word "rev'g" should be changed to read "rev'g".

**SECURITIES AND EXCHANGE COMMISSION**

[17 CFR Parts 231, 239, 240, 241, 249, 259]

[Release Nos. 33-5609, 34-11616, 35-19140; File No. 57-580]

**DISCLOSURE OF CORPORATE OWNERSHIP**

**Rules, Schedules, and Reporting and Registration Forms**

The Commission today proposed rules and amendments to its rules, schedules, and reporting and registration forms relating to the disclosure of beneficial ownership for purposes of: Sections 13(d) and 14(d) of the Securities Exchange Act of 1934 (Exchange Act); the proxy rules and certain registration and reporting forms under the Exchange Act, certain registration forms under the Securities Act of 1933 (Securities Act) and Form U5S (17 CFR 259.55) under the Public Utility Holding Company Act of 1935 (Holding Company Act). In addition, proposals would require disclosure in proxy statements and certain reporting forms and registration statements of the 30 largest record holders of any class of voting securities and of the associated underlying voting authority.

The purpose of the proposals is to make more meaningful and, in some cases, to clarify, disclosure of beneficial ownership and holders of record of securities of an issuer. The proposed rules and amendments under sections 13 and 14 of the Exchange Act would (1) provide standards for determination of beneficial ownership for purposes of sections 13(d) and 14(d); (2) require more disclosure in Schedule 13D (17 CFR 240.13d-101) about the nature of the beneficial ownership and about other beneficial owners of the securities; (3) require disclosure in Schedule 13D of record holders of the securities reported on; (4) permit filing of one Schedule 13D reporting different owners of the same securities; (5) deem certain persons who become beneficial owners of securities to have acquired such securities for purposes of Section 13(d) (1); (6) provide a short form acquisition notice, Form 13D-5, to be used by certain persons who acquire securities in the ordinary course of their business and not for purposes of control; and (7) provide an exemption from the filing requirements of Section 13(d) (1) for certain underwriters who acquire securities in the ordinary course of a firm commitment underwriting.

The proposed amendments to the various registration and reporting forms requiring disclosure of principal security holders as well as to Schedule 14A, Information Required in Proxy Statement (17 CFR 240.14a-101), would require disclosure, to the extent known by the issuer, of (1) beneficial owners of more than five percent of any class of voting securities and the nature of their own-

ership; (2) the aggregate amount and nature of beneficial ownership by officers and directors of each class of voting securities of the issuer; and (3) the 30 largest holders of record of each class of voting securities (names of persons holding less than 1/10 of 1 percent of the outstanding securities of the class need not be included) and their voting authority and underlying voting authority, if known. The proposed rule relating to who is a beneficial owner for purposes of section 13(d) is proposed to be adopted as an instruction to the proposed item relating to beneficial ownership, to Schedule 14B under the proxy rules, and to Form U5S under the Holding Company Act which requires disclosure of beneficial owners of more than one percent of any class of voting securities.

This release contains a general description of the background, purpose and general effect of the proposals to assist in a better understanding of their provisions. A brief synopsis is also included. However, attention is directed to the proposals themselves for a more complete understanding.

**BACKGROUND**

Since the adoption of sections 13(d) and 14(d) of the Exchange Act in 1968, as amended, requiring disclosure by persons acquiring beneficial ownership of more than five percent of certain classes of securities of an issuer, there have been questions raised about the standards to be applied for determination of beneficial ownership for purposes of the reporting requirements of sections 13(d) and 14(d). The need for improved disclosure in this area has become more apparent recently because of increased public interest in the identity and nationality of any person who has the power to influence or effect changes in the control of corporations.

In the fall of 1974, the Commission conducted hearings concerning beneficial ownership and related matters. Letters of comment from interested persons and written and oral testimony from witnesses at the hearings were received on, among other things, the questions whether the term "beneficial owner" should be defined and, if so, how, and whether there should be additional disclosure by beneficial owners and by companies about principal owners of their securities.

On the basis of the record of the Beneficial Ownership Hearings, Congressional concern with full disclosure in this area and the Commission's experience in administering the existing rules, the Commission is proposing rules intended to make more meaningful and to clarify disclosure concerning beneficial owners of securities of public companies. The Commission is of the view that these proposals, if adopted, would carry out the Congressional purpose for enacting section 13(d). In addition to disclosure about beneficial owners, the Commission is also proposing disclosure of the 30 largest record holders of each class of

See footnotes on pages 42216 and 42217.

**PROPOSED RULES**

voting securities of an issuer, subject to a de minimis exception. This proposal reflects some of the recommendations of the Interagency Steering Committee on Uniform Corporate Reporting which recommended that agencies such as the Commission, the Civil Aeronautics Board, the Federal Communications Commission and the Interstate Commerce Commission require disclosure of, among other things, the 30 largest record holders and of their voting power with regard to issuers subject to the authority of such agencies.

**SYNOPSIS OF PROPOSALS**

**PROPOSED AMENDMENT TO RULE 13D-1: FILING OF SCHEDULE 13D**

The proposed standards for determination of beneficial ownership (see discussion of proposed Rule 13d-3 below) could result in there being more than one beneficial owner of the same securities. This is particularly true with regard to the attribution provisions of proposed Rule 13d-3(a) which deem family members sharing the same home to be the beneficial owners of any securities held by any of them and where the incidents of ownership are split between several persons. Therefore, it is proposed to amend Rule 13d-1 (17 CFR 240.13d-1) to provide that only one report need be filed to report beneficial ownership of either a family group sharing the same home or of the same securities beneficially owned by different persons. In each case, the report would have to identify the persons who are beneficial owners of the securities and state that it is filed on behalf of all such persons. The proposals allowing for one report relate only to Schedule 13D and section 13(d) (1), not to any short form filings on proposed Form 13D-5.

**PROPOSED AMENDMENT TO RULE 13D-3: DETERMINATION OF BENEFICIAL OWNERSHIP**

Proposed Rule 13d-3 would provide standards for determining who is a beneficial owner for purposes of deciding who must file the statement required by section 13(d). At present, there is no explicit definition of the term "beneficial owner" for purposes of this section.

Section 13(d) provides that any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a class which is registered pursuant to Section 12 of the Exchange Act, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g) (2) (G) of the Exchange Act, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, is directly or indirectly the beneficial owner of more than five percent of such class must file an acquisition statement with the Commission and send it to the issuer and any exchange on which the securities are traded.

Proposed amendments to Rule 13d-3 would, for purposes of section 13(d),

See footnotes on pages 42216 and 42217.

deem any person who directly or indirectly through any contract, arrangement, understanding or relationship, has or shares the power to direct the voting or disposition of a security or who has or shares the right to receive or the power to direct the receipt of dividends from or the proceeds of sale of a security to be a beneficial owner of such security. Thus, as a note to the proposed rule points out, there could be more than one beneficial owner of the same securities, for example, the account owner and the broker in a discretionary account. In addition, as another note indicates, all securities beneficially owned by a person would be aggregated in determining how many securities he owned, regardless of the nature of his beneficial ownership. Thus, a person who served as investment adviser to a group of mutual funds and also as adviser to discretionary accounts might be the beneficial owner of the securities held by the funds as well as in the accounts and would have to aggregate the number held in each capacity in determining whether or not he was the beneficial owner of more than five percent of a class.

The proposed rule also provides specifically that certain persons, whether or not they otherwise would come within the definition, would be deemed to be beneficial owners. Thus, proposed Rule 13d-3(a) (1) deems a person to be a beneficial owner of all securities beneficially owned by all individuals who are related by blood, marriage or adoption to such person and who share the same home. In addition, proposed Rule 13d-3(a) (2) incorporates and expands existing Rule 13d-3 (17 CFR 240.13d-3) and deems a person to be the beneficial owner of securities which he has a right to acquire through the exercise of an option, warrant, or right exercisable within 60 days, through the conversion of convertible securities convertible within 60 days, or through the revocation of a trust or similar arrangement. The definition of beneficial owner, although intended to be broad, would not usually include such persons as pledgees pursuant to a bona fide pledge agreement, remaindermen under various trusts or estate arrangements or other persons who have an interest in securities that is subject to a condition occurring over which they have no control. As indicated in the proposed note to Rule 13d-3 (1) (b), if the conditions are within the control of the holder of the right to acquire the securities, the holder would be considered to be the beneficial owner of the securities to which such right related.

The proposed rule contains a specific exclusion for persons who would come within the definition solely because they are members of a national securities exchange that has rules allowing the members to vote securities held of record, without instruction, on certain routine matters.

Although the proposal would provide specific standards for determination of beneficial ownership, the actual determination usually rests on an analysis of the facts and circumstances of each case. It should be noted that if there is a plan

or scheme to evade the reporting requirements of section 13(d), a report under section 13(d) (1) would be required.

The proposed rule also provides that any person may expressly declare in any statement filed that the filing of the statement shall not be construed as an admission that the person is the beneficial owner of the securities covered by the statement. This is parallel to the provision in Rule 16a-3 (17 CFR 240.16a-3) under the Exchange Act which allows a similar disavowance in reports filed pursuant to section 16(a). It should be noted, however, that this parallel does not carry over to the definition of beneficial ownership. Since the purposes of section 16 are different from those of sections 13(d) and 14(d), the Commission is not proposing to amend the rules under section 16. The current concept of beneficial ownership for purposes of section 16 would continue to be applicable, as defined and interpreted by the Commission and construed by the federal courts.

**PROPOSED RULE 13D-5 AND FORM 13D-5: SHORT FORM ACQUISITION STATEMENT**

The proposed definition of beneficial owner includes persons who, although deemed to have beneficial ownership of securities, have acquired the securities in the ordinary course of their business and not with a view toward changing or effecting a change in control of the issuer (for example, an endowment fund). In such cases, filing of a Schedule 13D and prompt amendment of such schedule do not appear to be necessary for the purposes of section 13(d). To alleviate burdens on such persons, Congress specifically provided in section 13(d) (5) that the Commission could permit the filing of a short form acquisition notice in lieu of the more detailed Schedule 13D which, since it is primarily aimed at obtaining information about potential changes in control, calls for specific information about the beneficial owner, his holdings and his plans.

The Commission believes, particularly in light of the proposed definition of "beneficial owner" for purposes of section 13(d), that it is appropriate to propose a short form acquisition notice pursuant to section 13(d) (5). Proposed Rule 13d-5 would make proposed Form 13D-5 available to any registered broker or dealer, insurance company exempted from the Exchange Act pursuant to Section 12(g) (2) (G), bank required to file under section 12(d) of the Exchange Act, registered investment company, registered investment adviser, or employee benefit plan, pension fund or endowment fund that had acquired the beneficial ownership of more than five percent of a class subject to section 13(d) (1), if such person had acquired the securities in the ordinary course of its business and not with the purpose or effect of changing or influencing the control of the issuer nor in connection with, or as a participant, in any transaction having such purpose or effect. This latter standard is the standard set by section 13(d) (5). The short form would be available only to

**PROPOSED RULES**

the persons specified since they are the

information is important even where the

not the type of acquisition that section

**PROPOSED RULES**

13d-3(a) (1). Thus, information would not have to be provided about any chil-

any of the securities are subject to any contingency that would give the power

definition of beneficial owner in proposed Rule 13d-3 would be applicable in re-



the persons specified since they are the ones who are most likely to have acquired more than a five percent interest in an issuer in the ordinary course of their business.

The proposed short form, Form 13D-5, would require the name and business address of the principal office of the reporting person and the country of which such person is a national; the name of the issuer; the reporting person's business; and the amount and percentage of the class beneficially owned. In addition, any nominees used as record holders and their addresses would have to be identified, and the reporting person would have to represent that the securities were acquired in the ordinary course of business as set forth in section 13(d)(5).

In connection with the proposed short form acquisition notice, the Commission is also proposing a rule relating to the necessity for amendment of such notice. Existing Rule 13d-2 (17 CFR 240.13d-2) requires prompt amendment of an acquisition statement whenever a material change in the facts reported on occurs. The Commission believes it would be unworkable and also unnecessary for the protection of investors to require amendments to the short form notice whenever any material change occurs, since many of the persons filing such a notice would be financial institutions that might have changes occurring frequently in the ordinary course of their businesses. Therefore the Commission is proposing Rule 13d-5(b) which would, notwithstanding Rule 13d-2, require that an amendment to the short form notice reflecting material changes as of the end of the quarter be filed within ten days of the end of each calendar quarter; one type of material change that would have to be reported would be a decrease to five percent or less in the percent of the class owned. However, as a proposed note indicates, once an amendment to the short form notice has been filed reflecting ownership of five percent or less, no additional filing would be required unless the person thereafter acquired securities resulting in ownership of more than five percent of the class. To be able to use the quarterly update rather than be subject to Rule 13d-2, the person would have to continue to be eligible to file a short form acquisition notice pursuant to the requirements set forth in proposed Rule 13d-5. If the person ceased to meet such requirements for the short form notice, he would, under proposed Rule 13d-5(c), immediately become subject to Rule 13d-1.

The Commission is of the opinion that the information that would be required in the short form acquisition notice would be sufficient for purposes of section 13(d) so long as the securities were acquired in the ordinary course of business and not for the purpose (nor with the effect of) changing or influencing control of the issuer, nor in connection with any transaction having such purpose or effect. The Commission believes, however, that obtaining the short form

See footnotes on pages 42216 and 42217.

information is important even where the object is not control since any large block of securities subject to direction by one person has the potential to be significant in influencing control of the issuer.

The Commission is aware that information obtained in the short form notice may, at some future time, also be required pursuant to new section 13(f) of the Exchange Act.<sup>7</sup> At such time as rules are adopted thereunder, the Commission intends, where appropriate, to revise any rules necessary to avoid duplication of information and unnecessary burdens on institutional holders of securities.

#### PROPOSED RULE 13D-6: ACQUISITION OF SECURITIES

The Commission is proposing Rule 13d-6 which would deem certain persons who become beneficial owners of securities to have "acquired" them for purposes of section 13(d)(1) of the Exchange Act. Under proposed Rule 13d-6 (a), a person such as a donee, executor, trustee or legatee who becomes a beneficial owner of securities without purchasing them shall be deemed to have "acquired" the securities for purposes of section 13(d)(1).<sup>8</sup> This would make it clear that an acquisition statement would have to be filed by such person if he becomes beneficial owner of more than five percent of a class subject to section 13(d)(1) even though he had not intended, and had taken no action, to become a beneficial owner.

Proposed Rule 13d-6(b) would deem persons who have agreed, whether orally or in writing, to act together for purposes of acquiring, holding or disposing of securities of an issuer to have "acquired," as of the time of the agreement, the securities beneficially owned by each of the persons in the group. This proposal is based in part on the holding of the court in "GAF v. Milstein"<sup>9</sup> where the court decided that, for purposes of section 13(d)(1), it was not necessary for a group to acquire additional securities if their combined holdings, upon formation of the group, were more than five percent of the class.

#### PROPOSED RULE 13D-7: EXEMPTION FOR CERTAIN UNDERWRITERS

In connection with the proposal to provide a short form for persons who acquire securities in the ordinary course of their business, the Commission is proposing Rule 13d-7 which would provide an exemption from section 13(d)(1) for acquisitions by certain underwriters. Section 13(d)(6)(D) of the Exchange Act provides that the Commission can exempt an acquisition from section 13(d)(1) if it determines that the acquisition was not entered into for the purpose of, and does not have the effect of, changing or influencing the control of the issuer, or is otherwise not comprehended within the purposes of section 13(d)(1).

The Commission believes that an acquisition by an underwriter of securities as part of a good faith firm commitment underwriting where it is anticipated that he will, as part of the distribution, be immediately reselling such securities, is

not the type of acquisition that section 13(d)(1) was intended to cover. Proposed Rule 13d-7 would exempt an acquisition of securities by a person in the business of underwriting distributions through his participation in good faith in a firm commitment underwriting. However, the proposed rule would subject such underwriter to section 13(d)(1) if he retains beneficial ownership of the securities for more than 40 days (based on the 40 day period specified in section 4(3) of the Securities Act).

#### PROPOSED AMENDMENTS TO SCHEDULE 13D: MORE MEANINGFUL DISCLOSURE OF BENEFICIAL OWNERS AND HOLDERS OF RECORD

Since the proposed concept of beneficial owner may be somewhat broader than the current understanding of the term, the Commission is proposing amendments to the Notes and Items 2, 3, 5 and 6 of Schedule 13D, the acquisition statement, to reflect the proposed definition and to obtain more meaningful information about the beneficial owners and the nature of their ownership. In addition, a proposed paragraph would call for information about any record holder of the securities beneficially owned. Information obtained in the Beneficial Ownership Hearings and experience in this area suggest that other amendments to Schedule 13D may be appropriate; the staff of the Commission is currently considering recommending additional amendments.

Notes. As it now reads, Note B of Schedule 13D (the Notes are proposed to be changed to Instructions) requires that, if a reporting person is a corporation, the information required by Items 2-6 of the Schedule must be included with respect to each officer and director and controlling person of the corporation. The Commission believes that requiring such detailed information about each officer is unnecessarily broad and thus is proposing to limit the requirement to information about each "executive" officer, as defined to include the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy making functions for the corporation. In addition, the Note, proposed Instruction B, would be amended to refer to "affiliate" rather than "controlling person."

The Commission also proposes to add a new Instruction C which would reflect the proposed definition of beneficial owner as it relates to family members sharing the same home. Under the proposed definition, all such persons would be deemed to be beneficial owners of securities owned by any of them; however, proposed Rule 13d-1(c) would allow only one report to be filed on behalf of all such persons. Proposed Instruction C specifies that information called for by Items 2-6 would need to be provided only as to the head of the household and as to each adult member of the household who would be the beneficial owner of the securities in the absence of the special provisions for attribution set forth in Rule

13d-3(a)(1). Thus, information would not have to be provided about any children nor about adults who are deemed to be beneficial owners solely because they share the same home with another beneficial owner.

Item 2. Item 2 of Schedule 13D, "Identity and Background," is proposed to be amended to require, in addition to information about the background of the person filing the Schedule, identification of the country of which such person is a national. The Commission specifically invites comment as to whether disclosure of citizenship would be more appropriate, and, if so, the reasons therefor.

Item 3. Item 3 of Schedule 13D, "Source and amount of funds or other consideration," requires information about the source of funds or other consideration used to acquire the securities reported on, or to be used to acquire additional securities. The Commission is proposing to amend Item 3 by adding a requirement that, if the securities reported on were acquired otherwise than by purchase, the method of acquisition should be described and the person from whom the securities were acquired identified. Thus, if the securities were received as a gift, the name of the donor and the circumstances of the gift would have to be included in the Schedule 13D.

Item 5. The core of disclosure about the securities beneficially owned by the person filing the report is contained in Item 5, "Interest in securities of the issuer." The Commission is proposing to amend existing Item 5 to reflect the broad definition of beneficial owner and to obtain more information relating to the securities owned.

As amended, Item 5 would require a statement of the number and percentage of the class beneficially owned by each of the persons about whom information is required by the Schedule and by each of their affiliates. Existing Item 5 requires information about the ownership of securities by associates, which may be a larger group than "affiliates."<sup>10</sup> In light of the expanded definition of beneficial owner, however, the Commission believes that information need only be furnished about affiliates of the persons reporting. The amended item would also require a description of the nature of each person's beneficial ownership, the names of any persons other than those set forth who share beneficial ownership of a material amount of the securities reported on, information about any transactions in the class of securities effected during the past 60 days by the persons reporting or by executive officers, directors or affiliates of any subsidiaries of a reporting corporation. In addition, the proposed item would require disclosure of any overlapping beneficial ownership so that a fair understanding of the amount of securities actually owned could be achieved from reading the Schedule.

Item 6. The Commission is also proposing to amend Item 6, "Contracts, arrangements or understandings with respect to securities of the issuer," to make clear that disclosure should be made if

See footnotes on pages 42216 and 42217.

any of the securities are subject to any contingency that would give the power to direct the voting or disposition of the securities to another person or would give another person the right to receive or the power to direct the receipt of the dividends or proceeds from the sale of such securities.

It is also proposed to add a new paragraph to Item 6 requiring disclosure of the record holder of the securities, if different from the person filing the statement. For purposes of this proposed paragraph, the record holder would be the person who is identified as the holder of the securities on the records of security holders maintained by or on behalf of the issuer of the securities. The name and address of the record holder would have to be provided, and if the record holder is a nominee, the name and address of the person employing the nominee would have to be included. For these purposes, where the nominee is the nominee for a clearing agency (such as Cede & Co. for the Depository Trust Company), information would have to be given about the participant in the clearing agency who deposited the securities.

Signature. The signature section of Schedule 13D is proposed to be amended to require that whenever the statement is filed on behalf of more than one person, each person on whose behalf it is filed must sign it, with certain exceptions relating to filings on behalf of a family. This would mean that in the case of a group filing, each person who is a member of the group would have to sign the statement. The existing Schedule provides that if a statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority must be filed with the statement.

#### PROPOSED AMENDMENT TO RULE 14D-1 (17 CFR 240.14D-1): DETERMINATION OF BENEFICIAL OWNERSHIP

Section 14(d) makes it unlawful for any person to make a tender offer for or a request or invitation for tenders of any class of security described in section 13(d)(1) if after consummation thereof, the person would directly or indirectly be the beneficial owner of more than five percent of the class, unless such person has filed with the Commission a statement of the type required by section 13(d).

In order to make clear that the definition of beneficial ownership for purposes of section 13(d)(1) also applies for purposes of section 14(d)(1), the Commission is proposing Rule 14d-1(g) so stating.

#### PROPOSED AMENDMENT TO SCHEDULE 14B: DETERMINATION OF BENEFICIAL OWNERSHIP

Schedule 14B (17 CFR 240.14a-102) under the Exchange Act must be filed by persons, other than management of an issuer, who solicit proxies in connection with an election contest. Item 3 of the Schedule requires information about shares of the issuer "beneficially owned." The Commission is proposing an instruction to Item 3 that would state that the

definition of beneficial owner in proposed Rule 13d-3 would be applicable in responding to the item.

Proposed amendments to Schedule 14A, Forms 10, 10-K, 12 and 12-K under the Exchange Act; to Forms S-1, S-2, S-3, S-11 and 1-A under the Securities Act of 1933; and to Form U5S under the Holding Company Act to require information about security ownership and holdings of principal beneficial owners and management and to require information about the 30 largest security holders of record.

Schedule 14A, Information Required in Proxy Statement (17 CFR 240.14a-101), the Form 10 (17 CFR 249.210) registration statement and the annual report Form 10-K (17 CFR 240.310) under the Exchange Act, as well as Form S-1 (17 CFR 239.11), S-2 (17 CFR 239.12), S-3 (17 CFR 239.13), and S-11 (17 CFR 239.18) registration statement forms and the Form 1-A Notification Statement of Regulation A (17 CFR 239.90) under the Securities Act and the Form U5S (17 CFR 259.55) annual report form under the Holding Company Act require disclosure of the principal security holders, of record and beneficially, of the registrant and, in some instances, of the security holdings of management. Forms 12 (17 CFR 249.212) and 12-K (17 CFR 249.312) under the Exchange Act do not presently require information about principal security holders.

The Commission believes that information about both the record holders and the significant beneficial owners of the securities of the issuer is material to investors since it may be related to the question of who has or can influence control of the issuer. Also, there appears to be little reason to have different disclosure requirements for the various annual report, registration and notification forms, although the proxy statement form should contain more information about management holdings because the proxy statement is directly related to the voting of securities and to election of directors.

The Commission is therefore proposing to amend the above registration, notification, proxy and reporting forms to include an item (referred to for purposes of this release as Item X) calling for disclosure, to the extent known, with respect to (1) beneficial owners of more than five percent of any class of voting securities (one percent in the case of Form U5S); (2) aggregate beneficial ownership by officers and directors; and (3) any contractual agreement that involves a pledge of securities the operation of the terms of which may result in a change of control. Another proposed item (referred to as Item XA for purposes of this release) would require disclosure of the 30 largest holders of record of each class of voting securities subject to a de minimus exception, their voting authority, and certain underlying holders of voting authority, if not the record holder. These items, if adopted, would replace the existing principal security holder item in Schedule 14A and Forms 10, 10-K, S-1, S-2, S-3, S-11, 1-A and

U5S, and would be added to Forms 12 any contractual arrangement known to mission also invites comment on the feasibility of such a requirement.

<sup>9</sup> "GAF Corp. v. Milstein," 453 F.2d 709 (2d

circuit, 1971), cert. denied, 404 U.S. 1021, 39-1, 40-1, 41-1, 42-1, 43-1, 44-1, 45-1, 46-1, 47-1, 48-1, 49-1, 50-1, 51-1, 52-1, 53-1, 54-1, 55-1, 56-1, 57-1, 58-1, 59-1, 60-1, 61-1, 62-1, 63-1, 64-1, 65-1, 66-1, 67-1, 68-1, 69-1, 70-1, 71-1, 72-1, 73-1, 74-1, 75-1, 76-1, 77-1, 78-1, 79-1, 80-1, 81-1, 82-1, 83-1, 84-1, 85-1, 86-1, 87-1, 88-1, 89-1, 90-1, 91-1, 92-1, 93-1, 94-1, 95-1, 96-1, 97-1, 98-1, 99-1, 100-1.



U5S, and would be added to Forms 12 and 12-K. Since information required by Schedule 14A is also required to be included in information statements filed pursuant to section 14(c), no amendment to Schedule 14C (17 CFR 240.14c-101) is necessary.

In some instances, the items would be modified to reflect the purpose and structure of the particular form. The Commission is not publishing the specific items for each form because this would be unnecessarily complex and lengthy and the substance of the proposed items should provide adequate basis for comment.

**Item X.** The first paragraph of proposed Item X would require the name and address and holdings of any person (including any group) known to the registrant to be, directly or indirectly, the beneficial owner of more than five percent (as opposed to the present ten percent requirement in many forms) of any class of the registrant's voting securities. In the case of Holding Company Act Form U5S, this would include a beneficial owner of more than one percent. It should be noted that this proposal will indirectly increase disclosure in other areas, particularly the items requiring disclosure of "certain transactions" between management and "principal shareholders" named in response to the principal shareholder item.

A breakdown of each person's voting and investment authority over the securities and of his right to receive or power to direct the receipt of dividends or proceeds from the sale, would have to be included, if known. Identification of the country of which such person is a national would also be required, if known. However, the instructions would specifically provide that the registrant could rely upon information set forth in acquisition statements filed with the Commission pursuant to section 13(d), unless the registrant knew or had reason to believe that the information was not complete or that an acquisition statement should have been filed but was not. The registrant would be deemed to know the contents of any statements filed pursuant to section 13(d).

The second paragraph of proposed Item X would require that the registrant include a table showing, as to each class of voting securities of the registrant or its parents or subsidiaries, the aggregate amount and percentage beneficially owned by all directors and officers of the registrant (other than directors' qualifying shares). This is similar to disclosure now required in several forms including Form 10-K. In addition, however, the proposed item would require an indication of the number of shares over which such persons have or share the power to direct the vote and disposition thereof and the number with respect to which they have the right to receive or the power to direct the receipt of dividends or the proceeds from sale.

Several forms now also contain a requirement that the registrant disclose

any contractual arrangement known to the registrant involving a pledge of securities if the operation of the terms of the arrangement might result in a change in control of the registrant. It is proposed that this be included in the item.

Proposed instructions to the item would make clear that the definition of beneficial owner for purpose of section 13(d) (proposed Rule 13d-3) would also apply for purposes of Item X. In addition, the proposed instructions would require that any overlapping beneficial ownership be appropriately disclosed, if known, in order to avoid confusion.

**Item XA.** Proposed Item XA would require that the issuer furnish for each class of voting securities the name and address of and amount and percentage of securities held of record by, and the voting authority (if known) held by, each of the 30 largest holders of record as of a recent date (except that a person holding less than 1/10 of 1 percent of the outstanding securities of the class need not be disclosed). In addition, the proposed item would require that if the issuer knows that a record holder does not have the power to direct the vote of securities held, the issuer must, to the extent known, provide information about the persons with power to direct the vote of the ten largest blocks of stock held of record by each record holder. Also, if the registrant has a corporate parent, comparable information would have to be provided about such parent.

A proposed instruction would specify that holder of record, as with Item 6(b) of Schedule 13D, means the person who is identified as the holder of securities on the records of security holders maintained by or on behalf of the issuer. The instruction would require, however, that if the holder of record is a nominee, the registrant must aggregate the holdings of different nominee accounts for the same person, to the extent known by the registrant after reasonable inquiry, and must identify the person employing the nominees. The person employing a nominee in the case of a nominee for a clearing agency would be the participant in such agency who deposited the securities. A proposed Note calls the attention of registrants to the Nominee List published annually by the American Society of Corporate Secretaries.

The proposal relating to holders of record is substantially based on the recommendations of the Interagency Steering Committee on Uniform Corporate Reporting. Although that Committee recommended that disclosure included the 30 largest shareholders of record and that anyone holding less than 1/10 of 1 percent of the outstanding securities not be required to be included, the Commission is considering other alternatives and specifically asks for public comment on the question of whether 30 is the appropriate and meaningful number and whether 1/10 of 1 percent is a reasonable cut off point for disclosure or whether some other standard such as a dollar amount is more appropriate. The Com-

mission also invites comment on the feasibility of obtaining the information proposed to be required about the persons with underlying power to direct the vote of the securities.

#### OPERATION OF PROPOSALS

The Commission is mindful of the cost to registrants and others of its proposals and it recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the cost to registrants and others of the proposals published in this release, if adopted.

The Commission hereby proposes for comment (1) proposed Rules 13d-5, 13d-6 and 13d-7 and Form 13D-5 and amendments to Rules 13d-1, 13d-3 and 14d-1, Schedules 13D, 14A and 14B, and Forms 10, 10-K, 12 and 12-K pursuant to sections 12, 13, 14, 15(d) and 23(a) of the Exchange Act; (2) proposed amendments to Forms S-1, S-2, S-3, S-11 and 1-A pursuant to sections 3(b), 7, 10 and 19(a) of the Securities Act, and (3) proposed amendments to Form U5S pursuant to sections 5, 7, 14 and 20 of the Holding Company Act.

All interested persons are invited to submit their views and comments on the following proposals to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before November 30, 1975. Such communications should refer to File No. S7-580 and will be available for public inspection. The text of the proposed rules and forms and amendments to rules, schedules and forms follows.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 25, 1975.

#### FOOTNOTES

<sup>1</sup> As adopted in 1968, section 13(d) (1) required disclosure of owners of more than ten percent of the class; the ten percent figure was lowered to five percent in 1970.

<sup>2</sup> Investigation in the Matter of Beneficial Ownership, Takeovers and Acquisitions of Securities by Foreign and Domestic Persons, Securities Act Release Nos. 5526 (September 9, 1974) and 5538 (November 5, 1974) (hereafter, Beneficial Ownership Hearings).

<sup>3</sup> E.g. Disclosure of Corporate Ownership, S. Doc. 93-62, 93d Cong., 2d Sess. (1974). See also Hearings on Corporate Disclosure Before the Subcommittees on Inter-Governmental Relations and on Budgeting, Management and Expenditures of the Senate Committee on Government Operations, 93d Cong., 2d Sess. (1974).

<sup>4</sup> S. Rep. No. 550, 90th Cong., 1st Sess. 7 (1967); H.R. Rep. No. 1711, 90th Cong., 2d Sess. 8 (1968).

<sup>5</sup> Interagency Steering Committee on Uniform Corporate Reporting, Model Corporate Disclosure Regulations (January 1975).

<sup>6</sup> For example, Rule 451 of the rules of the New York Stock Exchange and Rule 577 of the rules of the American Stock Exchange.

<sup>7</sup> Securities Act Amendments of 1975 (Pub. L. 94-29).

<sup>8</sup> "Sisak v. Wings & Wheels Express, Inc.," 70-71 Transfer Binder, CCH, Fed. Sec. L. Repr. para. 60,665 (S.D.N.Y. 1970) but see "Ozark Air Lines, Inc. v. Cox," 326 F. Supp. 113 (E.D. Mo. 1971).

<sup>9</sup> "GAF Corp. v. Milstein," 453 F.2d 709 (2d Cir. 1971), cert. denied 406 U.S. 910 (1972), but see "Bath Industries, Inc. v. Biot," 427 F.2d 97 (7th Cir. 1970).

<sup>10</sup> "Associate" is defined in Rule 12b-2 (17 CFR 240.12b-2) under the Exchange Act to mean, when used to indicate a relationship with any person, (1) any corporation or organization (other than the registrant or a majority-owned subsidiary of the registrant) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the registrant or any of its parents or subsidiaries.

<sup>11</sup> "Affiliate" is defined in Rule 12b-2 under the Exchange Act to mean a person that directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

Rule 13d-1 is proposed to be amended to read as follows:

§ 240.13d-1 Filing of Schedule 13D  
(§ 240.13d-101).

(a) [No change]

(b) Not more than one report need be filed to report beneficial ownership of any securities by persons related by blood, marriage or adoption who share the same home; *Provided*, That the report filed shall identify all such persons and shall state that such report is filed on behalf of all such persons.

(c) Not more than one report need be filed to report beneficial ownership of the same securities by different persons; *Provided*, That the report filed shall disclose the names of all such persons, shall contain the required information about all such persons and their beneficial ownership of securities of the class being reported on, and shall indicate that such report is filed on behalf of all such persons.

Rule 13d-3 is proposed to be amended to read as follows:

§ 240.13d-3 Determination of beneficial ownership.

(a) For purposes of section 13(d), a beneficial owner of a security is any person who directly or indirectly through any contract, arrangement, understanding or relationship has or shares the power to direct the voting or the disposition of such security or has or shares the right to receive or the power to direct the receipt of dividends from or the proceeds from the sale of such security; *Provided, however*, That:

(1) A person shall be deemed to be a beneficial owner of all securities beneficially owned by all individuals who are related by blood, marriage or adoption to such person and who have the same home as such person;

(2) A person shall be deemed to be a beneficial owner of securities which such person has the right to acquire (1) through the exercise of an option, war-

rant or right exercisable within 60 days, (ii) through the conversion of securities convertible within 60 days, or (iii) pursuant to the power to revoke within 60 days a trust or similar arrangement. Any securities not outstanding which are subject to such options, warrants, rights or conversion privileges shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such person but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person.

**NOTE.**—Any option, warrant, right or conversion privilege subject to conditions the material ones of which are within the control of the holder of the option, warrant, right or privilege, would be considered exercisable.

(3) A member of a national securities exchange shall not be deemed to be a beneficial owner of securities held directly or indirectly by it on behalf of another person solely because such member, pursuant to the rules of such exchange, may direct the vote of such securities, without instruction, on other than contested matters or matters that may affect substantially the rights or privileges of the holders of the securities to be voted, but is otherwise precluded by the rules of such exchange from voting without instruction;

**NOTE 1.**—It is possible that there may be more than one beneficial owner of the same securities since different persons may have the same or different powers with respect to the securities. For example, securities held in a trust might be beneficially owned by the trustee, the settlor, and the beneficiary of the trust. In such case, Rule 13d-1(c) allows only one report to be filed under certain circumstances.

**NOTE 2.**—All securities of the same class of the same issuer beneficially owned by any person would, regardless of the form which such beneficial ownership takes, be aggregated in calculating the number of shares beneficially owned by such person.

(b) Any person may expressly declare in any statement filed that the filing of such statement shall not be construed as an admission that such person is the beneficial owner of any securities covered by the statement.

Rule 13d-5 is proposed to read as follows:

§ 240.13d-5 Filing of Form 13D-5

(Schedule 13D-5), short form acquisition notice.

(a) A person, who after acquiring directly or indirectly the beneficial ownership of any equity security of a class described in section 13(d) (1) of the Act, is directly or indirectly the beneficial owner of more than five percent of such class, may in lieu of filing a Schedule 13D acquisition statement required by section 13(d) (1) of the Act, file with the Commission, within ten days after the end of the month in which such person became subject to section 13(d) (1), a short form acquisition notice on Form 13D-5 and send it, by registered or certified mail, to the issuer of the security at its principal executive office and to each exchange

where the security is traded, provided that:

(1) Such person has acquired such securities in the ordinary course of his business and not with the purpose nor with the effect of changing or influencing the control of the issuer, nor in connection with or as a participant in any transaction having such purpose or effect; and

(2) Such person is:

(i) A broker or dealer registered under section 15 of the Act;

(ii) An insurance company which would be required to file reports under the Act but for the exemption set forth in section 12(g) (2) (G) of the Act;

(iii) A bank which is required to file reports under section 12(i) of the Act;

(iv) An investment company registered under section 8 of the Investment Company Act of 1940;

(v) An investment adviser registered under section 203 of the Investment Advisers Act of 1940; or

(vi) An employee benefit plan, pension fund, or an endowment fund.

(b) Notwithstanding Rule 13d-2: *And provided*, That such person continues to meet the requirements set forth in Rule 13d-5(a), any person who has filed a short form acquisition notice on Form 13D-5 shall amend such form within ten days after the end of each calendar quarter to reflect, as of the end of the quarter, material changes, if any, in the information reported including a decrease in percentage of the class of securities held to five percent or less of the class. Such amendment shall be filed with the Commission and sent, by registered or certified mail, to the issuer of the security at its principal executive office and to each exchange where the security is traded.

**NOTE.**—Once an amendment has been filed reflecting beneficial ownership of five percent or less of the class of securities, no additional filings would be required unless the person thereafter becomes the beneficial owner of more than five percent of the class. In addition, no amendment would be required if there were no material change in the information previously reported.

(c) Notwithstanding paragraphs (a) and (b) of this section, if any person who has filed a short form acquisition notice on Form 13D-5 ceases to meet the requirements of Rule 13d-5(a), such person shall immediately become subject to Rule 13d-1.

Rule 13d-6 is proposed to read as follows:

§ 240.13d-6 Acquisition of securities.

(a) A person who becomes a beneficial owner of securities otherwise than through purchase of such securities shall be deemed to have acquired such securities for purposes of section 13(d) (1).

(b) Persons who agree, orally or in writing, to act together for the purpose of acquiring, holding or disposing of securities of an issuer shall be deemed to have acquired, as of the date of such agreement, beneficial ownership of all the securities of that issuer beneficially owned by such persons, for purposes of section 13(d) (1).

Rule 13d-1 is proposed to read as

(d) If the persons named in response to

Rule 14d-1 is proposed to be amended to

(1) (2) (3) (4) (5) (6) (7)

Securities Exchange Act of 1934, "Obligations of Registered Brokers in Connection with the Timely Forwarding of Cer-



## PROPOSED RULES

Rule 13d-7 is proposed to read as follows:

§ 240.13d-7 Exemption for certain underwriters.

An acquisition of equity securities of a class described in section 13(d)(1) by a person engaged in business as an underwriter of securities, through his participation in good faith in a firm commitment underwriting, shall be deemed not to be an acquisition for purposes of section 13(d). *Provided*, That, any such securities which are beneficially owned by such person for more than 40 days shall be deemed to have been acquired for purposes of section 13(d) at the end of such 40 day period.

Schedule 13D is proposed to be amended to read as follows:

§ 240.13d-101 Schedule 13D—Information to be included in statements filed pursuant to § 240.13d-1 or § 240.14d-1.

INSTRUCTIONS: A. [No change]

B. [No change in first sentence] If a person referred to in (1), (2), or (3) is a corporation or the statement is filed by a corporation, the information called for by the above-mentioned items shall be given with respect to each executive officer and director of such corporation and any affiliate of such corporation. Executive officer shall mean the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance), and any other person who performs similar policy making functions for the corporation.

C. If filed by an individual on behalf of himself and persons related to him by blood, marriage or adoption who share the same home, the information called for by Items 2-6 inclusive shall be given with respect to the head of household and any adult person who would be the beneficial owner of the securities in the absence of the provisions for attribution in Rule 13d-3(a)(1).

Item 1. [No change.]

Item 2. Identity and Background.

(a)-(e) [No change.]

(f) Country of which such person is a national.

Item 3. Sources and Amount of Funds or Other Consideration.

[No change in first sentence] If the securities were acquired otherwise than by purchase, describe the method of acquisition and identify the person from whom the securities were acquired.

Item 4. [No change]

Item 5. Interest in Securities of the Issuer.

(a) State the aggregate number and percentage of the class represented by such shares beneficially owned (identifying those shares which there is a right to acquire) by each of the persons named in response to Item 2 and by each of his affiliates (other than the issuer of the securities), identifying any such affiliate.

(b) For each person named in response to paragraph (a), indicate the nature of such person's beneficial ownership (e.g., the power to direct the voting or disposition of the securities, or the right to receive or the power to direct the receipt of dividends or proceeds from the sale of the securities).

(c) If persons other than those named in paragraph (a) share beneficial ownership or a material amount of the securities reported on, identify such persons and the nature and extent of their beneficial ownership;

(d) If the persons named in response to this item share beneficial ownership of the same securities, disclose and quantify any overlapping ownership;

(e) Describe any transactions in the class of securities to be reported on that were effected during the past 60 days or since the most recent filing, whichever is less, by the persons named in response to paragraph (a) and by any executive officers, directors or affiliates of any subsidiaries of such person.

Item 6. Contracts, Arrangements or Understandings with Respect to Securities of the Issuer.

(a) Furnish any information as to any contracts, arrangements or understandings with any person with respect to any securities of the issuer, including but not limited to transfer or voting of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of profits, division of profits or losses, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements or understandings have been entered into and giving the details thereof. Include such information for any of the securities that are pledged or are otherwise subject to a contingency the occurrence of which would give another person the power to direct the voting or disposition of the securities, or the right to receive or the power to direct the receipt of dividends or proceeds from the sale thereof.

(b) If the securities are held of record by someone other than the person filing this statement:

(1) Give the name and address of such record holder.

(2) If the record holder is a nominee, furnish in addition, the name and address of the person employing such nominee. For purposes of this paragraph, the person employing the nominee shall, in the case of securities which are evidenced by certificates registered in the name of a nominee for a clearing agency (e.g., the Depository Trust Company, Midwest Securities Trust Company, Pacific Securities Depository Trust Company, and National Clearing Corporation for which the nominees are, respectively, Cede & Co., Kray & Co., Pacific & Co., and NCC & Co.), be deemed to be the participant in such agency who deposited such securities.

(3) For purposes of this item, holder of record shall mean a person who is identified as the holder of such securities on the records of security holders maintained by or on behalf of the issuer.

Item 7. [No change]

Item 8. [No change]

Signature

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

(Date) (Signature)

The statement shall be signed by each person on behalf of whom the statement is filed, except that in the case of a statement filed on behalf of persons related by blood, marriage or adoption who share the same home, the statement shall be signed only by those persons about whom information is provided in accordance with Instruction C. Notwithstanding, the statement may be signed on behalf of a person by an authorized representative. In such case, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

Rule 14d-1 is proposed to be amended to read as follows:

§ 240.14d-1 Filing Schedule 13D (§ 240.13d-101) and furnishing of information to security holders.

(a)-(f) [No change]

(g) The definition of beneficial owner set forth in Rule 13d-3 for purposes of section 13(d)(1) shall apply also for purposes of section 14(d)(1).

Schedule 14B is proposed to be amended to read as follows:

§ 240.14a-102 Schedule 14B. Information to be included in statements filed by or on behalf of a participant (other than the issuer) pursuant to § 240.14a-1(c) (Rule 14a-1(c)).

Item 3. Interests in Securities of the Issuer

(a)-(g) [No change]

Instruction. For purposes of this item, the definition of "beneficial owner" set forth in Rule 13d-3 under the Act shall apply.

Schedule 14A and Forms 10, 10-K, 12 and 12-K under the Exchange Act; Forms S-1, S-2, S-3, S-11 and 1-A under the Securities Act; and Form U5S under the Holding Company Act are proposed to be amended as follows:

The following items are proposed to replace existing items relating to principal security holders in Schedule 14A (17 CFR 240.14a-101) and in Forms 10 (17 CFR 249.210) and 10-K (17 CFR 249.310) under the Exchange Act; Forms S-1 (17 CFR 239.11), S-2 (17 CFR 239.12), S-3 (17 CFR 239.13), S-11 (17 CFR 239.18) and 1-A (17 CFR 239.90) under the Securities Act and Form U5S (17 CFR 259.55) under the Holding Company Act (in that form, disclosure must be made of all beneficial owners of more than one percent of the class). They are also proposed to be added to Forms 12 (17 CFR 249.212) and 12-K (17 CFR 249.312) under the Exchange Act.

Item X. Security Ownership and Holdings of Principal Owners and Management.

(a) Furnish the following information, in substantially the tabular form indicated, with respect to any person (including any "group" as that term is used in section 13(d)(3) of the Exchange Act) who is known to the registrant to be the beneficial owner of more than five percent of any class of the registrant's voting securities. Show in Column (3) the total number of shares beneficially owned and in Column (4) the percent of class so owned. If known, indicate in Column (5) the number of shares over which such listed beneficial owner has sole or shared power to direct the voting of such securities. Show in Column (6) the number of shares over which such listed beneficial owner has sole or shared power to direct the disposition; and indicate in Column (7) the number of shares with respect to which such listed beneficial owner has or shares the right to receive or the power to direct the receipt of the dividends or proceeds from the sale. If known, indicate also the country of which each listed beneficial owner is a national.

(b) [No change]

(c) [No change]

(d) [No change]

(e) [No change]

(f) [No change]

(g) [No change]

(h) [No change]

(i) [No change]

(j) [No change]

(k) [No change]

(l) [No change]

(m) [No change]

(n) [No change]

(o) [No change]

(p) [No change]

(q) [No change]

(r) [No change]

(s) [No change]

(t) [No change]

(u) [No change]

(v) [No change]

(w) [No change]

(x) [No change]

(y) [No change]

(z) [No change]

(aa) [No change]

(ab) [No change]

(ac) [No change]

## PROPOSED RULES

(1) Title of class	(2) Name and address of beneficial owner and country of which beneficial owner is a national	(3) Amount beneficially owned	(4) Percent of class	(5) Authority to direct vote	(6) Authority to direct disposition	(7) Right to receive or power to direct receipt of dividends or proceeds from sale
(b) Furnish the following information, in substantially the tabular form indicated, as to each class of voting securities of the registrant or any of its parents or subsidiaries, other than directors' qualifying shares, beneficially owned by all directors and officers of the registrant as a group, without naming them. Indicate in Column (4) the number of shares over which such persons have sole						
or shared power to direct the voting of such securities; show in Column (5) the number of shares over which such persons have or share the power to direct the disposition; and indicate in Column (6) the number of shares with respect to which such persons have or share the right to receive or the power to direct the receipt of the dividends or proceeds from the sale.						

(1) Title of class	(2) Amount beneficially owned	(3) Percent of class	(4) Authority to direct vote	(5) Authority to direct disposition	(6) Right to receive or power to direct receipt of dividends or proceeds from sale
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(c) Describe any arrangements known to the registrant including any pledge by any person of securities of the registrant or any of its parents, the operation of the terms of which may at a subsequent date result in a change in control of the registrant.

Instructions to Item X.

1. The percentages are to be calculated on the basis of the amount of outstanding securities, excluding securities held by or for the account of the issuer.

2. For purposes of this item, the definition of "beneficial owner" set forth in Rule 13d-3 under the Act shall apply. [In Securities Act forms, the text of Rule 13d-3 would be included in the instruction.]

3. The registrant shall be deemed to know the contents of any acquisition statements filed with the Commission pursuant to section 13(d) of the Act. A registrant may rely upon information set forth in such acquisition statements unless the registrant knows or has reason to believe that such information is not complete or accurate or that an

acquisition statement or amendment should have been filed and was not.

4. Where more than one beneficial owner is known to be listed for the same securities, appropriate disclosure should be made to avoid confusion.

5. Paragraph (c) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the registrant.

Item XA. Holdings of 30 Largest Security Holders of Record

1. Furnish the following information, in substantially the form indicated, with respect to each of the 30 largest holders of record, as of a recent date, of each class of voting securities of the registrant: *Provided*, however, That no information need be furnished as to any record holder of less than 1/10 of 1% of the class. If known, show in Column (5) the amount over which the holder of record has or shares the power to direct the voting of the securities held.

2. If, to the issuer's knowledge, a record holder named in response to paragraph (1) does not have the power to direct the vote of the securities held, furnish, if known, the information called for by paragraph (1) about the persons having the power to direct the vote of the ten largest blocks of such securities held of record by such record holder.

3. If the issuer has a parent corporation, the issuer should furnish the information required by paragraphs (1) and (2) of this item with respect to such parent corporation.

Form 13D-5, Short Form Acquisition Notice, is proposed to include the following:

§ 249.323 Form 13D-5, short form acquisition notice.

1(a). Name

1(b). Business Address of Principal Office

1(c). Country of Which Such Person is a National

2. Name of Issuer

3. Status of Investor

4. Type of Ownership

5. Ownership of Five Percent or Less of Class

(Secs 3(b), 7, 10, 19(a), 48 Stat. 75, 78, 81, 85; secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 5, 7, 14, 20, 49 Stat. 812, 815, 827, 833; secs. 205, 209, 48 Stat. 908, 908; secs. 1, 8, 49 Stat. 1375, 1379; 59 Stat. 187; secs. 8, 202, 68 Stat. 665, 686; secs. 4, 5, 6, 78 Stat. 569, 570-574; secs. 1, 2, 3, 82 Stat. 454, 455; secs. 1, 2, 3, 5, 28, 84 Stat. 1435, 1480, 1497; (15 U.S.C. 77c(b), 77g, 88j, 77s(a), 781, 78m, 78n, 78o(d), 78w(a), 79e, 79g, 79n, 79t))

[FR Doc. 75-24167 Filed 9-10-75; 8:45 am]

[17 CFR Part 240]

[Release No. 34-11817; File No. S7-581]

REGISTERED BROKERS

Communications to Beneficial Owners

The Commission today proposed new

Rule 14b-1 (17 CFR 240.14b-1) under the

FEDERAL REGISTER, VOL. 40, NO. 177—THURSDAY, SEPTEMBER 11, 1975

Securities Exchange Act of 1934, "Obligations of Registered Brokers in Connection with the Timely Forwarding of Certain Communications to Beneficial Owners." The proposed rule would require a registered broker to (1) respond promptly, by means of a search card or otherwise, to inquiries made by issuers in accordance with Rule 14a-3(d) (17 CFR 240.14a-3) with respect to how many of the broker's customers are beneficial owners of the issuer's securities which are held of record by the broker or its nominees and (2) upon receipt of a sufficient number of proxy statements and annual reports to security holders and assurances that its reasonable expenses shall be paid by the issuer, to forward such materials in a timely manner to such customers. As an alternative to complying with the foregoing obligations, the proposed rule would permit a registered broker to furnish an issuer with a list of its customers who are beneficial owners of the issuer's securities held of record by the broker or its nominees provided that the broker also furnished authorization to vote such securities in accordance with instructions of the customer. A note to the proposed rules makes clear that a broker furnishing such a list to an issuer may impose reasonable conditions upon the issuer's use of such a list.

Last fall the Commission adopted Rule 14a-3(d) requiring that if an issuer knows that securities of a class entitled to vote at a meeting are held of record by a broker, dealer, bank or voting trustee or their nominees, the issuer must inquire of such record holder whether other persons are beneficial owners, and, if so, the issuer must supply the record holder with as many copies of proxy soliciting material and annual reports to security holders as requested by the record holder in order to send a copy of each to the beneficial owners. The issuer is also required to pay the reasonable expenses of the record holder for mailing the materials. The Commission is proposing to amend Rule 14a-3(d) to require issuers to carry out their obligations in a timely manner and to reflect the obligations imposed on brokers by proposed Rule 14b-1. The proposed amendments would require that issuers make appropriate inquiry at least 10 days prior to the record date for the annual meeting and that issuers furnish record holders with their materials in a timely manner. The proposed amendments would also require that if a broker, pursuant to Rule 14b-1, provides the issuer with an appropriate list of names, addresses and holdings of its customers and appropriate authorization, the issuer must comply with the proxy rules with respect to such customers directly, i.e., the issuer must forward proxy materials and annual reports directly to the broker's customers.

The Commission has been concerned that persons whose securities are held in "street name" or nominee accounts for convenience, safety or other personal reasons receive information about the

See Exchange Act Release No. 11079 (Oct. 31, 1974).

## PROPOSED RULES

issuer of the securities in a timely manner. As the Commission recently noted,

mandate of Rule 14b-1, including the setting of "reasonable expenses," would

§ 240.14a-3 Information to be furnished to security holders.

## PROPOSED RULES

## INTERSTATE COMMERCE COMMISSION

NOTE 3.—The attention of issuers is called to the fact that broker-dealers have an obligation pursuant to Rule 14b-1 and applicable

3. Establish a new provision, Paragraph c of § 1037.2 reading,  
(c). Cons. with another listing for



## PROPOSED RULES

issuer of the securities in a timely manner. As the Commission recently noted, "the process of communication between issuers and beneficial owners is one which requires close cooperation among issuers, transfer agents, soliciting agents, and brokers, banks and other securities record holders such as securities depositories."

The Commission adopted Rule 14a-3(d), "Information to be Furnished to Security Holders," based upon its own experience and its consideration of the letters of comment submitted in response to proposed Rule 14a-3(d). Many letters of comment supported the proposed rule but several letters also requested that the Commission take suitable action to require that record holders promptly forward materials received from issuers to beneficial owners.<sup>3</sup>

In late 1974, the Commission conducted a Public Fact-Finding Investigation in the Matter of Beneficial Ownership, Takeovers and Acquisitions by Foreign and Domestic Persons.<sup>4</sup> One of the specific inquiries of that proceeding was whether the Commission should adopt rules to facilitate communications between issuers and the beneficial owners of their securities. During the proceeding the Commission received oral testimony and written comments on this inquiry from representatives of public companies, brokerage firms, banks and proxy soliciting firms and from attorneys and other interested persons.

Many of the witnesses and commentators noted that, from time to time, there have been breakdowns in connection with the timely distribution of issuer communications to beneficial owners. The Commission received inconsistent, and sometimes contradictory, testimony regarding the extent of, and the causes for, breakdowns in the distribution system. There appears, however, to be a consensus among most interested persons with experience in the distribution process that the performance in this area at times has varied greatly from issuer to issuer and from brokerage firm to brokerage firm.

Based upon the record in the Beneficial Ownership Proceeding and its own experience, the Commission is publishing for comment a proposed Rule 14b-1 relating to the obligations of registered brokers which would complement the obligations already imposed on issuers by the adoption of Rule 14a-3(d). The Commission believes that proposed Rule 14b-1, if adopted, would improve the distribution of issuer communications to beneficial owners. It should be particularly noted that all procedural rules and interpretations implementing the broad

mandate of Rule 14b-1, including the setting of "reasonable expenses," would continue to be administered and enforced by the various self-regulatory organizations.

The Commission recognizes that the imposition of obligations on brokerage firms alone will not assure that all beneficial owners receive issuer communications since other record holders such as banks and trust companies would not be subject to such obligations. Accordingly the Commission is concurrently transmitting its proposals in this area to the Comptroller of the Currency, the Federal Reserve System and the Federal Deposit Insurance Corporation recommending that they consider the adoption of comparable regulations for persons subject to their jurisdiction.

Based upon the record in the Beneficial Ownership Proceeding and its own experience, the Commission is publishing for comment proposed amendments to Rule 14a-3(d) in order to require issuers to carry out their obligations in a timely manner. In particular, issuers would be required to make appropriate inquiry of record holders at least ten days prior to the record date for the meeting of security holders and, upon receipt of a search card or other communication for the record holder, to furnish an appropriate amount of proxy materials and annual reports to record holders in a timely manner. The rule would also be amended to require an issuer to furnish these materials directly to beneficial owners if a broker chooses to comply with proposed Rule 14b-1(b) by furnishing a list of its customers to the issuer.

## OPERATION OF PROPOSALS

The Commission is mindful of the cost to registrants, brokers and others of its proposals and it recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the cost to registrants, brokers and others of the proposals published in this release, if adopted.

The Commission hereby proposes for comment proposed Rule 14b-1 and proposed amendments to Rule 14a-3(d) pursuant to Sections 14(a), 14(b), and 23(a) of the Exchange Act. All interested persons are invited to submit their views and comments on the following proposal to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before November 30, 1975. Such communications should refer to File No. S7-581, and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 25, 1975.

Section 240.14a-3 is proposed to be amended as follows:

## § 240.14a-3 Information to be furnished to security holders.

(a)-(c) [No change.]

(d) If the issuer knows that securities of any class entitled to vote at a meeting with respect to which the issuer intends to solicit proxies, consents or authorization are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer shall inquire of such record holder, at least ten days prior to the record date for the meeting of security holders, whether other persons are the beneficial owners of such securities and, if so, the number of copies of the proxy and other soliciting material and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to beneficial owners. The issuer shall supply such record holder in a timely manner with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent; provided, however, if a broker pursuant to Rule 14b-1, furnishes the issuer with a list as of the record date of the names, addresses and holdings of beneficial owners of securities held of record by the broker or its nominees and also furnishes appropriate authorization to vote such securities in accordance with the instructions of such customers, the issuer shall comply with the requirements of this rule for solicitation of proxies, consents or authorization with respect to such customers.

NOTE 1.—If the issuer's list of security holders indicates that some of its securities are registered in the name of a clearing agency (e.g., the Depository Trust Company, Midwest Securities Trust Company, and Pacific Securities Depository Trust Company, and National Clearing Corporation for which the nominees are, respectively, Cede & Co., Kray & Co., Pacific & Co., and NCC & Co.), an issuer shall make appropriate inquiry of the agency and thereafter of the participants in such an agency who may hold on behalf of a beneficial owner, and shall comply with the above paragraph with respect to any such participant.

NOTE 2.—The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. This procedure is not available to issuers, however, where banks, broker-dealers, and other persons hold securities in nominee accounts or "street names" on behalf of beneficial owners, and such persons are not relieved of any obligation to obtain or send such annual report to the beneficial owners.

NOTE 3.—The attention of issuers is called to the fact that broker-dealers have an obligation pursuant to Rule 14b-1 and applicable self-regulatory requirements to obtain and forward annual reports and proxy soliciting materials in a timely manner to beneficial owners for whom such broker-dealers hold securities.

Section 240.14b-1 is proposed to read as follows:

## § 240.14b-1 Obligations of registered brokers in connection with the timely forwarding of certain communications to beneficial owners.

(a) A broker registered under Section 15 of the Act shall:

(1) Respond to an inquiry made in accordance with Rule 14a-3(d) by or on behalf of an issuer whose management is soliciting proxies, consents or authorization by promptly indicating, by means of a search card or otherwise, the approximate number of its customers who are beneficial owners of the issuer's securities that are held of record by the broker or its nominees; and

(2) Upon receipt of the proxy, other proxy soliciting material, and/or annual reports to security holders and of assurances that its reasonable expenses shall be paid by the issuer forward such materials in a timely manner to such customers; or

(b) In lieu of complying with the requirements of paragraph (a) of this section, a broker registered under section 15 of the Act may respond to an inquiry made in accordance with Rule 14a-3(d) by or on behalf of an issuer whose management is soliciting proxies, consents or authorization by promptly furnishing such issuer with:

(1) A list as of the record date of the names, addresses and holdings of its customers who are beneficial owners of the issuer's securities that are held of record by the broker or its nominees; and

(2) Authorization to vote such securities in accordance with the instructions of such customers.

NOTE.—A broker choosing to furnish a list of its customers who are beneficial owners to an issuer may impose reasonable conditions on the use of such a list—e.g., that the list be used only for the purposes of mailing annual reports and proxy materials to beneficial owners.

(Secs. 14(a), 14(b), 23(a), 48 Stat. 895, 901; sec. 5, 78 Stat. 569, 570; sec. 10, 78 Stat. 580; (15 U.S.C. 78n, 78w))

[FR Doc.75-24166 Filed 9-10-75; 8:45 am]

## PROPOSED RULES

42221

## INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1037]

[No. 35220]

## GRAIN AND GRAIN PRODUCTS

## Practices and Policies in the Settlement of Loss and Damage Claims

SEPTEMBER 4, 1975.

Pursuant to numerous informal requests for modification of the present rules governing the handling of loss and damage claims on bulk grain and bulk grain products (49 CFR 1037), the Commission, Division 2, convened an informal conference on July 15, 1975, and a subsequent informal conference on August 14, 1975, in the above-entitled proceeding. In these informal conferences, shippers and carriers have generally represented that the present rules do not reflect the realities of rail operations and grain loading practices in the Nation and have resulted in hardships and inequities not contemplated in the prior report and order in No. 35220 (346 I.C.C. 33). The shippers and carriers have encouraged the Commission to modify the present rules so as to provide a workable scheme of rules to govern the handling of loss and damage claims and to eliminate certain obstacles to the efficient handling of grain and grain product traffic. Accordingly, the parties attending the August 14 conference agreed to the following modifications:

1. Revise Paragraph c of § 1037.1, to read as follows:

## § 1037.12 Weights and weighing.

(c) Shipping weights—Where the shipper weighs the grain or grain products for shipment and a claim for loss and damage is subsequently filed on that shipment, the shipper shall furnish the carrier with whom the claim is filed certificates of weight showing car initials and number; the kind of grain or grain products; the total scale weight; the type and house number of the scale used; the number of drafts and weight of each draft; the date and time of weighing; whether the weight is official, board-of-trade, grain-exchange, State, or other supervised weight; and the number of grain door used. This information should be furnished at the time the claim is filed.

## § 1037.2 [Amended]

2. In Paragraph a of § 1037.2, delete the words "open-top interior linings or" appearing in line 3 of that paragraph.

3. Establish a new provision, Paragraph c of § 1037.2 reading,

(c) Cars with open-top linings tendered by the railroads may be used by the shipper without jeopardizing any subsequent claim which may be filed.

4. In Paragraph (c) of § 1037.3, delete the last two sentences of that paragraph so that the provision will read,

§ 1037.3 Claims.

(c) In case of a disputed claim, the records of both the carrier and the claimant affecting the shipment involved shall be available to both parties. These records shall include a written complaint if any, filed by the shipper with the railroad at the time the car was placed for loading that the car was defective, and the written report of an investigation of the complaint, filed by the railroad with the shipper, if made.

This notice is being given to allow any interested party an opportunity to comment upon the proposed modifications. While the scope of the prior informal conferences included issues not covered by the proposed modifications, such as the application of the 1/4 of one percent weight tolerance on shipments moving prior to March 5, 1975, the Commission will address those additional issues in a separate order and not in conjunction with the implementation of the proposed modifications.

Accordingly, interested parties are invited to comment on the proposed modifications by written statement. Written statements are due 15 days from the date of service of this notice and should be confined to the modifications proposed herein.

It is ordered, That this notice of proposed rulemaking and modification of regulations be served upon the parties, and furnished to the general public by mailing a copy of this notice and order to the Governor of every State and to the Public Utilities Commission or Board having jurisdiction over transportation in each State, by depositing a copy of this order in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of The Federal Register, for publication in The Federal Register.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24219 Filed 9-10-75; 8:45 am]

grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

3. Implementation. The Air Force will have a traveling board hold quarterly hearings beginning in November 1975 in

Comments received in letters on the Draft Environmental Statement are included and addressed. Public hearing



## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### STATE DEPARTMENT

#### Office of the Secretary

[Public Notice 463]

#### ASSISTANCE TO CERTAIN COUNTRIES UNDER THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

##### Determination To Permit the Continuation

Pursuant to the authority vested in me by section 101 of Executive Order 10973, as amended, I hereby determine in accordance with section 664 of the Foreign Assistance Act of 1961, as amended (the Act), that the waiver of the provisions of section 620(a) (3) of the Act with respect to the furnishing of assistance to any country that may allow ships and aircraft under its registry from transporting goods to or from Cuba is in the national interest, and accordingly I hereby so waive the provisions of that section.

This determination shall be reported to Congress as required by law, and published in the FEDERAL REGISTER.

[SEAL] HENRY A. KISSINGER,  
Secretary of State.

AUGUST 20, 1975.

[FR Doc.75-24124 Filed 9-10-75; 8:45 am]

### DEPARTMENT OF THE TREASURY

#### Bureau of Alcohol, Tobacco and Firearms

##### FIREARMS

##### Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Atwood, R. B., Route 1, Box 78, Frankston, Texas, convicted on February 9, 1937, in the United States District Court for the Eastern District of Texas.

Clapp, Allan E., 309 Briarwood Lane, Battle Creek, Michigan, convicted on or about September 7, 1971, in the Circuit Court, Kalamazoo County, Michigan.

Conroy, Edwin B., 608 Warburton Avenue, Yonkers, New York, convicted on or about April 26, 1973, in the Westchester County Court, White Plains, New York.

Copner, Richard D., 97 Valley Drive, Portage, Indiana, convicted on July 12, 1965, in the United States District Court, Southern District of Georgia.

Covey, Mark E., R.R. #2, Box 99, Britt, Iowa, convicted on July 25, 1972, in the United States District Court, District of Nebraska.

Crawford, Steven Lee, Zion Harbor, Federal Dam, Minnesota, convicted on May 4, 1971, in the District Court, Ramsey County, Minnesota.

DeMary, Rufus Peter, 220 Garland Street, Beaumont, Texas, convicted on April 18, 1960, in the Criminal District Court, Jefferson County, Texas.

Dunphy, Jodie L., Star Route, North Anson, Maine, convicted on September 21, 1972, in the Penobscot County Superior Court, Bangor, Maine.

Eberline, Kim Paul, PV2, Co. B 54th Engr. Bn., APO, New York, convicted on March 26, 1973, in the Michigan Circuit Court, Iosco County, Michigan.

Eggleston, Gerald C., 1900 Coldstream Avenue, N.E., Cedar Rapids, Iowa, convicted on July 3, 1973, in the District Court, Cedar Rapids, Iowa.

Ferguson, Wilfred D., 3400 North Cotner Boulevard, Lincoln, Nebraska, convicted on January 12, 1961, in the District Court, Lancaster County, Nebraska.

Florence, Elie G., 3608 North 44th Avenue, Omaha, Nebraska, convicted on June 25, 1953, in the United States District Court, District of Nebraska.

Foster, Charles D., 3447 Milton Avenue, Dallas, Texas, convicted on October 9, 1969, in the 147th District Court, Travis County, Texas.

Gandt, Larry Lee, 715 Jones Avenue, Oconto, Wisconsin, convicted on May 21, 1971, in the Oconto County Court, Wisconsin.

Groves, David M., Jr., 1433 Timbergrove Road, Knoxville, Tennessee, convicted on or about May 28, 1964, in the Washington County Criminal Court, Jonesboro, Tennessee.

Heinis, Steven L., 3822 Hall Street, Rapid City, South Dakota, convicted on April 27, 1972, in the Circuit Court, Second Judicial Circuit, Minnehaha County, South Dakota.

Ison, Chester D., Troy Terrace, Route 2, Eagle, Wisconsin, convicted on August 23, 1973, in the Waukesha County Court, Wisconsin.

Krivaneck, Gary E., 1150 Juliet Street, St. Paul, Minnesota, convicted on May 28, 1974, in the District Court, Second Judicial District, Ramsey County, Minnesota.

Loeffelholz, Aloysius H., Rural Route 2, Carroll, Iowa, convicted on April 9, 1958, in the District Court, Calhoun County, Iowa.

Mahan, Bill E., 3205 South Larimer Avenue, Sioux City, Iowa, convicted on March 10, 1961, in the Superior Court, Santa Clara County, California.

Milligan, Marlin R., 1706 Burlingame, S.W., Wyoming, Michigan, convicted on or about June 14, 1968, and on or about February 6, 1970, in the Kent County Circuit Court, Michigan.

Nelson, Kenneth H., 3216 Bennett Drive, Bellingham, Washington, convicted on October 4, 1968, in the Superior Court, Whatcom County, Washington.

Norris, Robert Jesse, 109-15th Court North, Birmingham, Alabama, convicted on October 6, 1924, in the Circuit Court of the State of Alabama.

Owens, Mickel Lee, 3311 Marion Road, S.E., Rochester, Minnesota, convicted on October 15, 1971, in the Fillmore County Court, Minnesota; and on February 15, 1972, in the District Court for the Third Judicial District, Olmsted County, Minnesota.

Salen, Bettye L., 2201 Bainbridge Drive, Salem, Virginia, convicted on May 27, 1968, in the Superior Court, Guilford County, North Carolina.

Taylor, Robert L., 81 North Ardmore, Pontiac, Michigan, convicted on or about June 9, 1964, in the Oakland County Circuit Court, Michigan.

Taylor, Robert W., 22 North Street, Augusta, Maine, convicted on March 16, 1973, in the Kennebec County Superior Court, Maine.

VanBuren, Charles R., Route 2, Box 284, Parma, Idaho, convicted on November 10, 1970, in the Malheur County Circuit Court, Oregon.

Vaughn, Alvin R., Route 3, Box 114, Mount Airy, North Carolina, convicted on May 7, 1970, in the United States District Court, Middle District, North Carolina.

Venable, John A. S., Jr., 300 South French Court, Virginia Beach, Virginia, convicted on April 11, 1945, in the Superior Court, Alameda County, California.

Waessli, Jonathan F., 16316 Knollwood Drive, Granada Hills, California, convicted on February 26, 1959, and April 24, 1959, in the Superior Court, Los Angeles, California.

Walsh, Fred B., 2106 N. Chevrolet, Flint, Michigan, convicted on October 6, 1958, in the Genesee County Circuit Court, Michigan.

Williams, James P., C-5 McMillan Terrace, Anniston, Alabama, convicted on July 17, 1972, in the United States District Court, Northern District of Alabama.

Signed at Washington, D.C. this 21st day of August 1975.

REX D. DAVIS,  
Director, Bureau of Alcohol,  
Tobacco and Firearms.

[FR Doc.75-24127 Filed 9-10-75; 8:45 am]

#### Customs Service

#### CASTOR OIL PRODUCTS FROM BRAZIL

##### Preliminary Countervailing Duty Determination

On April 30, 1975, a "Notice of Receipt of Countervailing Duty Petition" was published in the FEDERAL REGISTER (40 F.R. 13814). The notice indicated that a petition had been received alleging that payments, bestowals, rebates or refunds, granted by the Brazilian Government upon the manufacture, production, or exportation of hydrogenated castor oil and 12 hydroxystearic acid constitute the payment or bestowal of a bounty or

grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to section 159.47(c), Customs Regulations (19 CFR 159.47 (c)), it tentatively has been determined that benefits have been received by the Brazilian manufacturers/exporters of hydrogenated castor oil and 12 hydroxystearic acid which may constitute bounties or grants within the meaning of the Act. These programs include the granting to manufacturers/exporters of tax credits upon export, income tax reductions, and preferential financing. Programs tentatively determined not to be bounties or grants within the meaning of the Act include the exemption from certain indirect taxes upon exportation of the castor oil product under consideration and the governmental control of prices for castor oil exports. The investigation indicated no government controls promoting artificially high prices for castor oil exports. Programs tentatively found not to be applicable to the manufacturers/exporters of the castor oil products under consideration from Brazil include exemption for certain imports from certain indirect taxes and import taxes, an income tax deduction for overseas promotion expenses, and a trading company tax exemption. A final decision in this case is required on or before March 10, 1975.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Dated: September 8, 1975.

VERNON D. ACREE,

Commissioner of Customs.

Approved:

DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.

[FR Doc.75-24222 Filed 9-10-75; 8:45 am]

### DEPARTMENT OF DEFENSE

#### Department of the Air Force

#### REGIONAL DISCHARGE REVIEW BOARDS

##### Hearings

1. *Authority.* Department of Defense memorandum dated June 18, 1975, which directed the Services, effective October 31, 1975, to establish procedures for review of discharges under 10 U.S.C. 1553 in areas outside of Washington, D.C.

2. *Purpose.* To make discharge review boards more geographically accessible to applicants.

### NOTICES

3. *Implementation.* The Air Force will have a traveling board hold quarterly hearings beginning in November 1975 in the Veterans Administration Regional Offices in St. Louis at 1520 Market Street, San Francisco at 211 Main Street, and Houston at 2515 Murworth Drive. Hearings will last approximately two or three days in each city, depending upon caseload.

Those former service members who desire to appeal the type of discharge received and who wish to appear before either the Washington board or one of the new regional boards can make application using DD Form 293. The applicant should indicate his preference of hearing site when making application.

SEPTEMBER 3, 1975.

JAMES L. ELMER,  
Major, USAF, Executive,  
Directorate of Administration.

[FR Doc.75-24172 Filed 9-10-75; 8:45 am]

### DEPARTMENT OF THE INTERIOR

#### Office of the Secretary

[INT FES-75-78]

#### PROPOSED REHABILITATION OF NATIONAL MALL, WASHINGTON, D.C.

##### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on the proposed rehabilitation of the National Mall, Washington, D.C.

This statement describes the project to rehabilitate the Mall in Washington, D.C., between Madison Drive and Jefferson Drive, from Third Street to 14th Street. The project includes the construction of four pedestrian/bike paths between Third Street and 14th Street and crosswalks at each of the Mall museum buildings, plus reconstruction of walks along Third, Fourth, Seventh, and 14th Streets. It also includes the installation of park benches, drinking fountains, curb ramps for handicapped persons, street lights, telephones, refreshment and information kiosk foundations, bike racks, additional plantings in the tree panels, and necessary utility services. Two of the walks would replace Adams and Washington Drives and two walks would replace Sixth and 13th Streets between Madison and Jefferson Drives.

A part of the project, but outside the boundaries of the project area, is the establishment as a demonstration project, of fringe parking at the Robert F. Kennedy Stadium and at the North Pentagon parking area. A visitor bus shuttle system would connect both fringe parking lots with the Mall. The route to be taken from RFK Stadium to the Mall would be spread over several streets. Additional visitor parking would be provided in East Potomac Park with bus shuttle service to the Mall. All day parking along Ohio Drive, in West Potomac Park, would be prohibited. Methods of enforcing parking regulations on the Mall would also be changed.

Dated: September 8, 1975.

VERNON D. ACREE,

Commissioner of Customs.

Approved:

DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.

[FR Doc.75-24222 Filed 9-10-75; 8:45 am]

Comments received in letters on the Draft Environmental Statement are included and addressed. Public hearing testimony is summarized and addressed.

Copies of the final statement are available from or for inspection at the following locations:

National Capital Parks, Room 202, 1100 Ohio Drive, S.W., Washington, D.C. 20242.  
Martin Luther King Memorial Library, 901 G Street, N.W., Washington, D.C.  
National Park Service, Department of the Interior, Room 1210, 18th and C Streets, N.W., Washington, D.C. 20240.

Dated: September 5, 1975.

ROYSTOR C. HUGHES,  
Assistant Secretary of the Interior.

[FR Doc.75-24192 Filed 9-10-75; 8:45 am]

#### Bureau of Land Management

[NM 26500]

#### NEW MEXICO

##### Application

SEPTEMBER 5, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4 1/2 inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

T. 20 S., R. 27 E.

Sec. 33, SW 1/4 NE 1/4.

These pipelines will convey natural gas across .150 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico, 88201.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.75-24107 Filed 9-10-75; 8:45 am]

[NM 26443]

#### NEW MEXICO

##### Application

SEPTEMBER 5, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

T. 21 S., R. 26 E.

Sec. 1, lot 16 and NE 1/4 SE 1/4.

T. 21 S., R. 27 E.

Sec. 6, lots 6, 11, 12 and 13.

### NOTICES

This pipeline will convey natural gas across .958 miles of national resource lands in Eddy County, New Mexico.

lands in Rio Arriba and San Juan Counties, New Mexico.  
The purpose of this notice is to inform

This pipeline will convey natural gas across .651 miles of national resource land in Eddy County, New Mexico.

### NOTICES

line rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other

T. 28 N., R. 113 W., in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be



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This pipeline will convey natural gas across .958 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, Bureau of Land Management, PO Box 1397, Roswell, New Mexico, 88201.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.75-24109 Filed 9-10-75;8:45 am]

[NM 26308]  
NEW MEXICO  
Application

SEPTEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for an 8 1/2 inch and 10 3/4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 24 N., R. 6 W.  
Sec. 1, lot 4;  
Sec. 3, lots 2, 7 and 8;  
Sec. 5, lot 6;  
Sec. 6, lot 10.  
T. 25 N., R. 6 W.  
Sec. 25, NE 1/4 SE 1/4 and S 1/2 SE 1/4;  
Sec. 33, NE 1/4 SE 1/4;  
Sec. 34, W 1/2 SW 1/4, SE 1/4 SW 1/4 and SW 1/4 SE 1/4.  
T. 24 N., R. 7 W.  
Sec. 1, lots 6, 9, 10, 11 and 12;  
Sec. 3, N 1/2 S 1/2 and SW 1/4 SW 1/4;  
Sec. 4, S 1/2 SE 1/4;  
Sec. 7, lots 1, 4, S 1/2 NE 1/4, NE 1/4 SE 1/4 and SE 1/4 NW 1/4;  
Sec. 8, NW 1/4 SW 1/4 and S 1/2 NW 1/4;  
Sec. 9, NW 1/4 NE 1/4, E 1/2 NW 1/4 and SW 1/4 NW 1/4.  
T. 24 N., R. 8 W.  
Sec. 1, E 1/2 SW 1/4, NW 1/4 SW 1/4 and SW 1/4 SE 1/4;  
Sec. 3, lots 2, 3, 4, S 1/2 NE 1/4 and SW 1/4 NW 1/4;  
Sec. 4, lots 8, 9, 10, 11 and 12;  
Sec. 5, lots 1 and 2;  
Sec. 12, N 1/2 NE 1/4.  
T. 25 N., R. 8 W.  
Sec. 19, lot 4;  
Sec. 30, lots 1, 2, SE 1/4 NW 1/4, E 1/2 SW 1/4 and W 1/2 SE 1/4;  
Sec. 31, N 1/2 NE 1/4 and SE 1/4 NE 1/4.  
T. 25 N., R. 9 W.  
Sec. 14, N 1/2 S 1/2 and NE 1/4 SE 1/4;  
Sec. 15, S 1/2 N 1/2 and NE 1/4 SE 1/4;  
Sec. 17, S 1/2 N 1/2;  
Sec. 18, lot 2, S 1/2 NE 1/4 and SE 1/4 NW 1/4;  
Sec. 24, W 1/2 NE 1/4, E 1/2 SE 1/4, SE 1/4 NE 1/4 and NW 1/4 SE 1/4.  
T. 25 N., R. 10 W.  
Sec. 7, lots 1, 2, SW 1/4 NE 1/4 and SE 1/4 NW 1/4;  
Sec. 8, S 1/2 SE 1/4;  
Sec. 14, S 1/2 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4 and SW 1/4 NE 1/4;  
Sec. 15, S 1/2 NE 1/4 and NW 1/4 NE 1/4;  
Sec. 17, NE 1/4 NE 1/4.

This pipeline will convey natural gas across 21.523 miles of national resource

lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.75-24109 Filed 9-10-75;8:45 am]

[NM 26444]  
NEW MEXICO  
Application

SEPTEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

- T. 25 N., R. 6 W.  
Sec. 10, SW 1/4 NW 1/4.  
T. 25 N., R. 7 W.  
Sec. 24, SE 1/4 NW 1/4 and NE 1/4 SW 1/4.  
This pipeline will convey natural gas across .545 miles of national resource lands in Rio Arriba County, New Mexico. The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions. Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.75-24110 Filed 9-10-75;8:45 am]

[NM 26426]  
NEW MEXICO  
Application

SEPTEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for one 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

- T. 21 S., R. 27 E.  
Sec. 2, lot 13;  
Sec. 3, lots 15 and 16.

This pipeline will convey natural gas across .651 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.75-24111 Filed 9-10-75;8:45 am]

[NM 26314]  
NEW MEXICO  
Application

SEPTEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Dugan Production Corporation has applied for one 3 1/2 inch and 2 3/4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 27 N., R. 13 W.  
Sec. 29, NW 1/4 NE 1/4 and N 1/2 NW 1/4;  
Sec. 30, E 1/2 E 1/2;  
Sec. 31, lots 1, 7, 8, N 1/2 NE 1/4, SE 1/4 NE 1/4 and N 1/2 SE 1/4;  
Sec. 32, SW 1/4 NE 1/4, E 1/2 NW 1/4, NW 1/4 SE 1/4 and NW 1/4 SW 1/4;  
Sec. 33, SW 1/4 NE 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4 and NW 1/4 SE 1/4.

This pipeline will convey natural gas across 4.815 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their view should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.75-24112 Filed 9-10-75;8:45 am]

[NM 26301]  
NEW MEXICO  
Application

SEPTEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for one 4 inch, one 6 inch and one 8 inch natural gas pipe-

line rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 24 S., R. 26 E.  
Sec. 1, lot 3, SE 1/4 NW 1/4 and E 1/2 SW 1/4;  
Sec. 12, E 1/2 W 1/4;  
Sec. 13, NW 1/4 SE 1/4 and NE 1/4 SW 1/4;  
Sec. 24, SW 1/4 SE 1/4;  
Sec. 25, W 1/2 E 1/2.  
T. 22 S., R. 27 E.  
Sec. 11, SE 1/4 NW 1/4 and NW 1/4 SW 1/4.  
T. 21 S., R. 28 E.  
Sec. 29, SW 1/4 NE 1/4, SE 1/4 NW 1/4, N 1/2 SW 1/4 and SW 1/4 SW 1/4;  
Sec. 31, W 1/2 NE 1/4.

These pipelines will convey natural gas across 5.736 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico, 88201.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.75-24113 Filed 9-10-75;8:45 am]

[Nevada 054565]

NEVADA  
Proposed Withdrawal and Reservation of  
Lands

SEPTEMBER 3, 1975.

The Forest Service, U.S. Department of Agriculture has filed the above application for the withdrawal of the lands described below from location and entry under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws. The applicant desires the land to be set aside as a natural research area, designated as the Mt. Jefferson Research Natural Area. The lands are within the Toiyabe National Forest. On or before October 14, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89502.

The Department's regulations (2351.4 (c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to

reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced. The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

- T. 11 N., R. 45 E., unsurveyed,  
Sec. 5, SW 1/4 SW 1/4;  
Sec. 6, S 1/2 SE 1/4;  
Sec. 7, NE 1/4, E 1/2 SW 1/4, SE 1/4;  
Sec. 8, All;  
Sec. 9, W 1/2 NW 1/4, SW 1/4, W 1/2 SW 1/4 SE 1/4;  
Sec. 16, N 1/4 NW 1/4, SW 1/4 NW 1/4;  
Sec. 17, N 1/2, SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4;  
Sec. 18, NE 1/4, E 1/2 NW 1/4, NE 1/4 SW 1/4, S 1/2 SW 1/4, SE 1/4;  
Sec. 19, N 1/2, N 1/2 SW 1/4, SE 1/4 SW 1/4, SE 1/4;  
Sec. 20, All;  
Sec. 28, NW 1/4 SW 1/4;  
Sec. 29, N 1/2, N 1/2 SW 1/4, SE 1/4 SW 1/4, SE 1/4;  
Sec. 30, NE 1/4, NE 1/4 SE 1/4;  
Sec. 32, NE 1/4, NE 1/4 NW 1/4.

The area described aggregates approximately 4,900 acres.

WILLIAM J. MALENCIK,  
Chief, Division of  
Technical Services.

[FR Doc.75-24114 Filed 9-10-75;8:45 am]

[Wyoming 52213]  
WYOMING  
Application

SEPTEMBER 4, 1975.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

- T. 28 N., R. 113 W.,  
sec. 7;  
sec. 8;  
sec. 18.

The pipeline will convey natural gas from the Tip-Top T-36-8-G well in sec. 8 to an existing line in sec. 18, all in

T. 28 N., R. 113 W., in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.75-24174 Filed 9-10-75;8:45 am]

[Wyoming 52214]  
WYOMING  
Application

SEPTEMBER 4, 1975.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

- T. 28 N., R. 113 W.,  
sec. 7.

The pipeline will convey natural gas from the Tip-Top T-63-7-G well to an existing line, all in sec. 7, T. 28 N., R. 113 W., in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,  
Chief, Branch of Lands and  
Minerals Operations.


[FR Doc.75-24175 Filed 9-10-75;8:45 am]

Fish and Wildlife Service  
ENDANGERED SPECIES PERMIT  
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant, Soco Gardens Zoo, Route 1, Box 355, Maggie Valley, North Carolina 28751. Mr. Thomas P. Ritter, Owner.



 <b>DEPARTMENT OF THE INTERIOR</b> <b>U.S. FISH AND WILDLIFE SERVICE</b> <b>FEDERAL FISH AND WILDLIFE</b> <b>LICENSE/PERMIT APPLICATION</b>		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: <b>TO BREED AND EXHIBIT</b> <b>AT SOCO GARDENS ZOO</b>		3. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: <b>THOMAS P. RITTER, OWNER</b> 754-926-1746	
4. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: <b>THOMAS P. RITTER, OWNER</b> 754-926-1746		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: <b>OPERATE ZOO FOR</b> <b>PUBLIC VIEWING AND</b> <b>BREEDING FOR PAST</b> <b>22 YEARS.</b>	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: <b>RT 1 BOX 355, MAGGIE VALLEY, N.C. 28751.</b> <b>U.S. HWY 19 BETWEEN</b> <b>ASHEVILLE AND CHEROKEE</b> <b>N.C. IN MAGGIE VALLEY.</b>		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number): <b>U.S.D.A. 755-C-3 EXHIBITOR</b> <b>N.C. #371-01-44 ANNUALMENT.</b>	
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: <b>\$5.00</b>		9. DESIRED EFFECTIVE DATE: <b>AT CASE</b>	
10. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED IS IN 50 CFR 17.23. IT MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: <b>17.23</b>		11. DURATION NEEDED: <b>INDEFINITELY</b>	
<b>CERTIFICATION</b> I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN CHAPTER 3 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001. SIGNATURE (IN INK): <b>Thomas P. Ritter, owner.</b> DATE: <b>June 20, 1975</b>			

TOM & CLARA RITTER, Exhibitors  
 Home Office  
 Route 7, Box 535  
 Austin, Texas 78703

SOCO GARDENS ZOO,  
 Maggie Valley, North Carolina,  
 June 20, 1975.

DIRECTOR (FWS/LE)  
 U.S. Fish & Wildlife Service  
 Post Office Box 19143  
 Washington, D.C. 20036

DEAR SIR:  
 The Soco Gardens Zoo, Maggie Valley, North Carolina, has on loan from the Louisiana Purchase Garden & Zoo, Monroe, Louisiana, one male captive born JAGUAR, born January 19, 1974. Scientific name: *Panthera onca*.

The Louisiana Purchase Zoo has no breeding plans for this animal. As such, we would like to purchase the Jaguar for our own breeding stock.

We have given tours and lectures to hundreds of thousands of students, scouts,

church groups, etc. Our guides are all college educated, then trained on the job here to insure maximum performance.

Your consent to our request to purchase the Jaguar will be greatly appreciated.

Very truly yours,

THOMAS P. RITTER,  
 Owner, Soco Gardens Zoo.

Statement: I am willing to participate in a cooperative breeding program and maintain or contribute data to a studbook.

The Jaguar is being housed and maintained at the Soco Gardens Zoo and is being regularly inspected by the U.S.D.A. under license #55c3.

THOMAS P. RITTER.

TOM & CLARA RITTER, Exhibitors  
 Home Office

Route 7, Box 535  
 Austin, Texas 78703

SOCO GARDENS ZOO,  
 Maggie Valley, North Carolina 28751,

August 8, 1975.

Re: PRT-8-278-C

The DIRECTOR  
 Fish and Wildlife Service  
 Washington, D.C. 20240  
 Attention: A. Eugene Hester, Special Agent  
 In Charge, Permits

DEAR SIR:

In response to your recent letter, we submit the following additional information, which you have requested:

(1) The housing is constructed of concrete floor, chain link fence, corrugated metal roof with wood insulation. The enclosure contains a sleeping box, pool, wood bench, and hanging tire. Pictures and scaled diagram of same enclosed.

(2) At present we have one male Jaguar 22 years old. Incapable of breeding. He is probably the oldest living Jaguar in the country. We also have the young male Jaguar which is on loan from the Louisiana Purchase Garden & Zoo, for which we have requested the permit in order to acquire him permanently.

For nearly 20 years we have carried on a cooperative program with the Knoxville Zoological Park, Knoxville, Tennessee, Guy Smith, Director, in order to breed, balance inventories, and exhibit animals, reptiles and birds. They have promised us a young female Jaguar which should be delivered in late October. This will enable us to continue on with our Jaguar breeding plans.

(3) As noted previously, we have been in the animal business for 22 years and have bred or raised almost any animal that you can think of. The fact that we have one Jaguar 22 years old, that we raised from a kitten, should be proof in itself that we know the animal business.

(4) Our veterinary services are handled by the Junaluska Animal Hospital, Waynesville, North Carolina, which is a 10-minute drive from us. They have three full-time vets on their staff, namely, Dr. Mack Setser, Dr. Frank Enloe, and Dr. R. F. Mannisto. A copy of our most recent bill from them is attached as proof.

(5) We have had no Jaguar mortalities at our zoo. We have had one Cougar die of old age last year.

Please note: Our original request called for a permit to acquire a captive-bred male Jaguar from the Louisiana Purchase Garden & Zoo.

Please change the request to read: To acquire captive-bred male and female jaguars from recognized zoos for propagation purposes.

Or, to acquire a captive-bred male jaguar from the Louisiana Purchase Garden & Zoo, and a captive-bred female jaguar from the Knoxville Zoological Park for propagation purposes.

Sincerely yours,

THOMAS P. RITTER,  
 Owner, Soco Gardens Zoo, Route 1,  
 Box 355, Maggie Valley, North  
 Carolina 28751

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Wash-

ington, D.C. 20036. All relevant comments received on or before October 14, 1975.

Dated: September 5, 1975.

C. R. BAVIN,  
 Chief, Division of Law Enforcement,  
 U.S. Fish and Wildlife Service.  
 [FR Doc.75-24220 Filed 9-10-75; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation COMMODITY CREDIT CORPORATION ADVISORY BOARD Public Meeting

Pursuant to Pub. L. 92-463 notice is hereby given that the Commodity Credit Corporation Advisory Board will meet at 8:30 a.m. on Monday, September 29, 1975 and Tuesday, September 30, 1975, in Room 2-W, of the Administration Building of the U.S. Department of Agriculture, Washington, D.C.

The purpose of this regularly scheduled quarterly meeting of the Advisory Board is to advise the Secretary of Agriculture relative to surveys of the general policies of the Commodity Credit Corporation, including Corporation policies in connection with the purchase, storage and sale of commodities, and the operation of lending and price support programs.

The meeting will be open to the public. Any member of the public may file a written statement with the Board before or within one week following the meeting.

The names of the members of the Advisory Board, Agenda, Summary of the Meeting and other information pertaining to the meeting may be obtained from Mr. Frank G. McKnight, Secretary, Commodity Credit Corporation, Room 207-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

Signed at Washington, D.C., on September 8, 1975.

E. J. PERSON,  
 Acting Executive Vice President,  
 Commodity Credit Corporation.

[FR Doc.75-24196 Filed 9-10-75; 8:45 am]

### Federal Crop Insurance Corporation [Notice No. 98]

#### SUGAR BEETS—CALIFORNIA

#### Closing Date Extension for Filing of Applications for the 1976 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for sugar beet crop insurance in the California county listed below is hereby extended until the close of business on September 5, 1975.

Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

CALIFORNIA

IMPERIAL

[SEAL]

M. R. PETERSON,  
 Manager, Federal Crop  
 Insurance Corporation.

[FR Doc.75-24131 Filed 9-10-75; 8:45 am]

## Forest Service

### OKANOGAN NATIONAL FOREST GRAZING ADVISORY BOARD

#### Meeting

The Okanogan National Forest Grazing Advisory Board will meet at 1:00 p.m. on Tuesday, October 14, 1975 in the Forest Supervisor's Office, Okanogan, Washington 98840.

The purpose of this meeting is to discuss the new Charter for the Okanogan National Forest Grazing Advisory Board. A second topic will be qualification requirements to hold a term grazing permit.

The meeting will be open to the public.  
 Dated: September 4, 1975.

GERHART H. NELSON,  
 Forest Supervisor.

[FR Doc.75-24050 Filed 9-10-75; 8:45 am]

### TONTON NATIONAL FOREST GRAZING ADVISORY BOARD

#### Meeting

The Tonto National Forest Grazing Advisory Board will meet October 10, 1975, at 10:00 a.m. at the office of the District Ranger, Payson, Arizona.

The purpose of this meeting is to review and revise the by-laws of the Board; elect officers; and review the Forest Supervisor's decision to eliminate the temporary grazing permit held by Mr. Chester Scott for grazing use on the Soldier Camp grazing allotment.

The meeting will be open to the public. Persons who wish to attend should notify Fred J. Wirth, Supervisor, Tonto National Forest, 102 South 28th Street, Phoenix, Arizona, 85034, Telephone No. Area Code 602-261-3205. Written statements may be filed with the Board before or after the meeting.

No specific rules have been established for public participation. Comments from the public are welcome at anytime during the meeting.

Dated: September 5, 1975.

FRED J. WIRTH,  
 Forest Supervisor.

[FR Doc.75-24091 Filed 9-10-75; 8:45 am]

### Rural Electrification Administration CENTRAL ELECTRIC POWER CO-OP.

#### Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with Section 102 (2) (C) of the National Environmental Policy Act of 1969 in connection with an anticipated request for financial assistance for Central Electric Power Cooperative, Inc., Cayce, South Carolina 29033.

The proposed transmission lines and related facilities are:

1. 23 miles of 230 kV transmission line from the Summer Nuclear Plant in Fairfield County to Blythewood in Richland County, and 230 kV terminal facilities at

the existing 230/69 kV substation located near Blythewood.

2. 17 miles of 230 kV transmission line from the Summer Nuclear Plant in Fairfield County to Newberry in Newberry County and a new 230/69 kV substation located near Newberry.

3. 55 miles of 230 kV transmission line from Varnville in Hampton County to Hilton Head (mainland) in Beaufort County passing through Jasper County with a new 230/115 kV substation located near Varnville and a new 230/115 kV substation located on the mainland just opposite Hilton Head Island.

4. A new 230/115 kV substation near Batesburg.

5. A new 230/69 kV substation near Camden.

Additional information may be obtained at Central's office during regular business hours.

Interested parties are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statements.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to Central Electric Power Cooperative, Inc., whose address is given.

Dated at Washington, D.C., this 5th day of September 1975.

RICHARD F. RICHTER,  
 Acting Administrator, Rural  
 Electrification Administration.

[FR Doc.75-24132 Filed 9-10-75; 8:45 am]

### Soil Conservation Service

#### BUCKHORN-MESA WATERSHED PROJECT, ARIZONA

#### Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1973); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Buckhorn-Mesa Watershed Project, Maricopa and Pinal Counties, Arizona. USDA-SCS-EIS-WS - (ADM) - 76-01 (D)-AZ.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by five floodwater retarding structures with associated structure outlets and floodways.

The combined length of the floodways is 4.16 miles; and structure outlets is 1.06 miles. The system of structures will provide flood protection on an alluvial fan that contains 18,095 acres of urban land and 10,905 acres of irrigated cropland. All streams affected are ephemeral.

A limited supply of copies is available at the following location to fill single

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

DIBA Organization and Function Order 45-2, dated February 11, 1975 is here-

original of this document in the Office of the Federal Register.

Effective August 12, 1975.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its

Docket Number: 75-00367-33-90000. Applicant: St. Joseph Hospital, 1401 S. Main Street, Fort Worth, Texas 76104.



A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 6029 Federal Building, 230 N. First Avenue, Phoenix, Arizona 85025.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to George C. Marks, State Conservationist, Soil Conservation Service, 6029 Federal Building, 230 N. First Avenue, Phoenix, Arizona 85025.

Comments must be received on or before November 3, 1975 in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 4, 1975.

JOSEPH W. HAAS,  
Deputy Administrator for  
Water Resources.

[FR Doc.75-24092 Filed 9-10-75; 8:45 am]

#### CHIPPEWA AND LONG PRAIRIE HEADWATERS FISH AND WILDLIFE DEVELOPMENT, WESMIN RC&D PROJECT, MINN.

##### Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Chippewa and Long Prairie Headwaters Fish and Wildlife Development, Wesmin RC&D Project, Douglas, Grant, Otter Tail, and Pope Counties, Minnesota, USDA-SCS-EIS-RC&D-(ADM)-75-1-(F)-MN.

The EIS concerns a plan for public water-based fish and wildlife development, improvement in wildlife habitat, and improve water quality for water-based recreational activities. The planned works of improvement provide for 89 carp barrier control structures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests.

Soil Conservation Service, USDA, 200 Federal Building & U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: August 28, 1975.

R. C. BARNES,  
Acting Deputy Administrator  
for Field Services, Soil Conservation Service.

[FR Doc.75-24093 Filed 9-10-75; 8:45 am]

#### ROCK CREEK WATERSHED PROJECT, OREGON

##### Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Rock Creek Watershed Project, Gilliam and Morrow Counties, Oregon, USDA-SCS-EIS-WS-(ADM)-75-2-(F)-OR.

The EIS concerns a plan for watershed protection, flood prevention, and irrigation. The planned works of improvement will include conservation land treatment measures on 38,200 acres of cropland, 45,000 acres of rangeland, and 15,000 acres of forest land; a multiple-purpose dam and reservoir with 14,430 acre-feet of storage and a surface area of 264 acres. Other structural measures include a check dam and diversion plus a multi-stage pumping plant and 44,400 feet of pressurized pipeline ranging in size from 10 to 30 inches in diameter with a 36 cfs capacity for the irrigation water distribution system.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 1220 S.W. Third Avenue, 16th Floor, Portland, Oregon 97204.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 2, 1975.

JOSEPH W. HAAS,  
Deputy Administrator for  
Water Resources.

[FR Doc.75-24094 Filed 9-10-75; 8:45 am]

#### DEPARTMENT OF COMMERCE

##### Domestic and International Business Administration

##### BUREAU OF DOMESTIC COMMERCE

##### Organization and Function

This order effective August 12, 1975 amends the material appearing at 40 FR 10218 of March 5, 1975.

DIBA Organization and Function Order 45-2, dated February 11, 1975 is hereby amended, as follows:

1. Section 7., *Office of Industrial Mobilization*, is amended to read, as follows:

"Section 7. *Office of Industrial Mobilization*

.01 The *Office of the Director* includes: the *Director* who shall plan and direct the execution of policies and programs of the Office, and the *Deputy Director* who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The *Mobilization Operations and Plans Division* shall support current national defense requirements, the Alaskan oil production program, the Maritime shipbuilding program and such other high national priority programs as may be authorized, by administering the Defense Materials System and the Defense Priorities System under Title I of the Defense Production Act of 1950, as amended and extended; plan for and maintain emergency measures for regulating industrial production and distribution during emergency situations; and develop plans for assisting defense contractors suffering from natural disasters and implement them as necessary.

.03 The *Industrial Resources Division* shall provide guidance to the Federal Preparedness Agency, GSA, on matters relating to the National Stockpile Program; identify industrial facilities of exceptional importance to the national security, mobilization readiness, post-attack survival and recovery; supervise analyses of critically important industrial products and services and conduct feasibility studies to determine capabilities to meet national emergencies; maintain Industrial Mobilization Data Centers at selected relocation sites; evaluate and improve relocation sites of DIBA's field offices; support BDC's participation in Departmental preparedness exercises and in FPA/GSA interdepartmental preparedness exercises; recruit and train Executive Reservists from industry to assume major responsibilities in a national emergency; develop emergency operating procedures for continuity of BDC's essential functions during war, and provide staff support for the U.S. Representative to the NATO Industrial Planning Committee and for the Chairman of the U.S./Canadian Emergency Planning Committee for Industrial Production and Materials. The Division shall also identify for GSA the required machine tools and their manufacturers for expediting procurement in an emergency under the "Machine Tool Trigger Order Program."

2. The organization chart attached to this amendment supersedes the organization chart dated February, 1975. A copy of the chart is on file with the

original of this document in the Office of the Federal Register.

Effective August 12, 1975.

SAMUEL B. SHERWIN,  
Deputy Assistant Secretary  
for Domestic Commerce.

Approved:

DONALD E. JOHNSON,  
Deputy Assistant Secretary  
for Domestic and  
International Business.

[FR Doc.75-24095 Filed 9-10-75; 8:45 am]

#### MARYLAND STATE DEPT. OF HEALTH & MENTAL HYGIENE ET AL.

##### Notice of Consolidated Decision on Applications for Duty Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975.)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

"The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. . . . If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11."

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final decision denying their respective applications.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides: ". . . the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the Federal Register for publication, to the Commissioner of Customs, and to the applicant."

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 75-00025-33-46040. Applicant: Maryland State Department of Health & Mental Hygiene, Laboratory Administration, 16 E. 23rd Street, Baltimore, Maryland 21218. Article: Electron Microscope, Model HS-9. Date of denial without prejudice to resubmission: May 6, 1975.

Docket number: 75-00295-65-77045. Applicant: University of Wisconsin, 750 University Avenue, Madison, WI 53706. Article: Combined X-Ray Diffractometer/Spectrometer. Date of denial without prejudice to resubmission: May 15, 1975.

Docket number: 75-00315-99-74000. Applicant: Rutgers University, Dept. of Geology, Queens Campus, New Brunswick, N.J. 08903. Article: FS-3 Portable Reflection-Refractometer and Accessories. Date of denial without prejudice to resubmission: May 21, 1975.

Docket number: 75-00346-01-16095. Applicant: The Johns Hopkins University, Charles & 34th Streets, Baltimore, Maryland 21218. Article: High Count Rate Gas Proportional Counter. Date of denial without prejudice to resubmission: May 21, 1975.

Docket number: 75-00359-33-46040. Applicant: University of Minnesota, Department of Laboratory Medicine & Pathology, Box 198, Mayo Memorial Hospital, Minneapolis, Minn. 55455. Article: Electron Microscope, Model EM 201. Date of denial without prejudice to resubmission: May 21, 1975.

Docket number: 75-00361-33-43780. Applicant: Shriners Hospital for Crippled Children, 8220 NE Sandy Blvd., Portland, Oregon 97208. Article: Coventry Infant Leg Screw. Date of denial without prejudice to resubmission: May 21, 1975.

Docket Number: 75-00367-33-90000. Applicant: St. Joseph Hospital, 1401 S. Main Street, Fort Worth, Texas 76104. Article: EMI Scanner System with Magnetic Tape Storage Unit. Date of denial without prejudice to resubmission: May 6, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Programs Division.

[FR Doc.75-24156 Filed 9-10-75; 8:45 am]

#### National Oceanic and Atmospheric Administration

##### EASTERN PACIFIC TUNA FISHERIES

##### Notice of Intent and Finding

In view of reports which indicate that extensive violations of the conservation recommendations of the Inter-American Tropical Tuna Commission (IATTC) have taken place by foreign vessels with respect to fishing for yellowfin tuna in the eastern Pacific Ocean, a public hearing was held by the National Marine Fisheries Service (NMFS) on August 29, 1975, in San Diego, California.

The purpose of the hearing was, among other things, to receive relevant information from the U.S. fleet and other interested persons with respect to such alleged violations and to determine whether the various sanctions available to the United States under the provisions of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951 et seq.), might be applicable.

Under the Act, and regulations contained at 50 CFR, Part 281, the Director, NMFS, upon finding that the conduct of foreign fishing operations by any country in the regulatory area tends to diminish the effectiveness of the conservation recommendations of the Commission, shall prohibit the entry into the United States of fish subject to regulation under the convention caught in the regulatory area in violation of such conservation recommendations. Yellowfin tuna is currently the only species of fish under regulation by the Commission.

As a result of such hearing, the Director of the NMFS has made a preliminary determination that the information thus far received indicates that foreign flag fishing vessels are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission. Before taking action on this information, the interested public is invited, within 15 days from the date of this Notice, to submit any additional information that may assist the Director of the NMFS in arriving at a final determination. Where the information consists of sightings of foreign vessels, it should be submitted in written form containing the name, flag and home port of vessel sighted; the time, date, and

place of sighting; the name of the vessel from which the sighting is made, and

stitute a serious threat to the achievement of the objectives of the Inter-

A similar permit (40 F.R. 30515, July 21, 1975) for the taking of these and

National Marine Fisheries Service, Department of Commerce, Washington,

the Regional Director, National Marine Fisheries Service, Southeast Region, Du-

The arrangements and facilities for transporting and maintaining the marine



place of sighting; the name of the vessel from which the sighting is made, and should be signed by the person making the sighting. Such information should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

A final determination will be made on this matter within 30 days from the date of this Notice and will be published in the *Federal Register*. Prior to such determination, the Director of the NMFS will analyze any additional information received and, through the Department of State, discuss the matter with the appropriate foreign governments. It is the intention of the Director of the NMFS to impose an embargo on the importation of yellowfin tuna in any form taken from the regulatory area by all countries operating in a manner which tends to diminish the effectiveness of the conservation recommendations of the IATTC.

In addition to the embargo referred to above, the Act provides that, if there are repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary of Commerce, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, that are under investigation by the Commission and which were taken in the regulatory area. This authority has been delegated to the Director of the NMFS.

In addition to the embargoes permitted under the Act, the Act directs the Secretary of Commerce to suspend at any time the application of regulations when, after consultation with the Secretary of State and the United States Commissioners of the IATTC, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the Commission's recommendations. This authority has also been delegated to the Director of the NMFS.

Data available to the National Marine Fisheries Service indicates that approximately 8,000 tons of yellowfin tuna in 1975 through August 15 have been taken from the CYRA during the closed season contrary to the Commission's recommendations. It is estimated that during the remainder of the fishing season this could rise to 15,000-20,000 tons.

The IATTC recommended a quota for yellowfin tuna of 175,000 tons for 1975, with two increments of an additional 10,000 tons each of yellowfin tuna allowable at the discretion of the Director of Investigations of the Commission. In addition, the length of the open season was calculated on the assumption of a certain level of total catch from all sources.

The Director of the NMFS has determined that the current level of fishing by foreign vessels during the closed season in the Commission Yellowfin Regulatory Area (CYRA) does not support a finding that such fishing operations con-

stitute a serious threat to the achievement of the objectives of the Inter-American Tropical Tuna Commission recommendations.

On the basis of information presently available, it is believed that the current level of operations by foreign vessels contrary to the IATTC recommendations coupled with the efforts expended in conformance with the conservation regime will not result in a total catch of yellowfin tuna in 1975 which is significantly above the 175,000 ton quota. In view of this evaluation, it is the determination of the National Marine Fisheries Service that the finding required by the Act to invoke an embargo on all species of tuna taken in the regulatory area or to support a suspension of the application of regulations governing the fishing for yellowfin tuna cannot be sustained at this time.

Issued at Washington, D.C., and dated September 9, 1975.

Dated: September 9, 1975.

ROBERT W. SCHONING,  
Director, National Marine  
Fisheries Service.

[FR Doc.75-24307 Filed 9-10-75; 8:45 am]

**ROBERT L. BROWNELL, JR.**  
Issuance of Endangered Species  
Permit—E6

On May 9, 1975, notice was published in the *Federal Register* (40 F.R. 20333) that applications had been filed with the National Marine Fisheries Service by Robert L. Brownell, Jr., Department of Vertebrate Zoology, National Museum of Natural History, Smithsonian Institution, Washington, D.C. 20560, for permits to take, by tagging, up to one hundred and fifty (150) fin whales (*Balaenoptera physalus*), two hundred and twenty-five (225) sei whales (*Balaenoptera borealis*), and four hundred and fifty (450) sperm whales (*Physeter catodon*) over a period of three years, in the western South Atlantic Ocean, for the purpose of scientific research.

Notice is hereby given that on August 27, 1975, the National Marine Fisheries Service issued a Scientific Purposes Permit, as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) for the above mentioned taking, to Robert L. Brownell, Jr., subject to certain conditions set forth therein. Issuance of this permit, as required by the Endangered Species Act of 1973, is based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This permit was also issued in accordance with and is subject to Parts 220 and 222 of Title 50 C.F.R., the National Marine Fisheries Service regulations governing endangered species permits (39 F.R. 41367, November 27, 1974).

Therefore, on July 3, 1975, in accordance with 42 C.F.R. 101.106, the Secretary

A similar permit (40 F.R. 30515, July 21, 1975) for the taking of these and other species of whales has been issued under the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

The Scientific Purposes Permit is available for review by interested persons in the Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: August 27, 1975.

JACK W. GEHRINGER,  
Acting Director, National  
Marine Fisheries Service.

[FR Doc.75-24151 Filed 9-10-75; 8:45 am]

**MYSTIC MARINELIFE AQUARIUM**  
Modification of Permit

Notice is hereby given that, pursuant to the provisions of Section 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 F.R. 1851, January 15, 1974), the Public Display Permit issued to Mystic Marinelife Aquarium on February 28, 1975, is modified in the following manner:

The stated termination of the period of validity is deleted. The Permit Holder must report the taking of authorized sea lions within 30 days.

This modification is effective September 11, 1975.

Dated: August 15, 1975.

MORRIS M. PALLOZZI,  
Acting Associate Director  
for Resource Management.

[FR Doc.75-24152 Filed 9-10-75; 8:45 am]

**NAVAL UNDERSEA CENTER**  
Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 F.R. 1851, January 15, 1974), the Scientific Research Permit issued to the Naval Undersea Center, Biosystems Research Department, on March 5, 1974, as modified on July 8, 1974 (39 F.R. 24932), on August 2, 1974 (39 F.R. 27933), on February 28, 1975 (40 F.R. 8240), and on April 22, 1975 (40 F.R. 17770), is further modified, by means of Modification No. 6, in the following manner:

Six, rather than the initially authorized three, common dolphins (*Delphinus delphis*) may be taken and maintained in captivity. Seven, rather than the initially authorized ten, common dolphins (*Delphinus delphis*) may be taken, tagged with radioisotopic tags, and released.

This modification is effective on the date of publication of this Notice in the *Federal Register*.

The Permit as modified is available for review in the Office of the Director,

National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 20, 1975.

GERALD V. HOWARD,  
Director, Southwest Region,  
National Marine Fisheries  
Service.

[FR Doc.75-24153 Filed 9-10-75; 8:45 am]

**NELLY AND ANDRE BRUNEAU**  
Receipt of Application for Public Display  
Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Nelly and Andre Bruneau, Van Donwen's Seals, P.O. Box 2014, St. Augustine, Florida 32084, to take one (1) California sea lion (*Zalophus californianus*), which will be trained and exhibited in their traveling performing sea lion show.

The sea lion will be taken from the California Channel Islands by a professional collector.

The requested sea lion will be exhibited with four other sea lions currently displayed by the applicant.

The sea lions are transported between exhibition sites in a truck, 16 feet long, 8 feet wide and 9 feet high in interior dimensions. Two of the currently owned sea lions are maintained in individual cages, 4 by 4 feet and 3 by 4 feet, respectively. Two younger sea lions are kept in one cage, 7 feet wide and 4 feet deep. All cages are 6½ feet high. Similar space will be available for the requested sea lion. Two pools are available to the sea lions. One, 18 inches deep, is within the truck, directly beneath the cages. The second is a portable pool, 6 feet long, 5 feet wide and 3½ feet deep.

Van Donwen's Seals perform with circuses and at fairs and shopping centers. This trained sea lion show is presented for 8 to 10 minutes twice daily, with three shows on Saturday. Such shows are normally performed 25 to 30 weeks each year. Van Donwen's Seals have been exhibited throughout Europe and North America since 1955.

The arrangements and facilities for transporting and maintaining the marine mammal requested in the above application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the sea lion.

Documents submitted in connection with the above application are available for review at the following locations: Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, DC 20235; Office of

the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33902; and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors. Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service, Department of Commerce, Washington, DC 20235 within 30 days of the publication of this notice. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 3, 1975.

MORRIS M. PALLOZZI,  
Acting Associate Director for  
Resource Management, National  
Marine Fisheries Service.

[FR Doc.75-24154 Filed 9-10-75; 8:45 am]

**UTICA ZOOLOGICAL SOCIETY**  
Receipt of Application for Public Display  
Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Utica Zoological Society, Steele Hill Road, Utica, New York 13502, requests to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

The California sea lions will be taken by a professional collector from the beaches of the California Channel Islands. The animals will be captured with nets during the period of November to April.

The animals will be maintained in a circular pool with a 37 foot diameter and a depth of 4 feet 4 inches having a capacity of 22,000 gallons. An Island 19 feet in diameter provides a haulout area and a heated compartment of nine square feet for winter quarters. The Utica Zoo is a non-profit publicly owned facility operated by the Utica Zoological Society. Admission to the Zoo is free and a nominal fee is charged at the Children's Zoo where the sea lions will be exhibited. An estimated 110,000 people visited the Zoo in 1974. Animal health care services are available from a local veterinarian. The animals will be on display six days a week during the period of May through October.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by a licensed veterinarian who has certified that such arrangements and facilities are adequate to provide for the well-being of the animals.

Documents submitted with this application are available for review in the Office of the Director, National Marine Fisheries Service, Washington, DC 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, and the Office of the Regional Director, Southwest Region, 300 Ferry Street, Terminal Island, California 90731.

Concurrent with publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this Notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 3, 1975.

MORRIS M. PALLOZZI,  
Acting Associate Director for  
Resource Management, National  
Marine Fisheries Service.

[FR Doc.75-24155 Filed 9-10-75; 8:45 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Food and Drug Administration

[Docket No. 75F-0252]

**WARF INSTITUTE, INC.**

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 4A3020) has been filed by WARF Institute, Inc., P.O. Box 2499, Madison, WI 53701, proposing that \$121.1039 Methylene chloride (21 CFR 121.1039) be amended to provide for the safe use of methylene chloride as a solvent in the micro-encapsulation of thiamine intended for use in dry beverage mixes, dry breakfast cereals, dry pudding mixes and dry gelatin mixes.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environ-

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mental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD-20852, during working hours, Monday through Friday.

Dated: September 4, 1975.

HOWARD R. ROBERTS,  
Acting Director, Bureau of Foods.  
[FR Doc.75-24137 Filed 9-10-75;8:45 am]

**Health Services Administration  
PROFESSIONAL STANDARDS REVIEW  
ORGANIZATION—  
CALIFORNIA  
Results of Poll of Physicians in PSRO  
Area VI**

On May 7, 1975, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Professional Standards Review Organization of San Mateo County, Inc., designating it as the Professional Standards Review Organization for PSRO Area VI located in the State of California, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.7.

Such notice was also published in three consecutive issues of the *San Mateo Times* and *News Leader* on May 7, 8, and 9, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area VI of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI who objects to the Secretary entering into an agreement with the Professional Standards Review Organization of San Mateo County, Inc., on the grounds that such organization is not representative of doctors in PSRO Area VI, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before June 6, 1975.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area VI, the Secretary has determined, pursuant to 42 CFR 101.105, that more than 10 per centum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VI have expressed timely objection to entering into an agreement with the Professional Standards Review Organization of San Mateo County, Inc.

## NOTICES

Therefore, on July 3, 1975, in accordance with 42 CFR 101.106, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice announcing a poll to be conducted of all doctors of medicine or osteopathy engaged in active practice in PSRO Area VI to determine whether the Professional Standards Review Organization of San Mateo County, Inc., is representative of such doctors in the area.

Such notice was also published in the *San Mateo Times* and *News Leader* on July 3, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area VI of the contents of the notice.

The notice stated that a ballot was to be mailed to each such doctor in which he was to indicate whether in his opinion the Professional Standards Review Organization of San Mateo County, Inc., was or was not representative of the doctors of medicine or osteopathy engaged in active practice in PSRO Area VI. The notice also requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI who had not received a ballot by July 8, 1975, might request in writing a ballot from the Secretary of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. According to the notice, only those ballots postmarked no later than August 2, 1975, and returned in the stamped self-addressed envelope provided to each individual doctor would be considered valid.

A ballot and envelope together with a letter of explanation was mailed to each individual doctor of medicine or osteopathy whom the Secretary determined, pursuant to 42 CFR 101.103, to be engaged in the active practice of medicine or osteopathy in the PSRO Area.

The counting of the ballots took place in a proceeding open to the public at the City Council Chambers, City Hall, 330 West 20th Avenue, San Mateo, California, on August 8, 1975.

After reviewing the final tabulation of valid ballots received from doctors of medicine or osteopathy in PSRO Area VI, the Secretary has determined, pursuant to 42 CFR 101.107, that more than 50 percent of the doctors responding to the poll indicated that the Professional Standards Review Organization of San Mateo County, Inc., was not representative of the medical and osteopathic communities. Therefore the Secretary will not designate the San Mateo PSRO as a conditional Professional Standards Review Organization for San Mateo County.

Any doctor in the area who files a written request for a recount for pur-

poses of challenging the eligibility of a physician to participate in the poll shall identify the particular physician and state the reasons that form the basis for the challenge. If the total number of ballots challenged and/or the total number of ballots found to be invalid do not exceed the difference between the number of tabulated ballots which indicate that the organization is representative of the doctors in the area and the number of tabulated ballots which indicate that the organization is not representative of the doctors in the area, the Secretary will so state in a notice in the FEDERAL REGISTER and the result of the polling will be final. If the total number of ballots challenged and/or the total number of ballots found to be invalid do exceed the difference between the number of tabulated ballots which indicate that the organization is representative of the doctors in the area and the number of tabulated ballots which indicate that the organization is not representative of the doctors in the area, a recount will be conducted.

If five doctors file a written request for a recount on or before 10 days after the date this Notice appears in the FEDERAL REGISTER for the purpose of obtaining a second tabulation of the ballots, a recount shall be conducted without a reverification of the ballots.

Dated: September 2, 1975.

ROBERT VAN HOEK,  
Acting Administrator,  
Health Resources Administration.  
[FR Doc.75-24105 Filed 9-10-75;8:45 am]

**Public Health Service  
ADMINISTRATOR, HEALTH RESOURCES  
ADMINISTRATION  
Delegation of Authority**

Notice is hereby given that on August 28, 1975, the Assistant Secretary for Health delegated to the Administrator, Health Resources Administration, the authorities and functions, except as noted below, under Sections 304, 305, 306, 307, 308, 310, 312, and 313 of the Public Health Service Act as amended by Public Law 93-353, which were delegated to the Assistant Secretary for Health on January 24, 1975, by the Secretary of Health, Education, and Welfare (40 F.R. 5554, February 6, 1975).

This delegation does not include: (1) the authority to prescribe regulations; (2) the authority under Section 304(b) (4) relating to the acquisition, construction, improvement, repair, operation, and maintenance of real property; (3) the authority under Section 306(i) (2) relating to the selection of members of the United States National Committee on Vital and Health Statistics; and (4) the authority relating to the selection of members to the expert advisory committee authorized under Section 312(d).

The authorities under Sections 307, 308, and 310 are limited to those functions required for, or involved in, the administration of programs and operations

## NOTICES

assigned to the Health Resources Administration.

These authorities may be redelegated.

Dated: August 28, 1975.

RUPERT MOURE,  
Executive Officer.  
[FR Doc.75-24106 Filed 9-10-75;8:45 am]

**Office of the Secretary  
PRESIDENT'S BIOMEDICAL RESEARCH  
PANEL  
Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Biomedical Research Panel on October 27 and 28, in the conference room of the Panel's offices, 2401 E Street, NW., Suite 3100, Washington, D.C. 20506.

The meeting will be open to the public from 9 a.m. to 5 p.m. on October 27 and from 9 a.m. to 5 p.m. on October 28. The Panel will deal with issues pertaining to the studies previously identified by the Panel as being germane to its Congressional mandate. The morning of October 28 will be concerned with discussion of on-going tasks and administrative issues that relate to the Panel's mandate.

Attendance by the public will be limited to space available.

Substantive program information will be provided by Dr. Charles U. Lowe, Executive Director of the Panel (202-634-2401), 2401 E Street, NW., Suite 3100, Washington, D.C. 20506.

All requests for information should be directed to Ms. Susan L. Haught, at the above address.

Dated: September 5, 1975.

CHARLES U. LOWE,  
Executive Director.  
[FR Doc.75-24186 Filed 9-10-75;8:45 am]

**OFFICE OF ADMINISTRATION  
Statement of Organization, Functions, and  
Delegations of Authority**

Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to reflect the transfer of the Office of the Secretary Public Advisory Committee function from the Office of Management Planning and Technology (Chapter 1T40) to the Office of Administration (Chapter 1T30). The function will be assigned to the Administrative Staff and the functional order to incorporate it will read as follows:

B. Administrative staff.

5. The Administrative Staff will provide information, advice, and consultation in the establishment, organization, operation, and termination of Office of the Secretary advisory committees, and in the selection procedures for appoint-

ment of members to serve on such committees.

Dated: September 4, 1975.

THOMAS S. MCFEE,  
Acting Assistant Secretary for  
Administration and Manage-  
ment.  
[FR Doc.75-24185 Filed 9-10-75;8:45 am]

**SOCIAL SECURITY ADMINISTRATION  
Statement of Organization, Functions and  
Delegations of Authority**

Part 4 (Social Security Administration) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 5836-5837 dated April 16, 1968), as amended, including as pertinent here, the additional amendments made by 35 FR 7033-34 dated May 2, 1970; 38 FR 15648 dated June 14, 1973; 38 FR 32828 dated November 28, 1973; 39 FR 14739 dated April 26, 1974; 39 FR 20715 dated June 13, 1974; and 39 FR 37796 dated October 24, 1974, is hereby further amended by adding the following subsection at the end of section 4-D.1—Delegations of Authority to the Commissioner of Social Security:

1. The functions vested with the Secretary by section 5 of Pub. L. 93-368, enacted on August 7, 1974 (88 Stat. 420), which amends section 1631 of the Social Security Act by adding subparagraph (g) to section 1631, whereby the Secretary, under certain circumstances, is authorized to reimburse states or their political subdivisions for interim assistance payments funded to individuals under the supplemental security income program established by section 301 of Pub. L. 93-603, enacted on October 30, 1972.

This delegation is effective as of September 11, 1975. Any actions taken prior to that date by the Commissioner of Social Security, or other SSA officials acting with the Commissioner's approval, are hereby affirmed and ratified, to the extent that such actions, in effect, involve the exercise of authority formally delegated by this document.

Dated: September 2, 1975.

JOHN OTTINA,  
Assistant Secretary for  
Administration and Management.  
[FR Doc.75-24184 Filed 9-10-75;8:45 am]

**Social Security Administration  
COMMISSIONER OF SOCIAL SECURITY  
Delegations of Authority Pertaining To  
Adjustment Conferences in Overpayment  
Cases**

Under section 205(b) of the Social Security Act, as amended (the Act), the Secretary of Health, Education, and Wel-

fare (the Secretary) may make findings of fact and decisions affecting the rights of individuals to benefits under provisions of title II of the Act, as well as determinations not affecting the rights of individuals to such benefits. Under section 204(b) of the Act, the Secretary is authorized to waive recovery of incorrect payments made under provisions of title II where the overpaid individual is without fault and recovery would defeat the purpose of title II or would be against equity and good conscience. The Secretary has delegated the authority to perform these functions to the Commissioner of Social Security (the Commissioner), with authority to redelegate (33 FR 5836-37, dated April 16, 1968).

To comply with an order issued by the U.S. District Court, W.D. Washington, in the case of *Buffington-Biner v. Weinberger*, Civil No. 734-7302, the Social Security Administration (SSA), pending appeal of the order, will give individuals who incur an overpayment under section 202 of the Act, an opportunity for an oral hearing prior to taking any action to recover the overpayment by adjusting or reducing section 202 benefits. The conference must be conducted by an SSA employee who did not participate in the prior overpayment determination. Interim procedures have been established to provide for such conferences. Beginning August 15, 1975, a 6-month test will be conducted to determine which SSA employees can most effectively and efficiently conduct preadjustment review conferences in these cases.

Notice is hereby given that, in conjunction with SSA's interim procedures relative to preadjustment conferences in section 202 overpayment cases, the Commissioner has delegated the following authorities to the position of Associate Commissioner for Program Operations, to conduct preadjustment review conferences and to make decisions on these cases:

1. Authority, under section 205(b) of the Social Security Act, as amended (the Act), to make findings of fact and decisions affecting the rights of individuals;
2. Authority, under section 205(b) of the Act, to make determinations not affecting the rights of individuals;
3. Authority, under section 204(b) of the Act, to approve or deny waiver of adjustment or recovery of incorrect payments.

The Associate Commissioner for Program Operations may, in turn, redelegate the authorities described above only to personnel who:

1. Hold positions as Claims Representatives (Social Insurance Representatives, GS-105-7 and above); or Field Representatives (Social Insurance Representatives, GS-105-10); or
2. Hold positions as Reconsideration Reviewers (Social Insurance Claims Examiners, Retirement, GS-993-11 or above); or

## NOTICES

3. Hold positions as Recovery Review-

nated to serve as Acting Area Director during the absence of, or vacancy in the

determine all or any part of those risks described in "free of capture and seizure"

## NOTICES

**BOARD ON GEOGRAPHIC NAMES  
FOREIGN AND DOMESTIC GEOGRAPHIC**

of names (*Decisions on Geographic Names in the United States*), and the



3. Hold positions as Recovery Reviewers (Social Insurance Claims Examiners, Retirement, GS-9/3-9 or above); or

4. Hold positions in the line of supervision over the positions specified in items 1., 2. and 3. above.

The basic delegation and redelegations described above are effective as of the date that this General Notice thereof is published in the FEDERAL REGISTER, and are to remain in effect until February 15, 1976. Further redelegations of these authorities may not be made.

ARTHUR E. HESS,  
Acting Commissioner of  
Social Security.

[FR Doc. 75-24087 Filed 9-10-75; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary  
[Docket No. D-75-370]

#### ACTING REGIONAL ADMINISTRATOR, REGION IV (ATLANTA)

##### Designation

The employees appointed to the following positions in Region IV (Atlanta) are hereby designated to serve as Acting Regional Administrator, Region IV, during the absence of the Regional Administrator, with all powers, functions, and duties redelegated or assigned to the Regional Administrator, provided that no employee is authorized to serve as Acting Regional Administrator unless all other employees whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator
2. Assistant Regional Administrator for Administration
3. Special Assistant to the Regional Administrator (Regional Council)
4. Assistant Regional Administrator for Community Planning and Development
5. Assistant Regional Administrator for Housing Production and Mortgage Credit

(Delegation of Authority effective May 4, 1962 (27 FR 4339, May 4, 1962); Dept. Interim Order II (31 FR 815, January 21, 1966))

This designation supersedes the designation effective January 28, 1975 (40 FR 20846, May 13, 1975).

Effective Date: The 7th day of August, 1975.

E. LAMAR SEALS,  
Regional Administrator,  
Region IV (Atlanta).

[FR Doc. 75-24114 Filed 9-10-75; 8:45 am]

[Docket No. D-75-369]

#### ACTING AREA DIRECTOR REGION II; NEWARK

##### Designation and Delegation of Authority

SECTION A. Designation of Acting Area Director. Each of the officials appointed to the following position is designated

to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors; Provided, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director
2. The Director, Housing Management
3. The Director, Housing Production Mortgage Credit
4. The Director, Community Planning and Development
5. The Area Counsel

Effective Date: This designation and delegation shall be effective on September 5, 1975.

JAMES C. SWEENEY,  
Deputy Regional Administrator,  
New York Regional Office, II.

[FR Doc. 75-24135 Filed 9-10-75; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration  
[Docket No. 14976]

#### STUDY OF AVIATION WAR RISK INSURANCE

##### Notice of Public Meeting and Request for Comments

The Federal Aviation Administration (FAA) is conducting an investigation and study of the possible need for expanding the Aviation War Risk Insurance Program required under Section 3 of Public Law 94-90 (89 Stat. 439) and Executive Order No. 11875, dated August 9, 1975 (40 FR 33961; August 13, 1975). The purpose of this notice is to invite public participation in this study by submitting written comments to the docket and making oral presentations at the public meeting to be conducted for that purpose on September 30, 1975.

Section 3 of Public Law 94-90 requires that the President conduct an investigation and study of the possible expansion of the Aviation War Risk Insurance Program and report to Congress within 90 days the results of this investigation and study together with his recommendation, if any, for legislation. By Executive Order 11875 the President has designated the Secretary of Transportation, who in turn, has delegated to the Federal Aviation Administration the responsibility for conducting the investigation and study, developing the report, and the drafting of recommendations, if any, for legislation.

Authority for the Aviation War Risk Insurance Program is set forth in Title XIII of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1531, et seq.). Implementing regulations are prescribed in Part 198 of the Federal Aviation Regulations (14 CFR Part 198).

The existing authority of the Secretary of Transportation is limited to "war risks" including to the extent he may

determine all or any part of those risks described in "free of capture and seizure" and analogous clauses in commercial insurance policies. This investigation and study is considering the possible legislative expansion of this coverage to include losses and damage resulting from riots, civil disorder, hijacking or other similar acts which are normally subject to the exclusionary provisions of commercial insurance policies.

Interested persons are invited to participate in this study by submitting such relevant written data, views, or arguments as they may desire. Written communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Dockets Section, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All written communications received before September 30, 1975, will be considered by the FAA in the preparation of the study report.

Any comment regarding the legislative expansion of the Aviation War Risk Insurance Program is of interest; however, the FAA specifically invites statements or comments regarding the following possible approaches to the Aviation War Risk Insurance Program under Subsection 1301(b) of the Federal Aviation Act of 1958:

1. Leaving the present language in Subsection 1301(b) and relying on the existing authority of the Secretary of Transportation to provide coverage to risks related to a "war" or "free of capture and seizure" situation.

2. Amending Subsection 1301(b) by adding at the end thereof: "and, all or any part of those risks which are directly related to and arise out of such war risks."

3. Amending Subsection 1301(b) by changing the period presently at the end thereof to a comma and by adding after that comma the following: "and also includes, to such extent as the Secretary may determine, all or any part of any other risk of loss and damage from—(i) detonation of an explosive, any weapon of war, or any exercise of military power, and (ii) riots, civil commotion, hijacking, and any other act intended to cause loss, damage, injury or death however described (other than acts of employees or agents of the insured in connection with a labor dispute with the insured)."

4. Amending Subsection 1301(b) by adding at the end thereof: "and, any intentional act, whether or not intended to cause loss or damage."

The FAA will conduct a public meeting on the subject matter of this notice on September 30, 1975, convening at 9:30 a.m. in Conference Rooms 7A and B on the seventh floor of the Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C. The meeting will be informal in nature and will be conducted by a designated representative of the Administrator.

Since the meeting will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements may be given the opportunity to do so, if time permits, at the conclusion of the presentations in the same order in which initial statements are made. Persons wishing to make oral statements at the meeting must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Persons requesting to be heard at the public meeting or wishing to receive additional information about the study should contact Mr. Theron A. Gray, (AGC-10), Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, or telephone (202) 426-3362.

Issued in Washington on September 9, 1975.

GERARD J. TURNER,  
Chief Counsel.

[FR Doc. 75-24299 Filed 9-10-75; 8:45 am]

#### ACTION

#### NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

##### Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Voluntary Service Advisory Council.

Date: October 1 and 2, 1975.  
Place: ACTION, 806 Connecticut Avenue, NW., Washington, D.C. Room 522.  
Time: 9:00 a.m.

Purpose of the meeting: to discuss the work of each of the Council's committees and to continue preparations for the Annual Report of the Advisory Council.

Meeting of the Advisory Council is open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Council Executive Officer in writing at least five days prior to the meeting, of their intention to attend the meeting.

Any member of the public may file a written statement with the Council before, during or after the meeting. To the extent that time permits, the Council Executive Officer may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Council should be addressed to Ms. JoAnn Giordano, Advisory Council Executive Officer, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

JOANN GIORDANO,  
Staff Assistant,  
Office of the Director.

[FR Doc. 75-24195 Filed 9-10-75; 8:45 am]

#### BOARD ON GEOGRAPHIC NAMES FOREIGN AND DOMESTIC GEOGRAPHIC NAMES

##### Notice of Availability of Information

The United States Board on Geographic Names (BGN) is a Federal body which, in conjunction with the Secretary of Interior, is authorized by law (61 Stat. 456, 43 U.S.C. 364) to standardize the spelling of names of foreign and domestic geographic features for official U.S. use. Comprised of representatives of nine departments and agencies, BGN operates through various standing and advisory committees to determine standard spellings and applications of geographic names. Information on BGN-approved names is maintained in BGN files and is disseminated to users in various ways.

In the process of standardizing geographic names, BGN works to establish the spelling of names of cities, rivers, mountains, and of other geographic features, and to determine latitude and longitude and other relevant locational data for these features. Its work on foreign names covers foreign countries and entities, Antarctica, undersea areas, and extraterrestrial bodies. Its responsibilities for domestic names includes the United States and its dependencies.

For information about BGN and its general programs, interested parties should call or write Dr. Richard R. Randall, Executive Secretary, US Board on Geographic Names, Defense Mapping Agency, Bldg. 56, US Naval Observatory, Washington, D.C. 20305, telephone (202) 254-4453.

##### BGN FOREIGN NAMES PROGRAM

As a result of its foreign-names program, BGN has created a file of over four million standardized foreign geographic names, and has issued gazetteers of nearly 150 countries and areas. In addition, a telephone inquiry service is operated to furnish information about names. Staff support for names research and for the dissemination of names information is provided by the Defense Mapping Agency (DMA), an element of the Defense Department.

For general information about BGN foreign-names programs, persons should call or write Dr. Randall. BGN Gazetteers are available from the Geographic Names Division of the DMA Topographic Center at this telephone number: (202) 227-2076. (It should be noted that while Gazetteers are recommended as the primary source of BGN-approved foreign names, certain volumes may be in short supply.)

Information about specific foreign place names may be obtained from the DMA Geographic Names Division Inquiry Desk at: (202) 227-2362.

##### BGN DOMESTIC NAMES PROGRAM

The BGN program to standardize domestic names includes the maintenance of a file now containing some 55,000 names, the publication of a quarterly list

of names (*Decisions on Geographic Names in the United States*), and the operation of an inquiry service. These activities are supported by the U.S. Geological Survey, an agency of the Department of the Interior.

For information about domestic names, persons should write or call Mr. Donald J. Orth, Executive Secretary for Domestic Names, US Board on Geographic Names, National Center (Stop 523), Reston, Virginia 22092, telephone (703) 860-6261. (Calls from the Washington, D.C. area do not require the Area Code.)

R. L. HULICK,  
Acting Chairman,  
Board on Geographic Names.

[FR Doc. 75-24128 Filed 9-10-75; 8:45 am]

#### CIVIL AERONAUTICS BOARD

[Docket No. 27982]

#### ALOHA AIRLINES, INC.

##### Postponement of Hearing Regarding Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding which was assigned to be held on September 24, 1975, (40 FR 32862, August 5, 1975) is postponed until further notice.

Dated at Washington, D.C., September 5, 1975.

DEE C. BLYTHE,  
Administrative Law Judge.

[FR Doc. 75-24194 Filed 9-10-75; 8:45 am]

#### CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC 75-7]

#### SPRAY TECH CORP. AND WAGNER SPRAY TECH CORP. ET AL

##### Enforcement Proceeding Regarding Possible Substantial Product Hazard Involving Airless Paint Spray Guns; Prehearing Conference

In the matter of Spray Tech Corporation d/b/a Wagner/Spray Tech Corporation and Peter E. Bader, enforcement proceeding regarding possible substantial product hazard involving airless paint spray guns, [Docket No. CPSC 75-71], notice of prehearing conference.

The Commission, having on August 5, 1975, issued a Notice of Enforcement directed to the above named Respondents setting forth that in the opinion of its Staff an undetermined number of airless paint spray cup guns including but not limited to model W-280 which are manufactured and sold in commerce by Respondents to consumers either directly or through distributors and/or retailers under various brand names including but not limited to Spray Tech, Wagner, Ashland or Sears may present a substantial product hazard within the meaning of section 15 of the Consumer Product Safety Act (15 U.S.C. 2064), which Notice of

Enforcement (copy attached) seeks re-

Act as amended, the Administrator promulgated regulations in 40 CFR Part

Bay Area District would be deemed to have accepted all the terms of the delegation.

Regulation 8 of the District, except as provided in this paragraph. Should the District grant such variance, EPA will consider the

of objections within 10 days of the date of receipt of this letter, the State and District will be deemed to have accepted all of the

tablishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6,



Enforcement (copy attached) seeks relief under section 15 (c) and (d) of said Act in the form of an order directing Respondents to give notice to the public in general and all purchasers of its airless spray cup guns of the hazardous nature of said products and that, in addition, Respondents be ordered to elect to repair, replace, or to refund the purchase price of the affected paint sprayers; and

Respondents, having on September 2, 1975, filed an answer generally denying the charges contained in the Notice of Enforcement and alleging that said Notice fails to constitute a prima facie case of violation; that said Notice fails to contain a clear and concise factual statement sufficient to inform Respondents with reasonable definiteness of the acts or practices alleged to be violations of law; that said Respondents have been unfairly, arbitrarily and discriminatorily singled out for prosecution by the Commission in violation of the Fifth Amendment of the U.S. Constitution; and that Respondents' Fifth Amendment rights have also been violated by contradictory and inconsistent approaches by the Staff in seeking agreements to a voluntary corrective action plan and initiating the pending enforcement proceeding before the Commission or its Staff has ruled upon or evaluated such plan;

Therefore, issue having been joined, and a Presiding Officer, Administrative Law Judge Paul N. Pfeiffer, having been duly designated by the Commission to conduct the adjudicative hearing required under Section 15(f) of the Act;

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 10 a.m. (EDST) Tuesday, September 23, 1975, in the Commission's Seventh Floor Conference Room at 1750 K Street, NW., Washington, D.C. 20207 for the purpose of further defining the issues to be heard, considering offers of settlement requests for discovery, disclosure of names of witnesses, estimating the length of each presentation and establishing dates for exchange of testimony and exhibits and the time and place for hearing.

Memoranda concerning the above matters should be exchanged by counsel by the close of business Friday, September 19, 1975 with two copies to the Office of the Administrative Law Judge.

Dated: September 5, 1975.

SHELDON D. BUTTS,  
Acting Secretary, Consumer  
Product Safety Commission.  
[FR Doc.75-24168 Filed 9-10-75;8:45 am]

# ENVIRONMENTAL PROTECTION AGENCY

[FRL 428-7]

## CALIFORNIA; BAY AREA AIR POLLUTION CONTROL DISTRICT

### Delegation of Authority

On December 23, 1971 (36 FR 24876) and March 8, 1974 (29 FR 9308), pursuant to Section 111 of the Clean Air

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Act as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) require the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On August 19, 1973, the Regional Administrator, Region IX forwarded to the States in his Region information setting forth the requirements for an adequate procedure for implementing the enforcing the NSPS and NESHAPS. On January 13, 1975, William Simmons, Executive Office of the State of California Air Resources Board, submitted a request on behalf of the Bay Area Air Pollution Control District for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of the NSPS and NESHAPS regulations adopted by the Bay Area Air Pollution Control District. Also included were citations to State law and District regulations which provide the State and District with the requisite authority to implement and enforce the NSPS AND NESHAPS.

After a thorough review of the request for delegation, the Regional Administrator notified Mr. Simmons on April 4, 1975 that authority to implement and enforce the NSPS and NESHAPS was delegated to the State of California on behalf of the Bay Area Air Pollution Control District. By letter dated April 15, 1975, Mr. Simmons notified the Regional Administrator that the Air Resources Board was unwilling to agree to the wording of two of the conditions contained in the EPA letter of April 4, 1975. Accordingly, on May 23, 1975 the Regional Administrator sent the following official letter to Mr. Simmons:

Mr. WILLIAM SIMMONS,  
Executive Officer  
California Air Resources Board  
1709 11th Street,  
Sacramento, CA 95814

DEAR MR. SIMMONS:

On January 13, 1975 you transmitted to EPA a letter in which you requested delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Bay Area Air Pollution Control District. By letter dated April 4, 1975, EPA delegated such authority to the State of California on behalf of the Bay Area Air Pollution Control District. That letter contained certain conditions relating to the delegation and further specified that unless EPA received from the State written notice of objections within 10 days of the date of receipt of the letter, the State and

Bay Area District would be deemed to have accepted all the terms of the delegation.

By letter dated April 15, 1975, the State of California Air Resources Board objected to the terms of two of the conditions (numbers 5 and 8) in the EPA letter of delegation. EPA has determined that clarification of conditions 5 and 8 is appropriate in light of the questions raised by the State and District concerning the interpretation of those paragraphs. EPA believes that clarification of the language of condition 4 of that letter is also appropriate in response to informal discussions between the State, Bay Area District, and EPA concerning the interpretation of that condition.

The State's objections to the conditions contained in EPA's letter of delegation of April 4, 1975 have caused that delegation to be without legal force or effect. This letter shall therefore be deemed to constitute the sole effective delegation of the NSPS and NESHAPS to the State of California on behalf of the Bay Area Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Bay Area Air Pollution Control District, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Bay Area Air Pollution Control District and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Bay Area Air Pollution Control District as follows:

A. Authority for all sources located in the Bay Area Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of delegation. The 12 categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

B. Authority for all sources located in the Bay Area Air Pollution Control District subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of delegation. The 3 hazardous air pollutants covered by the delegation are asbestos; beryllium and mercury.

This delegation is based upon the following conditions: 1. Semi-annual reports will be submitted to EPA by the Bay Area Air Pollution Control District through the Air Resources Board as specified in the State's Request for Delegation.

2. Enforcement of the NSPS and NESHAPS in the Bay Area Air Pollution Control District will be the primary responsibility of the District and the State of California Air Resources Board. If the District and State determine that such enforcement is not feasible and so notify EPA, or where the District or State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the Bay Area District subject to the NSPS and NESHAPS.

3. The State of California and the Bay Area Air Pollution Control District are not requesting delegation of authority over federal facilities within the District which are subject to the NSPS and NESHAPS.

4. The Bay Area Air Pollution Control District will at no time grant a variance from compliance with either Regulation 7 or

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Regulation 8 of the District, except as provided in this paragraph. Should the District grant such variance, EPA will consider the source receiving the variance to be in violation of the applicable federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the District shall also constitute grounds for revocation of delegation by EPA. However, if the Bay Area District in the future amends Regulation 7 or 8 so as to make the District regulation more stringent than the applicable federal regulation, the Bay Area District may grant variances from the more stringent District regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable federal regulations.

5. The Bay Area Air Pollution Control District will utilize the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations. However, the District, through the Air Resources Board, has also submitted to EPA for its evaluation certain tests methods normally used by the District. EPA is proceeding with its evaluation of these District methods to determine whether they are acceptable for use as "alternative" test methods within the meaning of the federal NSPS regulations. When this evaluation is completed, EPA will promptly notify the State and District and provision will be made at that time for any modification of the terms of this delegation which may then be appropriate. Any use of test methods by the District, after delegation, not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.

6. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Bay Area District and regarding the interpretation of applicable regulations.

7. If at any time there is a conflict between a State or Bay Area Air Pollution Control District regulation and a federal regulation (40 CFR Part 60 or 61), the federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or the Bay Area District determine that it is unwilling or unable to apply the more stringent federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the Bay Area District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

8. If the Regional Administrator determines that a State or Bay Area Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the federal NSPS and NESHAPS by sources located in the Bay Area District should be submitted to the District Office at 600 Fifth Street, San Francisco, California 94109. Any such reports which have been or may be received by EPA, Region IX, will be promptly transmitted to the District.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice

of objections within 10 days of the date of receipt of this letter, the State and District will be deemed to have accepted all of the terms of the delegation.

Sincerely,

PAUL DE FALCO, Jr.,  
Regional Administrator.

cc: Bay Area Air Pollution Control District EPA received no notice from the Air Resources Board or the District of objections to the May 23, 1975 letter.

By letter dated June 16, 1975, the Regional Administrator amended the May 23, 1975 letter of delegation to add a new condition 10 as follows:

10. As of the date of this delegation, sources subject to the NSPS and NESHAPS located within the Bay Area Air Pollution Control District are required to submit all reports pursuant to the NSPS and NESHAPS directly to the Bay Area District. Such sources are no longer required to submit reports to Region IX, EPA.

By letter dated July 18, 1975, the Regional Administrator again amended the May 23, 1975 letter of delegation to add condition 3, which had inadvertently been omitted from the May 23 letter. Condition 3 reads as follows:

3. Acceptance of this delegation of presently-promulgated NSPS and NESHAPS does not commit the State of California and the Bay Area Air Pollution Control District to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's request of January 13, 1975.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation and amendments thereto are available for public inspection at the following addresses:

California Air Resources Board, 1709 11th Street, Sacramento CA 95814.  
Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111.  
Division of Stationary Source Enforcement, Room 3202 Waterside Mall, 401 "M" Street, SW., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Bay Area Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 939 Ellis Street, San Francisco, CA 94109.

Dated: August 19, 1975.

PAUL DE FALCO, Jr.,  
Regional Administrator,  
Region IX, EPA.

[FR Doc.75-24205 Filed 9-10-75;8:45 am]

[FRL 428-6]

## CALIFORNIA; HUMBOLDT COUNTY AND DEL NORTE COUNTY AIR POLLUTION CONTROL DISTRICTS

### Delegation of Authority

On December 23, 1971 (36 FR 24876) and March 8, 1974 (29 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 es-

tablishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) require the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On August 19, 1973, the Regional Administrator, Region IX forwarded to the States in his Region information setting forth the requirements for an adequate procedure for implementing and enforcing the NSPS and NESHAPS. On March 27, 1975, William Simmons, Executive Officer of the State of California Air Resources Board, submitted a request on behalf of the Humboldt County and Del Norte County Air Pollution Control Districts for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of the NSPS and NESHAPS regulations adopted by the Humboldt County and Del Norte County Air Pollution Control Districts and citations to State law and District regulations which provide the State and Districts with the requisite authority to implement and enforce the NSPS and NESHAPS.

After a thorough review of the request for delegation, the Regional Administrator has determined that for the source categories set forth in paragraphs (A) and (B) of the following official letter to Mr. Simmons, delegation is appropriate subject to the conditions set forth in paragraphs (1) through (10) of that letter:

Mr. WILLIAM SIMMONS,  
Executive Officer,  
California Air Resources Board  
1709 11th Street  
Sacramento CA 95814

DEAR MR. SIMMONS:

This is in response to your letter of March 27, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Humboldt County and Del Norte County Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Humboldt County and Del Norte County Air Pollution Control Districts, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control Districts and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Humboldt County and Del Norte County Air Pollution Control Districts as follows:

A. Authority for twelve categories of new sources located in the Humboldt County and Del Norte County Air Pollution Control Districts subject to the standards of perform-

ance for new stationary sources promulgated in 40 CFR Part 60 as of the date of delegation.

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6. The Humboldt County and Del Norte County Air Pollution Control District will

Simmons on July 10, 1975 that authority to implement and enforce the NSPS and

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behalf of the Monterey Bay Unified Air Pollution Control District for delegation of authority to implement and enforce

authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the Monterey Bay District subject to the NSPS and NESHAPS.

near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the federal NSPS and NESHAPS by sources located in



ance for new stationary sources promulgated in 40 CFR Part 60 as of the date of delegation. The categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

B. Authority for all sources located in the Humboldt County and Del Norte County Air Pollution Control Districts subject to the national emission standards for three hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of delegation. The hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions: 1. Semi-annual reports will be submitted to EPA by the Humboldt County and Del Norte County Air Pollution Control Districts through the State of California Air Resources Board as specified in the State's Request for Delegation.

2. Enforcement of the NSPS and NESHAPS in the Humboldt County and Del Norte County Air Pollution Control Districts will be the primary responsibility of the Districts and the State of California Air Resources Board. If either District and the State determine that such enforcement is not feasible and so notify EPA, or where either District or the State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the appropriate District subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of presently-promulgated NSPS and NESHAPS does not commit the State of California and the Humboldt County and Del Norte County Air Pollution Control Districts to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's Request of March 27, 1975.

4. The State of California and the Humboldt County and Del Norte County Air Pollution Control Districts are not requesting delegation of authority over Federal facilities within the Districts which are subject to the NSPS and NESHAPS. However, this does not relieve Federal facilities of the responsibility of complying with all applicable State laws and Humboldt County or Del Norte County District regulations.

5. The Humboldt County and Del Norte County Air Pollution Control Districts will at no time grant a variance from compliance with either Rule 65 or 66 of the Humboldt County District, or Rule 48 or 49 of the Del Norte County District, respectively, except as provided in this paragraph. Should either District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the District shall also constitute grounds for revocation of delegation by EPA. However, if the Humboldt County District or Del Norte County District in the future amend either Rule 65 or 66, or Rule 48 or 49, respectively, so as to make the District regulation more stringent than the applicable Federal regulation, the District may grant variances from the more stringent District regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable Federal regulations.

6. The Humboldt County and Del Norte County Air Pollution Control District will utilize only the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the NSPS and NESHAPS regulations. Any use of test methods by a District, after delegation, not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.

7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Humboldt County and Del Norte County Air Pollution Control Districts and regarding interpretation of applicable regulations.

8. If at any time there is a conflict between a State or Humboldt County or Del Norte County Air Pollution Control District regulation and a Federal regulation (40 CFR Part 60 or 61), the Federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or the District determine that it is unwilling or unable to apply the more stringent Federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

9. If the Regional Administrator determines that a State or Humboldt County or Del Norte County Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

10. As of the date of this delegation, sources subject to the NSPS and NESHAPS located within either the Humboldt County or Del Norte County Air Pollution Control District are required to submit all reports pursuant to the NSPS and NESHAPS directly to the appropriate Air Pollution Control District. Such sources are no longer required to submit reports to Region IX, EPA.

A Notice announcing this delegation will be published in the *Federal Register* in the near future. This Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the Humboldt County Air Pollution Control District should be submitted to the Air Pollution Control District Office at 5600 S. Broadway, Eureka, CA 95501, and that all such reports by sources located in the Del Norte County Air Pollution Control District should be submitted to the Air Pollution Control District Office at Courthouse, Crescent City, CA 95531. Any such reports which have been or may be received by EPA, Region IX, will be promptly transmitted to the appropriate District.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State and Districts will be deemed to have accepted all of the terms of the delegation.

Sincerely,

PAUL DE FALCO, Jr.,  
Regional Administrator.

cc: Humboldt County Air Pollution Control District, Del Norte County Air Pollution Control District.

Therefore, pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Mr.

Simmons on July 10, 1975 that authority to implement and enforce the NSPS and NESHAPS was delegated to the State of California on behalf of the Humboldt County and Del Norte County Air Pollution Control Districts.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation are available for public inspection at the following addresses:

California Air Resources Board, 1709 11th Street, Sacramento CA 95814.

Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111.

Division of Stationary Source Enforcement, Room 3202 Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Humboldt County Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 5600 S. Broadway, Eureka, CA 95501. Also, effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Del Norte County Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at the Courthouse, Crescent City, CA 95531.

Dated: August 19, 1975.

PAUL DE FALCO, Jr.,  
Regional Administrator,  
Region IX, EPA.

[FR Doc.75-24204 Filed 9-10-75; 8:45 am]

[FRL 423-8]

#### CALIFORNIA; MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT Delegation of Authority

On December 23, 1971 (36 FR 24876) and March 8, 1974 (29 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) require the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On August 19, 1973, the Regional Administrator, Region IX forwarded to the States in his Region information setting forth the requirements for an adequate procedure for implementing and enforcing the NSPS and NESHAPS. On February 19, 1975, William Simmons, Executive Officer of the State of California Air Resources Board, submitted a request on

behalf of the Monterey Bay Unified Air Pollution Control District for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of the NSPS and NESHAPS regulations adopted by the Monterey Bay Unified Air Pollution Control District and citations to State law and District regulations which provide the State and District with the requisite authority to implement and enforce the NSPS and NESHAPS.

After a thorough review of the request for delegation, the Regional Administrator has determined that for the source categories set forth in paragraphs (A) and (B) of the following official letter to Mr. Simmons, delegation is appropriate subject to the conditions set forth in paragraphs (1) through (9) of that letter:

MR. WILLIAM SIMMONS,  
Executive Officer  
California Air Resources Board  
1709 11th Street  
Sacramento CA 95814

DEAR MR. SIMMONS:

This is in response to your letter of February 19, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Monterey Bay Unified Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Monterey Bay Unified Air Pollution Control District, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control District and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Monterey Bay Unified Air Pollution Control District as follows:

A. Authority for six categories of new sources located in the Monterey Bay Unified Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of delegation. The six categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; asphalt concrete plants; storage vessels for petroleum liquids; and sewage treatment plants.

B. Authority for all sources located in the Monterey Bay Unified Air Pollution Control District subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of delegation. The three hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions: 1. Semi-annual reports will be submitted to EPA by the Monterey Bay Unified Air Pollution Control District through the Air Resources Board as specified in the State's Request for Delegation.

2. Enforcement of the NSPS and NESHAPS in the Monterey Bay Unified Air Pollution Control District will be the primary responsibility of the District and the State of California Air Resources Board. If the District and State determine that such enforcement is not feasible and so notify EPA, or where the District or State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement

authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the Monterey Bay District subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of presently-promulgated NSPS and NESHAPS does not commit the State of California and the Monterey Bay Unified Air Pollution Control District to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's Request of February 19, 1975.

4. The State of California and the Monterey Bay Unified Air Pollution Control District are not requesting delegation of authority over federal facilities within the District which are subject to the NSPS and NESHAPS. However, this does not relieve federal facilities of the responsibility of complying with all applicable State laws and Monterey Bay District regulations.

5. The Monterey Bay Unified Air Pollution Control District will at no time grant a variance from compliance with either Rule 424 or 425 of the District, except as provided in this paragraph. Should the District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the District shall also constitute grounds for revocation of delegation by EPA. However, if the Monterey Bay District in the future amends Rule 424 or 425 so as to make the District regulation more stringent than the applicable federal regulation, the Monterey Bay District may grant variances from the more stringent District regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable federal regulations.

6. The Monterey Bay Unified Air Pollution District will utilize only the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations. Any use of test methods by the District, after delegation, not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.

7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Monterey Bay Unified Air Pollution Control District and regarding interpretation or applicable regulations.

8. If at any time there is a conflict between a State or Monterey Bay Unified Air Pollution Control District regulation and a federal regulation (40 CFR Part 60 or 61), the federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or the Monterey Bay District determine that it is unwilling or unable to apply the more stringent federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the Monterey Bay District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

9. If the Regional Administrator determines that a State or Monterey Bay Unified Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

A Notice announcing this delegation will be published in the *Federal Register* in the

near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the federal NSPS and NESHAPS by sources located in the Monterey Bay Unified District should be submitted to the District Office at 420 Church Street (P.O. Box 487), Salinas, CA 93901. Any such reports which have been or may be received by EPA, Region IX, will be promptly transmitted to the District.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State and District will be deemed to have accepted all of the terms of the delegation.

Sincerely,

PAUL DE FALCO, Jr.,  
Regional Administrator.

Therefore, pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Mr. Simmons on May 23, 1975, that authority to implement and enforce the NSPS and NESHAPS was delegated to the State of California on behalf of the Monterey Bay Unified Air Pollution Control District. EPA received no notice from the Air Resources Board or the Monterey Bay District of objections to the May 23 letter.

By letter dated June 16, 1975, the Regional Administrator amended the May 23, 1975, letter of delegation to add a new condition 10 as follows:

10. As of the date of this delegation, sources subject to the NSPS and NESHAPS located within the Monterey Bay Unified Air Pollution Control District are required to submit all reports pursuant to the NSPS and NESHAPS directly to the Monterey Bay District. Such sources are no longer required to submit reports to Region IX, EPA.

On June 20, 1975, the Air Resources Board notified EPA that the Monterey Bay District and State of California could not enforce the NESHAPS standard for beryllium in the District because the District had not in fact adopted the necessary regulations. Accordingly, by the following letter to Mr. Simmons, dated July 15, 1975, the Regional Administrator revoked the delegation of authority to implement and enforce the standard for beryllium on behalf of the Monterey Bay District:

MR. WILLIAM SIMMONS,  
Executive Officer,  
California Air Resources Board,  
1709 11th Street,  
Sacramento CA 95814

DEAR MR. SIMMONS: On February 19, 1975, you requested that EPA delegate authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPS), including the standard for beryllium, to the State of California Air Resources Board, on behalf of the Monterey Bay Unified Air Pollution Control District. EPA delegated the requested authority by letter dated May 23, 1975.

In a letter dated June 20, 1975, Mr. Harmon Wong-Woo, Chief of the Division of Implementation and Enforcement, California Air Resources Board, informed Richard L. O'Connell, Director, Enforcement Division, EPA, Region IX, that the Monterey Bay District and State of California could not enforce the beryllium standard in the District because the District had not in fact adopted the necessary regulations.

Accordingly, EPA hereby revokes authority to implement and enforce the NESHAPS

has adequate regulations and enforcement capability to prohibit the overboard

wish to make oral statements should inform Lois Weeks, Advisory Committee

terminal located in Port Elizabeth, New Jersey. The Lines are to furnish Maher

and Green "R" Line (PTY) Limited covering the transportation of general cargo

spectively, amend Article 26, FAITHFUL PERFORMANCE, of each of the respective agreements to provide for certain



Accordingly, EPA hereby revokes authority to implement and enforce the NESHAPS standard for beryllium which authority was delegated to the State of California on behalf of the Monterey Bay Unified Air Pollution Control District on May 23, 1975. If in the future the Monterey Bay District adopts regulations incorporating the NESHAPS standard for beryllium, the State may again request that EPA delegate authority to implement and enforce such standard to the State on behalf of the Monterey Bay District. Until such time as EPA so delegates such authority, EPA, Region IX will continue to implement and enforce the NESHAPS regulations dealing with beryllium in the Monterey Bay District.

Sincerely,

PAUL DE FALCO, Jr.,  
Regional Administrator.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation and amendments thereto are available for public inspection at the following addresses:

California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.  
Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco, CA 94111.  
Division of Stationary Source Enforcement, Room 3202, Waterwide Mall, 401 M Street SW., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Monterey Bay Unified Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 420 Church St. (P.O. Box 487), Salinas, CA 93901.

Dated: August 19, 1975.

PAUL DE FALCO, Jr.,  
Regional Administrator,  
Region IX, EPA.

[FR Doc. 75-24204 Filed 9-10-75; 8:45 am]

[FRL 424-7]

#### VERMONT

##### Marine Sanitation Device Standard

On June 30, 1975, notice was published that the State of Vermont had petitioned the Administrator to concur with the State's intent to prohibit the discharge from all vessels of any sewage, whether treated or not, into the waters of the State including those Vermont portions of Lake Champlain and Lake Memphremagog. The petition was filed pursuant to section 312 (f) (3) and (f) (4) of Pub. L. 92-500 (40 F.R. 27620, June 30, 1975).

No comments were received in opposition to the petition. A number of citizens responded in favor of approving the petition. Following an examination of the petition and supporting information, and a consideration of all comments received pursuant to the June 30 Federal Register notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the navigable waters of the State of Vermont including those Vermont portions of Lake Champlain and Lake Memphremagog. I find that the State of Vermont

#### NOTICES

has adequate regulations and enforcement capability to prohibit the overboard discharge of sewage, whether treated or not, into the State's waters. This determination is made pursuant to section 312 (f) (3) of Pub. L. 92-500.

Dated: September 4, 1975.

JOHN QUARLES,  
Acting Administrator.

[FR Doc. 75-24071 Filed 9-10-75; 8:45 am]

[FRL 424-8]

#### EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

##### Meeting

##### Correction

In FR Doc. 75-23354, appearing on page 40574, in the issue for Wednesday, September 3, 1975, in the second column, the following line should be inserted between the second and third lines of the text: "tee is continuing its' efforts in the devel-".

#### FEDERAL ENERGY ADMINISTRATION

##### FOOD INDUSTRY ADVISORY COMMITTEE

##### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Food Industry Advisory Committee will meet Wednesday, October 1, 1975 at 9:00 a.m., Conference Room B, Departmental Auditorium, Old Labor Building, Constitution Avenue between 12th & 14th Streets, N.W., Washington, D.C.

The Committee was established to advise the Administrator, Federal Energy Administration, about food industry interests and problems as they relate to national energy conservation programs. The agenda for the meeting is as follows:

1. Chairman's Report
2. Transportation Report
3. Natural Gas Report
4. Discussion of FY '76 Conservation Program
5. Reports from the Subcommittees:
  - a. Discussion of Recommendations of Future Planning
  - b. Energy Conservation Efforts in the Retail Grocery Stores
  - c. Energy Audit Programs

Subcommittees may meet informally in Washington the preceding evening at the discretion of the Subcommittee chairmen. For further details, contact Lois Weeks, Advisory Committee Management Officer at (202) 961-7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who

wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer at (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 5, 1975.

ROBERT E. MONTGOMERY, Jr.,  
General Counsel.

[FR Doc. 75-24085 Filed 9-8-75; 10:13 am]

#### FEDERAL MARITIME COMMISSION

##### MAHER TERMINALS, INC. ET AL.

##### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 1, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Maier Terminals, Inc. and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Yamashita-Shinnihon Steamship Co., Ltd.

Notice of Agreement Filed by:  
Charles F. Warren, Esq., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreement No. T-3157, between Maier Terminals, Inc., (Maier) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, and Yamashita-Shinnihon Steamship Co., Ltd., (the Lines), provides for the 3-year operation (with renewal options) of a container chassis management service by Maier at its marine

terminal located in Port Elizabeth, New Jersey. The Lines are to furnish Maier a fleet of container chassis to be utilized by Maier in a common pool for each and all of the Lines. Maier will provide the necessary management services for the movement and control of the chassis as well as: (1) reporting services; (2) repair services; (3) per diem chassis rental billing and collection services; and (4) accounting procedures. As compensation, Maier is to receive: (1) a fee for the costs of operating the management services as agreed upon by the parties; (2) payment for the costs incurred by the actual operation of the chassis pool; and (3) monies for all per diem charges for chassis rentals.

By Order of the Federal Maritime Commission.

Dated: September 5, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc. 75-24072 Filed 9-10-75; 8:45 am]

#### ROBIN LINE AND GREEN "L" LINE (PTY) LTD.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 1, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

J. D. Straton, Jr., Manager, Rates and Conferences, Moore-McCormack Lines Incorporated, 2 Broadway, New York, New York 10004.

Agreement No. 10179 is a transshipment agreement between Robin Line, a service of Moore-McCormack Lines Inc.

#### NOTICES

and Green "R" Line (PTY) Limited covering the transportation of general cargo moving under through bills of lading between United States Atlantic ports and ports in Mozambique, Tanzania, Kenya, Madagascar, the Seychelles and Comores Islands, Mauritius and Reunion via a South or East African port or a port in Madagascar.

By Order of the Federal Maritime Commission.

Dated: September 5, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc. 75-24073 Filed 9-10-75; 8:45 am]

#### TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

Robert D. Grey, Chairman, Trans-Pacific Freight Conference of Japan/Korea, Japan/Korea-Atlantic and Gulf Freight Conference, Sumitomo Selmel Yaesu Bldg., 3, Yaesu 4-Chome, Chuo-Ku, Tokyo 104 Japan.

The member lines of the Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic and Gulf Freight Conference have filed identical amendments to their Conference agreements. These amendments, Agreements Nos. 150-64 and 3103-61, re-

spectively, amend Article 26, FAITHFUL PERFORMANCE, of each of the respective agreements to provide for certain language additions and/or deletions to the text thereof and for an increase from \$25,000 to \$60,000 in the sum of United States currency or United States Government Bonds, or in lieu thereof one or more irrevocable letters of credit, agreed to by the member lines to be posted and maintained with the Conferences as a guarantee of faithful performance thereunder.

By Order of the Federal Maritime Commission.

Dated: September 5, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc. 75-24074 Filed 9-10-75; 8:45 am]

[No. 73-10]

#### MASSACHUSETTS PORT AUTHORITY AND UNITED STATES LINES, INC.

##### Intent To Make Environmental Assessment

The above referenced proceeding is an investigation to determine whether United States Lines, Inc. (U.S. Lines) has filed tariffs which discriminate against the Port of Boston in favor of the Port of New York, which charge unreasonably low rates, and which divert cargo from the port of Boston, and is thereby:

(1) In violation of section 18 of the Shipping Act, 1916 by setting rates so unreasonably low as to be detrimental to the commerce of the United States.

(2) In violation of sections 16 and 17 of the Shipping Act, 1916 and 46 U.S.C. sections 815 and 816 by giving certain shippers and the Port of New York an unreasonable preference and advantage over other shippers and the Port of Boston.

(3) In violation of section 17 of the Shipping Act, 1916 by charging rates different from the rates and charges specified for the same movements in tariffs filed with the Federal Maritime Commission by conferences to which U.S. Lines belongs.

The Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment. Consequently, the environmental factors involved warrant consideration and evaluation before decision making is undertaken.

Therefore, notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted within 30 days of the date of this Order to the Secretary, Federal Maritime

#### NOTICES

Commission, 1100 L Street, N.W., Washington, D.C. 20573.

dictional sales of natural gas, as set forth in Appendix A hereof.

suspended and their use deferred until date shown in the "Date Suspended Un-

the townships of Monroe, North, Franklin and Stock). Applicant's banking sub-

National Bank, Springview, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c)

sary for the classification and interpretation thereof, from such corporations as may be designated by the Commission

#### NOTICES



Commission, 1100 L Street, NW., Washington, D.C. 20573.

By the Commission.

[SEAL] JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-24167 Filed 9-10-75;8:45 am]

### FEDERAL POWER COMMISSION

[Docket Nos. R176-23 and R176-24]

#### THE SUPERIOR OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject To Refund<sup>1</sup>

SEPTEMBER 4, 1975.

Respondents have filed proposed changes in rates and charges for juris-

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

dictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

**The Commission finds:** It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

**The Commission orders:** (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are

suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUME,  
Secretary.

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf <sup>1</sup>	Rate in effect subject to refund in docket No.
R176-23...	The Superior Oil Co.	8	19	El Paso Natural Gas Co. (Texas) (Permian Basin).	\$1,460	8-11-75		2-11-76	136.5	137.5
do	do	10	17	do	2,708	8-11-75		2-11-76	136.84	137.50
R176-24...	Union Oil Co. of California.	48	12	Transwestern Pipeline Co. (New Mexico) (Permian).	0	8-11-75	9-11-75	Accepted	(9)	(9)
do	do		13	do	61,274	8-11-75		2-11-76	24.2625	54.89/3
do	do	124	12	Transwestern Pipeline Co. (Texas) (Permian Basin).	0	8-8-75	9-8-75	Accepted		
do	do		13	do	47,315	8-8-75	9-8-75	Accepted	20.6875	25.068
R174-33...	Continental Oil Co. (Operator) et al.	180	2 to 24	Transwestern Pipeline Co. (New Mexico) (Permian).	312,879	8-8-75	8-11-75	2-8-76	23.068	57.950
					(9)			8-12-75	24.3171	24.7109

<sup>1</sup> Unless otherwise stated, the pressure base is 14.65 lb/in<sup>2</sup>.

<sup>2</sup> Includes 1.5¢/M for gathering.

<sup>3</sup> Includes 1.7¢/M for reduction for quality.

<sup>4</sup> Includes 0.30¢/M for treating charge.

<sup>5</sup> Not stated.

<sup>6</sup> Corrected by filing of Aug. 21, 1975.

<sup>7</sup> The pressure base is 15.025 lb/in<sup>2</sup>.

The proposed rate increases of Superior Oil Company which represent sales under expired contracts to the "new" gas ceiling rate prescribed in Opinion No. 662 do not qualify for the "new" gas ceiling pursuant to Opinion No. 639 since agreements have not been entered into extending the term of the contracts involved herein, and are suspended for five months.

The proposed rate increase of Union Oil Company under its Supp. No. 13 to its FPC Gas Rate Schedule No. 48 exceeds the applicable area ceiling and is suspended for five months, and that portion of its proposed rate increase under its Supp. No. 13 to its FPC Gas Rate Schedule No. 124 insofar as it exceeds the applicable area ceiling is suspended for five months, and that portion not exceeding the applicable area ceiling together with the amendatory agreements of Union Oil Company are accepted thirty days after filing or the date set forth in the "Effective Date Unless Suspended" column.

Continental Oil's tax reimbursement represents a revised increase to reflect a correction in the amount of tax reimbursement contained in a prior increase

that is being collected subject to refund. The additional increase is the result of partial reimbursement for the New Mexico *ad valorem* tax, and it is suspended for one day subject to the existing suspension proceeding.

[FR Doc.75-24054 Filed 9-10-75;8:45 am]

### FEDERAL RESERVE SYSTEM

#### PEOPLES BANCSHARES, INC.

#### Order Approving Acquisition of Bank

Peoples BancShares, Inc., Canton, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of The Scio Bank Company, Scio, Ohio ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors

set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 25th largest banking organization in Ohio, controls 2 banks with aggregate deposits of approximately \$170 million, representing about 0.6 per cent of the total deposits in commercial banks in the State.<sup>1</sup> Applicant's acquisition of Bank (\$10.6 million in deposits) would increase Applicant's share of total State deposits by less than 0.1 per cent and would have no appreciable effect on the concentration of banking resources in Ohio. Upon consummation herein, Applicant would become the 24th largest banking organization in Ohio.

Bank is the only bank in the village of Scio, a rural community (population of approximately 1,000 persons) located in the east-central portion of the State approximately 85 miles southeast of Cleveland. Bank is also the only banking institution in its relevant banking market (approximated by the northwest portion of Harrison County, which includes

<sup>1</sup> All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved by the Board through July 31, 1975.

the townships of Monroe, North, Franklin and Stock). Applicant's banking subsidiary closest to Bank is located 27 miles away in Jefferson County. No meaningful competition presently exists between either of Applicant's banking subsidiaries and Bank, nor does it appear likely that any significant competition would develop between them in the future in view of the distances involved and Ohio's branching laws. Furthermore, it appears unlikely that Applicant would enter the market *de novo* in view of the fact that the market's deposits and population per banking office are below the Statewide averages. Therefore, the Board concludes that consummation of the proposal would not have a significantly adverse effect on existing or potential competition in any relevant area and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory, particularly in view of Applicant's commitment to inject \$300,000 in additional equity capital into Bank. Accordingly, considerations relating to the banking factors are consistent with approval of the application. Affiliation with Applicant would enable Bank to draw upon Applicant's resources and expertise and thereby offer expanding banking services to its customers. Therefore, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective September 4, 1975.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.  
[FR Doc.75-24083 Filed 9-10-75;8:45 am]

### SPRINGVIEW BANCORPORATION

#### Formation of Bank Holding Company

Springview Bancorporation, Springview, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 per cent or more of the voting shares of First

<sup>1</sup> Voting for this action: Governors Bucher, Holland, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governors Mitchell and Wallach.

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National Bank, Springview, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 3, 1975.

Board of Governors of the Federal Reserve System, September 3, 1975.

[SEAL] GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.  
[FR Doc.75-24084 Filed 9-10-75;8:45 am]

### FEDERAL TRADE COMMISSION

#### LINE-OF-BUSINESS REPORTING PROGRAM

Resolution Requiring Annual Line of Business Reports From Corporations and Confidentiality Rules and Procedures for the 1974 Reporting Year

Notice is hereby given that the Federal Trade Commission has approved, adopted and entered of record the following resolution requiring annual line of business reports from corporations:

Whereas, it is necessary for the proper functioning of the government that there be available to the President, the Congress, government agencies, and the business community, continuing and current financial data and statistics from corporations within the various industries and lines of commerce of the United States; and

Whereas, the Federal Trade Commission, acting pursuant to the authority vested in it by Section 6 of the Federal Trade Commission Act, is engaged in the collection of annual and special reports from corporations engaged in commerce and compilation and publication of the results thereof in combined statistical form for the purposes of said Act;

Now, therefore, it is hereby resolved that the Federal Trade Commission, in the exercise of the powers vested in it by Section 6 of the Federal Trade Commission Act (38 Stat. 721; 15 U.S.C.A., Section 46), and with the aid of any and all powers conferred upon it by law and all compulsory processes available to it, does forthwith proceed to collect information, for the purposes herein stated, in the form of reports or otherwise, regarding the financial position and financial results of business operations, including, but not limited to the information called for by the attached Federal Trade Commission Form LB,<sup>1</sup> which is incorporated herein by reference together with such other facts as may be necessary.

<sup>1</sup> Copies of Glossary of Terms Used, Instructions, Industry Category List for FTC Form LB (1974), and Federal Trade Commission's Form LB filed as part of original document.

sary for the classification and interpretation thereof, from such corporations as may be designated by the Commission pursuant to general or special order;

It is further resolved that the reports of and data relating to an individual company contained therein obtained as a result of this resolution shall be received in and afforded confidential status in accordance with and as spelled out in the Confidentiality Rules and Procedures for the 1974 Reporting Year adopted by the Commission, attached hereto and incorporated herein by reference (set forth below), and shall not be available for use in any Commission adjudication or in connection with any investigation for the purpose of initiating adjudicative proceedings.

#### CONFIDENTIALITY RULES AND PROCEDURES FOR THE 1974 REPORTING YEAR

Notice is hereby given that the Federal Trade Commission has approved and adopted certain rules and procedures hereinafter set forth prescribing the confidential handling and use of reports to be filed by companies pursuant to an Order to File Special Report under the Line of Business Program. The rules and procedures shall apply to reports relating to the 1974 reporting year. They do not apply to reports relating to the 1973 reporting year, the confidentiality of which are governed by the Rules and Procedures for the Use of Confidential Individual Company Data Collected Under the FTC's Line of Business Report Program issued in connection with the Commission's Resolution Requiring Annual Line of Business Reports from Corporations, dated August 2, 1974, and published in the FEDERAL REGISTER on August 27, 1974 (39 FR 30970).

**Definitions:** For purposes of these Rules and Procedures, the following definitions apply:

"LB Report" means a report filed by a company pursuant to an Order to File Special Report under the Line of Business (LB) Program.

"Reporting Company" means a company ordered to file an LB Report.

**Confidentiality of LB Reports With Respect to Persons Outside the Commission:** Pub. L. 93-563, which provides Federal Trade Commission appropriations for the fiscal year 1975, states in part that:

No part of these funds may be used to pay the salary of any employee including Commissioners, of the Federal Trade Commission who—

(3) permits anyone other than sworn officers and employees of the Federal Trade Commission to examine the line-of-business reports from individual firms.

The Commission interprets this provision as prohibiting disclosure of LB Reports to any person outside the Commission including Congress, parties in court proceedings, governmental agencies and members of the public so long as the provision remains in effect. Accordingly, during the period this provision or a

substantially similar provision in subsequent years.

client to assure that LB data furnished by individual Reporting Companies can not

der the LB Program, the following additional Commission officers and employees

Order to File Special Report under the LB Program.

(7) Blocks 14-15, Supplementary Address (when required);

means to be employed to satisfy the above referenced section of P.L. 93-400.



substantially similar provision in subsequent appropriations acts for the Federal Trade Commission remains in effect, LB Reports will not be disclosed to any person outside the Commission except pursuant to a superseding act of Congress; or pursuant to an order of a court but only after a motion by the Commission to quash and for a protective order have been disposed of by the court. In the event that the Commission receives a subpoena for an LB Report, it will promptly notify the Reporting Company.

Under Section 10 of the Federal Trade Commission Act, any officer or employee of the Commission who shall make public any information obtained by the Commission, without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor and upon conviction thereof, may be punished by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

**Confidentiality of LB Reports Within the Commission.** Access to and use of LB Reports within the Commission shall be restricted as hereinafter set forth, and persons authorized to have access thereto and use thereof shall not release any LB Report, or in any way provide access thereto, to anyone not authorized to have access. LB Reports shall be used to compile statistical and other economic reports authorized by the Commission. The latter reports may be utilized in connection with any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. However, they shall not be compiled in a way that LB data furnished by a particular Reporting Company can be identified. LB Reports shall not be made available to any person within the Commission for use in connection with any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. However, this restriction shall not limit the authority of the Commission to require by subpoena or other compulsory process the production of any information or data from any source outside the Commission for use in connection with an investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission.

Except as hereinafter provided, access to and use of LB Reports within the Commission shall be restricted to the Division of Financial Statistics, Bureau of Economics; the Statistical Reports Unit of the Economic Research and Services Section, Bureau of Economics; and the Division of Management as hereinafter set forth.

The Division of Financial Statistics plans, develops and prepares for publication statistical and other economic reports such as the Quarterly Financial Report and the Annual Line of Business Report. The Division shall have access to and use of LB Reports for planning, developing and preparing such statistical and economic reports. Procedures suffi-

cient to assure that LB data furnished by a particular Reporting Company can not be identified shall be developed and implemented by that Division in connection with each statistical or other economic report to be published which is derived from LB data. With respect to each such report, the Assistant Director for Financial Statistics shall certify to the Director, Bureau of Economics, that he has reviewed and approved the procedures applied thereto.

The Statistical Reports Unit of the Economic Research and Services Section, Bureau of Economics, plans, develops and prepares for publication reports such as merger statistical reports, annual statistics on aggregate concentration and other statistical and economic reports authorized by the Commission. The Unit shall have access to and use of LB Reports for planning, developing or preparing such statistical and economic reports. Publication of any report which is derived from LB data shall be conditioned upon a determination by the Assistant Director for Financial Statistics that the procedures applied therein are sufficient to assure that LB data furnished by a particular Reporting Company cannot be identified, and certification of his determination to the Director, Bureau of Economics.

The Division of Management shall have access to LB Reports but only during and for the purpose of electronic processing of information and data contained in LB Reports. The Division may employ the services of an outside computer facility for purposes of computer processing of LB data subject to the restriction that no one other than authorized employees of the Federal Trade Commission may examine the LB Reports from individual Reporting Companies.

Employees of the Division of Financial Statistics and the Statistical Reports Unit of the Economic Research and Services Section, while assigned to either of these units, shall not participate in any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. Any employee who transfers into or out of either of these units shall be formally notified in writing that he is subject to these Rules and Procedures and to Section 10 of the Federal Trade Commission Act.

The Director, Bureau of Economics, shall not have access to LB Reports. He shall, however, have supervisory responsibility and authority with respect to the Division of Financial Statistics and the Statistical Reports Unit of the Economic Research and Services Section. Such responsibility and authority shall include approving any reports prepared by them, making recommendations with respect to the preparation of such reports, and exercising any other supervisory control not requiring access to LB Reports.

Upon notification to the General Counsel by the Assistant Director for Financial Statistics that a Reporting Company has failed adequately to comply with an Order to File Special Report un-

der the LB Program, the following additional Commission officers and employees shall have access to such parts of that company's LB Report required to evaluate the noncompliance and to advise and represent the Commission with respect to any proceeding initiated because of a refusal or failure of the Reporting Company to file an adequate LB Report: the General Counsel and his staff and the Commissioners and their assistants.

**Security of LB Reports:** All Commission members and employees authorized to have access to and use of LB Reports as hereinbefore provided shall, while in possession of any such material, be personally responsible for ensuring that unauthorized personnel do not obtain access to such material and for observing the following procedures:

1. All LB Reports and reproductions of LB data from individual Reporting Companies (such as tabulations, punch cards, tapes or printouts, etc.) shall be conspicuously marked "Confidential".

2. All rooms containing LB Reports and reproductions of LB data from individual Reporting Companies shall be locked except when occupied.

3. All LB Reports and reproductions of LB data from individual Reporting Companies shall be stored in locked drawers, files or cabinets except when being used.

4. All LB Reports and reproductions of LB data from individual Reporting Companies shall be returned to the Division of Financial Statistics immediately after any authorized use of such material is no longer required.

**Limitations:** The Rules and Procedures set forth above shall not apply to:

(1) disclosure to a court of an LB Report of a Reporting Company in connection with a proceeding initiated because of a refusal or failure of that company to file an adequate LB Report;

(2) the identity of a Reporting Company;

(3) information or data furnished by a Reporting Company in a context other than an LB Report (e.g., a motion to quash or other motion challenging an Order to File Special Report under the LB program); such information or data shall be treated as confidential pursuant to §§ 4.10-4.11 of the Commission's procedures and rules of practice only upon request with a showing of justification therefor, and a determination by the Commission, with due regard to statutory restrictions, the Commission's procedures and rules of practice and the public interest, that such information or data should not be made public;

(4) information or data which (a) are in the public domain, (b) enter the public domain from a source other than the Commission or its employees, (c) were in the Commission's possession prior to transmission to the Commission in an LB Report, or (d) are supplied to the Commission or its employees by a third party lawfully in possession thereof; or

(5) information or data which are supplied to the Commission in response to a compulsory process order other than an

Order to File Special Report under the LB Program.

By direction of the Commission.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-24136 Filed 9-10-75; 8:45 am]

## GENERAL SERVICES ADMINISTRATION

[FPMR TEMP. REG. E-40]

### MOTOR VEHICLE

#### Requests for Procurement

1. **Purpose.** This regulation provides revised policy for submitting requests to GSA for the procurement of motor vehicles.

2. **Effective date.** This regulation is effective upon publication in the FEDERAL REGISTER.

3. **Expiration date.** This regulation expires June 30, 1976, unless sooner revised or superseded.

4. **Applicability.** The requirements of this regulation apply to all executive agencies except the Department of Defense. Other Federal agencies are encouraged to comply with these requirements.

5. **Background.** The method used by GSA for processing agency requests for the procurement of motor vehicles was recently converted to a computerized system. The system is dependent upon the input of FEDSTRIP codes rather than the written information presently submitted to GSA. To obtain full benefit from the system, it is necessary that agency requests for motor vehicles contain the appropriate FEDSTRIP data. This data would eliminate the present need for GSA to convert written information to FEDSTRIP data or to contact agencies for information not contained in the requests which now delays procurement. Accordingly, a motor vehicle requisition form is being developed which will provide for entry of the additional data. In the interim, it is appropriate that agencies be required to submit the additional data with requests for motor vehicle procurement.

6. **Submission of requests for motor vehicle procurement.**

a. Requests for motor vehicle procurement (including the submission of GSA Form 1781, Motor Vehicle Requisition—Delivery Order—Invoice) shall be accompanied by the alpha/numeric data specified in paragraph 6b, below. The data may be submitted on a Standard Form 344, Multiuse Standard Requisitioning/Issue System Document, or by other means as determined by the ordering agency.

b. Alpha/numeric data for the following blocks, as numbered on the Standard Form 344, shall be provided with requests for motor vehicle procurement action:

- (1) Block 1, Document Identifier;
- (2) Block 3, Media and Status;
- (3) Block 7, Unit of Issue;
- (4) Block 8, Quantity;
- (5) Blocks 9-11, Document Number;
- (6) Block 12, Serial;

(7) Blocks 14-15, Supplementary Address (when required);

(8) Block 16, Signal;

(9) Block 17, Fund; and

(10) Block 20, Priority.

7. **Availability of forms.** Supplies of Standard Form 344, Multiuse Standard Requisitioning/Issue System Document, may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

8. **Agency comments.** Comments concerning the effect or the impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, D.C. 20406, no later than September 30, 1975, for possible inclusion in a permanent regulation.

Dated: August 29, 1975.

ARTHUR F. SAMPSON,  
Administrator of General Services.  
[FR Doc.75-24101 Filed 9-10-75; 8:45 am]

## FEDERAL PROCUREMENT DATA SYSTEM Proposed Establishment

The purpose of this notice is to make known an interagency committee proposal concerning the establishment of a Federal Procurement Data System (FPDS). This data system is being designed for collecting, developing, and disseminating procurement data which takes into account the needs of the Congress, the executive branch, and the private sector. The proposed FPDS would establish uniform data elements to be reported to a central data bank by Federal agencies on contracts of more than \$10,000. The data would provide information on what was purchased, when, from whom, by whom, dollar value of the transaction, the principal place of performance, method of procurement, extent of competition, negotiation authority, type of contract, type of business, foreign trade data, and other information. In addition, the system would collect summary statistical data on contractual transactions of \$10,000 and under. From this information, the central data bank would publish reports on Federal procurements and answer inquiries from information contained in the data bank.

**Background:** This proposal is an outgrowth of Commission on Government Procurement (COGP) Recommendations A-1 and D-1, and the reports of the interagency task groups established to develop the executive branch positions on these recommendations. In addition, Section 6.(d)(5) of the Office of Federal Procurement Policy Act (Public Law 93-400, August 31, 1974) specifies that the functions of the Administrator for Federal Procurement Policy shall include "establishing a system for collecting, developing and disseminating procurement data which takes into account the needs of the Congress, the executive agencies, and the private sector." As yet, no decision has been made by the Administrator for Federal Procurement Policy as to the

means to be employed to satisfy the above referenced section of P.L. 93-400.

Views of interested parties are solicited on the proposed FPDS. A copy of the FPDS Committee Report covering the proposed system can be obtained by calling Area Code 202 343-7794 or by writing the Office of Federal Management Policy (AMC), Washington, DC 20405. To be given consideration, written comments should be submitted to the above address by October 31, 1975.

Dated at Washington, D.C. on September 5, 1975.

GORDON T. YAMADA,  
Acting Associate Administrator.

[FR Doc.75-24102 Filed 9-10-75; 8:45 am]

[FPMR Temp. Reg. D-51]

## SECRETARY OF TRANSPORTATION

### Delegation of Authority

1. **Purpose.** This regulation continues in effect the authority delegated to the Secretary of Transportation to perform all functions in connection with the leasing of certain space at East Liberty, Ohio, for use by the National Highway Traffic Safety Administration.

2. **Effective date.** This regulation is effective immediately.

3. **Expiration date.** This regulation shall expire 8 years from the effective date of the lease of the rented premises, upon termination of the lease, or upon failure of the Administrator of General Services to concur in the exercising of any renewal option, whichever is earlier.

4. **Background.** This regulation reflects the delegation of authority which was granted by letter of May 28, 1975, to the Secretary of Transportation by the Administrator of General Services.

5. **Delegation.**

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Transportation to perform all functions in connection with the leasing of approximately 32,500 square feet of space at East Liberty, Ohio, for a firm term of 3 years with five 1-year renewal options, provided the Administrator of General Services concurs in the exercising of any renewal options. This delegation includes authority to lease the required property and to assign, reassign, operate, maintain, control and protect the demised property.

b. This delegation shall extend to leasing space under authority in section 210 (b) (1) of the above-cited act (40 U.S.C. 490(b)(1)).

c. The Secretary of Transportation may redelegate this authority to any official or employee of the Department of Transportation.

d. This authority shall be exercised in accordance with the applicable limitations and requirements of the above-cited act, section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), as amended, other applicable statutes and regulations, and the policies, procedures, and controls pre-

scribed by the General Services Administration.

Type of meeting: Open  
Contact person: Dr. Fred D. White,

4:00 General discussion—Panel Members

Light Company, and is open to the public. Individuals who wish to attend should inform Dr. James L. Plummer, Energy

Agenda—Topics will include:

OCTOBER 2, MORNING 9 AM-12 NOON  
Introduction

train movements, they must be installed so that they may be used by an employee from the leading platform. To the Polk School District, the Board recommended



scribed by the General Services Administration.

6. *Effect on other issuances.* This temporary regulation cancels the letter dated May 28, 1975, from the Administrator of General Services to the Secretary of Transportation, related to the above delegation.

Dated: September 2, 1975.

ARTHUR F. SAMPSON,  
Administrator of General Services.  
[FR Doc. 75-24109 Filed 9-10-75; 8:45 am]

[FPMR Temp. Reg. P-354]

#### SECRETARY OF DEFENSE

##### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate telephone rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a) (4) and 205(d) (40 U.S.C. 481(a) (4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Washington Utilities and Transportation Commission involving the application of the Pacific Northwest Bell Telephone Company for increases in its intrastate rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: August 29, 1975.

ARTHUR F. SAMPSON,  
Administrator of General Services.  
[FR Doc. 75-24104 Filed 9-10-75; 8:45 am]

#### NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR ATMOSPHERIC SCIENCES

##### Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Atmospheric Sciences

Date: September 30 and October 1, 1975

Time: 9 a.m. each day  
Place: Room 338, National Science Foundation, 1800 G St., NW., Washington, D.C.

#### NOTICES

Type of meeting: Open  
Contact person: Dr. Fred D. White, Head, Atmospheric Research Section, Room 312 National Science Foundation, Washington, D.C. 20550 telephone (202) 632-4198

Summary minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory panel: To advise the Foundation of the impact of its research support program on the scientific community in atmospheric sciences.

Agenda: Topics will include:

SEPTEMBER 30, MORNING

9:00 Introductory Remarks—Dr. White, Panel Chairman, and Head, Atmospheric Research Section

9:15 Remarks—Dr. Hughes, Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences (AAEO)

9:45 Peer Review—Dr. Todd, Deputy Director, AAEO

10:30 Record of Actions, March 25-26, 1975, meeting—Dr. Hanson, Vice Chairman

10:40 Highlights of Federal, Atmospheric Sciences program—Captain Albers, Executive Secretary, Interdepartmental Committee for Atmospheric Sciences

10:50 Plans for National Climatic Center Research User's Workshop—Dr. Eden, Program Director for Meteorology

11:00 Climate Dynamics—progress and problems—Dr. Bierly, Head, Climate Dynamics Research Section

11:30 Global Atmospheric Research Program (GARP) highlights and problems—Dr. Greenfield, Program Director for GARP

12:00 Recess for Lunch

AFTERNOON

1:00 Highlights of Weather Modification Program—Mr. Downie, Program Manager for Weather Modification

1:15 Report of July and September meetings of the Advisory Panel for Weather Modification—Dr. Simpson, Panel Member

1:45 National Center for Atmospheric Research (NCAR)—status report—Dr. Wilkiss, NCAR Project Officer

2:10 Stratospheric Chemistry—Dr. McGill, Program Director for Aeronomy and Dr. Eden, Program Director for Meteorology

2:30 Report of the Solar Astronomy Task Force and Status of Sacramento Peak Observatory—Dr. Oertel, Head, Astronomy Research Section

3:00 Solar Constant Workshop—Dr. Zirin—Panel Member

3:30 International Magnetospheric Study (IMS)—progress and problems—Dr. Manka, Federal IMS Coordinator

4:00 General discussion—Panel Members

OCTOBER 1, MORNING

9:00-12:00 Program discussions

1. Lower Atmosphere, Panel Members and Staff (Rm. 338)

2. Upper Atmosphere, Panel Members and Staff (Rm. 421)

12:00 Recess for Lunch

AFTERNOON

1:00 Reassembly of full Panel (Rm. 338)—Panel discussion and recommendations

3:30 Adjourn

FRED K. MURAKAMI,  
Committee Management Officer.

SEPTEMBER 4, 1975.

[FR Doc. 75-24076 Filed 9-10-75; 8:45 am]

#### WORKSHOP ON ELECTRIC UTILITY FINANCIAL PROBLEMS AND POTENTIAL SOLUTIONS

##### Meeting

The National Science Foundation is convening a Workshop on Electric Utility Financial Problems and Potential Solutions on September 25 and 26, 1975, in the Main Conference Center, the MITRE Corporation, Westgate Research Park, McLean, Virginia. Both sessions will begin at 9:00 a.m. and the Workshop will adjourn at 4:00 p.m. on September 26. The purpose of the Workshop is to provide a forum for discussion of the electric utility financial problems and potential solutions.

While this ad hoc informal session is not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (P.L. 92-463), this Workshop is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and participation. The agenda for the meeting is as follows:

SEPTEMBER 25

The Effects of Inflation and Recession on the Electric Utility Industry's Financial Condition

Regulating the Price of Electricity—Experiences and Alternatives  
The Need for Rate Relief and Rate Design

Panel Discussion, chaired by Ed Mampe (OMB), on Short and Intermediate Term Federal Policy

SEPTEMBER 26

Financing Electric Utility Capital Needs, Problems and Prospects

European Experiences with Load Management

Panel Discussion, chaired by Don Craven (FEA), on Federal Proposals Concerning Finance, Rates, and Load Management

The Workshop will be chaired by Mr. Edward G. Lilly, Executive Vice-President for Finance, Carolina Power and

#### NOTICES

Agenda—Topics will include:

OCTOBER 2, MORNING 9 AM-12 NOON

Introduction  
Review of Stellar Systems and Motions Program

OCTOBER 2, AFTERNOON 1-5 PM

Status Report on Very Large Array and Upgrading of the Arecibo Observatory at the National Astronomy and Ionosphere Center

Status Report of the Ad Hoc Task Group on Procedures

Trends and Objectives of Astronomy Section in FY 76

Radio Astronomy Review  
Long-Range Plans in Astronomy

Alternatives for NSF Actions in Response to Astronomy Manpower Report

OCTOBER 3, MORNING 9 AM-12 NOON

Report of Major Initiatives in FY 75

Report of FY 76 Astronomy Budget

Level of Support for Groundbased Astronomy

OCTOBER 3, MORNING 9 AM-12 NOON

Report of Major Initiatives in FY 75

Report of FY 76 Astronomy Budget

Level of Support for Groundbased Astronomy

OCTOBER 3, AFTERNOON 1-3 PM

Roles of International, National, Regional, and Instructional "Centers" in Astronomy

Further Discussion of Agenda Items and Summarization of Meeting

FRED K. MURAKAMI,  
Committee Management Officer.

SEPTEMBER 8, 1975.

[FR Doc. 75-24157 Filed 9-10-75; 8:45 am]

#### NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-23]

##### ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

###### Availability and Receipt

*Railroad highway accident report.* The National Transportation Safety Board has released its report on the collision of a Southern Railway work train with a Polk District schoolbus at Aragon, Georgia, October 23, 1974. The report, No. NTSB RHR-75-1, was released September 2, 1975. The Safety Board determined that the probable cause was "the failure of the schoolbus driver to stop his vehicle short of the track and wait until it was safe to proceed, and the failure of the flagman of the train to guard the unprotected crossing." Contained in the report are two recommendations (R-75-31 and 32) to the Federal Railroad Administration, and one recommendation (H-75-17) directed to the Polk School District, Georgia. The Board recommended that FRA promulgate regulations (1) governing railroad operating rules for use of radio and for flagging when trains are pushed across grade crossings, and (2) requiring that if radios are used to direct rearward

train movements, they must be installed so that they may be used by an employee from the leading platform. To the Polk School District, the Board recommended establishment of a formal procedure for frequent field checks of schoolbus driver compliance with the District's safety policies and the State operating rules.

*Safety recommendation letters.* Also issued last week were six recommendations to the Federal Aviation Administration.

On September 2, the Board recommended that the FAA (1) issue Airworthiness Directives to require installation of both visual and audible engine-out visual warning systems on all turbine-powered helicopters, and (2) amend 14 CFR Parts 27 and 29 to require that all turbine-powered helicopters be equipped with a prominent engine-out visual warning system and an audible warning system which can be heard with or without the use of a headset. (Recommendations A-75-72 and 73.) The recommendation letter concerns an Aerospatiale Model SA-315B Lama helicopter which crashed on takeoff from Springerville, Arizona, November 7, 1974. A list of 18 turbo-shaft-powered helicopter engine failure accidents, 1970-1974, is attached.

Four additional recommendations resulting from the Board's investigation of the Trans World Airlines Flight 514 crash at Berryville, Virginia, December 1, 1974, were released in the Board's September 4 letter to FAA. The Board recommended that FAA (1) in concert with the Departments of Commerce and Defense (members of the Interagency Air Cartographic Committee (IACC)) and the Jeppesen Company, conduct a study of cartographic techniques and specifications used throughout the aviation industry for approach charts to identify those techniques and specifications that best lend themselves to uniformity and standardization; (2) based on such study, to revise the IACC manual to include those techniques and specifications which are unanimously agreed upon by the parties to the study; (3) require that the IACC manual be used as the minimum standards for cartographic presentation of specified data on all instrument approach charts used in U.S. civil and military aviation; and (4) require that the revised IACC manual be used as mandatory reference by FAA personnel whenever a new instrument approach procedure is developed or whenever an existing procedure is modified.

*Responses to safety recommendations.* During the past week, the following letters were received in response to earlier Safety Board recommendations:

From FAA, letter of August 18 re recommendations A-75-58 and 59 (see 40 FR 32177, July 31, 1975). FAA concurs with the recommendations, and notes that prior to receipt of the recommendations, they had established a task

Light Company, and is open to the public. Individuals who wish to attend should inform Dr. James L. Plummer, Energy Policy Analyst, Office of Energy R&D Policy, Rm. 537, National Science Foundation, Washington, D.C. 20550 telephone 202/632-7804, prior to the Workshop. Dr. Plummer should be contacted for further information concerning the Workshop or for summary proceedings.

JAMES L. PLUMMER,  
Energy Policy Analyst,  
Office of Energy R&D Policy.

SEPTEMBER 8, 1975.

[FR Doc. 75-24075 Filed 9-10-75; 8:45 am]

#### AD HOC TASK GROUP 13 OF THE ADVISORY COMMITTEE FOR RESEARCH Addendum to Notice of Meeting

In FR Doc. 75-23595 appearing on page 41196 of the issue for Friday, September 5, 1975 (Vol. 40 No. 173) make the following addition:

Agenda: To work on draft material for the Task Group's reports to the full committee. One report will consider the possible implications to the grantee community of making more large umbrella awards and fewer small individual grants. The other report will consider how limited funds for scientific equipment might be more effectively used.

FRED K. MURAKAMI,  
Committee Management Officer.

SEPTEMBER 8, 1975.

[FR Doc. 75-24158 Filed 9-10-75; 8:45 am]

#### ADVISORY PANEL FOR ASTRONOMY Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Astronomy.

Date: October 2 and 3, 1975.

Time: 9:00 a.m. each day.

Place: Room 543, National Science Foundation, 1800 G St., NW., Washington, D.C.

Type of meeting: Open.

Contact person: Dr. G. K. Oertel, Head, Astronomy Research Section, Room 305, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4196. Anyone who plans to attend should contact Ms. Mary Saffell at the above address.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory panel: To provide advice and recommendations concerning research proposals and projects in astronomy and to advise the Foundation of the impact of its research support programs on the scientific community in astronomy.

#### NOTICES

force to review and study the definitions, terms, and phrases used in the Administration, to reconsider action on

In a letter forwarded September 3, the Safety Board urges the Federal Aviation Administration to reconsider action on

September 24, 1975 on Thursday, September 25, 1975 and on Friday, September 26, 1975, if required to complete the

1975, (2) Amendment No. 1 to License No. DPR-65, with any attachments, and (3) the Commission's related Safety

Dated at Bethesda, Maryland, this 3rd day of September 1975.

For the Nuclear Regulatory Commission

For the Nuclear Regulatory Commission

GEORGE LEAR,

#### NOTICES



force to review and study the definitions, terms, and phrases used in the ATC system to determine what terms and phrases should be defined, and what definitions should be made available to the pilot community. FAA expects to complete the study by December 1.

From the FAA, letter of August 20 in further response to recommendation A-75-23 (see 40 FR 22323, May 22, 1975). In rejecting the recommendation, FAA states, "The service record for both the CF 6-6 and -50 installations fails to disclose any positive incidents of in-flight engine damage due to icing." FAA concludes, "Consequently, we are withdrawing any plans for expanding current operating instructions under icing conditions or issuing an operations alert on the subject."

From the Coast Guard, letter of 25 August re recommendations 72-M-7a and 7b, issued in the Board's 1972 special study "Collisions Within the Navigable Waters of the United States" (NTSB-MSS-72-1). The Coast Guard considers that these recommendations are identical with recommendations 69-M-23 and 69-M-25, issued in the Board's 1969 study of "Collisions of Radar-Equipped Merchant Ships," to which the Coast Guard responded in a memorandum dated 7 June 1974. The Coast Guard provides a copy of that memorandum, which states in pertinent part, "Basic marine radar performance specifications are being developed by the Radio Technical Commission for Marine Services (RTCM) in order to fulfill the requirements of SOLAS. Within its various working groups RTCM is examining equipment relating to transponder identification systems between radar equipped vessels, an electronic stabilization device which will compensate for roll, true motion trail persistence, a speed over the ground measuring device and other collision avoidance associated equipment. The Coast Guard is keeping abreast of the development of these basic standards by the RTCM."

From Illinois Central Gulf Railroad (ICG), letter of August 26 re recommendations R-73-28 and 29, issued in Board report NTSB-RAR-73-5, "Collision of Illinois Central Gulf Railroad Commuter Trains, Chicago, Illinois, October 30, 1972." Actions taken by ICG, according to their response, include the rewriting of "Book of Operating Rules," effective July 1, 1974, and the conducting of classes on interpretation of the rules. Also, efficiency tests have been revised, and ICG rule examiners are preparing "explanation of operating rules, including questions and answers," targeted for January 1, 1976. ICG states, "We have revised our operating practices in regard to Rule 99(a), so that a trainman is required to provide flag protection against following trains at any time the train stops on the main track, except in yard limits." Finally, the letter notes, 70 of 129 Highliner cars have been modified to provide a brake valve for crewmembers in either the A or B end of the car, in addition to the center vestibule.

In a letter forwarded September 3, the Safety Board urges the Federal Aviation Administration to reconsider action as proposed originally in recommendations A-74-67 and 68. The Board's request is in reply to FAA's response of January 13, 1975. Recommendation A-74-67 requested that 14 CFR Part 141 be amended to increase the required minimum of 35 hours of classroom instruction given to private pilot trainees, and to specify the number of hours of meteorological instruction. FAA responded, in part, "What appears to be more appropriate is emphasis on the quality of meteorological instruction received \* \* \*." While quality should be emphasized, the Board continues to believe that additional instruction should be given, in view of the number of subjects to be covered in a mere 35 hours and particularly in view of the continuing large numbers of fatal, weather-involved, general aviation accidents. The Board further states, with reference to recommendation A-74-68 concerning written meteorology examinations, " \* \* \* a pilot should not be able to obtain his certificate unless he has received a passing grade of at least 70 percent on the weather questions in the examination." The recommendations were issued in the Board's special study, "Fatal, Weather-Involved, General Aviation Accidents" (NTSB-AAS-74-2).

The accident report and the recommendations letters are available to the general public; single copies may be obtained without charge. A \$4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20554.

Multiple copies of the accident report may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,  
Federal Register Liaison Officer.

SEPTEMBER 8, 1975.

[FR Doc.75-24189 Filed 9-10-75;8:45 am]

#### NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-261, 50-261,  
(O.L. Modification)]

CAROLINA POWER & LIGHT CO.  
(H. B. ROBINSON, UNIT #2)

#### Order Reconvening Evidentiary Hearing

It is ordered that the evidentiary hearing which was convened on Tuesday August 12, 1975 at 10:00 a.m. local time at the Coker College Music Hall, Hartsville, South Carolina 29550, and which ran in daily sessions through Friday August 15, 1975, shall be reconvened at 9:00 a.m. local time, Tuesday, September 23, 1975, at Coker College Music Hall, Hartsville, South Carolina, 29550.

Sessions will also be held in the hearing room described above on Wednesday,

September 24, 1975 on Thursday, September 25, 1975 and on Friday, September 26, 1975, if required to complete the record. If hearing sessions in addition to the four ordered herein, are required, the Board, in cooperation with the parties, will arrange the time for additional sessions at the close of the hearing on September 26, 1975.

The Public is invited to attend each of the evidentiary hearing sessions ordered herein.

The agenda set out below will be followed at the hearing sessions:

1. Introduction of the balance of the licensee-applicant's case and questions by the parties and members of the Board.
2. Introduction of the Staff's case and questions by the parties and Board.
3. Introduction of the Intervenor's case and questions by the parties and Board.
4. Closing matters.

It is so ordered.

Dated at Bethesda, Maryland this 2nd day of September, 1975.

For the Atomic Safety and Licensing Board.

JOHN F. WOLF,  
Chairman.

[FR Doc.75-24144 Filed 9-10-75;8:45 am]

[Docket No. 50-336]

CONNECTICUT LIGHT AND POWER CO.  
ET AL.

#### Issuance of Amendment to Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-65 issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (Millstone Nuclear Power Station, Unit 2) (licensees). This amendment is effective as of the date of issuance.

The amendment corrects certain proofreading errors and grants a special test exception to permit the performance of tests during hot functional testing to verify the adequacy of the feedwater sparger modifications that were installed to prevent the occurrence of water hammer in the feedwater system piping.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 21, 1975 and supplement thereto dated August 25,

1975, (2) Amendment No. 1 to License No. DPR-65, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3rd day of September 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,  
Chief, Light Water Reactors  
Project Branch 1-3 Division  
of Reactor Licensing.

[FR Doc.75-24145 Filed 9-10-75;8:45 am]

[Docket No. 50-336]

CONNECTICUT LIGHT AND POWER CO.  
ET AL.

#### Issuance of Amendment to Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-65 issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (Millstone Nuclear Power Station, Unit 2) (licensees). This amendment is effective as of the date of issuance.

The amendment corrects an error which was made during the development of the original technical specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 26, 1975, (2) Amendment No. 2 to License No. DPR-65, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3rd day of September 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,  
Chief, Light Water Reactors  
Project Branch 1-3, Division  
of Reactor Licensing.

[FR Doc.75-24146 Filed 9-10-75;8:45 am]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

#### Issuance of Amendment to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 10 and No. 9 to Facility Operating Licenses Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company which revised Technical Specifications for operations of the Turkey Point Nuclear Generating Units 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

These amendments incorporate into the Turkey Point Nuclear Generating Units 3 and 4, Technical Specifications re-formatted Administrative Controls consistent with presently issued licenses. They relate to licensee staffing qualifications and management procedures involved with operating the facilities. The revisions to the reporting requirements proposed by the licensee as part of the Administrative Controls have not been incorporated into the Technical Specifications since they are still under review.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of the amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated September 19, 1974, as supplemented January 9, 1975, (2) Amendment No. 10 to License No. DPR-31 and Amendment No. 9 to License No. DPR-41 with Change No. 22, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3rd day of September, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of  
Reactor Licensing.

[FR Doc.75-24147 Filed 9-10-75;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. ET AL.

Availability of Safety Evaluation Report for Wolf Creek Generating Station, Unit No. 1

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Wolf Creek Generating Station, Unit No. 1 to be located in Coffey County, Kansas. Notice of receipt of the application filed by Kansas Gas and Electric Company and Kansas City Power and Light Company to construct and operate the Wolf Creek Nuclear Generating Station, Unit No. 1 was published in the FEDERAL REGISTER on August 30, 1974 (39 F.R. 31683).

The Kansas Gas and Electric Company and Kansas City Power and Light Company, together with a group of three other utilities, consisting of the Union Electric Company, the Rochester Gas Northern States Power Company (the and Electric Corporation and the SNUPPS utilities), under the acronym SNUPPS (Standardized Nuclear Unit Power Plant System) submitted a standard plant design for review under the Nuclear Regulatory Commission's standardization policy statement of March 5, 1973. The five SNUPPS utilities have filed four separate applications with the Commission for licenses to construct and operate four proposed standardized plants or SNUPPS plants (consisting of a total of units) under the duplicate plant option of the Commission's policy. This policy allows, under one of the options, for a simultaneous review of the safety-related parameters of a limited number of duplicate plants which are to be constructed within a limited time span.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Office of the County Clerk, Coffey County Courthouse, Burlington, Kansas for inspection and copying. The report (Document No. NUREG 75/080) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Separate safety evaluation reports will be issued for each application. On August 7, 1975 the Office of Nuclear Reactor Regulation issued its Safety Evaluation Report (Document No. NUREG 75/076) for the Union Electric Company's Callaway Plant. It is also available from the National Technical Information Service at a cost of \$7.25 per paper copy and \$2.25 for microfiche.

Dated at Bethesda, Maryland this 4th day of September 1975.

the Clearance Office, Office of Management and Budget, Washington, D.C.

approved after brief notice thru this release.

a Registration Statement under the Act on Form N-RR-1 on October 28, 1970

[812-3816]

tional shares of Pinestock common stock will be issued on conversion of the FFA



Dated at Bethesda, Maryland this 4th day of September, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,  
Chief, Light Water Reactors  
Project Branch 1-1 Division of  
Reactor Licensing.

[FR Doc.75-24148 Filed 9-10-75; 8:45 am]

[Docket Nos. 50-346 A, 50-500 A, 50-501 A,  
50-440 A, 50-441 A]

#### THE TOLEDO EDISON CO. ET AL. Reconstitution of Board

In the matter of The Toledo Edison Company and The Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station, Units 1, 2 and 3). The Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2).

John H. Brebbia, Esq., was a member of the Atomic Safety and Licensing Board established for the above proceeding. Because of other commitments, Mr. Brebbia is unable to continue his service on this Board.

Accordingly, Ivan W. Smith, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with Section 2.721 (b) of the Rules of Practice.

Dated at Bethesda, Md. this 5th day of September 1975.

ATOMIC SAFETY AND LICENSING  
BOARD PANEL  
JAMES R. YORE,  
Acting Chairman.

[FR Doc.75-24149 Filed 9-10-75; 8:45 am]

#### OFFICE OF MANAGEMENT AND BUDGET

##### CLEARANCE OF REPORTS List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 8, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from

#### NOTICES

the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

##### NEW FORMS

##### U.S. CIVIL SERVICE COMMISSION

Supplemental Qualifications Statement for Correctional Officer, CSC 1256, on occasion; applicants for Federal employment, Caywood, D. P.; 395-3443.

##### DEPARTMENT OF DEFENSE

Departmental and other assessment of current and future defense research development test and evaluation community needs for scientific and technical information services, single-time; Dept. of Defense contractors, National Security Division, Harry B. Sheffel; 395-4734.

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Policy Development and Research: Request for medicare claim No. SSA-L-4200, single-time, medicare beneficiaries, Caywood, D. P.; 395-3443.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, region 111, scattered site public housing resident questionnaire and interior inspection; single-time, scattered site public housing tenants, Community & Veterans Affairs Division, Sunderhauf, M.B.; 395-3532.

##### REVISIONS

##### ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Enrollment and Degree Information in nuclear fields, ERDA 616A and ERDA 617-A, annually, Education Institutions, Caywood, D.P.; 395-3443.

##### EXTENSIONS

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Patient Progress Study Questionnaire for Chronically Ill hospitalized patients, HRAHHRD 1107; on occasion, chronically ill patients in County home, Dick Elsing; 395-6140.

PHILLIP D. LARSEN,  
Budget and Management  
Officer.

[FR Doc.75-24308 Filed 9-10-75; 8:45 am]

#### CLEARANCE OF REPORTS

##### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 5, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be

approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

##### NEW FORMS

##### NATIONAL SCIENCE FOUNDATION

Study and Analysis of the Official Readership of Mosaic Magazine, single-time, Recipients of Mosaic Magazine, Lowry, R. L.; 395-3772.

##### NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Cultural Facilities Questionnaire, single-time, non-profit Arts Organizations; Caywood, D. P.; 395-3443.

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mailing List Circularization, single-time, addresses on NASA Tech brief mailing list, Harry B. Sheffel.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage, request for fund reservation, FHA 3128-EH, on occasion, nonprofit organizations, Community & Veterans Affairs Division; 395-3532.

##### REVISIONS

##### VETERANS ADMINISTRATION

Offer to rent on month-to-month basis and credit statement for rental of acquired properties and pending acquisitions) 26-6725, on occasion, prospective tenants (Veterans), Caywood, D.P.; 395-3443.  
Report of Automatic Mobile Home Loan-Unit only, 26-8149, on occasion, Lenders, Caywood, D.P.; 395-3443.

PHILLIP D. LARSEN,  
Budget and Management  
Officer.

[FR Doc.75-24309 Filed 9-10-75; 8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[811-2060]

##### NO-LOAD SELECTED FUNDS, INC.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

NOTICE IS HEREBY GIVEN that No-Load Selected Funds, Inc., ("Applicant"), 3300 Whitehaven Street, N.W., Washington, D.C. 20007, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on April 18, 1975, and an amendment thereto on August 19, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized as a Maryland corporation, and that it registered under the Act by filing a Notice of Registration on Form N-8A on April 23, 1970. Thereafter, Applicant filed

a Registration Statement under the Act on Form N-8B-1 on October 28, 1970 and a Registration Statement under the Securities Act of 1933 on Form S-5 which it states became effective on August 26, 1971.

Applicant further represents that its Board of Directors, at a meeting held on February 24, 1975, recommended the adoption of a proposed Plan of Dissolution, Complete Liquidation and Termination of Existence of the Fund ("Plan"). At a meeting held on April 16, 1975, shareholders owning more than two-thirds of the outstanding shares of Applicant approved and adopted the Plan in accordance with the laws of the State of Maryland. Applicant further represents that all of its assets were converted to cash and distributed to its shareholders on a pro rata basis and that Applicant has ceased to act as an investment company as defined in the Act. Applicant states that it filed Articles of Dissolution with the State of Maryland, on April 17, 1975, said Articles being approved on May 5, 1975.

Section 8(f) provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 30, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

(SEAL) GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-24162 Filed 9-10-75; 8:45 am]

#### NOTICES

[812-3816]

##### PINESTOCK ASSOCIATES, INC. AND FIDUCIARY EQUITY ASSOCIATES, INC.

Notice of Filing of Application for an Order Exempting Proposed Transaction for Order Permitting Participation in Said Transaction

NOTICE IS HEREBY GIVEN that Pinestock Associates, Inc. ("Pinestock"), and Fiduciary Equity Associates, Inc. ("FEA"), 140 Broadway, New York, New York 10005, both open-end diversified management investment companies registered under the Investment Company Act of 1940 ("Act") (collectively, the "Applicants"), filed an application on June 5, 1975, and amendments thereto on July 28, August 13, and August 29, 1975, for orders (1) pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed merger of FEA with and into Pinestock and (2) pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder for an order permitting Alliance Capital Management Corporation ("Alliance"), the investment adviser of each of the Applicants, to participate in the proposed merger. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Agreement and Plan of Merger (the "Agreement") between the Applicants provides for the merger of FEA with and into Pinestock (which will be the surviving company). The corporate existence of FEA will cease on the effective date of the merger. The Agreement is subject to approval by the affirmative vote of the holders of two-thirds of the outstanding common stock of Pinestock, and approval by the affirmative vote of the holders of a majority of the outstanding common stock of FEA. The Agreement provides that the consummation of the merger is subject, among other things, to receipt by the Applicants of opinions of counsel to the effect that (1) the merger will constitute a "reorganization" within the meaning of Section 368(a)(1)(A) of the Internal Revenue Code of 1954, as amended (the "Code"); (2) no gain or loss for federal income tax purposes will be recognized to FEA, to Pinestock or to the Pinestock stockholders as a result of the merger; and (3) in accordance with Section 362 (b) of the Code, the basis of the assets received by Pinestock will be the same as the basis of such assets in the hands of FEA immediately prior to the merger. The shareholders of FEA are organizations exempted from taxation by Section 501 of the Code.

The Agreement provides that on the effective date of the merger, each outstanding share of FEA common stock will be converted into shares of Pinestock common stock having the same aggregate net asset value as a share of FEA common stock as of the close of business on the last business day preceding the effective date of the merger. No frac-

tional shares of Pinestock common stock will be issued on conversion of the FEA common stock, but cash will be paid in lieu thereof. Applicants state that the effective date of the merger shall be not later than December 31, 1975, and that it is anticipated that the effective date of the merger will be a date shortly after the meetings of the shareholders of the Applicants held for the purpose of voting on the merger.

Applicants state that FEA was a "personal holding company" for federal tax purposes for its taxable year ending December 31, 1974 and that it will likely remain a personal holding company until the effective date of the merger. It is also represented that FEA intends, shortly before the effective date of the merger, to declare and pay to its shareholders a dividend substantially equal to the amount of its then undistributed net investment income, if any.

Applicants state that as of April 30, 1975, FEA and Pinestock had net assets of approximately \$5,259,529 and \$7,679,550, respectively. Under these circumstances, Applicants state that FEA and Pinestock each had accrued \$6,000 in anticipation of expenses to be incurred in connection with the proposed merger. According to the Applicants, however, the net asset value of FEA has decreased substantially since April 30, 1975, due to several large redemptions by certain of its major stockholders; Applicants state that as of July 31, 1975, FEA's net assets were approximately \$2,216,054. For this reason, Applicants submit that Alliance has agreed to assume all of the expenses of Pinestock incurred in connection with the merger, and that the said \$6,000 accrual by Pinestock has accordingly been reversed.

Applicants state that the Agreement does not provide for any adjustment of the net assets of either FEA or Pinestock for realized or unrealized capital gains and losses. In support of this proposal, Applicants submit that as of June 30, 1975, FEA and Pinestock had net unrealized gains of approximately \$565,580 and \$564,165, respectively, representing approximately 16.43% and 6.91% of the net assets of FEA and Pinestock, respectively, on that same date; that as of June 30, 1975, FEA had net realized capital losses of approximately \$497,725, representing approximately 14.46% of the net assets of FEA on the same date; that as of June 30, 1975, Pinestock had net realized capital gains of approximately \$22,888, representing approximately 28% of the net assets of Pinestock on that same date; that as of December 31, 1974, Pinestock had a net capital loss carry-forward of \$2,658,279 of which \$1,811,088 expires in 1975, \$384,271 expires in 1978 and \$462,920 expires in 1979; and that as of December 31, 1974, FEA had a net capital loss carry-forward of \$3,284,722 of which \$2,062,836 expires in 1975 and \$1,221,886 expires in 1979.

Alliance is a wholly-owned subsidiary of Donaldson, Lufkin & Jenrette, Inc.

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("DLJ"). The Applicants state that all of the officers of each Applicant are officers or employees of Alliance, and that the same officers and employees of Alliance hold the offices of Treasurer, Assistant Secretary, Secretary and Assistant Secretary of each Applicant. Two of the Pinestock directors are officers and directors of Alliance. One FEA director is a director of, but is not employed by, Alliance, and another is a stockholder of DLJ but is not an affiliated person of DLJ or its subsidiaries. Both of the Pinestock directors who are officers and directors of Alliance are officers of FEA and one of such directors is a director of FEA. The Applicants state that they have no other common directors or officers.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, or an affiliated person of such affiliated person, knowingly to sell any security or other property to such registered investment company (except securities of which the buyer is the issuer) or knowingly to purchase any security or other property from such registered investment company (except securities of which the seller is the issuer). Section 17(b) of the Act provides that any person may file with the Commission an application for an order exempting a proposed transaction from one or more of the provisions of Section 17(a) of the Act, and that the Commission shall grant such application and issue such order of exemption if evidence establishes that the terms of the proposed transaction are fair and reasonable and do not involve any over-reaching on the part of any person concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned; and that the proposed transaction is consistent with the general purposes of the Act.

The Applicants state that in view of the relationships described above, they might be deemed to be affiliated persons or that each Applicant might be deemed to be affiliated persons of such a person, within the meaning of Section 2(a)(3) of the Act. The Applicants therefore request an exemption pursuant to Section 17(b) of the Act exempting the merger from the provisions of Section 17(a) of the Act.

Section 17(d) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, acting as principal, to effect any transaction in which such registered company is a joint or a joint and several participant with such person, in contravention of such rules and regulations as the Commission may prescribe. Rule 17d-1 under the Act provides, in part, that no such person shall so effect or participate in any such joint arrangement unless an application regarding such arrangement has been filed with the Commission and has been granted by order; and that in passing upon such applications, the Commission will consider whether the participation of such registered company in such arrangement on

## NOTICES

the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants submit that, to the extent that the assumption by Alliance of the expenses incurred by Pinestock in connection with the merger of the Applicants might be considered a participation by Alliance in a joint enterprise in which a registered investment company is a participant, an application regarding such joint enterprise and an order granting such application would be required in connection with the proposed merger.

The investment objective of Pinestock is said to be capital appreciation, and that of FEA growth of capital. The Applicants submit that the proposed transaction is consistent with their respective policies since the stockholders of FEA will receive shares of an open-end management company with similar investment objectives and substantially identical fundamental policies and investment restrictions. The Applicants believe that the portfolio securities of FEA are compatible with the objectives and policies of Pinestock and that the merger will not entail the sale of a substantial portion of any such securities by reason of any differences in the investment objectives or policies of the Applicants.

The Applicants assert that the terms of the proposed transaction are fair and reasonable in that Pinestock will be issuing its shares in exchange for property at a price not less than the net asset value thereof and that the shareholders of FEA will receive shares of common stock of Pinestock equal in value to the aggregate net asset value of their FEA common stock.

Applicants state that in view of the magnitude of Pinestock's capital loss carry-forward, the value to Pinestock of FEA's net realized losses and capital loss carry-forward is uncertain. For this reason and because the shareholders of FEA will be acquiring through the merger shares of a diversified open-end management company which, unlike FEA, is not a "personal holding company" for federal tax purposes, Applicants submit that their managements are of the opinion that the terms of the Agreement, in not providing for any adjustments with respect to these items, are equitable.

Applicants also submit that, under the circumstances of the decreased amount of the net assets of FEA to be acquired by Pinestock pursuant to the merger, Alliance deemed it appropriate to assume the expenses of Pinestock incurred in connection with the merger. The stockholders of FEA, who will be receiving pursuant to the merger shares of a more viable fund which, unlike FEA, is not a "personal holding company" for federal tax purposes, derive no less a benefit from the proposed merger as a result of the decrease in FEA's net assets.

The Applicants, therefore, submit and represent that the assumption by Alliance of the expenses incurred by Pine-

stock and not by FEA in connection with the merger is fair and reasonable and is consistent with the provisions, policies and purposes of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 30, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-24163 Filed 9-10-75; 8:45 am]

[Securities Exchange Act Release No. 11629]

## UNFIXED COMMISSIONS

## Confirmation of Transactions

The Commission today drew attention to practices recently being urged on brokers in connection with confirming transactions. It has been suggested that institutions, particularly foreign institutions, have requested that brokers (i) provide to such institutions confirmations of transactions which reflect a commission calculated according to the old minimum rate schedules of exchanges, (ii) collect the commission so reflected and (iii) agree to return to the institutions, at monthly intervals, some percentage of the commission collected.<sup>1</sup>

Since May 1, 1975, the Commission has,

<sup>1</sup> Broker-dealers are required by Section 11(d)(2) of the Act to disclose in writing at or prior to completion of a transaction with a customer whether it is acting as a dealer for its own account, as a broker for such customer or as broker for some other person. In addition, in the case of over-the-counter transactions, Securities Exchange Act Rule 15c1-4 requires disclosures with respect to the source and amount of any commission or other remuneration.

## NOTICES

pursuant to Rule 19b-3, prohibited national securities exchanges from fixing commission rates on exchange transactions.<sup>2</sup> A fundamental part of the Commission's reasoning in adopting Rule 19b-3 was that "the free play of competition" could "provide a level and structure of commission rates" which "would better serve the interests of the investing public, the securities markets, the securities industry, the national economy and the public interest than any system of price fixing. . . ."

During the initial transition to competitively determined commission rates, there may have been reasons, such as the need to adjust rapidly to changing methods of doing business, for using arrangements such as those described above. Clearly, however, where the parties are prepared to determine the commission at the time an order is placed, there would not be any reason for continuing to prepare confirmations along the lines referred to above. The following applies to all transactions by brokers, whether effected on or off an exchange or for a foreign or domestic institution.

Institutions which have been suggesting the arrangements referred to above are, in most cases, acting as agents for investors when they place orders with brokers. Under general principles of agency law in the United States, an institution which acts as an agent for an investor and receives a return of commissions paid by the investor to a broker is under a duty to turn them over to the investor.<sup>3</sup> An institution's violation of that duty would, in the opinion of the Commission, constitute a fraudulent or deceptive act or practice in connection with the purchase or sale of securities. Furthermore, where acts (or culpable failures to act) within the United States, such as directing the preparation of misleading confirmations, directly cause losses to foreigners outside the United States, the anti-fraud provisions of the federal securities acts are applicable.<sup>4</sup>

A broker which causes or assists an institution to violate a duty to the investor may be aiding and abetting a fraudulent or deceptive act or practice.<sup>5</sup> Further-

<sup>2</sup> Securities Exchange Act Rule 19b-3, 17 CFR 240.19b-3.

<sup>3</sup> Securities Exchange Act Release No. 11203 (Jan. 23, 1975) at 23.

<sup>4</sup> See Restatement (Second) of Agency, Sections 388 and 404A. In the absence of fraud that duty may, presumably, be modified with the investor's informed consent.

<sup>5</sup> *Bersch v. Drexel Firestone, Inc.*, No. 75-7031 (2d Cir. April 28, 1975), [1974-1975 Transfer Binder] CCH Fed. Sec. L. Rep. ¶ 95,080. See also *Roth v. Fund of Funds*, 405 F.2d 421 (2d Cir. 1968), cert. denied, 394 U.S. 975 (1969); *Schoenbaum v. Firstbrook*, 405 F.2d 200 (2d Cir. 1968), rev'd en banc on other grounds, 405 F.2d 215 (2d Cir. 1968), cert. denied sub nom. *Manley v. Schoenbaum*, 395 U.S. 906 (1969); *Finch v. Marathon Securities*, 316 F. Supp. 1345 (S.D.N.Y. 1970).

<sup>6</sup> See, e.g., *Kerbs v. Fall River Industries, Inc.*, 502 F.2d 731 (10th Cir. 1974). See also Restatement (Second) of Agency, Section 312. Confirmations or other similar documentation may not, when taken alone, omit

more, a broker would have a duty of inquiry with respect to his participation in a course of conduct which, to a reasonable person, would raise a question of fraudulent or deceptive acts or practices.<sup>6</sup>

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

SEPTEMBER 3, 1975.

[FR Doc. 75-24164 Filed 9-10-75; 8:45 am]

## SMALL BUSINESS ADMINISTRATION

[License Application No. 03/03-5122]

## COTTMAN CAPITAL CORP.

## Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Cottman Capital Corporation (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1975).

The officers, directors and stockholder of the applicant are as follows:

Richard O. Silva, President, Director, Woodford, Bryn Athyn, Penna. 19009.  
Stephan B. Narin, Secretary, Treasurer, Director, 331 Mallwyd Road, Merion, Penna. 19066.  
Cottman Franchises Internationale, Inc., 100% Stockholder, 575 Virginia Drive, Fort Washington, Penna. 19034.

The applicant, a Pennsylvania corporation, with its principal place of business located at 575 Virginia Drive, Fort Washington, Pennsylvania 19034, will begin operations with \$300,000 of paid-in capital and paid-in surplus derived from the sale of 300,000 shares of common stock. The applicant's parent, Cottman Franchises International Inc., was established in 1964 and has extensive experience in franchising transmission systems centers.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

to state a material fact in order to make the statements made therein not misleading. See, e.g., Securities Exchange Act Rule 10b-5, 17 CFR 240.10b-5, and Securities Exchange Act Rule 15c1-2, 17 CFR 240.15c1-2.

<sup>7</sup> See *Securities and Exchange Commission v. Spectrum, Ltd.*, 489 F.2d 535, 541-2 (2d Cir. 1973); *Buttrey v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 410 F.2d 135, 143-4 (7th Cir. 1969), cert. denied, 396 U.S. 838 (1969). See also *Brennan v. Midwestern Life Ins. Co.*, 417 F.2d 147, 154 (7th Cir. 1969), cert. denied, 397 U.S. 989 (1970).

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA rules and regulations.

Any person may, on or before September 26, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Fort Washington, Pennsylvania.

Dated: September 3, 1975.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc. 75-24179 Filed 9-10-75; 8:45 am]

[License No. 02/02-0265]

## CREDITO INVESTMENT COMPANY, INC.

## Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Credito Investment Company, Inc. (Credito), Recinto Sur and San Justo Streets, San Juan, Puerto Rico 00936, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to § 107.1004(b) of the SBA rules and regulations governing small business investment companies (13 CFR 107.1004 (1975)), for an exemption from the provisions of the conflict of interest regulations.

The exemption, if granted, will permit Credito to purchase 5 percent of the common stock of Carbotek, Inc. (Carbotek) for \$180,000. Carbotek, which is located in Carolina, Puerto Rico, is a manufacturer of a toner used in photocopying machines. Mr. Jorge L. P. Valdivieso, Chairman of the Board of Carbotek is a director of Banco Credito y Ahorro Poncena, (Banco). Banco owns 46.6 percent of Credito's stock. Carbotek is considered to be an "Associate" of the Licensee, as defined by § 107.3 of the regulations. This transaction, therefore, will require an exemption pursuant to § 107.1004(b)(1) of the regulations.

Notice is hereby given that any person may, on or before September 26, 1975, submit written comments on the proposed transaction to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Juan, Puerto Rico.

Dated: September 4, 1975.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc. 75-24180 Filed 9-10-75; 8:45 am]



# INTERSTATE COMMERCE COMMISSION

[Notice No. 851]

## ASSIGNMENT OF HEARINGS

SEPTEMBER 8, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 119789 Sub 352, Caravan Refrigerated Cargo, Inc., now being assigned October 20, 1975 (1 day), at Atlanta, Georgia, in a hearing room to be later designated.

MC 61592 Sub 344, Jenkins Truck Line, Inc., now assigned October 20, 1975, at Atlanta, Georgia, is canceled and the application is dismissed.

MC 97068 Sub 13, H. S. Anderson Trucking Company, now being assigned September 18, 1975 (2 days), at Birmingham, Alabama, in Room 345, U.S. Courthouse, 1800 Fifth Avenue North.

MC-F-12368, O.M.C. Freight Systems—Control & Merger—Riteway Transport, Inc., now assigned November 10, 1975, at Phoenix, Ariz., is canceled and application dismissed.

MC 113855 Sub 314, International Transports, Inc., now assigned September 9, 1975, at Billings, Montana, is canceled and application dismissed.

No. MC 51146 (Sub-No. 409), Schneider Transport, Inc., now assigned October 14, 1975, at Washington, D.C., is canceled and application dismissed.

MC 134401 Sub 19, Sherwood W. Hume d.b.a. Hume Equipment Company, now assigned October 15, 1975, at Buffalo, New York, will be held in Room 714, U.S. Courthouse, 68 Court Street.

MC 134401 Sub 11, Sherwood W. Hume d.b.a. Hume Equipment Company, now assigned October 20, 1975, at Buffalo, New York, will be held in Room 714, U.S. Courthouse, 68 Court Street.

MC 116519 Sub 27, Frederick Transport Limited, now assigned October 22, 1975, at Buffalo, New York, will be held in Room 714, U.S. Courthouse, 68 Court Street.

MC-F-12519 and MC 108067 Sub 16, Al Zeffiro Transfer & Storage Inc.—Purchase (Portion)—Daily Express now assigned October 6, 1975, at Philadelphia, Pa., will be held in Room 3240, William J. Green, Jr., Fed. Bldg., 600 Arch Street.

MC-F-12458, Frontier Delivery, Inc.—Purch (Port.)—Petroleum Tank Lines, Inc., now being assigned October 14, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 52587 Sub 12, O.K. Motor Service, Inc., application dismissed.

MC 95350 Sub 6, R. W. Jones Trucking Company, now assigned October 21, 1975, at Salt Lake City, Utah, will be held in Room 206, Administrative Bldg., 1745 West 1700 South.

MC 117883 Sub 196, Subler Transfer, Inc., now assigned October 29, 1975, at St. Louis, Missouri, will be held in Courtroom 3, 1114 Market Street.

## NOTICES

MC 139193 Sub 21, Roberts & Oake, Inc., now assigned November 3, 1975, at St. Louis, Missouri, will be held in Courtroom 3, 1114 Market Street.

No. 36139, The Board of Trade of Kansas City, Missouri, Inc. vs. Burlington Northern, Inc., et al., now assigned November 5, 1975, at St. Louis, Missouri, will be held in Courtroom 3, 1114 Market Street.

MC 115331 Sub 391, Truck Transport Incorporated, a Corporation, now assigned November 4, 1975, at St. Louis, Missouri, will be held in Courtroom 3, 1114 Market Street.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc 75-24211 Filed 9-10-75; 8:45 am]

[Ex Parte No. 241; Revised Exemption No. 90]  
**AKRON, CANTON & YOUNGSTOWN RAILROAD CO., ET AL.**

### Mandatory Car Service Rules; Exemption

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", shall be exempted from the provisions of Car Service Rules 1, 2(a), and 2(b).

The Akron, Canton & Youngstown Railroad Co., reporting marks: ACY.  
Atlanta & Saint Andrews Bay Railway Co., reporting marks: ASAB.  
Elgin, Joliet and Eastern Railway Co., reporting marks: EJE.  
Missouri-Kansas-Texas Railroad Co., reporting marks: BKT, MKT, MKTT.  
Missouri Pacific Railroad Co., reporting marks: MP.  
Norfolk and Western Railway Co., reporting marks: N&W, NKP, P&WV, VGN, WAB.  
The Pittsburgh and Lake Erie Railroad Co., reporting marks: P&LE.  
Raritan River Rail Road Co., reporting marks: RR.  
Sacramento Northern Railway, reporting marks: SN.  
SOO Line Railroad Co., reporting marks: SOO.  
Tidewater Southern Railway Co., reporting marks: TS.  
WCTU Railway Co., reporting marks: WCTR.  
The Western Pacific Railroad Co., reporting marks: WP.

Effective August 22, 1975.

Expires November 15, 1975.

Issued at Washington, D.C., August 20, 1975.

INTERSTATE COMMERCE COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc 75-24216 Filed 9-10-75; 8:45 am]

[Ex parte No. 241; Revised Exemption No. 90]  
**AKRON, CANTON & YOUNGSTOWN RAILROAD CO., ET AL.**

### Mandatory Car Service Rules; Exemption

It appearing, that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", shall be exempted from the provisions of Car Service Rules 1, 2(a), and 2(b).

The Akron, Canton & Youngstown Railroad Co., reporting marks: ACY.  
Atlanta & Saint Andrews Bay Railway Co., reporting marks: ASAB.  
The Baltimore and Ohio Railroad Co., reporting marks: BO.  
The Chesapeake and Ohio Railway Co., reporting marks: CO PM.  
Chicago & Eastern Illinois Railroad Co., reporting marks: CEI, CEI.  
Elgin, Joliet and Eastern Railway Co., reporting marks: EJE.  
Illinois Terminal Railroad Co., reporting marks: ITC.  
Missouri-Illinois Railroad Co., reporting marks: MI.  
Missouri-Kansas-Texas Railroad Co., reporting marks: BKT, MKT, MKTT.  
Missouri Pacific Railroad Co., reporting marks: MP.  
Norfolk and Western Railway Co., reporting marks: N&W, NKP, P&WV, VGN, WAB.  
The Pittsburgh and Lake Erie Railroad Co., reporting mark: P&LE.  
Raritan River Rail Road Co., reporting marks: RR.  
Sacramento Northern Railway, reporting marks: SN.  
SOO Line Railroad Co., reporting marks: SOO.  
The Texas and Pacific Railway Co., reporting marks: T&P.  
Tidewater Southern Railway Co., reporting marks: TS.  
WCTU Railway Co., reporting marks: WCTR.  
Western Maryland Railway Co., reporting marks: WM.  
The Western Pacific Railroad Co., reporting marks: WP.

Effective August 27, 1975.

Expires November 15, 1975.

Issued at Washington, D.C., August 25, 1975.

INTERSTATE COMMERCE COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc 75-24215 Filed 9-10-75; 8:45 am]

Addition

## NOTICES

[Ex parte No. 241; Revised Exemption No. 10]  
**ATLANTA AND SAINT ANDREWS BAY RAILWAY CO., ET AL.**

### Mandatory Car Service Rules; Exemption

It appearing, that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less and equipped with doors less than 9 ft. wide and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta and Saint Andrews Bay Railway Co., reporting marks: ASAB.  
The Central Railroad Co. of New Jersey, Robert D. Timpany, Trustee, reporting marks: CNJ.  
Chicago, West Pullman & Southern Railroad Co., reporting marks: CWP.  
The Denver & Rio Grande Western Railroad Co., reporting marks: DRGW.

Deleted Louisiana Midland Railway Co.

Effective August 28, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., August 28, 1975.

INTERSTATE COMMERCE COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc 75-24218 Filed 9-10-75; 8:45 am]

[Ex parte No. 241; Revised Exemption No. 12]  
**ATLANTIC AND WESTERN RAILWAY, ET AL.**

### Mandatory Car Service Rules; Exemption

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Reporting Marks: ATW  
Chicago & Illinois Midland Railway Company Reporting Marks: CIM  
Fonda, Johnstown and Gloversville Railroad Company Reporting Marks: FJG  
Hartford and St. Albans Railroad Company Reporting Marks: HS  
Louisiana Midland Railway Company Reporting Marks: LOAM  
Manufactures Railway Company Reporting Marks: MRS  
Maryland and Pennsylvania Railroad Company Reporting Marks: MPA  
Minneapolis, Northfield and Southern Railway Reporting Marks: MNS

Pickens Railroad Company Reporting Marks: PICK

Roscoe, Snyder and Pacific Railway Company Reporting Marks: RSP

Wellsville, Addison & Galetton Railroad Corporation Reporting Marks: WAG

Effective August 28, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., August 28, 1975.

INTERSTATE COMMERCE COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc 75-24217 Filed 9-10-75; 8:45 am]

[Ex parte No. 241; Exemption No. 14-A]  
**MANDATORY CAR SERVICE RULES; EXEMPTION**

Upon further consideration of Exemption No. 14, and good cause appearing therefor:

It is ordered, That: Exemption No. 14 be, and it is hereby, vacated and set aside.

Effective August 28, 1975.

Issued at Washington, D.C., August 28, 1975.

INTERSTATE COMMERCE COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc 75-24214 Filed 9-10-75; 8:45 am]

[Ex Parte No. 241; Revised Exemption No. 99]  
**FLORIDA EAST COAST RAILWAY CO., ET AL.**

### Mandatory Car Service Rules; Exemption

It appearing, that the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that

Addition.

return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carrier for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS" and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

Florida East Coast Railway Company Reporting Marks: FEC  
The Kansas City Southern Railway Company Reporting Marks: KCS  
Louisiana & Arkansas Railway Company Reporting Marks: LA  
Maine Central Railroad Company Reporting Marks: MEC  
Penn Central Transportation Company (Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees) Reporting Marks: PC  
Richmond, Fredericksburg and Potomac Railroad Company Reporting Marks: RFP  
Union Pacific Railroad Company Reporting Marks: UP

Effective September 4, 1975.

Expires September 30, 1975.

Issued at Washington, D.C., August 27, 1975.

INTERSTATE COMMERCE COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc 75-24213 Filed 9-10-75; 8:45 am]

[Notice No. 72]  
**MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS**

SEPTEMBER 5, 1975.

The following applications are governed by Special Rule 1100 247 of the

Addition.  
Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

## NOTICES

Commission's general rules of practice respect to all applications filed on or

Note.—If a hearing is deemed necessary, applicant requests it be held at either

at and destined to the named plantsite and facilities of National Pine and Tube

ration, 8201 Edgewater Drive, Oakland, Calif. 94621. Applicant's representative:

North La Salle St., Chicago, Ill. 60601. Authority sought to operate as a com-

## NOTICES



Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before October 14, 1975. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protester's interest in the proceeding (including a copy of the specific portions of its authority which protester believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protester would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with

respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 5227 (Sub-No. 18), filed August 13, 1975. Applicant: ECONOMY MOVERS, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air handling units, makeup air systems, heating and ventilating units, gas unit heaters, and cooling and heating systems*, from Hastings, Nebr., to points in Alaska, Delaware, Maine, Massachusetts, Montana, New Hampshire, New Mexico, Nevada, North Dakota, Rhode Island, South Carolina, South Dakota, Vermont, West Virginia, and the District of Columbia; and (2) *equipment, materials and supplies*, used in the manufacture and production of the above-described commodities, from points in Alaska, Delaware, Florida, Idaho, Maine, Massachusetts, Montana, New Hampshire, New Mexico, Nevada, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Vermont, Utah, Washington, West Virginia, Wyoming, and the District of Columbia, to Hastings, Nebr., restricted to traffic originating at the named origins and destined to the named destinations. Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 8744 (Sub-No. 10), filed August 11, 1975. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., 910 Grant Street, Bluefield, W. Va. 24701. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and commodities in bulk), between points in Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise Counties, Va., and points in Fayette, Greenbrier, Logan, McDowell, Mercer, Monroe, Mingo, Nicholas, Raleigh, Summers, and Wyoming Counties, W. Va., on the one hand, and, on the other, points in Boone County, W. Va. and those points in Floyd, Harlan, Letcher, Pike, and Martin Counties, Ky.

Note.—If a hearing is deemed necessary, applicant requests it be held at either Charleston, W. Va. or Roanoke, Va.

No. MC 30884 (Sub-No. 22), filed August 12, 1975. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, Mo. 64129. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, in truckaway service, from the plantsites of General Motors Corporation at Norwood, Ohio, to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic moving through Kansas City, Mo., from the plantsites of General Motors Corporation at Norwood, Ohio, to Kansas City, Mo., with no transportation for compensation on return except as otherwise authorized, under a continuing contract or contracts with General Motors Corporation.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 51146 (Sub-No. 441), filed July 24, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and/or waste paper* (except commodities in bulk), between points in the United States (except Alaska and Hawaii).

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 61231 (Sub-No. 85), filed August 11, 1975. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming; and (2) *materials, equipment, and supplies* used in the manufacture, processing and distribution of iron and steel articles, from the destination states named in (1) above, to the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., restricted in parts (1) and (2) above to traffic originating

at and destined to the named plantsite and facilities of National Pipe and Tube Company and the named states.

Note.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 69492 (Sub-No. 48), filed August 11, 1975. Applicant: HENRY EDWARDS, doing business as, HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Detroit, Mich., to Blytheville, Helena, and West Memphis, Ark.; and (2) *feed, feed ingredients and insecticides*, from Memphis, Tenn., to Benton, Fancy Farm, and Folsomdale, Ky.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 85811 (Sub-No. 8), filed August 15, 1975. Applicant: AMSCO TRANSPORTATION, INC., 10560 Mykawa Road, P.O. Box 33280, Houston, Tex. 77033. Applicant's representative: Alfred M. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of National Pipe and Tube Corporation located at Liberty County, Tex., to points in the United States (except Alaska and Hawaii).

Note.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 95920 (Sub-No. 41), filed August 14, 1975. Applicant: SANTRY TRUCKING COMPANY, a Corporation, 11552 Southwest Pacific Highway, Portland, Ore. 97223. Applicant's representative: George LaBlissiere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Paul, Minn., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming; and (2) *supplies, materials and equipment*, used in the manufacture of malt beverages, from the destination points named in (1) above, to St. Paul, Minn., limited to a transportation service to be performed under a continuing contract with Olympia Brewing Company, at Olympia, Wash.

Note.—Applicant holds common carrier authority in MC 123265, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 98327 (Sub-No. 17) (Amendment), filed July 24, 1975, published in the FEDERAL REGISTER issue of August 14, 1975 and republished as amended, this issue. Applicant: SYSTEM 99, a Corpo-

ration, 8201 Edgewater Drive, Oakland, Calif. 94621. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (1) Between Redding, Calif. and Medford, Ore.: From Redding over Interstate Highway 5 to Medford, and return over the same route, serving no intermediate points; and (2) Between Reno, Nev. and Alturas, Calif.: From Reno over U.S. Highway 395 to Alturas, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

Note.—The purposes of this republication are to indicate the broadened commodity description and the elimination of the terminus service limitation in route (1) above. If a hearing is deemed necessary, applicant requests it be held at Medford or Portland, Ore. and San Francisco, Calif.

No. MC 105566 (Sub-No. 113), filed August 7, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and glass articles*, from Toledo, Ohio and Shreveport, La., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

Note.—If a hearing is deemed necessary, applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 105566 (Sub-No. 114), filed August 7, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware and glass articles*, from Jeannette, Pa., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming; (2) *earthenware, chinaware, porcelainware, and stoneware*, from Sebring, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming; and (3) *plastic articles and plastic materials*, from Lake City, Pa., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

Note.—If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 105813 (Sub-No. 204), filed August 7, 1975. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Ave., Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 180

North La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors and wines*, from Lawrenceburg, Ind.; Frankfort and Louisville, Ky.; Schenley, Pa.; and Tullahoma, Tenn., to points in Florida, Georgia, North Carolina and South Carolina.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 105813 (Sub-No. 206), filed August 8, 1975. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Ave., Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 180 North La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and advertising premiums*, from North East, Pa. and Westfield, N.Y., to points in Alabama, Georgia, and Florida.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106278 (Sub-No. 40), filed August 14, 1975. Applicant: E. B. LAW AND SON, INC., P.O. Box 1360, Las Cruces, N. Mex. 88001. Applicant's representative: William J. Lippman, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and zinc concentrates*, in bulk, from ASARCO Mill, N. Mex. (near Deming, N. Mex.), to El Paso, Tex.

Note.—Applicant holds contract carrier authority in MC 136078, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at El Paso, Tex., or Albuquerque, N. Mex.

No. MC 106674 (Sub-No. 168), filed August 18, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc dust*, in drums, from Spelter, W. Va., to points in Illinois, Michigan, Missouri, Ohio, and Texas.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 108460 (Sub-No. 53), filed August 14, 1975. Applicant: PETROLEUM CARRIERS COMPANY, a Corporation, 5104 West 14th Street, P.O. Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: Gary Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solution*, in bulk, in tank vehicles, from the storage facilities of C. F. Industries, Inc. located at or near Grand Forks, N. Dak., to points in Minnesota, South Dakota, and North Dakota and (2) *anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of

C. F. Industries, Inc., located at or near Glenwood, Minn., to points in North

carrier, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise*, distributed by premium stamp

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, (a) from Hutch-

Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Mary-

bolts, nuts, washers, and fasteners, (a) from points in New York, Ohio, Penn-

mixes, from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities of Apro-Pak



C. F. Industries, Inc., located at or near Glenwood, Minn., to points in North Dakota, South Dakota, Iowa, Wisconsin, and Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn. or St. Paul, Minn.

No. MC 111656 (Sub-No. 8), filed August 13, 1975. Applicant: FRANK LAMBIE, INC., Pier 79 North River, New York, N.Y. 10018. Applicant's representative: Edward M. Alfano, 550 Mamoroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, loose and crated, from the terminal of Frank Lambie, Inc., at New York, N.Y., to points in Nassau, Suffolk, and Westchester Counties, N.Y.; and (2) *returned shipment of paper and paper products*, loose and crated, from points in Nassau, Suffolk, and Westchester Counties, N.Y., to the terminal of Frank Lambie, Inc., at New York, N.Y., under contract with Duplex Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 113490 (Sub-No. 5), filed June 16, 1975. Applicant: SIDNEY T. SMITH, 29 Crawford Street, Roxbury, Mass. 02121. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture and equipment*, between Bronx, N.Y., on the one hand, and on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia, under contract with Art Steel Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 116763 (Sub-No. 319), filed August 13, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk in tank vehicles), from Lowell, Fla., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla.

No. MC 114858 (Sub-No. 14), filed August 14, 1975. Applicant: J & M CARRIERS CORP., a Corporation, 43 -06 54th Road, Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract*

*carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is distributed by a premium stamp redemption center in redemption of premium stamps*, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between the site of the warehouse of Sperry & Hutchinson Co., in Metuchen, N.J., on the one hand, and, on the other, points in New London, Tolland, and Windham Counties, Conn.; and (2) *premium stamp books* with stamps attached, from points in New London, Tolland, and Windham Counties, Conn., to the site of the warehouse of Sperry & Hutchinson Co., in Metuchen, N.J., under a continuing contract or contracts with Sperry & Hutchinson Co.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117883 (Sub-No. 202), filed August 15, 1975. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, 791 East Main St., Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, advertising material and specialties, and related equipment and supplies* when moving with foodstuffs (except commodities in bulk), from the plant site and storage facilities of the Oscar Mayer & Company at Madison, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 118318 (Sub-No. 28), filed August 15, 1975. Applicant: IDA-CAL FREIGHTLINES, INC., P.O. Drawer M, Nampa, Idaho 83651. Applicant's representative: Kenneth G. Bergquist, 307 Sonna Building, P.O. Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, meat meal, blood meal, bone meal and feather meal), from points in Canyon County, Idaho, to points in Nevada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 118535 (Sub-No. 68), filed August 11, 1975. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 Nat'l Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, (a) from Hutchinson, Kans., to points in Illinois, Missouri, and Wisconsin; and (b) from La Junta, Colo., to points in Arizona, New Mexico, and Texas; (2) *dry potash, potash products, and potash by-products*, from points in Lea and Eddy Counties, N. Mex., to points in Louisiana and Wisconsin; and (3) *dry feed ingredients*, from Van Buren, Ark., to points in Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119991 (Sub-No. 11), filed July 25, 1975. Applicant: YOUNG TRANSPORT, INC., 1915 East Broadway, Logansport, Ind. 46947. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins and pelts, and pieces thereof*, from points in Florida to Chicago, Ill., and its Commercial Zone, New Orleans, La., North Pownal, Vt., and points in Michigan, New Hampshire, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 121060 (Sub-No. 37), filed August 14, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except in bulk), from the facilities of The Celotex Corporation, at or near Lago, Ind., and from Wabash, Ind., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 123255 (Sub-No. 54), filed August 14, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, glass glazing units, and automobiles glass*, from Selma, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123255 (Sub-No. 55), filed August 14, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Lancaster,

Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 124523 (Sub-No. 3), filed June 26, 1975. Applicant: BUTTERWORTH & SONS, INC., 1320 West Board Street, Stratford, Conn. 06497. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Connecticut on, east, northeast, and north of a line beginning at the New York-Connecticut State Boundary line and extending along Interstate Highway 84 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Connecticut Highway 58, thence along Connecticut Highway 58 to Bridgeport, Conn., restricted to the transportation of traffic having an immediately prior or immediately subsequent movement by air.

NOTE.—Applicant states that it intends to tack the requested authority at Bridgeport, Hamden, Norwalk, Waterbury, New Haven, East Haven, and West Haven, Conn., with its base Certificate to provide service on general commodities with the usual exceptions between JFK Airport, New York, N.Y., La Guardia Airport, New York, N.Y., and Newark Airport, N.J., on the one hand, and, on the other, those points in Connecticut described above. Applicant has filed an application for gateway elimination docketed in No. MC-124523 (Sub-No. 4) and noticed in the FEDERAL REGISTER issue of August 13, 1975. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 128343 (Sub-No. 29), filed August 18, 1975. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Corbert, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bolts, nuts, washers, and fasteners*, (a) from Pawtucket, R.I., to points in Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin; and (b) from West Haven, Conn., and Brookfield, Mass., to Pawtucket, R.I.; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of

bolts, nuts, washers, and fasteners, (a) from points in New York, Ohio, Pennsylvania, Connecticut, Massachusetts, California, and Texas, to Pawtucket, R.I.; and (b) from Pawtucket, R.I., to West Haven, Conn., and Brookfield, Mass., under contract with Pawtucket Fasteners, Inc.

NOTE.—Applicant holds common carrier authority in MC 138861, and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 128375 (Sub-No. 134), filed August 14, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Neb. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, equipment, and accessories*, (1) from Atlanta, Ga., to points in Virginia, (2) from Seattle, Wash., to points in Oregon, (3) from Loudon and Pulaski, Tenn., to Nashville, Tenn., and (4) from Columbus, Ohio, to points in New York, Pennsylvania, and West Virginia, under contract with the Marent Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lincoln, Neb.

No. MC 128841 (Sub-No. 8), filed August 8, 1975. Applicant: MUR-GAIL, INC., 301 North 5th St., Minneapolis, Minn. 55403. Applicant's representative: Samuel Rubenstein (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by premium trading stamp companies*, in shipper owned or leased equipment (trailers), having had immediate prior out of state transportation by rail; and (2) (a) *returned shipments* of such commodities, from Minneapolis, Minn., to Hutchinson and New Ulm, Minn., and (b) *returned merchandise* from the above-named destination point to the above-named origin point, under a continuing contract or contracts with The Sperry and Hutchinson Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129486 (Sub-No. 9), filed August 11, 1975. Applicant: PAGE TRUCKING COMPANY, INC., P.O. Box 14, Hines, Minn. 55647. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dehydrated soups and stuffing mix*, from the plant site and storage facilities of Apro-Pak located at or near Seville, Ohio and in Howell Township, at or near Freehold, N.J., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the production of dehydrated soups and stuffing

mixes, from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities of Apro-Pak located at or near Seville, Ohio, and in Howell Township at or near Freehold, N.J., restricted to transportation services to be performed under a continuing contract or contracts with Apro Pak, located at Pikesville, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 136786 (Sub-No. 79), filed August 11, 1975. Applicant: ROBOCO TRANSPORTATION, INC., 309 Fifth Northwest, New Brighton, Minn. 55112. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and carpet padding*, from Trenton, N.J., Philadelphia, Pa., and Columbus, Miss., to points in Kansas, Iowa, Nebraska, Minnesota, Missouri, North Dakota, South Dakota, Colorado, Wisconsin, Oklahoma, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 139858 (Sub-No. 5), filed August 8, 1975. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Ave., Hamilton, Ohio 45015. Applicant's representative: Chandler L. Van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fireplaces, chimneys, and chimney assemblies, and related equipment and supplies* from Huntington, Ind., and North Manchester, Ind., to points in the United States (except Indiana, Alaska, and Hawaii); and (2) *materials, equipment, supplies and accessories* used in the manufacture and distribution of the above-mentioned commodities (except commodities in bulk and those which because of size or weight require the use of special equipment) from points in Oregon, Illinois, and Ohio, to Huntington, Ind., and North Manchester, Ind., under a continuing contract or contracts with Majestic Company (an American Standard Company).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C.; Cincinnati, Ohio; or Indianapolis, Ind.

No. MC 139989 (Sub-No. 1), filed August 12, 1975. Applicant: LLOYD BUNDLE, doing business as L & S TRUCKING, 5110 Lillian St., Torrance, Calif. 90503. Applicant's representative: Lloyd Bundle (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, not exceeding 80 feet in length, from the Los Angeles Harbor Commercial Zone and Anaheim, Calif., to points in Nye and Clark Counties, Nev.; Reno, Nev.; and points in Arizona, and (2) *return*



of returned shipments, under a continuing contract or contracts with Wesseln Construction Company, King Timber Company, and J. H. Baxter Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 140407 (Sub-No. 1), filed August 14, 1975. Applicant: DONALD R. PENICK AND HARVEY KEENAN, a Partnership, doing business as DOUBLE EAGLE TRUCKING, Route 1, Box 80, Onalaska, Wash. 98570. Applicant's representative: David C. White, 2400 SW Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paint, dry wall joint compound, paint sundries, and materials used in the manufacture of paint and dry wall joint compound (except in bulk)*, (1) between San Carlos, Calif., and Kirkland, Wash.; and (2) from San Carlos, Calif., to Portland, Ore., and Vancouver, Olympia, Kent, and Tacoma, Wash., restricted in (1) and (2) above to shipments moving between the facilities of Kelly-Moore Paint Company, Inc., under a continuing contract or contracts with Kelly-Moore Paint Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 140810 (Sub-No. 2), filed August 7, 1975. Applicant: VALLEY MOVING & STORAGE COMPANY, a Corporation, 422 W. Adams Street, P.O. Box 1206, Harlingen, Tex. 78550. Applicant's representative: V. C. Johnston, Sr., 2619 Clifford Street, Harlingen, Tex. 78550. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, between Harlingen, Tex., on the one hand, and, on the other, points in Willacy, Cameron, Hidalgo, and Starr Counties, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Brownsville, Corpus Christi, or San Antonio, Tex.

No. MC 140846 (Sub-No. 1), filed August 14, 1975. Applicant: ELMER E. FRIESEN AND VIRGINIA M. FRIESEN, a Partnership, doing business as ELMER E. FRIESEN, Box 354, Mountain Lake, Minn. 56159. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Concrete and mortar mixing machines, hydraulic cylinders, pumps, and parts for and components of such commodities*, between Mountain Lake and Burnsville, Minn., on the one hand, and, on the other, ports of entry on the International Boundary line between the

United States and Canada, at Noyes, Minn., and Pembina, N. Dak., and thence to or from Winnipeg, Manitoba, Canada; and (2) *foundry core compounds, foundry molding sand treating compounds, foundry cupola patching compounds, and silicon briquettes (except in bulk in tank vehicles)*, from Minneapolis, Minn., to ports of entry on the International Boundary line between the United States and Canada at Noyes, Minn., and Pembina, N. Dak., and thence to Winnipeg, Manitoba, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 141062 (Sub-No. 2), filed August 18, 1975. Applicant: ANTONA TRUCKING CO., INC., Route 208, P.O. Box 315, Washingtonville, N.Y. 10992. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand, in dump vehicles*, from Bloomingburg, N.Y., to Mahwah and Hillsdale, N.J.

NOTE.—Applicant holds contract carrier authority in MC 119387 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141186 (Sub-No. 1), filed August 11, 1975. Applicant: CLEVELAND SHELLEY, doing business as SHELLEY TRUCK LINE, Route 2, Headland, Ala. 36345. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles and trailers, salvage and scrap vehicles, junk and compacted and crushed motor vehicles, bodies*, between points in Louisiana, Mississippi, Tennessee, Alabama, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Montgomery or Birmingham, Ala.

No. MC 141234 (Sub-No. 1), filed August 11, 1975. Applicant: BARWEIN INDUSTRIAL SUPPLY CO., INC., 55 Randolph Avenue, Avenel, N.J. 07001. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points in Middlesex County, N.J.; and (2) between Avenel, N.J., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone as defined by the Commission, Port Newark and Port Elizabeth, N.J., and points in Essex, Middlesex, Monmouth, Passaic, and Union Counties, N.J., restricted to pick-up and delivery service by applicant, to or from a movement by rail, air or water, prior to or subsequent to crating or packaging by applicant.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 141237, filed August 8, 1975. Applicant: LOREN J. SLAGHT, 990 La-Pointe St., Prairie du Chien, Wis. 53821. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Salt*, from Prairie du Chien, Wis., to points in Iowa and Minnesota, restricted to service under a continuing contract or contracts with Domtar Chemicals, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 141258 (Sub-No. 1), filed August 15, 1975. Applicant: ANSON A. DEARING, doing business as, HEREFORD IRON AND METAL, North Progressive Road, P.O. Box 455, Hereford, Tex. 79045. Applicant's representative: John D. Aikin, 140 E 3, Hereford, Tex. 79045. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Feed lot equipment and grain handling equipment*, from Hereford, Tex., to points in Oklahoma, New Mexico, and Kansas, under a continuing contract or contracts with McCullar Machine & Welding, Poarch Bros. Inc., B.&R. Welding and Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Amarillo, Tex. or Oklahoma City, Okla.

#### PASSENGER APPLICATIONS

No. MC 141115 (Sub-No. 1), filed July 7, 1975. Applicant: PILCHER BUS SERVICE, INC., R.D. 3, Freehold, N.J. 07728. Applicant's representative: Bruce E. Edington, 2 Broad St., Freehold, N.J. 07728. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in charter and round trip tours, beginning and ending in that portion of Monmouth County, N.J., west of New Jersey Highway 34 and including points in Jackson and Lakewood Townships, (Ocean County), N.J., and extending to Washington, D.C., and that portion of Pennsylvania lying east of a line beginning at the New York-Pennsylvania State Boundary line at Lawrenceville, Pa., thence along U.S. Highway 15 to Williamsport, Pa., thence along the Susquehanna River over unnumbered State Roads to Peachbottom, Pa., at or near the Maryland-Pennsylvania State Boundary line, and points in New York, Connecticut, Rhode Island and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J.

No. MC 141226, filed August 7, 1975. Applicant: CONGREGATION ZEMACH DAVID OF NEW SQUARE, 15 Roosevelt Avenue, New Square, N.Y. 10977. Applicant's representative: Donald E. Cross, 918 16th St. NW, Suite 700, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special op-

erations, between points in Rockland County, N.Y., on the one hand, and, on the other, points in New York County (Manhattan), and Kings County (Brooklyn), N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

By the Commission,

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24055 Filed 9-10-75;8:45 am]

#### OPERATING AUTHORITY Applications

SEPTEMBER 8, 1975.

The Commission wishes to call to the attention of all applicants for operating authority whose applications were filed after January 20, 1975, that they are subject to the amended Rule 247 set forth in Ex Parte No. 55 (Sub-No. 10) and published in 120 M.C.C. 670. In particular, applicants should be aware of the requirement that the application when filed must be accompanied by certifications of support for each supporting shipper known to the applicant at that time. This is particularly important since the rule now limits the total number of witnesses whose testimony may be offered to no more than twice the number for whom certifications were filed with the application. Thus, for example, if 10 certifications are filed with the application, testimony at a hearing or under the modified procedure may be presented by no more than 20 such witnesses.

The Commission recognizes that frequently supporting shippers are unable to appear at a hearing and that certifications may be filed on behalf of more supporting shippers than will be permitted to testify under this rule. Thus, the rule does not limit the total number of additional supporting shipper witnesses for whom certifications may be filed after filing the application provided all such certifications are filed not later than 30 days before the date assigned for commencement of oral hearing. Nonetheless, the total number of witnesses presented is limited as set forth above.

Applicants are warned that the deadline for filing subsequently obtained certifications (30 days prior to hearing) is not subject to waiver and the Commission will not entertain petitions therefor. The rule specifically provides that no testimony will be received from witnesses for whom such certifications have not been timely received.

Applicants should also be aware of the new provision that, upon request by any party, the applicant shall furnish to such party copies of all certifications filed with the application and shall serve copies of all subsequently obtained certifications upon all parties of record.

The attention of all applicants is also called to the revised deadline for submitting proposed amendments to applications. This deadline is now 30 days from the service date of the notice that

the case has been designated for processing under oral hearing procedures or the date of a prehearing conference assigned to consider amendments.

Attention is also called to the amendment to Rule 247(1), appearing in Ex Parte No. 55 (Sub-No. 13) and printed in 350 I.C.C. 475. Effective September 15, 1975, this revised rule provides, in part, that submission of a request for dismissal of an application later than 15 calendar days after the service date of a notice setting it for oral hearing, or failure of applicant to appear and prosecute such application at such hearing, will result in dismissal thereof and will bar the filing of any application for the same or any part of the same authority by the same applicant for a period of one year after the date of the dismissal order.

The above revisions in the General Rules of Practice were the subject of rulemaking proceedings in which all interested persons were invited to participate and are intended to improve the Commission's procedures and contribute to more expeditious decisions. They are particularly designed to insure that applicants for operating authority take prompt action to have their case as fully prepared as possible prior to filing the application and to promptly dismiss any application which they do not intend to prosecute.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24212 Filed 9-10-75;8:45 am]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

##### Elimination of Gateway Applications

SEPTEMBER 8, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d) (2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 14702 (Sub-No. 64G), filed June 4, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 8 East Broad St., Colum-

bus, Ohio 43215. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles (except that which because of size and weight require the use of special equipment)*, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, West Virginia, Virginia, Rhode Island, and the District of Columbia, on the one hand and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois (except points in the Chicago, Ill. Commercial Zone as defined by the Commission, and those in Cook County, Ill.), Indiana (except points in the Indianapolis Commercial Zone as defined by the Commission, and those in that part in Indiana within the Chicago, Ill. Commercial Zone as defined by the Commission), Iowa, Kansas, Kentucky, Louisiana, Michigan (except points in the Detroit Commercial Zone as defined by the Commission), Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin (except those points in the West Bend, Wis. Commercial Zone as defined by the Commission and those in Milwaukee County, Wis.), and Wyoming. The purpose of this filing is to eliminate the gateways of Oswego, N.Y., Fairmont, W. Va. and Warren, Ohio.

No. MC 114552 (Sub-No. 99G), filed June 4, 1974. Applicant: SENN TRUCKING COMPANY, a Corporation, Post Office Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Lumber (except plywood and veneer)*, (1) between points in Alabama, on the one hand and, on the other, points in New Jersey, Ohio, Mississippi, Pennsylvania, Rhode Island, Virginia, West Virginia, New York, Kentucky, Florida, Connecticut, District of Columbia, Delaware, Illinois, Indiana, Maryland, Massachusetts, and Michigan. The purpose of this filing is to eliminate the gateways of points in Tennessee, Georgia, north-west Georgia, and East Tennessee, (2) from points in Alabama, to points in New Hampshire, Vermont and Maine. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (3) from points in Alabama south of U.S. Highway 80 (except Russell County), to points in Tennessee and Georgia. The purpose of this filing is to eliminate the gateways of East Tennessee, Clay County, N.C. (4) from points in Connecticut, to points in Arkansas, Florida, Oklahoma, Texas, Virginia, and Louisiana. The purpose of this filing is to eliminate the gateways of points in Georgia and McDuffie County, Ga., Greenwood County, S.C., and points in North Carolina.

(5) Between points in Connecticut, on the one hand and, on the other, points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateways

of points in Georgia. (6) between points in Delaware, on the one hand and, on the other, points in Tennessee, Kentucky,

Oklahoma, Texas, Kansas, Alabama, and Virginia. The purpose of this filing is to eliminate the gateways of Ashe County,

(27) From points in Tennessee, to points in Maryland, New Hampshire, Massachusetts, Maine, Rhode Island,

ware, Pennsylvania, New Jersey, Vermont, New Hampshire, Maine, and that part of New York on and north of New

Charlotte, N.C. (2) from the plantsite of Sumter Plywood Corporation near Livingston, Ala., to points in Virginia, Dis-

N.J. and Birmingham, Ala. (5) *fresh meats and dairy products*, as defined by the Commission, as encompassed in the tariff from the Lower Peninsula of



of points in Georgia. (6) between points in Delaware, on the one hand and, on the other, points in Tennessee, Kentucky, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateways of points in Georgia, North Georgia, and Buncombe County, N.C., and points in Tennessee. (7) from points in Delaware, to points in Alabama, Florida, Virginia, Arkansas, Oklahoma, Kansas, and Texas. The purpose of this filing is to eliminate the gateways of points in North Carolina, Greenwood County, S.C., and points in Georgia. (8) from points in Florida, to points in Delaware, Maine, Maryland, New Hampshire, Vermont, North Dakota, Connecticut, New York, Pennsylvania, Virginia, Wisconsin, Oklahoma, Kansas, Missouri, Rhode Island, Iowa, Nebraska, South Dakota, Minnesota, Massachusetts, District of Columbia, Louisiana, Texas, Arkansas, and New Jersey. The purpose of this filing is to eliminate the gateways of points in North Carolina and points in Georgia. (9) between points in Florida, on the one hand and, on the other, points in Michigan, Illinois, Indiana, Kentucky, Ohio, West Virginia, Tennessee, and Mississippi. The purpose of this filing is to eliminate the gateways of points in Georgia and Tennessee. (10) between points in Georgia on the one hand and, on the other, points in Illinois, Indiana, Michigan, Ohio, and Louisiana. The purpose of this filing is to eliminate the gateways of points in Tennessee and North Carolina.

(11) From points in Georgia, to points in Maine, Minnesota, Nebraska, New Hampshire, North Dakota, Wisconsin, Vermont, Kansas, Iowa, Texas, Oklahoma, Missouri, Arkansas, and South Dakota. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (12) between points in Kentucky, on the one hand and, on the other, points in the District of Columbia, Louisiana, Maryland, Mississippi, and New Jersey. The purpose of this filing is to eliminate the gateways of points in Tennessee and Western North Carolina and points in Georgia. (13) from points in Kentucky, to points in Virginia, Rhode Island, Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of points in Tennessee, Greenwood County, S.C., and points in Georgia. (14) between points in Louisiana, on the one hand and, on the other, points in West Virginia, Virginia, Maryland, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Massachusetts, Kentucky, Tennessee, South Carolina, Michigan, and District of Columbia. The purpose of this filing is to eliminate the gateways of Western North Carolina, points in North Carolina, Georgia, and Tennessee. (15) from points in Louisiana, to points in Connecticut, Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of points in North Carolina and Western North Carolina, Greenwood County, S.C.

(16) From points in Maryland, to points in Tennessee, Arkansas, Florida,

Oklahoma, Texas, Kansas, Alabama, and Virginia. The purpose of this filing is to eliminate the gateways of Ashe County, N.C., points in Georgia, Greenwood County, S.C., Robeson County, N.C., and points in North Carolina. (17) from points in Massachusetts, to points in Texas, Oklahoma, Arkansas, Tennessee, Kentucky, Illinois, Indiana, Florida, West Virginia, and Virginia. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C., Ashe County, N.C., points in South Carolina, Rockingham County, N.C., Franklin County, N.C., and points in Tennessee. (18) between points in Mississippi, on the one hand and, on the other, points in Maryland, Massachusetts, New Jersey, New York, Connecticut, Ohio, Pennsylvania, Rhode Island, West Virginia, Michigan, Tennessee, Delaware, Virginia, District of Columbia, Illinois, and Indiana. The purpose of this filing is to eliminate the gateways of points in Georgia and Tennessee. (19) from points in Mississippi, to points in Maine, Vermont, New Hampshire, and North Carolina. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C. and points in Georgia. (20) from points in New Jersey, to points in Arkansas, Florida, Oklahoma, Texas, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C., Ashe County, N.C. and points in North Carolina and Georgia. (21) from Camden County, N.J., to points in Ohio. The purpose of this filing is to eliminate the gateway of points in West Virginia.

(22) From points in New York, to points in Oklahoma, Arkansas, Texas, and Florida. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C., points in North Carolina and points in Georgia. (23) from points in North Carolina, to points in New Jersey, New Hampshire, Connecticut, West Virginia, Vermont, Pennsylvania, Illinois, Michigan, Texas, Oklahoma, South Dakota, North Dakota, Wisconsin, Missouri, Minnesota, Iowa, Arkansas, Indiana, Kentucky, Maine, Virginia, New York, Maryland, Delaware, Nebraska, Kansas, Massachusetts, Rhode Island, Ohio, Tennessee, Mississippi, and District of Columbia. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C., points in Georgia, East Tennessee, points in Tennessee and McDuffie County, Ga. (24) from points in Pennsylvania, to points in Florida, Texas, Arkansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (25) from points in Rhode Island, to points in Arkansas, Florida, Oklahoma, Texas, Tennessee, Kentucky, Illinois, West Virginia, Virginia, and Indiana. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C., points in South Carolina, Ashe County, N.C., Rockingham County, N.C. and points in Tennessee. (26) from points in South Carolina, to points in Rhode Island, Massachusetts, Vermont, Indiana, and Illinois. The purpose of this filing is to eliminate the gateways of points in Georgia and Tennessee, Camden County, N.J.

(27) From points in Tennessee, to points in Maryland, New Hampshire, Massachusetts, Maine, Rhode Island, Vermont, District of Columbia, Delaware, and Connecticut. The purpose of this filing is to eliminate the gateways of points in Georgia and Greenwood County, S.C. (28) between points in Tennessee, on the one hand and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of points in Georgia. (29) from points in Virginia, to points in Texas, Wisconsin, Oklahoma, Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Arkansas, and Florida. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C. and points in North Carolina. (30) from points in that part of Virginia on and south of a line extending from the West Virginia-Virginia State line along U.S. Highway 60 to junction Virginia Highway 249 at Sandston, thence along Virginia Highway 33, and thence along Virginia Highway 33 to the Chesapeake Bay, to points in Tennessee, Indiana, Illinois, Kentucky, Ohio, Pennsylvania, Michigan, and New York. The purpose of this filing is to eliminate the gateways of Scurry County, N.C. and points in Tennessee. (31) from points in West Virginia, to points in Texas, Arkansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C.

(32) From the District of Columbia, to points in Virginia, Tennessee and Florida. The purpose of this filing is to eliminate the gateways of points in North Carolina and Georgia, Ashe County, N.C. (33) from points in Connecticut, to points in Kentucky, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Ashe County, N.C., Rockingham County, N.C. and Franklin County, N.C. (34) from points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, Tennessee, and West Virginia, to points in that part of Virginia on and south of a line extending from the West Virginia-Virginia State line along U.S. Highway 60 to junction Virginia Highway 249 near Sandston, thence along Virginia Highway 33, and thence along Virginia Highway 33 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateways of Rockingham or Buncombe, N.C., Rockingham County, N.C., and points in Indiana, Georgia, and North Carolina. (B) *fertilizer and fertilizer materials*, in bags, from Wilmington, N.C., to points in Georgia. The purpose of this filing is to eliminate the gateways of Charleston, S.C. or Roebuck, S.C. (C) *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from points in Screven County, Ga., to points in North Carolina. The purpose of this filing is to eliminate the gateways of Roebuck, S.C. or Charleston, S.C.

(D) *Composition board*, from the plant and warehouse sites of Weyerhaeuser Company at Adel, Ga., to points in Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Maryland, Dela-

ware, Pennsylvania, New Jersey, Vermont, New Hampshire, Maine, and that part of New York on and north of New York Highway 7, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic originating at the plant and warehouses sites of Weyerhaeuser Company, at Adel, Ga. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (E) *composition board, and accessories and supplies* used in the installation thereof, from the plant site of the Masonite Corporation located at or near Spring Hope, N.C., to points in Michigan, Wisconsin, Illinois, Indiana, Texas, and Oklahoma, restricted against the transportation of commodities in bulk. The purpose of this filing is to eliminate the gateways of Roaring River, N.C. and Greenwood County, S.C. (F) *composition board and plywood*, from Camden, N.J., to points in Kentucky, Tennessee, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma. The purpose of this filing is to eliminate the gateways of Roaring River, N.C., and Greenwood County, S.C. (G) *ventilator systems*, from Keyser, W. Va., to points in South Carolina, Georgia, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, and Oklahoma. The purpose of this filing is to eliminate the gateway of Tabor City, N.C. (H) *plywood*, (1) from points in Louisiana, to points in New Jersey, Maryland, New York, Pennsylvania, Ohio, Virginia, West Virginia, Delaware, Georgia, Kentucky, District of Columbia, and South Carolina. The purpose of this filing is to eliminate the gateways of Charlotte, N.C. and Goldsboro, N.C.

(2) From points in Manatee County, Fla., to points in Kentucky, Tennessee, North Carolina, New York, Pennsylvania, New Jersey, Delaware, West Virginia, Ohio, Indiana, Illinois, Maine, Wisconsin, New Hampshire, Vermont, Texas, Michigan, Virginia, District of Columbia, and Maryland. The purpose of this filing is to eliminate the gateways of Livingston, Ala., Greenwood County, S.C., Walterboro, S.C., and Charlotte, N.C. (3) from the plantsite of Ply-Gem Corporation in Queens County, N.Y., to points in Arkansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (I) *plywood and composition board*, from the facilities of the Plywood Panels, Inc., at or near New Orleans, La., to points in Maine, New Hampshire, Vermont, New Jersey, Delaware, Maryland, West Virginia, Ohio, Pennsylvania, and those in New York on and north of New York Highway 7, restricted to the transportation of traffic either (a) having a prior movement by water or (b) originating at the above-described origin point. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (J) *plywood*, (1) from the plantsite of Holly Hill Lumber Company at or near Walterboro and Holly Hill, S.C., to points in Delaware, New York, New Jersey, Mississippi, Illinois, Louisiana, and Texas. The purpose of this filing is to eliminate the gateway of

Charlotte, N.C. (2) from the plantsite of Sumter Plywood Corporation near Livingston, Ala., to points in Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Maine, New Hampshire, Vermont, West Virginia, Ohio, Indiana, Wisconsin, and Michigan. The purpose of this filing is to eliminate the gateways of Charlotte, N.C. and Greenwood County, S.C.

No. MC 115841 (Sub-No. 475G), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Haisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Frozen meats*, from Wilmington, Del., to points in California, Oregon, Washington, Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and those points in Kansas and Nebraska on and east of U.S. Highway 81, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Nashville, Tenn., and Memphis, Tenn. (2) *meats, meat products, and meat by-products, dairy products, and Articles distributed by meat packinghouses*, unfrozen, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk) as encompassed in foodstuffs, from Chattanooga, Tenn., to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(3) *Fresh and frozen meats*, from the plantsite of Briggs & Company within the Washington, D.C. Commercial Zone, as defined by the Commission (except commodities in bulk, liquid commodities, in tank vehicles), to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, Texas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Montgomery, Alabama. (4) *meats, except canned meats and dairy products*, restricted to the transportation of said commodities when frozen, from points in that part of New York, N.Y. Commercial Zone, as defined in Fifth Supplemental Report on Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemptions provided in sections 203(b) (8) of the Interstate Commerce Act, to points in Iowa, Kansas, Minnesota, Missouri, (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, and Texas, restricted against the transportation of shipments which originate at or are destined to points in Florida. The purpose of this filing is to eliminate the gateways of Springfield,

N.J. and Birmingham, Ala. (5) *fresh meats and dairy products*, as defined by the Commission, as encompassed in foodstuffs, from the Lower Peninsula of Michigan, to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(6) *Fresh or frozen meats, and cooked or cured meats*, in vehicles, equipped with mechanical refrigeration (except in bulk or in tank vehicles), as encompassed in foodstuffs, from Brundidge, Ala. and points in Alabama on and north of U.S. Highway 80 (except traffic originating at Cullman, Ala.) to points in Maine, New Hampshire, Vermont, Arkansas, Louisiana, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Birmingham, Ala. and Nashville, Tennessee. (7) *bakery goods*, as encompassed in prepared foods and foodstuffs, in vehicles equipped with mechanical refrigeration, from Elizabeth, N.J., to points in Tennessee, Alabama, Louisiana, Mississippi, Iowa, Kansas, Minnesota, Missouri (except bakery products to Kansas City and St. Louis), Missouri, Nebraska, Oklahoma, South Dakota, Texas, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, California, Arkansas, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Union City, N.J. and Chattanooga, Tenn.; Birmingham, Ala.; Memphis, Tenn. (8) *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, as encompassed in foodstuffs, in vehicles equipped with mechanical refrigeration, (except commodities in bulk and except liquid commodities in bulk), from points in that part of New York, N.Y. Commercial Zone, as defined by the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203(b) (8) of the Interstate Commerce Act, to points in Kentucky, Alabama, Mississippi, Louisiana, Virginia, North Carolina, South Carolina, Tennessee, West Virginia, Georgia, Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Springfield, N.J. and Birmingham, Ala. and Chattanooga, Tenn.

(9) *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except commodities in bulk, hides, and liquid commodities in bulk, in tank vehicles), from the plantsite of Missouri Beef Packers, Inc. located at or near Phelps City, Mo., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas,

Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey,

(15) *Meats* (except canned meats) and *dairy products*, restricted against

bia, Maine, New Hampshire, and Vermont. The purpose of this filing is to

kansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Iowa,

land County, N.Y. east of the Garden State Parkway and South of Interstate

Oregon, Washington, Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. The purpose of this filing is



Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Delaware, Maryland, and the District of Columbia, restricted to traffic originating at the plantsite of Missouri Beef Packers, Inc., at or near Phelps City, Mo. The purpose of this filing is to eliminate the gateways of Chattanooga, Nashville, and Knoxville, Tenn. (10) *meats* (except canned meats), and *dairy products* (except when frozen), in vehicles equipped with mechanical refrigeration, (except in bulk or in tank vehicles) as encompassed in foodstuffs, from Brundidge, Ala. and points in Alabama on and north of U.S. Highway 80 (except traffic originating at Cullman, Ala.), to points in Iowa, Kansas, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, and Texas. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (11) *meats*, *meat products*, and *meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except in bulk or in tank vehicles, as encompassed in foodstuffs, from Brundidge, Ala. and points on and north of U.S. Highway 80 (except traffic originating at Cullman, Ala.), to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(12) *Meats, meat products, and meat by-products*, from West Richfield, Ohio, to points in Alabama, Georgia, Louisiana, Mississippi, Tennessee, Boston, Mass., the Lower Peninsula of Michigan, Allentown, Pa., Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Lexington, Ky.; Montgomery, Ala.; and Nashville, Tenn. (13) *meats, meat products, and meat by-products*, from Bellefontaine, Ohio, to points in Alabama, Georgia, Louisiana, Mississippi, Tennessee, Boston, Mass., the Lower Peninsula of Michigan, and Allentown, Pa., California, Oregon, Washington, Arkansas, South Carolina, Tennessee, North Carolina, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Lexington, Ky.; Birmingham, Ala.; Nashville, Tenn.; and Chattanooga, Tenn. (14) *meats, meat products, and meat by-products*, from New Orleans, La. and points within 10 miles thereof, to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Delaware, District of Columbia, Maryland, Virginia, West Virginia, Wisconsin, Minnesota, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Arkansas, Louisiana, and Memphis, Tennessee. The purpose of this filing is to eliminate the gateways of Nashville, Tenn.; Jackson, Tenn.; Knoxville, Tenn.; and Chattanooga, Tenn.

(15) *Meats* (except canned meats) and *dairy products*, restricted against the transportation of said commodities when frozen in vehicles, equipped with mechanical refrigeration, from Springfield, N.J., to points in Iowa, Kansas, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, and Texas, restricted against the transportation of any shipments which originate at or are destined to points in Florida. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (16) *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing-houses*, from Springfield, N.J., to points in Iowa, Kansas, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, Texas, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, and Arkansas. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Tenn.; and Nashville, Tenn. (17) *meats, meat products, and meat by-products*, from Memphis, Tenn., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia and District of Columbia, California, Oregon, Washington, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateways of Booneville, Miss. and Birmingham, Ala. (18) *meats, meat products, and meat by-products and dairy products*, from the plantsite of Swift & Company at Rochelle, Ill., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, and Arkansas, restricted to the transportation of shipments originating at, or destined to the plantsite of Swift & Company at Rochelle, Ill. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala.

(19) *Meats, meat products and meat by-products and dairy products, and articles distributed by meat packing-houses* (except commodities in bulk), from Garden City, Kans., to points in Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, North Carolina, Tennessee, Virginia, West Virginia, Alabama, and Mississippi, restricted to traffic originating at the plantsite of Producers Packing near Garden City, Kans. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (20) *frozen meats*, from Decatur, Ala., to points in Arkansas, Georgia, Mississippi, South Carolina, Tennessee, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Alabama, Louisiana, California, Oregon, Washington, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, Wisconsin, Delaware, Maryland, District of Colum-

bia, Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Tenn.; Nashville, Tenn.; Jackson, Tenn.; and Memphis, Tenn. (21) *fresh and cured meats*, from Boston, Mass., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas, California, Oregon, Washington, Kansas, Missouri, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Tenn.; Nashville, Tenn.; and Montgomery, Ala.

(22) *Meats, meat products and meat by-products and cheese products*, from Evansville, Indianapolis, and Washington, Ind. and Louisville, Ky., to points in Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, North Carolina, Virginia, West Virginia, Kansas, Missouri, Nebraska, Oklahoma, Texas, California, Oregon, and Washington, restricted to the transportation of shipments originating at the plantsites of Armour & Co. at Washington, Indiana, and Klarer of Kentucky, Inc. at Louisville, Ky. and the warehouses utilized by Armour & Co., and Klarer of Kentucky, Inc., at Evansville, and Indianapolis, Ind. and Louisville, Ky. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Nashville, Tenn.; Chattanooga, Tenn.; and Montgomery, Ala.

(23) *meats, meat products and meat by-products*, from Hernando, West Point, and Booneville, Miss., to points in California, Oregon, Washington, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, North Carolina, South Carolina, Tennessee, West Virginia, Georgia, Alabama, Mississippi, Louisiana, and Arkansas (except from Hernando, Miss., to Alabama, Georgia, Florida, North Carolina, and South Carolina and New Orleans, La.). The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Tenn.; and Nashville, Tenn. (24) *meats, meat products, and meat by-products*, from the plantsite of George A. Hormel & Company at or near Bureau, Ill., to points in Delaware, Maryland, Virginia, West Virginia, and District of Columbia, restricted to the transportation of traffic originating at the plantsite of George A. Hormel & Company at or near Bureau, Ill. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

(25) *Bakery materials*, in vehicles equipped with mechanical refrigeration, from Belleville, N.J., to points in Kansas, Iowa, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, Texas, California, Oregon, Washington, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Florida, Tennessee, Alabama, North Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Knoxville, Tenn. and Birmingham, Ala. (26) *bakery materials*, in vehicles equipped with mechanical refrigeration, from Knoxville, Tenn., to points in Ar-

kansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Iowa, Kansas, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, Texas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Tenn. (27) *bakery products and dessert topping and bakery goods topping*, in vehicles equipped with mechanical refrigeration, from Chadds Ford, Marysville, Morgantown, and Pottstown, Pa., to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (28) *foodstuffs*, in vehicles equipped with mechanical refrigeration; from points in North Carolina, to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Alabama, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (29) *beef, lamb, and veal cuts*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, California, Oregon, Washington, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Wisconsin. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Tenn.; and Nashville, Tenn.

(30) *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, in vehicles equipped with mechanical refrigeration, from Lexington, Ky., to points in Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, North Carolina, Virginia, West Virginia, and Alabama. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn. (31) *meat, meat products and meat by-products, and articles distributed by meat packinghouses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the plantsite of Armour & Company near Sterling, Ill., to points in Georgia, Louisiana, South Carolina, Mississippi, and Tennessee, restricted to traffic originating at the plantsite of Armour & Company at or near Sterling, Ill. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (32) *prepared foods*, in vehicles equipped with mechanical refrigeration, from Union City, N.J. and New York, N.Y.; and Philadelphia, Pa., to points in Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (33) *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Columbia, Dutchess, and Ulster Counties, N.Y., to points in Oregon, Washington, and California. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (34) *foodstuffs* (except Bananas and liquid commodities in bulk and in tank vehicles), in vehicles equipped with mechanical refrigeration, from New York, N.Y., points in that part of Rock-

land County, N.Y. east of the Garden State Parkway and South of Interstate Highway 287, that part of Nassau County, N.Y., west of Nassau County Highway 1, and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, California, Washington, and Oregon. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Birmingham, Ala.

(35) *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from North East, Pa., to points in Arkansas, California, and Georgia. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn.

(36) *Foodstuffs*, (except in bulk or in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in Alabama on and north of U.S. Highway 80 (except Birmingham, Ala.), to points in Louisiana, Mississippi, Tennessee, Oregon, and Washington, restricted against the transportation of traffic originating at Cullman, Ala. Said operations are restricted against the transportation of traffic destined to points in Florida, Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (37) *Foods and foodstuffs*, not included in foods, (except in both instances liquid commodities, in bulk and in tank vehicles), in vehicles equipped with mechanical refrigeration, from Pittsburgh, Pa., to points in Oregon, Washington, California, and Little Rock, Little Rock Air Force Base, and Blytheville, Ark. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn.

(38) *Foods and foodstuffs*, not included in foods (except bananas in both instances liquid commodities in bulk and in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite of DAK Foods, Inc., at East Brunswick, N.J. and of Henry Heide, Inc., and the Quaker Oats Company at New Brunswick, N.J., to points in Georgia, South Carolina, Alabama, Arkansas, California, Mississippi, Tennessee, and Louisiana. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. and Birmingham, Ala.

(39) *Foodstuffs* (except liquid commodities in bulk, candies, confectionery products, and canned goods, other than canned meat and canned seafoods), in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (40) *Foods and foodstuffs*, not included in foods, (except in both instances liquid commodities in bulk and in tank vehicles and bananas), in vehicles equipped with mechanical refrigeration, from New York, N.Y., points in that part of Rockland County, N.Y. east of the Garden State Parkway and South of Interstate Highway 287, that part of Nassau County, N.Y., west of Nassau County Highway 1, and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Florida, California,

Oregon, Washington, Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. or Birmingham, Ala. (41) *Foodstuffs* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in California, Oregon, Washington, restricted to the transportation of shipments which originate at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(42) *Foodstuffs* (except in bulk or in tank vehicles), in vehicles equipped with mechanical refrigeration, from Brundidge, Ala. and points in Alabama on and north of U.S. Highway 80 (except Birmingham, Ala.), to points in Arkansas, Florida, South Carolina, California, Oregon, and Washington, restricted against the transportation of traffic originating at Cullman, Ala., restricted against the transportation of traffic destined to points in Florida, Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (43) *foodstuffs*, in containers, in vehicles equipped with mechanical refrigeration, from points in the Lower Peninsula of Michigan (except Mattawan), to points in South Carolina, Arkansas, Florida, Georgia, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (44) *foodstuffs*, (except in bulk), in vehicles equipped with mechanical refrigeration, from Derry Township (Dauphin County), Pa. and Lebanon, Pa., to points in Arkansas, Florida, Georgia, South Carolina, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(45) *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in that part of New York on and west of U.S. Highway 11 and from North East, Pa., to points in Arkansas, California, Georgia, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn. (47) *meats, meat products, and meat by-products and articles distributed by meat packing-houses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in North Carolina to points in Missouri. The purpose of this filing is to eliminate the gateway of Nashville, Tenn. (48) *foods and foodstuffs*, not included in foods (except in both instances liquid commodities, in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Pittsburgh, Pa., to points in North Carolina, South Carolina, Ten-



nessee, Virginia, West Virginia, Florida, Alabama, Mississippi, Louisiana, Georgia, and Arkansas. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. (49) (a) *bakery products, meats*, except canned meats, and dairy products, restricted against the transportation of said commodities when frozen, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Iowa, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Oklahoma, South Dakota, Texas, restricted to the transportation of shipments originating at points in North Carolina. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(49) (b) *meat, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Montgomery, Ala. (50) *meats, meat products and meat by-products* (except in bulk, in tank vehicles), as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Wisconsin and Minnesota, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Nashville, Tenn. (51) *bakery products, meats, canned meats, and dairy products* restricted against the transportation of said commodities when frozen, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Kansas, Minnesota, Missouri (except bakery products to St. Louis and Kansas City, Mo.), Nebraska, Oklahoma, South Dakota, Iowa, and Texas. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(52) *Prepared foods*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., Union City and Jersey City, N.J., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Florida (limited to traffic originating at Chattanooga, Tenn.) Alabama, Mississippi, Louisiana, Arkansas, and Georgia. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. (53) *frozen foods*, from points in the Lower Peninsula of Michigan, to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (54) *frozen foods*, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Louisiana, Mississippi, South Carolina, Tennessee, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (55) *frozen foods* (except

meat, meat products, meat by-products, and articles distributed by meat packing-houses), from Kansas City, Mo., Kansas, to points in Connecticut, Florida, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Illinois, Indiana, Michigan, Ohio, Maine, Maryland, Tennessee, Wisconsin, District of Columbia, Florida, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateways of Nashville, Tenn. and Birmingham, Ala.

(56) *Grape juice, jams, jellies, preserves, fruit beverages, fruit sauces, and frozen juices and frozen concentrates*, in vehicles equipped with mechanical refrigeration (except commodities in bulk) in mixed loads with frozen foods, from Springdale, Ark., to points in Alabama, Arkansas, Georgia, North Carolina, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. (57) *frozen foods*, in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn., to points in Delaware, Maryland, Virginia (except Bristol, Va.), points in West Virginia north of U.S. Highway 60, District of Columbia, California, Oregon, Washington, Missouri, Iowa, Kansas, and Nebraska. Restriction: Shipments to Iowa, Kansas and Nebraska are restricted to shipments of frozen foods, except frozen fruits, vegetables, and berries. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn. (58) *frozen foods*, in vehicles equipped with mechanical refrigeration, from Prattville, N.Y., to points in West Virginia on and south of U.S. Highway 60, Arkansas, California, Missouri, Oklahoma, Oregon, Texas, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Exmore, Va.; Norfolk, Va.; and Nashville, Tenn. (59) *meats, meat products and meat by-products*, as described, in vehicles equipped with mechanical refrigeration, (except liquid commodities in bulk) from Chattanooga, Tenn., to points in Delaware, Maryland, and Washington, D.C. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

(60) *Frozen foods, except frozen fruits, berries, and vegetables, and frozen fruits, berries, and vegetables*, when moving in mixed loads with frozen foods (already authorized), from New Orleans and Violet, La., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Mississippi, Missouri, Oklahoma, Texas, and points in both Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (61) *frozen foods* except frozen fruits, berries, and vegetables, and frozen fruits, berries, and vegetables, when moving in mixed loads with frozen foods (already authorized), in vehicles equipped with mechanical refrigeration, from Chambersburg, Pa. and points within 15 miles thereof, to points in Alabama, Arkansas, Georgia, Missouri, Louisiana, Mississippi, South Carolina, Tennessee, California, Oregon, Washington, and West Virginia on and south

of U.S. Highway 60. The purpose of this filing is to eliminate the gateways of Nashville and Memphis, Tenn. and Birmingham, Ala. (62) *frozen foods* in vehicles equipped with mechanical refrigeration, from points in Alabama (on and north of U.S. Highway 80), except traffic originating at Cullman, Ala., to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, District of Columbia, and Missouri, Alabama, Delaware, Iowa, Louisiana, Mississippi, Oklahoma, Texas, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Memphis and Nashville, Tenn.; Vineland, N.J. (63) *meats, meat products and meat by-products*, from Bristol, Va., to points in Massachusetts, New Jersey, New York, Pennsylvania, Connecticut, Illinois, Indiana, Kentucky, Michigan, Oklahoma, Ohio, and Rhode Island. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

(64) *Frozen foods*, from the plant site of Town Square Foods, Inc., at Lake City, Pa., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and points in Kansas and Nebraska on and east of U.S. Highway 81 and the District of Columbia. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (65) *frozen foods, except fruits, berries, and vegetables, and frozen fruits, berries and vegetables*, when moving in mixed loads with frozen foods (already authorized) (except in each instance above, meats, meat products, meat by-products and articles distributed by meat packinghouses, from Kansas City, Mo., Kansas, to points in Arkansas, Delaware, Florida, Iowa, Louisiana, Maryland, Mississippi, Oklahoma, Texas, Delaware, District of Columbia. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn. (66) *frozen foods*, from Seabrook, N.J., to points in Delaware, Iowa, Maryland, Missouri, North Carolina, South Carolina, Virginia, West Virginia, District of Columbia, those points in Kansas and Nebraska east of U.S. Highway 81 and Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Oregon, Texas, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Memphis, and Nashville, Tenn.; Atlanta, Ga. (67) *frozen foods*, from points in the Lower Peninsula of Michigan, to points in Arkansas, Louisiana, Oklahoma, Texas, Delaware, Iowa, Maryland, Missouri, Virginia, West Virginia, and those points in Kansas and Nebraska on and east of U.S. Highway 81 and District of Columbia. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

(68) *Frozen foods*, from La Porte, Ind., to points in Florida and Texas, Delaware, Georgia, Iowa, Maryland, Missouri, North Carolina, Oklahoma, South Caro-

lina, Virginia, West Virginia, and those points in Kansas and Nebraska on and east of U.S. Highway 81 and District of Columbia. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (69) *frozen juices, frozen concentrates*, from Springdale, Ark., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Massachusetts, Michigan, Maryland, North Carolina, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Virginia, South Carolina and Rhode Island, and District of Columbia. The purpose of this filing is to eliminate the gateways of Dyersburg, Chattanooga, Jackson and Nashville, Tenn. (70) *frozen foods* (except frozen fruits, berries, and vegetables) and frozen fruits, berries, and vegetables, when moving in mixed loads with frozen foods (already authorized), from points in that part of Tennessee west of that portion of the Tennessee River extending from a point on the Tennessee-Kentucky state line (south of Paducah, Ky.), to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (71) *frozen foods*, from Port Chester, N.Y., to points in Delaware, Florida, Georgia, Iowa, Maryland, North Carolina, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Chattanooga, Memphis and Nashville, Tenn. and Birmingham, Ala. (72) *frozen foods*, other than frozen fruits, berries, and vegetables, except when such frozen fruits, berries, and vegetables move in mixed shipments with other frozen foods, from Lynchburg, Va., to points in Oregon, Washington, California, Delaware, Florida, Iowa, Maryland, North Carolina, Virginia, West Virginia, and Kansas and Nebraska on and east of U.S. Highway 81 and District of Columbia. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn.

(73) *Frozen foods* in mechanically refrigerated vehicles, from Allentown and Chambersburg, Pa., to points in Arkansas, Delaware, Iowa, Maryland, Missouri, North Carolina, South Carolina, Virginia, West Virginia, and those points in Kansas and Nebraska on and east of U.S. Highway 81 and District of Columbia, restricted to traffic originating at said plantsites or warehouses of Pet Milk Co. No transportation of shipments destined to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn. (74) *Frozen foods*, except frozen fruits, berries, and vegetables, and frozen fruits, berries, and vegetables, when moving in mixed loads with frozen foods (already authorized), from Golden Meadow, Hammond, Independence, Morgan City, New Orleans, Ponchatoula and Violet, La., to points in Iowa, Missouri, Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Mississippi, Oklahoma, Texas, and points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (75) *Frozen foods*, from Birming-

ham, Foley, Mobile, Montgomery, and Brundidge, Ala., to points in Maryland, Virginia, West Virginia, Arkansas, North Carolina, Texas, Delaware, Iowa, Missouri, and Oklahoma and points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Nashville and Memphis, Tenn.

(76) *Frozen foods*, from Cleveland, Ohio (to points in Arkansas, Mississippi, Oklahoma, Texas, California, Oregon, Washington, Missouri, District of Columbia, Delaware, Florida, Iowa, Maryland, West Virginia, Virginia, and points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Memphis and Nashville, Tenn. (77) *frozen foods*, from Boston, Mass., Fairport, Ontario and Webster, N.Y., Memphis, Tenn., Nashville, Tenn., and other Tennessee points, Birmingham, Ala., to points in Arkansas, California, Kansas, (on and east of U.S. Highway 81) Texas, Missouri, Oklahoma, Oregon, Washington, Georgia, Little Rock, Ark., Atlanta, Ga., Chicago, Ill., Elkhart, Ind., New Orleans and Shreveport, La., Detroit, Mich., Jersey City and Seabrook, N.J., Raleigh, Charlotte, and Butner, N.C., Canton, Cleveland, and Cincinnati, Ohio, Philadelphia and Pittsburgh, Pa., Houston, Texas, Exmore, Norfolk, and Richmond, Va., and Huntington, W. Va. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Nashville, Tenn., Memphis, and Chattanooga, Tenn. (78) *frozen fruits and frozen vegetables*, from Fairport, Ontario and Webster, N.Y., to points in Alabama, Arkansas, California, Georgia, Florida, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Chattanooga, Tenn., Nashville, Tenn., Jackson, Tenn., and Memphis, Tenn.

(79) *Frozen fruits, frozen berries and frozen vegetables*, from points in that part of Maryland on and east of U.S. Highway 1, to points in Arkansas, California, Florida, Louisiana, Mississippi, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Atlanta, Ga. (80) *frozen foods*, in containers, in vehicles equipped in mechanical refrigeration, from King of Prussia, Pa., to points in Alabama, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio. (81) *frozen foods*, from the plant site of the Frozen Food Division of the Pet Milk Company at Chickasha, Okla., to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise stated. The purpose of this filing is to eliminate the gateway of Swedesboro, N.J. (82) *frozen foods*, from points in Tennessee, to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the

gateway of Swedesboro, N.J. (83) *frozen foods*, from Atlanta, Ga., to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., and Swedesboro, N.J. (84) *frozen foods*, from Golden Meadow, Hammond, Independence, Morgan City, New Orleans, Ponchatoula, and Violet, La., Biloxi, Gulfport, Ocean Springs, and Bay St. Louis, Miss., and Birmingham, Foley, Mobile, and Montgomery, Ala., to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Swedesboro, N.J.

(85) *Frozen foods, dairy products*, as defined by the Commission, *meats, meat products, and meat by-products*, as defined by the Commission, and *fresh fruits and vegetables*, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Bristol, Tenn. (86) *frozen foods*, except frozen fruits, frozen berries, and frozen vegetables within the meaning of Section 7(c) of the Transportation Act of 1958, and frozen fruits, frozen berries, and frozen vegetables, when moving in mixed loads with frozen foods, from points in North Carolina, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, those points in Kansas and Nebraska on and east of U.S. Highway 81, the District of Columbia and Alabama. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (87) *frozen foods*, except frozen fruits, vegetables and berries, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Delaware, Iowa, Maryland, Virginia (except Bristol, Va.), points in West Virginia north of U.S. Highway 60, points in Kansas and Nebraska on and east of U.S. Highway 81 and the District of Columbia. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

(88) *Frozen foods* (except frozen fruits, frozen berries, and frozen vegetables, within the meaning of Section 7(c) of the Transportation Act of 1958), and frozen fruits, frozen berries, and frozen vegetables, when moving in mixed loads with frozen foods (presently authorized), in containers in vehicles equipped with mechanical refrigeration, from King of Prussia, Pa., to points in Alabama, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, Arkansas, Delaware, Florida, Iowa, Tennessee, Missouri, North Carolina, Oklahoma, Texas, those portions of Kansas and Nebraska on and east of U.S. Highway 81 and the District of Columbia, restricted to the transportation of shipments originating at the

facilities of Stouffer Foods, Division of Litton Industries, at King of Prussia,

Virginia (except Bristol), points in West Virginia, north of U.S. Highway 60,

Georgia, Alabama, Mississippi, Louisiana, and Arkansas. The purpose of this

scribed in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209

New York, Ohio, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateways of Birming-

from the plantsites and warehouse facilities of Elmer's Candy Corp., at New Orleans, and Ponchatoula, La., to points



facilities of Stouffer Foods, Division of Litton Industries, at King of Prussia, Pa. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio and Memphis, Tenn. (89) *frozen foods, meats, meat products, and meat by-products, and dairy products*, as defined by the Commission, and fresh fruit and vegetables, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Bristol, Tenn. (90) *frozen foods*, from the plantsite of Town Square Foods, Inc., at Lake City, Pa., to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, that part of Alabama, on and east of U.S. Highway 31 except Montgomery, Florida, North Carolina, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Nashville, Tenn., Atlanta, Ga., and Birmingham, Ala.

(91) *Frozen foods*, except frozen fruits, vegetables, and berries, from Atlanta, Ga., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Delaware, Iowa, Maryland, and points in Kansas and Nebraska on and east of U.S. Highway 81, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Chattanooga and Nashville, Tenn. (92) *frozen foods*, from Elmira, N.Y., to points in Virginia, Alabama, Arkansas, Georgia, Missouri, West Virginia, Delaware, Iowa, Maryland, points in Kansas and Nebraska on and east of U.S. Highway 81, the District of Columbia, Florida, Iowa, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, and Texas, restricted to the transportation of frozen foods and frozen fruit, frozen berries, and frozen vegetables, when moving in mixed loads with frozen foods. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Nashville and Memphis, Tenn., and Atlanta, Ga. (93) *frozen foods, and fresh fruits and vegetables*, and frozen fruits, frozen berries, and frozen vegetables, when moving in mixed loads with frozen foods, from Atlanta, Ga., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, those points in Kansas and Nebraska on and east of U.S. Highway 81, the District of Columbia and Tennessee. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., and Memphis, Tenn.

(94) *Frozen foods and fresh fruits and fresh vegetables*, in vehicles equipped with mechanical refrigeration (except commodities in bulk and liquid commodities in tank vehicles), from Atlanta, Ga., to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, Rhode Island, Delaware, Iowa, Maryland, Vir-

ginia (except Bristol), points in West Virginia, north of U.S. Highway 60, points in Kansas and Nebraska on and east of U.S. Highway 81, the District of Columbia, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (95) *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, unfrozen, as described in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and frozen foods, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), from Nashville, Tenn., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Chattanooga, Tennessee-Birmingham, Alabama and Chattanooga, Tenn.

(96) *Meat, meat products and meat by-products, dairy products and articles distributed by meat packinghouses*, unfrozen, as described in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and frozen foods, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), from Knox County, Tenn., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Chattanooga, Tennessee-Birmingham, Alabama. (97) *Meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Knox County, Tenn., to points in Minnesota, Missouri, and Wisconsin, restriction to traffic destined to points in Missouri must be other than frozen. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

(98) *Meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Delaware, Maryland, Virginia, West Virginia, and Washington, D.C. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn. (99) *meats*, except canned meats, and dairy products, restricted against transportation of said commodities when frozen, in vehicles equipped with mechanical refrigeration, from Knox County, Tenn., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, North Carolina, South Carolina, Tennessee, Virginia, West Virginia,

Georgia, Alabama, Mississippi, Louisiana, and Arkansas. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (100) *meats, meat products, meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles, and hides), from Plainview, Tex., to New York, N.Y., Akron, Ohio, Detroit, Mich., Pittsburgh and Philadelphia, Pa., points in Alabama, South Carolina, Georgia, Florida, North Carolina, Tennessee, Virginia, and District of Columbia. The purpose of this filing is to eliminate the gateway of West Point, Miss.

(101) *Meats, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses*, unfrozen (except liquid commodities in bulk), as described in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and frozen foods, in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn. to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (102) *meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk, in tank vehicles), from Chattanooga, Tenn., to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Montgomery, Ala. (103) *fresh or frozen meats and cooked or cured meats, meat, meat products, and meat by-products*, as described in Section A of Appendix 1 to *Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), from Chattanooga, Tenn., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Nashville, Tenn. (104) *meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn., to points in Missouri. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

(105) *Meats, meat products, and meat by-products*, as described in Sections A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, (except in bulk in tank vehicles), from Chattanooga, Tenn., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Nashville, Tenn. (106) *nonfrozen meats*, except canned meats, nonfrozen bakery products, and nonfrozen dairy products (except liquid commodities, in bulk), as de-

scribed in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala. (107) (a) *cheese products*, and (b) *meats, meat products, and meat by-products* as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the warehouses utilized by Armour & Company, and Klarer of Kentucky, Inc., located at Indianapolis, Ind., to points in California, Oregon and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(108) (a) *Cheese products*, and (b) *meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Evansville and Washington, Ind., to points in Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn.

(109) (a) *cheese products*, and (b) *meats, meat products, and meat by-products*, as described by the Commission, except canned meats, from Indianapolis, Ind., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn. (110) *meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except commodities in bulk, and liquid commodities in bulk, in tank vehicles), from Bristol, Va., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., Birmingham, Ala., Nashville, Tenn., and Montgomery, Ala.

(111) *Meats, meat products, and meat by-products*, (except in bulk, in tank vehicles), as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Brundidge, Ala. and points in Alabama on and north of U.S. Highway 80 and south of U.S. Highway 78 from the Mississippi-Alabama State line to Hamilton, thence U.S. Highway 278 to the Georgia-Alabama State line, to points in Tennessee, Virginia, West Virginia, Alabama, Mississippi, California, Arkansas, Wisconsin, Minnesota, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey,

New York, Ohio, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Nashville, Tenn., and Chattanooga, Tenn. (112) *confectionery products*, except when frozen, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. (113) *confectionery products*, except when frozen, in vehicles equipped with mechanical refrigeration, from points in that part of New York on and west of U.S. Highway 11, and New York, N.Y., Union City and Jersey City, N.J., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

(114) *Confectionery products* (except when frozen or in liquid commodities, in bulk and in tank vehicles), in vehicles equipped with mechanical refrigeration, from Pittsburgh, Pa., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota and Texas. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. (115) *candy*, in vehicles equipped with mechanical refrigeration, from Birmingham and Brundidge, Ala., to points in Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, Alabama, Mississippi and Arkansas. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., and Nashville, Tenn. (116) *candy and confectionery products*, in vehicles equipped with mechanical refrigeration, from Hackettstown, N.J., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Florida, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (117) *candy, confectionery and confectionery products* (except commodities in bulk and liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouses of Topps Chewing Gum, Inc., at or near Duryea, Pa., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, California, Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas, California, Oregon and Washington, restricted to traffic originating at those locations. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala.

(118) *Candy, confectionery products and snack foods* (other than frozen), when moving in mixed loads with candy and/or confectionery products, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the plantsites and warehouse facilities of Elmer's Candy Corp., at New Orleans, and Ponchatula, La., to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, California, Oregon and Washington, restricted to traffic originating at those named points. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (119) *confectionery products* (except when frozen), in vehicles equipped with mechanical refrigeration (except commodities in bulk or in tank vehicles), from points in Alabama, on and north of U.S. Highway 80, to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Alabama and Louisiana. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (120) *chocolate, chocolate confectionery and the ingredients thereof*, in vehicles equipped with mechanical refrigeration, (except liquid commodities, in bulk, and except when frozen), from Philadelphia, Pa., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas and Florida, California, Oregon and Washington. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala. (121) *confectionery and confectionery products*, in vehicles equipped with mechanical refrigeration, from Boston, Mass., to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala.

(122) *Frozen fruits and frozen berries*, from Ranson, W. Va., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, those points in Kansas and Nebraska on and east of U.S. Highway 81 and the District of Columbia. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (123) *frozen foods*, except frozen berries, fruits, and vegetables, and frozen fruits, berries and vegetables when moving in mixed loads with frozen foods (already authorized), from Albion, Avon, Fulton, Geneseo, Holley, Leroy, Medina, Mt. Morris, Oswego, Waterport, and Wayland, N.Y., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, California, Oregon, Washington, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn.; Memphis, Tenn.; Nashville, Tenn. and Birmingham, Ala. (124) *frozen foods*, except frozen fruits, berries, and vege-

tables, and frozen fruits, berries and vegetables when moving in mixed loads.

tween Rapid City, S. Dak., on the one hand, and, on the other, points in Los

between points in Cheyenne and Kimball Counties, Nebr., on the one hand,

representative: J. S. McCallie (same as above). Authority sought to operate as a

Highway 109 to Troy, N.C., thence along unnumbered North Carolina Highway to

commodities in bulk, commodities requiring special equipment, and those in-



tables, and frozen fruits, berries and vegetables when moving in mixed loads, from points in New York on and west of U.S. Highway 11, to points in Oklahoma, Texas, Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Virginia, South Carolina, West Virginia, those points in both Kansas and Nebraska on and east of U.S. Highway 81 and the District of Columbia. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (25) *frozen fruits and frozen berries*, from Glassboro and Hammonton, N.J., to points in Alabama, Arkansas, California, Georgia, Louisiana, Mississippi, Oregon, Washington, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala.

## Office of Proceedings

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

## Notice

SEPTEMBER 8, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1323 (Sub-No. E1), filed May 31, 1974. Applicant: CHIEF TRANSPORT & STORAGE, INC., Ogallala, Nebr. Applicant's representative: A. J. Swanson, 521 South 4th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Colorado, on the one hand, and, on the other, points in South Dakota east of the Missouri River (except points in Campbell, McPherson, Walworth, and Edmonds Counties) (Arthur, Nebr., and points within 25 miles thereof) \*.

(2) *Household goods*, as defined by the Commission, and *emigrant movables*, be-

tween Rapid City, S. Dak., on the one hand, and, on the other, points in Los Animas, Baca, Prowers, Kiowa, Bent, Otero, Crowley, Pueblo, El Paso, Lincoln, and Kit Carson Counties, Colo. (Arthur, Nebr., and points within 25 miles thereof) \*.

(3) *Household goods*, as defined by the Commission, and *emigrant movables*, between Lawrence, Kans., and points in Johnson, Doniphan, Brown, Atchison, Leavenworth, and Wyandotte Counties, Kans., on the one hand, and, on the other, points in Colorado on and north of U.S. Highway 6 (Arthur, Nebr., and points within 25 miles thereof) \*.

(4) *Household goods*, as defined by the Commission, and *emigrant movables*, between Ft. Collins, Colo., on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 183 (Arthur, Nebr., and points within 25 miles thereof) \*.

(5) *Household goods*, as defined by the Commission, and *emigrant movables*, between Denver, Colo., on the one hand, and, on the other, points in Gregory, Tripp, Lyman, Walworth, Campbell, McPherson, and Edmonds Counties, S. Dak. (Arthur, Nebr., and points within 25 miles thereof) \*.

(6) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Sheridan, Campbell, Crook, Weston, Niobrara, Goshen, Converse, Johnson, and Natrona Counties, Wyo., on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line (points in Cheyenne County, Wyo., within 75 miles of Arthur, Nebr.) \*.

(7) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Laramie, Platte, and Goshen Counties, Wyo., on the one hand, and, on the other, points in Logan, Sedgewick, Phillips, Yuma, and Kit Carson Counties, Colo. (points in Cheyenne County, Wyo., within 75 miles of Arthur, Nebr.) \*.

(8) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Park County, Wyo., on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 71 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line (Arthur, Nebr., and points within 75 miles thereof) \*.

(9) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Crook and Weston Counties, Wyo., on the one hand, and, on the other, points in Pueblo and El Paso Counties, Colo. (Arthur, Nebr., and points within 75 miles thereof) \*.

(10) *Household goods*, as defined by the Commission, and *emigrant movables*,

between points in Cheyenne and Kimball Counties, Nebr., on the one hand, and, on the other, points in Gregory, Tripp, and Lyman Counties, S. Dak., and points in South Dakota east of the Missouri River (points in Colorado and Arthur, Nebr., and points within 25 miles thereof) \*.

(11) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Banner, Cheyenne, and Kimball Counties, Nebr., on the one hand, and, on the other, points in Kansas on, east, and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Kansas-Oklahoma State line (points in Colorado, and Arthur, Nebr., and points within 25 miles thereof) \*.

(12) *Used household goods*, as defined by the Commission, between points in Wyoming, on the one hand, and, on the other, points in Lincoln, Frontier, Red Willow, Hitchcock, Hayes, Perkins, Chase, Dundey, Keith, and Deuel Counties, Nebr., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic (Cheyenne County, Nebr.) \*.

(13) *Used household goods*, as defined by the Commission, between points in Deuel, Scottsbluff, Morrill, Garden, Keith, Lincoln, Arthur, McPherson, and Logan Counties, Nebr., on the one hand, and, on the other, points in Colorado (except points in Sedgewick, Phillips, Yuma, Kit Carson, Washington, and Logan Counties), restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic (points in Cheyenne or Kimball Counties, Nebr.)

(14) *Used household goods*, between Red Willow, Frontier, Lincoln, Hitchcock, Hayes, Perkins, Chase, Dundey, and Keith Counties, Nebr., on the one hand, and, on the other, points in Pennington, Lawrence, Custer, and Fall River Counties, S. Dak., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating, and decontainerization of such traffic (points in Arthur County, Nebr.) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 2253 (Sub-No. E1), filed May 12, 1974. Applicant: CAROLINA FREIGHT CARRIER CORP., General Offices, Cherryville, N.C. Applicant's rep-

resentative: J. S. McCallie (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, livestock, and automobiles); (a) from points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 616, thence along Pennsylvania Highway 616 to junction Pennsylvania Highway 214, thence along Pennsylvania Highway 214 to junction Pennsylvania Highway 74, thence along Pennsylvania Highway 74 to junction Pennsylvania Highway 372, thence along Pennsylvania Highway 372 to junction Pennsylvania Highway 472, thence along Pennsylvania Highway 472 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Highway 322, thence along Pennsylvania Highway 322 to the Pennsylvania-New Jersey State line, to points in Anson, Davie, Rowan, Stanley, and Union Counties, N.C., and that portion of Yadkin County, N.C., east of U.S. Highway 21;

(b) from points in that part of Pennsylvania bounded by a line beginning at junction U.S. Highway 30 and U.S. Highway 11 at Chambersburg, Pa., thence along U.S. Highway 11 to Harrisburg, Pa., thence along Pennsylvania Highway 283 to Lancaster, Pa., thence along U.S. Highway 30 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 3, thence along Pennsylvania Highway 3 to Philadelphia, Pa., city limit, thence along the Philadelphia, Pa., city limit to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 372, thence along Pennsylvania Highway 372 to junction Pennsylvania Highway 74, thence along Pennsylvania Highway 74 to junction Pennsylvania Highway 214, thence along Pennsylvania Highway 214 to junction Pennsylvania Highway 616, thence along Pennsylvania Highway 616 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 11, to that part of North Carolina bounded on the west by that portion of Yadkin County, N.C., east of U.S. Highway 21, the western most county lines of Union, Stanley, Rowan, and Davie Counties, N.C., and bounded on the east by a line beginning at the junction of Yadkin County, N.C., line and North Carolina Highway 67, thence along U.S. Highway 67 to Winston-Salem, N.C., thence along Interstate Highway 40 to Greensboro, N.C., thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of that part of Iredell County, N.C., on and east of U.S. Highway 21 on Cabarrus County, N.C.

No. MC 2253 (Sub-No. E2), filed May 12, 1974. Applicant: CAROLINA FREIGHT CARRIER CORP., General Offices, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallie (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission,

Highway 109 to Troy, N.C., thence along unnumbered North Carolina Highway to junction North Carolina Highway 73, thence along North Carolina Highway 73 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line; (c) from points in that part of New Jersey on and south of New Jersey Highway 24 and east of U.S. Highway 202, and points in that part of Pennsylvania bounded on the south by a line beginning at Harrisburg, Pa., and extending along Pennsylvania Highway 283 to Lancaster, Pa., thence along U.S. Highway 30 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 3, thence along Pennsylvania Highway 3 to (and including) Philadelphia, Pa., and bounded on the north by U.S. Highway 22 extending from Harrisburg, Pa., to the Pennsylvania-New Jersey State line to points in that part of North Carolina bounded on the west by that portion of Yadkin County, N.C., east of U.S. Highway 21, the western most county lines of Union, Stanley, Rowan, and Davie Counties, N.C., and bounded on the east by a line beginning at junction Yadkin County, N.C., line and North Carolina Highway 67, thence along North Carolina Highway 67 to Winston-Salem, N.C., thence along U.S. Highway 311 to High Point, N.C., thence along unnumbered North Carolina Highway to junction U.S. Highway 64, thence along U.S. Highway 64 to Asheboro, N.C., thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line; and (d) from points in that part of New Jersey on and north of New Jersey Highway 24, east of U.S. Highway 202, and bounded by the New Jersey-New York State line on the north and east to points in that part of North Carolina bounded on the west by that portion of Yadkin County, N.C., which is east of U.S. Highway 21, the western most county lines of Union, Stanley, Rowan, and Davie Counties, N.C., and bounded on the east by a line beginning at the junction of Yadkin County, N.C., line and North Carolina Highway 67, thence along U.S. Highway 67 to Winston-Salem, N.C., thence along Interstate Highway 40 to Greensboro, N.C., thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of that part of Iredell County, N.C., on and east of U.S. Highway 21 on Cabarrus County, N.C.

No. MC 2253 (Sub-No. E2), filed May 12, 1974. Applicant: CAROLINA FREIGHT CARRIER CORP., General Offices, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallie (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission,

commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Scranton, Pa., on the one hand, and, on the other, points in South Carolina, and points in that part of North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 41 to Lumberton, N.C., thence along North Carolina Highway 211 to junction North Carolina Highway 5, thence along North Carolina Highway 5 to junction North Carolina Highway 2, thence along North Carolina Highway 2 to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 421, thence along U.S. Highway 421 to Wilkesboro, N.C., thence along North Carolina Highway 16 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 411, thence along U.S. Highway 411 to the North Carolina-Tennessee State line. Restriction: Service is not authorized to or from Aberdeen, Albermarle, Belmont, Biscoe, Charlotte, China Grove, Concord, Fayetteville, Gastonia, Greensboro, Hockory, High Point, Kannapolis, Kings Mountain, Lexington, Lincolnton, Maiden, Mount Holly, New Bern, Newton, Salisbury, Statesville, Thomasville, Troy, and Winston-Salem, N.C. The purpose of this filing is to eliminate the gateway of Charlotte, N.C., and points in North Carolina within 30 miles of Charlotte.

No. MC 2633 (Sub-No. E18), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles. . . . The purpose of this filing is to eliminate the gateway of McKean County, Pa. The purpose of this correction is to correct the "E" number, previously published as E5.

No. MC 8973 (Sub E43), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic Articles, hardware, and building materials, equipment and supplies* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from New York, N.Y., to points in New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut,

Pennsylvania, Ohio, Delaware, Mary-

land State line to junction unnumbered-

U.S. Highway 2, thence along U.S. Highway 2 to Lake Michigan on the one hand,

Highway 185 to the Gulf of Mexico, on the one hand and on the other, points

No. MC 29886 (Sub-No. E60) (Correction), filed June 3, 1974, published in the

along New York Highway 13 to Port Ontario, N.Y. (Lawrenceville, Ill., Seymour,



Pennsylvania, Ohio, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E45), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 89 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, and insulating materials* (except those of unusual value, household goods, as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment); (1) from points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia; (2) from points in Morris County, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee; (3) from points in Somerset County, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee; (4) from those points in Morris County, N.J., on and west of a line beginning at the Morris-Passaic County line and extending along unnumbered highway to junction New Jersey Highway 15, thence along New Jersey Highway 15 to junction unnumbered highway near Wharton, thence along unnumbered highway to junction New Jersey Highway 10, thence along unnumbered highway to junction unnumbered highway to junction New Jersey Highway 24, thence along New Jersey Highway 24 to the Raritan River, thence along the Raritan River to the Morris-Somerset County line to points in West Virginia; (5) from points in Morris County, N.J., to that portion of West Virginia on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 2 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 19, thence along unnumbered highway to Grafton, thence along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line; (6) from points in Somerset County, N.J., to that portion of West Virginia on, south, and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction West Virginia Highway 7, thence along West Virginia Highway 7 to the West Virginia-Maryland State line, thence along the West Virginia-Mary-

land State line to junction unnumbered highway near Blaine, thence along unnumbered highway to junction West Virginia Highway 42, thence along West Virginia Highway 42 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction West Virginia Highway 46, thence along West Virginia Highway 46 to junction West Virginia Highway 29, thence along West Virginia Highway 29 to junction West Virginia Highway 45, thence along West Virginia Highway 45 to the Cacapon River, thence along the Cacapon River to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Virginia State line; and (7) from those points in Somerset County, N.J., on, east, and north of a line beginning at the Morris-Somerset County line and extending along New Jersey Spur Highway 527 to junction King George Road, thence along King George Road to junction Washington Valley Road, thence along Washington Valley Road to junction New Jersey Highway 525, thence along New Jersey Highway 525 to junction Chimney Rock Road, thence along Chimney Rock Road to junction New Jersey Highway 533, thence along New Jersey Highway 533 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction South Middlebush Road, thence along South Middlebush Road to junction Claremont Road, thence along Claremont Road to the Somerset-Middlesex County line to points in West Virginia. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC 20582 (Sub-No. E1), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48586. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*; (a) between points in Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia; (b) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties and points in Marquette, Delta, Schoolcraft, Alger, Luce, Mackinac, and Chippewa Counties, Mich., on the one hand, and, on the other, points in Alabama; (c) between points in the Lower Peninsula of Michigan in and north of Alcona, Oscoda, and Crawford Counties which are on and east of Interstate Highway 75, and points in the Upper Peninsula of Michigan on and east of a line beginning at Lake Superior and extending along Michigan Highway 123 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction Michigan Highway 117, thence along Michigan Highway 117 to junction

U.S. Highway 2, thence along U.S. Highway 2 to Lake Michigan, on the one hand, and, on the other, points in Indiana; (d) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and points in the Upper Peninsula of Michigan on and east of a line beginning at Lake Superior and extending along Michigan Highway 123 to junction Michigan Highway 40, thence along Michigan Highway 40 to junction Michigan Highway 721, thence along Michigan Highway 721 to Lake Michigan, on the one hand, and, on the other, points in Kansas;

(e) Between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and points in Luce, Schoolcraft, Mackinac, and Chippewa Counties, Mich., on the one hand, and, on the other, points in Kentucky; (f) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and points in the Upper Peninsula of Michigan on, east, and north of a line beginning at Lake Superior and extending along Michigan Highway 28 to junction Michigan Highway 94, thence along Michigan Highway 94 to Lake Michigan, on the one hand, and, on the other, points in Mississippi; (g) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and points in the Upper Peninsula of Michigan on and east of Interstate Highway 75, on the one hand, and, on the other, points in Nebraska; and (h) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and points in the Upper Peninsula of Michigan on and east of Michigan Highway 94, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Flint, Mich., or points within 25 miles thereof.

No. MC-20582 (Sub E20), filed June 3, 1974. Applicant: HENRY H. STERVEN, INC., 1273 Broadway, Flint, Michigan 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *household goods*, as defined by the Commission. (A) between points in Texas on and west of a line extending along U.S. Highway 259 to junction Texas Highway 94, to junction Texas Highway 19, to junction Texas Highway 30, to junction Texas Highway 90, to junction Texas Highway 36 to the Gulf of Mexico, on the one hand, and, on the other, points in New York. (B) between points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 271 to junction Texas Highway 19, to junction Texas Highway 31, to junction U.S. Highway 77, to junction Texas

Highway 185 to the Gulf of Mexico, on the one hand, and on the other, points in Pennsylvania (except Fayette, Greene and Washington Counties), and points in New Jersey on and north of the Atlantic City Expressway and New Jersey Highway 42. The purpose of this filing is to eliminate the gateway of Flint, Michigan or points within 25 miles thereof.

No. MC 29079 (Sub-No. E40) (Correction), filed January 23, 1975, published in the FEDERAL REGISTER July 31, 1975. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 S. Union, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, Southern Bldg. 15th and H NW, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*; (2) between points in Barry and Calhoun Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, Schuyler, Mason, Logan, De Witt, Platt, Champaign, and Vermillion Counties, and St. Louis, Mo.; (3) between points in Bay, Gratiot, Midland, and Saginaw Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, Schuyler, Mason, Logan, De Witt, and Vermillion Counties, and St. Louis, Mo.; (4) between points in Berrien County, Mich., on the one hand, and, on the other, points in Illinois in and south of St. Clair, Clinton, Marion, Clay, Richland, and Crawford Counties, and St. Louis, Mo.; (7) between points in Clinton, Eaton, and Ingham Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, Schuyler, Mason, Logan, De Witt, Platt, Champaign, and Vermillion Counties, and St. Louis, Mo.; (10) between points in Kent, Ionia, Montcalm, and Ottawa Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Calhoun, Jersey, Macoupin, Montgomery, Shelby, Coles, and Clark Counties, and St. Louis, Mo.; (13) between points in Lenawee and Washtenaw Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, McDonough, Fulton, Peoria, McLean, De Witt, Platt, Champaign, and Vermillion Counties, and St. Louis, Mo.; (18) between points in St. Joseph County, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, Schuyler, Cass, Mason, Logan, De Witt, Platt, Champaign, Vermillion Counties, and St. Louis, Mo.; and (19) between points in Wayne County, Mich., on the one hand, and, on the other, points in Illinois in and south of Mercer, Knox, Stark, Peoria, Woodford, McLean, Ford, and Vermillion Counties, and St. Louis. The purpose of this filing is to eliminate the gateway of Tipton County, Ind. The purpose of this partial correction is to correct the territorial descriptions in (2), (3), (4), (7), (10), (13), (18), and (19). The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E60) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 6, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Self-propelled street sweepers*, which because of size or weight require the use of special handling or special equipment or which are self-propelled and weigh 15,000 pounds or more; (5) from points in Lake, Porter, LaPorte, St. Joseph, and Elkhart Counties, Ind., to points in Delaware, Maryland, West Virginia, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of South Bend, Ind. The purpose of this partial correction is to correct the destination points in (5) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E87) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER May 29, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Self-propelled road construction and earth moving machines and equipment*, each weighing 15,000 pounds or more, and *self-propelled road construction and earth moving machines and equipment*, which because of size or weight require special handling or the use of special equipment (except automobiles, trucks, buses, trailers, cabs, and chassis), from those points in Illinois . . . The purpose of this filing is to eliminate the gateway of South Bend, Ind. The purpose of this correction is to correct the commodity description above.

No. MC 50069 (Sub-No. E76), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Evansville, Ind., and points within ten miles thereof; (a) to points in Ohio (Lawrenceville, Ill., and Seymour, Ind.); (b) to points in Missouri within 135 miles of East St. Louis, Ill. (Princeton, Ind., and East St. Louis, Ill.); (c) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence to the Pennsylvania-New York State line (Lawrenceville, Ill., Seymour, Ind., and Cincinnati, Ohio); (d) to points in New York on and west of a line beginning at Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 49 to Rome, N.Y., thence along New York Highway 69 to Camden, N.Y., thence

along New York Highway 13 to Port Ontario, N.Y. (Lawrenceville, Ill., Seymour, Ind., Warren, Ohio, and Titusville, Pa.); (e) to points in Michigan east and south of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to Lansing, Mich., thence along Michigan Highway 78 to Flint, Mich., thence along Michigan Highway 21 to Port Huron, Mich. (Lawrenceville, Ill., Seymour, Ind., and Bryan, Ohio); and (f) to points in Illinois bounded by a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 50 to East St. Louis, Ill., thence along U.S. Highway 66 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line (Princeton, Ind.); (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Evansville, Ind., and points within ten miles thereof; (a) to points in Iowa (Lawrenceville, Ill., New Goshen, Ind., and Peoria, Ill.); and (b) to points in Minnesota (Terre Haute, Ind., and Lawrenceville, Ill.); and (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Evansville, Ind., and points within ten miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Maryland, District of Columbia (Lawrenceville, Ill., Seymour, Ind., Heath, Ohio, and Congo, W. Va.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 59557 (Sub-No. E1), filed June 4, 1974. Applicant: AUCLAIR TRANSPORTATION, 333 March Avenue, Manchester, N.H. 03103. Applicant's representative: John E. Russell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

(1) *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (a) between points in New Hampshire on and north of New Hampshire Highway 25, on the one hand, and, on the other, points in Essex, Middlesex, Norfolk, and Suffolk Counties, Mass., within an area bounded by a line beginning at Salem, Mass., and proceeding on Massachusetts Highway 35 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 2, thence along Interstate Highway 2 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Norfolk-Plymouth County line, thence along the Norfolk-Plymouth County line to the Atlantic Ocean (Boston, Mass.); (b) between points in Connecticut on and west of Connecticut Highway 17 beginning at New Haven extending along Connecticut Highway 17 to Middletown, Conn., thence along Connecticut Highway 9 to Connecticut Highway 72, thence along Connecticut Highway 72 (including New Britain) to junction

Connecticut Highway 8, thence along Connecticut Highway 8 to the Connecticut

thence along Massachusetts Highway 3 to Quincy, Mass. (Brockton, Mass.).

Highway 81 to junction U.S. Highway 522, thence along U.S. Highway 522 to

at the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to U.S. Highway 30, thence along

and extending along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 8 to junction Pennsylv-

Clarksburg, W. Va., thence along U.S. Highway 50 to the West Virginia-Maryland State line, to points in Michigan



Connecticut Highway 8, thence along Connecticut Highway 8 to the Connecticut-Massachusetts State line, on the one hand, and, on the other, points in Massachusetts on and east of Massachusetts Highway 2 beginning at Boston, Mass., and extending along Massachusetts Highway 2 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction U.S. Highway 3, thence along U.S. Highway 3 to the Massachusetts-New Hampshire State line (Lowell, Mass., and points and places within ten miles of Lowell, Mass.); (c) between points in New Hampshire on and north of New Hampshire Highway 25, on the one hand, and, on the other, points in Rhode Island (Boston, Mass., Lowell, Mass., and points and places within ten miles of Lowell, Mass.); and (d) between points in New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along New Hampshire Highway 125 to the Rockingham-Stafford County line, thence along the Rockingham-Stafford County line to the Merrimac-Stafford County line, thence along the Merrimac-Stafford County line to the Merrimac-Belknap, thence along the Merrimac-Belknap County line to junction New Hampshire Highway 107, thence along New Hampshire Highway 107 to Laconia, thence along U.S. Highway 3 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the east bank of the Connecticut River, thence along the east bank of the Connecticut River to the United States-Canada International Boundary line, on the one hand, and, on the other, on and south of a line beginning at New Haven, Conn., and extending along Connecticut Highway 34 to junction Interstate Highway 84, thence along Interstate Highway 84 to the Connecticut-New York State line (including Danbury, Conn.) (Boston, Mass., Lowell, Mass., and points and places within ten miles of Lowell, Mass.).

(2) Boots, shoes, shoe findings and leather, between points in Maine on and north of a line beginning at South Harpswell, Maine, on the Atlantic Ocean, on Maine Highway 123 to junction Maine Highway 196, thence along Maine Highway 196 to Auburn, Maine, thence along Maine Highway 121 to junction Maine Highway 26, thence along Maine Highway 26 through Norway and So. Paris, Maine, to junction U.S. Highway 2, thence along U.S. Highway 2 to the Maine-New Hampshire State line, on the one hand, and, on the other, points in Massachusetts on, south, and east of a line beginning at the Connecticut-Massachusetts State line on Massachusetts Highway 10 to Northampton, Mass., thence along Massachusetts Highway 9 to junction U.S. Highway 20 (including Worcester, Mass.), thence along U.S. Highway 20 to Marlboro, Mass., thence along Massachusetts Highway 85 to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 3,

thence along Massachusetts Highway 3 to Quincy, Mass. (Brockton, Mass.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 67646 (Sub-No. E1), filed May 15, 1974. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel A. Rohrbaugh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between points in Maryland on and west of U.S. Highway 11 within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Maryland on and east of U.S. Highway 11; (2) between points in Maryland on and east of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Maryland on and west of U.S. Highway 220; (3) between points in Washington County, Md., and those in Allegany County, Md., on and east of U.S. Highway 220, on the one hand, and, on the other, points in New Jersey; (4) between points in Maryland on and east of U.S. Highway 522 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in New York; (5) between points in Maryland on and west of U.S. Highway 522 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in New York on and east of U.S. Highway 15; (6) between points in Maryland on and east of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Pennsylvania on and north of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 81 to junction Interstate Highway 78, thence along Interstate Highway 78 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Philadelphia, Pa.; (7) between points in Maryland on and west of U.S. Highway 11 and 50 miles of Fairview, Md., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to junction Pennsylvania Highway 405, thence along Pennsylvania Highway 405 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-Maryland State line.

(8) Between points in Maryland on and east of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Virginia on, west, and south of a line beginning at the West Virginia-Virginia State line and extending along Interstate

Highway 81 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 231, thence along Virginia Highway 231 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction Virginia Highway 31, thence along Virginia Highway 31 (crossing the James River) to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 30, thence along Virginia Highway 30 to junction Virginia Highway 33, thence along Virginia Highway 33 to Chesapeake Bay; (9) between points in Maryland on and west of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Virginia (except Charlottesville), on, east, and south of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 15 to junction U.S. Highway 29/211, thence along U.S. Highway 29/211 to junction Virginia Highway 215, thence along Virginia Highway 215 to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 15/29, thence along U.S. Highway 15/29 Bypass to junction U.S. Highway 15/29 Bypass, thence along U.S. Highway 15/29 Bypass to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 122, thence along Virginia Highway 122 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 640, thence along Virginia Highway 640 to junction Virginia Highway 681, thence along Virginia Highway 681 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Virginia-Tennessee State line; (10) between points in Maryland on and east of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in West Virginia.

(11) Between points in Maryland on and west of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in the District of Columbia; (12) between points in Pennsylvania in Bedford, Franklin, Fulton, and Huntingdon Counties within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Maryland on and east of U.S. Highway 11; (13) between points in Pennsylvania on and east of U.S. Highway 11 within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Maryland in Washington, Alleghany, and Garrett Counties; (14) between points in Pennsylvania within 50 miles of Fairview, Md., on and west of a line beginning

at the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 522, thence along U.S. Highway 522 to Mount Union, Pa., on the one hand, and, on the other, points in New Jersey; (15) between points in Pennsylvania within 50 miles of Fairview, Md., on and west of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction Pennsylvania Highway 16, thence along Pennsylvania Highway 16 to junction U.S. Highway 522, thence along U.S. Highway 522 to Mount Union, Pa., on the one hand, and, on the other, points in New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; (16) between points in that part of Pennsylvania bounded by a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 81 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 96, thence along Pennsylvania Highway 96 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in New York on and east of a line beginning at South Amboy, N.J., and extending along the New Jersey-New York State line to junction with the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 31, thence along New York Highway 31 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York State line near Fishers Landing, N.Y.; (17) between points in Pennsylvania within 25 miles of Fairview, Md., on the one hand, and, on the other, points in New York.

(18) Between points in Pennsylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 140, thence along U.S. Highway 140 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in New York on, west, and north of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line, and those in Pennsylvania on and west of U.S. Highway 219; (19) between points in that part of Pennsylvania bounded by a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 96, thence along Pennsylvania Highway 96 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning

and extending along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 307, thence along Pennsylvania Highway 307 to junction Interstate Highway 81E, thence along Interstate Highway 81E to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 33, thence along Pennsylvania Highway 33 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 113, thence along Pennsylvania Highway 113 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-Delaware State line.

(20) Between points in Pennsylvania within 25 miles of Fairview, Md., on the one hand, and, on the other, points in Pennsylvania on, west, and north of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 66 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 307, thence along Pennsylvania Highway 307 to junction Interstate Highway 81E, thence along Interstate Highway 81E to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, and Philadelphia, Pa., and points in Pennsylvania within 20 miles of Philadelphia, Pa.; (21) between points in Pennsylvania within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Virginia; (22) between points in Pennsylvania on and east of U.S. Highway 11 within 50 miles of Fairview, Md., on the one hand, and, on the other, points in West Virginia on and east of U.S. Highway 522 within 50 miles of Fairview, Md., on the one hand, and, on the other, points in West Virginia on and south of U.S. Highway 50; and (24) between points in Pennsylvania on and west of U.S. Highway 11 within 50 miles of Fairview, Md., on the one hand, and, on the other, points in the District of Columbia. The purpose of this filing is to eliminate the gateways of Fairview, Md., and points within 8 miles of Fairview and Hagerstown, Md.

No. MC 78228 (Sub-No. E135), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Non-clay refractories, from points in West Virginia on or east of a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 19 to

Clarksburg, W. Va., thence along U.S. Highway 50 to the West Virginia-Maryland State line, to points in Michigan. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E136), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Non-clay refractories, from points in West Virginia bounded by a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, thence along the West Virginia-Maryland State line to the West Virginia-Pennsylvania State line, thence along the West Virginia-Pennsylvania State line to the place of beginning to points in Michigan on or north of a line beginning at the Michigan-Lake Huron border, thence along Michigan Highway 32 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E137), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Non-clay refractories, from points in West Virginia on or east of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 19 to Clarksburg, W. Va., thence along U.S. Highway 50 to the West Virginia-Maryland State line to points in Michigan on or north of a line beginning at Lake Huron and extending along Michigan Highway 21 to junction U.S. Highway 31, thence along U.S. Highway 31 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E138), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Non-clay refractories, from points in New York on or west of a line beginning at Lake Ontario, and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate

U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction U.S. Highway 408, thence along

New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York

Highway 16 to the West Virginia-Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refrac-

tory Co., at Greenville, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes,

from points in Pennsylvania on, south, and west of a line beginning at the Ohio-Pennsylvania State line and extending

U.S. Highway 422 to the Ohio-Pennsylvania State line to points in Kentucky on and west of Interstate Highway 75,







## NOTICES

pose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E178), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on, north, and west of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 62 to junction Ohio Highway 541, thence along Ohio Highway 541 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 154, thence along Ohio Highway 154 to the Pennsylvania-Ohio State line to points in Maryland on and east of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E179), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along U.S. Highway 19 to Mercer, Pa., thence along U.S. Highway 62 to the Ohio-Pennsylvania State line to points in Maryland. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E180), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along Pennsylvania Highway 89 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 108, thence along Pennsylvania Highway 108 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line to points in Maryland on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E181), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along Pennsylvania Highway 89 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 108, thence along Pennsylvania Highway 108 to New Castle, Pa., thence along U.S. Highway 422 to the Pennsylvania-Ohio State line to points in Maryland on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E182), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along U.S. Highway 19 to junction Pennsylvania Highway 108, thence along Pennsylvania Highway 108 to the Pennsylvania-Ohio State line to points in Maryland. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E183), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E184), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in New York on and west of

a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E185), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along Pennsylvania Highway 89 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 528, thence along Pennsylvania Highway 528 to junction Pennsylvania Highway 588, thence along Pennsylvania Highway 588 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to the Pennsylvania-Ohio State line to points in Maryland on and east of a line beginning at the Maryland-Delaware State line and extending along U.S. Highway 13 to junction Maryland Highway 413, thence along Maryland Highway 413 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E186), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along Pennsylvania Highway 89 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Butler, Pa., thence along Pennsylvania Highway 58 to the Pennsylvania-Ohio State line to points in Maryland on and east of a line beginning at the Maryland-Delaware State line, thence along U.S. Highway 13 to junction Maryland Highway 413, thence along Maryland Highway 413 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E187), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on and south of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 422 to Youngstown, Ohio, thence along U.S. Highway 62 to Canton, Ohio, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line to points in New York (except Buffalo and Niagara Falls, N.Y., and points in their respective commercial zones as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E188), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on and south of a line beginning at the Pennsylvania-Ohio State line and extending along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to Salem, Ohio, thence along Ohio Highway 173 to junction U.S. Highway 62, thence along U.S. Highway 62 to Canton, Ohio, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line to points in New York on, north, and west of a line beginning at the New Jersey-New York State line and extending along Interstate Highway 287 to junction Interstate Highway 95, thence along Interstate Highway 95 to the New York-Connecticut State line (except Buffalo and Niagara Falls, N.Y., and points in their respective commercial zones, as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E189), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on, south, and west of a line beginning at Lake Erie, and extending along U.S. Highway 422 to Warren, Ohio, thence along Ohio Highway 82 to the Pennsylvania-Ohio State line, to points in New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 12, thence along New York Highway 12 to the St. Law-

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rence River. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E190), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio (except points in Ashtabula, Belmont, Geauga, Lake, and Monroe Counties) to points in New York on and east of a line beginning at Lake Ontario, thence along New York Highway 104 to junction New York Highway 38, thence along New York Highway 38 to Auburn, N.Y., thence along New York Highway 34 to Ithaca, N.Y., thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to Elmira, N.Y., thence along New York Highway 328 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E191), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio (except points in Belmont and Monroe Counties) to points in New York on, south, and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E192), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio to points in New York on, east, and south of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, thence along New York Highway 23 to the Massachusetts-New York State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 99776 (Sub-No. E1), filed May 15, 1974. Applicant: BUCKNER TRUCK-

ING, INC., P.O. Box 3287, Houston, Texas 77001. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and the drilling of water wells. (A) Between points in Kansas on and west of a line commencing at the Kansas-Nebraska State line on U.S. Highway 81, thence south on U.S. Highway 81 to junction U.S. Highway 166, thence east on U.S. Highway 166 to junction U.S. Highway 77, thence south on U.S. Highway 77 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Arkansas, on, south, and east of U.S. Highway 62. (C) Between points in Kansas, on the one hand, and, on the other, points in Arkansas, on, south and west of a line commencing at the Arkansas-Oklahoma State line on U.S. Highway 70, thence east on U.S. Highway 70 to junction U.S. Highway 71, thence south on U.S. Highway 71 to junction U.S. Highway 82, thence east on U.S. Highway 82 to the Arkansas-Mississippi State line. (D) Between points in Oklahoma, on, west and north of a line commencing at the Oklahoma-Kansas State line on U.S. Highway 177, thence south on U.S. Highway 177 to junction U.S. Highway 77, thence south on U.S. Highway 77 to Perry, Oklahoma, thence east on U.S. Highway 64 to Tulsa, Oklahoma, thence southwest on U.S. Highway 66 to Oklahoma City, Oklahoma, thence southwest on U.S. Highway 62 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in Arkansas, on, north and east of a line commencing at Ft. Smith, Arkansas, thence east on Arkansas Highway 22 to junction Arkansas Highway 7, thence south on Arkansas Highway 7 to Hot Springs National Park, Arkansas, thence east on U.S. Highway 270 to Sheridan, Arkansas, thence southeast on Arkansas Highway 35 to junction U.S. Highway 65, thence south on U.S. Highway 65 to the Arkansas-Louisiana State line.

(E) Between points in Oklahoma on and west of a line commencing at the Oklahoma-Kansas State line on U.S. Highway 75, thence south on U.S. Highway 75 to junction Oklahoma Highway 1, thence south on Oklahoma Highway 1 to junction Oklahoma Highway 7, thence west on Oklahoma Highway 7 to junction U.S. Highway 77, thence south on U.S. Highway 77 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in Arkansas on and north of a line commencing at the Arkansas-Missouri State line on Arkansas Highway 5, thence south on Arkansas Highway 5 to junction U.S. Highway 62, thence east on U.S. Highway 62 to junction U.S. Highway 63, thence southeast on U.S. Highway 63 to junction Arkansas Highway 18, thence east on Arkansas

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Highway 18 to its terminus at or near Barfield, Arkansas. (F) Between points

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

its terminus at Brownsville, Tex., to points in Colorado; (6) from points in

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Highway 21, thence along Texas Highway 21 to Nacogdoches, Tex., thence along

along Texas Highway 71 to junction U.S. Highway 59, thence along U.S. Highway

along Texas Highway 149 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 95.



Highway 18 to its terminus at or near Barfield, Arkansas. (F) Between points in Oklahoma on and north of a line commencing at Maysville, Oklahoma, thence west on Oklahoma Highway 20 to junction U.S. Highway 69, thence south on U.S. Highway 69 to junction Oklahoma Highway 33, thence west on Oklahoma Highway 33 to junction U.S. Highway 66, thence west on U.S. Highway 66 to junction Oklahoma Highway 6, thence west on Oklahoma Highway 6 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in Louisiana on and south of U.S. Highway 80. (G) Between points in Oklahoma on and north of a line commencing at the Oklahoma-Texas State line on U.S. Highway 62, thence east on U.S. Highway 62 to junction U.S. Highway 277, thence north on U.S. Highway 277 to Checkasha, Oklahoma, thence east on Oklahoma Highway 39 to junction Oklahoma Highway 99, thence north on Oklahoma Highway 99 to junction Oklahoma Highway 9, thence east on Oklahoma Highway 9 to junction U.S. Highway 69, thence north on U.S. Highway 69 to junction U.S. Highway 62, thence east on U.S. Highway 62 to the Oklahoma-Arkansas State line, on the one hand, and, on the other, points in Louisiana on and east of a line commencing at the Louisiana-Mississippi State line on Louisiana Highway 21, thence south on Louisiana Highway 21 to junction Louisiana Highway 41, thence south on Louisiana Highway 41 to junction U.S. Highway 11, thence south on U.S. Highway 11 to junction U.S. Highway 90, thence southwest on U.S. Highway 90 to junction Louisiana Highway 23, thence southeast on Louisiana Highway 23 to its terminus at Venice, Louisiana.

(H) Between El Paso, Texas; and points in Texas on and north of U.S. Highway 80, on the one hand, and, on the other, points in Arkansas on and north of a line commencing at the Arkansas-Oklahoma State line on U.S. Highway 70, thence east on U.S. Highway 70 to junction Arkansas Highway 8, thence east on Arkansas Highway 8 to junction Arkansas Highway 4, thence east on Arkansas Highway 4 to junction U.S. Highway 68, thence south on U.S. Highway 68 to junction U.S. Highway 82, thence east on U.S. Highway 82 to the Arkansas-Mississippi State line. (I) Between points in Texas on and north of Interstate Highway 40, on the one hand, and, on the other, points in Louisiana on and east of a line commencing at the Arkansas-Louisiana State line on U.S. Highway 165, thence south on U.S. Highway 165 to junction U.S. Highway 167, thence south on U.S. Highway 167 to Abbeville, Louisiana, thence south and southwest on Louisiana Highway 82 to a terminus at Pecan Island, Louisiana. The purpose of this filing is to eliminate the gateway of points in Tulsa County, Oklahoma.

No. MC 99776 (Sub-No. E2), filed May 15, 1974. Applicant: BUCKNER TRUCKING, INC., P.O. Box 3287, Houston, Tex. 77001. Applicant's representative: Ronald E. Butler (same as above).

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic pipe, (1) from points in Texas on and south of a line beginning at the New Mexico-Texas State line on Texas Highway 18, thence along Texas Highway 18 to junction Texas Highway 302, thence along Texas Highway 302 to junction Texas Highway 158, thence along Texas Highway 158 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to its terminus at Galveston, Tex., to points in Alabama on, south and east of a line beginning at the Tennessee-Alabama State line on Alabama Highway 17, thence along Alabama Highway 17 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Alabama State line; (2) from points in Texas on, east and south of a line beginning at the Texas-Louisiana State line on U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 315, thence along Texas Highway 315 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to a terminus at Port Lavaca, Tex., to points in Arizona; (3) from points in Texas on, south and west of a line beginning at Del Rio, Tex., thence along U.S. Highway 90 to Houston, Tex., thence along U.S. Highway 75 to a terminus at Galveston, Tex., to points in Arkansas;

(4) From points in Texas on, south and east of a line beginning at Brownsville, Tex., thence along U.S. Highway 77 to junction Texas Highway 141, thence along Texas Highway 141 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Alternate Highway 77, thence along U.S. Alternate Highway 77 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line, to points in California; (5) from points in Texas, on, south and east of a line beginning at the Texas-Louisiana State line on U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 60, thence along Texas Highway 60 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 181, thence along U.S. Highway 181 to junction U.S. Highway 77, thence along U.S. Highway 77 to

its terminus at Brownsville, Tex., to points in Colorado; (6) from points in Texas on and south of a line beginning at the New Mexico-Texas State line on U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 80, thence along U.S. Highway 80 to Longview, Tex., thence along Texas Highway 149 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, to points in Connecticut;

(7) From points in Texas on, south and west of a line beginning at the Texas-New Mexico State line on Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 175, thence along U.S. Highway 175 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, to points in Delaware; (8) from points in Texas on, south and west of a line beginning at Farwell, Tex., thence along U.S. Highway 50 to junction Texas Highway 86, thence along Texas Highway 86 to junction U.S. Highway 287, thence along U.S. Highway 287 to Fort Worth, Tex., thence along U.S. Highway 80 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to points in the District of Columbia; (9) from points in Texas on and west of a line beginning at Baytown, Tex., thence along Texas Highway 146 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to Dallas, Tex., thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to the Texas-Oklahoma State line, to points in Florida; (10) from points in Texas on, south and west of a line beginning at the Texas-New Mexico State line on Texas Highway 116, thence along Texas Highway 116 to Lubbock, Tex., thence along U.S. Highway 84 to Abilene, Tex., thence along Texas Highway 6 to Bryan, Tex., thence along Texas Highway 30 to Huntsville, Tex., thence along U.S. Highway 75 to a terminus at Galveston, Tex., to points in Georgia; (11) from points in Texas on and east of a line beginning at Brownsville, Tex., thence along U.S. Highway 281 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas

Highway 21, thence along Texas Highway 21 to Nacogdoches, Tex., thence along Texas Highway 7 to the Texas-Louisiana State line, to points in Idaho;

(12) From points in Texas on and south of a line beginning at the Del Rio Tex., thence along U.S. Highway 90 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 105, thence along Texas Highway 105 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line, to points in Illinois; (13) from points in Texas on and south of a line beginning at Presidio, Tex., thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 105, thence along Texas Highway 105 to junction Texas Highway 321, thence along Texas Highway 321 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line, to points in Indiana on and east of U.S. Highway 41; (14) from points in Texas on and south of a line beginning at Del Rio, Tex., thence along U.S. Highway 90 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 21, thence along Texas Highway 21 to Madisonville, Tex., thence along U.S. Highway 75 to junction Texas Highway 150, thence along Texas Highway 150 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 105, thence along Texas Highway 105 to Beaumont, Tex., thence along U.S. Highway 90 to the Texas-Louisiana State line, to points in Iowa;

(15) From points in Texas on, south and east of a line beginning at the Texas-Louisiana State line on Texas Highway 12, thence along Texas Highway 12 to junction Texas Highway 82, thence along Texas Highway 82 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 327, thence along Texas Highway 327 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 326, thence along Texas Highway 326 to junction Texas Secondary Highway 770, thence along Texas Secondary Highway 770 to junction Texas Highway 105, thence along Texas Highway 105 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 150, thence along Texas Highway 150 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction Texas Highway 36, thence along Texas Highway 36 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 71, thence

along Texas Highway 71 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 181, thence along U.S. Highway 181 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 285, thence along Texas Highway 285 to junction U.S. Highway 281, thence along U.S. Highway 281 to a terminus at McAllen, Tex., to points in Kansas on and north of a line beginning at the Kansas-Colorado State line on U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line;

(16) From points in Texas on, south and west of a line beginning at the New Mexico-Texas State line on Texas Highway 18, thence along Texas Highway 18 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 146, thence along Texas Highway 146 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line, to points in Kentucky on and east of a line beginning at Owensboro, Ky., thence along U.S. Highway 431 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 171, thence along Kentucky Highway 171 to junction Kentucky Highway 107, thence along Kentucky Highway 107 to Hopkinsville, Ky., thence along U.S. Highway 41 to the Kentucky-Tennessee State line; (17) from points in Texas on and west of a line beginning at Galveston, Tex., thence along U.S. Highway 75 to Dallas, Tex., thence along U.S. Highway 77 to the Texas-Oklahoma State line, to points in Louisiana on, south and east of a line beginning at Bogalusa, La., thence along Louisiana Highway 21 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to the Gulf of Mexico; (18) from points in Texas on, south and west of a line beginning at the New Mexico-Texas State line on U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 199, thence along Texas Highway 199 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 149, thence

along Texas Highway 149 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 21, thence along Texas Highway 21 to the Louisiana-Texas State line, to points in Maine;

(19) From points in Texas on, south and west of a line beginning at the New Mexico-Texas State line on Texas Highway 116, thence along Texas Highway 116 to Lubbock, Tex., thence along U.S. Highway 82 to junction Texas Highway 199, thence along Texas Highway 199 to Fort Worth, Tex., thence along U.S. Highway 80 to Dallas, Tex., thence along U.S. Highway 175 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Louisiana-Texas State line, to points in Maryland on and east of U.S. Highway 11; (20) from points in Texas on, south and west of a line beginning at the Texas-New Mexico State line on Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 77, thence along U.S. Highway 77 to Dallas, Tex., thence along U.S. Highway 75 to junction U.S. Highway 175, thence along U.S. Highway 175 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, to points in Massachusetts; (21) from points in Texas on and south of a line beginning at Presidio, Tex., thence along U.S. Highway 67 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 22, thence along Texas Highway 22 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Texas Highway 6, thence along Texas Highway 6 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 62, thence along Texas Highway 62 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Texas State line, to points in Michigan; (22) from points in Texas on and south of a line beginning at the Texas-Louisiana State line on U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 90, thence along U.S. Highway 90 to a terminus at Del Rio, Tex., to points in Minnesota;

(23) From points in Texas on and south of a line beginning at El Paso, Tex., thence along U.S. Highway 80 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 75, thence along U.S. Highway 75 to the terminus at Galveston, Tex., to points in Mississippi; (24) from points in Texas on and south of a line beginning at Del Rio, Tex., thence along U.S.

Highway 90 to junction U.S. Highway

points in Texas on, south and east of a

Highway 67, thence along U.S. Highway

Texas on, south and east of a line beginning at the Texas-Louisiana State line

thence along U.S. Highway 84 to junction U.S. Highway 75, thence along U.S.

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MOTOR CARRIER BOARD TRANSFER



Highway 90 to junction U.S. Highway 75, thence along U.S. Highway 75 to a terminus at Galveston, Tex., to points in Missouri; (25) from points in Texas on, south and east of a line beginning at Laredo, Tex., thence along U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-Louisiana State line, to points in Montana; (26) from points in Texas on and south of a line beginning at Del Rio, Tex., thence along U.S. Highway 90 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 30, thence along Texas Highway 30 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 105, thence along Texas Highway 105 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line, to Jackson, Nebr., and points in Nebraska on and east of U.S. Highway 73; (27) from points in Texas on, south and east of a line beginning at the Arkansas-Texas State line on U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 281, thence along U.S. Highway 281 to the terminus at Brownsville, Tex., to points in Nevada on, north and west of a line beginning at the Idaho-Nevada State line on U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line;

(28) From points in Texas on and south of a line beginning at the New Mexico-Texas State line on Texas Highway 125, thence along Texas Highway 125 to junction Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line, to points in New Hampshire; (29) from points in Texas on and south of a line beginning at the Louisiana-Texas State line on Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 175, thence along U.S. Highway 175 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Texas Highway 116, thence along Texas Highway 116 to the Texas-New Mexico State line, to points in New Jersey; (30) from

points in Texas on, south and east of a line beginning at the Louisiana-Texas State line on Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Secondary Highway 1960, thence along Texas Secondary Highway 1960 to junction Texas Highway 6, thence along Texas Highway 6 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 60, thence along Texas Highway 60 to its terminus at Matagorda, Tex., to points in New Mexico; (31) from points in Texas on and south of a line beginning at the Texas-New Mexico State line on U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 84, thence along U.S. Highway 84 to Abilene, Tex., thence along Texas Highway 36 to junction Texas Highway 22, thence along Texas Highway 22 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to points in New York;

(32) From points in Texas on, south and west of a line beginning at the New Mexico-Texas State line on Texas Highway 116, thence along Texas Highway 116 to Lubbock, Tex., thence along U.S. Highway 84 to Abilene, Tex., thence along Texas Highway 36 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 171, thence along Texas Highway 171 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 7, thence along Texas Highway 7 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 21, thence along Texas Highway 21 to the Louisiana-Texas State line, to points in North Carolina on, east and north of a line beginning at the North Carolina-Tennessee State line on U.S. Highway 70, thence along U.S. Highway 70 to Asheville, N.C., thence along U.S. Highway 74 to Charlotte, N.C., thence along U.S. Highway 21 to the North Carolina-South Carolina State line; (33) from points in Texas on, south and east of a line beginning at Laredo, Tex., on U.S. Highway 81, thence along U.S. Highway 81 to junction Texas Highway 53, thence along Texas Highway 53 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 7, thence along Texas Highway 7 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, to points in North Dakota; (34) from points in Texas on and south of a line beginning at El Paso, Tex., thence along U.S. Highway 80 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S.

Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 84, thence along U.S. Highway 84 to Waco, Tex., thence along Texas Highway 6 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 146, thence along Texas Highway 146 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Texas State line, to points in Ohio;

(35) From points in Texas on, south and east of a line beginning at Baytown, Tex., thence along Texas Highway 146 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 77, thence along U.S. Highway 77 to the terminus at Brownsville, Tex., to points in Oklahoma; (36) from points in Texas on, south and east of a line beginning at Laredo, Tex., thence along U.S. Highway 81 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 59, thence along U.S. Highway 59 to a terminus at Texarkana, Tex., to points in Oregon; (37) from points in Texas on and south of a line beginning at the Texas-Louisiana State line on U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 63, thence along Texas Highway 63 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 6, thence along Texas Highway 6 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction Texas Highway 36, thence along Texas Highway 36 to Abilene, Tex., thence along U.S. Highway 84 to Snyder, Tex., to junction U.S. Highway 180 to the Texas-New Mexico State line, to points in Pennsylvania; (38) from points in Texas on and south of a line beginning at the Texas-New Mexico State line on U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, to points in Rhode Island;

(39) From points in Texas on, west and south of a line beginning at the Texas-New Mexico State line on U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line, to points in South Carolina on and south of U.S. Highway 1; (40) from points in

Texas on, south and east of a line beginning at the Texas-Louisiana State line on Texas Highway 63, thence along Texas Highway 63 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 81, thence along U.S. Highway 81 to a terminus at Laredo, Tex., to points in South Dakota on and north of U.S. Highway 14; (41) from points in Texas on and south of a line beginning at El Paso, Tex., thence along U.S. Highway 80 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 30, thence along Texas Highway 30 to junction U.S. Highway 75, thence along U.S. Highway 75 to the terminus at Galveston, Tex., to points in Tennessee; (42) from points in Texas on, south and east of a line beginning at the Texas-Louisiana State line on Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 294, thence along Texas Highway 294 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 36, thence along Texas Highway 36 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 237, thence along Texas Highway 237 to junction U.S. Highway 77, thence along U.S. Highway 77 to the terminus at Brownsville, Tex., to points in Utah;

(43) From points in Texas on, south and west of a line beginning at the New Mexico-State line on Texas Highway 116, thence along Texas Highway 116 to Lubbock, Tex., thence along U.S. Highway 82 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 80, thence along U.S. Highway 80 to Dallas, Tex., thence along U.S. Highway 175 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 21, thence along Texas Highway 21 to the Louisiana-Texas State line, to points in Vermont; (44) from points in Texas on, west and south of a line beginning at Bledsoe, Tex., thence along Texas Highway 125 to junction Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Secondary Highway 587, thence along Texas Secondary Highway 587 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 171, thence along Texas Highway 171 to junction U.S. Highway 84,

thence along U.S. Highway 84 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 7, thence along Texas Highway 7 to junction Texas Highway 103, thence along Texas Highway 103 to junction U.S. Highway 69, thence along U.S. Highway 69 to a terminus at Port Arthur, Tex., to points in Virginia; (45) from points in Texas on, south and east of a line beginning at Laredo, Tex., thence along U.S. Highway 81 to San Antonio, Tex., thence along U.S. Highway 281 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 77, thence along U.S. Highway 77 to Dallas, Tex., thence along U.S. Highway 77 to a terminus at Texarkana, Tex., to points in Washington; (46) from points in Texas on and south of a line beginning at the New Mexico-Texas State line on U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 7, thence along Texas Highway 7 to junction Texas Highway 103, thence along Texas Highway 103 to junction U.S. Highway 69, thence along U.S. Highway 69 to its terminus at Port Arthur, Tex., to points in West Virginia;

(47) From points in Texas on and south of a line beginning at the Texas-Louisiana State line on Texas Highway 12, thence along Texas Highway 12 to junction Texas Highway 62, thence along Texas Highway 62 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 90, thence along U.S. Highway 90 to a terminus at Del Rio, Tex., to points in Wisconsin; and (48) from McAllen, Tex., and points in Texas on, south and east of a line beginning at Brownsville, Tex., thence along U.S. Highway 281 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Alternate Highway 77, thence along U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 21, thence along Texas Highway 21 to Bryan, Tex., thence along Texas Highway 6 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 94, thence along Texas Highway 94 to Lufkin, Tex., thence along U.S. Highway 69 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Houston, Tex.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24297 Filed 9-10-75; 8:45 am]

[Notice No. 74]

# MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 11, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 1, 1975. Pursuant to Section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75971. By order of September 5, 1975, the Motor Carrier Board approved the transfer to Karl Bowes, Louisburg, Kansas, of Certificate No. MC 66507 issued July 25, 1958, to Herman F. Henry, Louisburg, Kansas, authorizing the transportation of livestock and other specified commodities from, to, and between specified points in Kansas and Missouri. Karl Bowes, R.R. 2, Louisburg, Kansas 66053, for applicants.

No. MC-FC-76004. By order of September 5, 1975, the Motor Carrier Board approved the transfer to John R. Costa and Peter G. Costa, A Partnership, Doing Business As Pacific Cartage & Warehousing, San Leandro, California, of Certificate of Registration No. MC 121689, issued November 3, 1972, to James R. Mullen, Howard W. Hester and Bernard J. Glaser, A Partnership, Doing Business As Action Drayage Co., San Francisco, California, evidencing a right to engage in transportation in interstate or foreign commerce, of general commodities between points in California. Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, California, 94111, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24208 Filed 9-10-75; 8:45 am]

# FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 8, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points

Protests to the granting of an appli-

Nebr. 68041. Applicant's representative:

tract Supervisor, Interstate Commerce

was previously published in error as 43217

No. MC 117125 (Sub-No. 5TA), filed

media of all kinds; (2) Emergency repair

No. MC 117125 (Sub-No. 5TA), filed



Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the **FEDERAL REGISTER**.

**FSA No. 43041—Corn and Grain Sorghums from Points in Missouri.** Filed by Southwestern Freight Bureau, Agent, (No. B-553), for interested rail carriers. Rates on corn and grain sorghums, in carloads, as described in the application, from specified points in Missouri, to points in Arkansas.

Grounds for relief—Rate relationship and motor competition.

Tariff—Supplement 133 to Southwestern Freight Bureau, Agent, tariff 225-M, I.C.C. No. 4971. Rates are published to become effective on October 6, 1975.

By the Commission.

(SEAL) Robert L. Oswald,  
Secretary.  
[FR Doc 75-24200 Filed 9-10-75; 8:45 am]

[Notice No. 102]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 4, 1975.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act, provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **FEDERAL REGISTER** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **FEDERAL REGISTER**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 5227 (Sub-No. 19TA), filed August 26, 1975. Applicant: **ECONOMY MOVERS, INC.**, P.O. Box 201, Mead,

Nebr. 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, and equipment, materials and supplies* used in the erection of metal buildings, from the plantsite of Benlen Manufacturing Company, at or near Columbus, Nebr., to points in Alaska, for 180 days. Supporting shipper: James E. Weldon, Traffic Manager, Box 569, Columbus, Nebr. 68601. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 10457 (Sub-No. 5TA) (Correction), filed August 1, 1975, published in the **FEDERAL REGISTER** issue of August 18, 1975, and republished as corrected this issue. **GURGRABE TRUCK LINES, INC.**, Old U.S. Highway 40, Warrenton, Mo. 63383. Applicant's representative: John E. Burruss, Jr., Central Trust Bldg., P.O. Box 1096, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and household goods), between Wainwright, Tebbetts, Mokane, Steedman, Portland, Rhineland, Readsville, and Reform, Mo., and the facilities of Union Electric Company at or near Reform, Mo., on the one hand, and the regular route points applicant is presently authorized to serve, on the other; from Jonesburg, Mo., over Interstate 70 to its junction with U.S. Highway 54 at Kingdom City, Mo.; thence, over U.S. Highway 54 to Jefferson City, Mo.; from Jefferson City, Mo., over Missouri State Highway 94 to its junction with Missouri State Highway 19; thence, over Missouri State Highway 19 to its junction with Interstate 70; from the junction of Interstate 70 and Callaway County, Mo., Route D, thence over Route D to its junction with Missouri State Highway 94; from Reform, Mo., over Callaway County Route CC to its junction with Missouri State Highway 94; from Mokane, Mo., over Callaway County Route C to its junction with U.S. Highway 54; from Reform, Mo., over Callaway County Route CC to its junction with Callaway County Route O, thence over Route O to its junction with Callaway County Route K, thence over Callaway and Montgomery County Route K to its junction with Missouri State Highway 19; from the junction of Routes CC and O, thence over Route O to its junction with U.S. Highway 54 at Fulton, Mo., and return over the same routes with authority to operate over said routes and all presently authorized routes in providing service between said points and the regular route points applicant is presently authorized to serve. Applicant proposes to interline at St. Louis, with MC-78400, for 180 days. Supporting shipper: Union Electric Company, P.O. Box 149, St. Louis, Mo. 63166. Send protests to: J. P. Werthmann, Dis-

trict Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101. The purpose of this republication is to correct the applicant's name and address.

No. MC 18535 (Sub-No. 61TA), filed August 27, 1975. Applicant: **HICKLIN MOTOR LINE, INC.**, P.O. Box 377, St. Matthews, S.C. 29135. Applicant's representative: O. Alex Hicklin, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed scrap motor vehicles and/or shredded motor vehicle scrap metal*, between points in South Carolina and points in Richmond County, Ga., for 180 days. Supporting shipper: Automotive Recycling Corp., P.O. Box 979, Charleston, S.C. 29402. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 69492 (Sub-No. 49TA), filed August 18, 1975. Applicant: **HENRY EDWARDS TRUCKING COMPANY, P.O.** Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* and related advertising materials, from Detroit, Mich., to Blytheville, Ark., and Helena, Ark.; (2) *Feed, feed ingredients and insecticide*, from Memphis, Tenn., to Benton, Fancy Farm and Folsomdale, Ky., for 150 days. Supporting shippers: Hooper Sales Co., Inc., 829 Henderson St., Blytheville, Ark. 72315. Centennia Distributing Co., Inc., 523 Arkansas St., Helena, Ark. 72342. McCain Distributing Co., 314 North Fifth St., West Memphis, Ark. 72301. Ralston Purina Company, Inc., 1785 Airways, Memphis, Tenn. Send protests to: Kenneth R. Inman, Transportation Specialist, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

No. MC 83217 (Sub-No. 65TA) (Correction), filed August 15, 1975, published in the **FEDERAL REGISTER** issue of August 28, 1975, and republished as corrected this issue. Applicant: **DAKOTA EXPRESS, INC.**, 2817 West 6th St., Sioux Falls, S. Dak. 57101. Applicant's representative: Bill White, 505 East Fifth St., South St. Paul, Minn. 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. Paul, Minn., to points in Cook County, Ill., restricted to shipments originating at the plantsite and storage facilities of Gourmet Foods, Inc., at St. Paul, Minn., and destined to Cook County, Ill., for 180 days. Supporting shipper: Gourmet Foods, Inc., 860 Vandalla, St. Paul, Minn. 55114. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501. The purpose of this republication is to correct the docket number which

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carrier, by motor vehicle, over irregular routes, transporting: *Polystyrene pellets*,

sota, Iowa, Missouri, Arkansas, and Louisiana (except Ohio); (2) points in North

thorized to be limited to a transportation service to be performed under a continu-

was previously published in error as 43217 (Sub-65TA).

No. MC 107012 (Sub-No. 225TA), filed August 26, 1975. Applicant: **NORTH AMERICAN VAN LINES, INC.**, P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and commercial and institutional fixtures*, from Tacoma, Wash., to points in Colorado, Kansas, Minnesota, New Mexico, North Dakota, South Dakota, Texas, and Wyoming, for 180 days. Supporting shipper: Hauserman, Educators Division, P.O. Box 1458, Tacoma, Wash. 98401. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 108393 (Sub-No. 93TA), filed August 26, 1975. Applicant: **SIGNAL DELIVERY SERVICE, INC.**, 201 E. Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: Eugene L. Cohn, 1 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between Birmingham and Leesburg, Ala., on the one hand, and Evansville, Ind., on the other, under a continuing contract with Whirlpool Corporation, for 180 days. Supporting shipper: Whirlpool Corporation, Administrative Center, Carl R. Anderson, Director, Corporate Traffic, Benton Harbor, Mich. 49002. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 110420 (Sub-No. 740TA), filed August 26, 1975. Applicant: **QUALITY CARRIERS, INC.**, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Munster, Ind., to Louisville, Ky., for 180 days. Supporting shipper: Pepsi-Cola General Bottlers, Inc., 1745 N. Kolmar Ave., Chicago, Ill. 60639. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 569TA), filed August 26, 1975. Applicant: **PUROLATOR COURIER CORP.**, 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting*

*media of all kinds*; (2) *Emergency repair parts*, restricted against the transportation of packages or articles weighing more than 60 pounds in the aggregate from one consignor to one consignee on any one day, between Youngstown, Ohio and Weirton, W. Va., for 90 days. Supporting shipper: J. V. McNicholas Transporting Company, Inc., 555 West Federal St., Youngstown, Ohio 44501. Send protests to: Anthony D. Gianno, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113690 (Sub-No. 6TA), filed August 25, 1975. Applicant: **SIDNEY T. SMITH**, 29 Crawford St., Roxbury, Mass. 02121. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture*, between New York City, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, West Virginia, and Virginia, for 180 days. Supporting shipper: Art Steel Company, Inc., 170 West 233rd St., Bronx, N.Y. 10463. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Boston, Mass. 02114.

No. MC 115691 (Sub-No. 34TA), filed August 25, 1975. Applicant: **MURPHY TRANSPORTATION, INC.**, 1414 Crawford Ave., Anniston, Ala. 36201. Applicant's representative: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Untreated lumber*, from the plantsite of Hammermill Paper, Inc., Southern Forest Products Div., located at or near Maplesville, Ala., to all points located in the Eastern U.S., this being the area consisting of points in and east of the following states: Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana, for 180 days. Supporting shipper: Hammermill Paper, Inc., Southern Forest Products Div., P.O. Box 63, Maplesville, Ala. 36750. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 116254 (Sub-No. 153TA), filed August 26, 1975. Applicant: **CHEM-HAULERS, INC.**, P.O. Box 245, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37251. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten aluminum*, in crucibles, from Rockdale, Tex., to Wilson Springs, Ark., for 150 days. Supporting shipper: General Cable Corporation, 26 Washington St., Perth Amboy, N.J. 08862. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

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(2) from Minneapolis, Minn., to points Iowa, under a continuing contract or contracts with Zephyr Aluminum Prod-

Division/Copper Range Co., for 180 days. Supporting shipper: Hussey Metals Division/Copper Range Co., Em-

Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

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carrier, by motor vehicle, over irregular routes, transporting: *Polystyrene pellets*, in bulk, in pneumatic tanks, from Forest City, N.C., to points in New Jersey, for 180 days. Supporting shipper: Polysar Plastics, Inc., P.O. Box 688, Forest City, N.C. 28043. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611. The purpose of this republication is to correct the territorial description.

No. MC 118831 (Sub-No. 123 TA) (Correction), filed August 12, 1975, published in the FEDERAL REGISTER issue of August 26, 1975, and republished as corrected this issue. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Gary L. Honbarrier (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, liquid, in bulk, from Fayetteville, N.C., to points in Georgia, for 180 days. Supporting shipper: Cargill, Incorporated, P.O. Box 1825, Fayetteville, N.C. 28302. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611. The purpose of this republication is to correct the territorial description.

No. MC 118831 (Sub-No. 124 TA) (Correction), filed August 15, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, and republished as corrected this issue. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, liquid, in bulk, from Fayetteville, N.C., to points in South Carolina, for 180 days. Supporting shipper: Cargill, Incorporated, P.O. Box 1825, Fayetteville, N.C. 28302. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611. The purpose of this republication is to correct the territorial description.

No. MC 124795 (Sub-No. 147 TA), filed August 25, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* utilized in the installation of floor coverings and floors; floor mats and runners; adhesives; cove base; carpet binding accessories; maintenance equipment and products; and materials, equipment, and supplies utilized in the manufacture, sale, and distribution of the commodities described above, from Piqua, Ohio, to (1) points in the United States in and east of the state of Minne-

sota, Iowa, Missouri, Arkansas, and Louisiana (except Ohio); (2) points in North Dakota, South Dakota, and Texas; (3) City of Industry, Calif., restricted against the transportation of commodities in bulk and those which, by reason of size and weight require the use of special equipment and further restricted to a transportation, to be performed under a continuing contract or contracts with Roberts Consolidated Industries, a subsidiary of Champion International. Supporting shipper: Roberts Consolidated Industries (a subsidiary of Champion International), 600 N. Baldwin Park Blvd., City of Industry, Calif. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 126736 (Sub-No. 79 TA), filed August 26, 1975. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 E. 21st St., P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Waste synthetic gypsum* (from the manufacture of Titanium Dioxide), in bulk, in dump vehicles, from Savannah, Ga., to points in Florida, for 180 days. Supporting shipper: American Cyanamid Company, Bound Brook, N.J. 08805. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 129635 (Sub-No. 5 TA), filed August 21, 1975. Applicant: ROYAL'S MOTOR SERVICE, INC., P.O. Box 1124, Grand Prairie, Tex. 75050. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), each weighing 15,000 pounds or less, and *attachments, parts, and accessories therefor* when moving at the same time and in the same equipment, from Houston, Tex., to points in Colorado, Illinois, Iowa, Missouri, and Utah, for 180 days. Supporting shipper: Ford Motor Company Tractor Operations Corporation, 2500 E. Maple Road, Troy, Mich. Send protests to: Gerald T. Holland, District Supervisor, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 133576 (Sub-No. 4TA), filed August 26, 1975. Applicant: BUSBOOM TRUCKING, INC., Route 1, Filley, Nebr. 68357. Applicant's representative: Duane L. Stromer, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in containers, from the facilities of Dow Chemical Company, at or near Ludington, Mich., and Midland, Mich., to points in Kansas, Colorado, and that portion of Iowa west of U.S. Highway 65. Restriction: The operations au-

thorized to be limited to a transportation service to be performed under a continuing contract or contracts with Oldfather's O.K. Tire Company of Beatrice, Nebr., for 180 days. Supporting shipper: John G. Smith, Director, Commercial Sales, Oldfather's O.K. Tire Company, 615 Dorsey St., Beatrice, Nebr. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 133755 (Sub-No. 14TA), filed August 27, 1975. Applicant: MILLIS BROS. TRANSFER, INC., P.O. Box 112, Black River Falls, Wis. 54615. Applicant's representative: Gregory E. Kubash, Suite 820 Watergate, 600 New Hampshire Ave. NW., Washington, D.C. 20037. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Beverages and related advertising material and return of empty containers*, from St. Louis, Mo., to Chippewa Falls, Wis., under a continuing contract or contracts with West Wisconsin Distributing Company, Inc., for 180 days. Supporting shipper: West Wisconsin Distributing Co., Inc., Chippewa Falls, Wis. 54729. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 134224 (Sub-No. 8TA), filed August 27, 1975. Applicant: HAUSER TRUCKING CORP., P.O. Box 241, Cobleskill, N.Y. 12043. Applicant's representative: Neil D. Breslin, 1111 Twin Towers, 99 Washington Ave., Albany, N.Y. 12210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Kentucky, Ohio, Pennsylvania, Tennessee, and West Virginia to Schenectady, N.Y., for 180 days. Supporting shipper: General Electric Co., Research and Development Center, P.O. Box 8, Bldg. K-1, Room 2C1, Schenectady, N.Y. 12301. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Albany, N.Y. 12207.

No. MC 134400 (Sub-No. 18 TA) (Amendment), filed July 31, 1975, published in the FEDERAL REGISTER issue of August 12, 1975, and republished as amended this issue. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 200 Southern Ave., Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Aluminum building products and related accessories*, in shipper-owned trailers, from (1) Dubuque and Osage, Iowa, and Minneapolis, Minn., to points in Adams, Brown, Bureau, Carroll, Fulton, Hancock, Henderson, Henry, Joe Daviess, Knox, LaSalle, Lee, McDonough, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Warren, and Whiteside Counties, Ill.; Adair, Clark, Knox, Lewis, Marion, Schuyler, Scotland, and Shelby Counties, Mo.; and Crawford, Grant, Iowa, Lafayette, and Richland Counties, Wis.; and

(2) from Minneapolis, Minn., to points Iowa, under a continuing contract or contracts with Zephyr Aluminum Products, Inc., for 90 days. Supporting shipper: Zephyr Aluminum Products, Inc., P.O. Box 936, Dubuque, Iowa 52001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to add part two.

No. MC 134806 (Sub-No. 33 TA), filed August 26, 1975. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Footwear*, in unsealed cases, from Wilton, Maine, to Marlboro and Middleboro, Mass., under a continuing contract with G. H. Bass & Co., for 180 days. Supporting shipper: G. H. Bass & Co., Wilton, Maine 04294. Send protests to: S. Arnold Smith, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, 87 State St., P.O. Box 548, Montpelier, Vt. 05602.

No. MC 135231 (Sub-No. 10 TA), filed August 25, 1975. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by mail order houses* (except commodities in bulk), from St. Cloud, Minn., to Kansas City, Kans., restricted to transportation of shipments originating at the facilities of Fingerhut Manufacturing Co., located at or near St. Cloud, Minn., and destined to U.S. Post Offices for immediate and subsequent movement by U.S. Mail, for 180 days. Supporting shipper: Fingerhut Manufacturing Co., 11 McLeland Road, St. Cloud, Minn. 56301. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 138530 (Sub-No. 19 TA), filed August 26, 1975. Applicant: C. O. P. Transport, Inc., 307 South High St., Cortland, Ohio 44410. Applicant's representative: Warren R. Keck III, 28 South Second St., Greenville, Pa. 16125. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Copper and copper alloys* *via other than perforated or silver plated sheet, plate and strip, scrap and scrap copper alloy loose* or in containers, coils, bars drawn, rolled or extruded, between the plantsite of Hussey Metals Division/Copper Range Co., Eminence, Ky., on the one hand, and, on the other, points in Commercial Zones of Cincinnati, Ohio, under a continuing contract with Hussey Metals

Division/Copper Range Co., for 180 days. Supporting shipper: Hussey Metals Division/Copper Range Co., Eminence, Ky. 40010. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 138530 (Sub-No. 20 TA), filed August 26, 1975. Applicant: C. O. P. TRANSPORT, INC., 307 South High St., Cortland, Ohio 44410. Applicant's representative: Warren R. Keck III, 28 South Second St., Greenville, Pa. 16125. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Copper and copper alloys* *via other than perforated or silver plated sheet, plate and strip, scrap and scrap copper alloy loose* or in containers, coils, bars drawn, rolled or extruded, between the plantsite of Hussey Metals Division/Copper Range Co., Eminence, Ky., on the one hand, and, on the other, points in Commercial Zone of Erie, Pa., under a continuing contract with Hussey Metals Division/Copper Range Co., for 180 days. Supporting shipper: Hussey Metals Division/Copper Range Co., 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 138807 (Sub-No. 10 TA), filed August 25, 1975. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Spheres, highway marking strip, and glass beads* for blast cleaning packaged in bags, drums, and boxes, from the plantsite and warehouse facilities of Cataphote Division of Ferro Corporation at or near Jackson, Miss., to points in Colorado, Montana, North Dakota, Utah, and Wyoming, under a continuing contract with Cataphote Division of Ferro Corporation, for 180 days. Supporting shipper: Cataphote Division of Ferro Corporation, P.O. Box 2369, Jackson, Miss. 39205. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 138844 (Sub-No. 6 TA), filed August 27, 1975. Applicant: GAS INCORPORATED, 95 E. Merrimack St., Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, P.O. Box 4327, Jersey City, N.J. 07304. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid methane*, in bulk, in vacuum insulated cryogenic tank trailers, from Everett, Mass., to Providence, R.I., for 180 days. Supporting shipper: Boston Gas Company, 144 McBride St., Boston, Mass. 02130. Send protests to: Darrell W. Hammons, District Supervisor, Interstate

Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 139468 (Sub-No. 8 TA), filed August 26, 1975. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Tex. 77040. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Coated steel* used in the manufacture of preengineered building panels, from Greenfield and Kingsbury, Ind., to Houston, Tex., and LaGrange, Ga., restricted to traffic destined to the plantsites and storage facilities of National Steel Products Company, Inc., under a continuing contract with National Steel Products Company, Inc., for 180 days. Supporting shipper: National Steel Products Company, Inc., 11919 Spencer Road, P.O. Box 40490, Houston, Tex. 77040. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, Room 1086, Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 139495 (Sub-No. 85 TA), filed August 27, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., Liberal, Kans. 67901. Applicant: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A. at Tracy, Calif., to points in Idaho, Montana, Wyoming, Utah, Oregon, and Washington, restricted to traffic originating at the above-named origin and destined to the above-named destination states, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: M. E. Taylor, District Supervisor, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 138054 (Sub-No. 12 TA), filed August 26, 1975. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the installation of floor coverings, from Compton and Azusa, Calif., to points in the United States (except Alaska and Hawaii). Restricted: restricted against the transportation of commodities in bulk, in tank vehicles and commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Adhesive Industries Mfg. Co., for 180 days. Supporting shipper: Adhesive Industries, Mfg. Co., 1441 West El Segundo Blvd., Compton, Calif. 90222. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce



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# NOTICES

Commission, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 139404 (Sub-No. 3 TA), filed August 28, 1975. Applicant: WILLIAM G. BROWN, 207 North Third St., Bardstow, Ky. 40004. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wooden barrels, set-up, (1) from Memphis, Tenn., to Lawrenceburg and Meadow Lawn, Ky., and points within three miles of Meadow Lawn, Ky., and (2) from Lynchburg, Tenn., and commercial zone thereof, to Louisville, Ky., for 180 days. Supporting shipper: Wayne S. Franklin, Director of Traffic, 850 Dixie Highway, Louisville, Ky. 40210. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 P.O. Bldg., Louisville, Ky. 40202.*

No. MC 140186 (Sub-No. 23 TA), filed August 26, 1975. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, Mont. 59801. Applicant's representative: Ben Robertson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bentonite clay and mud treating additives, from Greybull and Lovell, Wyo., to points in California, for 180 days. Supporting shipper: Wyo-Ben Products, Inc., P.O. Box 1997, Billings, Mont. Send protests to: Paul J. Labane,*

*dress as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sewing cabinets and office furniture and equipment, materials, and supplies used in the conduct of such business, between points in the United States west of Indiana, Kentucky, Tennessee, and Mississippi, for 180 days. Supporting shipper: Patrick A. Byrne, Vice President, Sirco Manufacturing, Inc., 1919 North Avenue West, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.*

No. MC 140186 (Sub-No. 24TA), filed August 26, 1975. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, Mont. 59801. Applicant's representative: Ben Robertson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bentonite clay and mud treating additives, from Greybull and Lovell, Wyo., to points in California, for 180 days. Supporting shipper: Wyo-Ben Products, Inc., P.O. Box 1997, Billings, Mont. Send protests to: Paul J. Labane,*

District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

## WATER CARRIER APPLICATION

No. WC 370 (Sub-No. 2 TA), filed August 27, 1975. Applicant: ALBERT BERNERT, INC., 1973 SE 4th Ave., West Linn, Ore. 97068. Applicant's representative: Robert Bernert, 170 Harding Blvd., Oregon City, Ore. 97045. Authority sought to operate as a contract carrier, by water as follows: *Logs, from Clarkston, Wash., Snake River, to Portland and Astoria, Ore., Columbia River, under a continuing contract with Cougar Mt. Tree Farms and Alder Creek Lumber Co., Inc., for 180 days. Supporting shipper: Cougar Mt. Tree Farms, Yelm, Wash. Alder Creek Lumber Co., Inc., Portland, Ore. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.*

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24210 Filed 9-10-75;8:45 am]

# federal register

THURSDAY, SEPTEMBER 11, 1975



PART II:

## FEDERAL ELECTION COMMISSION

### INCORPORATION OF POLITICAL COMMITTEE

Advisory Opinion

FEDERAL REGISTER, VOL. 40, NO. 177—THURSDAY, SEPTEMBER 11, 1975

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PROPOSED RULES

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FEDERAL ELECTION COMMISSION  
[Notice 1975-42]

lations of general applicability. In the event that a holding in either opinion is stated by the Commission's regulations, zation is created expressly and exclusively to engage in political activities . . . and has incorporated for liability purposes only, the



FEDERAL ELECTION COMMISSION

[Notice 1975-42]

ADVISORY OPINION

Incorporation of Political Committee

The Federal Election Commission announces the publication today of Advisory Opinion 1975-37. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regu-

PROPOSED RULES

42303

lations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975-37

INCORPORATION OF POLITICAL COMMITTEE

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request by David E. Birenbaum on behalf of the Shriver for President Committee which was published as AOR 1975-37 in the August 20, 1975, FEDERAL REGISTER (40 FR 36534). Interested parties were given an opportunity to submit written comments relating to the request.

The request asks the Commission whether the Shriver for President Committee, a political committee incorporated as a nonprofit corporation solely for the purpose of collecting and expending political contributions, is barred as a corporation from making contributions or expenditures in connection with any federal election under 18 U.S.C. § 610.

The Commission in its advisory opinion published in the FEDERAL REGISTER on August 19, 1975, as AO 1975-16, stated in Section 4 of that opinion, that if "a nonprofit organi-

zation is created expressly and exclusively to engage in political activities . . . and has incorporated for liability purposes only, the general prohibitions in § 610 will not apply to that corporation." Accordingly, the Shriver for President Committee is exempted from the restrictions in § 610 as long as it meets the requirements specified above.

It should be noted further that although an incorporated, nonprofit political committee is not subject to the prohibitions in 18 U.S.C. § 610, the treasurer and the chairman of such a political committee nevertheless remain personally responsible for carrying out their respective duties as contemplated by the Federal Election Campaign Act of 1971, as amended. The fact of incorporation does not absolve those officers of any liability imposed upon them under the Act, implementing regulations, and pertinent provisions of Title 18, U.S. Code.

Dated: September 9, 1975.

THOMAS B. CURTIS,  
Chairman for the  
Federal Election Commission.

[FR Doc.75-24018 Filed 9-10-75;8:45 am]

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# **federal register**

THURSDAY, SEPTEMBER 11, 1975



PART III:

## **PRIVACY ACT OF 1974**

VARIOUS AGENCIES

Implementation and Proposed Regulation

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**Title I—General Provisions**  
**CHAPTER IV—MISCELLANEOUS AGENCIES (PRIVACY REGULATIONS)**  
**PART 410—COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING**

**Implementation**

The following Regulations, drafted in accordance with Section F of the Privacy Act of 1974, were offered for public comment by publication in the Federal Register on August 6, 1975. No comments were submitted, and the Regulations are hereby adopted unchanged.

Signed the 5th day of September 1975.

JAMES E. RITCHIE,  
 Executive Director.

**§ 410.1 Purpose and scope.**

The purposes of these regulations are to:

- (a) Establish a procedure by which an individual can determine if the Commission on the Review of the National Policy Toward Gambling (hereafter known as the Commission) maintains a system of records which includes a record pertaining to the individual; and
- (b) Establish a procedure by which an individual can gain access to a record pertaining to him for the purpose of review, amendment, and/or correction.

**§ 410.2 Definitions.**

For the purpose of these regulations—

- (a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;
- (b) The term "maintain" includes maintain, collect, use or disseminate;
- (c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, birth date, or other identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;
- (d) The term "system of records" means a group of any records under the control of the Commission from which information is retrieved by the named of the individual or by some identifying number, symbol or other identifying particular assigned to the individual; and

**RULES AND REGULATIONS**

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

**§ 410.3 Procedures for requests pertaining to individual records in a record system.**

An individual must submit a request to the Executive Director of the Commission to determine if a system of records named by the individual contains a record pertaining to the individual. The individual must submit a request to the Executive Director of the Commission which states the individual's desire to review his record.

**§ 410.4 Times, places and requirements for the identification of the individual making a request.**

An individual making a request to the Executive Director pursuant to § 410.3 shall present the request at the Commission's offices, 2000 M Street, NW., Room 3302, Washington, D.C. 20036, on any business day between the hours of 9 a.m. and 5:30 p.m. The individual submitting the request is required to present himself at the Commission's offices with a form of identification which will permit the Commission to verify that the individual is the same individual as contained in the record requested.

**§ 410.5 Disclosure of requested information to the individual.**

Upon verification of identity the Commission shall disclose to the individual the information contained in the record which pertains to that individual.

**§ 410.6 Request for correction or amendment to the record.**

The individual must submit a request to the Executive Director of the Commission which states the individual's desire to correct or to amend his record. This request is to be made in accord with the provisions of § 410.4.

**§ 410.7 Agency review of request for correction or amendment of the record.**

Within ten (10) days (excluding Saturdays, Sundays and legal public holidays) of the receipt of the request to correct or to amend the record, the Executive Director must acknowledge, in writing, such receipt and promptly, either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Commission for the individual to request a review of that refusal.

**§ 410.8 Appeal of an Initial Adverse Agency Determination on Correction or Amendment of the Record.**

An individual who disagrees with the refusal of the Executive Director of the Commission to correct or to amend his record may submit a request for a review of such refusal to the Chairman of the Commission, Mr. Charles H. Morin, Dickstein, Shapiro & Morin, 1735 New York Avenue, NW., Washington, D.C. 20006. The Chairman shall, not later than thirty (30) days (excluding Saturdays, Sundays and legal public holidays) from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty (30) day period. If, after his review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his disagreement with the refusal of the Commission and may seek judicial review of the Chairman's determination under 5 U.S.C. section 552a(g) (1) (A).

**§ 410.9 Disclosure of record to a person other than the individual to whom the record pertains.**

The Commission shall not disclose a record to any individual other than to the individual to whom the record pertains without receiving the written consent of the individual to whom the record pertains.

**§ 410.10 Fees.**

If an individual requests copies of his record he shall be charged ten cents per page, excluding the cost of any search for and review of the record.

[FR Doc.75-24089 Filed 9-8-75; 11:13 am]

**COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING**

**PRIVACY ACT OF 1974**

**Notices of Record Systems**

The Notices of Record Systems of the Commission on the Review of the National Policy Toward Gambling were drafted as prescribed by section e(4) of the Privacy Act of 1974, and the routine uses thereof were offered for public comment as provided by section e(11) of the Act, by publication in the Federal Register on August 6, 1975. Upon consideration of recommendations submitted by the Department of Justice, the Notices were amended to include the following additional routine uses. With these exceptions, the Notices of Record Systems stand as originally published.

Signed the 5th day of September, 1975.

JAMES E. RITCHIE,  
 Executive Director.

System Name: Members and Past Members of the Commission—CRNPG

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES**

Identification of the Commission's members, past and present. Used by the Commission's staff.

In the event that this system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use,

to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

System name: Personnel Records—CRNPG

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES**

Identification of CRNPG personnel and their employment records. Used by the Executive Director, Associate Director and the Deputy for Management, Budget and Administration.

In the event that this system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant record in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

[FR Doc.75-24088 Filed 9-8-75; 11:13 am]



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## OFFICE OF TELECOMMUNICATIONS POLICY

### OFFICE OF TELECOMMUNICATIONS POLICY

Categories of records in the system: Correspondence with members of Congress.



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OFFICE OF TELECOMMUNICATIONS  
POLICY

## PRIVACY ACT OF 1974

## Notice of Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a, P.L. 930579), the Office of Telecommunications Policy hereby publishes its systems of records and their respective routine uses for public comment pursuant to the provisions of section (e)(4) of the Privacy Act of 1974.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed notices of systems of records should send them to the Office of the General Counsel, Office of Telecommunications Policy, Room 703, 1800 G Street, N.W., Washington, D.C. 20504 within twenty days after publication of this notice in the Federal Register.

John Eger,

Acting Director. *Alphabetical Listing of Systems of Records*  
 OFFICE OF TELECOMMUNICATIONS POLICY 1. Bioeffects  
 Project Resumes 2. Congressional Relations System 3. Contractor  
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 Personnel System 10. Personnel Applicant Records 11. Travel  
 Payment System

## OTP File No. 1

System name: Bioeffects Project Resumes—OTP.

System location: 1800 G Street, N.W., Washington, D.C., 20504.

Categories of individuals covered by the system: Principal investigator.

Categories of records in the system: This system contains abstracts on Biological Effects of Nonionizing Electromagnetic Radiation research projects conducted or funded by the Federal Government.

Authority for maintenance of the system: Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of research projects. Used by OTP personnel and program personnel from other cognizant Federal agencies as part of OTP's coordination of the Federal Government's multiagency program to assess the biological effects of nonionizing electromagnetic radiation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Individual's name is used as one identifier of the project. Not alphabetical.

Safeguards: Office locked after business hours.

Retention and disposal: Records are retained permanently.

System manager(s) and address: Deputy Assistant Director for Frequency Management, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504 (202)395-5800.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

Contesting record procedures: See Record access procedures.

Record source categories: Information comes from the agency conducting or sponsoring the research.

## OTP File No. 2

System name: Congressional Relations System—OTP.

System location: 1800 G Street, N.W., Washington, D.C., 20504.

Categories of individuals covered by the system: Members of Congress who have corresponded with OTP.

Contesting record procedures: See Record access procedures.

minority group designator; records relating to life insurance, health

Categories of individuals covered by the system: OTP personnel.

Record access procedures: Individuals seeking access to any

record contained in the system of records or seeking to contest its

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**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 4

**System name:** Employee Reports of Financial Interests and Employment—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** All OTP personnel at or above Government Service Grade I3.

**Categories of records in the system:** OTP Forms 7 and 8, "Confidential Statement of Employment and Financial Interest," required of certain employees and contractors contain a statement of the financial interests of the employee or contractor and the members of his immediate family and the employment of the immediate family or any other employment by the OTP employee or contractor.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by authorized OTP personnel for ascertaining conflicts or apparent conflicts of interest and recommending appropriate action to the employee or to the OTP. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in alphabetical order in folder designated "financial interest reports."

**Retrievability:** Alphabetical by name.

**Safeguards:** Kept in closed safe with combination lock except when being used by authorized OTP personnel who are instructed as to their confidentiality and permitted use.

**Retention and disposal:** Maintained by OTP until employee leaves and then destroyed by burning.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 5

**System name:** General Personnel Records (Official personnel folder and records related thereto)—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Current OTP employees and those formerly employed by the OTP (death, resignation, retirement, and separation).

**Categories of records in the system:** This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal service. These records contain information about an individual relating to birth date; Social Security Number; veteran preference; tenure; handicap; past and present salaries, grades, and position titles; letter of commendation, reprimand, charges, and decision on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training;

minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; training; performance ratings; data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

This system also consists of a variety of records containing information about an individual relating to position management actions; position classification actions; promotion records; evaluation records; clearance upon separation; suggestion files; financial and tax matters, incoming letters of complaint; employee and former employee locator information; jury duty records; participation in and implementation of special emphasis programs; Combined Federal Campaign records; Unemployment Compensation notices; outside employment statements; savings bond records; and correspondence files pertaining to any of the personnel information referred to in this notice.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records is used or a record may be used: (a) To provide information to a prospective employer of an employee or former OTP employee. (b) To provide data for the automated Central Personnel Data File (CPDF). (c) To provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and security investigations index on new hires, adverse actions, and terminations. (d) To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, investigation for security clearance, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (e) If necessary, obtain relevant information or other pertinent information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses. (g) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (h) These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders, and regulations.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinet.

**Retrievability:** Alphabetically by name.

**Safeguards:** Kept in locked file cabinet except when being used by authorized OTP personnel who are instructed as to their confidentiality and permitted use.

**Retention and disposal:** Records are maintained permanently.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 6

**System name:** Inventory Control of Property—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** OTP personnel.

**Categories of records in the system:** Records of Federal Government Property charged out to OTP personnel. File card contains name of individual and a list of all property assigned to the individual.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Record is used when individual separates from OTP to account for property charged out in the individual's name. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 3 x 5 card file.

**Retrievability:** Alphabetically by name.

**Safeguards:** Administratively controlled access.

**Retention and disposal:** Card destroyed when individual separates from OTP.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Contesting record procedures:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 7

**System name:** Library Circulation Control Records—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Library users.

**Categories of records in the system:** Individuals who borrow library materials, receive library materials on distribution, or request the purchase of library materials.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information is used by the Library Staff to identify the location of materials withdrawn from the library collection and to distribute library publications in response to a request. Lists of names are used for the distribution of periodicals.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Distribution lists are maintained in folders in file cabinets. Book cards are kept in card files.

**Retrievability:** By name of individual or publication.

**Safeguards:** Administratively controlled access.

**Retention and disposal:** Individual's name is crossed out when material is returned to the library, and is removed from distribution lists at such person's request or when such person separates from OTP.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system comes from the individuals to whom it pertains.

#### OTP File No. 8

**System name:** Military Personnel System—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Military personnel detailed to OTP.

**Categories of records in the system:** System contains evaluation reports, job description, documents relating to assignments, and letters of commendation.

**Authority for maintenance of the system:** AFR 36-10.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used to prepare evaluation reports and correspondence relative to future assignment. Only user is the Military Assistant to the Director for purposes indicated. Information contained in the file relates to the individual's assignment to OTP only.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders are maintained in file cabinets.

**Retrievability:** Alphabetically by name.

**Safeguards:** Maintained in locked file cabinet.

**Retention and disposal:** Destroyed when military detail is reassigned from OTP.

**System manager(s) and address:** Military Assistant to the Director, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 9

**System name:** Payroll/Personnel System—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Current and former OTP personnel.

**Categories of records in the system:** File record system for processing OTP payroll and personnel actions consisting of records of time and attendance, leave, tax withholding, bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deduction. Aside from payroll processing, recorded personnel data is available on a need to know basis to personnel offices in accordance with Civil Service Commission and General Services Administration regulations.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used for payroll and to record annual and sick leave. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folder maintained in desk drawer designated "time and attendance."

5800.

**Contesting record procedures:** Individuals seeking to determine if



**Storage:** Folder maintained in desk drawer designated "time and attendance."

**Retrievability:** Alphabetically by name.

**Safeguards:** Kept personally by timekeeper.

**Retention and disposal:** Records of active personnel are kept in one folder. Records of separated personnel are kept in separate folder in same location as active records.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 10

**System name:** Personnel Applicant Records—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Individuals applying for, or inquiring about, employment with OTP.

**Categories of records in the system:** Contains original or copy of Standard Form 171, resume, evaluative remarks and any correspondence between the applicant and the Division Director.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Supervisory personnel evaluate qualifications and select candidates under consideration for employment. If no position is available, some applications are maintained for reference. Applications of successful candidates are removed to general personnel files.

**Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.**

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinets.

**Retrievability:** By name from folder designated "personnel."

**Safeguards:** Administratively controlled access to file cabinets which are locked after business hours.

**Retention and disposal:** Files are maintained for approximately one year, then disposed of by burning.

**System manager(s) and address:** Files are maintained separately by division. Address inquiry to one of the following, as appropriate: Office of the Director; Office of the Assistant Director for Government Communications; Office of the Assistant Director for Frequency Management; Office of the Assistant Director for International Communications; Office of the Assistant Director for Executive Direction and Administration, Office of the General Counsel, Executive Officer, The Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-

5800.

**Contesting record procedures:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 11

**System name:** Travel Payment System—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Personnel who travel on official business.

**Categories of records in the system:** Travel authorizations, travel vouchers, and travel advance records, which contain the individual's name, residence, place and mode of travel, travel dates, amount of travel advance, expenses incurred, amount of advance outstanding.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Preparing disbursement schedules so that individual will be paid for travel expenses, recording the cost of travel, and compiling cost and budget information. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folder in file cabinet designated "travel."

**Retrievability:** Alphabetically by name.

**Safeguards:** File cabinet is locked except when records are being used by authorized OTP personnel who are instructed as to their confidentiality and permitted use.

**Retention and disposal:** Records on individuals who have separated from OTP are destroyed by burning.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.



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### Title 3—The President

PROCLAMATION 4390

## National Saint Elizabeth Seton Day

*By the President of the United States of America*

### A Proclamation

Among the most important elements of America's Bicentennial observance—and of everyday American life for nearly 200 years—is the religious heritage of our Nation, rich in its diversity and its quality.

The singular devotion, faith and courage of such servants of God as Elizabeth Ann Seton give life to that heritage and inspiration to us all.

On Sunday, September 14, 1975, His Holiness Pope Paul VI will confer upon "Mother Seton," as she is known to millions of Roman Catholics, the rites of canonization. From that day, Mother Seton will be Saint Elizabeth Seton, the first American-born saint of the Roman Catholic Church.

Born in New York more than 200 years ago, Mother Seton was content in her early years to live the common life of the 18th century woman. But tragedy entered her life, leaving her a widow at a young age and with five children. Moving to Emmitsburg, Maryland, she turned to the work of her church, took the vows of a nun and later founded the Sisters of Charity of St. Joseph, an order of nuns devoted to teaching.

Mother Seton established the first parochial school in America, the foundation for an educational system that has brought the priceless gift of knowledge to millions of Americans, including a multitude of newly arrived immigrants whom Mother Seton and her followers instructed in the language and the ways of their new homeland.

For her devout faith and diligent service in the Kingdom of God, her church is bestowing its highest honor on Mother Seton on September 14, 1975.

For her service to her country, we, as a Nation, and believers in many faiths, also have just cause to honor the memory of Mother Seton on that special day.

FEDERAL REGISTER, VOL. 40, NO. 178—FRIDAY, SEPTEMBER 12, 1975

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NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accordance with Senate Joint Resolution 125, do hereby designate Sunday, September 14, 1975, as National Saint Elizabeth Seton Day, and call for such memorials and other observances as are appropriate to the occasion.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two-hundredth.

*Gerald R. Ford*

[FR Doc.75-24576 Filed 9-11-75; 11:54 am]

## rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

### Title 7—Agriculture CHAPTER IX—AGRICULTURAL MARKET- ING SERVICE (MARKETING AGREE- MENTS AND ORDERS; FRUITS, VEGE- TABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 76]

#### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

##### Grade and Size Regulations

This regulation, effective during the period September 15 through October 26, 1975, prescribes minimum grade and size requirements applicable to domestic and export shipments of Florida grapefruit as follows: Domestic shipments of seeded grapefruit—U.S. No. 1 and  $3\frac{1}{16}$  inches in diameter; domestic shipments of seedless grapefruit—Improved No. 2 and  $3\frac{3}{16}$  inches in diameter; export shipments of seeded grapefruit—U.S. No. 1 and  $3\frac{1}{16}$  inches in diameter; and export shipments of seedless grapefruit—Improved No. 2 and  $3\frac{3}{16}$  inches in diameter. The minimum grade and size requirements specified for Florida grapefruit are prescribed during the present stage of the development of the crop to guard against the shipment of lower quality and smaller size fruit, which tends to weaken the market for such fruit.

**Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum grade and size requirements specified herein reflect the Department's appraisal of the need for regulation of shipments of grapefruit during the period September 15 through October 26, 1975, based on the available supply and current and prospective market demand conditions. Available data indicate that during the 1975-76 season fresh market outlets will take about 50 carlots of seeded grapefruit and 36,750 carlots of seedless grapefruit. The minimum grade and size requirements specified herein for seeded and seedless

grapefruit are necessary during the early part of the season to prevent the handling of such fruits that are of a lower grade or smaller size in order to provide good-quality fruit to consumers and promote orderly marketing.

The specified grade and size requirements for export shipments of such grapefruit are necessary to assure the exportation of good-quality fruit and thereby aid the expansion of export markets.

It is concluded that the grade and size requirements hereinafter provided are necessary to provide good-quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 4, 1975, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendations of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such fruits; it is necessary to make this regulation effective on September 15, 1975, to preclude the shipment of lower quality grapefruit, as hereinafter set forth, and to otherwise effectuate the declared policy of the act; and compliance with this regulation will not require any special

preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

#### § 905.563 Grapefruit Regulation 76.

**Order.** (a) During the period September 15, 1975, through October 26, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than  $3\frac{1}{16}$  inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than  $3\frac{3}{16}$  inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

(b) During the period September 15, 1975, through October 26, 1975, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than  $3\frac{1}{16}$  inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than  $3\frac{3}{16}$  inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, except Improved No. 2 grade, and diameter, as used herein, shall have the same mean-

ing as is given to the respective term in the revised United States Standards for Florida Grapefruit (7 CFR 51.750-anges, 4,000 carlots of tangelos, 4,000 carlots of tangerines, and 1,850 carlots of murcotts. The minimum the shipment of lower quality oranges, tangerines, and tangelos, as hereinafter set forth, and to otherwise effectuate the

28, 1975, such oranges may be shipped if they grade at least U.S. No. 2 Russet; and

28, 1975, such oranges may be shipped if they grade at least U.S. No. 2 Russet; and

no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:



ing as is given to the respective term in the revised United States Standards for Florida Grapefruit (7 CFR 51.750-51.784).

(d) Grapefruit Regulation 75 (39 F.R. 32976, 37186, 40745, 42899; 40 F.R. 8321, 11345, 14889, 20061, 21467) is hereby terminated at the effective date hereof.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, September 10, 1975, to become effective September 15, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-24430 Filed 9-11-75; 8:45 am]

[Orange Reg. 74; Tangerine Reg. 47; Tangelo Reg. 47]

#### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

##### Grade and Size Regulations

These regulations specify minimum grade and size requirements for the period September 15, 1975, through October 26, 1975, applicable to the handling of oranges, tangerines and tangelos grown in the production area in Florida. The regulations are necessary to ensure the shipment of fruit of appropriate grades and sizes in the interest of both growers and consumers. The action is necessary to promote orderly marketing conditions by preventing the adverse effect on the market caused by shipment of lower-quality and smaller-size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs.

**Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of oranges, including Navel, Temple and Murcott Honey oranges, Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum grade and size requirements specified herein reflect the Department's appraisal of the need for regulation of shipments of the specified varieties of oranges, tangerines, and tangelos during the period September 15 through October 26, 1975, based on the available supply and current and prospective market demand conditions. Available data indicate that during the 1975-76 season fresh market outlets will take about 21,500 carlots of round oranges, 3,500 carlots of Temple or-

anges, 4,000 carlots of tangelos, 4,000 carlots of tangerines, and 1,850 carlots of murcotts. The minimum grade and size requirements specified for Early and Midseason type oranges are prescribed during the present stage of maturity and development of such oranges to guard against the shipment of lower quality and smaller size fruit which tends to weaken the market for such fruit. The U.S. No. 1 Golden grade requirement specified herein for Navel oranges is consistent with the fact that Navel oranges tend to possess more surface discoloration.

The size and grade requirements specified herein for tangerines and tangelos are necessary during the early part of the season to prevent the handling of such fruits that are of a lower grade or smaller size in order to provide good-quality fruit to consumers and promote orderly marketing.

The specified grade and size requirements for export shipments of the named varieties of oranges, tangerines and tangelos are necessary to assure the exportation of good-quality fruit and thereby aid the expansion of export markets.

It is concluded that the grade and size requirements hereinafter provided are necessary to provide good-quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these regulations until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these regulations are based became available and the time when these regulations must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, tangerines, and tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 4, 1975, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of these regulations, including the effective time hereof, are identical with the aforesaid recommendations of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such fruits; it is necessary to make these regulations effective on September 15, 1975, to preclude

the shipment of lower quality oranges, tangerines, and tangelos, as hereinafter set forth, and to otherwise effectuate the declared policy of the act; and compliance with these regulations will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

##### § 905.560 Orange Regulation 74.

**Order.** (a) During the period September 15, 1975, through October 26, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos; *Provided*, That such tolerance for undersize oranges shall be based only on those oranges in such lot which are of a size 2 1/4 inches in diameter or smaller;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize Navel oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize Temple oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That during the period September 15, 1975, through September

28, 1975, such oranges may be shipped if they grade at least U.S. No. 2 Russet; and

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos: *Provided*, That such tolerance for undersize oranges shall be based only on those oranges in such lot which are 2 1/4 inches in diameter or smaller.

(b) During the period September 15, 1975, through October 26, 1975, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter except that a tolerance for undersize Navel oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter except that a tolerance for undersize Temple oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That during the period September 15, 1975, through September

28, 1975, such oranges may be shipped if they grade at least U.S. No. 2 Russet; and

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; Florida No. 1 grade for murcotts shall have the same meaning as provided in Rule No. 20-35.03 of the Regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140-51.1180) or the revised United States Standards for Florida Tangerines (7 CFR 51.1810-51.1835).

##### § 905.561 Tangerine Regulation 47.

**Order.** (a) During the period September 15, 1975, through October 26, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize tangerines shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines.

(b) During the period September 15, 1975, through October 26, 1975, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize tangerines shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (7 CFR 51.1810-51.1835).

##### § 905.562 Tangelo Regulation 47.

**Order.** (a) During the period September 15, 1975, through October 26, 1975,

no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize tangelos shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos.

(b) During the period September 15, 1975, through October 26, 1975, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in the production area, which are of a size smaller than 2 1/4 inches in diameter, except that a tolerance for undersize tangelos shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140-51.1180).

Orange Regulation 73 (39 FR 32976, 37186, 40745, 42899, 40 FR 2792, 12646, 14889, 25799); Tangerine Regulation 46 (39 FR 32976, 37186, 40745, 41239, 42899, 44735; 40 FR 8321, 12646); Tangelo Regulation 46 (39 FR 32976, 37186, 40745, 42899, 40 FR 12646) and Export Regulation 24 (39 FR 32976, 37186, 40 FR 2792, 11345, 12646, 14889, 16210, 20061, 21467, 24174, 25799) are hereby terminated on the effective date hereof.

(Secs. 1-19 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, September 10, 1975, to become effective September 15, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-24429 Filed 9-11-75; 8:45 am]

[Lemon Reg. 10]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period September 14-20, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order

No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons the

submit information and views at this meeting; the recommendation and supporting information for regulation

sions of Public Law 93-237," (39 FR 3667; 39 FR 7569; 40 FR 4118) is deleted from Chapter XVIII, Title 7 of the Code of

(7) Change the method of determining a normal year's production to be the average production per acre for the ap-

Sec. 1832.16 Determining losses and maximum amount of loan.

##### § 1832.3 Definitions.

(a) *Farm.* This term includes a tract or tracts of land with or without im-



No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

#### § 910.310 Lemon Regulation 10.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is generally easier. Average f.o.b. price was \$8.29 per carton the week ended September 6, 1975, compared to \$7.99 per carton the previous week. Track and rolling supplies at 92 cars were down 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 90 days after publication hereof in the Federal Register (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to

submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 9, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 14, 1975, through September 20, 1975, is hereby fixed at 225,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 11, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-24565 Filed 9-11-75; 8:45 am]

#### CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 441.4]

#### PART 1832—EMERGENCY LOANS

##### Deletion of Subpart

Subpart B of Part 1832, "Emergency Loan Processing," (37 FR 7293; 38 FR 29599; 39 FR 16117; 39 FR 25641) is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. The provisions of the Subpart have been incorporated into the revised Subpart A.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

*Effective date.* This deletion is effective on September 12, 1975.

Dated: September 8, 1975.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc. 75-24546 Filed 9-11-75; 8:45 am]

[FmHA Instruction 441.5]

#### PART 1832—EMERGENCY LOANS

##### Deletion of Subpart

Subpart E of Part 1832, "Special Emergency Loan Policies and Authorizations Implementing Applicable Provi-

sions of Public Law 93-237," (39 FR 3667; 39 FR 7569; 40 FR 4118) is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. The provisions of this Subpart have been incorporated into the revised Subpart A.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

*Effective date.* This deletion shall become effective on September 12, 1975.

Dated: September 8, 1975.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc. 75-24245 Filed 9-11-75; 8:45 am]

[FmHA Instruction 441.2]

#### PART 1832—EMERGENCY LOANS

##### Subpart A—Emergency Loan Policies, Procedures and Authorizations

##### REVISION

Part 1832, Title 7, Code of Federal Regulations is revised by combining Subparts A, B, and E into Subpart A; Subparts B and E are reserved. The revision of Subpart A of this Part 1832 (37 FR 7293; 37 FR 19119; 37 FR 21158; 38 FR 2169; 2170; 38 FR 14820; 38 FR 16631; 38 FR 20245, 20246; 39 FR 787; 39 FR 3667; 39 FR 14500; 39 FR 20677; 39 FR 41169; 39 FR 41511, 41512) makes numerous changes in the Emergency (EM) loan policies and procedures which are designed to improve the processing of EM loan applications and to implement the changes made in the Emergency loan program by Public Law 94-68, an amendment to the Consolidated Farm and Rural Development Act. This revision incorporates the EM loan processing and special policies and authorizations contained in former Subparts B and E, and sets out the revised policies, procedures, and authorizations for making EM loans to provide financial assistance to eligible farmers, ranchers, and aquaculture operators to cover losses, make major adjustments, pay operating expenses, and other essential needs for a sound operation in order that they may continue their farming, livestock, or aquaculture operations after the occurrence of a natural disaster. The major changes will:

(1) Include a test for credit except for applications filed by the close of business on July 8, 1975;

(2) Change the method of making Emergency loans available;

(3) Provide for the forming of Emergency loan support teams;

(4) Change the eligibility requirements from having a 10 percent loss of gross income to a 20 percent loss in a single basic enterprise;

(5) Change the terms of loans;

(6) Change loan purposes to include in addition to actual losses at a 5 percent interest rate, annual loans for operating purposes as well as loans for reorganization of operations at a market rate of interest determined by the Secretary of Agriculture;

(7) Change the method of determining a normal year's production to be the average production per acre for the applicant's five-year history immediately preceding the disaster year, and change the method of calculating loss payment;

(8) Change the policy for securing EM loans and permitting the use of depreciated security; and

(9) Include as Appendix I a statement of the relationship between the Federal Disaster Assistance Administration and the Farmers Home Administration.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. This revision, however, is being published without prior notice of proposed rulemaking because such notice would delay the granting of Emergency loans to eligible disaster victims causing possible financial losses, and therefore be contrary to the public interest. Upon enactment of Public Law 94-68, it was necessary to cease processing and approval of applications received in Farmers Home Administration County Offices on or after July 9, 1975. Applications for Emergency loans cannot be processed until these revised regulations are issued. Any delay in the issuance of the regulations may cause extreme hardship to many disaster victims. In addition, such delay may cause an adverse effect on local economy of areas affected by natural disasters.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the Office of Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before October 14, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this Subpart A as revised will remain effective until it is further revised or amended in order to permit the public business to proceed expeditiously. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m. to 4:45 p.m.).

As revised, Subpart A reads as follows:

##### Subpart A—Emergency Loan Policies, Procedures, and Authorizations

Sec.	
1832.1	General.
1832.2	Objectives.
1832.3	Definitions.
1832.4	Relationship between FmHA and other Federal agencies.
1832.5	FmHA Emergency Loan Support Teams.
1832.6	1832.8 [reserved]
1832.9	Reporting natural disasters.
1832.10	Making EM loans available.
1832.11	1832.12 [reserved]
1832.13	Scope of operations to be financed.
1832.14	Receiving applications.
1832.15	Eligibility requirements.

Sec.	
1832.16	Determining losses and maximum amount of loan.
1832.17	1832.19 [reserved]
1832.20	Loan purposes.
1832.21	Rates and terms.
1832.22	Security requirements.
1832.23	Nondiscrimination in construction financed with a FmHA loan or grant.
1832.24	Certification by County Committee.
1832.25	Planning the farming operation.
1832.26	Tenure agreement.
1832.27	Environmental impact requirements.
1832.28	National historic preservation.
1832.29	[reserved]
1832.30	Loan docket forms.
1832.31	Loan docket summary.
1832.32	Loan approval or rejection.
1832.33	Taking security instruments.
1832.34	1832.35 [reserved]
1832.36	Loan closing.
1832.37	Cancellation of loan checks and advances.
1832.38	Revision of the use of EM loan funds.
1832.39	Borrower's case number.
1832.40	Reporting EM loan disaster lending activity.
1832.41	1832.42 [reserved]
1832.43	Additional EM loans.

Appendix I—Relationship between Farmers Home Administration (FmHA) and the Federal Disaster Assistance Administration (FDAA)

Appendix II—Memorandum of understanding between Small Business Administration (SBA) and the United States Department of Agriculture—Farmers Home Administration (USDA-FmHA) pertaining to disaster type loan assistance for agribusiness and farming enterprises

Appendix III—Memorandum of understanding and coordination between the Agricultural Stabilization and Conservation Service (ASCS) and the Farmers Home Administration (FmHA) pertaining to disaster type assistance

Authority: 7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

#### § 1832.1 General.

This Subpart A of Part 1832 prescribes the policies, procedures, and authorizations of the Farmers Home Administration (FmHA) for making Emergency (EM) loans to farmers, ranchers, and aquaculture operators.

#### § 1832.2 Objectives.

The basic objective of EM loans is to provide financial assistance to eligible farmers, ranchers, and aquaculture operators to cover losses, make major adjustments, pay operating expenses, and other essential needs for a sound operation in order that they may continue their farming, livestock, or aquaculture operations. Also, the objective is to permit the disaster victims to return to local sources of credit as soon as possible, but in no event longer than six full crop years after the disaster. These objectives will be accomplished through the extension of credit and such supervisory assistance as is determined necessary to achieve the objectives of the loan and protect the Government's interest. Supervisory assistance will be given in accordance with the provisions of Part 1802 of this chapter (430 series of FmHA Instructions.)

#### § 1832.3 Definitions.

(a) *Farm.* This term includes a tract or tracts of land with or without improvements considered to be a farm or ranch, operated or managed by the applicant, and used in the production for sale of crops or livestock, including the production of aquatic organisms under a controlled or selected environment.

(b) *Farming or farm enterprise.* These terms are defined as the business of producing crops, livestock, livestock products, and aquatic organisms through the management of land, water, labor, capital, and basic raw materials, including seed, feed, fertilizer, and fuel. Farming and farm enterprise consist of a total farming or aquaculture operation, or a portion thereof, which produces different types of products, including crops, livestock, livestock products, and aquatic organisms. The following types of enterprises are eligible for FmHA EM loan assistance and are classified into the categories listed below:

- (i) Production of crops including:
  - (i) Field crops—feed, fiber, and tobacco;
  - (ii) Fruits, vegetables, nuts, greenhouse crops, and mushrooms;
  - (iii) Flowers, ornamental plants, shrubs and trees, and sod;
  - (iv) Nursery stock for fruits and nuts;
  - (v) Vegetable and small fruit plants for transplanting; and
  - (vi) Water plants.
- (2) Production and/or feeding of livestock or poultry including milk and egg production in the applicant's owned or rented facilities. This does not include feeding operations which function primarily as a service to others.

(3) Operation of hatcheries for the production of baby chicks, turkey poults, ducklings, goslings, and other poultry where the hatchery maintains its own breeding flocks in its own facilities, regardless of whether the hatchery raises or sells them.

(4) Operation of aquaculture farms or hydroponic farms.

(5) Production of fur bearing animals, game animals, or game birds.

(6) Production of aquatic organisms under a controlled or selected environment.

(7) Non-farm enterprises located on the farm and needed to supplement farm income. Non-farm enterprises which make farming incidental to the applicant's total operation would not be eligible for consideration for an EM loan. Only those non-farm enterprises which the farmer depends upon to supplement his farm income are eligible for EM loan assistance.

(c) *Farmers.* This term also includes ranchers and others engaged in farming or farm enterprises as defined in paragraph (b) of this section. They may be individuals, partnerships, or private domestic corporations engaged in the production of agricultural commodities for sale.

(d) *Aquaculture.* This term means the husbandry of aquatic organisms under a controlled or selected environment.

(1) *Aquatic organism planters.* This

aquaculture operations are substantially

be produced as a cash or feed crop. In

(t) *Normal income security property.*

(7) *FDAA—Federal Disaster Assist-*

(b) *Composition.* ELST's will consist of a team leader and team members.



(1) *Aquatic organism planters.* This term means performing or actively managing the aquatic operations. Such operations must be conducted on the applicant's owned, leased, or permit grounds. Such grounds are grounds under water on which the planting operations are conducted. Other types of operations, such as contract operations, gathering such organisms, and harvesting those planted in public water, are not eligible for EM loans unless these waters are identified and a permit is issued to the applicant. An applicant who performs the aquatic functions in connection with such operations owned by others (share operators), or is employed by others in any type of aquatic operation is not eligible.

(e) *Major Disaster.* This term means any natural disaster in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance above and beyond normal emergency services by the Federal Government, to supplement the efforts and available resources of States, local government, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(f) *Presidential Emergency.* This term means any natural disaster in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster, and it is of such magnitude that the President makes a declaration.

(g) *Natural disaster.* This term means a natural disaster as determined by the Secretary of Agriculture when designating EM loan areas, or by an FmHA State Director when he authorizes the making of EM loans. Natural disasters can be caused by such natural phenomena as hurricanes, tornadoes, cyclones, excessive rainfall, floods, earthquakes, blizzards, freezes, electrical storms, snowstorms, drought, excessively high temperatures, and hail; insects where abnormal weather contributed substantially to the spreading and flourishing of such insects; fires resulting from lightning, and fires of other origins which could not be controlled because of abnormal weather; and plant and animal diseases where abnormal weather contributed substantially to such diseases spreading into epidemic stages.

(h) *Designated counties or similar areas.* This term means a county or similar political subdivision in which EM loans are authorized to be made under designation by the Federal Disaster Assistance Administration (FDAA) pursuant to a Presidential declaration of a major disaster or emergency; under designation by the Secretary of Agriculture based on damage caused by a natural disaster which substantially affected farming, ranching, or aquaculture operations; and when authorized by the State Director without a formal designation when 25 or less farming, ranching, or

aquaculture operations are substantially affected by a natural disaster.

(i) *Qualifying disaster.* This term means the major disaster, Presidential Emergency, or natural disaster for which EM loans were made available.

(j) *Incidence period.* This term means the specific time frame established for the occurrence of the qualifying disaster during which qualifying losses were sustained.

(k) *Termination dates.* Termination dates are those dates specified in disaster declarations, designations, or State Director authorizations which establish the final dates after which EM loan applications may no longer be received. For physical losses, 60 days from the date of declaration, designation, or State Director authorization, and for production losses, 9 months from such date. The 60-day and 9-month periods will commence on the first workday following the designation. The final day for accepting applications will always be on a workday. Therefore, if the last day falls on a non-workday, Saturday, Sunday, or Federal holiday, the next workday will be the final day.

(l) *Normal year's production.* This is the average production per animal or acre of the applicant's or farm's 5-year history based on the total production (acres X yield) or (number X production) for the 5 years immediately preceding the disaster. None of the years may be discounted. The applicant will be required to furnish proof of his 5-year production history. Such proof will be his records for that period. If the applicant cannot supply records for one or more of the 5 years he farmed the farm, the production will be counted zero for that year or years and used in the 5-year calculation unless the applicant's records were destroyed by the disaster. In such case the policy outlined below will be followed. If the applicant does not have a 5-year history for the enterprise on that farm the County average for the previous 5 years as provided by the Crop Reporting Service for each year for which he did not farm that farm will be used in determining his normal year's production. The disaster year's production will be obtained from the Agricultural Stabilization and Conservation Service (ASCS) when they have made a disaster payment to the applicant. If the applicant has farmed less than 5 years, his production will be determined as described above for a 5-year period.

(m) *Single enterprise.* This term means an enterprise which constitutes part of the applicant's farming, ranching, or aquaculture operation. The following are examples of "single enterprises":

- (1) All cash field crops;
- (2) All cash vegetable crops;
- (3) All cash fruit crops;
- (4) All feed crops;
- (5) Beef operations;
- (6) Dairy operations;
- (7) Hog operations; and
- (8) Aquaculture operations.

NOTE.—Some crops such as corn may

be produced as a cash or feed crop. In such cases the actual acres produced for each purpose for the past 5 years will be used in determining a ratio of production for acres of the crop grown for feed or for sale.

(n) *Basic enterprises.* This term means any single enterprise which constitutes not less than 25 percent of the applicant's total farming operation's gross income. The value of the feed produced for livestock use to qualify feed crops as a basic enterprise must be at least equal to 25 percent of the value of the total feed fed to the livestock annually. However, for a feed crop to be considered a basic enterprise one or more of the livestock enterprises must qualify as a basic enterprise. To determine a basic enterprise the applicant must show records of the income he received on all enterprises for the year before the disaster year so that a determination can be made as to which are basic enterprises. The records may be from records he maintains, computer records, income tax return, or sales slips. If the applicant's system of farming or certain enterprises have materially changed for the disaster year, the County Supervisor with the assistance of the applicant will project the effect of the changes on his basic enterprises and record that information in the County Office case file.

(o) *Production loss.* To qualify for a production loss the applicant must have sustained at least a 20 percent loss of normal per acre or per animal production as a result of the disaster in one or more basic enterprises. Livestock increases (calves, pigs, etc.) are considered as production losses. Reductions in the production of livestock products due to feed crop losses will not be considered as production losses when purchased feed is available to purchase, regardless of the cost of feed. When the disaster has severely disrupted the usual feeding pattern of a livestock enterprise because of extended utility failure or inaccessibility to the livestock, a loss in production (i.e., milk, eggs, weight losses, etc.) may be calculated based on the reduction from normal for the disruption period in order to bring production to the normal level.

(p) *Physical loss.* This damage to or destruction of physical property including farmland (except sheet erosion); structures on the land such as buildings, fences, dams, etc.; machinery, equipment, and tools; basic livestock; and supplies.

(q) *Mortgage.* This term includes any form of real estate security interest or lien upon any rights or interest in real property of any kind.

(r) *Security.* This term includes any rights or interests in property of any kind subject to a real or personal property lien.

(s) *Basic security property.* This term means all foundation herds, flocks, aquaculture animal organisms, and all machinery and equipment necessary to the successful operation of the farm.

(t) *Normal income security property.* This term means property produced for sale during the year.

(u) *Insured loan.* This term means a loan made from the Agricultural Credit Insurance Fund.

(v) *Guaranteed loan.* This term means a loan made by a bank or other legally organized lending institution where FmHA guarantees 90 percent of the principal and interest on the loan.

(w) *Subsequent loans.* This term means additional EM loans made to a borrower who is indebted for an EM loan. The disaster designation number has no effect on determining whether an EM loan is a subsequent loan.

(x) *USDA Emergency Board.* This term means State (SEB) and County (CEB) Emergency Board. There is a United States Department of Agriculture (USDA) Emergency Board to serve every State and county (or comparable subdivision) in the United States, Puerto Rico, and the Virgin Islands. The boards coordinate USDA State or county activities relating to defense preparedness and natural disaster programs. Members of the SEB's represent those USDA agencies which have major emergency responsibilities in the field; ASCS; Cooperative Extension Service, FmHA, Soil Conservation Service, Animal and Plant Health Inspection Service, Forest Service, and Statistical Reporting Service. The CEB's are composed of representatives of the first four of these agencies, with additional representation as available or warranted. The ASCS member usually chairs the board. The SEB's and the CEB's natural disaster responsibilities are contained in "USDA State Emergency Memorandum No. 54, Natural Disaster Responsibilities of USDA State and County Emergency Boards." A copy of USDA State Emergency Memorandum No. 54 is available for inspection at any State Office of the FmHA or ASCS and in the National Office of FmHA at 14th and Independence Avenue S.W., Washington, D.C. 20250.

(y) *Substantially affected.* This term means a natural disaster that has had a strong impact on farming, ranching, or aquaculture operations to the extent that Federal assistance is necessary to supplement normal assistance available in the area to permit such operators to continue their operations on a sound basis. This judgment determination must be supported by the number of farmers affected and the dollar amount of physical and/or production losses reflected on the Damage Assessment Report (DAR).

(z) *Abbreviations.* A list of abbreviations used in this regulation and their meaning are listed below.

- (1) ASCS—Agricultural Stabilization and Conservation Service.
- (2) CEB—County USDA Emergency Board.
- (3) DAR—Damage Assessment Report.
- (4) ELST—Emergency Loan Support Team.
- (5) ECM—Emergency Conservation Measures.
- (6) EM—Emergency loans.

(iii) If EM loans are needed and less than 25 farmers in a county have been affected, the State Director can authorize

(7) FDAA—Federal Disaster Assistance Administration.

(8) FmHA—Farmers Home Administration.

(9) FMI—Forms Manual Insert.

(10) LFP—Emergency Livestock Feed Program.

(11) MDDN—Major Disaster Declaration Number.

(12) OGC—Office of the General Counsel.

(13) PEDN—Presidential Emergency Declaration Number.

(14) SBA—Small Business Administration.

(15) SDAN—State Director Authorization Number.

(16) SDDN—Secretarial Disaster Designation Number.

(17) SEB—State USDA Emergency Board.

(18) UCC—Uniform Commercial Code.

(19) USDA—United States Department of Agriculture.

§ 1832.4 Relationship between FmHA and other Federal Agencies.

(a) *FDAA and FmHA.* An arrangement between the FDAA and the USDA-FmHA is set forth in Appendix I.

(b) *Small Business Administration (SBA) and FmHA.* A Memorandum of Understanding between the SBA and USDA-FmHA is attached as Appendix II. In implementing the intent of paragraph IV A 1(a) of this memorandum, the provisions of § 1832.15(d) of this regulation must be observed particularly with respect to the requirement that a partnership or corporation must engage primarily in farming, ranching, or aquaculture to be considered for EM loan eligibility.

(c) *ASCS and FmHA.* An agreement between the ASCS and FmHA is attached as Appendix III.

§ 1832.5 FmHA Emergency Loan Support Teams (ELST).

(a) *Purpose and use.* Each State Director shall form an ELST to be deployed, when needed, in areas affected by a major disaster, Presidential emergency, or a natural disaster. Such ELST shall assist the State Director in expediting the carrying out of his responsibilities in making EM loans available to victims of disasters.

(1) An ELST is to be used when a disaster is of such a nature as to warrant immediate attention by FmHA in implementing the EM loan program or when such unusually large numbers of EM loan applications are received that personnel from other areas are required to be temporarily assigned to assist in rendering prompt service to the affected area.

(2) State Directors shall use the ELST formed in their State(s) and all other State personnel to meet the conditions described in subparagraph (1) of this paragraph. If help is needed above that which is available to the State Director, including temporary personnel, he shall advise the National Office of his needs.

(3) Upon request of a State Director, the Administrator will consider detaching ELST's from other States to assist in the making of EM loans.

(b) *Composition.* ELST's will consist of a team leader and team members.

(1) The team leader and individual members shall be selected by the State Director.

(2) In order that no one person or county unit bears an unfair burden, team members will be rotated from time to time. This will also provide training in EM loan making to all County Supervisors. The District Director is responsible for notifying the State Director of any need to change a team member within his district for any reason.

(c) *Training.* ELST's will be trained as follows:

(1) The National Office will hold a training meeting or workshop for ELST leaders as needed.

(2) State ELST leaders are responsible for training and keeping the State team and all other personnel in the State current on all phases of EM loan making.

(d) *State Instructions.* Each State Director will issue a State Instruction establishing an ELST for their State(s). This Instruction will name the team leader and all members. A copy of this Instruction will be sent to the National Office, Attention: Director, Emergency Loan Division.

§§ 1832.6–1832.8 [Reserved]

§ 1832.9 Reporting natural disasters.

(a) *Purpose.* The purpose of reporting natural disaster is to provide a systematic procedure for rapid reporting of natural disasters which may result in a need for EM loans in an area.

(b) *Action.* Immediately after the occurrence of a natural disaster the following action will be taken:

(1) The County Supervisor will report immediately to the CEB, as specified in USDA State Emergency Memorandum No. 54, the occurrence of any natural disaster causing substantial property loss, damage, or injury, including severe production losses in his County Office area, regardless of whether EM loans will be needed. He will assist the CEB in preparing the report required in paragraph (b) (2) of this section. If the CEB has not completed a 24-hour report within two workdays after a disaster he will report to the State Director on Form FmHA 441-27, "Report of Natural Disaster." In urgent situations the report may be made by telephone followed by the CEB report or Form FmHA 441-27. The CEB report or Form FmHA 441-27 will be based on information obtained from personal knowledge and from farmers, agricultural and community leaders, representatives of other agricultural agencies, agricultural lenders, and from any other reliable sources. The County Supervisor will advise the Chairman of the CEB of any information he has on the disaster, and also provide him with a copy of Form FmHA 441-27 if prepared.

(2) The CEB will report the natural disaster (in accordance with USDA State Emergency Memorandum No. 54) to:

- (i) SEB, and
  - (ii) Appropriate county government representative.
- (3) The SEB provides copies of reports to:

floods, and insect infestation, may extend beyond the incidence period established in connection with a Secretary's

(i) USDA Washington (ASCS, FmHA, and Office of Intergovernmental Affairs).

§ 1832.10 Making EM Loans Available.

the Administrator, FmHA, will immediately take the following actions:

(3) The State Director will send to the National Office a copy of his authorization letter written to the County Su-

floods, and insect infestation, may extend beyond the incidence period established in connection with a Secretary's



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(i) USDA Washington—(ASCS, FmHA, and Office of Intergovernmental Affairs).  
(ii) Governor's Emergency Coordinator and State Department of Agriculture.

(4) The State Director will inform the National Office of each natural disaster as soon as possible. He will forward copies of the CEB report or Form FmHA 441-27, with any attachments to the National Office. The CEB report or Form FmHA 441-27 will be supplemented by his comments, including any additional information he may have, and his recommendation as to the number of farmers, ranchers, or aquaculture operators affected by the disaster. In urgent situations he should report to the National Office by telephone and immediately thereafter send a written report to the National Office. The State Director will advise the Chairman of the SEB of any additional information he receives on the natural disaster.

(5) When the National Office is advised by a State Director of the occurrence of a natural disaster, the FmHA Administrator will advise the Office of the Secretary of Agriculture of the natural disaster and of any action taken or planned by the FmHA. The National Office will also provide the same information to members of Congress and FDAA, if so requested.

(6) When inquiries are received from victims of natural disasters before the area is designated by the Secretary of Agriculture or before EM loans are authorized by a State Director, the following actions will be taken:

(i) Inquiries from victims of natural disasters received in County Offices will be advised:

(A) That EM loans are not available at this time.

(B) As to what assistance would be available if EM loans are authorized for the area.

(C) That he may file an application for an EM loan or wait to file if EM loans are authorized at a later date. However, he must understand that the application cannot be processed until EM loans are authorized. Frequently, the credit needs of an individual can be met under regular FmHA programs if EM loans are not authorized.

(ii) If the inquiry is received in either the State or National Office, the individual will be advised in accordance with paragraph (b) (6) (i) of this section and refer him to the appropriate County Office.

(7) The action stated in paragraph (b) of this section will be taken even if the Governor of the State has requested the President to declare the county a major disaster or emergency area.

(8) When inquiries are received from county governing bodies or Indian Tribal Councils concerning the designation of an area they will be advised of the procedure for making EM loans available as contained in § 1832.10. Individuals will be advised of the procedure for designation and asked to discuss the needs for emergency designation of the area with his representative of the local governing body.

## § 1832.10 Making EM Loans Available.

EM loans will be made available in counties named by FDAA as eligible for Federal assistance under a major disaster or emergency declaration by the President; in counties designated by the Secretary of Agriculture; and in counties authorized by the State Director.

(a) *Declaration by the President.* Designation by the Secretary of Agriculture is not necessary for making EM loans available in counties determined by FDAA to be eligible for Federal assistance under a major disaster or emergency declaration by the President. Therefore, when there is a Presidential major disaster or emergency declaration, the National Office will notify the State Director and the Director of the Finance Office. The notification will specify the type of disaster; the names of the county or counties determined by FDAA to be eligible for Federal assistance; the termination dates for receiving EM applications, the incidence period for the disaster or emergency; the major disaster (MDDN-Example: M 501) or Presidential emergency (PEDN-Example: P 102) declaration number; and the date loan activity reporting will commence. Each Senator and Congressman representing the area involved will be notified simultaneously of the action taken.

(1) *State Director.* The State Director will notify the appropriate County Supervisor immediately and instruct him to make EM loans available. Notification will be confirmed by a State Instruction or a revision thereof. The State Director will also notify the SEB Chairman in writing and will make such public announcements as appear to be appropriate.

(2) *County Supervisor.* Immediately upon receiving notice about counties under his jurisdiction, the County Supervisor will notify the appropriate CEB Chairman and make such public announcements as appear to be appropriate. Also, the County Supervisor will explain the assistance available under the EM loan program to agricultural lenders and leaders in the area.

(b) *Designation by the Secretary of Agriculture.*

(1) The Secretary of Agriculture may designate a county as an EM loan area when:

(i) Unusual and adverse weather conditions have resulted in severe production losses and/or damage or losses to livestock, farm machinery, farmland, or buildings, and aquaculture operations;

(ii) A natural disaster has substantially affected farming, ranching, and aquaculture operations and more than 25 farmers have been affected;

(iii) The request for designation has been made within three months from the last day of the occurrence of the natural disaster; and

(iv) He receives a formal written request for designation from the Governor of the State.

(2) A Governor's request for EM loan area designation will be sent to the Secretary of Agriculture with a copy of the request to the FmHA State Director. Upon receiving the Governor's request

the Administrator, FmHA, will immediately take the following actions:

(i) Acknowledge the Governor's letter on behalf of the Secretary.

(ii) Advise FmHA State Director by phone and confirm by letter of the request. The State Director shall thereafter send the Administrator, Attention: Director, Emergency Loan Division, a monthly report of the action taken on the request, an estimate of the situation and the estimated time complete information will be available. The Governor will be advised by the National Office if there will be any delay in processing his request, the reason for the delay and when action will be taken. These reports will be referred to by a Governor's request (GR) number assigned by the National Office. Example: GR (State Abbreviation) 001, 002, 003, etc.

(3) Upon reviewing his copy of the Governor's request the State Director will immediately take the following actions:

(i) Advise the SEB Chairman that a Damage Assessment Report (DAR) is needed in accordance with USDA State Emergency Memorandum No. 54, for the requested county or counties. The State Director will request the SEB Chairman, to ask the CEB Chairman to invite the county governing body to participate in the CEB meeting. The SEB Chairman will ask the CEB Chairman to have his DAR in by a specific date.

(ii) Advise the County Supervisor(s) of the request and remind him of his responsibility to assist the CEB in preparing the DAR.

(4) The CEB meets and prepares the DAR in accordance with USDA Emergency Memorandum No. 54. The county governing body or its appropriate representatives will be encouraged to attend the CEB meeting. The completed DAR will be sent to the SEB Chairman.

(5) The SEB Chairman shall edit each county DAR as necessary in cooperation with FmHA and other board members as appropriate and indicate the SEB concurrence and recommendation. The SEB Chairman will provide the FmHA State Director a copy of the completed DAR with the SEB recommendation.

(6) The State Director will review each DAR and take one of the following actions:

(i) Refer the DAR to the National Office, Attention: Director, Emergency Loan Division, by letter, recommending when he agrees with the SEB recommendation for designation and provide his comments. These comments should indicate his views on the entire situation as it relates to the need for EM loans as a direct result of the natural disaster. If he has additional supporting information not contained in the DAR, he should present this information.

(ii) Refer the DAR to the National Office, Attention: Director, Emergency Loan Division, by letter recommending that a designation not be made and the reasons for the recommendation. The National Office will advise the Secretary of Agriculture of the reasons for not recommending the area. The Secretary will advise the Governor of the rejection.

(iii) If EM loans are needed and less than 25 farmers in a county have been affected, the State Director can authorize EM loans in accordance with paragraph (c) of this section.

(7) The National Office will review the information furnished by the State Director and send it to the Secretary with recommendations for designation or rejection.

(8) When a county is designated by the Secretary of Agriculture, the National Office will notify the State Director and the Director of the Finance Office. The notification will specify the type of disaster; the county or counties designated; the termination dates for receiving EM loan applications; the incidence period for the disaster; the Secretarial Disaster Designation Number (SDDN) (Example: A205); and the date loan activity reporting will commence. The Governor of the state and each Senator and Congressman representing the area involved will be notified simultaneously of the action taken.

(i) The State Director will immediately notify the appropriate County Supervisors. This notification will be confirmed by a State Instruction or a revision thereof. The State Director will also notify in writing the SEB Chairman and make such public announcements as appear to be appropriate.

(ii) Immediately upon receiving notice of the designation of the county or counties under his jurisdiction, the County Supervisor will notify the appropriate CEB Chairman and make such public announcements as appear to be appropriate. Also, the County Supervisor will explain the assistance available under the EM loan program to agricultural lenders and leaders in the area.

(c) *State Director Authorization.* If the State Director finds in any county that the requirements of paragraph (b) (1) (i), (ii), and (iii) of this section are met, except that 25 or less farmers have been substantially affected by the natural disaster, EM loans may be authorized by the State Director. The authority to make EM loans available by the State Director will only be exercised after the Governor, the county governing body or its authorized representative, or an Indian Tribal Council, and the CEB has made a formal written request for such action to the State Director and he has given prior notice to the National Office by telephone. This authorization may not be used to make EM loans available immediately in anticipation of a later designation by the Secretary of Agriculture based on the same natural disaster.

(1) The State Director Authorization Number (SDAN) (Example: N186), termination dates for receiving EM loan applications, the date loan reporting will commence, and the incidence period for the disaster will be established by the National Office when the prior telephone notice is given.

(2) Applications for EM loans will be received by County Supervisors only after authorization by the State Director except as provided in § 1832.9(b) (6) (i) (C).

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(3) The State Director will send to the National Office a copy of his authorization letter written to the County Supervisor; the DAR; and the formal written request from the Governor; the county governing body or its authorized representative, or CEB.

(4) The National Office will notify the Secretary of Agriculture and the Director of the Finance Office of the action taken by the State Director.

(5) The State Director will direct appropriate County Supervisors to take EM loan applications in the county or counties he has authorized. Simultaneously, he will notify the SEB Chairman. The State Director will also make appropriate public announcements.

(6) Immediately upon receiving notice of the State Director authorization of loans for a county or counties under his jurisdiction, the County Supervisor will notify the appropriate CEB Chairman and make appropriate public announcements. He will also explain the assistance available under the EM loan program to agricultural lenders and leaders in the area.

(d) *Continuing disaster conditions.* When a need occurs for EM loans resulting from a subsequent natural disaster, or the continuation of a natural disaster in any area presently designated for EM loans under paragraphs (a), (b), or (c) of this section, such need may be met by completing one of the following actions:

(1) *Declarations By The President.* EM loans are made available in counties determined by FDAA to be eligible for Federal assistance under a major disaster or emergency declaration by the President without establishing that a substantial number of farmers, ranchers, or aquaculture operations have been affected. The conditions which led to the major disaster or emergency declaration and which affect agricultural crops may extend beyond the incidence period established by FDAA, or the disaster conditions which lead to the original declaration may have been prolonged in the same area by a new natural disaster which affects the same crops, livestock, or aquaculture operations during the same crop year. Under such circumstances, the Secretary of Agriculture may designate the area as a natural disaster area under paragraph (b) of this section and establish an incidence period commencing on, or subsequent to, the date of the commencement of the incidence period for the major disaster or emergency declaration, provided the requirements of paragraph (b) of this section are met. In those cases, the Secretary will establish a new termination date for the incidence period for the natural disaster extending beyond the termination date originally established for the major disaster or emergency declaration. He may also establish new termination dates for accepting applications in connection with a designation under paragraph (d) (1) of this section.

(2) *Designation By The Secretary Of Agriculture And State Director Authorization.* Certain types of natural disasters which affect farming such as drought,

floods, and insect infestation, may extend beyond the incidence period established in connection with a Secretary's designation pursuant to paragraph (b) of this section or a State Director's authorization pursuant to paragraph (c) of this section. Furthermore, the disaster conditions which led to the original designation may be prolonged in the same area by a new natural disaster which affects the same farming operation during the same crop year. Under these circumstances, additional authorization by the Secretary is not necessary to extend the incidence period to cover the continuing or subsequent natural disaster. To extend the designation the following actions must be taken:

(i) County Supervisor will advise the State Director on any continuing or subsequent natural disaster and provide him with the CEB report or Form FmHA 441-27.

(ii) State Director will request the National Office by letter for an extension of the designation.

(iii) If the request is justified, the National Office can, by letter or telegram, authorize the extension of the incidence period for the designation and establish new termination dates for receiving applications. However, in areas authorized by State Directors extensions may not be authorized if such extensions will result in more than 25 farmers in any one county having had losses from the same disasters.

§§ 1832.11-1832.12 [Reserved]

§ 1832.13 Scope of operations to be financed.

No ceiling has been established on the size of operations that may be financed with EM loans nor on the size of loans that may be made. Therefore, subject to the eligibility requirements and other provisions of this regulation, EM loans may be made to finance larger than family farm operations.

§ 1832.14 Receiving applications.

(a) Applications for EM loans will be received as outlined in Subpart A of Part 1801 of this Chapter (FmHA Instruction 410.1) only in designated counties, except as provided in § 1832.9(b) (6) (i) (c). Form FmHA 410-1, "Application for FmHA Services," will be used for this purpose.

(b) If the applicant is a partnership, personal financial statements will be obtained from each of the partners and included in the loan docket, in addition to the partnership's financial statement.

(c) If the applicant is a corporation, the following additional information will be obtained and included in the loan docket:

(1) A complete list of stockholders, showing the address, principal occupation, and the number of shares of stock held in the corporation by each.

(2) A current personal financial statement from each of the principal stockholders. For this purpose a principal stockholder is one owning or controlling as much as 20 percent of the outstanding stock of the corporation, or if no stockholder owns or controls as much as 20

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percent, all stockholders will be considered principal stockholders. Any other

collectively, must be unable to obtain the required funds with their own resources

loan to cover the loss in the farming operation. In the event the membership of

(1) Be of good character and possess the ability, industry, and experience necessary to carry out the proposed

(A) Cash crops.....\$55,910  
(B) Feed crops (not totaled).....22,137  
(C) Dairy enterprise.....77,637  
(D) Other.....17,275

(3) The maximum loan for production losses at the actual loss interest rate will be the difference between the normal an-



percent, all stockholders will be considered principal stockholders. Any other stockholder whose financial statement, in the judgment of the County Supervisor or the loan approval official, would be pertinent to a consideration of the financial strength of the corporation and its stockholders will also provide personal financial statements.

(3) A copy of the corporation's charter, articles of incorporation and bylaws, and a resolution (b) adopted by the Board of Directors or stockholders authorizing specified officers of the corporation to apply for and obtain the desired EM loan and execute required debt, security, and other instruments and agreements.

(4) A copy of any lease, contract, or agreement entered into by the corporation which may be pertinent to a consideration of its application.

(d) The applicant's statement of loss or damage will be obtained in support of his application on Form FmHA 441-22, "Certification of Disaster Losses."

(1) Production losses will be shown on Form FmHA 441-22, by listing the estimated or actual crop yields or livestock production for the disaster year; the five year history of crop yields and animal units produced for all farm enterprises (see § 1832.3 (1)); and information stating when and how the designated disaster caused the production losses.

(2) Physical losses will be shown on Form FmHA 441-22 by indicating the actual loss as the market value of the property at the time of the disaster, except in case of repair or restoration the actual cost of repair or restoration may be shown as long as it does not exceed the market value of the property at the time of the disaster.

(e) The applicant's production losses in a designated county or counties must constitute at least a 20 percent loss of normal per acre or animal production as a result of the disaster in one or more basic single enterprises to qualify him for an EM loan based on production losses. Regardless of the situation, losses to farming enterprises which have acreage in a county or counties which have not been designated, such acres or livestock in that county or counties cannot be counted in determining the amount of the loss.

#### § 1832.15 Eligibility Requirements.

To be eligible for an EM loan, an applicant must:

(a) Be unable to provide the necessary funds from his own resources or to obtain sufficient credit from local commercial sources to finance his actual needs at reasonable rates and terms available to other farmers in the area, taking into consideration prevailing private and cooperative rates and terms for loans for similar purposes and periods of time in the community in or near which he resides. The applicant's equity in real estate, chattels, and other assets will be considered in determining his ability to obtain credit from private and cooperative sources. For partnerships or corporations, the principal partners or principal stockholders, either individually or

collectively, must be unable to obtain the required funds with their own resources or with credit obtained by them from other sources. Any partner or stockholder owning or controlling as much as 20 percent or more interest in a partnership or a corporation's stock, or if no partner or stockholder owns or controls as much as 20 percent, all partners or stockholders will be considered as a principal partner or stockholder. The facts concerning the findings in either case must be documented in the County Office case files. The provisions of this paragraph do not apply to applications filed prior to July 9, 1975. These applicants will be made EM loans for actual losses only without regard to whether the required financial assistance is otherwise available from private, cooperative, or other responsible sources. If such applicants desire to be considered for an EM loan for other than actual losses, they must file an additional application and the test for credit will apply to these applicants.

(b) Be required to prove in writing from major financing sources (such as banks, Farm Credit Administration, or individuals) that he is unable to obtain the credit needs elsewhere.

(c) Be a citizen of the United States, if an individual. If a partnership, the individual partners must be citizens of the United States. If a corporation, the corporation must be incorporated under the laws of the United States or any State thereof, and the principal stockholders must be citizens of the United States. Also, the corporation must be authorized to conduct farming operations in the State in which the farming operation is conducted.

(1) One or more of the following sources of information should be used in determining whether applicants qualify for EM loans as a partnership.

(i) Written partnership agreements that set forth the farming arrangements and ownership of property prior to the starting of the operation.

(ii) County ASCS office records.

(iii) Local bank and Production Credit Association records.

(iv) Invoices and receipts reflecting purchase of farm supplies, livestock, and machinery.

(v) Records or receipts from sale of farm production products or commodities.

(vi) Written farm rental agreements.

(vii) Income tax returns and personal property tax records.

(viii) Financial statements.

(2) When an EM loan is made to a corporation or partnership, only one EM loan can be made to the entity constituting the farming operation. However, this does not prohibit an individual stockholder or partner from obtaining a separate EM loan to cover his losses in a separate farming operation which he is conducting as an individual on a different farm tract.

(3) Individual members of a partnership will not receive individual loans to finance their interest in the joint or partnership farming operation. The partnership will be considered for one

loan to cover the loss in the farming operation. In the event the membership of a partnership changes after the disaster the new partnership may receive consideration for a loan provided no substitutes other than heirs or remaining partners are involved.

(d) Be an established farmer doing business as an individual, partnership, or corporation, either as an owner-operator or tenant, who manages the farming operations. If the applicant is a partnership or corporation, it must be engaged primarily in farming operations and the operation(s) must be managed by one of the partners or stockholders. An applicant who does not devote full time to his farming operation may be considered as the manager provided that he (or the managing partner or stockholder) visits the farm at sufficiently frequent intervals to exercise control and see that the operations are being carried on properly, pursuant to his directions. Any operation that involves a full-time hired manager or management service does not qualify irrespective of the number of visits made.

(e) Operate in a county or counties where EM loans have been authorized under a major disaster or emergency declaration by the President; natural disaster designated by the Secretary of Agriculture; or State Director's Authorization.

(f) Have suffered qualifying production losses or property damages in one or more counties in which EM loans are authorized; such losses or damages must be directly related to the disaster that brought about the EM loan authorization for that county or counties; and the losses or damages must have occurred during the incidence period.

(1) For production losses the applicant must have actually suffered a 20 percent loss in a basic farming enterprise, as a direct result of the designated disaster. Production loss eligibility will be determined in accordance with § 1832.16.

(2) Physical damages or losses, not compensated by insurance or otherwise, to farm dwellings including home equipment, furnishings, and personal possessions; farm service buildings and facilities; land and water resources; farm supplies including harvested or stored crops; and livestock essential to normal farm operations, would qualify an applicant for a loan only to repair, replace, or restore such property, or to reimburse the applicant for costs incurred for such purpose. Physical losses eligibility will be determined in accordance with § 1832.16. Sheet erosion would not qualify as a physical loss.

(g) Show an intent to continue farming or agriculture operations after the disaster. Those applicants who may have stopped temporarily because of the disaster loss or damage to their operations, but intend to continue with EM loan assistance, will be considered to meet this requirement.

(h) Possess legal capacity to contract for the loan, under applicable state law. State Instructions will be issued with the advice of the Office of the General Counsel (OGC) with respect to this requirement.

(i) Be of good character and possess the ability, industry, and experience necessary to carry out the proposed farming operations to assure a reasonable prospect for success with the assistance of the loan, and will honestly endeavor to carry out the undertakings and obligations required in connection with the loan.

#### § 1832.16 Determining Losses and Maximum Amount Of Loan For Actual Losses.

##### (a) For Production Losses.

(1) To determine which single enterprises are basic enterprises it will be necessary to determine the applicant's normal gross farm income. This will be determined as follows and all calculations will be recorded on Form FmHA 441-26, "County Supervisor's Calculation and Verification of Qualifying Production Losses."

(i) For any farm enterprise the applicant's 5-year average of production history for those enterprises will be used (see 1832.3 (1)) Examples:

(A) Cash crops: During the 5 years immediately preceding the disaster the applicant's per acre average production of soybeans was: 29.1 bu.+28.9 bu.+27.3 bu.+24.5 bu.+32.2 bu.=142.0 bu.+5=28.4 bu. per acre.

(B) Livestock: During the 5 years immediately preceding the disaster the applicant's actual calf production in a cow-calf operation was: 92%+88%+90%+87%+93%=450÷5=90 percent normal calf crop.

(C) Feed crops: During the 5 years immediately preceding the disaster the applicant's per acre average production of hay was: 3 ton+2.9 ton+2.8 ton+3.1 ton+2.7 ton=14.5÷5=2.9 tons per acre.

(ii) Normal gross farm income will be calculated by multiplying: the acreage of crops and/or number of livestock which actually constituted the farming operation during the disaster year by the yield per acre or units of production for each farming enterprise as determined in paragraph (a) (1) (i) of this section and by the average market price for the commodity as established by the State Director. The State Director will prepare and distribute to all County Offices, by a State Bulletin or Instruction, a list of the average market price for commodities during the past calendar year if available, otherwise using crop year or harvest season average market price, whichever is available, for such commodities. These prices are from State and Federal Marketing Services and other reliable sources if not available from the State Crop Reporting Service.

(iii) Total each single enterprise separately and then add together to determine the applicant's normal gross farm income.

NOTE.—Feed crops will not be included in this total and will not be considered at all if no livestock enterprise is a basic enterprise. Any single enterprise except feed crops which constitutes not less than 25 percent of the applicant's total farming operation's gross income as follows:

(A) Cash crops.....	\$55,910
(B) Feed crops (not totaled).....	22,127
(C) Dairy enterprise.....	77,637
(D) Hog enterprise.....	18,275

Total (normal annual gross income)..... 151,822

Cash crops=36.8 percent; dairy cattle=51.1 percent; and hogs=12.1 percent; therefore, cash crops and the dairy operation are basic enterprises and the hog operation is not. During a normal year the applicant purchased \$16,059 worth of feed for his dairy and hog operations. To determine if the feed crops are a basic enterprise, add \$16,059 to \$22,127 for a gross feed cost of \$38,186; therefore, the feed crops are 57.9 percent of the value of the total feed fed to the livestock annually and is a basic enterprise.

(2) To establish eligibility for production losses it will be necessary to determine the applicant's gross income for the disaster year for a basic single enterprise having a loss. To be eligible for payment of actual production losses, a basic enterprise must have suffered at least a 20 percent reduction in normal income. Insurance payments and other compensation will be added to the gross income for that enterprise in arriving at the actual loss. This will be determined as follows and recorded on Form FmHA 441-26. Example: Using the same basic enterprises as determined in paragraph (a) (1) (iii) of this section, disaster year gross income for cash crops was \$31,491 and the dairy enterprise was \$75,302. The applicant lost \$7,353 worth of his feed crop and received ASCS feed worth \$1,850. Also, the hog enterprise, which is not a basic enterprise, has a disaster year gross income of \$18,950. Cash crops—\$55,910 less \$31,491 equals \$24,419 loss which is a 43.7 percent loss in a basic enterprise and therefore the applicant is eligible for a production loss loan. For purpose of eligibility it will not be necessary to determine the losses in any other basic enterprise.

(1) Gross income for the disaster year will be calculated by multiplying: the same acreages and/or number of livestock used in the calculation in paragraph (a) (1) (ii) of this section by the actual or estimated yields (this estimate cannot be greater than his established normal) per acre or units of production for each crop and farming enterprise conducted in the disaster year (for some commodities ASCS will provide the percentage loss, when they have established these losses for their Disaster Payments, on Form FmHA 441-29) and by the average market price as established in paragraph (a) (1) (i) of this section.

(ii) Add to the amount derived in paragraph (a) (1) (i) of this section all insurance or other compensation which has been or is expected to be received for those losses. The sum of these amounts will be the disaster year's gross income.

(iii) The difference between the normal year's gross income and the disaster year's gross income will constitute the actual dollar loss resulting from the disaster.

(3) The maximum loan for production losses at the actual loss interest rate will be the difference between the normal annual gross income and the disaster year's gross income. The amount of loan will be determined as follows:

##### (i) Disaster year's gross income:

(A) Cash crops.....	\$31,491
(B) Dairy enterprise.....	75,302
(C) Hog enterprise.....	18,950

Total (disaster year's gross income)..... 125,743

(ii) The normal year's gross income \$151,822 less the disaster year's gross income of \$125,743 equals \$26,079.

(iii) Add the disaster year's losses to feed crops which were \$7,353 less ASCS feed worth of \$1,850 equals \$5,503.

(iv) The sum of paragraph (a) (3) (ii), and (iii) of this section equals the amount of loan for actual production loss which is \$31,582 rounded to \$31,580.

(4) When an applicant is unable to plant a crop during the disaster year his loan will be limited to the cost of land preparation and other expenses incurred to the date of the disaster for the crop(s) that could not be planted. Since EM loan will be used to cover the applicant's actual losses sustained, the County Supervisor will request an itemized list from the applicant verifying the claimed expenditures incurred in the disaster year for those enterprises for which disaster losses are claimed. The EM loans will be limited to the amount of expenditures that are shown on the list. In all cases, the applicant must furnish a signed statement itemizing all expenditures which he claims were incurred in the disaster year. The County Supervisor will document his verification in the applicant's case file.

(5) When an applicant was able to plant all or a portion of his normal crops during the disaster year, his production for that portion of his planted crops will be shown as zero, if no part of the crop can be harvested, on Form FmHA 441-22 provided that a substitute or different crop could not be planted.

(6) When crops that were destroyed by a qualifying disaster are replanted with a substitute crop during the same crop year, the substitute crops income will be compared to the normal year's income in arriving at the disaster year income loss.

(7) When an applicant has had disaster damage to feed crops and elects to sell his livestock at an earlier date or lighter weight than is his usual practice rather than purchase feed to replace that which he would have produced except for the natural disaster, he may not claim as a loss the difference between the sale price and an estimate of what the sale price would have been if the livestock had been fed for the normal period. This is because the earlier sale was based on a judgment decision and differs from an applicant who could not plant crops because of the natural disaster. The latter has no opportunity for a judgment decision about planting.

(8) Claims of production losses will be verified when the applicant's claims appear to be unreasonable.

(9) When the loss from the disaster is due to a reduction in quality rather

benefits which the applicant is not obligated to repay, reduces his actual loss

total cost may be used in lieu of a written lease. However, when relatively small

(ii) Construct or improve buildings and facilities on the applicant's real

(C) Not more than \$50,000 may be loaned to a borrower for real estate im-

plan. Interest on the initial advance will accrue from the date of the promissory



(9) When the loss from the disaster is due to a reduction in quality rather than production that can be substantiated, the applicant will be given credit for this loss by adjusting actual production downward to compensate for any loss in value resulting from poor quality.

(b) For physical losses. Losses of a physical nature will be shown by the applicant on Form FmHA 441-22 by indicating the actual loss as the market value of the property at the time it was lost or damaged by the disaster; except in case of repair or restoration, the actual cost of such items may be used as long as it does not exceed the market value of the property at the time of the disaster. The amount of loan made for this purpose will be determined in the following manner:

(1) For farm machinery, the market value at the time of the disaster of the asset damaged or destroyed will be considered as the maximum loss in arriving at the total amount of the loss.

(2) For livestock, the market value at the time of the disaster will be considered the actual loss.

(3) For farm dwellings for the operator and existing labor, the amount of actual loss will be the amount sufficient to permit the repair or replacement of the dwelling with one of like quality and size as necessary to meet local codes and to provide permanent, adequate but modest, decent, safe and sanitary living conditions for the family. However, if the amount of the actual loss permits the replacement or repair of a larger dwelling the financing of such dwelling is permissible.

(4) For farm service building and farm real estate other than buildings, the amount of the actual loss will be an amount sufficient to permit the repair or replacement of the damaged property with a building or property of like quality and capacity that will meet local codes and be adequate to meet the needs of the farming operation. If the financing required exceeds the actual loss, the balance needed may be loaned at the market rate.

(5) For supplies, harvested or stored crops, and livestock products on hand, the market value of the lost or destroyed supplies, harvested or stored crops, and livestock products at the time of the disaster will be considered the actual loss.

(6) The actual physical loss to income producing trees will be the cost of removing the damaged or destroyed trees, clearing debris, preparing the land for replanting, the cost of suitable replacement trees, and other necessary expenses to reestablish the income producing trees.

(7) The actual physical loss to permanent pasture will be the cost of cleaning debris, preparing the land for replanting, seed, fertilizer, and other expense necessary to reestablish the pasture.

(8) Claims of physical loss will be verified when the applicant's claim appears to be unreasonable.

(c) *Compensation for losses.* Compensation for losses from a disaster through insurance or government program(s)

benefits which the applicant is not obligated to repay, reduces his actual loss and thus the amount of EM loan eligibility. The amount of any benefits received from ASCS programs including the Emergency Livestock Feed Program (ELFP), Emergency Conservation Measures (ECM) payments, Sugar Abandonment or Deficiency payments, and Disaster payments will be considered as compensation for losses.

#### §§ 1832.17-1832.19 [Reserved]

#### § 1832.20 Loan Purposes.

EM loans may be made for the following purposes:

##### (a) *Loan for Actual Losses*

(1) Loans may be made to applicants for the amount of actual losses and expenses for disaster damaged or destroyed farm property and/or production enterprises resulting from the disaster. Actual loss loan funds may be included to repair, restore, or replace damaged or destroyed farm property and supplies and for actual expenses already incurred for such purposes. Applications for actual losses must be processed within one full crop year after the application is filed.

(2) EM loans will not be made to flood and mudslide victims to repair or replace damaged or destroyed farm dwellings or farm service buildings and the contents therein, in areas where "National Flood Insurance" is available, except as authorized in Subpart B of Part 1806 of this chapter. (FmHA Instruction 426.2.)

(b) *EM loans for annual operating purposes.* After the initial EM loan for annual operating purposes, five annual subsequent EM loans may be made, provided they are made within six full crop years after the disaster to permit the borrower to return to his normal credit sources. If the borrower has received EM loans in the past for annual operating purposes because of a designated disaster, their loan or loans will be deducted from the six. Example: A borrower received an initial and two subsequent EM loans for annual operating purposes, based on losses from a qualifying disaster, therefore, only three additional loans can be made. Annual loans for operating purposes may be made for:

(1) Purchase of feed, seed, fertilizer, insecticides, feeder livestock, farm and other supplies, including inventory; the repair or rental of equipment; and the payment of essential expenses for the operation or paying bills incurred for any items in this subparagraph for the crop or operating year being financed.

(2) Payment of customary cash rent or cash charges for the use of essential buildings, pasture, crop, hay, land, and grazing permits or bills for such purposes for the operating or crop year being financed, subject to the following:

(i) The applicant is obligated under a written lease or other agreement to pay such rent or charges in advance of the time income will be available from the operations to make such payment. For grazing fees an invoice showing the number of livestock to be grazed, the grazing period, the cost per head and the

total cost may be used in lieu of a written lease. However, when relatively small amounts are involved an invoice will not be required if the applicant's explanation of a satisfactory grazing agreement is recorded in the loan docket.

(ii) Arrangements cannot be made for the rent or charges to become due when income will be available from the operations to make such payment.

(iii) Not more than one year's cash rent or cash charges will be paid with loan funds in any one lease year, except that if a loan is approved near the end of the current lease year funds for payment of such rent or charges for the succeeding lease year may be included in the loan.

(iv) The terms of the rental agreement provide the applicant with reasonably satisfactory tenure.

##### (3) *Payment of:*

(i) Personal (chattel and equipment) and real property taxes due or about to become due and water or drainage charges or assessments.

(ii) Applicant's share of Social Security taxes in connection with hired labor for the operation.

(iii) Premiums for insurance on real estate and personal (chattel and equipment) property including premiums for public liability and property damage insurance on farm and other essential equipment, including farm trucks. When a loan is secured by chattels, and the loss of such chattels would jeopardize the interest of the Government, the County Supervisor may require the borrower to insure the chattels against hazards customarily covered by insurance in the area.

(4) Payment of not more than a year's interest that is due on, or about to become due on debts secured by liens of other creditors on property essential for the farm, or income producing nonfarm enterprises located on the farm.

(5) Payment in any one year of not to exceed 15 percent of the market value of the essential farm equipment under prior lien to another creditor, or 15 percent of the principal amount owed to such creditors, whichever is less.

(6) Meeting modest family subsistence needs, including premiums on reasonable amounts of health and life insurance, and expenses for medical care or paying bills incurred for any of these purposes during the crop year being financed.

(c) *Major adjustments to the operation.*—An EM loan may be made after disaster damages occur for the following purposes which will only result in an operation equivalent to that conducted prior to the disaster regardless of the changes made in the operation. In no case may loans be made for such purposes later than one full crop year after the designation date.

##### (1) *Real Estate Purposes (Subtitle A).*

(i) The purchase of additional essential real estate necessary for an effective operation provided his resulting operation will not provide more net income annually than his normal operation prior to the disaster. Depreciation will be disregarded in computing net income in both cases.

(ii) Construct or improve buildings and facilities on the applicant's real estate including:

(A) The construction of an essential but modest dwelling(s) for himself and necessary labor and service buildings, including facilities and structures for nonfarm enterprise and aquaculture operations.

(B) The improvement, alteration, repair, replacement, relocation, or purchase and moving of essential dwellings and service buildings, facilities and structures.

(C) The purchase and/or installation of essential domestic water and sewage systems, other equipment or facilities necessary to the effective operation of a farm, aquaculture operation, or nonfarm enterprise.

(iii) Provide land and water development, acquire water supplies, rights, use, and conservation essential to the operation of the farm or nonfarm enterprise facilities, and aquaculture operations. This includes but is not limited to fencing, land clearing, forestry purposes, establishment of approved forestry practices, establishment and improvement of permanent hay or pasture, drainage and irrigation facilities, basic application of lime and fertilizer, fish ponds, and trails and lakes.

(iv) Refinance secured and unsecured debts.

(v) Pay expenses incident to obtaining plans and making the loan such as fees for legal, architectural, and other technical services, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making the planned building or land improvements.

(vi) Payment of the first-year premium for required insurance on buildings on the property which are to be taken as security for the loan which the borrower cannot pay from personal funds. Buildings will be insured in accordance with Subpart A of Part 1806 of this chapter (FmHA Instruction 426.1), except when the appraisal report reflects that the land will adequately secure the loan without giving consideration to the value of the building. However, the applicant will be encouraged to take property insurance on essential buildings to protect his own interest. Borrowers eligible for insurance under the National Flood Insurance Act of 1968 will be advised of its availability in accordance with Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2).

(vii) EM loans may be made to tenants to finance real estate improvements or repairs, provided:

(A) The County Supervisor determines that the applicant has reasonably secure tenure for a sufficient period to enable him to realize adequate benefits to justify the expenditures.

(B) A written lease is obtained providing for compensating the tenant for any unexhausted value of the improvement, upon termination of the lease.

(C) Not more than \$50,000 may be loaned to a borrower for real estate improvement, repairs, or for refinancing unsecured debts clearly incurred for such purposes. Before an EM loan is made for real estate improvements to a tenant, a careful analysis must be made of the applicant's resources and proposed operations and all of the following determinations must be made:

(1) EM loans will not be needed or made year after year to make substantial real estate improvements.

(2) The applicant will likely continue to operate the farm for a sufficient period of time and under such terms that will enable him to obtain reasonable returns on his investment.

##### (2) *Operating purposes (Subtitle B).*

(i) Purchase of basic livestock, poultry, fur bearing and other farm animals, fish, bees, farm equipment, and paying costs incident to reorganizing the farming system for a sound operation.

(ii) Purchase of essential home equipment and furnishings, and the payment for home equipment repairs required by the applicant family to sustain itself in a reasonably satisfactory manner.

(iii) Refinancing secured and unsecured debts.

(iv) Purchase of milk base either with or without cows where such action is necessary to assure the borrower a satisfactory market for his dairy productions.

(v) Purchase of grazing license or permit rights of private parties which can be validly sold and transferred.

(d) *General Purposes.* In addition to the purposes authorized in paragraphs (a), (b), and (c) of this section, the EM loan may also include funds for:

(1) Expenses incident to loan closing.

(2) Payment of FmHA interest-only installment(s) scheduled for the first installment due date and, when a deferred payment of principal is involved, the second installment due date following the closing of the loan, when a borrower will not otherwise be able to meet the initial interest payment(s) on his loan because income from crops, livestock, or other sources is not available. The Finance Office may credit loan funds advanced for the payment of interest-only installment(s) first to interest from the date of payment (loan closing) and then to principal, if applicable.

#### § 1832.21 Rates And Terms.

(a) *Interest rates.* The interest rates for EM loans for actual losses will be 5 percent. The interest rate will be 9 percent for loans made under § 1832.20 (b) and (c) (2) (Subtitle B purposes), and 8.75 percent for loans made under § 1832.20 (c) (1) (Subtitle A purposes). The interest rate, for other than actual losses, will be reviewed in June and December of each year with new interest rates established on July 1 and January 1 of each year.

(b) *Terms of loans.* EM loans will be scheduled for repayment in annual installments as set forth below, consistent with the applicant's *reasonable ability to pay*. This will be determined by his operations as reflected in his farm and home

plan. Interest on the initial advance will accrue from the date of the promissory note. Interest on other advances will accrue from the date of the loan check for each such advance.

(1) Loan terms for actual losses to crops, livestock, supplies, harvested or stored crops, livestock products on hand, and equipment will be in accordance with *useful life of the security and repayment ability of the applicant* but not to exceed 7 years. When conditions warrant, installments may be scheduled in various amounts. For example, when an applicant's farming operation has been severely disrupted by a disaster, it may be necessary to consider payment schedules established previously for other outstanding loans, such as debts owed other creditors and other types of FmHA loans. However, the final installment will not be larger than the amount which can be refinanced with private lenders or be repaid within a renewal period of not to exceed 5 years. The applicant must be advised before the loan is closed, that FmHA will review each case at the end of the initial loan term to determine if a renewal is warranted. For any disaster occurring after January 1, 1975, loans made as a result of these disasters may be scheduled for repayment of more than 7 years, but not more than 20 years if the State Director determines in writing, after being recommended by the County Committee that the needs of the applicant justifies such a longer repayment period. Generally real estate will be needed as security when more than 7 years is authorized. Our experience indicates that the need of most applicants can be met with a repayment period of 7 years and if necessary up to a 5-year renewal. Therefore, State Directors will grant the longer repayment periods only in unusual cases. When the longer period is used renewal is not authorized.

(2) The terms for actual losses to real estate will be in accordance with the *useful life of the security and the repayment ability of the applicant* not to exceed 40 years.

(3) The term for loans for annual operating expenses will be as follows:

(i) Advances for annual recurring operating expenses or for paying bills incurred for such purposes for the operating or crop year being financed will be scheduled for payment when the principal income from the year's operations normally would be received.

(ii) Advances to purchase or produce feed for productive livestock or livestock to be fed for the market, or to pay bills incurred for such purposes for the crop year being financed, except for feed of a type which the County Supervisor determines will be produced in future years, will be scheduled for payment when the principal income from the sale of such livestock or livestock products can be expected.

(4) Items financed under § 1832.20(c) (2) except annual operating expenses, will be in accordance with the *useful life of the security and the repayment ability of the applicant* but not to exceed 7 years. When conditions warrant installments may be scheduled in various amounts.

However, the final installment will not be larger than the amount which can be refinanced with private lender's

of the real estate owned by the applicant. If the applicant has enough equity in real estate, no additional security need

the initial 7-year term or at the time it is determined scheduled installments cannot be met. An extension will be

agent or designated attorney determines that:

(i) The applicant has mortgageable

ceeds of such claims will be used for replacement or repair of buildings; application on debts secured by prior liens;

FmHA 440-2, "County Committee Certification or Recommendation," that the applicant is eligible for a loan in accord-



However, the final installment will not be larger than the amount which can then be refinanced with private lender's or be repaid within a renewal period of not to exceed 5 years. The applicant must be advised before the loan is closed, that FmHA will review each case at the end of the initial loan term to determine if a renewal is warranted.

(5) Items financed under § 1832.20(c) (1) will be in accordance with the useful life of the security but not to exceed 40 years.

(c) *Deferment of principal installments.* Interest will not be deferred. However, initial principal installments (for EM loans other than for annual operating expenses) may be deferred in whole or in part to the second or third installment due date, as appropriate, following the date of note when the year's income will be sufficient to meet the payment but will not be received in full that year because of the type of farming or the method of marketing; or the total planned income is less than planned annual recurring expenses because the productive capacity of the farm has been adversely affected by a qualifying disaster. During the deferment period, each installment will include the total amount of interest accruing to the date of the installment plus the estimated principal amount the applicant will be able to pay. Principal deferments will not be granted for the purpose of enabling applicants to use income to make payments on old bills before paying annual recurring expenses. When the payment of principal is deferred to the second installment due date following the date of the note, the first scheduled installment will be the amount of accrued interest from the date of the note to installment due date. When the payment of principal is deferred to the third installment due date following the date of the note, the second scheduled installment will be the amount of accrued interest for a full year.

(d) *Graduation.* All borrowers will be advised that their EM loans will be reviewed for "graduation" two years after they are received and every other year thereafter. They will also be advised that they are required to refinance if other credit is available even though their EM loans have not fully matured.

#### § 1832.22 Security Requirements.

EM loans will be adequately secured to protect the interests of the Government.

(a) Annual loans will be secured by a first lien on the crop and/or livestock production which is being financed with EM loan funds plus sufficient other security to assure that the Government's financial interests will be protected. Under no circumstances will a loan of over \$25,000 be secured only by a crop lien.

(b) Actual loss loans for the same purposes as authorized for loans under § 1832.20 (c) (2) and loans made under § 1832.20 (c) (2) will be secured by a lien on sufficient equity in livestock, equipment and machinery and other personal property if necessary to protect the Government's interest, plus when necessary a lien on equity in part or all

of the real estate owned by the applicant. If the applicant has enough equity in real estate, no additional security need be taken. A second crop lien may be taken when deemed necessary to secure repayment of the loan.

(c) Actual loss loans for the same purposes as authorized for loans under § 1832.20(c) (1) and loans made for purposes under § 1832.20(c) (1) will be secured by equity in real estate. However, if there is not sufficient equity in the real estate, a lien will also be taken on personal property plus if necessary a second lien on the crops. An EM loan made to a tenant with a long-term lease will be secured by a lien on a transferable leasehold.

(d) If the security requirements of paragraph (b) and (c) of this section cannot be met because of losses caused by the disaster, the State Director can consider making an exception, in writing, to the requirements if all of the following conditions are met:

(1) Adequate security property is not available because of the disaster.

(2) The applicant must have some security which has depreciated in value due to the disaster.

(3) The applicant must offer all available security property, some or all of which may depreciate in value due to the disaster.

(4) The security property, together with the applicant's repayment ability as assessed by the State Director must be adequate security for the loan.

(5) The County Committee after a review of the loan docket recommended such action and believes that the applicant can repay the loan in an orderly manner.

(e) EM loans may be approved with abbreviated appraisals of the property being taken as security for the loan provided:

(1) The approval official determines that equity in the security property will fully secure the EM loan(s).

(2) Abbreviated appraisals are prepared:

(i) For real estate, the following portions of Form FmHA 422-1, "Appraisal Report—Farm Tract," will be completed: The heading of the report; Item A of Part 1; Part 2; Part 3; Part 7; and Part 8. The report will be signed and dated by an FmHA authorized appraiser.

(ii) For chattel property, Form FmHA 440-21, "Appraisal of Chattel Property," will list and identify each chattel item, and items A through E will be completed.

(3) When the conditions of paragraph (e) (1), and (2) (i) of this section are met, the requirements of § 1810.16 (a) of this chapter (FmHA Instruction 440.2 VI A) will not apply if the State Director authorizes a County Supervisor in an individual case or by State Instruction to make the farm appraisal and approve the EM loan.

(f) When an EM loan has been scheduled for repayment over a period not longer than 7 years, it may be extended for up to 5 additional years, under provision of Part 1867 of this chapter (FmHA Instruction 452.1), at the end of

the initial 7-year term or at the time it is determined scheduled installments cannot be met. An extension will be granted only after review and determination by the County Committee and the approval official that FmHA's experience with the borrower has been satisfactory; the borrower has paid in accordance with his ability; the remaining EM balance can be adequately secured; there is a reasonable chance for the borrower to return to conventional credit within the 5-year extension; and this action is not being taken in lieu of foreclosure.

(g) When an EM loan, for whatever purposes, is to be secured by a lien on real estate or a combination of real estate and chattels, the security will be considered "basic security;" and for all loans over \$10,000 title clearance is required in accordance with the provisions of Part 1807 of this chapter (FmHA Instruction 427.1), except when a reputable long-term lender has a first mortgage on the property the search need only be made subsequent to the recordation date for such mortgage. For loans of \$10,000 or less, only certification of ownership and verification of equity in real estate is required. Certification of ownership may be accepted in the form of a notarized affidavit from the applicant, stating who is the owner of record of the real estate in question and acknowledging all known debts, with balances owed, against that real estate. Whenever the County Supervisor is uncertain as to the ownership or debts against the real estate security, he will require title clearance.

(h) If the real estate offered as security is held under a purchase contract, the following conditions will prevail:

(1) The applicant must be able to provide a mortgageable interest in the real estate concerned.

(2) The applicant and the purchase contract holder will agree in writing that all insurance claim settlements received for real estate losses will be used in their entirety in replacing or repairing the damaged real estate. The applicant will renegotiate with the holder to arrive at a new contract devoid of any provisions objectionable to FmHA.

(3) If a satisfactory contract of sale cannot be renegotiated or the contract holder refuses to apply the insurance proceeds toward the repair or replacement of the real estate losses, but chooses to retain some of the proceeds as an extra payment on the balance owed, the applicant will make every effort to refinance the existing purchase contract. If he cannot obtain refinancing from another source, an EM loan will be considered for inclusion of funds for the purpose(s) of paying off the contract and improving the property. If he can get the contract refinanced, an EM loan will be considered for the purpose(s) of restoring the property to predisaster condition.

(4) If the conditions provided for in paragraph (h) (1), (2), or (3) of this section can be met and an EM loan is made it will be closed in accordance with Part 1807 of this chapter (FmHA Instruction 427.1), and the FmHA escrow

agent or designated attorney determines that:

(i) The applicant has mortgageable interest in the property under a long term purchase contract.

(ii) The purchase contract is not subject to summary cancellation upon default, and does not contain other provisions which might jeopardize the Government's security position or the borrower's ability to repay the loan.

(iii) The contract holder will agree in writing to give FmHA notice of any breach by the purchasers, and further agrees to give FmHA 30 days from breach to rectify said conditions.

(i) If any of the prior liens against real estate offered as security contain future advance provisions, or other provisions which might jeopardize the security position of the Government or the applicant's ability to meet his obligations under these prior liens and to pay his EM loan, the prior lienholders involved must agree in writing, before the loan is closed, to modify, waive, or subordinate such objectionable provisions. This will be accomplished usually on Form FmHA 427-8, "Agreement with Prior Lienholder," subject to any modifications necessary to meet legal requirements for closing a particular loan.

(j) In States where a prior lienholder may foreclose his security instrument under power of sale or otherwise, and extinguish junior liens of private parties without giving junior lienholders actual notice, and when a junior lien on real estate is to be taken as security for the loan, the prior lienholder must agree in writing to give the Government advance notice of foreclosure or assignment of the mortgage. A State Instruction will be issued, with the advice of the OGC, to indicate whether such agreements will be necessary in each particular State and, if so, to set forth the procedure and requirements for obtaining and recording such agreements.

(k) If there are essential insurable buildings located on the property, or if new buildings are to be erected or major improvements are to be made to existing buildings, the applicant will provide adequate property insurance coverage at the time of the loan closing or as of the date materials are delivered to the property, whichever is appropriate. However, when the real estate appraisal report shows that the present market value of the land after deducting the value of buildings shown on the report that the owner has equity equal to or that exceeds the amount of the debt including the loan, real property insurance will not be required. However, the applicant will be encouraged to obtain such insurance if he does not already have it to protect his interest. When real property insurance is required it will be obtained and serviced in accordance with Subpart A of Part 1806 of this chapter (FmHA Instruction 426.1).

(l) If insurance claims for loss or damage to buildings to be replaced or repaired with loan funds are outstanding at the time the loan is approved, the applicant will be required to agree in writing when settlement is made that the pro-

ceeds of such claims will be used for replacement or repair of buildings; application on debts secured by prior liens; or application on the EM loan.

(m) Liens will not be taken to secure loan amounts borrowed for repair or replacement of personal possessions and home equipment or furnishings. Instead, the amount loaned for this purpose will be reasonably secured by a lien(s) on crops, livestock, farm machinery, essential trucks or automobiles, and/or farm real estate.

(n) Loan approval officials may require Federal Crop Insurance, with an assignment to FmHA, during the repayment period of the EM loan if such insurance is available in the county. This determination is a judgment factor, and the decision should be based on the amount and type of security, other than crops, that the applicant can provide. However, when only a crop lien is taken as security for EM loans, the borrower will be required to carry Federal Crop Insurance during the repayment period of such loan(s) if such insurance is available in the county.

(o) EM loans to Indians which are secured by trust or restricted land will be handled as follows. The USDA and the Department of the Interior have mutually agreed that FmHA loans which are to be secured by real estate liens may be made to Indians holding land in severalty under trust patents or deeds containing restrictions against alienation subject to statutes under which they may, with the approval of the Secretary of the Interior, give mortgages on their land which are valid and enforceable. These statutes include, but may not be limited to, the Act of March 29, 1956 (70 Stat. 62.63).

(1) When a lien is to be taken on trust or restricted property in connection with a loan to be made or insured by FmHA, the local representatives of the Bureau of Indian Affairs will furnish requested advice and information with respect to the property and each applicant.

(2) The FmHA State Director should arrange with the Area Director or other appropriate local official of the Bureau of Indian Affairs as to the manner in which the information will be requested and furnished. A State Instruction will be issued to prescribe the actions to be taken by FmHA personnel to implement the making of loans under such conditions.

(p) EM loans secured by real estate on Reclamation Projects in certain counties in Arizona and Washington will be made, serviced, and liquidated in accordance with Part 1890c of this Chapter (FmHA Administration Letter 843(440)).

§ 1832.23 Nondiscrimination in construction financed with a FmHA loan or grant.

The policies and regulations contained in Part 1890p of this Chapter (FmHA Administration Letter 50(400)) applies to all EM loans made under this Subpart A of Part 1832.

§ 1832.24 Certification by County Committee.

Before an EM loan is approved, the County Committee will certify on Form

FmHA 440-2, "County Committee Certification or Recommendation," that the applicant is eligible for a loan in accordance with § 1832.15. In addition, the County Committee will establish the maximum amount of credit which may be extended under the certification. Before an EM loan is made to a partnership or corporation, the County Committee will certify on Form FmHA 440-2 that the partnership or corporation is eligible, and will recommend that a loan be made not to exceed the certified amount.

(a) The total amount of the EM loan will be inserted in the appropriate spaces of item 2 for applicants who are individuals, and item 6 for corporations and partnerships. Also, at the bottom of the Form the County Committee will establish the maximum EM loan entitlement for production and physical losses based on the applicant's certification of disaster losses and the County Supervisor's calculations and verification of losses; also the amount of annual operating expenses, and other authorized EM loan purposes.

(b) The County Committee will indicate the Disaster Designation Number under which the loan is being made in the blank space on Form FmHA 440-2.

(c) If it is found, after an applicant has been certified as eligible, that there was a change in the amount of actual losses, or needs for other authorized purposes, it will be necessary for the County Committee to again certify the applicant as eligible on the basis of the changed circumstances if a larger loan is to be made. When the County Committee has agreed to certify an increase over the original amount certified, a new Form FmHA 440-2 will be prepared and executed. A notation will be made in the blank space on Form FmHA 440-2 that the County Committee has again reviewed the applicant's situation and certified for an additional amount rather than \$----- shown on Form FmHA 440-2 dated-----. The Form FmHA 440-2 previously executed will be retained in the case files.

§ 1832.25 Planning The Farming Operation.

Form FmHA 431-2, "Farm and Home Plan," and Form FmHA 431-4, "Business Analysis—Nonagriculture Enterprise," if applicable, will be prepared in accordance with Subpart B of Part 1802 of this Chapter (FmHA Instruction 431.1). This planning process with the applicant is essential to making sound loans and, therefore, must receive careful attention in development of the loan docket. However, when the EM loan will not be for more than \$10,000, Tables A, B, C, D, and E of Form FmHA 431-2, may be left blank provided Form FmHA 410-1 is completed and is believed to accurately reflect the applicant's circumstances.

§ 1832.26 Tenure Agreement.

Generally, a copy of the lease agreement between tenant applicants and their landlords will be obtained and made a part of the loan docket. When that is not obtainable a statement setting forth the terms and conditions of

the agreement which are not clearly reflected in Form FmHA 431-2 will be

uled for payment in unequal annual installments.

subsequent major or natural disaster for which a MDDN, PEDN, SDDN, or SDAN

FmHA form	Name of form	Total number	Number signed by	Loan docket	Copy for borrower	Copy for others
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(2) The applicant has satisfactory tenure arrangements on the farm to be operated.



the agreement which are not clearly reflected in Form FmHA 431-2 will be prepared and made a part of the loan docket.

#### § 1832.27 Environmental impact requirements.

Compliance must be made with all applicable environmental impact requirements. Federal requirements that may be applicable are those contained in the National Environmental Policy Act of 1969 (42 U.S.C. 1251), the Federal Water Pollution Control Act (33 U.S.C. 1251), Executive Order 11738 (38 FR 25161), and State and local laws. Regulations with respect to the Clean Air Act, issued by the Environmental Protection Agency, are published at 38 FR 35310, December 27, 1973. Effluent guidelines and standards with respect to feedlots, issued by the Environmental Protection Agency, are published in the Federal Register for February 14, 1974 (39 FR 5704, 40 CFR, Part 412).

(a) *Environmental impact assessment.* For any reasonably large scale animal, fish, or poultry feedlots or holding facilities which are likely to have an effect on the environment for which an EM loan is being developed, the County Supervisor will complete Form FmHA 440-46, "Environmental Impact Assessment." Additionally, Form FmHA 440-46 will need to be completed on a smaller scale operation involving feedlots and holding facilities in a densely populated area.

(b) *Submission to State Director.* The completed Form FmHA 440-46, a copy of the application, and any additional comments the County Supervisor believes relevant to environmental consideration, will be forwarded by the County Supervisor to the State Director. Based on this submittal and any additional material the State Director may have concerning the proposed operations, the State Director will determine whether an environmental impact statement should be prepared. In making this determination and proceeding with subsequent steps, the State Director will follow the provisions of Part 1824 of this Chapter (FmHA Instruction 442.10) to the extent applicable to loans being made under this Regulation.

#### § 1832.28 National historic preservation.

The policies and regulations contained in Part 1890 of this Chapter (FmHA Instruction 440.10) apply to loans made under this Part 1832.

#### § 1832.29 [Reserved]

#### § 1832.30 Loan docket forms.

(a) *Promissory Note(s).* One or more notes will be prepared for the full amount of the loan, rounded to the nearest \$10. Each scheduled installment will include interest in addition to principal unless deferment of principal is authorized in accordance with § 1832.21(c). The first installment may not be less than the amount equal to interest on the loan from the estimated date or actual date of closing to installment due date.

(1) Form FmHA 441-1, "Promissory Note," will be used when a loan is sched-

uled for payment in unequal annual installments.

(2) Form FmHA 440-16, "Promissory Note," will be used when a loan is scheduled for payment in equal annual installments of two years or more. "EM" will be inserted in the appropriate box.

(3) When the applicant is a partnership, the promissory note(s) will be executed so as to evidence the liability of the partnership as well as each partner as an individual. This will be accomplished by typing the name of the partnership above the space provided for signatures and having the note executed by each member of the partnership both as a partner and as an individual. To evidence the liability of the partnership, the words "As Partners" will be typed immediately beneath the name of the partnership and each partner will sign thereunder. To evidence the partners' liability as individuals, the words "As Individuals" will be typed at the top of the blank space to the left of the lines for signatures, and each partner will sign thereunder, along with his spouse if required by State Instructions or loan closing instructions.

(4) When the applicant is a corporation, the promissory note(s) will be executed by the corporation acting through its appropriate officials and, in order to evidence their personal liability for the debt, by the principal stockholders as individuals, except in unusual circumstances including legal disability, absence from the country, or legal justification. The name of the corporation will be typed above the space provided for signatures, and the name and title of each official to sign for the corporation will be typed below his signature. To evidence the principal stockholders' liability as individuals, the words "As Individuals" will be typed at the top of the blank space to the left of the lines for signatures, and each principal stockholder will sign thereunder, along with his spouse if required by State Instructions or loan closing instructions.

(b) *Form FmHA, 440-1, "Payment Authorization."*

(1) Separate Forms FmHA 440-1 will be prepared for each promissory note.

(2) In the "Type of Assistance" block insert "EM" and the disaster designation number under which the loan is approved. Example: EM-M421.

(3) EM loans approved for borrowers presently indebted for an EM loan, but having NEW qualifying losses from a

subsequent major or natural disaster for which a MDDN, PEDN, SDDN, or SDAN has been assigned, will show the new appropriate disaster designation number. This number will be used for all subsequent EM loans approved unless the borrower has new qualifying losses from a different disaster for which another disaster designation number has been assigned.

(4) The Finance Office will not process EM loan dockets that are not coded with a disaster designation number.

(c) *Form FmHA 441-5, "Subordination Agreement."* When a subordination agreement is required on crops, livestock, farm equipment, and other chattel property, including items which have become personal property through execution of a severance agreement, Form FmHA 441-5, or other form approved by the State Director with the advice of the OGC, where Form FmHA 441-5 is not legally sufficient, will be used. Subordinations will be for a specified amount of money rather than for a specific period of time.

(d) *Form FmHA 440-6, "Severance Agreement."* This form will be used when required by State Instructions.

(e) *Form FmHA 440-26, "Consent and Subordination Agreement."* Unless otherwise provided by a State Instruction this form, rather than a severance agreement, will be used in Uniform Commercial Code (UCC) States when a security interest is taken in property after it has become a fixture.

(f) *Form FmHA 441-13, "Division of Income and Nondisturbance Agreement."* Form FmHA 441-13 will be used when it is necessary to obtain a division of income and nondisturbance agreement from prior lienholders.

(g) *Form FmHA 441-10, "Nondisturbance Agreement."* Form FmHA 441-10 will be used when it is necessary to obtain a nondisturbance agreement from creditors of an applicant who are in a position to interfere with the applicant's operations. Generally, nondisturbance agreements will be for the first full operating year after the EM loan is made. However, agreements may be for longer periods with the consent of the other creditor or creditors.

#### § 1832.31 Loan Docket Summary.

The following loan docket forms will be prepared and distributed in accordance with instructions available in all FmHA Offices (Form manual inserts).

FmHA form No.	Name of form	Total number of copies	Number signed by borrower	Loan docket	Copy for borrower	Copy for others
400-4 <sup>1</sup>	Nondiscrimination agreement...	2	2, original and copy.	1 original...	1 copy....	
402-1 <sup>1</sup>	Deposit agreement.....	3	3, original and copy.	1 original...	1 copy....	1 signed copy to bank.
402-5 <sup>1</sup>	Deposit agreement (non-FmHA funds).....	4	3, original and 2 copies.	1 original...	1 copy....	1 signed copy to each bank and other lender.
403-1 <sup>1</sup>	Debt adjustment agreement.....	3	3, original and copy.	1 original...	1 copy....	1 copy to creditor.
410-1	Application for FmHA services (attachments).....	1	1, original...	1 original...	1 copy....	
422-1 <sup>1</sup>	Appraisal report—farm tract.....	1	1, original...	1 original...	1 copy....	
427-1 <sup>1</sup>	Real estate mortgage or (State) deed of trust for— Assignment, pledge, or other security interest in stock, or other evidence of ownership.	1	1, original...	1 original...	1 copy....	

FmHA form No.	Name of form	Total number of copies	Number signed by borrower	Loan docket	Copy for borrower	Copy for others
431-2	Farm and home plan.....	1	1 original...	1 original...	In record book.	1 copy to land-lord.
431-4	Business analysis—nonagriculture enterprise.....	2	2, original and copy.	1 original...	1 copy....	
440-1	Timber management plan <sup>1</sup> .....	3	3, original and copy.	1 original...	1 copy....	
440-2	Payment authorization.....	1	1, original...	1 original...	1 copy....	
440-2	County committee certification or recommendation.....	3	2, original and copy.	1 original...	1 original...	1 signed copy to land-lord.
440-4 <sup>1</sup>	Tenure agreement <sup>1</sup> .....	3	3, original and copy.	2, original and copy.	1 copy....	
440-4A <sup>1</sup>	Security agreement (chattels and crops).....	3	3, original and copy.	2, original and copy.	1 copy....	
440-4A <sup>1</sup>	Security agreement (crops).....	3	3, original and copy.	2, original and copy.	1 copy....	
440-6 <sup>1</sup>	Severance agreement.....	3	3, original and copy.	2, original and copy.	1 copy....	1 copy to each part to agreement.
440-9 <sup>1</sup>	Supplementary payment agreement.....	2	2, original and copy.	1 original...	1 original...	
440-16 <sup>1</sup>	Promissory note.....	4	4, original and copy.	3, original and copy.	1 copy....	
440-21 <sup>1</sup>	Appraisal of chattel property.....	1	1, original...	1 original...	1 copy....	
440-25 <sup>1</sup>	Financing statement.....	3	3, original and copy.	1 original...	1 copy....	1 original in public record file.
440-26 <sup>1</sup>	Consent and subordination agreement.....	3	3, original and copy.	1 original...	1 copy....	1 copy to each part to agreement.
440-32 <sup>1</sup>	Request for statement of debts and collaterals.....	3	3, original and copy.	1 original...	1 copy....	1 original to other creditor.
440-41 <sup>1</sup>	Disclosure statement for loans secured by real estate.....	(9)	9, original and copy.	1 original...	1 copy....	
440-43 <sup>1</sup>	Notice of right to rescind.....	(9)	9, original and copy.	1 original...	1 copy....	
440-45 <sup>1</sup>	Nondiscrimination certificate (individual housing).....	2	2, original and copy.	1 original...	1 copy....	
440-46 <sup>1</sup>	Environmental impact assessment.....	2	2, original and copy.	1 original...	1 copy....	State director.
441-1	Promissory note.....	3	3, original and copy.	1 original...	1 copy....	
441-5 <sup>1</sup>	Subordination agreement.....	2	2, original and copy.	1 original...	1 copy....	
441-8 <sup>1</sup>	Assignment of proceeds from the sale of agricultural products.....	3	3, original and copy.	1 original...	1 copy....	1 signed, purchaser.
441-10 <sup>1</sup>	Nondisturbance agreement.....	3	3, original and copy.	1 original...	1 copy....	1 copy to lien-holder.
441-12 <sup>1</sup>	Agreement for disposition of jointly-owned property.....	1	1, original...	1 original...	1 copy....	
441-26	County supervisor's calculations and verification of qualifying production losses.....	1	1, original...	1 original...	1 copy....	
441-18 <sup>1</sup>	Consent to payment of proceeds from sale of farm products.....	3	3, original and copy.	1 original...	1 copy....	1 signed copy to purchaser.
441-22	Certification of disaster losses.....	1	1, original...	1 original...	1 copy....	
441-25 <sup>1</sup>	Running case record.....	4	3, original and 2 copies.	1 original...	1 copy....	1 signed copy to purchaser.
441-13 <sup>1</sup>	Assignment of proceeds from the sale of dairy products and release of security interest.....	3	3, original and copy.	1 original...	1 copy....	1 copy to lien-holder.
441-29	Division of income and nondisturbance agreement.....	2	2, original...	1 original...	1 copy....	1 to ASCS.
441-29	ASCS verification of farm production history and payments.....	2	2, original...	1 original...	1 copy....	

<sup>1</sup> When applicable.

<sup>2</sup> Original and copy to finance office. Original returned to county office after loan approval.

<sup>3</sup> Copy to finance office after loan is closed.

<sup>4</sup> Original to borrower; copy to each person who has right to rescind; copy retained by FmHA in right to rescind cases.

<sup>5</sup> Original and 1 copy to borrower; 2 copies to each person who has right to rescind; copy retained by FmHA.

(a) The documents to be submitted will be examined thoroughly by the County Office Clerk to make sure that they are complete as to dates, signatures, and mechanical accuracy. For loans requiring approval other than in the County Office, the loan submission will consist of the required documents enumerated above and all of the applicant's County Office case folders.

(b) After the documents have been assembled, the loan approval official will make the determinations required in § 1832.32.

#### § 1832.32 Loan Approval or Rejection.

Loans will be approved in accordance with the authorities and provisions contained in this Part 1832 and the loan approval conditions and authorities con-

tained in Subpart B of Part 1810 of this Chapter (FmHA Instruction 440.2).

(a) *Approval After Termination Date for Receiving Applications.* Applications for EM loans may be approved after expiration of the period for receiving such applications under a designation provided they were filed in the County Office before the termination date for receiving applications had expired except for subsequent loans.

(b) *Administrative Determination and Responsibilities.* When the County Committee certification has been made the loan approval official will determine administratively whether:

(1) The applicant is eligible and likely to be successful in the proposed operations and to achieve the objectives of the loan.

(2) The applicant has satisfactory tenure arrangements on the farm to be operated.

(3) The proposed farm and home operations of the applicant are reasonably sound.

(4) The loan is proper and can be repaid from farm or other income as scheduled.

(5) The security requirements can be met.

(6) The certification required of the applicant and County Committee have been made and are a part of the loan docket.

(7) The loan meets all other FmHA requirements.

(c) *Approval of loan.* If the loan is to be approved the loan approval official will date and sign Form FmHA 440-1. The loan approval official also will set forth any special conditions of approval, including any special security requirements, in the running record or by letter. The original and an unsigned copy will be forwarded to the Finance Office with a copy of the letter from the National Office authorizing approval of the loan when such authorization is required. The other copy of Form FmHA 440-1 will be dated and signed by the loan approval official and mailed to the applicant on the date of approval along with a letter advising the applicant of any condition the approval is subject to.

(d) *Rejection of loans.* If a loan is rejected, the loan approval official will indicate the reasons for the rejection in the running case record. The County Supervisor will notify the applicant by letter of the reason(s) for rejection.

#### § 1832.33 Taking Security Instruments.

a *Chattels and crops.*

(1) *Forms To Be Used.* Form FmHA 440A25, "Financing Statement," or Form FmHA 440-25 and Form FmHA 440-4, "Security Agreement (Chattels and Crops)," or Form FmHA 440-4A, "Security Agreement (Crops)," as appropriate will be used to obtain security interest in personal property in UCC States unless State Instructions provide for the use of other forms. State Instructions also will provide information as to whether Form FmHA 440A25 or Form FmHA 440-25 will be used. Although only the Financing Statement is required to be filed or recorded, it is necessary to also take a Security Agreement in order to have a complete security instrument. Form FmHA 440-4 LA, "Chat-tel Mortgage and Crop Pledge (Louisiana)," or Form FmHA 440-4A LA, "Crop Pledge (Louisiana)," as appropriate, will be used in the State of Louisiana.

(2) *Describing Security Property on Security Instruments.* The printed forms of the FmHA Financing Statement describe certain types of collateral. If items of collateral not covered under those types are to serve as security, they should be described by types or individual items in the space provided in the Financing Statement for that purpose. Unless otherwise provided by State Instructions, animals, birds, fish, and so

forth should be described by groups on time under the UCC, the procedure in paragraph (a) (3) (i) of this section with

ancing Statements), or the cost of making lien searches, Form FmHA 440-12,

hicles and motor boats or any special type of security. The State Instructions will also supplement paragraph (a) (10)

the UCC, lien searches need be obtained for subsequent loans only when an additional Financing Statement is required.

(1) Complete Form FmHA 440-10 in accordance with instructions available in all FmHA Offices (FMI).



forth should be described by groups on the Security Agreement. The serial or motor number should be shown for only major items of equipment. If a security interest is to be taken in property such as inventory, supplies, recreation, or other nonfarm equipment or fixtures which cannot be readily described under the column headings of items 2 or 3, as appropriate, of the Security Agreement, an appropriate description of such property will be inserted in item 2 or 3 below the other property described in the item of the security agreement without regard to the column headings. The advice of the OGC will be obtained in individual cases as to how to describe in the Financing Statement and Security Agreement items such as grazing permits, milk bases, and membership or stock in cooperative associations, unless the subject is covered by a State Instruction. The property to be described on security instruments should be reconciled with any existing security instruments and Form FmHA 462-1, "Record of the Disposition of Security Property."

(3) *When To Take Security Instruments.*

(i) *Initial loans.* The Financing Statement will be filed and the Security Agreement executed no later than the date of execution of the promissory note. When the initial Security Agreement does not describe individually or by groups all of the collateral that is to serve as security, an all inclusive Security Agreement will be taken as soon as all the security property has been purchased. Form FmHA 440-4 LA and FmHA 440-4A LA will be taken in Louisiana in initial loan cases in accordance with State Instructions.

(ii) *Subsequent loans.*

(A) *Financing statements.* A filed FmHA Financing Statement is effective for a period of five years from the date of filing and as long thereafter as it is continued as provided in Subpart A of Part 1871 of this chapter (FmHA Instruction 462.1). If the filed Financing Statement is still effective and covers all types of collateral that are to serve as security for the subsequent loan and describes the land on which crops or fixtures are or are to be located, a new Financing Statement will not be required. However, when a new Financing Statement is needed, it will be filed no later than the date of execution of the subsequent promissory note. Form FmHA 440-4A LA will be taken in Louisiana in subsequent loan cases in accordance with State Instructions.

(B) *Security Agreements.* An additional Security Agreement will not be taken in connection with a subsequent loan if the existing Security Agreement covers all types of collateral that are to serve as security for the subsequent loan; describes the land on which the crops or fixtures are or are to be located; and was taken within one year before the crops become growing crops, unless otherwise provided by a State Instruction.

(C) *Subsequent loan.* If a subsequent loan is being made and the EM loan indebtedness is being secured for the first

time under the UCC, the procedure in paragraph (a) (3) (i) of this section with respect to securing initial loans will be followed.

(4) *Executing Security Instruments.* County Office employees authorized to receive collections are authorized to execute any legal instruments necessary (listed in Exhibit C of FmHA Instruction 451.2) are authorized to execute any legal instruments necessary to obtain or preserve security for loans. This includes Financing Statements, chattel mortgages and similar lien instruments, and severance agreements, consent and subordination agreements, affidavits, acknowledgments, and other instruments.

(5) *Filing or Recording Security Instruments.* Ordinarily, in UCC States Financing Statements will be delivered or mailed to the filing officer(s) for filing or recording, whichever is appropriate, when the loan is approved. However, when this is not practical, the Financing Statement may be filed at a later date, but not later than the first withdrawal of loan funds from the supervised bank account or delivery of the check to the borrower. If crops or other property of the borrower are or are to be located in a State other than that of a borrower's residence, the County Supervisor servicing the loan will contact the County Supervisor in the other State for information as to the security instruments to be used and the place(s) of filing or recording in the other State. The Financing Statement will be filed as required by State Instructions. Security Agreements will not be filed or recorded unless otherwise provided in State Instructions because of special State law requirements. Form FmHA 440-4 LA or Form FmHA 440-4A LA will be filed or recorded in Louisiana as provided by State Instruction.

(6) *State Instructions.* The taking and filing or recording of security instruments for EM loans to aquaculture operations will be in accordance with this Subpart A unless it is determined, with the assistance of OGC that a State Instruction is needed for certain aquatic organisms.

(7) *Perfecting a Purchase Money Security Interest in Inventory.* In order to perfect a purchase money security interest in inventory, it is necessary, on or before the time the debtor receives possession of the inventory, to obtain a Security Agreement and file a Financing Statement as required by this Subpart A and notify in writing any parties who are known to have a security interest in such inventory or who have filed a Financing Statement covering the inventory. The notice must describe the inventory by item or type.

(8) *Fees.* Statutory fees for filing or recording Financing Statements, mortgages, or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds or from the proceeds of the loan. Whenever cash is accepted by FmHA personnel to be used to pay the filing or recording fees for security instruments (including Fi-

ancing Statements), or the cost of making lien searches, Form FmHA 440-12, "Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees," will be executed. FmHA personnel who accept custody of such fees will make it clear to the borrower that the amount accepted is not received by the Government as credit on the borrower's indebtedness, but is accepted only for the purpose of paying the recording, filing, or lien search fees on behalf of the borrower.

(9) *Retention and Use of Security Agreements.*

(i) *Originals.* Original executed Security Agreements will not be altered, and will not be disposed of when new Security Agreements are taken.

(ii) *Work copy.* Information with respect to changes in security property will be noted only on the work copy. When an additional Security Agreement covering all collateral for the indebtedness is taken, the work copy used in preparing the additional Security Agreement may be destroyed.

(10) *Future Advance and After-Acquired Property Clauses and Special State Statutes.* The after-acquired property and future advance provision of Security Agreements in UCC States will be considered valid in all respects unless otherwise provided in a State Instruction.

(i) *Future advance provision.* A properly prepared, executed, and filed or recorded FmHA Financing Statement and a properly prepared and executed FmHA Security Agreement give FmHA a security interest in the property described thereon to secure any operating or EM loan indebtedness owed by the debtor, including any such future loans, advances, or expenditures and any other FmHA debts evidenced by notes and any advances or expenditures made in connection with the debts evidenced by such notes.

(ii) *After-acquired property provisions.* Any after-acquired property, except fixtures, of the same type as described individually, by groups, specifically, or generally on the Financing Statement and Security Agreement will serve as security for the debt covered thereby. The after-acquired property clause in the Security Agreement will encumber crops grown on the land described in the Security Agreement and Financing Statement provided they are planted or otherwise become growing crops within one year after the execution date of the Security Agreement, or such other period as provided by State Instructions. Except as set forth in § 1871.33(a) (4) of this chapter (paragraph XIII A 4 in FmHA Instruction 455.1), such FmHA after-acquired security interests take priority over other security interests perfected after the FmHA Financing Statement was filed.

(11) *State Instructions.* In addition to the State Instructions referred to in paragraph (a) (1) through (10) of this Section, State Instructions will be issued, as necessary, to provide additional procedure for taking liens on motor ve-

hicles and motor boats or any special type of security. The State Instructions will also supplement paragraph (a) (10) of this section with respect to the "future advance" and "after-acquired property" clauses of security instruments. The State Instruction will set forth the requirements with respect to filing or recording of security instruments if the borrower is not a resident of the State, but is conducting some operation in the State. This is for use when County Supervisors in other States request such information in accordance with paragraph (a) (6) of this section.

(b) *Taking real estate security.*

(1) *Use of Form FmHA 427-1 (State).* This form will be used in taking liens on real estate. It will be prepared, executed, and filed or recorded in accordance with State Instructions and any additional instructions received from the escrow agent or the OGC as appropriate.

(2) *Title Clearance.* Title clearance and the closing of EM loans which are to be secured by real estate liens will be in accordance with the requirements of Part 1807 of this chapter (FmHA Instruction 427.1) as modified by § 1832.22 (g) and (h).

§§ 1832.34-1832.35 [Reserved]

§ 1832.36 *Loan Closing.*

(a) *Check delivery.* County Office employees authorized to receive collections (listed in Exhibit C of FmHA Instruction 451.2) will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly on Form FmHA 440-8, "Notice of Check Delivery." Following loan closing, when a supervised bank account is required and the depository bank does not require the borrower's endorsement for deposit, the County Supervisor may deposit the loan check in the supervised bank account and furnish the borrower a copy of the deposit slip. Loan funds for the payment of interest-only installment(s) will be collected when the loan is closed. The notation "For deferred installment interest" will be entered on Form FmHA 451-2, "Schedule of Remittances."

(b) *Form FmHA 440-13, "Report of Lien Search."* Form FmHA 440-13 or other form providing substantially the same information will be prepared.

(1) Lien searches will be obtained at a time which will assure that the security instruments give the Government the required security. Under this policy the lien search normally will be obtained at the time the Financing Statement (mortgage or crop pledge in Louisiana) is filed or recorded. Lien searches may be obtained after that date, but not later than the first withdrawal of any loan funds from the supervised bank account or delivery of the check to the borrower. When necessary in individual cases, initial lien searches may be obtained in connection with processing applications provided continuation searches are obtained not later than the times prescribed in this paragraph (b) (1). Under

the UCC, lien searches need be obtained for subsequent loans only when an additional Financing Statement is required. That is, when crops or fixtures to be taken as security are or are to be located on land not described on the existing Financing Statement or property not otherwise covered by the Financing Statement is to be taken as security for the EM loan debt.

(2) Except as otherwise provided in paragraph (b) (2) (i) and (ii) of this section, applicants are required to obtain and pay the cost of lien searches. County Supervisors will make inquiries locally concerning the available sources through which satisfactory lien searches can be obtained at nominal cost to the applicants. However, applicants should select the sources through which lien searches are made. The cost of lien searches may be paid from the proceeds of loan checks when necessary.

(i) County Office employees may make continuation lien searches.

(ii) State Directors may authorize the employees of a particular County Office unit to make lien searches without cost to applicants when the cost of lien searches is exorbitant; such service is not available; or experience has shown that the service available will cause undue delay in closing loans or make it difficult to comply with the provisions of paragraph (b) (1) of this section.

(3) State Directors, with the advice of the OGC, will issue State Instructions as necessary setting forth the minimum requirements for lien searches, including the records to be searched and the respective periods to be covered.

(c) *Supervised bank accounts.* EM loan funds will be handled as provided in Part 1803 of this chapter (FmHA Instruction 402.1). When a loan is made to reimburse an applicant for expenditures he has already made, the loan check may be turned over directly to him after such prior expenditures have been reasonably verified by the County Supervisor and he documents this verification in the borrower's county case file.

§ 1832.37 *Cancellation of Loan Checks and Advances.*

(a) When a loan check cannot be delivered or is lost or destroyed, the County Supervisor will notify the Finance Office by telegram, telephone, or memorandum giving name, case number, and address of the borrower, the amount of the check and whether the loss occurred prior or subsequent to release of the check to the borrower in accordance with established FmHA procedure (FmHA Instruction 102.1).

(b) If a loan check is to be canceled, the County Supervisor will return the check with Form FmHA 440-10, "Cancellation of Loan or Grant Check and/or Obligation," to the Disbursing Center, United States Treasury Department, Post Office Box 3329, Kansas City, Kansas 66103. Copies of Form FmHA 440-10 will be furnished to the Finance Office and the State Office.

(c) When an advance is to be canceled, the following actions must be taken:

(1) Complete Form FmHA 440-10 in accordance with instructions available in all FmHA Offices (FMI).

(2) When necessary prepare and execute a substitute promissory note reflecting the revised total of the loan and the revised schedule. When it is not possible to obtain a substitute promissory note, the County Supervisor will show on Form FmHA 440-10 the revised amount of the loan and the revised repayment schedule.

(3) Transmit to the Finance Office Form FmHA 440-10 and a copy of the promissory note as prepared in accordance with paragraph (c) (1) and (2) of this section.

§ 1832.38 *Revision of the Use of EM Loan Funds.*

(a) Loan approval officials are authorized to approve changes in the purposes for which loan funds are to be used provided:

(1) The loan was within the respective loan approval official's authority.

(2) Such a change is for an authorized purpose and within applicable limitations.

(3) Such a change will not adversely affect the feasibility of the operation or the Government's interest.

(4) Such a change is consistent with authorities, policies, and limitations for making EM loans.

(b) The State Director may delegate additional authority to approval officials to approve certain kinds of changes in the use of loan funds by issuing a State Instruction describing such changes, provided prior approval is obtained from the National Office.

(c) When changes are made in the use of loan funds, no revision will be made in the repayment schedule on the promissory note. Appropriate changes with respect to the repayments will be made in Table K of Form FmHA 431-2 and they will be initialed by the borrower. The County Supervisor will also make appropriate notations in the "Supervisory and Servicing Actions" section of the Management System Card-Individual for followup.

§ 1832.39 *Borrower's Case Number.*

The case number should be the applicant's Social Security or Internal Revenue Service (IRS) tax number, whichever is appropriate. If such party is an individual, his or her Social Security number should be used. If such party is husband and wife, the husband's Social Security number will be used. If such party objects to the use of the Social Security number, a case number will be assigned. If such party is a legal entity, its IRS tax number will be used. The applicant's Social Security or IRS tax number preceded by State and County code numbers will constitute the entire case number to be used on all FmHA forms.

§ 1832.40 *Reporting EM Loan Disaster Lending Activity.*

Reports will be made in accordance with applicable FmHA regulations (FmHA Instruction 492.7).

§§ 1832.41-1832.42 [Reserved]

tive will attend any meeting called by FDAA to discuss Federal assistance under the dis-

5. Slaughter and/or dressing of livestock and poultry acquired solely for that purpose

B. It is further recognized by both agencies that FmHA Emergency loan security requirements are more stringent and more

The Chairman of the SEB is the ASGS State Executive Director. FmHA State Directors are members of the SEB's. In an emergency,

tion History and Payments," will be used for this purpose.

3. ASGS ACTION: The ASGS county offices



§§ 1832.41-1832.42 [Reserved]  
§ 1832.43 Additional EM Loans.

Additional EM loans may be made for the same purposes and under the same conditions as an initial EM loan under the following conditions.

(a) When the applicant did not obtain a loan for the full amount of the actual loss authorized as reflected by the loss statement he filed, the applicant may within one year after the statement is filed be considered for an additional loan, based on his initial application, for all or a portion of the loss balance not requested initially.

(b) Additional loans for reorganization of the farming operation made under § 1832.20(c) of this section must be made within one full-crop year after the designation date.

(c) New appraisal reports of real estate will not be required if the appraisal report in the file is not over two years old unless the approval official requests a new appraisal report. Any changes in the value of real or chattel security will be recorded, dated and initialed by the authorized appraiser on the appropriate appraisal reports in the file.

#### APPENDIX I

##### RELATIONSHIP BETWEEN FARMERS HOME ADMINISTRATION (FmHA) AND THE FEDERAL DISASTER ASSISTANCE ADMINISTRATION (FDAA)

I. When a major disaster or emergency declaration is made by the President, the FDAA is the agency charged with the responsibility for seeing that disaster assistance is made available to disaster victims. Also, that agency is responsible for coordinating the actions of other Federal agencies who have programs to provide disaster assistance. A Federal Coordinating Officer (FCO) is appointed for each major disaster or emergency to coordinate Federal assistance in the disaster area.

II. After a request for a major disaster or emergency declaration is made by the Governor of a State, FDAA through its Regional Director is responsible for obtaining necessary information on losses and damages to respond to the request.

III. Over the years FDAA and FmHA have had a very good working relationship. However, we have never formalized an agreement. Such an agreement is in the process of being developed and will be issued when completed. Until such time as the agreement is completed the following policy will be followed by State Directors in working with FDAA. Any exception to these guidelines must be approved by the National Office.

A. When a request is made by FDAA for information on losses and damages caused by a natural disaster, FDAA will be advised to contact the State Emergency Board (SEB) Chairman. USDA State Emergency Memorandum No. 54 provides that the SEB and County Emergency Board (CEB) will prepare the Department's "Damage Assessment Report." State Directors and County Supervisors should cooperate with SEB and CEB Chairmen in preparing the reports.

B. When an FmHA State Director is advised by FDAA that a major disaster or emergency has been declared, he will authorize the receiving of Emergency (EM) Loan applications in the counties given him by FDAA. However, no EM loan can be approved until the National Office makes such authorization in accordance with § 1832.10(a). Also, the State Director or his authorized representa-

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tive will attend any meeting called by FDAA to discuss Federal assistance under the disaster declaration. The State Director will advise the SEB Chairman of any meeting called by FDAA.

C. If a request is made by FDAA for FmHA employees to man FDAA's "Disaster Assistance Centers," it will be advised to contact the SEB Chairman. USDA State Emergency Memorandum No. 54 provides that the SEB Chairman shall select qualified U.S. Department of Agriculture (USDA) personnel to represent USDA at each Center. State Directors should cooperate with the SEB Chairman in providing personnel for these Centers.

D. If FDAA requests State Directors for disaster lending activity reports, it will be advised that reports cannot be made more often than monthly as established by applicable FmHA regulations (FmHA Instruction 492.7). However, State Directors, as authorized by applicable FmHA regulations paragraph III B 4 of FmHA Instruction 492.7, "Report of EM Loan Applications," more frequently than monthly, but not more often than weekly, if they need the information in administering the EM loan program.

#### APPENDIX II

##### MEMORANDUM OF UNDERSTANDING BETWEEN SMALL BUSINESS ADMINISTRATION (SBA) AND THE UNITED STATES DEPARTMENT OF AGRICULTURE-FARMERS HOME ADMINISTRATION (FmHA) PERTAINING TO DISASTER TYPE LOAN ASSISTANCE FOR AGRIBUSINESS AND FARMING ENTERPRISES

I. General: While recognizing that the determination of eligibility of an agribusiness activity for disaster type loan assistance from SBA or FmHA is solely within the jurisdiction and responsibility of each respective agency, this Memorandum of Understanding is herewith set forth as a means for further clarifying which agency will assume the responsibility of handling disaster loan applications from various types of agribusinesses. The objectives of this Memorandum are to (a) assure that intended recipients of Federal disaster assistance are served, (b) define the areas of responsibility for each of the two agencies, and (c) enable both agencies to serve the victims of natural disasters more expeditiously with personnel having greater expertise in a particular type enterprise.

#### II. Definitions:

Agribusiness is defined as farming and the businesses associated with the productions, handling, processing, storing and marketing of agricultural commodities.

Farming is defined as the business of producing crops, livestock and livestock products through the management of land, labor, capital and basic raw materials, e.g., seed, feed, fertilizer and fuel.

III. Guidelines: An applicant (individual, partnership, or corporation) for SBA or FmHA disaster type loan assistance must have had one or more of the following type enterprises in operation at the time of the designated disaster.

A. Types of enterprises eligible to apply for SBA Disaster Loan Assistance.

1. Purchase for resale of commodities such as fruits, vegetables, flowers, ornamental shrubbery, etc.

2. Purchase of livestock and poultry for immediate or short-term resale, e.g., by livestock dealers or brokers.

3. Feeding of livestock in specialized facilities as a service to others or as an entity which operates independent of a producing farm enterprise.

4. Packaging, freezing, canning or processing, of any nature, of meats, fish, fruits, and vegetables acquired solely for that purpose from others, or as a service to others.

5. Slaughter and/or dressing of livestock and poultry acquired solely for that purpose from others, or as a service to others.

6. Operation of hatcheries for the production of baby chicks or turkey poulters primarily for resale where the hatchery does not maintain its own breeding flocks in its own facilities.

7. Purchase and operation of harvesting combines or other machinery, warehouses, cold storage plants, feed mills, etc., primarily as a service to others or on a rental or "for hire" basis.

8. Extension of landscaping, farm management or any advisory assistance to others for a fee.

9. Trapping of lobsters, crabs, wild animals and other game.

10. Catching of fin fish or shell fish (including oysters) from public waters.

B. Types of enterprises eligible to apply for FmHA Emergency Loan Assistance.

1. Production of crops including:

(a) Field crops—feed, fiber and tobacco.

(b) Fruits, vegetables, nuts, greenhouse crops and mushrooms.

(c) Flowers, ornamental plants, shrubs and trees, and sod.

(d) Nursery stock for fruits and nuts.

(e) Vegetables and small fruit plants for transplanting.

2. Production and/or feeding of livestock or poultry including milk and egg production in the applicants own facilities. This would not include feeding operations which functioned primarily as a service to others.

3. Operation of hatcheries for the production of baby chicks or turkey poulters where the hatchery maintains its own breeding flocks in its own facilities, regardless of whether the hatchery raises those chicks or poulters, or sells them.

4. Operation of hydroponic farms.

5. Production of fur bearing animals, game animals or game birds.

6. Production of fish under controlled conditions for human consumption, e.g., catfish and trout.

7. Production of oysters under controlled conditions—oyster planters.

IV. Handling applications from victims having both farm and other agribusiness enterprises:

A. It is recognized by both agencies that a disaster victim may suffer losses in both farm and other agribusiness enterprises which would make him eligible for assistance from both agencies; and recognizing further that FmHA has the legislative authority to make disaster type loans to assist nonfarming agribusiness enterprises, it is hereby agreed that each agency will handle disaster loan applications in accordance with the following:

1. FmHA

(a) Applications pertaining to farm enterprises, regardless of the significance of that farming enterprise(s) to the applicant's total operation, when the applicant is an individual. When the applicant is a partnership or a corporation, it must be engaged primarily in farming, or

(b) Applications pertaining to operators whose primary enterprise(s), based on gross income, is farming, and who are also engaged in other agribusinesses to an incidental degree.

2. SBA

(a) Applications pertaining to operations which consist solely of agribusiness(es) other than farming enterprises, or

(b) Applications pertaining to agribusiness enterprises(s), other than farming, when farming enterprises do not constitute the primary portion of the total operation. Losses sustained to any farming enterprise(s) may still be eligible for assistance from FmHA as described in IV A 1 a.

B. It is further recognized by both agencies that FmHA Emergency loan security requirements are more stringent and more limiting and, therefore, it is further agreed that in those cases where it becomes necessary for both agencies to make separate loans to the same applicant, the following understandings will prevail:

1. Appropriate field representatives of both agencies, in consultation with the applicant, will arrive at a mutual understanding regarding:

(a) The loans to be made.

(b) The purposes for which loan funds will be utilized.

(c) The security required and to be taken by each agency.

(d) The distribution of income in repayment of the loans.

2. FmHA security requirements will take precedence.

3. All parties concerned will make the determination there will be sufficient repayment ability to adequately assure that the scheduled repayment installments can be met.

V. Referring Applicants: When referral of applicants between agencies is necessary, neither agency will inform the applicant that he is eligible for a loan from the other agency, nor will they inform the applicant that another agency is responsible for making him a loan. Such statements are misleading and result in confusion and poor public relations for the Federal Government. Therefore, referrals will be made with a statement that "the applicant may wish to contact the other agency as that agency can make loans for enterprises such as he is conducting."

It is recognized that not every applicant will meet the eligibility requirements for a disaster type loan. However, an agency's inability to make a loan to any applicant to finance an enterprise within the field of service of that agency will not be a basis for referring the applicant to the other agency for that part of his financing.

It is the intent of this Memorandum of Understanding that SBA will serve natural disaster victims who sustained losses to enterprises as defined in III A, and FmHA will serve those defined in III B of this Memorandum of Understanding.

This Memorandum of Understanding may be revised from time to time by written mutual consent of the agencies involved.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

THOMAS S. KLEPPE,  
Administrator,  
Small Business Administration.

APPENDIX III

##### MEMORANDUM OF UNDERSTANDING AND COORDINATION BETWEEN THE AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (ASCS) AND THE FARMERS HOME ADMINISTRATION (FmHA) PERTAINING TO DISASTER TYPE ASSISTANCE

I. GENERAL: Federal Agencies that provide financial assistance to farmers suffering losses as a result of natural disasters are required to ensure that there is no duplication of benefits under other programs. Also, the USDA through the State and County Emergency Boards and the member agencies is responsible for providing leadership to insure that the Department's emergency programs are implemented as needed in the field.

II. USDA STATE (SEB) AND COUNTY (CEB) EMERGENCY BOARDS:

A. Membership on Emergency Boards:

1. SEB.—There has been established in every state a SEB. The Board is composed of representatives of the seven USDA agencies having emergency responsibilities in the field.

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The Chairman of the SEB is the ASCS State Executive Director. FmHA State Directors are members of the SEB's. In an emergency, SEB's and member agencies provide leadership for USDA emergency programs at the state level.

2. CEB.—There has been established in nearly every county a CEB. Membership consists of representatives of each USDA agency having available personnel at the county level. The Chairman, in most cases, of the CEB is the ASCS County Executive Director. FmHA County Supervisors are members of the CEB's. In an emergency, CEB's and member agencies provide leadership for USDA emergency programs at the county level.

B. Responsibility for Reporting Disasters: USDA SEB's and CEB's and their member agencies are best qualified to accomplish assessment of rural and agricultural damages. Therefore, in accordance with "USDA State Emergency Memorandum No. 54," they are given the responsibility for reporting the occurrence of disasters. SEB and CEB chairmen shall call a meeting of their respective boards to prepare necessary reports as soon as possible after a disaster occurs which has significantly affected rural areas in their state or county. The FmHA State Director and County Supervisors shall cooperate with the chairmen of SEB's and CEB's.

C. Federal Disaster Assistance Administration (FDAA) Natural Disaster Assistance Centers: Where a major disaster has been declared by the President and the FDAA establishes such center or centers in the local disaster areas, the SEB chairman is responsible for the following:

1. Selecting a qualified USDA person to represent USDA at each center. He will consult with other board members in making the selection. FmHA State Directors will cooperate with the SEB chairmen in seeing that the centers are properly manned.

2. Orienting the selected person(s) on all current USDA disaster programs. FmHA State Directors will cooperate in this orientation to insure that the USDA representative at the center is familiar with FmHA Emergency loans and other loans of FmHA that could be of assistance to the disaster victims.

3. Informing FDAA that a USDA representative is available to help at each of the assistance centers.

D. ASCS and FmHA Coordination on Emergency Activities to Farmers and Ranchers:

1. AFFECTED ASCS PROGRAMS: FmHA Instruction 441.2 provides that ASCS disaster type program benefits are to be considered in determining a farmer's eligibility and the maximum amount of his Emergency (EM) loan. Therefore, the amount of any benefits received from ASCS disaster type programs, disaster payments (prevented planting and low yield) for wheat, feed grain, and upland cotton, cost-sharing payments under Emergency Conservation Measures (ECM), sugar abandonment or deficiency payments, and livestock feed programs (LFP) will be considered as compensation for losses.

2. FmHA ACTION: In counties where Emergency loans are authorized and ASCS disaster type programs are available, FmHA County Supervisors will:

a. Furnish the ASCS county offices with a listing of names and addresses of farmers and ranchers who have had an EM loan approved.

b. Request from the ASCS county offices, by name and address of each EM loan applicant, the following information: payments or benefits (disaster, ECM, sugar abandonment or deficiency payments, and LFP) made or to be made by ASCS to such applicant, ASCS records of acreages on the applicant's farm or farms, and established yields on crops used by ASCS. FmHA Form 441-29, "ASCS Verification of Farm Production History and Payments," will be used for this purpose.

3. ASCS ACTION: The ASCS county offices will:

a. Furnish the County Supervisor with the requested information.

b. In counties where EM borrowers have received EM loans and have:

(1) Received Disaster Payments or ECM Assistance Concerning the Same Loss. Issue such sight drafts to show the borrower and FmHA as joint payees and the drafts will be forwarded to the FmHA County Office.

(2) Applied for LFP Benefits Because of the Same Loss. Limit LFP benefits to the difference, if any, in the amount a producer actually borrowed from FmHA and the maximum amount he could have borrowed. In cases where a producer has obtained the maximum loan, he must first repay FmHA to the extent of any benefits he may wish to obtain under the LFP (the difference between the LFP sales price and the market price).

(3) Received Sugar Abandonment or Deficiency Payments. Will advise the FmHA County Office of the date and amount of such payment.

This memorandum of Understanding and Coordination may be revised from time to time by written mutual consent of the agencies involved.

KENNETH E. FRICK,  
Administrator, Agricultural  
Stabilization and Conservation Service.

Dated: April 23, 1975.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

Dated: April 18, 1975.

Effective date. This document shall be effective on September 12, 1975.

Dated: September 8, 1975.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc. 75-24244 Filed 9-11-75; 8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Deletion of Provisions for Dressed Poultry

● Purpose: The purpose of this document is to delete from the poultry products inspection regulations the present allowance for handling, marking, or importing dressed poultry. ●

Pursuant to the authority contained in section 14 of the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the poultry products inspection regulations are amended to delete certain provisions allowing the production, labeling, and movement between official establishments, and importation of dressed poultry.

Statement of Considerations. On September 7, 1973, there was published in the FEDERAL REGISTER (38 FR 24374) in accordance with the administrative procedure provisions in 5 U.S.C. 553, a notice of proposed rule-making under the Poultry Products Inspection Act to delete from the poultry products inspection regulations (9 CFR Part 381) those provisions

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sions allowing the production, labeling, and movement between official establishments or importation of dressed poultry.

other official establishment for further processing." is deleted, and the comma following the word "regulations" is

First, § 204.3 requires FEA employees in grade GS-15 or above to prepare written records of oral communications from

grade GS-15 and above to include all FEA employees in grade GS-11 and above. This amendment will effectively cover all FEA professional personnel

given under § 204.4. As previously noted, public disclosure was not required under § 204.4. In contrast, § 204.5 provides for routine availability and easy accessibility.

each Assistant Administrator, each Deputy Assistant Administrator, each Office Director, each Deputy Office Director, the General Counsel, each Deputy



sions allowing the production, labeling, and movement between official establishments or importation of dressed poultry. The proposed deletions contemplated no change with respect to the exemptions from certain restrictions of the Act and the regulations which are granted by the Administrator when necessary to avoid conflict with religious dietary requirements.

A total of three comments were received, all of which favored the proposal. Two of the comments were received from poultry industry groups, and one was received from a State agency responsible for the inspection of poultry in that State. In support of the proposal, all three respondents expressed the view that dressed poultry constitutes a health hazard because of the fact that a complete post-mortem inspection cannot be performed when the viscera remain in the carcass. The industry groups commenting on the proposal further pointed out that to their knowledge dressed poultry is no longer produced.

Therefore, after considering all information available to the Department, including the comments received pursuant to the notice, the poultry products inspection regulations (9 CFR Part 381) are amended as follows:

#### § 381.97 [Reserved]

1. Section 381.97 is revoked and reserved.

#### § 381.1 [Amended]

2. In § 381.1(b), the text of subparagraphs (14) and (15) are revoked and the subparagraph numbers are reserved; and in subparagraph (44) "dressed poultry" is deleted and "slaughtered poultry" is substituted therefor.

#### § 381.65 [Amended]

3. In § 381.65, paragraphs (d), (e), (f), (g), and (h) (2) are revoked and in paragraph (n), the words "dressed poultry and other" are deleted.

4. In § 381.66, the words "dressed and" are deleted from the first sentences of paragraph (a) and paragraph (f) (3); in paragraph (f) (1), the term "Dressed and ready-to-cook" is deleted and "Ready-to-cook" is substituted therefor; the first sentence in § 381.66(e) is revoked; and paragraph (f) (2) is amended to read as follows:

§ 381.66 Temperatures and chilling and freezing procedures.

(f) . . .

(2) ready-to-cook poultry shall be frozen in a manner so as to bring the internal temperature of the birds at the center of the package to 0°F. or below within 72 hours from the time of entering the freezer.

#### § 381.76 [Amended]

5. In § 381.76, paragraph (b) is revoked, and "(a)" in paragraph (a) is deleted.

#### § 381.190 [Amended]

6. In § 381.190(a), the clause "except that dressed poultry may be transported from one official establishment to another"

other official establishment for further processing," is deleted, and the comma following the word "regulations" is changed to a period.

#### § 381.195 [Amended]

7. In § 381.195(b), the words "or dressed" are deleted in the second sentence; and the third sentence is revoked.

8. Under § 381.197, in paragraph (b) the term "(Except for unviscerated poultry)" is deleted from the inspection certificate heading; paragraph (c) is revoked and paragraph (a) is amended to read as follows:

§ 381.197 Imported products; foreign inspection certificates required.

(a) Except as provided in §§ 381.207 and 381.209, each consignment containing any slaughtered poultry or other poultry product consigned to the United States from a foreign country shall be accompanied with a foreign inspection certificate substantially in the form illustrated in paragraph (b) of this section.

The regulatory provisions dealing with exemptions based on religious dietary laws are unchanged.

(Sec. 14, 71 Stat. 441, as amended, 21 U.S.C. 463; 37 F.R. 28464-28477)

It does not appear that further public rule-making procedure on these amendments would make additional relevant information available to the Department which would alter the decision. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further rule-making procedures are impractical and unnecessary.

These amendments shall become effective October 13, 1975.

Done at Washington, D.C. on: September 8, 1975.

F. J. MULHERN,  
Administrator, Animal and Plant  
Health Inspection Service.

[FR Doc. 75-24296 Filed 9-11-75; 8:45 am]

#### Title 10—Energy

#### CHAPTER II—FEDERAL ENERGY ADMINISTRATION

#### PART 204—RECORDS OF ORAL COMMUNICATIONS WITH PERSONS OUTSIDE FEA

##### Miscellaneous Amendments

Part 204 of the Federal Energy Administration's regulations was established to provide internal FEA procedures for preparing and maintaining records of communications and contacts between certain FEA employees and persons from outside the agency. The purpose of the Part 204 requirements is to maintain the integrity of FEA's decisionmaking process and to insure that agency programs and policies are developed and implemented in an open manner, thereby promoting public confidence in the agency.

Part 204 now contains three separate requirements relating to recording of "outside" contacts.

First, § 204.3 requires FEA employees in grade GS-15 or above to prepare written records of oral communications from "non-involved" persons expressing an opinion or viewpoint on a specific application, interpretation request, appeal, petition for special redress, investigation, or enforcement proceeding pending before FEA.

Second, § 204.4 requires certain senior FEA officials to keep "logs" or summaries of meetings concerning FEA policy questions conducted with persons from outside the agency. These summaries are required to contain the date and place of each meeting, the name of each participant at the meeting, the entities represented and a "brief summary of the subject matter or matters discussed".

Finally, § 204.5 requires certain FEA senior officials to prepare lists of all meetings that have occurred between such officials and persons from outside the agency during the preceding two-week period. All of the officials subject to this requirement are also required to keep meeting summaries under § 204.4.

The lists required under § 204.5 differ from the summaries required by § 204.4 in three material respects. First, the lists are to cover all meetings with individuals from outside FEA, irrespective of whether they are conducted to discuss policy questions. Second, the lists are routinely disclosed to the public through the Office of Public Affairs on a semi-monthly basis, whereas the summaries prepared under § 204.4 are maintained as part of the agency's internal files. Third, instead of the "brief summary" of matters discussed, the lists need only identify the general subject discussed.

The regulations were drafted with the goal of balancing the need for openness in agency transactions with the administrative burden which results from requiring such records to be maintained. Based upon the experience gained in the implementation of Part 204, certain amendments are deemed appropriate to further the goal of openness in the FEA decisionmaking process and at the same time to lessen the administrative burdens upon FEA's senior personnel. Accordingly, FEA is hereby amending §§ 204.3 and 204.5 and revoking § 204.4.

Section 204.3, as revised, would require all FEA employees in grade GS-11 and above to maintain written records of oral communications from "non-involved" persons expressing an opinion or viewpoint on specific matters pending before FEA. The purpose of this section when originally adopted was to insure that sources of influence that would not otherwise be readily apparent, such as "non-involved" parties to applications or proceedings before FEA, be identified and recorded in the appropriate case files.

Experience has indicated that there are few instances in which FEA personnel receive such oral communications, and accordingly the requirement of § 204.3 has not proven burdensome. In order to further the purpose of this section, it has been deemed appropriate to extend its coverage from persons in

grade GS-15 and above to include all FEA employees in grade GS-11 and above. This amendment will effectively cover all FEA professional personnel whose responsibilities would include the types of matters specified in Section 204.3. The effect of this change is to increase the likelihood that all oral communications from "non-involved" persons will be recorded in the files of the regulatory matters to which § 204.3 pertains.

Our experience with §§ 204.4 and 204.5 has led us to conclude that it would be beneficial, both to the goal of public disclosure and administrative efficiency, to revoke § 204.4 and to consolidate certain of its requirements in § 204.5.

As amended, § 204.5, requiring that certain officials prepare lists of all meetings with persons from outside FEA, is expanded so that this requirement applies to all Office Directors, Deputy Assistant Administrators, Deputy Office Directors, and Deputy General Counsel, as well as to those officials previously covered. The scope of personnel required to comply with § 204.5 was increased in order to include other FEA officials who frequently participate in meetings of significance, including policy matters, with people from outside the agency.

In addition to the officials delineated in Section 204.5 there are a number of other officials, such as Associate Assistant Administrators, about whom it is not possible to make a categorical judgment as to the appropriateness of inclusion under § 204.5. In order to provide the flexibility necessary to assure inclusion of appropriate members of this latter group without unnecessarily burdening others, provision is made to authorize each Assistant Administrator, Office Director, and the General Counsel to determine which members of this group on his staff should be included under the meeting list requirement of § 204.5.

Section 204.5 is also amended to expressly require that the meeting lists identify the place of each meeting.

The meeting lists prepared under § 204.5 will not contain a summary of the discussion of the meeting with persons from outside the agency. They will, however, identify the subject matter discussed as well as include the date and place of each meeting, the name of each participant, and the entities represented. The summaries previously required under § 204.4 have proved administratively burdensome to prepare due to the demands placed upon those officials who were required to make them. In addition, the summaries were often sketchy and of little practical value. FEA has therefore concluded that a simple identification of subject matter as required under § 204.5 is a sufficient means of informing interested members of the public of the matters being discussed with individuals from outside the agency. This change represents a more efficient balancing of the requirement of public disclosure with management demands.

The meeting list requirements of § 204.5 also provide for greater public access to this information than previously

given under § 204.4. As previously noted, public disclosure was not required under § 204.4. In contrast, § 204.5 provides for routine availability and easy accessibility. All meeting lists prepared pursuant to § 204.5 are to be transmitted to the Public Affairs Office on a semi-monthly basis and will be routinely available for public distribution.

As this amendment to Part 204 pertains to a matter relating to agency management or personnel, it is exempted from the rulemaking requirements of the Administrative Procedure Act, section 553 (a) (2) of title 5, United States Code. Formal notice and public hearings are, accordingly, not required, and this amendment is made effective immediately.

This amendment has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821. (Federal Energy Administration Act 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 204 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., September 9, 1975.

ROBERT E. MONTGOMERY, JR.,  
General Counsel.

1. Section 204.1 is amended by revising the first two sentences thereof to read as follows:

§ 204.1 Purpose and scope.

This part establishes regulations for the preparation and maintenance, by specified FEA employees, of written reports regarding certain types of oral communications received from and meetings held with persons from outside the agency. Procedures are also established for the preparation and distribution to the public of a list of all meetings that have occurred between the Administrator, a Deputy Administrator, an Assistant Administrator, a Deputy Assistant Administrator, an Office Director, a Deputy Office Director, the General Counsel, a Deputy General Counsel or other senior FEA official who may be identified pursuant to § 204.5(a) (2) of this part and persons from outside the agency during the preceding half-month period. . . .

#### § 204.3 [Amended]

2. Section 204.3(a) is amended by deleting the words "GS-15" and inserting in lieu thereof "GS-11".

#### § 204.4 [Removed]

3. Section 204.4 is revoked.

4. Section 204.5 is amended by revising paragraph (a) and designating it (a) (1), and by adding paragraph (a) (2), to read as follows:

§ 204.5 Public record of meetings.

(a) (1) Within one week after the 15th and the end of each month, the Administrator, each Deputy Administrator,

each Assistant Administrator, each Deputy Assistant Administrator, each Office Director, each Deputy Office Director, the General Counsel, each Deputy General Counsel and every FEA official who has received a notice duly issued and effective pursuant to paragraph (a) (2) of this section shall submit to the Office of Public Affairs a list of all meetings that have occurred between such person and persons from outside the agency during the preceding half-month period. The list shall contain the date and place of each meeting, the names of all participants, the entities represented, and the general subject discussed.

(2) Any Assistant Administrator or Office Director or the General Counsel may, if he determines that the purpose of this part would be served thereby, require any Associate Assistant Administrator, Assistant Office Director or Assistant General Counsel under his respective supervision to submit a list of all meetings that have occurred between such person and persons from outside the agency, in accordance with the provisions of paragraph (a) (1) of this section. Such requirement shall be made by sending written notice to the affected FEA official and by filing a copy thereof with the Office of Public Affairs. Such requirement shall be effective for the period specified in the notice and may be revoked by the issuing official or his successor at any time.

[FR Doc. 75-24427 Filed 9-10-75; 11:34 am]

#### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-17-AD; Amendment 39-2366]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Boeing Model 747 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring removal of the capacitor assembly from the toilet flush motor and capping of exposed wires in accordance with prescribed Boeing Service Bulletin instructions on all 747 airplanes was published in 40 FR 24364.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Due consideration has been given to all comments received in response to the above notice. Although not objecting to removal of the capacitors, the ATA recommended extending the proposed compliance time for those airplanes on which AD 74-21-03 had been accomplished to 120 days and 90 days for all other airplanes. It was considered that this would permit modification of most airplanes at regular maintenance periods when the toilet shrouds are removed for routine cleaning. Under all the circumstances and after considering the additional information developed since issuance of the Notice, the FAA has determined that the simplicity of the proposal and conse-

quences preclude extending the proposed compliance time.

is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

[Airspace Docket No. 75-SO-109]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, ROUTES, AND PORTS OF CALL

In § 71.171 (40 FR 354), the Oklahoma City, Okla. (Tinker AFB), control zone is amended to read:

In § 71.181 (40 FR 441), the Huntsville, Ala., transition area is amended as follows:

Part 71 of the Federal Aviation Regulations that would alter the Manning, S.C., transition area.



quences preclude extending the proposed compliance time.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**BOEING:** Applies to all Boeing Model 747 series aircraft certificated in all categories. Compliance required as indicated unless already accomplished.

To prevent possible lavatory fire, accomplish the following:

Within 300 hours time in service from the effective date of this AD, unless already accomplished, remove capacitor assembly from toilet flush motor and cap exposed wires in accordance with Boeing Service Bulletin 747-38-2021, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 19, 1975.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Seattle, Washington September 5, 1975.

J. H. TANNER,  
Acting Director,  
Northwest Region.

[FR Doc. 75-24247 Filed 9-11-75; 8:45 am]

[Airspace Docket No. 75-SO-110]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Control Zone

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga., control zone.

The Atlanta control zone is described in § 71.171 (40 FR 354). It is necessary to alter the description by correcting the coordinates of the airport; by deleting an extension predicated on the Atlanta ILS Runway 33 localizer southeast course; and by changing an extension predicated on Atlanta ILS Runway 9L localizer west course to Runway 9R. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations

is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Atlanta, Ga., control zone is amended to read as follows:

Within a 5-mile radius of The William B. Hartsfield Atlanta International Airport (Lat. 33°38'31" N., Long. 84°25'34" W.); within 2 miles each side of Rex VORTAC 264° and 271° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC; within 2 miles each side of Atlanta ILS Runway 9R localizer west course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Atlanta ILS Runway 8 localizer west course, extending from the 5-mile radius zone to the LOM.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 5, 1975.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 75-24255 Filed 9-11-75; 8:45 am]

[Airspace Docket No. 75-SO-111]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Control Zone

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga., (Dobbins AFB/NAS Atlanta) control zone.

The Atlanta (Dobbins AFB/NAS Atlanta) control zone is described in § 71.171 (40 FR 354). It is necessary to alter the description by correcting the coordinates of the airport and by changing a reference from Fulton County Airport to Charley Brown County Airport. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Atlanta, Ga., (Dobbins AFB/NAS Atlanta) control zone is amended as follows:

"... latitude 33°54'40" N., longitude 84°31'00" W. ... and ... (Fulton County Airport) ... is deleted and " ... (Lat. 33°54'54" N., Long. 84°30'59" W.) ... and ... (Charley Brown County Airport) ... are substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 4, 1975.

LONNIE D. PARRISH,  
Acting Director, Southern Region.

[FR Doc. 75-24258 Filed 9-11-75; 8:45 am]

[Airspace Docket No. 75-SO-109]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Control Zone

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga., (Fulton County Airport) control zone.

The Atlanta (Fulton County Airport) control zone is described in § 71.171 (40 FR 354). The official name of the airport has been changed from Fulton County Airport to Charley Brown County Airport. It is necessary to alter the description by changing the airport name. Since this amendment is editorial in nature, and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.171 (40 F.R. 354), the Atlanta, Ga., (Fulton County Airport) control zone is amended as follows:

"... Atlanta, Ga., (Fulton County Airport) Within a 5-mile radius of Fulton County Airport ... is deleted and ... Atlanta, Ga., (Charley Brown County Airport) Within a 5-mile radius of Charley Brown County Airport ... is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 4, 1975.

LONNIE D. PARRISH,  
Acting Director, Southern Region.

[FR Doc. 75-24257 Filed 9-11-75; 8:45 am]

[Airspace Docket No. 75-SW-41]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Control Zone

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the controlled airspace in the Oklahoma City, Okla. (Tinker AFB), terminal area.

On July 21, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 30493) stating the Federal Aviation Administration proposed to alter the controlled airspace in the Oklahoma City, Okla. (Tinker AFB), terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Oklahoma City, Okla. (Tinker AFB), control zone is amended to read:

OKLAHOMA CITY, OKLA. (TINKER AFB)

That airspace within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.); within 2 miles each side of the Tinker AFB VOR 357° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Tinker AFB TACAN 003° radial extending from the 5-mile radius zone to 9.5 miles north of the TACAN; and within 2 miles each side of the Tinker AFB VOR 187° radial extending from the 5-mile radius to 6 miles south of the VOR.

Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on September 4, 1975.

ALBERT H. THURBURN,  
Acting Director, Southwest Region.

[FR Doc. 75-24249 Filed 9-11-75; 8:45 am]

[Airspace Docket No. 75-SO-108]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Control Zone and Transition Area

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Huntsville, Alabama, control zone and transition area.

The Huntsville control zone, described in § 71.171 (40 FR 354), contains an extension predicated on the Huntsville VOR 217° radial. This extension was required to provide controlled airspace protection for the VOR-B instrument approach procedure which has been cancelled. Therefore, it is necessary to delete the extension from the description. In addition, the official name of the Huntsville-Madison County Airport has been changed to Huntsville-Madison County Jetport-Carl T. Jones Field, and it is necessary to reflect this change in the description.

The Huntsville transition area is described in § 71.181 (40 FR 441). A new VOR RWY 36 instrument approach procedure has been developed for Pryor Field and an additional six square miles of transition area is required for protection of this procedure. Since these amendments are minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Huntsville, Ala., control zone is amended as follows:

"... Huntsville-Madison County Airport ... is deleted and " ... Huntsville-Madison County Jetport-Carl T. Jones ... is substituted therefor, and " ... within 2 miles each side of the Huntsville VOR 217° radial, extending from the 5-mile radius zone to 0.5 mile southwest of the VOR; ... " is deleted.

In § 71.181 (40 FR 441), the Huntsville, Ala., transition area is amended as follows:

"... longitude 86°56'45" W.) ... is deleted and " ... longitude 86°56'45" W.); within 3 miles each side of the Decatur VOR 197° radial, extending from the 8.5-mile radius area to 8.5 miles south of the VOR ... is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 3, 1975.

LONNIE D. PARRISH,  
Acting Director, Southern Region.

[FR Doc. 75-24250 Filed 9-11-75; 8:45 am]

[Airspace Docket No. 75-SW-40]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Transition Area

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Minden, La.

On July 21, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 30494) stating the Federal Aviation Administration proposed to alter the transition area at Minden, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Minden, La., transition area is amended as follows:

MINDEN, LA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Minden-Webster Airport (latitude 32°39'00" N., longitude 93°18'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on September 4, 1975.

ALBERT H. THURBURN,  
Acting Director, Southwest Region.

[FR Doc. 75-24248 Filed 9-11-75; 8:45 am]

[Airspace Docket No. 75-SO-78]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Transition Area

On July 21, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 30494), stating that the Federal Aviation Administration was considering an amendment to

Part 71 of the Federal Aviation Regulations that would alter the Manning, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In § 71.181 (40 F.R. 441), the Manning, S.C., transition area is amended as follows:

"... within a 1.5-mile radius of the Goat Island County Airport (latitude 33°30'26" N., longitude 80°18'41" W.); ... " would be deleted and " ... within 3 miles each side of the 197° bearing from Manning, S.C., RBN (latitude 33°35'23" N., longitude 80°12'23" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN; ... " would be substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 4, 1975.

LONNIE D. PARRISH,  
Acting Director, Southern Region.

[FR Doc. 75-24256 Filed 9-11-75; 8:45 am]

[Airspace Docket No. 75-WE-10]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Transition Area; Correction

On August 15, 1975, FR Doc. 75-21407 was published in the FEDERAL REGISTER (40 FR 34333) which amended Part 71 of the Federal Aviation Regulations by altering the transition area for San Diego, California. A review of the document revealed that a typographical error had been made in one coordinate of the description. Action is taken herein to correct this error.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing, FR Doc. 75-21407 (40 FR 34333) is amended by correcting the description of the San Diego, California transition area in part as follows.

In the text correct "latitude 30°15'00" N." to read "latitude 33°15'00" N. ... " Effective date. The effective date as originally established is retained.

This amendment is issued under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on September 4, 1975.

LYNN L. HINK,  
Acting Director, Western Region.

[FR Doc. 75-24252 Filed 9-11-75; 8:45 am]

[Airspace Docket No. 75-CL-48]

in nature, notice and public procedure hereon are unnecessary.

[Docket No. 14969; Amdt. No. 985]

#### PART 97—STANDARD INSTRUMENT

3. Section 97.27 is amended by originating, amending, or cancelling the following NDR/ADE SIAPs, effective October 1, 1975:

gand to the meaning and application of §§ 1134.3 and 1134.4 of Title 49 of the Code of Federal Regulations said sec-

Division of Uniroyal, Inc., Bethany CT 06525, had filed a pesticide petition (FAP 6H5101) with the Environmental Pro-



## RULES AND REGULATIONS

[Airspace Docket No. 75-GL-46]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of VOR Federal Airways**

On July 14, 1975, a Notice of Proposed Rule Making (NPRM) (40 FR 29554) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-285 to provide a more direct routing between Goshen, Ind., and Kalamazoo, Mich., and extend V-156 between South Bend, Ind., and Kalamazoo, Mich.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended as follows:

1. In V-156 after "South Bend, Ind." to "Kalamazoo, Mich." is added.
2. In V-285 all between "Goshen, Ind.;" and "INT Kalamazoo 014;" is deleted and "INT of the Goshen 037" and the Kalamazoo, Mich., 191° radials; Kalamazoo;" is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 5, 1975.

WILLIAM E. BROADWATER,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc 75-24251 Filed 9-11-75; 8:45 am]

[Airspace Docket No. 75-SO-51]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Designation of Transition Area**

On May 19, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 21740), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Covington, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. There were no comments received.

Subsequent to publication of the notice, the proposed instrument approach procedure for the airport was changed from Runway 19 to Runway 1. It is necessary to alter the description to reflect this change. Since this amendment is minor

in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (FR 441), the following transition area is added:

**COVINGTON, TENN.**

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Covington Municipal Airport (Lat. 36°35'15" N., Long. 89°35'15" W.); within 3 miles each side of the 194° bearing from Covington RBN (Lat. 35°35'22" N., Long. 89°35'14" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 3, 1975.

LONNIE D. PARRISH,  
Acting Director, Southern Region.

[FR Doc 75-24253 Filed 9-11-75; 8:45 am]

[Airspace Docket No. 75-SO-77]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Designation of Transition Area**

On July 23, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 30840), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Conway, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

**CONWAY, S.C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Conway-Horry County Airport (Lat. 33°49'13" N., Long. 79°07'16" W.); within 3 miles each side of the 296° bearing from Horry RBN (Lat. 33°49'54" N., Long. 79°07'13" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN; excluding the portion that coincides with the Myrtle Beach transition area.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 4, 1975.

LONNIE D. PARRISH,  
Acting Director, Southern Region.

[FR Doc 75-24254 Filed 9-11-75; 8:45 am]

[Docket No. 14969; Amdt. No. 985]

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES****Recent Changes and Additions**

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue SW., Washington, D.C. 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective October 23, 1975.

Marlette, MI—Marlette Arpt., VOR/DME-A, Orig.  
Nashville, TN—Nashville Metropolitan Arpt., VOR/DME Rwy 13, Amdt. 6  
Odessa, TX—Ector County Arpt., VOR-A, Amdt. 2

\* \* \* effective August 27, 1975

Hillsdale, MI—Hillsdale Municipal Arpt., VOR-A, Amdt. 2

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA, SIAPs, effective September 25, 1975.

Idaho Falls, ID—Fanning Field, LOC(BC) Rwy 3, Orig.  
Shreveport, LA—Shreveport Downtown Arpt., LOC Rwy. 14, Orig.

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3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective October 23, 1975.

Odessa, TX—Ector County Arpt., NDB Rwy 20, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective October 23, 1975.

Chattanooga, TN—Lovell Field, ILS Rwy 20, Amdt. 26

\* \* \* effective September 18, 1975

Los Angeles, CA—Van Nuys Arpt., ILS Rwy 16R, Orig.

Los Angeles, CA—Van Nuys Arpt., ILS/DME Rwy 16R, Orig., Canceled

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective October 23, 1975.

Selma, AL—Selfield Arpt., RADAR-1, Orig.

These amendments are made effective under the authority of secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on September 4, 1975.

JAMES M. VINES,  
Chief,  
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc 75-24259 Filed 9-11-75; 8:45 am]

**Title 17—Commodity and Securities Exchanges****CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

[Rel. 34-11804]

**PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934****Self-Regulatory Organizations; Proposed Changes; Correction**

In FR Doc. 75-23298 appearing at page 40509 in the FEDERAL REGISTER of September 3, 1975, on page 40512 the designation of Rule 19b-4 as § 240.14b-4 is corrected to read § 240.19b-4.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

SEPTEMBER 8, 1975.

[FR Doc 75-24242 Filed 9-11-75; 8:45 am]

**Title 49—Transportation****CHAPTER X—INTERSTATE COMMERCE COMMISSION****PART 1134—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES****Computation of Gross Operating Revenues and Deduction of Revenues**

Because we have experienced considerable interpretive difficulties with re-

gard to the meaning and application of §§ 1134.3 and 1134.4 of Title 49 of the Code of Federal Regulations, said sections are hereby amended, for purposes of clarification, as set forth below.

Considerable interpretive difficulties having arisen as to the meaning and application of the guidelines originally promulgated herein with respect to Section 5(10) of the Act, 49 U.S.C. § 5(10), the provisions of this Part are hereby amended, for clarification, as follows:

1. Under § 1134.3, *Computation of gross operating revenues of carriers involved in unifications*, change the introductory paragraph to read:

In unifications under the provisions of Section 5 of the Interstate Commerce Act, the aggregate gross operating revenues of carriers attributable to transportation from the use of their respective operating rights subject to Part II of the Act, as amended, shall be deemed to have exceeded \$300,000 for the period of 12 consecutive months, ending not more than 6 months preceding the date of the agreement of the parties covering the transaction, unless otherwise shown, under each of the following circumstances:

2. Under § 1134.4, *Deduction of revenues from sources other than regulated transportation*, change paragraph (a) to read:

(a) In determining whether a proposed transaction is not subject to the provisions of Section 5, Interstate Commerce Act, applicant motor carriers, and their affiliate motor carriers must select the same 12 month period and indicate the 12-month period selected as provided in § 1134.3 and disclose the gross revenues received by each such carrier during the critical period selected and the revenues derived from sources other than transportation subject to Part II of the Act, which later revenues may be deducted from the gross revenues for the purpose of determining jurisdiction.

These interpretive amendments are effective September 12, 1975.

By order of the Commission, dated September 5, 1975.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc 75-24348 Filed 9-11-75; 8:45 am]

**Title 21—Food and Drugs**

[FRL 429-5]

**CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

[FRL 429-5; FAP6H5101/R14]

**PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY****PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY****Daminozide**

On August 22, 1975, notice was given (40 FR 36798) that Uniroyal Chemical,

Division of Uniroyal, Inc., Bethany CT 06525, had filed a pesticide petition (FAP 6H5101) with the Environmental Protection Agency (EPA). This petition proposed that 21 CFR 123.410 be amended to establish a food additive tolerance for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in tomato paste or catsup at 220 parts per million (ppm), resulting from application of the plant regulator to growing tomatoes. (The chemical name, "succinic acid 2,2-dimethylhydrazide" has been changed to butanedioic acid mono (2,2-dimethylhydrazide) and the name daminozide has been accepted as the common name for the chemical.) Uniroyal Chemical subsequently amended the petition by 1) increasing the proposed tolerance for residues in tomato paste or catsup from 220 to 320 ppm, 2) expressing the food product "tomato paste or catsup" as "concentrated tomato products", and 3) proposing to amend 21 CFR 561.360 to establish a feed additive tolerance for residues of daminozide in dried tomato pomace at 600 ppm. (A related document on daminozide and the establishment of pesticide tolerances also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated and it is concluded that the tolerances established by amending §§ 123.410 and 561.360 will protect the public health.

Any person adversely affected by these regulations may on or before October 14, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St., SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in triplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on September 12, 1975, Part 123, § 123.410, and Part 561, § 561.360, are amended as follows.

Dated: September 5, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

(Sec. 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)) transferred to the Administrator EPA in Reorganization Plan No. 3 (35 FR 15623))

(1) Section 123.410 is amended by 1) revising the section heading to correspond with the acceptable common name, "daminozide", 2) revising the regulation to include a tolerance for concentrated tomato products, and 3) editing the section to accommodate the above changes to read as follows.

§ 123.410 Daminozide.

Tolerances are established for residues of the plant regulator daminozide

<sup>1</sup> See FR Doc. 75-24226 appearing at page 42357.

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## RULES AND REGULATIONS

(butanedioic acid mono (2,2-dimethylhydrazide)) in the following processed

leted from the Code of Federal Regulations; this regulation will then replace

encompass the entire urban place designated by the Bureau of the Census.

(2) "Urban area" means all areas of a

**§ 470.3 System classification.**

(a) The National System of Interstate and Defense Highways shall consist of

highway agencies where the routes involve State-line connections. Interstate routes may be designated in both rural

grated with each Federal-aid route connected to another Federal-aid route. (1) Interstate routes should connect to other Interstate routes at each end



## RULES AND REGULATIONS

(butanedioic acid mono (2,2-dimethylhydrazide)) in the following processed foods when present therein as a result of the application of this pesticide to growing crops:

320 parts per million in concentrated tomato products.

135 parts per million in dried prunes.

(2) Section 561.360 is amended by 1) revising the section heading to correspond with the acceptable common name, "daminozide"; 2) revising the regulation to include a tolerance for tomato pomace, and 3) editing the section to accommodate the above changes to read as follows:

§ 561.360 Daminozide.

Tolerances are established for residues of the plant regulator daminozide (butanedioic acid mono (2,2-dimethylhydrazide)) in the following animal feeds when present therein as a result of the application of this pesticide to growing crops:

600 parts per million in dried tomato pomace.

90 parts per million in peanut meal.

[FR Doc. 75-24235 Filed 9-11-75; 8:45 am]

## Title 23—Highways

## CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

## PART 470—HIGHWAY SYSTEMS, FEDERAL-AID HIGHWAY SYSTEMS

• Purpose: The purpose of this document is to implement statutes regarding realignment of the Federal-aid primary, secondary, and urban systems after June 30, 1976.

Section 103 (Federal-aid systems) of Title 23, United States Code, was substantially amended by the Federal-Aid Highway Act of 1973 (Pub. L. 93-87). This regulation sets forth policies and procedures for implementing major amendments regarding functional realignment of the Federal-aid primary, secondary, and urban systems after June 30, 1976, under the provisions of 23 U.S.C. 103(b)(2), 103(c)(2), and 103(d)(2). This regulation also continues policies and procedures after June 30, 1976, under the provisions of 23 U.S.C. 103(e)(1) and (e)(3) for the Interstate System and under 23 U.S.C. 103(f) for the modification or revision of all Federal-aid systems. Although the Interstate System is a part of the Federal-aid primary system, the Interstate System is exempt from the realignment provisions applicable to the non-Interstate Federal-aid primary routes.

The existing Federal-aid primary and secondary systems are continued until June 30, 1976, under the provisions of 23 U.S.C. 103(b)(1) and 103(c)(1). A regulation for continuing these provisions, the provisions for the Interstate System under 23 U.S.C. 103(e)(1) and 103(e)(3), and the provisions for modification or revision of all Federal-aid systems under 23 U.S.C. 103(f) was published as 23 CFR 470, Subpart A. After June 30, 1976, that regulation will be de-

leted from the Code of Federal Regulations; this regulation will then replace it.

The existing Federal-aid urban system is continued until June 30, 1976, under the provisions of 23 U.S.C. 103(d)(1). A regulation for continuing this provision was published as 23 CFR 473, Subpart A. After June 30, 1976, that regulation will be deleted from the Code of Federal Regulations; this regulation will replace it.

Section 470.4(a)(2) refers to 23 CFR Part 470, Subpart B. That regulation has not yet been published, but is in the process of rulemaking. See 39 FR 36350 (October 9, 1974).

The language of this regulation and additional instructional material regarding Federal-aid highway systems will be found in Volume 6, Chapter 4, Section 7, of the Federal-Aid Highway Program Manual.

The matters affected related to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefore a general notice of proposed rulemaking is not required.

Issued on September 4, 1975.

L. P. LAMM,  
Acting Federal  
Highway Administrator.

Sec.	Purpose.
470.1	Purpose.
470.2	Definitions.
470.3	System classification.
470.4	General procedures.
470.5	Specific system procedures.
470.6	Reclassifications, deletions, and reinstatements.
470.7	Proposals for system actions.
470.8	Approval authority.
470.9	Realignment schedule.

Appendix A.	National System of Interstate and Defense Highways.
Appendix B.	Federal-aid System (Primary and Secondary).
Appendix C.	Federal-aid Urban System.

Authority: 23 U.S.C. 103(b)(2), 103(c)(2), 103(d)(2), 103(e)(1), 103(e)(3), 103(f), and 315; 49 CFR 1.48(b)(2) and (b)(35).

## § 470.1 Purpose.

This regulation sets forth policies and procedures relating to the designation of the National System of Interstate and Defense Highways, the Federal-aid primary system, the Federal-aid secondary system, and the Federal-aid urban system after June 30, 1976.

## § 470.2 Definitions.

(a) Except as otherwise provided herein, terms defined 23 U.S.C. 101(a) are used in this regulation as so defined.

(b) As used herein:

(1) "Urban area" means an urbanized area, or in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or an urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other. Such boundaries shall, as a minimum,

encompass the entire urban place designated by the Bureau of the Census.

(2) "Rural area" means all areas of a State not included in the boundaries of urban areas.

(3) "Public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel.

(4) "Rural arterial routes" means those public roads that are functionally classified as a part of the rural principal arterial system or the rural minor arterial system as described in Volume 20, Appendix 12, Highway Planning Program Manual.

(5) "Rural major collector routes" means those public roads that are functionally classified as a part of the major collector subclassification of the rural collector system as described in Volume 20, Appendix 12, Highway Planning Program Manual.

(6) "Urban arterial routes" means those public roads that are functionally classified as a part of the urban principal arterial system or the urban minor arterial system as described in Volume 20, Appendix 12, Highway Planning Program Manual.

(7) "Urban collector routes" means those public roads that are functionally classified as a part of the urban collector system as described in Volume 20, Appendix 12, Highway Planning Program Manual.

(8) "Appropriate local officials" means: (i) in urbanized areas, principal elected officials of general purpose local governments acting through the Metropolitan Planning Organization designated by the Governor, or (ii) in rural areas and urban areas not within any urbanized area, principal elected officials of general purpose local governments.

(9) For purposes of the above definition, the term "Governor" includes the Mayor of the District of Columbia; and the term "Metropolitan Planning Organization" means that organization designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as required by 23 U.S.C. 104(f)(3), and capable of meeting the requirements of 49 U.S.C. 1602(a)(2) and (e)(1), 49 U.S.C. 1603(a), and 49 U.S.C. 1604(g)(1) and 1604(l). This organization is the forum for cooperative decisionmaking by principal elected officials of general purpose local governments.

(10) "Control area" as it pertains to the Interstate System, means a metropolitan area, city or industrial center, a topographic feature such as a major mountain pass, a favorable location for a major river crossing, a road hub which would result in material traffic increments on the Interstate route, a place on the boundary between two States agreed to by the States concerned, or other similar point of significance.

<sup>1</sup> The Highway Planning Program Manual is available for inspection and copying as prescribed in 49 CFR, Part 7, Appendix D.

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## § 470.3 System classification.

(a) The National System of Interstate and Defense Highways shall consist of routes of highest importance to the Nation, which connect as direct as practicable the principal metropolitan areas, cities, and industrial centers, including important routes into, through, and around urban areas, serve the national defense and, to the greatest extent possible, connect at suitable border points with routes of continental importance in Canada and Mexico.

(b) The Federal-aid primary system shall consist of an adequate system of connected main roads important to interstate, statewide, and regional travel, consisting of rural arterial routes and their extensions into or through urban areas.

(c) The Federal-aid secondary system shall consist of rural major collector routes.

(d) The Federal-aid urban system shall consist of arterial routes and collector routes, exclusive of urban extensions of the Federal-aid primary system.

## § 470.4 General procedures.

(a) Area classification. (1) All areas of a State shall be classified as either rural or urban in accordance with the definitions in § 470.2(b)(1) and (2) of this regulation.

(2) Urban area boundaries shall be established in accordance with 23 CFR Part 470, Subpart B and with Volume 4, Chapter 6, Section 3 of the Federal-Aid Highway Program Manual.

(b) Functional classification. (1) The routes of the Federal-aid primary, secondary, and urban systems shall be designated on the basis of their anticipated functional usage.

(2) The State highway agency shall have the primary responsibility for initially developing and periodically updating a statewide highway functional classification to determine anticipated functional usage. The State shall cooperate with appropriate local officials, or appropriate Federal agency in the case of areas under Federal jurisdiction, in developing and updating the functional classification.

(3) The results of the functional classification shall be submitted to the Federal Highway Administration (FHWA) for approval and when approved shall serve as an official document for designation of Federal-aid systems. The State highway agency's submittal shall include highway maps showing the functional systems, statistics regarding the mileage extent of the functional systems, and a statement that the functional classification was developed in cooperation with appropriate local officials or appropriate Federal agency in the case of areas under Federal jurisdiction.

(c) Designation of Federal-aid systems. (1) The routes of the Interstate System to the greatest extent possible, shall be designated by the State highway agency or by joint action of the State

highway agencies where the routes involve State-line connections. Interstate routes may be designated in both rural and urban areas.

(2) The routes of the Federal-aid primary system shall be designated by each State acting through its State highway agency. Federal-aid primary routes may be designated in both rural and urban areas.

(3) The routes of the Federal-aid secondary system shall be designated by each State acting through its State highway agency and appropriate local officials in cooperation with each other. No Federal-aid secondary route shall be designated in urban areas.

(4) The routes of the Federal-aid urban system shall be designated by appropriate local officials with the concurrence of the State highway agencies. The Federal-aid urban systems shall be designated in each urbanized area and such other urban areas as the State highway agency may designate. No Federal-aid urban system route shall be designated in rural areas.

(5) In urbanized areas, the designation of Federal-aid routes shall be in accordance with the planning process required pursuant to the provisions of 23 U.S.C. 134(a).

(6) In areas under Federal jurisdiction, the designation of Federal-aid routes shall be coordinated with the appropriate Federal agency.

(7) The modification or revision of Federal-aid systems shall be carried out in accordance with the above provisions for the designation of Federal-aid systems.

(d) Extent of systems. (1) The Interstate System shall not exceed 42,500 miles under the statutory provisions of 23 U.S.C. 103(e)(1) and 103(e)(3).

(2) The Federal-aid primary, secondary, and urban systems do not have a statutory limit on designated mileage, but these systems are limited in extent to the functional arterial and collector routes prescribed in § 470.3(b), (c), and (d) of this regulation.

(e) Designation of partial systems. Although the State highway agencies and appropriate local officials are encouraged to designate all routes eligible for Federal-aid system designation in the approved statewide functional classification, all of the eligible functional routes need not be designated as a part of the Federal-aid systems. Where this is the case, the designation of eligible functional routes should adhere to the following principles:

(1) In each system, routes should be designated on the basis of a planned connected system as specified in § 470.4(f).

(2) System mileage should be distributed on a reasonable and fair basis within the geographic area the system is designed to serve.

(f) Integration of systems. All Federal-aid systems shall be properly inte-

<sup>2</sup> Although not included in this regulation, limited additions to the 42,500-mile Interstate System are permitted under the provisions of 23 U.S.C. 103(e)(2) and 139(a) and (b).

## RULES AND REGULATIONS

Federal-aid route. The route number shall not exceed four digits, but it may contain more than four digits.

(2) Proposals for the Federal-aid urban system shall include a Federal-aid system map or maps, as prescribed in

the Federal Highway Administration all official actions regarding the designation, modification, or revision of Federal-aid

## RULES AND REGULATIONS

## APPENDIX B.—Primary Federal-Aid System

[State: Alpha]



## RULES AND REGULATIONS

Federal-aid route. The route number shall not exceed four digits, but it may contain less than four digits.

(h) *Federal-aid system maps.* (1) All Federal-aid systems shall be delineated on county and urban areas maps.

(2) Each Federal-aid system shall be identified on the maps by different map symbol, and each Federal-aid route shall be identified by route number.

#### § 470.5 Specific systems procedures.

(a) *Interstate system.* (1) Proposals for system actions on the Interstate System shall include a route description as illustrated in Appendix A.

(2) Proposals shall include a Federal-aid system map or maps, as prescribed in § 470.4(h) with the control areas and the affected Interstate routes marked thereon.

(3) Proposals should include a statement justifying control areas, a statement indicating agreement with adjoining States on State-line connections, and a statement providing total route mileage classified by rural and urban.

(4) Existing documentation in effect on June 30, 1976, for the Interstate System will remain effective on and after July 1, 1976. Proposals for system actions on the Interstate System after June 30, 1976, will be in accordance with the provisions of this regulation.

(b) *Federal-aid primary system.* (1) Proposals for system actions on the Federal-aid primary system shall include a brief route description and related information as illustrated in Appendix B.

(2) Proposals shall include a Federal-aid system map or maps as prescribed in § 470.4(h).

(3) All routes on the Interstate System are a part of the Federal-aid primary system.

(c) *Federal-aid secondary system.* (1) Proposals for the Federal-aid secondary system shall include a brief route description and related information as illustrated in Appendix B.

(2) Proposals shall include a Federal-aid system map or maps as prescribed in § 470.4(h).

(d) *Federal-aid urban system.* (1) Proposals for the Federal-aid urban system shall include a table listing each route by number, name, termini, and related information as illustrated in Appendix C.

(2) Proposals for the Federal-aid urban system shall include a Federal-aid system map or maps, as prescribed in § 470.4(h) with the urban area boundaries delineated thereon.

#### § 470.6 Reclassifications, deletions, and reinstatements.

(a) The reclassification and redesignation of a Federal-aid highway route from one Federal-aid system to another Federal-aid system shall not relieve the State of its obligation to the Federal Government to maintain portions thereof constructed as Federal-aid projects or of any other obligation included in project agreements executed for Federal-aid projects on portions of that route. When controlled access Federal-aid primary routes are transferred to the Federal-aid secondary system, all access control features should be retained in force unless a request by the State to the contrary is approved by the FHWA.

(b) Federal Highway Administration approval of a deletion of a route from any Federal-aid system, without reclassification and redesignation to another Federal-aid system, shall relieve the State of its obligation to the Federal Government to maintain portions thereof constructed as Federal-aid projects with the exception of defense access-road projects constructed under the provisions of Volume 6, Chapter 9, Section 5 of the Federal-Aid Highway Program Manual. Such deletion shall also relieve the State of any other obligations included in project agreements executed for Federal-aid projects on portions of the deleted route.

(c) Requests for reinstatement of routes previously deleted from any Federal-aid system shall be approved by FHWA only when the State expressly agrees to resume its obligation for the maintenance of any portion of the route previously constructed as a Federal-aid project. Resumption of any other obligations included in project agreements executed for Federal-aid projects on the route being considered for reinstatement shall be mutually agreed to by the State and the FHWA.

(d) *Federal-aid urban system.* (1) Proposals for the Federal-aid urban system shall include a table listing each route by number, name, termini, and related information as illustrated in Appendix C.

(2) The State highway agencies shall have the responsibility for proposing to

the Federal Highway Administration all official actions regarding the designation, modification, or revision of Federal-aid highway systems.

(b) In justification of a proposed system action, the State highway agency shall include a statement that the proposed system action is in conformance with: (1) The system classification, general procedures, and specific procedures of this regulation; (2) the requirements for participation with appropriate local officials; and (3) in urbanized areas the planning process required pursuant to the provisions of 23 U.S.C. 134(a).

#### § 470.8 Approval authority.

(a) The Federal Highway Administrator will approve system actions involving the designation, modification, or revision of the Interstate System including control areas and route numbers.

(b) The Federal Highway Administration's Division Administrator will approve the statewide functional classification and system actions involving the designation, modification, and revision of the Federal-aid primary, secondary, and urban systems.

#### § 470.9 Realignment schedule.

The effective date for realignment of the Federal-aid primary, secondary, and urban systems shall be July 1, 1976.

*Effective date:* These regulations will become effective on July 1, 1976.

#### APPENDIX A Florida NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

FAI route No.	Description
10	From the Florida-Alabama State line northwest of Pensacola via vicinity of Pensacola, Marianna, Tallahassee, and Lake City to FAI Route 95 in Jacksonville.
95	From Miami via vicinity of West Palm Beach, Daytona Beach, and Jacksonville to Florida-Georgia State line north of Jacksonville.
110	From FAI Route 10 north of Pensacola southerly into Pensacola.

NOTE.—Mileage data are not to be shown on this form.

## RULES AND REGULATIONS

#### APPENDIX B.—Primary Federal-Aid System (State: Alpha)

Route Number	Route description and termini	County	Mileage <sup>1</sup>			
			Rural	Urban-ized	Small urban	Total
1 S.R. 1	From the California-Nevada State line southwest of Verdi via Reno, Fernley, Lovelock, Winnemucca, Battle Mountain, Elko, and Wells to the Nevada-Utah State line at Wendover, Utah, with a spur from FAY Route 1 southerly along 17th St. to FAS Route 705 (Glendale Rd.) in Sparks. Approved Jan. 1, 1964, revised Dec. 7, 1964.	Washoe Storey Lyon Churchill Pershing Humboldt Lander Eureka Elko	41.5 2 16.3 27.7 75.0 61.3 26.8 26.4 131.3	5.4		46.9 2 16.3 27.7 75.0 61.3 26.8 26.4 134.5
		Total	406.5	5.4	3.2	415.1
2 C.R. and State Route 2, 2a, 3, 19, and 24.	From the California-Nevada State line southwest of Glenbrook via Carson City, Dayton, Lovelock, Fallon, Austin, Eureka, and Ely to a junction with FAY Route 1 near Wendover, Utah. Approved Jan. 1, 1964, revised July 27, 1967.	Churchill Douglas Elko Eureka Lander Lyon Ormsby White Pine	104.8 15.3 13.2 47.4 59.0 35.3 14.4 132.7			104.8 15.3 13.2 47.4 59.0 35.3 16.4 132.7
		Total	402.1		2.0	404.1
3 S.R. 3, 1, 70 and local road.	From the California-Nevada State line at Toiyabe Lake via Minden to a point on FAY Route 2 south of Carson City via Reno to the Nevada-California State line northwest of Reno, with a spur in Reno from FAY Route 3 via East Plumb Lane to the Reno Municipal Airport. Approved Jan. 1, 1964, revised Aug. 25, 1965.	Douglas Ormsby Washoe	34.1 3.4 34.2		9.8 6.9	34.1 4.2 41.1
		Total	71.7	6.9	0.8	79.4

<sup>1</sup> For routes extending into or through 2 or more counties, show the mileage separately for each county. Show grand total for the system on last sheet.

#### APPENDIX C.—URBANIZED FEDERAL-AID URBAN SYSTEM (State: Alpha, Urban Area: Beta)

Route No.	Street name	From	To	County	Mileage <sup>1</sup>	Map No. <sup>2</sup>
7875	Meridian St.	Troy Ave. (S-141)	Maryland St. (U-6300)	Marion	3.3	4
7875	86th St., 82d St., and Shadland Ave.	Zionville Rd. (S-224), I-65, and 56th St.	I-465 and 56th St. Interchange	do	1.1	4
A879	Fall Creek Parkway, East Dr. and 10th St.	White River Parkway, West Dr.	Shadland Ave. (U-6234)	do	3.2	4
A999	Stop 11 Rd., Connection to Southport Rd. and Shelbyville Rd.	Southport Rd. (S-150)	Franklin Rd. (S-140)	do	.2	6
2010	State Rd. 37	8th St. (F-3)	I-165	Dover	1.7	5
7554	CBD GRID			Marion	2.0	5, 6
	Laurel St.	North Harbor Dr.	6th Ave.	do	.6	
	Hawthorn St.	I-3	6th Ave.	do	.6	
	Grape St.	I-3	6th Ave.	do	.6	
	Ash St.	North Harbor Dr.	10th St.	do	.9	
	B St.	Bettner Blvd.	Park Blvd.	do	1.7	
	C St.	14th St.	18th St.	do	.8	
	F St.	Front St.	18th St.	do	.9	
	G St.	Pacific Highway	18th St.	do	.9	
	H St.	Pacific Highway	18th St.	do	1.3	
	I St.	Front St.	18th St.	do	.4	
	J St.	Bettner St.	A St.	do	.9	
	K St.	Market St.	East St.	do	.9	

<sup>1</sup> If route extends into more than 1 county, show mileage separately for each county. Show sum of route mileage on the last sheet for the urban area.

<sup>2</sup> For an urban area requiring 2 or more maps, show the map number(s) on which the route is located.

[FR Doc. 75-24182 Filed 9-11-75; 8:45 am]

#### Title 24—Housing and Urban Development CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

[Docket No. R-75-292]

#### PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS Reallocated Funds

On June 9, 1975, the Department of Housing and Urban Development published in the FEDERAL REGISTER (40 FR 24692) the consolidated rules and regulations governing the administration and conduct of the community development block grant program under Title I of the Housing and Community Development Act of 1974.

Section 570.107 of the regulations establishes the general policies and rules

governing reallocation of community development block grant funds which are not applied for, or which are disapproved by the Secretary as part of the application review or program monitoring process. It further states that, "each fiscal year, HUD will publish the policies to be employed in the reallocation of funds for that year."

The purpose of this amendment to 24 CFR Part 570 is to establish specific rules and regulations for the administration of funds available for reallocation out of the appropriation for Fiscal Year 1975.

The majority of all applications, for entitlement and discretionary grants from Fiscal Year 1975 appropriations have been reviewed and either approved or disapproved as of the date of this rule-making. Of the total amount of \$2.2 billion allocated to entitlement applicants,

all but \$4,560,000 was applied for. Of that amount, \$4,532,000 was for metropolitan areas and \$28,000 was for nonmetropolitan areas. Of the total amount applied for, \$580,000 was disapproved, all in metropolitan areas. Therefore, as of June 30, 1975, \$5,112,000 was available for reallocation in metropolitan areas and \$28,000 was available for reallocation in nonmetropolitan areas. Any additional funds that become available for reallocation from the appropriation for Fiscal Year 1975 are likely to be small amounts.

Section 570.402(f) of the regulations presently provides that the policies and criteria governing general purpose funds for metropolitan and nonmetropolitan areas shall also apply to reallocated funds (except that metropolitan cities, urban counties and units shall also be eligible applicants for reallocated

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funds). The most significant result of this amendment is to delete § 570.402(f) and to provide instead in a new § 570.409

government for basic grants or hold-harmless grants in metropolitan areas or nonmetropolitan areas which are not

available after meeting the urgent needs in that State, to other metropolitan areas in other States.

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continue participation in the National Flood Insurance Program, the community must use the final flood elevations

rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

4128, and 24 CFR Part 1917 (Section 1917.10), hereby gives notice of his final determinations of flood elevations for the



funds). The most significant result of this amendment is to delete § 570.402(f) and to provide instead in a new § 570.409 that reallocated funds will be used to fund communities with urgent needs.

Congressional intent concerning the reallocation of funds is contained in the following statement in the Conference Report on the Housing and Community Development Act of 1974:

The conferees wish to make clear that reallocated funds would be available to communities with urgent needs, including those with entitlements as well as others with special needs arising from urban renewal closeout activities (H.R. Rep. No. 93-1279, at 132).

Section 570.401 establishes policies and criteria for making urgent needs grants. The three priorities for urgent needs funds are:

- (1) completion of urban renewal projects and neighborhood development programs;
- (2) units of general local government that participated in the planned variations demonstration under the model cities program which will suffer a significant decrease in the level of ongoing activities funded under the planned variations demonstration; and
- (3) completion of projects assisted under the water and sewer facilities grant program, the neighborhood facilities grant program, and the open-space land program.

Funds have previously been made available from the Fiscal Year 1975 appropriation for those planned variations communities which will suffer a significant decrease in the level of ongoing activities funded under the planned variations demonstration. Therefore, reallocated funds will be made available for urgent needs to complete urban renewal programs and water and sewer, neighborhood facilities, and open-space land projects.

Since Section 106(e) of the Housing and Community Development Act of 1974 specifically places a priority on "assuring maximum use of all available funds in the periods for which such funds were appropriated," publishing a notice of proposed rulemaking is impractical and contrary to the public interest. Therefore, this amendment shall become effective on the date of publication.

In connection with the environmental review of this amendment, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

#### § 570.402 [Amended]

Accordingly, in 24 CFR 570.402 paragraph (f) is hereby deleted and a new § 570.409 is hereby added and is set forth below in its entirety.

#### § 570.409 Reallocated funds.

(a) *General.* This section governs the reallocation of funds as required by the provisions of § 570.107. In accordance with § 570.107 (a) and (b), any amounts allocated to metropolitan cities, urban counties, or other units of general local

government for basic grants or hold-harmless grants in metropolitan areas or nonmetropolitan areas which are not applied for, or which are disapproved by the Secretary as part of the application review or program monitoring process, will be reallocated as set forth in subsection (f). As required by § 570.107(c), the following shall constitute the policies to be employed in the reallocation of funds appropriated for Fiscal Year 1975.

(b) *Timing of reallocation.* Any amounts appropriated for Fiscal Year 1975 which become available for reallocation as of August 15, 1975, will be reallocated no later than October 15, 1975.

(c) *Eligible applicants.* States and units of general local government, as defined in § 570.3(v), are eligible to apply for reallocated funds. For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b) (1), (2), and (3).

(d) *Criteria for selection.* Reallocated funds will be used to make grants to eligible applicants with urgent needs, including those with entitlements as well as others with special needs arising from urban renewal closeout activities. The term "urgent needs" as used in this section means those urgent needs described in § 570.401(b) (1) and (3). In selecting among applications, the Secretary will give priority first, where reallocated funds will be sufficient to complete a HUD-approved urban renewal project (including a neighborhood development program) within Fiscal Year 1976, a water and sewer project, a neighborhood facilities project, or an open-space land project, and second, where reallocated funds in conjunction with funds provided under § 570.401 will be sufficient to complete one of the above-mentioned projects.

(e) *Application requirements.* (1) Applicants seeking grant assistance for the completion of ongoing urban renewal projects shall submit the analysis called for in § 570.401(b) (1). Applicants seeking grant assistance for the completion of a water and sewer, neighborhood facility, or open-space land project shall submit documentation which indicates how the applicant meets the criteria of § 570.401(b) (3). Communities considering applying for reallocated funds are urged to contact the appropriate HUD Area Office for more specific instructions regarding submission requirements.

(2) In selecting among applicants, the Secretary will consider all analyses and applications submitted for urgent needs funds under § 570.401 as of August 15, 1975. Final applications shall be submitted only when requested by the Secretary.

(f) *Priorities for reallocation of funds.*

(1) *Metropolitan areas.* Any amounts which become available for reallocation from appropriations for Fiscal Year 1975, will be reallocated in accordance with the following priorities: (i) to the same metropolitan area; (ii) if reallocated funds are available after meeting the urgent needs in that metropolitan area, to other metropolitan areas in the same State; and (iii) if reallocated funds are

available after meeting the urgent needs in that State, to other metropolitan areas in other States.

(2) *Nonmetropolitan areas.* Any amounts which become available for reallocation from appropriations for Fiscal Year 1975, will be reallocated in accordance with the following priorities:

(i) To the nonmetropolitan area in the same State; and (ii) if reallocated funds are available after meeting the urgent needs in that State, to the nonmetropolitan areas in other States.

(3) *Additional considerations.* In determining to which metropolitan area or areas funds shall be reallocated under paragraphs (1)(ii) and (iii), and to which State or States funds shall be reallocated under paragraph (2)(ii), the Secretary shall give priority consideration to the metropolitan areas or States where the greatest unmet urgent needs exist.

(Title I of the Housing and Community Development Act of 1974 (Public Law 93-383); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535 (d)).

*Effective date.* This amendment shall be effective on September 12, 1975.

DAVID O. MEEKER, JR.,  
FAIA, AIP, Assistant Secretary  
for Community Planning and  
Development.

[FR Doc.75-24285 Filed 9-11-75; 8:45 am]

#### CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-584]

#### PART 1916—CONSULTATION WITH LOCAL OFFICIALS

##### Final Flood Elevation Determinations for Orleans Parish, La.

On May 29, 1975, at 40 FR 23278-23279, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Orleans Parish, Louisiana. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of April 14, 1975, and amend the Flood Insurance Rate Map which was in effect prior to that date.

The final flood elevation determinations are in accordance with section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 225203A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to

continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Orleans Parish Flood Insurance Rate Map make it impractical to publish in this notice all of the base flood elevation changes.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.75-24317 Filed 9-11-75; 8:45 am]

[Docket No. FI-583]

#### PART 1916—CONSULTATION WITH LOCAL OFFICIALS

##### Final Flood Elevation Determinations for St. Bernard Parish, La.

On May 29, 1975, at 40 FR 23279, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in St. Bernard Parish, Louisiana. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of February 6, 1975, and amend the Flood Insurance Rate Map which was in effect prior to that date.

The final flood elevation determinations are in accordance with section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 225204A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium

rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the St. Bernard Parish Flood Insurance Rate Map make it impractical to publish in this notice all of the base flood elevation changes.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.75-24318 Filed 9-11-75; 8:45 am]

[Docket No. FI-536]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevations for the City of Coffeyville, Montgomery County, Kans.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-

4128, and 24 CFR Part 1917 (Section 1917.10), hereby gives notice of his final determinations of flood elevations for the City of Coffeyville under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Coffeyville, Kansas 67337.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Verdigris River	U.S. 166 and 169	722	0	(1)
Sycamore Creek	Overtown Drive	740	50	550
	1st St.	738	300	100
	4th St.	735	150	200
	8th St.	728	200	150
	U.S. 169	725	100	200

<sup>1</sup> To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 15, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.75-24319 Filed 9-11-75; 8:45 am]

#### Title 26—Internal Revenue

##### CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7375]

#### PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

##### Payments of Moving Expenses

By a notice of proposed rule making appearing in the FEDERAL REGISTER for April 16, 1975 (40 FR 17028), amend-

ments to the Employment Tax Regulations (26 CFR Part 31) under sections 3121(a) and 3306(b) of the Internal Revenue Code of 1954, relating to moving expenses, were proposed to conform the Employment Tax Regulations to changes made to the Code by section 4 (b), (c), and (d) of the Act of October 13, 1964 (Pub. L. 88-650, 78 Stat. 1077).

Section 4(b) of the Act of October 13, 1964, added new paragraph (11) to section 3121(a) of the Code to provide that certain moving expenses paid to or on behalf of an employee shall not be deemed to be "wages" for purposes of the Federal Insurance Contributions Act. Thus, such payments are not subject to the social security taxes and the employer need not withhold the tax on employees or pay the tax on employers.

Section 4(c) amended section 3306(b) to add new paragraph (9) to section 3306(b) of the Code to provide that certain moving expenses paid to or on behalf of an employee shall not be deemed to be "wages" for purposes of the Federal Unemployment Tax Act. Thus, such pay-

ments are not subject to the Federal unemployment tax.

*Adoption of amendments to the regulations.* On April 16, 1975, a notice of pro-

ductory portion of paragraph (j). These revised provisions read as follows:

#### § 31.3306(b)(9)-1 Moving expenses.

(a) The term "wages" does not include compensation paid on or after Novem-

ance Date". In most cases the schedule includes incremental steps toward compliance, with interim dates for achieving



ments are not subject to the Federal unemployment tax.

Both of these provisions are applicable only if at the time of payment the employer has reason to believe that the employee is or will be entitled to a deduction for such amount under section 217 (relating to moving expenses). These changes are effective with respect to remuneration paid on or after November 1, 1964.

**Adoption of amendments to the regulations.** On April 16, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 17028) to conform the Employment Tax Regulations to changes made to the Code by section 4 (b), (c), and (d) of the Act of October 13, 1964 (Pub. L. 88-650, 78 Stat. 1077) relating to moving expenses. After consideration of all such relevant matter as was presented by interested persons regarding the proposed rules, the amendments of the Employment Tax Regulations (26 CFR Part 31) as proposed are hereby adopted by this document.

(Section 7805 of the Internal Revenue Code of 1954 (68A Stat. 97; 26 U.S.C. 7805).)

Donald C. Alexander,  
Commissioner of Internal Revenue.

Approved: September 8, 1975.

Charles M. Walker,  
Assistant Secretary of the  
Treasury.

By notice of proposed rule making appearing in the FEDERAL REGISTER for April 16, 1975 (40 FR 17028), amendments to the Employment Tax Regulations (26 CFR Part 31) under sections 3121(a) and 3306(b) of the Internal Revenue Code of 1954, relating to moving expenses, were proposed to conform the Employment Tax Regulations to changes made to the Code by section 4 (b), (c), and (d) of the Act of October 13, 1964 (Pub. L. 88-650, 78 Stat. 1077).

Section 4(b) of the Act of October 13, 1964, added new paragraph (11) to section 3121(a) of the Code to provide that certain moving expenses paid to or on behalf of an employee shall not be deemed to be "wages" for purposes of the Federal Insurance Contributions Act. Thus, such payments are not subject to the social security taxes and the employer need not withhold the tax on employees or pay the tax on employers.

Section 4(c) amended section 3306(b) to add new paragraph (9) to section 3306(b) of the Code to provide that certain moving expenses paid to or on behalf of an employee shall not be deemed to be "wages" for purposes of the Federal Unemployment Tax Act. Thus, such payments are not subject to the Federal unemployment tax.

Both of these provisions are applicable only if at the time of payment the employer has reason to believe that the employee is or will be entitled to a deduction for such amount under section 217 (relating to moving expenses). These changes are effective with respect to remuneration paid on or after November 1, 1964.

**Adoption of amendments to the regulations.** On April 16, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 17028) to conform the Employment Tax Regulations to changes made to the Code by section 4 (b), (c), and (d) of the Act of October 13, 1964 (Pub. L. 88-650, 78 Stat. 1077) relating to moving expenses. After consideration of all such relevant matter as was presented by interested persons regarding the proposed rules, the amendments of the Employment Tax Regulations (26 CFR Part 31) as proposed are hereby adopted by this document.

PARAGRAPH 1. Section 31.3121(a) (11) is revised to read as follows:

§ 31.3121(a)(11) Statutory provisions: definitions; wages; moving expenses.

Sec. 3121. Definitions.—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(11) Remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217.

[Sec. 3121(a) (11) as added by sec. 4(b), Pub. Law 88-650 (78 Stat. 1077); as amended by sec. 313(c) (3), Social Security Amendments 1965 (79 Stat. 383); sec. 504(a), Social Security Amendments 1967 (81 Stat. 934).]

PAR. 2. Section 31.3121(a) (11)-1 which was previously reserved is added to read as follows:

§ 31.3121(a)(11)-1 Moving expenses.

(a) The term "wages" does not include remuneration paid on or after November 1, 1964, to or on behalf of an employee, either as an advance or a reimbursement, specifically for moving expenses incurred or expected to be incurred, if (and to the extent that) at the time of payment it is reasonable to believe that a corresponding deduction is or will be allowable to the employee under section 217. The reasonable belief contemplated by the statute may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that a deduction is allowable under section 217. The reasonable belief shall be based upon the application of section 217 and the regulations thereunder in Part 1 of this chapter (Income Tax Regulations). When used in this section, the term "moving expenses" has the same meaning as when used in section 217 and the regulations thereunder.

(b) Except as otherwise provided in paragraph (a) of this section, or in a numbered paragraph of section 3121(a), amounts paid to or on behalf of an employee for moving expenses are wages for purposes of section 3121(a).

PAR. 3. Section 31.3306(b)-1 is amended by revising subparagraph (1) of paragraph (a), paragraph (b), and the intro-

ductory portion of paragraph (j). These revised provisions read as follows:

§ 31.3306(b)-1 Wages.

(a) *Applicable law and regulations.*—(1) *Remuneration paid after 1954.* Whether remuneration paid after 1954 for employment performed after 1938 constitutes wages is determined under section 3306(b). Accordingly, only remuneration paid after 1954 for employment performed after 1938 is covered by this section of the regulations and by the sections relating to the statutory exclusions from wages (§§ 31.3306(b) (1)-1 to 31.3306(b) (10)-1).

(b) The term "wages" means all remuneration for employment unless specifically excepted under section 3306(b) (see §§ 31.3306(b) (1)-1 to 31.3306(b) (10)-1, inclusive) or paragraph (j) of this section.

(j) In addition to the exclusions specified in §§ 31.3306(b) (1)-1 to 31.3306(b) (10)-1, inclusive, the following types of payments are excluded from wages:

PAR. 4. Section 31.3306(b) (8) is amended by revising the statutory material and by adding a historical note. These added and revised provisions read as follows:

§ 31.3306(b) (8) Statutory provisions: definitions; wages; payments to employees for non-work periods.

Sec. 3306. Definitions. . . .  
(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(8) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of 65, if he did not work for the employer in the period for which such payment is made;

[Sec. 3306(b) (8) as amended by sec. 4(c), Act of Oct. 13, 1964 (P.L. 88-650, 78 Stat. 1077); sec. 504(b), Social Security Amendments 1967 (P.L. 90-248, 81 Stat. 935).]

PAR. 5. The following new sections are added immediately following § 31.3306(b) (8)-1:

§ 31.3306(b) (9) Statutory provisions: definitions; wages; moving expenses.

Sec. 3306. Definitions.—(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(9) Remuneration paid to or on behalf of any employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under § 217; or

[Sec. 3306(b) (9) as added by section (4) (b), Act of Oct. 13, 1964 (Pub. L. 88-650, 78 Stat. 1077); as amended by sec. 504(b), Social Security Amendments 1967 (Pub. L. 90-248, 81 Stat. 935).]

§ 31.3306(b) (9)-1 Moving expenses.

(a) The term "wages" does not include remuneration paid on or after November 1, 1964, to or on behalf of an employee, either as an advance or a reimbursement, specifically for moving expenses incurred or expected to be incurred, if (and to the extent that) at the time of payment it is reasonable to believe that a corresponding deduction is or will be allowable to the employee under section 217. The reasonable belief contemplated by the statute may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that a deduction is allowable under section 217. The reasonable belief shall be based upon the application of section 217 and the regulations thereunder in Part 1 of this chapter (Income Tax Regulations). When used in this section, the term "moving expenses" has the same meaning as when used in section 217 and the regulations thereunder.

(b) Except as otherwise provided in paragraph (a) of this section, or in a numbered paragraph of section 3306(b), amounts paid to or on behalf of an employee for moving expenses are wages for purposes of section 3306(b).

[FR Doc. 75-24344 Filed 9-11-75; 8:45 am]

#### Title 40—Protection of Environment

##### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 416-7]

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### Georgia: Approval of Compliance Schedules

Section 110 of the Clean Air Act and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout its territory. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

Pursuant to this provision, and in addition to earlier submittals, the State of Georgia held hearings on December 30, 1974, for compliance schedules on a number of sources. Some of these supersede schedules submitted earlier. They were submitted to EPA for approval on January 23, 1975 and proposed for public comment on June 27, 1975 (40 FR 27248). Each of the proposed compliance schedules identified below establishes a date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated under the heading "Final Compliance Date".

In most cases the schedule includes incremental steps toward compliance, with interim dates for achieving these steps. While the table below does not list these dates, the actual schedules do. The notation "Immediately" under the heading "Effective Date" means that the schedule will become Federally enforceable immediately upon its approval by the Administrator.

Copies of the schedules were made available for public inspection at the EPA Air Programs Office, the State Air Quality Control Section, and the EPA Freedom of Information Center, and public comment on them was sought.

One comment was received. The Georgia Air Quality Control Section pointed out that the four schedules for Babcock and Wilcox Company, Augusta, had been heard but not issued, and requested that they not be made Federally enforceable at this time. Thus, they have been struck from the listing which appears below.

An evaluation of any schedule may be obtained by consulting personnel of the Agency's Region IV Air Programs Branch in Atlanta (404/526-3043).

The Administrator has determined that all schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the National Ambient Air Quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State law in Georgia, and the Agency's action imposes no additional regulatory burden on the affected facilities.

(Sec. 110(a), Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: September 4, 1975.

JOHN QUARLES,  
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

##### Subpart L—Georgia

§ 52.570 [Amended]

1. Section 52.570(c) is amended by inserting in paragraph (c) (4) in proper chronological order the date January 23, 1975.

2. In § 52.576 paragraph (a) is amended by inserting new lines as follows:

§ 52.576 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State.

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
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## RULES AND REGULATIONS

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Andy's Super Market, gas on fuel oil fired boilers.	Calhoun	391-3-1-.02(2)(c).	Dec. 30, 1974	Immediately	June 15, 1975
Anglo-American Clays Corp., Kaolin clay processing facility.	Sandersville	391-3-1-.02(2)(p)(n).	do.	do.	Do.
Crude clay hopper.	do.	391-3-1-.02(2)(n).	do.	do.	Nov. 15, 1974
Coating clay bagging machine.	do.	391-3-1-.02(2)(n).	do.	do.	Mar. 3, 1975
Railroad track.	do.	391-3-1-.02(2)(n).	do.	do.	Oct. 1, 1974
Filler clay and air float plant.	do.	391-3-1-.02(2)(p).	do.	do.	Aug. 15, 1974
Loading facilities.	do.	391-3-1-.02(2)(n).	do.	do.	June 15, 1975
Atlanta Structural Concrete Co., concrete products facility.	Powder Springs	391-3-1-.02(2)(n).	do.	do.	July 1, 1975
Augusta Building Supply, ready mix concrete facility.	Augusta	391-3-1-.02(2)(n).	do.	do.	Do.
Banks, Jackson, Commerce Hospital, Indinerster.	Commerce	391-3-1-.02(2)(c).	do.	do.	May 15, 1975
Berlin Gin Co., cotton gin.	Berlin	391-3-1-.02(2)(n).	do.	do.	Mar. 28, 1975
Brantly Tile & Pallet Co., conical burner.	Swainsboro	391-3-1-.02(2)(n).	do.	do.	Nov. 15, 1974
C-E Minerals, kyanite mining and processing.	Lincolnton	391-3-1-.02(2)(n).	do.	do.	July 31, 1975
C-E Minerals, kyanite processing.	Washington	391-3-1-.02(2)(n)(a).	do.	do.	Do.
C. W. Matthews Contracting Co., hot mix asphalt.	Villa Rica	391-3-1-.02(2)(k).	do.	do.	July 15, 1975
Camp Concrete Products, Co.	Columbus	391-3-1-.02(2)(n).	do.	do.	July 1, 1975
Chatsworth Ready Mix Co., ready mix concrete facility.	Chatsworth	391-3-1-.02(2)(n).	do.	do.	July 31, 1975
Chattahoochee Brick Co., brick manufacturing.	Atlanta	391-3-1-.02(2)(n).	do.	do.	Feb. 1, 1975
Chicopee Manufacturing Co., boiler No. 1 and 2.	Gainesville	391-3-1-.02(2)(n).	do.	do.	July 31, 1975
Continental Can Co., Inc., recovery furnace No. 1 and 2.	Augusta	391-3-1-.02(2)(n).	do.	do.	July 1, 1975
Crisp County Hospital, Morse Boulger.	Cordele	391-3-1-.02(2)(c).	do.	do.	Mar. 1, 1975
Donaldsonville Warehouse & Gin, cotton gin.	Donaldsonville	391-3-1-.02(2)(n).	do.	do.	Apr. 1, 1975
E. P. Edgy Planning Mill, conical burner.	Brunswick	391-3-1-.02(2)(l).	do.	do.	Apr. 31, 1975
Edwards Lumber Co., conical burner.	Sparta	391-3-1-.02(2)(l).	do.	do.	Do.
Engelhard Minerals & Chemical Corp., Kaolin clay processing.	McIntyre	391-3-1-.02(2)(n).	do.	do.	May 31, 1975
Bulk loading facilities.	do.	391-3-1-.02(2)(n).	do.	do.	Apr. 30, 1975
Silos (pneumatically fed).	do.	391-3-1-.02(2)(n).	do.	do.	Apr. 1, 1975
Silos (mechanically fed).	do.	391-3-1-.02(2)(n).	do.	do.	July 31, 1975
Fairplay Gin, cotton gin.	Fairplay	391-3-1-.02(2)(n).	do.	do.	Sept. 30, 1974
Farmer's Gin Co., cotton gin.	Dawson	391-3-1-.02(2)(q).	do.	do.	Nov. 1, 1974
Farmer's Gin Co., cotton gin.	Caldwell	391-3-1-.02(2)(q).	do.	do.	Do.
Federal Pacific Electric Co., incinerator.	Vidalia	391-3-1-.02(2)(c).	do.	do.	July 1, 1975
Feldspar Corp., feldspar processing.	Monticello	391-3-1-.02(2)(c).	do.	do.	May 15, 1975
Georgia Lightweight Aggregate Co., concrete aggregate.	Rockmart	391-3-1-.02(2)(e).	do.	do.	June 1, 1975
Gifford-Hill & Co., Inc., prestressed concrete.	Conley	391-3-1-.02(2)(n).	do.	do.	July 1, 1975
Gold Eist Rendering Plant, boilers.	Ball Ground	391-3-1-.02(2)(a).	do.	do.	Mar. 1, 1975
Goodyear Tire & Rubber, boilers.	Cartersville	391-3-1-.02(2)(d).	do.	do.	June 31, 1975
Gorge & Bridges Lumber Co., open burning.	Willacoochee	391-3-1-.02(2)(a).	do.	do.	Dec. 31, 1974

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## RULES AND REGULATIONS

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Griffin Pipe Products Co., sewer pipe manufacturing.	Milledgeville	391-3-1-.02(2)(e).	do.	do.	July 31, 1975
Hardy & Col, Inc., slaughterhouse.	Sylvester	391-3-1-.02(2)(a).	do.	do.	Dec. 31, 1974
Howard Concrete Pipe, pipe manufacturing.	Atlanta	391-3-1-.02(2)(a).	do.	do.	Jan. 31, 1975
Jerry Rice Sawmill, open burning.	Mineral Bluff	391-3-1-.02(2)(a).	do.	do.	Mar. 15, 1975
Jordan Carpet Yarns, boiler.	Columbus	391-3-1-.02(2)(d).	do.	do.	July 31, 1975
Kingston Gin Co., cotton gin.	Kingston	391-3-1-.02(2)(q).	do.	do.	Mar. 1, 1975
Macon Prestressed Concrete Co., prestressed concrete manufacturing.	Jonesboro	391-3-1-.02(2)(n).	do.	do.	Do.
Marquette Cement, Manufacturing Plant, portland cement facility except for clinker cooler.	Rockmart	391-3-1-.02(2)(e)(n).	do.	do.	July 31, 1975
Mayo Chemical Co., production of sodium glucoheptanate.	Smyrna	391-3-1-.02(2)(a).	do.	do.	July 15, 1975
Nabisco, Inc., pimiento plants.	Woodbury	391-3-1-.02(2)(e).	do.	do.	Apr. 30, 1975
Nipro, Inc., ammonium nitrate.	Augusta	391-3-1-.02(2)(s).	do.	do.	July 31, 1975
North Chemical Co., polymethylacrylate.	Marietta	391-3-1-.02(2)(n).	do.	do.	June 15, 1975
Olia Corp., chlor-alkali.	Augusta	391-3-1-.02(2)(e).	do.	do.	Dec. 1, 1974
Owens-Illinois, Inc., Riley boiler.	Valdosta	391-3-1-.02(2)(a).	do.	do.	July 1, 1975
Oxford Construction Co., hot mix asphalt.	Albany	391-3-1-.02(2)(k).	do.	do.	July 31, 1975
Papa Mining Co., barium sulfate processing.	Cartersville	391-3-1-.02(2)(n).	do.	do.	Feb. 1, 1975
Pekor Iron Works, cupola.	Columbus	391-3-1-.02(2)(o).	do.	do.	Mar. 1, 1975
Planters Warehouse & Loan Co., cotton gin.	Fitzgerald	391-3-1-.02(2)(n).	do.	do.	Nov. 1, 1974
Quikrete-Handi-Crete Co., packaged concrete mix.	Lithonia	391-3-1-.02(2)(n).	do.	do.	Dec. 31, 1974
RDC, Inc., steam generating plant.	Rossville	391-3-1-.02(2)(d).	do.	do.	July 1, 1975
Riegel Textile Corp., boiler units No. 1, 2, 3, and 4.	Trion	391-3-1-.02(2)(d).	do.	do.	July 31, 1975
Ruston Cotton Mill, power boiler (coal-fired).	Griffin	391-3-1-.02(2)(d).	do.	do.	Do.
Shepherd Construction Co., hot mix asphalt.	Near Jesup	391-3-1-.02(2)(k).	do.	do.	May 30, 1975
Shepherd Construction Co., asphalt plant.	Hwy 87 North of Macon	391-3-1-.02(2)(k).	do.	do.	Apr. 30, 1975
Shepherd Construction Co., asphalt plant.	Silom	391-3-1-.02(2)(k).	do.	do.	July 31, 1975
Thompson, Weiman & Co., Mineral extenders and fillers processing.	Cartersville	391-3-1-.02(2)(n).	do.	do.	Do.
Rotary dryer.	do.	391-3-1-.02(2)(n).	do.	do.	Do.
Bin vent collectors.	do.	391-3-1-.02(2)(n).	do.	do.	Do.
Air classifier and Larie rotary dryer.	do.	391-3-1-.02(2)(n).	do.	do.	July 1, 1975
Bulk loading.	do.	391-3-1-.02(2)(n).	do.	do.	Do.
Calcium carbonate spray dryer.	do.	391-3-1-.02(2)(e).	do.	do.	Nov. 1, 1974
Toney Bros., cotton gin.	Doerun	391-3-1-.02(2)(q).	do.	do.	Mar. 1, 1975
Universal-Rundel Corp.	Monroe	391-3-1-.02(2)(e).	do.	do.	May 15, 1975
Vinings Chemical Co., production of dithione, sodium, and methylene bischloroacrylate.	Marietta	391-3-1-.02(2)(a).	do.	do.	July 1, 1975
W. F. Gay & Co., cotton gin.	Gay	391-3-1-.02(2)(q).	do.	do.	Feb. 15, 1975
Walker Enterprises, Inc., d.b.a. Walker's Ready Mix, concrete facility.	Jesup	391-3-1-.02(2)(n).	do.	do.	July 1, 1975
Walker's Gin, Inc., cotton gin.	Camilla	391-3-1-.02(2)(q).	do.	do.	Mar. 1, 1975
West Point Foundry & Machine Co., cupola.	West Point	391-3-1-.02(2)(o).	do.	do.	Jan. 1, 1975
West Point Pepperell, Inc., 2 coal on gas fired boilers.	LaGrange	391-3-1-.02(2)(d).	do.	do.	July 31, 1975
No. 4 boiler.	Lindale	391-3-1-.02(2)(d).	do.	do.	Do.
West Point Pepperell, Inc., 2 B. & W. boilers.	Columbus	391-3-1-.02(2)(d).	do.	do.	Do.
West Point Pepperell, Inc., No. 1 and 2 boilers.	Newnan	391-3-1-.02(2)(d).	do.	do.	Do.
Woolfolk Chemical Works: Production of arsenic acid.	Fort Valley	391-3-1-.02(2)(a).	do.	do.	July 15, 1975
Production of lime sulfur.	do.	391-3-1-.02(2)(a).	do.	do.	Do.
Production of basic zinc sulfate.	do.	391-3-1-.02(2)(a).	do.	do.	Do.
Production of granular pesticides.	do.	391-3-1-.02(2)(a).	do.	do.	Do.

[FR Doc.75-24069 Filed 9-11-75; 8:45 am]

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## RULES AND REGULATIONS

PART 52—APPROVAL AND PROMULGA-

"Effective Date" means that the schedule becomes Federally enforceable im-

## RULES AND REGULATIONS

42355

MISSISSIPPI  
Regulation Date of Final



## RULES AND REGULATIONS

[FRL 416-8]

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**  
**Mississippi: Approval of Compliance Schedules**

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On January 20, 1975, pursuant to 40 CFR 51.6 the State of Mississippi submitted for the Environmental Protection Agency's approval revisions to the compliance schedule portion of the plan. The compliance schedules submitted by Mississippi were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, plan revisions, and compliance schedules as well as consistency with the control strategies of the Mississippi implementation plan. The schedules which met these criteria were published in the *FEDERAL REGISTER* as proposed rulemaking on May 6, 1975 (40 FR 19656). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, and at the office of the Mississippi Air and Water Pollution Control Commission in Jackson; all interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources, and the schedules printed below are identical to those offered for comment in the proposed notice, except that a few minor typographical errors have been corrected.

Each of the schedules given in the table below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State Implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date". In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading

"Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules and the Mississippi plan are available for public inspection at the following locations:

Air and Hazardous Materials Division, Environmental Protection Agency, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

Division of Air Pollution Control, Mississippi Air & Water Pollution Control Commission, Robert E. Lee Building, Jackson, Mississippi 39205.

Freedom of Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State law in Mississippi and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110(a), Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: September 4, 1975.

JOHN QUARLES,  
 Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

**Subpart Z—Mississippi**

**§ 52.1270 [Amended]**

1. In § 52.1270, paragraph (c) (2) is amended by inserting in proper chronological order the date January 20, 1975.

2. Section 52.1274 is amended by inserting additional lines in the table of paragraph (a) as follows:

**§ 52.1274 Compliance schedules.**

(a) \* \* \*

## RULES AND REGULATIONS

MISSISSIPPI					
Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
ALCORN COUNTY					
Gateway Corp.	Corinth	APC-S-1	Dec. 16, 1974	Immediately	Apr. 1, 1975
AMITE COUNTY					
Georgia Pacific Corp.	Gloster	APC-S-1	Dec. 16, 1974	Immediately	Mar. 1, 1975
Hood Lumber Co. of Crosby	Crosby	APC-S-1	Dec. 16, 1974	do.	July 15, 1975
BOLIVAR COUNTY					
Alabama Metal Products Co. (AMP CO), Inc.	Rosedale	APC-S-1	Feb. 28, 1974	Immediately	Sept. 1, 1974
Bunge Corp.	Gumison	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
CHICKASAW COUNTY					
E. F. Dyer Handle Co.	Houston	APC-S-1	Dec. 16, 1974	Immediately	Mar. 20, 1975
CLAIBORNE COUNTY					
Pickens Brothers Lumber Co.	Port Gibson	APC-S-1	Dec. 16, 1974	Immediately	May 17, 1975
CLARK COUNTY					
Morris Feed Mill	Enterprise	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
Shell Oil Co., Goodwater plant	Slidona	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
Hood Charcoal Co. Division of Masonite Corp.	Pachuta	APC-S-1	Feb. 28, 1974	do.	Mar. 31, 1974
COAHONA COUNTY					
Claremont Gin.	Clarksdale	APC-S-1	Dec. 16, 1974	Immediately	Feb. 22, 1975
COPIAH COUNTY					
Copiah County Manufacturing Co.	Hazellhurst	APC-S-1	Dec. 16, 1974	Immediately	Nov. 15, 1974
Hazellhurst Box Co.	do.	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
Hood Lumber of Georgetown	Georgetown	APC-S-1	Dec. 16, 1974	do.	Dec. 21, 1974
DE SOTO COUNTY					
Dutchess Furniture Co.	Hernando	APC-S-1	Dec. 16, 1974	Immediately	Feb. 21, 1975
Continental Foundry & Machine Works	Olive Branch	APC-S-1	Feb. 28, 1974	do.	Dec. 17, 1974
FORREST COUNTY					
Dalry Fresh Corp.	Hattiesburg	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
Dixie Pole & Piling Co.	do.	APC-S-1	Dec. 16, 1974	do.	Mar. 26, 1975
Hood Lumber of Hattiesburg, treating division	do.	APC-S-1	Dec. 16, 1974	do.	Mar. 1, 1975
FRANKLIN COUNTY					
Klumb Manufacturing Co.	Bude	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
HANCOCK COUNTY					
Winn-Dixie No. 1475	Bay St. Louis	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
HINDS COUNTY					
Millers Discount Store (Incinerator)	Jackson	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
J. J. Ferguson Ready Mix-Concrete Co.	do.	APC-S-1	Feb. 28, 1974	do.	Dec. 1, 1974
Mississippi Foundry & Machine Co., Inc.	do.	APC-S-1	Feb. 28, 1974	do.	Dec. 31, 1973
General Tire Service	do.	APC-S-1	Feb. 28, 1974	do.	May 1, 1975
Presto Manufacturing Co.	do.	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
Delta Asphalt, Inc.	do.	APC-S-1	Feb. 28, 1974	do.	May 17, 1974
ISSAQUENA COUNTY					
Bunge Corp.	Mayersville	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
ITAWAMBA COUNTY					
S. A. McDaniel Gin.	Dorsey	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
JACKSON COUNTY					
Jilney Jungle Food Store	Moss Point	APC-S-1	Feb. 28, 1974	Immediately	Jan. 25, 1975
Ocean Springs Nursing Center (Incinerator)	Ocean Springs	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
Mississippi Chemical Corp., phosphate rock storage and handling facility	Pascagoula	APC-S-1	Dec. 16, 1974	do.	Mar. 1, 1975
No. 2 Mixed Fertilizer Plant	do.	APC-S-1	Dec. 16, 1974	do.	Mar. 15, 1975
Blossman Concrete Ready-Mix, Inc.	Ocean Springs	APC-S-1	Feb. 28, 1974	do.	Apr. 22, 1975
Mississippi Chemical Corp., No. 1, Pascagoula	do.	APC-S-1	Dec. 16, 1974	do.	Mar. 1, 1975
No. 2, and No. 3, fertilizer storage building	do.	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
PAVCO Industries, Inc.	do.	APC-S-1	Dec. 16, 1974	do.	July 31, 1975

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## RULES AND REGULATIONS

MISSISSIPPI—Continued

## RULES AND REGULATIONS

MISSISSIPPI—Continued

name, "succinic acid 2,2-dimethylhydrazide" has been changed to butanedioic acid mono-(2,2-dimethylhydrazide)



## RULES AND REGULATIONS

## MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
JACKSON COUNTY—Continued					
Concrete Products and Supply and Weatherby Materials, Inc.	Escatawpa	APC-S-1	Feb. 28, 1974	do.	Dec. 22, 1974
Corechem, Inc.	Pasagonla	APC-S-1	Feb. 28, 1974	do.	July 31, 1975
JASPER COUNTY					
Georgia Pacific Corp.	Bay Springs	APC-S-1	Dec. 16, 1974	Immediately	Apr. 1, 1975
JEFFERSON DAVIS COUNTY					
Bassfield Feed Mill	Bassfield	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
JONES COUNTY					
Hood Lumber of Laurel	Laurel	APC-S-1	Dec. 16, 1974	Immediately	Oct. 13, 1974
Hess Ready Mix Concrete, Inc.	do.	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
LAFAYETTE COUNTY					
J. J. Ferguson Ready Mix-Hot Mix Co.	Oxford	APC-S-1	Dec. 16, 1974	Immediately	Dec. 1, 1974
LAMAR COUNTY					
Kaiser Aluminum & Chemical Corp., Purvis coke-cleaning facility.	Purvis	APC-S-1	Sept. 11, 1973	Immediately	May 1, 1975
LAUDERDALE COUNTY					
Atlas Roofing Co.	Medridian	APC-S-1	Dec. 16, 1974	Immediately	Oct. 30, 1974
Sam Finley, Inc.	do.	APC-S-1	Dec. 16, 1974	do.	Aug. 15, 1974
Meywebb Hosiery Mill	do.	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
Meridian Woodworking, Inc.	do.	APC-S-1	Feb. 28, 1974	do.	May 15, 1974
LAWRENCE COUNTY					
St. Regis Paper Co. (recovery boilers No. 1 and No. 2 particulates).	Monticello	APC-S-1	Dec. 16, 1974	Immediately	April 30, 1975
LEAKE COUNTY					
Leake County Milling Co., Inc.	Carthage	APC-S-1	Dec. 16, 1974	Immediately	Sept. 23, 1974
LEE COUNTY					
Paverite Asphalt Co.	Tupelo	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
Tupelo Manufacturing Co.	do.	APC-S-1	Dec. 16, 1974	do.	Dec. 15, 1974
LEFLORE COUNTY					
Farmers Gin of Greenwood	Greenwood	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
LOWNDES COUNTY					
Hooker Chemical Co.	Columbus	APC-S-1	Dec. 16, 1974	Immediately	Mar. 1, 1975
Johnston Tombigbee Furniture Co. (Woodworking plant).	do.	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
(Tee Pee Burners)	do.	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
MARION COUNTY					
Piggly Wiggly Food Store	Columbia	APC-S-1	Feb. 28, 1974	Immediately	Aug. 20, 1974
Marion County General Hospital	do.	APC-S-1	Feb. 28, 1974	do.	Nov. 17, 1974
MONROE COUNTY					
Gilmore-Packett Lumber Co.	Amory	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
Bunge Corp.	Nettleton	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
Amory Cotton Oil Co.	Amory	APC-S-1	Dec. 16, 1974	do.	Jan. 1, 1975
NEWTON COUNTY					
La-z-Boy South	Newton	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
NOXUBEE COUNTY					
Atlas Brick Co.	Shuqualak	APC-S-1	Dec. 16, 1974	Immediately	Dec. 15, 1974
ORTHRIDGE COUNTY					
Howard Furniture Manufacturing Co., Inc.	Starkville	APC-S-1	Dec. 16, 1974	Immediately	Apr. 1, 1975
PIKE COUNTY					
Roses Department Store	McComb	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
PRENTISS COUNTY					
Gaines Manufacturing Co.	Booneville	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
QUITMAN COUNTY					
Kentucky-Tennessee Clay Co.	Crenshaw	APC-S-1	Dec. 16, 1974	Immediately	Mar. 7, 1975

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## MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
RANKIN COUNTY					
Cataphote Corporation Division of Ferro Corp.	Flowood	APC-S-1	Dec. 16, 1974	Immediately	June 1, 1975
SHARKE COUNTY					
Associate Producers Gin, Inc., No. 2	Rolling Fork	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
Cameta Gin	Camela	APC-S-1	Feb. 28, 1974	do.	Feb. 7, 1975
SIMPSON COUNTY					
W. E. Blain & Sons, Inc.	Pinola	APC-S-1	Feb. 28, 1974	Immediately	July 15, 1974
C. D. Rhodes Sawmill	Braxton	APC-S-1	Feb. 28, 1974	do.	Nov. 9, 1974
SMITH COUNTY					
Georgia-Pacific Corp.	Taylorville	APC-S-1	Dec. 16, 1974	Immediately	Apr. 1, 1975
(Particleboard plant)	do.	APC-S-1	Dec. 16, 1974	do.	Jan. 1, 1975
TALLAHATCHIE COUNTY					
Tallahatchie Hardwood	Charleston	APC-S-1	Dec. 16, 1974	Immediately	Oct. 5, 1974
TATE COUNTY					
Tate County Ready-Mix, Inc.	Senatobia	APC-S-1	Feb. 28, 1974	Immediately	May 28, 1975
TIPPAH COUNTY					
Lockhart Feed Mill	Ripley	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
UNION COUNTY					
Morris Feed Mill	Enterprise	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
WARREN COUNTY					
Vicksburg Chemical Co. K-No. 3	Vicksburg	APC-S-1	Dec. 16, 1974	Immediately	Feb. 1, 1975
Dust Emissions	do.	APC-S-1	Dec. 16, 1974	do.	Feb. 12, 1975
Valley Cement Ind., Inc.	Redwood	APC-S-1	Dec. 16, 1974	do.	Oct. 20, 1974
Mid-South Milling Co.	Vicksburg	APC-S-1	Dec. 16, 1974	do.	Oct. 20, 1974
WASHINGTON COUNTY					
J. J. Ferguson Ready Mix Hot Mix Co.	Greenville	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
Burge Corp.	do.	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
U.S. Gypsum Co.	do.	APC-S-1	Dec. 16, 1974	do.	Apr. 1, 1975
WINSTON COUNTY					
Quality Feed Mill	Louisville	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
Barton Sawmill	do.	APC-S-1	Dec. 16, 1974	do.	July 31, 1975
Georgia-Pacific Corp. (Particleboard Plant)	do.	APC-S-1	Dec. 16, 1974	do.	July 1, 1975
YAZOO COUNTY					
Bunge Corp.	Yazoo City	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
Mississippi Chemical Corp. (Urea Plant)	do.	APC-S-1	Feb. 28, 1974	do.	July 1, 1974
Ammonium Nitrate Neutralizer Section	do.	APC-S-1	Feb. 28, 1974	do.	July 1, 1974

[FR Doc.75-24070 Filed 9-11-75;8:45 am]

[FRL 429-1]

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**  
**Kentucky: Approval of Compliance Schedules; Correction**

In FR document FRL 389-2 appearing at page 29540 of the issue of July 14, 1975, the first clause of action number 2 is corrected to read as follows:

"2. Section 52.927 is amended by inserting new lines in the tables of paragraph (c) as follows:"

Dated: September 3, 1975.

JACK E. RAVAN,  
 Regional Administrator,  
 Region IV.

[FR Doc.75-24223 Filed 9-11-75;8:45 am]

[FRL 429-6; PP3F1408, R52]

**PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**Daminozide**

On July 17, 1973, notice was given (38 FR 19071) that Uniroyal Chemical, Division of Uniroyal, Inc., Bethany CT 06525, had filed a pesticide petition (PP 3F1408) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.246 be amended to establish tolerances for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on the raw agricultural commodities tomatoes at 40 parts per million (ppm) and cranberries and pears at 20 ppm. [The chemical

name, "succinic acid 2,2-dimethylhydrazide" has been changed to butanedioic acid mono (2,2-dimethylhydrazide) and the name daminozide has been accepted as the common name for the chemical.] Uniroyal Chemical subsequently amended the petition by withdrawing the proposed tolerance for residues in or on cranberries. (A related document on daminozide and the establishment of food additive tolerances also appears in today's FEDERAL REGISTER.)<sup>1</sup>

The data submitted in the petition and other relevant material have been evaluated. The plant regulator is considered useful for the purpose for which the tolerances are sought. The established tolerances are adequate to cover residues in eggs, meat, milk, and poultry resulting from both the proposed use as well as the established uses and § 180.6 (a) (2) applies. Therefore, it is concluded that the tolerance established by amending § 180.246 will protect the public health.

Any person adversely affected by these regulations may on or before October 14, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St., SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in triplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on September 12, 1975, Part 180, Subpart C, § 180.246, is amended as set forth below.

Dated: September 5, 1975.

EDWIN L. JOHNSON,  
 Deputy Assistant Administrator  
 for Pesticide Programs.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

Section 180.246 is amended by adding the new paragraph "40 parts per million \* \* \*" after the paragraph "50 parts per million \* \* \*" to include a tolerance for tomatoes and by revising the paragraph "20 parts per million \* \* \*" to include pears as follows:

§ 180.246 Daminozide: tolerances for residues.

40 parts per million in or on tomatoes.

20 parts per million in or on brussels sprouts, peanut hay, and pears.

[FR Doc.75-24226 Filed 9-11-75;8:45 am]

<sup>1</sup> See FR Doc.75-24235 appearing at p. 42343.

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## RULES AND REGULATIONS

## Title 41—Public Contracts and Property Management

## CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amendment F-24]

## PART 101-35—TELECOMMUNICATIONS GSA Implementation of OTP Circular 13

Sections 101-35.103 and 101-35.203 are amended to implement Office of Telecommunications Policy (OTP) Circular No. 13, Federal Use of Telecommunications Service, dated June 21, 1974, concerning Government procurement of telecommunications facilities and services.

1.) Section 101-35.103(d) is revised to read as follows:

## § 101-35.103 Policy.

(d) Place maximum reliance on commercial sources for telecommunications services in accordance with the Office of Telecommunications Policy (OTP) Circular No. 13, Federal Use of Telecommunications Service, dated June 21, 1974.

2.) Section 101-35.203 is amended by the addition of the following note.

## § 101-35.203 Justification of major changes and new installations.

(g) . . . . .

Note.—In addition to the information requested by this section, agencies submitting system facility or service proposals that fall within the guidelines established by OTP Circular No. 13 shall indicate that the OTP policy has been satisfied.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective September 12, 1975.

Dated: August 29, 1975.

ARTHUR F. SAMPSON,  
Administrator of General Services.  
[FR Doc. 75-24290 Filed 9-11-75; 8:45 am]

[FPMR Amendment G-33]

## PART 101-38—MOTOR EQUIPMENT MANAGEMENT

## Revised Motor Equipment Management Policy

This regulation revises the policy dealing with motor equipment management to (1) provide for the availability of certain Standard forms for reporting motor vehicle accidents, (2) accommodate new and changed organizational titles and symbols, and (3) reflect nonsubstantive editorial adjustments.

## §§ 101-38.101-101-38.101-5 [Removed]

The table of contents for Part 101-38 is amended to delete §§ 101-38.101-1 through 101-38.101-5 and to include new and revised entries as follows:

## Subpart 101-38.3—Official U.S. Government Tags

• Subpart 101-38.3—Reporting Motor Vehicle Accidents

101-38.800 Scope of subpart.

101-38.801 Applicability.

101-38.802 Accident reporting forms and their use.

## Subpart 101-38.0—Definition of Terms

1.) Sections 101-38.001-1, 101-38.001-9, 101-38.001-10, 101-38.001-13, 101-38.001-14, and the introductory text of § 101-38.001-2 are revised as follows:

## § 101-38.001-1 Acquired for official purposes.

"Acquired for official purposes" means motor vehicles located in the United States, its territories, or possessions (a) gained and held or (b) rented or leased from private or commercial sources for a period exceeding 3 successive months by a Federal agency or the District of Columbia. This definition shall not be construed as the authority for the use of motor vehicles under (b) for a period of 3 months or less in any manner other than for official purposes.

## § 101-38.001-2 Commercial design motor vehicles.

"Commercial design motor vehicles" means motor vehicles procurable from regular production lines and available for civil agency use. Commercial design motor vehicles are further classified as "transport design" and "special design" motor vehicles.

## § 101-38.001-9 Trip rental.

"Trip rental" means rental of a vehicle by an employee of a Federal agency from an interagency motor pool or a commercial firm for a period of less than 3 months.

## § 101-38.001-10 Reportable vehicles.

"Reportable vehicles" means all automobiles, station wagons, ambulances, buses, carryalls, trucks, and truck tractors. Excluded are "military design motor vehicles" (defined in § 101-38.001-3), trailers, fire trucks, and other equipment detailed in the instructions for Standard Form 82, Agency Report of Motor Vehicle Data, (see § 101-38.4901.)

## § 101-38.001-13 Domestic fleet.

"Domestic fleet" means all reportable motor vehicles held by an agency in the United States, its territories, or possessions.

## § 101-38.001-14 Foreign fleet.

"Foreign fleet" means all reportable motor vehicles held by an agency for use in areas other than the United States, its territories, or possessions.

## Subpart 101-38.1—Reporting Motor Vehicle Data

2. Sections 101-38.100-1, 101-38.100-2, and 101-38.102-1 are revised as follows:

## § 101-38.100-1 Standard Form 82, Agency Report of Motor Vehicle Data.

Standard Form 82 (illustrated at § 101-38.4901) is used by Federal agencies to submit vehicle inventory, cost, and operating data to GSA. That data is used by GSA to compile the "Federal Motor Vehicle Fleet Report." (Interagency Report Control Number 1102-GSA-AN has been assigned to Standard Form 82.)

## § 101-38.100-2 Federal Motor Vehicle Fleet Report.

This report is the summarization of the motor vehicle data reported to GSA by Federal agencies on Standard Form 82. It is used to evaluate and analyze operations and management of the Federal fleet. GSA supplies copies of this report to Federal agencies and to other organizations as requested.

## § 101-38.102-1 Reporting period and submission.

Each Federal agency, as holding agency, using agency, or both, shall submit Standard Form 82 in duplicate to GSA not later than 75 days after the end of the fiscal year.

## Subpart 101-38.2—Registration and Inspection

3. Sections 101-38.201-1, 101-38.201-2, and 101-38.202 are revised as follows:

## § 101-38.201-1 Registration.

(a) All motor vehicles acquired for official purposes and regularly based or housed in the District of Columbia shall be registered in the District of Columbia, Department of Highways and Traffic, in accordance with section 40-102 (b) (2) of the District of Columbia Code. Each motor vehicle shall be reregistered during February of each year. Special forms for registering motor vehicles are available from the Department of Highways and Traffic.

(b) The District of Columbia Code requires that application for registration of title be accompanied by a certificate of origin, bill of sale, or other document attesting Government ownership. If such documents have been lost, destroyed, or are otherwise unavailable, GSA Form 1020, The United States Government Certificate of Ownership of a Motor Vehicle (illustrated at § 101-38.4902), certified by GSA, will be accepted by the District of Columbia in lieu of the missing documents. The holding agency may obtain GSA Form 1020 from the General Services Administration (FZM), Washington, DC 20406, upon furnishing adequate proof of Government ownership.

## § 101-38.201-2 Inspection.

Each registered motor vehicle shall be inspected annually in accordance with section 40-204 of the District of Columbia Code and applicable regulations issued thereunder. Those motor vehicles that pass inspection will be provided a current Approval Inspection Sticker by the Department of Highways and Traffic.

§ 101-38.202 Registration and inspection outside the District of Columbia. Motor vehicles acquired for official purposes and regularly housed outside the District of Columbia need not be registered in the States, territories, or possessions in which they are primarily used, except that motor vehicles exempted under Subpart 101-38.6 shall be registered and inspected in accordance with the laws of the State, territory, or possession involved.

4.) The caption of Subpart 101-38.3 is revised as follows:

## Subpart 101-38.3—Official U.S. Government Tags

5.) Sections 101-38.301, 101-38.302, 101-38.303-1, 101-38.304-1, 101-38.305-4, and § 101-38.303-2(a) (b) (c), (c) (2) and (4) are revised as follows:

## § 101-38.301 General requirements.

Official U.S. Government tags shall be used only on Government-owned or -leased motor vehicles.

## § 101-38.302 Records.

Each holding agency shall maintain a current record of all official U.S. Government tags in use on motor vehicles for which that agency is accountable. Such records shall specify the motor vehicle for which the tags are assigned and shall include complete information regarding all reassignments of tags and voided tag numbers.

## § 101-38.303-1 Procurement in the District of Columbia.

(a) Official U.S. Government tags will be issued without charge to Federal agencies by the District of Columbia Department of Highways and Traffic pursuant to the provisions of section 40-102 (b) (2) of the District of Columbia Code, at the time the motor vehicle is registered or reregistered as prescribed in § 101-38.201-1.

(b) Government-owned motor vehicles registered in the District of Columbia in accordance with § 101-38.201-1 and displaying official U.S. Government tags shall have the letter code designation prescribed in § 101-38.304-1 stenciled in the blank space beside the embossed numbers. The letter code designation shall be stenciled on the tag in such a manner that the size and color of the letters are the same as, or similar to, the embossed numbers.

## § 101-38.303-2 Procurement outside the District of Columbia.

(a) Federal agencies operating motor vehicles acquired for official purposes outside the District of Columbia, except those exempted under Subpart 101-38.6, shall procure official U.S. Government tags from the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, VA 22079.

(b) Tags will be fabricated from aluminum, treated against salt corrosion, and have a baked enamel surface. These tags have an estimated life expectancy of 5 years.

(c) When ordering tags, the following applies:

(1) . . . . .

(2) For obligating purposes, the ordering agency should consult the prices for vehicle identification tags listed in the Current Price List of Industrial Products and Services, issued by the Superintendent of Industries. Federal agencies may request that they be added to the mailing list to receive the price lists as issued by contacting the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, VA 22079.

(3) . . . . .

(4) Upon receipt of an appropriate billing document, each agency shall

## RULES AND REGULATIONS

make payment direct to the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, VA 22079.

## § 101-38.304-1 Code designations.

Official U.S. Government tags, except tags issued by the District of Columbia Department of Highways and Traffic pursuant to § 101-38.303-1, shall be numbered serially for each agency, beginning with 101, and shall be preceded by a letter code designating the agency having accountability for the motor vehicles as follows:

Action . . . . .	ACT
Agriculture, Department of . . . . .	A
Air Force, Department of the . . . . .	AF
Army, Department of the . . . . .	W
Civil Aeronautics Board . . . . .	CA
Civil Service Commission . . . . .	CS
Commerce, Department of . . . . .	C
Consumer Product Safety Commission . . . . .	CPSC
Corps of Engineers, Civil Works . . . . .	CE
Defense Contract Audit Agency . . . . .	DA
Defense, Department of . . . . .	D
Defense Supply Agency . . . . .	DS
District of Columbia Redevelopment Land Agency . . . . .	LA
Economic Opportunity, Office of . . . . .	EO
Energy Research and Development Administration . . . . .	E
Environmental Protection Agency . . . . .	EPA
Executive Office of the President . . . . .	EO
Council of Economic Advisors, National Security Council, Office of Management and Budget . . . . .	EPS
Executive Protective Service . . . . .	EB
Export-Import Bank of the United States . . . . .	FA
Federal Aviation Administration . . . . .	FC
Federal Communications Commission . . . . .	FD
Federal Deposit Insurance Corporation . . . . .	FM
Federal Mediation and Conciliation Service . . . . .	FP
Federal Power Commission . . . . .	FR
Federal Reserve System . . . . .	FT
Federal Trade Commission . . . . .	GA
General Accounting Office . . . . .	GS
General Services Administration . . . . .	GP
Government Printing Office . . . . .	HW
Health, Education, and Welfare, Department of . . . . .	H
Housing and Urban Development, Department of . . . . .	G
Interagency Motor Pool Systems . . . . .	I
Interior, Department of the . . . . .	IC
Interstate Commerce Commission . . . . .	JB
Judicial Branch of the Government . . . . .	J
Justice, Department of . . . . .	L
Labor, Department of . . . . .	LB
Legislative Branch of the Government . . . . .	NA
National Aeronautics and Space Administration . . . . .	NH
National Capital Housing Authority . . . . .	NP
National Capital Planning Commission . . . . .	NG
National Guard Bureau . . . . .	NL
National Labor Relations Board . . . . .	NS
National Science Foundation . . . . .	N
Navy, Department of the . . . . .	NRC
Nuclear Regulatory Commission . . . . .	PC
Panama Canal Company . . . . .	RR
Railroad Retirement Board . . . . .	RB
Renegotiation Board . . . . .	SE
Securities and Exchange Commission . . . . .	SS
Selective Service System . . . . .	SB
Small Business Administration . . . . .	

Smithsonian Institution . . . . . SI  
National Gallery of Art . . . . . SH  
Soldiers' and Airmen's Home, U.S. State, Department of . . . . . S  
Tennessee Valley Authority . . . . . TV  
Transportation, Department of . . . . . DOT  
Treasury, Department of the . . . . . T  
United States Information Agency . . . . . IA  
United States Postal Service . . . . . P  
Veterans Administration . . . . . VA

## § 101-38.305-4 U.S. Government tags issued by District of Columbia.

Official U.S. Government tags issued by the District of Columbia may be transferred, after approval by the Director of Highways and Traffic of the District of Columbia, only to another Government-owned or -leased motor vehicle of the same agency operating that vehicle in the District of Columbia. Damaged or mutilated tags finally removed from vehicles operating in the District of Columbia shall be delivered to the District of Columbia Department of Highways and Traffic for cancellation. Whenever motor vehicles regularly based or housed in the District of Columbia are transferred to operation in field areas, transferred to another agency, or removed from Government service, the official U.S. Government tags issued by the District of Columbia shall be removed and delivered to the District of Columbia Department of Highways and Traffic for cancellation.

## Subpart 101-38.4—Official Legend and Agency Identification

6. Section 101-38.402 and § 101-38.403 introductory text and (a) are revised as follows:

## § 101-38.402 Agency identification.

The full name of the department, establishment, corporation, or agency by which it is held; or a title descriptive of the service in which it is held if such a title readily identifies the department, establishment, corporation, or agency concerned shall be displayed conspicuously, as shown in § 101-38.4903, in letters of a color that is in definite contrast to the background color of the motor vehicle involved. The principal identifying word or words, or the full title of such agency identification shall be in letters not less than 1 inch high and not over 1½ inches high. Subsidiary words, or titles of subordinate units, if used, shall be in letters not less than ½ inch high and not over ¾ inch high. The identification should be applied through the use of decalcomanias (elastomeric pigmented film type). For examples of suggested possible arrangements, see § 101-38.4903.

## § 101-38.403 Display of legend and agency identification.

Except as provided in § 101-38.401(c) and Subpart 101-38.6, all Government-owned or -leased motor vehicles shall display the legends "For Official Use Only" and "U.S. Government," and immediately below the legends the agency identification located as follows:

(a) On passenger cars, station wagons, ambulances, buses, carryalls, fire trucks, trucks, and tractors; centered on both

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front doors or in an appropriate position on the side if there are no doors.

## § 101-38.605 Additional exemptions.

Exemptions in addition to those in

holding motor vehicles that are located within the United States, its territories,

## § 101-38.4903 Examples of agency

identification.

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shall establish and maintain an adequate system of property accountability.

of the District of Columbia, transfer orders shall be executed by a respon-



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front doors or in an appropriate position on the side if there are no doors.

#### Subpart 101-38.5—Exemptions from Use of Official U.S. Government Tags and Other Identification

7. Sections 101-38.602 (a) (b) (f) (h) (k) and (1) 101-38.603(a) (3), 101-38.605, and 101-38.607 are revised as follows:

#### § 101-38.602 Unlimited exemptions.

(a) *Energy Research and Development Administration.* Motor vehicles that the Energy Research and Development Administration designates for use in the conduct of investigative or law enforcement activities.

(b) *Department of Agriculture.* Motor vehicles that the Animal and Plant Health Inspection Service, Forest Service, Office of the Inspector General, and the Packers and Stockyards Administration use in the conduct of investigative or law enforcement activities. These vehicles include designated agency-held vehicles and vehicles obtained from the Interagency Motor Pool System.

(f) *Department of Justice.* All motor vehicles operated by the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Border Patrol; and those vehicles operated in undercover law enforcement activities or investigative work by the Immigration and Naturalization Service, the Bureau of Prisons, and the U.S. Marshals Service.

(h) *Department of the Treasury.* All motor vehicles operated by the U.S. Secret Service; the Intelligence Division and the Internal Security Division of the Internal Revenue Service; the Bureau of Alcohol, Tobacco, and Firearms; and the Office of Investigation of the Bureau of Customs. These vehicles include designated agency-held vehicles and vehicles obtained from the Interagency Motor Pool System.

(k) *Nuclear Regulatory Commission.* Motor vehicles that the Nuclear Regulatory Commission designates for use in the conduct of investigative or law enforcement activities.

(1) *Department of Transportation.* All motor vehicles used for intelligence, investigative, or security purposes by the Office of Investigations and Security in the Office of the Secretary; the Intelligence and Security Division and field counterparts in the U.S. Coast Guard; the Office of Investigations and Security in the Federal Aviation Administration; and special agents in the Alaska Railroad. These vehicles include designated agency-held vehicles and vehicles obtained from the Interagency Motor Pool System.

#### § 101-38.603 Limited exemptions.

(a) . . . . .  
(3) *Federal Communications Commission.* Field Operations Bureau.

#### § 101-38.605 Additional exemptions.

Exemptions, in addition to those authorized in §§ 101-38.602 through 101-38.604, may be authorized by the head of the agency upon written certification that conspicuous identification will interfere with the purpose for which the motor vehicle is acquired and used. In each such case, the certification must state that the motor vehicle is acquired and used for the purpose of investigative, law enforcement, or intelligence duties involving security activities and that the identification of the motor vehicle would interfere with the discharge of such duties or endanger the security of individuals or the United States Government: *Provided*, That vehicles regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties involving security activities shall not because of such use be exempted. A conformed copy of each such certification, together with notice of cancellation thereof, if any, shall be submitted promptly to the General Services Administration (FZM), Washington, DC 20406.

#### § 101-38.607 Report of exempted motor vehicles.

Periodic reports of exempted motor vehicles under §§ 101-38.602 through 101-38.605 are not required; however, the head of each agency shall submit upon request a report in triplicate to the General Services Administration (FZM), Washington, DC 20406, showing the total number of motor vehicles exempted pursuant to Subpart 101-38.6.

#### Subpart 101-38.7—Transfer of Title to Government-Owned Motor Vehicles

8.) Section 101-38.701(d) is revised as follows:

#### § 101-38.701 Methods of transfer.

(d) Standard Form 97, The United States Government Certificate of Release of a Motor Vehicle, and Standard Form 97-A, Agency Record Copy of the United States Government Certificate of Release of a Motor Vehicle, are issued together in a unit set as Standard Form 97. Upon completion of the set, Standard Form 97 shall be furnished the purchaser or donee; one copy of Standard Form 97-A shall be furnished the holding agency; and one copy of Standard Form 97-A shall be furnished the contracting officer of the agency effecting sale or transfer of the motor vehicle.

9.) New Subpart 101-38.8 is added as follows:

#### Subpart 101-38.8—Reporting Motor Vehicle Accidents

#### § 101-38.800 Scope of subpart.

This subpart provides for the availability of certain Standard forms for use in reporting any accident involving a Government-held motor vehicle.

#### § 101-38.801 Applicability.

The provisions of this subpart are recommended to all executive agencies

holding motor vehicles that are located within the United States, its territories, or possessions.

#### § 101-38.802 Accident reporting forms and their use.

Standard forms for reporting accidents and processing claims under the Federal Tort Claims Act (28 U.S.C. 2671-2680) were developed by the Interdepartmental Tort Claims Committee, chaired by the Department of Justice, and by the Federal Safety Council, chaired by the Department of Labor (Executive Order 10194, December 19, 1950, 3 CFR). The Standard forms used for reporting motor vehicle accidents are as follows:

(a) Standard Form 91, Operator's Report of Motor Vehicle Accident (illustrated at § 101-39.4903), should be completed at the time and on the scene of an accident, insofar as possible, regardless of the extent of injury or damage. Standard Form 91 should be carried at all times in motor vehicles used for official Government business.

(b) Standard Form 91-A, Investigation Report of Motor Vehicle Accident, (illustrated at § 101-39.4905) should be completed by the person responsible for investigating an accident.

(c) Standard Form 94, Statement of Witness (illustrated at § 101-39.4904) should be completed by persons who have witnessed an accident. Standard Form 94 should be carried at all times in motor vehicles used for official Government business.

NOTE.—Standard Forms 91, 91-A, and 94 are exempt from reports control under FPMR 101-11.11.

#### Subpart 101-38.11—Storage of Government Motor Vehicles

10.) Sections 101-38.1101 and 101-38.1104 are revised as follows:

#### § 101-38.1101 Applicability.

This subpart is applicable to all Government-owned, -rented, and -leased motor vehicles of a holding agency located in the United States, its territories, or possessions.

#### § 101-38.1104 Procurement of parking.

Prior to the procurement of other than temporary parking accommodations in urban centers (see § 101-18.102), agencies shall determine the availability of Government-owned or -controlled parking space in accordance with the provisions of § 101-17.101-6.

#### Subpart 101-38.49—Forms and Reports

11.) Sections 101-38.4900(b) and 101-38.4903 are revised as follows:

#### § 101-38.4900 Scope of subpart.

(b) Standard forms illustrated in this § 101-38.4900, unless otherwise provided in the section prescribing the forms, may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office servicing the requisitioning activity.

## RULES AND REGULATIONS

#### § 101-38.4903 Examples of agency identification.

Agency identification	Letter height (inch)	
	Minimum	Maximum
For official use only.....	1/8	1/4
U.S. Government.....	1/8	1/4
Department of the Interior.....	1/8	1/4
Bureau of Reclamation.....	1/8	1/4
For official use only.....	1/8	1/4
U.S. Government.....	1/8	1/4
Internal Revenue Service.....	1/8	1/4
For official use only.....	1/8	1/4
U.S. Government.....	1/8	1/4
Energy Research and Development Administration.....	1/8	1/4
For official use only.....	1/8	1/4
U.S. Government.....	1/8	1/4
Federal Aviation Administration.....	1/8	1/4

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. (486)(c))

*Effective date.* This regulation is effective September 12, 1975.

Dated: August 29, 1975.

ARTHUR P. SAMPSON,  
Administrator of General Services.  
[FR Doc.75-24294 Filed 9-11-75;8:45 am]

[FPMR Amdt. H-93]

#### PART 101-43—UTILIZATION OF PERSONAL PROPERTY

#### PART 101-44—DONATION OF PERSONAL PROPERTY

#### Utilization and Disposal of Excess Personal Property

This regulation provides updated information concerning the utilization of excess personal property for emergency disaster relief, the transfer of excess personal property between Federal agencies, and the donation and sale of surplus naval material.

The table of contents for Part 101-43 is amended to show the following revised entry:

101-43.308 Assistance in emergency and major disaster relief.

#### Subpart 101-43.3—Utilization of Excess

1. Section 101-43.302(a) is revised to read as follows:

#### § 101-43.302 Agency responsibility.

(a) In order to obtain maximum utilization and minimize the procurement of new items, each executive agency shall be responsible for making excess property available and facilitating the transfer of the property to other Federal agencies, to its cost-reimbursement type contractors, and to the organizations specified in § 101-43.315. The transfer of excess property to a cost-reimbursement type contractor shall be made only by the agency administering the contract. Each executive agency shall, to the maximum practicable extent, fulfill its requirements for property, including those of its cost-reimbursement type contractors, by obtaining excess from other Federal agencies in lieu of initiating a new procurement. Agencies receiving or transferring excess personal property shall establish appropriate controls over the processing of transfer orders and

shall establish and maintain an adequate system of property accountability.

2. Section 101-43.308 is revised to read as follows:

#### § 101-43.308 Assistance in emergency and major disaster relief.

In accordance with instructions of the Administrator, Federal Disaster Assistance Administration, Department of Housing and Urban Development, or his designee, excess property shall be utilized in behalf of or loaned to State and local governments, with or without compensation therefor, pursuant to the Disaster Relief Act of 1974 (Public Law 93-288) and Executive Order 11795 of July 11, 1974, to provide assistance to State and local governments in alleviating suffering and damage resulting from any emergency or major disaster. Excess medicines, foods, and other consumable supplies may be distributed to State and local governments for these purposes. In the event such property has been reported to GSA pursuant to § 101-43.311, it shall be withdrawn by the holding agency pursuant to § 101-43.314.

3. Section 101-43.315-5(a), (a) (2) and (3), and (b) are revised to read as follows:

#### § 101-43.315-5 Procedure for effecting transfers.

(a) All transfers of excess personal property between Federal agencies shall be accomplished by use of Standard Form 122, Transfer Order Excess Personal Property (see § 101-43.4906), or any other transfer order form approved by GSA. Automated requisitions may be used for excess personal property transfers. However, Federal agencies using automated requisitions shall ensure that identifying codes are controlled and records maintained indicating the official authorized to approve property transfers. Each transferee agency shall forward the original and three copies of the transfer order to the appropriate GSA regional office for approval. (See § 101-43.4903.) Prior approval is not required when the property involved in the given transaction is:

(2) Nonreportable under § 101-43.311 and has not been reserved at the holding location for special screening by the appropriate GSA regional office, and its total acquisition cost does not exceed \$25,000; and

(3) The appropriate GSA regional office is furnished an information copy of each direct transfer order by the transferor agency within 10 workdays from receipt of the order.

(b) Transfer orders accomplished by the use of Standard Form 122 shall be completed as shown in § 101-43.4906-1. Transfer orders shall be executed by a Federal official, and will not be approved by GSA unless so executed. For wholly owned or mixed-ownership Government corporations, the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, and the municipal government

of the District of Columbia, transfer orders shall be executed by a responsible official of these organizations. For non-Federal agencies for which GSA procures, transfer orders shall be executed by a responsible official of the sponsoring Federal agency. For contractors and grantees, transfer orders shall be executed by the Federal contracting officer or other responsible Federal official. For nonappropriated fund activities of Federal agencies, such as post exchange commissaries and veterans canteens, transfer orders shall be executed by the accountable official of the Federal agency. The transfer order shall state that the property will be entered on the property accountability records of the Federal agency and shall also state that the property will be used only for administration or operational use but not for resale.

#### Subpart 101-43.4—Utilization of Abandoned and Forfeited Personal Property

4. Section 101-43.402-6(a), (b) and (c) are revised to read as follows:

#### § 101-43.402-6 Transfer to other Federal agencies.

(a) Normally the transfer of forfeited or voluntarily abandoned personal property shall be accomplished by the submission of a Standard Form 122, Transfer Order Excess Personal Property (see § 101-43.4906), or any other transfer order form approved by GSA, to the Regional Administrator, General Services Administration, Region 3, Washington, D.C. 20407, for approval.

(b) Except for property which is subject to court action, the transfer order shall indicate the agency having custody of the property, the location of the property, the report or case number on which the property is listed, the property required, and the fair value, if applicable.

(c) Property subject to court action may be requested by submitting a transfer order or a letter setting forth the need for the property by the agency. If proceedings are being, or have been commenced for the forfeiture of the property by court decree, application will be made by GSA to the court, prior to entry of a decree, for an order requiring delivery of the property to an appropriate recipient for its official use.

5. The table of contents for Part 101-44 is amended to show the following revised entry:

101-44.103 Assistance in emergency and major disaster relief.

#### Subpart 101-44.1—General Provisions

6. Section 101-44.103 is revised to read as follows:

#### § 101-44.103 Assistance in emergency and major disaster relief.

Surplus equipment and supplies shall be donated to State governments to provide assistance in alleviating suffering and damage resulting from any emergency or major disaster, in accordance with the directions of the Federal

## RULES AND REGULATIONS

Disaster Assistance Administration, Department of Housing and Urban Development.

The areas described aggregate approximately 1,365.42 acres in Maricopa and

Pursuant to the foregoing notice, the Corporation received both oral and writ-

visions of sections 1006(b) (5), 1007(a) (5), and 1011 of the Act. Unless otherwise indicated, they shall apply to the GSA.

while carrying out legal assistance activities under the Act, shall engage in, or encourage others to engage in, any public

(b) A governmental agency, a legislative body, a committee, or a member thereof, requests personnel of any recipient



Disaster Assistance Administration, Department of Housing and Urban Development, pursuant to the Disaster Relief Act of 1974 (Public Law 93-288) and Executive Order 11795 of July 11, 1974.

7. Section 101-44.104-3 is revised to read as follows:

§ 101-44.104-3 Obsolete naval material.

Pursuant to 10 U.S.C. 7541, the Secretary of the Navy may give obsolete material not needed for naval purposes, and sell other material that may be spared at a price representing its fair value, to the Boy Scouts of America for the sea scouts, the Naval Sea Cadet Corps for the sea cadets, and to the Young Marines of the Marine Corps League for the young marines. The cost of transportation and delivery of material given or sold shall be charged to the Boy Scouts of America, to the Naval Sea Cadets, or to the Young Marines of the Marine Corps League, as appropriate.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

**Effective date.** This regulation is effective September 12, 1975.

**Dated:** August 29, 1975.

ARTHUR F. SAMPSON,  
Administrator of General Services.  
[FR Doc. 75-24295 Filed 9-11-75; 8:45 am]

#### Title 43—Public Lands: Interior

### CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5527 (A-6837)]

#### ARIZONA

#### Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

TONTO NATIONAL FOREST  
GILA AND SALT RIVER MERIDIAN  
LOST DUTCHMAN RECREATION SITE

T. 2 N., R. 8 E.,  
Sec. 36, those parts of lots 8, 11, and 12, not included in the area withdrawn by Public Land Order No. 4172 for State Highway No. 88 roadside zones; and, that portion of unpatented Mineral Survey 3886 in the W $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 1 N., R. 9 E.,  
Sec. 6, lots 1 thru 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 7, lots 1 and 2, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 2 N., R. 9 E. (Unsurveyed),  
Sec. 31, that part of the S $\frac{1}{2}$  not included in the area withdrawn by Public Land Order No. 4172 for State Highway No. 88 roadside zones.

The areas described aggregate approximately 1,365.42 acres in Maricopa and Pinal Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,  
Assistant Secretary of the Interior.  
SEPTEMBER 5, 1975.  
[FR Doc. 75-24332 Filed 9-11-75; 8:45 am]

[Public Land Order 5528 (CA-2377)]

#### CALIFORNIA

#### Partial Revocation of Withdrawal of Public Lands Within the Toiyabe National Forest

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The Executive Order of April 18, 1908, withdrawing lands in the Stanislaus National Forest (now Toiyabe National Forest), for administrative site purposes, is hereby revoked so far as it affects the following described land:

MOUNT DIABLO MERIDIAN  
T. 7 N., R. 21 E.,  
Sec. 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The area described aggregates approximately 40 acres in Alpine County, California.

2. At 10 a.m. on October 14, 1975, the land shall be open to such forms of disposition as may be made of national forest lands.

JACK O. HORTON,  
Assistant Secretary of the Interior.  
SEPTEMBER 5, 1975.  
[FR Doc. 75-24333 Filed 9-11-75; 8:45 am]

#### Title 45—Public Welfare

### CHAPTER XVI—LEGAL SERVICES CORPORATION

#### PART 1600—RESTRICTIONS ON CERTAIN ACTIVITIES

#### Picketing, Boycotts, Strikes, Illegal Activities; Legislative and Administrative Representation

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. §§ 2996-2996f ("the Act"). The Corporation's Board of Directors, which was confirmed by the Senate on July 9, 1975, held its first meeting on July 14, 1975. Section 1006(b) (5) of the Act requires the Corporation to issue certain rules and regulations within 90 days of its first Board meeting. Accordingly, on August 7, 1975, pursuant to sections 1006(b) (5), 1011 and 1008(e) of the Act, the Corporation noticed and published for comment proposed temporary rules and regulations. (40 FR 33293)

Pursuant to the foregoing notice, the Corporation received both oral and written comments from the public which were considered at meetings of the Committee on By-laws and Regulations held in Washington, D.C., on August 25 and September 8 and by the full Board of Directors on September 9, 1975.

Most of the oral comments and a portion of the written comments related to technical matters of drafting; many of the suggestions made by these commentators are reflected in the revised regulations issued herewith. One written comment suggested that the definition of "eligible client" contained in paragraph (d) of section 2 of the proposed regulations (now designated as 45 CFR § 1600.2 (d)) be refined and expanded. However, the current definition contained in paragraph (d) of section 2 is the same as that which is set forth in section 1002(3) of the Act. Moreover, the Corporation has determined that the instant regulations are not a proper vehicle for resolving the complex issue of eligibility within the meaning of section 1007(a) (2) of the Act. Finally, one commentator pointed out that the proposed regulations failed to comply with section 1006(b) (5) of the Act to the extent that provisions requiring enforcement by recipients with respect to the activities of their employees were omitted. This defect has been corrected in the revised regulations by including a new paragraph (b) of section 5 (now 45 CFR § 1600.5(b)) which requires recipients to establish and utilize procedures consistent with the notice and hearing requirements contained in section 1011 of the Act, for suspension or termination of employment of, or the application of other appropriate remedies to, any employee who violates section 3 or 4 of the revised regulations (45 CFR §§ 1600.3 and 1600.4).

The Board takes this opportunity to express its appreciation for the helpful suggestions which have been furnished and which provided a basis for the revised temporary rules and regulations issued herewith.

Pursuant to section 1008(e) of the Act, the Corporation hereby issues the following temporary rules and regulations to become effective on October 14, 1975. These regulations here issued are temporary. Final rules and regulations will be proposed by notice and publication by the Corporation as soon as practicable.

Part 1600 is added as follows:

Sec.  
1600.1 Purpose and scope.  
1600.2 Definitions.  
1600.3 Picketing, boycotts, strikes, illegal activities.  
1600.4 Legislative and administrative representation.  
1600.5 Enforcement.

AUTHORITY: Secs. 1006(b) (5), 1011, 1008 (e), Pub. L. 93-355, 88 Stat. 378, 382, 388, 387 (42 U.S.C. 2996e(b) (5), 2996f, 2996g)

#### § 1600.1 Purpose and scope.

The purpose of these temporary regulations is to implement and enforce provisions of sections 1006(b) (5), 1007(a) (5), and 1011 of the Act. Unless otherwise indicated, they shall apply to the Corporation, its employees, its recipients, and the employees of its recipients. Nothing contained herein shall affect the applicability as of October 14, 1975, of the other provisions of the Act, including the rights, duties and restrictions contained therein, to the Corporation, its directors, officers and employees, and to the recipients, and the employees and staff attorneys of the recipients.

visions of sections 1006(b) (5), 1007(a) (5), and 1011 of the Act. Unless otherwise indicated, they shall apply to the Corporation, its employees, its recipients, and the employees of its recipients. Nothing contained herein shall affect the applicability as of October 14, 1975, of the other provisions of the Act, including the rights, duties and restrictions contained therein, to the Corporation, its directors, officers and employees, and to the recipients, and the employees and staff attorneys of the recipients.

#### § 1600.2 Definitions.

As used in this Part, the term—

(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. §§ 2996-2996f;

(b) "Board" means the Board of Directors of the Legal Services Corporation;

(c) "Corporation" means the Legal Services Corporation established under the Act;

(d) "Eligible client" means any person financially unable to afford legal assistance;

(e) "Legal assistance" means the provision of any legal services consistent with the purposes and provisions of the Act;

(f) "Recipient" means any grantee, contractee, or recipient of financial assistance described in clause (A) of section 1006(a) (1) of the Act; and

(g) "Staff attorney" means an attorney who receives more than one-half of his annual professional income from a recipient organized solely for the provision of legal assistance to eligible clients under the Act.

#### § 1600.3 Picketing, boycotts, strikes, illegal activities.

(a) No employee of the Corporation or of any recipient (except as permitted by law in connection with such employee's own employment situation),

while carrying out legal assistance activities under the Act, shall engage in, or encourage others to engage in, any public demonstration or picketing, boycott, or strike.

(b) No such employee shall, at any time, engage in, or encourage others to engage in, any of the following activities:

(1) Any rioting or civil disturbance;

(2) Any activity which is in violation of an outstanding injunction of any court of competent jurisdiction;

(3) Any other illegal activity; or

(4) Any intentional identification of the Corporation or any recipient with any political activity prohibited by section 1007(a) (6) of the Act.

(c) Nothing in this section shall be interpreted to mean that the prohibition against "encouraging" precludes legal advice and representation for an eligible client with respect to such client's legal rights and responsibilities.

#### § 1600.4 Legislative and administrative representation.

No funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, except where—

(a) Representation by an attorney as an attorney for any eligible client is necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities (which shall not be construed to permit a recipient or an attorney to solicit a client for the purpose of making such representation possible, or to solicit a group with respect to matters of general concern to a broad class of persons as distinguished from acting on behalf of any particular client); or

(b) A governmental agency, a legislative body, a committee, or a member thereof requests personnel of any recipient to make representations thereto.

#### § 1600.5 Enforcement.

(a) The Corporation shall have authority, in accordance with procedures set forth at § 1067.1-4(b) of this title (relating to suspension) or §§ 1067.1-5 through 1067.1-11 of this title (relating to termination):

(1) To suspend or terminate the employment of any employee of the Corporation who violates the provisions of § 1600.3 of this title; and

(2) To suspend or terminate financial assistance to any recipient which fails to prohibit activities proscribed by the Act or by §§ 1600.3 and 1600.4 of this title;

Provided that, (1) no suspension of employment or financial assistance shall be continued for longer than 30 days unless the recipient or employee of the Corporation is provided notice and an opportunity for a hearing in accordance with the procedures set forth in §§ 1067.1-5 through 1067.1-11 of this title; and (ii) the term "OEO" in the above-referenced regulations shall mean the Corporation and the term "responsible OEO official" shall mean the President of the Corporation, or, if no President is in office, the Chairman of the Board, or his designee.

(b) Recipients shall establish and utilize procedures, consistent with the notice and hearing requirements contained in section 1011 of the Act, for suspension or termination of employment of, or the application of other appropriate remedies to, any employee who violates §§ 1600.3 or 1600.4 of this title.

**Effective date.** This part becomes effective on October 14, 1975.

DAVID S. TATEL,  
Counsel to the Corporation.  
[FR Doc. 75-24490 Filed 9-11-75; 8:45 am]



## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF THE INTERIOR

#### National Park Service

#### [ 36 CFR Part 7 ]

### GATEWAY NATIONAL RECREATION AREA Off-road Vehicle Use

Notice is hereby given that pursuant to the authority contained in 36 CFR § 2.6 and 36 CFR § 4.19(b) the Superintendent proposes to permit limited off-road vehicle use in a portion of the Breezy Point Unit of Gateway National Recreation Area.

The purpose of this notice is to provide public notification of intent to allow restricted off-road vehicle use for the sole purpose of transporting fishermen and fishing gear to the general vicinity of the tip of Breezy Point in Queens County, New York.

Alternative actions to those proposed have been considered and are discussed in an environmental assessment which is available in the office of the Superintendent. This assessment discusses past and present uses of the area and the effects of the proposed designation on wildlife and vegetative resources of the area. Initial evaluations indicate that the proposed designation is not a major Federal action significantly affecting the environment and does not require the preparation of a complete environmental impact statement. Based on public reaction to this notice and the environmental assessment a final determination of the need for preparation of an environmental impact statement will be made prior to putting the notice into effect.

Surf fishing in areas open to the general public is considered by the National Park Service to be an appropriate use of the Breezy Point tip. The degree of that use, and the manner in which it is conducted must be compatible with other uses of the same area. Included in the statute which established the Recreation Area is:

The Secretary (of the Interior) shall permit hunting, fishing, shell fishing, trapping, and the taking of specimens on the lands and waters under his jurisdiction within the Gateway National Recreation Area in accordance with the applicable laws of the United States and the laws of the States of New York and New Jersey and political subdivisions thereof, except that the Secretary may designate zones where and establish periods when these activities may not be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. (85 Stat. 1309)

This action is proposed to permit the enjoyment of a legitimate use, and concurrently protect the natural environ-

ment of the Breezy Point dune-marsh ecosystem.

Under this proposal, the use of 4-wheel drive and other off-road vehicles would be allowed to a parking area near the Breezy Point tip. The use of such vehicles shall be for the sole purpose of transporting fishermen and their gear to and from the tip, within a prescribed restricted driving lane and within a designated parking area. The designated driving lane and parking area will be marked both on-site and on a map available at the Superintendent's office.

If, upon the completion of the period for public comment, a decision is made to allow off-road vehicle use in the Breezy Point area, consideration will then be given to the promulgation of a regulation, under Part 7 of Title 36, Code of Federal Regulations, requiring an operator of an off-road vehicle to possess a permit issued by the Superintendent. The purpose of such a regulation would be to control the type and amount of vehicular use in this designated area. If and when such a regulation is proposed, interested persons will be given a period of 30 days in which to comment on it, pursuant to a notice of proposed rulemaking.

Public comment on this proposed designation is considered to be in the best interests of all users of Gateway National Recreation Area. Additionally, 36 CFR § 4.19(b) requires that a period for public comment be provided before a final decision on the proposed designation is made. Accordingly, interested persons may submit written comments, suggestions or objection regarding the proposed designation to the Superintendent, Gateway National Recreation Area, Floyd Bennett Field, Brooklyn, New York 11234, on or before October 14, 1975.

IMOGENE LACOVEY,  
Acting Associate Director,  
National Park Service.

[FR Doc. 75-24456 Filed 9-11-75; 8:45 am]

### DEPARTMENT OF AGRICULTURE

#### Commodity Credit Corporation

#### [ 7 CFR 1430 ]

### PURCHASES AND OTHER OPERATIONS, DAIRY PRODUCTS

#### Price Support Program for Milk; Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture, under authority of section 201(c) of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 15 U.S.C. 1446), and sections 4 and 5 of the Commodity Credit Corporation Act, as amended (62 Stat.

1070, as amended; 15 U.S.C. 714b and 714c), is considering the terms and conditions of the price support program for milk, for a semiannual review of the milk price support situation for the 1975-76 marketing year which began on April 1, 1975, including the general level of prices to producers for milk and the prices for and terms of purchase by CCC of butter, nonfat dry milk and Cheddar cheese. Section 201(c) of the Agricultural Act of 1949, as amended, provides as follows: "The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. . . . Such price support shall be provided through purchases of milk and the products of milk."

Consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than September 29, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m.-4:45 p.m.).

(7 CFR 1.27(b)).

Signed at Washington, D.C. on September 10, 1975.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[FR Doc. 75-24484 Filed 9-11-75; 8:45 am]

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 75-GL-59]

#### TRANSITION AREA

#### Proposed Alteration.

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Olney, Illinois.

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 75-GL-58]

### PROPOSED RULES

### National Highway Traffic Safety Administration

#### [ 49 CFR Part 583 ]

[Docket No. 75-25; Notice No. 1]

### COST INFORMATION REPORTING

#### Proposed Rulemaking

The purpose of this notice is to propose a new regulation, 49 CFR Part 583, *Cost Information Reporting*, that would require manufacturers of motor vehicles and motor vehicle equipment to submit specified cost data when opposing action of the National Highway Traffic Safety Administration (NHTSA) on the ground of increased cost.

Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended ("the Act"), 15 U.S.C. 1392, authorizes the establishment of Federal motor vehicle safety standards for motor vehicles and motor vehicle equipment. The Act requires that these standards be practicable and that consideration be given to whether any proposed standard is reasonable and appropriate for the particular type of motor vehicle or motor vehicle equipment for which it is prescribed. On October 27, 1974, the Motor Vehicle and Schoolbus Safety Amendments of 1974, amending the Act, were signed into law (Pub. L. 93-492, 88 Stat. 1470). Section 113 of the Act as so amended provides that whenever any manufacturer opposes a requirement contained in a Federal motor vehicle safety standard, or any other action of the NHTSA under the Act, on the ground of increased cost, the manufacturer shall submit cost information, in such detail as the NHTSA may by rule or order prescribe, as may be necessary to properly evaluate the manufacturer's statement. Section 113 further provides that the agency shall promptly prepare an evaluation of this cost information and make both the cost information and agency evaluation available to the public in such a manner as to protect from disclosure any trade secret or confidential matter. Notice of the availability of these materials is to be published in the FEDERAL REGISTER.

This proposed rule is intended to enable the NHTSA to make an informed judgment as to the validity of manufacturers' claims that actions of the agency, such as issuance of safety standards, are not practicable because of increased cost. The requirement that such claims set forth data in significant categories will provide a means by which manufacturers' cost studies may be compared with one another, and with comparable studies by the NHTSA.

Because motor vehicle safety standards share many common elements and comprise a major portion of NHTSA regulatory activity, the proposed regulation would require certain cost information to be submitted by a manufacturer opposing a requirement contained in a safety standard but not required to be submitted by a manufacturer opposing other actions of the NHTSA under the Act. For example, since a single safety standard frequently contains several performance

requirements, § 583.5(a) proposes that a manufacturer submit the required cost information data with respect to each requirement in a safety standard it opposes. This is necessary to provide a common basis for comparison and review. Similarly, § 583.5(g) proposes that manufacturers opposing a requirement contained in a safety standard submit rather detailed information regarding research, capital materials, tooling, weight increase, and test procedure.

Although the proposed requirements are substantially similar for claims opposing requirements of Federal motor vehicle safety standards and claims opposing other actions of the NHTSA, § 583(h) proposes the submission of less detailed information for claims opposing requirements not contained in a safety standard. However, information for both types of claims is generally required to be submitted in terms of "incremental cost." This is defined as the increased cost specifically attributable to the NHTSA action in question, adjusted so as to exclude increased cost attributable to general increases in the prices of materials, supplied products, utilities, services, real estate, taxes, credit, or the rate of pay of employees. The NHTSA believes that through this definition the cost increase traceable to the regulation in question may be identified and isolated from a cost increase occasioned by inflation, other regulatory requirements, or independent decisions of the manufacturer regarding management, marketing, or design.

Section 583.5(c) anticipates that in some cases it may be impossible to calculate one or more of the factors contributing to incremental cost with precision and an estimate will be necessary, based on such factors as previous costs of similar items or analyses of necessary processes. The estimated factor will prevent the manufacturer from providing an exact statement of incremental cost. It is proposed that in such a case the manufacturer identify any estimates and state a range within which the incremental cost may reasonably be expected to fall.

Meaningful evaluation of claims of increased cost requires consideration of the actual work required to comply. Consequently, §§ 583.5(g) and 583.5(h) propose that the manufacturer summarize its technique for compliance. Where a safety standard was opposed, the manufacturer would describe the requisite design, assembly and materials. Where more than one compliance technique is under consideration, it is proposed that the manufacturer describe each method. The proposal then would require the manufacturer to provide detailed cost data with respect to each of the compliance techniques under consideration. The proposal to require alternative cost information where a manufacturer is studying alternative compliance techniques follows the general approach of the NHTSA in setting performance, rather than design, standards.

In addition it is proposed in § 583.5(c) that the manufacturer indicate whether, and by what amount, stated costs will

### PROPOSED RULES

Interested persons may participate in the proposed rule making by submitting

Interested persons may participate in the proposed rule making by submitting

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 75-GL-58]

### PROPOSED RULES

### Part 583—Cost Information Reporting

Sec. 583.5

decrease with the passage of time. The manufacturer would be required to report whether its cost information is based

facturer shall identify all estimated factors and state both its highest and lowest reasonable estimates of incremental cost.



Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before October 14, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Olney-Noble Airport, Olney, Illinois. Controlled airspace is required to protect the procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is amended to read:

#### OLNEY, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Olney-Noble Airport (latitude 38°43'20" N., longitude 88°10'25" W.), within 2 miles each side of the 223° bearing from the airport, extending from the 5-mile radius area to 3 miles southwest of the airport, and within 2 miles each side of the 344° radial of Semoville VORTAC, extending from the 5-mile radius area to 5.5 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois, on August 25, 1975.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc. 75-24262 Filed 9-11-75; 8:45 am]

#### [14 CFR Part 71]

[Airspace Docket No. 75-GL-60]

#### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Canton, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before October 14, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

An additional instrument approach procedure has been developed for the Ingersoll Airport, Canton, Illinois. Therefore, additional controlled airspace is required to protect this procedure. A review of the controlled airspace in this area indicates a very irregular transition area boundary which is difficult for both pilots and air traffic controllers to define. Controlled airspace for four airports is designated in citations for Peoria and Pekin, Illinois. Combining these citations into one and making the boundary more regular should be advantageous.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is deleted:

#### PEKIN, ILLINOIS

In § 71.181 (40 FR 441), the following transition area is amended to read:

#### PEORIA, ILLINOIS

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 40°54' N., longitude 89°59' W., to latitude 40°52' N., longitude 89°41' W., to latitude 40°42' N., longitude 89°34' W., to latitude 40°23' N., longitude 89°34' W., to latitude 40°26' N., longitude 90°07' W., to latitude 40°34' N., longitude 90°11' W., to latitude 40°47' N., longitude 90°08' W., to point of beginning.

These amendments are proposed under authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois, on August 27, 1975.

H. W. POGGEMEYER,  
Acting Director,  
Great Lakes Region.

[FR Doc. 75-24263 Filed 9-11-75; 8:45 am]

#### [14 CFR Part 71]

[Airspace Docket No. 75-GL-68]

#### CONTROL ZONE AND TRANSITION AREA

#### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and a transition area at Lone Rock, Wisconsin.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 14, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conference with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An instrument approach procedure has been developed for the Tri-County Airport, Lone Rock, Wisconsin, and controlled airspace is required to protect the procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is added:

#### LONE ROCK, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Tri-County Airport (latitude 43°12'36" N., longitude 90°11'06" W.).

In § 71.171 (40 FR 354), the following control zone is added:

#### LONE ROCK, WISCONSIN

Within a 5-mile radius of the Tri-County Airport (latitude 43°12'36" N., longitude 90°11'06" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

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decrease with the passage of time. The manufacturer would be required to report whether its cost information is based on a design other than the least costly feasible method of meeting the opposed requirement and state the difference in cost between its method and the least costly method.

Under Sec. 113 of the Act, "cost" refers to both the manufacturer's cost and the cost to retail purchasers. Therefore it is proposed that the manufacturer estimate, in addition to the incremental cost of manufacture, the incremental cost to the consumer at retail.

The proposal provides that within 90 working days after the receipt of a cost information report, the NHTSA will complete a written evaluation. The report and the evaluation would be made available to the public after the deletion of matter submitted by the manufacturer which contained trade secrets or other confidential information. "Confidential information" would be defined as a trade secret or other information not generally known to competitors which, if known, would be competitively harmful. The determination as to what matter constitutes confidential information would rest with the NHTSA, but the manufacturer would be required to specify the matter which it claimed constituted a trade secret or was otherwise confidential at the time it submitted the cost information report.

In consideration of the foregoing, it is proposed that 49 CFR Part 583, *Cost Information Reporting*, be adopted as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after the date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

*Comment closing date:* October 28, 1975.

*Proposed effective date:* 30 days after publication of the final rule.

(Sec. 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1407); Sec. 105, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1402); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 8, 1975.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

#### Part 583—Cost Information Reporting

Sec.  
583.1 Scope.  
583.2 Purpose.  
583.3 Application.  
583.4 Definitions.  
583.5 Cost information reports.  
583.6 NHTSA evaluation and public availability.  
583.7 Confidential information.

AUTHORITY: Sec. 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1407); sec. 105, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1402); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

#### § 583.1 Scope.

This part specifies procedures for the submission and handling of cost information required of a manufacturer that opposes, on the ground of increased cost, an action of the National Highway Traffic Safety Administration (NHTSA) under any provision of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (the Act).

#### § 583.2 Purpose.

The purpose of this part is to enable the NHTSA to make an informed judgment as to the validity of claims by manufacturers that any proposed or established requirement contained in a Federal Motor Vehicle Safety Standard, or any other action of the NHTSA under the Act, is not practicable because of increased cost.

#### § 583.3 Application.

This part applies to all manufacturers of complete or incomplete motor vehicles, and all manufacturers of motor vehicle equipment.

#### § 583.4 Definitions.

"Confidential information" means a trade secret or information not generally known to competitors which, if known, would be competitively harmful.

"Incremental cost" means the increased cost specifically attributable to the NHTSA action in question, adjusted so as to exclude any general increase in the cost of materials, supplied products, utilities, services, real estate, taxes, credit, or the rate of pay of employees.

#### § 583.5 Cost information reports.

(a) Each manufacturer that opposes, on the ground of increased cost, any proposed or established requirement contained in a Federal motor vehicle safety standard, shall submit to the NHTSA, together with its expression of opposition, the information specified in paragraph (g) of this section with regard to each requirement it opposes.

(b) Each manufacturer that opposes, on the ground of increased cost, any proposed or established action of the NHTSA under the Act, other than proposal or establishment of a requirement contained in a Federal Motor Vehicle Safety Standard, shall submit to the NHTSA, together with its expression of opposition, the information specified in paragraph (h) of this section.

(c) If any factor contributing to the manufacturer's statement of incremental cost is not capable of exact calculation and must be estimated, the manu-

facturer shall identify all estimated factors and state both its highest and lowest reasonable estimates of incremental cost. If the cost statement is not, within the knowledge of the manufacturer, based on a design representing the least costly feasible method of meeting the opposed requirement, the manufacturer shall indicate the difference in cost between its method and the least costly method. If the manufacturer has reason to believe that the costs described will decrease with the passage of time, it shall provide its estimate of what the costs will be at the future time when they have stabilized.

(d) If the manufacturer finds that incremental cost per vehicle is not identical for every vehicle type and vehicle market class, it shall identify vehicle types or vehicle market classes in categories that are appropriate to show the cost differences, and state the incremental cost per vehicle for each category.

(e) Values of both actual and estimated costs shall be expressed in current U.S. dollars.

(f) If a manufacturer is unable to furnish any item of information required by paragraphs (g) or (h) of this section, it shall explain its inability to do so.

(g) The information required by paragraph (a) of this section shall identify the Federal motor vehicle safety standard requirement to which it relates and summarize the technique by which compliance with the opposed requirement is, or would be, achieved. If the manufacturer utilizes, or is considering utilization of, more than one technique to achieve compliance, it shall summarize each technique. With respect to each technique, the manufacturer shall provide the necessary changes in design, manufacturing processes, assembly processes and materials. With respect to each technique, the manufacturer shall provide the following information:

(1) *Manufacturer's total cost.* The manufacturer shall state the total annual incremental cost of production, including the annual production volume that the cost is based on.

(2) *Manufacturer's per vehicle cost.* If the requirement opposed is applicable to motor vehicles or motor vehicle equipment installed by the manufacturer in motor vehicles prior to the first sale of such motor vehicles, the manufacturer shall state the incremental cost per vehicle of, itemized by subsystem or component as appropriate, and provide an itemized schedule of amortization for, (i) research and development, (ii) capital and facilities, (iii) tooling, and (iv) material.

(3) *Manufacturer's per item cost.* If the requirement opposed is applicable to motor vehicle equipment, the manufacturer shall state the incremental cost of production per item of motor vehicle equipment of, and provide an itemized schedule of amortization for, (i) research and development, (ii) capital and facilities, (iii) tooling, and (iv) material.

(4) *Retail cost per vehicle.* If the requirement opposed is applicable to motor vehicles or motor vehicle equipment installed by the manufacturer in motor

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vehicles prior to the first sale of such motor vehicles, the manufacturer shall state the incremental cost of (1) manu-

(2) *Manufacturer's per vehicle cost.* If the action opposed is applicable to motor vehicles, motor vehicle equipment in-

#### ENVIRONMENTAL PROTECTION AGENCY

availability of data (Reg. 7-1-1.4 of the Arizona Rules and Regulations for Air

#### [40 CFR Part 52]

[FRL 429-2]

Copies of the information submitted by Florida in connection with these two plan revisions may be examined by the



vehicles prior to the first sale of such motor vehicles, the manufacturer shall state the incremental cost of (1) manufacturer markup to dealer price, and (ii) dealer markup to list price.

(5) *Retail cost per item.* If the requirement opposed is applicable to motor vehicle equipment, the manufacturer shall state the incremental cost per item at retail.

(6) *Reserve for warranty cost.* The manufacturer shall state the incremental reserve for warranty cost per vehicle.

(7) *Assembly time cost.* The manufacturer shall state the incremental assembly time cost per vehicle.

(8) *Labor cost.* The manufacturer shall state the incremental labor cost per vehicle.

(9) *Weight increase.* The manufacturer shall state the direct increase in weight per vehicle, if any, itemized by subsystem or component as appropriate, specifically attributable to the proposed or established requirement, and the indirect incremental weight and cost of production (similarly itemized) due to such direct weight increase (for example, costlier tires, suspension system, or engine necessitated by the direct weight increase).

(10) *Lifetime operating cost per vehicle.* The manufacturer shall state the estimated lifetime incremental costs of (i) inspection labor, (ii) maintenance labor, (iii) parts replacement, and (iv) fuel consumption.

(11) *Test procedure.* The manufacturer shall describe its procedure for testing or otherwise assuring compliance with the opposed requirement and state the total annual incremental cost, the incremental cost per test and the incremental cost per vehicle of such procedure. If the manufacturer utilizes, or is considering utilization of, more than one such procedure, he shall describe each procedure and, with respect to each such procedure, supply the cost information referred to in the preceding sentence.

(12) *Leadtime.* If the manufacturer contends that one or more costs required to be stated by this paragraph could be reduced by delaying the effective date in the proposed or established standard, the manufacturer shall state the controlling leadtimes and provide information relating incremental cost to a later stated effective date.

(b) The report required by paragraph (b) of this section shall identify the action of the NHTSA to which it relates and summarize the technique by which compliance with the opposed requirement is, or would be, achieved. If the manufacturer utilizes, or is considering utilization of, more than one technique to achieve compliance, it shall summarize each technique. With respect to each technique, the manufacturer shall provide the following information:

(1) *Manufacturer's total cost.* The manufacturer shall state the total annual incremental cost of production, including the annual production volume the cost is based on.

(2) *Manufacturer's per vehicle cost.* If the action opposed is applicable to motor vehicles, motor vehicle equipment installed by the manufacturer in motor vehicles prior to the first sale of such motor vehicles, or manufacturers of motor vehicles, the manufacturer shall state the incremental cost of production per vehicle.

(3) *Manufacturer's per item cost.* If the action opposed is applicable to motor vehicle equipment or manufacturers of motor vehicle equipment, the manufacturer shall state the incremental cost of production per item of motor vehicle equipment.

(4) *Retail cost per vehicle.* If the action opposed is applicable to motor vehicles, motor vehicle equipment installed by the manufacturer in motor vehicles prior to the first sale of such motor vehicles, or manufacturers of motor vehicles, the manufacturer shall estimate the incremental cost per vehicle at retail.

(5) *Retail cost per item.* If the action opposed is applicable to motor vehicle equipment, or manufacturers of motor vehicle equipment, the manufacturer shall estimate the incremental cost per item at retail.

(6) *Labor cost.* The manufacturer shall state the cost of, and provide an itemized schedule of amortization for, land and capital assets acquired specifically to comply with the proposed or established action.

(7) *Leadtime.* If the manufacturer contends that one or more incremental costs required to be stated by this paragraph could be reduced by delaying the effective date of the proposed or established action, the manufacturer shall state the controlling leadtimes and provide information relating incremental cost to a later stated effective date.

§ 583.6 NHTSA evaluation and public availability.

Within 90 working days after the receipt of a cost information report submitted pursuant to § 583.5, the NHTSA will complete a written evaluation of such report. Subject to § 583.7, the cost information report and the completed NHTSA evaluation will be filed in the appropriate docket or other public file and be available for public inspection at the Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

§ 583.7 Confidential information.

Any manufacturer submitting a cost information report pursuant to § 583.5 that contains confidential information may request that the NHTSA withhold such information from public availability. Such a request shall be submitted together with the cost information report and specify what parts of the report are claimed to contain confidential information. If the Administrator determines that the claim is meritorious, he will delete the confidential information prior to placing the report in the public docket pursuant to § 583.6.

[FR Doc.75-24335 Filed 9-11-75; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 429-3]

### ARIZONA: APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Public Availability of Emission Data, Permit Procedures, and Definition of Major Sources under State Jurisdiction; State Regulations

The Regional Administrator hereby issues this notice setting forth Arizona revisions to the State Implementation Plan as proposed rulemaking, and advises the public that comments may be submitted on whether these revisions should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received within 30 days from the publication of this notice will be considered. The Regional Administrator's decision to approve or disapprove the revisions will be based on whether they meet the requirements of section 110(a) (2) (A)-(H) and EPA regulations in 40 CFR Part 51.

Pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the State of Arizona submitted to EPA an implementation plan for the attainment of National Ambient Air Quality Standards. On May 31, 1972 (37 FR 10842), the Administrator approved and disapproved each portion of the plan, depending on whether or not it satisfied the appropriate 40 CFR Part 51 requirement. Pertinent to this Federal Register notice, EPA approved the state's legal authority to require stationary sources to maintain records on emission data and to make such data available for public inspection. At the same time, the regulations and procedures implementing that legal authority were disapproved by EPA (except in Maricopa and Pima Counties). Because these provisions for source surveillance did not meet EPA requirements (§ 51.19), the Administrator promulgated substitute regulations to insure public availability of emission data (38 FR 12705). A second section of this disapproval addressed the lack of procedures for maintenance of data on emission reductions achieved as a result of transportation control measures. This particular deficiency was corrected with EPA's promulgation of § 52.140, a component of the Arizona transportation control plan (38 FR 33376, December 3, 1973).

The Natural Resources Defense Council (NRDC), in a case filed with the Ninth Circuit Court of Appeals (No. 72-2145), challenged the adequacy of Arizona's provisions for public availability of emission data as well as EPA's approval of the state's new source review authority. Recently, the Court ruled that the state's legal authority for public availability of emission data is adequate. As to new source review, the court ruled that Arizona's authority for new source review was inadequate and that EPA should insure that it be revised.

Regarding Arizona's regulations and procedures for recordkeeping and public

availability of data (Reg. 7-1-1.4 of the Arizona Rules and Regulations for Air Pollution Control), the state has acted to amend these to correct deficiencies noted by EPA in its initial disapprovals. These were submitted to EPA on March 29, 1973, and on September 27, 1974. If these amendments are approvable, EPA will revoke its promulgation of § 52.130 (c).

In addition to this proposed change, Arizona submitted to EPA for approval two other implementation plan revisions. First, Section 7-1-8 of the Arizona Rules and Regulations for Air Pollution Control are amended to revise the definition of major sources under original state jurisdiction and authority. Such major sources include facilities generating more than 75 tons of air contaminants per day, and as revised, would include all activities pertaining to the smelting of copper ore, and the refining of crude oil. Other areas under original state jurisdiction would include any air pollution generated by activities of state organizations, motor vehicle emissions, and any emissions from portable combustion engines which are capable of being operated, without major alteration, in more than one county. The regulations allow delegation of authority for such sources to local jurisdictions. Secondly, amendments to Section 7-1-11 clarify the statutory procedures relating to the filing and review of applications for installation permits, operating and conditional permits, and the specified permit fees.

All material relating to the proposed revisions will be available for public inspection at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460, the Arizona State Department of Health Services, 1740 West Adams Street, Phoenix, Arizona and at EPA—Region IX, 100 California Street, San Francisco, California 94111. Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111. Relevant comments received on or before October 14, 1975 will be considered. Such comments received will be available during normal working hours at the Region IX office. Substantive responses to individual comments will not be provided; however, the final promulgation will include a general discussion of substantive issues raised during the public comment period.

(Authority: Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).)

Dated: August 29, 1975.

L. RUSSELL FREEMAN,  
Acting Regional Administrator,  
Environmental Protection Agency.

[FR Doc.75-24225 Filed 9-11-75; 8:45 am]

[40 CFR Part 52]

[FRL 429-2]

### FLORIDA: APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

#### Proposal of Plan Revisions

On March 27, 1975 (40 FR 13521), the Agency announced the receipt of a number of revisions which the State of Florida proposed to make in its implementation plan. At that time, only two of the revisions were described, those involving changes in the limits on sulfur dioxide emissions from sulfur recovery and sulfuric acid plants. The purpose of the present notice is to describe two more of the revisions submitted on February 12, 1975, and to solicit public comment on them. They are being announced separately because they deal with matters which the Agency does not normally regard as falling within the regulatory provisions of a State implementation plan.

Section 17-2.03, General Restrictions, of the Florida air pollution control regulations now provide at subsection (1) that:

If the latest reasonably available technology as may be applied to air pollutant sources results in or is expected to result in lower or improved air pollutant emissions, then the latest available technology as determined by the Department shall apply.

The first of the revisions which are the subject of this notice would expand and make more specific the foregoing provision of the Florida plan. As rewritten, subsection 17-2.03(1) specifies the bases upon which the State will determine "Latest Reasonably Available Control Technology" (LRACT). Determinations are to be formally made only after notice and public hearing, and shall be subject to periodic review and revision. LRACT will not have to be applied to an individual source which is in compliance with ambient air quality standards, applicable emission limiting regulations, any Air Quality Maintenance Plans in effect, and with the State's non-degradation requirements. Before requiring the use of LRACT, the State shall consider, in addition to the foregoing conditions, the social and economic impact of such a requirement, its effect on energy consumption and conservation, and any secondary pollution which might result.

The second revision involves the addition of a fourth category to revisions specifically provided for in the Florida plan's section on plan revisions. This addition is accomplished by the insertion of the following sentence:

The plan may also be revised from time to time consistent with the requirements applicable to implementation plans under Title 40, Code of Federal Regulations, Part 51, and Section 110 of the Clean Air Act Amendments of 1970, Public Law 91-604, 42 United States Code, Section 1857c-5.

Copies of the information submitted by Florida in connection with these two plan revisions may be examined by the public at the following locations:

Air Programs Branch, Air & Hazardous Materials Division, Region IV, Environmental Protection Agency, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

Florida Department of Environmental Regulation, 2662 Executive Center Circle East, Montgomery Building, Tallahassee, Fla. 32301.

An evaluation of the proposed revisions may be obtained by consulting personnel of the Agency's Region IV Air Programs Branch at the Atlanta address given above, telephone 404/526-3043.

Interested parties are encouraged to participate in this rulemaking by submitting written comments on the proposed plan revisions. To be considered, such comments must be received on or before October 14, 1975, and should be addressed to the Agency's Region IV Air Programs Branch at the Atlanta address just mentioned. After weighing relevant comments and other available information in the light of requirements set forth in the Clean Air Act and in the Agency's implementing regulations (40 CFR Part 51), the Administrator will take action on the Florida proposals described in this notice.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: September 3, 1975.

JACK E. RAVAN,  
Regional Administrator,  
Region IV.

[FR Doc.75-24224 Filed 9-11-75; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19982 RM-2297]

### TELEVISION BROADCAST STATIONS

Table of Assignments; Arkansas; Further Notice of Proposed Rule Making and Order To Show Cause

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Mountain View, Arkansas).

1. The *Notice of Proposed Rule Making* in this proceeding (39 FR 11931) was issued in response to the petition of the Arkansas Educational Television Commission ("AETC") in which it proposed the assignment of Channel 6 to Mountain View, Arkansas. Comments in response to the *Notice* were filed by AETC and by the Association of Maximum Service Telecasters, Inc. ("AMST"), the Corporation for Public Broadcasting ("CPB"), and Mid America Television Company, licensee of Sedalia, Missouri, co-channel station KMOS-TV ("KMOS-TV"). Reply comments were filed by the same parties.

2. The *Notice* pointed out that while the proposed assignment met all the ap-

controlled offset operation the area would be further reduced to 1.470 square

costs necessitated by the offset changes, whatever the item.

Pursuant to § 1.87 of the Commission's Rules and Regulations, the above li-

of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former lead-

## FEDERAL HOME LOAN BANK BOARD

[No. 75-833]



2. The Notice pointed out that while the proposed assignment met all the applicable mileage separation requirements contained in the Rules, these separation distances were based upon the utilization of carrier offset operation. In this instance it would have been necessary to require a minimum of nine operating stations and one vacant assignment to change carrier offset designation. AETC submitted that the cost involved could be high, and it urged what it saw as a simpler and less expensive alternative, namely having its proposed station and KMOS-TV, Sedalia, Missouri, operate in a jointly controlled manner that would be more or less synchronous. This, it was asserted, would offer the same 17 dB improvement in the desired to undesired signal ratio that offset operation permitted. Additionally, AETC stated it would, if necessary, utilize a directional antenna at the proposed Mountain View station to minimize radiation in the direction of the Sedalia station. AETC said that no existing stations would be required to change carrier offset and KMOS-TV would receive protection equivalent to that obtained by the use of the conventional offset carrier arrangement. The Notice proposed to proceed along this line.

3. In the filings of KMOS-TV and AMST the premise of the Notice that synchronous operation of KMOS-TV and the proposed Mountain View station could offer the same 17 dB improvement in the desired to undesired signal ratio that offset operation would offer has been called into question. The March 1950 issue of *RCA Review* was cited, and in particular we were referred to the article's conclusion that, "offset operation has been shown to be superior in results and more economical to apply than television carrier synchronization." KMOS-TV also cited one of the findings of the Television Allocation Study Organization ("TASO") in its report to the Commission in which TASO indicated that the use of precise frequency control equipment at stations operating conventionally with offset carriers offers a 13 dB improvement in the desired to undesired signal ratio over synchronous operations and an 8 dB improvement over conventional offset operations. KMOS-TV asserted that if the Sedalia and Mountain View stations operated synchronously, with maximum facilities and nondirectional antenna, an area of 5,130 square miles would experience interference within the Grade B contour of each station. With conventional offset this area of interference would be reduced to 3,660 square miles within the Grade B contour of each station, and for precisely

<sup>1</sup> A system of arranging stations geographically so that interference to their reception is minimized. This is done through use of a triangular pattern in which one station operates with a zero offset and the other operate 10 kHz above or below the frequency of the first station.

<sup>2</sup> *Engineering Aspects of Television Allocations: Report of the Television Allocations Study Organization to the Federal Communications Commission; March 16, 1958.*

controlled offset operation the area would be further reduced to 1,470 square miles within the Grade B contour of each station. KMOS-TV acknowledged that the use of a directional antenna in addition to synchronous operation could provide protection equivalent to that obtainable from the use of precise offset carriers at both stations. The directional antenna, however, would restrict the Mountain View station's coverage to the north.

4. In addition to the engineering matters at issue, there has also been a dispute regarding the relative costs of following these approaches. Most recently, however, AETC in its reply comments stated that it would be willing to reimburse licensees of the affected stations for the amounts set forth in the AMST comments or other reasonable costs which are involved in effecting these channel offsets. Earlier it had asserted that the costs of these changes would be higher than the directionalization and synchronous operation, a proposition others disputed. Its present offer, it states, is based on the assumption that no new instrumentation is required. With this in mind, AETC indicates that should the Commission decide not to follow the synchronous operation proposed in the Notice, it requests that a *Further Notice of Proposed Rule Making* be released looking toward accomplishing the offset changes listed in the Notice so that the Mountain View assignment may be made.

5. Based on the additional information the Commission has obtained, it has become clear that synchronous operation, with or without directionalization, does not represent the best method of proceeding. Rather, we believe that carrier offset represents the approach worth considering, as it would involve less expense and provide more efficient service. Proceeding in this manner would retain the option for the Sedalia Channel 6 station and the proposed co-channel Mountain View station to employ precise offset operation in the future to attain expansion of each station's interference-free coverage area.

6. We further note that AETC has agreed to reimburse the nine affected stations for expenses incurred in modifying the carrier offsets, but only for the amounts set forth in the AMST comments "or for other reasonable costs, assuming no new instrumentation is involved." The Commission, on the other hand, expects AETC to make all reasonable reimbursements of expenses incurred by stations that are required to change frequency offsets as a result of this proceeding. AETC is requested to specifically comment upon its willingness to bear all reasonable reimbursement

<sup>3</sup> If no directionalization were employed, there would be more interference; if it were employed, then there would be loss of coverage to an area which otherwise would receive service. Thus, in this area, viewers would be unable to watch the Mountain View station because of its directional pattern or either station because of the mutual interference.

costs necessitated by the offset changes, whatever the item.

7. In addition to comments regarding these proposed changes, the comments of the Mexican Government will be requested on the required change in the carrier offset of Station XET-TV, Monterrey, Nuevo Leon (from 6 to 6+). AETC should indicate whether it stands ready to provide reimbursement for this station as well.

8. In view of the foregoing, and pursuant to authority found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b) (6) of the Commission's Rules and Regulations, IT IS PROPOSED TO AMEND § 73.606(b) of the Commission's Rules and Regulations, the Television Table of Assignments, as concerns Mountain View, Arkansas, as follows:

City and State	Channel No.	
	Present	Proposed
Mountain View, Ark.	6+	6+
Dodge City, Kans.	6+, 21-	6+, 21-
New Orleans, La.	4+, 6+, 8, 12, 20-, 26-, 32+, 38+	4+, 6, 8, 12, 20-, 26-, 32+, 38+
Greenwood, Miss.	6+, 23+	6+, 23+
Sedalia, Mo.	6+, 6+, 8-, 11-, 23-, 29-, 35-, 41+	6+, 6+, 8-, 11-, 23-, 29-, 35-, 41+
Tulsa, Okla.	3-, 6+, 10-, 16, 28-, 38+	3-, 6+, 10-, 16, 28-, 38+
Corpus Christi, Tex.	3-, 6+, 10-, 16, 28-, 38+	3-, 6+, 10-, 16, 28-, 38+
San Angelo, Tex.	3-, 6+, 10-, 16, 28-, 38+	3-, 6+, 10-, 16, 28-, 38+
Temple, Tex.	6, 46-	6+, 46-
Texarkana, Tex.	6+, 17-, 34-	6, 17-, 34-

9. Accordingly, IT IS ORDERED, that pursuant to Section 316 of the Communications Act of 1934, as amended, the following parties SHALL SHOW CAUSE why their licenses for operation on the below listed channels should not be modified to specify a change in the channel offset as listed below, if the Commission finds it in the public interest to assign Channel 6- to Mountain View, Arkansas. This Order is being made with the understanding that the permittee of Channel 6- at Mountain View, Arkansas, will pay reasonable reimbursement of expenses incurred in the change of channel offset for all affected parties.

Licensee and Location	Channel and Offset	
	Present	Modified
Southwest Kansas Television Co., Inc., Dodge City, Kans. (KTVC)	6+	6-
Cosmos Broadcasting of Louisiana, Inc., New Orleans, La. (WDSU-TV)	6+	6
Mississippi Telecasting Co., Inc., Greenwood, Miss. (WABG-TV)	6	6+
Mid-America TV Co., Sedalia, Mo. (KMOS-TV)	6-	6
Corinthian Television Corp., Tulsa, Okla. (KOTV)	6	6+
Gulf Coast Broadcasting Co., Corpus Christi, Tex. (KRIS-TV)	6+	6
Channel 6 Inc., Temple, Tex. (KCEM-TV)	6	6+
KCMC, Inc., Texarkana, Tex. (KTAL-TV)	6+	6

## FEDERAL HOME LOAN BANK BOARD

[No. 75-833]

[12 CFR Parts 561, 563, 564, 569a, and 571]

## PROPOSED AMENDMENTS RELATING TO CHECKING ACCOUNTS

SEPTEMBER 8, 1975.

The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, considers it advisable to propose to amend Parts 561, 563, 564, 569, and 571 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 561, 563, 564, 569, and 571) for the purpose of permitting insured institutions to offer checking accounts when authorized to do so by statute, regulation, or otherwise, and to provide that such accounts are eligible for insurance by the Federal Savings and Loan Insurance Corporation. Federal savings and loan associations presently are not authorized to issue checking accounts, and State-chartered savings and loan associations generally are not permitted to issue such accounts. However, State law in Maine and Connecticut will authorize checking accounts to be offered by State savings and loan associations, beginning October 1, 1975, in Maine, and January 1, 1976, in Connecticut.

At present, the Board's Insurance Regulation § 563.6 prohibits insured institutions from issuing any demand securities or advertising or representing that holders of securities will be paid on demand. Present § 561.3 defines "insured account" in terms of savings accounts, and other regulatory provisions refer only to savings accounts. These restrictions are not required by statute: the National Housing Act, as amended (48 Stat. 1255, 12 U.S.C. 1725 et seq.), defines "insured account" at section 401(c) as a "share, certificate, or deposit account" approved by the Corporation, and section 403(a) of that Act empowers the Corporation to "insure the accounts" of Federal and State savings and loan institutions.

Therefore, in order that State-chartered insured institutions not be placed at a competitive disadvantage in relation to other thrift institutions in their area, in States which permit thrift institutions to offer checking accounts, the Board proposes to lift its previous restrictions on the issuance of such accounts. It is noted, however, that under the proposal insured institutions would be required under § 563.1 of the Insurance Regulations to obtain Corporation approval of the form of any such checking account prior to issuance. Furthermore, should such restriction be lifted, the Board intends to closely monitor the effects of checking accounts on the savings and loan industry and would impose operational and reserve restrictions relating to such accounts should they prove necessary.

Accordingly, the Board hereby proposes to amend the Insurance Regulations by adding a new § 561.11a, and amending §§ 561.3, 561.11, 561.15(f), 561.17(a), 561.24, 563.1, 563.6, 563.13(a)

Pursuant to § 1.87 of the Commission's Rules and Regulations, the above licensees may, not later than October 29, 1975, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, the above licensees may, no later than 1975, file a written statement showing with particularity why their license should not be modified as proposed in this *Order to Show Cause*. In this case, the Commission may call on any of the licensees to furnish additional information, designate the matter for hearing, or issue without further proceedings an *Order* modifying the licensees as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, the licensees will be deemed to consent to modification as proposed in the *Order to Show Cause* and a final *Order* will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

10. IT IS DIRECTED, That the Secretary of the Commission SHALL SEND a copy of this *Order* by certified mail, return receipt requested, to (1) Southwest Kansas Television Co., Inc., licensee of Station KTVC(TV), Dodge City, Kansas; (2) Cosmos Broadcasting of Louisiana, Inc., licensee of Station WDSU-TV, New Orleans, Louisiana; (3) Mississippi Telecasting Co., Inc., licensee of Station WABG-TV, Greenwood, Mississippi; (4) Mid-America TV Co., licensee of Station KMOS-TV, Sedalia, Missouri; (5) Corinthian Television Corp., licensee of Station KOTV, Tulsa, Oklahoma; (6) Gulf Coast Broadcasting Co., licensee of Station KRIS-TV, Corpus Christi, Texas; (7) Channel 6 Inc., licensee of Station KCEM-TV, Temple, Texas; and (8) KCMC, Inc., licensee of Station KTAL-TV, Texarkana, Texas, the parties to whom the *Order to Show Cause* is directed.

11. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are set out below and are incorporated by reference herein.

12. Interested parties may file comments on or before October 29, 1975, and reply comments on or before November 17, 1975.

## FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] NEAL K. McNAUGHTEN,  
Acting Chief, Broadcast Bureau.

## APPENDIX IX

1. Pursuant to authority found in sections 4(i), 5(d) (1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b) (6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent

of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 75-24321 Filed 9-11-75; 8:45 am]

## FEDERAL TRADE COMMISSION

[16 CFR Part 453]

## FURNAL INDUSTRY PRACTICES

## Trade Regulation Proceeding

## Correction

In FR Doc. 75-22962 appearing at page 39901 in the issue for Friday, August 29, 1975, make the following changes:

1. On page 39905, first column, fifth line, the word which presently reads "analogized" should read "analogized".

2. On page 39906, first column, the penultimate line, the section reference which presently reads "§ 453.3(d)" should read "§ 453.4(d)".

(1) and (c) (4) and (5), 564.1 (a), (b), as liquid assets, as defined in paragraph and (c), 569a.1(c), 569a.4, 569a.5(d), (g) of § 523.10 of this chapter, or would shall promptly transmit such amendments to the Corporation for approval.

Anniversary: Percentage  
18 4.50  
4.75

(c) *Multiple accounts.* In the event an insured member holds more than one

such conservator, receiver, or custodian and any supervisory or regulatory authority to which the insured institution



(1) and (c) (4) and (5), 564.1 (a), (b), and (c), 569a.1(c), 569a.4, 569a.b(d), 569a.7, 569a.9, and 571.1(c) (3) thereof, to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW, Washington, D.C. 20552, by September 29, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address, unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

1. Amend Part 561 by revising §§ 561.3, 561.11, 561.15(f), 561.17(a), and 561.24 thereof, and adding a new § 561.11a thereto, to read as follows:

**§ 561.3 Insured account.**

An "insured account" is a savings account or checking account held by an insured member in an institution insured by the Corporation. Accounts which by the terms of the contract of the holder with the institution or by provisions of state law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities of the institution have been fully liquidated and paid upon the winding up of the institution are not insured, and are hereinafter referred to as "nonwithdrawable accounts". Subordinated debt securities and mortgage-backed bonds issued by an insured institution are deemed not to be "accounts", and such securities are not insured.

**§ 561.11 Savings accounts.**

The term "savings accounts" means withdrawable or repurchasable shares, investment certificates, deposits or other savings accounts held by insured members in an institution insured by the Corporation.

**§ 561.11a Checking accounts.**

The term "checking accounts" means non-interest-bearing demand deposits which are subject to check or to withdrawal or transfer on negotiable or transferable order to the association and which are permitted to be issued by statute, regulation, or otherwise.

**§ 561.15 Scheduled items.**

The term "scheduled items" means:

(f) Deposits in a bank, loans of Federal funds to a bank, or savings accounts or checking accounts in a savings and loan association, under the control or in the possession of an appropriate supervisory authority, and

**§ 561.17 Specified assets.**

(a) The term "specified assets" means the total assets of an insured institution less the institution's assets which qualify

as liquid assets, as defined in paragraph (g) of § 523.10 of this chapter, or would so qualify except for the maturity limitations contained in such paragraph or the pledged status of such assets, other obligations fully guaranteed as to principal and interest by the United States (including such obligations held subject to a repurchase agreement) and accrued interest thereon, obligations of, or participations or other instruments fully guaranteed as to principal and interest by, the Federal Home Loan Mortgage Corporation, Federal Home Loan Bank stock, prepaid Federal Savings and Loan Insurance Corporation premiums, loans secured by obligations referred to in paragraphs (g) (2) and (3) of § 523.10 of this chapter without regard to the maturities of such obligations, loans in process, loans on the security of the institution's checking and savings accounts, investments (other than in capital stock) in other institutions insured by the Federal Savings and Loan Insurance Corporation and in institutions insured by the Federal Deposit Insurance Corporation, and less 80 percent of the institution's actual investments in insured loans, guaranteed loans, loans which are secured by a first lien on low-rent housing, and guaranteed obligations.

**§ 561.24 Subordinated debt security.**

The term "subordinated debt security" means any unsecured note, debenture, or other debt security issued by an insured institution and subordinated on liquidation to all claims having the same priority as account holders or any higher priority.

2. Amend Part 563 by revising §§ 563.1, 563.6, and 563.13(a) (1), (c) (4) and (5) thereof to read as follows:

**§ 563.1 Forms of certificates and pass-books; submission of forms of investment contracts and bylaws; furnishing members with copy of charter and bylaws.**

At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, checking account, share, membership, stock and demand or time deposit certificates, pass-books, and other forms of investment contracts proposed to be issued by the applicant as an insured institution; it shall also submit for such approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of checking or savings accounts, share, stock, membership or deposit certificates, passbooks, or other investment contract which has not been submitted to the Corporation for approval. No insured institution shall issue any such form which has been disapproved in writing by the Corporation. Any insured institution which amends its charter, constitution, or bylaws affecting its securities or investment contracts

shall promptly transmit such amendments to the Corporation for approval. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, whether as to time or amount in the event of liquidation, over any other class of insured account; Provided, That where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

**§ 563.6 Demand securities.**

No insured institution may issue any demand securities or advertise or represent that it will pay holders of its securities on demand, except that this section does not apply to checking accounts as defined in § 561.11a of this subchapter.

**§ 563.13 Required amounts and maintenance of Federal insurance reserve and net worth.**

(a) Federal insurance reserve requirements. (1) Minimum required amounts. After the fiscal year in which a certificate of insurance is issued, each insured institution shall build up its Federal insurance reserve account so that, as of the close of business on the annual closing date following each anniversary of the date of insurance of accounts, such account shall be at least equal to the amount obtained by multiplying the percentage corresponding to such anniversary date, as set forth in the table below, by either (i) the amount of the institution's checking and savings account balances on such closing date, or (ii) the average of such account balances on such closing date and on one or more of the 4 immediately preceding annual closing dates, provided all such dates are consecutive. In any event, unless otherwise permitted in writing by the Corporation, each insured institution shall build up its Federal insurance reserve account so that, at any one annual closing date prior to the twenty-sixth anniversary of its insurance of accounts, such account shall be at least equal to 5 percent of the institution's checking and savings account balances on such closing date.

Anniversary:	Percentage
2	0.50
3	0.75
4	1.00
5	1.25
6	1.50
7	1.75
8	2.00
9	2.25
10	2.50
11	2.75
12	3.00
13	3.25
14	3.50
15	3.75
16	4.00
17	4.25

Anniversary:	Percentage
18	4.50
19	4.75
20 and thereafter	5.00

(c) Failure to meet or maintain Federal insurance reserve or net worth requirements. If any insured institution fails to meet or thereafter maintain the Federal insurance reserve requirements set forth in paragraph (a) of this section or the net worth requirements set forth in paragraph (b) of this section, the Corporation may, whether through enforcement proceedings (as provided in Parts 565 and 566 of this subchapter) or otherwise, require such institution to take any one or more of the following corrective actions:

(4) Limit the receipt of deposits to those made to existing accounts;

(5) Cease or limit the issuance of new accounts of any or all classes or categories, except in exchange for existing accounts; . . .

3. Amend Part 564 by revising § 564.1 thereof to read as follows:

**§ 564.1 Settlement of insurance upon default.**

(a) General. In the event of a default by an insured institution, the Corporation will promptly determine, from the account contracts and the books and records of the institution, or otherwise, the insured members thereof and the amount of the insured account or accounts of each such member. The Corporation will give to each insured member shown to be such on the books of the insured institution written notice of the time and place of payment of insurance by mail at the last known address as shown by the books of the insured institution. If an insured institution has outstanding at the time of default any account or accounts issued pursuant to § 545.1-5 of this chapter or issued pursuant to the approval granted by § 563.3-3 of this subchapter, the Corporation shall, promptly after default, publish (in a newspaper printed in the English language and of general circulation in the city, county, or locality in which the principal office of such insured institution is located) a notice to all account holders of such insured institution of the time and place of payment of insurance.

(b) Amount of insured account. The amount of an insured account is the amount which the insured member would have been entitled to withdraw as of the date of default, plus interest on any savings account accrued to such date or dividends prorated to such date at the announced or anticipated rate, without regard to whether such account is subject to any pledge. In the case of a savings account with a fixed or minimum term or a qualifying or notice period that has not expired as of such date, dividends or interest thereon shall be computed as if the account could have been withdrawn on such date without any penalty or reduction in rate of earnings.

(c) Multiple accounts. In the event an insured member holds more than one insured account in the same capacity, and the aggregate amount of such accounts (including checking accounts held in such capacity) exceeds the amount of insurance afforded thereon, the insurance coverage will be prorated among the member's interest in all accounts held in the same capacity on the basis of their withdrawable value as of the date of default. In the case of individual accounts the insurance proceeds shall be paid to the holder of the account, whether or not the beneficial owner. In the case of accounts which are owned jointly the insurance proceeds shall be paid to the owners jointly. In the case of trust estates the insurance proceeds shall be paid to the indicated trustee unless otherwise provided for in the trust instrument or under State law. In the case of corporations, partnerships and unincorporated associations, whether or not engaged in an independent activity, the insurance proceeds shall be paid to the indicated holder of the account. Where insurance payment is in the form of a transferred account, the same rules shall be applied.

4. Amend Part 569a by revising §§ 569a.1(c), 569a.4, 569a.6(d), 569a.7(a) (4) and (5), (b) and (d), and 569a.9 thereof to read as follows:

**§ 569a.1 Grounds for appointment of receiver.**

(c) That one or more of the holders of checking or savings accounts in such institution is unable to obtain a withdrawal of his account, in whole or in part;

the Board shall have exclusive power and jurisdiction to appoint the Corporation as sole Receiver for such institution. As used in this Part, the term "default" means an adjudication or other official determination of a court of competent jurisdiction or other public authority pursuant to which a conservator, receiver, or other legal custodian is appointed for an insured institution for the purpose of liquidation.

**§ 569a.4 Possession by Receiver.**

The Corporation shall take possession promptly of the insured institution for which it has been appointed Receiver by service of a certified copy of the Board's order of appointment upon the insured institution or upon the conservator, receiver, or custodian of such institution. "Service" as used in the preceding sentence is accomplished by leaving a certified copy of said order at the principal office of the insured institution or by handing a certified copy of said order to the conservator, receiver, or custodian of such insured institution or to the officer or employee of the insured institution or of the conservator, receiver, or custodian who shall be in the principal office of the institution and appears to be in charge of such office. The Receiver shall thereafter promptly notify in writing by certified mail the court or other public authority having jurisdiction over

such conservator, receiver, or custodian and any supervisory or regulatory authority to which the insured institution was theretofore subject of its possession of the insured institution. Immediately upon taking possession of any insured institution, the Corporation as Receiver shall forthwith take possession of and title to books, records, and assets of every description of such institution. The Corporation as Receiver, by operation of law and without any conveyance or other instrument, act or deed, shall succeed to (a) all the rights, titles, powers, and privileges of the insured institution, its members, holders of checking or savings accounts and nonwithdrawable accounts, its officers and directors or any of them, and (b) the titles to the books, records, and assets of every description of any conservator, receiver, or other legal custodian of such institution appointed under State law. Such members, holders of checking or savings accounts and nonwithdrawable accounts, officers or directors, or any of them, or any such conservator, receiver, or other legal custodian shall not thereafter have or exercise any such rights, power, or privileges or act in connection with any asset or property of any nature of the institution in receivership.

**§ 569a.6 Powers and duties as Receiver.**

(d) Investment of funds. The Receiver shall have the power to deposit the monies and funds of the receivership in any bank or banks insured by the Federal Deposit Insurance Corporation, in any insured institution within the State in which the institution in default is located which offers checking accounts, or in any Federal Home Loan Bank, and may invest such monies or funds in certificates of deposit in any bank or banks insured by the Federal Deposit Insurance Corporation or in savings accounts other than nonwithdrawable accounts, in an insured institution or institutions. The Receiver shall have power to invest any funds not currently needed for transacting the business of the receivership or for payment of liquidating dividends in Government obligations with a maturity of not more than 2 years. The Receiver shall have no power to make loans except loans to facilitate the sale of any real estate owned and except loans which it deems necessary to protect investments or the security for investments.

**§ 569a.7 Priority of claims.**

(a) . . . . .  
(4) All claims of holders of checking and savings accounts, and/or the Federal Savings and Loan Insurance Corporation to the extent it has paid insurance to holders of such accounts, which under the laws of the State in which the principal office of the institution in receivership is located are given a priority for liquidation purposes over other classes of such accounts; except that whenever under the laws of the State in which the principal office of the institution in receiver-

ceivership is located such claims are treated on a parity with general creditor obligations upon the liquidation of the

close a complete record of all accounts of such accountholders, or in a case where all such accountholders have not pre-

necessitate or have produced volume lending or lending at interest rates, or at interest rates plus fees, which materially

It is proposed to add Part 1602 as PART 1602—PROCEDURES FOR DISCLO-

the FOIA and these implementing regulations. All records not exempt from disclosure will be made available. The Cor-

(c) Certain types of staff manuals or instructions, such as instructions to auditors or inspection staff, or instructions covering certain phases of contract



ownership is located such claims are treated on a parity with general creditor obligations upon the liquidation of the institution, such claims will be treated as general creditor obligations under subparagraph (3) of this paragraph;

(5) All claims of holders of other accounts, and/or the Federal Savings and Loan Insurance Corporation to the extent it has paid insurance to the holders of such other accounts; and

(b) Creditor claims which have been subordinated in whole or in part to general creditor claims and/or claims of checking or savings accountholders shall be given the priority specified in the instruments establishing such claims. Where the instruments specify that such claims are subordinated to general creditor obligations and the claims of such accountholders upon liquidation of the institution, but are silent with respect to subordination to the postdefault interest rights of the general creditors and such accountholders, the payment of interest as set forth in paragraph (a) (6) of this section shall have priority over the principal amount of such subordinated creditor claims and any contractual interest thereon.

(d) In the case of a mutual institution, if a surplus remains after making distribution in full as set forth in paragraphs (a) and (b) of this section, such surplus shall be distributed to the checking and savings accountholders as of the date of default, in accordance with the terms, conditions and priorities specified in the instruments establishing their interests in the institution. If such instruments do not specify the terms, conditions and priorities for liquidation, the distribution of the surplus shall be pro rata.

#### § 569a.9 Claims of accountholders.

The Receiver shall prepare a list of accounts of checking and savings accountholders for use by the Corporation in settlement of claims for insurance under Part 564 of this subchapter. Upon such settlement, the Receiver shall furnish to each such accountholder a certificate as to the amount of such account which is not covered by insurance under said Part 564 and stating that the accountholder holds a claim against the receivership which is to be discharged to the extent permitted under this part. No such certificate shall be furnished by the Receiver unless the accountholder has first surrendered to the Receiver such evidence of the ownership of the account as he may have or, in case of loss of such evidence, the accountholder has agreed that the Receiver shall be entitled to the surrender of such evidence if it is thereafter recovered, but this requirement shall not be applicable in cases in which such evidence has been surrendered theretofore to the Corporation in connection with payment of insurance of the account. In a case where a Receiver has reason to believe that the records of the institution in receivership may not dis-

close a complete record of all accounts of such accountholders, or in a case where all such accountholders have not presented claims within 1 year from the date of appointment of the Receiver, the Receiver shall publish, in a newspaper printed in the English language and of general circulation in the city or county in which the principal office of such institution was located, a notice to all such accountholders to present their claims of ownership thereof on forms prescribed by the Receiver to such Receiver on or before a date specified in such notice, which date shall be 3 years after the date of default. Such notice shall be similarly published on dates approximately 1 month and 2 months after the date of such first publication. Such notice shall be similarly published on a date approximately 1 month prior to the date specified in such notice for presentation of claims of ownership. Claims of ownership not filed within the period stated in the notices shall be disallowed. Any part or all of a claim by such an accountholder which is filed within the period stated in the notices and which is disallowed by the Receiver may be allowed by the Board in its discretion upon good cause shown.

5. Amend Part 571 by revising § 571.1 (c), (c) (3), (e), and (e) (1) thereof to read as follows:

§ 571.1 Appraisal of real estate securing assets of insured institutions.

(c) Authority of Chief Examiner to obtain appraisals. The Board's Chief Examiner for the Federal Home Loan Bank district in which the home office of an insured institution is located is authorized to obtain, as a part of and in connection with an examination, appraisals of real estate securing such institution's loans and contracts when an examination discloses the following conditions or such conditions are otherwise known or found to exist:

(3) When a borrower agrees or otherwise obligates himself to pay, or does pay, fees or other consideration to a third party to induce an inflow of funds to savings accounts or checking accounts in the institution.

(e) Other bases for obtaining appraisals. It is not feasible to identify, or to state categorically or inflexibly, all of the other indications of the need to evaluate appraisal practices and policies. Many factors must be considered separately and in context in the light of the operations of each institution, and economic conditions as they exist. However, the following broad areas of operation by an insured institution will be of paramount supervisory concern and essential facts and information with respect to such matters will in large measure constitute the basis for determining whether or not appraisals should be made:

(1) Increase in funds for mortgage lending. The extent to which the institution's expense ratio and dividend rate

necessitate or have produced volume lending or lending at interest rates, or at interest rates plus fees, which materially exceed rates charged by responsible lenders in the area on prime real estate security—in order to provide sufficient revenue to pay expenses and dividends—are matters of much importance. In evaluating this aspect or area of an institution's operations consideration will be given not only to the dividend rate and expense ratio as compared to other comparable institutions in the same business area, but also to such matters as bonus (on top of a competitive dividend rate); inflow of funds to checking accounts and savings accounts from or through brokers; advertising of rate, rate increases, or other terms in a manner or by means which indicate pressure solicitation of accounts; extensive rate advertising in media outside the institution's normal business area; use of give-aways, directly or through brokers, and any solicitation practices generally recognized as being inconsistent with accepted standards in the conduct of responsible financial institutions. In order to evaluate the extent of any mortgage lending pressures to which the institution is subjecting itself, consideration may also need to be given to the use of borrowed money and to sales of loans for relending purposes.

(Sec. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL]

J. J. FINN,  
Secretary.

[FR Doc. 75-24327 Filed 9-11-75; 8:45 am]

#### LEGAL SERVICES CORPORATION [45 CFR Part 1602] FREEDOM OF INFORMATION ACT Procedures for Disclosure or Production of Information

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f ("the Act"). Section 1005(g) of the Act, 42 U.S.C. § 2996d(g) provides that the Corporation shall be subject to the provisions of the Freedom of Information Act, 5 U.S.C. § 552.

Pursuant to Section 1008(e) of the Act, the Corporation hereby notices and publishes for comment the following proposed regulations. Public comment will be received by the Corporation at its temporary office, Room 413, 1725 K Street, NW., Washington, D.C. 20006, on or before October 11, 1975. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen at the above offices during business hours, Monday through Friday.

Final regulations will be issued by the Corporation after the Board of Directors has reviewed and considered public comment received pursuant to this notice.

It is proposed to add Part 1602 as follows:

#### PART 1602—PROCEDURES FOR DISCLOSURE OR PRODUCTION OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

##### Subpart A—General

Sec. 1602.1 Purpose.  
1602.2 Definitions.  
1602.3 Policy.

##### Subpart B—Maintenance of Records

1602.4 Index of records.  
1602.5 Central records room.  
1602.6 Regional records rooms.

##### Subpart C—Procedure

1602.7 Use of records rooms.  
1602.8 Availability of records on request.  
1602.9 Invoking exemption to withhold a requested record.  
1602.10 Officials authorized to grant or deny request for records.  
1602.11 Denials.  
1602.12 Appeals of denials.  
1602.13 Fees.

AUTHORITY: Sec. 1005(g) of the Legal Services Corporation Act of 1974 (42 U.S.C. § 2996d(g)).

##### Subpart A—General

##### § 1602.1 Purpose.

These regulations provide information concerning the procedures by which records of the Legal Services Corporation may be made available pursuant to Section 1005(g) of the Legal Services Corporation Act, 42 U.S.C. § 2996d(g), and the Freedom of Information Act, as amended in 1974, 5 U.S.C. § 552.

##### § 1602.2 Definitions.

As used in this Part—

(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f;

(b) "Corporation" means the Legal Services Corporation;

(c) "FOIA" means the Freedom of Information Act, as amended in 1974, 5 U.S.C. § 552;

(d) "President" means the President of the Legal Services Corporation;

(e) "records" means books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Corporation in connection with the transaction of the Corporation's business and preserved or appropriate for preservation by the Corporation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Corporation or because of the informational value of data in them. The term does not include books, magazines or other materials acquired solely for library purposes and available through any officially designated library of the Corporation.

##### § 1602.3 Policy.

(a) It is and will be the policy of the Corporation to maximize the extent to which records concerning its operations, activities and business will be available to the public. Records will be withheld from the public only in accordance with

the FOIA and these implementing regulations. All records not exempt from disclosure will be made available. The Corporation will interpret exemptions restrictively, resolving doubts concerning the applicability or meaning of an exemption in favor of disclosure. Records which may be exempted from disclosure will generally be made available as a matter of discretion when disclosure is not prohibited by law and it does not appear adverse to legitimate public or personal interests.

(b) The Corporation will attempt to provide the fullest assistance to requesting parties, including information as to how and where the request may be submitted. The Corporation will provide the most timely possible action on requests for records.

##### Subpart B—Maintenance of Records

##### § 1602.4 Index of records.

The Corporation will maintain a current index identifying any matter within the scope of § 1602.5(b) (1)-(3) which has been issued, adopted, or promulgated by the Corporation, and other information published or made publicly available. The index will be maintained and made available for public inspection and copying at the Corporation's headquarters in Washington, D.C., and at each regional office. The Corporation will publish copies of each index or supplement thereto at least once each quarter and shall distribute such copies on request, at a cost not to exceed the direct cost of duplication.

##### § 1602.5 Central records room.

(a) The Corporation will maintain a central records room at its headquarters in Washington, D.C. This room will be supervised by a Records Officer, and will be open during regular business hours of the Corporation for the convenience of members of the public in inspecting and copying records made available pursuant to this Part. Certain records, as described in paragraph (b) of this section, will be regularly maintained in or in close proximity to the records room, to facilitate access thereto by any member of the public.

(b) Subject to the limitation state in paragraph (c) of this section, there will be available in the central records room the following:

(1) All final opinions, including concurring and dissenting opinions, and orders made in the adjudication of cases;

(2) Statements of policy and interpretations adopted by the Corporation;

(3) Administrative staff manuals and instructions to the staff which affect the public;

(4) To the extent feasible, guidelines, forms, published regulations, notices, program descriptions, and other records considered to be of general interest to members of the public in understanding activities of the Corporation or in dealing with the Corporation in connection with those activities;

(5) The current index required in § 1602.4.

(c) Certain types of staff manuals or instructions, such as instructions to auditors or inspection staff, or instructions covering certain phases of contract negotiation, which deal with the performance of functions that would automatically be rendered ineffective by general awareness of the Corporation's techniques or procedures, may be exempt from mandatory disclosure even though they affect or may affect the public. These records will not be maintained in the central records room.

(d) Certain records maintained in the records room or otherwise made available pursuant to this Part may be "edited" by the deletion of identifying details concerning individuals, to prevent a clearly unwarranted invasion of personal privacy. In such cases, the record shall have attached to it a full explanation of the deletion.

##### § 1602.6 Regional records rooms.

Each regional office shall have either a specially designated records room similar to the central records room described in § 1602.5 or, if that is not feasible, a designated area within the office, a principal function of which is to serve the public in accordance with this Part. The Corporation will endeavor to maintain and have readily available in its regional offices the records described in § 1602.5(b), and will designate a Records Officer in each regional office to receive and process requests submitted pursuant to this Part.

##### Subpart C—Procedure

##### § 1602.7 Use of records rooms.

(a) Any member of the public who wishes to inspect or copy records regularly maintained in a records room may secure access to these records by presenting himself or herself at the central records room or at a regional records room during business hours. No advance notice or appointment is required, although persons wishing to make extended use of regional office facilities should take account of the possible limitations in these facilities.

(b) The records rooms will also be available to any member of the public to inspect and copy records which are not regularly maintained in the records rooms. To obtain such records, a person should present his or her request identifying the records to the Records Officer. Because it will sometimes be impossible to produce these records or copies of them on short notice, a person who wishes to use records room facilities to inspect or copy such records is advised to arrange a time in advance, by telephone or letter request made to the Records Officer of the facility which he or she desires to use. Persons submitting requests by telephone will be advised by the Records Officer or another designated employee whether a written request would be advisable to aid in the identification and expeditious processing of the records sought. Persons submitting written requests should identify the records sought in the manner provided in subsection

1602.8(b) and should indicate whether they wish to use the records room facilities.

(4) All requests for records under this section shall be made in writing, with the envelope and the letter clearly

substantial interest in the determination of the request or among two or more components of the Corporation having

for the regulation or supervision of financial institutions;

(b) Whenever the Corporation makes a record available subject to the deletion of a portion of the record, such action

section, exceed the sum of \$6.50. Where the charges are calculated to exceed \$6.50, the fee shall be the difference be-



1602.8(b) and should indicate whether they wish to use the records room facilities on a specific date. The Records Officer will endeavor to advise the requesting party as promptly as possible if, for any reason, it may not be possible to make the records sought available on the date requested.

#### § 1602.8 Availability of records on request.

(a) In addition to the records made available through the records rooms, the Corporation will make such records available to any person in accordance with paragraphs (b) and (c) of this section, unless it is determined that such records should be withheld and are exempt from mandatory disclosure under the FOIA and § 1602.9 of these regulations.

(b) *Requests.* (1) A request will be acceptable if it identifies a record with sufficient particularity to enable officials of the Corporation to locate the record with a reasonable amount of effort. Requests seeking records within a reasonably specific category will be deemed to conform to the statutory requirement of a request which "reasonably describes" such records if professional employees of the Corporation who are familiar with the subject area of the request would be able, with a reasonable amount of effort, to determine which particular records are encompassed within the scope of the request, and to search for, locate, and collect the records without unduly burdening or materially interfering with operations because of the staff time consumed or the resulting disruption of files. If it is determined that a request does not reasonably describe the records sought as specified in this paragraph, the response denying the request on that ground shall specify the reasons why the request failed to meet the requirements of this paragraph and shall extend to the requester an opportunity to confer with Corporation personnel in order to attempt to reformulate the request in a manner which will meet the needs of the requester and the requirements of this paragraph.

(2) To facilitate the location of records by the Corporation, a requesting party should try to provide the following kinds of information: (i) The specific event or action, if known, to which the record refers; (ii) the unit or program of the Corporation which may be responsible for or may have produced the record; (iii) the date of the record or the date or period to which it refers or relates, if known; (iv) the type of record, such as an application, a grant, a contract, or a report; (v) personnel of the Corporation who may have prepared or have knowledge of the record; (vi) citations to newspapers or publications which are known to have referred to the record.

(3) The Corporation is not required to create a record to satisfy a request for information. When the information requested exists in the form of several records at several locations, the requesting party should be referred to those sources only if gathering the information would unduly burden or materially interfere with operations of the Corporation.

(4) All requests for records under this section shall be made in writing, with the envelope and the letter clearly marked: "FREEDOM OF INFORMATION REQUEST." All such requests shall be addressed to the Records Officer at the headquarters of the Corporation in Washington, D.C., or at any regional records office. Any request not marked and addressed as specified in this subparagraph will be so marked by Corporation personnel as soon as it is properly identified, and forwarded immediately to the Records Officer. A request improperly addressed will not be deemed to have been received for purposes of the time period set forth in paragraph (c) of this section until forwarding to the appropriate office has been effected, or until such forwarding would have been effected with the exercise of due diligence by Corporation personnel. On receipt of an improperly addressed request, the Records Officer shall notify the requesting party of the date on which the time period commenced to run.

(5) A person desiring to secure copies of records by mail should write to the Records Officer at the headquarters in Washington, D.C. The request should identify the records of which copies are sought and should indicate the number of copies desired. As indicated in § 1602.13, fees may be required in some cases, in which event they must be paid in advance. The requesting party will be advised of the estimated fee, if any, as promptly as possible. If a waiver of fees is requested, the grounds for such request should be included in the letter.

(c) The Records Officer, upon request for any records made in accordance with this Part, shall make an initial determination of whether to comply with or deny such request and dispatch such determination to the requesting party within ten days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such request, except for unusual circumstances in which case the time limit may be extended for not more than ten working days by written notice to the requesting party setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. In determining whether to issue a notice of extension of time for a response to a request beyond the ten-day period, Corporation officials shall consult with the Office of the General Counsel. As used herein, "unusual circumstances" are limited to the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a

substantial interest in the determination of the request or among two or more components of the Corporation having substantial subject matter interest therein.

(d) If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the requester may deem his request denied, and exercise a right of appeal in accordance with § 1602.12. When no determination can be dispatched within the applicable time limit, the Records Officer shall nevertheless continue to process the request; on expiration of the time limit, he shall inform the requesting party of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial and to appeal to the President in accordance with § 1602.12; and he may ask the requesting party to forego appeal until a determination is made.

#### § 1602.9 Invoking exemptions to withhold a requested record.

(a) A requested record of the Corporation may be withheld from public disclosure only if one or more of the following categories exempted by the FOIA apply:

(1) Matter which is (i) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) is in fact properly classified pursuant to such Executive Order;

(2) Matter which is related solely to the internal personnel rules and practices of the Corporation;

(3) Matter which is specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or inter-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Corporation;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right of a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life of physical safety or law enforcement personnel;

(8) Matter which is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible

for the regulation or supervision of financial institutions;

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) In the event that one or more of the above exemptions applies, any reasonably segregable portion of a record shall be provided to the requesting party after deletion of the portions which are exempt. In appropriate circumstances, subject to the discretion of Corporation officials, it may be possible to provide a requesting party with: (1) A summary of information in the exempt portion of a record or (2) an oral description of the exempt portion of a record. In determining whether any of the foregoing techniques should be employed or whether an exemption shall be waived, in accordance with this paragraph, Corporation officials shall consult with the Office of General Counsel. No requesting party shall have a right to insist that any or all of the foregoing techniques should be employed in order to satisfy a request.

(c) Records which may be exempted from disclosure pursuant to paragraph (a) of this section may be made available as a matter of discretion when disclosure is not prohibited by law, if it does not appear adverse to legitimate public or personal interests.

#### § 1602.10 Officials authorized to grant or deny requests for records.

The General Counsel shall furnish necessary advice to Corporation officials and staff as to their obligations under this Part and shall take such other actions as may be necessary or appropriate to assure a consistent and equitable application of the provisions of this Part by and within the Corporation. Other officials of the Corporation shall consult with the General Counsel before denying requests under this Part, or before granting requests for waiver or modified application of an exemption or for categories of documents which the General Counsel determines may present special or unusual problems. Subject to this authority, the General Counsel, the Records Officer, each Regional Director, and each Regional Records Officer are authorized to grant or deny requests under this Part.

#### § 1602.11 Denials.

(a) A denial of a written request for a record issued by an official of the Corporation shall be in writing and shall include the following:

(1) A reference to the applicable exemption or exemptions in § 1602.9(a) upon which the denial is based;

(2) An explanation of how the exemption applies to the requested records;

(3) A statement explaining why it is deemed unreasonable to provide segregable portions of the record after deleting the exempt portions;

(4) The name and title of the person or persons responsible for denying the request; and

(5) An explanation of the right to appeal the denial and of the procedures for submitting an appeal, including the address of the official to whom appeals should be submitted.

(b) Whenever the Corporation makes a record available subject to the deletion of a portion of the record, such action shall be deemed a denial of the record for purposes of paragraph (a) of this section.

(c) All denials shall be treated as opinions and shall be maintained and indexed accordingly, subject only to the necessity of deleting identifying details the release of which would constitute a clearly unwarranted invasion of personal privacy for a member of the public.

#### § 1602.12 Appeals of denials.

(a) Any person whose written request has been denied is entitled to appeal the denial within ninety days by writing to the President of the Corporation at the headquarters in Washington, D.C. The envelope and letter should be clearly marked: "FREEDOM OF INFORMATION APPEAL." An appeal need not be in any particular form, but should adequately identify the denial, if possible, by describing the requested record, by identifying the official who issued the denial, and by providing the date on which the denial was issued.

(b) No personal appearance, oral argument, or hearing will ordinarily be permitted on appeal of a denial. Upon request and a showing of special circumstances, however, this limitation may be waived and an informal conference may be arranged with the President, or the President's specifically designated representative, for this purpose.

(c) The decision of the President on an appeal shall be in writing and, in the event the denial is in whole or in part upheld, shall contain an explanation responsive to the arguments advanced by the requesting party, the matters described in § 1602.11(a)(1)-(5), and the provisions for judicial review of such decision under section 552(a)(4) of the FOIA. The decision shall be dispatched to the requesting party within twenty working days after receipt of the appeal, unless an additional period is justified pursuant to § 1602.8(c) and such period taken together with any earlier extension does not exceed ten days. The President's decision shall constitute the final action of the Corporation. All such decisions shall be treated as final opinions, under § 1602.5(b).

#### § 1602.13 Fees.

(a) Information provided routinely in the normal course of doing business will be provided at no charge.

(b) The Records Officer may waive or reduce fees where special circumstances, including but not limited to the benefit of the general public, warrant. The Records Officer shall waive fees where the requesting party is indigent unless the fees would exceed \$25 and may waive or reduce fees for the request of an indigent where the fees charged would exceed \$25. These provisions will be subject to appeal in the same manner as appeals from denial under § 1602.12.

(c) There shall be no fee charged for services rendered by the Corporation pursuant to this Part, unless the charges, as calculated in paragraph (e) of this

section, exceed the sum of \$6.50. Where the charges are calculated to exceed \$6.50, the fee shall be the difference between \$6.50 and the calculated charges.

(d) Ordinarily, no fee shall be levied where the records requested are not provided or made available. However, if the time expended in processing the request is substantial, and if the requesting party has been notified of the estimated cost pursuant to paragraph (f) of this section, and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees may be charged.

(e) The schedule of charges for services regarding the production or disclosure of the Corporation's records is as follows:

(1) Search for records: \$1.50 per one-quarter hour.

(2) Computer Time:

Central Processing Unit—\$10.80 per minute.

Card Reader—0.60 per 1,000 cards.

Printer—0.60 per 333 cards.

Tape or Disk—0.60 per 100 lines; 0.75 per 1,000 number of reads or lines.

Minimum charge—\$1.50.

(3) Reproduction, duplication, or copying of records—\$0.10 per page.

(4) Reproduction, duplication or copying of microfilm:

Microfilm—\$0.75 per frame; Microfiche—\$1.45 per jacket.

(5) Certification of true copies: \$1.00 each.

(f) Where it is anticipated that the fees chargeable under this Part will amount to more than \$25, and the requester has not indicated in advance his willingness to pay fees as high as anticipated, the requester shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it. Such a notification shall be transmitted as soon as possible, but in any event within five working days, giving the best estimate then available. The notification shall offer the requester the opportunity to confer with appropriate representatives of the Corporation for the purpose of reformulating the request so as to meet his needs at a reduced cost.

(g) Where the anticipated fee chargeable under this Part exceeds \$25, an advance deposit of 25 percent of the anticipated fee may be required. Where a requester has previously failed to pay a required fee, an advance deposit of the full amount of the anticipated fee together with the fee then due and payable may be required.

(h) The Corporation reserves the right to limit the number of copies that will be provided of any document to any one requesting party, or to require that special arrangements for duplication be made in the case of bound volumes or other records representing unusual problems of handling or reproduction.

DAVID S. TATEL,  
Counsel to the Corporation.

[FR Doc. 75-24488 Filed 9-11-75; 8:45 am]



## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### TREASURY DEPARTMENT

#### Customs Service

(T.D. 75-228)

#### WEMBLEY INDUSTRIES, INC.

##### Recordation of Trade Name

SEPTEMBER 5, 1975.

On July 14, 1975, there was published in the FEDERAL REGISTER (40 F.R. 29557) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Wembley Industries, Inc. The notice advised that prior to final action on the application, filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "Wembley Industries, Inc." is hereby recorded as the trade name of Wembley Industries, Inc., a corporation organized under the laws of the State of Louisiana, located at 966 South White Street, New Orleans, Louisiana 70125, when applied to neckties, bow ties, tie and sock sets, tie and handkerchief sets, and formal wear manufactured in the United States.

LEONARD LEHMAN,  
Assistant Commissioner,  
Regulations and Rulings.

[FR Doc. 75-24342 Filed 9-11-75; 8:45 am]

#### Office of the Secretary

#### TEMPERED SHEET GLASS FROM JAPAN

##### Notice of Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to tempered sheet glass from Japan was published as Treasury Decision 71-247 in the FEDERAL REGISTER of September 25, 1971 (36 F.R. 19013).

After due investigation, it has been determined tentatively that the sole exporter, Asahi Glass Company, Ltd., is no longer selling, or likely to sell, tempered sheet glass to the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The investigation indicated that with the exception of one sale for which dumping duties in a *de minimis* amount were found to accrue, all sales by Asahi Glass Company, Ltd., for a period of two years from the finding of dumping, have been made at not less than fair value, and written assurances have been given that future sales of tempered sheet glass to

the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to revoke the finding of dumping with respect to tempered sheet glass from Japan.

In accordance with § 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than September 22, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than October 14, 1975.

This notice is published pursuant to section 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.  
AUGUST 27, 1975.

[FR Doc. 75-24298 Filed 9-11-75; 8:45 am]

#### DEBT MANAGEMENT ADVISORY COMMITTEES

##### Meetings and Determination

Notice is hereby given, pursuant to Section 10 of Public Law 92-463, that meetings will be held in Washington on October 8 and 9, 1975, of the following debt management advisory committees:

American Bankers Association Government Borrowing Committee  
Securities Industry Association Government Securities and Federal Agencies Committee

The agenda for the meetings provides for working sessions by the two committees, and reports to the Secretary of the Treasury and Treasury staff.

Pursuant to the authority placed in Heads of Departments by Section 10(d) of Public Law 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under Section 552(b) (4) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department re-

quires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of this office. When so utilized they are recognized to be advisory committees under Public Law 92-463. The advice provided consists of commercial and financial information given and received in confidence in order to avoid adverse effects of premature disclosure on the financial markets and the economy. As such these debt management advisory committee activities concern matters which fall within the exemption covered by Section 552(b) (4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

The Special Assistant to the Secretary (Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the provisions of 5 U.S.C. 552(b) (4).

Dated: September 9, 1975.

[SEAL] EDWIN H. YEO, III,  
Under Secretary for  
Monetary Affairs.

[FR Doc. 75-24333 Filed 9-11-75; 8:45 am]

### DEPARTMENT OF DEFENSE

#### Department of the Army

#### JUNIOR SCIENCE AND HUMANITIES SYMPOSIA ADVISORY COMMITTEE

##### Open Meeting

In accordance with the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of committee: Junior Science and Humanities Symposia (JSHS) Advisory Committee.

Date of meeting: 16 October 1975.

Place: U.S. Army Research Office, Research Triangle Park, N.C.

Time: 0930 Hours.

Proposed agenda:

Introductory Remarks—Dr. Marcus Hobbs, Chairman

Action on Summary of 29th Meeting held 1 May 1975, U.S. Military Academy, West Point, N.Y.

Status of Regional Programs—Mrs. Barbara Osborne

### NOTICES

42379

Other Support of JSHS, FY 1976—COL  
Lothrop Mittenthal  
Status of National JSHS—Mr. Donald C. Rollins

Bicentennial of American Science Project—  
Mr. Donald C. Rollins  
Continuation of JSHS Grant  
Other Items of Business  
Date and Place of Next Meeting

By the authority of the Secretary of the Army.

Dated: September 8, 1975.

ROBERT G. FLOWERS, Jr.,  
Lt. Colonel, U.S. Army,  
Chief, Plans Office, TAGO.

[FR Doc. 75-24331 Filed 9-11-75; 8:45 am]

#### Office of the Secretary ADVISORY GROUP ON ELECTRON DEVICES

##### Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, NY 10014 on 8-9 October 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decisions or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

SEPTEMBER 9, 1975.

[FR Doc. 75-24289 Filed 9-11-75; 8:45 am]

#### ADVISORY GROUP ON ELECTRON DEVICES

##### Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed ses-

sion at 201 Varick Street, 9th Floor, New York, New York 10014 on 16 October 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infra red systems, and microelectronics. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decisions or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

SEPTEMBER 9, 1975.

[FR Doc. 75-24290 Filed 9-11-75; 8:45 am]

#### ADVISORY GROUP ON ELECTRON DEVICES

##### Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 333 Ravenswood Avenue, Menlo Park, California 94025, October 28-29, 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decisions or actions, the preliminary disclosure of which would

interfere with the orderly conduct of government.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

SEPTEMBER 9, 1975.

[FR Doc. 75-24314 Filed 9-11-75; 8:45 am]

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

#### SOUTH ATLANTIC OUTER CONTINENTAL SHELF (TENTATIVE SALE #43)

##### Areas for Oil and Gas Leasing; Nominations and Comments

Pursuant to the authority prescribed in 43 CFR 3301.3 (1974), nominations are hereby requested for areas in the South Atlantic Outer Continental Shelf (OCS) for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343 (1970)). Nominations will be considered for any or all of the following mapped areas located offshore the States of North Carolina, South Carolina, Georgia, and Florida:

##### OCS OFFICIAL PROTRACTOR DIAGRAMS

1. NI 17-9 (Georgetown)—All.
2. NI 17-12 (James Island)—That portion landward of a line starting at the NE corner of Block 39 running South to the SE corner of Block 655 thence West to the NE corner of Block 686 thence South to the SE corner of Block 994.
3. NI 17-11 (Savannah)—All.
4. NH 17-3—That portion landward of a line starting at the NE corner of Block 25 running South to the SE corner of Block 597, thence West to the NE corner of Block 622, thence South to the SE corner of Block 974, thence West to the SW corner of Block 969.
5. NH 17-2 (Brunswick)—All.
6. NH 17-5 (Jacksonville)—All.
7. NH 17-8 (Daytona Beach)—All.
8. NH 17-11 (Orlando)—That portion landward of a line starting at the NE corner of Block 43 running South to SE corner of Block 527, thence West to the three mile limit.

These protraction diagrams may be purchased for \$2.00 each from the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, The Plaza Tower, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113. All nominations must be described in accordance with the Outer Continental Shelf Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated. Although individual company nominations are considered to be privileged and confidential information, the names of persons or entities submitting nominations or comments will be of public record.

FEDERAL REGISTER, VOL. 40, NO. 178—FRIDAY, SEPTEMBER 12, 1975

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FEDERAL REGISTER, VOL. 40, NO. 178—FRIDAY, SEPTEMBER 12, 1975

### NOTICES

42380

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice

place, date, and hour at which bids will be received and opened.

rector James A. Bradley, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, Texas 79101, telephone (806)

### NOTICES

42381

NOTICE OF APPLICATION PUBLISHED IN  
FEDERAL REGISTER MARCH 20, 1975 (40  
FR 12689).

#### Official Action:

Issued permit June 27, 1975: "Author-

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office



In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests the identification of particular tracts recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values and environmental concerns. Particular geological, environmental, biological, archaeological, socio-economic or other information which might bear upon potential leasing and development of particular tracts is requested where available. Information on these subjects will be used in the preliminary selection of tracts which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or portions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make a preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347 (1970)), and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments should be submitted not later than November 3, 1975, in envelopes labeled "Nominations of Tracts for Leasing on the Outer Continental Shelf—South Atlantic" or "Comments on Leasing on the Outer Continental Shelf—South Atlantic," as appropriate. They must be submitted to the Director, Bureau of Land Management, Attention: 720, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Conservation Manager, Geological Survey, Eastern Region, Suite 316 1825 K Street, NW, Washington, D.C. 20006 and the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, at his address cited above.

This call for nominations and comments does not in any way commit the Department to leasing in the South Atlantic. It is an information gathering component of the Department's leasing procedure.

Final selection of tracts for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the Federal Register stating the conditions and terms for leasing and the

## NOTICES

place, date, and hour at which bids will be received and opened.

CURT BERKLUND,  
Director,  
Bureau of Land Management.

Approved: September 9, 1975.

KENT FRIZZELL,  
Acting Secretary of the Interior.  
[FR Doc.75-24365 Filed 9-11-75; 8:45 am]

## Bureau of Reclamation

OPERATION AND MAINTENANCE PROGRAM FOR THE RIO GRANDE-VELARDE TO CABALLO DAM, RIO GRANDE AND MIDDLE RIO GRANDE PROJECTS, NEW MEXICO

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Operation and Maintenance Program for the Rio Grande-Velarde to Caballo Dam, Rio Grande and Middle Rio Grande Projects, New Mexico. This statement (INT DES 75-49) was transmitted to the Council on Environmental Quality on August 27, 1975, and is available to the public.

The draft environmental statement deals with current and proposed operation and maintenance activities along the floodway of the Rio Grande from Velarde, New Mexico, to areas within the conservation pools of Elephant Butte and Caballo Reservoirs.

Public hearings will be held in the Convention Center, Truth or Consequences, New Mexico, on October 15, 1975, and the Picuris Room, Albuquerque Convention Center, Albuquerque, New Mexico, on October 16, 1975, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this program. The hearings will commence at 2 p.m., m.d.t., and recess at 5 p.m. The hearings will reconvene at 7:30 p.m. and continue until all statements have been presented. Oral statements at the hearings will be limited to a period of 10 minutes per person. Speakers will not trade their time to obtain longer oral presentations; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all other persons desiring to comment have been heard. Whenever possible, speakers will be scheduled according to the time preferences mentioned in their letter or telephone requests. Any scheduled speaker not present when called will lose his place in the scheduled order and his name will be called again after other scheduled speakers have been heard.

Organizations or individuals desiring to present statements at the hearings should contact the office of Regional Di-

rector James A. Bradley, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, Texas 79101, telephone (806) 376-2401, and announce their intention to participate. Requests to schedule oral presentations will be accepted until 4 p.m., c.d.t., October 10, 1975. Unscheduled presentations will be handled on a first-come-first-served basis following the scheduled presentations. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearing should be received by the Regional Director by October 24, 1975, for inclusion in the hearing record.

Dated: September 9, 1975.

G. G. STAMM,  
Commissioner of Reclamation.

[FR Doc.75-24329 Filed 9-11-75; 8:45 am]

### Fish and Wildlife Service ENDANGERED SPECIES PERMITS Notice of Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER APRIL 3, 1975 (40 FR 14957-58)

Applicant:  
Karl Seethaler and Chuck McAda, Utah Cooperative Fishery Unit, Utah State University, Logan, Utah 84322.

## Official Action:

Issued permit June 12, 1975: "Authorized to take COLORADO SQUAWFISH (*Ptychocheilus lucius*), HUMPBACK CHUB (*Gila cypha*), and BONYTAIL CHUB (*Gila elegans*), from the Yampa and Upper Green Rivers in Colorado and Utah, collect scale samples, insert ultrasonic transmitters in no more than 10 of the fish, collect egg samples at spawning sites, check for sex products, and release at sites where taken."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MARCH 21, 1975 (40 FR 12821-22)

Applicant:  
Mr. Stephen A. M. Jovicich, 1658 W. Main, Houston, Texas 77006.

## Official Action:

Issued permit June 12, 1975, authorizing the importation of two (2) ST. LUCIA PARROTS (*Amazona versicolor*), for the purpose of propagation.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MARCH 20, 1975 (40 FR 12689)

## Applicant:

Mrs. Holly A. J. Nichols, 10611 Mt. Boracho, San Antonio, Texas 78213.

## Official Action:

Issued permit June 13, 1975, authorizing the importation of two (2) IMPERIAL PARROTS (*Amazona imperialis*), from Dominica, West Indies, for the purpose of propagation.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MARCH 21, 1975 (40 FR 12822-23)

## Applicant:

Gregory Scott Gray, 7710 Valley View Lane, Houston, Texas 77036.

## Official Action:

Issued permit June 13, 1975, authorizing the importation of two (2) IMPERIAL PARROTS (*Amazona imperialis*), from Dominica, West Indies, for the purpose of propagation.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER APRIL 29, 1975 (40 FR 18567)

## Applicant:

Dr. Robert W. McFarlane, Savannah River Ecology Laboratory, Aiken, South Carolina 29801.

## Official Action:

Issued permit June 13, 1975: "Permittee may trap and band RED-COCKADED WOODPECKERS (*Dendrocopos borealis*)."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER APRIL 29, 1975 (40 FR 18568-69)

## Applicant:

Everglades National Park, Homestead, Florida 33030. Dr. James A. Kushlan Research Biologist.

## Official Action:

Issued permit June 16, 1975: "Permittee may capture, mark, release and radio track AMERICAN ALLIGATORS (*Alligator mississippiensis*), in Everglades National Park."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MAY 14, 1975 (40 FR 20965-66-67)

## Applicant:

Columbia Zoological Park, Riverbanks Park Commission, Columbia, South Carolina 29202. John M. Mehrkens, Executive Director.

## Official Action:

Issued permit June 23, 1975, authorizing importation of one (1) female captive-born AMUR LEOPARD (*Panthera pardus orientalis*), from the Frankfurt Zoological Park, Frankfurt, West Germany.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER APRIL 29, 1975 (40 FR 18567-68)

## Applicant:

Lion Country Safari, Inc., West Palm Beach, Florida 33406.

## NOTICES

## Official Action:

Issued permit June 27, 1975: "Authorized to transport six TIGERS from California to Florida."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER APRIL 29, 1975 (40 FR 18569-70-71)

## Applicant:

Knoxville Zoological Park, Knoxville, Tennessee 37901.

## Official Action:

Issued permit June 27, 1975: "Permittee and the Gladys Porter Zoo, Brownsville, Texas, are authorized to exchange JAGUARS (*Panthera onca*). The Knoxville Zoological Park will give one male jaguar cub, approximately seven months old, to the Gladys Porter Zoo in exchange for one male jaguar, approximately 15 months old. The Gladys Porter Zoo is permitted to receive the jaguar cub from the Knoxville Zoo in exchange for one jaguar. Both zoos are permitted to ship the jaguars in interstate commerce."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Dated: September 8, 1975.


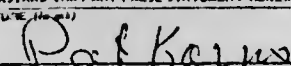
C. R. BAVIN,  
Chief, Division of Law Enforcement.  
[FR Doc.75-24353 Filed 9-11-75; 8:45 am]

## ENDANGERED SPECIES PERMIT

## Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant:  
Minnesota Department of Natural Resources, Forest Wildlife Population and Research Group, 501 S. Pokegama Avenue, Grand Rapids, Minnesota 55744. Patrick D. Karns, Group Leader.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)													
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT													
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. To capture, handle, mark, affix radio-collars, take blood specimens from and release back to the wild, the eastern timber wolf ( <i>Canis lupus lycaon</i> ) in pursuit of scientific investigations conducted by the Forest Wildlife Population and Research Group, Minnesota Department of Natural Resources, 501 S. Pokegama Ave., Grand Rapids, Minnesota 55744 218-326-6674.													
3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Forest Wildlife Population and Research Group, Minnesota Department of Natural Resources, 501 S. Pokegama Ave., Grand Rapids, Minnesota 55744 218-326-6674		4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/></td> <td>HEIGHT 6'4"</td> <td>WEIGHT 220</td> </tr> <tr> <td>DATE OF BIRTH 8/9/36</td> <td>COLOR HAIR Brown</td> <td>COLOR EYES Brown</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED 218/326-6674</td> <td>SOCIAL SECURITY NUMBER 374-32-7812</td> <td></td> </tr> <tr> <td colspan="3">OCCUPATION Group Leader</td> </tr> </table>		MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/>	HEIGHT 6'4"	WEIGHT 220	DATE OF BIRTH 8/9/36	COLOR HAIR Brown	COLOR EYES Brown	PHONE NUMBER WHERE EMPLOYED 218/326-6674	SOCIAL SECURITY NUMBER 374-32-7812		OCCUPATION Group Leader		
MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/>	HEIGHT 6'4"	WEIGHT 220													
DATE OF BIRTH 8/9/36	COLOR HAIR Brown	COLOR EYES Brown													
PHONE NUMBER WHERE EMPLOYED 218/326-6674	SOCIAL SECURITY NUMBER 374-32-7812														
OCCUPATION Group Leader															
5. IF "APPLICANT" IS A BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT Minn. Dept. of Natural Resources		6. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED Minnesota													
7. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED State of Minnesota		8. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit number)													
9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$ N/A		10. DESIRED EFFECTIVE DATE Immediately													
11. DURATION NEEDED 1 January, 1980		12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED BY APPLICANT MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.													
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER D OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (In ink) 		DATE 7-2-75													

## NOTICES

COOPERATIVE AGREEMENT FOR CONDUCTING FOREST RESEARCH

independent as may be agreed upon, always giving due credit to the cooperation and

study (Chesness 1974). Although this phenomenon has been observed elsewhere, the

## NOTICES

DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

1. APPLICATION FOR (Indicate only one)

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.

I propose to study the reproductive and social behavior of the American alligator.



# COOPERATIVE AGREEMENT FOR CONDUCTING FORESTRY RESEARCH

Contract No. 13-445: Entire—Reimbursable.

**STUDY TITLE:** Timber Wolf Population on the Chippewa National Forest.

**WORK UNIT NO. FS-NC-1951.**

THIS AGREEMENT, made and entered into this 24 day of March, one thousand nine hundred and seventy-five, by and between the Forest Service, United States Department of Agriculture, acting through the Director of the North Central Forest Experiment Station, hereinafter called the Forest Service, and the State of Minnesota Department of Natural Resources, Forest Wildlife Population and Research Group, Grand Rapids, Minnesota, hereinafter called the Department, witnesseth that:

WHEREAS, the parties hereto are mutually interested and desire to cooperate in conducting a certain study more particularly and fully described as follows:

1. To identify each pack, determine the size and territory occupied by the wolves, and identify critical areas such as rendezvous sites.

2. To study the wolf population structure.

3. To estimate the wolf population on the Chippewa National Forest.

WHEREAS, cooperation in the above research is authorized by law (16 U.S.C. 581, 581a-581c, 581i-1, 76 Stat. 579).

NOW, THEREFORE, the parties hereto agree as follows:

**A. THAT THE FOREST SERVICE SHALL:**

1. Consult with the Department in the preparation of mutually acceptable detailed plans for the study.

2. Make available equipment and services to facilitate conducting the study, as may be required by the Department and agreed to by the Forest Service.

3. Reimburse the Department for its direct costs for the items listed below, applicable to the work under this agreement, in addition to any other Forest Service contributions in the form of services and supplies, but not to exceed a total of \$15,000. Payments will be made upon receipt of itemized statements of expenditures from the Department as provided for herein.

a. Salaries and wages.  
b. Travel and subsistence necessary in conducting the research.  
c. Expendable equipment and supplies.  
d. Contractual services.

B. The Department agrees to:

1. Provide leadership and supervision essential to the satisfactory accomplishment of the study.

2. Render itemized statements of expenditures for the above project showing the amount of the direct cost to be reimbursed by the Forest Service, at quarterly intervals if desired by the Department but at least as of March 31 and June 30.

3. Employ and supervise personnel in the conduct of this study.

4. Arrange for interdepartmental assistance essential to the conduct of this study.

5. Consult with the Fish and Wildlife Service's Endangered Species Wildlife Research Biologist during the course of the study.

6. Conduct the studies herein described under the terms of this agreement and prepare a progress report at the end of each fiscal year and a final report or reports of the results at the termination of the study, June 30, 1977.

C. IT IS FURTHER AGREED BY BOTH PARTIES:

1. That neither party will publish any results without consulting the other. This is not to be construed as applying to popular publications of previously published technical matter. Publications may be joint or

independent as may be agreed upon, always giving due credit to the cooperation and recognizing within proper limits the rights of individuals doing the work. In the case of failure to agree as to manner of publication or interpretation of results, either party may publish data after due notice and submission of the proposed manuscripts to the other. In such instances, the party publishing the data will give due credit to the cooperation but assume full responsibility for any statements on which there is a difference of opinion.

2. That results of this study may be used for these in partial fulfillment of requirements for advanced degrees.

3. That equipment, materials, and property of any kind purchased wholly from funds provided by the Forest Service under the terms of this agreement and not consumed in the project shall be the property of the Forest Service and disposed of as directed thereby.

4. That this agreement may be terminated by either party by giving 60 days' notice to the other in writing.

5. That in the performance of the terms of this agreement or amendment thereof, no convict labor shall be used and the Department will comply with the provisions of the Contract Work Hours Standard Act of 1962 (40 U.S.C. 327-332) as to the employment of laborers and mechanics.

6. That the United States shall not be liable to the Department for any damage incident to the performance of work under this Agreement or amendment thereof.

7. That no Member of, or Delegate to, Congress or Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

8. That in the performance of the terms of this Agreement the Department agrees to comply with Title VI of the Civil Rights Act of 1964 (PL 88 352) and all requirements imposed by or pursuant to the Regulations of the U.S. Department of Agriculture (7 CFR Part 15) issued pursuant to that Act; as represented in the assurance of compliance executed, attached, and made a part of this Agreement.

**FOREST WILDLIFE POPULATION AND RESEARCH GROUP; JOB DESCRIPTION**

**TITLE:** Ecology of Forest Predators in Northern Minnesota

**JOB NO.:** Forest Wildlife Job No. 36 (Formerly Furbearer and Predator Job No. 16)

**JUSTIFICATION:**

The coyote is an important furbearer in Minnesota. Trappers annually take between 1,000 and 2,000 coyotes, representing between \$20,000 and \$40,000 in pelt values. An additional 1,000 coyotes are taken annually under the Directed Predator Control Program, representing payments averaging \$35,000 per year. Despite the presence of this \$80,000 wildlife resource, little information exists regarding the age ratios and productivity of Minnesota Coyotes. In addition to its economic value, the coyote has undetermined aesthetic values, and plays an important role as a scavenger and predator in the northern forested ecosystem.

Preliminary food habits data obtained earlier in this study (Chesness 1973-1975) indicate that coyotes feed mainly on small mammals during all seasons except winter, when the primary food is white-tailed deer. Although studies elsewhere (Ogle 1971, Ozoga and Harger 1966) have examined deer-coyote interactions in the northern forest ecosystem, the impact of coyote predation on deer in northern Minnesota is essentially unknown.

Interspecific strife between coyotes and timber wolves was suggested earlier in this study (Chesness 1974). Although this phenomenon has been observed elsewhere, the timber wolves' classification as an Endangered Species, and their apparent range expansion, adds further importance to information obtained regarding large predators in northern Minnesota.

**PROCEDURES:**

1. Coyote, fox, bobcat, and timber wolf (when possible) carcasses will be collected from various sources by project and Section of Wildlife field personnel. Information obtained from carcass examinations consist of physical condition, sex, age, weight, productivity, and physiological information as needs warrant.

2. Scats collected throughout the year at regular and irregular intervals will supplement stomach food habits information.

3. Coyotes, wolves, foxes, and bobcats will be live-trapped, tagged, and radio collared in northwestern Aitkin County. These animals will be located using aerial and ground telemetric techniques at frequent intervals to determine home range, daily and seasonal movements, extent of predation, hunting behavior, and inter- and intraspecific social behavior.

4. Appropriate measurements including body weights and standard measurements, and samples consisting of blood, feces, and a tooth for aging purposes will be obtained from all animals.

5. Predators will be tracked in snow when conditions permit to determine hunting and feeding behavior, and to supplement stomach and scat food habits data.

6. Information obtained from aerial observations, trap locations, and scent post activity (Roughton 1974) will be evaluated to establish indicators of predator population densities and trends in northern Minnesota.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before October 14, 1975 will be considered.

Dated: September 8, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc. 75-24354 Filed 9-11-75; 8:45 am]

## ENDANGERED SPECIES PERMIT Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

**Applicant:**  
Ms. Myrna E. Watanabe, 141 Columbia Heights, Brooklyn, New York 11201, and

Department of Biology, New York University, 952 Brown Building, New York, N.Y. 10003.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		FORM NO. 45-10705	
1. APPLICATION FOR (Indicate only one): <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:  Capture for purposes of tagging, alligators, for scientific research.	
3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested):  Myrna E. Watanabe 141 Columbia Heights Brooklyn, New York 11201 212-624-4853		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:  <input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input checked="" type="checkbox"/> MS. DATE OF BIRTH: 12/19/48 HEIGHT: 5'2" WEIGHT: 105 lbs. COLOR HAIR: Brown COLOR EYES: Green PHONE NUMBER WHERE EMPLOYED: 212-598-3096 SOCIAL SECURITY NUMBER: 122-40-7697 OCCUPATION: Graduate student/ College instructor		6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:  Okefenokee National Wildlife Refuge, Georgia. Unspecified areas states of Georgia, South Carolina, North Carolina, Florida.	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit number)		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU REQUEST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list jurisdiction and type of documents)	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF:  \$ 0		10. DESIRED EFFECTIVE DATE: 8/1/75	
11. DURATION NEEDED: 2 years		12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (15-20 CFR 13.72) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.	
<p align="center"><b>CERTIFICATION</b></p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>SIGNATURE (in ink): <i>Myrna E. Watanabe</i> DATE: June 4, 1975</p>			

MYRNA E. WATANABE

Department of Biology

New York University

952 Brown Bldg.

New York, New York 10003

Re: Permit to capture alligators for tagging.

Sec. 17.22

1) Species to be covered by permit: American alligator, *Alligator mississippiensis*. I intend to capture for purposes of tagging an unknown quantity of males and females of all ages. The animals will be released immediately after tagging.

2) The organisms to be covered by this permit are in the wild.

3) Animals will be trapped either in hand-held nooses, or in Murphy-Pendley alligator traps (whichever method is preferred by wildlife biologists in area in which work will take place). Neither method should result in any physical harm to the animals. They will be tagged with plastic strips around the neck or around the tail, and will small washers in either the toe webbing or in the axillary region. Both methods have been used extensively by wildlife biologists, and should not damage the animals tagged.

4) N.A.

5) N.A.—organisms will remain in the wild.

6) 1) N.A.

11) N.A.

111) N.A.

1v) N.A.

v) To date, no alligators captured for tagging by this applicant have died as a result of the tagging procedure.

7) Attachments: Grant proposal, letter from Okefenokee Wildlife Refuge, copies of permits from Georgia, North Carolina and South Carolina. The project is slated to begin on approximately August 1, 1975 and continue until July 31, 1977.

8) 1, II, and III are covered in the grant proposal.

1v) All animals will remain in the wild throughout the duration of the study. As stated previously, no alligators captured for tagging by this applicant have died as a result of the tagging procedure, however, any animal who may die as a result of capture, will be preserved and shipped to the Biology Department of New York University, for physiological and anatomical studies.

# ABSTRACT

I propose to study the reproductive and social behavior of the American alligator, *Alligator mississippiensis*, in its natural habitat. This will include quantification and analysis of behavioral patterns seen in courtship, copulation, nesting, hatching, mother-offspring interactions, and social encounters.

Previous studies on alligator behavior have been carried out only on captive individuals. As captive organisms are under stresses different from those in relatively undisturbed populations, and as these undisturbed areas are rapidly being eroded by incursions by man, a study of natural behavior in undisturbed environments would be valid at this time. It is an opportunity we may never have again.

I intend to capture and mark (with individually identifiable markers visible at a distance) as many individuals as possible, and to record the reproductive and social behavior of these animals on videotape.

The advantages of videotape over other forms of recording are:

1) Human observers need not be present at the time the behavior occurs, thus removing a potential source of disturbance to the animals;

2) Videotape can be played back instantly, so the observer knows exactly what has occurred and what to look for, without time being wasted for developing of film;

3) Low-light sensitive videotape cameras exist, needing no special tape, for recording in near-total darkness, when much of adult alligator behavior is expected to occur.

These tapes will be analyzed and different components of each behavioral sequence isolated.

These studies will be carried out in the less accessible areas of Okefenokee National Wildlife Refuge in Georgia. Additional areas will be investigated during the progress of the study.

Using data obtained in this study, I could carry out future studies in which, for example, males showing behavior likely to end in copulation are paired with receptive females, who have been courted only by non-copulating males.

# FACILITIES

I intend to carry out the bulk of the study on mating and nesting on the Okefenokee National Wildlife Refuge in Georgia. According to the Assistant Superintendent of the Okefenokee Refuge, the current alligator population of the area is approximately 12,000 individuals (1974 estimate: about 6,000, Sutton and Sutton, 1974). Nests are plentiful, and it is believed that nests located in less accessible regions of the marsh areas survive to hatching. Studying these nests will give information on nesting and maternal behavior, and also help the refuge staff compile data on nesting success in these regions.

Negotiations are under way for permission for use of this area for study. I currently expect that permission will be granted.

I am also considering the use of Black-beard Island National Wildlife Refuge for the study, but at this time do not know if I will be permitted to use the area.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE).

U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C.

The Public may participate in the meeting by either submitting written

Atlantic bluefin tuna taken by other than purse seining, which weigh in excess of

tional Cancer Institute, Bethesda, Maryland 20014, (301) 496-5964.

Agenda/open portion: Discussion of overall direction of the Virus Cancer Program. Executive secretary: Dr. Elke Jordan. Ad-

Board of Scientific Counselors, National Cancer Institute, October 16 and 17, 1975, Building 37, Conference Room 4F08, Na-



U.S. Fish and Wildlife Service, Post Office Box 19140, Washington, D.C. 20036. All relevant comments received on or before October 14, 1975 will be considered.

Dated: September 8, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife Service.

[FR Doc.75-24326 Filed 9-11-75; 8:45 am]

#### MARINE MAMMALS

##### Issuance of Permit

On June 27, 1975, a notice was published in the FEDERAL REGISTER (40 FR 27280-81) that an application had been filed with the Fish and Wildlife Service by Sea World, Inc., San Diego, California, for a permit to capture five California Sea Otters for scientific studies and public display.

Notice is hereby given that on September 4, 1975, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to Sea World, San Diego, California, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 670, 1612 K Street, NW., Washington, D.C.

Dated: September 8, 1975.

NOTE: Copy of permit filed with original document.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife Service.

[FR Doc.75-24326 Filed 9-11-75; 8:45 am]

#### DEPARTMENT OF AGRICULTURE

##### Forest Service

#### CASCADE HEAD SCENIC-RESEARCH AREA ADVISORY COUNCIL

##### Meeting

The Cascade Head Scenic-Research Area Advisory Council will meet at 9:00 a.m. on Saturday, October 11, 1975 at Salishan Lodge in Gleneden Beach, Oregon.

The purposes of this meeting are to review the subarea boundaries, to discuss the inventory and suitability analysis report, and to review management objectives for each subarea within the Scenic-Research Area. Draft alternatives are being prepared by the Planning Team for the Area and the Advisory Council will review these and recommend any modifications or additions to them.

The meeting will be open to the public. Persons who wish additional information concerning the meeting should contact Linda Penney, Hebo Ranger Station, Hebo, Oregon, phone 392-3161, ext. 33, or Edlu Allert, Sluslaw National Forest, at 545 SW Second Street, Corvallis, Oregon, phone 752-4211, ext. 510.

#### NOTICES

The Public may participate in the meeting by either submitting written comments to the Chairman or speak to the Council when recognized by the Chairman.

F. DALE ROBERTSON,  
Forest Supervisor,  
Pacific Northwest Region.

September 5, 1975.

[FR Doc.75-24321 Filed 9-11-75; 8:45 am]

#### Packers and Stockyards Administration

[P. & S. D. Act No. 1001]

EUGENE T. KAMPA AND RICHARD M. THORSON

Order Extending Period of Suspension of Modifications of Rates and Charges

On August 13, 1975, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended, (17 U.S.C. 181 et seq.):

Eugene T. Kampa and Richard M. Thorson, d/b/a Granite City Livestock Sales, Saint Cloud, Minnesota.

Such order, among other things, suspended and deferred the operation and use by the respondents of modifications of its current schedule of rates and charges to become effective August 11, 1975, for a period of thirty days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of thirty days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C. September 9, 1975.

GLENN G. BIERMAN,  
Acting Administrator, Packers and  
Stockyards Administration.

[FR Doc.75-24343 Filed 9-11-75; 8:45 am]

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### ATLANTIC TUNA FISHERIES

##### Bluefin Tuna Season Closure

On September 10, 1975, the Director, National Marine Fisheries Service, determined that the 1975 annual quota of 2,250 individual Atlantic bluefin tuna weighing in excess of 300 pounds each and taken by other than purse seining as established in 50 CFR 285.12(b)(1) will be reached on September 14, 1975. The quota includes individual tuna taken in a directed fishery, and those taken incidentally as prescribed in 50 CFR 285.13(d).

As authorized by 50 CFR 285.11, notice is hereby given that the 1975 season for

Atlantic bluefin tuna taken by other than purse seining, which weigh in excess of 300 pounds each, will terminate at 0001 hours, local time, in the regulatory area, September 15, 1975. This closure does not effect the incidental take as authorized by § 285.13(c).

The 1975 season for taking Atlantic bluefin tuna between 14 pounds and 115 pounds by purse seining was closed on August 13, 1975. The closure was effected by publication in the FEDERAL REGISTER, volume 40, Number 157, dated August 13, 1975.

Issued at Washington, D.C. and dated September 10, 1975.

ROBERT W. SCHONING,  
Director.

[FR Doc.75-24413 Filed 9-11-75; 8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### National Institutes of Health

#### DRUG DEVELOPMENT COMMITTEE AND THE DEVELOPMENTAL THERAPEUTICS COMMITTEE

##### Meeting

Notice is hereby given of the meeting of the Drug Development Committee and the Developmental Therapeutics Committee, Division of Cancer Treatment, National Cancer Institute, September 30, 1975, Building 31, Conference Room 10.

This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on September 30, 1975 to discuss the role of committee members in the DCT contract review process. Attendance by the public will be limited to space available.

For additional information, please contact: Stephen Ficca, Building 31, Room 3A48, Division of Cancer Treatment, National Cancer Institute, Bethesda, Maryland 20014, (301) 496-5964.

Dated: September 10, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-24406 Filed 9-11-75; 8:45 am]

#### COMBINED MODALITY COMMITTEE AND CLINICAL TRIALS COMMITTEE

##### Meeting

Notice is hereby given of the meeting of the Combined Modality Committee and Clinical Trials Committee, Division of Cancer Treatment, National Cancer Institute, October 3, 1975, Building 31, Conference Room 6.

This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on October 3, 1975 to discuss the role of committee members in the DCT contract review process. Attendance by the public will be limited to space available.

For additional information, please contact: Stephen Ficca, Building 31, Room 3A48, Division of Cancer Treatment, Na-

tional Cancer Institute, Bethesda, Maryland 20014, (301) 496-5964.

Dated: September 10, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc.75-24407 Filed 9-11-75; 8:45 am]

#### ADVISORY COMMITTEES

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of committee: Virus Cancer Program Scientific Review Committee A.  
Dates: October 6, 1975, 9:00 a.m.  
Place: Building 37, Conference Room 1B04, National Institutes of Health.

Times: Open—October 6, 9:00 a.m.—10:00 a.m.  
Closed—October 6, 10:00 a.m.—adjournment.

Closure reason: To Review Research Contract Proposals.  
Executive secretary: Dr. Elke Jordan. Address: Building 37, Room 1A01, National Institutes of Health. Phone: 301/496-6927. Catalog of Federal domestic assistance number, 13.825.

Name of committee: Virus Cancer Program Scientific Review Committee B.  
Dates: October 7, 1975, 9:00 a.m.  
Place: Building 37, Conference Room 1B04, National Institutes of Health.

Times: Open—October 7, 9:00 a.m.—9:30 a.m.  
Closed—October 7, 9:30 a.m.—adjournment.

Closure reason: To Review Research Contract Proposals.  
Executive secretary: Dr. Elke Jordan. Address: Building 37, Room 1A01, National Institutes of Health. Phone: 301/496-6927. Catalog of Federal domestic assistance number, 13.825.

Name of committee: Virus Cancer Program Advisory Committee.

Dates: October 30-31, 1975, 10:00 a.m.  
Place: Building 31A, Conference Room 4, National Institutes of Health.

Times: Open for the Entire Meeting.

#### NOTICES

Agenda/open portion: Discussion of overall direction of the Virus Cancer Program.  
Executive secretary: Dr. Elke Jordan. Address: Building 37, Room 1A01, National Institutes of Health. Phone: 301/496-6927.  
Dated: September 5, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc.75-24272 Filed 9-11-75; 8:45 am]

#### BIOMEDICAL LIBRARY REVIEW COMMITTEE

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on October 14-15, 1975, from 8:30 a.m. to 5:00 p.m. on October 14, and from 8:30 a.m. to adjournment on October 15, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public from 8:30 to 11:00 a.m. on October 14 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available. In accordance with provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on October 14 from 11:00 a.m. to 5:00 p.m. and from 8:30 a.m. to adjournment on October 15, for the review, discussion, and evaluation of individual initial pending grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301-496-4191, will furnish summaries of the meeting, rosters of committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.351, 13.352, 13.353—National Institutes of Health.)

Dated: September 2, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc.75-24281 Filed 9-11-75; 8:45 am]

#### BOARD OF SCIENTIFIC COUNSELORS, NATIONAL CANCER INSTITUTE

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the

Board of Scientific Counselors, National Cancer Institute, October 16 and 17, 1975, Building 37, Conference Room 4E08, National Institutes of Health. This meeting will be open to the public on October 16, 1975, from 9:00 a.m. to 5:00 p.m. to discuss the scientific research program of the Laboratory of Biochemistry, Division of Cancer Biology and Diagnosis. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on October 17, 1975, from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A03, National Institutes of Health, Bethesda, Maryland 20014 (301/496-4345) will furnish summaries of meetings, rosters of committee members, and substantive program information.

Dated: September 5, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-24209 Filed 9-11-75; 8:45 am]

#### BOARD OF SCIENTIFIC COUNSELORS, NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, October 30 and 31, 1975, in Conference Room 1B-07, Bldg. 36, at the National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 10:30 a.m. to 5:00 p.m. on October 30 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public until the conclusion of the meeting on October 31 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg.

#### NOTICES

31, Room 8A03, NIH, NINCDS, Bethesda, Maryland, will furnish summaries of the

tors. Attendance by the public will be limited to space available.

will enhance cancer control programs as they relate to the prevention, screening and early diagnosis of cancer.

#### MAMMALIAN CELL LINES COMMITTEE Meeting

Pursuant to Public Law 92-463, notice

Maryland 20014 (301/496-5854) will provide summaries of the meeting, substantive program information, and rosters of

National Institutes of Health, Building 31, Conference Room 10, C Wing, Bethesda, Maryland.



31, Room 8A03, NIH, NINCDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

The Executive Secretary from whom substantive program information may be obtained is: Dr. Thomas N. Chase, Director of Intramural Research Programs, NINCDS, Bldg. 36, Room 5A05, NIH, Bethesda, Maryland.

(Catalog of Federal Domestic Assistance Program No. 13.350, National Institutes of Health)

Dated: September 5, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 75-24284 Filed 9-11-75; 8:45 am]

#### CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, October 28, 1975, National Institutes of Health, Building 31, Conference Room 4.

This meeting will be open to the public on October 28, 1975, from 9:00 a.m. to 1:00 p.m., to discuss current and projected programs of the Division of Cancer Control and Rehabilitation. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Section 552(b)(5) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on October 28, 1975, from 1:00 p.m. until adjournment for the review and discussion of the projected 1977 budget.

Mrs. Marjorie F. Early, Committee Management Officer, NCI Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Veronica L. Conley, Executive Secretary, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Maryland 20014 (301/427-7943) will furnish substantive program information.

Dated: September 2, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 75-24273 Filed 9-11-75; 8:45 am]

#### COMMITTEES OF THE BREAST CANCER TASK FORCE

##### Meeting

Notice is hereby given of the meeting of the combined Committees of the Breast Cancer Task Force, National Cancer Institute, November 5, 1975, Building 31, C Wing, Conference Room 6.

This meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on November 5, 1975 for the presentation of contract projects by ten principal investiga-

#### NOTICES

tors. Attendance by the public will be limited to space available.

For additional information, please contact: Dr. Jane Taylor, Ph.D., Landow Building, Room A-422, Division of Cancer Biology and Diagnosis, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-6718.

Dated: September 5, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 75-24271 Filed 9-11-75; 8:45 am]

#### DIVISION OF CANCER CAUSE AND PREVENTION

##### Meeting

Notice is hereby given that the Carcinogenesis Program of the Division of Cancer Cause and Prevention, NCI will hold a conference entitled, "Early Lesions and the Development of Epithelial Cancer", October 21, 22, and 23, 1975, from 8:30 a.m. to 5:00 p.m. each day, in Wilson Hall, Building 1, National Institutes of Health, Bethesda, Maryland 20014.

The main purpose of the conference is review of what is known about the nature and biological significance of preneoplastic lesions in several epithelial systems that have been intensively studied. This is not an advisory committee meeting. The conference will be open to the public but attendance will be limited to available space.

For additional information contact Dr. Michael Sporn, National Cancer Institute, Building 37, Room 3C09, NIH, Bethesda, Maryland 20014, (301) 496-5391.

Dated: September 5, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 75-24270 Filed 9-11-75; 8:45 am]

#### DIVISION OF CANCER CONTROL AND REHABILITATION

##### Meeting

Notice is hereby given of a workshop and state of the art conference on school health education programs as they relate to cancer control, Division of Cancer Control and Rehabilitation, National Cancer Institute, National Institutes of Health, to be held on October 12-14-15, 1975, at the Hilton Hotel, 1550 Court Place, Denver, Colorado 80202. Official participation is by invitation to school and higher education health education personnel and related health professionals and officials.

The meeting will be open to the public on October 12, 1975 from 5 p.m. to 9 p.m., and on October 13-14-15, 1975 from 9 a.m. to 5 p.m. The purposes of the meeting are to review, examine and exchange information on school health education programs throughout the nation with emphasis on such programs as they relate to cancer control; and to solicit suggestions for the development of school health education programs that

will enhance cancer control programs as they relate to the prevention, screening and early diagnosis of cancer.

Attendance by the public will be limited to space available. For additional information please contact: Dr. Carl A. Larson, Blair Building, Room 7A01, Division of Cancer Control and Rehabilitation, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 427-8095.

Dated: September 5, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 75-24274 Filed 9-11-75; 8:45 am]

#### HEART AND LUNG RESEARCH REVIEW COMMITTEE A

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart and Lung Research Review Committee A, National Heart and Lung Institute, October 3-4, 1975, National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public on October 3, 1975, from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear a report concerning the current status of the National Heart and Lung Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting of the Heart and Lung Research Review Committee A will be closed to the public on October 3, 1975, from 9:30 AM until the adjournment on October 4, 1975, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLI, NIH, Building 31, Room 5A21, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur W. Merrick, Executive Secretary, NHLI, NIH, Westwood Building, Room 552, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839 National Institutes of Health.)

Dated: September 2, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 75-24280 Filed 9-11-75; 8:45 am]

#### MAMMALIAN CELL LINES COMMITTEE Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Mammalian Cell Lines Committee, National Institute of General Medical Sciences on October 23-24, 1975, 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public on October 23 from 9 a.m. to 3 p.m. and October 24 from 9 a.m. to 5 p.m. for opening remarks and general discussion on the storage and distribution of biochemical mutant and chromosome variant cell lines. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on October 23 from 3 p.m. to 5 p.m. for the review of a contract proposal containing information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposal.

Mr. Paul Deming, Staff Assistant to the Director, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: 301, 496-5676, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. William J. Gartland, Executive Secretary, Westwood Building, Room 922, Bethesda, Maryland 20014, Telephone: 301, 496-7714.

(Catalog of Federal Domestic Assistance Program 13-862, General Medical Sciences-Genetics Program)

Dated: September 5, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 75-24283 Filed 9-11-75; 8:45 am]

#### NATIONAL CANCER ADVISORY BOARD

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, October 6-8, 1975, National Institutes of Health, Building 31, Conference Room 6.

The entire meeting will be open to the public from 9:00 a.m. to 6:00 p.m. on October 6, from 9:00 a.m. to 5:00 p.m. on October 7, and from 9:00 a.m. to adjournment on October 8, to discuss accomplishments in the cancer treatment program, priorities of environmental carcinogenic hazards, and the cancer control community activities programs. Attendance by the public will be limited to space available.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda,

#### NOTICES

Maryland 20014 (301/496-5854) will provide summaries of the meeting, substantive program information, and rosters of Board members.

Dated: September 2, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 75-24275 Filed 9-11-75; 8:45 am]

#### NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Centers, National Cancer Institute, on October 5, 1975, National Institutes of Health, from 7:30 p.m. to adjournment, in Building 31, Conference Room 7, Bethesda, Maryland. This meeting will be open to the public from 7:30 p.m. to 9:00 p.m. on October 5, 1975, to review and evaluate the cancer centers program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting of the Subcommittee will be closed to the public on October 5 from 9:00 p.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal center grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and roster of committee members.

Dr. Simeon Cantril, Executive Secretary, Westwood Building, Room 932, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7427) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.312)

Dated: September 2, 1975.

DONALD S. FREDRICKSON,  
Director,  
National Institutes of Health.  
[FR Doc. 75-24276 Filed 9-11-75; 8:45 am]

#### NATIONAL COMMISSION ON DIABETES

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Commission on Diabetes, October 6 and 7, 1975 (times below), at the

National Institutes of Health, Building 31, Conference Room 10, C Wing, Bethesda, Maryland.

The entire meeting, which will be open to the public from 9:00 a.m. to 5:00 p.m. on October 6 and 7 at the above address, will be a business and planning meeting, including committee reports.

Mr. Victor Wartofsky, Chief, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846 National Institutes of Health)

Dated: September 8, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 75-24282 Filed 9-11-75; 8:45 am]

#### NATIONAL HEART AND LUNG INSTITUTE BOARD OF SCIENTIFIC COUNSELORS

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Heart and Lung Institute Board of Scientific Counselors, November 14 and 15, 1975, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on November 14 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 10:00 a.m. November 14 to adjournment November 15 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Board members. Substantive program information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLI, NIH Building 10, Room 7N214, phone (301) 496-2116.

Dated: September 2, 1975.

DONALD S. FREDRICKSON,  
Director,  
National Institutes of Health.  
[FR Doc. 75-24278 Filed 9-11-75; 8:45 am]

#### NOTICES

#### PRIVATE RESEARCH CENTERS ADVISORY COMMITTEE

gram relative to seven research areas: Structure and Function of the Lung

#### Office of Education

ADVISORY BOARD ON DEVELOPING

Applications must be received by the U.S. Office of Education Application

Grants—Doctoral Dissertation Research Abroad.)

#### NOTICES

developer of information obtained by the Office of Interstate Land Sales Registra-



# PRIVATE RESEARCH CENTERS ADVISORY COMMITTEE

## Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Private Research Centers Advisory Committee, Division of Research Resources, October 2, 1975, (evening session commencing at 8:00 p.m. at Ramada Inn (Caucus Room), 840 Wisconsin Avenue, Bethesda, Maryland 20014) and October 3, 1975, National Institutes of Health, Building 31, A Wing, Conference Room 4, Bethesda, Maryland 20014. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m., October 3, 1975, for a presentation on activities of the Private Steering Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public during the evening session on October 2, 1975, and on October 3, 1975, from 10:00 a.m. until adjournment for the review, discussion and evaluation of initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 301/496-5545, will provide summaries of the meeting and rosters of Committee members. Dr. Leo Whitehair, Executive Secretary, Private Research Centers Advisory Committee, Building 31, Room 5B30, Bethesda, Maryland 20014, 301/496-5451, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health)

Dated: September 2, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-24268 Filed 9-11-75;8:45 am]

# PULMONARY DISEASES ADVISORY COMMITTEE

## Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart and Lung Institute, October 25 and 26, 1975, in the Palm Room in the Sierra Tower, Disneyland Hotel, Anaheim, California.

The entire meeting will be open to the public on October 25 from 8:30 a.m. until 5:00 p.m. and from 8:30 a.m. until noon on October 26, 1975. The meeting will be devoted primarily to reports by working groups that will have met in advance to consider the Division's program relative to seven research areas: Structure and Function of the Lung, Chronic Bronchitis and Emphysema, Pediatric Pulmonary Diseases, Pulmonary Vascular Diseases, Fibrotic and Immunologic Diseases, Respiratory Failure and Prevention, Control and Education. Recommendations of the working groups will be discussed by the Committee as a whole, and plans will be made for Committee activities during the fiscal year. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Malvina Schweizer, Executive Secretary of the Committee, Westwood Building, Room 6A18, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health)

Dated: September 2, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-24279 Filed 9-11-75;8:45 am]

# VISION RESEARCH PROGRAM PLANNING SUBCOMMITTEE

## Meeting

Pursuant to Public Law 92-463 notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council, National Eye Institute, on October 1 and 2, 1975, National Institutes of Health, Building 31, Conference Room #4, Bethesda, Maryland.

The entire meeting will be open, from 7:00 p.m. until 10:00 p.m. on October 1, 1975, and from 9:00 a.m. to adjournment on October 2, 1975. The meeting will be devoted to (a) preliminary discussion of alternative approaches to the analysis of the Institute's present portfolio of sponsored activities, and (b) the development of further plans for assessing present and potential Institute programs during the next 18 months. Attendance by the public will be limited to space available.

Substantive information may be obtained from Mr. Julian Morris, Head, Office of Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, room 6A-27, telephone (301) 496-5248.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: September 2, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-24277 Filed 9-11-75;8:45 am]

# Office of Education ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

## Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the Advisory Council on Developing Institutions will be held November 6 and 7, 1975, from 9:00 a.m. to 4:00 p.m. in Room 3652, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (P.L. 92-463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public. The meeting will be devoted to a progress and status report on the Program. Also, newly appointed Council members will be sworn in.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit, BPE, located in Room 4682, ROB, 7th & D Streets, SW.

Signed at Washington, D.C., on September 9, 1975.

PRESTON VALIEN,  
Director,  
College and University Unit.

[FR Doc.75-24243 Filed 9-11-75;8:45 am]

# FULBRIGHT-HAYS TRAINING GRANTS Receipt of Applications; Notice of Closing Date

Notice is hereby given that pursuant to the authority contained in section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(6)), applications are being accepted from eligible institutions for Fulbright-Hays training grants.

Eligible applicants for Fulbright-Hays training grants are as follows:

A. For the Doctoral Dissertation Research Abroad program, accredited institutions of higher education which offer doctoral programs in the fields of foreign languages and area studies.

B. For the Faculty Research Abroad program, accredited institutions of higher education.

C. For the Group Projects Abroad program, accredited institutions of higher education, State departments of education, private non-profit educational organizations, and consortiums of such entities.

D. For the Foreign Curriculum Consultants program, accredited institutions of higher education, State departments of education, local public school systems, private non-profit educational organizations, and consortiums of such entities.

Applications must be received by the U.S. Office of Education Application Control Center on or before November 7, 1975.

A. Applications sent by mail.

An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention (as applicable): 13.438 Faculty Research Abroad; 13.439 Foreign Curriculum Consultants; 13.440 Group Projects Abroad; or 13.441 Doctoral Dissertation Research Abroad. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than November 3, 1975 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. Hand delivered applications.

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. Program information and forms.

Information and application forms may be obtained from the International Studies Branch, Division of International Education, Bureau of Postsecondary Education, Office of Education, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202.

D. Applicable regulations.

Awards made pursuant to this notice will be subject to (1) the Office of Education General Provisions Regulations (45 CFR Part 100a) and (2), upon their becoming effective, the regulations for Modern Foreign Language Training and Area Studies published as a Notice of Proposed Rulemaking on July 28, 1975 at 40 F.R. 31617.

(22 U.S.C. 2452(b)(6))

(Catalog of Federal Domestic Assistance Programs: 13.438 Fulbright-Hays Training Grants—Faculty Research Abroad; 13.439 Fulbright-Hays Training Grants—Foreign Curriculum Consultants; 13.440 Fulbright-Hays Training Grants—Group Projects Abroad; 13.441 Fulbright-Hays Training

Grants—Doctoral Dissertation Research Abroad.)

Dated: September 6, 1975.

T. H. BELL,  
U.S. Commissioner of Education.  
[FR Doc.75-24267 Filed 9-11-75;8:45 am]

# PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

## Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between Federal activities and related activities of State and local governments, foundations and private organizations; and develop information designed for dissemination to the general public. The Committee will meet on Saturday, October 18, 1975, 9:00 a.m. to 5:00 p.m. at the Hotel Utah, Main at South Temple, Salt Lake City, Utah 84110. This meeting will be the quarterly meeting of the Committee. They will discuss full citizenship, minimum occurrence, humane services, and public awareness as they relate to mentally retarded people. These meetings are open to the public.

Dated: August 29, 1975.

FRED J. KRAUSE,  
Executive Director, President's  
Committee on Mental Retardation.  
[FR Doc.75-24337 Filed 9-11-75;8:45 am]

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales  
Registration

[Docket No. N-75-429]

PERRY PARK, COLO.

Notice of Hearing

In the matter of Perry Park 1-7, 9, 11, Perry Park East 1-2, Meribel Village 1-2, Sage Port 1-2, and Indian Head 1, OILSR No. 0-0484-05-27(B), 0-0484-05-27(A), 0-4484-05-27, Doc. No. 75-134-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Perry Park 1-7, 9, 11, Perry Park East 1-2, Meribel Village 1-2, Sage Port 1-2, and Indian Head 1, Jack D. Lander, Executive Vice President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued July 18, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the

developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Perry Park, located in Douglas County, Colorado, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 11, 1975 in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on October 10, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before October 2, 1975.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 3, 1975.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc.75-24315 Filed 9-11-75;8:45 am]

[Docket No. N-75-428]

THUNDER BAY VILLAGE, MICH.

Notice of Hearing

In the matter of Thunder Bay Village, OILSR No. 0-2583-26-46 Doc. No. 75-125-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Thunder Bay Village, Harry Bloch, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued



## NOTICES

July 13, 1975, which was sent to the developer pursuant to 15 U.S.C. 1705(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Thunder Bay Village, located in Alpena County, Michigan, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 5, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on October 7, 1975, at 10:00 A.M.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 30, 1975.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 3, 1975.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc. 75-24316 Filed 9-11-75; 8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket 26878]

OVERSEAS NATIONAL AIRWAYS, INC.,  
ET AL. ENFORCEMENT PROCEEDING

## Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding, which was assigned to be held on October 1, 1975 (40 FR 31830, July 29, 1975), is indefinitely postponed.

Dated at Washington, D.C., September 5, 1975.

[SEAL] RICHARD M. HARTSOCK,  
Administrative Law Judge.  
[FR Doc. 75-24330 Filed 9-11-75; 8:45 am]

COMMISSION ON CIVIL RIGHTS  
INDIANA STATE ADVISORY COMMITTEE

## Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. and end at 3:00 p.m., on October 4, 1975, at the Holiday Inn, 400 W. Washington, Indianapolis, Indiana 46204.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss plans for the Lake County Study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 9, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.  
[FR Doc. 75-24301 Filed 9-11-75; 8:45 am]

## MARYLAND STATE ADVISORY COMMITTEE

## Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee (SAC) to this Commission will convene at 8:00 p.m. and end at 10:00 p.m. on September 29-30, 1975, at Johns Hopkins University, Levering Hall, Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Commission Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20037.

The purpose of this meeting is to prepare for hearing.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 9, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.  
[FR Doc. 75-24302 Filed 9-11-75; 8:45 am]

## MASSACHUSETTS STATE ADVISORY COMMITTEE

## Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee (SAC) to this Commission will convene at 12 noon and end at 6:00 p.m., on October 2, 1975, at 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chair-

person or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss Phase II of the school desegregation project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 9, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.  
[FR Doc. 75-24300 Filed 9-11-75; 8:45 am]

## NEW JERSEY STATE ADVISORY COMMITTEE

## Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11:00 p.m., on October 9, 1975, at the Holiday Inn 1000-1126 Spring Street, Elizabeth, New Jersey 07201.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss new projects for the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 9, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.  
[FR Doc. 75-24303 Filed 9-11-75; 8:45 am]

## NEW YORK STATE ADVISORY COMMITTEE

## Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 2:00 p.m., on October 21, 1975, at 6 Warren Avenue, Albany, New York 12202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is for the Sex Discrimination Subcommittee to discuss programming for the next FY year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

FEDERAL REGISTER, VOL. 40, NO. 178—FRIDAY, SEPTEMBER 12, 1975

## NOTICES

to the Arizona Channel. Adverse impacts include the loss or alteration of 410 acres of

entrance channel and harbor channel at Moss Landing. Dredged spoil will be deposited at

Corporation. Environmental impacts resulting from the action are the increased use of

Dated at Washington, D.C., September 8, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.  
[FR Doc. 75-24305 Filed 9-11-75; 8:45 am]

OKLAHOMA STATE ADVISORY COMMITTEE  
Cancellation of Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Oklahoma State Advisory Committee (SAC) to this Commission originally scheduled for September 12-13, 1975 has been cancelled.

Dated at Washington, D.C., September 8, 1975.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.  
[FR Doc. 75-24304 Filed 9-11-75; 8:45 am]

CIVIL SERVICE COMMISSION  
FEDERAL EMPLOYEES PAY COUNCIL  
Meeting

SEPTEMBER 8, 1975.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10:00 a.m. on Wednesday, October 1, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,  
Advisory Committee Management  
Officer for the President's Agent.  
[FR Doc. 75-24346 Filed 9-11-75; 8:45 am]

PRESIDENTIAL ADVISORY COMMITTEE  
REPORT

## Public Availability

Pursuant to Section 10(d) of the Federal Advisory Committee Act (PL 92-463) and OMB Circular A-63 of March 27, 1974, the President's Commission on White House Fellowships has prepared an annual report on the activities of the White House Fellowships Program. The

## BUREAU OF OUTDOOR RECREATION

## Draft

Lewis and Clark National Historic Trail.

report is available for public examination at the U.S. Civil Service Commission, Office of Management Analysis and Audits, 1900 E St. N.W., Washington, D.C. 20415.

DONALD J. BIGLIN,  
Advisory Committee Management  
Officer, U.S. Civil Service  
Commission.  
[FR Doc. 75-24345 Filed 9-11-75; 8:45 am]

COMMITTEE FOR PURCHASE FROM  
THE BLIND AND OTHER SEVERELY HANDICAPPED

## PROCUREMENT LIST 1975

## Notice of Proposed Addition

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1975, November 12, 1974 (39 F.R. 39964).

## CLASS 8470

Suspension Assembly, Liner, Ground Troop, Helmet, 8470-00-880-8814.

Comments and views regarding this proposed addition may be filed with the

CLASS 7920  
Brush, scrub (IB) 7920-00-061-0038, each \$1.10.

## INDUSTRIAL CLASS 7899

Repair and maintenance of adding machines and calculators for all Federal agencies located at: 1515 Broadway, New York, N.Y. (SH); 32 Old Slip, New York, N.Y. (SH).

Repair and maintenance of electric and manual typewriters for all Federal agencies located at: 1515 Broadway, New York, N.Y. (SH); 32 Old Slip, New York, N.Y. (SH).

By the Committee.

[FR Doc. 75-24312 Filed 9-11-75; 8:45 am]

COUNCIL ON ENVIRONMENTAL  
QUALITY

## ENVIRONMENTAL IMPACT STATEMENTS

Environmental impact statements received by the Council on Environmental Quality from September 1 through September 5, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (October 27, 1975.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

## DEPARTMENT OF AGRICULTURE

Contact: Dr. Powden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-9965.

Committee not later than October 14, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled March 12, 1975.

By the Committee.

C. W. FLETCHER,  
Executive Director.  
[FR Doc. 75-24313 Filed 9-11-75; 8:45 am]

## PROCUREMENT LIST 1975

## Additions to Procurement List

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 F.R. 39964) were published in the Federal Register on July 11, 1975 (40 F.R. 29332) and July 25, 1975 (40 F.R. 31255).

Pursuant to the above notices the following commodity and services are added to the Procurement List:

CLASS 7920  
Brush, scrub (IB) 7920-00-061-0038, each \$1.10.  
INDUSTRIAL CLASS 7899  
List of prices available from GSA, FSS, Region 2.  
Do.

C. W. FLETCHER,  
Executive Director.

[FR Doc. 75-24312 Filed 9-11-75; 8:45 am]

## SOIL CONSERVATION SERVICE

## Final

Rock Creek Watershed, Gilliam and Morrow Counties, Oregon, September 2: The statement refers to the Rock Creek watershed protection, land treatment, flood prevention, and irrigation water storage and distribution in Gilliam and Morrow Counties. Adverse impacts are increased turbidity, increased dust and noise pollution, removal of 290 acres of rangeland vegetation, and construction disruptions. Comments made by: AHP, DOC, COE, DOI, DOT, EPA, and State and local agencies. (ELR Order No. 51310.)

## DEPARTMENT OF DEFENSE

## ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6861.

## Draft

New River and Phoenix City Streams, Maricopa County, Ariz., September 2: The project is the second phase of a 5-phase plan designed to serve as a framework for flood control in the Phoenix area. Three flood control dams, to be located on Cave Creek, Skunk Creek, and New River, will be constructed. A 17 mile long diversion channel, containing both earth and concrete sections will be constructed immediately north of and parallel

FEDERAL REGISTER, VOL. 40, NO. 178—FRIDAY, SEPTEMBER 12, 1975

## NOTICES

upgrading of Blanding Boulevard (State Road 21) to a divided, four-lane facility from the intersection with SR 215 to Robin Road. The improvement will provide for increased traffic

Interstate 5: the interchanges at Anlauf and Divide will be reconstructed, and a new system of frontage roads will be constructed. Adverse impacts will include the loss of some



to the Arizona Channel. Adverse impacts include the loss or alteration of 410 acres of riparian habitat, the alteration or destruction of 3 archeological sites, the urbanization of 310 acres of open space, and the relocation of 237 homes and 25 businesses. (Los Angeles District.) (ELR Order No. 51314.)

**Little River Development Plan.** Clark Hill Lake, Georgia and South Carolina. September 2: The Little River Development plan proposes the lease of 1,700 acres of the Clark Hill Project (public) lands from the Corps of Engineers for the development of a private home site and recreation complex. This complex would consist of nature trails, tent and trailer camping areas, rental cabins, a beach area, commercial stores, a marina and a motel, an 18-hole golf course, and second home development. Adverse impacts include severely reduced or eliminated wild turkey population used by the State of South Carolina wildlife department to recover other game lands, loss of forest resources, increase in human encroachment, and conversion of public lands to private homes. (ELR Order No. 51326.)

**Pomona Lake, O. & M., Osage County, Kans.** September 3: The statement concerns the continued operation and maintenance of Pomona Lake, consisting of water control operation and maintenance of recreation areas, and management of project land and water resources. The major adverse effect associated with the operation of the project is related to flood control operations. Shoreline erosion, loss of vegetation, disruption of recreation use, and damage to project roads and recreation areas result from these fluctuations. Sedimentation affects benthic life, fish populations, and recreational use of the lake. (ELR Order No. 51323.)

**Duluth Stormwater Flood Control.** Michigan. September 4: The proposed plan for stormwater flood protection includes both structural and non-structural measures. The plan consists of structural measures to accommodate the 100-year flood on 14 of the 42 study area streams. Flood plain regulation and flood insurance will be used exclusively on the remaining 28 study area streams. Two of the three proposed impoundments are designed to hold water for only a few days, and the animal populations upstream would suffer periodic losses especially when high water levels occur during or soon after breeding season. Some adverse impacts associated with floodplain regulation and flood insurance, such as land sale, would be unavoidable. (ELR Order No. 51334.)

**Roseau River Flood Control.** Roseau and Kittson Counties, Minn. September 2: The project would include modification of the existing Roseau River channel, construction of channel cutoffs, and installation of related works along the river between the city of Roseau and the Canadian border in northwestern Minnesota. The project would result in a decrease in bank stability which could result in some localized sloughing or erosion of the channel slope. Habitat alterations will cause a decrease in wildlife. (St. Paul District.) (ELR Order No. 51316.)

**Final**  
**Santa Cruz Harbor Maintenance Dredging.** Santa Cruz County, Calif. September 2: Proposed is the maintenance dredging of the entrance channel to Santa Cruz Harbor, with the disposal of dredge spoil on the beach east of the jetty. There will be increased turbidity and disruption of biota as a result of the actions. (San Francisco District.) Comments made by: USDA, DOT, EPA, HEW, DOI, State and local agencies, and one individual. (FLR Order No. 51312.)

**Moss Landing Harbor, Calif.** September 3: Proposed is the maintenance dredging of the

entrance channel and harbor channel at Moss Landing. Dredged spoil will be deposited at the head of the Monterey Canyon at the 60 foot isobath at the end of Sandholdt Pier. Adverse impact will accrue to marine biota. (San Francisco District.) Comments made by: USDA, DOC, DOI, HEW, EPA, and State agencies. (ELR Order No. 51327.)

**New Jersey Intracoastal Waterway.** New Jersey. September 4: The project involves the maintenance of the Manasquan, Barnegat, Absecon, and Cold Spring inlets, and the New Jersey Intracoastal Waterway. Periodic dredging is necessary for waterways to be used by pleasure craft, commercial, and sport fishing vessels. Adverse impacts of the action will include the disruption of marine biota. (Philadelphia District.) Comments made by: USDA, DOC, EPA, HUD, DOI, AHP, and State agencies. (ELR Order No. 51338.)

**Maintenance of Browning Creek, Long Island, N.Y.** September 4: The statement concerns future maintenance dredging of the existing Federal navigation project in Browns Creek, Long Island, N.Y., to its authorized project dimensions. The work would be performed when necessary by contract dredge with spoiling on existing disposal areas. Adverse effects include: removal of benthic organisms; increased turbidity; and depending upon the method used, either suspended and dissolved materials reintroduced into the waterway, disturbed shellfish beds, or turbidity in the surf zone. (New York District.) Comments made by: AHP, EPA, DOI, HEW, USDA, DOC, USCG, one State agency, and Blue Point Oyster Co. (ELR Order No. 51333.)

**Double Bayou, Maintenance Dredging.** Chambers County, Tex. September 4: The statement refers to the maintenance dredging of Double Bayou in Chambers County, Texas. Maintenance will be accomplished by hydraulic pipeline dredge with dredged materials disposed of in open water and on land disposal areas. Adverse impacts include disturbance to swimming and bottom dwelling organisms, destruction of vegetation at disposal sites, degradation of water quality, and objectionable odors caused by proposed land disposal operations. (Galveston District.) Comments made by: HEW, EPA, HUD, DOC, DOI, DOT, AHP, and State and local agencies. (ELR Order No. 51335.)

**ENVIRONMENTAL PROTECTION AGENCY**  
Contact: Mr. Sheldon Meyers Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

**Final**  
**Also Water Management Agency Project.** Orange County, Calif. September 3: Proposed is the implementation of a local or regional wastewater treatment and disposal system to eliminate various systems and prevent future problems. The applicant is considering two alternatives: a regional system with central treatment and ocean disposal of most wastes and a regional disposal system with local treatment. Construction disruption and occasional objectionable odors will result. Comments made by: DOI, FEA, GSA, State and local agencies, and private interest groups and individuals. (ELR Order No. 51329.)

**FEDERAL POWER COMMISSION**  
Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20428, 202-386-8084.

**Draft**  
**Columbia Gas Transmission Corp., Curtailment.** September 2: The action consists of FPC's analysis of two permanent curtailment plans for the Columbia Gas Transmission

Corporation. Environmental impacts resulting from the action are the increased use of coal and oil to replace the curtailed gas, the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Alternatives include unregulated curtailment and new sources of gas supplies. Reference is made to the fact that decontrol and rate structure are not included as alternatives to curtailment. (ELR Order No. 51306.)

**Holt, Bankhead, and Lewis Smith Projects.** Ala., September 2: The action involved is the FPC's consideration of Alabama Power Company's contention that the turbine aerator devices installed in the draft tubes of Bankhead Project No. 2165 and Holt Project No. 2203 satisfies its obligation under Article 43 of the Holt license and also in the improvement of the water quality of the Black Warrior River at Tuscaloosa, Alabama. The proposed action would increase the dissolved oxygen released in the waters discharged through the Bankhead powerhouse to the Holt reservoir and the waters discharged through the Holt powerhouse into the Oliver pool, thus providing enough dissolved oxygen for industrial development and associated pollution. (ELR Order No. 51325.)

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6303.

**Final**  
**Government Square, Triangle Urban Renewal Projects.** Kanawha County, W. Va., September 2: The 113-acre project, located in downtown Charleston, consists of construction of 400 new housing units, a 20-acre enclosed commercial complex, new government buildings, and preservation/rehabilitation of single-family housing units and existing government buildings. A number of families and businesses will be displaced. COMMENTS MADE BY: EPA, DOT, USCG, DOI, DOC, and State and local agencies. (ELR Order No. 51321.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

**SECTION 104(h)**

**Draft**  
**Cleveland's Demolition Program.** Ohio, September 3: The statement concerns an application for a Community Development Block Grant by the City of Cleveland for demolition of condemned structures. Because these structures are vacant, there will be no displacements of families. Noise pollution and construction disruption will result. (ELR Order No. 51332.)

**Rodeo Lake Surface Drainage.** Othello, Adams County, Wash., September 2: The proposed action is the drainage of a seepage lake (Rodeo Lake) for the purpose of eliminating flooding of septic tanks and surface water conditions on residential suburban area adjacent to Othello City. The project will result in loss of the seepage lake, loss of fish population and reduction of wildlife population. (ELR Order No. 51313.)

**DEPARTMENT OF INTERIOR**  
Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

## BUREAU OF OUTDOOR RECREATION

## Draft

**Lewis and Clark National Historic Trail.** September 2: The statement concerns the legislative inclusion of the Lewis and Clark National Historic Trail in the National Trails System. The proposed action on the 3,700 mile route would require easement on 172 acres, resulting in restricted timber harvesting practices, and the development of recreation facilities along 21 components to accommodate increased use. (ELR Order No. 51309.)

## BUREAU OF SPORTS FISHERIES AND WILDLIFE

## Final

**Desert Wilderness Area.** Clark and Lincoln Counties, Nev., September 4: The statement proposes that approximately 1,322,000 acres of the Desert National Wildlife Range be designated wilderness within the National Wilderness Preservation System. It is also recommended that 76,000 acres of adjoining public domain lands be designated as wilderness when they become a part of the Desert National Wildlife Range. Designation of wilderness will limit visitor and resource and commercial growth. Comments made by: DOC, DOD, AEC, DOI, and state agencies. (ELR Order No. 51330.)

## NATIONAL PARK SERVICE

## Final

**Proposed Master Plan.** Hawaii Volcanoes National Park, Hawaii. September 4: The statement refers to the proposed master plan for the Hawaii Volcanoes National Park. The plan is intended to conserve and protect the unique resources of the Park for expanded public use and continued volcanic research by the U.S. Geological Survey. Direct impact of the plan will result primarily from the construction of new roads and campgrounds (180 pages). Comments made by: AHP, USDA, COE, DOI, DOT, EPA, and State agencies. (ELR Order No. 51337.)

## DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-420-4357.

## FEDERAL AVIATION ADMINISTRATION

## Final

**New Orleans Lakefront Airport.** La., September 2: Proposed is the development of a Master Plan for the existing New Orleans Lakefront Airport. The Master Plan will determine the extent, type and nature of needed development based on forecast short, intermediate, and long range aeronautical needs. Installation of approach lights and an ILS Glide Slope Indicator for the present north-south runway is planned prior to implementation of Phase I of the Master Plan. Comments made by: COE, DOC, DOI, EPA, DOT, and State agencies. (ELR Order No. 51311.)

## FEDERAL HIGHWAY ADMINISTRATION

## Draft

**Florida Street Extension.** Mobile County, Ala., September 2: Proposed is the construction of an extension of Florida Street from Government Boulevard to Springhill Avenue in Mobile, Alabama. The project length ranges from 2.2 to 2.4 miles, depending upon the alternative selected. The most significant negative impact of the project is the potential displacement of approximately 19 families, 13 businesses, and 2 non-profit organizations. Temporary construction disruption would result. (ELR Order No. 51320.)

**SR 21 (Blanding Blvd.).** Clay County, Fla., September 2: The statement concerns the

upgrading of Blanding Boulevard (State Road 21) to a divided, four-lane facility from the intersection with SR 215 to Robin Road. The improvement will provide for increased traffic generated by numerous residential communities now planned from "Jacksonville South" to Orange Park. Adverse impacts include the displacement of families and businesses and noise level impacts on Middleburg Elementary School. (ELR Order No. 51322.)

**John C. Calhoun Expressway Extension.** Richmond County, Ga., September 2: The proposed highway extension begins at the present terminus of the John C. Calhoun Expressway at 15th Street and extends to either Greene or Telfair Streets, a distance of approximately 0.8 mile. Between 25 and 50 persons and 14 and 16 businesses will be displaced. There will be a loss of hardwoods in the corridor, and commercialization will increase. (ELR Order No. 51310.)

**Nebraska Highway 133 (90th St.).** Omaha, Douglas County, Nebr., September 3: The project consists of the improvement of Nebraska Highway 133 (90th Street) from Burt Street to Maple, a distance of 3.2 miles, and a second segment from Maple to the junction of N-133 and N-38, a distance of 1.9 miles. The project will displace three residences, and will require the acquisition of 6 acres of land. (ELR Order No. 51331.)

**U.S. 95 West Leg.** Las Vegas, Clark County, Nev., September 2: The statement concerns the construction of the west leg of U.S. 95 expressway from Rancho Drive West to Rainbow Boulevard and North to the Tonopah Highway in the City of Las Vegas and unincorporated areas of Clark County. Total length of the project is 9.55 miles. It will initially be constructed as a 4-lane expressway with provision for 6 lanes. Approximately 25 families will be displaced. The project may also encourage urban growth in areas lacking suitable infrastructure. (ELR Order No. 51318.)

## Final

**East Belt Freeway.** Little Rock, Pulaski County, Ark., September 2: The statement concerns the construction of a multi-lane interstate-type facility connecting I-40 and I-30, a distance of 10 miles, through eastern Little Rock and eastern North Little Rock. An undetermined number of businesses and families will be displaced and the project will also alter 600 to 800 acres of wetlands, residential, agricultural, commercial and industrial lands to highway use. Comments made by: AHP, USCG, COE, DOI, HEW, USDA, DOT, and State agencies. (ELR Order No. 51315.)

**Rte 87, Guadalupe Parkway.** San Jose, Santa Clara County, Calif., September 2: The proposed project is the improvement of a 4-lane freeway on Route 87 for a distance of 1.5 miles in the city of San Jose. The facility will require 50.3 acres and displace 237 people and 30 businesses. A crossing over the Guadalupe River will increase erosion and siltation. Loss of wildlife and substantial increases in air and noise pollution levels will occur. Comments made by: EPA, DOT, DOI, COE, State and local agencies, and concerned citizens. (ELR Order No. 51324.)

**I-84, Hudson River Crossing.** Orange and Dutchess Counties, N.Y., September 2: The project involves the expansion of an existing crossing of the Hudson River in Orange and Dutchess Counties. The total length of the project is 2.0 miles. Adverse impacts are increased air and noise pollution, loss of some river bottom, displacement of 1 family, and short-term degradation of water quality. Comments made by: USDA, HEW, DOI, USCG, DOT, DOC, FPC, EPA, and AHP. (ELR Order No. 51323.)

**Interstate 5, Divide-Anlauf Section.** Douglas and Lane Counties, Oreg., September 2: The project is to upgrade a 7 mile section of

Interstate 5; the interchanges at Anlauf and Divide will be reconstructed, and a new system of frontage roads will be constructed. Adverse impact will include the loss of some wildlife habitat as right-of-way, and the displacement of a number of families. Comments made by: USCG, DOI, EPA, USDA, and State agencies. (ELR Order No. 51317.)

**I-664, Hampton Roads.** several counties in Virginia, September 3: The statement considers alternate corridors for the construction of proposed I-665, a bridge tunnel water crossing at Hampton Roads. The project is proposed to connect the cities of Hampton and Newport News on the north of Hampton Roads Harbor with the Cities of Portsmouth, Norfolk and Nansemond on the southern side of Hampton Roads. The project, a limited access divided highway, will be 13.9 miles long, 6 lanes wide north and south of Hampton Roads, and 4 lanes wide across Hampton Roads. Encroachment upon 4(f) land displacement of families and businesses, and increased air, noise, and water pollution are adverse effects of the action. Comments made by: DOC, EPA, USDA, USCG, HUD, HEW, and State agencies. (ELR Order No. 51330.)

GARY L. WITMAN,  
General Counsel.

[FR Doc.75-24266 Filed 9-11-75; 8:45 am]

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Regulation No. 12]

## INTERIM SOURCE EVALUATION AND SELECTION HANDBOOK

## Temporary Regulation

AUGUST 28, 1975.

1. **Purpose:** A draft handbook on evaluation and selection of sources is to be used in selected situations so that the final handbook, when issued, will have the benefit of lessons learned from that use. The following instructions describes how this interim draft is to be used and how it relates to present coverage of evaluation boards in the ERDA-PR.

2. **Effective date:** This regulation becomes effective September 12, 1975.

3. **Expiration date:** This regulation will remain in effect until cancelled or until its provisions are incorporated into a permanent ERDA-PR. The Interim Handbook will be revised in October based on experience to that time, and reissued as a numbered publication. Appropriate changes in the ERDA-PR also will be published concurrently.

4. **Explanation of change:**  
a. The procedures in the Interim ERDA Handbook on Source Evaluation and Selection (April 23, 1975), as amended, will be followed in making selections in competitively negotiated procurements expected to exceed \$5,000,000. The policy on use is stated in paragraph 803 of the Handbook.

b. Use of procedures of ERDA-PR 9-56 for procurements over \$5,000,000 is suspended as of this date.

5. **Authority:** Sec. 105 of the Energy Reorganization Act of 1974 (P.L. 93-438).

[SEAL] JOSEPH L. SMITH,  
Director of Procurement.

[FR Doc.75-24288 Filed 9-11-75; 8:45 am]

## LIGHT WATER BREEDER REACTOR PROGRAM

cide, and Rodenticide Act (FIFRA) by the Center for Disease Control (CDC).

Unused bait would be disposed of in a similar manner. Urban and suburban

labeling and use of strychnine in such a manner as to protect human health and the environment.

Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit.

persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the



# **LIGHT WATER BREEDER REACTOR PROGRAM**

## **Draft Environmental Statement; Extension of Comment Period**

The availability of the Draft Environmental Statement, "Light Water Breeder Reactor Program" (ERDA-1541) was announced in the FEDERAL REGISTER August 15, 1975. The period for receipt of comments by the Energy Research and Development Administration (ERDA) was through October 15, 1975. Since this announcement, interested persons have requested ERDA to extend the closing of the comment period to allow additional time for consideration of the document and the formulation of written comments. In an effort to be responsive to these requests, the comment period is hereby extended to November 14, 1975.

Dated at Germantown, Maryland, this 10th day of September, 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,  
Assistant Administrator for  
Environment and Safety.

[FR Doc.75-24522 Filed 9-11-75;10:44 am]

# **U.S. NUCLEAR POWER EXPORT ACTIVITIES**

## **Draft Environmental Statement; Extension of Comment Period**

The availability of the Draft Environmental Statement, "U.S. Nuclear Power Export Activities" (ERDA-1542) was announced in the FEDERAL REGISTER August 4, 1975 (40 FR 32779). The period for receipt of comments by the Energy Research and Development Administration was through September 22, 1975. To allow additional time for the consideration of the document and the formulation of written comments by government agencies and the public, the comment period is hereby extended to October 22, 1975.

Dated at Germantown, Maryland, this 10th day of September, 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,  
Assistant Administrator for  
Environment and Safety.

[FR Doc.75-24521 Filed 9-11-75;10:44 am]

# **ENVIRONMENTAL PROTECTION AGENCY**

[FRL 430-2; OPP-32012]

## **CENTER FOR DISEASE CONTROL**

### **Receipt of Application To Register a Pesticide Product Containing Strychnine for Control of Rabid Mammalian Carnivores**

On April 15, 1975, the Environmental Protection Agency (EPA) received an application to register a pesticide product containing strychnine intended for use in a rabies vector control program. Application was made pursuant to the provisions of the Federal Insecticide, Fungi-

cide, and Rodenticide Act (FIFRA) by the Center for Disease Control (CDC), Public Health Service, Department of Health, Education, and Welfare, 1600 Clifton Road, Atlanta GA 30333. The name of the product is STRYCHNINE POWDER (EPA File Symbol 36765-E).

**Background.**—In March of 1972, registrations of strychnine, sodium cyanide, and 1080 (Sodium fluoracetate) for predator control were cancelled and suspended by EPA Administrative Order (37 FR 5718). This Order immediately followed Executive Order 11643 of February 1972, banning the use of predacides on Federal lands. The President's Order specifically provided for an exception to the ban, if needed, in an emergency to protect human health. However, the Administrator's Order focused on predacides *per se* and did not provide for an exception to the ban for human health emergencies. At the time the EPA Order was issued, no apparent circumstances existed to counterbalance the possibility of a human health hazard. The administrator concluded in the preamble to the Order that the factors supporting the decision to cancel and suspend these predacides and thereby reduce their availability may have been different if the public health were affected.

The only techniques currently available to protect human health from rabid mammalian carnivores are methods such as shooting, trapping, and physical exclusion.

**Application to Register.**—The applicant states that this product is intended for use only by health agencies approved by the CDC for control of mammalian carnivores (skunks, foxes, or raccoons) which constitute a human health hazard as potential rabies vectors and that users of this product must be familiar with CDC policy on the use of toxicants for rabies control and must file certain information with CDC within 30 days of the field program's completion.

The directions for use call for a maximum of 500 strychnine-injected eggs to be placed in designated skunk habitats within a 3-mile radius where rabid skunks are diagnosed. A maximum of two strychnine eggs per setting would be placed in the following skunk habitats: skunk dens, holes, garbage dumps, road culverts, rock piles, and under nonoccupied buildings. Bait cannot be placed farther than 3 miles from human habitation. Eggs remaining after termination of the 30-day treatment period would be collected and destroyed. Strychnine eggs would be placed only on those lands where premise entry agreements are signed by the landowner, lessee or administrator, and warning signs would be posted at entries to all such premises and other visible positions near locations where treated eggs have been placed. Baits would be checked at least once a day to prevent secondary poisoning. All affected target and non-target animals would be removed daily, and after analysis, buried in a sanitary landfill or 18 inches below the ground away from water supplies.

Unused bait would be disposed of in a similar manner. Urban and suburban control programs would not be initiated unless exposure of humans and domestic animals to rabid animals was imminent. All local citizenry would be notified of the program to prevent poisoning domestic animals and humans. Only dyed eggs would be placed after 10:00 p.m. and removed prior to daybreak the next morning. Such programs would be terminated when imminent danger to humans and domestic animals was over.

**Control Programs.**—Control programs will be instituted only when the risk of human exposure to rabies has become abnormally high as a result of overpopulation of reservoir species or increased human (or domestic animal) reservoir contact. Total elimination of the rabies threat is seldom a practical goal; rather, reduction to "normal" levels of risk is more often a realistic goal. Programs will not be approved simply to control depredating or nuisance animals.

Although rabies is not usually contracted by man through direct contact with rabid wildlife animal species, the possibility does exist in areas where there is frequent contact between humans and wildlife. The aim of a control program would be to prevent the spread of rabies to domestic animals and thereby reduce the likelihood of human exposure. This can only be achieved by the selective reduction of the species involved.

**Request to Use Cancelled and/or Suspended Pesticide Products.**—The EPA has been petitioned by several State Health Departments to allow the use of previously cancelled and/or suspended pesticide products to control disease vectors. In fact, CDC made such a request in connection with this proposed rabies control program. In certain cases, such use has been authorized under the exemption provisions of Section 18 of the FIFRA (86 Stat. 995); other cases have been rejected because they did not qualify under these provisions. However, Section 18 exemption provisions were not designed for the purpose of solving recurring problems, such as periodic outbreaks of rabid bats or skunks, encephalitis-carrying mosquitoes, etc. Continued use of unregistered pesticides for vector control would be an abuse of the provisions of Section 18. At this time, there are no products registered for rabies vector control.

The Department of Health, Education, and Welfare is responsible for disease control. In some circumstances, pesticides are used, and the responsibilities of the EPA and HEW then overlap. The use of pesticides to protect public health needs is vested with the Center for Disease Control. To carry out this function and at the same time carry out the provisions of FIFRA, CDC proposes to control the dispensing of strychnine. This arrangement would permit the U.S. Public Health Service to act during emergency outbreaks of a public health nature and allow the EPA to restrict the

labeling and use of strychnine in such a manner as to protect human health and the environment.

**Petition to Reconsider the Administrator's Order of March 1972.**—Pursuant to the provisions of Subpart D, Part 164, 40 CFR, this application constitutes a petition for reconsideration of the March 1972 Order with regard to the cancellation and suspension of registrations of strychnine products. Consequently, it will be reviewed by the Administrator and further action will be taken in accordance with those provisions.

Briefly, the procedures require that the Administrator determine, on the basis of the application and supporting data, whether there is substantial new evidence which may materially affect the prior Order and whether such evidence could not have been presented during the original proceedings. If it is determined that there is no such evidence, the application will be denied. If it is determined that there is such evidence, then a formal hearing is held. A determination whether such evidence materially affects the prior Order is then made on the basis of the record and the recommendations of the administrative law judge presiding over the hearing, taking into account the human and environmental risks found by the Administrator in his prior order and the cumulative impact of past, present, and anticipated use in the future. A decision by the Administrator to either deny the application or reconsider the prior Order will be published in the FEDERAL REGISTER. If the Administrator decides that reconsideration is warranted, an announcement that a formal hearing is to be held will be made.

**Request for Comments.**—This notice is issued pursuant to section 3(c)(4) of FIFRA, as amended (86 Stat. 980), and does not indicate a decision by this Agency on the application. Interested persons are invited to submit written comments on this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before October 14, 1975, and should bear a notation indicating the subject (OPP-32012). All written comments filed pursuant to this notice will be available for public inspection in the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 9, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.75-24234 Filed 9-11-75;8:45 am]

[FRL 429-8; OPP-50033]

## **CHEVRON CHEMICAL CO.**

### **Issuance of Experimental Use Permit**

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide

Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Chevron Chemical Company, Richmond, California 94804. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 239-EUP-75) allows the use of 560 pounds of paraquat dichloride on dry beans as a harvest aid. A total of 960 acres is involved; the program is authorized only in the States of Colorado, Kansas, Michigan, Minnesota, Nebraska, New York, North Dakota, and Wisconsin. The experimental use permit is effective from August 28, 1975, to August 28, 1976. A temporary tolerance for residues of the active ingredient in or on dry beans has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 5, 1975.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.75-24229 Filed 9-11-75;8:45 am]

[FRL 430-1; OPP-50035]

## **CHEVRON CHEMICAL CO.**

### **Issuance of Experimental Use Permit**

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Chevron Chemical Company, Richmond, California 94804. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 239-EUP-66) allows the use of 18 pounds of diquat on potatoes. A total of 48 acres is involved; the program is authorized only in the States of Iowa, Maine, Michigan, New Jersey, New York, and North Dakota. The experimental use permit is effective from September 2, 1975, to September 2, 1976. A temporary tolerance has been established for residues of the active ingredient in or on potatoes.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested

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persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated September 8, 1975.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.75-24230 Filed 9-11-75;8:45 am]

[FRL 429-7; OPP-50032]

## **FISONS CORP.**

### **Issuance of Experimental Use Permit**

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Fisons Corporation, Bedford, Massachusetts 01730. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 10065-EUP-5) allows the use of 4,500 pounds of 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuran-1 on grasses used for seed production only. None of the treated grass will be used for forage or feed. A total of 3,000 acres is involved; the program is authorized only in the States of Oregon and Washington. The experimental use permit is effective from August 22, 1975, to August 22, 1976.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 5, 1975.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.75-24231 Filed 9-11-75;8:45 am]

[FRL 430-3; OPP-32013]

## **MONTANA DEPARTMENT OF LIVESTOCK**

### **Receipt of Application To Register a Pesticide Product Containing Strychnine for Control of Rabid Mammalian Carnivores**

The Environmental Protection Agency (EPA) has received an application to register a pesticide product containing strychnine intended for use in a rabies vector control program. Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) by the Montana Department of Livestock, Capitol Complex, Helena MT 59601. The name of

the product is STRYCHNINE ALKALOID — 100% (EPA File Symbol

All retrieved or excess strychnine treated lard bait and strychnine treated

consideration is warranted, an announcement that a formal hearing is to

Every such claimant must include, at a minimum, the information listed in the

EPA File Symbol 20642-R. Cindy Pools, US. Rt. 22, Watchung NJ 07060. CINDY ALGIBLOR. Active Ingredients: n-Alkyl (60%

EPA File Symbol 14961-RR. Rex Chemical Corp. WINN PURE PINE DISINFECTANT. Active Ingredients: Anhydrous Soap 10.0%;



the product is STRYCHNINE ALKALOID — 100% (EPA File Symbol 35975-R).

**Background.**—In March of 1972, registrations of strychnine, sodium cyanide, and 1080 (Sodium fluoracetate) for predator control were cancelled and suspended by EPA Administrative Order (37 FR 5718). This Order immediately followed Executive Order 11643 of February 1972, banning the use of predacides on Federal lands. The President's Order specifically provided for an exception to the ban, if needed, in an emergency to protect human health. However, the Administrator's Order focused on predacides *per se* and did not provide for an exception to the ban for human health emergencies. At the time the EPA Order was issued, no apparent circumstances existed to counterbalance the possibility of a human health hazard. The Administrator concluded in the preamble to the Order that the factors supporting the decision to cancel and suspend these predacides and thereby reduce their availability may have been different if the public health were affected.

The only techniques currently available to protect human health from rabid mammalian carnivores are methods such as shooting, trapping, and physical exclusion.

**Application to Register.**—The applicant states that this product is intended for the following uses in Montana:

1. For control of skunk populations within a three-mile radius which encompasses areas of human or domestic animal habitation where rabies has been diagnosed in skunks.
2. For surveillance of skunk populations outside the three-mile radius in order to determine the perimeter of rabies within any county and/or adjacent counties.
3. For surveillance of skunk populations to monitor the migration of rabies as a known disease in Montana and to support encephalitis studies in skunks from which rabies is clinically indistinguishable.

The directions for use call for 1) a maximum of 500 strychnine treated paraffin lard baits to be placed within a three-mile radius per positive rabies cases where skunks are determined as the vector species, or per county for rabies surveillance purposes, or 2) a maximum of 500 strychnine treated eggs to be placed within a three-mile radius per positive rabies case where skunks are determined as the vector species, or per county for rabies surveillance purposes. A maximum of two strychnine lard baits or two strychnine treated eggs per setting may be placed in the following skunk habitats: skunk dens, holes, garbage dumps, road culverts, junk piles, and under nonoccupied buildings. At the end of a 30-day treatment period, treated bait and/or eggs would be collected and destroyed. Strychnine treated lard bait and/or strychnine treated eggs would be placed only on those lands where premise entry agreements are signed by the landowner, lessee, or administrator, and warning signs would be posted at entries to all premises and other visible positions near locations where treated bait or eggs have been placed.

All retrieved or excess strychnine treated lard bait and strychnine treated eggs would be disposed of in an approved sanitary landfill. Department of Livestock personnel would observe and supervise the destruction of treated bait/eggs. Containers to be destroyed would be handled in a similar manner. Animals destroyed in the control program would be buried to prevent possible secondary nontarget species poisonings.

**Request to Use Cancelled and/or Suspended Pesticides.**—The EPA has been petitioned by several states/state health departments to allow the use of previously cancelled and/or suspended pesticides to control disease vectors. In certain cases, such use has been authorized under the exemption provisions of Section 18 of the FIFRA (86 Stat. 995); other cases have been denied because they did not qualify under these provisions. In fact, the Montana Department of Livestock was granted a specific exemption to use strychnine alkaloid for emergency rabid skunk control as provided by Section 18 of FIFRA. (See the FEDERAL REGISTER concerning the granting of this exemption and subsequent amendments: 39 FR 13912, 39 FR 17466, and 39 FR 24951.) However, Section 18 exemption provisions were not designed for the purpose of solving recurring problems, such as periodic outbreaks of rabid bats or skunks, encephalitis-carrying mosquitoes, etc. Continued use of unregistered pesticides for vector control would be an abuse of the provisions of Section 18. At this time, there are no products registered for rabies vector control.

**Petition to Reconsider the Administrator's Order of March 1972.**—Pursuant to the provisions of Subpart D, Part 164, 40 CFR (40 FR 12261), this application constitutes a petition for reconsideration of the March 1972 Order with regard to the cancellation and suspension of registrations of strychnine products. Consequently, it will be reviewed by the Administrator and further action will be taken in accordance with those provisions.

Briefly, the procedures require that the Administrator determine, on the basis of the application and supporting data, whether there is substantial new evidence which may materially affect the prior Order and whether such evidence could not have been presented during the original proceedings. If it is determined that there is no such evidence, the application will be denied. If it is determined that there is such evidence, then a formal hearing is held. A determination whether such evidence materially affects the prior Order is then made on the basis of the record and the recommendations of the administrative law judge presiding over the hearing, taking into account the human and environmental risks found by the Administrator in his prior order and the cumulative impact of past, present, and anticipated use in the future. A decision by the Administrator to either deny the application or reconsider the prior Order will be published in the FEDERAL REGISTER. If the Administrator decides that re-

consideration is warranted, an announcement that a formal hearing is to be held will be made.

**Request for Comments.**—This notice is issued pursuant to section 3(c) (4) of FIFRA, as amended (86 Stat. 980), and does not indicate a decision by this Agency on the application. Interested persons are invited to submit written comments on this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before October 14, 1975, and should bear a notation indicating the subject (OPP-32013). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated September 9, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.75-24233 Filed 9-11-75; 8:45 am]

[FRL 430-5; OPP-33000/314 & 315 & 316]

#### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of  
Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c) (1) (d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before November 11, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460.

Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 11, 1975.

Dated: September 4, 1975.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/314)

EPA Reg. No. 12014-3. A & V Inc., PO Box 211, Butler WI 53007. POOL PAL 30. Active Ingredients: Copper as elemental 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA Reg. No. 12014-2. A & V Inc., PO Box 211, Butler WI 53007. POOL PAL 300. Active Ingredients: Copper as elemental 1.05%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 36430-R. Better Living Laboratories, Inc., 2873 Director's Cove, Memphis TN 38131. H2OK PORTABLE DRINKING WATER PURIFIER. Active Ingredients: Silver (as silver chloride) 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA Reg. No. 677-313. Diamond Shamrock Corp., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland OH 44114. BRAVO 6F. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 54.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added Use. PM21.

EPA File Symbol 5130-RR. Johnson Chemical Co., Inc., 231 Johnson Ave., Brooklyn NY 11206. ANT AND ROACH KILLER II. Active Ingredients: Pyrethrins 1.100%; Piperonyl Butoxide, Technical 0.150%; N-octyl bicycloheptene dicarboximide 0.250%; Chloropyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; 2,2-dichlorovinyl dimethyl phosphate 0.237%; Related compounds 0.018%; Petroleum Distillate 95.383%; Aromatic Petroleum distillate 0.281%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA Reg. No. 1624-104. United States Borax & Chemical Corp., 3075 Wilshire Blvd., Los Angeles CA 90010. COBEX. Active Ingredients: Diethamine (N,N-Diethyl-2,4-dinitro-6-trifluoromethyl-m-phenylenediamine) 25%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

APPLICATIONS RECEIVED (OPP-33000/315)

EPA Reg. No. 1526-416. Chemical Distributors dba Arizona Agrochemical Co., PO Box 21537, Phoenix AZ 85036. THIODAN 2E. Active Ingredients: Endosulfan (Hexachlorocyclohexanemethano-2,4,3-benzodioxathiepin oxide) 24.00%; Aromatic Petroleum Solvent 69.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA Reg. No. 1526-416. Chemical Distributors dba Arizona Agrochemical Co., PO Box 21537, Phoenix AZ 85036. THIODAN 2E. Active Ingredients: Endosulfan (Hexachlorocyclohexanemethano-2,4,3-benzodioxathiepin oxide) 24.00%; Aromatic Petroleum Solvent 69.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA Reg. No. 1526-416. Chemical Distributors dba Arizona Agrochemical Co., PO Box 21537, Phoenix AZ 85036. THIODAN 2E. Active Ingredients: Endosulfan (Hexachlorocyclohexanemethano-2,4,3-benzodioxathiepin oxide) 24.00%; Aromatic Petroleum Solvent 69.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA Reg. No. 1526-416. Chemical Distributors dba Arizona Agrochemical Co., PO Box 21537, Phoenix AZ 85036. THIODAN 2E. Active Ingredients: Endosulfan (Hexachlorocyclohexanemethano-2,4,3-benzodioxathiepin oxide) 24.00%; Aromatic Petroleum Solvent 69.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 20642-R. Cindy Pools, US. Rt 22, Watchung NJ 07060. CINDY ALGICHLOR. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA Reg. No. 677-313. Diamond Shamrock Corp., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland OH 44114. BRAVO 6F FUNGICIDE. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 54.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added Use. PM21.

EPA File Symbol 6658-GN. Midco Products Co., 11697 Fairgrove Ind. Blvd., Maryland Heights MO 63043. DISINFECTANT DEODORANT LEMON. Active Ingredients: Ethanol 68.7395%; o-Benzyl p-Chlorophenol 0.0480%; p-tertiary Amylphenol 0.0440%; o-Phenylphenol 0.0256%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 0.0250%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) Dimethyl Ethylbenzyl Ammonium Chlorides 0.0250%; 2,2-Methylenebis (3,4,6-Trichlorophenol) 0.0030%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 34738-R. Reading Bone Fertilizer Co., Box 232, Reading PA 19603. READING GRAIN PRESERVER. Active Ingredients: Propionic Acid 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM21.

EPA File Symbol 14961-A. Rex Chemical Corp., 2300 N.W. 23 St., Miami FL 33142. INSECTICIDE PAIFER. Active Ingredients: Baygon (0-Isopropoxyphenylmethylcarbamate) 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 7467-LR. Valco Chemical Div., PO Box 1310, Harlingen TX 78550. CLIMAX-3. Active Ingredients: Sodium Chlorate 28%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

APPLICATIONS RECEIVED (OPP-33000/316)

EPA File Symbol 15887-RA. Agricultural Chemicals of Dallas, 3707 E. Kiest Blvd., Dallas TX 75203. VAPAM SOIL FUMIGANT SOLUTION FOR ALL CROPS. Active Ingredients: Sodium methyl dithiocarbamate (anhydrous) 32.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA Reg. No. 10395-4. Barco Chemicals Div., Inc., 14800 NW 24th Court, Opa-Locka FL 33054. BARCO FOGGING CONCENTRATE 1-2-33. Active Ingredients: Petroleum Distillate 93.70%; N-octyl bicycloheptene dicarboximide 3.30%; Technical piperonyl butoxide 2.00%; Pyrethrins 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 655-LGO. Prentiss Drug & Chemical Co., Inc., 363 7th Ave., New York NY 10001. PRENTOX CO-RAX PELLETTED BAIT. Active Ingredients: Warfarin (3-(a-acetylbenzyl) - 4 - hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 14961-T. Rex Chemical Corp., 2300 NW 23rd St., Miami FL 33142. PINO-AROMA. Active Ingredients: Steam Distilled Pine Oil 47%; Emulsifier Soap 12%; Isopropyl Alcohol 06%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 14961-RR. Rex Chemical Corp. WINN PURE PINE DISINFECTANT. Active Ingredients: Anhydrous Soap 10.0%; Pine Oil, Pure Distilled 57.0%; Ortho Benzyl Para Chlorophenol 0.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 14961-RN. Rex Chemical Corp. GOLDEN PINE PINO DORADO. Active Ingredients: Steam Distilled Pine Oil 47%; Emulsifier Soap 12%; Isopropyl Alcohol 06%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 14961-O. Rex Chemical Corp. CREOLINA (COAL TAR DISINFECTANT). Active Ingredients: Coal Tar Acid 7.86%; Phenol 6.55%; Isopropyl Alcohol 24.25%; Caustic Soda 3.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 14961-L. Rex Chemical Corp. SANO PINE PINE DISINFECTANT. Active Ingredients: Steam Distilled Pine Oil 47%; Emulsifier, Soap 12%; Isopropyl Alcohol 06%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 14961-I. Rex Chemical Corp. REX CREOLINA (COAL TAR DISINFECTANT). Active Ingredients: Coal Tar Acid 7.86%; Phenol 6.55%; Isopropyl Alcohol 24.25%; Caustic Soda 3.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA Reg. No. 201-211. Shell Chemical Co., Suite 200, 1025 Connecticut Ave. NW, Washington DC 20036. NEMAGON 12.1 C EMULSIBLE CONCENTRATE SOIL FUMIGANT. Active Ingredients: 1,2-Dibromo-3-Chloropropane 80.00%; Other Halogenated C3 Compounds 4.21%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA Reg. No. 201-151. Shell Chemical Co., Suite 200, 1025 Connecticut Ave. NW, Washington DC 20036. NEMAGON 12.1 C CONCENTRATE SOIL FUMIGANT. Active Ingredients: 1,2-Dibromo-3-Chloropropane 81.7%; Other Halogenated C3 Compounds 4.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

[FR Doc.75-24227 Filed 9-11-75; 8:45 am]

[FRL 430-4; OPP-180038B]

#### WYOMING DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption and Extension To Control Rabid Skunks in Campbell and Crook Counties

Pursuant to the provisions of sections 6 and 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Wyoming Department of Agriculture (hereafter referred to as the "Applicant") to use strychnine alkaloid or strychnine sulfate baits in a rabid skunk control program in Campbell and Crook Counties, Wyoming. The control program is designed to reduce the probability of exposure of man and domestic animals to rabies. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions. The section 18 regulations provide that the Administrator may grant an emer-

agency exemption to a Federal or State agency under the Act.

midwestern tall grass prairie areas, and in local areas of the far West.

(8) Experienced personnel from State agencies under the Applicant's supervision.

mation, interested parties are referred to the Office of the Director, Registration Division (WH-567), Office of Pesticide

March 17, 1971, requested Gross to furnish relevant information with respect to its practices in this regard. The Bureau

memorandum from Thomas B. Jones to H. F. Gross advised Gross both that WITM-TV had been cutting out of net-



gency exemption to a Federal or State agency when the following conditions exist:

(a) A pest outbreak has or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest; (b) significant economic or health problems will occur without the use of the pesticide; and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use. 40 CFR 166.1.

The exemption is also subject to the provisions of 40 CFR Part 164, specifically, the new Subpart D, published in the Federal Register on March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the request is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. Therefore, the exemption cannot be granted without the requirement of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 6 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

- (1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and
- (2) That there is no other feasible solution to such risk; and
- (3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by section 164.131; and
- (4) That the public interest requires the granting of the requested use as soon as possible. 40 CFR 164.133.

On February 14, 1974, the Applicant requested permission to use strychnine alkaloid in a program of skunk control in areas where rabid animals had been found. A specific exemption was granted March 14, 1974, for a program permitting the use of strychnine alkaloid-treated eggs and paraffin lard baits within a three-mile radius of points at which rabid animals had been taken in Campbell and Crook Counties. Subsequently, the exemption was extended to November 30, 1974, following the identification of additional rabid skunks in both counties. Numerous complaints had been lodged regarding the appearance of skunks in daylight hours (unusual for this species) in and around towns, ranches, and farmstead yards. Skunks and foxes have been responsible for 14 human rabies deaths in the United States since 1951; these two species have been the most frequently infested every year since 1960. In a report entitled "Control of Rabies", the National Academy of Sciences published a report which indicated that rabies is endemic in skunks throughout the Mississippi River drainage, the

## NOTICES

midwestern tall grass prairie areas, and in local areas of the far West.

In 1975, the Applicant requested another specific exemption to use strychnine alkaloid for rabid skunk control; the basis of the threat to public health was the discovery of five (5) rabid skunks and one (1) rabid cow in Campbell and Crook Counties between January 6 and February 20, 1975. As of April 2, 1975, the Applicant had reported the discovery of three (3) additional cases of rabid skunks in the proposed treatment area.

In light of the above and pursuant to the controlling regulations, the Administrator determined that (a) a pest outbreak of rabid skunks had occurred; (b) there was no pesticide presently registered for use in suppressing populations of rabid skunks in Wyoming; (c) the application presented a situation involving a need to use the pesticide as requested to prevent an unacceptable risk to human health; (d) there was no other feasible solution to such human health risk; (e) the time available to avert the risk to human health was not sufficient to convene a hearing; and (f) the public interest required the granting of the requested use as soon as possible. Accordingly, the Applicant was granted a specific exemption to use strychnine baits in defined areas of Campbell and Crook Counties. The specific exemption was subject to the following conditions:

- (1) The area to be treated will be limited to Campbell and Crook Counties between 44 degrees, 0 minutes and 44 degrees, 45 minutes north latitude and between 104 degrees, 15 minutes and 105 degrees, 50 minutes west longitude;
- (2) The poison baits will be chicken eggs, each containing one-half grain of strychnine alkaloid or strychnine sulfate. Each egg will contain green food coloring and will be marked "Poison" in red;
- (3) The amount of strychnine alkaloid or strychnine sulfate used in the program shall not exceed six (6) ounces;
- (4) Treatment will begin as soon as the strychnine active ingredient can be obtained and will be completed in both counties within thirty (30) days and no later than August 15, 1975;
- (5) The maximum number of strychnine baits per three (3) mile radius of confirmed rabid skunks will be 500. Each bait station will be posted with warning signs;
- (6) Baits will be placed under buildings, in road culverts, in skunk dens, and in other relatively inaccessible locations to reduce exposure of non-target species. Baits will not be placed within 100 feet of wells, ponds, or streams;
- (7) In rural areas, baits will be located at least 500 yards from areas of human habitation. Warning signs will be posted at all access roads to treated properties. In urban areas near human dwellings, every resident within the treatment area will be notified verbally and in writing of the time period in which bait will be exposed in the vicinity to assure the protection of small children and pets. In urban areas, egg baits will be set out each evening and retrieved each morning;

(8) Experienced personnel from State agencies under the Applicant's supervision will formulate the baits, obtain permission of landowners to bait their properties, advise landowners and residents of necessary precautions, and set out the baits;

(9) Upon completion of the exposure period at a specific location, all unconsumed egg baits will be retrieved and placed, individually broken, in a trench, mixed with soil, and covered with at least eighteen inches of soil;

(10) Data recorded for each bait station will include the numbers of eggs placed, numbers of eggs consumed, numbers of eggs retrieved and buried, and the location of the disposal site;

(11) Monitoring data for the program shall include: (a) number and location of live skunks confirmed rabid, (b) number and location of dead skunks confirmed rabid, (c) total of skunks killed, and (d) number and location of non-target species killed by poisoning; and

(12) Requests for temporal and spatial extensions of the strychnine bait program must be approved by the Registration Division, EPA, Washington, D.C. 20460.

On July 18, 1975, the Applicant contacted the Registration Division and requested an extension in the expiration date from August 15, to October 15, 1975, because its available personnel were engaged in other programs and would not be able to initiate the poisoned bait program authorized until August 1, 1975. The Applicant also requested permission to treat all of Campbell and Crook Counties, because five confirmed cases of rabid animals were discovered outside the area designated for treatment under the specific exemption granted. Finally, the Applicant requested that the 500-yard restriction for placing treated eggs around farmsteads be lifted, because a large percentage of the rabid skunks occur in, around, and under these farmstead buildings.

After reviewing all available information and consultation with the Rabies Control Unit, Center for Disease Control, Atlanta, Georgia, EPA has decided to grant the extension of the specific exemption; the exemption will expire October 15, 1975. The treatment area is limited to Campbell and Crook Counties, with treatment of both Counties being completed within a 45-day period. The restriction against placing strychnine baits within 500 yards of areas of human habitation has been rescinded, to the extent that treatment of unoccupied buildings is allowed; specifically, strychnine baits are excluded from placement in, under, or around occupied farmstead buildings but may be placed in, under, or around unoccupied buildings, such as abandoned bunkhouses, corn cribs, silos, outhouses, machinery sheds, barns, etc. All other restrictions noted in the specific exemption previously granted remain in force.

This notice contains a summary of certain information set forth in the applications for the specific exemption and the extension. For more detailed information, interested parties are referred to the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

Dated: September 5, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 75-24232 Filed 9-11-75; 8:45 am]

FEDERAL COMMUNICATIONS  
COMMISSION

[Docket No. 20014; File No. BR-830, etc.;  
FCC 75R-331]

## GROSS TELECASTING, INC.

Memorandum Opinion and Order Enlarging  
Issues

In re Applications of Gross Telecasting, Inc., For Renewal of Licenses for Stations WJIM, WJIM-FM, WJIM-TV, Lansing, Michigan; Docket No. 20014, File Nos. BR-830, BRH-1052, BRSCA-207, BRCT-68.

1. The applications of Gross Telecasting, Inc. (Gross) for renewal of broadcast licenses of WJIM, WJIM-FM, and WJIM-TV, Lansing, Michigan, were designated for hearing by Memorandum Opinion and Order FCC 74-374, 46 FCC 2d 543, released April 22, 1974. Subsequently, the Review Board specified, *inter alia*, a network "clipping" issue against Gross.<sup>1</sup> The Board presently has under consideration a petition to enlarge issues,<sup>2</sup> filed May 13, 1975, by the Broadcast Bureau (Bureau) which seeks addition of the following issues against Gross:

(a) To determine whether, in connection with a letter submitted to the Commission on March 25, 1971, Harold F. Gross and/or Gross Telecasting, Inc. made misrepresentations, lacked candor, or failed to ascertain the true facts with respect to the "covering" of network programming by local material on Station WJIM-TV; and

(b) To determine, in light of the evidence adduced pursuant to issue (a) above, whether Harold F. Gross and/or Gross Telecasting, Inc. possess(es) the requisite character qualifications to be or to remain a licensee of this Commission.

2. As relevant background to its request, the Bureau relates that a March 2, 1971, letter to the Commission from a WJIM-TV viewer stated that the station frequently ran local commercials in lieu of network programming and, as a result, the station joined or rejoined the "CBS Evening News" late, and chronically joined or rejoined "The Merv Griffin Show" late. In light of the complaint, the Bureau continues, the Commission, on

<sup>1</sup> See 48 FCC 2d 1186, 31 RR 2d 796 (1974), 39 FR 37093.

<sup>2</sup> Related pleadings before the Board are: (a) opposition, filed June 9, 1975, by Gross; (b) comments, filed June 9, 1975, by the Lansing Branch of the American Civil Liberties Union of Michigan (ACLU); and (c) reply, filed June 19, 1975, by the Bureau.

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March 17, 1971, requested Gross to furnish relevant information with respect to its practices in this regard.<sup>3</sup> The Bureau notes that in a response dated March 25, 1971, H. F. Gross, then president of the licensee, stated, in part, that "[i]t is not now, nor has it been in the past, our policy or practice to insert locally originated commercial material within the body of a network telecast," that WJIM-TV has inserted local advertisements only in authorized designated times and positions, that WJIM-TV broadcasts a full 30 minutes of local news if network programming runs beyond 11:00 p.m. and, in such cases, joins "The Merv Griffin Show" in progress, and that WJIM-TV's newscasters present a lead-in to "The CBS Evening News" which is designed for a precise network join at exactly 6:30 p.m.

3. Various internal memoranda of the licensee, either written by or to H. F. Gross prior to his response to the Commission's March 17, 1971, inquiry, the Bureau asserts, support its allegation that H. F. Gross either knew, or should have known, that the representations made to the Commission in his March 25, 1971, letter were inaccurate or misleading.<sup>4</sup> Thus, for example, the Bureau explains that a September 15, 1970, H. F. Gross memorandum states, *inter alia*, that WJIM-TV's local commercials should not be affected "due to trying to rejoin the Merv Griffin show on their cue" and that "if they cut us short or the local commercial cut-in is longer than their break, then we should join Griffin late . . . and not lose a commercial announcement." Memoranda dated August 18, 1969, and December 28, 1970, from H. F. Gross to station personnel urge, in part, either cutting out of the preceding show early or eliminating the network credits or promotions so that the local advertisements can be run and the network program joined or rejoined on time. Moreover, a November 12, 1969,

<sup>3</sup> Specifically, the Commission sent Gross the following inquiry: Did or does Station WJIM-TV insert advertising in network programs at other than the scheduled times in such a manner as to affect the program content of such broadcasts? If so, state when and under what circumstances, and whether it is the policy of the licensee to insert commercial or other material in programs, join them late or leave them early with such effect.

<sup>4</sup> In addition, the Bureau relies on the deposition of one of the memoranda authors, Thomas B. Jones, then operations director of WJIM-TV.

<sup>5</sup> The information upon which the Bureau relies allegedly came to light during discovery proceedings undertaken in connection with the "clipping" issue. More specifically, the Bureau states that three of the letters pertinent to its request were not made available by Gross until the week of April 19, 1975. As a result, the Bureau maintains that good cause exists for the late filing of its petition under the reasoning of *Chicagoland TV Co.*, 5 FCC 2d 154, 8 RR 2d 758 (1966), and that, in any event, the allegations raised by it and the likelihood of their proof at hearing requires addition of the requested issues under the doctrine of *The Edgefield-Saluda Radio Company (WJES)*, 5 FCC 2d 148, 8 RR 2d 611 (1966).

memorandum from Thomas B. Jones to H. F. Gross advised Gross both that WJIM-TV had been cutting out of network programs early, thereby "clipping or eliminating" network promotions and that the breaks scheduled by the station during "The Merv Griffin Show" had been longer than those provided by the network resulting in the station rejoining the program late.

4. In sum, the thrust of the Bureau's petition is that the memoranda disclose that H. F. Gross seemingly was aware, in the period 1969-1971, of frequent late joins or rejoins to network programming as a result of the running of local commercials and the practice of running a full 30 minutes of local news at 11:00 p.m., even when this resulted in joining a network program already in progress.<sup>5</sup> The Bureau submits that memoranda it has described, when compared with H. F. Gross' March 25, 1971, letter, raises a substantial question of whether the licensee intentionally made misrepresentations to the Commission in responding to the "clipping" inquiry. Moreover, the Bureau asserts that H. F. Gross had a duty to affirmatively ascertain the true facts surrounding the "clipping" issue in responding to the Commission, and the failure to exercise that duty also raises a question as to the licensee's basic qualifications, citing *WPRY Radio Broadcasters, Inc.*, 40 FCC 2d 1183, 27 RR 2d 1043 (1973); *Milton Broadcasting Co.*, 34 FCC 2d 1038, 24 RR 2d 369 (1972). The petition is supported by the ACLU.

5. Gross, in opposition, avers that the Bureau, which has been in possession of documents relating to the requested issues for four years, has taken the memoranda out of context and distorted positive management directives which are consistent with its March 1971 response to the Commission's inquiry, in order to derive a negative inference of irregularity. Further, Gross submits that the Bureau selected only a small number of the memoranda bearing on management supervision of WJIM-TV and has omitted other material regarding compliance with the Commission's policies on "clipping". Moreover, it is urged that the Bureau has relied heavily on allegations relating to 1969, a time far removed from the March 1971 date of the correspondence between the Commission and H. F. Gross. Finally, Gross submits that the requested issues are unnecessary since evidence relating to the March

<sup>6</sup> The Bureau attaches various other memoranda which allegedly reflect that Gross was not only aware of but also involved in specific instances of "covering".

<sup>7</sup> In this regard, Gross notes that: (1) three memoranda instruct personnel to join network news programs on time; (2) four documents urge adherence to a WJIM-TV policy of joining "The Merv Griffin Show" in progress only where necessary for carriage of a full 30 minutes of local news which started after 11:00 p.m. due to a long network movie or for extended local editorials; and (3) other memoranda deal with technical execution and scheduling practices to avoid commercial clutter.

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may be explored, to be a licensee? Accordingly, the Board is a petition to enlarge issues, filed

Hunter-Arnette Broadcasting Co., Ocala, Florida, Docket No. 20512, File No.

principals, management-level or prospective management-level employees or

[Dockets Nos. 20305, 20308; Files Nos. BRCT-53, BPCT-4580; FCC 75R-329]



1971 correspondence may be explored under the designated "clipping" issue.

6. In reply, the Bureau argues that even though it has been in possession of the viewer letter and correspondence between H. F. Gross and the Commission for four years, the alleged misstatements were not apparent on their face, and that it was not until the letter from Gross was viewed in the context of the recently discovered memoranda that the misstatements became apparent. With regard to Gross' contention that the majority of the memoranda were consistent with H. F. Gross' response to the Commission, the Bureau notes that the documents referred to by Gross do not include those damaging to the licensee. Moreover, the Bureau asserts, what is important is whether the licensee's policies were fully and accurately represented to the Commission, not whether those policies are valid. The Bureau cites FCC v. WOKO, Inc., 329 U.S. 223 (1946) in support. Thus, the Bureau reasons that Gross' explanations of the memoranda it does discuss are inadequate.

7. The Review Board will add the requested issues in light of the fact that the memoranda submitted by the Bureau appear to directly contradict H. F. Gross' unequivocal statement in his March 25, 1971, response that "[i]t is not now, nor has it ever been in the past, our policy or practice" to insert locally originated material or advertisements in network programming except when authorized.<sup>4</sup> These memoranda, contrary to Gross' response, not only indicate that specific instances of "clipping" occurred prior to Gross' March 25, 1971, response to the Commission, but that Gross was aware of the practices and sought to affirmatively correct the station's derelictions in this regard. Although some of the memoranda show that H. F. Gross tried, at times, to correct practices resulting in early leaves and/or late joins, this effort to cure station practices, albeit commendable, could in no way serve to mitigate the significance of any affirmative misrepresentations made to the Commission. Rather, as correctly noted by the Bureau, the question of whether a licensee has given false statements in response to a Commission inquiry is of independent significance in determining whether or not a licensee possesses the requisite qualifications to be a licensee.<sup>5</sup> Accordingly, the requested issues will be added.<sup>6</sup>

8. Accordingly, it is ordered, That the petition to enlarge issues, filed May 13, 1975, by the Broadcast Bureau, is granted; and

9. It is further ordered, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether, in connection with a letter submitted to the Commission on March 25, 1971, Harold F. Gross and/or Gross Telecasting, Inc. made misrepresentations, lacked candor, or failed to ascertain the true facts with respect to the "covering" of network programming by local material on Station WJIM-TV; and

(b) To determine, in light of the evidence adduced pursuant to issue (a) above, whether Gross Telecasting, Inc., possesses the requisite character qualifications to be or to remain a licensee of this Commission.

10. It is further ordered, That the burden of proceeding with the introduction of evidence under the foregoing issues shall be upon the Broadcast Bureau, and that the burden of proof under the foregoing issues shall be upon Gross Telecasting, Inc.

Adopted: August 29, 1975.

Released: September 5, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 75-24322 Filed 9-11-75; 8:45 am]

[Docket No. 20510, etc.; File No. BPH-8873, etc.; FCC 75R-333]

HAROLD JAMES SHARP, ET AL.

Memorandum Opinion and Order Enlarging Issues

In re Applications of Harold James Sharp, Ocala, Florida, Docket No. 20510, File No. BPH-8873.

Greater Ocala Broadcasting Corporation, Ocala, Florida, Docket No. 20511, File No. BPH-9015.

Hunter-Arnette Broadcasting Co., Ocala, Florida, Docket No. 20512, File No. BPH-9211. For construction permits.

1. The above-captioned mutually exclusive applications seek authorizations to construct a new FM broadcast station at Ocala, Florida. Now before the Review

\* Thus, we must reject Gross' suggestion that evidence relating to the March 1971 response may be explored under the designated "clipping" issue; rather, the question of misrepresentation must be treated as a separate and potentially disqualifying issue.

<sup>5</sup> We also note that the allegations raise a question as to whether Gross failed in its duty as a licensee to accurately ascertain the facts requested by the Commission. See WPRY Radio Broadcasters, Inc., supra, and Milton Broadcasting Co., supra.

<sup>6</sup> On August 7, 1975, Greater Ocala Broadcasting Corporation filed comments supporting the Bureau's petition (40 FR 27717).

<sup>7</sup> Board member Kessler dissenting to placing the burden of proceeding on the Broadcast Bureau.

Board is a petition to enlarge issues, filed on July 30, 1975, by the Broadcast Bureau, requesting the addition of an air hazard issue against Hunter-Arnette Broadcasting Co. (Hunter-Arnette).

2. The Bureau's unopposed petition will be granted. The request is predicated on a letter from an FAA official to an officer of Hunter-Arnette which, according to petitioner, was transmitted to Bureau counsel on July 23, 1975. In the letter, the FAA official states that Hunter-Arnette's antenna proposal would require a change in the landing procedure at Ocala Municipal Airport which would "have a substantial adverse effect upon aeronautical operations," and recommends that another site be selected by the applicant. Absent some showing to the contrary, the Board is of the view that this letter raises a substantial question as to whether Hunter-Arnette's proposal would constitute a hazard to air navigation, and an appropriate issue will therefore be specified.

3. Accordingly, it is ordered, That the Broadcast Bureau's petition to enlarge issues, filed on July 30, 1975, is granted, and that the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether there is a reasonable possibility that the tower height and location proposed by Hunter-Arnette Broadcasting Co. would constitute a hazard to air navigations.

4. It is further ordered, That the burden of proceeding with the introduction of evidence under the issue added herein SHALL BE on the Broadcast Bureau, and the burden of proof SHALL BE on Hunter-Arnett Broadcasting Co.

Adopted: September 3, 1975.

Released: September 5, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 75-24324 Filed 9-11-75; 8:45 am]

[Docket No. 20510, etc.; File No. BPH-8873, etc.; FCC 75R-334]

HAROLD JAMES SHARP, ET AL.

Memorandum Opinion and Order Enlarging Issues

In re application of Harold James Sharp, Ocala, Florida, Docket No. 20510, File No. BPH-8873.

Greater Ocala Broadcasting Corporation, Ocala, Florida, Docket No. 20511, File No. BPH-9015.

<sup>1</sup> On August 7, 1975, Greater Ocala Broadcasting Corporation filed comments supporting the Bureau's petition (40 FR 27717).

<sup>2</sup> Board member Kessler dissenting to placing the burden of proceeding on the Broadcast Bureau.

Hunter-Arnette Broadcasting Co., Ocala, Florida, Docket No. 20512, File No. BPH-9211; For Construction Permits

1. This proceeding involves the mutually exclusive applications of Harold James Sharp (Sharp), Greater Ocala Broadcasting Corporation (Greater Ocala) and Hunter-Arnette Broadcasting Co. for construction permits for an FM broadcast facility for Ocala, Florida. Presently before the Review Board is a petition to enlarge issues, filed July 15, 1975, by Greater Ocala seeking the addition of a *Suburban* issue against Sharp.<sup>1</sup>

2. In support of its request, Greater Ocala alleges that Sharp has failed to fulfill the requirements of the Commission's *Primer on Ascertainment of Community Problems by Broadcast Applicants*<sup>2</sup> in three significant respects. First petitioner points out, although Sharp's demographic showing describes tourism, agricultural, union and industry groups as significant groups in the community, Sharp's listing of community leaders surveyed fails to include a single community leader associated with any of these groups.<sup>3</sup> This failure, contends Greater Ocala, is clearly contrary to the requirements of Q. & A. 10 of the *Primer*, supra, and Commission precedent, citing for support numerous cases including *Voice of Dixie, Inc.*, 45 FCC 2d 1027, 29 RR 2d 1127 (1974); *Sandern of Iowa, Inc.*, 23 FCC 2d 453, 19 RR 2d 154 (1970); and *North American Broadcasting Co., Inc.*, 21 FCC 2d 631, 18 RR 2d 452 (1970).

Greater Ocala next asserts that respondent has failed to comply with Q. & A. 13 (b) of the *Primer* since, although Sharp states that his public survey was done "at random" and "was . . . balanced," the methodology used to assure the randomness of the general public survey is not described.<sup>4</sup> Finally, petitioner asserts that Sharp has failed to specifically identify which assessed need will be treated by his proposed programming, as required by the *Primer* Q. & A. 29. Based on these alleged deficiencies, Greater Ocala argues that a *Suburban* issue should be added against Sharp. The Broadcast Bureau in addition to urging that Greater Ocala has persuasively demonstrated the need for a general *Suburban* issue against Sharp, asserts that Sharp's application contains one further deficiency, namely, it fails to show whether the parties who conducted the general public survey were

<sup>1</sup> The following related pleadings are also before the Board: (a) opposition, filed July 24, 1975, by Sharp; (b) reply, filed July 24, 1975, by Greater Ocala; (c) comments, filed July 30, 1975, by the Broadcast Bureau; and (d) motion to oppose reply, filed August 7, 1975, by Sharp. The pleading filed August 7, 1975, by Sharp is an unauthorized pleading and, as such, will be disregarded. See 40 FR 27717.

<sup>2</sup> 27 FCC 2d 650, 21 RR 2d 1507 (1971).

<sup>3</sup> Petitioner concedes that Sharp apparently interviewed an individual associated with the Florida Thoroughbred Farm Manager's Club, but claims that no interviews with traditional agricultural groups are included.

<sup>4</sup> Citing, *inter alia*, *Bud's Broadcasting Co.*, 51 FCC 2d 238, 32 RR 2d 1290 (1975).

principals, management-level or prospective management-level employees or members of a professional research or survey service as required by the *Primer*, Q. & A. 11(b).<sup>5</sup>

3. In opposition, Sharp submits *inter alia* a description of the methodology used to assure the randomness of his general public survey,<sup>6</sup> identifies the interviewers, and identifies specific proposed programs related to assessed community needs. Further, Sharp asserts that the broad spectrum of community leaders interviewed results in an ascertainment that exceeds the requirements of the *Primer*. Finally, Sharp argues, the community leaders interviewed represent all facets of community influence even though many interviewees are not organizationally identifiable due to their overlapping concerns. Thus, avers Sharp, a *Suburban* issue is not warranted.

4. The Review Board will add the requested issue. While Sharp's opposition appears to respond in some measure to the alleged deficiencies relating to the method employed to ensure a random general public survey, the identity of the interviewers, and the specific programming proposed to meet ascertained needs, the Board may not take cognizance of this information since it has not been the subject of an amendment to Sharp's application. In any event, it is our view that an issue is required in light of apparent deficiencies in Sharp's community leader survey. The *Primer*, and related case law clearly require consultation with community leaders chosen on the basis of the composition of the community. As a result, inasmuch as Sharp's survey effort apparently fails to include leaders from groups which Sharp himself has classified as significant, independent justification for adding the requested issue exists.

5. Accordingly, it is ordered, that the petition to enlarge issues, filed July 15, 1975, by Greater Ocala Broadcasting Corporation, IS GRANTED, and that the issues in this proceeding ARE ENLARGED to include the following issue:

To determine the efforts made by Harold James Sharp to ascertain the community problems of the area to be served and the manner in which the applicant proposes to meet these problems.

6. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein SHALL BE upon Harold James Sharp.

Adopted: September 3, 1975.

Released: September 5, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 75-24325 Filed 9-11-75; 8:45 am]

<sup>5</sup> See *Folkways Broadcasting Co., Inc.*, 48 FCC 2d 723, 31 RR 2d 427 (1974).

<sup>6</sup> Sharp explains that its general public interviews were conducted by random telephone sampling; specifically, the applicant attempted to reach every fifth name in the telephone book.

[Dockets Nos. 20305, 20308; Files Nos. BRCT-53, BPCT-4580; FCC 75R-329]

POST-NEWSWEEK STATIONS, FLA., INC. (WJXT) AND ST. JOHNS TELEVISION CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Post-Newsweek Stations, Florida, Inc. (WJXT), Jacksonville, Florida, Docket No. 20305, File No. BRCT-53; For Renewal of Broadcast License.

St. Johns Television Company, Jacksonville, Florida, Docket No. 20308, File No. BPCT-4580; For Construction Permit for New Television Broadcast Station.

1. The Review Board has before it for consideration a motion, filed January 22, 1975, by Post-Newsweek Stations, Florida, Inc., licensee of television broadcast station WJXT, Jacksonville, Florida (WJXT), seeking the addition of four issues against a competing applicant, St. Johns Television Company (St. Johns).<sup>1</sup> WJXT requests a *Suburban* issue, relating to St. Johns' community leader survey, a Section 1.580/1.526 issue, and character and Section 1.65 issues based upon a Federal Reserve Board (FRB) determination that a trust, of which a St. Johns principal is a trustee, had violated federal banking laws.

SUBURBAN ISSUE<sup>2</sup>

2. Based upon an investigation of a sample of the interviewees listed in St. Johns' community leader survey, WJXT alleges that the applicant's ascertainment efforts are deficient and/or defective.

<sup>1</sup> Related pleadings before the Board are: (a) opposition, filed April 25, 1975, by St. Johns; (b) comments, filed April 25, 1975, by the Broadcast Bureau; (c) motion for leave to file supplement to opposition, and supplement to opposition, filed April 28, 1975, by St. Johns; and (d) reply, filed May 21, 1975, by Post-Newsweek. St. Johns' motion is unopposed and will be accepted together with the supplement itself. See also 40 FR 39546.

<sup>2</sup> An additional requested issue, dealing with alleged misrepresentation by St. Johns in connection with the community leader survey, has been withdrawn by WJXT. The gravamen of that request was that 13 of the 60 leaders interviewed by St. Johns and investigated by WJXT stated to WJXT's investigators that they had no recollection of the interviews, and that one interviewee apparently was fictitious. Based on the fact that St. Johns has successfully refreshed the recollection of five of the 13 interviewees and established the existence of the allegedly fictitious interviewee, and that only two of the other eight interviewees were willing to provide WJXT investigators with affidavits, WJXT concluded that the record does not support the addition of a misrepresentation issue. The Board agrees with WJXT and, accordingly, is of the view that no further consideration of this aspect of WJXT's request is warranted. See *CBS Inc. (WCAU-TV)*, 49 FCC 2d 1214, 32 RR 2d 271 (1974).

<sup>3</sup> WJXT states that it investigated 60 of St. Johns' 268 person community leader survey filed with the Commission on January 28, 1974, but that it was only able to contact 47 individuals directly.

view in several important respects.<sup>1</sup> WJXT first asserts that several of St.

3. St. Johns opposes the requested *Suburban* issue and asserts that the ascer-

not specify a given time limit for interviews. Although opponent notes that the

or not contacted in sufficient number and that St. Johns' listing of "mass media" as a problem constitutes a distortion of

the listing of "mass media" as a problem was not elicited by means of valid survey questions.

suite number was not disclosed until the publication of St. Johns' January 1975 public notice advising that its applica-



tive in several important respects.<sup>1</sup> WJXT first asserts that several of St. Johns' interviews were not ascertainment consultations since the community leaders were not asked to identify community problems, needs and interests. Movant next maintains that St. Johns' ascertainment questions frequently were incidental to the solicitation of views and comments on WJXT in particular and television programming in general, questions which, movant asserts, are not considered adequate for purposes of ascertainment. *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971), Q. & A. 18 (*Primer*). Additionally, WJXT alleges that a significant portion of St. Johns' sampled interviews typically were of short duration, some only 3-5 minutes<sup>2</sup> and, therefore, too brief to establish a meaningful dialogue for the ascertainment of community needs and problems. *Primer*, Q. & A. 19. The significance of the brevity of the interviews is compounded, in WJXT's view, by the fact that a large number of the interviews were conducted by telephone.<sup>3</sup> WJXT asserts further that St. Johns' interviewers erred in often failing to identify St. Johns for the purpose of the interviews and that this failure also inhibited ascertainment.<sup>4</sup> Further, WJXT argues that St. Johns' ascertainment practices, particularly its emphasis on programming questions, resulted in a distortion in the results of its survey as evidenced by its ascertainment of "mass media" as a major problem.<sup>5</sup> Finally, movant alleges that the survey is unrepresentative in that leaders of youths, students and the poor were not interviewed, and leaders in public education, agriculture and labor were not interviewed in sufficient numbers.

<sup>1</sup>In support of its allegations, WJXT attaches numerous affidavits from both individuals interviewed by St. Johns and its own investigators. To the extent that WJXT's investigators' affidavits are used to establish the facts upon which WJXT's allegations are based, they will be disregarded as hearsay, not based upon the affiant's personal knowledge of the facts alleged. Section 1.229(c) of the Rules.

<sup>2</sup>WJXT submits that 13 of the sampled interviews lasted between two and five minutes and four of the interviews lasted between five and ten minutes.

<sup>3</sup>St. Johns' opposition concedes that many of its community leader interviews were conducted via telephone. See also note 16, *infra*, and the accompanying text.

<sup>4</sup>It should be noted that the affiants generally did not aver that the interviewer definitely did not identify himself but, rather, that to the best of their recollection, the interviewer did not state his affiliation with St. Johns.

<sup>5</sup>WJXT argues that in frequently soliciting community leader opinions on WJXT and television programming, St. Johns may have been deliberately attempting to create a community problem which that applicant has captioned "mass media". Thus, WJXT alleges that interviewees were often asked to comment on local media, the types of television programming that they enjoyed and how local television service could be improved. Questions regarding programming prefer-

3. St. Johns opposes the requested *Suburban* issue and asserts that the ascertainment efforts of its principals comply with the requirements of the *Primer*.<sup>1</sup> Initially, the applicant notes that WJXT has investigated only 60 of the more than 300 community leader interviews that it conducted and has submitted only 47 affidavits. Of these, St. Johns argues, 22 are hearsay affidavits of WJXT's investigators which must be discounted as not being in compliance with the personal knowledge requirement of Section 1.229(c) of the Rules. *CBS Inc. (WCAU-TV)*, *supra*. Further, opponent observes that many of WJXT's remaining 25 affidavits are not unequivocal, but rather contain statements from interviewees indicating that they remember being interviewed by St. Johns but cannot recall details of the interview. This, St. Johns asserts, is an insufficient basis for the addition of the requested issue.

4. Substantively, St. Johns maintains that interviewees were asked their views on community problems and, further, that the interviews were not used primarily to solicit views on WJXT.<sup>2</sup> Opponent attaches twenty-two affidavits from interviewees investigated by WJXT who state, after having their memories refreshed by St. Johns' interviewers, that their views on community problems were, in fact, solicited by St. Johns' interviewers.<sup>3</sup> In response to the allegation that the interviews were too brief to be meaningful, St. Johns submits that WJXT's affidavits, only seven of which may be relied upon in this regard, are not sufficiently precise or definite to support the charge. In any event, the applicant maintains, aside from the fact that dialogues were in fact established, the *Primer* does

ences, WJXT continues, are irrelevant to ascertainment interviews, but, nevertheless, responses to such questions were reported by St. Johns as a dominant community problem—"mass media". The conclusion that St. Johns' "mass media" category is a distortion of its community leader survey is supported, in WJXT's opinion, by the fact that none of the other three applicants in this proceeding reported a comparable problem in their community leader surveys and that "mass media" is only barely mentioned in the results of their general public surveys.

<sup>2</sup>In its discussion of the *Primer*, St. Johns suggests that that document is directed towards requiring established stations to develop a continuing dialogue with community leaders. WJXT has erroneously applied this standard to St. Johns, the applicant avers, rather than the appropriate standard applicable to new applicants, that of ascertaining community needs and planning responsive programming. See, however, *Primer*, 27 FCC 2d at 655, 21 RR 2d at 1513; *Notice of Inquiry and Proposed Rulemaking*, FCC 75-540, 40 FR 22092 n. 1, published May 20, 1975.

<sup>3</sup>St. Johns adds, however, that some of the community leaders who frequently deal with the media did offer their opinions on WJXT and/or television programming during the interviews and, in addition, interviewers sometimes solicited views on these matters.

<sup>4</sup>St. Johns suggests that sufficient time had elapsed between its interviews and WJXT's investigation so as to have blurred the recollection of the interviewees with respect to the precise details of the original interviews.

not specify a given time limit for interviews. Although opponent notes that the *Primer* does not expressly require that an interviewer identify his affiliation with an applicant, St. Johns also disputes the contention that its interviewers failed to identify their affiliation, and, again St. Johns attaches affidavits from interviewees to substantiate this position. Turning to the fact that many of its interviews were conducted by telephone, St. Johns states that the *Primer* does not prescribe the use of telephones for community leader surveys, and, it asserts, regardless of the length of interviews, dialogues were established with those leaders who were contacted by telephone.<sup>5</sup> St. Johns also denies that it distorted the results of its survey to show "mass media" to be a major problem in the community. Finally, St. Johns disputes the argument that its survey was unrepresentative in terms of several groups, noting the various leaders from each of the above groups that it surveyed and, further, that it is the representative nature, and not the number, of leaders interviewed which is the appropriate criterion for assessing community leader surveys.

5. The Broadcast Bureau, in its comments, observes that WJXT's investigation reached only a limited number of the community leaders surveyed by St. Johns; nevertheless, the Bureau urges that WJXT has raised serious questions concerning St. Johns' community leader survey, thereby warranting the addition of a *Suburban* issue. First, the Bureau notes that several St. Johns' interviewees state that they were not asked to identify community needs and problems but rather were asked for their views on WJXT and general television programming, which questions, the Bureau continues, are inappropriate in an ascertainment interview. The Bureau is also troubled by the short length of several of the interviews and questions whether the contacts were too brief to have established the meaningful dialogue mandated by the *Primer*. This doubt, the Bureau continues, is compounded by the interviewer's failure to identify his affiliation. In sum, in the absence of a satisfactory explanation for these deficiencies, the Bureau supports the addition of a *Suburban* issue. The Bureau rejects, however, addition of the issue on the basis of telephone contacts since use of the telephone is not *per se* unacceptable and because there is no indication of extensive use of such method. Finally, the Bureau rejects WJXT's contentions that leaders from various groups were either not contacted

<sup>5</sup>In so doing, St. Johns distinguishes *Southern California Broadcasters Association*, 47 FCC 2d 519, 29 RR 2d 1739 (1974), and *Media, Inc.*, 41 FCC 2d 30, 27 RR 2d 1077 (1973), cited by WJXT, on the grounds that the interviewers in the cited cases were strangers to the proposed service area while the interviewers in the instant case are long-time residents of the service area and, additionally, the telephone interviews were formalized by contemporaneous notes and follow-up letters sent to each interviewee.

or not contacted in sufficient number and that St. Johns' listing of "mass media" as a problem constitutes a distortion of the survey results. Thus, the Bureau reasons that given the relatively small sample approached by WJXT, it cannot be assumed that deficiencies are likely to exist throughout the entire survey effort. And, the Bureau notes that petitioner has not shown that the elicitation of "mass media" as a community need or problem was not arrived at by a valid survey method.

6. Turning first to the allegations that ascertainment questions either were not asked or were merely incidental to a solicitation of views on WJXT and television programming, the Board is satisfied that St. Johns' clarifying affidavits successfully rebut the allegations and affidavits submitted by WJXT. Thus, only two interviewees now state that they were asked questions on both WJXT and programming in addition to ascertainment questions.<sup>6</sup> However, even if programming questions had been regularly asked, this practice would not necessarily draw an applicant's *Suburban* showing into question, absent a showing that the applicant did not employ an otherwise adequate questioning method. *Cf. CBS Inc. (WCAU-TV)*, *supra*. Second, we are satisfied that St. Johns has interviewed leaders from significant groups, including youth, poor, public school, agriculture, labor, and blacks and, accordingly, would deny WJXT's request to the extent that it is premised upon the allegation that certain leaders were either not interviewed at all or were not interviewed in sufficient numbers. More specifically, while student and youth leaders were not contacted, leaders of groups catering to students and youths were interviewed and such representative contacts satisfy the requirements of the *Primer*. See *Jimie H. Howell*, 46 FCC 2d 960, 30 RR 2d 277 (1974).<sup>7</sup> Our review of St. Johns' survey further satisfies us that sufficient numbers of poverty group, agriculture and black leaders were interviewed by the applicant. Further, we agree with the Bureau that WJXT has not shown that

<sup>6</sup>St. Johns recontacted many of the interviewees who had executed affidavits for WJXT and obtained and submitted clarifying affidavits from these interviewees. Moreover, St. Johns submitted affidavits from its interviewer/principals in which they indicate that appropriate ascertainment interviews were conducted by them.

<sup>7</sup>As noted in the *Primer*, Q. & A. 18, the purpose of the community leader survey is not to elicit program suggestions and preferences. *Estate of John C. Mullins*, 36 FCC 2d 78, 65, 25 RR 2d 73, 81 (1972). However, an applicant is not expected to ignore such comments, and when they are offered, they should guide the interviewer to elicit comments on community problems.

<sup>8</sup>Included among the youth and student leaders contacted were officials of the YWCA and YMCA, Hot Line for Drugs, Big Brothers, the Jacksonville Youth Coordinator Boy Scouts, Boys Club, Girl Scouts, Jacksonville School Board, Florida Junior College, North Florida University, various county school superintendents, and the Duval County Teachers Association.

the listing of "mass media" as a problem was not elicited by means of valid survey questions.

7. More serious questions have been raised by WJXT, however, which require addition of a *Suburban* issue. Specifically, the Board is concerned with the high incidence of telephone contacts, both in WJXT's sample (19 out of 25), and, perhaps more importantly, as conceded in the affidavits of St. Johns' interviewer/principals, where the applicant indicated that it generally employed the telephone as the means for conducting its interviews.<sup>8</sup> Indeed, based upon the sample and the admissions, it appears that the great majority of St. Johns' community leader interviews were conducted by telephone. Thus, while we agree with St. Johns and the Bureau that, as a general rule, telephone interviews are not *per se* unacceptable, *Lexington County Broadcasters, Inc.*, 40 FCC 2d 694, 27 RR 2d 416 (1973), the material before us indicates that there may have been an extensive use of the telephone.<sup>9</sup> In this regard, we have recently held that an "extremely high percentage" of contacts by telephone raises a question as to whether meaningful dialogues were achieved between the community leaders so interviewed and the interviewers requiring the addition of a *Suburban* issue. *Cf. Julie P. Miner (KDXU)*, 52 FCC 2d 684, 687, 33 RR 2d 705, 709 (1975). Finally, while we agree with opponent that the *Primer* does not prescribe the duration of community leader surveys, *California Stereo, Inc.*, 39 FCC 2d 401, 404, 26 RR 2d 887, 892 (1973), nevertheless, the short duration of many of the interviews investigated by WJXT, may, in connection with the use of telephone contacts reinforce the need for an inquiry concerning the meaningfulness of those contacts.

#### RULE 1.526 ISSUE

8. WJXT next contends that St. Johns' official notice, published on March 29, 1974, stating that its application was available for inspection at the office of St. Johns Television Company, 223 West Adams Street, Jacksonville, Florida, when St. Johns was not listed on the building directory, resulted in St. Johns' failure to make its application readily available to the public in violation of Section 1.526 of the Commission's Rules. WJXT alleges that the application was kept at the law offices of Culverhouse, Tomlinson, Mills, De Carion and Anderson, which are located in Suite 655 at the listed address, and that the

<sup>8</sup>The affidavits submitted by the principals, note 13, *supra*, are essentially identical and state: "I conducted most of my community leader consultations by telephone. Unless I knew the name of an individual in a leadership position at the organization, my usual procedure was to telephone the organization and to ask to speak with the head man."

<sup>9</sup>This question is raised even though St. Johns took contemporaneous notes and sent follow-up letters as discussed in *Southern California Broadcasters Association*, *supra*.

suite number was not disclosed until the publication of St. Johns' January 1975 public notice advising that its application had been designated for hearing. The Bureau supports addition of the requested issue, on a comparative basis, since there is no showing that St. Johns intended to deceive the public.

9. St. Johns submits that it complied with the intent, if not the letter, of the Rules, when its March 29, 1973, notice listed the address of St. Johns and the names of officers and directors of St. Johns, including Ronald D. Fairchild, Assistant Secretary, whose name is listed on the building directory and whose office is in Suite 655. St. Johns attributes the omission of the suite number to inadvertence—at most a technical violation—and urges that WJXT has not shown that its (St. Johns') application would not have been available if the seeker had used initiative in trying to locate the file.<sup>10</sup> Therefore, opponent concludes that the requested issue is unwarranted. In the event, however, that the Board decides to add an issue, St. Johns argues that it should be added on a comparative basis only.

10. The Board will specify a public file issue against St. Johns. In so doing, we note that St. Johns did publish the address, although incomplete, where its file was kept even though WJXT has established that there was no listing for St. Johns at the address specified in its notice. Thus, without engaging in the exacting efforts suggested by St. Johns in its opposition, a member of the public could not have readily obtained access to the file as contemplated by the Rules. In the absence of a showing of intent to impede access, however, we will add the issue on a comparative basis only. *Cf. Kennebec Western Broadcasting Co.*, 51 FCC 2d 1154, 33 RR 2d 343 (1975).

#### ISSUES RELATING TO WILLIAM MILLS

11. WJXT's final requests are for the addition of character and Section 1.65 issues against St. Johns based upon the fact that William Mills, a St. Johns principal, has, since 1965, been a trustee of the Alfred I. duPont Testamentary Trust, which the Federal Reserve Board (FRB) has found to have violated the Bank Holding Company Act of 1956, 12 USC §§ 1841, *et seq.* As related by WJXT,

<sup>10</sup>St. Johns asserts that without the need for any additional information and by using common sense, a member of the public could have found St. Johns' application by any of the following means: locating Fairchild's name on the building directory and proceeding to Suite 655; asking the building guard whether any of the persons listed in the notice had offices in the building; telephoning or writing to the Florida Secretary of State to obtain St. Johns' address; telephoning one of the persons listed in the notice and asking him where the public file was located; or telephoning WJXT and asking where St. Johns' file was located.

<sup>11</sup>WJXT characterizes the Act as being in the nature of antitrust legislation, and notes that the Trust did not contest the FRB's charges.

pursuant to a 1966 amendment to the Bank Holding Company Act, the duPont

14. Both of the requested issues will be denied. Whether or not the FRB's ac-

with the provisions of Section 1.526 of the Commission's Rules, and, if so, to determine the effect thereof on its com-

vision system must carry. On March 15, 1975, WTCI began offering late-night

programming free-of-charge prior to filing a tariff schedule, and that WTCI's offer-

hours per day and that the actual programming delivered, "shall be deter-



pursuant to a 1966 amendment to the Bank Holding Company Act, the duPont Trust was required either to divest itself of non-bank businesses or else to relinquish its control of some 30 Florida Banks. In its violation notice of July 1975, WJXT continues, the FRB, *inter alia*, announced its preliminary conclusion that, although the Trust's interests in the 30 banks had been transferred to a newly created bank holding company whose shares were sold to the public, the Trust had in fact retained control of the new holding company and its 30 banks in violation of the statute. The Trust did not contest any of the charges, movant notes, and the Board's preliminary notice became a final determination of violation requiring the Trust to terminate its unlawful control. Movant urges that the violation of the Act by the Trust and the alleged role of Mills as a Trustee requires the addition of a character issue to examine the nature and extent of Mills' involvement and the impact thereof on St. Johns' character qualifications. In addition, WJXT asserts that St. Johns failed to report the violations of the Act or the FRB's proceeding to the Commission in violation of Section 1.65 of the Rules.

12. St. Johns asserts that the requested issues are both procedurally and substantively unsupported. First, St. Johns notes that the only factual support for the allegations submitted by WJXT consists of the FRB's preliminary notice and order and that nothing in those documents supports WJXT's charge that Mills was responsible for the actions of the Trust which led to the FRB's action. Therefore, St. Johns concludes there is an insufficient factual basis for adding the issues. Further, St. Johns attaches an affidavit from Mills, St. Johns exhibit 60, in which Mills states that he was not responsible for the actions which resulted in the FRB's action and did not consider the action to constitute a determination that the Trust had violated federal antitrust laws and, therefore, that he did not inform St. Johns' communications counsel of the FRB's action. Opponent characterizes the FRB's order as being in the nature of a consent decree and not an admission of any issue of fact or law by the Trust. Finally, noting that there was no finding of willful violation by the Trust, St. Johns submits that the instant case is controlled by *CBS Inc. (WCAU-TV)*, 52 FCC 2d 423, 33 RR 2d 579 (1975).

13. The Bureau opposes addition of the requested issues in the absence of a showing of what Mills' role was in the activities of the Trust which led to the FRB's action. In this connection, the Bureau contends that WJXT failed to comply with Section 1.229(c) of the Rules because it has not submitted an affidavit from an individual with personal knowledge of Mills' alleged involvement. With regard to the Section 1.65 request, the Bureau argues that there is no showing that the FRB's action has any decisional significance and, therefore, that it was not necessary to report the FRB's action.

14. Both of the requested issues will be denied. Whether or not the FRB's action constitutes a judgment in the technical sense of the word, we are of the opinion that in view of all of the circumstances, an evidentiary hearing is not needed. *Cf. Town and Country Radio, Inc.*, 51 FCC 2d 1217, 33 RR 2d 671 (1975). Thus, although WJXT has shown that the Trust had not conformed with the requirements of the Bank Holding Company Act, as interpreted by the Federal Reserve Board, it has not been demonstrated that the conduct involved willful or deliberate violations or a pattern of recurring violations or that it otherwise has any relationship to St. Johns' ability to operate a broadcast station in the public interest. See *CBS Inc. (WCAU-TV)*, 52 FCC 2d at 424, 33 RR 2d at 581. In this latter connection, it is important to note that WJXT has failed to show that Mills had any involvement in acquiring control of the interests requiring divestiture. In the absence of such a showing, and based upon our review of the FRB determination and order for divestiture,<sup>2</sup> the Board perceives no basis for finding that the order raises a substantial question concerning St. Johns' qualifications to be a Commission licensee. Moreover, given the nature of the FRB order, we are of the view that it was not unreasonable for Mills to conclude that it did not constitute a judgment as contemplated by our Rules.

15. Accordingly, it is ordered, That the motion for leave to file supplement to opposition to WJXT's motion to enlarge issues, filed April 29, 1975, by St. Johns Television Company, is granted, and the supplement IS ACCEPTED; and

16. It is further ordered, That the motion to enlarge issues, filed January 22, 1975, by Post-Newsweek Stations, Florida, Inc., IS GRANTED to the extent indicated herein, and is denied in all other respects; and

17. It is further ordered, That the issues in this proceeding ARE ENLARGED to include the following issues:

a. To determine the efforts made by St. Johns Television Company to ascertain the community needs, interests and problems of the area to be served and the means by which the applicant proposes to meet these problems; and

b. To determine whether St. Johns Television Company has failed to comply

<sup>2</sup> Although the FRB directed the Trust to terminate its control over its subsidiary banks, it noted in the Order that the Trust (which had not contested the allegations or requested a hearing thereon) had informed the FRB of its willingness to terminate the control relationship and it further ordered the Trust to submit a specific plan for divestiture.

<sup>3</sup> The Board is aware that the Presiding Judge, by Order, FCC 75D-38, released July 24, 1975, has granted Post-Newsweek's motion for a summary decision, has granted renewal of its license, and has denied the application of St. Johns. A hearing on the issue added herein is contingent on disposition of appeal of the Presiding Judge's decision and will be heard only if the decision is overruled.

with the provisions of Section 1.526 of the Commission's Rules, and, if so, to determine the effect thereof on its comparative qualifications to be a Commission licensee.

18. It is further ordered, That the burdens of proceeding with the introduction of evidence and proof under issue (a) added herein SHALL BE on St. Johns Television Company.

Adopted; August 29, 1975.

Released: September 9, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc 75-24323 Filed 9-11-75; 8:45 am]

[Docket No. 20493; FCC 75-978]

#### WESTERN TELECOMMUNICATIONS, INC. Memorandum Opinion and Order Instituting Investigation

In the Matter of Western Telecommunications, Inc., Revised Rates for Microwave Service to Broadcast Station and Cable Television System Customers located in Utah, Montana, Idaho, Wyoming, and North Dakota; Tariff F.C.C. No. 3, Transmittal No. 43.

Western Telecommunications, Inc., Revised Rates for Microwave Service to Broadcast and Cable Television Customers located in Wyoming, Idaho, and Montana; Tariff F.C.C. No. 3, Transmittal No. 38. Docket No. 20493.

1. On June 30, 1975, Western Telecommunications, Inc. (WTCI) filed revisions to its Tariff F.C.C. No. 3 under Transmittal No. 43 to become effective August 30, 1975. On July 25, 1975, Teleprompter Cable Communications Corp. and Teleprompter of Great Falls, Inc. (jointly referred to as Teleprompter) filed a "Petition to Suspend, to Investigate, to Order an Accounting and for Immediate Relief" directed against the above-captioned tariff revision. WTCI filed a "Reply to Petition" on July 30, 1975.

2. WTCI, through its Western Microwave Division, offers a variety of video and audio services to its cable television and broadcast customers in Utah, Montana, Idaho, Wyoming, and North Dakota. Part of its primary service to cable television systems is delivering the signals of four Salt Lake City, Utah television broadcast stations.<sup>1</sup> On September 6, 1974, in our *Report and Order in Docket No. 20023 (Late Night Programming)* 48 FCC 2d 699 (1974), we amended Part 76 of the Rules to provide generally that cable television systems are authorized to distribute any television station's signal during the period from sign-off of the last station which the cable television system must carry to the sign-on of the first station which the cable tele-

<sup>1</sup> For a more complete description of WTCI's point-to-point microwave services see *Western Telecommunications, Inc. (Docket No. 20493)*, FCC 75-614, FCC 2d (1975).

vision system must carry. On March 15, 1975, WTCI began offering late-night programming on a free trial basis to its customers receiving at least two Salt Lake City television channels. In Transmittal No. 43, WTCI proposes to offer late-night programming as a new service which will result in increased charges to customers who elect to continue receiving the service. Free late-night programming thus would terminate with the effective date of the above-captioned revisions unless we suspend the revised tariff. WTCI's late-night programming consists of the signals of San Francisco television broadcast stations, Sierra Microwave, Inc., a WTCI subsidiary, relays these signals to Salt Lake City over existing facilities. At Salt Lake City the late-night programming is switched onto microwave channels carrying the signals of Salt Lake City television stations after the Salt Lake City stations sign-off for relay throughout the Western Division system on existing facilities. The rate structure which WTCI proposes for the late-night programming is quite similar to the rate structure advanced in its Transmittal No. 38, and into which we have instituted an investigation.<sup>2</sup> WTCI's rates for late-night programming will vary according to (a) in which of two geographical zones a cable television system customer is located, and (b) the number of potential homes in the cable system's service area. WTCI admits that inasmuch as the late-night service will be provided over existing facilities its additional capital investment will be minimal. Therefore, its Section 61.38 material concentrates on the revenue requirements of Sierra Microwave and its Western Division system. WTCI contends that the resulting tariff revision results in rates that will contribute to its return on investment, which it claims should be 18.92%.

3. Teleprompter argues that the Commission should suspend and investigate the above-captioned tariff revision because (a) it unreasonably discriminates against cable television systems which serve large communities, but which have low subscriber penetration levels; (b) that the arbitrary zone classifications do not reflect the cost characteristics of WTCI's plant because cable systems located in zone II, but which, nevertheless, are close to zone I will pay unreasonably high rates; (c) that the rate structure presented by the instant case is the same as that in Transmittal No. 38 which the Commission concluded raised discrimination and rate of return questions; and (d) that WTCI's cost justification does not satisfy the requirements of Section 61.38 of the Commission's Rules because it fails to include a study of the costs associated with the late-night service. Additionally, Teleprompter contends that WTCI has violated Section 203(c) of the Communications Act of 1934, as amended, and Section 21.705 of the Rules by offering late-night pro-

<sup>2</sup> Western Telecommunications, Inc. (Docket No. 20493), FCC 75-614, FCC 2d (1975).

gramming free-of-charge prior to filing a tariff schedule, and that WTCI's offering also violates Section 201(b) of the Act because it fails to specify practices which will prevent impairment of service resulting from switching errors.

4. WTCI denies Teleprompter's arguments (a) through (d), but states that it

[d]oes not object to the inclusion of the above-captioned tariff revisions in the investigation and hearing proceeding (Docket No. 20493) involving WTCI's revised rate structure for its Western Division system.

WTCI, however, requests that any suspension period be limited to at the most one-day. As to Teleprompter's allegation that WTCI is in violation of Section 203 (c) of the Act and Section 21.705 of the Rules, WTCI notes that its effective tariff provides that it shall supply microwave service between given points during the programming hours of the television stations whose signals its subscribers request and that such programming may be provided 24 hours per day. WTCI admits that switching problems did occur, but states that it now has established reasonable procedures to prevent recurrences.

5. Teleprompter's argument that the above-captioned tariff violates Section 201(b) of the Act because it fails to specify procedures which will prevent impairment of service resulting from switching errors is without merit. The provision of late-night programming on microwave channels carrying Salt Lake City television signals until their sign-off necessitates a switching operation which our comparable experience in cable television matters indicates occasionally is imprecisely performed. Elimination of the switching errors may require several different courses of action. The above-captioned tariff revision implicitly recognizes this, and thus simply states that WTCI "shall take reasonable steps to prevent the delivery of signals not ordered by a customer." Should operational experience demonstrate that a specification of procedures is desirable we will, of course, reconsider our conclusion herein.

6. Although Teleprompter's contention that WTCI's failure to include the signals of the San Francisco television broadcast stations in the list of signals delivered has merit, we are not persuaded that WTCI has clearly violated Section 203(c) of the Act and Section 21.705 of the Rules by offering late-night programming, including the San Francisco stations, free-of-charge prior to filing a tariff schedule. While WTCI's currently effective tariff is not a model of clarity, we believe it nevertheless can be reasonably construed to allow free late-night service which does not adversely affect the interests of WTCI's users. As WTCI notes, the currently effective tariff provides for the transmission of specified numbers of channels of television programming to certain receive sites. Rates for service are directly related to the number of channels delivered. Sections B(2)(a) and B(10)(a) also state that service may be provided up to 24

hours per day and that the actual programming delivered, "shall be determined by agreement among the subscribers, if possible", and failing agreement, "the carrier will use its best judgment as to the needs of the public and the needs of the subscribers, transmitting the signals desired by the majority of subscribers". Under the currently effective tariff, a majority of WTCI's Western Division customers opted for late-night programming on a free trial basis. WTCI's consequent provision of late-night programming on existing channels thus is consistent with its currently effective tariff, since the majority of its customers choose to receive the programming and since they already subscribe to up to 24 hour service on the same channels that are used to relay late-night programming. However, we do not view this situation as a desirable one nor this action as a precedent for similar tariff ambiguities. In order to avoid uncertainty in the future, we hereby order WTCI to clarify the current tariff provisions by submitting appropriate revisions to expressly include the San Francisco signals and to provide for free trial service.<sup>3</sup> Permission is hereby granted to make such revisions to the current tariff effective on not less than one day's notice and for this purpose Section 61.58 of the Rules is waived.

7. However, we find that Teleprompter's arguments (a) through (d) raise substantially the same questions that are currently under investigation in Docket No. 20493. Therefore, we shall consolidate the issues raised by Teleprompter's arguments (a) through (d) with the pending investigation and hearing in Docket No. 20493. Moreover, inasmuch as WTCI contends that the instant tariff revision will contribute to Sierra Microwave's revenue requirement, we must also consider whether the portion of the revenues to be realized by Sierra Microwave from the instant tariff revision is just and reasonable or otherwise lawful under the Communications Act. We also shall suspend WTCI's proposed rate increases for the maximum ninety-day statutory period and shall impose an accounting order. Our reasons for the full 90 day suspension are essentially the same as those articulated in paragraph 10 of the Memorandum Opinion and Order initiating Docket No. 20493.<sup>4</sup>

Termination of the suspension ordered herein of the above-captioned tariff revisions will not negate these additional anticipated revisions to the current tariff because the above-captioned revisions offer late-night programming as a new service for which an additional charge will be made. The revisions here ordered, however, simply will clarify the current tariff (now and as modified by the above-captioned revisions when they become effective) so as to clearly allow free late-night service via San Francisco television broadcast signals.

<sup>3</sup> Western Telecommunications, Inc. (Docket No. 20493), FCC 75-614, FCC 2d (1975).

8. Accordingly, it is ordered, That, pursuant to Sections 4(i), 4(j), 201, 202,

report and order in this proceeding. That order granted approval to Agreement No.

acts, grant funds are also frequently utilized to acquire by contract many

lowed. It is important that complaints be received as promptly as possible.

Agencies will continue to be respon-

publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

92-463, notice is hereby given that meetings of the Advisory Committee for Protection of Archives and Records Cen-



8. Accordingly, it is ordered, That, pursuant to Sections 4(i), 4(j), 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by WTCI with Transmittal No. 43 including any cancellations, amendments or re-issues thereof.

9. It is further ordered, That, pursuant to the provisions of Section 204 of the Act, the revised tariff schedules filed by WTCI with Transmittal No. 43 are hereby suspended until November 30, 1975 and that WTCI, as to the operation of such tariff schedules shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increases, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision herein the Commission may by further order, require the refund thereof, with interest, pursuant to Section 204 of the Act, and the carrier shall file such reports on the amounts accounted for as the Chief, Common Carrier Bureau shall require.

10. It is further ordered, That, the unresolved issues raised herein regarding the above-captioned tariff revision are included in Docket No. 20493.

11. It is further ordered, That, WTCI and Sierra Microwave ARE MADE parties Respondent herein and that Teleprompter IS MADE a party pursuant to Section 1.221(d) of the Commission's Rules; and that all other interested persons wishing to participate may do so by filing a notice of intention to participate within 30 days of the release date of this order.

12. It is further ordered, That, the "Petition to Suspend, to Investigate, to Order an Accounting and for Immediate Relief" filed by Teleprompter Cable Communications Corp. and Teleprompter of Great Falls, Inc. on July 25, IS GRANTED to the extent indicated herein and otherwise IS DENIED.

13. It is further ordered, That, the Secretary shall send a copy of this order by certified mail, return receipt requested, to the parties identified in paragraph 11 above, and shall cause a copy to be published in the Federal Register.

Adopted: August 28, 1975.

Released: September 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,<sup>5</sup>

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-24326 Filed 9-11-75;8:45 am]

#### FEDERAL MARITIME COMMISSION

[Docket No. 72-45; Agreement No. 57-96]

#### PACIFIC WESTBOUND CONFERENCE

Extension of Authority for Intermodal Services

After investigation and hearing, the Commission, on July 8, 1975, issued its

<sup>5</sup> Commissioners: Wiley, Chairman; Lee and Robinson acting as a board.

report and order in this proceeding. That order granted approval to Agreement No. 57-96 on condition that certain modifications be made in that Agreement, and that the modified Agreement be submitted to the Commission within 60 days of the date of our order. The time within which the Pacific Westbound Conference may comply with the conditions of approval will expire at the end of this day.

It has come to our attention that the members of the Pacific Westbound Conference have been unable to agree to the modifications required in our order of July 8, 1975. Having considered the aforesaid state of affairs, and having considered the many alternative actions now available to us, the Commission has determined to suspend its order of July 8, 1975. This is done in order to permit the Commission to consider what substantive action it can take regarding Agreement No. 57-96, and to make that consideration prior to the expiration of the time within which the Pacific Westbound Conference may comply with the conditions imposed in our order of July 8, 1975.

Therefore, it is ordered, That the order of the Federal Maritime Commission, entitled Docket No. 72-46, Agreement No. 57-96, Pacific Westbound Conference Extension of Authority for Intermodal Services, served July 8, 1975, is suspended until further order of the Commission.

It is further ordered, That this order of suspension be published in the FEDERAL REGISTER.

It is further ordered, That copies of this order of suspension be served upon all the parties to Docket No. 72-46.

By the Commission,

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.75-24336 Filed 9-11-75;8:45 am]

#### GENERAL ACCOUNTING OFFICE REVIEW OF COMPLAINTS CONCERNING CONTRACTS UNDER FEDERAL GRANTS

##### Public Notice

Federal grant funds are disbursed throughout the economy to a wide variety of recipients ranging from State and local governments to private organizations and individuals. The magnitude of Federal grant activity is demonstrated by the fact that the fiscal year 1976 budget recommendations of the President were for \$56 billion in grants-in-aid, as compared with \$13 billion in 1966. Further, Federal aid constituted 21 percent of total State and local government receipts in 1974, more than twice the percentage of 1954. These recipients are engaged, in turn, in varied practices and procedures regarding controls over the manner in which grant funds are utilized. Recipients of Federal grants are engaged in a significant amount of contract activity financed from public funds. For example, in 1974, \$8 billion of grant funds were committed to construction project contracts entered into by grantees as opposed to \$5 billion of construction contracts entered into directly by Federal agencies. Aside from construction proj-

ects, grant funds are also frequently utilized to acquire by contract many other such items as office furnishings and equipment, automobiles, laboratory equipment, specialized clothing, and other types of materials required for the proper prosecution of the effort contemplated by the grant.

Of particular concern, in connection with the sizeable expenditure of grant funds for contract purposes, is the propriety of contracting procedures followed. Often particular procedures to be followed as specified in grant instruments are legally binding upon the grantee.

The General Accounting Office has from time to time considered on an *ad hoc* basis complaints regarding contract award procedures followed by grantees in specific cases. However, we think it is now necessary to clarify the GAO role concerning the review of such complaints. Therefore, consistent with the statutory obligation of the General Accounting Office to investigate the receipt, disbursement, and application of public funds, we will undertake reviews concerning the propriety of contract awards made by grantees in furtherance of grant purposes upon request of prospective contractors.

It is not the intent of the General Accounting Office to interfere with the functions and responsibilities of grantor agencies in making and administering grants. Prospective contractors are urged to seek resolution of their complaints through regular administrative channels prior to making a complaint with GAO. The purpose of our reviews will be to foster compliance with grant terms, agency regulations, and applicable statutory requirements. We will not consider complaints where the Federal funds in a project as a whole are insignificant.

Complaints are not for consideration under our bid protest procedures (see 40 Fed. Reg. 17979, April 24, 1975), since there is no direct contractual relationship between the Federal Government and the party engaged in contracting with the grantee. We will develop and publish appropriate detailed procedures to govern our consideration of requests for review of grantee contract award matters. In the interim we will receive and consider complaints under the following general interim procedure.

Upon receipt of a complaint, GAO will solicit a report from the grantor agency involved setting forth its views and the views of the grantee with respect to the issues raised. The grantee and other interested parties will be afforded an opportunity to comment on the agency report and to present their views concerning the matters at issue. At the conclusion of its review GAO will inform all interested parties of its conclusions.

Requests for GAO review of complaints concerning grantee contract awards shall be submitted to the General Counsel, General Accounting Office, Washington, D.C. 20548. Such requests should (1) identify the specific grant and contract thereunder at issue and (2) provide a full statement of the basis upon which it is believed that proper contracting procedures have not been fol-

lowed. It is important that complaints be received as promptly as possible.

Agencies will continue to be responsible for assuring that grant administration functions adhere to the statutory requirements applicable to their grant programs.

[SEAL] ELMER B. STAATS,  
Comptroller General  
of the United States.  
[FR Doc.75-24310 Filed 9-11-75;8:45 am]

#### REGULATORY REPORTS REVIEW

##### Receipt and Approval of a Proposed Report

The following request for clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on September 4, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and action taken by GAO.

##### FEDERAL POWER COMMISSION

The Federal Power Commission (FPC) requested clearance of a revised Form No. 8, Underground Gas Storage Report, to broaden reporting of underground natural gas storage. The revised Form No. 8 will be filed by all companies subject to FPC jurisdiction that operate underground gas storage fields, and will permit continuous monitoring of all storage injections, withdrawals, balances, and capacities. The revised form will be filed within 5 days of the first and 15th day of the months from December through March, and the first day of the months of April through November. There will be approximately 35 respondents and it is estimated that an average of 4 manhours will be required per response.

The FPC requested expeditious clearance of Form No. 8 so that collection of the information can be coordinated on a timely basis with the issuance of an identical form by FEA. FEA's form solicits information from companies not under the jurisdiction of FPC, while the FPC form solicits the information from companies under their jurisdiction.

GAO noticed the FEA form in the FEDERAL REGISTER on July 28, 1975, and solicited comments. Because the FPC form is identical to the FEA form, we are of the opinion that no new comments would be made. Therefore, GAO has granted expeditious clearance to the FPC form under number B-180228 (R0273).

NORMAN F. HEYL,  
Regulatory Reports Review Officer.  
[FR Doc.75-24357 Filed 9-11-75;8:45 am]

#### REGULATORY REPORTS REVIEW

##### Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 8, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of

publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the requests received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before September 30, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

##### FEDERAL TRADE COMMISSION

The Bureau of Consumer Protection of the Federal Trade Commission has submitted for clearance a one-time questionnaire to be sent to pharmaceutical trade and professional associations requesting information of acts and practices within the industry concerning ownership requirements of retail pharmacies anywhere within the United States. The respondent burden is estimated to be six hours per response. Response to the questionnaire is voluntary.

The Bureau of Consumer Protection of the Federal Trade Commission has submitted for clearance a one-time questionnaire to be sent to boards of pharmacy requesting information of acts and practices within the industry concerning ownership requirements of retail pharmacies anywhere within the United States. The respondent burden is estimated to be three hours per response. Response to the questionnaire is voluntary.

The Bureau of Consumer Protection of the Federal Trade Commission has submitted for clearance a one-time questionnaire to be sent to various consumer interest groups requesting information of acts and practices concerning ownership requirements or retail pharmacies anywhere within the United States. The respondent burden is estimated to be three hours per response. Response to the questionnaire is voluntary.

NORMAN F. HEYL,  
Regulatory Reports Review Officer.  
[FR Doc.75-24358 Filed 9-11-75;8:45 am]

#### GENERAL SERVICES ADMINISTRATION

##### ADVISORY COMMITTEE FOR PROTECTION OF ARCHIVES AND RECORDS CENTERS Notice of Meetings

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act, P.L.

92-463, notice is hereby given that meetings of the Advisory Committee for Protection of Archives and Records Centers will be held at 9:00 a.m. on September 25-26, 1975, in the Departmental Auditorium, Conference Room B, 14th and Constitution Avenue, N.W., Washington, D.C.

The meetings on September 25 and 26 will be devoted to review, comment and revision of the draft report prepared by the Advisory Committee Secretary.

Individuals wishing to offer testimony are requested to submit, in advance, to the Advisory Committee Secretary, a one-page outline of their testimony, and to limit their oral remarks to fifteen minutes. Written statements of any length will be accepted.

Further information with reference to these meetings can be obtained from Mr. D. Peter Lund, Advisory Committee Secretary, c/o Society of Fire Protection Engineers, 60 Battery March Street, Boston, MA 02110, or call (617) 482-0686.

Dated: August 15, 1975.

W. A. MEISEN,  
Acting Commissioner.  
Public Buildings Service.

[FR Doc.75-24292 Filed 9-11-75;8:45 am]

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-155]

##### CONSUMERS POWER CO.

##### Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-6 issued to the Consumers Power Company (the licensee) for operation of the Big Rock Point Nuclear Plant (the facility), a boiling-water reactor located in Charlevoix County, Michigan, and currently authorized for operation at power levels up to 240 MWt.

In accordance with the licensee's application for a license amendment dated July 25, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 14, 1975 the licensee may file a request for a hearing and any per-

son whose interest may be affected by

dated August 5, 1974, on Certain Re-

cant's Preliminary Safety Analysis Re-

FEDERAL REGISTER notice and Section 2.714, and must be filed with the Sec-

on page 42061, the document heading in the 1st column should read as set forth

shareholders and was dissolved by filing a Certificate of Dissolution pursuant to the laws of Delaware on June 17, 1975.



son whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Charles F. Bayless, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine the witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 25, 1975, (2) the report "Heatup Analysis for EXXON Nuclear Company, Inc., G Fuel in the Big Rock Point Plant" in conformance with 10 CFR 50, Appendix K dated July 26, 1975, and letter dated July 26, 1975, from EXXON Nuclear Company, (3) the Commission's Determination with Respect to Variance from the Interim Acceptance Criteria and Extension in Submitting Evaluation from the Acceptance Criteria for Core Cooling Systems [10 CFR § 50.46(a) (2) (iii)] dated August 5, 1974, published in the FEDERAL REGISTER on August 15, 1974 (39 FR 29403), (4) the Commission's Memorandum and Order

dated August 5, 1974, on Certain Requests for Exemption from Emergency Core Cooling System Criteria, and (5) the Determination of Request for Extension of Time for Submittal of Evaluation Required by Acceptance Criteria for Emergency Core Cooling Systems dated April 1, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 4th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch #2, Division of Reactor Licensing.

[FR Doc.75-24142 Filed 9-11-75; 8:45 am]

[Docket Nos. 50-458 and 50-459]

GULF STATES UTILITIES CO. RIVER BEND STATION, UNITS 1 AND 2

Notice of Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Gulf States Utilities Company to conduct certain site activities in connection with the River Bend Station, Units 1 and 2 prior to a decision regarding the issuance of construction permits.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e) (1) and include clearing and grading of the plant site, excavation (and dewatering system) for reactor and other building foundations, installation of a railroad spur and new north access road, installation of water wells, installation of fire protection facilities, diversion of West Creek and erection of construction support facilities as follows: Offices, warehouses, shops, roads, and construction power.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Gulf States Utilities Company and the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

An Initial Decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on September 2, 1975. A copy of (1) The Partial Initial Decision; (2) the appli-

cant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated September 1974; and (5) the Commission's letter of authorization dated September 5, 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and the Audubon Library, West Felician Branch, Ferdinand Street, St. Francisville, Louisiana 70775.

Dated at Rockville, Maryland this 5th day of September, 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,  
Chief, Environmental Projects  
Branch 4, Division of Reactor Licensing.

[FR Doc.75-24286 Filed 9-11-75; 8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the licensees), for operation of the Millstone Nuclear Power Station, Unit No. 1, located in Waterford, Connecticut.

The amendment would revise the provisions in the Technical Specifications relating to the Average Power Range Monitor (APRM) flow biased rod block and trip setting, in accordance with the licensee's application for amendment, dated July 25, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By October 14, 1975, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations.

A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this

FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated July 25, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3rd day of September 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 6, Division of Reactor Licensing.

[FR Doc.75-24143 Filed 9-11-75; 8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

Correction

In FR Doc. 75-23955 appearing in the issue of Wednesday, September 10, 1975

on page 42061, the document heading in the 1st column should read as set forth above.

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

SEPTEMBER 5, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from September 6, 1975 through September 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-24236 Filed 9-11-75; 8:45 am]

[Rel. No. 8926 (811-184)]

CAPITAL INVESTORS GROWTH FUND, INC.

Notice of Application

SEPTEMBER 5, 1975.

Notice is hereby given that Capital Investors Growth Fund, Inc. (the "Applicant"), 2727 Allen Parkway, Houston, Texas 77019, registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end management investment company filed an application on June 25, 1975, pursuant to Section 8 (f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Delaware Corporation under the name of Mutual Investment Company of America on July 1, 1938 and was registered under the Act by Filing a Form N-8A Notification of Registration on October 31, 1940. Applicant's name was changed to Capital Investors Growth Fund, Inc. on October 10, 1966.

Applicant represents that pursuant to a plan of reorganization approved by its shareholders at a meeting held on December 20, 1974, it transferred substantially all of its assets to Capital Shares, Inc. on December 27, 1974 in exchange for shares of Capital Shares, Inc. Applicant further represents that it has no

shareholders and was dissolved by filing a Certificate of Dissolution pursuant to the laws of Delaware on June 17, 1975.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 30, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 30, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-24237 Filed 9-11-75; 8:45 am]

[Rel. No. 8925; (811-2230)]

C. I. DIRECT PLACEMENT FUND, INC.

Notice of Application

SEPTEMBER 5, 1975.

Notice is hereby given that C. I. Direct Placement Fund, Inc. (the "Applicant"), c/o John J. McHugh, Secretary, 767 Fifth Avenue, New York, New York 10022, registered under the Investment Company Act of 1940 (the "Act") as a nondiversified, closed-end management investment company filed an application on August 11, 1975, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Delaware Corporation on September 16, 1971 and

mington, Delaware, 19899; Delmarva

Power & Light Company of Maryland,

Delaware will be pledged by it with

Chemical Bank, Trustee, in accordance

[Rel. No. 8924; 811-2308]

INVESTMENT CAPITAL CORP.

or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including

ties professional's investment activities and its underwriting and dealing activities. Any rule proposed by the Board will



Applicant was organized as a Delaware Corporation on September 16, 1971 and registered under the Act by filing a Form N-8A Notification of Registration on September 17, 1971. At that same time Applicant filed a Form N-8B-1 Registration Statement under the Act and filed a Form S-4 Registration Statement under the Securities Act of 1933 ("1933 Act"). The "1933 Act" Registration Statement has never become effective and the Applicant has applied for a withdrawal. Applicant represents that it has no shareholders, that it has no intention of proceeding with any offering of its shares and that it will be dissolved.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 30, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 30, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 75-24238 Filed 9-11-75; 8:45 am]

[Rel. No. 10158; 70-5732]

**DELMARVA POWER AND LIGHT CO. AND  
DELMARVA POWER AND LIGHT COM-  
PANY OF MARYLAND**

**Notice of Proposed Issuance and Sale of  
Long-Term Promissory Notes and Capital  
Stock**

SEPTEMBER 5, 1975.

In the matter of: Delmarva Power & Light Company, 800 King Street, Wil-

ilmington, Delaware, 19899; Delmarva Power & Light Company of Maryland, U.S. Route 13 and Naylor Mill Road, Salisbury, Maryland, 21801; (70-5732).

Notice is hereby given that Delmarva Power & Light Company of Maryland ("Maryland"), a wholly-owned electric utility subsidiary company of Delmarva Power & Light Company ("Delmarva"), a registered holding company and a public-utility company, have filed an application-declaration with this Commission, designating Sections 6(b), 9(a), 10, 12(d), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 44 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

All of the presently outstanding securities of Maryland are owned by Delmarva and pledged with Chemical Bank, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank, Trustee, dated as of October 1, 1943.

It is proposed that Maryland will, prior to September 30, 1977, issue and sell to Delaware its 30-year promissory notes in a total principal amount not exceeding \$10,000,000 and will also issue and sell to Delaware a total not to exceed 100,000 shares of its common capital stock of the par value of \$100 per share. It is proposed that Delaware will purchase such notes, when issued, at the principal amount thereof, plus accrued interest from their issuance date, and such common stock, when issued, at the par value thereof. Such notes and stock will be issued and sold by Maryland from time to time as may be necessary to meet Maryland's cash requirements. The notes will bear interest at 11.1% (such interest rate being based on the cost of the last public borrowing of Delaware (11.0674%)), rounded to the next higher one tenth of one per cent, but at such time as Delaware shall market its next issue of bonds, all notes thereafter issued by Maryland under this proposal shall bear interest equal to the cost of money to Delaware under such bond issue, rounded to the next higher one tenth of one per cent. At the time of the sale of any of said notes by Maryland to Delaware, Maryland will sell and Delaware will acquire common capital stock having a par value equal to the principal amount of notes being so sold and acquired.

It is also proposed that Maryland's 30-year, 3½% promissory notes to Delaware in the aggregate principal amount of \$2,490,000 maturing on various dates between April 1, 1976, and July 1, 1977, will be refunded by the issuance and sale to Delaware on the respective dates of maturity of new 30-year promissory notes in like amounts, to bear interest at the cost of the last public borrowing of Delaware prior to such respective issuances, rounded to the next higher one-tenth of one per cent.

Delaware further proposes that the notes and stock to be acquired by

Delaware will be pledged by it with Chemical Bank, Trustee, in accordance with the provisions of said Indenture of Mortgage and Deed of Trust of Delaware to Chemical Bank, Trustee, dated as of October 1, 1943.

Maryland will use the proceeds derived from the sale of the notes and stock to provide funds for the repayment of said 30-year, 3½% promissory notes in the principal amount of \$2,490,000, for future capital expenditures, and for other corporate purposes. Proposed additions to Maryland's property and plant are estimated at \$7,094,229 for the remaining months of 1975, \$14,995,000 for 1976, and \$13,088,000 for 1977.

It is stated that the Public Service Commission of Maryland has jurisdiction over the proposed transactions and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses paid or incurred, or to be paid or incurred, directly or indirectly, in connection with the proposed transactions are estimated to be \$4,000, including counsel fees of \$1,750.

Notice is further given that any interested person may, not later than October 1, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 75-24239 Filed 9-11-75; 8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 178—FRIDAY, SEPTEMBER 12, 1975

[Rel. No. 8924; 811-2308]  
**INVESTMENT CAPITAL CORP.**  
**Notice of Proposal To Terminate  
Registration**

Rel. No. 8924/SEPTEMBER 5, 1975.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act") to declare by order upon its own motion that investment Capital Corporation ("ICC") c/o Bernard L. Greer, Jr. Shook, McLain, Jessee, Merritt & Lyle 3242 First National Bank Tower Atlanta, Georgia, 30303; 811-2308. Registered under the Act as a closed-end, non-diversified management investment company has ceased to be an investment company as defined in the Act.

ICC was organized as a Georgia Corporation on February 18, 1972, and filed a Notification of Registration on Form N-8A on August 14, 1972.

Material in the Commission's records indicate that none of ICC's securities have ever been offered or sold to the public and that ICC never became an operating investment company. Material in the Commission's records also indicates that, on December 27, 1972, ICC was merged into ABCO International Corporation ("ABCO"), a Georgia corporation, which is engaged in the business of management, marketing, executive consulting, franchise marketing, financial planning, and related fields, and that ABCO is not now, and never has been an investment company as defined in the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 3, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon ICC at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing,

or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 75-24240 Filed 9-11-75; 8:45 am]

[Release No. 11635]

**MUNICIPAL SECURITIES RULEMAKING  
BOARD**

**Announcement of Appointment of Members  
SEPTEMBER 5, 1975.**

The Securities and Exchange Commission today announced the appointment of the members of the Municipal Securities Rulemaking Board (the "Board"), in accordance with the provisions of Section 15B(b)(1) of the Securities Exchange Act of 1934 (the "Act"), as set forth in the Securities Acts Amendments of 1975 (the "1975 Amendments"). Section 15B(b)(1) provides that the Board shall consist of 15 members: five individuals who are not associated with any broker, dealer, or municipal securities dealer ("public members"), as defined in Section 3(a)(18) and 3(a)(32) of the Act (at least one of whom shall be representative of investors in municipal securities, and at least one of whom shall be representative of issuers of municipal securities); five individuals who are associated with, and representative of, municipal securities brokers and municipal securities dealers which are not banks or subsidiaries, departments or divisions of banks ("broker-dealer members"); and five individuals who are associated with and representative of municipal securities dealers which are banks or subsidiaries, departments or divisions of banks ("bank members").

The 1975 Amendments grant the Board broad rulemaking authority. The Board will have primary responsibility for formulating rules regulating the activities of municipal securities brokers (as defined in Section 3(a)(31) of the Act) and municipal securities dealers (as defined in Section 3(a)(30) of the Act), including banks and subsidiaries, departments and divisions of banks which act as dealers in municipal securities. The Board's rule-making authority includes, but is not limited to, the power to: define and establish means of preventing fraudulent and manipulative acts and practices; promote just and equitable principles of trade; establish professional qualifications for municipal securities dealers; regulate selling and underwriting practices; determine the minimum scope and frequency of inspection of municipal securities brokers and dealers by the appropriate regulatory agency, as defined in Section 3(a)(34) of the Act; establish fair procedures for the nomination and election of future members of the Board; and define the relationship between a municipal securi-

ties professional's investment activities and its underwriting and dealing activities. Any rule proposed by the Board will be filed with the Commission, which is then required either to approve such proposed rule or institute proceedings to determine whether the proposed rule should be disapproved.

Following are the names and a brief description of the background of the individuals selected by the Commission to serve as the initial members of the Board, each for a two-year term:

**PUBLIC MEMBERS**

Mr. Harlan E. Boyles, Deputy Treasurer of North Carolina, Raleigh, North Carolina. Mr. Boyles has served as Deputy Treasurer since 1964 and has also served as Secretary to the State Local Government Commission. Mr. Roswell C. Dikeman, Partner specializing in municipal bonds, in the law firm of Sykes, Galloway & Dikeman. He also served as Associate Counsel for the New York State Department of Audit and Control. Mr. Harry B. Gilmore, Jr., consultant on domestic investment policy for the New Hampshire Insurance Company, Manchester, New Hampshire. He previously served as a Director and Vice President for Finance of the American International Group, an insurance holding company. Mr. Lennox L. Moak, Director of Finance for the City of Philadelphia, Pennsylvania. He has served as a consultant for municipal finance matters to various American cities and served as Executive Director, Bureau of Governmental Research for New Orleans. He is the author of several books on government budgeting and debt and has lectured in Public Finance at the Wharton School of Finance.

Mr. Richard R. West, Dean of the College of Business and Professor of Finance at the University of Oregon, Eugene, Oregon. He received degrees from the University of Chicago and Yale University and has published numerous articles and held various teaching and consulting responsibilities dealing with economic and securities market problems.

**BROKER-DEALER MEMBERS**

Mr. Gedale B. Horowitz, Partner in Charge of Municipal Bond Department, Salomon Brothers, New York, New York. He is the Chairman of the Securities Industry Association's Municipal Federal Legislation Committee.

Mr. Thomas W. Masterson, Senior Vice President and Director of Underwood Neuhaus & Company, Inc., Houston, Texas. He is the Chairman of the Municipal Advisory Council of Texas and is National Chairman of the Municipal Securities Committee of the Securities Industry Association. Mr. William J. Rex, Executive Vice President and Director of Foster & Marshall, Inc., Seattle, Washington. Prior to this position, he served in the Seattle Offices of John Nuveen & Co., Inc. and Merrill Lynch, Pierce, Fenner and Smith, Inc.

Mr. George Rinker, Jr., Executive Vice President and Director, The Ohio Company, Columbus, Ohio. He is a member of the Board of Governors of the National Association of Securities Dealers and serves as Chairman of its National Business Conduct Committee.

Mr. Wallace O. Sellers, Vice President and Director of Merrill Lynch, Pierce, Fenner & Smith, Inc., New York, New York. He has served in the firm's municipal department since 1957 and presently is the Director of the Municipal and Corporate Bond Division.

FEDERAL REGISTER, VOL. 40, NO. 178—FRIDAY, SEPTEMBER 12, 1975

**BANK MEMBERS**

Mr. Richard F. Koser, Senior Vice President

Agriculture for financial assistance in the form of grants, loans, or loan guarantees

1975 (40 FR 4393). In determining whether the applications should be ap-

MC 119777 Sub 318, Ligon Specialized Hauler, Inc., now being assigned October 15, 1975 (2 days) at Chicago, Ill. in a hearing room

**CORRECTION:**

MC 136315 Sub 5, Olen Burrage Trucking,

in Washington, D.C., on the 4th day of September, 1975; service date September 9, 1975.



## BANK MEMBERS

Mr. Richard F. Keizer, Senior Vice President and head of Money Market Division, First National City Bank, New York, New York. He was previously the head of the bank's Municipal Underwriting Department.

Mr. Bert C. Madden, Senior Vice President and Manager, Investment Banking Division, Trust Company Bank, Atlanta, Georgia. He has served as Assistant Vice President of the Municipal Bond Department of Chase Manhattan Bank and as an instructor at the Georgia Banking School and the Stonier Graduate School of Banking.

Mr. Frank K. Spinner, Senior Vice President and Manager of Bond Department, First National Bank in St. Louis, St. Louis, Missouri. He has been with the bank for over 25 years and has been in the Bond Department since it was formed 13 years ago.

Mr. David G. Taylor, Executive Vice President, Continental Illinois National Bank and Trust Company of Chicago. He is in charge of the bank's Bond Department and is also associated with the bank's Bond and Money Market Services Department.

Mr. John R. Vella, Vice President, Investment Banking Group of the Bank of America NT & SA, San Francisco, California. Previously he served as Vice President and Head of the Municipal Securities Department and also served in the Bank's Municipal Bond Dealer and Municipal Trading Departments.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc.75-24241 Filed 9-11-75;8:45 am]

SMALL BUSINESS  
ADMINISTRATION

[License No. 09/12-0087]

## SUTTER HILL CAPITAL CORP.

## Surrender of License

Notice is hereby given that Sutter Hill Capital Corporation, Two Palo Alto Square, Palo Alto, California 94304, has surrendered its License No. 09/12-0087, issued September 20, 1962.

Sutter Hill Capital Corporation has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Sutter Hill Capital Corporation is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: September 4, 1975.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.75-24334 Filed 9-11-75;8:45 am]

## DEPARTMENT OF LABOR

## Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS  
COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

## Notice of Applications

The organizations listed in the attachment have applied to the Secretary of

Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29,

1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing September 26, 1975, to: Deputy Assistant Secretary for Manpower, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 8th day of September 1975.

BEN BURDETSKY,  
Deputy Assistant Secretary  
for Manpower.

Applications received during the week ending September 5, 1975

Name of applicant	Location of enterprise	Principal product or activity
Forest-All Corp.	Pembroke, N.H.	Manufacture of automatic sawmill machinery.
C and C Yachts (tenant to city of Middletown).	Middletown, R.I.	Construct sailing yachts.
The Industrial Development Board of the city of Fayette on behalf of Fayette Cotton Mill Inc.	Fayette, Ala.	Manufacture of cotton and cotton-polyester blended yarn.
Roy Stoville Studdard.	Talladega, Ala.	Pre-slaughtered beef and pork products.
Concept Inc.	Cherokee County, S.C.	Packaged orange juice.
Hancock Concrete Products Co., Inc.	Hancock, Minn.	Manufacture and sales of reinforced concrete products.
Fulton Square Corp.	Canton, Ill.	Redevelopment of downtown area.
Jerry Logan Bush.	Jerseyville, Ill.	Retail grocery.
Birchwood Investments.	Shawano, Wis.	Nursing home services.
American Lighting Standards Corp.	Brenham, Tex.	Manufacture of poles, steel, tubular; manufacture of anchor bolts.
Athens Steel Building Corp.	Athens, Tex.	Pre-engineered, prefabricated steel buildings for agriculture, commercial, industrial, and residential uses.
French Truss and Wholesale Products.	Cimarron, N. Mex.	Manufacture of laminated patio and indoor furniture.
Lodgepole Products Co.	Laramie, Wyo.	Manufacture of milled rail fencing, stock gates, treated fence posts, and corral poles.
I. I. Inc.	Roosevelt, Ariz.	Motel.
North Pacific Lumber Co.	Republic, Wash.	Manufacture of softwood (pine, fir and larch etc.) lumber.

[FR Doc.75-24311 Filed 9-11-75;8:45 am]

INTERSTATE COMMERCE  
COMMISSION

[Notice No. 852]

## ASSIGNMENT OF HEARINGS

SEPTEMBER 9, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as

presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136285 Sub 10, Southern Intermodal Logistics, Inc., now assigned October 8, 1975, at Atlanta, Georgia, will be held in Room 305, 1262 West Peachtree Street, Northwest.

## CORRECTION:

MC 136315 Sub 5, Olen Burrage Trucking, Inc., now being assigned November 11, 1975 at New Orleans, Louisiana; should read Now being assigned November 5, 1975.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24351 Filed 9-11-75;8:45 am]

FOURTH SECTION APPLICATIONS  
FOR RELIEF

SEPTEMBER 9, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43042—Iron and Steel Articles to Points in Central—Eastern Territory. Filed by Southwestern Freight Bureau, Agent, (No. B-552), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from points in Arkansas, Louisiana, Missouri, Oklahoma and Texas, to points in central—eastern territory.

Grounds for relief—Rate relationship, modified short-line distance formula and grouping.

Tariff—Supplement 139 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Rates are published to become effective on October 9, 1975.

FSA No. 43043—Recyclable materials from, to and between points in the United States and Canada. Filed by Traffic Executive Association—Eastern Railroads, Agent, (E.R. No. 3045), for interested rail carriers. Rates on recyclable materials, as described in the application, from, to and between points in the United States and Canada.

Grounds for relief—Carrier competition.

Tariff—Traffic Executive Association—Eastern Railroads, Agent, tariff I.C.C. No. C-1072, and supplement No. 1. Rates are published to become effective on October 11, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24349 Filed 9-11-75;8:45 am]

[Ex Parte No. 252 (Sub-No. 1)]

## INCENTIVE PER DIEM CHARGES, 1968

At a General Session of the Interstate Commerce Commission held at its office

in Washington, D.C., on the 4th day of September, 1975; service date September 9, 1975.

Upon consideration of the record in the above-captioned proceeding, including the report of March 31, 1975 at 349 I.C.C. 303; the petitions for reconsideration filed by Robert W. Blanchette, Richard C. Bond, and John H. McArthur, trustees of the Property of the Penn Central Transportation Company on May 2, 1975; by the Southern Railway Company on May 8, 1975; and by the Canadian National Railway Company and CP Rail on May 8, 1975; the replies filed by the Chicago and North Western Transportation Company on May 27, 1975; and by the Union Pacific Railroad Company on May 28, 1975; and the petition for interpretation and clarification filed by the Maine Central Railroad Company on May 8, 1975;

It appearing, That the Southern Railway objects to the 1964-68 test period average, the good cause standard for modification of this average, and the voluntary surrender of unspent incentive per diem funds to Rail Box without retention of the ownership of cars; but any arbitrariness in the test period average was remedied by the good cause standard for modification, that guidelines for using this standard were mentioned in the Commission's report at 349 I.C.C. at 314-15, and the carrier is not required to surrender funds to Rail Box but when it chooses to it does not retain ownership since the purpose of Rail Box is to set up a fleet of free-running boxcars in which "the participating railroad . . . takes no title or interest in the pool cars . . ." American Rail Box Car Co.—Pooling 347 I.C.C. 862, 869;

It further appearing, That the Canadian Railroads object to the surrender of incentive funds to Rail Box because the Canadian Railroads are not allowed to participate in Rail Box and Rail Box cars are barred from use in Canada, and thus there will be inefficient utilization of cars and some of the amounts paid by Canadian Railroads to American carriers could be surrendered to Rail Box which will be of no benefit to the Canadian Railroads; but since the objectives of the incentive per diem program are "to increase the supply of plain boxcars in the U.S." 339 I.C.C. 627, 630 and to "seek national solutions to the national 6-month shortage" 337 I.C.C. 217, 226 the Commission must look to the overall benefits of its modifications, the Canadian Railroads should raise their objections in the Rail Box proceeding, and their concern about the use of their funds is premature since they are net incentive creditors;

It further appearing, That the Penn Central requests that this proceeding be held open indefinitely, that carriers with net incentive balances file copies of their report to the Commission and to all parties of record for the year 1974, and that these carriers thereafter will file quarterly report to the Commission

with copies to all parties of record; but, that it has been repeatedly stated by the

chases and thus incentive funds can be used for leases the equivalent of a purchase of the cars; that per-

For Approval of the Pooling of Car Service with Respect to Box Cars" to the short title of "American Rail Box Car



with copies to all parties of record; but, that it has been repeatedly stated by the Commission that this proceeding is open-ended, that the Commission currently receives annual accounting of incentive funds, that there would be little benefit from quarterly reporting, and to supply the data to all the parties would be burdensome.

And it further appearing, That the Maine Central in its petition for interpretation and clarification asks that a carrier be allowed to draw down incentive funds for boxcars leased since the incentive per diem order became effective on June 1, 1970; that based on the Commission's decision in 343 I.C.C. 49, 57, incentive funds can be used not merely for the portion of the year after the effective date of the order but for the entire calendar year of the order; that leases the equivalent of a purchase have been interpreted as being the same as pur-

chases and thus incentive funds can be used for leases the equivalent of a purchase from January 1, 1970; that non-equity leases were not allowed until the Commission's order of March 31, 1975, and thus incentive funds can be applied on non-equity leases from January 1, 1975.

Wherefore and good cause appearing therefore:

It is ordered, That the Maine Central's petition be, and it is hereby, granted, in effect, by the above interpretation.

It is further ordered, That the petitions for reconsideration be, and they are hereby, denied.

It is further ordered, That the reference to the Rail Box decision in section 1036.4 of Title 49, Code of Federal Regulations at 349 I.C.C. 303, 333 be, and it is hereby changed from "Finance Docket No. 27589, American Rail Box Car Company and Trailer Train Company, et al.—

For Approval of the Pooling of Car Service with Respect to Box Cars" to the short title of "American Rail Box Car Co.—Pooling, 347 I.C.C. 862."

It is further ordered, That a copy of this order shall be delivered to the Director, Office of the Federal Register, for publication therein.

And it is further ordered, That the order entered in this proceeding on March 31, 1975, which order was stayed by order of May 12, 1975 pending disposition of the petitions be, and it is hereby, reinstated and modified to become effective October 1, 1975, without other change in the requirements of said order, except as indicated above.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-24347 Filed 9-11-75; 8:45 am]

## Title 49—Transportation

CHAPTER II. FEDERAL HIGHWAY ADMINISTRATION

## SUMMARY OF COMMENTS

Thirty responses were filed to the

enforcement measurement program, the probability is high that the rule will be

was exceeded under the actual test conditions. In order to control as many of these variables as possible, one would totally satisfy them in that a lack of mandatory tolerance leaves some discretion to an enforcing agency. The narrow cable to only some operations of those motor carriers.

The Bureau's activities are further de-

# federal register

FRIDAY, SEPTEMBER 12, 1975



PART II:

## DEPARTMENT OF TRANSPORTATION

Federal Highway  
Administration

### INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

Final Regulations on Compliance



## Title 49—Transportation

## CHAPTER II—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. MC-42; Notice No. 75-17]

## PART 325—COMPLIANCE WITH INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

## Final Regulations on Compliance with Standards

• Purpose: The Director of the Bureau of Motor Carrier Safety is issuing these final regulations for the purpose of establishing measurement procedures and methodologies for determining whether commercial motor vehicles conform to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency (40 CFR 202). •

## INTRODUCTION

On October 21, 1974, the Acting Administrator of the Environmental Protection Agency (EPA) issued final regulations establishing standards for maximum external noise emissions of motor vehicles having a gross vehicle weight rating (GVWR) or a gross combination weight rating (GCWR) of more than 10,000 pounds that are operated by commercial motor carriers engaged in interstate commerce (39 FR 38208). Those regulations were issued under the authority of section 18 of the Noise Control Act of 1972. Section 18 of the Noise Control Act of 1972 also directs the Secretary of Transportation to promulgate regulations to ensure compliance with the EPA's standards. The Secretary is required to carry out the regulations through the use of his powers and duties of inspection and enforcement authorized by the Interstate Commerce Act and the Department of Transportation Act. Those two statutes vest in the Department of Transportation the responsibility for issuing and enforcing the Federal Motor Carrier Safety Regulations.

On February 26, 1975, the Director of the Bureau of Motor Carrier Safety (BMCS) published in the FEDERAL REGISTER (40 FR 8658) a text of proposed regulations establishing measurement methodologies for determining whether commercial motor vehicles conform to the Interstate Motor Carrier Noise Emission Standards published by the EPA at 40 CFR 202. The purpose of this order is to establish final regulations which detail those measurement methodologies.

The objective of the regulations detailed herein is to prescribe the manner in which commercial motor vehicles will be inspected and examined, and their performance will be monitored and measured, to determine whether they conform to the EPA standards. Those standards become effective on October 15, 1975, and, as noted above, are applicable only to motor vehicles with a GVWR or a GCWR of more than 10,000 pounds which are operated by interstate motor carriers. The enforcement regulations contained herein also become effective on October 15, 1975.

## SUMMARY OF COMMENTS

Thirty responses were filed to the docket on this subject. The BMCS has carefully reviewed and considered all of those comments. A summary of the major points raised in those comments along with the Bureau's disposition of each follows:

(1) Several respondents suggested that the final rule should not be made applicable to older vehicles, thereby eliminating the potential of having to retrofit or improve the maintenance of some of these vehicles to meet the noise emission requirements.

Both the EPA and the BMCS were specifically directed by the language of section 18 of the Noise Control Act of 1972 to develop noise emission standards applicable to the operations of motor carriers engaged in interstate commerce regardless of the date of manufacture of the vehicle. The applicability section of the EPA standards reflects that mandate and the BMCS may not alter or limit the scope of that applicability.

(2) Several respondents cited the possibility of a vehicle being able to pass one test, say a low speed pass-by test, and yet fail another, say the stationary run-up test. They suggested a number of alternatives, such as using pass-by tests only for screening purposes while using stationary tests as the sole enforcing method. Another suggested that a successful demonstration that a vehicle could pass one of the three vehicle tests, should nullify a failure, by that same vehicle, of either of the other two tests.

EPA's noise emission standards clearly intend that the three vehicle tests that are specified be equally applicable to the operation of a motor vehicle subject to the standard. The BMCS regulations, therefore, merely specify the test procedures that are necessary when using each of these three tests.

BMCS is not at liberty to decrease the flexibility designed into the EPA standards by limiting enforcing agencies to only one of the specified tests.

(3) Numerous comments were submitted relative to the "need" for a tolerance when making measurements for enforcement purposes. Several respondents submitted data which were intended to document the imprecision of motor vehicle noise emission measurements. Variables, such as ambient temperature and atmospheric pressure, wind, sound measuring equipment variations, terrain at the measuring site, the presence of reflecting surfaces, such as curbs and guardrails in or around a site, and the potential for human error were cited as being factors which could influence noise measurements.

The Director is faced with a set of conflicting requirements with regard to this issue. On one hand is the need and desire to maintain the intended stringency of the EPA standard by not decreasing its effectiveness with the addition of a mandatory tolerance. On the other hand, there is the realization that unless some flexibility is built into any

enforcement measurement program, the probability is high that the rule will be improperly enforced and potentially inequitable.

The Director does not dispute the fact that the above-cited variables can, and do, affect motor vehicle noise emission measurements. What can be argued is the degree to which the presence or absence of these variables adversely affects a measurement in a practical sense.

It is highly improbable, for example, as one respondent suggested, that the positive tolerances implicitly allowed for both sound level meters (in ANSI S1.4-1971) and for coupler type calibrators (in ANSI S1.3-1971) could consistently combine to the disadvantage of fleet operators, thereby causing the meter readings to always be 3 dB higher than they should be. Theoretically this could happen, but practically and statistically it is a remote possibility.

If this logic were applied from the opposite viewpoint, it could be argued that a 3 dB penalty should be added to all readings since it is equally probable that all measured readings could be consistently 3 dB low. Mandating, as was suggested, that a 3 dB tolerance be added to all measurements to take into account this possibility alone would represent an irresponsible denigration of the intended stringency of the EPA standard.

Other respondents disputed the validity of allowing objects such as curbs and guardrails within a measurement site. Data were also submitted to show that high or low ambient temperature extremes can affect the levels measured.

One respondent cited the intent of Congress that there be uniform national standards in this area as being sufficient justification for a mandatory tolerance, since to do otherwise would potentially result in vehicles being cited in violation in one State and not in violation in another.

Some of the comments have pointed out combinations of conditions permitted under these regulations (i.e., reflecting surfaces just outside the required clear zone) which, under other test procedures (for example, those of the California Highway Patrol) would call for 1 dB corrections. Such corrections are not specified in these regulations. Other comments submitted to the EPA docket for that agency's standard, detailed the extraordinary circumstance of focusing reflecting surfaces (e.g., buildings behind and flanking the clear zone) which could increase measured sound levels by several dB.

The Director has carefully weighed these arguments and has decided against mandating a specific tolerance. He does so, however, with the knowledge that enforcement agencies will have to clearly demonstrate that a violation of the standard was measured, (i.e., that the specified level of the standard was exceeded by a meaningful minimum amount) and that the measurements were made with sufficiently accurate equipment in a sufficiently controlled environment to verify that the standard

was exceeded under the actual test conditions. In order to control as many of these variables as possible, one would have to choose a site having perfectly flat ground within and beyond the test site, uniform short grass in the case of a pass-by test, and paved asphalt or concrete for a stationary test, and absolutely no reflecting surfaces within or beyond the test site area.

Measurements would ideally be made only at temperatures of approximately 55° to 85° F (13° to 29.4° C), under standard atmospheric pressure, with no wind present. The site would ideally be in a rural location with extremely low background noise and low traffic volume. Measurements made on an individual vehicle would be taken with no other vehicles anywhere near the test site area.

Under the above conditions, and using Type 1 sound level measuring equipment, an enforcing agency could possibly cite as violations any vehicle measured at 1 decibel in excess of the level specified in the EPA Standard and be secure in the knowledge that their citation would be technically valid. However, noise measurements are rarely, if ever, made at sites such as the one described above.

In an effort to provide the widest geographic coverage possible, the Director has adopted an enforcement procedure that expands the potential number of inspection sites available to a higher number than would otherwise be possible if only "clean" test sites, from an acoustical measuring point of view, were utilized. What results is a trade-off. Measuring now becomes possible for a wider range of locations and conditions but the potential for variance slightly increases.

The regulation as written guards against many of the potential errors by including, among other things, such requirements as the 6 dB "rise and fall" requirement for pass-by tests and ground surface correction factors. The combined effects of these corrections do not guarantee with total certainty in each and every case, that other variables are not present to cause a meter reading to be high.

Enforcing agencies, therefore, must consider these uncertainties when enforcing the motor carrier noise emission standards. However, the application of a tolerance need not be mandatory in each and every case, as for example, in the situation where a carrier's vehicles are consistently measured at levels slightly above the allowable level, but within the tolerance range, and no corrective action on the part of the carrier has been evidenced. Enforcement agencies should inform the carrier of the situation, strongly recommending that the carrier take appropriate corrective actions to reduce the sound level of his vehicles safely below the standard before further equipment degradation produces actual violations.

The possibility that "noise traps" might emerge as a result of the issuance of these regulations was clearly on the minds of many respondents as they addressed themselves to this issue. The Director's position on this issue will not

totally satisfy them in that a lack of mandatory tolerance leaves some discretion to an enforcing agency. The narrow range within which enforcement agencies are to operate guards against the potential of noise traps to the extent feasible. The State and local agencies that currently enforce noise emission regulations generally do so in a professional and equitable manner. There is no reason to believe that these agencies or any other agencies enforcing noise regulations in the future will begin, with the issuance of these regulations, to do otherwise.

The BMCS, in the immediate future, will be issuing guidelines that will cover some of the more common pitfalls in noise emission measurements. When published, this document will be available to interested parties. The subject of measurement tolerances will be covered in that document.

(4) The EPA requested that the Bureau clarify which sections of this regulation must be incorporated by a State or local government wishing to adopt the Federal standards while complying with the "preemptive" clause contained in section 18(c) (1) of the Noise Control Act.

Clearly, the measurement methodologies contained in subparts C through G of these regulations constitute the second part of the Federal regulatory program of interstate motor carrier noise control. These subparts assure the uniform implementation and enforcement of the EPA noise emission standards. Subparts A and B need not be incorporated since they contain certain aspects which only pertain to the actions of Federal enforcing agents. The DOT is researching means to enhance the enforceability of the EPA standards. These research results, in addition to Federal, State, and local experience gained with the present regulations, will serve as bases for future amendments to these regulations.

(5) One respondent requested that proposed § 325.1(b) be modified to make it clear that the Bureau had no jurisdiction to enforce noise emission regulations on vehicles being operated in intrastate commerce.

Sections 18(a) (1) and (2) of the Noise Control Act authorize the EPA to set "... limits on noise emissions resulting from operation of motor carriers engaged in interstate commerce ...". Based on this language, EPA has promulgated final noise emission standards which clearly apply to both the intrastate as well as the interstate, operations of interstate motor carriers. Those standards do not apply to the wholly intrastate operations of intrastate motor carriers.

The role of the Department of Transportation, defined by section 18(b) of the Noise Control Act is to "... promulgate regulations to insure compliance with standards promulgated by the Administrator under this section."

Recognizing that EPA has the authority to set noise emission standards applicable to all operations of interstate motor carriers, it would be contrary to the Congressional intent for the Director to promulgate compliance regulations appli-

cable to only some operations of those motor carriers.

The Bureau's activities are further defined by the statement that, "The Secretary of Transportation shall carry out such regulations through the use of his powers and duties of enforcement and inspection authorized by the Interstate Commerce Act and the Department of Transportation Act." It is apparent that the phrase "... powers and duties of enforcement and inspection ..." as used in the above context does not carry with it the jurisdictional limitations referred to by the respondent. Rather, it expands upon the safety functions of the Bureau to now include jurisdiction over motor carrier noise emission enforcement activities. The jurisdiction attendant with these activities is derived from the Noise Control Act, not the Interstate Commerce Act, since this latter act addresses only the safety related activities of the Bureau.

To adopt the respondent's jurisdictional interpretation, pushed to its logical extreme, could result in the spurious argument that the Bureau could not enforce any EPA noise standard because it is not a safety standard. This was obviously not the intent of Congress. Accordingly, the applicability of these enforcement regulations extends to all the vehicles operated by a motor carrier who engages in interstate commerce.

(6) Several commenters suggested the need for additional language in § 325.1 (c) (3) and (6) to prohibit the intentional thwarting of noise measurements by sounding warning devices or by operating, at speeds greater than 5 mph (8 kph), auxiliary equipment designed for use at speeds less than 5 mph (8 kph).

The two sections in question, as originally proposed, were incorporated directly from the EPA noise emission standard. The exemptions were obviously added by EPA to preclude the possibility of inadvertently penalizing an operator for an otherwise justifiable and necessary act. They were not intended to provide a means for escaping noise emission measurements. Accordingly, these two sections have been modified to include measurement of sound generated by otherwise exempted sound sources if such sources are operated in an attempt to avoid enforcement measurements.

(7) Several suggestions were offered to change the time that an enforcement officer or agent may inspect a carrier's vehicles from "anytime" to "any reasonable time." Bureau safety investigators have never been intentionally unreasonable about the time they inspect the properties of motor carriers. Accordingly, it does not appear necessary to add the requested language.

(8) One respondent questioned the seemingly loose tolerances proposed for calibrators.

The tolerance proposed for calibrators was incorporated directly from ANSI S1.13-1971, *Methods for Measurements of Sound Pressure Levels*, for field type measurements. Since this is a recognized document for this subject area, its inclusion is appropriate herein. To further

emphasize this fact, the final regulation has been modified to incorporate by reference the typical highway locations. Relatively few, if any, of the sites used resemble the "freezing" type of test site that was

typical highway locations. Relatively few, if any, of the sites used resemble the "freezing" type of test site that was

having to be a minimum of 10 dB below the appropriate level in the new table.

(13) Concern was expressed by several

The 6 dB "rise and fall" requirement was added in an effort to ensure that when measurements are made, vehicles

a result of a period of "hot soak" while waiting to be tested. This condition is generally not encountered when the vehicle is operating.

waiver for radiator shutters, nor was one intended. Radiator shutters tend to increase a vehicle's overall noise level when they are closed. No data have been



emphasize this fact, the final regulation has been modified to incorporate by reference the requirements of this document rather than specifying a specific tolerance.

(9) The time intervals between sound level meter calibration checks, specified in proposed § 325.25, were questioned by several respondents as being too burdensome and potentially unnecessary. Several wording changes were suggested by these commenters. It was also suggested that microphone coupler type calibrators be specifically required.

The respondents on this issue indicate that repeated calibrations, relatively close in time, are unnecessary since the meter rarely drifts from its calibrated level after it has been set up. Accordingly, the section in question has been modified to incorporate fewer calibration checks once the meter stability has been established after initial set-up.

A requirement for coupler type calibrators has also been incorporated in the final rule, since this type of calibrator checks the function of both the microphone and the internal electronic systems of a sound level measurement system.

(10) It was suggested that the attenuation properties specified for windcreens in § 325.27 of the proposed regulation would place an unnecessary burden of proof on enforcing agents, and should, therefore, be dropped. The attenuation limits proposed were those specified by several sound level meter manufacturers as being the attenuation limits of the windcreens they currently offered for sale. It was the intention of the Bureau, in its proposal, to ensure that windcreens of the type and quality currently manufactured and in use, would continue to be the type used for enforcement purposes. Accordingly, the section has been reworded to reflect that intention.

Proposed §§ 325.33 and 325.53, which deal with site characteristics, drew the most comments and criticism from respondents. The comments were almost equally split in sentiment. State and local enforcement agencies generally indicated that the language, as proposed, was too legalistic, too precise in tone and would tend to hinder enforcement efforts by severely limiting the number of sites available for measurements and by creating evidential difficulties. Counter arguments were raised by users and manufacturers to the effect that the restrictions were too few, and that too many objects, such as curbs and guardrails, would be allowed within a site, thus potentially causing noise readings to be high. Specific objections were raised by both groups about 1) the allowable distances between the microphone and the vehicle, 2) clear zone distances, 3) allowable objects within a test site, specifically guardrails and curbs, 4) ground surface correction factors, and 5) topography at the measurement site.

Sufficient experience has been gained by State and local governments to indicate that noise emission measurements can be made effectively and equitably at

typical highway locations. Relatively few, if any, of the sites used resemble the "engineering" type of test site that was suggested to be made mandatory by several respondents.

In view of the previous discussions on measurement tolerances and the need for flexibility when choosing sites, little has been changed in this section from that which was proposed. The section has been reworded in an effort to make it clear that it will not be necessary to conduct topographical surveys of sites to ensure precise measurements of microphone heights and distances, and topography of the ground within the test site, relative to the roadway. The open site requirements relative to tunnels and overpasses have been extended to 200 feet (62 m) on the suggestion that this will totally preclude the possibility of this source of noise enhancement, but in so doing very few potential measurement sites will be excluded.

The distance correction factors have not been modified to allow measurements at distances less than 35 feet (10.7 m), nor more than 83 feet (25.3 m), since the sound propagation assumptions used to generate correction factors for these lesser or greater distances are not undisputed. Several factors cause measurements taken at distances closer than 35 feet to be viewed suspiciously. Among these are 1) near field acoustical effects not generally seen at greater measurement distances, 2) the fact that at close distances a passing truck can no longer be even approximated to be a point source of noise, thereby invalidating some theoretical source propagation models, and 3) the fact that reflection effects from the ground tend to become exaggerated at close-in measurement distances. These factors, heretofore, have combined to cause measurements at these closer distances to be highly unpredictable. Accordingly, until further data can be obtained relative to this issue, the Director has opted not to expand the range of allowable measurement distances.

New definitions have been added to define "relatively flat" as it applies to site topography, "traffic railings," and "hard" and "soft" as they relate to the ground surface within the site. For the sake of uniformity and consistency of enforcement, the last two definitions have been specified in absolute, quantitative terms. While it is realized that the break point between a "hard" and "soft" site, as defined herein, is arbitrary, it is presented in the interests of specificity, rather than as being a scientifically determined certainty. Due to this fact, care should be exercised when choosing sites to try to avoid those which are marginally "soft" or "hard."

(12) Several respondents pointed out the potential for confusion arising out of the use of the proposed tables of ambient sound levels.

In response to these comments, the ambient noise level tables have been dropped and a new table which lists maximum allowable emission levels has been included in the regulation, and ambient sound levels are now specified as

having to be a minimum of 10 dB below the appropriate level in the new table.

(13) Concern was expressed by several State noise enforcing agencies about the seeming stringency of the wind measurement requirements. Their practical experience has indicated that the maximum wind velocities specified can be viewed rather loosely with no detrimental effects to noise measurements. With this in mind, it was suggested that extremely accurate wind measuring devices, such as anemometers, while desirable, were not always necessary.

In view of the above, the wind measurement requirements have been reworded to reflect a wider latitude insofar as an absolute upper wind velocity limit is concerned.

(14) One State enforcing agency expressed the desire to be able to measure noise emissions with already fallen snow on the ground. Without this ability, they stated, enforcement efforts within their State would be severely curtailed.

Data were submitted to the docket which indicate that snow is generally a sound absorptive material. Accordingly, it could be expected to attenuate measured truck noise. Realizing this, if an enforcement agency still wishes to make measurements, they are free to do so and not be in jeopardy of unduly penalizing motor carriers. However, no correction factor can be applied for measurements made under these conditions since the amount of absorption attributable to snow varies so widely (e.g., from hard frozen to loose powder) as to preclude a single correction factor.

(15) Several respondents asked that §§ 325.35 and 325.55 be modified to make it clear that measurements were prohibited under any conditions of precipitation.

Since this was the original intention of the proposed language of the two sections, they have been modified to make this point clear.

(16) Several commenters requested a clarification as to what orientations were acceptable, with regard to observer position relative to the vehicle and the sound level meter, when the sound level meter is being hand held. Since the publication of the Notice of Proposed Rule Making (NPRM) on this subject, it has been noted that several observer positions may be appropriate, depending on which sound level measuring system is being used. Accordingly, §§ 325.37 and 325.57 have been modified to allow any observer orientation that is recommended by the manufacturer of the sound level meter.

(17) Several commenters suggested that § 325.51(a) (1) and (2), dealing with microphone location heights relative to the ground, be clarified.

The Director concurs and has simplified the language of the section in an attempt to clarify its original intent.

(18) Several commenters requested that the 6 dB "rise and fall" that was proposed in § 325.39 be changed to be an 8 or 10 dB "rise and fall." These requests were generally tied to discussions of the 10 dB "down" ambient noise level requirements contained in § 325.35.

The 6 dB "rise and fall" requirement was added in an effort to ensure that when measurements are made, vehicles are spaced sufficiently far apart so that neither direct sound radiation nor reflections from vehicles, other than the one being measured, interfere with or enhance the measured noise levels. This requirement is a corollary to the open site clear zone requirements and acts to validate those requirements.

The 6 dB figure was determined by B. H. Sharp in *Methods on Highway Noise Measurement Sites*, March 1972, Wyle Labs Report WSR 72-1. There is no reason to dispute the validity of the determination made therein nor is there any reason to tie the figure to the ambient noise level requirement. Accordingly, the figure remains at 6 dB.

(19) Considerable discussion centered around the proposal to reference microphone location points during stationary tests to the front face of the front bumper of the parked vehicle. Various alternative positions were suggested, such as on a line with the exhaust outlets, the rear face of the cab, and the midpoint of the vehicle's wheel base.

The proposed position was arbitrarily chosen as one which could be easily referenced and would therefore facilitate measurement procedures. The comments pointed out that, in some cases, this referencing system may result in less than maximum observed noise readings due to the sometimes distant location of the exhaust outlets relative to the vehicle's front bumper. Therefore, to ensure that the maximum readings envisioned by the test procedure are obtained, the referencing system has been changed to call out the vehicle's exhaust outlet(s).

(20) The New Jersey Turnpike Authority stated that they measure motor vehicle noise emissions with the microphone located 10±5 feet (3±1.5 m) above the ground. It was implied that they wished to continue this practice.

The noise survey data upon which the EPA based its Interstate Motor Carrier Noise Emission Standards were collected with microphone heights of 4±½ feet (1.2±.15 m) from the ground. In order to maintain the consistency of that standard, the microphone height originally proposed has been retained. Truck noise research sponsored by the U.S. DOT has shown that elevated microphones detect higher sound levels than those levels which would be detected at microphone heights of 4 feet (1.2 m). Thus, higher microphone elevations, if permitted, would impose a greater stringency than intended by the EPA standard.

(21) Several commenters, notably the U.S. EPA and the Illinois Environmental Protection Agency, expressed concern that the BMCS had, in effect, prescribed a standard by including a provision to allow vehicles equipped with fan clutches a "cool down" period, if necessary, prior to being subjected to a stationary noise emission test.

The provision was intended to eliminate the possibility of testing the vehicle with its radiator fan clutch engaged, as

a result of a period of "hot soak" while waiting to be tested. This condition is generally not encountered when the vehicle is operating.

The Director feels that, rather than prescribing a standard in this regard, he is merely prescribing the test procedures necessary to ensure compliance with the EPA standard when the technology identified by EPA as being available is utilized. The fan clutch has been identified as available noise abatement technology in the preamble to the EPA noise emission standard and in the EPA background document on the subject. Research sponsored by the U.S. DOT has shown rather conclusively that vehicles equipped with a fan clutch have their fans operating only 1 to 3 percent of the time the vehicle is in operation. (Accordingly, a substantial noise benefit is realized; see 40 FR 8658, February 28, 1975, for a further discussion of fan clutches.)

The exemption was proposed only for the stationary test since it is likely that during this test the fan clutch will engage. Vehicles waiting in a line at, say a weigh station, following high speed travel prior to arrival at the weigh station, are likely to be in a "hot soak" condition. Ram air across the radiator is absent and thermal loads on the engine cooling system will be high for this short period of time. Under these conditions, the fan may engage. If the vehicle were then subjected to a stationary test, which is likely to occur immediately after the vehicle is weighed, it is possible that, with the fan engaged, the vehicle would fail a test that it would otherwise pass, due to high fan noise. Such a situation is not compatible with the intent of the EPA standard since the manufacturer or the operator would have applied the technology available to him in this area, only to be penalized. If, after the prescribed 10-minute cool-down period, the vehicle still fails to comply, it is safe to assume that the fan clutch is out of adjustment or that another source of noise is excessive. Such failure to comply with the standard after cool-down shall be considered noncompliance.

The wording of the fan clutch provision has been modified to make it clear that any engine speed may be used to cool the engine down. This rewording should obviate the need for a cool down period longer than that initially proposed.

Subsequent discussions with officials of the U.S. EPA have clarified the logic, intent and authority of the proposed section. Agreement has been reached that the sections as included herein do not intrude upon the authority of EPA to set noise emission standards. However, to ensure the complete integrity of the EPA standards, EPA intends to amend their standard as soon as possible to provide specifically for use of fan clutches. The fan clutch provision applies only to the stationary test. No exemption or retest provisions apply to the drive-by tests.

In view of the above, the Bureau feels compelled to retain this provision. The provision does not, however, include a

waiver for radiator shutters, nor was one intended. Radiator shutters tend to increase a vehicle's overall noise level when they are closed. No data have been submitted to indicate that noise reduction benefits result from the use of radiator shutters. To the contrary, they tend to cause additional fan noise except when they are open.

(22) Several commenters suggested modifications to the proposed stationary test procedure to make it clear that: 1) the engine should be "rapidly" accelerated in neutral gear at wide open throttle; 2) tests could be made with the microphone located on either side of the vehicle; and 3) stationary tests on gasoline powered vehicles may be invalid due to excessive governor overshoot.

The first two points listed above appear to be valid, and, therefore, have been included in this final rule. The last point is not a valid one. The test data collected by the Society of Automotive Engineers (SAE) and others, taken to verify the repeatability and validity of the stationary test, included numerous gasoline engine vehicles. The peak readings obtained from those vehicles, during stationary tests, as well as the readings obtained from diesel engine vehicles, were equally considered by the EPA when arriving at the maximum allowable value for the stationary test. Accordingly, the high governor overshoot problem attributable to some gasoline engine vehicles has already been factored into the standard.

(23) Several respondents requested that the range of allowable measurement distances be expanded from 35 to 83 feet (10.7 to 25.3 m) to 26 to 99 feet (7.9 to 30.3 m).

For reasons outlined in the previous discussion on site characteristics (point No. 11 in this discussion), the Director has declined to expand the originally proposed limits. Should further data become available in the future which will verify the validity of measuring at these other distances without being too lenient or too stringent, the Director will reconsider this issue.

(24) Several respondents challenged the validity of the 2 dB correction factor for ground surfaces. Others proposed that measurements be made only at sites meeting the stringent requirements of the SAE J336 test procedure.

In both the preamble to the EPA final rule on the Interstate Motor Carrier Noise Emission Standards (39 FR 38208, October 29, 1975) and in the EPA Background Document for Interstate Motor Carrier Noise Emission Regulations (October 1974, EPA 550/9-74-017, p. 36-37), the EPA clearly states that the final maximum allowable values for the stationary and for highway operations tests were based on the assumption that the former test would be conducted on a "hard" site, and that the latter tests would be conducted at "soft" grassy sites. The documents then state that the differences between the allowable stationary test noise level and the low speed highway operations test level are attributable to site variations, and that

both levels would be the same if implemented at identical sites. The BMCS en-

associated with the exterior noise emission enforcement effort will not increase

tion. This is the statutory basis for § 325.13 of these rules. Section 220 also au-

This regulation is issued under the authority of Section 18 of the Noise Con-

mental Protection Agency, 40 CFR Part 202.

(b) Definitions in standards. All terms



both levels would be the same if implemented at identical sites. The BMCS enforcement procedures merely reflect this fact and, therefore, the inclusion of a ground surface correction factor is still deemed appropriate.

(25) One respondent pointed out the fact that under the proposed wording of § 325.91, exhaust-gas driven unloading systems would be prohibited since they employed an exhaust system cutout. It was requested that these types of cutouts be allowed.

The EPA standard on this subject obviously was not intended to prohibit exhaust-gas driven unloading systems. Accordingly, § 325.91 has been modified to make it clear that their continued use is not prohibited.

(26) One respondent asked that proposed § 325.93, dealing with visual inspections, be dropped since it was felt to be burdensome on carriers and manufacturers.

The BMCS is not at liberty to eliminate standards promulgated by the EPA under the provisions of the Noise Control Act. Accordingly, proposed § 325.93 has been retained.

#### ENVIRONMENTAL AND ECONOMIC IMPACT

Pursuant to the requirement of the National Environmental Policy Act (42 USC 4321 et seq.) and Executive Order 11821, Inflation Impact, Statements, dated November 27, 1974, the Director has considered both the economic and environmental impacts of these regulations and determined them to be negative. This is the case since the regulations impose no new substantive requirements on the motor carrier industry. Rather, the regulations specified herein merely detail the measurement methodologies that must be followed in order to implement the Interstate Motor Carrier Noise Emission Standards issued by the EPA at 40 CFR 202.

The EPA extensively considered both the economic and environmental impacts attendant to motor carrier noise emission standards in their Background Document for Interstate Motor Carrier Noise Emission Regulations, October 1974, EPA-550/9-74-017. That document should be consulted for a detailed discussion of the costs and benefits resulting from the EPA standards.

The BMCS has analyzed the costs attributable to its enforcement efforts in this area and again has determined them to have a negative impact. Bureau Safety Investigators, will add this function to their responsibilities. Approximately 10 new positions are envisioned, at this time, for noise enforcement purposes. Accordingly, manpower costs will be somewhat increased.

Equipment costs associated with the Federal enforcement effort have been largely absorbed during another related Bureau activity. As a consequence of the Bureau's recently promulgated in-cab noise level regulations (49 CFR 393.94), the Bureau procured sound level measurement systems, calibrators, and tripods. Therefore, new equipment costs

associated with the exterior noise emission enforcement effort will not increase significantly.

#### ENFORCEMENT

As stated in the preamble to the proposed rule on this subject, the Bureau anticipates that it will conduct a program of enforcing the noise emission standards through the same techniques that are used to enforce the Federal Motor Carrier Safety Regulations (FMCSR). Inspection and surveillance of motor carriers will be carried out through terminal surveys and equipment inspection and driver-equipment compliance checks at roadside sites. Under the Noise Control Act, a violation of an EPA Interstate Motor Carrier Noise Emission Standard gives rise to the possibility of imposing sanctions under Section 11 of the Act. The sanctions include criminal prosecution of knowing or willful violators, in which the maximum sentence may not exceed a fine of \$25,000 per day, imprisonment for 1 year, or both, in the case of first offenders, and a fine of \$50,000 per day, imprisonment for 2 years, or both, in the case of subsequent offenses. In addition, Section 11 authorizes the United States to secure an injunction against future violations in the appropriate United States District Court and permits the Administrator of the EPA, after notice and the opportunity for hearing, to issue cease-and-desist orders against violators.

Section 18(a) of the Noise Control Act clearly gives to the EPA the statutory authority to promulgate regulations setting limits on noise emissions resulting from the operation of motor carriers engaged in interstate commerce. The EPA has clearly defined the scope of its authority, in its final rule on this subject, to include all the vehicles, having a GVWR or a GCWR greater than 10,000 pounds (4,536 kg.), which are operated by motor carriers who engage in interstate commerce. This authority extends to both the intrastate and interstate operations of interstate motor carriers.

Section 18(b) of the Act authorizes the Secretary of Transportation to carry out the regulations for ensuring compliance with EPA noise emission standards "... through the use of his powers and duties of enforcement and inspection authorized by the Interstate Commerce Act and the Department of Transportation Act."

Since the scope of the EPA standard includes both the intrastate and interstate operations of interstate motor carriers, this section, in turn, expands the authority of the BMCS to allow active regulation of all the operations of interstate motor carriers, insofar as noise emissions are concerned.

The basic "powers and duties" referred to in section 220 of the Interstate Commerce Act, 49 U.S.C. 320, section 220, requires motor carriers to submit their properties and documents for inspection and examination by designated special agents of the Department of Transportation's Federal Highway Administra-

tion. This is the statutory basis for § 325.13 of these rules. Section 220 also authorizes the Department of Transportation to require periodic and special reports from motor carriers subject to the Department's jurisdiction. It is on this basis that the Bureau now requires motor carriers whose equipment is found to be defective during a driver-equipment compliance check to make a report to the Bureau certifying that repairs have been made (see 49 CFR 396.5). The Bureau will adopt a similar procedure in the case of motor vehicles which are found to be in violation of the noise emission standards.

The use by the Bureau of the administrative enforcement procedures described above, does not limit or restrict the administrative procedures or sanctions that a State or political subdivision thereof may employ in carrying out its motor carrier noise emission regulatory program, even after the effective date of the EPA standards and the Department of Transportation's regulations for implementing those standards. Section 18(c) of the Noise Control Act provides that after the Federal regulations have become effective, "... no State or political subdivision thereof may adopt or enforce any standard applicable to the same operation of such motor carrier unless such standard is identical to a standard applicable to noise emissions resulting from such operation prescribed by any regulation under this section." It is the position of the Bureau that, while the "preemption" provisions of Section 18(c) require States and their political subdivisions that have not secured a special variance to apply the criteria and measurement methodologies as are specified in Federal regulations to determine whether a motor vehicle is in conformity with noise emission standards, once a violation is detected, the State or local government may proceed to impose sanctions or take other corrective action in accordance with its own law. Thus, for example, a State could, if it wished, bring a civil penalty proceeding against a violator, notwithstanding the fact that, under Federal law, the violation is a crime. Similarly, a State could, if its law permits, impound equipment found in violation of the noise emission standards, even though Federal law does not provide for impoundment as a sanction.

The rules finalized herein do not explicitly refer to the matters discussed here under the heading of "Enforcement." This is the case because the resolution of issues relating to the imposition of sanctions after violations of the noise emission standards are detected is a function of statutory construction rather than regulatory issuance. The discussion is included at this point in order to give interested persons insight into the Bureau's current thinking on these important issues.

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety is amending Subchapter A of Chapter III in title 49, CFR, by adding a new part 325, reading as set forth below.

This regulation is issued under the authority of Section 18 of the Noise Control Act of 1972, 42 U.S.C. 4917, the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(p), and the delegation of authority by the Federal Highway Administrator at paragraph 7, Chapter 7, Part I of FHWA Order 1-1.

Issued on September 8, 1975.

ROBERT A. KAYE,  
Director, Bureau of  
Motor Carrier Safety.

#### Subpart A—General Provisions

- Sec. Scope of the rules in this part.
- 325.1 Effective date.
- 325.3 Definitions.
- 325.7 Allowable Noise Levels.
- 325.9 Measurement Tolerances.

#### Subpart B—Administrative Provisions

- 325.11 Issuance, amendment, and revocation of the rules in this part.
- 325.13 Inspection and examination of motor vehicles.

#### Subpart C—Instrumentation

- 325.21 Scope of the rules in this subpart.
- 325.23 Types of measurement systems which may be used.
- 325.25 Calibration of measurement systems.
- 325.27 Use of a windscreen.

#### Subpart D—Measurement of Noise Emissions; Highway Operations

- 325.31 Scope of rules in this subpart.
- 325.33 Site characteristics; highway operations.
- 325.35 Ambient conditions; highway operations.
- 325.37 Location and operation of sound level measurement systems; highway operations.
- 325.39 Measurement procedures; highway operations.

#### Subpart E—Measurement of Noise Emissions; Stationary Test

- 325.51 Scope of the rules in this subpart.
- 325.53 Site characteristics; stationary test.
- 325.55 Ambient conditions; stationary test.
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- 325.59 Measurement procedure; stationary test.

#### Subpart F—Correction Factors

- 325.71 Scope of the rules in this subpart.
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- 325.77 Computation of open site requirements—nonstandard sites.
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#### Subpart G—Exhaust Systems and Tires

- 325.91 Exhaust systems.
- 325.93 Tires.

AUTHORITY: Sec. 18, 86 Stat. 1234, 1249-1250, 42 U.S.C. 4917.

#### Subpart A—General Provisions

##### § 325.1 Scope of the rules in this part.

(a) The rules in this Part prescribe procedures for inspection, surveillance, and measurement of motor vehicles and motor vehicle equipment operated by motor carriers to determine whether those vehicles and that equipment conform to the Interstate Motor Carrier Noise Emission Standards of the Environ-

mental Protection Agency, 40 CFR Part 202.

(b) Except as provided in paragraph (c) of this section, the rules in this Part apply to motor carriers engaged in interstate commerce. The rules apply at any time or under any condition of highway grade, load, acceleration or deceleration.

(c) The rules in this Part do not apply to—

(1) A motor vehicle that has a Gross Vehicle Weight Rating (GVWR) of 10,000 pounds (4,536 kg.) or less;

(2) A combination of motor vehicles that has a Gross Combination Weight Rating (GCWR) of 10,000 pounds (4,536 kg.) or less;

(3) The sound generated by a warning device, such as a horn or siren, installed in a motor vehicle, unless such device is intentionally sounded in order to preclude an otherwise valid noise emission measurement;

(4) An emergency motor vehicle, such as a fire engine, an ambulance, a police van, or a rescue van, when it is responding to an emergency call;

(5) A snow plow in operation; or

(6) The sound generated by auxiliary equipment which is normally operated only when the motor vehicle on which it is installed is stopped or is operating at a speed of 5 miles per hour (8 kph) or less, unless such device is intentionally operated at speeds greater than 5 mph (8 kph) in order to preclude an otherwise valid noise measurement. Examples of that type of auxiliary equipment include, but are not limited to, cranes, asphalt spreaders, ditch diggers, liquid or slurry pumps, auxiliary air compressors, welders, and trash compactors.

##### § 325.3 Effective date.

The rules in this part are effective on October 15, 1975.

##### § 325.5 Definitions.

(a) Statutory definitions. All terms defined in the Noise Control Act of 1972

TABLE 1.—Maximum Permissible Sound Level Readings [decibel(A)]<sup>1, 2</sup>

If the distance between the microphone location point and the microphone target point is—	Highway operations test				Stationary tests	
	Soft site	Hard site	Soft site	Hard site	Soft site	Hard site
	35 mi/h or less	Above 35 mi/h	35 mi/h or less	Above 35 mi/h		
35 ft (10.7 m) or more but less than 39 ft (11.9 m).....	89	93	91	95	89	91
39 ft (11.9 m) or more but less than 43 ft (13.1 m).....	88	92	90	94	88	90
43 ft (13.1 m) or more but less than 47 ft (14.3 m).....	87	91	89	93	87	89
47 ft (14.3 m) or more but less than 51 ft (15.5 m).....	86	90	88	92	86	88
51 ft (15.5 m) or more but less than 55 ft (16.8 m).....	85	89	87	91	85	87
55 ft (16.8 m) or more but less than 59 ft (18.0 m).....	84	88	86	90	84	86

<sup>1</sup> The speeds shown refer to measurements taken at sites having speed limits as indicated. These speed limits do not necessarily have to be posted.

<sup>2</sup> This table is based on motor carrier noise emission requirements specified in 40 CFR 202.20 and 40 CFR 202.21.

##### § 325.9 Measurement tolerances.

(a) Measurement tolerances will be allowed to take into account the effects of the following factors:

(1) The consensus standard practice of reporting field sound level measurements to the nearest whole decibel.

(Pub. L. 92-574, 86 Stat. 1234) are used as they are defined in that Act.

(b) Definitions in standards. All terms defined in § 202.10 of the Interstate Motor Carrier Noise Emission Standards, 40 CFR 202.10, are used as they are defined in that section.

(c) Additional definitions.

(1) "Hard test site" means any test site having the ground surface covered with concrete, asphalt, packed dirt, gravel, or similar reflective material for more than ½ the distance between the microphone target point and the microphone location point.

(2) "Soft test site" means any test site having the ground surface covered with grass, other ground cover, or similar absorptive material for ½ or more of the distance between the microphone target point and the microphone location point.

(3) "Ground cover" means any of various low, dense-growing plants, such as ivy, myrtle, low weeds, or brush.

(4) "Traffic railing" means any longitudinal highway traffic barrier system installed along the side or median of a highway. For the purpose of this part, a traffic railing must have at least 35 percent of its vertical height, from the ground surface to the top of the railing, open to free space in order to qualify as an acceptable object within a noise measurement test site. Further, for the purposes of this part, posts or other discrete supports shall be ignored when ascertaining open free space.

(5) "Relatively flat" when used to describe a noise measurement site means a site which does not contain significant concave curvatures or slope reversals that may result in the focusing of sound waves toward the microphone location point.

##### § 325.7 Allowable noise levels.

Motor vehicle noise emissions, when measured according to the rules of this part, shall not exceed the values specified in Table 1.

(5) Variations resulting from reflected sound from small objects allowed within

(3) A relative response level tolerance consistent with those of either a Type 1

urement area. A plan view diagram of a standard test site, having an open site

(2) Loose material, such as gravel or sand.

be oriented toward the highway at an angle of not less than 70 degrees and not

(2) Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in



(5) Variations resulting from reflected sound from small objects allowed within the test site.

(6) The interpretation of the effects of the above cited factors by enforcement personnel.

(b) Measurement tolerances shall not exceed 2 decibels for a given measurement.

#### Subpart B—Administrative Provisions

§ 325.11 Issuance, amendment, and revocation of the rules in this part.

The procedures specified in Part 389 of this Chapter for the issuance, amendment, or revocation of the Federal Motor Carrier Safety Regulations apply to rule-making proceedings for the issuance, amendment, or revocation of the rules in this part.

§ 325.13 Inspection and examination of motor vehicles.

(a) Any special agent of the Federal Highway Administration (designated in Appendix B to Subchapter B of this Chapter) is authorized to inspect, examine, and test a motor vehicle operated by a motor carrier in accordance with the procedures specified in this Part for the purpose of ascertaining whether the motor vehicle and equipment installed on the motor vehicle conforms to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency, 40 CFR Part 202.

(b) A motor carrier, its officers, drivers, agents, and employees must, at any time, submit a motor vehicle used in its operations for inspection, examination, and testing for the purpose of ascertaining whether the motor vehicle and equipment installed on it conforms to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency, 40 CFR Part 202.

#### Subpart C—Instrumentation

§ 325.21 Scope of the rules in this subpart.

The rules in this subpart specify criteria for sound level measurement systems which are used to make the sound level measurements specified in Subpart D and Subpart E of this part.

§ 325.23 Type of measurement systems which may be used.

The sound level measurement system must meet or exceed the requirements of American National Standard Specification for Sound Level Meters (ANSI S1.4-1971), approved April 27, 1971, issued by the American National Standards Institute, throughout the applicable frequency range for either:

- (a) A Type 1 sound level meter;
- (b) A Type 2 sound level meter; or
- (c) A Type S sound level meter which has—

- (1) A-weighting frequency response;
- (2) Fast dynamic characteristics of its indicating instrument; and

<sup>1</sup> Copies of the specification may be secured from the American National Standards Institute, 1430 Broadway, New York, New York, 10018.

(3) A relative response level tolerance consistent with those of either a Type 1 or Type 2 sound level meter, as specified in Section 3.2 of ANSI S1.4-1971.

§ 325.25 Calibration of measurement systems.

(a) (1) The sound level measurement system must be calibrated and appropriately adjusted at one or more frequencies in the range from 250 to 1,000 Hz at the beginning of each series of measurements and at intervals of 5-15 minutes thereafter until it has been established that the sound level measurement system has not drifted from its calibrated level. Once this fact has been established, calibrations may be made at intervals of once every hour.

(2) The sound level measurement system must be checked periodically by its manufacturer, a representative of its manufacturer, or a person of equivalent special competence to verify that its accuracy meets the manufacturer's design criteria.

(b) An acoustical calibrator of the microphone coupler type designed for the sound level measurement system in use shall be used to calibrate the sound level measurement system in accordance with paragraph (a) of this section. The calibrator must meet or exceed the accuracy requirements specified in the American National Standards Institute Standard Methods for Measurements of Sound Pressure Levels, (ANSI S1.13-1971) for calibrators for field type measurements.

§ 325.27 Windscreens.

A properly installed windscreens, of the type recommended by the manufacturer of the Sound Level Measurement System, shall be used during the time that noise emission measurements are being taken.

#### Subpart D—Measurement of Noise Emissions Highway Operations

§ 325.31 Scope of the rules in this subpart.

The rules in this subpart specify conditions and procedures for measurement of the sound level generated by a motor vehicle engaged in a highway operation for the purpose of ascertaining whether the motor vehicle conforms to the Standards for Highway Operations set forth in 40 CFR 202.20.

§ 325.33 Site characteristics: highway operations.

(a) Measurement shall be made at a test site which is adjacent to, and includes a portion of, a traveled lane of a public highway. A microphone target point shall be established on the centerline of the traveled lane of the highway, and a microphone location point shall be established on the ground surface not less than 35 feet (10.7 m) or more than 83 feet (25.3 m) from the microphone target point and on a line that is perpendicular to the centerline of the traveled lane of the highway and that passes through the microphone target point. In the case of a standard test site, the microphone location point is 50 feet (15.2 m) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m) radius of both the microphone target point and the microphone location point, is shown in Figure 1. Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in Subpart F of this Part.

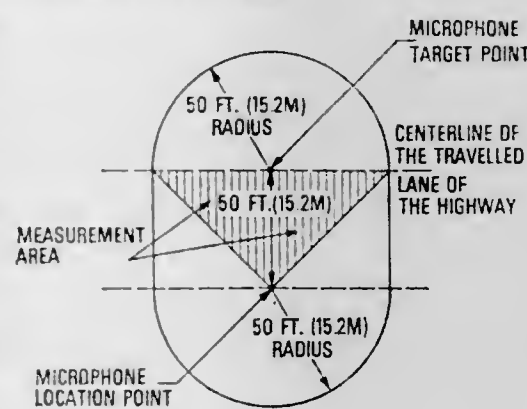


Figure 1  
STANDARD TEST SITE:  
HIGHWAY OPERATIONS

(b) The test site must be an open site, essentially free of large sound-reflecting objects. However, the following objects may be within the test site, including the triangular measurement area:

- (1) Small cylindrical objects such as fire hydrants or telephone or utility poles.
- (2) Rural mailboxes.
- (3) Traffic railings of any type of construction except solid concrete barriers (see § 325.5(c)(4)).
- (4) One or more curbs having a vertical height of 1 foot (.3 m) or less.

(c) The following objects may be within the test site if they are outside of the triangular measurement area of the site:

- (1) Any vertical surface (such as billboard), regardless of size, having a lower edge more than 15 feet (4.6 m) higher than the surface of the traveled lane of the highway.
- (2) Any uniformly smooth sloping surface slanting away from the highway (such as a rise in grade alongside the highway) with a slope that is less than 45 degrees above the horizontal.
- (3) Any surface slanting away from the highway that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m) above the surface of the traveled lane of the highway.
- (4) The surface of the ground within the measurement area must be relatively flat (see § 325.5(c)(5)). The site shall be a "soft" test site. However, if the site is determined to be "hard," the correction factor specified in § 325.75(a) of this part shall be applied to the measurement.
- (5) The traveled lane of the highway within the test site must be dry, paved with relatively smooth concrete or asphalt, and substantially free of—
  - (1) Holes or other defects which would cause a motor vehicle to emit irregular tire, body, or chassis impact noise; and

(2) Loose material, such as gravel or sand.

(f) The traveled lane of the highway on which the microphone target point is situated must not pass through a tunnel or underpass located within 200 feet (61 m) of that point.

§ 325.35 Ambient conditions: highway operations.

(a) (1) Sound. The ambient A-weighted sound level at the microphone location point shall be measured, in the absence of motor vehicle noise, with fast meter response using a sound level measurement system that conforms to the rules in § 325.23 of this Part.

(2) The measured ambient level must be 10 dB(A) or more below that level specified in § 325.9, Table 1, which corresponds to the maximum permissible sound level reading which is applicable at the test site at the time of testing.

(b) Wind. The wind velocity at the test shall be measured at the beginning of each series of noise measurements and at intervals of 5-15 minutes thereafter until it has been established that the wind velocity is essentially constant. Once this fact has been established, wind velocity measurements may be made at intervals of once every hour. Noise measurements may only be made if the measured wind velocity is 12 mph (19.3 kph) or less. Gust wind measurements of up to 20 mph (32.2 kph) are allowed.

(c) Precipitation. Measurements are prohibited under any condition of precipitation, however, measurements may be made with snow on the ground. The ground surface within the measurement area must be free of standing water.

§ 325.37 Location and operation of sound level measurement system: highway operations.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 of this Part shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 m) above the plane of the roadway surface and not less than 3½ feet (1.1 m) and not more than 4½ feet (1.4 m) above the surface on which the microphone stands.

(b) (1) When the sound level measurement system is hand-held or is otherwise monitored by a person located near its microphone, the holder must orient himself relative to the highway in a manner consistent with the recommendation of the manufacturer of the sound level measurement system.

(2) In no case shall the holder or observer be closer than 2 feet (.6 m) from the system's microphone, nor shall he locate himself between the microphone and the vehicle being measured.

(c) The microphone of the sound level measurement system shall be oriented toward the traveled lane of the highway at the microphone target point at an angle that is consistent with the recommendation of the system's manufacturer. If the manufacturer of the system does not recommend an angle of orientation for its microphone, the microphone shall

be oriented toward the highway at an angle of not less than 70 degrees and not more than perpendicular to the horizontal plane of the traveled lane of the highway at the microphone target point.

(d) The sound level measurement system shall be set to the A-weighting network and "fast" meter response mode.

§ 325.39 Measurement procedure: highway operations.

(a) In accordance with the rules in this subpart, a measurement shall be made of the sound level generated by a motor vehicle operating through the measurement area on the traveled lane of the highway within the test site, regardless of the highway grade, load, acceleration or deceleration.

(b) The sound level generated by the motor vehicle is the highest reading observed on the sound level measurement system as the vehicle passes through the measurement area, corrected, when appropriate, in accordance with the rules in Subpart F of this Part. (Table 1 in § 325.9 lists the range of maximum permissible sound level readings for various test conditions.) The sound level of the vehicle being measured must be observed to rise at least 6 dB(A) before the maximum sound level occurs and to fall at least 6 dB(A) after the maximum sound level occurs in order to be considered a valid sound level reading.

#### Subpart E—Measurement of Noise Emissions Stationary Test

§ 325.51 Scope of the rules in this subpart.

(a) The rules in this subpart specify conditions and procedures for measuring the sound level generated by a vehicle when the vehicle's engine is rapidly accelerated from idle to governed speed at wide open throttle with the vehicle stationary, its transmission in neutral, and its clutch engaged, for the purpose of ascertaining whether the motor vehicle conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21.

(b) The rules in this subpart apply only to a motor vehicle that is equipped with an engine speed governor.

(c) Tests conducted in accordance with the rules of this subpart may be made on either side of the vehicle.

§ 325.53 Site characteristics: stationary test.

(a) (1) The motor vehicle to be tested shall be parked on the test site. A microphone target point shall be established on the ground surface of the site on the centerline of the lane in which the motor vehicle is parked at a point that is within 3 feet (.91 m) of the vehicle's exhaust system outlet(s). A microphone location point shall be established on the ground surface not less than 35 feet (10.7 m) and not more than 83 feet (25.3 m) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m) radius of both the microphone target point and the microphone location point, is shown in Figure 2.

(2) Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in Subpart F of this Part.

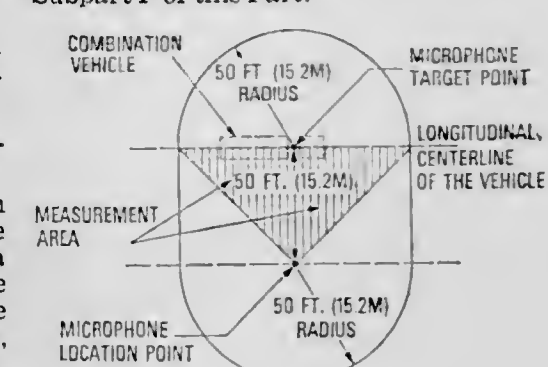


Figure 2  
STANDARD TEST SITE:  
STATIONARY TEST

(b) The test site must be an open site, essentially free of large sound-reflecting objects. However, the following objects may be within the test site, including the triangular measurement area:

- (1) Small cylindrical objects such as fire hydrants or telephone or utility poles.
- (2) Rural mailboxes.
- (3) Traffic railings of any type of construction except solid concrete barriers (see § 325.5(c)(4)).
- (4) One or more curbs having a height of 1 foot (.3 m) or less.

(c) The following objects may be within the test site if they are outside of the triangular measurement area of the site:

- (1) Any vertical surface, regardless of size (such as a billboard), having a lower edge more than 15 feet (4.6 m) above the ground.
- (2) Any uniformly smooth surface slanting away from the vehicle with a slope that is less than 45 degrees above the horizontal.
- (3) Any surface slanting away from the vehicle that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m) above the surface of the ground in the test site.
- (4) The surface of the ground within the measurement area must be relatively flat. (See § 325.5(c)(5)). The site shall be a "hard" site. However, if the site is determined to be "soft," the correction factor specified in § 325.75(b) of this Part shall be applied to the measurement.

§ 325.55 Ambient conditions: stationary test.

(a) Sound. The ambient A-weighted sound level at the microphone location point shall be measured in the absence of motor vehicle noise, with fast meter response using a sound level measurement system that conforms to the rules in § 325.23 of this Part. The measured ambient level must be 10 dB(A) or more below that level specified in § 325.9, Table 1, which corresponds to the maximum permissible sound level reading which is applicable at the test site at the time of testing.

(b) Wind. The wind velocity at the test site shall be measured at the beginning of each series of noise measurements.

ments and at intervals of 5-15 minutes thereafter until it has been established that the wind velocity is essentially constant.

clude cranes, asphalt spreaders, liquid or slurry pumps, auxiliary air compressors, welders, and trash compactors.

level reading generated by the motor vehicle in accordance with § 325.39 of this part or the numerical average of the

between the microphone location point and the microphone target point. (See § 325.79(b)(1) for an example of the ap-

(b) The following examples illustrate the application of correction factors to sound level measurement readings:

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven



ments and at intervals of 5-15 minutes thereafter until it has been established that the wind velocity is essentially constant. Once this fact has been established, wind velocity measurements may be made at intervals of once every hour. Noise measurements may only be made if the measured wind velocity is 12 mph (19.3 kph) or less. Gust wind measurements of up to 20 mph (32.2 kph) are allowed.

(c) **Precipitation.** Measurements are prohibited under any conditions of precipitation, however, measurements may be made with snow on the ground. The ground within the measurement area must be free of standing water.

#### § 325.57 Location and operation of sound level measurement system; stationary test.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 of this part shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 m) above the plane of the roadway surface and not less than 3½ feet (1.1 m) and not more than 4½ feet (1.4 m) above the surface on which the microphone stands.

(b) When the sound level measurement system is hand-held or otherwise monitored by a person located near its microphone, the holder must orient himself relative to the highway in a manner consistent with the recommendation of the manufacturer of the sound level measurement system. In no case shall the holder or observer be closer than 2 feet (.6 m) from the system's microphone, nor shall he locate himself between the microphone and the vehicle being measured.

(c) The microphone of the sound level measurement system shall be oriented toward the vehicle at an angle that is consistent with the recommendation of the system's manufacturer. If the manufacturer of the system does not recommend an angle of orientation for its microphone, the microphone shall be oriented at an angle of not less than 70 degrees and not more than perpendicular to the horizontal plane of the test site at the microphone target point.

(d) The sound level measurement system shall be set to the A-weighting network and "fast" meter response mode.

#### § 325.59 Measurement procedure: stationary test.

In accordance with the rules in this subpart, a measurement shall be made of the sound level generated by a stationary motor vehicle as follows:

(a) Park the motor vehicle on the test site as specified in § 325.53 of this subpart. If the motor vehicle is a combination (articulated) vehicle, park the combination so that the longitudinal centerlines of the towing vehicle and the towed vehicle or vehicles are in substantial alignment.

(b) Turn off all auxiliary equipment which is installed on the motor vehicle and which is designed to operate under normal conditions only when the vehicle is operating at a speed of 5 mph (8 kph) or less. Examples of such equipment in-

clude cranes, asphalt spreaders, liquid or slurry pumps, auxiliary air compressors, welders, and trash compactors.

(c) If the motor vehicle's engine radiator fan drive is equipped with a clutch or similar device that automatically either reduces the rotational speed of the fan or completely disengages the fan from its power source in response to reduced engine cooling loads, park the vehicle before testing with its engine running at high idle or any other speed the operator may choose, for sufficient time but not more than 10 minutes, to permit the engine radiator fan to automatically disengage when the vehicle's noise emissions are measured under stationary test.

(d) With the motor vehicle's transmission in neutral and its clutch engaged, rapidly accelerate the vehicle's engine from idle to its maximum governed speed with wide open throttle. Return the engine's speed to idle.

(e) Observe the maximum reading on the sound level measurement system during the time the procedures specified in paragraph (d) of this section are followed. Record that reading, if the reading has not been influenced by extraneous noise sources such as motor vehicles operating on adjacent roadways.

(f) Repeat the procedures specified in paragraphs (d) and (e) of this section until the first two maximum sound level readings that are within 2 dB(A) of each other are recorded. Numerically average those two maximum sound level readings. When appropriate, correct the average figure in accordance with the rules in Subpart F of this part.

(g) The average figure, corrected as appropriate, contained in accordance with paragraph (f) of this section, is the sound level generated by the motor vehicle for the purpose of determining whether it conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21. (Table 1 in § 325.9 lists the range of maximum permissible sound level readings for various test conditions.)

#### Subpart F—Correction Factors

##### § 325.71 Scope of the rules in this subpart.

(a) The rules in this subpart specify correction factors which are added to, or subtracted from, the reading of the sound level generated by a motor vehicle, as displayed on a sound level measurement system, during the measurement of the motor vehicle's sound level emissions at a test site which is not a standard site.

(b) The purpose of adding or subtracting a correction factor is to equate the sound level reading actually generated by the motor vehicle to the sound level reading it would have generated if the measurement had been made at a standard test site.

##### § 325.73 Microphone distance correction factors.

If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the maximum observed sound

level reading generated by the motor vehicle in accordance with § 325.39 of this part or the numerical average of the recorded maximum observed sound level readings generated by the motor vehicle in accordance with § 325.59 of this part shall be corrected as specified in the following table:

TABLE 2—DISTANCE CORRECTION FACTORS

If the distance between the microphone location point and the microphone target point is:	The value (dB(A)) to be applied to the observed sound level reading is—
35 feet (10.7 m) or more but less than 39 feet (11.9 m) —	-3
39 feet (11.9 m) or more but less than 43 feet (13.1 m) —	-2
43 feet (13.1 m) or more but less than 48 feet (14.6 m) —	-1
48 feet (14.6 m) or more but less than 58 feet (17.7 m) —	0
58 feet (17.7 m) or more but less than 70 feet (21.3 m) —	+1
70 feet (21.3 m) or more but less than 83 feet (25.3 m) —	+2

##### § 325.75 Ground surface correction factors.

(a) Highway operations. When measurements are made in accordance with the rules in Subpart D of this part upon a test site which is "hard," a correction factor of 2 dB(A) shall be subtracted from the maximum observed sound level reading generated by the motor vehicle to determine whether the motor vehicle conforms to the Standards for Highway Operations, 40 CFR 202.20.

(b) Stationary Test. When measurements are made in accordance with the rules in Subpart E of this part upon a test site which is "soft," a correction factor of 2 dB(A) shall be added to the numerical average of the recorded maximum observed sound level readings generated by the motor vehicle to determine whether the motor vehicle conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21.

##### § 325.77 Computation of open site requirements—nonstandard sites.

(a) If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the test site must be an open site within a radius from both points which is equal to the distance between the microphone location point and the microphone target point.

(b) Plan view diagrams of nonstandard test sites are shown in Figures 3 and 4. Figure 3 illustrates a test site which is larger than a standard test site and is based upon a 60-foot (18.3 m) distance

<sup>2</sup> Table 1, in § 325.9 is a tabulation of the maximum allowable sound level readings taking into account both the distance correction factors contained in § 325.73 and the ground surface correction factors contained in § 325.75.

between the microphone location point and the microphone target point. (See § 325.79(b)(1) for an example of the application of the correction factor to a sound level reading obtained at such a site.) Figure 4 illustrates a test site which is smaller than a standard test site and is based upon a 35-foot (10.7 m) distance between the microphone location point and the microphone target point. (See § 325.79(b)(2) for an example of the application of the correction factor to a sound level reading obtained at such a site.)

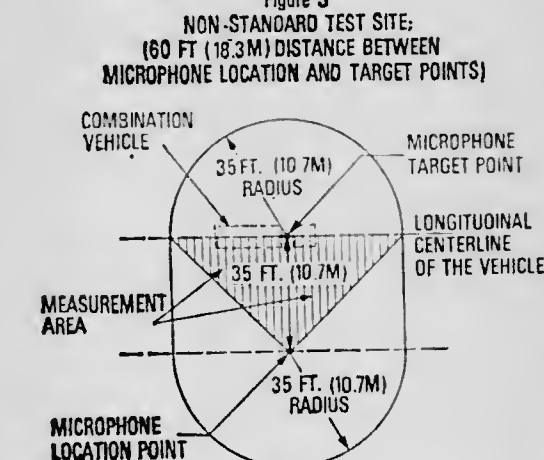
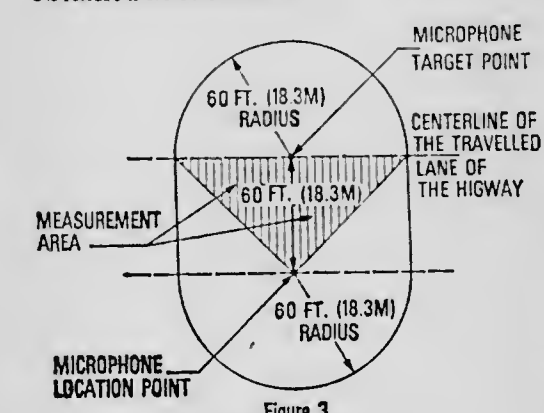


Figure 4  
NON-STANDARD TEST SITE;  
(35 FT. (10.7M) DISTANCE BETWEEN  
MICROPHONE LOCATION AND TARGET POINTS)

##### § 325.79 Application of correction factors.

(a) If two correction factors apply to a measurement they are applied cumulatively.

(b) The following examples illustrate the application of correction factors to sound level measurement readings:

(1) **Example 1—Highway operations.** Assume that a motor vehicle generates a maximum observed sound level reading of 86 dB(A) during a measurement in accordance with the rules in Subpart D of this Part. Assume also that the distance between the microphone location point and the microphone target point is 60 feet (18.3 m) and that the measurement area of the test site is acoustically "hard." The corrected sound level generated by the motor vehicle would be 85 dB(A), calculated as follows:

86 dB(A)	Uncorrected reading
+1 dB(A)	Distance correction factor
-2 dB(A)	Ground surface correction factor
85 dB(A)	Corrected reading

(2) **Example 2—Stationary test.** Assume that a motor vehicle generates maximum sound level readings which average 88 dB(A) during a measurement in accordance with the rules in Subpart E of this Part. Assume also that the distance between the microphone location point and the microphone target point is 35 feet (10.7 m), and that the measurement area of the test site is acoustically "soft." The corrected sound level generated by the motor vehicle would be 87 dB(A), calculated as follows:

88 dB(A)	Uncorrected average of readings
-3 dB(A)	Distance correction factor
+2 dB(A)	Ground surface correction factor
87 dB(A)	Corrected reading

#### Subpart G—Exhaust Systems and Tires

##### § 325.91 Exhaust systems.

A motor vehicle does not conform to the visual exhaust system inspection requirements, 40 CFR 202.22, of the Interstate Motor Carrier Noise Emission Standards, if inspection of the exhaust system of the motor vehicle discloses that the system—

(a) Has a defect which adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements, (small traces of soot on flexible exhaust pipe sections shall not constitute a violation of this subpart);

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust gases); or

(c) Is equipped with a cut-out, by-pass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

##### § 325.93 Tires.

(a) Except as provided in paragraph (b) of this section, a motor vehicle does not conform to the visual tire inspection requirements, 40 CFR 202.23, of the Interstate Motor Carrier Noise Emission Standards, if inspection of any tire on which the vehicle is operating discloses that the tire has a tread pattern composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire.

(b) Paragraph (a) of this section does not apply to a motor vehicle operated on a tire having a tread pattern of the type specified in that paragraph, if the motor carrier who operates the motor vehicle demonstrates to the satisfaction of the Director of the Bureau of Motor Carrier Safety or his designee that either—

(1) The tire did not have that type of tread pattern when it was originally manufactured or newly remanufactured; or

(2) The motor vehicle generates a maximum sound level reading of 90 dB(A) or less when measured at a standard test site for highway operations at a distance of 50 feet (15.3 m) and under the following conditions:

(i) The measurement must be made at a time and place and under conditions specified by the Director or his designee.

(ii) The motor vehicle must be operated on the same tires that were installed on it when the inspection specified in paragraph (a) of this section occurred.

(iii) The motor vehicle must be operated on a highway having a posted speed limit of more than 35 mph (56.3 kph).

(iv) The sound level measurement must be made while the motor vehicle is operating at the posted speed limit.

[FR Doc. 75-24086 Filed 9-11-75; 8:45 am]



# federal register

FRIDAY, SEPTEMBER 12, 1975



PART III:

## PRIVACY ACT OF 1974

VARIOUS AGENCIES

Proposed Implementation; Correction

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**DEPARTMENT OF DEFENSE**  
Defense Civil Preparedness Agency  
[ 32 CFR Part 1814 ]

**PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS**

**Extension of Comment Period and Correction of Reference to Systems of Records and Systems Notices**

In order to provide a thirty-day period of notice following **FEDERAL REGISTER** publication of the Notice of Proposed Rulemaking (40 FR 37498) the period for comment is extended five days to the new due date of September 25, 1975.

The proposed new Part 1814 is corrected by amending paragraph (b) of § 1814.9 (40 FR 47501) as follows:

1. In place of the date "August 13, 1975" substitute the date "August 18, 1975."

2. In place of the reference to system of records "PER 7, General personnel" substitute "PER 1, General personnel."

JOHN E. DAVIS,

Director,

Defense Civil Preparedness Agency,

[FR Doc. 75-24485 Filed 9-10-75; 3:55 pm]

**COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED**

**[ 41 CFR 51 ]**

**PRIVACY ACT RULES**

**Notice of Proposed Rulemaking**

Notice is hereby given that the Committee for Purchase from the Blind and Other Severely Handicapped has under consideration rulemaking action to amend 41 CFR 51 by establishing a new Part 8 which implements provisions of the Privacy Act of 1974 (Pub. L. 93-579).

The new Part 8 establishes procedures by which individuals may safeguard their privacy by obtaining access to and requesting changes in information about them which is under the Committee's control. The Committee accepts the responsibility to ensure that any system of records it maintains will be kept in such a way that the privacy of all individuals concerned is protected. Disclosure of information from any system of records will be made only in conformity with the Privacy Act.

Notice of system of records maintained by the Committee was published in the **FEDERAL REGISTER** on August 13, 1975 as required by Pub. L. 93-579, December 31, 1974.

Before taking action to issue the proposed rules in final form, the Committee will consider comments and suggestions received in writing on or before October 14, 1975.

Comments should be sent to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

**PROPOSED RULES**

Issued in Washington, D.C. on September 12, 1975.

By the Committee.

C. W. FLETCHER,  
Executive Director.

Part 51-8 is added as follows:

**PART 51-8—PRIVACY ACT RULES**

**Subpart 51-8.1—General Policy**

- Sec.
- 51-8.101 Maintenance of records
  - 51-8.101-1 Collection and use
  - 51-8.101-2 Standards of accuracy
  - 51-8.101-3 Content of systems of records
  - 51-8.101-4 Rules of conduct
  - 51-8.101-5 Safeguarding systems of records
  - 51-8.102 Availability of records
  - 51-8.102-1 Specific exemptions.

**Subpart 51-8.2—Disclosure of Records**

- 51-8.201 Conditions of disclosure.
- 51-8.202 Accounting of disclosures.

**Subpart 51-8.3—Individual Access to Records**

- 51-8.301 Notification.
- 51-8.302 Times, places and requirements for access requests.
- 51-8.303 Access procedures.
- 51-8.303-1 Form of requests.
- 51-8.303-2 Special requirements for medical/psychological records.
- 51-8.303-3 Granting access.
- 51-8.303-4 Denials of access.
- 51-8.304 Fees.
- 51-8.304-1 Records available without charge.
- 51-8.304-2 Records available at a fee.
- 51-8.304-3 Prepayment of fees over \$25.
- 51-8.304-4 Form of payment.
- 51-8.304-5 Reproduction of fee schedule.

**Subpart 51-8.4—Requests To Amend Records**

- 51-8.401 Submission of requests to amend records.
- 51-8.402 Review of requests to amend records.
- 51-8.403 Approval of requests to amend.
- 51-8.404 Refusal of request to amend.
- 51-8.405 Request of review of refusal to amend a record.

**Subpart 51-8.5—Report on New Systems and Alteration of Existing Systems**

- 51-8.501 Reporting requirement.
- 51-8.502 FEDERAL REGISTER notices of establishment of new system or alteration of existing system.
- 51-8.503 Effective date of new systems of records or alteration of an existing system of records.

**Subpart 51-8.6—Exemptions**

- 51-8.601 [Reserved]

**Subpart 51-8.7—Rules of Conduct for Disclosure of Information About an Individual**

- 51-8.701 Committee rules of conduct.

AUTHORITY: Pub. L. 93-579, Dec. 31, 1974, 5 U.S.C. 552a.

**Subpart 51-8.1—General Policy**

- § 51-8.101 Maintenance of records.

- § 51-8.101-1 Collection and use.

Any information used in whole or in part in making a determination about an individual's rights, benefits, or privileges under the Committee programs, shall, to the extent practicable, be collected directly from the subject individual. At the time information is collected, the individual must be informed of the authority for collecting such information,

whether providing the information is mandatory or voluntary, the purposes for which the information will be used, the routine uses as published in the **FEDERAL REGISTER**, and the effects on the individual, if any, of not providing the information. The information collected shall be used only for the intended purpose or permission for additional use will be obtained from the subject individual.

**§ 51-8.101-2 Standards of accuracy.**

The Executive Director shall ensure that all records which are used by the agency to make determinations about any individual are maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual. Upon petition by an individual, the Executive Director shall provide the individual with the opportunity to review his records, and to request amendment of a portion which the individual believes is not accurate, relevant, timely or complete. Prior to dissemination of records about any individual to any person or to another agency, exclusive of disclosure pursuant to the Freedom of Information Act, the Executive Director shall make reasonable effort to ensure that such records are accurate, complete, timely, and relevant.

**§ 51-8.101-3 Content of systems of records.**

The Executive Director shall maintain in records only such information about an individual as is relevant and necessary to accomplish an agency purpose required by statute or executive order. Such records shall not contain any information describing how any individual exercises rights guaranteed by the First Amendment unless specifically authorized by statute, by the subject individual, or is pertinent to and within the scope of an authorized law enforcement activity. For these purposes, First Amendment rights include, but are not limited to, religious and political beliefs, freedom of speech, the press, assembly, and freedom to petition.

**§ 51-8.101-4 Rules of conduct.**

Any employee of the Committee involved in the design, development, operation or maintenance of any system of records, or in maintaining any record, shall review the provisions of 5 U.S.C. 552a and these regulations, and shall conduct himself accordingly with the rules of conduct concerning the protection of personal information outlined in 41 CFR 51-8.7, Rules of Conduct for Disclosure of Information about an Individual.

**§ 51-8.101-5 Safeguarding systems of records.**

The Executive Director shall ensure that appropriate administrative, technical and physical safeguards are established to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness

to any individual on whom information is maintained.

**§ 51-8.102 Availability of records.**

Committee records pertaining to an individual shall be made available to the subject individual to the greatest extent possible. Disclosures of records to other than the subject individual will be made only in accordance with subpart 51-8.2.

**§ 51-8.102-1 Specific exemptions.**

Systems of records maintained by the Committee which have been exempted from certain requirements of the Privacy Act are designated in subpart 51-8.6. An individual shall have access to all exempted records containing information about him under procedures outlined in subpart 51-8.3. Upon request, an individual shall receive an accounting of any disclosure of information about him.

**Subpart 51-8.2—Disclosure of Records**

**§ 51-8.201 Conditions of disclosure.**

No Committee member or employee of the Committee shall disclose any record to any person or to another agency without the express written consent of the subject individual unless the disclosure is:

(a) To Committee members or employees who have a need for the information in the official performance of their duties.

(b) Required under the provisions of the Freedom of Information Act.

(c) For a routine as published in the annual notice in the **FEDERAL REGISTER**.

(d) To the Bureau of Census for uses pursuant to Title 13.

(e) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and the record is to be transferred in a form that is not individually identifiable. The written statement should include as a minimum:

(1) A statement of the purpose for requesting the records, and

(2) Certification that the records will be used only for statistical purposes.

These written statements shall be maintained as records. In addition to stripping personally identifying information from records released for statistical purpose, the Committee will ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records.

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(g) To another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought.

**PROPOSED RULES**

quest to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought.

(h) To a person showing compelling circumstances affecting the health and safety of an individual (not necessarily the individual to whom the record pertains). Upon such disclosure, a notification of such shall be sent to the last known address of the individual.

(i) To either House of Congress or to a subcommittee or committee (joint or of either House, to the extent that the subject matter falls within their jurisdiction).

(j) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office, or

(k) Pursuant to the order of the court of competent jurisdiction.

**§ 51-8.202 Accounting of disclosures.**

(a) Except for disclosures made pursuant to paragraph (a) and (b) of subpart 51-8.201, an accurate accounting of each disclosure will be made and retained for five years after the disclosure or for the life of the record, whichever is longer. The accounting will include the date, nature, and purpose of each disclosure, and the name and address of the person or agency to whom the disclosure is made.

(b) The accounting will be recorded and maintained in any manner the Executive Director determines is satisfactory for the purposes of constructing a listing of all disclosures, and for providing a cross reference to the justification or basis upon which the disclosure was made, including written documentation required when records are released for statistical or law enforcement purposes and any written consents provided by the individual.

(c) Except for disclosures made to agencies or instrumentalities in law enforcement activities in accordance with § 51-8.201(2) or for disclosures made from systems exempted from this requirement of the Act as outlined in subpart 51-8.6, the accounting of disclosures will be made available to the individual upon request. Procedures for requesting access to the accounting are outlined in subpart 51-8.3.

**Subpart 51-8.3—Individual Access to Records**

**§ 51-8.301 Notification.**

Any individual who wishes to determine if a system of records maintained by the Committee contains a record pertaining to him should direct a request to the Executive Director at the address indicated in the public notice describing the system of records which has been published in the **FEDERAL REGISTER**. The request should display clearly the legend "Privacy Act Request" both on the face of the request letter and on the face of the envelope. The request letter should contain the complete name and identifying number of the system as published in the **FEDERAL REGISTER**; the full name, address, and telephone number of the subject individual; a brief description of the nature, time, place and circumstances of the individual's association with the Committee and any other information which the individual believes would facilitate the Executive Director's search for the record.

stances of the individual's association with the Committee and any other information which the individual believes would facilitate the Executive Director's determination whether the individual's name is included in the system of records. The Executive Director shall answer or acknowledge the request within ten working days.

**§ 51-8.302 Times, places and requirements for access requests.**

Records will be available for authorized access during normal business hours at the offices where the records are located. A requester should be prepared to identify himself through production of a driver's license, student or employee identification card, or other identification acceptable to the Executive Director. When the disclosure of records to the wrong individual would result in substantial harm, embarrassment, inconvenience, or unfairness to the subject individual, the Executive Director may require a notarized statement of identity. The Executive Director shall ensure that such times, places, and requirements for identification are not excessive and do not restrict individual access unduly.

**§ 51-8.303 Access procedures.**

**§ 51-8.303-1 Form of requests.**

(a) An individual must request access to his record in writing. The Executive Director shall accept by telephone only general inquiries for information regarding systems of records or procedures.

(b) A written request should be directed to the Executive Director as listed in the public notice describing the system of records. The individual should display clearly on the face of the request letter and on the face of the envelope the legend "Privacy Act Request", and include the complete name and identifying number of the system as published in the **FEDERAL REGISTER**; the full name, address, the telephone number of the individual; a brief description of the nature, time, place and circumstances of the individuals association with the Committee; and any other information which the individual believes would facilitate the Executive Director's search for the record.

(c) An individual who wishes to have a person of his choosing accompany him in reviewing a record must sign a statement authorizing the disclosure of his record in the presence of another individual, if so requested by the Executive Director. An individual who intends to visit the Committee office in order to review a record should make an appointment with the Executive Director at least one week in advance.

**§ 51-8.303-2 Special requirements for medical/psychological records.**

(a) The Executive Director may require an individual who requests access to his medical or psychological record to designate a physician of his choice to whom he may disclose the individual's record if in the opinion of the Executive Director, disclosure directly to the individual might be harmful.

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**§ 51-8.304 Fees.**

**§ 51-8.304-1 Records available without**

(b) The Executive Director shall mark records which should not be disclosed directly to the subject individual and shall

results within ten working days. If a determination cannot be made within ten working days, the Executive Director

Blind and Other Severely Handicapped, 2009 14th Street N., Suite 610, Arlington, Virginia 22201.

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**§ 51-8.502 Federal Register notice of establishment of new system or alteration of existing system.**

ual. The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which



## PROPOSED RULES

(b) The Executive Director shall mark records which should not be disclosed directly to the subject individual and shall inform an individual requesting such records of the requirement to designate a physician to whom the records can be disclosed.

## § 51-8.303-3 Granting access.

(a) Upon receipt of a request for access to non-exempt records, the Executive Director shall make such records available to the individual, or shall acknowledge the request within ten working days. The acknowledgment shall indicate when the Executive Director will make the record available.

(b) If the Executive Director anticipates more than ten days in making a record available he also shall include in the acknowledgment specific reasons for the delay.

(c) If an individual's request for access does not contain sufficient information to permit the Executive Director to locate the record, the Executive Director shall request additional information from the individual and shall have ten working days following receipt of the additional information in which to make the record available, or to acknowledge receipt of the request and indicate when the record will be available. In no case shall more information be requested from the individual than that contained in the pertinent system of records.

(d) The Executive Director, at his discretion, either shall permit an individual to examine the original of the record, or shall provide the individual with a copy of the record. Fees shall be charged only for copies requested by the individual and not for copies provided to the individual for convenience of the agency.

(e) An individual may request to pick up a record in person or receive it by mail, directed to the name and address provided by the individual in his request. The Executive Director shall not make a record available to a third party for delivery to the subject individual, except in the case of medical records outlined in § 51-8.303-2.

(f) The Executive Director shall maintain in an individual's record an accounting of disclosures to the individual documenting compliance with the request.

(g) The procedures for access to an accounting of disclosures is identical to the procedure for access to a record as set forth in this subsection.

## § 51-8.303-4 Denials of access.

(a) The Executive Director may deny any individual access to his record only on the grounds that the Committee has published rules in the FEDERAL REGISTER exempting the pertinent system of records from the access requirement.

(b) Upon receipt of a request for access to an exempt system, the Executive Director shall prepare a letter denying access. The letter of denial shall contain a justification for denial of access which includes appropriate citation to the exemption provisions of these rules or other FEDERAL REGISTER notice exempting the system.

## § 51-8.304 Fees.

## § 51-8.304-1 Records available without charge.

The Executive Director shall make one copy of a record available to an employee without charge, and may waive the fee requirement for any other individual requesting records if the cost of collecting the fee is an unduly large part of, or greater than, the fee, or when furnishing the record without charge conforms to generally established business custom or is in the public interest.

## § 51-8.304-2 Records available at a fee.

The Executive Director shall provide one copy of a record to the individual at a fee proscribed in 51-8.304-5. A reasonable number of additional copies will be provided for the applicable fee where reproduction services are not readily available.

## § 51-8.304-3 Prepayment of fees over \$25.

When the Executive Director determines that the anticipated total fee is likely to exceed \$25, he shall notify the individual that he must prepay the anticipated fee prior to making the records available. The Committee will remit the excess paid by the individual or bill the individual for an additional amount according to variations between the final fee charged and the amount prepaid.

## § 51-8.304-4 Form of payment.

Payment shall be by check or money order payable to the Committee for Purchase from the Blind and Other Severely Handicapped and shall be addressed to the Executive Director.

## § 51-8.304-5 Reproduction fee schedule.

(a) The fee for reproducing a copy of a record (by routine electrostatic copying) up to and including material 8½ x 14 inches shall be \$0.10 per page.

(b) The fee for reproducing a copy of a record over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources.

## Subpart 51-8.4—Requests To Amend Records

## § 51-8.401 Submission of requests to amend records.

An individual who desires to amend any record or information pertaining to him should direct a written request to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, N., Arlington, Virginia 22201. A request should bear the legend "Privacy Act—Request to Amend Record" prominently marked on both the face of the request letter and the envelope.

## § 51-8.402 Review of requests to amend records.

(a) Upon receipt of a request to amend a record, the responsible official, whenever practicable shall complete the review and advise the individual of the

results within ten working days. If a determination cannot be made within ten working days, the Executive Director, within ten working days, shall send the individual a written acknowledgement of receipt of the request including a description of the request and the date when the requester may expect to be advised of action taken on the request. Except in unusual circumstances, the Executive Director shall complete the review within 30 working days. In unusual circumstances, causing delay beyond the 30 day limit, the Executive Director shall inform the individual in writing of the cause of delay, the actions taken to review the record, and the date the Executive Director anticipates the review to be complete.

(b) When reviewing a record in response to a request to amend, the Executive Director also shall review the request relevance, timeliness, and completeness of the record to ensure fairness to the individual in any determination made on the basis of the record. With respect to a request to delete information, the Executive Director also shall review the request and record to determine whether the information is relevant and necessary to accomplish an agency purpose required to be accomplished by law or Executive Order.

## § 51-8.403 Approval of requests to amend.

If the Executive Director agrees to amend a record, he promptly shall make the necessary corrections to the record and shall send a copy of the corrected record to the individual. Where an accounting of disclosure has been maintained, he shall advise all previous recipients of the record of the fact that a correction was made of the substance of the correction. Where practicable, the Executive Director shall send a copy of the corrected record to previous recipients.

## § 51-8.404 Refusal of request to amend.

(a) The Executive Director, or any official acting for him, shall have the authority to issue an initial refusal of a request to amend a record within his custody and shall be responsible for the initial adverse agency determination.

(b) If the Executive Director, after reviewing the request to amend a record, determines not to amend the record, he promptly shall advise the requester in writing of the determination. The refusal letter (1) shall state the reasons for refusal, (2) shall state the requester's right to seek a review of the initial determination, and (3) shall state the procedures for requesting such review.

## § 51-8.405 Request of review of refusal to amend a record.

(a) An individual who disagrees with the refusal to amend may appeal that refusal with the Committee. An individual should address a request for review of a refusal to amend any record, exclusive of a personnel record of a current Committee employee to the Chairman, Committee for Purchase from the

Blind and Other Severely Handicapped, 2009 14th Street N., Suite 610, Arlington, Virginia 22201.

(b) A request to review must be in writing and should include a copy of the initial request and refusal to amend. The request to review should bear the legend "Privacy Act—Request for Review of Refusal to Amend" on both the face of the letter and the envelope. The Chairman shall complete the review and make a determination no later than 30 working days after receipt of the request for review, unless a determination is made to extend the 30 day period. If a determination is made to extend the 30 day period, the Chairman shall notify the requester in writing of the reasons for the delay and the date when the review will be completed.

(c) Upon receipt of a request to review a refusal to amend, the Chairman shall undertake an independent review of the request and initial determination. If, after conducting the review, the Chairman agrees to amend, he shall notify the requester promptly in writing of the determination, amend the record, and notify previous recipients in accordance with § 51-8.403.

(d) If, after conducting the review, the Chairman agrees with the refusal to amend the record, he shall notify the requester promptly in writing of the determination. The notification shall include the reasons for the refusal, and shall advise the individual of his right to file a statement of disagreement, and the procedures for doing so. The Chairman also shall advise the individual that such statement of disagreement will be made available in any subsequent disclosures of the record together with a concise statement summarizing reasons for refusal where the responsible official deems it appropriate. The Chairman also will advise the individual of his right to bring civil action against the agency in a district court of the United States.

## Subpart 51-8.5—Report on New Systems and Alteration of Existing Systems

## § 51-8.501 Reporting requirement.

(a) No later than 30 days prior to the establishment of a new system of records, the Executive Director shall submit a copy of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals of the disclosure of information relating to such individuals.

(b) No later than 30 days prior to the alteration of a system of records, the Executive Director for the maintenance of that system of records shall submit a copy of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of such proposal on the privacy and other personal or property rights of individuals of the disclosure of information relating to such individuals.

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## § 51-8.502 Federal Register notice of establishment of new system or alteration of existing system.

(a) When the Executive Director receives notice that the Senate, the House of Representatives, and the Office of Management and Budget do not object to the establishment of a new system of records, or the alteration of an existing system of records, or

(b) When no fewer than 30 days elapse from the submission of the proposal to the Senate, the House of Representatives, and the Office of Management and Budget, without receipt by the Executive Director of an objection to the proposal, then a notice shall be published in the FEDERAL REGISTER of the proposed establishment or alteration of a system of records. The notice shall include all of the information required to be provided by the Privacy Act of 1974, and such other information as deemed necessary.

## § 51-8.503 Effective date of new systems of records or alteration of an existing system of records.

Systems of records proposed to be established or altered in accordance with the provision of the subpart shall be effective no sooner than 30 days from the publication of notice required by Section 51-8.502.

## Subpart 51-8.6—Exemptions

## § 51-8.601 [Reserved]

## Subpart 51-8.7—Rules of Conduct for Disclosure of Information About an Individual

## § 51-8.701 Committee rules of conduct.

(a) Every Committee member and employee who is involved in the design, development, operation, or maintenance of a system of records, or who has access to a system of records shall familiarize himself with the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) and the Committee regulations and orders issued thereunder and apply these requirements to all systems of records.

(b) No Committee member or employee shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains, unless the disclosure would be to a recipient specified in paragraph c of this section. The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. The term "system of records" means a group of any records under the control of the Committee from which information is retrieved by the name of the individual or by some identifying number symbol, or other identifying particular assigned to the individual.

ual. The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected. The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence. The term "agency" is defined in 5 U.S.C. 552(e).

(c) An employee may disclose any record which is contained in a system of records, without a written request by and without the prior written consent of the individual to whom the record pertains, if the disclosure would be:

(1) To those Committee members and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) Required under section 552 of Title 5 U.S.C.;

(3) For a routine use as described in paragraph b, above;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 U.S.C.;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(d) No Committee member or employee shall maintain a record describing how any individual exercises rights guaranteed by the First Amendment un-

## PROPOSED RULES

less expressly authorized by statute or by the individual about whom the record

portunity to determine if records maintained by Federal agencies contain per-

be corrected or amended, FEA's procedures in acting on such request, and

or detrimental to the individual making the request, or for good cause shown; and

guardian may request access and review the individual's record.

be maintained in its systems of records, unless an exemption from the Act's re-

## PROPOSED RULES



less expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(e) No Committee member or employee shall sell or rent an individual's name and address unless such action is specifically authorized by law.

(f) A Committee member or employee, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by paragraph "a" of this section or by any other rules or regulations established under the Privacy Act of 1974, and who (1) knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, or (2) willfully maintains a system of records without meeting the notice requirements of the Privacy Act of 1974, or (3) knowingly and willfully requests or obtains any record concerning an individual from any agency under false pretenses, is subject to criminal penalties and administrative sanctions. Any Committee member or employee who (1) makes a determination not to amend an individual's record in accordance with the Privacy Act of 1974, or (2) refuses to comply with an individual's request to gain access to review, and obtain a copy of any information pertaining to him, or (3) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities or of benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual, or (4) fails to comply with any provision of the Privacy Act of 1974 or any Committee regulation implementing it, subjects the Committee to civil penalties and himself to administrative sanctions.

[FR Doc. 75-2328 Filed 9-9-75; 3:22 pm]

## FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 206]

### PRIVACY ACT OF 1974

#### Notice of Proposed Rulemaking

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend Chapter II of Title 10 of the Code of Federal Regulations by the addition of Part 206—Privacy Act. Through these proposed regulations and the notice of systems of records and "routine uses" of such records published in the August 27, 1975, issue of the FEDERAL REGISTER (40 FR 39321), FEA will implement the requirements of the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) ("Act").

#### INTRODUCTION

There are two broad objectives to the act—(1) to provide an individual the op-

portunity to determine if records maintained by Federal agencies contain personal information about him by giving public notice of the various systems of records being maintained and the uses to which the information routinely will be put, and to insure that he is able to ascertain the correctness of such information and have the records corrected or amended, if justified; and (2) to place restrictions on the manner in which personal information about an individual is collected, maintained and disseminated by Federal agencies.

The scope of the Act, as implemented by the proposed regulation, is circumscribed by the definitions of two terms:

"System of records" means a group of any records under the control of the FEA from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

"Record" means any item, collection, or grouping of information about an individual that is maintained by the FEA, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

The only systems of records to which the Act applies, therefore, are those containing personal information about an individual, and only then if the record containing that information can be retrieved by use of the individual's name or some other identifier keyed to his name. In addition, the Office of Management and Budget Circular No. A-108 cites Senate legislative history to support a narrowing of the Act's coverage to exclude from "personal" information, information about an individual acting in an entrepreneurial capacity (40 FR 28951, July 9, 1975). Given the nature of FEA's responsibilities and functions, some of FEA's systems of records are excluded from the Act's coverage (E.g., FEA maintains records that contain information about an individual in his capacity as a sole proprietorship).

The Act's two objectives were satisfied in part by the August 27 publication in the FEDERAL REGISTER of a notice of the systems of records containing information about individuals that are maintained by FEA. These proposed regulations provide the structure and means to accomplish the remainder of the Act's objectives. The proposed regulations can be summarized by grouping their eighteen sections into four categories: (1) Description of procedures for gaining access to records, for verifying the identity of the individual making the request, and for disclosing the information to the person making the request, other agencies, or to persons other than the individual who is the subject of the record (§ 206.3 through § 206.6); (2) description of the content of the systems of records and the methods by which such information will be collected (§§ 206.7 and 206.8); (3) description of the method by which an individual can request that the record pertaining to him

be corrected or amended, FEA's procedures in acting on such request, and the procedures to appeal the denial by FEA of that request (§ 206.9 through § 206.11); and (4) the miscellaneous sections, which include the purpose and scope (§ 206.1), the requirement for public notice of the systems of records (§ 206.12), criminal penalties (§ 206.13); the fees for supplying copies of records (§ 206.16); the satisfaction of the requirement in Section 7(i)(1)(D) of the Federal Energy Administration Act of 1974 that any FEA regulations include certain procedures (§ 206.17); and the addresses of the FEA Regional Offices (§ 206.18).

**Exemptions.** Throughout this discussion there are references to the fact that certain systems of records may be exempt from some of the Act's requirements. The Act provides that an agency may claim an exemption from certain of the Act's requirements for certain systems of records. The exemptions are of two types—general and specific. At this time FEA is not proposing to claim the general exemption for any of its records. FEA, however, is proposing to claim exemptions for three systems of records noticed in the August 27 issue of the FEDERAL REGISTER: FEA-10 Minority Group Data File; FEA-6 Personnel Security Records (only the memorandum identified as OSI form DPA 24); and FEA-7 Investigative Report Records (only investigative records concerning FEA employees, past and present).

FEA-6 and 7 are systems of records that include investigatory materials compiled for law enforcement purposes. The Act (5 U.S.C. 552a(k)(2)) provides an exemption for such records. FEA proposes that the records be exempted from the requirement that FEA provide access to the record (§ 206.3-5) or make available upon request the accounting of any disclosures of information (§ 206.6(d)), and the requirement that information maintained in the record only be that necessary to carry out a purpose required to be accomplished by a statute or executive order (§ 206.7(a)). However, FEA does not propose to claim an exemption from the Act's requirement that procedures for access be provided. This is to enable an individual to exercise a provision in the Act (5 U.S.C. 552a(k)(2)) that requires disclosure "if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material. . . ." (The assertion of these grounds would have to be included in the request for access (§ 206.3)). FEA is not required to disclose this record, however, if the material disclosed would reveal the identity of a source who provided the information on an assure of the confidentiality of his identity. Nevertheless, FEA may waive the exemption as to that material if the source who provided the information on an assurance of confidentiality will agree to the release of the information that would identify him. If FEA determines that the record does not contain information that is adverse

to the individual making the request, or if the material disclosed would reveal the identity of a source who provided the information on an assure of the confidentiality of his identity. Nevertheless, FEA may waive the exemption as to that material if the source who provided the information on an assurance of confidentiality will agree to the release of the information that would identify him. If FEA determines that the record does not contain information that is adverse

or detrimental to the individual making the request, or for good cause shown; and the proposed access procedures (§ 206.3) provide the means for the individual to seek this waiver. Furthermore, for good cause shown, FEA may in its discretion waive the exemption as to other records in the investigatory file, and the access procedures must be utilized for that request. The objective of these waiver procedures is to provide FEA the flexibility to review the blanket exemption from the Act's requirement that access to systems of records be provided upon request and, if appropriate, provide an individual access to an exempt record.

FEA-10 is a statistical record, and FEA proposes to claim an exemption, in accordance with 5 U.S.C. 552a(k)(4) from the requirement that FEA provide an individual access to the record (§§ 206.3-6, 206.9-11) and make available, upon request by an individual the accounting of any disclosures of the record by FEA to other agencies or other persons (§ 206.6(d)).

FEA-6 and 7 also are systems of records that include investigatory material used by FEA to determine suitability, eligibility, or qualifications for employment, and under the Act (5 U.S.C. 552a(k)(5)), an exemption may be claimed for such records. FEA proposes that the records be exempted from the requirement that FEA provide access to the record (§ 206.3-5) or make available upon request the accounting of any disclosures of information (§ 206.6(d)), and the requirement that information maintained in the record only be that necessary to carry out a purpose required to be accomplished by a statute or executive order (§ 206.7(a)). As with the "(k)(2)" exemption of these systems of records previously discussed, FEA does not propose to exercise its exemption from the Act's requirement that procedures for access be provided, to enable an individual to request a waiver of the exemption. The grounds on which it will provide access to a record containing information that would identify a source who had been assured his identity would be confidential are the same as described in the "(k)(2)" exemption.

#### PROCEDURES FOR ACCESS TO AND DISCLOSURE OF RECORDS

Any individual may request information regarding whether one of FEA's systems of records (as defined in the Act and in the proposed regulations) contains any information pertaining to him and may gain access to the record or any information about him in the system of records, unless access has been limited as a result of an exemption claimed by FEA. The individual may review and make copies of the record or information and, upon request, may be accompanied during such review by a person of his own choosing. The request must be in writing and may be submitted by mail or in person to the FEA Privacy Act Officer. The Act provides that if the individual is a minor or has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, a parent or legal

guardian may request access and review the individual's record.

To insure that information in the record is not disclosed to an unauthorized individual, FEA is proposing procedures for verification of the identity of the individual making the request. That verification would be required whether the request is made by mail or in person. If the person making the request is acting in his capacity as either a parent or a legal guardian, there also must be verification of the status of the requester as parent or guardian of the individuals whose records are being sought.

The proposed regulations provide that FEA promptly will act on each request for information about a record or for access to a record. If FEA grants the request, the notification to the individual will include the methods of access, the place at which the record may be reviewed and other appropriate information. If the request is denied, it will state the reasons why and advise the individual making the request of the civil remedies provided by the Act (5 U.S.C. 552a(g)(1)(B)).

It is proposed that special access procedures apply to medical records. FEA may require the individual to provide a statement from his physician or mental health professional that release of the records directly to the individual will not adversely affect the individual. FEA may determine, however, that the record should only be released to a physician or mental health professional designated by the individual.

The proposed regulations provide that FEA will not disclose the record to agencies or persons other than the individual who is the subject of the record except in specified circumstances. These "circumstances" track the provisions of 5 U.S.C. 552a(b) or are otherwise specified in the Act. In addition, the regulations would require that FEA make an accounting of those disclosures, except disclosures made with the consent of the individual to whom the record pertains, pursuant to the Freedom of Information Act (5 U.S.C. 552), or to authorized FEA officers and employees.

#### COLLECTION OF INFORMATION FOR AND CONTENT OF SYSTEMS OF RECORDS

Under the Act, FEA is required, to the greatest extent practicable, to collect information for a record in a systems of records directly from the individual who is the subject of the record and with respect to whom an adverse determination regarding such individual's rights, benefits and privileges under Federal programs may be made based on the information collected and in the record. Under the proposed regulations, unless an exemption from this requirement is claimed, FEA will inform each individual it asks to supply information of the statutory authority for the collection, the primary purposes for which the information will be utilized, the "routine uses" of the record, and the effect, if any, of not providing the information.

The regulations proposed by FEA place restrictions on the information that may

be maintained in its systems of records, unless an exemption from the Act's requirements is claimed. To the extent the information is used in making determinations about an individual, the regulations would require that the information be as accurate, relevant, timely and complete "as is reasonably necessary to assure fairness to the individual in such determination."

#### CORRECTION OR AMENDMENT OF A RECORD

As provided in the proposed regulations, any individual may request the correction or amendment of information contained in a system of records that pertains to him. The regulations describe the grounds on which the request must be made, the procedures for filing the request and the time within which FEA must respond to the request. As with a request for access to or information about a record, FEA may require verification of the identity of the individual making the request. The request should contain sufficient information to enable FEA to locate the record and determine precisely what changes are being sought.

The regulations proposed describe the content of FEA's response to such request and the criteria by which the request will be evaluated. These criteria include the sufficiency of the evidence submitted, the factual accuracy of the information in the record, the relevance and necessity for the information given the purpose for which it was collected, and the timeliness and completeness of the information in the record. If the request is granted, the record will be corrected or amended, and all persons or agencies to which the amended or corrected portion of the record had been disclosed would be notified of the FEA action.

The request would be denied if the "individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendment in relation to the criteria stated in the regulations." In addition, the request would be denied (1) if it seeks to alter a record compiled either in terminated or in pending judicial, quasi-judicial or quasi-legislative proceedings to which the individual was a party or a participant, (2) if the correction or amendment would violate a statute or regulation, or (3) if the individual making the request had unreasonably failed to comply with the procedural requirements of Part 206.

In contrast to requests for access to or information about a record, the Act requires that there be an administrative review (appeal) of the denial of a request for correction or amendment of a record. It is proposed that the appeal be filed with FEA's Office of Exceptions and Appeals. The proposed regulations state the contents of the appeal and the procedures FEA will utilize in evaluating it. If the individual disagrees with the determination on appeal, he may file with FEA a concise statement of disagreement, which will be noted in the disputed record, and a copy of the statement will be provided to those persons or agencies to which the record had been disclosed prior to the filing of the statement. Judicial re-

view of the denial of an appeal may be sought in accordance with 5 U.S.C.

provided in section 7(i)(1)(c) of the FEAA.

#### § 206.1 Purpose and scope.

(a) This part establishes the methods

with the purpose for which it was collected.

of the system of records, which appears in the notice of systems published in the FEDERAL REGISTER by the FEA: (ii) pro-

(c) If the Privacy Act Officer or other designated FEA official determines that the information in the record is so sensi-



view of the denial of an appeal may be sought in accordance with 5 U.S.C. 552a(g)(1)(A).

#### MISCELLANEOUS

**Public notice of systems of records.** The regulations would require that FEA annually publish in the FEDERAL REGISTER a notice containing a listing of the systems of records maintained by FEA that are subject to the Act, as required by the Act. Unless FEA has claimed an exemption from the requirements of the Act, the notice will contain a full description of FEA's systems of records, the location, the name of the person responsible for the record, the "routine uses" of the record, and other information. Copies of this annual notice will be available at the FEA National Office and Regional Offices.

**Criminal Penalties.** The Act provides that the knowing and willful request to obtain information about an individual (or the obtaining of such information) from FEA under false pretenses shall result in that person being guilty of a misdemeanor and fined not more than \$5,000.

Interested persons are invited to participate in this proposed rulemaking by submitting written comments consisting of data, views, or arguments with respect to the proposed regulation set forth in this notice to Executive Communications, Federal Energy Administration, Box EF, Washington, D.C. 20461. Hand-carried comments may be delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except on legal public holidays.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Privacy Act Regulations". Ten copies should be submitted. All comments received by Monday, September 22, 1975, and all relevant information, will be considered by FEA before final action is taken on the proposed regulation.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Since the proposed rulemaking will not affect the quality of the environment, FEA has not submitted the proposed regulations to the Administrator of the Environmental Protection Agency for comment, as provided in section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) ("FEAA"). Also, since the proposed regulations are not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses because they regulate the record-keeping functions of FEA, no public hearing will be conducted with respect to this proposed rulemaking, as

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provided in section 7(i)(1)(c) of the FEAA.

The inflationary impact of this proposal has been considered by the FEA, consistent with Executive Order 11821, issued November 27, 1974.

These regulations as proposed, with any modification made as a result of this proposed rulemaking, will be effective on or before September 27, 1975. Since the regulations must be in effect on or by such date to insure that procedures are available for individuals seeking access to or correction/amendment of any records in the notice of systems of records published in the FEDERAL REGISTER on August 27, 1975 (40 FR 39323), FEA finds good cause to waive the requirement of 5 U.S.C. 553(d) that these regulations not become effective until 30 days after their publication.

(Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 FR 23185)).

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., September 9, 1975.

ROBERT E. MONTGOMERY, JR.,  
General Counsel,  
Federal Energy Administration.

Chapter II of 10 Code of Federal Regulations is amended to add Part 206, which reads as follows:

#### PART 206—PRIVACY ACT

COLLECTION, MAINTENANCE, ACCESS AND DISSEMINATION OF PERSONAL INFORMATION ABOUT INDIVIDUALS IN SYSTEMS OF RECORDS MAINTAINED BY FEA

- Sec. 206.1 Purpose and scope.
- 206.2 Definitions.
- 206.3 Procedures for requesting information about or for access to an individual's records in a system of records.
- 206.4 Procedures for identifying the individual making the request.
- 206.5 Disclosure of requested information to individuals.
- 206.6 Disclosure to other agencies or persons other than the individual to whom the record pertains.
- 206.7 Content of systems of records.
- 206.8 Collection of information by FEA about an individual for a system of records.
- 206.9 Request for correction or amendment of record.
- 206.10 FEA review of request for correction or amendment of a record.
- 206.11 Appeals of denial of requests for correction or amendment of a record.
- 206.12 Public notice of systems of records.
- 206.13 Criminal penalties.
- 206.14 General exemptions. [reserved]
- 206.15 Specific exemptions.
- 206.16 Fees.
- 206.17 Exceptions, exemptions, interpretations, rulings and rulemakings.
- 206.18 Addresses of FEA Regional Offices.

AUTHORITY: (Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 FR 23185)).

#### § 206.1 Purpose and scope.

(a) This part establishes the methods and procedures by which the Federal Energy Administration is implementing the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). This part applies to all records maintained by FEA that contain personal information about an individual, identify that individual by name or identifying number, symbol, or other identifying particular and are contained in a system of records from which such information is retrieved by the individual's name or identifying number, symbol or other identifying particular.

(b) Subject to the general and specific exemptions claimed by FEA in §§ 206.14 and 206.15 of this part, or any exemptions provided by the Privacy Act of 1974 that are claimed by another agency, or unless otherwise provided by such Act, this part prohibits FEA from disclosing any record that is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains.

#### § 206.2 Definitions.

"Agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

"Act" means the "Privacy Act of 1974", Pub. L. 93-579, 5 U.S.C. 552a.

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate.

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence. For purposes of this part, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

"Legal public holiday" means New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day appointed as a national holiday by the President or the Congress of the United States.

"Maintain" includes maintain, collect, use or disseminate.

"Record" means any item, collection, or grouping of information about an individual that is maintained by the FEA, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

"Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose that is compatible

with the purpose for which it was collected.

"System of records" means a group of any records under the control of the FEA from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

"Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13, United States Code.

Throughout this part, the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

#### § 206.3 Procedures for requesting information about or for access to an individual's records in a system of records.

(a) Any individual may request information regarding whether a system of records maintained by the FEA contains any information pertaining to him, and may request access to his record or to any information pertaining to him that is contained in a system of records, unless such access has been restricted by a general or specific exemption claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency. All such requests shall be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18. The consideration by FEA of requests submitted by mail will be facilitated if the words "PRIVACY ACT REQUEST" appear in capital letters on the face of the envelope.

(b) (1) A request for information about a record or for access to a record or to information pertaining to him that is contained in a system of records may be made by mail or in person during FEA's regular business hours.

(2) The regular business hours of the FEA National Office are 8:00 a.m. to 4:30 p.m. Requests made in person should be to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C., or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18.

(c) (1) The request shall (i) be in writing and signed by the individual making the request; (ii) include the full name (including the middle name) of the individual seeking the information or record, his home address and telephone number, his business address and telephone number; (iii) include a certified or authenticated copy of documents establishing parentage or legal guardianship, if appropriate, and (iv) if a waiver of an exemption is sought by these procedures, as statement of the grounds on which such waiver is sought, as provided in § 206.15 (a) and (c).

(2) In addition, the request should (i) specify the title and identifying number

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of the system of records, which appears in the notice of systems published in the FEDERAL REGISTER by the FEA; (ii) provide such additional identifying information, if any, as may be required by the description of the system contained in the notice or as will assist FEA in responding to the request, e.g., location of the record as stated in the FEDERAL REGISTER; and (iii) describe the information sought or the time, place, or form of access, as appropriate.

(d) Any request not addressed and marked as specified in paragraph (a) of this section shall be forwarded immediately to the Privacy Act Officer. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Privacy Act Officer. In each instance when a request so forwarded is received by the Privacy Act Officer, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Privacy Act Officer.

(e) When access to a record or information pertaining to the individual that is contained in a system of records is requested, the individual either will be notified in writing where and when he may obtain access to the records requested or, if further arrangements are required, will be given the name, address and telephone number of the person at FEA responsible for such arrangements.

#### § 206.4 Procedures for identifying the individual making the request.

(a) When a request for information about or for access to a record or to information pertaining to an individual that is contained in a system of records has been made pursuant to § 206.3, the FEA shall require reasonable identification of the individual making the request before information will be given or access will be granted, to insure that information is given or records are disclosed only to the proper person.

(b) Subject to paragraphs (c) and (d) of this section, an individual making a request may establish his identity by:

(1) Including with his request if submitted by mail, subject to paragraph (c) of this section, a photocopy of two identifying documents bearing his name and signature, one of which shall bear his current home or business address; or

(2) Appearing at the FEA National Office or appropriate Regional Office during the regular business hours for the office and, subject to paragraph (c) of this section, presenting either of the following:

(i) One identifying document containing his photograph and signature, such as a driver's license or passport; or

(ii) Two identifying documents bearing his name and signature, one of which shall bear his current home or business address; or

(3) Providing such other proof of identity as the FEA deems satisfactory in the circumstances of a particular request.

(c) If the Privacy Act Officer or other designated FEA official determines that the information in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual whose record is involved, or if the individual making the request is unable to produce satisfactory evidence of identity under paragraph (b) of this action, the individual making the request may be required to submit a notarized statement attesting to his identity and that he is familiar with and understands the criminal penalties provided under section 1001 of Title 18 of the United States Code for making false statements to a Government agency and under section 552a(i)(3) of the Act for obtaining records under false pretenses. Copies of these statutory provisions and forms of such notarized statements may be obtained upon request from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

(d) **Parents of minors and legal guardians.** (1) An individual acting as the parent of a minor or the legal guardian of the individual to whom a record pertains shall establish his personal identity in the same manner prescribed in either paragraphs (b) or (c) of this section. (A parent or legal guardian may act only for a living individual, not for a decedent).

(2) In addition to such identification, such person shall establish his identity in the representative capacity of parent or legal guardian. In the case of the parent of a minor, the proof of identity shall be a certified or authenticated copy of the minor's birth certificate. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the order from a court of competent jurisdiction.

(e) An individual shall not be required to state a reason or otherwise justify his request for information about or for access to a record or to information pertaining to him that is contained in a system of records.

#### § 206.5 Disclosure of requested information to individuals.

(a) Each request for information about or for access to a record or to information pertaining to him that is contained in a system of records shall be acted upon promptly. Every effort will be made to respond within ten days (excluding Saturdays, Sundays and legal public holidays) of the date of receipt. If a response cannot be made within ten days due to unusual circumstances, FEA shall send an acknowledgment during that period providing information on the status of the request and asking for such further information as may be necessary to respond to the request. The term "unusual circumstances" as used in this section shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where in-

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formation on other individuals must be separated or expunged from the particular record and cases where consultation

(In no event shall the estimated date be later than thirty days (excluding Saturdays, Sundays and legal public holidays).

dividual requests access to records or information pertaining to him that include medical and/or psychological information

sent to the disclosure or has made a written request for such disclosure;

(2) The disclosure is to officers and

(2) Sec. 5(e)(2) of the Act authorizes release of any records or information by the FEA to the Privacy Protection Study

§ 206.7 Content of systems of records.

curate, complete, timely, and relevant for FEA's purposes.

§ 206.7 Content of systems of records.



formation on other individuals must be separated or expunged from the particular record, and cases where consultations with other agencies having a substantial interest in the determination of the request is necessary.

(b)(1) Any individual who has requested access to a record or to information pertaining to him that is contained in a system of record, other than medical records, in the manner prescribed in § 206.3 and has identified himself as prescribed in § 206.4 shall be permitted to review the record or information and have a copy made of all or any portion thereof in a form comprehensible to him upon payment of the fee, if applicable, for copying services set forth in § 206.17, unless such information or access is denied on the grounds stated in paragraph (e) of this section. Upon the request of an individual, persons of the individual's own choosing may accompany him to review the record at FEA, but the individual shall first furnish to the Privacy Act Officer a written statement authorizing discussion of that individual's record in the accompanying person's presence.

(2) The special procedures pertaining to requests for information about or access to the individual's medical records are stated in paragraph (f) of this section.

(c) Where record of a document containing information about an individual also contains information not pertaining to him, the portion not pertaining to the individual shall not be disclosed, except to the extent the information is available to any person under the Freedom of Information Act. If the records sought cannot be provided for review and copying in a meaningful form, the FEA shall provide to the individual a report of the information pertaining to the individual that is contained in the record or records, which report shall be complete and accurate in all material aspects.

(d) *Grant of access.*—(1) *Notification.* An individual shall be provided information about or granted access to a record or information pertaining to him that is contained in the system, except where the provisions of paragraph (e) of this section apply. The Privacy Act Officer shall notify the individual of such determination and provide the following information:

(i) The existence of a record or information pertaining to him that is contained in a system of records;

(ii) The methods of access, as set forth in paragraph (d)(2) of this section;

(iii) The place at which the record or information may be inspected;

(iv) The earliest date on which the record or information may be inspected and the period of time that the record or information will remain available for inspection (in no event shall the earliest date be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification.);

(v) The estimated date by which a copy of the record could be mailed and the estimate of fees that would be charged to provide other than the first copy of the record, pursuant to § 206.17

(In no event shall the estimated date be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification.);

(vi) The fact that the individual, if he wishes, may be accompanied by another person during the record or information review, subject to the procedures set forth in paragraph (b) of this section; and

(vii) Any additional requirements needed to provide information about or to grant access to the requested record or information.

(2) *Methods of access.* The following methods of access to records or information pertaining to an individual that is contained in a system of records may be available to that individual depending on the circumstances of a particular request:

(i) Inspection in person may be held in the office specified by FEA during the regular business hours;

(ii) Transfer of records to a Federal facility more convenient to the individual may be arranged, but only if FEA determines that a suitable facility is available, that the individual's access can be properly supervised at that facility, and that transmittal of the records or information to that facility will not unduly interfere with operations of the FEA or involve unreasonable costs, in terms of both money and manpower; and

(iii) The requested number of copies may be mailed at the request of the individual, subject to payment of the fees prescribed in § 206.17.

(c) *Initial denial of access.* This section does not apply to the denial of a request for waiver of an exemption in accordance with § 206.15 (a) and (c).;

(1) *Grounds.* A request by an individual for information about or access to a record or information pertaining to that individual that is contained in a system of records may be denied only upon a determination by the Privacy Act Officer that:

(i) The record is subject to an exemption under §§ 206.14 and 206.15, or to an exemption claimed by another agency; or

(ii) The record is information compiled in reasonable anticipation of a civil action or proceeding; or

(iii) The individual unreasonably has failed to comply with the procedural requirements of this part.

(2) *Notification.* The Privacy Act Officer shall give written notice of the denial of a request for information about or access to records or information pertaining to the individual that is contained in a system of records, which notice shall include the following information:

(i) The Privacy Act Officer's name and title or position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate section of the Act and this part; and

(iv) The individual's right to judicial review under 5 U.S.C. 552a(g) (1) (B), as limited by § 552a(g) (5).

(f) *Special procedures for medical records.*—(1) *Statement of physician or mental health professional.* When an in-

dividual requests access to records or information pertaining to him that include medical and/or psychological information, the FEA, if it deems it necessary under the particular circumstances, may require the individual to submit with the request a signed statement by his physician or a mental health professional indicating that, in his view, disclosure of the requested records or information directly to the individual will not have an adverse effect on the individual.

(2) *Designation of physician or mental health professional to receive records.* If the FEA believes, in good faith, that disclosure of medical and/or psychological information directly to an individual could have an adverse effect on that individual, the individual may be asked to designate in writing a physician or mental health professional to whom he would like the records to be disclosed, and disclosure that otherwise would be made to the individual will instead be made to the designated physician or mental health professional.

(g) The FEA shall supply such other information and assistance at the time of an individual's review of his record as is necessary to make the record intelligible to the individual.

(h) The FEA reserves the right to limit access to copies and abstracts of original records, rather than the original records. This election would be appropriate, for example, when the record is in an automated data media such as tape or disc, when the record contains information on other individuals, and when deletion of information is permissible under exemptions provided by the Act. In no event shall original records of the FEA be made available to the individual except under the immediate supervision of the Privacy Act Officer or his designee. Title 18, United States Code, section 2701(a) makes it a crime to conceal, mutilate, obliterate, or destroy any record filed in a public office, or to attempt to do any of the foregoing.

(i) Nothing in this section shall:

(1) Require the disclosure of systems of records subject to an exemption under §§ 206.14 or 206.15 or to an exemption claimed by another agency;

(2) Allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding or a criminal proceeding; or

(3) Require the furnishing of information or records which cannot be retrieved by the name or by some other identifying number, symbol or identifying particular of the individual making the request.

§ 206.6 *Disclosure to other agencies or persons other than the individual to whom the record pertains.*

(a) The FEA shall not disclose to any agency or to any person other than the individual who is the subject of the record, by any means of communication, a record pertaining to that individual which is contained in a system of records, except under the following circumstances:

(1) The individual to whom the record pertains has given his written con-

sent to the disclosure or has made a written request for such disclosure;

(2) The disclosure is to officers and employees of the FEA who have a need for the record in the performance of their duties;

(3) The disclosure is required under the Freedom of Information Act (5 U.S.C. 552);

(4) The disclosure is for a routine use as defined in § 206.2 of these rules and described in the FEDERAL REGISTER notice for that system of records;

(5) The disclosure is made to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(6) The disclosure is made to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(7) The disclosure is made to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(8) The disclosure is made to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the FEA specifying the particular portion desired and the law enforcement activity for which the record is sought;

(9) The disclosure is made to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(10) The disclosure is made to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(11) The disclosure is made to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(12) The disclosure is made pursuant to the order of a court of competent jurisdiction; or

(13) This disclosure is required by the Act and not covered explicitly by 5 U.S.C. 552a(b).

(b) The situations referred to in paragraph (a) (13) of this section include the following:

(1) 5 U.S.C. 552a(c) (4) requires dissemination of a corrected or amended record or notation of a disagreement statement by the FEA in certain circumstances;

(2) Sec. 5(e)(2) of the Act authorizes release of any records or information by the FEA to the Privacy Protection Study Commission upon request of the Chairman; and

(3) Sec. 6 of the Act authorizes the Office of Management and Budget to provide the FEA with continuing oversight and assistance in implementation of the Act.

(c) (1) For each system of records under its control, except disclosures made with the consent of the individual to whom the record pertains, disclosures to authorized officers and employees of FEA and disclosures required by the Freedom of Information Act, FEA shall keep an accurate accounting of:

(i) The date, nature, and purposes of each disclosure of a record made to any person or to another agency; and

(ii) The name and address of the person or agency to which the disclosure was made.

(2) The accounting shall be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(d) The accounting described in paragraph (c) shall be made available to the individual named in the record upon his written request, directed to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, except that the accounting shall not be revealed with respect to disclosures made under paragraph (a) (8) of this section, pertaining to law enforcement activity, and to disclosures involving systems of records for which FEA has claimed an exemption from certain requirements of the Act, as provided in §§ 206.14 and 206.15, or with respect to which another agency has claimed an exemption.

(e) Whenever an amendment or correction of a record or a notation of dispute concerning the accuracy of records is made by the FEA in accordance with §§ 206.10 and 206.11, FEA shall inform any person or other agency to whom the record was previously disclosed if an accounting of the disclosure was made pursuant to the requirements of paragraph (c) of this section, unless the disclosure was made pursuant to paragraph (a) (8) of this section or the disclosure involved a system of records for which FEA has claimed an exemption from certain requirements of the Act, as provided in §§ 206.14 and 206.15, or with respect to which another agency has claimed an exemption.

(f) The FEA shall make reasonable efforts to serve notice on an individual when any record containing information about such individual in a FEA system of record is made available to any person under compulsory legal process when such process becomes a matter of public record.

(g) Prior to disclosing any record about an individual to any person other than an agency, unless the disclosure is pursuant to paragraph (a) (3) of this section, FEA shall make reasonable efforts to assure that such records are ac-

curate, complete, timely, and relevant for FEA's purposes.

§ 206.7 *Content of systems of records.*

(a) The FEA shall maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose FEA is required to accomplish by statute or by executive order of the President, unless an exemption to this requirement has been claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency.

(b) The FEA shall maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(c) The FEA shall maintain all records that are used by it in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in such determination.

§ 206.8 *Collection of information by FEA about an individual for a system of records.*

(a) The FEA shall collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs, unless an exemption from the Act to this requirement has been claimed by FEA as provided in § 206.14, or by another agency.

(b) Unless an exemption from the Act has been claimed by FEA, as provided in § 206.14, or by another agency, FEA shall inform each individual whom it asks to supply information on the form or other means by which it uses to collect the information, or on a separate form that can be retained by the individual, of the following:

(1) The authority (whether granted by statute, or by executive order of the President) that authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses which may be made of the information, as published in the FEDERAL REGISTER pursuant to the requirements of the Act; and

(4) The effects on him, if any, of not providing all or any part of the requested information.

§ 206.9 *Request for correction or amendment of a record.*

(a) (1) Any individual may request the correction or amendment of information pertaining to him that is contained in a system of records maintained by the FEA (1) if he believes such information is not relevant or not necessary to accomplish a purpose that FEA is required to accomplish by statute or by executive order of the President, or (2) if the in-

formation to be used by FEA in making a determination about the individual necessary.

in the determination of the request as necessary.

receipt of the notification, to correct or amend the record and to apprise any

denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. (Service by FEA of a denial of a

unless unusual circumstances, as described in § 206.9(c) (2), are present.

(iv) Each routine use of the records contained in the system, including the categories of users and the purpose of



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formation is to be used by FEA in making any determination about the individual if he believes such information is not as accurate, relevant, timely or complete as is reasonably necessary to assure fairness in any determination about the individual.

(2) A request for amendment or correction may be made by mail or in person and shall be directed to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. If the request is made in person, it must be submitted during the regular business hours of the FEA National Office or Regional Office regular business hours, which for the National Office are 8:00 a.m. to 4:30 p.m. If the request is submitted by mail, the envelope in which the request is mailed should have the words "PRIVACY ACT REQUEST (AMENDMENT)" in capital letters on the front of it.

(b) (1) A request for the correction or amendment shall (i) be in writing and signed by the person making the request; (ii) describe the particular record to be corrected or amended with sufficient specificity to permit the record to be located among those maintained by FEA; and (iii) specify the nature of the correction or amendment sought, including the specific words to be deleted from the record or added to it, as appropriate, and the justification for the requested change, including all available supporting documents and materials that substantiate the statement. The statement of justification for the change should identify the basis for the request, that is, whether the information in the record is unnecessary, inaccurate, irrelevant, untimely or incomplete.

(2) The individual making the request may be required to provide the information specified in § 206.3 and § 206.4 to simplify identification of the record and permit verification of the identity of the person making the request.

(c) (1) Receipt of a request for correction or amendment shall be acknowledged in writing within ten days (excluding Saturdays, Sundays and legal public holidays), except that if the individual is given notice within the ten day period that his request will or will not be complied with, no acknowledgment is required.

(2) The acknowledgement shall contain an estimate of the time within which action will be taken on the request and, if necessary, will request such additional information as may be necessary to act on the request. The estimate of time may take into account unusual circumstances that will delay the response. "Unusual circumstances" as used in this section shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultations with other agencies having a substantial interest

in the determination of the request are necessary.

(3) Any request not addressed and mailed as specified in paragraph (a) of this section shall be forwarded immediately to the Privacy Act Officer. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Privacy Act Officer. In each instance when a request so forwarded is received by the Privacy Act Officer, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Privacy Act Officer.

(d) Assistance in preparing a request to correct or amend a record may be obtained from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

#### § 206.10 FEA review of request for correction or amendment of record.

(a) Within 30 days after acknowledging receipt of a request (excluding Saturdays, Sundays and legal public holidays), or after receiving such further information as may have been requested by FEA, or after arriving at a decision within the ten days, the Privacy Act Officer shall either:

(1) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record, or a statement as to the means whereby the correction or amendment was effected in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in an electronic data bank); or

(2) Inform the individual in writing that his request is denied and provide the following information:

(i) The Privacy Act Officer's name and title and position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate sections of the Act and this part; and

(iv) The procedures for appeal of the denial of a request for correction or amendment as set forth in § 206.11, including the name and address of the FEA Office or official with the responsibility for considering appeals.

(3) If the Privacy Act Officer cannot make the determination within thirty days, the individual will be advised in writing of the reason therefor and of the estimated date by which the determination will be made.

(b) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the Privacy Act Officer shall notify all persons and agencies to which the corrected or amended portion of the record had been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge

receipt of the notification, to correct or amend the record and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

(c) The following criteria will be considered by the Privacy Act Officer in reviewing a request for correction or amendment:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in relation to the purpose for which it was collected;

(4) If such information is used in making any determination about the individual, whether the information is as accurate, relevant, timely and complete as is reasonably necessary to assure fairness to the individual in such determination;

(5) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(6) The nature of the record sought to be corrected or amended; and,

(7) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

(d) The FEA will not undertake to gather evidence for the individual, but does reserve the right to verify the evidence which the individual submits.

(e) Correction or amendment of a record requested by an individual shall be denied only upon a determination by the Privacy Act Officer that:

(1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendments in relation to the criteria stated in paragraph (c) of this section;

(2) The record sought to be corrected or amended was compiled in a terminal judicial, quasi-judicial or quasi-legislative proceeding to which the individual was a party or participant;

(3) The record sought to be corrected or amended is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual is a party or participant.

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or,

(5) The individual unreasonably has failed to comply with the procedural requirements of this part.

(f) If a request is partially granted and partially denied, the Privacy Act Officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

#### § 206.11 Appeals of denial of requests for correction or amendment of a record.

(a) (1) Any individual may appeal the denial of a request made by him for correction or amendment of a record issued pursuant to § 206.10.

(2) An appeal, if filed, shall be filed within 30 days after the service of the

denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. (Service by FEA of a denial of a request may be by personal service or by registered, certified or regular United States Mail. Service upon an individual's duly authorized representative shall constitute service upon the individual.)

(b) (1) The appeal shall be in writing and shall be filed with the Office of Exceptions and Appeals, Federal Energy Administration, Washington, D.C. 20461. The envelope in which the application is mailed should have the words "PRIVACY ACT APPEAL" on both the appeal and on the outside of the envelope in which the appeal is transmitted.

(2) An appeal not addressed and marked as specified in paragraph (b) (1) of this section shall be forwarded immediately to the Office of Exceptions and Appeals. An appeal that is not properly addressed by an individual shall not have been "received" for purposes of measuring the time periods in this section until actual receipt by the Office of Exceptions and Appeals has been accomplished. In each instance when an appeal so forwarded is received, the individual filing the appeal shall be notified that the appeal was improperly addressed and the date when the appeal was received by the Office of Exceptions and Appeals.

(c) *Content of appeal.* (1) The appeal shall include the following: (i) A copy of the original request for correction or amendment; (ii) a copy of the initial denial; (iii) and a statement of the reasons why the initial denial is believed to be in error. The appeal shall be in writing and shall be signed by the individual.

(2) The record requested to be corrected or amended will be supplied to the Office of Exceptions and Appeals by the Privacy Act Officer who issued the initial denial. While such record normally will comprise the entire record on appeal, the Office of Exceptions and Appeals may seek such additional information as is necessary to assure that the final determination is fair and equitable and, in such instances, the additional information will be disclosed to the individual making the appeal and, consistent with the time periods provided in paragraph (e) of this section, an opportunity will be provided for comment thereon.

(d) No personal appearance or hearing on appeal will be allowed.

(e) The Office of Exceptions and Appeals shall act upon the appeal and issue a final determination in writing no later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date on which the appeal is received; provided that the Director of the Office of Exceptions and Appeals may extend the thirty day period upon a determination that a fair and equitable review cannot be made within that period, but only if the individual is advised in writing of the reason for the extension. The notice of extension shall include the estimated date by which a final determination will be issued, which shall not be later than the sixtieth day (excluding Saturdays, Sundays and legal public holidays) after receipt of the appeal

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unless unusual circumstances, as described in § 206.9(c) (2), are present.

(f) If the appeal is granted, that determination shall include the specific corrections or amendments to be made and a copy thereof shall be transmitted promptly both to the individual and to the Privacy Act Officer who issued the initial denial. Upon receipt of that determination, the Privacy Act Officer promptly shall take the actions set forth in §§ 206.6(e) and 206.10(b).

(g) If the appeal is denied, the final determination shall be transmitted promptly to the individual and shall state the reasons for the denial. The notice of that determination also shall include the following information:

(1) The right of the individual to file with the Office of Exceptions and Appeals a concise signed statement of reasons for disagreeing with the final determination, receipt of which statement shall be acknowledged by the Office of Exceptions and Appeals;

(2) The fact that any such disagreement statement filed by the individual shall be noted in the disputed record and that a copy of the statement shall be provided by the Privacy Act Officer to persons and agencies to which the record is disclosed subsequent to the date of receipt of such statement;

(3) The fact that the FEA shall append to any such disagreement statement filed by the individual a copy of the final determination or summary thereof that also will be provided to persons and agencies to which the disagreement statement is disclosed; and,

(4) The right of the individual to judicial review of the final determination under 5 U.S.C. 552a(g) (1) (A), as limited by 5 U.S.C. 552a(g) (5).

(h) In deciding the appeal, the Office of Exceptions and Appeals shall determine whether the denial of the request was erroneous in fact or in law.

(i) If an appeal is partially granted and partially denied, the Office of Exceptions and Appeals shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(j) Although a copy of the final determination or a summary thereof will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

#### § 206.12 Public notice of systems of records.

(a) (1) The FEA shall publish in the FEDERAL REGISTER at least annually a notice of the existence and character of each of its system of records, which notice shall include:

(i) The name and location of the system;

(ii) The categories of individuals on whom records are maintained in the system;

(iii) The categories of records maintained in the system;

(iv) Each routine use of the records contained in the system, including the categories of users and the purpose of such use, subject to paragraph (c) of this section;

(v) The policies and practices of the FEA regarding storage, retrievability, access controls, retention, and disposal of the records;

(vi) The title and business address of the FEA official who is responsible for the system of records;

(vii) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(viii) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(ix) The categories of sources of records in the system.

(2) Notwithstanding the requirements of paragraph (a) (1) of this section, the notice of such systems of records shall not include the information in paragraphs (a) (1) (vi)-(ix) of this section if FEA has claimed a general or specific exemption from the requirements of the Act, as provided in §§ 206.14 and 206.15, or such exemptions have been claimed by another agency.

(b) Copies of the notices as printed in the FEDERAL REGISTER shall be available in the FEA National Office and in each Regional Office. Locations of the Regional Offices are listed in § 206.18. Requests by mail should be sent to Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461. The first copy will be furnished free of charge. A charge reflecting the costs of printing and handling may be made for each additional copy.

(c) At least 30 days (including Saturdays, Sundays and legal public holidays) prior to the implementation of any new routine use of a system of records, or at least 30 days prior to publication of the annual notice of routine uses of systems of records as provided in paragraph (a) (1) of this section, FEA shall publish in the FEDERAL REGISTER notice of any new routine use or intended routine use of the information in the system of records, and shall provide an opportunity for interested persons to submit written comments consisting of data, views, or arguments regarding such use to FEA.

(d) If a request is partially granted and partially denied, the Privacy Act Officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(e) Although a copy of the final determination or a summary thereof will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

#### § 206.13 Criminal penalties.

(a) The Act provides, in pertinent part:

Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000. (5 U.S.C. 552a(i) (3).)

(b) A person who falsely or fraudulently attempts to obtain records under the Act also may be subject to prosecution under such other criminal statutes as 18 U.S.C. 494, 495 and 1001.

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#### § 206.14 General exemptions. [Reserved]

emption with respect to any record in the systems of records identified in paragraphs (a) (1) (i), (ii), of this section.

retrieval of the records; review of the records, copying by FEA incident to granting access, copying at the initiative

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(b) As used in this section the term—"Exception" means the waiver of

REGION 4

Alabama, Canal Zone, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, Wisconsin, Wyoming.

REGION 10

Alaska, Idaho, Oregon, Washington, Regional



# § 206.14 General exemptions. [Reserved]

## § 206.15 Specific exemptions.

The specific exemptions determined to be necessary and proper with respect to systems of records maintained by the FEA, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption, are as follows:

(a) (1) *Exempt under 5 U.S.C. 552a (k) (2)*. The system of records exempt and the sections of the Act from which they are exempted are:

(i) FEA-6 Personnel Security Records (only the memorandum identified as OSI form DPA 24);

(ii) FEA-7 Investigative Report Records (only investigative records concerning FEA employees, past and present).

(2) The foregoing are exempted from 5 U.S.C. 552a (c) (3) (accounting of disclosures), (d) (access to records) and (e) (1) (type of information maintained). The reasons for asserting the exemption are to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques and to maintain the ability to obtain necessary information.

(3) (i) Notwithstanding the exemption from the Act's requirement that FEA, upon request, provide an individual information about or access to his record or to any information pertaining to him that is contained in the systems of records identified in paragraphs (a) (1) (i, ii) of this section, access to investigatory materials compiled for law enforcement purposes shall be provided to an individual upon his request, made in accordance with § 206.3, if such individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(ii) *Waiver of exemption.* (A) FEA may, upon request made in accordance with § 206.3, waive the exemption with respect to records identified in paragraphs (a) (1) (i) (ii) of this section containing material or information that would reveal the identity of source who was given assurance of confidentiality if such source consents to the release of such material or information to the individual, or if FEA determines that such material or information is not adverse or detrimental to the individual, or for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

(B) FEA may, upon request filed in accordance with § 206.3, waive the ex-

emption with respect to any record in the systems of records identified in paragraphs (a) (1) (i) (ii) of this section, subject to the limitation as to records that would reveal the identity of certain sources, for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

(b) (1) *Exempt under 5 U.S.C. 552a (k) (4)*. The system of record exempt is—FEA-10 Minority Group Data File.

(2) The foregoing is exempted from 5 U.S.C. 552a (c) (3) (accounting of disclosures), (d) (access to record), and (f) (procedures for access). The system of record is used for statistical research or reporting purposes only and is not used in whole or in part in making any determination about the rights, benefits or entitlements identifiable with the individual, except as provided by section 8 of Title 18 of the United States Code.

(c) (1) *Exempt under 5 U.S.C. 552a (k) (5)*. The system of records exempt and the sections of the Act from which they are exempted are:

(i) FEA-6 Personnel Security Records (only the memorandum identified as OSI form DPA 24);

(ii) FEA-7 Investigative Report Records (only investigative records concerning FEA employees, past and present).

(2) The foregoing are exempted from 5 U.S.C. 552a (c) (3) (accounting of disclosures), (d) (access to records) and (e) (1) (type of information maintained). The reasons for asserting the exemption are to facilitate proper selection or continuance of the best applicants or persons for a given position, security clearance or contract.

(3) (i) *Waiver of exemption.* Notwithstanding the exemption from the Act's requirement that FEA, upon request, provide an individual information about or access to his record or to any information pertaining to him that is contained in the systems of records identified in paragraphs (b) (1) (i, ii) of this section, FEA may waive that exemption.

(ii) FEA may, upon request, made in accordance with § 206.3, waive the exemption with respect to such records if the source who furnished information to FEA under an express promise that his identity would be held in confidence or, prior to September 27, 1975, under an implied promise that his identity would be held in confidence, consents to the release of such information to the individual, or if FEA determines that such information is not adverse or detrimental to the individual, or for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

## § 206.16 Fees.

(a) The only fees to be charged to or collected from an individual under the provisions of this part are for copying records at the request of the individual. The fee charged may not exceed the direct cost of making the copy (i.e., printing, typing or photocopy and related personnel and equipment costs).

(1) No fees shall be charged or collected for the following: search for and

retrieval of the records; review of the records, copying by FEA incident to granting access, copying at the initiative of the FEA without a request from the individual, transportation of records and personnel, and first class postage.

(2) It is the policy of the FEA to provide an individual with one copy of each record corrected or amended pursuant to his or her request without charge.

(3) As required by the United States Civil Service Commission in its published regulations implementing the Act, the FEA will charge no fee for a single copy of a personnel record covered by that Commission's Government-wide published notice of systems of records.

(b) The schedule of fees is as follows:

(1) \$0.10 per each copy of each page, when the aggregate of fees for copying is more than \$3.00.

(2) For other forms of copying and other forms of materials (e.g., cassettes, computer materials), the direct cost of the materials, personnel and equipment, shall be charged, but only with prior specific approval of the person making the request.

(c) The FEA may, upon application by an individual, furnish any records without charge or at a reduced rate, if it determines that such waiver or reduction of fee is in the public interest.

(d) Requests for copies of documents should be addressed to Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461.

(e) Payment should be made by check or money order payable to the Treasury of the United States.

(f) Advance payment of all or part of the fee may be required at the discretion of the FEA. Unless the individual requesting the copies specifically states that he is willing to pay whatever fees are assessed by FEA for meeting the request or, alternatively, specifies an amount in excess of \$25 that he is willing to pay and which in fact covers the anticipated fees for meeting the request, a request that is expected to involve assessed fees in excess of \$25 will not be deemed to have been received, for purposes of the time periods specified in §§ 206.5(a), 206.9(c) (1) and 206.11(e), until the requester is advised of the anticipated cost, agrees to bear it, and makes any advance deposit required. Such notification shall be made by the Privacy Act Officer promptly upon receipt of the request.

## § 206.17 Exceptions, exemptions and interpretations, rulings and rule-making.

(a) Applications for exceptions, exemptions or request for interpretations relating to this part shall be filed in accordance with the procedures provided in Subparts D, E and F, respectively, of Part 205 of this chapter. Rulings shall be issued in accordance with the procedures of Subpart K of Part 205 of this chapter. Rulemakings shall be undertaken in accordance with the procedures provided in Subpart L of Part 205 of this chapter.

### REGION 4

Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee; Regional Office, Federal Energy Administration, 1655 Peachtree Street NE., 8th Floor, Atlanta, Ga. 30309 (404) 526-4484.

### REGION 5

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin; Regional Office, Federal Energy Administration, 175 West Jackson Street, Third Floor, Chicago, Ill. 60604 (312) 353-0540.

### REGION 6

Arkansas, Louisiana, New Mexico, Oklahoma, Texas; Regional Office, Federal Energy Administration, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, Tex. 75235 (214) 749-7345.

### REGION 7

Iowa, Kansas, Missouri, Nebraska; Regional Office, Federal Energy Administration, Federal Office Building, P.O. Box 2208, 112 East 12th Street, Kansas City, Mo. 64142 (816) 374-2061.

### REGION 8

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming; Regional Office, Federal Energy Administration, P.O. Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colo. 80226 (303) 234-2420.

### REGION 9

American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the Pacific Islands; Regional Office, Federal Energy Administration, 111 Pine Street, Third Floor, San Francisco, Calif. 94111 (415) 556-7216.

### REGION 10

Alaska, Idaho, Oregon, Washington; Regional Office, Federal Energy Administration, Federal Office Building, 915 Second Avenue, Room 1992, Seattle, Wash. 98174 (206) 442-7280.

[FR Doc.75-24366 Filed 9-11-75; 8:45 am]

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

[45 CFR Part 1115]

### PRIVACY ACT REGULATIONS

#### Correction of Deadline for Comments

On page 40052 and the highlights portion of the first page of the FEDERAL REGISTER of Friday, August 29, 1975, the deadline for submission of comments in reference to the Foundation's Privacy Act Regulations was listed as September 1, 1975. On page 40054 of the Federal Register of Friday, August 29, 1975, September 15, 1975, was listed as the deadline for comments in reference to the Foundation's Notice of Existence and Character of Systems of Records. This is to inform the general public that the correct deadline for comments concerning the Foundation's Privacy Act Regulations is September 29, 1975.

ROBERT KINGSTON,  
Deputy Chairman, National  
Endowment for the Humanities.

MICHAEL STRAIGHT,  
Deputy Chairman, National  
Endowment for the Arts.

[FR Doc.75-24221 Filed 9-11-75; 8:45 am]



# federal register

FRIDAY, SEPTEMBER 12, 1975



PART IV:

## POSTAL SERVICE

### CERTAIN PERMANENT POSTAL RATES AND FEES

Effective Date

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## RULES AND REGULATIONS

**POSTAL SERVICE**  
**CERTAIN PERMANENT POSTAL RATES**  
**AND FEES**

**Effective Date**

1. On September 25, 1973, the Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of domestic postage and fees for domestic postal services pursuant to chapter 36 of title 39, United States Code (Postal Rate Commission Docket No. R 74-1). Notice of this action was published in the FEDERAL REGISTER by the Postal Rate Commission on October 3, 1973 (38 FR 27482) and by the Postal Service on October 19, 1973 (38 FR 29193).

On August 28, 1975, the Postal Rate Commission transmitted to the Gover-

nors of the Postal Service its recommended decision in which it recommended permanent rates of domestic postage and fees for domestic postal services. On September 4, 1975, the Governors approved the permanent rates and fees recommended by the Postal Rate Commission and the Board of Governors determined the effective date thereof. (The Governors' decision, the record of the Commission's hearings, and the Commission's recommended decision is available for inspection in the Library at Headquarters, United States Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260, and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.)

In accordance with action by the Governors and the Board of Governors, the

Postal Service hereby gives notice that the rates and fees listed below become effective as of 12:01 a.m., September 14, 1975.

2. The schedules A-1 through E set forth below shall be applicable from and after the time and date specified, until further notice, except that the phased rates set forth in schedules 1-7, which are applicable to the classes of mail and kinds of mailers identified in subparagraphs (1) and (2) of § 3626 of title 39, shall instead be in effect, and the rates becoming effective shall be those set forth in the "year 4" column under the heading "Phased rates."

(39 U.S.C. sec. 101(d), 401, 403, 404, 407, 3621, 3625, 3626, 3627)

ROGER P. CRAIG,  
*Deputy General Counsel.*

## RULES AND REGULATIONS

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## SCHEDULE A-1

## First-Class, Airmail, and Business Reply

Mail Type	Postage Rate Unit	Rate (cents)
<b>First-Class:</b>		
Letters	1st Ounce	10*
	Each add'l. ounce	9
Cards	Piece	7
<b>Airmail:</b>		
Letters	Ounce	13**
Cards	Piece	11
Business Reply	Up to 2 oz.	5
	Over 2 oz.	8

\* Rate applies up to 13 ounces. Heavier pieces are subject to priority mail rates.

\*\* Rate applies up to 9 ounces. Heavier pieces are subject to priority mail rates.

## RULES AND REGULATIONS

## RULES AND REGULATIONS

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## SCHEDULE A-2

## Priority Mail

Postage Rate Unit (Pounds)	Rates $\frac{1}{2}$ (dollars)					
	Zones					
	Local 1, 2 & 3	4	5	6	7	8
1	1.25	1.25	1.25	1.30	1.30	1.30
1.5	1.50	1.54	1.60	1.68	1.75	1.82
2	1.75	1.83	1.95	2.06	2.20	2.34
2.5	1.93	2.03	2.17	2.31	2.48	2.65
3	2.11	2.23	2.39	2.56	2.76	2.96
3.5	2.29	2.43	2.61	2.81	3.04	3.27
4	2.47	2.63	2.83	3.06	3.32	3.58
4.5	2.65	2.83	3.05	3.31	3.60	3.89
5	2.83	3.03	3.27	3.56	3.88	4.20
Each add'l. pound	0.36	0.40	0.44	0.50	0.56	0.62

1/ Exception: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

## SCHEDULE B-1

## Second-Class Mail: In-County and Transient

Mail Type	Full Rate (cents)
In-County	
Pound-rate matter:	
Per-pound	2.4
Per-piece	1.7
Per-copy-rate matter:	
Publications issued more frequently than weekly	3.5
Publications issued less frequently than weekly:	
copies weighing 2 ounces or less	3.5
copies weighing more than 2 ounces	4.7
Transient	
First 2 ounces	8.0
Each additional ounce	4.0

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## SCHEDULE B-2

Second-Class Mail: Publications  
of Authorized Nonprofit  
Organizations, Outside County

	Postage Rate Unit	Full Rate * (cents)
Per-pound		
Non-advertising portion	Pound	6.2
Advertising portion: **		
Zone: 1 & 2	Pound	9.6
3	Pound	10.3
4	Pound	11.5
5	Pound	13.3
6	Pound	15.2
7	Pound	17.3
8	Pound	19.5
Per-piece	Piece	2.5

\* Charges for second-class nonprofit mail are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

\*\* Not applicable to publications containing 10 percent or less advertising content.

## SCHEDULE B-3

Second-Class Mail: Classroom Publications,  
Outside County

	Postage Rate Unit	Full Rate * (cents)
Per-pound		
Non-advertising portion	Pound	3.6
Advertising portion:		
Zone: 1 & 2	Pound	3.8
3	Pound	4.5
4	Pound	5.7
5	Pound	7.5
6	Pound	9.4
7	Pound	11.5
8	Pound	13.7
Per-piece	Piece	1.4

\* Charges for classroom publications are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.



## SCHEDULE B-4

Second-Class Mail: Regular Rate  
Publications, Outside County

	Postage Rate Unit	Full Rate* (cents)
Per-pound		
Non-advertising portion	Pound	8.0
Advertising portion:		
Zone: 1 & 2	Pound	10.0**
3	Pound	10.7
4	Pound	11.9
5	Pound	13.7
6	Pound	15.6
7	Pound	17.7
8	Pound	19.9
Per-piece	Piece	3.5

Exceptions for publications mailing  
fewer than 5,000 copies per issue out-  
side the county of publication:

Per-piece	Piece	2.5
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\*Charges for second-class regular mail are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

\*\* Per-pound advertising portion rate for science of agriculture publications mailed to zones 1 and 2 is 9.6 cents.

## SCHEDULE C

Controlled Circulation Mail

	Full Rate (cents)
Per-pound	18
Minimum-per-piece	6.3

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## SCHEDULE D

## Third-Class Mail

	Full Rate (cents)
Single-Piece	
First 2 ounces	10
Each additional 2 ounces	8
Keys & Identification Devices	
First 2 ounces	16
Each additional 2 ounces	9
Regular Bulk	
Per-pound	
Ordinary matter*	32
Books, catalogs, etc.**	28
Minimum-per-piece	6.1/6.3***
Nonprofit Bulk	
Per-pound	
Ordinary matter*	18
Books, catalogs, etc.**	16
Minimum-per-piece	3.0

\* Ordinary matter includes all regular and nonprofit bulk matter except: books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants. See former title 39 U.S.C. § 4552(a), printed in 39 U.S.C.A. (App. in 1972 Supp.).

\*\* Books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants. Id.

\*\*\* The lower minimum-per-piece rate applies to the first 250,000 pieces of regular bulk mail yearly.

## SCHEDULE E-1

## Fourth-Class Mail: Special and Library

	Full Rate (cents)
Special:	
First pound	32
Each additional pound	10
Library:	
First pound	13
Each additional pound	6

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SCHEDULE E-2

## Fourth-Class Mail: Single-Piece Catalogs

## RULES AND REGULATIONS

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Rates for Pices Weighing Up To (Pounds)	Local	1 & 2	3	4	Zones			7	8
					5	6			
1.5	.34	.41	.42	.44	.46	.48	.51	.55	
2	.35	.43	.44	.47	.49	.52	.56	.61	
2.5	.36	.45	.46	.50	.53	.56	.61	.67	
3	.38	.47	.49	.52	.56	.61	.66	.73	
3.5	.39	.49	.51	.55	.60	.65	.71	.79	
4	.40	.51	.53	.58	.63	.69	.77	.86	
4.5	.41	.52	.55	.61	.66	.73	.82	.92	
5	.42	.54	.57	.63	.70	.77	.87	.98	
6	.45	.58	.62	.69	.77	.86	.97	1.10	
7	.47	.62	.66	.74	.83	.94	1.07	1.22	
8	.50	.66	.71	.80	.90	1.03	1.17	1.34	
9	.52	.70	.75	.85	.97	1.11	1.28	1.47	
10	.54	.73	.79	.91	1.04	1.19	1.38	1.59	

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SCHEDULE E-3

### Fourth-Class Mail: Bulk Catalogs

		Per Piece (cents)	Per Pound (cents)
<u>Zones</u>			
Local		22	2.3
	1&2	26	3.7
	3	26	4.3
	4	26	5.3
	5	26	6.5
	6	26	8.0
	7	26	9.7
	8	27	11.6

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## RULES AND REGULATIONS

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**SCHEDULE E-4a**

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## RULES AND REGULATIONS

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## SCHEDULE E-4

Fourth-Class Mail: Parcel Post <sup>1/ 2/</sup>

		Per Piece (cents)	Per Pound (cents)
Zones			
Local		58	4.5
	1 & 2	66	6.5
	3	66	8.0
	4	71	10.0
	5	74	13.0
	6	78	17.0
	7	80	21.5
	8	80	26.0

<sup>1/</sup> Full rate matrix is shown in schedule E-4a.<sup>2/</sup> Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

## RULES AND REGULATIONS

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## SCHEDULE E-4a

Fourth Class Mail: Parcel Post

		ZONE							
WEIGHT	LOCAL	1 AND 2	3	4	5	6	7	8	
2 lbs.	0.67	0.79	0.82	0.91	1.01	1.12	1.23	1.32	
3	0.72	0.86	0.90	1.01	1.13	1.29	1.45	1.58	
4	0.76	0.92	0.98	1.11	1.26	1.46	1.66	1.84	
5	0.81	0.99	1.06	1.21	1.39	1.63	1.88	2.10	
6	0.85	1.05	1.14	1.31	1.52	1.80	2.09	2.36	
7	0.90	1.12	1.22	1.41	1.65	1.97	2.31	2.62	
8	0.94	1.18	1.30	1.51	1.78	2.14	2.52	2.88	
9	0.99	1.25	1.38	1.61	1.91	2.31	2.74	3.14	
10	1.03	1.31	1.46	1.71	2.04	2.48	2.95	3.40	
11	1.08	1.38	1.54	1.81	2.17	2.65	3.17	3.66	
12	1.12	1.44	1.62	1.91	2.30	2.82	3.38	3.92	
13	1.17	1.51	1.70	2.01	2.43	2.99	3.60	4.18	
14	1.21	1.57	1.78	2.11	2.56	3.16	3.81	4.44	
15	1.26	1.64	1.86	2.21	2.69	3.33	4.03	4.70	
16	1.30	1.70	1.94	2.31	2.82	3.50	4.24	4.96	
17	1.35	1.77	2.02	2.41	2.95	3.67	4.46	5.22	
18	1.39	1.83	2.10	2.51	3.08	3.84	4.67	5.48	
19	1.44	1.90	2.18	2.61	3.21	4.01	4.89	5.74	
20	1.48	1.96	2.26	2.71	3.34	4.18	5.10	6.00	
21	1.53	2.03	2.34	2.81	3.47	4.35	5.32	6.26	
22	1.57	2.09	2.42	2.91	3.60	4.52	5.53	6.52	
23	1.62	2.16	2.50	3.01	3.73	4.69	5.75	6.78	
24	1.66	2.22	2.58	3.11	3.86	4.86	5.96	7.04	
25	1.71	2.29	2.66	3.21	3.99	5.03	6.10	7.30	
26	1.75	2.35	2.74	3.31	4.12	5.20	6.39	7.56	
27	1.80	2.42	2.82	3.41	4.25	5.37	6.61	7.82	
28	1.84	2.48	2.90	3.51	4.38	5.54	6.82	8.08	
29	1.89	2.55	2.98	3.61	4.51	5.71	7.04	8.34	
30	1.93	2.61	3.06	3.71	4.64	5.88	7.25	8.60	
31	1.98	2.68	3.14	3.81	4.77	6.05	7.47	8.86	
32	2.02	2.74	3.22	3.91	4.90	6.22	7.68	9.12	
33	2.07	2.81	3.30	4.01	5.03	6.39	7.90	9.38	
34	2.11	2.87	3.38	4.11	5.16	6.56	8.11	9.64	
35	2.16	2.94	3.46	4.21	5.29	6.73	8.33	9.90	
36	2.20	3.00	3.54	4.31	5.42	6.90	8.54	10.16	
37	2.25	3.07	3.62	4.41	5.55	7.07	8.76	10.42	
38	2.29	3.13	3.70	4.51	5.68	7.24	8.97	10.68	
39	2.34	3.20	3.78	4.61	5.81	7.41	9.19	10.94	
40	2.38	3.26	3.86	4.71	5.94	7.58	9.40	11.20	
41	2.43	3.33	3.94	4.81	6.07	7.75	9.62	11.46	
42	2.47	3.39	4.02	4.91	6.20	7.92	9.83	11.72	
43	2.52	3.46	4.10	5.01	6.33	8.09	10.05	11.98	
44	2.56	3.52	4.18	5.11	6.46	8.26	10.26	12.24	
45	2.61	3.59	4.26	5.21	6.59	8.43	10.48	12.50	
46	2.65	3.65	4.34	5.31	6.72	8.60	10.69	12.76	
47	2.70	3.72	4.42	5.41	6.85	8.77	10.91	13.02	
48	2.74	3.78	4.50	5.51	6.98	8.94	11.12	13.28	
49	2.79	3.85	4.58	5.61	7.11	9.11	11.34	13.54	
50	2.83	3.91	4.66	5.71	7.24	9.28	11.55	13.80	
51	2.88	3.98	4.74	5.81	7.37	9.45	11.77	14.06	
52	2.92	4.04	4.82	5.91	7.50	9.62	11.98	14.32	
53	2.97	4.11	4.90	6.01	7.63	9.79	12.20	14.58	
54	3.01	4.17	4.98	6.11	7.76	9.96	12.41	14.84	
55	3.06	4.24	5.06	6.21	7.89	10.13	12.63	15.10	
56	3.10	4.30	5.14	6.31	8.02	10.30	12.84	15.36	
57	3.15	4.37	5.22	6.41	8.15	10.47	13.06	15.62	
58	3.19	4.43	5.30	6.51	8.28	10.64	13.27	15.88	
59	3.24	4.50	5.38	6.61	8.41	10.81	13.49	16.14	
60	3.28	4.56	5.46	6.71	8.54	10.98	13.70	16.40	
61	3.33	4.63	5.54	6.81	8.67	11.15	13.92	16.66	
62	3.37	4.69	5.62	6.91	8.80	11.32	14.13	16.92	
63	3.42	4.76	5.70	7.01	8.93	11.49	14.35	17.18	
64	3.46	4.82	5.78	7.11	9.06	11.66	14.56	17.44	
65	3.51	4.89	5.86	7.21	9.19	11.83	14.78	17.70	
66	3.55	4.95	5.94	7.31	9.32	12.00	14.99	17.96	
67	3.60	5.02	6.02	7.41	9.45	12.17	15.21	18.22	
68	3.64	5.08	6.10	7.51	9.58	12.34	15.42	18.48	
69	3.69	5.15	6.18	7.61	9.71	12.51	15.64	18.74	
70	3.73	5.21	6.26	7.71	9.84	12.68	15.85	19.00	

\* 1 lb. and not exceeding:

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SCHEDULE 1  
Second-Class Phased Rates: In-County

Rate Category	Phased Rates (cents)															
	Year															
	4	5	6	7	8	9	10	11	12	13	14	15	16			
Found-rate matter:																
Per pound	1.6	1.6	1.7	1.8	1.8	1.9	2.0	2.1	2.1	2.2	2.3	2.3	2.4			
Per piece	0.4	0.5	0.6	0.7	0.8	0.9	1.0	1.1	1.3	1.4	1.5	1.6	1.7			
Per-copy-rate matter:																
Issued more frequently than weekly	1.4	1.6	1.8	2.0	2.1	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5			
Issued less frequently than weekly:																
Copies weighing 2 ounces or less	1.4	1.6	1.8	2.0	2.1	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5			
Copies weighing more than 2 ounces	2.5	2.6	2.8	3.0	3.2	3.4	3.6	3.8	4.0	4.1	4.3	4.5	4.7			

SCHEDULE 2  
Second-Class Phased Rates: Publications of Authorized Nonprofit Organizations, Outside County

RULES AND REGULATIONS														
Postage Rate Unit	Phased Rates (cents)													
	Year													
	4	5	6	7	8	9	10	11	12	13	14	15	16	
Per-pound														
Non-advertising portion														
Advertising portion:														
Zone:														
1 & 2	3.1	3.4	3.6	3.9	4.1	4.4	4.7	4.9	5.2	5.4	5.7	5.9	6.2	
3	5.4	5.7	6.1	6.4	6.8	7.1	7.5	7.8	8.2	8.5	8.9	9.2	9.6	
4	6.1	6.4	6.8	7.1	7.5	7.8	8.2	8.5	8.9	9.2	9.6	9.9	10.3	
5	7.6	7.9	8.3	8.6	8.9	9.2	9.6	9.9	10.2	10.5	10.9	11.2	11.5	
6	9.2	9.6	9.9	10.3	10.6	10.9	11.3	11.6	11.9	12.3	12.6	13.0	13.3	
7	10.3	10.7	11.1	11.5	11.9	12.3	12.7	13.2	13.6	14.0	14.4	14.8	15.2	
8	10.9	11.5	12.0	12.5	13.0	13.6	14.1	14.6	15.2	15.7	16.2	16.8	17.3	
	11.6	12.2	12.9	13.6	14.2	14.9	15.5	16.2	16.9	17.5	18.2	18.8	19.5	
Per-piece	0.5	0.7	0.9	1.0	1.2	1.4	1.5	1.7	1.8	2.0	2.2	2.3	2.5	

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SCHEDULE 3

Second-Class Phased Rates: Classroom Publications,  
Outside County

RULES AND REGULATIONS																
Postage Rate Unit		Phased Rates (cents)														
		Year														
		4	5	6	7	8	9	10	11	12	13	14	15	16		
Per-pound																
Non-advertising portion		2.8	2.9	3.0	3.0	3.1	3.2	3.2	3.3	3.3	3.4	3.5	3.5	3.6		
Advertising portion:																
Zone: 1 & 2																
Pound		3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	
"		4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	
"		5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	
"		7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	
"		9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	
"		10.6	10.6	10.7	10.8	10.9	11.0	11.0	11.1	11.2	11.3	11.3	11.4	11.5	11.5	
"		12.2	12.4	12.5	12.6	12.7	12.9	13.0	13.1	13.2	13.3	13.5	13.6	13.7	13.7	
Per-piece																
Piece		0.5	0.5	0.6	0.7	0.8	0.9	0.9	1.0	1.1	1.2	1.2	1.3	1.4	1.4	

RULES AND REGULATIONS

FEDERAL REGISTER, VOL. 40, NO. 178—FRIDAY, SEPTEMBER 12, 1975

SCHEDULE 4

Second-Class Phased Rates: Regular Rate Publications,  
Outside County

RULES AND REGULATIONS																
Postage Rate Unit		Phased Rates (cents)														
		Year														
		4	5	6	7	8	9	10	11	12	13	14	15	16		
Per-pound	Non-advertising portion	5.8	6.4	6.9	7.5	8.0										
	Advertising portion:															
	Zone: 1 & 2	7.7	8.3	8.9	9.4	10.0										
	1 & 2 *	5.5	5.8	6.1	6.5	6.8	7.2	7.5	7.9	8.2	8.6	8.9	9.3	9.6		
	3	8.6	9.2	9.7	10.2	10.7										
	4	10.3	10.7	11.1	11.5	11.9										
	5	12.3	12.7	13.0	13.4	13.7										
	6	14.4	14.7	15.0	15.3	15.6										
	7	16.0	16.5	16.9	17.3	17.7										
	8	18.4	18.8	19.1	19.5	19.9										
Per-piece **	Piece	1.3	1.9	2.4	3.0	3.5										
Per-piece ***	Piece	0.5	0.7	0.9	1.0	1.2	1.4	1.5	1.7	1.8	2.0	2.2	2.3	2.5		

\* Science of agriculture.  
\*\* Publications mailing 5,000 or more copies per issue outside county of publication.  
\*\*\* Publications mailing fewer than 5,000 copies per issue outside county of publication.

RULES AND REGULATIONS

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SCHEDULE 5

Controlled Circulation Phased Rates

RULES AND REGULATIONS								
	Phased Rates (cents)							
	Year							
	4	5	6	7	8			
Per-Pound	16.0	16.0	17.0	17.0	18.0			
Minimum-per-piece	4.8	5.2	5.6	5.9	6.3			

SCHEDULE 6

Third-Class Phased Rates

RULES AND REGULATIONS																
	Phased Rates (cents)															
	Year															
	4	5	6	7	8	9	10	11	12	13	14	15	16			
Nonprofit Bulk																
Per-pound:																
Ordinary matter	12.0	12.0	13.0	13.0	14.0	14.0	15.0	15.0	16.0	16.0	17.0	17.0	18.0			
Books, catalogs, etc.	10.0	10.0	11.0	11.0	12.0	12.0	13.0	13.0	14.0	14.0	15.0	15.0	16.0			
Minimum-per-piece	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0			

RULES AND REGULATIONS



SCHEDULE 7

Fourth-Class Phased Rates: Special and Library

Phased Rates (cents)

RULES AND REGULATIONS

Year	4	5	6	7	8	9	10	11	12	13	14	15	16
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Special

First pound	20.0	23.0	26.0	29.0	32.0
Each additional pound	9.0	9.0	9.0	10.0	10.0

Library

First pound	7.0	7.0	8.0	8.0	9.0	9.0	10.0	10.0	11.0	11.0	12.0	12.0	13.0
Each additional pound	3.0	4.0	4.0	4.0	4.0	4.0	5.0	5.0	5.0	5.0	6.0	6.0	6.0

[FR Doc.75-24297 Filed 9-11-75;8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 178—FRIDAY, SEPTEMBER 12, 1975

federal register

FRIDAY, SEPTEMBER 12, 1975



PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR  
FEDERAL AND  
FEDERALLY ASSISTED  
CONSTRUCTION

General Wage Determination Decisions

V40-178

SEP1275

XUM



## DEPARTMENT OF LABOR

Employment Standards  
AdministrationMINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTION

## General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Pre-determination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29

CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

## MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedes Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-ex-

planatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

## MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL75-1073	Aug. 8, 1975.
Delaware:	
DE75-3092	Aug. 22, 1975.
Maryland:	
AR-2085	Nov. 22, 1974.
Oklahoma:	
OK75-4116	June 27, 1975.
OK75-4138	Aug. 1, 1975.
OK75-4148	Aug. 15, 1975.
Pennsylvania:	
PA75-3077; PA75-3078.	
PA75-3080	Aug. 22, 1975.
Tennessee:	
TN75-1072	July 25, 1975.
Virginia:	
MD75-3062	June 20, 1975.
Washington, D.C.:	
DC75-3061	June 20, 1975.

## SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedes Decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:	
FL75-1037 (FL75-1089)	Jan. 21, 1975.
FL75-1018 (FL75-1090)	Feb. 7, 1975.
FL75-1016 (FL75-1091)	Mar. 21, 1975.
Georgia:	
GA75-1019 (GA75-1092)	Feb. 7, 1975.
Ohio:	
AM-422 (OH75-2109)	Aug. 18, 1975.
Massachusetts:	
MA75-2006 (MA75-2110)	Feb. 21, 1975.
Nebraska:	
AM-6140 (NE75-4157)	Nov. 12, 1971.
Oklahoma:	
AR-93 (OK75-4158)	Dec. 27, 1974.
Tennessee:	
TN75-1057 (TN75-1088)	June 20, 1975.
Washington:	
WA75-5108 (WA75-5113)	Aug. 22, 1975.

Signed at Washington, D.C., this 5th day of September 1975.

RAY J. DOLAN,  
Assistant Administrator,  
Wage and Hour Division.

MODIFICATIONS P. 2

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
DECISION NO. AR-2085 - Mod. #1 (39 FR 41100 - November 22, 1974) Anne Arundel, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Marys and Washington Counties, Maryland				
Onits Carroll County				

MODIFICATIONS P. 1

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
DECISION #AL75-1073 - Mod. #1 (40 FR 33380 - August 8, 1975) Montgomery County, Alabama				
CHANGE: Painters: Paint and roller Scaffolding Spray and structural steel Punching	\$ 5.80 7.10 7.10 7.10 6.05	.20 .20 .20 .20 .20		
DECISION #NE75-3092 - Mod. #1 (40 FR 30993 - August 22, 1975) Statewide, Delaware				
Change: Laborers - Heavy & Highway Construction: New Castle County: Common laborers, landscape, asphalt, concrete, masonry, concrete pavers, masons, concrete pavers, pavers, rubber magazine tenders, railroad trackmen, signal men Pipelayers Wagon drill, diamond point drill, gunite nozzle men, form setters, blasters, caissons & coffer dams (open-air, below 6') Kent & Sussex Counties: Common laborers, landscape, painting, erecting, erecting, masonry, masons, concrete pavers, pavers, rubber magazine tenders, railroad trackmen, signal men Pipelayers Wagon drill, diamond point drill, gunite nozzle men, form setters, blasters, caissons & coffer dams (open-air, below 6')	\$4.00 4.15 4.30 3.85 4.00 4.15	.60 .60 .60 .60 .60 .60	.40 .40 .40 .40 .40 .40	



DECISION NO. 0K75-4116 - Mod. #2  
(40 FR 27434 - June 27, 1975)  
Comanche County, Oklahoma

CHANGES:  
TERRAZZOS  
ASBESTOS WORKERS  
LABORERS:  
Common laborers  
Air tool operator, mason and  
plaster tender, mortar mixer,  
pipelayers (concrete & clay)  
Powderman (make-up) & wagon  
drill operator  
SPRINKLER FITTERS  
POWER EQUIPMENT OPERATORS:  
Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
Group 6  
Group 7  
Group 8  
AND:  
POWER EQUIPMENT OPERATORS:  
Group 9  
Group 10

	Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
	\$8.90	.30	.35		.08
	9.70	.40	.60		.02
	4.35	.25	.20		
	5.10	.25	.20		
	5.60	.25	.20		
	10.10	.50	.80		.08
	9.25	.35	.40		.12
	9.00	.35	.40		.12
	8.75	.35	.40		.12
	8.25	.35	.40		.12
	8.00	.35	.40		.12
	7.60	.35	.40		.12
	7.50	.35	.40		.12
	7.30	.35	.40		.12
	7.00	.35	.40		.12

CHANGE POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS TO READ AS FOLLOWS:

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)  
GROUP II - All crane type equipment with 150-200' of boom (including jib)  
GROUP III - All crane type equipment with 100-150' of boom (including jib), all  
tower cranes and all crane type equipment of 3 cu. yd. or more (as rates by  
fig.), sideboom (booms 30' & over), guy derrick  
GROUP IV - Heavy duty mechanic welder, crane-hook & overhead mono-rail, whirley,  
panel board batch plant operator, pilerdriver engineer, dragline, shovel, clam-  
shell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker,  
hoists while operating 2 or more drums, hoists while doing stack & chimney  
work (1 or 2 drums), power driven hole digger (with 30' & longer mast)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65  
or over), fordon tractor or like equipment with hoe or loader equipment or  
ditcher, scraper type equipment, toumpull, BM 10, 15, 16, 20, 21, & similar  
ditcher, scraper type equipment, BM 15-24 and similar, loader operator or lift-lift  
(Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple,  
panel board control, power driven hole digger with less than 30' mast,  
trenching machine, concrete pump - boom type

Engineers for machines not listed under the above classifications shall receive  
the scale comparable to these classifications.

GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and  
over, sand barge, dredging machine, tugger, hoist - when operating one drum,  
welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air  
compressor, over 500 cu. ft., (1) pumps, battery, 3 to 6, fork lift, bobcat  
and similar equipment, generator plant engineers, diesel elec., which truck  
with a lift, hoist, concrete buster or tamper, outside elevator or building type of  
personnel hoist, fireman, boiler operator, crushing plants, oiler distributor,  
operator, famer tractor-with or without attachments, batch plant  
operator - dual, continuous or belt bulk handling, screed operator, concrete  
pump, form grader, screening plant, well point pump operator, signal man on  
large wharves when and if required, operator for rotary drilling machines  
when operated from console or machines

Engineers for machines not listed under the above classifications shall receive  
the scale comparable to these classifications

GROUP VII - Greaser, tilt top trailer operator  
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer,  
with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2)  
welding machine less than 20 cu. ft., fuelman, conveyor operator-single-  
continuous belt bulk handling  
GROUP IX - Asphalt lay machine back end man, helpers  
GROUP X - Truck crane oiler driver or truck crane oiler

DECISION NO. 0K75-4138 - Mod. #2  
(40 FR 32663 - August 1, 1975)  
Pittsburg County, Oklahoma

CHANGES:  
Asbestos workers  
CARPENTERS:  
Carpenters  
Millwrights & Pilerdrivers  
Glaziers  
LABORERS:  
Five mile strip along the North  
border:  
Group 1  
Group 2  
Group 3  
Plumbers-Pipefitters  
Sheet-metal workers -  
Soft floor layers  
Truck Drivers:  
Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
POWER EQUIPMENT OPERATORS:  
Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
Group 6  
Group 7  
Group 8  
AND:  
POWER EQUIPMENT OPERATORS:  
Group 9  
Group 10

	Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
	\$9.40	.35	.60		.015
	6.65		.25		
	7.45		.25		
	7.68	.40	.30		.01
	5.05	.25	.20		
	5.35	.25	.20		
	5.55	.25	.20		
	5.75	.25	.20		
	8.83	.45	.65	.70	.10
	7.37	.15			.03
	6.45				
	6.55				
	6.65				
	6.75				
	9.25	.35	.40		.12
	9.00	.35	.40		.12
	8.75	.35	.40		.12
	8.50	.35	.40		.12
	8.25	.35	.40		.12
	8.00	.35	.40		.12
	7.60	.35	.40		.12
	7.50	.35	.40		.12
	7.30	.35	.40		.12
	7.00	.35	.40		.12

CHANGE POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS TO READ AS FOLLOWS:

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)  
GROUP II - All crane type equipment with 150-200' of boom (including jib)  
GROUP III - All crane type equipment with 100-150' of boom (including jib), all  
tower cranes and all crane type equipment of 3 cu. yd. or more (as rates by  
fig.), sideboom (booms 30' & over), guy derrick  
GROUP IV - Heavy duty mechanic welder, crane-hook & overhead mono-rail, whirley,  
panel board batch plant operator, pilerdriver engineer, dragline, shovel, clam-  
shell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker,  
hoists while operating 2 or more drums, hoists while doing stack & chimney  
work (1 or 2 drums), power driven hole digger (with 30' & longer mast)  
GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65  
or over), fordon tractor or like equipment with hoe or loader equipment or  
ditcher, scraper type equipment, toumpull, BM 10, 15, 16, 20, 21, & similar  
ditcher, scraper type equipment, BM 15-24 and similar, loader operator or lift-lift  
(Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple,  
panel board control, power driven hole digger with less than 30' mast,  
trenching machine, concrete pump - boom type

Engineers for machines not listed under the above classifications shall receive  
the scale comparable to these classifications.

GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and  
over, sand barge, dredging machine, tugger, hoist - when operating one drum,  
welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air  
compressor, over 500 cu. ft., (1) pumps, battery, 3 to 6, fork lift, bobcat  
and similar equipment, generator plant engineers, diesel elec., which truck  
with a frame, roller, all types, outside elevator or building type of  
personnel hoist, concrete buster or tamper, heaters under jurisdiction of  
oper., engs., fireman, boiler operator, crushing plants, oiler distributor,  
operator, famer tractor-with or without attachments, batch plant  
operator - dual, continuous or belt bulk handling, screed operator, concrete  
pump, form grader, screening plant, well point pump operator, signal man on  
large wharves when and if required, operator for rotary drilling machines  
when operated from console or machines

Engineers for machines not listed under the above classifications shall receive  
the scale comparable to these classifications

GROUP VII - Greaser, tilt top trailer operator  
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer,  
with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2)  
welding machine (1 or 2), pun (1 or 2), fuelman, conveyor operator-single-  
continuous belt bulk handling  
GROUP IX - Asphalt lay machine back end man, helpers  
GROUP X - Truck crane oiler driver or truck crane oiler



# THE EFFECT OF CRYSTAL

GROUP VII - ALL CRANE TYPE EQUIPMENT WITH 100-150° OF HOIST (INCLUDING JIB)

GROUP VII - All crane type equipment with 100-150° of boom (including jib), all tower cranes, boom cranes, 90° & over, ray device

GROUP VIII - Heavy duty, machine driven, crane-boom & overhead monorail, unit-ways, unit-boom hoist batch plant operators, pile-driver, engineer, dragline, shovel, clamshell, bucket, slackboom (under 30'), gradual, hydro crane, electric motor, hoist, while operating 2 or more drums, hoist while doing stack & chimney work (1 or 2 drums), power driven bolt digger (with 90° & longer mast), b.p. 65

GROUP V - Motor patrol (hulde), fork lift (4½' and over), dumper (conventional or over), fordon tractor or like equipment with hoe or bucket, (b.p. 20, 21, 6 similar rubber-tired equipment, Euclid, T-524 and similar), all 40, 45, 50, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 140, 145, 150, 155, 160, 165, 170, 175, 180, 185, 190, 195, 200, 205, 210, 215, 220, 225, 230, 235, 240, 245, 250, 255, 260, 265, 270, 275, 280, 285, 290, 295, 300, 305, 310, 315, 320, 325, 330, 335, 340, 345, 350, 355, 360, 365, 370, 375, 380, 385, 390, 395, 400, 405, 410, 415, 420, 425, 430, 435, 440, 445, 450, 455, 460, 465, 470, 475, 480, 485, 490, 495, 500, 505, 510, 515, 520, 525, 530, 535, 540, 545, 550, 555, 560, 565, 570, 575, 580, 585, 590, 595, 600, 605, 610, 615, 620, 625, 630, 635, 640, 645, 650, 655, 660, 665, 670, 675, 680, 685, 690, 695, 700, 705, 710, 715, 720, 725, 730, 735, 740, 745, 750, 755, 760, 765, 770, 775, 780, 785, 790, 795, 800, 805, 810, 815, 820, 825, 830, 835, 840, 845, 850, 855, 860, 865, 870, 875, 880, 885, 890, 895, 900, 905, 910, 915, 920, 925, 930, 935, 940, 945, 950, 955, 960, 965, 970, 975, 980, 985, 990, 995, 1000, 1005, 1010, 1015, 1020, 1025, 1030, 1035, 1040, 1045, 1050, 1055, 1060, 1065, 1070, 1075, 1080, 1085, 1090, 1095, 1100, 1105, 1110, 1115, 1120, 1125, 1130, 1135, 1140, 1145, 1150, 1155, 1160, 1165, 1170, 1175, 1180, 1185, 1190, 1195, 1200, 1205, 1210, 1215, 1220, 1225, 1230, 1235, 1240, 1245, 1250, 1255, 1260, 1265, 1270, 1275, 1280, 1285, 1290, 1295, 1300, 1305, 1310, 1315, 1320, 1325, 1330, 1335, 1340, 1345, 1350, 1355, 1360, 1365, 1370, 1375, 1380, 1385, 1390, 1395, 1400, 1405, 1410, 1415, 1420, 1425, 1430, 1435, 1440, 1445, 1450, 1455, 1460, 1465, 1470, 1475, 1480, 1485, 1490, 1495, 1500, 1505, 1510, 1515, 1520, 1525, 1530, 1535, 1540, 1545, 1550, 1555, 1560, 1565, 1570, 1575, 1580, 1585, 1590, 1595, 1600, 1605, 1610, 1615, 1620, 1625, 1630, 1635, 1640, 1645, 1650, 1655, 1660, 1665, 1670, 1675, 1680, 1685, 1690, 1695, 1700, 1705, 1710, 1715, 1720, 1725, 1730, 1735, 1740, 1745, 1750, 1755, 1760, 1765, 1770, 1775, 1780, 1785, 1790, 1795, 1800, 1805, 1810, 1815, 1820, 1825, 1830, 1835, 1840, 1845, 1850, 1855, 1860, 1865, 1870, 1875, 1880, 1885, 1890, 1895, 1900, 1905, 1910, 1915, 1920, 1925, 1930, 1935, 1940, 1945, 1950, 1955, 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2005, 2010, 2015, 2020, 2025, 2030, 2035, 2040, 2045, 2050, 2055, 2060, 2065, 2070, 2075, 2080, 2085, 2090, 2095, 2100, 2105, 2110, 2115, 2120, 2125, 2130, 2135, 2140, 2145, 2150, 2155, 2160, 2165, 2170, 2175, 2180, 2185, 2190, 2195, 2200, 2205, 2210, 2215, 2220, 2225, 2230, 2235, 2240, 2245, 2250, 2255, 2260, 2265, 2270, 2275, 2280, 2285, 2290, 2295, 2300, 2305, 2310, 2315, 2320, 2325, 2330, 2335, 2340, 2345, 2350, 2355, 2360, 2365, 2370, 2375, 2380, 2385, 2390, 2395, 2400, 2405, 2410, 2415, 2420, 2425, 2430, 2435, 2440, 2445, 2450, 2455, 2460, 2465, 2470, 2475, 2480, 2485, 2490, 2495, 2500, 2505, 2510, 2515, 2520, 2525, 2530, 2535, 2540, 2545, 2550, 2555, 2560, 2565, 2570, 2575, 2580, 2585, 2590, 2595, 2600, 2605, 2610, 2615, 2620, 2625, 2630, 2635, 2640, 2645, 2650, 2655, 2660, 2665, 2670, 2675, 2680, 2685, 2690, 2695, 2700, 2705, 2710, 2715, 2720, 2725, 2730, 2735, 2740, 2745, 2750, 2755, 2760, 2765, 2770, 2775, 2780, 2785, 2790, 2795, 2800, 2805, 2810, 2815, 2820, 2825, 2830, 2835, 2840, 2845, 2850, 2855, 2860, 2865, 2870, 2875, 2880, 2885, 2890, 2895, 2900, 2905, 2910, 2915, 2920, 2925, 2930, 2935, 2940, 2945, 2950, 2955, 2960, 2965, 2970, 2975, 2980, 2985, 2990, 2995, 3000, 3005, 3010, 3015, 3020, 3025, 3030, 3035, 3040, 3045, 3050, 3055, 3060, 3065, 3070, 3075, 3080, 3085, 3090, 3095, 3100, 3105, 3110, 3115, 3120, 3125, 3130, 3135, 3140, 3145, 3150, 3155, 3160, 3165, 3170, 3175, 3180, 3185, 3190, 3195, 3200, 3205, 3210, 3215, 3220, 3225, 3230, 3235, 3240, 3245, 3250, 3255, 3260, 3265, 3270, 3275, 3280, 3285, 3290, 3295, 3300, 3305, 3310, 3315, 3320, 3325, 3330, 3335, 3340, 3345, 3350, 3355, 3360, 3365, 3370, 3375, 3380, 3385, 3390, 3

## NOTICES

engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.

[illegible]

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII - Greaser, tilt top trailer; operator  
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer,  
with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2)  
welding machine (1 or 2), pump (1 or 2), fuclinar, conveyor operator-singe-  
continuous belt bulk handling

continuous belt bulk handling.

Group X - Truck crane operator or truck crane driver

## MODIFICATIONS P. 10

DECISION NO PA-75-3077 - Mod. #1  
(40 FR 36957 - August 22, 1975)  
Warren County, Pennsylvania

Change:  
Asbestos Workers  
Laborers:  
(See Schedule Below)

DECISION NO. PA-75-3078 - Mod. #1  
(40 FR 36961 - August 22, 1975)  
Forest & McKean Counties,  
Pennsylvania

Change:  
Asbestos Workers  
McKean County  
Laborers:  
(See Schedule Below)

DECISION No. PA-75-3080 - Mod. #1  
(40 FR 36963 - August 22, 1975)  
Butler & Fayette Counties,  
Pennsylvania

Change:  
Laborers:  
Butler County  
Class II

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	App Tr.
DECISION NO. PA-75-3072 - Mod. #1 (40 FR 36937 - August 22, 1975) Warren County, Pennsylvania  Change: Asbestos Workers Laborers: (See Schedule Below)	\$9.81	.82	.55		.06
DECISION NO. PA-75-3078 - Mod. #1 (40 FR 36941 - August 22, 1975) Forest & McKean Counties, Pennsylvania  Change: Asbestos Workers McKean County Laborers: (See Schedule Below)	9.81	.82	.55		.06
DECISION NO. PA-75-3080 - Mod. #1 (40 FR 36943 - August 22, 1975) Butler & Fayette Counties, Pennsylvania  Change: Laborers: Butler County Class II	7.625	.60	.50		

## NOTICES

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FEDERAL REGISTER, VOL. 40, NO. 178—FRIDAY, SEPTEMBER 12, 1975



DECISION #F75-1072 - Mod. #2  
(40 FR 31567 - July 25, 1975)  
Hamilton County, Tennessee  
CHANGE:  
Cement masons:  
Power machine operator;  
swingng scaffold &  
bes'n chair

Basic Hourly Rate	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$ 7.55					
7.75					

DECISION NO. 1075-1062 - Mod. #5  
(40 FR 26203 - June 20, 1975)  
Montgomery and Prince Georges  
Counties, Maryland, Arlington  
and Fairfax Counties, the City  
of Alexandria and Dulles  
International Airport, Virginia  
Change:  
Laborers:  
Common Laborers, Landscapers  
Acetylene Burners Used on  
Wrecking Operator; Scaffold  
Air Tool Operator; Breakers;  
Towers; Buggy Mottles;  
Spaders; Mortarmen and  
Scoutcretes  
Pipelayers  
Powdermen  
Plasterers  
Plasterers, Well Points  
Stone Masons  
Marble Setters

Basic Hourly Rate	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
7.71	.35	.40			.05
8.21	.35	.40			.05
7.86	.35	.40			.05
7.86	.35	.40			.05
8.85	.35	.40			.05
7.96	.35	.40			.05
9.80	.45	.25			.05
10.80	.45	.25			.05
10.80	.45	.25			.05

DECISION NO. 1075-1061 - Mod. #6  
(40 FR 26242 - June 20, 1975)  
Washington, D. C.

Change:  
Building & Heavy Construction  
Laborers:  
Common Laborers, Landscapers  
Acetylene Burners Used on  
Wrecking  
Air Tool Operator; Scaffold  
Breakers; Buggy Mottles;  
Towers; Buggy Mottles;  
Spaders; Mortarmen and  
Scoutcretes  
Pipelayers  
Powdermen  
Plasterers, Well Points  
Stone Masons  
Marble Setters  
Terrazzo Workers Helpers

Basic Hourly Rate	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$ 7.71	.35	.40			.05
8.21	.35	.40			.05
7.86	.35	.40			.05
7.86	.35	.40			.05
8.85	.35	.40			.05
7.96	.35	.40			.05
9.80	.45	.25			.05
10.80	.45	.25			.05
10.80	.45	.25			.05

SUPERSEDES DECISION

STATE: Florida  
DECISION NUMBER: F75-1089  
Supersedes Decision No.: F75-1037 dated January 21, 1975 in 40 FR 4807  
DESCRIPTION OF WORK: Building construction (excluding single family homes  
and garden type apartments up to and including 4 stories.)

COUNTY: Alachua  
DATE: Date of Publication

Basic Hourly Rate	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
9.01	.30	.30			.04
8.20	.60	.30			.02
7.80	.30	.30			.02
8.12	.44	.30	.30		.03
8.12	.44	.30	.30		.03
8.12	.39	.30			.03
8.12	.39	.30	.30		.02
7.30	.30	.30			.02
8.15	.25	.25			.02
8.15	.25	.25			.02
8.16	.445	.29	.34+ab		.02
70%IR	.445	.29	.34+ab		.02
50%IR					.01
8.00	.47	.20			.01
8.50		.60			.02
4.40	.20				.02
4.45	.20				.02
4.45	.20				.01
7.95	.30				.01
8.15	.25	.25			.01
8.35	.25	.25			.01
6.52	.25	.25			.01
7.90	.25	.25			.01
5.75	.25	.25			.01
4.79	.25	.25			.01
3.78	.25	.25			.01
7.30	.30	.30			.02
6.56	.10				.05
7.06	.10				.05
7.06	.10				.05
7.06	.10				.05
7.06	.10				.05

Basic Hourly Rate	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
7.80	.30	.30			.02
9.95	.20	.25			.10
6.99	.30	.05			.05
3.63	.30	.05			.05
7.78	.50	.40	.70		.085
8.12	.50	.40	.30		.10
9.12	.50	.25			.10
9.85	.20	.30			.02
7.80	.30	.30			.02
7.30	.30	.30			.02

F75-1037 (cont'd)

Welders - receive rate prescribed  
for craft performing operation  
to which welding is incidental

FOOTNOTES:  
a. Six paid holidays, A through F.  
b. Employer contributes 1/4 of regular hourly rate to Vacation Pay  
Credit for employees who has worked in business more than 5 years.  
Employer contributes 2% of regular rate to Vacation Pay Credit  
for employees who has worked in business less than 5 years.  
c. Nine paid holidays, A through F plus Christmas Eve, Washington's  
birthday and Good Friday, providing employee has worked 45 full  
days during the 120 calendar days prior to the holidays, and the  
regular schedule work days immediately preceding and following  
the holidays.  
PAID HOLIDAYS (Where Applicable)  
A-New Year's Day; B-Memorial; C-Independence Day; D-Labor Day; E-Thank-  
sgiving Day; F-Christmas Day.



POWER EQUIPMENT OPERATORS

FL75-1017 P. 3 (1-1)				
Fringe Benefits Payments				
Basic Hourly Rates	H & W	Pension	Vacation	App. Tr.
8.03	.10	.35		.05
6.96	.10	.35		.05
6.12	.10	.35		.05
5.04	.10	.35		.05

GROUP I  
GROUP II  
GROUP III  
GROUP IV

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, anvils, patrols, cableways, tug boat captain (150 hp. or more), multi-boom operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scrapers), front end loader (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), medium (heavy equip.), tower crane (stationary, climbing & traveling), gantry crane, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggy, hoist (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to 4 incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers

GROUP III: Concrete pumps, front-end loader (2 cy or less not used as hoist) mobile winch trucks, self-propelled sub-grader, asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics, helpers, pumpman (other than well point up to & incl., 5 pumps within 30 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine

SUPERSEDES DECISION

STATE: Florida  
COUNTY: Dade  
DECISION NUMBER: FL75-1090  
DATE: Date of Publication  
SUPERSEDES DECISION No. FL75-1018 dated February 7, 1975, in 40 FR-6018  
DESCRIPTION OF WORK: Building construction, (excluding single family houses and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
Abolition workers	10.65	.35	.10		.04
Boilermakers	8.20	.60	.90		.02
Bricklayers	9.70	.60	.54		.04
Construction and Stonemasons	9.70	.60	.54		.04
Cement masons	9.70	.60	.54		.04
Marble masons	9.70	.60	.54		.04
Plasterers	9.70	.60	.54		.04
Terrazzo workers and Tile setters	9.70	.50	.39		.04
Carpenters	8.70	.70	.55		.01
Carpenters and Soft floor layers	8.95	.70	.55		.01
Millwrights	8.70	.70	.55		.01
Electricians					
Electricians, welders & equip. ops.					
Zone 1 2 1/2 mi. radius from the Dade County Courthouse	10.25	.436	.74.20	.846	.74
Zone 2 1 1/2 mi. radius from Zone 1	10.98	.436	.74.20	.846	.74
Zone 3 1 1/2 mi. radius from Zone 2	11.71	.436	.74.20	.846	.74
Zone 4 1 1/2 mi. radius from Zone 3	12.45	.436	.74.20	.846	.74
Cable splicers (254 an hour above JR)					
Elevator constructors	10.395	.395	.26	.264-aab	.02
Elevator constructors' helpers	7.04JR	.395	.26	.264-aab	.02
Elevator constructors' helpers (prob.)	5.04JR				
Glaziers	9.00	.45	.35		.01
Ironworkers	8.80	.75	.83		.03
Structural & ornamental Reinforcing	8.80	.75	.83		.03
Laborers	6.60	.60	.30		
Asphalt operator, pipelayers	6.50	.60	.30		
Laborers (Common)	6.60	.60	.30		
Masons tenders, Mortar mixers	6.60	.60	.30		
Plasterers' tenders	6.78	.60	.30		
Lathers	9.20	.35	.10		.06
Line Construction: Linsmen	9.00	.436	.74.20	.846	.74
Cable applier	9.25	.436	.74.20	.846	.74
Groundmen	5.23	.436	.74.20	.846	.74
Heavy equipment operator	9.00	.436	.74.20	.846	.74

FL75-1090 (cont d)

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
Line Construction (Cont. d)					
Winch truck operator	6.40	.436	.74.20	.846	.74
Painters:					
Decorative	8.75	.45	.10		.02
Scaffold work	9.15	.45	.10		.02
Spray	9.25	.45	.10		.02
Taper & paperhangers	9.00	.45	.10		.02
Extension ladder & erected scaffold over 28'	9.00	.45	.10		.02
Structural steel	9.00	.45	.10		.02
Drywall tapers mechanical	9.00	.45	.10		.02
Sandblaster	9.25	.45	.10		.02
Plumbers	10.09	.67	1.05		.07
Refrigeration and air conditioning mechanic	9.75	.60	1.00		.08
Roofers:					
Roofers, damp and waterproofers	10.02	.43	.25		.02
Sheet metal workers	10.50	.45	.25		.02
Sprinkler fitters	8.71	.45	.25		.02
Steamfitters	9.93	.60	1.00		.08
Welders & riggers - receive rate prescribed for craft performing operation to which welding and rigging are incidental.					

FOOTNOTES:

- a. Six paid holidays: A through F
- b. Employer contributes 1/2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.



FL75-1090 (cont d)

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	Fringe Benefits Payments			App Tr.
		H & W	Vacation	App Tr.	
GROUP I	9.50	.35	.35		
GROUP II	8.74	.35	.35		
GROUP III	7.86	.35	.35		
GROUP IV	7.31	.35	.35		
GROUP V	6.31	.35	.35		

- Group I: Field mechanic cranes, derricks, hoist (2 or more drums), oiler-fireman combination
- Group II: Draglines, backhoes, gradalls, finish grader, welding machine, 1 drum hoist, fork lift, hoist machine, air compressor (above 125 CFM, more than one pump or combination of other equip., up to 5), winch tracks
- Group III: Bulldozers, distributors, scrapers, motor graders, trenching machines, front end loaders, pumps (3" or more), mixers
- Group IV: Rollers, finishing machines, tractors, oilers, & drivers, mechanic helper
- Group V: Oiler on crawler cranes

SUPPLEMENTAL DECISION

STATE: Florida  
DECISION NUMBER: FL75-1091  
Supersedes Decision No. FL75-1016 dated March 21, 1975, and 10 PB 1297a.  
DESCRIPTION OF WORK: Building construction, (excluding single family houses and garden type apartments up to and including 4 stories).

COUNTY: Duval

	Basic Hourly Rate	Fringe Benefits Payments			App Tr.
		H & W	Vacation	App Tr.	
Asbestos workers	9.01	.30	.30		.01
Boilermakers - Blacksmith	8.20	.60	.90		.02
Bricklayers	8.31	.30	.40		.02
Stonemasons	7.01	.25	.30		.02
Tile setters	7.01	.25	.30		.02
Marble masons	7.01	.25	.30		.02
Terrazzo workers	8.12	.44	.30		.03
Carpenters	8.80	.44	.20		.03
Millwrights	8.12	.44	.30		.03
Electricians	8.12	.44	.30		.03
Acoustical workers	8.12	.44	.30		.03
Cement masons	7.03	.25	.40		.01
Elevator Constructors	8.50	.30	1 1/4 - 1 1/2		.13
Elevator Constructors' helpers	8.62	.44	.29		.02
Elevator Constructors' helpers (Prob)	7.04	.25	.29		.02
Glaziers	5.00		.20		.01
Ironworkers:					
Structural	8.50	.47	.60		.02
Ornamental	8.50	.47	.60		.02
Reinforcing	8.50	.47	.60		.02
Linemen:					
High voltage	7.88	.40	5%		1/2 of 1%
City & substation	8.08	.40	5%		1/2 of 1%
Heavy equipment operators	7.63	.40	5%		1/2 of 1%
Minch truck operators	6.12	.40	5%		1/2 of 1%
Groundmen 1st class	4.25	.40	5%		1/2 of 1%
Groundmen 2nd class	3.90	.40	5%		1/2 of 1%
Laborers:					
Mechanic tool, power bucky,	4.50	.20			.02
Pipelayers & gunnite workers	4.70	.20			.02
Masons tenders mortar mixers & grouters	4.80	.20			.02
Gunnite nozzlemen	4.95	.20			.02
Lathers	7.85	.25	.10		.025

P. 2

FL75-1091 - (cont d)

	Basic Hourly Rate	Fringe Benefits Payments			App Tr.
		H & W	Vacation	App Tr.	
Leadburners	6.35	.25			.01
Painters:					
Painters, brush	6.90	.30	.35		.02
Spray	7.42	.30	.35		.02
Structural steel erected	7.42	.30	.35		.02
Spike stake steeps flag	7.42	.30	.35		.02
radio tower & lighthouses	8.185	.30	.35		.02
Sadblasters	7.42	.30	.35		.02
Plasterers	8.185	.30	.35		.02
Plumbers:					
Steamfitters	7.41	.25	.30		.02
Air conditioning & speculative housing & refrigeration service	9.25	.40	.45		.06
Roofers	9.25	.40	.45		.06
Sheet metal workers	6.10	.30	.35		.06
Sprinkler fitters	6.89	.30	.35		.06
Welders - receive rate prescribed for craft performing operation to which welding is incidental.	7.78	.50	.70		.085
	9.31	.50	.70		.10



FL75-1091 (cont'd)

FOOTNOTES:

- a. Six paid holidays: A through F.
- b. Employer contributes 1% of regular hourly rate to vacation pay credit for employees who have worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

- c. Eight paid holidays: A through F plus Washington's Birthday & Good Friday, providing employee has worked 15 full days during the 120 calendar days prior to the holidays and the regular schedule work days immediately and following the holidays.

PAID HOLIDAYS:

- A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FL75-1091 (Cont'd)				
POWER EQUIPMENT OPERATORS				
Basic Hourly Rate	Rate	Rate	Rate	Rate
8.03	.10	.35	.05	.05
8.13	.10	.35	.05	.05
8.23	.10	.35	.05	.05

GROUP I: Cranes, derricks, clam shells, derrickmen, pile-driver (including driver & hoisting machine for drilling in piling), bachelors, hydrant crews, grade all, house, patrol, cableways, tug boat captain (150 H.P. or more), multi-boiler operator (stationary or R.G. Leifurson Model 1-60-2 or 3 twenty cu. yd. scrapers), front end loader (over 4 cu yd.), side boom crane, multi-drum hoist (for rigging), machine (heavy equip.) cover crane (stationary, climbing & traveling), gantry crane, telescopic crane, bridge crane (over 20 ton cap.), concrete pump with boom (mobile), lift lift or fork lift (second floor & higher) locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle bug, hoists (other than rigging), including which truck not mobile & used as a hoist, front end loader (over 2 cu yd. up to 6 incl., 4 cu yd.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers

GROUP III: Concrete pumps, front end loader (2 cu yd or less not used as hoist) mobile winch trucks, self-propelled sub-grader, asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breaker, street sweeping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), grader, self-propelled roller, wheel point pump, asphalt distributor, motor grader driver, motor boat operator, oiler, mechanics, helpers, pumpman (other than well point up to 6 incl., 5 pumps within 300 ft. radius), self-propelled sweeper, combination pump, compressor & excavation type welding machine

SUPERSEDES DECISION

STATE: Georgia  
DECISION NUMBER: GA75-1092  
Supersedes Decision No.: GA75-1019 dated February 7, 1975 in NO FR 6020  
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories.)

GA75-1092 (Cont'd)

PAID HOLIDAYS:  
A-New Year's; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day

BUILDING CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments			Rate Tr.
		H.A.W.	Positive	Vacation	
Asbestos workers	8.70	.35	.35		.05
Boilermakers	8.20	.60	.90		.06
Bricklayers	8.60	.40	.40		.05
Bricklayers & stonemasons					
Marble masons, terrazzo workers	8.30	.40	.40		
and ceramic tile setters					
Carpenters:					
Carpenters & resilient layers	8.25	.40	.45		.02
Carpenters & millwrights	6.15	.40	.45		.02
Millwrights	8.85	.40	.45		.05
Millwrights	8.40	.40	.45		.02
Cement masons	7.65	.35	.55		
Electricians	9.55	.8%	74%		1 of 7%
Elevator constructors	8.45	.29	.29		.02
Elevator constructors helpers	5.925	.445	.29		.02
Elevator constructors helpers (prob.)					
Glaziers	4.23	.45	.24	.25	.055
Ironworkers:					
Structural, ornamental, & reinforcing	8.25	.40	.47		.07
Lathers	8.00	.30	.35	.50	.05
Leadburners	7.80	.30	.30		.01
Painters:					
Blue:	8.10	.45	.55		.04
Spray and sandblasting	9.10	.45	.55		.04
Paperhanging	8.35	.45	.55		.04
Plasterers	7.97	.35	.55		.11
Plumbers and Steamfitters	9.45	.45	.50		
Roofers:					
Roofers and weatherproofers	6.50	.30	.20		
slate, tile, and asbestos					
chingle	6.75	.30	.20		
Helpers	4.90	.30	.20		
Sheet metal workers	8.70	.35	.55		.06
Sprinkler fitters	8.75	.50	.70		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

- a. Holidays: A through F
- b. Employer contributes 1% of regular hourly rate to Vacation Pay Credit for employees who have worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 15 full days during the 120 calendar days prior to the holidays and the regularly scheduled work days immediately preceding and following the holidays.



BUILDING CONSTRUCTION					GA175-1092 P.				
LABORERS:					Fringe Benefits Payable				
Group A					M & W				
Batch plant men; buggy rollers (Ga.); cleaners and building site (hand tools), concrete curer-sealer and liquid batcher, conveyor operator (used by tenders of plasterers and bricklayers), electrician laborer, excavator, backfiller grader (hand), forklift operator, walk type tending bricklayers and plasterers, form oiler, form stripper, metal pan handler, plumber-laborer, pipe dozer, precast slab layer (floors, roofs, walks, curbs), concrete puddlers, rail porter, railroad track laborer, reinforcing steel handler, scaffolds and staging for masons and plasterers, erecting and removing scissor, concrete (mechanical and hand), sheeting and shoring laborers, steam jennies (used in cleaning equipment), tenders (all crafts), truck spotter dumper, winch handler (manual), wrecking buildings, and miscellaneous structures.					Pensions				
5.45					.25				
Group B					.20				
Bucket-dumpman (concrete), mixer-mortar, grout clay, etc. (hand or machine), power post hole digger, power cleaning machine operator, power wheelbarrow, mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.					.25				
5.57					.20				
Group C					.25				
Burner-demolition, chain saw operator, power concrete saw operator, steel form setter, sewer pipe layer, vibrator, vibrator, power, slip form raiser (steel or wood) jack or screw type.					.25				
5.67					.20				
Group D					.25				
Wagon drill operator (track or wheel type) and like used in drilling for blasting.					.25				
5.75					.20				
Group E					.25				
Powderman-helper					.20				
5.95					.25				
Group F					.25				
Powderman, nozzle-man (concrete pneumatic)					.20				
6.30					.25				
Group G					.25				
Gaissen holman 25¢ above rate for classification working: chimney or stacks isolated.					.20				

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Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION				
Power Equipment Operators				
Group A				
Backhoe operators, clamshell operator, conc. mix operator, cont. mix plant, conc. pump operator, Ridley or similar type, crane operator (truck, tower, crawler, or locomotive), crane operator, dragline operator, leveling grader operator, fork-lift operator, levelling grader operator, forklift operator that comes within the jurisdiction of the Operating Engineers hoisting engine operator, locomotive operator, mechanics-heavy duty, oilers on cranes with earth boring drill attached with a separate power source, concrete paving mixer operator, pile driver operator, rock crusher operator, shovel operator, trenching machine operator over 6 ft. depth capacity, well point system operator (including the operation of all pumps on project operated by the contractor) generator operator-75 K. VA and over, tugger hoist operator, winch truck operator, hoisting material, air compressor operator, 365 C.F.M. and over furnishing air simultaneously for more than one contractor.				
8.20	.35	.25		.07
Group B				
Crawler operator, dozer shovel operator, drill operator-heavy master type, firmen-stationary or portable, motor grader operator, motor scraper operator (pans), pusher dozer operator, self-propelled compactor operator with blade, tractor operator with special equipment, trenching machine operator up to and including 6 ft. depth capacity.				
7.85	.35	.25		.07
Group C				
Air compressor operator 600 cu. ft. and over, air compressor operator batt. of two, 300 cu. ft. and over, hydrohammer operator, concrete batch plant operator.				
6.18	.35	.25		.07
Group D				
Oilier-truck or locomotive cranes				
6.53	.35	.25		.07
Group E				
Unspecified, pump operator over 1 1/2 up to batteries of 1 1/2, welding machine operator, batteries of two 300 amps and over.				
5.63	.35	.25		.07
Group F				
Concrete mixer operator skip types except paving mixers, concrete finishing machine operator, concrete paving machine operator, roller operator, well drill operator				
5.98	.35	.25		.07
Group G				
Air compressor operator up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft., conveyor operator, belt type, sand blasting machine operator, water pump operator 1/2" or less, water pump operator over 1/2" (one only), welding machine operator 300 amps and over.				
4.96	.35	.25		.07

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SUPERSEDES DECISION  
STATE: OHIO  
COUNTIES: GREENE, MIAMI, MONTGOMERY and PREBLE  
DECISION NUMBER: OH 75-2109  
DATE: Date of Publication  
Supersedes Decision No. AN-422 dated August 18, 1971 in 36 FR 17905  
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYING	\$ 7.00				
Carpenters	5.17				
CEMENT MAKERS	5.82				
DRUMM HANERS	6.45				
DRY WALL FINISHERS	5.75				
ELECTRICIANS	5.83				
INSULATORS	5.17				
LABORERS	3.67				
PAINTERS	4.00				
PLUMBERS	7.29				
ROOFERS	6.81				
SHEET METAL WORKERS	5.20				
SOFT FLOOR LAYERS	7.10				
TILE SETTERS	7.60				
TRUCK DRIVERS	5.35				
POWER EQUIPMENT OPERATORS:					
Bulldozers	6.17				
Backhoes	5.65				
Roller Operators	6.55				

SUPERSEDES DECISION  
STATE: Massachusetts  
DECISION NO.: MA75-2110  
DATE: Date of Publication  
Supersedes Decision No. MA75-2006, dated February 21, 1975 in 40 FR 7777.  
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BUILDING, HEAVY AND HIGHWAY CONSTRUCTION					
Asbestos workers	9.60	.54	.75		.01
Bricklayers	10.00	.60	1.08		.01
Carpenters	9.55	.55	.55		.03
Cement masons; plasterers					
Bricklayers	10.00	.60	.65		.07
Carpenters	9.15	.35	.50		.02
Electricians	8.535	.40	.50		.04
Painters	9.14	.45	1.19		.02
Plumbers	9.76	.45	1.20		.01
Roofers	9.505	.445	.29	3 1/4	.02
Tenders	7.065	.445	.29	3 1/4	.02
Welders	5.085	.445	.29	3 1/4	.02
Ironworkers	9.45	.47	.45		.05
Laborers	9.11	.55	1.40		.09
Finishers	7.50	.50	.45		.10
Asphalt makers	7.75	.50	.45		.10
Drillers	8.00	.50	.45		.10
Jackhammer & paving breaker ops.	8.45	.50	.45		.10
Barco-type jumping tampers, laser beam ops, concrete pump ops, mason tenders, mortar mixers, & ride-on motorized buggy ops					
Air track ops, block pavers, rammers, & curb setters					
Roadmen and blasters					
Open cut trenching, underpinning work and test boring crew:					
Bottom man	8.25	.50	.45		.10
Top man	8.50	.50	.45		.10
Driller	8.37	.50	.45		.10
Helper	7.62	.50	.45		.10

DECISION NO. MA75-2110

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bathers	\$ 8.15	.45	.25		.01
Line Construction:					
Ironmen	10.16	.40	.10	b	3/8 of 1%
Equipment Operators	9.48	.40	.10	b	3/8 of 1%
Driver Steammen	8.50	.40	.10	b	3/8 of 1%
Millwrights	9.65	.60	.65		.07
Painters	8.62	.50	.35		.03
Brush & roller	11.76	.6667	.6667		.03
Spray	9.007	.50	.35		.03
Siding state under 10' and steel	9.34	.50	.35		.03
Siding state over 10' and steel	9.50	.50	.50		.03
Pile drivers					
Plumbers & steamfitters:					
Monroe, Rose and western of	8.15	.65	.50	o	.05
Charlemon	9.20	.30	.40	1 1/2	.05
Organic	9.95	.60	.60		.02
Remainder of County					
Roofers:					
Composition, dump waterproof	8.945	.64	.66		.06
Slate, tile, precast concrete	9.60	.64	.66		.06
Sheet metal workers	9.11	.75	.97		.07
Striker fitters	10.53	.50	.80		.08
Welders - rate for craft:					

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.

- EMPLOYER:
- Employer contributes 1 1/2% hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay plus six paid holidays; A through F.
  - Holidays: A through F, Washington's Birthday, Patriots Day providing employee has been employed for period of 6 months (1) preceding days immediately prior to the holiday and the regular scheduled work day immediately preceding and following the holiday. One floating holiday per year.
  - Holidays: A through F, plus Veterans' Day, Good Friday & Washington's Birthday; plus an employer contribution of \$1.00 per hour to a savings fund.



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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:				
CLASS	Basic Hourly Rate	H & W	Fringe Benefits Payments	App. Tr.
CLASS I	\$ 9.35	.60	.75	.05
CLASS II	8.12	.60	.75	.05
CLASS III	8.95	.60	.75	.05
CLASS IV	8.58	.60	.75	.05
CLASS V	7.90	.60	.75	.05
CLASS VI	7.15	.60	.75	.05
CLASS VII	6.72	.60	.75	.05

CLASSIFICATIONS

CLASS I. Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Tractor Drives, Tractors, Elevators with Chucyo Boon, Bucklers, Gradalls, Pile Drivers, Pile Driving Rigs, Concrete Road Pavers, three drum mounting and three drum mounting, Belt-Type Loaders, Front End Loader-5 1/2 yard, ch over, Pile Driver, Paver, Automatic Grader (i. e. O.M.I.) Combination back hoe-loader-3/4 yard hoe or over

CLASS II. Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5 1/2 yards, two drum hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over

CLASS III. Combination back hoe-loader-3/4 yard, Bulldozers, Push Cuts, Scraper-up to 21 yards (struck load)-self propelled or tractor drawn, Tire-man, Front End Loader-4 yards, Asphalt Paver, Pumpcrete Machine, Concrete over, All rollers, Mechanisms, Welders, Pumpcrete Machine, Concrete over, Self-loading batch plant, Well Point, Electric Pumps used in well point system, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grate Truck, Automatic Elevators (annually or remote controls), Groat Pumps, Boom Truck, Hydraulic Crane-under 10 ton.

CLASS IV. Asphalt Roller-under 10 ton

CLASS V. Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Lower Pavement Breakers, Concrete Pavement Finishing Machines, Two Drum Mixers With Ship, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Truck Lifts up to 15 feet.

CLASS VI. Compactors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractors (without blade or bucket), Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII. Compactors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oilers, Helpers on Grate Truck, and Grate Trucks with hand greasing equipment

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:  
a. Holidays: A through F, Veterans' Day and Columbus Day.

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:				
CLASS	Basic Hourly Rate	H & W	Fringe Benefits Payments	App. Tr.
CLASS I	\$ 9.35	.60	.75	.05
CLASS II	8.12	.60	.75	.05
CLASS III	8.95	.60	.75	.05
CLASS IV	8.58	.60	.75	.05
CLASS V	7.90	.60	.75	.05
CLASS VI	7.15	.60	.75	.05
CLASS VII	6.72	.60	.75	.05

CLASSIFICATIONS

CLASS I. Shovels, Cranes and Truck Cranes, Bucklers, Buckhoes, Trenching Machines, Elevators, Gradalls, Belt-Type Loaders, Gradalls, Pile Drivers, Concrete Road Pavers, three drum mounting and three drum mounting, Belt-Type Loaders, Front End Loader-5 1/2 yard, ch over, Pile Driver, Paver, Automatic Grader (i. e. O.M.I.) Combination back hoe-loader-3/4 yard hoe or over

CLASS II. Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5 1/2 yards, Scrapers-21 yards and over, Scrapers (struck load), Bulldozers, Push Cuts, Scraper-up to 21 yards (struck load)-self propelled or tractor drawn, Tire-man, Front End Loader-4 yards, Asphalt Paver, Pumpcrete Machine, Concrete over, All rollers, Mechanisms, Welders, Pumpcrete Machine, Concrete over, Self-loading batch plant, Well Point, Electric Pumps used in well point system, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grate Truck, Automatic Elevators (annually or remote controls), Groat Pumps, Boom Truck, Hydraulic Crane-under 10 ton.

CLASS III. Asphalt Roller-up to 10 ton

CLASS IV. Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Lower Pavement Breakers, Concrete Pavement Finishing Machines, Two Drum Mixers With Ship, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Truck Lifts up to 15 feet.

CLASS V. Compactors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractors (without blade or bucket), Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VI. Compactors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oilers, Helpers on Grate Truck, and Grate Trucks with hand greasing equipment

PAID HOLIDAYS:  
a. Total Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

FOOTNOTES:

a. Total Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

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HEAVY & HIGHWAY CONSTRUCTION LABORERS:				
CLASS	Basic Hourly Rate	H & W	Fringe Benefits Payments	App. Tr.
Class I	\$7.50	.50	.45	.10
Class II	7.75	.50	.45	.10
Class III	8.00	.50	.45	.10
Class IV	8.25	.50	.45	.10

CLASSIFICATIONS:

CLASS I. Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II. Asphalt rollers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wapon drill op

CLASS III. Air track op., block pavers, rammer, curb setters

CLASS IV. Blasters, powdermen

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

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HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS:				
CLASS	Basic Hourly Rate	H & W	Fringe Benefits Payments	App. Tr.
CLASS I	\$6.80	.485	.575	atb
CLASS II	6.95	.485	.575	atb
CLASS III	7.10	.485	.575	atb
CLASS IV	7.20	.485	.575	atb
CLASS V	7.45	.485	.575	atb
CLASS VI	7.70	.485	.575	atb

Station wagons, panel trucks and pickup trucks

Truck equipment: helpers on low bed trucks, helpers on flatbed trucks, helpers assigned at the discretion of the employer, warehousemen, forklift operators, three axle equipment and tiremen

Four and five axle equipment

Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, mechanics

Specialized earth moving equipment over 35 tons

Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:

a. New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 6 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.



## SUPERSEDES DECISION

STATE: Nebraska COUNTY: Lancaster  
 DECISION NUMBER: NE75-4457 DATE: Date of Publication  
 Supercedes Decision No. AM-6110 dated November 12, 1971 in 36 FR 21736  
 DESCRIPTION OF WORK: Residential construction consisting of single family  
 homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Tr.
BRICKLAYERS	\$7.95				
CARPENTERS	4.90				
CEMENT MAJONS	6.00				
DRYWALL FINISHERS	4.84				
ELECTRICIANS	9.26	.30	1%	1%	.04
LABORERS:					
Common Laborers	4.01				
LATHERS	5.15				
PAINTERS, Brush	5.16				
PUMBERS	9.11	.58	.60	.25	.10
ROOFERS	5.00				
SHEET METAL WORKERS	5.21				
SOFT FLOOR LAYERS	4.50				
TRUCK DRIVERS	4.07				
POWER EQUIPMENT OPERATORS:					
Backhoe	6.13				
Equipment Operators	4.25				
Trenching Machines Operators	7.075				

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## SUPERSEDES DECISION

STATE: Oklahoma COUNTY: Wagoner  
 DECISION NO.: OK75-4158 DATE: Date of Publication  
 Supercedes Decision No. AR-93 dated December 27, 1974 in 39 FR 44903.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes  
 and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Tr.
ABREAST WORKERS	\$9.80	.35	.60		.015
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS	8.36	.30	.40		.04
CARPENTERS	7.95		.25		.01
Millwrights-Pile-drivers	8.45		.25		.01
CEMENT MAJONS: portion of Wagoner County on a diagonal line from the northeast corner of the northeast corner of the Southeast corner of Noyes	7.67				
Electricians	7.55		.40		.06
Zone II - Remainder of Wagoner Co.					
Zone I	7.93	.30	.12		1/2%
Cable splicers	8.53	.30	.12		1/2%
Zone II					
Electricians	8.23	.30	.12		1/2%
Cable splicers	8.63	.30	.12		1/2%
Zone III					
Electricians	7.65	.36	12.25	.30	.07
Cable splicers	7.80	.36	12.25	.30	.07
ELECTRICIANS-CABLE SPICERS ZONE DEFINITION					
Blue Mount, Corvada, Jetterville, Shannon, Tullabasse, Porter and Stone Bluff Townships - A 20 mile radius from the Post Office in Muskogee					
Zone I - That area outside zone I					
Zone II - Adams Creek, Lone Star and Shaban Townships Only					
Zone III - Adams Creek, Lone Star and Shaban Townships Only					
GLAZIERS	7.68	.40	.30		.01
IRONWORKERS	8.90	.30	.35		.08
LABORERS:					
Group I - Construction laborers	5.30	.25	.20		
Group II - Mason tenders, mortar mixers, steel drain, tile layers, masons, roofers, etc.	5.60	.25	.20		
Group III - Pooderman (make-up); Wagon drill operator	5.80	.25	.20		

DECISION NO. OK75-4158

LINE CONSTRUCTION:  
 Linemen  
 Cable splicers  
 Pole driver operator (or pole cat equivalent)  
 Line truck driver (crinch operator)  
 Jack hammerman  
 Pooderman  
 Groundman  
 Truck driver (flat bed, ton and half and under)  
 PAINTERS:  
 Commercial brush and roller  
 Spray, power dipping, sand-blast, spray or sand pot tender (maximum two pots, two guns or nozzles); powder rollers; power equipment operators; bitumastic and like materials, applicators and kettle tenders  
 Spray or sand pot tender (maximum, one pint, one nozzle or gun)  
 Coating steel, stage bouan chair, spiders, jack, roof work, skates, rolling scaffolds over 18 feet, suspend scaffolds and like equipment - fifty cents (50c) above basic hourly rate  
 BLINDS, SHUTTERS, ETC.  
 POWER EQUIPMENT OPERATORS:  
 Group I  
 Group II  
 Group III  
 Group IV  
 Group V  
 Group VI  
 Group VII  
 Group VIII  
 Group IX  
 Group X

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pension	Vacation	App. Tr.
\$8.65		12		1/2%
9.16		12		1/2%
7.85		12		1/2%
7.85		12		1/2%
7.10		12		1/2%
6.48		12		1/2%
7.35		12		1/2%
5.77		12		1/2%
6.16		12		1/2%
5.35		.25	.20	
6.60		.25	.20	
5.70		.25	.20	
9.75	.40	.80		.10
9.25	.35	.40		.12
9.00	.35	.40		.12
8.75	.35	.40		.12
8.50	.35	.40		.12
8.25	.35	.40		.12
8.00	.35	.40		.12
7.60	.35	.40		.12
7.50	.35	.40		.12
7.30	.35	.40		.12
7.00	.35	.40		.12

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Tr.	1/22	1/22	1/22	1/22	1/22	1/22
05						
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DECISION NO. WA75-5113

DECISION NO. WA75-5113

Basic Hourly Rates	H & W	Pensions	Vacation	App Tr.
\$ 9.42	.50	.55		.08
8.25	.45			
7.25	.50	.50		
8.45	.55	.30		.02
9.66	.55	.65		
9.85	.55	.45		
6.55				
8.12	.55			
8.12	.65	.95		.10

MAINTENANCE: (Cont'd)  
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County  
Grant County and that portion of Adams County including the City of Othello.  
Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River), Skagit, Pierce, Stevens, Walla Walla, Grays Harbor, and Thurston Counties  
Pacific County  
Pierce County  
San Juan, Skagit, (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties  
MARBLE, TILE AND TERRAZZO WORKERS  
HELPERS:  
All Counties east of the Cascade Mountain Range in Washington  
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties)  
MASON TENDERS:  
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)

PAINTERS:  
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties  
Brush  
Steel; Spray; Steam Cleaning; Roller over 9" or 10" handles; Drywall Taper  
Selling spray work or high rate work over 100' towers;  
Blowasting; Sandblasting;  
Bricks; Tanks on legs; Towers; Stacks; Steeples  
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties  
Brush  
Spray; High towers; Ground to 100'  
High work over 100'; High towers; ground to 300'  
Drywall Tapers  
Grays Harbor, Island, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (southern portion) and Whatcom Counties  
Brush; Drywall Tapers  
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Siding  
Stage; Tanks on legs; Tower; Toxic Material  
Clallam and Jefferson Counties  
Brush  
Spray, Steel, Sandblasting, and bitumastic

DECISION NO. WA75-5113

DECISION NO. WA75-5113

Basic Hourly Rates	H & W	Pensions	Vacation	App Tr.
\$7.95	.31	.45		.02
8.20	.31	.45		.02
8.30	.31	.45		.02
8.35	.31	.45		.02
8.83	.45			
8.28	.45	.60		
9.35	.55	.80		.04
8.50	.50	.60		.01
9.50	.50	.70		.04
8.00	.50	.70		.02

PAINTERS: (Cont'd)  
Kittitas and Yakima Counties  
Brush  
Spray; Steel; Roller 9" or 10" handles; Drywall Taper; Steam Cleaning  
Selling Stage over 30' high towers;  
Blowasting; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting  
PLASTERERS:  
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties  
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties  
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties  
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties  
Grays Harbor, King (City of Kent), Pierce, Pierce and Thurston Counties  
PLASTERERS' TENDERS:  
All Counties and portions of Counties East of the 120th Meridian

PLUMBERS:  
Chellum, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (east of 119°30' W. Long.), Jefferson and Okanogan Counties (except the area lying between 119°30' W. Long. and south of 46°30' N. Lat.) Counties  
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County northward to the Canadian border), Kittitas (south of 47°15' N. Lat.), Lincoln (east of a line drawn from Schlegel in Adams County northward to the Ferry County line), and Okanogan (east of 119°30' N. Lat.) Counties  
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schlegel in Adams County northward to the Ferry County line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line)Cos. Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line.

Basic Hourly Rates	H & W	Pensions	Vacation	App Tr.
\$9.61	.58	.95	.75	.06
10.66	.65	1.10	1.00	.10
10.02	.65	1.10	1.00	.11
9.37	.70	1.00		.08



DECISION NO. WA75-5113

NOTES:	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	App Tr.	
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	.50	.30		.01	\$7.64 8.25
Asotin and Garfield Counties					
Benton, Franklin, Kittitas, Klickitat, and Yakima Counties					
Roofers; Rottelmen; Waterproofer; Shinglers; Spraying Jefferson, King, Kitsop, Lewis, and Snohomish Counties					
Roofers; Waterproofer; Slate and Tile Roofers	.30	.20			8.45 8.70
Island, San Juan, Skagit and Whatcom Counties					
Roofers and Waterproofer	.45	.30			7.60
Slate and Tile Roofers	.45	.30			8.10
Clark, and Skamania Counties					
Roofers	.45	.75			7.80
Handling of irritating material (coal, tar or epoxy) in confined area	.45	.75			8.30
Handling of irritating material (coal, tar or epoxy) in confined area	.45	.75			8.55
SPECIAL METAL WORKERS: Adams, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	.52	.50			10.91
Challam, Jefferson, Kitsap and Mason Counties					
Roofers and Waterproofer	.37	.50	.50	.03	9.28
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	.55	.41	.57	.04	8.27
King County	.37	.77	.47	.02	9.45
Island and Snohomish Counties	.52	.86			11.11
Whitcom, Skagit and San Juan Cos.	.47	.60		.04	10.17

DECISION NO. WA75-5113

NOTES:	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	App Tr.	
SOUTH PLASTER LAYERS: Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	.25	.40	.31		\$ 7.89 7.29
Benton, Franklin and Walla Walla Counties	.40		1.21		
Challam, Island, Jefferson, Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties	.46	.70		.05	9.26
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	.45	.45	c	.05	7.735
Grays Harbor, Mason, Pacific (northern portion), Pierce and Thurston Counties	.46	.70		.05	9.07
Yakima and Kittitas Counties	.25	.25	.23		7.43
STITCHERS: Adams, Benton, Chelan, Columbia, Douglas, Ferry, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	.50	.70		.07	10.88 9.40
Remaining Counties	.50	.70		.08	
TERRAZZO WORKERS: Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co. Benton, Franklin and Walla Walla Counties	.55	.40			9.50
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam) Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	.45	.40		.25	8.27
Grant County and that portion of Adams County including the City of Othello	.55	.65			9.63
	.45				8.25

DECISION NO. WA75-5113

NOTES:	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	App Tr.	
TERRAZZO WORKERS: (Cont'd) Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties	.50	.50			\$ 7.25
Grays Harbor, Lewis, Mason and Thurston Counties	.55	.30			8.45
Pierce County	.55	.45		.02	9.66
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and South thereof) and Whatcom Counties	.55	.45			9.85
TILE SETTERS: Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co. Benton, Franklin, and Walla Walla Counties	.55	.40			9.50
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam) Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	.45	.50	.40	.25	8.53
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	.45	.40			8.27
Grant County and that portion of Adams County including the City of Othello	.55	.65		.04	9.63
Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Cos. Grays Harbor, Lewis, Mason and Thurston Counties	.35	.35	.25		7.84
Pierce County	.45				8.25
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	.50	.50			7.25
	.40	.30		.02	7.65
	.55	.65		.02	9.66

DECISION NO. WA75-5113

NOTES:	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	App Tr.	
*STATEWIDE - Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows: Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean					
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					
FOOTNOTES: a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for months to 3 years' service as Vacation Pay Credit. Six Paid Holidays after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday. b. Two weeks' vacation with pay after 1 year of employment. c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.					
LINE CONSTRUCTION					
Cable Splicers; Leadman Pole Sprayer	.35	1%	.10	1/2%	\$ 11.12
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	.35	1%	.10	1/2%	10.04
Tree Trimmer	.35	1%	.10	1/2%	9.06
Line Equipment Man	.35	1%	.10	1/2%	8.65
Lead Groundman (Chopper); Head Groundman; Foreman; Jackhammer	.35	1%	.10	1/2%	7.56
Groundman; Tree Trimmer Helper	.35	1%	.10	1/2%	7.12



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LABORERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)			
Basic Hourly Rate	H & W	Fringe Benefits Payments Pensions Vacation	App Tr.
Group 1	.50	.70	.02
Group 2	.50	.70	.02
Group 3	.50	.70	.02
Group 4	.50	.70	.02
Group 5	.50	.70	.02
Group 6	.50	.70	.02
Group 7	.50	.70	.02
Group 8	.50	.70	.02
Group 9	.50	.70	.02
Group 10	.50	.70	.02
Group 11	.50	.70	.02
Group 12	.50	.70	.02
Group 13	.50	.70	.02

LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Area 1) and the Northern portion of Pacific County)			
Group 1	7.66	.65	.06
Group 2	7.76	.65	.06
Group 3	7.81	.65	.06
Group 4	7.86	.65	.06
Group 5	7.91	.65	.06
Group 6	7.96	.65	.06
Group 7	8.01	.65	.06
Group 8	8.06	.65	.06
Group 9	8.11	.65	.06
Group 10	8.16	.65	.06
Group 11	8.21	.65	.06
Group 12	8.26	.65	.06
Group 13	8.31	.65	.06

Zone A	
Group 1	\$7.22
Group 2	7.57
Group 3	7.87
Group 4	8.12
FRINGE BENEFITS:	
Health and Welfare	\$ .65
Pension	.95















Group 6: Asphalt Bureau and Recyclationist; Pavement Grinder and/or Grooving  
Machine (riding type); Cast-in-place type; Concrete Pump (concrete mobile;  
Full Slab Machine; Concrete Finishing Machine, Clary, Johnson, Bidsell,  
Bridges, etc.); Bridge Deck or similar type; Curb Machine, Mechanical Bema, Curb  
Machine, Concrete Joint Machine; Concrete Planer; Concrete  
Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2-1/2 cu. yds.  
and under; Rock Spreaders, self-propelled  
Group 7: Roller (any asphalt mix); Belteret; Pumpcrete Operator (any type);  
Cement Pump, Fuller-Kenyon and similar; Concrete Pump (concrete mobile;  
Concrete Mixer, single drum, five bag capacity and under; Concrete Mobile;  
Operator; A-Frame Truck double drum; Boom Truck; Concrete Drill and Earth  
Boring Machine; Hydraulic backhoe, wheel type, 2 7/8 cu. yds. and under with  
or without front end attachments 2 7/8 cu. yds. and under (Ford, John Deere,  
Case type); Elevating Grader, 12' or more, towed requiring operator or grader;  
Pot Hammer; Ballast Machine; Ballast Tamping Machine; Multiple-purpose; Track  
Lines; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over  
Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating Batch  
Plant and/or wet mix, one and two drum, Generator Operator; Belt Loaders,  
Kohman and Co. Cal. types; Asphalt Paver Operator  
Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade;  
Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine;  
Boom Type Lifting Device, .5 ton capacity or less; Cherry Picker or similar  
type Crane-Hoist, 5 ton capacity or less; Grizzly Crusher (any type); Surface  
Drill Doctor; Boring Machine; Guardrail Punch and Auger (any type); Loader, front  
Heater and Planer; Hydraulic backhoe, track type yds.; Hammer Operator; Pipe  
Cleaning, Doping, Bending and Knapping Machines; Bolt-threading Machine; Drill  
Doctor (bit grinder); H.D. Tractor, rubber-tired over 50 H.P. flywheel; Tractor  
Stationary Drag, Scaper, Tractor, rubber-tired over 50 H.P. flywheel; Tractor  
with boom attachment; Touch Machine, maximum digging capacity over 3 ft.  
depth; Asphalt Plant Operator  
Group 10: Bulldozer, twin-engine (TC12 and similar); Cable plov (any type);  
Compactor, multi-engine; Jack Operator, Elevating barges; Barge Operator,  
self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or  
when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat,  
rough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar  
type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under;  
Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline;  
Clamshell; Hoe, etc., under 1 cu. yd.; Grade-all, under 1 cu. yd.; Mucking  
Machine (tunnel)  
Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Rein-  
forced Tank Batching Machine (K-17 or similar); Hoist, two or more drums;  
Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired  
Scraper, single and twin engine, Single Scraper, with push-pull attachments,  
self-loading, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and  
similar types; Shiel Operator  
Group 13: Blade Operator, finish; Blade, externally controlled by electronic,  
mechanical hydraulic means; Blade, Multi-engines; Concrete Paving Road Mixer;  
Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 30 tons a  
and over; Cableway Operator 25 ton and over; Crane, over 25 ton and under;  
50 tons; Piledriver Operator; Floating Clamshell, etc., under 3 cu. yds.;  
Floating Crane (derrick barge), less than 30 ton; Backfilling Grader, Operated  
by tractor operator, Sierra, Euclid, or similar, 3 cu. yds.; Grade-all, 1 cu. yd. and  
Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and  
over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead  
Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers,  
self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units  
Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.  
Group 16: Auto-grader or "Trimmer"; Tandem Bulldozer, Quad-nine and similar;  
Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and  
over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under;  
Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge),  
30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.;  
Rubber-tired Scraper, with Tandem Scrapers, Multi-engine, Shovel, etc., 3 cu.  
yds., but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour  
Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and  
including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton;  
Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal  
Trimmer  
Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150  
ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band  
Wagons, in conjunction with Wheel Excavator  
Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and  
over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote  
or otherwise

Group Description for Areas 1 and 2  
Group 1: Assistant Mate (deckhand)  
Group 2: Fireman; Oiler  
Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump);  
Mates and hostmen  
Group 4: Engineer Welder; Craneman  
Group 5: Assistant Engineer (Electric Generator Operator for primary  
pump, power barge or dredge)  
Group 6: Leverman, Hydraulic  
Group 7: Leverman, Dipper:  
(a) 5 yards and under  
(b) Over 5 yards  
Group Description for Area 3  
Group 1: Leverman, Hydraulic  
Group 1A: Leverman, Dipper  
Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic,  
and Machinist) and Mate  
Group 3: Tenderman (Boatman, Attending Dredge Plant); Fireman  
Group 4: Assistant Mate (Deckhand); Oiler







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## CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 29—Labor (Part 1920—End)-----	\$3.50
Title 30—Mineral Resources-----	5.80
Title 33—Navigation and Navigable Waters (Part 200— End)-----	4.60
Title 34—Government Management-----	1.70

*[A Cumulative checklist of CFR issuances for 1975 appears in the first issue  
of the Federal Register each month under Title 1]*

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#### INDIAN SELF-DETERMINATION ACT

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#### BUDGET RESCISSIONS AND DEFERRALS

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## reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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Citizens radio service; Class D operating rules revision.. 33667; 8-11-75  
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rules and regulations

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Title 5—Administrative Personnel  
CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE  
Department of Agriculture

Section 213.3313 is amended to show that one position of Private Secretary to the Deputy Assistant Secretary for International Affairs and Commodity Programs is excepted under Schedule C. Effective on September 15, 1975, § 213.3313(a) (13) is added as set out below:

§ 213.3313 Department of Agriculture.  
(a) Office of the Secretary. . . .  
(13) One Private Secretary to the Deputy Assistant Secretary for International Affairs and Commodity Programs. (5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.  
[FR Doc.75-24414 Filed 9-12-75;8:45 am]

PART 213—EXCEPTED SERVICE  
Department of Defense

Section 213.3306 is amended to show that one position of Private Secretary to the Principal Deputy Assistant Secretary (Legislative Affairs) is excepted under Schedule C. Effective on September 15, 1975, § 213.3306(a) (68) is added as set out below:

§ 213.3306 Department of Defense.  
(a) Office of the Secretary. . . .  
(68) One Private Secretary to the Principal Deputy Assistant Secretary (Legislative Affairs). (5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.  
[FR Doc.75-24415 Filed 9-12-75;8:45 am]

PART 213—EXCEPTED SERVICE  
Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Deputy Assistant Secretary for Legislation (Education) is excepted under Schedule C.

Effective on September 15, 1975, § 213.3316(f) (13) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(f) Office of the Assistant Secretary for Legislation. . . .  
(13) One Deputy Assistant Secretary (Education). (5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.  
[FR Doc.75-24416 Filed 9-12-75;8:45 am]

PART 213—EXCEPTED SERVICE  
Department of Justice

Section 213.3310 is amended to show that one position of Secretary to the Assistant Attorney General, Legislative Affairs, is excepted under Schedule C.

Effective on September 15, 1975, § 213.3310(v) is added as set out below:

§ 213.3310 Department of Justice.  
(v) Office of Legislative Affairs. (1) One Secretary to the Assistant Attorney General. (5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.  
[FR Doc.75-24417 Filed 9-12-75;8:45 am]

PART 213—EXCEPTED SERVICE  
Department of the Treasury

Section 213.3305 is amended to show that one position of Special Assistant to the Assistant Secretary (Tax Policy) is excepted under Schedule C.

Effective on September 15, 1975, § 213.3305(a) (63) is added as set out below:

§ 213.3305 Department of the Treasury.  
(a) Office of the Secretary. . . .  
(63) One Special Assistant to the Assistant Secretary (Tax Policy). (5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.  
[FR Doc.75-24418 Filed 9-12-75;8:45 am]

PART 213—EXCEPTED SERVICE  
Veterans Administration

Section 213.3327 is amended to show (1) that one position of Confidential Assistant to the Special Assistant to the Administrator is no longer accepted under Schedule C, and (2) that one additional position of Confidential Assistant to the Assistant Deputy Administrator is accepted under Schedule C.

Effective on September 15, 1975, §§ 213.3327 (a) (1) and (a) (8) are amended as set out below:

§ 213.3327 Veterans Administration.  
(a) Office of the Administrator. (1) Three Confidential Assistants to the Special Assistant to the Administrator.

(8) Five Confidential Assistants to the Assistant Deputy Administrator. (5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.  
[FR Doc.75-24419 Filed 9-12-75;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 29—TOBACCO INSPECTION

Identification and Certification of Nonquota Maryland Broadleaf Tobacco, U.S. Type 32

Notice was published in the FEDERAL REGISTER of June 24, 1975, that the United States Department of Agriculture has under consideration the amendment of regulations governing the identification and certification of nonquota Maryland Broadleaf Tobacco, U.S. Type 32, produced and marketed in quota areas, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of Consideration. Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Nonquota Maryland Broadleaf Tobacco, U.S. Type 32, Produced and Marketed in a Quota Area, was issued in the FEDERAL REGISTER for October 9, 1973 (38 FR 27817). Past certifications of nonquota Maryland tobacco produced in quota areas had shown the need for establishing procedures to follow in certifying such tobacco as to type and for use in distinguishing Type 22 tobacco from quota tobacco. The regulations issued in Subpart F established procedures

to accomplish proper type classification production of each kind or type of non- engaged in the production of a kind of  
quotas tobacco in order to make an ac- tobacco traditionally grown in that

Done at Washington, D.C., this 9th day of Sept. 1975. (1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not United States Department of Agriculture, is hereby designated as the governmental



to accomplish proper type classification and certification through the use of the applicable U.S. official standards after examination of a crop-lot arrangement of the tobacco. They applied to mandatory and permissive inspection as authorized or required under Sections 5 and 6 of The Tobacco Inspection Act. The procedures established in those regulations provided that determinations with respect to certification on nonquota Type 32 tobacco should be based on the Official Standard Grades for Maryland Broadleaf Tobacco, U.S. Type 32.

Public Law 93-411 was enacted into law on September 3, 1974. That statute provides that, beginning with the 1975 crop, any kind of tobacco for which marketing quotas are not in effect that is produced in an area where producers who are engaged in the production of a kind of tobacco, traditionally produced in the area, have approved marketing quotas pursuant to the Agricultural Adjustment Act of 1938, shall be subject to the quota for the kind of tobacco traditionally produced in the area. If marketing quotas are in effect for more than one kind of tobacco in an area, any nonquota tobacco produced in the area shall be subject to the quota for the kind of tobacco, traditionally produced in the area, having the highest price support under the Agricultural Act of 1949. The statute further provides that it shall not apply in cases where the Secretary or his designee finds any such nonquota tobacco is readily and distinguishably different from any kind of tobacco produced under quota through the application of the Federal Standards of Inspection and Identification of quota types and that the tobacco does not possess any of the distinguishable characteristics of a quota type. The regulations governing the certification of Maryland tobacco, a nonquota type, is, therefore, amended to comply with the requirements of Pub. L. 93-411.

The regulations are further amended to provide for an additional 60-day certification period beginning September 15 of each calendar year and changes the previous 90-day certification period beginning February 15 to a 60-day period beginning February 1 of each calendar year. These changes will more adequately accommodate growers of Maryland tobacco in all quota areas.

Interested persons desiring to submit written data, views or arguments in connection with the proposed revisions were given until July 24, 1975, to do so. Only two comments were received. One commentor generally approved the proposed amendments to the regulations but asked that the Department consider rewriting or even eliminating the crop-lot concept of display and confining the certification to individual basket, pile or sheet to avoid misinterpretation of the procedure to be followed in grading Maryland nonquota, Type 32, Broadleaf tobacco. Crop-lot display refers to the assemblage of individual lots representing the season's production of each type or kind of nonquota tobacco produced on an individual farm. It is preferable for the inspector to have access to the grower's entire

production of each kind or type of non-quota tobacco in order to make an accurate type determination applicable to the crop-lot or to individual lots, as the case may be.

The other commentor felt that the proposed regulations fail to provide the tobacco inspectors with sufficient guidance in distinguishing between Maryland and burley tobacco grown in the Southwest Virginia-Upper East Tennessee region. He further stated that the proposed regulations do not identify the "distinguishable characteristics of a quota type" which must be known in order to apply the proviso contained in Public Law 93-411.

The enactment of Public Law 93-411 requires the change in the regulations, with regard to the procedure that the Department's inspectors will use in the certification of Maryland Type 32 tobacco, that was contained in the noticed amendment which is adopted without change. The comments made by this commentor do not relate to the procedure but rather to the finer points of the inspector being able to distinguish between types of tobacco. Ample guidance is provided inspectors in this regard in the regulations found at 7 CFR 29.3251 to 29.3395 which describe the Official Standard Grades for Maryland Broadleaf Tobacco (U.S. Type 32), and the regulations found at 7 CFR 29.3001 to 29.3182 which describe the Official Standard Grades for Burley Tobacco (U.S. Type 31).

After consideration of relevant facts and exceptions, the proposed regulations are hereby adopted without change. The regulations are set forth below.

**Effective date:** September 15, 1975.

The regulations are amended as follows:

1. Section 29.9221 is revised as follows:

§ 29.9221 Policy statement.

Nonquota Maryland tobacco, U.S. Type 32, is being produced and marketed in the burley and flue-cured areas. Both burley and flue-cured tobaccos are produced under the quota system. The Official Standard Grades developed for all major tobacco types produced in the United States and Puerto Rico are adequate for inspection and grading at the market centers. However, the enactment of Pub. L. 93-411 on September 3, 1974, requires a change in the method by which certifications on nonquota Type 32 tobacco are made. Accordingly, the regulations in this subpart contain a procedure to follow in the certification of nonquota Maryland tobacco, Type 32. Certification services shall be made available to an interested party or his authorized agent following receipt of appropriate application. These services will be provided at approved receiving stations during two 60-day periods beginning September 15 and February 1 of each calendar year. This will allow producers of such tobacco in a quota area adequate time to bring the tobacco to the normal stage of cure and moisture content before certification. The determination with respect to certifications on nonquota Type 32 tobacco produced in a county where producers who are

engaged in the production of a kind of tobacco traditionally grown in that county, have approved marketing quotas under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, *et seq.*) shall be based on the Official Standard Grades for the quota tobacco. If marketing quotas are in effect for more than one kind of tobacco in a county, the determination with respect to certifications on nonquota Type 32 tobacco shall be based on the Official Standard Grades for the quota tobacco produced in that county having the highest price support under the Agricultural Act of 1949 (7 U.S.C. 1421, *et seq.*). *Provided, That*, if the Secretary or his designee finds, that: (a) Type 32 tobacco is readily and distinguishable different from any kind of tobacco produced under quota, through the Federal Standards of Inspection and Identification; and (b) that Type 32 tobacco does not possess any of the distinguishable characteristics of a quota type, the determination with respect to certification shall be based on the Official Standard Grades for Type 32 tobacco.

2. Section 29.9233 is revised as follows:

§ 29.9233 When certification will be made.

Certification services for the non-quota tobacco shall be made available during two 60-day periods beginning September 15 and February 1 of each calendar year. This section shall not affect provisions of existing cooperative agreements with the various tobacco producing states or state agencies.

3. Section 29.9261 is revised as follows:

§ 29.9261 Procedure to be followed.

In permissive or mandatory inspections and certifications of nonquota Maryland tobacco the inspector shall use the Official Standard Grades for the type of quota tobacco produced in the county in which the tobacco for which certification is sought has been produced or to determine whether the crop-lot can or cannot be classified as and certified to be that kind of tobacco. If there are marketing quotas in effect, in that county, for more than one kind of tobacco, the inspector shall use the Official Standard Grades for the kind of tobacco, having the highest price support under the Agricultural Act of 1949 (7 U.S.C. 1421, *et seq.*), to determine whether the crop-lot can or cannot be classified as and certified to be that kind of quota tobacco. When the inspector determines that each individual pile, basket, or sheet in the crop-lot can be graded in one of the Official Standard Grades for that type of quota tobacco, he shall certify the entire crop-lot to be that type. If the inspector determines that each individual pile, basket, or sheet in the crop-lot cannot be graded in one of the standard grades for that type of quota tobacco, he shall then establish which Official Standard Grades are applicable and certify each pile, basket, or sheet to show the appropriate class and type.

Done at Washington, D.C., this 9th day of Sept., 1975.

WILLIAM H. WALKER, III,  
Deputy Administrator,  
Program Operations.

[FR Doc. 75-24433 Filed 9-12-75; 8:45 am]

#### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 16; Grapefruit Reg. 15 Terminated]

#### PART 944—FRUITS; IMPORT REGULATIONS

##### Grade and Size Restrictions

The regulations prescribe minimum grade and size restrictions applicable to imported grapefruit as follows: Imported seeded grapefruit—U.S. No. 1 and 3-12/16 inches in diameter; and imported seedless grapefruit—Improved No. 2 and 3-9/16 inches in diameter. These requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This regulation is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This section requires that whenever specified commodities, including grapefruit, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. This regulation establishes the same grade and size requirements on imported seeded and seedless grapefruit as are effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this regulation beyond that herein specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) this regulation fixes the same requirements on imports of seeded and seedless grapefruit as are applicable under Grapefruit Regulation 76 (§ 905.563); (c) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (d) such notice is hereby determined, under the circumstances, to be reasonable.

§ 944.112 Grapefruit Regulation 16.

(a) During the period September 19, 1975, through October 26, 1975, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3 1/16 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than 3 9/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in § 51.761 of the United States Standards for Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service,

United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports of grapefruit. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of grapefruit should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the grapefruit will be imported:

Ports	Office	Advance notice
All Texas points.....	Leo M. Denbo, P.O. Box 107, San Juan, Tex. 78589 (Phone—512-787-4091), or Charles E. Parrigon, P.O. Box 10750, El Paso, Tex. 79905 (Phone—915-543-7728)	1 day.
All New York points.....	Carmine J. Cavallo, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7668 & 7669), or Charles D. Renek, 176 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206 (Phone—716-824-1585).	Do.
All Arizona points.....	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85021 (Phone—602-287-2902)	Do.
All Florida points.....	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 539, Miami, Fla. 33136 (Phone—305-324-6116), or J. T. Scruggs, P.O. Box 20194, Orlando, Fla. 32814 (Phone—305-884-9511), or Johnnie L. Corbitt, Unit 46, 3335 North Edgewood Ave., Jacksonville, Fla. 32205 (Phone—904-354-5083).	Do.
All California points.....	Daniel P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (Phone—213-622-8756).	3 days.
All Louisiana points.....	Jesse M. Anderson, 6027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504-589-6741).	1 day.
All other points.....	Michael A. Castille, Fruit and Vegetable Division, AMS-USDA, Washington, D.C. 20250 (Phone—202-447-2482).	3 days.

(c) Inspection certificates shall cover only the quantity of grapefruit that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any grapefruit to be imported into the United States shall set forth, among other things:

- (1) The date and place of inspection;
- (2) The name of the shipper, or applicant;
- (3) The commodity inspected;
- (4) The quantity of the commodity covered by the certificate;
- (5) The principal identifying marks on the container;
- (6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and
- (7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agri-

cultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of the regulation, any importation of grapefruit which, in the aggregate, does not exceed five standard nailed boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of grapefruit, during the effective time of this regulation, are in most direct competition with grapefruit grown in the State of Florida. The requirements set forth in this section are the same as those being made effective for grapefruit grown in Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(i) Nothing contained in this regulation shall be deemed to preclude any importer from reconditioning prior to importation any shipment of grapefruit for the purpose of making it eligible for importation.

(j) The terms used herein relating to grade, except Improved No. 2 grade, and diameter shall have the same meaning as when used in the United States Standards for Florida Grapefruit (7 CFR 51-750-51.784). Improved No. 2 shall have

the same meaning as set forth in the potatoes handled by him as the first han-

tity, of potatoes handled by him as the

regulation, all French variety prunes

on Committee proposals. Committee § 993.400 Modification.



the same meaning as set forth in the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905). Importation means release from custody of the United States Bureau of Customs.

(k) Grapefruit Regulation 15 (§ 944.111; 39 FR 33306, 37188; 40 FR 8322, 11346, 14891, 20063, 21468) is hereby terminated at the effective time hereof.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 10, 1975.

Effective date: September 19, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 75-24487 Filed 9-12-75; 8:45 am]

#### PART 945—IRISH POTATOES GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

##### Expenses and Rate of Assessment

This document authorizes the Idaho-Eastern Oregon Potato Committee to spend \$40,648.50 for its operations during the fiscal period ending May 31, 1976, and to collect \$0.0026 per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in Idaho and Malheur County, the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the August 25 FEDERAL REGISTER (40 FR 37045) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than September 9, 1975. None was filed.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment shall be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable potatoes from the beginning of such period.

The regulation follows:

§ 945.228 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending May 31, 1976, by the Idaho-Eastern Oregon Potato Committee for its maintenance and functioning and for such other purposes as the Secretary determines to be appropriate will amount to \$40,648.50.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be \$0.0026 per hundredweight, or equivalent quantity, of assessable

potatoes handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 945.44(b).

(d) Terms used in this section shall have the same meaning as when used in the marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 10, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Veg-  
etable Division, Agricultural  
Marketing Service.

[FR Doc. 75-24486 Filed 9-12-75; 8:45 am]

#### PART 946—IRISH POTATOES GROWN IN WASHINGTON

##### Expenses and Rate of Assessment

This document authorizes the State of Washington Potato Committee to spend not more than \$13,450 for its operations during the fiscal period ending June 30, 1976, and to collect four-tenths cent per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 113 and Order No. 946, both as amended, regulating the handling of Irish potatoes grown in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the August 8 FEDERAL REGISTER (40 FR 33458) regarding the proposals. It afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than August 22, 1975. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is hereby found and determined that the following budget and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable potatoes from the beginning of such period.

The regulation follows:

§ 946.228 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1976, by the State of Washington Potato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to \$13,450.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be four-tenths cent (\$0.004) per hundredweight, or equivalent quan-

tity, of potatoes handled by him as the first handler thereof during the fiscal period, except potatoes for canning, freezing, and "other processing" as defined in the act shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: September 9, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 75-24431 Filed 9-12-75; 8:45 am]

#### PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

##### Undersized Prune Regulation and Salable and Reserve Percentages for the 1975-76 Crop Year

Notice was published in the August 6, 1975, issue of the FEDERAL REGISTER (40 FR 33047) on proposals to: (1) Establish salable and reserve percentages of 100 percent and 0 percent, respectively, for the 1975-76 crop year; (2) modify the size openings prescribed in § 993.49(c) for the determination of undersized prunes; and (3) on the basis of this modification, establish an undersized prune regulation for prunes received by handlers from producers and dehydrators during the 1975-76 crop year.

The proposals were recommended by the Prune Administrative Committee in accordance with the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Interested persons were given until August 21, 1975, in which to submit written comments with respect to the proposals. Three comments were received, two of which were submitted by the same person but were withdrawn from consideration.

The proposals in the notice were based on estimates of the Committee that California's 1975 dried prune production would approximate 145,000 natural condition (N.C.) tons, and that carryin on August 1, 1975, the beginning of the 1975-76 crop year, of salable prunes from 1974 production would be about 58,000 N.C. tons. No information has been received materially altering these estimates.

These estimates would result in a supply of about 28,500 N.C. tons in excess of trade demand. In order to remove a portion of this excess from the supply for human consumption, it was proposed in the notice that an undersized regulation be established for the 1975-76 crop year. The undersized regulation would be applicable to all prunes received by handlers from producers and dehydrators during that crop year, and would remove the smallest—i.e., the least desirable—prunes from the 1975 crop. Under this

regulation, all French variety prunes which pass freely through a screen opening 24/32 of an inch in diameter would be classified as undersized prunes. For non-French prunes the opening would be 30/32 of an inch in diameter.

Although an undersized regulation would not remove the entire excess, it is concluded that the interests of producers would best be served during the 1975-76 crop year if no volume regulation were established for that year. Producers would be able to deliver all their prunes, other than undersized prunes, as salable prunes to handlers and could be paid promptly for these. If volume regulation were established, payment for the reserve portion would necessarily be deferred until the Committee disposed of the reserve. Moreover, producers would not incur costs involved in reserve pooling operations. Finally, making the entire crop, other than undersized prunes, available for sale by handlers for human consumption would give them greater flexibility in marketing of the 1975 crop of prunes.

The comment which was not withdrawn from consideration contended that size regulation is an indirect but effective method of controlling volume. The commentator stated that it is much easier to assess the effects on price of direct volume control, whereas size standards are harder to measure and open up possibilities of favoritism to particular producers with particular types of yields. The commentator also contended that size and quality standards cannot be legitimate unless actual consumer input is included in the standard process of decision making, and urged that consumer and public representatives be included on the Committee.

That an undersized regulation is a form of volume control is not denied. Handlers cannot market undersized prunes for human consumption, but can dispose of them in non-human consumption outlets such as livestock feed. However, prunes which would be removed by the 1975-76 undersized regulation would not, in the absence of the regulation, be used for human consumption as prunes. They are too small for this purpose, but may be used under the order in products such as prune juice. An undersized regulation for the 1975-76 crop year would not short the supply of prunes for prune products since this supply is ample. On the other hand, a direct volume control such as ordinarily established under the order would withhold, as reserve, prunes which could be marketed for human consumption as prunes as well as for prune products.

The order provides that the Committee shall consist of 21 members, 14 of whom shall represent producers and 7 shall represent handlers. In order to include a public representative on the Committee it would be necessary to amend the order. Although the composition of the Committee does not provide for a public representative, members of the public are not estopped from presenting their views

on Committee proposals. Committee meetings are open to the public and those in attendance are permitted to present their views. Moreover, Committee proposals on grade, size and volume regulations are subject to the requirements of the Administrative Procedure Act, including publication of the proposals in notices of proposed rule making and opportunity for all interested persons to submit written data, views, or arguments on the proposals. Consideration was given to the views presented by the commentator in this matter, and thus these views were included in the standard process of decision-making. No useful purpose would be served to discontinue direct quantity control or eliminate it altogether "until such time as the public is adequately protected", as urged by the commentator.

In order to establish the undersized regulation proposed in the notice for the 1975-76 crop year, it is necessary to modify the openings prescribed in § 993.49(c). Paragraph (c) provides, in part, that any undersized regulation shall provide that the diameter of the round opening for French prunes shall be 23/32 of an inch, and for non-French prunes 28/32 of an inch, or such larger openings as may be prescribed pursuant to § 993.52. Based on the authority in §§ 993.49(c) and 993.52, a new § 993.400 should be included in Subpart—Undersized Prune Regulation (7 CFR 993.401) modifying the openings prescribed in § 993.49(c) to permit undersized regulations using openings of 24/32 of an inch for French prunes, and 30/32 of an inch, for non-French prunes.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, the comment submitted pursuant to the notice, and other available information, it is found, based on the authority in §§ 993.49(c) and 993.52, that to modify the openings prescribed in § 993.49(c) to permit undersized regulations of 24/32 of an inch for French prunes and 30/32 of an inch for non-French prunes would tend to effectuate the declared policy of the act, and further, it is determined that for the 1975-76 crop year supply conditions warrant the establishment of such size regulation for undersized prunes.

1. Subpart Salable and Reserve Percentages and Handler Reserve Obligation and Voluntary Diversion Operations for 1974-75 Crop Year (7 CFR 993.210) is revised to read as follows:

##### Subpart—Salable and Reserve Percentages

§ 993.211 Salable and reserve percentages for prunes for the 1975-76 crop year.

The salable and reserve percentages for the 1975-76 crop year shall be 100 percent and 0 percent, respectively.

2. Subpart—Undersized Prune Regulation (7 CFR 993.401) is amended by adding new §§ 993.400 and 993.402 reading as follows:

##### § 993.400 Modification.

Pursuant to the authority in § 993.52, the provisions in § 993.49(c) prescribing size openings for undersized prune regulations are hereby modified to permit larger size openings. For French prunes, any undersized regulation may prescribe an opening of 23/32 of an inch or 24/32 of an inch; for non-French prunes, any undersized regulation may prescribe an opening of 28/32 of an inch or 30/32 of an inch.

##### § 993.402 Undersized prune regulation for the 1975-76 crop year.

Pursuant to §§ 993.49(c) and 993.52, an undersized prune regulation for the 1975-76 crop year is hereby established. Undersized prunes are prunes which pass freely through round openings as follows: For French prunes, 24/32 of an inch in diameter; for non-French prunes, 30/32 of an inch in diameter.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for any crop year shall also apply to prunes received by handlers in the subsequent crop year and before salable and reserve percentages are established for that crop year; (2) salable and reserve percentages of 90 percent and 10 percent, respectively, were established for the 1974-75 crop year; (3) this action establishes salable and reserve percentages of 100 percent and 0 percent, respectively, for the current 1975-76 crop year, and these percentages should become effective promptly so as to terminate any reserve obligations accrued during this crop year on the basis of the previously effective percentages; (4) the provisions of the amended marketing agreement and this part also require that an undersized regulation established for a particular crop year shall be applicable to all prunes received during the crop year by handlers from producers and dehydrators; (5) the current crop year began on August 1, 1975, and the percentages and undersized regulation established herein will apply automatically to such prunes beginning with such date; and (6) handlers are beginning to receive prunes in volume and no useful purpose would be served by delaying the effective time of this action.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 8, 1975.

CHARLES B. BRADER,  
Deputy Director,  
Fruit and Vegetable Division.

[FR Doc. 75-24432 Filed 9-12-75; 8:45 am]



**Title 8—Aliens and Nationality**  
**CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE**

**PART 341—CERTIFICATES OF CITIZENSHIP**

**Suspension for an Additional Period of Special Procedure Authorizing Certain Naturalization Applicants To File, Prior to Naturalization, Application for Certificate of Citizenship for Derivative Child**

Reference is made to the Notice published in the *FEDERAL REGISTER* of October 21, 1974 (39 FR 37355) suspending until October 1, 1975, the provisions of 8 CFR 341.1(b).

In view of the continuing manpower considerations which resulted in the temporary suspension of the special procedure provided by 8 CFR 341.1(b), the provisions of § 341.1(b) are being suspended for an additional period (until April 1, 1976, unless manpower considerations render feasible or practicable their reinstatement at an earlier date).

In the light of the foregoing, the provisions of 8 CFR 341.1(b) are hereby suspended until April 1, 1976, unless the suspension is revoked prior thereto by notice published in the *FEDERAL REGISTER*.

Dated: September 9, 1975.

L. F. CHAPMAN, Jr.,  
 Commissioner of  
 Immigration and Naturalization.  
 [FR Doc. 75-24445 Filed 9-12-75; 8:45 am]

**Title 22—Foreign Relations**

**CHAPTER I—DEPARTMENT OF STATE**

[Dept. Reg. 108.715]

**PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED**

**Ineligible Classes of Immigrants**

A Notice of proposed rule making regarding amendments to subparagraph (15) of paragraph (a) of § 42.91 of Title 22, Code of Federal Regulations, was published in the *FEDERAL REGISTER* on January 8, 1975 (40 FR 1515). The amendments were proposed for the purpose of establishing standards to be applied by consular officers in determining the eligibility of an alien to receive an immigrant visa under section 212(a) (15) of the Act.

Comments in response to the notice were received from over 50 persons. All but three writers were opposed to some of the amendments. A majority of the objections related to paragraph (a) (15) (iii) of § 42.91 which proposed to limit the persons who could vouch support for the intending immigrant to certain members of his immediate family and to paragraph (a) (15) (v) of § 42.91 which proposed a bond requirement for certain categories of immigrants. Most of the writers expressed the opinion that paragraph (a) (15) (iii) contemplated arbitrary and unduly restrictive limitations and many also urged that such a regulation would illegally circumscribe the discretionary authority which the Con-

gress has vested in consular officers through the enactment of section 212(a) (15) of the Immigration and Nationality Act. Paragraph (a) (15) (v) was also universally attacked as being an arbitrary and unreasonable approach to the problem posed by the high incidence of newly arrived immigrants applying for and receiving public assistance.

In view of the public comments in opposition to paragraphs (a) (15) (iii) and (v) of § 42.91, the Department is not adopting these two amendments at this time but is giving further consideration and study to alternative ideas which were generated as a result of these proposals. A rule making relating to the substance of these controversial proposals will be published at a later date.

There were no significant public comments directly related to paragraph (a) (15) (i). Paragraph (a) (15) (ii) of § 42.91 was the subject of objections by over half of the persons responding. Most of the objections were based on the grounds that employers would be reluctant to provide information and details about their business and because of this and the trouble in completing the forms, the regulation would serve to deter companies, especially large institutionalized companies, from making employment offers to aliens. Some of the writers also felt that the formal requirement for confirming a prospective employment offer would pose contractually binding obligations on behalf of each party. The form which is prescribed by the Department will provide only for the information needed by the consul to form an opinion about the reality of the employment offer and the level of income that will be afforded the immigrant through employment. Aside from the name, address and telephone number of the employer, the form will require only that the employer state the nature of his business and the number of employees (if under ten) as well as a description of the job being taken by the alien, the weekly hours he is to work and his hourly rate of pay. Documentary evidence of the employment offer has always been required of an immigrant relying on an offer of prearranged employment to meet public charge issues and the more formalized documentary requirement being imposed by this regulation is not viewed as affecting the contractual rights of the parties.

About half of the writers submitting comments objected to paragraph (a) (15) (iv) of § 42.91 because consular officers have no authority to use discretion when an immigrant visa applicant's annual income falls below the specified poverty guideline level but will still be able to consider other circumstances and even refuse a visa under section 212(a) (15) of the Act in some cases in which an applicant establishes that he will have a prospective income above the poverty guideline level. These dissenters argue that this proposal imposes an arbitrary and unrealistic decision upon the consular officer in cases involving special circumstances such as, for example, where the immigrant will be receiving free or low cost living accommodations

from relatives. The Department agrees that the consular officer should not be precluded from considering and evaluating all material circumstances relating to public charge issues and the language of the paragraph has been modified accordingly. The paragraph, as modified, will create a presumption of ineligibility under section 212(a) (15) of the Act when an applicant does not establish that he will have an income above the specified poverty guideline level. The paragraph also raises an implication intended by the Department; that an applicant who establishes that his prospective income will exceed the specified poverty guideline level will be presumed eligible for a visa under this section of the Act.

After consideration of all the public comments, paragraphs (a) (15) (i) and (a) (15) (ii) amending § 42.91 of Title 22, Code of Federal Regulations, are being adopted without change. Proposed paragraph (a) (15) (iii) is not being adopted at this time but proposed paragraph (a) (15) (iv) is slightly modified and adopted as paragraph (a) (15) (iii). The amendments to the bond regulation in the proposed paragraph (a) (15) (v) are not being adopted at this time but the original bond regulation is being retained and renumbered as paragraph (a) (15) (iv).

Subparagraph (15) of paragraph (a) of § 42.91 is amended to read:

§ 42.91 Aliens ineligible to receive a visa.

(a) Aliens ineligible under the provisions of section 212(a) of the Act. . . .

(15) Public Charge. (i) Any conclusion that an alien is ineligible to receive an immigrant visa under the provisions of section 212(a) (15) of the Act shall be predicated upon circumstances which indicate that the alien will probably become a charge upon the public after entry into the United States.

(ii) An alien relying on an offer of prearranged employment to establish eligibility under section 212(a) (15) of the Act, other than an offer of employment certified by the Department of Labor pursuant to section 212(a) (14) of the Act (shall not be deemed eligible to receive an immigrant visa unless the employment offer has been made on a form prescribed by the Department which has been sworn to and subscribed to by the employer before a notary public.

(iii) An alien relying solely on the personal income he will be receiving to establish eligibility under section 212(a) (15) of the Act who does not establish that he will have an annual income above the income poverty guidelines published annually or at shorter intervals by the Community Services Administration (formerly the Office of Economic Opportunity) as derived from the low income threshold tables which are also published annually by the Bureau of the Census, and who is without other adequate financial resources, shall be presumed ineligible under that section of the Act.

(iv) An alien within the purview of section 212(a) (15) of the Act, who is

otherwise eligible to receive a visa, may be issued an immigrant visa upon receipt of notice by the consular officer of the giving of a bond or undertaking, as provided in section 221(g) of the Act, if the consular officer is satisfied that the giving of such bond or undertaking removes the alien's ineligibility to receive a visa under this section of the law.

Effective date. The amendments will become effective on October 20, 1975.  
 (Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

Dated: September 2, 1975.

For the Secretary of State.

LEONARD F. WALENTYNOWICZ,  
 Administrator, Bureau of Security and Consular Affairs,  
 Department of State.

[FR Doc. 75-24472 Filed 9-12-75; 8:45 am]

**Title 29—Labor**

**CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION**

**PART 2604—NOTICE OF INTENT TO TERMINATE**

**Purpose, Scope, Requirement of Notice**

On July 14, 1975 the Pension Benefit Guaranty Corporation ("the PBGC") published for comment in the *FEDERAL REGISTER*, 40 FR 29555, proposed regulations pertaining to the Notice of Intent to Terminate required to be filed with the PBGC pursuant to § 4041(a) of the Employee Retirement Income Security Act of 1974 ("the Act"). The PBGC received several comments on the proposed regulations and has given consideration to each of them in promulgating these final regulations. As set forth in greater detail below several of the recommended changes have been implemented, but others have not. In addition, these final regulations contain technical changes from the proposed version and some substantive changes initiated by the PBGC staff.

A number of the comments received focused on the large amount of information required to be submitted with the Notice of Intent to Terminate and the expected difficulty of some plans in gathering all the information and filing it in a timely manner under the regulations. In response to these comments several changes have been made in the final regulations. The final regulations do not require the submission of all amendments to the plan, but rather only those plan amendments adopted or effective within the 5-year period preceding the proposed date of termination (§ 2604.4(b) (1)). The proposed regulations required the submission of copies of all requests for determination submitted to the Internal Revenue Service since the establishment of the plan. The final regulations only require submission of a request for determination relating to the termination of the plan (§ 2604.4(b) (18)). Consistent with this change in the regulations, the final regulations no longer require the submission of all letters of determination issued by the Internal Revenue Service. Rather they require merely the submission of the initial letter of determination, any letters relating to the disqualification and subsequent requalification of the plan and any letters of determination pertaining to the termination of the plan (§ 2604.4(b) (19)). Further, the table contained in § 2604.4(b) (20) of the final regulations has been simplified. The proposed regulations (§ 2604.3(b) (19)) required a breakdown of the data on retired and disabled participants by the type of benefit they are receiving. The final regulations simply require figures on the total number of retired and disabled participants and the aggregate amount of monthly benefits paid to such participants.

In addition to the changes discussed above, which should minimize the burden placed on the plan administrator in filing the Notice of Intent to Terminate, it should be noted that the proposed regulations contained a provision, § 2604.3(c), which allowed the plan administrator to request an extension of time to file or a waiver of the obligation to file any of the information required to be submitted with the Notice. This provision has been expanded in the final regulation to make clear that if the PBGC grants such extension or waiver, the Notice will be deemed to be complete when filed and shall not be voidable by the PBGC (§ 2604.4(c)). Moreover, a provision has been added, § 2604.4(d), stating that whenever the plan administrator requests an extension of time to complete the filing of the Notice, he shall also submit a signed agreement in which he agrees that if the PBGC grants such request, the 90-day period set forth in § 4041(a) of the Act, during which time assets of the plan may not be distributed pursuant to the termination of the plan, shall be automatically extended for an amount of time equal to the extension of time granted by the PBGC. It was believed necessary to add this provision so as to insure that the PBGC will have the full statutory 90-day period in which to make the required determination regarding the sufficiency of the plan's assets.

Some comments noted that certain of the information required to be submitted, i.e., that relating to compensation contained in requests for IRS determinations, is barred from public disclosure (see § 6104(a) (1) (C) of the Internal Revenue Code of 1954). In general, the PBGC believes that the Notice of Intent to Terminate and the information submitted therewith will be subject to public disclosure under the Freedom of Information Act, 5 U.S.C. 552. It is recognized, however, that in certain limited situations some of the information may not be required to be disclosed. In addition to the information relating to compensation referred to above, it is possible that the statement of the reason for terminating the plan (§ 2604.4(d) (22)) might, in some cases, contain confidential commercial or financial information which would be exempt from disclosure pursuant to paragraph (b) (4) of the Freedom of Information Act, to assist the PBGC in determining whether

any portion of the filing may not be disclosable a new provision, § 2604.4(b) (25), has been added, which requires the plan administrator state whether he believes any of the information submitted with the Notice is not disclosable under the Freedom of Information Act, to specify such information and to state the grounds for his belief.

A number of groups suggested that the plan administrator be required to deliver a copy of the Notice of Intent to Terminate to the union representative of the affected employees. The PBGC believes, with certain reservations noted below, that, as modified, this is a good suggestion. Accordingly, the final regulations require at § 2604.3(e) that immediately upon the filing of a Notice with the PBGC the plan administrator shall give written notification of this fact to the affected employees. The notification need simply state the date on which the Notice of Intent to Terminate was filed with the PBGC and the date of termination of the plan proposed therein. The PBGC believes it would be unduly burdensome to require the plan administrator to transmit all of the information required to be filed with the Notice to the employees or their bargaining representative. Employees or union representatives who wish to see the entire filing may request it from the PBGC pursuant to the Freedom of Information Act, and it will be made available in accordance with the regulations of the PBGC issued thereunder, 29 CFR 2603.

Delivery of the notification to the employees may be accomplished in one of two ways:

1. If the employees are represented by a union, the notification shall be delivered to the union representative; and  
 2. If the employees are not represented by a union, the notification shall be posted in a location or locations normally used by the employer for posting notices to employees.

Several questions and comments were received relating to the information on "active participants" required to be submitted pursuant to § 2604.4(b) (20). The final regulations do two things to clear up the apparent confusion. First, that term as it is used in § 2604.4(b) (20) is defined in § 2604.2. Second, the first item in the table contained in paragraph (20) referred to above has been amended to read "Active participants without vested rights."

There were suggestions made that the information required to be submitted under § 2604.4(b) (15) and (16) may not be recent enough to be of value to the PBGC. The PBGC recognizes that this, indeed, may be true in some cases. However, we believe that a rule that would require that an actuarial statement and a financial statement be prepared in connection with the filing of the Notice would be unduly burdensome. Where the PBGC believes that the information it has received under paragraphs (b) (15) and (16) is not adequate for its needs, the PBGC will require the submission of more up-to-date information.

Some confusion was expressed regarding the statement required to be made

under § 2604.4(b) (24) as to the suffi-

in-service as provided by the plan, upon

of the IRS Form or submission where it

plan at market value, the latest available such list.

Act. The statement shall specify the information that may not be subject to

Title 38—Pensions, Bonuses, and Veterans' Relief



under § 2604.4(b) (24) as to the sufficiency of the plan assets. Accordingly, that provision has been amended to make it clear that the statement goes to whether the plan assets are believed to be sufficient to satisfy all nonforfeitable benefits under the plan other than those benefits which become nonforfeitable solely because of the termination of the plan.

Finally, as noted above, certain technical and clarifying changes have been made in the regulations. Among the most important is that the language of § 2604.4(b) (4) has been made more explicit with respect to the nine-digit Internal Revenue Service Identification Number required to be reported under that paragraph, and the second part of that paragraph pertaining to the three-digit Plan Number has been set off as a new paragraph (b) (5) or § 2604.4. The subsequent paragraphs of that section have been re-numbered accordingly. Further, a new § 2604.2, "Definitions," has been added, and the subsequent sections of the regulations have therefore been re-numbered.

Because of the need to provide immediate guidance to the public with respect to the procedures to be followed in filing a Notice of Intent to Terminate and with respect to the information which must be submitted with such Notice, I find that good cause exists for making these regulations effective immediately September 15, 1975.

Accordingly, Chapter XXVI of Title 29 of the Code of Federal Regulations is amended by adding a new Part 2604, reading as follows:

#### PART 2604—NOTICE OF INTENT TO TERMINATE

Sec.

- 2604.1 Purpose and Scope
- 2604.2 Definitions
- 2604.3 Requirement of Notice
- 2604.4 Contents of Notice
- 2604.5 Date of Filing
- 2604.6 Computation of Time

**AUTHORITY:** Secs. 4002, 4041, Pub. L. 93-406, 88 Stat. 1004, 1020.

##### § 2604.1 Purpose and scope.

(a) **Purpose.** The purpose of this part is to prescribe for non-multiemployer plans the contents of and procedures for filing the Notice of Intent to Terminate required by § 4041(a) of the Act.

(b) **Scope.** This part applies to terminations of non-multiemployer pension benefit plans covered by § 4021 of the Act. With respect to those plans, this part supersedes the interim rules governing Notices of Intent to Terminate which appeared at 39 FR 39163 (Sept. 3, 1974).

##### § 2604.2 Definitions.

As used in this part—

"Act" means the Employee Retirement Income Security Act of 1974, 88 Stat. 1001 et seq.

"Active participants" means those participants who are currently employed, or on furlough, leave of absence, or lay-off, if the plan provides that such individuals continue to retain or accrue pension credits. A participant ceases to be an "active participant" upon incurring a break-

in-service as provided by the plan, upon terminating employment with a right to a deferred vested benefit, or upon retiring under the terms of the plan.

"PBGC" means the Pension Benefit Guaranty Corporation.

##### § 2604.3 Requirement of notice.

(a) **General.** A Notice of Intent to Terminate a plan to which this part applies shall be filed with the PBGC.

(b) **Who shall file.** The plan administrator, as defined in section 3(16) of the Act, or a duly authorized representative acting on behalf of the plan administrator, shall sign and file the Notice. A Notice submitted by a duly authorized representative, other than an attorney at law, shall be accompanied by a notarized power of attorney, signed by the plan administrator, which authorizes the said representative to sign and submit such a Notice, and, if desired, to act on behalf of the plan administrator in connection with the termination.

(c) **When to file.** A Notice required to be filed with the PBGC under the provisions of this part shall be delivered to the PBGC at least 10 days prior to the proposed date of termination of the plan.

(d) **Where to file.** A Notice or supplemental information required to be filed with the PBGC under the provisions of this part may be submitted by mail to the Office of Program Operations, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044, or may be submitted by hand to the Office of Program Operations, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C.

(e) **Notice to employees.** Whenever a Notice is filed pursuant to this part, the plan administrator or his duly authorized representative shall immediately give written notification in the manner set forth below to the employees covered by the plan of the filing of the Notice. The notification shall state the date on which the Notice was filed and the date of termination proposed in the Notice. If the employees are represented by a union, the notification required by this section shall be delivered to the union representative. If the employees are not represented by a union, the notification shall be posted in the location or locations normally used by the employer for posting notices to employees.

(f) **Effect of failure to file.** Failure to file the Notice required by this part prior to the termination of a pension plan constitutes a violation of the provisions of Title IV of the Act.

##### § 2604.4 Contents of notice.

(a) **General.** Each Notice required to be submitted pursuant to this part shall contain the information listed below. The response to each numbered item must be identified by item number. If any requested information is included in an Internal Revenue Service Form or submission attached to the Notice, that information need not be repeated in the body of the Notice. Instead, the information may be incorporated by reference to the number, date, and page or pages

of the IRS Form or submission where it appears.

(b) **Information to be contained in notice.** Except as provided in paragraph (a) of this section, each Notice shall contain:

(1) The name, address, zip code and telephone number of the plan administrator and of the duly authorized representative, if any, of the plan administrator;

(2) The name of the plan;

(3) The name and address of the plan sponsor or sponsors, and, if different, of each employer employing plan participants, and the name and address of each trust under the plan;

(4) The nine-digit Internal Revenue Service Employer Identification Number assigned to each person identified in response to item (3);

(5) The three-digit Plan Number assigned to the plan by the sponsor or sponsors, or if applicable, by the employer or employers employing plan participants. If the plan has not previously been assigned a Plan Number, the terminating plan shall be given the number "001". If Plan Numbers have been assigned to other plans, the terminating plan should be assigned the three-digit number following the last number assigned;

(6) The nine-digit Internal Revenue Service Employer Identification Number of the trust, or trusts, established with respect to the plan;

(7) The name, address, and telephone number of every person, including a trust, holding or managing any plan assets;

(8) The number, if any, that had been assigned to the plan by the United States Department of Labor under the Welfare and Pension Plans Disclosure Act;

(9) The proposed date of termination of the plan, which date shall be no earlier than 10 days after the date the Notice is delivered;

(10) A copy of the document or documents establishing the plan;

(11) Copies of all amendments to the plan adopted or effective within the 5-year period preceding the proposed date of termination;

(12) A copy (or copies) of any group annuity or group insurance contracts or trust agreement (or agreements) providing for management of the assets of the plan, its administration, or the payment of benefits under the plan;

(13) The name, address and telephone number of each labor organization, if any, which represents employees who are participants in the plan; and the name and title of the principal officer, or officers, of that organization and/or of a labor organization of which it is a subordinate body, with whom the employer negotiates over matters relating to the plan;

(14) A complete copy of any collective bargaining agreement which contains provisions relating to the plan;

(15) A copy of the most recent actuarial statement and opinion (if any) relating to the plan;

(16) A copy of the most recent financial statement and opinion (if any) relating to the plan and, if that statement does not include a list of the assets of the

plan at market value, the latest available such list;

(17) A statement of any material change in the assets or liabilities of the plan occurring after the date of the actuarial and financial statements referred to in items (15) and (16);

(18) A copy of any request for a determination from the Internal Revenue Service with respect to the plan's termination;

(19) Complete copies of any letters of determination issued by the Internal Revenue Service relating to the establishment of the plan, any letters of determination relating to the disqualification of the plan and any subsequent requalification, and any letters of determination relating to the termination of the plan;

(20) Information as of the proposed date of termination concerning the number of participants and, for retired and disabled participants, the number of such participants and the aggregate monthly dollar amount of the benefits such participants are currently receiving from the plan compiled in the following tabular format:

##### ALL PARTICIPANTS

1. Active participants without vested rights.
2. Active participants with deferred vested rights.
3. Separated participants with deferred vested rights.
4. Retired and disabled participants and beneficiaries receiving payments from the plan.
5. Total.

##### ALL RETIRED AND DISABLED PARTICIPANTS

1. Number of participants and beneficiaries receiving benefits.
2. Aggregate amount of monthly benefit payments.

(21) Show the number of active participants who, if the plan were not terminated as of the proposed date of termination, would reasonably be expected to attain a nonforfeitable benefit under the terms of the plan (other than a benefit becoming nonforfeitable because of the termination of the plan) within the following number of days after the proposed date of termination.

- 30 days
- 60 days
- 90 days
- 120 days

(22) A statement of the reason for terminating the plan;

(23) A brief description of the proposed method of distributing the plan assets, e.g., purchase of single premium annuities;

(24) A statement whether the plan assets are believed sufficient to satisfy all nonforfeitable benefits under the plan, other than those benefits which become nonforfeitable solely because of the termination of the plan.

(25) A statement whether any of the information required to be submitted pursuant to this section is of the nature that its disclosure may not be required pursuant to the Freedom of Information

#### Title 38—Pensions, Bonuses, and Veterans' Relief

#### CHAPTER I—VETERANS ADMINISTRATION

#### PART 4—SCHEDULE FOR RATING DISABILITIES

##### Updating the Schedule for Rating Disabilities

On page 30502 of the FEDERAL REGISTER of July 21, 1975, there was published a notice of proposed regulatory development to amend Part 4, Title 38, Code of Federal Regulations, to update the Schedule for Rating Disabilities to reflect advances in medical science, modern surgery and new drug usage and to reflect changes in laws and interpretations of laws as well as changes in rating practice and procedures. In addition, more realistic evaluations for the epilepsies at various levels of disablement were provided.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

**Effective date.** An amendment to Appendix A, Table of Amendments and Effective Dates since 1946, is added to include effective dates.

The effective date is September 9, 1975.

Approved: September 9, 1975.

[SEAL] R. L. ROUDEBUSH,  
Administrator.

1. Section 4.3 is revised to read as follows:

##### § 4.3 Resolution of reasonable doubt.

It is the defined and consistently applied policy of the Veterans Administration to administer the law under a broad interpretation, consistent, however, with the facts shown in every case. When after careful consideration of all procurable and assembled data, a reasonable doubt arises regarding the degree of disability such doubt will be resolved in favor of the claimant. See § 3.102 of this chapter.

2. Section 4.16 is revised to read as follows:

##### § 4.16 Total disability ratings for compensation based on unemployment of the individual.

(a) Total disability ratings for compensation may be assigned, where the schedular rating is less than total, when the disabled person is, in the judgment of the rating agency, unable to secure or follow a substantially gainful occupation as a result of service-connected disabilities: *Provided that*, if there is only one such disability, this disability shall be ratable at 60 percent or more, and that, if there are two or more disabilities, there shall be at least one disability ratable at 40 percent or more, and sufficient additional disability to bring the combined rating to 70 percent or more. For the above purpose of one 60 percent disability

ity, or one 40 percent disability in combination with such determinations, the following guide-

6. Section 4.27 is revised to read as

NOTE 1.—The 100 percent rating for 1 year following implantation of prosthesis will be reduced to 60 percent after 1 month.

and diagnostic code 6035 is added to read as follows:



ity, or one 40 percent disability in combination, the following will be considered as one disability: (1) Disabilities of one or both upper extremities, or of one or both lower extremities, including the bilateral factor, if applicable, (2) disabilities resulting from common etiology or a single accident, (3) disabilities affecting a single body system, e.g. orthopedic, digestive, respiratory, cardiovascular, renal, neuropsychiatric, (4) multiple injuries incurred in action, or (5) multiple disabilities incurred as a prisoner of war. It is provided further that the existence or degree of non-service-connected disabilities or previous unemployability status will be disregarded where the percentages referred to in this paragraph for the service-connected disability or disabilities are met and in the judgment of the rating agency such service-connected disabilities render the veteran unemployable.

(b) It is the established policy of the Veterans Administration that all veterans who are unable to secure and follow a substantially gainful occupation by reason of service-connected disabilities shall be rated totally disabled. Therefore, rating boards should submit to the Director, Compensation and Pension Service for extra-schedular consideration all cases of veterans who are unemployable by reason of service-connected disabilities, but who fail to meet the percentage standards set forth in paragraph (a) of this section. The rating board will include a full statement as to the veteran's service-connected disabilities, employment history, educational and vocational attainment and all other factors having a bearing on the issue.

3. Section 4.17 is revised to read as follows:

§ 4.17 Total disability ratings for pension based on unemployability and age of the individual.

All veterans who are basically eligible and who are unable to secure and follow a substantially gainful occupation by reason of disabilities which are likely to be permanent shall be rated as permanently and totally disabled. For the purpose of pension, the permanence of the percentage requirements of § 4.16 is a requisite. The percentage requirements, however, are reduced on the attainment of age 55 to a 60 percent rating for one or more disabilities, with no percentage requirements for any one disability. The requirement at age 60 through 64 will be a 50 percent rating for one or more disabilities. At age 65 and thereafter, a veteran is conclusively presumed to be permanently and totally disabled by statute; hence, rating action for this purpose is unnecessary. When the reduced percentage requirements are met, and the disabilities involved are of a permanent nature, a rating of permanent and total disability will be assigned if the veteran is found to be unable to secure and follow substantially gainful employment by reason of such disability. Prior employment or unemployment status is immaterial if in the judgment of the rating board the veteran's disabilities render him or her unemployable. In making

such determinations, the following guidelines will be used:

(a) Marginal employment, for example, as a self-employed farmer, while employed in his or her own business, or at odd jobs or while employed at less than half the usual remuneration will not be considered incompatible with a determination of unemployability, if the restriction, as to securing or retaining better employment, is due to disability.

(b) Cases of all veterans who fail to meet the percentage standards but who meet the basic entitlement criteria and are unemployable, will be referred by the rating board to the Adjudication Officer under § 3.321(b) (2) of this chapter.

4. Section 4.17a is revised to read as follows:

§ 4.17a Misconduct etiology.

A permanent and total disability rating under the provisions of §§ 4.15, 4.16 and 4.17 will not be precluded by reason of the coexistence of misconduct disability when:

(a) A veteran, regardless of employment status, also has innocently acquired 100 percent disability, or

(b) Where unemployable, the veteran has other disabilities innocently acquired which meet the percentage requirements of §§ 4.16 and 4.17 and would render, in the judgment of the rating agency, the average person unable to secure or follow a substantially gainful occupation.

Meritorious cases of veterans meeting the specifications in this section except they do not meet the percentage standards of §§ 4.16 and 4.17, will be referred to Central Office under § 3.321(b) of this chapter.

5. Section 4.18 is revised to read as follows:

§ 4.18 Unemployability.

A veteran may be considered as unemployable upon termination of employment which was provided on account of disability, or in which special consideration was given on account of the same, when it is satisfactorily shown that he or she is unable to secure further employment. With amputations, sequelae of fractures and other residuals of trauma shown to be of static character, a showing of continuous unemployability from date of incurrence, or the date the condition reached the stabilized level, is a general requirement in order to establish the fact that present unemployability is the result of the disability. However, consideration is to be given to the circumstances of employment in individual cases, and, if the employment was only occasional, intermittent, tryout or unsuccessful, or eventually terminated on account of the disability, present unemployability may be attributed to the static disability. Where unemployability for pension previously has been established on the basis of combined service-connected and non-service-connected disabilities and the service-connected disability or disabilities have increased in severity, § 4.16 is for consideration.

6. Section 4.27 is revised to read as follows:

§ 4.27 Use of diagnostic code numbers.

The diagnostic code numbers appearing opposite the listed ratable disabilities are arbitrary numbers for the purpose of showing the basis of the evaluation assigned and for statistical analysis in the Veterans Administration, and as will be observed, extend from 5000 to a possible 9999. Great care will be exercised in the selection of the applicable code number and in its citation on the rating sheet. No other numbers than these listed or hereafter furnished are to be employed for rating purposes, with an exception as described in this section, as to unlisted conditions. When an unlisted disease, injury, or residual condition is encountered, requiring rating by analogy, the diagnostic code number will be "built-up" as follows: The first 2 digits will be selected from that part of the schedule most closely identifying the part, or system, of the body involved; the last 2 digits will be "99" for all unlisted conditions. This procedure will facilitate a close check of new and unlisted conditions, rated by analogy. In the selection of code numbers, injuries will generally be represented by the number assigned to the residual condition on the basis of which the rating is determined. With diseases, preference is to be given to the number assigned to the disease itself; if the rating is determined on the basis of residual conditions, the number appropriate to the residual condition will be added, preceded by a hyphen. Thus, atrophic (rheumatoid) arthritis rated as ankylosis of the lumbar spine should be coded "5002-5289." In this way, the exact source of each rating can be easily identified. In the citation of disabilities on rating sheets, the diagnostic terminology will be that of the medical examiner, with no attempt to translate his or her terms into schedule nomenclature. Residuals of diseases or therapeutic procedures will not be cited without reference to the basic disease.

7. In § 4.71a, diagnostic codes 5174 and 5264 are added to read as follows:

§ 4.71a Schedule of ratings—musculoskeletal system.

AMPUTATIONS: LOWER EXTREMITY		Rating
5174 Hip replacement (prosthesis):		
Prosthetic replacement of the head of the femur or of the acetabulum:		
For 1 year following implantation of prosthesis.....	100	
Following implantation of prosthesis with painful motion or weakness such as to require the use of crutches.....	90	
Markedly severe residual weakness, pain or limitation of motion following implantation of prosthesis.....	70	
Moderately severe residuals of weakness, pain or limitation of motion.....	50	
Minimum rating.....	30	

<sup>2</sup> Also entitled to special monthly compensation.

NOTE 1.—The 100 percent rating for 1 year following implantation of prosthesis will commence after initial grant of the 1 month total rating assigned under § 4.30 following hospital discharge.

NOTE 2.—Special monthly compensation is assignable during the 100 percent rating period the earliest date permanent use of crutches is established.

#### THE KNEE AND LEG

	Rating
5264 Knee replacement (prosthesis):	
Prosthetic replacement of knee joint:	
For 1 year following implantation of prosthesis.....	100
With chronic residuals consisting of severe painful motion or weakness in the affected extremity.....	60
With intermediate degrees of residual weakness, pain or limitation of motion rate by analogy to diagnostic codes, 5256, 5261, or 5262.....	30
Minimum rating.....	30

NOTE.—The 100 percent rating for 1 year following implantation of prosthesis will commence after initial grant of the 1 month total rating assigned under § 4.30 following hospital discharge.

8. Section 4.75 is revised to read as follows:

§ 4.75 Examination of visual acuity.

Ratings on account of visual impairments considered for service connection are, when practicable, to be based only on examination by specialists. Such special examinations should include uncorrected and corrected central visual acuity for distance and near, with record of the refraction. Snellen's test type or its equivalent will be used. Mydriatics should be routine, except when contraindicated. Funduscopic and ophthalmological findings must be recorded. The best distant vision obtainable after best correction by glasses will be the basis of rating, except in cases of keratoconus in which contact lenses are medically required. Also, if there exists a difference of more than 4 diopters of spherical correction between the two eyes, the best possible visual acuity of the poorer eye without glasses, or with a lens of not more than 4 diopters difference from that used with the better eye will be taken as the visual acuity of the poorer eye. When such a difference exists, close attention will be given to the likelihood of congenital origin in mere refractive error.

§ 4.81 [Revoked]

9. Section 4.81 is revoked.

10. Section 4.84 is revised to read as follows:

§ 4.84 Differences between distant and near visual acuity.

Where there is a substantial difference between the near and distant corrected vision, the case should be referred to the Director, Compensation and Pension Service.

11. In § 4.84a, the notes following diagnostic codes 6029 and 6080 are revised

and diagnostic code 6035 is added to read as follows:

§ 4.84a Schedule of ratings—eye.

#### DISEASES OF THE EYE

	Rating
6029 Aphakia:	
Bilateral or unilateral.....	30

NOTE.—The 30 percent rating prescribed for aphakia is a minimum rating to be applied to the unilateral or bilateral condition and is not to be combined with any other rating for impaired vision. When only one eye is aphakic, the eye having poorer corrected visual acuity will be rated on the basis of its acuity without correction. When both eyes are aphakic, both will be rated on corrected vision. The corrected vision of one or both aphakic eyes will be taken one step worse than the ascertained value, however, not better than 20/70. Combined ratings for disabilities of the same eye should not exceed the amount for total loss of vision of that eye unless there is an enucleation or a serious cosmetic defect added to the total loss of vision.

6035 Keratoconus: To be evaluated on impairment of corrected visual acuity using contact lenses.

NOTE.—When contact lenses are medically required for keratoconus, either unilateral or bilateral, the minimum rating will be 30 percent.

#### RATINGS FOR IMPAIRMENT OF FIELD VISION

	Rating
6080 Field vision, impairment of.	

NOTE.—Demonstrable pathology commensurate with the functional loss will be required. The concentric contraction ratings require contraction within the stated degrees, temporally; the nasal contraction may be less. The alternative ratings are to be employed when there is a detectable defect of visual acuity, or a different impairment of the visual field in the other eye. Concentric contraction resulting from demonstrable pathology to 5 degrees or less will be considered on a parity with reduction of central visual acuity to 5/200 or less for all purposes including entitlement under subparagraph (1), 38 U.S.C. 314; not, however, for the purpose of subparagraph (k). Entitlement on account of blindness requiring regular aid and attendance, subparagraph (m), will continue to be determined on the facts in the individual case.

12. Section 4.87 is revised to read as follows:

§ 4.87 Conversational voice in feet.

The column and row containing entries in feet will not be used for the purpose of determining service connection or evaluation except in the rating of those unusual cases where no other data are available. In those cases showing no loss by spoken voice on induction but showing loss by spoken voice on discharge, evaluation will be deferred pending examination by controlled speech and pure tone apparatus. In those cases showing loss for spoken voice on induction, the footage equivalents on table II will be used to determine the extent of hearing loss at induction for comparison with the results of examination by controlled speech and pure tone.

	Rating
14. In § 4.97, diagnostic codes 6600, 6602, 6800 and 6802 are revised and diag-	

	Rating
Moderate; with moderate dyspnea	
7015 Auriculoventricular block:	
Complete; with attacks of syncope	







Rating	7714 Sickle cell anemia:	Rating
60	Pronounced; with repeated painful crises, occurring in skin, joints, bones or any major organs caused by hemolysis and sickling of red blood cells with anemia, thrombosis and infarction, in symptom combinations that are totally incapacitating.....	100
20	Severe; with painful hemolytic crises several times a year or in symptom combinations less disabling than above with more than light manual labor not feasible.....	60
	Moderately severe; following repeated hemolytic sickling crises but with only moderate impairment of health.....	30
	Mild; asymptomatic, established case in remission, but with identifiable organ impairment present.....	10
	NOTE.—Sickle cell trait alone without a history of or current pathological findings directly attributable to such trait is not a ratable disability. Cases of symptomatic sickle cell trait will be forwarded to the Director, Compensation and Pension Service for review.	
	19. In § 4.118, diagnostic code 7806 is revised to read as follows:	
	§ 4.118 Schedule of ratings—skin.	
	7806 Eczema:	Rating
	With ulceration or extensive exfoliation or crusting, and systemic or nervous manifestations, or exceptionally repugnant.....	50
	With exudation or itching constant, extensive lesions, or marked disfigurement.....	30
	With exfoliation, exudation or itching, if involving an exposed surface or extensive area.....	10
	With slight, if any, exfoliation, exudation or itching, if on a nonexposed surface or small area.....	0
	20. In § 4.119, diagnostic code 7913 is revised to read as follows:	
	§ 4.119 Schedule of ratings—endocrine system.	
	7913 Diabetes mellitus:	Rating
	Pronounced; uncontrolled, that is, with persistent hyperglycemia and glycosuria, despite large insulin dosage, restricted diet and regulation of activities; with progressive loss of weight and strength, or severe complications.....	100
	Severe; requiring large insulin dosage, but with considerable loss of weight and strength and with mild complications, such as pruritis ani, mild vascular deficiencies, or beginning ocular disturbances.....	60
	Moderately severe; requiring large insulin dosage, restricted diet, and careful regulation of activities, i.e., avoidance of strenuous occupational and recreational activities.....	40
	Moderate; with moderate insulin or oral hypoglycemic agent dosage, and restricted (maintenance) diet; without impairment of health or vigor or limitation of activity.....	20
	NOTE.—The 100 percent rating for 2 years following transplant surgery will commence after initial grant of the 1-month total rating assigned under § 4.30 following hospital discharge.	
	18. In § 4.117, diagnostic code 7714 is added to read as follows:	
	§ 4.117 Schedule of ratings—hemie and lymphatic systems.	

Rating	Mild; controlled by restricted diet, without insulin; without impairment of health or vigor or limitation of activity.....	10
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NOTE.—Definitely established complications such as amputations, impairment of central visual acuity, peripheral neuropathy with definite sensory or motor impairment or definitely established arteriosclerotic focalizations will be separately rated under the applicable diagnostic codes. When the diagnosis of diabetes mellitus is definitely established it is neither necessary nor advisable to request glucose tolerance tests for rating purposes.

21. In § 4.124a, the "General Rating Formula for Major and Minor Seizures" in diagnostic code 8911 and "Epilepsy and Unemployability" in diagnostic code 8914 are revised to read as follows:

§ 4.121a Schedule of ratings—neurological conditions and convulsive disorders.

#### THE EPILEPTICS

8911 Epilepsy, petit mal:

Rating	General Rating Formula for Major and Minor Epileptic Seizures:	Rating
100	Averaging at least 1 major seizure per month over the last year.....	100

Averaging at least 1 major seizure in 3 months over the last year; or more than 10 minor seizures weekly.....

Averaging at least 1 major seizure in 4 months over the last year; or 9-10 minor seizures per week.....

At least 1 major seizure in the last 6 months or 2 in the last year; or averaging at least 5 to 8 minor seizures weekly.....

At least 1 major seizure in the last 2 years; or at least 2 minor seizures in the last 6 months.....

A confirmed diagnosis of epilepsy with a history of seizures.....

8914 Epilepsy, psychomotor.

Epilepsy and Unemployability: (1) Rating specialists must bear in mind that the epileptic, although his or her seizures are controlled, may find employment and rehabilitation difficult of attainment due to employer reluctance to the hiring of the epileptic.

(2) Where a case is encountered with a definite history of unemployment, full and complete development should be undertaken to ascertain whether the epilepsy is the determining factor in his or her inability to obtain employment.

(3) The assent of the claimant should first be obtained for permission to conduct this economic and social survey. The purpose of this survey is to secure all the relevant facts and data necessary to permit of a true judgment as to the reason for his or her unemployment and should include information as to:

(a) Education;

(b) Occupations prior and subsequent to service;

#### 20. Appendix A, Table of Amendments and Effective Dates Since 1946, is amended to read as follows:

1. Section 4.71a is revised to read as follows:

4.71a Diagnostic Code 5000—60%; February 1, 1962.

Diagnostic Code 5000 Note (2): First three sentences; July 10, 1956. Last sentence; July 6, 1950.

Diagnostic Code 5002—100%, 60%, 40%, 20%; March 1, 1963.

Diagnostic Code 5003; July 6, 1950.

In sentence following DC 5024: "except gout which will be rated under 5002"; March 1, 1963.

Diagnostic Code 5164—60%; June 9, 1952.

Diagnostic Code 5172; July 6, 1950.

Diagnostic Code 5173; June 9, 1952.

Diagnostic Code 5174; September 9, 1975.

Diagnostic Code 5255 "or hip"; July 6, 1950.

Diagnostic Code 5257—Evaluations; July 6, 1950.

Diagnostic Code 5264; September 9, 1975.

Diagnostic Code 5297—(Removal of one rib) "or resection of 2 or more"; August 23, 1948.

Diagnostic Code 5297—Note (2): Reference to lobectomy, pneumonectomy and graduated ratings; February 1, 1962.

Diagnostic Code 5298; August 23, 1948.

2. Section 4.84a is revised to read as follows:

4.84a Diagnostic Code 6029—Note; August 23, 1948.

Diagnostic Code 6035; September 9, 1975.

Diagnostic Code 6076—60%; Vision 1 eye 15/200 and other eye 20/100; August 23, 1948.

Diagnostic Code 6080—Note—"as to '33 U.S.C. 314(L)"; July 6, 1950.

Diagnostic Code 6000—100% evaluations and criteria for 60%; September 9, 1975.

Diagnostic Code 6602—Criteria for all evaluations; September 9, 1975.

Diagnostic Code 6603; September 9, 1975.

Subparagraph (1) following Diagnostic Code 6704; December 1, 1949.

Subparagraph (1) following Diagnostic Code 6704; December 1, 1949.

Note preceding Diagnostic Code 6721; July 6, 1950.

Second note following Diagnostic Code 6724; December 1, 1949.

Diagnostic Code 6802—Criteria for all evaluations; September 9, 1975.

Diagnostic Code 6821—Evaluations and note; August 23, 1948.

3. Section 4.104 is revised to read as follows:

4.104 Diagnostic Code 7000—30%; July 6, 1950.

Diagnostic Code 7005—100% evaluation for chronic residuals; September 9, 1975.

Diagnostic Code 7015—100% evaluation, criteria all evaluations and Notes (1) and (2); September 9, 1975.

Diagnostic Code 7016; September 9, 1975.

Diagnostic Code 7100—20%; July 6, 1950.

Diagnostic Code 7101 "or more"; September 1, 1960.

Diagnostic Code 7101—Note (2); September 9, 1975.

Diagnostic Code 7110—criteria for 100%, Note and 60% and 20% evaluations; September 9, 1975.

(c) Places of employment and reasons for termination;

(d) Wages received;

(e) Number of seizures.

(4) Upon completion of this survey and current examination, the case should have rating board consideration. Where in the judgment of the rating board the veteran's unemployability is due to epilepsy and jurisdiction is not vested in that body by reason of schedular evaluations, the case should be submitted to the Director, Compensation and Pension Service.

19. In § 4.132, the reference to notes at the beginning of diagnostic code 9406 is revised, Note (3) is revoked and Notes (4) and (5) redesignated (3) and (4) and diagnostic code 9504 is revised so that the revised material reads as follows:

§ 4.132 Schedule of ratings—mental disorders.

#### PSYCHONEUROTIC DISORDERS

9406 Psychoneurotic reaction, other.

Read well notes (1) to (4) following general rating formula before applying the general rating formula.

NOTE 3.—It is to be emphasized that vague complaints are not to be erected into a concept of conversion reaction. A diagnosis of conversion reaction must be established on the basis of specific distinctive findings characteristic of such disturbance and not merely by exclusion of organic disease. If a diagnosis of conversion reaction is found by the rating board to be inadequately supported by findings, the report of examination will be returned through channels to the examiner for reconsideration.

NOTE 4.—When two diagnoses, one organic and the other psychophysiological or psychoneurotic, are presented covering the organic and psychiatric aspects of a single disability entity, only one percentage evaluation will be assigned under the appropriate diagnostic code determined by the rating board to represent the major degree of disability. When the diagnosis of the same basic disability is changed from an organic one to one in the psychophysiological or psychoneurotic categories, the condition will be rated under the new diagnosis.

#### PSYCHOPHYSIOLOGIC DISORDERS

9504 Psychophysiological reaction, other (specify reaction and manifestation).

Evaluate psychophysiological reaction by the general rating formula for psychoneurotic disorders.

NOTE 1.—It is to be emphasized that vague complaints are not to be erected into a concept of psychophysiological disorder. A diagnosis of a psychophysiological reaction must be established on specific distinctive findings characteristic of such disturbance and not merely by exclusion of organic disease. If a diagnosis of a psychophysiological reaction is found by the rating board to be inadequately supported by findings, the report of examination will be returned.

NOTE 2.—When two diagnoses, one organic and the other psychophysiological or psychoneurotic, are presented covering the organic and psychiatric aspects of a single disability entity, only one percentage evaluation will be assigned under the appropriate diagnostic code determined by the rating board to represent the major degree of disability. When the diagnosis of the same basic disability is changed from an organic one to one in the psychophysiological or psychoneurotic categories, the condition will be rated under the new diagnosis.

20. Appendix A, Table of Amendments and Effective Dates Since 1946, is amended to read as follows:

1. Section 4.71a is revised to read as follows:

4.71a Diagnostic Code 5000—60%; February 1, 1962.

Diagnostic Code 5000 Note (2): First three sentences; July 10, 1956. Last sentence; July 6, 1950.

Diagnostic Code 5002—100%, 60%, 40%, 20%; March 1, 1963.

Diagnostic Code 5003; July 6, 1950.

In sentence following DC 5024: "except gout which will be rated under 5002"; March 1, 1963.

Diagnostic Code 5164—60%; June 9, 1952.

Diagnostic Code 5172; July 6, 1950.

Diagnostic Code 5173; June 9, 1952.

Diagnostic Code 5174; September 9, 1975.

Diagnostic Code 5255 "or hip"; July 6, 1950.

Diagnostic Code 5257—Evaluations; July 6, 1950.

Diagnostic Code 5264; September 9, 1975.

Diagnostic Code 5297—(Removal of one rib) "or resection of 2 or more"; August 23, 1948.

Diagnostic Code 5297—Note (2): Reference to lobectomy, pneumonectomy and graduated ratings; February 1, 1962.

Diagnostic Code 5298; August 23, 1948.

2. Section 4.84a is revised to read as follows:

4.84a Diagnostic Code 6029—Note; August 23, 1948.

Diagnostic Code 6035; September 9, 1975.

Diagnostic Code 6076—60%; Vision 1 eye 15/200 and other eye 20/100; August 23, 1948.

Diagnostic Code 6080—Note—"as to '33 U.S.C. 314(L)"; July 6, 1950.

Diagnostic Code 6000—100% evaluations and criteria for 60%; September 9, 1975.

Diagnostic Code 6602—Criteria for all evaluations; September 9, 1975.

Diagnostic Code 6603; September 9, 1975.

Subparagraph (1) following Diagnostic Code 6704; December 1, 1949.

Subparagraph (1) following Diagnostic Code 6704; December 1, 1949.

Note preceding Diagnostic Code 6721; July 6, 1950.

Second note following Diagnostic Code 6724; December 1, 1949.

Diagnostic Code 6802—Criteria for all evaluations; September 9, 1975.

Diagnostic Code 6821—Evaluations and note; August 23, 1948.

3. Section 4.104 is revised to read as follows:

4.104 Diagnostic Code 7000—30%; July 6, 1950.

Diagnostic Code 7005—100% evaluation for chronic residuals; September 9, 1975.

Diagnostic Code 7015—100% evaluation, criteria all evaluations and Notes (1) and (2); September 9, 1975.

Diagnostic Code 7016; September 9, 1975.

Diagnostic Code 7100—20%; July 6, 1950.

Diagnostic Code 7101 "or more"; September 1, 1960.

Diagnostic Code 7101—Note (2); September 9, 1975.

Diagnostic Code 7110—criteria for 100%, Note and 60% and 20% evaluations; September 9, 1975.

Diagnostic Code 7111—Note; September 9, 1975.

Diagnostic Code 7114, 7115, 7116 and Note; June 9, 1952.

Diagnostic Code 7117 and Note; June 9, 1952.

Note following Diagnostic Code 7120; July 6, 1950.

Diagnostic Code 7121—Criteria for 30% and 10% and Note; July 6, 1950.

Last sentence of Note following Diagnostic Code 7122; July 6, 1950.

4. Section 4.114 is revised to read as follows:

4.114 Diagnostic Codes 7304 and 7305—Evaluations; November 1, 1962.

Diagnostic Code 7308—Evaluations; April 8, 1959.

Diagnostic Code 7319—Evaluations; November 1, 1962.

Diagnostic Code 7321—Evaluations and Note; July 6, 1950.

Diagnostic Code 7328—Evaluations and Note; November 1, 1962.

Diagnostic Code 7329—Evaluations and Note; November 1, 1962.

Diagnostic Code 7330—60% evaluation; November 1, 1962.

Diagnostic Code 7332—60% evaluation; November 1, 1962.

Diagnostic Code 7334—50% and 30% evaluations; July 6, 1950.

Diagnostic Code 7334—10% evaluation; November 1, 1962.

Diagnostic Code 7345—100%, 60% and 30% evaluations; August 23, 1948.

Diagnostic Code 7345—10% evaluation; February 17, 1955.

Diagnostic Code 7346—Evaluations; February 1, 1962.

Diagnostic Code 7347; September 9, 1975.

5. Section 4.115a is revised to read as follows:

4.115a Diagnostic Code 7500—Note; July 6, 1950.

Diagnostic Code 7524—Note; July 6, 1950.

Diagnostic Code 7530; September 9, 1975.

Diagnostic Code 7531; September 9, 1975.

6. Section 4.117 is revised to read as follows:

4.117 Diagnostic Code 7703—Evaluations; August 23, 1948.

Diagnostic Code 7709—Evaluation and Note; June 9, 1952.

Diagnostic Code 7714; September 9, 1975.

7. Section 4.119 is revised to read as follows:

4.119 Diagnostic Code 7911—Evaluations and Note; March 1, 1963.

Diagnostic Code 7913—Note; September 9, 1975.

8. Section 4.124a is revised to read as follows:

4.124a Diagnostic Code 8045; October 1, 1961.

Diagnostic Code 8046; October 1, 1961.

Diagnostic Code 8100—Evaluations; June 9, 1953.

Diagnostic Codes 8910 through 8914; October 1, 1961.

Diagnostic Codes 8910 through 8914 General Rating Formula—Criteria and evaluations; September 9, 1975.

[FR Doc.75-24506 Filed 9-12-75; 8:45 am]

#### Title 39—Postal Service

#### CHAPTER I—U.S. POSTAL SERVICE PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Solicitations by Mail in the Guise of Bills, Invoices, or Statements of Account  
On November 22, 1972, at the conclusion of a public rulemaking proceeding,



the Postal Service published a revision of § 123.4(f) of title 39, CFR, dealing with the mailability of solicitations in the guise of bills, invoices, or statements of account. 37 FR 24825. On February 10, 1975, at the conclusion of another public rulemaking proceeding, the Postal Service, in the course of a complete revision of parts 123 and 124 of the Postal Service Manual (which had previously been incorporated by reference in the FEDERAL REGISTER, see 39 CFR 111.1), carried over the material covered by § 123.4(f) of title 39, CFR, and renumbered it as 123.41 of the Postal Service Manual. 40 FR 6206. However, due to an administrative error, the material carried over failed to include the revisions made in the November 22, 1972 rulemaking proceeding. Accordingly, in order to correct this error and thus to reinstate the regulation as revised and adopted on November 22, 1972, the Postal Service hereby adopts the following amendment of the Postal Service Manual:

**PART 123—NONMAILABLE MATTER—WRITTEN, PRINTED AND GRAPHIC MATTER**

In 123.4 of the Postal Service Manual, revise .41 to read as follows:

.41 solicitation in the guise of bills, invoices, or statements of account (39 U.S.C. § 3001(d))

Any otherwise mailable matter which reasonably could be considered a bill, invoice, or statement of account due, but is in fact a solicitation for an order, is nonmailable unless it conforms to the following requirements:

a. Each such solicitation shall bear the notice: **THIS IS NOT A BILL.** The notice shall appear on the face of such solicitation in boldface capital letters of a color prominently contrasting with the background against which it appears, including all other print thereon, and at least as large and as bold as any other print thereon but not smaller than 30-point type. The notice shall be located in accordance with one of the following options.

(1) On the center of the diagonal described by a straight line drawn from the vertex of the lower left corner to the vertex of the upper right corner; or

(2) Overprinting each portion of the solicitation which reasonably could be considered to specify a monetary amount due and payable by the recipient.

b. In addition to the requirements in a., such solicitation shall bear on its face the following disclaimer:

**THIS IS A SOLICITATION. YOU ARE UNDER NO OBLIGATION TO PAY UNLESS YOU ACCEPT THIS OFFER.**

c. The disclaimer shall meet the following requirements:

(1) It shall be surrounded by clear space of at least one-quarter inch;

(2) It shall appear in boldface capital letters no smaller than 18-point type and of the same color as the notice required by .41a; and

(3) It shall not, by folding or any other device, be rendered less prominent than any other information on the face of the solicitation.

d. Any solicitation which states that it has been approved by the Postal Service or by the Postmaster General or that it conforms to any postal law or regulation is nonmailable.

The above amendment is effective immediately.

A Post Office Services (Domestic) transmittal letter making this change in the pages of the Postal Service Manual is in the process of being published and will be transmitted to subscribers automatically as soon as possible. Notice of the issuance of this transmittal letter will be published in the usual manner in the FEDERAL REGISTER through an appropriate amendment to 39 CFR 111.3. (39 U.S.C. 401)

ROGER P. CRAIG,  
Deputy General Counsel.  
[FR Doc.75-24404 Filed 9-12-75; 8:45 am]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER C—AIR PROGRAMS**  
[FRL 418-1]

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Revision to the New York State Implementation Plan**

On January 27, 1975, the Commissioner of the New York State Department of Environmental Conservation (NYSDEC) submitted a proposed revision to the New York State implementation plan which consisted of a recently adopted Part 203 (Indirect Sources of Air Contamination), of Subchapter A, Chapter III, Title 6 of New York's Official Compilation of Codes, Rules and Regulations (6NYCRR).

Part 203 was subject to New York State public hearings on October 15 and 17, 1974 and became effective on January 13, 1975. The regulation provides for the preconstruction review of indirect sources which meet the following criteria:

(1) In New York County: the construction or modification of any parking facility or any associated parking area in New York County;

(2) Throughout the State: the construction or modification of any airport which results or may result in the following activity within ten years after completion of the construction or modification:

(i) In the case of a new airport, 50,000 or more aircraft operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year;

(ii) In the case of a modified airport, an increase of 50,000 or more aircraft operations per year by regularly scheduled air carriers over the existing annual volume of aircraft operations, or an increase of 1,600,000 or more passengers per year;

(3) In any urban area: (i) The construction of any new parking facility, or other new indirect source with an associated parking area, which adds new parking capacity of 1,000 vehicles or more;

(ii) The modification of any parking facility or any associated parking area

which, by itself, or when added together with all parking capacity constructed since November 4, 1973 or the date the latest permit to construct has been issued for such facility or area, will produce parking capacity of 500 vehicles or more, unless such modification has been approved under the latest permit to construct;

(iii) The construction of any road or highway section on which the annual average of daily traffic volume within 10 years of completion of construction exceeds or may exceed 20,000 vehicles;

(iv) The modification of any existing section of road or highway which increases or may increase the annual average of daily traffic volume within 10 years of completion of modification by more than 10,000 vehicles;

(4) Outside an urban area: (i) The construction of any new parking facility, or other new indirect source with an associated parking area, which adds new parking capacity of 2,000 vehicles or more;

(ii) The modification of any parking facility or of any associated parking area which, by itself or when added together with all parking capacity constructed since November 4, 1973 or the date the latest permit to construct has been issued for such facility or area, will produce parking capacity of 1,000 vehicles or more, unless such modification has been approved under the latest permit to construct;

(5) Whenever an indirect source or associated parking area is to be constructed or modified in planned incremental phases, the Commissioner may approve any or all such phases in a singular review and approval action.

Urban areas are defined as those locations in the State which may have a potential for violating any national ambient air quality standard in the 10-year period following standard attainment. A listing of these "urban areas" is given in § 203.2(e) of the regulation.

The regulation requires that all affected indirect sources be subject to a detailed analysis to show that operation of the source will not cause contravention of applicable national ambient air quality standards. The applicable national standards for a parking facility are the national standards for carbon monoxide. With regard to construction and modification of highway sections and airports the applicable ambient air quality standards are the national standards for carbon monoxide, photochemical oxidants and nitrogen dioxide.

Section 203.9 describes the criteria by which the State will determine whether or not to issue an indirect source permit to construct. Prior to the issuance of the permit it must be shown that the operation of the indirect source will not: (1) Cause a violation of any applicable ambient air quality standard or, where a violation of such standard exists, increase the ambient concentration of the applicable pollutant or interfere with attainment or maintenance of such standard; (2) cause a violation of applicable portions of any control strategy of an ap-

plicable implementation plan approved or promulgated under the Clean Air Act and in effect at the time of the issuance of the permit; and (3) result in a violation of any of the provisions of New York's Codes, Rules and Regulations.

The regulation submitted by New York State will allow EPA to revoke the indirect source regulations which EPA promulgated on February 25, 1974 (39 FR 7282) and amended July 9, 1974 (39 FR 25292). In addition, the EPA disapproval of § 201.4 of Part 201 of 6NYCRR will also be revoked. This occurs since Part 201 has been modified and Part 203 replaces Part 201 with regard to the preconstruction review of indirect sources of air pollution.

EPA has completed its review of the adequacy of the proposed revision request and has determined that the New York State regulation is either as stringent or more stringent than the EPA promulgations of February 25 and July 9, 1974. Specifically, the State regulation is more stringent than the EPA regulation in the following way: In New York County, preconstruction review of parking facilities will be required for all new or modified facilities, regardless of size. The EPA review is limited to new facilities having greater than 1,000 spaces and to modifications of facilities of 500 or more spaces.

Section 203.1(a) states that the City of New York has the authority to enforce the requirements of Part 203 in the New York City area. However, the information submitted with the proposed revision request did not contain documentation of the authority under which the City would be able to review indirect sources in accordance with the requirements of Part 203. In addition, the State failed to present a showing of resources which are considered necessary to enforce Part 203. To provide clarification on these points the State of New York, on May 8, 1975, sent to the Region II Office:

(1) A Copy of an order which delegates to the New York City Environmental Protection Administration the authority to enforce Part 203 of 6NYCRR. This order requires the City to report to the State on at least a quarterly basis all applications received and permits to construct, either issued or denied; and

(2) A State stipulation that, in addition to manpower currently assigned for National Environmental Policy Act review of highways, there are five additional people employed in the indirect source review program. Three of these are in the New York City Environmental Protection Administration and the other two are employed by the State.

The Administrator's review of this material has determined that it adequately responds to the issues raised.

On April 4, 1975 (40 FR 15094) EPA announced receipt of the proposed revision to the New York implementation plan and provided the opportunity for a 30-day public comment period on the proposed revision. The public comment period ended on May 4, 1975 with four comments being submitted to the Region II Office. In this notice, it was erroneously mentioned that Part 203 of 6NYCRR

was more stringent than the EPA promulgations with regard to highways and airports since the New York State review included a determination that the national standards for carbon monoxide, photochemical oxidants, and nitrogen oxides would not be contravened while the EPA review was limited to a determination that only the national standard for carbon monoxide and photochemical oxidants would not be contravened. It should be noted that the EPA regulation also provides for review of highways and airports to determine that national standards for nitrogen oxides will not be contravened.

Two of the four comments which were received objected to the proposed revision on the basis that nonstructural modifications of parking facilities are allowed without prior State approval. Changes in operating procedures, such as from self parking to attendant parking, which do not involve physical modifications, but do increase the number of parking spaces, are exempt from review under Part 203. The Administrator has considered this comment and determined that the only facilities which could benefit from this would be those whose operation was begun prior to the effective date of Part 203 which later change to attendant parking. However, the Administrator does not consider this to be a matter of great significance insofar as it does not contradict any of the provisions of the EPA promulgations of February 25 and July 9, 1974.

Another comment recommends a series of regulatory changes clarifying Part 203 easing the burden of complying with the regulation. The Administrator believes that these matters can best be handled through the State's administrative process and that specific regulatory changes should be addressed to New York State rather than EPA for consideration for inclusion in possible future revisions of Part 203. EPA believes that New York State's regulation is clear enough to be enforceable and to give fair notice to those affected by it of the permit requirements. It is not EPA's function under the Clean Air Act to second guess states on draftsmanship unless EPA finds that a regulation is so vague as to be unenforceable or contains fatal loopholes.

The last comment claims that to require that all parking facilities in New York County undergo preconstruction review would not be cost effective. It also suggested that since EPA has not required the review of any parking facility of less than 250 parking spaces (except in Fairbanks, Alaska) the scope of the State's review should be similarly limited. The State of New York believes that the review of all new or modified parking facilities in New York County is warranted in view of the magnitude of the carbon monoxide problem in the City. Moreover, by virtue of sections 110(a) and 116 of the Clean Air Act, EPA has no authority to disapprove state regulations on the ground that they are more stringent than necessary to meet Federal standards.

**Effective Date.** In view of the fact that New York is already conducting review under its regulation and that it will serve

no useful purpose to defer the effectiveness of this approval for 30 days, the Administrator hereby finds good cause for making this rulemaking effective immediately.

(42 U.S.C. 1857c-5 and 9)

Dated: September 8, 1975.

JOHN QUARLES,  
Acting Administrator.

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

**Subpart HH—New York**

1. In § 52.1670, paragraph (c) is amended by revising subparagraph (3) as follows:

§ 52.1670 Identification of Plan.

(c) . . . . .  
(3) October 26, 1973, November 27, 1973, January 17, 1974, August 29, 1974, October 11, 1974, December 6, 1974, January 27, 1975, February 25, 1975, May 8, 1975.

§ 52.1680 [Revoked]

2. Section 52.1680 is revoked.

[FR Doc.75-24361 Filed 9-12-75; 8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS  
[FRL 430-7]

**PART 435—OFFSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY**

**Notice of Interim Final Rule Making**

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The regulation set forth below establishes Part 435—oil and gas extraction point source category and will be applicable to existing sources for the near-offshore subcategory (Subpart A), and the far-offshore subcategory (Subpart B) of the offshore segment of the oil and gas extraction point source category pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources and pretreatment standards for existing sources and for new sources.

(a) Legal authority.

(1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section

304(b) of the Act. Section 301(b) also re-

time effluent limitations are established

were considered. These included the total

and free floating emulsified oils in the waste water will effect the aquatic flora

cuttings are brought to the surface of the well with the drilling muds and then

easily achieved by the introduction of either dry or gaseous chlorine in flow dependent amounts. Sanitary wastes from



304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the near-offshore subcategory (Subpart A), and the far-offshore subcategory (Subpart B) of the offshore segment of the oil and gas extraction point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

#### (2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the near-offshore subcategory (Subpart A), and the far-offshore subcategory (Subpart B) of the offshore segment of the oil and gas extraction point source category.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the

time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. In another section of the Federal Register regulations are proposed in fulfillment of these requirements.

(b) Summary and basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for both new and existing sources.

#### (1) General methodology.

The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors

were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the near-offshore subcategory (Subpart A), and the far-offshore subcategory (Subpart B), of the offshore segment of the oil and gas extraction point source category.

#### (i) Categorization.

For the purpose of studying waste treatment and effluent limitations, the offshore segment of the oil and gas extraction point source category was divided into two discrete subcategories. These subcategories were primarily based on considerations of (1) geographic location; (2) type of facility; and (3) waste water characteristics and treatability as outlined in the Development Document for the Offshore Segment of the Oil and Gas Extraction Industry Point Source Category. These subcategories are defined as:

(1) Subpart A—Near-Offshore Subcategory. This subcategory includes those offshore facilities within State waters engaged in the production, field exploration, drilling, well completions and well treatment of the oil and gas extraction industry.

(2) Subpart B—Far-Offshore Subcategory. This subcategory includes those offshore facilities within Federal waters engaged in the production, field exploration, drilling, well completions and well treatment of the oil and gas extraction industry.

A preliminary evaluation of the initial economic impact analysis, indicates that the draft recommendations for no discharge effluent limitations may not be justified for all onshore facilities. Therefore, a new level of best practicable control technology currently available must be defined, costed, and a subsequent economic impact analysis must be performed for onshore facilities. As a result of the stringent court ordered dates requiring promulgation of effluent limitations for this industry, sufficient time was not available to perform the above mentioned redefinition, costing and economic analysis. Consequently, the effluent limitations guidelines for the onshore segment of the oil and gas extraction point source category will be published by the Agency at a later date.

#### (ii) Waste characteristics.

The major pollutant parameters in the waste waters resulting from the oil and gas extraction industry are oil and grease, residual chlorine, and floating solids. The water insoluble hydrocarbons

and free floating emulsified oils in the waste water will effect the aquatic flora and fauna by interfering with oxygen transfer, coating bottom fauna and fish spawning grounds, damaging the plumage and coats of water fowl and animals, by adhering to the gills of fish, and by causing taste and toxicity problems. Thus, due to the significant impact of oil and grease upon aquatic systems and existence of technologically and economically viable treatment systems, effluent limitations have been developed to control this pollutant parameter. Residual chlorine concentrations are directly correlatable to fecal coliform bacteria counts in the sanitary wastes generated on offshore facilities. Fecal coliform bacteria concentrations serve as an indication of the pathogenic potential of water resulting from the disposal of human wastes. Compliance with residual chlorine limitations is readily achieved through the proper control of waste water chlorinators. Floating solids are primarily the result of discharges from domestic and sanitary wastes from manned and intermittently manned offshore facilities. These pollutants may settle to form detrimental deposits or they may continue to float and produce objectionable odors. The technologies and "good-housekeeping" practices necessary to control floating solids are readily available.

Interim final effluent limitation guidelines achievable through the application of the best practicable control technology currently available are established below to control each of the above pollutants. No limitations have been established for several other existing waste water pollutants because: they occur in insignificant quantities; the technology is not presently available to control the pollutant discharge; the benefit derived from removal of the pollutants does not justify the high treatment costs; or available data indicates they are normally reduced incidentally with the removal or reduction of a limited pollutant parameter.

(iii) Origin of waste water pollutants in the offshore segment of the oil and gas extraction category (1) Subpart A—Near-Offshore Subcategory. The waste waters generated in this subcategory are the result of eight separate sources. These sources are: produced water; deck drainage; drilling muds; drill cuttings; well treatment; sanitary; domestic; and produced sands. Produced waters are those waste waters generated when the natural oil-water or gas-water interfaces within the oil-gas bearing formations are disrupted. Deck drainage includes all waste resulting from platform washings, deck washings, and run-off from curbs, gutters, and drains including drip pans and work areas. Drilling muds are those materials used to maintain hydrostatic pressure control in the well, lubricate the drilling bit, remove drill cuttings from the well, or stabilize the walls of the well during drilling or workover. Drill cuttings wastes contain metallic and mineral particles resulting from drilling into subsurface geologic formations. Drill

cuttings are brought to the surface of the well with the drilling muds and then separated from the muds. Well treatment wastes result from acidizing and hydraulic fracturing to improve oil recovery. Sanitary wastes include human body wastes discharged from toilets and urinals on board the platforms. Domestic wastes are those wastes discharged from sinks, showers, laundries, and galleys. Produced sands wastes consist of the slurried particles used in hydraulic fracturing and of the accumulated formation sands generated during production.

The controlled pollutant for all waste water sources except sanitary and domestic wastes is oil and grease. For the sanitary wastes and domestic wastes sources only residual chlorine and floating solids will be limited respectively.

(2) Subpart B—Far-Offshore Subcategory. The waste water pollutant sources for this subcategory are the same as those outlined above for the near-offshore subcategory. The pollutants limited for this subcategory are, again, the same as those limited for the near-offshore facilities.

#### (iv) Treatment and control technology.

Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available.

The major source of waste waters generated by offshore facilities are produced waters. These produced waters account for 0 to 99 percent of the total volume of fluids produced. This extreme fluctuation of flow volumes of produced waters is dependent on natural phenomena and is not subject to process controls. Consequently, the effluent limitations guidelines for the offshore segment of the oil and gas extraction industry are concentration based as opposed to a mass per unit production basis.

(1) Treatment in the Near-Offshore Subcategory. Several technologies have been identified as the best practicable control technology currently available. The determination of which technology is to be applied to meet these interim final limitations is dependent upon the source of the waste water within this subcategory. For those waste waters originating from produced water sources or deck drainage sources, any of the following treatment technologies may be employed to achieve these interim final limitations: gas flotation; parallel plate coalescers; loose or fibrous media filter systems; or gravity separation. The drilling muds and drill cuttings may be discharged if they are water based and their discharge does not result in free oil on the surface waters. Muds and cuttings that are oil based may not be discharged. Well treatment waste waters are typically combined with other waste streams entering the waste water treatment system. This waste may not be discharged without treatment. Sanitary wastes from platforms manned continuously by ten or more personnel will be required to maintain a residual chlorine concentration as close to 1 mg/l as possible. This is

easily achieved by the introduction of either dry or gaseous chlorine in flow dependent amounts. Sanitary wastes from platforms manned by 9 or less persons or from platforms that are intermittently manned must prevent the discharge of floating solids. This may be accomplished by the use of screening devices, shredders or similar devices. Produced sand wastes must be treated by solvent washes or other oil removal processes to prevent the discharge of free oil to surface waters or disposed of on-shore.

Oil and gas extraction facilities in the near-offshore subcategory have the option of piping their waste waters to on-shore treatment facilities. In many cases this method of treating wastes will be preferable to treatment on the near-offshore facility.

The 1983 best available technology economically achievable limitations and the new source performance standards will require no discharge of waste water pollutants to navigable waters for wastes generated by produced waters sources of this subcategory. This will generally require subsurface disposal technologies. In those cases where the produced waters are needed for pressure maintenance the produced waters may be reinjected into the original formation. If the produced waters are either incompatible or are not needed they must be injected into formations other than their place of origin. When deep-well injection is chosen as the method of disposal adequate precautions must be taken to prevent the horizontal or vertical migration of pollutants. Alternative technologies include discharge to lined pits, ponds, or reservoirs for evaporation, and disposal by commercial waste collectors.

(2) Treatment in the Far-Offshore Subcategory. The waste water sources, characteristics, and treatment technologies associated with best practicable control technology currently available for this subcategory are identical, with one exception, to those described for the near offshore category. The exception to the above is that far-offshore facilities generally are not capable of piping their wastes to onshore treatment facilities.

To comply with the best available technology economically achievable limitations and with the new source performance standards no new or additional treatment technology should be necessary for this subcategory. It is expected that during the next eight years adequate experience and expertise will be acquired to allow higher, more efficient pollutant removals employing the same technologies. New sources can design and integrate waste treatment systems into the plant operation prior to construction. This reduces many problems inherent with "add-on-end-of-pipe" treatment systems and thus results in achievement of higher pollutant removal efficiencies.

Solid waste control must be considered. Best practicable control technology as known today, requires disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances re-

quiring only minimal custodial care. of crude per day or 1,700,000 KWH per

This summary of the economic impact

would allow full cost recovery, then in terms of total U.S. oil consumption the

worked for a number of years. Moreover, the deferral of production losses dis-

Inc.; (11) Marathon Oil Company; (12) Mobil Oil Company; (13) Cham-



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quiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to insure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

The application of best practical control technology currently available results in no additional solid waste disposal problems. That may not be properly disposed by practices currently employed by the industry.

(v) Cost estimates for control of waste water pollutants.

The costs for providing in-plant controls are largely those associated with capital investment for process and equipment modifications. The capital investment costs for compliance with the 1977 limitations for the offshore segment of the oil and gas extraction industry range from approximately 68.0 to 148.9 million dollars. The operating and maintenance costs associated with these capital costs are estimated to vary from 6.0 to 12.8 million dollars.

The costs associated with end-of-pipe treatment to comply with 1983 limitations include amortization of capital investments over a 10 year period, debt servicing, and operation and maintenance. The 1983 limitations will require an estimated 61.8-68.5 million dollars of capital investment and an estimated 6.3 million dollars increase in annual operation and maintenance costs.

(vi) Energy requirements and non-water quality environmental impacts.

Energy requirements for this industrial category to comply with these interim final regulations by the application of best practicable control technology currently available are approximately 120,000 KWH/day. This is approximately equivalent to 391 barrels of crude per day or 0.03 percent of the total crude produced by offshore facilities.

These energy requirements are due primarily to the need for additional electrical power generation equipment and will generally be consumed in the form of diesel fuel.

The application of best practicable control technology will result in a net energy savings of 25 percent. This is a direct result of the 1.4 barrels of crude recovered by the treatment system for every one barrel of diesel fuel used.

The energy requirements for compliance with best available technology economically achievable limitations are estimated to be approximately 5400 barrels

of crude per day or 1,700,000 KWH per day. This represents 0.54 percent of the total estimated crude production from existing sources expected in 1983. These energy requirements assume that there will be a 20 percent reduction in crude production from 1977 levels and that all produced waters from near-offshore facilities will go to subsurface disposal. More probably some portion of the produced water wastes will be used in secondary recovery. A net recovery of approximately 1100 barrels per day of crude from the treatment systems has been assumed in the determination of these energy requirements.

It is estimated that compliance with the new source performance standards will require considerably less energy than that needed to achieve the 1983 best achievable technology limitations. This estimate is based on the assumption that much less raw waste water volume will be generated from new formations and the same treatment technologies will be employed.

A minimal impact is expected for solid waste disposal from offshore facilities. The collection, and subsequent transport to shore of oily sand, silt, and clays from the addition of desanding units, where appropriate, will generate a possible need for additional approved land disposal sites. There are no known radioactive substances used in the industry other than as integral components of certain instruments, such as well-logging instruments. Therefore, no radiation problems are expected. Noise levels will not be increased except in those cases where additional power generating equipment must be added to an offshore facility. The only possible source of air pollution would result from the above mentioned additional power generation equipment.

(vii) Economic impact analysis.

Estimated internal costs for existing sources in millions of dollars.

Region	1977		1983	
	Investment	Operating	Investment	Operating
Gulfoffset	\$63.8-\$144.7	\$5.6-\$12.4	\$49.7-\$56.4	\$5.2
Alaska	4.2	.4	12.1	1.1
Total	68.0-148.9	6.0-12.8	61.8-68.5	6.3

The investment and operating costs for a new source should be similar to the cost for an existing source, though the investment cost may be somewhat lower since prior planning would alleviate the cost of acquiring additional space that some existing sources must cope with.

External costs are assessed in terms of the effect which the increase in internal costs will have on prices, employment, communities and regions, international trade, closures of existing facilities, and production.

**Effect on Prices:** A projection of the price effect, if any, that might be expected given the investment and operating costs of compliance is difficult since a major change in the regulation of oil, and possibly of gas, seems likely at this time. Nonetheless, prices of uncontrolled oil and gas output can be expected to be

This summary of the economic impact of the effluent limitation guidelines is based largely on the report entitled "Economic Analysis of Proposed and Interim Final Effluent Guidelines of the Offshore Oil and Gas Producing Industry." The internal and external costs of compliance with the guidelines are considered acceptable. (Data presented in this section is in 1974 dollars and, unless otherwise indicated, encompasses the industry's petroleum and gas operations in both Federal and State waters.)

Internal costs are defined as the increase in investment and annual operating costs for the industry as a whole that will occur as a result of the guidelines. For existing operations, the 1977 standards will require an estimated \$68.0-\$148.9 million of investment and an estimated \$6.0-\$12.8 million initial increase in annual operating costs; the 1983 guidelines will require an estimated \$61.8-\$68.5 million of investment and an estimated \$6.3 million initial increase in annual operating costs. The annual operating costs for existing sources should decline over time as producing units reach the end of their economic life and are shut-in.

Estimates of the total internal costs for existing sources were derived from an analysis of the industry's three producing regions. The estimated internal costs for two of these regions, the Gulf Coast and off-shore Alaska, are shown below in tabular form. A range of costs is shown for the Gulf Coast; the range indicates how the investment and initial annual operating costs can be expected to change in response to change in a critical parameter, i.e. price, decline rate, or cost of capital. Only a point estimate is available for Alaska at this time. The third region, off-shore California, is not shown since the guidelines will have virtually no impact on operations in this area.

unaffected by the costs of compliance with the proposed regulations; these prices will move with world oil and gas prices. Thus, in the event of total decontrol, no increase in prices would be expected to result from the added pollution control costs. In the event that some form of control is perpetuated, price increases on the proportion of output that is controlled might be allowed by the regulatory authorities.

Prices of interstate gas are currently regulated. Assuming continued regulation, the increased costs of producing interstate gas would probably be recovered; however, in terms of total U.S. gas production this would probably constitute a price increase of less than one-third of one percent. Similarly, if prices of old oil continue to be controlled and one assumes that the regulatory authorities

would allow full cost recovery, then in terms of total U.S. oil consumption the price of oil might increase by a few cents a barrel. However, because of the uncertain regulatory environment, a "worst case" assumption—that producers will have to absorb all costs of compliance—has been made in estimating the impact on production.

**Effect on Well Abandonment and Foregone Production:** In the Gulf, less than 0.2% of existing well completions could be abandoned in 1977 as a result of the increased costs of pollution abatement, while in 1983 an estimated 0.9%-1.5% of existing completions could be abandoned. However, the economic impact of the effluent limitation guidelines is best shown by data on the loss in potential production, not by the percentage of abandoned completions, for two reasons. First, any of the abandoned completions are already near the end of their producing life, and, second, Gulf production losses result almost entirely from a decrease in producing life due to increased operating costs rather than from shut-ins precipitated by 1977 or 1983 investment requirements. Since the losses in production occur at the end of producing life, most of the losses will be significantly deferred beyond 1983 and spread over many years. For existing sources in the Gulf of Mexico, the loss in potential production is estimated as 0.6%-1.2% (14.0-27.8 million BBL) for oil and 0.3%-1.0% (81.4-249.4 million MCF) for gas.

Assuming that the costs of operating off-shore Alaska are similar to the Gulf, no abandonments are projected for Alaska in either 1977 or 1983. The loss in potential production is estimated as .8% (2.26 million BBL) for oil and .8% (2.44 million MCF) for gas. However, the costs of operating in Alaska may be significantly higher than in the Gulf. Assuming that costs are three times as high, the estimated loss in potential production would increase to 2.4% (6.8 million BBL) for oil and 2.7% (7.0 million MCF) for gas. Due to uncertainties about the costs of operating off-shore Alaska, the Agency will be reviewing its Economic Impact Analysis for this area and would be particularly interested in receiving comments on this point, especially cost data.

The impact on new sources is difficult to estimate since energy needs and the returns associated with developing and operating a new source may change dramatically over the next several decades. Moreover, by 1985 only a small proportion of off-shore oil is expected to come from state waters; new off-shore production is expected to occur principally in federal waters. However, an indication of the likely impact on new sources might be obtained by examining the impact on existing Gulf sources in federal waters where the loss in potential production for oil is estimated at .5%-1.0% and the loss in potential production for gas is estimated at 0.3%-0.85%. For a new source these ranges would be expected to be even lower since new wells should, on average, have a larger potential production than existing wells that have been

worked for a number of years. Moreover, the deferral of production losses discussed in connection with existing sources in the Gulf should be even more pronounced for a new source that has yet to begin a longer expected production life.

**Other Effects:** The impact on the balance of payments will be adverse. Assuming a world price of \$11/BBL for oil and \$2/MCF for gas an outflow of less than \$30 MM is expected through 1985 however. No significant employment or community impacts are anticipated.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Offshore Segment of the Oil and Gas Extraction Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the offshore segment of the oil and gas extraction category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted:

- (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act);
- (2) all State and U.S. Territory Pollution Control Agencies;
- (3) Exxon Chemical Corporation;
- (4) Nalco Chemical Company;
- (5) Phillips Petroleum Company;
- (6) Oil Operators, Inc.;
- (7) Sun Oil Company;
- (8) Petrolite Corporation;
- (9) Enviro-tech Corporation;
- (10) Pollution Control Engineering,

- Inc.;
- (11) Marathon Oil Company;
- (12) Mobil Oil Company;
- (13) Champlain Petroleum Company;
- (14) Brown & Root, Inc.;
- (15) Western Oil & Gas Association;
- (16) American Society of Mechanical Engineers;
- (17) The Conservation Foundation;
- (18) Businessmen for the Public Interest;
- (19) Environmental Defense Fund, Inc.;
- (20) Natural Resources Defense Council;
- (21) American Society for Civil Engineers;
- (22) Water Pollution Control Federation;
- (23) National Wildlife Federation;
- (24) Kimberly Clark Corporation;
- (25) Off-shore Operators Committee;
- (26) Exxon Company, U.S.A.;
- (27) American Petroleum Institute;
- (28) American Oil Company;
- (29) Atlantic Richfield Company;
- (30) Chevron Oil Company;
- (31) Continental Oil Company;
- (32) Gulf Oil Company;
- (33) Noble Drilling Company;
- (34) Rheem Superior;
- (35) Shell Oil Company;
- (36) Texaco, Inc.;
- (37) United States Filter;
- (38) Union Filter Company;
- (39) WEMCO.

The following responded with comments: Marathon Oil Company; Mid-Continent Oil & Gas Association; American Petroleum Institute; South Texas Section, A.I. Ch. E.; Offshore Operators Committee; Department of Health, Education, and Welfare; Shell Oil; Getty Oil Company; Petrolite Corporation-Tretolite Division; Sun Oil Company; Atlantic Richfield Company; Exxon Company, U.S.A.; Colorado Department of Health; Western Oil & Gas Association; Illinois Environmental Protection Agency; North Carolina Department of Natural and Economic Resources; State of Michigan, Department of Natural Resources; Texaco; U.S. Department of the Interior; U.S. Department of Commerce; State of Alaska, Department of Environmental Conservation; Effluent Standards and Water Quality Information Advisory Committee; Wyoming Department of Environmental Quality; Wyoming Environmental Institute; Powder River Basin Resource Council—Buffalo, Wyoming; Wyoming Game and Fish Department; and Wyoming State League of Women Voters.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) A common criticism was that in defining BPCT for continuously manned facilities with ten or more people, provisions be made for the use of other satisfactory methods of treatment, besides biological waste treatment systems, that may be available in the future.

The treatment systems used do not have to be biological. Any type of system may be used, as long as it meets the residual chlorine limits.

(2) One commenter suggested that the residual chlorine should be specified to be a minimum of 1 mg/l and maintained as close to this concentration as possible.

It is recognized that the disinfection technique used on offshore platforms is not as sophisticated and doesn't have the control capabilities of the units used in large municipal plants. For this reason,

the limitation has been changed to decks are necessary to eliminate fire and

for the daily maximum being higher than the annual average results from the

(22) Several commenters suggested the need for a special provision in the

available, or which may be relied upon by the Agency, comments should identify

Subpart A—Near-Offshore Subcategory § 435.10 Applicability; description of



the limitation has been changed to greater than 1 ppm and as close to this concentration as possible.

(3) One commenter recommended that chlorine residual monitoring frequency be changed from daily to monthly.

This regulation does not set monitoring requirements. Any requirements of this kind are set out in individual permits.

(4) One commenter recommended that the 204B colorimetric method, given on page 385 in Standards Method, be adopted for monitoring the chlorine residual for offshore operations.

The specification of analytical methods is not within the scope of this regulation.

(5) One commenter suggested that the EPA adopt a NPDES permit compliance monitoring frequency for produced water discharges no greater than four samples in a 24 hour period each month.

The daily maximum limit for oil and grease is based on composite sampling (e.g., 4 samples taken over a 24 hour period, analyzed separately and the 4 results averaged) and the maximum monthly average is based on weekly composite sampling. However, the monitoring requirements will be fixed in the individual permits.

(6) One commenter recommended that effluent limitations guidelines consistent with BPTCA be promulgated for BAT and as a standard of performance for new sources.

Based on the evaluation of existing technologies, the cost of implementing these technologies, and other factors, the limitations have been changed to reflect improved operation and experience with continued discharge for the far-offshore subcategory and remains no discharge of produced water for near-offshore.

(7) One commenter recommends deletion of the 7 day performance test of each sanitary treatment system on initial installation, on major modification, or as an annual requirement. The commenter states that performance tests are run but may take greater than or less than 7 days.

This has been eliminated as part of the regulation, but it is recommended that some sort of performance testing be required in the NPDES permit. The determination of frequency and test interval should be on a case by case basis.

(8) One commenter wants a distinction to be made between the 2 possible types of deck drainage: one that becomes contaminated with oil and one that is kept essentially free from oil contamination. No treatment should be required for the latter.

There is no distinction made between types of deck drainage. If they are not contaminated they can meet the limitation without treatment. The contaminated deck drainage will require treatment to meet the limitation.

(9) One commenter suggested that elimination of detergents from deck washdowns could reduce water treatment system upsets. However, there is no other way to effectively clean decks. Clean

decks are necessary to eliminate fire and safety hazards.

The intent of the regulation was not the elimination of detergents but the discriminant use thereof. There exist alternate methods of deck cleaning (e.g. steam or solvent). EPA, in its field investigations, has seen exceptionally well maintained platforms where neither solvents nor detergents are used.

(10) One commenter stated that storm water runoff should be exempt from subsurface disposal provided that it is segregated from oily waste sources.

It is agreed that this should be the case and the regulation sets a separate limitation for the discharge of deck drainage in the cases where no discharge of produced water is required.

(11) One commenter states that "NONE" is not an achievable oil and grease limitation. It could literally be interpreted as "ZERO" which would effectively eliminate the discharge of the natural and fresh water based muds and the resultant cuttings.

The word "NONE" no longer appears in the regulation. "No discharge of free oil to surface waters" has been substituted.

(12) A comment was received that the size of the facility should be a consideration in setting the regulations.

Size was considered in determining applicable technology and was found to be of minimal impact. Size was also considered in the economic impact analysis.

(13) A comment was stated that the document fails to mention background concentrations of hydrocarbons, the tolerance of marine ecosystems to oil, biodegradability, short term tolerances to higher concentrations, the nutrient value of hydrocarbon in certain ranges of concentration, etc.

The regulation is designed to define treatment technologies, their costs, and the economic impact of their implementation. The Development Document is a summary of the background materials used to arrive at the conclusions reached in the regulation. Section 6 of the Development Document defines some of the effects of the pollutant parameters. Additional information on pollutants and their effects is contained in Supplement B.

(14) One commenter suggested that a limit on monthly or yearly averages be included.

The regulation is designed to fix the levels at which a technology is capable of performing. The limitations are set on short term basis so that compliance with these limitations can be determined within a short period of time. A monthly maximum is set, therefore an annual average is unnecessary.

(15) One commenter stated that produced water treatment technology is subject to malfunction caused by fluid characteristics, variations in flow rate, equipment failure, biological action, start-up problems, and improper operations.

In determining limitations set out in this regulation, all of these factors were considered. In the analysis of the data, those points which represented preventable upsets were eliminated. The reason

for the daily maximum being higher than the annual average results from the above causes.

(16) Many commenters thought that the EPA did not adequately consider environmental impact of crude oil in the marine environment and the cost of treatment or elimination of discharge.

An economic impact analysis was done in terms of lost energy through the year 2000. Constituents other than oil and grease were also looked at. The result was elimination of the zero discharge requirement for the far-offshore subcategory. It is felt that the other constituents (BOD, heavy metals, TDS, chlorides, etc.) are potentially harmful in a near shore environment. The BAT and new source requirements in this area therefore remain unchanged.

(17) Some commenters stated that there should not be different guidelines for California, the Gulf of Mexico, and Alaska.

These guidelines have been changed to be the same for all areas.

(18) One commenter suggested that biological treatment for human sewage should not be required for offshore installations normally manned by less than 30 people.

Biological treatment is not required for removal of BOD or suspended solids but rather to allow disinfection (reduction of fecal coliform level). It was felt that portable sanitary facilities would be adequate for less than ten people. To lessen the load on biological systems, regulations have been changed to separate domestic from sanitary wastes (domestic wastes do not contain fecal coliform).

(19) Several comments were received that subsurface injection was developed for purpose of secondary recovery, before being required by any state.

There was apparently some confusion when the interpretation was made that "injection was required by states", as it was known that injection is also used for production stimulation.

(20) One commenter stated that oil and grease removals attained by offshore facilities cannot and should not be applied to onshore facilities. The commenter believes that the performance of onshore facilities is much better.

A statistical comparison was made between a total of 27 facilities (including both onshore and offshore). Eight of the 10 best facilities were offshore. Therefore, there is no reason why these facilities should not be considered comparable.

(21) One commenter questioned the use of a log-normal distribution assumption.

After first assuming that the data were distributed according to a normal or bell shaped distribution, it was found that the data more nearly approximated a log-normal distribution (where the logarithm of the data is normally distributed). The upper 70-80 percent of the data, in fact, fit almost perfectly to a lognormal distribution. The limits set in the regulation are the 99th percentile probability limits of the fitted data.

(22) Several commenters suggested the need for a special provision in the regulation for treatment bypass during upsets, start-ups, and maintenance.

Fluctuations in the effluent quality caused by unpreventable upsets and malfunctions were included as part of the data base. These fluctuations are in large part the reason for the daily maximum being set almost three times as high as the annual average (72 vs. 25). Provision is made for start-up of the treatment facilities as part of the implementation schedule in each permit. When major preventive maintenance becomes necessary, there will usually be options available other than discharge of the bypassed wastes. These options include but may not be limited to: 1) storage on the platform; 2) storage onshore; 3) storage on a barge. There may be rare cases when none of these options are technically possible and these will be considered on a case by case basis.

(23) Questions have been raised concerning the availability of standards or guidelines applicable to the disposal of solid wastes resulting from the operation of pollution control systems.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to ensure their proper disposal. Additionally, state and local guidelines and regulations should be considered wherever applicable.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council vs. Train et al.* (Cv. No. 1609-73) which requires the promulgation of regulations for this industry category no later than September 1, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC § 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are

available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, S.W., Washington D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before October 15, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulation.

In consideration of the foregoing, 40 CFR Part 435 is hereby established as set forth below.

Dated: August 29, 1975.

RUSSELL E. TRAIN,  
Administrator.

#### Subpart A—Near Offshore Subcategory

- Sec. 435.10 Applicability; description of the near-offshore subcategory.  
435.11 Specialized definitions.  
435.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

#### Subpart B—Far-Offshore Subcategory

- 435.20 Applicability; description of the far-offshore subcategory.  
435.21 Specialized definitions.  
435.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1261, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500.

#### Subpart A—Near-Offshore Subcategory

##### § 435.10 Applicability; description of the near-offshore subcategory.

The provisions of this subpart are applicable to discharges resulting from those near-offshore facilities within States waters engaged in the production, field exploration, drilling, well completions, and well treatment of the oil and gas extraction industry.

##### § 435.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "State waters" shall mean the territorial seas as defined in 40 CFR 125.1(gg)—(excluding the Great Lakes).

(c) The term "M10" shall mean those offshore facilities continuously manned by ten (10) or more persons.

(d) The term "M9IM" shall mean those offshore facilities continuously manned by nine (9) or less persons or intermittently manned by any number of persons.

##### § 435.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of facility, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain facilities in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protec-

tion Agency. The Administrator may approve or disapprove such limitations, pollutant properties, controlled by this section, which may be discharged by a

Effluent limitations

The area contains 40 acres in San Bernardino County.



## RULES AND REGULATIONS

tion Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or

pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

## Effluent limitations

Pollutant parameter waste source	Oil and grease		Residual chlorine minimum for any 1 d, milligram per liter
	Maximum for any 1 d, milligram per liter	Average of daily values for 30 consecutive days shall not exceed milligram per liter	
Produced water.....	72	48	NA
Deck drainage.....	72	48	NA
Drilling muds.....	(1)	(1)	NA
Drill cuttings.....	(1)	(1)	NA
Well treatment.....	(1)	(1)	NA
Sanitary:			
M10.....	NA	NA	11
M9IM.....	NA	NA	NA
Domestic L.....	NA	NA	NA
Produced sand.....	(1)	(1)	NA

<sup>1</sup> No discharge of free oil.

<sup>2</sup> Minimum of 1 mg/l and maintained as close to this concentration as possible.

<sup>3</sup> There shall be no floating solids as a result of the discharge of these wastes.

## Subpart B—Far-Offshore Subcategory

§ 435.20 Applicability: description of the far-offshore subcategory.

The provisions of this subpart are applicable to discharges resulting from those far-offshore facilities within Federal waters engaged in the production, field exploration, drilling, well completions and well treatment of the oil and gas extraction industry.

## § 435.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "Federal waters" shall mean all waters seaward from the territorial seas as defined in 40 CFR 125.1 (gg)—(excluding the Great Lakes).

(c) The term "M10" shall mean those offshore facilities continuously manned by ten (10) or more persons.

(d) The term "M9IM" shall mean those offshore facilities continuously manned by nine (9) or less persons or intermittently manned by any number of persons.

§ 435.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of facility, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry sub-

categorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain facilities in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

## RULES AND REGULATIONS

## Effluent limitations

Pollutant parameter waste source	Oil and grease		Residual chlorine minimum for any 1 d, milligram per liter
	Maximum for any 1 d, milligram per liter	Average of daily values for 30 consecutive days shall not exceed, milligram per liter	
Produced water.....	72	48	NA
Deck drainage.....	72	48	NA
Drilling muds.....	(1)	(1)	NA
Drill cuttings.....	(1)	(1)	NA
Well treatment.....	(1)	(1)	NA
Sanitary:			
M10.....	NA	NA	11
M9IM.....	NA	NA	NA
Domestic L.....	NA	NA	NA
Produced sand.....	(1)	(1)	NA

<sup>1</sup> No discharge of free oil.

<sup>2</sup> Minimum of 1 mg/l and maintained as close to this concentration as possible.

<sup>3</sup> There shall be no floating solids as a result of the discharge of these wastes.

[FR Doc.75-24363 Filed 9-12-75; 8:45 am]

Title 43—Public Lands: Interior  
CHAPTER II—BUREAU OF LAND  
MANAGEMENTAPPENDIX—PUBLIC LAND ORDERS  
[Public Land Order 5529; J-012096]

## ALASKA

Withdrawal for National Forest  
Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws, 30 U.S.C., Ch. 2, in aid of programs of the Forest Service for utilization of the surface as an administrative site:

TONGASS NATIONAL FOREST  
HOONAH ADMINISTRATIVE SITE

U.S. Survey No. 2414,  
Lots 1, 2, 3, 7, and 8.  
Containing 10.93 acres.

JACK O. HORTON,  
Assistant Secretary of the Interior.

SEPTEMBER 8, 1975.

[FR Doc.75-24463 Filed 9-12-75; 8:45 am]

[Public Land Order 5535; Riverside 1604]

## CALIFORNIA

Withdrawal for Addition to National Forest  
Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

LOS PADRES NATIONAL FOREST  
SAN BERNARDINO MERIDIAN  
Chuchupate Administrative Site

T. 8 N., R. 20 W.,  
Sec. 8, E½NE¼NE¼;  
Sec. 9, W½NW¼NW¼, NW¼SW¼NW¼.

The areas described contain 50 acres in Ventura County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,  
Assistant Secretary of  
the Interior.

SEPTEMBER 8, 1975.

[FR Doc.75-24464 Filed 9-12-75; 8:45 am]

[Public Land Order 5533; Riverside 1151]

## CALIFORNIA

Withdrawal of Lands for Water Resource  
Development

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, and the mineral leasing laws, in aid of programs of the Corps of Engineers, Department of the Army, for construction, operation and maintenance of the Mojave River Forks Reservoir flood control project, authorized by the Act of July 14, 1960, 74 Stat. 480, 497:

SAN BERNARDINO MERIDIAN  
T. 3 N., R. 4 W.,  
sec. 22, SE¼NE¼.

The area contains 40 acres in San Bernardino County.

JACK O. HORTON,  
Assistant Secretary of  
the Interior.

SEPTEMBER 8, 1975.

[FR Doc.75-24465 Filed 9-12-75; 8:45 am]

[Public Land Order 5530; Colorado 17547]

## COLORADO

## Withdrawal for Recreation Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, for protection of their public recreation values:

SIXTH PRINCIPAL MERIDIAN  
WOLCOTT RECREATION SITE

T. 4 S., R. 83 W.,  
Sec. 9, Lots 4, 5, 6, those portions south of the centerline of the Denver and Rio Grande Western Railroad, as constructed (right-of-way, Colorado 093762) and north of the centerline of U.S. Highway 6-24, as constructed (now within right-of-way, Colorado 4370 for Interstate Highway 70).

STATE BRIDGE RECREATION SITE

T. 2 S., R. 83 W.,  
Sec. 26, S½NW¼, N½NW¼SW¼;  
Sec. 27, SE¼SE¼NE¼, NE¼NE¼SE¼.

The areas described aggregate approximately 170 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the proposed use of the lands will not interfere with the primary use for which they are withdrawn.

JACK O. HORTON,  
Assistant Secretary of  
the Interior.

SEPTEMBER 8, 1975.

[FR Doc.75-24466 Filed 9-12-75; 8:45 am]

[Public Land Order 5532; Idaho 6775]

## IDAHO

Reservation for Constructed Forest  
Service Road

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing with-

## RULES AND REGULATIONS

drawals, the following described public lands, which are under the jurisdiction

along the south boundary of the tract, identical with the south boundary of the

tract, identical with the southwest corner of lot 5 said section; thence, N.

portion of the south boundary of SW¼ SE¼ of section 3, and the line between sections 3 and 10, 5.62 chains distance

1. Executive Order No. 6583 of February 3, 1934, withdrawing lands in New Mexico to aid the State of New Mexico in

ervation, but title to said lands remain in the United States pursuant to the Act of July 18, 1952, 66 Stat. 780:



drawals, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, nor the disposal of materials under the Act of July 31, 1947, as amended, 30 U.S.C. 601, 604 (1970), and reserved for the use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964, 16 U.S.C. 532, 533 (1970):

KANIKSU NATIONAL FOREST  
BOISE MERIDIAN

T. 65 N., R. 2 W.,  
Sec. 23, lot 4 (a strip of land 100 feet in width, being 50 feet on both sides of the centerline of Smith Creek Road No. 281, as shown in right-of-way map dated July 13, 1972, over and across the named subdivision).

The area described aggregates 3.24 acres in Boundary County.

2. The withdrawal made by this order shall not preclude agricultural entries, or sales, exchanges or leases, under applicable public land laws of any legal subdivisions traversed by lands withdrawn by this order: Provided, that any such entry, sale, exchange, or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

JACK O. HORTON,  
Assistant Secretary of  
the Interior.

SEPTEMBER 8, 1975.

[PR Doc.75-24467 Filed 9-12-75; 8:45 am]

[Public Land Order 5534; New Mexico 13389]

NEW MEXICO

Partial Revocation of Withdrawals for the  
Rio Grande Canalization Project

By virtue of the authority vested in the President by the Act of May 13, 1924, as amended by the Act of August 19, 1935, 22 U.S.C. 277c (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The Executive Orders No. 8649 of January 23, 1941 and No. 8780 of June 11, 1941, and Public Land Orders No. 78 of January 15, 1943, No. 349 of February 12, 1947, No. 709 of April 10, 1951, and No. 851 of July 1, 1952, which withdrew certain lands for use of the Department of State in connection with the Rio Grande Canalization Project are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 S., R. 1 W.,  
Sec. 23, those tracts of land more particularly described as follows:

A tract of land beginning at the southwest corner of SW $\frac{1}{4}$ NE $\frac{1}{4}$  section 23, identical with the southwest corner of the tract; from which the corner of sections 14, 15, 22 and 23, bears N. 44°58' W., 57.22 chains distance; thence S. 89°42' E.,

along the south boundary of the tract, identical with the south boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of section 23, 19.94 chains distance to the southeast corner of the tract identical with the southeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of said section; thence, with the traverse of the northeast boundary of the tract, N. 43°45' W., 11.85 chains distance, N. 53°33' W., 14.52 chains distance to a point on the west boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of said section, identical with the north corner of the tract; thence, S. 0°14' W., along the west boundary of the tract, identical with the west boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of said section, 17.08 chains distance to the point of beginning, containing 18.50 acres, more or less.

A tract of land beginning at the northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of section 23, identical with the northeast corner of the tract; from which the South  $\frac{1}{16}$  section corner of sections 13 and 14 this township bears N. 27°48' E., 44.61 chains distance; thence, N. 89°59' W., along the north boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of section 23, identical with the north boundary of the tract, 3.73 chains distance to a point, identical with the northwest corner of the tract; thence S. 47°26' E., along the southwest boundary of the tract, 5.07 chains distance to a point on the east boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of section 23, identical with the south corner of the tract; thence N. 0°02' W., along the east boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of section 23, identical with the east boundary of the tract, 3.43 chains distance to the point of beginning, containing .64 acre, more or less.

An unsurveyed tract of land lying within lot 5, beginning at the southeast corner of lot 5, identical with the southeast corner of the tract; from which the  $\frac{1}{4}$  section corner of sections 23 and 24, bears N. 0°17' E., 20.165 chains distance; thence, N. 0°17' E., along the line between sections 23 and 24, identical with the east boundary of the tract, 2.54 chains distance to a point; thence, with the traverse of the northeast boundary of the tract, N. 42°10' W., 10.93 chains distance, N. 53°30' W., 16.33 chains distance to the north corner of the tract, identical with the northwest corner of lot 5 of section 23; thence, S. 0°02' E., along the west boundary of the tract, identical with the west boundary of lot 5 of section 23, 20.05 chains distance to the southwest corner of the tract, identical with the southwest corner of lot 5 said section; thence, S. 89°21' E., along the south boundary of the tract, identical with the south boundary of lot 5, section 23, 20.50 chains distance to the point of beginning, containing 24.97 acres, more or less.

T. 22 S., R. 1 W.,  
Sec. 1, an unsurveyed tract of land lying within lot 5, beginning at a point on the line between sections 1 and 36, Tps. 21 and 22 S., R. 1 W., identical with the northeast corner of the tract; from which the true point for the corner of Tps. 21 and 22 S., Rs. 1 E. and 1 W., bears N. 89°57' E., 16.55 chains distance; thence, S. 89°57' W., along the north boundary of the tract, identical with a portion of the north boundary of lot 5 of section 1, 2.87 chains distance to the northwest corner of the tract, identical with the northwest corner of lot 5 on the line between sections 1 and 36; thence, S. 0°12' W., along the west boundary of the tract, identical with the west boundary of lot 5, section 1, 19.94 chains distance to the southwest corner of the

tract, identical with the southwest corner of lot 5 said section; thence, N. 89°38' E., along the south boundary of the tract, identical with the south boundary of lot 5 of section 1, 19.30 chains distance to the southeast corner of the tract, identical with the southeast corner of lot 5 said section; thence, with the traverse of the northeast boundary of the tract, N. 42°52' W., 19.47 chains distance, N. 29°23' W., 6.36 chains distance to the point of beginning, containing 19.83 acres, more or less.

T. 22 S., R. 1 E.,  
Sec. 20, an unsurveyed tract of land lying within lots 1, 2 and 3 of section 20, beginning at the corner of sections 17, 18, 19 and 20, identical with the northwest corner of the tract; thence, south, along the west boundary of the tract, identical with the west boundary of lot 1 of section 20, 10.50 chains distance to the closing corner of sections 19 and 20 for those portions of sections 19 and 20 north of the rejected north boundary of the Mesilla Colony Grant; thence N. 89°14' E., along the north boundary of said grant, 2.50 chains distance to the closing corner of sections 19 and 20 for those portions of sections 19 and 20 south of the rejected north boundary of the Mesilla Colony Grant; thence, S. 0°01' W., along the west boundary of lot 2 of section 20, identical with a portion of the line between sections 19 and 20, 9.00 chains distance to the northwest corner of lot 3; thence, continue same bearing along west boundary of lot 3 of section 20, 20.00 chains distance to the southwest corner of the tract, identical with the  $\frac{1}{4}$  section corner of sections 19 and 20; thence, S. 89°54' E., along the south boundary of the tract identical with the south boundary of lot 3 of section 20, 20.00 chains distance to the southeast corner of the tract, identical with the southeast corner of lot 3 said section; thence, N. 0°01' E., along the east boundary of the tract, identical with a portion of the east boundary of lot 3 of section 20, 9.81 chains distance to a point; thence, with the traverse of a portion of the east boundary of the tract, N. 46°52' W., 4.33 chains distance, N. 28°52' W., 12.59 chains distance, N. 11°42' W., 16.03 chains distance to the northeast corner of the tract, identical with a point on the north boundary of lot 1 of section 20; thence, West, along the north boundary of the tract, identical with a portion of the north boundary of lot 1 of section 20 and the line between sections 17 and 20, 10.22 chains distance to the point of beginning, containing 57.95 acres, more or less.

T. 19 S., R. 2 W.,

Sec. 4, SW $\frac{1}{4}$ .

T. 19 S., R. 3 W.,

Sec. 3, A tract of land beginning at the northwest corner of lot 5, identical with the northwest corner of the tract from which the corner of sections 3, 4, 9 and 10 bears S. 10°03' E., 19.925 chains distance; thence, N. 89°47' E., along the north boundary of the tract, identical with the north boundary of lots 5, 6 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of section 3, 61.35 chains distance to the northeast corner of the tract, identical with the northeast corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$  said section; thence S. 8°07' E., along the east boundary of the tract, identical with the east boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of section 3, 19.86 chains distance to the southeast corner of the tract, identical with the southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said section; thence S. 89°39' W., along the south boundary of the tract, identical with a

1. Executive Order No. 6583 of February 3, 1934, withdrawing lands in New Mexico to aid the State of New Mexico in making exchange selections as provided for by the Act of June 15, 1926, 44 Stat. 746-748, is hereby revoked so far as it affects the following described land:

PRINCIPAL MERIDIAN

T. 28 S., R. 11 W.,  
Sec. 27, S $\frac{1}{2}$ ;  
Sec. 33, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 34, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ .

The area described aggregates 1,280 acres in Luna County.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, at 10 a.m. on October 14, 1975, the land shall be open to operation of the public land laws generally. All valid applications received at or prior to 10 a.m. on October 14, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on October 14, 1975. They have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals.

Inquiries concerning the land should be addressed to Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

JACK O. HORTON,  
Assistant Secretary of  
the Interior.

SEPTEMBER 8, 1975.

[PR Doc.75-24469 Filed 9-12-75; 8:45 am]

[Public Land Order 5531; Wyoming 36479]

WYOMING

Amendment of Public Land Order  
No. 5427

By virtue of the authority contained in section 5 of the Act of July 27, 1939, 25 U.S.C. 575 (1970), and pursuant to the recommendations of the Tribal Council and the Commissioner of Indian Affairs, it is ordered as follows:

1. Public Land Order No. 5427 of July 23, 1974, which restored to the Shoshone-Arapahoe Tribes of Indians certain lands and/or specific mineral rights, and added certain lands to the Wind River Reservation, is hereby amended to include the restoration of the coal and all mineral rights in the following described lands, and the addition of the surface of said lands to the Wind River Reservation:

WIND RIVER MERIDIAN

T. 8 N., R. 1 E.,  
Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$ .

The area described contains 160 acres in Hot Springs County.

2. Public Land Order No. 5247 of July 23, 1974, is hereby further amended to show that the following lands described therein were returned to the Res-

ervation, but title to said lands remain in the United States pursuant to the Act of July 18, 1952, 66 Stat. 780:

WIND RIVER MERIDIAN

T. 4 N., R. 6 E.,  
Sec. 3, lot 5.  
T. 3 N., R. 6 E.,  
Sec. 27, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregates 197.29 acres in Fremont County.

JACK O. HORTON,  
Assistant Secretary of  
the Interior.

SEPTEMBER 8, 1975.

[PR Doc.75-24470 Filed 9-12-75; 8:45 am]

Title 24—Housing and Urban Development  
CHAPTER X—FEDERAL INSURANCE  
ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD  
INSURANCE PROGRAM

[Docket No. FI-688]

PART 1915—IDENTIFICATION OF  
SPECIAL HAZARD AREAS

List of Communities With Special Hazard  
Areas

The purpose of this notice is the identification of communities with areas of special flood/ or mudslide/ or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the National Flood Insurance Program.

Effective July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved lending institution prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling used as the primary residence of the owner.

The effective date of identification shall be October 15, 1975, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a com-

date of publication in the FEDERAL REGISTER or the effective date of the Flood

Where several dates appear in the column set forth below marked Effective



## RULES AND REGULATIONS

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. Effective July 1, 1975, the six months period shall be considered to begin 30 days after the

## § 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Lamar	Detroit, town of	H 00135A 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104.	Mayor, P.O. Box 93, Detroit, Ala. 35552.	Aug. 30, 1974.
Do.	(To include city of Sitka and borough of Sitka)	Sitka, city and borough of	H 02006A 01 through H 02006A 02	Department of Community and Regional Affairs, Division of Community Planning, Pouch B, Juneau, Alaska 99801.	Planning Director, city and borough of Sitka, P.O. Box 79, Sitka, Alaska 99835.	June 26, 1974. Sept. 12, 1975.
Arizona	Maricopa	Phoenix, city of	H 040051A 01 through H 040051A 75	Alaska Division of Insurance, Room 410, Goldstein Bldg., Pouch D, Juneau, Alaska 99801.	Deputy City Engineer, 251 West Washington, Phoenix, Ariz. 85003.	June 28, 1974. Sept. 12, 1975.
California	Madera	Madera, city of	H 060172A 01 through H 060172A 04	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007.	City Administrator, City Hall, Madera, Calif. 93637.	July 19, 1974.
Do.	Napa	Callistoga, city of	H 060296A 01 through H 060296A 02	California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	City Engineer, City Hall, Callistoga, Calif. 94515.	May 10, 1974. Sept. 12, 1975.
Florida	Polk	Bartow, city of	H 120263A 01 through H 120263A 03	Department of Community Affairs, 2571 E. Center Circle East, Howard Bldg., Tallahassee, Fla. 32301.	Mayor, 250 Polk Ave., Bartow, Fla. 33830.	Jan. 23, 1974. Sept. 12, 1975.
Georgia	Clayton and Fulton	College Park, city of	H 130086A 01 through H 130086A 08	State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, Box F, College Park, Ga. 30337.	May 31, 1974. Sept. 12, 1975.
Idaho	Ada	Boise City, city of	H 160002A 01 through H 160002A 12	Department of Natural Resources, Office of Planning and Research, 270 Washington St., S.W., Room 707, Atlanta, Ga. 30331.	Associate Environmental Planner, 525 West Jefferson, Boise City, Idaho 83702.	June 21, 1974. Sept. 12, 1975.
Do.	Freemont	St. Anthony, city of	H 160002A 01	Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Councilman, 110 West Main St., P.O. Box 530, St. Anthony, Idaho 83445.	June 28, 1974.
Illinois	Cook	Stone Park, village of	H 170165A 01	Department of Water Administration, State House—Annex 2, Boise, Idaho 83702.	Mayor, 1623 North Mannheim Rd., Stone Park, Ill. 60165.	Mar. 22, 1974. Sept. 12, 1975.
Do.	Lake	Mundelein, village of	H 170382A 01 through H 170382A 02	Idaho Department of Insurance, Room 300—State House, Boise, Idaho 83707.	Mayor, 440 East Hawley, Mundelein, Ill. 60060.	June 28, 1974. Sept. 12, 1975.
Do.	Macon	Decatur, city of	H 170429A 01 through H 170429A 17	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532.	Mayor, 707 Eastwood St., Decatur, Ill. 62523.	May 24, 1974. Sept. 12, 1975.
Do.	Platt	Atwood, village of	H 170438A 01	Illinois Insurance Department, 509 State Office Bldg., Springfield, Ill. 62702.	Village President, 110 West Central St., Atwood, Ill. 61913.	Nov. 23, 1973.
Do.	Winnebago	Cherry Valley, village of	H 170721A 01 through H 170721A 02	Idaho Department of Insurance, Room 300—State House, Boise, Idaho 83707.	Village President, Box 23, Cherry Valley, Ill. 61016.	Mar. 1, 1974. Sept. 12, 1975.
Indiana	Madison	Frankton, town of	H 190154A 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204.	Acting President, Town Board, 704 Plum St., Frankton, Ind. 46044.	Dec. 17, 1973.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Pike	Petersburg, city of	H 180199A 01 through H 180199A 02	Do.	Mayor, Petersburg, Ind. 47567.	May 17, 1974.
Do.	Wells	Bluffton, city of	H 180289A 01 through H 180289A 02	Do.	Mayor, City Hall, Bluffton, Ind. 46714.	Feb. 1, 1974. Sept. 12, 1975.
Do.	White	Monticello, city of	H 180294A 01 through H 180294A 02	Do.	Mayor, 122 West Washington St., Monticello, Ind. 47960.	May 17, 1974. Sept. 12, 1975.
Iowa	Black Hawk	Cedar Falls, city of	H 190017A 01 through H 190017A 14	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319.	Assistant City Engineer, City Hall, Cedar Falls, Iowa 50613.	Apr. 12, 1974. Sept. 12, 1975.
Do.	Woodbury	Correctionville, town of	H 190288A 01	Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Correctionville, Iowa 51016.	Feb. 22, 1974.
Maryland	Garrett	Friendsville, town of	H 240035A 01	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401.	Mayor, Town Hall, Friendsville, Md. 21331.	June 28, 1974. Sept. 12, 1975.
Minnesota	Itasca	Cohasset, city of	H 270302A 01	Division of Waters, Soil and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101.	Mayor, Cohasset, Minn. 55221.	May 31, 1974.
Do.	Rice	Morristown, city of	H 270103A 01	Minnesota Division of Insurance, Room 210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, Morristown, Minn. 56079.	Mar. 28, 1974. Sept. 12, 1975.
Do.	Koochiching	South International Falls, city of	H 270600A 01 through H 270600A 02	Do.	Mayor, City Hall, South International Falls, Minn. 56679.	Jan. 17, 1975.
Mississippi	Leflore	Sidon, town of	H 280106A 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205.	Mayor, City Hall, Sidon, Miss. 38564.	Aug. 2, 1974.
Missouri	Carroll	Norborne, city of	H 290020A 01	Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, City Hall, Norborne, Mo. 64608.	Apr. 5, 1975.
Do.	Clinton	Plattsburg, city of	H 290106B 01 through H 290106B 04	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101.	Building Inspector, City Hall, Plattsburg, Mo. 64477.	May 21, 1974. July 11, 1975. Sept. 12, 1975.
Do.	St. Louis	Ladue, city of	H 290303A 01 through H 290303A 06	Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	City Manager, 9345 Clayton St., Ladue, Mo. 63124.	Mar. 15, 1974. Sept. 12, 1975.
Nebraska	Buffalo	Kearney, city of	H 310016A 01 through H 310016A 06	Do.	City Manager, P.O. Box 189, Kearney, Nebr. 68847.	Feb. 8, 1974.
New Jersey	Cape May	West Cape May, borough of	H 310100A 01	Nebraska Natural Resources Commission, 7th floor, Terminal Bldg., Lincoln, Nebr. 68508.	Mayor, 116 Fourth Ave., West Cape May, N.J. 08294.	June 14, 1974. Sept. 12, 1975.
Do.	Mercer	East Windsor, township of	H 340214A 01 through H 340214A 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625.	Mayor, Ward Street, East Windsor, N.J. 08520.	Feb. 15, 1974. Sept. 12, 1975.
Do.	Sussex	Newton, town of	H 340533A 01 through H 340533A 02	New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Town Manager, 39 Trinity, Newton, N.J. 07860.	June 28, 1974. Sept. 12, 1975.
New York	Cattaraugus	Franklinville, village of	H 390733A 01	Do.	Mayor, Municipal Building, Franklinville, N.Y. 14737.	May 31, 1974.
Do.	Cayuga	Conquest, town of	H 390108A 01 through H 390108A 05	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201.	Town Supervisor, Town of Conquest, R.D. No. 2, Spring Lake Rd., Port Byron, N.Y. 13140.	Aug. 16, 1974. Sept. 12, 1975.
Do.	Chenango	Norwich, town of	H 390162A 01 through H 390162A 07	New York State Insurance Department, Two World Trade Center, New York, N.Y. 10047.	Town Supervisor, Box 404, Norwich, N.Y. 13815.	Sept. 20, 1974. Sept. 12, 1975.
Do.	Erie	Boston, town of	H 390288A 01 through H 390288A 08	Do.	Town Supervisor, Town Hall, 7500 Boston State Rd., Boston, N.Y. 14025.	Apr. 12, 1974. Sept. 12, 1975.
Do.	Nassau	Oyster Bay, town of	H 390483A 01 through H 390483A 47	Do.	Township Supervisor, Town Hall, Oyster Bay, N.Y. 11771.	Nov. 29, 1974. Sept. 12, 1975.
Do.	Niagara	Royalton, town of	H 390511A 01 through H 390511A 08	Do.	Town Supervisor, Town of Royalton, 6816 Royalton Center Rd., Middleport, N.Y. 14105.	May 8, 1974. Sept. 12, 1975.
Do.	Onondaga	Baldwinsville, village of	H 390569A 01 through H 390569A 02	Do.	Mayor, 16 West Genesee St., Baldwinsville, N.Y. 13027.	Mar. 15, 1974. Sept. 12, 1975.

## RULES AND REGULATIONS

Effective date of identification of areas which

## RULES AND REGULATIONS

Effective date of identification of areas which



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Onondaga	Jordan, village of	H 360380A 01	do.	Mayor, Village Hall, Mechanic St., Jordan, N.Y. 13080.	Apr. 12, 1974.
Do.	Schoharie	Cobleskill, village of	H 360743A 01	do.	Mayor, Box 199, Cobleskill, N.Y. 12043.	Sept. 12, 1975.
Do.	do.	Middleburg, village of	H 360743A 02	do.	Mayor, Middleburg, N.Y. 12122.	May 31, 1974.
Do.	Seneca	Ovid, town of	H 360754A 01	do.	Town Supervisor, Ovid, N.Y. 14521.	July 26, 1974.
Do.	Steuben	Bath, village of	H 360754A 05	do.	Mayor, Municipal Bldg., Bath, N.Y. 14810.	Jan. 16, 1975.
Do.	do.	do.	H 360754B 01	do.	do.	July 25, 1975.
Do.	do.	do.	H 360754B 03	do.	do.	Sept. 12, 1975.
North Dakota	Dickey	Ellendale, city of	H 360225A 01	State Water Commission, State Office Bldg., 500 East Blvd., Bismarck, N. Dak. 58501.	City Auditor, City of Ellendale, Ellendale, N. Dak. 58501.	Feb. 25, 1975.
Do.	do.	do.	do.	North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	do.	Sept. 12, 1975.
Ohio	Greene	Fairborn, city of	H 360163A 01	do.	Mr. Glen McClellan, 41 West Hebble Ave., Fairborn, Ohio 43121.	Mar. 15, 1974.
Do.	do.	do.	H 360163A 08	do.	do.	do.
Do.	Montgomery	Centerville, city of	H 360498A 01	do.	City Manager, 100 West Spring Valley Rd., Centerville, Ohio 45459.	May 17, 1974.
Do.	do.	do.	H 360498A 04	do.	do.	Sept. 12, 1975.
Do.	Muskingum	Zanesville, city of	H 360427A 01	do.	City Manager, Municipal Bldg., Market St., Zanesville, Ohio 43701.	May 3, 1974.
Do.	do.	do.	H 360427A 03	do.	do.	Sept. 12, 1975.
Do.	Sandusky	Clyde, city of	H 360427A 01	do.	City Manager, 606 South Church St., Clyde, Ohio 43410.	Feb. 15, 1974.
Do.	do.	do.	H 360427A 02	do.	do.	do.
Do.	Washington	Lowell, village of	H 360569A 01	do.	Mayor, City Hall, Lowell, Ohio 45744.	Apr. 12, 1974.
Oregon	Martin	Jefferson, city of	H 410163A 01	Executive Department, State of Oregon, Salem, Ore. 97310.	Assistant Administrator, P.O. Box 53, Jefferson, Ore. 97332.	Sept. 12, 1975.
Do.	do.	do.	do.	Oregon Insurance Division, Department of Commerce, 158 12th St., N.E. Salem, Ore. 97310.	do.	Feb. 1, 1974.
Do.	Morrow	Boardman, city of	H 410174A 01	do.	City Administrator, City Hall, Boardman, Ore. 97818.	Dec. 13, 1974.
Do.	do.	do.	H 410174A 02	do.	do.	Nov. 22, 1974.
Do.	Wheeler	Mitchell, city of	H 410247A 01	do.	City Recorder, P.O. Box 215, Mitchell, Ore. 97750.	Feb. 9, 1973.
Pennsylvania	Bucks	Yardley, borough of	H 420210A 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120.	Mayor, Borough Hall, Yardley, Pa. 19067.	Sept. 12, 1975.
Do.	do.	do.	do.	Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	do.	do.
Do.	Centre	College, township of	H 420259 01	do.	Chairman, 4181 East College Ave., State College, Pa. 16801.	July 26, 1974.
Do.	do.	do.	H 420259 07	do.	do.	Sept. 12, 1975.
Texas	Brazos	College Station, city of	H 430083A 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711.	City Planner, P.O. Box 9660, 1101 Texas Ave., College Station, Tex. 77840.	May 31, 1974.
Do.	do.	do.	H 430083A 07	do.	do.	Sept. 12, 1975.
Do.	Gaines	Seminole, city of	H 430240A 01	do.	Mayor, 201 South Main, Seminole, Tex. 73360.	May 24, 1974.
Do.	Hidalgo	Palmhurst, city of	H 430346A 01	do.	City Secretary, City of Palmhurst, Route No. 1, Box 355, Mission, Tex. 78572.	Sept. 12, 1975.
Do.	do.	do.	H 430346A 02	do.	do.	Feb. 6, 1974.
Virginia	Prince William	Ocoquan, town of	H 510124A 01	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23261.	Mayor, 304 Commerce, Ocoquan, Va. 22125.	July 19, 1974.
Do.	do.	do.	do.	Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23299.	do.	Oct. 18, 1974.
Do.	Lancaster	Irrington, town of	H 510221A 01	do.	Mayor, Irrington, Va. 22490.	do.
Do.	do.	do.	H 510221A 04	do.	do.	do.
Washington	King	Kirkland, city of	H 530081A 01	Department of Ecology, Olympia, Wash. 98501.	Director, Department of Community Development, 210 Main St., Kirkland, Wash. 98033.	June 28, 1974.
Do.	do.	do.	H 530081A 04	Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	do.	Sept. 12, 1975.
West Virginia	Brooke and Hancock Counties	Wairton, city of	H 540011A 01	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305.	Mayor, 200 Municipal Plaza, Wairton, W. Va. 26062.	Feb. 1, 1974.
Do.	do.	do.	do.	Mr. Donald W. Brown, Insurance Commissioner, 1800 Washington St., Bldg. No. 3, Room 643, Charleston, W. Va. 25305.	do.	Sept. 12, 1975.
Do.	Greenbrier	White Sulphur Springs, city of	H 540045A 01	do.	Mayor, 1 West Main St., White Sulphur Springs, W. Va. 24986.	May 31, 1974.
Do.	do.	do.	H 540045A 03	do.	do.	Sept. 12, 1975.
Wisconsin	Calumet	Stockbridge, village of	H 550040A 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701.	Village President, Chilton Route 1, Box 80Z, Stockbridge, Wis. 53088.	Aug. 9, 1974.
Do.	do.	do.	do.	Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	do.	Nov. 30, 1973.
Do.	Dodge	Hustisford, village of	H 550557A 01	do.	Village President, Box 345, Hustisford, Wis. 53034.	do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Wyoming	Big Horn	Greybull, town of	H 460005A 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1700, Cheyenne, Wyo. 82001.	Director of Planning, Town of Greybull, Basin, N.Y. 82410.	June 21, 1974.
Do.	Goshute	Torrington, town of	H 580023A 01	Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Chairman Elect, Town Hall, Torrington, Wyo. 82230.	Sept. 12, 1975.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: August 25, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc.75-24320 Filed 9-12-75; 8:45 am]

[Docket No. FI-199]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the Town of Cheektowaga, New York

On September 7, 1973, in 38 FR 24359, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Cheektowaga, New York, as an eligible community and included Map No. H 360231 06 which indicates that a portion of Lots 1 and 71, Township 11, Range 7, Cheektowaga, New York, as recorded in Liber 8004, Pages 288 and 289 in the office of the Clerk of Erie County, New York, which can be described as follows:

Beginning at the northerly line of Rowley Road, as a 66 foot wide road, with the southeasterly side line of lands conveyed to John Joseph Feduski and Antoinette, his wife, by Deed recorded in said Clerk's office in Liber 3884 of Deeds at Page 571; thence northeasterly along the southeasterly line of land so conveyed to Feduski by aforesaid Deed 176.94 feet to the east line of lands conveyed to Feduski by aforesaid Deed; thence northerly along east line of lands conveyed to Feduski by aforesaid Deed and being along the west line of lands conveyed to New York State Realty and Terminal Company by Deed recorded in Liber 1023 of Deeds at Page 574, said line being the east line of the middle part of Lot No. 1, Township 11,

Range 7, 7.720 feet; thence northeasterly direction parallel to the center line of Cayuga Creek, as the same winds and turns to a point 930 feet along said parallel line; thence southeasterly 300 feet to the Center Line of Track No. 250 of the Penn Central Railroad; thence southeasterly along the center line of said track a distance of 776 feet to the northerly line of Rowley Road; thence easterly 1200 feet along the northerly side of Rowley Road to the point of beginning,

is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of addi-

tional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective September 7, 1973, Map No. H 360231 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: September 3, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-24500 Filed 9-12-75; 8:45 am]

[Docket No. FI-443]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the City of Dallas, Texas

On January 10, 1975, in 40 FR 2199, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Dallas, Texas, as an eligible community and included Map No. H 480171 11 which indicates that parts of Hillcrest Villa, City Blocks 7464 and 7465, Dallas, Texas, as recorded in Volume 73146, Pages 0095 and 0096 in the office of the Clerk of Dallas County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Hillcrest Villa, in its entirety, is not within the Special Flood Hazard Area. Accordingly, effective December 13, 1974, Map No. H 480171 11 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act

of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: September 3, 1975.

J. ROBERT HUNTER,

Acting Federal  
Insurance Administrator.

[FR Doc.75-24501 Filed 9-12-75; 8:45 am]

#### Title 10—Energy

##### CHAPTER 1—NUCLEAR REGULATORY COMMISSION

##### Miscellaneous Amendments to Chapter

Notice is hereby given of the amendment of the Nuclear Regulatory Commission's regulations in 10 CFR Parts 20 and 73 and revocation of 10 CFR Part 37. The amendments correct the definition of "calendar quarter" in § 20.3(a) (4) and change certain telephone listings and other pertinent information regarding the Commission's Regional Offices in Appendix D of 10 CFR Part 20 and Appendix A of 10 CFR Part 73.

The amendments revoke 10 CFR Part 37, "Radioisotope Research Support Program." In accordance with § 37.14 the radioisotope research support program expired in 1961.

Because these amendments relate solely to corrections and minor matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective on September 15, 1975.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 20 and 73 and revocation of Part 37 are published as a document subject to codification.

#### PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. Paragraph 20.3(a) (4) is amended to read as follows:

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#### § 20.3 Definitions.

(a) As used in this part:

shall be such that no day is included in more than one calendar quarter or



## RULES AND REGULATIONS

## § 20.3 Definitions.

(a) As used in this part:

(4) "Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters

shall be such that no day is included in more than one calendar quarter or omitted from inclusion within a calendar quarter. No licensee shall change the method observed by him of determining calendar quarters except at the beginning of a calendar year.

2. Appendix D of 10 CFR Part 20 is revised to read as follows:

## APPENDIX D.—United States Nuclear Regulatory Commission Inspection and Enforcement Regional Offices

	Address	Telephone	
		Daytime	Nights and holidays
Region I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.	Region I, USNRC, Office of Inspection and Enforcement, 631 Park Ave., King of Prussia, Pa. 19406.	(215) 337-1150	(215) 337-1150
Region II: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Panama Canal Zone, Puerto Rico, South Carolina, Tennessee, Virginia, Virgin Islands, and West Virginia.	Region II, USNRC, Office of Inspection and Enforcement, 220 Peachtree St. N.W., Suite 818, Atlanta, Ga. 30303.	(404) 526-4503	(404) 526-4503
Region III: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.	Region III, USNRC, Office of Inspection and Enforcement, 799 Roosevelt Rd., Glen Ellyn, Ill. 60137.	(312) 858-2660	(312) 858-2660
Region IV: Arkansas, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.	Region IV, USNRC, Office of Inspection and Enforcement, 611 Ryan Plaza Dr., Suite 1000, Arlington, Tex. 76012.	(817) 334-2841	(817) 334-2841
Region V: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and U.S. territories and possessions in the Pacific.	Region V, USNRC, Office of Inspection and Enforcement, 1990 North California Blvd., Suite 202, Walnut Creek, Calif. 94596.	(415) 486-3141	(415) 486-3141

## PART 37—RADIOISOTOPE RESEARCH SUPPORT PROGRAM

3. Part 37, "Radioisotope Research Support Program" is revoked.

## PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

4. Appendix A of 10 CFR Part 73 is amended to read as follows:

## APPENDIX A.—United States Nuclear Regulatory Commission Inspection and Enforcement Regional Offices

	Address	Telephone	
		Daytime	Nights and holidays
Region I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.	Region I, USNRC, Office of Inspection and Enforcement, 631 Park Ave., King of Prussia, Pa. 19406.	(215) 337-1150	(215) 337-1150
Region II: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, and West Virginia.	Region II, USNRC, Office of Inspection and Enforcement, 230 Peachtree St. N.W., Suite 818, Atlanta, Ga. 30303.	(404) 526-4503	(404) 526-4503
Region III: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin.	Region III, USNRC, Office of Inspection and Enforcement, 799 Roosevelt Rd., Glen Ellyn, Ill. 60137.	(312) 858-2660	(312) 858-2660
Region V: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.	Region V, USNRC, Office of Inspection and Enforcement, 1990 North California Blvd., Suite 202, Walnut Creek, Calif. 94596.	(415) 486-3141	(415) 486-3141

**Effective date.** These amendments become effective on September 15, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Secs. 201, 301 Pub. L. 93-438, 88 Stat. 1242, 88 Stat. 1248 (42 U.S.C. 5841, 5871)).

Dated at Bethesda, Maryland this 8th day of August 1975.  
For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
Executive Director for Operations.  
[FR Doc.75-24287 Filed 9-12-75; 8:45 am]

## PROPOSED RULES

and would directly affect the interest of a State, he shall require the lessee to

adoption of the final rule. A copy of each communication submitted will be

(1) *Good character.*

(2) *Education.* Successful completion

## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

## Geological Survey

## [30 CFR Part 250]

## DRILLING AND DEVELOPMENT PROGRAMS

## Proposed Procedures for State Consideration of OCS Oil and Gas Development Plans

Notice is hereby given that the regulation 30 CFR 250.34, Drilling and Development Programs, will be modified to provide procedures for State consideration of developments proposed by lessees of Federal OCS lands. The objective of the proposed modification is to provide affected States with information and an opportunity to review and comment on developments associated with Outer Continental Shelf (OCS) oil and gas. Lessees will be required to provide information on planned developments to such States before submitting development plans to the U.S. Geological Survey. The development plans will be sent to the Governors for 60 days for review and comment. The proposed regulation is consistent with the requirements of the Freedom of Information Act in protecting private information of lessees concerning their operations or wells. It has been drafted to be compatible with the provisions of the Coastal Zone Management Act. The consistency provision of that act does not directly apply to development plans, although it may apply to permits and licenses issued to implement them.

The proposed modification consists of: An addition to § 250.34(b), Development plan; the insertion of a new paragraph § 250.34(c), Information for States, and relettering of subsequent paragraphs; and an addition to § 250.34(e), Modifications. The entire regulation, 30 CFR 250.34, is presented below with the modified portions shown in a different type.

Comments on the proposed regulation are requested. Any significant comments received will be published along with any revisions to the proposed regulation at the time of final rulemaking. After final publication of the regulation, discussions will be held with interested parties and OCS Orders will be issued which will more specifically define the information to be provided to the States.

Please submit your comments on the proposed modification of 30 CFR 250.34 on or before October 15, 1975, to the Director, U.S. Geological Survey, National Center, Reston, Virginia 22092.

## § 250.34 Drilling and development programs.

(a) *Exploratory drilling plan.* Prior to commencing each exploratory drilling program on a lease, including the construction of platforms, the lessee shall

submit a plan to the Supervisor for approval. Each plan for the leased area shall include (1) a description of drilling vessels, platforms, or other structures showing the location, the design, and the major features thereof, including features pertaining to pollution prevention and control; (2) the general location of each well including surface and projected bottom hole location for directionally drilled wells; (3) structural interpretations based on available geological and geophysical data; and (4) such other pertinent data as the Supervisor may prescribe.

(b) *Development plan.* Prior to commencing each development program on a lease, the lessee shall submit a plan to the Supervisor for approval. The plan shall include all information specified in paragraph (a) of this section in detail. The development plan except for those portions which the operator shall designate, with the Supervisor's approval, as (1) trade secrets and commercial or financial information which are privileged or confidential, or (2) geological and geophysical information, data and maps concerning wells, shall be provided by the Supervisor to the Governors of directly affected States. Prior to the Supervisor's approval of the plan, a period of 60 days, commencing with the date of the Governor's receipt of the development plan, shall be provided to each Governor for review of the plan and the submission of comments. If the Governor's comments are received before the 60 day period ends, the Supervisor may then proceed to act upon the plan without further delay.

(c) *Information for States.* Prior to submission of a development plan, the lessee shall deliver to the Governor of each directly affected State, as determined by the Supervisor, information about the development to be proposed. The final delivery of such information shall be made at least 30 days before submission of the relevant development plan, at which time the lessee shall notify both the Governor of each directly affected State and the Supervisor that such final delivery has been made. When submitting a development plan, the lessee shall certify to the Supervisor that he has, at least 30 days before such submission, provided the required information about the development proposed in that plan to the Governor of each directly affected State. The information provided to the States under this paragraph (c), which is not to be a part of the development plan itself, shall include a description of all offshore and onshore facilities and operations proposed by the lessee or directly related to the proposed development, including location, size, re-

source requirements, timing of development and operation, and such other information as may be required by the Supervisor to assist the State or States in considering the environmental, social and economic impacts of the proposed development. Copies of all information given to Governors under this paragraph shall be provided to the Supervisor. A State provided such information shall indicate to the Supervisor at the earliest practicable time whether the State concurs that the information meets the requirements of this paragraph and any subsequent implementing Orders issued by the Supervisor. If a State fails to provide such notification within 30 days after final delivery of the information, the State's concurrence will be conclusively presumed. If a State notifies the Supervisor that the information does not, in its judgment, satisfy the requirements, then the Director shall review the information and make a determination either that the information satisfies the requirements or that the lessee must provide additional information. The Director shall make his review and determination as expeditiously as possible after receipt of such notification. In the event the Director determines that the information satisfies the requirements, then the 60 day period for comment shall begin on the date of his determination. In the event the Director determines that the requirement has not been satisfied, the 60 day comment period will not begin until the State shall have received the additional information required.

(d) *Drilling applications.* Prior to commencing drilling operations either under an exploratory or development plan, the lessee shall submit an Application for Permit to Drill (Form 9-331C) to the Supervisor for approval. The application shall include the integrated blowout prevention, mud, casing, and cementing program for the well, and shall meet the requirements specified in § 250.41(a), and contain the information specified in § 250.91(a), and shall conform with the approved exploratory or development plan.

(e) *Modifications.* The lessee shall submit: (1) All requests for modifications of an approved exploratory or development plan in writing to the Supervisor for approval; and (2) all notices of changes to plans set forth in approved Application for Permit to Drill on Sunday Notices and Reports on Wells (Form 9-331), except that these requirements shall not relieve the lessee from taking appropriate action to prevent or abate damage, waste, or pollution of any natural resource or injury to life or property. When the Supervisor shall determine that the proposed modification of an approved development plan is major

## PROPOSED RULES

considered without regard to its admissibility under rules of evidence employed in

Project Mortgages and Management Agents selecting Resident Managers during the two-year period following

to the effective date of this Part to select persons who meet the stated requirements or who will qualify after



and would directly affect the interest of a State, he shall require the lessee to follow the same procedures with respect to the State as those provided in 30 CFR 250.34 (b) and (c).

WILLIAM L. FISHER,  
Acting Assistant Secretary,  
Energy and Minerals.

SEPTEMBER 10, 1975.

[FR Doc.75-24459 Filed 9-12-75; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 249]

### MEDICAL ASSISTANCE PROGRAM

Home Health Services—Extension of  
Comment Period

This notice extends the period for comments on the notice of proposed rule making published August 21, 1975 (40 FR 36702) relating to home health services provided under the Medicaid program (title XIX, Social Security Act). In the light of requests from interested parties, the period of comment is hereby extended to October 7, 1975.

Dated: September 5, 1975.

JOHN C. YOUNG,  
Acting Administrator, Social and  
Rehabilitation Service.

APPROVED: September 11, 1975.

DAVID MATTHEWS,  
Secretary.

[FR Doc.75-24452 Filed 9-12-75; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing  
Management

[24 CFR Part 406]

[Docket No. R-75-351]

### RESIDENT MANAGER QUALIFICATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Department proposes to amend Title 24 of the Code of Federal Regulations to include a new Part 406, Resident Manager Qualifications under Chapter IV, Subchapter A. This part would set forth specific qualifications and training for Resident Managers of Multifamily Housing Projects financed by a mortgage which is insured or held by the Secretary and would establish standards for evaluation of those qualifications.

Interested persons are invited to submit written comments, suggestions or data regarding the proposed regulations to the Rules Docket Clerk, Room 10245, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Communications should have reference to the above docket number and title. All relevant material received on or before October 17, 1975, will be considered before

## PROPOSED RULES

adoption of the final rule. A copy of each communication submitted will be available for public inspection during business hours at the above address.

The Department has determined that this proposed regulation would not have a substantial environmental impact. A copy of the Finding of Inapplicability is available for public inspection in the Office of the Rules Docket Clerk at the above address.

Accordingly, the Department proposes to amend Title 24 by adding a new Part 406 to read as follows:

### PART 406—RESIDENT MANAGER QUALIFICATIONS

Sec.  
406.1 Purpose.  
406.5 Definitions.  
406.10 Requirements for certification.  
406.15 Revocation of certificate.  
406.20 Removal under the regulatory agreement.  
406.25 Responsibility for selection.  
406.30 Effective date.  
Appendix.

AUTHORITY: Section 211 of the National Housing Act, 52 Stat. 23; Sec. 7(d) of the HUD Act (42 U.S.C. 3535(d)).

#### § 406.1 Purpose.

This part sets forth standards which the Secretary will apply in granting the certification required for a person who serves as a Resident Manager of a Multifamily Housing Project financed by a mortgage insured or held by the Secretary.

#### § 406.5 Definitions.

(a) "Resident Manager" means the person who has direct responsibility for the day-to-day operation of a Multifamily Housing Project.

(b) "HUD-related Multifamily Housing Project" means a project financed by a mortgage:

(1) Insured by the Secretary pursuant to Sections 207, 208, 213, 220, 221, 231, 234, or 236 of the National Housing Act; or

(2) Held by the Secretary.

(c) "Multifamily Housing Project" means a HUD-related Multifamily Housing Project as well as any non-HUD-related multifamily project.

(d) "Secretary" means the Secretary of Housing and Urban Development or the Secretary's designee.

#### § 406.10 Requirements for Certification.

(a) Subject to the provisions of Paragraph 406.30 of this Part governing mandatory applicability, each person who serves as Resident Manager of a HUD-related Multifamily Housing Project shall have obtained, as a prerequisite of that service, a certificate issued by the Secretary. The certificate must be in good order at the time the Resident Manager is selected and throughout his term of service. Any person whose certificate has been revoked pursuant to § 406.15 may no longer serve as a Resident Manager.

(b) To obtain the certificate, an applicant must submit evidence satisfactory to the Secretary of:

(1) Good character.

(2) Education. Successful completion of high school or equivalent level of training.

(3) Age. Having attained his or her 21st birthday.

(4) Experience. At least one year's service as a full-time Resident Manager or Assistant Resident Manager of a Multifamily Housing Project, with a minimum of two years' service in connection with the management of such project.

(5) Other. Such other qualifications as specialized training, additional education and employment experience so as to entitle the applicant to a minimum of thirty points in accordance with the point system set forth in the appendix to this part.

(c) The Secretary shall evaluate the evidence submitted by an applicant in accordance with paragraph (b) of this section and will determine in his discretion, on the basis of that evidence and such other material as may be relevant, the qualifications of the applicant in accordance with the criteria set forth in paragraph (b) of this section. If the qualifications are satisfactory, the Secretary shall issue the certificate.

(d) In the event the Secretary denies any application for certification, the notification to the applicant shall set forth the reasons for the Secretary's action in sufficient detail so as to enable the applicant to request reconsideration of the determination.

#### § 406.15 Revocation or Suspension of Certificate.

(a) Notice by Secretary. The Secretary may revoke any certificate for good cause pursuant to the procedure set forth in this paragraph. The Secretary shall serve a written notice on the certificate holder that revocation is being considered and shall set forth in the notice with reasonable specificity the reasons for the proposed action. Said notice shall also advise the certificate holder that he has 15 days from receipt of the notice to respond in writing or to request an informal hearing. If the certificate holder does not respond within this 15 day period, the Secretary may revoke the certificate and shall immediately so advise the certificate holder.

(b) Presentation of evidence by certificate holder and determination by the Secretary. The certificate holder may examine and, at his expense, copy all documents, records and regulations of the appropriate HUD office that are relevant to the matter. The certificate holder shall have the right to present evidence and arguments in opposition to the proposed revocation and to controvert evidence relied on by HUD and he may elect to do this in writing, or at the informal hearing, or both. Whenever the certificate holder requests an informal hearing, he shall be entitled to confront in a reasonable manner and cross-examine all witnesses on whose testimony or information the Secretary relies. Evidence pertinent to the issues raised in the Secretary's notice may be received and con-

sidered without regard to its admissibility under rules of evidence employed in judicial proceedings. Upon considering all evidence and arguments presented, the Secretary shall determine whether the certificate should be revoked and shall promptly advise the certificate holder of his determination. Whenever the Secretary's decision is to revoke the certificate, the notice shall set forth with reasonable specificity the Secretary's findings. The revocation shall be without prejudice to any other remedies or actions that may be taken against a previous certificate holder and it shall not preclude the Secretary from making any subsequent determination that a certificate holder should be reinstated.

(c) Suspension. The Secretary may for good cause suspend any certificate for a period not to exceed 10 days. Notification shall be given to the holder that the certificate is being suspended together with a statement of the reasons for the suspension.

#### § 406.20 Removal under a Regulatory Agreement.

Nothing herein shall be construed to limit in any way the authority of the Secretary under any Regulatory Agreement to terminate any management agreement or to otherwise enforce the obligation of a Project Mortgage to provide for satisfactory management.

#### § 406.25 Responsibility for Selection.

Any holder of a certificate in good order may serve as a Resident Manager. However, the selection of Resident Managers from among certificate holders is the responsibility of Project Mortgageors. This selection responsibility may be delegated to a Management Agent in accordance with a HUD approved Management Contract and Management Plan, but responsibility for the selection as well as the adequacy of management rests ultimately with the Project Mortgageor.

#### § 406.30 Effective Date.

This part shall apply to selection of Resident Managers effective as of the day two years following the date of publication of this regulation (September 16, 1977).

(a) Mandatory Applicability. On and after the effective date of this Part, no Project Mortgageor or Management Agent of a HUD-related Multifamily Housing Project consisting of 100 units or more shall select any person as a Resident Manager unless that person holds a certificate in good order as set forth by this Part: Provided, That any person who is employed as a Resident Manager in a HUD-related Multifamily Housing Project on the date this requirement becomes effective may continue to serve without certification for such period of time as that person continues in the same position or similar position without any significant break in employment.

(b) Recommended Applicability. (1) Applicability of this Part is optional for

## PROPOSED RULES

Project Mortgageors and Management Agents selecting Resident Managers during the two-year period following the date of publication, but prior to the date this Part becomes effective. Management Agents are encouraged to make strong efforts during this period prior

to the effective date of this Part to select persons who meet the stated requirements or who will qualify after completion of appropriate training.

(2) Applicability is also recommended for HUD-related Multifamily Housing Projects which contain 99 units or less.

### APPENDIX

#### POINT SYSTEM FOR CERTIFICATION OF RESIDENT MANAGERS

Activity	Points
1. Study at an institution of higher education, as evidenced by:	
a. Baccalaureate degree	10.
b. Junior college associate degree	5.
c. Successful completion of one or more courses. (Excluded if the courses are included in the credit under 1a, 1b or 4.)	1 point per course; maximum of 3 points allowed.
2. Successful completion of one of the following Resident Manager training programs conducted by real estate or housing management organizations or associations and award of the appropriate designation or certificate, or any other training program determined by HUD to be comparable:	25.
a. The Resident Apartment Manager (RAM) Program offered by the National Association of Home Builders, 1625 L Street, N.W., Washington, D.C. 20036.	
b. The Accredited Resident Manager (ARM) Program offered by the Institute of Real Estate Management, 155 East Superior Street, Chicago, Illinois 60611. (the management and training arm of the National Association of Realtors).	
c. The Certified Resident Manager (CRM) Program offered by the Real Estate Management Brokers Institute, 732 East 75th Street, Chicago, Illinois 60619. (the educational entity of the National Association of Real Estate Brokers).	
d. The Accredited Resident Manager (ARM) Program sponsored by the National Society of Professional Resident Managers, Inc., 1627 K Street, N.W., Washington, D.C. 20036.	
e. The Certified Apartment Manager (CAM) Program offered by the National Apartment Association, 1825 K Street, N.W., Washington, D.C. 20006.	
3. Successful completion of one of the following Property Manager training programs conducted by real estate or housing management organizations and award of the appropriate designation or certificate, or any other training program determined by the Secretary to be comparable:	80.
a. Training program offered by the Institute of Real Estate Management, 155 East Superior Street, Chicago, Illinois 60611, leading to the Certified Property Manager (CPM) designation.	
b. Training program offered by the Real Estate Management Brokers Institute, 732 East 75 Street, Chicago, Illinois 60619, leading to a Certified Real Estate Manager (CREM) designation.	
4. Other Courses and seminars. Attendance at HUD-sponsored housing management seminars or other courses or seminars related to housing management provided by colleges, universities or management institutes and approved by HUD.	(i) 2 points per course or seminar. (ii) Maximum of 10 points allowed.
5. Full-time employment in housing management (including the employment experience necessary to satisfy the requirement of Paragraph 406.10(b)(4)).	
a. Successful full-time Resident Manager of a Multifamily Housing Project:	(i) 7 points per year. (ii) 3 additional points per year if project is subsidized or public housing. (iii) Maximum of 30 points allowed.
b. Successful full-time Assistant Manager of a Multifamily Housing Project:	(i) 4 points per year. (ii) 2 additional points per year if project is subsidized or public housing. (iii) Maximum of 20 points allowed.

## PROPOSED RULES

6. Part-time employment in housing management or full-time (1) 3 points per year.

Safety Standard for Swimming Pool Slides," and volume 3 is "A History of the

Although further investigation showed that leg fractures may not be a significant

standard which is available to be seen in the Office of the Secretary.

Sec.  
1207.11 References.  
1207.12 Stockpiling.

## PROPOSED RULES



6. Part-time employment in housing management or full-time employment in activities which require skills in interpersonal relations, including but not limited to work with community and youth organizations, social work, counseling, clergy and teaching.

Issued at Washington, D.C. September 8, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

H. R. CRAWFORD,  
Assistant Secretary  
for Housing Management.

[FR Doc. 75-24444 Filed 9-12-75; 8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### [ 16 CFR Part 1207 ]

#### SWIMMING POOL SLIDES

##### Proposed Safety Standard

The purpose of this notice is to propose a consumer product safety standard for swimming pool slides pursuant to section 7(f) of the Consumer Product Safety Act (15 U.S.C. 2056(f)).

The proposed standard, 16 CFR Part 1207, prescribes safety requirements for the manufacture and construction of swimming pool slides for use in swimming pools only and recommends standards for the installation, maintenance, and intended use of such slides. The requirements and recommendations are designed to reduce or eliminate unreasonable risks of death or injury from accidents associated with swimming pool slides. All swimming pool slides manufactured in the U.S.A. or imported into the U.S.A. after the effective date of the standard, if promulgated, will have to meet its requirements and performance tests. The effective date proposed is 180 days after promulgation of the standard.

#### BACKGROUND

Consideration by the Commission of the need for a rule addressed to the hazards associated with swimming pool slides was initiated on May 30, 1973, by a petition by the National Swimming Pool Institute and the Aquaslide 'N' Dive Corporation, submitted pursuant to section 10 of the act (15 U.S.C. 2059), to commence a proceeding for the development of a consumer product safety standard for swimming pool slides. Thereafter the Commission preliminarily determined (1) that hazards associated with swimming pool slides present unreasonable risks of death or injury and (2) that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks of injury.

In the FEDERAL REGISTER of June 28, 1974 (39 FR 24428), the Commission commenced a proceeding to develop a consumer product safety standard applicable to swimming pool water slides pursuant to section 7 of the act. Offerors were invited to develop a proposed safety standard and the development period for this standard was set to end on November 25, 1974.

- (1) 3 points per year.
- (2) Maximum of 15 points allowed.

Safety Standard for Swimming Pool Slides," and volume 3 is "A History of the Swimming Pool Slides Standard Development Committee's Deliberation's and Actions During the Development of the Swimming Pool Slide Standard." Copies may be seen in the Office of the Secretary, Consumer Product Safety Commission, 10th floor, 1750 K Street NW., Washington, D.C. 20207.

At the time the Commission granted the petition to commence a proceeding for developing the standard for swimming pool water slides, it was in receipt of data from the National Electronic Injury Surveillance System (NEISS) indicating that there were a substantial number of injuries associated with swimming pools in general. The Commission had also received reports of injuries showing that some of the most severe injuries were associated with swimming pool water slides. On the basis of these data, the results of tests conducted at Nova University and the University of Utah, and outside reports of injuries received by the Commission, the Commission identified the nature of the risk of injury associated with swimming pool slides as hazards of quadriplegia and paraplegia resulting from headfirst slides, leg fractures resulting from feet-first entry, impact with other people in the pool, and falls off the slide ladder. The offeror was requested to address these hazards in a recommended standard.

The technical rationale submitted by the offeror, which forms the basis for the Commission's proposal of the standard and which may be seen in the Office of the Secretary, states that injuries resulting in quadriplegia and paraplegia occur when heavier, generally adult sliders enter, at too steep an angle, in water that is too shallow thereby striking the head on the pool bottom.

It is anticipated that the standard will significantly reduce the incidence of these injuries by specifying that slides impart a low angle of attack into the water; requiring that all slides, as sold for installation be accompanied by recommended slide height versus water depth relationships and by recommendations for certain other installation and intended use criteria; and requiring mandatory, permanent, and explicit signs on all slides to (a) restrict larger slide users from the use of slides placed for children in shallower water, (as well as restricting non-swimmers from the use of slides placed for larger users in deeper water), (b) inform users as to the proper body configuration to use as they go down the slide, and (c) to inform slide users of the injury potential that exists if slide use warnings are ignored.

The possibility of an increased number of child and nonswimmer drownings as a result of the location slides in deeper water was considered and, as noted above, supplementary provisions for appropriate warning signs have been included in the standard in order to minimize this possibility.

#### OFFEROR'S SUBMISSION

On May 30, 1975, the offeror submitted a package consisting of three volumes. Volume 1 is "A Safety Standard for Swimming Pool Slides," volume 2 is "A Technical Rationale In Support of a

(c) Ladders, steps, stairs, or ramps—

(1) General swimming pool slide lad-

Although further investigation showed that leg fractures may not be a significant problem in slides, the depth recommendations and lubrication requirements of the proposed standard that are intended to reduce the likelihood of quadriplegia and paraplegia should also tend to reduce the probability of leg fractures associated with slides.

The danger of impact of a slider with other people in the pool is addressed by including provisions for recommended installation instructions and for mandatory warning signs affixed to the slide.

Falls from the slide are intended to be reduced by the requirements relating to the slide's design and strength, materials of manufacture, ladders, steps, stairs, ramps, and handrails and by recommended installation and intend-use instructions and inspection producers.

The offeror used theoretical mathematical techniques to predict probable velocity of body components important in the use of slides. In order to arrive at the proper slide height to water depth ratio, the offeror subjectively balanced the decreased risk of striking the pool bottom in deeper water (based in part, on the limited theoretical models), against the potentially increased drowning risk to nonswimmers and arrived at recommended depths under pool slides that the Commission believes will provide an acceptable solution to the problem.

A written critique of the theoretical model and tape recorded transcripts of meetings on discussions of the technical details are available for inspection at the Office of the Secretary. Since the limited theoretical model was only a part of the judgment process as to the adequacy of the proposed standard to address the hazards identified, the Commission believes a rigorous verification of the theoretical models would not add significantly to the technical validity of the proposed standard. Thus, the Commission further believes that it would not be in the public interest to delay proposal of the standard, in order to pursue such verification.

On the basis of the information referred to above, the Commission believes that this proposed consumer product safety rule, and the proposed effective date, are reasonably necessary to reduce the unreasonable risk of injury associated with swimming pool slides, and that the proposed rule is in the public interest.

In considering the proposed standard, the Commission has taken into account the estimated economic impact of the standard on the slide industry, on consumers, and on other areas of the general economy to determine whether it would be a reasonable as well as an effective means of reducing the risks of injury in relation to slides.

The Commission has also determined that there is no potentially significant adverse environmental effect associated with the promulgation of the proposed standard. The factors leading to this determination are set forth in an environmental assessment of the proposed

standard which is available to be seen in the Office of the Secretary.

Section 9(d)(2) of the Act authorizes the Commission to prohibit, by rule, stockpiling by a manufacturer between promulgation of a standard and its effective date. Stockpiling is defined as manufacturing or importing of a product during this time period at a rate which is significantly greater than the rate at which the product was produced or imported during a base period set by rule ending prior to the promulgation date.

An anti-stockpiling rule is included as part of the proposed standard in order to insure that the purposes of any final consumer product safety standard will not be circumvented. The anti-stockpiling rule specifies that swimming pool slides that do not comply with the standard shall not be manufactured or imported between the date of promulgation of a consumer product safety standard and its effective date at a rate that is more than 5% greater than the rate at which swimming pool water slides were produced or imported during the base period, which is, at the option of the manufacturer or importer concerned, any period of 180 consecutive days beginning on or after January 2, 1974, and ending on or before December 31, 1974.

The Commission feels that it lacks statutory authority to promulgate as requirements certain provisions of the standard proposed by NSPI relating to installation and maintenance; therefore, those provisions are proposed as recommendations.

The Commission proposes that any final rule promulgated would become effective 180 days after its publication in the FEDERAL REGISTER and apply to all swimming pool slides manufactured on or after the effective date of the rule.

#### CONCLUSION AND PROPOSAL

Having considered NSPI's recommended safety standard for swimming pool slides, the supportive material submitted therewith, and other relevant information, the Commission concludes that the recommended standard, as modified by the Commission, should be proposed as a consumer product safety standard as set forth below.

Therefore, pursuant to provisions of the Consumer Product Safety Act (Sec. 7(f), Pub. L. 92-573, 86 Stat. 1215; 15 U.S.C. 2056(f)), the Commission proposes that Title 16, Chapter II, be amended by adding to Subchapter B a new Part 1207 as follows:

#### PART 1207—A SAFETY STANDARD FOR SWIMMING POOL SLIDES

- Sec. 1207.1 Scope and purpose.
- 1207.2 Effective date.
- 1207.3 Definitions.
- 1207.4 Recommended standards for materials of manufacture.
- 1207.5 Design.
- 1207.6 Installation.
- 1207.7 Intended-use instructions.
- 1207.8 Slide safety inspection items.
- 1207.9 Product certification.
- 1207.10 Handling, storage, and marking.

Sec. 1207.11 References.

1207.12 Stockpiling.

AUTHORITY: Secs. 7, 9, Pub. L. 92-573, 86 Stat. 1212-17 (15 U.S.C. 2056, 2058).

#### § 1207.1 Scope and purpose.

This Part 1207 sets forth the consumer product safety standard for the manufacture and construction of swimming pool slides for use in swimming pools only. The requirements are designed to reduce or eliminate unreasonable risks of death or injury from accidents associated with swimming pool slides. All swimming pool slides must meet the performance tests of this standard. This standard also makes certain recommendations regarding the installation, maintenance, and intended use of swimming pool slides that supplement the mandatory requirements. This standard is applicable to all swimming pool slides manufactured or constructed in the U.S.A. or imported into the U.S.A. after the effective date of this standard.

#### § 1207.2 Effective date.

This Part 1207 shall become effective 180 days after its promulgation in the FEDERAL REGISTER.

#### § 1207.3 Definitions.

- (a) As used in this Part 1207:
  - (1) "Aboveground pool slide ladder" means a slide ladder that is not anchored in the ground or support deck and can be removed from the slide or hinged and locked so that unauthorized or unsupervised use of the slide is prevented.
  - (2) "Abrasion hazard" means a sharp or rough surface of a swimming pool slide that would scrape the skin of a child upon casual contact.
  - (3) "Assembled product" means all parts, components, and fasteners as defined in and assembled according to the manufacturer's assembly and installation instructions.
  - (4) "Bracing" means members providing structural support to the assembled, installed slide.
  - (5) "Casual contact" means contact of any body part with the slide occurring by chance or nonchalant encounters.
  - (6) "Center of gravity" means the point that represents the mean position of the concentrated mass of a body.
  - (7) "Curved slide" means a slide whose runway curves out of the vertical plane at any point along the slide path.
  - (8) "Cutting hazard" means a slide surface that would cut the skin under casual contact.
  - (9) "Designated waterline" means the horizontal line through whichever of the following is applicable:
    - (i) The midpoint of the operating range of the skimmers.
    - (ii) On pools with overflow systems, the height of the overflow rim.
    - (iii) "Edge guards" means shields designed to cover sharp edges on slides.
    - (iv) "Exit lip height" means the height of the slide exit lip above the designated waterline.
    - (v) "Freestanding slide" means a slide designed for aboveground pools that

is not fastened to the pool deck, the § 1207.4 Recommended standards for

(c) Ladders, steps, stairs, or ramps—

(1) General swimming pool slide lad-

line connecting the user's feet and center of gravity. The tread and the foot shall block shall be 8 square inches to simulate the ball of the foot (reference (d) of

(2) Extent of handrails (maximum angle ladder). If ladder handrails for a



is not fastened to the pool deck, the ground, or the pool support walls. This slide may have attachments to the aboveground pool to prevent misalignment.

(13) "Friction" means the retarding force reducing the velocity of the slider on the slide.

(14) "Height over water" means the distance from top of the slide runway to the designated waterline measured along a plumbline.

(15) "Intended use" means behavior on swimming pool slides as disclosed by the manufacturer, as specified in this Part 1207, or to which the slide may be subjected by a reasonable user.

(16) "Ladder angle" means the angle of the ladder measured from a plumbline.

(17) "Ladder platform" means a platform built into the slide ladder.

(18) "Operation strength" means the strength of the slide and/or its components after installation according to the manufacturer's instructions.

(19) "Performance test" means a test to measure the functional or structural characteristics of the slide and may include:

(i) Observations and measurements of the slide's designed function in the "intended use" mode, installed according to the manufacturer's installation instructions.

(ii) Observations and measurements of the slide's response to dynamic and static loads.

(20) "Permanently installed" means a slide installed in a concrete or similar support deck from which the slide cannot be removed without damaging the support deck.

(21) "Pinching hazard" means any configuration of slide components that would pinch or entrap the fingers or toes of a child or an adult.

(22) "Puncture hazard" means any slide surface or protrusion that would puncture a child's skin under casual contact.

(23) "Runaway" means the surface on which the user slides in intended use of a slide.

(24) "Runway rail" means a raised edge or guard that keeps the slider on the runway.

(25) "Runway length" means the length of the runway measured along its centerline.

(26) "Slide width" means the width of the slide runway measured between the inside of the left and right runway rails.

(27) "Straight slide" means a slide whose runway curves only in the vertical plane.

(28) "Swimming pool slide" means any device used to enter a swimming pool by sliding down an inclined plane.

(29) "Tamperproof" means that tools are required to alter or remove portions of the slide such as guards, treads, etc.

(30) "Trajectory" means the path of a slider's center of gravity from start to finish.

(31) "Tread contact surface" means foot contact surfaces of ladder, step, stair, or ramp.

#### § 1207.4 Recommended standards for materials of manufacture.

(a) *General.* The materials used in swimming pool slides should be compatible with man and compatible with the environment in which they are installed. These materials should be capable of fulfilling the design, installation, and intended-use requirements prescribed by §§ 1207.5, 1207.6, and 1207.7.

(b) *Effects of environment.* The choice of materials for swimming pool slides should be such that the operational strength of the entire slide assembly, as defined by the performance tests in §§ 1207.5 and 1207.6, should not be adversely affected by exposure to rain, snow, ice, sunlight, local normal temperature extremes, local normal wind variations, expected local air pollution products, and the mechanical, electrical and chemical environment in and around swimming pools. For purposes of this Part 1207, "local normal" temperature extremes and wind variations are defined as the average annual recorded limits for the past 10 years at any slide installation point in the U.S.A. where such statistical information exists (see reference (a) in § 1207.11).

(c) *Materials selection.* The selection of all materials for swimming pool slides should be such that all parts with external surfaces and edges that may come in contact with the user are assembled, arranged, and/or finished (deburred, polished, etc.) so that they will not constitute a cutting, pinching, puncturing, or abrasion hazard under casual contact and intended use by children or adults.

(d) *Toxicity.* The selection of materials used in swimming pool slides should be such that the assembled and installed product should not be toxic to man or harmful to the environment under intended use and reasonably foreseeable abuse or disposal. All paints and finishes used on swimming pool slides shall be in compliance with 16 CFR 1500.17(a) (6) (i).

(e) *Chemical compatibility.* The selection of materials for swimming pool slides should be such that the assembled and installed product, and the parts, shall be chemically compatible with the materials and environment contacted under intended use and reasonably foreseeable abuse.

#### § 1207.5 Design.

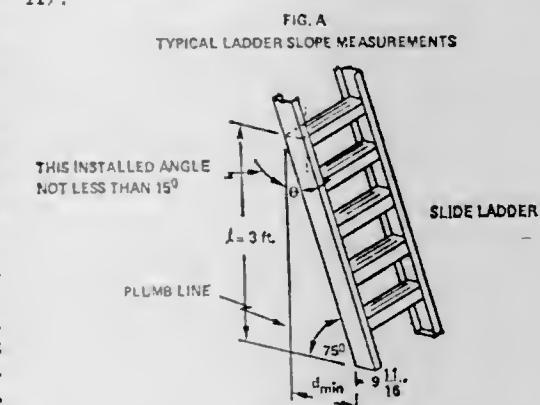
(a) *Strength.* The strength of the assembled and installed swimming pool slide shall be such that no structural failure of any component part shall cause failure of any other component part of the slide as described in the performance tests in paragraphs (d) (4) and (f) (9) of this section.

(b) *Edges.* Edges of swimming pool slide runways, ladders, handrails, and deck anchor flanges shall be designed, finished (deburred, polished, etc.), or protected in such a manner as to prevent cutting human tissue on casual contact and intended use. If guards are used, they shall be permanently affixed to the structure in a tamper-proof fashion.

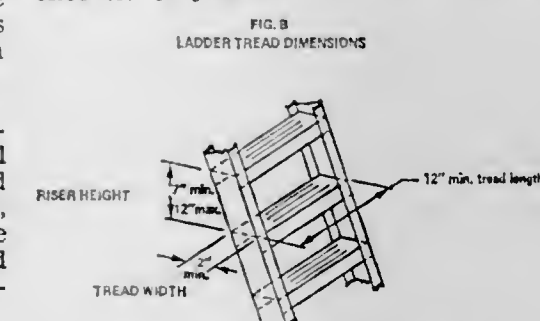
#### (c) Ladders, steps, stairs, or ramps—

(1) *General.* Swimming pool slide ladders, steps, stairs, or ramps shall have treads, not rungs, if the angle of the incline is 15° or greater from a plumbline.

(2) *Angle.* Swimming pool slide ladders shall be designed and installed in such a manner that the user's center of gravity will be approximately positioned directly over each step during the use of the ladder. When tread design ladders are used, the minimum installed angle shall be not less than 15° from a plumbline dropped from a ladder step as shown in figure A. If stairs or ramps are used to ascend to the top of the slide, they shall be designed in accordance with reference (c) of § 1207.11, pages 457-463 (see Fig. A).



(3) *Steps—(i) Dimensions.* Slide ladder treads may have flat or curved tread surfaces and shall be designed so that they have a minimum tread width of 2 inches and a minimum length of 12 inches (reference (c) of § 1207.11). The riser height of slide ladder tread shall be no more than 12 inches nor less than 7 inches and shall be constant over the entire height of the ladder (reference (c) of § 1207.11).



(ii) *Tread curvature.* If slide ladder tread surfaces are curved, they shall not have a radius of curvature less than seven times the tread width.

(iii) *Slip resistant surfaces.* The tread surface of all swimming pool slide ladders shall have a slip-resistant surface that is either an integral part or permanently attached. The performance test is designed to insure that all tread slip-resistant surfaces shall have the ability to maintain a barefooted 50 percentile adult (reference (d) of § 1207.11) at an angle of repose of 33°±1° without movement with a safety factor of 2.0. The angle of repose is the angle formed by the intersection of the ladder rails and the

(iv) *Fastener requirements.* Ladder treads shall be attached to the ladder rails in such a manner that continued intended use or reasonably foreseeable abuse shall not cause any fastener to loosen, crack or break. All attachment methods that are used to hold the ladder tread to the ladder rails shall be permanent and tamperproof. If fasteners are used for the tread-rail attachment, the number and placement of such fasteners shall not cause a failure of the tread under the ladder loading conditions specified in this paragraph (c) (3).

(v) *Aboveground pool ladders.* Aboveground pool slides equipped with swing-up ladders shall be designed so that the ladders may be fixed in the up position by a tamperproof lock.

(vi) *Ladder platforms.* Swimming pool slides whose height above the surface upon which the slide is mounted is greater than 7.5 feet shall have a platform built into the ladder. This platform

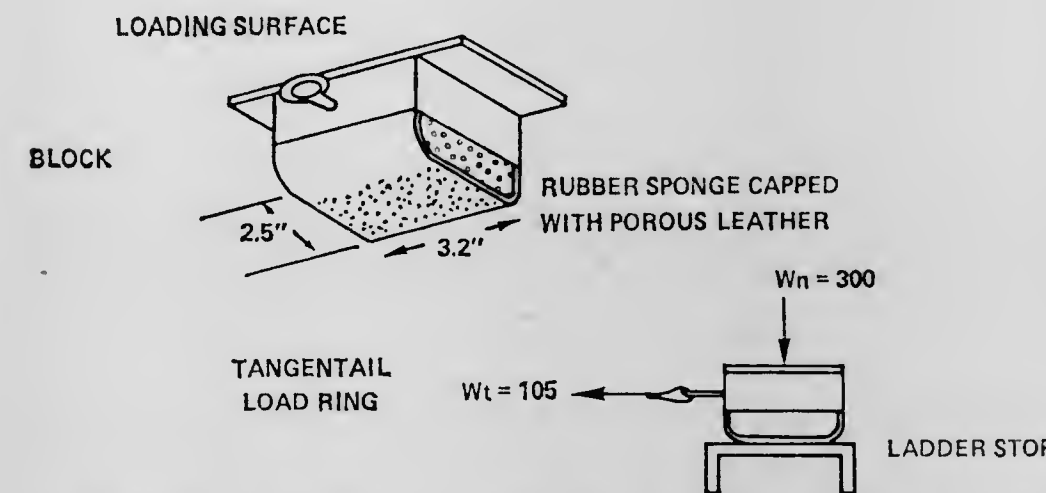
line connecting the user's feet and center of gravity. The tread and the foot shall be wet for this test.

(A) *Performance test.* A wooden block shall be prepared in accordance with figure C. The contact surface area of the

block shall be 8 square inches to simulate the ball of the foot (reference (d) of § 1207.11). It shall be covered with 1/4±1/8 inch of natural or silicone rubber sponge capped with porous soft leather as shown in figure C.

FIG. C

#### TEST BLOCK FOR SLIP-RESISTANCE MEASUREMENTS OF SLIDE LADDER TREADS



The tests shall be carried out on a slide assembled and installed according to the manufacturer's instructions. The block shall be soaked in pool water for at least 3 minutes and placed at the midpoint of the wet step with the centroid of load of the block on the longitudinal axis of the step. The block shall be loaded symmetrically on its upper bearing surface with a weight of 300±2 pounds. A controlled and measured force shall be applied at the tangential load ring of the block tangent to the horizontal and at a rate of no more than 20 pounds per second. If the block does not move at the point that the tangential load is equal to 105 pounds, the tread surface passes this performance test. Tests that utilize equivalent forces on the block may be substituted if they result in substantially identical slip resistance measurements.

(iv) *Fastener requirements.* Ladder treads shall be attached to the ladder rails in such a manner that continued intended use or reasonably foreseeable abuse shall not cause any fastener to loosen, crack or break. All attachment methods that are used to hold the ladder tread to the ladder rails shall be permanent and tamperproof. If fasteners are used for the tread-rail attachment, the number and placement of such fasteners shall not cause a failure of the tread under the ladder loading conditions specified in this paragraph (c) (3).

(v) *Aboveground pool ladders.* Aboveground pool slides equipped with swing-up ladders shall be designed so that the ladders may be fixed in the up position by a tamperproof lock.

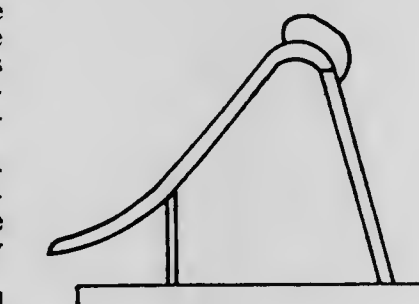
(vi) *Ladder platforms.* Swimming pool slides whose height above the surface upon which the slide is mounted is greater than 7.5 feet shall have a platform built into the ladder. This platform

shall be located at least 6 feet above the deck and shall have minimum dimensions of 12 by 12 inches. The floor of the platform shall have a slip-resistant surface whose performance shall be qualified by the tests specified in paragraph (c) (3) (iii) (A) of this section. A minimum dimension of two times the riser height shall be maintained from the platform to the top of the slide runway. Transitional handrails shall be provided when a platform is used.

(d) *Handrails.* Swimming pool slide ladders shall be equipped with handrails to aid the slider in safely making the transition to the runway. The handrails shall extend no more than 18 inches above the top of the slide runway platform. (See Fig. D).

FIG. D<sub>1</sub>

#### TYPICAL TRANSITION HANDRAIL

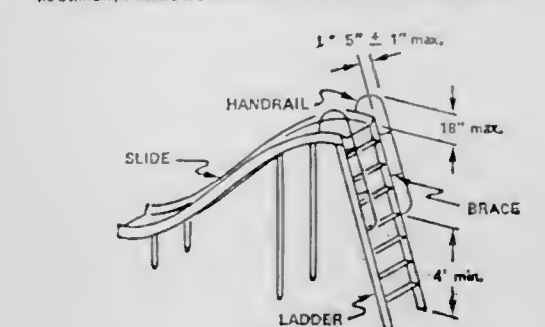


(1) *Size.* The outside diameter of handrails shall be between 1.00 and 1.90 inches (references (c) and (d) of § 1207.11).

(2) *Extent of handrails (maximum angle ladder).* If ladder handrails for a ladder inclined 15 degrees or less from the vertical extend below the slide transition area, they shall be parallel to the ladder rails at a perpendicular distance of four to six inches above the ladder rails (see figure D<sub>2</sub>). The handrails shall begin three to five feet above the pool deck. Handrails shall not provide a means of entrapment. (See Fig. D<sub>2</sub>).

FIG. D<sub>2</sub>

MAXIMUM/MINIMUM DIMENSIONS FOR SLIDE LADDER HANDRAILS



(1) *Extent of handrails for ladders, steps, stairs, or ramps.* For slides not using the maximum angle ladder (15 degrees or less from the vertical), the distance "γ" in figure D<sub>2</sub> shall be defined as shown in table 1 that follows.

TABLE 1—VARIATIONS OF "γ"

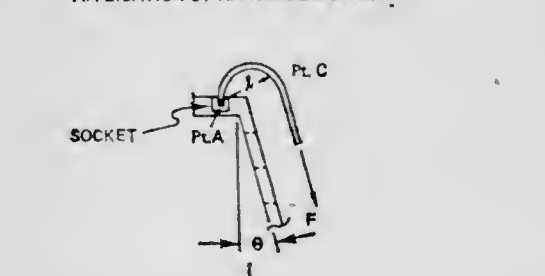
Ladders	"γ"
15° < θ < 40°	l = (34.00θ <sub>rad</sub> - 3.86) ± 1"
40° < θ < 70°	l = 34" ± 1"
Ramps	
0 < 70°	l = 42" ± 1"

(3) *Bracing of handrails.* If handrail braces are used, they shall withstand intended use and reasonably foreseeable abuse.

(4) *Attachment and strength of handrails.* Handrails and their fasteners shall withstand allowable shear, bending, and cyclical loading in intended use and reasonably foreseeable abuse. All fasteners for handrail connections shall be vibrationproof, selflocking, and tamperproof. The fasteners shall be capable of withstanding a 1-foot-pound back-off torque.

(i) *Sockets.* If handrail sockets are used, the handrail end shall be permanently fixed in the socket so that it cannot be pulled out or bent at the socket by a moment of 233 foot-pounds applied clockwise around point A in figure E. The socket shall not permanently deform under the maximum applied loads. (See Fig. E.)

FIG. E APPLICATION OF HANDRAIL MOMENTS



MOMENT = FORCE x DISTANCE =  $F \times l = 233 \text{ ft. lbs.}$   
WHERE: PLC IS TAKEN AT THE MAXIMUM MOMENT AREA "A" FROM PLA.

(ii) *Side forces.* If the handrail is in a socket or attached to the side of the

(2) *Dynamic equilibrium.* (i) Swimming pool slide runways, whether

TABLE 2

Runway

(1) *Performance tests.* Measurement of the 50-percentile adult male (71 inches and 162 pounds) slider's angle

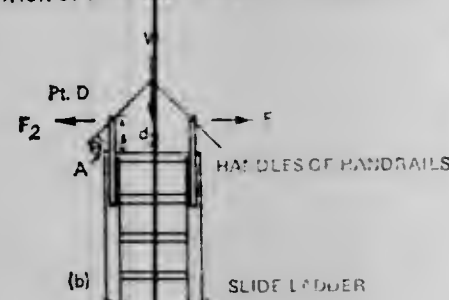
(8) (i) *Runway exit ramp lateral curvature and exit lip horizontal angle.* No net lateral force on the slider shall exist

cording to the manufacturer's instructions. Prepare a 20-square-inch load-bearing pallet according to figure K. The added pallet on the upper slide



(ii) *Side forces* If the handrail is in a socket or attached to the side of the slide runway rail, the attachment methods must be capable of withstanding all shear and bending forces induced by a 172-foot-pound moment counterclockwise around point A in figure F.

FIG. F  
APPLICATION OF HANDRAIL MOMENTS TRANSITION



$$\text{MOMENT} = F_2 \times d_2 = \text{FORCE} \times \text{DISTANCE} = 172 \text{ ft. lbs.}$$

(iii) *Performance tests—(A) Strength for climbing and falls.* (1) Attach a pull loop to point C of the upper handrail (figure E). Point C is the point where a perpendicular to the axis of the handrail passes through point A, the socket, or other attachment point. Attach a stranded steel cable or wire rope to point C. All cables and ropes shall have a 1,000-pound tensile capacity. Attach a 162-pound weight to this cable at least 4 feet below point C. Observe any permanent deformation or bending on the handrail at point A. If none exists, the handrail passes this performance test.

(2) Lift the weight one foot from its maximum static position and drop it. Observe any permanent deformation of the handrail or its attachments at point A. If each handrail will still support the 162-pound static load for a period of 15 minutes and has not been bent more than 45° from the vertical, the handrails pass this performance test.

(B) *Transition strength.* Rotate assembled slide into the horizontal position on its side on a loading dock or other platform. Move the slide into such a position that the total handrail level the slide. Fasten the slide firmly in this position and attach a 114-pound weight to point D, as shown in figure F, and observe and check for any major permanent deformation of the handrail at point A. If none exists, the handrails pass this performance test.

(e) *Lubrication.* Swimming pool slides shall be equipped with a method of lubrication so the slider has a smooth, continuous slide. If water is used, nozzles, piping, or hoses that deliver water to the runway shall be recessed or designed in such a fashion as not to interfere with a slider's progress down the slide and not to create tripping hazards on the slide.

(f) *Runways—(1) Curvature.* Slide runway curvature between the front and rear support legs of the slide shall be consistent with maintaining the slider safely on the slide during intended use and reasonably foreseeable abuse.

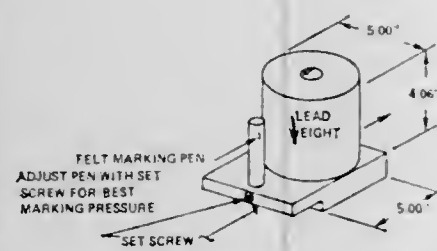
(2) *Dynamic equilibrium.* (i) Swimming pool slide runways, whether straight or curved, shall be designed as "balanced curves." On a balanced curve, the test fixture discussed in paragraph (f) (2) (ii) of this section shall stay on a trajectory that keeps it within a distance of  $\pm 41$  percent of the runway width to the runway centerline at all points along the runway without contacting the runway rails.

(ii) *Performance test.* (A) *Direct measurement.* Build a wooden pallet no larger than 5 by 5 inches, as shown in figure G. Securely attach a lead rod or bar on the pallet. Size the bar so that the weight-to-area ratio of the assembly is

$$\frac{W}{A} = 1.30 \pm 0.05$$

and the pallet does not tip over when in motion. Attach a felt pen or other suitable marking device to the pallet assembly as shown to mark the slide during descent. (See Fig. G).

FIG. G  
ASSEMBLY FOR MEASUREMENT OF RUNWAY EQUILIBRIUM



(B) *Test.* Lubricate the slide in accordance with the manufacturer's instructions. Center the pallet at the top of the slide runway and release. Observe the pallet's descent and note if it touches the slide's side rails. If it touches, check alignment and installation again. With water off and the slide dry, center the pallet at the top of the runway and release. Measure the distance from the felt pen marked line to the centerline of the runway. If within  $\pm 41$  percent of the width measured from the centerline along the entire path and if the pallet does not contact the runway rails, the slide is dynamically balanced and passes this performance test.

FIG. I

MEASUREMENT OF ANGLE OF ATTACK

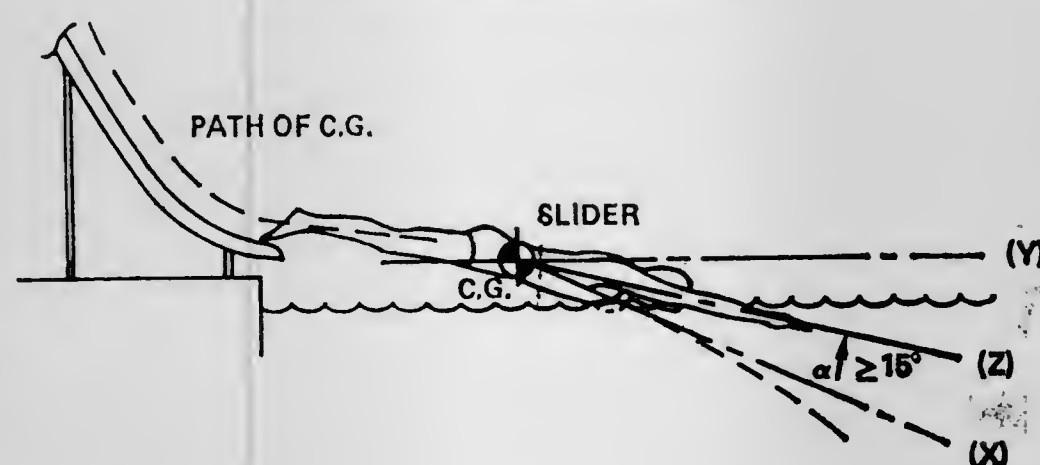


TABLE 2

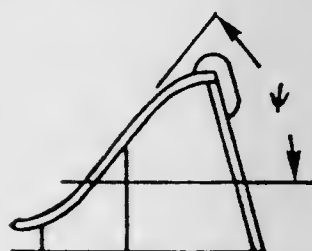
$\psi$ = Maximum slide-slope angle	Runway side-rail height (inches)
60°	2
65°	3
70°	3
75°	3 1/2

(3) *Runway side rails.* Swimming pool slide runways shall have permanent runway side rails of at least 2 inches height to prevent lateral discharge of the slider-off the slide under intended use and reasonably foreseeable abuse.

(4) *Runway side-rail heights.* Runway side-rail heights shall be designed as a function of the maximum slide-slope angle (as shown in figure H). Table 2 that follows shows side-rail height versus maximum slide-slope angle. If the maximum slide-slope angle is not shown in table 2 the next higher side-rail height must be used. Maximum slide-slope angles shall not exceed 75°. (See Fig. H).

FIG. H

MAXIMUM SLIDE SLOPE ANGLE  $\psi$



(5) *Runway radius of curvature in the vertical plane.* Swimming pool slide runways shall have a smooth transition section with sufficient radius of curvature such that the path of the center of gravity of the slider is no more than  $\pm 10^\circ$  from the horizontal at the center of gravity's exit off the slide and such that the slider's angle of attack (a) shown in figure I, shall be no less than  $+15^\circ$  when the slider's feet leave the slide. (See Fig. I).

(i) *Performance tests.* Measurement of the 50-percentile adult male (71 inches and 162 pounds) <sup>1</sup> slider's angle of attack at the point where his feet leave the slide shall be made using any of the following methods:

(A) Motion picture cameras (36 frames per second or more).

(B) Still cameras with strobe lights and reflectors on the head and hip of the slider.

(C) Still cameras with rotating shutters and lights on the head and hip of the slider.

(D) Video recorder with tape playbacks.

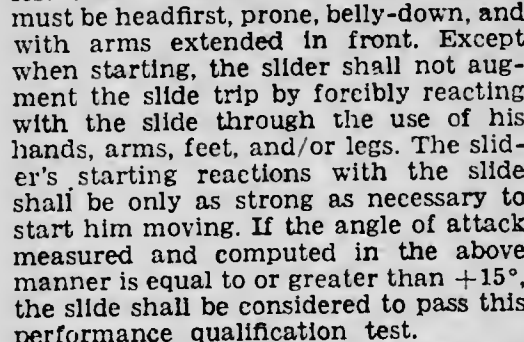
(ii) Measurements shall be made from those frames that show the water level as the local horizontal. Path angle shall be determined by measuring the angle between a tangent to the path of the center of gravity (line X) and the local horizontal taken through the center of gravity (line Y). At least five consecutive runs with the same subject shall be made to generate enough data for an average angle-of-attack computation. <sup>2</sup> Angle of attack shall be taken as the angle between the slider's longitudinal axis (Z) and the tangent to the path of his center of gravity (X). The slider's longitudinal axis shall be located by the vertical line that passes through his center of gravity when he stands erect. The slider shall wear usual swimming attire. The angle-of-attack measurement shall be made after the slider's feet have cleared the slide, the distance between the end of the slide and his feet being less than 8 inches. The slider's descent must be headfirst, prone, belly-down, and with arms extended in front. Except when starting, the slider shall not augment the slide trip by forcibly reacting with the slide through the use of his hands, arms, feet, and/or legs. The slider's starting reactions with the slide shall be only as strong as necessary to start him moving. If the angle of attack measured and computed in the above manner is equal to or greater than  $+15^\circ$ , the slide shall be considered to pass this performance qualification test.

(6) *Runway exit lips.* All runway exit lips of swimming pool slides shall be smoothly faired into the runway surface with a radius of curvature at the exit lip of the slide of at least 2 1/4 inches (see figure J).

(7) *Runway exit vertical angle.* The maximum allowable angle of the runway at exit of the slide (theta) shall be  $-3$  to  $-11$  degrees from the horizontal as shown in figure J.

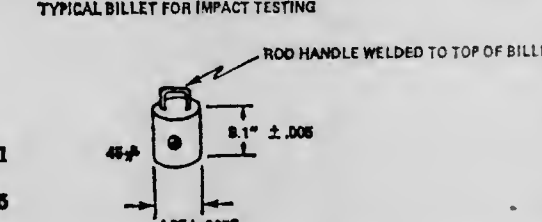
FIG. J

RUNWAY EXIT ANGLE  $\theta$



(2) Fabricate a 45-pound billet of  $4.900 \pm 0.005$ -inch steel rod as shown in figure M, or equivalent, and load into the pipe above the trigger slot. The length of the pipe from the trigger slot to the impact pallet shall be  $9.5 \pm 0.1$  feet.

FIG. M  
TYPICAL BILLET FOR IMPACT TESTING



<sup>1</sup> See reference (f) of § 1207.11 for full discussion.  
<sup>2</sup> Maximum measurement variation of  $\pm 15$  percent.

(8) (i) *Runway exit ramp lateral curvature and exit lip horizontal angle.* No net lateral force on the slider shall exist in that portion of the runway exit ramp beyond the forward support points of the slide. All slides shall be designed and constructed so that the exit lip of the slide is level at all points along the width of the runway at the runway exit lip line drawn at the point where the radius "R" shown in figure J is tangent to the runway. The slide shall be designed so that any side forces on the user induced by prior lateral curvature will be reduced to zero upon exit from the slide runway.

(ii) *Performance tests.* Those tests described in paragraph (f) (2) (ii) of this section are also applicable to paragraph (f) (8) of this section, where the path of the test fixture must be parallel to the centerline of the slide at the exit lip and not touching the side rails of the runway.

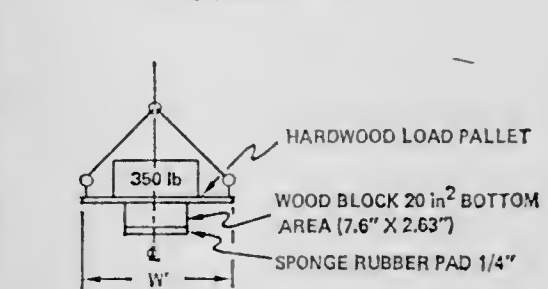
(9) *Strength of slide runways and supports—(i) Static loads.* Properly assembled and installed slide runways shall be capable of supporting a static load of at least 350 pounds applied normal to the runway over an area of no more than 20 square inches at any point along their length or width.

(ii) *Dynamic loading.* Properly assembled and installed slide runways shall be capable of supporting, without structural failure, a dynamic load of at least 450 foot-pounds dropped on an area of 20 square inches at the midpoints of the upper runway platform and the lower runway exit ramp.

(iii) *Performance tests—(A) Static loads.* Assemble and install a slide according to the manufacturer's instructions. Prepare a 20-square-inch load-bearing pallet according to figure K. Place the loaded pallet on the upper slide platform, positioned between the runway rails, until the scale on the hoist line reads between 0 and 10 pounds. Keep the pallet in this position for 10 minutes. Remove the loaded pallet and observe the runway for any significant structural failure such as permanent deformations or cracks. If there is none, the slide is acceptable. Repeat the same test on the lower runway exit ramp.

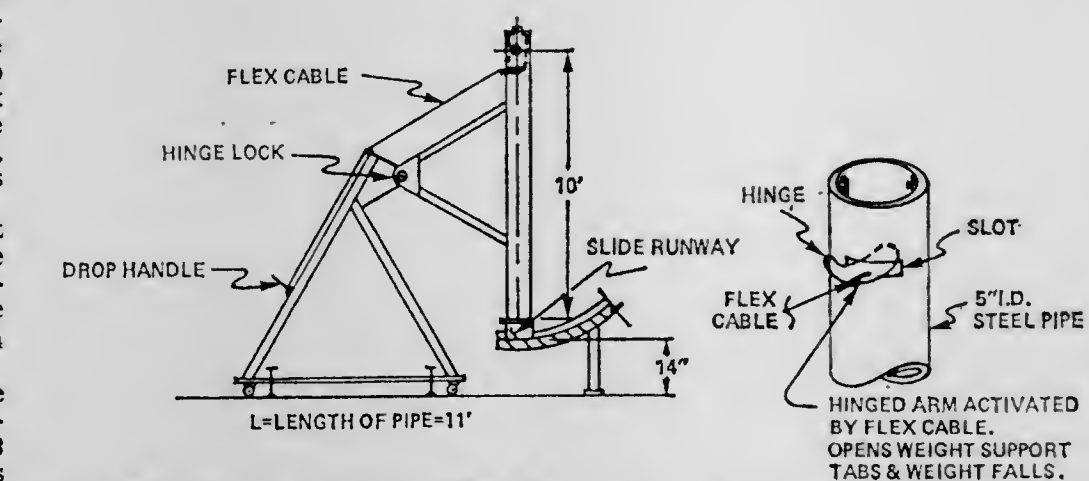
(B) *Dynamic loads.* (1) Assemble and install a slide according to the manufacturer's instructions. Use the hardwood load pallet shown in figure K and set it up in the dynamic load guides fabricated as shown in figure L, or an equivalent commercially available impact-testing machine.

FIG. K  
STATIC LOAD TEST FOR SLIDE BED



W = WIDTH OF SLIDE RUNWAY MINUS 1/4"

FIG. L  
DYNAMIC LOAD TEST



(3) Drop the billet onto the pallet and observe the slide for any permanent deformation or crack. If the slide runway can still support a static load of 350 pounds without further crack propagation, it passes.

(4) Perform the experiment on the entrance and exit platforms of the slide runway.

§ 1207.6 Installation.

(a) *General.* The proper installation of a swimming pool slide concerning its position around the pool, its position relative to the manufacturer's instructions.

ative to the other pool equipment, and its attachment to the deck are of great importance for increased safety.

(b) *Placement dimensions—(1) An-*

Minimum depth at "D," (feet)

DE  
KEY



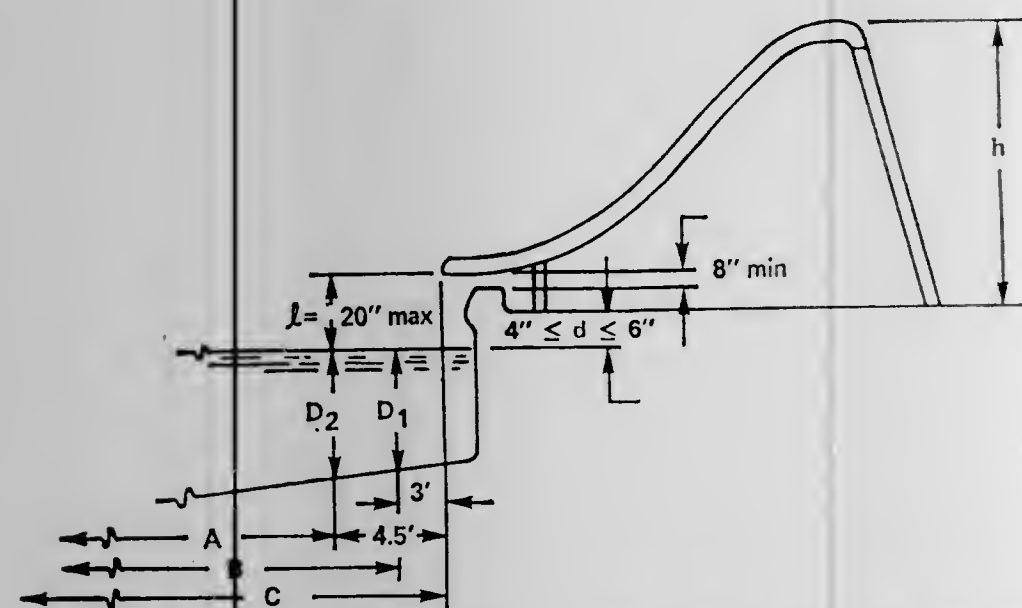
## PROPOSED RULES

ative to the other pool equipment, and its attachment to the deck are of great importance to the safety of the user. The position of the slide installation around the periphery of any pool should be selected on the basis of the water depth, the slope of the pool wall and floor at the installation point and along the centerline of the slide, the width of the pool, and the height and shape of the slide. For purposes of this section, the term "shall" is used in connection with mandatory requirements and the term "should" is used in connection with

recommendations for increased safety. (b) *Placement dimensions*—(1) *Anchoring*. All slides for in-ground pools should be permanently anchored in accordance with the manufacturer's installation instructions. All slides for above-ground pools should be fixed in a manner that prevents movement of the slide exit lip away from the edge of the above-ground pool.

(2) *Critical dimensions*. The critical dimensions of the slide and its placement are as shown in figure N.

FIG. N  
SLIDE PLACEMENT DIMENSIONS



(i) *Slide height*. Dimension "h" should be the height of the slide above the deck or ground on which the slide rests.

(ii) *Maintenance of minimum depth of water*. For all slides, except those described in paragraph (b) (2) (iv) (B) of this section, the dimension "A" is the recommended distance that the minimum depth of water "D<sub>1</sub>" should be maintained. A is measured along the extended centerline of the slide starting 4.5 feet from its exit lip (as shown in figure N). This minimum distance should be taken from table 3, below. For those slides described in paragraph (b) (2) (iv) (B) of this section, the dimension "B" is the recommended distance that the minimum depth of water "D<sub>2</sub>" should be maintained. B is measured along the extended centerline of the slide starting 3 feet from its exit lip. For slides higher than 15 feet, use the equations listed below for the design of distance "A".

## EQUATIONS

(iii) *Maintenance of minimum distance of water in front of slide*. Dimension "C" is the minimum distance of water that should be maintained in front of the exit of the slide. This distance should be taken from table 3.

(iv) *Depth of water*—(A) For depths less than 3 feet. No slide should be installed at a depth "D<sub>1</sub>" less than 3 feet.

(B) For depths from 3 to 4 feet. Installation of slides should be allowed at these depths only if they meet the following requirements:

(1) Slides should be restricted to use only by children under 13 years of age and are permanently so marked according to § 1207.7.

(2) Slides should have all other appropriate safety signs, as specified by § 1207.7, permanently attached.

(3) Slides should be no higher than h=6.5 feet off the pool deck (see figure N).

(C) *Unrestricted slides*. All slides shall be equipped with a ladder chain or other suitable device to keep unsupervised children off the slide. Minimum recommended installation depths "D<sub>1</sub>" of all slides not covered by the requirements of paragraph (b) (2) (iv) (A) and (B) of this section shall be obtained from table 4.

Height "h" (feet):	Minimum depth at "D <sub>1</sub> " (feet)
7.5 or less	4
8	5

Height "h" (feet):	Minimum depth at "D <sub>2</sub> " (feet)
8.5	5.5
9	5.5
10	5.5
11	5.5
12	6
13	6
14	6
15	6
20	7

For heights above 20 feet, minimum installation depths should be computed from the following equation:  $D_2 = 1.52 \sqrt{h} + 1.67$

## EQUATIONS

$$(I) A = \sqrt{X^2 - D_2^2}$$

$$(II) C = 0.90X + 4.5$$

$$(III) \frac{\ln(7.22\sqrt{h+d}) - 1.386}{0.169}$$

See Table 4 for values of D<sub>2</sub>.

(3) *Position of slide at edge of pool*—(i) *Water run-off*. Slides should be positioned at the edge of the pool so that any and all water flowing off the end of the slide runway drops into the pool.

(ii) *Clearance between slides and between slides and diving boards*. (A) Slides should be positioned so that the centerline of the slide does not intersect the centerline of any diving board for a minimum distance of 7 feet from point "A" shown in figure O. If two slides are used in the same pool, the minimum distance between their exits "CD" should be computed from the following equation:

$$CD = 0.3(h_1 + h_2) + 22$$

where h<sub>1</sub> = height of slide 1.

h<sub>2</sub> = height of slide 2.

CD = The recommended distance between their exits.

(B) Table 5 shows representative values from the equation in paragraph (b) (3) (ii) (A) of this section:

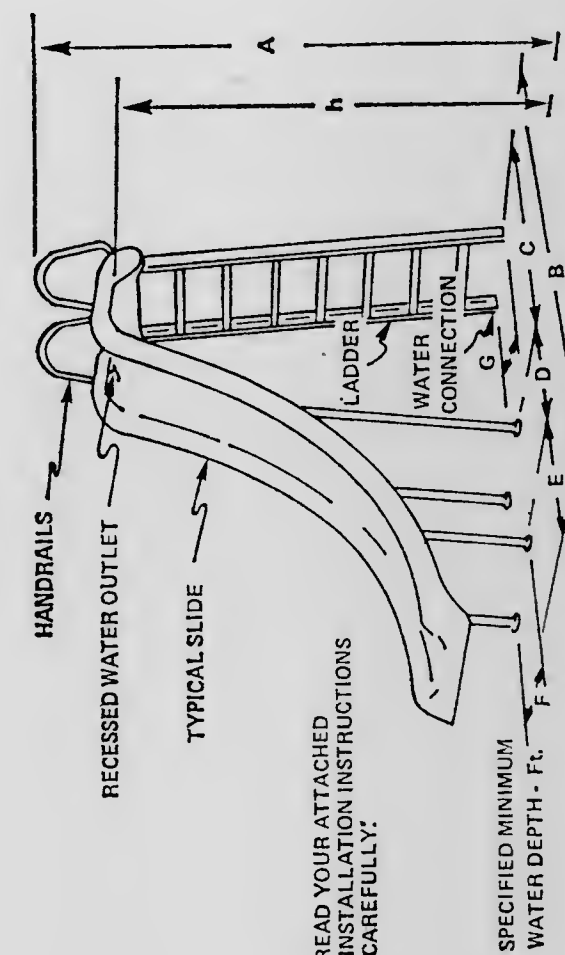
(h <sub>1</sub> + h <sub>2</sub> ) feet:	CD feet
10	25
15	27
20	28
30	30

(iii) *Clearance distances*. Slides should be positioned so that the slider cannot hit the pool edge, copings, diving boards, safety line, or other equipment with arms extended in any sliding position.

(A) *Pool walls and diving boards*. The minimum distance from the centerline of the slide runway to the edge of the pool or to a diving board should be 3 1/4 feet at a point at least 2 1/2 feet from the end of the slide.

(B) *Safety line*. The minimum distance between the centerline of a slide and a safety line when they are parallel should be not less than 3 1/4 feet. The intersecting distance along the centerline of the slide between a safety line and the runway exit lip should be not less than 10 feet. (See Fig. O).

FIG. P  
TYPICAL ILLUSTRATION FOR INSTALLATION INSTRUCTIONS



WHERE A = HEIGHT TO TOP OF TRANSITION HANDRAILS FROM DECK

B = HEIGHT TO TOP OF SLIDE RUNWAY PLATFORM FROM DECK

C = LENGTH FROM EXIT LIP OF SLIDE TO BASE OF LADDER

D = LENGTH FROM BASE OF LADDER TO LONG SUPPORT LEGS

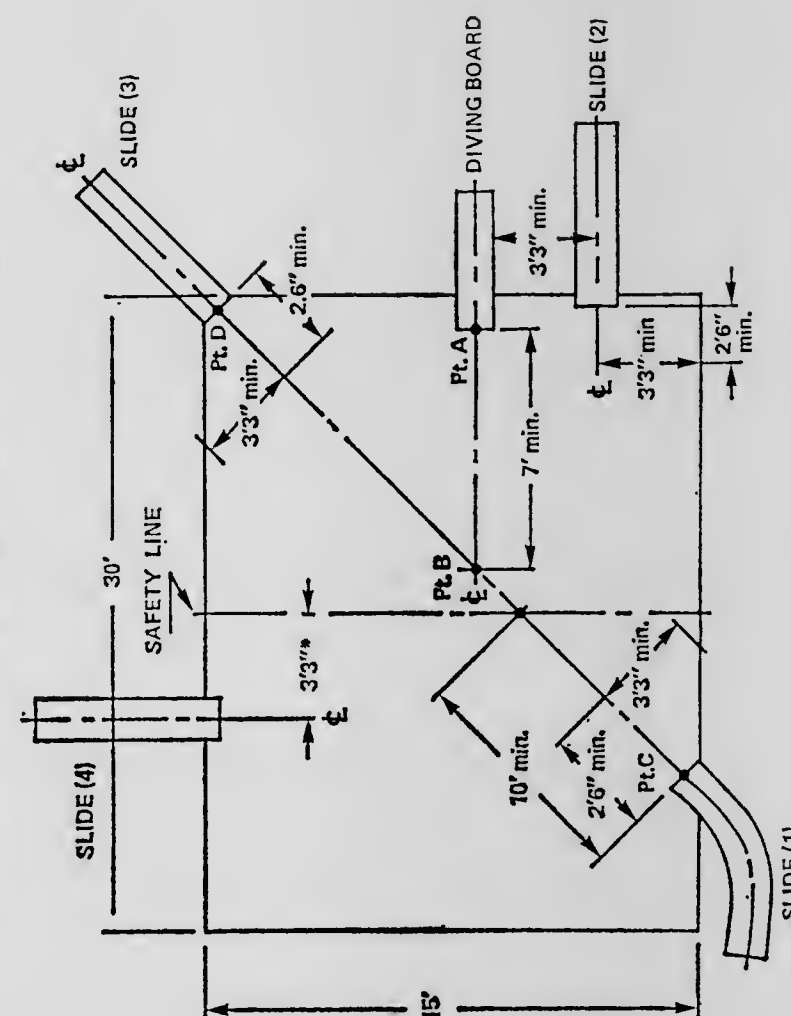
E = LENGTH BETWEEN LONG AND SHORT SUPPORT LEGS

F = LENGTH FROM SHORT SUPPORT LEG TO LIP OF SLIDE

G = WIDTH BETWEEN SUPPORT LEGS

ALL DIMENSIONS SHALL BE TAKEN BETWEEN THE CENTERLINES OF SLIDE COMPONENTS WHERE POSSIBLE. IF DIMENSIONS ARE NECESSARY OTHER THAN THOSE SHOWN ABOVE THEY SHALL BE SHOWN DIRECTLY ON THE DIAGRAM.

FIG. O  
TYPICAL IN-GROUND POOL EQUIPMENT CLEARANCE DISTANCES



\*IF SLIDE IS PREDOMINANTLY USED BY CHILDREN UNDER 13, THIS DISTANCE CAN BE REDUCED TO 23'.

(C) *Copings*. The minimum height of the slide above the deck to prevent striking the hands on raised copings shall be 14 inches. If copings are flush with the deck, minimum heights of 8 inches are allowable. A plumbline dropped from either edge of the slide runway exit should not intersect any portion of the pool deck or coping.

(c) (1) *Installation instructions*. Swimming pool slides shall be delivered to the user-installer with a set of de-

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(2) *Parts list*. The parts list shall be

(b) *Size of signs*. The overall size of

FIG. R

## PROPOSED RULES

(g) *Intended-use instructions*. The

11. Teenagers and adults should not use slides placed in less than 4 feet of water.

§ 1207.10

Handling, storage, and marking.



(2) *Parts list.* The parts list shall be printed directly on the slide installation instructions and shall give the quantity, name, and description of each part, including its identification or reorder number if appropriate.

(3) *Slide minimum installation depth.* The installation instructions for swimming pool slides shall include in a prominent place on the slide sketch (as shown in figure P) the specified minimum installation depth for the particular slide as specified in paragraph (b) (2) (iv) of this section.

(4) *Slide position installation.* The installation instructions for swimming pool slides shall include in a prominent place on the front or rear of the instruction sheet a reproduction of figures N and O and a summary of the information in paragraph (b) (2) (iv) of this section.

(5) *Special instructions.* The installation instructions sheet for swimming pool slides shall include the substance of the following special instructions:

(i) Choose the slide position carefully according to the depth guide (see paragraph (b) (2) (iv) of this section) and the location guide (see paragraph (b) (3) of this section).

(ii) Set the exit of the slide no more than 20 inches over the water and no lower than 14 inches off the pool deck, except as noted in paragraph (b) (3) of this section.

(iii) Inform the customer of the intended use and maintenance of the slide at the time of installation (see § 1207.7 for intended-use instructions).

(6) *Inspections.* The slide owner, manager, or custodian should inspect or have the slide inspected at least once a year by a qualified installer or professional.

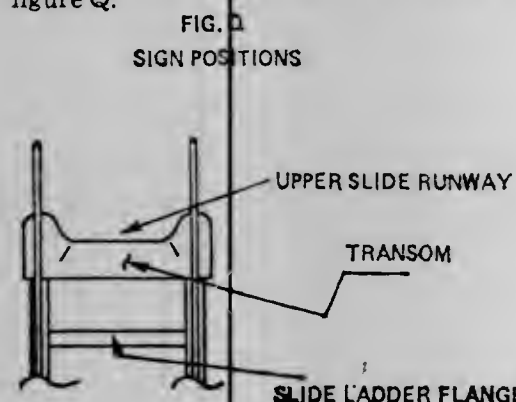
(7) *Electrical bonding instructions.* Slides shall be bonded in accordance with the latest edition of "Article No. 680 of the National Electric Code, Swimming and Wading Pool Wiring."

(8) *Intended-use instructions.* Intended-use instructions shall be made an integral part of the installation instructions included with the packaged product (see § 1207.7).

#### § 1207.7 Intended-use instructions.

The following intended-use instructions and signs shall be included with the packaged slide in order to educate and warn each slider as to proper and safe behavior on swimming pool slides.

(a) *Position of signs.* Intended-use instruction signs shall be placed on the flange of the slide ladder tread or the transom facing the user as shown in figure Q.



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(b) *Size of signs.* The overall size of these signs shall be not less than 12 inches by 1 inch. The lettering shall be not less than 1/4 inch in height.

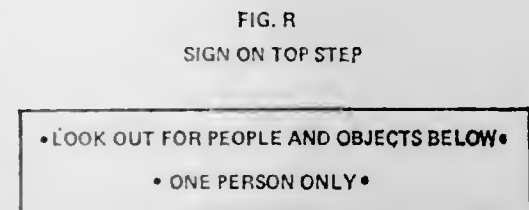
(c) *Attachment of signs.* Intended-use instruction signs shall be permanent and tamperproof. Signs affixed to ladders shall be attached by the manufacturer of new slides. Signs affixed to transoms shall be attached in a permanent and tamperproof manner.

(d) *Color of signs.* Intended-use instruction signs shall have high contrast lettering and backgrounds. The following are examples of acceptable practice:

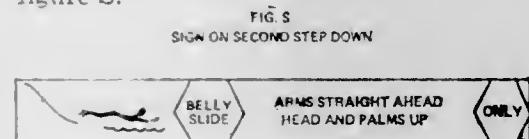
Color of lettering and pictures:	Background
Black	Yellow or White
Red	White
Green	White

(e) *Retrofit.* All intended-use instruction signs shall be manufactured so that they can be retrofitted on slides already sold by the manufacturer.

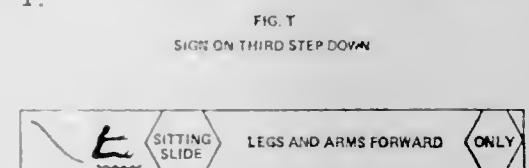
(f) *Content of signs.* (1) On the top step (see figure R).



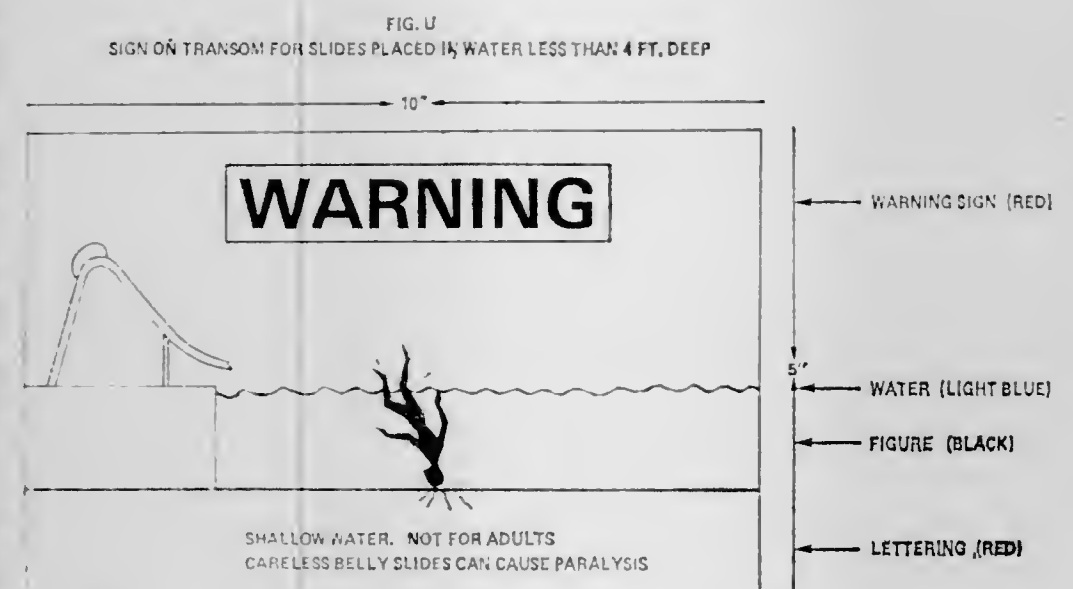
(2) On the second step down: see figure S.



(3) On the third step down: see figure T.



(4) For slides placed in 4 feet or less of water, the sign shown in figure U shall be placed on the transom in a permanent tamperproof manner.



(5) For slides placed in 4 feet or more of water, transom signs shall be placed on the slide in a permanent and tamperproof manner. The sign shall read and look as shown in figure V.



FIG. R  
SIGN ON TOP STEP

FIG. S  
SIGN ON SECOND STEP DOWN

FIG. T  
SIGN ON THIRD STEP DOWN

FIG. U  
SIGN ON TRANSOM FOR SLIDES PLACED IN WATER LESS THAN 4 FT. DEEP

FIG. V  
SIGN ON TRANSOM FOR SLIDES PLACED IN 4 FT. OF WATER OR DEEPER

(g) *Intended-use instructions.* The following intended-use instructions shall be made part of the installation instructions enclosed with all packaged slides. They shall not be printed such that they could become separated from the main installation instruction sheet.

#### INSTRUCTIONS FOR THE INTENDED USE OF YOUR SLIDE

Your slide has been manufactured according to safety standards approved by the U.S. Consumer Product Safety Commission. It is important the slide be installed according to the recommendations of these standards (16 Code of Federal Regulations, Part 1207.7) in order to reduce the possible risk of injury in connection with your slide. Installed and used properly, the slide will give you, your family, your friends, and your guests many hours of enjoyment, but, like any other piece of recreational equipment, this slide can be misused in such a way as to cause injury, even serious and disabling injury. As the owner of a swimming pool slide, it is your responsibility to:

Read and follow the simple safety rules below.

Make sure that everyone who uses the slide knows these rules.

Enforce these rules.

1. Only one person allowed on the slide at any time.
2. Roughhousing or horseplay on the slide is strictly forbidden.
3. Do not use the slide as a diving platform. The slide is made for sliding—not for diving.
4. Before sliding, always be sure that the slide is properly lubricated.
5. Only two kinds of slides—sitting slides and belly slides—are allowed.

#### FIG. W SLIDING IN A SITTING POSITION

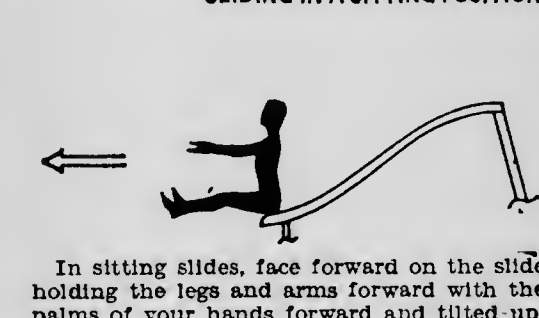


FIG. X  
SLIDING HEAD FIRST

In sitting slides, face forward on the slide holding the legs and arms forward with the palms of your hands forward and tilted up.

In belly slides, slide headfirst on your stomach with your head and arms straight ahead and with the palms of your hands tilted up. Do not drop your head or arms on entering the water.

6. Take your time in preparing to slide. Move forward slowly and get yourself positioned properly before starting your slide.
7. Look out for people or objects in the pool along the path of the slide.
8. Handicapped persons should use caution and may require supervision.
9. Young children and nonswimmers should be supervised at all times.
10. Do not use the slide if any part of it becomes damaged, weakened, or broken. Don't take chances. Have the slide inspected and repaired by a competent professional who is familiar with slides before using it again.

11. Teenagers and adults should not use slides placed in less than 4 feet of water. Serious injury could be incurred by striking the bottom.

#### § 1207.8 Slide safety inspection items.

The following tests and observations should be carried out in the field to assess the safety of swimming pool slides. These inspection items shall be part of the installation instructions, as follows:

##### INSTALLATION

All swimming pool slides should be installed according to specifications set forth in § 1207.8 of "A Safety Standard for Swimming Pool Slides" issued by the Consumer Product Safety Commission and published in Title 16, Code of Federal Regulations, Part 1207. Any measurements necessary to determine compliance can be made with a bubble level, a tape measure, and an 8 1/2-foot diprod calibrated in inches.

##### INSTALLED SLIDES' STRUCTURAL AND INSTALLATION DEFECTS

1. Inspect the runways for visual cracks or tears.
2. Inspect the edges of runways for sharpness, loose fiberglass, cracks, or tears.
3. Inspect all attachment flanges for loose or corroded fasteners.
4. Inspect the slide for general rigidity and stiffness.
5. Inspect all ladder-tread or step-attachment points for evidence of shear, bending, yield, or fatigue in the ladder steps, rails, or attachment methods. Yield is evidenced by crystallization or fine cracking of the ladder tread and/or surface.
6. Inspect the ladder handrails for rigidity and attachment. Can they be pulled out of their sockets?
7. Inspect the slide for sharp edges and protrusions on ladder, deck flanges and handles, and runways.
8. Measure the height of the slide runway off deck and compare to the manufacturer's installation instructions.
9. Measure the depth of water at the slide exit and compare to the manufacturer's installation instructions.
10. Measure the height of the slide above the water and compare to the manufacturer's installation instructions.
11. Measure the distance between the slide centerline and the edges of other pool equipment and compare to the manufacturer's installation instructions.
12. Observe the position of the exit of the slide as shown in Figures N and O of "A Safety Standard for Swimming Pool Slides," issued by the Consumer Product Safety Commission and published in Title 16, Code of Federal Regulations, Part 1207.

#### § 1207.9 Product certification.

(a) Certification shall be in accordance with section 14(a) (1) of the Consumer Product Safety Act (15 U.S.C. 2063(a) (1)).

(b) A certificate shall accompany the swimming pool slide in the form of a permanent label on the shipping container(s) or certificates shall otherwise accompany the slides to all distributors and retailers to whom the material is delivered up until the time the slides are removed from the shipping containers for distribution or sale to the ultimate consumers.

(c) Any certificate shall be based upon the test procedures and requirements specified in this Part 1207.

#### § 1207.10 Handling, storage, and marking.

(a) *Marking.* The manufacturer's or distributor's identification shall appear on the slide and shipping container. Such identification shall include the identity and address of the manufacturer or distributor. If a distributor's name is used, the marking shall include the manufacturer's identification mark.

(b) *Shipping, handling, and storage.* The slide shall be designed, constructed or packaged so that reasonably foreseeable shipping, handling, and storage will not cause defect in the slide that will prevent the slide from complying with requirements of this Part 1207.

#### § 1207.11 References.

(a) "Statistical Abstract of the United States 1973", U.S. Dept. of Commerce, pp 181-185, p 192.

(b) "Human Engineering Guide for Equipment Designers", Woodson and Conover, pp 2-166 through 2-169.

(c) "Human Engineering Guide to Equipment Design", Van Cott and Kin-Kade, published by U.S. Dept. of Defense, 1972, Library of Congress, Card No. 72-600054, pp. 457-465.

(d) "The Measure of Man—Human Factors in Design", by Henry Dreyfuss, p. 21.

(e) "Medical Tribune", Wed. 8/15/73, p. 21.

(f) "Technical Rationale in Support of A Safety Standard for Swimming Pool Slides", WAI-TR 75.5.1, 5/30/75.

#### § 1207.12 Stockpiling.

(a) *Definitions.* (1) "Base period" means, at the option of the manufacturer or importer concerned, any period of 180 consecutive days beginning on or after January 2, 1974, and ending on or before December 31, 1974.

(2) "Rate of production (or importation)" means the total number of swimming pool slides manufactured (or imported) during a stated time period; in determining whether a slide was manufactured (or imported) during a stated time period, the later of the two dates: the date on which the slide runway was manufactured (or imported) or the date on which the accompanying ladder and other support parts were manufactured (or imported), shall be used.

(b) Manufacturers and importers of swimming pool slides, as these products are defined in § 1507.3(28) shall not manufacture or import slides that do not comply with the requirements of a final swimming pool slide standard, between the date a final standard is issued and the date the standard becomes effective, at a rate which is greater than the rate of production or importation during the base period plus five percent of that rate.

(c) Manufacturers and importers shall maintain appropriate documentation to be able to substantiate to the Commission that they are in compliance with the provisions of this section.

Interested persons are invited to submit, on or before October 15, 1975, written comments regarding this proposal.

Any person interested in making an oral presentation of data, views, or arguments, the Development Document and economic study referred to above, and certain supplementary materials supporting

ments, in addition to the opportunity to make written comments must notify

ment of the Oil and Gas Extraction point source category by adding

standard of performance providing for the control of the discharge of pollutants

has determined that the same equipment used to determine the BPT standards, can be operated to achieve the BAT

Limitations Guidelines and New Source Performance Standards for the Offshore Segment of the Oil and Gas Extraction

reports, the Development Document and economic study referred to above, and certain supplementary materials supporting



ments, in addition to the opportunity to make written comments must notify Richard Danca of the Office of the Secretary (202) 634-7700, no later than close of business September 25, 1975. If an opportunity for an oral presentation is requested by any person, such an opportunity will be provided on October 10, 1975. A Federal Register notice announcing the time and place of any opportunity for an oral presentation and procedures governing that presentation will be published in the FEDERAL REGISTER prior to September 30.

Written submissions and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and other relevant material may be seen in the Office of the Secretary, 10th Floor, 1750 K Street, N.W., Washington, D.C., during working hours Monday through Friday.

It is hereby certified that the economic and inflationary impact of this proposed regulation is being carefully evaluated. The offeror has conducted an analysis of the possible effect of the standard on industry. Prior to the issuance of a final rule, the Commission will prepare the analysis required by section 9(c) of the Consumer Product Safety Act (15 U.S.C. 2058(c)). The Commission believes such an analysis will comply with the evaluation requirements of OMB Circular A-107.

Dated: September 9, 1975.

SADYE E. DUNN,  
Secretary,  
Consumer Product Safety Commission.  
[FR Doc. 75-24306 Filed 9-12-75; 8:45 am]

# ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 435]  
[EPA 430-8]

## OFFSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

### Proposed Effluent Limitations for Existing Sources, Standards of Performance and Pretreatment Standards

Notice is hereby given that effluent limitations for existing sources, standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). Simultaneously with this notice of proposed rulemaking, EPA is promulgating a regulation adding Part 435 to Chapter 40 of the Code of Federal Regulations. That regulation establishes effluent limitations and guidelines for existing sources based on the best practicable control technology currently available for the offshore segment of the oil and gas extraction point source category. The regulation proposed below will amend 40 CFR 435—Offshore Seg-

ment of the Oil and Gas Extraction point source category by adding §§ 435.13, 435.14, 435.15 and 435.16 to the near-offshore subcategory (Subpart A), and sections 435.23, 435.24, 435.25 and 435.26 to the far-offshore subcategory (Subpart B) pursuant to sections 301, 304 (b) and (c), 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; (Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

#### (a) Legal authority.

##### (1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The interim final regulation promulgated simultaneously with this proposed rule making sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the near-offshore subcategory (Subpart A), and the far-offshore subcategory (Subpart B) of the offshore segment of the oil and gas extraction point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

#### (2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal

standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. Simultaneously with the appearance of the proposed rulemaking is a FEDERAL REGISTER notice titled "Addition to the List of Categories of Sources." This notice adds the offshore segment of the oil and gas extraction point source category and is in accordance with the provisions of section 306(b)(1)(A) of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the near-offshore subcategory (Subpart A), and the far-offshore subcategory (Subpart B), of the offshore segment of the oil and gas extraction point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 435.16 and 435.26, proposed below, provide pretreatment standards for new sources within the near offshore subcategory (Subpart A), and the far-offshore subcategory (Subpart B) of the offshore segment of the oil and gas extraction point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 435.14 and 435.24 proposed below provide pretreatment standards for existing sources within the near-offshore subcategory (Subpart A), and the far-offshore subcategory (Subpart B) of the offshore segment of the oil and gas extraction point source category.

(b) Summary and basis of proposed standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the near-offshore subcategory (Subpart A) and the far-offshore subcategory (Subpart B) which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference.

In the far-offshore subcategory, an additional economic consideration in the BAT standards involves the incremental cost of the BAT standards. The Agency

has determined that the same equipment used to determine the BPT standards, can be operated to achieve the BAT standards, due primarily to improvements in performance that are expected to result from greater experience. As such, the economic impact analysis assumes that no additional costs will be incurred in going to BAT from BPT; however, the Agency solicits comments on this point.

The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. This regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth in 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to specific numerical pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 435.14 and 435.24 of the regulation proposed below are intended to implement the intent of section 128.133, by setting forth specific numeric limitations for particular pollutants subject to pretreatment requirements.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Interim Final Effluent

Limitations Guidelines and New Source Performance Standards for the Offshore Segment of the Oil and Gas Extraction Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation. A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the offshore segment of the oil and gas extraction category being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. A copy of preliminary draft contractor

reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before October 15, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: August 29, 1975.

RUSSELL E. TRAIN,  
Administrator.

Part 435 is proposed to be amended as follows:

Subpart A is amended by adding §§ 435.13, 435.14, 435.15, and 435.16 and Subpart B is amended by adding §§ 435.23, 435.24, 435.25 and 435.26.

## PART 435—OFFSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

### Subpart A—Near-Offshore Subcategory

- Sec. 435.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 435.14 Pretreatment standards for existing sources.
- 435.15 Standards of performance for new sources.
- 435.16 Pretreatment standards for new sources.

### Subpart B—Far-Offshore Subcategory

- 435.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 435.24 Pretreatment standards for existing sources.
- 435.25 Standards of performance for new sources.
- 435.26 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500.

### Subpart A—Near-Offshore Subcategory

§ 435.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:



## PROPOSED RULES

## Effluent limitations

Pollutant parameter waste source	Oil and grease		
	Maximum for any 1 d, milligram per liter	Average of daily values for 30 consecutive days shall not exceed, milligram per liter	Residual chlorine minimum for any 1 d, milligram per liter
Deck drainage.....	72	48	NA
Drilling muds.....	(1)	(1)	NA
Drill cuttings.....	(1)	(1)	NA
Well treatment.....	(1)	(1)	NA
Sanitary:			
M10.....	NA	NA	21
M91M.....	NA	NA	NA
Domestic.....	(1)	(1)	NA
Produced sand.....	(1)	(1)	NA
Produced water.....	No discharge of waste water pollutants to navigable waters. <sup>1</sup>		

<sup>1</sup> No discharge of free oil.

<sup>2</sup> Minimum of 1 mg/l and maintained as close to this concentration as possible.

<sup>3</sup> There shall be no floating solids as a result of the discharge of these wastes.

<sup>4</sup> In the event that a permit under sec. 142(b)(2) of the Safe Drinking Water Act is refused and there is no other reasonable means of disposal available that would comply with the BATEA standard for State waters, then the BATEA standard for Federal waters shall apply.

#### § 435.14 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the near-offshore subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable

waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

## Effluent limitations

Pollutant parameter waste source	Oil and grease		
	Maximum for any 1 d, milligram per liter	Average of daily values for 30 consecutive days shall not exceed milligram per liter	Residual chlorine minimum for any 1 d, milligram per liter
Produced water.....	No discharge of pollutants.	No discharge of pollutants.	No discharge of pollutants.
Deck drainage.....	do.	do.	Do.
Drilling muds.....	do.	do.	Do.
Drill cuttings.....	do.	do.	Do.
Well treatment.....	do.	do.	Do.
Sanitary:			
M10.....	No limitation.	No limitation.	No limitation.
M91M.....	do.	do.	Do.
Domestic.....	do.	do.	Do.
Produced sand.....	No discharge of pollutants.	No discharge of pollutants.	No discharge of pollutants.

<sup>1</sup> There shall be no floating solids as a result of the discharge of these wastes.

#### § 435.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of

pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

FEDERAL REGISTER, VOL. 40, NO. 179—MONDAY, SEPTEMBER 15, 1975

## PROPOSED RULES

42575

## Effluent limitations

Pollutant parameter waste source	Oil and grease		
	Maximum for any 1 d, milligram per liter	Average of daily values for 30 consecutive days shall not exceed milligram per liter	Residual chlorine minimum for any 1 d, milligram per liter
Deck drainage.....	72	48	NA
Drilling muds.....	(1)	(1)	NA
Drill cuttings.....	(1)	(1)	NA
Well treatment.....	(1)	(1)	NA
Sanitary:			
M10.....	NA	NA	21
M91M.....	NA	NA	NA
Domestic.....	NA	NA	NA
Produced sand.....	(1)	(1)	NA
Produced water.....	No discharge of waste water pollutants to navigable waters. <sup>1</sup>		

<sup>1</sup> No discharge of free oil.

<sup>2</sup> Minimum of 1 mg/l and maintained as close to this concentration as possible.

<sup>3</sup> There shall be no floating solids as a result of the discharge of these wastes.

<sup>4</sup> In the event that a permit under sec. 142(b)(2) of the Safe Drinking Water Act is refused and there is no other reasonable means of disposal available that would comply with the NSP standard for State waters, then the NSP standard for Federal waters shall apply.

#### § 435.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the offshore segment of the oil and gas extraction subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40

CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 435.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

## Effluent limitations

Pollutant parameter waste source	Oil and grease		
	Maximum for any 1 d, milligram per liter	Average of daily values for 30 consecutive days shall not exceed milligram per liter	Residual chlorine minimum for any 1 d, milligram per liter
Produced water.....	No discharge of pollutants.	No discharge of pollutants.	No discharge of pollutants.
Deck drainage.....	do.	do.	Do.
Drilling muds.....	do.	do.	Do.
Drill cuttings.....	do.	do.	Do.
Well treatment.....	do.	do.	Do.
Sanitary:			
M10.....	No limitation.	No limitation.	No limitation.
M91M.....	do.	do.	Do.
Domestic.....	do.	do.	Do.
Produced sand.....	No discharge of pollutants.	No discharge of pollutants.	No discharge of pollutants.

<sup>1</sup> There shall be no floating solids as a result of the discharge of these wastes.

#### Subpart B—Far-Offshore Subcategory

#### § 435.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pol-

lutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

FEDERAL REGISTER, VOL. 40, NO. 179—MONDAY, SEPTEMBER 15, 1975

## PROPOSED RULES

## Effluent limitations

§ 435.26 Pretreatment standards for and for incompatible pollutants introduced into a publicly owned treatment

1. On June 11, 1975, the Commission issued its Notice of Proposed Rule Mak-

XUM



## PROPOSED RULES

## Effluent limitations

Pollutant parameter waste source	Oil and grease		Residual chlorine minimum for any 1 d, milligram per liter
	Maximum for any 1 d, milligram per liter	Average of daily values for 30 consecutive days shall not exceed milligram per liter	
Produced water.....	52	30	NA
Deck drainage.....	52	30	NA
Drilling muds.....	(1)	(1)	NA
Drill cuttings.....	(1)	(1)	NA
Well treatment.....	(1)	(1)	NA
Sanitary:			
M10.....	NA	NA	11
M91M.....	NA	NA	NA
Domestic.....	NA	NA	NA
Produced sand.....	(1)	(1)	NA

<sup>1</sup> No discharge of free oil.

<sup>2</sup> Minimum of 1 mg/l and maintained as close to this concentration as possible.

<sup>3</sup> There shall be no floating solids as a result of the discharge of these wastes.

## § 435.24 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the far-offshore subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navi-

gable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

## Effluent limitations

Pollutant parameter waste source	Oil and grease		Residual chlorine minimum for any 1 d, milligram per liter
	Maximum for any 1 d, milligram per liter	Average of daily values for 30 consecutive days shall not exceed milligram per liter	
Produced water.....	No discharge of pollutants.	No discharge of pollutants.	No discharge of pollutants.
Deck drainage.....	do.	do.	do.
Drilling muds.....	do.	do.	do.
Drill cuttings.....	do.	do.	do.
Well treatment.....	do.	do.	do.
Sanitary:			
M10.....	No limitation.	No limitation.	No limitation.
M91M.....	do.	do.	do.
Domestic.....	do.	do.	do.
Produced sand.....	No discharge of pollutants.	No discharge of pollutants.	No discharge of pollutants.

<sup>1</sup> There shall be no floating solids as a result of the discharge of these wastes.

## § 435.25 Standards of performance for new sources.

The following standards of performance establish the quantity or qual-

ity of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

## Effluent limitations

Pollutant parameter waste source	Oil and grease		Residual chlorine minimum for any 1 d, milligram per liter
	Maximum for any 1 d, milligram per liter	Average of daily values for 30 consecutive days shall not exceed milligram per liter	
Produced water.....	52	30	NA
Deck drainage.....	52	30	NA
Drilling muds.....	(1)	(1)	NA
Drill cuttings.....	(1)	(1)	NA
Well treatment.....	(1)	(1)	NA
Sanitary:			
M10.....	NA	NA	11
M91M.....	NA	NA	NA
Domestic.....	NA	NA	NA
Produced sand.....	(1)	(1)	NA

<sup>1</sup> No discharge of free oil.

<sup>2</sup> Minimum of 1 mg/l and maintained as close to this concentration as possible.

<sup>3</sup> There shall be no floating solids as a result of the discharge of these wastes.

FEDERAL REGISTER, VOL. 40, NO. 179—MONDAY, SEPTEMBER 15, 1975

## PROPOSED RULES

42577

## § 435.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the offshore segment of the oil and gas extraction subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment stand-

ard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 435.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

## Effluent limitations

Pollutant parameter waste source	Oil and grease		Residual chlorine minimum for any 1 d, milligram per liter
	Maximum for any 1 d, milligram per liter	Average of daily values for 30 consecutive days shall not exceed milligram per liter	
Produced water.....	No discharge of pollutants.	No discharge of pollutants.	No discharge of pollutants.
Deck drainage.....	do.	do.	do.
Drilling muds.....	do.	do.	do.
Drill cuttings.....	do.	do.	do.
Well treatment.....	do.	do.	do.
Sanitary:			
M10.....	No limitation.	No limitation.	No limitation.
M91M.....	do.	do.	do.
Domestic.....	do.	do.	do.
Produced sand.....	No discharge of pollutants.	No discharge of pollutants.	No discharge of pollutants.

<sup>1</sup> There shall be no floating solids as a result of the discharge of these wastes.

[FR Doc.75-24362 Filed 9-12-75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 89, 91]

[Docket No. 20149]

## LOCAL GOVERNMENT AND MANUFACTURERS RADIO SERVICES FOR TELEMETRY AND REMOTE CONTROL OPERATIONS

## Order Extending Time for Filing Comments

In the matter of amendment of Parts 2, 89, and 91 of the Commission's rules and regulations to make available four 173 MHz splinter frequencies to the Local Government and Manufacturers Radio Services for telemetry and remote control operations (40 FR 34155).

1. American Telephone and Telegraph Company (AT&T) has requested an extension of time until September 24, 1975, within which to file comments in the above entitled matter. It also requested that the date for filing reply comments be extended to October 24, 1975. Comments and reply comments are now due September 9, and September 23, 1975, respectively.

2. In support of its request petitioner argues that the interference questions raised in the Notice involve complex technical matters which require detailed study and analysis. An extension of time is needed to complete this study and prepare an appropriate response.

3. It appears that good cause has been shown and that the public interest would

be served by granting the additional period asked in order to afford the petitioner and other interested parties a full opportunity for the preparation and presentation of their views in this proceeding.

4. Accordingly, it is ordered, pursuant to §§ 0.331 and 1.46 of the Commission's Rules, That the time for filing statements in the above captioned proceeding is extended from September 9 to September 24, 1975, and for filing reply comments from September 23, to October 24, 1975.

Adopted: September 5, 1975.

Released: September 8, 1975.

[SEAL]

CHARLES A. HIGGINBOTHAM,  
Chief, Safety and Special  
Radio Services Bureau.

[FR Doc.75-24446 Filed 9-12-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20521]

## CORPORATE OWNERSHIP REPORTING AND DISCLOSURE BY BROADCAST LICENSEES

## Order Extending Time for Filing Comments and Reply Comments

In the matter of corporate ownership reporting and disclosure by broadcast licensees (40 FR 32763).

1. On June 11, 1975, the Commission issued its Notice of Proposed Rule Making in this matter and called for the filing of responses by interested parties. The original deadline for comments was August 11, 1975, and for reply comments was August 26, 1975. In response to a request from Cox Broadcasting, et al., the Commission on July 25, 1975, extended these dates to September 11 and September 26, 1975, respectively. In so doing, the Commission indicated that it did not contemplate granting any further extensions.

2. Subsequent developments suggest the need for an additional period and the Commission, on its own motion, is extending these dates. There are two principal reasons for the Commission's decision. First, there is a need to coordinate the filing deadlines in this case with those of two related proceedings.<sup>1</sup>

Matters will be greatly simplified if a single set of deadlines obtains for all three proceedings. Even more importantly, an extension is required so that parties may have an opportunity to consider the significance in connection with this proceeding of the recent action by the Securities and Exchange Commission proposing new ownership disclosure requirements.<sup>2</sup> Although it will not be possible to await the completion of the SEC proceeding, which itself could well extend for some period of time, the Commission does wish to afford parties the opportunity to consider this closely related matter when formulating their response in this proceeding. The SEC proceeding, which deals with corporate ownership reporting and disclosure, is a matter of importance to this proceeding as it affects broadcast licensees. Accordingly, it is ordered, That the dates for filing comments and reply comments are extended to and including September 26, 1975, and October 13, 1975, respectively.

3. This action is taken pursuant to authority found in Sections 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and Sections 0.281 and 1.46 of the Commission's Rules.

Adopted: September 4, 1975.

Released: September 8, 1975.

[SEAL]

FEDERAL COMMUNICATIONS  
COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.75-24447 Filed 9-12-75;8:45 am]

<sup>1</sup> In Docket 20520, the Commission has proposed changes in the rules dealing with institutional ownership holdings in broadcast licensees and in Docket 20522 has proposed rules seeking more comprehensive information on common carrier corporate ownership. The latter has slightly different filing dates.

<sup>2</sup> The SEC action of August 25, 1975, covers (1) Securities Act of 1933, release 5609; (2) Securities Exchange Act of 1934, release 11616, and (3) Public Utilities Holding Company Act of 1935, release 19140.

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## PROPOSED RULES

[47 CFR Part 73]

[Docket No. 20550]

NONDISCRIMINATION IN THE EMPLOY-

Energy Administration announced on August 15, 1975 that supplemental fee payments due August 31 for imports

## VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

service showing the time spent on an industrial, agricultural, or indefinite furlough and time lost on absence without

party if shown on the official record, issued by the officer having custody of the record or one authorized to act for

follows: "Effective dates, void or annulled marriage. See § 3.400 (u) and (v)."

6. Section 3.208 is revised to read as

## PROPOSED RULES

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[ 47 CFR Part 73 ]  
[ Docket No. 20550 ]

**NONDISCRIMINATION IN THE EMPLOYMENT POLICIES AND PRACTICES OF BROADCAST LICENSEES**

**Order for Extending Time for Filing Comments**

In the matter of nondiscrimination in the employment policies and practices of broadcast licensees (40 FR 33243).

1. On July 25, 1975, the Commission released a Notice of Inquiry and Notice of Proposed Rulemaking in the above captioned proceeding, and publication was made in the FEDERAL REGISTER on July 28, 1975, 40 FR 16967. Comments and replies thereto are scheduled to be filed on September 11, 1975, and October 1, 1975, respectively.

2. The Corporation for Public Broadcasting filed a Motion for Extension of Time in which to file comments in this proceeding on August 29, 1975. The motion is predicated on the corporation's participation in Docket No. 19816, "In the Matter of Ascertainment of Community Problems by Noncommercial Broadcast Applicants, etc., RM-1851, 1874," to which comments are due on September 15, 1975. The corporation makes reference to the Commission's statement in its Further Notice of Inquiry and Further Notice of Proposed Rulemaking in Docket No. 19816, released on August 14, 1975: "... we do not contemplate any extensions of time for comments beyond the date set out above [September 15, 1975]." Therefore, the corporation requests an extension of thirty (30) days of the filing dates for comments and reply comments in order to be able to meet the Commission's deadlines in other proceedings.

3. Accordingly, it is ordered, That the dates for filing comments and reply comments in this proceeding are extended to and including October 13, 1975, and October 31, 1975, respectively.

4. This action is taken pursuant to authority found in Section 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's rules.

Adopted: September 4, 1975.

Released: September 9, 1975.

ASHTON R. HARDY,  
General Counsel.

[FR Doc. 75-24448 Filed 9-12-75; 8:45 am]

**FEDERAL ENERGY ADMINISTRATION**

[ 10 CFR Part 213 ]

**SUPPLEMENTAL FEE PAYMENTS ORIGINALLY DUE AUGUST 31, 1975**

**Notice of Further Deferral**

On August 15, 1975, the President announced that he would indefinitely suspend supplemental fees on petroleum imports, effective July 1, 1975, if the Emergency Petroleum Allocation Act was not extended beyond August 31, 1975. In light of this announcement, the Federal

Energy Administration announced on August 15, 1975 that supplemental fee payments due August 31 for imports made during July were to be deferred for up to fifteen (15) days pending congressional action on an extension of the Act, 40 FR 35302 (August 20, 1975).

On September 10, 1975, the Senate sustained the President's veto of S. 1849, which would have extended the Emergency Petroleum Allocation Act for six months. However, because the Congress is now actively considering a short-term extension of the Act to allow time to reach agreement with the President on a gradual decontrol plan, it is still possible that the Act may be extended beyond August 31, 1975.

Since an extension is possible, the President has not yet determined whether to suspend the supplemental fees incurred with respect to imports made on or after July 1. Accordingly, pending resolution of this situation, FEA hereby announces that payment of supplemental fees incurred on imports in the month of July and originally due August 31 may be further deferred until September 30, 1975.

Issued in Washington, D.C., September 11, 1975.

ROBERT E. MONTGOMERY, JR.,  
General Counsel,  
Federal Energy Administration.

[FR Doc. 75-24663 Filed 9-11-75; 4:59 pm]

**INTERSTATE COMMERCE COMMISSION**

[ 49 CFR Part 1100 ]

**COMMISSION'S RULES OF PRACTICE**

**Comprehensive Review**

SEPTEMBER 9, 1975.

The Commission has appointed a Special Staff Committee on Rules to undertake a comprehensive review of its Rules of Practice as embraced in 49 CFR Part 1100 et seq. Principal objectives of the Committee are to improve the Rules of Practice and to consider the matter of establishing special rules to govern rule-making proceedings. In addition, the task force shall search out contradictions in the rules as well as the possibilities for simplification and clarification thereof.

It is anticipated that the subject matter of the Committee's study will generate widespread interest, particularly among those engaged in practice before the Commission. Public input in the form of statements setting forth suggested improvements and refinements of the Rules of Practice will be welcomed by the Committee. Such statements should be mailed so as to be received at the Offices of the Commission on or before October 15, 1975. They should be addressed to: Special Staff Committee on Rules, c/o Secretary, Interstate Commerce Commission, Washington, D.C. 20423. Each submission should include an original and five (5) copies, if possible.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-24504 Filed 9-12-75; 8:45 am]

**PROPOSED RULES**

**VETERANS ADMINISTRATION**

[ 38 CFR Part 3 ]

**VETERANS BENEFITS**

**Evidence Submitted With Claims**

The following proposed changes to Part 3 of Title 38, Code of Federal Regulations amend provisions relating to evidence submitted with claims for benefits from the Veterans Administration. The change to § 3.203 provides that service department verification of 90 days' service creditable for pension purposes will not be required when evidence of record shows the veterans served for 4 months or more. The current provision is that verification will not be required when there is evidence of service of 9 months or more. The changes to §§ 3.205 and 3.206 delete the requirement for routinely questioning the validity of Mexican divorce decrees. Minor editorial changes, unrelated to the substantive changes, are being made in §§ 3.204, 3.205, 3.208 and 3.209 designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, dependents, or beneficiaries. No substantive change affecting benefits is involved in the editorial changes.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before October 15, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendments would be effective the date of final approval.

1. In § 3.203, paragraph (b) is revised to read as follows:

§ 3.203 Service records as evidence of service and discharge.

(b) The evidence enumerated in paragraph (a) of this section will be accepted as establishing the period of creditable wartime service of a veteran for pension purposes where case file evidence shows:

- (1) Service of 4 months or more;
- (2) Discharge for disability incurred in line of duty;
- (3) Ninety days creditable service based on records from the service department such as hospitalization for 90 days for a line of duty disability.

Where there is no such evidence, specific request will be made of the service department for a complete statement of

service showing the time spent on an industrial, agricultural, or indefinite furlough and time lost on absence without leave (without pay), under arrest (without acquittal), in desertion, and while undergoing sentence of court-martial.

2. In § 3.204, paragraph (b) (1) is revised to read as follows:

§ 3.204 Secondary evidence.

(b) *Marriage, birth, or death.* A certified copy or abstract of a record referred to in §§ 3.205, 3.209, and 3.211, which is not certified over the signature and official seal of the person having custody of the record, will be accepted nevertheless if:

(1) The person having custody of the record has no official seal, and the copy or abstract bears his or her signature and is either sworn to by such person or is on a blank printed especially for that purpose; or

3. In § 3.205, paragraphs (a) introductory, (a) (1), (b) and (c) are revised to read as follows:

§ 3.205 Marriage.

(a) *Proof of marriage.* The certified statement of a veteran as to the material facts of his (or her) marriage, solemnized in accordance with the laws of the jurisdiction, each party not having been previously married, will be accepted for this purpose in the absence of information to the contrary. The certified statement of a person claiming as widow (or widower), as to the material facts of the claimant's marriage to the veteran, solemnized in accordance with the laws of the jurisdiction, each party not having been previously married, will be accepted for this purpose if corroborated in a material part by a statement made by the veteran in connection with a claim for benefits and if uncontradicted by other information. In all other instances the marriage should be established by one of the following types of evidence:

(1) Copy of the public record of marriage, certified or attested, or by an abstract of the public record, containing sufficient data to identify the parties, the date and place of the marriage, and the number of prior marriages by either

party if shown on the official record, issued by the officer having custody of the record or one authorized to act for such officer bearing the seal of such office, or otherwise properly identified, or a certified copy of the church record of marriage.

(b) *Valid marriage.* In the absence of conflicting information, proof of marriage which meets the requirements of paragraph (a) of this section together with the claimant's certified statement concerning the date, place and circumstances of dissolution of any prior marriage may be accepted as establishing a valid marriage, provided that such facts, if they were to be corroborated by record evidence, would warrant acceptance of the marriage as valid. Where necessary to a determination because of conflicting information or protest by a party having an interest therein, proof of termination of a prior marriage will be shown by proof of death, or a certified copy or a certified abstract of final decree of divorce or annulment specifically reciting the effects of the decree.

(c) *Marriages deemed valid.* Where a widow or widower has submitted proof of marriage in accordance with paragraph (a) of this section and also meets the requirements of § 3.52, the claimant's signed statement that he or she had no knowledge of an impediment to the marriage to the veteran will be accepted, in the absence of information to the contrary, as proof of that fact.

4. In § 3.206, the introductory portion preceding paragraph (a) is revised to read as follows:

§ 3.206 Divorce.

The validity of a divorce decree regular on its face, will be questioned by the Veterans Administration only when such validity is put in issue by a party thereto or a person whose interest in a claim for Veterans Administration benefits would be affected thereby. In cases where recognition of the decree is thus brought into question:

5. Immediately following § 3.207, the cross reference is amended to read as

follows: "Effective dates, void or annulled marriage. See § 3.400 (u) and (v)."

6. Section 3.208 is revised to read as follows:

§ 3.208 Claims based on attained age.

In claims for pension where the age of the veteran or widow or widower is material, the statements of age will be accepted where they are in agreement with other statements in the record as to age. However, where there is a variance in such records, the youngest age will be accepted subject to the submission of evidence as outlined in § 3.209.

6. In § 3.209, the introductory portion preceding paragraph (a) is revised to read as follows:

§ 3.209 Birth.

The certified statement of a veteran as to the material facts of birth of a child of his or her marriage will be accepted as proof of age and relationship in the absence of information to the contrary. The certified statement of the other parent as to the material facts of birth of a child of a deceased veteran will be accepted as proof of age and relationship if uncontradicted by other information and if corroboration as to the child's identity or existence is supplied by a statement or assertion made by the veteran in connection with a claim for benefits. In all other cases the issues will be resolved by one of the types of evidence listed in paragraphs (a) through (g) of this section. Where the evidence submitted in proof of age or relationship indicates a difference in the name of the person as shown by other records the discrepancy will be reconciled by an affidavit or certified statement identifying the person having the changed name as the person whose name appears in the evidence of age and relationship:

Approved: September 10, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,  
Deputy Administrator.

[FR Doc. 75-24507 Filed 9-12-75; 8:45 am]

**PROPOSED RULES**







## NOTICES

(T.D. 75-227)  
**FOREIGN CURRENCIES**  
**Certification of Rates**

SEPTEMBER 2, 1975.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C.

372(c)), which are applicable to the currencies of the countries listed in § 159.34a, Customs Regulations (19 CFR 159.34a), for the period August 18 through August 22, 1975. This table is published for the information and use of Customs officers and others concerned.

JAMES D. COLEMAN,  
*Acting Director,*  
*Duty Assessment Division.*

Country	Currency	Aug. 18	Aug. 19	Aug. 20	Aug. 21	Aug. 22
Australia	Dollar	(1)	(1)	(1)	(1)	(1)
Austria	Schilling	\$0.0550	\$0.0552	\$0.0553	\$0.0551	\$0.0553
Belgium	Franc	.026150	.026230	.026180	.026150	.026133
Canada	Dollar	(1)	(1)	(1)	(1)	(1)
Denmark	Krone	.1679	.1681	.1681	.1681	.1682
Finland	Markka	(1)	(1)	(1)	(1)	(1)
France	Franc	.2280	.2301	.2298	.2295	.2287
Germany	Deutsche Mark	.3803	.3812	.3808	.3802	.3801
India	Rupee	(1)	(1)	(1)	(1)	(1)
Ireland	Pound	(1)	(1)	(1)	(1)	(1)
Italy	Lira	.001495	.001500	.001501	.001498	.001498
Japan	Yen	(1)	(1)	(1)	(1)	(1)
Malaysia	Dollar	.3965	.3972	.3968	.3975	.3987
Mexico	Peso	(1)	(1)	(1)	(1)	(1)
Netherlands	Guilder	.3788	.3812	.3803	.3801	.3795
New Zealand	Dollar	1.0615	1.0620	1.0615	1.0610	1.0610
Norway	Krone	.1831	.1837	.1832	.1826	.1834
Portugal	Escudo	.0377	.0378	.0379	.0378	.0378
South Africa	Rand	(1)	(1)	(1)	(1)	(1)
Spain	Peseta	.1371	.1374	.1371	.1371	.1350
Sri Lanka	Rupee	.2325	.2332	.2332	.2324	.2321
Sweden	Krona	.3751	.3758	.3741	.3743	.3735
Switzerland	Franc	(1)	(1)	(1)	(1)	(1)
United Kingdom	Pound	(1)	(1)	(1)	(1)	(1)

1 Rate did not vary—the quarterly rate published in T.D. 75-176.

[FR Doc.75-24340 Filed 9-12-75; 8:45 am]

## DEPARTMENT OF JUSTICE

Law Enforcement Assistance  
 Administration

**NATIONAL ADVISORY COMMITTEE ON  
 CRIMINAL JUSTICE STANDARDS AND  
 GOALS**

## Notice of Meeting

This is to provide notice of meeting of the Juvenile Delinquency Task Force to the National Advisory Committee on Criminal Justice Standards and Goals. The Task Force will meet on October 3, 1975 from 10-4:30 p.m. and on October 4, 1975 from 8:30-3 p.m. The meeting will be held at the Islandia Hyatt House, 1441 Quivira Road, San Diego, California 92109. The meeting will be open to the public.

The tentative agenda will include the Chairman's and Director's reports, the revised outline of the Standards and Goals volume, review of the Comparative Analysis of the Judicial Process, proposed standards and commentary for the Judicial Process section, update report of the Prevention and Corrections sections, and a report of consultants assigned to the Project.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue NW., Washington, D.C.

GERALD H. YAMADA,  
*Attorney-Advisor*  
*Office of General Counsel.*

[FR Doc.24471 Filed 9-12-75; 8:45 am]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**COEUR D'ALENE DISTRICT MULTIPLE  
 USE ADVISORY BOARD**

## Notice of Meeting

Pursuant to the requirements of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Coeur d'Alene District Multiple Use Advisory Board will hold a meeting beginning at 9:00 a.m., November 5, 1975, at the Holiday Inn, Coeur d'Alene, Idaho. The agenda for the meeting will include election of officers, presentation of the North Idaho and Elk City Management Framework Plans, Mineral Ridge Bald Eagle Wildlife Habitat Plan, Lower Salmon River Visitor Management Plan, Timber Sale Plan, and programs for Fiscal Year 1976.

The meeting is open to the public. Interested persons will have an opportunity at the end of committee business to make oral presentations to the committee or file written statements. Such requests should be made to the official listed below at least three days prior to the meeting.

Further information concerning this meeting may be obtained from BLM District Manager Larry Woodard, 1808 North Third Street, Coeur d'Alene, Idaho 83814. His telephone number is 208-644-8231. Minutes of the meeting will be available for public inspection and copying two weeks after the meeting at the BLM District Office in Coeur d'Alene,

Idaho and the BLM Resource Area Headquarters in Cottonwood, Idaho.

LARRY L. WOODARD,  
*District Manager.*

[FR Doc.75-24461 Filed 9-12-75; 8:45 am]

[NM 26532]

## NEW MEXICO

## Notice of Application

SEPTEMBER 8, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,  
 NEW MEXICO

T. 23 S., R. 25 E.

Sec. 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

This pipeline will convey natural gas across .24 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico, 88201.

FRED E. PADILLA,  
*Chief, Branch of Lands and  
 Minerals Operations.*

[FR Doc.75-24460 Filed 9-12-75; 8:45 am]

## UTAH

**Modification of Administrative District Of-  
 fice Boundaries, Jurisdictions, and Graz-  
 ing Districts**

In FR Doc. 75-19881 filed 7-30-75; 8:45 a.m., appearing at page 32147 in the FEDERAL REGISTER of July 31, 1975, paragraph 1, is corrected in the seventh line of that paragraph by adding, "Davis", immediately following the word, "Salt Lake", and immediately before the words, "and Utah Counties".

Paragraph 3., in the above named FEDERAL REGISTER, is amended in the ninth line of that paragraph by deleting, "boundary", immediately following the words, "Capitol Reef National Park", and immediately before the words, "The district is". Also, in the eighth line of said paragraph add, "west boundary of", immediately following graph 1, is corrected in the seventh line the words, "east of the", and immediately before the words, "Capitol Reef National Park". In addition, in the ninth line of said paragraph add, "and east of Hall's Creek south of Capitol Reef National Park and Kane County north of

## NOTICES

the Colorado River and east of Hall's Creek", immediately following the words, "Capitol Reef National Park", and immediately before the words, "The district is".

Paragraph 5., in the above named FEDERAL REGISTER is amended in the ninth line of that paragraph by deleting, "boundary", immediately following the words, "Capitol Reef National Park", and immediately before the words, "The district is". Also, in the sixth and seventh lines of said paragraph delete, "Washington and Kane Counties", immediately following the words, "and that portion of Garfield County". In addition, in the sixth line of said paragraph add, "and Washington Counties and that portion of Kane County south and west of Hall's Creek", immediately following the words, "Beaver, Iron,", and immediately before the words, "and that portion of". Also, in the ninth line of said paragraph add, "and west of Hall's Creek", immediately following the words, "west of the Capitol Reef National Park", and immediately before the words, "The district is".

WILLIAM G. LEAVELL,  
*Acting, State Director.*

Approved:

GEORGE L. TURCOTT,  
*Associate Director.*

SEPTEMBER 8, 1975.

[FR Doc.75-24462 Filed 9-12-75; 8:45 am]

## National Park Service

**ADVISORY BOARD ON NATIONAL PARKS,  
 HISTORIC SITES, BUILDINGS AND  
 MONUMENTS**

## Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments will be held on October 6, 7 and 8 at the Department of the Interior, 18th and C Streets, N.W., Washington, D.C.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935.

The members of the Advisory Board are as follows:

Mr. Steven Rose (Chairman) La Canada, Calif.

Dr. Douglas W. Schwartz (Vice Chairman) Santa Fe, New Mexico

Dr. William G. Shade (Secretary) Bethlehem, Pa.

Hon. E. Y. Berry, Rapid City, South Dakota

Hon. Alan Bible, Reno, Nevada

Mr. Laurence W. Lane, Jr., Menlo Park, Calif.

Dr. A. Starker Leopold, Berkeley, Calif.

Mrs. Anne Jones Morton, Easton, Maryland

Mr. Linden C. Pettys, Ludington, Michigan

Mrs. Nancy Rennell, Greenwich, Connecticut

Dr. Edgar A. Topplin, Petersburg, Virginia

Meetings will be held in different locations as follows: October 6, 9 a.m., Room 5160. The Advisory Board will meet in

general session in regard to administrative matters pertaining to the Board and to receive reports on several topics including legislation affecting the National Park System; proposed urban parks; Alaska park proposals; land acquisition progress; NPS revised planning process; interpretation program; implementation of the Archeological & Historic Preservation Act of 1974; and Bicentennial in the National Parks.

October 7, 9 a.m., Room 5160, the History Areas Committee will meet to consider reports on two areas and to hear reports on various studies, including sub-themes or portions of subthemes on "Science and Invention," "Architecture," and "Role of Afro-Americans in U.S. History," and a special study on Kalaupapa (Father Damien's Leper Colony) Island of Molokai, Hawaii; and to receive a progress report on easement study recommendations.

October 7, 9 a.m., Room 8068, North Penthouse, the Natural Areas Committee will meet to receive reports on summaries of natural history theme studies completed since last Board meeting; status of Natural Landmarks program, and shall consider approximately 30 natural areas as potential additions to the National Registry of Natural Landmarks.

October 7, 8 a.m., Room 3119, the Oversight Committee will meet to consider reports on the budget hearings, and the public information office.

October 7, 1:30 p.m., Room 7000A, the Recreation Areas Committee and Special Committee on Concessions will meet to consider the Concessions Management Task Force Report and the NPS proposal for the implementation of specific recommendations.

October 8, 9:30 a.m., Room 5160, the Advisory Board will reconvene to hear a report on the Nature Conservancy Study on the Preservation of Natural Diversity; to receive reports from the committee meetings, and to formulate its comments and recommendations.

The meetings will be open to the public, but facilities and space to accommodate members of the public are limited, and it is expected that not more than 25 people will be able to attend.

Any member of the public may file with the Advisory Board a statement in writing concerning any of the matters to be discussed. Persons desiring further information concerning this meeting or who wish to file written statements may contact Miss Shirley Luikens, National Park Service, Washington, D.C. at 202-343-2012.

Minutes of the meeting will be available for public inspection 8 to 10 weeks after the meeting in Room 3123, Interior Building, Washington, D.C.

Dated: September 4, 1975.

ROBERT M. LANDAU,  
*Liaison Officer, Advisory Com-  
 missions, National Park Ser-  
 vice.*

[FR Doc.75-24457 Filed 9-12-75; 8:45 am]

**SOUTHEAST REGIONAL ADVISORY  
 COMMITTEE**

## Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southeast Regional Advisory Committee will be held at 9:00 a.m., e.d.t., on October 16 and 17, 1975, at Holiday Inn, Airport Road, Jacksonville, Florida.

The purpose of the Southeast Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Southeast Region of the National Park Service.

The members of the Advisory Committee are as follows:

Mrs. Ann Smith Bedsole (Chairman), Mobile, Alabama

Mr. T. S. Bradford, Maryville, Tennessee

Mr. Robert Gable, Frankfort, Kentucky

The Very Reverend Monsignor Michael V. Gannon, Gainesville, Florida

Mr. Alfredo Heres Gonzalez, Santurce, Puerto Rico

Dr. John King, Jackson, Mississippi

Mr. Charles Edward Lee, Columbia, South Carolina

Mrs. Jane Hurt Yarn, Atlanta, Georgia

The matters to be discussed at this meeting include: (1) Planning and Operation of Cumberland Island National Seashore, and (2) Guidelines for Planning in the National Park Service.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Paul C. Swartz, Chief, Cooperative Activities Division, Southeast Regional Office, at 404/526-7560. Minutes of the meeting will be available for public inspection approximately 4 weeks after the meeting at the office of the Southeast Region, 3401 Whipple Avenue, Atlanta, Georgia.

Dated: August 26, 1975.

ROGER J. ROGERS,  
*Acting Chief, Cooperative Ac-  
 tivities Division, Southeast  
 Region, National Park Ser-  
 vice.*

[FR Doc.75-24458 Filed 9-12-75; 8:45 am]

## DEPARTMENT OF COMMERCE

**Domestic and International Business  
 Administration**

**DEPARTMENT OF COMMERCE, NATIONAL  
 OCEANIC AND ATMOSPHERIC ADMIN-  
 ISTRATION**

**Decision on Application for Duty-Free Entry  
 of Scientific Article**

The following is a decision on an application for duty-free entry of a scien-

## NOTICES

## METHODIST HOSPITAL

**Decision on Application for Duty-Free Entry**

tific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

**NAVAL REGIONAL MEDICAL CENTER  
 Decision on Application for Duty-Free Entry**

**PHILADELPHIA COLLEGE OF  
 OSTEOPATHIC MEDICINE**

views with respect to the question of whether an instrument or apparatus of



tific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00585-56-54100. Applicant: U.S. Department of Commerce—NOAA, National Marine Fisheries Service, Office of Resource Research, Fishery Technology Group, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. Article: Mark I Prototype Undulating Oceanographic Recorder. Manufacturer: The Blessey Co. Ltd., United Kingdom. Intended use of article: The article is intended to be used to replace a Continuous Plankton Recorder established in the North Atlantic and North Sea which will: (a) Sample the plankton over an extended range of depth (instead of the present single depth).

(b) Measure and record, in situ, a number of physical parameters of vital importance in marine ecology as well as in physical oceanography and meteorology.

The article will allow the progress from the descriptive to the interpretive and predictive phases of plankton research. When the UOR system becomes fully operational an orderly phase-in to the ongoing SPR survey will take place.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of undulating in a pre-determined triangular pattern at depths ranging from 0 meters (m) to 100 m at a towed speed of up to 20 knots with continuous plankton sampling over an extended period of time. We find the capability described above is pertinent to the applicant's intended purposes. NBS advises in its memorandum dated August 20, 1975 that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special  
Import Programs Division.

[FR Doc. 75-24434 Filed 9-12-75; 8:45 am]

#### METHODIST HOSPITAL Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00563-33-90000. Applicant: The Methodist Hospital, 6516 Bertner Drive, Houston, Texas 77025. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in studies of tumors of the brain in patients, in particular, the subtle absorption between normal and abnormal brain tissue will be determined and charted by the article. The article will also be used in the evaluation of patients with a wide variety of suspected central nervous system disease and the diagnosis will be related with current available techniques to understand the best diagnostic approach to patients. In addition, the article will be used for training residents in radiology, neuroradiology, neurosurgery and neuroradiology fellows in nuclear medicine, neuroradiology, radiation physics of the Methodist Hospital and clinicians and research scientists in the fields of Radiology, Neuroradiology and Neurosurgery.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States at the time the foreign article was ordered (April 29, 1975). Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography of the human head. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 22, 1975 that the sensitivity and non-invasive methodology of the article is pertinent to the applicant's intended purposes. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article that was commercially available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special  
Import Programs Division.

[FR Doc. 75-24435 Filed 9-12-75; 8:45 am]

#### MOUNT SINAI MEDICAL CENTER Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00539-33-28500. Applicant: Mount Sinai Medical Center, Fifth Avenue and 100th Street, New York, New York 10029. Article: Free Flow Electrophoresis Apparatus. Manufacturer: Garching Instrumente, West Germany. Intended use of article: The article is intended to be used for studies of membranes and cells from human and animal tissues to gain insight into the nature of the transition which normal cells undergo when they become cancerous; and to gain insight into the nature of the hormonal regulation of molecular transport across epithelial cell membranes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 22, 1975 that the degree of resolution in separation of whole cells and subcellular organelles on the basis of slightly different electrical charge on their surface membranes provided by the article is pertinent to the intended purposes. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special  
Import Programs Division.

[FR Doc. 75-24436 Filed 9-12-75; 8:45 am]

#### NAVAL REGIONAL MEDICAL CENTER Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00520-33-46040. Applicant: Naval Regional Medical Center, Code 10, San Diego, California 92134. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for ultrastructural examination of heart, brain, muscle, kidney, and hematopoietic tissue. In addition, the article will be used for electron microscopic examination of reticuloendothelial neoplasms, both cultured and direct, of leukemia and lymphoma patients. The article will also be used in the training of pathologists and resident pathologists in the techniques and interpretation of electron microscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Adam David Company. The Model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 15, 1975 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special  
Import Programs Division.

[FR Doc. 75-24437 Filed 9-12-75; 8:45 am]

#### PHILADELPHIA COLLEGE OF OSTEOPATHIC MEDICINE

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00536-33-29050. Applicant: Philadelphia College of Osteopathic Medicine, 4150 City Avenue, Philadelphia, Pa. 19131. Article: 24 Channel Electroencephalograph. Manufacturer: Fritz Schwarzer GmbH, West Germany. Intended use of article: The article is intended to be used to determine whether there are any EEG changes which occur early in cerebrovascular disease and to determine whether frequent EEG in early stages of cerebrovascular disease may indicate progression of the disease.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a 24 channel capability. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 22, 1975 that the capability described above is pertinent to the applicant's intended purposes. HEW also advises that it knows of no domestic instrument that is commercially available that provides the pertinent characteristic.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special  
Import Programs Division.

[FR Doc. 75-24438 Filed 9-12-75; 8:45 am]

#### TAMPA GENERAL HOSPITAL, ET AL. Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897). Interested persons may present their

views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

Amended regulations issued under cited Act, (40 FR 12253 et seq. 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00085-33-90000. Applicant: Tampa General Hospital, Nuclear Medicine Department, Davis Islands, Tampa, Florida 33606. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for research and experiments including phantom evaluations to increase diagnostic capabilities to provide better patient diagnostic services. Along with clinical evaluations will include comparison of other instruments and radiological procedures, such as, the anger camera, electroencephalography, ultrasound, cerebral angiography, and neuro-encephalography. Physicians residents, technologists and nurses will be given formal courses in theory and clinical methodologies of the EMI system. Application received by Commissioner of Customs: August 20, 1975.

Docket number: 76-00086-56-17500. Applicant: Dept. of Interior, U.S. Geological Survey, Water Resources Division, National Center, Stop 430, Reston, Virginia 22092. Article: Two (2) Recording Oceanographic Current Meters, RCM-4. Manufacturer: Ivar Aanderaa Instruments, Norway. Intended use of article: The article is intended to be used to measure and record in situ, precisely, long-term, flow-velocities, water-temperatures, and salinity (conductivity) values in the shallow waters of lakes, waterways, estuaries, and coastal embayments. The data are to be used, in conjunction with other data collected from surface vessels and from the ERTS satellites. These data will provide the input values used to initialize, calibrate, and otherwise verify large scale, mathematical/numerical computer models. The field data together with the data produced by the computer simulation model are used to quantitatively and qualitatively assess the environmental impact of existing features as well as alternative proposed changes to be introduced into the water body under study. Application received by Commissioner of Customs: August 20, 1975.

Docket number: 76-00087-33-07795. Applicant: Washington University School of Medicine, 660 South Euclid

Avenue, St. Louis, Missouri 63110. Arti-

(Catalog of Federal Domestic Assistance Pro-

analog of the silicate minerals; rema-

Kinhead Hall, Lexington, Kentucky

must be capable of dealing with cells in

such purposes as this article is intended



Avenue, St. Louis, Missouri 63110. Article: Continuous Recording Camera, Model PC-2A. Manufacturer: Nihon Kohden Kogyo Co., Ltd., Japan. Intended use of article: The article is intended to be used in the study of nerve cells in the lamprey spinal cord in which experiments will be conducted to determine synaptic interactions of cells by stimulating one and recording from another. Application received by Commissioner of Customs: August 24, 1975.

Docket number: 75-00092-33-46040. Applicant: State University of New York, Health Sciences Center, Stony Brook, New York 11794. Article: Electron Microscope, Model EM 201 & goniometer stage. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in carrying out the following research:

(a) Application of the electron microscope heteroduplex method, which is a method to analyze sequence relationships between different nucleic acid elements, to physically map the position of sequences such as duplications, substitutions, deletion, inversions, and translocations.

(b) Investigation into aspects of ribosome function and structure, such as particle surface structure.

(c) Study of actin and myosin fibrils which are found as bundles of cables within the cell.

(d) Study of cellular production of immunoglobulin (Ig) to determine differences in ultrastructure between normal cells and mutants deficient in Ig production.

(e) Investigation of the adsorption process of the bacteriophage P22 using a variety of mutants of this phage and the electron microscope.

(f) Determination of the extent to which structural elements may direct the biological function of ribonucleic acids of mammalian viruses and cells.

(g) Study of the uptake of vaccinia virus in mammalian cells will be undertaken as part of a study of the synthesis and transport of messenger-RNA by vaccinia virus.

(h) Research concerned with the structure and synthesis of the nucleic, especially the properties of the circular DNA's.

In addition, the article is intended to be used in teaching medical, dental, allied health students in addition to graduate and undergraduate students in the Basic Health Sciences curriculum and students enrolled in the Division of Biological Sciences. These students will learn the methodology and techniques of using an electron microscope for visualization of extremely small cellular components, and will learn how to extend the results of these techniques to the solution of research problems. Application received by Commissioner of Customs: August 22, 1975.

## NOTICES

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special  
Import Programs Division.

[FR Doc.75-24443 Filed 9-12-75; 8:45 am]

UNIVERSITY OF CALIFORNIA,  
SANTA CRUZDecision on Application for Duty-Free Entry  
of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00523-33-46040. Applicant: University of California, Purchasing Office, Carriage House, Santa Cruz, California 95064. Article: Electron Microscope and accessories, Model JEM 100B/SEG. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used by biologists, chemists and earth scientists for the following investigations:

A. Inhibition of virion maturation by a Ca<sup>++</sup> limited medium; the addition of Ca<sup>++</sup> to the system will be investigated morphologically.

B. Osmotic and salt treatments.

C. Isolation and melting mapping of a fragment of the DNA containing the initiation and termination sites.

D. Observation of cell proliferation patterns; collagen synthetic interaction between epithelial and connective tissues; the influence of mammogenic hormones and structural changes during aging; growth span after transformation by a DNA-containing oncogenic virus.

E. Destruction of presumptive limb muscle tissue prior to differentiation; induction of changes in behavioral plasticity neurons.

F. *In vitro* influence of developmental pathways toward increased bryocytes and non-meliotic cells.

G. Parthenogenetic activation of eggs.

H. Brief heat treatments will be administered at various stages of the life cycle.

I. Induce senescence and place horizontally.

J. Ferritin label antibody to rhodopsin and to plant lectins; preparation of cone outer segments.

K. Observation of rock replicas.

L. Observation of high pressure and temperature deformation; germanate

analogs of the silicate minerals; remanent magnetization of sediments.

M. Observation of ion-thinned foils.

N. Investigation of domain structure in pigeonitic pyroxenes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article has a specified resolving power of 3 Angstroms (Å) point to point and is equipped with an eucentric side entry goniometer stage with  $\pm 60^\circ$  tilt, quick change holder which has a guaranteed point to point resolution of 7Å. The most closely comparable domestic instrument is the Model EMU-4C electron microscope supplied by the Adam David Company. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 15, 1975 that the characteristics of the foreign article described above are pertinent to the applicant's research studies. HEW further advises that the EMU-4C does not have a scientifically equivalent goniometer stage nor resolution. We, therefore, find that the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special  
Import Programs Division.

[FR Doc.75-24439 Filed 9-12-75; 8:45 am]

## UNIVERSITY OF KENTUCKY

Decision on Application for Duty-Free Entry  
of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00516-96-11700. Applicant: University of Kentucky, Tobacco and Health Research Institute, 109

Kincaid Hall, Lexington, Kentucky 40506. Article: Smoking Machines (4) and Circumference Gauge. Manufacturer: Hehn, Borgwaldt, West Germany. Intended use of article: The article is intended to be used to study the smoke delivery of different types of smoking materials under various scientifically controlled smoking conditions. This work must involve comparisons of free and restricted smoking, changing puff sharps and volumes, and puff intervals and duration. Smoke deliveries from cigarette will be studied with the article.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article duplicates smoking parameters including puff duration (0.1 to 2.4 seconds) and frequencies. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 22, 1975 that the capabilities described above are pertinent to the applicant's intended uses. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article that is commercially available for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special  
Import Programs Division.

[FR Doc.75-24440 Filed 9-12-75; 8:45 am]

## UNIVERSITY OF PENNSYLVANIA

Decision on Application for Duty-Free Entry  
of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00529-33-86500. Applicant: University of Pennsylvania, 3451 Walnut Street, Philadelphia, Pa. 19174. Article: Microviscosimeter, Model MV-1. Manufacturer: Elscint Ltd., Israel.

Intended use of article: The article is intended to be used in measuring the microviscosity of cells and membranes by the use of fluorescence compounds. It

must be capable of dealing with cells in the living state, it will be used to access the membranes of cancer cells, blood cells, and certain biological fluids.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 22, 1975 that the applicant intends to use the article in the measurement of the microviscosity of living cell membranes by measuring the depolarization of fluorescence caused by rotation of probe molecules in the sample fluid. HEW advises this specific method of measurement provided by the article is pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special  
Import Programs Division.

[FR Doc.75-24441 Filed 9-12-75; 8:45 am]

## UNIVERSITY OF ROCHESTER

Decision on Application for Duty-Free Entry  
of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00003-00-00500. Applicant: University of Rochester, Nuclear Structure Research Laboratory, 271 East River Road, Rochester, New York 14627. Article: Rebuilt Accelerator Tube. Manufacturer: Dowlish Developments, United Kingdom. Intended use of article: The article is an essential component to an existing Van de Graaff accelerator which is being used in a variety of nuclear studies.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for

such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article provides the specification of a spiral inclined field accelerator tube. The National Bureau of Standards (NBS) advises in its memorandum dated June 26, 1975 (relative to Docket No. 75-00423-00-00500 involving an identical article and the same purposes) that the specification described above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special  
Import Programs Division.

[FR Doc.75-24442 Filed 9-12-75; 8:45 am]

Domestic and International Business  
Administration

[File No. 28(74)-1; Case No. 478]

INFORMATION MAGNETICS INC. ET AL.  
Order Denying Export Privileges

In the matter of Information Magnetics, Inc. (Infomag), Goleta, California and Gresham-Infomag, Ltd. Weybridge, Surrey, England (Infomag-UK), respondents.

By charging letter of December 20, 1974, as amended by the letter of February 24, 1975, the above respondents were charged by the Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, with violations of the regulations issued under the Export Administration Act of 1969, as amended (50 U.S.C. App. §§ 2401-2413, 15 CFR Parts 368 et seq.). It was alleged in substance as follows: That during 1972 and 1973 the respondents made unauthorized exportations of disc heads, subassemblies of disc heads, testing devices, and other magnetic recording and reproducing equipment specially designed for electronic computers; that despite the fact that the respondents had knowledge of U.S. export regulations, these exportations of Commodity Control List items were made without the required export licenses; that the value of the items was in excess of \$800,000; further, that in March of 1974, subsequent to the disclosure of the unauthorized exportations in 1972 and 1973, and after assurances that the respondents would scrupulously observe the require-

<sup>1</sup> This Act has been amended by the Equal Export Opportunity Act, Public Law 92-412, 86 Stat. 644, approved August 20, 1972; and the Export Administration Amendments of 1974, Public Law 93-500, approved October 29, 1974.

## NOTICES

ments of the Export Administration Reg-

and the material presented in this mat-

(1) Title, possession and control pass

may be parties, and/or may deny to said

be permitted to engage in business dis-

tration prior to the effective date of this

## NOTICES



ments of the Export Administration Regulations, respondent Information Magnetics Corporation ("Infomag") directed its British subsidiary, respondent Information Magnetics Limited ("Infomag-UK"), to make further deliveries of disc heads and other computer equipment valued at approximately \$108,000 to the Bulgarian Legation in London for the purpose of facilitating the ultimate delivery to Bulgaria; that this delivery was effected without the required authorization from the United States and United Kingdom export control authorities; and further, that in October 1974, respondent Infomag exported or caused to be exported from the United States to Poland a ferrite slicing machine and a ferrite dicing machine, having an approximate total value of \$31,000, without obtaining the required final approval from the Office of Export Administration to make such exportation.

On November 13, 1974, the Compliance Division of the Office of Export Administration submitted to the Hearing Commissioner under 15 CFR 388.11 a petition for the issuance of a temporary denial order against respondents Infomag and Infomag-UK. A temporary denial order was promulgated on December 2, 1974, and was extended several times to expire on September 12, 1975. Respondents appeared by Counsel. Upon request by respondents, a number of exceptions to the Temporary Denial Order were granted. Various informal hearings with respect to the Temporary Denial Order and exceptions thereto were held before the Hearing Commissioner.

Subsequently, on August 1, 1975, pursuant to Section 388.10 of the Export Administration Regulations, with the agreement of the Director of the Compliance division and a representative of the Office of General Counsel, there was submitted to the Hearing Commissioner a draft consent settlement proposal. On August 4 and 8, 1975, hearings were held and modifications made to the settlement proposal and draft order. In making the consent settlement proposal and agreeing to this Order, for purposes of this proceeding only, and without the consent settlement proposal or order or determinations stated therein constituting any evidence against or admission by respondents in any proceeding other than under the Export Administration Act the respondents (a) admitted jurisdiction of this forum and the validity of the Export Administration Regulations; (b) neither admitted nor denied that they violated valid export regulations as charged by the Office of Export Administration in the charging letter of December 20, 1974, as amended by the letter of February 24, 1975; (c) consented to the entering of this Order by the Director of the Office of Export Administration, and (d) waived all rights to a hearing on the merits before the Hearing Commissioner, and all rights of administrative appeal from and judicial review of these proceedings and this Order.

The Hearing Commissioner has reviewed the consent settlement proposal

and the material presented in this matter, and has submitted his report together with a recommendation that the revised consent settlement proposal be accepted and this Order issued. On the basis of the Hearing Commissioner's submission and the supporting material, I have determined:

(1) That respondents Infomag and Infomag-UK violated on at least fifty-five occasions §§ 387.2, 387.3, and 387.6 of the United States Export Administration Regulations in that they knowingly delivered or caused to be delivered, directly or via England to Bulgaria and/or other Eastern European countries, contrary to § 374.1 of the United States Export Administration Regulations, U.S.-origin commodities without having obtained the requisite validated export licenses;

(2) That respondents Infomag and Infomag-UK knowingly violated §§ 387.2, 387.3, 387.4, 387.5 and 387.6 of the United States Export Administration Regulations in that after having given assurances, through their attorneys, to the Office of Export Administration that they would scrupulously observe the requirements of the United States Export Administration Regulations, they made or arranged to make further deliveries of disc heads and other computer equipment to the Bulgarian Legation in London for the purpose of facilitating the ultimate delivery of the equipment to Bulgaria; and

(3) That respondent Infomag violated Section 387.6 of the United States Export Administration Regulations in that it knowingly exported or caused to be exported a U.S.-origin ferrite slicing machine and a ferrite dicing machine from the United States to Poland, without having obtained the required final approval for such shipment from the Office of Export Administration.

On consideration of the record in the case and the recommendation of the Hearing Commissioner, and in reliance upon the undertaking by respondents set forth in their consent settlement proposal letter dated July 25, 1975, I accept the consent settlement proposal and it is hereby ordered, That:

I. All outstanding validated export licenses in which the respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation, except as provided in XIV below.

II. Except as otherwise specifically provided in this Order or as otherwise expressly authorized, for a period of five years from December 2, 1974, the respondents are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data other than purchases or "domestic sales" by respondent Infomag as defined below.

III. For purposes of this Order, the term "domestic sales" is defined for respondent Infomag to include only sales or transfers where:

(1) Title, possession and control pass in the United States to a purchaser other than a related party; and

(2) The purchaser is a domestic end user or is a United States exporter who is acting for his own account and in that transaction is not a broker, freight forwarder, or other party acting as an agent.

IV. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations, including the quotation of prices, with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

V. The denial of export privileges by this Order shall extend not only to the respondents, but also to their successors, assigns, agents, and employees, and to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services related thereto.

VI. On December 2, 1976, without further order of the Office of Export Administration, respondent Infomag shall have its privileges which were suspended pursuant to this Order restored conditionally, and thereafter for the remainder of the denial period said respondent shall be on probation. The basic condition of probation is that said respondent shall fully comply with all requirements of the Export Administration Act of 1969, as amended, and all regulations, licenses, and orders issued thereunder.

VII. Upon a finding by the Director, Office of Export Administration, or such other official as may be exercising the duties now exercised by him, that the respondent(s) have failed to comply with the requirements and conditions of this Order, with the undertaking by respondent Infomag in connection with the consent settlement proposal as set forth in respondents' letter of July 25, 1975 (which will remain in effect for the full five-year denial period), or with any condition of probation, said official, without notice when national security or foreign policy considerations are involved, or with notice if such considerations are not involved, by supplemental order may revoke the probation of respondent Infomag, may revoke all outstanding validated export licenses to which said respondent(s)

may be parties, and/or may deny to said respondent(s) all export privileges for the period of this Order. Such supplemental order shall not preclude the Office of Export Administration from taking such further action for any violation as it shall deem warranted. On the entry of a supplemental order revoking respondent Infomag's probation without notice, it may file objections and request that such order be set aside, and may request an oral hearing as provided in § 388.16 of the Export Administration Regulations, but pending such further proceeding the order of revocation shall remain in effect.

VIII. During the period(s) of denial to respondent(s) of export privileges under this Order, exports of commodities and technical data of any kind by respondent Infomag to Infomag Israel Limited or to its operation in Mexico, are authorized, subject to all OEA licensing requirements, only for the purposes of fabrication and return of a product to the United States. Exportation of tools and capital equipment necessary for the fabrication is authorized, subject to all licensing requirements of the Office of Export Administration. Each exportation by respondent Infomag under this Section will be achieved to the extent applicable under Items Provision 806.00 or 807.00 (or other Item providing comparable treatment) of the Tariff Schedules of the United States, as amended, and to the extent applicable the reimportation will be pursuant to Part 10 of the Customs Regulations (19 CFR 10). Further, each transaction will be handled under customary commercial terms through a reliable and established United States firm acceptable to the Office of Export Administration, and the Office of Export Administration may require respondent Infomag to obtain a certification from such firm as to the bona fide of a particular transaction should they deem it necessary. Further, authorization for export of commodities of any kind by respondent Infomag to Infomag Israel Limited shall be subject to prior receipt and acceptance by the Office of Export Administration of satisfactory assurances that the records and operations of Infomag Israel Limited will be supervised either by the Israeli Government or by a representative of the United States Government to assure full compliance with the Export Administration Regulations and this Order.

IX. During the period(s) of denial to respondent(s) of export privileges under this Order, no exports of commodities or technology of any kind between respondent Infomag and respondent Infomag-UK are authorized. Dissolution of respondent Infomag-UK will be undertaken as soon as possible, but no later than December 31, 1975. Further, respondent Infomag may not establish any new non-United States operations or subsidiaries until after probationary restoration of its export privileges without the prior approval of the Office of Export Administration.

X. After December 1, 1975, without further order of the Office of Export Administration, respondent Infomag shall

be permitted to engage in business discussions with the eight foreign companies specified in the respondent's consent settlement proposal letter of July 25, 1975. No exportations or reexportations of any commodities or technology to these companies, or taking orders from or entering into contracts with these companies for such exportations or reexportations, however, may be made by or on behalf of respondent Infomag until after probationary restoration of respondent Infomag's export privileges.

XI. Except as otherwise provided in this Order, during the period(s) of denial to respondent(s) of export privileges under this Order, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for either respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

XII. Recordkeeping and administrative requirements for respondents will be as stated in the Export Administration Regulations. In addition, respondent Infomag will keep a record of all sales (including date, name of the customer, commodity, quantity of items transferred, and price) made to its domestic customers where, by virtue of information received (such as the direction that the items be packed for export), it appears that the transferee's intention is to export the commodity or to transmit it for the export trade in the form purchased. The Office of Export Administration may from time to time by letter establish further recordkeeping requirements which are reasonably needed to assure compliance with this Order.

XIII. The above consent settlement and this Order are limited to and dispose of the violations of the Export Administration Regulations which: (a) were charged against respondents Infomag and/or Infomag-UK by the charging letter of December 20, 1974, as amended by the letter of February 24, 1975; (b) were admitted to the Office of Export Administration on behalf of respondents Infomag and Infomag-UK; or (c) with respect to the respondents, the officers directors and employees of Infomag except Mr. Daniel L. Gillum, were identified by the Office of Export Adminis-

tration prior to the effective date of this Order. This consent settlement does not include or dispose of any violations by Mr. Gillum personally or any other person or entity, nor does it dispose of any violations other than those specified in XIII A, B, or C above, whether or not charges are presently outstanding, and not action which the Government of the United States may decide to take against any such person or entity is precluded thereby.

XIV. This Order is effective immediately. The presently outstanding Temporary Denial Order in this matter is revoked effective immediately. A copy of this Order shall be served on respondents.

Dated: September 11, 1975.

RAUER H. MEYER,

Director,

Office of Export Administration.

[FR Doc.75-24664 Filed 9-12-75; 9:14 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health  
Administration

### ADVISORY COMMITTEES

#### Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Public Law 92-463, Annual Reports for the following Alcohol, Drug Abuse, and Mental Health Administration Committees have been filed with the Library of Congress:

Alcohol Research Review Committee  
Alcohol Training Review Committee  
Board of Scientific Counselors, NIMH  
Clinical Program-Projects Research Review Committee  
Continuing Education Training Review Committee  
Crime and Delinquency Review Committee  
Drug Abuse Research Review Committee  
Epidemiologic Studies Review Committee  
Experimental Psychology Research Review Committee  
Mental Health Services Research Review Committee  
Metropolitan Mental Health Problems Review Committee  
National Advisory Council on Alcohol Abuse and Alcoholism  
National Advisory Mental Health Council  
Neuropsychology Research Review Committee  
Preclinical Psychopharmacology Research Review Committee  
Social Problems Research Review Committee  
Social Sciences Research Review Committee

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, and on weekdays between 9 a.m. and 4:30 p.m., at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-6791.

Dated: September 8, 1975.

JAMES D. ISBISTER,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-24421 Filed 9-12-75; 8:45 am]

Food and Drug Administration

proved, there is a lack of substantial evidence together with the evidence available to

52 Stat. 1052-1053, as amended; 21 U.S.C.

National Institutes of Health

tional Commission on Diabetes, December 1 and 2, 1975 (times below) at the



**Food and Drug Administration**  
[Docket No. 75N-0157; DESI 9397;  
NDA 9-408]

**MEPHENTERMINE SULFATE FOR  
ORAL USE**

**Withdrawal of Approval of New Drug  
Application**

A notice (DESI 9397; Docket No. FDC-D-716 (now Docket No. 75N-0157)) was published in the FEDERAL REGISTER of March 21, 1975 (40 FR 12828) in which the Director of the Bureau of Drugs offered the opportunity for hearing on the proposal to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of NDA 9-408 providing for Wyamine Sulfate Tablets, containing mephentermine sulfate, formerly marketed by Wyeth Laboratories, Division American Home Products Corp., Post Office Box 4299, Philadelphia, PA 19101. The proposed action was not contested and approval of the new drug application is now being withdrawn.

The above notice also included Wyamine Sulfate Elixir (NDA 9-397) containing mephentermine sulfate. As stated in the notice, approval of that NDA had previously been withdrawn on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). The purpose of including Wyamine Sulfate Elixir in the notice of March 21, 1975 was to state that this drug lacks substantial evidence of effectiveness for its various labeled indications and to offer all interested persons the opportunity to request a hearing concerning all issues relating to its legal status.

All drug products which are identical, related, or similar to either Wyamine Sulfate (mephentermine sulfate) Tablets or Elixir, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was ap-

proved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 9-408, and all amendments and supplements applying thereto, is withdrawn effective September 25, 1975.

Shipment in interstate commerce of the above listed product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: August 22, 1975.

J. RICHARD CROUT,  
Director, Bureau of Drugs.

[FR Doc.75-24423 Filed 9-12-75; 8:45 am]

[Docket No. 75N-0170; DESI 8173]

**MONOBENZONE TOPICAL LOTION**

**Withdrawal of Approval of New Drug  
Application**

A notice (DESI 8173; Docket No. FDC-D-710 (now Docket No. 75N-0170)) was published in the FEDERAL REGISTER of March 21, 1975 (40 FR 12829) in which the Director of the Bureau of Drugs offered an opportunity for hearing on his proposal to issue an order withdrawing approval of the new drug application described below for monobenzene topical lotion. The product has been used for treatment of skin disorders. The basis of the proposed action was the lack of substantial evidence that the product is effective for its labeled indications. The proposed action was not contested and approval of the new drug application is now being withdrawn.

NDA 10-253; Benquin Lotion containing 5% monobenzene; Paul B. Elder Co., 705 East Mulberry Street, P.O. Box 31, Bryan, OH 43506.

All drug products that are identical, related, or similar to the drug product named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated

together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 10-253 and all amendments and supplements applying thereto, is withdrawn effective September 25, 1975.

Shipment in interstate commerce of the above product or any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: August 22, 1975.

J. RICHARD CROUT,  
Director, Bureau of Drugs.

[FR Doc.75-24424 Filed 9-12-75; 8:45 am]

[Docket No. 75N-0146; DESI 11470]

**PROTOKYL WITH PENTOBARBITAL  
TABLETS**

**Withdrawal of Approval of Part of New  
Drug Application**

A notice (DESI 11470; Docket No. FDC-D-717 (now Docket No. 75N-0146); NDA 11-469) was published in the FEDERAL REGISTER of March 21, 1975 (40 FR 12832), in which the Director of the Bureau of Drugs offered an opportunity for hearing on his proposal to issue an order withdrawing approval of that part of the new drug application described below pertaining to protokylol hydrochloride with pentobarbital tablets. The basis of the proposed action was the lack of substantial evidence that the product is effective for its labeled indications. The drug has been used in the treatment of bronchial spasm. The proposed action was not contested, and approval of the product is now being withdrawn.

NDA 11-469; Caytine with Pentobarbital Tablets, containing protokylol hydrochloride and pentobarbital; formerly marketed by Lakeside Laboratories, Inc., 1707 E. North Ave., Milwaukee, WI 53201.

All drug products which are identical, related, or similar to the drug named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505,

**National Institutes of Health  
DENTAL CARIES PROGRAM ADVISORY  
COMMITTEE**

**Notice of Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, November 3-4, 1975, National Institutes of Health, Building 31-C, Conference Room 7, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on November 3, and from 9:00 a.m. to adjournment on November 4, to discuss research progress and plans of the National Caries Program for FY 1976. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014, (phone number 301-496-7239), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.846 and 13.827, National Institutes of Health.)

Dated: September 9, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer, NIH.  
[FR Doc.75-24412 Filed 9-12-75; 8:45 am]

**NATIONAL COMMISSION ON DIABETES  
Notice of Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Commission on Diabetes, November 3 and 4, 1975 (times below), at the National Institutes of Health, Building 31, Conference Room 6, C Wing, Bethesda, Maryland.

The entire meeting, which will be open to the public from 9:00 a.m. to 5:00 p.m. on November 3 and 4 at the above address, will be a business and planning meeting.

Mr. Victor Wartofsky, Chief, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846 National Institutes of Health)

Dated: September 9, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer, NIH.  
[FR Doc.75-24409 Filed 9-12-75; 8:45 am]

**NATIONAL COMMISSION ON DIABETES  
Notice of Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Na-

tional Commission on Diabetes, December 1 and 2, 1975 (times below), at the National Institutes of Health, Building 31, Conference Room 6, C Wing, Bethesda, Maryland.

The entire meeting, which will be open to the public from 9:00 a.m. to 5:00 p.m. on December 1 and 2 at the above address, will be a business and planning meeting.

Mr. Victor Wartofsky, Chief, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846 No. 13.846 National Institutes of Health)

Dated: September 9, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer, NIH.  
[FR Doc.75-24410 Filed 9-12-75; 8:45 am]

**NATIONAL COMMISSION ON ARTHRITIS  
AND RELATED MUSCULOSKELETAL  
DISEASES**

**Notice of Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the National Commission on Arthritis and Related Musculoskeletal Diseases on October 13, 14, and 15, 1975 (places and times given below). All of the meetings will be open to the public.

On October 13 and 14, the Commission will meet at the Penn Harris Motor Inn, Taylor Bridge and U.S. Highway 11-15, Harrisburg, Pennsylvania. From 2:00 p.m. to 5:00 p.m. on October 13, the Commission will have a business and planning meeting. On October 14, from 9:30 a.m. to 1:30 p.m., the Commission will hear testimony from interested members of the public.

On October 15, from 9:30 a.m. to 1:30 p.m., the Commission will meet at the John Hancock Hall, Dorothy Quincy Suite, 180 Berkeley Street, Boston, Massachusetts, to hear public testimony.

Members of the public who wish to appear before the Commission during those times when the Commission is prepared to receive public testimony shall file a written statement or detailed summary of remarks with the Commission before 5:00 p.m. on October 3, 1975. Statements or summaries shall be sent or delivered to Mr. Victor Wartofsky, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Mr. Victor Wartofsky, Chief, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of

Health, Division of Drug Labeling Compliance, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Health, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Health, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Health, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.



(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: September 9, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer, NIH.  
[FR Doc. 75-24411 Filed 9-12-75; 8:45 am]

#### WORKSHOP ON MOLECULAR BASIS OF HEPARIN ACTION

##### Notice of Meeting

Notice is hereby given of a meeting of the Workshop on Molecular Basis of Heparin Action, sponsored by the Division of Blood Diseases and Resources, National Heart and Lung Institute, October 30-31, 1975, Conference Center, Sheraton Reston Hotel, Reston, Virginia.

The meeting will be open to the public on October 30 from 8:30 a.m. to 9:00 p.m., and on October 31 from 9:00 a.m. to 4:30 p.m. The purpose of the meeting is to provide for the exchange of information among investigators in the fields of blood coagulation and polysaccharide biochemistry. Special attention will be given to research in the area of mechanism of action of anticoagulant drugs, such as heparin. Attendance by the public will be limited to space available.

Dr. Gary J. Nelson, Blood Diseases Branch, Division of Blood Diseases and Resources, National Heart and Lung Institute, National Institutes of Health, Building 31, Room 4A05, Bethesda, Maryland 20014, (301) 496-5911, will provide additional information.

(Catalog of Federal Domestic Assistance Program No. 13.839, National Institutes of Health)

Dated: September 9, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer, NIH.  
[FR Doc. 75-24406 Filed 9-12-75; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration  
[Docket No. N-75-433]

##### CANDLEWOOD LAKES

##### Notice of Hearing

In the matter of Candlewood Lakes, OILSR No. 0-372-48-109, Doc. No. 75-109-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Candlewood Lakes, Randolph Holt, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued July 18, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Regis-

#### NOTICES

tration alleging that the Statement of Record and Property Report for Candlewood Lakes, located in Hardeman County, Tennessee, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 5, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on October 8, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 30, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 3, 1975.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc. 75-24496 Filed 9-12-75; 8:45 am]

[Docket No. N-75-430]

##### HIWAN SUBDIVISION

##### Notice of Hearing

In the matter of Hiwan Subdivision, OILSR No. 0-1913-05-170(A) Doc. No. ED-75-11.

Pursuant to 15 U.S.C. 1706(b) and 24 CFR 1720.155(b) notice is hereby given that:

1. Jefferson Land Associates, Hiwan Subdivision, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, et seq.), received a Notice of Suspension dated July 21, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1710.45(a) informing the developer that its Statement of Record submitted June 23, 1975, for Jefferson Land Associates, located in Jefferson County, Colorado, was not effective pur-

suant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondent filed an Answer dated August 8, 1975, in answer to the allegations of the Notice of Suspension dated July 21, 1975.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 CFR 1720.155(b), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Suspension will be held before Judge James W. Mast, Administrative Law Judge, in Room 7146, Department of HUD Building, 451 7th Street, S.W., Washington, D.C., on September 12, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 10, 1975.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of Record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.155.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 3, 1975.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc. 75-24497 Filed 9-12-75; 8:45 am]

[Docket No. N-75-432]

##### JACKSONVILLE SOUTH

##### Notice of Hearing

In the matter of Jacksonville South, Unit One, OILSR No. 0-2653-09-794 Doc. No. 75-119 IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Jacksonville South, Unit One, Anthony J. Trella, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued August 4, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Jacksonville South, located in Miami, Florida, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 22, 1975 in response to the

#### NOTICES

Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on September 23, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 16, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 3, 1975.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc. 75-24498 Filed 9-12-75; 8:45 am]

[Docket No. N-75-431]

##### OUTDOOR RESORTS AT ORLANDO

##### Notice of Hearing

In the matter of Outdoor Resorts at Orlando, OILSR No. 0-1876-09-557 Doc. No. 75-88.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Outdoor Resorts at Orlando, E. Randall Henderson, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) of Proceedings and Opportunity for Hearing issued July 16, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Outdoor Resorts at Orlando, located in the state of Florida, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 5, 1975, in response to the

Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on October 9, 1975 at 10:00 A.M.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before October 2, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 3, 1975.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc. 75-24499 Filed 9-12-75; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

TERMINAL INSTRUMENT PROCEDURES (TERPS) ADVISORY COMMITTEE, WORKING GROUP ON VISIBILITY CREDITS FOR LIGHTS

##### Notice of Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act of 1972 (86 Stat. 770), that the Visibility Credits for Lights Working Group of the U.S. Terminal Instrument Procedures (TERPs) Advisory Committee will hold a meeting, October 1 and 2, convening at 9 a.m. in Rooms 7A and 7B, FAA Headquarters Building, 800 Independence Ave. SW., Washington, D.C. This meeting of the Visibility Credits for Lights Working Group is conducted with approval and under the auspices of the TERPs Advisory Committee.

The agenda item for this meeting is a discussion and review of the technical adequacy of the approved lighting systems associated with instrument runways for credits to reduce visibility as applied to Tables 9 and 10 of the TERPs handbook.

This meeting is open to the public. Persons interested in attending the

#### NOTICES

meeting should contact Ernest E. Galle,

Issued in Washington, D.C. on September

1596 (April 1972), has been issued pur-

On or before October 15, 1975, any per-

od of Support: Application proceeds under

EPA File Symbol 11656-AG. Western Farm



meeting should contact Ernest E. Callaway, Chairman, TERPs Visibility Credits for Lights Working Group, Federal Aviation Administration, Flight Inspection National Field Office, P.O. Box 25082, Oklahoma City, Oklahoma 73125. Telephone: (405) 683-4164.

Issued in Washington, D.C. on September 11, 1975.

JAMES A. FORGAS,  
Chairman, U.S. Terminal Instrument Procedures (TERPs) Advisory Committee.

[FR Doc. 75-24674 Filed 9-12-75; 9:52 am]

**Materials Transportation Bureau  
GREAT LAKES CHEMICALS CORP. ET AL.  
Special Permits Issued**

Pursuant to 49 CFR 170.15 of the Department's Hazardous Materials Regulations, issued May 22, 1968 (33 FR 8277), following is a list of new DOT Special Permits upon which action was completed during August 1975.

Special Permit No.	Issued To—Subject	Mode or modes of transportation
SP 7010	Great Lakes Chemicals Corporation, West Lafayette, Ind., and others to ship 100 lbs. of lead in lead lined portable tanks built to DOT Specification 33 and 130 standards.	Cargo Vessel, Motor Vehicle
SP 7013	Garbord Cryogenics Division, Carpenter Technology Corporation, to ship liquid helium in a non-DOT specification nitrogen insulated, containerized portable tank having water capacity of 9,684 gallons.	Cargo Vessel, Motor Vehicle, Rail Freight
SP 7027	Horde Chemical, Columbus, Ohio, to ship certain Class B poisonous liquids in two ASME Code portable tanks, each having a capacity of 1,300 gallons and minimum design pressure of 250 psig.	Motor Vehicle
SP 7028	Misco Corporation, Baltimore, Maryland, to ship certain chloroformates in 5-gallon DOT Specification 34 polyethylene containers.	Cargo Vessel, Motor Vehicle
SP 7030	Shell Oil Company, Houston, Texas, to ship a Corrosive liquid in 30-gallon, tight-head steel drums complying with DOT Specification 17C except for marking.	Cargo Vessel
SP 7031	E. I. du Pont de Nemours & Co., Inc., Wilmington, Delaware, to ship High explosives in a fiberboard box having end holes and complying with DOT Specification 121 except joints are formed and flaps sealed by hot melt adhesive.	Cargo Vessel, Motor Vehicle, Rail Freight
SP 7032	Pollard Corporation, Needham Heights, Massachusetts, to ship a Corrosive solid in non-DOT specification removable lead drums made of 16-gauge stainless steel, having 55 gallon rated capacity, and enclosed with a plywood cover.	Cargo Only Aircraft
SP 7033	McDonnell Douglas Astronautics Co., to ship Nitrogen in a non-DOT specification pressure vessel (hydraulic accumulator) packed in a steel explosion-proof shelter.	Motor Vehicle
SP 7034	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., to ship Pentaborane, solid in DOT Specification 36 metal portable tanks.	Motor Vehicle
SP 7036	McDonnell Douglas Astronautics Co., Huntington Beach, Calif., to ship Anhydrous ammonia in non-refillable aluminum heat pipes.	Cargo Vessel, Motor Vehicle, Passenger-Carrying Aircraft, Cargo Only, Aircraft, Rail Freight

ALAN I. ROBERTS,  
Director, Office of  
Hazardous Materials Operations.

[FR Doc. 75-24451 Filed 9-12-75; 8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket 28087]

**DAN-AIR SERVICES, LTD, FOREIGN  
CHARTER PERMIT RENEWAL (BRITISH)  
Prehearing Conference and Hearing**

Notice is hereby given that a prehearing conference in this proceeding is assigned to Administrative Law Judge Arthur S. Present. Future communications should be addressed to Judge Present.

**DOMESTIC LOAD-FACTOR STANDARDS**

**Assignment of Administrative Law Judge**

This proceeding, instituted by PSDR-43, dated August 19, 1975, is hereby assigned to Administrative Law Judge Arthur S. Present. Future communications should be addressed to Judge Present.

Dated at Washington, D.C. September 8, 1975.

[SEAL] ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc. 75-24483 Filed 9-12-75; 8:45 am]

**ENERGY RESEARCH AND  
DEVELOPMENT ADMINISTRATION  
UNDERGROUND NUCLEAR TESTING  
PROGRAM; NEVADA TEST SITE**

**Availability of Final Supplement to  
Environmental Statement**

Notice is hereby given that a Final Supplement to the Final Environmental Statement, Underground Nuclear Testing Program, Nevada Test Site, WASH-

1526 (April 1973), has been issued pursuant to the Energy Research and Development Administration's (ERDA) implementation of the National Environmental Policy Act of 1969. The Supplement to the Statement was prepared to support ERDA administrative actions related to the underground nuclear testing program for Fiscal Year 1976, and transition period.

Copies of the Final Supplement and the WASH-1526 Final Environmental Statement are available for public inspection in the ERDA's Public Document Rooms at 1717 H Street NW., Washington, D.C.; Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico; Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada; Richland Operations Office, Federal Building, Richland, Washington; San Francisco Operations Office, 1333 Broadway, Oakland, California; and Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Copies have also been furnished to those who commented on the Draft Supplement that was issued June 26, 1975. A limited number of single copies are available upon request addressed to W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, Mail Station E-201, U.S. Energy Research and Development Administration, Washington, D.C., 20545 (301) 973-4241.

Dated at Germantown, Maryland, this 12th day of September 1975.

For the Energy Research and Development Administration.

HAL HOLLISTER,  
Acting Assistant Administrator,  
for Environment and Safety.

[FR Doc. 75-24681 Filed 9-12-75; 10:22 am]

**ENVIRONMENTAL PROTECTION  
AGENCY**

[OPP-33000 317 & 318 & 319; FRL 430 61]

**NOTICE OF RECEIPT OF APPLICATIONS  
FOR PESTICIDE REGISTRATION**

**Data To Be Considered in Support of  
Applications**

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c) (1) (d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before October 15, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after October 15, 1975.

Dated: September 8, 1975.

JOHN B. RITCH, JR.,  
Director Registration Division.

APPLICATIONS RECEIVED (OPP-33000/317)

EPA Reg. No. 255-86. American Fluoride Corp., 17 Huntington Place, New Rochelle NY 10801. RODENTICIDE, ZINC PHOSPHIDE O-R-511D. Active Ingredients: Zinc Phosphide 74.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 475-ROI. Boyle-Midway Inc., South Ave. & Hale St., New York NY 10017. NEW BLUE SANI-FLUSH TOILET BOWL CLEANER WITH DUAL CLEANING ACTION. Active Ingredients: Sodium Bisulfate 75.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA Reg. No. 100-551. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. GALECRON 4EC. Active Ingredients: N,N - dimethyl - N' - (2-methyl-4-chlorophenyl) formamidine 48.5%; Aromatic Petroleum Distillates 43.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA Reg. No. 100-554. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. GALECRON SP. Active Ingredients: N' - (4-chloro-o-tolyl) - N,N-dimethyl formamidine monohydrochloride 95.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA Reg. No. 2139-98. Nor-Am Agricultural Products Inc., 1275 Lake Ave., Woodstock IL 60098. FUNDAL SP. Active Ingredients: Chlordimeform Hydrochloride 97.0%. Meth-

od of Support: Application proceeds under 2(c) of interim policy. Republished: Added Uses. PM13

EPA Reg. No. 2139-100. Nor-Am Agricultural Products Inc., 1275 Lake Ave., Woodstock IL 60098. FUNDAL 4EC. Active Ingredients: Chlordimeform 48.5%; Aromatic Petroleum Distillates 43.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 11611-RN. Puma Chemical Co., 3012 S. Main, Fort Worth TX 76110. TERM-X PYRENONE INSECT KILLER. Active Ingredients: Pyrethrins 0.12%; Piperonyl Butoxide, Technical 1.20%; Petroleum distillate 0.48%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

APPLICATIONS RECEIVED (OPP-33000/318)

EPA File Symbol 35986-R. Automatic Control Technology, PO Box 5143, San Jose CA 95150. ACTION SANITIZING SOLUTION. Active Ingredients: Sodium Hypochlorite 3%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 2224-LE. Mobil Chemical Co., PO Box 28683, Richmond VA 23261. MODDOWN HERBICIDE WETTTABLE POWDER. Active Ingredients: Bifenox [Methyl 5-(2,4-dichlorophenoxy)-2-nitrobenzoate] 75%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 8591-EO. The Mogul Corp., Chagrin Falls OH 44022. MOGUL AG-442. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 6.0%; Potassium N-methylthiocarbamate 2.0%; Disodium cyanodithiolimidocarbonate 1.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 8591-GN. The Mogul Corp., Chagrin Falls OH 44022. MOGUL AG-443. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%; Potassium N-methylthiocarbamate 5.1%; Disodium cyanodithiolimidocarbonate 3.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 1553-RNE. Momar, Inc., PO Box 19567, Station N, Atlanta GA 30325. 10-DIS #165. OERMICIDE-SANITIZER. Active Ingredients: Nonyl Phenoxy Poly Ethoxyethanol Iodine Complex 13.89%; Phosphoric Acid 8.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 1553-RNG. Momar, Inc., PO Box 19567, Station N, Atlanta GA 30325. POULTRY-DYNE #165. Active Ingredients: Nonyl Phenoxy Poly Ethoxyethanol Iodine Complex 13.89%; Phosphoric Acid 8.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 3635-ERE. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. OXFORD 1204. Active Ingredients: [5-Benzyl-3-furyl] methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related Compounds 0.034%; Pyrethrins 0.150%; Piperonyl butoxide technical 0.800%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 18.625%. Republished: Method of support changed from 2(b) to 2(c) of interim policy. PM17

EPA File Symbol 6305-RE. Robeco Chemicals Inc., 51 Madison Ave., New York NY 10010. MCPA. Active Ingredients: 2-(2-methyl-4-chloro-phenoxy) acetic acid 94%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 11656-AG. Western Farm Service, Inc., c/o Shell Chemical Co., Suite 200, 1025 Conn. Ave. NW, Washington DC 20036. WESTERN FARM SERVICE TRITHION 8-E INSECTICIDE-ACARICIDE. Active Ingredients: Carbophenothion: s-[p-chlorophenylthio] methyl] 0,0-diethyl phosphorothioate 79.1%; Xylene 6.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 52-EUA. West Chemical Products, Inc. 42-16 West St., Long Island City NY 11101. WEST ACID SANITIZER. Active Ingredients: Phosphoric Acid 50.0%; Dodecylbenzenesulfonic Acid 15.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 1748-RGN. York Chemical Co., Inc., 195 Atlantic Ave., Garden City Park NY 11040. YORK WARFARIN RAT & MOUSE BAIT. Active Ingredients: Warfarin (3-(a-acetylonyl-benzyl)-4-hydroxy-coumarin) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

**CORRECTION ITEM**

The following item was omitted from the list of Applications Received published in the FEDERAL REGISTER on September 2, 1975 (40 FR 40197).

EPA File Symbol 241-EUI. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. CYPREX TECHNICAL FRUIT FUNGICIDE. Active Ingredients: Doline (n-dodecylguanidine acetate) 95.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

APPLICATIONS RECEIVED (OPP-33000/319)

EPA File Symbol 35970-R. AgroMax U.S. Inc., 317 Kirby, Suite 209, Garland TX 75042. AGROMAX SOIL MODIFIER AND CONDITIONER. Active Ingredients: Adenine 0.0004%; Indolebutyric Acid 0.0004%; Indoleacetic Acid 0.0004%; Gibberellins 0.0004%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 239-2370. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. ORTHO MOSQUITO & FLY INSECT SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropane carboxylate 0.250%; Related Compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 6.500%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 239-2371. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. ORTHO HOUSEHOLD INSECT CONTROL. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropane carboxylate 0.250%; Related Compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 6.500%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 12471-I. Continental Products of Texas, 100 Industrial, Odessa TX 79760. TOXSENE-41. Active Ingredients: Disodium cyanodithiolimidocarbonate 4.23%; Ethylenediamine 1.60%; Potassium N-methylthiocarbamate 5.83%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 8123-IN. Frank Miller & Sons, 13831 S. Emerald Ave., Chicago IL 60628.

elsewhere in this issue of the FEDERAL REGISTER.

Subcommittees may meet informally in Washington, the preceding evening of

relief *pendente lite* pertaining to its request concerning the shifting of gas volumes between Winfield's two municipal

without a change of the Priority 4 classification of Winfield's gas receipts from Arkla. It should be noted that the issue

raised in Winfield's petition for permanent transfer of volumes.

(C) Winfield shall retain its Priority 4



EPA File Symbol: 8123-IN. Frank Miller & Sons, 13831 S. Emerald Ave., Chicago IL 60627. VIRUCIDE CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.070% n-Alkyl (68% C12, 32% C14) dimethyl ethyl benzyl ammonium chlorides 0.070%; Sodium Carbonate 0.100%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Changed Formula. PM31

EPA File Symbol: 10663-EN. Sentry Chemical Co., 1481 Rock Mountain Blvd. Stone Mountain GA 30083. QUATREX. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; Alkyl (68% C12, 32% C14) dimethyl ethyl benzyl ammonium chlorides 1.6%; Sodium carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 2459-189. Stevens Industries, Inc., PO Box 272, Dawson GA 31742. MASTER BRAND MALATHION EMULSIFIABLE SPRAY. Active Ingredients: Malathion 57%; Xylene 32%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

[FR Doc.75-24288 Filed 9-12-75; 8:45 am]

[FRL 431-1]

#### WATER POLLUTION PREVENTION AND CONTROL

##### Addition to the List of Categories of Sources

Section 306(b)(1)(A) of the Federal Water Pollution Control Act, as amended October 18, 1972 (Pub. L. 92-500), directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise a list of categories of sources which shall, at the minimum, include those listed in section 306(b)(1)(A). As soon as practicable, but in no case more than one year after the inclusion of a category of sources in such list, the Administrator is required to propose and publish regulations establishing Federal standards of performance for new sources within such categories. The original list of 27 source categories was published January 16, 1973 (38 FR 1624). Standards of performance have been promulgated for all 27 source categories.

The Administrator, after evaluating available information, has determined that oil and gas extraction is an additional category of point sources which meet the above requirements. Evaluation of other point source categories is in progress, and the list will be supplemented from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 306(b)(1)(A) of the Act amends the list of categories of sources as follows:

##### List of Categories of Sources

31. Oil and Gas Extraction

Proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources applicable to the above point source categories appear

#### NOTICES

elsewhere in this issue of the FEDERAL REGISTER.

Dated: August 29, 1975.

RUSSELL E. TRAIN,  
Administrator.

[FR Doc.75-24364 Filed 9-12-75; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

##### INDUSTRY ADVISORY COMMITTEE

###### Meeting

SEPTEMBER 5, 1975.

A meeting of the Industry Advisory Committee to the Federal Communications Commission Steering Committee for the 1979 General World Administrative Radio Conference is scheduled to be held on Monday, September 29, 1975, at 10:00 A.M. in Room 8210 of the Commission's offices located at 2025 M Street, N.W., Washington, D.C.

This will be an organizational meeting of the Industry Advisory Committee wherein the Commission's conference preparatory structure will be explained to the Committee, as well as an outlining of the Advisory Committee's role in this structure. Membership on the Committee is limited to Commission invitation; however, attendance at this meeting will be open to the general public and any written comments will be accepted.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-24450 Filed 9-12-75; 8:45 am]

#### FEDERAL ENERGY ADMINISTRATION

##### ENVIRONMENTAL ADVISORY COMMITTEE

###### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet Monday, September 29, 1975, at 9 a.m., Room 7132, 12th & Pennsylvania Avenue, N.W., Washington, DC.

The Committee was established to provide advice and information to FEA concerning the environmental aspects of FEA policies and programs.

The agenda for the meeting is as follows:

1. Status Report on PIES II. Updating the Project Independence Evaluation System
2. Reports and Recommendations from Subcommittees
  - a. Energy Conservation
  - b. OCS/Energy Facility Siting
  - c. Coal Utilization/Air Quality
  - d. Transportation
  - e. Coal Leasing and Mining

Subcommittees may meet informally in Washington, the preceding evening, at the discretion of the Subcommittee chairmen. Subcommittees will meet at 2 p.m., September 29, for background discussions with FEA officials. For further information on subcommittee activities, call Lois Weeks, Advisory Committee Management Officer at (202) 961-7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 9, 1975.

ROBERT E. MONTGOMERY, Jr.,  
General Counsel.

[FR Doc.75-24359 Filed 9-10-75; 8:56 am]

#### LP-GAS INDUSTRY ADVISORY COMMITTEE

##### Change in Meeting Place

This notice is given to advise of a change in the location of the meeting of the LP-Gas Industry Advisory Committee. The Committee will meet Friday, September 26, 1975, at 10:00 a.m. in Room 2105, 2000 M Street, N.W., Washington, D.C. rather than at 12th and Pennsylvania Avenue as previously announced. A Notice of Meeting was published in the issue of September 4, 1975 (40 FR 40877).

Issued at Washington, D.C. on September 9, 1975.

ROBERT E. MONTGOMERY, Jr.,  
General Counsel.

[FR Doc.75-24360 Filed 9-10-75; 8:56 am]

#### FEDERAL POWER COMMISSION

[Docket No. RP74-94-3]

##### ARKANSAS LOUISIANA GAS CO.

###### Order Granting Interim Relief Pendente Lite

AUGUST 20, 1975.

On June 27, 1975, the City of Winfield, Kansas (Winfield) filed in the above docket a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure which requested interim

relief *pendente lite* pertaining to its request concerning the shifting of gas volumes between Winfield's two municipal electric generating plants which are served by Arkansas Louisiana Gas Company (Arkla). In connection with this, Winfield had also filed on March 31, 1975 a petition for the transfer of natural gas from its less efficient generating plant (Plant No. 1) to its more efficient generating plant (Plant No. 2). That petition was set for hearing by our "Order Providing for Hearing, Granting Intervention, and Prescribing Procedures," issued June 10, 1975 in the instant docket. Hearings have been concluded on the permanent relief request and the proceeding is now in the briefing stage.

Following submission of Winfield's filing for interim relief, Arkla filed an answer thereto alleging that the granting of such interim relief would amount to a prejudgment of the issues in the permanent relief request. In support thereof, Arkla cites our order issued February 14, 1975, in *Tennessee Gas Pipe Line Company, et al.*, Docket No. RP74-42 pertaining to an interim relief request by Pennsylvania Gas and Water Company. In addition, Arkla alleges that because there is no showing of any emergency or irreparable injury to life or property, no interim relief should be granted, especially in light of noncompliance with Order No. 467-C.

Winfield's petition indicates that it has two municipal electric generating plants which each have a maximum daily entitlement of 3,000 Mcf. Winfield claims that because of this ceiling, it must sometimes use volumes in its less efficient plant on days when electric demand is high but that such use results in 50% more gas being burned to generate the same amount of electricity in the old plant. As a result, Winfield desires interim authorization to take its allocated volumes on any given day in a manner which permits the most efficient use of the gas it receives. However, Winfield takes the position that any permission it receives to pierce its contractual entitlement at the more efficient plant should be conditioned to permit its curtailment classification to remain as Priority 4, despite the fact that it would be taking volumes at the more efficient plant in amounts which would otherwise place it in Priority 5 of Arkla's currently effective curtailment plan.

Notwithstanding Arkla's response to Winfield's request for interim relief, we believe such relief is warranted on a *pendente lite* basis. It is this Commission's desire to promote the conservation of natural gas whenever and wherever possible and we believe Winfield's request would accomplish that result *vis a vis* the operation of its two power plants. We are mindful that this decision may appear as a prejudgment of this case, but we will indicate herein that the disposition of this interim relief petition shall in no way affect the ultimate determination of the factual and legal issues presented by the petition for permanent relief. Indeed, while we are permitting interim relief

without a change of the Priority 4 classification of Winfield's gas receipts from Arkla, it should be noted that the issue of whether or not relief should be granted while allowing Winfield's plant to remain in Priority 4 is a key issue in the permanent relief request. This order in no way affects our ultimate disposition of that issue. In addition, the actual facts of record developed in the now concluded hearing will form our basis for deciding whether, in fact, Winfield would be conserving gas by receiving transfer authorization. We are providing interim relief herein based on the allegations of gas savings by Winfield so that if ultimately, such a saving is found to be a matter of fact in the hearing record, Winfield will have been saving gas even during the pendency of the proceeding, which we consider desirable. Even if the saving is not borne out by the ultimate facts, the granting of relief herein does not affect Arkla's allocation of gas to Winfield and thus does not deprive other users on Arkla's system during the period covered by this order.

Finally, we do not consider Winfield's petition for interim relief as a petition for extraordinary relief *per se*. Winfield is not asking for additional volumes over and above its curtailment allocation or for firm assurance of certain volumes but is merely requesting authorization to take its curtailed volumes in whatever manner it desires. Therefore, no showing of emergency or irreparable injury must be made before relief is authorized. The "relief" request here is merely a device to minimize consumption of natural gas and is not intended to give Winfield additional volumes of gas to offset potential harm or meet emergencies.

##### The Commission finds:

(1) It is in the public interest to permit Winfield to transfer gas entitlements from its municipal power plant No. 1 to power plant No. 2, provided it takes, in the aggregate no more gas during the period of this relief than it was otherwise entitled to absent relief under the operation of Arkla's presently effective curtailment plan.

(2) It is in the public interest that the period for this interim relief commence with the issuance of this order and terminate with the issuance of a final order disposing of the issues raised in Winfield's petition for permanent transfer of volumes.

(3) It is not appropriate at this time to decide the proper priority classification the deliveries of gas under scrutiny here.

##### The Commission orders:

(A) Winfield is hereby permitted to transfer its gas entitlements from its municipal power plant No. 1 to its power plant No. 2, provided it takes, in the aggregate no more gas during the period of this relief than it was otherwise entitled to absent relief under the operation of Arkla's currently effective curtailment plan.

(B) The period for interim relief will commence with the issuance of this order and terminate with the issuance of a final order disposing of the issues

raised in Winfield's petition for permanent transfer of volumes.

(C) Winfield shall retain its Priority 4 status for the gas receipts to its municipal power plants during the period of this grant of relief.

By the Commission:

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24390 Filed 9-12-75; 8:45 am]

[Docket No. E-8302]

#### BANGOR HYDRO-ELECTRIC CO.

##### Order Granting Intervention

SEPTEMBER 3, 1975.

On June 19, 1975, Bangor Hydro-Electric Company (Bangor) tendered for filing a Rate Schedule for Wheeling Service and supporting material. Notice of Bangor's filing was issued by the Commission on July 30, 1975, with protests and petitions to intervene due on or before August 12, 1975.

A timely protest and petition to intervene was filed by Eastern Maine Electric Cooperative, Inc. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

##### The Commission finds:

It is desirable and in the public interest to allow the above-named petitioner to intervene.

##### The Commission orders:

(A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission:

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24369 Filed 9-12-75; 8:45 am]

[Docket No. ES76-7]

#### CENTRAL HUDSON GAS & ELECTRIC CORP. ET AL.

##### Notice of Application

SEPTEMBER 4, 1975.

In the matter of Central Hudson Gas & Electric Corporation, Consolidated Edi-

#### NOTICES

son Company of New York, Long Island in accordance with the Commission's

[Docket No. CP76-74]

#### NOTICES

petition to intervene or a protest in accordance with the requirements of the

issuance of the notes will be used to reimburse Applicant's treasury and for

Any person desiring to be heard or to make any protest with reference to



son Company of New York, Long Island Lighting Company, New York State Electric & Gas Corporation, Orange & Rockland Utilities.

Take notice that on August 20, 1975, Central Hudson Gas & Electric Corporation, 284 South Avenue, Poughkeepsie, New York 12602; Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, New York 10003; Long Island Lighting Company, 250 Old Country Road, Mineola, New York 11501; New York State Electric & Gas Corporation, 4500 Vestal Parkway East, Binghamton, New York 13902; and Orange and Rockland Utilities, Inc., 75 West Route 59, Spring Valley, New York 10977 ("Applicants") filed a Joint Application pursuant to Section 203 of the Federal Power Act (16 U.S.C. §243(b)), seeking authority to acquire up to the number of shares of the capital stock of Empire State Power Resources, Inc. (the "Company"), set forth opposite their respective names below at a price of \$1,000 per share:

Central Hudson Gas & Electric Corp.	110
Consolidated Edison Co. of New York, Inc.	400
Long Island Lighting Co.	400
New York State Electric & Gas Corp.	400
Orange and Rockland Utilities, Inc.	90

Empire State Power Resources, Inc. is a corporation organized and existing under the Transportation Corporations Law of the State of New York. The Company has been formed by seven electric utility companies in New York State to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are the Applicants, Niagara Mohawk Power Corporation and Rochester Gas and Electric Corporation. The Company will be owned by the seven electric utility companies and will supply power to them for resale to their customers.

The shares of capital stock of the Company described above will be issued and sold to defray in part the costs of the organization of the Company, to finance expenditures for engineering, siting, planning, legal, financial and other studies, and to finance the preparation and filing of various regulatory applications with respect thereto, and to invest in short-term securities those proceeds which are not immediately required.

Any person desiring to be heard or to make any protest with reference to said Application should on or before September 26, 1975, file with the Federal Power Commission, 225 North Capitol Street, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to participate as a party in any hearing therein must file petitions to intervene

## NOTICES

in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24375 Filed 9-12-75; 8:45 am]

[Docket No. E-7523]

## CENTRAL TELEPHONE &amp; UTILITIES CORP.

## Notice of Fifth Supplement to Application

SEPTEMBER 4, 1975.

Take notice that on August 22, 1975, the Central Telephone & Utilities Corporation (Applicant) filed a fifth supplement to its application pursuant to Section 204 of the Federal Power Act seeking authority to extend to not later than December 31, 1977 the final maturity date of short-term unsecured promissory notes to be authorized to be issued not later than December 31, 1976 in an aggregate principal amount at any one time outstanding of \$85,000,000.

Applicant is incorporated under the laws of the State of Kansas, with its principal business office in Lincoln, Nebraska. It is engaged in electric utility operations in the southeastern part of Colorado and the central and western portions of the State of Kansas.

The proceeds from the issuance of short-term notes are to provide temporary funds for the construction, completion, extension or improvement of facilities of Applicant and for advances to an investment in subsidiaries of Applicant to be used for the construction and improvement of facilities of such subsidiaries pending permanent financing. The estimated construction programs for the above purposes for 1975, 1976 and 1977 are \$131,000,000, \$150,000,000 and \$171,000,000, respectively.

Any person desiring to be heard or to make any protest with reference to said fifth supplement to application should on or before September 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The fifth supplement to the application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24376 Filed 9-12-75; 8:45 am]

[Docket No. CP76-74]

## COLUMBIA GAS TRANSMISSION CORP.

## Notice of Application

SEPTEMBER 4, 1975.

Take notice that on September 2, 1975, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP76-74 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Lukens Steel Company (Lukens) and Vistron Corporation (Vistron) from November 1, 1975, to April 1, 1976, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 20,000 Mcf of gas per day for Lukens, to be received from Texas Eastern Transmission Corporation (Texas Eastern) at an existing interconnection in Warren County, Ohio, and to be delivered to Columbia Gas of Pennsylvania, Inc., at an interconnection in Chester County, Pennsylvania, which would deliver the gas to Lukens. Applicant further requests authorization to transport up to 40,000 Mcf of gas per day for Vistron from the aforementioned interconnection with Texas Eastern to a delivery point in Allen County, Ohio, for delivery to Columbia Gas of Ohio, Inc., which would deliver the gas to Vistron.

The proposed transportation service would be provided to Lukens pursuant to a gas transportation agreement dated August 29, 1975, and to Vistron pursuant to a gas transportation agreement dated September 2, 1975. Both contracts call for a charge by Applicant of 14.0 cents per Mcf at 14.73 psia for gas delivered to Applicant through December 14, 1975, and 22.05 cents per Mcf thereafter. Applicant would further retain for company use and unaccounted for gas 3.6 percent of the gas delivered by Texas Eastern.

The proposed service is stated to be subject to the limits of Applicant's pipeline capacity and its service obligations to its CD, WS, SGES, G and SGS customers. Lukens and Vistron have contracted with Mobil Oil Corporation for the purchase of the gas to be transported from non-federal domain sources. The amount of gas to be purchased is never to exceed the volume of high-priority gas that is being curtailed by the purchasers' suppliers. It is stated that all gas transported would be for high priority end uses. Lukens' gas is said to be used in the melting, rolling, and heat treating of carbon and low alloy steel plates, and Vistron's gas is said to be used in the production of ammonia for industrial and agricultural purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24377 Filed 9-12-75; 8:45 am]

[Docket No. ES76-6]

## COMMUNITY PUBLIC SERVICE CO.

## Notice of Application

SEPTEMBER 4, 1975.

Take notice that on August 15, 1975, Community Public Service Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act seeking authorization to issue short-term unsecured promissory notes to commercial banks and commercial paper dealers in the maximum principal amount of \$15,000,000 outstanding at any one time. All notes are to be issued on or before December 31, 1976, and bear final maturities of on or before December 31, 1977.

Applicant is incorporated under the laws of the State of Texas, with its principal business office at Fort Worth, Texas and is authorized to do business in the States of Texas and New Mexico. Applicant is engaged primarily in the generation, purchase, distribution and sale of electric energy and the distribution and sale of natural gas.

The short-term promissory notes proposed will bear interest at the rate in effect for such loans on the dates of issue in the localities of the lending banks. The notes issued to commercial paper dealers will bear interest at the best available rates for comparable commercial paper.

The proceeds to be derived from the

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issuance of the notes will be used to reimburse Applicant's treasury and for the construction, completion, extension and improvement of facilities.

Any persons desiring to be heard or to make any protest with reference to said Application should on or before September 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24378 Filed 9-12-75; 8:45 am]

[Docket No. ES 76-9]

## KENTUCKY UTILITIES CO.

## Notice of Application

SEPTEMBER 4, 1975.

Take notice that on August 22, 1975, the Kentucky Utilities Company (Applicant), filed an application pursuant to Section 204 of the Federal Power Act seeking authorization to issue short-term unsecured promissory notes to commercial banks and to commercial paper dealers in the aggregate principal amount not exceeding \$80 million outstanding at any one time. All notes are to mature on or before December 31, 1977.

Promissory notes issued to commercial banks will mature not more than twelve months from the date of issue and will bear interest at the prime rate at such bank on the date such borrowing is made or the applicable prime rate or rates of interest prevailing at such bank during the term of the notes.

Promissory notes issued to commercial paper dealers will have varying maturities of not more than nine months from the date of issue; and may be issued and sold in varying amounts or denominations of not less than \$50,000 each; and will be issued and sold at a discount which will not exceed the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and maturity sold by issuers thereof to commercial paper dealers.

Applicant is incorporated under the laws of the State of Kentucky, with its principal business office at Lexington, Kentucky, and is engaged in the electric utility business in central, southeastern and western Kentucky.

The proceeds from the issuance of the notes will be added to the general funds of the Applicant and used principally to finance, temporarily, a part of the Company's 1975, 1976, and 1977 construction expenditures.

Any person desiring to be heard or to make any protest with reference to said Application should on or before September 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24379 Filed 9-12-75; 8:45 am]

[Docket No. CI75-641, etc.]

## MARATHON OIL CO. ET AL.

## Notice of Extension of Procedural Dates

SEPTEMBER 4, 1975.

In the matter of Marathon Oil Company, Docket No. CI75-641; Louisiana Land Offshore, Docket No. CI75-642; Exploration Company, Inc., Texas Eastern Exploration Co., Docket No. CI75-648; Texaco, Inc., Docket No. CI75-680; Tenneco Oil Company, Docket No. CI75-746 & CI75-747; Tenneco Exploration, Ltd., Docket No. CI75-748.

On August 25, 1975, Tenneco Oil Company (Tenn-Oil) and Tenneco Exploration (Tenn-Ex) filed a motion to extend the procedural dates set by order issued July 24, 1975, in the above-designated matter. On August 28, 1975, Tenn-Oil and Tenn-Ex filed a supplement to the above motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Testimony, September 22, 1975. Hearing, October 15, 1975 (10:00 a.m. EDT).

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-24380 Filed 9-12-75; 8:45 am]

[Docket Nos. RP72-155, RP73-104, RP74-22, RP74-23, RP74-57 and CP74-314, PGA 75-2]

## EL PASO NATURAL GAS CO.

## Notice of Modification of Date of Hearing

AUGUST 29, 1975.

On August 13 and 14, 1975, El Paso Natural Gas Company (El Paso) and Pennzoil Producing Company (Pennzoil) filed motions to extend the procedural dates fixed by order issued July 16, 1975, in the above matter. By notice issued August 18, 1975, the date for filing direct testimony was extended but action on the motion to extend the date of the hearing was deferred.

On August 21, 1975, Beren Corporation filed an answer to the above-designated

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motions of El Paso and Pennzoil requesting that the date of hearing in this pro-

ceeding be extended to a date after December 15, 1975, in order to extend the procedural dates fixed by order issued Decem-

ber 15, 1975, in order to extend the procedural dates fixed by order issued Decem-

[Docket Nos. RP71-119, RP74-31-25]

PANHANDLE EASTERN PIPE LINE CO.  
(OKIE PIPE LINE COMPANY)

each equipment failure or power failure. In respect to peak pumping volumes, Okie shall be limited to an amount not to exceed 100 Mcf per day for no more

The only opposition raised to the aforementioned Stipulation and Agreement appears to be restricted to the contentions urged by General Motors that

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motions of El Paso and Pennzoil requesting that the date of hearing in this proceeding be extended to September 30, 1975. The answer states that all parties have been notified and have no objection.

Notice is hereby given that the date of hearing in the above matter is modified to September 30, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24387 Filed 9-12-75;8:45 am]

[Docket No. RP75-96]

**MICHIGAN-WISCONSIN PIPE LINE CO.  
Order Granting Interventions**

SEPTEMBER 3, 1975.

On April 30, 1975, Michigan Wisconsin Pipe Line Company (Mich Wis) tendered for filing proposed changes in its FPC Gas Tariff which would increase its rates to jurisdictional customers by \$65,992,505 per year, based on the test year ended January 31, 1975. Notice of Mich Wis' filing was issued May 8, 1975 with all comments, protests and petitions to intervene due on or before May 21, 1975.

On May 19, 1975 a timely petition to intervene was jointly filed on behalf of Wisconsin Michigan Power Company and Wisconsin Natural Gas Company.

On May 19, 1975 a timely petition to intervene filed on behalf of these petitioners, we find good cause exists to grant the petition to intervene.

**The Commission finds:**

Good cause exists to grant the petition to intervene filed on behalf of Wisconsin Michigan Power Company and Wisconsin Natural Gas Company.

**The Commission orders:**

(A) The petition to intervene filed on behalf of Wisconsin Michigan Power Company and Wisconsin Natural Gas Company is hereby granted and those parties are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition that they may be aggrieved by any order or order issued by the Commission in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24370 Filed 9-12-75;8:45 am]

[Docket No. E-9058]

**MISSISSIPPI POWER AND LIGHT CO.  
Notice of Further Extension of Procedural Dates**

SEPTEMBER 4, 1975.

On August 22, 1975, the City of Kosciusko and the Light and Water Commis-

**NOTICES**

sion filed a motion to extend the procedural dates fixed by order issued December 20, 1974, as most recently modified by notice issued June 26, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows: Service of Staff Testimony, October 21, 1975.

Service of Intervenor Testimony, November 4, 1975.

Service of Company Rebuttal, November 18, 1975.

Hearing, December 2, 1975 (10:00 a.m. EST).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24381 Filed 9-12-75;8:45 am]

[Docket Nos. RP68-17, RP69-36]

**NATURAL GAS PIPELINE CO. OF AMERICA**

**Notice of Refund Report**

SEPTEMBER 4, 1975.

On August 18, 1975, Natural Gas Pipeline Company of America (Natural) filed in the above-referenced dockets a verified report showing the distribution of refunds paid to jurisdictional customers on June 27, 1975. The refunds total \$3,763,303.45. In its report, Natural states as follows:

This refund was made as a result of Natural's recent settlement with the Internal Revenue Service for the tax years 1969 and 1970 under which depreciation on rights-of-way, construction damages, and clearing costs were held an allowable tax deduction. Since Natural's sales rates in effect during the period covered by the tax settlement were designed to protect against possible loss of these tax issues, the favorable settlement of that issue triggered refund obligations under specific rate settlement provisions, under FPC orders approving rate settlements, and through mutual understanding among the parties during the rate settlement negotiations. Rates in effect under approved settlements in Docket Nos. RP68-17 and RP69-36 span the refund period.

The refundable amounts, as shown on the enclosed supporting schedules, were computed on the basis of actual excess revenues collected. Interest was computed at an annual interest rate of 6% as specified in the applicable rate settlement agreements. The refunds due sales customers were calculated by multiplying the actual billed units by the unit reduction in rates attributable to the protection factor built into the rates charged.

Natural's S-1 Storage Service customers were billed during the period covered by the 1969-70 tax settlement under an actual cost of service basis which included accrued booked Federal income taxes with the tariff proviso that adjustments would reflect the actual income tax expense paid by Natural. The amount of the refunds paid to the S-1 Storage customers is the difference between the amounts billed the customers

for income taxes and the actual tax liability incurred by Natural as a result of the 1969-70 tax settlement, pyramided on a refund basis. Interest was computed at the same annual interest rate as that used in the refund to sales customers.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before September 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Natural's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24382 Filed 9-12-75;8:45 am]

[Docket No. RP74-88]

**NORTH PENN GAS CO.**

**Notice of Filing of Refund Report and Revised Tariff Sheet**

SEPTEMBER 3, 1975.

Take notice that on August 25, 1975, North Penn Gas Company (North Penn) tendered for filing the Twenty-Second Revised Sheet No. PGA-1 to its FPC Gas Tariff, First Revised Volume No. 1. The filing is made pursuant to the settlement agreement approved in the above-referenced docket. North Penn requests that the revised sheet be made effective August 1, 1975.

Also included in the filing was a summary of refunds and supporting computations which North Penn intends to pay its jurisdictional customers on September 15, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24371 Filed 9-12-75;8:45 am]

**NOTICES**

[Docket Nos. RP71-119, RP74-31-25]

**PANHANDLE EASTERN PIPE LINE CO.  
(OKIE PIPE LINE COMPANY)**

**Order Approving Stipulation and Agreement in Settlement of Proceeding**

SEPTEMBER 3, 1975.

On January 8, 1975, Okie Pipe Line Company (Okie) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure requesting relief from the natural gas curtailments imposed under the provisions of the presently effective 467-B interim plan which was filed by Panhandle Eastern Pipe Line Company (Panhandle) on November 6, 1973.

Okie owns and operates a gas liquids pumping station located at Liberal, Kansas. The station operates at stand-by natural gas powered engine used to pump liquids in the event of failure of primary electric pumps. Okie also owns homes at Liberal Station used by company employees, each of which relies upon natural gas for heating and cooking. Panhandle is the source of supply of Liberal Station.

Okie alleges that it was advised by Panhandle that pursuant to its effective curtailment plan that deliveries to the Liberal Station would be completely curtailed during the course of the winter months.

Okie asserts that the projected curtailment would present an emergency situation at its Liberal Station in the event of a power failure. If auxiliary power is needed, there would be no alternative source to turn to at this station. In addition, Okie's employees will have no source of heating during the winter.

A formal hearing with respect to this matter commenced and was terminated on April 23, 1975. During the course of this hearing, the participating parties tendered the following Stipulation and Agreement to the Presiding Administrative Law Judge for certification to the Commission as resolution to this proceeding:

1. The following natural gas requirements of the Okie Pipe Line Company for heating and other residential purposes at its Liberal Pumping Station shall be considered as Category 1 volumes and shall be subject to curtailment along with other Category 1 volumes: January 1000; February 800; March 800; April 600; May 500; June 300; July 300; August 300; September 450; October 450; November 450; December 700. (Volumes in Mcf)

2. The natural gas requirements of the Okie Pipe Line Company at its Liberal Pumping station for:

(a) Emergency standby pumping purposes in the event of actual failure of its primary electric pump or actual electrical power failure, and for

(b) Actual peak pumping periods shall be considered Category 2 deliveries. Category 2 volumes taken for emergency standby pumping purposes shall be made available by Panhandle Eastern Pipe Line Company in an amount not to exceed 100 Mcf per day for the duration of

each equipment failure or power failure. In respect to peak pumping volumes, Okie shall be limited to an amount not to exceed 100 Mcf per day for no more than 5 days in each of the months of December through March, provided, however, that such volumes shall be subject to curtailment along with all other Category 2 volumes.

3. To the extent that Okie invokes any part of the provisions of paragraph 2, gas shall be made available by Panhandle Eastern Pipe Line Company upon 24 hours notice by Okie Pipe Line Company of an equipment failure, power failure or peak pumping period.

4. The Okie Pipe Line Company shall file a semiannual report, verified by an officer of the Company, with the Federal Power Commission each April 1st and October 1st summarizing the gas taken as a result of each power or equipment failure and describing the nature of each such power failure or equipment failure and the volumes taken and repaid.

5. Okie shall be required to repay all volumes taken pursuant to the provisions of paragraph 2 hereof from the volumes of gas allocated to Okie under Panhandle's effective curtailment plan so that all extraordinary relief volumes are repaid annually by October 31st of each year except as to volumes taken in October which shall be repaid the following year.

6. This stipulation will be continued in effect as long as an interim plan established by a Commission Order of November 6, 1973, in Docket No. RP71-119 remains effective.

7. This stipulation shall not constitute a waiver of any party's rights in Docket No. RP71-119 to contest the categorization of any volumes.

8. This stipulation is made solely to settle issues raised in Okie Pipe Line Company's petition for extraordinary relief and is without prejudice to its rights to apply for extraordinary relief in any new or additional curtailment plan put into effect by Panhandle Eastern Pipe Line Company (Tr. 32-36).

The proposed Stipulation and Agreement offered in settlement of the above-styled proceeding was noticed on May 14, 1975, and provided any interested party with the opportunity of commenting with respect to the provisions proposed therein. Only two comments were filed relative to the proposed Stipulation and Agreement.

General Motors in its comments only partially opposed the proposed Stipulation and Agreement in that it indicated that it did not oppose paragraph (1) of the proposed agreement, which made provision to provide for the residential requirements of Okie's employees at its Liberal Compressor Station.

The City of Indianapolis while not opposing the aforementioned Stipulation and Agreement offered certain observations and comments. General Motors Corporation filed comments in opposition to the proposed Stipulation and Agreement.

The only opposition raised to the aforementioned Stipulation and Agreement appears to be restricted to the contentions urged by General Motors that relief for emergency standby pumping purposes and actual peak day pumping requirements should not be provided. However, the volumes involved are *de minimis* and the Stipulation and Agreement makes provisions for full pay-back of any of the small quantities of gas that might be required whenever Okie finds itself in an operational emergency of the nature set forth in the aforementioned Stipulation and Agreement. Accordingly, the objections raised by General Motors do not warrant denial of this portion of the settlement.

The City of Indianapolis in its comments notes that the proposed stipulation neglects to make specific provision requiring Okie to pay-back volumes taken under the aforementioned February 3, 1975, order prior to November 15, 1975. This course of action is consistent with the subject Stipulation and Agreement and is required by the record.

Our order provided that Okie should be required to repay any volumes determined to be appropriate in any determination rendered in this proceeding. We will require Okie to repay any volumes taken under the aforementioned February 3, 1975, order prior to November 15, 1975. This course of action is consistent with the subject Stipulation and Agreement and is required by the record.

**The Commission finds:**

The Stipulation and Agreement submitted by Okie Pipe Line Company and the participating parties in the above styled-proceeding is in the public interest and should be approved as herein-after ordered.

**The Commission orders:**

(A) The Stipulation and Agreement submitted by Okie Pipe Line Company and the participating parties in this proceeding is approved and is effective as of the date of the issuance of this order.

(B) This order is without prejudice to any findings or order which have been made or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff or any other party or person effected by this order in any proceeding now pending or hereafter instituted by or against Okie Pipe Line Company or any other person or party to this proceeding.

(C) The Stipulation and Agreement noted in paragraph (A) is approved subject to the full pay back on or before November 15, 1975, of any volumes of gas that Okie Pipe Line Company may have received over and above its curtailment entitlement under our order of February 3, 1975, in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24372 Filed 9-12-75;8:45 am]

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**NOTICES**

[Docket No. RP75-94]

SOUTHERN NATURAL GAS CO.

(approximately 6.67 acres)

The above-named parties are

The Commission orders:

(A) The above-named petitioners are

the rate levels prescribed in Opinion No. 699-H.

Okie contends that the Commission's

1969, and undertaking a drilling program in the Southern Louisiana area and selling all gas discovered thereby to Texas

in the facilities of Consolidated Gas Supply Corporation for Petitioner. The proposed service by Tennessee is the sub-

the rate levels prescribed in Opinion No. 699-H.

Okie contends that the Commission's

**NOTICES**



[Docket No. RP75-84]

**SOUTHERN NATURAL GAS CO.  
Order Granting Intervention**

SEPTEMBER 3, 1975.

On March 31, 1975, the Southern Natural Gas Company (Southern) tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1. Notice of Southern's filing was issued by the Commission on April 7, 1975, with protests and petitions to intervene due on or before April 25, 1975.

An untimely protest and petition to intervene was filed by the Georgia Public Service Commission. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

**The Commission finds:**

It is desirable and in the public interest to allow the above-named petitioner to intervene.

**The Commission Orders:**

(A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.  
[FR Doc. 75-24373 Filed 9-12-75; 8:45 am]

[Project No. 2405; Docket No. DA-116-Alaska]  
**STATE OF ALASKA, DEPARTMENT OF  
HIGHWAYS**  
**Order Partially Vacating Land Withdrawal**  
SEPTEMBER 3, 1975.

Application has been filed by the State of Alaska, Department of Highways, for a highway right-of-way under the Act of August 27, 1958, (72 Stat. 885) covering the following described lands of the United States withdrawn for power purposes, thereby requiring Commission consideration under Section 24 of the Federal Power Act:

SEWARD MERIDIAN, ALASKA

T. 14 N., R. 2 W., sec. 13, those portions of the NW¼NE¼ and N¼NW¼ included in highway right-of-way application AA-9101 (Bureau of Land Management serial number).

(approximately 6.67 acres)

The subject lands lie near the Eagle River, about 12 miles northeast of the City of Anchorage, and are withdrawn pursuant to the filing on September 3, 1963, by the City of Anchorage, of an application for preliminary permit for Project No. 2405 (proposed Eagle River project). The preliminary permit issued for this project expired on April 30, 1967, and an application for license was not filed. Although development of this project is not presently scheduled, such development is being considered in the future planning for the Anchorage area.

As described in the application for Project No. 2405, the proposed Eagle River project would consist of an earth-fill dam across the Eagle River in the SE¼ of said section 13 creating a reservoir with a maximum elevation of 450 feet, a concrete lined saddle spillway, a steel penstock, a powerhouse at elevation 260 feet containing a 15,000 kw generating unit, and other necessary appurtenances and structures.

The subject 6.67 acres lie at the edge of the project area, a minimum of one-half mile from the proposed dam and reservoir, and have no significant power value.

**The Commission orders:**

The withdrawal pursuant to the application for Project No. 2405 is hereby vacated insofar as it pertains to the subject 6.67 acres.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.  
[FR Doc. 75-24368 Filed 9-12-75; 8:45 am]

[Docket No. RP75-109]

**UNITED GAS PIPE LINE CO.  
Order Granting Late Interventions**

SEPTEMBER 3, 1975.

On May 30, 1975, United Gas Pipe Line Company (United) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 which would increase jurisdictional revenues by \$38,870,504 annually based on the 12-month period ended March 31, 1975. United's filing was noticed on June 4, 1975 with all protests, comments or petitions to intervene due on or before June 23, 1975.

Late petitions to intervene have been filed on behalf of Southern Natural Gas Company, Florida Gas Transmission Company, and Alabama Gas Corporation.

Upon consideration of the late petitions to intervene filed on behalf of these petitioners, we find good cause exists to grant the petitions to intervene.

**The Commission finds:**

Participation by the above-named petitioners in these proceedings may be in the public interest and good cause exists for permitting such intervention.

**The Commission orders:**

(A) The above-named petitioners are hereby permitted to intervene in this proceeding as hereinbefore discussed, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the petitions to intervene; *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.  
[FR Doc. 75-24374 Filed 9-12-75; 8:45 am]

[Docket No. RP72-142, PGA75-1]

**CITIES SERVICE GAS CO.  
Order Denying Application for Rehearing  
and Deferring Procedural Dates**

SEPTEMBER 5, 1975.

On August 7, 1975, Cities Service Gas Company (Cities) filed an application for rehearing of the Commission's order of July 16, 1975, setting date for hearing in this matter. Concurrently therewith, Cities filed a motion to defer the procedural dates herein until the validity of Order No. 491, as amended, is resolved on judicial review.<sup>1</sup>

On December 3, 1974, Cities tendered for filing alternative purchased gas cost adjustment (PGA) increases pursuant to its PGA clause. This filing was based in part on emergency 180-day purchases provided for pursuant to the Commission's Order No. 491, as amended, issued September 14, 1973, in Docket No. RM74-3 (50 FPC 742). By order issued January 22, 1975, the Commission allowed Cities' filing to become effective, except that it made certain portions of the increases based on 180-day emergency purchases effective subject to refund.

By order of July 16, 1975, the Commission set a date for hearing to determine the justness and reasonableness of the rates and refund obligations, if any, for the above-described 180-day emergency purchases insofar as such rates exceeded

<sup>1</sup> Commission Order Nos. 491, *et seq.*, were set aside by the United States Court of Appeals for the D.C. Circuit in *Consumer Federation of America v. F.P.C.*, 515 F.2d 347 (Mar. 13, 1975). The Commission has filed a petition for writ of certiorari with the United States Supreme Court.

the rate levels prescribed in Opinion No. 699-H.

Cities contends that the Commission's order of July 16, 1975, setting a date for hearing in this matter, should be vacated or held in abeyance until there is a final determination of the validity of Order No. 491, as amended, upon judicial review, and requests that the Commission defer the procedural dates herein pending the litigation. We decline to do so. The Commission has a continuing obligation under the Natural Gas Act to inquire into the justness and reasonableness of the rates charged by a pipeline company to its jurisdictional customers. However, we do believe it appropriate to reschedule the procedural dates as hereinafter ordered.

**The Commission finds:**

Cities' application for rehearing presents no new facts or principles of law which were not fully considered by the Commission in its July 16, 1975 order, or, which having now been considered, warrant any modification of that order.

**The Commission orders:**

(A) Cities' application for rehearing of the Commission's order setting date for hearing, filed August 7, 1975, is hereby denied.

(B) Cities' motion to defer procedural dates pending completion of judicial review of Order No. 491, as amended, filed August 7, 1975, is hereby denied.

(C) The public hearing previously scheduled herein is rescheduled to be held commencing on October 15, 1975, at 10:00 A.M. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(D) The time for Cities and the respondents herein to file their direct testimony and evidence has been advanced to on or before September 24, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.  
[FR Doc. 75-24391 Filed 9-12-75; 8:45 am]

[Docket No. RI76-22]

**DAMSON OIL CORP., ET AL.  
Petition for Special Relief**

SEPTEMBER 5, 1975.

Take notice that on August 29, 1975, Damson Oil Corporation (Operator), *et al.* (Petitioner), 1200 First City East Building, Houston, Texas 77002, filed a petition for special relief in Docket No. RI76-22, seeking a rate above the applicable area ceiling. Petitioner seeks a price of 92 cents per Mcf for the sale of gas to Texas Gas Transmission Corporation (Texas Gas) covering certain leases of lands located in the Wyandotte Field, St. Mary and Assumption Parishes, Louisiana. Petitioner states that Texas Gas is desirous of Petitioner's drilling two (2) additional wells in the area dedicated under the original contract dated July 30,

1969, and undertaking a drilling program in the Southern Louisiana area and selling all gas discovered thereby to Texas Gas for transmission in the interstate market.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24386 Filed 9-12-75; 8:45 am]

[Docket No. CP73-336]

**EAST TENNESSEE NATURAL GAS CO.  
Notice of Petition To Amend**

SEPTEMBER 2, 1975.

Take notice that on August 15, 1975, East Tennessee Natural Gas Company (Petitioner), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP73-336 a petition to amend the order of January 4, 1974, in said docket issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act, to authorize Petitioner to provide Supplemental Winter Service (SWS) that was authorized for the 1975-1976 winter season through the utilization of alternate arrangements instead of rendering such service through the full utilization of its own liquefied natural gas (LNG) facility, as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it was authorized in the Commission's order of January 4, 1974, to construct and operate an LNG facility near Kingsport, Tennessee, and to render interim and long-term SWS to certain of its customers. Petitioner states further that operations of the authorized LNG facility were scheduled to commence in June 1975 but that delays in construction have delayed placing the entire operation in service.

Petitioner states that based on a July 1975 completion date, it estimated that it would be able to liquefy and store 439,500 Mcf of the 939,500 Mcf of gas authorized for SWS delivery to its customers during the 1975-1976 heating season. Petitioner states further that it requested that Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), provide a temporary natural gas storage service for the 1975-1976 winter season and that Tennessee agreed to use off-peak capacity to store up to 500,000 Mcf of gas

in the facilities of Consolidated Gas Supply Corporation for Petitioner. The proposed service by Tennessee is the subject of an application pending in Docket No. CP76-2.

Petitioner states that in the period following the application in Docket No. CP76-2 Petitioner learned that the completion of the LNG facilities had been further delayed and that a potential deficiency of 439,500 Mcf in SWS gas for the 1975-1976 heating season may be the result. Accordingly, Petitioner states, it has arranged with Chattanooga Gas Company to provide a liquefaction service for Petitioner of up to 439,500 Mcf of gas pursuant to a letter agreement between them dated August 14, 1975. It is stated that pursuant to this letter agreement Chattanooga would provide Petitioner with a liquefaction service and that Petitioner would provide Chattanooga with gas for liquefaction and fuel for the liquefaction process. The petition indicates that Chattanooga would increase its takes of natural gas from Petitioner by up to 559,747 Mcf to accomplish this purpose and that the difference between the quantity of gas so taken and that used as fuel would be returned to Petitioner as LNG. Petitioner would pay Chattanooga 95¢ per Mcf for the liquefaction service. Petitioner would transport the LNG from Chattanooga to its own LNG storage facilities near Kingsport, Tennessee by means of cryogenic tank trucks which it would provide. Petitioner alleges that the proposed arrangements would provide it with flexibility to deliver most, if not all, of the authorized SWS volumes to its customers.

Petitioner states that it does not propose to increase the SWS volumes authorized to be delivered during the 1975-76 winter nor to change the presently effective SWS rate. Petitioner states further that the instant proposal would not modify the curtailment period quantity entitlements of any of Petitioner's customers or affect the curtailment period quantity entitlement Petitioner receives from Tennessee. The petition further indicates that the volumes to be delivered to Chattanooga for liquefaction and fuel and to Tennessee for storage are the same volumes that would have been delivered to Petitioner's LNG facility for storage.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing



therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24392 Filed 9-12-75; 8:45 am]

[Docket No. CP66-110, etc.]

#### GREAT LAKES TRANSMISSION CO.

##### Notice of Petition To Amend

SEPTEMBER 5, 1975.

Take notice that on August 19, 1975, Great Lakes Transmission Company (Petitioner), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket Nos. CP66-110, et al., CP70-19, et al., CP70-100, et al., CP71-222, et al., and CP71-229 a petition to amend the orders of the Commission issued in the said dockets pursuant to Sections 3 and 7 of the Natural Gas Act to permit petitioner to continue to receive natural gas from TransCanada Pipelines Limited (TransCanada) at a delivery pressure of not less than 750 psig rather than at 550 psig called for in the original contracts between Petitioner and TransCanada, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it presently purchases and imports approximately 110,000 million Mcf of natural gas annually from TransCanada at a point on the International Border near Emerson, Manitoba, for resale, and also transports approximately 318,000 million Mcf of gas for the account of third parties from the Emerson delivery point. Petitioner further states that all of its gas purchase and gas transportation contracts provide for delivery of gas at Emerson at 550 psig, but that Petitioner requires the gas at 750 psig to meet the delivery requirements of its customers.

To meet the requirements of these customers, Petitioner proposes to extend its current interim arrangement with TransCanada whereby TransCanada delivers gas to Petitioner at 750 psig. This arrangement is said to have been originally entered into on October 22, 1970, with two-year extensions by agreements dated June 11, 1971, and November 20, 1972. The Commission certificated the arrangement by its orders issued March 25, 1971, April 24, 1972, and March 4, 1974, in Docket No. CP70-19, et al. Petitioner states. The agreement to deliver gas at the higher pressure would terminate on October 31, 1975.

Petitioner states that in view of the impending termination it has considered again the advisability of installing and operating its own compression facilities. The continuation of the delivery by TransCanada is stated to be more economic than the construction and operation of a 20,000 h.p. compressor unit that Petitioner estimated would be necessary

(45 FPC 9), (45 FPC 1085) and (51 FPC —), respectively.

#### NOTICES

to compress the gas to the contracted delivery pressure. The petition to amend indicates that the cost for TransCanada to compress the gas would be approximately 0.578 cents (Canadian) per Mcf of gas, whereas the cost for Petitioner to install and operate its own compression facilities is estimated at approximately 0.721 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24387 Filed 9-12-75; 8:45 am]

[Docket No. E-9161]

#### MONOGAHELA POWER CO., ET AL.

##### Further Extension of Procedural Dates

SEPTEMBER 8, 1975.

On August 29, 1975, Monogahela Power Company, Potomac Edison Company, West Penn Power Company filed a motion to extend the procedural dates fixed by order issued March 10, 1975, as most recently modified by notice issued July 21, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service Company  
Testimony, December 15, 1975.  
Service of Staff  
Testimony, January 8, 1976.  
Service of Intervenor  
Testimony, January 22, 1976.  
Service of Company  
Rebuttal, February 5, 1976.  
Hearing, February 16, 1976 (10:00 a.m. EST).

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24393 Filed 9-12-75; 8:45 am]

[Docket Nos. E-9136 and E-9140]

#### NEW ENGLAND POWER CO.

##### Tendered Rate Filing Revision

SEPTEMBER 5, 1975.

Take notice that on August 25, 1975, New England Power Company (NEPCO), tendered for filing a revised revenue comparison for Period II to reflect the effect of its revised fuel clause as or-

dered by this Commission on July 30, 1975, along with a rate redesign proposal. Such tendered filing would reduce the energy charge below the level of the current rate. Such a downward revision, according to NEPCO, is appropriate since, upon gathering the information pursuant to the Commission directive, it was discovered that the proposed rates with the new fuel clause would create a revenue increase of \$13 million more than the R-9 rate. According to NEPCO, the newly tendered rate redesign would leave the requested increase under Rate R-9 at the \$25,040,000 level.

NEPCO requests waiver of the necessary regulations to place the newly proposed rate design, with its rate reduction, into effect, subject to refund as of August 2, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24394 Filed 9-12-75; 8:45 am]

[Docket No. E-9148]

#### NORTHERN STATES POWER CO.

##### Further Extension of Time

SEPTEMBER 8, 1975.

On August 20, 1975, Intervenor's filed a motion to extend the procedural dates fixed by order issued December 31, 1974, as most recently modified by notice issued July 21, 1975, in the above-designated matter. On August 28, 1975, Northern States Power Company (Minnesota) filed a response opposing the above motion. On September 2, 1975, Staff Counsel filed a response to Intervenor's motion supporting the extension of procedural dates but opposing a phased hearing.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, December 4, 1975.  
Service of Company Rebuttal, December 23, 1975.  
Hearing, January 12, 1976 (10:00 a.m. EST).

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24395 Filed 9-12-75; 8:45 am]

#### NOTICES

[Docket No. RP73-36 PGA75-2, et al.]

#### PANHANDLE EASTERN PIPE LINE CO.

##### Order Denying Application for Rehearing, Denying Request for Conference, and Deferring Procedural Dates

AUGUST 20, 1975.

On July 23, 1975, Panhandle Eastern Pipe Line Company (Panhandle) filed an application for rehearing of the Commission's order of July 7, 1975, setting date for hearing in this matter. Concurrently therewith, Panhandle filed a motion to defer the procedural dates herein until the validity of Order No. 491 is resolved on judicial review or alternatively, to convene a conference among all parties involved in 180-day emergency sales consummated at rate levels in excess of those established in Opinion No. 699-H prior to the date set by this Commission for the filing of Panhandle's direct testimony.

**Procedural background.** On December 13, 1974, Panhandle tendered for filing a proposed tariff sheet providing for a purchased gas cost adjustment (PGA) rate increase. This filing was based in part on emergency 180-day purchases provided for pursuant to the Commission's Order No. 491, as amended, issued September 14, 1973, in Docket No. RM74-3 (50 FPC 742). By order dated January 31, 1975, the Commission allowed this increase to become effective, except that it made certain portions of the amounts based on 180-day emergency purchases effective subject to refund.

By order of July 7, 1975, the Commission set a date for hearing to determine the justness and reasonableness of the rates and refund obligations, if any, for the above-described 180-day emergency purchases insofar as such rates exceeded the rate prescribed in Opinion No. 699-H (base rate of 50¢/Mcf at 14.73 psia, to increase 1 cent annually commencing January 1, 1975).

**Discussion.** In its application for rehearing Panhandle argues that the amount of the 180-day emergency rates above the 699-H rate is so small that it could not have resulted in any measurable change in Panhandle's rates. Furthermore, it contends that the 180-day emergency purchase program was instituted by the Commission on its own initiative, and therefore, Panhandle should not be exposed to possible penalties for its participation therein. Panhandle cites the number of pipelines purchasing gas under the provisions of Order No. 491 at rates in excess of the 699-H rate as conclusively establishing the prudence of Panhandle's 180-day emergency purchases.

We are not impressed by this line of argument. If Panhandle feels the amount of money involved in this proceeding is so small, then it should credit such amount to its Account Number 191, Unrecovered Purchase Gas Costs, which would have the effect of flowing it back to consumers. In such case, the Commission would terminate this proceeding.

Moreover, by directing Panhandle to establish on the record the justness and reasonableness of its rates for gas pur-

chased by it pursuant to 180-day emergency sales, we are not requiring it to do any more than that which is clearly contemplated by the explicit language contained in Order No. 491-A. Thus, Panhandle cannot now be heard to complain that it was unaware of the implications of making 180-day emergency gas purchases. Having elected to make such purchases, Panhandle bound itself to comply with the conditions outlined in Order No. 491. As a result, Panhandle must now demonstrate that the rates paid by it are just and reasonable.

Panhandle claims that the large number of purchases similar to its own which were made by numerous other pipelines is sufficient to support a finding of a just and reasonable rate in excess of the national rate. This contention is obviously without merit. In fact, the large number of sales merely points up the necessity for prompt Commission review of the rates to insure that consumers are not denied the rate protection to which they are entitled under Section 4 of the Natural Gas Act.

Panhandle requests that the Commission defer the procedural dates herein until the validity of Order No. 491, as amended, is determined on judicial review in the event that its application for rehearing is denied. We decline to do so. However, we do believe it appropriate to reschedule the procedural dates as hereinafter ordered.

Lastly, Panhandle asks that a conference be held in advance of the date set for its submittal of cost evidence. We can envision no useful purpose being served by convening such a conference. Our July 7 order clearly delineates the type of evidence which is to be presented in this proceeding by the respondents and Panhandle. Accordingly, Panhandle's request for a conference is denied.

**The Commission orders:**  
(A) Panhandle's application for rehearing of the Commission's order setting date for hearing, filed July 23, 1975, is hereby denied.

(B) Panhandle's motion to defer procedural dates pending completion of judicial review of Order No. 491, as amended, filed July 23, 1975, is hereby denied.

(C) Panhandle's request for a conference is hereby denied.  
(D) The public hearing previously scheduled herein is rescheduled to be held commencing on October 7, 1975, at 10:00 A.M. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(E) The time for Panhandle and the respondents herein to file their direct testimony and evidence has been advanced to on or before September 17, 1975. All testimony and evidence shall be

<sup>1</sup> In Order No. 491-A issued September 25, 1973, mimeo p. 11, we stated that any emergency purchases made pursuant to Order No. 491 "will be subject to our full regulatory review subject to Sections 4 and 5 of the Natural Gas Act."

served upon the Presiding Administra-

tive Law Judge, the Commission Staff, and all parties.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24396 Filed 9-12-75; 8:45 am]

[Docket No. RP73-57]

#### SOUTH TEXAS NATURAL GAS GATHERING CO.

##### Extension of Procedural Dates

SEPTEMBER 5, 1975.

On August 29, 1975, South Texas Natural Gas Gathering Company and Miami Oil Producers, Inc., filed a motion to extend the procedural dates fixed by order issued July 18, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, October 10, 1975.  
Hearing, October 28, 1975 (10:00 a.m. EST).

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24388 Filed 9-12-75; 8:45 am]

[Docket No. RP72-121, PGA76-1]

#### SOUTHWEST GAS CORP.

##### Notice of PGA Filing

SEPTEMBER 8, 1975.

Take notice that on August 14, 1975, Southwest Gas Corporation tendered for filing the Eleventh Revised Sheet No. 3A, constituting Original PGA-1 in its FPC Gas Tariff, Original Volume No. 1. The tendered sheets reflect a decrease in the cost of purchased gas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-24397 Filed 9-12-75; 8:45 am]

[Docket No. CI75-567]

#### TRIDENT CORP.

##### Order Providing for Hearing, Directing Joinder of Parties, and Prescribing Procedures

SEPTEMBER 4, 1975.

On March 24, 1975, Trident Corporation (Trident) filed in Docket No. CI75-

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567 an application pursuant to Section 7(b) of the Natural Gas Act for authorization to abandon the sale of natural gas to Coastal States Gas Producing Company (Coastal) from the No. 1 Mary K. Withers gas well located in the Maguelitos Field, Webb County, Texas R.R. District No. 4, Gulf Coast Area, under a contract dated May 1, 1959. Coastal gathers the gas for resale to South Texas Natural Gas Gathering Company (So-TeX), who in turn resells the gas to Transcontinental Gas Pipe Line Corporation pursuant to a contract dated February 17, 1959, on file as So-TeX's Rate Schedule No. 2. At present the sale of the Maguelitos Field gas is being made pursuant to Trident's small producer certificate issued in Docket No. CS71-521.

Trident alleges that abandonment is necessary because the pressure from the subject well is not sufficient to enter the gathering line in accordance with the requirements of the contract, and that the cost of compression necessary to comply with the said contract, would greatly exceed the well's gross revenue, which at present is 20.0 cents per Mcf. Trident further alleges that since the well is uneconomical to produce it has been forced to shut the well in. Trident exhibits concern that should the well be shut in for any length of time, the well may become impossible to produce, resulting in the loss of the lease now held. Trident disclosed that it obtained one-half of the working interest in, and took over operation of the lease from R. W. Luker, who, we have been advised by letter dated June 20, 1975, has requested to be joined in the subject abandonment application.

Remaining reserves are estimated by Trident at 144,000 Mcf, which it claims may be fully recovered by installing compression over the remaining productive life of 3 years. By letters dated June 4 and 20, 1975, in reply to a Commission inquiry, Trident asserted that a rate of \$1.93 per Mcf is required to make it economically feasible to continue deliveries to Coastal and that it would be willing to continue deliveries at such price. Trident in its June 4, 1975, letter, alleges that if abandonment is granted it could sell the entire monthly production of 4,000 Mcf to Lo-Vaca Gas Gathering Company (Lo-Vaca) at a rate of \$1.85 per Mcf. It is noted that both So-TeX, the current buyer, and Lo-Vaca are subsidiaries of Coastal. Trident contends that the granting of the abandonment application will not reduce the supply of gas available to the general public since it will be able to sell the gas in an intrastate market to cover the cost of compression and keep the well in production, whereas if abandonment is denied it will be forced to shut in the well and lose the lease.

Inasmuch as the gas which is the subject of the application is currently dedicated to the interstate market under the existing contract and since Trident has indicated that the reservoir is not depleted, and the remaining gas will be sold intrastate, we believe that applicant has not adequately demonstrated that

the "available supply of gas is depleted to the extent that the continuance of service is unwarranted" as required by the Natural Gas Act. However, we believe that Trident has raised a sufficient enough factual issue with respect to the pressure problems alleged that a formal evidentiary hearing is required so as to give Trident an opportunity to demonstrate that the gas supply is indeed depleted to the extent that a discontinuance of service is warranted or that the present or future public convenience and necessity will permit such an abandonment of gas reserves to the intrastate market as Trident has proposed. Additionally, Trident should present all evidence necessary to substantiate its assertions as to what additional costs would be required to maintain the flow of the remaining producible gas to the interstate market with full documentation as to the unit price at which such undertaking would be feasible.

Although no protest or petition to intervene in opposition to the proposed abandonment has been filed, Trident has advised the Commission, by letter dated July 21, 1975, of Coastal and So-TeX's withdrawal of support for the proposed abandonment and Coastal's decision not to file an application to abandon its sale to So-TeX. Further Coastal indicated that should the Commission authorize a higher price for Trident's sale to Coastal pursuant to special relief procedures, it would be prepared to renegotiate its contract with Trident, provided it was permitted to pass through any higher incremental costs to So-TeX who in turn would be permitted to pass through any higher costs to its customer, Natural Gas Pipeline Company of America. In view of the foregoing, we believe that Coastal has raised certain factual and legal questions which should be resolved in an evidentiary hearing, through their participation as a party to this proceeding.

**The Commission finds:**  
(1) Good cause exists for setting for formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing all as hereinafter ordered.

(2) The questions raised by Coastal in this matter requires their joinder in this proceeding as a party to provide the opportunity for their resolution to the extent pertinent thereto, in an evidentiary hearing.

(3) Good cause exists for granting the request of R. W. Luker to be joined as a party to this proceeding.

**The Commission orders:**  
(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on November 6, 1975, at 10:00 a.m. (EST) in a hearing room at the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426 concerning the propriety of granting the abandonment authorization sought, as presently constituted in the abandonment application filed by Trident on March 24, 1975.

(B) R. W. Luker and Coastal are hereby joined as parties to this proceeding.

(C) The direct case of Trident, R. W. Luker and that of Coastal in regard to their respective positions on all issues in this proceeding, supplemented by the evidence hereinabove found required, shall be filed and served on all parties of record including the Commission Staff on or before October 16, 1975. Following the conclusion of cross-examination thereon, the Presiding Administrative Law Judge shall set such dates as are reasonable for the submission of answering and rebuttal cases, if any.

(D) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose. (See Delegation of Authority [18 CFR 3.5 (d)]), shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24383 Filed 9-12-75; 8:45 am]

[Docket No. ES76-8]

#### UTAH POWER & LIGHT CO.

##### Notice of Application

SEPTEMBER 4, 1975.

Take notice that on August 22, 1975, Utah Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance and sale of promissory notes to banks and dealers in commercial paper during the period October 1, 1975, through September 30, 1976, in an amount aggregating not more than \$105,000,000. The notes will be payable not more than nine months from the date thereof and shall bear interest from the date thereof until paid at the rate per annum which shall be the prime commercial rate in effect from time to time for unsecured loans at the bank to which the note is issued.

The proceeds from the sale of the new common stock will be applied to Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing thereon must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Com-

mission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24384 Filed 9-12-75; 8:45 am]

[Docket No. E-9147]

#### VIRGINIA ELECTRIC AND POWER CO.

##### Extension of Time

SEPTEMBER 5, 1975.

On August 29, 1975, Virginia Electric and Power Company filed a motion to extend the time within which to answer the "Motion for an Order Directing Production of Documents" filed by Electricities of North Carolina on August 21, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the time to file responses to the motion filed by Electricities on August 21, 1975 in the above matter, is extended to and including September 15, 1975 for all parties.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24389 Filed 9-12-75; 8:45 am]

[Docket No. E-8798]

#### WESTERN MASSACHUSETTS ELECTRIC CO.

##### Certification of Settlement Agreement

SEPTEMBER 8, 1975.

Take notice that on August 29, 1975, the Presiding Administrative Law Judge (PALJ) in the above-referenced proceeding certified to the Commission a settlement agreement together with the record in the case. The PALJ noted that the parties feel that special circumstances require that prompt consideration should be given the agreement.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 26, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24398 Filed 9-12-75; 8:45 am]

[Docket No. E-9198]

#### WISCONSIN POWER AND LIGHT CO.

##### Further Extension of Procedural Dates

SEPTEMBER 4, 1975.

On August 14, 1975, Municipal Wholesale Power Group filed a motion to extend the procedural dates fixed by order issued February 19, 1975, as most recently modified by notice issued July 16, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

[Docket No. RP71-100]

#### TRUNKLINE GAS CO.

##### Availability of Draft Environmental Impact Statement

SEPTEMBER 15, 1975.

Notice is hereby given in the above docket, that on September 15, 1975 a Draft Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This draft statement deals with the environmental impact of alternative permanent curtailment plans proposed in Docket No. RP71-100 across the Trunkline Gas Company system.

This draft statement has been circulated to Federal, State and Local agencies, and has been placed in the public files of the Commission, and is available for public inspection both in the Commission Office of Public Information Room 1000, 825 North Capitol Street NE, Washington, D.C. 20426 and in its Regional Office located at 31st Floor, Federal Building, 230 S. Dearborn Street, Room 3140 B, Chicago, Illinois, 60604. Copies are also available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24680 Filed 9-12-75; 10:17 am]

#### INTERNATIONAL TRADE COMMISSION

[AA1921-149]

##### CERTAIN NON-POWERED HAND TOOLS FROM JAPAN

##### Notice of Investigation and Hearing

Having received advice from the Department of the Treasury on September 2, 1975, that certain non-powered hand tools from Japan, that is, chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools, other than hammers from Imoto Hamono Co., Ltd., Kyoto Tool Co., Ltd., sledges from Hiroto Tekko K.K., and battery service tools from Tashiro Selsakusho and Japan Export Brush Co., are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on September 10, 1975, instituted investigation No. AA1921-149 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

The term "battery service tools" includes battery terminal lifters, battery post and terminal cleaning brushes, battery terminal spreaders, angle-hose pliers, booster cables and battery service kits (terminal puller, cleaning brush and two terminals).

**Hearing.** A public hearing in connection with the investigation will be held in the Commission's Hearing Room, U.S.

Service of Staff Testimony, October 21, 1975.  
Service of Intervenor Testimony, November 4, 1975.  
Service of Company Rebuttal, November 18, 1975.  
Hearing, December 1, 1975 (10:00 a.m. EST).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24385 Filed 9-12-75; 8:45 am]

[Docket Nos. E-8308, E-7206]

#### THE DETROIT EDISON CO. AND CONSUMERS POWER CO.

##### Availability of Environmental Impact Statement for Inspection

Notice is hereby given that on Aug. 1, 1975, as required by the Commission Rules and Regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-100) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of (1) an application filed by the Detroit Edison Company in Docket No. E-8308 for a permit, pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the construction, operation, maintenance and connection at the international border between the United States and Canada of facilities for the transmission of electric energy between the United States and Canada, and (2) a joint application filed by the Detroit Edison Company and Consumers Power Company in Docket No. E-7206 for a supplemental order, pursuant to Section 202(e) of the Federal Power Act, authorizing the transmission of electric energy from the United States to Canada by means of certain existing facilities and the above-mentioned proposed facilities.

The proposed project is a joint undertaking by the Applicants and the Hydro-Electric Power Commission of Ontario (Ontario Hydro). Under the terms of the Application submitted to the Commission, Edison proposes to construct an overhead 345 kv transmission line approximately 2 miles in length from a point on its existing St. Clair-Jewel 345 kv line to the international border in the St. Clair River. Ontario Hydro will build a similar line about 0.8 miles in length from its Lambton Generating Station and interconnect with the Edison line at the international border.

This statement is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 and its Chicago Regional Office located at 230 South Dearborn Street, 31st Floor Federal Building, Chicago, Illinois 60604. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-24535 Filed 9-12-75; 8:45 am]

International Trade Commission Building, 701 E Street NW., Washington, D.C.

indication that an industry in the United States is being or is likely to be injured,

received on July 11, 1975, from the International Union, United Automobile, Aerospace and Agricultural Implement Workers of

is prevented from being established, by reason of the importation into the United States of new, on-the-highway, four-wheeled, pas-

mission only 30 days in which to conduct its inquiry. Congress was aware that such a time limit would necessarily restrict the volume of new, on-the-highway, four-wheeled, pas-

further extent in considering the matter, and that trade should not be disrupted further by such consideration.  
Industry . . . "An industry in the United



International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., EDT, on Thursday, October 2, 1975. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at its office in Washington, D.C., not later than noon Friday, September 26, 1975.

Issued: September 10, 1975.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc. 75-24491 Filed 9-12-75; 8:45 am]

# PASSENGER AUTOMOBILES FROM BELGIUM, CANADA, FRANCE, ITALY, JAPAN, SWEDEN, THE UNITED KINGDOM, AND WEST GERMANY

International Trade Commission Does Not Terminate Treasury Dumping Investigations

SEPTEMBER 8, 1975.

The U.S. International Trade Commission today notified the Secretary of the Treasury that, on the basis of its inquiry with respect to new, on-the-highway, four-wheeled, passenger automobiles from Belgium, Canada, France, Italy, Japan, Sweden, the United Kingdom, and West Germany, which were the subject of antidumping investigations initiated by the Department of the Treasury, it did not determine "there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Commissioners Leonard, Bedell, Parker, and Moore comprised the majority. Commissioner Ablondi joined the majority with respect to imports from Japan, West Germany, and Italy, but dissented with respect to imports from Belgium, Canada, France, Sweden, and the United Kingdom. Commissioner Minchew dissented with respect to the imports from all countries. As a result of the Commission's decision, the Department of the Treasury will not be required to terminate its investigations to determine whether the passenger automobiles concerned are being sold at less than fair value.

On August 7, 1975, the Treasury Department advised the Commission that, during the course of determining whether to institute investigations with respect to passenger automobiles from Belgium, Canada, France, Italy, Japan, Sweden, the United Kingdom, and West Germany it concluded from the information available to it that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. On receipt of Treasury's advice, the Commission, on August 8, 1975, instituted an inquiry to determine whether there is no reasonable

indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States from the eight named countries. A public hearing was held August 19, 1975.

Imported cars from the eight countries involved in the inquiry totalled \$7.5 billion in 1974 against \$20.8 billion in sales of domestic models. The sales figures make this case the largest antidumping proceeding ever handled by the U.S. International Trade Commission or its predecessor, the U.S. Tariff Commission.

The Commission's report contains Commissioners' statements of reasons for their determinations. Copies of the report (USITC Publication 739) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. International Trade Commission, 8th and E Sts., NW., Washington, D.C. 20436.

By order of the Commission.

Issued: September 8, 1975.

[SEAL] KENNETH R. MASON,  
Secretary.

[AA1921-Inq.-2]

# NEW, ON-THE-HIGHWAY, FOUR-WHEELED, PASSENGER AUTOMOBILES FROM BELGIUM, CANADA, FRANCE, ITALY, JAPAN, SWEDEN, THE UNITED KINGDOM, AND WEST GERMANY

Commission Does Not Determine "No Reasonable Indication of Injury"

SEPTEMBER 8, 1975.

On August 7, 1975, the United States International Trade Commission received advice from the Department of the Treasury that, in accordance with section 201(c) of the Antidumping Act of 1921, as amended, eight antidumping investigations were being initiated with respect to new, on-the-highway, four-wheeled, passenger automobiles from Belgium, Canada, France, Italy, Japan, Sweden, the United Kingdom, and West Germany, and that, pursuant to section 201(c) of the Act, information developed during the preliminary investigation led to the conclusion that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such automobiles into the United States. Accordingly, the Commission on August 8, 1975, instituted an inquiry, No. AA1921-Inq.-2, under section 201(c)(2) of the Act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on August 19, 1975. Public notice of the institution of the inquiry and hearing was duly given by posting copies of the notice at the Secretary's Office in the Commission in Washington, D.C., and at the Commission's office in New York City, and by publishing the original notice in the FEDERAL REGISTER of August 13, 1975 (40 F.R. 34027).

The Treasury Department instituted its investigation after receiving a complaint on July 8, 1975, from Congressman John H. Dent of Pennsylvania. A complaint was also

received on July 11, 1975, from the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America-UAW. Treasury's notice of its antidumping proceeding was published in the FEDERAL REGISTER of August 11, 1975 (40 F.R. 33755-33-758).

On the basis of its inquiry with respect to imports of new, on-the-highway, four-wheeled, passenger automobiles from Belgium, Canada, France, Italy, Japan, Sweden, the United Kingdom, and West Germany—the subject of the antidumping investigations initiated by the Department of the Treasury—the Commission (Commissioners Leonard, Moore, Bedell, and Parker; and Commissioner Ablondi, in part) does not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

STATEMENT OF REASONS OF CHAIRMAN WILL E. LEONARD, IN INQUIRY NO. AA1921-Inq.-2

The United States International Trade Commission (Commission) instituted Inquiry No. AA1921-Inq.-2 under section 201(c)(2) of the Antidumping Act, 1921, on August 8, 1975. The inquiry was to determine whether there is "no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation" into the United States of certain new, on-the-highway, four-wheeled, passenger automobiles. Such merchandise from Belgium, Canada, France, Italy, Japan, Sweden, the United Kingdom, and West Germany is the subject of pending Department of Treasury (Treasury) investigations under section 201(c) of the Antidumping Act, 1921.

If, as a result of the inquiry, the Commission determines affirmatively, i.e., that there is no reasonable indication of the requisite injury to a domestic industry by reason of the importation of the class or kind of merchandise the subject of the inquiry, then the pending Treasury investigations will be terminated. If, on the other hand, the Commission's determination as a result of the inquiry is negative, i.e., that it does not determine there is no reasonable indication of the requisite injury to a domestic industry by reason of the requisite cause, then the pending Treasury investigations will continue.

## DETERMINATION

On the basis of the information available as a result of the inquiry, including the information received from the Treasury, I do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or

<sup>1</sup> Commissioner Ablondi does not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States from Japan, West Germany, and Italy; but determines that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States from Belgium, Canada, France, Sweden, and the United Kingdom. Commissioner Minchew determines that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States from all of the named countries.

is prevented from being established, by reason of the importation into the United States of new, on-the-highway, four-wheeled, passenger automobiles which are the subject of the pending Treasury antidumping investigations.

## APPLICATION OF INFORMATION AVAILABLE TO THE STATUTORY CRITERIA

Under section 201(c)(2) of the Antidumping Act, 1921, as amended (the Act), the Commission must determine whether there is no reasonable indication that a domestic industry is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of merchandise the subject of a Treasury investigation under the Act. Critical to such a determination is an evaluation of the underlined words in the preceding sentence in the light of the information obtained in the inquiry.

No reasonable indication . . . The first statutory phrase which needs to be examined is "no reasonable indication." It should be noted that the parties before the Commission in the inquiry have furnished varied interpretations of this statutory language. I am unable to subscribe to any of these interpretations completely.

It is necessary, of course, to be guided by the intent of Congress as to the meaning of the language employed in section 201(c)(2) of the Act, which sets out the responsibility of the Commission. In determining the meaning of specific statutory phrases by reference to Congressional intent, it is necessary to understand the purpose of Congress in enacting the statutory language and to understand the circumstances, of which Congress was aware, in which the Commission performs its functions as called for by the statutory language.

The legislative purpose in the enactment of section 201(c)(2) is stated at page 174 of Senate Finance Committee Report Number 93-1298, the report on the bill which became the Trade Act of 1974, as follows:

The amendment is designed to eliminate unnecessary and costly investigations which are an administrative burden and an impediment to trade.

The above quotation, while it sets out the purpose of section 201(c)(2), does not articulate the meaning to be given to the specific phrases employed by Congress within section 201(c)(2).

In order to better derive the meaning of the specific phrases, it is necessary to consider Congress' awareness of the extent and reliability of the information that would be available to the Commission. Congress indicated by the language in section 201(c)(2) that it is aware that the information transmitted from Treasury to the Commission will be "preliminary," the result of a brief investigation, and will include information of "possible" margins of dumping and the volume of trade. Indeed, Congress indicates an awareness that Treasury will not provide information of less than fair value sales, but rather only information as to "a preliminary indication . . . concerning possible" less than fair value sales. In short, Congress was aware that the Treasury usually will not be able to supply significant concrete information to aid the Commission in carrying out its function under section 201(c)(2). Further, in providing the Com-

mission only 30 days in which to conduct its inquiry, Congress was aware that such a time limit would necessarily restrict the volume of information which could be collected by the Commission, as well as the testing of the reliability of such information and its consideration for the purpose of making a determination.

It is also important to consider what Congress requires of the Treasury at the time a matter is referred to the Commission under section 201(c)(2). Treasury is in the process of determining, by a summary investigation of no more than 30 days, only whether to "institute" a formal antidumping investigation under section 201(a) of the Act. It is clear by the language used in section 201(c)(2) that the most that is required of the Treasury is that it have information of "possible" sales at less than fair value. This is a rather minimal requirement, and must be remembered when ascertaining what Congress intends by the specific phrases used in section 201(c)(2) with respect to the Commission's functions thereunder involving the "injury" aspect of the Act.

Further, one should keep in mind what Congress does not require of the Commission under section 201(c)(2). Congress does not require the Commission, under section 201(c)(2), to find the requisite injury to a domestic industry as a result of the requisite cause that is required under section 201(a) of the Act. Also, Congress does not require the Commission, under section 201(c)(2), to determine whether it has reason to believe that there exists injury to an industry as a result of the necessary cause required by section 201(a) of the Act. On the other hand, Congress does not require the Commission, under section 201(c)(2), to determine whether the complaint filed with Treasury has sufficient allegations concerning injury and causation on its face so as not to be subject to an attack on the basis that it fails to state a "cause of action."

It is also to be noted that section 201(c)(2) is phrased in terms of the Commission finding no reasonable indication of the requisite injury due to the requisite cause in order for the investigation of the Treasury to be terminated; it is not phrased in terms of the Commission finding reasonable indication of such injury and causation in order for the investigation of the Treasury to continue. Indeed, if the Commission were to do nothing or were unable to make any finding, Treasury's investigation would continue. This choice of words must be presumed to be a considered choice so that the emphasis placed by Congress in section 201(c)(2) is not on a positive justification for the continuance of an antidumping investigation, but in effect on a justification for its termination.

From the above, Congress was aware that in carrying out its functions under section 201(c)(2) the Commission would be conducting a severe operation with blunt instruments, not designed for precise application. Congress must have realized that the economic analysis which the Commission employs during the course of its investigations under section 201(a) of the Act simply cannot be employed under section 201(c)(2).

However, Congress intends the Commission to look at the normal indicators of injury and causation that it looks at when conducting an investigation under section 201(a) of the Act. After considering these indicators, Congress intends the Commission to find, before making a determination of "no reasonable indication," an affirmative determination under section 201(c)(2), that the allegations made by the complainant before the Treasury and the information available as a result of the Commission's inquiry reveal the issues of injury and causation to be so clearly lacking in substance that the resources of the Government should not be used to any

further extent in considering the matter, and that trade should not be disrupted further by such consideration.

Industry . . . "An industry in the United States" for the purposes of the determination in this case under section 201(c)(2) consists of the producing facilities in the United States engaged in the manufacture of new, on-the-highway, four-wheeled, passenger automobiles, of which facilities the workers are an integral part. Nothing indicates that by using the phrase "an industry in the United States" in section 201(c)(2) of the Act, Congress had any intention that the industry referred to should be any different from the industry to be considered under section 201(a) of the Act. With respect to what is meant by "an industry" in section 201(a), the House Ways and Means Committee Report on the Antidumping Act, 1921, stated that the interest to be protected by the Act includes:

our industries and labor against a now common species of commercial warfare of dumping goods on our markets at less than cost or home value. H.R. Rep. No. 1, 67th Cong., 1st Sess. 23 (1921). (Emphasis added.)

Then, moreover, on the Senate floor, Senator McCumber articulated the following: The purpose (of the Act) is to allow the manufacturers in the United States to continue in business . . . and to provide for the employment of American labor and American capital . . . 61 Cong. Record, part 1, page 1022 (1921). (Emphasis added.)

In the "Muriate of Potash Case,"<sup>1</sup> stated (at p. 3) along with Commissioner Sutton, that:

In protecting domestic industry, the Congress was concerned not only for the welfare of the owners of producing plants, but also for the welfare of the employees in such plants and the communities of which they are a part. These interests are inextricably tied together.

Moreover, Commissioners Clubb and Moore stated (at p. 23) in the same case that the Act protects various interests, including:

not just the interests of the stockholders of the multinational corporations involved, but the interests of the workers in the U.S. plants as well.

Injury . . . The "injury" requirement found in section 201(c)(2) is worded the same as the injury requirement found in section 201(a) of the Act, that is, that a domestic industry "is being or is likely to be injured, or is prevented from being established." There is no evidence that Congress intended such language used in section 201(c)(2) to be interpreted differently from the same language found in section 201(a). However, it is to be noted that the Commission's function under section 201(c)(2) is not to find such injury, but to determine if there is no reasonable indication of such injury.

The information available as a result of the inquiry is certainly sufficient, in my opinion, to negate at this time a determination that "there is no reasonable indication" of the injury requirement of the Act being satisfied. The share of the U.S. market of the merchandise in issue accounted for by imports from the countries which are the subject of the pending Treasury investigations and the Commission's inquiry in this matter, taking account of U.S. factory sales, imports for consumption, and exports of domestic merchandise, is significant, amounting in the

<sup>1</sup> Potassium Chloride (Muriate of Potash) From Canada, France and West Germany, U.S.T.C. Investigation Nos. AA1921-58, 59, and 60 (November, 1969).

aggregate to 26.5 percent for the period January-June, 1975. Furthermore, there is uncontroverted evidence that the United States

of causality is expressed by the use of the identical phrase in both sections. Since the Commission, however, under section 201(c)

application of the section that we gave in the first proceeding under it, and then give the reasons for our determination in the in-

## THE CASE AT HAND

This inquiry is before the Commission as

At the present early stage of the Treasury Department's antidumping investigation, information on the possible margins below

allegedly have been sold at LTFV. At the same time, I do not determine that there is no reasonable indication that an industry



aggregate to 26.5 percent for the period January-June, 1975. Furthermore, there is uncontested evidence that the United States industry being considered is suffering severe unemployment at present. There have been estimates that such unemployment amounted to some 300,000 members of the United Automobile Workers Union in early 1975. Also there is information which would indicate that production by United States manufacturers of new automobiles has dropped significantly beginning in November 1973, and that such decline has continued in 1975.

Before proceeding further, it is appropriate to comment on the issue of cumulating the impact on a domestic industry of the imports in issue. Senate Finance Committee Report Number 93-1298, cited above, states (at p. 180) with respect to this question:

A number of cases before the Commission have been concerned with the question of whether imports of comparable articles from different countries should be considered together or cumulated in making injury determinations. The issue arises in several different contexts, viz: (1) when Treasury determinations involving comparable imports from two or more different countries are simultaneously submitted to the Commission; (2) when Treasury determinations on comparable imports are submitted to the Commission at different times. Under consistent practice, affirmed by the U.S. Customs Court in *City Lumber Co. v. United States* (R.D., 11557, July 9, 1968; 64 Cust. Ct. 826 (1970); 311 F. Supp. 340 (1970); 457 F.2d 991 (1972)) the Commission has considered the combined impact of less-than-fair-value imports in making injury determinations when the facts and economic considerations so warrant. Such result does not follow as a matter of law, it follows, on a case by case basis, only when the facts and conditions of trade show its relevance to the determination of injury.

Information available, as a result of the inquiry, with respect to pricing and markets of the merchandise in issue is such as to indicate that cumulation may be appropriate during the course of any full investigation under section 201(a) of the Act that may be conducted in the future. In any event, I simply do not have enough information on the factors and conditions of trade to warrant, at this early stage, a non-cumulation of the impact, and am therefore cumulating impact for the purpose of this determination.

By Reason of . . . Section 201(c)(2) requires the Commission to determine, before the pending Treasury investigation may be terminated, that there is no reasonable indication that the injury referred to above is "by reason of" the importation of the merchandise in question into the United States. Under the terms of section 201(c)(2), the merchandise in question in this determination refers to the merchandise as to which Treasury has instituted formal antidumping investigations to determine whether such merchandise is being or is likely to be sold at less than fair value. The information provided by Treasury to the Commission indicates a wide range of possible margins of dumping, and does not indicate that any particular type of automobile from any particular country named is not subject to such possible dumping margins. Therefore, in this determination, the phrase "such merchandise" as used in section 201(c)(2) consists of all automobiles imported into the United States which the Treasury has considered in its summary investigation.

Turning to the phrase "by reason of" in section 201(c)(2), again there is no basis to conclude that Congress intended this phrase to have any meaning different from the one given to the same phrase employed in section 201(a) of the Act; that is, the same degree

of causality is expressed by the use of the identical phrase in both sections. Since the Commission, however, under section 201(c)(2) is dealing with only the merchandise the subject of Treasury's investigation, and is determining if there is "no reasonable indication" of the requisite causal relationship, as opposed to dealing under section 201(a) with merchandise actually found by Treasury to be, or likely to be, sold at less than fair value and determining if the requisite causal relationship actually exists, the distinct determinations under these sections are totally different.

Senate Finance Committee Report Number 93-1298, cited above, states (at p. 180) with respect to the requisite degree of causation required by section 201(a), and thus also by section 201(c)(2):

Moreover, the law does not contemplate that injury from less than fair value imports be weighed against other factors which may be contributing to injury to an industry. The words "by reason of" express a causation link but do not mean that dumped imports must be a (or the) principal cause, a (or the) major cause, or a (or the) substantial cause of injury caused by all factors contributing to overall injury to an industry.

That language, of course, does not mean that the Commission does not attempt to identify causes of injury to a domestic industry, but simply means that the cause attributable to imports sold at less than fair value, or possibly sold at less than fair value, need not be the principal cause, or major cause, or even substantial cause, but merely a cause.

Looking at the information available as a result of the inquiry, various possible causes of injury can be posited. These causes include at least the following: (a) the energy crisis; (b) the domestic industry's delayed reaction in responding to consumers' demands for fuel-efficient automobiles; (c) the recession; (d) ecological standards for automobiles; and (e) substantial penetration of the U.S. market by automobile imports the subject of Treasury antidumping investigations. At this point in time, it is impossible for me to quantify each of these causes. However, I am unable to say that there is no reasonable indication that the importation of the merchandise in question possibly sold at less than fair value is not a cause of injury to the domestic industry. The information available, which includes the coincidence of the possible less than fair value sales with possible injury to the domestic industry, is sufficient to negate a determination at this time that "there is no reasonable indication" of injury or likelihood of injury "by reason of" possible less-than-fair-value imports.

#### CONCLUSION

On the basis of the above, I do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of certain new, on-the-highway, four-wheeled, passenger automobiles, which merchandise is the subject of pending Treasury antidumping investigations.

#### STATEMENT OF REASONS OF COMMISSIONERS BEDELL AND PARKER

This inquiry is the second proceeding before the International Trade Commission under the provisions of section 201(c)(2) of the Antidumping Act, 1921, as amended. That section, which was added by section 321 of the Trade Act of 1974, entered into force earlier this year.

Since section 201(c)(2) has only recently become effective, we wish first to reiterate the views concerning the proper scope and

application of the section that we gave in the first proceeding under it,<sup>1</sup> and then give the reasons for our determination in the instant case.

#### THE STATUTORY PROVISIONS

Section 201(c)(2) of the Antidumping Act provides as follows:

(2) If, in the course of making a determination under paragraph (1), the Secretary concludes, from the information available to him, that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, he shall forward to the Commission the reasons for such substantial doubt and a preliminary indication, based on whatever price information is available, concerning possible sales at less than fair value, including possible margins of dumping and the volume of trade. If within thirty days after receipt of such information from the Secretary, the Commission, after conducting such inquiry as it deems appropriate, determines there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, it shall advise the Secretary of its determination and any investigation under subsection (b) then in progress shall be terminated. (Emphasis supplied.)

The foregoing section provides for an inquiry by the Commission early in the Governmental procedures that follow the filing of a dumping complaint with the Secretary of the Treasury. Within 30 days of such filing, the Secretary must decide both whether to institute an antidumping investigation and whether to take the action that triggers an inquiry by the Commission. The Commission's inquiry is thus conducted while the Treasury proceeds with the early stages of its investigation. Consequently, the end result of the Commission's determination is either to terminate an antidumping investigation in progress at the Treasury, or to permit it to continue. Since the determination to be made by the Commission (underscored above) is expressed in the negative, an affirmative determination that there is "no reasonable indication" of injury under the Act results in a termination of the proceedings before the Department of the Treasury, while a negative determination, i.e., the Commission does not determine that there is "no reasonable indication" of injury under the Act, permits the Treasury proceeding to continue.

In approaching the Commission's responsibility under section 201(c)(2), we are cognizant that the Senate Finance Committee desired to eliminate unnecessary and costly investigations which are an administrative burden and an impediment to trade. We do not believe, however, that by virtue of the amendment to the Antidumping Act there was any intent that the procedure being established be used to weaken—or to deny U.S. industry—the protection of the Antidumping Act, by aborting a full investigation in the absence of a clear and convincing showing that there is "no reasonable indication" that an industry in the United States is being or is likely to be injured by reason of the importation of merchandise possibly sold at less than fair value.

<sup>1</sup> United States International Trade Commission, *Butadiene Acrylonitrile Rubber from Japan* . . . , ITC Publication 727 . . . , April 1975, pp. 3-6.

#### THE CASE AT HAND

This inquiry is before the Commission as a result of advice received from the Treasury Department on August 7, 1975, that, during the course of determining whether to institute antidumping investigations with respect to new, on-the-highway, four-wheeled, passenger automobiles (hereinafter passenger automobiles) from Belgium, Canada, France, Italy, Japan, Sweden, the United Kingdom, and West Germany, it had concluded that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

In our judgment, the evidence before the Commission as a result of its inquiry does not provide a clear and convincing showing that there is "no reasonable indication" of injury or likelihood of injury to a U.S. industry by reason of the importation of passenger automobiles from the countries concerned. The domestic industry producing passenger automobiles is in distress as evidenced by recently decreased production, sales, and employment. Imported passenger automobiles from the eight countries that are now the subject of antidumping investigations by the Treasury Department have grown in volume and have supplied a rising share of the U.S. market. Finally, the alleged margins by which sales were below fair value, as identified in the communication from the Treasury Department to the Commission, were in ranges having high upper limits. These matters are discussed briefly in the following paragraphs.

The sale of domestically produced passenger automobiles has been in a severe decline for many months. Factory sales of such vehicles in 1974 were sharply below those in five of the previous six years; the sales in 1974 were about a fourth lower than in 1973 (which had been a record year) and about 15 percent lower than in 1971 and 1972. Factory sales in 1975 have been at an even lower rate than in 1974, being down nearly a fifth in the first six months of the year. Retail sales of domestically produced passenger automobiles reveal an identical decline; such sales dropped sharply in 1974 and thus far in 1975. Employment in the manufacture of passenger automobiles has fallen sharply during the period of lower sales. Assembly plants and other production facilities have shut down for varying periods, and some shifts have been cancelled.

U.S. imports of passenger automobiles—virtually all of which are from the eight countries now under investigation by the Treasury Department to determine whether their sales to the United States are or are likely to be at less than fair value—have risen in recent years both in absolute terms and relative to sales of domestically produced vehicles. Imports of new passenger automobiles into the United States aggregated 2.6 million vehicles in 1974, compared with 1.6 million vehicles in 1968. Imports of passenger automobiles in the first half of 1975 were about a third smaller than in the corresponding period of 1974, but retail sales of imported vehicles did not decline as inventories in the United States supported steady sales of imported vehicles in the face of declining demand and reduced sales of U.S.-made vehicles. Imported vehicles have significantly increased their market share in recent years. Based on sales at the retail level, imported vehicles from the eight countries under investigation for sales allegedly at less than fair value supplied 25 percent of the U.S. market in 1974 and 30 percent in the first half of 1975, while they had accounted for only 15 percent in 1968.

At the present early stage of the Treasury Department's antidumping investigation, information on the possible margins below fair value by which sales of passenger automobiles have been made by the countries concerned is highly imprecise and uncertain. The alleged margins reported by the Department in its communication to the Commission consisted of wide ranges. The upper limits of the ranges were high—from 20 percent for Canada to 73 percent for West Germany. Dumping margins approaching these levels, if found by the Treasury, would represent sales substantially below fair value.

#### CONCLUSION

In our view, from the evidence before the Commission, a determination is not warranted that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of imports of new, on-the-highway, four-wheeled, passenger automobiles from the countries now subject to antidumping investigations by the Treasury Department.

#### STATEMENT OF REASONS FOR COMMISSIONER ALONDI

On August 7, 1975, the Department of the Treasury advised the United States International Trade Commission that the Department of the Treasury was initiating eight antidumping investigations with respect to new, on-the-highway, four-wheeled, passenger automobiles from Canada, Japan, West Germany, Belgium, Italy, the United Kingdom, Sweden, and France, and that information developed during a preliminary investigation "has led to the conclusion that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of importation of this merchandise into the United States."

The relevant statutory language in section 201(c)(2) of the Antidumping Act of 1921, as amended by section 321 of the Trade Act of 1974, reads in part—

If, in the course of making a determination under paragraph (1), the Secretary concludes, from the information available to him, that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, he shall forward to the Commission the reasons for such substantial doubt and a preliminary indication, based upon whatever price information is available, concerning possible sales at less than fair value, including possible margins of dumping and the volume of trade. If within thirty days after receipt of such information from the Secretary, the Commission, after conducting such inquiry as it deems appropriate, determines there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, it shall advise the Secretary of its determination and any investigation under subsection (b) then in progress shall be terminated.

On the basis of the data available from the Department of the Treasury, the Commission hearing record, briefs filed by interested parties, and data obtained by our staff, I have determined that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of new, on-the-highway, four-wheeled, passenger automobiles from Canada, Belgium, the United Kingdom, Sweden, or France which

allegedly have been sold at LTFV. At the same time, I do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of new, on-the-highway, four-wheeled, passenger automobiles from Japan, West Germany, or Italy which allegedly have been sold at LTFV.

The consideration of this case involves resolving a threshold question as to whether the eight investigations initiated by Treasury are to be considered individually or cumulatively.

The question of whether the Commission should weigh the impact on a domestic industry of LTFV imports of the same product from each of several countries individually or collectively under the Antidumping Act has been considered frequently, and the Commission has the discretion to examine the particular facts of each case in order to make a determination of whether cumulative injury should be considered.<sup>1</sup>

In the instant inquiry, the myriad of differences between automobiles as to price, style, quality, and performance, to name only a few, precludes my finding of factors and conditions to warrant cumulating the imports from all eight countries. I have accordingly concluded that the impact of alleged LTFV imports from Canada, Japan, West Germany, Belgium, Italy, the United Kingdom, Sweden, and France should be considered independently for each country. Under section 201(c)(2) we must assume, for the purpose of making our determination, the existence of LTFV sales. The Commission's jurisdiction is therefore limited solely to a determination of whether there is no reasonable indication of an injury or likelihood thereof to a domestic industry by reason of such sales from each of the countries.

Section 201(c)(2) of the Antidumping Act of 1921 is new legislation as a result of an amendment made by section 321 of the Trade Act of 1974. The instant case represents our second effort in discharging our responsibilities as set out in this new section.

The legislative intent in the enactment of section 201(c)(2) is clearly stated at page 171 of Senate Report No. 93-1298 as follows: The amendment is designed to eliminate unnecessary and costly investigations which are an administrative burden and an impediment to trade.

If we are to give meaningful effect to the expressed intent of the Congress, we should eliminate investigations under section 201(a) when such investigations clearly are unnecessary because there is no reasonable indication that a domestic industry is being or is likely to be injured.

I have concurred with the majority determination with regard to Japan, West Germany, and Italy.

#### JAPAN

Information available to the Commission from a variety of sources indicates that automobiles from Japan have been sold in the United States at prices lower than those for domestic automobiles. The proportion of Japanese automobiles underselling U.S. automobiles at this early stage of investigation

<sup>1</sup> See, for example, *Primary Lead Metal from Australia and Canada* . . . , Investigation Nos. AA1921-134 and 135, TC Publication 639, 1974; *Pig Iron from East Germany, Czechoslovakia, Romania, and the U.S.S.R.* . . . , Investigation Nos. AA1921-52, 53, 54, and 55, TC Publication 265, 1968; *Printed Vinyl Film from Brazil and Argentina* . . . , Investigation Nos. AA1921-117 and 118, TC Publication 565, 1973; and Senate Report No. 93-1298, p. 180.

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has not been established. The volume of imports which Japan provides has steadily in-

It would appear that underselling is an integral and necessary element of injury. The

part of the majority in the case of *White Portland Cement from Japan*. Investigation

tuted a summary investigation, required by the amended Antidumping Act of 1921, to

The legislative intent of this section of the Antidumping Act, as stated at page 171 of

LTFV imports. Virtually all of the evidence presented to the Commission by both sides of the eight investigations involved the impact of imported

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has not been established. The volume of imports which Japan provides has steadily increased to the extent that in 1974, imports from Japan accounted for 5.5 percent of the quantity of apparent U.S. consumption of new passenger automobiles. In addition, the U.S. market penetration of imports from Japan increased by 3.1 percent from 1973 to 1974, and indications are that it has increased in 1975. The increased volume of imports, the evidence of underselling, and the degree of market penetration require that the antidumping investigation continue as regards Japan.

## WEST GERMANY

Information available to the Commission from a variety of sources indicates that at least some automobiles from West Germany have been sold in the United States at prices lower than those for domestic automobiles. Sales at less than fair value, when accompanied by evidence of underselling in the U.S. market and a volume of imports sufficient to possibly cause injury, preclude a finding of "no reasonable indication of injury." In 1974, imports from West Germany accounted for 6.7 percent of the quantity of apparent U.S. consumption of automobiles, and the U.S. market penetration in that year was higher than in many earlier years. The existence of the above factors requires the continuation of the investigation as regards West Germany.

## ITALY

Information available to the Commission from a variety of sources indicates that at least some automobiles from Italy have been sold in the United States at prices lower than those for domestic automobiles. In 1974, imports from Italy accounted for 1.15 percent of the quantity of apparent U.S. consumption of new passenger automobiles. The difference in degree of market penetration by Italy as distinguished from Sweden, the United Kingdom, Belgium, and France is slight. However, the U.S. market penetration of imports from Italy increased from 1973 to 1974, by an amount that was nearly equivalent to the entire market share of the next two smaller supplying countries. Total imports from Italy in 1974 were nearly 40 percent greater than total imports from the next largest supplying country in the same year. This increase, combined with some degree of underselling, precludes a determination of no reasonable indication of injury at this time. The antidumping investigation as regards Italy should accordingly continue.

I have dissented with the majority determination with regard to Canada, Belgium, the United Kingdom, Sweden, and France.

## CANADA

In considering the Trade Act of 1974, the Senate Finance Committee received proposals to include statutory language regarding the concept of "injury." The Committee did not accept any proposal for the reason that the criteria for injury were "... adequately treated under existing practices and are best left to individual case determinations without additional statutory guidance." However, the Committee went on to state: "... the Act is primarily concerned with the situation in which the margin of dumping contributes to underselling the U.S. product in the domestic market resulting in injury or likelihood of injury to a domestic industry."

\* Senate Report 93-1898, p. 179.

It would appear that underselling is an integral and necessary element of injury. The Commission has, in a number of instances, found that imports at less than fair value have not been injurious to the domestic industry when prices of the imported product are equal to or higher than prices for comparable domestic products.<sup>1</sup> In its decision on *Technical Vanillin from Canada*, Investigation No. AA1921-26, the statement of reasons for the Commission's determination of no injury or likelihood thereof reads in part: The importation of an article sold "at less than fair value" is not *ipso facto* injurious. The sole exporter of Canadian technical vanillin has sold its product ... to U.S. consumers at delivered prices equal to or higher than the delivered (or their equivalent) prices by the predominant U.S. producer of technical vanillin. ... The importation of Canadian technical vanillin under such circumstances cannot be considered as injurious or likely to injure an industry in the United States.<sup>2</sup>

No evidence presented to the Commission during the course of this inquiry indicates any degree of underselling of domestic automobiles by automobiles imported from Canada, nor has such underselling been alleged. On the contrary, all evidence available to the Commission indicates that the overwhelming majority of automobiles from Canada are imported into the United States by the four largest automobile manufacturers in the United States, are identical to automobiles produced in the United States by the same manufacturers, and are identically priced to U.S. consumers.

In the case at hand, therefore, I am of the opinion that there is no reasonable indication of injury or likelihood thereof by reason of imports from Canada.

BELGIUM, THE UNITED KINGDOM, SWEDEN, AND FRANCE

In considering the individual imports from Belgium, the United Kingdom, Sweden, and France I have assumed for the purpose of this determination that injury is manifested by all indicators except market penetration.

In the past the Commission has held that imports sold at less than fair value in the United States in insignificant quantities compared with the quantity of domestic consumption have not caused injury to a domestic industry.<sup>3</sup> In expressing their views as

<sup>1</sup> See, for example, *Pocket Pencil Sharpeners*, Tariff Commission Investigation under the Antidumping Act, 1921, as amended, August 29, 1955; *Rayon Staple Fiber from Belgium*, Investigation No. AA1921-18, TC Publication 19, 1961; *Rayon Staple Fiber from Cuba*, Investigation No. AA1921-20, TC Publication 23, 1961; *Rayon Staple Fiber from West Germany*, Investigation No. AA1921-21, TC Publication 24, 1961; *Technical Vanillin from Canada*, Investigation No. AA1921-26, TC Publication 88, 1963; *Plastic Baby Carriers from Japan*, Investigation No. AA1921-41, TC Publication 141, 1964; *Brosa Key Blanks from Canada* ... Investigation No. AA1921-71, TC Publication 392, 1971; and *Hand Pallet Trucks from France* ... Investigation No. AA1921-95, TC Publication 498, 1972.

<sup>2</sup> *Technical Vanillin from Canada*, Investigation No. AA1921-26, TC Publication 88, 1963.

<sup>3</sup> See *Cast Iron Soil Pipe from Australia*, Investigation No. AA1921-35, TC Publication 124, 1964.

part of the majority in the case of *White Portland Cement from Japan*, Investigation No. AA1921-38, Commissioners Dorfman and Talbot stated "The imports that entered at 'less than fair value' (LTFV), at no time amounted to as much as 1 percent of domestic consumption and could not in any circumstance have caused more than de minimis injury to the industry." In a number of other investigations under the Antidumping Act, 1921, as amended, the Commission has found no injury or likelihood thereof when imports sold at less than fair value constituted less than 1 percent of apparent U.S. consumption.<sup>4</sup> While each case must be examined according to the individual facts peculiar to each, as regards automobiles, I have determined that import penetration by any one country of less than 1 percent of apparent U.S. consumption on a national basis is insignificant and could not warrant an injury determination. I am therefore of the opinion that there is no reasonable indication of injury or likelihood thereof from imports from Belgium, the United Kingdom, Sweden, or France.

## STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF VICE CHAIRMAN MINCHIEV

In accordance with new provisions of the Antidumping Act of 1921, the United States Department of the Treasury (Treasury) notified the United States International Trade Commission (Commission) on August 7, 1975, that it had "substantial doubt whether" the U.S. automobile industry "is being or is likely to be injured, or is prevented from being established, by reason of the importation" into the United States of automobiles from Belgium, Canada, France, Italy, Japan, Sweden, the United Kingdom, and West Germany. On August 8 the Commission instructed

<sup>4</sup> *White Portland Cement from Japan*, Investigation No. AA1921-38, TC Publication 129, 1964.

<sup>5</sup> See, for example, *Welded Wire Mesh from Belgium* ... Investigation No. AA1921-94, TC Publication 497, 1972; and *Titanium Dioxide from Japan* ... Investigation No. AA1921-47, TC Publication 174, 1966.

<sup>6</sup> 19 U.S.C. 160. The relevant amendment to the Antidumping Act was made in section 321 of the Trade Act of 1974, 88 Stat. 2043, amending section 201 of the Antidumping Act. The relevant language reads as follows:

(2) If, in the course of making a determination under paragraph (1), the Secretary concludes, from the information available to him, that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, he shall forward to the Commission the reasons for such substantial doubt and a preliminary indication, based upon whatever price information is available, concerning possible sales at less than fair value, including possible margins of dumping and the volume of trade. If within thirty days after receipt of such information from the Secretary, the Commission, after conducting such inquiry as it deems appropriate, determines there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, it shall advise the Secretary of its determination and any investigation under subsection (b) then in progress shall be terminated.

Since this is only the second summary investigation and determination by the Commission under the amended statute, a working definition of the term "no reasonable indication" still is being developed. The standard of evidence clearly is different from that required for a full investigation. However, a very low standard for what constitutes "no reasonable indication" could lead to a negative finding in virtually every thirty-day investigation. Consequently, the standard must be considerably higher than a finding that new evidence added to present evidence possibly would show injury caused by LTFV imports.

The legislative intent of this section of the Antidumping Act, as stated at page 171 of the Senate Report No. 93-1298, must also be considered. The Senate Finance Committee said: "The amendment is designed to eliminate unnecessary and costly investigations which are an administrative burden and an impediment to trade." In order to give meaningful effect to the expressed intent of Congress, the Commission, in cases where a substantial administrative burden and an impediment to trade are involved, should carefully scrutinize the evidence and the conclusions and inferences that may legitimately be drawn from it. Congress apparently felt that complainants must present sufficient evidence to support sustaining an investigation, not that respondents must establish reasons why the investigation should not go forward. Raising the standard of evidence to support the complainants' case accomplishes the Congressional purpose.

In the present case there are several prominent factors other than possible competition from LTFV imports which have contributed to the downturn now evident in the domestic automobile industry. A very important factor, which needs no elaboration, is the national economic recession, which has reduced the demand for virtually all consumer goods, including automobiles. A gradual shift in consumer preferences to smaller and more fuel-efficient automobiles was accelerated by the 1973 petroleum crisis, which brought gasoline shortages, sharp increases in the price of gasoline, and consumer uncertainty about future supplies and prices of fuel. During 1970-72, small cars (compacts and subcompacts) accounted for approximately 36 percent of apparent U.S. consumption; during the first half of 1975, they accounted for more than 51 percent of U.S. consumption. Domestic manufacturers, meanwhile, were slow in accommodating the public's changing preferences. From time to time, the U.S. manufacturers have developed small cars, but those models have grown larger over the years to the point that they no longer meet the demand for small economy cars. Small cars comprised less than 25 percent of domestic sales of domestic automobiles before 1973.

These factors alone are sufficient to account for the economic downturn in the domestic automobile industry and for the present volume of imports of foreign automobiles. In order to justify the continuation of this massive investigation, therefore, the Commission should have before it some direct evidence showing that the injury is occurring "by reason of" imports alleged to have been sold at less than fair value. In this case the Commission has before it no direct evidence from which one could legitimately conclude or infer that the alleged injury is occurring by reason of possible LTFV sales of imported automobiles. Circumstantial evidence does exist, but circumstantial evidence in a case such as this should not be sufficient. There may be cases in which, because of the limited resources of the complaining party or the smaller administrative burden and impact on trade involved, circumstantial evidence would be sufficient. That is not the case before us.

Determining causation requires a determination of the impact of sales of foreign cars on sales of domestic cars. Since the foreign cars compete in two fairly distinct classes, the Commission should examine these two classes separately to determine whether any domestic injury is occurring "by reason of" imports.

The specific industry under investigation, as described by the Treasury, is "new, on-the-highway, four-wheeled, passenger automobiles." This opinion will refer to them as simply "automobiles."

\* By supporting the holding of a hearing as a part of this investigation, I did not intend to shift the burden of establishing the minimum threshold of evidence of injury from the complainants.

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LTFV imports. Virtually all of the evidence presented to the Commission by both sides of this issue involved the impact of imported small cars, which account for at least 75 percent of the imports and which are more directly competitive with domestic models. Many of the imported luxury cars have characteristics that distinguish them from domestic models and that make price a less important consideration for domestic buyers. With so little evidence presented on the impact of these luxury cars, it seems clear that there is "no reasonable indication" of injury "by reason of" the importation of these luxury automobiles.

As for the likelihood of injury, there again is no indication of its existence by reason of LTFV imports. The domestic industry has been increasingly capable of meeting the demand for small vehicles. Domestic sales of domestic small cars in 1974 were higher than in any other year except 1973, a record year, and the U.S. share of the small car market has increased substantially in recent years from 46 percent in 1970 to 58 percent in 1974. The introduction of new domestic subcompact models and recent indications that a growing number of domestic automobiles are in the same fuel-economy class as many of the more popular imports for all practical purposes eliminate the likelihood of injury to the domestic industry by reason of LTFV imports.

For these reasons, I determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

[FR Doc.75-24520 Filed 9-12-75;8:45 am]

LEGAL SERVICES CORPORATION  
COMMITTEE ON PRESIDENTIAL SEARCH  
Meeting

SEPTEMBER 11, 1975.

The Committee on Presidential Search of the Board of Directors of the Legal Services Corporation will meet at 9:00 a.m. on Friday, September 19, 1975 at the offices of the Legal Services Corporation. The meeting will be in Executive Session to discuss nominees for President of the Corporation. Representatives of specified organizations will be invited to attend.

ROGER C. CRAMTON,  
Chairman.

[FR Doc.75-24577 Filed 9-12-75;8:45 am]

NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION

[Notice (75-62)]

NASA AD HOC ADVISORY SUBCOMMITTEE  
OF THE SPACE SCIENCE STEERING  
COMMITTEE

## Notice of Date and Place of Meeting

The NASA Ad Hoc Advisory Subcommittee of the Space Science Steering Committee to evaluate proposals for Participation in the Scientific Investigations for the Mariner Jupiter/Uranus 1979 mission will meet at the Goddard Space Flight Center, Greenbelt, Maryland, on 1, 2, 3 October 1975. The meetings will be held in Room 200 of Building 26 from 8:30 a.m. to 5:00 p.m. on all three days.



The Subcommittee section will discuss, evaluate, and categorize proposals for participation in scientific investigations to be performed on the Mariner Jupiter/Uranus 1979 mission. Throughout the Subcommittee session the professional qualifications of the proposers, the merits of their proposed flight investigations and the associated instrumentation, and the potential scientific contribution of the proposers to the mission will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and the other individuals involved. The meeting will be closed to members of the public.

Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 522(b) (6), it is hereby determined that the sessions should be closed to the public.

For further information please contact Dr. M. A. Mitz at 202/755-3790.

EDWARD L. CROW,  
Assistant Administrator for  
DOD and Interagency Affairs.

SEPTEMBER 9, 1975.

[FR Doc. 75-24405 Filed 9-12-75; 8:45 am]

#### NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR METABOLIC BIOLOGY

##### Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Metabolic Biology.  
Date: October 2 and 3, 1975.  
Time: 9:00 a.m. each day.  
Place: Rm. 321, National Science Foundation, 1800 G Street, NW, Washington, D.C.

Type of meeting: Closed.  
Purpose of advisory panel: To provide advice and recommendations concerning support for research in Metabolic Biology.

Agenda: To review, discuss, and evaluate individual research proposals.

Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Authority to close meeting: These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation, dated February 21, 1975, pursuant to the provisions of Section 10(d) of Public Law 92-463.

FRED K. MURAKAMI,  
Committee Management Officer.

SEPTEMBER 10, 1975.

[FR Doc. 75-24420 Filed 9-12-75; 8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 179—MONDAY, SEPTEMBER 15, 1975

#### OFFICE OF MANAGEMENT AND BUDGET

##### CLEARANCE OF REPORTS

###### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 9, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

###### NEW FORMS

###### NATIONAL SCIENCE FOUNDATION

Termination of Activity Questionnaire, single-time, OIP supported scientists, Lowry, R. L., 395-3772.

###### DEPARTMENT OF COMMERCE

Bureau of Census, Air and Water Pollution Control Energy Requirements, OEA-1, single-time, fossil fuel steam electric plants, Lowry, R. L., 395-3772.

###### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Household Panel—Runaway Youth Survey, single-time, households with children 10-17, Reese, B. F., 395-3211.

###### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Effectiveness of Congregate Housing for the Elderly, single-time, congregate housing managers, financiers and service providers, Community and Veterans Affairs Division, Sunderhauf, M. B., 395-3532.

###### REVISIONS

###### DEPARTMENT OF DEFENSE

Department of the Air Force: Maintenance Data Collection Record, and Repairable Item Processing Tag, AFPO 349, 349-3, 350, on occasion, manufacturing and maintenance contractors, Harry B. Sheftel.

###### EXTENSIONS

###### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Fiscal Report-Institutes for Training in Librarianship, Title II—Part B, Sections 221, 222, 223, Higher Education Act, OE 3164, annually, institutions of higher education, Marsha Traynham, 395-4529.

###### DEPARTMENT OF THE TREASURY

Bureau of Customs: Declaration of Owner, 3347, on occasion, brokers, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc. 75-24532 Filed 9-12-75; 8:45 am]

##### CLEARANCE OF REPORTS

###### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 10, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

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Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

###### NEW FORMS

###### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources, Administration, Request for Deferment and Service Preference, Request for Additional Period of Deferment, BHM 0715, on occasion, health professions graduates, Caywood, D. P., 395-3443.

Office of the Secretary, Youth Panel—Runaway Youth Survey Instrument, Single-time, children 10-17, Reese B. F., 395-3211. National Institute of Education, Pupil Change Study of the Documentation and Evaluation of the Experimental Schools program, NIE 127, annually, pupils in ES and comparison school districts, Joan Turek.

National Park Service, Community Survey—Yosemite National Park, single-time, NPS and concessioner employees, Lowry, R. L., 395-3772. National Institute of Education, Safe School Study—Incident Reporting Sheet, NIE 129, on occasion, schools, Joan Turek.

###### REVISIONS

###### DEPARTMENT OF AGRICULTURE

Economic Research Service, Survey of Consumers' Food-Related Behavior, Attitudes, and Motives, on occasion, individuals, Sunderhauf, M. B., 395-6140.

###### EXTENSIONS

###### FEDERAL RESERVE SYSTEM

Special Survey of Loans to Nonbank Financial Institutions, monthly, commercial banks, Caywood, D. P., 395-3443.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc. 75-24589 Filed 9-12-75; 8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

##### FIRST MORTGAGE INVESTORS

###### Suspension of Trading

SEPTEMBER 8, 1975.

The shares of beneficial interest of First Mortgage Investors being traded on the New York Stock Exchange, the Pacific Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange; 6 3/4% convertible subordinated debentures due 1985, 8 1/4% senior debentures due 1977, and 9% senior debentures due 1978 being traded on the New York Stock Exchange pursuant to provisions of the Securities Act of 1934 and all other securities of First Mortgage Investors being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 9 a.m. (EDT) on September 8, 1975 through midnight (EDT) on September 17, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-24478 Filed 9-12-75; 8:45 am]

[812-3835]

#### HAMILTON FUNDS, INC. ET AL.

##### Filing of Application

SEPTEMBER 11, 1975.

Notice is hereby given that Hamilton Funds, Inc., Hamilton Growth Fund, Inc., and Hamilton Income Fund, Inc., 7400 South Alton Court, Denver, Colorado 80201 (hereafter collectively referred to as "Applicants", all Delaware corporations registered as open-end, diversified management companies, filed an application on July 3, 1975, and an amendment on September 5, 1975, pursuant to Section 6(c) of the Act for an order of the Commission declaring that Robert M. Kirchner ("Kirchner") shall not be deemed an "interested person", as that term is defined in Section 2(a) (19) of the Act, of Applicants and Applicants' investment adviser, Hamilton Management Corporation ("HMC"), solely by reason of his status as a director and nominal employee of Kirchner, Moore & Company (hereinafter, "Kirchner, Moore"), a registered broker-dealer under the Securities Exchange Act of 1934. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

All of the outstanding voting securities of HMC are owned by the International Telephone and Telegraph Corporation ("ITT"). On March 10, 1975, ITT entered into a preliminary agreement with Oppenheimer Management Corporation (hereafter "Oppenheimer") providing for the sale by ITT to Oppenheimer of all the outstanding capital stock of HMC. Although ITT denies that the transaction includes any element of profit, ITT and Applicants, nevertheless, state that the transaction could be viewed by some as including an element of profit.

Section 15(f) of the Act permits an affiliated person of an investment adviser to a registered investment company to receive any amount in connection with a sale of the securities of, or any other interest in, such investment adviser provided that for a period of three years thereafter, at least 75% of the board of directors of such investment company are not interested persons of either the predecessor or successor investment adviser.

Applicants intend, therefore, to restructure their Boards of Directors in accordance with the requirements of Section 15(f) of the Act. In this connection, they seek an order that Kirchner shall not be deemed to be an interested person of HMC either under its present ownership by ITT or after the sale to Oppenheimer.

Section 2(a) (19) of the Act provides that the term "interested person" of an investment company, or an investment adviser thereof includes any person who is an "affiliated person" of any broker or dealer registered under the Securities Exchange Act of 1934.

Section 2(a) (3) of the Act defines the term "affiliated person" of another person to include any officer, director or employee of such other person.

As a director and employee of Kirchner, Moore, Kirchner is thus an affiliated person of a broker-dealer registered under the Exchange Act, and therefore an interested person of HMC and of the Applicants.

Howard T. Cohn, presently Chairman of the Boards of Directors of the Applicant Funds and an ITT Vice President, has indicated that, upon consummation of the sale, he intends to resign as a Director. Applicants' Boards of Directors will then consist of six "non-interested" directors and three "interested" directors (counting Mr. Kirchner) for a total of nine directors. If the Commission enters an order holding Mr. Kirchner not to be an "interested person" within the meaning of Section 2(a) (19) of the Act, the Boards will then consist of two directors who are "interested persons" of HMC, and seven who are not. This will satisfy the 25%/75% ratio set forth in Section 15(f) of the Act and will allow Kirchner to remain a director of Applicants.

Kirchner, one of the founders of Kirchner, Moore, determined to retire from the business and, accordingly, in February, 1975, sold all of his stock in the firm. Applicants indicate that other than rendering services in connection with

an occasional financial project, Kirchner is no longer active in the firm's business or affairs, and that he has no other connections with Kirchner, Moore. Applicants state that the essence of Kirchner's relationship to Kirchner, Moore as an employee is that he makes himself available for consultation with other members of the firm in connection with various matters, including the underwriting of debt issues of municipalities. Kirchner, who works no set hours, and comes and goes as he wishes, spends approximately 25% of his working hours on the affairs of Kirchner, Moore. For his services, he receives a salary, together with office space and secretarial services which he utilizes in connection with his other business pursuits. Applicants represent that Kirchner's activities on behalf of Kirchner, Moore are nominal and for all practical purposes he has retired. The only reason for his continued status as an "employee" is to secure the benefits of the firm's pension and profit sharing plans and the office space and secretarial services which are provided him in recognition of his former position as founder of the firm. Applicants believe that the affiliation of Kirchner with Kirchner, Moore as a director and employee has not and will not impair his independence in acting on behalf of Applicants.

Applicants represent that Kirchner, Moore is engaged solely in a municipal securities business and that neither Applicants nor HMC have had any prior business dealings with Kirchner, Moore. Applicants own no municipal securities and represent that they will not invest in municipal securities in the future if the purchase or sale of such bonds would involve, directly or indirectly, Kirchner, Moore.

Applicants have agreed that if the Commission issues an order that Kirchner shall not be deemed an interested person of HMC, such order may be conditioned upon HMC not having any direct or indirect future business dealings with Kirchner, Moore so long as Kirchner has any connection with that firm.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than 5:30 p.m. on September 29, 1975, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should

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order a hearing thereon. Any such communication should be addressed: Secretary.

separate leases with the lessor in respect of each beneficiary's interest in the cars. Each of the leases is a net lease out-

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

loans outstanding immediately prior to the date of sale of the new preferred stock.

#### DEPARTMENT OF LABOR

##### Office of the Secretary

[TA-W-79]

#### ELECTRO MOTIVE CORP.



order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following September 29, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-24608 Filed 9-12-75; 8:45 am]

[70-5730]

**INDIANA & MICHIGAN ELECTRIC CO.**  
**Proposed Acquisition of Coal Cars by Lease**

SEPTEMBER 9, 1975.

NOTICE IS HEREBY GIVEN that Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed with this Commission an application-declaration pursuant to applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") regarding the acquisition by lease of coal cars. I&M requests approval of these transactions unless advised by the Commission that approval thereof under the Act is not required. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

I&M states that it has entered into an agreement with Bethlehem Steel Corporation ("Bethlehem") for the manufacture of 600 triple hopper cars ("cars") and the delivery of same to I&M for a purchase price of approximately \$30,000 per car, aggregating approximately \$18,000,000. I&M has also entered into negotiations with The Connecticut Bank and Trust Company ("lessor") pursuant to which it is proposed that the lessor purchase the cars (releasing I&M's obligation to Bethlehem to that extent) and that the lessor then lease such cars to I&M. The lessor will be acting as trustee for three beneficiaries ("beneficiaries") and I&M proposes to enter into three

separate leases with the lessor in respect of each beneficiary's interest in the cars.

Each of the leases is a net lease pursuant to which I&M shall pay the lessor all rents and other amounts payable thereunder unless such obligation to pay is extinguished or terminated pursuant to the respective lease terms. I&M will pay the lessor under each of the leases an initial interim installment of rent on March 15, 1976, computed on a daily rate equal to .02916% of the purchase price of each car, using 30-day months, and thereafter pay in 30 semi-annual rental payments an amount equal to 5.2920% of such purchase price (approximately \$1,587.60 per car per payment), commencing with a payment on September 15, 1976.

Terms of each lease also provide, among other things, that I&M may sublease the cars and that I&M has an option to purchase the cars from the lessor at a fair market sales value at the end of the lease term (including extensions thereof). It is also provided in the leases that in the event the beneficiaries are not allowed certain federal tax treatment of the proposed transactions, the rentals to be paid by I&M will be adjusted upward to assure that the beneficiaries' net return on the transaction would be the same as if the tax treatment had been allowed.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at \$20,000, including legal fees of \$17,500.

Notice is further given that any interested person may, not later than October 6, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-24492 Filed 9-12-75; 8:45 am]

[70-5733]

**PENNSYLVANIA ELECTRIC CO.**

**Proposed Issue and Sale of Cumulative Preferred Stock at Competitive Bidding**

SEPTEMBER 9, 1975.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell for cash, subject to the competitive bidding requirements of Rule 50 under the Act, up to 320,000 shares of its cumulative preferred stock, % Series K ("new preferred stock"). Terms of the new preferred stock will include a mandatory redemption provision, commencing not later than October 1, 1980, to retire annually 5% of the number of shares of the new preferred stock that are originally issued. Terms of the new preferred stock will also provide that Penelec shall not refund the new preferred stock by the issuance of either new debt securities at a lower interest cost or other preferred stock at a lower dividend cost within five years of the issuance of the new preferred stock.

The dividend rate and the optional redemption prices will be determined by the competitive bidding. The bidding procedure will require that (1) the price per share (and the price at which each share shall be initially re-offered by the underwriters to the public) shall be \$100, which is the par value of the new preferred stock, (2) the dividend rate for the new preferred stock be specified in such bids and be a multiple of 1/25th of 1% and (3) the underwriting commission per share to be paid by Penelec to the successful bidders be specified in the bids. The bidding procedure will not establish a minimum or maximum dividend rate or commission within which bids may be considered.

The proceeds to be realized from the sale of the new preferred stock will be used to pay a portion or all of Penelec's short-term bank loans expected to be outstanding at the date of sale or to reimburse Penelec's treasury for funds previously expended therefrom for construction purposes. Penelec expects to have approximately \$28,000,000 of bank

**DEPARTMENT OF LABOR**

Office of the Secretary

[TA-W-79]

**AMBAC INDUSTRIES, INC.**

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On September 4, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of American Bosch Division, Springfield, Massachusetts of Ambac Industries, Incorporated, Garden City, Long Island, New York (TA-W-132). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with fuel injection systems produced by Ambac Industries, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the FEDERAL REGISTER.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-24453 Filed 9-12-75; 8:45 am]

[File No. 500-1]

**ROYAL PROPERTIES INC.**

**Suspension of Trading**

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 10, 1975 through September 19, 1975.

Signed at Washington, D.C. this 4th day of September 1975.

By the Commission.  
[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-24494 Filed 9-12-75; 8:45 am]

[TA-W-79]

**ELECTRO MOTIVE CORP.**

**Notice of Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-79; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 223 of the Act.

The investigation was initiated on July 10, 1975 in response to a worker petition received on July 9, 1975 which was filed by workers formerly producing variable capacitors at the Willimantic, Connecticut plant of the Electro Motive Corporation, a subsidiary of International Electronics Corporation, Melville, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30334) on July 18, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Electro Motive Corporation, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**Significant Total or Partial Separations**

A significant number or proportion of production workers at the Willimantic plant became totally or partially separated in the first half of 1975. Average monthly employment declined 34 percent in the first half of 1975 compared to the same period in 1974.

**Sales or Production, or Both, Have Decreased Absolutely**

Production at the Willimantic plant declined 50 percent from 1973 to 1974. Production declined 14 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly.

absolute decline in sales or production, or both, of such firm or subdivision and to

bility requirements of Section 222 of the Act will be certified as eligible to apply

No. 35957, Southern Clay Products, Inc. v. Southern Pacific Transportation Company, Et al. now assigned October 29, 1975 at

tive date of the order in that proceeding pending its disposition. The matters re-

ing, Inc., Bloomfield, New Jersey, of Certificate No. MC-76328 issued November 9,



### Increased Imports Contributed Importantly

Imports of articles like or directly competitive with those produced at Willimantic increased from 120 million units in 1972 to 161 million units in 1974. The ratios of imports to domestic consumption and production increased from 79.0 percent and 100.0 percent, respectively in 1972 to 89.9 percent and 111.8 percent in 1974.

The evidence developed by the Department's investigation indicates that the separation of workers engaged in employment related to the production of variable capacitors was caused by the increase of competitive imports. The company ceased its variable capacitor production at its Willimantic plant and transferred it to its other facility at Florence, South Carolina because it could not compete at a profitable level with imports.

### Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with variable capacitors produced at the Willimantic plant contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of variable capacitors at the Willimantic, Connecticut plant of Electro Motive Corporation who became totally or partially separated from employment on or after December 2, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 8th day of September 1975.

GLORIA G. PRATT,  
Director, Office of  
Foreign Economic Policy.

[FR Doc. 75-24454 Filed 9-12-75; 8:45 am]

### GLOBE UNION, INC.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 4, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Industrial Union Department, on behalf of the workers and former workers of Centralab Division of Globe Union, Inc., Los Angeles, California (TA-W-131). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electronic components produced by Globe Union, Inc. or an appropriate subdivision thereof have contributed importantly to an

### NOTICES

absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 4th day of September 1975.

MARVIN M. FOOKS,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 75-24452 Filed 9-12-75; 8:45 am]

[TA-W-131]

### SERVCO HEEL FACTORY

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 4, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers on behalf of the workers and former workers of Servco Heel Factory, Bonne Terre, Missouri (TA-W-131). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with heels for women's footwear produced by Servco Heel Factory or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligi-

bility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 4th day of September 1975.

MARVIN M. FOOKS,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 75-24455 Filed 9-12-75; 8:45 am]

### INTERSTATE COMMERCE COMMISSION

[Notice No. 854]

### ASSIGNMENT OF HEARINGS

SEPTEMBER 10, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 35940, Investigation into the Lawfulness of Interchange Arrangements Between the Bangor and Aroostook Railroad and CP Rail at Brownville Junction, Maine; No. 35987, Maine Central Railroad Company V. Bangor and Aroostook Railroad Company and No. 36013 Sub 1, Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees V. Bangor and Aroostook Railroad Company, has been continued to October 21, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 99493 Sub 4, Central Storage & Transfer Co. of Harrisburg, now assigned October 20, 1975 at Harrisburg, Pennsylvania; will be held in the Penn-Liquor Control Board, Capital & Forester Streets.

MC-P-12304, Mid States Trucking Co.—Investigation of Control—Govan Express, Inc., and Denton Produce Inc.; now assigned November 3, 1975, at Dallas, Texas will be held in Room 5A15 New Federal Bldg., 1100 Commerce Street.

MC 121281 Sub 10, Big Mac Trucking Co., now assigned November 5, 1975, at Dallas, Texas will be held in Room 5A15, New Federal Bldg., 1100 Commerce Street.

### NOTICES

No. 35957, Southern Clay Products, Inc. v. Southern Pacific Transportation Company. Et al, now assigned October 29, 1975, at Dallas, Tex., will be held in Room 5A15, New Federal Bldg., 1100 Commerce Street.

No. 36160, Sikes Corporation v. Southern Pacific Transportation Company now assigned October 29, 1975, at Dallas, Texas will be held in Room 5A15, New Federal Bldg., 1100 Commerce Street.

MC-C-8568, Oscar C. Radke, d/b/a Radke Transit—Investigation and Revocation of Certificates, now assigned September 18, 1975 at Chicago, Illinois, is canceled.

MC 138141 Sub 3, Louis Santora, Jr., d/b/a AAA—United Limousine Service and MC 139886 Sub 2, A-ABC Sky View Taxi Cab, Inc., now assigned October 14, 1975 at Somerville, New Jersey, will be held at the Holiday Inn, Route 22.

MC 140724, Burning Bar Sales Co., Inc., now assigned October 29, 1975, at Chicago, Ill., is postponed indefinitely.

MC 200 Sub 273, Rise International Corporation, MC 10761 Sub 276, Transamerica Freight Lines, Inc., MC 95540 Sub 923, Watkins Motor Lines, Inc., MC 108207 Sub 414, Frozen Food Express, Inc.

MC 111231 Sub 191, Jones Truck Lines, Inc., MC 113678 Sub 584, Curtis, Inc., MC 114569 Sub 115, Shaffer Trucking, Inc., MC 119789 Sub 236, Caravan Refrigerated Cargo, Inc., MC 133655 Sub 82, Trans-National Truck, Inc., MC 134323 Sub 69, Jay Lines, Inc., and MC 134755 Sub 51, Charter Express, Inc., now assigned October 29, 1975 at the International Revenue Service Building, Rooms 118 & 120, 1412 South Main Street.

MC 117815 Sub 238, Pulley Freight Lines, Inc., now assigned September 30, 1975 at Chicago, Illinois; will be held in Room 204A Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 124004 Sub 28, Richard Dahn, Inc., now assigned October 1, 1975 at Chicago, Illinois; will be held in Room 1119 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 110420 Sub 719, Quality Carriers, Inc., now assigned October 6, 1975 at Chicago, Illinois; will be held in Room 1086A Everett McKinley Dirksen Building, 219 South Dearborn Street.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-24502 Filed 9-12-75; 8:45 am]

[Notice No. 75]

### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 15, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 6, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective

date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75950. By order of September 9, 1975, the Motor Carrier Board on reconsideration approved the transfer to Capital Transit, Inc., doing business as Concord Coach Lines, Concord, N.H., of the operating rights in Certificate No. MC-110213 issued February 14, 1968, to Edmunds Bus Line, Inc., New London, N.H., authorizing the transportation of passengers and their baggage, in the same vehicle with passengers, in round trip charter operations, beginning and ending at New London, N.H., and points within 10 miles of New London, and extending to points in Maine, Vermont, Massachusetts, Connecticut, Rhode Island, and New York. William R. Joslin, 16 Centre Street, Concord, N.H. 03301, Attorney for applicants.

No. MC-FC-75987. By order of September 8, 1975, the Motor Carrier Board approved the transfer to Jacobson's Moving and Storage, Inc., La Crosse, Wisconsin, of Permit No. MC-114097 (Sub-No. 1), issued April 30, 1975, authorizing the transportation of such commodities as are dealt in by retail department stores and mail order houses from La Crosse, Wisconsin to certain specified counties in the States of Minnesota, Iowa, and Wisconsin. Roger W. Hafner, 324 Exchange Building, La Crosse, Wisconsin, Attorney for Transferee and Transferor.

No. MC-FC-76009. By order of September 8, 1975, the Motor Carrier Board approved the transfer to Seaboard Freight Lines, Inc., South Boston, Massachusetts, of Certificate of Registration No. MC-57412 (Sub-No. 2) issued October 7, 1970, to Charles F. Hayes, d/b/a Astro Freightways, Norwood, Massachusetts, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Irregular Route Common Carrier Certificate No. 1073 dated May 3, 1956, issued by the Massachusetts Department of Public Utilities. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, Attorney for Applicants.

No. MC-FC-76005. By order of September 8, 1975, the Motor Carrier Board approved the transfer to Harry Mahally, Jr., doing business as Mahally Trucking Service, Wilkes-Barre, Pennsylvania of Certificate No. MC-24060, issued August 12, 1965, to Harry Mahally, Jr., and Lawrence P. Mahally, doing business as Mahally Trucking Service, Wilkes-Barre, Pennsylvania, authorizing the transportation of household goods, between Wilkes-Barre, Pa., and points within ten miles thereof, on the one hand, and, on the other, points in Connecticut, Ohio, New York, New Jersey, Maryland, West Virginia, Michigan, Virginia, South Carolina, and the District of Columbia. Louis Shaffer, Esquire, 666 United Penn Bank Bldg., Wilkes-Barre, Pennsylvania 18702, Attorney for applicants.

No. MC-FC-76006. By order of September 8, 1975, the Motor Carrier Board approved the transfer to V. Ann Truck-

ing, Inc., Bloomfield, New Jersey, of Certificate No. MC-76328 issued November 9, 1970, to The Big (M) Trucking Co., Inc., Bloomfield, New Jersey, authorizing the transportation of paper and other specified commodities between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 25 miles of New York, N.Y. Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, New Jersey 08904, Applicants Representative.

No. MC-FC-76048. By order entered September 8, 1975, the Motor Carrier Board approved the transfer to Wilson Rapid Transit Lines, Inc., Belen, N. Mex., of Certificate of Registration No. MC-30478 (Sub-No. 3), issued December 15, 1964, to H. L. Wilson, doing business as Wilson's Rapid Transit Lines, Belen, N. Mex., evidencing a right to engage in transportation in interstate or foreign commerce, of general commodities, between specified points in New Mexico. O. Russell Jones, P.O. Box 2228, Santa Fe, N. Mex. 87501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-24503 Filed 9-12-75; 8:45 am]

### LIST OF INTERMEDIARIES

SEPTEMBER 9, 1975.

The provision of the Canons of Conduct of the Interstate Commerce Commission relating to Intermediaries (49 CFR 1000.735-23) reads as follows:

*Intermediaries.* Members and employees of the Commission shall not recommend or suggest the use of any non-governmental intermediary (individual, firm, corporation, or other entity) offering any service as consultant, agency representative, attorney, expeditor, or specialist for the purpose of assisting in any negotiations, transactions, or other business with or before this Commission: *Provided, however,* that making available general reference lists of such nongovernmental intermediaries, the use of which is authorized by the Secretary of the Commission shall not be deemed to be in violation of this section.

The following is a general reference list of nongovernmental intermediaries in the Washington area who regularly utilize the Commission's records in the Public Tariff File Room of its Bureau of Traffic and who engage in rate work, the preparation of tariff material, etc.

The list has been prepared solely for the information and convenience of the public. It does not constitute an endorsement by the Commission, nor is any responsibility for the services rendered assumed by the Bureau, its officers, supervisors or employees. Without designating any intermediary listed of the specialized qualifications of any, the entire list must be made available.

Changes and additions to the list will be considered upon request to the Director of the Bureau of Traffic, subject to authorization by the Secretary of the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

### NOTICES

C. E. Guthrie Tariff Bureau, Inc., Suite 300,  
1334 G Street, N.W., Washington, D.C.  
Phone: 699-6950

Nationwide Traffic & Research Service, P.O.  
Box 3537, 3865 Wilson Boulevard, Arlington,  
Va. 22203. Attn: Mrs. Betty Thomas-

Associated Motor Carriers, Tariff Bureau,  
Inc., W. A. Hallman, Issuing Officer, 1745  
University Ave., St. Paul, Minn. 55104



42620-42650

NOTICES

C. B. Guthrie Tariff Bureau, Inc., Suite 300,  
1334 G Street, N.W., Washington, D.C.  
20005 628-6850.  
Don H. Norman Assoc. Inc., Suite 1109, 2001  
Jefferson Davis Hwy., Arlington, Va. 22202  
521-5670.  
Edwards, William B., 7437 Grace Street,  
Springfield, Va. 22150, EX 3-1711 451-  
1961 (home).  
The Traffic Service Corp., Elizabeth L. Bryn,  
Mgr., Service Department, 815 Washington  
Bldg., Washington, D.C. 20005 783-7325.  
E. E. Balducci, 1015 Kennedy Street, Falls  
Church, Va. 22044 534-3027.

Nationwide Traffic & Research Service, P.O.  
Box 3537, 3865 Wilson Boulevard, Arling-  
ton, Va. 22203, Attn: Mrs. Betty Thomas-  
son, Traffic Manager (703) 528-3100.  
Miller Traffic Service, Inc., 5110 District  
Boulevard, Maywood, California 90270  
(213) 771-6000.  
Snively, King & Tucker, Inc., Suite 450, 1747  
Penn. Ave., N.W., Washington, D.C. 20006  
466-8135.  
Commerce Law Services, Inc., Suite 450, 1747  
Penn. Ave., N.W., Washington, D.C. 20006  
466-8166.  
John M. Friedman, I.C.C. Practitioner, 2930  
Putnam Avenue, Hurricane, W. Va. 25526  
(304) 562-5501.

Associated Motor Carriers, Tariff Bureau,  
Inc., W. A. Hallman, Issuing Officer, 1745  
University Ave., St. Paul, Minn. 55104  
(612) 647-0166.  
Midwest Motor Carriers Bureau, Inc., 2400  
N.W. 23rd, Oklahoma City, Oklahoma 73107  
(405) 528-7841.  
Denenholz & Janer, Inc., 220 Fifth Avenue,  
New York, New York 10001 (212) 683-  
3044.  
Burch Traffic Service, 510 Alamo National  
Building, San Antonio, Texas 78205 (512)  
223-1879.  
[FR Doc.75-24505 Filed 9-12-75; 8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 179—MONDAY, SEPTEMBER 15, 1975

42652

RULES AND REGULATIONS

Title 33—Navigation and Navigable Waters  
CHAPTER II. CORPS OF ENGINEERS

The remaining paragraphs have been re-  
designated § 265.15 (d), (e), (f), and (g)

(c) Section 214, Public Law 89-298,  
Flood Control Act of 1965, 27 October

# federal register

MONDAY, SEPTEMBER 15, 1975



PART II:

## DEPARTMENT OF DEFENSE

Corps of Engineers,  
Department of the Army

### PLANNING ASSISTANCE AND PROJECT DEAUTHORIZATION REVIEW PROGRAMS

Policies and Procedures

RULES AND REGULATIONS

42653

normally has legislative authority. How-  
ever, other areas may be investigated  
on a case by case basis if they are neces-

when the primary purpose of such work  
is to complement comprehensive State  
Planning for effective management of its

ning matters will be submitted in tripli-  
cate to HQDA (DAEN-CWP-E, C or W,  
as appropriate) WASH DC 20314, as re-

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**Title 33—Navigation and Navigable Waters**  
**CHAPTER II—CORPS OF ENGINEERS,**  
**DEPARTMENT OF THE ARMY**

[ER 1105-2-81]

**PART 265—PLANNING ASSISTANCE**  
**TO STATES**

**Policies and Procedures**

On 5 February 1975, the Secretary of the Army, acting through the Chief of Engineers, proposed a regulation providing policies and general guidance for Corps of Engineers' participation in a planning assistance program authorized by Section 22 of the Water Resources Development Act of 1974, Public Law 93-251. Interested persons and organizations were given until 24 March 1975 in which to submit comments and suggestions on the proposed regulation.

Comments were received from several Corps of Engineers field offices and the following:

Delaware River Basin Commission  
 United States Environmental Protection Agency  
 State of Illinois, Department of Transportation  
 State of Georgia, Department of Natural Resources  
 State of Tennessee, Office of Urban and Federal Affairs  
 Environmental Defense Fund  
 National Resources Defense Council, Inc.

All comments were given careful consideration, and as a result, the following changes were made to the proposed regulation:

1. Section 265.14(a). The word "land" has been inserted between the words "related" and "resources" in the fourth and eighth lines. The penultimate sentence has been revised to read as follows: "It is anticipated that such effort will normally be in one of the areas of Corps expertise in comprehensive planning in which the Corps has legislative authority."

2. Section 265.14(b). The following has been added to the first sentence: "... it means, for that portion of the drainage basin within the State."

3. Section 265.14(c). "Will prepare" has been changed in the second sentence to "is authorized to prepare." The second sentence has been revised to read: "If prepared, the Corps report will be processed. . . ." The following sentence has been added to the end of the paragraph: "If funds are not available, normal survey report funding and authorization procedures must be followed."

4. Section 265.15(b). The following sentence has been added to the paragraph: "Section 22 funds can be used to review and update areas previously covered by authorized studies or projects, provided this review is needed by a State for its planning effort, and provided these are not currently funded activities." In the second sentence of the proposed regulation, the words "flood plain information programs" have been changed to "flood plain management services."

5. Section 265.15(c). The last four sentences in Section 265.13(b) have been revised and redesignated as § 265.15(c).

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The remaining paragraphs have been redesignated § 265.15 (d), (e), (f), and (g) from § 265.15 (c), (d), (e), and (f), respectively.

6. Section 265.15(e). The following has been added to the end of the paragraph: "An example of this would be in providing planning assistance to interstate agencies when such a request is concurred in by the member States involved."

7. Section 265.17. Specific instructions for submittal of budgetary data and funding requests from Corps field offices to the Office of the Chief of Engineers have been deleted. These instructions will be included in other Corps directives published annually to obtain funding requirements from Corps field offices.

8. Section 265.18 added. "Effective date. This regulation is effective September 15, 1975, as published in the FEDERAL REGISTER on that date and codified as 33 CFR 265."

9. Appendix A. Lead coordinating Division for Illinois changed from "NPD" to "NCD." In three cases, Coastal Zone Management activities are to be managed by other than the lead coordinating Division, to facilitate coordination in coastal matters.

With the above changes, and several other editorial revisions, the proposed regulation is adopted as set forth below.

Effective date. This regulation is effective September 15, 1975.

Dated: September 3, 1975.

RUSSELL J. LAMP,  
 Colonel, Corps of  
 Engineers Executive.

Part 265 reads as follows:

Sec. 265.10 Purpose.  
 265.11 Applicability.  
 265.12 References.  
 265.13 Legislative provisions.  
 265.14 Basic policies.  
 265.15 General guidelines.  
 265.16 Program management.  
 265.17 Funding.  
 265.18 Effective date.

AUTHORITY: Sec. 22, Pub. L. 93-251, Water Resources Development Act of 1974, (88 Stat. 20).

**§ 265.10 Purpose.**

This regulation provides basic policies and general guidelines for Corps of Engineers' participation in the program authorized by section 22 of the Water Resources Development Act of 1974 (Pub. L. 93-251).

**§ 265.11 Applicability.**

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

**§ 265.12 Reference.**

(a) Section 22, Public Law 93-251, Water Resources Development Act of 1974, 7 March 1974.

(b) Public Law 92-583, Coastal Zone Management Act of 1972, 27 October 1972.

(c) Section 214, Public Law 89-298, Flood Control Act of 1965, 27 October 1965.

(d) Section 204, Public Law 91-611, Flood Control Act of 1970, 31 December 1970.

**§ 265.13 Legislative provisions.**

(a) Specifically, section 22 provides for the following:

(1) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization and conservation of the water and related resources of drainage basins located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(2) There is authorized to be appropriated not to exceed \$2,000,000 annually to carry out the provisions of this section except that not more than \$200,000 shall be expended in any one year in any one State.

(b) Both Congressional Committees on Public Works reported to their respective bodies of Congress prior to enactment of the measure, that

"[I]n view of the success of the previous (section 214) program, the Committee feels that it is now desirable and proper to extend the same assistance to all of the States. This legislation is particularly desirable in view of the provisions of the Water Resources Planning Act of 1965 which provides for increased participation by the States in water resources planning and in the formulation of comprehensive river basin plans in connection with the River Basin Commissions established under that Act. The cooperative program authorized by this section will constitute a valuable complement to the program being carried out under the Water Resources Planning Act." (House Report No. 93-541, p. 94 and Senate Report No. 93-615, p. 119).

(c) Stripped of connecting language Section 22 provides authority for the Secretary of the Army, acting through the Chief of Engineers " . . . to cooperate with any State in the preparation of comprehensive plans for . . . drainage basins located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans."

**§ 265.14 Basic policies.**

(a) The first phrase "to cooperate with any State in the preparation of comprehensive plans" is taken to mean the following: (1) The State must have a planning program for the development, utilization or conservation of the water and related land resources underway or laid out in sufficient detail so that the relationship of a State's request for Corps input for some particular aspect of the program may be appraised. All Corps input must be an integral part of the State program for developing their plans for water and related land resources of drainage basins located in the State. (2) The input from the Corps is to be on an effort or service sharing basis in lieu of an outright grant basis. It is anticipated that such effort will normally be in one of the areas of Corps' expertise in comprehensive planning in which the Corps

normally has legislative authority. However, other areas may be investigated on a case by case basis if they are necessary in the State's decision making process.

(b) "Drainage basins located within the boundaries of such State" does not mean that the drainage basin must fall entirely within the State; it means, for that portion of the drainage basin within the State. For the purpose of this Act, Coastal zone areas may also be included in the general heading of "drainage basins."

(c) The third aspect of the authorizing language pertains to the reporting process. Under this process, upon completion of the pertinent portion of the State's planning effort and with the concurrence of the State, the Corps is authorized to prepare a report of survey type scope on those aspects of the study for which there is a Federal interest. If prepared, the Corps' report will be processed to Congress following the customary survey report procedures including sponsorship requirements, cost-sharing, etc., and will include recommendations for authorization as appropriate. Funds for preparing the Corps report should come from Section 22 funds. If funds are not available, normal survey funding and authorization procedures must be followed. If no Federal interest is found to exist, no Corps report is required.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. However, in the case of New York and Puerto Rico, specific legislative authorities have been previously provided, consistent with Section 22. Funding requests for these States should be submitted under either the previous (Section 214, PL 89-298 for New York State and Section 204, PL 91-611 for Puerto Rico) authorities or Section 22, but not both in the same year.

**§ 265.15 General guidelines.**

(a) Mutually understood goals will be agreed upon with the State before the Corps enters into a cooperative planning effort.

(b) In determination of eligibility, the Section 22 program is to furnish information to States for their planning purposes as outlined in Sec. 265.14(a). Section 22 funds can be used to review and update areas previously covered by authorized studies or projects, provided this review is needed by a State for its planning effort, and provided these are not currently funded activities. Duplication of effort must be avoided. This authority is not to be used to insert additional funds into ongoing or pending Federal programs such as comprehensive studies, regular surveys, flood plain management services, small projects under continuing authorities or other specific authorizations.

(c) Studies may be conducted, or data and information furnished, under the Section 22 program to assist States under the Coastal Zone Management (CZM) Act of 1972 (reference § 265.12(b)),

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normally has legislative authority. However, other areas may be investigated on a case by case basis if they are necessary in the State's decision making process.

(b) "Drainage basins located within the boundaries of such State" does not mean that the drainage basin must fall entirely within the State; it means, for that portion of the drainage basin within the State. For the purpose of this Act, Coastal zone areas may also be included in the general heading of "drainage basins."

(c) The third aspect of the authorizing language pertains to the reporting process. Under this process, upon completion of the pertinent portion of the State's planning effort and with the concurrence of the State, the Corps is authorized to prepare a report of survey type scope on those aspects of the study for which there is a Federal interest. If prepared, the Corps' report will be processed to Congress following the customary survey report procedures including sponsorship requirements, cost-sharing, etc., and will include recommendations for authorization as appropriate. Funds for preparing the Corps report should come from Section 22 funds. If funds are not available, normal survey funding and authorization procedures must be followed. If no Federal interest is found to exist, no Corps report is required.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. However, in the case of New York and Puerto Rico, specific legislative authorities have been previously provided, consistent with Section 22. Funding requests for these States should be submitted under either the previous (Section 214, PL 89-298 for New York State and Section 204, PL 91-611 for Puerto Rico) authorities or Section 22, but not both in the same year.

**§ 265.15 General guidelines.**

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(c) Studies may be conducted, or data and information furnished, under the Section 22 program to assist States under the Coastal Zone Management (CZM) Act of 1972 (reference § 265.12(b)),

when the primary purpose of such work is to complement comprehensive State Planning for effective management of its coastal zone. Requests for funding under Section 22 shall be made in accordance with the provisions of § 265.17 of this regulation. Corps participation under Section 22 may not be used to offset the required State contribution to the National Oceanic and Atmospheric Administration (NOAA)-administered grant program. Under the NOAA grant program, the State must finance at least one-third the annual costs of work under CZM.

(d) Inter-agency disputes must be avoided, as for example, those which might arise from diversions of activities to Section 22 from the comprehensive studies being handled under coordinated budget procedures with full State participation.

(e) Corps activities under Section 22 within one State should not extend to areas which clearly involve the interests of other States, unless all States involved agree that the activities reflect coordinated response to the needs of those States. An example of this would be in providing planning assistance to interstate agencies when such a request is concurred in by the member States involved.

(f) All Corps-State activities are to be conducted through the lead Corps Division for each state as noted in Appendix A. The responsibility may be delegated by the Division Engineer to a District office to act as lead Corps contact for that State. Division Engineers will insure the adequacy of support of the lead office in their coordinating role, for those States that fall within two or more Corps Districts or Divisions, extra effort will be required by the lead office. This is especially critical due to the nature of funding for the program. All affected Divisions and Districts should be regularly represented and be permitted to participate in activities concerning areas within their Division or District.

(g) The lead office will contact each State for which the office is responsible to advise them of the program and to obtain an expression of interest. If interest is expressed, a meeting should be encouraged to discuss potential areas of assistance with the State representatives and appropriate representatives of other affected Corps Districts and Divisions. Based on these contacts and meetings, the State should submit a request for assistance to the lead office for transmittal through appropriate channels to OCE. Upon transmittal of the request to OCE, an information copy should be furnished to affected Divisions and/or Districts if different from the lead office. OCE will review and approve all requests and allocate funds to the lead Division with an information copy to all affected Divisions and Districts.

**§ 265.16 Program management.**

Program management and budget formulation will be the responsibility of Planning Division, DAEN-CWP. Plan-

ning matters will be submitted in triplicate to HQDA (DAEN-CWP-E, C or W, as appropriate) WASH DC 20314, as required. Division Engineers are to designate an individual within the Division Office to manage and coordinate the activities under this program. Overall OCE program coordination and selection of studies to be undertaken, when funding requests exceed available funds, will be by DAEN-CWP-A.

**§ 265.17 Funding.**

Annual budget requests will be submitted as required by appropriate budget circulars and regulations, under the general title of "Coordination Studies with Other Agencies".

**§ 265.18 Effective date.**

This regulation is effective 15 September 1975, as published in the FEDERAL REGISTER on that date and codified as 33 CFR 265.

**APPENDIX A**

**LEAD COORDINATING DIVISIONS**

1. By State.  
 Alabama—SAD  
 Alaska—NPD  
 Arizona—SPD  
 Arkansas—SWD  
 California—SPD  
 Colorado—MRD  
 Connecticut—NED  
 Delaware—NAD  
 District of Columbia  
 Florida—SAD  
 Georgia—SAD  
 Hawaii—POD  
 Idaho—NPD  
 Illinois—NCD  
 Indiana—ORD  
 Iowa—NCD  
 Kansas—SWD  
 Kentucky—ORD  
 Louisiana—LMV  
 Maine—NED  
 Maryland—NAD  
 Massachusetts—NED  
 Michigan—NCD  
 Minnesota—NCD  
 Mississippi—LMV  
 Missouri—MRD  
 Montana—MRD  
 Nebraska—MRD  
 Nevada—SPD  
 New Hampshire—NEI  
 New Jersey—NAD  
 New Mexico—SWD  
 New York—NAD  
 North Carolina—SAD  
 North Dakota—MRD  
 Ohio—ORD  
 Oklahoma—SWD  
 Oregon—NPD  
 Pennsylvania—NAD  
 Puerto Rico—SAD  
 Rhode Island—NED  
 South Carolina—SAD  
 South Dakota—MRD  
 Tennessee—ORD  
 Texas—SWD  
 Utah—SPD  
 Vermont—NED  
 Virginia—NAD  
 Virgin Islands—SAD  
 Washington—NPD  
 West Virginia—ORD  
 Wisconsin—NCD  
 Wyoming—MRD

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Division Engineer.

keep listings of projects eligible for deauthorization, projects recommended for

(b) ER 1105-2-502, "Public Meetings", governmental entities in the project area), or national organizations having an interest in the project area.

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other agency, or has been superseded by another project, or is no longer required for any other reason.



2 By Division.  
NED: Connecticut  
Maine  
Massachusetts  
New Hampshire  
Rhode Island  
Vermont

NAD: Delaware  
District of Columbia  
Maryland  
New Jersey  
New York  
Pennsylvania  
Virginia

SAD: Alabama  
Florida  
Georgia  
North Carolina  
Puerto Rico  
South Carolina  
Virgin Islands

ORD: Indiana  
Kentucky  
Ohio  
Tennessee  
West Virginia

NCD: Illinois  
Iowa

### 3. Key to Division Abbreviations

NED—Division Engineer,  
New England Division,  
424 Trapelo Road,  
Waltham, Mass. 02154

NAD—Division Engineer,  
North Atlantic Division,  
90 Church St.,  
New York, N.Y. 10007.

SAD—Division Engineer,  
South Atlantic Division,  
510 Title Bldg.,  
30 Pryor St., S.W.,  
Atlanta, Ga. 30303.

ORD—Division Engineer,  
Ohio River Division,  
P.O. Box 1154,  
Cincinnati, Ohio.

NCD—Division Engineer,  
North Central Division,  
536 S. Clark St.,  
Chicago, Ill. 60605.

\* The responsibility for the management and coordination of activities proposed or conducted under the Coastal Zone Management Act is assigned to NCD. Funding requests shall be made a part of the Indiana and Ohio priorities and shall be transmitted to OCE by ORD.

\*\* The above note applies, except that SAD is responsible for Coastal Zone matters, with LMV submitting funding requests for Mississippi to OCE.

LMV—Division Engineer,  
Lower Mississippi River Division,  
P.O. Box 80,  
Vicksburg, Miss. 39180.

MRD—Division Engineer,  
Missouri River Division,  
P.O. Box 143 Downtown Station,  
Omaha, Nebraska 68101.

SWD—Division Engineer,  
U.S. Army Engineer Div., Southwestern,  
Main Tower Bldg., 1200 Main Street,  
Dallas, TX 75207.  
Division Engineer,  
North Pacific Division,  
Rm. 210, Custom House,  
Portland, Oregon 97209.

Michigan  
Minnesota  
Wisconsin  
LMV: Louisiana  
Mississippi

MRD: Colorado  
Missouri  
Montana  
Nebraska  
North Dakota  
South Dakota  
Wyoming

SWD: Arkansas  
Kansas  
New Mexico  
Oklahoma  
Texas

NRD: Alaska  
Idaho  
Oregon  
Washington

SPD: Arizona  
California  
Nevada  
Utah

POD: Hawaii

Division Engineer,  
South Pacific Division,  
630 Sansome St., Rm. 1216,  
San Francisco, Calif. 94111.

POD—Division Engineer,  
Pacific Ocean Division,  
Bldg. 96,  
Ft. Armstrong,  
Honolulu, Hawaii 96813.

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[ER-1105-2-82]

## PART 266—PROJECT DEAUTHORIZATION REVIEW PROGRAM

### Policies and Procedures

On 2 April 1975, the Secretary of the Army acting through the Chief of Engineers, proposed a regulation prescribing policies and procedures to implement Section 12, Public Law 93-251, Water Resources Development Act of 1974. Interested persons and organizations were given until 15 May 1975 to submit comments and suggestions on the proposed regulation.

Comments were received from several Corps of Engineers field offices; the Fish and Wildlife Service, Department of the Interior; the National Audubon Society; the National Resources Defense Council, Inc.; the Port of Green Bay, Wisconsin; and the Committee on Allerton Park. All comments received careful consideration and, as a result, the following changes were made to the proposed regulation:

1. In § 266.13, the first sentence was amended to indicate that a project modification separately authorized by Congress, or an element of a project identified as a separate project, are eligible for review.

2. Section 266.13(c) was amended by adding the words: "that will affect the deauthorization review."

3. Section 266.13(e) was added to clarify the use of the Section 12 deauthorization review program for recommending abandonment of Federal maintenance of completed projects and elements of projects.

4. In Section 266.14(a), the last sentence was changed to indicate that listings "are to" be made available to the public rather than "may" be made available.

5. In § 266.14(b) (3), the word "legitimate" was deleted.

6. Section 266.14(d) was amended to indicate minimum procedures for informing the public of projects under review.

7. In § 266.14(e), an additional reason for deauthorization was included: "The project has significant and unacceptable adverse environmental impacts."

8. In § 266.14(e) (5), previously § 266.14(e) (4), the phrase "for any other reason" was clarified.

9. In § 266.14(f), the last sentence was clarified.

10. Section 266.15(a) was amended to indicate that Division and District Engineers will be notified of deauthorization recommendations made by the Chief of Engineers, and that DAEN-CWP will

keep listings of projects eligible for deauthorization, projects recommended for deauthorization, and projects deauthorized.

11. Section 266.16(b) was amended to state that the minimum procedure set forth in Section 266.14(d) would be employed by reporting officers.

12. Section 266.16(c) was amended by clarifying that Division Engineers review Project Information Sheets on projects reviewed, but not recommended for deauthorization.

13. In § 266.16, paragraph (d) was added to indicate that OCE will issue a press release when recommendations of the Chief of Engineers are submitted to Congress by the Secretary of the Army.

14. In § 266.16, paragraph (e) was added to indicate that DAEN-CWP will determine the date projects are deauthorized under Section 21, notify Division and District Engineers of deauthorizations, and remove deauthorized projects from the eligibility listing.

15. Section 266.17 was added to indicate the effective date and applicability of the regulation.

With the above changes, and other editorial revisions, the proposed regulation is adopted as set forth below.

Effective date. This regulation is effective September 15, 1975.

Dated: September 3, 1975.

RUSSELL J. LAMP,  
Colonel, Corps of  
Engineers Executive.

Part 266 reads as follows:

Sec.	Purpose.
266.10	Applicability.
266.11	References.
266.12	Program eligibility.
266.13	Program policies.
266.14	Program management responsibilities.
266.15	Program procedures.
266.16	Effective date.

AUTHORITY: Section 12, Pub. L. 93-251, Water Resources Development Act of 1974 (88 Statute 16), dated 7 March 1974.

### § 266.10 Purpose.

This regulation provides policies and procedures for implementation of section 12, Pub. L. 93-251, which directs the Chief of Engineers to submit annually to Congress a list of projects which have been authorized for at least eight years, have received no funds in the last eight years, and which should be no longer authorized.

### § 266.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having civil works responsibilities.

### § 266.12 References.

(a) Section 12, Pub. L. 93-251, "Water Resources Development Act of 1974," (88 Stat. 16), dated 7 March 1974 (Appendix A).<sup>1</sup>

<sup>1</sup> Text of sec. 12, Pub. L. 93-251 (88 Stat. 16) filed as part of the original document.

(b) ER 1105-2-502, "Public Meetings," (33 CFR 209.405).

### § 266.13 Program eligibility.

The following criteria are applicable to determine if an authorized project, a project modification separately authorized by Congress, or an element that has been administratively identified as a separate project by the Corps of Engineers, as shown in the Civil Works Information System, is eligible for review under this program; assume that recommendations will be submitted on 1 January each year:

(a) The project must have been authorized for at least eight years prior to submission of a recommendation to Congress.

(b) The project must have received no funds for advanced engineering and design or construction in the successive eight years prior to submission of a recommendation to Congress. (Funds include those which have been appropriated by Congress or allotted with specific Congressional approval.)

(c) The project is not being reviewed under another Corps program that will affect the deauthorization review.

(d) Projects which have been automatically deauthorized due to the expiration of the 5-year limitation for receipt of local assurances (33 U.S.C. 701c) are not eligible for review under this program.

(e) Pending Congressional action on the legislation proposed by the Chief of Engineers to amend Section 12 (H. Doc. 94-192), the following are not eligible for review under this program and shall not be recommended under the provisions of § 266.16(e):

(1) Deauthorization (or abandonment) of Federal maintenance of completed projects, where such maintenance has been authorized by Congress.

(2) Deauthorization of an element of a project if another element of that project, authorized by the same Act of Congress, has received funds in the last eight years.

### § 266.14 Program policies.

(a) A list of projects eligible for deauthorization will be maintained by OCE. Division and District Engineers will maintain those portions of the list for States within their respective areas of jurisdiction. Such listings are to be made available to the public upon request.

(b) Within the capability for implementation of this program, and within available funds, projects eligible for deauthorization should be reviewed under Section 12 in the order of priority given in this subparagraph. Reporting officers may release information regarding which projects are scheduled for review in the next fiscal year, following release of the President's budget for that year.

(1) Projects for which a deauthorization review has been requested by a Congressional resolution adopted pursuant to section 12(e), P.L. 93-251.

(2) Completion of deauthorization reviews previously started.

(3) Projects for which a deauthorization review has been requested by local interests (i.e., governmental or non-

governmental entities in the project area), or national organizations having an interest in the project area.

(4) Projects considered by the reporting officer as suitable for a recommendation of deauthorization without further study.

(5) Projects requiring further study in order to make a recommendation concerning deauthorization.

(c) Review under section 12 should be conducted to the extent necessary to determine whether the project as authorized, should continue to be authorized based on the criteria in § 266.14e. The review is not intended to affirm the viability of the project as authorized or to reformulate the authorized project to meet current needs. These objectives are to be reserved for Phase I Advanced Engineering and Design, should the project become funded by Congress, for the Deferred for Restudy Program if the project was deferred due to lack of economic justification, or for a review specifically authorized by Congress.

However, a review conducted under section 12 may provide sufficient information to recommend reclassification of the project.

(d) Reporting officers shall solicit views from the public that would be affected by, or interested in, the authorized project and coordinate their review with other agencies, as part of their formulation of recommendations to Division Engineers on deauthorization. The procedures by which views are solicited are to be determined by the reporting officer, and may include public meetings, public notices, news releases and others. As a minimum, the reporting officer shall issue a public notice, and mail such notice to known interested and affected parties, announcing the Corps interest in obtaining the public's views on projects under deauthorization review and informing the public that the Corps will hold a public meeting if deemed necessary by the public response. A list of projects under review, together with pertinent information, should be provided in the public notice.

(e) In addition to the eligibility criteria given in § 266.13, a recommendation for deauthorization must be supported by one or more of the following reasons:

(1) The project lacks economic justification, and it is apparent that a restudy would not develop an economically justified plan.

(2) The project, as authorized, is not adequate to meet current or prospective needs, and to obtain an adequate improvement would require such substantial modifications and involves such increased costs that the Corps could not proceed without new authorization from Congress.

(3) The project has significant and unacceptable adverse environmental impacts.

(4) The project is generally opposed by local interests or there is little or no prospect that the required local cooperation will be forthcoming.

(5) The project, or part thereof, is no longer required because it has been accomplished by local interests or an-

other agency, or has been superseded by another project, or is no longer required for any other reason.

(f) Recommendations of reporting officers and Division Engineers regarding project deauthorizations are considered internal staff recommendations to the Chief of Engineers and are not to be released to the public until the Chief of Engineers list of projects proposed for deauthorization is transmitted to States and Federal agencies for comment. Information, other than the recommendation, obtained during the deauthorization review process is to be made available to the public on request.

(g) The Chief of Engineers will formulate his list of projects proposed for deauthorization based on the recommendations of Division Engineers. The Chief of Engineers will coordinate this list with Governors of affected States and Federal department, agency and instrumentality heads, as prescribed by section 12.

### § 266.15 Program management responsibilities.

(a) Office of the Chief of Engineers. Planning Division (DAEN-CWP) has primary responsibility for management of the program, to include providing guidance to field operating agencies, formulating recommendations for the Chief of Engineers based on inputs from Division Engineers, notifying Division and District Engineers of recommendations made by the Chief of Engineers, and formulating program budgetary submissions and work allowances. DAEN-CWP will also keep listings of projects eligible for deauthorization, projects recommended for deauthorization by the Chief of Engineers, and projects deauthorized under Section 12. All funding and budgetary matters will be coordinated with DAEN-CWP, which will issue work allowances to field operating agencies.

(b) Division Engineers. Division Engineers are responsible for reviewing budgetary requests submitted by District Engineers and for recommending project deauthorizations to the Chief of Engineers in accordance with the procedures in § 266.16.

(c) District Engineers/Operating Division Engineers. Reporting officers are responsible for conducting reviews of projects in accordance with the policies and procedures contained in this regulation. Reporting officers are encouraged to annually conduct the maximum number of reviews possible within their capability and funding limitations.

### § 266.16 Program procedures.

(a) Maintenance of eligibility listing. A listing of projects eligible for deauthorization will be revised as necessary by DAEN-CWP-A. Division Engineers will submit changes together with recommendations, as provided in § 266.16c below, or at other times as they deem appropriate. A project will be removed from the listing:

(1) If funds are appropriated for advanced engineering and design or construction for the project,

(2) If deauthorized under section 12 or other appropriate legislation, or

(3) If either Committee on Public Works adopts a resolution stating that

(d) Submittal of Chief of Engineers' Recommendations to Congress. Upon

ests may decide they do not want a project. Yet, in all of these cases, unless the time-consuming process of obtaining



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(3) If either Committee on Public Works adopts a resolution stating that the project shall continue to be authorized.

(b) *Conduct of deauthorization review.* Pursuant to the policies stated in § 266.14, reporting officers shall prepare project information sheets and other appropriate data for the purposes of public involvement, coordination, and documenting a determination on the appropriateness of deauthorization at the conclusion of the review. The reporting officer shall conduct those studies and analyses, and initiate public involvement and coordination activities, as deemed necessary, but shall include the minimum procedure set forth in § 266.14(d), to achieve the objective of this program and the Corps public involvement objectives. Public meetings, if held, will be generally in accordance with guidelines in ER 1105-2-502.

(c) *Submittal of deauthorization recommendations to the Chief of Engineers (RCS DAEN-CWP-13).* Division Engineers will submit annually to the Chief of Engineers the following information. Submissions are to be sent to HQDA (DAEN-CWP-A) WASH DC 20314 by 1 September.

(1) Recommendations (in 3 copies) on projects for which reviews have been conducted since the previous annual submission, in accordance with the format given in Appendix B.<sup>2</sup> Negative responses are required.

(2) Project information sheets for all projects recommended for deauthorization, in accordance with the format given in Appendix C. A map which can be reproduced in black-and-white, 8" x 10½" in size, should be attached whenever possible, to clearly indicate the project to be deauthorized. Project information sheets are to be typed in 12-pitch elite, with margins as shown, and are to be submitted as an original and one copy. The original shall be signed by the reporting officer.

(3) Appropriate pages from the last published listing of projects eligible for deauthorization with changes noted by typing in the new data.

(4) Division Engineers shall review Project Information Sheets on all projects for which a deauthorization review was conducted in the preceding year. Information sheets on projects not recommended for deauthorization need not be submitted to OCE.

<sup>2</sup> Appendices B and C filed as part of the original document.

(d) *Submittal of Chief of Engineers' Recommendations to Congress.* Upon submittal of the Chief of Engineers' recommendations to Congress by the Secretary of the Army, OCE will issue a press release. Press releases may also be issued by Division and District Engineers.

(e) *Determination of Deauthorization.* DAEN-CWP will determine the date of deauthorization of recommended projects due to the elapse of 180 days without action by the Secretary of the Army or by either Committee on Public Works, as prescribed by Section 12; will notify Division and District Engineers of these deauthorizations; and will remove deauthorized projects from the eligibility listing as provided under § 266.16(a).

#### § 266.17 Effective date.

This regulation is effective September 15, 1975, as published in the FEDERAL REGISTER on that date and codified as 33 CFR 266. The regulation is fully applicable to deauthorization reviews conducted after the effective date.

#### APPENDIX A

DISCUSSION OF SECTION 12, PUBLIC LAW 93-251 CONTAINED IN THE REPORTS OF THE COMMITTEES ON PUBLIC WORKS

Many water resources development projects become, after they are authorized, inappropriate for one reason or another. Changing economic conditions may render them uneconomic. Population and industrial growth may make them inadequate to serve new needs. The local inter-

ests may decide they do not want a project. Yet, in all of these cases, unless the time consuming process of obtaining specific Congressional deauthorization through an Act of Congress is followed, the project remains authorized, is considered part of the backlog of authorized but unconstructed projects, and continues to discourage homeowners and landowners in the project area from maintaining, much less improving, their property.

It should be clearly noted that this section is not intended to be used as a vehicle for the abandonment by the Federal Government of maintenance of completed projects.

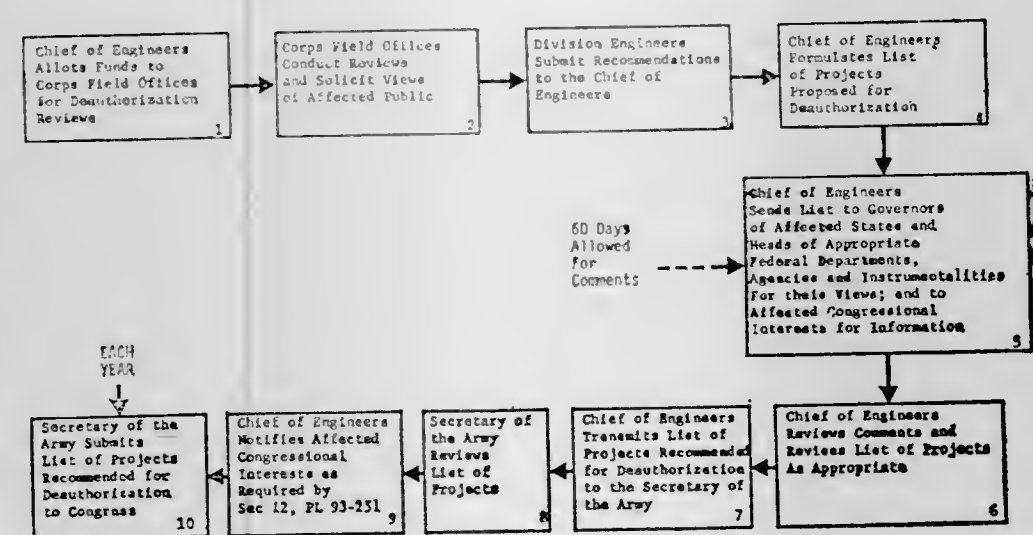
This section fulfills a very real need for a means to remove from the books projects which are not needed or justified, while at the same time providing ample congressional review and final decision-making authority.

#### Sources:

Report of the Committee on Public Works, United States Senate, Water Resources Development and River Basin Monetary Authorization Acts of 1973, Report No. 93-615, December 11, 1973, p. 117.

Report of the Committee on Public Works, House of Representatives, Water Resources Development Act of 1973 and River Basin Monetary Authorization Act of 1973, Report No. 93-541, October 3, 1973, pp. 90-91.

#### PROJECT DEAUTHORIZATION REVIEW PROGRAM (PURSUANT TO SECTION 12, PUBLIC LAW 93-251)



[FR Doc.75-24171 Filed 9-12-75;8:45 am]

# federal register

MONDAY, SEPTEMBER 15, 1975



## PART III:

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Public Health Service

## INDIAN SELF-DETERMINATION ACT

Proposed Grants and Contracts for  
Development, Construction and  
Operation of Facilities and Services



DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 36]

GRANTS AND CONTRACTS FOR DEVELOPMENT,  
CONSTRUCTION AND OPERATION  
OF FACILITIES AND SERVICES

## Notice of Proposed Rulemaking

On August 14, 1975, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER, 40 FR 34292, an Advance Notice of Proposed Rule Making inviting public participation in the development of proposed regulations with respect to contracts and grants pursuant to sections 103 and 104(b) of the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638. As of August 30, 1975, no comments were received.

The Indian Self-Determination Act, Title I of Pub. L. 93-638 (January 4, 1975), authorizes the Secretary of Health, Education, and Welfare to enter into contracts with any tribal organization pursuant to section 103 of the Act to carry out any or all of the Secretary's functions, authorities and responsibilities under the Act of August 5, 1954 (68 Stat. 674), 42 U.S.C. 2001, as amended, and to make grants to Indian Tribes or Tribal organizations pursuant to section 104(b) of the Act for the development, construction, and operations of facilities and services and for planning, training, and evaluation projects to improve the capacity of tribal organizations to contract.

The proposed grant and contract regulations have been drafted in a manner calculated not only to implement the specific provisions of the Act but also to give meaning to the Declaration of Policy set forth in section 3 of the Act and to reflect the commitment of the Secretary of Health, Education, and Welfare to the achievement of those goals. Nothing in the proposed regulations is intended to impair the Secretary's trust responsibilities to any Indian tribe or individuals. Nor are the regulations intended to affect, modify diminish or otherwise impair the sovereign immunity from suit enjoyed by an Indian tribe or to authorize or require the termination of any existing trust responsibility of the United States with respect to the Indian people.

The proposed grant and contract regulations are also designed, to the extent feasible, to make available to Indian tribes and tribal organizations funds appropriated by Congress to meet the health needs of Indians and Alaska Natives in accordance with the spirit of the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638. Accordingly, the proposed regulations have been drafted in general language so as to provide the Department and eligible applicants the greatest flexibility in developing programs and projects to be conducted by tribes and tribal organizations. Nevertheless, the funds appropriated by Congress to meet the health needs of the Indians are finite and not sufficient to pay for all the health needs of the Indian people. Therefore, in ap-

## PROPOSED RULES

propriating funds Congress has in effect established priorities by appropriating sums to be utilized for designated purposes. In awarding grants and contracts pursuant to Pub. L. 93-638, the Indian Health Service will be guided by these priorities, and to be funded an application will not only have to be compatible with the categories for which funds have been appropriated, but also will have to be within the funding limits for that category. Additionally, funds appropriated to carry out the Indian Health Service programs are allocated among the various area offices. Applications for Federal financial assistance which propose to serve Indians in an area will compete against other applications from that area and funding will be commensurate with the amount of money available for that area for the particular program to be supported.

It is the intention of the Secretary periodically to announce in the FEDERAL REGISTER the funding categories for which grants and contracts are available as well as the amount and Area allocation of such funds. The proposed regulations, like the Advance Notice of Proposed Rulemaking, reflect the contributions of Indian people garnered through the extensive consultation process undertaken in the initial development of regulations. Inasmuch as Indian tribes may be dealing with both the Bureau of Indian Affairs and the Indian Health Service, the two agencies have attempted to develop similar regulations consistent with the differences in respective statutory authorities, policies, and style.

While there have been no major changes in the proposed grant regulations set forth in subpart H, the contract regulations proposed herein have been substantially altered. The general contract provisions which had been set out as Appendix A and Appendix B to subpart I have been deleted from these proposed regulations. The general contract clauses and procurement provisions are to be published concurrent with these regulations, as a Notice of Proposed Rulemaking amending 41 CFR (the Department's basic Procurement Regulations) by the addition of a new subpart .60 to Part 3-4.

In the proposed regulations, the word Secretary is defined as the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated. On July 3, 1975, the Secretary delegated his authority under Title I of the Act to the Assistant Secretary for Health who in turn delegated his authority to the Administrator of the Health Services Administration. Those delegations of authority were published in the FEDERAL REGISTER, 40 FR 29319, on July 11, 1975. The Administrator, Health Services Administration has delegated his authority under Title I of the Act to the Director of the Indian Health Service contemporaneously with this Notice. A Notice reflecting such delegations appears elsewhere in this issue of the FEDERAL REGISTER. It is the intention of the Director of the Indian Health Service to

redelegate his authority to Area and Program Directors and measures have already been taken to effectuate such further delegations.

Interested persons are invited to participate in the rulemaking process by submitting such written data, views and arguments as they may desire. Inquiries may be addressed and data, views and arguments related to the proposed regulations may be presented in writing to the Director, Indian Health Service, Health Services Administration, Public Health Service, Room 5A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. Section 107(b)(4) of the Act requires publication of rules and regulations to implement the provisions of this title by November 4, 1975. All relevant material received within 30 days will be considered in the promulgation of such rules and regulations. All comments received in response to this notice will be available for public inspection in such office on weekdays (Federal holidays excepted) between 9 a.m. and 5 p.m.

It is therefore proposed to amend 42 CFR Part 36 by adding a new subpart H—Grants for Development, Construction, and Operations of Facilities and Services and a new subpart I—Contracts under the Indian Self-Determination Act as set forth below.

Issued in Washington, D.C. in September 1975.

Dated: September 10, 1975.

DAVID MATTHEWS,

Secretary.

Subpart H—Grants for Development, Construction,  
and Operations of Facilities and Services

- Sec.
- 36.101 Applicability.
- 36.102 Definitions.
- 36.103 Eligibility.
- 36.104 Application.
- 36.105 Project elements.
- 36.106 Grant award and evaluation.
- 36.107 Use of project funds.
- 36.108 Funding duration.
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- 36.110 Facilities construction.
- 36.111 Interest.
- 36.112 Additional conditions.
- 36.113 Fair and uniform provision of services.

- 36.114 Application of Part 74.
- 36.115 Resumption of Control, Hearing.
- 36.116 Reports.
- 36.117 Amendment of Regulations.
- 36.118 Effect of Existing Rights.
- 36.119 Penalties.

## APPENDIX: Minimum standards of construction and equipment.

## Subpart H—Grants for Development, Construction, and Operations of Facilities and Services

AUTHORITY: Secs. 104, 107, 25 U.S.C. 450h (b), 450k; Sec. 3, Pub. L. 93-638, 42 USC 2003, 2003.

## § 36.101 Applicability.

The regulations of this subpart are applicable to grants awarded pursuant to section 104(b) of Pub. L. 93-638, 25 U.S.C. 450h(b) for (a) projects for development including feasibility studies, construction and operation of services and facilities provided to Indians and,

(b) for projects for planning, training, evaluation or other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to section 103 of the Act. Such grants may include the cost of training personnel to perform grant related activities.

## § 36.102 Definitions.

As used in this Subpart:

(a) "Act" means Title I of the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638 (88 Stat. 2203).

(b) "Indian" means a person who is a member of an Indian tribe.

(c) "Indian tribe" means any Indian tribe, band, nation, rancheria, pueblo, colony, or community including any Alaska Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, Pub. L. 92-203 (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) "Tribal organization" means:

(1) The recognized governing body of any Indian tribe; or

(2) Any legally established non-profit organization of Indians which is:

(i) Controlled, sanctioned or chartered by such governing body or bodies; or

(ii) Democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

(e) "Secretary" means the Secretary of the Department of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(f) "Grantee" means the tribe or tribal organization that receives a grant under section 104(b)(1) of the Act and this subpart and assumes the legal and financial responsibility for the funds awarded and for the performance of the grant supported activity in accordance with the Act and these regulations.

(g) "Indian owned economic enterprise" means any commercial, industrial, or business activity established or organized for the purpose of profit which is not less than 51 percent Indian owned.

## § 36.103 Eligibility.

Any Indian tribe or tribal organization is eligible to apply for a grant under this subpart.

## § 36.104 Application.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) The application shall be executed by an individual or individuals authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the regu-

lations of this subpart and the terms and conditions of any grant award.

(c) In addition to such other pertinent information as the Secretary may require, the application for a grant under this subpart shall contain the following:

(1) A description of the applicant including an indication whether the applicant is a Tribe or tribal organization, and if the latter:

(i) The legal and organizational relationship of the applicant to the Indians in the Area to be served or effected by the project.

(ii) A description of the current and proposed participation of Indians in the activities of applicant.

(iii) Whether applicant is controlled, sanctioned or chartered by the governing body of the Indians to be served, and if so, evidence of such fact.

(iv) If elected, a description of the election process, voting criteria, and extent of voter participation in the election designating the organization.

(2) A narrative description of the project including its goals and objectives and the manner in which the proposed project is compatible with published Indian Health Service statements of availability of funds, the manner in which those goals and objectives are to be attained, and a work and time schedule which will be utilized to accomplish each goal and objective.

(3) A description of applicant's staff, present or proposed, including their qualifications, academic training, responsibilities and functions.

(4) A description of the manner in which the staff is or will be organized and supervised to carry out proposed activities.

(5) A description of training to be provided as part of the proposed project.

(6) A description of the administrative, managerial, and organizational arrangements and resources to be utilized to conduct the proposed project.

(7) A budget for the entire period of the project for which support is sought.

(8) The intend financial participation, if any, of the applicant, specifying the type of contributions such as cash or services, loans of full or part-time staff, equipment, space materials or facilities, or other contributions.

(9) Where services are to be provided, a description of the nature of the services to be provided and the population to be served.

(10) A description of the Federal property, real and personal, equipment, facilities and personnel which applicant proposes to utilize and a description of the arrangements which applicant has made or will make to assume responsibility for the operation and management of those facilities.

(d) The application shall contain assurances satisfactory to the Secretary that the applicant will:

(1) Obtain adequate liability insurance coverage or an explanation of why such insurance cannot or should not be obtained. Such insurance shall provide that prior to cancellation the Secretary must be notified and must further provide

that each such policy of insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

(2) Where applicant is providing services, provide such services at a level and range which is not less than that provided by the Indian Health Service or that identified by the Service as an appropriate level, range and standard of care.

(3) Where providing services, provide services in accordance with law and applicable Indian Health Service policies and regulations regarding eligibility for health services.

(4) Where providing services, provide services in a fair and uniform manner, consistent with medical need, to all Indian people.

## § 36.105 Project elements.

A project supported under this subpart must:

(a) Have sufficient, adequately trained staff in relation to the scope of the project.

(b) Provide services in a fair and uniform manner consistent with medical need.

(c) Maintain a mechanism for dealing with complaints regarding the delivery of health services or performance of project activities.

(d) Hold confidential all information obtained by the personnel of the project from participants in the project related to their examination, care, and treatment, and shall not release such information without the individuals' consent except as may be required by law, as may be necessary to provide service to the individual, or as may be necessary to monitor the operations of this program or otherwise protect the public health. Information may be disclosed in a form which does not identify particular individuals.

(e) Utilize appropriate bookkeeping and accounting procedures and mechanisms to assure accountability for grant funds and resources.

(f) Operate with the approval, support, and involvement of the tribe, tribes, or Indian communities in the area served by the local facility and program.

(g) Provide Indians, to the extent feasible, opportunities for training and employment in connection with the administration of the project and also provide preference to Indians and Indian owned economic enterprises in the award of subcontracts in connection with the administration of the project.

(h) Keep in force adequate liability insurance in accordance with the approved application unless the Secretary, for good cause shown, determined that such insurance was not obtainable or appropriate or has determined that such in-

## PROPOSED RULES

insurance may be permitted to expire or

of his estimate of the sum necessary for

advertising with award of the contract

ing painting or decorating of building or other facilities in connection with

## § 36.112 Additional Conditions.

The Secretary may with respect to any

§ 36.115 Suspension and Termination of Grants.



insurance may be permitted to expire or lapse.

(i) Perform the project in accordance with the provisions of the Act and the regulations of this part.

(j) Provide services at a level and range which is not less than that provided by the Indian Health Service or that identified by the Service as an appropriate level, range, and standard of care.

#### § 36.106 Grant Award and Evaluation.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants whose project will, in the judgment of the Secretary, best promote the purposes of the Act, and the regulations of this subpart, taking into account:

(1) The apparent capability of the applicant to organize and manage the proposed project successfully considering, among other things the adequacy of staff, management systems, equipment and facilities.

(2) The soundness of the applicant's plan for conducting the project and for assuring effective utilization of grant funds.

(3) The adequacy of the budget in relation to the scope of the project and available funds.

(4) The extent of applicant's financial participation in or contribution to the project, if any.

(5) The relative effectiveness of the applicant's plan, as set forth in the application, to carry out each of the requirements § 36.105.

(6) The compatibility of the proposed project with the published goals and responsibilities of the IHS in carrying out its statutory mission.

(b) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is provided.

(c) Neither the approval of any project nor any grant award shall commit the United States in any way to make additional, supplemental, continuation or other awards with respect to any approved project or portion thereof.

#### § 36.107 Use of Project Funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with section 104(b) of the Act, the regulations of this subpart, and the terms and conditions of award.

(b) The provisions of any other Act notwithstanding, any funds made available to a tribal organization under grants pursuant to section 104(b) of the Act may be used as matching shares for any other Federal grant programs which contribute to the purposes for which grants under this section are made.

#### § 36.108 Funding.

The amount of any award shall be determined by the Secretary on the basis

of his estimate of the sum necessary for project costs and the availability of funds.

#### § 36.109 Availability of Appropriations.

The Secretary shall from time to time publish a notice in the FEDERAL REGISTER indicating by areas the allotment of funds and categories of activities for which awards may be made under this Subpart. The Secretary reserves the right to revise such allotments and categories from time to time by further publication in the FEDERAL REGISTER.

#### § 36.110 Facilities construction.

In addition to other requirements of this subpart:

(a) An applicant for a construction grant to build, renovate, modernize, or remodel a hospital, clinic, health station or quarters for housing personnel associated with such facilities, must in its application:

(1) Provide its assessment of the environmental impact of the project as called for by section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(c)).

(2) Furnish its evaluation of the project site in accordance with the terms and conditions of E.O. 11296, 31 FR 10663 (August 10, 1966) relating to the evaluation of flood hazards in locating federally owned or financed facilities.

(b) Each applicant for construction grant to build, renovate, modernize, or remodel a hospital, clinic, health station or quarters for housing personnel associated with such facilities, in addition to any other requirements imposed by the Act or determined by the Secretary to be reasonably necessary with respect to particular projects to fulfill the purpose of the grant, shall be subject to the condition that the applicant shall furnish and comply with the following assurances:

(1) *Title.* (i) That applicant has a fee simple or such other estate or interest in the site for construction, including necessary easements and rights-of-way, sufficient to assure for a period of not less than the estimated useful life of the facility undisturbed use and possession for the purpose of the construction and operation of the facility: *Provided, however,* That where the construction is to take place on land owned by the United States, applicant need not comply with this provision.

(2) *Competitive bids.* (i) That the approval of the Secretary shall be obtained before the project is advertised or placed on the market for bidding and that such approval shall include a determination by the Secretary that the final plans and specifications conform to the minimum standards of construction and equipment as set forth in Appendix A of this subpart.

(ii) That all contracting for construction (including the purchase and installation of built-in equipment) shall, except as provided in paragraph (b)(2)(iii) of this section or as provided in the regulations of this subpart or the Act be on a lump sum fixed-price basis, and contractor will be awarded on the basis of competitive bidding obtained by public

advertising with award of the contract to the lowest responsive and responsible bidder. The giving of preference to local contractors or suppliers, except as otherwise provided in these regulations is not authorized.

(iii) A substitute bidding procedure of selective solicitation with response from three or more bidders may be used if:

(A) The applicant requests and justifies the use of the procedure;

(B) The procedure is not inconsistent with applicable State or local laws; and

(C) The Secretary determines that it is necessary to limit bidding to contractors of proven competence due to the complexity or specialty of the project or that the time element is of primary consideration. When this bidding procedure is used the applicant shall establish reasonable bid prequalification standards for contractors. The applicant shall then accept and consider bids from any contractor who requests permission to bid and who is determined by applicant to meet these prequalification standards. Adequate time shall be allowed for contractors to prepare bids, and award of construction contracts shall be made to the lowest qualified and responsible bidder whose bid is considered fully responsive to the bid invitation.

(D) Use of the Buy-Indian Act, 25 U.S.C. 47, is authorized.

(3) *Approval of estimated cost.* That the applicant will enter into no construction contract or contracts with respect to the project or any portion thereof where the cost exceeds the estimates in the application for such work, without prior approval of the Secretary.

(4) *Relocation assistance.* That in the case of an applicant with an approved project which involves the displacement of persons or businesses whose real property has or will be taken, the applicant will comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 and applicable regulations issued thereunder. (45 CFR Part 15).

(5) *Completion responsibility.* The applicant will construct the project, or cause it to be constructed, to final completion in accordance with the grant application and the plans and specifications.

(6) *Progress reports.* That applicant shall furnish progress reports and such other information as the Secretary may require.

(7) *Construction supervision.* That applicant shall provide and maintain competent and adequate architectural and engineering supervision and inspection at the construction site to insure that the completed work conform to the plans and specifications.

(8) *Authorized uses.* That the facility is intended and will be used only for the purposes for which the application has been made.

(9) *Wage rate standards.* That all laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, includ-

ing painting or decorating of building or other facilities in connection with contracts or grants entered into pursuant to the Act, shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931, as amended.

(10) *Accessibility by handicapped.* That the applicant shall require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A 117.1—1961 as modified by other standards prescribed by the Secretary.

(11) *Minimum standards of construction and equipment.* That the plans and specifications for the project will conform to the minimum standards of construction and equipment as set forth in Appendix A of this subpart.

(12) *Construction contract requirements.* That the following conditions and provisions must be included in all construction contracts let by grantee:

(i) The provisions set forth in "DHEW Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunities," Form DHEW 514 (April 1969) (issued by the Office of Grants Administration Policy, United States Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of \$2,000 or less; and pertaining to Executive Order 11246, 30 FR 12319 (September 24, 1965), as amended, relating to nondiscrimination in construction contract employment, except in the case of contracts in the amount of \$10,000 or less: *Provided, however,* That nothing required herein shall be in contravention of the requirements of section 7 of Pub. L. 93-638, 25 U.S.C. 450e.

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability, and property damage insurance: *Provided, however,* That in the case of an Indian tribe or tribal organization entering into a construction contract of less than \$100,000, State or local provisions with respect to performance and payment bonds shall be deemed to meet the requirements of this paragraph.

(iii) The Secretary shall have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 36.111 Interest.

Tribes and Tribal organizations shall not be held accountable for interest earned on grant funds, pending disbursement by such organization.

§ 36.112 Additional Conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 36.113 Fair and Uniform Provision of Services.

Services provided pursuant to a grant under this subpart shall be provided by the Grantee in a fair and uniform manner to all participants in the project consistent with their medical need, the policies and regulations of the Indian Health Service, and the Act.

§ 36.114 Applicability of 45 CFR Part 74.

The following provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles shall apply to all awards under this subpart:

(a) Subpart A "General", except that for purposes of this subpart the definition of "local government" in § 74.3 shall also include Indian tribes and tribal organizations.

(b) Subpart B, "Cash Depositories".

(c) Subpart C, "Bonding and Insurance" except as otherwise specifically provided in this subpart.

(d) Subpart D, "Retention and Custodial Requirements for Records".

(e) Subpart F, "Grant-Related Income", except for § 74.42.

(f) Subpart H, "Standards for Grantee and Subgrantee Financial Management Systems".

(g) Subpart I, "Financial Reporting Requirements".

(h) Subpart J, "Monitoring and Reporting of Program Performance".

(i) Subpart K, "Grant Payment Requirements", except that the references in § 74.94 to § 74.113 shall be deemed to be references to § 36.115 of this subpart.

(j) Subpart L, "Budget Revision Procedures".

(k) Sections 74.110 and 74.111 of Subpart M, "Grant Closeout, Suspension, and Termination".

(l) Subpart N, "Forms for Applying for Grants".

(m) Subpart O, "Property".

(n) Subpart P, "Procurement Standards" provided, however, that to the greatest extent feasible preferences and opportunities for training and employment in connection with the administration of grants and contracts pursuant to this Act shall be given to Indian Organizations and Indian-owned economic enterprises.

(o) Sections 74.140 and 74.171 of Subpart Q, "Cost Principles," and Appendix C to such subpart, except for Paragraph J (4) of Part I of such Appendix.

ing painting or decorating of building or other facilities in connection with contracts or grants entered into pursuant to the Act, shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931, as amended.

(10) *Accessibility by handicapped.* That the applicant shall require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A 117.1—1961 as modified by other standards prescribed by the Secretary.

(11) *Minimum standards of construction and equipment.* That the plans and specifications for the project will conform to the minimum standards of construction and equipment as set forth in Appendix A of this subpart.

(12) *Construction contract requirements.* That the following conditions and provisions must be included in all construction contracts let by grantee:

(i) The provisions set forth in "DHEW Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunities," Form DHEW 514 (April 1969) (issued by the Office of Grants Administration Policy, United States Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of \$2,000 or less; and pertaining to Executive Order 11246, 30 FR 12319 (September 24, 1965), as amended, relating to nondiscrimination in construction contract employment, except in the case of contracts in the amount of \$10,000 or less: *Provided, however,* That nothing required herein shall be in contravention of the requirements of section 7 of Pub. L. 93-638, 25 U.S.C. 450e.

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability, and property damage insurance: *Provided, however,* That in the case of an Indian tribe or tribal organization entering into a construction contract of less than \$100,000, State or local provisions with respect to performance and payment bonds shall be deemed to meet the requirements of this paragraph.

(iii) The Secretary shall have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 36.111 Interest.

Tribes and Tribal organizations shall not be held accountable for interest earned on grant funds, pending disbursement by such organization.

§ 36.112 Additional Conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

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Services provided pursuant to a grant under this subpart shall be provided by the Grantee in a fair and uniform manner to all participants in the project consistent with their medical need, the policies and regulations of the Indian Health Service, and the Act.

§ 36.114 Applicability of 45 CFR Part 74.

The following provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles shall apply to all awards under this subpart:

(a) Subpart A "General", except that for purposes of this subpart the definition of "local government" in § 74.3 shall also include Indian tribes and tribal organizations.

(b) Subpart B, "Cash Depositories".

(c) Subpart C, "Bonding and Insurance" except as otherwise specifically provided in this subpart.

(d) Subpart D, "Retention and Custodial Requirements for Records".

(e) Subpart F, "Grant-Related Income", except for § 74.42.

(f) Subpart H, "Standards for Grantee and Subgrantee Financial Management Systems".

(g) Subpart I, "Financial Reporting Requirements".

(h) Subpart J, "Monitoring and Reporting of Program Performance".

(i) Subpart K, "Grant Payment Requirements", except that the references in § 74.94 to § 74.113 shall be deemed to be references to § 36.115 of this subpart.

(j) Subpart L, "Budget Revision Procedures".

(k) Sections 74.110 and 74.111 of Subpart M, "Grant Closeout, Suspension, and Termination".

(l) Subpart N, "Forms for Applying for Grants".

(m) Subpart O, "Property".

(n) Subpart P, "Procurement Standards" provided, however, that to the greatest extent feasible preferences and opportunities for training and employment in connection with the administration of grants and contracts pursuant to this Act shall be given to Indian Organizations and Indian-owned economic enterprises.

(o) Sections 74.140 and 74.171 of Subpart Q, "Cost Principles," and Appendix C to such subpart, except for Paragraph J (4) of Part I of such Appendix.

§ 36.115 Suspension and Termination of Grants.

(a) When the Secretary determines that the performance of a grantee under these regulations involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any person, or (2) gross negligence or the mismanagement in the handling or use of funds under the grant, including any material failure to comply with the terms and conditions of the grant, the Secretary will, in writing, notify the grantee of such determination and will request that the grantee take such corrective action, within such period of time, as the Secretary may prescribe.

(b) When the Secretary determines, after making a determination described in paragraph (a) of this section, that suspension is necessary to protect grant funds which will otherwise be expended contrary to the best interests of the Indians to be served or is otherwise necessary to protect the health or welfare of the Indian population, he may, pending the prompt initiation and resolution of termination proceedings and after reasonable written notice to the grantee, suspend, in whole or in part, Federal assistance under the grants. No obligations incurred by the grantee during the period of suspension shall be allowable under the suspended grant (or portion of the grant), except that the Secretary may at his discretion allow necessary and proper costs which the grantee could not reasonably avoid during the period of suspension or which he determines may be necessary to preserve the project or best interests of the Indians to be served: *Provided,* that such costs would otherwise be allowable under this subpart. Appropriate adjustments to the payments under the suspended grant (or portion of the grant) will be made, either by withholding the payments or by not allowing the grantee credit for disbursements which it may make in liquidation of unauthorized obligations it incurs during the period of suspension. Suspensions shall remain in effect until the grantee has taken corrective action to the satisfaction of the Secretary, or given assurances satisfactory to the Secretary that corrective action will be taken, or until the Secretary terminates the grant.

(c) When the Secretary determines that a grantee has not taken corrective action (as prescribed by him under paragraph (a) of this section) to his satisfaction, he may, after providing the grantee an opportunity for a hearing in accordance with paragraph (d) of this section, terminate the grant in whole or in part and if appropriate assume or resume control or operation of the program, activity, or service involved.

(d) When the Secretary has made a determination described in paragraph (c) of this section, he shall in writing notify the grantee of such determination and of the grantee's right to request a review of such determination (and of the determination described in paragraph (a) of this section) under the

(e) When the Secretary determines that a grantee has not taken corrective action (as prescribed by him under paragraph (a) of this section) to his satisfaction, he may, after providing the grantee an opportunity for a hearing in accordance with paragraph (d) of this section, terminate the grant in whole or in part and if appropriate assume or resume control or operation of the program, activity, or service involved.

(f) When the Secretary has made a determination described in paragraph (c) of this section, he shall in writing notify the grantee of such determination and of the grantee's right to request a review of such determination (and of the determination described in paragraph (a) of this section) under the

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## PROPOSED RULES

Public Health Service Grant Appeals Procedure (42 CFR Part 50, Subpart D). Such notification by the Secretary shall set forth the reasons for the determination in sufficient detail to enable the grantee to respond and shall inform the grantee of its opportunity for review under such Subpart D. If the review held under Subpart D results in a response adverse to the grantee's position, the grantee shall be informed of its right to have a hearing before the Department Grant Appeals Board, pursuant to 45 CFR Part 16.

(e) Where the Secretary determines that a grantee's performance under a grant awarded under this subpart poses an immediate threat to the safety of any person, he may immediately terminate the grant in whole or in part and if appropriate assume or resume control or operation of the program, activity, or service involved. In such case, the Secretary shall designate three officers or employees of the Department to serve as a hearing panel, one of whom shall be designated as chairman. No officer or employee from the office of the official who made the decision to terminate the grant under this paragraph may be designated to serve on the hearing panel.

(1) The hearing shall be commenced within 10 days after the termination of the grant and shall afford each party to the proceeding:

(i) Sufficient notice of the issues to be considered (where such notice has not previously been afforded);

(ii) An opportunity to be represented by counsel;

(iii) An opportunity to make a record of the proceedings;

(iv) An opportunity to present witnesses on grantee's behalf; and

(v) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(2) The hearing panel shall, within 25 days after the conclusion of the hearing, notify all parties in writing of its decision.

(3) Such decision shall not be subject to further hearing under 42 CFR Part 50, subpart D or 45 CFR Part 16.

(f) In any case where the Secretary has terminated a grant under paragraphs (c) or (e) of this section, he may decline to enter into a new grant agreement with the terminated grantee until such time as he is satisfied that the basis for the termination has been corrected. Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

(g) In any case where the Secretary has suspended or terminated a grant for the delivery of health services under this subpart, the grantee shall, upon the request of the Secretary, transfer to the Secretary all medical records compiled in the operation of the supported project.

## § 36.116 Reports.

In addition to the reporting and information requirements provided in Subpart J of 45 CFR Part 74 made applicable to grants under this subpart by § 36.114,

each recipient of Federal financial assistance shall make such reports and information available to the Indian people served or represented by such recipient as and in a manner determined by the Secretary to be adequate.

## § 36.117 Amendment of regulations.

Before revising or amending the regulations in this subpart, the Secretary shall take the following actions:

(a) Consult with Indian Tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(c) Publish the proposed revisions or amendments in the FEDERAL REGISTER as proposed rulemaking to provide adequate notice to receive comments from, all interested parties.

(d) After consideration of all comments received, publish the regulations in the FEDERAL REGISTER in final form not less than 30 days before the date they are made effective.

## § 36.118 Effect on existing rights.

The regulations in this Part are not meant to and do not:

(a) Affect, modify, diminish, or otherwise impair the sovereign immunity from suit enjoyed by an Indian tribe;

(b) Authorize, require or permit the termination of any existing trust responsibility of the United States with respect to the Indian people;

(c) Permit significant reduction in services to Indian people as a result of this subpart.

## § 36.119 Penalties.

Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of a contract, subcontract, grant, or subgrant pursuant to this Act or the Act of April 16, 1934 (48 Stat. 596), as amended, embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, assets, or property which are the subject of such a grant, subcontract, contract, or subcontract, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both, but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

## APPENDIX A—MINIMUM STANDARDS OF CONSTRUCTION AND EQUIPMENT

The minimum standards of construction and equipment set forth below have been established by the Secretary pursuant to section 107 of the Act (25 U.S.C. 450k). In accordance with 5 U.S.C. 542(a)(1), the publications to which reference is made in this Appendix A, unless otherwise indicated, are hereby incorporated by reference and made a part hereof. These documents are available for inspection at the Department's and Regional Offices' Information Centers listed in

45 CFR 5.31 and copies of such documents may be purchased as specified. These standards are applicable to all projects approved for construction grants under section 104(b)(1) of the Act; in addition, hospitals and outpatient facilities must comply with the requirements of "General Standards of Construction and Equipment for Hospital and Medical Facilities" (DHEW Publication No. 74-4000) which document is incorporated by reference in § 53.101(a) of this chapter. Said document will be provided to all applicants with a need therefor, and is available to any interested person whether or not affected by the provisions of this subpart, upon request to the Regional Office of the Department of Health, Education, and Welfare or the Public Inquiries Branch, Public Health Service, Washington, D.C.

(a) General. The structural design, construction, and fire safety provisions of all project facilities shall comply with the standards of the National Building Code, 1967 (available from American Insurance Association Engineering and Safety Department, 85 John Street, New York, NY 10038, or 120 South La Salle Street, Chicago, IL 60603, or 455 California Street, San Francisco, CA 94104) or with applicable State, local codes and ordinances, whichever is more restrictive.

(b) Mechanical. All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, plumbing and other piping systems and boilers shall comply with the following standards:

(1) Handbook of Fundamentals: American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) 1972; United Engineer Center, 345 East 47th Street, New York, NY 10017.

(2) National Standard Plumbing Code 1955; American Society of Mechanical Engineers (ASME); United Engineer Center, 345 East 47th Street, New York, NY 10017.

(3) Boiler and Pressure Vessel Code, 1971 edition, with current addenda, section 8, Division I. American Society of Mechanical Engineers (ASME); United Engineer Center, 345 East 47th Street, New York, NY 10017.

(c) Fire and safety. The fire-resistant design criteria for the facility will be governed by the criteria necessary for that portion of the facility which is subject to the most severe usage. Remodeled structure shall be upgraded, in total, unless it is feasible to isolate the improved portion of the building with fire walls and fire doors. Fire-resistant design shall be in accordance with the standards of Fire Safety Code Number 101, 1070, National Fire Protection Association, International, 60 Batterymarch Street, Boston, MA 02110.

(d) Emergency electrical service. Fire alarm systems and other electrical service shall conform to the standards as specified in Life Safety Code Number 101, 1970, National Fire Protection Association, International, 60 Batterymarch Street, Boston, MA 02110.

(e) Electrical. All electrical installations and equipment shall be in accordance with State and local codes and applicable sections of National Electric Code, NFPA Bulletin No. 70 HC, 1971, National Fire Protection Association, International, 60 Batterymarch Street, Boston, MA 02110.

(f) Radiation protection. All areas in which X-ray, gamma-ray, beta-ray producing and similar equipment is located shall be protected from radiation in accordance with the standards which are in the handbook reports No. 33, 1968; 34, 1970; 35, 1970, and 36, 1970, of the National Council on Radiation Protection and Measurement, Box 4867, Washington, DC 20008.

(g) All facilities shall be designed and constructed in accordance with the standard

specified in the Uniform Building Code, 1970, International Conference of Building Officials, 50 South Los Robles, Pasadena, CA 91101, unless more restrictive State and local codes govern.

(h) Zoning. Applicable State and local codes shall apply.

## Subpart I—Contracts Under the Indian Self-Determination Act

Sec. 36.201 Applicability.  
36.202 Effect on existing rights.  
36.203 Amendment of regulations.  
36.204 Definitions.

## CONTRACT PROPOSALS, REVIEW, AND APPEAL

36.205 Eligibility and Application.  
36.206 Tribal clearances—initial contracts.  
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## PROCUREMENT

36.215 Applicability of Regulations.  
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36.225 Performance of personal services.  
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36.230 Contract revisions or amendments.  
36.231 Retrocession of contract programs.  
36.232 Contractor assistance.  
36.233 Assumption and reassumption of contract programs.  
36.234 Operation of retroceded or reassumed contracts.  
36.235 Contract funds.  
36.236 Unexpended funds under contract.  
36.237 Contract funding and renegotiation.

## Subpart I—Contracts Under the Indian Self-Determination Act

AUTHORITY: Secs. 103, 107, 25 U.S.C. 450g, 450k; sec. 3, Pub. L. 93-638, 42 U.S.C. 2003.

## § 36.201 Applicability.

The regulations of this subpart are applicable to contracts awarded pursuant to section 103 of P.L. 93-638, 25 USC 450g to carry out any or all of the functions, authorities, and responsibilities of the Secretary of Health, Education, and Welfare under the Act of August 5, 1954 (68 Stat. 674), as amended, 42 USC 2001 et seq.

## § 36.202 Effect on existing rights.

The regulations in this subpart are not meant to and do not:

(a) Affect, modify, diminish, or otherwise impair the sovereign immunity from suit enjoyed by an Indian tribe;

(b) Authorize, require or permit the termination of any existing trust responsibility of the United States with respect to the Indian people;

## PROPOSED RULES

(c) Permit significant reduction in services to Indian people as a result of this subpart.

## § 36.203 Amendment of regulations.

Before revising or amending the regulations in this subpart, the Secretary will take the following actions:

(a) Consult with Indian tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.

(b) Present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(c) Publish the proposed revisions or amendments in the FEDERAL REGISTER as proposed rulemaking to provide adequate notice to receive comments from, all interested parties.

(d) After consideration of all comments received, publish the regulations in the FEDERAL REGISTER in final form not less than 30 days before the date they are made effective.

## § 36.204 Definitions.

(a) "Act" means Title I of the Indian Self-Determination and Education Assistance Act, Public Law 93-638 (25 USC 450f et seq.).

(b) "Secretary" means the Secretary, of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Director" means the Director, Indian Health Service, Health Services Administration, Public Health Service, Department of Health, Education, and Welfare (IHS) who is the official to whom the Secretary has delegated full responsibility and authority to implement and administer those aspects of the Act related to the health and well-being of the Indian people.

(d) "Area Director" means the official in charge of an Indian Health Service Area, or Program Office. Area Directors are the immediate representatives of the Director, IHS in their respective geographical jurisdictions and have been delegated authorities and responsibilities related to the Act.

(e) "Contracting Officer" means the person executing the contract on behalf of the Government and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in the contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(f) "Project Officer" means the person representing the Government for the purpose of technical direction of contract performance. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of the contract or which change the period of the contract.

(g) "Indian" means a person who is a member of an Indian tribe.

(h) "Indian Tribe" means any Indian tribe, band, nation, rancheria, Pueblo, colony or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 638) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(i) "Tribal Organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by each governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

(j) "An Indian Owned Economic Enterprise" means any commercial industrial, or business activity established or organized for the purpose of profit which is not less than 51 percent Indian owned.

(k) An "Indian Self-Determination Contract Proposal" is the name of the document to be utilized by Indian Tribal organizations to forward to the Indian Health Service, their requests to enter into contracts for health programs or services. It is to be distinguished from the unsolicited proposals defined in 41 CFR 3-4.52 in that it is utilized in the pursuit of the Indian Self-Determination objectives of this subpart.

(l) "Trust Resources" means land, water, minerals, funds, or property, asset, or claim, and any right or interest in any of the foregoing, which is held by the United States in trust for any Indian tribe or any Indian individual or which is held by any Indian tribe or Indian individual subject to a restriction on alienation imposed by the United States.

(m) "Trust Responsibility" means any discretionary right or power vested by law in the United States, or any official or employee thereof, to approve or otherwise regulate the alienation, encumbrance, management, development or use of trust resources.

(n) "Retrocession" is the voluntary return of a contracted program, or portion thereof, to the Indian Health Service pursuant to section 106(d) of the Act.

(o) The Contract Proposal Declination Appeals Board (CPDAB) is a body established to review Indian Self-Determination Contract Proposals which have been disapproved.

## CONTRACT PROPOSALS, REVIEW, AND APPEAL

## § 36.205 Eligibility and application.

(a) Any tribal organization of any Indian tribe upon the request of such Indian tribe may contract with the Secretary to carry out any or all of the functions, authorities and responsibilities of the Secretary under the Act of August 5, 1954.

(b) All such contracts shall be based upon Indian Self-Determination Contract proposals which will be specific and, as a minimum, include the following:

## PROPOSED RULES

(1) Date Submitted.

(2) Full name and address of the Insurance coverage or an explanation of

(16) Evidence of adequate liability insurance coverage or an explanation of

subject to the specific terms, conditions and limitations of the resolution and approval of the long range and regula-

zation is not the governing body of the tribe. Submission shall be made to the governing body at least 75 calendar days

sharing or other suitable arrangements will be reflected in the contract.  
(2) Bookkeeping and accounting pro-

health service activity of the Indian Health Service.  
(11) The contractor's proposal will be



- (1) Date Submitted.
- (2) Full name and address of the Indian tribal organization submitting the proposal.
- (3) Full name and tribe(s) which the tribal organization is affiliated with.
- (4) Narrative description of the functions, IHS programs, or portions thereof which the tribal organization wants to contract for.
- (5) Type of contract proposed (cost reimbursement, fixed price, etc.).
- (6) Proposed contract starting and completion dates.
- (7) Equipment and facilities needed to carry out the contract and how the tribal organization intends to obtain such.
- (8) Narrative indicating the tribal organization's knowledge of the program part of the program or function to be contracted for. Where tribal organizations have already been involved in a contract effort for such programs, this narrative may be in the form of an updated version of the scope of work under that contract. In any case, the following items should be described in the narrative:
  - (i) Experience and training of personnel performing under the contract;
  - (ii) Familiarity with Federal Regulations and procedures involved;
  - (iii) Experience in operating a similar or related tribal program;
  - (iv) Extent of subcontracting contemplated and identification of proposed subcontractors;
  - (v) Identification of Federal employee transfers contemplated;
  - (vi) Personnel system and key personnel;
  - (vii) The work plan for carrying out the contract.
- (9) Evidence of community support for or lack of opposition to the contract.
- (10) Information concerning training to be given to personnel who will perform under the contract.
- (11) Estimate of the number of Indians to be served.
- (12) A budget, including separate cost estimates for salaries and wages, equipment, supplies, services, travel, subcontracts, other direct costs and overhead.
- (13) Justification and request for advance payments.
- (14) Names and telephone numbers of the tribal organization's business and technical personnel who may be contacted during the evaluation and negotiation process.
- (15) A description of the tribal organization including:
  - (i) The legal and organizational relationship of the tribal organization to the Indians in the area to be served or effected by the contract.
  - (ii) A description of the participation of Indians in all phases of the tribal organization.
  - (iii) Whether the tribal organization is controlled, sanctioned or chartered by the governing body of Indians to be served, and, if so, evidence of such fact.
  - (iv) And, if elected, a description of the election process, voting criteria, and extent of voter participation.

- (16) Evidence of adequate liability insurance coverage or an explanation of why such insurance cannot or should not be obtained. Such insurance shall provide that prior to cancellation the Secretary must be notified and must further provide that each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the Tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.
- (17) The intended financial participation, if any, of the tribal organization or the tribes to be served specifying the type of contributions such as cash or services, loans of full or part-time staff, equipment, space, materials, or facilities, or other contributions.
- (c) The Indian Self-Determination Contract Proposal shall be executed by a person or persons authorized to act on behalf of the tribal organization and shall be accompanied by evidence that such person or persons are authorized to bind the tribal organization.
- (d) The Indian Self-Determination Contract Proposal should be addressed to the Area Director of the appropriate Indian Health Service Area. Such proposals should be submitted, in 5 copies, well in advance of the desired beginning of support.
- (e) Tribal organizations may obtain assistance in preparing Indian Self-Determination contract proposals from the IHS Area Offices. The Area Directors shall make any information available to the tribal organization which is needed in the preparation of its proposal except as may be exempt from disclosure by the Freedom of Information Act, 5 U.S.C. 552(b) and the Department of Health, Education, and Welfare regulations thereunder, 45 CFR, Part 5.

#### § 36.206 Tribal clearances—initial contract.

- (a) Before the IHS may enter into a contract with a tribal organization, it must be requested to do so by the tribe. The tribe's request shall be in the form of a resolution by the tribal governing body. If the tribal organization is applying for a contract to perform services benefiting more than one tribe, an authorizing resolution from each tribal governing body must be obtained before submitting the application to IHS for approval. A tribal governing body may pass a single resolution authorizing a tribal organization to apply for, negotiate, and execute more than one contract if the resolution specifies for each contract the same information required in paragraphs (b) and (c) of this section.
- (b) The resolution of the tribal governing body shall authorize the applicant tribal organization to apply for, negotiate and contract with the IHS Area Office,

subject to the specific terms, conditions and limitations of the resolution and applicable tribal laws, codes, and regulations. The resolution shall include the date the resolution was approved, and signature of the person authorized to certify the accuracy of the information contained in the resolution.

(c) The tribal governing body's request (resolution) should include the following:

- (1) When the tribal organization is the tribal governing body:
  - (i) A brief statement of the contract scope.
  - (ii) The tribal official authorized to negotiate the contract and any amendments thereto.
  - (iii) The tribal official authorized to execute the contract and any amendments thereof.
  - (iv) The expiration date of the authorities granted by the resolution.
  - (v) The extent and procedure, if any, for review of the contract and any amendments thereto by the tribal governing body before execution.
  - (vi) The proposed date for contract commencement.
  - (vii) The proposed term of the contract.
- (2) When the tribal organization is other than the tribal governing body:
  - (i) The name of the tribal organization.
  - (ii) A brief statement of the contract scope.
  - (iii) The extent and procedure for review by the tribal governing body of the contract and any amendments thereto prior to execution by the tribal organization.
  - (iv) The tribal office or official to which the IHS should send copies of contract documents and correspondence.
  - (v) The proposed term of the contract.
  - (vi) The proposed date for contract commencement.
  - (vii) Any limitations on authorities granted the tribal organization.
  - (d) Any procedures specified in this section concerning the manner in which a tribal governing body passes a tribal resolution shall apply except where inconsistent with tribal constitution, law, code, ordinance, or other similar document. In such cases, the tribal law or procedures shall be cited in the resolution and shall take precedence.

#### § 36.207 Tribal clearances—contract renewals.

The Secretary may renew a contract for the same function(s) or programs as the original contract at the written request of the tribal organization designated in the tribal resolution. Requests for contract renewals shall be made as follows:

- (a) If the original contract provided services to only one Indian tribe, written applications for renewal shall be sent by the tribal organization to the Area Office as follows:
  - (1) Directly, when the tribal organization involved is the governing body of the tribe.
  - (2) Through the governing body of the tribe for review when the tribal organi-

zation is not the governing body of the tribe. Submission shall be made to the governing body at least 75 calendar days before the original contract expires. The tribal organization shall promptly notify the IHS Area Office in writing of the date the tribal governing body received the application. If, within 45 calendar days after receiving the application, the tribal governing body does not provide the IHS Area Director with a formal resolution objecting to the application for renewal, the absence of receipt of such a resolution shall constitute the tribe's request for renewal of the contract.

(b) If the original contract provided services to more than one Indian tribe, the tribal organization must give a copy of the written application for renewal to each tribal governing body at least 75 calendar days before the original contract expires. The tribal organization shall promptly notify the IHS Area Office where the application is to be submitted in writing, of the date the tribal governing bodies received copies of the application. If, within 45 calendar days after receiving copies of the application none of the tribal governing bodies provide the appropriate IHS Area Office with a formal resolution objecting to the application for renewal, the absence of receipt of such resolutions shall constitute the tribes' request for renewal of the contract. If one or more of the tribal governing bodies involved object to the renewal, the contract will not be made until all the tribal governing bodies have approved the request or the matter is otherwise resolved.

#### § 36.208 Evaluation criteria.

(a) Indian Self-Determination Contract Proposals will be evaluated to determine: (i) If the service to be rendered to Indian people by the proposed contract will be satisfactory; (ii) if the proposed contract will assure that trust resources are protected; and (iii) if the proposed contract will ensure proper completion and maintenance of the project or function involved. Failure to meet any of the above, may be cause for denial of the Indian Self-Determination Contract Proposal.

(b) To determine if an Indian Self-Determination Contract Proposal meets the above criteria, the Area Director and his staff will consider whether the tribal organization would be deficient in performance under the contract with respect to the factors listed in this paragraph.

(1) Equipment, buildings and facilities. No higher standards with regard to buildings, facilities, or equipment shall be applied to tribal organizations than have previously been applied to IHS. The Indian Health Service shall make available the use of all equipment which has been allocated to the operation of the program by the IHS in the past, unless the IHS determines that the provision of such equipment will seriously interfere with the IHS's ability to provide services to Indian people in noncontracted programs. Where equipment is shared by the programs to be contracted and other non-contracted programs, equipment-

sharing or other suitable arrangements will be reflected in the contract.

(2) Bookkeeping and accounting procedures. It must be clearly established by the Indian Health Service that the tribal organization which will undertake the contract does have an adequate accounting and bookkeeping system. IHS may assist the contractor in establishing an acceptable bookkeeping and accounting system.

(3) Substantive knowledge of the program to be contracted. The tribal organization shall be presumed to have substantive knowledge of the program to be contracted if it meets one or more of the following conditions:

- (i) The tribal organization has successfully managed a similar program before through grant or contract for which standards have been established.
- (ii) The members of the tribal organization have been consumers of such services in the past and have developed an understanding of the program sufficient to enable the tribal organization to effectively carry out the contract operation.
- (iii) The tribal organization has made arrangements to obtain and to develop its knowledge of the program.

(4) Lack of community support. Before the IHS can enter into a contract there must be a request made in accordance with § 36.206. The tribal governing body's resolution under § 36.206 shall be presumed to demonstrate that there is community support for the proposed contract. Any assertion of a lack of community support by persons to be served under the contract, is subject to exhaustion of tribal remedies by those making such assertions.

(5) Adequacy of trained personnel. The adequacy of trained personnel available to the tribal organization to carry out the proposed contract will be presumed if any of the following conditions exists:

- (i) If the tribal organization has a personnel system that prescribes minimum occupational qualification standards, which shall be not less than minimum Civil Service standards where applicable and procedures for the selection of personnel on the basis of such qualifications, and the personnel to be used under the proposed contract are to be employed under the personnel system.
- (ii) If there is no tribal personnel system, it will be assumed that the personnel to be employed under the proposed contract are adequately trained if the tribal organization has established position descriptions for key personnel to be employed under the contract and will establish within a reasonable time a personnel system similar to the one described in paragraph (c) (5) (i) of this section.

(6) Other necessary components of contract performance.

(i) The contractor's proposal must demonstrate the capacity to meet minimum health program and professional standards established by IHS for each major health service activity of the IHS. The Director will establish and make available to any prospective contractor the minimum standards for each major

health service activity of the Indian Health Service.

(ii) The contractor's proposal will be evaluated to determine the contractor's ability to meet the Uniform Administrative Standards published as a Notice of Proposed Rulemaking in February 10, 1975 40 F.R. 6304.

(iii) The ability of the contractor to carry out the contract in accordance with IHS policy, the applicable regulations of this Part, and the Act.

(iv) No other components shall be prescribed as a basis for declaration unless such components are added to the regulations in this subpart by revision or amendment of regulations.

(7) Tribes may pursuant to section 36.216 request a waiver of Federal Contracting Laws and Regulations for a specific contract.

(8) IHS officials may not decline to enter into a contract with a tribal organization because of any objection that would be overcome through the contract.

#### § 36.209 Government property.

(a) In carrying out a contract made under this Part, the Director shall, wherever possible, permit a tribal contractor to use existing buildings, facilities, and related equipment and other personal property owned by the IHS within his jurisdiction. Arrangements on the use of IHS property shall be provided for in the contract or other agreement as appropriate. In determining whether real or personal property can be provided, he shall determine whether the IHS can provide comparable services for any of the uncontracted part of the program.

(b) Requests for the use of IHS property which arise after signing of the contract shall be submitted to the relevant IHS official by the tribal organization. Such requests should be granted unless such a use would seriously interfere with the administration of existing IHS programs. The property must conform to the minimum standards established pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651).

#### § 36.210 Submitting contract proposals.

(a) When services under the proposed contract will be provided to one or more tribes within the jurisdiction of a single Area Office, the completed contract proposal with documentation of the tribal request(s) and approvals of each such tribe effected shall be delivered or mailed to the Area Director of that Area Office.

(b) When services will be provided to tribes within the jurisdiction of more than one IHS Area Office, a copy of such proposals and documentation shall be forwarded to each of the Area Offices affected. Area Directors will then forward their recommendations to the Deputy Director, IHS.

#### § 36.211 Contract proposal approval officials.

Each Area Director is authorized to approve proposals for contract under which a tribal organization will provide services to a tribe or tribes within the jurisdiction of his Area Office. When a tribal organization applies for a contract

under which services will be provided to tribes within the jurisdiction of more

has been disapproved by the appropriate approving official, the tribal organization

- (4) The intended effect of the waiver;
- (5) The length of time for which it can be anticipated that the waiver will be

(b) Cost sharing contracts may be used where the tribe contributes to the cost of a program and may specify a

clause, which is also set forth in 41 CFR 3-4.60:

- (a) The Contractor shall indemnify

side or beyond the coverage and limits of the policy of insurance.

#### § 36.223. Exemption from bonds.



under which services will be provided to tribes within the jurisdiction of more than one Area Office or for a contract which is national in scope, the proposal must be submitted to the Deputy Director, IHS for approval.

#### § 36.212 Review.

Upon receiving a contract application, the approving official will:

(a) Notify the tribal organization in writing that the proposal has been received. This notice will be made within five (5) calendar days after receipt of the proposal.

(b) Review the proposal for completeness and promptly request additional information from the tribal organization or from the requesting tribe which will be needed to reach a decision.

(c) Notify Area Office subordinate activities serving the tribe(s) which will receive services under the contract and obtain any needed information and/or relevant recommendations on the contract.

(d) Assess the contract proposal to determine if it is feasible and if it complies with the appropriate requirements of the Act and of the regulations in this Subpart.

(e) Notify the tribal organization of deficiencies in the proposal and provide to the extent practicable technical assistance, as requested, to overcome such deficiencies.

(f) Approve or disapprove the proposal after fully reviewing and assessing it and any additional information submitted by the tribal organization provided, however, that no action to disapprove shall be taken during the period of provision of technical assistance.

(g) Promptly notify the tribal organization in writing of the decision to approve or disapprove the proposal. If the proposal is disapproved, the notice shall contain but need not be limited to the following:

(i) Specific objections, which are based on failures to meet applicable program or administrative standards or fund restrictions, which preclude acceptance of the Indian Self-Determination Contract Proposal;

(ii) Guidance to the tribe regarding the steps which need to be taken to overcome the stated objections;

(iii) Identification of assistance which can practically be made available to the tribe upon request to overcome the stated objections;

(iv) Notification to the tribal organization of its right to appeal.

#### § 36.213 Processing time.

The approving official will except as otherwise provided approve or disapprove a contract proposal within sixty (60) calendar days after receipt. The (60) calendar day deadline may be extended only after obtaining the written consent of the tribal organization.

#### § 36.214 Tribal appeals to proposal decisions.

(a) On being advised that an Indian Self-Determination Contract Proposal

has been disapproved by the appropriate approving official, the tribal organization may file a written appeal to the Contract Proposal Declaration Appeals Board within thirty (30) days after receipt of the Declaration Notice and may request a hearing. The appeal should either refute or overcome the objections stated as a basis for disapproval. The Contract Proposal Declaration Appeals Board shall consider such an appeal, conduct any requested hearing thereon, and recommend a decision to the Director, Indian Health Service, whose decision shall be final.

(b) Hearings at which tribal organizations are represented shall be conducted within thirty (30) calendar days from receipt of written request for a hearing as follows:

(1) The tribal organization and the Indian tribe or tribes affected shall be notified, in writing, of the hearing. The notice should give the date, time, place, and purpose of the hearing. The IHS will authorize payment of transportation costs and per diem to allow adequate representation of the applicant, if the meeting is more than 50 miles from the office of the applicant.

(2) A written record of the hearing should be made. The record should include written statements submitted at the hearing or within 5 calendar days following the hearing.

(c) Decisions of the Director, IHS, regarding hearing or written appeals shall be rendered within (15) calendar days from the date of the Board's recommendation.

(d) The Contract Proposal Declaration Appeals Board shall be composed of 5 members appointed by the Director, Indian Health Service, one of whom shall be designated to serve as Chairman.

#### PROCUREMENT

#### § 36.215 Applicability of regulations.

Contracts with tribal organizations resulting from the submission of Indian Self-Determination Contract Proposals as authorized in Public Law 93-638 shall be in accordance with Chapter 1 and 3 of 41 CFR.

#### § 36.216 Waivers.

(a) The Secretary may, for good cause shown, waive for the purposes of a specific contract any federal contracting laws and regulations which he determines are not appropriate for the purposes of the contract involved or are inconsistent with the Act.

(b) Requests for waivers may be initiated by tribal organizations or IHS contracting officers. Such requests will be forwarded to the Director, IHS for decision or further processing to the Secretary as required.

(c) A waiver request shall set forth clearly and precisely the following:

(1) The nature and basis of the needed waiver;

(2) Identification of the procurement regulation provision from which the waiver is needed;

(3) The circumstances under which the waiver would be used;

(4) The intended effect of the waiver;

(5) The length of time for which it can be anticipated that the waiver will be required;

(6) Reasons which will contribute to complete understanding and support of the requested waiver;

(7) Copies of pertinent background papers such as forms, contractor requests, etc.

#### § 36.217 Fair and equal treatment of Indian people.

Contracts awarded to tribal organizations pursuant to the Indian Self-Determination Act shall incorporate the following clause:

The Contractor agrees, consistent with medical need, to make no discriminatory distinctions among Indian patients or beneficiaries of this contract. For the purpose of this contract discriminatory distinctions include but are not limited to the following:

(a) Denying a patient any service or benefit or availability of a facility;

(b) Providing any service or benefit to a patient which is different, or is provided in a different manner or at a different time from that provided to other patients under this contract; subjecting a patient to segregation or separate treatment in any manner related to his receipt of any service; restricting a patient in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service benefit; treating a patient differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility membership, or other requirements or condition which individuals must meet in order to be provided any service or benefit; the assignment of times or places for the provision of services on the basis of discriminatory distinctions which may be made of the patients to be served.

#### § 36.218 Types of contracts.

Cost-reimbursement type contracts provide for payment to the contractor of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract. This type of contract establishes an estimate of total cost for the purpose of obligation of funds, and a monetary ceiling which the contractor may not exceed. Except as provided below, cost reimbursement contracts will be used for all contracts made pursuant to this subpart. In addition to such other provisions as The Secretary may from time to time require, a negotiated cost reimbursement contract shall contain the terms set out in section 3-4.6013 of 41 CFR except when it can be shown that one of the types listed below would be more appropriate.

(a) Fixed-price contracts may be used in those instances where costs can be precisely established. In addition to such other provisions as The Secretary may from time to time require, a negotiated fixed-price contract shall contain the terms set out in section 3-4.6014 of 41 CFR.

(b) Cost sharing contracts may be used where the tribe contributes to the cost of a program and may specify a percentage of cost or fixed amount to be funded by the government.

#### § 36.219 Term of contract.

(a) The term of contracts awarded under the Act shall not exceed one year except that contracts may be made for a longer term up to three years subject to the availability of appropriations under the following circumstances:

(1) The services provided under the contract can reasonably be expected to be continuing in nature and, as a result, a longer contract term would be advantageous.

(2) The Indian tribe or tribes to be served by the contract request that the term be more than one year. The tribal organization will indicate the desired term of the contract in the Self-Determination Contract Proposal.

(b) Contracts made for a term of more than one year may be renegotiated annually to reflect factors which include, but need not be limited to, cost increases beyond the control of the tribal contractor. Proposed changes in the services provided under the contract which reflect changes in program emphasis may be considered during the annual renegotiation if the changes fall within the general scope of the contract.

#### § 36.220 Indian preference in subcontracting.

Contracts awarded under authority of the Act shall incorporate the following clause, which is also set forth in 41 CFR 3-4.60:

##### INDIAN PREFERENCE IN SUBCONTRACTING

The contractor agrees to give preference in purchasing and subcontracting to Indian organizations and Indian owned economic enterprises to the maximum extent that is consistent with the efficient performance of this contract.

#### § 36.221 Indian preference in training and employment.

Contracts awarded under authority of the Act shall incorporate the following clause, which is also set forth in 41 CFR 3-4.60:

##### INDIAN PREFERENCE IN TRAINING AND EMPLOYMENT

It is the policy of the Government to give preference and opportunities for training and employment, under contracts and subcontracts awarded pursuant to the Indian Self-Determination Act, to Indians.

The Contractor agrees to give such preference and opportunity to Indians for training and employment under this contract to the extent that such is consistent with the efficient performance of this contract.

The Contractor further agrees to comply with any rules, regulations and reporting requirements which may be imposed by the DHEW Office for Civil Rights for purposes of insuring the proper exercise of this authority.

The Contractor agrees to insert this clause in all subcontract(s) under this contract.

#### § 36.222 Indemnity and insurance.

Contracts awarded under authority of the Act shall incorporate the following clause, which is also set forth in 41 CFR 3-4.60:

(a) The Contractor shall indemnify and save and keep harmless the Government against any or all loss, cost, damage, claim, expense or liability whatsoever, because of accident or injury to persons or property or others occurring in connection with any program included as a part of this contract, by providing where applicable, the insurance described below.

(b) The Contractor shall secure, pay the premium for, and keep in force until the expiration of this contract, or any renewal period thereof, insurance as provided below. Such insurance policies shall specifically include a provision stating the liability assumed by the Contractor under this contract.

(1) Workmen's compensation insurance as required by laws of the State.

(2) Owner's, landlord's and tenant's bodily injury liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(3) Property damage liability insurance with limits not less than \$25,000 for each accident.

(4) Automobile bodily injury liability insurance with limits of not less than \$50,000 for each person, and \$500,000 for each accident and property damage liability insurance with a limit of not less than \$5,000 for each accident.

(5) Food products liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(6) Professional malpractice insurance where medical, dental or other health professional services are involved.

(7) Other liability insurance not specifically mentioned when required.

(c) Each policy of insurance shall contain an endorsement providing that cancellation by the insurance company shall not be effective unless a copy of the cancellation is mailed (registered) to the Contracting Officer 30 days prior to the effective date of cancellation.

(d) A certificate of each policy of insurance, and any change therein, shall be furnished to the Contracting Officer immediately upon receipt from the insurance company.

(e) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance company is not satisfactory for reasons that will be stated, the Contractor shall provide insurance through companies that are satisfactory to the Contracting Officer.

(f) Each policy of insurance shall contain a provision that the insurance carrier waives any rights it may have to raise as a defense the tribe's sovereign immunity from suit, but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy of insurance. The policy shall contain no provision, either express or implied, that will serve to authorize or empower the insurance carrier to waive or otherwise limit the tribe's sovereign immunity out-

side or beyond the coverage and limits of the policy of insurance.

(a) The Contractor shall indemnify and save and keep harmless the Government against any or all loss, cost, damage, claim, expense or liability whatsoever, because of accident or injury to persons or property or others occurring in connection with any program included as a part of this contract, by providing where applicable, the insurance described below.

(b) The Contractor shall secure, pay the premium for, and keep in force until the expiration of this contract, or any renewal period thereof, insurance as provided below. Such insurance policies shall specifically include a provision stating the liability assumed by the Contractor under this contract.

(1) Workmen's compensation insurance as required by laws of the State.

(2) Owner's, landlord's and tenant's bodily injury liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(3) Property damage liability insurance with limits not less than \$25,000 for each accident.

(4) Automobile bodily injury liability insurance with limits of not less than \$50,000 for each person, and \$500,000 for each accident and property damage liability insurance with a limit of not less than \$5,000 for each accident.

(5) Food products liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(6) Professional malpractice insurance where medical, dental or other health professional services are involved.

(7) Other liability insurance not specifically mentioned when required.

(c) Each policy of insurance shall contain an endorsement providing that cancellation by the insurance company shall not be effective unless a copy of the cancellation is mailed (registered) to the Contracting Officer 30 days prior to the effective date of cancellation.

(d) A certificate of each policy of insurance, and any change therein, shall be furnished to the Contracting Officer immediately upon receipt from the insurance company.

(e) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance company is not satisfactory for reasons that will be stated, the Contractor shall provide insurance through companies that are satisfactory to the Contracting Officer.

(f) Each policy of insurance shall contain a provision that the insurance carrier waives any rights it may have to raise as a defense the tribe's sovereign immunity from suit, but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy of insurance. The policy shall contain no provision, either express or implied, that will serve to authorize or empower the insurance carrier to waive or otherwise limit the tribe's sovereign immunity out-

side or beyond the coverage and limits of the policy of insurance.

(a) A performance bond with a surety or sureties satisfactory to the approving official, and in an amount he deems adequate, for the protection of the United States.

(b) A payment bond with a surety or sureties satisfactory to the approving official for the protection of all persons supplying labor and material in carrying out the contract the use of each person. Whenever the total amount payable by the terms of the contract is not more than \$1,000,000 the payment bond shall be one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract is more than \$1,000,000 but not more than \$5,000,000, the payment bond shall be 40 percent of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract is more than \$5,000,000 the payment bond shall be \$2,500,000.

(c) A wage and labor standard—construction contracts.

All laborers and mechanics employed by tribal contractors or subcontractors in constructing, altering or repairing buildings or other facilities in connection with contracts under this Subpart shall be paid wages not less than those on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended. However, this requirement does not apply where the tribal contractor is the recognized governing body of the tribe and the construction, alteration, or repair work is being performed by the tribal organization or the tribe with its own regular employees.

(d) Performance of personal services.

Any contract made under this subpart may include provisions for the performance of personal services which would otherwise be performed by Federal employees. Such services include, but are not limited to, performing the following functions in connection with the contract and applicable rules and regulations:

(a) Determining the eligibility of applicants for assistance, benefits, or services.

(b) Determining the extent or amount of assistance, benefits, or services to be provided.

(c) Contract revisions or amendments.

(a) Any contract made under this

(c) Providing such assistance, benefits or services.

thereof may be withdrawn from the Special Bank Account by checks payable to

favor of the Government by virtue of any provision of this contract in such a

(k) Designations and Determinations. (1) Amount. The amount of advance payments at any time outstanding here-

the Area Director and may be submitted as follows: (i) When the contract is with the gov-

§ 36.230 Contract revisions or amendments. (a) Any contract made under this



(c) Providing such assistance, benefits, or services.

#### § 36.226 Advance payments.

Contracts awarded under the authority of the Act shall incorporate the following clause, which is also set forth in 41 CFR 3-4.60.

(a) *Amount of Advance.* At the request of the contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment, or advance payments from time to time, to the Contractor. No advance payment shall be made (1) without the approval of the officer administering advance payments hereinafter called the "Administering Office" and designated in paragraph (k) (4) hereof as with all advance payments theretofore made, shall exceed the amount stated in paragraph (k) (1) hereof; and (3) without a properly certified invoice or invoices.

(b) *Special Bank Account.* Until all advance payments made hereunder are liquidated and the Administering Office approves in writing the release of any funds due and payable to the Contractor, all advance payments and all other payments under the contract shall be made by check payable to the Contractor, and be marked for deposit only in a Special Bank Account with the bank designated in paragraph (k) (2) hereof. No part of the funds in the Special Bank Account shall be mingled with other funds of the contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided, each withdrawal shall be made only by check of the Contractor countersigned on behalf of the Government by the Contracting Officer or such other person or persons as he may designate in writing (hereinafter called the "Countersigning Agent"). Until otherwise determined by the Administering Office, countersignature on behalf of the Government will not be required.

(c) *Use of Funds.* The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purposes of making payments for items of allowable cost or to reimburse the Contractor for such items of allowable cost, and for such other purposes as the Administering Office may approve in writing. Any interpretation required as to the proper use of funds shall be made in writing by the Administering Office.

(d) *Return of Funds.* The Contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the Administering Office, the Contractor shall repay to the Government such part of the unliquidated balance of advance of advance payments as shall in the opinion of the Administering Office be in excess of current requirements, or (when added to total advance previously made and liquidated) in excess of the amount specified in paragraph (k) (1) hereof. In the event the Contractor fails to repay such part of the unliquidated balance of advance payments when so requested by the Administering Office, all or any part

thereof may be withdrawn from the Special Bank Account by checks payable to the Treasurer of the United States signed solely by the Countersigning Agent and applied in reduction of advance payments then outstanding hereunder.

(e) *Liquidation.* If not otherwise liquidated, the advance payments made hereunder shall be liquidated as herein provided. When the sum of all payments under this contract, other than advance payments, plus the unliquidated amount of advance payments are equal to the total estimated cost for the work under this contract or such lesser amount to which the total estimated cost under this contract may have been reduced, plus increases, if any, in this total estimated cost not exceeding, in the aggregate (including, without limitation, reimbursable costs incident to termination for cause and retrocession as estimated by the Contracting Officer), the Government shall thereafter withhold further payments to the Contractor and apply the amounts withheld against the Contractor's obligation to repay such advance payments until such advance payments shall have been fully liquidated. If upon completion, termination, or retrocession of the contract all advance payments have not been fully liquidated, the balances therefore shall be deducted from any sums otherwise due or which may become due to the Contractor from the Government, and any deficiency shall be paid by the Contractor to the Government upon demand.

(f) *Bank Agreement.* Before an advance payment is made hereunder, the Contractor shall transmit to the Administering Office, in the form prescribed by such office, an Agreement in triplicate from the bank in which the Special Bank Account is established, clearly setting forth the special character of the account and the responsibilities of the bank thereunder. Wherever possible, such bank shall be a member bank of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation Act of August 23, 1935, 49 Stat. 685, as amended (12 U.S.C. 264).

(g) *Lien on Special Bank Account.* The Government shall have a lien upon any balance in the Special Bank Account paramount to all other liens, which lien shall secure the repayment of any advance payments made hereunder.

(h) *Lien on Property under Contract.* Any and all advance payments made under this contract shall be secured, when made, by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract and on all material and other property acquired for or allocated to the performance of this contract, except to the extent that the Government by virtue of any other provision of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify, by marking or segregation, all property which is subject to a lien in

favor of the Government by virtue of any provision of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The Contractor shall maintain adequate accounting control over such property on his books and records. If at time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer. If this contract is terminated in whole or in part and the Contractor is authorized to sell or retain termination inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the Contracting Officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such termination inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention on the Contractor's termination claim, is applied in reduction of advance payments then outstanding hereunder.

(i) *Insurance.* The Contractor represents and warrants that he is now maintaining with responsible insurance carriers, (1) insurance upon his own plant and equipment against fire and other hazards to the extent that like properties are usually insured by others operating plants and properties of similar character in the same general locality; (2) adequate insurance against liability on account of damage to persons or property; and (3) adequate insurance under all applicable workmen's compensation laws. The Contractor agrees that, until work under this contract has been completed and all advance payments made hereunder have been liquidated, he will (1) maintain such insurance; (2) maintain adequate insurance upon any materials, parts, assemblies, subassemblies, supplies, equipment and other property acquired for or allocable to this contract and subject to the Government lien hereunder; and (3) furnish such certificates with respect to his insurance as the Administering Office may from time to time require.

(j) *Prohibition against Assignment.* Notwithstanding any other provision of this contract, the Contractor shall not transfer, pledge, or otherwise assign this contract, or any interest therein, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution.

#### (k) Designations and Determinations.

(1) *Amount.* The amount of advance payments at any time outstanding hereunder shall not exceed \$-----.

(2) *Depository.* The bank designated for the deposit of payments made hereunder shall be:

(3) *Interest Charge.* No interest shall be charged for advance payments made hereunder. The Contractor shall charge interest at the rate of 6 percent per annum on subadvances or down payments to subcontractors, and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances on non-profit subcontracts with nonprofit educational or research institutions for experimental, research or development work.

(4) *Administering Office.* The office administering advance payments shall be the office designated as having responsibility for awarding the contract.

(l) *Other Security.* The terms of this contract shall be considered adequate security for advance payments hereunder, except that if at any time the Administering Office deems the security furnished by the Contractor to be inadequate, the Contractor shall furnish such additional security as may be satisfactory to the Administering Office, to the extent that such additional security is available.

#### § 36.227 Recordkeeping, reporting and audit.

(a) The standard clauses regarding "Accounts, Audit, and Records" and "Examination of Records" as set forth in 41 CFR 3-4.60 apply to contracts awarded under the Act. Further, Recordkeeping will be in accordance with uniform Administrative Standards.

(b) In addition, where Federal financial assistance is involved in the contract effort, the following clause, which is also set forth in 41 CFR 3-4.60, will be incorporated as a special provision of such contracts:

#### REPORTS TO THE INDIAN PEOPLE

The contractor, as a recipient of Federal financial assistance, shall make reports and information available to the Indian people served or represented by the contractor. Such reports will reflect how the Federal assistance funds were utilized to the benefit of the Indian people served or represented as follows: (Insert specific reporting requirements formats and method of distribution to the Indian people as may be prescribed in the scope of the contract and the Uniform Administrative Standards).

(c) *Annual Reporting.* (1) For each fiscal year during which a tribal organization receives or expends funds pursuant to a contract under this subpart, the tribe which requested the contract must submit a report to the Area Director. The report shall include, but need not be limited to, an accounting of the amounts and purposes for which the contract funds were expended and information on the conduct of the program or services involved. The report shall include any other information requested by

the Area Director and may be submitted as follows:

(1) When the contract is with the governing body of an Indian tribe, the tribe shall submit the report to the Area Director.

(ii) When the contract is with a tribal organization other than the governing body of the tribe, the tribe has the option of having the tribal organization prepare the report and submit it to the tribe for review and approval before the tribe submits it to the Area Director.

(iii) When the contract benefits more than one tribe, the tribal organization shall prepare and submit the report to each of the tribes benefiting under the contract. Each tribe shall endorse the report before submitting it to the Area Director.

(2) The annual report shall be submitted to the Area Director within 60 days of the end of the fiscal year in which the contract was performed. However, the period for submitting the report may be extended if there is just cause for such extension.

(3) In addition to the yearly reporting requirement given in paragraphs (a) and (b) of this section, the tribal contractor shall furnish other reports required by the Area Director.

#### § 36.228 Availability of information.

(a) Except as otherwise provided herein and so long as the release of information does not constitute an unwarranted invasion of personal privacy, a tribal contractor under this subpart shall make all reports and information concerning the contract available to the Indian people served or represented by the contractor.

(b) A contractor shall hold confidential all information obtained by personnel under the contract from persons receiving services under the contract related to their examination, care, and treatment, and shall not release such information without the individual's consent except as may be required by law, as may be necessary to provide service to the individual, or as may be necessary to monitor the operations of the program or otherwise protect the Public Health. Information may be disclosed in a form which does not identify particular individuals.

#### § 36.229 Penalties.

Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of a contract or subcontract pursuant to this Act or the Act of April 16, 1934 (48 Stat. 596), as amended, embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, assets, or property which are the subject of such a contract, or subcontract, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both, but if the amount so embezzles, willfully misapplies, steals, or by fraud does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

#### § 36.230 Contract revisions or amendments.

(a) Any contract made under this Subpart may be revised or amended as deemed necessary to carry out the purposes of the program, project, or function being contracted. Those changes initiated by the Government shall be subject to the applicable contract Standard Change Clauses prescribed in 41 CFR 3-4.60.

(b) However, a tribal contractor may make a written request for a revision or amendment of a contract to the Contracting Officer. Such requests will be treated in the same manner as initial Self-Determination Proposals and evaluated in accordance with the criteria specified in § 36.208 of this Subpart. If the contracting officer declines revision or amendment of the contract as requested, he shall notify the tribal organization in writing within 30 days after receiving the request. Thereafter, an appeal to the Contracting Officer's decision to amend the contract will follow the same processing and procedures outlined in § 36.214 of this Subpart.

#### § 36.231 Retrocession of contract programs.

(a) Whenever an Indian tribe requests retrocession for any contract or portion thereof entered into under this Subpart, retrocession shall be effective upon a date specified by the Contracting Officer but no later than 120 days after the date of the request from the tribe, except when the tribe and the Contracting Officer mutually agree on a later date.

(b) Immediately after a request for retrocession, representatives of the tribe and the Contracting Officer shall meet and take the following actions:

(1) Mutually agree on a plan for orderly transfer of responsibilities.

(2) Mutually agree on a plan for inventorying materials and supplies on hand.

(3) Establish an accounting of funds, current and anticipated obligations, and costs of operation until the retrocession date.

(4) Identify all records relating to the contract and to the contracted function.

(c) On the date of retrocession, the tribal contractor will deliver to the Contracting Officer all property, materials, supplies and records of whatever nature which have been identified as necessary for the continuation of the program, project or function.

(d) Within 30 calendar days after retrocession, the tribe will furnish the Contracting Officer with a report including but not limited to an accounting of the amounts and purposes for which Federal funds were expended, a description and evaluation of program accomplishments, and reasons why retrocession was requested.

(e) Retrocession of a contract by an Indian tribe shall be without prejudice to:

(1) Any other contract to which it is a party.

(2) Any other contracts it may request.

(3) Any future request to contract for the programs or services covered by the retroceded contract.

tion to the satisfaction of the contracting officer and the Area Director, or given assurances satisfactory to the contract-

or operation of the program, activity, or service involved. In such case, the Director, Indian Health Service, shall design-

#### § 36.236 Unexpended funds under contract.

(a) If it becomes apparent during the

over into a succeeding fiscal year shall be added to the contract amount for that fiscal year.

Government in regard to such funds unless and until they are appropriated. Funds appropriated during the fiscal year in which the contract commenced that are included in the



## PROPOSED RULES

(3) Any future request to contract for the programs or services covered by the retroceded contract.

(f) Tribal assumption of retroceded contracts. Whenever an Indian tribe chooses to retrocede a contract operated by a tribal organization other than the tribal governing body, the tribal governing body may request to contract for the program. In such a case, the tribal governing body shall submit a contract proposal pursuant to this subpart.

#### § 36.232 Contractor assistance.

To the extent practicable, the Director, Indian Health Service, may, at the request of a tribal organization, provide technical assistance to the contractor in attempting to resolve problems or deficiencies among in the performance of the contract.

#### § 36.233 Assumption, reassumption of contract programs.

(a) When the contracting officer with the concurrence of the Area Director determines that the performance of a contractor under these regulations involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any person, or (2) gross negligence or the mismanagement in the handling or use of funds under the contract, including any material failure to comply with the terms and conditions of the contract, the contracting officer will, in writing, notify the contractor of such determination and will request that the contractor take such corrective action within such period of time as the Secretary may prescribe.

(b) When the contracting officer determines, after making a determination described in paragraph (a) of this section, that such action is necessary to protect contract funds which will otherwise be expended contrary to the best interests of the Indians to be served or is otherwise necessary to protect the health or welfare of the Indian population, he may, pending the prompt initiation and resolution of rescission proceedings and after reasonable written notice to the contractor, suspend, in whole or in part, federal assistance under the contract. No obligations incurred by the contractor during the period of suspension shall be allowable under the suspended contract (or portion of the contract), except that the contracting officer may, with the concurrence of the Area Director, allow necessary and proper costs which the contractor could not reasonably avoid during the period of suspension or which he determines may be necessary to preserve the project or best interests of the Indians to be served. *Provided*, that such costs would otherwise be allowable under this subpart. Appropriate adjustments to the payments under the suspended contract (or portion of the contract) will be made, either by withholding the payments or by not allowing the contractor credit for disbursements which it may make in liquidation of unauthorized obligations it incurs during the period of suspension. Suspensions shall remain in effect until the contractor has taken corrective ac-

tion to the satisfaction of the contracting officer and the Area Director, or given assurances satisfactory to the contracting officer and the Area Director that corrective action will be taken, or until the contract is rescinded.

(c) When the contracting officer with the concurrence of the Area Director determines that a contractor has not taken corrective action (as prescribed by him under paragraph (a) of this section) to his satisfaction, he may, after the contractor has been provided an opportunity for a hearing in accordance with paragraph (d) of this section, rescind the contract in whole or in part and, if appropriate, assume or resume control or operation of the program, activity, or service involved.

(d) (1) When the contracting officer has made a determination described in paragraph (c) of this section, he shall in writing notify the contractor of such determination and of the contractor's right to request a review of such determination and of the determination described in paragraph (a) of this section. Such notification by the contracting officer shall set forth the reasons for the determination in sufficient detail to enable the contractor to respond and shall inform the contractor of its right to a hearing before a Contract Appeals Board described in paragraph (d) (2) of this section.

(2) Contract Appeals Board shall be composed of 3 persons appointed by the Director, Indian Health Service. Such persons may not be selected from people in the immediate office of any person participating in the determinations at issue. The Board shall meet as often and for so long as necessary to render a prompt initial decision consistent with providing the contractor with a fair hearing. The Board may operate with informal rules which must at a minimum assure the following:

(i) Sufficient notice of the issues to be considered (where such notice has not previously been afforded);

(ii) An opportunity to be represented by counsel;

(iii) An opportunity to make a record of the proceedings;

(iv) An opportunity to present witnesses on contractor's behalf; and

(v) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

The Contract Appeals Board shall make an initial written recommended decision which shall become final within 20 days unless the Director, Indian Health Service determines that a contrary decision is warranted. Any such decision by the Director of the Indian Health Service will be in writing and will be specific as to the reasons for his decision.

(e) Where the contracting officer, with the concurrence of the Area Director, determines that a contractor's performance under a contract awarded under this subpart poses an immediate threat to the safety of any person, he may immediately rescind the contract in whole or in part and, if appropriate the Area Director may assume or resume control

or operation of the program, activity, or service involved. In such case, the Director, Indian Health Service, shall designate three officers or employees of the Department to serve as a hearing panel, one of whom shall be designated as chairman. No officer or employee from the immediate office of any of the officials who had a part in the decision to terminate the contract under this paragraph may be designated to serve on the hearing panel.

(1) The hearing shall be commenced within 10 days after the rescission of the contract and shall afford each party to the proceeding:

(i) Sufficient notice of the issues to be considered (where such notice has not previously been afforded);

(ii) An opportunity to be represented by counsel;

(iii) An opportunity to make a record of the proceedings;

(iv) An opportunity to present witnesses on contractor's behalf; and

(v) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(2) The hearing panel shall, within 25 days after the conclusion of the hearing, notify all parties in writing of its decision.

(3) Such decision shall not be subject to further hearing in accordance with 42 CFR Part 50, subpart D or with 45 CFR Part 16.

(f) In any case where the contracting officer has rescinded a contract under paragraphs (c) or (e) of this section, he may decline to enter into a new contract agreement with the contractor until such time as he is satisfied that the basis for the rescission has been corrected.

Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

#### § 36.234 Operation of retroceded or reassumed contracts.

(a) The IHS shall endeavor to provide to the tribe(s) and Indians served by a retroceded or reassumed contract not less than the same quantity and quality of service it would have provided if there had been no contract.

(b) The IHS shall endeavor to provide to the tribe(s) and Indians served by a retroceded or reassumed contract not less than the same quantity and quality of permanent and temporary personnel that meet the U.S. Civil Service qualifications, it would have provided if there has been no contract.

(c) IHS officials cannot decline to accept a retroceded contract or to reassume a contract because they are unable to provide the quality and quantity of service and personnel required in paragraphs (a) and (b) of this section.

#### § 36.235 Contract funds.

The tribal organization shall be entitled to be funded for direct and indirect costs at a level which is not less than would have been provided if the IHS had operated the program or portion thereof during the contract period.

#### § 36.236 Unexpended funds under contract.

(a) If it becomes apparent during the contract term that the estimated amount of a contract under this subpart will be in excess of actual expenditures under the contract, the identified unexpended funds will be used to provide additional services or benefits within the scope or limitations of the contract.

(b) When both the tribal organization and the IHS agree that it is not practicable to spend all contract funds during the contract term, to the extent authorized by law unexpended funds may be carried over into the succeeding fiscal year contract. Unexpended funds carried

over into a succeeding fiscal year shall be added to the contract amount for that fiscal year.

#### § 36.237 Contract funding and renegotiation.

The following clause shall be included in contracts awarded under the Act which have a term of more than one year:

##### CONTRACT FUNDING AND RENEGOTIATION

Funds other than those appropriated during the fiscal year in which the contract commenced, that are included in the contract amount are subject to the availability of appropriations from Congress and there shall be no legal liability on the part of the

Government in regard to such funds unless and until they are appropriated. Funds appropriated during the fiscal year in which the contract commenced that are included in the contract amount but not expended at the end of such fiscal year may be carried over and used for contract purposes in the succeeding fiscal year of the contracts operation or, may be used to provide additional services upon modification of the contract to include such services therein.

Each succeeding year of the contract may be renegotiated prior to the end of the then current fiscal year in order to reflect changes that have taken place beyond the control of the contractor since the contract was originally negotiated or last renegotiated as is applicable.

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MONDAY, SEPTEMBER 15, 1975



PART IV:

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

### INDIAN SELF-DETERMINATION ACT

Proposed Special Types and Methods  
of Procurement Contracts

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#### PROPOSED RULES

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Sec.  
3-4.6011 Special provisions of Indian Self-  
Determination contracts.

§ 3-4.6005 Types of contracts.

(a) Cost reimbursement contracts will  
be used for all contracts made pursuant

the terms of the contract. Whenever the  
total amount payable by the terms of the  
contract is more than \$1,000,000 but not

(g) Retrocession.  
(h) Assumption and Reassumption of  
Contract Programs.

(a) The term "Secretary" means the  
Secretary, the Under Secretary, or any As-  
sistant Secretary of the Department of  
Health, Education, and Welfare; and the

#### PROPOSED RULES

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# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3-4]

## SPECIAL TYPES AND METHODS OF PROCUREMENT

### Contracts Under Indian Self-Determination Act

Notice is hereby given that The Secretary of Health, Education, and Welfare proposes to amend the Department's procurement regulations, Chapter 3 of 41 CFR, by the addition of a new subpart, entitled Contracts Under the Indian Self-Determination Act, to Part 3-4 Special Types and Methods of Procurement.

Section 103 of the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, 25 U.S.C. 450g, authorizes The Secretary of Health, Education, and Welfare to contract at the request of a tribe with a tribal organization to carry out any or all of his functions, authorities, or responsibilities under the Act of August 5, 1954, as amended, 42 U.S.C. 2001. Program regulations to implement this authority have been developed and are published today as a Notice of Proposed Rulemaking at 40 FR 42657. The regulations proposed below contain the special contract clauses and procurement instructions applicable to contracts under the Act.

Interested persons are invited to participate in the rulemaking process by submitting such written data, views, and arguments as they may desire. Inquiries may be addressed to data, views, and arguments related to the proposed regulations may be presented in writing to the Director, Indian Health Service, Health Services Administration, Public Health Service, Room 5A55 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. All relevant material received on or before October 15, 1975, will be considered. All comments received in response to this notice will be available for public inspection in such office on weekdays between 9 a.m. and 5 p.m.

It is therefore proposed to amend 41 CFR Part 3-4 by adding a new subpart .60 as set forth below.

Issued in Washington, D.C. in September, 1975.

Dated: September 10, 1975.

DAVID MATHEWS,  
Secretary.

### Subpart 3-4.60—Contracts Under the Indian Self-Determination Act

- Sec. 3-4.6000 Scope of subpart.  
3-4.6001 Applicability of regulations.  
3-4.6002 Waivers.  
3-4.6003 Negotiating authority.  
3-4.6004 Definitions.  
3-4.6005 Types of contracts.  
3-4.6006 Terms of contracts.  
3-4.6007 Exemption from bonds.  
3-4.6008 Wage and labor standards—construction contracts.  
3-4.6009 Performance of personal services.  
3-4.6010 Use of General Services Administration supply sources.

## PROPOSED RULES

- Sec. 3-4.6011 Special provisions of Indian Self-Determination contracts.  
3-4.6012 General provisions.  
3-4.6013 General provisions for Cost Reimbursement Contracts under the Indian Self-Determination Act.  
3-4.6014 General provisions for Fixed Cost contracts under the Indian Self-Determination Act.

AUTHORITY: Secs. 103, 107 of P.L. 93-638, 25 U.S.C. 450g, 450k; sec. 3, Pub. L. 83-568, 42 U.S.C. 2003.

### Subpart 3-4.60—Contracts Under the Indian Self-Determination Act

#### § 3-4.6000 Scope of subpart.

This subpart prescribes procedures for contracting by the Department of Health, Education, and Welfare under the Indian Self-Determination Act (25 U.S.C. 405f).

#### § 3-4.6001 Applicability of regulations.

Contracts with tribal organizations resulting from the submission of Indian Self-Determination Contract Proposals as authorized in Public Law 93-638 shall be in accordance with 41 CFR Chapter 1 and 3.

#### § 3-4.6002 Waivers.

(a) The Secretary waives Federal contract clauses that are normally contained in the General Provisions of a contract to the extent that they are omitted from the General Provisions prescribed for such contracts in this subpart.

(b) The Secretary may waive for the purpose of a specific contract such other provisions of Federal contracting laws or regulations as he determines are not appropriate in view of, or are inconsistent with, the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Requests for such waivers shall be in accordance with 42 CFR 36.216.

(c) While it is DHEW's policy to obtain competition whenever possible, any contract award to a tribal organization resulting from the submission of an Indian Self-Determination Contract Proposal will be effected without competition unless competing tribal entities have submitted independent proposals for the same program requirements.

(d) Proposed contracts under section 103 of the Indian Self-Determination Act are exempted from the requirements of § 1-1.1003—although subcontracts are subject under section 7(b) of that act to a preference to Indian organizations and to Indian-owned economic enterprises. Opportunities to so subcontract may be publicized by contracting officers as provided for in § 1-1003-4.

#### § 3-4.6003 Negotiating authority.

(a) Contracts entered into pursuant to section 103 of the Indian Self-Determination Act (25 U.S.C. 450g) will cite as the negotiating authority 41 U.S.C. 252 (c) (15) and 25 U.S.C. 450g.

#### § 3-4.6004 Definitions.

The definitions prescribed in 42 CFR 36.204 are applicable to this subpart.

#### § 3-4.6005 Types of contracts.

(a) Cost reimbursement contracts will be used for all contracts made pursuant to this subpart. In addition to such other provisions as the Secretary may from time to time require, such cost reimbursement contracts shall contain the terms set out in 3-4.60.

(b) Fixed-price contracts may be used in only these instances where costs can be precisely established. In addition to such other provisions as the Secretary may from time to time require, such fixed-price contracts shall contain the terms set out in 3-4.60.

(c) Cost sharing contracts may be used where the tribe contributes to the cost of a program and may specify a percentage of cost or fixed amount to be funded by the government.

#### § 3-4.6006 Term of contract.

(a) The term of contracts awarded under the Act shall not exceed one year except that contracts may be made for a longer term up to three years subject to the availability of appropriations under the following circumstances:

(1) The services provided under the contract can reasonably be expected to be continuing in nature and, as a result, a longer contract term would be advantageous.

(2) The Indian tribe or tribes to be served by the contract request that the term be more than one year. The tribal organization will indicate the desired term of the contract in the Self-Determination Contract Proposal.

(b) Contracts made for a term of more than one year may be renegotiated annually to reflect factors which include, but need not be limited to, cost increases beyond the control of the tribal contractor. Proposed changes in the services provided under the contract which reflect changes in program emphasis may be considered during the annual renegotiation if the change fall within the general scope of the contract.

#### § 3-4.6007 Exemption from bonds.

A tribal organization is not required to furnish performance and payment bonds before carrying out a contract under this Part for the construction of public buildings or works as required by the Miller Act of August 24, 1935 (49 Stat. 793), as amended. However, the tribal organization shall require each of its subcontractors other than tribal organizations, to furnish both performance and payment bonds as follows:

(a) A performance bond with a surety or sureties satisfactory to the approving official, and in an amount he deems adequate, for the protection of the United States.

(b) A payment bond with a surety or sureties satisfactory to the approving official for the protection of all persons supplying labor and material in carrying out the contract the use of each person. Whenever the total amount payable by the terms of the contract is not more than \$1,000,000 the payment bond shall be one-half the total amount payable by

the terms of the contract. Whenever the total amount payable by the terms of the contract is more than \$1,000,000 but not more than \$5,000,000, the payment bond shall be 40 percent of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract is more than \$5,000,000 the payment bond shall be \$2,500,000.

#### § 3-4.6008 Wage and labor standards—construction contracts.

(a) All laborers and mechanics employed by tribal contractors or subcontractors in constructing, altering or repairing buildings or other facilities in connection with contracts under this Subpart shall be paid wages not less than those on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended. However, this requirement does not apply where the tribal contractor is the recognized governing body of the tribe and the construction, alteration, or repair work is being performed by the tribal organization or the tribe with its own regular employees.

#### § 3-4.6009 Performance of personal services.

Any contract made under this subpart may include provisions for the performance of personal services which would otherwise be performed by Federal employees. Such services include, but are not limited to, performing the following functions in connection with the contract and applicable rules and regulations:

(a) Determining the eligibility of applicants for assistance, benefits, or services.

(b) Determining the extent or amount of assistance, benefits, or services to be provided.

(c) Providing such assistance, benefits, or services.

#### § 3-4.6010 Use of General Services Administration supply sources.

Indian tribal organizations who are awarded cost reimbursement type contracts under this subpart, may be authorized to utilize GSA supply sources. Such authorization will conform with the policy and procedural requirements of 41 CFR 3-5.9.

#### § 3-4.6011 Special Provision of Indian Self-Determination Contracts.

Contracts entered into pursuant to Section 103 of the Act must incorporate special clauses which are consistent with those prescribed in subpart I of Part 36 of 42 CFR on the following subjects:

(a) Fair and Equal Treatment of Indian People.

(b) Utilization of Indian Business Concerns.

(c) Indian Preference in Training and Employment.

(d) Indemnity and Insurance.

(e) Reports to the Indian People.

(f) Penalties.

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- (g) Retrocession.  
(h) Assumption and Reassumption of Contract Programs.

#### § 3-4.6012 General Provisions.

General Provisions are published in this regulations in order to respond to the expressed desire of the Indian people, to have published in one place, all of the terms and conditions applicable to contracts awarded under the Act. These General Provisions incorporate the special clauses whose titles are listed in 3-4.6011 above as well as applicable standard contract clauses.

#### § 3-4.6013 General Provisions for Cost Reimbursement Contracts under the Indian Self-Determination Act (P.L. 93-638), Title I.

Clause No. and Title

1. Definitions.
2. Disputes.
3. Limitation of Cost.
4. Allowable Cost.
5. Negotiated Overhead Rates.
6. Payment.
7. Advance Payment.
8. Examination of Records.
9. Inspection and Reports.
10. Subcontracting.
11. Accounts, Audit, and Records.
12. Government Property.
13. Changes.
14. Notice to the Government of Delays.
15. Retrocession.
16. Reassumption of Programs.
17. Rights in Data.
18. Reporting of Royalties.
19. Authorization and Consent.
20. Notice and Assistance Regarding Patent and Copyright Infringement.
21. Publication and Publicity.
22. Patent Rights.
23. Key Personnel.
24. Litigation and Claims.
25. Indemnity and Insurance.
26. Overtime.
27. Foreign Travel.
28. Questionnaires and Surveys.
29. Printing.
30. Services of Consultants.
31. Assignment of Claims.
32. Contract Work Hours Standards Act—Overtime Compensation.
33. Walsh-Healey Public Contracts Act.
34. Equal Opportunity.
35. Civil Rights Act of 1964.
36. Certificate of Nonsegregated Facilities.
37. Convict Labor.
38. Officials Not to Benefit.
39. Buy American Act Supply and Service Contracts.
40. Utilization of Small Business Concerns.
41. Utilization of Labor Surplus Area Concerns.
42. Utilization of Minority Business Enterprises.
43. Utilization of Indian Business Concerns.
44. Payment of Interest on Contractors' Claims.
45. Indian Preference in Training and Employment.
46. Fair and Equal Treatment of Indian People.
47. Price Reduction for Defective Cost or Pricing Data.
48. Subcontractor Cost and Pricing Data.
49. Penalties.
50. Effect on Existing Rights.

Clause No. 1—Definitions.  
As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare; and the term "his duly authorized representative" means any person, persons, or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of monitoring of contract performance. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of this contract or which change the period of this contract.

(d) The term "Department" means the Department of Health, Education, and Welfare.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

Clause No. 2—Disputes.

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above. Provided, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

Clause No. 3—Limitation of cost.

(a) It is estimated that the total cost to the Government for the performance of this contract will not exceed the estimated cost set forth in this contract and the Contractor agrees to use its best efforts to perform all work and all obligations under this contract within such estimated costs. If at any time the Contractor has reason to believe that the costs which it expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost set forth in the contract, or, if at any time the Contractor has reason to believe that the total cost to the Government, for the performance of this contract, will be substantially greater or less than the esti-

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mated cost thereof, the Contractor shall final rate. (2) the bases, to which the rates such refunds, rebates, credits, or other the Contractor for the purpose of securing

allowable cost, and for such other purposes as the Administering Office may approve in writing. Any interpretation required as to the

title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify, by

and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances

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mated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving its revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the contract and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of such estimated cost unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in this contract has been increased by the Contracting Officer in writing, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

Clause No. 4—Allowable cost.

(a) Compensation for Contractor's performance. Payment for the allowable cost, as herein defined and as actually incurred by the contractor shall constitute full and complete compensation for the performance of the work under this contract.

(b) Allowable cost. The allowable cost of performing the work under this contract shall be the cost actually incurred by the Contractor, either directly incident or properly allocable to the contract, in the performance of this contract in accordance with its terms. The allowable cost, direct and indirect, including acceptability of cost allocation methods, shall be determined by the Contracting Officer in accordance with:

(1) (i) "A Guide for Nonprofit Institutions Establishing Indirect Cost Rates for Research Grants and Contracts with the Department of Health, Education, and Welfare, DHEW Publication OASCI-5," or (ii) "A Guide for Hospitals, Establishing Indirect Cost Rates for Research Grants and Contracts with the Department of Health, Education, and Welfare, DHEW Publication OASCI-3," or (iii) Subpart 1-15.7 of the Federal Procurement Regulations (41 CFR 1-15.7) if the contract is with a state or local government agency.

(2) The terms of the contract.

Clause No. 5—Negotiated overhead rates.

(a) Notwithstanding the provisions of the clause of this contract entitled, "Allowable Cost," the allowable indirect costs shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible, but not later than six (6) months after the expiration of each of the Contractor's financial years or such period as may mutually be agreed upon by the Government and the Contractor, shall submit to the Contracting Officer, with a copy to the cognizant audit agency, a proposed final overhead rate or rates for that period based on the Contractor's cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with the applicable cost principles set forth in paragraph (b) (1) of Clause 4, as in effect on the date of this contract, and the same hereby incorporated herein by reference.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (1) the agreed

final rate, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in this contract or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in this contract shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the clause of this contract entitled "Disputes."

(g) Submission of proposed provisional and/or final overhead rates, together with appropriate data in support thereof, to the Secretary or his duly authorized representative, and agreements on provisional and/or final overhead rates entered into between the Contractor and the Secretary or his duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements signed by both parties, shall be deemed to satisfy the requirements of (b), (d) and (e) above.

Clause No. 6—Payment.

(a) Payment on account of allowable costs. Once each month (or at more frequent intervals if approved by the Contracting Officer) the Contractor may submit to the Contracting Officer, in such form and reasonable detail as may be required, an invoice or voucher supported by a statement of costs incurred by the Contractor in the performance of this contract and claimed to constitute allowable costs. Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (b) below, make payment thereon as approved by the Contracting Officer.

(b) Audit adjustments. At any time or times prior to settlement under this contract the Contracting Officer may have invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayment, or increased for underpayments on preceding invoices or vouchers.

(c) Completion voucher. On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and provisions of (d) below) the Government shall promptly pay to the Contractor any balance of allowable cost. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than 6 months (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(d) Applicable credits. The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by

the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer.

(e) Financial settlement. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts or in estimated amounts where the amounts are susceptible to exact statement by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: Provided, That such claims are not known to the contractor on the date of the execution of the release: And provided further, That the Contractor gives notice of such claims in writing to the Contracting Officer not more than 6 years after the date of the release or date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability). Including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

Clause No. 7—Advance Payments.

(a) Amount of Advance. At the request of the contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment, or advance payments from time to time, to the Contractor. No advance payment shall be made (1) without the approval of the officer administering advance payments (hereinafter called the "Administering Officer" and designated in paragraph (k) (4) hereof) as with all advance payments theretofore made, shall exceed the amount stated in paragraph (k) (1) hereof; and (3) without a properly certified invoice or invoices.

(b) Special Bank Account. Until all advance payments made hereunder are liquidated and the Administering Officer approves in writing the release of any funds due and payable to the Contractor, all advance payments and all other payments under the contract shall be made by check payable to the Contractor, and be marked for deposit only in a Special Bank Account with the bank designated in paragraph (k) (2) hereof. No part of the funds in the Special Bank Account shall be mingled with other funds of the Contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided, each withdrawal shall be made only by check of the Contractor countersigned on behalf of the Government by the Contracting Officer or such other person or persons as he may designate in writing (hereinafter called the "Countersigning Agent"). Until otherwise determined by the Administering Officer, countersignature on behalf of the Government will not be required.

(c) Use of Funds. The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purposes of making payments for items of allowable cost or to reimburse the Contractor for such items or

allowable cost, and for such other purposes as the Administering Officer may approve in writing. Any interpretation required as to the proper use of funds shall be made in writing by the Administering Officer.

(d) Return of Funds. The Contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the Administering Officer, the Contractor shall repay to the Government such part of the unliquidated balance of advance payments as shall in the opinion of the Administering Officer be in excess of current requirements, or (when added to total advance previously made and liquidated) in excess of the amount specified in paragraph (k) (1) hereof. In the event the Contractor fails to repay such part of the unliquidated balance of advance payments when so requested by the Administering Officer, all or any part thereof may be withdrawn from the Special Bank Account by checks payable to the Treasurer of the United States signed solely by the Countersigning Agent and applied in reduction of advance payments then outstanding hereunder.

(e) Liquidation. If not otherwise liquidated, the advance payments made hereunder shall be liquidated as herein provided. When the sum of all payments under this contract, other than advance payments, plus the unliquidated amount of advance payments are equal to the total estimated cost under this contract or such lesser amount to which the total estimated cost under this contract may have been reduced, plus increases, if any, in this total estimated cost not exceeding, in the aggregate, (including, without limitation, reimbursable costs incident to termination for cause and retrocession as estimated by the Contracting Officer), the Government shall thereafter withhold further payments to the Contractor and apply the amounts withheld against the Contractor's obligation to repay such advance payments until such advance payments shall have been fully liquidated.

If upon completion, termination, or retrocession of the contract all advance payments have not been fully liquidated, the balances therefore shall be deducted from any sums otherwise due or which may become due to the Contractor from the Government, and any deficiency shall be paid by the Contractor to the Government upon demand.

(f) Bank Agreement. Before an advance payment is made hereunder, the Contractor shall transmit to the Administering Officer, in the form prescribed by such office, an Agreement in triplicate from the bank in which the Special Bank Account is established, clearly setting forth the special character of the account and the responsibilities of the bank thereunder. Wherever possible, such bank shall be a member bank of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation Act of August 23, 1935, 49 Stat. 685, as amended (12 U.S.C. 264).

(g) Lien on Special Bank Account. The Government shall have a lien upon any balance in the Special Bank Account payable to all other liens, which lien shall secure the repayment of any advance payments made hereunder.

(h) Lien on Property Under Contract. Any and all advance payments made under this contract shall be secured, when made, by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract and on all material and other property acquired for or allocated to the performance of this contract, except to the extent that the Government by virtue of any other provision of this contract, or otherwise, shall have valid

title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify, by marking or segregation, all property which is subject to a lien in favor of the Government by virtue of any provision of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The Contractor shall maintain adequate accounting control over such property on his books and records. If at any time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, *inter alia*, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer. If this contract is terminated in whole or in part and the Contractor is authorized to sell or retain termination inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the Contracting Officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such termination inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention on the Contractor's termination claim, is applied in reduction of advance payments then outstanding hereunder.

(i) Insurance. The Contractor represents and warrants that he is now maintaining with responsible insurance carriers, (1) insurance upon his own plant and equipment against fire and other hazards to the extent that like properties are usually insured by others operating plants and properties of similar character in the same general locality; (2) adequate insurance against liability on account of damage to persons or property; and (3) adequate insurance under all applicable workmen's compensation laws. The Contractor agrees that, until work under this contract has been completed and all advance payments made hereunder have been liquidated, he will (1) maintain such insurance; (2) maintain adequate insurance upon any materials, parts, assemblies, sub-assemblies, supplies, equipment and other property acquired for or allocable to this contract and subject to the Government lien hereunder; and (3) furnish such certificates with respect to his insurance as the Administering Officer may from time to time require.

(j) Prohibition Against Assignment. Notwithstanding any other provision of this contract, the Contractor shall not transfer, pledge, or otherwise assign this contract, or any interest therein, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution.

(k) Designations and Determinations. (1) Amount. The amount of advance payments at any time outstanding hereunder shall not exceed \$.....

(2) Depository. The bank designated for the deposit of payments made hereunder shall be:

(3) Interest Charge. No interest shall be charged for advance payments made hereunder. The Contractor shall charge interest at the rate of 6 percent per annum on subadvances or down payments to subcontractors,

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and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances on nonprofit subcontracts with nonprofit educational or research institutions for experimental, research or development work.

(4) Administering Office. The office administering advance payments shall be the office designated as having responsibility for awarding the contract.

(i) Other Security. The terms of this contract shall be considered adequate security for advance payments hereunder, except that if at any time the administering office deems the security furnished by the Contractor to be inadequate, the Contractor shall furnish such additional security as may be satisfactory to the administering office, to the extent that such additional security is available.

Clause No. 8—Examination of records.

(a) This clause is applicable if the amount of this contract exceeds \$2,500 and was entered into by means of negotiation including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States and the Secretary, or any of their duly authorized representatives, shall until expiration of 3 years after final payment under this contract or of the time period for the particular records in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States, or his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding \$2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" cause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

Clause No. 9—Inspection and reports.

(a) Inspection of work. The Government shall have the right to inspect the work and activities under this contract, including, without limitation, premises where any Government property may be located at such reasonable times and in such manner as it may deem appropriate and the Contractor shall afford the Government proper facilities and assistance for such inspection.

(b) Reports. The Contractor shall furnish such progress reports, schedules, financial and cost reports, and other reports concerning the work under this contract as specified elsewhere in this contract. Cost and other financial data and projections furnished pursuant to this paragraph (b) shall not relieve

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the Contractor of the requirements for furnishing notice specified in the clause of this contract entitled "Limitation of Cost."

(c). In addition, where Federal Financial

the purchase or rental of items of personal property having a unit acquisition cost of less than \$200 or for subcontracts in a total amount less than \$1,000 unless otherwise

(B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by

paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property."

(2) Title to the Government property

tractor shall require the subcontractor to assume the risk of and be responsible for any loss or destruction of or damage to Government property while in the latter's possession or control, and the subcontract shall contain

(2) Upon completion or expiration of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall render an accounting, as prescribed by the Contracting Officer, of all Gov-

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the Contractor of the requirements for furnishing notice specified in the clause of this contract entitled "Limitation of Cost."

(c) In addition, where Federal Financial assistance is involved in the contract effort, the following clause will apply:

**Reports to the Indian People**

The contractor, as a recipient of Federal financial assistance, shall make reports and information available to the Indian people served or represented by the contractor. Such reports will reflect how the Federal assistance funds were utilized to the benefit of the Indian people served or represented as follows: (specific reporting requirements, formats and methods of distribution to the Indian people will be prescribed in the scope of the contract.)

**(d) Annual Reporting.**

(1) For each fiscal year during which a tribal organization receives or expends funds pursuant to a contract under this Part, the tribe which requested the contract must submit a report to the Contracting Officer. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended and information on the conduct of the program or services involved. The reports shall include any other information requested by the Contracting Officer and may be submitted as follows:

(i) When the contract is with the governing body of an Indian tribe, the tribe shall submit the report to the Contracting Officer.

(ii) When the contract is with a tribal organization other than the governing body of the tribe, the tribe has the option of having the tribal organization prepare the report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(iii) When the contract benefits more than one tribe, the tribal organization shall prepare and submit the report to each of the tribes benefiting under the contract. Each tribe shall endorse the report before submitting it to the Contracting Officer.

(2) The annual report shall be submitted to the Contracting Officer within 60 days of the end of the fiscal year in which the contract was performed. However, the period for submitting the report may be extended if there is just cause for such extension.

(3) In addition to the yearly reporting requirement given in paragraphs (a) and (b) of this section, the tribal contractor shall furnish other reports when and as required by the Contracting Officer.

**Clause No. 10—Subcontracting.**

(a) Prior approval required. Except as provided in (c) below, the Contractor shall not enter into any subcontract or purchase order not otherwise expressly authorized elsewhere in this contract without the prior written approval of the Contracting Officer and subject to such conditions as the Contracting Officer may require.

(b) Request for approval. The Contractor's request for approval to enter into a subcontract pursuant to this clause shall include: (1) a description of the supplies or services to be called for by the subcontract; (2) identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained; (3) the proposed subcontract price, together with the Contractor's cost or price analysis thereof; (4) identification of the type of subcontract to be used; (5) a copy or draft of the proposed subcontract, if available; and (6) any other information which the Contracting Officer may require.

(c) Certain purchases of property and services. Prior written approval shall not be required for firm fixed-price subcontracts for

the purchase or rental of items of personal property having a unit acquisition cost of less than \$200 or for subcontracts in a total amount less than \$1,000 unless otherwise specified elsewhere in this contract. Provided, however, That advance notification shall be given by the Contractor of any subcontract which exceeds in dollar amount 5 percentum of the total estimated cost of this contract.

(d) Contractor's procurement system. The Contractor shall use methods, practices or procedures in subcontracting or purchasing (hereinafter referred to as the Contractor's "procurement system") acceptable to the Contracting Officer. The Contracting Officer may, at any time during the performance of this contract, require the Contractor to provide information concerning its procurement system.

(e) Effect of subcontracting. Subcontracts shall be made in the name of the Contractor and shall not bind nor purport to bind the Government. The making of subcontracts hereunder shall not relieve the Contractor of any requirement under this contract (including, but not limited to, the duty to properly supervise and coordinate the work of subcontracts, and the duty to maintain and account for property pursuant to the clause of this contract entitled "Government Property"). Approval of the provisions of any subcontract by the Contracting Officer shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost. In no event shall approval of any subcontract by the Contracting Officer be construed as effecting any increase in the estimated cost set forth in this contract. No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(f) Procurements from contractor-controlled sources. Procurement or transfer of equipment, materials, supplies, or services from contractor-controlled source (any division or other organizational component of the prime contractor, exclusive of the contracting component, and any subsidiary or affiliate of the Contractor under a common control) shall be considered a subcontract for the purpose of this clause.

Clause No. 11—Accounts, audit, and records.

(a) The Contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitutes "records" for the purposes of this clause.

(b) The Contractor's facility(ies), or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representative.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for the particular records specified in 41 CFR Part 1-20, whichever expires earlier and (2) for such longer period, if any, as is required by applicable statute, or by other clause of this contract, or by (i) or (ii) below.

(1) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract,

(B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert the substance of this clause, including this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at this level involved in place of the Contractor; to add "of the Government prime contract" in place of "this contract" in (B) of subparagraph (c) (ii) above.

Clause No. 12—Government property.

(a) Government furnished property. (1) The Government reserves the right to furnish any property or services required for the performance of the work under this contract.

(2) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described elsewhere in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (such property to be referred to as "Government furnished property").

In the event that Government furnished property is not delivered to the contractor by such time or times as stated, or if not stated, in sufficient time to enable the contractor to meet such delivery or performance dates under this contract, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and make appropriate equitable adjustments to any contractual provisions affected by any such delay in accordance with the provisions of the clause of this contract entitled "Changes."

In the event that Government furnished property is received by the Contractor in a condition not suitable for the intended use, the contractor shall, immediately upon receipt thereof, notify the Contracting Officer of such fact, and, as directed by the Contracting Officer either (1) return or otherwise dispose of such property, or (ii) effect repairs or modification thereto. Upon completion of (i) or (ii) above, the Contracting Officer, upon timely written request of the Contractor, shall make appropriate equitable adjustments to any contractual provisions affected thereby in accordance with the provisions of the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government furnished property or delivery of such property in a condition not suitable for its intended use.

(b) Title. (1) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass and vest in the Government upon (1) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this

contract, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property."

(2) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property now owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity or personality by reason of affixation to any realty.

(c) Use of Government property. Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(d) Property management and control. The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection, and preservation, control of and accountability for Government property, so as to assure its full availability and usefulness for the performance of this contract.

The Contractor agrees to promptly receipt for all Government property in a form and manner as prescribed by the Contracting Officer. The Contractor further agrees to take all reasonable steps to comply with all directions or instructions which the Contracting Officer may prescribe regarding the management and control of Government property.

(e) Risk or loss. (1) The Contractor shall not be liable for any loss of or damage to Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who have supervision or direction of (A) all or substantially all of the Contractor's operations at any one plant, laboratory or separate location in which this contract is being performed or (B) a separate and complete major organization, industrial or otherwise in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (i) above, (A) to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection, and preservation of Government property as required by paragraph (d) hereof, or (B) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (4) hereof;

(iii) For which the Contractor is otherwise responsible under the express terms of this contract;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement; Provided That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) If the Contractor transfers Government property to the possession and control of a subcontractor the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to Government property as set forth in (1) above. The Contractor shall require the subcontractor to assume the risk of and be responsible for any loss or destruction of or damage to Government property while in the latter's possession or control, and the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received (except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract). Provided, however, That the subcontractor may be relieved from such liability only to the extent that the subcontract, with the prior approval of the Contracting Officer, so provides.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provisions for a reserve, covering the risk of loss or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovation of the damaged Government property, or take such other action as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, it shall use the proceeds to repair, renovate, or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where a subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(6) Disposition of Government property. (i) During the period of performance of this contract, the Contractor shall promptly and regularly report to the Contracting Officer, in such form and manner as the Contracting Officer may direct, concerning the status of Government property under the contract, including all Government property in the Contractor's possession which is not in use or which is excess to the needs of the contract. The Contractor shall make such disposition of Government property as the Contracting Officer may direct. The Contractor shall in no way be relieved of responsibility for Government property without the prior written approval of the Contracting Officer.

(2) Upon completion or expiration of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall render an accounting, as prescribed by the Contracting Officer, of all Government property which had come into the possession or custody of the Contractor under this contract. Such accounting shall include inventory schedules covering all items of Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, or for which the Contractor has not otherwise been relieved of responsibility. The Contractor shall deliver or make such other disposition of Government property covered in such inventory schedules as the Contracting Officer may direct.

(3) The net proceeds of any disposition of Government property, in accordance with (1) and (2) above, shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct.

(g) Restoration of premises. Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's facility or any portion thereof which is affected by removal of any Government property.

Clause No. 13—Changes.

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (a) Drawings, designs, or specifications; (b) method of shipment or packing; (c) place of inspection, delivery, or acceptance; and (d) the amount of Government furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for performance of this contract, or otherwise affects any other provisions of this contract, whether changed or not by any such order, an equitable adjustment shall be made (a) in the estimated cost or delivery schedule, or both, and (b) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change. Provided, however, That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled, "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

Clause No. 14—Notice to the Government of delays.

Whenever the Contractor has knowledge that any actual or potential situation, including, but not limited to, labor disputes, is delaying or threatens to delay the timely performance of the work under this contract, the Contractor shall immediately give written notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

Clause No. 15—Retraction.

(a) The Indian tribe that initially requested this contract may also request its retraction, notwithstanding the fact that

paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property."

(2) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property now owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity or personality by reason of affixation to any realty.

(c) Use of Government property. Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(d) Property management and control. The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection, and preservation, control of and accountability for Government property, so as to assure its full availability and usefulness for the performance of this contract.

The Contractor agrees to promptly receipt for all Government property in a form and manner as prescribed by the Contracting Officer. The Contractor further agrees to take all reasonable steps to comply with all directions or instructions which the Contracting Officer may prescribe regarding the management and control of Government property.

(e) Risk or loss. (1) The Contractor shall not be liable for any loss of or damage to Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who have supervision or direction of (A) all or substantially all of the Contractor's operations at any one plant, laboratory or separate location in which this contract is being performed or (B) a separate and complete major organization, industrial or otherwise in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (i) above, (A) to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection, and preservation of Government property as required by paragraph (d) hereof, or (B) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (4) hereof;

(iii) For which the Contractor is otherwise responsible under the express terms of this contract;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement; Provided That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) If the Contractor transfers Government property to the possession and control of a subcontractor the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to Government property as set forth in (1) above. The Contractor shall require the subcontractor to assume the risk of and be responsible for any loss or destruction of or damage to Government property while in the latter's possession or control, and the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received (except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract). Provided, however, That the subcontractor may be relieved from such liability only to the extent that the subcontract, with the prior approval of the Contracting Officer, so provides.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provisions for a reserve, covering the risk of loss or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovation of the damaged Government property, or take such other action as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, it shall use the proceeds to repair, renovate, or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where a subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(6) Disposition of Government property. (i) During the period of performance of this contract, the Contractor shall promptly and regularly report to the Contracting Officer, in such form and manner as the Contracting Officer may direct, concerning the status of Government property under the contract, including all Government property in the Contractor's possession which is not in use or which is excess to the needs of the contract. The Contractor shall make such disposition of Government property as the Contracting Officer may direct. The Contractor shall in no way be relieved of responsibility for Government property without the prior written approval of the Contracting Officer.

(2) Upon completion or expiration of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall render an accounting, as prescribed by the Contracting Officer, of all Government property which had come into the possession or custody of the Contractor under this contract. Such accounting shall include inventory schedules covering all items of Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, or for which the Contractor has not otherwise been relieved of responsibility. The Contractor shall deliver or make such other disposition of Government property covered in such inventory schedules as the Contracting Officer may direct.

(3) The net proceeds of any disposition of Government property, in accordance with (1) and (2) above, shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct.

(g) Restoration of premises. Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's facility or any portion thereof which is affected by removal of any Government property.

Clause No. 13—Changes.

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (a) Drawings, designs, or specifications; (b) method of shipment or packing; (c) place of inspection, delivery, or acceptance; and (d) the amount of Government furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for performance of this contract, or otherwise affects any other provisions of this contract, whether changed or not by any such order, an equitable adjustment shall be made (a) in the estimated cost or delivery schedule, or both, and (b) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change. Provided, however, That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled, "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

Clause No. 14—Notice to the Government of delays.

Whenever the Contractor has knowledge that any actual or potential situation, including, but not limited to, labor disputes, is delaying or threatens to delay the timely performance of the work under this contract, the Contractor shall immediately give written notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

Clause No. 15—Retraction.

(a) The Indian tribe that initially requested this contract may also request its retraction, notwithstanding the fact that

the Contractor may be a tribal organization other than the tribe which requested the contract. The Contractor shall make reports and information available to the Indian people served or represented by the contractor. Such reports will reflect how the Federal assistance funds were utilized to the benefit of the Indian people served or represented as follows: (specific reporting requirements, formats and methods of distribution to the Indian people will be prescribed in the scope of the contract.)

(d) Annual Reporting.

(1) For each fiscal year during which a tribal organization receives or expends funds pursuant to a contract under this Part, the tribe which requested the contract must submit a report to the Contracting Officer. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended and information on the conduct of the program or services involved. The reports shall include any other information requested by the Contracting Officer and may be submitted as follows:

(i) When the contract is with the governing body of an Indian tribe, the tribe shall submit the report to the Contracting Officer.

(ii) When the contract is with a tribal organization other than the governing body of the tribe, the tribe has the option of having the tribal organization prepare the report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(iii) When the contract benefits more than one tribe, the tribal organization shall prepare and submit the report to each of the tribes benefiting under the contract. Each tribe shall endorse the report before submitting it to the Contracting Officer.

(2) The annual report shall be submitted to the Contracting Officer within 60 days of the end of the fiscal year in which the contract was performed. However, the period for submitting the report may be extended if there is just cause for such extension.

(3) In addition to the yearly reporting requirement given in paragraphs (a) and (b) of this section, the tribal contractor shall furnish other reports when and as required by the Contracting Officer.

Clause No. 10—Subcontracting.

(a) Prior approval required. Except as provided in (c) below, the Contractor shall not enter into any subcontract or purchase order not otherwise expressly authorized elsewhere in this contract without the prior written approval of the Contracting Officer and subject to such conditions as the Contracting Officer may require.

(b) Request for approval. The Contractor's request for approval to enter into a subcontract pursuant to this clause shall include: (1) a description of the supplies or services to be called for by the subcontract; (2) identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained; (3) the proposed subcontract price, together with the Contractor's cost or price analysis thereof; (4) identification of the type of subcontract to be used; (5) a copy or draft of the proposed subcontract, if available; and (6) any other information which the Contracting Officer may require.

(c) Certain purchases of property and services. Prior written approval shall not be required for firm fixed-price subcontracts for the purchase or rental of items of personal property having a unit acquisition cost of less than \$200 or for subcontracts in a total amount less than \$1,000 unless otherwise specified elsewhere in this contract. Provided, however, That advance notification shall be given by the Contractor of any subcontract which exceeds in dollar amount 5 percentum of the total estimated cost of this contract.

(d) Contractor's procurement system. The Contractor shall use methods, practices or procedures in subcontracting or purchasing (hereinafter referred to as the Contractor's "procurement system") acceptable to the Contracting Officer. The Contracting Officer may, at any time during the performance of this contract, require the Contractor to provide information concerning its procurement system.

(e) Effect of subcontracting. Subcontracts shall be made in the name of the Contractor and shall not bind nor purport to bind the Government. The making of subcontracts hereunder shall not relieve the Contractor of any requirement under this contract (including, but not limited to, the duty to properly supervise and coordinate the work of subcontracts, and the duty to maintain and account for property pursuant to the clause of this contract entitled "Government Property"). Approval of the provisions of any subcontract by the Contracting Officer shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost. In no event shall approval of any subcontract by the Contracting Officer be construed as effecting any increase in the estimated cost set forth in this contract. No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(f) Procurements from contractor-controlled sources. Procurement or transfer of equipment, materials, supplies, or services from contractor-controlled source (any division or other organizational component of the prime contractor, exclusive of the contracting component, and any subsidiary or affiliate of the Contractor under a common control) shall be considered a subcontract for the purpose of this clause.

Clause No. 11—Accounts, audit, and records.

(a) The Contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitutes "records" for the purposes of this clause.

(b) The Contractor's facility(ies), or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representative.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for the particular records specified in 41 CFR Part 1-20, whichever expires earlier and (2) for such longer period, if any, as is required by applicable statute, or by other clause of this contract, or by (i) or (ii) below.

(1) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract,

(B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert the substance of this clause, including this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at this level involved in place of the Contractor; to add "of the Government prime contract" in place of "this contract" in (B) of subparagraph (c) (ii) above.

Clause No. 12—Government property.

(a) Government furnished property. (1) The Government reserves the right to furnish any property or services required for the performance of the work under this contract.

(2) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described elsewhere in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (such property to be referred to as "Government furnished property").

In the event that Government furnished property is not delivered to the contractor by such time or times as stated, or if not stated, in sufficient time to enable the contractor to meet such delivery or performance dates under this contract, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and make appropriate equitable adjustments to any contractual provisions affected by any such delay in accordance with the provisions of the clause of this contract entitled "Changes."

In the event that Government furnished property is received by the Contractor in a condition not suitable for the intended use, the contractor shall, immediately upon receipt thereof, notify the Contracting Officer of such fact, and, as directed by the Contracting Officer either (1) return or otherwise dispose of such property, or (ii) effect repairs or modification thereto. Upon completion of (i) or (ii) above, the Contracting Officer, upon timely written request of the Contractor, shall make appropriate equitable adjustments to any contractual provisions affected thereby in accordance with the provisions of the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government furnished property or delivery of such property in a condition not suitable for its intended use.

(b) Title. (1) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass and vest in the Government upon (1) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this

contract, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property."

(2) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property now owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity or personality by reason of affixation to any realty.

(c) Use of Government property. Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(d) Property management and control. The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection, and preservation, control of and accountability for Government property, so as to assure its full availability and usefulness for the performance of this contract.

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the Contractor may be a tribal organization other than the tribe.

(b) Should the tribe request retrocession of the contract and the Contractor is other than the Tribe, the Contracting Officer will notify the Contractor of the request and in consultation with the Tribe and the Contractor establish the effective date of the retrocession. The retrocession will become effective no later than 120 days after the Contracting Officer receives the Tribe's request unless the Tribe and the Contracting Officer mutually agree on a later date.

(c) Immediately after receipt of the request for retrocession and where applicable notifying the Contractor, the Contracting Officer will meet with the Contractor and mutually agree to:

(1) A plan for the orderly transfer of responsibilities;

(2) A plan for inventorying materials and supplies on hand;

(3) An accounting for funds, including but not limited to current and anticipated obligations;

(4) The cost of operation until retrocession; and,

(5) The identification of all records relating to the contract and the contracted function.

Clause No. 16—Assumption, Reassumption of Contract Programs.

(a) When the contracting officer with the concurrence of the Area Director determines that the performance of a contractor under these regulations involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any person, or (2) gross negligence or the mismanagement in the handling or use of funds under the contract, including any material failure to comply with the terms and conditions of the contract, the contracting officer will, in writing, notify the contractor of such determination and will request that the contractor take such corrective action within such period of time as the Secretary may prescribe.

(b) When the contracting officer determines, after making a determination described in paragraph (a) of this section, that such action is necessary to protect contract funds which will otherwise be expended contrary to the best interests of the Indians to be served or is otherwise necessary to protect the health or welfare of the Indian population, he may, pending the prompt initiation and resolution of rescission proceedings and after reasonable written notice to the contractor, suspend, in whole or in part, federal assistance under the contract. No obligations incurred by the contractor during the period of suspension shall be allowable under the suspended contract (or portion of the contract), except that the contracting officer may, with the concurrence of the Area Director, allow necessary and proper costs which the contractor could not reasonably avoid during the period of suspension or which he determines may be necessary to preserve the project or best interests of the Indians to be served. Provided, that such costs would otherwise be allowable under this subpart. Appropriate adjustments to the payments under the suspended contract (or portion of the contract) will be made, either by withholding the payments or by not allowing the contractor credit for disbursements which it may make in liquidation of unauthorized obligations it incurs during the period of suspension. Suspensions shall remain in effect until the contractor has taken corrective action to the satisfaction of the contracting officer and the Area Director, or given assurances satisfactory to the contracting officer and the Area Director that corrective action will be taken, or until the contract is rescinded.

(c) When the contracting officer with the concurrence of the Area Director determines that a contractor has not taken corrective action (as prescribed by him under paragraph (a) of this section) to his satisfaction, he may, after the contractor has been provided an opportunity for a hearing in accordance with paragraph (d) of this section, rescind the contract in whole or in part and, if appropriate, assume or resume control or operation of the program, activity, or service involved.

(d) (1) When the contracting officer has made a determination described in paragraph (c) of this section, he shall in writing notify the contractor of such determination and of the contractor's right to request a review of such determination and of the determination described in paragraph (a) of this section. Such notification by the contracting officer shall set forth the reasons for the determination in sufficient detail to enable the contractor to respond and shall inform the contractor of its right to a hearing before a Contract Appeals Board described in subparagraph (d) (2) of this section.

(2) Contract Appeals Board shall be composed of 3 persons appointed by the Director, Indian Health Service. Such persons may not be selected from people in the immediate office of any person participating in the determinations at issue. The Board shall meet as often and for so long as necessary to render a prompt initial decision consistent with providing the contractor with a fair hearing. The Board may operate with informal rules which must at a minimum assure the following:

(i) Sufficient notice of the issues to be considered (where such notice has not previously been afforded);

(ii) An opportunity to be represented by counsel;

(iii) An opportunity to make a record of the proceedings;

(iv) An opportunity to present witnesses on contractor's behalf; and

(v) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(3) The Contract Appeals Board shall make an initial written recommended decision which shall become final within 20 days unless the Director, Indian Health Service determines that a contrary decision is warranted. Any such decision by the Director of the Indian Health Service will be in writing and will be specific as to the reasons for his decision.

(e) Where the contracting officer, with the concurrence of the Area Director, determines that a contractor's performance under a contract awarded under this subpart poses an immediate threat to the safety of any person, he may immediately rescind the contract in whole or in part and, if appropriate the Area Director may assume or resume control or operation of the program, activity, or service involved. In such case, the Director, Indian Health Service, shall designate three officers or employees of the Department to serve as a hearing panel, one of whom shall be designated as chairman. No officer or employee from the immediate office of any of the officials who had a part in the decision to terminate the contract under this paragraph may be designated to serve on the hearing panel.

(1) The hearing shall be commenced within 10 days after the rescission of the contract and shall afford each party to the proceeding:

(i) Sufficient notice of the issues to be considered (where such notice has not previously been afforded);

(ii) An opportunity to be represented by counsel;

(iii) An opportunity to make a record of the proceedings;

(iv) An opportunity to present witnesses on contractor's behalf; and

(v) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(2) The hearing panel shall, within 20 days after the conclusion of the hearing, notify all parties in writing of its decision.

(3) Such decision shall not be subject to further hearing in accordance with 42 CFR Part 50, subpart D or with 45 CFR Part 16.

(f) In any case where the contracting officer has rescinded a contract under paragraphs (e) or (f) of this section, he may decline to enter into a new contract agreement with the contractor until such time as he is satisfied that the basis for the rescission has been corrected.

Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

Clause No. 17—Rights in Data.

(a) Subject data. As used in this clause, the term "Subject Data" means writings, sound recordings, pictorial reproductions, drawings, designs or other graphic representations, procedural manuals, forms, diagrams, workflow charts, equipment descriptions, data files and data processing or computer programs, and works of any similar nature (whether or not copyrighted or copyrightable) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and similar information incidental to contract administration.

(b) Government rights. Subject only to the provision of (c) below, the Government may use, duplicate or disclose in any manner and for any purpose whatsoever, and have or permit other to do so, all subject data delivered under this contract.

(c) License to copyrighted data. In addition to the Government rights as provided in (b) above, with respect to any Subject Data which may be copyrighted the Contractor agrees to and does hereby grant to the Government a royalty-free, nonexclusive and irrevocable license throughout the world to use, duplicate or dispose of such data in any manner and for any purpose whatsoever, and to have or permit others to do so. Provided, however, That such license shall be only to the extent that the Contractor now has, or prior to completion or final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(d) Relation to patents. Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(e) Marking and identification. The Contractor shall mark all Subject Data with the number of this contract and the name and address of the contractor or subcontractor who generated the data. The Contractor shall not affix any restrictive markings upon any Subject Data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate, or ignore any such markings.

(f) Subcontractor data. Whenever any Subject Data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's rights in that subcontractor Subject Data.

(g) Deferred ordering and delivery of data. The Government shall have the right to order, at any time during the performance of this contract, or within 2 years from either acceptance of all items (other than data) to be delivered under this contract or termination of this contract, whichever is later, any

Subject Data and any data not called for in the schedule of this contract but generated in performance of the contract, and the Contractor shall promptly prepare and deliver such data as is ordered. If the principal investigator is no longer associated with the Contractor, the Contractor shall exercise its best efforts to prepare and deliver such data as is ordered. The Government's right to use data delivered pursuant to this paragraph (g) shall be the same as the rights in Subject Data as provided in (b) above. The Contractor shall be relieved of the obligation to furnish data pertaining to an item obtained from a subcontractor upon the expiration of 2 years from the date he accepts such items. When data, other than Subject Data, is delivered pursuant to this paragraph (g), payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it or preparing it for delivery.

Clause No. 18—Reporting of royalties.

If this contract involves any royalty payments in excess of \$250 or if the amount of any royalty payment in excess of \$250 is reflected in the estimated cost, the Contractor shall report in writing to the Contracting Officer, as soon as practicable during the performance of this contract, the amount of any royalties paid or to be paid by it directly to others in connection with the performance of this contract, together with (a) The names and addresses of licensees to whom such payments are made; (b) The patent numbers or patents application serial numbers (with filing dates) involved or other identification of the basis of such royalties; and (c) Information concerning the manner of computation of such royalties.

Clause No. 19—Authorization and consent.

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto, or any subcontract hereunder (including any lower tier subcontract).

Clause No. 20—Notice and assistance regarding patent and copyright infringement.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event, of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except when the Contractor has agreed to indemnify the Government.

Clause No. 21—Publications and publicity.

(a) Unless otherwise specified in this contract, the Contractor is encouraged to publish and make available through accepted channels the results of its work under this contract. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Project Officer. The Contractor shall also inform the Project Officer when the article or other work is published and furnish a copy of it as finally published.

(b) The Contractor shall acknowledge the support of the Department of Health, Education, and Welfare whenever publicizing the work under this contract in any media. To effectuate the foregoing, the Contractor shall

include in any publication resulting from work performed under this contract an acknowledgment substantially as follows:

"The work upon which this publication is based was performed pursuant to Contract (insert number) with the (insert name of constituent agency), Department of Health, Education, and Welfare."

Clause No. 22—Patent rights.

(a) Definitions. As used in this clause, the term (1) "Invention" or "Invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States; and (2) "Made," when used in relation to any invention or discovery, means the conception or first actual or constructive reduction to practice of such invention.

(b) Disclosure. Whenever an invention or discovery is made by the Contractor or its employees in the course of or under this contract, the Contractor shall immediately give the Contracting Officer written notice thereof and shall promptly thereafter furnish the Contracting Officer with complete information thereon, including as a minimum (1) a complete written disclosure of each such invention, and (2) information in writing, as soon as practicable, concerning the date and identity of any public use, sale, or publication of such invention made by or known to the Contractor.

(c) Determination of rights. The Secretary, or his duly authorized representative, shall have the sole and exclusive power to determine whether or not, and where a patent application shall be filed and to determine the disposition of all rights in any invention made under this contract, including title to and rights under any patent application or patent which may issue thereon. The Secretary, or his duly authorized representative, may, upon the request of the Contractor, determine to exercise his option to waive rights to any such invention in foreign countries. The determination of the Secretary, or his duly authorized representative, on all these matters shall be accepted as final and the provisions of the clause of this contract entitled, "Disputes" shall not apply. The Contractor shall use his best efforts to assure that all of its employees who may be the inventors of any such invention will execute all documents and do all things necessary or proper to effectuate the determination of the Secretary, or his duly authorized representative, to vest in the Government the rights granted to it under this clause and to enable the Government to apply for and prosecute any patent application, in any country, covering such invention where the Government has the right under this clause to file such application.

(d) Contractor employees and subcontractors. The Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract and may be reasonably expected to make inventions.

(2) Insert in each subcontract having experimental, developmental or research work as one of its purposes, a provision making this clause applicable to the subcontractor and its employees.

(e) Reports. The Contractor shall furnish the Contracting Officer, in addition to the information called for in paragraph (b) of this clause:

(1) Interim reports on the first anniversary of the contract, where extended or renewed, and every year thereafter listing all inventions made during the period, whether or not previously reported, or certifying that no inventions were made during the applicable period; and

(2) A final report, prior to final settlement of this contract, listing all such inventions made in the course of or under this contract, including all those previously listed in interim reports, or certifying that there are no such unreported inventions.

(f) Withholding payment for failure to comply. At any time during the performance of this contract, the Contracting Officer may direct that payment be withheld in the amount of 10 percent of the total amount obligated by the Government with respect to this contract or \$10,000 whichever is less. If the Contracting Officer determines that the Contractor has failed to furnish any of the written notices, disclosures, or reports required by paragraphs (b) and (e) above, until such time as the Contractor shall have corrected such failure. The withholding of any amount or subsequent payment thereof to the Contractor or the failure to withhold any amount shall not be construed as a waiver of any rights accruing to the Government under the contract. This paragraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract.

(g) Acknowledgement. With respect to any patent application on any invention made in the course of or under this contract, the Contractor shall incorporate in the first paragraph of the patent specification, and prominently in any patent issued thereon, the following statement:

"The invention described herein was made in the course of or under a contract with the U.S. Department of Health, Education, and Welfare."

Clause No. 23—Key personnel.

Where "key personnel" have been identified in this contract, it has been determined that such named personnel are necessary for the successful performance of the work under this contract; and the Contractor agrees to assign such personnel to the performance of the work under this contract, and shall not reassign or remove any of them without the consent of the Contracting Officer. Whenever, for any reason, one or more of the aforementioned personnel is unavailable for assignment for work under the contract, the Contractor shall immediately notify the Contracting Officer of that effect and shall, subject to the approval of the Contracting Officer without formal modification to the contract, replace such personnel with personnel of substantially equal ability and qualifications.

Clause No. 24—Litigation and Claims.

The Contractor shall give the Contracting Officer immediate notice in writing of (a) any action, including any proceeding before an administrative agency, filed against the Contractor arising out of the performance of this contract, including, but not limited to, the performance of any subcontract hereunder; and (b) any claim against the Contractor the cost and expense of which is allowable under the clause entitled "Allowable Cost," except as otherwise directed by the Contracting Officer, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor with respect to such action or claim. To the extent not in conflict with any applicable policy of insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim. If required by the Contracting Officer, the Contractor shall (a) effect an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claim against the Contractor; and (b) authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of any action. If the settlement or defense of an

Subject Data and any data not called for in the schedule of this contract but generated in performance of the contract, and the Contractor shall promptly prepare and deliver such data as is ordered. If the principal investigator is no longer associated with the Contractor, the Contractor shall exercise its best efforts to prepare and deliver such data as is ordered. The Government's right to use data delivered pursuant to this paragraph (g) shall be the same as the rights in Subject Data as provided in (b) above. The Contractor shall be relieved of the obligation to furnish data pertaining to an item obtained from a subcontractor upon the expiration of 2 years from the date he accepts such items. When data, other than Subject Data, is delivered pursuant to this paragraph (g), payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it or preparing it for delivery.

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If this contract involves any royalty payments in excess of \$250 or if the amount of any royalty payment in excess of \$250 is reflected in the estimated cost, the Contractor shall report in writing to the Contracting Officer, as soon as practicable during the performance of this contract, the amount of any royalties paid or to be paid by it directly to others in connection with the performance of this contract, together with (a) The names and addresses of licensees to whom such payments are made; (b) The patent numbers or patents application serial numbers (with filing dates) involved or other identification of the basis of such royalties; and (c) Information concerning the manner of computation of such royalties.

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The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto, or any subcontract hereunder (including any lower tier subcontract).

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(b) In the event, of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except when the Contractor has agreed to indemnify the Government.

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(a) Definitions. As used in this clause, the term (1) "Invention" or "Invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States; and (2) "Made," when used in relation to any invention or discovery, means the conception or first actual or constructive reduction to practice of such invention.

(b) Disclosure. Whenever an invention or discovery is made by the Contractor or its employees in the course of or under this contract, the Contractor shall immediately give the Contracting Officer written notice thereof and shall promptly thereafter furnish the Contracting Officer with complete information thereon, including as a minimum (1) a complete written disclosure of each such invention, and (2) information in writing, as soon as practicable, concerning the date and identity of any public use, sale, or publication of such invention made by or known to the Contractor.

(c) Determination of rights. The Secretary, or his duly authorized representative, shall have the sole and exclusive power to determine whether or not, and where a patent application shall be filed and to determine the disposition of all rights in any invention made under this contract, including title to and rights under any patent application or patent which may issue thereon. The Secretary, or his duly authorized representative, may, upon the request of the Contractor, determine to exercise his option to waive rights to any such invention in foreign countries. The determination of the Secretary, or his duly authorized representative, on all these matters shall be accepted as final and the provisions of the clause of this contract entitled, "Disputes" shall not apply. The Contractor shall use his best efforts to assure that all of its employees who may be the inventors of any such invention will execute all documents and do all things necessary or proper to effectuate the determination of the Secretary, or his duly authorized representative, to vest in the Government the rights granted to it under this clause and to enable the Government to apply for and prosecute any patent application, in any country, covering such invention where the Government has the right under this clause to file such application.

(d) Contractor employees and subcontractors. The Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract and may be reasonably expected to make inventions.

(2) Insert in each subcontract having experimental, developmental or research work as one of its purposes, a provision making this clause applicable to the subcontractor and its employees.

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(1) Interim reports on the first anniversary of the contract, where extended or renewed, and every year thereafter listing all inventions made during the period, whether or not previously reported, or certifying that no inventions were made during the applicable period; and

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(f) Withholding payment for failure to comply. At any time during the performance of this contract, the Contracting Officer may direct that payment be withheld in the amount of 10 percent of the total amount obligated by the Government with respect to this contract or \$10,000 whichever is less. If the Contracting Officer determines that the Contractor has failed to furnish any of the written notices, disclosures, or reports required by paragraphs (b) and (e) above, until such time as the Contractor shall have corrected such failure. The withholding of any amount or subsequent payment thereof to the Contractor or the failure to withhold any amount shall not be construed as a waiver of any rights accruing to the Government under the contract. This paragraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract.

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Where "key personnel" have been identified in this contract, it has been determined that such named personnel are necessary for the successful performance of the work under this contract; and the Contractor agrees to assign such personnel to the performance of the work under this contract, and shall not reassign or remove any of them without the consent of the Contracting Officer. Whenever, for any reason, one or more of the aforementioned personnel is unavailable for assignment for work under the contract, the Contractor shall immediately notify the Contracting Officer of that effect and shall, subject to the approval of the Contracting Officer without formal modification to the contract, replace such personnel with personnel of substantially equal ability and qualifications.

Clause No. 24—Litigation and Claims.

The Contractor shall give the Contracting Officer immediate notice in writing of (a) any action, including any proceeding before an administrative agency, filed against the Contractor arising out of the performance of this contract, including, but not limited to, the performance of any subcontract hereunder; and (b) any claim against the Contractor the cost and expense of which is allowable under the clause entitled "Allowable Cost," except as otherwise directed by the Contracting Officer, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor with respect to such action or claim. To the extent not in conflict with any applicable policy of insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim. If required by the Contracting Officer, the Contractor shall (a) effect an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claim against the Contractor; and (b) authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of any action. If the settlement or defense of an

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(b) Disclosure. Whenever an invention or discovery is made by the Contractor or its employees in the course of or under this contract, the Contractor shall immediately give the Contracting Officer written notice thereof and shall promptly thereafter furnish the Contracting Officer with complete information thereon, including as a minimum (1) a complete written disclosure of each such invention, and (2) information in writing, as soon as practicable, concerning the date and identity of any public use, sale, or publication of such invention made by or known to the Contractor.

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(g) Acknowledgement. With respect to any patent application on any invention made in the course of or under this contract, the Contractor shall incorporate in the first paragraph of the patent specification, and prominently in any patent issued thereon, the following statement:

"The invention described herein was made in the course of or under a contract with the U.S. Department of Health, Education, and Welfare."

Clause No. 23—Key personnel.

Where "key personnel" have been identified in this contract, it has been determined that such named personnel are necessary for the successful performance of the work under this contract; and the Contractor agrees to assign such personnel to the performance of the work under this contract, and shall not reassign or remove any of them without the consent of the Contracting Officer. Whenever, for any reason, one or more of the aforementioned personnel is unavailable for assignment for work under the contract, the Contractor shall immediately notify the Contracting Officer of that effect and shall, subject to the approval of the Contracting Officer without formal modification to the contract, replace such personnel with personnel of substantially equal ability and qualifications.

Clause No. 24—Litigation and Claims.

The Contractor shall give the Contracting Officer immediate notice in writing of (a) any action, including any proceeding before an administrative agency, filed against the Contractor arising out of the performance of this contract, including, but not limited to, the performance of any subcontract hereunder; and (b) any claim against the Contractor the cost and expense of which is allowable under the clause entitled "Allowable Cost," except as otherwise directed by the Contracting Officer, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor with respect to such action or claim. To the extent not in conflict with any applicable policy of insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim. If required by the Contracting Officer, the Contractor shall (a) effect an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claim against the Contractor; and (b) authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of any action. If the settlement or defense of an

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(a) Definitions. As used in this clause, the term (1) "Invention" or "Invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States; and (2) "Made," when used in relation to any invention or discovery, means the conception or first actual or constructive reduction to practice of such invention.

(b) Disclosure. Whenever an invention or discovery is made by the Contractor or its employees in the course of or under this contract, the Contractor shall immediately give the Contracting Officer written notice thereof and shall promptly thereafter furnish the Contracting Officer with complete information thereon, including as a minimum (1) a complete written disclosure of each such invention, and (2) information in writing, as soon as practicable, concerning the date and identity of any public use, sale, or publication of such invention made by or known to the Contractor.

(c) Determination of rights. The



## PROPOSED RULES

action or claims is undertaken by the Government, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the Contractor is not covered by a policy of insurance, the Contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith. The Government shall not be liable for the expense of defending any action or for any costs resulting from the loss thereof, to the extent that the Contractor would have been compensated by insurance which was required by law or regulation or by written direction of the Contracting Officer, but which the Contractor failed to secure through its own fault or negligence.

In any event, unless otherwise expressly provided in this contract, the Contractor shall not be reimbursed or indemnified by the Government for any liability loss, cost or expense, which the Contractor may incur or be subject to by reason of any loss, injury, or damage, to the person or to real or personal property of any third parties as may accrue during, or arise from, the performance of this contract.

**Clause No. 25—Indemnity and insurance.**  
(a) The Contractor shall indemnify and save and keep harmless the Government against any or all loss, cost, damage, claim, expense or liability whatsoever, because of accident or injury to persons or property or others occurring in connection with any program included as a part of this contract, by providing where applicable, the insurance described below:

(b) The Contractor shall secure, pay the premium for, and keep in force until the expiration of this contract, or any renewal period thereof, insurance as provided below. Such insurance policies shall specifically include a provision stating the liability assumed by the Contractor under this contract.

(1) Workman's compensation insurance as required by laws of the state.

(2) Owner's landlord's and tenant's bodily injury liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(3) Property damage liability insurance with limits of not less than \$25,000 for each accident.

(4) Automobile bodily injury liability insurance with limits of not less than \$50,000 for each person, and \$500,000 for each accident and property damage liability insurance with a limit of not less than \$5,000 for each accident.

(5) Food products liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(6) Professional malpractice insurance where medical, dental and other health professional services are involved.

(6) Other liability insurance not specifically mentioned when required.

(c) Each policy of insurance shall contain an endorsement providing that cancellation by the insurance company shall not be effective unless a copy of the cancellation is mailed (registered) to the Contracting Officer 30 days prior to the effective date of cancellation.

(d) A certificate of each policy of insurance, and any changed therein, shall be furnished to the Contracting Officer immediately upon receipt from the insurance company.

(e) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance company is not satisfactory for reasons that will be stated, the Contractor shall provide insurance through companies that are satisfactory to the Contracting Officer.

(f) Each policy of insurance shall contain a provision that the insurance carrier waives any rights it may have to raise as a defense the tribe's sovereign immunity from suit, but

such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy of insurance. The policy shall contain no provision, either express or implied, that will serve to authorize or empower the insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy insurance.

**Clause No. 26—Overtime.**  
Except as authorized by Section 1-12.102-5 of the Federal Procurement Regulations as in effect on the effective date of this contract or otherwise provided in this contract, the Contractor shall not perform overtime work under or in connection with this contract required to be paid, without specific written contract for which premium compensation is approval from the Contracting Officer.

**Clause No. 27—Foreign travel.**  
Foreign travel shall not be performed without the prior written approval of the Contracting Officer. As used in this clause "Foreign Travel" means travel outside the United States, its Territories and Possessions, and Canada.

**Clause No. 28—Questionnaires and surveys.**  
In the event the performance of this contract involves the collection of information upon identical items from 10 or more persons, other than Federal employees, the Contractor shall obtain written approval from the Contracting Officer, prior to the use thereof, of any forms, schedules, questionnaires, survey plans or other documents, and any revisions thereto, intended to be used in such collection.

**Clause No. 29—Printing.**  
Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract. Provided, however, That performance of a requirement under this contract involving the reproduction of less than 5,000 production units of any one page or less than 25,000 production units in the aggregate of multiple pages, will not be deemed to be printing. A production unit is defined as one sheet, size 8 by 10½ inches, one side only, one color.

**Clause No. 30—Services of consultants.**  
Except as otherwise expressly provided elsewhere in this contract, and notwithstanding the provisions of the clause of this contract entitled "Subcontracting," the prior written approval of the Contracting Officer shall be required:

(a) Whenever any employee of the Contractor is to be reimbursed as a "consultant" under this contract; and

(b) For the utilization of the services of any consultant under this contract exceeding the daily rate set forth elsewhere in this contract or, if no amount is set forth, \$100, exclusive of travel costs, or where the services of any consultant under this contract will exceed 10 days in any calendar year. Whenever Contracting Officer approval is required, the Contractor will obtain and furnish to the Contracting Officer information concerning the need for such consultant services and the reasonableness of the fees to be paid, including, but not limited to, whether fees to be paid to any consultant exceed the lowest fee charged by such consultant to others for performing consultant services of a similar nature.

**Clause No. 31—Assignment of claims.**

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating \$1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing in-

stitution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payment to assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff.

(The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

**Clause No. 32—Contract Work Hours Standards Act—overtime compensation.**

This contract, to the extent that it is of a character specified in the Contract Work Hours Standards Act (40 U.S.C. 327-330), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) Overtime requirements. No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek on work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, whichever is the greater number of overtime hours.

(b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of \$10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by paragraph (a).

(c) Withholding for unpaid wages and liquidated damages. The Contracting Officer may withhold from the Government Prime

Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) Records. The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for three years from the completion of the contract. This requirement does not apply where the tribal contractor is the governing body of the tribe and the work is being performed by the tribal contractor or the tribe with its regular employees.

**Clause No. 33—Walsh-Healey Public Contracts Act.**

If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed \$10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35-45), there are hereby incorporated by reference all representations and stipulations required by said Act and regulations issued thereunder by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are nor or may hereafter be in effect. This requirement does not apply where the tribal contractor is the governing body of the tribe and the work is being performed by the tribal contractor or the tribe with its regular employees.

**Clause No. 34—Equal opportunity.**

Subject to the Indian Preference requirements of Clause 46 during the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of age, religion, or sex. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their age, religion, or sex. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; payoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractors state that all qualified applicants will receive consideration for employment without regard to age, religion or sex.

(c) The Contractor will include the provisions of paragraphs (a) through (b) in every subcontract or purchase order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action which respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for non-compliance. Provided, however, That in the event the Contractor becomes involved in, or is threatened with litigation with subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interest of the United States.

**Clause No. 35—Civil Rights Act of 1964.**

The Equal Opportunity clause of this contract applies except where it conflicts with

## PROPOSED RULES

and 703(i) of Title VII of the Civil Rights Act of 1964, 78 Stat. 253, 257, 45 U.S.C. 200e, which pertains to Indian tribes as employers and to preferential treatment in employment given to Indians residing on or near reservations.

**Clause No. 36—Certificate of nonsegregated.**  
By signing the contract the Contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The Contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

Notice to prospective subcontractors of requirement for certifications of nonsegregated facilities.

A certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semi-annually, or annually).

**Clause No. 37—Convict labor.**

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

**Clause No. 38—Officials not to benefit.**

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

**Clause No. 39—Buy American Act supply and service contracts.**

(a) In acquiring end products, the Buy American Act (41 U.S.C. 10a-d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(1) "Components" means those articles, materials, and supplies which are directly incorporated in the end products;

(2) "End products" means those articles, materials, and supplies which are to be acquired under this contract for public use; and

(3) A "domestic source end product" means (A) an unmanufactured end product

which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a) (iii) (B), components of foreign origin of the same type or kind as the products referred to in (b) (ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(1) Which are for use outside the United States;

(2) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(3) As to which the Secretary determines the domestic preference to be inconsistent with the public interest; or

(4) As to which the Secretary determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

**Clause No. 40—Utilization of small business concerns.**

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract and providing that such subcontracting is accomplished in accordance with the Indian Preference requirements of the clause entitled "Utilization of Indian Business Concerns."

**Clause No. 41—Utilization of labor surplus area concerns.**

(The following clause is applicable if this contract exceeds \$5,000.)

(a) It is the policy of the Government to award contracts to labor surplus area concerns that (1) have been certified by the Secretary of Labor (hereafter referred to as certified-eligible concerns with first or second preferences) regarding the employment of a proportionate number of disadvantaged individuals and have agreed to perform substantially (1) in or near sections of concentrated unemployment or underemployment or in persistent or substantial labor surplus areas or (2) in other areas of the United States, respectively, or (2) are non-certified concerns which have agreed to perform substantially in persistent or substantial labor surplus areas, where this can be done consistent with the efficient performance of the contract and at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy.

(b) In complying with paragraph (a) of this clause and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns" the Contractor in placing his subcontracts shall observe the following order of preference: (1) Indian-owned firms; (2) certified-eligible concerns with a first preference which are also small business concerns; (3) other certified-eligible concerns with a first preference; (4) certified-eligible concerns with a second preference which are also small business concerns; (5) other certified-eligible concerns with a second preference; (6) persistent

## PROPOSED RULES

ent or substantial labor surplus area concerns which are also small business concerns: (7) other persistent or substantial

extent that such is consistent with the efficient performance of this contract. The Contractor further agrees to comply

## Subcontractor Cost and Pricing Data

(a) The Contractor shall require subcontractors hereunder to submit in writing cost

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which

42. Advance Payment.  
43. Effect on Existing Rights.  
44. Federal, State, and Local Taxes.

(a) Overtime requirements. No Contractor or subcontractor contracting for any part of the contract work which may require or

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ent or substantial labor surplus area concerns which are also small business concerns; (7) other persistent or substantial labor surplus area concerns; and (8) small business concerns which are not labor surplus area concerns.

Clause No. 42—Utilization of minority business enterprises.

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Indians, American-Indians, American-Alutians, American-Aleuts, Hawaiian, and American Indians. However, to be consistent with the Indian preference provisions of Pub. L. 93-638, the last three minorities identified in the preceding sentence will be given preference over any others in accordance with the clause entitled, "Utilization of Indian Business Concerns." Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

Clause No. 43—Utilization of Indian business concerns.

The contractor agrees to give preference in purchasing and subcontracting to Indian organizations and Indian owned economic enterprises to the maximum extent that is consistent with the efficient performance of this contract.

Clause No. 44—Payment of interest on contractors' claims.

(a) If an appeal is filed by the contractor from a final decision of the Contracting Officer under the Disputes clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92-41, 85 Stat. 97, from the date the Contractor furnishes to the Contracting Officer his written appeal under the Disputes clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a board of contract appeals.

(b) Notwithstanding (a), above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

Clause No. 45—Indian preference in training and employment.

It is the policy of the Government to give preference and opportunities for training and employment, under contracts and subcontracts awarded pursuant to the Indian Self-Determination Act, to Indians.

The Contractor agrees to give such preference and opportunity to Indians for training and employment under this contract to the

extent that such is consistent with the efficient performance of this contract.

The Contractor further agrees to comply with any rules, regulations and reporting requirements which may be imposed by the DHEW Office for Civil Rights for purposes of insuring the proper exercise of this authority.

The Contractor agrees to insert this clause in all subcontract(s) under this contract.

Clause No. 46—Fair and equal treatment of Indian people.

(a) The Contractor agrees consistent with medical needs to make no discriminatory distinctions among Indian patients or beneficiaries of this contract. For the purpose of this contract discriminatory distinctions include but are not limited to the following:

(1) denying a patient any service or benefit or availability of a facility;

(2) providing any service or benefit to a patient which is different, or is provided on a different manner or at a different time from that provided to other patients under this contract; subjecting a patient to segregation or separate treatment in any manner related to his receipt of any service; restricting a patient in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit; treating a patient differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility membership, or other requirements or condition which individuals must meet in order to be provided any service or benefit; the assignment of times or places for the provision of services on the basis of discriminatory distinctions which may be made of the patients to be served.

(b) The Government reserves the right to terminate this contract in whole or in part whenever the Contractor fails to comply with the requirements of this clause.

Clause No. 47—Price reduction for defective cost or pricing data.

The following clause applies to all contracts where cost and pricing data is required in accordance with Pub. L. 87-653.

Price Reduction for Defective Cost or Pricing Data

(a) If the Contracting Officer determines that any price negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the Contractor, or any subcontractor pursuant to the Clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data-Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate or Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. It is also expected that any subcontractor subject to such indemnification will generally substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

Clause No. 48—Subcontractor cost and pricing data.

The following clause should be included in all contracts, when the subcontracts of the type and size described therein are contemplated.

## Subcontractor Cost and Pricing Data

(a) The Contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursed type, time and material, labor-hour, incentive, or price redeterminable subcontract the price of which is expected to exceed \$100,000; and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed \$100,000, or to the pricing of any subcontract change or other modification of which the price adjustment is expected to exceed \$100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices or commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Contractor shall require subcontractors to certify, substantially the same form as that used in the certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under

(a) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Contractor shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursable type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceed \$100,000 unless the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such expected subcontract hereunder which exceed \$100,000, the Contractor shall insert the substance of the following clause:

## Subcontractor Cost and Pricing Data-Price Adjustments

(a) Paragraph (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of \$100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursable type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed \$100,000; and—

(2) Prior to award of any other subcontract, the price of which is expected to exceed \$100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed \$100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the Certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds \$100,000.

Clause No. 49—Penalties.

(a) Any officer, director, agent, employee or such other person connected in any capacity with this contract or any subcontract thereunder that embezzles, willfully misapplies, steals or obtains by fraud any of the money, funds, assets or property provided through the contract shall be fined not more than \$10,000 or imprisoned for not more than two years, or both; Provided, That if the amount embezzled, misapplied, stolen, or obtained by fraud does not exceed \$100, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) The Contractor agrees to insert this clause in all subcontracts.

Clause No. 50—Effect on existing rights.

(a) Nothing in this contract shall be construed as—

(1) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity for suit enjoyed by an Indian tribe; or,

(2) authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

## § 3-4.6014 General Provisions for Fixed-price Contracts Under the Indian Self-Determination Act.

## Clause No. and Title

1. Definitions.
2. Disputes.
3. Contract Work Hours Standards Act—Overtime Compensation.
4. Walsh-Healey Public Contract Act.
5. Convict Labor.
6. Notice to the Government of Delays.
7. Assignment of Claims.
8. Officials not to Benefit.
9. Anti-Kickback Act.
10. Penalties.
11. Buy American Act.
12. Rights in Data.
13. Reporting of Royalties.
14. Authorization and Consent.
15. Patent Rights.
16. Notice and Assistance Regarding Patent and Copyright Infringement.
17. Equal Opportunity.
18. Civil Rights Act of 1964.
19. Certificate of Nonsegregated Facilities.
20. Subcontracting.
21. Competition in Subcontracting.
22. Utilization of Small Business Concerns.
23. Utilization of Concerns in Labor Surplus Area.
24. Utilization of Minority Business Enterprises.
25. Utilization of Indian Business Concerns.
26. Indian Preference in Training and Employment.
27. Inspection.
28. Changes.
29. Retrocession.
30. Assumption and Reassumption of Contract Programs.
31. Payment of Interest on Contractors' Claims.
32. Government-Furnished Property.
33. Examination of Records by the Comptroller General.
34. Indemnity and Insurance.
35. Fair and Equal Treatment of Indian People.
36. Reports to the Indian People.
37. Annual Reporting.
38. Questionnaires and Surveys.
39. Printing.
40. Price Reduction for Defective Cost or Pricing.
41. Subcontractor Cost and Pricing Data.

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## 42. Advance Payment.

## 43. Effect on Existing Rights.

## 44. Federal, State, and Local Taxes.

Clause No. 1—Definitions.

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Department" means the Department of Health, Education, and Welfare.

(d) The term "constituent agency" means the agency of the Department responsible for the administration of this contract.

(e) Except as otherwise provided in this contract, the term "subcontractor" includes purchase orders under this contract.

(f) The term "Project Officer" means the person representing the Government for the purpose of technical direction of contract performance. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of this contract or which change the period of this contract.

## Clause No. 2—Disputes.

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "DISPUTES" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: Provided, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

Clause No. 3—Contract work hours standards act-overtime compensation.

This contract, to the extent that it is of a character specified in the Contract Work Hours Standards Act (40 U.S.C. 327-330), is subject to the following provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) Overtime requirements. No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek on work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, whichever is the greater number of overtime hours.

(b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of \$10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by paragraph (a).

(c) Withholding for unpaid wages and liquidated damages. The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may be administratively determined to be necessary to satisfy any liabilities or such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) Subcontract. The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) Records. The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for three years from the completion of the contract. This requirement does not apply where the tribal contractor is the governing body of the tribe and the work is being performed by the tribal organization or tribe with its own regular employees.

Clause No. 4—Walsh-Healey Public Contracts Act.

If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed \$10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 34-45), there are hereby incorporated by reference all representations and stipulations required by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are now or may hereafter be in effect. This requirement does not apply where the tribal contractor is the governing body of the tribe and the work is being performed by the tribal organization or tribe with its own regular employees.

Clause No. 5—Convict labor.

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

## PROPOSED RULES

Clause No. 6—Notice to the government of delays.

Whenever the Contractor has knowledge

that the Contractor is unable to perform the contract thereunder that embezzles, willfully misapplies, steals or obtains by fraud any of the money, funds, assets or property provided through the contract shall be fined

Contractor, its employees, or any individual or concern employed or assigned by the Contractor to originate and prepare such Data under this contract, now has, or prior to

patentable under the Patent Laws of the United States of America.

(2) "Made" when used in relation to any invention or discovery means the conception

quired by (c) (5), until the Contractor shall have corrected such failure(s). The withholding of any amount or subsequent payment thereof to the Contractor shall not be

The Equal Opportunity clause of this contract applies except where it conflicts with 703(1) of Title VII of the Civil Rights Act of 1964, 78 Stat. 253 257, 45 U.S.C. 2000e, which

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## PROPOSED RULES

Clause No. 6—Notice to the government of delays.

Whenever the Contractor has knowledge that any actual or potential situation is delaying or threatens to delay the timely performance of this contract, the Contractor shall within ten days give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

Clause No. 7—Assignment of claims.

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payment aggregating \$1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to assignee of any moneys due to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

Clause No. 8—Officials not to benefit.

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

Clause No. 9—Anti-Kickback Act.

(a) Public Law 86-695, September 2, 1960 (41 U.S.C. 51-54) among other things, prohibits the payment, directly or indirectly, by or on behalf of a subcontractor in any tier under any Government negotiated contract of any fee, gift, or gratuity to the prime contractor or any higher tier subcontractor or any officer, agent, partner or employee thereof, as an inducement or acknowledgment for the award of a subcontract or order.

(b) The provisions of Public Law 86-695, are set forth in more detail in § 1-1.320 of the Federal Procurement Regulations (41 CFR 1-1) and are applicable to this contract and any subcontracts entered into under the contract.

Clause No. 10—Penalties.

(a) Any officer, director, agent, employee or such other person connected in any capacity with this contract or any subcon-

tract thereunder that embezzles, willfully misapplies, steals or obtains by fraud any of the money, funds, assets or property provided through the contract shall be fined not more than \$10,000 or imprisoned for not more than two years, or both; Provided, That if the amount embezzled, misapplied, stolen, or obtained by fraud does not exceed \$100, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) The contractor agrees to insert this clause in all subcontracts.

Clause No. 11—Buy American Act.

(a) In acquiring end products, the Buy American Act (41 U.S.C. 101 a-d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "Components" means those articles, materials, and supplies, which are directly incorporated in the end products;

(ii) "End products" means those articles, materials, and supplies, which are to be acquired under this contract for public use; and

(iii) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a) (iii) (B), components of foreign origin of the same type or kind as the products referred to in (b) (ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) Which are for use outside the United States;

(ii) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(iii) As to which the Secretary determines the domestic preference to be inconsistent with the public interest; or

(iv) As to which the Secretary determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954).

Clause No. 12—Rights in data.

(a) The term "Subject Data" as used herein includes writings, sound recordings, pictorial reproduction, drawings or other graphical representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses and similar information incidental to contract administration.

(b) Subject to the proviso of (c) below, the Government may duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all Subject Data delivered under this contract.

(c) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, non-exclusive and irrevocable license throughout the world, to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all Subject Data now or hereafter covered by copyright. Provided, That with respect to such Subject Data not originated in the performance of this contract but which is incorporated in the work furnished under this contract such license shall be only to the extent that the

Contractor, its employees, or any individual or concern employed or assigned by the Contractor to originate and prepare such Data under this contract, now has, or prior to completion or final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(d) The Contractor shall exert all reasonable effort to advise the Contracting Officer, at the time of delivery of the Subject Data furnished under this contract, of all invasions of the right of privacy contained therein and of all portions of such Data copied from work not composed or produced in the performance of this contract and not licensed under this clause.

(e) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of copyright infringement received by the Contractor with respect to all Subject Data delivered under this contract.

(f) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(g) The Contractor shall not affix any restrictive markings upon any Subject Data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate or ignore any such markings.

(h) The Contractor further agrees that he will not publish, have published, or otherwise disseminate any information of whatever nature resulting from the work being performed under this contract except as may be approved by the Project Officer designated in this contract.

Clause No. 13—Reporting of royalties.

(a) The Contractor shall report in writing to the Contracting Officer as soon as practicable after execution of this contract whether or not any royalties in excess of \$250 have been paid or are to be paid by the Contractor directly to any person or firm in connection with the performance of this contract. If royalties in excess of \$250 have been paid or are to be paid to any person or firm, the report shall include the following items of information with respect to such royalties (including the initial \$250):

(i) The name and address of each licensor to whom total royalties in excess of \$250 have been paid or are to be paid;

(ii) The patent numbers, patent application serial numbers (with filing dates) or other identification for the basis of such royalties.

(iii) The manner of computing the royalties consisting of (a) a brief identification of each royalty-bearing unit or process, (b) the total amount of royalties, and (c) the percentage rate or dollars and cents amount of royalties on each such unit or process; provided that if royalties cannot be computed in terms of units or dollars and cents value, then other data showing the manner in which the licensor computes the royalties.

Clause No. 14—Authorization and consent.

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

Clause No. 15—Patent rights.

(a) As used in this clause, the term:

(i) "Invention" or "Invention of discovery" includes any art, machines, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be

patentable under the Patent Laws of the United States of America.

(2) "Made" when used in relation to any invention or discovery means the conception or first actual or constructive reduction to practice of such invention in the course of or under the contract.

(b) Determination of Rights to Inventions made by the Contractor shall be made by:

(1) The Assistant Secretary (Health and Scientific Affairs) who shall have the sole and exclusive power to determine whether or not and where a patent application shall be filed, and to determine the disposition of all rights in such invention, including title to and rights under any patent application or patent which may issue thereon. The determination of the Assistant Secretary (Health and Scientific Affairs) on all these matters shall be accepted as final and the provisions of the clause of this contract entitled "DISPUTES" shall not apply;

(2) The Assistant Secretary (Health and Scientific Affairs) who may, upon the request of the Contractor, determine to exercise his option to waive rights to the invention in foreign countries.

(c) The following disclosures and reports on inventions made under the contract shall be furnished by the Contractor, to the Contracting Officer:

(1) A complete written disclosure of each such invention promptly after conception or first actual or constructive reduction to practice, whichever occurs first under this contract.

(2) Information in writing, as soon as practicable, concerning the date and identity of any public use, sale or publication of such invention made by or known to the Contractor, or of any contemplated publication by the Contractor.

(3) Upon request, such duly executed instruments (prepared by the Government) and such other papers as are deemed necessary to vest in the Government the rights granted it under this clause and to enable the Government to apply for and prosecute any patent application in any country, covering each invention where the Government has the right under this clause to file such application.

(4) Interim reports on the first anniversary of the contract where extended or renewed and every year thereafter listing all inventions made during the period whether or not previously reported or certifying that no inventions were made during the applicable period.

(5) Prior to final settlement of this contract, a final report listing all such inventions including all those previously listed in interim reports, or certifying that there are no such unreported inventions.

(d) Patent Agreements shall be obtained by:

(1) The Contractor to effectuate the provisions of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will have no access to technical data, and except as otherwise authorized in writing by the Contracting Officer.

(2) The Contractor who will insert in each subcontract or agreement having experimental, developmental, or research work as one of its purposes, a provision making this clause applicable to the subcontractor and its employees, except as otherwise authorized in writing by the Contracting Officer.

(e) Payment may be withheld under the contract either in the amount of ten percent (10%) of the amount of this contract or ten thousand dollars (\$10,000), whichever is less, if the Contractor fails to furnish the written disclosures for all inventions as required by (c) (1), or fails to deliver to the Contracting Officer the interim reports as re-

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quired by (c) (5), until the Contractor shall have corrected such failure(s). The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under the contract. This paragraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract.

(f) In the event the Contractor files a patent application on any invention made in the course of or under this contract, it shall include the following statement in the first paragraph of the specification and in any patent issued thereon:

(The invention described herein was made in the course of, or under, a contract with the Department of Health, Education, and Welfare.)

Clause No. 16—Notice and assistance regarding patent and copyright infringement. The provisions of this clause shall be applicable only if the amount of this contract exceeds \$10,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed.

Clause No. 17—Equal opportunity.

Subject to the Indian Preference requirements of Clause 26 during the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of age, religion, or sex. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their age, religion, or sex. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; payoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor state that all qualified applicants will receive consideration for employment without regard to age, religion or sex.

(c) The Contractor will include the provisions of paragraphs (a) through (b) in every subcontract or purchase order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance. Provided, however, That in the event the Contractor becomes involved in, or is threatened with litigation with subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interest of the United States.

Clause No. 18—Civil Rights Act of 1964.

The Equal Opportunity clause of this contract applies except where it conflicts with 703(i) of Title VII of the Civil Rights Act of 1964, 78 Stat. 253 267, 45 U.S.C. 2000e, which pertains to Indian tribes as employers and to preferential treatment in employment given to Indians residing on or near reservations.

Clause No. 19—Certificate of nonsegregated facilities.

By signing the contract the Contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained.

He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained.

The term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

Notice to prospective subcontractors of requirement for certifications of nonsegregated facilities.

A certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semi-annually, or annually).

Clause No. 20—Subcontracting.

The Contractor shall not enter into subcontracts for any of the work contemplated under this contract without obtaining the prior written approval of the Contracting Officer and subject to such conditions and provisions as he may deem necessary, in his discretion, to protect the interests of the Government. Provided, however, That notwithstanding the foregoing, unless otherwise provided herein, such prior written approval shall not be required for the purchase by the Contractor of articles, supplies, equipment and services which are both necessary for and merely incidental to the performance of the required under this contract. Provided, further, however, That the aforesaid right of Contractor to engage such services shall in no event be construed to permit the Contractor to subcontract with a third-party for the performance of any major function contemplated under this contract to be performed by the Contractor; and Provided, further, however, That no provision of this clause and no such approval by the Contracting Officer of any subcontract shall be deemed

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in any event or in any manner to provide for the incurrence of any obligation of the Government in addition to the total contract

their status as minority business enterprises in lieu of an independent investigation.

Clause No. 25—Utilization of Indian Busi-

retrocession, notwithstanding the fact that the Contractor may be a tribal organization other than the tribe.

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(c) When the contracting officer with the concurrence of the Area Director determines that a contractor has not taken corrective

(iv) An opportunity to present witnesses on contractor's behalf; and  
(v) An opportunity to cross-examine other

property at the Government's expense or otherwise dispose of such property, or (2) effect repairs or modifications. Upon com-



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in any event or in any manner to provide for the incurrence of any obligation of the Government in addition to the total contract price.

Clause No. 21—Competition in subcontracting.

The Contractor agrees to select subcontractors on a competitive basis to the maximum practical extent consistent with the objectives and requirements of this contract.

Clause No. 22—Utilization of small business concerns.

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract and providing that such subcontracting is accomplished in accordance with the Indian Preference requirements of the clause entitled "Utilization of Indian Business Concerns."

Clause No. 23—Utilization of concerns in labor surplus areas.

(The following clause shall be applicable if this contract exceeds \$5,000.)

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in or near concentrated unemployment or under-employment sections of States or in areas of persistent or substantial labor surplus, where this can be done consistent with the efficient performance of the contract and at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of this clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (1) Indian owned firms; (2) certified-eligible concerns which are also small business concerns; (3) other certified-eligible concerns; (4) persistent labor surplus area concerns; (5) other persistent labor surplus area concerns; (6) substantial labor surplus area concerns which are also small business concerns; (7) other substantial labor surplus area concerns; and (8) small business concerns which are not labor surplus area concerns.

Clause No. 24—Utilization of minority business enterprises.

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. However, to be consistent with the Indian preference provisions of Pub. L. 93-633, the last three minorities identified in the preceding sentence will be given preference over any others in accordance with the clause entitled, "Utilization of Indian Business Concerns." Contractors may rely on written representations by subcontractors regarding

their status as minority business enterprises in lieu of an independent investigation.

Clause No. 25—Utilization of Indian Business Concerns.

The Contractor agrees to give preference in purchasing and subcontracting to Indian organizations and Indian owned economic enterprises to the maximum extent that is consistent with the efficient performance of this contract.

Clause No. 26—Indian in Training and Employment Preference.

It is the policy of the Government to give preference and opportunities for training and employment, under contracts and subcontracts awarded pursuant to the Indian Self-Determination Act, to Indians.

The Contractor agrees to give such preference and opportunity to Indians for training and employment under this contract to the extent that such is consistent with the efficient performance of this contract.

The Contractor further agrees to comply with any rules, regulations and reporting requirements which may be imposed by the DHEW Office for Civil Rights for purposes of insuring the proper exercise of this authority.

The Contractor agrees to insert this clause in all subcontract(s) under this contract.

Clause No. 27—Inspection.

The Government, through any authorized representatives, has the right, at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection, or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require his subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

Clause No. 28—Changes.

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (1) drawings, designs, or specifications; (2) place of inspection, delivery, or acceptance; and (3) the amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or the time required for performance of, this contract, or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (1) in the contract price or time of performance, or both, and (2) in such provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change. Provided, however, That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

Clause No. 29—Retrosession.

(a) The Indian tribe that initially requested this contract may also request its

retrosession, notwithstanding the fact that the Contractor may be a tribal organization other than the tribe.

(b) Should the tribe request retrosession of the contract and the Contractor is other than the Tribe, the Contracting Officer will notify the Contractor of the request and in consultation with the Tribe and the Contractor establish the effective date of the retrosession. The retrosession will become effective no later than 120 days after the Contracting Officer receives the Tribe's request unless the Tribe and the Contracting Officer mutually agree on a later date.

(c) Immediately after receipt of the request for retrosession and where applicable notifying the Contractor, the Contracting Officer will meet with the Contractor and mutually agree to—

(1) A plan for the orderly transfer of responsibilities;

(2) A plan for inventorying materials and supplies on hand;

(3) An accounting for funds, including but not limited to current and anticipated obligations;

(4) The cost of operation until retrosession; and,

(5) The identification of all records relating to the contract and the contracted function.

Clause No. 30—Assumption, Reassumption of Contract Programs.

(a) When the contracting officer with the concurrence of the Area Director determines that the performance of a contractor under these regulations involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any person, or (2) gross negligence or the mismanagement in the handling or use of funds under the contract, including any material failure to comply with the terms and conditions of the contract, the contracting officer will, in writing, notify the contractor of such determination and will request that the contractor take such corrective action within such period of time as the Secretary may prescribe.

(b) When the contracting officer determines, after making a determination described in paragraph (a) of this section, that such action is necessary to protect contract funds which will otherwise be expended contrary to the best interests of the Indians to be served or is otherwise necessary to protect the health or welfare of the Indian population, he may, pending the prompt initiation and resolution of rescission proceedings and after reasonable written notice to the contractor, suspend, in whole or in part, federal assistance under the contract. No obligations incurred by the contractor during the period of suspension shall be allowable under the suspended contract (or portion of the contract), except that the contracting officer may, with the concurrence of the Area Director, allow necessary and proper costs which the contractor could not reasonably avoid during the period of suspension or which he determines may be necessary to preserve the project or best interests of the Indians to be served. Provided, that such costs would otherwise be allowable under this subpart. Appropriate adjustments to the payments under the suspended contract (or portion of the contract) will be made, either by withholding the payments or by not allowing the contractor credit for disbursements which it may make in liquidation of unauthorized obligations it incurs during the period of suspension. Suspensions shall remain in effect until the contractor has taken corrective action to the satisfaction of the contracting officer and the Area Director, or given assurances satisfactory to the contracting officer and the Area Director that corrective action will be taken, or until the contract is rescinded.

(c) When the contracting officer with the concurrence of the Area Director determines that a contractor has not taken corrective action (as prescribed by him under paragraph (a) of this section) to his satisfaction, he may, after the contractor has been provided an opportunity for a hearing in accordance with paragraph (d) of this section, rescind the contract in whole or in part and, if appropriate, assume or resume control or operation of the program, activity, or service involved.

(d) (1) When the contracting officer has made a determination described in paragraph (c) of this section, he shall in writing notify the contractor of such determination and of the contractor's right to request a review of such determination and of the determination described in paragraph (a) of this section. Such notification by the contracting officer shall set forth the reasons for the determination in sufficient detail to enable the contractor to respond and shall inform the contractor of its right to a hearing before a Contract Appeals Board described in subparagraph (d) (2) of this section.

(2) Contract Appeals Board shall be composed of 3 persons appointed by the Director, Indian Health Service. Such persons may not be selected from people in the immediate office of any person participating in the determinations at issue. The Board shall meet as often and for so long as necessary to render a prompt initial decision consistent with providing the contractor with a fair hearing. The Board may operate with informal rules which must at a minimum assure the following:

(1) Sufficient notice of the issues to be considered (where such notice has not previously been afforded);

(2) An opportunity to be represented by counsel;

(3) An opportunity to make a record of the proceedings;

(4) An opportunity to present witnesses on contractor's behalf; and

(5) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

The Contract Appeals Board shall make an initial written recommended decision which shall become final within 20 days unless the Director, Indian Health Service determines that a contrary decision is warranted. Any such decision by the Director of the Indian Health Service will be in writing and will be specific as to the reasons for his decision.

(e) Where the contracting officer, with the concurrence of the Area Director, determines that a contractor's performance under a contract awarded under this subpart poses an immediate threat to the safety of any person, he may immediately rescind the contract in whole or in part and, if appropriate the Area Director may assume or resume control or operation of the program, activity, or service involved. In such case, the Director, Indian Health Service, shall designate three officers or employees of the Department to serve as a hearing panel, one of whom shall be designated as chairman. No officer or employee from the immediate office of any of the officials who had a part in the decision to terminate the contract under this paragraph may be designated to serve on the hearing panel.

(1) The hearing shall be commenced within 10 days after the rescission of the contract and shall afford each party to the proceedings:

(i) Sufficient notice of the issues to be considered (where such notice has not previously been afforded);

(ii) An opportunity to be represented by counsel;

(iii) An opportunity to make a record of the proceedings;

(iv) An opportunity to present witnesses on contractor's behalf; and

(v) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(f) An opportunity to present witnesses on contractor's behalf; and

(g) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(h) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(i) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(j) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(k) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(l) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(m) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(n) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(o) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(p) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(q) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(r) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(s) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(t) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(u) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(v) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(w) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(x) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(y) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(z) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(aa) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(ab) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(ac) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(ad) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(ae) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(af) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(ag) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(ah) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(ai) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(aj) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(ak) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

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(iv) An opportunity to present witnesses on contractor's behalf; and

(v) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(2) The hearing panel shall, within 25 days after the conclusion of the hearing, notify all parties in writing of its decision.

(3) Such decision shall not be subject to further hearing in accordance with 42 CFR Part 50, subpart D or with 45 CFR Part 16.

(f) In any case where the contracting officer has rescinded a contract under paragraphs (c) or (e) of this section, he may decline to enter into a new contract agreement with the contractor until such time as he is satisfied that the basis for the rescission has been corrected.

Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

Clause No. 31—Payment of interest on contractors' claims.

(a) If an appeal is filed by the contractor from a final decision of the Contracting Officer under the Disputes clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owned by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Public Law 92-41, 85 Stat. 97, from the date the Contractor furnished to the Contracting Officer his written appeal under the Disputes clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a board of contract appeals.

(b) Notwithstanding (a), above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

Clause No. 32—Government-furnished property.

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described elsewhere in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-Furnished Property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-Furnished Property suitable for use will be delivered to the Contractor at the times stated elsewhere in this contract or, if not so stated, in sufficient time to enable the Contractor by such time or times, the performance dates. In the event that Government-Furnished Property is not delivered to the Contractor to meet such delivery or performance dates, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such

property at the Government's expense or otherwise dispose of such property, or (2) effect repairs or modifications. Upon completion of (1) or (2) above, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision effected by the return, disposition, repair or modification. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-Furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) By notice in writing the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the delivery or performance date or the contract price, or both, and any other contractual provisions affected by the decrease.

(c) Title to the Government-Furnished Property shall remain in the Government. Title to Government-Furnished Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-Furnished Property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any realty.

(d) The Government-Furnished Property, unless otherwise specifically provided herein, and except as otherwise approved or directed by the Contracting Officer in writing, shall be used exclusively for the performance of this contract.

(e) The Contractor shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection and preservation of Government-Furnished Property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government-Furnished Property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property, as the Government directs; Provided, however, That if the Contractor cannot effect such repair within the time required, the Contractor may reject such property. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible; and an equitable adjustment will be made in the contract price for any such repair or replacement of Government-Furnished Property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at its own expense.

(f) The Contractor also agrees to maintain and administer, in accordance with sound business practice, a property control system which will provide the following: Contract number; nomenclature of item; quantity received; issued; and balance on hand; posting reference to include date received, issued unit price and location; marking or identification of item; adequate maintenance, storage, and security of Government-Furnished Property, until disposed of by the Contractor in accordance with this clause. The Contractor further agrees to receipt promptly for all Government property in a form and manner as prescribed by the Contracting Officer.

(g) The Contractor agrees to make available to authorized representatives of the Contracting Officer at all reasonable times at the office of the Contractor all of its property records under this contract, and access

to any premises where any of the Government-Furnished Property is located.

Cost or pricing data required to be submitted by his lower tier subcontractors.)

Clause No. 41—Subcontractor cost and

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(e) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

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pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(g) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(h) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(i) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(j) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(k) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(l) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(m) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(n) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(o) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(p) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

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to any premises where any of the Government-Furnished Property is located.

Cost or pricing data required to be submitted by his lower tier subcontractors.)

Clause No. 41—Subcontractor cost and

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(e) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

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report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

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pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

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report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

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pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

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pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

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pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(l) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance com-

pany is not satisfactory to the Contracting Officer, the Contractor shall be required to

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(m) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When



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to any premises where any of the Government-Furnished Property is located.

(h) (i) The Contractor shall not be liable for any loss of or damage to the Government-Furnished Property, or for expenses incidental to such loss or damage except that the Contractor shall be liable for any such loss or damage (including expenses incidental thereto):

(A) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives who have supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which this contract is being performed; or

(B) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (A) above, to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection and preservation of Government-Furnished Property as required by subparagraph (e) above; or

(C) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in this contract; or

(D) Which results from a risk expressly required to be insured under some other provision of this contract, or of the schedules or task orders thereunder, but only to the extent of the insurance so required to be procured and maintained or to the extent of insurance actually procured and maintained, whichever is greater; or

(E) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement; Provided, That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(i) The Contractor represents that it is not including in the price hereunder, and agrees that it will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Government-Furnished Property, except to the extent that the risk of loss is imposed on the Contractor under (i) (C) above, or insurance has been required under (i) (D) above.

(iii) Upon the happening of loss or destruction of or damage to any Government-Furnished Property, the Contractor shall notify the Contracting Officer thereof and shall take all reasonable steps to protect the Government-Furnished Property from further damage, separate the damaged and undamaged Government-Furnished Property in the best possible order, and furnish to the Contracting Officer a statement of:

(A) The lost, destroyed and damaged Government-Furnished Property;

(B) The time and origin of the loss, destruction or damage;

(C) All known interest in commingled property of which the Government-Furnished Property is a part; and

(D) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall be reimbursed for the expenditures made by it in performing its obligations under the subparagraph (iii), to the extent approved by the Contracting Officer and set forth in a supplemental agreement or amendment to this contract.

(iv) With the prior written approval of the Contracting Officer after loss or destruction of or damage to Government-Furnished Property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government-Furnished Property which has been damaged beyond practicable repair, or which is so commingled or combined with property of other, including the Contractor, that separation is impracticable.

(v) Except to the extent of any loss or destruction of or damage to Government-Furnished Property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government-Furnished Property in accordance with the provisions of this contract, the Government-Furnished Property (other than property permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (e) above.

(vi) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government-Furnished Property, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(i) Upon completion or expiration of this contract, any Government property which has not been consumed in the performance of this contract or which has not been previously disposed of in accordance with the provisions of this clause, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in paragraph (g) of the clause of this contract entitled "TERMINATION FOR THE CONVENIENCE OF THE GOVERNMENT" with respect to termination inventory. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the price or cost of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(j) If the Contracting Officer determines that the interests of the Government require removal of any Government-Furnished Property, or if the Contractor determines any Government-Furnished Property to be in excess of its need under this contract, such Government-Furnished Property shall be disposed of in the same manner as covered by paragraph (i) above. In the event that the Contracting Officer requires the removal of any Government-Furnished Property under this paragraph (j) or paragraph (i) above, upon timely written request of the Contractor, an equitable adjustment shall be made in the contract price to cover the direct cost to the Contractor of such removal

and of any property damage occasioned thereby.

Clause No. 33—Examination of records by the Comptroller General.

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years final payment under the subcontract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding \$2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

Clause No. 34—Indemnity and insurance.

(a) The Contractor shall indemnify and save and keep harmless the Government against any or all loss, cost, damage, claim, expense or liability whatsoever, because of accident or injury to persons or property or others occurring in connection with any program included as a part of this contract, by providing where applicable, the insurance described below:

(b) The Contractor shall secure, pay the premium for, and keep in force until the expiration of this of this contract, or any renewal period thereof, insurance as provided below. Such insurance policies shall specifically include a provision stating the liability assumed by the Contractor under this contract.

(1) Workman's compensation insurance as required by laws of the state.

(2) Owner's landlord's and tenant's bodily injury liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(3) Property damage liability insurance with limits of not less than \$25,000 for each accident.

(4) Automobile bodily injury liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident and property damage liability insurance with a limit of not less than \$5,000 for each accident.

(5) Food products liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(6) Professional malpractice insurance where medical, dental or other health professional services are involved.

(7) Other liability insurance not specifically mentioned when required.

(c) Each policy of insurance shall contain an endorsement providing that cancellation by the insurance company shall not be effective unless a copy of the cancellation is mailed (registered) to the Contracting Officer 30 days prior to the effective date of cancellation.

(d) A certificate of each policy of insurance, and any changed therein, shall be furnished to the Contracting Officer immediately upon receipt from the insurance company.

and of any property damage occasioned thereby.

Clause No. 33—Examination of records by the Comptroller General.

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years final payment under the subcontract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding \$2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

Clause No. 34—Indemnity and insurance.

(a) The Contractor shall indemnify and save and keep harmless the Government against any or all loss, cost, damage, claim, expense or liability whatsoever, because of accident or injury to persons or property or others occurring in connection with any program included as a part of this contract, by providing where applicable, the insurance described below:

(b) The Contractor shall secure, pay the premium for, and keep in force until the expiration of this of this contract, or any renewal period thereof, insurance as provided below. Such insurance policies shall specifically include a provision stating the liability assumed by the Contractor under this contract.

(1) Workman's compensation insurance as required by laws of the state.

(2) Owner's landlord's and tenant's bodily injury liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(3) Property damage liability insurance with limits of not less than \$25,000 for each accident.

(4) Automobile bodily injury liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident and property damage liability insurance with a limit of not less than \$5,000 for each accident.

(5) Food products liability insurance with limits of not less than \$50,000 for each person and \$500,000 for each accident.

(6) Professional malpractice insurance where medical, dental or other health professional services are involved.

(7) Other liability insurance not specifically mentioned when required.

(c) Each policy of insurance shall contain an endorsement providing that cancellation by the insurance company shall not be effective unless a copy of the cancellation is mailed (registered) to the Contracting Officer 30 days prior to the effective date of cancellation.

(d) A certificate of each policy of insurance, and any changed therein, shall be furnished to the Contracting Officer immediately upon receipt from the insurance company.

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(e) Insurance companies of the Contractor shall be satisfactory to the Contracting Officer. When in his opinion an insurance company is not satisfactory for reasons that will be stated, the Contractor shall provide insurance through companies that are satisfactory to the Contracting Officer.

(f) Each policy of insurance shall contain a provision that the insurance carrier waives any rights it may have to raise as a defense the tribe's sovereign immunity from suit, but such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy of insurance. The policy shall contain no provision, either express or implied, that will serve to authorize or empower the insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

Clause No. 35—Fair and equal treatment of Indian people.

(a) The Contractor agrees to make no discriminatory distinctions among Indian patients or beneficiaries of this contract. For the purpose of this contract discriminatory distinctions include but are not limited to the following:

(i) Denying a patient any service or benefit or availability of a facility;

(ii) Providing any service or benefit to a patient which is different, or is provided on a different manner or at a different time from that provided to other patients under this contract; subjecting a patient to segregation or separate treatment in any manner related to his receipt of any service; restricting a patient in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit; treating a patient differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility membership, or other requirements or condition which individuals must meet in order to be provided any service or benefit; the assignment of times or places for the provision of services on the basis of discriminatory distinctions which may be made of the patients to be served.

(b) The Government reserves the right to terminate this contract in whole or in part whenever the Contractor fails to comply with the requirements of this clause.

Clause No. 36—Reports to the Indian people.

(a) The Contractor, as a recipient of Federal financial assistance, shall make reports and information available to the Indian people serviced or represented by the contractor. Such reports will reflect how the Federal assistance funds were utilized to the benefit of the Indian people served or represented as follows: (specific reporting requirements, format and methods of distribution to the Indian people will be prescribed in the scope of the contract.)

Clause No. 37—Annual reporting.

(1) For each fiscal year during which a tribal organization receives or expends funds pursuant to a contract under this Part, the tribe which requested the contract must submit a report to the Contracting Officer. The report shall include, but not be limited to, an accounting of the amounts and purposes for which the contract funds were expended and information on the conduct of the program or services involved. The report shall include any other information requested by the Contracting Officer and may be submitted as follows:

(i) When the contract is with the governing body of an Indian tribe, the tribe shall submit the report to the Contracting Officer.

(ii) When the contract is with a tribal organization other than the governing body of the tribe, the tribe has the option of having the tribal organization prepare the

report and submit it to the tribe for review and approval before the tribe submits it to the Contracting Officer.

(iii) When the contract benefits more than one tribe, the tribal organization shall prepare and submit the report to each of the tribes benefiting under the contract. Each tribe shall endorse the report before submitting it to the Contracting Officer.

(2) The annual report shall be submitted to the Contracting Officer within 60 days of the end of the fiscal year in which the contract was performed. However, the period for submitting the report may be extended if there is just cause for such extension.

(3) In addition to the yearly reporting requirement given in paragraphs (a) and (b) of this section, the tribal contractor shall furnish other report when and as required by the Contracting Officer.

Clause No. 38—Questionnaires and surveys.

In the event the performance of this contract involves the collection of information upon identical items from 10 or more persons, other than Federal employees, the Contractor shall obtain written approval from the Contracting Officer, prior to the use thereof, of any forms, schedules, questionnaires, survey plans or other documents, and any revisions thereto, intended to be used in such collection.

Clause No. 39—Printing.

Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in Title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: Provided, however, That performance of a requirement under this contract involving the reproduction of less than 5,000 production units of any one page, or less than 25,000 production units in the aggregate of multiple pages, will not be deemed to be a production unit. A production unit is defined as one sheet, size 8 by 10½ inches, one side only, one color.

Clause No. 40—Price reduction for defective cost or pricing.

The following clause applies to all contracts where cost and pricing data is required in accordance with Pub. L. 87-653.

#### Price Reduction for Defective Cost or Pricing Data

(a) If the Contracting Officer determines that any price negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the Contractor, or any subcontractor pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data—Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate or Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective

cost or pricing data required to be submitted by his lower tier subcontractors.)

Clause No. 41—Subcontractor cost and pricing data.

The following clause should be included in all contracts, when the subcontracts of the type and size described therein are contemplated.

#### Subcontractor Cost and Pricing Data

(a) The Contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursed type, time and material labor-hour, incentive, or price redeterminable subcontract the price of which is expected to exceed \$100,000; and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed \$100,000, or to the pricing of any subcontract change or other modification or which the price adjustment is expected to exceed \$100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Contractor shall require subcontractors to certify, substantially the same form as that used in the certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (a) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Contractor shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursable type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceed \$100,000 unless the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such expected subcontract hereunder which exceed \$100,000, the Contractor shall insert the substance of the following clause:

#### Subcontractor Cost and Pricing Data—Price Adjustment

(a) Paragraph (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of \$100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursable type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed \$100,000; and—

(2) Prior to award of any other subcontract, the price of which is expected to exceed \$100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed \$100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify, in substantially the same

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form as that used in the Certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief,

contract, other than advance payments, plus the unliquidated amount of advance payments are equal to the total estimated cost

whole or in part and the Contractor is authorized to sell or retain termination inventory acquired for or allocated to this con-

Clause No. 44—Federal, State, and local taxes.

(a) Except as may be otherwise provided in this contract, the contract price includes

## PROPOSED RULES

(2) Results in the Contractor not being required to pay or bear the burden of, or in his obtaining a refund or drawback of, any such Federal excise tax or duty which would

modification to this contract, the term "contract date" means the date of such modification.

(e) Unless there does not exist any reason-



form as that used in the Certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds \$100,000.

#### Clause No. 42—Advance payment.

(a) *Amount of Advance.* At the request of the contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment, or advance payments from time to time, to the Contractor. No advance payment shall be made (1) without the approval of the officer administering advance payments (hereinafter called the "Administering Office" and designated in paragraph (k)(4) hereof) as with all advance payments heretofore made, shall exceed the amount stated in paragraph (k)(1) hereof; and (3) without a properly certified invoice or invoices.

(b) *Special Bank Account.* Until all advance payments made hereunder are liquidated and the Administering Office approves in writing the release of any funds due and payable to the Contractor, all advance payments and all other payments under the contract shall be made by check payable to the Contractor, and be marked for deposit only in a Special Bank Account with the bank designated in paragraph (k)(2) hereof. No part of the funds in the Special Bank Account shall be mingled with other funds of the Contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided, each withdrawal shall be made only by check of the Contractor countersigned on behalf of the Government by the Contracting Officer or such other person or persons as he may designate in writing (hereinafter called the "Countersigning Agent"). Until otherwise determined by the Administering Office, countersignature on behalf of the Government will not be required.

(c) *Use of Funds.* The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purposes of making payments for items of allowable cost or to reimburse the Contractor for such items of allowable cost, and for such other purposes as the Administering Office may approve in writing. Any interpretation required as to the proper use of funds shall be made in writing by the Administering Office.

(d) *Return of Funds.* The Contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the Administering Office, the Contractor shall repay to the Government such part of the unliquidated balance of advance payments as shall in the opinion of the Administering Office be in excess of current requirements, or (when added to total advance previously made and liquidated) in excess of the amount specified in paragraph (k)(1) hereof. In the event the Contractor fails to repay such part of the unliquidated balance of advance payments when so requested by the Administering Office, all or any part thereof may be withdrawn from the Special Bank Account by checks payable to the Treasurer of the United States signed solely by the Countersigning Agent and applied in reduction of advance payments then outstanding hereunder.

(e) *Liquidation.* If not otherwise liquidated, the advance payments made hereunder shall be liquidated as herein provided. When the sum of all payments under this

contract, other than advance payments, plus the unliquidated amount of advance payments are equal to the total estimated cost for the work under this contract or such lesser amount to which the total estimated cost under this contract may have been reduced, plus increases, if any, in this total estimated cost not exceeding, in the aggregate, (including, without limitation, reimbursable costs incident to termination for cause and retrocession as estimated by the Contracting Officer), the Government shall thereafter withhold further payments to the Contractor and apply the amounts withheld against the Contractor's obligation to repay such advance payments until such advance payments shall have been fully liquidated. If upon completion, termination, or retrocession of the contract all advance payments have not been fully liquidated, the balances therefore shall be deducted from any sums otherwise due or which may become due to the Contractor from the Government, and any deficiency shall be paid by the Contractor to the Government upon demand.

(f) *Bank Agreement.* Before an advance payment is made hereunder, the Contractor shall transmit to the Administering Office, in the form prescribed by such office, an Agreement in triplicate from the bank in which the Special Bank Account is established, clearly setting forth the special character of the account and the responsibilities of the bank thereunder. Whenever possible, such bank shall be a member bank of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation Act of August 23, 1935, 49 Stat. 635, as amended (12 U.S.C. 264).

(g) *Lien on Special Bank Account.* The Government shall have a lien upon any balance in the Special Bank Account paramount to all other liens, which lien shall secure the repayment of any advance payments made hereunder.

(h) *Lien on Property under Contract.* Any and all advance payments made under this contract shall be secured, when made, by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract and on all material and other property acquired for or allocated to the performance of this contract, except to the extent that the Government by virtue of any other provision of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify, by marking or segregation, all property which is subject to a lien in favor of the Government by virtue of any provision of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The Contractor shall maintain adequate accounting control over such property on his books and records. If at time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer. If this contract is terminated in

whole or in part and the Contractor is authorized to sell or retain termination inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the Contracting Officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such termination inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention on the Contractor's termination claim, is applied in reduction of advance payments then outstanding hereunder.

(i) *Insurance.* The Contractor represents and warrants that he is now maintaining with responsible insurance carriers, (1) insurance upon his own plant and equipment against fire and other hazards to the extent that like properties are usually insured by others operating plants and properties of similar character in the same general locality; (2) adequate insurance against liability on account of damage to persons or property; and (3) adequate insurance under all applicable workers' compensation laws. The Contractor agrees that, until work under this contract has been completed, and all advance payments made hereunder have been liquidated, he will (i) maintain such insurance; (ii) maintain adequate insurance upon any materials, parts, assemblies, subassemblies, supplies, equipment and other property acquired for or allocable to this contract and subject to the Government lien hereunder; and (iii) furnish such certificates with respect to his insurance as the Administering Office may from time to time require.

(j) *Prohibition against Assignment.* Notwithstanding any other provision of this contract, the Contractor shall not transfer, pledge, or otherwise assign this contract, or any interest therein, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution.

(k) *Designations and Determinations.* (1) *Amount.* The amount of advance payments at any time outstanding hereunder shall not exceed \$—.

(2) *Depository.* The bank designated for the deposit of payments made hereunder shall be:

(3) *Interest Charge.* No interest shall be charged for advance payments made hereunder. The Contractor shall charge interest at the rate of 6 percent per annum on subadvances or down payments to subcontractors, and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances on nonprofit subcontracts with nonprofit educational or research institutions for experimental, research or development work.

(4) *Administering Office.* The office administering advance payments shall be the office designated as having responsibility for awarding the contract.

(e) *Other Security.* The terms of this contract shall be considered adequate security for advance payments hereunder, except that if at any time the administering office deems the security furnished by the Contractor to be inadequate, the Contractor shall furnish such additional security as may be satisfactory to the administering office, to the extent that such additional security is available.

#### Clause No. 43—Effect on existing rights.

(a) Nothing in this contract shall be construed as—

(1) Affecting, modifying, diminishing, or otherwise impairing the sovereign immunity for suit enjoyed by an Indian tribe; or,

(2) Authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

Clause No. 44—Federal, State, and local taxes.

(a) Except as may be otherwise provided in this contract, the contract price includes all applicable Federal, State, and local taxes and duties.

(b) Nevertheless, with respect to any Federal excise tax or duty on the transactions or property covered by this contract, if a statute, court decision, written ruling, or regulation takes effect after the contract date, and—

(1) Results in the Contractor being required to pay or bear the burden of any such Federal excise tax or duty or increase in the rate thereof which would not otherwise have been payable on such transactions or property, the contract price shall be increased by the amount of such tax or duty or rate increase: Provided, That the Contractor if requested by the Contracting Officer, warrants in writing that no amount for such newly imposed Federal excise tax or duty or rate increase was included in the contract price as a contingency reserve or otherwise; or

(2) Results in the Contractor not being required to pay or bear the burden of, or in his obtaining a refund or drawback of, any such Federal excise tax or duty which would otherwise have been payable on such transactions or property or which was the basis of an increase in the contract price, the contract price shall be decreased by the amount of the relief, refund, or drawback, or the amount shall be paid to Government, as directed by the Contracting Officer. The contract price shall be similarly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden of, or does not obtain, a refund or drawback of, any such Federal excise tax or duty.

(c) No adjustment pursuant to paragraph (b) above will be made under this contract unless the aggregate amount thereof is or may reasonably be expected to be over \$100.

(d) As used in paragraph (b) above, the term "contract date" means the date set for the bid opening, or if this is a negotiated contract, the date of this contract. As to additional supplies or services procured by

modification to this contract, the term "contract date" means the date of such modification.

(e) Unless there does not exist any reasonable basis to sustain an exemption, the Government, upon request of the Contractor, without further liability, agrees, except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from any tax which the Contractor warrants in writing was excluded from the contract price. In addition, the Contracting Officer may furnish evidence to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price. Except as otherwise provided in this contract, evidence appropriate to establish exemption from duties will be furnished only at the direction of the Contracting Officer.

(f) The Contractor shall promptly notify the Contracting Officer of matters which will result in either an increase or decrease in the contract price, and shall take action with respect thereto as directed by the Contracting Officer.

[FR Doc. 75-24480 Filed 9-12-75; 8:45 am]

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# federal register

MONDAY, SEPTEMBER 15, 1975



PART V:

## OFFICE OF MANAGEMENT AND BUDGET

FISCAL YEAR  
1976

Proposed Rescissions and Deferrals;  
Cumulative Report on Rescissions  
and Deferrals, September 1975

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### NOTICES

OFFICE OF MANAGEMENT AND  
BUDGET

three new deferrals totalling \$50.3 mil-  
lion in 1976 budget authority. In addi-  
tion, I am transmitting two supplemen-

culture, Treasury, and Health, Educa-  
tion, and Welfare.  
All of the items contained in this mes-

### NOTICES

42697

SUMMARY OF SPECIAL MESSAGES FOR FY 1976



OFFICE OF MANAGEMENT AND  
BUDGET

FISCAL 1976

## Proposed Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Impoundment  
Control Act of 1974, I herewith report

three new deferrals totalling \$50.3 million in 1976 budget authority. In addition, I am transmitting two supplementary reports revising information provided in earlier deferrals. Only one of these supplementary reports reflects an increase—\$19.2 million—to the amount of outlays previously deferred. The five reports involve the Departments of Agriculture, Treasury, and Health, Education, and Welfare.

All of the items contained in this message are routine in nature and do not significantly affect program levels. The details of each deferral are contained in the attached reports.

GERALD R. FORD

THE WHITE HOUSE,  
September 10, 1975SUMMARY OF PROPOSED RESCISSIONS  
AND DEFERRALS

(In thousands of dollars)

Deferral #	Item	Budget Authority
	Agriculture:	
	Agriculture Stabilization and Conservation Service:	
D76-28A	Agricultural conservation program...	31,667
	Health, Education, and Welfare	
	Office of Education:	
D76-51	Elementary and Secondary Education.....	8,000
D76-52	Elementary and Secondary Education.....	2,968
	Treasury:	
	Office of the Secretary:	
	State and Local Government:	
D76-25A	Fiscal Assistance Trust Fund.....	(57,587) <sup>1/</sup>
	District of Columbia:	
D76-53	Government Fund (Misc.).....	39,370
	Total, deferrals.....	82,005

<sup>1/</sup> Outlays only.

FEDERAL REGISTER, VOL. 40, NO. 179—MONDAY, SEPTEMBER 15, 1975

## SUMMARY OF SPECIAL MESSAGES FOR FY 1976

(Amounts in thousands of dollars)

	Rescissions	Deferrals
Third special message:		
New items.....	---	50,338
Changes to amounts previously transmitted.....	---	19,196
Effect of third special message.....	---	69,534
Previous special messages.....	213,888	3,272,202
Total amount proposed in special messages to date.....	213,888	3,341,736

FEDERAL REGISTER, VOL. 40, NO. 179—MONDAY, SEPTEMBER 15, 1975

## SUPPLEMENTARY REPORT

Deferral No: D76-28A

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## SUPPLEMENTARY REPORT

Report Pursuant to Section 1014 (c) of P.L. 93-344

This supplementary report modifies Deferral No. D76-28 transmitted in the special message of July 25, 1975, and printed in Senate Document No. 94-93.

Two changes are made in this report. A typographical error contained in the earlier report is corrected: outlay savings are estimated to be \$20.0 million in 1977 rather than \$0 previously shown. The paragraph explaining the period of deferral has been revised to more clearly state the expected time of availability of continuing resolution funds.

Deferral No: D76-28A

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. 94-41) \$ 31,666,666
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources --
Appropriation title & symbol Agricultural Conservation Program - 1976 126/83315	Total budgetary resources 31,666,666
	Amount to be deferred: Part of year \$ 31,666,666
	Entire year
OMB identification code: 05-60-3315-0-1-302	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year 12/31/76 (expiration date) <input type="checkbox"/> No-year	Type of budget authority: <input type="checkbox"/> Appropriation <input checked="" type="checkbox"/> Contract authority <input type="checkbox"/> Other

## Justification

This action would defer \$31,666,666 of contract authority for the first quarter for the 1976 Agricultural Conservation Program (ACP), authorized in the Joint Resolution continuing appropriations for fiscal year 1976.

Funds were not requested for this program in the fiscal year 1976 Budget but were included in P.L. 94-41, which provides for continuing the operations of the Federal Government until such time as 1976 appropriations are enacted or sine die adjournment of the first session of the 94th Congress.

The obligation of any of these funds is being deferred until such time as both Houses of the Congress have reviewed the merits of the President's proposal to terminate the program and made a final decision on this proposal in the form of the 1976 appropriations act. When the act is approved, the President will then review the action of the Congress in light of the situation existing at that time and determine whether or not to carry out the program if funded or to request a rescission or deferral of the amounts provided.

\*These funds are expected to be replaced by regular appropriations sometime during the first quarter. Thus, deferral of these continuing resolution funds is not expected to extend beyond the first quarter.

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Estimated Effects

Deferral No: D 76-51

## DEFERRAL OF BUDGET AUTHORITY



Estimated Effects

Since the Agricultural Conservation Program (ACP) is generally not announced until October, the temporary deferral of the \$31.7 million authorized for the first quarter would have no significant effect on the operation of the 1976 ACP. If a decision is made to implement the program after enactment of the appropriation bill, the outlay savings projected for FY 1977 would not be realized.

Outlay Effect (Estimated in Tenths of Millions of Dollars)

## Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976 ..... 138.8 <sup>a/</sup>
2. Outlay savings, if any, included in the budget outlay estimate .. 0

## Current Outlay Estimates for 1976:

3. Without deferral ..... 138.8 <sup>a/</sup>
4. With deferral ..... 138.8 <sup>a/</sup>
5. Current outlay savings ..... 0

Outlay Savings for the Transition Quarter ..... 0  
 Outlay Savings for 1977 ..... 20.0\*

a/ Includes effect of Budget Amendment.

\* Revised from previous submission.

Deferral No: D 76-51

DEFERRAL OF BUDGET AUTHORITY  
 Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of HEW	New budget authority (P.L. 93-554) \$1,900,000,000
Bureau Office of Education	Other budgetary resources ---
Appropriation title & symbol Elementary and Secondary Education (7560279)	Total budgetary resources 1,900,000,000
	Amount to be deferred: Part of year \$ 8,000,000
	Entire year ---
CMD identification code: 09-40-0279-0-1-501	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other ---
Type of account or fund: <input checked="" type="checkbox"/> Annual Expires Sept. 30, 1976*	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority
<input type="checkbox"/> No-year	<input type="checkbox"/> Other ---

Justification

When funds were appropriated to cover the Title I, ESEA\*\* FY 1976 program in the 1975 appropriation, (P.L. 93-554), no monies were provided to support a Survey planning and implementation study, which was authorized by Section 822 of the 1974 Education Amendments. In the 1976 appropriation request, a proviso was inserted authorizing the use for this study of fiscal year 1976 funds appropriated in Title I of P.L. 93-554. The House and Senate have passed the 1976 appropriation bill with the proviso as proposed. While the 1976 appropriation bill has been vetoed by the President, the Congress and the President do not disagree on the desirabilities of this study. Accordingly, the amount, \$8,000,000, for the study is proposed to be withheld from the allotment of Title I appropriations, currently being made, in order to finance this study when the 1976 appropriation bill is enacted.

Estimated Effects

By setting aside money for the section 822 study, funds are being deferred that could be allotted to the States and local educational agencies. Deferring of these funds deprives the States of an amount equal to about one-half of one percent of their allotment under the appropriation. When the appropriation bill for Fiscal Year 1976 is enacted, these funds either will be used for the study or will be distributed to the States and LEA's \*\*\*, depending upon congressional action on this deferral.

\*The President's FY 1976 Budget requests an extension of the availability of these funds through September 30, 1976.

\*\*Elementary and Secondary Education Act.

\*\*\*Local education agencies.

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Outlay Effect (estimated in tenths of millions)

Comparison with President's 1976 Budget:

Deferral No: D 76-52

## DEFERRAL OF BUDGET AUTHORITY



Outlay Effect (estimated in tenths of millions)Comparison with President's 1976 Budget

1. Budget outlay estimate for 1976.....	\$1,754.8
2. Outlay savings, if any, included in the budget outlay estimate.....	---
Current Outlay Estimate for 1976:	
3. Without deferral.....	1,940.8
4. With deferral.....	1,938.8
5. Current outlay savings.....	2.0
Outlay savings for transition quarter.....	-2.0

Deferral No: D 76-52DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of HEW	New budget authority (P.L. 93-554) \$310,218,000
Bureau Office of Education	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 310,218,000
Elementary and Secondary Education (7560279)	Amount to be deferred: Part of year \$ 2,968,002
	Entire year
OMB identification code: 09-40-0279-0-1-501	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other
Type of account or fund: <input checked="" type="checkbox"/> Annual Expires Sept. 30, 1976*	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority
<input type="checkbox"/> No-year	<input type="checkbox"/> Other

Justification

The Education Amendments of 1974, P.L. 93-380, omitted Puerto Rico and the District of Columbia from the formula distribution of funds under Title IV of the Elementary and Secondary Education Act. H.R. 3801, currently before the Congress, is a bill containing several technical amendments that would, among other items, correct this omission. HEW is now allotting the advance funded Title IV funds, provided in the 1975 appropriation, (P.L. 93-554) for Fiscal Year 1976. A reserve of \$2,968,002 for Puerto Rico and the District of Columbia is proposed in anticipation of their inclusion by technical amendment.

Estimated Effects

The withholding of \$2,968,002 to meet the contingency for Puerto Rico and the District of Columbia deprives the other States of approximately 1% of the total funds to be distributed. When a technical amendment, as contained in H.R. 3801, is enacted authorizing funds for Puerto Rico and the District of Columbia these funds will be distributed. If no authorization is provided for these jurisdictions, the funds will be distributed among the other States and territories.

\* The FY 1976 President's Budget has requested that the availability of these funds be extended through September 30, 1976.

Outlay Effect (estimated in tenths of millions)

## SUPPLEMENTARY REPORT

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Outlay Effect (estimated in tenths of millions)Comparison with President's 1976 Budget

1. Budget outlay estimate for 1976.....	\$162.1
2. Outlay savings, if any, included in the budget outlay estimate.....	---
Current Outlay Estimate for 1976:	
3. Without deferral.....	162.1
4. With deferral.....	161.7
5. Current Outlay savings.....	.4
Outlay Savings for Transition Quarter.....	-.4
Outlay Savings for 1977.....	---

## SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This supplementary report modifies Deferral No. D76-25 transmitted in the special message of July 1, 1975, and printed in House Document No. 94-206 and Senate Document No. 94-70.

This report reflects an increase of \$19.2 million in the amount reserved over the previously reported withholding (\$38.4 million) This increase represents deferral of a regularly scheduled first quarter 1976 payment to the city of Chicago. This action is in compliance with a court order. Outlay savings estimates have also been revised accordingly.

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Deferral No: D76-25A



Deferral No: D76-25A

**DEFERRAL OF BUDGET AUTHORITY**  
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Treasury	New budget authority (P.L. 92-512)	\$ 6,354,780,000
Bureau	Office of the Secretary	Other budgetary resources	20,554,230,000
Appropriation title & symbol State and Local Government Fiscal Assistance Trust Fund 20X8111		Total budgetary resources	26,909,010,000
OMB identification code: 15-70-8111-0-7-851		Amount to be deferred: Part of year	\$ <u>1/</u> 57,586,899*
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Entire year	None
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year <u>12-31-76</u> (expiration date) <input checked="" type="checkbox"/> No-year		Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification \*

The State and Local Government Fiscal Assistance Trust Fund is a multi-year appropriation. In FY 1975 and FY 1976, three regularly scheduled payments to the city of Chicago were deferred by the U. S. District Court, D. C. in Civil Action No. 74-248 for noncompliance with nondiscrimination requirements.

Estimated Effect \*

The city of Chicago will not receive payments totaling \$57.6 million until further action by the court. When the appropriate court order is issued, these funds will be released.

Outlay Effect (estimated in millions of dollars)

## Comparison with President's 1976 Budget:

- Budget outlay estimate for 1976..... \$6,301.0
- Outlay savings, if any, included in the budget outlay estimate..... 0

## Current Outlay Estimates for 1976:

- Without deferral..... 6,358.4\*
- With deferral..... 6,300.8\*

1/ Outlays only.

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5. Difference (line 3 - line 4)..... \$57.6\*

Outlay Savings for the Transition Quarter..... 0

Outlay Savings for 1977..... 0

\* Revised from previous submission.

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Deferral No: D76-53



Deferral No: D76-53

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

Agency - Treasury	New budget authority (P.L. _____) \$ ---
Bureau/Office of the Secretary (Miscellaneous)	Other budgetary resources 110,110,500
Appropriation title & symbol	Total budgetary resources 110,110,500
(See coverage section below)	Amount to be deferred: \$ ---
	Part of year
	Entire year 39,370,000
OMB identification code: 30-42-9999-0-1-909	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other _____

**Coverage:** The District of Columbia Appropriations Act of 1975 (P.L. 93-405) and acts of prior years provided appropriations for interest-bearing loans from the U.S. Treasury for financing the District of Columbia Government's public works program. The funds deferred have been provided in the appropriation, "Loans to the District of Columbia for Capital Outlay" and allocated to the general and special funds of the District for Columbia Government. The current budgetary resources and deferrals in each fund are:

District of Columbia Government Fund	Symbol	Total Budgetary Resources	Amount Deferred
General Fund	20X0140	63,090,500	-0-
Highway Fund	20X0139	1,400,000	-0-
Water Fund	20X0138	6,710,000	1,160,000
Metropolitan Area Sanitary Sewage Works Fund	20X0142	7,325,000	7,325,000
Sanitary Sewage	20X0141	31,585,000	30,885,000

Justification:

The loan authority appropriated to finance construction of District of Columbia Government capital facilities remains available until expended. The deferral action has been taken to insure the most effective and economical use of the funds under provisions of the Antideficiency Act (31 U.S.C. 665). The amount deferred will be made available upon completion of designs, plans and specifications for the construction projects for which the loan authority has been provided.

Estimated Effects:

There are no estimated effects because the loan funds are not expected to be drawn upon at this time.

Outlay Effects: (estimated in tenths of millions of dollars)

## Comparison with President's FY 1976 Budget:

- |   |       |
|---|-------|
| 1. Budget outlay estimate for 1976 .....                                  | 247.4 |
| 2. Outlay savings, if any included in the budget<br>outlay estimate ..... | 0     |

## Current Outlay Estimate for 1976:

- |  |       |
|--|-------|
| 3. Without deferral .....                          | 247.4 |
| 4. With deferral .....                             | 247.4 |
| 5. Current outlays savings (line 3 - Line 4) ..... | 0     |

Outlay savings for the Transition Quarter .....	0
Outlay savings for 1977 .....	0

[FR Doc 75-24586 Filed 9-11-75; 2:53 pm]

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CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS  
September 1975

This report includes all rescissions and deferrals contained in the first two special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1, 1975, and July 25, 1975.

RESCISSIONS (ATTACHMENT A)  
Attachment A to this report shows that as of September 1, 1975, \$213.9 million in 1976 budget authority had been proposed for rescission by the President. None of the eight proposals which comprise the total had been acted on by the Congress.

DEFERRALS (ATTACHMENT B)  
As of September 1, 1975, \$3,209.4 million in 1976 budget authority was being deferred. The remainder of the deferrals are found in 10 other agencies.

Information from Special Messages  
The two special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the Federal Registers of:  
Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V).  
Wednesday, July 30, 1975 (Vol. 40, No. 147, Part II).

JAMES T. LYNN,  
Director.

ATTACHMENT A

STATUS OF RESCISSIONS  
FISCAL YEAR 1976  
(Amounts in thousands of dollars)  
As of September 1, 1975

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Agriculture Forest Service Forest Roads and Trails	R76-4	25,723	07-25-75				
Department of Health, Education and Welfare Assistant Secretary for Health Development Child Development and Head Start	R76-5	7,000	07-25-75				
Department of the Interior Bureau of Mines Helium Fund	R76-6	47,500	07-25-75				
Department of Transportation Federal Highway Administration National Scenic and Recreational Highway	R76-1	90,000	07-01-75				
Access Highway to Public Recreation Areas on Lakes	R76-2	25,000	07-01-75				
Department of the Treasury Office of the Secretary Construction, Rehabilitation, and Renovation Training Center	R76-3	8,665	07-01-75				
Other Independent Agencies Community Services Administration Economic Opportunity Administration Research and Demonstration	R76-7	2,500	07-25-75				

FEDERAL REGISTER, VOL. 40, NO. 179—MONDAY, SEPTEMBER 15, 1975

ATTACHMENT A-1						
Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Date Made Available
Community and Economic Development	R76-8	7,500	07-25-75			
TOTAL		213,888				

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## ATTACHMENT B

## STATUS OF DEFERRALS

FISCAL YEAR 1976

(Amounts in thousands of dollars)

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted		Date of Action	Releases Resulting From Subsequent Actions Taken by			Amount Deferred as of 09-01-75
		Superseded	Current		OMB/Agency	House	Senate	
Foreign Agricultural Service								
Salaries and Expenses (Special Foreign Currency)	D76-1		2,232	07-01-75				2,232
Agricultural Stabilization and Conservation Service								
Agricultural Conservation Program	D76-28		31,667	07-25-75				31,667
Water Bank Act Program	D76-29		536	07-25-75				536
Forestry Incentives Program	D76-30		3,750	07-25-75				3,750
Farmers Home Administration								
Rural Water and Waste Disposal	D76-31		37,500	07-25-75				37,500
Rural Housing for Domestic Farm Labor Grants	D76-32		1,250	07-25-75				1,250
Mutual and Self-help Housing Grants	D76-33		2,050	07-25-75				2,050
Self-help Housing Land Development Fund	D76-34		1,625	07-25-75				1,625
Agricultural Marketing Service								
Payments to States and Possessions	D76-35		400	07-25-75				400
Forest Service								
Forest Roads and Trails	D76-36		280,000	07-25-75				280,000
Expense, Brush Disposal	D76-37		27,113	07-25-75				27,113
Licenses Programs	D76-38		95	07-25-75				95
TOTAL			388,218					388,218

1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office as being deferred (\$10 million). Funds were released on July 16, 1975.

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## STATUS OF DEFERRALS

FISCAL YEAR 1976

(Amounts in thousands of dollars)

Agency: Department of Commerce	Bureau/Account	Deferral Number	Amount Transmitted		Date of Action	Releases Resulting From Subsequent Actions Taken by			Amount Deferred as of 09-01-75
			Superseded	Current		OMB/Agency	House	Senate	
National Oceanic and Atmospheric Administration	Fisheries Loan Fund	D76-2		7,252	07-01-75				7,252
	Promote and Develop Fishery Products	D76-3		1,355	07-01-75				1,355
TOTAL				8,607					8,607



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STATUS OF DEFERRALS  
FISCAL YEAR 1976  
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 09-01-75
				OMB/Agency	House Senate Adjustments	
Shipbuilding and Conversion, Navy	D76-4	1,793,590	07-01-75			1,793,590
Military Construction, All Services	D76-5	233,630	07-01-75 06-27-75 07-29-75 08-25-75			215,250
TOTAL		2,027,220		-18,380		2,008,840

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STATUS OF DEFERRALS  
FISCAL YEAR 1976  
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 09-01-75
				OMB/Agency	House Senate Adjustments	
Wildlife Conservation, Military Reservations	D76-6	432	07-01-75			432
TOTAL		432				432

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## STATUS OF DEFERRALS

FISCAL YEAR 1976  
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred 09-01-75
				OMB/Agency	Senate	
Health Services Administration Indian Health Facilities	D76-39	1,000	07-25-75			1,000
National Institutes of Health Buildings and Facilities	D76-7	2,164	07-01-75			2,164
Alcohol, Drug Abuse and Mental Health Administration						
Alcohol, Drug Abuse, and Mental Health	D76-40	3,409	07-25-75			3,409
Health Resources Administration Health Resources	D76-41	22,000	07-25-75 07-25-75	-22,000		0
Assistant Secretary for Health Scientific Activities Overseas (Special Foreign Currency)	D76-8	3,652	07-01-75			3,652
Office of Education School Assistance in Federally Affected Areas	D76-42	68,350	07-25-75			68,350
Higher Education	D76-9	49,040	07-01-75			49,040
Higher Education	D76-43	9,500	07-25-75			9,500
Library Resources	D76-44	10,437	07-25-75			10,437
Social and Rehabilitation Service Public Assistance Child Welfare Services	D76-45	1,000	07-25-75			1,000
Special Institutions Howard University	D76-10	8,174	07-01-75			8,174

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 09-01-75
				OMB/Agency	Senate	
Assistant Secretary for Human Development Research and Training Activities Overseas (Special Foreign Currency)	D76-11	(7,307)	07-01-75 07-25-75		-7,307	0
	D76-11A	8,307	07-25-75 07-15-75	-3,665		4,642
TOTAL		7,307	187,033	-25,665	-7,307	161,368



STATUS OF DEFERRALS  
FISCAL YEAR 1976  
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 09-01-75
		Superseded	Current		OMB/Agency	House Senate	
Bureau of Land Management							
Public Lands Development Roads and Trails	D76-12		25,847	07-01-75			25,847
Bureau of Reclamation							
Construction and Rehabilitation	D76-13	[1,030]		07-01-75 07-25-75			0
	D76-13A		1,030	07-25-75			1,030
Upper Colorado River Storage Project	D76-14		1,150	07-01-75			1,150
Bureau of Outdoor Recreation							
Land and Water Conservation Fund	D76-15		30,000	07-01-75			30,000
Fish and Wildlife Service							
Federal Aid in Fish Restoration and Management	D76-16		6,330	07-01-75			6,330
Federal Aid in Wildlife Restoration	D76-17		21,470	07-01-75			21,470
National Park Service							
Road Construction	D76-18		238,092	07-01-75			238,092
Geological Survey							
Payment from Proceeds, Sale of Water	D76-19		29	07-01-75			29
Bureau of Mines							
Drainage of Anthracite Mines	D76-46		3,375	07-25-75			3,375
Bureau of Indian Affairs							
Road Construction	D76-20		68,470	07-01-75			68,470
TOTAL		1,030	395,793			-1,030	395,793

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## STATUS OF DEFERRALS

FISCAL YEAR 1976  
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 09-01-75
		Superseded	Current		OMB/Agency	House Senate	
Coast Guard							
Acquisition, Construction and Improvements	D76-21		707	07-01-75			707
Federal Aviation Administration							
Civil Supersonic Aircraft Development Termination	D76-22		7,686	07-01-75			7,686
Facilities and Equipment (Airport and Airway Trust Fund)	D76-23		75,824	07-01-75			75,824
TOTAL			84,217				84,217



STATUS OF DEFERRALS  
FISCAL YEAR 1976  
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Current	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 09-01-75
					OMB/Agency	House Senate	
Office of the Secretary State and Local Government Fiscal Assistance Trust Fund	D76-24	93,420		07-01-75			93,156
				07-31-75	-246		
				08-11-75	-18		
State and Local Government Fiscal Assistance Trust Fund	D76-25	38,391		07-01-75			38,391
TOTAL		131,811			-264		131,547

STATUS OF DEFERRALS  
FISCAL YEAR 1976  
(Amounts in thousands of dollars)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Current	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 09-01-75
					OMB/Agency	House Senate	
Abatement and Control	D76-47	4,000		07-25-75			0
				07-23-75	-4,000		
TOTAL		4,000			-4,000		0



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## STATUS OF DEFERRALS

FISCAL YEAR 1976  
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 09-01-75
				OMB/Agency	House Senate	
Rare Silver Dollar Program	D76-48	1,790	07-25-75			1,790
TOTAL		1,790				1,790

NOTICES

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## STATUS OF DEFERRALS

FISCAL YEAR 1976  
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 09-01-75
				OMB/Agency	House Senate	
Community Services Administration Economic Opportunity Program						
Emergency Energy Conservation Services	D76-49	16,500	07-25-75			16,500
Community and Economic Development	D76-50	14,500	07-25-75 07-24-75	-14,500		0
Foreign Claims Settlement Commission Payment of Vietnam Prisoner of War Claims	D76-26	11,081	07-01-75			11,081
American Revolution Bicentennial Administration	D76-27	1,000	07-01-75			1,000
TOTAL		43,081		-14,500		28,581
TOTAL, ALL DEFERRALS		8,337	3,272,202	-62,809	-8,337	3,209,393

NOTICES

[FR Doc. 75-24587 Filed 9-11-75; 2:53 pm]

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Just Released

## CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1975)

Title 20—Employees' Benefits (Part 400—End)----- \$9.70

*[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]*

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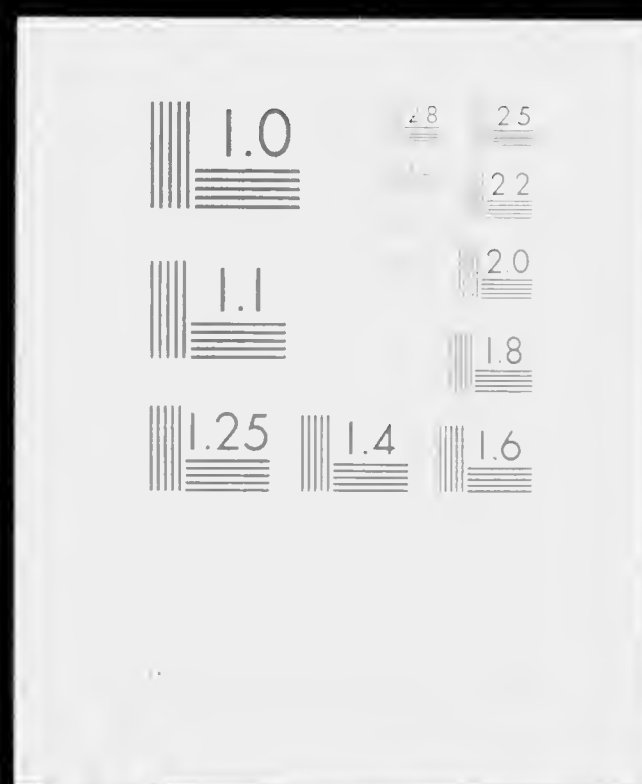
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# RESOLUTION CHART



100 MILLIMETERS

**INSTRUCTIONS** The resolution chart is used to determine the resolving power of a particular photographic system. The chart consists of a series of line groups, each containing a number of lines per millimeter. The number of lines per millimeter is indicated by the number next to the line group.

When using the chart, it is necessary to determine the reduction ratio. This is done by measuring the length of the chart (which is 100 millimeters) and dividing it by the length of the film image of the chart. For example, if the film image of the chart is 20 millimeters long, the reduction ratio is 5 (100/20 = 5).

Next, the line groups in the film image are examined. The number of lines per millimeter in each group is noted. The group with the highest number of lines per millimeter that is clearly recorded is the resolving power of the system. For example, if the 7.9 group of lines is clearly recorded while the 10.0 group is not, the resolving power is 7.9 lines per millimeter. The reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. The maximum resolution is between 39.5 and 50 lines per millimeter.

The resolution of a film, as measured on the film, is a test of the entire photographic system, including lens, exposure, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.



